The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SEVENTY-FIFTH DAY

SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 1

	Page
ASSEMBLY LEGISLATIVE CALENDAR	v
LISTING OF ASSEMBLY BILLS	vii
LISTING OF VETOED ASSEMBLY BILLS OF THE 82ND SESSION	xxxvi
INITIATIVE PETITION	xxxvii
LISTING OF ASSEMBLY RESOLUTIONS	xxxviii
LISTING OF SENATE BILLS	xl
LISTING OF SENATE RESOLUTIONS	lvi
ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY	lix
PERSONNEL OF THE NEVADA STATE ASSEMBLY	lxi
ATTACHÉS OF THE NEVADA STATE ASSEMBLY	lxiii
EXPLANATION OF AMENDMENT LANGUAGE	lxvii
ASSEMBLY PROCEEDINGS	1

ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 64 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 3, 2025	1
2	February 4, 2025	62
4	February 6, 2025	131
8	February 10, 2025	153
9	February 11, 2025	157
11	February 13, 2025	167
15	February 17, 2025	168
16	February 18, 2025	174
17	February 19, 2025	181
18	February 20, 2025	195
22	February 24, 2025	200
23	February 25, 2025	205
25	February 27, 2025	211
29	March 3, 2025	221
30	March 4, 2025	232
32	March 6, 2025	239
36	March 10, 2025	245
37	March 11, 2025	252
38	March 12, 2025	260
39	March 13, 2025	265
43	March 17, 2025	272
44	March 18, 2025	289
45	March 19, 2025	298
46	March 20, 2025	305
50	March 24, 2025	310
51	March 25, 2025	332
52	March 26, 2025	339
53	March 27, 2025	350
57	March 31, 2025	355
60	April 3, 2025	361
64	April 7, 2025	365
67	April 10, 2025	369
71	April 14, 2025	404
72	April 15, 2025	693
73	April 16, 2025	806
74	April 17, 2025	997
75	April 18, 2025	1218
78	April 21, 2025	1652
79	April 22, 2025	3609
80	April 23, 2025	3649
81	April 24, 2025	3657
85	April 28, 2025	3666
86	April 29, 2025	3674
88	May 1, 2025	3679
92	May 5, 2025	3682
94	May 7, 2025	3686

Calendar Day	*Date*	*Page Number*
95	May 8, 2025	3700
99	May 12, 2025	3704
101	May 14, 2025	3711
102	May 15, 2025	3747
103	May 16, 2025	3845
106	May 19, 2025	3859
107	May 20, 2025	3914
108	May 21, 2025	4148
109	May 22, 2025	4178
110	May 23, 2025	4356
113	May 26, 2025	4473
114	May 27, 2025	4807
115	May 28, 2025	5751
116	May 29, 2025	5856
117	May 30, 2025	6172
118	May 31, 2025	6426
119	June 1, 2025	6608
120	June 2, 2025	6864

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Voids certain regulations relating to the development and disposal of land in the Fort Mohave Valley. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 70, 369, 411, 797*, 4179, 4471.

2 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 70, 174.

3 ....Revises provisions relating to alternative dispute resolution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 70, 1653, 2792, 2793, 3614*, 4356, 4533, 4539, 5854.

4 ....Revises provisions relating to probation and lifetime supervision. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 70.

5 ....Revises provisions governing contractors who perform work on residential photovoltaic systems used to produce electricity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 71.

6 ....Establishes the Fetal Alcohol Spectrum Disorder Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 71, 168, 332, 340, 4808, 4872*, 6426, 6862.

7 ....Revises provisions relating to the Juvenile Justice Oversight Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 71.

8 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 71, 369, 411, 797*, 798, 4179, 4471.

9 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 72, 370, 411, 705, 767.

10 ....Revises provisions relating to local improvement projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 72, 369, 416, 798*, 4179, 4471.

11 ....Revises provisions governing the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 72, 356, 362, 366, 399*, 4179, 4471.

12 ....Revises requirements for obtaining judicial review of a decision of the Board of Review concerning a claim for unemployment benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 72, 332, 340, 350, 357, 362, 366, 399*, 4180, 5619, 5622, 6170.

13 ....Revises provisions relating to criminal justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 72.

14 ....Revises provisions relating to certain public officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 73, 369, 416, 798*, 4179, 4471.

15 ....Revises provisions relating to Medicaid fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 73, 132, 370, 416, 798, 799*, 4474, 5444, 5448, 6170.

16 ....Makes an appropriation to Mineral County for the construction of a new county jail. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs, 73, 132.

17 ....Revises provisions relating to writs of garnishment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 73, 370, 416, 799*, 3915, 4355.

18 ....Revises provisions relating to the electronic filing of certain documents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 73, 370, 416, 799*, 3915, 4355.

19 ....Revises provisions relating to the Statewide Substance Use Response Working Group. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 74, 370, 416, 799*, 800, 4180, 4630, 4635, 5854.

20 ....Revises provisions relating to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 74, 694, 814, 1191, 1192*, 3915, 4355.

No. *Summary, Introducer and Page Reference*

21 ....Revises provisions relating to unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 74, 332, 340, 350, 357, 362, 366, 399, 400*, 3915, 4355.

22 ....Revises provisions relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74.

23 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 74.

24 ....Revises provisions governing competency-based education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 75.

25 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 75, 370, 419, 800*, 4179, 4471.

26 ....Revises provisions relating to dams. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 75, 366, 372, 687, 800*, 4179, 4471.

27 ....Revises provisions relating to the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 76.

28 ....Revises provisions related to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 76, 356, 362, 366, 400*, 4179, 4471.

29 ....Revises provisions relating to motor vehicle fuel. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 76, 311, 335, 340, 350, 357, 362, 366, 400*, 4357, 4665, 4675, 5854.

30 ....Revises provisions relating to records of defendants who have been found incompetent. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 76, 370, 428, 800, 801*, 3915, 4355.

31 ....Provides for certain Medicaid reimbursement of providers of nonemergency secure behavioral health transport services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 77, 168, 370, 428, 685.

32 ....Directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study during the 2025-2026 interim concerning the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Storey County. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 77, 153, 310, 335.

33 ....Creates the Nevada Office of the Inspector General. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 77, 153.

34 ....Revises provisions relating to certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 78, 168, 370, 431, 685.

35 ....Revises provisions relating to pornography involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 78, 168, 370, 434, 801*, 4474, 5750.

36 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 78, 332, 340, 350, 357, 362, 366, 400, 401*, 4179, 4471.

37 ....Revises provisions related to housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 78, 1652, 1653, 1654, 3614, 3615*.

38 ....Revises various provisions relating to housing. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 79, 168, 1653, 2791, 2798, 3615*, 3915, 4355.

39 ....Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 79, 298, 305, 328, 333, 340, 350, 357, 362, 366, 401*, 4475, 5322, 5328, 6170.

40 ....Revises various provisions relating to environmental hazards. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 79, 1219, 1220, 1296, 3607, 3615*, 4357, 4675, 4707, 5854.

41 ....Revises provisions relating to the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 80, 693, 819, 1192*, 4179, 4471.

42 ....Revises provisions governing the adoption of regulations for the administration of certain programs of public assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 80, 332, 340, 350, 357, 362, 366, 401*, 4179, 4471.

43 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 80, 1652, 1653, 1667, 3615*, 4426, 4743, 4755, 4767, 5854.

No. *Summary, Introducer and Page Reference*

44 ....Prohibits manipulating the price of an essential good or service in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 80, 1653, 2791, 2829, 3616*, 4356, 4584, 4588, 5854.

45 ....Revises provisions relating to certain public bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 81, 153, 154, 370, 478, 801*, 4179, 4471.

46 ....Revises provisions relating to privileges applicable to information obtained from records and other property of public utilities and certain other entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 81, 405, 705, 987, 988*, 3915, 4355.

47 ....Revises provisions relating to the Education Stabilization Account. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means, 81, 132.

48 ....Revises provisions relating to bullying. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 81, 1653, 2229, 2230, 3616*, 3915, 4355.

49 ....Revises provisions relating to educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 81, 153, 1653, 2792, 2833, 3607, 5856, 5862, 6350*, 6351, 7611.

50 ....Revises provisions relating to victims of a mass casualty incident. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 82, 1652, 1653, 1677, 3616*, 3915, 4355.

51 ....Revises provisions relating to public records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 82.

52 ....Revises provisions relating to the payment of claims under policies of health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 82, 239, 1653, 2791, 2842, 3607, 4866, 5023, 5768*, 6609, 7598.

53 ....Establishes provisions relating to outdoor recreational education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 83.

54 ....Revises penalties for failing to take certain precautions when approaching a traffic incident. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 83, 128, 168.

55 ....Revises provisions relating to motor vehicle crashes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 83, 807, 1003, 1650*, 3915, 4355.

56 ....Revises provisions relating to the licensing of certain providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 83, 1653, 2791, 2873, 3617*, 3915, 4355.

57 ....Revises provisions relating to the Nevada Intrastate Mutual Aid System. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 84, 369, 501, 801, 802*, 4474, 5750.

58 ....Revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 84, 174, 807, 1006, 1187, 4474, 4485*, 6427, 6591, 6605, 6862.

59 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, 84, 370, 501, 802*, 4357, 4707, 4723, 5854.

60 ....Revises provisions relating to certain behavioral health services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 85, 153, 406, 705, 995, 1000, 1208, 1650, 3607, 3617*, 4474, 5334, 5355, 6170.

61 ....Authorizes the Regional Transportation Commission of Washoe County or any local government within Washoe County to establish a demonstration project for a certain toll road. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 85.

62 ....Revises provisions relating to transferable tax credits for affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 85, 153, 356, 362, 363, 6608, 6632.

63 ....Revises provisions relating to civil actions for wrongful conviction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 86, 997, 1221, 1653, 2781, 2782*.

64 ....Revises provisions relating to public meetings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 86, 806, 1019, 1650, 3607, 3613, 3690, 3898, 4146, 4170*, 6173, 6607.

65 ....Revises provisions relating to guardianship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 86, 1653, 2792, 2902, 3617*, 4179, 4471.

66 ....Revises provisions relating to district courts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 87, 168, 1653, 2230, 2234, 2781.

No. *Summary, Introducer and Page Reference*

67 ....Establishes the Nevada Baby Bonds Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs, 87, 153, 154.

68 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 87.

69 ....Removes the prospective expiration of the Nye County Sales and Use Tax Act of 2007. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 87, 694, 811, 821, 1000, 1208, 1650, 3607, 3617, 3618*, 4179, 4471.

70 ....Revises provisions related to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 87, 1653, 2230, 2237, 3618*, 3915, 4355.

71 ....Revises the list of activities that constitute the practice of veterinary medicine to exclude the subcutaneous implantation of an identification microchip into an animal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 88.

72 ....Revises provisions relating to notaries public and document preparation services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Government Affairs, 88, 1653, 2792, 2913, 3618*, 4179, 4471.

73 ....Establishes requirements for certain communications relating to an election. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 88, 1653, 1692, 3618*, 4356, 4778, 4781, 5854.

74 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 88.

75 ....Revises provisions governing grants made by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 89, 239.

76 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 89, 168, 1653, 2230, 2244, 2781, 4808, 4872, 5768*, 7611.

77 ....Revises provisions governing tax abatements for certain businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 90.

78 ....Revises provisions relating to licenses for the distribution of alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 90.

79 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections, 90, 1653, 1697, 3619*, 4426, 5165, 5184, 5203, 6170.

80 ....Establishes provisions relating to soil health. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, 91, 153, 694, 821, 987.

81 ....Exempts the State of Nevada from provisions of federal law relating to daylight saving time. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers La Rue Hatch, D'Silva, Edgeworth, Flanagan, Hunt, Nguyen; Senators Buck, Ellison, Nguyen, Steinbeck, Stone and Titus, 91, 369, 517, 804, 995, 1192, 1193*.

82 ....Requires the Governor to proclaim certain days of observance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers D'Silva, Cole, Considine, Dalia, Edgeworth, Flanagan, González, Hunt, Karris, Kasama, Koenig, Miller, Moore, Mosca, Nadeem, Nguyen, Orentlicher, Torres-Fossett; Senators Flores, Neal and Nguyen, 91, 365, 378, 687, 804, 995, 1193*, 4180, 4767, 4768, 5854, 7598.

83 ....Designates "Larry Itliong Day" as a day of observance in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Mosca, D'Silva, Flanagan, González, Hunt, Jackson, Miller, Nadeem, Nguyen, Torres-Fossett and Senator Nguyen, 91, 365, 380, 687, 804, 995, 1193, 1194*, 4180, 4768, 4770, 5854, 7599.

84 ....Revises provisions relating to county roads. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Koenig, 92, 4723.

85 ....Authorizes the management of designated invertebrates. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Watts, 92, 153, 807, 1031, 1187.

86 ....Revises provisions relating to forestry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 92, 370, 518, 804, 987, 988*, 4179, 4471.

No. *Summary, Introducer and Page Reference*

87 ....Makes an appropriation relating to wildlife crossings. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Growth and Infrastructure, 92, 128, 132.

88 ....Revises provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 92, 1653, 2230, 2295, 3619*, 4356, 5448, 5449, 6170.

89 ....Imposes certain requirements relating to unclothed searches of children at certain juvenile justice facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 93, 212, 370, 520, 685, 3600, 3605, 3619*, 3915, 4355.

90 ....Revises provisions relating to juvenile justice. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 93, 370, 520, 804, 987, 989*, 3915, 4355.

91 ....Revises provisions relating to parole. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 93, 168, 1653, 2230, 2298, 2781, 5752, 5781, 5964*.

92 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Dickman, Gray, DeLong, O'Neill and Senator Titus, 93, 201, 807, 1035, 1187, 4474, 4485*, 5857, 6424.

93 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hibbetts, Yurek, D'Silva, Monroe-Moreno and Senator Doñate, 93, 168, 693, 846, 987, 5752, 5785, 5964*, 7611.

94 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember O'Neill, 94.

95 ....Makes an appropriation to the Nevada Test Site Historical Foundation for exhibits and improvements at the National Atomic Testing Museum. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Watts, 94, 132.

96 ....Revises provisions relating to master plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 94, 369, 520, 804, 987, 989*, 4356, 4770, 4775, 5854.

97 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 94, 332, 340, 350, 357, 362, 366, 402, 685, 686*, 3915, 4355.

98 ....Creates a day of observance for labor leader, Dolores Huerta. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Moore, González, Marzola, Jauregui, Torres-Fossett, Anderson and D'Silva, 94, 365, 381, 687, 803*, 804, 4179, 4471, 7599.

99 ....Designates the Picon Punch as the official state drink of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Gurr, 95.

100 ....Revises provisions relating to economic development of regional commercial air service in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Gurr, Koenig and D'Silva, 95, 153, 1653, 2230, 2302, 2781.

101 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Orentlicher, 95.

102 ....Revises provisions relating to emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 95, 168, 370, 525, 685, 4808, 4922*, 6609, 7598.

103 ....Revises provisions relating to housing authorities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers O'Neill and Anderson, 96, 1652, 1653, 1724, 3619, 3620*, 4474, 5750.

104 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 96, 174, 1653, 2792, 2933, 3620*, 4357, 4723, 4743, 5854.

105 ....Revises provisions governing firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Jauregui, 96, 153, 1219, 1220, 1332, 1649, 4474, 4485*, 6426, 6862.

106 ....Ratifies the Occupational Therapy Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Marzola, 96, 222, 405, 726, 767.

107 ....Revises provisions relating to foster care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Brown-May, González and Gray, 97, 128, 370, 537, 804, 995, 1194*, 4474, 5750.

108 ....Makes an appropriation to the Outdoor Education and Recreation Grant Program Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Jauregui and Yeager, 97, 132, 5752, 5755, 5964*, 7611.

109 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember La Rue Hatch, 97, 153.

No. *Summary, Introducer and Page Reference*

110 ....Revises provisions relating to the designation of certain highways. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gallant and Senator Stone, 97, 365, 382, 687, 804, 995, 1000, 1208, 1650, 1653, 2791*, 4474, 5750.

111 ....Revises provisions relating to certain traffic violations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Hibbetts, 98, 128, 129, 406, 726, 995, 1000, 1208, 1650, 3607, 3620*, 4474, 5750.

112 ....Removes an exemption from provisions providing certain employees with the right to use sick leave to assist family members. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Nguyen, 98, 1652, 1653, 1737, 3620, 3621*, 4474, 5622, 5624, 6170.

113 ....Makes an appropriation to the Workforce Innovations for a New Nevada Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Dalia, 98, 132.

114 ....Revises provisions relating to county fair and recreation boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember DeLong, 98, 405, 727, 995, 1000, 1208, 1650, 3607, 3621*, 4474, 5750.

115 ....Authorizes certain state buildings to be used for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Karris, 98, 168, 356, 362, 363.

116 ....Revises provisions relating to food delivery service platform providers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Torres-Fossett, 99, 1653, 2791, 2955, 3621*, 3915, 4355.

117 ....Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Brown-May and Monroe-Moreno, 99, 311, 339, 350, 351, 4808, 4922, 5768*, 6609, 7598.

118 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 99, 168.

119 ....Revises provisions relating to paramilitary activity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yeager and Roth, 99, 129, 370, 540, 804, 995, 1194*.

120 ....Provides for the review of certain regulations by the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 100, 222.

121 ....Revises provisions governing landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Considine, 100, 1652, 1653, 1739, 3621, 3622*, 4474, 5624, 5630, 6170.

122 ....Makes various changes relating to the confidentiality of certain information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Dickman, 100.

123 ....Revises provisions relating to elections communications. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymembers Nadeem, Nguyen, D'Silva, Miller, Torres-Fossett, González, Jackson, Monroe-Moreno, Mosca and Senator Nguyen, 101, 362, 694, 848, 987, 5752, 5788, 5964*, 6609, 7598.

124 ....Revises provisions relating to public office. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Dickman, 101.

125 ....Revises provisions relating to public bodies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Flanagan, 101, 356, 362, 366, 402, 687, 804, 995, 1194, 1195*, 4179, 4471.

126 ....Revises provisions relating to pornography involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hardy, 101, 153.

127 ....Makes an appropriation to the Office for New Americans in the Office of the Governor to provide grants to counties and cities to implement language access plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 101, 132.

128 ....Creates the Public Records Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 102, 201, 693, 851, 1195*, 4356, 4775, 4778, 5854.

129 ....Revises provisions governing bidding procedures for a homeowners' association. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Dickman, 102.

130 ....Makes an appropriation to Goodwill of Southern Nevada for expanding workforce development initiatives. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Flanagan, 102, 132.

No. *Summary, Introducer and Page Reference*

131 ....Provides an exemption from property taxation for accessory dwelling units rented or leased to certain tenants. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Jackson, 102, 806, 999, 1036, 1187, 4808, 4938*.

132 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yurek, 102, 350, 359, 362, 366, 402, 687, 804, 995, 1000, 1208, 1650, 3607, 3622*, 4474, 5750.

133 ....Revises provisions governing public financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Gurr, DeLong, Gallant and Torres-Fossett, 103, 1652, 1653, 1743, 3622*, 4474, 5287, 5298, 6170.

134 ....Establishes provisions relating to water conservation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 103, 222.

135 ....Revises provisions relating to certain tax exemptions for veterans and surviving spouses of veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Yurek and D'Silva, 103, 168, 406, 728, 767.

136 ....Revises provisions relating to animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Considine, 103, 370, 543, 804, 995, 1195*, 4179, 4471.

137 ....Revises requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Torres-Fossett and Hansen, 103, 370, 545, 804, 995, 1195, 1196*, 4356, 4539, 4540, 5854.

138 ....Revises provisions relating to curriculum standards for teaching the personal safety of children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Gallant, 104, 168.

139 ....Makes an appropriation to the Department of Education for programs of dual credit. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Torres-Fossett, 104, 132.

140 ....Revises provisions governing driver authorization cards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers González and Hunt, 104, 365, 383, 687, 804, 995, 1196*, 4179, 4471, 7600.

141 ....Revises provisions relating to the Judicial Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Nguyen, 104.

142 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Marzola, Jauregui, Monroe-Moreno and Yurek, 104, 232, 806, 1043, 1650, 1653, 2782*, 4180, 4471.

143 ....Enacts the Dentist and Dental Hygienist Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Marzola, 105, 205, 356, 362, 363.

144 ....Revises provisions relating to "Indigenous Peoples Day" in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Backus, 105, 356, 362, 366, 402, 687, 804*, 4180, 4471, 7601.

145 ....Revises provisions relating to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers D'Silva, Gray; Senators Cruz-Crawford and Lange, 105, 201, 369, 547, 685.

146 ....Revises provisions relating to the fundamental rights of parents. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gallant, 105.

147 ....Requires proof of identity to vote. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Hafen, 106, 205.

148 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hafen and Yeager, 106, 370, 552, 804, 995, 1196*, 4475, 5203, 5210, 5218, 6170.

149 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Carter, 106, 153, 807, 1046, 1187.

150 ....Revises provisions relating to the criminal justice system. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Orentlicher, 106, 370, 560, 804, 995, 1196*, 1197, 4180, 4471.

151 ....Revises provisions relating to the crime of solicitation of prostitution. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Gray, 107, 168.

152 ....Revises provisions relating to public records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gray, 107.

No. *Summary, Introducer and Page Reference*

153 ....Revises provisions relating to the education of incarcerated persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Miller, 107, 806, 1050, 1650, 1653, 2782*, 4474, 5750.

154 ....Creates the Nevada Office of the Inspector General. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Miller, 107, 168.

155 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers La Rue Hatch, Anderson, Carter, Miller and Hunt, 108, 196, 405, 729, 995, 1197*, 4474, 5750, 7601.

156 ....Revises provisions governing the members of the board of trustees of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Mosca, 108, 1653, 2229, 2312, 3622, 3623*.

157 ....Revises provisions relating to the Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Gray and D'Silva, 108, 205.

158 ....Revises provisions relating to jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Roth, 109.

159 ....Establishes the Hope Card Program for applicants who have been granted an extended order for protection against domestic violence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Hardy, 109, 153, 1653, 2792, 2958, 3607.

160 ....Creates the Nevada-Ireland Trade Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager, O'Neill and Gray, 109, 196, 371, 575, 685, 4474, 4485, 4486*, 6426, 6862.

161 ....Makes revisions relating to hospice care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Edgeworth and Senator Taylor, 109, 239, 807, 1054, 1220, 1649*, 4474, 5355, 5361, 6170.

162 ....Establishes a statewide database and Internet website for certain criminal records relating to domestic violence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yurek, 109, 222, 406, 735, 767.

163 ....Enters into the Counseling Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hafen, 110, 222, 289, 300, 301, 4808, 4938, 5768*, 7611.

164 ....Revises provisions relating to the Account for Student Indemnification. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember O'Neill, 110, 339, 351, 357, 362, 366, 402, 579, 687, 804, 995, 1000, 1208, 1650, 3607, 3623*, 4474, 5750.

165 ....Revises provisions relating to outdoor education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 110, 174, 370, 578, 685, 4866, 5052, 5768, 5769*, 6609, 7598.

166 ....Revises provisions relating to the employment of minors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymembers Moore, Anderson, D'Silva, La Rue Hatch, Hibbetts and Senator Cruz-Crawford, 111.

167 ....Revises provisions relating to the use of corrective room restriction. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Hansen, 111, 1653, 2792, 2962, 3623*, 4474, 5449, 5452, 6170.

168 ....Revises provisions relating to bicycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Goulding, Brown-May, Dickman and Watts, 111, 370, 582, 804, 995, 1197*.

169 ....Revises provisions relating to health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 111, 205, 1652, 1653, 1754, 2223, 5968, 6024, 6351*, 7611.

170 ....Providing for the licensure of associate physicians and associate osteopathic physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Nadeem, 112, 222.

171 ....Revises provisions relating to the State Quarantine Officer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager and Watts, 112, 129, 157, 158, 164*, 167, 173.

172 ....Revises provisions relating to the disclosure of certain records stored on the Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Hansen, 112.

173 ....Revises provisions relating to judicial office. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Dickman, 112, 132.

No. *Summary, Introducer and Page Reference*

174 ....Revises provisions relating to telecommunication providers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Marzola, 113, 132, 289, 300, 301, 356, 362, 366, 402, 687, 804, 995, 1197*, 4180, 4471.

175 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Hibbetts, 113, 129, 222.

176 ....Revises provisions relating to contraception and family planning services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Torres-Fossett, 113, 694, 811, 858, 1000, 1208, 1650, 3607, 3610, 3612*, 4180, 4635, 4639, 5854.

177 ....Makes various changes relating to audiology, fitting and dispensing hearing aids and speech-language pathology. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers González and Brown-May, 113, 1218, 1220, 1335, 3607, 3613*, 4180, 4471.

178 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gray, 114, 222.

179 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember La Rue Hatch, 114.

180 ....Revises provisions relating to local governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember D'Silva, 114.

181 ....Provides immunity from civil liability to persons returning a firearm under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Gallant, 114.

182 ....Creates the Legislative Committee on the Reduction of Nonessential State Expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Dickman, 115, 168.

183 ....Revises provisions relating to optometry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Koenig, 115, 1653, 2791, 2966, 3623*, 4474, 5750.

184 ....Revises provisions relating to interscholastic activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Anderson, Dalia, DeLong, D'Silva, Koenig, O'Neill, Torres-Fossett; Senators Flores, Taylor, Buck, Krasner and Neal, 115, 1653, 2229, 2321, 3624*, 4180, 6148, 6158, 6607.

185 ....Revises provisions relating to child care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Anderson, 116, 365, 386, 687, 804, 995, 1198*, 4475, 5298, 5302, 6170.

186 ....Revises provisions governing pharmacists. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Orentlicher, 116, 232, 1653, 2791, 2975, 3607.

187 ....Revises provisions relating to pornography. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Dalia, 116, 174.

188 ....Revises provisions relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Carter, 116, 132, 196, 694, 3711, 3751, 3842, 5752, 5759, 6140, 6351*, 6958, 7177, 7185.

189 ....Revises provisions relating to notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Koenig, 117, 369, 584, 804, 995, 1000, 1208, 1650, 3607, 3624*.

190 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Gurr, 117, 153.

191 ....Revises provisions relating to collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Anderson, 117, 245, 369, 584, 685.

192 ....Makes various changes relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Backus, 117, 1653, 2792, 3004, 3624*, 4474, 5750.

193 ....Revises provisions relating to certain victims of crime. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Koenig, González, Hardy and Moore, 118, 366, 393, 687, 804, 995, 1000, 1208, 1220, 1649*, 4474, 5750.

194 ....Prohibits the release of certain balloons that are lighter than air under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Jauregui, 118, 807, 1070, 1650, 1653, 2782, 2783*, 4474, 5750.

195 ....Revises provisions governing boards of trustees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yurek, 118.

196 ....Revises provisions governing psychology. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Backus, 118, 310, 335, 340, 350, 357, 362, 366, 402, 687, 804, 995, 1198*, 4474, 5750.

197 ....Enacts provisions strengthening certain protections for certain activities under the First Amendment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Backus and Hafen, 119, 129, 1653, 2792, 3016, 3624, 3625*, 4180, 4471.

No. *Summary, Introducer and Page Reference*

198 ....Establishes provisions relating to certain inflatable devices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Brown-May, 119, 1653, 2791, 3024, 3625*, 4180, 4588, 4593, 5854.

199 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember D'Silva, 119, 168.

200 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Karris, 119.

201 ....Revises provisions relating to the sealing of certain records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Roth, 120, 1653, 2230, 2330, 3625*, 3626, 4180, 4471, 7602.

202 ....Revises provisions relating to claims for dental care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Brown-May, 120, 1652, 1653, 1768, 3626*, 3915, 4355.

203 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Carter, 120, 239, 1653, 2792, 3030, 3607.

204 ....Revises provisions relating to medical debt. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Carter, 121, 1653, 1654, 2791, 3064, 3607, 4808, 4962, 5769, 5964*, 5965, 6958, 7185, 7191.

205 ....Revises provisions governing sexual education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Goulding, 121, 1653, 2229, 2334, 3626*, 4180, 4471, 7603.

206 ....Repeals certain provisions which prohibit an insurer from issuing or renewing certain policies of liability insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Cole, 122.

207 ....Revises provisions governing the submission of certain information to the Commissioner of Insurance relating to mental health parity and addiction equity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Cole, 122, 1218, 1220, 1355, 1653, 2783*, 4474, 5630, 5633, 6170.

208 ....Restricts the use of certain products by governmental entities and government-funded entities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 122, 232, 1219, 1220, 1358, 1649.

209 ....Provides immunity from criminal liability for engaging in prostitution or solicitation for prostitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Orentlicher, 122, 1653, 2792, 3071, 3626, 3627*, 4356, 4540, 4542, 5854.

210 ....Provides for the administration of certain examinations and assessments through remote means to pupils enrolled in a program of distance education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Hardy, 122, 174.

211 ....Revises provisions relating to substandard properties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Considine, 123, 132, 1218, 1220, 1362, 1653, 2783, 2784*, 4357, 4593, 4611, 5854.

212 ....Revises provisions relating to early childhood education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Monroe-Moreno, 123, 132, 133, 369, 620, 685, 4866, 5055*, 7611.

213 ....Revises provisions governing public works projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Monroe-Moreno, 123, 806, 1072, 1650, 1653, 2784*, 3997, 4357, 6427, 6561, 6580, 6862, 7552.

214 ....Revises provisions governing Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hafen, 124, 153.

215 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymembers Monroe-Moreno, Hibbetts and Moore, 124, 693, 861, 1198, 1199*, 4357, 4611, 4613, 5854.

216 ....Revises provisions relating to domestic violence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Hardy, 124, 222, 1653, 2792, 3074, 3607.

217 ....Revises provisions relating to law enforcement on school property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember González, 124, 405, 735, 995, 1199*, 4475, 5329, 5330, 6170.

218 ....Requests that the Nevada Supreme Court study and adopt rules governing procedures for notifying defendants and persons who are issued a civil infraction citation of certain information. Fiscal Note:

No. *Summary, Introducer and Page Reference*

Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember González, 125, 205, 370, 624, 685.

219 ....Revises provisions relating to the use of the proceeds of the tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Watts and Senator Doñate, 125, 153, 998, 1225, 1649.

220 ....Authorizes the issuance of identification cards by the Department of Health and Human Services to persons experiencing homelessness under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Hunt, 125, 205, 694, 863, 987, 4809, 5023*, 6609, 7598.

221 ....Exempts certain offices of physicians and other health care facilities from certain permitting requirements relating to anesthesia and sedation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Edgeworth, 126, 168, 405, 739, 767, 4866, 5056*, 7611.

222 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Jackson, 126, 311.

223 ....Revises provisions relating to the habitability of rental property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Considine, Anderson, Karris, Mosca, Roth and Watts, 126, 806, 1090, 1650, 3607, 3627*, 4180, 4471, 7604.

224 ....Provides for the issuance of bonds to assist certain school districts in financing capital improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Mosca, DeLong, D'Silva, Flanagan, Gurr, Hansen, Jackson, Kasama and Nguyen, 127, 174, 365, 394, 398, 5752, 5790*, 7611.

225 ....Revises provisions relating to licensing of certain professions and occupations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Nguyen, 127, 272.

226 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Mosca, 127, 196, 1653, 2230, 2336, 2781, 4474, 4486*, 6426, 6862.

227 ....Revises provisions governing adoption. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Miller, 127, 205, 1653, 2792, 3082, 3627*, 4475, 5452, 5560, 6170.

228 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Dickman, 133, 205.

229 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember DeLong, 133.

230 ....Enacts the Audiology and Speech-Language Pathology Interstate Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Marzola, 154, 205, 289, 301, 4474, 4486*, 6426, 6862.

231 ....Requires certain service contracts to impose certain duties upon the provider of the service contract. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Hunt, D'Silva, Jackson and Senator Neal, 154, 684, 1652, 1653, 1784, 3627, 3628*.

232 ....Makes changes to the computation of credit for service for certain members of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 154, 371, 631, 804, 987, 989*, 4180, 4471.

233 ....Revises provisions relating to courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Hafen, 164.

234 ....Requires Medicaid coverage for screening for certain forms of cancer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Anderson, 169, 205, 370, 632, 685, 5857, 5862, 5870, 6351*, 7611.

235 ....Revises provisions relating to health care providers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Roth, 169, 356, 363, 366, 402, 687, 804, 995, 1199*, 4180, 4471.

236 ....Revises provisions governing the selection of members to certain state boards and councils performing duties related to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers D'Silva and Torres-Fossett, 169, 298, 305, 329, 333, 340, 350, 357, 362, 366, 402, 687, 804, 987, 990*, 4180, 4471.

237 ....Authorizes any county to create the office of registrar of voters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 169, 339, 351, 357, 362, 366, 402, 687, 804, 987, 990*, 4180, 4471, 7605.

238 ....Enacts the Nevada Studio Infrastructure Jobs and Workforce Training Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Jauregui and

No. *Summary, Introducer and Page Reference*

Monroe-Moreno, 170, 182, 366, 395, 398, 4866, 5056, 5753, 6184, 6276, 6279, 6285, 6286, 6287, 6288, 6290, 6291, 6355*.

239 ....Revises provisions relating to business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Dalia, 170, 1653, 2792, 3189, 3628*, 4180, 4471.

240 ....Revises provisions relating to athletics. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gurr, Gray, Gallant, Hansen, Dickman, Cole, Edgeworth, Hafen, Hardy, Hibbetts, Koenig, O'Neill, Yurek; Senators Stone, Ellison and Hansen, 171.

241 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Jauregui, 171, 693, 875, 1199, 1200*, 4357, 4613, 4617, 4622, 5854.

242 ....Revises provisions relating to the Sagebrush Ecosystem Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers DeLong, Gurr and Koenig, 171, 239, 693, 879, 987.

243 ....Establishes certain partial tax exemptions for certain Nevada Gold Star Spouses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hibbetts and D'Silva, 171, 201, 406, 739, 767, 5968, 6039, 6351*.

244 ....Enacts prohibitions relating to the use of disposable foodware containers containing polystyrene foam by certain food dispensing establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Considine, 172, 370, 635, 804, 995, 1200*, 4180, 4471, 7605, 7606.

245 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Jauregui, 172, 1653, 2230, 2386, 3628*, 4180, 4471, 7606.

246 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Considine, 172, 232, 1653, 2792, 3226, 3607.

247 ....Revises provisions relating to persons with disabilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Brown-May, 172, 272, 405, 739, 767.

248 ....Ratifies the Physical Therapy Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Marzola, 176, 310, 335, 340, 350, 357, 362, 366, 402, 687, 804, 995, 1000, 1208, 1650, 3607, 3613*, 4180, 4471.

249 ....Revises provisions relating to fiscal notes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 177, 370, 637, 804, 987, 990*, 3714, 4500, 5218, 5222, 6170.

250 ....Revises provisions relating to certain debt. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Goulding, Anderson, Flanagan, Hunt, La Rue Hatch, Nguyen; Senators Krasner and Steinbeck, 177, 1652, 1653, 1787, 3628, 3629*, 4426, 4622, 4625, 4628, 5854.

251 ....Revises provisions relating to the inspection of meat and poultry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Koenig and Gurr, 177, 222, 1653, 2792, 3232, 3607, 4866, 5104*, 6958, 7191, 7194.

252 ....Revises provisions relating to the Legislative Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers La Rue Hatch, Roth, Hunt, Considine, González, Goulding and Moore, 177, 182.

253 ....Revises provisions relating to civil liability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Mosca, 178.

254 ....Revises provisions relating to grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Mosca, Monroe-Moreno, González and Kasama, 178, 182, 1653, 1794, 2223.

255 ....Prohibits certain provisions in certain employment contracts or similar agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember La Rue Hatch, 178.

256 ....Directs the Legislative Commission to appoint a Regional Rail Transit Advisory Working Group to conduct an interim study relating to regional rail transit. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers La Rue Hatch, González, Roth, Moore, Anderson, Brown-May, Cole, Considine, Flanagan, Goulding, Hunt, Jackson, Nguyen and Orentlicher, 178, 370, 641, 804, 995, 1200, 1201*, 3714, 4180, 4471.

257 ....Makes an appropriation to the Nevada School of the Arts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember D'Silva, 179, 182.

258 ....Revises provisions relating to brokerage agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Moore, Kasama and La Rue Hatch, 179, 289, 301, 356, 362, 366, 402, 687, 804, 995, 1201*, 3857, 3915, 4355.

No. *Summary, Introducer and Page Reference*

259 ....Establishes provisions governing prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Considine and Anderson, 188, 252, 806, 1112, 1187, 4808, 4970*, 7611.

260 ....Makes revisions relating to abortion. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gray, Dickman, DeLong, Gallant, Gurr, Hafen, Hansen, Hibbetts, Koenig, O'Neill and Senator Hansen, 188.

261 ....Revises provisions relating to voter registration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 188, 232, 310, 335.

262 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 188, 310, 335, 340, 350, 357, 362, 366, 402, 687, 804, 987, 991*, 4426, 4781, 4787, 5854.

263 ....Revises provisions relating to homelessness. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Mosca, Carter, Considine, D'Silva, Edgeworth, Flanagan, Hunt, Jackson, Kasama and Nguyen, 196, 369, 644, 804, 995, 1201*, 4475, 5302, 5303, 6170.

264 ....Revises provisions relating to the issuance of certain professional and occupational licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Miller, 196, 222, 1652, 1653, 1797, 2223.

265 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Gurr, DeLong and Kasama, 197, 260.

266 ....Makes revisions relating to breastfeeding. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymembers González, Moore, Miller, Brown-May, Anderson, Dalia, D'Silva, Gallant, Goulding, Gray, Hunt, Jackson, Karris, La Rue Hatch, Marzola, Nadeem, Nguyen, Orentlicher, Roth, Torres-Fossett; Senators Cruz-Crawford and Doñate, 197, 694, 882, 1201*, 1202, 4180, 4471.

267 ....Revises provisions relating to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Kasama, Hansen, Gurr, Cole, DeLong, Edgeworth, Gallant, Gray, Hafen, Hardy, Hibbetts, Koenig, O'Neill, Yurek; Senators Buck, Titus, Stone, Krasner, Steinbeck, Ellison, Hansen and Rogich, 197.

268 ....Makes an appropriation to the State Department of Agriculture for universal free breakfast and lunch for Nevada pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Jauregui and Backus, 198, 200.

269 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember D'Silva, 198, 1652, 1653, 1800, 3629*, 4475, 5303, 5310, 6170.

270 ....Revises provisions relating to architects, professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hafen, Backus and Marzola, 198, 693, 897, 1000, 1208, 1650, 3607, 3629*, 4475, 5633, 5638, 6170.

271 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymembers Gurr, DeLong, Hibbetts and Hansen, 198.

272 ....Revises provisions relating to forensic medical examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hardy, 198, 222, 406, 750, 767.

273 ....Provides immunity from civil liability to licensed firearm dealers under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers O'Neill and Dickman, 201.

274 ....Requires the waiver of certain fees for certain businesses related to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers O'Neill, Gray, Gurr, D'Silva, Edgeworth, Cole, Dickman, Hardy, Hibbetts, Kasama, Koenig and Yurek, 201, 232, 806, 1117, 1187.

275 ....Revises provisions related to criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers O'Neill, DeLong, Dickman, Edgeworth, Gray, Gurr, Hardy, Hibbetts, Kasama, Koenig and Yurek, 202.

276 ....Revises provisions governing the commerce tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers O'Neill and Dickman, 202, 252, 1653, 2230, 2393, 2781.

277 ....Revises provisions relating to the confidentiality of information relating to the tax on the net proceeds of minerals in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers DeLong and Gurr, 202, 356, 363, 366, 402, 687, 804, 995, 1000, 1208, 1650, 3607, 3629*, 4474, 5750.

278 ....Designates the month of July as Muslim American Heritage Month. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Miller, Nadeem, González, Mosca,

No. *Summary, Introducer and Page Reference*

Anderson, Considine, Dalia, D'Silva, Jackson, Karris, La Rue Hatch, Monroe-Moreno, Moore, Nguyen, Orentlicher, Roth and Watts, 202, 361, 367, 402, 687, 804, 995, 1202*, 4180, 4471, 7607.

279 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Orentlicher and González, 202, 311.

280 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Jauregui, 203, 1218, 1220, 1378, 3607, 3630*, 4180, 4471, 7607.

281 ....Revises provisions relating to the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 203, 1219, 1220, 1382, 1653, 2784*, 4180, 4471.

282 ....Revises provisions relating to billing for health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Orentlicher, 203, 311, 1653, 1807, 3630*, 6958, 7194, 7205, 7217.

283 ....Revises provisions governing certain actions and proceedings relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Carter, 205, 370, 646, 804, 995, 1000, 1208, 1650, 3607, 3630*, 4475, 5560, 5585, 6170.

284 ....Requires the Director of the Department of Health and Human Services to seek to establish certain rates of reimbursement under Medicaid for certain devices to treat epilepsy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Brown-May, 206, 265, 370, 646, 685, 5968, 6045, 6351*, 6958, 7217, 7219.

285 ....Establishes the Nevada State Service Corps within the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Mosca, 206, 252, 369, 647, 685.

286 ....Provides for a pilot program to assess the competency of applicants for a license to teach through alternative assessment methods. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Torres-Fossett and González, 206, 222, 1653, 2229, 2404, 2781, 5759, 5790*, 6609, 7598.

287 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers González and Monroe-Moreno, 206, 370, 410, 650, 685.

288 ....Makes an appropriation to the White Pine County School District for the construction of an elementary school. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Gurr, DeLong, Hafen, Gray, Hansen, Hibbetts, Kasama, O'Neill; Senators Titus and Hansen, 207, 211.

289 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Nguyen, Hibbetts, Nadeem, Marzola, Anderson, Brown-May, Carter, Considine, Dalia, D'Silva, Edgeworth, Gallant, González, Goulding, Gray, Hansen, Hunt, Jackson, Karris, La Rue Hatch, Miller, Moore, Roth; Senators Krasner, Nguyen, Doñate, Cruz-Crawford, Flores, Pazina and Rogich, 207, 693, 902, 1202, 1203*, 3915, 5328, 5329, 5968, 6607.

290 ....Revises provisions relating to prior authorization for medical or dental care under health insurance plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Nguyen, Considine, Nadeem, Yurek, Brown-May, Anderson, Cole, D'Silva, Edgeworth, González, Goulding, Karris, Kasama, Koenig, Mosca; Senators Flores and Nguyen, 207, 289, 1653, 2791, 3235, 3607.

291 ....Revises provisions relating to records of criminal history. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Jackson, Moore, Roth, González and Dalia, 207, 265, 807, 1122, 1650, 1653, 2785*.

292 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers La Rue Hatch, Nguyen, Anderson, D'Silva and Jackson, 208.

293 ....Creates the Office of Aerospace. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Koenig and D'Silva, 208.

294 ....Revises provisions relating to the use of the Internet by minors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yurek and Marzola, 208.

295 ....Revises provisions relating to health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Yurek, Edgeworth and Brown-May, 208, 311.

296 ....Revises various provisions relating to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Watts, 209, 260, 1653, 2230, 2410, 2781, 5857, 5862, 5872, 6352*, 7611.

No. *Summary, Introducer and Page Reference*

297 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Nadeem, González, D'Silva, Hunt, Jackson, Karris, Nguyen and Orentlicher, 212, 289, 1653, 1815, 2223.

298 ....Revises provisions relating to school counselors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 212, 252.

299 ....Revises provisions relating to prostitution. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Marzola and Senator Cannizzaro, 212, 997, 1227, 1653, 2785*.

300 ....Makes an appropriation for the construction of a veterans and community center in Virginia City, Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Gray, D'Silva, Gurr, Dickman, Cole, Dalia, DeLong, Edgeworth, Hafen, Hansen, Hibbetts, Kasama, Koenig, Miller, Mosca, Nguyen, O'Neill; Senators Titus, Daly and Hansen, 213, 222.

301 ....Revises provisions relating to community development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Goulding and La Rue Hatch, 213, 405, 750, 995, 1203*, 4180, 5310, 5312, 6609, 6802, 7286, 7296, 7611.

302 ....Establishes provisions relating to facility dogs. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary, 213, 1653, 2792, 3268, 3631*.

303 ....Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Karris, Jackson and Senator Hansen, 213, 1219, 1220, 1384, 1653, 2785*, 2786.

304 ....Establishing certain notification and reporting requirements concerning pilot programs that research transcranial magnetic stimulation or electromagnetic brain pulse treatment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Karris, Anderson, Dalia, D'Silva, Gray, Hansen, Hibbetts, Jackson, Kasama, Moore, Nadeem, O'Neill; Senators Hansen and Pazina, 213, 311, 807, 1126, 1187, 5752, 5759, 6537, 6550*, 7611.

305 ....Limits the amount a provider of health care may charge for filling out certain forms associated with certain leaves of absence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 214, 693, 902, 1203*, 3915, 4355.

306 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Yeager, Monroe-Moreno, Mosca; Senators Cannizzaro and Ohrenschall, 214, 370, 662, 804, 995, 1000, 1208*, 3712, 3842, 4470.

307 ....Revises provisions governing the taxation of sales of cannabis and cannabis products. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gallant, Cole and González, 214, 239, 406, 752, 767.

308 ....Revises provisions relating to cannabis establishment agents. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Backus, 214, 245, 370, 666, 685.

309 ....Revises provisions relating to certain orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Hardy, Hibbetts, Goulding, Hafen, Koenig, Torres-Fossett, Yurek; Senators Buck and Steinbeck, 215, 1653, 2792, 3276, 3631*, 4474, 5750.

310 ....Makes an appropriation to The Immigrant Home Foundation to provide mental health services and legal assistance to victims of domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Moore, González, D'Silva; Senators Flores and Doñate, 215, 222.

311 ....Revises provisions relating to transportation network companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Hafen, 215.

312 ....Revises provisions governing the sale of real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember DeLong, 215.

313 ....Revises provisions relating to certain taxes assessed at the registration of a motor vehicle. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Koenig, 216, 245.

314 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Edgeworth, 216, 222, 266, 1653, 2793, 3279, 3607.

315 ....Requires applications to participate in Medicaid as a provider to be accompanied by a certain verification. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Edgeworth and Senator Taylor, 216, 1653, 1818, 3631*, 4475, 5361, 5362, 6170.

No. *Summary, Introducer and Page Reference*

316 ....Revises provisions relating to the governance of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Nguyen and Senator Taylor, 216.

317 ....Provides for the establishment of a program by a county or city to provide certain housing facilities to assist persons experiencing homelessness. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Karris, 217.

318 ....Revises provisions relating to captive insurers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Hardy, 217.

319 ....Makes revisions relating to providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Orentlicher, 217, 1653, 2791, 3290, 3631, 3632*, 4475, 5638, 5702, 6170.

320 ....Revises provisions related to the administration of justice. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Jackson and D'Silva, 217, 245, 807, 1128, 1187, 4474, 4486*, 6958, 7219, 7221.

321 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Jackson, D'Silva, González, O'Neill, Dalia, Nadeem, Orentlicher and Roth, 218, 1653, 2792, 3353, 3610, 3646, 3647*, 4180, 4471.

322 ....Provides that the association of a common-interest community may not prohibit a unit's owner or tenant of a unit's owner from operating a small child care establishment within a unit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 218.

323 ....Revises provisions relating to certain changes in the use of school buildings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 222.

324 ....Revises provisions governing housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Orentlicher, 223.

325 ....Revises provisions relating to artificial intelligence. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 223, 405, 752, 987, 991*, 4180, 4471.

326 ....Revises provisions relating to the designation of hospitals as centers for the treatment of trauma. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Koenig, Cole and Torres-Fossett, 223, 1653, 1654, 1820, 2223, 5856, 5862, 5892, 6352*, 7611.

327 ....Requires the Legislative Auditor to conduct an audit of certain financial information and employment matters relating to public broadcasting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Nguyen and Anderson, 223.

328 ....Creates certain commissions and subcommittees for the purpose of educating the general public concerning certain cultural affairs relating to African-Americans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers D'Silva, Jackson and Senator Neal, 224, 252, 1653, 2792, 3358, 3607, 5857, 5862, 5896, 6352*, 7611.

329 ....Revises provisions relating to victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Roth, 224, 807, 1136, 1650, 1653, 2786*, 4180, 4471.

330 ....Makes an appropriation for the development and carrying out of a certain internship program in psychology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember González, 224, 232.

331 ....Makes an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for a grant program to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Brown-May, 224, 232, 5752, 5755, 5965*, 7611.

332 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember O'Neill, 225, 252.

333 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gray, Hansen, Roth, Anderson, DeLong, Dickman, Goulding, La Rue Hatch, O'Neill; Senators Taylor, Daly and Hansen, 225, 265, 369, 666, 804, 995, 1000, 1208, 1650, 3607, 3632*, 4474, 5750.

334 ....Revises provisions relating to oral health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Kasama, Yurek, Hardy and Koenig, 225, 1653, 2791, 3363, 3632*, 4474, 5750.

335 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Torres-Fossett, Watts, D'Silva, Dalia, Koenig,

No. *Summary, Introducer and Page Reference*

Moore; Senators Buck, Doñate, Nguyen and Taylor, 225, 265, 806, 1140, 1187, 4474, 4486*, 6609, 7598.

336 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 226, 252, 369, 678, 685, 4866, 5104*, 6609, 7598.

337 ....Creates programs related to dementia. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 226, 350, 406, 753, 767.

338 ....Revises provisions relating to health care for senior citizens. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 226, 272, 370, 679, 685.

339 ....Creates the Office of Children's Mental and Behavioral Health within the Office of the Director of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 227, 232, 694, 904, 987.

340 ....Requires health insurance to cover certain screenings, assessments and diagnoses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 227, 272, 693, 915, 987.

341 ....Revises the Nevada Fair Housing Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 227.

342 ....Designates the month of March as "Women Veterans History Month." Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 227, 369, 679, 804, 987, 991, 992*, 4180, 4471, 7608.

343 ....Makes revisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 227, 1653, 1824, 3632, 3633*, 4475, 5363, 5382, 6170, 6635, 6656, 6657, 7314, 7335, 7336.

344 ....Revises provisions relating to the judiciary. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Marzola, 228, 350, 1653, 2230, 2420, 2781, 4474, 4486, 4487*, 6426, 6862.

345 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Mosca, 228, 265, 1653, 2229, 2481, 2781, 4474, 4487*, 7611.

346 ....Establishes provisions governing the prescribing, dispensing and administering of medication designed to end the life of a patient. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Dalia, Gallant and Senator Flores, 228, 230, 231, 371, 679, 685, 694, 767, 995, 1000, 1200, 1207, 1208*.

347 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 229, 366, 395, 687, 804, 987, 992*, 4180, 4471.

348 ....Revises provisions relating to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 229, 310, 335, 340, 350, 357, 362, 366, 402, 685, 686*, 3714, 4180, 4471.

349 ....Makes revisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Orentlicher, 229, 272.

350 ....Revises provisions relating to cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 230, 1653, 1844, 3633*, 4180, 4639, 4645, 5854.

351 ....Revises provisions relating to the jurisdiction of the juvenile court over certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 230, 1653, 2792, 3368, 3633*, 4357, 4542, 4545, 5854.

352 ....Revises provisions relating to businesses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Anderson, 230, 289, 1219, 1220, 1386, 1649, 4474, 4487*, 6958, 7221, 7238.

353 ....Makes an appropriation to the University of Nevada, Reno, for a technology initiative for certain students. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember D'Silva, 232, 239.

354 ....Revises provisions relating to the Nevada State Board on Geographic Names. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 233, 370, 679, 804, 987, 992*, 4180, 4471.

355 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 233, 406, 757, 987, 992, 993*, 4180, 4471.

356 ....Revises provisions relating to collective bargaining agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 233, 357, 1219, 1220, 1405, 1649, 4866, 5104, 5777*, 7611.

No. *Summary, Introducer and Page Reference*

357 ....Revises provisions relating to background checks. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hunt, D'Silva, Jackson and Senator Cruz-Crawford, 233.

358 ....Makes appropriations to the United Way of Northern Nevada and the Sierra for the statewide implementation of Dolly Parton's Imagination Library program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Yeager, 233, 239.

359 ....Proposes to exempt sales of certain coins, currency and bullion from sales and use taxes and analogous taxes upon approval by the voters. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gallant, Gurr, Gray, DeLong, Hibbetts and O'Neill, 234, 252, 406, 761, 767.

360 ....Revises provisions relating to testing for sexually transmitted diseases. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Goulding, 234, 350, 1653, 1849, 3633, 3634*, 4180, 4471.

361 ....Revises provisions relating to public mass transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Hunt, 234, 365, 395, 687, 804, 995, 1203, 1204*, 3915, 4355.

362 ....Provides for taxes on the sale or transfer of a controlling interest in an entity which possesses an interest in real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Considine, 234, 357, 1653, 2230, 2484, 3613.

363 ....Revises provisions relating to groundwater boards. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 235, 272, 694, 928, 987.

364 ....Revises provisions governing the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Anderson, 235.

365 ....Eliminates provisions requiring the University of Nevada, Reno, School of Medicine to establish a program relating to the medical use of cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 235, 298, 305, 329, 333, 340, 350, 357, 362, 366, 402, 685, 686*, 4180, 4471.

366 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Monroe-Moreno, 239, 245, 4808, 4811, 5777*, 7611.

367 ....Makes various changes related to language access in elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 240, 362, 1219, 1220, 1410, 1653, 2786*, 4180, 4471.

368 ....Revises provisions governing electronic communication devices in locations where certain services are provided. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Carter, 240, 1653, 1856, 3634*, 4180, 4645, 4664, 5854.

369 ....Revises provisions governing certain orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Backus, 240, 370, 681, 804, 995, 1204*, 4475, 5585, 5588, 6170.

370 ....Revises provisions relating to service contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 240, 357.

371 ....Enacts the Cosmetology Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Torres-Fossett, 241, 311, 332, 340.

372 ....Revises provisions relating to voting. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Dickman, 241.

373 ....Revises provisions governing limited-liability companies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hafen, 241, 260.

374 ....Establishes a workshop to promote mental health for pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Nadeem, 241.

375 ....Revises provisions relating to intoxicating liquor. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Yeager and Gurr, 242, 311, 1653, 2791, 3371, 3607, 5752, 5790, 5965*, 7611.

376 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers O'Neill, Gray, Dickman, DeLong, Gallant and Senator Buck, 245, 333, 3647, 4500, 4508, 4861*, 7400, 7420.

377 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Gallant, Gurr, D'Silva, Gray, Cole, DeLong, Hibbetts, Koenig, O'Neill; Senators Buck, Doñate, Ellison and Stone, 246, 1653, 2230, 2501, 3634*, 4474, 5750.

No. *Summary, Introducer and Page Reference*

378 ....Creates the Alternative Therapy Pilot Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Carter, Gray, D'Silva, Hansen, Brown-May, Anderson, Considine, Dalia, Dickman, Edgeworth, González, Hibbetts, Hunt, Jackson, Karris, Mosca, Nguyen, Orentlicher, Roth, Watts; Senators Hansen, Nguyen, Stone and Ohrenschall, 246, 333, 694, 933, 987.

379 ....Makes an appropriation to the College of Southern Nevada for the development of its Northwest Campus. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Hibbetts, Brown-May, Carter, Dalia, D'Silva and Nguyen, 246, 252, 4808, 4814, 5777*.

380 ....Revises provisions relating to mobile crisis teams. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Edgeworth, Dalia, D'Silva, González, Gray, Hibbetts, Hunt, Jackson, Koenig, Moore, Nadeem, Nguyen, Yurek and Senator Steinbeck, 247, 370, 681, 804, 995, 1000, 1208, 1650, 3607, 3634, 3635*, 4474, 5750.

381 ....Revises provisions related to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hardy, Hibbetts, Marzola, Miller, Dalia, González, Jauregui, La Rue Hatch, Moore, Nadeem, Nguyen, Orentlicher, Roth, Yeager and Senator Scheible, 247, 260, 690, 3712, 3760, 3856, 3857*, 7420, 7445.

382 ....Revises provisions relating to health insurance coverage for biomarker testing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Flanagan, Dalia, Dickman, Edgeworth, González, Goulding, Gray, Jackson, Karris, Kasama, La Rue Hatch, Nguyen, Orentlicher; Senators Nguyen, Ohrenschall and Pazina, 247, 333.

383 ....Establishes provisions relating to programs of high-impact tutoring. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hansen, Dickman, Cole, Edgeworth, Gurr, Hafen, Hardy, Hibbetts, Nguyen and O'Neill, 247, 260, 1653, 2229, 2506, 3635*, 4475, 5331, 5332, 6170.

384 ....Requires the Chair of the Juvenile Justice Oversight Commission to solicit input regarding certain subjects relating to juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Cole, 248, 997, 1233, 3607, 3635*, 4474, 5750.

385 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Cole, 248.

386 ....Revises provisions relating to assessments administered to pupils to assess reading proficiency. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Goulding and Hunt, 248, 298, 1653, 2229, 2508, 2781, 5968, 6184, 6291, 6482, 6485*, 7445, 7449.

387 ....Revises provisions governing guardianship of minors. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary, 248, 997, 1240, 1653, 2786*, 4180, 4545, 4584, 5854.

388 ....Revises provisions relating to employment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers La Rue Hatch, González, Anderson, Roth, Miller, Flanagan, Goulding, Hunt, Jackson, Karris, Moore, Orentlicher, Watts and Senator Flores, 249, 362, 405, 761, 767, 5752, 5797, 5965*, 7611.

389 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Torres-Fossett, 252, 339, 987, 1153, 1187.

390 ....Enacts provisions relating to task workers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers González, D'Silva and Jackson, 253, 362.

391 ....Revises provisions governing annual reports of accountability of public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Miller, 253, 333, 693, 943, 1204*.

392 ....Revises provisions relating to interlocal agreements and contracts with tribal governments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Carter, 253, 405, 761, 995, 1204, 1205*, 4475, 5312, 5314, 6170.

393 ....Revises provisions governing hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Nadeem, 254.

394 ....Authorizes the Board of Regents of the University of Nevada to require certain institutions to adopt emergency response plans related to opioid overdoses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Brown-May; Senators Buck, Rogich and Titus, 254, 405, 763, 995, 1205*, 3915, 4788, 4789, 5854.

395 ....Revises provisions relating to services to persons who are deaf or hard of hearing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Roth and Brown-May, 254, 333, 1653, 1875, 2223.

No. *Summary, Introducer and Page Reference*

396 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Backus, 254, 1653, 2791, 3379, 3635*, 3636, 4475, 5702, 5718, 6170.

397 ....Revises provisions relating to higher education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Watts and Senator Taylor, 255, 311, 365, 398, 6184, 6185, 6228, 6355*, 6958, 7238, 7254.

398 ....Revises provisions governing compensation for certain employees of public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager and Hafen, 255, 289, 4426, 4427, 4445, 4468, 4469*, 5968, 6170.

399 ....Requires certain health insurance to cover certain health care related to severe obesity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Edgeworth, 255, 333.

400 ....Authorizes a law enforcement agency to require applicants for certain positions of employment to make certain attestations as a condition precedent to employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yurek, 255.

401 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Anderson, 256.

402 ....Creates a pilot program authorizing the installation and use of automated traffic enforcement systems in temporary traffic control zones. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Torres-Fossett, 256, 357, 1653, 2230, 2510, 2781, 5857, 5862, 5902, 6352*.

403 ....Proposes to exempt from sales and use taxes the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Torres-Fossett, 256, 272, 1653, 2230, 2519, 2781.

404 ....Revises provisions relating to alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Watts, Brown-May, Kasama, Nguyen, Torres-Fossett and Senator Nguyen, 257, 362, 1653, 2791, 3394, 3607, 5968, 6047, 6352*, 7611.

405 ....Revises provisions relating to agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Flanagan, González, La Rue Hatch, Moore, Considine, D'Silva, Jackson, Karris and Orentlicher, 257, 260, 350, 359, 5752, 5815, 5965*, 7611.

406 ....Makes various changes relating to health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Jackson and Nadeem, 257, 333, 1653, 2229, 2526, 3636*, 4180, 6158, 6164, 6607.

407 ....Enacts provisions relating to the repair of certain devices. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Brown-May, 260, 339, 1653, 2791, 3403, 3636*, 4180, 4471.

408 ....Revises provisions relating to victims of crime. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yurek, 261, 362.

409 ....Revises provisions relating to special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hafen, D'Silva, Gray, Brown-May and Torres-Fossett, 261, 298, 694, 947, 987, 5854, 5862, 5963*, 5964, 7611.

410 ....Revises provisions relating to the crime of assault. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Gray, Cole, Edgeworth, Gurr and Koenig, 261.

411 ....Revises provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Jauregui, 261, 370, 681, 804, 995, 1000, 1208, 1650, 1653, 2787*, 4180, 4664, 4665, 5854.

412 ....Revises provisions relating to emergency response in schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymembers Dalia and Jauregui, 262, 265, 1653, 2229, 2538, 2781.

413 ....Provides for the creation of the Southern Nevada Health Care Workforce Apprenticeship Pilot Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember Nguyen, 262, 265, 1652, 1653, 1889, 2223.

414 ....Revises provisions relating to occupational safety and health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Moore, Carter, Anderson, D'Silva, Karris, La Rue Hatch; Senators Flores, Scheible and Doñate, 262, 350, 1653, 2791, 3415, 3607, 5752, 5817, 5965*, 5966, 7611.

415 ....Revises provisions governing the towing of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Carter, Goulding, Dickman; Senators Titus, Taylor and Lange, 262, 1653, 1654, 2230, 2546, 2781, 4474, 4487*, 5857, 6424.

No. *Summary, Introducer and Page Reference*

416 ....Revises provisions concerning access to certain library materials. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Miller, La Rue Hatch, Anderson, Considine, González and Moore, 263, 311, 1653, 2792, 3420, 3607, 4149, 4170*, 7611.

417 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Hunt, Considine, D'Silva, Flanagan, González, Karris and Nadeem, 263, 1653, 2230, 2555, 3636*, 3637, 4180, 4471.

418 ....Revises provisions relating to animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Hibbetts, Hardy and Nguyen, 266, 693, 953, 1000, 1208, 1650, 3607, 3637*, 4475, 6164, 6166, 6607.

419 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers DeLong, Cole, Gurr, Dickman and O'Neill, 266, 333, 1653, 2792, 3431, 3607.

420 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember González, 267, 1653, 2229, 2562, 3637*, 4180, 4789, 4791, 5854.

421 ....Provides immunity from civil liability for certain acts and omissions of volunteer security personnel of a religious organization under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Hansen, Gray, Hafen, Dickman, Edgeworth, Gurr, Hardy, Hibbetts, Koenig; Senators Hansen, Ellison, Buck and Stone, 267.

422 ....Revises provisions relating to the Civil Air Patrol. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yeager and Kasama, 267, 1219, 1220, 1438, 1653, 2787*, 4180, 4471.

423 ....Revises provisions relating to business. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Cole, Kasama, DeLong, Gurr, Hafen, Hansen and Hibbetts, 268, 410, 1218, 1220, 1440, 1649.

424 ....Makes various changes relating to parentage. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Backus, 268, 350.

425 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember La Rue Hatch, 268.

426 ....Revises provisions relating to the organization of large school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Karris, Anderson, Nguyen, Dalia, González and Moore, 269, 1218, 1220, 1455, 1653, 2787, 2788*.

427 ....Revises provisions relating to public financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager and DeLong, 269, 693, 956, 1205*.

428 ....Requires certain health plans to include coverage for fertility preservation services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Flanagan, Monroe-Moreno, Roth, Anderson, Moore, Brown-May, Carter, Considine, D'Silva, González, Hunt, Jauregui, Karris, La Rue Hatch, Marzola, Miller, Nadeem, Torres-Fossett and Yeager, 269, 350, 1653, 2791, 3448, 3607, 5857, 5862, 5920, 6353*, 7611.

429 ....Revises provisions relating to natural resources. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 269, 694, 966, 1205, 1206*, 4180, 4471.

430 ....Exempts persons engaged in the provision of payroll processing services from provisions governing money transmission. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Flanagan, Brown-May, D'Silva and Nguyen, 270, 356, 363, 366, 402, 687, 804, 995, 1206*, 3915, 4355.

431 ....Revises provisions relating to the sale and resale of tickets to certain events. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymembers Gurr, Cole, Carter, DeLong, D'Silva, Edgeworth, Gallant, Hafen, Hibbetts, Nguyen and Yurek, 270.

432 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yurek, 270, 350, 1652, 1653, 1891, 2223.

433 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 271, 806, 1169, 1650, 1653, 2788*, 4475, 5314, 5316, 6170.

434 ....Prohibits certain employment practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymember Anderson, 273, 1653, 2791, 3463, 3637, 3638*, 4475, 5718, 5720, 6170.

No. *Summary, Introducer and Page Reference*

435 ....Revises provisions governing the funding of schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Koenig, 273, 362.

436 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Gray, O'Neill, Gurr, Dickman, DeLong, Edgeworth, Gallant, Hafen, Hansen, Hibbetts, Koenig and Yurek, 274.

437 ....Provides for the establishment of the Fair Access to Insurance Requirements Plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Dickman, Gray, Gurr, DeLong and Gallant, 274, 1653, 2791, 3464, 3613.

438 ....Revises provisions relating to nonemergency medical transportation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Dickman, Gallant, Gray, Gurr and O'Neill, 274, 371.

439 ....Revises provisions concerning the purchase or acquisition of certain unmanned aerial vehicles or other related equipment and services under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Cole, 274, 1653, 2230, 2567, 3638*, 4475, 5110, 5113, 6170.

440 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yurek, 275.

441 ....Revises provisions governing the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Monroe-Moreno, 275, 1653, 2792, 3471, 3638*, 4475, 5602, 5611, 6170.

442 ....Revises provisions relating to grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Watts, Nguyen, Mosca, Brown-May, D'Silva, Gallant, O'Neill, Roth; Senators Nguyen, Flores and Stone, 275, 371, 1219, 1220, 1466, 1649, 5752, 5821, 5966*, 7611.

443 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gallant, 275.

444 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Hafen and Senator Neal, 276, 1652, 1653, 1654, 1903, 2223, 4808, 4970, 5777, 5778*, 7611.

445 ....Revises provisions relating to libraries. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Monroe-Moreno, 276, 357, 1218, 1220, 1473, 1653, 2788*, 4356, 4805, 7609.

446 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Carter, 277, 350, 1219, 1220, 1481, 1649.

447 ....Provides for a partial abatement of the property taxes levied on certain residential rental dwellings. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hardy and Nguyen, 277.

448 ....Revises provisions relating to insurance for vision care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Koenig, 277, 1218, 1220, 1502, 3607, 3638, 3639*, 4475, 5720, 5740, 6170.

449 ....Revises provisions governing public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Gurr, 277, 1653, 2230, 2570, 3639*, 4474, 5750.

450 ....Revises requirements to obtain a license as a marriage and family therapist or clinical professional counselor by endorsement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Marzola, 278, 693, 967, 1206*, 4180, 4628, 4629, 5854.

451 ....Provides immunity from civil liability to certain persons returning a firearm under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Jauregui and O'Neill, 278, 298, 1219, 1220, 1521, 3607, 3639*, 3640, 4475, 5588, 5590, 6170.

452 ....Revises provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Brown-May, 278, 350, 1653, 2230, 2575, 3640*, 4475, 5113, 5124, 6170.

453 ....Revises provisions relating to taxation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymembers Anderson and Considine, 278, 350, 1653, 2230, 2593, 2781.

454 ....Enacts a Smart Heart Law for public and private schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymembers Nadeem, Dalia, D'Silva, Jackson, Karris, Nguyen and Orentlicher, 279, 1653, 2229, 2645, 3640*, 4180, 4791, 4801, 5854.

455 ....Revises provisions governing property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hansen, Gray and Gurr, 279, 362.

No. *Summary, Introducer and Page Reference*

456 ....Revises provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Moore and Considine, 279, 350.

457 ....Requires the Joint Interim Standing Committee on Revenue to conduct a study concerning certain changes to provisions governing taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Considine, 280, 350, 1653, 2230, 2658, 3640*, 4475, 5611, 5613, 6170.

458 ....Revises provisions governing energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Watts, 280, 1653, 2230, 2662, 3640, 3641*, 4475, 5124, 5157, 6170.

459 ....Revises provisions relating to certain providers of transportation services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Watts, 280, 371.

460 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymember González and Senator Doñate, 281, 289, 1653, 2230, 2696, 2781, 5752, 5830*, 6958, 7254, 7264.

461 ....Revises provisions governing health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Orentlicher and Backus, 281, 1653, 1910, 3641*, 4475, 5382, 5433, 6170.

462 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Backus, 281, 366, 1653, 2230, 2707, 2781, 5752, 5830, 5966*, 7449, 7467.

463 ....Revises provisions relating to prior authorization. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Backus, 282, 362, 1653, 2791, 3481, 3607, 6184, 6185, 6245, 6355, 6356*, 7611.

464 ....Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Miller, 282, 362, 1653, 2792, 3516, 3641*.

465 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Miller, 282, 371, 1653, 2229, 2728, 3641, 3642*.

466 ....Revises certain notice requirements imposed on an insurer who issues a policy of portable electronics insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Kasama, 283, 365, 398, 687, 804, 995, 1000, 1208, 1650, 3607, 3642*, 4474, 5750.

467 ....Revises provisions relating to forensic mental health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Roth, Yeager and Senator Nguyen, 283, 371, 1653, 2792, 3524, 3607, 5857, 5862, 5935, 6353, 6954*, 7611.

468 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Gallant, 283.

469 ....Revises provisions relating to labor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Gallant, 283, 362.

470 ....Revises provisions relating to prior authorization for medical or dental care under health insurance plans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Kasama, 284, 362.

471 ....Revises provisions governing remote sales of certain tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Hibbetts and Nguyen, 284, 362, 1653, 2792, 3542, 3607, 5968, 6057, 6353*, 7611.

472 ....Revises provisions relating to educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 284, 357, 369, 681, 685, 5752, 5849, 5966*, 7611.

473 ....Makes an appropriation for a forensic DNA testing program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary, 289, 298, 3647, 3712, 3783, 3842.

474 ....Requires the establishment and carrying out of a program to supplement the available food supply for certain persons in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 299, 311, 406, 765, 767, 4474, 4487*, 4488.

475 ....Makes appropriations to Clark County, the City of Reno and the Nevada Rural Housing Authority for eviction diversion programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 299, 311, 4866, 4868, 5778*, 7611.

476 ....Makes an appropriation to the University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 299, 311, 5752, 5756, 5966*, 7611.

477 ....Revises provisions relating to the counting of incarcerated persons for purposes of the apportionment of the population for certain election districts. Fiscal Note: Effect on Local Government: May have

No. *Summary, Introducer and Page Reference*

Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 300, 406, 767, 987, 993*, 4180, 4471.

478 ....Revises provisions governing construction times in counties and cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 300, 1652, 1653, 1960, 3642*, 4475, 5316, 5319, 5322, 6170.

479 ....Revises provisions relating to the taxation of agricultural real property. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 300, 350, 1653, 2792, 3559, 3607, 4808, 4976*, 7611.

480 ....Revises provisions relating to discrimination in housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager, Monroe-Moreno, Jauregui, Considine, Brown-May, Dalia, González, La Rue Hatch, Marzola, Miller, Moore, Nadeem, Orentlicher, Roth; Senators Cannizzaro, Dondero Loop and Nguyen, 300, 370, 681, 804, 995, 1000, 1208, 1650, 3607, 3613, 3614*, 4180, 4471, 7609, 7610.

481 ....Establishes the Sustainable Aviation Fuel Incentive Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 313, 333, 997, 1282, 1649.

482 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 313, 357, 405, 767.

483 ....Provides for priority review of certain applications for licensure to practice health professions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 313, 366, 405, 767, 4808, 4976, 5778*, 7611.

484 ....Revises provisions relating to the collection of data concerning providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 314, 370, 683, 804, 987, 993*, 4180, 4471.

485 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, 314, 333.

486 ....Makes various changes related to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 314, 1219, 1220, 1533, 3600, 3607, 3642*, 4180, 4801, 4805, 5854.

487 ....Directs the Joint Interim Standing Committee on Natural Resources to conduct a study during the 2025-2026 interim concerning the sale of cats and dogs by retail pet stores in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Natural Resources, 314, 997, 1286, 1653, 2788, 2789*, 4357, 5332, 5334, 6609.

488 ....Revises provisions relating to criminal convictions of certain victims. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary, 315, 362, 1653, 2792, 3562, 3643*, 4475, 5590, 5594, 6170.

489 ....Revises provisions relating to civil actions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 315, 1219, 1220, 1536, 1653, 2789*.

490 ....Revises provisions relating to the venue for certain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 315, 370, 683, 685, 999, 1187, 1650, 1653, 2789*, 4180, 4471, 7610.

491 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 315, 1219, 1220, 1540, 1653, 2789, 2790*, 4475, 5222, 5269, 6170.

492 ....Revises provisions relating to limousines. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 315, 362.

493 ....Revises provisions relating to the collection, disposal and retirement of certain types of waste. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 316, 371, 1219, 1220, 1590, 1653, 2790*, 3915, 4355.

494 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 316, 371, 1653, 2229, 2748, 2781, 6173, 6174, 6606*, 6958, 7264, 7273.

495 ....Revises provisions relating to charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 316, 1653, 2229, 2752, 3643*.

496 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 316, 1219, 1220, 1605, 1653, 2790*, 4475, 5279, 5287, 6170.

No. *Summary, Introducer and Page Reference*

497 ....Revises provisions relating to campaign finance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yeager, 317, 1653, 1964, 2223, 2224, 3643*, 4475, 5269, 5279, 6170.

498 ....Revises provisions relating to motor clubs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 317, 361, 367, 402, 685, 686, 687*, 3915, 4355.

499 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 317, 1653, 1964, 3613, 3614*, 3714, 7476, 7519.

500 ....Provides for the licensure and regulation of payments banks. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymember Yeager, 318, 369, 371, 683, 685, 5968, 6071, 6353, 6610, 6666, 6802*.

501 ....Authorizes certain pupils to receive academic credit for completing certain outdoor recreational activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yeager and Jauregui, 318, 1218, 1220, 1611, 1653, 2790, 2791*, 4356, 4805.

502 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 318, 362, 806, 1171, 1187, 4474, 4488*, 6427, 6580, 6591, 6862.

503 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Government Affairs, 318, 362, 1653, 2230, 2756, 2781, 4474, 4488, 4861*, 6426, 6862.

504 ....Establishes certain deceptive trade practices relating to the sale of or an offer to sell certain hemp products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 319, 371, 1653, 2792, 3567, 3607, 5753, 5851, 5967*, 7611.

505 ....Revises provisions relating to constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 319.

506 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 319, 371, 683, 804, 987, 993, 994*, 3714, 4180, 4471.

507 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 320, 371, 683, 804, 987, 994*, 4180, 4471.

508 ....Revises various provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 320, 333.

509 ....Revises provisions relating to the access of public rights-of-way by broadband providers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor, 320, 371, 1653, 2791, 3569, 3644*, 4180, 4471.

510 ....Makes various changes to the regulation of accountancy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 320, 361, 367, 402, 685, 687*, 3915, 4355.

511 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 321, 405, 767, 987, 994*, 4475, 5740, 5750, 6170.

512 ....Revises provisions relating to casualty insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 321, 1653, 2791, 3582, 3644*, 3915, 4355.

513 ....Revises provisions relating to chiropractic physicians and chiropractic assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 321, 1218, 1220, 1611, 3607, 3644*, 4180, 4471.

514 ....Makes revisions relating to mental health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 321, 362, 1219, 1220, 1627, 1649, 5968, 6117, 6353, 6354*, 7611.

515 ....Revises provisions relating to adoption assistance programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 322, 366, 1653, 1977, 2223, 5857, 5862, 5945, 6354*, 6958, 7273, 7277.

516 ....Revises provisions relating to Medicaid coverage for certain health services provided to children at schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 322, 333, 1219, 1220, 1642, 1649.

No. *Summary, Introducer and Page Reference*

517 ....Establishes a program for education concerning planning for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 322.

518 ....Revises provisions relating to the interstate placement of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 322, 405, 767, 987, 995*, 4356, 4805.

519 ....Creates a separate chapter of the Nevada Revised Statutes governing certain agencies and organizations that provide nonmedical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 323, 1653, 1979, 3644, 3645*, 4180, 4471.

520 ....Revises provisions relating to adoption. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 323, 1653, 2084, 3645*, 4475, 5433, 5444, 6170.

521 ....Revises provisions relating to the protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 323, 694, 969, 1206, 1207*, 3915, 4355.

522 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 323, 1653, 1654, 2096, 2223.

523 ....Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 324, 1653, 2230, 2768, 3645*, 3712, 3842.

524 ....Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 324, 366.

525 ....Provides for the issuance of special license plates and registration certificates for certain antique kei vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 324, 362.

526 ....Directs the Department of Motor Vehicles to cease using certain electronic systems for appointments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 325.

527 ....Authorizes the installation and use of school bus infraction detection systems on school buses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 325, 1653, 2792, 3585, 3645, 3646*, 4475, 5157, 5165, 6170.

528 ....Revises provisions relating to property tax abatements for certain buildings and structures which meet certain energy efficiency standards. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 325, 371, 405, 767.

529 ....Revises provisions governing facilities for the generation of electricity. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 325, 1653, 2230, 2774, 3646*.

530 ....Revises provisions relating to the imposition by certain counties of additional taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Growth and Infrastructure, 326, 694, 979, 1200, 1207*, 3712, 3842.

531 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 326, 371.

532 ....Revises provisions relating to fee waivers granted by the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education, 326, 371.

533 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 326, 371, 1653, 2229, 2776, 2781, 5857, 5862, 5949, 6185, 6537, 6541, 6550*, 7611.

534 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 327, 371, 406, 767, 5752, 5759, 6184, 6293, 6356, 6485*, 7611.

535 ....Revises provisions relating to the sales tax exemption for organizations created for religious, charitable or educational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 327, 366, 1653, 2793, 3593, 3646*, 4475, 5613, 5619, 6170.

536 ....Revises provisions relating to tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 327, 362.

537 ....Enacts provisions relating to the use of artificial intelligence by the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue, 328.

538 ....Revises provisions governing the Board of Economic Development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 328.

No. *Summary, Introducer and Page Reference*

539 ....Authorizes the Department of Employment, Training and Rehabilitation to establish a career coaching program for certain pupils in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue, 328, 998, 1220, 1295, 1649, 4808, 4982, 5778*, 7611.

540 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Government Affairs, 334, 339, 3914, 3994, 4146, 4808, 4984, 5778*, 7547, 7597.

541 ....Revises provisions relating to indigent petitioners. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 357, 4426, 4427, 4483*, 6426, 6862.

542 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 357, 362, 5752, 5759, 5968, 6132, 6354*, 7611.

543 ....Revises provisions relating to the lease of certain state real property for certain purposes and the sale of agricultural products produced on such real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 357, 4808, 4814, 5778*, 5779, 7611.

544 ....Revises provisions relating to certain licenses issued by the Division of Public and Behavioral Health of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 358, 4474, 4476, 4861*, 4862, 6173, 6607.

545 ....Increases certain fees relating to emissions testing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 358, 4426, 4427, 4484*, 6426, 6862.

546 ....Revises provisions relating to fees for registration of certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 358, 366.

547 ....Revises provisions relating to public employment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yeager, Considine, Dickman, D'Silva, Gallant, Goulding and Kasama, 366, 807, 1184, 1220, 1649, 1650*, 4180, 4471.

548 ....Revises provisions relating to vessels. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 367, 4426, 4428, 4484*.

549 ....Extends the date of reversion of certain previous appropriations made to the Nevada Gaming Control Board and the Interim Finance Committee. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 3682.

550 ....Revises provisions governing incompetent criminal defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3683, 4426, 4428, 4484*, 6958, 7519, 7524.

551 ....Requires a background investigation of employees, prospective employees, contractors and prospective contractors of certain governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 3683, 3747, 3846, 3892*, 5857, 6166, 6170, 6607.

552 ....Revises provisions relating to the Trust Fund for Child Welfare. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3683, 4474, 4478, 4862*, 6426, 6862.

553 ....Transfers the Division of Emergency Management of the Office of the Military to the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3683, 3845, 3862, 3892, 4474, 4499*, 6173, 6607.

554 ....Revises provisions relating to the Grant Matching Account. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3701, 4500, 4501, 4862*, 6173, 6607.

555 ....Establishes provisions relating to the coverage of prescription insulin drugs under certain policies of health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yeager, 3701, 4178, 4183, 4419*, 6173, 6607.

556 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3714, 4179, 4183, 4419*, 6426, 6862.

557 ....Revises provisions relating to the Department of Taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3715.

558 ....Makes appropriations to restore the balances in the Stale Claims Account, the Emergency Account and the Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3715, 4474, 4478, 4862*, 7611.

559 ....Makes a supplemental appropriation to the Office of the Extradition Coordinator within the Office of the Attorney General for an unanticipated shortfall related to extradition costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3715, 3915, 4038, 4332*, 4809, 5854.

No. *Summary, Introducer and Page Reference*

560 ....Makes a supplemental appropriation to the Division of Child and Family Services of the Department of Health and Human Services for an unanticipated shortfall related to the Rural Child Welfare budget account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3715, 4500, 4503, 4862*, 6173, 6607.

561 ....Makes a supplemental appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for an unanticipated shortfall related to firefighting costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3715, 3915, 4039, 4332*, 4809, 5854.

562 ....Makes appropriations to the Office of the Secretary of State for costs associated with the voter registration and elections management system and connectivity of automatic voter registration agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4500, 4503, 4862*, 6173, 6607.

563 ....Makes an appropriation to the Office of the State Controller for the costs of certain consulting services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4474, 4479, 4863*, 6173, 6607.

564 ....Makes an appropriation to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4474, 4479, 4863*, 6173, 6607.

565 ....Makes an appropriation to the Supreme Court of Nevada for the costs of the implementation of a statewide trial court electronic filing system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4474, 4480, 4863*, 6173, 6607.

566 ....Makes appropriations to and authorizes the expenditure of money by the Division of Museums and History of the Department of Tourism and Cultural Affairs for certain vehicles, tools and repairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4474, 4480, 4863*, 6173, 6607.

567 ....Makes an appropriation to the Nevada System of Higher Education for safety and security equipment and enhancements. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3716, 4474, 4480, 4863*, 7611.

568 ....Makes appropriations to the Nevada System of Higher Education for operational and instructional expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3717, 6424, 6547, 6550*, 7611.

569 ....Makes appropriations to the Department of Veterans Services for certain vehicles and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3717, 4474, 4480, 4863, 4864*, 6173, 6607.

570 ....Makes appropriations to the Department of Corrections for various purposes relating to certain technology, training and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3717, 4474, 4480, 4864*, 6958, 7277, 7280.

571 ....Makes appropriations to the Department of Education for certain surveys, offsets to decreases in federal grant funding, professional development costs, information technology projects, programs, grants and studies. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3717, 4500, 4504, 4864*, 6958, 7280, 7284.

572 ....Makes appropriations to the Department of Corrections for the replacement and purchase of certain equipment and furniture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3717, 4474, 4483, 4864*, 6426, 6862.

573 ....Makes an appropriation to the Department of Education to carry out the Incentivizing Pathways to Teaching Grant Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3718, 4500, 4507, 4864*, 6173, 6607.

574 ....Makes appropriations to the Department of Corrections for the purchase and replacement of equipment and furniture at High Desert State Prison. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3718, 4474, 4483, 4864*, 4865, 6426, 6862.

575 ....Makes appropriations to the Department of Public Safety for the replacement of computer hardware, equipment and associated software, vehicles and furniture and for information technology projects and a recruiting campaign. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains

No. *Summary, Introducer and Page Reference*

Appropriation not included in Executive Budget. Committee on Ways and Means, 3718, 4808, 4821, 5779*, 7611.

576 ....Makes appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the purchase and replacement of motorcycles, vehicles and equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3718, 4474, 4483, 4865*, 6426, 6862.

577 ....Makes appropriations to the State Department of Conservation and Natural Resources for a certain new website and database and for the replacement of vehicles and computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3718, 4474, 4483, 4865*, 6173, 6607.

578 ....Makes appropriations to the State Department of Conservation and Natural Resources for the replacement of computer and information technology equipment, vehicles and other equipment and for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3718, 4474, 4483, 4865*, 6173, 6607.

579 ....Makes an appropriation to the Department of Education for the replacement of the information technology system for educator licensure. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3719, 4474, 4483, 4865*, 6173, 6607.

580 ....Makes an appropriation to the Department of Indigent Defense Services for certain costs related to the provision of indigent defense services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3719.

581 ....Makes supplemental appropriations to the Department of Corrections for an unanticipated shortfall related to operating, travel, information services, personnel services, training, transportation, maintenance, utilities and inmate-driven expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 3719, 4148, 4150, 4333*, 7611.

582 ....Revises provisions relating to the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3719, 4474, 4483, 4865*, 6173, 6607.

583 ....Establishes for the 2025-2027 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Ways and Means, 3719, 3915, 4039, 4170*, 4805, 7184.

584 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Education, 3720, 3751.

585 ....Revises provisions relating to bill draft requests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3720, 4356, 4360, 4475, 6537, 6547*, 7611.

586 ....Makes supplemental appropriations to the Aging and Disability Services Division of the Department of Health and Human Services for an unanticipated shortfall related to costs associated with certain provider payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3751, 3861, 3916, 4170, 4171*, 4809, 5854.

587 ....Requires the transfer of certain money from the Account to Stabilize the Operation of the State Government to the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 3846.

588 ....Revises provisions relating to members of the Assembly of the Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 3861, 4356, 4361, 4484*, 5857, 6424.

589 ....Establishes requirements to protect the privacy of certain information and genetic material. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 3861, 4426, 4433, 4484*, 4485, 6173, 6607.

590 ....Makes appropriations to and authorizes the expenditure of money by the Office of the Military for certain projects, programs, equipment and contractual costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3862, 4474, 4483, 4866*, 6173, 6607.

591 ....Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on

No. *Summary, Introducer and Page Reference*

the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 3910, 4046, 4144, 4171*, 4805.

592 ....Revises provisions relating to the compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 3910, 4046, 4144, 4171*, 4805.

593 ....Makes appropriations to the Interim Finance Committee for costs associated with the implementation of the Enterprise Resource Planning System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means, 4149, 4474, 4483, 4871*, 4872, 6426, 6862.

594 ....Revises provisions relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Ways and Means, 4149, 4808, 4824, 5779*, 6958, 7524, 7532.

595 ....Revises provisions governing fiscal information for legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means, 4427, 5967, 5969, 6354*, 7611.

596 ....Makes appropriations and authorizations for certain compensation and benefits for state employees represented by a bargaining unit. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means, 4475, 5752, 5759, 5862, 5955, 6354*, 6355, 7475, 7533, 7546.

597 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember Yeager, 4476, 5967, 5969, 6185, 6268, 6355, 6356*, 7611.

598 ....Revises provisions relating to the development of certain parcels of state land. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Yeager, 4809, 5752, 5757, 5967*, 6958, 7284, 7286.

599 ....Revises provisions governing the Nevada Educational Choice Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means, 4809.

600 ....Revises provisions relating to legislative affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 4810, 5967, 5969, 6355*, 7611.

601 ....Revises provisions relating to boards, commissions, councils and similar bodies. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Hafen, 6174.

VETOED ASSEMBLY BILLS OF THE 82ND SESSION

No. *Summary, Introducer and Page Reference*

74 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 57, 133, 134.

160 ....Creates the Nevada-Ireland Trade Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Yeager, O'Neill and Gray, 57, 134, 135.

172 ....Revises provisions relating to the disclosure of certain records stored on the Internet. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Hansen, 57, 135, 136.

201 ....Revises provisions relating to the sealing of certain records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Roth, 57, 136, 137.

218 ....Requests that the Nevada Supreme Court study and adopt rules governing procedures for notifying defendants and persons who are issued a civil infraction citation of certain information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymember González, 57, 137.

224 ....Provides for the issuance of bonds to assist certain school districts in financing capital improvements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Mosca, DeLong, D'Silva, Flanagan, Gurr, Hansen, Jackson, Kasama and Nguyen, 57, 138, 139.

242 ....Revises provisions relating to the Sagebrush Ecosystem Council. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers DeLong, Gurr and Koenig, 57, 139.

243 ....Establishes certain partial tax exemptions for certain Nevada Gold Star Spouses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Hibbetts and D'Silva, 57, 139, 140.

246 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Considine, 57, 140, 141.

258 ....Revises provisions relating to brokerage agreements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Moore, Kasama and La Rue Hatch, 57, 141.

No. *Summary, Introducer and Page Reference*

281 ....Revises provisions relating to the state militia. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 57, 142.

305 ....Limits the amount a provider of health care may charge for filling out certain forms associated with certain leaves of absence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 57, 142, 143.

319 ....Makes revisions relating to providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Orentlicher, 57, 143, 144.

322 ....Provides that the association of a common-interest community may not prohibit a unit's owner or tenant of a unit's owner from operating a small child care establishment within a unit. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 57, 144, 145.

334 ....Revises provisions relating to oral health. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Kasama, Yurek, Hardy and Koenig, 57, 58, 145, 146.

340 ....Requires health insurance to cover certain screenings, assessments and diagnoses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 57, 58, 146, 147.

371 ....Enacts the Cosmetology Licensure Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Torres-Fossett, 57, 58, 147, 148.

383 ....Establishes provisions relating to programs of high-impact tutoring. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Hansen, Dickman, Cole, Edgeworth, Gurr, Hafen, Hardy, Hibbetts, Nguyen and O'Neill, 57, 58, 148, 149.

437 ....Provides for the establishment of the Fair Access to Insurance Requirements Plan. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymembers Dickman, Gray, Gurr, DeLong and Gallant, 57, 58, 149.

439 ....Revises provisions concerning the purchase or acquisition of certain unmanned aerial vehicles or other related equipment and services under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymember Cole, 57, 58, 149, 150.

498 ....Revises provisions relating to motor clubs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 57, 58, 150, 151.

527 ....Authorizes the installation and use of school bus infraction detection systems on school buses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 57, 58, 151.

INITIATIVE PETITIONS

No. *Summary and Page Reference*

1 ....Revises provisions relating to strikes by certain teachers and licensed educational personnel. 221, 222.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Proposes to amend the Nevada Constitution to revise certain provisions relating to property taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymembers Anderson, Considine and Senator Neal, 62, 205, 1219, 1220, 1647, 1653, 3612*, 3613.

2 ....Proposes to amend the Nevada Constitution to require that the language of a bill or joint resolution be made available to the public for at least 72 hours before a House may vote on the final passage of the bill or joint resolution. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 64, 153.

3 ....Revises provisions relating to the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 65, 153.

4 ....Revises provisions relating to the legislative process. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 66, 212.

5 ....Revises provisions relating to redistricting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 67, 168.

6 ....Urges Congress to extend the Social Security Fairness Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Miller, 68, 310, 333, 988, 998*, 4357, 4805.

7 ....Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Watts, Mosca, Hibbetts; Senators Nguyen and Stone, 68, 370, 407, 694, 695*.

8 ....Proposes to amend the Nevada Constitution to provide for the establishment of a business court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Dalia and Backus, 182, 333, 694, 696, 807, 808*, 4475, 5594, 5602, 6170.

9 ....Urges Congress to enact legislation to prohibit officers and agents of the United States Immigration and Customs Enforcement in the United States Department of Homeland Security from entering schools and places of worship for the purposes of enforcing federal immigration laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 212, 332, 988, 998*, 4357, 4805.

10 ....Urges the Federal Government to release federally managed land in Nevada for housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Jauregui, 232, 332, 988, 999*.

11 ....Urges Congress to enact the Protecting the Right to Organize Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember D'Silva, 260, 406, 695*, 4357, 4805.

12 ....Declares support of the Legislature for certain principles of solar energy development in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 266, 332.

13 ....Urges the Federal Government to maintain the moratorium on the testing of explosive nuclear weapons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 273, 299, 694, 808, 999*, 4357, 4805.

14 ....Condemns the January 6, 2021, attack on the U.S. Capitol and denounces the use of presidential pardons and commutations to absolve the rioters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymembers Yeager, Monroe-Moreno, Miller, Jauregui, Backus, Anderson, Brown-May, Carter, Considine, Dalia, D'Silva, Flanagan, González, Goulding, Hunt, Jackson, Karris, La Rue Hatch, Marzola, Moore, Mosca, Nadeem, Nguyen, Orentlicher, Roth, Torres-Fossett, Watts; Senators Scheible, Cannizzaro, Dondero Loop, Nguyen and Ohrenschall, 311, 406, 695, 811*, 4357, 4805.

No. *Summary, Introducer and Page Reference*

ASSEMBLY JOINT RESOLUTIONS OF THE 82ND SESSION

No. *Summary, Introducer and Page Reference*

5 ....Revises provisions relating to redistricting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymember Kasama, 57.

6 ....Urges Congress to extend the Social Security Fairness Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymember Miller, 57.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Joint Standing Rules of the Senate and Assembly for the 83rd Session of the Legislature. Committee on Legislative Operations and Elections, 10, 62, 133.

2 ....Authorizes additional reimbursement for travel in certain circumstances. Committee on Legislative Operations and Elections, 26, 131, 154.

3 ....Expresses gratitude to the National Conference of State Legislatures for 50 years of service. Assemblymembers Yeager, Hafen, Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, Yurek; Senators Cannizzaro, Titus, Buck, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Flores, Hansen, Krasner, Lange, Neal, Nguyen, Ohrenschall, Pazina, Rogich, Scheible, Steinbeck, Stone and Taylor, 334, 356, 363.

4 ....Grants administrative leave to legislative employees in recognition of their service to the 83rd Session of the Nevada Legislature. Committee on Legislative Operations and Elections, 6958, 7611.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Adopts the Standing Rules of the Assembly for the 83rd Session of the Legislature. Committee on Legislative Operations and Elections, 27, 133.

2 ....Provides for the appointment of the Assembly attaches. Committee on Legislative Operations and Elections, 48, 49, 133.

3 ....Provides allowances to the members of the Assembly for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections, 49, 133.

4 ....Provides for the appointment of additional attaches for the Assembly. Committee on Legislative Operations and Elections, 410, 995.

5 ....Adds former Assemblymember Odis "Tyrone" Thompson to the Assembly Wall of Distinction. Assemblymembers Yeager, Jauregui and Hafen, 3686, 3708.

6 ....Expresses appreciation to the staff of the Assembly for their service during the 83rd Session of the Nevada Legislature. Assemblymember Yeager, 7310.

7 ....Expresses appreciation to the staff of the Legislative Counsel Bureau. Assemblymember Yeager, 7311.

8 ....Designates certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2025-2027 biennium. Committee on Legislative Operations and Elections, 7547.

LISTING OF SENATE BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1 ....Makes an appropriation to the Legislative Fund for the costs of the 83rd Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Cannizzaro and Titus, 9*, 129.

4 ....Revises provisions relating to consent to adoption. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 311, 319, 3712, 3783, 3857, 3893*, 4355.

6 ....Makes an appropriation to the Desert Research Institute of the Nevada System of Higher Education to support the Nevada State Cloud Seeding Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Natural Resources, 4867, 6608, 6610, 6862, 6956*.

7 ....Revises provisions relating to presentence investigations and reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3657, 3658, 3712, 3783, 3857, 3893*, 6958.

8 ....Revises provisions relating to services provided by the Aging and Disability Services Division of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 807, 811, 3704, 3721, 3748, 3857, 3893*, 4355.

9 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 807, 811, 3704, 3721, 3748, 3857, 3893*, 4355.

10 ....Revises provisions relating to certain reports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 807, 811, 3701, 3707, 3746, 3748, 3857, 3893*, 4355.

11 ....Revises provisions relating to the payment of extended unemployment benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 807, 812, 3700, 3707, 3746, 3748, 3857, 3893, 3894*, 4355.

12 ....Revises provisions relating to the Office of the Chief Information Officer within the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 4180, 4181, 4808, 4831, 5779*, 6424.

13 ....Revises provisions relating to the disposition of bail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 807, 812, 3712, 3787, 3857, 3894*, 4355.

15 ....Revises various provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 3657, 3658, 3712, 3787, 3857, 3894*, 6486, 6607, 6609, 7296, 7310, 7611.

16 ....Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 1219, 1220, 3700, 3707, 3746, 3748, 3857, 3894*, 4355.

17 ....Revises provisions relating to specialty courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 1219, 1220, 3712, 3798, 3857, 3894*, 4355.

19 ....Authorizes the Governor to enter into certain interstate fire compacts. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 807, 812, 3701, 3707, 3746, 3748, 3857, 3894*, 3895, 4355.

20 ....Revises provisions relating to judicial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3657, 3658, 3747, 3846, 3895*, 6958.

21 ....Revises provisions relating to outdoor recreation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 807, 812, 3701, 3707, 3746, 3748, 3857, 3895*, 4355.

24 ....Provides for the certification and regulation of emergency medical responders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 3657, 3658, 3704, 3721, 3748, 3857, 3895*, 4355.

25 ....Revises provisions relating to fire protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 1653, 1654, 3712, 3798, 3857, 3895*, 4355.

26 ....Revises provisions authorizing certain entities to obtain information relating to the records of criminal history of certain persons responsible for the safety and well-being of children, elderly persons or

No. *Summary, Introducer and Page Reference*

persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 998, 1000, 3712, 3798, 3857, 3895*, 4355.

27 ....Revises provisions relating to museums. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 998, 1000, 3712, 3798, 3857, 3896*, 6173, 6424.

28 ....Revises provisions relating to municipalities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 1219, 1220, 3712, 3809, 3857, 3896*, 4355.

30 ....Revises provisions relating to prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 998, 1000, 3712, 3809, 3857, 3896*, 4355.

31 ....Revises provisions relating to the adjudication of vested water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 807, 812.

35 ....Revises provisions governing certain offenses relating to prisoners. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 4357, 4358, 6173, 6185, 6550*, 6551, 7598.

36 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 4474, 4476, 4866, 4871, 5779*, 6424.

38 ....Revises provisions relating to school emergency operations plans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 356, 358, 3704, 3721, 3748, 3857, 3896*, 4355.

39 ....Revises provisions relating to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 4357, 4358, 4808, 4831, 5779*, 6424.

41 ....Revises provisions relating to the taxation of cannabis establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 3666, 3667, 3860, 3916, 4171*, 4471.

43 ....Revises provisions relating to public health and safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services, 998, 1000, 3705, 3721, 3748, 3857, 3896*, 6958.

44 ....Revises provisions relating to financial services. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 3666, 3667, 3700, 3707, 3746, 3748, 3857, 3896, 3897*, 4355.

45 ....Revises provisions relating to educational programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 807, 812, 3704, 3743, 3748, 3857, 3897*, 4355.

46 ....Revises provisions governing gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 807, 812, 3860, 3916, 4171*, 4471.

48 ....Revises provisions relating to planning and zoning. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 3657, 3658, 3910, 3916, 4333*, 7598.

49 ....Revises provisions relating to consumer protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 3657, 3659, 3711, 3809, 3857, 3897*, 4180, 4355.

52 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education, 356, 358, 3704, 3743, 3748, 3857, 3897*, 4355.

54 ....Requires Medicaid to provide coverage of certain services for persons experiencing homelessness. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 4809, 4810, 5752, 5758, 6148, 6424, 6551*, 7598.

60 ....Revises provisions governing crimes committed against older or vulnerable persons. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 4500, 6608, 6610, 6862, 6956*.

62 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Judiciary, 5753, 5754, 6173, 6185, 6228, 6609, 6862, 6956*.

63 ....Revises provisions relating to the processing of certain data. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor, 311, 4867, 6957, 6959, 7145, 7173, 7176, 7177*.

No. *Summary, Introducer and Page Reference*

66 ....Revises provisions governing certain postconviction petitions for a writ of habeas corpus. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 356, 358, 3712, 3818, 3857, 3897*, 4355.

69 ....Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue and Economic Development, 3666, 3667, 4179, 4183, 4419*, 6427, 6607.

71 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3666, 3667, 3910, 3919, 4333*, 6609, 7598.

72 ....Revises the Charter of the City of Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 998, 1000, 3712, 3818, 3857, 3897*, 3898, 4355.

74 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 4809, 4810, 6228, 6426, 6427, 6484, 6864, 6867, 7397, 7399*, 7400.

76 ....Revises provisions relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 4809, 4810, 6173, 6185, 6551*, 7598.

80 ....Revises certain provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 3657, 3659, 4179, 4206, 4419*.

81 ....Revises various provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 6427, 6802, 6803, 6862, 6957*, 6958.

83 ....Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 4180, 4181, 4358, 4847, 4854, 5753, 6148, 6424, 6551*, 7598.

84 ....Revises provisions relating to domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services, 807, 812, 3704, 3743, 3748, 3857, 3898*, 4355.

85 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 5857, 6426, 6482, 6862, 6957*.

87 ....Revises provisions relating to forensic medical examinations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 3657, 3659, 3915, 4039, 4146, 4149, 4474, 4499*, 6609, 7598.

88 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 4180, 4181, 5752, 5759, 6148, 6413, 6551*, 6609, 7598.

89 ....Revises provisions relating to firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Pazina, 3915, 3916, 4179, 4211, 4419*, 4420, 4805.

90 ....Makes an appropriation to the Department of Education for the provision of grants to organizations to provide certain supplies and materials to teachers and specialized instructional support personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Dondero Loop, 4867, 6608, 6613, 6862, 7400*.

91 ....Establishes provisions relating to the use of diacritical marks in certain governmental records. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Doñate and Assemblymember González, 3657, 3659, 3860, 3926, 4146, 4149.

93 ....Establishes certain labor standards for the award of grants of federal money by a state agency for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 1219, 1221, 3712, 3818, 3857, 3910, 4146, 4176, 4333*, 4805.

96 ....Designates January 27 as "International Holocaust Remembrance Day" in the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Krasner, Lange, Ohrenschall, Pazina, Stone, Buck, Cannizzaro, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Flores, Neal, Nguyen, Rogich, Scheible, Steinbeck, Taylor, Titus; Assemblymembers Considine, DeLong, D'Silva, Edgeworth, Flanagan, Jackson, Karris, Kasama and Nguyen, 272, 284, 369, 683, 803*, 1653, 3647.

97 ....Makes revisions to the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Commerce and Labor, 998, 1000, 3700, 3707, 3746, 3748, 3857, 3910, 3915, 4146, 4171, 4172*, 4471.

99 ....Authorizes, under certain circumstances, certain governing bodies of a city or county to impose linkage fees on certain developers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 1653, 1654, 3712, 3818, 3857, 3910, 3915, 4146, 4171, 4172*, 4471.

No. *Summary, Introducer and Page Reference*

100 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Daly, 3666, 3667, 3860, 3929, 4333*, 6173, 6607.

101 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Daly, 998, 1000, 3860, 3934, 4176, 4332, 4354, 4358.

102 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Daly, 807, 812, 3712, 3818, 3857, 3910, 4146, 4176, 4333, 4334*, 4805.

104 ....Makes appropriations to the Other State Education Programs Account for allocation to certain nonprofit organizations for the creation and maintenance of school gardens and to certain other nonprofit organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Pazina, 5968, 6608, 6613, 6631, 6862, 6864, 6919, 6952, 6955*, 6956.

106 ....Revises provisions relating to the operation of vessels. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, 406, 411, 3686, 3701, 4474, 4499*, 5750.

108 ....Revises provisions governing the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Titus, 4180, 4182, 4866, 4871, 5780*, 6424.

113 ....Revises provisions relating to parking privileges for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Steinbeck, 3657, 3659, 3860, 3934, 4176, 4334*, 4805.

114 ....Revises provisions governing certain landlords. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Cruz-Crawford, Daly, Doñate, Flores, Krasner, Nguyen, Ohrenschall, Scheible, Steinbeck, Stone, Taylor and Assemblymember O'Neill, 807, 812, 3711, 3818, 3853, 3910, 4146, 4176, 4334, 4335*, 4867, 5854.

115 ....Makes various changes relating to bilingual education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cruz-Crawford, Doñate and Assemblymember Moore, 3657, 3659, 4179, 4211, 4420*, 5857, 6170.

116 ....Revises provisions relating to the compensation of elected county officers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Daly, 3666, 3667, 3845, 3862, 4146, 4176, 4332, 4354, 4420*, 4805.

117 ....Revises provisions relating to services for veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cruz-Crawford and Assemblymember Moore, 998, 1000, 3712, 3820, 3857, 3910, 4146, 4176, 4335*, 4805.

119 ....Revises provisions relating to the NV Grow Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Neal, 5857, 6608, 6613, 6862, 7546*.

120 ....Revises provisions relating to the administration of justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Scheible, 807, 813, 3860, 3934, 4176, 4335*, 4805.

121 ....Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Neal, 3657, 3659, 3712, 3821, 3857, 3910, 4146, 4176, 4335*, 4867, 6170.

124 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Doñate, Flores, Stone, Taylor and Assemblymember González, 3666, 3667, 3860, 3934, 4176, 4332, 4354, 4420*, 4805.

125 ....Revises provisions relating to services provided to victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Steinbeck, 3657, 3659, 3860, 3934, 4176, 4335*, 4805.

128 ....Makes changes related to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 3666, 3667, 4178, 4218, 4358, 4427, 5753, 5760, 6148, 6424, 6551, 6552*, 6609, 7598.

130 ....Provides for the issuance by the State Contractors' Board of a restricted license. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Doñate, Flores and Steinbeck, 3658, 3659, 3860, 3934, 4332, 4354, 4420*, 6173, 6424.

132 ....Makes an appropriation to the Nevada Clean Energy Fund for securing and implementing grants for qualified clean energy projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Nguyen, 5968, 5969, 6608, 6613, 6862, 7397*.

No. *Summary, Introducer and Page Reference*

133 ....Makes an appropriation to the Nevada Center for Civic Engagement to support civics education programs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Dondero Loop, 5753, 5754, 6608, 6613, 6862, 7547*.

135 ....Makes an appropriation to Communities In Schools of Nevada to provide integrated student support services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Cannizzaro, 6228, 6608, 6614, 6862, 7397*.

137 ....Requires the establishment of a program relating to medical emergencies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 807, 813, 3747, 3849, 3910, 4146, 4176, 4335*, 4336, 4805.

138 ....Makes revisions governing health care for pregnant women and newborn children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cannizzaro; Assemblymembers Brown-May, González, Gray, Nadeem, Nguyen and Orentlicher, 1219, 1221, 3860, 3938, 4336*, 4805.

140 ....Revises provisions governing certain programs of treatment established by the juvenile court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall, Krasner and Assemblymember Hansen, 311, 319, 3915, 4044, 4336*, 5857, 6170.

141 ....Revises provisions relating to local facilities for detention. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Scheible, 998, 1001, 3860, 3942, 4176, 4336*, 4805.

142 ....Revises provisions governing property that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Doñate, 807, 813, 3860, 3942, 4176, 4336*, 4805.

143 ....Revises provisions relating to natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Nguyen, 807, 813.

147 ....Creates the Southern Nevada Regional Planning for Economic Resiliency Pilot Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Dondero Loop, 5753, 5754.

155 ....Revises provisions governing peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Flores, 3657, 3659, 3845, 3862, 4146, 4176, 4336*, 4337, 4805.

156 ....Revises provisions relating to the prevention of gun violence. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Flores, 5857, 6173, 6185, 6552*, 7598.

157 ....Revises provisions relating to the testing of cannabis and cannabis products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Flores, 356, 359, 4356, 4357, 4361, 4367, 4809, 4855, 5780*, 6427, 6607.

160 ....Revises provisions relating to the Nevada Equal Rights Commission. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 4357, 4358, 4808, 4831, 5780*, 6424.

161 ....Revises provisions relating to local government employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Nguyen, 201, 3915, 3916, 4179, 4225, 4358, 4367*, 4805.

162 ....Revises provisions relating to state financing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cruz-Crawford, Krasner and Rogich, 1219, 1221, 3712, 3829, 3857, 3910, 4146, 4176, 4337*, 4805.

165 ....Establishes provisions relating to behavioral health. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Nguyen, Buck and Steinbeck, 5753, 5754, 6183, 6227, 6552*, 7598.

166 ....Revises provisions relating to housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Scheible, 3666, 3667, 3860, 3942, 4176, 4337*, 4805.

167 ....Prohibits the importation and sale of household cleaning products for which animal testing was performed. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Scheible and Krasner, 3666, 3668, 3860, 3942, 4176, 4337*, 4805.

168 ....Revises provisions relating to cannabis. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Nguyen, 3666, 3668, 3915, 4133, 4337*, 4867, 5854.

169 ....Prohibits a third-party reservation service platform provider from engaging in certain activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Doñate, Buck and Steinbeck, 3657, 3660, 3860, 3942, 4337*, 4805.

170 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Steinbeck and Scheible, 4474, 4476, 6183, 6227, 6552*, 7598.

No. *Summary, Introducer and Page Reference*

171 ....Enacts a shield law to protect the transgender community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall and Scheible, 3657, 3660, 3860, 3946, 4176, 4338*, 4805.

172 ....Prescribes certain rights for agricultural workers. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Flores, 4500, 6183, 6227, 6550, 6631, 6658, 6862.

173 ....Establishes provisions relating to the environment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Neal, 4809, 4810, 6608, 6614, 6862, 7598*.

175 ....Revises provisions governing the treatment of certain military credentials in the licensure and hiring of educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Rogich and Cruz-Crawford, 4500, 4501, 6183, 6227, 6552*, 7598.

177 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Ohrenschall, 3666, 3668, 4179, 4225, 4420*, 4421, 4867, 6170.

179 ....Revises provisions relating to discrimination. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ohrenschall, Buck, Stone, Krasner, Cannizzaro, Daly, Ellison, Flores, Neal, Pazina and Rogich, 3657, 3660, 3910, 3946, 4332, 4354, 4357, 4358, 4425, 4426*, 6958.

180 ....Revises provisions relating to motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Flores, 3666, 3668.

181 ....Provides for the issuance of special license plates indicating support for Nevada State University. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Cruz-Crawford, 3657, 3660, 3712, 3829, 3857, 3910, 4146, 4176, 4332, 4354, 4421*, 4805.

182 ....Revises provisions relating to the staffing of health care facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Nguyen, 4357, 4358, 4475, 6609, 6630, 6862, 6952*.

183 ....Revises provisions relating to caseworkers of agencies which provide child welfare services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Scheible, 3657, 3660, 3747, 3849, 3910, 4146, 4176, 4338*, 4805.

185 ....Revises provisions relating to Medicaid reimbursement for care of disabled or chronically ill children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Taylor and Krasner, 6427, 6608, 6630, 6862, 7397*.

187 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Pazina, 998, 1001, 3860, 3947, 4338*, 6427, 6607.

188 ....Establishes procedures to assist certain persons with limited English proficiency in accessing health care in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Doñate, 3657, 3660, 3845, 3862, 4146, 4176, 4338*, 4805.

189 ....Provides for the licensure and regulation of genetic counselors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Lange, Cannizzaro, Cruz-Crawford, Daly, Flores, Neal, Ohrenschall, Pazina, Scheible and Taylor, 3666, 3668, 3860, 3950, 4176, 4332, 4354, 4421*, 4805.

191 ....Revises provisions relating to court reporters and court reporting firms. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Daly, 3666, 3668, 4178, 4243, 4421*, 6173, 6424.

192 ....Revises provisions relating to public health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Neal, 4809, 4810, 5967, 5969, 6424, 6553*, 6561, 6610, 6712, 7397, 7398*.

193 ....Establishes a pilot program to reduce interest rates on mortgage loans to certain eligible borrowers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Doñate, Neal, Scheible, Cannizzaro, Ohrenschall, Cruz-Crawford, Daly, Dondero Loop, Flores, Lange, Nguyen, Pazina and Taylor, 5857, 5858, 6608, 6630, 6862.

194 ....Revises provisions governing the short-term lease of a passenger car. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Scheible, 3657, 3660, 3860, 3950, 4176, 4338*, 4805.

196 ....Authorizes a heavy equipment rental company to charge a recovery fee to offset taxes levied on certain heavy equipment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro, 1653, 1654, 3860, 3950, 4176, 4332, 4354, 4421*, 4805.

198 ....Revises requirements relating to payment of wages and compensation to certain employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 3666, 3668, 3860, 3950, 4176, 4338, 4339*, 4805.

201 ....Prohibits certain restrictions on the display of religious or cultural items under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Neal, Flores,

No. *Summary, Introducer and Page Reference*

Scheible, Krasner, Cannizzaro, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Lange, Nguyen, Ohrenschall, Rogich, Steinbeck, Stone, Taylor; Assemblymembers Roth, Nguyen and Gallant, 3657, 3660, 4179, 4267, 4421*, 4867, 6170.

202 ....Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Ellison, Stone and Steinbeck, 3657, 3660.

203 ....Revises provisions relating to the pari-mutuel system of wagering. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Pazina, 998, 1001, 3712, 3829, 3857, 3910, 4146, 4176, 4339*, 4805.

207 ....Requires the establishment of a program of all-inclusive care for the elderly. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Taylor, Doñate, Neal, Daly and Stone, 6427, 6608, 6630, 6862, 7397, 7398*.

208 ....Revises provisions governing certain surcharges imposed by a county. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Steinbeck, Stone and Doñate, 3658, 3660, 3845, 3873, 4146, 4176, 4339*, 4805.

210 ....Revises provisions relating to fees collected by constables and sheriffs for certain services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Stone and Ohrenschall, 3658, 3661, 3845, 3873, 4146, 4176, 4332, 4354, 4422*, 4805.

213 ....Revises provisions relating to the crime of unlawful dissemination of an intimate image. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Stone, Krasner, Steinbeck, Buck and Ellison, 3657, 3661, 3915, 4046, 4339*, 4867, 6170.

215 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Titus, Daly; Assemblymembers Watts and Yurek, 3658, 3661, 3712, 3829, 3857, 3910, 4146, 4176, 4339*, 4805.

217 ....Makes revisions relating to reproductive health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Nguyen, Scheible, Pazina, Dondero Loop, Cruz-Crawford, Daly, Doñate, Flores, Lange, Neal, Ohrenschall and Taylor, 4809, 4810, 6183, 6227, 6228, 6609, 6862, 7397, 7398*.

218 ....Enacts the Uniform Antitrust Pre-Merger Notification Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 3666, 3668.

225 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections, 807, 813, 3686, 3701, 3707, 3746, 3748, 3857, 3910, 3915, 4146, 4171, 4172*, 4471.

226 ....Revises provisions relating to legislative affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections, 4500, 4501, 6173, 6185, 6553*, 6958.

229 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Dondero Loop, Flores, Cruz-Crawford, Daly, Lange, Nguyen, Ohrenschall, Pazina, Scheible; Assemblymembers Nguyen, Anderson and Dalia, 4474, 4476, 6608, 6631, 6862.

231 ....Establishes provisions relating to the collection and destruction of unused drugs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Stone, Steinbeck, Krasner, Buck, Ellison, Nguyen and Scheible, 4474, 4476, 6183, 6227, 6553*, 7598.

233 ....Revises provisions relating to agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Doñate and Flores, 4867, 6608, 6631, 6862, 7397, 7398*.

235 ....Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hansen, 3657, 3661, 4046, 4144, 4339*, 4340, 4867, 5854.

240 ....Revises provisions relating to state business licenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Pazina, Lange, Steinbeck, Dondero Loop, Flores, Ellison, Hansen and Krasner, 4180, 4182, 4808, 4831, 4837.

241 ....Revises provisions relating to juvenile probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 998, 1001, 3712, 3829, 3857, 3910, 3915, 4146, 4171, 4172*, 4471.

245 ....Makes various changes relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Lange, Cruz-Crawford, Cannizzaro, Daly, Doñate, Nguyen, Pazina, Scheible, Taylor; Assemblymembers Anderson and Nguyen, 4474, 4476.

No. *Summary, Introducer and Page Reference*

246 ....Revises provisions relating to health insurance coverage for gynecological or obstetrical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Lange, Cruz-Crawford, Pazina, Taylor, Daly, Flores, Nguyen and Scheible, 361, 362, 3860, 3950, 4340*, 6173, 6424.

251 ....Revises provisions relating to psychological assistants, psychological interns and psychological trainees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Cruz-Crawford, Doñate, Nguyen, Ohrenschall, Pazina and Taylor, 3666, 3668, 3860, 3959, 4176, 4332, 4354, 4422*, 4805.

256 ....Revises provisions relating to gaming. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Nguyen and Assemblymember Miller, 371, 3915, 4048, 4340*, 6173, 6424.

257 ....Revises provisions relating to autism. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Dondero Loop, Cruz-Crawford, Krasner, Ohrenschall, Cannizzaro, Flores, Nguyen, Pazina, Rogich and Assemblymember Torres-Fossett, 4356, 4359, 6184, 6227, 6553*, 7598.

258 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Nguyen, Cannizzaro, Stone, Titus, Buck, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Krasner, Lange, Ohrenschall, Pazina, Rogich, Scheible, Steinbeck, Taylor; Assemblymembers Nguyen, Yurek, Hafen, Marzola, Torres-Fossett, Anderson, Carter, Cole, Dalia, Edgeworth, González, Gray, Gurr, Hardy, Jackson, Jauregui, Karris, Kasama, Koenig, Monroe-Moreno, Moore, O'Neill, Orentlicher, Roth, Watts and Yeager, 3666, 3668, 3711, 3829, 3842, 3846, 3861, 3892*, 4426, 4805.

260 ....Revises provisions relating to air quality. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Flores, Doñate, Scheible; Assemblymembers Moore, González and D'Silva, 6427, 6486, 6537, 6609, 6862, 7397, 7398, 7399*.

262 ....Revises provisions relating to graduate medical education. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Pazina, Dondero Loop, Cannizzaro, Doñate, Nguyen, Cruz-Crawford, Daly, Flores, Lange, Neal, Ohrenschall, Scheible, Taylor; Assemblymembers Marzola, Monroe-Moreno, Brown-May, Considine, Watts, Anderson, Backus, Dalia, D'Silva, Edgeworth, Flanagan, González, Goulding, Hunt, Jackson, Jauregui, Karris, La Rue Hatch, Moore, Mosca, Nadeem, Nguyen, Orentlicher, Roth, Torres-Fossett and Yeager, 4180, 4182, 5967, 6007, 6140, 6609, 6862, 6959, 7173*.

263 ....Revises provisions relating to pornography involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cannizzaro, Pazina, Dondero Loop, Nguyen, Doñate; Assemblymembers Dalia, Hardy, Gray, Yeager and Marzola, 4500, 4501, 6173, 6224, 6553, 6554*, 7598.

266 ....Revises provisions governing the Student Loan Repayment for Providers of Health Care in Underserved Communities Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Taylor, Cruz-Crawford, Cannizzaro, Daly, Doñate, Dondero Loop, Flores, Ohrenschall, Pazina and Scheible, 998, 1001, 3712, 3835, 3857, 3910, 4146, 4176, 4340*, 4805.

268 ....Revises provisions relating to insurance coverage for certain dental services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Flores, 3666, 3669, 3860, 3959, 4176, 4340*, 4805.

273 ....Revises provisions governing the confidentiality of the personal information of certain persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3657, 3661, 3845, 3873, 3915, 4146, 4171, 4172*, 4173, 4471.

274 ....Revises provisions governing state boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs, 998, 1001, 3712, 3835, 3857, 3910, 3915, 4146, 4171, 4173*, 4471.

275 ....Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro, 4500, 4501, 6184, 6227, 6554*, 7598.

276 ....Revises provisions relating to water. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Hansen, Flores, Buck, Krasner, Stone, Doñate, Ellison, Ohrenschall, Pazina, Scheible, Steinbeck, Taylor; Assemblymembers Watts, O'Neill, Anderson, Karris and La Rue Hatch, 1113, 3658, 3661, 3860, 3959, 4176, 4340*, 4805.

277 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cruz-Crawford, Doñate; Assemblymembers Jackson, Anderson and D'Silva, 4809, 4811, 6183, 6227, 6554*, 7598.

278 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cruz-Crawford, Ohrenschall, Doñate, Flores, Nguyen; Assemblymembers González and Torres-Fossett, 3666, 3669, 3711, 3835, 3857, 3910, 4146, 4176, 4341*, 4805.

No. *Summary, Introducer and Page Reference*

279 ....Revises provisions relating to law enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Pazina, Cannizzaro, Cruz-Crawford, Doñate, Ohrenschall and Scheible, 3657, 3661, 3712, 3835, 3857, 3910, 4146, 4176, 4341*, 4805.

280 ....Makes an appropriation to the University of Nevada, Las Vegas, School of Dental Medicine for cleft and craniofacial health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Nguyen, Pazina, Steinbeck, Titus, Cannizzaro, Cruz-Crawford, Daly, Doñate, Dondero Loop, Flores, Hansen, Krasner, Ohrenschall, Scheible, Taylor; Assemblymembers Torres-Fossett, Dickman, Nguyen, D'Silva, Edgeworth and Watts, 5753, 5754, 6608, 6631, 6862, 7397, 7399*.

281 ....Revises provisions relating to certain foster care and behavioral health programs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Nguyen, 4809, 4811, 6957, 7173, 7174, 7176*.

284 ....Revises provisions relating to child welfare. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Scheible, Nguyen, Cruz-Crawford, Daly, Doñate, Dondero Loop, Flores, Ohrenschall and Taylor, 3666, 3669, 3747, 3849, 3910, 4146, 4176, 4341*, 4805.

285 ....Revises provisions relating to apprenticeships. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Daly, 3666, 3669, 3845, 3873, 4146, 4176, 4341*, 4805.

287 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 3657, 3661.

290 ....Revises provisions relating to regional transportation commissions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Growth and Infrastructure, 998, 1001, 3712, 3835, 3857, 3910, 3915, 4146, 4171, 4173*, 4471.

291 ....Requires the Department of Motor Vehicles to establish procedures by which a victim of identity theft may obtain a new driver's license number. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Doñate, Flores and Taylor, 807, 813, 3860, 3959, 4176, 4341*, 4805.

292 ....Revises provisions relating to Medicare supplemental policies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Lange, 361, 362, 4148, 4152, 4341, 4342*, 6173, 6424.

293 ....Revises provisions relating to intercollegiate athletics. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lange, 807, 813, 3860, 3959, 4342*, 4867, 6170.

294 ....Revises provisions relating to physician assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Flores and Assemblymember D'Silva, 3666, 3669.

295 ....Revises provisions related to food establishments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Doñate, Flores; Assemblymembers González, Moore and D'Silva, 3666, 3669, 3860, 3965, 4332, 4354, 4368, 4423*, 4424, 4867, 5854.

297 ....Revises provisions relating to periods of observance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Nguyen, Ohrenschall and Scheible, 998, 1001, 3712, 3835, 3857, 3910, 4146, 4176, 4342*, 4805.

298 ....Revises provisions relating to peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs, 998, 1001, 4179, 4273, 4422*, 7598.

299 ....Revises provisions relating to senior living communities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Cannizzaro, Daly, Flores, Lange, Nguyen, Ohrenschall and Taylor, 3609, 3747, 3849, 3910, 4146, 4176, 4342*, 4805.

300 ....Makes revisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Flores, Cruz-Crawford, Cannizzaro, Daly, Ohrenschall, Pazina and Taylor, 5753, 5754, 6184, 6227, 6228, 6609, 6862, 7397, 7399*.

301 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Cannizzaro, Cruz-Crawford, Daly, Doñate, Flores, Nguyen, Ohrenschall and Pazina, 998, 1001, 3712, 3836, 3857, 3910, 4146, 4176, 4342*, 4805.

303 ....Revises provisions relating to civil liability to persons using certain premises for recreational activity under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3657, 3661, 3915, 4051, 4342, 4343*, 4867, 6170.

305 ....Revises provisions relating to interscholastic activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Steinbeck, Cruz-Crawford, Flores, Nguyen, Ohrenschall; Assemblymembers Torres-Fossett, Hibbetts and Yeager, 3657, 3661, 3860, 3975, 4332, 4358, 4381, 4424*, 6173, 6424.

306 ....Revises provisions relating to mental health services for children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cruz-Crawford and Assemblymember Mosca, 3666, 3669, 3860, 3978, 4332, 4358, 4388, 4424*, 4427, 6803, 6849.

No. *Summary, Introducer and Page Reference*

309 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Steinbeck, 6173, 6174, 6426, 6482, 6862, 7397, 7399*.

311 ....Imposes certain requirements upon certain alarm companies. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Ellison, 3658, 3662.

312 ....Enacts provisions relating to the health of American Indians. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 4500, 4501, 5752, 5758, 6148, 6424, 6554*, 7598.

313 ....Revises provisions relating to state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 3666, 3669, 3845, 3873, 4146, 4176, 4343*, 4805.

315 ....Authorizes the Department of Transportation to enter into a progressive design-build contract for a certain project. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 3657, 3662, 3712, 3836, 3857, 3910, 4146, 4176, 4343*, 4805.

316 ....Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Nguyen, Stone, Titus, Buck, Cruz-Crawford, Daly, Krasner, Ohrenschall and Scheible, 6173, 6174, 6486, 6610, 6632, 6862, 7311, 7397, 7400*.

317 ....Revises provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Daly, 5753, 5754, 6486, 6862, 6952*, 6958.

318 ....Revises provisions relating to charter schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Daly, Doñate, Lange and Taylor, 6173, 6174.

319 ....Requires the Washoe County Board of County Commissioners, Reno City Council and Sparks City Council to establish a board to study the creation of a county fire protection district within certain territory. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Daly and Taylor, 3657, 3662, 3747, 3849, 3910, 4146, 4176, 4343*, 6958.

320 ....Revises provisions relating to crosswalks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Scheible, 3657, 3662, 3712, 3836, 3857, 3910, 4146, 4176, 4344*, 4805.

321 ....Revises provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Nguyen, 406, 411, 3712, 3836, 3857, 3910, 4146, 4176, 4344*, 4805.

322 ....Revises provisions relating to the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Taylor and Assemblymember Hansen, 998, 1002, 3711, 3836, 3857, 3910, 4146, 4176, 4344*, 4805.

323 ....Revises provisions relating to offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Cruz-Crawford, Doñate, Nguyen and Taylor, 4500, 4501, 6173, 6224, 6228.

324 ....Establishes prohibitions relating to the sale of water in certain disposable plastic bottles in communities abutting the Lake Tahoe Watershed. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Scheible and Nguyen, 3657, 3662.

325 ....Authorizes certain counties and cities to establish a program relating to the adoption of certain animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Cruz-Crawford, Scheible, Steinbeck, Stone, Ellison, Krasner, Nguyen, Pazina, Taylor; Assemblymembers D'Silva, Gallant and Gray, 3657, 3662, 3712, 3836, 3857, 3910, 4146, 4176, 4344*, 4805.

326 ....Requires certain public utilities to submit an annual report to the Public Utilities Commission of Nevada relating to the infrastructure of the public utility. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cruz-Crawford, 3666, 3669, 3860, 3984, 4176, 4344*, 4805.

327 ....Revises provisions relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cruz-Crawford, 807, 813, 3860, 3984, 4176, 4344, 4345*, 4805.

329 ....Requires certain persons to complete training relating to elderly persons and persons with cognitive impairments. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Flores, Dondero Loop, Taylor; Assemblymembers Goulding and Nguyen, 4357, 4359, 5752, 5758, 6148, 6424, 6554, 6555*, 7598.

330 ....Revises provisions relating to facilities for skilled nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Neal, 3666, 3669, 3747, 3852, 3910, 4146, 4176, 4345*, 4805.

334 ....Revises provisions relating to the employment of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Neal, 3666, 3670, 3915, 4056, 4345*, 4867, 6170.

336 ....Establishes provisions relating to portable benefit accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rogich, 3666, 3670.

No. *Summary, Introducer and Page Reference*

338 ....Revises provisions relating to the sale of tickets to a live entertainment event. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Pazina, Flores, Doñate, Cruz-Crawford, Cannizzaro, Daly, Dondero Loop, Lange, Nguyen, Ohrenschall and Taylor, 3666, 3670, 3860, 3984, 4176, 4345*, 4805.

340 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Daly, 3666, 3670.

343 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, 998, 1002, 3712, 3836, 3857, 3910, 3915, 4146, 4171, 4173*, 4471.

344 ....Requires certain health insurance to cover certain screenings for certain genetic disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cannizzaro, Nguyen, Pazina, Scheible, Dondero Loop, Cruz-Crawford, Daly, Doñate, Flores, Lange and Taylor, 4500, 4501, 6183, 6227, 6555*, 7598.

346 ....Makes various changes relating to guardianship. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Scheible, Cruz-Crawford, Krasner, Dondero Loop, Nguyen, Ohrenschall, Pazina, Steinbeck, Stone and Assemblymember Hansen, 3666, 3670, 3915, 4057, 4345*, 4867, 6170.

347 ....Revises provisions relating to mental health crisis holds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Scheible, Cannizzaro, Dondero Loop and Pazina, 3657, 3662, 3747, 3852, 3910, 4146, 4176, 4345*, 4346, 5857, 6170.

348 ....Makes revisions relating to laboratory testing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Pazina and Buck, 3657, 3662, 3860, 3984, 4146, 4149, 6173, 6413, 6417, 6555*, 6609, 7598.

349 ....Revises provisions relating to anatomical gifts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Pazina; Assemblymembers Dalia, Edgeworth, González, Gray, Jackson and Nguyen, 998, 1002, 3705, 3743, 3748, 3857, 3910, 4146, 4176, 4346*, 4805.

350 ....Revises provisions relating to the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 3657, 3662, 3915, 4066, 4346*, 5857, 6170.

352 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Scheible, Cruz-Crawford, Cannizzaro, Daly, Doñate, Dondero Loop, Flores, Lange, Nguyen, Ohrenschall, Pazina; Assemblymembers Roth, González and Dalia, 998, 1002, 3682, 3690, 3701, 3702*, 4867, 6606, 6607, 6609, 7467, 7475.

353 ....Revises provisions relating to Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Flores, Nguyen, Doñate, Ohrenschall and Pazina, 4500, 4501, 5752, 5758, 6148, 6424, 6555*, 7598.

358 ....Requires certain units of government of this State to accept certain forms of payment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Taylor, 998, 1002, 3712, 3836, 3857, 3910, 4146, 4176, 4346*, 6958.

359 ....Makes various changes relating to drivers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 807, 813, 999, 4148, 4159, 4346, 4422*, 6173, 6424.

370 ....Revises provisions relating to manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Taylor, 807, 813, 3860, 3991, 4176, 4332, 4354, 4422*, 4805.

371 ....Revises provisions relating to crimes. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Steinbeck and Doñate, 3657, 3662, 3860, 3992, 4176, 4332, 4354, 4422, 4423*, 4805.

372 ....Revises provisions relating to the care of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Steinbeck, 3657, 3663, 3747, 3853, 3910, 4146, 4176, 4354*, 4805.

373 ....Establishes requirements relating to multi-jurisdictional business licenses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Steinbeck, 4180, 4182, 4808, 4831, 5780*, 6424.

374 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Taylor, 4180, 4182, 6486, 6531, 6862.

375 ....Revises provisions relating to credit unions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Pazina, 3657, 3663, 3860, 3992, 4176, 4354*, 4805.

376 ....Revises provisions governing industrial insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Daly and Steinbeck, 4357, 4359, 6183, 6227, 6555*, 7598.

378 ....Makes revisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Doñate, Cruz-Crawford, Nguyen, Flores, Cannizzaro, Lange, Ohrenschall and Assemblymember Gray, 5753, 5754, 6608, 6631, 6862, 6952, 6953*.

No. *Summary, Introducer and Page Reference*

379 ....Revises provisions relating to commerce. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Doñate, Cruz-Crawford, Daly, Flores, Steinbeck, Stone; Assemblymembers Moore and Watts, 3666, 3670, 4178, 4275, 4423*, 6173, 6424.

380 ....Revises provisions relating to autism spectrum disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ohrenschall and Dondero Loop, 4809, 4811, 5967, 6017, 6424, 6555, 6556*, 7598.

381 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Ohrenschall and Stone, 1219, 1221.

382 ....Revises provisions relating to vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hansen, 3666, 3670, 3860, 3992, 4146, 6864, 6922, 7397, 7400*.

383 ....Revises provisions governing juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Ohrenschall, 371, 372.

386 ....Revises provisions relating to massage therapy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Scheible, Daly, Krasner and Taylor, 3657, 3663, 3860, 3992, 4176, 4332, 4354, 4423*, 4805.

387 ....Revises provisions relating to the prevention and early detection of lung cancer. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Lange, 807, 814, 3860, 3992, 4176, 4354*, 4805.

389 ....Revises provisions relating to the administration of pharmacy benefits under Medicaid and certain other health plans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Stone and Daly, 4809, 4811, 6183, 6227, 6556*, 7598.

393 ....Revises the Windsor Park Environmental Justice Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Neal, 5753, 5754, 6864, 6959, 7165, 7173, 7177*.

395 ....Revises provisions relating to autonomous vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Ohrenschall, 998, 1002, 3914, 4068, 4176, 4332, 4354, 4358.

400 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Dondero Loop, Doñate, Ohrenschall, Pazina and Taylor, 5753, 5755, 6183, 6228, 6556*, 7598.

403 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Dondero Loop, Cannizzaro, Cruz-Crawford, Doñate, Nguyen, Ohrenschall, Pazina, Scheible and Taylor, 6427, 6608, 6631, 6862.

404 ....Revises provisions relating to personal financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 3666, 3670, 3915, 4068, 4354*, 6427, 6607.

405 ....Creates the Transit-to-Trails Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, 998, 1002, 3686, 3701, 3707, 3746, 3748, 3857, 3910, 3915, 4146, 4176, 4354*, 4805.

406 ....Revises provisions relating to civil liability. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary, 998, 1002, 3712, 3837, 3857, 3910, 3915, 4146, 4171, 4173*, 4471.

407 ....Revises provisions relating to the Department of Indigent Defense Services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 5753, 5755, 6173, 6224, 6556*, 7598.

408 ....Revises provisions relating to county hospitals and county hospital districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 3666, 3670, 3747, 3853, 3910, 3915, 4146, 4171, 4173*, 4471.

409 ....Revises provisions relating to the reporting and investigation of child abuse or neglect. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services, 998, 1002, 3712, 3837, 3857, 3910, 3915, 4146, 4171, 4174*, 4471.

410 ....Revises provisions relating to public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services, 3666, 3670, 3845, 3873, 3915, 4146, 4171, 4174*, 4471.

414 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Scheible, Cannizzaro, Dondero Loop, Pazina and Assemblymember Yeager, 998, 1002, 3712, 3837, 3857, 3910, 4146, 4176, 4332, 4358, 4399, 4424*, 6173, 6607.

416 ....Revises provisions relating to the statewide sobriety and drug monitoring program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Growth and Infrastructure, 3657, 3663, 3704, 3745, 3748, 3857, 3910, 3915, 4146, 4171, 4174*, 4471.

No. *Summary, Introducer and Page Reference*

417 ....Revises provisions relating to public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 3666, 3671, 3914, 4112, 4146, 6959, 7173*.

418 ....Revises provisions relating to the collection of delinquent contributions by the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 998, 1003, 3712, 3837, 3842, 3846, 4474, 4499, 4500*, 5750.

419 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 998, 1003, 3712, 3837, 3857, 3910, 3915, 4146, 4171, 4174*, 4471.

421 ....Revises provisions relating to elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Legislative Operations and Elections, 998, 1003, 3712, 3837, 3857, 3910, 3915, 4146, 4171, 4174*, 4471.

422 ....Revises provisions relating to voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 4500, 4501, 5967, 6024, 6140, 6609, 6862, 7397, 7399*.

424 ....Revises provisions relating to emergency medical services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services, 4809, 4811, 5752, 5758, 6148, 6424, 6556*, 7598.

426 ....Establishes provisions relating to the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources, 3666, 3671, 3712, 3837, 3857, 3910, 3915, 4146, 4176, 4332, 4354, 4368, 4377, 4424*, 6958.

427 ....Makes appropriations to certain institutions of the Nevada System of Higher Education for capital improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services, 6486, 6864, 6865, 6952, 6955*.

428 ....Revises provisions relating to public office. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections, 3666, 3671, 3845, 3873, 3915, 4146, 4171, 4174, 4175*, 6173, 6424.

431 ....Revises provisions relating to the excise tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue and Economic Development, 6173, 6174, 6608, 6631, 6862.

432 ....Revises provisions relating to privacy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary, 4180, 4182, 4808, 4831, 5780*, 6958.

434 ....Creates a program to award grants to address shortages of providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Cannizzaro, 4809, 4811, 6608, 6631, 6862, 6864, 6932, 6952, 6956*, 7310, 7611.

435 ....Revises provisions relating to nicotine products. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Cannizzaro, Scheible, Stone; Assemblymembers Yeager, Jauregui and Hardy, 6173, 6174.

437 ....Enacts provisions relating to Internet consumer lenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 3666, 3671, 3860, 3992, 4171, 4175*, 4471.

439 ....Revises provisions relating to alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor, 998, 1003, 3700, 3707, 3746, 3748, 3857, 3910, 3915, 4146, 4171, 4175*, 4471.

440 ....Revises provisions relating to electricity. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor, 3658, 3663, 4179, 4308, 4423*, 6173, 6424.

442 ....Requires the Public Utilities Commission of Nevada to establish certain reporting requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Growth and Infrastructure, 3657, 3663, 3704, 3745, 3751, 6609, 6862, 6952, 6953*.

443 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Growth and Infrastructure, 3657, 3663, 3910, 3992, 4332, 4358, 4417, 4425*, 7598.

444 ....Revises provisions concerning policies governing the use of certain electronic devices in schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Education, 998, 1003, 3711, 3841, 3857, 3910, 3915, 4146, 4171, 4175*, 4471.

445 ....Revises provisions relating to the privacy of data concerning pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education, 3657, 3663, 3711, 3841, 3857, 3910, 3915, 4146, 4172, 4175*, 4471.

No. *Summary, Introducer and Page Reference*

447 ....Revises provisions relating to public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs, 3657, 3663, 4179, 4330, 4423*, 6609, 7598.

450 ....Revises provisions relating to bailiffs and deputy marshals in certain courts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs, 1219, 1221.

451 ....Extends a property tax imposed to employ police officers with the Las Vegas Metropolitan Police Department. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cannizzaro, 998, 1003, 3712, 3841, 3853, 3855, 3856*, 4176.

452 ....Extends the date of reversion of certain previous appropriations made to the Office of Finance in the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4180, 4182, 6608, 6631, 6862, 6952, 6953*.

453 ....Makes an appropriation to restore the balance in the Reserve for Statutory Contingency Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 3705, 3708, 4474, 4483, 4872*, 6170.

454 ....Revises provisions governing the State Highway Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4180, 4182, 5752, 5758, 6148, 6424, 6556, 6557*, 7598.

455 ....Reorganizes certain divisions within the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4180, 4182, 5752, 5758, 6148, 6424, 6557*, 7598.

456 ....Revises provisions relating to the Office of Federal Assistance in the Office of the Governor. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4180, 4182.

457 ....Revises provisions relating to public safety. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary, 6958, 6959, 7311, 7337, 7396, 7397*.

458 ....Makes a supplemental appropriation to the Office of the Secretary of State for an unanticipated shortfall related to travel, operating and information services expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 998, 1003, 3666, 3674, 3679*, 3698.

459 ....Revises provisions relating to gaming salons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cannizzaro, 4180, 4183, 4356, 4367, 4485*, 5750.

460 ....Revises provisions relating to education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Cannizzaro, Dondero Loop, Pazina, Cruz-Crawford, Daly, Doñate, Flores, Lange, Neal, Nguyen, Ohrenschall, Scheible and Taylor, 6609, 6610, 6632, 6957, 6959, 7173, 7176*.

462 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4180, 4183, 5752, 5758, 6148, 6424, 6557*, 7598.

464 ....Enacts the Interstate Mining Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 4180, 4183, 4866, 4871, 5780, 5781*, 6424.

465 ....Revises provisions relating to certain criminal defendants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 6228, 6426, 6482, 6862, 6952, 6953*.

466 ....Revises provisions governing the authority of the State Department of Agriculture relating to food and water. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance, 6228, 6486, 6537, 6550, 6610, 6744, 6952, 6953*, 6958.

467 ....Revises provisions relating to cybersecurity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance, 5968, 5969, 6426, 6482, 6862, 6952, 6954*.

468 ....Makes an appropriation to the State Public Charter School Authority for the transportation of pupils enrolled in charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5968, 5969, 6608, 6631, 6862, 6952, 6954*.

469 ....Makes appropriations to the Department of Corrections for various purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6557*, 7598.

470 ....Makes an appropriation to the Account for Charter Schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6557*, 7598.

472 ....Makes appropriations to the Nevada System of Higher Education for expenditures related to instruction that are due to caseload adjustments at certain institutions within the System. Fiscal Note: Effect on

No. *Summary, Introducer and Page Reference*

Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 6608, 6631, 6862, 6864, 6948, 6952, 6954*, 6958.

473 ....Makes appropriations to and authorizes the expenditure of money by the Department of Education for the replacement of computer hardware and associated software and office chairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 6606, 6862, 6952, 6954*.

474 ....Makes an appropriation to the Nevada Gaming Control Board for the replacement of computer hardware and associated software. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6557, 6558*, 7598.

475 ....Makes appropriations to the Division of State Parks of the State Department of Conservation and Natural Resources for the purchase and replacement of vehicles, equipment, computer and information technology equipment and radios and for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 4868, 6606, 6862, 6952, 6954*.

476 ....Makes appropriations to the Peace Officers' Standards and Training Commission for the replacement and updating of certain technology. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6558*, 7598.

477 ....Makes an appropriation to and authorizes the expenditure of money by the Department of Taxation for the continued development and implementation of the Unified Tax System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 4868, 6173, 6224, 6558*, 6609, 7598.

478 ....Makes appropriations and requires the issuance of bonds for costs associated with the Judicial Department of State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6537, 6864, 6949, 6952, 6956*.

479 ....Makes an appropriation to the Office of Economic Development in the Office of the Governor for the support of designated regional development authorities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6558*, 7598.

480 ....Makes an appropriation to the Office of Finance in the Office of the Governor for a loan to the Office of the Chief Information Officer within the Office of the Governor for the replacement of uninterruptible power supply equipment and related expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 4868, 6606, 6862, 6952, 6954, 6955*.

481 ....Makes a supplemental appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated shortfall related to the costs of provider services in the Southern Nevada Adult Mental Health Services budget account. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 4868, 6606, 6862, 6952, 6955*.

484 ....Makes an appropriation to the Supreme Court of Nevada for the costs of upgrading the appellate court case management system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4359, 5752, 5758, 6148, 6424, 6558*, 7598.

485 ....Makes an appropriation to the Supreme Court of Nevada for the costs of the implementation of a statewide trial court case management system. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5758, 6148, 6424, 6558, 6559*, 7598.

486 ....Makes appropriations to the Nevada Promise Scholarship Account and the Account for Pensions for Silicosis, Diseases Related to Asbestos and Other Disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 4425, 5752, 5758, 6148, 6424, 6559*, 7598.

487 ....Makes an appropriation to the Office of the Secretary of State for costs associated with the business licensing system modernization project. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4867, 4868, 6608, 6631, 6862, 6952, 6955*.

488 ....Makes appropriations to the Office of the Secretary of State for the replacement of certain equipment and certain costs related to elections. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5758, 6148, 6424, 6559*, 7598.

No. *Summary, Introducer and Page Reference*

489 ....Makes appropriations to the Department of Corrections for the purchase and replacement of certain equipment and furniture. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5759, 6148, 6424, 6559*, 7598.

490 ....Makes appropriations to the Department of Corrections for the purchase and replacement of equipment at certain prisons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5759, 6148, 6424, 6559*, 7598.

491 ....Makes appropriations to the Training Division of the Department of Public Safety for the replacement of equipment, computer hardware and associated software, beds and mattresses and for maintenance projects and services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5759, 6148, 6424, 6559, 6560*, 7598.

492 ....Makes appropriations to the State Department of Agriculture for the purchase of software and the replacement of equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5759, 6424, 6560*, 7598.

493 ....Makes appropriations to the Department of Transportation for the replacement of the Nevada Shared Radio System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4357, 4360, 5752, 5759, 6148, 6424, 6560*, 7598.

494 ....Makes revisions relating to health and human services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Finance, 6228, 6486, 6537, 6610, 6788, 6794, 6800, 6802*.

495 ....Revises provisions relating to health care. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Health and Human Services, 7611.

496 ....Makes appropriations to the Department of Motor Vehicles for information technology system projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 4867, 4868, 5968, 6023, 6424, 6560*, 6609, 7598.

497 ....Eliminates a requirement concerning rates of reimbursement under Medicaid for applied behavioral analysis services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 4357, 4360, 5752, 5759, 6148, 6424, 6560*, 7598.

498 ....Makes appropriations to the Nevada System of Higher Education to expand undergraduate and graduate nursing programs and for academic programming and building renovations at institutions within the System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4425, 6173, 6225, 6560, 6561*.

499 ....Revises provisions relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance, 4357, 4360, 5857, 5858, 6424, 6561*, 7598.

500 ....Ensures sufficient funding for K-12 public education for the 2025-2027 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4176, 4180, 4332, 4368, 4469*, 4805.

501 ....Authorizes expenditures by agencies of the State Government for the 2025-2027 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance, 4176, 4180, 4332, 4368, 4469, 4470*, 4805.

502 ....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 4176, 4180, 4332, 4368, 4837, 5753, 6148, 6424, 6554, 6859, 6860, 6861, 6862*, 6958, 7400, 7467.

503 ....Eliminates the Account for the Regulation and Supervision of Captive Insurers in the Fund for Insurance Administration and Enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 5968, 5969, 6608, 6631, 6862, 6952, 6955*.

504 ....Revises provisions relating to the Extended Young Adult Support Services Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance, 5968, 5969, 6184, 6228, 6561*, 7598.

507 ....Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance, 6486.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Urges Congress to enact legislation allowing certain eligible surviving spouses of veterans to receive an amount equal to the military retirement pay of the veteran after the veteran's death. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Krasner, Stone and Assemblymember Mosca, 3657, 3658, 3700, 3705, 3713, 3748, 3845, 3861, 3915, 4149, 4180*, 6173, 6607.

7 ....Urges the Federal Government to recognize the unsuitability of Yucca Mountain as the site for a repository to store and dispose of spent nuclear fuel and high-level radioactive waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall, 807, 811, 3712, 3748, 3845, 3861, 3915, 4149, 4180*, 4805.

8 ....Urges Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and the Rainbow Gardens Area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Ohrenschall; Assemblymembers Mosca, Carter, Cole, Considine, Monroe-Moreno and Moore, 807, 811, 3700, 3706, 3713, 3748, 3845, 3861, 3915, 4149, 4181*, 6173, 6607.

9 ....Urges the Citizens' Stamp Advisory Committee and the Postmaster General of the United States Postal Service for the creation of a postage stamp commemorating John "Snowshoe" Thompson. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Titus and Hansen, 3657, 3658, 3712, 3748, 3845, 3861, 3915, 4149, 4181*, 4805.

10 ....Urges Congress to take certain actions relating to the therapeutic use of certain psychedelic compounds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Nguyen, Stone, Daly, Doñate, Flores, Hansen, Ohrenschall, Scheible; Assemblymembers González, Moore, Nguyen, Carter, Watts, Anderson, Brown-May, Considine, Dalia, Dickman, D'Silva, Gallant, Gray, Hansen, Hibbetts, Jackson, Karris, Orentlicher and Roth, 3657, 3658, 3712, 3748, 3845, 3861, 3915, 4149, 4181*, 6173, 6607.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1 ....Memorializes esteemed native Nevadan and lobbyist Kathleen "Neena" Laxalt. Senators Cannizzaro, Buck, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Flores, Hansen, Krasner, Lange, Neal, Nguyen, Ohrenschall, Pazina, Rogich, Scheible, Steinbeck, Stone, Taylor, Titus; Assemblymembers Yeager, Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts and Yurek, 174, 192.

2 ....Recognizes the "Fruit Loop" as a historical LGBTQ+ landmark in Clark County, Nevada. Senators Doñate, Scheible, Ohrenschall, Flores, Daly, Nguyen; Assemblymembers González, Watts, Considine, D'Silva and Nguyen, 1220, 3704, 3713, 3748, 3845, 3861, 3915, 4149, 4181, 6173, 6424.

3 ....Directs the Joint Interim Standing Committee on the Judiciary to conduct an interim study concerning human trafficking. Senators Pazina, Doñate, Nguyen and Taylor, 6609, 6610, 7598.

4 ....Declares April 2025 as Financial Literacy Month. Senators Ohrenschall, Scheible, Cruz-Crawford, Daly, Doñate, Dondero Loop, Taylor; Assemblymembers Yeager, Nguyen, Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts and Yurek, 624, 1215.

5 ....Recognizes antimicrobial resistance as a public health crisis and encourages certain actions be taken in response. Committee on Legislative Operations and Elections, 6173, 6184, 6862.

6 ....Authorizes the Director of the Legislative Counsel Bureau to acquire certain real property in Carson City. Committee on Legislative Operations and Elections, 4357, 5752, 5753, 6424.

No. *Summary, Introducer and Page Reference*

7 ....Creates a joint special committee to conduct a study concerning housekeeping operations at hotels in this State. Senator Cannizzaro, 7310, 7311.
8 ....Amends the Joint Standing Rules of the Senate and Assembly for the 83rd Session of the Legislature. Committee on Legislative Operations and Elections, 7546, 7547.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Eighty-Third Session, 2025

Title	*Name*	*City*
Speaker	Steve Yeager	Las Vegas
Speaker pro Tempore	Daniele Monroe-Moreno	North Las Vegas
Chief Clerk	Bonnie Borda Hoffecker	Carson City

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Eighty-Third Session, 2025

Name and Party	*District*	*City*
Anderson, Natha C. (D)	Washoe (Part), No. 30	Sparks
Backus, Shea M. (D)	Clark (Part), No. 37	Las Vegas
Brown-May, Tracy (D)	Clark (Part), No. 42	Las Vegas
Carter II, Max E. (D)	Clark (Part), No. 12	Las Vegas
Cole, Lisa K. (R)	Clark (Part), No. 4	Las Vegas
Considine, Venicia (D)	Clark (Part), No. 18	Las Vegas
Dalia, Joe (D)	Clark (Part), No. 29	Henderson
DeLong, Rich (R)	Washoe (Part), No. 26	Reno
Dickman, Jill (R)	Washoe (Part), No. 31	Sparks
D'Silva, Reuben (D)	Clark (Part), No.28	North Las Vegas
Edgeworth, Rebecca (R)	Clark (Part), No. 35	Las Vegas
Flanagan, Tanya P. (D)	Clark (Part), No. 7	North Las Vegas
Gallant, Danielle (R)	Clark (Part), No. 23	Las Vegas
González, Cecelia (D)	Clark (Part), No. 16	Las Vegas
Goulding, Heather (D)	Washoe (Part), No. 27	Reno
Gray, Ken (R)	Douglas, Lyon (Part), No. 39	Dayton
Gurr, Bert K. (R)	Elko (Part), No. 33 Eureka (Part), Lincoln (Part) Nye (Part), White Pine	Elko
Hafen II, Gregory T. (R)	Clark (Part), No. 36 Lincoln (Part), Nye (Part)	Pahrump
Hansen, Alexis M. (R)	Elko (Part), No. 32 Eureka (Part), Humbolt, Lander Pershing, Washoe (Part)	Sparks
Hardy, Melissa R. (R)	Clark (Part), No. 22	Henderson
Hibbetts, Brian (R)	Clark (Part), No. 13	Las Vegas
Hunt, Linda F. (D)	Clark (Part), No. 17	North Las Vegas
Jackson, Jovan A. (D)	Clark (Part), No. 6	North Las Vegas

Jauregui, Sandra (D)	Clark (Part), No. 41	Las Vegas
Karris, Venise (D)	Clark (Part), No. 10	Las Vegas
Kasama, Heidi (R)	Clark (Part), No. 2	Las Vegas
Koenig, Gregory S. (R)	Churchill, Esmeralda, No. 38 Lyon (Part), Mineral, Nye (Part)	Fallon
La Rue Hatch, Selena (D)	Washoe (Part), No. 25	Reno
Marzola, Elaine H. (D)	Clark (Part), No. 21	Henderson
Miller, Brittney M. (D)	Clark (Part), No. 5	Las Vegas
Monroe-Moreno, Daniele (D)	Clark (Part), No. 1	North Las Vegas
Moore, Cinthia Zermeño (D)	Clark (Part), No. 11	North Las Vegas
Mosca, Erica (D)	Clark (Part), No. 14	Las Vegas
Nadeem, Hanadi (D)	Clark (Part), No. 34	Las Vegas
Nguyen, Duy (D)	Clark (Part), No. 8	Las Vegas
O'Neill, Philip PK (R)	Carson City, Storey, No. 40 Washoe (Part)	Carson City
Orentlicher, David (D)	Clark (Part), No. 20	Las Vegas
Roth, Erica P. (D)	Washoe (Part), No. 24	Reno
Torres-Fossett, Selena (D)	Clark (Part), No. 3	Las Vegas
Watts, Howard (D)	Clark (Part), No. 15	Las Vegas
Yeager, Steve (D)	Clark (Part), No. 9	Las Vegas
Yurek, Toby (R)	Clark (Part), No. 19	Henderson

ATTACHÉS OF THE NEVADA STATE ASSEMBLY
Eighty-Third Session, 2025

Name	Title
Jason Hataway	Assistant Chief Clerk
Meghan Burke	Journal Clerk
Cyndi Latour	History Clerk
Savanah Arjil	Recording Clerk
Caitlin M. Scruggs	Media Clerk
Katrina Krakowiak	Executive Assistant to the Chief Clerk
Mary Matheus	Sergeant at Arms
Ronald (Tony) Corda	Deputy Sergeant at Arms
Robert (Bob) Guernsey	Assistant Sergeant at Arms
Vickie Kieffer	Assistant Sergeant at Arms
Kelley Perkins	Assistant Sergeant at Arms
Joseph (Joe) Pollock	Assistant Sergeant at Arms
Kevin Pond	Assistant Sergeant at Arms
Kimberly Pond	Assistant Sergeant at Arms
Valerie (Jean) Spell	Assistant Sergeant at Arms
Lisa Tolda	Assistant Sergeant at Arms
Michael Wright	Assistant Sergeant at Arms
Sylvia Dominguez-Curry	Administrative Services Manager
Barbara (Barb) Eiche	Executive Assistant to Administrative Services Manager
Nancy Davis	Committee Services Manager
Sally Trotter	Executive Assistant to Committee Services Manager
Saramei (Sara) Kalaoram	Chief of Staff, Office of the Speaker
Sylvia Brown	Personal Attaché to Speaker Yeager
Margaret Arroyo	Personal Attaché to Majority Floor Leader Jauregui
Sandy Dombrowski	Leadership Receptionist
Dave Ziegler	Majority Leadership Policy Analyst
Alexandria Lash	Leadership Policy Analyst
Jack St. Martin	Chief of Staff, Minority Leadership
Tracy Davis	Personal Attaché to Minority Floor Leader Hafen
Sara Menke	Personal Attaché to Assistant Minority Floor Leader North Koenig
Christina Salerno	Personal Attaché to Assistant Minority Floor Leader South Hardy
Ryan Kole	Minority Leadership Policy Analyst
Cody Perkins	Minority Leadership Policy Analyst
Ace Acosta	Personal Attaché
Laura Austin	Personal Attaché
Mateo Beers	Personal Attaché
Travis Brewer LaChapelle	Personal Attaché
Julie Butler	Personal Attaché
Jesse Cruz	Personal Attaché
Adam Czajkowski	Personal Attaché
Natalie Dean	Personal Attaché
Roisin (Rosey) Downey	Personal Attaché
Karen Fox	Personal Attaché
Kyla Fox	Personal Attaché
Sydney Gamer	Personal Attaché
Zena Hajji	Personal Attaché
Sierra Hernandez	Personal Attaché
Pamela J. Homentowski	Personal Attaché
Lena Idelson Robles	Personal Attaché
Alexiz Jenkins	Personal Attaché

Jean Kvam ..... Personal Attaché
Miriam Lachica ..... Personal Attaché
Bruno Landivar ..... Personal Attaché
Linda Law ..... Personal Attaché
Randi May ..... Personal Attaché
Sara Mellen ..... Personal Attaché
Chris Molnar ..... Personal Attaché
Olivia Ngo ..... Personal Attaché
Kelly Osborne ..... Personal Attaché
Cynthia (Cindy) Paiva ..... Personal Attaché
Virginia Peterson ..... Personal Attaché
Mira Punzalan ..... Personal Attaché
Roxanne Reichert ..... Personal Attaché
Karen Rutledge ..... Personal Attaché
Daftne Sanchez ..... Personal Attaché
Karla Sanchez ..... Personal Attaché
Janet Stokes ..... Personal Attaché
Francis (Frankie) Talbot III ..... Personal Attaché
Zane Taylor ..... Personal Attaché
Kourtney Wagner ..... Personal Attaché
Linda Weathers ..... Personal Attaché
Sylvia Wiese ..... Personal Attaché
Shiloh Reading ..... Lead Data Information Technician
Aria Earnest ..... Data Information Technician
Staci Patton ..... Data Information Technician
Bet-Nimra (Bet) Torres ..... Data Information Technician
Judith (Judi) Bishop ..... Committee Manager
Kathryn Dodge ..... Committee Manager
Cindy Glass ..... Committee Manager
Joi Guthrie ..... Committee Manager
Natalia Jordan ..... Committee Manager
Aaron Klatt ..... Committee Manager
Mackenzie Scruggs ..... Committee Manager
Logan Service ..... Committee Manager
Traci Dory ..... Trainer/Lead Committee Secretary
Gina Hall ..... Trainer/Lead Committee Secretary
Karyn Werner ..... Trainer/Lead Committee Secretary
Julie Axelson ..... Lead Committee Secretary
Lori McCleary ..... Lead Committee Secretary
Geigy Stringer ..... Lead Committee Secretary
Janice Wright ..... Lead Committee Secretary
Maria Benamati ..... Committee Secretary
Karen Cook ..... Committee Secretary
Annelise Dankworth ..... Committee Secretary
Denise Dimarzo ..... Committee Secretary
Nicholas Fischer ..... Committee Secretary
Holly Gilman ..... Committee Secretary
Kristi Howard ..... Committee Secretary
Karen (Karri) Hurwitz ..... Committee Secretary
Cynthia Ihejirika ..... Committee Secretary
Richard Jacobs ..... Committee Secretary
Jeffrey (Jeff) Kirst ..... Committee Secretary
Chris (BC) Lindsley ..... Committee Secretary
Jacob (Jake) Matthews ..... Committee Secretary

Janet Osalvo ..... Committee Secretary
Claudia Pierrott ..... Committee Secretary
Nikki Peterson ..... Committee Secretary
William Puchert ..... Committee Secretary
Sherry Quick ..... Committee Secretary
Jo Lynn Smith ..... Committee Secretary
Lola Works ..... Committee Secretary
Lisa McAlister ..... Committee Assistant
Ashley Torres ..... Committee Assistant
George Whalen ..... Committee Assistant
Mary Whalen ..... Committee Assistant
Cheryl Williams ..... Committee Assistant
Marcia (Marcy) Peterson ..... Lead Proofreader
Gary Brady-Herndon ..... Proofreader
Brian Burke ..... Proofreader
Jeffrey (Jeff) Ferguson ..... Proofreader
Susan Hoffman ..... Proofreader
Janet Lazarus ..... Proofreader
Janet McDonnell ..... Proofreader
Bill O'Driscoll ..... Proofreader
Jaime (Jim) Rodriguez ..... Proofreader
Katherine (Katie) Stockwell ..... Proofreader

EXPLANATION OF AMENDMENT LANGUAGE

Eighty-Third Session, 2025

EXPLANATION: Matter in (1) bold italics is new language in the original bill; (2) variations of bold underlining is language proposed to be added in the amendments; (3) strikethrough is deleted language from the original bill; (4) double strikethrough is language proposed to be deleted in a particular amendment; (5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

EIGHTY-THIRD SESSION

THE FIRST DAY

CARSON CITY (Monday), February 3, 2025

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Francisco V. Aguilar at 11:15 a.m.

Prayer by Reverend Jeff Paul.

Gracious and compassionate God, known by many names, bless the leaders of our land in these days of winter, that we may be a people at peace among ourselves and a blessing to other nations of the earth.

To the entire staff in administrative authority, grant wisdom and grace in the exercise of their duties.

To our Assembly members, and those who make laws in our state, cities, and towns, give courage, wisdom and foresight to provide for the needs of all our people, and to fulfill our obligations in the community of nations.

We invoke blessing and protection upon this Nevada State Assembly, and upon all who work herein. In all Your names we pray.

AMEN.

Presentation of the colors by the Nevada National Guard Joint Color Guard Team.

Pledge of allegiance to the Flag.

Singing of the National Anthem by Christina Bourne.

Mr. Secretary of State requested Ms. Bonnie Borda Hoffecker to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested that the temporary Chief Clerk call the roll of the 42 Assembly Members-elect.

Roll called.

Present: Assemblymembers-elect Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, Yeager, and Yurek.

Mr. Secretary of State appointed Assemblymembers-elect Mosca, González, Jauregui, Miller, Monroe-Moreno, Moore, Nadeem, Cole, Dickman, Edgeworth, and Hibbetts as a temporary Committee on Credentials.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.
Mr. Secretary of State presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assembly Members-elect under consideration and begs leave to report that the following persons have been and are duly elected members of the Assembly of the 83rd Session of the Legislature of the State of Nevada: Assemblymembers Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, Yeager, and Yurek have been and are duly elected members of the Assembly of the 83rd Session of the Legislature of the State of Nevada.

ERICA MOSCA, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember-elect Mosca moved the adoption of the report.
Motion carried unanimously.

Mr. Secretary of State appointed Assemblymembers-elect Miller and Hansen as a committee to escort Chief Justice Douglas W. Herndon of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assembly Members-elect.

Chief Justice Herndon administered the oaths of office to the Assembly Members.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assembly Members for whom Certificates of Election had been issued.
Roll called.
Present: Assemblymembers Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt,

Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, Yeager, and Yurek.

Assemblymember Cole moved that Chief Justice Herndon be given a unanimous vote of thanks for administering the oaths.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assembly Members who received the Oath of Office.

Roll called.

Present: Assemblymembers Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, Yeager, and Yurek.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblymember Jauregui nominated Assemblymember Steve Yeager for Speaker.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

I rise today with the distinct honor of nominating Assemblymember Steve Yeager for Speaker of the Nevada State Assembly. Assemblymember Yeager has served as the Nevada Assembly representative for District 9 since 2016 and has demonstrated a strong commitment to his constituents and our state throughout his tenure.

We know him as Speaker, Assemblymember, and friend, but Assemblymember Yeager is also a born Midwesterner turned passionate Nevadan who embodies the spirit of the Silver State. He is a lover of music and a self-described foodie, who shares his culinary adventures with us through his Instagram—which I greatly appreciate.

As an adventurer, he loves exploring the beauty of our state's public lands and I have been lucky enough to join him on a few that have taken us to the depths of the Grand Canyon and to the heights of over 13,000 feet above sea level, including Nevada's own Boundary Peak. This blend of experience and passion help shape the leader we admire and respect, but at the heart of his leadership is his wife, the Honorable Bita Yeager, a remarkable woman in her own right. Together, they exemplify the best of public service and community dedication.

I am so proud to have the honor to nominate him on this day, to continue to serve as the 65th Speaker of the Nevada State Assembly.

Assemblymember Hafen seconded the motion.

Assemblymember Marzola moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblymember Yeager to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblymembers Jauregui and Monroe-Moreno as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblymember Marzola moved that Secretary of State Aguilar be given a unanimous vote of thanks for his services to the Assembly.

Assemblymember Gray seconded the motion.

Motion carried unanimously.

Mr. Speaker appointed Assemblymembers González and Koenig as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Aguilar to the bar of the Assembly.

Remarks by Assemblymembers Jauregui, Hafen, and Mr. Speaker.

Assemblymember Jauregui requested that the following remarks be entered in the Journal.

ASSEMBLYMEMBER JAUREGUI:

Thank you, Mr. Speaker. And thank you once again for the honor and privilege of serving as your Majority Leader. This institution holds a special place in my heart and I am deeply committed to the values of collaboration and service that define our work here. I would also like to congratulate my colleague from Assembly District 36 on his ascension to Minority Leader. To my colleagues on both sides of the aisle, congratulations on your election and your dedication to public service, I am honored to work alongside each of you. And let us not forget to acknowledge the families and loved ones who support us in this endeavor. Their sacrifices often go unrecognized, but we could not do this important work without their unwavering encouragement and most of all, understanding. Please join me in recognizing their contributions.

In 2023, I stood before you and spoke about the importance of leaving partisanship on the campaign trail. Although we had our heated moments, spirited debates, and some decisions we ultimately could not see eye to eye on, I am proud to say that we delivered on the promise by working together to address some of the toughest challenges facing our state. From passing a historic education budget—including much needed raises to teachers, raises for state employees, and building a healthy rainy day fund. All of that work was done by is legislators, in this very building, and in just 120 days—well, 120-ish days, if we count special sessions, but who is counting, right?

This year, we must rededicate ourselves to that spirit of bipartisanship. The people of Nevada are counting on us to rise above division and focus on the issues that truly matter—issues like providing economic relief for hardworking families, improving access to affordable healthcare, affordable housing, and ensuring that every child in our state has the opportunity to succeed. We know the road ahead will not be easy. The challenges we face are complex and, at times, deeply personal. But I am confident that, together, we can forge solutions that reflect the best of who we are as Nevadans. As we embark on this legislative session, let us remember why we chose to serve. Together, we can continue to uphold the values that make this body, and our state, so extraordinary. Nevada is counting on us.

ASSEMBLYMEMBER HAFEN:

Good afternoon, everyone. It is a tremendous honor to be here, and I want to thank all of you for your commitment to serving the great people of Nevada. This state—our state—is truly a remarkable place. From the glittering lights of Las Vegas to the rugged beauty of rural Nevada,

there is no place like it in the world. The people of Nevada are some of the hardest-working, patriotic individuals you will ever meet. They deserve leaders who put them first. Leaders who stand up for families, small businesses, for workers, and for the values that make this state so great. That is what this session is all about—fighting for the people who make Nevada the incredible state it is.

Now, let us talk about the challenges we face. Families are feeling it—inflation is hitting their wallets, businesses are navigating unnecessary red tape, and too many kids are not getting the quality education they deserve. But here is the good news: we have the opportunity, right here, right now, to turn things around. We can unleash Nevada's full potential. We can do it by putting Nevada first. As representatives, we know what works—less government, more freedom, and lower taxes. We need to push policies that grow our economy, protect our communities, and defend our rights. To my friends on the other side of the aisle, I am ready to work with you. We may not always agree, but we share a common goal—to leave Nevada better than we found it. Let us commit to vigorous debate, respecting different perspectives, and a shared focus on results. We can get big things done if we put the people first.

To the people of Nevada, this is your Legislature, we are here because of you. We are here for you. Whether you are a small business owner in Henderson, a teacher from Reno, or a dairy farmer in Fallon, know this, we are going to work every single day to make Nevada a better place to live, work, and raise a family. This session, let us make history. Let us deliver results. Let us fight for the Nevada that we love and make sure it remains a shining example of what is possible when we embrace freedom, opportunity, and hard work.

Thank you, God bless you, and God bless the great state of Nevada.

MR. SPEAKER:

It is nice to be back here with all of you and a sincere thank you to each of you for voting for me to lead the Assembly as Speaker this session. I am truly grateful, and I am looking forward to the work ahead of us. I do want to thank my wife Bita—without your love, support, and encouragement I could not and would not serve in the Legislature, let alone be Speaker. So, thank you and also a thank you to my mother, Sally who is watching online—so, hi mom—she is a constant support of mine, as well and I want to thank her for that. Congratulations to my counterpart in the Senate, Senator Cannizzaro on, again, being elected Senate Majority Leader and congratulations to our own Assemblymember Hafen, as well as Senator Titus, on their new leadership roles. I look forward to working together to ensure that Nevada continues to prosper.

Now, this session, we have eleven new legislators. I am going to list them out and once I list you, I want you to stand up. If you could hold your applause until they are all standing up. They are Assemblymembers Cole, Dalia, Edgeworth, Flanagan, Goulding, Hunt, Jackson, Karris, Moore, Nadeem, and Roth. Please give them a round of applause for stepping up to serve. Congratulations and welcome—you may be seated. And to the incumbents who decided to run again: what in the world were you thinking? But in all seriousness, thank you for running for reelection and coming back to the Legislature. Your experience will be invaluable in ensuring that we are successful this session. Some advice to our new legislators and our incumbents: drink more water, exercise whenever you can, take the stairs, try to get a good night's sleep, get to know people, ask a lot of questions, have fun every now and again, and be kind to one another. You just never know what another person is going through and there is nothing as sweet as the sound of *Amazing Grace*. So liberally give grace to others in this building, at all times.

Now, if we are being honest, running a campaign and serving in the Legislature is a sacrifice. It certainly takes a toll on all of us, but it also takes a toll on your family and your loved ones. They too make sacrifices so that you can campaign, win your seat, and serve. Now, you are all going to have a chance to introduce your guests later, but for now, legislators, I would like you to give a round of applause to all who supported you up to this moment and who will continue to support you over the course of this session. And a sincere thank you to everyone who braved challenging weather as it always is before the beginning of session to be here. You know, our respective campaigns are mercifully behind us and that is where we should leave them—in the rearview mirror. Because we must now govern, and Nevadans of all political stripes are counting on us to govern to the best of our ability. They do not want to be part of petty political squabbles.

They want to be the beneficiaries of a government that works for them. That requires us to communicate with one another and to collaborate whenever possible.

To the members, I want you each to take a look at the chair that you are sitting on. Although you are one person sitting on that chair, the chair itself represents approximately 74,000 Nevadans. And by way of reminder, you are here to represent all 74,000 of them to the best of your ability, even the ones who did not vote for you, even the ones who will never vote for you because all are your constituents, and all are Nevadans. Now, of the three branches of state government we, the Legislative Branch, are the closest to the people—in whom the real power is vested. So, let us ensure that we are protectors of the Legislature from outside influences and those who would like to weaken us so that we cannot do good work for the people. We are far weaker than our other two branches of government because of our part time status, there is no reason to give what little authority we have away. Now, we have the benefit of living in the best system of government the world has ever known, representative democracy, but there is no guarantee that it survives. We must fiercely protect it at all times or risk losing it forever. Speaking of that, I would like to ask every veteran or active military member in this chamber to stand up and be recognized for your commitment to protecting this great nation of ours whatever the cost. We thank you for your service, we appreciate you, and we will support you in any way we can.

Now, America continues to be the envy of the world and everybody's eyes light up when you tell them, like I am, that I am from Las Vegas. Whether you are overseas or right here in the United States, there is something special about the American spirit and there is something special about the Southwest, and there is certainly something special about Nevada. This is a place where things get done. This is a place where we do not take no for an answer. There is simply no place I would rather call home. Indeed, we live in an amazing state.

You know, I was on the Las Vegas Strip sitting at a bar during the recent Consumer Electronics Show—drinking an old fashioned made with Frey Ranch bourbon, the best bourbon in the world. I was amazed at the number of languages I heard being spoken. At that moment, Las Vegas was as multicultural as any place in the world. People love to visit here and tourism continues to play an outsized role in our economy and in our collective future. But Nevada cannot just be a place that is welcoming for visitors. It must be a place where we, the residents, can prosper. Where the American Dream and home ownership is still within our grasp. And that vision must continue to be our north star, as it was in the last legislative session. As America approaches its 250th anniversary, we are distinctly aware that America itself was a startup nation. Everything was new and risky. Yet, we came out of those challenges as the strongest and most powerful nation on earth. To help initiate a renewal of ingenuity and creativity that made America the envy of the world—right here in Nevada—last legislative session, we established the first-in-the-nation, Office of Entrepreneurship, to make it easier for Nevadans to start their own businesses and realize their own American Dream. Because every Nevadan should have the right to start their own business and improve the community they live in.

The work we did in the last legislative session made a real difference in the lives of Nevadans and that started with our investment in public education and educators. It was a long time coming to get our public schools back on track, and there is still work to do. You all know that. But every journey starts with a single step, or in our case, a giant leap. We did not stop there, however, we passed legislation to alleviate the burdens on everyday Nevada families. Such as, lowering the price of prescription drugs, making housing more affordable, while ensuring renters have the most basic of protections. Some of that legislation was vetoed, but we will be back at it. Always mindful of our north star: making life more affordable for those whom we serve. And to that end, we will be fast tracking legislation to lower food prices for Nevadans, specifically eggs. And you can expect to see action on this in the first two weeks of the legislative session. We are not here to repeat political talking points. We are here to get things done.

At this moment, there are a number of challenges that we are facing—sometimes they can seem insurmountable. We are in a housing crisis, homes are out of reach, we do not have enough medical providers, and health care is too expensive. Our economy continues to suffer from a lack of diversification—subjecting us to the ebbs and flows of the global economy. Inflation is too damn high. Things cost too damn much. Yes, these challenges can seem insurmountable, but that must not deter us from trying our level best to find solutions to these challenges because we are not here

simply to manage the trains. We are here to identify problems that outrage us, then to solve them together.

It reminds me of that scene and quote from the Lord of the Rings between Frodo, the hobbit, and Gandalf, the wizard. If you have not seen it, you got to watch it. Frodo is lamenting about the harrowing trials that he and the entire world are facing and he says, "I wish it need not have happened in my time." "So do I," said Gandalf, "and so do all who live to see such times. But that is not for them to decide. All we have to decide is what we do with the time that is given us."

My sincere hope is that all of you have come to this building with a servant's heart because this job at its core is about the people, not about anybody's political future ambitions or how many likes some post gets on social media. The good news is that if you did not come here with that attitude, you can always change. Every day is an opportunity to start anew, to do things differently, to be better, to be your best. What sets us as human beings apart from other living beings, is that we are conscious of our place in this world. We comprehend the historical context of the time in which we are living. We understand what has come before. We realize that our actions affect people, either for good or for bad. We have an innate sense of what is right and what is wrong. Now, that does not mean life is easy. Sometimes it is very, very hard indeed. But once you realize that we are all connected and all have a vested interest in making our world a better place, there is nothing, nothing we cannot accomplish as long as we set out to accomplish it together. Really, is that not what drives us all—to make the world a better place? So, my challenge to you, the elected members of the 83rd session of the Nevada Legislature, is indeed the same challenge I issued last legislative session: open your eyes and see Nevada as it is today, as it is right now in this very moment, on February 3rd, 2025, with all of its successes and all of its challenges; but, also have the vision to see Nevada as you wish it to be long after you leave legislative service. Do not fear the future because we are not here merely to endure it, we are here to shape it—and for the better. We must work together to ensure that all Nevadans have a right to self-determination, to chart their own path forward. That indeed was the promise of America. No more kings, no more dictators, but a right of the people who are governed to have a say in their government and their future. We must never forget that the federal government is nothing more than a collection of these 50 United States, Nevada and her 49 sister states. So, when we can work with the federal government for the benefit of Nevadans, we will. When we cannot, we will push back and stand up for all Nevadans. That should be a bipartisan effort because when it comes to the wellbeing of Nevadans, there are no political parties, there are only shared priorities. Colleagues, our work starts now. So let us get to work. God bless all of you and God bless the great state of Nevada.

Assemblymember Backus nominated Assemblymember Monroe-Moreno for Speaker pro Tempore.

Assemblymember Gallant moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblymember Monroe-Moreno to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk of the Assembly.

Assemblymember Torres-Fossett nominated Ms. Bonnie Borda Hoffecker for Chief Clerk.

Assemblymember Gurr moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Bonnie Borda Hoffecker to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymembers Anderson, Considine, and Hardy as a committee to inform the Senate that the Assembly is organized and ready for business.

Mr. Speaker appointed Assemblymembers D'Silva, Brown-May, and Hibbetts as a committee to inform the Governor that the Assembly is organized and ready for business.

Assemblymember D'Silva reported that his committee had informed the Governor that the Assembly was organized and ready for business.

Assemblymember Anderson reported that her committee had informed the Senate that the Assembly was organized and ready for business.

A committee from the Senate composed of Senators Flores, Nguyen, and Ellison appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assembly in recess at 1:22 p.m.

ASSEMBLY IN SESSION

At 2:09 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—
Marzola, Jauregui, Anderson, Carter, Miller, Monroe-Moreno, Roth, Torres-Fossett, Yeager, Cole, Hardy, Kasama, O'Neill, Yurek

EDUCATION—
Torres-Fossett, D'Silva, Dalia, Flanagan, Hunt, La Rue Hatch, Mosca, Orentlicher, DeLong, Hansen, Hardy, Koenig

GOVERNMENT AFFAIRS—
Considine, Nguyen, Carter, D'Silva, Flanagan, Goulding, Hunt, Jackson, Karris, DeLong, Edgeworth, Gallant, Gurr, Kasama

GROWTH AND INFRASTRUCTURE—
Watts, Carter, Backus, Brown-May, Karris, Moore, Nguyen, Dickman, Gallant, Gurr, Yurek

HEALTH AND HUMAN SERVICES—
Brown-May, Nguyen, Dalia, González, Goulding, Hunt, Jackson, Nadeem, Orentlicher, Edgeworth, Gray, Hafen, Hibbetts, Koenig

JUDICIARY—
Miller, Marzola, Dalia, González, La Rue Hatch, Moore, Nadeem, Orentlicher, Roth, Cole, Gray, Hansen, Hardy, Yurek

LEGISLATIVE OPERATIONS AND ELECTIONS—
Mosca, González, Jauregui, Miller, Monroe-Moreno, Moore, Nadeem, Cole, Dickman, Edgeworth, Hibbetts

NATURAL RESOURCES—
Anderson, La Rue Hatch, Considine, Jackson, Karris, Marzola, Watts, DeLong, Gurr, Hansen, Kasama

REVENUE—
Backus, Considine, D'Silva, Flanagan, Goulding, Nguyen, Roth, Gallant, Gray, Hafen, O'Neill
WAYS AND MEANS—
Monroe-Moreno, Backus, Anderson, Brown-May, Jauregui, Mosca, Torres-Fossett, Watts, Yeager, Dickman, Hafen, Hibbetts, Koenig, O'Neill
MAJORITY FLOOR LEADER—
Sandra Jauregui
ASSISTANT MAJORITY FLOOR LEADER—
Erica Mosca
MAJORITY WHIP—
Howard Watts
ASSISTANT MAJORITY WHIP—
Natha Anderson
MINORITY FLOOR LEADER—
Gregory T. Hafen II
ASSISTANT MINORITY FLOOR LEADER NORTH—
Gregory Koenig
ASSISTANT MINORITY FLOOR LEADER SOUTH—
Melissa Hardy
MINORITY WHIP—
Toby Yurek

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 1.

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the *Constitution* and placed on third reading and final passage.

Remarks by Assemblymember Jauregui.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

ASSEMBLYMEMBER JAUREGUI:
This is the bill that funds the legislative session.

Roll call on Senate Bill No. 1:
YEAS—42.
NAYS—None.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 83rd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 83rd Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblymember to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House.

➥ If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblymember of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Research Library of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Reserved.

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Reserved.

Rule No. 13.4. Reserved.

Rule No. 13.6. Reserved.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill or resolution that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or Assemblymember, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 15th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than 10 requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number or resolution number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill or resolution for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill or resolution must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill or resolution on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Joint Standing Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any private right of action or enforceable legal rights in any person.

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Joint Standing Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Joint Standing Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Director of the Legislative Counsel Bureau; or

(b) The reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy,

the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. This policy does not create any private right of action or enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Rule No. 23. Reserved.

Rule No. 24. Reserved.

ACCREDITATION OF NEWS MEDIA

Rule No. 25. Procedures and Standards for Accreditation; Disqualifications; Definition of "Bona Fide News Medium."

1. If a person is accredited as a member of a bona fide news medium in accordance with the requirements in this Rule, the person may be granted the privilege of accessing any areas designated for members of a bona fide news medium on the floor or in the chambers of the Senate and Assembly, subject to the approval, regulation and supervision of the Majority Leader of the Senate and the Speaker of the Assembly.

2. If a person wants to be considered for accreditation as a member of a bona fide news medium, the person must complete and file an application for accreditation with the Director of the Legislative Counsel Bureau. The application must include:

(a) The person's full name, telephone number and electronic mail address and a copy of a driver's license or other photo identification deemed sufficient by the Director to identify the person.

(b) The name of each bona fide news medium that the person works for or represents and the business address, telephone number and electronic mail address of each such bona fide news medium.

(c) Documentary or other evidence deemed sufficient by the Director to establish that the person works for or represents a bona fide news medium. Such evidence may include a copy of an identification badge issued by a bona fide news medium or, in the absence of such an identification badge, any other evidence deemed sufficient by the Director to establish that the person works for or represents a bona fide news medium.

(d) Any other information or evidence that the Director determines is necessary to carry out the provisions of this Rule.

3. In addition to the requirements of subsection 2, the application must include:

(a) A declaration that the person is not registered as a lobbyist pursuant to chapter 218H of NRS and, to the best of the person's knowledge and belief at that time, does not intend to register

as a lobbyist or engage in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS.

(b) An acknowledgment that, if the person is accredited as a member of a bona fide news medium and thereafter registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter, the person shall be deemed to have forfeited the person's accreditation, and the person must return the person's identification badge as a member of a bona fide news medium to the Legislative Counsel Bureau.

4. When any applications are filed pursuant to this Rule, the Director shall, as soon as reasonably practicable:

(a) Review the applications for compliance with the requirements in this Rule and prepare lists naming the persons whose applications the Director has made a preliminary determination and recommendation that the applications comply with the requirements in this Rule;

(b) Submit such lists to the Secretary of the Senate and the Chief Clerk of the Assembly for review and approval by the Majority Leader of the Senate and the Speaker of the Assembly; and

(c) Prepare identification badges for the persons named in such lists.

5. The applications of the persons named in such lists and their accreditation as members of a bona fide news medium shall be deemed approved the Majority Leader of the Senate and the Speaker of the Assembly if their names are read or entered into the Journals of the Senate and Assembly.

6. Any decisions to approve, deny, suspend or revoke the accreditation of a member of a bona fide news medium, or discipline such a member for violations of any rules or policies, is at the sole discretion of the Majority Leader of the Senate and the Speaker of the Assembly.

7. The Legislative Counsel Bureau shall act as the administrative liaison between any applicants or accredited members of a bona fide news medium and the Senate and Assembly for purposes of accepting and processing applications for accreditation, preparing and regulating identification badges and administering any other matters necessary to carry out the provisions of this Rule, but such actions by the Legislative Counsel Bureau do not affect the authority of the Senate and Assembly to govern their own chambers or otherwise determine privileges of the floor.

8. A person is disqualified and barred from being accredited as a member of a bona fide news medium if the person registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter. If a person is accredited as a member of a bona fide news medium and thereafter registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter, the person shall be deemed to have forfeited the person's accreditation, and the person must return the person's identification badge as a member of a bona fide news medium to the Legislative Counsel Bureau.

9. As used in this Rule, "bona fide news medium" means a commercial or non-profit news outlet providing:

(a) Print journalism, such as newspapers or magazines;

(b) Broadcast journalism, such as radio or television;

(c) Wire or news services for redistribution to other news organizations; or

(d) Online news services using electronic dissemination rather than conventional print or broadcast distribution.

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Joint Standing Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

4. The Legislative Code of Ethical Standards does not create any private right of action or enforceable legal rights in any person.

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

Rule No. 32. Definitions.

As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Joint Standing Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those rules.

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, or agree to engage in, or assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach by or against a member of legislative staff or a lobbyist.

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards, Require Training and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 and 560-564 (2010) (Mason's Manual))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is not a member. (Mason's Manual §§ 805-806; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies §§ 690-695 (1856) (Cushing's Legislative Assemblies))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Cushing's Legislative Assemblies § 533)

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

3. The Majority Leader of the Senate and the Speaker of the Assembly, respectively, may require Legislators to attend training relating to the ethical standards required, and the behaviors prohibited, by the Legislative Code of Ethical Standards and sanction a Legislator for failure to attend such a training.

CONTINUATION OF RULES

Rule No. 40. Continuation of Joint Standing Rules During the Interim Between Regular Sessions.

The Joint Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

And be it further

RESOLVED, That this resolution becomes effective upon adoption, except that any persons who were issued press identification badges for the 83rd Session of the Legislature before February 3, 2025, and whose names are read or entered into the Journals of the Senate and Assembly as accredited press representatives on that date shall be deemed to be accredited members of a bona fide news medium for the purposes of Joint Standing Rule No. 25.

Assemblymember Jauregui moved the adoption of the resolution.

Remarks by Assemblymembers Jauregui and Gallant.

ASSEMBLYMEMBER JAUREGUI:

This resolution sets out the Joint Standing Rules of the Senate and Assembly for the 83rd Session of the Nevada Legislature. (1) The Joint Standing Rules are amended throughout to use the term "Assemblymember" rather than "Assemblyman" or "Assemblywoman" for members of the Assembly. (2) Rule No. 4 is amended to eliminate the requirement that the presiding officer of each house announce in open session their intention to sign enrolled bills and joint resolutions before signing such bills and resolutions. (3) A new Rule No. 25 is added to clarify the press accreditation process for the Legislature and ensure the process is consistent with current case law. (4) Rule 39 is amended to authorize the Speaker and the Majority Leader to require Legislators to attend training relating to the Legislative Code of Ethical Standards.

ASSEMBLYMEMBER GALLANT:

I would like to address the Legislature with our concerns of being called "Assemblymember." We fought very hard for the title of "Assemblywoman" back in the nineties, as well as being celebrated for having the first female majority Legislature, and we continue to. I will be voting "no" on these resolutions for that reason.

Resolution adopted and ordered immediately transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 2—Authorizing additional reimbursement for travel in certain circumstances.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That to offset the increased cost of flights, a legislator may apply for reimbursement for travel of 50 miles or more between the legislator's home and Carson City, Nevada, to serve during the 83rd (2025) Session of the Nevada Legislature by submitting a claim for the reimbursement of any amount the legislator is required to pay for such travel which exceeds the amount authorized to be provided pursuant to NRS 218A.645, up to a maximum amount of $10,000 per legislator; and be it further

RESOLVED, That the amount of any such claim that is approved be verified, processed and paid in the same manner as claims pursuant to NRS 218A.645; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Jauregui moved the adoption of the resolution.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

This resolution authorizes legislators who travel 50 miles or more between their residence and Carson City to apply for additional reimbursement to offset higher costs of travel.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 83rd Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 83rd Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or adoption of a resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymembers designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblymember designated to be the Speaker and the Assemblymember designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblymember designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. The Chief Clerk shall have custody of all bills, resolutions, petitions, papers and other documents, including, without limitation, matters referred to the committees of the Assembly.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall

immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest, including, without limitation, alleged breaches of the Legislative Code of Ethical Standards in the Joint Standing Rules.

8. All proceedings held by the Committee to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters of ethics or conflicts of interest and all materials related to those proceedings are confidential, unless the person who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

9. An individual may file a complaint which alleges a breach of ethics or a conflict of interest, including, without limitation, an alleged breach of the Legislative Code of Ethical Standards in the Joint Standing Rules. If the alleged breach of ethics or conflict of interest involves the conduct of more than one person, separate complaints must be filed regarding each person. A complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel who shall review the complaint and any other relevant information and consult with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair, to evaluate whether the Committee has jurisdiction and whether an investigation is warranted in the matter. If it is determined that the Committee:

(1) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the complaint.

(2) Has jurisdiction and an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the complaint to the person who is the subject of the complaint.

10. Each Legislator is subject, at all times, to the Legislative Code of Ethical Standards in the Joint Standing Rules and, in addition, must determine whether he or she has a conflict of interest upon any matter in question before the Legislator. In determining whether the Legislator has such a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters,

➥ except that this subsection does not exempt any members of the Assembly from the Legislative Code of Ethical Standards in the Joint Standing Rules.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any proposal, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all proposals that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Revenue.
4. Education.
5. Legislative Operations and Elections.
6. Natural Resources.
7. Growth and Infrastructure.
8. Commerce and Labor.
9. Health and Human Services.
10. Government Affairs.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

Rule No. 42. Subcommittees.

1. Subcommittees may be appointed by the chair to consider and report back on specific subjects or bills. If a member of a subcommittee is not a member of the standing committee for which the subcommittee is created, the approval of the Speaker is required for that member's appointment.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a proposal on the desk.

(d) Postpone consideration of any proposal.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee must be entered in the Assembly's final journal.

Rule No. 46. Procedure for Election Contests.

1. If the Secretary of State delivers a statement of contest of the general election for the legislative office of any member pursuant to NRS 293.427, the Speaker shall appoint a committee to review the contest and designate the chair and vice chair of the committee. The committee must consist of three members who are not parties to the contest.

2. The parties to the contest must be designated as the contestant and the defendant, and the parties may be represented in the contest by attorneys who are licensed to practice law in this State.

3. The chair may take, direct or require any reasonable actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

4. The committee shall not review the merits of the contest unless the committee first determines that the contestant complied with all requirements to bring and maintain the contest. To assist the committee in making its determination, the chair shall take, direct or require any reasonable actions to provide the parties with notice and an opportunity to submit written arguments to the committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest.

5. If the committee determines that the contestant complied with all requirements to bring and maintain the contest, the committee shall review the merits of the contest pursuant to this Rule. If the committee determines that the contestant did not comply with all requirements to bring and maintain the contest, the committee shall report to the Assembly its recommendation that the Assembly should not take further action on the contest and that the Assembly should dismiss the contest with prejudice. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment. If the Assembly accepts the committee's recommendation, the Speaker shall declare that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice. If the Assembly rejects the committee's recommendation, the Speaker shall declare that the Assembly returns the contest to the committee with directions to review the merits of the contest pursuant to this Rule.

6. If the committee reviews the merits of the contest pursuant to this Rule, the committee may conduct any reasonable hearings or other proceedings to receive any evidence and arguments from the parties regarding the merits of the contest. The committee shall keep written minutes of any hearings that are conducted.

7. To the extent possible, the merits of the contest must be presented and submitted to the committee upon depositions and any written or oral arguments as the chair may order. If, at any hearings or other proceedings, any oral statements are made that purport to establish matters of fact, the statements must be made under oath. Strict rules of evidence do not apply in any hearings or other proceedings, but the chair may admit or exclude any evidence based on the rules of evidence.

8. A party may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State, but the chair may establish reasonable limitations and deadlines regarding any depositions. Before taking a deposition, a party must provide at least 5 days' notice to the prospective deponent and the other party.

9. To prevail on the merits of the contest, the contestant has the burden of proving that, based on one or more of the grounds set forth in NRS 293.410, there were sufficient irregularities in the election of such a substantial nature as to establish that the result of the election was changed thereby.

10. If the committee reviews the merits of the contest pursuant to this Rule, the committee shall report to the Assembly its findings and its recommendation on which party should be declared elected, unless the committee declines to make such a recommendation in its report. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment, if such a recommendation is made. If the Assembly accepts the committee's recommendation, the Speaker shall declare the recommended party elected. If the Assembly rejects the committee's recommendation or if the committee did not make such a recommendation, the Assembly shall vote on which party should be declared elected, and the Speaker shall declare the party elected after the vote.

11. If the contestant is declared elected and seated as a member of the Assembly as a result of the contest, the Speaker shall inform the Governor of the Assembly's actions.

B. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all proposals before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee; and

(o) Inform the Speaker of committee activity.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

Rule No. 51. Committee Records.

1. The chair of each committee shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly. Except as otherwise provided in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. If the chair does not approve the minutes pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47 within 60 days after the minutes are submitted to the chair for review, such minutes shall be deemed to be the official record of the committee without requiring the approval or signature of the chair.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

C. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the chair, lobbyists, the press and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Supporting the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. In addition to the use of remote-technology systems pursuant to the Remote-Technology Rule in Assembly Standing Rule No. 126, at the discretion of the chair and with the approval of the Speaker, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference or other appropriate remote-technology systems.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These

persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in order to conduct a meeting outside Carson City.

7. The designated meeting room or rooms of a committee meeting conducted with all members participating via the use of remote-technology systems pursuant to the direction of the Speaker, must remain locked during the committee meeting and only the committee staff designated by the Chief Clerk, if any, may be present in a committee room during the meeting.

D. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all proposals that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority vote of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a proposal.

11. Every committee vote on a matter pertaining to a bill, resolution or initiative petition must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

E. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

F. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a proposal is postponed indefinitely, the same proposal must not be considered again during the session. The question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Reserved.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Proposal.

1. No member shall speak more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution, initiative petition or amendment. If the member desires to speak on the importance of such issue, bill, resolution, initiative petition or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members and sustained by a majority vote of the members present. The previous question shall not be moved by the member last speaking on the proposal.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymembers not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblymember who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or resolution upon its introduction.

Rule No. 99. Remarks.

The remarks of all members on final passage of bills and initiative petitions and on adoption of resolutions shall be included in the day's journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.

2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

3. Custom, usage and precedence.

4. The Statutes of the State of Nevada.

5. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee

referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill shall be rejected. The same proposal must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File or General File, as appropriate. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and initiative petitions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or initiative petition during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill or initiative petition must limit his or her remarks to an explanation of the bill or initiative petition. If the member desires to speak on the importance of the bill or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill, resolution or initiative petition shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending proposal must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill, resolution or initiative petition. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message or statement is received, or if made a special order, when the special order is called, the summary of the bill so disapproved must be read by the Chief Clerk. No such bill, message or statement may be referred to any committee, or otherwise acted upon save as provided by law and custom. The complete text of the bill and the message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Joint Resolutions.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A roll call vote must be taken on final adoption of a joint resolution.

3. Joint resolutions, upon enrollment, must be delivered to the Secretary of State.

4. Joint resolutions proposing amendments to the Nevada Constitution or ratifying a proposed amendment to the United States Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 3 minutes.

E. REMOTE-TECHNOLOGY SYSTEMS

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Authorized Use of Remote-Technology Systems in Exceptional Circumstances.

1. As used in this Rule, "remote-technology system" means any system or other means of communication that is:

(a) Approved by the Speaker and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole even though the member is not physically present within the Assembly Chambers or at a meeting of the Committee of the Whole.

(b) Approved by the chair of a committee, other than the Committee of the Whole, and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the committee even though the member is not physically present at a meeting of the committee.

2. Upon request by a member of the Assembly:

(a) The Speaker may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole if the Speaker determines that exceptional circumstances warrant such use by the member. If the Speaker grants such authorization, it must be entered in the Journal of the Assembly.

(b) The chair of a committee, other than the Committee of the Whole, with the approval of the Speaker, may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the committee if the chair and the Speaker determine that exceptional circumstances warrant such use by the member. If the chair grants such authorization, it must be entered in the records of the committee.

3. If a member of the Assembly uses a remote-technology system to attend, participate, vote and take any other action in any proceedings pursuant to this Rule, the member shall be deemed to be present and in attendance at the proceedings for all purposes.

4. For the purposes of voting in proceedings of:

(a) The Assembly or the Committee of the Whole, the Chief Clerk of the Assembly, or an authorized assistant, shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the Assembly, cause the member's vote to be entered into the record for the purposes of the Journal of the Assembly or the records of the Committee of the Whole, as applicable.

(b) A committee, other than the Committee of the Whole, the committee secretary shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the committee, cause the member's vote to be entered into the record for the purposes of the records of the committee.

5. Except as otherwise provided in subsection 7 of Assembly Standing Rule No. 55, this Rule supersedes, takes precedence and controls over any other rule, provision or principle of law to the extent of any conflict with this Rule.

6. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (Heller v. Legislature, 120 Nev. 456 (2004); Commission on Ethics v. Hardy, 125 Nev. 285 (2009); Mason's Manual of Legislative Procedure §§ 2-3 & 560-564 (2010) (Mason's Manual))

(b) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to determine the rules of its proceedings and to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (In re Chapman, 166 U.S. 661, 668 (1897); Mason's Manual § 2; Luther S. Cushing, Elements of the Law & Practice of Legislative Assemblies § 533 (1856) (Cushing's Legislative Assemblies))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (Cushing's Legislative Assemblies § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (Cushing's Legislative Assemblies § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary,

they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (Ex parte McCarthy, 29 Cal. 395, 403 (1866))

(g) Under the Nevada Constitution, there are no constitutional provisions establishing a particular method for determining whether a member of either House is present at legislative proceedings.

(h) The United States Supreme Court has held that when there are no constitutional provisions establishing a particular method for determining whether a member of a legislative house is present at legislative proceedings, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." (United States v. Ballin, 144 U.S. 1, 6 (1892))

(i) The United States Supreme Court has also held that when a legislative house adopts a rule establishing a reasonable method for determining whether a member is present at legislative proceedings, that rule must be given great deference by the courts because:

> *Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.*

(United States v. Ballin, 144 U.S. 1, 5 (1892))

7. The Assembly hereby exercises its constitutional and inherent powers and privileges and adopts this Rule to:

(a) Govern, control and regulate its membership and its internal organization, affairs and management;

(b) Ensure its institutional self-protection and self-preservation; and

(c) Establish a reasonable method for determining whether a member of the Assembly is present at legislative proceedings during exceptional circumstances.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker,

the Committee of the Whole, such other committees as the Speaker may appoint for a special session or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

The next rule is 150.

XI. ASSEMBLY EMERGENCY RULES

Rule No. 150. Reserved.

Rule No. 151. Reserved.

And be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Jauregui moved the adoption of the resolution.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Resolution No. 1 contains the Assembly Standing Rules for the 83rd Session. (1) The Assembly Standing Rules are amended throughout to use the term "Assemblymember" rather than "Assemblyman" or "Assemblywoman" for members of the Assembly. (2) Rule No. 51 is amended to allow for committee minutes to become final without the chair's signature after 60 days. (3) Rule No. 54 is amended to clarify that testimony in support of an amendment to a bill that has not been approved by the bill's sponsor is considered opposition testimony. (4) Rule No. 67, which allowed for a now-obsolete process for dividing a bill into multiple bills, has been removed. (5) Rule No. 116 is amended to eliminate the requirement for a veto message and the text of a vetoed bill to be read aloud. Instead, the summary of the vetoed bill will be read and the full text of the veto message and vetoed bill will be entered into the Journal.

Motion carried.

Resolution adopted and ordered to enrollment.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of the Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attaches of the Assembly for the 83rd Session of the Legislature of the State of Nevada: Ace Acosta, Savanah Arjil, Margaret Arroyo, Laura Austin, Julie Axelson, Mateo Beers, Maria Benamati, Judith Bishop, Gary Brady-Herndon, Travis Brewer LaChapelle, Sylvia Brown, Brian Burke, Meghan Burke, Julie Butler, Karen Cook, Tony Corda, Jesse Cruz, Adam Czajkowski, Annelise Dankworth, Nancy Davis, Tracy Davis, Natalie Dean, Denise Dimarzo, Kathryn Dodge, Sandy Dombrowski, Sylvia Dominguez-Curry, Traci Dory, Roisin (Rosey) Downey, Aria Earnest, Barb Eiche, Jeffrey Ferguson, Nicholas Fischer, Karen Fox, Kyla Fox, Sydney Gamer, Holly Gilman, Cindy Glass, Bob Guernsey, Joi Guthrie, Zena Hajji, Gina Hall, Jason Hataway, Sierra Hernandez, Pamela Homentowski, Kristi Howard, Karri Hurwitz, Lena Idelson Robles, Cynthia Ihejirika, Richard Jacobs, Alexiz Jenkins, Natalia Jordan, Sara Kalaoram, Vickie Kieffer, Jeff Kirst, Aaron Klatt, Ryan Kole, Katrina Krakowiak, Miriam Lachica, Bruno Landivar, Alexandria Lash, Cyndi Latour, Linda Law, Janet Lazarus, BC Lindsley, Kevin Magee, Mary Matheus, Jake Matthews, Randi May, Lisa McAlister, Lori McCleary, Janet McDonnell, Sara Mellen, Sara Menke, Josie Miller, Marbelly Miranda, Chris Molnar, Susan Moore, Olivia Ngo, Bill O'Driscoll, Janet Osalvo, Kelly Osborne, Cindy Paiva, Staci Patton, Cody Perkins, Kelley Perkins, Marcy

Peterson, Nikki Peterson, Virginia Peterson, Claudia Pierrott, Joe Pollock, Kimberly Pond, William Puchert, Mira Punzalan, Sherry Quick, Shiloh Reading, Roxanne Reichert, Jim Rodriguez, Karen Rutledge, Christina Salerno, Karla Sanchez, Daftne Sanchez, Caitlin Scruggs, Mackenzie Scruggs, Logan Service, Jo Lynn Smith, Jean Spell, Katie Stockwell, Janet Stokes, Geigy Stringer, Francis Talbot III, Zane Taylor, Lisa Tolda, Ashley Torres, Bet Torres, Sally Trotter, Kourtney Wagner, Linda Weathers, Karyn Werner, George Whalen, Mary Whalen, Sylvia Wiese, Cheryl Williams, Lola Works, Janice Wright, Michael Wright and Dave Ziegler; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Jauregui moved the adoption of the resolution.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Resolution No. 2 provides for the appointment of Assembly attachés for the 83rd Session.

Motion carried.

Resolution adopted and ordered to enrollment.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Jauregui moved the adoption of the resolution.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Resolution No. 3 provides allowances to members of the Assembly and leadership for periodicals, stamps, stationery, and communications for the 83rd Session.

Motion carried.

Resolution adopted and ordered to enrollment.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

FEBRUARY 3, 2025

THE HONORABLE NICOLE CANNIZZARO, MAJORITY LEADER, NEVADA STATE SENATE, THE HONORABLE STEVE YEAGER, SPEAKER, NEVADA STATE ASSEMBLY, 401 S. Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER YEAGER:

Please find enclosed the text of my State of the State address to the 83rd Session of the Nevada Legislature. I was honored to join you both alongside your fellow legislators, Supreme Court justices, constitutional officers, and honored guests for this important evening for all Nevadans. I was proud to outline my plans to move Nevada forward, and deliver on our commitment to support, create opportunities for and relieve the burden on working families across our great state.

Nevada is entering a crucial phase, confronting challenges that demand serious comprehensive and forward thinking solutions. From housing affordability and healthcare access, to educational outcomes, public safety, and economic policy. To address these critical needs, I am introducing five priority pieces of legislation that reflect my administration's vision for Nevada's future. Each of these proposals represents a comprehensive and strategic approach to addressing the challenges we face and are designed to deliver tangible results, improve government efficiency, and provide financial relief to taxpayers.

As I said in my State of the State address, I remain committed to working with you and I know we all feel a profound and abiding sense of duty and honor to the people we serve. I appreciate your thoughtful consideration and deliberation over the coming months. My staff and I stand ready to work with you this Session to find solutions and improve the quality of life for all Nevadans.

Sincerely,
JOE LOMBARDO
Governor

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 15, 2025, be entered into the Journal.

GOVERNOR JOE LOMBARDO:

Welcome everybody: Speaker Yeager, Majority Leader Cannizzaro, Lieutenant Governor Anthony, members of the Senate and Assembly, honorable Justices of the Supreme Court, welcome; constitutional officers, welcome, welcome; distinguished guests, my fellow Nevadans, good evening.

I want to acknowledge that all of us have friends and family who have been affected by the devastating wildfires in southern California. Our hearts go out to those who are dealing with the fire's aftermath, and I ask that we all keep the good people of Los Angeles and the first responders who are working to keep them safe, in our thoughts and prayers.

I appear before you two weeks into the new year and two weeks away from the start of a new legislative session. I know all of you feel a profound and abiding sense of duty and honor to serve the people. Every day we are entrusted with the distinct privilege of working for the citizens of this great state.

It is no secret that in the coming months we will not always see eye to eye on everything, and that is ok. What I do know, however, is that there will be absolutely no disagreement among us on two essential mandates, fulfilling the people's trust and giving them nothing less than our very best. Tonight, let us take a look at where our state is headed. I will highlight my executive budget, summarize the state of our state, and outline where I believe our state's resources should be prioritized. Beforehand, I want to talk about who we are and where we have been.

One hundred years ago, almost to the day, Nevada Governor James Scrugham, wrote to the Nevada Legislature in his State of the State message that economic progress should not be restrained "by burdensome legislation, excessive taxation, or unnecessary interferences." In 1925, Nevada's population was 85,000; today, we are over 3.2 million. Governor Scrugham was spot on 100 years ago, and I would bet what he wrote in 1925 will be true 100 years from now. It is that kind of disciplined leadership that has enabled Nevadans to march through decades of unexpected downturns and rise again and again with a renewed spirit of hope and optimism.

I also believe that by embracing the Nevada Way, a concept that as Nevadans, if we believe in ourselves sufficiently enough and trust one another to overcome adversity no matter the order of magnitude, we shall never fail.

We emerged from a brutal pandemic stronger and healthier; we instituted thoughtful changes in the way we operate; and we exercised our vested authority to substantially limit the growth of government. It is not about doing less; it is about doing better.

To give you a sense of what I am talking about, when I took over as Governor, the IT [Information Technology] project to replace our HR [Human Resources] and financial operations systems had spent more than $100 million but was no closer to implementation than when it started in 2017. I am proud to announce that the first phase of the financial system went live on January 2, and now Nevada is paying its bills. The HR system is on track to be fully implemented this summer on time and within budget. We made clear that our vision for Nevada's future is bracketed by the twin principles of physical discipline and decisive leadership. To put it simply, we are getting stuff done.

Without hesitation, I can confidently say after 24 months in office, we are running government, government is not running us. Meaning, in my administration results are more important than process. I strongly agree with President Reagan's idea, "Government can and must provide opportunity, not smother it;" it must "foster productivity, not stifle it." In two years, we have reduced an employee vacancy rate from 25 percent to half of that. Morale and working conditions have improved dramatically. State employee productivity is significantly higher, employees are back in the office, and we are back in business. During that same period, we welcomed a record number of visitors to the Silver State, and we are experiencing robust job creation. Nearly 1.6 million Nevadans are working, marking the highest number in our state's 160-year history. This remarkable achievement reflects the resilience and determination of our citizens and the progress we made in building an economy that delivers results. But in an unusual twist, Nevada's unemployment rate stands at 5.7 percent; a number that reminds us there is still a lot of work to be done. My administration is committed to ensuring that every Nevadan, no matter their circumstances, has access to meaningful opportunities to contribute and participate in our state's success.

In my inaugural address, I spoke about unleashing the roar of Nevada's economy, and we are well on our way. I attribute it to the fact that the world wants to share in our rich entertainment and sporting event experiences. At the same time, business leaders around the globe have heard and answered the call that Nevada is open for business. These are good signs, no doubt, but as leaders, it is our responsibility to be on the lookout for early warning signs of change. While we can look forward with cautious optimism that our economy is stable, we must stay alert to sudden economic turns. To that end, my budget includes a record high reserve in the Rainy Day Fund of $1.3 billion. Just imagine, 10 years ago, the Rainy Day Fund had a balance of $330 million. Four years ago, due to the pandemic, it was drained to zero. We made smart fiscal decisions, and we instituted prudent policies to protect ourselves. We should pause and note, those of us who were here two years ago can be gratified knowing we are responsible for being responsible. It is safe to say, we Nevadans are no strangers to hardship. It is the nature of our story, so we must act accordingly.

Let me provide you with another example we have accomplished since taking office, this time in education—remember I said we have accomplished. Last session, we added over $2 billion in new funding for Nevada students and schools—the largest education investment in our state's history. Hand in hand with that historic achievement, we worked last session to make our schools safer and more accessible to Nevada families in all 17 counties. We heard the urgent voices of students, parents, and teachers that said the safety of our schools was under threat. They asked us to step up to reempower teachers and to give students the reinforcement they need to grow academically while also learning the value of respect and responsibility. I was proud to collaborate with the Legislature last session to pass two bills that reestablish control and accountability in our schools. Together, we also made major new commitments to state-funded pre-K through building out additional capacity for our youngest learners. We created transportation options for students who choose to attend charter schools, and we supported our teacher workforce by creating new professional pathways and scholarships. That level of cooperation, the willingness to come together and find common ground, is what I hope for in this session as we work to solve the needs

of our students, parents, and educators. I will share more in a few moments of what we propose to do this session to improve public education.

First, I am proud to present you a $12.7 billion executive budget that meets the commitments we made last session on pay raises for public employees and teachers and I am pleased to announce tonight, my budget will make teacher pay raises permanent. I am also announcing that I will be extending pay raises to all charter school teachers.

Additionally, my budget introduces important changes in how we conduct state business. It bolsters our purchasing power to save taxpayer dollars, and it is a budget that is transparent in addressing inescapable realities like program roll ups amid the growing scarcity of federal dollars. Let us face it, as we get ready for the 120-day session, we all know working families need to catch a break. I can assure you that every single one of my budget decisions was focused on delivering on that commitment. Most important, this is a budget that is centered and balanced on the promise of not raising taxes on our hardworking Nevada families.

My fellow Nevadans, I stand before you to tell you that the state of our state is steadily improving. We are certainly headed in the right direction and the outlook is positive; but for it to remain sustainable, we must, we must, sharpen our discipline and focus. Prices are higher because of the compounding effects of inflation and the cost of living continues to weigh on our families. Housing costs are stretching budgets thin, health care costs remain a heavy burden, and access to health care is too limited for too many. With these concerns in mind, I will share something with you. Last month, I declined to include millions of dollars in state agency requests for more funding in this budget. Many of the proposed program enhancements were thoughtful, but now is exactly the wrong time to strap more burden on the backs of hardworking Nevada families. So, I held the line.

Considering the added financial pressures Nevada families are feeling, I instructed my cabinet to lock in the resolve to say no to more spending; and yes, to more accountability and resourcefulness. Among my top budget priorities—I want to mention one in particular, it is one I expect will be met with bipartisan support—I am announcing that we will be splitting up the Department of Health and Human Services. I will stand up to Nevada Health Authority, which will be assigned the critical responsibilities of managing Medicaid, the Health Exchange, employee benefits, mental health funding, and other services. This new authority will capitalize on the broad and strong purchasing power of the State when it comes to health insurance. Leveraging that power enables us to cut a better deal for taxpayers while offering better insurance options for Medicaid members; those Nevadans enrolled in the exchange; and state employees. To lead this new agency, I am proud to announce, I have asked one of Nevada's hardest working and most effective public employees to take on this assignment. Please join me in recognizing Stacie Weeks. Making this significant adjustment in the way we address health care is an essential step in helping all Nevadans, and I urge your support for this critical shift in health care management.

Nevada is entering a crucial phase, confronting challenges that demand serious comprehensive and forward-thinking solutions, from housing affordability and health care, access to educational outcomes, public safety, and economic policy. To address these critical needs, I am introducing five priority pieces of legislation that reflect my administration's vision for Nevada's future. Each of these proposals represents a comprehensive and strategic approach to addressing the challenges we face, designed to deliver tangible results, improve government efficiency, and provide financial relief to taxpayers. I would ask that before some of you say no, work with me. Collaborate with my agency heads, ask questions, give input, offer alternatives, and set aside partisan politics. The stubborn reality is that if we do nothing, these challenges only become more difficult.

Let me say this plainly, Donna and I are grandparents, and we feel firsthand the struggle young families are having with housing costs. We know too many Nevadans are seriously questioning if they will ever have the chance to own a home. Everyone watching and listening tonight has been affected by this crisis. No one is untouched. Finding sensible solutions requires leadership, partnership, and bipartisanship. I know we can do this if we set our minds to it.

The root cause of our crisis is that Nevada families and builders are being held back by the federal government's reluctance to release the land we need for housing. With over 80 percent of our state under federal control, bureaucratic delays have driven up costs and shut down opportunities. My administration has fought hard to change that, pushing Washington to make land available for the people who need it most. I have spoken with President Trump on multiple

occasions to let him know how important it is that more federal land be released so we can relieve the mounting pressure on our housing inventory. I have great confidence that President Trump understands and will help. I have also been in constant contact with our congressional delegation, who are working closely with us to cut through the D.C. [District of Columbia] bureaucratic red tape, but while we press for federal action—we are not waiting. We bear an important responsibility to protect the natural splendor of Nevada while solving our housing crisis. That means supporting what works and shedding outdated practices that slow progress or drive up costs. By streamlining permits, prioritizing the use of every buildable acre of land for Nevadans—not out of state investors looking to cash in—we are creating a route for housing attainability for all. The Nevada Attainable Housing Act is our action plan to get this done. This comprehensive legislation tackles housing needs on multiple fronts: fostering innovation, incentivizing development, and creating public-private partnerships. The bill prioritizes state funding that will support $1 billion in new attainable housing units across Nevada. This investment empowers Nevada builders to create homes for the people who live and work here: helping families secure stable housing; creating pathways to homeownership for essential workers like teachers, nurses, and first responders; and supporting transitional housing for those starting over by focusing on solutions that expand housing supply through collaboration, not heavy-handed mandates that choke growth. This plan is about partnerships—builders, governments, and communities working together to create housing by Nevadans, for Nevadans.

We also need to continue the great work our fire agencies and stakeholders are doing to protect us from the growing risk of wildfires. If fires do occur, despite our best efforts, we need to ensure our homeowners and residents can have adequate insurance in place to help recover from loss and to stay in their homes. We know a house is not just four walls and a roof; it is the foundation for a better life. Whether you are renting, saving for your first home, or starting over, know this: we see you, we hear you, and we are in this together.

Just this week, the [Governor's] Office of Economic Development formally approved the Campus for Hope, a $200 million initiative that embodies the power of public-private partnership funded by the state and the private sector through the Campus for Hope Foundation. This groundbreaking project will provide life-changing resources for those experiencing homelessness by bringing together the state, local governments, and business community partners, the Campus for Hope exemplifies Nevada's commitment to innovative results-driven solutions. More than just a building, the campus represents the promise of a better future. Combining the collective will of the 63 of you—and me—we can build more than houses. We can convert Nevada's promise into reality: a place where every family can thrive, every community can grow, and every dream can find a home. That is the Nevada way.

Nevada is home to some of the best doctors, nurses, and hospitals in the country, but we have a significant challenge, we need more of them. With some of the lowest provider-to-patient ratios in the nation, far too many Nevadans are left waiting for care, or worse, going without it. This session, we are confronting this issue with a bold plan to modernize and strengthen our health care system. We are also removing barriers that prevent providers from focusing on what matters most: delivering high quality care. By 2028, all health insurance plans in Nevada will be required to adopt standardized and digitized prior authorization plans, thus reducing delays for patients and providers.

Concurrently, we are investing in partnerships that address both health care and economic development challenges. We are doubling our investment in graduate medical education, incentivizing providers to serve in underserved areas, and leveraging telemedicine. We are creating new career opportunities and ensuring that quality care reaches every corner of the state. These initiatives are grounded in a simple but profound belief that the strength of Nevada's communities begins with the health of it is people. As I mentioned earlier, at the heart of this effort is the creation of Nevada Health Authority, a streamlined agency designed to address our state's most pressing health care needs. This agency will include the Office of Mental Health to expand access to behavioral health services and ensure better coordination of care for Nevada's most vulnerable residents. We are building a system where families can trust they will find the care they need closer to home; where providers want to practice; and where every investment enhances the health and prosperity of our state because healthcare is more than just a service, it is a lifeline. It is an equalizer. It is a promise that no Nevadan, no matter where they live, will be left behind.

In 2023, we delivered the largest investment in K through 12 education in Nevada's history. We did it because we believe every Nevada child deserves an education that prepares them for careers, college, and life. We have invested the money—a lot of it—and we made a solid commitment to students, families, and educators. Together, we ensure that students facing the greatest challenges, those learning English, or those at risk of falling behind, or those with exceptional talents, receive the support they need and deserve. I am proud of what we have done, but folks, we can no longer accept the lack of funding as an excuse for chronic underperformance. I am a big believer in school choice. Some of you are too, and I recognize some of you are not. When it comes to our education system, let us ask ourselves two direct questions. One, are we satisfied with the status quo that results in our education system year after year, bouncing near the bottom of national metrics? I know I am not. And two, should we not collaborate more to close the achievement gaps plaguing our schools and challenge ourselves to try something different? To change the outcome, we must be willing to change the model. My view is—other states around the country are adopting similar views—no child should be trapped in a failing school because of their zip code or held down because of how much their parents or grandparents earn.

The Nevada Accountability and Education Act sets out four specific areas of how we intend to impose accountability, accelerate improvement, and give every student a legitimate shot at success. First, we are advancing policies that demand stricter accountability, equity, and excellence across every level of our education system. We are raising the bar for our schools, our school districts, and school boards. Second, we are expanding open enrollment policies to break down geographic barriers and provide transportation support to make choice available for all families. Every parent deserves the freedom to find the best educational setting for their child, no exceptions. Third, we are doubling down on teaching excellence. The Excellence in Education Fund will reward Nevada's highest performing teachers and administrators. Finally, we are addressing one of the most fundamental issues in education: early literacy. For those schools that are struggling, we will dedicate targeted resources to drive improvement while holding everyone accountable for results. If a school is found to be consistently underperforming, make no mistake, my bill proposes decisive action. We have done good work together. We must do better. Let us make a permanent difference in our schools.

The safety of our citizens continues to rank as a top priority, and in 2022 Nevada voters elected a sheriff to be their governor. Several years ago, laws were put on the books that softened criminal penalties, weakened judicial discretion in sentencing, tied the hands of prosecutors, and restricted justice for the victims of crime. In 2023, we set out to change that. I sponsored, and you passed, legislation strengthening certain elements of the Nevada's criminal code, but we must do more. As a part of my commitment to protecting Nevada families, I will be forwarding, for your consideration, the Safe Streets and Neighborhoods Act. This legislation supports victims of crimes, holds repeat and violent offenders accountable for their actions, and invests in curbing the abuse of drugs, which are often the central cause of criminal activity. Imagine a world where California is tougher on criminals than Nevada. That is the reality we face today. California voters recently approved stricter measures to address smash-and-grab crimes, lowering the threshold for felony prosecution and imposing enhanced penalties for repeat offenders. To restore a sense of law and order, my proposed legislation reduces the felony theft threshold and implements enhanced penalties for repeat offenders, regardless of the value involved. Let us make it harder for these career criminals to victimize Nevadans.

My bill also addresses a broad range of other public safety issues, including DUI [Driving Under the Influence] laws, domestic violence, bail policies, stalking, and cyberstalking. Perhaps most notable is that the Safe Streets and Neighborhoods Act prohibits the use of diversion courts for offenders who commit crimes against the most vulnerable amongst us: our children and the elderly. We cannot understate the role drug traffickers play in fueling a vicious cycle of addiction and crime. My bill takes direct aim at this crisis by reducing trafficking thresholds to stop illegal drugs and the criminals who push them. I know everyone here tonight believes strongly in the importance of public safety. Last session we made noteworthy progress and helped make our communities safer. Let us build on that momentum.

Our state is at a pivotal moment, emerging from the challenges of recent years and poised to reshape the economic future. To foster growth, we are rethinking economic development to focus on strategies that directly benefit businesses, workers, and families already established in our state.

By modernizing incentives, we are ensuring that industries that create high quality jobs, advance clean energy, and address essential needs like health care and childcare, are encouraged and rewarded. By embracing innovation and sustainability we will be able to empower a diverse economy and strengthen local businesses. Targeted tax credits for childcare facilities, for example, help working families, but also support businesses in building a stronger, more inclusive workforce. Economic development is about more than dollars in deals, it is about creating opportunities that benefit every Nevadan. This effort is grounded in the principle that economic growth must uplift communities and improve lives. Through investments in infrastructure and strategic partnerships, we are closing gaps that have long held us back from meeting the needs of underserved rural areas and emerging industries. Nevada will not simply follow the future; we will define it.

In our state government, we have over 300 boards and commissions. Thanks to the Legislature's passage of Senate Bill 431 last session, we made early strides in centralizing oversight, improving transparency, and implementing uniform standards for these boards and commissions. But it has become clear to me that our system of boards lacks the organization, the efficiency, and accountability that our citizens expect. That is why I asked my Director of Business and Industry, Doctor Kris Sanchez, to take a hard look at the functionality of the system and to evaluate the purpose of every board. He was tasked with finding ways to streamline, to consolidate, and to ensure these panels are performing to their maximum potential. We know many of these boards are necessary. They provide technical expertise, safeguard public interest, and help keep our community safe and strong. But we must ask ourselves, are these boards efficiently fulfilling their mission? Are they making the best use of your hard-earned tax dollars, or had they outlived their usefulness? Together, let us expand on what we did last session and finish the good work that Director Sanchez has already begun. We need an effective system of boards and commissions that reflects the needs and values of Nevada. A system that is smart, lean, and productive—smart, lean, and productive. Just a little color to that statement, I asked the Legislature not to get nervous when he plops that bill down on the table—I saw it, it is big, but we will get through it.

Two years ago, I said to you the right to vote is one of the most fundamental rights in American society. I also said that for our election system to function properly, it is vitally important to: (1) verify the identity of our voters, (2) ensure that all mail-in ballots are received by the time the polls close on Election Day.

On the first point, I argued that while we require people to have a valid form of ID for many daily functions, but not an ID to vote makes no sense. I vowed that if we could not reach an agreement that I would put it before the people and ask them to get it done. You know what happened? Nevada voters agreed with me, and Voter ID received more total votes than any candidate or any question on the 2024 ballot. And I expect it to pass overwhelmingly again in 2026.

On the second point, it makes zero sense to keep counting ballots four days after an election. We can be proud that Nevada is one of the easiest places to cast a vote, but it is time we make sure the votes are in and counted by Election Day. I have no doubt we can get this done. Working together with Secretary of State, Cisco [Francisco] Aguilar, we can enact a simple bipartisan fix to finish our elections on time. I would hope that this is one of the first bipartisan bills I signed. Honestly, I prefer not to go to the ballot on this issue, but if the Legislature chooses not to pass it, I will again lead an effort to take it to the voters and ask them to decide.

The fun part of the speech—the First Lady. Before I conclude tonight, I would like to recognize the First Lady, who does so much for our state. It is amazing how humble she is. The truth is, I could not effectively do this job without the First Lady by my side. She keeps me grounded and she is a steady and reliable voice of reason. She has her own full-time job and still has enough energy at the end of the day to listen to me and to give me sound advice—sometimes. She is an excellent role model, a terrific mother and grandmother, and the best friend a Governor could have. Donna Lombardo, thank you. Thank you for everything you do for me, our family, and for the Nevada families across the state.

In closing, I want to invoke the genius of Lincoln and Jefferson. To let us reaffirm that in this chamber tonight, there are no Republicans, no Democrats, just regular Nevadans who are bonded by our shared history that teaches us again and again, there are no challenges we cannot overcome

if we summon the will to work together. The voters of Nevada hired us and tasked us with conducting their business efficiently and ethically.

Before you adjourn this session and return home, let us strike a solemn pledge to the people we represent, to do something remarkable that is worthy of being remembered in the areas of housing, health care, education, public safety and economic diversification. My fellow Nevadans, to succeed, we must focus on what unites us. We must set our sights on shared goals and rise above the harsh political rhetoric. In five months, we will be judged, you and me, by the results we achieve together.

In my first State of the State, I stood before you and said my administration will govern with transparency, candor, and integrity and we have kept that promise. Tonight, I stand ready to renew that commitment with equal resolve and enthusiasm. A century from now, let us enable our grandchildren's grandchildren to look back to 2025 as a time when Nevada's elected leaders were unrestrained by unnecessary interferences and followed the Nevada way. God bless our Nevada military service members deployed around the world, God bless Nevada, God bless you, and God bless America. Thank you.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 30, 2025

BONNIE BORDA HOFFECKER, CHIEF CLERK OF THE ASSEMBLY
Assembly Chief Clerk's Office
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747

RE: *S-02-2024*

DEAR MS. BORDA HOFFECKER:

Pursuant to the Nevada Constitution, Article 19, Section 2, the Secretary of State's office is required to transmit to the Nevada Legislature any initiative petition proposing a statewide measure, which is filed with this office and deemed sufficient, as soon as the Nevada Legislature convenes and organizes. In compliance with the Nevada Constitution, enclosed please find the petition "S-02-2024."

Should there be any questions, please do not hesitate to contact the Elections division at (775)687-8683.

Respectfully,
FRANCISCO V. AGUILAR
Secretary of State
BY: ROB NICHOLS
Administrative Assistant IV

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 30, 2025

BONNIE BORDA HOFFECKER, CHIEF CLERK OF THE ASSEMBLY
Assembly Chief Clerk's Office
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747

DEAR MS. BORDA HOFFECKER:

This letter is in acknowledgement of the two transfers of Assembly Joint Resolutions that have been returned from the 82nd Session: Assembly Joint Resolutions 5 and 6.

These resolutions have been transferred from the Secretary of State's Office to your office pursuant to NRS 218D.800.

Should there be any questions, please do not hesitate to contact the Elections division at (775)687-8683.

Respectfully,
FRANCISCO V. AGUILAR
Secretary of State
BY: ROB NICHOLS
Administrative Assistant IV

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 30, 2025

BONNIE BORDA HOFFECKER, CHIEF CLERK OF THE ASSEMBLY
Assembly Chief Clerk's Office
401 S. Carson Street, Ste. 1206
Carson City, Nevada 89701-4747

DEAR MS. BORDA HOFFECKER:

This letter is in acknowledgement of the transfer of Assembly Bills of the 82nd Session 74, 160, 172, 201, 218, 224, 242, 243, 246, 258, 281, 305, 319, 322, 334, 340, 371, 383, 437, 439, 498, and 527. These bills have been transferred from the Secretary of State's Office to your office pursuant to Nevada Constitution Article 4, Section 35.

Should there be any questions, please do not hesitate to contact the Elections division at (775)687-8683.

Respectfully,
FRANCISCO V. AGUILAR
Secretary of State
BY: ROB NICHOLS
Administrative Assistant IV

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymen C.H. Miller and Monroe-Moreno.

Assembly Joint Resolution No. 5 of the 82nd Session—Proposing to amend the Nevada Constitution to revise provisions relating to lotteries and the sale of lottery tickets.

Assemblymember Jauregui moved to refer Assembly Joint Resolution No. 5 of the 82nd Session to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Watts, Bilbray-Axelrod, Brittney Miller, Anderson, Backus, Brown-May, Carter, Cohen, D'Silva, Duran, González, La Rue Hatch, C.H. Miller, Monroe-Moreno, Newby, Peters, Summers-Armstrong, Taylor, Thomas, Torres, Yeager; Senators Harris, Lange, Ohrenschall, Daly, Doñate, Flores.

Assembly Joint Resolution No. 6 of the 82nd Session—Proposing to amend the Nevada Constitution to adopt the National Popular Vote Compact.

Assemblymember Jauregui moved to refer Assembly Joint Resolution No. 6 of the 82nd Session to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that consideration of vetoed Assembly Bills Nos. 74, 160, 172, 201, 218, 224, 242, 243, 246, 258, 281, 305, 319, 322,

334, 340, 371, 383, 437, 439, 498, and 527 of the 82nd Session be made a Special Order of Business for Thursday, February 6, 2025, at 12 p.m.

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 3, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

2 NEWS: Josh Meny; CUMULUS MEDIA: Joseph Azar, Jonathan Sabin; KNVC: Lori LeClaire; KOLO 8: Tony Bennett, Taylor Burke, Nick Doyle, Robert (Ray) Kinney, Daniel Pyke, Terri Russell; KREN UNIVISION NEVADA: Issmar Ventura; KTVN 2 NEWS: Robert Dieters; KTNV CHANNEL 13 NEWS: Steve Sebelius, Steven Smallwood; KUNR PUBLIC RADIO: Manuel Holguin, Lucia Starbuck; LAS VEGAS REVIEW-JOURNAL: Madeline Carter, Jessica Hill, McKenna Ross; NEVADA APPEAL: Ashley Betrue, Jessica Garcia, Adam Trumble; NEVADA APPEAL/LAHONTAN VALLEY NEWS: Steven Ranson; NEVADA CURRENT: Richard Bednarski, April Corbin Girnus; NEVADA PUBLIC RADIO: Paul Boger; NEWS 4-FOX 11: Jason Allen, Ben Margiott; NEWS/TALK 780 KOH: Gregory Neft, Brad Vincent; PBS RENO: Rebecca Cronon; RENO GAZETTE JOURNAL: Jason Bean, Mark Robison; THE NEVADA INDEPENDENT: Isabella Aldrete, David Calvert, Tabitha Mueller, Scott Neuffer, Eric Neugeboren, Jon Ralston, Lizette Ramirez

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Clyda Anderson and Connor Lindloff.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Marc McDermont, Sandy Backus, and Shannon Bilbray-Axelrod.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Aury Nagy, Jeffrey May, Josie Miller, and Randi May.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Joseline Cuervo, Liz Luna, Maria Nieto Orta, and Nancy Munoz.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to David Brown, Dennis Cole, Scott Keller, and Tammy Hendrix.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Molnar, Kenneth Merrill, and Maria Teresa Hank.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Marina Hunt-Dalia.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Julie McMillin and Patty McMillin.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tessa Laxalt-Robinson, Tom Dickman, and Virginia Peterson.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Councilman Isaac Barron, Cruzinha D'Silva, Kourtney Wagner, and Councilman Joe Rodriguez.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Boyett and Amanda Boyett.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Tayshia Flanagan, Temako Roque Gardner, Tommie Flanagan, Eric Cole, Eric James, Brayonna Harris, and Alexiz Jenkins.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Gallant, and Phill Peckman.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Atticus González, Darina Beckett, Francisco González, and Nilnett González Shama.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Hayes. Adam Czajkowski, and Grace Nichols.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Kati Gray, Olivia Parker, John Lawrence, and Brigadier General Michael Peyerl.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Gurr, Michelle Mortensen, Paul Nolan, and Paula Wilbur.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Harrison Hafen and Suzanne Hafen.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Hansen, Jacob Hansen, Rachel Haack, and Senator Ira Hansen.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Celssie Hardy, Connie Close, Damon Hardy, Paul Anderson, Cydnie Smothers, Benjamin Smothers, and Oliver Smothers.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Hibbetts.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Crockrom Jr., Kevin Crockrom Sr., Keyondria Crockrom, and Nicole Crockrom.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Annemarie Roberts, John Jackson, and Teanna Stocks.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Kattie Robins, Paul Selberg, Ethan Screnock, and Wendy Jauregui Jackins.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Conner Wachter, Lauren Wachter, and Logan Wachter.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Craig Clark, Jan Clark, Serena Kasama, Frankie Talbot, and Peter Kasama.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Terra Koenig.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Hatch, Lori Hatch, Stephen Hatch, and Tom Hatch.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Eleni Marzola, Maria De Souza, Troy Clemons, and Sydney Gamer.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Leardi, and Kelly Miller.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Avery Giovanni, Gary Fisher, Koa King, and Sophia Ray.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Alfredo Zermeño, Carlos Zermeño, and Liam Ramon Moore.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Mosca, Keyvan Mosca, Miriam Lachica, and Nick Smith.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Ahmed Nadeem, Dr. Faiz Rehman, Dr. Naiyera Parween, Dr. Nadeem Tariq, Sahar Nadeem, Duaa Nadeem, Mohammed Nadeem, and Noor Nadeem.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Alfredo Lopez, Leson Nguyen, Tu-Anh Nguyen, Trang Le, Cuong Nguyen, Hai Le, Hoan Lu, Yen Vu, and Mateo Beers.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Beverly Wickel, Doug Martin, Julie Butler, Guy Farmer, and Nancy O'Neill.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Naiyera Parween, Jessica Munger, Patricia Melynkov, Ryan Vortisch, and Laura Austin

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Cassia Roth, Nicole Miller, and Susan Paigen.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to D. Corban Fossett, Dr. David Fossett, M. Abilene (Abby) Fossett, Richard Fossett, Sofia (Sofi) Penaloza, Gabriela Torres, Rigoberto (Rigo) Torres, and Tillie Torres.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Bita Yeager, Sara Kalaoram, Madison Johnson, and McCall Johnson.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Paiva, Carrie Yurek, TJ Yurek, Trey Yurek, and Tyler Yurek.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, February 4, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:34 p.m.

Approved: Steve Yeager
Speaker of the Assembly

Attest: Bonnie Borda Hoffecker
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), February 4, 2025

Assembly called to order at 11:51 a.m.

Mr. Speaker presiding.

Roll called.

All present except for Assemblymember Kasama, who was excused.

Prayer by Chaplain Craig Swope.

Father, as we gather and settle into the rhythms of another session, help us to remember who we serve. Help us to remember why we serve. Help us respect those who serve with us, sometimes as allies and sometimes as opponents. May the spirit of peace that you provide prevail in moments of tension or friction. Help us to remember that you are a God of order, not disorder. And in all things help us to remember to thank you for your Son in whose name we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymember Anderson:

Assembly Joint Resolution No. 1—Proposing to amend the Nevada Constitution to revise provisions relating to the assessment and taxation of real property which is sold or transferred and to require the Legislature to enact a program to provide property tax assistance to senior citizens and persons with disabilities.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for

taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. For purposes of assessment and taxation of property:

(a) Except as otherwise provided in this paragraph, for the first fiscal year after the sale or transfer of real property, the real property sold or transferred shall not be eligible for any adjustment provided by the Legislature by law based on the age of improvements to the real property, any abatement of the tax upon the real property provided by the Legislature by law pursuant to subsection 8 or any abatement or exemption provided by the Legislature by law pursuant to subsection 10. The provisions of this paragraph do not apply to real property for which the Legislature has provided by law for an exemption of the tax on property.

(b) For any fiscal year following the first fiscal year after the sale or transfer of real property to which the provisions of paragraph (a) apply, any adjustment provided by the Legislature by law based on the age of improvements to the real property must be determined as if the improvements were new improvements on the date of the sale or transfer.

(c) The Legislature shall provide by law for definitions of the terms "sale" and "transfer" as necessary to carry out the provisions of this subsection.

12. The Legislature shall provide by law for a program to provide for the payment of refunds of the taxes imposed on the primary residence of a person domiciled in this State who is 62 years of age or older or a person with a disability. If such a person rents his or her primary residence, the amount of the refund for which the person is eligible must not exceed the portion of the rent which is deemed to constitute accrued property tax. The Legislature shall establish by law:

(a) The criteria which a person must satisfy to be eligible for such a refund; and

(b) The amount of the refund to be paid to a person eligible for such a refund, which may consist of a graduated refund based on the household income of such a person.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Kasama:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to require that the language of a bill or joint resolution be made available to the public by publication on the Internet website of the Legislature for at least 72 hours before a House may vote on the final passage of the bill or joint resolution.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 18. 1. Every bill, except a bill placed on a consent calendar adopted as provided in subsection 4, must be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill is pending shall deem it expedient to dispense with this rule. The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House. Except as otherwise provided in subsection 2, a majority of all the members elected to each House is necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and Clerk of the Assembly.

2. Except as otherwise provided in subsection 3, an affirmative vote of not fewer than two-thirds of the members elected to each House is necessary to pass a bill or joint resolution which creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or changes in the computation bases for taxes, fees, assessments and rates.

3. A majority of all of the members elected to each House may refer any measure which creates, generates, or increases any revenue in any form to the people of the State at the next general election, and shall become effective and enforced only if it has been approved by a majority of the votes cast on the measure at such election.

4. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

5. Except as otherwise provided in this subsection, the language of a bill or joint resolution must be made available to the public by publication on the Internet website of the Legislature for at least 72 hours before the House where such bill or joint resolution is pending may vote on the final passage of the bill or joint resolution. The House may only waive such requirement upon request of the Governor for an emergency.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Kasama:

Assembly Joint Resolution No. 3—Proposing to amend the Nevada Constitution to make the Legislature subject to the same provisions of law that are enacted by the Legislature and relate to the inspection and copying of public books and records as any other governmental entity, to require Legislators to disclose certain information regarding entities that receive appropriations in bills, to require the Legislature to publish certain information relating to the personal interests of each Legislator and to make the Legislature subject to the same provisions of law that are enacted by the Legislature and relate to open meetings of public bodies.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 40, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 40. 1. Except as otherwise provided in this section:

(a) The Legislature and its members are subject to the same provisions of law that are enacted by the Legislature and relate to the inspection and copying of public books and records as any other governmental entity; and

(b) The Legislature shall provide timely responses to any request for the inspection and copying of a public book or record to the press or any member of the public.

2. The following information and records are confidential and not subject to inspection or copying:

(a) Personnel files;

(b) Files relating to:

(1) Legislative audits;

(2) Requests for research performed by legislative staff; and

(3) Requests for drafting legislation or administrative regulations;

(c) Records pertaining to litigation to which the Legislature is a party;

(d) Information relating to the security and safety of the legislative buildings, grounds or any other legislative property; and

(e) Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law.

And be it further

RESOLVED, That a new section, designated Section 41, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 41. 1. Each Legislator shall disclose publicly any relationship that the Legislator or a member of the Legislator's immediate family has with any entity that receives an appropriation included in a bill. The information required to be disclosed by a Legislator pursuant to this section includes, without limitation, information relating to employment, contracts, board affiliation and any other direct relationship between an entity and the Legislator or a member of the Legislator's immediate family.

2. The Legislature shall publish regularly a list of conflict disclosures that, for each Legislator, identifies all personal interests of the Legislator that may result in a conflict of interest.

And be it further

RESOLVED, That Section 6 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Sec:]~~ ***Sec.*** 6. ~~[Each]~~ ***Except as otherwise provided in this Constitution, each*** House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

And be it further

RESOLVED, That Section 15 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 15. ***1.*** The doors of each House shall be kept open during its session, and neither shall, without the consent of the other, adjourn for more than three days nor to any other place than that in which they may be holding their sessions.

2. The meetings of all legislative committees must be open to the public, except meetings held to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

3. The Legislature and its members are subject to the same provisions of law that are enacted by the Legislature and relate to open meetings of public bodies.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Kasama:

Assembly Joint Resolution No. 4—Proposing to amend the Nevada Constitution to prohibit appropriations to any political organization, to prohibit including an appropriation to a nonprofit organization in any bill that is required to fund a portion of the state budget for the next ensuing biennium and to authorize the Governor to veto appropriations in a bill.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 19 of Article 4 of the Nevada Constitution be amended to read as follows:

~~[Section]~~ ***Sec.*** 19. ***1.*** No money shall be drawn from the treasury but in consequence of appropriations made by law.

2. No money shall be drawn from the treasury pursuant to subsection 1 for the purpose of making by law an appropriation to any political organization, including, without limitation, a political party or a committee for political action.

3. No appropriation made to a nonprofit organization may be included in any bill that is required to fund a portion of the state budget for the next ensuing biennium.

4. As used in this section, "biennium" means a period of 2 fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

RESOLVED, That Section 35 of Article 4 of the Nevada Constitution be amended to read as follows;

~~[Sec.]~~ ***Sec.*** 35. ***1.*** Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governors objections. ~~[If]~~ ***Except as otherwise provided in this section, if*** any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

2. If any bill so presented to the Governor contains one or more appropriations of money from the State Treasury, the Governor may strike from the bill any or all of these

appropriations without objecting to the bill as a whole. If the Governor strikes out one or more appropriations, the Governor shall, within 48 hours after the bill is presented to the Governor:

(a) Attach to the bill a statement of the appropriations stricken out and the reasons for the striking out; and

(b) Transmit a copy of the statement to:

(1) If the Legislature has not adjourned sine die, the House in which the bill originated; or

(2) If the Legislature has adjourned sine die, the Secretary of State who shall lay the same before the Legislature at its next Session.

3. Each appropriation not stricken out becomes law in the same manner as a bill to which the Governor does not object. If the Governor fails to transmit a copy of the statement pursuant to subsection 2 within 48 hours after the bill is presented to the Governor, each appropriation stricken out likewise becomes law.

4. The Legislature may, by the same vote as for bills to which the Governor objects, cause any one or more of the individual appropriations stricken by the Governor to become law, notwithstanding the Governor striking it out. If the Legislature does not so act, any appropriation stricken from the bill by the Governor shall be deemed not appropriated.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Kasama:

Assembly Joint Resolution No. 5—Proposing to amend the Nevada Constitution to make the Legislature subject, when establishing or revising boundaries of any legislative district, to the same provisions of law that are enacted by the Legislature and relate to the inspection and copying of public books and records as any other governmental entity and to make the Legislature subject to the same provisions of law that are enacted by the Legislature and relate to open meetings of public bodies.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 5 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 5. ***1.*** Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

2. It shall be the mandatory duty of the Legislature at its first session after the taking of the decennial census of the United States in the year 1950, and after each subsequent decennial census, to fix by law the number of Senators and Assemblymen, and apportion them among the several counties of the State, or among legislative districts which may be established by law, according to the number of inhabitants in them, respectively.

3. When establishing or revising the boundaries of any legislative district pursuant to subsection 2, the Legislature and its members are subject to the same provisions of law that are enacted by the Legislature and relate to:

(a) Open meetings of public bodies; and

(b) The inspection and copying of public books and records as any other governmental entity.

And be it further

RESOLVED, That Section 6 of Article 4 of the Nevada Constitution be amended to read as follows:

[~~Sec.:~~] ***Sec.*** 6. [~~Each~~] ***Except as otherwise provided in this Constitution, each*** House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Miller:

Assembly Joint Resolution No. 6—Urging Congress to extend the Social Security Fairness Act.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Watts, Mosca, and Hibbetts; Senators Nguyen and Stone:

Assembly Joint Resolution No. 7—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the compensation of certain elected officers.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State, who must include:

(a) One member who has expertise in public compensation and is recommended by the Public Employees' Retirement Board or its successor organization;

(b) One member who represents a nonprofit public interest organization;

(c) One member who represents the general public;

(d) Two members who represent the interests of business in this State; and

(e) Two members who have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Governor shall appoint three of the members first appointed by him or her for initial terms of 2 years. If a vacancy occurs, the Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsections 2 and 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of

its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General;

(b) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications and responsibilities as those elected officers;

(c) Fix the salaries and benefits of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by law by the Legislature.

9. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer set forth in paragraph (a) of subsection 8 by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2029, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

11. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries and benefits.

12. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

13. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ . ***The Citizens' Commission on Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or***

special session. An appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution is hereby repealed.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 1—AN ACT relating to public lands; declaring void certain regulations relating to the development and disposal of land in the Fort Mohave Valley; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 2—AN ACT relating to state purchasing; providing for the disposition of rebates for purchases made with procurement cards; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 3—AN ACT relating to civil actions; increasing the monetary threshold for mandatory nonbinding arbitration in civil actions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 4—AN ACT relating to offenders; authorizing the Division of Parole and Probation of the Department of Public Safety to petition

the sentencing court or the State Board of Parole Commissioners for the release of a person sentenced to lifetime supervision; authorizing the sentencing court or Board to grant such a petition under certain circumstances; clarifying provisions relating to certain allowable deductions from the period of probation of certain offenders; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 5—AN ACT relating to contractors; requiring, rather than authorizing the State Contractors' Board to require, a contractor who performs work concerning a residential photovoltaic system used to produce electricity to obtain a performance bond and payment bond before commencing the work; revising requirements for such bonds; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 6—AN ACT relating to fetal alcohol spectrum disorders; establishing the Fetal Alcohol Spectrum Disorder Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—AN ACT relating to juvenile justice; revising the term length and membership of the Juvenile Justice Oversight Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 8—AN ACT relating to state financial administration; revising provisions governing deposits of public money under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 9—AN ACT relating to water; revising the duration of time in which agricultural water rights may be temporarily converted for certain purposes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 10—AN ACT relating to local improvement projects; authorizing any county, city or town to repair a private water or sewer system that is owned by a common-interest community as part of a neighborhood improvement project; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 11—AN ACT relating to the Department of Taxation; revising the requirement for the Department of Taxation to submit a copy of its proposed budget and proposed legislation to the Nevada Tax Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 12—AN ACT relating to unemployment compensation; revising requirements for obtaining judicial review of a decision of the Board of Review concerning a claim for unemployment benefits; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 13—AN ACT relating to criminal justice; clarifying provisions concerning certain civil liabilities that arise upon the discharge of a person from probation; authorizing a court to grant a general discharge from probation under certain circumstances; clarifying provisions relating to the enforcement of a judgment which imposes certain monetary penalties or requires a defendant to pay restitution; providing that the rebuttable presumption that records of criminal history should be sealed applies at the discretion of the court to a defendant who is given a general discharge from probation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 14—AN ACT relating to counties; revising qualifications for certain county officers to require such persons to be registered to vote in this State; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 15—AN ACT relating to Medicaid fraud; revising the authority of the Attorney General, acting through the Medicaid Fraud Control Unit, to issue subpoenas; setting forth procedures for the enforcement of such a subpoena; revising provisions governing certain actions for false or fraudulent claims; revising the penalties for failing to maintain certain records relating to Medicaid claims; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT making an appropriation to Mineral County for the construction of a new county jail; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 17—AN ACT relating to writs of garnishment; revising provisions relating to the service of writs of garnishment where the named garnishee is the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to electronic filing; revising provisions relating to the signing of certain documents that are filed electronically; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 19—AN ACT relating to substance use disorders; adding members to the Statewide Substance Use Response Working Group; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 20—AN ACT relating to the Department of Motor Vehicles; authorizing the imprinting of individualized symbols or codes for different medical conditions on driver's licenses or identification cards; providing for the use of electronic mail for certain communications concerning liability insurance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 21—AN ACT relating to unemployment compensation; eliminating provisions requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to annually perform certain calculations to determine certain information relating to the solvency of the Unemployment Compensation Fund; revising the amount of certain money that is required to be annually transferred from the Unemployment Compensation Administration Fund to the Unemployment Compensation Fund; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 22—AN ACT relating to the Public Employees' Benefits Program; revising provisions governing the awarding of certain contracts of the Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 23—AN ACT relating to public works; exempting the Office of the Military from the requirement that the State Public Works

Division of the Department of Administration furnish engineering and architectural services for the construction of certain buildings; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 24—AN ACT relating to education; repealing the requirement for the Department of Education to establish a pilot program to provide competency-based education; authorizing certain entities to apply to the Department for approval to provide a program of competency-based education; establishing requirements for programs of competency-based education approved by the Department; repealing the requirement for the Department to conduct a public awareness campaign regarding competency-based education; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 25—AN ACT relating to offenders; revising requirements relating to the provision of certain medical services to women in the custody of the Department of Corrections; revising provisions relating to notarial acts performed for persons incarcerated in the state prison; eliminating the requirement that the Director of the Department establish and administer a program of regimental discipline; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 26—AN ACT relating to water; exempting the State Engineer from liability for certain damages resulting from the performance of certain duties; revising provisions relating to the construction, reconstruction or alteration of a dam; exempting certain works under the jurisdiction of the United States Bureau of Reclamation or the United States Army Corps of Engineers from certain requirements relating to dams; requiring that certain applications relating to dams be made available to the Department of Wildlife; authorizing the State Engineer to enter certain parcels of land to access a dam or other obstruction; revising provisions relating to the removal of any dam, diversion works or obstruction; revising provisions relating to the removal of certain animals interfering with the flow of water; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 27—AN ACT relating to the Public Employees' Retirement System; exempting, in certain circumstances, retired members of the System who accept employment or an independent contract with certain public employers from certain provisions governing the employment of such retired members; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 28—AN ACT relating to transportation; extending the deadline for a regional transportation commission to submit certain recommendations relating to the imposition of certain taxes to the board of county commissioners; extending the deadline for a board of county commissioners to submit a ballot question to the voters regarding the imposition of certain taxes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 29—AN ACT relating to motor vehicle fuel; establishing certain requirements for the labeling of pumps and dispensers for motor vehicle fuel at a motor vehicle fuel dispensing site; requiring certain types of motor vehicle fuel to be identified and labeled in a certain manner; revising requirements relating to the advertisement of prices of motor vehicle fuel; revising certain requirements relating to the letters, words, figures and numerals used on an advertising medium for motor vehicle fuel; repealing requirements for certain letters and numerals used on advertising mediums; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 30—AN ACT relating to criminal procedure; authorizing the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to request from a local detention facility access to any records in its possession which contain information that may assist in evaluating and treating a defendant who is committed to the

custody of or ordered to report to the Administrator based upon a finding of incompetence; requiring a local detention facility to provide access to any such records for the limited purpose of allowing the Administrator to evaluate and treat the defendant; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 31—AN ACT relating to Medicaid; providing for certain reimbursement under Medicaid of providers of nonemergency secure behavioral health transport services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 32—AN ACT relating to the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Storey County; directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study during the 2025-2026 interim concerning the Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 33—AN ACT relating to governmental administration; creating the Nevada Office of the Inspector General and the position of Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office; requiring a state agency, local government or nonprofit organization to cooperate with and provide assistance to the Inspector General in carrying out those duties; prohibiting retaliation against certain persons who make a lawful complaint concerning fraud, waste, abuse or corruption within a state agency, local government or nonprofit organization; prohibiting certain acts to deter or prevent the Inspector General or an employee of the Office from performing his or her duty; imposing increased penalties for certain acts of assault or battery of the Inspector General or an employee of the Office; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 34—AN ACT relating to offenders; revising the definition of the term "violent or sexual offense" for the purpose of certain provisions of existing law; requiring certain defendants to be certified as not representing a high risk to reoffend before the court may grant probation to or suspend the sentence of the defendant; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 35—AN ACT relating to crimes; prohibiting a person from receiving, distributing, producing, possessing or accessing any obscene item or material which contains a depiction of a purported child engaging in sexual conduct; providing that a violation of this prohibition constitutes a sexual offense or a violent or sexual offense for the purposes of various statutes; establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 36—AN ACT relating to Medicaid; revising provisions relating to certain hearings concerning actions taken against a provider of services under the State Plan for Medicaid; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 37—AN ACT relating to housing; renaming the position of Housing Advocate within the Housing Division of the Department of Business and Industry as the Housing Liaison; revising provisions relating to the statewide low-income housing database maintained by the Division; revising provisions relating to the Account for Affordable Housing; revising provisions governing the tiers of affordable housing; revising provisions relating to certain reports submitted to the Division by certain local governments relating to affordable housing; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 38—AN ACT relating to housing; revising provisions governing manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing; revising provisions governing the payment of certain claims from the Account for Housing Inspection and Compliance; establishing the rights of a landlord to access a tenant's lot in a manufactured home park; revising provisions governing certain disclosures required to be made to a tenant by a landlord of a manufactured home park; revising requirements relating to the maintenance of lots by tenants in a manufactured home park; requiring a seller or transferor of a mobile home park to notify the Housing Division of the Department of Business and Industry of the sale or transfer; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 39—AN ACT relating to charter schools; revising provisions governing the membership of the State Public Charter School Authority; revising provisions establishing the local educational agency that is responsible for performing certain functions with respect to charter schools; clarifying requirements for certain information to be included in an application to renew the charter contract of a charter school; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 40—AN ACT relating to environmental hazards; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue a summary order for certain violations relating to mining reclamation; providing the Division, solid waste management authority and Department with a lien on certain property under certain circumstances; revising provisions governing mining reclamation to include the stabilization of process fluids; revising certain requirements for a permit to engage in a mining operation or exploration project; requiring the State Environmental Commission to adopt regulations relating to the requirements for the owner or operator of a municipal solid waste landfill or solid waste management facility to provide certain evidence of financial responsibility; requiring a permit to construct or operate a solid waste management facility; making requirements for municipal solid waste landfills applicable to solid waste management facilities establishing recycling as a method of disposal for hazardous waste; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—AN ACT relating to the state militia; authorizing the Adjutant General to appoint a State Assistant Adjutant General; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 42—AN ACT relating to the public welfare; revising requirements governing notice of the intent to adopt, amend or repeal certain regulations or policies; authorizing the retroactive application of certain regulations or policies; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 43—AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 44—AN ACT relating to unfair trade practices; revising the list of activities that constitute an unlawful contract, combination or conspiracy in restraint of trade to include manipulating the price of an essential good or service in this State; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—AN ACT relating to public bodies; renaming the Account for Programs Related to Domestic Violence; revising provisions governing the expenditures authorized from the Account; renaming the Committee on Domestic Violence; revising the membership and duties of the Committee; transferring certain duties from the Sexual Assault Kit Working Group to the Committee; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 46—AN ACT relating to public utilities; establishing that an applicable privilege is not waived when certain entities disclose or make available confidential information to the Public Utilities Commission of Nevada and certain other persons and governmental entities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 47—AN ACT relating to education; requiring money in the Education Stabilization Account that exceeds a certain percentage of appropriations and authorizations from the State Education Fund to be used to make allocations to school districts for the retention, recruitment and training of educational personnel; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 48—AN ACT relating to education; authorizing the board of trustees of a school district to assign a pupil who is a perpetrator of discrimination based on race, bullying or cyber-bullying to another school if his or her parent or guardian requests such an assignment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 49—AN ACT relating to educational personnel; authorizing a person who holds a license to teach in certain states to be hired as a teacher in this State if he or she satisfies certain requirements; authorizing a person to simultaneously enroll in multiple programs for an alternative route

to licensure; requiring the Commission on Professional Standards in Education to prescribe certain regulations concerning the licensure of teachers, school nurses and school social workers; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 50—AN ACT relating to public safety; authorizing a board of county commissioners to establish an electronic database containing information concerning victims of mass casualty incidents; exempting certain persons from civil liability related to such an electronic database, under certain circumstances; providing for the confidentiality of information contained in such an electronic database; requiring a hospital and an independent center for emergency medical care in a county in which such an electronic database is established to report to the database certain information concerning a victim of a mass casualty incident; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 51—AN ACT relating to public records; authorizing a governmental entity to charge a person who requests a copy of a public record a reasonable fee for the use of its personnel or technological resources; requiring a request to inspect, copy or receive a copy of a public book or record to be in writing and identify the requester; requiring, under certain circumstances, a person who makes such a request to make a reasonable effort to assist the governmental entity in focusing the request; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 52—AN ACT relating to insurance; requiring the Commissioner of Insurance to establish programs to inform providers of health care and insureds under health insurance policies of certain information relating to the payment of claims; revising provisions governing the payment of claims under policies of health insurance; establishing certain administrative penalties; requiring a health carrier to provide certain information to participating providers of health care and covered persons; requiring a health carrier to establish certain procedures for challenging the denial of a claim; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Education:

Assembly Bill No. 53—AN ACT relating to education; providing for pupils in elementary school to receive a certain amount of outdoor recess each school day, with certain exceptions; authorizing the approval of academic credit for outdoor recreational activities under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 54—AN ACT relating to public safety; increasing the penalty for failing to take certain precautions when approaching a traffic incident if such a failure proximately causes the death of or substantial bodily harm to a first responder; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—AN ACT relating to public safety; requiring a blood test of a deceased crash victim to include an analysis of the presence and concentration of certain prohibited substances; revising provisions governing the submittal of crash reports to the Department of Public Safety; revising provisions governing the central repository to track data electronically concerning vehicle crashes on a statewide basis that is created and maintained by the Department; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 56—AN ACT relating to providers of health care; revising requirements for continuing education and training for certain providers of health care; requiring the Board of Medical Examiners to require a physician assistant on inactive status to pay a biennial registration fee; increasing the maximum amount of certain fees charged and collected by the Board; requiring the Board, if authorized by a licensee, to provide to an employer of the licensee or an entity credentialing the licensee certain documents and information; providing for the biennial renewal of certain licenses issued by the State Board of Osteopathic Medicine; establishing and

revising certain fees charged by the Board; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 57—AN ACT relating to emergency management; revising provisions governing the Nevada Intrastate Mutual Aid System to require the State Forester Firewarden of the Division of Forestry of the State Department of Conservation and Natural Resources to administer the System as it relates to wildfire suppression; requiring the State Forester Firewarden to serve as Co-Chair of the Intrastate Mutual Aid Committee and appoint committee members jointly with the Chief of the Division of Emergency Management of the Office of the Military; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 58—AN ACT relating to gaming; revising the definitions of certain terms related to gaming; providing for the administrative approval of games or gambling games by the Chair of the Nevada Gaming Control Board; revising the types of games that may be exposed by gaming establishments; making a technical correction to refer to a race book and sports pool for the purposes of licensing an establishment to operate interactive gaming; removing and repealing provisions governing cash access and wagering instrument service providers; removing and repealing provisions governing global risk management; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 59—AN ACT relating to governmental administration; revising provisions relating to the authority of game wardens to enforce laws; revising provisions governing the prohibition against intentionally feeding certain animals; prohibiting, with certain exceptions, a person or any agent or employee of a person from knowingly bringing into or possessing in this State the excrement or bodily fluid of certain animals; revising provisions governing certain civil penalties for unlawfully killing or possessing certain big game mammals; revising provisions relating to the importation, possession and propagation of certain fallow deer or reindeer; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 60—AN ACT relating to behavioral health; requiring the certification of a natural person who holds himself or herself out as a certified prevention specialist; prohibiting a minor from providing or supervising the provision of peer recovery support services in most circumstances; authorizing certain minors to serve as peer recovery support specialist interns; authorizing the imposition of civil penalties for certain violations; prohibiting the employment or retention as an independent contractor of a natural person to serve as a certified prevention specialist in a position where the natural person has regular and substantial contact with minors if the natural person has been found to have engaged in certain conduct; requiring a certified prevention specialist to report certain information; requiring a substance use disorder prevention coalition to employ or enter into contracts with certified prevention specialists for certain purposes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 61—AN ACT relating to transportation; prohibiting the Department of Motor Vehicles from renewing the registration of a motor vehicle under certain circumstances; exempting certain property rights relating to a demonstration project for a certain toll road from the imposition of property tax; authorizing the Regional Transportation Commission of Washoe County or any local government within Washoe County to establish a demonstration project for a certain toll road; authorizing the Commission or a local government within Washoe County to enter into public-private partnerships to plan, design, finance, construct, improve, maintain, operate or acquire rights-of-way for the demonstration project; authorizing the issuance of certain bonds or notes of the Commission or a local government within Washoe County to finance the project; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 62—AN ACT relating to taxation; revising the procedure for applying for transferable tax credits for affordable housing; revising provisions governing the transfer of transferable tax credits for affordable housing; revising provisions relating to the amount of transferable tax credits

for affordable housing that may be approved; revising provisions relating to the expiration of transferable tax credits for affordable housing; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—AN ACT relating to actions concerning persons; revising provisions relating to civil actions for wrongful conviction; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 64—AN ACT relating to public meetings; revising the definition of "meeting" for purposes of the Open Meeting Law; requiring that each speaker during a period devoted to public comment be allowed a minimum time to provide public comment; authorizing, under certain circumstances, a public body to refuse to accept certain public comment relating to a contested case; revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meeting; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 65—AN ACT relating to guardianship; revising provisions relating to certain investigative services provided during a guardianship proceeding; prohibiting a governmental entity from charging a fee for providing a copy of certain documents relating to a guardianship proceeding; revising provisions relating to service of process of a citation and petition in a guardianship proceeding; changing the name of the State Guardianship Compliance Office to the State Guardianship Office; changing the title of the State Guardianship Compliance Officer to the State Guardianship Officer; revising the powers of the Officer; authorizing a court to appoint or extend the appointment of a guardian for a protected minor or proposed protected minor seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—AN ACT relating to district courts; prescribing the method for increasing the number of district judges in certain judicial districts based upon certain increases in population; increasing the number of district judges in certain judicial districts; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—AN ACT relating to the State Treasurer; establishing the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; setting forth the duties and responsibilities of the State Treasurer in administering the Program and Trust Fund; authorizing the State Treasurer to adopt regulations relating to the Program; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 68—AN ACT relating to consumer reporting; requiring certain landlords to make a written offer to a tenant to report positive rental payment information to at least one consumer reporting agency which meets certain criteria; providing requirements related to the reporting of positive rental payment information; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 69—AN ACT relating to taxation; removing the prospective expiration of the Nye County Sales and Use Tax Act of 2007; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 70—AN ACT relating to energy; requiring the Director of the Office of Energy within the Office of the Governor to consider certain

written comments of a board of county commissioners upon receipt of an application for a partial abatement of certain taxes by certain renewable energy facilities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 71—AN ACT relating to veterinary medicine; revising the list of activities that constitute the practice of veterinary medicine to exclude the subcutaneous implantation of an identification microchip into an animal; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 72—AN ACT relating to public affairs; authorizing the Secretary of State to adopt a code of professional responsibility for notaries public; prohibiting a notary public from performing a notarial act under certain circumstances; revising the procedure for filing cash bonds or surety bonds covering document preparation services; prohibiting a registrant to engage in the business of a document preparation service from engaging in such business for an entity that is not covered by such a bond; providing that certain information and documents obtained during an investigation of a document preparation service is confidential; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 73—AN ACT relating to campaign practices; requiring certain communications relating to an election that include synthetic media to contain a disclosure; requiring a copy of certain communications relating to an election to be filed with the Secretary of State; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 74—AN ACT relating to insurance; making various changes to the Nevada Insurance Code; revising provisions governing examinations of insurers and other persons subject to regulation under the Code; revising certain powers and duties of the Commissioner of Insurance;

revising various requirements and restrictions imposed on insurers and other persons subject to regulation under the Code; revising provisions relating to service contracts, providers of service contracts and administrators of service contracts; repealing provisions governing insurance for home protection; revising provisions relating to administrators; standardizing the definitions of certain words and terms; revising provisions relating to adjustors; revising provisions relating to certain trade practices and frauds; removing certain obsolete and duplicative provisions; transferring certain duties from the Commissioner of Financial Institutions to the Commissioner of Mortgage Lending; revising provisions relating to certain accounts and funds relevant to the regulation of certain insurers and insurance administration; designating certain employees of the Division of Insurance of the Department of Business and Industry as category II peace officers; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 75—AN ACT relating to grants; declaring the policy of this State to make payments under a grant agreement within a certain period of time; imposing interest on amounts due under a written grant agreement which are not timely paid after the receipt of a proper invoice; requiring State entities that make grants to take certain actions upon receipt of an invoice; authorizing use of media other than original paper documents to process grant payments; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 76—AN ACT relating to cannabis; revising provisions relating to the confidentiality of certain information relating to cannabis; revising provisions governing certain disciplinary proceedings; prohibiting certain transportation of cannabis and cannabis products under certain circumstances; revising provisions relating to the operation of a cannabis establishment; authorizing the Cannabis Compliance Board to issue summonses and subpoenas and take certain other actions relating to unlicensed cannabis activities; revising provisions relating to the licensing of a cannabis establishment; revising provisions relating to cannabis independent testing laboratories; revising provisions relating to advertising engaged in and packaging used by a cannabis establishment; authorizing certain cannabis establishments to engage in certain activities involving hemp; exempting certain persons from state prosecution for certain criminal offenses under certain circumstances; making various other changes relating to the regulation of cannabis; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 77—AN ACT relating to taxation; revising criteria governing the approval of an application for certain partial abatements of taxes; authorizing the Office of Economic Development to deny an application for certain partial abatements of taxes if the Office determines that the denial of an application is in the best interests of the State; authorizing businesses that recycle certain materials or produce certain fuels from recycled materials to apply to the Office for a partial abatement of certain taxes on real property; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 78—AN ACT relating to alcoholic beverages; revising provisions governing the review and approval of applications for certain licenses related to the distribution of alcoholic beverages; authorizing the Department of Taxation to conduct certain investigations and hearings; revising provisions governing the suspension or revocation of certain licenses related to the distribution of alcoholic beverages; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 79—AN ACT relating to campaign finance; prohibiting a committee for political action from spending campaign contributions for the personal use of any person; authorizing, under certain circumstances, an elected public officer to use unspent campaign contributions to pay for the cost of child care, the care of an elderly parent or health insurance premiums; requiring certain candidates, public officers or former public officers to notify the Secretary of State when all unspent campaign contributions have been disposed of; requiring a committee for political action to report the balance in its bank account at the end of a reporting period; clarifying that certain nonprofit organizations are not a committee for political action for purposes of campaign finance requirements; requiring a candidate to file a notice of intent to file for candidacy with the Secretary of State; requiring a candidate or committee for political action to produce certain bank account information in the course of an investigation of alleged violation of campaign finance laws; making such information confidential; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 80—AN ACT relating to conservation; establishing the Soil Health Advisory Board within the State Conservation Commission in the State Department of Conservation and Natural Resources; creating the Healthy Soils Initiative; setting forth the powers and duties of the State Conservation Commission relating to the Healthy Soils Initiative; establishing the Fund for Soil Health; declaring certain information obtained by the Commission to be confidential; requiring the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services relating to the Healthy Soils Initiative; making an appropriation to the Conservation Districts Program to provide staff services to the State Conservation Commission for administering the Healthy Soils Initiative; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember La Rue Hatch:

Assembly Bill No. 81—AN ACT relating to time; exempting the State of Nevada from the provisions of federal law requiring daylight saving time; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember D'Silva:

Assembly Bill No. 82—AN ACT relating to days of observance; requiring the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day" and "Vesak Day" in the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 83—AN ACT relating to days of observance; requiring the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 84—AN ACT relating to county roads; revising provisions relating to certain projects to perform work or construction relating to county roads; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 85—AN ACT relating to wildlife; authorizing the management of designated invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of "wildlife" to include designated invertebrates; establishing a wildlife classification for designated invertebrates; requiring the listing of designated invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 86—AN ACT relating to forestry; revising provisions relating to logging permits; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 87—AN ACT making an appropriation to the Wildlife Crossings Account for the design, construction and identification of new wildlife crossings and other related highway features; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 88—AN ACT relating to juvenile justice; removing the requirement that the district attorney must give written approval before a juvenile court may place a child under informal supervision under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 89—AN ACT relating to juvenile justice; requiring certain facilities to which a juvenile court commits a child to adopt and implement certain policies and procedures relating to unclothed searches of children who are detained in or committed to the facility; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 90—AN ACT relating to juvenile justice; providing certain rights to children detained in a regional facility for the treatment and rehabilitation of children; requiring the juvenile court to make certain findings before committing a child to the custody of a regional facility for the treatment and rehabilitation of children; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 91—AN ACT relating to parole; authorizing the State Board of Parole Commissioners to grant second look parole to certain persons; making certain persons convicted of certain crimes committed when the person was less than 25 years of age eligible for parole after serving a certain number of years of incarceration; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Dickman, Gray, DeLong, and O'Neill and Senator Titus:

Assembly Bill No. 92—AN ACT relating to elections; requiring that rooms or spaces in public buildings be provided to certain political parties without charge for certain purposes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Hibbetts, Yurek, and D'Silva and Senator Doñate:

Assembly Bill No. 93—AN ACT relating to public employees; revising the definition of "police officer" for the purposes of certain benefits and exemptions; specifying that the use of certain designations by the Department of Public Safety or a division or officer of the Department does not exclude

certain persons employed by the Department from the definition of "police officer" for the purposes of certain benefits and exemptions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember O'Neill:

Assembly Bill No. 94—AN ACT relating to public works; requiring contractors and subcontractors on a public work to register for and participate in the federal E-Verify employment verification system to verify eligibility for employment for all workers on the public work; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 95—AN ACT making an appropriation to the Nevada Test Site Historical Foundation for exhibits and improvements at the National Atomic Testing Museum; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 96—AN ACT relating to land use planning; requiring the governing body of certain cities and counties to include a heat mitigation element in the master plan; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 97—AN ACT relating to public safety; revising provisions governing requirements for the submission of certain information to the Central Repository for Nevada Records of Criminal History; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Moore:

Assembly Bill No. 98—AN ACT relating to days of observance; requiring the Governor to annually proclaim April 10 to be "Dolores Huerta Day" in

Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gurr:

Assembly Bill No. 99—AN ACT relating to state emblems; designating the Picon Punch as the official state drink of the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gurr:

Assembly Bill No. 100—AN ACT relating to economic development; providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year; making an appropriation to the Nevada Air Service Development Fund; making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 101—AN ACT relating to health care; prescribing certain limitations on the regulation of abortion; prohibiting health care facilities from making certain deceptive statements to the public; authorizing the Attorney General to bring an action against a health care facility for such a violation; prohibiting certain providers of health care from prescribing, dispensing or administering a medication to stop or reverse an abortion unless authorized by the applicable licensing board; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 102—AN ACT relating to emergency medical services; authorizing a district board of health in certain health districts to regulate emergency medical services within the district; providing that certain persons are eligible for licensure as an attendant of an ambulance or air ambulance or certification as an emergency medical technician; revising provisions governing persons who are authorized to occupy an ambulance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember O'Neill:

Assembly Bill No. 103—AN ACT relating to housing authorities; revising the compensation of commissioners; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 104—AN ACT relating to water; requiring the State Engineer to retire certain water rights; revising provisions relating to temporary permits to appropriate groundwater; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program and the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights with money from the Account for the purpose of retiring those water rights; revising provisions relating to the program to provide grants of money to pay certain costs related to water conservation and capital improvements to water systems; revising provisions relating to a program to pay the costs for property owners to connect to a community sewerage disposal system under certain circumstances; revising certain legislative declarations relating to clean water and water pollution; authorizing the State Environmental Commission to establish a water quality standard variance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 105—AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 106—AN ACT relating to occupational therapy; ratifying and entering into the Occupational Therapy Licensure Compact;

authorizing the sharing of certain information with the data system created pursuant to the Compact; providing a person practicing as an occupational therapist or occupational therapy assistant in this State under the Compact with the same legal status as a person practicing as an occupational therapist or occupational therapy assistant under a license issued by the Board of Occupational Therapy; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 107—AN ACT relating to foster care; removing the requirement that a background investigation of certain persons affiliated with a foster home include certain violations relating to controlled substances; authorizing a person who has been convicted of such a violation to operate, be employed by, reside in or be present in a foster home; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Jauregui and Yeager:

Assembly Bill No. 108—AN ACT making an appropriation to the Outdoor Education and Recreation Grant Program Account for carrying out the Outdoor Education and Recreation Grant Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember La Rue Hatch:

Assembly Bill No. 109—AN ACT relating to water; revising provisions governing the appropriation of water for geothermal wells or dissolved mineral resources; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 110—AN ACT relating to transportation; designating State Route 163 as the Colorado River Highway; designating the bridge connecting State Route 163 with Bullhead City, Arizona, as the Donald J. Laughlin Memorial Bridge; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Hibbetts:

Assembly Bill No. 111—AN ACT relating to public safety; changing certain traffic violations from civil infractions to misdemeanors; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Nguyen:

Assembly Bill No. 112—AN ACT relating to employment; removing an exemption for employees covered under a valid collective bargaining agreement from provisions providing certain employees with the right to use sick leave to assist a member of the employee's immediate family with certain medical needs; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Dalia:

Assembly Bill No. 113—AN ACT making an appropriation to the Workforce Innovations for a New Nevada Account; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember DeLong:

Assembly Bill No. 114—AN ACT relating to counties; revising the process for appointing certain members to the county fair and recreation board of certain counties; requiring the members of the board to elect any member as Chair of the board; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Karris:

Assembly Bill No. 115—AN ACT relating to state buildings; authorizing the Administrator of the State Public Works Division of the Department of Administration to offer rooms in the Capitol Building for rent or lease for the purpose of holding an event; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 116—AN ACT relating to trade practices; prohibiting a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless the operator of the food dispensing establishment has obtained the required permit to operate the food dispensing establishment issued by the health authority; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Brown-May and Monroe-Moreno:

Assembly Bill No. 117—AN ACT relating to special license plates; providing for the issuance of special license plates indicating support for the Las Vegas Aces basketball team; exempting the special license plates indicating support for the Las Vegas Aces basketball team from certain provisions otherwise applicable to certain special license plates; imposing a fee for the issuance and renewal of the special license plates indicating support for the Las Vegas Aces basketball team; eliminating provisions prohibiting certain new vehicle dealers from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Kasama:

Assembly Bill No. 118—AN ACT relating to domestic relations; prohibiting a court from ordering a child to enroll or participate in a family reunification treatment, program or service under certain circumstances; requiring the Court Administrator to arrange for the giving of instruction in certain courses designed for the training of certain persons who are involved in child custody proceedings or proceedings relating to domestic violence; requiring the Court Administrator to prepare and submit an annual report concerning the instruction; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 119—AN ACT relating to paramilitary activity; authorizing the Attorney General to investigate alleged paramilitary activity

and issue written investigative demands in connection with any such investigation; authorizing the Attorney General to seek an injunction against a person or group of persons who has engaged in or is about to engage in paramilitary activity; creating a cause of action for a person who has suffered injury as a result of paramilitary activity; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Kasama:

Assembly Bill No. 120—AN ACT relating to administrative regulations; requiring an agency of the Executive Department of the State Government to determine the economic impact of a proposed regulation before conducting a workshop; prohibiting such an agency from adopting certain regulations that have certain estimated economic impact without legislative and executive approval; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 121—AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; prohibiting a landlord or his or her agent from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the website or portal; requiring a written rental agreement to separately identify any such fee under certain circumstances; authorizing a tenant to bring a civil action against a landlord who has committed certain violations; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 122—AN ACT relating to confidential information; authorizing certain persons to request a court order to make certain personal information in the possession of a county recorder, county assessor or elections official be kept in a confidential manner; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Nadeem:

Assembly Bill No. 123—AN ACT relating to elections communications; prohibiting a person, during any speech or other communication made in the course of his or her political campaign, from making certain statements which threaten the life of any other person; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 124—AN ACT relating to elections; requiring certain elected public officers to resign before filing nomination papers for another elective public office; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Flanagan:

Assembly Bill No. 125—AN ACT relating to governmental administration; requiring that the location on the official website of the State for the posting of notices by public bodies that is maintained by the Department of Administration includes a place to display certain information relating to meetings; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 126—AN ACT relating to criminal justice; expanding certain prohibitions relating to pornography involving minors; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 127—AN ACT making an appropriation to the Office for New Americans in the Office of the Governor to provide grants to counties and cities to implement language access plans; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 128—AN ACT relating to public records; creating the Office of Public Records Ombudsman in the Executive Department of State Government; setting forth the powers and duties of the Ombudsman; authorizing a person to file a complaint with the Ombudsman; revising provisions governing judicial relief for actions relating to public records; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 129—AN ACT relating to common-interest communities; revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Flanagan:

Assembly Bill No. 130—AN ACT making an appropriation to Goodwill of Southern Nevada for expanding workforce development initiatives; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Jackson:

Assembly Bill No. 131—AN ACT relating to housing; requiring the governing body of certain counties and cities to adopt an ordinance to authorize the owner of certain historic residential properties to add an accessory dwelling unit to the property; setting forth certain requirements for the ordinance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 132—AN ACT relating to water; revising the exemption from certain appropriation requirements for guzzlers providing water for use by wildlife; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Gurr:

Assembly Bill No. 133—AN ACT relating to public financial administration; requiring certain money from the sale of property for delinquent taxes to be accounted for separately in a county general fund and used to pay for the acquisition and improvement of technology used in the office of the county treasurer; revising the contents of a notice of delinquent taxes; revising provisions relating to certain property held in trust by a county treasurer; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 134—AN ACT relating to water; authorizing the holder of a perfected water right to file a water conservation plan and establishing provisions relating to water conservation plans; revising the policy of this State concerning the conservation of water; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers Yurek and D'Silva:

Assembly Bill No. 135—AN ACT relating to taxation; extending certain partial tax exemptions for veterans to surviving spouses who satisfy certain criteria; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 136—AN ACT relating to animals; requiring certain persons that display animals to the public or allow interactions between animals and members of the public to post a notice with the contact information for the local animal control authority; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 137—AN ACT relating to liens; revising certain requirements for the advertising of a sale of personal property to satisfy the

lien of an owner of a facility for storage; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 138—AN ACT relating to education; requiring the Department of Education to develop age-appropriate curriculum standards for teaching the awareness and prevention of sexual abuse to pupils; requiring the instruction of pupils in personal safety to include dangers of physical and sexual abuse; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 139—AN ACT making an appropriation to the Department of Education for the purpose of awarding grants of money to school districts or institutions within the Nevada System of Higher Education for programs of dual credit; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember González:

Assembly Bill No. 140—AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Nguyen:

Assembly Bill No. 141—AN ACT relating to the Judicial Department of the State Government; revising provisions relating to the deliberative sessions of the Commission on Judicial Discipline; revising the qualifications for district judges; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 142—AN ACT relating to industrial insurance; revising the list of persons who constitute a first responder for the purpose of provisions governing the circumstances under which a first responder may receive

compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 143—AN ACT relating to dentistry; enacting the Dentist and Dental Hygienist Compact; providing dentists and dental hygienists practicing in this State under the Compact with the same legal status as persons who are licensed to practice those professions in this State; authorizing the sharing of certain information with a data system created by the Compact; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 144—AN ACT relating to days of observance; establishing the second Monday in October of each year as "Indigenous Peoples Day" in the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers D'Silva and Gray; Senators Cruz-Crawford and Lange:

Assembly Bill No. 145—AN ACT relating to veterans; prohibiting a person from providing certain services related to veterans' benefits under certain circumstances; prohibiting the Director of the Department of Veterans Services from charging a fee for the interment of the spouse of a veteran; requiring the Division of Human Resource Management of the Department of Administration to develop certain programs for the hiring and mentoring of veterans; requiring the Administrator of the Division to employ a Veterans Coordinator; revising the persons who are eligible to receive, free of charge, an annual permit for entering all state parks and recreational areas to include the family members of certain veterans; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 146—AN ACT relating to parentage; providing that the right of a parent to nurture, educate and control the parent's child is a

fundamental right and cannot be abridged on account of disability; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 147—AN ACT relating to elections; requiring, with certain exceptions, proof of identity to vote; requiring the Department of Motor Vehicles, under certain circumstances, to issue identification cards at no charge; requiring a voter to include certain personal identifying information with his or her mail ballot; clarifying that voting the mail ballot of another person is a category D felony; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 148—AN ACT relating to elections; revising the deadline for a county or city clerk to distribute sample ballots; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 149—AN ACT relating to cannabis; requiring the Cannabis Compliance Board to adopt regulations governing certain agreements to share information and data maintained by the Board; making appropriations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 150—AN ACT relating to judges; prohibiting a person from threatening or intimidating a tribal judge of certain federally recognized Indian tribes or nations; expanding the applicability of enhanced penalties for assault and battery against a tribal judge; authorizing a tribal judge to request a court order to maintain certain personal information in the possession of a county recorder, a county assessor or an elections official in a confidential manner; authorizing a tribal judge to request the Department of Motor Vehicles to display an alternate address on the driver's license, commercial driver's license or identification card of the tribal judge; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Committee on Judiciary.

Motion carried.

By Assemblymember Gray:

Assembly Bill No. 151—AN ACT relating to crimes; providing that a customer convicted of solicitation of a child for prostitution is a Tier II offender for the purposes of sex offender registration and community notification; providing that committing the crime of solicitation of prostitution under certain circumstances constitutes a sexual offense for the purposes of various provisions; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Committee on Judiciary.

Motion carried.

By Assemblymember Gray:

Assembly Bill No. 152—AN ACT relating to governmental administration; providing that a governmental entity is exempt from providing a copy of a public book or record if the governmental entity is authorized to dispose of the public book or record pursuant to a schedule of retention; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 153—AN ACT relating to education of incarcerated persons; requiring a school district that operates a program of education for incarcerated persons to provide support and assistance to certain incarcerated persons in completing the Free Application for Federal Student Aid; requiring the board of trustees of a school district that operates a program of education for incarcerated persons to report certain information to the State Treasurer; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 154—AN ACT relating to governmental administration; creating the Nevada Office of the Inspector General; setting forth the powers and duties of the Inspector General and employees of the Office; requiring a state agency or local government to cooperate with and provide assistance to the Inspector General in carrying out those duties; creating the Nevada Office of the Inspector General's Fund; prohibiting retaliation against certain persons who make a lawful complaint concerning fraud, waste, abuse or corruption in

a state agency or local government; prohibiting certain acts to deter or prevent the Inspector General or an employee of the Office from performing his or her duty; imposing increased penalties for certain acts of assault or battery on the Inspector General or an employee of the Office; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers La Rue Hatch, Anderson, Carter, and Miller:

Assembly Bill No. 155—AN ACT relating to public employees; revising the scope of the mandatory subjects of collective bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools; revising the requirement that a school district consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher and specialized instructional support personnel; revising provisions concerning the development of a plan to improve set ratios of pupils to specialized instructional support personnel in certain school districts; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 156—AN ACT relating to education; revising provisions governing the salaries of the members of the board of trustees of a school district in certain counties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Gray and D'Silva:

Assembly Bill No. 157—AN ACT relating to military justice; requiring the Office of the Military to implement certain training programs and make certain reports concerning courts-martial; requiring the convening authority of a trial by court-martial to report certain information to the Office; requiring the Office to develop policies and adopt regulations concerning trials by court-martial; providing a serviceman or servicewoman of the Nevada National Guard with the right to demand a trial by court-martial in lieu of accepting a nonjudicial punishment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Roth:

Assembly Bill No. 158—AN ACT relating to jurisdiction; authorizing a court of this State to exercise general personal jurisdiction over certain business entities under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 159—AN ACT relating to domestic violence; establishing the Hope Card Program for applicants who have been granted an extended order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Yeager and O'Neill:

Assembly Bill No. 160—AN ACT relating to economic development; creating the Nevada-Ireland Trade Commission; prescribing the membership, powers and duties of the Commission; creating the Account for the Nevada-Ireland Trade Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Edgeworth:

Assembly Bill No. 161—AN ACT relating to hospice care; requiring a program of hospice care to accept payment through Medicare; prohibiting a program of hospice care from accepting new patients or transferring billing privileges under Medicare in certain circumstances; providing for the enhanced oversight of a program of hospice care during the first 2 years after initial licensure; imposing requirements governing the staffing and operation of a program of hospice care; requiring the publication of an annual report of certain information concerning programs of hospice care; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 162—AN ACT relating to records of criminal history; requiring the Director of the Department of Public Safety to establish a statewide database and Internet website within the Central Repository for

Nevada Records of Criminal History of persons who have two or more convictions of acts that constitute domestic violence; authorizing a person who is included in the statewide database and Internet website to petition the Director for the removal of his or her information from the statewide database and Internet website; providing immunity from criminal or civil liability for certain persons relating to the accuracy and disclosure of information in the statewide database and Internet website; prohibiting a person from using information obtained from the statewide database or Internet website for certain purposes; providing that any person who uses information obtained from the statewide database or Internet website for any prohibited purpose is civilly liable; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 163—AN ACT relating to mental health; ratifying and entering into the Counseling Compact; authorizing the sharing of certain information with the coordinated database and reporting system created by the Compact; providing licensed professional counselors practicing in this State under the Compact with the same legal status as clinical professional counselors who are licensed in this State; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember O'Neill:

Assembly Bill No. 164—AN ACT relating to postsecondary education; changing the balance in the Account for Student Indemnification above which certain postsecondary educational institutions are not required to pay certain fees; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 165—AN ACT relating to outdoor education; establishing the Outdoor Education Council within the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources; prescribing the membership and duties of the Council; requiring the Council to establish and administer a program to award designations relating to outdoor education; authorizing the Council to adopt certain regulations relating to the program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers Moore, Anderson, D'Silva, La Rue Hatch, and Hibbetts and Senator Cruz-Crawford:

Assembly Bill No. 166—AN ACT relating to employment; establishing and revising restrictions on the number of hours that a child under the age of 18 years may work; limiting the times of day that a child under the age of 18 years who is enrolled in a public school or private school may work on any day in which, or any day immediately preceding a day in which, the school is in session; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Hansen:

Assembly Bill No. 167—AN ACT relating to juvenile justice; reducing the number of consecutive hours a child detained in a state, local or regional facility for the detention of children may be subjected to corrective room restriction; requiring certain actions be taken with respect to a child who is subjected to corrective room restriction for more than 15 hours; authorizing a child to petition an administrator or superintendent for a review of the reason or reasons the child was subjected to corrective room restriction under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Goulding:

Assembly Bill No. 168—AN ACT relating to public safety; revising provisions governing the operation of a bicycle, an electric bicycle or an electric scooter on a roadway; providing a civil penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 169—AN ACT relating to insurance; requiring that certain health insurance policies and health plans include coverage for certain forms of speech-language pathology as treatment for stuttering for persons who are less than 18 years of age; prohibiting certain limitations on such coverage; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Nadeem:

Assembly Bill No. 170—AN ACT relating to health care; providing for the licensure of associate physicians and associate osteopathic physicians; prescribing the conditions under which an associate physician or associate osteopathic physician is authorized to practice medicine or osteopathic medicine; authorizing an associate physician or associate osteopathic physician to register to possess, administer, prescribe or dispense controlled substances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Yeager and Watts:

Assembly Bill No. 171—AN ACT relating to eggs; authorizing the State Quarantine Officer to order the temporary suspension of certain requirements relating to the sale, offer or exposing for sale or transport for sale of egg products or shell eggs under certain circumstances; authorizing the State Quarantine Officer to adopt regulations relating to an order to temporarily suspend such requirements; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Hansen:

Assembly Bill No. 172—AN ACT relating to criminal procedure; expanding the applicability of certain provisions governing the disclosure by a provider of Internet service of certain records stored on the Internet; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 173—AN ACT relating to elections; requiring a candidate for judicial office to indicate his or her designated political party affiliation on certain financial disclosure statements; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 174—AN ACT relating to telecommunication service; expanding the circumstances under which certain telecommunication providers may apply for relief from their status and obligations as a provider of last resort; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Hibbetts:

Assembly Bill No. 175—AN ACT relating to public safety; revising the penalties for a person who drives a motor vehicle or commercial motor vehicle while under the influence of alcohol or certain other substances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 176—AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health care under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember González:

Assembly Bill No. 177—AN ACT relating to professions; providing for the licensure of speech-language pathology assistants; authorizing certain persons to engage in the supervised practice of speech-language pathology; establishing requirements for hearing aid specialists to provide tinnitus care; revising the scope of practice of audiologists, hearing aid specialists and speech-language pathologists; requiring certain persons to be licensed and regulated as audiologists or speech-language pathologists; increasing the maximum amount of certain fees; revising the required qualifications for and processes for issuing certain licenses; eliminating the requirement for a licensed audiologist to obtain an endorsement before engaging in the practice of fitting and dispensing hearing aids; revising provisions relating to the sale of hearing aids; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Gray:

Assembly Bill No. 178—AN ACT relating to elections; requiring the Secretary of State and each county or city clerk to establish procedures to inform registered voters of the requirements for voting by mail ballot; requiring each county or city clerk to provide training to election board officers and certain employees relating to processing and counting mail ballots; requiring the county or city clerk to submit a report to the Secretary of State relating to mail ballots after each election; revising the deadline for returning mail ballots and curing certain defects in mail ballots; revising the requirements for establishing procedures for the processing and counting of mail ballots; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember La Rue Hatch:

Assembly Bill No. 179—AN ACT relating to employment; eliminating certain exceptions to provisions requiring an employer in private employment to provide paid leave to each employee of the employer under certain circumstances; setting forth certain actions that constitute retaliation for the purposes of provisions prohibiting retaliation against an employee for use of such paid leave; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember D'Silva:

Assembly Bill No. 180—AN ACT relating to local governments; requiring certain boards of county commissioners and the governing bodies of certain incorporated cities, under certain circumstances, to enter into an agreement to establish a multijurisdictional business license for licensed sidewalk vendors or food establishments operating as mobile units under certain circumstances; revising the definition of the term "sidewalk vendor"; revising certain requirements relating to the regulation of sidewalk vendors; revising the applicability of a multijurisdictional business license for certain contractors; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 181—AN ACT relating to civil liability; providing immunity from civil liability to persons returning a firearm under certain circumstances; exempting certain transfers of firearms from the requirement to conduct a background check; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 182—AN ACT relating to legislative affairs; creating the Legislative Committee on the Reduction of Nonessential State Expenditures; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 183—AN ACT relating to optometry; providing that a license to practice optometry issued by the Nevada State Board of Optometry is a revocable privilege; establishing procedures by which the Board may summarily suspend a license to practice optometry; prohibiting a court from staying certain orders of the Board; specifying the substances which may be prescribed by an optometrist who holds a certificate to administer and prescribe pharmaceutical agents; increasing the number of members which constitute the Board; revising the requirements for the issuance of a license by endorsement; revising provisions governing the issuance of certain certificates by the Board; revising provisions relating to investigations conducted by the Board; clarifying that the practice of optometry includes optometric telemedicine; establishing certain circumstances under which a licensee is not required to report certain events to the Board; establishing certain provisions governing the temporary ownership of an optometry practice of a licensee who is permanently incapacitated; revising provisions governing the issuance of citations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 184—AN ACT relating to interscholastic activities; prohibiting the Nevada Interscholastic Activities Association from retaliating against a school or person for certain activities; prohibiting athletic recruitment; revising provisions governing certain hearings and appeals conducted by the Association; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic activity or event; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 185—AN ACT relating to child care; prohibiting the unit-owners' association of a common-interest community from prohibiting the operation of a licensed child care facility; authorizing, with certain exceptions, a tenant to operate a licensed child care facility; requiring the governing body of a county or incorporated city to authorize the operation of child care facilities in certain zoning districts; setting forth certain requirements for licensing standards for child care facilities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 186—AN ACT relating to pharmacy; authorizing a registered pharmacist to prescribe drugs and devices to treat certain health conditions; authorizing a registered pharmacist to administer drugs; authorizing a registered pharmacist to engage in certain activity relating to laboratories and laboratory testing; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Dalia:

Assembly Bill No. 187—AN ACT relating to crimes; expanding certain prohibitions relating to pornography involving minors; revising provisions relating to the crime of unlawful dissemination of an intimate image; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 188—AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Public Employees' Benefits Program to report certain information relating to the costs of health insurance for certain retirees; revising provisions relating to the subsidy paid for certain health and welfare benefits for certain state employees who have retired with state service; revising requirements for certain retired public officers and employees to reinstate insurance under the Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 189—AN ACT relating to notaries public; defining certain terms relevant to the administration of an oath or affirmation by a notarial officer; specifying certain circumstances under which a notarial officer may administer an oath or affirmation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gurr:

Assembly Bill No. 190—AN ACT relating to water; creating the Fund for Hydrological Studies to make grants of money for hydrological studies in certain counties; revising provisions governing the payment of the cost of a hydrological study required by the State Engineer in certain counties; making an appropriation to the Fund to be used for such grants of money; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 191—AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 192—AN ACT relating to real property; enacting the Uniform Easement Relocation Act; enacting the Uniform Mortgage Modification Act; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 193—AN ACT relating to victims of crime; requiring a law enforcement agency to furnish a free copy of all reports of the law enforcement agency concerning an act that constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 194—AN ACT relating to public safety; prohibiting the release of certain balloons that are lighter than air under certain circumstances; providing for the imposition of civil penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 195—AN ACT relating to education; revising provisions governing the duties, rights and responsibilities of appointed members of a board of trustees of a school district; enacting provisions governing term limits for trustees; prohibiting a board of trustees from conducting certain business during a meeting designated as a work session or workshop; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 196—AN ACT relating to psychology; authorizing the Board of Psychological Examiners to adopt regulations authorizing a person who is not licensed by the Board to perform certain psychological tests under certain conditions and use the title "psychometrist" in connection with the performance of such tests; prohibiting a complaint from being filed with the Board if 3 or more years have elapsed since the occurrence of the act or omission giving rise to the complaint; repealing provisions requiring certain business entities to register with the Board; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 197—AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 198—AN ACT relating to trade regulations; setting forth certain requirements and restrictions concerning certain inflatable devices; requiring certain businesses that operate such devices to meet certain requirements; setting forth requirements for certain inspections of and warnings relating to such devices; imposing certain restrictions on the use of such devices under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember D'Silva:

Assembly Bill No. 199—AN ACT relating to firearms; revising the crime of discharging a firearm under certain circumstances; increasing the penalties for discharging a firearm under certain circumstances; revising the punishments for committing certain delinquent acts relating to firearms; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Karris:

Assembly Bill No. 200—AN ACT relating to industrial insurance; establishing certain methods which must be used by the Administrator of the Division of Industrial Relations of the Department of Business and Industry to calculate an average monthly prevailing wage; revising provisions to provide for the recalculation of the average monthly prevailing wage of an injured construction worker; requiring the compensation of a construction worker who is injured or disabled or who dies to be based on the greater of the worker's

average monthly wage or average monthly prevailing wage; revising provisions governing the payment in a lump sum for a construction worker with a permanent partial disability; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Roth:

Assembly Bill No. 201—AN ACT relating to evictions; requiring the automatic sealing of certain eviction case court files under certain circumstances; revising the circumstances under which a court is authorized to seal certain eviction case court files; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 202—AN ACT relating to insurance; revising certain definitions for the purposes of certain coverage for health care services; revising provisions governing the circumstances under which a managed care organization is not required to authorize coverage of a health care service; revising the applicability of certain provisions requiring certain insurers to establish a system of procedures for resolving complaints of insured persons and providing for the external review of an adverse determination to include certain insurers that issue policies or certificates that provide only dental coverage; revising the information which a health carrier is required to provide in a notice of an adverse determination; authorizing a dentist of a covered person to submit to the Office for Consumer Health Assistance in the Department of Health and Human Services a request for an external review of an adverse determination; requiring an independent review organization to notify the dentist of a covered person and a health carrier of certain information and the determination and reasons of the independent review organization; requiring a decision of an independent review organization to be based, in part, on certain documentary evidence, including any recommendation of the dentist of the insured; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 203—AN ACT relating cannabis; creating the Social Equity Liaison within the Cannabis Compliance Board; revising certain requirements relating to the labeling and delivery of cannabis and cannabis products; authorizing certain persons to enter into a joint-venture agreement

with certain cannabis establishments; revising provisions relating to cannabis consumption lounges; authorizing a cannabis production facility to produce and sell non-infused pre-rolls; prohibiting the Board from imposing certain requirements on cannabis establishments; revising the definition of "usable cannabis"; revising provisions relating to the seizure and destruction of cannabis; revising provisions relating to certain taxes imposed on sales of cannabis and cannabis products; authorizing the Department of Taxation to impose an administrative fine upon a person who engages in the unlicensed sale of cannabis or cannabis products; revising the responsibilities of the Investigation Division of the Department of Public Safety; exempting an employee of a cannabis sales facility from certain training requirements; requiring the Board and the Nevada Gaming Control Board to prepare a report concerning certain issues relating to cannabis and gaming; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 204—AN ACT relating to medical debt; prohibiting collection agencies and certain entities that provide health care from reporting medical debt to a consumer reporting agency; requiring a contract for the purchase or collection of medical debt between certain entities that provide health care and a collection agency to include certain provisions; prohibiting certain actions by certain entities that provide health care and collection agencies to collect a medical debt; providing requirements for engaging in extraordinary collection actions to collect a medical debt; authorizing the Attorney General to institute legal proceedings against violators; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Goulding:

Assembly Bill No. 205—AN ACT relating to education; revising provisions governing consent to participate in a course or unit of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility; revising requirements for forms used to refuse authorization for a pupil to participate in such a course or unit of a course; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Cole:

Assembly Bill No. 206—AN ACT relating to insurance; repealing provisions which prohibit an insurer from issuing or renewing a policy of liability insurance that contains certain provisions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Cole:

Assembly Bill No. 207—AN ACT relating to insurance; revising the manner in which a data request or report submitted to the Commissioner of Insurance by certain insurers or other organizations providing health coverage relating to the compliance of the insurer or organization with certain federal laws must be submitted to the Commissioner; revising provisions governing the confidentiality of information contained in such a data request or report; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 208—AN ACT relating to governmental entities; restricting the manner in which a governmental entity or a government-funded entity may use certain products; providing certain exceptions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 209—AN ACT relating to crimes; providing immunity from criminal liability for engaging in prostitution or committing certain acts while engaged in prostitution under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 210—AN ACT relating to education; authorizing the administration of criterion-referenced examinations and a college and career readiness assessment to pupils enrolled in a program of distance education through a remote testing platform; revising provisions governing the security and administration of such examinations and assessments; revising provisions

governing irregularities in testing administration within a program of distance education; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 211—AN ACT relating to property; authorizing a county or city to require a property owner to repair or rehabilitate or abate certain conditions on a residential property under certain circumstances; establishing procedures relating to a property owner's failure to repair or rehabilitate or abate certain conditions on the residential property; authorizing certain local governments and persons to bring an action to require the repair or rehabilitation or abatement or appoint a receiver for substandard property in certain circumstances; establishing the powers and duties of a receiver appointed for substandard property; making various other changes relating to substandard properties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Monroe-Moreno:

Assembly Bill No. 212—AN ACT relating to education; renaming the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services; removing a requirement for the Program to limit the time that a child is required to use a digital screen; extending the prospective expiration date of the Program; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Monroe-Moreno:

Assembly Bill No. 213—AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; requiring the payment of prevailing wages to workers who perform custom fabrication on any project financed or otherwise undertaken by the Tahoe-Douglas Visitor's Authority; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 214—AN ACT relating to education; revising the criteria for pupils to be eligible for a grant from a scholarship organization under the Nevada Educational Choice Scholarship Program; establishing the order of priority in which a scholarship organization must award such grants; establishing the minimum amount of a grant provided on behalf of a pupil; revising the amount of credits the Department of Taxation is authorized to approve against the modified business tax for taxpayers who donate to a scholarship organization; providing a tax credit for insurers who donate money to a scholarship organization to be applied against the general tax on insurance premiums; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Monroe-Moreno:

Assembly Bill No. 215—AN ACT relating to employment; revising provisions relating to the employment of children; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 216—AN ACT relating to domestic violence; requiring a peace officer who investigates an act of domestic violence to conduct a lethality assessment under certain circumstances; requiring a peace officer who conducts a lethality assessment to take certain actions based upon the results of the assessment; requiring the Director of the Department of Public Safety to prescribe the form on which the results of a lethality assessment must be reported to the Department; requiring the Department to provide certain supportive services and develop certain training relating to lethality assessments; requiring the Administrative Office of the Courts to make the training concerning lethality assessments available to certain persons; requiring certain written reports prepared by a peace officer who investigates an act of domestic violence to include the results of a lethality assessment; authorizing a court to consider the results of a lethality assessment in reviewing the custody status of certain persons; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember González:

Assembly Bill No. 217—AN ACT relating to education; prohibiting school districts, public schools and their employees from providing permission to

access school district facilities to certain federal officials investigating or enforcing immigration laws; prohibiting school districts, public schools and their employees from providing information concerning pupils to certain federal, state or local officials investigating or enforcing immigration laws; prohibiting a school police officer or employee of certain school districts from using a chemical agent or electronic stun device against pupils or minors in certain settings; requiring certain entities to prepare and submit a report to the board of trustees of a school district after such prohibited instruments are used; requiring the board of trustees of the school district to conduct an investigation and make certain determinations after receiving such a report; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember González:

Assembly Bill No. 218—AN ACT relating to courts; requiring the Court Administrator and each court in this State to establish a program to send certain communications regarding court proceedings by text message; requiring the Court Administrator to convene a working group to study the programs among other duties; requiring the Court Administrator to prepare and submit an annual report regarding the programs; requiring children taken into custody and persons issued certain citations or arrested to provide a telephone number for purposes of receiving certain communications by text message; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 219—AN ACT relating to taxation; revising the amount of the tax on live entertainment that is required to be distributed to the Nevada Arts Council; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Hunt:

Assembly Bill No. 220—AN ACT relating to identification cards; authorizing the Department of Health and Human Services to establish a program to issue identification cards to Nevada residents who are experiencing homelessness; requiring an applicant for an identification card to attest to certain facts and provide certain information providing for the change of the full legal name on an identification card under certain circumstances; providing for the expiration of an identification card issued by the Department; prohibiting certain conduct related to an identification card; authorizing certain

local governments to accept an identification card issued by the Department for certain purposes; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Edgeworth:

Assembly Bill No. 221—AN ACT relating to health care; exempting certain offices of physicians or other health care facilities that administer anesthesia or sedation to dental patients from certain requirements to obtain a permit to provide anesthesia or sedation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Jackson:

Assembly Bill No. 222—AN ACT relating to public works; requiring, with certain exceptions, a contractor or subcontractor to comply with certain requirements relating to the employment of workers and apprentices on a public work; providing certain penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 223—AN ACT relating to real property; authorizing a tenant whose landlord fails to remedy a failure to maintain a dwelling unit in habitable condition to file a verified complaint for expedited relief; revising certain provisions relating to the content and form of written rental agreements; revising provisions relating to the acceptance and payment of rent; revising provisions relating to requirements for habitability; revising provisions relating to the remedies a tenant is authorized to pursue if a landlord fails to remedy certain breaches or failures relating to habitability; providing that certain items and services constitute essential items and services for purposes of such provisions; revising the amounts which a tenant is authorized to recover from a landlord who takes certain unlawful actions or fails to make required disclosures; requiring a landlord to, under certain circumstances, provide a tenant who has terminated a rental agreement with a reasonable length of time to gather his or her belongings; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 224—AN ACT relating to education; requiring the State Board of Finance to issue general obligation bonds to make grants to certain school districts to finance capital improvements; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Nguyen:

Assembly Bill No. 225—AN ACT relating to professions; revising provisions governing the scope of the practice of massage therapy; establishing certain requirements for the training of an apprentice in the practice of barbering; exempting certain persons from provisions governing barbers; revising requirements for licensure as a barber or apprentice; revising provisions governing the operation of a barbershop; requiring the granting of a license as an instructor in the practice of barbering to an instructor of cosmetology under certain circumstances; revising and repealing certain provisions relating cosmetology; revising provisions relating to apprentices in certain occupations of cosmetology; revising certain requirements for the granting of a license to practice a branch of cosmetology; revising provisions governing the training and practice of apprentices in occupations of cosmetology; revising provisions governing the operation of a cosmetological establishment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 226—AN ACT relating to taxation; requiring applicants for certain transferable tax credits and certain tax abatements to agree to community benefits plan prescribing the requirements for a community benefits plan; authorizing the Office of Economic Development to investigate the recipient of certain transferable tax credits and certain tax abatements for compliance with a community benefits plan; requiring the recipient of certain transferable tax credits and certain tax abatements to repay the amount of the credits and abatements if the recipient is not in substantial compliance with the community benefits plan; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 227—AN ACT relating to adoption; repealing, reenacting, revising and reorganizing certain provisions relating to the

adoption of children, the execution, modification and termination of agreements for postadoptive contact and the placement of children for adoption and permanent free care; establishing provisions relating to confirmatory adoptions and readoptions; revising and establishing provisions relating to the collection, maintenance and distribution of certain publications and information relating to the adoption of children; revising various provisions relating to the adoption of adults; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; directing the Legislative Counsel to make various organizational changes concerning the placement of certain compacts for adoption in the Nevada Revised Statutes; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 54 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 54 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 87 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 87 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 107 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 107 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 111 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 111 be rereferred to the Committee on Judiciary.
Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 119 was referred to the Committee on Government Affairs be rescinded.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 119 be rereferred to the Committee on Judiciary.
Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 171 was referred to the Committee on Health and Human Services be rescinded.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 171 be rereferred to the Committee on Natural Resources.
Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 175 was referred to the Committee on Growth and Infrastructure be rescinded.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 175 be rereferred to the Committee on Judiciary.
Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 197 was referred to the Committee on Government Affairs be rescinded.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 197 be rereferred to the Committee on Judiciary.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Ebonee Otoo and Emily Crawford.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, February 6, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), February 6, 2025

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Dalia, Kasama, and Monroe-Moreno, who were excused.

Prayer by Father Thomas Babu.

Almighty and eternal Light of the World, You are the true Fount of Peace. You made it self-evident to us that all human beings are created equal. Through Your goodness, open our eyes to see the dignity, beauty, and worth of every human being. Open our minds to understand that all Your children are brothers and sisters in the same human family. We come before You today as leaders and representatives of the state with grateful hearts, seeking Your wisdom and guidance as we gather in this assembly to serve the people of Nevada. You have entrusted us with the responsibility to govern with justice, integrity, and compassion. May we always remember that leadership is a calling to serve, not to be served.

Grant us clarity of thought, unity of purpose, and a spirit of cooperation. Help us to listen with open hearts, speak with kindness, and act with fairness. May the laws and decisions made in this chamber reflect the values of truth, dignity, and the common good.

Bless our state, its leaders, and its people. May Nevada continue to be a land of opportunity, prosperity, and peace for all who call it home. In all that we do today, may we honor You and uplift the lives of those we represent.

Open our ears to hear the cries of those wounded by racial discrimination, and their passionate appeals for change. We pray for all who fight for justice and equality, who give voice to the voiceless and hope to the hopeless.

As for the leaders of this great state, help them to be just leaders. Fill them with courage to make choices that are right and just. Help them to heal wounds, build bridges, and establish peace and equality for all in our communities. Help us to be people who can be instruments in bringing peace, equality and justice for those who are less fortunate around us. In the holy name of our Creator God, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 5, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 16, 47, 87, 95, 108, 113, 127, 130, 139, 212.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 15 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 15 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 173 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 173 be rereferred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 174 was referred to the Committee on Growth and Infrastructure be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 174 be rereferred to the Committee on Commerce and Labor.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 188 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 188 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 211 was referred to the Committee on Government Affairs be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 211 be rereferred to the Committee on Commerce and Labor.

Motion carried.

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 212 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 212 be rereferred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Dickman:

Assembly Bill No. 228—AN ACT relating to elections; establishing procedures for the use of absent ballots in an election; requiring, with certain exceptions, proof of identity for voting in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue identification cards at no charge; requiring a voter to include certain personal identifying information with his or her absent ballot; prohibiting, with certain exceptions, a person from returning an absent ballot on behalf of a voter; repealing provisions that require county and city clerks to prepare and distribute mail ballots to certain registered voters for every election; repealing provisions relating to voting, collecting, verifying and counting mail ballots; providing penalties; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember DeLong:

Assembly Bill No. 229—AN ACT relating to elections; revising certain deadlines relating to the return of mail ballots; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1; Assembly Resolutions Nos. 1, 2, 3.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 74 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 74 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 74 ("AB 74"), which is titled as follows:

> AN ACT relating to public bodies; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; authorizing a public body to enter into a public-private partnership in connection with certain facilities; and providing other matters properly relating thereto.

AB 74 would present a burdensome expansion regarding the requirement of prevailing wages on certain projects. Currently, the Nevada System of Higher Education (the "System") is required to pay prevailing wages when the estimated cost of a project is greater than $100,000. AB 74, however, would require the payment of prevailing wages on any construction project undertaken by the System and would additionally require prevailing wages on partnerships between the System and private entities.

Since AB 74 would lead to higher costs and increase the chances for delays, even on the System's smaller-scale construction projects, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 74 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 160 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 160 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 160 ("AB 160"), which is titled as follows:

> AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are

sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Currently, the Nevada Supreme Court has recognized criminal record sealing as an act of judicial grace that is only appropriate when the offender demonstrates rehabilitation. This requires an offender to submit: 1) a petition for sealing; and 2) a copy of their criminal history from the FBI. The waiting periods for processing sealing documents were drastically shortened in 2019 and it is already a heavy burden for prosecutor's offices to review and evaluate these petitions.

Instead of petitioning for sealing, this bill would require the Department of Public Safety to provide an auto-generated list containing the names of anyone convicted of a misdemeanor or certain felony drug offenses. This would, again, dramatically increase the workload on prosecuting offices which generally have a select group of staff dedicated to the time-intensive task of processing these requests. Finally, the bill removes the requirement that a hearing be conducted if the prosecuting office does not stipulate to the record-sealing, effectively making any opportunity to object to sealing functionally meaningless.

Since this bill increases the likelihood that offenders will have their records sealed even if they shouldn't be, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 160 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 172 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 172 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 172 ("AB 172"), which is titled as follows:

AN ACT relating to collective bargaining; requiring, with certain exceptions, each school district to semiannually provide each employee organization recognized by the school district certain information relating to each employee of the bargaining unit represented by the employee organization; requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation; and providing other matters properly relating thereto.

AB 172 creates onerous requirements related to mandatory subjects of bargaining which would place certain employees on uneven footing with their counterparts. Additionally, though the bill attempted to address privacy concerns by allowing employees to opt-out of disclosing their private information to various employee-organizations, this measure is insufficient in its actual addressal

of those privacy issues. Employees should have the right to affirmatively confirm their choice to opt-in to such an organization rather than the other way around.

Since this bill is inappropriately expansive in its approach to addressing certain collective bargaining issues, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 172 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 201 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 201 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 201 ("AB 201"), which is titled as follows:

> AN ACT relating to behavioral health; requiring the Department of Health and Human Services to provide certain oversight and make certain recommendations concerning the children's behavioral health system of care; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; prescribing certain duties of a regional behavioral health policy board; requiring a mental health consortium to submit certain documents to the Administrator of the Division of Child and Family Services of the Department; clarifying the authority of the State Board of Health to require the licensing of certain facilities; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to conduct a study of the feasibility of formulating and operating a comprehensive state plan to provide behavioral health services; and providing other matters properly relating thereto.

AB 201 requires the Department of Health and Human Services to track spending and quantify cost avoidance based on that spending over time, and to report projected savings for the upcoming two years along with recommendations for the reinvestment of those savings to the Joint Interim Standing Committee on Health and Human Services on a biennial basis.

Cost avoidance is taking an action to avoid having to incur future costs. Unfortunately, these savings are not easily verifiable, especially when it comes to healthcare. Providing some medical intervention now to prevent potential future medical costs is extremely difficult because of the assumptions that those interventions indeed do prevent the future condition from occurring. Providing a report of projected savings that may occur with recommendations to spend dollars that will certainly occur only results in additional spending without assurances that savings to cover those additional costs will materialize.

This bill also adds this work without providing additional resources to the Department, making the existing employees absorb the work as "other duties as assigned".

Lastly, the bill requires a legislative study, something that can be done without legislation.

Due to the additional work and the lack of evidence that cost avoidance estimates are reliable, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 201 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 218 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 218 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 218 ("AB 218"), which is titled as follows:

> AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; authorizing a tenant to bring a civil action against a landlord who has committed certain violations; prohibiting a landlord from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; and providing other matters properly relating thereto.

AB 218 as drafted would initiate a mandatory court award of treble damages to a tenant if a landlord is found to be in violation of certain provisions of NRS 118A200. It would be impossible for a landlord to comply with this bill without amending the original lease, which would require agreement from both parties. In practice, it would create an incentive for a tenant to choose not to agree to such an amendment and instead pursue legal action against a landlord. Existing leases must have been considered in this legislation for it to be remotely sensical.

Since this bill would needlessly increase the difficulties associated with renting residential properties, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved that Assembly Bill No. 218 of the 82nd Session be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 224 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 224 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 224 ("AB 224"), which is titled as follows:

> AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; making appropriations; and providing other matters properly relating thereto.

The Board of Regents of the Nevada System of Higher Education already has the ability to collectively bargain, and in fact has multiple executed collective bargaining agreements currently. The provisions of Assembly Bill 224 constitute a significant expansion of the system the Board has already created for itself, and as a Constitutionally created body to oversee the system, the Board should be given deference in its policies and procedures for bargaining with its employees.

AB 224 expands collective bargaining for professional employees within NSHE, including primarily unclassified employees. I have vetoed other legislation from this session expanding collective bargaining to unclassified state employees, and AB 224 takes this expansion even further by including in the definition of professional employee part time and seasonal faculty who work at least 90 days a year. This expansion would capture employees currently considered at-will, teaching as few as one course per semester.

This bill also does not recognize important management rights that are reserved for other employers under NRS 288, such as the right to determine appropriate staffing levels and work performance standards, except for safety considerations. The right to determine means and methods of providing services to the public is also subject to bargaining in this legislation, however that is the core mission of the system and should be reserved for management.

Management dynamics of a complex institution are also undermined through AB 224's requirement for arbitration of grievances, rather than utilizing the long-standing process developed through the shared-governance system that incorporates the voices of faculty senates throughout the system.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 224 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 242 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 242 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 242 ("AB 242"), which is titled as follows:

> AN ACT relating to elections; requiring ballots and votes be counted using a mechanical voting system; revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

AB 242 is well intended in that it aims to clarify and provide uniformity to the systems jurisdictions are permitted to use for casting, registering, and recording votes. However, the bill's prohibition against any hand-counting of ballots is an impermissible transgression upon the right and, indeed, duty, of duly elected county officials to ensure their vote counting procedures are best-aligned with the needs of their electorate.

Since this bill needlessly restricts the autonomy provided to county officials to conduct the functions necessary to their elected position, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 242 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 243 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 243 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 243 ("AB 243"), which is titled as follows:

> AN ACT relating to legislative affairs; making various changes relating to legislative interim committees and presiding officers of those committees; revising provisions

relating to Joint Interim Standing Committees; revising the deadline to submit an application to the Joint Interim Standing Committee on Education to serve on the Nevada State Teacher Recruitment and Retention Advisory Task Force; repealing the requirement that the Joint Interim Standing Committee on Health and Human Services review certain regulations; revising provisions relating to legislative committee members and staff regulated by the Nevada Lobbying Disclosure and Regulation Act and Nevada Financial Disclosure Act; and providing other matters properly relating thereto.

Since there is broad disagreement amongst legislators over management of their own branch of government, this change is inappropriate at this time.

For this reason, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 243 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 246 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 246 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 246 ("AB 246"), which is titled as follows:

AN ACT relating to elections; requiring, under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State to establish a toll free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; making an appropriation to the Office of the Secretary of State for certain expenses relating to language access and the establishment of a toll-free telephone number; and providing other matters properly relating thereto.

AB 246 is well intended inasmuch as it is critical that individuals are not intimidated by a language barrier on election day. That said, Nevada's current laws sufficiently accomplish the goal of ensuring language accessibility in accordance with Federal law. Moreover, existing Nevada law also grants county and city clerks the authority to provide voting materials in languages even above

the Federal requirement if the clerk "determines there is a significant and substantial need for [such additional] voting materials[.]" NRS 293.2699.

Since Nevada is compliant with federal law and local officers are already empowered to provide election materials in additional languages at their discretion, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 246 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 258 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 258 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 258 ("AB 258") which is titled as follows:

> AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; making an appropriation to the Interim Finance Committee for allocation to the Office of the Attorney General to fund certain positions; providing a penalty; and providing other matters properly relating thereto.

Though it is an admirable goal for the government to keep the type of information in AB 258 confidential, this bill goes too far in attempting to ensure this end is accomplished. The bill stipulates a $2,500 minimum and a $7,500 maximum damage award for those who allege the government violated the provisions of Section 2, subsections 1 or 2. This is problematic because there is not necessarily any rational relation between the "damages" mandated in the bill and the harm suffered by the complainant. Moreover, and most critically, the bill contains no requirement that the claimant, his or herself, has suffered *any* actual harm as a result of the government's alleged failure to comply with those provisions.

Since this bill stipulates arbitrary damages awards and allows virtually anybody to pursue a claim under its provisions, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 258 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 281 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 281 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 281 ("AB 281"), which is titled as follows:

> AN ACT relating to health care; requiring the administrator of a senior living facility to ensure a senior living facility is equipped with functional ventilation and filtration systems; establishing requirements for the assessment of and any improvement to such ventilation and filtration systems; requiring certain personnel to complete an assessment report on such a ventilation or filtration system; requiring the administrator of a senior living facility to prepare a report on such a ventilation or filtration system; and providing other matters properly relating thereto.

It is important to ensure senior living facilities have good indoor air quality and functioning heating, ventilation, and air conditioning systems. It is incumbent upon operators of these facilities to ensure these systems are working properly and that resident comfort and safety issues are timely addressed.

However, nothing currently prohibits this work from being done in the absence of this bill's passage. The Nevada Division of Public and Behavioral Health ("DPBH") can currently grant federal funding available for this work to the operators of these facilities. Having the bill sunset when federal funding is no longer available recognizes the unsustainability of this language.

Requiring that this work be completed only by certain personnel and having the report be reviewed by a mechanical engineer in accordance with the latest standards may result in significant upgrade costs to the operators of certain facilities which may not meet new standards that were adopted after the subject facility was built. While the intent is to have these projects funded with grants, the process to apply for and receive such grants by the operators is not addressed.

Further, allowing new standards to automatically go into effect only 60 days after publication does not allow sufficient time to review any changes and determine their potential impact on the operators.

Lastly, the fiscal note submitted by DPBH was not funded. Not funding the implementation costs would result in the work being added to existing-already overworked-staff as "other duties as assigned."

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 281 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 305 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 305 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 305 ("AB 305"), which is titled as follows:

> AN ACT relating to public works; requiring, with certain exceptions, a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

AB 305 is well intended insofar as we should encourage women to work and build careers in trade industries. That said, this bill, at present, is impracticable. There are less than 250 female apprentices statewide, and many essential trades have zero enrolled female apprentices. After reviewing the benchmarks provided in this bill, it would be nearly impossible to reach certain of the provided employment targets. Nevada should not be in the business of creating laws with which compliance is virtually impossible.

For these reasons, I veto AB 305 and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 305 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 319 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 319 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 319 ("AB 319"), which is titled as follows:

> AN ACT [*sic*] making an appropriation to the State Department of Agriculture for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

Ensuring students have proper nutrition in order to facilitate learning is an important goal. So, too, is reducing the stigma sometimes associated with students who receive free or reduced price school lunches. However, subsidizing those who can afford to provide their children with lunch and addressing food waste in school cafeterias are also good policies.

Studies have shown that up to 73 percent of food provided through school lunch programs ends up in the trash. Based on the U.S. Department of Agriculture (USDA) nutrition guidelines, certain

foods purchased are things kids are not likely to eat. Providing universal-free lunch will increase the amount of food purchased and, unfortunately, ultimately thrown away.

Prior to the COVID-19 pandemic, free school meals were available only to students meeting income requirements for free or reduced-price lunches or attending schools that qualified under an alternative school-specific exception. During the first two full school years of the pandemic, the USDA issued waivers allowing schools to be reimbursed for meals to all students. This waiver expired at the start of the 2022-2023 school year. As the pandemic has ended, most states have reverted to pre-pandemic school breakfast and lunch programs where those who can afford to pay for their children's meals while those who qualify for free and reduced-price meals submit applications to the school districts.

Of the almost 490,000 students enrolled in Nevada schools during the 2022-2023 school year, more than 201,000 students are eligible to enroll in the free or reduced lunch program through the USDA - Food and Nutrition Service's National School Lunch Program. If a school district meets the criteria under the USDA's Community Eligibility Program, up to 100% of their schools within a district will have access to free and reduced-price meals for students - approximately 660 schools statewide meet the USDA's criteria for free meals for all their students.

This is also a responsibility that should be determined at a district level to properly recognize the differences amongst the school districts throughout the state. Districts have access to a record amount of resources, including the funding available through SB 231, to implement the school food programs that are right for them in the upcoming biennium while they work with parents and the community to design a permanent, sustainable program for following biennium.

Districts also need to ensure annual applications are submitted by eligible students to maximize federal funding under the National School Lunch and School Breakfast Programs. Districts should also look to the U.S. Department of Education Community Eligibility Program to determine if additional federal funding may be available through that program.

Universal free lunch programs were subsidized while responding to the impacts of COVID-19, and were always paid through federal funding sources. These funding sources are no longer available, and district officials should build programs appropriate to their needs. With COVID-19 behind us, it is time to return to the normalcy of pre-pandemic operations.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved that Assembly Bill No. 319 of the 82nd Session be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 322 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 322 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 322 ("AB 322"), which is titled as follows:

> AN ACT relating to public health; prohibiting a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the Division of Public and Behavioral Health of the Department of Health and Human

Services; setting forth requirements for the registration of a kratom product with the Division; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Division; authorizing the Division to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; providing penalties; making an appropriation; and providing other matters properly relating thereto.

Though this bill is partially well-intended in its aim to provide regulatory clarity for an existing market, this bill is fundamentally flawed. There are no approved uses of kratom by the U.S. Food and Drug Administration. Moreover, there is significant concern regarding the psychiatric, cardiovascular, gastrointestinal, and respiratory issues this substance is known to cause. Kratom is unsafe. Though an outright ban on this readily available product would be appropriate, that is not what this legislation does. Instead, it creates a regulatory structure for this product, suggesting that the state approves of its use. I cannot support that suggestion.

There is simply not enough evidence to support standing up a kratom regulatory structure that cannot ensure user safety when purchasing and consuming products regulated through the provisions in this bill.

Due to the considerable safety concerns associated with kratom and its lack of any federally approved therapeutic use, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 322 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 334 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 334 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 334 ("AB 334"), which is titled as follows:

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

AB 334 would attempt to expedite the timeline for repairs of Nevadans' automobiles. Unfortunately, this good intention is not met, and this bill has significant potential to create unintended consequences.

At its most basic, the inspection process timeline established by AB 334 conflicts with and undermines the claims resolution process and would make Nevada's among the most restrictive timelines in the nation. The claims resolution process for insurers is set out at NAC 686A.600

through NAC 686A.680. AB 334 ignores the entirety of liability determination in a third-party claim in favor of a single unworkable timeline.

This one-size-fits-all approach to a dynamic and complicated issue is likely to exacerbate problems rather than solve them.

At a time when Nevadans are already paying some of the highest insurance rates in the United States and the highest among the western states[1], additional, extreme constraints could raise rates even further - a hidden tax working Nevadans can ill afford.

Additionally, the enactment of restrictive timelines on inspection could compromise the quality and cost effectiveness of auto repairs for consumers, further prolonging an already difficult situation for Nevadans. Further, modern vehicles are comprised of multiple, complicated systems-ensuring that repairs are necessary and done expertly cannot be constrained into such a short window.

The bill does not address concerns surrounding work force shortages and supply chain constraints in both the body shop and insurance industries - a result of the pandemic that continues to reverberate.

Restrictive timelines create the potential for fraud in claims handling by withdrawing the ability for thoughtful consideration of claims and necessary repairs from the equation in favor of speed. And the bill would leave out the costs of rental cars, other transportation costs, and storage should the short time frame be missed.

The Nevada Division of Insurance has both the capability and the authority to review any complaints regarding the insurance industry.

Since AB 334 could lead to higher costs for Nevadans and creates an unworkable timeline for complex processes, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

[1] See, https://www.reviewjournal.com/business/peronal-finance/nevada-car-insurance-rates-among-highest-in-nation-2772246/

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 334 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 340 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 340 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 340 ("AB 340"), which is titled as follows:

> AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

AB 340 would restructure Nevada's summary eviction process in a manner that would impose additional and unnecessary delays and costs on those seeking to remove individuals who unlawfully remain on their property after the termination of their lease. This bill would make our

summary eviction process more time-consuming than our peer states and would create ambiguous threshold standards which could be ruled upon by a judge without any formal hearing, providing insufficient protections for Nevada property owners.

Since this bill makes Nevada an inhospitable environment for residential lessors, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved that Assembly Bill No. 340 of the 82nd Session be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 371 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 371 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 371 ("AB 371"), which is titled as follows:

> AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

AB 371 is aimed at the admirable goal of streamlining certain decisions related to parentage. That said, this bill would codify a uniform set of laws that have only been implemented in a significant minority of states. Moreover, the changes contained in this bill would inevitably hamstring judges in making certain case-by-case determinations related to parentage which, by their very nature, will likely be more focused on finding the best solution possible for the family or families before their court.

Since AB 371 would unavoidably decrease judicial discretion regarding critical issues to Nevadan families, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 371 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 383 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 383 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 383 ("AB 383"), which is titled as follows:

> AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health services under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required coverage of contraception under the State Plan for Medicaid; making appropriations to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services; and providing other matters properly relating thereto.

This bill restricts any government agency from limiting, in any way, reproductive health services.

Based on definitions in the bill and existing statute, that would prohibit, for example, a local school district from creating a policy restricting a school nurse from providing abortion counseling and referral services.

Critically, this bill would effectively place any control over decisions related to reproductive care, financing, and education in the hands of today's state policy-makers instead of tomorrow's local officials. Additionally, through Section 6.2, this bill attempts to restrict the activities of future legislatures in their ability to set policy for the state. Local officials should be empowered to make decisions on any lawful subject before them.

Notwithstanding the stated policy concerns, AB 383 would likely lead to increased litigation for both government agencies and for healthcare providers as Section 7 authorizes legal claims to be made for purported violations, including the automatic awarding of costs and attorney's fees.

Since this bill would unnecessarily restrict local officials' autonomy and expose government agencies to costly litigation, potentially including exorbitant and unpredictable attorneys' fees, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved that Assembly Bill No. 383 of the 82nd Session be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 437 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 437 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 437 ("AB 437"), which is titled as follows:

> AN ACT relating to providers of health care; limiting the amount a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Though AB 437 is aimed at the admirable goal of ensuring inexpensive access to certain care, this bill is an unreasonable transgression into standard business activity. Virtually all these consultations are performed on a one-time basis and require additional staff processing time, the cost of which is better determined by individual providers than the Legislature.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 437 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 439 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 439 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 439 ("AB 439"), which is titled as follows:

> AN ACT relating to insurance; providing, with certain exceptions, that no provision for arbitration in a contract for health insurance is binding upon any person insured under the contract who makes a claim; repealing certain provisions related to provisions for

arbitration in a contract for health insurance; and providing other matters properly relating thereto.

The Federal Arbitration Act ("FAA") has been effective since 1926 and was enacted, in part, to streamline adjudicative services so plaintiffs could avoid the sluggish, costly process of litigation. Since then, the United States Supreme Court has repeatedly held that state rules that burden the formation of arbitration agreements stand as an obstacle to the FAA. Recently, in *Kindred Nursing Centers Ltd. Partnership v. Clark*, the Court determined that when a rule "singles out arbitration agreements for disfavored treatment" then it violates the FAA. 581 U.S. 246, 248 (2017). AB 439 would do exactly that by placing multiple kinds of agreed-upon arbitration provisions on unequal footing with other agreed-upon contracts.

Since AB 439 stands in contrast to existing Court precedent regarding arbitration agreements, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 439 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 498 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 498 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 498 ("AB 498"), which is titled as follows:

AN ACT relating to public employees' retirement; revising the calculation of contribution rates to the Public Employees' Retirement System from state employees and employers; revising the contribution rates for the separate retirement program provided by the Board of Regents of the University of Nevada; making appropriations; and providing other matters properly relating thereto.

While it is important to properly compensate our State employees, AB 498 marks a dramatic departure from the existing law regarding the split of retirement contributions between the employer and the employee. As a result, the additional costs to the State budget associated with this change are unknown and present a permanent and potentially unsustainable increase that could result in the inability to fund other important programs going forward.

I signed AB 522, the employee-pay bill ("Unclassified Pay Bill"), which included a 7% cost of living adjust in Fiscal Year 2025 if AB 498 is not approved. That increase is on top of the 10% to 13% increase in Fiscal Year 2024 and the 4% increase I initially included in my budget for Fiscal Year 2025. Those increases, along with the other benefit changes made in the Unclassified Pay Bill, will go a long way in making State employee compensation competitive with local governments and the private sector.

Given the uncertainty around the costs associated with AB 498 and the pay increases included in AB 522, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 498 of the 82nd Session.

Motion carried.

Vetoed Assembly Bill No. 527 of the 82nd Session.

Bill read.

Governor's message stating his objections as follows.

OFFICE OF THE GOVERNOR JOE LOMBARDO

June 16, 2023

THE HONORABLE FRANCISCO AGUILAR, NEVADA SECRETARY OF STATE, 101 North Carson Street Carson City, Nevada 89701

RE: Assembly Bill 527 of the 82nd Legislative Session

DEAR SECRETARY OF STATE AGUILAR:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 527 ("AB 527") which is titled as follows:

> AN ACT relating to state financial administration; revising requirements relating to the preparation of the state budget; and providing other matters properly relating thereto.

This bill requires the Governor to consider appropriations to the budgets of the Legislative and Judicial branches as well as those of the Public Employees' Retirement System and the Tahoe Regional Planning Agency in the calculation of the five percent minimum ending fund balance for purposes of submitting the Governor's Recommended Budget to the Legislature.

While these are currently considered, the large increase in the Legislative budget for the upcoming biennium and the inability of the Governor to have any control over amounts when considering the priorities of State government, especially during the times of an economic downturn, would potentially put the Governor in the position of having to cut programs or personnel to balance a budget. Further, the Legislature is not bound to the five percent minimum ending fund balance so their merit can be decided during the Legislative session.

Since this bill decreases Nevada's flexibility in the event we experience economic uncertainty, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Assemblymember Jauregui moved no further consideration of Assembly Bill No. 527 of the 82nd Session.

Motion carried.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, February 10, 2025, at 11:30 a.m., and that it do so in memory of Officer Jason Roscow.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 10, 2025

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama who was excused.

Prayer by Pastor Ken Haskins.

Our Sovereign Lord, Your kingdom is in the world, but not of it. Come, reign in our hearts so that we might love one another, promote the best interests of others and do Your will on earth as it is in heaven. I pray in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 9, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 32, 33, 49, 60, 62, 67, 80, 85, 100, 105, 109, 126, 149, 159, 190, 214, 219; Assembly Joint Resolutions Nos. 2, 3.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 10, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

2 NEWS: Jake Reno; 8 NEWS NOW: Eric Jungblut; KOLO 8 NEWS NOW: John Langler; KTVN 2 NEWS NEVADA: Jay Akers, Jaden Urban; LAS VEGAS REVIEW-JOURNAL: Kevin Cannon; LAS VEGAS SUN: Haajrah Gilani; NEVADA CURRENT: April Corbin-Girnus; RENO GAZETTE JOURNAL: Jason Bean, Mark Robison; SIERRA NEVADA ALLY: Alex Couraud; THE NEVADAN: Jannelle Calderón, Casey Harrison

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 45 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 45 be rereferred to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 67 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 67 be rereferred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Marzola:

Assembly Bill No. 230—AN ACT relating to health care; ratifying and entering into the Audiology and Speech-Language Pathology Interstate Compact; authorizing the sharing of certain information with data systems created by the Compact; providing audiologists and speech-language pathologists practicing in this State under the Compact with the same legal status as persons who are licensed to practice audiology and speech-language pathology in this State; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Hunt, D'Silva, and Jackson and Senator Neal:

Assembly Bill No. 231—AN ACT relating to insurance; requiring a service contract to impose certain duties upon the provider of the service contract; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 232—AN ACT relating to public employees; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2.

REMARKS FROM THE FLOOR

Assemblymember Jauregui requested that Assemblymember Koenig's remarks be entered in the Journal.

ASSEMBLYMEMBER KOENIG:

On Sunday, February 9, 2025, one of the Nevada Legislature's longest-serving Legislators, who served in both houses of the Legislature for a combined total of 24 years of service, passed away. Senator Joseph "Mike" McGinness was born and raised and lived most of his 77 years in Fallon, Nevada. The main exceptions were when he spent five years in Schurz as a child; when he lived in Reno while obtaining his bachelor's degree from the University of Nevada, Reno; when he was away on duty with the Nevada Air National Guard; or when he used to stay in Carson City during legislative sessions. He attended Churchill County High School, where he edited the school newspaper, the beginning of a long career in media and journalism, and participated in Boys State, where he got his first taste of politics.

Mike married his high school sweetheart, Dee [Deanna] Pierce and they had three children—Ryan, Brett, and Shannon; along with six grandchildren. When Mike and Dee were dating, her parents owned the radio station in Fallon. Dee's father liked to tell Mike that if he married his daughter, he would give him a job at the radio station, which he did. Mike was manager of the radio station KVLV AM-FM in Fallon for many years.

Mike McGinness was an ideal example of the type of person who serves and represents the public well in our "citizen legislature." He was a family man, a businessman, and a statesman. His first four years, 1988 to 1992, were in the Assembly. His last 20 years, 1992 through 2012, he served in the Senate. In his last legislative session in 2011, Mike was selected by his caucus to serve as Senate Minority Floor Leader. His longtime legislative assistant, Ricka Benum, retired after his final session, but she and her husband remained close friends with Dee and Mike.

Senator Mike McGinness chaired the Senate Committee on Legislative Affairs and Operations during the 1993 and 1995 sessions, but he is probably best remembered as Chair of the Senate Committee on Taxation for six regular sessions from 1997 to 2007. The other two committees that Mike was most associated with in both houses were the Judiciary, 11 regular sessions, and Natural Resources, 9 regular sessions.

Mike authored many excellent pieces of legislation over the years. Two of his most memorable bills dealt with the safety and welfare of children. These were Senate Bill 122 of the 1997 session which prohibits a person employed by a school district from engaging in sexual contact with a student, and Senate Bill 142 of the 2009 session which established the crime of criminal gang recruitment. As a good representative of rural Nevada and some of it is ranching, farming, mining, and military communities, Mike sponsored a number of bills over the years on rural topics. These bills covered subjects such as cleaning out river channels, farm products, farm vehicles, geothermal resources, grazing leases, hunting and fishing licenses, irrigation districts, livestock management, military installation, off road vehicles, organic produce, water rights, and wildlife management.

Over the years, Senator McGinness represented all or part of 11 of Nevada's 17 counties: Churchill Clark, Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, and White Pine. Mike's senatorial district included the Fallon Naval Air Station, Creech Air Force Base in Clark County, NELIS Air Force Range, and the Nevada Test Site.

Mike was active in state and local civic affairs, serving as president of the Nevada State Board of Directors and chairing the Churchill County Parks and Recreation Commission and the Churchill County School Board. Mike was a long-standing member of the Kiwanis Club. He sponsored many legislative resolutions to designate a specific day in the spring as Kiwanis Day in Nevada.

In 2017, the Nevada Senate inducted Mike McGinness into the Senate Hall of Fame. Twenty of his 24 years of legislative service were in the Senate. I am grateful that he was recognized during his lifetime for the many years of service he dedicated to the Nevada Legislature, and I hope his family and friends will find comfort in knowing that he will long be remembered in these halls.

I want to take a couple of sentences of personal privilege where I knew Mike personally. He was a friend of my dad's growing up. In fact, I think they went to college together. Mike was an

inspiration for me. When I first got elected to the school board, he approached me and let me know that he started on the school board and ended up here, in these halls. He kind of inspired me to do the same. If possible, Speaker, if we could have a moment of silence to remember Mike McGinness.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Mayor Michelle Romero.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Arbenia Peeples, Eva G. Simmons, and Tommie Wooden-Medlock.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Tya Mathis-Coleman.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Nedra D. Cooper.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Arly Corrilo.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Aalycia Roseburgh and Ashley Floyd.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, February 11, 2025, at 11:30 a.m., and that it do so in memory of Senator Mike McGinness.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), February 11, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Southern Paiute Tribal Elder Fred Drye.

Creator, today we pray to You asking for Your blessings and guidance to the Nevada State Assembly while they are in session and conducting business regarding Nevada, concerns and laws. We pray that decision making be made with good minds and for the people.

We also pray that tribal sacred and cultural sites, native medicines, foods and plants be protected. Bless our lands, water, air, mountains, and pine-nut trees.

Finally, we pray for our elders to be well and that our military personnel come home safely to their families. Bless our state of Nevada.

We say this in Your name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which was rereferred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of February 11, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

KOLO 8 NEWS: Harrison Brenner; LAS VEGAS SUN: Kyle Chouinard; PLAN-DIGITAL MEDIA NEWS: Rachel Mosley.

Motion carried.

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 171 considered engrossed, declared an emergency measure under the *Constitution* and placed on third reading for amendment and final passage.

Motion carried.

Assembly Bill No. 171.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 1

SUMMARY—~~[Authorizes]~~ **Revises provisions relating to** the State Quarantine Officer **.** ~~[to order the temporary suspension of certain prohibitions relating to the sale, offer or exposing for sale or transport for sale of eggs produced by egg-laying hens in certain enclosures under certain circumstances.]~~ (BDR 51-985)

AN ACT relating to eggs; authorizing the State Quarantine Officer to ~~[order the temporary suspension of certain requirements]~~ **take certain actions** relating to the sale, offer or exposing for sale or transport for sale of egg products or shell eggs under certain circumstances; authorizing the State Quarantine Officer to adopt regulations relating to an order to temporarily suspend such requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an egg product or shell egg from being sold or offered, exposed or transported for sale within this State if the egg product or shell egg was produced by an egg-laying hen confined in certain enclosures that are not cage-free. (NRS 583.211-583.251) **Section 1** of this bill authorizes the State Quarantine Officer to order the temporary suspension of such requirements **and any regulation relating to the sale of eggs in this State** during an ongoing event that negatively impacts the national supply chain for egg products or shell eggs which may not exceed 120 consecutive days per suspension. **Section 1** additionally: (1) prohibits the State Quarantine Officer from ordering more than two temporary suspensions in 1 calendar year; and (2) requires the State Quarantine Officer to provide notice to the public when the order for the temporary suspension will be released. **Section 1 further authorizes the State Quarantine Officer to temporarily: (1) authorize the sale of grade B eggs; (2) prohibit certain governmental entities from purchasing eggs; and (3) authorize a farm owner or operator of a small egg flock to produce, sell or transport eggs to a retailer.**

Section 8 of this bill authorizes the State Quarantine Officer to adopt regulations governing the circumstances in which a temporary suspension will be ordered and any requirements for such a temporary suspension.

Section 1.3 of this bill requires the State Quarantine Officer to enforce the provisions of section 1.

Sections 1.4, 1.5, 4-7 and 9 of this bill provide that the provisions of **section 1** are an exception to the existing prohibitions, enforcement and penalties relating to egg products and shell eggs produced by egg-laying hens confined in certain enclosures that are not cage-free. ~~[Section 3 of this bill~~

~~provides that certain exemptions to these prohibitions also apply to the provisions of section 1.~~]

Section 1.1 ~~[2]~~ of this bill applies certain definitions relating to cage-free eggs to the provisions of **section 1**.

Section 9.5 of this bill requires the State Department of Agriculture to submit a report to the 83rd Session of the Legislature and the Chairs of the Standing Committees on Natural Resources.

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

Section 1. Chapter 583 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[The]*~~ ***Except as otherwise provided by federal law, the State Quarantine Officer may, by order, temporarily suspend the provisions of this section*** ~~*[and]*~~ ***NRS*** ~~*[583.211]*~~ ***583.110 to 583.251, inclusive, and any regulation relating to the sale of eggs in this State for a period of time which may not exceed 120 consecutive days per suspension during any ongoing event that negatively impacts the national supply chain for egg products or shell eggs, including, without limitation:***

(a) A foreign animal disease identified by the Animal and Plant Health Inspection Service of the United States Department of Agriculture; or

(b) A federally declared disease emergency or natural disaster.

2. If the State Quarantine Officer orders the temporary suspension of the provisions of this section and NRS ~~*[583.211]*~~ ***583.110 to 583.251, inclusive, pursuant to subsection 1:***

(a) Subject to the maximum duration specified in subsection 1, the temporary suspension remains in effect until the State Quarantine Officer orders the release of the temporary suspension; ~~*[and]*~~

(b) Not less than 14 days before the State Quarantine Officer orders the release of the temporary suspension, the State Quarantine Officer must provide notice to the public that the order temporarily suspending the provisions of this section and NRS ~~*[583.211]*~~ ***583.110 to 583.251, inclusive, will be released*** ~~*[.]*~~ ***; and***

(c) The State Quarantine Officer may temporarily:

(1) Authorize the sale of grade B eggs;

(2) Prohibit or otherwise limit the purchase of eggs by state agencies or local governments; and

(3) Authorize a farm owner or operator of a small egg flock to produce, sell or transport eggs and egg products to a retailer in this State.

3. The State Quarantine Officer may not order more than two temporary suspensions in 1 calendar year.

4. As used in this section, "farm owner or operator" has the meaning ascribed to it in NRS 583.218.

Sec. 1.1. **NRS 583.110 is hereby amended to read as follows:**

583.110 As used in NRS 583.110 to 583.210, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 583.111 to 583.120, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.3. **NRS 583.130 is hereby amended to read as follows:**

583.130 The State Quarantine Officer shall:

1. Enforce the provisions of NRS 583.110 to 583.210, inclusive ~~[.]~~ ***and section 1 of this act.***

2. Make and fix grades and standards for eggs.

3. Make such rules and regulations as may be necessary for the enforcement of NRS 583.110 to 583.210, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 1.4. **NRS 583.160 is hereby amended to read as follows:**

583.160 ~~[It]~~ ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, it*** shall be unlawful for any person, firm or corporation to represent, advertise or sell as fresh eggs any eggs that do not conform to the classifications provided for fresh eggs in NRS 583.110 to 583.210, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 1.5. **NRS 583.210 is hereby amended to read as follows:**

583.210 ~~[Any]~~ ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, any*** person who violates any of the provisions of NRS 583.110 to 583.200, inclusive, ***and section 1 of this act*** is subject to a civil penalty pursuant to NRS 583.700.

Sec. 2. ~~[NRS 583.211 is hereby amended to read as follows:~~

~~583.211 As used in NRS 583.211 to 583.251, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 583.212 to 583.224, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 583.235 is hereby amended to read as follows:~~

~~583.235 The provisions of NRS 583.211 to 583.251, inclusive, *and section 1 of this act,* do not apply to the production, sale or transport for sale in this State of shell eggs by a farm owner or operator with an annual shell egg production from 3,000 or fewer egg-laying hens if all shell eggs sold or transported for sale in this State by the owner or operator are derived from the 3,000 or fewer egg-laying hens.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 583.237 is hereby amended to read as follows:

583.237 1. Except as otherwise provided in subsections 2 and 3 ~~[,]~~ ***and by an order issued by the State Quarantine Officer pursuant to section 1 of this act,*** on or after July 1, 2022, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which has less than 1 square foot of usable floor space per egg-laying hen.

2. Except as otherwise provided in subsection 3 ~~[,]~~ ***and by an order issued by the State Quarantine Officer pursuant to section 1 of this act,*** on or after January 1, 2024, a farm owner or operator in this State shall not knowingly confine an egg-laying hen in an enclosure which:

(a) Is not a cage-free housing system; or

(b) Is a cage-free housing system that has less than:

(1) One square foot of usable floor space per egg-laying hen if the cage-free housing system provides egg-laying hens with unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a multi-tiered aviary or partially slatted system; or

(2) One and one-half square feet of usable floor space per egg-laying hen if the cage-free housing system does not provide unrestricted access to elevated flat platforms, including, without limitation, unrestricted access in a single-level, all-litter floor system.

3. The prohibitions in subsections 1 and 2 do not apply to the confinement of an egg-laying hen during:

(a) Medical research for which the egg-laying hen is used;

(b) The examination, testing or treatment of or a surgical procedure performed on the egg-laying hen that is conducted by a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS or a person who is under the direct supervision of a person licensed to practice as a veterinarian pursuant to chapter 638 of NRS;

(c) The transportation of the egg-laying hen;

(d) A State or county fair exhibition, 4-H program or other similar exhibition involving the egg-laying hen;

(e) The slaughter of the egg-laying hen so long as the slaughter complies with the rules and regulations governing the slaughtering of such animals; or

(f) Temporary periods for animal husbandry purposes. Such temporary periods must last not more than 6 hours in any 24-hour period and not more than 24 hours in total of such temporary periods are allowed in any 30-day period.

Sec. 5. NRS 583.239 is hereby amended to read as follows:

583.239 1. A farm owner or operator shall not sell, offer or expose for sale or transport for sale egg products or shell eggs within this State unless the farm owner or operator has been issued a certificate by the Department pursuant to NRS 576.128 and ***, except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act,*** an endorsement of the certificate by the Department indicating that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that complies with NRS 583.237.

2. To apply for an endorsement required by subsection 1, a farm owner or operator must submit to the Department with an application for a certificate or renewal of a certificate issued pursuant to NRS 576.128:

(a) An attestation that the farm owner or operator confined the egg-laying hens in a manner that complies with NRS 583.237; and

(b) Evidence that the enclosures for egg-laying hens have been inspected by a person described in subsection 4.

3. The Department shall issue the endorsement required by subsection 1 to an applicant if:

(a) The farm owner or operator submits the information required pursuant to subsection 2; and

(b) The Department determines that such information is sufficient to indicate compliance with NRS 583.237.

4. The Department may use a government inspector, including, without limitation, an inspector who is employed, contracted with or authorized by the Department, or a private inspection or process verification provider to ensure compliance with NRS 583.211 to 583.251, inclusive, ~~***[and section 1 of this act,]***~~ during the production and the handling of egg products and shell eggs. If the Department uses such an inspector or provider, the Department must approve the inspector or provider as competent to ensure compliance with NRS 583.211 to 583.251, inclusive ***.*** ~~***[, and section 1 of this act.]***~~

5. Each endorsement issued pursuant to subsection 3 is valid for the period for which the certificate issued pursuant to NRS 576.128 is valid.

6. If a holder of a certificate issued pursuant to NRS 576.128 holds an endorsement issued pursuant to this section, the Department shall include in any notice of renewal of the certificate provided to the holder of the certificate a notice to renew the endorsement issued pursuant to this section.

7. The Department may require an inspection of the enclosure for egg-laying hens to determine whether to renew an endorsement issued pursuant to this section. If the Department determines that an inspection of the enclosure is required for the renewal of the endorsement, the endorsement remains in effect until the endorsement expires or until the Department makes a determination whether to renew the endorsement, whichever occurs later.

8. The Department may not charge a fee for the issuance or renewal of an endorsement pursuant to this section.

Sec. 6. NRS 583.245 is hereby amended to read as follows:

583.245 1. ~~[A]~~ ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, a*** business owner or operator shall not knowingly sell, offer or expose for sale or transport for sale egg products or shell eggs within this State if the business owner or operator knows or should have known that the egg products or shell eggs were produced by an egg-laying hen which was confined in a manner that conflicts with the standards set forth in NRS 583.237.

2. ~~[A]~~ ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, a*** business owner or operator shall obtain a copy of the certificate issued pursuant to NRS 576.128 that contains the endorsement issued pursuant to NRS 583.239 from the farm owner or operator to whom the certificate is issued before doing any business governed by NRS 583.211 to 583.251, inclusive, ~~***[and section 1 of this act,]***~~ with the farm owner or operator.

3. The business owner or operator shall:

(a) Retain a copy of the certificate obtained pursuant to subsection 2; and

(b) Provide a copy of the certificate to the Department upon request.

4. It is a defense to any action to enforce NRS 583.211 to 583.251, inclusive, ~~*[and section 1 of this act,]*~~ that a business owner or operator relied in good faith upon a certificate obtained pursuant to subsection 2.

Sec. 7. NRS 583.247 is hereby amended to read as follows:

583.247 ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act:***

1. The Department shall enforce the provisions of NRS 583.211 to 583.251, inclusive ~~*, [, and section 1 of this act,]*~~.

2. The Department or an authorized inspector or agent of the Department is entitled to free access during regular business hours to an applicable farm or business and to the records of such a farm owner or operator or business owner or operator for the purpose of inspecting such farm, business or record to determine whether any of the provisions of NRS 583.211 to 583.251, inclusive, ~~*[and section 1 of this act]*~~ are being or have been violated.

Sec. 8. NRS 583.249 is hereby amended to read as follows:

583.249 The State Quarantine Officer may adopt such regulations as he or she deems necessary for carrying out the provisions of NRS 583.211 to 583.251, inclusive ~~[.]~~ ***, and section 1 of this act*** ~~*[, including, without limitation,]*~~ ***relating to the circumstances in which the State Quarantine Officer may order the temporary suspension of the provisions of NRS*** ~~*[583.211]*~~ ***583.110 to 583.251, inclusive, and section 1 of this act and requirements for the temporary suspension.***

Sec. 9. NRS 583.251 is hereby amended to read as follows:

583.251 ~~[Any]~~ ***Except as otherwise provided by an order issued by the State Quarantine Officer pursuant to section 1 of this act, any*** person who violates any of the provisions of NRS 583.211 to 583.251, inclusive, ~~*[and section 1 of this act]*~~ is subject to a civil penalty pursuant to NRS 583.700.

Sec. 9.5. **Not later than 60 days after the effective date of this act, the State Department of Agriculture shall submit a report of its findings relating to the difference in the cost of eggs and egg products sold by retailer or geographic region to the Director of the Legislative Counsel Bureau for transmittal to:**

1. The 83rd Session of the Legislature;

2. The Chair of the Senate Standing Committee on Natural Resources during the 83rd Session of the Legislature; and

3. The Chair of the Assembly Standing Committee on Natural Resources during the 83rd Session of the Legislature.

Sec. 10. This act becomes effective upon passage and approval.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved to dispense with reprinting Assembly Bill No. 171.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 171

Bill read third time.

Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:

Assembly Bill No. 171 authorizes the State Quarantine Officer, during any ongoing event that negatively impacts the national supply chain for egg products or shell eggs, to temporarily suspend requirements and prohibitions related to the regulation of the sale of eggs in this state; the confinement of egg-laying hens in certain enclosures; and the sale, offering or exposing for sale, or transporting for sale, in this state, egg products or shell eggs that do not comply with egg-laying hen enclosure requirements.

The bill also authorizes the State Quarantine Officer to temporarily authorize the sale of Grade B eggs; prohibit or otherwise limit the purchase of eggs by state agencies and local governments; and authorize a farm owner or operator of a small egg flock to produce, sell, or transport eggs and egg products to a retailer in this state.

Finally, A.B. 171 specifies a temporary suspension may not exceed 120 consecutive days and remains in effect until the State Quarantine Officer orders the release of the temporary suspension. No more than two temporary suspensions may be ordered in one calendar year.

Roll call on Assembly Bill No. 171

YEAS—41

NAYS—none.

EXCUSED—Kasama—1.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblymember Jauregui moved that all rules be suspended and that Assembly Bill No. 171 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Hafen:

Assembly Bill No. 233—AN ACT relating to courts; revising provisions relating to the jurisdiction of justice courts in certain criminal cases; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Dakota York, Jizhoni Witherspoon, and Shelley Harjo.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Mathilda Miller.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Hess.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Mason and Daliah Abel.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Blair Smith and Daryl Brady.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Councilwoman Barbara Crutcher, Councilwoman Jody Smart, and Jo Montelongo.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Council Member Addie Parker, Council Member Lindsey Manning, and Jonnette Paddy.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa (Dine) Williams and Janet Myers.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Alvin Chan.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Fredina Drye-Romero.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Hicks, Barbara Hartzell, and Tiffany Rodrigues.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, February 13, 2025, at 11:30 a.m.
Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 13, 2025

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Anderson, Backus, Brown-May, Carter, Cole, Considine, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hansen, Hardy, Hunt, Jackson, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, and Yurek.

Quorum not present.

Prayer by Assemblymember Hafen.

Lord, we pray for self-control when we face situations that make us angry. Lead us away from harmful words and reactions. Give us wisdom to respond, not just react. Teach us to think carefully before speaking. Remind us to see each person through the eyes of Grace, even when they act ungracefully. Slow us down to consider consequences before making choices.

AMEN.

Pledge of Allegiance to the Flag.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 12, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 171.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Assemblymember Jauregui moved that the Assembly adjourn until Monday, February 17, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 17, 2025

Assembly called to order at 11:41 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Pastor Joseph Lent.

Tammi Naa'a, mooo'asoo tammi madabui-puga'yoo. Uu-gwino'o nummi goova-gwei woitsami-gatudu, uu-su'ma mmi naka-soodduheidu; Yeishi pija mmi matuguna, pija mmi soodduhei, yaahoo mani-punina; no'oko numu yaa pija masookwamagu, o'no yeishi tammi bija nannabua'agaana, pija nayadooakwu, yaahoo tunihanninna.

Heavenly Father, You who made us all long ago, we thank You for this day and for the opportunity to serve Your people. Let Your presence be upon us this day. I ask a blessing of favor upon all those within this building, that our minds would be focused, and our hearts would be pure, that we would be free from personal bias, attitudes, or emotions that would cloud or impair our vision. I ask the spirit of unity and understanding to rest upon us. Help us to make decisions that will benefit the greater good; to benefit this earth that You have given us to manage over; to benefit the children and to bless them who are the future stewards and caretakers of this land. You are so good, and we thank You for this.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 12, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 6, 31, 34, 35, 38, 54, 66, 76, 91, 102, 115, 118, 182; Assembly Joint Resolution No. 5.

SARAH COFFMAN
Fiscal Analysis Division

February 16, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 93, 135, 138, 151, 154, 199, 221.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of February 17, 2025, be accepted as an accredited press representative, assigned space at the press table in the

Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KRNV NEWS 4: Sophia Lincoln.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Anderson:

Assembly Bill No. 234—AN ACT relating to Medicaid; requiring Medicaid to provide coverage for screening for certain forms of cancer; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Roth:

Assembly Bill No. 235—AN ACT relating to health care; authorizing a health care provider who practices in reproductive health, any employee of or volunteer for a health care facility that provides services related to reproductive health, any provider of gender-affirming care and the spouse, domestic partner or minor child thereof to request a court order to make certain personal information in the possession of a county recorder, county assessor or elections official be kept in a confidential manner; authorizing such a person to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers D'Silva and Torres-Fossett:

Assembly Bill No. 236—AN ACT relating to education; revising provisions governing the selection of members to certain boards and councils; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 237—AN ACT relating to counties; authorizing any county in this State to create the office of registrar of voters; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Jauregui and Monroe-Moreno:

Assembly Bill No. 238—AN ACT relating to economic development; enacting the Nevada Studio Infrastructure Jobs and Workforce Training Act; requiring the Office of Economic Development to enter into a development agreement to establish certain criteria for the development of infrastructure for the production of motion pictures and other qualified productions; establishing requirements for a production company located at such a development to be eligible for film infrastructure transferable tax credits for qualified productions produced at the development; providing for the calculation of the amount of film infrastructure transferable tax credits; revising provisions governing noninfrastructure transferable tax credits for motion pictures and other qualified productions produced in this State; authorizing an additional amount of noninfrastructure transferable tax credits; establishing the Account for Nevada Film, Media and Related Technology Education and Vocational Training and a board to approve distributions from the Account; providing for the distribution of money from the Account to certain entities and organizations that provide education and vocational training to develop a workforce for the production of qualified productions in this State; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Dalia:

Assembly Bill No. 239—AN ACT relating to business entities; revising provisions relating to notice or other communications by business entities; making a conforming change relating to fiduciary duties owed by directors and officers of a corporation; revising provisions governing voting relating to the approval of a reverse stock split of a corporation; removing certain provisions governing the issuance of shares of a corporation; making changes to certain approvals by a board of directors; clarifying provisions relating to voting agreements by stockholders; revising provisions governing the amendment of articles of incorporation after issuance of stock; revising certain terms relating to business entities; revising provisions relating to the last known address of members and managers of a limited-liability company and the dissolution of a limited-liability company; establishing a process by which a corporation may reorganize through the formation of a holding corporation; revising provisions relating to the approval of a plan of merger, conversion or exchange of a domestic corporation and the conversion of a domestic entity into a foreign entity; revising provisions governing the right of a stockholder to dissent from certain corporate actions; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Gurr, Gray, Gallant, Hansen, Dickman, Cole, Edgeworth, Hafen, Hardy, Hibbetts, Koenig, O'Neill, and Yurek; Senators Stone, Ellison, and Hansen:

Assembly Bill No. 240—AN ACT relating to athletics; requiring certain schools and institutions of higher education to designate by sex the athletic teams and sports sponsored by the schools or institutions; prohibiting male or female athletes from competing on teams designated for the other sex; prohibiting certain actions from being brought against a school or institution for maintaining a separate athletic team or sport designated for pupils and students of the female or male sex; establishing certain causes of action; establishing the statute of limitations for such actions; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 241—AN ACT relating to housing; requiring the governing body of each county and city to adopt an ordinance to authorize a person to apply for a permit to construct a multifamily housing development or mixed-use development on property zoned for commercial use; declaring void certain county or city ordinances; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers DeLong, Gurr, and Koenig:

Assembly Bill No. 242—AN ACT relating to the management of land; requiring the Sagebrush Ecosystem Council in the Department of Conservation and Natural Resources to establish by regulation a program to mitigate damage to sagebrush ecosystems; requiring the Council to set forth in regulation any method or formula used by the habitat quantification tool developed by the Council as part of the program; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Hibbetts and D'Silva:

Assembly Bill No. 243—AN ACT relating to taxation; providing partial exemptions from the property and governmental services taxes for surviving spouses of members of the armed forces killed in the line of duty; establishing certain requirements for claiming the exemptions; requiring the maximum allowable amount of the exemptions be adjusted annually; authorizing an eligible surviving spouse to direct an amount equivalent to the exemptions to

certain charitable gift accounts in lieu of claiming the exemptions; providing for the reduction of the property tax exemption in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 244—AN ACT relating to food establishments; prohibiting certain food establishments from selling, preparing, providing or transporting food or beverages using disposable foodware containers made from polystyrene foam; providing civil penalties; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 245—AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 246—AN ACT relating to offenders; requiring the Director of the Department of Corrections to adopt regulations governing the diet of offenders in the custody of the Department; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 247—AN ACT relating to persons with disabilities; revising provisions relating to the accommodation of persons with physical disabilities at certain public meetings; requiring that certain public buildings designed on or after July 1, 2025, include equipment and software for Communication Access Realtime Translation; including American Sign Language as a foreign or world language course of study; requiring the Department of Education to conduct an interim study on the need for a school

for pupils who are deaf or hard of hearing; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 171.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cooper Motarex.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Wagner.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Sam Brown.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriella Detrick.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, February 18, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 18, 2025

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Chaplain Craig Swope.

Father, if this were a perfect world, we would have no reason to meet. As we deal with imperfections, may we never forget that we are imperfect as well, so we need each other. It is that recognition of mutual need that brings us together. While our efforts may stop short of the perfect standard, we know that when we work together, we get closer to the mark that we strive for—a state that considers everyone to be of value, a state that celebrates the gifts that we have been blessed with, and a state that is familiar with struggles that were battle born. Help us to honor the best and improve on what we can. As we pray in the name of the perfect life of Your son.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 18, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 18, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 2, 58, 104, 165, 187, 210, 224.

SARAH COFFMAN
Fiscal Analysis Division

Senate Concurrent Resolution No. 1.

WHEREAS, Born 2 months premature at a mere 4 pounds in Reno, Nevada in 1957, Kathleen "Neena" Laxalt entered the world with an indomitable fighting spirit; and

WHEREAS, The devoted daughter of parents Paul Dominique Laxalt and Jackalyn Ross Laxalt, Neena Laxalt grew up in Carson City with her five siblings and many cousins; and

WHEREAS, Neena Laxalt was raised in the world of law and politics with her maternal grandfather, Judge John R. Ross, serving as a federal judge for the U.S. District Court for the

District of Nevada from 1954 to 1963 and her father, Paul D. Laxalt, serving as Nevada's Lieutenant Governor, Governor and U.S. Senator between 1963 and 1987; and

WHEREAS, A proud product of humble immigrants who settled in Nevada, Neena Laxalt, as a fourth-generation Irish descendant, possessed a keen sense of humor, a refined gift of conversation and, as a second-generation Basque descendant, a clear focus and unfailing work ethic; and

WHEREAS, After beginning her storied lobbying career in the halls of the Arizona Legislature, Neena Laxalt spent over 25 years skillfully navigating the legislative process at the Nevada Legislature and in other governmental arenas by providing valuable insights and fostering collaboration among policymakers, stakeholders and communities; and

WHEREAS, In 2017, her colleagues recognized her significant contributions by inducting her into the Nevada Legislature's James A. Joyce Lobbyist Hall of Fame; and

WHEREAS, Neena Laxalt has had a marked impact on numerous state policies, notably in the areas of agriculture, ranching, animal welfare and the well-being of Nevada's Native American and rural communities, and she devoted innumerable hours in her leadership role planning the historic celebration of Nevada's sesquicentennial anniversary; and

WHEREAS, Neena Laxalt mentored countless young professionals, especially women, and her guidance and support empowered them to flourish in their advocacy or political careers; and

WHEREAS, An animal and nature enthusiast, Neena Laxalt became the guardian of the revered Laxalt family sheep camp at Marlette Lake, following in her Basque grandfather Dominique Laxalt's footsteps; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the Nevada Legislature offer their deepest condolences to Neena Laxalt's daughter, Kevan Danielle, her granddaughter, Grace Kathleen, her four siblings, her many cousins and her many lifelong friends; and be it further

RESOLVED, That the legacy of Neena Laxalt's distinguished lobbying career and service to this State will long be remembered and serve as an inspiration to others to embrace the role of mentor or tireless advocate for their causes; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the family of Neena Laxalt; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Mosca moved the adoption of the resolution.

Remarks by Assemblymembers Anderson and Monroe-Moreno and Mr. Speaker.

ASSEMBLYMEMBER ANDERSON:

Neena Laxalt was a friend of mine and although we did not always agree with each other, we were able to disagree in a way that showed that we had a shared love of Nevada. One thing, or many things, about Neena: she loved a good joke, that laugh, those of us that know that laugh, and she was quick with it—oh my gosh, so quick with that laugh. The other thing that was quick was her temper. I think that shows her Basque and Irish background and her ability to have a long memory. She would remember something that happened 10 years ago and be like, "Wait, wait, wait, you did this." And you are just thinking that was a random Wednesday, but okay.

One of the strongest things about Neena that was mentioned, and I think one reason why some people are so emotional about this today, is she took interns, and she took other females that were not always as welcome in these halls as they are today. She took them under her wing, and she would show us the ropes, and she would tell us even if you are not in agreement with me, this is how you get things done. She respected and loved these halls, both our house and the other house, because she recognized that this is where Nevadans came in to talk with each other. She loved that, and she protected it, and she celebrated it. The other thing that she celebrated was her love of Marlette Lake and Nevada, and I think that her dedication to this area continues to serve as an inspiration to all of us. Finally, as one of her friends stated, although she is no longer with us, her spirit and belief in us will continue to live on.

ASSEMBLYMEMBER MONROE-MORENO:

I rise today in honor of a remarkable woman that graced hallways and I was able to call friend, Neena Laxalt. Her willingness to work with anyone for the betterment of Nevada was a memorable

attribute that she had. Neena was unique and always had a different insight on issues and she often did that through humor. Like she did with so many in our state, she took me under her wing. Before I was even a freshman legislator, we had a chance meeting at a social event—and if you have ever been in Neena's car, it smells of tobacco and it is definitely a mobile office—but at that event, we talked and we realized we were not on the same side of the political lines, but we were aligned on so many things about making Nevada a better place to live in. And on that night, we became friends.

When she called me and let me know that she had had a diagnosis, I tried to remain strong during that call for her while selfishly crying inside because I knew that we were going to lose someone that understands what it means to serve Nevadans and to work across political aisles to make sure that we build friendships, have conversations, have dialogues, even when we do not get along, that was Neena. When I learned of her passing, I cried again because I knew we had freshmen legislators that would never have that opportunity to meet this amazing woman.

For her family, she was honest, to a fault, even when it hurt and she, like me, believed: tell me the truth, even if it hurts because I will respect you for doing that. These halls will be empty without Neena. I will miss her. Our thoughts and our prayers are with her family and her friends and for all the legislators that she has mentored over the years. I feel very fortunate and blessed to have known her, to have been able to call her one of my mentors, and a friend.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

SPEAKER YEAGER:

I want to thank the family for sharing Neena with us. Many of you know I lobbied in this building in the 2013 and 2015 Sessions, and it probably is an understatement to say that I had no idea what I was doing. It was hard to know who to trust, but Neena very quickly became somebody who I could trust, to tell it like it was, to always speak her mind, and to be on the right side of issues. I just want to echo that I did not get personally mentored by Neena, but she was a force in this building and her moral compass was just extraordinarily strong to stand up for causes and people that she believed in.

I think her legacy, of course, is demonstrated by everyone still in this building, whether they are lobbyists, whether they are legislators, whether they are staff members, everybody that she touched by the way that she conducted herself. So, while it is certainly a sad day because we have lost her, her legacy is going to live on and lives on in this building as we speak. I just wanted to express that I really appreciate her for who she was as a person and for always looking out for other people. There are certainly lessons there that we can all take in our own lives and just want to remember her for the extraordinary, extraordinary Nevadan that she was.

Resolution adopted.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.
Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Marzola:

Assembly Bill No. 248—AN ACT relating to physical therapy; enacting and entering into the Physical Therapy Licensure Compact; authorizing the sharing of certain information with the data system created pursuant to the Compact; providing a person practicing as a physical therapist or physical therapist

assistant under the Compact with the same legal status as a person practicing as a physical therapist or physical therapist assistant under a license issued by the Nevada Physical Therapy Board; revising certain terminology relating to physical therapists; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 249—AN ACT relating to fiscal notes; revising the information concerning fiscal effect that must be included in the summary of each bill or joint resolution introduced in the Legislature; revising provisions relating to the preparation of fiscal notes relating to petitions for initiative or referendum; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Goulding, Anderson, Flanagan, Hunt, La Rue Hatch and Nguyen:

Assembly Bill No. 250—AN ACT relating to debt; prescribing certain requirements relating to the collection of a debt that is the result of economic abuse or coerced debt; requiring a reporting agency that receives certain notice that a debt or any portion of a debt is the result of economic abuse or coerced debt to take certain actions; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Koenig and Gurr:

Assembly Bill No. 251—AN ACT relating to food inspections; providing that a "mobile processing unit" is an official establishment for certain purposes relating to the inspection of meat and poultry; and providing other matters properly relating thereto.

Assemblymember Anderson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers La Rue Hatch, Roth, Hunt, Considine, González, Goulding and Moore:

Assembly Bill No. 252—AN ACT relating to the Legislative Department of the State Government; creating the Office of Ombudsman for Legislative Employees in the Legislative Counsel Bureau of the Legislative Department of the State Government; setting forth the powers and duties of the Office; requiring the Joint Interim Standing Committee on Legislative Operations and

Elections to conduct an interim study concerning legislative employment; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 253—AN ACT relating to civil liability; providing immunity from civil liability to certain persons authorized to provide certain care pursuant to an agreement between a hospital and the Armed Forces of the United States; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 254—AN ACT relating to the Legislature; creating the Community Project Grant Program to provide grants for certain community projects in legislative districts; creating the Account for the Community Project Grant Program in the Legislative Fund; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember La Rue Hatch:

Assembly Bill No. 255—AN ACT relating to employment practices; prohibiting certain conditions, stipulations and provisions in certain contracts and agreements that require an employee or independent contractor to pay a sum of money if the person leaves employment or ceases providing services before the passage of a specified period; setting forth the manner by which that prohibition may be enforced; providing penalties; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers La Rue Hatch, González, Roth, Moore, Anderson, Brown-May, Considine, Flanagan, Goulding, Hunt, Jackson, Nguyen and Orentlicher:

Assembly Bill No. 256—AN ACT relating to rail transit; directing the Legislative Commission to appoint a Regional Rail Transit Advisory Working Group to conduct an interim study relating to regional rail transit in certain counties; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember D'Silva:

Assembly Bill No. 257—AN ACT making an appropriation to the Nevada School of the Arts for its programs and services to promote education in the arts; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymembers Moore, Kasama and La Rue Hatch:

Assembly Bill No. 258—AN ACT relating to real estate; requiring brokerage agreements to be in writing; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Grinnan and Izzy Grinnan.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Emily McKinnon, Jack McKinnon, Marc McDermont, and Nina McKinnon.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Fremont Dahl and Timothy Dahl.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Seth Polston.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Drianna Dimatulac, Grace Levin, Harrison Bohn, and Myra Levin.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Junior Levin and Sean Levin.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Stockstill, Christian Freitas, Grayson King, Heidi Snyder, Keegan Davis, Logan Boyd, Luc Mandas, Mark Doerfler, Samuel Mori, Taylor Cox, Tommy Schoech, and Vy Nguyen.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Kelcey West, Margot Easley, and Cameron "C.H." Miller.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Mackenzie Warren Kay and Shaunda Johnson.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Albert Reeder and Dwayne Henderson.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Burris, Grace Burris, Kevan Danielle Burris, Kevin Marie Laxalt, and Kristen Laxalt.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Alix Norton and Henry Norton.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Janea Sizemore and Sheryl Burnham.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Darlene Anderson and Jo Cato.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Hector Arreola and Jackie Spicer.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Hunter Dahl and Laura Dahl.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Cate Norton and Matt Norton.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Turner, Patrina McKinney, Stephanie Grinnan, and Topher Grinnan.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, February 19, 2025, at 11:30 a.m., and that it do so in memory of Kathleen “Neena” Laxalt.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 19, 2025

Assembly called to order at 11:40 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Reverend Augustin Jorquez.

Dear God, Creator of all creation, we invoke Your great and mighty spirit to dwell among us. We realize the fragility of our existence. In these trying times of uncertainty, let us give thanks for all of God's provision and protection. We give our gratitude for clean air, clean water, the fresh breath of life within us, and the land that sustains us. We are grateful for the relatives among us. We give thanks with a joyful heart for peace and comfort. Our admission of thanksgiving that we may, in turn, be able to give to others' hope in their time of distress. We thank You for the Holy Spirit—our Comforter. Your blessings extend through us toward others in every way: physically, emotionally, mentally, spiritually. Allow us to be image bearers of Your graces, mercies, and understanding.

We humble ourselves before Your sight, we speak healing and restoration. We extend a petition of prayers spread as a woven blanket over humanity. We lift prayers to individuals as well as communities. We pray for leaders in high positions and servants in meek service. Open our eyes that each are equal in giftings and talents essential for tasks set before us. As we grow closer to You, allow us to grow closer to one another.

Entrusted to the Almighty, Your Kingdom come, Your will be done on earth as it is in Heaven. In Jesus' name. All Benevolent Father, Son, and Holy Ghost-Divine Trinity.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

February 18, 2025

SPEAKER STEVEN YEAGER, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701
MAJORITY LEADER NICOLE CANNIZZARO, Majority Leader, Nevada State Capitol, 101 N Carson St., Carson City, NV 89701

DEAR SPEAKER YEAGER AND MAJORITY LEADER CANNIZZARO,

I respectfully request the opportunity to address the distinguished members of the Nevada State Legislature on Wednesday, February 19, 2025.

As Representative for Nevada's 4th Congressional District, I look forward to sharing updates from the United States Congress and discussing current events that impact every Nevadan. I appreciate the opportunity to work together to improve Nevada's future.

I hope that my address will provide an opportunity to identify areas in which we can partner so that we may all better serve the people of the Silver State.

Sincerely,
STEVEN HORSFORD
Congressman Steven Horsford
4th District, Nevada

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC

February 19, 2025

THE HONORABLE STEVE YEAGER, THE HONORABLE NICOLE J. CANNIZZARO, Nevada Legislature,
401 South Carson Street, Carson City, NV 89701
DEAR SENATOR CANNIZZARO & SPEAKER YEAGER,

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on April 23, 2025. I look forward to sharing with you and your colleagues information regarding the important issues the United States Congress will be addressing during the 119th Session and the ways we can work together.

Thank you in advance for your consideration of this request. I look forward to seeing you so soon.

Sincerely,
DINA TITUS
Member of Congress

UNITED STATES SENATE

February 19, 2025

THE HONORABLE STEVE YEAGER, Speaker of the Nevada Assembly
THE HONORABLE NICOLE CANNIZZARO, Majority Leader of the Nevada State Senate
401 South Carson Street, Carson City, Nevada 89701
DEAR SPEAKER YEAGER AND MAJORITY[*sic*] LEADER CANNIZZARO,

I respectfully request the opportunity to address the distinguished members of the Nevada Legislature on Thursday, April 17th. I look forward to sharing with you and your colleagues[*sic*] information regarding the important issues the United States Senate will be facing in the upcoming months and how they will affect the state of Nevada. I thank you in advance for your consideration of my request, and I look forward to seeing you soon. Should you have any questions or concerns, please contact my state scheduling and operations director, Alexandra Martinez, at 202-224-6244.

Sincerely,
JACKY ROSEN
U.S. Senator

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 19, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 257.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 238, 252, 254.

SARAH COFFMAN
Fiscal Analysis Division

By Assemblymembers Dalia and Backus:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to require the Legislature, to the extent money is available, to provide by law for the establishment of a business court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3B, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3B. 1. The Legislature shall, to the extent money is available, provide by law for the establishment of a business court consisting of three judges or such greater number as the Legislature may provide by law.

2. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the business court shall have exclusive original jurisdiction to hear disputes involving shareholder rights, mergers and acquisitions, fiduciary duties, receiverships involving business entities and other commercial or business disputes in which equitable or declaratory relief is sought.

3. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the Legislature shall:

(a) Provide for the appointment of:

(1) Business court judges by the Governor in accordance with subsection 4; and

(2) A chief judge of the business court by the Chief Justice of the Supreme Court;

(b) Prescribe by law the powers, duties and responsibilities of business court judges in accordance with subsection 5; and

(c) Fix by law the:

(1) Terms of office of business court judges in accordance with subsection 6; and

(2) Term of a chief judge of the business court in accordance with subsection 7.

4. The judges of the business court must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of Section 20 of this Article. A nominee selected by the Commission must, as determined in the reasonable discretion of the Commission, have substantial experience as a practitioner or judge in one or more areas of law within the jurisdiction of the business court.

5. A business court judge must, for matters with the jurisdiction of the business court, have the same powers and duties and be subject to the same limitations and restrictions that are applicable to a district judge.

6. Except for the business court judges initially appointed, the term of office of each business court judge must be 6 years. No person so appointed may serve more than 2 consecutive terms.

7. Except for the initial chief judge of the business court, the chief judge serves a term of 6 years. The chief judge may:

(a) Succeed himself or herself.

(b) Resign the position of chief judge without resigning from the business court.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. ***1.*** The judicial power of this State is vested in a court system, comprising a Supreme Court, a court of appeals, ***a business court, if the Legislature establishes such a court pursuant to Section 3B of this Article***, district courts and justices of the peace.

2. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. 1. The Supreme Court and the court of appeals have appellate jurisdiction in all civil cases arising in district courts ~~[,]~~ ***or business court, if the Legislature establishes such a court pursuant to Section 3B of this Article***, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals. The Supreme Court and the court of appeals have power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus and also all writs necessary or proper to the complete exercise of their jurisdiction. Each justice of the

Supreme Court and judge of the court of appeals may issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody in this State and may make such writs returnable before the issuing justice or judge or the court of which the justice or judge is a member, or before any district court in the State or any judge of a district court.

2. In case of the disability or disqualification, for any cause, of a justice of the Supreme Court, the Governor may designate a judge of the court of appeals or a district judge to sit in the place of the disqualified or disabled justice. The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, the court of appeals ***, the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district courts must be as fixed by law. The terms of the Supreme Court must be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. The terms of the court of appeals ***and the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** must be held at the place provided by law. The terms of the district courts must be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases, in which appeals may be taken from justices and other courts. The Supreme Court, the court of appeals, ***the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** the district courts and such other courts as the Legislature designates are courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court, the judges of the court of appeals ***, the business court judges, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district judges are ineligible to any office, other than a judicial office, during the term for which they have been elected or appointed. All elections or appointments of any such judges by the people, Legislature or otherwise during said period to any office other than judicial are void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals, ***the business court judges, if the Legislature establishes a business court pursuant to Section 3B of this Article,*** and the district judges are each entitled to receive for their services a

compensation to be fixed by law and paid in the manner provided by law, which must not be increased or diminished during the term for which they have been elected ~~[.]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent is entitled to receive only such salary as may be provided by law at the time of his election or appointment. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court , ~~[or]~~ ***the court of appeals or the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term of office of any justice or judge so appointed expires on the first Monday of January following the next general election. ***Any business court judge who is appointed to fill a vacancy before the end of a term shall serve the remainder of the unexpired term.***

3. Each nomination for the Supreme Court , ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➥ No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a judge of the court of appeals, ***a business court judge, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter must be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec. 3. For any reasonable cause to be entered on the journals of each House, which may or may not be sufficient grounds for impeachment, the justices of the Supreme Court, the judges of the court of appeals ***, the judges of the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** and the judges of the district courts must be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. The justice or judge complained of must be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel in his defense. No member of either branch of the Legislature is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature and such decisions of the Supreme Court , ~~[and]~~ ***the court of appeals and the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** as it may deem expedient. All laws and judicial decisions must be free for publication by any person. No judgment of the Supreme Court , ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** shall take effect and be operative until the opinion of the court in such case is filed with the clerk of said court.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Miller moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of February 19, 2025, be accepted as an accredited press representative, assigned space at the press table in the

Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

AUDIT RENO 911: Drew Ribar.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Considine:

Assembly Bill No. 259—AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Gray, Dickman, DeLong, Gallant, Gurr, Hafen, Hansen, Hibbetts, Koenig, and O'Neill and Senator Hansen:

Assembly Bill No. 260—AN ACT relating to health care; requiring an abortion services provider to compile and provide to patients a list of persons offering post-abortion counseling and support services; authorizing the imposition of civil penalties in certain circumstances; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 261—AN ACT relating to elections; requiring, under certain circumstances, that a county or city clerk affirmatively ask whether a registered voter would like to update his or her signature in the voter registration records of the clerk; providing, under certain circumstances, that any signature provided by a voter to cure a mail ballot becomes the voter's signature for purposes of his or her voter registration; requiring the Secretary of State, rather than the county clerk, to send certain notices to persons who register to vote or update their voter registration using the automatic voter registration system; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 262—AN ACT relating to elections; authorizing officers and trainees appointed for certain elections to choose to work as volunteers who receive no compensation; eliminating certain prohibitions relating to the appointment or employment of persons who have been convicted of a felony

involving theft or fraud for a position involving the registration of voters; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 4:56 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Torres-Fossett and O'Neill as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Steven Horsford.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:03 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Hansen and Neal, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymembers Brown-May and Hansen, who were excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Doñate and Assemblymember Monroe-Moreno to wait upon United States Representative Steven Horsford and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Steven Horsford, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted Representative Horsford to the rostrum.

The Speaker of the Assembly welcomed Representative Horsford and invited him to deliver his message.

Representative Horsford delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Good evening, everyone. It is great to be back in Carson City and to see so many familiar faces. It is my honor to address this 83rd Legislative Session of the Nevada State Legislature. Before I begin, I want to thank Speaker Yeager, Senate Majority Leader Cannizzaro, Lieutenant Governor Stavros Anthony for the opportunity, as well as, Attorney General Aaron Ford, who is working hard to protect our constitutional rights for all Nevadans, as well as, our Secretary of State Cisco [Francisco] Aguilar, and the Nevada Supreme Court Justices, who are here, and to all of you, for taking the time this evening. Now look, I spent eight years serving in these halls. I know exactly how excited lawmakers are to pause your very important work to hear from some federal elected officials. You can be polite, but you cannot fool me. So, I will jump right in, but not before sending my thoughts to Senator Dina Neal and her family. I was able to visit with her and her family this morning before coming to Carson City. I am wishing her a strong and full recovery and I am grateful to the medical professionals who made sure that her surgery overnight was a success.

Tonight, I am not here to list accomplishments; I am here with a warning for our state and a path forward that puts every Nevadan first. I am going to draw on the lessons I learned from my grandmother, Grace Dorothy. This April is 25 years since her passing, but I feel her presence now more than ever. Grace Dorothy had a severe stroke when I was just three weeks old. She fell into a coma and when she emerged months later, the left side of her body was completely paralyzed. For my entire life, the grandmother that I knew and cared for and who cared deeply for me, could not walk by my side, could not walk at all, could not hug me with her left arm, she could barely speak. When she wanted to say something to me, "Good morning" or "It is cold in here; can we turn on the heat" or simply "I love you," she had to write the words out with her finger. While she could speak, the pain sometimes was just too difficult. Complications from the stroke forced my grandmother to live in a nursing home for 27 years until she passed away in 2000. My visits to her were at her bedside, in nursing homes, as I grew from child to adult.

From that experience I learned what quality care looks like, what it sounds like, and what it smells like. I know what bed sores are, whether a patient is cared for properly, and whether a facility is clean or not. My grandmother did not have private insurance, so when they moved her from Southern Nevada Memorial, now UMC [University Medical Center], they placed her in a convalescent home on Maryland Parkway in Las Vegas. After that, the moves were to wherever beds were available. In the [19]80's, she was even moved 100 miles out of Nevada to St. George, Utah because of state budget cuts. I did not understand it at the time, but I later learned that the only reason she had the care that she did was thanks to government support—thanks to Medicaid. When there were cutbacks or reductions to the program, it affected her health. It determined the number of nurses that cared for her and the quality of care that she received. It caused tremendous stress and guilt for my mother. I share all of this for one simple reason, right now, there are some 811,000 Grace Dorothy's in Nevada—811,000 people in our state who depend on Medicaid. And right now, they are counting on their elected officials to have the courage to keep their coverage safe. Now look, I get it; government spending needs to come down, but it matters how we do it. I am one of only two Democrats in Congress, on the DOGE [Department of Government Efficiency] Caucus because I believe that we can root out waste, fraud, and abuse. I believe we should work together to make government work for our constituents, but I am also on the Caucus because I want Nevada to have a say whenever talks come up about cutting anything. Whether it is Medicare or nutrition assistance, privatizing the VA [Veteran Affairs], or changing the eligibility for Social Security. What is the old phrase? If you do not have a seat at the table, you are on the menu. I am not about to leave Nevadans on the menu. And I have the firsthand experience to back that up.

In 2011, our state faced one of the worst budget challenges in our history. To right our ship, the governor at the time proposed across-the-board cuts to health and human services, mental health

services, and Medicaid—including nursing homes. I remember one of the budget hearings was about cutting diapers for seniors and other essential services—diapers. I was the Senate Majority Leader at the time, and I knew we could not cut the state budget on the backs of the most vulnerable people in our state. We had to work together to do better—and we did. We passed a bipartisan alternative state budget, overriding the Governor's veto at the time. It did not eliminate all of the proposed cuts, but we kept the fabric of the state together without denying seniors on Medicaid dignified care—including those hotly contested diapers.

Nevada has a history of bipartisan work when it comes to protecting and expanding access to Medicaid, but right now that is under real threat from the current House Republican budget proposal in Washington. The proposal adds $4.5 trillion to the deficit. To do what? To pay for corporate tax cuts. And to cover that cost, they want to slash federal funding for Medicaid, nutrition programs, the VA, and other critical services. These cuts have nothing to do with bringing down the costs that President Trump promised he would address. Eggs will not get cheaper, gas will not flow faster, and housing will not become more affordable. Make no mistake, these cuts are purely to fund tax cuts for big corporations, tech tycoons, and billionaires. Here is why this is a problem that we have to take on together: if the proposal passes, it will strip Nevada of the 90 percent federal funding match for Medicaid created by the Affordable Care Act. It will cost our state at least $700 million a year over the next decade. We cannot afford the capital costs and we cannot even afford the human toll that that would cost.

Remember, 811,000 Grace Dorothy's are counting on us in Nevada. Nearly 40 percent of all Nevada children, some 274,000 children—rely on Medicaid. Forty-two percent of moms giving birth and their newborn babies—rely on Medicaid. That is more than 13,200 births in 2023 alone. More than 35 percent of working-age adults with disabilities, nearly 65,000 people—rely on Medicaid. Sixty percent of people living in nursing homes, just like my grandmother—rely on Medicaid. A recent study found as many as 320,000 Nevadans, more than 40 percent of all enrollees in our state, would lose coverage if the congressional Republican budget proposal gets enacted. The choices leaders like us make affect real people. So, it is important we center the stories of those that we represent. Those closest to the pain should be at the center of shaping policy. That is the only way the changes that we all seek can actually take hold and get implemented. That is why I am listening and engaging my constituents from across the district to share what these cuts would mean to them. Nurses and care coordinators in Pahrump at Nevada Health Center shared with me, just yesterday, that they have no birth center in their community and limited OB/GYN [obstetrics-gynecology] services. At Hope Christian Center in North Las Vegas, another FQHC [Federally Qualified Health Center], who is meeting the needs of thousands of patients who have diabetes and high blood pressure, without proper coverage; these costs will continue to rise because you are not addressing the problem if you shift the burden to the states and do not have any way to fund it. Tribal leaders at Walker River Paiute, are struggling to get care from Indian Health Services and depend on the Medicaid services for their tribal members. These are the people who will be affected and so many more like them if the House Republican budget passes and these cuts take effect. And it all comes down to one simple word—priorities. The hospital building that houses the Walker River Paiute Tribe is nearly 100 years old. It has structural issues from a recent earthquake that Indian Health Services must address. We should be protecting the Affordable Care Act. Instead, President Trump and Elon Musk are focused on cutting the care that tribal leaders depend on. Those are not my values, and they are not Nevadan values either.

What is the alternative? Like we showed here in Nevada, a group of bipartisan members can lead the way. It only takes three, three Republicans, to reject this chaotic and cruel approach and join in a bipartisan coalition to keep the fabric of our country together—three. And it can be done. Nevada was the first state with a Republican Governor, then Governor Brian Sandoval, to implement Medicaid expansion after the Affordable Care Act passed. It reduced the uninsured rate in Nevada by a third—563,000 children who were previously uninsured suddenly had coverage.

As I return to Washington next week, I will be thinking about the hundreds of thousands of Nevadans who could see their lives turned upside down by the Republican budget. I understand that the world is moving fast right now—horrific cuts to the federal workforce, the largest data breach in U.S. history taking place at this administration's direction, federal funding freezes undermining nonprofits and the people they serve, tariff disputes threatening to raise prices across

the board, but above all else, the Medicaid cuts will hit Nevada and Nevadans the hardest. I hear from hundreds of constituents calling and messaging my office every week. I will bring their voices, their concerns, and yes, their stories, with me to Capitol Hill. I know who I am fighting for, and I know why I am fighting for them. Grace Dorothy, my grandmother, is no longer here with me to fight for her, but countless others are. They are receiving care in nursing homes, they are seeking health services at community health centers, they are pregnant women in need of maternity care, and newborn babies just getting their start in this world. They are all of us, regardless of party or whether they belong to a party at all. I am proud to fight for them and I am proud to have each one of you as colleagues in this work. None of you would run for office, or spend 120 days, in this sometimes-maddening process if you did not fundamentally believe you could improve the lives of your constituents. The issues before you are serious, and your leadership is needed more now than ever. But we are battle born and battle tested. We will look back on this moment in history and I have no doubt it will be one that dictates the future of our state. If we stand united and center the lives of Nevadans, we may be able to avoid some of the worst budget challenges in our history. But, if we fall to partisan politics, you may see yourselves in special session, after special session, talking about things like diapers for seniors and prenatal care for mothers. I am ready to fight, and I hope you will join me. Thank you very much for allowing me to be with you. I look forward to the work we have to do together and the days, months, and years to come. God Bless you and God Bless the people of the state of Nevada, our troops, and the United States of America.

Senator Cruz-Crawford moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Horsford for his timely, able, and constructive message.

Seconded by Assemblymember Flanagan.

Motion carried.

The Committee on Escort escorted Representative Horsford to the bar of the Assembly.

Assemblymember Mosca moved that the Joint Session be dissolved.

Seconded by Senator Flores

Motion carried.

Joint Session dissolved at 5:24 p.m.

ASSEMBLY IN SESSION

At 5:25 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ravyn Smith.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa Dennison-Glasgow, Laura Henkel, and Samuel Rudd.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Woodly, Ethan Cohen, Jerrie Merrit, Karen Alonso, Kourtney Wagner, Max Jansen, Meyer Delee, and Yolanda Morales.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Michael McDonald.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to April Augustine, Dawn Mack, and Savanna Sibley.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Czajkowski.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Funkhouser.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Wyatt Fry.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Weathers.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Britanny DePree, Jeffrey Piontek, and John Etzell.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Vogt, Nicole Lamboley, and Shane Piccinini.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to C.H. Miller and Dwayne McClinton.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Maricela Gutierrez, Susie Martinez, and Tami Hance-Lehr.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Denette Suddeth, Don Snyder, and Rev. Dr. Marta Poling-Schmitt.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Frias.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Valdovinos, Dawnyelle Allison, and Terryion Johnson.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Marine Heath.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Carey.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, February 20, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:25 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 20, 2025

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Brown-May, Considine, and Hansen, who were excused.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Holy God, we thank You for gathering us safely together today as we commit to do the state's work here in the people's house.

We ask that, though the topics, subjects, and issues that we address here may vary, and the degree of passion for each—for or against—may differ, that You grant us the wisdom that each has a place in this process. That we give each its due attention, whether grand or small.

We pray that we may serve this state with the best of our ability, that You grant us the courage to embrace a good idea no matter who comes up with it, and the means to defend our reasons why.

And finally, that we may work together for the common goal, to improve on what is already our great state of Nevada.

Holy God, reach Your healing hands out to our wonderful Senator Neal for a quick recovery.

In the name of our Holy Lord,

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

SUPREME COURT OF NEVADA
DOUGLAS W. HERNDON, CHIEF JUSTICE
408 E. CLARK AVENUE, LAS VEGAS, NV 89101
(702) 486-9340

February 19, 2025

MAJORITY LEADER NICOLE CANNIZZARO, SPEAKER STEVE YEAGER, Nevada Legislature, Legislative Building, Capitol Complex, 401 South Carson Street, Carson City, NV 89701-4747

RE: STATE OF THE JUDICIARY ADDRESS—2025 LEGISLATIVE SESSION

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER YEAGER:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Supreme Court in 2025, to address a joint session of the Legislature on the State of the Judiciary on March 26, 2025, at 5:00 p.m. The court is hosting a reception for legislators at 6:00 p.m. that evening.

Your joint consideration of this matter would be much appreciated.

Sincerely,
DOUGLAS W. HERNDON
Chief Justice

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2803

February 18, 2025

THE HONORABLE STEVE YEAGER, Speaker, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701
THE HONORABLE NICOLE J. CANNIZZARO, Majority Leader, Nevada State Senate, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER YEAGER AND MAJORITY [*sic*] LEADER CANNIZZARO:

I am requesting the opportunity to speak before the distinguished members of the Nevada State Legislature on Wednesday, April 16, 2025. I look forward to addressing the joint session about the pressing issues before the United States Congress in the upcoming months and their impact on the great state of Nevada. Please contact Debbie Crooks at (702) 963-9336 if you have any questions. Thank you in advance for your kind consideration.

Sincerely,
SUSIE LEE

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 20, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 188.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 155, 160, and 226.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Thursday, February 20, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Amy Alonzo.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Mosca:

Assembly Bill No. 263—AN ACT relating to homelessness; requiring the board of county commissioners of certain counties to establish homeless outreach teams; establishing the duties of each homeless outreach team; and providing other matters properly relating thereto.

Assemblymember Nguyen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 264—AN ACT relating to professional licensing; establishing procedures by which an applicant for a professional or occupational license may obtain judicial review of the decision of a licensing agency denying the application of the applicant on the basis of the moral

character or criminal history of the applicant; and providing other matters properly relating thereto.

Assemblymember Nguyen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Gurr, DeLong, and Kasama:

Assembly Bill No. 265—AN ACT relating to water; requiring the Division of Water Resources of the State Department of Conservation and Water Resources to notify an applicant if a committee is assigned to review certain applications for a permit; providing certain deadlines for the State Engineer to approve or deny certain applications and extensions, review reports of conveyance and issue certain permits; requiring the State Engineer to provide certain notices relating to the cancellation of a permit; and providing other matters properly relating thereto.

Assemblymember Anderson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers González, Moore, Miller, Anderson, Dalia, D'Silva, Gallant, Goulding, Gray, Hunt, Jackson, Karris, La Rue Hatch, Nadeem, Nguyen, Orentlicher, Roth, and Torres-Fossett; Senators Cruz-Crawford and Doñate:

Assembly Bill No. 266—AN ACT relating to public health; requiring the Department of Health and Human Services to publish certain information relating to breastfeeding and develop a program of public education concerning lactation; authorizing certain providers of health care and medical facilities to provide that information to certain persons; prohibiting a place of public accommodation from engaging in certain discrimination against a person who is breastfeeding; authorizing certain civil actions and administrative actions to enforce that prohibition; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Nguyen moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Kasama, Hansen, Gurr, Cole, DeLong, Edgeworth, Gallant, Gray, Hafen, Hardy, Hibbetts, Koenig, O'Neill, and Yurek; Senators Buck, Titus, Stone, Krasner, Steinbeck, Ellison, Hansen, and Rogich:

Assembly Bill No. 267—AN ACT relating to the Legislature; requiring the Director of the Legislative Counsel Bureau to publish certain fiscal information relating to the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Jauregui and Backus:

Assembly Bill No. 268—AN ACT making an appropriation to the State Department of Agriculture for the purpose of awarding grants of money to Nevada school districts to provide universal free breakfast and lunch for Nevada pupils; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember D'Silva:

Assembly Bill No. 269—AN ACT relating to education; expanding the applicability of the Student Loan Repayment for Providers of Health Care in Underserved Communities Program; and providing other matters properly relating thereto.

Assemblymember Nguyen moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Hafen, Backus, and Marzola:

Assembly Bill No. 270—AN ACT relating to professional regulation; revising provisions relating to certain examinations required for licensure as a professional engineer or professional land surveyor; revising the circumstances under which the State Board of Professional Engineers and Land Surveyors may waive certain examinations for certain applicants for licensure; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Gurr, DeLong, Hibbetts, and Hansen:

Assembly Bill No. 271—AN ACT relating to elections; prohibiting the use of artificial intelligence in equipment used for voting, ballot processing or ballot counting; requiring certain published material that is generated through the use of artificial intelligence or that includes a materially deceptive depiction of a candidate to include certain disclosures; prohibiting, with certain exceptions, the distribution of synthetic media that contains a deceptive and fraudulent deepfake of a candidate; providing penalties; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 272—AN ACT relating to forensic medical examinations; repealing, replacing and revising certain provisions relating to

the payment of and reimbursement for forensic medical examinations of certain victims of crime; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Ali Caliendo, Donovan Childress, and Ramiro Reyes.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Belichesky.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Sauls.

On request of Assemblymember Bert Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Gurr, Marissa Lostra, Sandy Wakefield, and Tony Odeh.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Roberts.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Ojeda, Kendra Gipson, and Maria Tucker.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Mateo Beers and Vivien Perez.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jerred Delatorre.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, February 24, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE TWENTY-SECOND DAY

CARSON CITY (Monday), February 24, 2025

Assembly called to order at 11:36 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Speaker Yeager, who was excused.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Oh, Holy Lord, what a beautiful state we live in. We thank you for this and all of the blessings we have received. Through Your grace we have been put in a position to continue our predecessor's work—to manage with limited resources, to protect with the use of a pen, and to make the tough decisions.

We pray that despite these challenges, we rise up to match the expectations our citizens depend on. We must ask ourselves, could someone else do a better job? We think not: should be our answer.

With Your help, let it be so. In Your Holy Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

UNITED STATES SENATE

February 19, 2025

THE HONORABLE STEVE YEAGER, Speaker of the Nevada Assembly and
THE HONORABLE NICOLE CANNIZZARO, Majority Leader of the Nevada State Senate
401 South Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER CANNIZZARO AND SPEAKER YEAGER:

I am writing to request the opportunity to speak before the distinguished members of the Nevada State Legislature on Tuesday, March 18th, 2025. I look forward to speaking about the pressing issues before the United States Congress in the upcoming months and how they will affect the great state of Nevada.

I thank you in advance for your kind consideration.

Sincerely,
CATHERINE CORTEZ MASTO
United States Senator

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 23, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 268.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 92, 128, 145, and 243.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Senator Cannizzaro.
For: Senate Bill No. 161.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: February 18, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro
For: BDR No. 22-359
Revises provisions relating to law enforcement.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Has been granted effective: February 18, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymembers O'Neill and Dickman:

Assembly Bill No. 273—AN ACT relating to civil immunity; providing immunity from civil liability to licensed firearm dealers under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers O'Neill, Gray, Gurr, D'Silva, Cole, Dickman, Edgeworth, Hardy, Hibbetts, Kasama, Koenig, and Yurek:

Assembly Bill No. 274—AN ACT relating to state business licenses; requiring the Secretary of State to waive the fee charged for the issuance of a state business license for certain businesses related to veterans; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers O'Neill, DeLong, Dickman, Edgeworth, Gray, Gurr, Hardy, Hibbetts, Kasama, Koenig, and Yurek:

Assembly Bill No. 275—AN ACT relating to criminal procedure; providing that the interception, listening or recording of a wire, electronic or oral communication by a peace officer or certain other persons is not unlawful in certain circumstances; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers O'Neill and Dickman:

Assembly Bill No. 276—AN ACT relating to taxation; increasing and providing for the adjustment of the gross revenue threshold above which the gross revenue of a business entity is subject to the commerce tax; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers DeLong and Gurr:

Assembly Bill No. 277—AN ACT relating to taxation; authorizing the Department of Taxation to disclose certain confidential information relating to the taxation of the net proceeds of minerals extracted in this State; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Miller, Nadeem, González, Mosca, Anderson, Considine, Dalia, D'Silva, Jackson, Karris, La Rue Hatch, Monroe-Moreno, Moore, Nguyen, Orentlicher, Roth, and Watts:

Assembly Bill No. 278—AN ACT relating to periods of observance; designating the month of July of each year as "Muslim American Heritage Month" in this State; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Orentlicher and González:

Assembly Bill No. 279—AN ACT relating to tobacco; prohibiting the sale, import, export, possession or constructive possession of certain vapor products; prohibiting the sale of cigarettes to persons born after a certain date except on the premises of certain gaming establishments; revising provisions authorizing boards of county commissioners to adopt certain ordinances

related to tobacco products; providing penalties; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 280—AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant; requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 281—AN ACT relating to the state militia; revising the benefits and compensation that a member of the state militia and the dependents of the member are entitled to receive if the member is wounded, injured, disabled or killed while on state active duty; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 282—AN ACT relating to health care; requiring a medical facility or a provider of health care who receives notice of or otherwise discovers a potential error in a medical bill to review the potential error and refund any overpayment; authorizing disciplinary action for the failure to comply with such requirements; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Lawanda Jones and Lori Arrive.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. John Packham.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Thai, Janina Mae Baldovino, and Mohammed Selim.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, February 25, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), February 25, 2025

Assembly called to order at 11:57 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Ms. Michele Chebahtah.

Father in Heaven, we are thankful to gather as citizens of the great state of Nevada. We are grateful for the United States of America and for the freedom and opportunities that we enjoy each day. We pray for guidance and wisdom for our elected officials to make sound and upright decisions on behalf of all Nevadans. Bless each of us with compassion and benevolence for those who are suffering or in need. We pray for unification and cooperation despite differences that we may nurture bonds of community. We ask for these things in the name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 25, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 143, 147, 157, 169, 218, 220, 227, 228, 230, 234; Assembly Joint Resolution No. 1.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of Tuesday, February 25, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

KTVN: Makayla Hardy; PBS RENO: Guinivere Clark; THE NEVADA SAGEBRUSH: Peregrine Hart and Nick Stewart.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Carter:

Assembly Bill No. 283—AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 284—AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to seek to establish certain rates of reimbursement under Medicaid for vagus nerve stimulation therapy devices and replacement parts for such a device; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 285—AN ACT relating to employment; establishing the Nevada State Service Corps as a program within the Department of Administration; requiring the Department to develop and oversee the Nevada State Service Corps; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Torres-Fossett and González:

Assembly Bill No. 286—AN ACT relating to education; making an appropriation to the University of Nevada, Las Vegas, to establish a pilot program to assess the competency of applicants for a license to teach through the use of alternative assessment methods; requiring certain regulations adopted by the Commission on Professional Standards in Education to authorize an applicant for a license to teach to be exempt from requirements to pass a competency test in various subjects if the applicant completes the pilot program; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers González and Monroe-Moreno:

Assembly Bill No. 287—AN ACT relating to elections; revising the circumstances under which a candidate defeated at certain elections may demand a recount; requiring, under certain circumstances, that a recount for certain elections be conducted; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Gurr, DeLong, Hafen, Gray, Hansen, Hibbetts, Kasama, and O'Neill; Senators Titus and Hansen:

Assembly Bill No. 288—AN ACT making an appropriation to the White Pine County School District for the construction of an elementary school; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymembers Nguyen, Hibbetts, Nadeem, Marzola, Anderson, Brown-May, Carter, Considine, Dalia, D'Silva, Edgeworth, Gallant, González, Goulding, Gray, Hansen, Hunt, Jackson, Karris, La Rue Hatch, Miller, Moore, and Roth; Senators Krasner, Nguyen, Doñate, Cruz-Crawford, Flores, Pazina, and Rogich:

Assembly Bill No. 289—AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to establish a course of study in financial literacy, for which a student must pass to graduate; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Nguyen, Considine, Nadeem, and Edgeworth; Senators Flores and Nguyen:

Assembly Bill No. 290—AN ACT relating to insurance; imposing requirements governing prior authorization for medical or dental care; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services; requiring an insurer to publish certain information relating to requests for prior authorization on the Internet; requiring an insurer and the Commissioner of Insurance to compile certain reports; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Jackson, Moore, Roth, González, and Dalia:

Assembly Bill No. 291—AN ACT relating to records of criminal history; requiring a court to order certain records of criminal history sealed under certain circumstances; eliminating the authority for a court to consider a proceeding for which records have been sealed in determining whether to grant a petition to seal records relating to a conviction of another offense; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers La Rue Hatch, Nguyen, Anderson, D'Silva, and Jackson:

Assembly Bill No. 292—AN ACT relating to education; revising provisions governing the design, construction and alteration of certain school buildings; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Koenig and D'Silva:

Assembly Bill No. 293—AN ACT relating to aerospace; creating the Office of Aerospace; setting forth the duties of the Office; revising provisions relating to the Nevada Air Service Development Fund; revising provisions relating to the Nevada Air Service Development Commission; requiring the Office to submit certain written reports relating to grants; requiring the Office to administer the Fund for Aviation; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Yurek and Marzola:

Assembly Bill No. 294—AN ACT relating to the protection of minors; requiring a person that operates an online platform, Internet website or other Internet-based service that, as its primary business, publishes or makes available material that is harmful to minors to establish an age verification system to verify the age of prospective users; prohibiting such persons from allowing a prospective user to access material that is harmful to minors under certain circumstances; establishing civil penalties; authorizing the Attorney General to bring a civil action to recover such penalties; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Yurek, Edgeworth, and Brown-May:

Assembly Bill No. 295—AN ACT relating to insurance; imposing requirements relating to prior authorization; prescribing certain requirements relating to the use of artificial intelligence by health insurers; requiring the compilation and publication of certain reports relating to prior authorization; providing for the investigation and adjudication of certain violations; providing for the imposition of civil and administrative penalties for such violations; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 296—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to contract with a person who makes installment loans to pay the fees and taxes due for the initial or renewal registration of a vehicle; authorizing the Director of the Department to authorize the use of digital license plates; providing requirements governing the use of digital license plates; extending the pilot program to gather data about annual vehicle miles traveled by certain vehicles registered in this State; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy McCain.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Shewbarren, David Marlon, and Michelle McGuire.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Libby Sauter and Sarah Lopez.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Ribnick, Regina Marshall, and Stephanie Reyes.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Welshelm.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Shell.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Marianne McKown.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Gaby Villar and Jorge Saldana.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Lopez, Jacqueline Lopez, and Sara Moore.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Yanez.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Errico, Kristen Davis-Coelho, and Rosy Chavez-Najera.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Edwin Jurado, Natalie Duda, and Sara Hunt.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Lorraine Benuto, Mason Van Houweling, and Travis Brewer LaChapelle.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Vivien Perez.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Robin V. Reedy.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Cossette Cahovas and Jorge Cao.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, February 27, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), February 27, 2025

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Ms. Susan Roush.

Dear Heavenly Father, we thank Thee for the opportunity to gather here together on this beautiful Nevada day. We ask Thee to bless those in this room who have devoted so much of their time and energy into the governing process of our state.

Please bless their minds with intelligence, clarity of thought, and wisdom. Please bless their hearts and souls with grace and compassion.

Please bless our great nation for its steadfastness in righteousness and the rule of law.

I say these things humbly and thankfully, in the name of our Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2802

February 25, 2025

THE HONORABLE STEVE YEAGER, THE HONORABLE NICOLE J. CANNIZZARO, Nevada Legislature, 401 S. Carson Street, Carson City, NV 89701-4747

DEAR SPEAKER YEAGER AND MAJORITY LEADER CANNIZZARO:

Pursuant to past protocol, I would like to request permission as a Representative in the United States Congress of the Second District of Nevada, to address a joint session of the Nevada Legislature on Monday, April 14 at 5:00 pm.

Please contact my District Director, Stacy L. Parobek, at 775.686.5760 to coordinate the details of my visit, or if you have any further questions. Your consideration of this request is greatly appreciated.

Sincerely,
MARK E. AMODEI
Member of Congress

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

February 27, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 288.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 89; Assembly Joint Resolution No. 4.

SARAH COFFMAN
Fiscal Analysis Division

By the Committee on Legislative Operations and Elections:

Assembly Joint Resolution No. 9—Urging Congress to enact legislation to prohibit officers and agents of the United States Immigration and Customs Enforcement in the United States Department of Homeland Security from entering schools and places of worship for the purposes of enforcing federal immigration laws.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Nadeem:

Assembly Bill No. 297—AN ACT relating to health care; requiring the development and administration of a program for the postnatal visitation by registered nurses of certain persons who have recently given birth; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 298—AN ACT relating to education; requiring each public school to employ a school counselor on a full-time basis and to provide for a comprehensive program for school counseling developed by a school counselor; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 299—AN ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; requiring a peace officer to make an arrest with or without a warrant under certain circumstances; revising requirements for the automatic sealing of records in certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Gray, D'Silva, Gurr, Dickman, Cole, Dalia, DeLong, Edgeworth, Hafen, Hansen, Hibbetts, Kasama, Koenig, Miller, Mosca, Nguyen, and O'Neill; Senators Titus, Daly, and Hansen:

Assembly Bill No. 300—AN ACT making an appropriation to the Evans-Kendall Veterans of Foreign Wars Post 8071 for the construction of a veterans and community center; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Goulding:

Assembly Bill No. 301—AN ACT relating to general improvement districts; increasing the compensation of the board of trustees of certain general improvement districts; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 302—AN ACT relating to criminal procedure; requiring a court to allow a witness to use a facility dog to provide support while the witness is testifying under certain circumstances; requiring a place of public accommodation or common carrier to admit a person accompanied by a facility dog or facility dog in training; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Karris:

Assembly Bill No. 303—AN ACT relating to public works; requiring certain projects for the development or improvement of broadband, telecommunication or fiber optic services to comply with provisions governing public works; requiring a contractor or subcontractor engaged on such a project to submit certain records to the Board of Directors of the Nevada State Infrastructure Bank; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Karris:

Assembly Bill No. 304—AN ACT relating to mental health; requiring the Department of Health and Human Services to create a pilot program to study electromagnetic brain pulse treatment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 305—AN ACT relating to providers of health care; limiting the amount a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Yeager, Monroe-Moreno, and Mosca; Senators Cannizzaro and Ohrenschall:

Assembly Bill No. 306—AN ACT relating to elections; requiring a county clerk in certain counties to establish a certain number of locations for a voter to return his or her mail ballot in a mail ballot drop box during the period between the last day for early voting and the day of a general election; authorizing the county clerk in certain counties to establish such locations; authorizing a person, under certain circumstances, to return a mail ballot to a mail ballot drop box established at such a location on behalf of a voter; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers Gallant, Cole, and González:

Assembly Bill No. 307—AN ACT relating to taxation; eliminating the excise taxes on wholesale sales of cannabis; increasing the amount of the excise tax on retail sales of cannabis and cannabis products; revising the manner in which the revenues from the excise tax on retail sales of cannabis and cannabis products must be distributed; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 308—AN ACT relating to cannabis; authorizing the Cannabis Compliance Board, in accordance with policies and procedures established by the Board, to waive any requirement to obtain a registration card for a person who holds an ownership interest of 5 percent or more in a cannabis establishment; clarifying the procedures by which an owner, officer or board member of a cannabis establishment may obtain a registration card; revising

provisions governing the renewal of registration cards; revising requirements setting forth the cannabis establishments at which the holder of a registration card may serve as an owner, officer or board member or volunteer or work; increasing the fee for the issuance or renewal of certain registration cards; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Hardy, Hibbetts, Goulding, Hafen, Koenig, Torres-Fossett, and Yurek; Senators Buck and Steinbeck:

Assembly Bill No. 309—AN ACT relating to orders for protection; requiring certain temporary orders for protection against domestic violence to include certain information; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Moore, González, and D'Silva; Senators Flores and Doñate:

Assembly Bill No. 310—AN ACT making an appropriation to The Immigrant Home Foundation to provide mental health services and legal assistance to victims of domestic violence; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 311—AN ACT relating to transportation network companies; prohibiting an insurer from refusing to provide coverage under a policy of motor vehicle insurance because the insured is a driver for a transportation network company; requiring transportation network company insurance to provide medical payments coverage and uninsured and underinsured motorist coverage under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember DeLong:

Assembly Bill No. 312—AN ACT relating to real property; requiring a seller of real property that includes a private well to disclose to the buyer the quality of and amount of certain chemicals in the water in the private well; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 313—AN ACT relating to taxation; creating an exemption from the governmental services taxes on a vehicle registered by a person who is a volunteer firefighter; revising provisions relating to certain exemptions from governmental services taxes on vehicle registrations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Edgeworth:

Assembly Bill No. 314—AN ACT relating to economic development; requiring the State Treasurer to establish by regulation a program to provide reimbursement for certain fees related to the education and licensure of persons who are preparing for certain careers and to award grants to certain hospitals to provide work-based learning opportunities; creating the Nevada Education and Health Care Pathways Account; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Edgeworth:

Assembly Bill No. 315—AN ACT relating to Medicaid; requiring an application to participate in Medicaid as a provider to be notarized; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Nguyen and Senator Taylor:

Assembly Bill No. 316—AN ACT relating to school districts; requiring the board of county commissioners to appoint a nonvoting pupil trustee to the board of trustees of each county school district in this State; revising provisions governing the election and appointment of the board of trustees of each county school district; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Karris:

Assembly Bill No. 317—AN ACT relating to housing; authorizing counties and cities to establish a program to provide certain housing facilities to assist persons experiencing homelessness; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Hardy:

Assembly Bill No. 318—AN ACT relating to insurance; authorizing a captive insurer to directly provide workers' compensation insurance; authorizing the Commissioner of Insurance to authorize or require certain captive insurers to join or contribute financially to an assigned risk pool or insurance insolvency guaranty fund; revising provisions setting forth certain prerequisites before a private carrier may provide industrial insurance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 319—AN ACT relating to health care; making various revisions governing the qualifications and procedure for licensure as a physician, physician assistant, practitioner of respiratory care or perfusionist; requiring screening of youth for certain health conditions when certain physical examinations are conducted; revising the authority of a practitioner of respiratory care to perform certain laboratory tests; requiring certain sharing of information between the Board of Medical Examiners and the State Board of Osteopathic Medicine; authorizing the Board of Medical Examiners to require certain competency demonstrations; eliminating certain special licenses; revising provisions related to fees owed to the Board of Medical Examiners or the State Board of Osteopathic Medicine; eliminating certain fees; revising investigation procedures and grounds for discipline against a licensee of the Board of Medical Examiners; revising requirements governing certain medical procedures; authorizing a medical assistant to perform tasks under the supervision of a registered nurse; authorizing discipline against a registered nurse who fails to adequately supervise a medical assistant; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Jackson and D'Silva:

Assembly Bill No. 320—AN ACT relating to criminal justice; prohibiting courts from denying defendants in criminal actions access to courtrooms and

proceedings under certain circumstances related to attire; revising provisions relating to the imposition of bail or conditions of release; requiring the Division of Parole and Probation of the Department of Public Safety to establish a pilot program relating to employment opportunities and training for parolees and probationers; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Jackson and D'Silva:

Assembly Bill No. 321—AN ACT relating to offenders; requiring a court to set aside a judgment of conviction and grant a certificate of second chance under certain circumstances; requiring the State Forester Firewarden to establish a hiring program to appoint certain former offenders to firefighting positions; requiring a regulatory body to recognize a certificate of second chance as removing any disqualification of a person with a criminal history from obtaining a professional or occupational license; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 322—AN ACT relating to common-interest communities; providing that the association of a common-interest community may not prohibit a unit's owner or tenant of a unit's owner from operating a small child care establishment within a unit; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Aidan Peters and Austin Zimmerman.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to James Reid and Jessica Reid.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Julian Sosa and Kathlyn Smith.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Allister Dias and Daenne Dolce.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Jayanti Sarkar, Litkarsha Sinha, and Scott Black.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Lali Parasa and Shubhangi Vyawahare.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Bacon.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Ruby Buzzetti and Valor Angle.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Daftne Sanchez.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Gale and Melissa Diaz.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Nateya Rider and Shirley Huckins.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Aurora Lee, Elijah Wion, and Grace Laca.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Ellie Haack and Zoe Volgar.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Nicolas and Madison Gregory.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Claiborne Ford and Sayla Daily.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Neel, Wen Juan Teng, and Xin Meng.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Burnett.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Gusewelle and Tanner McCune.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Martin, Natalie Thomas, and Riley Piipo.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Laura McSwain and Mark Damron.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, March 3, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 3, 2025

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Pastor Gavin Jarvis.

Lord of Heaven and Earth, we go before You now as our Creator; the One that we live and move and have our being in. All things are held together by You, and as the Assembly convenes this morning, we ask for Your guiding hand to lead our state by the work of everyone in this room, as well as their support staff. The Psalms say that unless the Lord builds the house, those who labor build it in vain. So, we pray that You would uphold the labor of this body, and through their hard work, help our state thrive.

I pray this in Jesus' name,

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to public employees; exempting certain teachers and licensed educational personnel and their employee organizations, bargaining agents and bargaining units from the prohibition against public employees engaging in a strike against a public employer; and providing other matters properly relating thereto.

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

Section 1. Chapter 288 of NRS (Relations between Governments and Public Employees) is hereby amended to read as follows:

NRS 288.720 Prohibitions on strikes do not apply to certain local government employees, employee organizations, bargaining agents, and bargaining units.

1. Notwithstanding any law to the contrary, the provisions of NRS 288.700 through NRS 288.715 and any other law prohibiting strikes shall not apply to local government employees licensed as teachers pursuant to Chapter 391 of the Nevada Revised Statutes and their employee organizations, bargaining agents, and bargaining units.

2. As used in this section: "teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(a) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils;

(b) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such

instructional support staff includes, without limitation, librarians and persons who provide instructional support; or

(c) As school counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils.

Section 2. Severability. If any provision of this act, or the application therefore to any person, thing or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Section 4. This act shall become effective if approved by the legislature, or upon passage and approval by the voters.

Assemblymember Jauregui moved that Initiative Petition No. 1 be placed on the Chief Clerk's Desk.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 2, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 300, 310.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 106, 120, 134, 162, 163, 170, 175, 178, 216, 251, 264, 272, 286, and 314.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Monday, March 3, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KTVN 2 NEWS: Emily Hodge.

Motion carried.

Assemblymember Jauregui moved to create the Select Committee on the End-of-Life Care.

Motion carried.

Mr. Speaker announced the appointment of the Select Committee on the End-of-Life Care, with the first named member of the committee being the Chair: Assemblymembers Orentlicher, Edgeworth, Gallant, González, and Moore.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Education:

Assembly Bill No. 323—AN ACT relating to education; exempting the addition of prekindergarten to the grades taught at a school from procedures required to change the use of a school; revising the procedure for changing the

location of, closing or changing the use of a school; prohibiting the closure of a school for certain reasons; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 324—AN ACT relating to housing; revising provisions related to property insurance that common-interest communities are required to maintain; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 325—AN ACT relating to artificial intelligence; defining "artificial intelligence" in the context of emergency management; requiring emergency management plans prepared by the Governor and each plan adopted by a state or local governmental agency to include provisions ensuring that final decisions regarding emergency response planning and the allocation of resources in response to an emergency are not made by artificial intelligence; prohibiting a public utility from using artificial intelligence to make a final decision regarding whether to reduce or shutdown utility service in response to a disaster or emergency; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Koenig, Cole, and Torres-Fossett:

Assembly Bill No. 326—AN ACT relating to health care; requiring the State Board of Health to adopt regulations establishing the designation of centers for the treatment of trauma as level I, II, III or IV; authorizing the State Board to adopt regulations establishing additional designations; requiring approval before a center for the treatment of trauma increases its designated level; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Nguyen and Anderson:

Assembly Bill No. 327—AN ACT relating to public broadcasting; requiring the Legislative Auditor to conduct an audit of certain financial information and employment matters associated with Vegas PBS; requiring the Legislative Auditor to conduct an audit of the Department of Education relating to grants

to public broadcasting organizations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymembers D'Silva and Jackson:

Assembly Bill No. 328—AN ACT relating to education; establishing the Commission on Racial Equity and Social Justice; prescribing the membership and duties of the Commission; requiring the Board of Regents of the University of Nevada to provide certain support to the Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Roth:

Assembly Bill No. 329—AN ACT relating to victims of crime; revising certain requirements for receiving compensation from the Fund for the Compensation of Victims of Crime; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember González:

Assembly Bill No. 330—AN ACT making an appropriation to the Partnership for Research, Assessment, Counseling, Therapy and Innovative Clinical Education of the University of Nevada, Las Vegas, for the development and carrying out of a predoctoral internship program in child and adolescent psychology; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 331—AN ACT making an appropriation to the Department of Health and Human Services for a grant program to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember O'Neill:

Assembly Bill No. 332—AN ACT relating to industrial insurance; revising provisions relating to certain administrators employed by an association of self-insured employers; eliminating assessments relating to a subsequent injury account; prohibiting certain claims against a subsequent injury account; repealing certain provisions relating to the calculation of premium costs and certain audits; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Gray, Hansen, Roth, Anderson, DeLong, Goulding, and La Rue Hatch; Senators Taylor, Daly, and Hansen:

Assembly Bill No. 333—AN ACT relating to governmental administration; requiring the Director of the State Department of Agriculture to establish the Nevada State Fairgrounds; creating the Account for the Maintenance and Operation of the Nevada State Fairgrounds; revising certain duties of the Nevada Junior Livestock Show Board relating to the real property leased to Washoe County for use as a fairground; terminating a lease for certain real property leased to Washoe County; requiring the State Land Registrar to enter into an agreement to lease certain real property to Washoe County; requiring the State Department of Agriculture to assume responsibility for the operation and maintenance of certain real property; repealing certain provisions of existing law governing the lease of certain real property to Washoe County; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Kasama, Yurek, Hardy, and Koenig:

Assembly Bill No. 334—AN ACT relating to health care; revising provisions governing the qualifications of applicants for a license by endorsement as a dental hygienist; revising the scope of practice of expanded function dental assistants and dental hygienists who have a special endorsement to practice restorative dental hygiene; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Torres-Fossett, Watts, D'Silva, Dalia, Koenig, and Moore; Senators Buck, Doñate, Nguyen, and Taylor:

Assembly Bill No. 335—AN ACT relating to education; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; requiring school districts in certain counties to appoint a Director of Multilingual Student Services; requiring the board of trustees of a

school district to ensure that each licensed teacher receives training concerning English language acquisition; requiring the Department of Education to provide certain guidance to the board of trustees of a school district; prohibiting certain pupil achievement data from negatively impacting the performance rating of certain schools, school districts and employees; requiring the Department to establish an English Learner Advisory Council during the 2025-2026 interim to study policies to support English language acquisition, development and literacy; prescribing the membership and duties of the Advisory Council; repealing provisions relating to certain corrective action plans; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 336—AN ACT relating to state purchasing; revising provisions relating to certain preferences granted to or imposed on bids or proposals submitted for certain state purchasing contracts; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 337—AN ACT relating to dementia; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a dementia care specialist program; setting forth certain requirements for the program; providing for the establishment of the Nevada Memory Network for the diagnosis of dementia and the care of patients with dementia; setting forth certain requirements for the Nevada Memory Network; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 338—AN ACT relating to health care; providing for Medicaid coverage of attendant care services for frail elderly persons; requiring the establishment of an Internet website to facilitate connection between agencies to provide personal care services in the home and persons in need of personal care services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 339—AN ACT relating to mental health; revising the duties of the Commission on Behavioral Health; creating the Office of Children's Mental and Behavioral Health within the Office of the Director of the Department of Health and Human Services; requiring certain entities to coordinate with and submit certain documents to the Office; establishing the powers and duties of the Office; providing for the appointment of a Director of the Office; eliminating the subcommittee on the mental health of children of the Commission on Behavioral Health; making appropriations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 340—AN ACT relating to insurance; requiring certain health insurance to include coverage for the screening, assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for certain persons; establishing certain administrative sanctions for failure to provide such coverage; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 341—AN ACT relating to housing; prohibiting a landlord from refusing to rent a dwelling to a corporation that rents a dwelling on behalf of a person with a disability solely because the corporation provides assistance in obtaining housing to a person with a disability; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 342—AN ACT relating to periods of observance; designating the month of March of each year as "Women Veterans History Month" in this State; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 343—AN ACT relating to health care; requiring hospitals to publish certain information relating to the pricing of goods and

services; prohibiting a hospital from collecting medical debt that accrued while the hospital was out of compliance with that requirement; prescribing a procedure for the correction of violations of that requirement; authorizing certain civil actions and the imposition of certain administrative sanctions; providing for the publication of certain information relating to violations; requiring certain health care entities to provide certain information before taking any action to collect a medical debt; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 344—AN ACT relating to judiciary; replacing the term "master" with "judicial officer" when used to refer to judicial officers who perform certain duties; prescribing a procedure for the transfer of child welfare proceedings to a different court within this State; requiring the appointment of an attorney to represent certain parties during a child welfare proceeding in certain circumstances; revising the compensation that an appointed attorney in certain proceedings is entitled to receive; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Mosca:

Assembly Bill No. 345—AN ACT relating to education; requiring the Board of Regents of the University of Nevada to establish a data dashboard setting forth certain statistical information relating to student outcomes; requiring the Board of Regents to conduct a study during the 2025-2026 interim relating to certain financial issues facing students of the Nevada System of Higher Education; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Dalia and Gallant; Senator Flores:

Assembly Bill No. 346—AN ACT relating to health care; revising provisions concerning medical certificates of death of persons who self-administer a medication that is designed to end the life of the person; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements relating to the medical records of a patient who requests a medication that is designed to end the life of the patient; providing immunity

to certain providers of health care and health care facilities for certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit the provision of certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from including certain provisions in a will, contract, agreement or policy of life insurance; prohibiting certain actions on a policy of life insurance because the insured requested or revoked a request for a medication that is designed to end the life of the insured; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 347—AN ACT relating to state financial administration; revising the threshold for which state agencies may accept gifts, including grants from nongovernmental sources; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 348—AN ACT relating to the Legislature; revising provisions relating to the Interim Retirement and Benefits Committee of the Legislature; eliminating the duty of the Fiscal Analysis Division of the Legislative Counsel Bureau to perform certain budget stress testing; abolishing the Legislative Bureau of Educational Accountability and Program Evaluation within the Fiscal Analysis Division; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Orentlicher:

Assembly Bill No. 349—AN ACT relating to health care; establishing maximum rates that hospitals, independent centers for emergency medical care and surgical centers for ambulatory patients may charge for certain goods and services provided to patients covered by certain insurance for public employees; requiring hospitals to publish certain information relating to pricing; authorizing the imposition of certain administrative penalties and sanctions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 350—AN ACT relating to cemeteries; revising provisions relating to the disinterment and removal of human remains from certain cemeteries; revising certain requirements applicable to certain cemetery owners; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 351—AN ACT relating to juvenile justice; granting the juvenile court limited jurisdiction over certain persons who are 21 years of age or older; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 352—AN ACT relating to businesses; requiring a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license; setting forth requirements and fees relating to a cottage cosmetics operation; exempting a cottage cosmetics operation from certain licensing requirements; revising and reorganizing certain provisions governing cottage food establishments; requiring a person who wishes to conduct a cottage food operation to apply to the Department; revising provisions governing farm-to-fork events; applying certain provisions governing food delivery service platforms to the delivery of food items from a cottage food operation; declaring void certain regulations; eliminating certain provisions governing craft food operations; providing a penalty; providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the vote whereby Assembly Bill No. 346 was referred to the Committee on Health and Human Services be rescinded.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 346 be rereferred to the Select Committee on End-of-Life Care.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Farnsworth and Devynlee Farnsworth.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Luis Arguello, Samantha Loya Gandara, and Savannah Alovera.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Aletse Elizondo and Audrey Hunt.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jenessa Koski.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Uhart and Lewis Kessler.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Tylie Norcutt.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Elijah Llanos and Ryan Liu.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Lexington Bowler and Zach Kelly.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Carsten Eischens.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Cayle Peru and Ria Karadag.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, March 4, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTIETH DAY

CARSON CITY (Tuesday), March 4, 2025

Assembly called to order at 11:49 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Chaplain Craig Swope.

Father, as we gather, may we have a grateful heart; a heart that recognizes the blessings each of us enjoys; a heart that uses the gifts we have with a focus on those we serve. Help us to have a heart to show compassion and empathy; a heart that celebrates achievement and advances that can elevate many lives; a heart that rejoices when challenges are overcome producing success and excellence; and a grateful heart that can change us and the way we see others. We thank You for our blessings, in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag led by Victoria Gonzales.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 4, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 330 and 331.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 142, 186, 208, 246, 261, 274, and 339.

SARAH COFFMAN
Fiscal Analysis Division

By Assemblymember Jauregui:

Assembly Joint Resolution No. 10—Urging the Federal Government to release federally managed land in Nevada for housing.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember D'Silva:

Assembly Bill No. 353—AN ACT making an appropriation to the University of Nevada, Reno, for a technology initiative for certain students; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 354—AN ACT relating to governmental administration; revising the membership of the Nevada State Board on Geographic Names; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 355—AN ACT relating to education; providing that any money remaining in the Fund to Assist School Districts in Financing Capital Improvements and the Fund to Assist Rural School Districts in Financing Capital Improvements at the end of the fiscal year does not revert to the State General Fund; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 356—AN ACT relating to public employees; revising certain deadlines relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Hunt, D'Silva, and Jackson and Senator Cruz-Crawford:

Assembly Bill No. 357—AN ACT relating to employment; establishing requirements relating to the release of certain information in the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child and the Central Repository for Nevada Records of Criminal History to public employers; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 358—AN ACT making appropriations to the United Way of Northern Nevada and the Sierra for the statewide implementation of Dolly

Parton's Imagination Library program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymembers Gallant, Gurr, Gray, DeLong, Hibbetts, and O'Neill:

Assembly Bill No. 359—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for certain coins, currency and bullion; providing for the exemptions from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Goulding:

Assembly Bill No. 360—AN ACT relating to health care; requiring the use of a rapid test when testing certain pregnant women for syphilis in certain circumstances; authorizing the discipline of certain health care facilities that violate that requirement; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Hunt:

Assembly Bill No. 361—AN ACT relating to transportation; requiring a regional transportation commission in certain counties to take certain actions to mitigate safety risks to transit operators; authorizing a governmental entity that operates a public mass transportation system to obtain a public transportation trespass order under certain circumstances; providing a penalty for the violation of such an order; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 362—AN ACT relating to taxation; providing for the imposition, collection, administration and enforcement of taxes on the sale or transfer of a controlling interest in an entity which possesses an interest in real property in this State; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 363—AN ACT relating to water; revising provisions relating to the establishment, membership and duties of a groundwater board; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 364—AN ACT relating to taxation; revising the pupils on whose behalf a scholarship organization is authorized to provide a grant under the Nevada Education Choice Scholarship Program; requiring a scholarship organization to notify the Department of Taxation if there are no pupils on whose behalf the scholarship organization is authorized to provide a grant; prohibiting the Department from approving applications for tax credits under the Program made by such a scholarship organization; requiring a scholarship organization to repay certain tax credits under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 365—AN ACT relating to cannabis; repealing provisions requiring the University of Nevada, Reno, School of Medicine to establish a program for the evaluation and research of the medical use of cannabis in the care and treatment of persons who have been diagnosed with a chronic or debilitating medical condition; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Gauvain, Leona (Lia) Riccobene, and Marie Riccobene-Branchini.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Chrissy Costanza, Joey Costanza, and Steven Cohen.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Brown, Michelle Gorelow, and Nicole (Nikki) Emord.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Neuwohner, James Palmiere, and Natalie Palmiere.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Matrone and Victoria Gonzales.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Ugalde, Clarissa Cota, Dr. James McCoy, Samantha Schafer, and Sean Spanbauer.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Conley and Laura Coyne.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Johnson, Tessa Leon, and Yanira Patino.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. William Kibler, Mildred Kilgore, and Victor Terrell Jr.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Swanson, Arthur Swanson, and Cynthia Swanson.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Coughlin.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Kaitlyn Manning and Tracy Manning.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Darcie Thomas, Denise Quirk, and Stephanie Goodman.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Shane Kraus, Lesley Pittman, and Ted Hartwell.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Katy Fellows, Linda Schafer, and Maxmillian Lowe.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Andre Collins, Jodi Collins, and Robert Collins.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Cami Ellis, Cami Klein, and Jack Rovetti.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Reginald.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Brianca Miller and Kelly Miller.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Moren and Elizabeth Samlowski.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Cristal Biddleman, Kathryn Foxworthy, and Madeliene Fergus.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Perez and Trinh Dang.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Shipps and Kaison Shipps.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kristin Allison and Sherry Allison.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Bailes, Christopher Ripke, and Jay Arrant.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Stephenson, Kasey Camp, and Sandra Redmon.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Santa Perez and Tim Brown.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Jones and Beth Jones.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, March 6, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 6, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Father Tomy Joseph.

Almighty and eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgement is decreed.

Almighty God, we humbly come before You seeking wisdom for today's meeting. Bless our government officials, board members of legislative sessions and public meetings with a keen sense of justice and courage. Let the deliberations of this governing body stir thought-provoking ideas that positively shape our local governments. As we embark on this journey, may Your guiding hand be evident in every decision made. Grant us steadfastness and respect for diversity as we serve together for community development. In Thy name we pray,

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 5, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 353 and 358.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 52, 75, 203, and 242.

SARAH COFFMAN
Fiscal Analysis Division

March 6, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 161 and 307.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Monroe-Moreno:

Assembly Bill No. 366—AN ACT relating to housing; changing the designation of the Nevada Supportive Housing Development Fund; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 367—AN ACT relating to elections; setting forth certain language access requirements relating to elections; requiring the Secretary of State to employ a language access coordinator; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; providing that a registered voter with a physical disability may use a mobile device to access interpretive services; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 368—AN ACT relating to health care; authorizing a patient in any of certain facilities for assisted living or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prohibiting such a facility or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 369—AN ACT relating to domestic violence; revising provisions governing certain orders for protection against domestic violence; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 370—AN ACT relating to service contracts; requiring the Division of Insurance of the Department of Business and Industry to establish a toll-free telephone number for receiving certain complaints

concerning providers of service contracts; requiring the Commissioner of Insurance to establish a system for rating providers of service contracts based on certain criteria; requiring certain information to be included in a service contract; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 371—AN ACT relating to cosmetology; enacting the Cosmetology Licensure Compact; providing cosmetologists practicing in this State under the Compact with the same legal status as persons who are licensed cosmetologists in this State; authorizing the sharing of certain information with a data system created by the Compact; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Dickman:

Assembly Bill No. 372—AN ACT relating to voting; clarifying the requirements for a person to register to vote in this State; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 373—AN ACT relating to business associations; reducing fees related to creating and dissolving limited-liability companies under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Nadeem:

Assembly Bill No. 374—AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to establish curriculum for a workshop to promote the mental health of pupils which must be provided to pupils at least once per month; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Yeager and Gurr:

Assembly Bill No. 375—AN ACT relating to intoxicating liquor; authorizing certain establishments to sell or deliver mixed drinks for consumption off the premises of the establishment under certain circumstances; revising the required curriculum for an alcoholic beverage awareness program which is required for certain employees; designating the Picon Punch as the official state drink of the State of Nevada; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER HANSEN:

I wanted to take a moment to honor and recognize an incredible constituent, 105-year-old Navy veteran, Mercedes Starr. The Department of Veterans Services will be honoring her with a ceremony in Pershing County, in Lovelock, on Monday morning, which I cannot attend. [The Department of Veterans Services will] be issuing a proclamation from the State of Nevada for our gratitude for her service in World War II. A little bit about Mercedes, she was a telegraph operator during World War II, and she is currently in a skilled nursing care center as a resident at Pershing General Hospital, located in Lovelock.

I would also like to pay tribute to the Nevada Department of Veterans Services for their veterans and care program. This program ensures that veterans or their spouses, who are receiving care within one of Nevada's community-based assisted living or skilled nursing care facilities, is recognized and honored for their military service. The recognition also provides an opportunity to connect the veterans to the benefit resources and services earned through their U.S. military service. Since the program's launch in 2016, the program has recognized more than 500 veterans across the Silver State.

ASSEMBLYMEMBER LA RUE HATCH:

I am excited to welcome 50 talented social studies students from Billinghurst Middle School, which is part of Assembly District 25, to the gallery today. These bright young minds are here to explore and deepen their understanding of state government as part of their curriculum. Our hope is that today's experience sparks a passion for civic engagement and empowers them to realize the profound impact they can have on their communities.

ASSEMBLYMEMBER MILLER:

I would like to welcome to the floor, A'Esha Goins, the vice president of our Las Vegas chapter of the NAACP [The National Association for the Advancement of Colored People] as we well as the other voting rights partners that are here today. If you could please stand up.

March 25, 2025, marks the 60th anniversary of the culmination of three historic marches in support of the voting rights movement that contributed to the passage of the Federal Voting Rights Act of 1965. On March 7, 1965, approximately 600 civil rights marchers led by John Lewis, the former United States House of Representatives Rep [Representative], and Reverend Hosea Williams of the Southern Christian Leadership [Conference]—they led 600 people on a march toward the state capitol in Montgomery, Alabama. These civil rights activists were nonviolently protesting discriminatory voter registration practices and the shooting of Jimmie Lee Jackson. When the nonviolent marchers were met and attacked with clubs, whips, police dogs, [and] tear gas by state troopers, local law enforcement officers, and townspeople at the Edmund Pettus Bridge—they were met there while they were leaving Selma. The resulting images that appeared on television and in print led March 7, 1965, to be remembered as "Bloody Sunday," galvanizing a generation of nonviolent civil rights activists and heightening support for an awareness of the civil rights movement.

After Reverend Martin Luther King Jr. led some 2,500 nonviolent protesters across the Edmund Pettus Bridge on March 9, 1965, United States District Court Judge Frank Johnson Jr., issued an injunction on March 15, 1965, that overturned Governor George Wallace's prohibition of the protest and allowed it to continue.

On March 21, 1965, protected by U.S. Army troops, the Alabama National Guard, under federal command, the FBI, and federal marshals led more than 3,000 people led by Reverend Martin Luther King Jr., they set out from Selma to Montgomery once more. By the time they reached the state capitol building on March 25, their numbers had grown to 25,000, including many religious and community leaders of all denominations, races, religions, and backgrounds.

Now, therefore, be proclaimed that because of the courage and conviction displayed by the civil rights marchers and activists, the U.S. Congress passed, and President Lyndon B. Johnson signed into law the Voting Rights Act of 1965. Today, we celebrate the 60th anniversary and we continue to fight to uphold our voting rights for all United States citizens. I would also like it to be mentioned that a fact—that I just learned by being in this body a few sessions ago—that on March 1, 1869, Nevada became the first state to ratify the 15th Amendment, allowing Black men to vote in the United States.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Ramsey, Melinda Spitek, and Patricia Cuocco.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Janee Murphy and Larry Delsen.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Harkins.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Whitby, Dinisha Mingo, and Patricia Cortes Guadarrama.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Adrianna Eninger, Kerry Durmick, Priscella Gomez, and Ryan Vortisch.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to BUCKET$ [the mascot for the WNBA's Las Vegas Aces].

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the social studies students and teachers from Billinghurst Middle School.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to A'Esha Goins, Caren Yap, and Emily Persaud-Zamora.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Azzi and Mark Davis.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Peckham.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, March 10, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 10, 2025

Assembly called to order at 11:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Monroe-Moreno, who was excused.

Prayer by the Chaplain, Pastor Kathy Morris.

Gracious God, we thank You for this day and the opportunity we have to be of service to our communities and our state. Make us mindful of all the people of our state so that we can clearly see their needs and then inspire us with ways we can support them. Grant us creativity and peace in how we find solutions to challenging situations. Guide us with wisdom and a spirit of cooperation as we make decisions that will impact all people of Nevada. Bless each one in this room so they may be a blessing to others.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 9, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 366.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 191, 308, 313, and 320.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymembers O'Neill, Gray, Dickman, DeLong, and Gallant:

Assembly Bill No. 376—AN ACT relating to insurance; requiring the Commissioner of Insurance to establish and administer the Regulatory Experimentation Program for Insurance Product Innovation; setting forth requirements for the operation of the Program; authorizing an insurer to implement a proposed increase in a rate for certain kinds and lines of insurance while the proposal is pending approval or disapproval by the Commissioner; setting forth certain requirements applicable in the event that such a proposal is ultimately disapproved; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Gallant, Gurr, D'Silva, Gray, Cole, DeLong, Hibbetts, Koenig, and O'Neill; Senators Buck, Doñate, Ellison, and Stone:

Assembly Bill No. 377—AN ACT relating to real property; requiring the Nevada Tax Commission to include in the form prescribed for the declaration of value of real property a section in which a property owner is authorized to claim certain partial abatements of property taxes; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Carter, Gray, D'Silva, Hansen, Brown-May, Anderson, Considine, Dalia, Dickman, Edgeworth, González, Hibbetts, Hunt, Jackson, Karris, Mosca, Nguyen, Orentlicher, Roth, and Watts; Senators Hansen, Nguyen, Stone, and Ohrenschall:

Assembly Bill No. 378—AN ACT relating to controlled substances; creating the Alternative Therapy Pilot Program; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to administer and adopt certain regulations governing the Program; authorizing the Division to take certain actions with respect to the Program; requiring the Division to authorize at least one person to cultivate, manufacture or produce psychedelic substances for use in the Program; requiring the Division to submit to the Legislature an annual report concerning the Program; providing immunity from civil, criminal and administrative liability to a participant in the Program for certain conduct relating to the Program; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Hibbetts, Brown-May, Carter, Dalia, D'Silva, and Nguyen:

Assembly Bill No. 379—AN ACT making an appropriation to the College of Southern Nevada for the development of its Northwest Campus, including the Center for Excellence in Public Safety; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymembers Edgeworth, Dalia, D'Silva, González, Gray, Hibbetts, Hunt, Jackson, Koenig, Moore, Nadeem, Nguyen, and Yurek and Senator Steinbeck:

Assembly Bill No. 380—AN ACT relating to behavioral health; revising requirements governing mobile crisis teams that may be established to provide community-based intervention services to certain persons experiencing a behavioral health crisis; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Hardy, Hibbetts, González, and Nguyen and Senator Scheible:

Assembly Bill No. 381—AN ACT relating to animals; revising provisions governing acts constituting torture or cruelty to animals; revising certain penalties for acts of animal cruelty; revising certain provisions governing the ownership and care of animals treated cruelly; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Flanagan, Dalia, Dickman, Edgeworth, González, Goulding, Gray, Jackson, Karris, Kasama, La Rue Hatch, Nguyen, and Orentlicher; Senators Nguyen, Ohrenschall, and Pazina:

Assembly Bill No. 382—AN ACT relating to insurance; expanding the scope of required insurance coverage for biomarker testing; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Hansen, Dickman, Cole, Edgeworth, Gurr, Hafen, Hardy, Hibbetts, Nguyen, and O'Neill:

Assembly Bill No. 383—AN ACT relating to education; requiring the Department of Education to develop, update and publish a list of high-impact tutoring programs that meet certain criteria to be considered an evidence-based high-impact tutoring program; requiring the Department to adopt regulations establishing such criteria; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Cole:

Assembly Bill No. 384—AN ACT relating to juvenile justice; requiring a juvenile facility to create and maintain, for certain purposes, certain records relating to certain acts of violence committed by a child in the facility; revising provisions relating to the admission or placement of certain children in certain facilities under certain circumstances; requiring the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services to perform certain duties relating to children who are paroled from certain facilities; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Cole:

Assembly Bill No. 385—AN ACT relating to governmental administration; prohibiting the governing body of certain counties and cities from taking certain actions to prohibit the use of cooling towers which use water for certain projects; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Goulding:

Assembly Bill No. 386—AN ACT relating to education; requiring the State Board of Education to approve at least two assessments which may be used to assess the literacy of pupils enrolled in an elementary school; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 387—AN ACT relating to guardianship; revising provisions relating to service of certain notices, petitions and citations relating to guardianships of minors; revising provisions relating to the appointment, modification, removal or termination of guardianships of minors; revising provisions relating to the powers and duties of guardians of minors; revising provisions relating to the management of the estates, property and other assets of protected minors; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers La Rue Hatch, González, Anderson, Roth, Miller, Flanagan, Goulding, Hunt, Jackson, Karris, Moore, Orentlicher, and Watts and Senator Flores:

Assembly Bill No. 388—AN ACT relating to employment; requiring certain public and private employers to establish certain procedures and forms relating to paid family leave; requiring the Human Resources Commission and Labor Commissioner to establish certain regulations relating to paid family leave; requiring certain public and private employers to provide notice relating to paid family leave; revising provisions relating to paid family leave for certain state employees and employees of private employers; repealing certain provisions relating to leave; providing penalties; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Mayorga Correa, Lauren Uhl, and Lela Arney-Gonzalez.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Elishia Trainer, Eugenia Weiss, and Vahentina Parker.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Samberg and Kacee Atherton.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Wager and Joungmin Lee.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Christine McNally and Wade McNally.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Warren-Robertson.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Aldana Gemeda, Amauria Leilani Brown, Andrea Pierce, Ashton Pierce, Bartholomeos Gemeda, Blakely Low, Bria Warren, Carter Enrile, Colette Bucher, Devi Giglio, Dr. Tricia Braxton, Eleina Gemeda, Evie Powell, Ezra Kim, Francisco Tarelo-Vargas, Jack Leatham, Jerilyn Brown, Jerome Browning, Joseph Quinonez, Justyn Boumah, Keaton Bucher, La'vanden Moore, Lavon Allen, Maximiliano Tarelo-Vargas, Nahomi Gemeda, Nicole Hansen,

Phoenix Tibbs, Rafael Tarelo-Vargas, Ricky Gourrier-Lopez, and Scott Leatham.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandria Moore, Ivan Alis Williams, and Rin Xiong.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Villatoro, Deborah Payne, and LaShandra Laneaux.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Raleigh Patterson.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Gavin Farr, Jacob Farr, and Mareesa Farr.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Adrianna Morales-Lemus and Anna Saucedo.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Dawson.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Deetra Stewart.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Schultz.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Collette Bucher, Jennifer Bucher, Keaton Bucher, and Michael Bucher.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Lela Arney-Gonzales, Noela Hanks, and Zoey Arney-Todd.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Dayna Genio.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Kiera Escalante.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Ban Osuji.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Montez.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Alisa Park, Marlene Monteolivo, Noah Lowdermilk, and Ricky Gourrier-Lopez Jr.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Lucia Maloney.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Leathers.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Arzelia Sanford and Paolo Castillo.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Pierce and Ashton Pierce.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, March 11, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 11, 2025

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except for Assemblymember Kasama, who was excused.

Prayer by Chaplain Ron McMillin.

Dear Heavenly Father, Your word tells us that "by [you], all things were created in heaven and on earth…whether thrones or dominions or rulers or authorities—all things were created through [you] and for [you]." (*English Standard Version Bible* [*ESV*], Colossians 1:16,17)

Lord, I thank You for the members of this body that You have appointed to serve the people of Nevada in this place, at this time. I pray that Your will be accomplished through them. May You guide them and grant them wisdom. Provide them with discernment as they consider the issues and bills before them. May You give them courage in the face of adversity. May You renew their strength when they grow weary. I pray for Your protection over them and their families.

In closing, I thank You, Lord, for Your son Jesus and His blood "that was poured out for many for the forgiveness of sins." (*ESV*, Matthew 26:28)

It is in His name that I pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 10, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 379.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 259, 276, 285, 298, 328, 332, 336, and 359.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Torres-Fossett:

Assembly Bill No. 389—AN ACT relating to education; revising provisions governing the submission of data and metrics on the performance and progress of pupils; revising provisions governing the automated system of accountability information for Nevada; requiring the Commission on School Funding to review and make recommendations concerning reports on pupil achievement and the financial accountability of school districts; requiring the

Commission to create a framework for such reports and collaborate with the Department of Education to create a centralized repository of such reports; revising requirements for publishing a list of expenditures of county school districts; revising provisions governing the ratios of pupils to licensed teachers; removing the requirement for a school district to prepare a summary of certain fiscal reports; repealing the requirement for the Department to recommend a minimum amount to be spent by public schools on textbooks and other instructional supplies; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers González, D'Silva, and Jackson:

Assembly Bill No. 390—AN ACT relating to labor; authorizing collective bargaining between task workers and task delivery platform providers; setting forth procedures and requirements governing such collective bargaining; requiring a task delivery platform provider to provide certain information to users and task workers; requiring a task delivery platform provider to ensure that a task worker is paid an amount not less than the minimum wage for each hour worked performing tasks; setting forth certain requirements and restrictions for contracts between a task delivery platform provider and a task worker; renaming and expanding the duties of the Government Employee-Management Relations Board; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 391—AN ACT relating to education; requiring the inclusion of certain information regarding pupil achievement in annual reports of accountability submitted by the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 392—AN ACT relating to governmental administration; revising provisions relating to certain interlocal agreements and contracts between tribal governments and certain public agencies; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Nadeem:

Assembly Bill No. 393—AN ACT relating to health care; prohibiting a hospital or psychiatric hospital from employing a physician under certain circumstances; providing penalties for a violation of such prohibition; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 394—AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to require each institution within the Nevada System of Higher Education to adopt an emergency response plan to address opioid-related drug overdoses; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Roth and Brown-May:

Assembly Bill No. 395—AN ACT relating to health care; requiring certain health facilities and providers of health care to provide qualified sign language interpreters to certain persons who are deaf or hard of hearing; prescribing the circumstances under which such qualified sign language interpreters may be provided remotely; establishing requirements for providing remotely such qualified sign language interpreters; requiring the Department of Health and Human Services to maintain a list of certain facilities that provide services specialized to persons who are deaf or hard of hearing; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 396—AN ACT relating to housing; requiring the governing body of certain counties and cities to adopt an ordinance to authorize the owner of certain residential properties to add accessory dwelling units to the property; setting forth certain requirements for the ordinance; providing that if the governing body of certain counties and cities does not adopt such an ordinance by January 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction; revising provisions relating to the amendment of a declaration or the termination of a common-interest community; requiring proof of certain insurance policies be furnished in a resale package to a purchaser of a unit in a common-interest community; increasing the fine that may be imposed by the Commission for Common-Interest Communities and Condominium Hotels for certain

violations; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 397—AN ACT relating to higher education; revising provisions governing the waiver of fees by the Board of Regents of the University of Nevada for certain persons who have experienced homelessness; repealing certain provisions requiring the Chancellor of the Nevada System of Higher Education to cause to be analyzed certain natural materials upon the request of a resident of this State; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 398—AN ACT relating to education; requiring additional support for the State Education Fund to provide compensation in addition to base pay for hard-to-fill positions in public schools; requiring the Superintendent of Public Instruction to apportion the amount allocated to provide such compensation among school districts on a monthly basis; eliminating the authority to use weighted funding provided to a school for certain pupils to pay certain hiring and retention incentives; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Edgeworth:

Assembly Bill No. 399—AN ACT relating to insurance; requiring that certain policies of health insurance include coverage for certain health care to treat and care for diseases and conditions caused by severe obesity; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 400—AN ACT relating to peace officers; authorizing a law enforcement agency to require applicants for certain positions of employment to make certain attestations concerning cannabis as a condition precedent to employment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 401—AN ACT relating to education; eliminating the requirement that pupils take a college and career readiness assessment selected by the State Board of Education to graduate from high school with a standard high school diploma; revising various provisions to reflect the elimination of such a requirement; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 402—AN ACT relating to public safety; authorizing the Department of Transportation, a local authority and a regional transportation commission to allow the installation and use of an automated traffic enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Torres-Fossett:

Assembly Bill No. 403—AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to exempt from sales and use taxes the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic; providing for the same amendments to certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Watts, Brown-May, Kasama, Nguyen, and Torres-Fossett and Senator Nguyen:

Assembly Bill No. 404—AN ACT relating to alcoholic beverages; revising the definition of "special event" for the purposes of certain provisions governing brew pubs; authorizing a person who operates a brew pub to engage in certain activities concerning the transport, storage and sale of malt beverages; revising provisions governing the possession, sale and transportation of liquor; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Flanagan, González, La Rue Hatch, Moore, Considine, D'Silva, Jackson, Karris, and Orentlicher:

Assembly Bill No. 405—AN ACT relating to agriculture; requiring the Director of the State Department of Agriculture to establish a program to assist in the development of community gardens and urban farms in areas of this State with high levels of food insecurity; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers Jackson and Nadeem:

Assembly Bill No. 406—AN ACT relating to health; requiring a public school to provide certain information relating to mental health to pupils; prohibiting certain uses of artificial intelligence in public schools; requiring that a pupil be allowed credit or promotion to the next higher grade despite absences from school in certain circumstances; deeming certain absences from school to be approved absences; imposing certain restrictions relating to the marketing and programming of artificial intelligence systems; prohibiting certain persons from representing themselves as qualified to provide mental or behavioral health care; imposing certain restrictions relating to the use of artificial intelligence by providers of mental or behavioral health care; providing civil penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER O'NEILL:

Today the Carson City Chamber of Commerce is recognizing ten extraordinary women for their outstanding contributions to the community of Carson City. I was unable to attend the Chamber's luncheon today to recognize them in person, so I thank the Speaker for his indulgence in allowing me to read their names into today's record.

Melanie Bruketta, Carson City Justice of the Peace, who has worked tirelessly to protect individuals' rights through accountability, integrity, and fairness, ensuring that every voice is heard within the Carson City justice system.

Colleen Chapman, Executive Director for Resource Development, Boys & Girls Club of Western Nevada. Through her leadership, she has provided a safe place for thousands of children in our community to grow and thrive through effective before and after-school programs, transforming countless lives across Carson City and Carson Valley.

Ellen Jackson, Founder and CEO, Spirit of Hope, an organization that strives to meet the housing needs of individuals struggling with mental and physical illnesses and addiction issues. Since 2010, Spirit of Hope now operates in multiple homes and has serves approximately 50 to 70 adults throughout Carson City.

Lupe Ramirez, President, Carson City School Board of Trustees. As the first Latina to serve on the Carson City School Board, Ms. Ramirez has increased parental engagement, supported minority students, and played a pivotal role in the success of programs like the Latino Leadership Award.

Candi Robles, Career and Technical Education and Work-based Learning Coordinator, Carson High School. Her efforts at Carson High have enabled students to explore a wide array of career pathways from emergency medical services to web-design and marketing and to develop the skills and connections to succeed in their future careers.

Brenda Sandquist, Founder and Executive Director of Xquisite, which helps victims of human trafficking, sexual assault, and domestic violence to heal and thrive. Xquisite offers free, confidential, and nonjudgmental services to victims, empowering them to reclaim their lives and build a future free from the trauma they have experienced.

Lou Skaggs, Volunteer, Lions Club of Carson City, who has contributed to a variety of impactful projects that enhance the lives of Carson City residents. From environmental cleanups to youth and senior citizen services, Lou's involvement embodies the Lion's Club motto, "we serve" and reflects her unwavering commitment to making Carson City a better place for all.

Brook Sweeting, Senior Relationship Manager, United Federal Credit Union, where she exemplifies the philosophy of "people helping people." Her work with the Carson City Chamber Leadership Institute, Carson City Parks and Recreation, and her volunteer efforts with Friends in Service Helping reflects her deep commitment to give back to our community and improve the lives of those around her.

Molly Walt, Executive Director, Retired and Senior Volunteer Program [RSVP]. Under her leadership, RSVP has provided countless essential services to seniors and veterans, particularly those who are isolated or homebound in rural communities. Ms. Walt also serves on the Nevada Commission on Aging and Nevada Volunteers, which further demonstrates her commitment to improving the lives of Nevada's seniors and veterans.

And last, but not least, Stacy Woodbury, Manager of Public Affairs, Southwest Gas. Throughout her career, Ms. Woodbury has advocated for better public policies and served on influential boards that contribute to the growth and well-being of Nevada. Her leadership experience includes her current role at Southwest Gas, as well as previous roles at the Nevada State Medical Association, The Gresh Group, and the Nevada Gaming Control Board.

Thank you, Mr. Speaker, for allowing me the time today to recognize the contributions of these extraordinary women who have helped influence and shape the lives of so many residents in Carson City. It is an honor to represent them in Assembly District 40.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Miriam Lucille Baggett, Adriana Rider, Aidenn Garcia, Alexander Jacquez, Alondra Sauceda Garcia, Alyssa Evans, Amanda Dwyer, Andrea Ramirez Trujillo, Araceli Tavares Nava, Arleen Tipton, Brianna Masters, Cambrea Hast, Chloe Price, Christian De La Rosa, Delaney Owens, Desiree Gonzalez, Fernando Mandujano-Trejo, Hailey Garton, Hayden Gregory, Heidi Gibbs, Ignacio Chavez,

Inriana Jacquez, Irisnair Quintana, Jaden Reynolds, Jamie Chang, Jaycee-Lee Gordon, Jazlene Reyes, Jillian Bird, Jose Padilla, Julitssia Vega, Kaidance Steele, Katie Hernandez, Lauryn Bird, Leilany Perez, Lilyana Kruger-Crowe, Lorie Dumaguing, Maxine Mcbride, Megan Wood, Melanie Gump, Myiah Blythe, Nahla Mickle, Natalia-Marcella Baltazar Aguon, Natalie Gregory, Natalie Torlao, Nazareth Ramirez, Oliver Vargas Lopez, Paige Mclean, Phoenix Blanco, Raul Ortega-Sanchez, Robinson Saleisha, Skylar Lange, Valeria Marquez, Venice Magos, Wyatt Zurline, and Yoveli Vazquez Lopez.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Sataray-Rodriguez, Jorge Monge, and Jose Cucalon Calderon.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Samberg and Kacee Atherton.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Shelia Parks.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Fox and Mary Smith.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Payne and John Thomas.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Murrieta.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ali Caliendo and Leah Dods.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Kim and Chloe Kim.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Arria Barbuti and Jayson Lane.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, March 12, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 12, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Pastor Joseph Lent.

Tammi Naa'a, nummi goova gwei woitsami gatudu, pija mmi matuguna, yaahoo tavino. Yaa mu Nevada weitu numu bija soodduheishi, bija mmi masookwamaguti; yeishi dammi bija nannanitamma, bija nannabua'agana; dammi bija gweizoo, yaahoo manipunnina.

Heavenly Father, we thank You for life and for the ability of self-governance. We thank You that we live in a land of freedom and that we dwell in safety. We thank You for providing all things necessary for life, and we bless the air, the water, the earth and all things which dwell herein, that we may continue to live in harmony and health on this planet. We bless the state of Nevada and speak peace to it. We bless this building and bless the Assembly members and all the staff. Guide us by Your truth and goodness and help us as we make decisions for the benefit of the people.

PIHWA. [AMEN.]

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 12, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 265, 296, 373, 381, 383, and 405.

SARAH COFFMAN
Fiscal Analysis Division

By Assemblymember D'Silva:

Assembly Joint Resolution No. 11—Urging Congress to enact the Protecting the Right to Organize Act.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Brown-May:

Assembly Bill No. 407—AN ACT relating to trade practices; requiring an original equipment manufacturer of certain digital electronic equipment or a powered wheelchair to make available certain documentation, parts and tools for the diagnosis, maintenance or repair of the equipment or wheelchair;

setting forth various exceptions from that requirement; requiring an independent repair provider to post, publish and provide certain information; prohibiting an original equipment manufacturer from engaging in certain acts; exempting an original equipment manufacturer from liability for certain damage or injuries under certain circumstances; providing for the enforcement of the provisions governing original equipment manufacturers and independent repair providers by the Attorney General; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 408—AN ACT relating to victims of crime; repealing, replacing and revising certain provisions requiring the notification of certain victims of crime upon changes in the custody status of an offender related to release, escape, residential confinement, clemency and parole; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Hafen, D'Silva, Brown-May, and Torres-Fossett:

Assembly Bill No. 409—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, under certain circumstances, to issue a special license plate to a veteran of the Space Force; authorizing the combination of personalized prestige license plates and certain special license plates associated with military service; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymembers Gray, Cole, Edgeworth, Gurr, and Koenig:

Assembly Bill No. 410—AN ACT relating to crimes; revising provisions relating to the crime of assault; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Jauregui:

Assembly Bill No. 411—AN ACT relating to prescription drugs; revising provisions relating to the labeling of certain prescription drugs under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymembers Dalia and Jauregui:

Assembly Bill No. 412—AN ACT relating to emergency response; creating the Account for the Nevada School Safety Data Grant Program within the Department of Public Safety to award grants to school districts to procure school mapping data for schools in this State; prescribing certain requirements for the use of grants received from the Account; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Nguyen:

Assembly Bill No. 413—AN ACT relating to workforce development; providing for the creation of the Southern Nevada Health Care Workforce Apprenticeship Pilot Program; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Moore, Carter, D'Silva, and Karris; Senators Flores, Scheible, and Doñate:

Assembly Bill No. 414—AN ACT relating to occupational safety; revising the requirements of written safety programs in certain workplaces to include programs related to mitigation of heat illness and certain air quality issues; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Carter and Goulding; Senators Titus, Taylor, and Lange:

Assembly Bill No. 415—AN ACT relating to motor vehicles; revising provisions governing the disposition of certain vehicles abandoned on public or private property; revising the value of a vehicle for which a junk certificate may be issued by the Department of Motor Vehicles; prohibiting the operator of a tow car from falsely reporting the location of the operator or tow car to a law enforcement agency for certain purposes; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymembers Miller, La Rue Hatch, Anderson, Considine, González, and Moore:

Assembly Bill No. 416—AN ACT relating to education; prohibiting the board of trustees of a school district, the governing body of a charter school or a school employee from limiting access to library materials by pupils under certain circumstances; prohibiting certain actions against the members of the board of trustees of a school district, the members of the governing body of a charter school, school employees, pupils and certain other persons which are intended to limit access to library materials by pupils; providing penalties; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Hunt, Considine, D'Silva, Flanagan, Karris, and Nadeem:

Assembly Bill No. 417—AN ACT relating to public safety; establishing provisions relating to the inspection of certain vehicles; revising provisions relating to the rescission and cancellation of the registration of a vehicle under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER GONZÁLEZ:

Today is a very special day, as I am celebrating the first birthday of my daughter, Itsara. I am so honored to be her mother. As many of you know, last session, my husband and I were trying, and we were successful after session—go figure. From the moment that she entered this world, she has just been a delightful joy. I just cannot imagine my life without her. She is my sunshine. Happy birthday to Itsara.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Randall and Marcelo Gaete.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to the 7th and 8th grade students of Mountain View Montessori School.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Weisman.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Dahl-Jacinto and Marla Goins.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Jen Howell.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Madden and Taylor Volk.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Jacquie MacLeod and Kelly Thomas Boyer.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Eduardo Velazquez Ramirez.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Beal.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Akiko-Ayalla Cooks.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Danica Hays and Kenneth Varner.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, March 13, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), March 13, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Kasama, who was excused.

Prayer by Rabbi Levi Sputz.

Almighty G-d, we stand before You today, seeking Your blessing upon this esteemed Assembly. Grant wisdom, clarity, and strength to its members as they deliberate and make decisions for the good of the people of Nevada. Guide them to govern with integrity, justice, and compassion, ensuring peace and prosperity for all.

As we mark the holiday of Purim tonight, we recall how the Book of Esther concludes with Mordechai joining public service, and as a result, the kingdom flourished. This reminds us that when righteous individuals take on leadership with a sense of duty and moral clarity, the entire society benefits. May the members of this Assembly be inspired by Mordechai's example to uphold truth and justice, following the universal principles You gave at Mount Sinai for all people, especially the seventh—the foundation of ethical governance.

Bless their efforts to uphold fairness, righteousness, and harmony in the great state of Nevada. May their work be a source of blessing for all.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 13, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 284, 291, 333, 335, 345, 412, and 413.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro
For: BDR No. 34-16
Revises provisions governing education.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 10, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

By the Committee on Natural Resources:

Assembly Joint Resolution No. 12—Declaring the support of the Legislature for certain principles of solar energy development in this State.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 314 be withdrawn from the Committee on Government Affairs.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 314 be rereferred to the Committee on Revenue.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymembers Hibbetts, Hardy, and Nguyen:

Assembly Bill No. 418—AN ACT relating to animals; requiring each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, an animal rescue organization or a commercial establishment engaged in the business of handling animals to complete a training course on handling animals prescribed by the governing body and renew the training biennially; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers DeLong, Cole, Gurr, Dickman, and O'Neill:

Assembly Bill No. 419—AN ACT relating to water; requiring the State Engineer to adopt regulations to establish a pre-application review process for certain applications; requiring the State Engineer to issue a preliminary determination on certain applications and protests to such applications to appropriate water and for permits to operate projects for the recharge, storage and recovery of water; setting forth procedures to file an objection to a preliminary determination and requiring, with certain exceptions, a hearing to be held regarding a filed objection; requiring the State Engineer to prepare and submit a biennial report to the Legislature relating to certain applications pending approval by the State Engineer; revising provisions relating to applications for a temporary change to certain uses of water already appropriated; revising provisions relating to judicial review of certain orders

and decisions of the State Engineer; revising provisions relating to the approval or rejection of certain applications for the appropriation of public water and certain permits to operate projects for the recharge, storage and recovery of water; making the State Engineer subject to the Nevada Administrative Procedure Act for purposes of adopting regulations and certain provisions governing the adjudication of contested cases; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymember González:

Assembly Bill No. 420—AN ACT relating to governmental administration; requiring certain entities to prepare and submit a report to the board of trustees of a school district after a chemical agent or electronic stun device is used against pupils or minors in certain settings; requiring the board of trustees of the school district to conduct an investigation and make certain determinations after receiving such a report; requiring the board of trustees of the school district to make available to the public a summary of certain information relating to the use of and review of the use of such items; creating the Voter Access Grant Program and the Account for the Voter Access Grant Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Hansen, Gray, Hafen, Dickman, Edgeworth, Gurr, Hardy, Hibbetts, and Koenig; Senators Hansen, Ellison, Buck, and Stone:

Assembly Bill No. 421—AN ACT relating to civil liability; providing immunity from civil liability for certain acts and omissions of volunteer security personnel of a religious organization under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 422—AN ACT relating to the Civil Air Patrol; revising provisions relating to the employment of a member of the Civil Air Patrol; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Cole, DeLong, Gurr, Hafen, Hansen, and Hibbetts:

Assembly Bill No. 423—AN ACT relating to business; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to adopt regulations establishing a process for certain employers and employing units to elect not to make contributions into the Unemployment Compensation Fund; providing an exemption for certain persons from paying certain fees for an application and first renewal of a state business license; establishing requirements relating to the review and approval of an application to modify a facility for personal wireless service by certain land use authorities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 424—AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember La Rue Hatch:

Assembly Bill No. 425—AN ACT relating to education; providing that certain teachers have sole authority to determine the grade assigned to a pupil and the components and weights used to calculate such a grade; prohibiting regulations, policies or directives that interfere with such authority; prohibiting certain acts intended to interfere with the grade assigned to a pupil or the components or weights used to calculate such a grade; eliminating provisions requiring certain teachers and administrators to develop learning goals for

pupils that are used in the evaluations of such teachers and administrators; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Karris, Anderson, Nguyen, Dalia, and Moore:

Assembly Bill No. 426—AN ACT relating to education; revising provisions governing the plan of operation for a local school precinct; revising provisions governing the expenditure of certain money by a local school precinct; revising provisions governing members of the organizational team for a local school precinct; revising provisions governing the duties of certain entities when a vacancy occurs in the position of principal for a local school precinct; requiring the principal of a local school precinct to provide the organizational team with a briefing containing certain information; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 427—AN ACT relating to public financial administration; revising provisions governing the program administered by a corporation for public benefit to provide private equity funding and venture capital investments to certain businesses; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymembers Flanagan, Monroe-Moreno, Roth, Anderson, Moore, Brown-May, Carter, Considine, D'Silva, González, Hunt, Jauregui, Karris, La Rue Hatch, Marzola, Miller, Nadeem, Torres-Fossett, and Yeager:

Assembly Bill No. 428—AN ACT relating to insurance; requiring certain health plans to include coverage for certain procedures or services for the preservation of fertility of insureds who have been diagnosed with breast or ovarian cancer; providing certain exceptions for insurers affiliated with religious organizations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 429—AN ACT relating to natural resources; providing, with certain exceptions, that any person is authorized to perform certain

actions relating to an easement for conservation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By Assemblymembers Flanagan, Brown-May, D'Silva, and Nguyen:

Assembly Bill No. 430—AN ACT relating to money transmission; exempting a person engaged solely in the provision of payroll processing services from provisions governing the licensure and regulation of persons engaged in money transmission; repealing provisions imposing certain duties on persons engaged in the provision of payroll processing services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Gurr, Cole, Carter, DeLong, D'Silva, Edgeworth, Gallant, Hafen, Hibbetts, Nguyen, and Yurek:

Assembly Bill No. 431—AN ACT relating to trade practices; making certain acts relating to the initial sale of tickets to certain events by a primary ticket provider a deceptive trade practice; revising provisions relating to the resale of tickets to certain events; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 432—AN ACT relating to governmental administration; creating and setting forth the duties of the Security Operations Center within the Office of the Chief Information Officer within the Office of the Governor; authorizing the Chief Information Officer to apply for and accept federal grants for purposes of supporting the Security Operations Center; requiring the Security Operations Center to prepare an annual report that assesses the effectiveness of the Security Operations Center; establishing the Cybersecurity Talent Pipeline Program; revising the purpose of the Office; authorizing the board of trustees of a school district to use the services and equipment of the Office; making various other changes relating to the cybersecurity of governmental entities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 433—AN ACT relating to peace officers; creating the Blue Ribbon Task Force on Peace Officer Wellness; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Cosman.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Eduardo Velazquez Ramirez.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ivonne Lopez, Jarrett Clark, and Jose Fernando Sanchez Jasso.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Tierney, Kristine Assing, and Tracy Mendibles.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Richlin and Sabrina Jaynes.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, March 17, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 17, 2025

Assembly called to order at 5:51 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Gallant and Jackson, who were excused.

Prayer by Mr. George Whalen.

May we take a moment from our very busy day to be one with Divinity, who resides in each one of us. Let us be still and celebrate this precious moment of peace and quiet with the One who truly loves and cares for you—your Creator, who calls you by name.

Creator God, You have called us to be here in this 83rd Session to carry out Your divine command, "thy kingdom come, . . . on earth as it is in heaven." The call to bring peace and equity for all here in Nevada as it is in heaven.

Your call is a demanding challenge, and we cannot do this unless You walk with us. We thank You for this calling to public ministry and most sacred call to lift others up in Your name.

Heavenly Creator, thank You for the gift and generosity of all our dedicated Assembly members, administrative staff, dear families and loved ones who sacrifice much for the greater good of all Nevadans. Watch over them as they navigate the daily demands before them. May Your spirit strengthen and guide them with Your wisdom. Let them be a beacon of light and a reflection of Your presence. May their light today brighten tomorrow for all Nevadans.

As always, we humbly ask this in Your name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 96.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 17, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 225, 247, 338, 340, 349, 363, and 403.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Senator Cannizzaro
For: BDR No. S-681
Revises provisions relating to higher education.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: March 16, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

By the Committee on Legislative Operations and Elections:

Assembly Joint Resolution No. 13—Urging the Federal Government to maintain the moratorium on the testing of explosive nuclear weapons.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Anderson:

Assembly Bill No. 434—AN ACT relating to employment practices; prohibiting an employer, with certain exceptions, from taking certain adverse employment actions against an employee who declines to attend certain meetings or participate in certain communications where the purpose of the meeting or communication is to communicate the opinion of the employer regarding religious matters or political matters; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 435—AN ACT relating to education; creating the State Public Charter School Facility Fund; authorizing the Executive Director of the State Public Charter School Authority to request the issuance of bonds by the State Board of Finance for certain purposes; authorizing a school district to impose a property tax, the proceeds and interest of which must be remitted for credit to the Fund; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Gray, O'Neill, Gurr, Dickman, DeLong, Edgeworth, Gallant, Hafen, Hansen, Hibbetts, Koenig, and Yurek:

Assembly Bill No. 436—AN ACT relating to firearms; removing and revising certain exemptions of The Background Check Act; revising provisions relating to the forms prescribed for a permit to carry a concealed firearm and for the renewal of such a permit; revising provisions relating to courses in firearm safety that are required to be completed to obtain a permit to carry a concealed firearm; revising provisions governing the renewal of a permit to carry a concealed firearm; authorizing a retired law enforcement officer who is not a resident of this State to apply to any sheriff for certification to become a qualified retired law enforcement officer; prohibiting the Central Repository for Nevada Records of Criminal History from charging a fee for a background check under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Dickman, Gray, Gurr, DeLong, and Gallant:

Assembly Bill No. 437—AN ACT relating to property insurance; creating the Fair Access to Insurance Requirements Plan Association; requiring the membership of certain authorized insurers in the Association; creating the Board of Directors of the Association and prescribing the duties of the Board; requiring the Board to establish the Fair Access to Insurance Requirements (FAIR) Plan; establishing the requirements of the FAIR Plan; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Dickman, Gallant, Gray, Gurr, and O'Neill:

Assembly Bill No. 438—AN ACT relating to health care; transferring regulation of nonemergency medical transportation from the Nevada Transportation Authority to certain health authorities; exempting certain operators of a vehicle for nonemergency medical transportation from the requirement to be permitted; requiring the driver of a vehicle for nonemergency medical transportation to report the abuse, neglect, isolation, abandonment or commercial sexual exploitation of certain persons; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Cole:

Assembly Bill No. 439—AN ACT relating to unmanned aerial vehicles; revising provisions concerning the purchase or acquisition of certain

unmanned aerial vehicles or other related equipment or services under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Yurek:

Assembly Bill No. 440—AN ACT relating to industrial insurance; revising provisions relating to the testing of certain employees for tuberculosis, hepatitis and other contagious diseases for the purpose of compensation under industrial insurance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Monroe-Moreno:

Assembly Bill No. 441—AN ACT relating to taxation; requiring a scholarship organization to use a donation for which a tax credit was received under the Nevada Educational Choice Scholarship Program within a certain time after the application for the tax credit was approved; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Watts, Nguyen, Mosca, Brown-May, D'Silva, Gallant, O'Neill, and Roth; Senators Nguyen, Flores, and Stone:

Assembly Bill No. 442—AN ACT relating to state financial administration; declaring the policy of this State to make payments to private nonprofit corporations under a grant agreement within a certain period of time; with certain exceptions, imposing interest on amounts due under a written grant agreement which are not timely paid after receipt of a proper invoice; requiring state entities that make grants to take certain actions upon the receipt of an invoice; authorizing the use of media other than original paper documents to expedite grant payments; revising provisions relating to advance payments of grants to private nonprofit corporations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 443—AN ACT relating to real property; prohibiting the governing body of a county or city from enacting an ordinance or measure imposing rent control; eliminating the power of such a governing body to regulate planning and zoning as a matter of local concern; requiring such a

governing body to allow certain types of housing in any residential area; requiring, under certain circumstances, the governing body of each county or city to authorize the owner of a single-family residential property to add an accessory dwelling unit; requiring, under certain circumstances, the governing body of each county or city to establish an expedited process for the by-right development of residential housing; prohibiting such a governing body from imposing certain restrictions on the zoning or development of housing; revising provisions relating to factory-built housing and tiny houses; requiring the Administrator of the Housing Division of the Department of Business and Industry to create a housing task force; making various other changes relating to planning and zoning; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Hafen:

Assembly Bill No. 444—AN ACT relating to governmental administration; revising provisions relating to the adoption of regulations by certain agencies of the Executive Department of the State Government; revising provisions relating to the adoption by a governing body of a local government of certain ordinances or the taking of certain actions relating to fees paid by businesses; authorizing certain legal actions to be taken for certain violations relating to the adoption of such ordinances or taking of such actions by a governing body of a local government; revising provisions relating to impact fees; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymember Monroe-Moreno:

Assembly Bill No. 445—AN ACT relating to libraries; requiring the Department of Education and the State Library, Archives and Public Records Administrator to develop a model policy on the access of certain persons to library materials; providing required components of such a policy; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each public library to adopt the model policy or develop a policy that is not less protective of the rights of certain persons to access library materials and includes certain provisions; providing that library staff are immune from criminal or civil liability for certain acts; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Carter:

Assembly Bill No. 446—AN ACT relating to transportation; prohibiting trains of a certain length from being run on certain railroads; prohibiting a railroad from placing a stationary rail car or train within a certain distance of a railroad grade crossing; requiring certain railroads to install certain safety equipment; requiring certain railroad companies to take or refrain from taking certain actions relating to railroad safety; establishing requirements for lighting equipment installed in certain railroad yards; requiring certain reports; providing for the monitoring and inspection of railroads by certain union representatives; prescribing certain requirements relating to the transportation of railroad employees by railroad contract carriers; limiting the hours drivers employed by railroad contract carriers may work; providing for the maintenance and inspection of certain records; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymembers Hardy and Nguyen:

Assembly Bill No. 447—AN ACT relating to taxation; revising provisions governing partial abatements of property taxes levied on certain residential rental dwellings; providing for a partial abatement of the property taxes levied on certain residential dwellings if the owner of the dwelling does not impose certain fees or restrictions on companion animals; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Koenig:

Assembly Bill No. 448—AN ACT relating to health care; establishing various requirements relating to vision benefit managers and providers of vision care; revising provisions relating to certain contracts between an insurer and a provider of vision care; prohibiting certain conduct of a vision benefit manager or provider of vision care which would constitute an unfair or deceptive trade practice in the business of insurance; authorizing a provider of vision care to bring a civil action against a vision benefit manager under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Gurr:

Assembly Bill No. 449—AN ACT relating to public utilities; revising provisions governing certain procedures or methodologies for changing rates or charges for certain public utilities; revising provisions authorizing certain

public utilities to submit letters of advice for certain proposed changes in schedules of rates or services in lieu of filing an application with the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Marzola:

Assembly Bill No. 450—AN ACT relating to professions; revising requirements to obtain a license as a marriage and family therapist or clinical professional counselor by endorsement; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Jauregui and O'Neill:

Assembly Bill No. 451—AN ACT relating to firearms; establishing provisions for voluntarily placing temporary restrictions on the possession, custody, control, purchase or acquisition of firearms; revising provisions relating to permits to carry a concealed firearm for persons with temporary restrictions on firearms; providing that forms and records relating to temporary restrictions on firearms are confidential; requiring the Department of Public Safety to adopt regulations relating to temporary restrictions on firearms; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Brown-May:

Assembly Bill No. 452—AN ACT relating to public utilities; requiring certain electric utilities to include a cost-sharing adjustment mechanism in certain plans the utility is required to submit to the Public Utilities Commission of Nevada; establishing certain requirements for a cost-sharing adjustment mechanism; revising provisions governing certain quarterly and annual adjustments to a required general rate application; revising provisions governing the review of certain plans by the Commission; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Anderson:

Assembly Bill No. 453—AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of a tax on certain

digital products electronically transferred to a purchaser; decreasing the Nevada gross revenue threshold at which certain business entities engaged in business in this State are required to pay the commerce tax; eliminating an exemption from the tax on live entertainment for athletic events conducted by certain professional sports teams; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Nadeem:

Assembly Bill No. 454—AN ACT relating to education; providing for the development, review and updating of athletic emergency action plans for use by public and private high schools in responding to serious or life-threatening injuries sustained by pupils participating in certain school athletic activities; establishing requirements for certain training and certification for coaches, managers and other persons associated with such school athletic activities; establishing requirements for maintaining an automated external defibrillator at each public or private high school in this State for use during the school day or during certain school athletic activities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymembers Hansen, Gray, and Gurr:

Assembly Bill No. 455—AN ACT relating to taxation; providing that flags and certain related personal property are exempt from property taxes; increasing the property tax exemption for certain veterans and their surviving spouses by the amount of the assessed valuation of any flagpole that is a fixture or improvement to any real property in which the veteran or surviving spouse has an interest; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Moore and Considine:

Assembly Bill No. 456—AN ACT relating to public utilities; requiring public utilities to make notices to customers available in certain languages; requiring the Public Utilities Commission of Nevada to adopt certain regulations relating to communications between public utilities and customers; prohibiting a public utility from disclosing information concerning customers under certain circumstances; revising provisions governing the circumstances under which a public utility is prohibited from terminating gas, water or electric service; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Considine:

Assembly Bill No. 457—AN ACT relating to taxation; requiring certain business entities to be treated as a combined taxpayer group for the purposes of the commerce tax; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 458—AN ACT relating to energy; authorizing the users of a solar-powered affordable housing system to participate in net metering; exempting the owner or operator of a solar-powered affordable housing system from certain provisions of law; establishing requirements for a tariff or contract relating to a solar-powered affordable housing system; revising provisions governing the administration of net metering; revising provisions relating to an expanded solar access program which certain electric utilities are required to offer; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember Watts:

Assembly Bill No. 459—AN ACT relating to transportation; requiring transportation network companies to establish certain policies and procedures; establishing certain requirements relating to the suspension or deactivation of drivers and monitored autonomous vehicle providers; requiring transportation network companies to make certain disclosures; prohibiting a transportation network company from retaliating against drivers and monitored autonomous vehicle providers in certain circumstances; requiring the Nevada Transportation Authority to certify a driver support organization; establishing certain duties of the Authority, transportation network companies and the certified driver support organization; providing for certain assessments on transportation network companies; providing for civil causes of action and administrative fines against transportation network companies; imposing an additional excise tax on the connection of a passenger with a driver or fully autonomous vehicle; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By Assemblymember González and Senator Doñate:

Assembly Bill No. 460—AN ACT relating to child welfare; establishing a form by which a parent or guardian may request to nominate a guardian of a minor; authorizing the filing of such a form in the Nevada Lockbox; creating a presumption that temporary guardianship is in the best interest of a minor in certain circumstances; authorizing certain additional persons to receive supportive assistance through the program to provide such assistance to certain relatives who provide care for and obtain legal guardianship of a child; making an appropriation to a program to support pupils affected by trauma; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymembers Orentlicher and Backus:

Assembly Bill No. 461—AN ACT relating to powers of attorney; enacting the provisions of the Uniform Health-Care Decisions Act that have not been enacted into law in this State; revising various provisions relating to powers of attorney for health care to conform with the Uniform Act; requiring the Department of Health and Human Services, acting through the Aging and Disability Services Division of the Department, to conduct a program to educate and inform residents of this State concerning planning for long-term care; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 462—AN ACT relating to economic development; authorizing the creation of an industrial park in a contiguous area that meets certain requirements; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an inland port or industrial park; requiring a school district which offers certain career pathways programs to offer career exploration opportunities at certain middle and junior high schools; requiring the designation of a full-time staff member to coordinate career pathways programs at each high school which offers such programs; creating the Career Pathways Oversight Committee; requiring the appointment of a Career Pathways Oversight Coordinator; creating the State Seal of Teacher Training; revising provisions governing the Teacher Academy College Pathway Program; requiring the Board of Regents of the University of Nevada to grant a waiver of certain mandatory fees; revising provisions governing the program for reimbursement of tuition and fees paid by teachers who completed the Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymember Backus:

Assembly Bill No. 463—AN ACT relating to insurance; imposing requirements governing prior authorization for medical or dental care; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services; prohibiting an insurer from requiring prior authorization for certain other medical care; requiring an insurer to publish certain information on the Internet website of the insurer; requiring an insurer and the Commissioner of Insurance to compile and submit certain reports; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 464—AN ACT relating to education; imposing requirements governing the standards of content and performance for certain courses; prohibiting the board of trustees of a school district or the governing body of a charter school from suspending or terminating certain employees based on certain characteristics or activities; prohibiting certain actions against such employees based on certain characteristics and activities or the performance of certain duties; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Miller:

Assembly Bill No. 465—AN ACT relating to education; providing that a school district or institution within the Nevada System of Higher Education is civilly liable for the actions of certain persons that constitute harassment; setting forth requirements governing when an entity receives notice of such actions; creating affirmative defenses for such actions; prohibiting certain actions by a school district and authorizing the Board of Regents of the University of Nevada to prohibit certain actions by an institution within the System relating to harassment; providing requirements for certain persons designated to receive certain complaints and coordinate compliance with certain federal laws; revising provisions governing a climate survey on power-based violence; defining certain terms relating to incidents of harassment; revising certain terms; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Kasama:

Assembly Bill No. 466—AN ACT relating to insurance; revising certain notice requirements imposed on an insurer who issues a policy of portable electronics insurance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Roth and Yeager and Senator Nguyen:

Assembly Bill No. 467—AN ACT relating to mental health; authorizing a court to order involuntary court-ordered admission of a defendant to a mental health facility in certain circumstances; authorizing certain entities to request the records of such a defendant; authorizing the creation of a facility for the treatment of incompetent defendants within certain county jails or detention facilities; requiring the Division of Child and Family Services of the Department of Health and Human Services to immediately accept placement of a child in a division facility when a juvenile court orders such acceptance of the child; exempting certain providers of health care from compliance with an advance directive for psychiatric care under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 468—AN ACT relating to education; authorizing a private school that provides certain health care services to a child placed in the school under certain circumstances to request reimbursement from the school district or charter school in which the child was enrolled; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Gallant:

Assembly Bill No. 469—AN ACT relating to labor; revising provisions relating to certain administrators employed by an association of self-insured employers; revising provisions relating to subsequent injury accounts; revising provisions relating to physicians or chiropractic physicians who treat industrial injuries and occupational diseases; revising provisions relating to independent medical examinations; revising provisions relating to compensation under industrial insurance; revising procedures for the reimbursement of certain

insurers; establishing, revising and eliminating various other provisions relating to industrial insurance; eliminating provisions relating to the expiration and renewal of certain completion cards for certain training required for certain workers; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Kasama:

Assembly Bill No. 470—AN ACT relating to insurance; imposing requirements governing prior authorization for medical or dental care; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services; requiring an insurer to publish certain information relating to requests for prior authorization on the Internet; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Hibbetts:

Assembly Bill No. 471—AN ACT relating to taxation; revising provisions governing the taxation of remote sales of cigars and pipe tobacco; revising provisions governing the licensing of remote retail sellers of cigars and pipe tobacco; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Education:

Assembly Bill No. 472—AN ACT relating to education; prohibiting a school district from contracting or partnering with persons or entities who charge more than a certain amount of fees and costs related to the employment of certain visa holders; requiring the Department of Education to establish a grant program whereby the board of trustees of a school district is authorized to apply for a grant of money to defray the costs of sponsoring certain applicants for an H-1B visa or permanent resident card; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 96.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

REMARKS FROM THE FLOOR

Assemblymember O'Neill requested that the following proclamation be entered in the Journal.

PROCLAMATION

WHEREAS, The American Revolutionary War, which began with the events of Lexington and Concord in April 1775, inspired people around the world seeking liberty, including those in Ireland; and

WHEREAS, Just a month later, Maurice O'Brien of Cork, Ireland, and his sons became pioneers in the struggle for American independence by leading the capture of the British ship HMS *Margaretta* off the coast of what is now Maine in June 1775—a crucial early victory in the American Revolution; and

WHEREAS, The Battle of Bunker Hill in June 1775 marked a pivotal moment in the American War of Independence, with many Irish-born soldiers and Irish Americans playing a vital role, including Major Andrew McClary, who gave his life in service to the cause of American independence, and Colonel John Stark, an Irish American hero of the day; and

WHEREAS, Irish figures such as Captain Ebenezer Sullivan, and his brothers James and John Sullivan, contributed significantly to the war effort, with John Sullivan's leadership instrumental in successfully forcing the evacuation of British troops from Boston on St. Patrick's Day, 1776; and

WHEREAS, Commodore John Barry, born in County Wexford, Ireland, later became known as the Father of the American Navy, commanding the USS *Lexington* in 1775, the first ship commissioned by the Continental Congress; and

WHEREAS, The sacrifices of the Irish people in the revolutionary effort laid a foundation for future cooperation between the United States and Ireland—and may have helped to inspire Ireland's own movement for independence later on; and

WHEREAS, Recognizing the profound contributions of the Irish in securing American freedom, the United States continues to honor the enduring impact of these heroes, many of whom are still remembered as symbols of dedication and resilience to liberty; and

WHEREAS, The shared history between Ireland and the United States stands as a testament to the long-lasting partnership between our nations in the pursuit of freedom and justice; now, therefore, be it

PROCLAIMED, That Nevadans are encouraged to honor the key and vital role that Irish men and women played in the American War of Independence and to recognize the Irish people's legacy in shaping the course of American history, while reaffirming the commitment to the partnership between Ireland and the United States that is grounded in shared values of liberty and peace.

DATED this 17th day of March, 2025.

Steve Yeager
Speaker
Nevada State Assembly

Philip "P.K." O'Neill
Nevada State Assemblymember

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Alcatraz.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Aika Dietz, Royce Pereira, and Tavis Sartin.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Duaa Nadeem, Mohammed Nadeem, and Nadeem Tariq.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Ginsburg, Kacee Johnson, and Will Ewell.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Abbygail Luna and Dejon Nash.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Celeen Vasquez, Vivian Hanchett, and Vivionna Banks.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to George Wynter and Tristan Braun.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Clarissa Saenz, Lexey Irelan, Maleena Messer, and Payton Minyard.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kylee Magrogan and Piper Murnane.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Gomez Valtierra, Heaven Steward, and Trinity Ross.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Morales and Oscar Sagastone.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Alexia Parra, Erika Watanabe, and Kierra Broaden.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Chacon Rocco and Gabby Goodin.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Palacios, Mia Moreal, and Paula Mijanos.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Penny Banks, Quinlan Magrogan, and Rokai Yusufzai.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Alexandria Silva, Fiori Maiello, and Emily Kojima.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Glenda Perez, Lakeisha Gil, and Senia Garcia.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Janina Baldovino, Jenny Hsuin, and Noor Nadeem.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Gavin Ide and Vida Lin.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Alexia Parra, Alexis Arellano, Allyson Smith, Aquilina Cruz, Ariel Madrid, Ariel Parra, Betzy Aguilar, Brandon Guardado Bazan, Brenda Dominguez, Deanna Brookins, Emily Guiterrez, Evelyn Barron-Ortiz, Frilis Cortez, Glenda Perez, Heaven Steward, Jocelyn Lugardo, Kiara Tarango, Kierra Broaden, Kyle Anderson, Lakeisha Gil, Lluvia Crawford, Luis Velez, Manuel Diaz, Miriham Perez, Oscar Sagastume, Paola Delgado, Pharoah Washington, Precious Ross, Rachel Anderson, Samantha Grande, Samuel Pascual Oliva, Senia Garcia, Sierra Bergquist, Susana Alvarado, Timell Pearce, Xitlali Quirarte, Yohanna Raigoza, and Yorkis Hernandez.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Maya Creelman and Michaela Hansen.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Galaxina Galago Tago.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Kiera Tarango, Leslie Pena, Paola Delgado, and TJ Yurek.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, March 18, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:14 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 18, 2025

Assembly called to order at 11:39 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Pastor Ken Haskins.

Our heavenly Father, You are light and in You there is no darkness. You are the source of truth and knowledge, understanding, and wisdom. Shine Your light upon these servants of Yours. Enable them to make good and wise decisions for the benefit of all those who call Carson City and the great state of Nevada home. I pray in Jesus' name.

AMEN.

Pledge of Allegiance to the Flag led by Alex Perkins.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 163, 230, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 18, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 290, 297, 352, 398, and 460.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 473—AN ACT making an appropriation to the Records, Communications and Compliance Division of the Department of Public Safety for carrying out a forensic DNA testing program; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 4:54 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Watts and Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Catherine Cortez Masto.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 4:58 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Buck, Ellison, and Neal, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymember Gallant, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Pazina and Assemblymember Jauregui to wait upon United States Senator Catherine Cortez Masto and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Catherine Cortez Masto, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted Senator Cortez Masto to the rostrum.

The Speaker of the Assembly welcomed Senator Cortez Masto and invited her to deliver her message.

Senator Cortez Masto delivered her speech as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Thank you to Governor Lombardo, Lieutenant Governor Anthony, Attorney General Ford, Leader Cannizzaro, Speaker Yeager, our distinguished Supreme Court Justices, and all members of the Senate and Assembly.

I want to begin by thanking you for your work on behalf of Nevadans and your partnership as we collaborate on the federal, state, and local levels. The most important thing we can do to support Nevadans is work together to deliver for our families and businesses. Democrat, Republican, urban, rural—when we are here, our collective focus is how we can make Nevadans' lives better. It is imperative that as we hear from the people of Nevada, we continue to exchange information and ensure we are meeting their needs.

I love this state. I love our people. One of my favorite things to do is travel around our state and just talk to Nevadans. I will tell you, in my conversations with the people of this state, one of the top concerns I am hearing about, over and over again, is the need to lower costs; groceries, utilities, housing, and health care. You all know this. You are doing your part to lower those costs.

I also know that health care is a major priority for the Nevada Legislature. I know I am not the first to address this before this body, but with all the uncertainty surrounding costs with this administration, that is what I want to focus on today.

First, I want to talk about where we are with the continuing resolution [Full-Year Continuing Appropriations and Extensions Act, 2025] that just passed a few days ago. The reality is that it was an extremely difficult vote between two bad options. However, shutting down the government and forcing tens of thousands of Nevadans to work without pay, with no clear end in sight, would be devastating for Nevada.

At the end of the day, my first priority is to Nevadans, and I could not let the people of this state get caught in the middle of the turmoil in Washington. That is why I chose to keep the government open. Now, we can continue the fight for critical federal support for health care in Nevada.

Here are the facts. Congressional Republicans' number one goal for this year is to pass a $4.5 trillion bill that would extend tax cuts that mostly benefit billionaires. This would add $2 trillion to our national debt, and they are looking for $2 trillion in pay-fors. A good bulk of it—$880 billion—targets Medicaid funding.

Nevadans are being told that these cuts are going to come from cracking down on waste, fraud, and abuse in Medicaid. It would be great if that were true. I am all for getting rid of waste, fraud, and abuse within government programs, but the simple truth is this; we are not going to find $880 billion in pay-fors by only cutting waste, fraud, and abuse in Medicaid. To shrink this essential program down by nearly a trillion dollars, Medicaid would have to be gutted. There is no other way around it.

That is not just a talking point—the nonpartisan Congressional Budget Office analysis confirmed that Republicans would have to make the largest cuts in Medicaid history to meet their budget's $880 billion target. We all know federal Medicaid cuts will hit Nevada hard. Medicaid is the largest part of our state budget.

Federal cuts are going to lead to this body being forced to either increase taxes or cut health care spending to make up for that loss. Governor Lombardo has said in the past that he is not going to raise taxes. So, that leaves cuts in health care spending for the Legislature. That is not going to work for Nevadans. Medicaid supports every facet of our health care system in Nevada.

Let us start with mental health care. Our behavioral health infrastructure in Nevada relies on Medicaid payment—for care for both children and adults. We need to be investing more in mental health, not less. But Medicaid cuts would decimate our behavioral health services, and it would diminish our state's ability to comply with the recent agreement made with DOJ [United States Department of Justice] to improve services for children with behavioral health needs.

We cannot talk about the harm of Medicaid cuts without talking about the Affordable Care Act's [ACA] Medicaid expansion. I want to put that into perspective. Before the ACA, if you were an adult with no dependents, even if you were low-income, you had no access to Medicaid. Unless your employer provided health insurance, you had limited access to affordable health care. That changed thanks to the Affordable Care Act.

Since Nevada expanded Medicaid in 2014, the rate of uninsured Nevadans has dropped from 22% in 2012 to under 11% in 2023. Nevadans who had chronic illnesses that kept them out of a stable job are now able to join the workforce and contribute to our economy. If this administration does away with Medicaid expansion, it would devastate our workforce, our small businesses, and our economy.

That is just the tip of the iceberg. One of the areas where Medicaid cuts would hit the hardest is in rural Nevada, which, as we all know, is already underserved in terms of health care. I do not have to tell you that quality health care is hard to access in rural Nevada. Wherever a provider is located, whether it is 30 minutes away or 4 hours, that is where you have to go to be seen by a doctor.

Some of those providers work at Community Health Centers. These clinics rely on Medicaid to provide affordable, quality health care to underserved communities and vulnerable populations. Without Medicaid dollars, some of these Community Health Centers will be forced to close. The reality is, we do not have enough providers in our Medicaid program.

I know expanding our number of health care providers is a big priority for the Nevada Legislature. It was emphasized in Governor Lombardo's budget proposal for 2025-2027. It is a priority for me, too. I am leading legislation in the United States Senate to support Graduate Medical Education [GME] programs that help more health care providers train and stay in Nevada. Right now, we are using critical funding from Medicaid to strengthen our state's health care infrastructure.

If Medicaid is cut, the State of Nevada will have to make some difficult decisions about how we continue to support our providers. One of the proposals we are seeing in Washington for cutting Medicaid includes either lowering the hospital provider tax or eliminating it altogether. I think everyone in this room knows that hospital provider tax revenue is vital to financing our state's share of Medicaid. Lowering funding through hospital provider taxes would jeopardize access to behavioral health services and wreak havoc on our health care economy.

It is a zero-sum game: if Medicaid expansion is rolled back or hospital provider taxes are eliminated, Medicaid funds are cut. Then, payment rates for health care providers are cut, benefits are reduced, and facilities that treat the most vulnerable Nevadans close. Nevadans do not want this. It would not just affect Nevadans with Medicaid and their families. Earlier this month, I spoke with some of our firefighters who are trained as advanced Emergency Medical Technicians [EMTs] in Northern Nevada. Aside from being concerned about cuts to their own programs because of Elon Musk and DOGE [Department of Government Oversight], they are concerned about cuts to Medicaid. If Nevadans on Medicaid can no longer afford to go to the doctor or to the hospital when they get sick, they are going to be more reliant on emergency care. That means more 9-1-1 calls, more paramedics and EMTs being spread too thin, and more beds filling up in our emergency rooms. It does not make sense, and it does not work for our state. Everything I have just talked about has only been under the umbrella of Medicaid. I want to be clear that funding for other health care programs is being threatened in D.C. as well.

We have two incredible medical schools in Nevada at UNR [University of Nevada, Reno] and at UNLV [University of Nevada, Las Vegas]. Both universities are top schools for medical research in the country and both receive essential funding from the National Institutes of Health [NIH] to support their research. Now, we are seeing NIH funding being frozen or cut, and UNR and UNLV are at risk of losing millions of dollars that have been going toward innovations in cancer research, cardiovascular science, and more.

We have to be paying attention because what happens in Washington is going to have a direct impact on Nevadans here at home and our health care system. I will always work with any administration on policy that is good for our families. I will work with them to identify real fraud and abuse where it exists, but I will not agree to dismantling critical federal programs to pay for tax cuts for the wealthiest Americans. It is not going to trickle down to hardworking Nevadans. We know it, and Nevadans know it. That is why it is so critical that we keep working together at the local, state, and federal levels to ensure we are getting Nevadans the resources they need.

Now is the time for all of us to come together in a bipartisan way and show Nevadans that they can trust their elected leaders to stand up for them. As we work with each other, we must also communicate with our constituents. We have a responsibility to represent Nevadans, and that means keeping them informed about the ways their lives are changing under this administration.

When I got to Washington, I promised I would always put Nevada first and I would never forget why I was there—to fight for Nevadans. I know so many of you feel that same way, and we must continue to fulfill our oaths to this state and work together to deliver for the people of Nevada.

I have faith in you, and I have faith that together we can make that happen. Thank you for the opportunity to talk with you tonight, and I thank you every day for what you're doing on behalf of the people of this great state. God bless you, and God Bless America.

Assemblymember Marzola moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Cortez Masto for her timely, able, and constructive message.

Seconded by Senator Scheible.

Motion carried.

The Committee on Escort escorted Senator Cortez Masto to the bar of the Assembly.

Senator Taylor moved that the Joint Session be dissolved.

Seconded by Assemblymember González.

Motion carried.

Joint Session dissolved at 5:20 p.m.

ASSEMBLY IN SESSION

At 5:21 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Ramsey, Melinda Spitek, and Patricia Cuocco.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Jacquelyn Franco and Penelope Franco.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Wissman, Cecilia Guilalas, and Dennis McGee.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Kiyoshi Nishikawa, Ladana Spellman, and Lynn Little.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Kathie Hull, Leon Borden, and Mark Lee.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanna Marie Haugen and Julius Mannix.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Ann Jackson, Katherine DiGiacomo, and Marisa Sanchez.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Shealy, Dana Martin, and Georgina Zwick.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Dale White, Elaine Steiner, and Mike Richards.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Evangelista, Karen England, Melissa Clement, and Perralina Palm.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Errol Aiken, Levin Aiken, and Mairi Nunag.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Brown, Darren Walton, and Markitta Paulson.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Quitt and Quan Pemberton.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Ma Donate Radaza, Miguel Oland Manio, and Trevor West.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Dawson Deal and Liesel Kemmelmeier.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Coon, Will Dawson, and J.J. Goichochea.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Chavez, Dyril Bernius, Garrett Tamagni, and Sia LiiLii.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Price and James Frazee.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Fuller, Estella Trotter, and Owen Fass.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Ronny Hoffman, Shelly Smith, and Tyler Sutton.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Arturo Sanchez, Linda Weathers, Michael Pichotta, and Sandra Kupfer.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Felix Ramirez Jr, Jasmine Gladney, and Sherri Rodriguez.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Chalese Holland and Roderick Lamonte Russell.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Ocasio McAndrew, Dominic Lowhar, and Mairin O'Steen.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Griego, Kira Kramer, and Robert Hollowood.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Dawna Warr and Ken Brown.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Gookin, Ayaan Gupta, Bryan Grant, Christian Mollath, Clark Hamilton, Daniel Fuguay, Elon Zheng, Emmie Andresen, Gabrielle Fenton, Harper Poelma, James Wadhams, Mason Hafer, Maya Andresen, Mia Ohlweiler, Ramsey McCurley, Ruth Ballowe, Vatche Mock, and William Lancaster.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Anunson, Jennifer Brunson, and Tam Lester.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Jensen, Justine Byers, and Sylvia Soto.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Nighswonger and Robyn Conner.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Amiko Nkewthat, Andrea Masnata, Jason Flener, Matthew Royer, and Olivia Tanager.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Persaud Zamora, Rudy Zamora, and William Alexander Zamora.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Velez-Noble and Gretchen Schell-Broderick.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Joye and Christina Hollowood.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Frey, Andrea Quiles, Autumn Thomas, David Ruf, Faith Oranebo, Gloria Deyhle, Grace Dunkin, Grayling Thomas, JaiLeigh Woods, Jerred Delatorre, John Dunkin, Kian Green, Liam Buller, Lili Henning, Lincoln Allen, Lula Lewellen, Lynne Ballatore, Madeleine LeValley, Madison Evans, Maverick Martinez, Nate Nuckolls, Nate Oranebo, Orianna Hubbard, Sara Allen, Sonora McInturff, Sophie Mikulak, Tabitha McCorkle, and Vincent Lewellen.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Daryl Doubet, Jill Stackel, and Stephenia Courtney.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Mally, Duane Coombs and Heather Lackey.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Percy, Elliott Nilsson, and Jalyssa Locsin Angapak.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Colby Frey, Karen Coe, and Kim Urso.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Perkins and Cyvyn Perry.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Wisnieski and Tana Wisnieski.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, March 19, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:21 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 19, 2025

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Mr. David Ponczoch.

Our dear Father in heaven, we come to Thee at the start of this Assembly session and express our gratitude for the freedoms and opportunities that we enjoy in this beautiful country. We are thankful to have these elected officials and their staff that work so hard for the good of the citizens of Nevada. As we prepare for the Easter season, we give thanks for the life and ministry of Jesus. We are so grateful for His message of love and hope.

We pray this morning for a blessing that those that participate in this session will be blessed with wisdom and guidance to do their best for the people of Nevada. We pray for the families of those officials and staff here today. We recognize many are away from their families during these legislative sessions and pray that their families will be watched over and protected.

In a world that is often polarized and divisive, we pray for unity, kindness, compassion, and peace.

We say these things in the name of Thy Son Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 39, 236, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 19, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 473.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 386, 409, and 451.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Wednesday, March 19, 2025, be

accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

UNIVERSITY OF NEVADA LAS VEGAS-UNIVERSITY MARKETING AND BRANDING: Becca Schwartz.

Motion carried.

Assemblymember Jauregui moved that the Assembly withdraw Assembly Joint Resolution No. 13 from the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolution No. 13 be rereferred to the Committee on Growth and Infrastructure.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT relating to public welfare; requiring, to the extent that money is available, the Division of Welfare and Supportive Services of the Department of Health and Human Services to establish and carry out a program to supplement the supply of food available to recipients of benefits of certain federal programs; creating the Surplus Food Assistance Account in the State General Fund; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT making appropriations to Clark County and the City of Reno for eviction diversion programs; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT making an appropriation to the Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the University of Nevada, Las Vegas, for the purpose of providing pro bono legal services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 477—AN ACT relating to incarcerated persons; requiring the Director of the Department of Corrections to collect and maintain an electronic record for certain incarcerated persons with certain information and furnish the State Demographer with certain information relating to incarcerated persons; revising requirements governing the manner of revising certain population counts to count inmates; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 478—AN ACT relating to construction; revising provisions relating to the times during which residential construction work may start in certain counties and cities; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 479—AN ACT relating to taxation of property; revising provisions relating to the taxation of the agricultural use of real property to include agrivoltaic purposes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By Assemblymembers Yeager, Monroe-Moreno, Jauregui, Considine, Brown-May, and Marzola; Senators Cannizzaro, Dondero Loop, and Nguyen:

Assembly Bill No. 480—AN ACT relating to housing; revising provisions relating to discrimination in housing; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 163.

Bill read second time and ordered to third reading.

Assembly Bill No. 174.

Bill read second time and ordered to third reading.

Assembly Bill No. 230.
Bill read second time and ordered to third reading.

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

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 163, 174, 230, and 258 be rereferred to the Committee on Ways and Means.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Colleen Westlake, McKenzie Mendoza, Michael Brazier, Pamela Baker, and Sean Farnan.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan May, Jordan Sommaggio, and Kimberly Pickens.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Wozniak, Kimberly Small, and Nina Gallagher.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Ceja, Amir Wren, and Humza Moten.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Franklin, Dena Wiggins, and George Cordoso.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Valerie Peterson, Janell Addis, and John Etzell.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Lela Diaz, Reece D'Silva, and Yolanda Morales.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Williams, Margot Easley, and Nicole Hardeman-Swindle.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Christi Cakiroglu, Marsha Cuddy-Brasel, and Meg Shea.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Berry and Mari Hutchinson.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Eugenia Weiss, Fred Wagar, and Robert Neidert.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Chai Glenn-Cook, Gil Hernandez, and Liam Cogan.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Marie Holley, Christopher Coday, and Marsy Kupfersmith.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Johnny Dominguez, Maricela Gutierrez-Rodriguez, and Rick Neal.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Cortney Arrington, Gordan Prouty, and Kessa Lee.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Devinee Rich, Keaton Murphy, and Zane Cantania.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Aliyha Bach, Andre Ponder, and Dayana Ibarra.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Ky'Derick Erler, Leslee McCullough, and Markus Marshall.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Johns, Kristine Caliger, and Mark Cameron.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jim McNamara and Michael Markovich.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Lejarza, Wyatt J. Hutchings, and Zoe Ochoa Javylet Amezola.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Thammavong, Isabella Stantos, and Ivan Perez.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Penick, Rafael Perez, and Steve Brittain.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Woda, Gregory Hillman, and Lori Owen.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Aldrich Martinez and Joshua Martinez.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Amelia Gulling, Bridget Posson, and Rachel Flanigan.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Vogt, Genevieve Frederick, and Krystal Copenhaver.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Pang, Carissa Pearce, and Kim Young.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Liz Romero, Terri Chandler, and Wynde Grey.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Tolentino-Rodriguez and Evelyn Salviano Sandoval.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Karissa Murdoch, Ricardo Ayala, and Teagan Clark.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Iline Delgado, Melina Lataza, and Miguel Angel Franco.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Urias, JanCarlos Argueta, and Urit Serna.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Guererro, Joselinn Hernandez, and Leilany Del La Rosa.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kristlynn Allison, Piper Colburn, and Wyatt Newburn.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Brown, Colleen Chapman, and Marva DuPree-Burr.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Angeline Lazaro, Elizabeth Hines, and Jade Gervacio.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Bryant, Jenny Anbgius, Nichole Schembre, and Trevor Macaluso.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Pascual, Jazlyn Olivia, and Yitzhary Olivia.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Salgado, Deyli Simon Garcia, and Raja Rahman.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Root, Leo Garcia, and LouAnn Seve-King.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Damian Williamson and Roxny Mejia.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, March 20, 2025, at 11:30 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 20, 2025

Assembly called to order at 11:38 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Pastor Paul Larson.

Living One, we give You thanks for this day and the privilege of serving our communities. As we gather to deliberate legislation, grant us wisdom and humility. Remind us of who our neighbors are and guide us to seek the common good, bridge divides, and resist the forces that sow discord. Fill this chamber with the spirit of cooperation and justice, that our work may honor the trust placed in us.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 39, 236, and 365 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

Assembly in recess at 11:42 a.m. for purposes of hearing Mr. McAvoy Layne as Mark Twain give an account of his early time in Nevada.

ASSEMBLY IN SESSION

At 12:01

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

At the direction of Mr. Speaker, the following remarks were entered in the Journal:

MR. MCAVOY LAYNE AS MARK TWAIN:

How ‘bout our Suffragists! Thanks to you ladies, Nevada leads the nation! We’re proud of you! Now you might be wonderin’ how Mark Twain got all the way from the Mississippi River to Carson City. Well, I’m going to tell you, if I can remember…

As good fortune would have it, thanks to Mr. Lincoln's inauguration, my brother was appointed Secretary to the silver territory...Nevada. So, I fancied myself to be secretary to the secretary, and I purchased the $150 fare each on the Overland Stagecoach out of St. Joe, and out we came, at a spanking gate; with our six shooters, a deck of cards, and a six-pound unabridged Webster's dictionary. We should have left it behind. It wasn't a good dictionary. It didn't have any modern words in it, only obsolete words that Noah Webster used when he was a child. For example, it defined a "carbuncle" as a kind of a rare jewel. Humor has no place in a dictionary.

We entertained ourselves by playing *7-Up* with a deck of cards that was so old and worn and greasy, you could read the back side better'n you could read the front side.

I carried a Smith & Wesson seven-shooter, my brother had a Navy Colt six-shooter, but Mr. Bemis carried the original pepper-box, an Allen; all six chambers discharged at the same time. When that happened, the only safe place in all the region was behind it, because if she didn't get what she went after, she would fetch something else. But now if you want to see a "jackass rabbit" get up and *hump* himself -*that's* the weapon you want, is the Allen.

Well, 20 days on the Overland; once we heard the thunder of hooves, we stuck our heads out of the flap and there was the Pony Express galloping past, like the belated fragment of a storm. So sudden was it all, and so like a flash of unreal fancy, that were it not for the flake of white foam left quivering and perishing on the mail sack, we might have been left in doubt as to whether we had seen a pony and a rider at all, they were so fast.

But imagine with me if you will, we'd climb up on top of the box at dawn in our long johns, smoke our pipes and cigars, and watch the sun rise on the prairie. Even to this day, it thrills me to think of the wild sense of freedom that used to make the blood dance in our veins on those fine overland mornings!

At last, we disembarked in the Silver-Land. This was in August of 1861, and back then, Carson City was the most uninhabitable place on earth. Nothing grew here; even the birds, when they flew over, carried their own provisions.

But we climbed into the foothills and looked back on Carson City nestled in this flat sandy desert, and surrounded by such prodigious mountains that they seemed to expand your soul, until you felt yourself spreading into a colossus, and in that instant, you were seized with a burning desire to stretch forth your hand, put Carson in your pocket, and walk off with it.

I could see that I was going to need some transportation while in Carson City, so I attended an auction and bought a genuine Mexican plug. I didn't know what a genuine Mexican plug was, but I bought it on the advice of a man, I later found out, who was the auctioneer's brother. Well, his tail had been chopped off or else he had sat down on it too hard, some time or to'ther, and he was proud of it, and so too, he was left to fight off the flies with his heels. Well, with the help of some who held his head, and others who held his tail, I was able to climb onto that steed, but my feet slipped through the stirrups...on the inside, so I was handcuffed at the ankles, and he *knew* it. So, he put his feet together . . . all of them . . . in a bunch; lowered his back and fired me five feet into the air and somebody shouted, "Whoa, don't he buck!"

Well, I came back down in the saddle, but the laughter this provoked, he took for applause and fired me back up again. This time I came down on the high pommel, which was too much variety for me. So, I decided to get off, but now he was standing up on his hind legs, walking around like a member of Congress. You might think that I was afraid, but I wasn't, I knew I could stay on him so long as his ears did not pull out. Suddenly, I was in the air again, and when I came down, that genuine Mexican plug . . . was gone. So, I dug myself out of the ground and made up my mind; that if that auctioneer's brother's funeral was held while I was here in Carson City, I would cancel all other recreations—and attend it.

Well, I tried my hand at prospecting, yes, but I didn't have any luck. I soon enough discovered a silver mine is nothin' but a hole in the ground with a fool at the bottom and a liar at the top. But I did one thing right, I wrote a letter to the editor of the Territorial Enterprise in Virginia City. It was a burlesque of a Fourth of July speech that George Turner made. Turner was our Chief Justice and he was out stumping the territory at the time, and his speech began, "I was sired by the great American Eagle!" We'll draw a curtain of charity over the rest of the speech. I concluded my article by stating, "I cannot complete this essay, for the type-cases will have run out of capital "I's." And I signed that letter, "Josh." Yes, Josh, I was looking for a nom de guerre, a cognomen. Once before I had used W. Epaminondas Adrastus Blab, and sometime later, Thomas Jefferson

Snodgrass, but they didn't sound right. Yet on the strength of that letter, "Professor Personal Pronoun," signed Josh, I was offered a job as a reporter for the Territorial Enterprise at $25 a week, and Joe Goodman, the publisher, told me when I signed on, "Sam, you have but one responsibility here. Get your facts straight. Then you can distort them as much as you like." No, I learned in Virginia City, a good lie can travel twice around the globe before the truth gets its boots on . . . I should distinguish here that we were not trying to foist an untruth off on an unsuspecting public, our 'quaints' were obvious sagebrush humor, and Nevada was built on tall tales. We had three kinds of tall tales back then: "Stretchers," that stretched the truth beyond the horizon of fact, "Lifters," that actually lifted the furniture, and "Powder Burners." Here lately I have stopped lying altogether since the amateurs have taken over the field.

Now, $25 a week might not sound like a lot of money today, I understand, but you must remember, back then, twenty cents would buy you a complete meal at the Delta Saloon, and that included your sarsaparilla or your Tarantula Juice! We had a drink back then called a Tarantula Juice. No one knew all that went into the Tarantula Juice, but the last thing they did to it, to give it dignity, was to strain it through a cane-bottom chair. Two Tarantula Juices would turn a man's skin to white fish scales that were so tough a dog might bite him and he would not know it 'till he read about it in the papers. Brought on premature decrepitude.

No, you can set it down as a maxim, a diet of whiskey produces rowdyism as naturally as turtle soup puts fat on an alderman. The Teamsters used to trade punches continuously as if for exercise! Fifty-two saloons we had in that town in my day and no town drunk! No, we took turns. Well, I could see that this was no place for a good Presbyterian, so I didn't remain one very long.

I covered the Legislature for the *Enterprise*. Never have I seen a body of men with tongues so handy and information so uncertain. They could talk for a week without ever getting rid of an idea. If any one of them had been on hand when the Creator was at the point of sayin', "Let there be light," we never would have got it. No, the Nevada Legislature meets every two years for sixty days, when they ought rightly meet every sixty years for two days.

Now you might be wondering about this watch…I know you are. It's engraved, "Governor of the Third House." The Third House was a loose comingling of legislators, lawyers, and journalists who would gather together at a groggery following a session of the Constitutional Convention and burlesque that day's lawmaking. I so enjoyed lampooning the legislators themselves that they made me Governor of the Third House and asked me to give a public talk to raise money for a new roof on the First Presbyterian Church. So, I cobbled together my first public talk and made up a flyer that I handed out in Virginia City & Carson City…

> The man lecturing has a very large nose. Anyone whose nose exceeds its measurement will be admitted free. All other noses must pay one dollar.

Well, two or three noses did get in free, but we raised $200 and put a new roof on the First Presbyterian Church. One of the parishioners suggested that because it was Mark Twain who put a roof on their church, it would cave in and mash the congregation. But it never did…

Now I might have told you how I took my name on the river; two fathoms being safe water, "twain," being the biblical term for "two." I stuck to that story all my life, to protect my wife. I didn't want her to know how we carried on back then here in Nevada, but I can tell you the truth…

We would put the paper to bed at the Enterprise and go over to the Corner Saloon for a restorative to sweeten the bilge waters a little. Old John Piper had the Corner Saloon at the time, a very gracious proprietor. He had a board behind the bar, it was a chalkboard, and on occasion he would mark a credit for his favorite customers. Oh, these were days before the Internal Revenue Service or record keeping of any consequence, or even currency; we dealt in coin, silver mostly, some gold. It got to be such a good thing, that no sooner would I walk through those swinging doors of the Corner Saloon with one of my drinking companions, than a regular would shout out, "Mark Twain!" and John Piper would mark two on the board behind the bar. So, now you know the truth, the petrified truth.

I might have stayed longer than my twenty-two months at the *Enterprise*, but for a fellow by the name of Laird, James Laird; he was editor for the competition, the *Daily Union*. This fellow Laird, perhaps you've known someone like him in your lifetime; he was endowed with a stupidity that with the slightest stretch, could wrap twice around the globe and tie. He slandered my good name in his newspaper. Well, if you must know, he called me a liar, a poltroon, and a puppy.

Well, I slandered him back in the *Enterprise*, and this went back and forth for two or three days, until I had to call him a coward, and challenge him to a duel, which was imprudent. Oh, I wore a side arm, yes, but that was only so as not to be conspicuous. I didn't know how to shoot one. Even if I did, I couldn't hit a tent from the inside. But my friend Gillis knew how to fire; so, Gillis and I went out to the appointed spot at Six Mile Canyon a half-hour early to practice. Gillis was such a good shot, that he took the head off a mud hen just as Laird came riding up on his pony. Gillis was quick enough to hand me that smoking side arm and say, "Nice shot, Sam! Don't kill him, just shoot his nasty face off."

Well, Laird heard that, and he went twice around on his pony and off he went. But I was not far behind; because Governor Nye issued a warrant for my arrest, for dueling, which had just been made illegal in Nevada. So, I decamped for San Francisco-to be unemployed. But when I laid down my pen at the *Enterprise* I had four horse whippings and two duels owing to me. But when I said goodbye to Virginia City, Carson City, I knew I was saying goodbye to the most vigorous enjoyment of life I would ever be afforded. Those days were full to the brim with the wine of life, and there have been no others like them…

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Madalyn Larson and Mackenzie Scruggs.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Pilmore and Mike Pilmore.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Erika Gillette.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Corianna Matthews, Stephanie Valladares Diaz, and Shyla Ann Mariano.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Menke, Tracy Davis, and Christina Salerno.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Abby La Rue Hatch.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Cindi Riviera, Alan Morales, Mariam Alebyan, and Hannah Schlieman.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Isaias Gallegos.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Dungan.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Karinna Ferris, Ava Iltchev, and Laura Iltchev.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Ngo.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Annelise Dankworth, Michaela Lash, Elana Paladino, Sylvia Brown, Taylor Volk, Michele Burke, Sara Kalaoram, Liz Luna, Alexandria Lash, and Nicholas Lash.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, March 24, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 24, 2025

Assembly called to order at 12:09 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Pastor Leo Kruger.

Father, I thank You for how You have blessed our nation from the very start. You led our founding fathers to pattern our laws and principles after the Ten Commandments. You led them to establish our foundation upon Your word. That is the reason we are the greatest nation to ever exist. Father, I pray for every member of this Assembly that You would lead them in every decision they make. According to the very principles we were founded upon. Reveal Your goodness and mercy to each one of them and their families. I pray Your blessing on them all in the Name of the Lord Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

Assembly in recess at 12:37 p.m.

ASSEMBLY IN SESSION

At 12:43 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 196, 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 261, 262, 348; Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 4, 140.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymembers Yeager, Monroe-Moreno, Miller, Jauregui, Backus, Anderson, Brown-May, Carter, Considine, Dalia, D'Silva, Flanagan, González, Goulding, Hunt, Jackson, Karris, La Rue Hatch, Marzola, Moore, Mosca, Nadeem, Nguyen, Roth, Torres-Fossett, and Watts; Senators Scheible, Cannizzaro, Dondero Loop, Nguyen, and Ohrenschall:

Assembly Joint Resolution No. 14—Condemning the attack on the U.S. Capitol on January 6, 2021, including the assault on law enforcement officers, and denouncing the use of presidential pardons and commutations to absolve the participants in the riot.

Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

March 20, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 475 and 476.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 295 and 474.

SARAH COFFMAN
Fiscal Analysis Division

March 24, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 117, 222, 279, 282, 304, 371, 375, 397, and 416.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Senator Cannizzaro
For: Senate Bill No. 63.
To Waive:

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

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

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

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

Has been granted effective: March 18, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro
For: BDR No. 15-1038
Enacts the Safe Streets and Neighborhoods Act.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 20, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro
For: BDR No. 25-1036
Enacts the Nevada Housing Access and Attainability Act.
To Waive:

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

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

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

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

Has been granted effective: March 20, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro
For: BDR No. 32-1070
Enacts the Economic Development Policy Reform Act.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 20, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro
For: BDR No. 34-1035
Enacts the Nevada Accountability in Education Act.
To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 20, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Senator Cannizzaro

For: BDR No. 40-1037

Enacts the Nevada Health Care Access Act.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

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

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

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

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

Has been granted effective: March 20, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT relating to aviation; creating the Sustainable Aviation Fuel Incentive Fund and the Sustainable Aviation Fuel Incentive Program; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 482—AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage for certain services relating to family planning and language translation; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 483—AN ACT relating to health care; requiring certain agencies and licensing boards to establish a process for the priority review of certain applications for licensure to practice a health profession; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 484—AN ACT relating to health care; revising the data that is collected concerning providers of health care in this State; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 485—AN ACT relating to water; revising provisions governing certain assessments on water users; making an appropriation to the Division of Water Resources of the State Department of Conservation and Natural Resources for various projects relating to the management of water resources in this State and for the digitization of records and data of the Division; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 486—AN ACT relating to wildlife; revising provisions relating to the Wildlife Crossings Account; increasing the fee collected from a purchaser of new tires and requiring a certain amount of the proceeds to be credited to the Account; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Natural Resources:

Assembly Bill No. 487—AN ACT relating to animals; prohibiting a retail pet store from selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog or cat; providing that a person who is responsible for the operation of a retail pet store that knowingly commits such an act is guilty of a misdemeanor; providing, with certain exceptions, that a person who sells or attempts to sell, offers for adoption or transfers ownership of a dog or cat in certain locations is guilty of a misdemeanor; revising provisions governing the sale of dogs and cats; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 488—AN ACT relating to criminal procedure; revising provisions relating to vacating a judgment of conviction and sealing certain records of certain victims; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 489—AN ACT relating to civil actions; revising the term "heir" for certain purposes relating to civil actions; eliminating the statute of limitations for certain civil actions arising from a death caused by homicide; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 490—AN ACT relating to courts; providing that certain proceedings and causes of action may be brought in a qualified judicial district; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 491—AN ACT relating to elections; requiring a county or city clerk to provide certain information or data relating to an election within a certain period of time; revising qualifications for certain elected public officers to require such officers to be registered to vote in this State; revising provisions governing a declaration of candidacy and declaration of residency; revising the deadline by which a petition of candidacy must be filed by an independent candidate; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 492—AN ACT relating to limousines; authorizing the holder of a certificate of public convenience and necessity to operate a limousine in certain counties to lease a limousine to an independent contractor; requiring that a lease agreement be entered into between such a limousine operator and the independent contractor; imposing certain requirements and restrictions on the operator, the independent contractor and the Nevada

Transportation Authority with respect to such leases; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 493—AN ACT relating to waste; establishing provisions relating to the disposal of propulsion batteries; requiring an owner of a distributed generation system to file certain plans relating to the disposal of the distributed generation system with the Division of Environmental Protection of the State Department of Conservation and Natural Resources; requiring a surplus retirement plan to include certain information relating to the retirement of a utility-scale solar project; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Education:

Assembly Bill No. 494—AN ACT relating to education; providing in skeleton form that the provisions of certain federal laws and applicable regulations continue to apply in this State if the laws and regulations are repealed by the Federal Government; authorizing certain persons to bring a civil action in a court of competent jurisdiction of this State if the federal Individuals with Disabilities Education Act is repealed; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 495—AN ACT relating to charter schools; providing that the sponsor of a charter school that receives certain performance ratings under the statewide system of accountability for public schools is not required to terminate the charter contract of the charter school or restart the charter school under a new charter contract if the sponsor determines that the charter school is demonstrating progress towards meeting certain school achievement targets and performance targets; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 496—AN ACT relating to elections; requiring county and city clerks and the Secretary of State to post on the Internet certain

information relating to mail ballots and provisional ballots; requiring each county clerk to post monthly on the Internet an alphabetical listing of all registered voters in the county; requiring certain information to be included on the return envelopes for mail ballots; revising provisions relating to access to information concerning provisional ballots; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 497—AN ACT relating to campaign finance; authorizing a committee for political action to use money in its campaign finance account for certain purposes; clarifying that nonprofit organizations or corporations are not a committee for political action for purposes of campaign finance requirements; revising provisions relating to the disposal of unspent campaign contributions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 498—AN ACT relating to motor clubs; revising certain information which a motor club is required to provide to its members; revising certain qualifications for a license as a club agent; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 499—AN ACT relating to elections; requiring each county clerk to establish and maintain a voter services portal on the Internet website of the office of the county clerk; requiring the Department of Motor Vehicles to submit electronically to each county clerk certain information relating to each person who has a driver's license or identification card issued by the Department; requiring the county clerk to include certain information received from the Department in the centralized, top-down database that is established by the Secretary of State for purposes of creating the statewide voter registration list; requiring certain information to be included on the return envelope for a mail ballot; revising provisions relating to signature curing for mail ballots; providing that certain information on the statewide voter registration list relating to a voter is confidential and not a public record; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 500—AN ACT relating to financial institutions; providing for the licensure and regulation by the Commissioner of Financial Institutions of payments banks; setting forth various procedures and requirements for the organization and licensure of payments banks; setting forth the powers and duties of the Commissioner with respect to payments banks; imposing various requirements and restrictions concerning the operation of payments banks; establishing certain prohibited acts relating to payments banks; revising certain provisions relating to financial institutions; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymembers Yeager and Jauregui:

Assembly Bill No. 501—AN ACT relating to education; authorizing the approval of academic credit for outdoor recreational activities under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 502—AN ACT relating to public works; revising provisions relating to the compliance of a contractor or subcontractor with certain requirements relating to apprentices on a public work; revising requirements relating to identifying numbers for public works; revising provisions relating to the imposition of penalties for certain violations; revising provisions relating to the period within which a person is disqualified from being awarded a contract for a public work in certain circumstances; revising provisions relating to the investigation of certain possible violations; creating the Public Works Compliance Division within the Office of Labor Commissioner and prescribing its duties; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 503—AN ACT relating to utility wire; prohibiting certain acts related to used utility wire; establishing requirements relating to

transactions involving used utility wire; providing penalties; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 504—AN ACT relating to deceptive trade practices; requiring a person who does not hold a cannabis establishment license and who sells or offers to sell certain hemp products to display a sign containing certain information; prohibiting such a person from making certain false, misleading or deceptive statements in advertising; making it a deceptive trade practice to violate those requirements or prohibitions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 505—AN ACT relating to constructional defects; requiring a written response to a notice of a constructional defect to include certain information; requiring a contractor, subcontractor and certain related professionals to maintain a policy of insurance which covers liability for constructional defects; revising provisions relating to certain settlement offers concerning constructional defects; clarifying certain provisions relating to the recovery of damages proximately caused by a constructional defect; revising provisions relating to certain required mediation; revising the definitions of certain terms related to actions resulting from constructional defects; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 4.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 140.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 506—AN ACT relating to governmental administration; eliminating certain reporting requirements to the Legislative Branch of State Government; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 507—AN ACT relating to state financial administration; revising provisions relating to the procedure for the revision of the budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 508—AN ACT relating to state financial administration; requiring the Economic Forum to provide an estimate of future State revenue required to be credited to the State Education Fund; revising provisions governing the disposition of proceeds of the tax on wholesale sales of cannabis; revising requirements for certain reservations of money in and recommendations for the proposed executive budget for the support of public schools; revising the date for certain payments to the State Education Fund; making an appropriation to the Cannabis Compliance Board; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 509—AN ACT relating to utilities; requiring the Public Utilities Commission of Nevada to annually review whether certain persons that hold a certificate of public convenience and necessity continue to operate as a public utility; exempting certain persons that provide telecommunication service from regulation by the Commission; authorizing local governments to grant franchises and impose certain fees for the use and occupation of the public right-of-way or highway by broadband service providers and broadband infrastructure providers; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 510—AN ACT relating to accountants; revising the requirements for the granting of a certificate of certified public accountant; requiring the Nevada State Board of Accountancy to prescribe by regulation certain requirements and standards for the issuance of a certificate of certified public accountant; revising provisions governing certain fees that the Board is

authorized or required to charge; revising provisions governing the examination required for the issuance of a certificate of certified public accountant; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 511—AN ACT relating to insurance; revising provisions relating to reimbursement for certain treatment and services provided by certain providers of health care; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 512—AN ACT relating to insurance; including certain insurance that provides for certain payments for certain legal services and certain expenses in the definition of "casualty insurance"; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 513—AN ACT relating to chiropractic; enacting provisions relating to temporary certificates for chiropractic assistants; revising provisions relating to unprofessional conduct in the practice of chiropractic; revising the membership of the Chiropractic Physicians' Board of Nevada; revising certain qualifications required to apply for a license as a chiropractic physician or a certificate as a chiropractic assistant; revising certain fees the Board may charge and collect; revising certain requirements for student participation in a preceptor program; revising certain requirements for certain cease and desist orders of the Board; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 514—AN ACT relating to Medicaid; requiring Medicaid to provide coverage for certain community-based living arrangement services; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 515—AN ACT relating to the protection of children; revising provisions relating to certain categorical grants to fund the adoption assistance program; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 516—AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to certain children who are recipients of Medicaid; establishing the School Health Access Resource Center in the Division of Health Care Financing and Policy of the Department for the purpose of providing certain assistance relating to participation in Medicaid as a provider; providing for the increase of certain rates of reimbursement under Medicaid; requiring the Director to apply for any federal authority necessary to simplify and streamline the methodology for reimbursing under Medicaid certain services provided by a school-based health center; making appropriations; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 517—AN ACT relating to long-term care; establishing a program to provide information on planning for long-term care; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 518—AN ACT relating to child welfare; adopting a revised version of the Interstate Compact on the Placement of Children; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 519—AN ACT relating to health care; establishing separate provisions for the licensing or certification, regulation and discipline of agencies to provide personal care services in the home, employment agencies that contract to provide certain nonmedical services and intermediary service organizations; enacting provisions to facilitate the collecting of certain debts from applicants for certain licenses; imposing certain requirements as an applicant for a certificate to operate an intermediary service organization; providing penalties; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 520—AN ACT relating to adoption; requiring background investigations of certain persons who operate or provide services to children at a child-placing agency; requiring the maintenance of certain records of such background investigations; authorizing the disclosure of information from the State Register for Adoptions to certain persons without the consent of the natural parent under extenuating circumstances; authorizing certain persons to attend an adoption hearing by a remote technology system under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 521—AN ACT relating to the protection of children; requiring an investigation of the history of abuse or neglect of certain persons associated with certain medical facilities and organizations; requiring such a facility to terminate the employment of such persons based on the results of such an investigation under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 522—AN ACT relating to health care; requiring health insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring health insurers to provide coverage for certain preventive health care for children, persons who are pregnant, women and adults; prohibiting insurers from imposing certain costs and taking other actions with respect to certain preventive health care; requiring health insurers to provide coverage for

screenings for colorectal cancer; requiring health insurers to provide coverage for maternity and newborn care; prohibiting health insurers and providers of health care from engaging in certain discriminatory actions; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 523—AN ACT relating to transportation; revising the minimum dollar amount of transportation network company insurance that a transportation network company, a driver or a monitored autonomous vehicle provider is required to maintain under certain circumstances; providing that certain delivery network companies are not vicariously liable for any acts or omissions of a driver who provides delivery services for the delivery network company; providing that a transportation network company is not vicariously liable for any acts or omissions of a driver who provides transportation services for the transportation network company; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 524—AN ACT relating to motor carriers; exempting certain common motor carriers from provisions governing short-term lessors of motor vehicles; requiring the Nevada Transportation Authority to adopt regulations authorizing certain common motor carriers to deviate from certain requirements and regulations under circumstances prescribed by the Authority; exempting certain applicants for a driver's permit from the Authority from fingerprinting requirements; repealing a provision relating to licensing by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 525—AN ACT relating to motor vehicles; providing for the issuance of special license plates and registration certificates for antique kei vehicles in certain circumstances; exempting certain antique kei vehicles from certain provisions relating to testing for exhaust emissions; imposing a fee for the issuance and renewal or replacement of special license plates for antique kei vehicles; authorizing the special license plates to be transferred to another vehicle under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 526—AN ACT relating to the Department of Motor Vehicles; directing the Department of Motor Vehicles to cease using certain existing electronic systems relating to appointments for document preparation services; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 527—AN ACT relating to traffic laws; authorizing a school district to install and use a school bus infraction detection system on school buses to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location in which such school buses operate to review certain evidence detected by the school bus infraction detection system before a civil infraction citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by a school bus infraction detection system; creating a rebuttable presumption that the driver of a vehicle at the time of a violation recorded by a school bus infraction detection system is the registered owner of the vehicle; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 528—AN ACT relating to energy; authorizing the Director of the Office of Energy to accept new applications for property tax abatements for certain buildings and structures which meet certain energy efficiency standards; revising requirements for the Green Building Rating System adopted by the Director; revising the duration and amount of partial abatements that are available; requiring the Director to adopt certain regulations; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 529—AN ACT relating to energy; requiring certain wholesale facilities for the generation of electricity from solar energy to purchase power from certain electric utilities; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Growth and Infrastructure:

Assembly Bill No. 530—AN ACT relating to taxation; revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties; and providing other matters properly relating thereto.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

By the Committee on Education:

Assembly Bill No. 531—AN ACT relating to education; revising provisions governing the transmittal of certain reports by the Commission on School Funding; requiring the Department of Education to establish a dashboard to track daily attendance data for pupils; requiring the Superintendent of Public Instruction to appoint a task force to develop a rubric to compare certain metrics concerning pupils; requiring the Superintendent of Public Instruction to appoint a committee on the use of artificial intelligence in education; revising provisions governing the date on which the State Board of Education is required to submit certain reports; revising the terms of certain appointed members of the State Board; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 532—AN ACT relating to higher education; revising provisions relating to fee waivers for certain students; providing for the continuity of waivers previously provided to certain students; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 533—AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Assemblymember Torres-Fossett moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 534—AN ACT relating to elections; requiring the Secretary of State to allow certain persons detained in jail to use the system of approved electronic transmission to register to vote and cast a ballot; revising provisions relating to voter registration and updating voter registration information; renaming certain provisional ballots to "conditional ballots;" revising provisions relating to certain petitions; revising the deadline for candidates to file a declaration of candidacy; revising provisions relating to the publication of certain information by a county clerk; authorizing the Secretary of State to require certain employees to attend a training course concerning elections procedures; revising provisions relating mail ballots; revising provisions relating to the testing of certain technology prior to an election; defining the term "personal knowledge" for purposes of certain challenges; revising provisions relating to risk-limiting audits; revising provisions relating to certain prohibited conduct in or around a polling place; revising provisions relating to mechanical voting systems; authorizing, under certain circumstances, the Secretary of State to adjust the date of the presidential preference primary election; making various other changes relating to elections; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 535—AN ACT relating to taxation; revising provisions governing the administration of the exemption from sales and use taxes for organizations created for religious, charitable or educational purposes; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 536—AN ACT relating to tobacco; revising provisions governing the taxation of cigarettes that consist of tobacco that is heated but not burned; prohibiting such cigarettes from being sold through the use of a cigarette vending machine; providing a penalty; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:04 p.m.
Mr. Speaker presiding.
Quorum present.

By the Committee on Revenue:

Assembly Bill No. 537—AN ACT relating to the Department of Taxation; requiring, under certain circumstances, the Department to ensure that a person is informed when the person is communicating or interacting with artificial intelligence; clarifying that records and files of the Department that are generated by artificial intelligence used by the Department are confidential and privileged; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 538—AN ACT relating to economic development; requiring the appointment of certain temporary members to the Board of Economic Development for the limited purpose of considering certain applications for transferable tax credits, tax abatements and partial tax abatements; requiring the Office of Economic Development to notify certain entities upon receipt of an application for transferable tax credits, a tax abatement or a partial tax abatement for a business or project in certain rural counties; requiring the Board to be the entity that approves certain applications for transferable tax credits, a tax abatement or a partial tax abatement; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Revenue:

Assembly Bill No. 539—AN ACT relating to workforce development; requiring, to the extent that money is available, the Governor's Office of Workforce Innovation to establish and carry out a program to place career coaches in middle schools and junior high schools; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

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

Assembly Bill No. 365.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Karla Salas and Kimberly Smerkers.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to J.B. Lekumbery and Mark Maynard.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Samberg, Dainen Parry, and Tatiana Ermi.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Johnson and Patti Kellerhouse.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Lahaina Estomin.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Amy McGaha, Ananya Chauhan, and Danea Pirtle.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Lee, Makayla Wijesinghe, and Valerie Lucas.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Pope and Sarah Minkle.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Karl Stevens, Dr. Sarah Negrete, and Joxe Mallea-Olaetxe.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Rodriguez Serrano.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Story, Cathy Vongnaraj, and Leaha Crawford.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Keiba Crear, Keith Lucas, and Tanisha Brown.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Darin Maza and Mary Wolters.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Serial and Keesha Davis.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Berna Rhodes-Ford.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Silas and Essie Williams.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Laisha Ortiz.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Maryiam Syed and Sadia Basit.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Crabtree, Douglas Collins, and Timothy Baker.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Dawson Owens, Christine Fregulia, Christopher Pierce, Cora Johnson, Dale Schneeberger, Dan Phillips, David Pierson, David Christy, Dr. Tara Raines, Eugene Duncker, Jeff Bargmann, Judy Berg, Kathleen Long, Kathy Pierson, Lillian Hack, Lin Nary, Marlene Ambar, Marynell Hartnett, Mori Floyd, Nancy Cerceau, Patricia King, Reece Wade, Ronald Savino, and Suzanne Pierce.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Belisa Brownlee, Jacqueline E. Brown, and Leslye Whitehead.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Minjia Yan and Stewart Davis.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, March 25, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:08 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 25, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Father Jeff Paul.

We brighten our souls at the threshold of welcome, greeting of love, greeting of life, greeting of light: Inspire our hearts, our minds, our bodies this spring day. May our souls be peacefully preserved, from crown of light to veil of night. We invoke blessing and protection on the members of the Nevada State Assembly and upon all who work herein. And the people said . . .

HUZZAH. [AMEN.]

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 12, 21, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 6, 36, 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Joint Resolutions Nos. 9, 10, and 12 be withdrawn from the Committee on Legislative Operations and Elections.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolutions Nos. 9, 10, and 12 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolution No. 8 be withdrawn from the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolution No. 8 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolution No. 6 be taken from the Resolution File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved the Assembly Bills Nos. 39, 236, and 365 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

March 25, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 508.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 376, 378, 382, 391, 395, 399, 406, 419, 481, 485, and 516.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager
For: BDR No. 23-994
Revises provisions regarding qualifications for government jobs.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Has been granted effective: March 24, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Speaker Yeager
For: BDR No. 25-1036
Enacts the Nevada Housing Access and Attainability Act.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
With the following conditions:
Must be introduced by March 25, 2025.
Has been granted effective: March 24, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

By Assemblymembers Yeager, Hafen, Anderson, Backus, Brown-May, Carter, Cole, Considine, Dalia, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hansen, Hardy, Hibbetts,

Hunt, Jackson, Jauregui, Karris, Kasama, Koenig, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem, Nguyen, O'Neill, Orentlicher, Roth, Torres-Fossett, Watts, and Yurek; Senators Cannizzaro, Titus, Buck, Cruz-Crawford, Daly, Doñate, Dondero Loop, Ellison, Flores, Hansen, Krasner, Lange, Neal, Nguyen, Ohrenschall, Pazina, Rogich, Scheible, Steinbeck, Stone, and Taylor:

Assembly Concurrent Resolution No. 3—Expressing gratitude to the National Conference of State Legislatures for 50 years of service.

Resolution read.

Assemblymember Brown-May moved the adoption of the resolution.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

I am honored to stand today to recognize the long-standing efforts of NCSL [National Conference of State Legislatures] to provide this body, and state legislatures around the country, with resources, relationships, and expertise. Now, with 50 years of work in support of good governance, NCSL is our professional organization [and] includes our legislative staff, as well as ourselves. This resolution, being the 50th in the country, they saved the best for last. With that, I urge your support of this measure.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 540—AN ACT relating to governmental administration; creating the Nevada Attainable Housing Account and setting forth the allowable uses of money in the Account; requiring, with certain exceptions, an eligible entity to provide or secure certain matching funds as a condition of receiving money from the Account; exempting any attainable housing project from provisions of law relating to public works and the payment of prevailing wages; requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt an allocation plan for attainable housing; creating and setting forth the duties of the Nevada Attainable Housing Council; authorizing the Division to establish programs for the reporting of rental payments to credit reporting agencies; providing that attainable housing projects that receive financial assistance from the Nevada State Infrastructure Bank are not subject to prevailing wage requirements; revising provisions governing the sale, lease or conveyance of certain real property by the governing body of a county or city; requiring the governing body of a county or city to adopt certain expedited processes relating to attainable housing; revising the definitions of certain tiers of affordable housing; requiring, under certain circumstances, the State Contractors' Board to issue licenses by endorsement or provisional licenses; requiring, under certain circumstances, the State Contractors' Board to waive certain fees relating to contractor's licenses in rural areas; making various other changes relating to housing; making an appropriation; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 29.
Bill read second time and ordered to third reading.

Assembly Bill No. 32.
Bill read second time and ordered to third reading.

Assembly Bill No. 196.
Bill read second time and ordered to third reading.

Assembly Bill No. 248.
Bill read second time and ordered to third reading.

Assembly Bill No. 261.
Bill read second time and ordered to third reading.

Assembly Bill No. 262.
Bill read second time and ordered to third reading.

Assembly Bill No. 348.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 32 and 261 be rereferred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aide Hernandez, Maritza Aguilar-Zuniga, and Michelle Brown.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Candise Henry, Marisela Sandoval, and Meegan Jackson.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Orton, Charye Weaver, and Sharmay Mills.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Holmes, James Lynch, and Richmond Warnke.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to John Parks III, Richard Perez, and Vincent Swanigan.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Ahsaki Hardy, Kathleen Medlock, and Salie Crider.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Sebastian, Richard Hodgson, and Vivian Michel.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Evette Johnson, Lanethia Otokiti, and Ryan Grimes.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Madison Hodge and Reagan Christiansen.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Bybee, Lorraine Oliver, Richard Prieto, and Sunshine Coffin.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Alan Hedrick, Cristina Hooper and Rabbi Nachum Meth.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Kiley Knuth, Rozetta Love, and Stephanie Hughes.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Esparza, Debra Springer, and Jamaal Brimmer.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlyn Kim, Jody Domineck, and Roman Gomez.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Hemke, William Donald, and William Supple.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Chavez, Kendall Lewis, and Sia Liilii.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Aisena Allen and Anya Lopez.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Cheante Porties, Robin Franklin, and Souraya Woods.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Fia Taesali, JaQuanna Moore, and Tamara Barlow.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Felicia Tucker, German Sanchez, and Prestina Prim.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Antonio Macias Jr., Dawn Ralenkotter, and Matthew Rosique.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Benjamin, Sharon Durisseau, and Katie Smith.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy McDuffie, Regina Brown-Ross, and Sharita Tobin-Marshall.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Phui, Karen Wu, and Sarah Chen.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Ginie Patrick, Lajannel Patrick, and Shalonda Adams.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Ana Barrientos, Deborah Loving, and Liliana Dominguez.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Quidoit, Kim Wallin, and Ross Armstrong.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Irma Castro, Michelle Park, and Rocky Causito.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Evans, Yarleny Roa-Dugan, and Yolanda Villalobos.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Jacobsen, Anna Coons, Anthony Williams, Aurora Schwegel, Berdie Larroca, Blaine Zeddies, Bradley Salmon, Brian Skretta, Cameron Coons, Candace Pitts, Carson Richardson, Charles Pelliccione, Coreana Day, Emma Pitts, Finley Huxhold, Francis Jones, Jax Ingraham, Kaden Viles, Lily Cunningham, Lucas Olds, Maisy Woods, Rowyn Harwell, Stina Krum, Taylor Fewins, Violet Eddy, and Wyatt Swafford.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Flournida Valles Morgado, Jezamay Arevalo, and Kristian Falcon.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Francis, Nicole Miller, and Satyra George.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Kim, Jarita Rasberry, and Stephanie Le.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to John Bissainthe and Terrel Williams.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Worthen and Jamie Todd.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, March 26, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 26, 2025

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer Father Tomy Joseph.

God our Father, we humbly come before You, seeking Your divine guidance for our leaders in government. Grant them the precious gifts of wisdom and discernment as they navigate the complexities of their roles. In Your goodness, watch over those in authority so that people everywhere may enjoy freedom, security and peace. In the midst of difficult decisions, may they turn to You for clarity and insight. We entrust them into Your capable hands, knowing that with Your guidance, they shall lead us rightly.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ERICA MOSCA, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 26, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 389, 407, and 540.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bills Nos. 29, 39, 196, 236, 248, 262, 348, and 365 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.
Bill read second time and ordered to third reading.

Assembly Bill No. 12.
Bill read second time and ordered to third reading.

Assembly Bill No. 21.
Bill read second time and ordered to third reading.

Assembly Bill No. 36.
Bill read second time and ordered to third reading.

Assembly Bill No. 42.
Bill read second time and ordered to third reading.

Assembly Bill No. 97.
Bill read second time and ordered to third reading.

Assembly Bill No. 371.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 6 and 371 be rereferred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER NADEEM:

Mr. Speaker, honorable colleagues, I rise today to recognize Bleeding Disorders Awareness Month, this March, and to bring attention to an important health issue affecting as many as 1,000 Nevadans and thousands across the country. Bleeding disorders, including hemophilia and Von Willebrand disease, prevent proper blood clotting, leading to prolonged bleeding after injury, surgery, or even spontaneously. These conditions can cause joint damage, chronic pain, and mobility issues.

Treatment for severe hemophilia is costly, averaging $300,000 per year and exceeding $1 million if complications arise. Access to lifelong care is critical for those affected, and many Nevadans rely on the Hemostasis and Thrombosis Center of Nevada in Reno and Las Vegas for specialized treatment.

This month, we honor those living with bleeding disorders, their families, and the dedicated healthcare providers who support them. By raising awareness, we can improve understanding, promote research, and ensure that individuals with these conditions receive the care they need.

Therefore, I am proud to recognize March 2025 as Bleeding Disorders Awareness Month in Nevada and encourage all Nevadans to support efforts to improve the lives of those impacted. Mr. Speaker, I ask that my colleagues join me in recognizing the Nevada Chapter of the National Bleeding Disorders Foundation for their dedication and advocacy on behalf of individuals with bleeding disorders.

Assemblymember Jauregui moved that the Assembly recess until 4:45 p.m.
Motion carried.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 4:55 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Roth and Yurek as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Douglas W. Herndon.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:02 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Ellison, Neal, and Titus, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymember Carter, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Nguyen and Assemblymember Miller to wait upon the Honorable Chief Justice Douglas Herndon and escort him to the Assembly Chamber.

The Committee on Escort, in company with the Honorable Chief Justice Douglas Herndon appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

The Speaker of the Assembly welcomed Chief Justice Herndon and invited him to deliver his message.

Chief Justice Herndon delivered his speech as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Thank you very much Speaker, and good evening, Governor Lombardo, Lieutenant Governor Anthony, Speaker Yeager, Majority Leader Cannizzaro, Minority Leader Hafen, Minority Leader Dr. Titus, Attorney General Ford, distinguished members of the Nevada Assembly, the Nevada Senate, Constitutional Officers, and honored guests. Thank you very much for allowing me to appear before you this evening to talk about something I love dearly—the Nevada Judiciary. I think one of the things in our life that we try to do when we become adults is find an occupation

or profession that we truly feel is meaningful in our life that we enjoy doing. Hopefully, you find a group of people to do it with, that you genuinely care about, and it is a pleasure to go to work every day. I am certainly blessed in that regard, as the Chief Justice of the Supreme Court, to work with some incredible individuals which I would like to acknowledge now; Justice Ron Parraguirre, Justice Kristina Pickering, Justice Lidia Stiglich, Justice Elissa Cadish, Justice Linda Bell and Justice Patty Lee. I am also blessed to have with us tonight, the judges of our Court of Appeals: Chief Judge Bonnie Bulla, Judge Michael Gibbons, and Judge Deborah Westbrook. You may not have noticed; 10 years can go by pretty quickly. In January of this year, we celebrated the 10th year of the Court of Appeals being in business for our state. The Court of Appeals does a tremendous job in conjunction with the Supreme Court and has been a much-needed addition to our appellate court system. So, thank you all. I would also like to recognize and thank our clerk of court, Elizabeth Brown. We hit 90,000 case filings in the Supreme Court recently. Elizabeth tells me she will stay until 100,000. Not that I want attorneys to file more cases, but we will be lucky to keep her around. Our chief legal counsel, Phaedra Kalicki and the tremendous legal staff that we are privileged to work with every day. Our [state] court administrator, Katherine Stocks, our assistant court administrator, John McCormick, our law librarian, Ann Walsh Long, and Jim Wright, the chief of our Marshal Division; to all of you, and to the hundreds of other people that work within our appellate court system, please know, that you have our deep gratitude for all you do to make our Court as excellent as it.

Now, I am going to tell you a little story. Those of you that know me are not surprised, but it does have purpose to what I am trying to talk about tonight. So, if you will indulge me. Back in 2019, I wanted to take my daughters with me to work one day. It was January, I was still a district court judge. My youngest, Emily, was back in school and was unavailable to come with me. My oldest, Kate, was home from college for winter break, so she came down to my office with me and later that morning we walked down to the Supreme Court to hear the first oral arguments that were going to be held that year. If you have ever been to a Supreme Court oral argument, you are probably the only person at the Supreme Court oral argument. Generally, it is the seven of us and the three or four attorneys arguing the case. Occasionally, we might have something of more interest to the general public and other people in the legal community, but not that day. The Court was packed that day, as it should have been. That was the first time the Nevada Supreme Court, in its history, assembled with a female majority. I wanted my daughter not to hear about it or read about it, but to see it and to feel it in the room—and you could feel it in that room, the importance of it.; not just for the four women on that Court, not just for the Court itself, not just for the legal community, but for what it meant to our state; a state that embraces progress that I am proud every day to live in.

Hopefully, this next part will be better because I am very excited. If there is anything redeeming about me that you like, please meet my wife Carrie and my daughters Kaitlyn and Emily, at some point today. If there is nothing about me that you like, well, I will wear the responsibility for that. But I am excited to have them here today. With that story as a backdrop because during Women's History Month, I get to address a female majority Nevada Assembly, a female majority Nevada Senate, as a member of an even larger now female majority Nevada Supreme Court, and as a representative of a female majority court of appeals, a female majority statewide district court bench of judges, and a female majority statewide justice court bench of judges, which from where I stand—is awesome. It is awesome. Again, it is a testament to the people of this state. During Women's History Month, we often focus maybe too solely on those that came before, who are incredibly important women that carved paths that did not exist and broke down barriers that were incredibly difficult to make it easier for you all, in this generation of women. But everybody in this room knows that the past becomes meaningless, and progress stops if you just take the torch. You cannot just take the torch, you have to move it forward. Every woman in this room—judges, legislators, public alike—you have done that and I congratulate you on everything you have achieved individually, within your organizations, and as public servants in this state. More than that, I thank you because on behalf of my daughters and all the other young women of this state, many of whose names you will never even know, they will know you. They will know what you did and they will achieve greatness because of you. They will take the torch and they will move it forward and Nevada [will] continue to progress and be a beacon for states across the country.

I have been a member of the legal community of Nevada for almost 35 years now and I have been a judge for over 20 years. I have had, during that time period, the opportunity to appear in front of, and work alongside, tremendous judges; people that I consider mentors and very influential in my life. So, it is deeply humbling to be here today as a representative of our judiciary: seven Supreme Court justices, three Court of Appeals judges, 90 District Court judges, 68 justices of the peace, 32 municipal court judges, and over 2,000 people that work in our court systems around the state every day; with one goal in mind that we are united on—provide justice to Nevada citizens, make sure people are heard, that legal standards are met, and that people's issues and cases are decided fairly and impartially and timely. And I am very proud of the fact that we get to do that in conjunction with you, the Nevada Legislature. I would be remiss if I did not thank you again for everything you did for the judiciary during the last legislative session. Regardless of the diversity of our backgrounds, philosophies, approaches, missions of our branches—it did not matter—we collaborated together in the interest of creating the best justice system we could in this state. I think we did a pretty good job. Your passage of S.B. [Senate Bill] 58, the judicial reform bill, was a landmark achievement. It affirmed, if you will, the independence of our two branches, while maintaining the very vital checks and balances necessary to a good functioning democracy. You eliminated administrative assessment revenue as a source of our funding, which was huge. You made sure that justice in Nevada moving forward would be beyond reproach. Senate Bill 58 provided sustainable funding for us and the ability to manage ourselves in ways that we never had been able to before; and we are incredibly grateful for that. You took our nonjudicial personnel budget and put it into one account and codified it to be like that of the Office of [the] Governor, which was a critical shift in our ability to retain the very talented and tremendous individuals that we work with every day and to attract equally talented and tremendous individuals, on the what is now, happily, a very rare occasion that we need to open up a position. But we are incredibly grateful to you all, to the Governor's Office of Finance, [and] to the staff of the Legislative Counsel Bureau, for working with our AOC [Administrative Office of the Courts] members to streamline those budget accounts and give us the operational flexibility to be able to continue to innovate and be excellent. So, thank you and we look forward to collaborating with you as we move forward into the future as well.

I would also like to point out that I think we have at least tried to be very good stewards of the appropriations granted to us by the Legislature. Last session, in particular, there were a couple of projects that we had discussed needing funding for and you granted that to us—creating an AOC facility in Las Vegas to partner with our appellate court building and the staff down in southern Nevada, as well as, a build out of our Carson City law library facilities to create training facilities, so that we could bring in judges from around the state for Nevada specific training. I am happy to tell you, both of those projects were completed on time and in budget. We can be trusted.

So, now to talk about some of the achievements that we have had; the remarkable progress that we have made over the last couple of years in terms of innovation, in terms of access to justice issues, judicial education issues, I want to comment about our Specialty Courts, and a number of other things. I want to lead with this because it is tied into what you did for us in the last legislative session, and I found this out last night, that the Nevada Supreme Court is going to be awarded one of the spring 2025 top workplace designations by Energage. Energage, for those of you that do not know, is a platform that does workplace surveys for thousands and thousands of entities, and collates all that data, and based upon the positive feedback from within organizations, they designate certain organizations as top workplaces. We are not only a top workplace, but we are a top workplace in every category they grade. So again, thank you very much for creating such a wonderful place for the people in the appellate court system to work. So, let us talk about some of those achievements. We created a statewide self-help center that utilizes guided interviews to help mainly pro se litigants of limited financial resources create legally sufficient pleading forms that they can use in representing themselves. Currently, that system can translate those forms for them into four languages and we are looking to expand that. Right now it is Spanish, Mandarin, Vietnamese, and Tagalog. We did a soft launch of that program in March of last year and did a more broad advertisement of it beginning in September. Since that time, we have done 3,000 guided interviews with Nevada citizens. Right now, we are doing about 300 eligibility reviews out of those interviews every month and we are doing 350 completed pleading packets every month. That is 350 people that now have—in an unknown and sometimes daunting forum—the ability to

take legally sufficient documents to court and get their issues in front of a judge to be heard and decided so they can go on with their lives. I think that is tremendous. Our guardianship investigations office, as you know, that office protects Nevada's most vulnerable citizens. Last year, we audited estates worth $24.5 million; troublingly, in a third of those—$8.1 million—that office identified a risk of loss. The good news is because of the office's efforts, the courts can step in earlier to protect those assets and prevent loss. I am very proud of the fact that we will be the third judiciary in the country to implement and deploy a guardianship reporting portal. We will be the first in the country that has a portal that is designed to allow financial institutions to import, directly, financial information. Which gets information in the hands of the courts very quickly, so that they can identify potential risk of loss, protect assets, and protect people.

Recently, the Court hosted a Legal Deserts Summit—we were very grateful to Assemblymember Considine and the State Bar for participating in that event—and the idea of that was to look at the areas around our state, quite frankly, where there are no attorneys, or very few attorneys, to handle the legal issues that those communities have. The summit was great in terms of being able to round table issues and we are very hopeful moving forward that we will be able to provide more and more answers to help out in those areas. One of those comes from the work that we did previously and is ongoing with our virtual advocacy commission. What we learned during COVID—all of us learned—we could do remote hearings, we could do them efficiently and effectively, and in many cases, preferably to end in-court appearances by both attorneys and the public. From the criminal law side of things, oftentimes, members of the public that do not have tremendous financial resources, struggle to make it to court, to pay for transportation, to miss work, and lose jobs. Creating presumptive hearings, that would be done in person, has been an incredible benefit. That commission finished up its work in late 2023, and we put the guidelines into place for last year. In two or three months or so, I am guessing, we are going to bring people back to invite public comment to see how it has been working in the various courts, and what, if anything, we need to tweak moving forward. I am very proud of that commission's work.

Additionally, last year, we created a pilot program for informal family court trials. That is also designed to pro se litigants, of which there are a tremendous amount, in the family court system. That program is designed to create an ease of self-representation for those individuals. Again, so it is not such a daunting environment for them to appear in and get their issues heard by a judge. It also somewhat relaxes the rules of evidence for them to get evidence that they think is relevant to their case before the judge. While we trust the judge to be able to decide what it is, that is something that they can utilize in their decision making. It gets cases to the judge quicker, it gets litigants in front of the judge quicker, it gets resolution of their issues quicker, and we are very proud of this. I look forward to the results we will get from that pilot project to figure out how we can continue that on into the future.

Additionally, a couple of years ago, you may recall, we started a water law commission headed by my friend, Justice Parraguirre. The idea of that, and what it ultimately did, was created something we affectionately refer to as Water Court. Water Court was designed to designate and certify a judge in every judicial district in the state to be able to handle the very complex issues and water law cases and to do so in a consistent way. These cases pop up all over the state with our state engineer and we wanted consistency on how they are being handled and how we develop the law in that area. I am very pleased to tell you that, as of today, we have 13 district court judges who are certified as water law judges. We have also asked for an appropriation from the Legislature this session that would allow us to join the Western State Water Law Consortium through the National Judicial College so that we can continue our proactive efforts to address this critical issue in our state and within our region.

In December of 2024, we held our first new judge academy with 18 limited jurisdiction judges from around the state. As you all know, in a lot of areas of our state limited jurisdiction judges are not attorneys. So, we thought it was critical to get these people together and we assembled them in Las Vegas with our AOC facilities and we created an education curriculum and an everyday in-person court curriculum with sitting judges. I think we gave these individuals an incredible amount of practical knowledge to utilize when they started on the bench, but maybe more importantly, we created mentorships and networking opportunities for them to meet and engage with other judges. In a lot of our jurisdictions, the judge is the only judge, and as judges, we rely on each other. We cannot just go solicit information anywhere we want to, so creating those opportunities for them

to develop relationships with people they could rely on was tremendous. As you probably know, within our budget, we are also requesting an expenditure for a continuous learning plan that would allow us to continue our judicial education efforts. I believe our next new judge academy would be scheduled for December of 2026 following the election that involves all 90 district court judge seats in the state. We anticipate that there will probably be at least a handful of new judges at that time, and we think this training program would be incredibly valuable to them, as well. We would also like to return court employee training. We paired that back during the recession. I realize not all court employees are state employees, and we are generally talking about the state Judiciary and state courts right now, but whether you are a municipal county or state court employee, you have the same function. Those employees are the front line of case management and ensuring the accurate record in the courts in this state, and that is critically important. So, we want to provide training to them that assists them in assisting their judges, to help us maintain neutrality and procedural integrity within those court systems. We appreciate any consideration that you all can give us in regard to that.

My favorite topic, I get to talk about specialty courts. Why do we love specialty courts? Nevada has long been a national leader in problem-solving courts. Whether it is our drug court, mental health courts, DUI [Driving Under the Influence] court, veterans court, gambling courts; we love specialty courts because in the criminal law arena there are not a lot of things that you can look at and say, If I do this every time, this person will be successful and they will never come back to the criminal justice system. If we knew that magic formula, we would do it every time. But we know it in specialty courts because specialty courts provide specific team-oriented training for people; to rebuild their lives and reintegrate into their communities and not be repeat customers of the justice system. Last year in Nevada, 1,320 people graduated from our specialty court programs. That number, in and of itself, is significant. What the statistics tell us about that, and we usually look at three years post-graduation, what the statistics tell us is that 90 percent of those people will not be back in the criminal justice system. Just as importantly for people that enter those programs, but do not graduate, but nonetheless spend significant time there—they also develop the tools to rebuild their lives and do not come back into the criminal justice system, as high as 70 to 80 percent, sometimes. That is tremendous, but probably most important in my mind: every trial court judge, every limited jurisdiction judge, can tell you of the heartache of dealing with cases with pregnant mothers suffering through drug and alcohol addiction. You worry not just about the case and the defendant, you worry about the unborn child being born with the physical, mental, and behavioral deficits that come from being exposed to drug or alcohol use by the pregnant mother. In a specialty court program, if one baby can be born drug free, that has that increased chance of success in life as one of our citizens, that is worth every penny we spend on specialty courts. Last year, 36 babies were born drug free to participants in our specialty court programs. Thirty-six, three children every month, with that increased risk success. I know that the Legislature understands the value of Specialty Court. You have always been very good. So, I thank you for that. Again, I ask for your consideration this session in regard to our request for the specialty courts. They are tremendous and they work so, so well for our citizens.

Now I cannot, sadly, talk about the state of our Judiciary without mentioning judicial safety. Everybody in this room, I am sure, is aware of what happened in Las Vegas early last year when one of our judges, Mary Kay Holthus—good judge, working hard, doing her job—sentences a gentleman who becomes displeased, rushes the bench, jumps over the bench, and begins to physically assault the judge before her law clerk and court martials could intervene. It was incredibly scary. Unpredictable? I think most people would say yes. On the other hand, in our society, people are increasingly prone to violence on things and issues and in ways that we did not deal with in the past, including threats and conduct directed at the Judiciary. We did a survey recently, which I will mention a little further in a moment, the judicial participants in that survey, this was the pressing issue. I went to the Conference of Chief Justices with all the other chief justices around the country in February. This was the main presentation topic, including testimonials from judges who had been harassed, stalked, physically assaulted, and shot by people whose cases they we are presiding over. It is a problem. We started a judicial security commission, headed by Justice [Linda Marie] Bell, that is seeking, proactively, to gather information and centralize it from around the state to understand more about the depth and breadth of this problem. But we do not need that to know it is a problem. It is one of the reasons we have requested an

enhancement this session to add two marshal positions to our staff, one North and one South, to provide protection, not just to us, but to everybody that comes in and uses our buildings, the appellate court buildings, around the state. Again, we appreciate your consideration in that regard.

Looking ahead, 2025 will be the end of our current strategic plan and we are excited to continue checking off boxes of the things that we are accomplishing while we also put together our '26-'28 [2026-28] strategic plan, which should be released later this year. That is where the survey came from; there were about 300 participants in that, with 75 focus group members. We are collating and going through that data to gain good insights into what we can do to be very forward thinking in our next strategic plan. As we look to the next biennium, we know we have a lot of work to do and we are grateful for the ARPA [American Recue Plan Act] funds we got that allowed us to start some transformative projects, but we are going to need your help and support to continue those moving forward to complete them and maintain them. That includes our statewide e-filing system. It has been deployed in nine courts and we are working to expand that. We are trying to develop a modernized cloud-based case management system that would provide tremendous flexibility to our court systems around the state and alleviate the very real burden that local courts have in not having the resources for the type of IT [Information Technology] needed. We are also seeking to create a central data repository around the state for court information that would allow, not only for a more robust set of data for judges to make better decisions, but it would allow for better policy development too—surrounding the judicial branch and the state's justice system. So, we appreciate in advance your consideration for those matters.

The successes and achievements that we have made that I have discussed with you briefly this evening and the ambitions we have for the future, they are not just held by the Judicial Branch, right? Whether it is the Legislative Branch, the Governor and the Executive Branch, or the Judicial Branch, we are all united in one thing: do our very level best on behalf of the people of this state to improve their lives, improve their government, and improve the things that they have access to and need. There is so much honor, not just in being a public servant, but being a public servant in this state, in the state of Nevada. With regard to the Judiciary, in the last two-and-a-half months, I have had occasion to travel to a lot of places and I have met a lot of judges that I did not know before from a lot of areas. We have really good judges in this state, good people, that embrace the idea of what being a judge is. That being said, I have always been the first to admit that sometimes the Judiciary is its own worst enemy. Not every judge is built the same, not every Supreme Court is built the same. But what I can tell you about the Nevada Supreme Court, every person on this Court that runs the State Judiciary, understands the privilege of what it means to be a judge.

I am going to tell you one more quick story; 151 years ago, a gentleman wrote a letter about his law partner. In that letter he wrote,"[he]was a kind, tender, and sympathetic man, feeling deeply in the presence of [suffering] pain, wrong, or oppression in any shape; he was the very essence and substance of truth . . . He was just to men, he loved the right, the good and true, with all his soul . . . I have never known [I never knew] so true a man, so [good a one], so just a one, so incorrupted and incorruptible a one . . . His work was [the highest] and grandest religion, noble duty nobly done." It is those last four words that have always stuck with me. Those words were written about Abraham Lincoln. They were written by his last law partner, a gentleman that worked with him for 16 years, before Lincoln became president, and was his friend until Lincoln was assassinated. That gentleman's name was William Herndon. He was my eighth cousin, once removed. I came upon this letter about eight or nine years ago, and Lord knows, I wish I would have found it sooner because it has been very impactful to me since then. The idea of judges and noble duty always performed nobly. Every judge in this state in our Judiciary should appreciate that and think about that every day. I can tell you this Court will do our level best to make sure we continue to keep that fresh in the minds of Nevada's Judiciary moving forward. So, thank you. I just wanted to say, we have a reception and the Supreme Court rotunda and I am hopeful that you can all join us, but before I step away, please know on behalf of me and my family and the entirety of Nevada's Judiciary, how grateful we are for each of you: the Governor and the Nevada Legislature. We know, as public servants as well, the tremendous commitment it takes to do these jobs. Many of us are walking around the halls of the Legislature during the session. We see you, we see your efforts, we see the deliberation, we know how many people are out there asking enormous things of you, and we greatly appreciate you. God bless you and your families. Thank you again, for having me this evening to speak on behalf of the Nevada Judiciary.

Senator Ohrenschall moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Herndon for his timely, able, and constructive message.

Seconded by Assemblymember Dalia.

Motion carried.

The Committee on Escort escorted Chief Justice Herndon to the bar of the Assembly.

Assemblymember Cole moved that the Joint Session be dissolved.

Seconded by Senator Lange.

Motion carried.

Joint Session dissolved at 5:38 p.m.

ASSEMBLY IN SESSION

At 5:39 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the Honorable Jennifer Richards and the Honorable Kenra Bertschy.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to the Honorable Jerry Wiese.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Asha Jones.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Sweet.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Brody Osborn, Jaden Federizo, and Valente Benitez.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Jesus Lopex-Baez, Michael Hua, Tiffany Doctors, and Valeria Lopez.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandro Ancina, Audrey Murrey, Bode Burows, Dillon Gaines, Eli Currence, Jennifer Fleischmann, Jeremiah O, Mattie Frey, Ryker Manthey, Ryland Manthey, Savannah Sierakowski, Tucker Peters, and Veronica Perra.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Ebere Arum and Liliah Hay.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Pam White, Tiffany Watson Savage, and Zavier White.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Diss, Amari Gainer, Jonah Laulu, Judge Souers, Michael Crome, and Piper Overstreet-White.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Audra Gardner and Calista Gardner.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Brittney Kemp, Jacob Murdock, and Stephanie Dupree.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Madisyn Daniel.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Josie Hatem and Tatiana Hatem.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Camille Vu.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Nolan and Jerred Delatorre.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Ahsaki "Saki" Hardy, Raeshann "Rae" Canady, and TeQuia Barrett.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Knott, Josie Knott, and Taylor Knott.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Herrick.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, March 27, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:39 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 27, 2025

Assembly called to order at 11:34 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Father Jeff Paul

We anoint our souls with the elixir of healing: health of truth, health of nature, health of knowledge. Be upon our lips, our hearts, our minds. May health-giving peace be about us, delivering our souls from strife, from spring's true light till merciful night. We summon blessing and protection upon the members of the Nevada State Assembly, upon all who work herein. And the people said . . .

HUZZAH! [AMEN.]

Pledge of Allegiance to the Flag led by the 4th grade students from Numa Elementary School.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 132, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 27, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 337, 344, 360, 414, 424, 428, 432, 446, 452, 453, 456, 457, and 479.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bills Nos. 12, 21, 29, 36, 39, 42, 97, 196, 236, 248, 262, 348, and 365 be taken from their place on the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 117.

Bill read second time and ordered to third reading.

Assembly Bill No. 164.
Bill read second time and ordered to third reading.

Assembly Bill No. 237.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bill No. 117 be rereferred to the Committee on Ways and Means.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Gallegos, Scott Jolcover, and Tiffany Doctors.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Jones and Lorna Shaw.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Erling, Lacy Trapp, and Sean Ellis.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Jensen, Justina Walter, and Tom Stewart.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Stockton, Terri West, and Trista Gomez.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Brady Davies, Dan Stewart, and Jaymie Donovan.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Davis, John Webster, and Todd Sylvester.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Smith, Dan Farrell, and Miguel Delgado.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Hawn, Caroline Smith, and Pat Smith.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Ingham, Debbie Hudgens, and Linda Hartweg.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Fargnoli, Karen Reed, and Linda Powers.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Rhodes, Liz Diaz, and Tim Arnold.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Tuggle, Kathleen Seline, and RoseAnn Farmer.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Colin Gibb, Kin Ford, and Michael Coggeshall.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Christian Gonzalez and Kristi Schaff.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Carol McDonald, Cher Daniels, and Nancy Reinhardt.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Nyland and Susan Hansen.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Anderson, Anne Bradeen, and Pamela Pierson.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Carole Cebrian, Linda Crossley, and Stephanie Stoeberl.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Close.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Effie Herman, Jennifer Everson, and Madison Hale.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Darius Swinton, Janet Vences-Balvas, and Sara Thorne.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Brendan Musselman, Emily Hendrickson, and Richard Harrison.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Alison Brasier, Julia Armendariz, and Vivian Pallares.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Ash Blackburn, Lisa Scott, and Steve Chambliss.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Don Dwyer, JoEtta Davis, and Steve Sappington.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Dankowski, Jennifer Coons, and Owen Brown.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Arlette Newvine and Debbie Struhsacker.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Nash and Lauren Valerio.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Leonard Howe and Stacy Johnson.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Gerado Aguilar, Hazel Holbert, and Shay Bravo Bezard.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Daisa Shedd, Heather Nelson, and Joshua Vermillion.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Alexander Avila, Michael Hua, and Michelle Ploudre.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Ellis, Daven P. Cameron, and Fallon Dalling.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Blanco, Brian Hitchcock, and Evan Allen.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Doni Webber, Frank Noland, and Ralph Sacrison.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Erik Bray, Nick Fouche, and Nina Astillero.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Heazkett, Daniel Atkinson, and Janelle Ordal.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Joyce Toste, Michael Soukup, and Susan Priestman.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Devin Harbke, Kristi Honeyestewa, and Racheal Ross.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Landier.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, March 31, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 31, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Pastor Luis Gonzalo Oliva Cortez.

Para todos, soy Luis Oliva, pastor principal de Iglesia Evangélica Amigos en Las Vegas, Nevada. Mi país de origen es la hermosa Guatemala. Muchas gracias por la invitación, es un honor para mí. Con reverencia haremos la solemne oración de invocación a Dios.

Amado Dios, eres digno de invitarte a esta reunión tan importante, eres el creador del universo, y de nuestras vidas, eres perfecto en todo y a ti debemos nuestra existencia, te damos gloria y honor.

Tú, oh Dios, a través de tu palabra nos mandas acompañar a nuestras autoridades tal como lo dice la Biblia en 1 Timoteo 2: "Ante todo, recomiendo que se hagan peticiones, oraciones, súplicas y acciones de gracias a Dios por toda la humanidad. Se debe orar por los que gobiernan y por todas las autoridades, para que podamos gozar de una vida tranquila y pacífica, con toda piedad y dignidad."

Necesitamos de ti en todo, y especialmente en esta reunión, te pedimos que des a cada uno y cada una, sabiduría de lo alto, eres la fuente de sabiduría, y la necesitamos para ser correctos, justos, para respetarnos y para honrarnos unos a otros. Deseamos ser portadores de paz, que busquemos vivir en quietud, a respetarnos unos a otros, como seres humanos dignos.

Ahora deseo pedirte por cada asambleísta, que todo lo que hagan a favor del bien de toda la sociedad, pueda ser retribuido para cada uno y sus amadas familias. Oro por mucha fortaleza, por el ánimo, por su buenas emociones mientras permanecen en la presente Asamblea.

Oramos a favor de nuestro estado de Nevada, de seguro un estado con grandes desafíos, pero también un estado con múltiples oportunidades. Oramos por las personas más vulnerables de este estado, por muchas oportunidades para quienes son menos afortunados en la actualidad. Tú eres un dios de toda bondad, has rodeado nuestras vidas de favores y misericordias.

Invocamos tu presencia en este lugar, pidiendo tu bendición para esta ciudad, para este estado, y para la nación de los Estados Unidos de América, y lo hacemos en el nombre de nuestro señor y salvador.

AMEN.

(The following is the English translation of the invocation.)

Blessings to all. I am Luis Oliva, Senior Pastor of Evangelical Friends Church in Las Vegas, Nevada. My country of origin is beautiful Guatemala. Thank you very much for the invitation—it is an honor for me. With reverence, we will now make the solemn invocation prayer to God.

Beloved God, You are worthy to be invited to this important gathering. You are the Creator of the universe and of our lives. You are perfect in all things, and to You we owe our existence. We give You glory and honor.

You, oh God, through Your Word, command us to stand with our authorities, as it says in the Bible in 1 Timothy 2: "First of all, I urge that petitions, prayers, intercessions, and thanksgiving be made for all people—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness."

We need You in everything, and especially in this meeting. We ask that You grant each and every person wisdom from above. You are the source of wisdom, and we need it to be righteous and just, to respect and honor one another. We wish to be peacemakers, to strive to live in quietness, and to respect each other as worthy human beings.

Now, I wish to pray for every Assemblymember—that everything they do for the good of society may be returned in blessings to them and their beloved families. I pray for great strength, encouragement, and good emotional well-being as they remain in this Assembly.

We pray for our state of Nevada—a state with great challenges, but also one with many opportunities. We pray for the most vulnerable people in this state, for greater opportunity for those who are currently less fortunate. You are a God full of goodness, who surrounds our lives with favor and mercy.

We invoke Your presence in this place, asking for Your blessing over this city, this state, and the nation of the United States of America. We do so in the name of our Lord and Savior.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 143, 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 115, 125, 144, 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 11, 28, 62, 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 174, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 38, 52, 66, 157.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

March 31, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 356, 362, 370, 402, 445, 472, and 482.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of Monday, March 31, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

CUMULUS MEDIA-RENO: Jacob Selbodnick; NEWS4/FOX11: Anthony Ramos.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 12, 21, 29, 36, 39, 42, 97, 164, 196, 236, 237, 248, 262, 348, and 365 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 541—AN ACT relating to postconviction proceedings; revising provisions relating to the payment of necessary costs and expenses associated with certain proceedings based upon a postconviction petition for a writ of habeas corpus; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 542—AN ACT relating to offenders; revising requirements relating to the provision of certain medical services to women in the custody of the Department of Corrections; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 543—AN ACT relating to state lands; revising certain provisions relating to the fees for the lease of state land for the grazing of livestock; requiring certain fees for the grazing of livestock be deposited in the Account for Maintenance of State Parks within the Division of State Parks of

the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 544—AN ACT relating to health care; revising the expiration date of certain licenses issued by the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 545—AN ACT relating to emissions testing; increasing certain fees relating to forms certifying emission control compliance; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 546—AN ACT relating to vehicles; providing that vehicles owned by a charter school of the State are exempt from fees for registration; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 38.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 52.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 66.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 157.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time and ordered to third reading.

Assembly Bill No. 405.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bill No. 405 be rereferred to the Committee on Ways and Means.

Motion carried.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Chistopher MacMahon and Shaun Griffin.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Brisa Guzman, Dennis Garcia, and Osvaldo Jimenez.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to David Hewitt and Marc Chapelle.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Bernardo Aguilar, Jofran Rea, and Stephanie Vasques.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Cordoba, Silvina Jover, and Vania Carter-Strauss.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Jesse Rivera Gaytan, Jiromi Pena Martinez, and Malcolm Greer.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Frick, Rafael Rodrigiez, and Thania Castanaza.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Astrid Martinez, Carolina Gonzalez, and Marina Herandez.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Mixtli Guiterrez.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Nettie Oliverio, Teissy Angel Ramirez, and Vanessa Vancour.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Areli Sanchez and Pio Rejas.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Alfred Jimenez, Lizette Becerra, Erika Marquez, and Samantha Mendoza.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Silvina Jover, Ramona Esparza-Stoffegan, and Shirley Jimenez.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Thielen.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Schmidling, Nancy Madrigal, and Sogand Tabatabaei.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Darlin Delgado, Elena Fabunan, and Sylvia Lazos.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Pastor Angelica Jordan and Pastor Luis Oliva.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, April 3, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), April 3, 2025

Assembly called to order at 11:32 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Pastor Gavin Jarvis.

God, You have revealed this about Yourself; that You do as You please, and that it is Your will for people to pray to You; that You hear our words, and You answer. So, I pray that the continued work of our State Assembly, and the dedication of these elected officials and their staff would guide our state for generations. Please care for their wellbeing, as well as Nevada's. Let the bills passed in this House create peace in our state and confidence in our neighbors. Place Your favor on this Assembly, sovereign God. I pray this in Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 498, 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 246, 292.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 3, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bills Nos. 123, 502, and 542.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 367, 388, 390, 404, 408, 435, 455, 463, 464, 469, 470, 471, 488, 492, 503, 514, 525, and 536.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bills Nos. 12, 21, 29, 36, 39, 42, 97, 132, 164, 174, 196, 236, 237, 248, 258, 262, 348, and 365 be taken from their place on the General File and be placed on the General File for the next legislative day.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 246.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 292.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.
Bill read second time and ordered to third reading.

Assembly Bill No. 28.
Bill read second time and ordered to third reading.

Assembly Bill No. 62.
Bill read second time and ordered to third reading.

Assembly Bill No. 115.
Bill read second time and ordered to third reading.

Assembly Bill No. 125.
Bill read second time and ordered to third reading.

Assembly Bill No. 143.
Bill read second time and ordered to third reading.

Assembly Bill No. 144.
Bill read second time and ordered to third reading.

Assembly Bill No. 235.
Bill read second time and ordered to third reading.

Assembly Bill No. 277.
Bill read second time and ordered to third reading.

Assembly Bill No. 430.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 62, 115, and 143 be rereferred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Crane, Diana Crane, and Sarah Crane.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Crane, Jonathan Crane, and Matthew Crane.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Armstrong, Perry Harris, and Shane O'Brien.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Zoe Reiswerg.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Rivas, Becca Gardner, and Robin Gardner.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Antonio De La Torre, Chastity Gohr, and Kai Hoskins.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Callejas Cebreros.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Crane, Isaiah Crane, and Samuel Crane.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Lela Diaz, Peter Fin, Raja Rahman, and Trish Suziki.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Bittner.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Johnson and Meghan Donohue.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Timothy Galluzi.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Aguilar and Jason Aguilar.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Pfiffner, Erik Saari, and Jason Manasan.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, April 7, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 7, 2025

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Deputy Sergeant at Arms Tony Corda.

Holy Lord, we thank You for all the difficulties we have found, the obstacles we faced, the stresses we bore, and the problems we encountered, for we are still here. You have delivered us from all of it and made us stronger. And that is just one day at the Legislature! We look forward to the challenges ahead, for we are ready.

We pray that You stay with us as we continue to work hard for our Nevada citizens. That is what we do, let us make them proud. When that is accomplished, grant us peace. In Your Holy Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 82, 83, 98, 185, 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 110, 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SHEA M. BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 7, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 462, 483, 515, 524, 535, 546.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bills Nos. 11, 12, 21, 28, 29, 36, 39, 42, 97, 125, 132, 144, 164, 174, 196, 235, 236, 237, 248, 258, 262, 277, 348, 365, and 430 be taken from the General File and be placed on the General File for the next legislative day.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Yeager:

Assembly Bill No. 547—AN ACT relating to public employment; requiring an appointing authority to recognize relevant employment experience obtained in the Federal Government as equivalent to employment experience obtained in the government of this State for certain purposes; prohibiting, with certain exceptions, an appointing authority from requiring an applicant for a position of employment in the classified or unclassified service of the State to have obtained a bachelor's degree as a condition precedent to employment; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to take certain actions with respect to the master classification plan for all positions in the classified service of the State; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 548—AN ACT relating to vessels; requiring the Board of Wildlife Commissioners to establish by regulation certain fees concerning the numbering and titling of certain power-driven vessels; revising the purposes for which the money from such fees and other fees relating to vessels may be used; revising provisions relating to the deposit of money from certain fees by the Department of Wildlife with the State Education Fund; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 278.

Bill read second time and ordered to third reading.

Assembly Bill No. 498.

Bill read second time and ordered to third reading.

Assembly Bill No. 510.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Ear.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Bella Anderson.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Anderson, Laila Rose Hudson, and Zoe Terry.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa Villalpando and Sierra Saunders.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Hendrix.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Kaden Schorovsky, Lyndsey Darrow, and Rachel Audenried.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jane Fox and Sarbyen Sheri.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Tadrzynski and Jeremy Heckler.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Isabelle Silva and Trang Phan.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Isabella Tran, Mia Kirk, and Nancy Roget.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Ele, Heidi Luna, and Vandyke Maclean.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Maria-Teresa Liebermann-Parraga, Nick Marquart, and Theresa Parraga.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Bottenberg, Chad Hayes, Charlie De La Paz, David Campbell, Donna Golshan, Holli Wilson, James Duke, Jason Case, Jordan Cervalli, Kyle Call, Mackenzie Campbell, Miranda Hoover, Morgan Meidell, Paul Anderson, Peter Krueger, Shawna Glenn, and Zoe Houghton.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Claire Lin, Francis Fagbule, and Kaitlyn Witt.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, April 10, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 10, 2025

Assembly called to order at 11:47 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Marzola, who was excused.

Prayer by Chaplain Steep Weiss.

Dear and ever-present Spirit, thank You for giving us Your spiritual qualities to reflect as we work together today in service to citizens in this great state we call our home. We humbly rely on Your strength, wisdom, insight, and protection to guide all of our thoughts and actions.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was rereferred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 1, 8, 10, 14, 57, 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 336, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 81, 96, 145, 191, 263, 285, 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 338, 380, 411, 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 19, 31, 234, 244, 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 17, 18, 30, 89, 90, 283, 308, 369, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 25, 35, 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 34, 150, 218, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were rereferred Assembly Bills Nos. 45, 107, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 148, 249, 256, 306; Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 9, 136, 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which were referred Assembly Bills Nos. 59, 86, 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 506, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on End-of-Life Care, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID ORENTLICHER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 256, 383.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

April 10, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 438, 442, 459, 465, 467, 493, 494, 500, 504, 509, 528, 531, 532, 533, and 534.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Thursday, April 10, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

NEVADA CURRENT: Jeniffer Solis.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 256.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 383.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 52.

AN ACT relating to water; exempting the State Engineer from liability for certain damages resulting from the performance of certain duties; revising provisions relating to the construction, reconstruction or alteration of a dam; exempting certain works under the jurisdiction of the United States Bureau of Reclamation or the United States Army Corps of Engineers from certain requirements relating to dams; requiring that certain applications relating to dams be made available to the Department of Wildlife; authorizing the State Engineer to enter certain parcels of land to access a dam or other obstruction; revising provisions relating to the removal of any dam, diversion works or obstruction; revising provisions relating to the removal of certain animals interfering with the flow of water; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is authorized to regulate the construction, reconstruction, alteration and operation of dams and other obstructions of waterways in the State of Nevada. (NRS 532.110, 532.120, chapter 535 of NRS) **Section 1** of this bill exempts the State Engineer and any assistant ~~[or authorized agent]~~ of the State Engineer from liability for damages caused by certain failures of a dam or reservoir that may occur as a result of an inspection, emergency response or enforcement of an order or regulation by the State Engineer or his or her assistant**.** ~~[or authorized agent.]~~

Under existing law, any person proposing to construct a dam in this State must obtain a permit from the State Engineer to appropriate, store and use the water impounded or diverted by the proposed dam before beginning construction and, upon obtaining or possessing such a permit, must submit, in triplicate, to the State Engineer for approval plans and specifications for certain dams. Existing law further: (1) authorizes the State Engineer to inspect the construction of a dam at any time for compliance with the approved plans and specifications; (2) prohibits the construction and use of any dam, under certain circumstances, before the approval of plans and specifications by the State Engineer; and (3) makes it a misdemeanor to construct or use a dam without first obtaining such approval. (NRS 535.010) **Section 2** of this bill makes these provisions applicable to the reconstruction or alteration of a dam. **Section 2** also removes the requirement that any person proposing to construct a dam in

this State obtain a permit to appropriate, store and use water impounded or diverted by the proposed dam before beginning construction of the dam and instead requires any person proposing to construct, reconstruct or alter a dam to obtain approval from the State Engineer before beginning construction, reconstruction or alteration of the dam. **Section 2** further: (1) requires a person to submit plans and specifications to the State Engineer for approval if the dam is classified by the State Engineer as a high hazard or significant hazard dam; and (2) removes the requirement that such plans and specifications be submitted in triplicate.

Under existing law, the State Engineer is authorized to impose certain administrative fines for, or may seek injunctive relief upon, the violation of any permit issued by the State Engineer relating to the construction, reconstruction or alteration of a dam. (NRS 535.200, 535.210) **Sections 8 and 9** of this bill authorize the imposition of certain administrative fines or the seeking of injunctive relief upon the violation of any approval issued by the State Engineer in conformity with the removal of the requirement to obtain a permit made in **section 2**.

Under existing law, the State Engineer is required to file with the Board of Wildlife Commissioners a copy of applications for approval of plans and specifications for a new dam or for the alteration and enlargement of any dam in a stream. (NRS 535.020) **Section 3** of this bill instead requires the State Engineer to notify the Department of Wildlife when an application for decommissioning a dam is filed or a request for approval of plans and specifications of a new dam or for the alteration and enlargement of any dam in a stream is submitted and to make the application or plans and specifications available to the Department.

Under existing law, works constructed by the United States Bureau of Reclamation or the United States Army Corps of Engineers are exempt from certain requirements relating to dams, including requirements for the approval of plans and specifications and inspections and safety and repair requirements. (NRS 535.010, 535.030) **Sections 2 and 4** of this bill exempt any works under the jurisdiction of the United States Bureau of Reclamation or the United States Army Corps of Engineers from such requirements.

Under existing law, the State Engineer or any assistant or authorized agent of the State Engineer is authorized to enter any land, at a reasonable hour, where a dam or obstruction is situated to investigate and carry out the duties of the State Engineer. (NRS 535.035) **Section 5** of this bill further authorizes the State Engineer or any assistant or authorized agent of the State Engineer to enter the land of any parcel adjacent to where a dam or other obstruction is located as is necessary to access the dam or other obstruction.

Under existing law, the State Engineer is authorized to order the removal of any dam, diversion works or obstruction that has not been legally established by certain means. If such a dam, diversion works or obstruction is ordered removed by the State Engineer and is not removed after the service of a 30-day notice upon the owner or person controlling the dam, diversion works or

obstruction, or an appeal of the removal order has not been filed, the State Engineer may remove the dam, diversion works or obstruction. (NRS 535.050) **Section 6** of this bill authorizes the State Engineer to remove a dam, diversion works or obstruction not legally established after providing a written, not served, copy of the 30-day notice to the owner of the dam, diversion works or obstruction.

Under existing law, the State Engineer is authorized to remove a beaver on privately owned land if it is determined the beaver is interfering with the flow of water to the detriment of water users and after service of a written notice on the owner of the private land. (NRS 535.060) **Section 7** of this bill requires that the written notice be provided to the landowner and need not be served.

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

Section 1. Chapter 535 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Engineer and any assistant ~~[or authorized agent]~~ of the State Engineer are not liable for any damages caused by the partial or total failure of a dam or reservoir as a result of any inspection, emergency response or enforcement of an order or regulation by the State Engineer or his or her assistant. ~~[or authorized agent.]~~

Sec. 2. NRS 535.010 is hereby amended to read as follows:

535.010 1. Any person proposing to construct ***, reconstruct or alter*** a dam in this state shall, before beginning construction, ***reconstruction or alteration of the dam,*** obtain ***approval*** from the State Engineer ***.*** ~~[a permit to appropriate, store and use the water to be impounded by or diverted by the dam.]~~

2. Any ~~[such]~~ person ~~[obtaining or possessing such a permit]~~ ***who obtains approval from the State Engineer pursuant to subsection 1*** shall:

(a) Before constructing, reconstructing or altering in any way any dam, notify the State Engineer thereof; and

(b) ~~[Where the dam is]~~ ***Submit to the State Engineer for approval plans and specifications for the construction, reconstruction or alteration of the dam, if the dam:***

(1) Is or will be 20 feet or more in height, measured from the downstream toe to the crest of the dam ~~[, or is]~~ ***;***

(2) Is less than 20 feet in height and will impound more than 20 acre-feet of water ~~[, submit to the State Engineer in triplicate plans and specifications thereof for approval 30 days before construction is to begin.]~~ ***; or***

(3) Is classified by the State Engineer as a high hazard or significant hazard dam.

3. The State Engineer shall examine ~~[such]~~ ***any*** plans and specifications ***submitted pursuant to subsection 2*** and if ~~[the State Engineer approves them]~~ ***approved,*** the State Engineer shall return ~~[one]~~ ***a*** copy ***of the plans and specifications*** with such approval to the applicant. If the State Engineer

disapproves any part of the plans and specifications the State Engineer shall return them to the applicant for correction or revision.

4. The construction ***, reconstruction, alteration*** and use of any dam is prohibited before approval ~~[of the plans and specifications]~~ by the State Engineer ~~[.]~~ ***is obtained pursuant to subsection 1.***

5. The State Engineer may at any time inspect or cause to be inspected the construction ***, reconstruction or alteration*** work ***on a dam*** while it is in progress to determine that it is being done in accordance with the approved plans and specifications ~~[.]~~ ***, if applicable.***

6. ~~[This section applies to new construction, reconstruction and alteration of old structures.~~

~~7.]~~ The provisions of this section relating to ***the*** approval of plans and specifications and inspection of dams do not apply to works ~~[constructed by]~~ ***under the jurisdiction of*** the United States Bureau of Reclamation or the United States Army Corps of Engineers ***,*** ~~[;]~~ but such federal agencies shall file duplicate plans and specifications with the State Engineer.

~~[8.]~~ ***7.*** Any person beginning the construction ***, reconstruction or alteration*** of any dam before ***notifying the State Engineer in accordance with paragraph (a) of subsection 2 or obtaining*** approval of the plans and specifications by the State Engineer, ~~[or without having given the State Engineer 30 days' advance notice of any proposed change, reconstruction or alteration thereof,]~~ ***if required pursuant to paragraph (b) of subsection 2,*** is guilty of a misdemeanor. Each day of violation of this section constitutes a separate offense and is separately punishable.

Sec. 3. NRS 535.020 is hereby amended to read as follows:

535.020 1. Whenever an application for ***decommissioning a dam is filed or a request for*** approval of plans and specifications for a new dam or for the alteration and enlargement of any dam in any stream in this state is ~~[filed with]~~ ***submitted to*** the State Engineer, the State Engineer shall ~~[file a copy of the application with]~~ ***notify*** the ~~[Board]~~ ***Department*** of Wildlife ~~[Commissioners.]~~ ***and make the application or plans and specifications, as applicable, available to the Department of Wildlife.***

2. In the construction of a dam, or the alteration or enlargement of a dam, the owner shall conform with the provisions of law for the installation of fishways over or around dams and for the protection and preservation of fish in streams obstructed by dams.

Sec. 4. NRS 535.030 is hereby amended to read as follows:

535.030 1. The State Engineer from time to time shall:

(a) Make inspections of dams at state expense for the purpose of determining their safety; and

(b) Require owners to perform at their expense such work as may be necessary to supply the State Engineer with information as to the safety of such dams.

2. The owners shall perform at their expense any other work necessary to maintenance and operation which will safeguard life and property.

3. If at any time the condition of any dam becomes so dangerous to the safety of life or property as not to permit sufficient time for the issuance and enforcement of an order relative to the maintenance or operation thereof, the State Engineer may, if he or she deems it necessary, immediately employ the following remedial measures to protect either life or property:

(a) Lower the water level by releasing water from the reservoir.

(b) Completely empty the reservoir.

(c) Take such other steps as may be essential to safeguard life and property.

4. The provisions of this section shall not apply to works ~~[constructed by]~~ ***under the jurisdiction of*** the United States Bureau of Reclamation or the United States Army Corps of Engineers.

Sec. 5. NRS 535.035 is hereby amended to read as follows:

535.035 In addition to any inspection conducted pursuant to NRS 535.010 or 535.030, the State Engineer or any assistant or authorized agent of the State Engineer may enter the land of any owner or proprietor where any dam or other obstruction is ~~[situated]~~ ***located, and any adjacent parcel of land as is necessary to access the dam or other obstruction,*** at any reasonable hour of the day to investigate and carry out the duties of the State Engineer pursuant to this chapter.

Sec. 6. NRS 535.050 is hereby amended to read as follows:

535.050 1. The State Engineer has the right, power and authority to order the removal of any dam, diversion works or obstruction that ~~[has been placed in any stream channel or watercourse when the dam, diversion works or obstruction]~~ has not been legally established and recognized through a valid claim of vested right, by decree of court or ~~[by a permit issued]~~ ***approved*** by the State of Nevada ~~[.]~~ ***in accordance with the provisions of this section.***

2. Nothing in this section is to be construed as giving the State Engineer any right or authority to remove any dam or diversion works that has been so legally recognized and established.

3. If the dam, diversion works or obstruction has not been removed after 30 days' notice in writing given by the State Engineer ~~[and served upon]~~ ***to*** the owner ~~[or person controlling]~~ ***of*** the dam, diversion works or obstruction, or if no appeal has been taken from the order of the State Engineer as is provided for in NRS 533.450, then the State Engineer may remove the dam, diversion works or obstruction.

4. The State Engineer shall charge the actual cost of ~~[that]~~ ***the*** removal ***of the dam, diversion works or obstruction*** to the water distribution account and thereafter present an itemized statement of the charge to the board of county commissioners of the county wherein those expenses were incurred. The board of county commissioners shall thereupon present a bill for the expenses to the person liable therefor under this section, and if that person neglects for 30 days thereafter to pay it, the bill and costs become a lien upon the lands and property of the person so liable for the payment of the bill, and must be collected as delinquent taxes against the lands and property are collected.

Sec. 7. NRS 535.060 is hereby amended to read as follows:

535.060 1. On any stream system and its tributaries in this state the distribution of the waters of which are vested in the State Engineer by law or the final decree of court, where beaver, by the construction of dams or otherwise, are found to be interfering with the lawful and necessary distribution of water to the proper users thereof, the State Engineer, upon complaint of any interested water user, shall investigate or cause the investigation of the matter.

2. The State Engineer and his or her assistants and water commissioners and the Department of Wildlife and its agents may enter upon privately owned lands for the purposes of investigating the conditions complained of and the removal and trapping of beaver.

3. If satisfied that such beaver are interfering with the flow of water to the detriment of water users, the State Engineer shall ~~[serve]~~ ***provide*** a written notice ~~[on]~~ ***to*** the owner of the land, if it is privately owned, stating:

(a) That the beaver thereon are interfering with or stopping the flow of water necessary for the proper serving of water rights; and

(b) That unless, within 10 days from receipt of the notice, written objection to the removal of such beaver is filed with the State Engineer by the landowner, the Department of Wildlife will remove such beaver or as many thereof as will rectify the existing conditions.

4. Failure of the landowner to file such written objections shall be deemed a waiver thereof. Upon receipt of written objections, the State Engineer may make further investigation and may sustain or overrule the objections as the facts warrant. Upon the overruling of the objections, the landowner may have them reviewed by the district court having jurisdiction of the land by filing therein a petition for review within 10 days from the receipt of the order of the State Engineer overruling the objections. The proceedings on the petition must be informal and heard by the court at the earliest possible moment.

5. Upon the landowner's waiver of objections to the removal of beaver from his or her land, or upon final determination by the court that the beaver should be removed, the State Engineer shall immediately notify the Department of Wildlife of the waiver or determination and the Department or its agents shall enter upon the land from which the beaver are to be removed and remove them or as many as may be necessary to prevent the improper flow of water as directed by the State Engineer.

6. The State Engineer may remove or cause the removal of any beaver dam found to be obstructing the proper and necessary flow of water to the detriment of water users.

Sec. 8. NRS 535.200 is hereby amended to read as follows:

535.200 1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any ~~[permit,]~~ ***approval,*** order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine

not to exceed $10,000 per day for each violation as determined by the State Engineer.

2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.

Sec. 9. NRS 535.210 is hereby amended to read as follows:

535.210 1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any ~~[permit,]~~ ***approval,*** order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.

2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any ~~[permit,]~~ ***approval,*** order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.

3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.

4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.

5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.

Sec. 10. This act becomes effective upon passage and approval.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 11.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** D'SILVA **; CONSIDINE, DALIA, FLANAGAN, GONZÁLEZ, HUNT, KARRIS, MILLER, MOORE, MOSCA, NADEEM, NGUYEN, ORENTLICHER, AND TORRES-FOSSETT**

JOINT SPONSORS: SENATORS FLORES AND NGUYEN

AN ACT relating to days of observance; requiring the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day" and "Vesak Day" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.095) This bill requires the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day" and "Vesak Day" in the State of Nevada.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Governor shall annually proclaim the fifteenth day of the eighth month of the Hindu calendar to be "Diwali Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Diwali in the State of Nevada and throughout the world.

Sec. 3. ***1. The Governor shall annually proclaim the first day of the tenth month of the Islamic calendar to be "Eid al-Fitr Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention

of the residents of Nevada the diversity and inclusion of the cultures that celebrate Eid al-Fitr in the State of Nevada and throughout the world.

Sec. 4. ***1. The Governor shall annually proclaim the first day of the month of Vaisakh of the Sikh calendar to be "Vaisakhi Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Vaisakhi in the State of Nevada and throughout the world.

Sec. 5. ***1. The Governor shall annually proclaim the day of the first full moon in the month of May to be "Vesak Day," also known as "Buddha Day," in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the

cultures that celebrate Vesak in the State of Nevada and throughout the world.

Sec. 6. This act becomes effective upon passage and approval.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 69.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOSCA **; D'SILVA, FLANAGAN, GONZÁLEZ, HUNT, JACKSON, KASAMA, MILLER, NADEEM, NGUYEN, AND TORRES-FOSSETT**

JOINT SPONSORS: SENATOR NGUYEN

AN ACT relating to days of observance; requiring the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.095) This bill requires the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada.

WHEREAS, October 25 is the anniversary of the birth of Modesto "Larry" Dulay Itliong in the Philippines; and

WHEREAS, After immigrating to the United States as a teenager in 1929, Larry Itliong began working as a farm laborer and in the canneries of Alaska, where he helped found the Alaska Cannery Workers Union; and

WHEREAS, After his service in the U.S. Army during World War II, Larry Itliong moved to Stockton, California, where he continued his labor organization work, becoming a leader in the Filipino-American community of respected elders in the farm labor movement known as the "Manongs"; and

WHEREAS, Larry Itliong founded the Filipino Farm Labor Union in 1956 and the Agricultural Workers Organizing Committee (AWOC) in 1959; and

WHEREAS, Larry Itliong played an instrumental role in leading the 1965-1970 Delano Grape Strike and related boycott, including convincing the National Farm Workers Association (NFWA), a primarily Mexican-American farmworkers union led by Cesar Chavez, to join forces with the AWOC; and

WHEREAS, Garnering national attention, the Delano Grape Strike resulted in the first union contracts for farmworkers, which included improved wages, benefits and working conditions, and transformed the farm labor movement in the United

States through its use of boycotts, the groundbreaking collaboration between farmworkers of Filipino and Mexican heritage and the formation of the United Farm Workers labor union from the merger of the AWOC and the NFWA; and

WHEREAS, Known as a father of the West Coast labor movement, Larry Itliong was a tireless labor organizer, community leader and activist for social and economic justice; and

WHEREAS, Larry Itliong's legacy is a source of pride for Filipino-Americans, who constitute the largest segment of the Asian-American, Native Hawaiian and Pacific Islander population, which is the fastest growing demographic group in the State of Nevada and the United States; and

WHEREAS, The State of Nevada desires to recognize the many contributions Larry Itliong made to the State of Nevada and the United States; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada.

2. The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the important contributions Larry Itliong made to the State of Nevada and the United States.

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

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 98.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 125.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOORE**, GONZÁLEZ, MARZOLA, JAUREGUI, TORRES-FOSSETT; ANDERSON AND D'SILVA**

JOINT SPONSORS: SENATORS NEAL, DOÑATE, FLORES, AND CRUZ-CRAWFORD

AN ACT relating to days of observance; requiring the Governor to annually proclaim April 10 to be "Dolores Huerta Day" in Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (NRS 236.018-236.095) This bill requires the Governor to annually proclaim April 10 to be "Dolores Huerta Day" in the State of Nevada.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim April 10 to be "Dolores Huerta Day" in the State of Nevada.

2. The proclamation must encourage all public schools and educational institutions in this State to recognize and educate students regarding the life and accomplishments of Dolores Huerta and her contributions to the United States.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 110.

Bill read second time.

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

Amendment No. 139.

ASSEMBLYMEMBER GALLANT

JOINT SPONSOR: SENATOR STONE

AN ACT relating to transportation; designating State Route 163 as the Colorado River Highway; designating the bridge connecting State Route 163 with Bullhead City, Arizona, as the Donald J. Laughlin Memorial Bridge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides designations for certain highways in this State. (NRS 408.303, 408.307; Chapter 71, Statutes of Nevada 1987, at page 136) This bill designates: (1) State Route 163 as the Colorado River Highway; and (2) the bridge connecting State Route 163 with Bullhead City, Arizona, as the Donald J. Laughlin Memorial Bridge. This bill also requires the Director of the Department of Transportation to place suitable markers along the highway and bridge in locations where the Director deems appropriate.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. State Route 163, as now or hereafter located in this State, is designated as the Colorado River Highway.***

2. The Director shall place suitable markers along State Route 163 and may locate them at such points as the Director deems appropriate.

Sec. 3. ***1. The bridge which connects State Route 163 with Bullhead City, Arizona, as now or hereafter located in this State, is designated as the Donald J. Laughlin Memorial Bridge.***

2. The Director shall place suitable markers along the bridge and may locate them at such points as the Director deems appropriate.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 140.

Bill read second time.

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

Amendment No. 92.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GONZÁLEZ **; HUNT**

AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is not eligible for a driver's license in this State to apply instead for a driver authorization card. Existing law provides that a driver authorization card expires on the fourth anniversary of the holder's birthday, measured from the birthday nearest the date of issuance or renewal. (NRS 483.291) Existing law provides that a driver's license expires as prescribed by regulations adopted by the Department of Motor Vehicles. (NRS 483.380) **Sections 1 and 2** of this bill change the expiration date of a driver authorization card so that, instead of every four years, a driver authorization card expires as prescribed by regulations adopted by the Department of Motor Vehicles. **Section 2** requires the Department to adopt such regulations. **Section 2** also requires that, to the extent consistent with federal law, the regulations adopted by the Department must ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.

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

Section 1. NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state or a political subdivision of a state;

(2) A driver's license issued by another state which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian or Alaska Native Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State;

(9) A document issued by the Department pursuant to NRS 483.375 or 483.8605; or

(10) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

➥ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. ~~[Notwithstanding the provisions of NRS 483.380, every]~~ ***Every*** driver authorization card ~~[:~~

~~(a) Expires on the fourth anniversary of the holder's birthday, measured in the case of initial issuance or renewal from the birthday nearest the date of issuance or renewal.~~

~~(b) Is]~~ ***is*** renewable at any time before its expiration upon application and payment of the required fee. ~~[The Department may, by regulation, defer the expiration of the driver authorization card of a person who is oAN ACTive duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the~~

~~driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.]~~

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

Sec. 2. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.283, every driver's license ***and every driver authorization card*** expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a driver's license expires ~~[.]~~ ***and when a driver authorization card expires.*** The Department may, by regulation, defer the expiration of the driver's license ***or driver authorization card*** of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the ***driver's*** license ***or driver authorization card*** of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

3. Except as otherwise required by federal law, the regulations required pursuant to subsection 2 must ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 71.

AN ACT relating to child care; prohibiting the unit-owners' association of ~~[a]~~ **certain** common-interest ~~[community]~~ **communities** from prohibiting the operation of ~~[a]~~ **certain** licensed child care ~~[facility;]~~ **facilities;** authorizing, with certain exceptions, a tenant to operate a **certain** licensed child care

facility; ~~[requiring the governing body of a county or incorporated city to authorize the operation of child care facilities in certain zoning districts;]~~ setting forth certain requirements for licensing standards for **certain** child care facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the licensure and operation of child care facilities by the Division of Welfare and Supportive Services of the Department of Health and Human Services or the governing body of a county or an incorporated city. (NRS 432A.131-432A.220) Existing law authorizes the unit-owners' association of a common-interest community to adopt rules and regulations governing the common-interest community. (NRS 116.3102) **Section 1** of this bill prohibits, with certain exceptions, the executive board and governing documents of a unit-owners' association from prohibiting the operation of a licensed child care facility by a unit's owner ~~[.]~~ **provided that the licensed child care facility provides care for at least 5 but not more than 12 children.** **Section 1** authorizes the executive board and governing documents to impose conditions or restrictions on a licensed child care facility that are consistent with the conditions and requirements to obtain a license for a child care facility. **Section 1 further provides that these provisions apply, with certain exceptions, to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association.** Additionally, **section 1** provides that these provisions do not apply to a common-interest community that imposes certain age restrictions.

Existing law sets forth various requirements for rental agreements between a landlord and tenant for the use and occupancy of a dwelling unit or premises. (Chapter 118A of NRS) **Section 2** of this bill authorizes a tenant to operate a licensed child care facility **that provides care for at least 5 but not more than 12 children** unless otherwise prohibited by the terms of the rental agreement.

~~[Existing law authorizes a governing body to divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) Section 3 of this bill requires the governing body to adopt an ordinance that authorizes a licensed child care facility to operate in any zoning district that is zoned for residential use. Section 3 prohibits such an ordinance from: (1) imposing restrictions on a child care facility that are more restrictive than the restrictions imposed on dwelling units in the zoning district; or (2) requiring a licensed child care facility to obtain any additional permits relating to the zoning or use of the dwelling unit as a licensed child care facility. Section 6 of this bill includes section 3 in the purposes that a governing body is required to carry out when the governing body establishes zoning districts.~~

~~Section 4 of this bill applies the definitions in existing law governing planning and zoning to the provisions of section 3.~~

~~Section 5 of this bill applies the provisions governing actions and proceedings for judicial relief or review from any final action, decision or order of any governing body, commission or board to the provisions of section 3.~~]

Existing law requires the State Board of Health to adopt licensing standards for child care facilities. (NRS 432A.077) Existing law authorizes the governing body of a county or incorporated city to establish an agency for the licensing of child care facilities that do not need to be licensed by the Division. Such a licensing agency is required to adopt standards and regulations that must: (1) not be less restrictive than the standards and regulations adopted by the Board; and (2) be approved by the Division. (NRS 432A.131) **Sections 7 and 8** of this bill prohibit the standards adopted by the Board and the standards and regulations adopted by the licensing agency from prohibiting the licensure of a child care facility that **provides care for at least 5 but not more than 12 children and** does not have an outdoor play space that is located: (1) in a multi-family dwelling or an apartment or condominium building; and (2) within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the executive board shall not and the governing documents must not prohibit a unit's owner from operating a licensed child care facility within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively.

2. The executive board and the governing documents may impose conditions or restrictions on a licensed child care facility that are consistent with the requirements to obtain a license for a child care facility pursuant to chapter 432A of NRS.

3. Except as otherwise provided in subsection 4, the provisions of this section apply to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association.

4. The provisions of this section do not apply to a common-interest community that imposes age restrictions to require that a certain amount of unit owners or residents are 50 years of age or older.

~~[4.]~~ 5. As used in this section, "licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS ~~[.]~~ that provides care for at least 5 but not more than 12 children.

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless otherwise prohibited by the terms of the rental agreement, a tenant may operate a licensed child care facility in the dwelling unit of the tenant.

2. As used in this section, "licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS ~~.~~ ***that provides care for at least 5 but not more than 12 children.***

Sec. 3. ~~[~~Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. The governing body shall adopt an ordinance that authorizes a licensed child care facility to operate in any zoning district that is zoned for residential use.*~~

~~*2. An ordinance adopted pursuant to this section shall not:*~~

~~*(a) Impose conditions or restrictions on a child care facility that are more restrictive than the restrictions imposed on dwelling units in the zoning district; or*~~

~~*(b) Require a licensed child care facility to obtain any additional permits relating to zoning or use of the dwelling unit as a licensed child care facility.*~~

~~*3. As used in this section, "licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[~~NRS 278.010 is hereby amended to read as follows:

~~278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 5. ~~[~~NRS 278.0235 is hereby amended to read as follows:

~~278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and section 3 of this act,* unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.~~

~~2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.~~

~~3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.~~

~~4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.~~

~~5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.~~

~~6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.~~

~~7. The court, for good cause, may extend the times allowed in this section for filing memoranda.~~**] (Deleted by amendment.)**

Sec. 6. ~~[NRS 278.250 is hereby amended to read as follows:~~

~~278.250 1.~~ For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 3 of this act,*** the governing body ~~may~~ **shall** divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and section 3 of this act.*** Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

~~2.~~ The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

~~(a)~~ To preserve the quality of air and water resources.

~~(b)~~ To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

~~(c)~~ To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

~~(d)~~ To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

~~(e)~~ To provide for recreational needs.

~~(f)~~ To protect life and property in areas subject to floods, landslides and other natural disasters.

~~(g)~~ To conform to the adopted population plan, if required by NRS 278.170.

~~(h)~~ To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

~~(i)~~ To ensure that the development on land is commensurate with the character and the physical limitations of the land.

~~(j)~~ To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

~~(k)~~ To promote health and the general welfare.

~~(l)~~ To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

~~(m)~~ To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

~~(n) To promote systems which use solar or wind energy.~~

~~(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.~~

~~4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.~~

~~5. As used in this section:~~

~~(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.~~

~~(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.~~

~~(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.~~] **(Deleted by amendment.)**

Sec. 7. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) Any regulations necessary to carry out the provisions of NRS 432A.1756 or to ensure the safe operation of small child care establishments.

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. ***The licensing standards adopted by the Board pursuant to subsection 1, must not prohibit the licensure of a child care facility that***

***provides care for at least 5 but not more than 12 children and** does not have an outdoor play space that is located:*

(a) In a multi-family dwelling or an apartment or condominium building; and

(b) Within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.

3. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

~~[3.]~~ ***4.*** If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 8. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities, other than child care institutions, in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Division. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the Board ***.*** ~~[; and]~~

(b) ***Must not prohibit the licensure of a child care facility that provides care for at least 5 but not more than 12 children and does not have an outdoor play space that is located:***

(1) In a multi-family dwelling or an apartment or condominium building; and

(2) Within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.

(c) Take effect only upon their approval by the Division.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the Board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the Board, the governing body shall not issue a license to the smaller facilities,

but may register them in accordance with the standards which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Division of its intention to do so at least 12 months before the amendment or repeal becomes effective.

5. A child care institution must be licensed by the Division.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 65.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** KOENIG**; GONZÁLEZ, HARDY AND MOORE**

AN ACT relating to victims of crime; requiring a law enforcement agency to furnish a free copy of all reports of the law enforcement agency concerning an act that constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a law enforcement agency to furnish a free, complete and unaltered copy of all reports of the law enforcement agency concerning a sexual assault upon written request by the survivor of the sexual assault. Under existing law, a law enforcement agency: (1) must furnish any such report within 1 month after receiving a written request by a survivor; and (2) may, as appropriate, redact personal identifying information from any such report. (NRS 178A.280) This bill: (1) imposes a similar requirement on a law enforcement agency that receives a written request from a victim of domestic violence; and (2) authorizes the law enforcement agency to redact personal identifying information under similar circumstances.

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

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by a victim of domestic violence, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the domestic violence, regardless of whether the report has been closed by the law enforcement agency. A law

enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection.

2. As used in this section:

(a) "Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(c) "Victim of domestic violence" means a person who is a victim of an act that constitutes domestic violence pursuant to NRS 33.018.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 126.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOSCA**; DELONG, D'SILVA, FLANAGAN, GURR, HANSEN, JACKSON, KASAMA, AND NGUYEN**

AN ACT relating to education; requiring the State Board of Finance to issue general obligation bonds to make grants to certain school districts to finance capital improvements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Fund to Assist School Districts in Financing Capital Improvements and requires the Director of the Office of Finance to administer the Fund. (NRS 387.333) Under existing law, the board of trustees of a school district is required to submit, with any application for a grant of money from the Fund, proof that the combined ad valorem tax rate of the county is at the limit imposed by law and that one of the following additional emergency conditions exists on the grounds of a school within the school district: (1) at least one building has been condemned; (2) at least one of the facilities is unsuitable for use due to certain conditions; or (3) one of the facilities is in such a condition that the costs of renovating the facility would exceed 40 percent of the cost of constructing a new facility. (NRS 387.3335) This bill requires the State Board of Finance to issue $100,000,000 in general obligation bonds for credit to the Fund to Assist School Districts in Financing Capital Improvements. This bill requires any proceeds of the bonds to be used by the Director to make grants from the Fund to school districts in a county whose population is less than 15,000.

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

Section 1. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in a total face amount of not more than $100,000,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this section must be deposited with the State Treasurer for credit to the Fund to Assist School Districts in Financing Capital Improvements created pursuant to NRS 387.333 and used by the Director of the Office of Finance to make
grants pursuant to NRS 387.3335 to school districts in a county whose population is less than 15,000.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 238.

Bill read second time and ordered to third reading.

Assembly Bill No. 347.

Bill read second time and ordered to third reading.

Assembly Bill No. 361.

Bill read second time.

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

Amendment No. 37.

SUMMARY ~~[Makes various changes]~~ **Revises provisions** relating to public mass transportation. (BDR 22-1066)

AN ACT relating to transportation; requiring a regional transportation commission in certain counties to take certain actions to mitigate safety risks to transit operators; ~~[authorizing a governmental entity that operates a public mass transportation system to obtain a public transportation trespass order under certain circumstances; providing a penalty for the violation of such an order;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in any county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission, the board of county commissioners may by ordinance create a regional transportation commission. A commission may perform certain duties prescribed by law, such as operating a system of public transportation within its area of jurisdiction and using streets, roads, highways and other public rights-of-way for public transportation. (NRS 277A.170,

277A.270) **Section 1** of this bill requires a regional transportation commission in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to: (1) take certain actions to mitigate safety risks to transit operators, including, without limitation, installing and maintaining appropriate infrastructure and technology designed to mitigate safety risks to transit operators such as the use of barriers, panic buttons and other technology; and (2) install and maintain appropriate signage informing the public about the criminal penalties for certain crimes committed against transit operators or the public.

~~[Existing law establishes an increased penalty for assault or battery committed upon a transit operator, which is defined as a person who operates a bus or other vehicle as part of a public mass transportation system, if the transit operator is performing his or her duty and the person charged knew or should have known that the victim was a transit operator. (NRS 200.471, 200.481) Section 2 of this bill: (1) authorizes a governmental entity that operates a public mass transportation system to petition the district court for a public transportation trespass order against a person who has been convicted of assault or battery against a transit operator; (2) sets forth requirements for the issuance, modification and termination of such an order; and (3) provides that violation of such an order is a misdemeanor.]~~

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

Section 1. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 100,000 or more, a commission shall:

(a) Install and maintain appropriate infrastructure and technology designed to mitigate safety risks to transit operators, including, without limitation, the use of:

(1) Barriers to restrict the unwanted entry of passengers and unauthorized persons and objects into the workstation of a transit operator; and

(2) Panic buttons and other technology designed to mitigate safety risks to transit operators.

(b) Install and maintain appropriate signage informing the public about the criminal penalties for crimes committed against transit operators or the public, including, without limitation, the criminal penalties for:

(1) Assault of a transit operator pursuant to NRS 200.471; and

(2) Battery of a transit operator pursuant to NRS 200.481 . ~~[; and~~

~~(3) Violation of a public transportation trespass order pursuant to section 2 of this act.]~~

2. As used in this section, "transit operator" ~~[has the meaning ascribed to it in NRS 200.471.]~~ means a person who holds a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, and who operates a bus or other vehicle:

(a) As part of a public mass transportation system; and

(b) For which the person is required to hold a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to operate the bus or other vehicle.

Sec. 2. ~~[Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a person is convicted of a violation of NRS 200.471 or 200.481 committed upon a transit operator, the governmental entity operating the public mass transportation system for which the transit operator was performing his or her duties may petition the district court in the county in which the violation occurred for the issuance of a public transportation trespass order pursuant to this section.*~~

~~*2. A petition for the issuance of a public transportation trespass order filed pursuant to this section must include all of the following information:*~~

~~*(a) Evidence of the conviction of the person against whom the order is sought for a violation of NRS 200.471 or 200.481.*~~

~~*(b) A detailed statement of facts demonstrating that the order is necessary to protect public safety and transit operations.*~~

~~*(c) The proposed duration and scope of the order, which must not exceed 18 months.*~~

~~*3. Within 30 days after a petition for the issuance of a public transportation trespass order is filed pursuant to this section, the court shall hold a hearing to determine whether to issue the order. The person against whom the order is sought is entitled to notice of the hearing and an opportunity to be heard at the hearing.*~~

~~*4. The court may issue a public transportation trespass order pursuant to this section if the court finds, by a preponderance of the evidence, that:*~~

~~*(a) The person against whom the order is sought poses a continuing threat to public safety or transit operations; and*~~

~~*(b) The order is necessary to protect public safety or to prevent future disruptions to transit operations.*~~

~~*5. A public transportation trespass order issued pursuant to this section may, with respect to the person against whom the order is issued, do any or all of the following:*~~

~~*(a) Prohibit the person from entering onto the property of the public mass transportation system for a specified period not to exceed 18 months;*~~

~~*(b) Limit the access of the person to transit services offered by the public mass transportation for a specified period not to exceed 18 months; or*~~

~~*(c) Impose any other appropriate restrictions or prohibitions on the person with respect to entering the property of the public mass transportation system or using the transit services offered by the public mass transportation system.*~~

~~*6. A public transportation trespass order issued pursuant to this section must be consistent with all other applicable federal, state or local laws that*~~

~~*protect civil rights and ensure public access to a public mass transportation system.*~~

~~*7. A person who is subject to a public transportation trespass order issued pursuant to this section and who violates such an order is guilty of a misdemeanor.*~~

~~*8. A person against whom a public transportation trespass order has been issued pursuant to this section may, at any time after issuance of the order, file a petition with the court that issued the order requesting modification or termination of the order. Within 30 days after a petition for modification or termination of an order is filed pursuant to this section, the court shall hold a hearing to determine whether to modify or terminate the order. The governmental entity that filed the petition for the order is entitled to notice of the hearing and an opportunity to be heard at the hearing. If the court finds, by a preponderance of the evidence, that modification or termination of the order is warranted and would not jeopardize public safety or transit operations, the court may modify or terminate the order.*~~

~~*9. A governmental entity that operates a public mass transportation system shall:*~~

~~*(a) Maintain records of any public transportation trespass order issued pursuant to this section; and*~~

~~*(b) Periodically review those records to ensure proportionality and fairness.*~~

~~*10. A governmental entity that operates a public mass transportation system which has obtained a public transportation trespass order pursuant to this section may file a petition to terminate or modify the order. Upon the filing of such a petition, the court shall modify or terminate the order as requested in the petition.]*~~ **(Deleted by amendment.)**

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 397.

Bill read second time and ordered to third reading.

Assembly Bill No. 466.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 224, 238, and 397 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.
Bill read third time.
Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:
Assembly Bill No. 11 revises the timeline for the Nevada Department of Taxation to submit its proposed budget and legislation to the Nevada Tax Commission from June of each even-numbered year to January of each odd-numbered year.

Roll call on Assembly Bill No. 11:
YEAS—41.
NAYS—None.
EXCUSED—Marzola.
Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 12.
Bill read third time.
Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:
Assembly Bill No. 12 specifies that the existing legal requirement for a party seeking judicial review of a decision of the Board of Review concerning a claim for unemployment benefits—must be strictly complied with and may not be excused by the court. The bill additionally specifies that any failure to comply with that requirement deprives the court of jurisdiction over the action.

Roll call on Assembly Bill No. 12:
YEAS—41.
NAYS—None.
EXCUSED—Marzola.
Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 21.
Bill read third time.
Remarks by Assemblymember Hardy.

ASSEMBLYMEMBER HARDY:
Assembly Bill No. 21 eliminates provisions requiring the administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation, on or before September 30 of each year, to perform certain calculations to determine certain information relating to the solvency of the Unemployment Compensation Fund.

The measure also revises the amount of money collected from certain payments that are required to be transferred at the end of each fiscal year from the Unemployment Compensation Administration Fund to the Clearing Account in the Unemployment Compensation Fund to be the amount by which the unencumbered balance of the money collected from such payments exceeds the amount of that money that the Legislature has authorized for expenditure during the first 180 days, rather than the first 90 days, of the succeeding fiscal year.

Roll call on Assembly Bill No. 21:
YEAS—41.
NAYS—None.
EXCUSED—Marzola.
Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 28.
Bill read third time.
Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:
Assembly Bill No. 28 extends the Regional Transportation Commission of Southern Nevada's deadline to recommend an additional sales and use tax rate for funding of certain transportation projects to the Clark County Commission from December 31, 2024, to December 31, 2028. If an additional tax rate is recommended, a ballot question seeking approval of the additional rate must go to voters in a general election before the new deadline.

Roll call on Assembly Bill No. 28:
YEAS—41.
NAYS—None.
EXCUSED—Marzola.
Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 29.
Bill read third time.
Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:
Assembly Bill No. 29 makes various changes related to motor vehicle fuel advertising mediums and labeling. Amongst other provisions, the bill will require the owner or operator of a motor vehicle fuel dispensing site to ensure pumps or dispensers are labeled with certain information. It requires any advertising medium, pump, or dispenser for ethanol flex fuel, biodiesel, or certain biodiesel blends to label and identify such fuels in a certain manner.

Roll call on Assembly Bill No. 29:
YEAS—41.
NAYS—None.
EXCUSED—Marzola.
Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 36.
Bill read third time.
Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill No. 36 requires a service provider under the State Plan for Medicaid to request a hearing within 90 calendar days after the date of the notice of action taken against them by the Division of Health Care Financing and Policy of the Department of Health and Human Services.

Roll call on Assembly Bill No. 36:

YEAS—41.

NAYS—None.

EXCUSED—Marzola.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill No. 39 makes various provisions relating to the State Public Charter School Authority and other matters concerning charter schools. Specifically, the bill clarifies the voting membership of the Authority and stipulates that voting members must be at least 21 years old. It also revises the qualifications for a teacher or administrator employed by a charter school or charter school management organization, making them eligible to serve as a member of the Authority.

Roll call on Assembly Bill No. 39:

YEAS—41.

NAYS—None.

EXCUSED—Marzola.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 42.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill No. 42 authorizes the Administrator of the Division of Health Care Financing and Policy to adopt, amend, or repeal a regulation or policy with three business days' notice if the intended action: (1) ensures compliance with federal or State law; or (2) expands services or benefits.

Roll call on Assembly Bill No. 42:

YEAS—41.

NAYS—None.

EXCUSED—Marzola.

Assembly Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 97, 125, 132, 144, 164, 174, 196, 235, 236, 237, 248, 258, 262, 277, 278, 348, 365, 430, 498, and 510 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Angel Lopez Contreras, Ayden Rapp, Bo Newton, Bryn Newton, Cheyeann Zomparelli, Chloe Dobson, Elyse Romm, Gabriela Trujillo, Kalleen Pena, Larry Sharp, Logan Schwin, Makayla Daniels, Nathan Hayton, Sara McCartney, Sebastian Zwosta, Serenity Clapp, Star Lamb, and Tayleigh Martinez.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Bas, Kristen Vackovic, and Mikayla Jones.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Marc Chapelle.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Casey Wells.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda McWilliams, Jenna Bernstein, and Kristina Villardi.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Hibbetts.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Trina Marie Shaw and Tya Mathis-Coleman.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Villanueva, Flor Bernal, and Mayra Gonzalez.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Hackmey, Kasia Caldwell, and Michele Tombari.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Barb Santner and John L'Etoile.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Gabby Sandoval, Steph Lowrey-Wilson, and Tracy Shearer.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Doss.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, April 14, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 14, 2025

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Phra Wittaya Promping, Phrabaidika Patthapon Khunset, and Phra Sompong Thonglang.

Thai Script:

มหาการุณิโก นาโถ – สมเด็จพระสัมมาสัมพุทธเจ้า
พระผู้ทรงเป็นที่พึ่งของสรรพสัตว์ทรงประกอบด้วยพระมหากรุณา หิตายะ สัพพะปาณินัง ปูเรตวา ปาระมี สัพพา-ทรงบาเพ็ญพระบารมีทั้งปวง เพื่อประโยชน์เกื้อกูลแก่สรรพสัตว์ ปัตโต สัมโพธิมุตตะมัง–ถึงแล้วซึ่งความตรัสรู้อันอุดม เอเตนะ สัจจะวัชเชนะ–ด้วยการกล่าวคาสัตย์นี้ โหตุ เม (เต) ชะยะมังคะลังฯ–ขอชัยมงคลจงมีแด่ข้าพเจ้า (ท่าน) ชะยันโต โพธิยา มูเล สักยานัง นันทิวัฑฒะโน เอวัง ตะวัง วิชะโย โหหิ ชะยัสสุ ชะยะมังคะเล อะปะราชิตะปัลลังเก สีเส ปะฐะวิโปกขะเร อะภิเสเก สัพพะ พุทธานัง อัคคัปปัตโต ปะโมทะติฯ ขอข้าพเจ้าจงมีชัยชนะในชัยมงคลพิธี ดุจพระจอมมุนีทรงมีชัยชนะมาร ณ โคนต้นมหาโพธิ์ ทรงถึงความเป็นเลิศยอดเยี่ยม ทรงปีติปราโมทย์อยู่เหนืออชิตบัลลังก์อันสูงสุด ณ โบกขรปฐพี (โบกขร–ใบบัว ปฐพี–ดิน, โลก ทรงเพิ่มพูนความยินดีแก่เหล่าประยูรญาติศากยวงศฉะนั้น น สุนักขัตตัง สุมังคะลัง–เวลาที่ประพฤติชอบชื่อว่า ฤกษ์ดี มงคลดี สุปะภาตัง สุหุฏฐิตัง–สว่างดี รุ่งดี สุขะโณ สุมุหุตโต จะ–และขณะดี ครู่ดี สุยิฏฐัง พรัหมะ จาริสุ–บูชาดีแล้วในพรหมจารีบุคคลทั้งหลาย ปะทักขิณัง กายะกัมมัง–กายกรรมอันเป็นกุศล วาจากัมมัง ปะทักขิณัง–วจีกรรมอันเป็นกุศล ปะทักขิณัง มโนกัมมัง–มโนกรรมอันเป็นกุศล ปะณิธี เต ปะทักขิณา–ความปรารถนาดีอันเป็นกุศล ปะทักขิณานิ กัตวานะ–ผู้ได้ประพฤติกรรมอันเป็นกุศล ละภันตัตเถ ปะทักขิเณ–ย่อมประสบประโยชน์และความสุข ภะวะตุ สัพพะมังคะลัง รักขันตุ สัพพะเทวะตา สัพพะพุทธา นุภาเวนะ สะทา โสตถี ภะวันตุ เม (เต)–ขอสรรพมงคลจงมีแก่ข้าพเจ้า ขอเหล่าเทพยดาทั้งปวงจงรักษาข้าพเจ้า ด้วยอานุภาพแห่งพระพุทธเจ้า ขอความสุขสวัสดีทั้งหลาย จงมีแก่ข้าพเจ้าทุกเมื่อ ภะวะตุ สัพพะมังคะลัง รักขันตุ สัพพะเทวะตา สัพพะธัมมา นุภาเวนะ สะทา โสตถี ภะวันตุ เม*–ขอสรรพมงคลจงมีแก่ข้าพเจ้า ขอเหล่าเทพยดาทั้งปวงจงรักษาข้าพเจ้า ด้วยอานุภาพแห่งพระธรรม ขอความสุขสวัสดีทั้งหลาย จงมีแก่ข้าพเจ้าทุกเมื่อ ภะวะตุ สัพพะมังคะลัง รักขันตุ สัพพะเทวะตา สัพพะสังฆา นุภาเวนะ สะทา โสตถี ภะวันตุ เม*–ขอสรรพมงคลจงมีแก่ข้าพเจ้า ขอเหล่าเทพยดาทั้งปวงจงรักษาข้าพเจ้า ด้วยอานุภาพแห่งพระสงฆ์ ขอความสุขสวัสดีทั้งหลาย จงมีแก่ข้าพเจ้าทุกเมื่อ

Roman Script:

Mahā kāruniko nātho hitāya sabba pāninang pūretvā pārami sabbā patto sambodhi muttamang etena sacca vajena hotu me (te) jaya mangalang. Jayanto bodhiyā mūle sakyānang nandi vaddhana evang tvang vijayo hohi jayassu jaya mangale aparā jita pallanke sīse patha vipokkhare abiseke sabba buddhānang aggappatto pamodati sunak khattang sumangalang supa-bhātang suhut-thitang sukhano sumuhutto ca suyitthang brahmma cārīsu padak-khinang kāya kammang vācā kammang padak-khinang padak-khinang mano kammang panidhī te padak-khinā padak-khināni katvāna labhang-tatthe pada-khine. Bhavatu sabba mangalang-rakkhantu sabba devatā sabba Buddhānu bhāvena-sadā sotthī bhavantu me, Bhavantu sabba mangalang-rakkhantu sabba devatā sabba Dhammānu bhāvena-sadā sotthī bhavantu me, Bhavatu sabba mangalang-rakkhantu sabba devatā sabba Sanghānu bhāvena-sadā sotthī bhavantu me.

English Translation:

He is blessed with all blessings, for the good of all living beings. He attained the supreme enlightenment, by accepting the truth of nature. May the blessings trickle down to me too. Like He who is enlightened, may I succeed in this auspicious enlightenment ceremony, may I defeat my grudges and regret under this sacred tree, may prosperity be by my side on my journey, and may He protect me from all evil, so I too can be enlightened.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 106, 388, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 114, 155, 247, 301, 325, 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 46, 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 221, 482, 483, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 60, 337, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was rereferred Assembly Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 477; Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 135, 243, 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SHEA M. BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 10, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 106, 321.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Joint Resolution No. 7.

Resolution read.

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

Amendment No. 95.

ASSEMBLYMEMBERS WATTS, MOSCA **,** ~~[AND]~~ HIBBETTS **, YEAGER, KASAMA; ANDERSON, BACKUS, BROWN-MAY, CARTER, COLE, CONSIDINE, DALIA, DICKMAN, D'SILVA, EDGEWORTH, FLANAGAN, GALLANT, GONZÁLEZ, GOULDING, GRAY, GURR, HAFEN, HANSEN, HARDY, HUNT, JACKSON, JAUREGUI, KARRIS, KOENIG, LA RUE HATCH, MARZOLA, MILLER, MONROE-MORENO, MOORE, NADEEM, NGUYEN, O'NEILL, ORENTLICHER, ROTH, TORRES-FOSSETT AND YUREK**

JOINT SPONSORS: SENATORS NGUYEN **,** ~~[AND]~~ STONE **; DOÑATE AND HANSEN**

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State, who must include:

(a) One member who has expertise in public compensation and is recommended by the Public Employees' Retirement Board or its successor organization;

(b) One member who represents a nonprofit public interest organization;

(c) One member who represents the general public;

(d) Two members who represent the interests of business in this State; and

(e) Two members who have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. The Governor shall appoint three of the members first appointed by him or her for initial

terms of 2 years. If a vacancy occurs, the Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsections 2 and 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. Members of the Commission are entitled to:

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. The Commission shall:

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller and Attorney General;

(b) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications and responsibilities as those elected officers;

(c) Fix the salaries and benefits of the elected officers set forth in paragraph (a); and

(d) Carry out any duties provided by law by the Legislature.

9. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer set forth in paragraph (a) of subsection 8 by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.

10. The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, [2029,] 2031, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the

schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

11. The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries and benefits.

12. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings at various locations throughout the State to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

13. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~[law]~~ ***the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article*** and paid out of the public treasury, for ~~[not to exceed 60 days]~~ ***each calendar day of service*** during any regular session of the Legislature and ~~[not to exceed 20 days]~~ during any special session ~~[; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an]~~ ***. The Citizens' Commission on Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An*** appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution is hereby repealed.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Resolution ordered reprinted, engrossed and sent to the Resolution File.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 4—Providing for the appointment of additional attaches for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Susan Hoffman, Jean Kvam and Kevin Pond are elected as additional attachés of the Assembly for the 83rd Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Mosca moved the adoption of the resolution.

Remarks by Assemblymember Mosca.

REMARKS BY ASSEMBLYMEMBER MOSCA:

Assembly Resolution No. 4 provides for the appointment of additional attachés for the Assembly.

Resolution adopted.

NOTICE OF EXEMPTION

April 11, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 423.

SARAH COFFMAN
Fiscal Analysis Division

April 14, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 287.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Monday, April 14, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

NEWS 4/FOX 11: Emma Miner.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 106.

Assemblymember Anderson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 321.

Assemblymember Watts moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time and ordered to third reading.

Assembly Bill No. 8.

Bill read second time and ordered to third reading.

Assembly Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 49.

SUMMARY—Revises provisions ~~[governing the temporary conversion of agricultural]~~ **relating to** water. (BDR 48-391)

AN ACT relating to water; revising the duration of time in which agricultural water rights may be temporarily converted for certain purposes; **providing an exception to provisions relating to the forfeiture and abandonment of a water right;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person or entity may apply to temporarily convert agricultural water rights for wildlife purposes or to improve the quality or flow of water for a duration not to exceed 3 years and a temporary conversion may be extended in increments not to exceed 3 years in duration each. (NRS 533.0243) ~~[This]~~ **Section 1 of this** bill instead provides that a temporary conversion of agricultural water rights may not exceed ~~[10]~~ **5** years in duration and may be extended in increments that may not exceed 5 years in duration each. **Section 1: (1) authorizes the State Engineer to deny an application to temporarily convert an agricultural water right or limit the duration of a temporary conversion or an extension of a temporary conversion; and (2) prohibits the State Engineer from approving an application for a temporary conversion under certain circumstances. Section 1 further**

provides that upon the expiration of a temporary conversion, the agricultural water right must revert to the previous beneficial use.

Existing law requires, under certain circumstances, the State Engineer to notify the owner of a water right that the owner has 1 year after the date of the notice to: (1) use the water right beneficially and provide proof of such use to the State Engineer; or (2) apply to the State Engineer for an extension of time to work a forfeiture of the water right. If, after 1 year of the date of the notice, the owner fails to act, the State Engineer is required to declare the right forfeited. Existing law also provides that a right to use underground water may be lost by abandonment under certain circumstances. (NRS 534.090) Section 2 of this bill provides that these provisions relating to forfeiture and abandonment do not apply to water rights which are subject to certain federal or state programs.

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

Section 1. NRS 533.0243 is hereby amended to read as follows:

533.0243 1. ~~[The Legislature hereby finds and declares that it is the policy of this State to allow]~~ ***Except as otherwise provided in subsection 3, the State Engineer may authorize*** the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality ***, quantity*** or flow of water ~~[.]~~ ***in accordance with the provisions of this section.***

2. If a person or entity proposes to temporarily convert agricultural water rights ~~[for wildlife purposes or to improve the quality or flow of water,]~~ ***pursuant to this section,*** such temporary conversion:

(a) Must not be carried out unless the person or entity first applies for and receives from the State Engineer any necessary permits or approvals required pursuant to:

(1) The provisions of this chapter; and

(2) Any applicable decisions, orders, procedures and regulations of the State Engineer.

(b) ~~[Except as otherwise provided in this paragraph, must]~~ ***Must*** not exceed ~~[3 *10]*~~ ***5*** years in duration ~~[. A temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water]~~ ***and*** may be extended in increments not to exceed ~~[3]~~ ***5*** years in duration each, provided that the person or entity seeking the extension first applies for and receives from the State Engineer any necessary permits or approvals, as described in paragraph (a).

3. The State Engineer:

(a) May deny an application to temporarily convert an agricultural water right received pursuant to subsection 2 or limit the temporary conversion or extension of the temporary conversion to any duration of less than 5 years if the State Engineer determines that the temporary conversion or duration of the temporary conversion would not meet the purposes set forth in subsection 1 or would not otherwise be in the public interest; and

(b) Shall not approve an application to temporarily convert an agricultural water right if the water right is a groundwater right and the owner has received notice from the State Engineer pursuant to subsection 2 of NRS 534.090 indicating 4 or more consecutive years of nonuse.

4. If the State Engineer authorizes the temporary conversion of an agricultural water right pursuant to this section, the temporarily converted water right:

(a) Must not be considered a beneficial use for the purpose of perfecting the water right or proving that beneficial use of the water right has resumed;

(b) Must not be claimed or considered a consumptive use for the purposes of NRS 533.3703;

(c) Remains subject to the provisions of NRS 534.037 and any groundwater management plan or modification thereto; and

(d) Remains subject to any order of the State Engineer requiring that withdrawals be restricted to conform to priority rights.

5. Upon the expiration of the temporary conversion and any extension granted pursuant to subsection 2, an agricultural water right that is temporarily converted must revert to the existing beneficial use of the agricultural water right before the water right was temporarily converted.

Sec. 2. **NRS 534.090 is hereby amended to read as follows:**

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

2. If the records of the State Engineer or any other documents obtained by or provided to the State Engineer indicate 4 or more consecutive years of nonuse of all or any part of a water right which is governed by this chapter:

(a) The State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail of the nonuse and that the owner has 1 year after the date of the notice of nonuse in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 3 to avoid forfeiting the water right.

(b) If, after 1 year after the date of the notice of nonuse pursuant to paragraph (a), proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of

resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall declare the right, or the portion of the right not returned to beneficial use, forfeited. The State Engineer shall send notice of the declaration of forfeiture, by registered or certified mail, to the owner of record, as determined in the records of the Office of the State Engineer, of the water right that has been declared forfeited.

(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record of the water right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. Except as otherwise provided in subsection 4, the State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has submitted proof and evidence that the holder is proceeding in good faith and with reasonable diligence to resume use of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The number of years during which the water has not been put to the beneficial use for which the right is acquired or claimed;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Whether the water right is located in a basin within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;

(e) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption;

(f) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110;

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an

extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.

4. If the State Engineer grants an extension pursuant to subsection 1 in a basin:

(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or

(b) That has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110,

➥ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.

5. The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

6. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

7. The provisions of this section do not apply to a water right which is subject to:

(a) A contract or agreement entered into in accordance with an official federal program for the conservation of land or water; or

(b) An official program for the conservation of water that is administered by an agency of this State.

Assemblymember Anderson moved the adoption of the amendment.
Remarks by Assemblymember Anderson.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 10.
Bill read second time and ordered to third reading.

Assembly Bill No. 14.
Bill read second time and ordered to third reading.

Assembly Bill No. 15.
Bill read second time and ordered to third reading.

Assembly Bill No. 17.
Bill read second time and ordered to third reading.

Assembly Bill No. 18.
Bill read second time and ordered to third reading.

Assembly Bill No. 19.
Bill read second time.

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

Amendment No. 17.

AN ACT relating to substance use disorders; ~~[adding members to]~~ **revising the membership of** the Statewide Substance Use Response Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Statewide Substance Use Response Working Group in the Office of the Attorney General to leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders. (NRS 458.460, 458.480) Existing law further provides that the membership of the Working Group consists of 18 members, 12 of whom are appointed by the Attorney General. (NRS 458.460) **This bill provides that, for purposes of membership of the Working Group, the designee of the Director of the Department of Health and Human Services must be a person from within the Division of Public and Behavioral Health of the Department.** This bill **also** adds to the membership of the Working Group: (1) the Executive Director of the Department of Indigent Defense Services, or his or her designee; and (2) four members appointed by the Attorney General.

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

Section 1. NRS 458.460 is hereby amended to read as follows:

458.460 1. The Statewide Substance Use Response Working Group is hereby created in the Office of the Attorney General.

2. The Working Group consists of the following members:

(a) The Attorney General or his or her designee;

(b) The Director of the Department of Health and Human Services, or his or her designee ~~[,]~~ ***from within the Division;***

(c) ***The Executive Director of the Department of Indigent Defense Services, or his or her designee;***

(d) One member of the Senate who is appointed by the Senate Majority Leader;

~~[(d)]~~ ***(e)*** One member of the Senate who is appointed by the Senate Minority Leader;

~~[(e)]~~ ***(f)*** One member of the Assembly who is appointed by the Speaker of the Assembly;

~~[(f)]~~ ***(g)*** One member of the Assembly who is appointed by the Assembly Minority Leader; and

~~[(g)]~~ ***(h)*** The following members, appointed by the Attorney General:

(1) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;

(2) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;

(3) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;

(4) One provider of health care with expertise in medicine for the treatment of substance use disorders;

(5) One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;

(6) One advocate for persons who have substance use disorders and family members of such persons;

(7) One person who is in recovery from a substance use disorder;

(8) One person who provides services relating to the treatment of substance use disorders;

(9) One representative of a substance use disorder prevention coalition;

(10) One representative of a program to reduce the harm caused by substance misuse;

(11) One representative of a hospital; ~~[and]~~

(12) One representative of a school district ~~[.]~~ ***;***

(13) One member of the general public ~~[.]~~ , with preference given to a person who is fluent in more than one language and resides in a household where more than one language is spoken;

(14) One person who is an emergency response employee;

(15) One representative of the Division of Child and Family Services of the Department of Health and Human Services; and

(16) One representative of the Nevada District Attorneys Association, or its successor organization.

3. After the initial terms, members of the Working Group serve terms of 2 years and serve at the pleasure of the appointing authority. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.

4. If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

5. Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

7. As used in this section ~~[, "substance]~~ ***:***

(a) "Attendant" has the meaning ascribed to it in NRS 450B.050.

(b) "Emergency response employee" means a firefighter, attendant, volunteer attendant, emergency medical technician, advanced emergency medical technician, emergency medical dispatcher, paramedic, law enforcement officer, correctional officer, other peace officer or person who is employed by an agency of criminal justice, including, without limitation, a law enforcement dispatcher, county coroner or medical examiner or any of their employees, or any other person who, in the course of his or her professional duties, responds to emergencies in this State.

(c) "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 2. As soon as practicable after October 1, 2025, the Attorney General shall appoint to the Statewide Substance Use Response Working Group:

1. The members described in subparagraphs (13) and (14) of paragraph (h) of subsection 2 of NRS 458.460, as amended by section 1 of this act, to initial terms that expire on January 1, 2027; and

2. The members described in subparagraphs (15) and (16) of paragraph (h) of subsection 2 of NRS 458.460, as amended by section 1 of this act, to initial terms that expire on January 1, 2028.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 21.

AN ACT relating to offenders; revising requirements relating to the provision of certain medical services to women in the custody of the Department of Corrections; revising provisions relating to notarial acts performed for persons incarcerated in the state prison; eliminating the requirement that the Director of the Department establish and administer a program of regimental discipline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Corrections to provide a woman who is incarcerated access to certain necessary medical and behavioral health care services ~~[.~~ ~~(NRS 209.3817) Section 1 of this bill requires that any such access be provided in accordance with community standards of care and national guidelines for the provision of such services. Section 1 also removes specific language requiring this access to include~~] **, including** an annual pelvic examination and mammography ~~[, thereby requiring]~~ **. (NRS 209.3817) Section 1 of this bill narrows the applicability of this requirement by requiring** the Department to provide a woman who is incarcerated access to ~~[a]~~ **an annual** pelvic examination and mammography ~~[in accordance with community standards of care and national guidelines for the provision of pelvic examinations and mammography, rather than on an annual basis.]~~ **only if: (1) the woman is over a certain age; or (2) a provider of health care recommends that the woman receive such services based solely on the personal or family medical history of the woman or certain other risk factors.**

Existing law contains the Uniform Law on Notarial Acts, which provides the manner in which notarial acts must be performed, including that a notarial officer determine, from personal knowledge or satisfactory evidence, that a person is the person whose signature is on a document. (NRS 240.161-240.169, 240.1655) **Section 5** of this bill provides that a notarial officer has satisfactory evidence that a person who is incarcerated in the state prison is the

person whose signature is on a document if the person is identified upon the basis of: (1) an inmate identification card that is issued by the Department in accordance with regulations adopted by the Department and includes the name and a picture of the person; or (2) a declaration signed by the person under penalty of perjury attesting to his or her identity.

Existing law: (1) requires the Director of the Department to establish and administer a program of regimental discipline to be used as an alternative to incarceration; and (2) authorizes a court to order certain defendants to undergo the program as an alternative to incarceration. (NRS 176A.630, 176A.770, 176A.780, 209.356) **Sections 4 and 6** of this bill repeal this requirement and authorization. **Sections 2 and 3** of this bill make conforming changes by removing references to a provision repealed by **section 6**.

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

Section 1. NRS 209.3817 is hereby amended to read as follows:

209.3817 1. The Department shall ensure that each woman who is assigned to an institution or facility completes a form at the time of intake to assess the needs of the woman while in the custody of the Department. The form must include, without limitation, questions relating to:

(a) How recently the woman has received preventative gynecological care and, if applicable, obstetrical care; and

(b) The needs of the woman for feminine hygiene products for the purpose of providing the woman with a suitable supply of feminine hygiene products.

2. The Department shall provide a woman who is in the custody of the Department access to necessary medical and behavioral health care services, including:

(a) Counseling pertaining to mental health or a substance use disorder;

(b) Medication prescribed for the treatment for mental health issues;

(c) An annual pelvic examination ~~[and mammography; *Pelvic examinations;]*~~ ***if:***

(1) The woman is over 21 years of age; or

(2) A provider of health care recommends, based solely on the personal or family medical history of the woman or other risk factors for cervical cancer or gynecological health issues, that the woman receive such an examination before the woman reaches 21 years of age;

(d) ~~[Mammography;]~~ Annual mammography if:

(1) The woman is over 40 years of age but less than 45 years of age and requests access to such services;

(2) The woman is 45 years of age or older; or

(3) A provider of health care recommends, based solely on the personal or family medical history of the woman or other risk factors for breast cancer or other health issues, that the woman receive such services before the woman reaches 45 years of age; and

~~[(d)]~~ ***(e)*** Any appropriate follow-up care necessary for a woman who receives an examination ***or mammography*** pursuant to paragraph (c) ~~[.]~~ ***or (d).***

3. ~~***[The Department shall provide any necessary medical and behavioral health care services required by subsection 2 in accordance with community standards of care and national guidelines for the provision of medical and behavioral health care services to incarcerated women.***~~

~~***4.]***~~ The Department shall provide a woman who is in the custody of the Department with a sufficient supply of feminine hygiene products at no cost. The Department shall provide the woman with a preferred type of feminine hygiene products upon request. A woman may at any time inform the Department of a need to adjust the supply of feminine hygiene products necessary to constitute a sufficient supply for the needs of the woman.

4. ~~***[5.]***~~ The Department shall adopt regulations necessary to carry out the provisions of this section.

5. ~~***[6.]***~~ As used in this section:

(a) "Feminine hygiene product" means a sanitary napkin, tampon or other similar item used during a menstrual cycle.

(b) "Mammography" has the meaning ascribed to it in NRS 457.182.

Sec. 2. NRS 209.481 is hereby amended to read as follows:

209.481 1. ~~[Except as otherwise provided in NRS 176A.780, the]~~ ***The*** Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484C.400, 484C.410, 484C.430, 484C.440, 488.420, 488.425 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him or her in a faithful and orderly manner;

(d) Has ever been convicted of a sexual offense that is punishable as a felony;

(e) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Sec. 3. NRS 176A.450 is hereby amended to read as follows:

176A.450 1. Except as otherwise provided in this section, by order duly entered, the court may impose, and may at any time modify, any conditions of probation or suspension of sentence. The court shall cause a copy of any such order to be delivered to the parole and probation officer and the probationer. ~~[A copy of the order must also be sent to the Director of the Department of~~

~~Corrections if the probationer is under the supervision of the Director pursuant to NRS 176A.780.]~~

2. If the probationer is participating in a program of probation secured by a surety bond, the court shall not impose or modify the conditions of probation unless the court notifies the surety and:

(a) Causes the original bond to be revoked and requires a new bond to which the original and the new conditions are appended and made part; or

(b) Requires an additional bond to which the new conditions are appended and made part.

3. The court shall not modify a condition of probation or suspension of sentence that was imposed pursuant to NRS 176A.410, unless the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

Sec. 4. NRS 176A.630 is hereby amended to read as follows:

176A.630 1. If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it and consider the system of graduated sanctions adopted pursuant to NRS 176A.510, if applicable. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. If the court finds that the probationer committed a violation of a condition of probation that is not a technical violation, the court may:

(a) Continue or revoke the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) ~~[Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;~~

~~(d)]~~ Cause the sentence imposed to be executed; or

~~[(e)]~~ ***(d)*** Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a

probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this paragraph. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this paragraph is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation and the Division has determined that the graduated sanctions adopted pursuant to NRS 176A.510 have been exhausted, the court may:

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) Ninety days for the second temporary revocation; or

(3) One hundred and eighty days for the third temporary revocation;

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation; or

(e) Revoke the probation or suspension of sentence at the request of the probationer. If the probation or suspension of sentence is revoked pursuant to this paragraph, the probationer must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the court.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If the person is not brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. A probationer who is arrested and detained for committing a technical violation of the conditions of probation must receive credit for any time served while the probationer is waiting for a hearing to determine if a technical violation has occurred. The court must apply such credit to any term of imprisonment imposed pursuant to subsection 2.

5. Any time served by a probationer while waiting for a hearing, as set forth in subsection 4, and any time served in accordance with any term of imprisonment imposed pursuant to subsection 2 must be applied toward the original sentence of the probationer.

6. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

7. As used in this section, "technical violation" has the meaning ascribed to it in NRS 176A.510.

Sec. 5. NRS 240.1655 is hereby amended to read as follows:

240.1655 1. A notarial act must be evidenced by a certificate that:

(a) Identifies the county, including, without limitation, Carson City, in this State in which the notarial act was performed in substantially the following form:

State of Nevada
County of .....

(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

(c) Is signed and dated in ink by the notarial officer performing the notarial act. If the notarial officer is a notary public, the certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.

(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank.

2. Except as otherwise provided in subsection 8, a notarial officer shall:

(a) In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person.

(b) In administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation.

(c) In certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer.

(d) In making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505.

(e) In executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form:

Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?

3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and it:

(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

(b) Is in a form otherwise prescribed by the law of this State;

(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

4. For the purposes of paragraphs (a), (b) and (e) of subsection 2, a notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

(a) Is personally known to the notarial officer;

(b) Is identified upon the oath or affirmation of a credible witness who personally appears before the notarial officer;

(c) Is identified on the basis of an identifying document which contains a signature and a photograph;

(d) Is identified on the basis of a consular identification card;

(e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; ~~[or]~~

(f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center ~~[.]~~ ***; or***

(g) In the case of a person who is incarcerated in the state prison and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of:

(1) An inmate identification card which:

(I) Is issued to the person by the Department of Corrections in accordance with regulations adopted by the Department; and

(II) Includes the name of the person and a picture of the person; or

(2) A declaration signed by the person under penalty of perjury in accordance with NRS 208.165 attesting to his or her identity.

5. An oath or affirmation administered pursuant to paragraph (b) of subsection 4 must be in substantially the following form:

Do you (solemnly swear, or affirm) that you personally know ……(name of person who signed the document)……, (so help you God)?

6. A notarial officer shall not affix his or her signature over printed material.

7. By executing a certificate of a notarial act, the notarial officer certifies that the notarial officer has complied with all the requirements of this section.

8. If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert "Signature affixed by (insert name of other person) at the direction of (insert name of person)" or words of similar import.

9. As used in this section, unless the context otherwise requires, "consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

Sec. 6. NRS 176A.770, 176A.780 and 209.356 are hereby repealed.

Sec. 7. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

176A.770 Legislative declaration. The Legislature hereby determines and declares that a program of regimental discipline is not to be used as an alternative to probation, but as an alternative to incarceration.

176A.780 Eligibility; procedure; completion; deduction of time from sentence.

1. If a defendant:

(a) Is male;

(b) Has been convicted of a felony that:

(1) Does not involve an act of violence; or

(2) Involves an act of violence, but the district attorney stipulates to the defendant's eligibility to participate in a program of regimental discipline;

(c) Is at least 18 years of age;

(d) Has not been incarcerated in jail during his lifetime for a cumulative total of more than 365 days;

(e) Has never been incarcerated in prison; and

(f) Is otherwise eligible for probation,

➥ the court may order the defendant satisfactorily to complete a program of regimental discipline for 150 days before sentencing the defendant or in lieu of causing the sentence imposed to be executed upon violation of a condition of probation or suspension of sentence.

2. If the court orders the defendant to undergo a program of regimental discipline, it:

(a) Shall place the defendant under the supervision of the Director of the Department of Corrections for not more than 190 days, not more than the first 30 days of which must be used to determine the defendant's eligibility to participate in the program. In determining the defendant's eligibility to participate in the program, the Director shall:

(1) Make all reasonable efforts to accommodate the defendant in the program; and

(2) Consider the facts and circumstances of the defendant's offense based on the police report, the report of the presentence investigation and any other information available to the Director.

(b) Shall, if appropriate, direct the Chief Parole and Probation Officer to provide a copy of the defendant's records to the Director of the Department of Corrections.

(c) Shall require the defendant to be returned to the court not later than 30 days after the defendant is placed under the supervision of the Director, if the defendant is determined to be ineligible for the program.

(d) May require such reports concerning the defendant's participation in the program as it deems desirable.

3. If the defendant is ordered to complete the program before sentencing, the Director of the Department of Corrections shall return the defendant to the court not later than 150 days after the defendant began the program. The Director shall certify either that the defendant satisfactorily completed the program or that the defendant did not, and shall report the results of the Director's evaluation, including any recommendations which will be helpful in determining the proper sentence. Upon receiving the report, the court shall sentence the defendant.

4. If the defendant is ordered to complete the program in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation and the defendant satisfactorily completes the program, the Director of the Department of Corrections shall, not later than 150 days after the defendant began the program, return the defendant to the court with certification that the defendant satisfactorily completed the program. The court shall direct that:

(a) The defendant be placed under the supervision of the Chief Parole and Probation Officer; and

(b) The Director of the Department of Corrections cause a copy of the records concerning the defendant's participation in the program to be provided to the Chief Parole and Probation Officer.

5. If a defendant is ordered to complete the program of regimental discipline in lieu of causing the sentence imposed to be executed upon the violation of a condition of probation, a failure by the defendant satisfactorily to complete the program constitutes a violation of that condition of probation and the Director of the Department of Corrections shall return the defendant to the court.

6. Time spent in the program must be deducted from any sentence which may thereafter be imposed.

209.356 Director to establish program of regimental discipline. The Director, with the approval of the Board, shall establish and administer a program of regimental discipline for persons who are ordered to undergo such a program pursuant to NRS 176A.780. The program must include:

1. Incarceration and segregation of the persons in an appropriate facility of the Department;
2. Strenuous physical exercise and hard labor;
3. Military drills; and
4. Sessions for instruction in:

(a) The recognition and prevention of alcohol and other substance use disorders;
(b) The management of stress;
(c) Building character;
(d) Learning to behave in a rational manner; and
(e) Preparing for and obtaining employment.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 30.

Bill read second time and ordered to third reading.

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 18.

AN ACT relating to Medicaid; providing for certain reimbursement under Medicaid of providers of nonemergency secure behavioral health transport services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) **Section 1** of this bill requires the Director of the Department to include under Medicaid a requirement that providers of nonemergency secure behavioral health transport services that are covered by Medicaid be reimbursed for certain distances traveled while going to pick up or returning from dropping off a patient. **Section 2** of this bill makes a conforming change to require the Director to administer the provisions of **section 1** in the same manner as the provisions of existing law governing Medicaid. **Section 3** of this bill requires the Director to apply for any federal authority that is necessary to increase by: (1) at least 15

percent the rate of reimbursement for nonemergency secure behavioral health transport services covered by Medicaid when the pick-up location or drop-off location, or both, are located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties); and (2) at least 10 percent for all other nonemergency secure behavioral health transport services covered by Medicaid.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent that federal financial participation is available, include under Medicaid a requirement that providers of nonemergency secure behavioral health transport services that are covered by Medicaid be reimbursed for the distance traveled between:

(a) The location where a vehicle of the provider is based and the location at which the vehicle picks up a patient who is being transported; and

(b) The location at which a vehicle of the provider drops off a patient who is being transported and the location where the vehicle is based.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the reimbursement described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

3. As used in this section, "nonemergency secure behavioral health transport services" has the meaning ascribed to it in NRS 433.3317.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to

432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. 1. On or before ~~[October 1, 2025,]~~ **January 1, 2026,** the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid or for any other necessary federal authority to increase by:

(a) At least 15 percent the rate of reimbursement for nonemergency secure behavioral health transport services covered by Medicaid when the location

where the patient is picked up, the location where the patient is dropped off or both the location where the patient is picked up and the location where the patient is dropped off are in a county whose population is less than 100,000; and

(b) At least 10 percent the rate of reimbursement for nonemergency secure behavioral health transport services covered by Medicaid, other than the nonemergency secure behavioral health transport services described in paragraph (a).

2. As used in this section, "nonemergency secure behavioral health transport services" has the meaning ascribed to it in NRS 433.3317.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

(b) On ~~[October 1, 2025,]~~ **January 1, 2026,** for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 62.

AN ACT relating to offenders; revising the definition of the term "violent or sexual offense" for the purpose of certain provisions of existing law; requiring certain defendants to be certified as not representing a high risk to reoffend before the court may grant probation to or suspend the sentence of the defendant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a court from deferring judgment on a case if the defendant has been convicted of a violent or sexual offense. (NRS 176.211) Existing law also: (1) sets the maximum period of probation or suspension of sentence for a violent or sexual offense at 60 months; and (2) requires the Division of Parole and Probation of the Department of Public Safety to petition the court to recommend the early discharge of a person from probation if the person has not been convicted of a violent or sexual offense and satisfies certain other requirements. (NRS 176A.500, 176A.840) Finally, existing law requires a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances. (NRS 202.882) **Section 1** of this bill expands the list of offenses which are deemed to be violent or sexual offenses for the purposes of these provisions.

Existing law prohibits a court from granting probation to or suspending the sentence of a person convicted of certain offenses unless the person is certified

as not representing a high risk to reoffend. (NRS 176A.110) **Section 2** of this bill adds attempted lewdness with a child to the list of offenses which require a certification that the person convicted does not represent a high risk to reoffend.

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

Section 1. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.
12. An offense involving pornography and a minor pursuant to NRS 200.710 ~~[or 200.720.]~~ ***to 200.730, inclusive.***
13. Open or gross lewdness pursuant to NRS 201.210.
14. Lewdness with a child pursuant to NRS 201.230.
15. An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395.
16. ***Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.***
17. ***Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.***
18. ***Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.***

19. Luring a child or a person with a mental illness pursuant to NRS 201.560.

[19.] 20. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

[17. ***20.] 21.*** An attempt, conspiracy or solicitation to commit an offense listed in this section.

Sec. 2. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

(g) Incest pursuant to NRS 201.180.

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Soliciting a child for prostitution pursuant to NRS 201.354.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(m) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(n) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(o) A violation of NRS 207.180.

(p) An attempt to commit an offense listed in paragraphs (b) to (o), inclusive.

(q) ***An attempt to commit a violation of NRS 201.230.***

(r) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

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

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 63.

AN ACT relating to crimes; ~~[prohibiting a person from receiving, distributing, producing, possessing or accessing any obscene item or material which contains a depiction of a purported child engaging in sexual conduct; providing that a violation of this prohibition constitutes a sexual offense or a violent or sexual offense for the purposes of various statutes;]~~ establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[In general, existing law prohibits a person from committing certain acts regarding pornography involving minors. (NRS 200.700-200.760) Section 1 of this bill: (1) prohibits a person from receiving, distributing, producing, possessing or accessing any obscene item or material which the person knows or reasonably should know contains a depiction of a purported child engaging in sexual conduct; and (2) provides that a person who violates this prohibition is guilty of a category B felony. Section 1 also defines: (1) the term "depiction of a purported child" for purposes of this prohibition to mean a visual representation that appears to depict an actual child but may or may not depict an actual child; and (2) certain other terms relating to the prohibition. Sections 2-5 of this bill make certain definitions, exemptions and authorizations, which, under existing law, are generally applicable to provisions concerning pornography involving minors, applicable to section 1.~~

~~— Existing law: (1) prohibits a court from deferring judgment on a case if the defendant has been convicted of a violent or sexual offense; (2) sets the maximum period of probation or suspension of sentence for a violent or sexual offense at 60 months; and (3) prohibits the early discharge from probation of a person convicted of a violent or sexual offense. (NRS 176.211, 176A.500, 176A.840, 202.876) Existing law also requires a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances. (NRS 202.882) Section 6 of this bill makes a violation of section 1 a violent or sexual offense for purposes of these provisions.~~

~~— Existing law prohibits a court from ordering a victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) Section 7 of this bill applies this prohibition to a victim of or a witness to a violation of section 1.~~

~~— Existing law defines the term "sexual offense" for the purposes of certain provisions which prohibit a person convicted of a sexual offense from obtaining certain licenses or employment or receiving certain services to include an offense involving pornography and a minor. (NRS 62B.270, 62G.223, 424.031, 424.145, 432A.170, 432A.1755, 432B.198, 432B.199, 433B.183) Sections 8, 12, 13 and 32-37 of this bill revise the list of sexual offenses to which these statutory provisions apply to include a violation of section 1.~~

~~— Section 9 of this bill requires a district attorney to provide certain documentation to a victim of a violation of section 1 and, if the victim is less than 18 years of age, to his or her parent or guardian. (NRS 62C.120)~~

~~— Section 10 of this bill makes certain restrictions concerning attendance in school which are applicable to juveniles who are adjudicated delinquent for committing sexual offenses applicable to a juvenile who is adjudicated delinquent for committing a violation of section 1. (NRS 62F.100-62F.150) Section 11 of this bill makes certain registration and community notification requirements which are applicable to juveniles who are adjudicated delinquent for committing sexual offenses applicable to a juvenile who is adjudicated delinquent for committing a violation of section 1. (NRS 62F.205-62F.360)~~

~~— Under existing law, the fingerprints of a child who is taken into custody for an unlawful act that, if committed by an adult, would have been a sexual offense, must be taken, retained locally and submitted to the Central Repository for Nevada Records of Criminal History under certain circumstances. (NRS 62H.010) Section 14 of this bill makes these requirements applicable to a child who is taken into custody for a violation of section 1.~~

~~— Existing law requires the Director of the Department of Health and Human Services to establish a program to compile and analyze data concerning juvenile sex offenders. (NRS 62H.320) Existing law also requires the Division of Child and Family Services of the Department to: (1) collect certain information concerning each child adjudicated delinquent for committing a sexual offense; and (2) provide the information collected by the Division to~~

~~the Director for use in the program. (NRS 62H.210, 62H.220, 62H.320) Sections 15 and 16 of this bill add a violation of section 1 to the list of sexual offenses to which these requirements apply. Sections 15 and 16 thereby require the Division to collect and provide to the Department certain information concerning a child who is adjudicated delinquent for a violation of section 1.~~

~~Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) Sections 18 and 19 of this bill add a violation of section 1 to the list of sexual offenses that require a psychosexual evaluation to be conducted and for which a court is prohibited from granting probation to or suspending the sentence of a person, unless the person who conducts the psychosexual evaluation certifies that the person does not represent a high risk to reoffend.~~

~~Existing law requires a court that grants probation to or suspends the sentence of certain persons convicted of an offense that involved pornography and a minor to order, as a condition of probation or suspension, that the person not own or use a computer. (NRS 176A.413) Section 20 of this bill adds a violation of section 1 to the list of offenses for which a court is required to issue such an order. Existing law similarly requires the State Board of Parole Commissioners to require that certain persons convicted of an offense that involved pornography and a minor not own or use a computer. (NRS 213.1258) Section 26 of this bill adds a violation of section 1 to the list of offenses for which the Board is required to impose this condition of parole.~~

~~Existing law requires a court to provide certain documentation to certain persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) Section 21 of this bill requires that such documentation be provided to such persons if an offender is convicted of a violation of section 1. Section 22 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of a violation of section 1. (NRS 179.245)~~

~~Existing law authorizes the Central Repository and its employees to inquire into and inspect certain sealed records that constitute information relating to sexual offenses and to notify employers of the information in accordance with federal laws and regulations. (NRS 179.301) Section 23 of this bill revises the list of sexual offenses to which this provision applies to include a violation of section 1.~~

~~Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory~~

~~conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) Section 24 of this bill revises the list of sexual offenses to which these statutory provisions apply to include a violation of section 1. Section 25 of this bill designates an offender convicted of a violation of section 1 a Tier II offender for the purpose of certain requirements relating to registration as a sex offender.~~

~~Sections 27-29 of this bill make a minor who was the victim of a violation of section 1 or a parent or guardian of any such minor eligible to apply for compensation from the Fund for the Compensation of Victims of Crime for certain expenses and losses. (NRS 217.010-217.270)~~]

Sections 30 and 31 of this bill establish the preferred manner of referring to items or materials that depict or describe a minor as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct in the Nevada Revised Statutes and the Nevada Administrative Code. **Sections 6-29 and 32-37 of this bill** make conforming changes to replace words and terms that are not preferred for use in the Nevada Revised Statutes, including the term "child pornography" and various related terms, with the term "child sexual abuse material" in accordance with **section 30**.

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

Section 1. ~~[Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A person shall not receive, distribute, produce, possess or access in any way, with the intent to view, any obscene item or material which he or she knows or reasonably should know contains a depiction of a purported child engaging in sexual conduct.*~~

~~*2. Unless a greater penalty is provided in NRS 200.725, a person who violates the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.*~~

~~*3. As used in this section:*~~

~~*(a) "Child" means a person who is less than 18 years of age.*~~

~~*(b) "Depiction of a purported child" means a visual representation that appears to depict an actual child but may or may not depict an actual child.*~~

~~*(c) "Obscene" means any item or material which:*~~

~~*(1) An average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest and lacks serious literary, artistic, political or scientific value; and*~~

~~*(2) Depicts sexual conduct in a patently offensive way.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 200.700 is hereby amended to read as follows:~~

~~200.700 As used in NRS 200.700 to 200.760, inclusive, *and section 1 of this act,* unless the context otherwise requires:~~

~~1. "Performance" means any play, film, photograph, computer-generated image, electronic representation, dance or other visual presentation.~~

~~2. "Promote" means to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution.~~

~~3. "Sexual conduct" means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another.~~

~~4. "Sexual portrayal" means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 200.735 is hereby amended to read as follows:~~

~~200.735 The provisions of NRS 200.710 to 200.730, inclusive, *and section 1 of this act* do not apply to law enforcement personnel during the investigation or prosecution of a violation of the provisions of NRS 200.710 to 200.730, inclusive .]~~ ***, and section 1 of this act.]*** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 200.740 is hereby amended to read as follows:~~

~~200.740 For the purposes of NRS 200.710 to 200.737, inclusive, *and section 1 of this act,* to determine whether a person was a minor, the court or jury may:~~

~~1. Inspect the person in question;~~

~~2. View the performance;~~

~~3. Consider the opinion of a witness to the performance regarding the person's age;~~

~~4. Consider the opinion of a medical expert who viewed the performance; or~~

~~5. Use any other method authorized by the rules of evidence at common law.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 200.760 is hereby amended to read as follows:~~

~~200.760 All assets derived from or relating to any violation of NRS 200.366, 200.710 to 200.730, inclusive, *and section 1 of this act* or 201.230 are subject to forfeiture. A proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.1205, inclusive.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 ~~[or 200.720.]~~ ***to 200.730, inclusive . [, and section 1 of this act.]***

13. Open or gross lewdness pursuant to NRS 201.210.

14. Lewdness with a child pursuant to NRS 201.230.

15. An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395.

16. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

17. An attempt, conspiracy or solicitation to commit an offense listed in this section.

Sec. 7. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(b) Sexual assault pursuant to NRS 200.366;

(c) Statutory sexual seduction pursuant to NRS 200.368;

(d) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(e) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(f) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(g) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975;

(h) Incest pursuant to NRS 201.180;

(i) Open or gross lewdness pursuant to NRS 201.210;

(j) Indecent or obscene exposure pursuant to NRS 201.220;

(k) Lewdness with a child pursuant to NRS 201.230;

(l) Pandering or sex trafficking of a child pursuant to NRS 201.300;

(m) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;

(n) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

(o) Sexual penetration of a dead human body pursuant to NRS 201.450;

(p) A violation of NRS 201.553;

(q) Luring a child or a person with mental illness pursuant to NRS 201.560;

(r) Any other offense that has an element involving a sexual act or sexual conduct with another person; or

(s) Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 8. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine:

(a) Whether the employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any other felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, an offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** or any other sexually related crime;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other than a violation of NRS 201.354 or 201.353 by engaging in prostitution;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 3 years;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the employee for a crime listed in paragraph (a).

2. An employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, a complete set of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency or the licensing authority, as applicable, for a determination of whether the employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph (a) of subsection 1 begins when the employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 9. NRS 62C.120 is hereby amended to read as follows:

62C.120 1. If a petition filed pursuant to the provisions of this title contains allegations that a child committed an unlawful act which would have been a sexual offense if committed by an adult or which involved the use or threatened use of force or violence against the victim, the district attorney shall

provide to the victim and, if the victim is less than 18 years of age, to the parent or guardian of the victim, as soon as practicable after the petition is filed, documentation that includes:

(a) A form advising the victim and the parent or guardian of the victim of their rights pursuant to the provisions of this title; and

(b) The form or procedure that must be used to request disclosure pursuant to NRS 62D.440.

2. As used in this section, "sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(c) An offense involving ~~[~~pornography and a minor~~]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(d) Open or gross lewdness pursuant to NRS 201.210;

(e) Indecent or obscene exposure pursuant to NRS 201.220;

(f) Lewdness with a child pursuant to NRS 201.230;

(g) Sexual penetration of a dead human body pursuant to NRS 201.450;

(h) Luring a child or person with mental illness pursuant to NRS 201.560, if punishable as a felony; or

(i) An attempt to commit an offense listed in this subsection.

Sec. 10. NRS 62F.100 is hereby amended to read as follows:

62F.100 As used in NRS 62F.100 to 62F.150, inclusive, unless the context otherwise requires, "sexual offense" means:

1. Sexual assault pursuant to NRS 200.366;

2. Battery with intent to commit sexual assault pursuant to NRS 200.400;

3. An offense involving ~~[~~pornography and a minor~~]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

4. Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony;

5. Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony;

6. Lewdness with a child pursuant to NRS 201.230;

7. Sexual penetration of a dead human body pursuant to NRS 201.450;

8. Luring a child or person with mental illness pursuant to NRS 201.560, if punishable as a felony; or

9. An attempt to commit an offense listed in this section, if punishable as a felony.

Sec. 11. NRS 62F.225 is hereby amended to read as follows:

62F.225 1. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) An offense involving ~~[~~pornography and a minor~~]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(c) Lewdness with a child pursuant to NRS 201.230;

(d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c), if punishable as a felony;

(e) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or

(f) An aggravated sexual offense.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 12. NRS 62G.223 is hereby amended to read as follows:

62G.223 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving ~~[pornography and a minor;]~~ ***child sexual abuse material;***

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 13. NRS 62G.353 is hereby amended to read as follows:

62G.353 1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving ~~[pornography and a minor;]~~ ***child sexual abuse material;***

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 14. NRS 62H.010 is hereby amended to read as follows:

62H.010 1. The fingerprints of a child must be taken if the child is in custody for an unlawful act that, if committed by an adult, would have been:

(a) A felony, gross misdemeanor or sexual offense; or

(b) A misdemeanor and the unlawful act involved:

(1) The use or threatened use of force or violence against the victim; or

(2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child to make an immediate comparison with the latent fingerprints. If the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.

(b) Positive, the fingerprint card and other copies of the fingerprints:

(1) Must be delivered to the juvenile court for disposition if the child is referred to the juvenile court.

(2) May be immediately destroyed or may be retained for future use if the child is not referred to the juvenile court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

(a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child may petition the juvenile court for the removal of the fingerprints from any local file or local system.

(b) Must be submitted to the Central Repository if the child is adjudicated delinquent for an unlawful act that would have been a felony or a sexual offense if committed by an adult, and may be submitted to the Central Repository for any other act. Any such fingerprints submitted to the Central Repository must be submitted with a description of the child and the unlawful act, if any, that the child committed. The Central Repository shall retain the fingerprints and information of the child under special security measures that limit inspection of the fingerprints and the information to:

(1) Law enforcement officers who are conducting criminal investigations; and

(2) Officers and employees of the Central Repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an unlawful act that would have been a felony or a sexual offense if committed by an adult.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures which provide that the photographs may be

inspected only to conduct criminal investigations and photographic lineups. If the juvenile court subsequently determines that the child is not delinquent, the juvenile court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.

6. As used in this section, "sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(e) Incest pursuant to NRS 201.180;

(f) Open or gross lewdness pursuant to NRS 201.210;

(g) Indecent or obscene exposure pursuant to NRS 201.220;

(h) Lewdness with a child pursuant to NRS 201.230;

(i) Sexual penetration of a dead human body pursuant to NRS 201.450;

(j) Luring a child or person with mental illness pursuant to NRS 201.560, if punishable as a felony;

(k) An attempt to commit an offense listed in paragraphs (a) to (j), inclusive; or

(l) An offense that is determined to be sexually motivated pursuant to NRS 175.547.

Sec. 15. NRS 62H.220 is hereby amended to read as follows:

62H.220 1. For each child adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the Division of Child and Family Services shall collect from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services:

(a) The information listed in NRS 62H.210;

(b) The name of the child; and

(c) All information concerning programs of treatment in which the child participated that:

(1) Were directly related to the delinquent act committed by the child; or

(2) Were designed or utilized to prevent the commission of another such act by the child in the future.

2. The Division of Child and Family Services shall provide the information collected pursuant to subsection 1 to the Director of the Department of Health and Human Services for use in the program established pursuant to NRS 62H.300, 62H.310 and 62H.320.

3. Except as otherwise provided in NRS 239.0115, all information containing the name of the child and all information relating to programs of treatment in which the child participated is confidential and must not be used for a purpose other than that provided for in this section and NRS 62H.320.

4. As used in this section, "sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(e) Incest pursuant to NRS 201.180;

(f) Open or gross lewdness pursuant to NRS 201.210;

(g) Indecent or obscene exposure pursuant to NRS 201.220;

(h) Lewdness with a child pursuant to NRS 201.230;

(i) Sexual penetration of a dead human body pursuant to NRS 201.450;

(j) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony;

(k) Annoyance or molestation of a minor pursuant to NRS 207.260;

(l) An attempt to commit an offense listed in paragraphs (a) to (k), inclusive;

(m) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or

(n) An offense committed in another jurisdiction that, if committed in this State, would have been an offense listed in this subsection.

Sec. 16. NRS 62H.310 is hereby amended to read as follows:

62H.310 As used in this section and NRS 62H.300 and 62H.320:

1. "Juvenile sex offender" means a child adjudicated delinquent for an act that, if committed by an adult, would be a sexual offense.

2. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(e) Incest pursuant to NRS 201.180;

(f) Open or gross lewdness pursuant to NRS 201.210;

(g) Indecent or obscene exposure pursuant to NRS 201.220;

(h) Lewdness with a child pursuant to NRS 201.230;

(i) Sexual penetration of a dead human body pursuant to NRS 201.450;

(j) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(k) An attempt to commit an offense listed in paragraphs (a) to (j), inclusive;

(l) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or

(m) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection.

Sec. 17. NRS 127.1869 is hereby amended to read as follows:

127.1869 1. If the court determines that tribal customary adoption is in the best interests, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child ~~[~~pornography,~~]~~ ***sexual abuse material,*** or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in NRS 125E.230; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian

custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in NRS 127.150 and enter an order or decree of adoption. In addition to the requirements under NRS 127.151, the order or decree of adoption must include a statement that any parental rights or obligations not specified in the order or decree are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of an order or decree of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the order or decree of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ ~~[601]~~ ***670*** et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 18. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act;]***~~

(f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975;

(g) Incest pursuant to NRS 201.180;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Soliciting a child for prostitution pursuant to NRS 201.354;

(l) Sexual penetration of a dead human body pursuant to NRS 201.450;

(m) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(n) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(p) An attempt to commit an offense listed in paragraphs (a) to (o), inclusive, if punished as a felony; or

(q) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 19. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ***, ~~[, and section 1 of this act.]~~***

(f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

(g) Incest pursuant to NRS 201.180.

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Soliciting a child for prostitution pursuant to NRS 201.354.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(m) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(n) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(o) A violation of NRS 207.180.

(p) An attempt to commit an offense listed in paragraphs (b) to (o), inclusive.

(q) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 20. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive, ~~*[and section 1 of this act,]*~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

(d) "System" has the meaning ascribed to it in NRS 205.476.

(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 21. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or

witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ***~~[, and section 1 of this act]~~***

(5) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975;

(6) Incest pursuant to NRS 201.180;

(7) Open or gross lewdness pursuant to NRS 201.210;

(8) Indecent or obscene exposure pursuant to NRS 201.220;

(9) Lewdness with a child pursuant to NRS 201.230;

(10) Sexual penetration of a dead human body pursuant to NRS 201.450;

(11) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

(12) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

(13) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(14) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(15) An attempt to commit an offense listed in this paragraph.

Sec. 22. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed;

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain; and

(e) If applicable, include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled

substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. Notwithstanding any other provision of law, no fee may be charged by any court or agency of criminal justice in this State related to a petition for the sealing of records pursuant to this section if, at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300. As used in this subsection, "fee" includes, without limitation, any fee to file a petition, obtain fingerprints if provided by a governmental agency of this State, obtain any records of criminal history, obtain records of past arrests and convictions or obtain or certify copies of documents pursuant to NRS 19.013 and any other fee related to the sealing of records pursuant to this section.

10. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive . ~~***[, and section 1 of this act.]***~~

(9) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

(10) Incest pursuant to NRS 201.180.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(16) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(18) An attempt to commit an offense listed in this paragraph.

Sec. 23. NRS 179A.073 is hereby amended to read as follows:

179A.073 1. "Sexual offense" includes acts upon a child constituting:

(a) Sexual assault under NRS 200.366;

(b) Statutory sexual seduction under NRS 200.368;

(c) Use of a minor in producing ~~[pornography]~~ ***child sexual abuse material*** under NRS 200.710;

(d) Promotion of a sexual performance of a minor under NRS 200.720;

(e) Possession of a visual presentation depicting the sexual conduct of a child under NRS 200.730;

(f) Incest under NRS 201.180;

(g) Lewdness with a child under NRS 201.230; or

(h) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony . ~~***[; or***~~

~~***(i) A violation of section 1 of this act.]***~~

2. "Sexual offense" also includes acts committed outside the State that would constitute any of the offenses in subsection 1 if committed in the State, and the aiding, abetting, attempting or conspiring to engage in any of the offenses in subsection 1.

Sec. 24. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ***~~[, and section 1 of this act.]~~***

(i) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

(j) Incest pursuant to NRS 201.180.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(p) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(q) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(r) Sex trafficking pursuant to NRS 201.300.

(s) Any other offense that has an element involving a sexual act or sexual conduct with another.

(t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (s), inclusive.

(u) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(v) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the

person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs (o) and (p) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 25. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

(d) An offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive ; ~~***[, and section 1 of this act,]***~~ or

(e) Any other offense that is comparable to or more severe than the offenses described in 34 U.S.C. § 20911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 26. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet

or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection 4 of NRS 200.575, an offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** pursuant to NRS 200.710 to 200.730, inclusive, ~~***[and section 1 of this act,]***~~ luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

(d) "System" has the meaning ascribed to it in NRS 205.476.

(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

Sec. 27. NRS 217.050 is hereby amended to read as follows:

217.050 "Personal injury" means:

1. Actual bodily harm or threat of bodily harm which results in a need for medical treatment;

2. In the case of a minor who was involved in the production of ~~[pornography]~~ ***child sexual abuse material*** in violation of NRS 200.710, 200.720, 200.725 ~~***[,]***~~ or 200.730 , ~~***[or section 1 of this act,]***~~ any harm which results in a need for medical treatment or any psychological or psychiatric counseling, or both;

3. Any harm which results from sexual abuse; or

4. Any harm which results from a violation of NRS 200.5099 or 200.50995.

Sec. 28. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means a person who suffers direct or threatened physical, financial or psychological harm as a result of the commission of a crime, including, without limitation:

(a) A person who is injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of ~~[pornography]~~ ***child sexual abuse material*** in violation of NRS 200.710, 200.720, 200.725 ~~*[,]*~~ or 200.730 ; ~~*[or section 1 of this act;]*~~

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person or a vulnerable person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1);

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300;

(i) A veteran who experienced an act of sexual assault while serving on active duty, active duty for training or inactive duty training;

(j) A person who is subjected to facilitating sex trafficking in violation of subsection 1 of NRS 201.301; or

(k) A person who is an immediate family member of a victim who:

(1) Is a minor;

(2) Is physically or mentally incompetent; or

(3) Was killed.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 29. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the

incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of ~~[~~pornography.~~]~~ ***child sexual abuse material.*** Such a minor must apply for compensation before reaching 21 years of age.

6. As used in this section:

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 30. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," "persons with developmental disabilities," "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

2. The Legislative Counsel shall, to the extent practicable, ensure that terms related to persons affected by addictive disorders are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "addictive disorder," "persons with addictive disorders," "person with an addictive disorder," "person with an addictive disorder related to gambling" and "substance use disorder."

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "addict," "alcoholic," "alcohol abuse,"

"alcohol abuser," "alcohol and drug abuser," "drug abuse," "drug addict," "problem gambler," "substance abuse" and "substance abuser."

3. The Legislative Counsel shall, to the extent practicable, ensure that terms related to persons with mental illness are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her illness as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with mental illness" and other words and terms that are structured in a similar manner.

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "insane" and "insanity."

4. The Legislative Counsel shall, to the extent practicable, ensure that terms related to persons who are deaf or hard of hearing are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her condition. Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "deaf and dumb."

5. The Legislative Counsel shall, to the extent practicable, ensure that:

(a) Terms related to persons living with the human immunodeficiency virus are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the human immunodeficiency virus as follows:

(1) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "person living with the human immunodeficiency virus" and "person diagnosed with the human immunodeficiency virus."

(2) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "HIV positive" and "human immunodeficiency virus positive."

(b) The human immunodeficiency virus is referred to in Nevada Revised Statutes using language that refers only to the human immunodeficiency virus or HIV rather than using duplicative references to both the human immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS.

(c) Duplicative references to both communicable diseases and the human immunodeficiency virus or HIV are not used in Nevada Revised Statutes.

6. The Legislative Counsel shall, to the extent practicable, ensure that terms related to items or materials that depict or describe a minor as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure which clearly indicates that a minor depicted or described in any such item or material is a victim as follows:

(a) Words and terms that are preferred in Nevada Revised Statutes include, without limitation, "child sexual abuse material" and words and terms that are structured in a similar manner.

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "child pornography."

Sec. 31. NRS 233B.062 is hereby amended to read as follows:

233B.062 1. It is the policy of this State that every regulation of an agency be made easily accessible to the public and expressed in clear and concise language. To assist in carrying out this policy:

(a) The Attorney General must develop guidelines for drafting regulations; and

(b) Every permanent regulation must be incorporated, excluding any forms used by the agency, any publication adopted by reference, the title, any signature and other formal parts, in the Nevada Administrative Code, and every emergency or temporary regulation must be distributed in the same manner as the Nevada Administrative Code.

2. It is the policy of this State that:

(a) Persons with physical, mental or cognitive disabilities and persons living with the human immunodeficiency virus are to be referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the person's disability or the human immunodeficiency virus, as applicable;

(b) Terms related to persons affected by addictive disorders are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder;

(c) Terms related to persons with mental illness are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her illness;

(d) Terms related to persons who are deaf or hard of hearing are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her condition; ~~[and]~~

(e) References to only the human immunodeficiency virus or HIV should be used in the Nevada Administrative Code instead of duplicative references to both human immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS ~~[.]~~ ***; and***

(f) Terms related to items or materials that depict or describe a minor as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure which clearly indicates that a minor depicted or described in any such item or material is a victim,

➥ in the same manner as provided in NRS 220.125 for Nevada Revised Statutes.

3. The Legislative Counsel shall:

(a) Include each permanent regulation in the Nevada Administrative Code; and

(b) Distribute in the same manner as the Nevada Administrative Code each emergency or temporary regulation,

➥ that is required to be adopted pursuant to the provisions of this chapter and which is adopted by an entity other than an agency.

4. The Legislative Commission may authorize inclusion in the Nevada Administrative Code of the regulations of an agency otherwise exempted from the requirements of this chapter.

Sec. 32. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to ~~[pornography involving minors,]~~ ***child sexual abuse material,*** including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, ~~***[and section 1 of this act]***~~ or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

Sec. 33. NRS 424.145 is hereby amended to read as follows:

424.145 1. The licensing authority or a person designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of that applicant or licensee who may come into direct contact with a child placed by the foster care agency, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to ~~[pornography involving minors,]~~ ***child sexual abuse*** ~~***[materials,]***~~ ***material,*** including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, ~~***[and section 1 of this act]***~~ or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor, including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person is completed.

3. The licensing authority or its designee shall conduct an investigation of each holder of a license to conduct a foster care agency and each owner,

member of a governing body, employee, paid consultant, contractor, volunteer or vendor who may come into direct contact with a child placed by the foster care agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 34. NRS 432.150 is hereby amended to read as follows:

432.150 As used in NRS 432.150 to 432.220, inclusive, unless the context otherwise requires:

1. "Clearinghouse" means the program established by the Attorney General pursuant to NRS 432.170.

2. "Director" means the Director of the Clearinghouse.

3. "Exploited child" means a person under the age of 18 years who has been:

(a) Used in the production of ~~[pornography]~~ ***child sexual abuse material*** in violation of the provisions of NRS 200.710 ~~[,]~~ ***to 200.730, inclusive*** ***; ~~[, and section 1 of this act;]~~***

(b) Subjected to sexual exploitation as defined in NRS 432B.110; or

(c) Employed or exhibited in any injurious, immoral or dangerous business or occupation in violation of the provisions of NRS 609.210.

4. "Missing child" means a person under the age of 18 years who has run away or is otherwise missing from the lawful care, custody and control of a parent or guardian.

Sec. 35. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. Subject to the provisions of subsection 7, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or ~~[pornography involving a minor;]~~ ***child sexual abuse material;***

(f) Arson;

(g) Assault;

(h) Battery, including, without limitation, battery which constitutes domestic violence;

(i) Kidnapping;

(j) Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;

(k) Any offense relating to the distribution or manufacture of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;

(l) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(m) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(n) A crime that constitutes domestic violence pursuant to NRS 33.018;

(o) A violation of NRS 484C.430; or

(p) A violation of NRS 484C.110 or 484C.120 within the immediately preceding 5 years.

3. Subject to the provisions of subsection 7, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

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

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program and before the employee, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. The provisions of subsections 2, 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

Sec. 36. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any other felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, an offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** or any other sexually related crime;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other than a violation of NRS 201.354 by engaging in prostitution;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 3 years;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a crime listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

7. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 begins when the applicant or employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the applicant or employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the applicant or employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the applicant or employee for only one or more crimes not listed in paragraph (a) of subsection 1.

8. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 37. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the facility to determine:

(a) Whether the employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any other felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, an offense involving ~~[pornography and a minor]~~ ***child sexual abuse material*** or any other sexually related crime;

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other than a violation of NRS 201.354 by engaging in prostitution;

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;

(10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 3 years;

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the employee for a crime listed in paragraph (a).

2. An employee must submit to the Division a complete set of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the Division for a determination of whether the employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

7. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an employee for a crime listed in paragraph (a) of subsection 1 begins when the employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 38. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

AN ACT relating to public bodies; **revising provisions relating to the Victim Information Notification Everyday System in the Office of the Attorney General;** renaming the Account for Programs Related to Domestic Violence; revising provisions governing the expenditures authorized from the Account; renaming the Committee on Domestic Violence; revising the membership and duties of the Committee; transferring certain duties from the Sexual Assault Kit Working Group to the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates in the Office of the Attorney General the Victim Information Notification Everyday System, which consists of a toll-free telephone number and an Internet website through which victims of crime and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender. (NRS 228.205) Section 1 of this bill instead creates a victim notification system in the Office of the Attorney General and replaces references to the Victim Information Notification Everyday System with references to the newly created victim notification system.

Existing law creates the Committee on Domestic Violence and requires the Committee to carry out certain duties relating to domestic violence, including increasing awareness, reviewing certain programs provided to peace officers for training related to domestic violence and making recommendations regarding such training, providing financial support to certain programs for the prevention of domestic violence under certain circumstances and studying

certain issues relating to domestic violence. (NRS 228.470) **Section 4** of this bill requires the Committee to also perform such duties as they relate to sexual assault.

Section 4 also requires the Committee to: (1) make recommendations relating to the need for additional sexual assault victims' advocates; (2) make recommendations relating to the need for ongoing evaluation of the rights of survivors; and (3) review the effectiveness of the statewide program to track sexual assault forensic evidence kits.

Section 4 further renames the Committee on Domestic Violence to the Committee on Domestic Violence and Sexual Assault to reflect the expansion of **the** duties of the Committee. **Sections 1, 2, 7, 8 and 10-16** of this bill make conforming changes to reflect the renaming of the Committee.

Existing law sets forth the membership of the Committee, which consists of: (1) certain persons appointed by the Attorney General, including two survivors of domestic violence; and (2) one member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services who has certain experience and is appointed by the Administrator of the Division. (NRS 228.470) **Section 4** revises the membership of the Committee by reducing the number of survivors of domestic violence who are members of the Committee from two to one and requiring the Attorney General to additionally appoint to the Committee: (1) one staff member of a program for victims of sexual assault; (2) one survivor of sexual assault; and (3) one medical professional with experience in working with sexual assault forensic evidence kits.

Existing law requires the Attorney General to designate a department or division of the Executive Department of State Government to establish a statewide program to track sexual assault forensic evidence kits. Existing law further requires such a designation to be made pursuant to the recommendation of the Sexual Assault Kit Working Group, which is the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested. (NRS 200.3788) **Section 9** of this bill requires such a designation to instead be made pursuant to the recommendation of the Committee.

Existing law creates the Account for Programs Related to Domestic Violence and authorizes the Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking to expend money in the Account for certain purposes relating to domestic violence, including training certain persons about domestic violence, assisting victims of domestic violence and educating the public on domestic violence. (NRS 228.460) **Section 3** of this bill authorizes the Ombudsman to expend money in the Account for such purposes as they relate to sexual assault. **Section 3** additionally renames the Account for Programs Related to Domestic Violence as the Account for Programs Related to Domestic Violence and Sexual Assault to reflect the changes made by **section 3** to the scope of authorized expenditures from the

Account. **Sections 5 and 6** of this bill make conforming changes to reflect the renaming of the Account.

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

Section 1. NRS 228.205 is hereby amended to read as follows:

228.205 1. There is hereby created in the Office of the Attorney General ~~[the Victim Information Notification Everyday System,]~~ ***a victim notification system,*** which consists of a toll-free telephone number and an Internet website through which victims of crime and members of the public may register to receive automated information and notification concerning changes in the custody status of an offender.

2. The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470 shall serve as the Governance Committee for the ~~[System.]~~ ***system.***

3. The Governance Committee may adopt policies, protocols and regulations for the operation and oversight of the ~~[System.]~~ ***system.***

4. The Attorney General may apply for and accept gifts, grants and donations for use in carrying out the provisions of this section.

5. To the extent of available funding, each sheriff and chief of police, the Department of Corrections, the Department of Public Safety and the State Board of

Parole Commissioners shall cooperate with the Attorney General to establish and maintain the ~~[System.]~~ ***system.***

6. The failure of the ~~[System]~~ ***system*** to notify a victim of a crime of a change in the custody status of an offender does not establish a basis for any cause of action by the victim or any other party against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions.

7. As used in this section:

(a) "Custody status" means the transfer of the custody of an offender or the release or escape from custody of an offender.

(b) "Offender" means a person convicted of a crime and sentenced to imprisonment in a county jail or in the state prison.

(c) "System" means the victim notification system created by subsection 1.

Sec. 2. NRS 228.427 is hereby amended to read as follows:

228.427 "Committee" means the Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470.

Sec. 3. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence ***and Sexual Assault*** is hereby created in the State General Fund. Any fee imposed and collected pursuant to NRS 176.094 must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking:

(a) Shall administer the Account for Programs Related to Domestic Violence ~~[,]~~ ***and Sexual Assault;*** and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence ~~[,]~~ ***and sexual assault;***

(3) Assisting victims of domestic violence ***and sexual assault*** and educating the public concerning domestic violence ~~[,]~~ ***and sexual assault;*** and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence ***and Sexual Assault*** must be paid as other claims against the State are paid.

Sec. 4. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Committee on Domestic Violence ***and Sexual Assault*** is hereby created. The Committee is comprised of the Attorney General or a designee of the Attorney General and:

(a) The following members appointed by the Attorney General:

(1) One staff member of a program for victims of domestic violence;

(2) ***One staff member of a program for victims of sexual assault;***

(3) One staff member of a program for the treatment of persons who commit domestic violence;

~~[(3)]~~ ***(4)*** One representative from an office of the district attorney with experience in prosecuting criminal offenses;

~~[(4)]~~ ***(5)*** One representative from an office of the city attorney with experience in prosecuting criminal offenses;

~~[(5)]~~ ***(6)*** One law enforcement officer;

~~[(6)]~~ ***(7)*** One provider of mental health care;

~~[(7) Two survivors]~~

(8) One survivor of domestic violence;

~~[(8)]~~ ***(9) One survivor of sexual assault;***

(10) One justice of the peace or municipal judge;

~~[(9)]~~ ***(11)*** One representative from the Office of Court Administrator; ~~[and~~

~~(10)]~~ ***(12) One medical professional with experience in working with sexual assault forensic evidence kits; and***

(13) Any other person appointed by the Attorney General.

(b) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services, who is appointed by the Administrator of the Division and who has experience related to the certification of programs for the treatment of persons who commit domestic violence.

➥ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the

Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence ***and sexual assault*** in this State;

(b) Review and evaluate existing programs provided to peace officers for training related to domestic violence ***and sexual assault*** and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

(c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence ***and sexual assault*** in this State;

(d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence ~~[,]~~ ***and sexual assault,*** including, without limitation, the availability of counseling services;

(e) Study issues that relate to domestic violence ~~[,]~~ ***and sexual assault,*** including, without limitation, the intersections between domestic violence and sexual assault and domestic violence and human trafficking;

(f) Make recommendations regarding whether a need exists:

(1) For additional sexual assault victims' advocates and, if such a need exists, create a plan for how the State can provide additional sexual assault victims' advocates to meet such a need;

(2) To provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, shall:

(I) Identify the scope and nature of the need; and

(II) Make recommendations on how to best fill such a need, legislatively or otherwise;

(g) Review the effectiveness of the statewide program to track sexual assault forensic evidence kits established pursuant to NRS 200.3788; and

~~[(f)]~~ ***(h)*** Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence ~~[,]~~ ***and sexual assault;*** and

(2) All comments and recommendations received by the Committee.

3. The Attorney General or the designee of the Attorney General is the Chair of the Committee.

4. The Committee shall annually elect a Vice Chair from among its members.

5. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair.

6. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

8. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

10. As used in this section:

(a) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

(b) "Sexual assault victims' advocate" has the meaning ascribed to it in NRS 178A.120.

(c) "Survivor" has the meaning ascribed to it in NRS 178A.140.

Sec. 5. NRS 228.490 is hereby amended to read as follows:

228.490 The Committee may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 228.470. Any money that the Committee receives pursuant to this section must be deposited in and accounted for separately in the Account for Programs Related to Domestic Violence ***and Sexual Assault*** created pursuant to NRS 228.460 for use by the Committee in carrying out its duties.

Sec. 6. NRS 176.094 is hereby amended to read as follows:

176.094 In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:

1. Enter a finding of fact in the judgment of conviction.

2. Order the person to pay a fee of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence ***and Sexual Assault*** established pursuant to NRS 228.460.

3. Require for the:

(a) First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(b) Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program

for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

Sec. 7. NRS 179A.075 is hereby amended to read as follows:

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

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

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

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

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470 when, pursuant to

NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

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

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

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

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

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make

recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 8. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The Nevada Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable, to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a protected person or proposed protected person or persons who may have knowledge of assets belonging to a protected person or proposed protected person.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it

will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter or editorial employee who is employed or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station who requests a record of a named person or aggregate information for statistical purposes, excluding any personal identifying information, in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The Commissioner of Insurance.

(t) The Board of Medical Examiners.

(u) The State Board of Osteopathic Medicine.

(v) The Board of Massage Therapy and its Executive Director.

(w) The Board of Examiners for Social Workers.

(x) The State Board of Cosmetology and its Executive Director.

(y) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

(z) A county coroner or medical examiner, as needed to conduct an investigation of the death of a person.

5. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 9. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the ~~[Sexual Assault Kit Working Group,]~~ ***Committee on Domestic Violence and Sexual Assault appointed pursuant to***

NRS 228.470, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive, by telephone or on an Internet website, updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or

provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

~~[7. As used in this section, "Sexual Assault Kit Working Group" means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.]~~

Sec. 10. NRS 217.475 is hereby amended to read as follows:

217.475 1. A court or an agency of a local government may organize or sponsor one or more multidisciplinary teams to review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

2. If a multidisciplinary team is organized or sponsored pursuant to subsection 1, the court or agency shall review the death of a victim upon receiving a written request from a person related to the victim within the third degree of consanguinity, if the request is received by the court or agency within 1 year after the date of death of the victim.

3. Members of a team that is organized or sponsored pursuant to subsection 1 serve at the pleasure of the court or agency that organizes or sponsors the team and must include, without limitation, representatives of organizations concerned with law enforcement, issues related to physical or mental health, or the prevention of domestic violence and assistance to victims of domestic violence.

4. Each organization represented on such a team may share with other members of the team information in its possession concerning the victim who is the subject of the review or any person who was in contact with the victim and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

5. A team organized or sponsored pursuant to this section may, upon request, provide a report concerning its review to a person related to the victim within the third degree of consanguinity.

6. Before establishing a team to review the death of a victim pursuant to this section, a court or an agency shall adopt a written protocol describing its objectives and the structure of the team.

7. A team organized or sponsored pursuant to this section may request any person, agency or organization that is in possession of information or records concerning the victim who is the subject of the review or any person who was in contact with the victim to provide the team with any information or records that are relevant to the team's review. Any information or records provided to a team pursuant to this subsection are confidential.

8. A team organized or sponsored pursuant to this section may, if appropriate, meet with any person, agency or organization that the team believes may have information relevant to the review conducted by the team, including, without limitation:

(a) A multidisciplinary team to review the death of a child organized pursuant to NRS 432B.405;

(b) A multidisciplinary team to oversee the review of the death of a child organized pursuant to NRS 432B.4075; or

(c) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470.

9. Except as otherwise provided in subsection 10, each member of a team organized or sponsored pursuant to this section is immune from civil or criminal liability for an activity related to the review of the death of a victim.

10. Each member of a team organized or sponsored pursuant to this section who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

11. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 10 against a member of a team organized or sponsored pursuant to this section; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

12. The results of the review of the death of a victim pursuant to this section are not admissible in any civil action or proceeding.

Sec. 11. NRS 427A.940 is hereby amended to read as follows:

427A.940 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 12. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(n) A team organized pursuant to NRS 432B.350 for the protection of a child;

(o) A team organized pursuant to NRS 432B.405 to review the death of a child;

(p) A multidisciplinary team, as defined in NRS 432B.4014;

(q) A parent or legal guardian of the child and an attorney of a parent or legal guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person

responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(r) The child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

(1) The child is 14 years of age or older; and

(2) The identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(s) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;

(t) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(u) Upon written consent of the parent, any officer of this State or a city or county thereof or Legislator authorized by the agency or department having jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the activities or programs of an agency which provides child welfare services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, Legislator or a member of the family of the officer or Legislator is not the person alleged to have committed the abuse or neglect;

(v) The Division of Parole and Probation of the Department of Public Safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(w) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(x) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(y) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(z) An employer in accordance with subsection 3 of NRS 432.100;

(aa) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence;

(bb) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470; or

(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information

to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 13. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its

possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470.

4. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

5. A multidisciplinary team to review the death of a child may use data collected concerning the death of a child for the purpose of research or to prevent future deaths of children if the data is aggregated and does not allow for the identification of any person.

6. Except as otherwise provided in this section, information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 14. NRS 439.5106 is hereby amended to read as follows:

439.5106 1. The Committee:

(a) Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the suicide fatalities in this State which must be reported to the Committee and screened for review by the Committee and the suicide fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.

(b) May review any accidental death which the Committee determines may assist in suicide prevention efforts in this State.

(c) May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.

2. The Committee shall obtain and use any data or other information to:

(a) Review suicide fatalities in this State to determine trends, risk factors and strategies for prevention;

(b) Determine and prepare reports concerning trends and patterns of suicide fatalities in this State;

(c) Identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State;

(d) Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and

(e) Recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State.

3. In conducting a review of a suicide fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:

(a) The Coordinator of the Statewide Program for Suicide Prevention employed pursuant to NRS 439.511;

(b) Each trainer for suicide prevention employed pursuant to NRS 439.513;

(c) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470; and

(d) A multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(2) To review the death of a child organized pursuant to NRS 432B.405; and

(3) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

4. Any review conducted by the Committee pursuant to NRS 439.5102 to 439.5108, inclusive, is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.

5. To conduct a review pursuant to NRS 439.5102 to 439.5108, inclusive, the Committee may access information, including, without limitation:

(a) Any investigative information obtained by a law enforcement agency relating to a death;

(b) Any records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death;

(c) Any medical or mental health records of a decedent;

(d) Any records relating to social or rehabilitative services provided to a decedent; and

(e) Any records of a social services agency which has provided services to a decedent.

Sec. 15. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.

2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406;

(c) Shall allow the use of certificates of death by the:

(1) Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470; and

(2) Committee to Review Suicide Fatalities created by NRS 439.5104; and

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 16. NRS 442.774 is hereby amended to read as follows:

442.774 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to the death or incident;

(c) Any medical or mental health records of the person who gave birth to a child;

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the person who gave birth to a child or the family of the person who gave birth to a child;

(e) The system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230; and

(f) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence ***and Sexual Assault*** appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provisions of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

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

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

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

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 57.

Bill read second time and ordered to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 87.

AN ACT relating to governmental administration; revising provisions relating to the authority of game wardens to enforce laws; revising provisions governing the prohibition against intentionally feeding certain animals; prohibiting, with certain exceptions, a person or any agent or employee of a person from knowingly bringing into or possessing in this State the excrement or bodily fluid of certain animals; revising provisions governing certain civil penalties for unlawfully killing or possessing certain big game mammals; revising provisions relating to the importation, possession and propagation of certain fallow deer or reindeer; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife and requires the Department to administer the laws governing wildlife and the Nevada Boat Act under the guidance of and regulations adopted by the Board of Wildlife Commissioners. (NRS 488.015, 501.181, 501.331) Existing law requires the Director of the Department of Wildlife to designate a number of employees and, if the need exists, other persons outside of the Department as game wardens. (NRS 501.337, 501.339) Existing law provides such game wardens with the powers of a peace officer for the purposes of: (1) the service of such legal process as may be required in the enforcement of the laws governing wildlife and the Nevada Boat Act; and (2) the enforcement of all laws of the State of Nevada while they are performing their duties relating to the enforcement of laws governing wildlife and the Nevada Boat Act. (NRS 289.280) Under existing law, such game wardens have a duty to enforce laws governing wildlife and the Nevada Boat Act. (NRS 501.349) **Section 4** of this bill makes enforcement of such laws a power instead of a duty. **Sections 4 and 16** of this bill expand the scope of this enforcement authority and the peace officer powers of a game warden to include the enforcement of all laws of the State of Nevada regardless of whether the game wardens are enforcing the laws governing wildlife or the Nevada Boat Act. **Section 16** also expands the peace officer powers of a game warden to apply to the service of any legal process. **Sections 2 and 16** of this bill make conforming changes relating to the authority for designating game wardens.

Under existing law, the Board of Wildlife Commissioners is required to classify all wildlife by regulation. (NRS 501.110) Existing law also, with certain exceptions, prohibits a person from intentionally feeding a big game mammal without written authorization from the Department. For the purpose of this prohibition, "big game mammal" is defined to include a pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk and certain subspecies of bighorn sheep. The penalties for violating this prohibition are: (1) a written warning for a first offense; (2) a fine of not more than $250 for a second offense; and (3) a fine of not more than

$500 for a third or subsequent offense. (NRS 501.382) **Section 7** of this bill **: (1)** expands this prohibition to apply to the intentional feeding of any wildlife that is classified as a wild mammal or game bird by regulations adopted by the Board of Wildlife Commissioners ~~.~~ **; and (2) provides that this prohibition does not apply to the incidental or unintentional feeding of such game birds associated with the use of a bird feeder located not more than 100 feet from a private residence.** **Section 1** of this bill makes a conforming change as a result of the expansion of the prohibition to additional animals.

With certain exceptions, existing law prohibits a person or the person's agent or employee from knowingly bringing into or possessing in this State the carcass or part of the carcass of certain animals. (NRS 501.3845) A person who violates this prohibition is: (1) guilty of a misdemeanor, which is punished by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not more than 6 months, or by both fine or imprisonment; and (2) liable for certain civil penalties. (NRS 501.385, 501.3855) **Section 8** of this bill also prohibits knowingly bringing into or possessing in this State the excrement or bodily fluid of such animals. **Section 8** authorizes the seizure, destruction or removal from this State of such excrement or bodily fluid in the same manner as a carcass or part of a carcass.

With certain exceptions and in addition to certain authorized penalties, existing law establishes a civil penalty of not less than $5,000 nor more than $30,000 for unlawfully killing or possessing a trophy big game mammal. For the purpose of this civil penalty, a trophy big game mammal is defined as a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. Also, with certain exceptions and in addition to certain authorized penalties, existing law establishes a civil penalty of not less than $250 and not more than $5,000 for unlawfully killing or possessing certain other animals, including a moose. (NRS 501.3855) **Section 9** of this bill makes unlawfully killing or possessing a moose subject to the higher civil penalty for trophy big game mammals of not less than $5,000 nor more than $30,000. For the purposes of identifying a trophy big game mammal for imposition of the higher civil penalty, existing law defines the term "antler point" to exclude the first point on the main beam, commonly known as the eye guard, on mule deer. (NRS 501.3855) Existing regulations interpret the exclusion to apply only to mule deer. (NAC 502.1175) **Section 9** codifies this interpretation in the Nevada Revised Statutes.

Existing law: (1) prohibits any person without a permit from importing, possessing or propagating alternative livestock, which is defined as any species or subspecies of fallow deer or reindeer, if such animals are born and reared in captivity and raised on private property to produce meat or other by-products or for breeding stock; and (2) requires the State Board of Agriculture to adopt regulations governing the permit program for alternative livestock. In

adopting such regulations, existing law requires the State Board of Agriculture to consult with the Department of Wildlife and the Board of Wildlife Commissioners concerning the provisions that are necessary to protect wildlife in this State and in certain areas of special concern. (NRS 501.003, 576.129; NAC 576.100-576.260) A person who violates this prohibition: (1) is guilty of a misdemeanor, which is punished by a fine of not more than $1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment; and (2) may be liable for a civil penalty of not more than $5,000 for each violation. (NRS 193.150, 576.150) Existing law, with certain exceptions, authorizes a person to bring an animal that is not under special quarantine into this State in compliance with regulations adopted by the State Quarantine Officer. (NRS 571.210) **Section 25** of this bill eliminates the permit program for alternative livestock, thereby making it a misdemeanor to import, possess or propagate such fallow deer or reindeer in this State, unless pursuant to the regulations adopted by the State Quarantine Officer that authorize certain restricted entry of animals from outside this State. **Sections 3, 6, 11-15, 17, 18, 20, 22-24 and 27** of this bill make conforming changes as a result of the elimination of the permit program for alternative livestock by **section 25**. **Section 26** of this bill declares void the regulations adopted by the State Board of Agriculture governing the permit program for alternative livestock. **Sections 5 and 10** of this bill make conforming changes to refer to provisions that have been renumbered in **section 3**. **Sections 19 and 21** of this bill make conforming changes by removing references to sections defining "alternative livestock" that are repealed in **section 27**.

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

Section 1. NRS 501.005 is hereby amended to read as follows:

501.005 ~~[Except as otherwise provided in NRS 501.382, "big]~~ ***"Big*** game mammal" means any game mammal so classified by Commission regulation.

Sec. 2. NRS 501.047 is hereby amended to read as follows:

501.047 "Game warden" means any person ~~[authorized]~~ ***designated as such*** by the Director ~~[to enforce the provisions of this title and of chapter 488 of NRS.]~~ ***pursuant to NRS 501.337 or 501.339.***

Sec. 3. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. ~~[Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129. 8.]~~ Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

~~[9.]~~ ***8.*** Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

~~[10.]~~ ***9.*** In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 4. NRS 501.349 is hereby amended to read as follows:

501.349 ~~[Regular employees and others]~~ ***Persons*** designated by the Director as game wardens ~~[shall]~~ ***pursuant to NRS 501.337 or 501.339 may*** enforce all ~~[provisions of this title and of chapter 488 of NRS.]~~ ***laws of the State of Nevada.***

Sec. 5. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, moose, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of a manned or unmanned aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection ~~[9]~~ ***8*** of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life of any person, pet or livestock in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 561.025.

(b) "Pet" has the meaning ascribed to it in NRS 202.487.

Sec. 6. NRS 501.379 is hereby amended to read as follows:

501.379 1. ~~[Except as otherwise provided in this section:~~

~~(a)]~~ It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

~~[(b)]~~ ***2.*** The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

~~[2. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~

Sec. 7. NRS 501.382 is hereby amended to read as follows:

501.382 1. Except as otherwise provided in subsection 3, a person shall not intentionally feed any ~~[big game mammal]~~ ***wildlife classified as a wild mammal or game bird by Commission regulation*** without written authorization from the Department.

2. A person who violates subsection 1:

(a) For a first offense, must not be cited or charged criminally but must be informed, in writing, of the behavior that constitutes the violation and the penalties prescribed by this section for any subsequent violation of this section.

(b) For a second offense, shall be punished by a fine of not more than $250.

(c) For a third or subsequent offense, shall be punished by a fine of not more than $500.

3. The provisions of this section do not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture who, while carrying out his or her duties, intentionally feeds ~~[a big game mammal]~~ ***such wildlife*** for any purpose.

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

~~(a) "Big game mammal" means:~~

~~(1) Any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion or Rocky Mountain elk; or~~

~~(2) Any of the following subspecies of bighorn sheep:~~

~~(I) Nelson bighorn sheep;~~

~~(II) California bighorn sheep; or~~

~~(III) Rocky Mountain bighorn sheep.~~

~~(b) "Intentionally]~~ ***, "intentionally*** feed" means to supply, provide or otherwise make available any salt, grain, meat or other form of nourishment with the intent to attract or feed ~~[a big game mammal.]~~ ***wildlife described in subsection 1.*** The term does not include any incidental or unintentional feeding of ~~[a big game mammal,]~~ ***such wildlife,*** including, without limitation, any such feeding associated with:

~~[(1)]~~ ***(a)*** Any accepted agricultural or livestock practice;

~~[(2)]~~ ***(b)*** Any planting or maintenance of any shrub, tree or other landscaping for any residence, property or area; ~~[or]~~

~~[(3)]~~ ***(c)*** Any sporting event or outdoor activity at which food is served or consumed~~[.]~~ ***; or***

(d) The use of a bird feeder located not more than 100 feet from a private residence.

Sec. 8. NRS 501.3845 is hereby amended to read as follows:

501.3845 1. Except as otherwise provided in this section, it is unlawful for a person or any agent or employee of a person to knowingly:

(a) Bring into this State the carcass or any part of the carcass ***or any excrement or bodily fluid*** of any of the following animals which were obtained in another state, territory or country:

(1) An elk (Cervus elaphus);

(2) A mule deer (Odocoileus hemionus);

(3) A white-tailed deer (Odocoileus virginianus);

(4) A moose (Alces alces);

(5) Any alternative livestock; or

(6) Any other animal which the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State; or

(b) Possess any carcass or part of the carcass ***or excrement or bodily fluid*** of any elk, deer, moose, alternative livestock or other animal brought into this State in violation of paragraph (a).

2. A person or any agent or employee of a person may bring into this State the following parts of the carcass of any elk, deer, moose, alternative livestock or other animal specified in subsection 1:

(a) The meat of the elk, deer, moose, alternative livestock or other animal with no part of the spinal column, brain tissue or head attached, except that one or more bones of the legs or shoulders may be attached.

(b) The hide or cape of the elk, deer, moose, alternative livestock or other animal with no part of the spinal column, brain tissue or head attached.

(c) The clean skull plate of the elk, deer, moose, alternative livestock or other animal with antlers attached and no part of the brain tissue attached.

(d) The antlers of the elk, deer, moose, alternative livestock or other animal with no meat or tissue other than antler velvet attached.

(e) The taxidermy mount of the elk, deer, moose, alternative livestock or other animal with no meat or tissue other than antler velvet attached.

(f) The upper canine teeth of the elk, deer, moose, alternative livestock or other animal, including, without limitation, the bugler, whistler and ivory teeth.

3. Any carcass or part of the carcass ***or excrement or bodily fluid*** of an elk, deer, moose, alternative livestock or other animal knowingly brought into this State or knowingly possessed in this State in violation of this section may be seized, destroyed or sent out of this State by a game warden or any other law enforcement officer within 48 hours. The expense of seizing, destroying or removing the carcass or part of the carcass ***or excrement or bodily fluid*** must be paid by the person or his or her agent or employee who knowingly brought the carcass or part of the carcass ***or excrement or bodily fluid*** into this State or knowingly possessed the carcass or part of the carcass ***or excrement or bodily fluid*** in this State.

Sec. 9. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than $5,000 nor more than $30,000; or

(b) Except as otherwise provided in paragraph (a) or NRS 503.610, unlawfully kills or possesses a big game mammal, ~~[moose,]~~ bobcat, swan or eagle is liable for a civil penalty of not less than $250 but less than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than $50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, ***a moose,*** a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base **.** ~~[, excluding]~~ ***The term does not include*** the first point on the main beam **,** commonly known as the eye guard**,** on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 10. NRS 502.140 is hereby amended to read as follows:

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145 and the regulations adopted by the Commission pursuant to subsection ~~[9]~~ ***8*** of NRS 501.181, it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 11. NRS 503.590 is hereby amended to read as follows:

503.590 1. ~~[Except as otherwise provided in this section, a]~~ ***A*** person may maintain a noncommercial collection of legally obtained live wildlife if:

(a) Such a collection is not maintained for public display nor as a part of or adjunct to any commercial establishment; and

(b) The wildlife contained in such a collection is of a species which may be possessed in accordance with regulations adopted by the Commission pursuant to subsection 2 of NRS 504.295.

2. The Commission may adopt reasonable regulations establishing minimum standards for the fencing or containment of any collection of wildlife.

~~[3. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~

Sec. 12. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that

the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least $25,000 but not more than $250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to ~~[~~:

~~(a) Alternative livestock and products made therefrom; or~~

~~(b) The~~] ***the*** introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 13. NRS 504.185 is hereby amended to read as follows:

504.185 The provisions of this section and NRS 504.155 and 504.165 do not apply to ~~[~~:

~~1. Alternative livestock; or~~

~~2. Game~~] ***game*** mammals not native to this State ~~[~~,

➥ ~~]~~ that are held in captivity for purposes other than as required by the Department.

Sec. 14. NRS 504.245 is hereby amended to read as follows:

504.245 1. Any species of wildlife ~~[~~, including alternative livestock,~~]~~ that:

(a) Is released from confinement without the prior written authorization of the Department; or

(b) Escapes from the possessor's control,

➥ may be captured, seized or destroyed by the Department if the Department determines that such actions are necessary to protect wildlife and the habitat of wildlife in this State.

2. The owner or possessor of such wildlife:

(a) Shall report its escape immediately after receiving knowledge of the escape; and

(b) Is liable for the costs incurred by the Department to capture, maintain and dispose of the wildlife and for any damage caused by the wildlife.

3. The Department is not liable for any damage to wildlife, or caused by wildlife, in carrying out the provisions of this section.

Sec. 15. NRS 504.295 is hereby amended to read as follows:

504.295 1. Except as otherwise provided in ~~[~~this section and~~]~~ NRS 503.590, or unless otherwise specified by a regulation adopted by the Commission, no person may:

(a) Possess any live wildlife unless the person is licensed by the Department to do so.

(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.

(c) Possess or release from confinement any mammal for the purposes of hunting.

2. The Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. In accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

~~[~~4. The provisions of this section do not apply to alternative livestock and products made therefrom.~~]~~

Sec. 16. NRS 289.280 is hereby amended to read as follows:

289.280 A person designated as a game warden pursuant to NRS ~~[501.349]~~ ***501.337 or 501.339*** is a peace officer for the purposes of:

1. The service of ~~[such]~~ legal process, including warrants and subpoenas **.** ~~[, as may be required in the enforcement of title 45 of NRS and chapter 488 of NRS.]~~

2. The enforcement of all laws of the State of Nevada **.** ~~[while they are performing their duties pursuant to title 45 of NRS and chapter 488 of NRS.]~~

Sec. 17. NRS 564.010 is hereby amended to read as follows:

564.010 As used in this chapter:

1. "Animals" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All sheep and goats.

~~[(e) Alternative livestock as defined in NRS 501.003.]~~

2. "Department" means the State Department of Agriculture.

3. "Director" means the Director of the Department.

Sec. 18. NRS 565.010 is hereby amended to read as follows:

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

1. "Agricultural police officer" means a person appointed by the Director pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.

2. "Animals" means:

(a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

~~[(d) Alternative livestock as defined in NRS 501.003.]~~

3. "Brand inspection" means a careful visual examination of each animal offered for such inspection and a visual examination of any brands, marks or other characteristics thereon.

4. "Department" means the State Department of Agriculture.

5. "Director" means the Director of the Department.

Sec. 19. NRS 569.005 is hereby amended to read as follows:

569.005 As used in NRS 569.005 to 569.130, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[569.006]~~ ***569.0065*** to 569.0085, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 569.0085 is hereby amended to read as follows:

569.0085 "Livestock" means:

1. All cattle or animals of the bovine species;

2. All horses, mules, burros and asses or animals of the equine species;

3. All swine or animals of the porcine species;

4. All goats or animals of the caprine species;

5. All sheep or animals of the ovine species; ***and***

6. All poultry or domesticated fowl or birds **.** ~~[; and~~

~~7. All alternative livestock.]~~

Sec. 21. NRS 571.015 is hereby amended to read as follows:

571.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[571.016]~~ ***571.017*** to 571.023, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 571.022 is hereby amended to read as follows:

571.022 "Livestock" means:

1. All cattle or animals of the bovine species.
2. All horses, mules, burros and asses or animals of the equine species.
3. All swine or animals of the porcine species.
4. All goats or animals of the caprine species.
5. All sheep or animals of the ovine species.
6. All poultry or domesticated fowl or birds.
7. All dogs, cats or other animals domesticated or under the restraint or control of humans.

~~[8. All alternative livestock.]~~

Sec. 23. NRS 571.210 is hereby amended to read as follows:

571.210 1. Except as otherwise provided in this section, a person, or the person's agent or employee may bring into this State any animal not under special quarantine by the State of Nevada, the Federal Government, or the state, territory or district of origin in compliance with regulations adopted by the State Quarantine Officer.

2. Notice that an animal is in transit is not required unless the animal remains in this State, or is to be unloaded in this State to feed and rest for longer than 48 hours.

3. A person, or the person's agent or employee shall not bring any animal into this State unless he or she has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure thereto. This requirement does not apply to any animal whose accustomed range is on both sides of the Nevada state line and which is being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon. The State Quarantine Officer shall adopt regulations concerning the form of the certificate.

4. A person, or the person's agent or employee shall not:

(a) Alter a health certificate; or

(b) Divert any animal from the destination described on the health certificate without notifying the State Quarantine Officer within 72 hours after the diversion of the animal.

5. To protect this State from the effects of chronic wasting disease, a person, or the person's agent or employee shall not knowingly bring into this State any live:

(a) Elk (Cervus elaphus);

(b) Mule deer (Odocoileus hemionus);

(c) White-tailed deer (Odocoileus virginianus);

(d) Moose (Alces alces); ***or***

(e) ~~[Alternative livestock, unless in accordance with a permit obtained pursuant to NRS 576.129; or~~

~~(f)]~~ Other animal that the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State.

6. Any animal knowingly brought into this State in violation of this section may be seized, destroyed or sent out of this State by the State Quarantine Officer within 48 hours. The expense of seizing, destroying or removing the animal must be paid by the owner or the owner's agent in charge of the animal and the expense is a lien on the animal, unless it was destroyed, until paid.

Sec. 24. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. "Annual sale of livestock" means any sale of livestock:

(a) To which any member of the public may consign livestock for sale or exchange through public bidding at the sale of the livestock; and

(b) Which is conducted for not more than 2 consecutive days during a calendar year.

2. "Consignor" means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.

3. "Department" means the State Department of Agriculture.

4. "Director" means the Director of the Department.

5. "Livestock" means ~~[:~~

~~(a) Cattle,]~~ ***cattle,*** sheep, goats, horses, mules, asses, burros, swine or poultry**.** ~~[; and~~

~~(b) Alternative livestock as defined in NRS 501.003.]~~

6. "Operator of a public livestock auction" means any person holding, conducting or carrying on a public livestock auction.

7. "Public livestock auction" means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals. The term does not include an annual sale of livestock.

Sec. 25. NRS 576.129 is hereby amended to read as follows:

576.129 ~~[1. It]~~ ***Except as otherwise provided in NRS 571.210, it*** is unlawful for any person to import, possess or propagate any alternative livestock**.** ~~[unless the person first obtains from the State Board of Agriculture a permit that authorizes the person to do so.~~

~~2. The State Board of Agriculture shall adopt regulations for the importation, possession and propagation of alternative livestock. The regulations must set forth requirements for:~~

~~(a) Facilities used to confine alternative livestock, including minimum requirements for fencing to prevent the escape of alternative livestock.~~

~~(b) The genetic testing of alternative livestock.~~

~~(c) Keeping and maintaining records related to the importation, transfer, possession and propagation of alternative livestock.~~

~~(d) Identifying and marking alternative livestock.~~

~~(e) Marketing alternative livestock.~~

~~(f) The filing of any bonds which may be required by the State Board of Agriculture.~~

~~3. In adopting the regulations required by subsection 2, the State Board of Agriculture shall consult with the Department of Wildlife and the Board of Wildlife Commissioners concerning the provisions that are necessary to protect wildlife in this state and in the areas designated as areas of special concern by the Board of Wildlife Commissioners pursuant to NRS 501.181.~~

~~4. The State Board of Agriculture shall establish by regulation a schedule of fees required to be paid for a permit issued pursuant to this section. The fees established must not exceed the approximate cost to the Board of carrying out the provisions of this section.~~]

Sec. 26. Any regulations adopted by the State Board of Agriculture pursuant to NRS 576.129, as that section existed before the effective date of section 25 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

Sec. 27. NRS 503.242, 569.006, 571.016 and 576.131 are hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

503.242 Unlawful to hunt alternative livestock.

569.006 "Alternative livestock" defined.

571.016 "Alternative livestock" defined.

576.131 Alternative livestock: Recapture of escaped livestock; impoundment; liability of owner.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 68.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** LA RUE HATCH**; D'SILVA, EDGEWORTH, FLANAGAN, HUNT, AND NGUYEN**

JOINT SPONSORS: SENATORS BUCK, ELLISON, NGUYEN, STEINBECK, STONE, AND TITUS

AN ACT relating to time; exempting the State of Nevada from the provisions of federal law requiring daylight saving time; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires the annual advancement of the standard time for each time zone by 1 hour commencing at 2 a.m. on the second Sunday of March of each year and ending at 2 a.m. on the first Sunday of November of each year, commonly referred to as daylight saving time. (15 U.S.C. § 260a(a)) Under existing federal law, a state may by state law exempt itself and its political subdivisions from the provisions requiring the advancement of time and observe the prescribed standard time for the entire calendar year. (15 U.S.C. § 260a)

This bill exempts Nevada from the federal provisions requiring the observance of daylight saving time. Nevada would remain on Pacific Standard Time throughout the entire year.

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

Section 1. Chapter 234 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State of Nevada exempts itself from the provisions of 15 U.S.C. § 260a(a) requiring the advancement of time during the period commencing at 2 a.m. on the second Sunday of March of each year and ending at 2 a.m. on the first Sunday of November of each year, commonly known as daylight saving time.

2. During the period described in subsection 1, the State of Nevada and all political subdivisions thereof ~~***[,]***~~ ***shall observe the standard time otherwise applicable for the time zone in which the State is situated in accordance with the provisions of 15 U.S.C. §§ 260 et seq., the solar time of the 120th meridian west of Greenwich, commonly known as Pacific Standard Time.***

Sec. 2. This act becomes effective on ~~[July]~~ **January** 1, ~~[2025.]~~ **2026.**

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 48.

SUMMARY—Revises provisions relating to ~~[logging permits]~~ **forestry.** (BDR 47-377)

AN ACT relating to forestry; revising provisions relating to logging permits; **removing certain requirements relating to a cutting operation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a timber owner or the agent of a timber owner is required to secure a logging permit from the State Forester Firewarden prior to any logging or cutting operation. (NRS 528.042) Existing law defines the term "logging operation" as the commercial harvesting of trees by a timber owner or the agent of a timber owner using certain methods. (NRS 528.0175) ~~[This]~~ **Section 1 of this** bill removes the requirement to secure a logging permit for a cutting operation.

Existing law requires every timber owner or operator to sow suitable grass seed on certain trails, roads and landings upon completion of a logging or cutting operation. (NRS 528.057) Existing law also requires the holder of a timberland conversion certificate to provide a copy of the certificate to any timber operator prior to any logging or cutting operation on land covered by the certificate. (NRS 528.086) Sections 1.3 and 1.7 of this bill remove such requirements for a cutting operation.

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

Section 1. NRS 528.042 is hereby amended to read as follows:

528.042 1. Prior to any logging ~~[or cutting]~~ operation, any timber owner or the agent of the timber owner shall secure a logging permit from the State Forester Firewarden.

2. Application for such permit shall be made to the nearest office of the Division of Forestry of the State Department of Conservation and Natural Resources.

Sec. 1.3. **NRS 528.057 is hereby amended to read as follows:**

528.057 1. Every timber owner or operator, upon completion of his or her logging ~~[or cutting]~~ operation, shall sow suitable grass seed on skid trails, skid roads, unmaintained roads and landings to help maintain the productive condition of the cut-over timberlands. Drill seedings shall be done where feasible.

2. The seed shall:

(a) Be approved by the State Forester Firewarden;

(b) Not be sown during windy weather or when the ground is frozen or under any other unsuitable conditions; and

(c) Be spread evenly at not less than 12 pounds per acre when moisture conditions are favorable.

Sec. 1.7. **NRS 528.086 is hereby amended to read as follows:**

528.086 Prior to any logging ~~[or cutting]~~ operation on any land covered by a timberland conversion certificate, the holder shall furnish a copy of such certificate to any timber operator harvesting forest products on such land.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 89.

Bill read second time and ordered to third reading.

Assembly Bill No. 90.

Bill read second time and ordered to third reading.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 12.

AN ACT relating to land use planning; requiring the governing body of certain cities and counties to include a heat mitigation element in the master plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a planning commission to develop a master plan as a comprehensive, long-term general plan for the physical development of the city, county or region. A master plan may include certain elements as appropriate to the city, county or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170)

Sections 1 and 3 of this bill require that the master plan in a county whose population is 100,000 or more (currently Clark and Washoe Counties) includes a heat mitigation element. **Section 2** of this bill sets forth the requirements for the heat mitigation element of a master plan, including a plan to develop heat mitigation strategies such as public cooling spaces, public drinking water and shade over paved surfaces.

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

Section 1. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region

for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.

5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to ~~[(h),]~~ ***(i),*** inclusive, of subsection 1 of NRS 278.160.

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank

strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) ***A heat mitigation element, which must include a plan to develop heat mitigation strategies. The plan to develop heat mitigation strategies may include, without limitation, such factors as access to public cooling spaces, public drinking water, cool building practices, shade over paved surfaces and other mitigation measures to address heat in the community. Shade over paved surfaces may include, without limitation, shade structures*** ~~[, shelters]~~ ***and urban tree canopies, with preference for native tree or drought-tolerant species.***

(j) An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 3. NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2, 3 and 4, the commission may prepare and adopt all or any part of the master plan or any element thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

3. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation element, as described in paragraph (i) of subsection 1 of NRS 278.160.

4. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the elements set forth in NRS 278.160.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective on July 1, ~~[2025.]~~ **2026.**

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 102.

Bill read second time.

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

Amendment No. 20.

AN ACT relating to emergency medical services; authorizing a district board of health in certain health districts to regulate emergency medical

services within the district ~~[.]~~ **with certain exceptions;** providing that certain persons are eligible for licensure as an attendant of an ambulance or air ambulance or certification as an emergency medical technician; revising provisions governing persons who are authorized to occupy an ambulance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates a health district in each county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the creation of a health district in counties whose population is less than 700,000 (currently all counties other than Clark County) under certain circumstances. (NRS 439.361, 439.362, 439.369, 439.370) Existing law provides for the licensure and regulation of emergency medical services by: (1) in a county whose population is 700,000 or more, the district board of health; and (2) in all other counties, the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 450B.060, 450B.077, 450B.120, 450B.160) **Sections 1-6, 9 and 10** of this bill authorize a district board of health in a health district that includes a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to elect, by affirmative vote of a majority of all the members of the board, to regulate emergency medical services within the district in the same manner as a county whose population is 700,000 or more. **However, section 10.5 of this bill prohibits a district board of health in a health district that elects to regulate emergency medical services from establishing a program for the treatment of trauma, thereby keeping the program for the treatment of trauma in such a health district under the authority of the State Board of Health.**

Existing law sets forth the requirements to obtain a license as an attendant of an ambulance or air ambulance or certification as an emergency medical technician. (NRS 450B.160, 450B.180, 450B.1905) **Sections 7 and 8** of this bill provide that a person who is at least 16 years of age is eligible for such a license or certificate if he or she meets the qualifications prescribed by law.

Existing law: (1) prohibits the owner of an ambulance from allowing a person to operate or use the ambulance if the person is not licensed as an attendant; and (2) requires an ambulance carrying a sick or injured patient to be occupied by a driver and attendant, both of whom must be licensed as attendants. (NRS 450B.260) **Section 11** of this bill prohibits the State Board of Health or a district board of health from requiring that a person who is participating in a program of training for certification as an emergency medical technician, advanced emergency medical technician or paramedic be licensed as an attendant in order to occupy an ambulance that is providing care or transporting a sick or injured person so long as: (1) the ambulance is otherwise properly staffed; and (2) the person is not providing care to a sick or injured person or driving the ambulance.

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

Section 1. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. In addition to any other powers, duties and authority conferred on a district board of health by this section ~~[, the]~~ ***:***

(a) The district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

~~[(a)]~~ ***(1)*** Prevent and control nuisances;

~~[(b)]~~ ***(2)*** Regulate sanitation and sanitary practices in the interests of the public health;

~~[(c)]~~ ***(3)*** Provide for the sanitary protection of water and food supplies; and

~~[(d)]~~ ***(4)*** Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

(b) The district board of health in a health district that includes a county whose population is 100,000 or more but less than 700,000 may, by affirmative vote of a majority of all the members of the board, elect to regulate emergency medical services within the district pursuant to chapter 450B of NRS.

4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The

district board shall consider fully all written and oral submissions respecting the proposal.

6. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

Sec. 2. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

"Regulating health district" means a health district:

1. In a county whose population is 700,000 or more; or

2. For which the district board of health has elected to regulate emergency medical services pursuant to NRS 439.410.

Sec. 3. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 450B.060 is hereby amended to read as follows:

450B.060 "Board" means:

1. ~~[In a county whose population is less than 700,000, the State Board of Health.~~

~~2.]~~ In a ~~[county whose population is 700,000 or more,]~~ ***regulating health district,*** the district board of health.

2. In an area not described in subsection 1, the State Board of Health.

Sec. 5. NRS 450B.077 is hereby amended to read as follows:

450B.077 "Health authority" means:

1. ~~[In a county whose population is less than 700,000, the Division.~~

~~2.]~~ In a ~~[county whose population is 700,000 or more,]~~ ***regulating health district,*** the district board of health.

2. In an area not described in subsection 1, the Division.

Sec. 6. NRS 450B.082 is hereby amended to read as follows:

450B.082 "Health officer" means:

1. In a ~~[county whose population is less than 700,000, the Chief Medical Officer.~~

~~2. In a county whose population is 700,000 or more,]~~ ***regulating health district,*** the district health officer.

2. In an area not described in subsection 1, the Chief Medical Officer.

Sec. 7. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency. ***A person is eligible for a license as an attendant if he or she:***

(a) Is at least 16 years of age; and

(b) Possesses the qualifications required by this section and any regulations adopted by the board.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Proof that the applicant has completed the training required by subsection 4.

(e) Such other certificates for training and such other items as the board may specify.

4. In addition to the training required by subsection 3, each applicant for a license must complete training concerning identifying and interacting with persons with developmental disabilities.

5. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

6. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

7. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

8. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 8 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 8. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority. ***A person is eligible for certification as an emergency medical technician if he or she is at least 16 years of age and is otherwise qualified pursuant to this chapter and the regulations adopted pursuant thereto.***

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the board pursuant to this chapter. The regulations and standards established by the board must provide for the completion of:

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

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical

consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) Training before initial certification concerning identifying and interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 289.605 or 450B.160, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health.

7. The Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Division or a district board of health.

8. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 9. NRS 450B.1975 is hereby amended to read as follows:

450B.1975 1. An advanced emergency medical technician or a paramedic who holds an endorsement to administer immunizations, dispense medication and prepare and respond to certain public health needs issued in accordance with the regulations adopted pursuant to this section may:

(a) Administer immunizations and dispense medications;

(b) Participate in activities designed to prepare the community to meet anticipated health needs, including, without limitation, participation in public vaccination clinics; and

(c) Respond to an actual epidemic or other emergency in the community,

➥ under the direct supervision of the local health officer, or a designee of the local health officer, of the jurisdiction in which the immunization is administered or the medication is dispensed or in which the emergency or need exists.

2. The district board of health ~~[,]~~ in a ~~[county whose population is 700,000 or more,]~~ ***regulating health district*** may adopt regulations for the endorsement of advanced emergency medical technicians and paramedics pursuant to this section. The regulations must:

(a) Prescribe the minimum training required to obtain such an endorsement;

(b) Prescribe the continuing education requirements or other evidence of continued competency for renewal of the endorsement;

(c) Prescribe the fee for the issuance and renewal of the endorsement, which must not exceed $5; and

(d) Not require licensure as an attendant as a condition of eligibility for an endorsement pursuant to this section.

3. The State Board of Health shall, for counties ~~[whose population is less than 700,000,]~~ ***that are not part of a regulating health district,*** adopt regulations for the endorsement of advanced emergency medical technicians and paramedics pursuant to this section. The regulations must:

(a) Prescribe the minimum training required to obtain such an endorsement;

(b) Prescribe the continuing education requirements or other evidence of continued competency for renewal of the endorsement;

(c) Prescribe the fee for the issuance and renewal of the endorsement, which must not exceed $5;

(d) To the extent practicable, authorize local health officers to provide the training and continuing education required to obtain and renew an endorsement; and

(e) Not require licensure as an attendant as a condition of eligibility for an endorsement pursuant to this section.

4. As used in this section:

(a) "Emergency" means an occurrence or threatened occurrence for which, in the determination of the Governor, the assistance of state agencies is needed to supplement the efforts and capabilities of political subdivisions to save lives, protect property and protect the health and safety of persons in this State, or to avert the threat of damage to property or injury to or the death of persons in this State.

(b) "Local health officer" means a city health officer appointed pursuant to NRS 439.430, county health officer appointed pursuant to NRS 439.290 or district health officer appointed pursuant to NRS 439.368 or 439.400.

Sec. 10. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health authority may issue a permit for:

(a) The operation of an ambulance or an air ambulance; or

(b) The operation of a vehicle of a fire-fighting agency:

(1) At the scene of an emergency; and

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to NRS 450B.1993.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the board.

4. An application for a permit must be made upon forms prescribed by the board and in accordance with procedures established by the board, and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the board deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The board shall establish a reasonable fee for annual permits. Revenue from such fees collected by the Division must be accounted for separately and does not revert to the State General Fund at the end of any fiscal year.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the board; or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the board.

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not meet the minimum requirements for equipment as established by the board pursuant to this chapter.

9. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

10. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services

or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

11. A permit issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a ~~[county whose population is 700,000 or more]~~ ***regulating health district*** is not required to obtain a permit from the Division, even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

12. The Division shall maintain a central registry of all permits issued pursuant to this section, whether issued by the Division or a district board of health.

13. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 10.5. **NRS 450B.237 is hereby amended to read as follows:**

450B.237 1. The ***district*** board ***of health in a county whose population is 700,000 or more or the State Board of Health, in all other counties,*** shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.

2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a guide for such regulations. The Administrator of the Division shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless:

(a) The hospital meets the standards established pursuant to this subsection; and

(b) The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:

(1) The impact of the proposed center for the treatment of trauma on the capacity of existing hospitals to provide for the treatment of trauma;

(2) The number and locations of cases of trauma that have occurred during the previous 5 calendar years in the county in which the proposed center for the treatment of trauma will be located and the level of treatment that was required for those cases;

(3) Any identified need for an additional center for the treatment of trauma in the county in which the proposed center for the treatment of trauma will be located; and

(4) Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed trauma center.

3. Each district board of health in a county whose population is 700,000 or more shall adopt:

(a) Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2; and

(b) A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.

4. A district board of health in a county whose population is 700,000 or more shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless:

(a) The hospital meets the standards established pursuant to subsection 3;

(b) The proposal has been approved by the Administrator of the Division pursuant to subsection 2; and

(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection 3, that the proposed center for the treatment of trauma will not negatively impact the capacity of existing centers for the treatment of trauma in the county.

5. Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue written approval which designates the hospital as such a center. As a condition of continuing designation of the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:

(a) The hospital must admit any injured person who requires medical care.

(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.

(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 and 3.

Sec. 11. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section or as authorized by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene

of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter, exempt from licensing pursuant to subsection 7 of NRS 450B.160 or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, a person exempt from licensing pursuant to subsection 7 of NRS 450B.160 or a person authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. ***The board may not require that a person who is participating in a program of training for certification as an emergency medical technician, advanced emergency medical technician or paramedic be licensed as an attendant pursuant to this chapter in order to occupy an ambulance that is being used to provide medical care to sick or injured persons at the scene of an emergency or while transporting a sick or injured person so long as:***

(a) The ambulance is otherwise staffed in accordance with the provisions of this chapter and any regulations adopted pursuant thereto; and

(b) The unlicensed person does not provide care to a sick or injured person or drive the ambulance.

7. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 12. 1. Any regulations adopted by a board that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after July 1, 2025.

2. As used in this section, "board" has the meaning ascribed to it in NRS 450B.060, as amended by section 4 of this act.

Sec. 13. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved the adoption of the amendment.
Remarks by Assemblymember Brown-May.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 107.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 22.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** BROWN-MAY**; GONZÁLEZ AND GRAY.**

AN ACT relating to foster care; removing the requirement that a background investigation of certain persons affiliated with a foster home include certain violations relating to controlled substances; authorizing a person who has been convicted of such a violation to operate, be employed by, reside in or be present in a foster home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In order to conduct a foster home, existing law requires a person to obtain a license from: (1) in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the agency which provides child welfare services; or (2) in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), the Division of Child and Family Services of the Department of Health and Human Services. (NRS 424.016, 424.030) Existing law requires the licensing authority or its designee, at certain times, to conduct a background investigation of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of such an applicant or licensee and certain adult residents of a foster home to determine whether the applicant, licensee, employee or resident has been arrested for, has charges pending for or has been convicted of certain crimes. Such crimes include violations of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug. (NRS 424.031) Existing law requires an applicant for a license to conduct a foster home or the holder of such a license to terminate the employment, residence or presence in the foster home of a person who has been convicted of such a crime. (NRS 424.0335) Existing law also authorizes a licensing authority to deny an application for a license to operate a foster home or to suspend or revoke such a license if the licensing authority determines that the applicant or licensee has: (1) been convicted of such a crime; or (2) failed to terminate the employment, residence or presence in the foster home of a person who has been convicted of such a crime. (NRS 424.033) This bill exempts from those provisions certain violations relating to the possession of controlled substances that ~~[~~**:** ~~(1) have been decriminalized under laws of this State; or (2)]~~ involve the unlawful possession of marijuana for a purpose other than sale if the violation did not occur within the immediately preceding ~~[7]~~ **5** years. This bill thereby authorizes a person who

has been convicted of any such violation to operate, be employed by, reside in or be present in a foster home.

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

Section 1. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to determine whether the person investigated has been arrested for, has charges pending for or has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime or a felony relating to prostitution;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS ~~[:]~~ ***, unless the offense ~~[:~~***

~~*(1) Has been decriminalized or is a violation of a law of any other jurisdiction that prohibits conduct that is the same or similar to conduct that has been decriminalized; or*~~

~~*(2) Is]*~~ ***is a violation of NRS 453.336 involving the possession of marijuana not for the purpose of sale, or a violation of a law of any other jurisdiction that prohibits the same or similar conduct, that did not occur within the immediately preceding ~~[7]~~ 5 years;***

(g) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;

(i) Any offense relating to pornography involving minors, including, without limitation, a violation of any provision of NRS 200.700 to 200.760, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(j) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punishable as a misdemeanor, within the immediately preceding 7 years;

(k) A crime involving domestic violence that is punishable as a felony;

(l) A crime involving domestic violence that is punishable as a misdemeanor, within the immediately preceding 7 years;

(m) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(n) Any offense involving the sale, furnishing, purchase, consumption or possession of alcoholic beverages by a minor including, without limitation, a violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a vehicle under the influence of alcohol or a controlled substance in violation of chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years; or

(o) An attempt or conspiracy to commit any of the offenses listed in this subsection within the immediately preceding 7 years.

2. A licensing authority or a person or entity designated by the licensing authority may conduct an investigation of the background and personal history of a person who is 18 years of age or older who routinely supervises a child in a foster home in the same manner as described in subsection 1.

3. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

4. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to subsection 1 shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

5. The licensing authority or its designee:

(a) Shall conduct an investigation of each licensee, employee and resident pursuant to this section at least once every 5 years after the initial investigation; and

(b) May conduct an investigation of any person who is 18 years of age or older who routinely supervises a child in a foster home at such times as it deems appropriate.

[6. As used in this section, "decriminalized" means that an offense is no longer punishable as a crime as the result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.]

Sec. 2. ~~[1. The amendatory provisions of this act apply to:~~

~~(a) Any violation of federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS that:~~

~~(1) Was decriminalized before the effective date of this act; or~~

~~(2) Is decriminalized on or after the effective date of this act; and~~

~~(b) Any arrest for, charges pending for or conviction of an offense described in paragraph (f) of subsection 1 of NRS 424.031, as amended by section 1 of this act, regardless of whether the arrest, charges or conviction or the offense occurred before, on or after the effective date of this act.~~

~~2. As used in this section, "decriminalized" has the meaning ascribed to it in NRS 424.031, as amended by section 1 of this act, and includes an offense under the law of any other jurisdiction that prohibits conduct that is the same or similar to conduct that is no longer punishable as a crime as a result of enactment of an act of the Legislature or the passage of a referendum petition or initiative petition pursuant to Article 19 of the Nevada Constitution.]~~ **(Deleted by amendment.)**

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

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 174.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** YEAGER **AND ROTH**

AN ACT relating to paramilitary activity; authorizing the Attorney General to investigate alleged paramilitary activity and issue written investigative demands in connection with any such investigation; authorizing the Attorney General to seek an injunction against a person or group of persons who has engaged in or is about to engage in paramilitary activity; creating a cause of action for a person who has suffered injury as a result of paramilitary activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the formation and operation of volunteer military companies and volunteer military organizations. (Chapter 412 of NRS) In general, existing law prohibits a group of persons other than the Nevada National Guard and troops of the United States from drilling or parading with arms in any city or town in this State without a license issued by the Governor. (NRS 412.604) **Section 1** of this bill: (1) defines the term "private paramilitary organization" to mean an organized body consisting of three or more persons who associate under a structure of command for the purpose of functioning or training to function in a public place as a unit of combat, combat support, law enforcement or security services; and (2) deems a person or group of persons to engage in paramilitary activity if the person or group of persons knowingly, while acting as part of a private paramilitary organization or in furtherance of any objective of a private paramilitary organization, engages in certain activities ~~.~~] **while armed with a dangerous weapon or deadly weapon.**

Section 1 authorizes the Attorney General to: (1) investigate alleged paramilitary activity; (2) issue written investigative demands in connection with any such investigation; and (3) seek an injunction against a person or group of persons who has engaged in or is about to engage in paramilitary activity under certain circumstances. **Section 1** also authorizes a person injured as a result of paramilitary activity to bring a civil action for damages against a person or group of persons who has engaged in paramilitary activity. Finally, **section 1** exempts certain persons and governmental entities from the provisions of this bill.

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

Section 1. Chapter 412 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General may investigate any alleged paramilitary activity. In conducting any such investigation, the Attorney General shall not demand, collect or maintain information about the political, religious or social views, associations or activities of any person or group of persons unless:

(a) The information directly relates to an investigation into paramilitary activity; and

(b) There are reasonable grounds to suspect that the subject of the information is involved in paramilitary activity.

2. If the Attorney General has reasonable cause to believe that a person has information or is in possession, custody or control of any document or other tangible evidence relevant to an investigation authorized by subsection 1, the Attorney General may issue in writing and cause to be served upon that person an investigative demand to:

(a) Appear and be examined under oath;

(b) Answer written interrogatories under oath; or

(c) Produce the document or other tangible evidence for inspection and copying.

3. Any information provided in response to an investigative demand issued pursuant to subsection 2, including, without limitation, any document, record, material, testimony or answer, must not be used in any criminal prosecution.

4. If the Attorney General has reasonable cause to believe that a person or group of persons has engaged in or is about to engage in paramilitary activity, the Attorney General may file an action for injunctive relief in the appropriate district court to prevent the occurrence or continuance of paramilitary activity. An injunction issued pursuant to this subsection does not preclude or affect the availability of any other remedy, including, without limitation, the filing or maintenance of a civil action for damages pursuant to subsection ~~[4.]~~ 5.

~~[4.]~~ 5. A person who has suffered injury as a result of paramilitary activity may bring a civil action against a person or group of persons who has engaged in paramilitary activity. A plaintiff who prevails in an action brought pursuant to this subsection may recover actual damages, compensatory damages, attorney's fees and costs and any other appropriate relief.

~~[5.]~~ 6. For the purposes of this section, a person or group of persons shall be deemed to engage in paramilitary activity if the person or group of persons knowingly, while acting as part of a private paramilitary organization or in furtherance of any objective of a private paramilitary organization:

(a) While armed with a deadly weapon, publicly patrols or drills; or

(b) While armed with a dangerous weapon or deadly weapon:

(1) Publicly engages in conduct capable of causing physical injury or death; ~~[or]~~

(2) Substantially interferes with the operations of a governmental entity;

~~[(c)]~~ (3) Unlawfully assumes, exercises or asserts a function, power or duty of a peace officer, state or local governmental official or federal official;

~~[(d)]~~ (4) Interferes with or impairs or attempts to interfere with or impair the legal rights of another person or group of persons by:

~~[(1)]~~ (I) Preventing or attempting to prevent the other person or group of persons from engaging in conduct in which the other person or group of persons has a legal right to engage; or

~~[(2)]~~ (II) Causing or attempting to cause the other person or group of persons to engage in conduct from which the other person or group of persons has a legal right to abstain; or

~~[(e)]~~ (5) Trains to engage in an activity described in this subsection.

~~[6.]~~ 7. This section does not apply to:

(a) The Armed Forces of the United States, the Nevada National Guard or any regularly organized state militia or unorganized or reserve militia called into service by a state or the United States, including, without limitation, a defense force authorized under 32 U.S.C. § 109(c);

(b) A group of persons that:

(1) Associates as a military organization solely for historical purposes or fictional performances or parades in public as part of a bona fide veterans' organization; and

(2) Does not carry or use ammunition or explosives;

(c) Students in educational institutions where military science is a part of the course of instruction when under the supervision of a military instructor;

(d) Members of an organization authorized under state or federal law to provide security services when performing the functions authorized by law;

(e) Members of an organization authorized under state or federal law to provide training in paramilitary operations or law enforcement when:

(1) Performing the functions authorized by law; and

(2) Under the direction and control of a governmental authority; or

(f) Any lawful activity of the Department of Wildlife.

~~[7.]~~ 8. As used in this section:

(a) "Armed forces" has the meaning ascribed to it in 10 U.S.C. § 101(a)(4).

(b) "Dangerous weapon" means any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

(c) "Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death.

(d) "Governmental entity" means an institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency or political subdivision of this State.

(e) "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

(f) "Private paramilitary organization" means an organized body consisting of three or more persons who associate under a structure of command for the purpose of functioning or training to function in a public place as a unit of combat, combat support, law enforcement or security services.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 88.

AN ACT relating to animals; requiring certain persons that ~~[display animals to the public or]~~ allow interactions between **live** animals and members of the public to post a ~~[notice]~~ **sign** with the contact information for the local animal control authority; **providing an administrative penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from engaging in cruelty to animals; and (2) authorizes any person who knows or has reasonable cause to believe that an animal has been subject to an act of cruelty to report that act to a peace officer, an officer of a society for the prevention of cruelty to animals that is authorized to make arrests or an animal control officer. (NRS 574.053,

574.100) This bill requires the owner or operator of ~~[an animal shelter or any]~~ **a** commercial establishment engaged in the business of selling ~~[or displaying animals to the public or allowing]~~ **access to live** animals to interact with members of the public to post a ~~[notice near the enclosure of the animal:]~~ **sign of a certain size at the location in the commercial establishment where payment is made:** (1) notifying the public that if a person believes that ~~[the]~~ **an** animal is in danger ~~[, is being treated poorly]~~ or has been subjected to an act of animal cruelty, the person may contact the local animal control authority; and (2) providing the telephone number for such authority. **This bill also: (1) imposes an administrative penalty against an owner or operator of such a commercial establishment who fails to conspicuously post the sign; and (2) exempts an accredited institutional member of the Association of Zoos and Aquariums from the requirement to post such a sign.**

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

Section 1. NRS 574.053 is hereby amended to read as follows:

574.053 1. Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty in violation of NRS 574.100 may report the act of cruelty to any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040; or

(c) Animal control officer.

2. Any person, law enforcement agency, society for the prevention of cruelty to animals or animal control agency that willfully releases data or information concerning the identity of a person who made a report pursuant to subsection 1, except for the purposes of a criminal investigation or prosecution, is guilty of a misdemeanor.

3. ~~[The]~~ Except as otherwise provided in subsection 5, the owner or operator of ~~[an animal shelter or]~~ a commercial establishment engaged in the business of selling ~~[or displaying animals to the public or allowing]~~ access to live animals to interact with the public ~~[, including, without limitation, a breeder, retailer or dealer,]~~ shall conspicuously post ~~[within close proximity to the enclosure of the animal]~~ , at the location in the commercial establishment where payment is made, a sign that is at least 8 1/2 by 11 inches in size and which contains the following notice in bold type:

IF YOU KNOW OR HAVE REASON TO BELIEVE ~~[THIS]~~ THAT AN ANIMAL IS IN DANGER ~~[, IS BEING TREATED POORLY]~~ OR HAS BEEN SUBJECTED TO AN ACT OF CRUELTY IN VIOLATION OF NRS 574.100, YOU MAY CONTACT [telephone number for the local animal control authority].

4. Except as otherwise provided in subsection 5, an owner or operator of a commercial establishment engaged in the business of selling access to live animals to interact with the public who fails to conspicuously post a sign in the manner required by subsection 3 shall pay an administrative penalty of $100 for each day that the required sign is not posted.

5. The requirements of subsection 3 do not apply to a facility which is an accredited institutional member of the Association of Zoos and Aquariums or its successor.

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

~~(a) "Animal"~~ , "animal control authority" means any entity designated by the county or city to enforce local ordinances or laws of this State relating to the control, shelter or welfare of animals. The term includes, without limitation, an animal control agency, a law enforcement agency or a society for the prevention of cruelty to animals in which an officer is authorized to make arrests pursuant to NRS 574.040.

~~[(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.~~

~~(c) "Breeder" has the meaning ascribed to it in NRS 574.245.~~

~~(d) "Dealer" has the meaning ascribed to it in NRS 574.260.~~

~~(e) "Enclosure" means a structure used to restrict the immediate movement of an animal to a limited amount of space, including, without limitation, a room, pen, run, cage, compartment or hutch.~~

~~(f) "Retailer" has the meaning ascribed to it in NRS 574.320.]~~

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 175.

~~[ASSEMBLYMEMBER]~~**ASSEMBLYMEMBERS** TORRES-FOSSETT**;AND HANSEN.**

AN ACT relating to liens; revising certain requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, in general, that if the occupant of a storage space at a facility for storage defaults on the payment of rent or other charges that are due to the owner of the facility pursuant to a rental agreement, the owner has a lien on the personal property of the occupant contained in the storage space. (NRS 108.4753) Existing law authorizes an owner to sell certain personal property of the occupant to satisfy the lien after the owner has provided certain notices to the occupant. (NRS 108.476, 108.4763, 108.477) Existing law: (1) requires the owner to advertise a sale to satisfy a lien once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper

of general circulation in the judicial district where the sale is to be held; and (2) sets forth the requirements for the contents of such an advertisement. (NRS 108.477) This bill instead requires that the advertisement appear in a newspaper of general circulation in the county, rather than the judicial district, where the sale is to be held. This bill also authorizes an owner, in lieu of advertising in a newspaper of general circulation, to advertise the sale for a period of 10 consecutive days immediately preceding the date of the sale on an Internet website which is publicly accessible and which customarily advertises or conducts sales of property. This bill also revises the required contents of an advertisement for such a sale to eliminate the requirement that the advertisement contain a general description of the personal property to be sold.

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

Section 1. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. The owner shall advertise the sale ~~[once]~~ ***:***

(a) Once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper of general circulation in the ~~[judicial district]~~ ***county*** where the sale is to be held ~~[.]~~ ***; or***

(b) For a period of 10 consecutive days immediately preceding the date of the sale on an Internet website which is publicly accessible and which customarily advertises or conducts sales of property.

3. The advertisement ***required pursuant to subsection 2*** must contain:

(a) ~~[A general description of the personal property to be sold;~~

~~(b)]~~ The name of the occupant;

~~[(c)]~~ ***(b)*** The number of the individual storage space at the facility where the personal property was stored; and

~~[(d)]~~ ***(c)*** The name and address of the facility.

~~[3.]~~ ***4.*** If there is no newspaper of general circulation in the ~~[judicial district]~~ ***county*** where the sale is to be held ~~[,]~~ ***and the owner does not advertise the sale in the manner specified in paragraph (b) of subsection 2,*** the advertisement must be posted 10 days before the sale in at least six conspicuous places near the place of the sale.

~~[4.]~~ ***5.*** The sale must be conducted in a commercially reasonable manner.

~~[5.]~~ ***6.*** After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

~~[6.]~~ ***7.*** The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the

sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 70.

ASSEMBLYMEMBERS D'SILVA**,** ~~[AND]~~ GRAY **; CONSIDINE, DICKMAN, GURR, HUNT, JACKSON, KARRIS, KASAMA AND O'NEILL**

JOINT SPONSORS: SENATORS CRUZ-CRAWFORD**,** ~~[AND]~~ LANGE**; FLORES AND ROGICH**

AN ACT relating to veterans; prohibiting **, with certain exceptions,** a person from providing certain services related to veterans' benefits under certain circumstances; ~~[~~prohibiting the Director of the Department of Veterans Services from charging a fee for the interment of the spouse of a veteran;~~]~~ requiring the Division of Human Resource Management of the Department of Administration to develop certain programs for the hiring and mentoring of veterans; requiring the Administrator of the Division to employ a Veterans Coordinator; revising the persons who are eligible to receive, free of charge, an annual permit for entering all state parks and recreational areas to include the family members of certain veterans; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits a person from acting as an agent or attorney in the preparation, presentation or prosecution of certain claims relating to benefits provided to veterans and certain family members of veterans, unless the person has been recognized or accredited by the United States Department of Veterans Affairs. (38 U.S.C. § 5901; 38 C.F.R. § 14.629(b)) **Section 1** of this bill prohibits a person from preparing, presenting, prosecuting, advising, consulting or assisting any other person with a claim before the United States Department of Veterans Affairs, the United States Department of Defense or the Nevada Department of Veterans Services in violation of federal law, unless the person has received such recognition or accreditation. **Additionally, section 1 provides that this prohibition does not: (1) prohibit a person from performing such actions, provided that the person does not request or accept any payment or donation; and (2) apply to the extent preempted by federal law.** **Section 2** of this bill makes the civil penalty for a violation of existing law governing services for veterans' benefits apply to a person who violates **section 1**. **Sections 2 and 10** of this bill authorize a person who is aggrieved by a violation of **section 1** to bring an action for consumer fraud.

~~[Existing law requires the Director of the Department of Veterans Services to establish, operate and maintain veterans' cemeteries in this State. (NRS 417.090) Existing law further requires the Director to charge a fee for the interment of a family member of a veteran who is eligible for interment in a veterans' cemetery in this State. (NRS 417.210) Section 3 of this bill prohibits the Director from charging a fee for the interment of the spouse of a veteran.]~~

Section 11 of this bill requires the Administrator of the Division of Human Resource Management of the Department of Administration to employ a Veterans Coordinator and requires the Veterans Coordinator to supervise the veteran hiring program and the peer mentor program established in **sections 8 and 9** of this bill, respectively. **Section 7** of this bill defines the term Veterans Coordinator for the purposes of **sections 5-9** of this bill.

Section 8 requires the Division of Human Resource Management, under the supervision of the Veterans Coordinator, to establish a veteran hiring program to support the recruitment and retention of employees who are veterans or the spouses of veterans or servicemembers. **Section 8** further establishes certain requirements for the program and requires the Veterans Coordinator to provide to the Interagency Council on Veterans Affairs an annual report regarding the progress of the veteran hiring program.

In 2019, the Governor established by executive order a peer mentor program for veterans. The executive order required the Division of Human Resource Management, under the supervision of the Veterans Coordinator, to develop a peer mentor program for certain veterans. The executive order further required each state agency that employs a veteran to identify one employee to serve as a peer mentor. Additionally, the Veterans Coordinator is required to provide an annual report regarding the progress of the peer mentor program to the Interagency Council on Veterans Affairs. (Executive Order 2019-05 (3-20-2019)) **Section 9** codifies the requirements for the peer mentor program in statute.

Existing law requires the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish a program to issue, free of charge, an annual permit to enter all state parks and recreational areas in this State to any bona fide resident of this State who has been discharged, except a person who has been dishonorably discharged, from the Armed Forces of the United States. (NRS 407.0655) **Section 12** of this bill requires the program to include the issuance of such annual permits to the widow, widower, parent or adult child of a person killed in the line of duty while serving on active duty in the Armed Forces of the United States.

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1]*~~

1. Except as otherwise provided in subsection 2, a person shall not prepare, present, prosecute, advise, consult or assist any other person with a claim before the United States Department of Veterans Affairs, the United States Department of Defense or the Department in violation of 38 U.S.C. § 5901 or 38 C.F.R. § 14.629 unless the person has been recognized or accredited by the United States Department of Veterans Affairs to perform such activities.

2. The provisions of this section:

(a) Shall not be construed to prohibit a person from preparing, presenting, prosecuting, advising, consulting or assisting any other person with a claim, provided that the person does not request or accept any payment or donation for such services; and

(b) Do not apply to the extent preempted by federal law.

Sec. 2. NRS 417.137 is hereby amended to read as follows:

417.137 1. The Attorney General may recover a civil penalty of not more than $10,000 for each violation of NRS 417.133 or 417.135 ~~[.]~~ ***or section 1 of this act.*** The Attorney General shall deposit any civil penalty recovered pursuant to this section in the Gift Account for Veterans created by NRS 417.115.

2. A person aggrieved by a violation of NRS 417.133 or 417.135 ***or section 1 of this act*** may bring an action for consumer fraud pursuant to NRS 41.600.

Sec. 3. ~~[NRS 417.210 is hereby amended to read as follows:~~

~~417.210 1. A veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 is eligible for interment in a veterans' cemetery in this State.~~

~~2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping. The cemetery superintendent shall assign available plots in the order in which applications are received. A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran.~~

~~3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.~~

~~4. [The] *Except as otherwise provided in this subsection, the* Director shall charge a fee for the interment of a family member, but the fee may not exceed the actual cost of interment. *The Director shall not charge a fee for the interment of the spouse of a veteran.*~~

~~5. As used in this section, "immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.~~] **(Deleted by amendment.)**

Sec. 4. Chapter 418 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. ***As used in NRS 418.030 and 418.045 and sections 5 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 and 7 of this act, have the meanings ascribed to them in those sections.***

Sec. 6. ***"Servicemember" means a person who is an active member of the:***

1. Armed Forces of the United States;

2. National Guard or a reserve component of the Armed Forces of the United States; or

3. Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and is serving in the capacity of a commissioned officer in defense of the United States.

Sec. 7. ***"Veterans Coordinator" means the Veterans Coordinator in the Division of Human Resource Management of the Department of Administration employed by the Administrator of the Division pursuant to section 11 of this act.***

Sec. 8. ***1. Under the supervision of the Veterans Coordinator, the Division of Human Resource Management of the Department of Administration shall establish a veteran hiring program to support the recruitment and retention of employees who are veterans or the spouses of veterans or servicemembers.***

2. The program must:

(a) Identify positions in the service of the State that align with the education, skills and experience of a qualifying person;

(b) Advise and assist a qualifying person with the completion of profiles and job applications; and

(c) Provide guidance to a qualifying person throughout the application and hiring process.

3. On or before November 30 of each year, the Veterans Coordinator shall submit to the Interagency Council on Veterans Affairs a report concerning the progress of the program.

4. As used in this section, "qualifying person" means a person who is a veteran or the spouse of a veteran or servicemember.

Sec. 9. ***1. Under the supervision of the Veterans Coordinator, the Division of Human Resource Management of the Department of Administration shall establish a peer mentor program to support mentoring, professional development and networking opportunities for veterans who are employed by the State.***

2. The peer mentor program must:

(a) Improve the recruitment of veterans through outreach and raising awareness of career opportunities with state agencies;

(b) Improve the retention of veterans by providing support, mentorship and professional development opportunities;

(c) Improve employee morale through veteran recognition events and activities; and

(d) Include quarterly meetings which are open to all employees of the State, to provide information related to veteran resources, veteran services or any other information the Veterans Coordinator or the Division of Human Resource Management deems necessary.

3. The Division of Human Resource Management shall coordinate with the Interagency Council on Veterans Affairs to encourage employers in this State to establish peer mentor programs for veterans within their organizations.

4. Each state agency that employs a veteran shall coordinate with the Veterans Coordinator to identify at least one employee to serve as a peer mentor for veterans and participate in the peer mentor program. A peer mentor is not required to have prior military service or entitled to receive additional compensation for serving as a peer mentor.

5. On or before November 30 of each year, the Veterans Coordinator shall submit to the Interagency Council on Veterans Affairs a report concerning the progress of the program.

Sec. 10. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; or

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ ***or section 1 of this act.***

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 11. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division shall employ a Veterans Coordinator who is in the classified service of the State.

2. The Veterans Coordinator employed pursuant to subsection 1 shall supervise:

(a) The veteran hiring program established pursuant to section 8 of this act;

(b) The peer mentor program established pursuant to section 9 of this act; and

(c) Any other programs or initiatives of the Division that support the recruitment and retention of employees who are veterans or the spouses of veterans or servicemembers.

3. As used in this section, "servicemember" has the meaning ascribed to it in section 6 of this act.

Sec. 12. NRS 407.0655 is hereby amended to read as follows:

407.0655 The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreation area in this State to:

1. Any member of an Indian tribe that is located in whole or in part in this State; ~~[and]~~

2. Any bona fide resident of this State who has been discharged from the Armed Forces of the United States, except a person who has been dishonorably discharged ~~[.]~~ ***; and***

3. Any bona fide resident of this State who is the widow, widower, parent or adult child of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

Sec. 13. Any person who, on October 1, 2025, is employed by the Division of Human Resources Management in the Department of Administration as the Veterans Coordinator and is otherwise qualified to serve as the Veterans Coordinator may continue to serve in that capacity and may only be transferred, promoted, demoted or discharged in accordance with the provisions of chapter 284 of the Nevada Revised Statutes.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 148.

Bill read second time.

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

Amendment No. 101.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** HAFEN **AND YEAGER**

AN ACT relating to elections; **revising the deadline for a county or city clerk to distribute mail ballots to each active registered voter who resides within the State;** revising the deadline for a county or city clerk to distribute sample ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exception, a county clerk or city clerk to distribute a sample ballot to each registered voter in the county or city, as

applicable, before the period for early voting for any election begins. (NRS 293.565, 293C.530) Existing law further requires, with limited exception, the county clerk or city clerk to distribute a mail ballot for every election to: (1) each active registered voter; and (2) each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. With certain exceptions, the deadline for distributing a mail ballot to: (1) each active registered voter who resides within the State is not later than 20 days before the election; (2) each active registered voter who resides outside the State is not later than 40 days before the election; (3) each active registered voter who registers to vote after certain deadlines is not later than 13 days before the election; and (4) each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to certain provisions of federal and state law is not later than 45 days before the election. (NRS 293.269911, 293C.263, 293D.320) Further, in the case of a special election where no candidate for federal office will appear on the ballot, mail ballots must be distributed to each active registered voter not later than 15 days before the special election. (NRS 293.269911, 293C.263)

Sections 1 and 3 of this bill revise the deadline for distributing a mail ballot to each active registered voter who resides within the State from not later than 20 days before the election to instead on or after the fifth Monday before the election but not later than the fourth Monday before the election. Sections 2 and 4 of this bill require a county clerk or city clerk, as applicable, to distribute a sample ballot to each registered voter before the applicable deadline for the clerk to distribute a mail ballot to the registered voter. **Section ~~[3]~~ 5** of this bill makes a conforming change to require sample ballots for an election relating to incorporating a city to be distributed before the applicable deadline for the county clerk or registrar of voters to distribute a mail ballot to a registered voter for such an election.

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

Section 1. **NRS 293.269911 is hereby amended to read as follows:**

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

~~[Section 1.]~~ ***Sec. 2.*** NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the ~~[period for early voting for any election begins,]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293.269911,*** the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 3. **NRS 293C.263 is hereby amended to read as follows:**

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the

form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the ~~[~~period for early voting for any election begins,~~]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293C.263,*** the city clerk shall distribute to each registered voter in the city by mail or electronic means,

as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant

to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 266.0325 is hereby amended to read as follows:

266.0325 1. ~~[At least 10 days before]~~ ***Before the applicable deadline for distributing mail ballots for*** an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall distribute to each qualified elector by mail or electronic means, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be prepared in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in

any other manner, must be prepared in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 135.

SUMMARY—Revises provisions relating to ~~[tribal judges.]~~ **the criminal justice system.** (BDR 15-157)

AN ACT relating to ~~[judges;]~~ **the criminal justice system;** prohibiting a person from threatening or intimidating ~~[a tribal judge of certain federally recognized Indian tribes or nations;]~~ **any judicial personnel of an Indian tribe;** expanding the applicability of enhanced penalties for assault and battery against ~~[a tribal judge;]~~ **certain persons;** authorizing ~~[a tribal judge]~~ **any judicial personnel of an Indian tribe** to request a court order to maintain certain personal information in the possession of a county recorder, a county assessor or an elections official in a confidential manner; authorizing ~~[a tribal judge]~~ **any judicial personnel of an Indian tribe** to request the Department of Motor Vehicles to display an alternate address on the driver's license, commercial driver's license or identification card of the ~~[tribal judge;]~~ **judicial personnel;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from threatening or intimidating a public officer, public employee or certain other persons authorized to hear or determine a controversy or matter with the intent to induce the officer, employee or person to act in a manner contrary to his or her duties. A person who commits such an act is guilty of: (1) a category B or C felony, if physical force or the immediate threat of physical force is used; and (2) a gross misdemeanor, if no physical force or immediate threat of physical force is used. (NRS 199.300) **Section 1** of this bill **:** **(1)** makes this prohibition applicable to a person who threatens or intimidates ~~[a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.]~~ **any judicial personnel of an Indian tribe; and (2) defines the terms "judicial personnel" and "Indian tribe" for such purposes as defined in federal law.**

Existing law provides that an assault without a deadly weapon or a battery without a deadly weapon, other than a battery causing substantial harm to the

victim or committed by strangulation, is punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits an assault without a deadly weapon against an officer, including certain justices and judges, in the performance of his or her duties and where the perpetrator knows or should have known that the victim is an officer is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, prisoner who is in lawful custody or confinement or parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery without a deadly weapon against such an officer in the performance of his or her duties and where the perpetrator knows or should have known that the victim is an officer is instead guilty of: (1) a category B felony if the battery involves substantial bodily harm or strangulation or the perpetrator is a probationer, prisoner who is in lawful custody or confinement or parolee; and (2) in all other cases where there is no substantial bodily harm or strangulation, a gross misdemeanor. (NRS 200.481) **Sections 2 and 3** of this bill expand the term "officer" to include a ~~[tribal judge]~~ **public defender, certain court personnel and any judicial personnel of an Indian tribe** for purposes of such enhanced penalties.

Existing law authorizes certain persons to obtain a court order to require a county assessor, a county recorder, the Secretary of State or a city or county clerk to maintain the personal information of the person contained in their records in a confidential manner. The persons authorized to obtain such orders include, among others, justices, judges, certain court personnel, certain prosecutors and state or county public defenders. (NRS 247.540, 250.140, 293.908) **Sections 4-6** of this bill further authorize ~~[a tribal judge]~~ **any judicial personnel of an Indian tribe** to obtain such court orders.

Existing law authorizes certain persons, including certain judicial officers, to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 7** of this bill further authorizes ~~[a tribal judge]~~ **any judicial personnel of an Indian tribe** to make such requests of the Department.

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

Section 1. NRS 199.300 is hereby amended to read as follows:

199.300 1. A person shall not, directly or indirectly, address any threat or intimidation to a public officer, public employee, juror, referee, arbitrator, appraiser, assessor or any ***judicial personnel of an Indian tribe or*** person authorized by law to hear or determine any controversy or matter, ~~***[including, without limitation, a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State,]***~~ with the intent to induce such a person contrary to his or her duty to do, make, omit or delay any act, decision or determination, if the threat or intimidation communicates the intent, either immediately or in the future:

(a) To cause bodily injury to any person;

(b) To cause physical damage to the property of any person other than the person addressing the threat or intimidation;

(c) To subject any person other than the person addressing the threat or intimidation to physical confinement or restraint; or

(d) To do any other act which is not otherwise authorized by law and is intended to harm substantially any person other than the person addressing the threat or intimidation with respect to the person's health, safety, business, financial condition or personal relationships.

2. The provisions of this section must not be construed as prohibiting a person from making any statement in good faith of an intention to report any misconduct or malfeasance by a public officer or employee.

3. A person who violates subsection 1 is guilty of:

(a) If physical force or the immediate threat of physical force is used in the course of the intimidation or in the making of the threat:

(1) For a first offense, a category C felony and shall be punished as provided in NRS 193.130.

(2) For a second or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(b) If no physical force or immediate threat of physical force is used in the course of the intimidation or in the making of the threat, a gross misdemeanor.

4. As used in this section ~~[, "public]~~ ***:***

(a) "Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).

(b) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(c) "Public employee" means any person who performs public duties for compensation paid by the State, a county, city, local government or other political subdivision of the State or an agency thereof, including, without limitation, a person who performs a service for compensation pursuant to a contract with the State, county, city, local government or other political subdivision of the State or an agency thereof.

Sec. 2. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney ***or public defender*** of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master ~~[,]~~ or referee ~~.~~ ~~[or tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State,]~~ including a person acting pro tempore in a capacity listed in this subparagraph;

(7) ***Any judicial personnel of an Indian tribe;***

(8) A clerk of a court, court administrator or court executive officer in this State;

(9) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(8)]~~ ***(10)*** A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(11)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(12)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(c)]~~ ***(g)*** "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a

practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(j)]~~ ***(l)*** "Taxicab driver" means a person who operates a taxicab.

~~[(k)]~~ ***(m)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(l)]~~ ***(n)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

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

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

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

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

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

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 3. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney ***or public defender*** of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master ~~[,]~~ or referee , ~~[or tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State,]~~ including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) ***Any judicial personnel of an Indian tribe;***

(8) A clerk of a court, court administrator or court executive officer in this State;

(9) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~[(8)]~~ ***(10)*** A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(11)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(12)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(g)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~[(j)]~~ ***(l)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(m)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(n)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(m)]~~ ***(o)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery:

(1) Is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 4. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State . ~~[, including, without limitation, a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.]~~

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) ***Any judicial personnel of an Indian tribe.***

(e) Any clerk of a court, court administrator or court executive officer in this State.

~~[(e)]~~ ***(f)*** Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

~~[(f)]~~ ***(g)*** Any peace officer or retired peace officer.

~~[(g)]~~ ***(h)*** Any prosecutor.

~~[(h)]~~ ***(i)*** Any state or county public defender.

~~[(i)]~~ ***(j)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~[(j)]~~ ***(k)*** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(k)]~~ ***(l)*** Any county manager in this State.

~~[(l)]~~ ***(m)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(m)]~~ ***(n)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive.

~~[(n)]~~ ***(o)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive, who was killed in the performance of his or her duties.

~~[(c)]~~ ***(p)*** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(g)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(h)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 5. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State ~~[, including, without limitation, a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State,]~~.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) ***Any judicial personnel of an Indian tribe.***

(e) Any clerk of a court, court administrator or court executive officer in this State.

~~[(e)]~~ ***(f)*** Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such

county or city clerk or registrar of voters in the elections division of the county or city.

~~[(f)]~~ ***(g)*** Any peace officer or retired peace officer.

~~[(g)]~~ ***(h)*** Any prosecutor.

~~[(h)]~~ ***(i)*** Any state or county public defender.

~~[(i)]~~ ***(j)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~[(j)]~~ ***(k)*** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(k)]~~ ***(l)*** Any county manager in this State.

~~[(l)]~~ ***(m)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(m)]~~ ***(n)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive.

~~[(n)]~~ ***(o)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive, who was killed in the performance of his or her duties.

~~[(o)]~~ ***(p)*** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(g)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(h)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 6. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State ~~.~~ ***[, including, without limitation, a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.]***

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) ***Any judicial personnel of an Indian tribe.***

(e) Any clerk of a court, court administrator or court executive officer in this State.

~~[(e)]~~ ***(f)*** Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

~~[(f)]~~ ***(g)*** Any peace officer or retired peace officer.

~~[(g)]~~ ***(h)*** Any prosecutor.

~~[(h)]~~ ***(i)*** Any state or county public defender.

~~[(i)]~~ ***(j)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~[(j)]~~ ***(k)*** Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~[(k)]~~ ***(l)*** Any county manager in this State.

~~[(l)]~~ ***(m)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~[(m)]~~ ***(n)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive.

~~[(n)]~~ ***(o)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(l),]~~ ***(m),*** inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(g)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(h)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 7. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State ~~[, including, without limitation, a tribal judge of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.]~~

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) ***Any judicial personnel of an Indian tribe.***

(e) Any clerk of the court, court administrator or court executive officer in this State.

~~(e)~~ ***(f)*** Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

~~(f)~~ ***(g)*** Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

~~(g)~~ ***(h)*** Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

~~(h)~~ ***(i)*** Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

~~(i)~~ ***(j)*** Any county manager in this State.

~~(j)~~ ***(k)*** Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

~~(k)~~ ***(l)*** Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

~~(l)~~ ***(m)*** The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(k),~~ ***(l),*** inclusive.

~~(m)~~ ***(n)*** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(k),~~ ***(l),*** inclusive, who was killed in the performance of his or her duties.

~~(n)~~ ***(o)*** Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address

of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Indian tribe" has the meaning ascribed to it in 25 U.S.C. § 3602(3).***

(e) "Judicial personnel" has the meaning ascribed to it in 25 U.S.C. § 3602(4).

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 106.

ASSEMBLYMEMBERS YEAGER **,** ~~[AND]~~ O'NEILL **; AND GRAY**

AN ACT relating to economic development; creating the Nevada-Ireland Trade Commission; prescribing the membership, powers and duties of the Commission; creating the Account for the Nevada-Ireland Trade Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 3** of this bill creates the Nevada-Ireland Trade Commission, which consists of nine members. **Section 4** of this bill: (1) provides for the officers of the Commission; (2) prescribes requirements for meetings of the Commission; and (3) requires the Office of Economic Development to provide necessary administrative support to the Commission. **Section 5** of this bill requires the Commission to study and make recommendations to the Board of Economic Development regarding: (1) advancing bilateral trade and investment between Nevada and Ireland; (2) initiating joint action on policy issues of mutual interest to Nevada and Ireland; (3) promoting business and academic exchanges between Nevada and Ireland; (4) encouraging mutual economic support between Nevada and Ireland; (5) encouraging mutual investment in the infrastructure of Nevada and Ireland; and (6) such other issues as determined by the Commission. **Section 5** also

requires the Commission to prepare and submit an annual report of its activities and recommendations to the Director of the Legislative Counsel Bureau and the Governor. **Section 6** of this bill creates the Account for the Nevada-Ireland Trade Commission in the State General Fund, which is required to be administered by the Commission and only used to carry out the activities of the Commission. **Section 6** also: (1) authorizes the Commission to apply for grants and accept gifts, grants, bequests and other contributions; and (2) requires that any such money received by the Commission be deposited in the Account. **Section 2** of this bill defines the term "Commission" for purposes of **sections 3-6**.

WHEREAS, During the early mining boom in Nevada in the mid-1800s, Irish immigrants were a significant part of this State's population and workforce; and

WHEREAS, The rich Irish heritage of Nevada is reflected in the names of many prominent Nevadans, including, McCarran, Mackay, Manogue and O'Callaghan, who made important contributions to this State in the areas of religion, government, development, business and gaming; and

WHEREAS, There are significant and enduring connections between Nevada and Ireland, and Nevada has historic and practical reasons to desire the building of stronger economic, educational, governmental and cultural links with Ireland; and

WHEREAS, In light of the mutual economic interests of Nevada and Ireland and the need to adapt to the evolving global economy, creation of a trade commission demonstrates a shared commitment to fostering stronger commercial ties between Nevada and Ireland to encourage investment between, leverage the resources of and create mutually beneficial opportunities for both regions; and

WHEREAS, A trade commission will also serve as a platform for educational and cultural exchanges and for building a lasting and collaborative relationship with a global partner; now, therefore,

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "Commission" means the Nevada-Ireland Trade Commission created by section 3 of this act.***

Sec. 3. ***1. There is hereby created the Nevada-Ireland Trade Commission, consisting of the following nine members:***

(a) Two members of the Senate, appointed by the Majority Leader of the Senate;

(b) Two members of the Assembly, appointed by the Speaker of the Assembly; and

(c) Five members appointed by the Governor, including, without limitation:

(1) A representative of the Nevada System of Higher Education;

(2) A representative of a chamber of commerce or trade association; and

(3) A representative of the general public who represents Irish-American communities or interests in this State.

2. After the initial terms, each member of the Commission serves a term of 2 years. A member of the Commission may be reappointed.

3. The membership of any member of the Commission who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment. A member appointed to fill a vacancy serves as a member of the Commission for the remainder of the original term of appointment.

5. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 4. *1. The members of the Commission shall elect a Chair and Vice Chair from among its members. After the initial election, the Chair and Vice Chair serve for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Commission shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.*

2. The Commission shall meet at the call of the Chair or a majority of the members of the Commission.

3. A majority of the members of the Commission constitutes a quorum and is required to transact any business of the Commission.

4. The Office shall provide the Commission with such administrative support as is necessary to assist the Commission in carrying out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 5. *1. The Commission shall study and make recommendations to the Board regarding:*

(a) Advancing bilateral trade and investment between Nevada and Ireland;

(b) Initiating joint action on policy issues of mutual interest to Nevada and Ireland;

(c) Promoting business and academic exchanges between Nevada and Ireland;

(d) Encouraging mutual economic support between Nevada and Ireland;

(e) Encouraging mutual investment in the infrastructure of Nevada and Ireland; and

(f) Such other issues as determined by the Commission.

2. On or before October 1 of each year, the Commission shall:

(a) Prepare a written report of its activities during the immediately preceding fiscal year and any recommendations; and

(b) Submit a copy of the written report prepared pursuant to paragraph (a) to:

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

(I) If the report is prepared in an even-numbered year, the next regular session of the Legislature; or

(II) If the report is prepared in an odd-numbered year, the Legislative Commission.

(2) The Governor.

Sec. 6. ***1. The Account for the Nevada-Ireland Trade Commission is hereby created in the State General Fund.***

2. The Commission shall administer the Account. The money in the Account must be used only to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation, for payment of administrative costs and expenses relating to travel, meals and lodging.

3. The Commission may apply for any available grants and accept gifts, grants, bequests and other contributions from any public or private source for deposit in the Account.

4. The interest and income earned on the money in the Account, after deducting applicable charges, must be credited to the Account.

5. Money in the Account must remain in the Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 7. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Remarks by Assemblymember Backus.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 86.

AN ACT relating to outdoor education; establishing the Outdoor Education Council within the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources; prescribing the membership and duties of the Council; requiring the Council to establish and administer a program to award designations relating to outdoor education; authorizing the Council to

adopt certain regulations relating to the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2023 Legislative Session, the Legislature enacted Assembly Bill No. 164, which required the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system of this State and authorized the Working Group to request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Working Group. (Section 1.7 of ~~[Assembly Bill No. 164,]~~ chapter 77, Statutes of Nevada 2023, at page 393)

Section 3 of this bill establishes the Outdoor Education Council within the Division and prescribes the membership of the Council. **Section 4** of this bill sets forth the duties of the Council, including a requirement for the Council to establish and administer a program to award a designation to: (1) schools in this State which provide to pupils outdoor education programs that meet certain standards developed by the Council pursuant to **section 5** of this bill; and (2) a teacher in this State as Outdoor Educator of the Year. **Section 5** requires the Council, in administering such a program, to provide a nonmonetary award to a teacher recognized as Outdoor Educator of the Year**.** ~~[and authorizes the Council to provide to schools awarded a designation pursuant to section 4 an award of money to be used to support outdoor education programs of the school.]~~

Section 4 requires the Division**, to the extent possible,** to provide the Council with such administrative support as is necessary to ~~[support]~~ **assist** the Council in carrying out its duties and authorizes the Division to accept gifts, grants and donations from any source to support the work of the Council.

Section 6 of this bill authorizes the Council to adopt regulations necessary to carry out the provisions of **sections 4 and 5**. **Section 7** of this bill applies definitions in existing law relating to the Division ~~[of Outdoor Recreation]~~ and the definition of "Council" set forth in **section 2** of this bill to the provisions of **sections 2-6**.

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

Section 1. Chapter 407A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Council" means the Outdoor Education Council created by section 3 of this act.***

Sec. 3. ***1. The Outdoor Education Council is hereby created in the Division. The Council consists of:***

(a) The following ~~[eight]~~ ten voting members:

(1) One member who is a representative of the Division appointed by the Administrator;

(2) One member who is a representative of the Department of Education appointed by the Superintendent of Public Instruction;

(3) One member who is a representative of the Department of Wildlife appointed by the Director of the Department of Wildlife;

(4) One superintendent of a school district appointed by the Nevada Association of School Superintendents;

(5) Two members who are licensed teachers appointed by the Governor; ~~[and]~~

(6) Two members who are providers of nature-based education, one of whom must primarily serve a historically underserved community, appointed by the Governor;

(7) One member of the Senate appointed by the Majority Leader of the Senate; and

(8) One member of the Assembly appointed by the Speaker of the Assembly; and

(b) One nonvoting member who is a pupil enrolled in a public school in this State appointed by the Governor.

2. Each member of the Council serves a term of 3 years. Members may be reappointed for an additional term of 3 years in the same manner as the original appointment. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Council.

4. At the first meeting of the Council and annually thereafter, the members of the Council shall elect a Chair and Vice Chair from among the members of the Council.

5. Each member of the Council serves without compensation.

6. Any member of the Council who is an officer or employee of the State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

7. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 704.78343.

Sec. 4. *1. The Council shall:*

(a) Establish and administer a program to award a designation to:

(1) Schools in this State which provide to pupils outdoor education programs that meet the standards developed pursuant to section 5 of this act; and

(2) A teacher in this State as Outdoor Educator of the Year.

(b) Provide opportunities for educators to receive training concerning outdoor education by developing such training or identifying and making available to schools information concerning opportunities for such training.

(c) Provide technical assistance to support schools and school districts interested in developing initiatives for outdoor education. In providing such assistance, the Council shall prioritize schools with the least access to nature.

(d) Identify sources of federal money and grants to support outdoor education in this State.

2. The Division:

(a) Shall , to the extent possible, provide the Council with such administrative support as is necessary to assist the Council in carrying out its duties; and

(b) May accept gifts, grants and donations from any source to support the work of the Council.

Sec. 5. ***1. In administering the program established pursuant to section 4 of this act, the Council [,] shall:***

(a) [Shall develop] Develop voluntary standards for outdoor education programs provided to pupils by schools, including, without limitation, standards:

(1) Which provide for an interdisciplinary approach for a curriculum of outdoor education; and

(2) Concerning the development and use of living schoolyards which are climate-resilient [,] ; and

(b) [In addition to any grant of money provided pursuant to NRS 407A.600 to 407A.620, inclusive, may, to the extent that money is available, provide to schools recognized pursuant to section 4 of this act, an award of money to be used to support outdoor education programs of the schools.

(c) Shall provide] Provide a nonmonetary award to a teacher recognized pursuant to section 4 of this act as Outdoor Educator of the Year.

2. For the purposes of this section, "living schoolyard" means an outdoor environment at a school that strengthens local ecological systems and serves as a resource for hands-on education, including, without limitation, trees, gardens, outdoor meeting areas and other areas designed for such purposes.

Sec. 6. ***The Council may adopt such regulations as are necessary to carry out the provisions of sections 4 and 5 of this act.***

Sec. 7. NRS 407A.500 is hereby amended to read as follows:

407A.500 As used in NRS 407A.500 to 407A.620, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words

and terms defined in NRS 407A.510, 407A.515 and 407A.525 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 168.

Bill read second time.

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

Amendment No. 8.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GOULDING **; BROWN-MAY, DICKMAN AND WATTS**

SUMMARY—Revises provisions relating to bicycles**. ~~[, electric bicycles and electric scooters.]~~** (BDR 43-598)

AN ACT relating to public safety; revising provisions governing the operation of a bicycle **~~[, an electric bicycle or an electric scooter]~~** on a roadway; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants certain rights to a person operating a bicycle **~~[, an electric bicycle or an electric scooter]~~** upon a roadway and subjects any such person to certain duties and responsibilities while operating the bicycle **~~[, electric bicycle or electric scooter]~~** on a roadway. (NRS 484B.760-484B.785) **Section 1** of this bill: (1) requires a person operating a bicycle **~~[, an electric bicycle or an electric scooter]~~** to stop in obedience to a stop sign or signal displaying a steady red light; and (2) creates an exception to the requirement to stop in obedience to a stop sign if the person can safely proceed through the intersection without stopping and certain other requirements are met. **Section 1** also authorizes a person operating a bicycle **~~[, an electric bicycle or an electric scooter]~~** to proceed cautiously through an intersection where the signal is a steady red signal or make certain turns if the person stops before entering the intersection and certain other requirements are met. **Section 2** of this bill provides that a violation of the provisions of **section 1** is a civil infraction. **Section 3** of this bill makes a **~~[confirming]~~ conforming** change to indicate the applicability of the requirements prescribed by **section 1**.

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

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person operating a bicycle ~~[, an electric bicycle or an electric scooter]~~ upon a roadway shall stop

in obedience to a stop sign or traffic-control signal displaying a steady red signal.

2. A person operating a bicycle ~~***[, an electric bicycle or an electric scooter]***~~ ***approaching an intersection controlled by a stop sign may proceed cautiously through the intersection without stopping if the person:***

(a) Ascertains that such movement can be made safely;

(b) Decreases the speed of the bicycle ~~***[, electric bicycle or electric scooter]***~~ ***and confirms that the intersection is clear before entering the intersection; and***

(c) Yields the right-of-way to pedestrians and all vehicles whose proximity constitutes an immediate hazard.

3. Except as otherwise provided in subsection 4, a person operating a bicycle ~~***[, an electric bicycle or an electric scooter]***~~ ***upon a roadway may proceed cautiously through an intersection where the signal is a steady red signal or make a turn through any such intersection if the person:***

(a) Stops before entering the intersection as required by subsection 1;

(b) Ascertains that such movement can be made safely; and

(c) Yields the right-of-way to pedestrians and all vehicles whose proximity constitutes an immediate hazard.

4. A person operating a bicycle ~~***[, an electric bicycle or an electric scooter]***~~ ***upon a roadway shall not turn left through an intersection where the signal is a steady red signal unless the roadway onto which the person is turning is a one-way roadway.***

Sec. 2. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~.~~ ***, and section 1 of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 3. NRS 484B.763 is hereby amended to read as follows:

484B.763 Every person riding a bicycle, an electric bicycle or an electric scooter upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484B.767 to 484B.790, inclusive, ***and section 1 of this act,*** and except as to those provisions of chapters 484A to 484E, inclusive, of NRS which by their nature can have no application.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 189.

Bill read second time and ordered to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 72.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** ANDERSON **, YEAGER, ROTH; BACKUS, BROWN-MAY, CARTER, CONSIDINE, DALIA, D'SILVA, FLANAGAN, GONZÁLEZ, GOULDING, HUNT, JACKSON, JAUREGUI, KARRIS, LA RUE HATCH, MARZOLA, MILLER, MONROE-MORENO, MOORE, MOSCA, NADEEM, NGUYEN, ORENTLICHER, TORRES-FOSSETT AND WATTS**

JOINT SPONSORS: SENATORS LANGE; CANNIZZARO, CRUZ-CRAWFORD, DOÑATE, PAZINA AND TAYLOR

AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 5** of this bill defines "state professional employer" to mean a board, commission or similar body within the Executive Department of the State Government, including, without limitation, the Board of Regents of the University of Nevada, that employs 400 or more professional employees. **Section 13** of this bill defines "professional employee" to mean a person who, with various exceptions, is employed by a state professional employer and who is: (1) in the

unclassified service of the State; or (2) paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 56 and 58 of this bill expand the powers and duties of the Government Employee-Management Relations Board to include hearing and deciding disputes between state professional employers and professional employees.

Section 17 of this bill sets forth certain legislative findings and declarations. **Section 18** of this bill authorizes professional employees to organize, form, join and assist professional organizations and engage in collective bargaining activity or refrain from engaging in such activity. **Sections 1 and 21** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 19 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 19 and 57** of this bill set forth the conditions under which a state professional employer is authorized to withdraw such recognition. **Section 22** of this bill: (1) authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employment of the employee; and (2) provides that only an exclusive representative may engage in collective bargaining on behalf of the professional employees of the applicable bargaining unit.

Section 23 of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 20** of this bill establishes certain rights of professional organizations. **Section 24** of this bill requires a professional employee who could be subject to certain adverse employment actions to be afforded the right to be represented unless the professional employee waives, in writing, that right.

Section 25 of this bill provides for the creation and organization of bargaining units. **Sections 26-30** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit. **Sections 28 and 61** of this bill: (1) require the Board to verify each showing of interest filed by a professional organization against the employment records of the state professional employer; and (2) provide that a showing of interest by a professional employee or a petition requesting an election relating to exclusive representation submitted to the Board is confidential and not a public record.

Section 31 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 32 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 33** of this bill requires negotiations between an exclusive representative and a state professional employer to commence not later than 60 calendar days after one party gives notice to the other party.

Section 34 of this bill sets forth certain duties of an exclusive representative. **Section 35** of this bill requires a state professional employer to designate a representative to engage in collective bargaining with an exclusive representative. **Section 35** further requires a state professional employer to comply with reasonable requests to furnish certain data to the exclusive representative. **Section 38** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer.

Sections 36, 37, 40 and 41 of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Sections 63 and 64** of this bill provide that in the event of a conflict between certain policies and procedures for personnel adopted by the Board of Regents of the University of Nevada and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

Section 39 of this bill requires any new or modified collective bargaining agreement between a state professional employer and an exclusive representative to be: (1) submitted to the members of the professional organization for a ratification vote; and (2) approved at a public hearing by, depending on the state professional employer, either the State Board of Examiners or the Board of Regents. **Sections 45 and 62** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies.

Sections 42-44 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives.

Section 46 of this bill prohibits certain practices in the context of collective bargaining. **Section 47** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 48 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.

Existing law requires the Government Employee-Management Relations Board to annually assess a fee on local government employers and the Executive Department for the support of the Board based on the number of employees employed by the local government employer or the Executive Department in the first pay period of the immediately preceding fiscal year. (NRS 288.139, 288.475) **Section 49** of this bill requires the Board to assess a similar fee on each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding fiscal year.

Sections 50 and 51 of this bill authorize: (1) a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General to provide support to the state professional employer to carry out the provisions of **sections 6-51** of this bill; and (2) the Division of Human Resource Management and the

Attorney General to charge the state professional employer for any such services provided.

Section 60 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 6-51**. **Sections 55 and 59** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 4, 5 and 7-16 of this bill define certain words and terms applicable to the provisions of this bill. **Sections 53 and 54** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 52** of this bill makes the definitions in **sections 4 and 5** apply to existing law relating to collective bargaining.

Section 65 of this bill grants the Board of Regents the authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the Nevada System of Higher Education.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) Except as otherwise provided in NRS 288.545 ~~[,]~~ ***and section 21 of this act,*** employee organizations ***,*** ~~[and]~~ labor organizations ~~[.]~~ ***and professional organizations.***

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, is not an employee of an entity described in NRS 284.013 and is not an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 51, inclusive, of this act,*** file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State or if the employee is employed by the Executive Department of State

Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 51, inclusive, of this act,*** file a complaint with the Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 51, inclusive, of this act.

Sec. 4. ***"Professional organization" means an organization of any kind that:***

1. Has, as one of its purposes, the improvement of the terms and conditions of employment of professional employees, as defined in section 13 of this act; and

2. Provides the service of representation to professional employees, including, without limitation, in collective bargaining with state professional employers.

Sec. 5. ***"State professional employer" means a board, commission or similar body within the Executive Department, including, without limitation, the Board of Regents of the University of Nevada on behalf of the Nevada System of Higher Education, that employs 400 or more professional employees as defined in section 13 of this act.***

Sec. 6. ***As used in sections 6 to 51, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***"Arbitration" means a process of dispute resolution in which the parties involved in an impasse or grievance submit their dispute to a third party for a final and binding decision.***

Sec. 8. ***"Bargaining unit" means a group of professional employees recognized by a state professional employer as having sufficient community of interest for representation by a professional organization for the purpose of collective bargaining.***

Sec. 9. ***"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of managerial personnel policies concerning collective bargaining.***

Sec. 10. *"Exclusive representative" means a professional organization that, as a result of its designation as such by the Board, has the exclusive right to:*

1. Represent all the professional employees within a bargaining unit; and

2. Engage in collective bargaining with a state professional employer pursuant to sections 6 to 51, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those professional employees.

Sec. 11. *"Grievance" means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement.*

Sec. 12. *1. "Managerial employee" means an employee whose primary function is to administer and control the business of any state professional employer and who is vested with discretion and independent judgment with regard to the general conduct and control of the state professional employer.*

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads and their deputies and immediate assistants, appointed officials and others who are primarily responsible for formulating and administering management policies and programs;

(b) Administrators of an academic institution, including, without limitation:

(1) Chancellors, presidents, provosts and deans;

(2) Vice, associate and assistant chancellors, presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policies and programs; and

(c) Attorneys who serve a state professional employer or advise other managerial employees.

3. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 13. *1. "Professional employee" means a person who is employed by a state professional employer and:*

(a) Is in the unclassified service of the State; or

(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;

(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education:

(1) In the classified service of the State; or

(2) Who is required to be paid in accordance with the pay plan for the classified service of the State;

(d) A person who is a member of a bargaining unit established pursuant to NRS 288.515;

(e) A person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan for the classified service of the State;

(f) An elected official or any person appointed to fill a vacancy in an elected office;

(g) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(h) A person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(i) A managerial employee;

(j) A confidential employee;

(k) A temporary, intermittent, seasonal or part-time worker who is employed by the state professional employer for less than 160 cumulative hours during any calendar year;

(l) A commissioned officer or an enlisted member of the Nevada National Guard; or

(m) A person who is employed within the office of a statewide elected constitutional officer.

Sec. 14. *"Recognition" or "recognized" means the formal acknowledgment by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.*

Sec. 15. *"Showing of interest" means written or electronic documentation that provides evidence of the membership of a professional employee in or his or her support for a professional organization for the purpose of exclusive representation. The term includes any electronic signature pursuant to chapter 719 of NRS.*

Sec. 16. *1. "Supervisory employee" means a person who does not have the responsibility for the general conduct and control of a state professional employer, but who:*

(a) Performs management duties, including, without limitation:

(1) Establishing performance standards for subordinate employees;

(2) Scheduling, assigning, overseeing or reviewing the work of subordinate employees under established performance standards; or

(3) Effectively recommending the performance of the duties described in subparagraphs (1) and (2) and the manner in which such duties are performed; or

(b) Has the authority to adjust grievances, apply established personnel policies and procedures, enforce the provisions of a collective bargaining agreement or effectively recommend such action,

➥ if the exercise of the duties or authority described in paragraph (a) or (b) is not of a merely routine or clerical nature but requires the use of independent judgment and occupies a regular and significant portion of the employee's workday.

2. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed to be a supervisory employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a supervisory employee solely because of those duties.

Sec. 17. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote harmonious and constructive relations between state professional employers and their professional employees; and

(b) Increase the efficiency of state professional employers.

2. It is therefore in the public interest that the Legislature enact provisions:

(a) Granting certain professional employees the right to associate with others in organizing and choosing exclusive representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 6 to 51, inclusive, of this act to preserve and encourage the existing practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 6 to 51, inclusive, of this act are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review in the appointment, retention and tenure of faculty in an institution of higher education.

Sec. 18. *1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:*

(a) Organize, form, join and assist professional organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

3. Professional employees have the right to communicate with one another and with representatives of professional organizations concerning organization, representation, issues in the workplace, collective bargaining and the business and programs of a professional organization, including, without limitation, communicating by means of electronic mail, text messages and other electronic communications, telephone, paper documents and other means of communications of the workplace subject to the reasonable regulations of a state professional employer or such limitations as may be set forth in a collective bargaining agreement.

Sec. 19. *1. A state professional employer shall recognize a professional organization that presents to the state professional employer:*

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives; and

(c) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that fails to:

(a) Present a copy of each change in its bylaws, charter or constitution, if any; or

(b) Give notice of any change in the roster of its officers and representatives, if any.

Sec. 20. *1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as a state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:*

(a) At reasonable times, access areas in which professional employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional employees at their workplace;

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 6 to 51, inclusive, of this act; and

(d) Provide information to professional employees during the orientation or on-boarding of new employees.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit except to the extent that such access is otherwise provided to the general public.

Sec. 21. *1. Except as otherwise provided in subsection 4, an officer of a state professional employer shall, upon written authorization by a professional employee, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized professional organization.*

2. If applicable, a written authorization provided pursuant to subsection 1 must comply with the provisions of chapter 719 of NRS.

3. Except as otherwise provided in this subsection, a written authorization provided pursuant to subsection 1 is binding for the period specified in the authorization. An authorization may be revoked by the professional employee by notifying the professional organization in accordance with the terms of the authorization. The professional organization shall process a revocation of an authorization in a timely manner.

4. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 6 to 51, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees

to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 22. *1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of a state professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.*

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

3. Only the professional organization which has been designated by the Board as the exclusive representative of a bargaining unit pursuant to sections 6 to 51, inclusive, of this act may engage in collective bargaining on behalf of the professional employees of that bargaining unit.

Sec. 23. *1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.*

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in the adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and be provided a copy of the adjustment of the grievance.

Sec. 24. *1. Subject to the conditions imposed by section 22 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who:*

(a) Is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other similar adverse employment action against the professional employee; or

(b) During any questioning by a state professional employer, reasonably believes that the questioning could lead to the consequences set forth in paragraph (a),

➥ must be afforded the right to have a lawyer or other representative of the professional employee's choosing present with the professional employee unless the professional employee waives, in writing, his or her right to be represented.

2. A state professional employer must not retaliate in any way against a professional employee for asserting his or her rights under subsection 1.

Sec. 25. *1. Each state professional employer which has recognized one or more professional organizations shall determine, in consultation with the recognized organization or organizations, which group or groups of its professional employees constitute an appropriate bargaining unit or bargaining units. The primary criterion for that determination must be the community of interest among the employees concerned. Without restricting the rights of the parties to make their determination pursuant to this subsection, for the Nevada System of Higher Education, there is a presumption that the contact, interests and working conditions of:*

(a) Except as otherwise provided in paragraph (b), professional employees within an occupational group create a sufficient community of interest for all employees in that occupational group.

(b) Academic faculty members within a branch university, college or other branch which has its own separate set of bylaws governing the roles and responsibilities of academic faculty and the practice of shared governance create a sufficient community of interest among those faculty members.

2. Managerial employees must be excluded from any bargaining unit.

3. Confidential employees must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional employee is a supervisor must be submitted to the Board.

5. A professional organization which is negotiating on behalf of two or more bargaining units of the same state professional employer may, by mutual consent, select members of each unit to negotiate jointly on part or all subjects of bargaining set forth in section 32 of this act on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not. Any provision of a collective bargaining agreement which is negotiated jointly pursuant to this subsection must be included in the draft or modification of a collective bargaining agreement which is submitted for a vote for ratification in accordance with section 39 of this act but is not part of the agreement unless the members of the professional organization within the relevant bargaining unit ratify the provision in accordance with the provisions of section 39 of this act.

6. If any professional organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 26. *If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a showing of interest for the professional organization by more than 50 percent of the professional employees in a bargaining unit which is verified by the Board pursuant to section 28 of this act, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.*

Sec. 27. *1. If no professional organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit which is verified by the Board pursuant to section 28 of this act; and

(b) No other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or without an election pursuant to section 26 of this act, the Board shall order an election:

(a) If:

(1) Another recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by more than 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional employees within the bargaining unit files with the Board a written request for an election which includes a petition or other evidence showing that more than 50 percent of the professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive representation;

(b) If applicable, the written request filed pursuant to paragraph (a) is filed at least 225 calendar days but not more than 270 calendar days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 28. *1. The Board shall verify each showing of interest filed by a professional organization pursuant to section 26 or 27 of this act and the identity of each professional employee identified in a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 27 of this act by comparing the name of a professional employee included in the showing of interest or written request, as applicable, with the employment records of the state professional employer.*

2. A showing of interest filed by a professional organization pursuant to section 26 or 27 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 27 of this act is confidential and is not a public record.

3. The Board shall not disclose to any person the identity of any professional employee who has participated in a showing of interest filed by a professional organization pursuant to section 26 or 27 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 27 of this act.

Sec. 29. *1. If the Board orders an election within a bargaining unit pursuant to section 27 or 30 of this act, the Board shall order that each of the following be placed on the ballot for the election:*

(a) If applicable, a choice for the recognized professional organization that requested the election pursuant to section 27 of this act;

(b) If applicable, a choice for the recognized professional organization that is currently designated as the exclusive representative of the bargaining unit;

(c) A choice for any other recognized professional organization that, on or before the date that is prescribed by the rules adopted by the Board pursuant to NRS 288.110 and section 30 of this act, files with the Board a written request to be placed on the ballot for the election and includes with the written request a showing of interest for that other professional organization by at least 30 percent of the professional employees within the bargaining unit; and

(d) A choice for "no exclusive representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no exclusive representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate that professional organization as the exclusive representative of the bargaining unit.

Sec. 30. *1. The Board shall preside over all elections that are conducted pursuant to this section or section 27 or 29 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.*

2. An election conducted pursuant to this section or section 27 or 29 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 business days after the date on which the notice of the results of the election is given by the Board.

4. In response to a written objection filed pursuant to subsection 3 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 31. *1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:*

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

(c) The names of the officers of the professional organization;

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were adopted during the preceding year;

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 not later than 30 calendar days after recognition.

Sec. 32. *1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:*

(a) The subjects of mandatory bargaining set forth in subsection 2;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of compensation or remuneration.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Maternity or paternity leave and family medical leave.

(f) Other paid or nonpaid leaves of absence.

(g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The method for determining the classification and titles of professional employees in the bargaining unit.

(m) Deduction of dues for the recognized professional organization.

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 51, inclusive, of this act.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Except as otherwise provided in section 37 of this act, the duration of collective bargaining agreements.

(r) Safety of professional employees.

(s) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.

(t) Policies for the transfer and reassignment of professional employees.

(u) Policies which prohibit:

(1) Discrimination on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual

orientation, gender identity or expression or human immunodeficiency virus status of professional employees.

(2) Reprisal or retaliation by a state professional employer against a state professional employee.

(v) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 51, inclusive, of this act.

3. The following are not subject to negotiation pursuant to this section:

(a) Pension or retirement benefits provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS to persons employed by this State, state agencies, as described in subsection 2 of NRS 286.070, and the Public Employees' Retirement System.

(b) Benefits provided by the Public Employees' Benefits Program pursuant to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating state agency as defined in NRS 287.04054.

(c) Provisions governing participation in the Public Employees' Deferred Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.

4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation:

(a) Except as otherwise provided in paragraph (t) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline.

(b) The right to determine the quality and quantity of services to be offered to the public.

(c) Safety of the public.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 6 to 51, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of any such collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

6. This section does not preclude, but the provisions of sections 6 to 51, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consult with any professional employee or professional organization on any such matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but is not required to negotiate those matters.

Sec. 33. *1. Whenever an exclusive representative or a state professional employer desires to negotiate any matter which is subject to*

negotiation pursuant to the provisions of sections 6 to 51, inclusive, of this act, it shall give written notice to the other party.

2. The parties shall commence negotiations not later than 60 calendar days following the notification provided for in subsection 1.

Sec. 34. *1. An exclusive representative shall:*

(a) Act as the representative of all professional employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with a state professional employer concerning the wages, hours and other terms and conditions of employment for the professional employees within each bargaining unit that it represents.

2. A professional organization may serve as an exclusive representative for multiple bargaining units.

Sec. 35. *1. A state professional employer shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the state professional employer. For the Nevada System of Higher Education, where a bargaining unit has been determined pursuant to section 25 of this act and that bargaining unit is unique to an institution within the System, a representative of that institution may be, but is not required to be, designated as the representative to conduct negotiations concerning collective bargaining agreements on behalf of the Nevada System of Higher Education for that institution.*

2. A representative designated pursuant to subsection 1 shall, on behalf of the state professional employer, negotiate in good faith with an exclusive representative concerning a collective bargaining agreement, as required by section 32 of this act.

3. A state professional employer shall comply with reasonable requests by an exclusive representative to furnish data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in section 32 of this act. This subsection shall not be construed to require a state professional employer to furnish to the exclusive representative any advice or training received by representatives of the state professional employer concerning collective bargaining.

Sec. 36. *1. Each collective bargaining agreement negotiated between a state professional employer and an exclusive representative pursuant to sections 6 to 51, inclusive, of this act must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances that applies to all professional employees in the bargaining unit and culminates in binding arbitration as the final stage of appeal by either party. Such a procedure:

(1) Must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreements, the applicability of any law, rule or

regulation relating to the employment and appeal of discipline and other adverse personnel actions; and

(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only:

(1) To the extent of the legislative appropriation; and

(2) Until the collective bargaining agreement is reopened and the provision is renegotiated.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the professional employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the professional employee may not proceed in an alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 37. ***If the parties to collective bargaining cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of the existing collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.***

Sec. 38. ***Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 6 to 51, inclusive, of this act, the professional organization may, at the sole expense of the professional organization, be represented by an attorney licensed to practice law in this State.***

Sec. 39. ***1. The draft of any new collective bargaining agreement or similar agreement or of any proposed modifications to an existing collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be submitted in writing by the***

professional organization to the members of the organization within the relevant bargaining unit before a vote on the ratification of the agreement is taken.

2. A vote on the ratification of a collective bargaining agreement must be conducted in accordance with the internal rules and procedures of the professional organization.

3. Any new or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

4. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 3, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed collective bargaining agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed collective bargaining agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners, as applicable, relating to the financial impact of the agreement.

Sec. 40. ***If a provision of a collective bargaining agreement:***

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The state professional employer shall request that the Governor request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision;

(b) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(c) The provisions become effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 41. ***1. If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:***

(a) The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(b) The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

2. If the Legislature does not appropriate the amount of money that is necessary to implement fully a provision of a collective bargaining agreement, any such agreement may be opened by either party to that agreement solely for the purpose of renegotiating the provision that was not fully funded by the appropriation. All other terms and conditions of the collective bargaining agreement remain in full force and effect.

Sec. 42. *1. Either party may request mediation through the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Not later than 120 calendar days after the date on which the parties began negotiations; or

(b) On or before any later date set by the agreement of the parties in writing.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute not later than 21 calendar days after his or her appointment or any later date set by the agreement of the parties.

Sec. 43. *1. If a mediator appointed pursuant to section 42 of this act determines that his or her services are no longer helpful, or if the parties do not reach a collective bargaining agreement through mediation within 21 calendar days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.*

2. If the parties do not agree upon an impartial arbitrator within 5 business days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the American Arbitration Association, unless both parties agree to request such information from the Federal Mediation and Conciliation Service, a list of seven potential arbitrators. Not later than 5 business days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by alternately striking one name until the name of only one arbitrator remains, and the parties must accept that arbitrator to hear the dispute in question. The professional organization shall strike the first name.

3. The arbitrator shall begin arbitration proceedings not later than 15 calendar days after the appointment or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision not later than 15 calendar days after beginning arbitration proceedings or any later date set by agreement of the parties.

7. The state professional employer and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 44. *1. For issues in dispute after arbitration proceedings are held pursuant to section 43 of this act, the arbitrator shall incorporate either the final offer of the state professional employer or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. As incorporated in his or her decision, the arbitrator shall not revise or amend the selected final offer of the applicable party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The proposed contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the salaries, wages, hours and other terms and conditions of employment for the professional employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions.

(b) Consider, without limitation:

(1) The financial ability of the state professional employer to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the state professional employer to safeguard the health, safety and welfare of the people of this State and to fulfill the mission of the state professional employer;

(2) Any legal or contractual restrictions on funds based on the sources of those funds, including, without limitation, legislative appropriations, fees, gifts and federal, state, local and private grants and contracts;

(3) The average prices paid by consumers for goods, services and housing in the geographic location where the professional employees work; and

(4) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for professional employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 45. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 46. *1. It is a prohibited practice for a state professional employer or its designated representative to willfully:*

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 51, inclusive, of this act.

(b) Dominate, interfere or assist in the formation or administration of any professional organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any professional organization.

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has:

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter; or

(2) Formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 32, 34 and 35 of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 6 to 51, inclusive, of this act.

(g) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

(h) Fail to provide the data required by subsection 3 of section 35 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a professional organization or its designated agent to willfully:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 51, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 32, 34 and 35 of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

3. As used in this section:

(a) "Bargain collectively" includes the entire bargaining process, including mediation and arbitration, as provided in sections 6 to 51, inclusive, of this act.

(b) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(c) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 47. *1. To establish that a party committed a prohibited practice in violation of section 46 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.*

2. Except as otherwise provided in this section, the Board shall hear a complaint filed pursuant to subsection 1 in accordance with the provisions of NRS 288.110 and any rules adopted by the Board pursuant to that section.

3. The Board shall conduct any hearing on the complaint in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the Board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 business days after being served with the order or decision of the Board.

Sec. 48. *1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 6 to 51, inclusive, of this act.*

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 6 to 51, inclusive, of this act, the district court in and for the county in which the professional organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 6 to 51, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 49. *1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed $10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:*

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 31 of that year, the Board shall impose a civil penalty not to exceed $10 for each professional employee employed by the state professional employer for whom the fee was not paid.

4. A state professional employer may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if a professional employee is not employed for a full calendar year. The fee must be imposed whether or not the professional employee is a member of a professional organization.

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of professional employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 50. *1. Except as otherwise provided in subsection 5, a state professional employer may use the services of the Division of Human Resource Management of the Department of Administration to provide support to the state professional employer to carry out the provisions of sections 6 to 51, inclusive, of this act.*

2. If a state professional employer uses the services of the Division of Human Resource Management pursuant to subsection 1, the Division may charge an annual fee to the state professional employer for each professional employee who is within a bargaining unit with a designated exclusive representative. The state professional employer shall pay the annual fee to the Division on or before the date on which the payment is due, as specified by the Division. The Division may specify a different due date for the annual fee for each state professional employer.

3. Any money received from the fees collected pursuant to subsection 2 must be accounted for separately for each state professional employer and may only be used by the Division of Human Resource Management to provide support to the state professional employer to carry out the provisions of sections 6 to 51, inclusive, of this act, including, without limitation, the personnel and operating costs of the Division in providing such support.

4. To carry out the provisions of this section, the Division of Human Resource Management may verify by any reasonable means the number of professional employees of the state professional employer within bargaining units that are represented by a professional organization as the exclusive representative.

5. As the entity with the authority to fix salaries and establish policies and procedures of the unclassified personnel of the Nevada System of Higher Education pursuant to chapter 396 of NRS, the Board of Regents of the University of Nevada shall carry out the provisions of sections 6 to 51, inclusive, of this act, including, without limitation:

(a) Conducting its own negotiations; and

(b) Providing for its own representation in any disciplinary matter, investigation or grievance process,

➥ pursuant to the provisions of sections 6 to 51, inclusive, of this act.

Sec. 51. ***1. A state professional employer may use the services of the Attorney General to provide support to the state professional employer to carry out the provisions of sections 6 to 51, inclusive, of this act.***

2. If a state professional employer uses the services of the Attorney General pursuant to subsection 1, the Attorney General may charge the state professional employer for those services pursuant to NRS 228.113.

Sec. 52. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 53. NRS 288.032 is hereby amended to read as follows:

288.032 "Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department ***, state professional employer*** or local government employer and an employee organization ***, professional organization*** or labor organization, entailing a mutual obligation of the Executive Department ***, state professional employer*** or local government employer, as applicable, and the

representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 54. NRS 288.065 is hereby amended to read as follows:

288.065 "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department ***, a state professional employer*** or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 55. NRS 288.074 is hereby amended to read as follows:

288.074 "Strike" means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization ***, professional organization*** or labor organization.

Sec. 56. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization, ***any professional organization,*** any labor organization, the Executive Department ***, any state professional employer*** or any local government employer.

2. Not more than three of the members of the Board may be members of the same political party, and at least three of the members must reside in southern Nevada. The term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

Sec. 57. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Except as otherwise provided in this section, any three members of the Board constitute a quorum, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.

2. Except by a majority vote of the entire membership of the Board, the Board may not:

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.139 ***or state professional employer pursuant to section 49 of this act,*** or impose a civil penalty for failure to pay the ~~[fee;]~~ ***fees;***

(d) Make or adopt any rule or regulation; ~~[or]~~

(e) ***Grant permission to a state professional employer to withdraw recognition from a professional organization pursuant to section 19 of this act; or***

(f) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 58. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~[, mediation and arbitration;]~~ ***;***

(c) ***Procedures for arbitration pursuant to sections 6 to 51, inclusive, of this act;***

(d) The recognition, as defined in section 14 of this act, of professional organizations;

~~[(d)]~~ ***(e)*** The recognition, as defined in NRS 288.136, of employee organizations;

~~[(d)~~ ~~(e)]~~ ***(f) The designation of the exclusive representative, as defined in section 10 of this act, of a bargaining unit of professional employees in accordance with sections 26 to 30, inclusive, of this act;***

~~[(f)]~~ ***(g)*** The designation of the exclusive representative ***, as defined in NRS 288.430,*** of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; and

~~[(e)~~ ~~(g)]~~ ***(h)*** The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, ***any state professional employer,*** any local government employer, any employee, as defined in NRS 288.425, ***any professional employee, as defined in section 13 of this act,*** any local government employee, any employee organization ***, any professional organization*** or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~[,]~~ ***and section 47 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a

complaint alleges a violation of paragraph (a) of subsection 1 of NRS 288.620**,** ~~[or]~~ paragraph (b) of subsection 2 of NRS 288.620, ***subsection 1 of section 46 of this act or paragraph (b) of subsection 2 of section 46 of this act,*** the Board shall conduct a hearing not later than 45 days after it decides to hear the complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person or entity to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section ~~[, "bargaining unit"]~~ ***:***

(a) "Arbitration" has the meaning ascribed to it in ~~[NRS 288.410 or]~~ section 7 of this act. ~~[, as applicable.]~~

(b) "Bargaining unit" has the meaning ascribed to it in NRS 288.134 or 288.415 ~~[.]~~ ***or section 8 of this act, as applicable.***

Sec. 59. NRS 288.710 is hereby amended to read as follows:

288.710 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.705, the court may:

(a) Punish each employee organization ***, professional organization*** or labor organization guilty of such violation by a fine of not more than $50,000 against each employee organization ***, professional organization*** or labor organization for each day of continued violation.

(b) Punish any officer of an employee organization ***, professional organization*** or labor organization who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 60. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~.~~ ***, or sections 6 to 51, inclusive, of this act.***

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 61. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,

75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005,

480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 28 and 45 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 62. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 223.966, 226.778, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 293.252, 295.121, 295.217, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699,

396.1415, 396.3295, 414.270, 422.405, 427A.940, 433.534, 435.610, 442.774, 450.140, 450.635, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[,]~~ ***and section 45 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and a remote technology system or electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 63. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, ***graduate assistants,*** physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. ***Except as otherwise provided in sections 6 to 51, inclusive, of this act:***

(a) In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS. ~~[Those]~~

(b) The provisions ***of this chapter and the provisions of title 23 of NRS*** do not apply to a student employee, ***a graduate assistant,*** a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 51, inclusive, of this act, the provisions of the collective bargaining agreement prevail.

Sec. 64. NRS 396.7953 is hereby amended to read as follows:

396.7953 1. The Board of Regents may devise and establish personnel policies and procedures in connection with the operation of contractual or sponsored research activities of the Institute, apart from those personnel policies and procedures which are established for the professional personnel of other branches or facilities of the System.

2. ***Except as otherwise provided in sections 6 to 51, inclusive, of this act:***

(a) In devising and establishing such personnel policies and procedures, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS ***.*** ~~[and none of those]~~

(b) The provisions ~~[are applicable]~~ ***of this chapter and the provisions of title 23 of NRS do not apply*** to any person employed in connection with the operation of contractual or sponsored research activities of the Institute except as may be prescribed by the Board of Regents.

3. In the event of a conflict between the personnel policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 51, inclusive, of this act, the provisions of the collective bargaining agreement prevail.

Sec. 65. NRS 396.280 is hereby amended to read as follows:

396.280 The Board of Regents shall have ~~[the]~~ ***:***

1. The power to fix the salaries of the academic staff of the System.

2. The authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the System pursuant to sections 6 to 51, inclusive, of this act to establish the terms and conditions of employment of the academic staff and other professional employees of the System. As used in this subsection, "professional employee" has the meaning ascribed to it in section 13 of this act.

Sec. 66. 1. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2025, or the first day in July after this act becomes law pursuant to Section 35 of Article 4 of the Nevada Constitution, whichever is later, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2025, or the first day in July after this act becomes law pursuant to Section 35 of Article 4 of the Nevada Constitution, whichever is later.

2. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as the exclusive representative for a bargaining unit as of July 1, 2025, or the first day in July after this act becomes law pursuant to Section 35 of Article 4 of the Nevada Constitution, whichever is later, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2025, or the first day in July after this act becomes law pursuant to Section 35 of Article 4 of the Nevada Constitution, whichever is later, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

3. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 10 of this act.

(c) "Professional employee" has the meaning ascribed to it in section 13 of this act.

(d) "Professional organization" has the meaning ascribed to it in section 4 of this act.

(e) "State professional employer" has the meaning ascribed to it in section 5 of this act.

Sec. 67. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 158.

AN ACT relating to education; renaming the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services; ~~[removing a requirement for the Program to limit the time that a child is required to use a digital screen;]~~ extending the prospective expiration date of the Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services and requires the Department to select a nonprofit organization that is recognized as exempt from taxation by the Internal Revenue Code to administer the Program. (Virtual Early Childhood Family Engagement Pilot Program §§ 4, 5) **Section 2** of this bill renames the Program the "Virtual Early Childhood Family Engagement Program." **Section 1** of this bill makes a conforming change to reflect the change in name of the Program.

~~[Existing law further prescribes the duties for the nonprofit organization selected to administer the Program and requires that the Program ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen. (Virtual Early Childhood Family Engagement Pilot Program § 6) Section 3 of this bill removes this requirement.]~~

Section 5 of this bill extends the prospective expiration date of the Program from September 30, 2025, to September 30, 2027. To reflect the extension of the Program, **section 4** of this bill requires the nonprofit organization selected to administer the Program to submit certain reports on or before July 30, 2025, July 30, 2026, and July 30, 2027, to the Department. **Section 4** also requires the Department to submit a compilation of those reports on or before September 30, 2025, September 30, 2026, and September 30, 2027, to the Director of **the** Legislative Counsel Bureau for transmittal to the next regular session and certain Joint Interim Standing Committees.

Section 6 of this bill makes an appropriation to the Department to continue to implement the Program.

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

Section 1. Section 3 of the Virtual Early Childhood Family Engagement Pilot Program, being chapter 485, Statutes of Nevada 2023, at page 2981, is hereby amended to read as follows:

Sec. 3. "Program" means the Virtual Early Childhood Family Engagement ~~[Pilot]~~ Program created by section 4 of this act.

Sec. 2. Section 4 of the Virtual Early Childhood Family Engagement Pilot Program, being chapter 485, Statutes of Nevada 2023, at page 2981, is hereby amended to read as follows:

Sec. 4. 1. The Virtual Early Childhood Family Engagement ~~[Pilot]~~ Program is hereby created within the Department.

2. The purposes of the Program are to:

(a) Provide training and coaching to empower parents and guardians of young children in the education of their child; and

(b) Increase the readiness of children for kindergarten in every geographic area of this State.

Sec. 3. ~~[Section 6 of the Virtual Early Childhood Family Engagement Pilot Program, being chapter 485, Statutes of Nevada 2023, at page 2982, is hereby amended to read as follows:~~

~~Sec. 6. 1. The organization selected to administer the Program pursuant to section 5 of this act shall:~~

~~(a) Create a plan to recruit parents, guardians and foster parents of children described in paragraph (a) of subsection 2 who are from diverse backgrounds and all geographic areas of the State to participate in the Program;~~

~~(b) Provide the programming described in paragraph (b) of subsection 2 to such children and their parents, guardians or foster parents in their residences through a computer or similar device;~~

~~(c) Provide for the installation of a computer or Internet service if the residence of the child or parent, guardian or foster parent lacks such a device or service;~~

~~(d) Effectively engage the parents, guardians and foster parents who participate in the Program to empower them in the education of their children; and~~

~~(e) At least twice during each school year that a child participates in the Program, and upon request of the parent, guardian or foster parent of a child who is participating in the Program, provide such parents, guardians or foster parents information in electronic form or in writing concerning relevant services and resources provided by the State and relevant political subdivisions of this State, including, without limitation:~~

~~(1) Any program that provides:~~

~~(I) Rental and housing assistance; or~~

~~(II) Subsidies for child care;~~

~~(2) The Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622;~~

~~(3) Preschools that provide in-person instruction;~~

~~(4) Registration for kindergarten;~~

~~(5) Medicaid and the Children's Health Insurance Program;~~

~~(6) Temporary Assistance for Needy Families, as defined in NRS 422A.080;~~

~~(7) Supplemental Nutrition Assistance, as defined in NRS 422A.072;~~

~~(8) Early intervention services, as defined in NRS 427A.8715; and~~

~~(9) Programs for workforce development.~~

~~2. The Program must:~~

~~(a) Serve children who will be eligible to enter kindergarten for the next school year, including, without limitation, children:~~

~~(1) Whose household has an income which is not more than 200 percent of the federally designated level signifying poverty;~~

~~(2) Who are in the foster care system; or~~

~~(3) Who reside in rural areas of this State.~~

~~(b) Utilize a developmentally appropriate, adaptive curriculum in reading, mathematics and science for the Program that:~~

~~(1) Is aligned to the Head Start Early Learning Outcomes Framework: Ages Birth to Five published by the Office of Head Start of the Administration for Children and Families of the United States Department of Health and Human Services and any standards of content and performance established for prekindergarten pursuant to NRS 389.520;~~

~~(2) Is aligned to the WIDA Early Language Development Standards prescribed by WIDA;~~

~~(3) Is certified as a Certified Autism Resource by the International Board of Credentialing and Continuing Education Standards; and~~

~~(4) Is endorsed by the Council of Administrators of Special Education.~~

~~[(c) Ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen.]~~ **(Deleted by amendment.)**

Sec. 4. Section 7 of the Virtual Early Childhood Family Engagement Pilot Program, being chapter 485, Statutes of Nevada 2023, at page 2983, is hereby amended to read as follows:

Sec. 7. 1. On or before July 30, ~~[~~2024,~~]~~ ***2025, July 30, 2026,*** and July 30, ~~[~~2025,~~]~~ ***2027,*** the organization selected to administer the Program pursuant to section 5 of this act shall submit a report to the Department which includes, without limitation:

(a) The number of children enrolled in the Program during the immediately preceding school year, in total and in each county of this State;

(b) The number and percentage of children described in paragraph (a) who meet each criterion identified in paragraph (a) of subsection 2 of section 6 of this act;

(c) The demographics of the children enrolled in the Program, if known, including, without limitation:

(1) Race;

(2) Ethnicity;

(3) Disability status;

(4) Household income;

(5) County of residence; and

(6) Language spoken at home;

(d) Quantitative data and, to the extent any is available, qualitative data that demonstrates the effectiveness of the Program at improving the abilities of a child in reading, writing and mathematics and the readiness of the children participating in the Program for kindergarten, including, without limitation:

(1) Data concerning the educational development of the children participating in the Program;

(2) The number of children who completed the Program and who are ready for kindergarten; and

(3) Data concerning the level of satisfaction that parents, guardians and foster parents have concerning the Program; and

(e) Any additional information determined by the Department to be necessary to evaluate the Program.

2. On or before September 30, ~~[~~2024,~~]~~ ***2025, September 30, 2026,*** and September 30, ~~[~~2025,~~]~~ ***2027,*** the Department shall compile a report of the data reported pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) ***In 2025, the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services;***

(b) In ~~[~~2024,~~]~~ ***2026,*** the next regular session of the Legislature; and

~~[(b)]~~ ***(c)*** In ~~[~~2025,~~]~~ ***2027,*** the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services.

Sec. 5. Section 9 of chapter 485, Statutes of Nevada 2023, at page 2984, is hereby amended to read as follows:

Sec. 9. This act becomes effective on July 1, 2023, and expires by limitation on September 30, ~~[~~2025.~~]~~ ***2027.***

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to continue to implement the Virtual Early Childhood Family Engagement Program the following sums:

For the Fiscal Year 2025-2026.....$1,000,000

For the Fiscal Year 2026-2027.....$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation

is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Remarks by Assemblymember Torres-Fossett.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblymember Nguyen moved that the resolution be adopted.

Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:

As we celebrate Financial Literacy Month, we are reminded that financial education is not a luxury, but it is a necessity, no matter your age, your background, or your income level. Understanding how to manage money is the foundation for building a life of confidence, opportunity, and freedom. Financial literacy empowers us. It gives a young student the tools to save for their dreams, help a family navigate tough times, and allow retirees to enjoy the peace they work so hard for. When we invest in this knowledge, we invest in [a] brighter future for all. I am especially grateful to the members of the Nevada credit unions who are here today, and in particular, Rise Credit Union, for their commitment to making financial education accessible and empowering communities in our state. Your efforts are not only reaching skills, they are changing lives. Let us continue to lift each other up through knowledge; one step, one lesson, and one life at a time.

Resolution adopted and ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 23.

SUMMARY—~~[Requires the Court Administrator and each court in this State to establish a program to send certain communications regarding court proceedings by text message.]~~ **Requests that the Nevada Supreme Court**

study and adopt rules governing procedures for notifying defendants and persons who are issued a civil infraction citation of certain information. (BDR ~~[1-535)]~~ **S-535)**

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to courts; ~~[requiring the Court Administrator and each court in this State to establish a program to send certain communications regarding court proceedings by text message; requiring the Court Administrator to convene a working group to study the programs among other duties; requiring the Court Administrator to prepare and submit an annual report regarding the programs; requiring children taken into custody and persons issued certain citations or arrested to provide a telephone number for purposes of receiving certain communications by text message;]~~ **requesting that the Nevada Supreme Court study procedures for notifying defendants and persons who are issued a civil infraction citation of certain information; requesting that the Nevada Supreme Court adopt court or administrative rules governing such procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a peace officer to collect a telephone number and an indication of whether a person who is issued a civil infraction citation agrees to receive communications by text message; and (2) authorizes a court to send certain communications relating to civil infraction citations by text message. (NRS 484A.7035, 484A.704) ~~[Colorado law requires: (1) the state court administrator to administer a program to remind criminal defendants and juvenile participants of certain information relating to court proceedings by text message or other available communication methods if the defendant or participant cannot receive text messages; and (2) the judicial department to prepare an annual report containing certain information relating to the program. (Colo. Rev. Stat. § 13-3-101)~~

~~— Section 1 of this bill requires the Court Administrator and each court in this State to establish a program to remind criminal defendants, persons receiving citations and children subject to the jurisdiction of the juvenile court of certain information relating to court proceedings by text message or other available communication methods, if the defendant, person or child cannot receive text messages. Section 1 requires the Court Administrator to: (1) convene a working group to study best practices related to such programs, among other duties; and (2) prepare and submit an annual report regarding the programs to the Chief Justice of the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.~~

~~— Existing law requires certain information to be gathered when a child is taken into custody, a person is arrested or a person is issued certain citations. (NRS 62C.010, 171.136, 171.1773, 171.1774) Sections 2-5 of this bill require children taken into custody and persons issued certain citations or arrested to provide a telephone number for purposes of receiving certain communications~~

~~by text message.]~~ **This bill requests that the Nevada Supreme Court: (1) study procedures for notifying defendants and persons who are issued a civil infraction citation of certain information; (2) consider, without limitation, best practices, input from interested stakeholders and the technological needs of the courts when studying such procedures; and (3) adopt court or administrative rules governing such procedures.**

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

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

~~*1. The Court Administrator and each court in this State shall establish a program to remind criminal defendants, persons receiving a citation and children subject to the jurisdiction of the juvenile court of certain information relating to court proceedings by text message or other available communication methods, if the defendant, person or child cannot receive text messages. A court may establish its own program or adopt the program established by the Court Administrator. If a court does not have a valid telephone number for a criminal defendant, person who received a citation or child subject to the jurisdiction of the juvenile court, the court shall attempt to secure a valid telephone number and an indication of whether the defendant, person or child has agreed to receive communications from the court by text message.*~~

~~*2. Any program described in subsection 1 must allow a person to opt out of the program, change his or her telephone number, opt in at any time and include, without limitation, that such defendants, persons and children receive:*~~

~~*(a) Not less than three notifications before any court date, specialty court evaluation or payment to the court is due; and*~~

~~*(b) A notification of any missed court appearance.*~~

~~*3. Any notification:*~~

~~*(a) Issued pursuant to paragraph (a) of subsection 2 must be sent at intervals of not less than 7 days, 3 days and 1 day before a court date, specialty court evaluation date or date a payment is due.*~~

~~*(b) Sent for cases that require a court appearance must include:*~~

~~*(1) The date, time and location of the hearing;*~~

~~*(2) A warning about the consequences of missing a court appearance;*~~

~~*(3) Contact information, including a telephone number, for the court; and*~~

~~*(4) A link to the remote hearing, if applicable.*~~

~~*(c) Sent for a citation or other case that can be resolved without an appearance must include:*~~

~~*(1) The date by which a payment or response must be made;*~~

~~*(2) A warning about the consequences of noncompliance;*~~

~~*(3) Contact information, including a telephone number, for the court;*~~

~~*(4) A link to the Internet website payment platform, if any; and*~~

~~*(5) A link to the Internet website containing information to request a payment plan or community service in lieu of payment, if any.*~~

~~*4. The Court Administrator shall convene a working group to study best practices in court reminders, assess the effectiveness of the programs established pursuant to subsection 1 and recommend any appropriate changes to the programs.*~~

~~*5. On or before March 1 of each year, the Court Administrator shall prepare and submit to the Chief Justice of the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report concerning the programs established pursuant to subsection 1. The report must include, without limitation, the following information from each court in this State:*~~

~~*(a) The number of reminders sent by each court via text message to a working telephone number of a criminal defendant, person who received a citation or child subject to the jurisdiction of the juvenile court;*~~

~~*(b) The number of criminal defendants, persons and children who received a notification required by subsection 1 by means other than text message;*~~

~~*(c) The number of criminal defendants, persons and children who failed to appear for a court appearance or missed a payment;*~~

~~*(d) Any other data collected by the Court Administrator that the Court Administrator determines useful to the Chief Justice and the Legislature; and*~~

~~*(e) Any recommendations for changes to the programs.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 62C.010 is hereby amended to read as follows:

~~62C.010 Except as otherwise provided in this title and NRS 484C.160:~~

~~1. A peace officer or probation officer may take into custody any child:~~

~~(a) Who the officer has probable cause to believe is violating or has violated any state or local law, ordinance, or rule or regulation having the force of law; or~~

~~(b) Whose conduct indicates that the child is in need of supervision.~~

~~2. If a child is taken into custody:~~

~~(a) The officer shall, without undue delay, attempt to notify, if known, the parent or guardian of the child;~~

~~(b) The facility in which the child is detained shall, without undue delay:~~

~~(1) Notify a probation officer; and~~

~~(2) Attempt to notify, if known, the parent or guardian of the child if such notification was not accomplished pursuant to paragraph (a); and~~

~~(c) Unless it is impracticable or inadvisable or has been otherwise ordered by the juvenile court, the child must be released to the custody of a parent or guardian or another responsible adult who has signed a written agreement to bring the child before the juvenile court at a time stated in the agreement or as the juvenile court may direct.~~ ~~*The written agreement must include the*~~

~~*telephone number of the child and an indication as to whether the child has agreed to receive communications relating to the juvenile court.* The written agreement must be submitted to the juvenile court as soon as possible. If the person fails to produce the child at the time stated in the agreement or upon a summons from the juvenile court, a writ may be issued for the attachment of the person or of the child requiring that the person or child, or both, be brought before the juvenile court at a time stated in the writ.~~

~~3. If a child who is taken into custody is not released pursuant to subsection 2:~~

~~(a) The child must be taken without unnecessary delay to:~~

~~(1) The juvenile court; or~~

~~(2) The place of detention designated by the juvenile court and, as soon as possible thereafter, the fact of detention must be reported to the juvenile court; and~~

~~(b) Pending further disposition of the case, the juvenile court may order that the child be:~~

~~(1) Released to the custody of a parent or guardian or another person appointed by the juvenile court;~~

~~(2) Detained in a place designated by the juvenile court, subject to further order of the juvenile court; or~~

~~(3) Conditionally released for supervised detention at the home of the child in lieu of detention at a facility for the detention of children. The supervised detention at the home of the child may include electronic surveillance of the child.~~

~~4. In determining whether to release a child pursuant to this section to a person other than a parent or guardian, the juvenile court shall give preference to any person who is related to the child within the fifth degree of consanguinity if the juvenile court finds that the person is suitable and able to provide proper care and guidance for the child.~~] **(Deleted by amendment.)**

Sec. 3. [~~NRS 171.136 is hereby amended to read as follows:~~

~~171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.~~

~~2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:~~

~~(a) Upon the direction of a magistrate, endorsed upon the warrant;~~

~~(b) When the offense is committed in the presence of the arresting officer;~~

~~(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:~~

~~(1) There is a warrant of arrest against the person; and~~

~~(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;~~

~~(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;~~

~~(e) When the arrest is made in the manner provided in NRS 171.137 or 171.1375;~~

~~(f) When the person is already in custody as a result of another lawful arrest; or~~

~~(g) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.~~

~~*3. At the time of the arrest, the person making the arrest shall obtain the telephone number of the person who is arrested and an indication as to whether the person has agreed to receive communications from the court by text message.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[~~NRS 171.1773 is hereby amended to read as follows:

~~171.1773 1. Whenever a person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not taken before a magistrate as required or permitted by NRS 171.177, 171.1771 or 171.1772, the peace officer must prepare a misdemeanor citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, containing a notice to appear in court, the name and address of the person,~~ ***the telephone number of the person and an indication as to whether the person has agreed to receive communications relating to the citation by text message,*** ~~the state registration number of the person's vehicle, if any, the offense charged, including a brief description of the offense and the NRS or ordinance citation, the time when and place where the person is required to appear in court, and such other pertinent information as may be necessary. The citation must be signed by the peace officer. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation.~~

~~2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.~~

~~3. The place specified in the notice must be before a magistrate, as designated in NRS 171.178 and 171.184.~~

~~4. The person charged with the violation may give a written promise to appear in court by signing at least one copy of the misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the officer shall deliver the signed copy of the citation to the person and shall indicate on the electronic record of the citation whether the person charged gave a written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave a written promise to appear suffices as proof of service.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 171.1774 is hereby amended to read as follows:~~

~~"171.1774 1. In those instances described in NRS 171.1772, the peace officer summoned after the arrest shall prepare a misdemeanor citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada" or in the name of the respective county, city or town, and containing:~~

~~(a) A notice to appear in court;~~

~~(b) The name and address of the person;~~

~~(c) *The telephone number of the person and an indication as to whether the person has agreed to receive communications relating to the citation by text message;*~~

~~*(d)* The state registration number of the person's vehicle, if any;~~

~~[(d)] *(e)* The offense charged, including a brief description of the offense and the NRS or ordinance citation;~~

~~[(e)] *(f)* The time when and place where the person is required to appear in court;~~

~~[(f)] *(g)* Such other pertinent information as may be necessary; and~~

~~[(g)] *(h)* The signatures of the private person making the arrest and the peace officer preparing the citation.~~

~~2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.~~

~~3. The place specified in the notice must be before a magistrate, as designated in NRS 171.178 and 171.184.~~

~~4. The person charged with the violation may give a written promise to appear in court by signing at least one copy of the misdemeanor citation prepared by the peace officer, in which event the peace officer shall deliver a copy of the citation to the person, and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the officer shall deliver the signed copy of the citation to the person and shall indicate on the electronic record of the citation whether the person charged gave a written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave a written promise to appear suffices as proof of service.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 8. **The Legislature hereby respectfully requests that the Nevada Supreme Court:**

1. Study procedures for notifying defendants and persons who are issued a civil infraction citation of certain information, including, without

limitation, court dates, required court appearances, missed court appearances and any required or missed payments to the court;

2. In studying such procedures pursuant to subsection 1, consider, without limitation, the best practices for notifying defendants and persons who are issued a civil infraction citation, input from interested community and justice system stakeholders and the technological needs of the court system; and

3. Adopt court or administrative rules governing such procedures.

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 152.

AN ACT relating to public employees; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a method for calculating the credit for service received by a public employee who is a member of the Public Employees' Retirement System. (NRS 286.470-286.505) Under existing law, certain employees of a school district who are members of the System receive a full year of service credit if such an employee works full-time for the full school year. (NRS 286.501) **Section 2** of this bill provides that such an employee of a school district receive a full year of service credit if the employee works at least 900 hours **over the course of not less than 8 calendar months** in a school year. **Section 1** of this bill makes a conforming change to allow for the computation of service credit in **section 2**.

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

Section 1. NRS 286.481 is hereby amended to read as follows:

286.481 A member shall not be credited with service for:

1. Except as otherwise provided in NRS 286.385, leave of absence without pay;

2. Overtime work;

3. Employment in a position which does not qualify the member for participation in the System;

4. ~~[More]~~ ***Except as otherwise provided in NRS 286.501, more*** than 1 day within a day, 1 month within a month, or 1 year of service in any 12-month period; or

5. Any period for which compensation is not received by the member unless specifically otherwise provided in this chapter.

Sec. 2. NRS 286.501 is hereby amended to read as follows:

286.501 Each member who is employed by a school district for less than 12 months per school year and each member of the professional staff of the Nevada System of Higher Education employed for the academic year who is employed for less than 12 months per fiscal year is credited with service as follows:

1. Service is credited on the basis of a full year if the member works ~~[full-time for the full]~~ ***at least 900 hours over the course of not less than 8 calendar months in a*** school year.

2. Employment for ~~[a part of]~~ ***less than 900 hours over the course of not less than 8 calendar months in*** a school year is credited on a ratio of one and one-third days for each day worked, but credit may not be given in advance or until the appropriate period has expired.

3. A full year of service is not credited until the full 12-month period has expired. If the employee begins work under a new contract before the expiration of the 12-month period for the old contract, credit must be granted for the period of overlap, as certified by the school district, at the first period in which there is a lapse in service.

4. Service credit under this section must be computed according to:

(a) The school year for school district employees.

(b) The fiscal year for members of the professional staff of the Nevada System of Higher Education.

5. A member receives full credit while on sabbatical leave if the public employer certifies that the compensation and contributions reported for the member are the same as if the member were employed full-time. If the employer does not so certify, the member receives credit in the proportion that the member's actual compensation bears to the member's previous compensation.

➥ No member may receive less credit under this section than was provided under the law in force when the credit was earned.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblymember Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 234.

Bill read second time.

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

Amendment No. 81.

AN ACT relating to Medicaid; requiring Medicaid to provide coverage for screening for certain forms of cancer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to recipients of Medicaid, including screening for breast and cervical cancer. (NRS 422.063, 422.270, 422.27174, 422.27176; 42 U.S.C. § 1396a) **Section 1** of this bill requires the Director of the Department of Health and Human Services to include under Medicaid coverage for screening for lung, prostate and colorectal cancer. **Section 2** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 1** in the same manner as other provisions relating to Medicaid.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include under Medicaid coverage for:

(a) Screening for lung cancer and prostate cancer; and

(b) All available evidence-based methods of screening for ~~[colon]~~ colorectal cancer.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450,

inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.
Remarks by Assemblymember Brown-May.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 244.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 80.
SUMMARY—Enacts prohibitions relating to the use of disposable foodware containers containing polystyrene foam by certain food **dispensing** establishments. (BDR 40-685)
AN ACT relating to food **dispensing** establishments; prohibiting certain food **dispensing** establishments from selling, preparing, providing or transporting food or beverages using disposable foodware containers made from polystyrene foam; providing civil penalties; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law establishes various requirements for food establishments. (Chapter 446 of NRS) Beginning on ~~[July]~~ **October** 1, 2025, **section 3** of this bill: (1) prohibits a food **dispensing** establishment with 10 or more locations doing business in this State which offer a menu of substantially similar items from selling, preparing, providing or transporting food or beverages using a disposable foodware container that is made wholly or partially from polystyrene foam; and (2) makes a willful and knowing violation of this prohibition subject to a civil penalty not to exceed ~~[$1,000]~~ **$100 per day** for each **day upon which such a** violation ~~[.]~~ **occurs.** **Section 3** exempts from this prohibition a food **dispensing** establishment that is part of a business that has less than 10 locations in this State, unless the food **dispensing** establishment has 1 or more locations doing business in states other than Nevada which have prohibited the use of disposable foodware containers made wholly or partially from polystyrene foam. If, before ~~[July]~~ **October** 1, 2025, an owner or operator of a food **dispensing** establishment purchased disposable foodware containers made wholly or partially from polystyrene foam, **section 6** of this bill authorizes the food **dispensing** establishment to use the remaining inventory of such disposable foodware containers.
Beginning on January 1, 2029, **section 5** of this bill prohibits any food **dispensing** establishment from selling, preparing, providing or transporting food or beverages using disposable foodware containers made wholly or partially from polystyrene foam.
Section 2 of this bill applies the definitions in existing law relating to food establishments to the provisions of **section 3**.

Section 4 of this bill provides that a violation of this prohibition is not a misdemeanor.

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

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 446.0145 to 446.069, inclusive, have the meanings ascribed to them in those sections.***

Sec. 3. ***1. A food dispensing establishment that has 10 or more locations doing business in this State which offer a menu consisting of substantially similar items shall not sell, prepare, provide or transport food or beverages using a disposable foodware container that is made wholly or partially from polystyrene foam.***

2. A person who willfully and knowingly violates the provisions of this section is subject to a civil penalty not to exceed [$1,000] $100 per day for each day upon which such a violation [.] occurs.

3. The provisions of this section do not apply to a food dispensing establishment that has less than 10 locations doing business in this State unless the food dispensing establishment has 1 or more locations doing business in states other than Nevada that have prohibited the use of disposable foodware containers made wholly or partially from polystyrene foam.

4. As used in this section:

(a) "Disposable foodware container" means a single-use or disposable item that is used for heating, preparing, packaging, serving or transporting a prepared or ready-to-eat food or beverage item. The term includes, without limitation, bowls, plates, trays, cartons, clamshells, cups, lids, containers or condiment cups.

(b) "Food dispensing establishment" has the meaning ascribed to it in NRS 597.7629.

(c) "Polystyrene foam" means blown polystyrene, commonly known as Styrofoam, and expanded or extruded foams consisting of thermoplastic petrochemical materials utilizing a styrene monomer and processed by fusion, injection molding, foam molding or extrusion blow molding.

Sec. 4. NRS 446.945 is hereby amended to read as follows:

446.945 Except as otherwise provided in NRS 446.872 [,] ***and section 3 of this act,*** any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

Sec. 5. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. A food dispensing establishment [that has 10 or more locations doing business in this State which offer a menu consisting of

~~substantially similar items]~~ shall not sell, prepare, provide or transport food or beverages using a disposable foodware container that is made wholly or partially from polystyrene foam.

2. A person who willfully and knowingly violates the provisions of this section is subject to a civil penalty not to exceed $100 per day for each day upon which such a violation occurs.

3. ~~[The provisions of this section do not apply to a food dispensing establishment that has less than 10 locations doing business in this State unless the food dispensing establishment has 1 or more locations doing business in states other than Nevada that have prohibited the use of disposable foodware containers made wholly or partially from polystyrene foam.~~

~~4.]~~ As used in this section:

(a) "Disposable foodware container" means a single-use or disposable item that is used for heating, preparing, packaging, serving or transporting a prepared or ready-to-eat food or beverage item. The term includes, without limitation, bowls, plates, trays, cartons, clamshells, cups, lids, containers or condiment cups.

(b) "Food dispensing establishment" has the meaning ascribed to it in NRS 597.7629.

(c) "Polystyrene foam" means blown polystyrene, commonly known as Styrofoam, and expanded or extruded foams consisting of thermoplastic petrochemical materials utilizing a styrene monomer and processed by fusion, injection molding, foam molding or extrusion blow molding.

Sec. 6. Notwithstanding the provisions of section 3 of this act, if, before ~~[July]~~ **October** 1, 2025, the owner or operator of a food **dispensing** establishment, as defined in NRS ~~[446.020,]~~ **597.7629,** purchased disposable foodware containers, as defined in section 3 of this act, that are made wholly or partially from polystyrene foam, as defined in section 3 of this act, for use in or by the food **dispensing** establishment, the food **dispensing** establishment may use any remaining inventory of the disposable foodware containers until the inventory of such disposable foodware containers is depleted.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective on ~~[July]~~ **October** 1, 2025.

2. Section 5 of this act becomes effective on January 1, 2029.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 103.

AN ACT relating to fiscal notes; revising the information concerning fiscal effect that must be included in the summary of each bill or joint resolution introduced in the Legislature; **revising provisions relating to the preparation of a fiscal note by a local government;** revising provisions relating to the preparation of fiscal notes relating to petitions for initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the summary of a bill or joint resolution introduced in the Legislature to include certain statements relating to the fiscal effect on the State and local government. (NRS 218D.415) **Section 1** of this bill amends the summary of a bill or joint resolution relating to the fiscal effect on the State from "Effect on the State: Yes" to "Effect on the State: May have Fiscal Impact." **Section 1 further requires the summary of a bill or resolution to include certain statements relating to the fiscal effect of the bill or joint resolution on the State Highway Fund.**

Existing law provides that, if a bill or joint resolution is submitted to a local government for a fiscal note and the local government determines the bill or joint resolution reduces the revenues or increases the expenditures of the local government, the local government is required to prepare a fiscal note and return it to the Fiscal Analysis Division of the Legislative Counsel Bureau within 8 working days. (NRS 218D.475) Section 1.5 of this bill authorizes the Fiscal Analysis Division to extend the period of time to return the fiscal note by not more than 7 additional days if the matter requires extended research.

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division ~~[of the Legislative Counsel Bureau]~~ to determine whether a petition for initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the petition may have an anticipated financial effect on the State or local governments, the Fiscal Analysis Division is required to prepare a fiscal note regarding the petition that includes an explanation of any such effect. The Secretary of State is required to post on the Secretary of State's Internet website any fiscal note prepared by the Fiscal Analysis Division not later than 10 business days after the Secretary of State receives the petition. (NRS 295.015) Existing law also authorizes the description of effect of an initiative or referendum to be challenged by filing a complaint in the First Judicial District Court not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State. (NRS 295.061) **Section 2** of this bill revises the deadline for posting the fiscal note prepared by the Fiscal Analysis Division on the Internet website of the Secretary of State to be: (1) if the description of effect of the petition is challenged in the First Judicial District, not later than 10 business days after the decision of the First Judicial District Court relating to the challenge is issued; or (2) if the description of

effect is not challenged in the First Judicial District, not later than 10 business days after the last day to file a challenge.

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

Section 1. NRS 218D.415 is hereby amended to read as follows:

218D.415 1. The summary of each bill or joint resolution introduced in the Legislature must include the statement:

(a) "Fiscal Note: Effect on Local Government: May have Fiscal Impact,"

"Fiscal Note: Effect on Local Government: No," or

"Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility,"

➥ whichever is appropriate. ~~[; and]~~

(b) "Effect on the State: ~~[Yes,"]~~ ***May have Fiscal Impact,"***

"Effect on the State: No,"

"Effect on the State: Contains Appropriation ***from the State General Fund*** included in Executive Budget,"

"Effect on the State: Executive Budget," or

"Effect on the State: Contains Appropriation ***from the State General Fund*** not included in Executive Budget,"

➥ whichever is appropriate.

(c) "Effect on the State Highway Fund: May have Fiscal Impact,"

"Effect on the State Highway Fund: No,"

"Effect on the State Highway Fund: Contains Appropriation from the State Highway Fund included in Executive Budget," or

"Effect on the State Highway Fund: Contains Appropriation from the State Highway Fund not included in Executive Budget,"

➥ whichever is appropriate.

2. The Legislative Counsel shall consult the Fiscal Analysis Division to secure the appropriate information for summaries of bills and joint resolutions.

3. If an amendment adds an appropriation to a bill that previously did not include an appropriation or removes all appropriations from a bill that previously included one or more appropriations, the Legislative Counsel shall change the summary of the bill to reflect the inclusion or removal.

Sec. 1.5. **NRS 218D.475 is hereby amended to read as follows:**

218D.475 1. Whenever a bill or joint resolution is submitted to an agency for a fiscal note, the agency shall prepare the fiscal note and return it to the Fiscal Analysis Division within 5 working days. The Fiscal Analysis Division may extend the period for not more than 10 additional working days if the matter requires extended research.

2. Whenever a bill or joint resolution is submitted to a local government for a fiscal note, the local government shall:

(a) Review the provisions of the bill or joint resolution to determine whether the bill or joint resolution reduces the revenues or increases the expenditures of the local government; and

(b) If the local government determines that the bill or joint resolution reduces the revenues or increases the expenditures of the local government, prepare a fiscal note for that bill or joint resolution and return it to the Fiscal Analysis Division within 8 working days. ***The Fiscal Analysis Division may extend the period for not more than 7 additional working days if the matter requires extended research.***

Sec. 2. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, the person who intends to circulate the petition must:

(a) File a copy of the petition for initiative or referendum, including the description of the effect of the initiative or referendum required pursuant to NRS 295.009, with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or the description of the effect of the initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) The Secretary of State shall assign to the petition for initiative or referendum a unique identifier that must:

(1) Consist of a serial number or letter, or both; and

(2) Distinguish among each different type of petition received.

(b) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine whether the petition for initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the petition for initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the

Fiscal Analysis Division must prepare a fiscal note regarding the petition that includes an explanation of any such effect.

(c) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post on the Secretary of State's Internet website a copy of the petition, including:

(a) The description of the effect of the initiative or referendum required pursuant to NRS 295.009;

(b) The unique identifier assigned to the petition by the Secretary of State pursuant to subsection 3; ***and***

(c) ~~[Any fiscal note regarding the petition prepared by the Fiscal Analysis Division pursuant to subsection 3; and~~

~~(d)]~~ Any suggestions regarding the petition made by the Legislative Counsel pursuant to subsection 3.

5. The Secretary of State shall post on the Secretary of State's Internet website any fiscal note regarding a petition prepared by the Fiscal Analysis Division pursuant to subsection 3:

(a) If the description of effect of the petition is challenged pursuant to subsection 1 of NRS 295.061, not later than 10 business days after the decision of the First Judicial District Court relating to the challenge is issued; or

(b) If the description of effect is not challenged pursuant to subsection 1 of NRS 295.061, not later than 10 business days after the last day to file a challenge pursuant to subsection 1 of NRS 295.061.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 256.

Bill read second time.

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

Amendment No. 100.

ASSEMBLYMEMBERS LA RUE HATCH, GONZÁLEZ, ROTH, MOORE, ANDERSON; BROWN-MAY, **COLE,** CONSIDINE.

AN ACT relating to rail transit; directing the Legislative Commission to appoint a Regional Rail Transit Advisory Working Group to conduct an interim study relating to regional rail transit in ~~[certain counties;]~~ **regional communities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill directs the Legislative Commission to appoint a Regional Rail Transit Advisory Working Group to conduct an interim study concerning the development of regional rail transit in ~~[Clark and Washoe Counties.]~~ **regional communities across the State.** This bill requires the Advisory Working Group to: (1) ~~[for Clark and Washoe Counties,]~~ study the current state of regional rail transit and public transit, the need for regional rail transit, the sources of money to support the development of regional rail transit and public and private entities that should be involved in the development of regional rail transit; and (2) submit an actionable plan for the development of regional rail transit in ~~[Clark and Washoe Counties]~~ **regional communities across the State** and a written report of its findings and recommendations to the Joint Interim Standing Committee on Growth and Infrastructure.

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

Section 1. 1. The Legislative Commission shall appoint a Regional Rail Transit Advisory Working Group to conduct a study during the 2025-2026 interim concerning the development of regional rail transit in ~~[Clark and Washoe Counties.]~~ **regional communities across the State.**

2. The Advisory Working Group must be composed of the following voting members appointed by the Legislative Commission:

(a) One member who represents a labor union representing rail or public transit employees in Clark County;

(b) One member who represents a labor union representing rail or public transit employees in Washoe County;

(c) One member who represents the Regional Transportation Commission of Southern Nevada;

(d) One member who represents the Regional Transportation Commission of Washoe County;

(e) One member who represents a ~~[private business engaged in the business of rail or transit;]~~ **chamber of commerce or trade association;**

(f) Two members who are Legislators;

(g) One member who represents Clark County or another local government in Clark County;

(h) One member who represents Washoe County or another local government in Washoe County;

(i) One member who is a resident of Clark County who has an interest or expertise in rail transit; ~~[and]~~

(j) One member who is a resident of Washoe County who has an interest or expertise in rail transit ~~[.]~~ **;**

(k) One member who is a resident of a county other than Clark County or Washoe County, who has an interest or expertise in rail transit; and

(l) One member who represents a county other than Clark County or Washoe County or a local government in such a county other than Clark

County or Washoe County or who is a representative of an organization representing multiple such counties.

3. In addition to the members appointed pursuant to subsection 2, the Legislative Commission may appoint any other nonvoting members to advise or assist the Advisory Working Group.

4. During the 2025-2026 interim, the Advisory Working Group shall study:

(a) The current state of regional rail and public transit in ~~[Clark and Washoe Counties;]~~ **regional communities across the State,** including, without limitation, any current or future rail or public transit projects that are currently in the planning stages or under development;

(b) The need for regional rail transit in ~~[Clark and Washoe Counties;]~~ **regional communities across the State;**

(c) Potential sources of federal, state, private or nonprofit money to support the development of regional rail transit in ~~[Clark and Washoe Counties;]~~ **regional communities across the State;** and

(d) Any public or private entities which should be involved or oversee the planning, development and implementation of regional rail transit in ~~[Clark and Washoe Counties.]~~ **regional communities across the State.**

5. The Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its voting members.

6. The Advisory Working Group shall meet at the call of the Chair at least once each month. A majority of the Advisory Working Group constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Advisory Working Group.

7. The members of the Advisory Working Group serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

8. On or before July 1, 2026, the Advisory Working Group shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure:

(a) An actionable plan to develop regional rail transit in ~~[Clark and Washoe Counties;]~~ **regional communities across the State;** and

(b) A written report describing the findings and recommendations of the Advisory Working Group, including any recommendations for legislation.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 74.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOSCA **; CARTER, CONSIDINE, D'SILVA, EDGEWORTH, FLANAGAN, HUNT, JACKSON, KASAMA AND NGUYEN**

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to homelessness; requiring the board of county commissioners of certain counties to ~~[establish]~~ **notify the Department of Transportation before conducting a clean-up of an encampment of homeless persons near certain rights-of-way; authorizing the Department to consult with a** homeless outreach ~~[teams ; establishing the duties of each]~~ **team and participate in the clean-up of an encampment of homeless persons conducted by the** homeless outreach team; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a board of county commissioners, with certain exceptions, to exercise all powers: (1) expressly granted to the board; (2) necessarily or fairly implied in or incident to the powers expressly granted to the board; and (3) necessary or proper to address any matter that primarily affects matters of local concern for the effective operation of the county government. (NRS 244.146) Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highway plan has been adopted as a part of the master plan by the county or regional planning commission. (NRS 277A.170) The Regional Transportation Commission Act establishes various duties and general and special powers relating to a commission, including authorizing a commission to exercise powers as are necessary. (NRS 277A.200-277A.380) Existing law establishes the Nevada Interagency Advisory Council on Homelessness to Housing and requires the Council, among certain other duties, to: (1) collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness; and (2) develop a strategic plan for addressing homelessness in this State. (NRS 232.4983)~~

~~This]~~ **Section 1 of this** bill requires the board of county commissioners of each county whose population is 700,000 or more (currently only Clark County) to ~~[establish homeless outreach teams to provide support to]~~ **notify the Department of Transportation before conducting a clean-up of an encampment of** homeless persons near ~~[schools, parks and senior housing in areas of the county in which pervasive poverty, unemployment or economic distress exist. This bill also requires each]~~ **a right-of-way that is controlled by the Department. Section**

3 of this bill authorizes the Department to: (1) consult with a homeless outreach team **;** ~~[to develop a plan in collaboration with]~~ and ~~[request assistance from the regional transportation commission for outreach and clean-ups related to]~~ **(2) approve and otherwise participate in the clean-up of an encampment of** homeless persons ~~[for public highways or public rights of way located in areas of the county in which pervasive poverty, unemployment or economic distress exist. Finally, this bill requires each]~~ **that is conducted by the** homeless outreach team ~~[to collaborate and consult with the Nevada Interagency Advisory Council on Homelessness to Housing.]~~ **in a right-of-way.**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of each county whose population is 700,000 or more shall ~~[establish homeless outreach teams.~~

~~2. Each homeless outreach team shall:~~

~~(a) Provide support to]~~ notify the Department of Transportation before conducting a clean-up of an encampment of homeless persons near ~~[schools, parks and senior housing in areas of the county in which pervasive poverty, unemployment or economic distress exist.~~

~~(b) Develop a plan in collaboration with and request assistance from the regional transportation commission for outreach and clean-ups related to homeless persons for public highways or public rights of way located in areas of the county in which pervasive poverty, unemployment or economic distress exist.~~

~~(c) Collaborate and consult with the Nevada Interagency Advisory Council on Homelessness to Housing created by NRS 232.4981.]~~ a right-of-way that is controlled by the Department of Transportation.

~~[3.]~~ 2. As used in this section, ~~[~~"public highway"~~]~~ "right-of-way" has the meaning ascribed to it in NRS ~~[~~277A.110.~~]~~ 408.55014.

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department may:

(a) Consult with a homeless outreach team; and

(b) Approve and otherwise participate in the clean-up of an encampment of homeless persons that is conducted by the homeless outreach team in a right-of-way, as defined in NRS 408.55014.

2. As used in this section, "homeless outreach team" means a homeless outreach team established or designated by a board of county commissioners

for the purposes of providing outreach and clean-ups related to homeless persons.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 283.

Bill read second time and ordered to third reading.

Assembly Bill No. 284.

Bill read second time.

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

Amendment No. 82.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to seek to establish certain rates of reimbursement under Medicaid for vagus nerve stimulation therapy devices**,** ~~[and]~~ replacement parts for such a device ~~[.]~~ **and the procedures necessary to implant, repair or replace a part of such a device;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) This bill requires the Director of the Department to submit to the United States Secretary of Health and Human Services a request to amend Medicaid to provide rates of reimbursement **greater than or equal to 82 percent of the cost** for **: (1)** a vagus nerve stimulation therapy device ~~[or]~~ **; (2)** any replacement ~~[parts]~~ **part** for such a device ~~[that are greater than or equal to 82 percent of the cost of such a device or replacement parts, as applicable.]~~ **; and (3) the procedure necessary to implant, repair or replace a part of such a device.** This bill also clarifies that ~~[such]~~ **the rates of** reimbursement **established for the cost of a vagus nerve stimulation therapy device and any replacement part for such a device** must be separate from and in addition to the rates of reimbursement for medical care necessary for the implantation **or repair** of such a device or the replacement of a part for the device.

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

Section 1. 1. On or before October 1, 2025, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to include under Medicaid:

(a) A rate of reimbursement for a vagus nerve stimulation therapy device that is greater than or equal to 82 percent of the cost of such a device; ~~[and]~~

(b) A rate of reimbursement for any replacement part for a vagus nerve stimulation therapy device that is greater than or equal to 82 percent of the cost of such a replacement part ~~[.]~~ **; and**

(c) A rate of reimbursement for the procedure necessary to implant, repair or replace a part of a vagus nerve stimulation therapy device that is greater than or equal to 82 percent of the cost of the procedure.

2. The rates of reimbursement established pursuant to **paragraphs (a) and (b) of** subsection 1 must be separate from and in addition to the rates of reimbursement for the medical care necessary for implantation **or repair** of a vagus nerve stimulation therapy device or the replacement of a part for such a device.

3. The request submitted pursuant to subsection 1 must be supported using methods for determining rates of reimbursement accepted by the Secretary.

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

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 129.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOSCA **; D'SILVA, FLANAGAN, JACKSON, KASAMA AND NGUYEN**

AN ACT relating to employment; establishing the Nevada State Service Corps as a program within the Department of Administration; requiring the Department to develop and oversee the Nevada State Service Corps; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Human Resources Commission to adopt regulations for the certification of qualified persons for temporary service with this State; and (2) authorizes an agency to appoint persons temporarily for less than 160 cumulative hours, with certain exceptions, during any calendar year without regard to such regulations. (NRS 284.325) **Section 1** of this bill establishes the Nevada State Service Corps as a program within the Department of Administration and requires the Department to ~~[: (1)]~~ develop and oversee the Nevada State Service Corps to provide for the placement and mentoring of recent graduates of the Nevada System of Higher Education for ~~[temporary]~~ service in certain positions with the Executive Department of the State Government **. ~~[; and (2) consult with the Nevada System of Higher Education to develop and oversee the Nevada State Service Corps.]~~** **Section 1** requires the Department to ~~[: (1)]~~ recruit certain students to participate in the Nevada State Service Corps **. ~~[; (2) designate positions with the Executive~~**

~~Department of the State Government in which participants may provide temporary service; (3) match and place participants with those designated positions; (4) provide mentoring to the participants; and (5) promote the opportunities to participants for full-time employment with the Executive Department of the State Government.]~~ **Section 1** further ~~[authorizes the Board of Regents of the University of Nevada to request that]~~ **requires** the Legislative Commission **to** appoint a legislator to serve as an advisor to the participants, promote the benefits of state service and provide encouragement to the participants.

Section 2 of this bill provides that a position in the classified service with the Nevada State Service Corps may be filled by an appointing authority without competitive evaluation.

Section 3 of this bill provides that employment for ~~[temporary]~~ service with the Nevada State Service Corps is an exception to the limitation on the number of hours an agency may appoint a person for temporary service without regard to the regulations adopted by the Human Resources Commission.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada State Service Corps is hereby established as a program within the Department of Administration.

2. The Department shall ~~[:~~

~~(a) Develop]~~ develop and oversee the Nevada State Service Corps to provide for the placement and mentoring of recent graduates of the Nevada System of Higher Education for ~~[temporary]~~ service in positions with the Executive Department of the State Government . ~~[;~~ ~~and~~

~~(b) Consult with the Nevada System of Higher Education to develop and oversee the Nevada State Service Corps pursuant to paragraph (a).]~~

3. In overseeing the Nevada State Service Corps, the Department shall ~~[:~~

~~(a) Recruit]~~ recruit students who are graduating or graduated within the immediately preceding year from the Nevada System of Higher Education to participate in the Nevada State Service Corps . ~~[;~~

~~(b) Designate positions with the Executive Department of the State Government in which participants may provide temporary service;~~

~~(c) Match participants with the designated positions and place participants in these positions;~~

~~(d) Provide mentoring to the participants; and~~

~~(e) Promote the opportunities to the participants for full-time employment with the Executive Department of the State Government.]~~

4. The Director of the Department shall determine the number of students who may participate in the Nevada State Service Corps in each year.

5. The ~~[Board of Regents of the University of Nevada may request that the]~~ Legislative Commission shall appoint a legislator to serve as an advisor to participants in the Nevada State Service Corps, promote the benefits of state service and provide encouragement to the participants. A legislator appointed pursuant to this subsection serves without compensation and is not entitled to the per diem and travel expenses provided for state officers and employees generally.

6. The Director of the Department may:

(a) Apply for and receive gifts, grants, donations and bequests to carry out the provisions of this section; and

(b) Adopt regulations to carry out the provisions of this section.

Sec. 2. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled by an appointing authority without competitive evaluation only as provided in NRS 284.155, 284.300, 284.307, 284.308, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775 ~~[.]~~ ***and section 1 of this act.***

2. The Commission may adopt regulations which provide for filling positions in the classified service without competitive evaluation in cases involving:

(a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;

(b) The demotion of a current employee;

(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or

(d) The reappointment of a current employee.

Sec. 3. NRS 284.325 is hereby amended to read as follows:

284.325 1. The Commission shall adopt regulations not inconsistent with this section for the certification of qualified persons for temporary service.

2. Except as otherwise provided in subsection 3, temporary positions which occur, terminate or recur periodically must be filled by certification in accordance with the regulations adopted by the Commission.

3. An agency may appoint persons temporarily for less than 160 cumulative hours during any calendar year without regard to the regulations adopted by the Commission pursuant to subsection 1.

4. The limitation on hours set forth in subsection 3 does not apply to temporary or part-time service by:

(a) A pupil attending the pupil's last 2 years of high school;

(b) A student employed by the college or university the student attends;

(c) A person certified for temporary service in accordance with NRS 284.327;

(d) An employee of an events center, museum or research center of the Nevada System of Higher Education;

(e) A person employed by the Nevada System of Higher Education in a temporary position which recurs periodically for the registration of students; ~~[or]~~

(f) A person employed by the Nevada System of Higher Education to provide such assistance to a student with a disability or to a student with an identified academic disadvantage as it determines is necessary for the academic success of the student, including, without limitation, a person employed as a tutor, note taker, reader, sign interpreter or test proctor ~~[.]~~ ***; or***

(g) A person employed for ~~[temporary]~~ service with the Nevada State Service Corps established pursuant to section 1 of this act.

5. The acceptance or refusal by an eligible person of a temporary appointment does not affect the person's standing on the register for permanent employment, nor may the period of temporary service be counted as part of the probationary period in case of subsequent appointment to a permanent position.

6. Successive temporary appointments to the same position must not be made under this section.

7. As used in this section, "student with an identified academic disadvantage" includes, without limitation, a student who the Nevada System of Higher Education has determined requires the services of a tutor for success in a course of study.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 287.

Bill read second time.

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

Amendment No. 99.

AN ACT relating to elections; revising the circumstances under which a candidate defeated at certain elections **or a voter** may demand a recount; requiring, under certain circumstances, that a recount for certain elections be conducted; **requiring certain costs for certain recounts to be repaid from the Reserve for Statutory Contingency Account;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, a candidate defeated at certain elections to demand and receive a recount of the vote for the office

for which he or she is a candidate if he or she deposits the estimated costs for the recount. (NRS 293.403) **Section 1** of this bill instead: (1) authorizes a defeated candidate to demand a recount in certain elections if the difference between the highest number of votes cast for a candidate for the office and the number of votes cast for the defeated candidate who demands the recount is 5 percent or less; and (2) reorganizes the provisions of existing law that set forth how the estimated costs of the recount are determined. **Section 1** additionally requires, with certain exceptions, a recount of the vote for an office to be conducted, at no cost to any candidate, if the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. Such a recount is not required to be conducted if the format of the ballot allowed a voter to select more than one candidate for the office, unless the difference between the number of votes cast in the election for the candidate with the lowest number of votes who won the election and the next highest number of votes cast for a candidate for the office is 0.25 percent or less.

Existing law authorizes a voter at an election to demand and receive a recount of the vote for a ballot question if the registered voter deposits the estimated costs of the recount. (NRS 293.403) **Section 1**: (1) ~~[eliminates the authority of]~~ **instead authorizes** a voter to demand and receive a recount of the vote for a ballot question ~~[;]~~ **only if the difference between the results of the ballot question being approved or disapproved is 5 percent or less;** and (2) ~~[provides instead that]~~ **additionally requires** a recount of the vote for a ballot question ~~[must]~~ **to** be conducted if the difference between the results of the ballot question being approved or disapproved is 0.25 percent or less. ~~[Section 1 further provides that no voter is required to pay the costs of such a recount.]~~

Sections 2-5 of this bill make conforming changes to account for the changes to the recount process made pursuant to **section 1**.

Existing law: (1) requires, under certain circumstances, the State Board of Examiners to repay the allowable costs from the Reserve for Statutory Contingency Account to each county for a recount that concerns an office or ballot question for which voting is statewide; and (2) sets forth a process for the review, submission and approval of such costs. If a recount of the vote for an office or ballot question for which voting is statewide is required pursuant to section 1, rather than demanded, section 3 requires: (1) the clerk of each county to submit a statement of its costs in the recount to the Secretary of State for review and approval; (2) the Secretary of State to submit such statements to the State Board of Examiners; and (3) the State Board of Examiners to repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

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

Section 1. NRS 293.403 is hereby amended to read as follows:

293.403 1. Except as otherwise provided in NRS 293.424, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the ***defeated*** candidate and the number of votes received for the person who won the election if ~~[, within]~~ ***the difference between the highest number of votes cast for a candidate for the office and the number of votes cast for the defeated candidate who demands the recount is 5 percent or less. To demand such a recount, within*** 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the ***defeated*** candidate who demands the recount ~~[,]~~ ***must:***

(a) ~~[Files]~~ ***File*** in writing a demand with the officer with whom the ***defeated*** candidate filed his or her declaration of candidacy; and

(b) ~~[Deposits]~~ ***Deposit*** in advance the estimated costs of the recount with that officer. ***The estimated costs of the recount must be determined by the ~~[person]~~ officer with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."***

2. ~~[Any voter at an election may demand and receive]~~ ***Except as otherwise provided in this subsection and NRS 293.424,*** a ***recount of the vote for an office must be conducted if, after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. A recount of the votes for an office is not required pursuant to this subsection if the format of the ballot allowed a voter to select more than one candidate for the office, unless the difference between the number of votes cast in the election for the candidate with the lowest number of votes who won the election and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. No candidate is required to pay the costs of a recount that is required pursuant to this subsection.***

3. ~~[A]~~ Any voter at an election may demand and receive a recount of the vote for a ballot question ~~***[must be conducted]***~~ if ~~[,]~~ ***the difference between the results of the ballot question being approved or disapproved is 5 percent or less. To demand such a recount,*** within 3 working days after the canvass of the vote and

the certification by the county clerk or city clerk of the abstract of votes, the voter ~~[,]~~ ***who demands the recount must:***

(a) ~~[Files]~~ ***File*** in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) ~~[~~Deposits~~]~~ ***Deposit*** in advance the estimated costs of the recount with the person to whom the demand was made.

~~[~~3.~~]~~ The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. A recount of the vote for a ballot question must be conducted if, after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the difference between the results of the ballot question being approved or disapproved is 0.25 percent or less. No voter is required to pay the costs of a recount that is required pursuant to this subsection.

~~[~~4.~~]~~ ***5.*** As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 2. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded ***or required*** pursuant to the provisions of NRS 293.403 or ***demanded pursuant to*** 293.424, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the

office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the person ~~*[a candidate]*~~ who demanded ~~[the]~~ ***a*** recount ***pursuant to subsection 1 or 3 of NRS 293.403 or subsection 1 of NRS 293.424*** does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person ~~*[candidate]*~~ shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person. ~~*[candidate.]*~~

2. If the person ~~*[candidate]*~~ who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person ~~*[candidate]*~~ and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. ***If a recount of the vote for an office or ballot question for which voting is statewide is required pursuant to subsection 2 or subsection 4 of NRS 293.403, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which***

shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

4. Except as otherwise provided in NRS 293.424, each recount must be commenced within 5 days after ~~[~~demand,~~]~~ ***the recount is demanded or required pursuant to NRS 293.403*** and must be completed within 5 days after it is begun.

~~[~~4.~~]~~ ***5.*** After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 4. NRS 293.413 is hereby amended to read as follows:

293.413 1. Except as otherwise provided in NRS 293.424, the statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded ~~[.]~~ ***or required.*** The parties to a contest shall be denominated contestant and defendant.

2. Except as otherwise provided in NRS 293.424, the court shall set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 5. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded ***or required*** pursuant to the provisions of NRS 293.403 or ***demanded pursuant to NRS*** 293.424 or if an election is contested pursuant to NRS 293.407 or 293.424, the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

The following amendment was proposed by Assemblymember Mosca:

Amendment No. 123.

AN ACT relating to elections; revising the circumstances under which a candidate defeated at certain elections may demand a recount; requiring, under certain circumstances, that a recount for certain elections be conducted; **creating the Voter Access Grant Program and the Account for the Voter Access Grant Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, a candidate defeated at certain elections to demand and receive a recount of the vote for the office for which he or she is a candidate if he or she deposits the estimated costs for the recount. (NRS 293.403) **Section 1** of this bill instead: (1) authorizes a defeated candidate to demand a recount in certain elections if the difference between the highest number of votes cast for a candidate for the office and the number of votes cast for the defeated candidate who demands the recount is 5 percent or less; and (2) reorganizes the provisions of existing law that set forth how the estimated costs of the recount are determined. **Section 1** additionally requires, with certain exceptions, a recount of the vote for an office to be conducted, at no cost to any candidate, if the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. Such a recount is not required to be conducted if the format of the ballot allowed a voter to select more than one candidate for the office, unless the difference between the number of votes cast in the election for the candidate with the lowest number of votes who won the election and the next highest number of votes cast for a candidate for the office is 0.25 percent or less.

Existing law authorizes a voter at an election to demand and receive a recount of the vote for a ballot question if the registered voter deposits the estimated costs of the recount. (NRS 293.403) **Section 1**: (1) eliminates the authority of a voter to demand and receive a recount of the vote for a ballot question; and (2) provides instead that a recount of the vote for a ballot question must be conducted if the difference between the results of the ballot question being approved or disapproved is 0.25 percent or less. **Section 1** further provides that no voter is required to pay the costs of such a recount.

Sections 2-5 of this bill make conforming changes to account for the changes to the recount process made pursuant to **section 1**.

Existing law requires the Secretary of State to serve as the Chief Officer of Elections for this State and to be responsible for the execution and enforcement of the provisions of the Nevada Revised Statutes and all other provisions of state and federal law relating to elections. (NRS 293.124) Section 7 of this bill requires the Secretary of State to establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program created by section 8 of this bill to eligible entities to support the administration of elections and improve voter access. For the purpose of providing such grants, an

"eligible entity" is defined by section 7 to mean a county, city or tribal government.

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

Section 1. NRS 293.403 is hereby amended to read as follows:

293.403 1. Except as otherwise provided in NRS 293.424, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the ***defeated*** candidate and the number of votes received for the person who won the election if ~~[, within]~~ ***the difference between the highest number of votes cast for a candidate for the office and the number of votes cast for the defeated candidate who demands the recount is 5 percent or less. To demand such a recount, within*** 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the ***defeated*** candidate who demands the recount ~~[,]~~ ***must:***

(a) ~~[Files]~~ ***File*** in writing a demand with the officer with whom the ***defeated*** candidate filed his or her declaration of candidacy; and

(b) ~~[Deposits]~~ ***Deposit*** in advance the estimated costs of the recount with that officer. ***The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."***

2. ~~[Any voter at an election may demand and receive]~~ ***Except as otherwise provided in this subsection and NRS 293.424,*** a ***recount of the vote for an office must be conducted if, after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. A recount of the votes for an office is not required pursuant to this subsection if the format of the ballot allowed a voter to select more than one candidate for the office, unless the difference between the number of votes cast in the election for the candidate with the lowest number of votes who won the election and the next highest number of votes cast for a candidate for the office is 0.25 percent or less. No candidate is required to pay the costs of a recount that is required pursuant to this subsection.***

3. ***A*** recount of the vote for a ballot question ***must be conducted*** if, ~~[within 3 working days]~~ after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the ~~[voter:~~

~~(a) Files in writing a demand with:~~

~~(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or~~

~~(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and~~

~~(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.~~

~~3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."~~] ***difference between the results of the ballot question being approved or disapproved is 0.25 percent or less. No voter is required to pay the costs of a recount that is required pursuant to this subsection.***

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 2. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded ***or required*** pursuant to the provisions of NRS 293.403 or ***demanded pursuant to*** 293.424, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of

the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount ~~[and the voter who demanded the recount, if any,]~~ may be present in person or by an authorized representative, but may not be a member of the recount board.

3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 293.405 is hereby amended to read as follows:

293.405 1. If ~~[the person]~~ ***a candidate*** who demanded ~~[the]~~ ***a*** recount ***pursuant to subsection 1 of NRS 293.403 or subsection 1 of NRS 293.424*** does not prevail, and it is found that the sum deposited was less than the cost of the recount, the ~~[person]~~ ***candidate*** shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the ~~[person.]~~ ***candidate.***

2. If the ~~[person]~~ ***candidate*** who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the ~~[person]~~ ***candidate*** and the cost of the recount must be paid as follows:

(a) If the recount concerns an office ~~[or ballot question]~~ for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office ~~[or ballot question]~~ for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.

3. Except as otherwise provided in NRS 293.424, each recount must be commenced within 5 days after ~~[demand,]~~ ***the recount is demanded or required pursuant to NRS 293.403*** and must be completed within 5 days after it is begun.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

Sec. 4. NRS 293.413 is hereby amended to read as follows:

293.413 1. Except as otherwise provided in NRS 293.424, the statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than

14 days after the election if no recount is demanded ~~[.]~~ ***or required.*** The parties to a contest shall be denominated contestant and defendant.

2. Except as otherwise provided in NRS 293.424, the court shall set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. 5. NRS 293B.400 is hereby amended to read as follows:

293B.400 1. Except as otherwise provided in this section, if a recount is demanded ***or required*** pursuant to the provisions of NRS 293.403 or ***demanded pursuant to NRS*** 293.424 or if an election is contested pursuant to NRS 293.407 or 293.424, the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.

2. In carrying out the requirements of this section, the county or city clerk shall:

(a) Print only the records required for the recount or contest; and

(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.390.

Sec. 6. **Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.**

Sec. 7. ***1. The Secretary of State shall establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program created by section 8 of this act to eligible entities to support the administration of elections and improve voter access.***

2. In carrying out the Program, the Secretary of State may award a grant to an eligible entity for:

(a) The purchase and maintenance of supplies or equipment for an election;

(b) Payment of election board officers and other employees who perform duties relating to elections;

(c) Programs for voter education and outreach; and

(d) Any other project, program or expense that the Secretary of State determines to be eligible for the Program.

3. The Secretary of State, or his or her designee, shall review each application submitted for a grant from the Program in accordance with the regulations adopted pursuant to subsection 6. When reviewing an application, the Secretary of State, or his or her designee, may request any additional information from an applicant to determine eligibility of the applicant for a grant.

4. Any grant awarded to an eligible entity pursuant to the Program is in addition to and does not supplant or replace any money, support or services otherwise authorized or required by law to be provided to an eligible entity.

5. On or before January 1 of each odd-numbered year, the Secretary of State shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, for the immediately preceding biennium:

(a) The number of eligible entities that applied for a grant from the Program;

(b) The number of eligible entities that received a grant from the Program;

(c) The number of eligible entities that applied for but did not receive a grant from the Program;

(d) The total amount of grants awarded from the Program; and

(e) A description of the projects, programs, supplies or equipment that were purchased or supported, in whole or in part, from the Program.

6. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe:

(a) The process for applying for a grant from the Program, including, without limitation, application requirements;

(b) Criteria for eligibility for a grant from the Program;

(c) The order of priority for reviewing applications and awarding grants from the Program; and

(d) Standards for determining whether to approve an application for a grant from the Program.

7. For the purposes of this section, "eligible entity" means a county, city or tribal government.

Sec. 8. 1. The Account for the Voter Access Grant Program is hereby created in the State General Fund. The Secretary of State shall administer the Account.

2. The Secretary of State may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Account must be carried forward to the next fiscal year.

Sec. 9. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[Sec. 6.]~~ ***Sec. 10.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 306.

Bill read second time.

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

Amendment No. 94.

CONTAINS UNFUNDED MANDATE (§§ 1 ~~(),~~ **, 2, 4.5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; requiring a county clerk in certain counties to establish a certain number of locations for a voter to return his or her mail ballot in a mail ballot drop box during the period between the last day for early voting and the day of a general election; authorizing the county clerk in certain counties to establish such locations; authorizing a person, under certain circumstances, to return a mail ballot to a mail ballot drop box established at such a location on behalf of a voter; **requiring mail ballot drop boxes to be monitored and secured; requiring the Secretary of State to establish requirements for monitoring and securing mail ballot drop boxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a general election to be held on the first Tuesday after the first Monday of November in each even-numbered year; and (2) provides that the period for early voting by personal appearance begins the third Saturday preceding a general election and extends through the Friday before election day. (NRS 293.12755, 293.3568) Existing law further requires each county clerk to ~~[:]~~ **establish:** (1) ~~[establish]~~ a certain number of polling places where a person can vote during the period for early voting by personal appearance and on the day of the general election; and (2) ~~[requires each county clerk to establish]~~ a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. (NRS 293.269921, 293.2731, 293.3564)

Section 1 of this bill requires each county clerk in certain counties to, for the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, establish a certain number of locations where a voter may return his or her mail ballot in a mail ballot drop box and requires such locations to be open for at least 7 hours each day during that period for certain counties. Specifically, in a county whose population is 700,000 or more (currently only Clark County), a county clerk is required to establish 10 such locations, and in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County), a county clerk is required to establish 5 such locations. **Section 1** further authorizes a county clerk in a county whose population is less than

100,000 (currently all counties other than Clark and Washoe Counties) to establish any number of such locations and prescribe the hours for such locations to be open. **Section 2** of this bill provides that a mail ballot dropped in a mail ballot drop box pursuant to **section 1** counts as a vote in the general election. **Section 4** of this bill makes a conforming change to make certain provisions relating to mail ballots generally applicable to **section 1**.

Existing law requires a ballot drop box to meet certain requirements, including a requirement for the ballot drop box to be made available for use during the hours when the office of the county or city clerk or the polling place is open for business or voting, as applicable. (NRS 293.269921, 293C.26321) Sections 2 and 4.5 of this bill require a ballot drop box to be: (1) monitored at all times during such a period; and (2) secured during any period of time in which the ballot drop box is not available for use. Sections 2 and 4.5 additionally require the Secretary of State to adopt regulations to establish requirements for monitoring and securing ballot drop boxes.

Existing law authorizes, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter to return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county by the county clerk. (NRS 293.269923) **Section 3** of this bill additionally authorizes a person, under such circumstances, to return a mail ballot on behalf of a voter by returning the mail ballot to a mail ballot drop box established pursuant to **section 1**.

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

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

For the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, each county clerk:

1. In a county whose population is 700,000 or more, shall establish at least 10 locations where a voter may return his or her mail ballot in a mail ballot drop box and which must remain open to the public for at least 7 hours each day;

2. In a county whose population is 100,000 or more but less than 700,000, shall establish at least 5 locations where a voter may return his or her mail ballot in a mail ballot drop box and which must remain open to the public for at least 7 hours each day; and

3. In a county whose population is less than 100,000, may provide any number of locations where a voter may return his or her mail ballot in a mail ballot drop box and prescribe the hours that the location is open for voting pursuant to this section.

Sec. 2. NRS 293.269921 is hereby amended to read as follows:

293.269921 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section ~~[.]~~ ***or section 1 of this act;*** or

(b) Mailed to the county clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish a ballot drop box at any other location in the county where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; ~~[and]~~

(b) Made available for use ***and monitored at all times*** during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable ~~[.]~~ ***; and***

(c) Secured during any period of time in which the ballot drop box is not made available for use pursuant to paragraph (b).

6. The Secretary of State shall adopt regulations to establish requirements for monitoring and securing ballot drop boxes pursuant to this section.

Sec. 3. NRS 293.269923 is hereby amended to read as follows:

293.269923 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to NRS 293.269921 ~~[.]~~ ***or section 1 of this act.***

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 4. NRS 293.269925 is hereby amended to read as follows:

293.269925 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293.269911 to 293.269937, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 4.5. **NRS 293C.26321 is hereby amended to read as follows:**

293C.26321 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early

voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; ~~[and]~~

(b) Made available for use ***and monitored at all times*** during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable ~~[.]~~ ***; and***

(c) Secured during any period of time in which the ballot drop box is not made available for use pursuant to paragraph (b).

6. The Secretary of State shall adopt regulations to establish requirements for monitoring and securing ballot drop boxes pursuant to this section.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 308.

Bill read second time and ordered to third reading.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 131.

ASSEMBLYMEMBERS GRAY, HANSEN, ROTH, ANDERSON, DELONG; **DICKMAN,** GOULDING **,** ~~[AND]~~ LA RUE HATCH **AND O'NEILL**

AN ACT relating to governmental administration; requiring the Director of the State Department of Agriculture to establish the Nevada State Fairgrounds; creating the Account for the Maintenance and Operation of the Nevada State Fairgrounds; revising certain duties of the Nevada Junior Livestock Show Board relating to the real property leased to Washoe County for use as a fairground; terminating a lease for certain real property leased to Washoe County; requiring the State Land Registrar to enter into an agreement to lease certain real property to Washoe County; requiring the State Department of Agriculture to assume responsibility for the operation and maintenance of certain real property; repealing certain provisions of existing law governing

the lease of certain real property to Washoe County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directed the State Board of Agriculture to lease certain real property to Washoe County subject to a trust imposed on that real property. (Chapter 251, Statutes of Nevada 1951, at pages 366-67) A portion of that real property was later exempted from the trust to enable Washoe County to construct a county public building complex on the real property. (Chapter 52, Statutes of Nevada 1977, at pages 123-26; chapter 561, Statutes of Nevada 1997, at pages 2726-28) **Section 10** of this bill terminates the lease for that real property which is owned by the State of Nevada and leased to Washoe County. **Section 14** of this bill repeals the chapters of Statutes of Nevada that are related to the lease of this real property to Washoe County. **Section 9** of this bill sets forth a legislative declaration relating to the legislative history of the lease of that real property and the reasons for terminating the lease.

Section 11 of this bill requires the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, to enter into an agreement to lease to Washoe County the real property in use as a county public building complex. **Section 11** requires that, as part of the agreement, Washoe County must survey and generate a legal description for the portion of the real property in use by Washoe County.

Section 12 of this bill provides that, following the termination of the lease, the State Department of Agriculture is responsible for the operation and maintenance of the portion of the real property that is not ~~[transferred]~~ **leased** to Washoe County, which shall be referred to as the Nevada State Fairgrounds.

Sections 5 and 12 of this bill require the Director of the State Department of Agriculture to establish a state fairground, to be known as the Nevada State Fairgrounds, on the portion of the real property not leased to Washoe County. **Section 5** requires the Department to develop, maintain, operate and promote the use of the Nevada State Fairgrounds and any facilities located thereon. **Section 12** further provides that the Nevada State Fairgrounds are subject to the trust imposed on that real property.

Section 6 of this bill creates the Account for the Maintenance and Operation of the Nevada State Fairgrounds in the State General Fund ~~[with]~~ **and requires that** the money in the Account ~~[to]~~ be used to develop, maintain, operate and promote the use of the Nevada State Fairgrounds and any facilities located thereon.

Sections 3 and 4 of this bill define "Department" and ~~["Director",]~~ **"Director,"** respectively. **Section 2** of this bill applies those definitions to the provisions of **sections 5 and 6** and certain provisions of existing law relating to fairs and exhibits. (Chapter 551 of NRS) **Section 7** of this bill revises certain references to the Department and Director consistent with the definitions.

Existing law requires the Nevada Junior Livestock Show Board to review the uses of the real property leased to Washoe County for use as a fairground

and any physical improvements or changes to the facilities at the fairground. (NRS 563.080) **Section 8** of this bill instead requires the Board to review any physical improvements or changes to the Nevada State Fairgrounds.

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

Section 1. Chapter 551 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act*** ~~***[,]***~~ ***have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the State Department of Agriculture.***

Sec. 4. ***"Director" means the Director of the Department.***

Sec. 5. ***1. The Director shall establish a state fairground, to be known as the Nevada State Fairgrounds.***

2. The Department shall:

(a) Develop, maintain, operate and promote the use of the Nevada State Fairgrounds and any facilities located thereon; and

(b) Promote purposes relating to ~~***[livestock,]***~~ ***agriculture using the Nevada State Fairgrounds.***

3. To carry out the requirements of this section, the Director may ~~***[enter]:***~~

(a) Enter into contracts or other legal agreements with ~~***[:***~~

~~***(a) The]***~~ ***the Federal Government, state officials, state agencies*** ~~***[,]***~~ ***and*** ~~***[and]***~~ ***local governments*** ~~***[;]***~~ ***, quasi-governmental entities, nonprofit organizations and for-profit businesses; and***

(b) ~~***[Any public or private person for the rental]***~~ ***Rent or lease*** ~~***[of]***~~ ***concessions*** ~~***[on the grounds]***~~ ***located within the boundaries of the*** ~~***[property and facilities of the]***~~ ***Nevada State Fairgrounds to any public or private person*** ~~***[subject to any applicable requirements of chapters 321 and 322 of NRS and]***~~ ***for valuable consideration under such terms and conditions*** ~~***[set]***~~ ***deemed fit and proper by the Director.***

Sec. 6. ***1. The Account for the Maintenance and Operation of the Nevada State Fairgrounds is hereby created in the State General Fund. The Director shall administer the Account. The Account is a continuing account without reversion.***

2. Money in the Account must be used by the Department to develop, maintain, operate and promote the use of the Nevada State Fairgrounds and any facilities located thereon.

3. The Director may accept gifts, grants, donations and bequests of money from any source. The money must be deposited in the State Treasury for credit to the Account.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

Sec. 7. NRS 551.030 is hereby amended to read as follows:

551.030 1. Except as otherwise provided in NRS 547.110, the ~~[State]~~ Department ~~[of Agriculture]~~ may operate or authorize the operation of any state fair or regional fair in this State.

2. The Director ~~[of the Department]~~ must determine the venue and frequency of any state fair or regional fair, except that a state fair or regional fair may not be held more frequently than once each calendar year.

Sec. 8. NRS 563.080 is hereby amended to read as follows:

563.080 1. The Board shall have possession and care of all property of the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and shall be entrusted with the direction of the entire business and financial affairs of these exhibitions.

2. The Board may:

(a) Appoint employees and define their duties.

(b) Adopt bylaws, rules and regulations for the government of the Nevada Junior Livestock Show Board, the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show and for all exhibitions of livestock.

(c) Acquire or lease real and personal property, buildings and improvements.

3. The Board shall review ~~[:~~

~~(a) All uses of the real property leased to Washoe County for use as a fairground; and~~

~~(b) Any]~~ ***any*** physical improvements or changes to the ~~[facilities at the fairground,~~

~~➥]~~ ***Nevada State Fairgrounds established pursuant to section 5 of this act*** to ensure that the ~~[use of]~~ ***improvements or changes to*** the property ~~[for purposes related to agriculture and livestock continues]~~ ***continue*** to comply with the provisions of the trust relating to the fairground **.** ~~[imposed upon the conveyance.]~~

Sec. 9. The Legislature hereby finds and declares that:

1. Pursuant to chapter 251, Statutes of Nevada 1951, the State Board of Agriculture was directed to lease the real property described as NE 1/4 SW 1/4 and SE 1/4 NW 1/4 of Section 1, T. 19 N., R. 19 E., M.D.B. & M., in Washoe County, Nevada (approximately 80 acres less a described area of 2.904 acres) to Washoe County for 50 years with the express provision that the lessee "recognized the trust imposed by Chapter XXVII, Statutes of Nevada 1887."

2. Washoe County was directed to transfer not to exceed 6 acres of the southerly portion of the land originally leased to Washoe County to the state board of military auditors pursuant to chapter 11, Statutes of Nevada 1955.

3. The lease to Washoe County was extended to March 21, 2050, upon the same terms pursuant to chapter 295, Statutes of Nevada 1971.

4. Pursuant to chapter 52, Statutes of Nevada 1977, a portion of the real property leased to Washoe County was exempted from the trust described in subsection 1 for the purpose of constructing and maintaining a county public building complex. The real property is described as follows:

All that real property situate in the City of Reno, County of Washoe, State of Nevada, being all that portion of the Southwest quarter of Section 1, Township 19 North, Range 19 East, M.D.B. & M., described as follows:

Beginning at the Southeast corner of the Nevada National Guard parcel as situated on the Washoe County Fairgrounds, said point bearing South 44º33′52″ West 1,044.32 feet from a Washoe County brass cup representing the Center of Section 1, Township 19 North, Range 19 East, M.D.B. & M.; thence North 88º11′36″ West along the Southerly line of said National Guard parcel 288.02 feet (Record 288.00 feet) to Southwest Corner of said National Guard parcel; thence North 1º48′24″ East along the West line of said National Guard parcel 152.49 feet; thence North 88º16′06″ West 300.65 feet to a point on the Easterly line of Wells Avenue; thence South 1º43′54″ West along the said Easterly line of Wells Avenue 601.69 feet to the Northerly line of East Ninth Street as shown on the Leete's Syndicate Addition; thence South 89º16′47″ East along said Northerly line of East Ninth Street 1,272.65 feet to a point on the West line of Sutro Street as described in Document No. 366638, at Book 895, page 509, filed for record on June 5, 1975, Official Records of Washoe County, Nevada; thence North 0º33′14″ East along said Westerly line of Sutro Street 324.45 feet; thence North 89º26′46″ West 100.00 feet; thence North 0º33′14″ East 70.00 feet; thence North 89º39′30″ West 366.93 feet; thence North 44º38′30″ West 262.89 feet; thence North 88º11′36″ West 18.60 feet to a point on the East line of said National Guard parcel; thence South 1º48′24″ West along said East line 138.46 feet to the true point of beginning.

5. Pursuant to chapter 561, Statutes of Nevada 1997, a portion of the real property leased to Washoe County was again exempted from the trust described in subsection 1 for the purpose of constructing and maintaining a county public building complex. The real property is described as follows:

All that certain piece or parcel of land situate in the southwest 1/4 of section 1, township 19 north, range 19 east, M.D.M. and being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of North Wells Avenue and the north right-of-way line of East Ninth Street in the City of Reno, County of Washoe, State of Nevada, said intersection being the point of beginning; thence North 1°43′54″ East, 779.20 feet along the east right-of-way line of said North Wells Avenue; thence leaving said right-of-way and proceeding South 88°12′41″ east 669.35 feet to a point on the west right-of-way line of Sutro Street; thence south 0°33′14″ west, 690.66 feet along the west right-of-way of Sutro Street to the point of intersection with the north right-of-way line of East Ninth Street; thence along the north right-of-way line of East Ninth Street, north 89°16′47″ west 1272.65 feet to the said point of beginning and containing an area of 21.3 acres more or less.

6. Pursuant to chapter 105, Statutes of Nevada 1999, the legal description of the portion of the real property leased to Washoe County described in subsection 5 was amended. The real property is described as follows:

All that certain piece or parcel of land situate in the southwest 1/4 of section 1, township 19 north, range 19 east, M.D.M. and being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of North Wells Avenue and the north right-of-way line of East Ninth Street in the City of Reno, County of Washoe, State of Nevada, said intersection being the point of beginning; thence North 1°43′54″ East, 779.20 feet along the east right-of-way line of said North Wells Avenue; thence leaving said right-of-way and proceeding South 88°12′41″ East, 588.99 feet; thence South 1°48′24″ West, 65.00 feet; thence south 88°12′41″ east 669.35 feet to a point on the west right-of-way line of Sutro Street; thence south 0°33′14″ west, 690.66 feet along the west right-of-way of Sutro Street to the point of intersection with the north right-of-way line of East Ninth Street; thence along the north right-of-way line of East Ninth Street, north 89°16′47″ west 1272.65 feet to the said point of beginning and containing an area of 21.3 acres more or less.

7. Washoe County has constructed and maintained a county public building complex on a portion of the land described in subsection 5, as amended by subsection 6.

8. The remaining portion of the real property not exempted from the trust has strayed from the original trust purposes.

Sec. 10. The lease to Washoe County by the State Board of Agriculture for the real property located in Washoe County, Nevada, created pursuant to chapter 251, Statutes of Nevada 1951 and extended pursuant to chapter 295, Statutes of Nevada 1971, is hereby terminated.

Sec. 11. 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, shall enter into an agreement with Washoe County, whereby the real property upon which Washoe County has constructed and maintained a county public building complex shall be exempt from any trust imposed by the statutes enumerated in section 9 of this act and shall be made immediately available for use by Washoe County for the term of the existing lease expiring on March 21, 2050, for the purpose of constructing and maintaining thereon a county public building complex.

2. The agreement described in subsection 1 must:

(a) Require Washoe County to survey and generate a legal description for the real property upon which Washoe County has constructed and maintained a county public building complex.

(b) Provide that after Washoe County completes the requirements of paragraph (a), the State Land Registrar shall execute a new lease **for no consideration** with Washoe County for the real property described in the legal description generated by Washoe County pursuant to paragraph (a) and agreed to by the State Land Registrar.

Sec. 12. Upon termination of the lease to Washoe County pursuant to section 10 of this act:

1. The State Department of Agriculture shall be responsible for the operation and maintenance of the portion of the real property not leased to Washoe County, which shall herein be referred to as the Nevada State Fairgrounds. The Director of the Department shall establish the Nevada State Fairgrounds **as** required by section 5 of this act.

2. The Director and the State Department of Agriculture shall recognize the trust imposed by Chapter XXVII, Statutes of Nevada 1887, and shall manage, control and properly maintain the Nevada State Fairgrounds subject to said trust.

3. Any money on hand or to become available to Washoe County for the Nevada State Fairgrounds must be paid directly to the State Department of Agriculture.

4. The State Department of Agriculture shall assume any accounts payable by Washoe County for the Nevada State Fairgrounds.

5. The State Department of Agriculture shall assume responsibility for any existing contracts or other agreements entered into by Washoe County for use of the Nevada State Fairgrounds or any buildings or facilities thereon.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. Chapter 251, Statutes of Nevada 1951, at page 366, chapter 11, Statutes of Nevada 1955, at page 13, chapter 295, Statutes of Nevada 1971, at page 526, chapter 52, Statutes of Nevada 1977, at page 123 and chapter 561, Statutes of Nevada 1997, at page 2726 are hereby repealed.

Sec. 15. 1. This section and sections 11 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, 9, 10, 12 and 14 of this act become effective on the day that the agreement between the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and Washoe County that is required pursuant to section 11 of this act takes effect.

TEXT OF REPEALED SECTIONS

Chapter 251, Statutes of Nevada 1951:

SECTION 1. In consideration of the payment of the sum of one dollar ($1), the state board of agriculture of the State of Nevada acting for the state agricultural society and the people of the State of Nevada is hereby authorized and directed to forthwith execute and deliver for and on behalf of the State of Nevada to the county of Washoe a good and sufficient agreement releasing all the rights, title, and interest of the State of Nevada in and to that certain property located in the county of Washoe and more particularly described as that certain piece or parcel of land situated in the county of Washoe, State of Nevada, designated as the northeast quarter (NE 1/4) of the southwest quarter (SW 1/4) and the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of section 1, township 19 north, range 19 east, M. D. B. & M., containing 80 acres, more or less, excepting approximately 2.904 acres more or less and

described as follows: Beginning at the southwest corner of the E 1/2 of Lot 2 of NW 1/4, section 1, T. 19 N., R. 19 E., M. D. B. & M., thence south 0° 20′ east 600.50 fee more or less, thence northeasterly along the north side of Alameda avenue 702 feet more or less, assuming an avenue 60 feet in width, thence north 1° 19′ west 59 feet more or less, thence south 88° 41′ west 430 feet to the point of beginning; together with 80 inches of water from the English Mill ditch under six inch pressure to be taken at convenient places from said ditch for irrigation and other purposes; together with all rights appurtenant thereto.

SEC. 2. Said lands shall be released to the county of Washoe for a period of fifty (50) years from the date of the approval of this act.

SEC. 3. The county of Washoe, by and through its county commissioners, shall have the responsibility for the management, control and duty to properly maintain the premises and repair the appurtenances thereto.

SEC. 4. Upon the expiration of the above-designated fifty-year period, unless otherwise provided by legislative enactment, this property shall revert to the State of Nevada.

SEC. 5. Each, every and all members of the board of county commissioners of Washoe County are hereby specifically empowered to accept said grant of said land, or enter into any contracts for the management of said property, notwithstanding the limitations set forth in that certain act known as " An act in relation to county contracts," approved March 16, 1895, and being known as sections 1973 and 1974, N. C. L. 1929.

SEC. 6. All acts or parts of acts consistent herewith are hereby declared not applicable insofar that they are inconsistent with the provisions of this act.

SEC. 7. The agreement referred to in section 1 above shall be fully executed on or before the first day of May, 1951.

SEC. 8. This act shall become effective from and after its passage and approval.

Chapter 11, Statutes of Nevada 1955:

SECTION 1. The county of Washoe, acting by and through its county commissioners, is hereby authorized and directed to enter into a good and sufficient agreement with the state board of military auditors releasing to the state board of military auditors all the right, title and interest of the county of Washoe in and to not to exceed 6 acres of the southerly portion of those certain lands acquired by the county of Washoe pursuant to the provisions of chapter 251, Statutes of Nevada 1951, for use by the state board of military auditors as a site for an armory.

SEC. 2. Upon execution of the agreement herein provided for and delivery of possession of the lands therein described to the state board of military auditors, the county of Washoe shall thereafter be relieved of all responsibilities imposed by the provisions of section 3 of chapter 251, Statutes of Nevada 1951, with respect to the lands described in such agreement.

SEC. 3. Nothing herein shall be construed to require the county of Washoe to execute such agreement or surrender possession of any lands herein referred

to unless and until the state board of military auditors shall in all respects be ready, willing and able to forthwith cause a suitable armory to be constructed and maintained upon such premises, and the continuance of such agreement may be made contingent upon the erection and continued maintenance of such armory on such premises.

Sec. 4. Each, every and all members of the board of county commissioners of Washoe County are hereby specifically empowered to enter into any contracts with the state board of military auditors with respect to such property, notwithstanding the limitations set forth in sections 1973 and 1974, N.C.L. 1929.

Sec. 5. This act shall become effective upon passage and approval.

Chapter 295, Statutes of Nevada 1971:

SECTION 1. 1. The state land register, acting on behalf of the State of Nevada and for the purposes of this act as successor to the state board of agriculture, is authorized and directed forthwith to execute an agreement with Washoe County, Nevada, by and through its board of county commissioners, amending that certain lease agreement heretofore executed by and between the state board of agriculture and Washoe County pursuant to the direction and authority contained in chapter 251, Statutes of Nevada 1951, extending the term of the original lease agreement from 50 years expiring on March 21, 2001, to a term of 99 years expiring on March 21, 2050.

2. Upon the expiration of the extended term on March 21, 2050, the property described in section 1 of chapter 251, Statutes of Nevada 1951 (less any property released by Washoe County pursuant to the provisions of chapter 11, Statutes of Nevada 1955) shall revert to the State of Nevada.

3. The provisions of NRS 244.320 do not apply to the members of the board of county commissioners of Washoe County with respect to the execution of the agreement authorized and directed by subsection 1.

SEC. 2. This act shall become effective upon passage and approval.

Chapter 52, Statutes of Nevada 1977:

SECTION 1. The legislature finds that:

1. By the provisions of chapter XXVII, Statutes of Nevada 1887, the Nevada state agricultural society, a state institution, was empowered to expend appropriated moneys for the purpose of purchasing and improving fairgrounds, the title of such acquired property to be vested in the State of Nevada for the sole use and benefit of the State of Nevada.

2. On March 9, 1889, the Nevada state agricultural society caused the NE 1/4 SW 1/4 and SE 1/4 NW 1/4 of section 1, T. 19 N., R. 19 E., M.D.B. & M., in Washoe County, Nevada, to be conveyed to the State of Nevada in pursuance of chapter XXVII, Statutes of Nevada 1887.

3. On May 1, 1951, the state board of agriculture, pursuant to chapter 251, Statutes of Nevada 1951, leased the property described in subsection 2 (approximately 80 acres less a described area of 2.904 acres) to Washoe County, Nevada, for 50 years with the express provision that the lessee "recognizes the trust imposed by Chapter XXVII, Statutes of Nevada 1887, *

* * and agrees to manage, control and properly maintain the said property subject to said trust."

4. On August 3, 1971, an amendment made pursuant to chapter 295, Statutes of Nevada 1971, extended the term of the May 1, 1951, lease to March 21, 2050, upon the same terms.

5. The limited building expansion capacity of Washoe County coupled with the growth of the county dictate the necessity for providing more than double the county's building space within the next 15 years, and long-term growth envisaged can only be accommodated through the construction of additional facilities in a location that allows sufficient area for planned expansion.

6. A portion of the premises leased by the State of Nevada to Washoe County on May 1, 1951, provides an excellent site for the construction of a county building complex, having accessibility to the developing highway transportation system, proximity to the citizens of the cities of Reno and Sparks and the availability of free public parking.

7. On September 2, 1972, Washoe County executed a lease with the Nevada State Fair, Inc., a nonprofit corporation, by the terms of which the Washoe County fairgrounds were leased to the Nevada State Fair, Inc., for 25 years for a nominal rent for the purpose of conducting the annual Nevada State Fair; that such lease was amended on September 5, 1975, specifically exempting 13.503 acres from the original lease and reserving such parcel for the exclusive use of Washoe County, subject to compatible use by the Nevada State Fair, Inc., on official fair days.

8. In addition to its public building requirements, Washoe County needs a senior citizens service center or a community focal point on aging where older persons as individuals or in groups can come together for services and activities which enhance their dignity, support their independence and encourage their involvement in and with the community; that the registered voters of Washoe County, Nevada, at a special election held September 14, 1976, recognized the need for constructing and maintaining a senior citizens service center by approving the issuance and sale of Washoe County's general obligation bonds in an amount not to exceed $1,500,000 for the construction and equipping of such a center by a vote of 18,385 to 6,212; that for the reasons stated in subsection 6 construction and operation of the senior citizens service center on a portion of the Washoe County fairgrounds is desirable.

SEC. 2. 1. Upon the effective date of this act the administrator of the division of state lands of the state department of conservation and natural resources, as ex officio state land registrar, is directed forthwith to execute an amended lease with Washoe County, Nevada, without consideration other than the fencing and beautification herein required, whereby the real property described in section 3 of this act shall be exempt from any trust imposed by the statutes enumerated in section 1 of this act and shall be made immediately available for use by Washoe County during the term of the existing lease expiring March 21, 2050, for the purposes of constructing and maintaining

thereon a county public building complex, including but not limited to public buildings related to health, welfare, finance, administration and aging functions. Washoe County shall agree in such amended lease to erect during fiscal year 1977-1978 a good and substantial fence and other beautification on the west side of Sutro Street in Reno, Nevada, from Oddie Boulevard south to the north boundary line of the parcel proposed to be utilized as a site for the senior citizens service center.

2. The amended lease directed to be executed by subsection 1 shall not affect the term of the lease from the State of Nevada to Washoe County, which term expires, unless otherwise directed by the legislature, on March 21, 2050; and as provided in subsection 2 of chapter 295, Statutes of Nevada 1951, upon the expiration of the term of the lease on March 21, 2050, the property and all improvements thereon shall revert to the State of Nevada.

SEC. 3. The real property to be exempt from any trust imposed by the statutes enumerated in section 1 of this act and to be made immediately available for use by Washoe County as specified in section 2 of this act is described as follows:

All that real property situate in the City of Reno, County of Washoe, State of Nevada, being all that portion of the Southwest quarter of Section 1, Township 19 North, Range 19 East, M.D.B. & M., described as follows:

Beginning at the Southeast corner of the Nevada National Guard parcel as situated on the Washoe County Fairgrounds, said point bearing South 44º33′52″ West 1,044.32 feet from a Washoe County brass cup representing the Center of Section 1, Township 19 North, Range 19 East, M.D.B. & M.; thence North 88º11′36″ West along the Southerly line of said National Guard parcel 288.02 feet (Record 288.00 feet) to Southwest Corner of said National Guard parcel; thence North 1º48′24″ East along the West line of said National Guard parcel 152.49 feet; thence North 88º16′06″ West 300.65 feet to a point on the Easterly line of Wells Avenue; thence South 1º43′54″ West along the said Easterly line of Wells Avenue 601.69 feet to the Northerly line of East Ninth Street as shown on the Leete's Syndicate Addition; thence South 89º16′47″ East along said Northerly line of East Ninth Street 1,272.65 feet to a point on the West line of Sutro Street as described in Document No. 366638, at Book 895, page 509, filed for record on June 5, 1975, Official Records of Washoe County, Nevada; thence North 0º33′14″ East along said Westerly line of Sutro Street 324.45 feet; thence North 89º26′46″ West 100.00 feet; thence North 0º33′14″ East 70.00 feet; thence North 89º39′30″ West 366.93 feet; thence North 44º38′30″ West 262.89 feet; thence North 88º11′36″ West 18.60 feet to a point on the East line of said National Guard parcel; thence South 1º48′24″ West along said East line 138.46 feet to the true point of beginning.

SEC. 4. This act shall become effective upon passage and approval.

Chapter 561, Statutes of Nevada 1997:

Section 1. The Legislature finds that:

1. By the provisions of chapter XXVII, Statutes of Nevada 1887, the Nevada state agricultural society, a state institution, was empowered to expend

appropriated money to purchase and improve fairgrounds, the title of such acquired property to be vested in the State of Nevada for the sole use and benefit of the State of Nevada.

2. On March 9, 1889, the Nevada state agricultural society caused the NE 1/4 SW 1/4 and SE 1/4 NW 1/4 of Section 1, T. 19 N., R. 19 E., M.D.B. & M., in Washoe County, Nevada, to be conveyed to the State of Nevada in pursuance of chapter XXVII, Statues of Nevada 1887.

3. On May 1, 1951, the state board of agriculture, pursuant to chapter 251, Statutes of Nevada 1951, leased the property described in subsection 2 (approximately 80 acres less a described area of 2.904 acres) to Washoe County, Nevada, for 50 years with the express provision that the lessee "recognized the trust imposed by Chapter XXVII, Statutes of Nevada 1887, * * * and agrees to manage, control and properly maintain the said property subject to said trust."

4. On August 3, 1971, an amendment made pursuant to chapter 295, Statutes of Nevada 1971, extended the term of the May 1, 1951, lease to March 21, 2050, upon the same terms.

5. The limited building expansion capacity of Washoe County coupled with the growth of the county dictate the necessity for providing additional county's building space within the next 15 years, and the long-term growth envisaged can only be accommodated through the construction of additional facilities in a location that is contiguous to existing facilities and allows sufficient area for planned expansion.

6. A portion of the premises leased by the State of Nevada to Washoe County on May 1, 1951, provides an excellent site for the construction of a county building complex, having accessibility to the developing highway transportation system, proximity to the residents of the cities of Reno and Sparks and the availability of free public parking.

7. On September 2, 1972, Washoe County executed a lease with the Nevada State Fair, Inc., a nonprofit corporation, by the terms of which the Washoe County fairgrounds were leased to the Nevada State Fair, Inc., for 25 years for a nominal rent for the purpose of conducting the annual Nevada State Fair; that such lease was amended on September 5, 1975, specifically exempting 13.503 acres from the original lease and reserving such parcel for the exclusive use of Washoe County, subject to compatible use by the Nevada State Fair, Inc., on official fair days.

8. In addition to its administrative building and senior citizen center constructed on the 13.503 acres subject to the lease executed on September 2, 1972, described above, Washoe County needs a regional emergency operations center, regional dispatch center and additional parking for these and the other facilities at this location and for the reasons stated in subsection 6, construction and operation of a regional emergency operation facility, regional dispatch center and additional parking on a portion of the Washoe County fairgrounds is desirable.

Sec. 2. 1. Upon the effective date of this act, the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, is directed forthwith to execute an amended lease with Washoe County, Nevada, whereby the real property described in section 3 of this act shall be exempt from any trust imposed by the statutes enumerated in section 1 of this act and shall be made immediately available for use by Washoe County during the term of the existing lease expiring on March 21, 2050, for the purposes of constructing and maintaining thereon a county public building complex.

2. The amended lease directed to be executed by subsection 1 shall not affect the term of the lease from the State of Nevada to Washoe County, which term expires, unless otherwise directed by the Legislature, on March 21, 2050; and as provided in subsection 2 of chapter 295, Statutes of Nevada 1951, upon the expiration of the term of the lease on March 21, 2050, the property and all improvements thereon shall revert to the State of Nevada.

Sec. 3. The real property to be exempt from any trust imposed by the statutes enumerated in section 1 of this act and to be made immediately available for use by Washoe County as specified in section 2 of this act is described as follows:

All that certain piece or parcel of land situate in the southwest 1/4 of section 1, township 19 north, range 19 east, M.D.M. and being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of North Wells Avenue and the north right-of-way line of East Ninth Street in the City of Reno, County of Washoe, State of Nevada, said intersection being the point of beginning; thence North 1°43′54″ East, 779.20 feet along the east right-of-way line of said North Wells Avenue; thence leaving said right-of-way and proceeding South 88°12′41″ east 669.35 feet to a point on the west right-of-way line of Sutro Street; thence south 0°33′14″ west, 690.66 feet along the west right-of-way of Sutro Street to the point of intersection with the north right-of-way line of East Ninth Street; thence along the north right-of-way line of East Ninth Street, north 89°16′47″ west 1272.65 feet to the said point of beginning and containing an area of 21.3 acres more or less.

Sec. 4. Chapter 52, Statutes of Nevada 1977, at page 123, is hereby repealed.

Sec. 5. This act becomes effective upon passage and approval.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 336.

Bill read second time and ordered to third reading.

Assembly Bill No. 338.
Bill read second time and ordered to third reading.

Assembly Bill No. 342.
Bill read second time and ordered to third reading.

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 12:59 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 346.
Bill read second time and ordered to third reading.

Assembly Bill No. 354.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 55.
AN ACT relating to governmental administration; revising the membership of the Nevada State Board on Geographic Names; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law creates the Nevada State Board on Geographic Names to coordinate and approve geographic names within the State for official recommendation to the United States Board on Geographic Names. (NRS 327.110) The Nevada State Board on Geographic Names consists of 12 voting members, which include various representatives from various state and federal agencies and the Inter-Tribal Council of Nevada, Inc. (NRS 327.120) **Section 1** of this bill: (1) removes the ~~[representatives]~~ **representative** from ~~[both the United States National Park Service and]~~ the Nevada Historical Society on the Nevada State Board on Geographic Names; ~~[and]~~ (2) adds to the Board one representative ~~[each]~~ from the Division of Museums and History of the Department of Tourism and Cultural Affairs ~~[and the United States Fish and Wildlife Service.]~~ **; (3) clarifies that the representative from the Department of Native American Affairs is from the Department of Native American Affairs of this State; and (4) changes the representatives from the United States Bureau of Land Management, the United States Forest Service and the United States National Park Service from voting members of the Board to nonvoting members. Section 2** of this bill allows the ~~[representatives]~~ **representative** appointed by ~~[the United States National Park Service and]~~ the Nevada Historical Society who ~~[are]~~ **is** serving on the Board on or before July 1, 2025, to continue serving on the Board until ~~[their~~

~~successors are~~] **the representative's successor is** designated by the appropriate ~~[agencies]~~ **agency** in accordance with the provisions of **section 1**.

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

Section 1. NRS 327.120 is hereby amended to read as follows:

327.120 The Board consists of:

1. ~~[Twelve]~~ ***Nine*** voting members, which include one representative of each of the following agencies or organizations:

(a) Bureau of Mines and Geology of the State of Nevada.

(b) Faculty of the University of Nevada, Reno.

(c) Faculty of the University of Nevada, Las Vegas.

(d) Division of State Library, Archives and Public Records of the Department of Administration.

(e) Department of Transportation of the State.

(f) State Department of Conservation and Natural Resources.

(g) ~~[Nevada Historical Society.]~~ ***Division of Museums and History of the Department of Tourism and Cultural Affairs.***

(h) Department of Native American Affairs ~~[.]~~ ***of the State.***

(i) ~~[United States Bureau of Land Management.~~

~~(j) United States Forest Service.~~

~~(k) United States National Park Service.~~

~~(l)]~~ Inter-Tribal Council of Nevada, Inc., or its successor organization.

➥ Each agency or organization shall designate a representative and one alternative representative for this purpose.

2. ***Three nonvoting members who shall serve in an advisory capacity to the Board, which include one representative of each of the following agencies:***

(a) United States Bureau of Land Management.

(b) United States Forest Service.

(c) United States National Park Service.

3. An Executive Secretary who is a nonvoting member of the Board. The voting members of the Board shall select the Executive Secretary.

Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act, ~~[any]~~ **a** person who, on July 1, 2025, is serving as a representative of the Nevada State Board on Geographic Names from the Nevada Historical Society ~~[and the United States National Park Service]~~ may continue to serve in that capacity until his or her successor is designated by the appropriate agency pursuant to NRS 327.120, as amended by section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 369.
Bill read second time and ordered to third reading.

Assembly Bill No. 380.
Bill read second time and ordered to third reading.

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

Assembly Bill No. 472.
Bill read second time and ordered to third reading.

Assembly Bill No. 480.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 207.

ASSEMBLYMEMBERS YEAGER, MONROE-MORENO, JAUREGUI, CONSIDINE; BROWN-MAY ~~[AND]~~ **, DALIA, GONZÁLEZ, LA RUE HATCH,** MARZOLA**, MILLER, MOORE, NADEEM, ORENTLICHER AND ROTH**

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP, AND NGUYEN

AN ACT relating to housing; revising provisions relating to discrimination in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits certain discriminatory practices relating to housing based on race, color, religion, sex, handicap, familial status or national origin. (42 U.S.C. §§ 3601 et seq.) Under certain circumstances, existing federal regulations provide that housing discrimination may be established based on the discriminatory effect of a practice, even if the practice was not motivated by a discriminatory intent. (24 C.F.R. § 100.500) This is commonly known as the "disparate impact standard."

The Nevada Fair Housing Law: (1) prohibits discrimination in housing on the basis of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex; and (2) provides a process and remedies to enforce the Nevada Fair Housing Law if a person engages in such discrimination, including the authority to file a complaint with the Nevada Equal Rights Commission and to commence an action in any district court to obtain an injunction and civil damages. (NRS 118.010-118.120) This bill adopts the disparate impact standard for purposes of the Nevada Fair Housing Law.

Section 1 of this bill provides that liability may be established for a discriminatory housing practice if: (1) the practice was motivated by a discriminatory intent; or (2) with certain exceptions, the practice was not motivated by a discriminatory intent but the practice actually or predictably results in a ~~[disparate impact]~~ **discriminatory effect** on a group of persons or creates, increases, reinforces or perpetuates segregated housing patterns because of race, religious creed, color, national origin, disability, sexual

orientation, gender identity or expression, ancestry, familial status or sex. **Section 1** further provides that there is no liability for a discriminatory housing practice based on the disparate impact standard if, based on evidence that is not hypothetical or speculative: (1) the practice is necessary to achieve one or more substantial, legitimate and nondiscriminatory interests of the respondent; and (2) the interests of the respondent could not be served by another practice that has a less discriminatory effect. **Section 1** also provides that the complainant must establish that a challenged practice caused or predictably will cause a ~~[disparate impact.]~~ **discriminatory effect.** If the claimant meets such burden of proof, the respondent has the burden of proving that the challenged practice is necessary to achieve one or more substantial, legitimate and nondiscriminatory interests of the respondent. If the respondent meets his or her burden of proof, the complainant may still prevail upon proving that the substantial, legitimate and nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect.

Section 2 of this bill makes a conforming change to include **section 1** in the Nevada Fair Housing Law.

Section 3 of this bill applies the definitions in existing law relating to discrimination in housing to the provisions of **section 1**.

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

Section 1. Chapter 118 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, liability may be established for a discriminatory housing practice if:

(a) The practice was motivated by a discriminatory intent; or

(b) Except as otherwise provided in this section, the practice was not motivated by a discriminatory intent but the practice actually or predictably results in a ~~[disparate impact]~~ discriminatory effect on a group of persons or creates, increases, reinforces or perpetuates segregated housing patterns because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex.

2. There is no liability for a discriminatory housing practice pursuant to paragraph (b) of subsection 1 if, based on evidence that is not hypothetical or speculative:

(a) The practice is necessary to achieve one or more substantial, legitimate and nondiscriminatory interests of the respondent; and

(b) The interests of the respondent described in paragraph (a) could not be served by another practice that has a less discriminatory effect.

3. For purposes of paragraph (b) of subsection 1, the complainant must establish that a challenged practice caused or predictably will cause a ~~[disparate impact.]~~ discriminatory effect. If the complainant meets such burden of proof, the respondent has the burden of proving that the

challenged practice is necessary to achieve one or more substantial, legitimate and nondiscriminatory interests of the respondent. If the respondent meets his or her burden of proof, the complainant may still prevail upon proving that the substantial, legitimate and nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect.

4. As used in this section:

(a) "Complainant" means a person by whom, or on whose behalf:

(1) A complaint is filed with the Commission pursuant to NRS 118.110; or

(2) An action is commenced pursuant to NRS 118.120.

(b) "Respondent" means a person against whom:

(1) A complaint is filed with the Commission pursuant to NRS 118.110; or

(2) An action is commenced pursuant to NRS 118.120.

Sec. 2. NRS 118.010 is hereby amended to read as follows:

118.010 The provisions of NRS 118.010 to 118.120, inclusive, ***and section 1 of this act*** may be cited as the Nevada Fair Housing Law.

Sec. 3. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblymember Miller moved the adoption of the amendment.

Remarks by Assemblymember Miller.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 484.

Bill read second time and ordered to third reading.

Assembly Bill No. 490.

Bill read second time and ordered to third reading.

Assembly Bill No. 500.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 124.

SENATOR KRASNER

JOINT SPONSORS: ASSEMBLYMEMBERS CONSIDINE, DELONG, D'SILVA, EDGEWORTH, FLANAGAN, JACKSON, KARRIS, KASAMA AND NGUYEN

AN ACT relating to days of observance; designating January 27 of each year as "International Holocaust Remembrance Day" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain days, weeks and months of observance are recognized in this State. (NRS 236.018-236.095) This bill designates January 27 of each year as "International Holocaust Remembrance Day" in the State of Nevada and requires the Governor to issue annually a proclamation encouraging the observance of this day.

WHEREAS, The Holocaust was the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jewish persons and 5,000,000 other persons by the Nazi regime and its collaborators between 1933 and 1945; and

WHEREAS, Other horrific genocides have occurred throughout history in places such as Armenia, Cambodia, Darfur, Guatemala and Rwanda; and

WHEREAS, In 2005, the United Nations General Assembly designated January 27, which is the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day to commemorate the victims of the Holocaust and to promote education about the Holocaust throughout the world; and

WHEREAS, A survey released in 2024 by the Governor's Advisory Council on Education Relating to the Holocaust revealed a significant lack of knowledge about the Holocaust and other genocides among Nevadans, particularly the younger generation; and

WHEREAS, Assembly Bill No. 231 was enacted during the 81st (2021) Session of the Nevada Legislature to direct efforts to improve the curricula of courses provided to pupils in Nevada about the Holocaust and other genocides as well as to increase the classroom resources and professional development courses available to educators on genocide education; and

WHEREAS, The annual observance of International Holocaust Remembrance Day in Nevada will preserve the memory of the victims of the Holocaust and other genocides and promote public knowledge of these atrocities as well as serve as a reminder for continued vigilance against hatred, persecution and tyranny to prevent their reoccurrence; now, therefore,

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. January 27 of each year is designated as "International Holocaust Remembrance Day" in the State of Nevada.

2. The Governor shall issue annually a proclamation encouraging the observance of "International Holocaust Remembrance Day." The proclamation must, without limitation, call upon the news media, state and local officers, public schools and other public and private entities to bring to the attention of the people in the State of Nevada information about the Holocaust and other genocides throughout history and the importance of remembering the victims of the Holocaust and other genocides.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 31, 34, 102, 145, 160, 165, 191, 212, 218, 234, 284, 285, 287, 308, 336, 338, 472, and 500 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 89, 346, 490 be taken from their place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 97, 348, 365, 498, and 510 be taken from their place on the General File and placed at the top of the General File.

Motion carried.

Assembly in recess at 1:10 p.m.

ASSEMBLY IN SESSION

At 1:12 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill No. 97 requires each agency of criminal justice and any other agency dealing with crime to submit the information required by the Central Repository for Nevada Records of Criminal History using the National Incident-Based Reporting System.

Roll call on Assembly Bill No. 97:

YEAS—42.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill No. 348 requires the Interim Retirement and Benefits Committee to review the operation of and make recommendations regarding the Legislators' Retirement System and provides for the terms of members, appointment of alternates, and filling of vacancies for the Committee. The bill also eliminates the requirement for the Fiscal Analysis Division of the Legislative Counsel Bureau to perform and report the results of budget stress tests in even-numbered years and to the extent of available resources. Finally, Assembly Bill No. 348 abolishes the Legislative Bureau of Educational Accountability and Program Evaluation within the Fiscal Analysis Division.

Roll call on Assembly Bill No. 348:

YEAS—42.

NAYS—None.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

Assembly Bill No. 365 repeals the requirement for the University of Nevada, Reno, School of Medicine to establish a program for the evaluation and research of medical cannabis.

Roll call on Assembly Bill No. 365:

YEAS—42.

NAYS—None.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill No. 498 removes the requirement for a motor club to provide to its members certain information concerning its usual place of business in this state. In addition, the measure authorizes an individual who is not a resident of this state to be licensed as a club agent if the state in which the individual resides does not require a license to act as a club agent.

Roll call on Assembly Bill No. 498:

YEAS—42.

NAYS—None.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblymember Yurek.

ASSEMBLYMEMBER YUREK:

Assembly Bill No. 510 requires the Nevada State Board of Accountancy to prescribe by regulation the requirements and standards for education and work experience for the issuance of a certificate of certified public accountant. An applicant for a certificate is subject to the education requirements that were in effect on the date the applicant passed all sections of the examination prescribed in the Board's regulations. The measure eliminates the authority of the Board to establish a fee for the evaluation of the experience of a candidate for a certificate. Finally, it removes the requirement that the Board establish a fee for registering a fictitious name with the Board, instead authorizing the Board to do so by regulation.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 26, 82, 83, 98, 110, 125, 132, 140, 144, 164, 174, 185, 193, 196, 235, 236, 237, 248, 258, 262, 277, 278, 347, 361, 430, and 466 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

Assemblymember Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:21 p.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Dalia and Cole as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Mark Amodei.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:00 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymember Gray, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Krasner and Assemblymember Hafen to wait upon United States Representative Mark Amodei and escort him to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Mark Amodei, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted Representative Amodei to the rostrum.

The Speaker of the Assembly welcomed Representative Amodei and invited him to deliver his message.

Representative Amodei delivered his speech as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Thanks Mr. Speaker, [Madam] President pro Tem[pore], Lieutenant Governor, thank you Court Members. Thank you all for carrying on this tradition. It is no secret that when I was sitting where you are, I would always take that seat over there because when everybody was looking at the person walking in, I would go out that door and go do something that I thought was more important than listening to the federal delegation people. It was Democrats and Republicans, so it was not a partisan thing, [it was] very bipartisan. I am sure it will be a great speech and everybody will have a good time. Which is why I have tried, when I am now on the other end of that, to be respectful of your time and concentrate on working on issues together that are ones that concern us all. So, I will make no secret of it—tonight, I am looking to break my previous record in the length of this little chat that we have. If there is anybody that is upset with hearing that, would you please raise your hand, now. The record should reflect that no hands were in the air.

I just want to say this, things continue to evolve the way that they evolve. Information flows in the way it flows, from the sources that it flows. Everybody is having a good time with their talking

points, with their messaging, with their accusations, with their whatever. I can assure you that as we go into the next 60 days, which is that reconciliation process where you actually write the bills that actually fund those issues that people are concerned about, I will take that very seriously as an advocate for Nevada. While we will always be able to find time for who is a great democrat, and who is a great republican, and all that other sort of stuff, I am not here to tell you that that is going to change or we ought to do better and all that other sort of stuff. I will tell you this, we have taken a deep dive into what is about 30 percent of the state's budget and that is that thing called Medicaid—maybe some of you have heard about it. Maybe you guys are having some meetings about funding, and those folks on Ways and Means and Senate Finance—who I used to refer to as the money geeks when I was here—I can tell you that you have got a great public servant in Stacie Weeks [Nevada Medicaid Administrator]. I do not know who found her and God knows I am not a personnel—that is what we used to call HR [Human Resources] in the old days—I am not a personnel whiz-bang, but whatever you folks are paying her and whoever picked her, nice job. You have a very good expert handling that stuff for you. So, I can tell you some things right now that are off the table; nobody is going to touch the traditional Medicaid population. I do not care what your news source is, I can tell you we have been talking with the chairman of the committee in the House that is looking for ways to come up with that [$]880 billion.

Let me give you another interesting fact, that if every other state spent at the level of Nevada, you would have your $880 billion right away. Why am I telling you that? I am telling you that because before we let anybody come to our doorstep—we will do our part—but before they come to our doorstep, you better go—as you folks all know—if you are looking to cut, you have got to where the money is. So, why do you not go to those states that are spending a heck of a lot more in their programs than we are in ours before you ask Nevadans to sacrifice? Interesting concept. We are excited about how it is gone so far. We know that about 30 percent of the budget is in that. So, we will be in frequent contact with you and any of your offices here that want to be in that frequent contact. We are obviously in frequent contact with the Executive Branch. I am looking forward to coming out on that in a fully transparent way and saying, "Here is how that dog is going to hunt," if you will, for those of you shotgunners in the crowd. There are other issues where something was cut, something was paused, something was delayed. If you do not know what is going on with something, if you do not call us and say, here is the grant, here is the program, here is where it was supposed to go, then all I am going to say is, I wish you would. Part of our job, what you pay us for, is to run those down. If they have made a mistake, and there have been mistakes made, it is our job to unmistake that and be as supportive of what is going on here in our hometowns and our home areas, as possible. So, I look forward to working with anybody and everybody that has one of those issues. We happen to be in a unique position where when you call somebody up whether they are in government formally or out—and by the way, just one real quick thing, I am getting close to the end. So, do not worry.

You know, down the street we have a gaming establishment that has been around for a long time. It is called the [Carson City] Nugget. You have a Nugget in Las Vegas [Golden Nugget Las Vegas Hotel and Casino], there are Nuggets all over. There is a Nugget in Sparks [Nugget Casino Resort]. No offense to you of French lineage in the crowd, but we call it the Nugget. We do not call it the *nu-gé*. See where I am going here? I am a product of public education in Nevada. I know that the school districts do not like me saying that, but I had a class called Phonics, a million years ago. It is doggy—DOGE [Department of Government Efficiency], doggy, not *dōge* or the *nu-gé* or whatever. You say it however you like, I am just telling you, us old people that are a product of phonics, are calling it doggy. They have made some mistakes and where they do, it is our job to say, if you are trying to get rid of this or that, that is fine, but you missed on this. We have had success with that. We do it in a mature manner. We do not go punch somebody in the nose and then tell them we want to, basically, beat God into them or something like that. Nonetheless, if you have got an example, anything from A to Z, let us know and we will take it on and report back to you.

With that, what is the unofficial time stamp? This may be a new record. Listen, thank you all very much. Good luck. Thank you for being involved in public service, and we look forward to working with you. Welcome to spring in western Nevada. I yield back, Mr. Speaker.

Assemblymember Hansen moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Amodei for his timely, able, and constructive message.

Seconded by Senator Titus.

Motion carried.

The Committee on Escort escorted United States Representative Mark Amodei to the bar of the Assembly.

Senator Steinbeck moved that the Joint Session be dissolved.

Seconded by Assemblymember Brown-May.

Motion carried.

Joint Session dissolved at 5:15 p.m.

ASSEMBLY IN SESSION

At 5:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Assemblymember Yeager.
For: Assembly Bill No. 381.
To Waive:

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

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

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

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

Has been granted effective: Monday, April 14, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Douglas Collins.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Nielson, Daniel Spogen, Samantha Schneider, and Sneh Sonaiya.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Virag Patel.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Chelsea Freedman and Dr. Fred Frick.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Barb Hawn.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Sandra Koch and Dr. Wayne Hardwick.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Phra Sompong Thonglang, Phra Wittaya Promping, and Phrabaidika Patthapon Khunset.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Joseph Brandl, Elizabeth Grimm, and Monica Brandl.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Ryan Hafen.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Beau Hamilton, Dr. Donna Juell, and Maurice Washington.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Florence Jameson.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Ellia Ciammaichella and Kayle Stephens.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Michael Lee and Dr. Jeffrey Roth.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Seifzad.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Lali Sekhon.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Massey.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Yousif, and Lisa Gollard.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Chandler.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Koka.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Tim McFarren and Jerred Delatorre.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Dispenziere, Josef Heller, and Trenten Fenster.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Wilson and Robert Pantoja.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Chontida Williams and Sasithron Weninger.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, April 15, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:16 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 15, 2025

Assembly called to order at 11:52 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Craig Swope.

Father, every day we see the faces on the walls of faithful stewards of the people's trust. May we continue to take note and reflect on the qualities that made them memorable. Grow in us the heart of service while following in the steps of those who lifted others. We ask this in Your Son's name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 12:03 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 93, 215, 241, 270, 305, 340, 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 41, 128, 242, 418, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. *Speaker:*

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 20, 409, 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was rereferred Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 176, 220, 266, 339, 378, 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. *Speaker:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. *Speaker:*

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 80, 363, 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. *Speaker:*

Your Committee on Revenue, to which was referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Joint Resolution No. 8 be taken from the Chief Clerk's Desk and be placed at the bottom of the Resolution File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 346 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 188 be withdrawn from the Committee on Ways and Means and be rereferred to the Committee on Government Affairs.

Motion carried.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:

Assembly Joint Resolution No. 7 proposes to amend the Nevada Constitution to reserve a Citizens' Commission on compensation for certain elected officers, the power to establish salaries

and benefits for certain elected officers, remove the limits on the number of days a legislator may receive compensation during a session, and repeal the authority of the Legislature to provide by law under certain circumstances for increasing or diminishing the salaries or compensation of constitutional officers; if approved, an identical form, by the 2027 Legislature. This proposal would be submitted to the voters for final approval or disapproval.

Roll call on Assembly Joint Resolution No. 7:

YEAS—39.

NAYS—DeLong, Gray, Hansen—3.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

Assembly Joint Resolution No. 11 urges the United States Congress to enact the Richard L. Trumka Protecting the Right to Organize Act of 2025, to increase protections relating to the rights of employees to collectively bargain.

Roll call on Assembly Joint Resolution No. 11:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14

Resolution read.

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

Amendment No. 378.

ASSEMBLYMEMBERS YEAGER, MONROE-MORENO, MILLER, JAUREGUI, BACKUS; ANDERSON, BROWN-MAY, CARTER, CONSIDINE, DALIA, D'SILVA, FLANAGAN, GONZÁLEZ, GOULDING, HUNT, JACKSON, KARRIS, LA RUE HATCH, MARZOLA, MOORE, MOSCA, NADEEM, NGUYEN, **ORENTLICHER,** ROTH, TORRES-FOSSETT AND WATTS

JOINT SPONSORS: SENATORS SCHEIBLE; CANNIZZARO, DONDERO LOOP, NGUYEN AND OHRENSCHALL

WHEREAS, On January 6, 2021, a mob violently overpowered the U.S. Capitol Police and breached the U.S. Capitol, disrupting the peaceful transfer of power; and

WHEREAS, This insurrection was not only an attack on the U.S. Capitol, but on the rule of law, the values of American democracy and the U.S. Constitution, which are the very foundations of the American Republic; and

WHEREAS, The U.S. Capitol Police, alongside other law enforcement agencies, demonstrated heroism and unwavering courage, professionalism and commitment to their duties while protecting members of Congress and others within the U.S. Capitol during the attack, which resulted in traumatic injuries to at least 140 law enforcement officers in the line of duty; and

WHEREAS, President Donald Trump's granting of pardons and commutations on January 20, 2025, to the roughly 1,500 criminals involved in the attack is an act of betrayal not only to the law enforcement officers who risked their lives on January 6, 2021, but to all U.S. citizens; and

WHEREAS, Among those criminals was one who assaulted D.C. Metropolitan Police Department Officer Noah Rathbun with a flagpole, another who repeatedly pressed a stun gun into the neck of D.C. Metropolitan Police Department Officer Michael Fanone and another who sprayed multiple law enforcement officers with bear spray; and

WHEREAS, The International Association of Chiefs of Police and the Fraternal Order of Police jointly condemned these presidential pardons and commutations, emphasizing that crimes against law enforcement officers are attacks on society and undermine the rule of law and that failure to hold perpetrators of violent crimes against law enforcement officers accountable may embolden others to commit similar acts of violence; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 83rd session of the Nevada Legislature condemn the attack on the U.S. Capitol on January 6, 2021, including the assault on law enforcement officers, and denounce the use of presidential pardons and commutations to absolve the participants in the riot; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives and the members of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

Assembly Joint Resolution No. 8.

Resolution read second time.

The following amendment was proposed by Assemblymember Dalia:

Amendment No. 149.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3B, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3B. 1. The Legislature shall, to the extent money is available, provide by law for the establishment of a business court consisting of three judges or such greater number as the Legislature may provide by law ~~[.]~~ pursuant to subsection 9.

2. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the business court shall have exclusive original jurisdiction to hear disputes involving shareholder rights, mergers and acquisitions, fiduciary duties, receiverships involving business entities and other commercial or contractual disputes between business entities and any other business disputes of a similar nature in which equitable or declaratory relief is sought. Upon receipt of a petition, the chief judge of the business court may, in his or her reasonable discretion, order the transfer of a dispute presented to the business court to the appropriate district court if the chief judge finds that the dispute would be more appropriately adjudicated in the district court.

3. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the Legislature shall:

(a) Establish by law a Special Nominating Commission for the selection of nominees for the office of business court judge and prescribe by law the composition of the Commission in accordance with subsection 5;

(b) Prescribe by law the procedures governing the nomination process of the Special Nominating Commission;

(c) Provide for the appointment of:

(1) Business court judges by the Governor in accordance with subsection 4; and

(2) A chief judge of the business court by the Chief Justice of the Supreme Court;

~~[(b)]~~ (d) Prescribe by law the powers, duties and responsibilities of business court judges in accordance with subsection ~~[5;]~~ 6; and

~~[(c)]~~ (e) Fix by law the:

(1) Terms of office of business court judges in accordance with subsection ~~[6;]~~ 7; and

(2) Term of a chief judge of the business court in accordance with subsection ~~[7.]~~ 8.

4. The judges of the business court must be appointed by the Governor from among three nominees selected for each individual seat by the ~~[permanent]~~ Special Nominating Commission ~~[on Judicial Selection described in]~~ established pursuant to paragraph (a) of subsection 3 . ~~[of Section 20 of this Article.]~~ A nominee selected by the Commission must, as determined in the reasonable discretion of the Commission, have substantial experience as a practitioner or judge in one or more areas of law within the jurisdiction of the business court.

5. The Special Nominating Commission must be composed of:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Chief Justice of the Supreme Court of Nevada;

(d) The Chief Judges of the two most populous judicial districts;

(e) A district judge from a judicial district other than the two most populous judicial districts; and

(f) Such additional members as the Legislature may prescribe by law.

6. A business court judge must, for matters within the jurisdiction of the business court, have the same powers and duties and be subject to the same limitations and restrictions that are applicable to a district judge.

~~[6.]~~ 7. Except for the business court judges initially appointed, the term of office of each business court judge must be 6 years. ~~[No person so appointed may serve more than 2 consecutive terms.]~~ Each business court judge who desires to succeed himself or herself must, on or before July 1 next preceding the expiration of his or her term of office, declare his or her candidacy in the manner provided by law. With respect to each business court judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that business court judge shall succeed himself or herself. If 55 percent or more of the votes cast on the question are in favor of the business court judge succeeding himself or herself, the business court judge shall succeed himself or herself. The term of office of each business court judge who succeeds himself or herself is 6 years, and that term begins on the first Monday of January next following the general election at which the business court judge was chosen to succeed himself or herself. If a judge does not declare his or her candidacy or if less than 55 percent of the votes cast on the question are cast in favor of the business court judge succeeding himself or herself, a vacancy is created at the expiration of his or her term which must be filled by appointment pursuant to subsection 4.

~~[7.]~~ 8. Except for the initial chief judge of the business court, the chief judge serves a term of 6 years. The chief judge may:

(a) Succeed himself or herself.

(b) Resign the position of chief judge without resigning from the business court.

9. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the Legislature may, as the caseload of the business court may require and to the extent that money is available therefor, provide by law for an increase or decrease in the number of business court judges or divisions of the business court as may be necessary for the proper and timely administration of the business court docket.

10. The Supreme Court has exclusive appellate jurisdiction in all cases arising in a business court.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. ***1.*** The judicial power of this State is vested in a court system, comprising a Supreme Court, a court of appeals, ***a business court, if the***

Legislature establishes such a court pursuant to Section 3B of this Article, district courts and justices of the peace.

2. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

~~[And be it further~~

RESOLVED, ~~That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:~~

~~"Sec. 4. 1. The Supreme Court and the court of appeals have appellate jurisdiction in all civil cases arising in district courts, *or business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,* and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals. The Supreme Court and the court of appeals have power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus and also all writs necessary or proper to the complete exercise of their jurisdiction. Each justice of the Supreme Court and judge of the court of appeals may issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody in this State and may make such writs returnable before the issuing justice or judge or the court of which the justice or judge is a member, or before any district court in the State or any judge of a district court.~~

~~2. In case of the disability or disqualification, for any cause, of a justice of the Supreme Court, the Governor may designate a judge of the court of appeals or a district judge to sit in the place of the disqualified or disabled justice. The judge designated by the Governor is entitled to receive his actual expense of travel and otherwise while sitting in the Supreme Court.~~

~~3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.~~~~]~~

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, the court of appeals ***, the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district courts must be as fixed by law. The terms of the Supreme Court must be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. The terms of the court of appeals ***and the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** must be held at the place provided by law. The

terms of the district courts must be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases, in which appeals may be taken from justices and other courts. The Supreme Court, the court of appeals, ***the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** the district courts and such other courts as the Legislature designates are courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court, the judges of the court of appeals ***, the business court judges, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district judges are ineligible to any office, other than a judicial office, during the term for which they have been elected or appointed. All elections or appointments of any such judges by the people, Legislature or otherwise during said period to any office other than judicial are void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals, ***the business court judges, if the Legislature establishes a business court pursuant to Section 3B of this Article,*** and the district judges are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which must not be increased or diminished during the term for which they have been elected ~~[,]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent is entitled to receive only such salary as may be provided by law at the time of his election or appointment. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***,*** ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection ~~[.]~~ ***or the Special Nominating Commission, as applicable.***

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term of office of any justice or judge so appointed expires on the first Monday of January following the next general election. ***Any business court judge who is appointed to fill a vacancy before the end of a term shall serve the remainder of the unexpired term.***

3. Each nomination for the Supreme Court ~~*[,]*~~ or the court of appeals ~~*[or the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,]*~~ must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➥ No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a judge of the court of appeals, ***a business court judge, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter must be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding. ***If a proceeding is brought against a business court judge, if the Legislature establishes such a court pursuant to section 3B of this Article, no judge of the business court may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the

consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec. 3. For any reasonable cause to be entered on the journals of each House, which may or may not be sufficient grounds for impeachment, the justices of the Supreme Court, the judges of the court of appeals ***, the judges of the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** and the judges of the district courts must be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. The justice or judge complained of must be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel in his defense. No member of either branch of the Legislature is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature and such decisions of the Supreme Court ***,*** ~~[and]~~ the court of appeals ***and the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** as it may deem expedient. All laws and judicial decisions must be free for publication by any person. No judgment of the Supreme Court ***,*** ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** shall take effect and be operative until the opinion of the court in such case is filed with the clerk of said court.

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Dalia moved the adoption of the amendment.

Remarks by Assemblymember Dalia.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

NOTICE OF EXEMPTION

April 15, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 9.

SARAH COFFMAN
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 46.

Bill read second time and ordered to third reading.

Assembly Bill No. 60.

Bill read second time.

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

Amendment No. 19.

AN ACT relating to behavioral health; requiring the certification of a natural person who holds himself or herself out as a certified prevention specialist; prohibiting a minor from providing or supervising the provision of peer recovery support services **;** ~~[in most circumstances; authorizing certain minors to serve as peer recovery support specialist interns;]~~ authorizing the imposition of civil penalties for certain violations; prohibiting the employment or retention as an independent contractor of a natural person to serve as a certified prevention specialist in a position where the natural person has regular and substantial contact with minors if the natural person has been found to have engaged in certain conduct; requiring a certified prevention specialist to report certain information; requiring a substance use disorder prevention coalition to employ or enter into contracts with certified prevention specialists for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law requires an adult to be certified as a peer recovery support specialist or peer recovery support specialist supervisor by the Nevada Certification Board or, if that Board ceases issuing such certificates, the Division of Public and Behavioral Health of the Department of Health and Human Services, in order to provide peer recovery support services or supervise the provision of such services, as applicable, for compensation as a regular part of his or her job duties. However, existing law authorizes an adult who is not a peer recovery support specialist to provide peer recovery support services as a regular part of his or her job duties while serving as a peer recovery support specialist intern if the Nevada Certification Board or the Division, as applicable, has established conditions authorizing such internships. (NRS 433.631) **Section 7** of this bill additionally ~~[imposes a~~

~~general prohibition on~~] **prohibits** a minor **from** providing or supervising the provision of peer recovery support services for compensation as a regular part of his or her job duties. ~~[However, section 7 authorizes a minor who is at least 16 years of age to provide such services for compensation as a regular part of his or her job duties while serving as a peer recovery support specialist intern if the Nevada Certification Board or the Division, as applicable, has established conditions authorizing such internships.]~~ **Sections 7 , 8 and 13** of this bill authorize the Division to impose a civil penalty or bring an action for an injunction against a minor who: (1) provides peer recovery support services~~; [and is not a peer recovery support specialist intern;]~~ or (2) supervises the provision of peer recovery support services. **Sections 4-6, 14 and 15** of this bill make various conforming changes to: (1) reflect that the provisions of law governing peer recovery support services apply to both adults and minors; and (2) clarify that those provisions of law apply only to natural persons. **Section 25** of this bill repeals a definition that is no longer used, and **section 2** of this bill eliminates a reference to that definition.

Sections 3, 7 and 8 of this bill prohibit a natural person from holding himself or herself out as a certified prevention specialist unless he or she is certified as such by the Nevada Certification Board or, if that Board ceases to certify certified prevention specialists, peer recovery support specialists or peer recovery support specialist supervisors, the Division. **Section 1** of this bill defines "certified prevention specialist" to mean a natural person who: (1) holds such certification; and (2) **supervises, reviews and** implements evidence-based programs **, policies, practices** and other ~~[evidence-based]~~ **culturally relevant** interventions in schools or communities to prevent or reduce the harms caused by substance ~~[misuse,]~~ **use,** substance use disorder and other behavioral health disorders or address systemic barriers to wellness. **Section 2** of this bill makes conforming changes to indicate the applicability of that definition. **Sections 7 and 13** authorize the Division to impose a civil penalty or bring an action for an injunction against a natural person who holds himself or herself out as a certified prevention specialist without being certified as such. **Sections 9-12, 14-17 and 19-23** of this bill make various changes so that certified prevention specialists are treated similarly to peer recovery support specialists and peer recovery support specialist supervisors for purposes related to: (1) regulation, certification and background checks; (2) mandatory reporting of certain crimes and violations; and (3) exemption from the applicability of provisions of law governing certain other professions that provide behavioral health services.

Existing law: (1) provides for the certification of substance use disorder prevention coalitions; (2) requires a certified substance use disorder prevention coalition to perform certain duties relating to the prevention of substance misuse and substance use disorder; and (3) requires the Division to collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State. (NRS 458.033)

Section 18 of this bill requires a substance use disorder prevention coalition to employ or enter into contracts with certified prevention specialists as necessary to perform the duties of the coalition.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified prevention specialist" means a natural person who:

1. ~~[Plans]~~ Supervises, reviews and implements evidence-based programs, policies, practices and other ~~[evidence-based]~~ culturally relevant interventions in schools or communities to:

(a) Prevent substance ~~[misuse,]~~ use, early-onset substance use, substance use disorder and other behavioral health disorders;

(b) Reduce the harms caused by substance ~~[misuse,]~~ use, substance use disorder and other behavioral health disorders; or

(c) Address systemic barriers to wellness for the purposes of improving public health and reducing the frequency of substance misuse, substance use disorder and other behavioral health disorders; and

2. Is authorized under the provisions of NRS 433.631 to hold himself or herself out as a certified prevention specialist.

Sec. 2. NRS 433.622 is hereby amended to read as follows:

433.622 As used in NRS 433.622 to 433.641, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[433.623]~~ ***433.624*** to 433.629, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.625 is hereby amended to read as follows:

433.625 "Certificate" means a certificate issued by the Division that authorizes the holder to ***hold himself or herself out as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services, as applicable.

Sec. 4. NRS 433.627 is hereby amended to read as follows:

433.627 "Peer recovery support specialist" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to provide peer recovery support services for compensation as a regular part of his or her job duties. The term does not include a peer recovery support specialist intern.

Sec. 5. NRS 433.628 is hereby amended to read as follows:

433.628 "Peer recovery support specialist intern" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to provide peer recovery support services for compensation as a regular part of his or her job duties while the ~~[adult]~~ ***natural person*** is acquiring the experience necessary for certification as a peer recovery support specialist.

Sec. 6. NRS 433.629 is hereby amended to read as follows:

433.629 "Peer recovery support specialist supervisor" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to

supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties.

Sec. 7. NRS 433.631 is hereby amended to read as follows:

433.631 1. Except as authorized by subsection 2, ~~[an adult]~~ ***a natural person*** shall not:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist issued by the Nevada Certification Board or its successor organization.

(b) Supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization.

(c) Hold himself or herself out as a certified prevention specialist unless he or she:

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a certified prevention specialist issued by the Nevada Certification Board or its successor organization.

2. If the Nevada Certification Board or its successor organization establishes conditions governing the provision of peer recovery support services by a ***natural*** person who is not certified as a peer recovery support specialist while the ***natural*** person is acquiring the experience necessary for certification as a peer recovery support specialist, ~~[an adult]~~ ***a natural person*** who is ***at least ~~[16]~~ 18 years of age and is*** not certified as a peer recovery support specialist may:

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

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

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

Sec. 8. NRS 433.631 is hereby amended to read as follows:

433.631 1. Except as authorized by subsection 2, ~~[an adult]~~ ***a natural person*** shall not:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist issued by the Division.

(b) Supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist supervisor issued by the Division.

(c) Hold himself or herself out as a certified prevention specialist unless he or she:

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a certified prevention specialist issued by the Division.

2. The Division may adopt regulations establishing conditions under which ~~[an adult]~~ ***a natural person*** who is ***at least ~~[16]~~ 18 years of age and is*** not certified as a peer recovery support specialist may:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties while acquiring the experience necessary for certification; and

(b) Use the title of "peer recovery support specialist intern."

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

Sec. 9. NRS 433.632 is hereby amended to read as follows:

433.632 1. The Board shall adopt regulations governing ***the practice of certified prevention specialists and*** the provision of peer recovery support services. The regulations must prescribe:

(a) The requirements for the issuance and renewal of a certificate as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, which must include, without limitation, required training and experience for ***certified prevention specialists,*** peer recovery support specialists and peer recovery support specialist supervisors.

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

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

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

2. The Board may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

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

4. The regulations adopted pursuant to this section may establish exemptions from the provisions of NRS 433.631.

Sec. 10. NRS 433.635 is hereby amended to read as follows:

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

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

(c) The fee prescribed by the Board in the regulations adopted pursuant to NRS 433.632; and

(d) Any other information required by the Division.

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

Sec. 11. NRS 433.636 is hereby amended to read as follows:

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

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

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

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

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

(1) Satisfies the requirements of subsection 1;

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

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

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

(c) The fee prescribed by the Board in the regulations adopted pursuant to NRS 433.632; and

(d) Any other information required by the Division.

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

4. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Division may grant a provisional certificate authorizing an applicant to ***hold himself or herself out as a certified prevention specialist or*** practice as a peer recovery support

specialist or peer recovery support specialist supervisor, as applicable, in accordance with regulations adopted by the Board.

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

Sec. 12. NRS 433.637 is hereby amended to read as follows:

433.637 1. In addition to any other requirements set forth in NRS 433.622 to 433.641, inclusive, an applicant for the renewal of a certificate as a ***certified prevention specialist,*** recovery support specialist or recovery support specialist supervisor must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 13. NRS 433.638 is hereby amended to read as follows:

433.638 1. The Division may bring an action in the name of the State of Nevada to enjoin any ~~[adult]~~ ***natural person*** from engaging in conduct that violates the provisions of NRS 433.631.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, engage in conduct for which a certificate is required by NRS 433.631 without a valid certificate.

Sec. 14. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a ***natural*** person to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services in a position where the ***natural*** person has regular and substantial contact with minors or retaining a ***natural*** person as an independent contractor to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the

Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against the ***natural*** person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against him or her may continue to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services ***, as applicable,*** and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a ***natural*** person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

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

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

Sec. 15. NRS 433.641 is hereby amended to read as follows:

433.641 1. A person or entity that employs a ***natural*** person or retains an independent contractor for the purpose of ***serving as a certified prevention specialist or*** providing or supervising the provision of peer recovery support services in a position where the ***natural*** person has regular and substantial contact with minors shall maintain records of the information concerning such employees and independent contractors that is collected pursuant to NRS 433.639, including, without limitation, the written authorization for the release of information from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

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

(a) Maintained for the period that the employee or independent contractor has regular and substantial contact with minors; and

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

Sec. 16. NRS 200.5093 is hereby amended to read as follows:

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

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

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

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

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

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

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

(a) Every physician, dentist, dental hygienist, expanded function dental assistant, chiropractic physician, naprapath, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, ***certified prevention specialist, as defined in section 1 of this act,*** peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

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

(c) A coroner.

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

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

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

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

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

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

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

(k) Every social worker.

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

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

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

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

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

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

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

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

Sec. 17. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

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

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

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

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

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 634B, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641,

641A, 641B, 641C, 641D or 653 of NRS or practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

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

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

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

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

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

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

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

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A ***certified prevention specialist, as defined in section 1 of this act,*** peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

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

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law

enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

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

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

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

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

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

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

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

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

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

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

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

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

10. The provisions of subsection 8 do not apply to the employer of a person practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

11. As used in this section:

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

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

Sec. 18. NRS 458.033 is hereby amended to read as follows:

458.033 1. The State Board of Health shall adopt regulations:

(a) Providing for the certification of substance use disorder prevention coalitions; and

(b) Establishing requirements governing the membership of and geographic region served by substance use disorder prevention coalitions. The regulations adopted pursuant to this paragraph must align with nationally recognized standards for substance use disorder prevention coalitions and must provide that a geographic region may be served by more than one substance use disorder prevention coalition.

2. A certified substance use disorder prevention coalition shall:

(a) Advise the Department of Health and Human Services and the Division concerning:

(1) The needs of adults and children in the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders in the geographic region;

(2) Any progress, problems or plans relating to the provision of services for the prevention of substance misuse and substance use disorders and methods for improving the provision of such services in the geographic region served by the coalition;

(3) Identified gaps in services for the prevention of substance misuse and substance use disorders and recommendations for addressing those gaps; and

(4) Priorities for allocating resources to support and develop services for the prevention of substance misuse and substance use disorders in the geographic region served by the coalition.

(b) Convene interested persons and entities to promote the use of evidence-based strategies to address needs concerning services for the prevention of substance misuse and substance use disorders and improve such services in the geographic region served by the coalition.

(c) Coordinate and share information with other certified substance use disorder prevention coalitions to provide recommendations to the Department of Health and Human Services and the Division concerning services for the prevention of substance misuse and substance use disorders.

(d) Implement, in coordination with the Department of Health and Human Services, the Division, other certified substance use disorder prevention coalitions and other interested persons and entities, statewide efforts for the prevention of substance misuse and substance use disorders.

(e) Coordinate with persons and entities in this State who provide services related to the prevention of substance misuse and substance use disorders to increase the awareness of such services and reduce duplication of efforts.

(f) In consultation with other persons and entities in this State who provide services related to the prevention of substance use disorders, submit an annual

report to the regional behavioral health policy board for the geographic region served by the substance use disorder prevention coalition. The report must include, without limitation:

(1) Identification of the specific needs of the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders;

(2) A description of methods that the coalition uses to collect and analyze data concerning:

(I) Substance misuse and substance use disorders in the geographic region served by the coalition; and

(II) Gaps in services related to the prevention of substance misuse and substance use disorders and the need for additional services in that region;

(3) The strategies used by the coalition and the results of those strategies;

(4) The goals of the coalition for the immediately preceding year and the degree to which the coalition achieved those goals; and

(5) The goals of the coalition for the immediately following year and the long-term goals of the coalition.

(g) Employ or enter into contracts with certified prevention specialists as necessary to perform or facilitate the activities described in paragraphs (a) to (f), inclusive.

3. The Division shall collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State.

4. As used in this section:

(a) "Behavioral health region" has the meaning ascribed to it in NRS 433.426.

(b) ***"Certified prevention specialist" has the meaning ascribed to it in section 1 of this act.***

(c) "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 19. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, expanded function dental assistant, naprapath, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, ***certified prevention specialist,*** peer recovery support specialist, peer recovery support specialist supervisor, music therapist,

holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

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

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

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

(g) Any employee of the Department of Health and Human Services.

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

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

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

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) ***"Certified prevention specialist" has the meaning ascribed to it in section 1 of this act.***

(c) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

~~[(c)]~~ ***(d)*** "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

~~[(d)]~~ ***(e)*** "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 20. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
8. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive ~~[,]~~ ***, and section 1 of this act.***
9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or
10. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 21. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[,]~~ ***, and section 1 of this act.***

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 22. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

6. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~.]~~ ***, and section 1 of this act.***

Sec. 23. Section 37 of chapter 444, Statutes of Nevada 2021, at page 2836, is hereby amended to read as follows:

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 18.5, 19, 20 and 32 of this act become effective on July 1, 2021.

3. Sections 1 to 3, inclusive, 5 to 8, inclusive, 15 to 17, inclusive, 20.3 to 31, inclusive, and 33 to 36, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

4. Sections 4, 9 to 14, inclusive, 18 and 31.5 of this act become effective on the date on which the Nevada Certification Board, or its successor organization, ceases certifying ***certified prevention specialists,*** peer recovery support specialists or peer recovery support specialist supervisors.

5. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 24. 1. ~~[Notwithstanding any provision of this act to the contrary, any natural person who is less than 18 years of age, will be at least 16 years of age on January 1, 2026, and provides peer recovery support services as a regular part of his or her job duties on or before July 1, 2025, may continue to do so under conditions other than those specified by the Nevada Certification Board or its successor organization as described in paragraph (a) of subsection 2 of NRS 433.631, as amended by section 7 of this act, until December 31, 2025. Such a natural person who remains less than 18 years of age must comply with those conditions on or after January 1, 2026.~~

~~2.]~~ Notwithstanding any provision of this act to the contrary, a natural person who holds a valid certification as a certified prevention specialist issued

by the Nevada Certification Board or its successor organization on the date on which that organization ceases certifying certified prevention specialists may hold himself or herself out as a certified prevention specialist without being certified by the Division of Public and Behavioral Health of the Department of Health and Human Services until 6 months after the date on which the Division begins certifying certified prevention specialists pursuant to the regulations adopted by the State Board of Health pursuant to NRS 433.632, as amended by section 9 of this act. To hold himself or herself out as a certified prevention specialist after that date, the natural person must obtain a certificate from the Division as required by NRS 433.631, as amended by section 8 of this act.

~~[3.]~~ **2.** As used in this section, "certified prevention specialist" has the meaning ascribed to it in section 1 of this act.

Sec. 25. NRS 433.623 is hereby repealed.

Sec. 26. 1. This section and sections 1, 2, 4 to 7, inclusive, and 13 to 25, inclusive, of this act become effective on July 1, 2025.

2. Sections 3 and 8 to 12, inclusive, of this act become effective on the date on which the Nevada Certification Board, or its successor organization, ceases certifying certified prevention specialists, peer recovery support specialists or peer recovery support specialist supervisors.

3. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

433.623 "Adult" defined. "Adult" means a natural person who is 18 years of age or older.

Assemblymember Brown-May moved the adoption of the amendment.
Remarks by Assemblymember Brown-May.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 106.
Bill read second time and ordered to third reading.

Assembly Bill No. 111.
Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 195.

AN ACT relating to counties; revising the process for appointing certain members to the county fair and recreation board of certain counties; requiring the members of the board to elect any member as Chair of the board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a county fair and recreation board in any county whose population is 100,000 or more and less than 700,000 (currently **only** Washoe County). The board must consist of nine members, including one member appointed by the board of county commissioners, one member appointed by the governing body of the largest incorporated city in the county (currently the City of Reno) and one member appointed by the governing body of the next largest incorporated city in the county (currently the City of Sparks). Those three members must appoint the remaining six members who represent certain interests and establishments from certain lists of nominees. If those three members find the nominees on a list of nominees unacceptable, the three members are required to request a new list of nominees. (NRS 244A.601) This bill instead requires the members of the board, including each member of the board, to **: (1) appoint the six members who represent certain interests and establishments; and (2)** request a new list of nominees.

Existing law further requires the members of the board to elect a Chair from among the three members appointed by the board of county commissioners and the governing bodies of the two largest incorporated cities in the county, respectively. (NRS 244A.601) This bill instead requires the members of the board to elect a Chair from among its members.

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

Section 1. NRS 244A.601 is hereby amended to read as follows:

244A.601 1. In any county whose population is 100,000 or more, and less than 700,000, the county fair and recreation board consists of nine members who are appointed as follows:

(a) One member by the board of county commissioners.

(b) One member by the governing body of the largest incorporated city in the county.

(c) One member by the governing body of the next largest incorporated city in the county.

(d) Except as otherwise provided in subsection 3, six members by the members ~~[appointed pursuant to paragraphs (a), (b) and (c).]~~ ***of the board.*** The members ~~[entitled]~~ ***appointed pursuant*** to ~~[vote shall select:]~~ ***this paragraph must include:***

(1) One member who is a representative of air service interests from a list of nominees submitted by the airport authority of the county. The nominees must not be elected officers.

(2) One member who is a representative of interests relating to tourism or other commercial interests or the resort hotel business from a list of nominees submitted by the chamber of commerce of the largest incorporated city in the county.

(3) One member who is a representative of other business or commercial interests, including gaming establishments, from a list of nominees submitted by a visitor's bureau, other than a county fair and recreation board or a bureau created by such a board, that is authorized by law to receive a portion of the tax on transient lodging, if any. If no such bureau exists in the county, the nominations must be made by the chamber of commerce of the third largest township in the county.

(4) Three members who are representatives of the association of gaming establishments whose membership collectively paid the most gross revenue fees to the State pursuant to NRS 463.370 in the county in the preceding year, from a list of nominees submitted by the association. If there is no such association, the three appointed members must be representative of gaming.

➥ If the members ~~[entitled to vote]~~ ***of the board*** find the nominees on a list of nominees submitted pursuant to this paragraph unacceptable, they shall request a new list of nominees.

2. The members of the board shall elect a Chair from among ~~[the]~~ ***its*** members **.** ~~[appointed pursuant to paragraphs (a), (b) and (c) of subsection 1.]~~

3. The terms of members appointed pursuant to paragraphs (a), (b) and (c) of subsection 1 are coterminous with their terms of office. The members appointed pursuant to paragraph (d) of subsection 1 must be appointed for 2-year terms. Any vacancy occurring on the board must be filled by the authority entitled to appoint the member whose position is vacant. Each member appointed pursuant to paragraph (d) of subsection 1 may succeed himself or herself only once.

4. If a member ceases to be engaged in the business or occupation which he or she was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. Any member appointed by the board of county commissioners or a governing body of a city must be a member of the appointing board or body.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 135.

Bill read second time and ordered to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 196.

ASSEMBLYMEMBERS LA RUE HATCH, ANDERSON, CARTER , ~~[AND]~~ MILLER **; AND HUNT**

AN ACT relating to public employees; revising the scope of the mandatory subjects of collective bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools; revising the requirement that a school district consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher and specialized instructional support personnel; revising provisions concerning the development of a plan to improve set ratios of pupils to specialized instructional support personnel in certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the mandatory subjects of bargaining that are subject to negotiation with a recognized employee organization for the purposes of a collective bargaining agreement. (NRS 288.150) **Section 1** of this bill revises the scope of mandatory subjects of bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools.

Existing law requires the board of trustees of each school district to consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher or specialized instructional support personnel in the school district. (NRS 388.890) **Section 2** of this bill creates an exception to this requirement for when a school district is bound to a ratio of pupils per licensed teacher or specialized instructional support personnel set by a collective bargaining agreement. **Section 3** of this bill makes conforming changes to a provision relating to the development of a plan to improve the set ratio of pupils to specialized instructional support personnel in certain school districts.

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

Section 1. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.

(v) ***The ratio of pupils per licensed teacher for each classroom.***

(w) The ratio of pupils per each type of specialized instructional support personnel.

(x) Procedures for reduction in workforce consistent with the provisions of this chapter.

~~[(w)]~~ ***(y)*** Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph ~~[(v)]~~ ***(x)*** of subsection 2.

(c) The right to determine:

(1) ~~[~~Appropriate~~]~~ ***Except as otherwise provided in paragraphs (v) and (w) of subsection 2, appropriate*** staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including, without limitation, workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including, without limitation, the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 2. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to 12, inclusive. ~~[The]~~ ***Unless a school district is bound to a ratio of pupils per licensed teacher or specialized instructional support personnel set by a collective bargaining agreement established pursuant to NRS 288.150, the*** board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) Be based on evidence-based national standards set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;

(d) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners;

(e) Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher; and

(f) Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

7. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Specialized instructional support personnel" includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

(1) A school counselor;

(2) A school psychologist;

(3) A school social worker;

(4) A school nurse;

(5) A speech-language pathologist;

(6) A school library media specialist; and

(7) Any other qualified professional.

Sec. 3. NRS 388.892 is hereby amended to read as follows:

388.892 1. The board of trustees of a school district in a county whose population is 100,000 or more shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio ~~[recommended]~~ ***:***

(a) Recommended by the State Board pursuant to NRS 388.890 ~~[.]~~ ***; or***

(b) Required by a collective bargaining agreement established pursuant to NRS 288.150, if applicable.

2. The plan ***developed pursuant to subsection 1*** must include, without limitation:

(a) Strategies to recruit and retain school counselors, school psychologists and school social workers and other specialized instructional support personnel; and

(b) Annual targets to meet the ratio of pupils to specialized instructional support personnel ~~[recommended]~~ ***:***

(1) Recommended by the State Board pursuant to NRS 388.890 ~~[.]~~ ***; or***

(2) Required by a collective bargaining agreement established pursuant to NRS 288.150, if applicable.

~~[2.]~~ ***3.*** On or before October 1 of each year, the board of trustees of a school district in a county whose population is 100,000 or more shall submit to the Department a report on the implementation of the plan developed pursuant to subsection 1 for the immediately preceding school year. The report must include, without limitation:

(a) The ratio of pupils to specialized instructional support personnel for the immediately preceding school year, disaggregated by type of specialized

instructional support personnel, and any progress made to meet the recommended ***or required*** ratio;

(b) An evaluation of the strategies to recruit and retain specialized instructional support personnel implemented pursuant to paragraph (a) of subsection ~~[1.]~~ ***2;*** and

(c) A strategy to be implemented over the next school year to meet the annual targets identified pursuant to paragraph (b) of subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***4.*** On or before February 1 of each year, the Department shall submit a compilation of the reports submitted to the Department pursuant to subsection ~~[2]~~ ***3*** to:

(a) The Governor;

(b) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;

(c) In even-numbered years, the Joint Interim Standing Committee on Education; and

(d) The State Board.

~~[4.]~~ ***5.*** The compilation prepared by the Department pursuant to subsection ~~[3]~~ ***4*** must allow the information included in the report to be disaggregated by school district. The Department shall post a copy of the compilation on its Internet website.

~~[5.]~~ ***6.*** As used in this section, "specialized instructional support personnel" has the meaning ascribed to it in NRS 388.890.

Sec. 4. The amendatory provisions of this act do not apply to a collective bargaining agreement entered into before ~~[October]~~ **July** 1, 2025.

Sec. 5. **This act becomes effective on July 1, 2025.**

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 162.

Bill read second time and ordered to third reading.

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 159.

AN ACT relating to education; prohibiting school districts, public schools and their employees from providing permission to access school district facilities to certain federal officials investigating or enforcing immigration laws; prohibiting school districts, public schools and their employees from providing information concerning pupils to certain federal, state or local officials investigating or enforcing immigration laws; ~~[prohibiting a school police officer or employee of certain school districts from using a chemical~~

~~agent or electronic stun device against pupils or minors in certain settings; requiring certain entities to prepare and submit a report to the board of trustees of a school district after such prohibited instruments are used; requiring the board of trustees of the school district to conduct an investigation and make certain determinations after receiving such a report;~~ providing ~~[penalties;]~~ **a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General to publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at certain public places, including public schools. (NRS 228.208) **Section 1** of this bill prohibits a school district, public school or any employee of a school district or public school, except pursuant to a lawful court order or warrant, from providing a United States Immigration and Customs Enforcement officer, or other federal official engaging in the investigation or enforcement of immigration laws: (1) permission to access the grounds, buildings or facilities of a school district or public school; or (2) the education records of or information about a pupil or the family or household of a pupil. **Section 1** additionally applies the prohibition on the provision of the education records of or information about a pupil or the family or household of a pupil to a state or local law enforcement officer engaged in the investigation or enforcement of immigration laws. **Section 1** ~~[makes]~~ **provides that** a violation of this prohibition **: (1) for the first violation, subjects the person who violated the provision to disciplinary action by the school district or public school that employs the person; and (2) for each subsequent violation, is** punishable as a misdemeanor.

~~[Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281) Section 2 of this bill makes it a misdemeanor for a school police officer or employee of a school district in a county whose population is 700,000 or more (currently only Clark County) to use a chemical agent or electronic stun device on a pupil or minor while: (1) on or in school grounds, property, buildings or any other school district facilities; (2) on or in the grounds, property, buildings or any other facilities in which a charter school is located, if the board of trustees of the school district has entered into a contract with the charter school for the provision of school police officers; or (3) at activities or events sponsored by the school district or charter school that are not located on school property. Section 2 additionally requires that, if a school police officer or employee of a school district uses or orders the use of a chemical agent or electronic stun device against a pupil or minor, the school in which he or she is assigned or the metropolitan police department or sheriff's office that is his or her employer, as applicable, must prepare and submit a report to the board of trustees of the school district in which the incident occurred. Section 2 further requires: (1) certain information~~

~~to be included in the report; (2) the board of trustees of the school district to conduct an independent investigation of the incident; (3) the board of trustees of the school district to determine whether the incident was justified; and (4) the board of trustees of the school district to determine whether to change certain policies and procedures of the school district or make recommendations for the adoption or modification of certain policies to the metropolitan police department or sheriff's department.]~~

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

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

1. A school district or public school, and any employee of a school district or public school, shall not grant a United States Immigration and Customs Enforcement officer, or other federal official engaging in the investigation or enforcement of immigration laws, permission to access the grounds, buildings or facilities of a school district or public school without a lawful order or warrant issued by a court of competent jurisdiction.

2. A school district or public school, and any employee of a school district or public school, shall not disclose or provide in writing, verbally or in any other manner, the education records of or any information about a pupil, or the family or household of a pupil, to a United States Immigration and Customs Enforcement officer or other federal official, or a state or local law enforcement officer, engaging in the investigation or enforcement of immigration laws, except pursuant to a lawful order or warrant issued by a court of competent jurisdiction.

3. Any person who knowingly and willfully violates the provisions of this section :

(a) For the first violation, is subject to disciplinary action by the school district or public school which employs the person.

(b) For each subsequent violation, is guilty of a misdemeanor.

4. As used in this section, "public school" includes, without limitation, a charter school or university school for profoundly gifted pupils.

Sec. 2. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. A school police officer or employee of a school district in a county whose population is 700,000 or more shall not use a chemical agent or electronic stun device against any pupil or minor while:***~~

~~***(a) On or in school grounds, property, buildings or any other school district facilities;***~~

~~***(b) If the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, on or in the grounds, property, buildings or any other facilities in which the charter school is located; or***~~

~~(c) At activities or events sponsored by the school district or charter school that are in a location other than the school grounds, property, buildings or facilities within the school district or charter school.~~

~~2. If a school police officer or employee of a school district in a county whose population is 700,000 or more uses or orders the use of a chemical agent or electronic stun device against a pupil or minor in a manner prohibited by subsection 1, the school in which he or she is assigned or, if the board of trustees of the school district has contracted with a metropolitan police department created pursuant to chapter 280 of NRS or with the sheriff of that county for the provision of school police officers, the metropolitan police department or sheriff's office that employs the school police officer must prepare and submit a report to the school district in which the incident occurred describing:~~

~~(a) Measures that the school police officer or employee of a school district took before the incident occurred to reduce the probability for disorder and disruption; and~~

~~(b) Actions taken before the incident occurred to de-escalate or stabilize the situation to avoid using a chemical agent or electronic stun device against a pupil or minor.~~

~~3. The board of trustees of a school district that receives a report prepared pursuant to subsection 2 shall:~~

~~(a) Review the report;~~

~~(b) Conduct an independent investigation of the incident; and~~

~~(c) Determine whether:~~

~~(1) The measures or actions described in the report were consistent with any policies or procedures of the school district regarding de-escalation or the use of force;~~

~~(2) The use of the chemical agent or electronic stun device was justified; and~~

~~(3) To revise the policies and procedures of the school district regarding de-escalation and the use of force or, if the school district contracts with a metropolitan police department created pursuant to chapter 280 of NRS or with the sheriff of that county for the provision of school police officers, make recommendations to the metropolitan police department or sheriff for the modification or adoption of policies and training procedures to prevent future violations of subsection 1.~~

~~4. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~

~~5. As used in this section:~~

~~(a) "Chemical agent" means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.~~

~~(b) "Electronic stun device" means a device that:~~

~~*(1) Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and*~~

~~*(2) Is designed to disable a person or animal temporarily or permanently.*~~

~~*(c) "School police officer" includes a peace officer who is employed by a metropolitan police department created pursuant to chapter 280 of NRS or a sheriff's office that has contracted with a school district to provide police services in public schools pursuant to NRS 391.281.]*~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Remarks by Assemblymember Torres-Fossett.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 221.

Bill read second time and ordered to third reading.

Assembly Bill No. 243.

Bill read second time and ordered to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 127.

AN ACT relating to persons with disabilities; revising provisions relating to the accommodation of persons with physical disabilities at certain public meetings; requiring that certain public buildings designed on or after July 1, 2025, include equipment and software for Communication Access Realtime Translation; including American Sign Language as a foreign or world language course of study; requiring the Department of Education to conduct an interim study on the need for a school for pupils who are deaf or hard of hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all meetings of public bodies, with certain exceptions, must be open and public and those responsible for the public meeting must make reasonable efforts to accommodate persons with physical disabilities who wish to attend. (NRS 241.020) **Section 1** of this bill provides that a reasonable effort to accommodate persons with physical disabilities includes, without limitation, the provision of a ~~[registered sign language]~~ **qualified** interpreter and Communication Access Realtime Translation at a public meeting.

Existing law provides that, insofar as possible, all buildings used by the public be accessible to and functional for persons with a physical handicap.

(NRS 338.180) **Section 2** of this bill requires that each public building designed on or after July 1, 2025, that is owned by a public body and in which certain public meetings are held must include any equipment and software necessary for Communication Access Realtime Translation.

Under existing law the Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for certain courses of study taught in public schools, including courses of study of a foreign or world language. (NRS 389.520) **Section 3** of this bill includes American Sign Language as a foreign or world language for which the Council must establish standards of content and performance.

Section 4 of this bill requires the Department of Education to conduct a study during the 2025-2026 interim to determine the need for a school for pupils who are deaf or hard of hearing.

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

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend ~~[.]~~ ***, including, without limitation, providing at public meetings:***

(a) ~~[A]~~ In person or by electronic means, a person who is ~~[registered to engage in the practice of sign language interpreting pursuant to chapter 656A of NRS;]~~ a qualified interpreter, as defined in 28 C.F.R. § 35.104; and

(b) Communication Access Realtime Translation.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments.

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

(8) If the meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for the meeting where members of the general public are permitted to attend and

participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if the meeting has a physical location, at the building in which the meeting is to be held. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a

meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 52,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:

(a) Have an Internet website; and

(b) Post to its Internet website:

(1) The public notice required by this section; and

(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

➥ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section ~~[, "emergency"]~~ ***:***

(a) "Communication Access Realtime Translation" has the meaning ascribed to it in NRS 656A.025.

(b) "Emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

~~[(a)]~~ ***(1)*** Disasters caused by fire, flood, earthquake or other natural causes; or

~~[(b)]~~ ***(2)*** Any impairment of the health and safety of the public.

Sec. 2. NRS 338.180 is hereby amended to read as follows:

338.180 1. The Legislature of the State of Nevada declares that:

(a) The primary purpose of this section is to provide, subject to the limitations set forth in this section, for the removal and elimination of architectural barriers to persons with a physical handicap in public buildings and facilities designed after July 1, 1973, in order to encourage and facilitate the employment of persons with a physical handicap and to make public buildings accessible to and usable by persons with a physical handicap; and

(b) It is the intent of the Legislature that insofar as possible all buildings and facilities used by the public be accessible to, and functional for, persons with a physical handicap, without loss of function, space or facility where the general public is concerned.

2. All plans and specifications for the construction of public buildings and facilities owned by a public body must, after July 1, 1973, provide facilities and features for persons with a physical handicap so that buildings which are normally used by the public are constructed with entrance ramps, toilet facilities, drinking fountains, doors and public telephones accessible to and usable by persons with a physical handicap. In addition, all plans and specifications for the construction or alteration of public buildings and facilities owned by a public body must comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➥ The requirements of paragraph (a) of this subsection are not satisfied if the plans and specifications comply solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

3. All public bodies shall, in the design, construction and alteration of public buildings and facilities comply with the applicable requirements of the:

(a) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto, including, without limitation, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations;

(b) Minimum Guidelines and Requirements for Accessible Design, 36 C.F.R. §§ 1190.1 et seq.; and

(c) Fair Housing Act, 42 U.S.C. § 3604, and the regulations adopted pursuant thereto.

➥ The requirements of paragraph (a) of this subsection are not satisfied if the public body complies solely with the Uniform Federal Accessibility Standards set forth in Appendix A of Part 101-19.6 of Title 41 of the Code of Federal Regulations.

4. In each public building and facility owned by a public body, each entrance to a corridor which leads to a toilet facility must be marked with a sign which:

(a) Conforms to the requirements related to signage contained in §§ 4.30 et seq. of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities set forth in Appendix A of Part 36 of Title 28 of the Code of Federal Regulations; and

(b) Uses symbols, raised letters and Braille to:

(1) Identify the toilet facility and the gender of persons who may use the toilet facility; and

(2) If the toilet facility is for the exclusive use of persons of one gender:

(I) Indicate that the toilet facility is for the exclusive use of persons of that gender; and

(II) Provide direction to a toilet facility that may be used by persons of the other gender.

5. A public body that owns a public building or facility which provides a single-stall restroom to the public shall make the single-stall restroom as inclusive and accessible as possible to a person of any gender identity or expression, including, without limitation, by allowing:

(a) A parent or guardian of a child to enter the single-stall restroom with the child;

(b) A person with a disability to enter the single-stall restroom with his or her caregiver, if applicable; and

(c) A person of any gender identity or expression to use the single-stall restroom as needed.

➥ The public body that owns the public building or facility which provides a single-stall restroom to the public shall not label the single-stall restroom with gendered signage and may label the single-stall restroom as available for use by any person, including, without limitation, by posting a sign which reads "All-Gender Bathroom" or "All-Accessible Bathroom."

6. ***Each public building designed on or after July 1, 2025, that is owned by a public body and in which a public meeting is held pursuant to NRS 241.020 must include any equipment and software necessary for Communication Access Realtime Translation.***

7. The Division shall verify that all public buildings and facilities owned by the State of Nevada conform with the requirements of this section. Each political subdivision shall verify that all public buildings and facilities owned by the political subdivision conform with the requirements of this section.

~~[7.]~~ ***8.*** A person may report a violation of this section to the Attorney General.

~~[8.]~~ ***9.*** Upon receiving a report pursuant to subsection ~~[7,]~~ ***8,*** the Attorney General shall notify the public body responsible for the alleged violation. Not later than 30 days after receiving such a notification, the public body shall:

(a) Present evidence to the Attorney General that it is in compliance with this section; or

(b) Begin any action necessary to comply with the requirements of this section and notify the Attorney General of the date on which it will be in compliance with those requirements.

~~[9.]~~ ***10.*** If the public body responsible for the alleged violation fails to comply with this section, the Attorney General shall take such action as is necessary to ensure compliance with this section, including, without limitation, commencing proceedings in a court of competent jurisdiction, if appropriate.

~~[10.]~~ ***11.*** The provisions of this section do not:

(a) Establish a private right of action against a public body described in subsection 5 ***, 6*** or ~~[6,]~~ ***7;*** or

(b) Authorize the filing of a complaint with the Nevada Equal Rights Commission,

➥ for a violation of the provisions of subsection 5.

~~[11.]~~ ***12.*** As used in this section:

(a) "Caregiver" has the meaning ascribed to it in NRS 449A.306.

(b) ***"Communication Access Realtime Translation" has the meaning ascribed to it in NRS 656A.025.***

(c) "Gendered signage" means any sign posted on a single-stall restroom that uses words or images of a person to denominate sex.

~~[(c)]~~ ***(d)*** "Single-stall restroom" means a restroom that:

(1) Is intended for individual use; and

(2) Contains:

(I) A single toilet or a single urinal; or

(II) A toilet and a urinal, neither of which is separated from the other by enclosure within a stall.

Sec. 3. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

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

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language ~~[.]~~ ***, including, without limitation, American Sign Language.***

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

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

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

(a) The ethical use of computers and other electronic devices, including, without limitation:

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

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of

content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

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

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

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

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

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

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

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

9. As used in this section:

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

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

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

Sec. 4. 1. The Department of Education shall conduct a study during the 2025-2026 interim to determine the need for a school for pupils who are deaf or hard of hearing.

2. In conducting the study, the Department of Education shall consult with and solicit input from persons and organizations who advocate for or provide services to children who are deaf or hard of hearing.

3. The study must include, without limitation:

(a) An assessment of issues facing pupils who are deaf or hard of hearing in public schools in Nevada.

(b) An assessment of current public school programs for pupils who are deaf or hard of hearing in Nevada.

(c) Statistical information on the number of pupils in each school district who are deaf or hard of hearing.

4. Not later than December 31, 2026, the Department of Education shall prepare and submit a report on the findings of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.
Remarks by Assemblymember Considine.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 272.
Bill read second time and ordered to third reading.

Assembly Bill No. 301.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 130.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to general improvement districts; increasing the compensation of the board of trustees of certain general improvement districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, the creation of a general improvement district to provide certain governmental services and facilities to the residents of the district. (NRS 318.116) Existing law further sets ~~[forth]~~ the maximum compensation of a member of a board of a district ~~[.]~~ **to not more than: (1) $6,000 per year; or (2) $9,000 per year if the board of a district has been granted certain powers relating to acquiring sanitary sewer improvements, collection and disposal of garbage and refuse and supply, storage and distribution of water for private and public purposes.** (NRS 318.085) ~~[Existing law authorizes, with certain exceptions, the board of a district with basic powers relating to storm drainage facilities, sanitary sewer facilities, refuse collection and disposal facilities and water facilities, or any combination of such facilities, to compel all owners of inhabited property in the district to use the district's system for the collection and disposal of sewage, garbage and other refuse by connection with the district's sewer system or otherwise. (NRS 318.170)]~~ **Section 1** of this bill ~~[authorizes]~~ **increases the compensation** each member of a board of ~~[such]~~ a district ~~[to]~~ **granted such powers may** receive ~~[as compensation]~~ **from not more than $9,000 per year to** not more than $14,500 per year **.** ~~[if the district provides service to at least 5,000 connections.]~~

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

Section 1. NRS 318.085 is hereby amended to read as follows:
318.085 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. After taking oaths and filing bonds, the board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep audio recordings or transcripts of all meetings and, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than $50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than $6,000 per year. Each ~~*[Except as otherwise provided in this subsection, each]*~~ member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than ~~[$9,000]~~ ***$14,500*** per year. ~~*[Each member of a board of trustees of a district may receive as compensation for his or her service not more than $14,500 per year if:*~~

~~*(a) Pursuant to paragraph (b) of subsection 1 of NRS 318.170, the district has compelled owners of inhabited property in the district to use the district's system for the collection and disposal of sewage, garbage and other refuse by connection to the district's sewer system; and*~~

~~*(b) The district's sewer system has at least 5,000 connections.]*~~

6. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until

January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.

~~[6.]~~ *7.* As used in this section, "compensation" does not include any contribution made to the Public Employees' Retirement System on behalf of a member of the board of trustees.

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 307.

Bill read second time and ordered to third reading.

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 200.

AN ACT relating to artificial intelligence; defining "artificial intelligence" in the context of emergency management; requiring emergency management plans prepared by the Governor and each plan adopted by a state or local governmental agency to include provisions ensuring that final decisions regarding emergency response planning and the allocation of resources in response to an emergency are not made by artificial intelligence; prohibiting a public utility from ~~[using artificial intelligence to make]~~ **making** a final decision regarding whether to reduce or ~~[shutdown]~~ **shut down** utility service in response to a disaster or emergency ~~[.]~~ **based solely on the use of artificial intelligence;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the development of emergency management plans by state and local governmental agencies. (NRS 414.040) Existing law also authorizes the development of a state emergency management plan. (NRS 414.060) **Section 3** of this bill requires such emergency management plans to include certain provisions to ensure final decisions regarding emergency response planning and the allocation of resources in response to an emergency are not made by artificial intelligence.

Section 2 of this bill defines "artificial intelligence" in the context of emergency management ~~[.]~~ **, and section 4 of this bill applies that definition to the existing provisions of law relating to emergency management.**

Section 5 of this bill prohibits a public utility from ~~[using artificial intelligence to make]~~ **making** a final decision regarding whether to reduce or

~~[shutdown]~~ **shut down** utility service in response to a disaster or emergency ~~[.]~~ **based solely on the use of artificial intelligence.**

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.***

Sec. 3. ***Any state emergency management plan prepared pursuant to NRS 414.060 and each plan for emergency operations described in subparagraph (2) of paragraph (b) of subsection 4 of NRS 414.040 that is adopted by a state or local governmental agency must include provisions ensuring that final decisions regarding emergency response planning and the allocation of resources in response to an emergency are not made by artificial intelligence but rather by a natural person.***

Sec. 4. NRS 414.030 is hereby amended to read as follows:

414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public utility shall not ~~[use artificial intelligence to]~~ make a final decision regarding whether to reduce or ~~[shutdown]~~ shut down utility service in response to a disaster or emergency ~~[.]~~ based solely on the use of artificial intelligence.

2. As used in this section:

(a) "Artificial intelligence" has the meaning ascribed to it in section 2 of this act.

(b) "Disaster" has the meaning ascribed to it in NRS 414.0335.

(c) "Emergency" has the meaning ascribed to it in NRS 414.0345.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 337.

Bill read second time.

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

Amendment No. 186.

AN ACT relating to dementia; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish and

administer a dementia care specialist program; setting forth certain requirements for the program; providing for the establishment of the Nevada Memory Network for the diagnosis of dementia and the care of patients with dementia; setting forth certain requirements for the Nevada Memory Network; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a program to provide the community-based services necessary to enable a frail elderly person to remain in his or her home and avoid being placed in a facility for long-term care. (NRS 427A.250) Existing law also authorizes the Division to establish and administer a program of all-inclusive care for the elderly. (NRS 427A.255)

Section 1 of this bill requires the Division to establish and administer a program for dementia care specialists in this State. **Section 1** requires the goals of the program to include: (1) developing and providing certain crisis intervention services for persons with dementia and their families and caregivers; (2) proactively supporting persons with dementia and their families and caregivers; and (3) providing access to the program through translation and interpretation services for persons with dementia and their families and caregivers where such persons have limited English proficiency. Within the limits of legislative appropriations and any other money available for this purpose, **section 1** requires the Division to: (1) prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program; and (2) partner or contract with an appropriate educational organization to provide training to dementia care specialists and evaluate the program.

Existing law creates the Task Force on Alzheimer's Disease within the Department of Health and Human Services and requires the Task Force to develop a state plan to address Alzheimer's disease. (NRS 439.508-439.5085) **Section 2** of this bill authorizes the University of Nevada, Las Vegas, School of Medicine and the University of Nevada, Reno, School of Medicine, in collaboration with the Department, to establish the Nevada Memory Network as a system for the early detection and diagnosis of dementia and the ongoing management of care for patients with dementia. If the Network is established, **section 2** requires the Universities and the Department to establish clinics, or contract with clinics who meet certain criteria, in order to: (1) train providers of primary care in screening for and treating dementia; (2) diagnose dementia in patients referred to such clinics; and (3) create plans of care for patients with dementia, using telehealth when appropriate, in order to provide such services. **Section 2** ~~[also]~~ requires the Network, if established, to **: (1)** employ or contract with community health workers who specialize in dementia care for the provision of certain services ~~[.]~~ **; and (2) contract with community-based organizations for the provision of certain other services, including crisis**

intervention and support services for persons diagnosed with dementia and their families and caregivers.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall establish and administer a program for dementia care specialists in this State.

2. The program established pursuant to this section must have as its goals, without limitation:

(a) To develop and provide crisis intervention services for persons with dementia and their families and caregivers, including, without limitation, services that provide an initial crisis response, crisis stabilization and long-term care for persons with dementia who exhibit behavioral problems.

(b) To proactively support persons with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons with dementia to remain in their own homes or with family and avoid placement in a facility for long-term care by, without limitation:

(1) Providing information, assistance, education and support to persons with dementia and their families and caregivers;

(2) Facilitating the development of communities in this State where persons with dementia may remain safe and active;

(3) Providing training to governmental agencies and nonprofit organizations that provide services to persons with dementia; and

(4) Raising awareness of and developing community support for persons with dementia and their families and caregivers.

(c) To assist persons with dementia and their families and caregivers with limited English proficiency by providing access to the program through, without limitation, translation and interpretation services.

3. Within the limits of legislative appropriations and any other money available for this purpose, the Division shall:

(a) Prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program established pursuant to this section. The Division shall establish such requirements for the requests for proposals as it determines necessary.

(b) Partner or contract with an appropriate educational organization to:

(1) Provide training to dementia care specialists.

(2) Evaluate the program established pursuant to this section.

4. The Division may adopt regulations necessary to establish and administer the program established pursuant to this section.

5. As used in this section, "limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or

spoken form, as applicable, based on the manner in which information is being communicated.

Sec. 2. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The University of Nevada, Las Vegas, School of Medicine and the University of Nevada, Reno, School of Medicine, in collaboration with the Department, may establish the Nevada Memory Network in accordance with this section. If the Nevada Memory Network is established, the University of Nevada, Las Vegas, School of Medicine, the University of Nevada, Reno, School of Medicine and the Department shall:

(a) Establish or contract with clinics that employ or contract with physicians who specialize in neurology, neuropsychology and geriatrics to:

(1) Train providers of primary care in screening for and treating dementia;

(2) Diagnose dementia in patients referred to the clinics by providers of primary care;

(3) Create plans of care for patients with dementia; and

(4) Use telehealth where necessary or convenient to carry out the duties prescribed in subparagraphs (1), (2) and (3).

(b) Employ or contract with community health workers who specialize in dementia care. The community health workers shall:

(1) Coordinate care and provide referrals to community-based services and in-home care for patients diagnosed with dementia pursuant to subparagraph (2) of paragraph (a); and

(2) Monitor the well-being of and provide support to persons who provide care to patients diagnosed with dementia pursuant to subparagraph (2) of paragraph (a), including, without limitation, providers of respite care to such patients.

(c) Contract with community-based organizations to:

(1) Develop and provide crisis intervention services for persons diagnosed with dementia and their families and caregivers, including, without limitation, providing initial crisis response and crisis stabilization services;

(2) Provide long-term care for persons diagnosed with dementia who exhibit behavioral problems; and

(3) Proactively support persons diagnosed with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons diagnosed with dementia to remain in their own homes or with family and avoid placement in a facility for long-term care by, without limitation:

(I) Providing information, assistance, education and support to persons diagnosed with dementia and their families and caregivers;

(II) Facilitating the development of communities in this State where persons diagnosed with dementia may remain safe and active;

(III) Providing training to governmental agencies and nonprofit organizations that provide services to persons diagnosed with dementia; and

(IV) Raising awareness of and developing community support for persons diagnosed with dementia and their families and caregivers.

2. The University of Nevada, Las Vegas, School of Medicine, the University of Nevada, Reno, School of Medicine and the Department may collaborate or contract with any additional persons or entities as necessary to carry out the provisions of this section.

3. As used in this section:

(a) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 153.

AN ACT relating to education; providing that any money remaining in the Fund to Assist School Districts in Financing Capital Improvements and the Fund to Assist Rural School Districts in Financing Capital Improvements at the end of the fiscal year does not revert to the State General Fund; **revising provisions relating to grants from the Fund to Assist Rural School Districts in Financing Capital Improvements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates in the State Treasury the Fund to Assist School Districts in Financing Capital Improvements and requires that the money in the Fund be used to provide grants to school districts within which certain emergency conditions exist. (NRS 387.333, 387.3335) Existing law additionally creates in the State Treasury the Fund to Assist Rural School Districts in Financing Capital Improvements and requires that the money in the Fund be ~~[used to make]~~ **awarded by the Director of the Office of Finance in the Office of the Governor as** grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties)

and in which certain taxes have been levied for ~~[certain]~~ capital projects ~~[.]~~ **of the school district.** (NRS 387.3341-387.3344) ~~[This]~~ **Sections 1 and 2 of this** bill ~~[provides]~~ **provide** that any money remaining in those Funds at the end of a fiscal year does not revert to the State General Fund and requires that the balances in those Funds be carried forward to the next fiscal year.

Section 2.5 of this bill authorizes the Director of the Office of Finance to also make a grant from the Fund to Assist Rural School Districts in Financing Capital Improvements to a board of trustees of a school district in a county whose population is less than 100,000, regardless of whether certain taxes for capital projects of the school district have been levied in that county, in an amount that is equal to: (1) any gift, grant or donation made to the school district for a capital project of the school district located on certain tribal land; or (2) any interest accrued on money received by a school district for a capital project of the school district located on certain tribal land.

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

Section 1. NRS 387.333 is hereby amended to read as follows:

387.333 1. The Fund to Assist School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the Fund must be deposited in the Fund.

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the Fund.

3. The money in the Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the Fund must be credited to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

Sec. 2. NRS 387.3341 is hereby amended to read as follows:

387.3341 1. The Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the Fund must be deposited in the Fund.

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the Fund.

3. The money in the Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the Fund must be credited to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. Money in the Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

6. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

Sec. 2.5. **NRS 387.3343 is hereby amended to read as follows:**

387.3343 1. Following any fiscal year in which a county levies a tax imposed pursuant to NRS 387.3342, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to NRS 387.3341 on a form provided by the Director.

2. Following any fiscal year in which a county levies a tax imposed pursuant to NRS 387.3289, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to NRS 387.3341 on a form provided by the Director.

3. ***In addition to the provisions of subsection 1 or 2, the board of trustees of a school district in a county whose population is less than 100,000 may apply to the Director of the Office of Finance for a grant of money from the Fund created pursuant to NRS 387.3341, on a form provided by the Director, in any fiscal year in which the board of trustees:***

(a) Receives a gift, grant or donation for a capital project of the school district that is located on qualified tribal land; or

(b) Accrues interest on money received by the school district for a capital project of the school district that is located on qualified tribal land,

➥ or both.

4. The application for a grant of money from the Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of NRS 387.3341; and

(b) ~~[Either:]~~ ***As applicable:***

(1) Documentation of the amount of the tax assessed pursuant to NRS 387.3342 for the capital project for which the grant is requested in the immediately preceding fiscal year; ~~[or]~~

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to NRS 387.3289 certifying the amount of the proceeds of the tax imposed pursuant to NRS 387.3289 for the immediately preceding fiscal year which will be dedicated to the capital project ~~[.~~

~~4.]~~ ***; or***

(3) Documentation relating to the amount of the gift, grant, donation or accrued interest.

5. To the extent that money is available for that purpose in the Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the Fund, the Director shall make a grant of money from the Fund to a school district that submits an application pursuant to ~~[subsection 1 or 2]~~ ***this section*** in an amount that is equal to ~~[:]~~ ***, as applicable:***

(a) The total amount of tax assessed by the county for the capital project pursuant to NRS 387.3342 in the immediately preceding fiscal year; ~~[or]~~

(b) If the school district is located in a county which levies a tax imposed pursuant to NRS 387.3289, the amount of the proceeds of the tax imposed pursuant to NRS 387.3289 for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project ~~[.~~

~~5.]~~ ***; or***

(c) One or both of the following:

(1) The gift, grant or donation made to the school district for the capital project located on qualified tribal land.

(2) The interest accrued on money received by the school district for the capital project on qualified tribal land.

6. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

7. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

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

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblymember Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 388.

Bill read second time and ordered to third reading.

Assembly Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 233.

AN ACT relating to governmental administration; revising provisions relating to certain interlocal agreements and contracts between tribal governments and certain public agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interlocal Cooperation Act authorizes a public agency of this State to enter into a joint or cooperative agreement with any other public agency of this State, another state, the Federal Government or an Indian tribe, group of tribes, organized segment of a tribe or any organization representing such tribal entities to exercise any power, privilege or authority capable of being exercised by such a public agency. (NRS 277.100, 277.110) Existing law also authorizes one or more such public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies are authorized to perform. (NRS 277.180) **Section 1** of this bill ~~[requires]~~ **provides** that, if a tribal government wishes to enter into a joint or cooperative agreement or contract with the governing body of a county or agency thereof for the performance of any service, activity or undertaking, the governing body of the county, on behalf of the county or agency thereof, ~~[must]~~ **may** engage in discussions in good faith with the tribal government. If the governing body enters into such an agreement or contract with a tribal government, **section 1** requires that the agreement be a conditional interlocal agreement which: (1) does not require the tribal government to waive sovereign immunity; and (2) authorizes the governing body of the county to terminate the agreement with 90 days' advance notice to the tribal government under certain circumstances.

Sections 2 and 3 of this bill add the provisions of **section 1** to the Interlocal Cooperation Act and purpose of the Act.

Section 4 of this bill applies the definitions in the Interlocal Cooperation Act relating to the Act to the provisions of **section 1**.

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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a tribal government wishes to enter into an agreement for joint or cooperative action or contract with the governing body of a county or agency thereof, pursuant to the provisions of this section and NRS 277.080 to 277.180, inclusive, within which tribal land of the tribal government is located, partially or wholly, for the performance of any governmental service, activity or undertaking which the tribal government, county or agency thereof is authorized by law to perform, the governing body of the county ~~[shall,]~~ may, on behalf of the county or agency thereof, engage in discussions in good faith with the tribal government for the performance of such services.

2. If the governing body of a county or agency thereof enters into an agreement or contract pursuant to the provisions of this section and NRS 277.080 to 277.180, inclusive, such an agreement must be a conditional interlocal agreement which:

(a) Must not require a tribal government to waive sovereign immunity; and

(b) Must authorize the governing body of the county or agency thereof to terminate the agreement by providing the tribal government with 90 days' advance written notice, upon the occurrence of any of the following conditions:

(1) The tribal government is more than 60 days delinquent on its financial obligations under the agreement;

(2) The tribal government fails to respond for more than 90 days to a written demand by the governing body of the county or agency thereof to perform under the agreement;

(3) An authorized representative of the tribal government or tribal council or tribal police of the tribal government prevents entry onto the tribal land or otherwise prevents the county or agency thereof, or any employee or agent of the county or agency, from otherwise performing under the agreement; or

(4) The tribal government enters into any subsequent agreement pursuant to this section and NRS 277.080 to 277.180, inclusive, which materially conflicts with the existing agreement.

3. As used in this section ~~[, "tribal]~~ :

(a) "Good faith" means honesty in fact and the observance of reasonable standards of fair dealing.

(b) "Tribal government" means the governing body of an Indian tribe, group of tribes, organized segment of a tribe or any organization representing two or more such entities.

Sec. 2. NRS 277.080 is hereby amended to read as follows:

277.080 NRS 277.080 to 277.180, inclusive, ***and section 1 of this act*** may be cited as the Interlocal Cooperation Act.

Sec. 3. NRS 277.090 is hereby amended to read as follows:

277.090 It is the purpose of NRS 277.080 to 277.180, inclusive, ***and section 1 of this act*** to permit local governments to make the most efficient

use of their powers by enabling them to cooperate with other local governments on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization which will best accord with geographic, economic, population and other factors influencing the needs and development of local communities.

Sec. 4. NRS 277.100 is hereby amended to read as follows:

277.100 As used in NRS 277.080 to 277.180, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Public agency" means:

(a) Any political subdivision of this State, including without limitation counties, incorporated cities and towns, including Carson City, unincorporated towns, school districts and other districts.

(b) Any agency of this State or of the United States.

(c) Any political subdivision of another state.

(d) Any Indian tribe, group of tribes, organized segment of a tribe, or any organization representing two or more such entities.

2. "State" includes any of the United States and the District of Columbia.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 165.

AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to require each institution within the Nevada System of Higher Education to adopt an emergency response plan to address opioid-related drug overdoses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the Board of Regents of the University of Nevada to require each institution within the Nevada System of Higher Education to adopt an emergency response plan to address opioid-related drug overdoses at the institution. This bill requires such an emergency response plan to include: (1) plans for providing education on opioid-related drug overdoses; and (2) procedures for the distribution and administration of opioid antagonists. This bill prohibits an institution from adopting a plan that requires a person to complete training in order to obtain or administer an opioid antagonist. This bill authorizes the Board of Regents to adopt a model emergency response plan to assist institutions in developing their own plans.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may require each institution within the System to, in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services, adopt an emergency response plan to address opioid-related drug overdoses at the institution. Such an emergency response plan must include, without limitation:

(a) Plans for providing education on opioid-related drug overdoses;

(b) Measures to respond compassionately to opioid-related drug overdoses, including, without limitation:

(1) Emphasizing rescue breathing techniques; and

(2) Utilizing naloxone hydrochloride in ~~[a dosage of 4 milligrams; and]~~ the lowest dosage effective to restore breathing;

(c) Procedures for the distribution and administration of opioid antagonists, including, without limitation, ensuring ease of access to opioid antagonists ~~[.]~~ ; and

(d) Provisions ensuring that a student will not be subject to disciplinary action by the institution for obtaining an opioid antagonist.

2. Each institution within the System may tailor the emergency response plan described in subsection 1 to meet the needs and capacity of the institution for implementing the plan. In tailoring an emergency response plan, an institution may determine:

(a) Whether training related to the plan will be provided in person or virtually and synchronously or asynchronously;

(b) The locations at the institution where opioid antagonists will be accessible; and

(c) The manner in which opioid antagonists will be distributed at the institution.

3. An emergency response plan described in subsection 1 may not require a person to complete any training in order to obtain or administer an opioid antagonist.

4. The Board of Regents may adopt a model emergency response plan that meets the requirements of this section to assist institutions in developing their emergency response plans pursuant to subsection 1. The Board of Regents may not require an institution to utilize the model emergency response plan.

5. As used in this section:

(a) "Opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

(b) "Opioid-related drug overdose" has the meaning ascribed to it in NRS 453C.050.

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

Assemblymember Torres-Fossett moved the adoption of the amendment.

Remarks by Assemblymember Torres-Fossett.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 474.

Bill read second time.

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

Amendment No. 181.

AN ACT relating to public welfare; requiring, to the extent that money is available, the Division of Welfare and Supportive Services of the Department of Health and Human Services to establish and carry out a program to supplement the supply of food available to recipients of benefits of certain federal programs; creating the Surplus Food Assistance Account in the State General Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing state law requires the Department of Health and Human Services to administer that Program in this State. (NRS 422A.338) **Section 2** of this bill requires, to the extent that money is available for such purposes, the Division of Welfare and Supportive Services of the Department to establish and carry out a program to supplement the supply of food available to recipients of benefits provided under the Supplemental Nutrition Assistance Program using mechanisms designed to identify surplus food and distribute such surplus food to recipients at a discount. **Section 2** also requires the Division to adopt a plan for the program that includes a system to: (1) reduce food waste using technology to redirect surplus food to areas in which recipients are experiencing a higher need for **more** affordable and healthier food; (2) reduce food insecurity for recipients; and (3) increase access to food for **recipients who are** senior citizens. **Section 2 further requires the Division to take any action necessary to obtain federal authorization to carry out the program, including, without limitation, applying for any necessary federal waiver.**

Section 3 of this bill creates the Surplus Food Assistance Account in the State General Fund, to be administered by the Administrator of the Division and used only to carry out the program established by **section 2**. **Section 3** also: (1) authorizes the Administrator to apply for and accept gifts, grants, bequests and other contributions; (2) requires that any such money be deposited in the Account; and (3) provides for the nonreversion of the money in the Account to the State General Fund. **Section 4** of this bill makes a conforming change as a result of the creation of this Account.

Section 5 of this bill makes an appropriation to the Surplus Food Assistance Account for the program established by **section 2**.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. To the extent that money is available for such purposes, the Division shall establish and carry out a program to supplement the supply of food available to recipients of benefits provided under the Supplemental Nutrition Assistance Program using mechanisms designed to identify surplus food and distribute such surplus food to the recipients at a discount.***

2. In carrying out the program established pursuant to subsection 1, the Division shall adopt a plan for the program that must include, without limitation, a system to:

(a) Reduce food waste using technology to redirect surplus food to areas in which recipients are experiencing a higher need for more affordable and healthier food;

(b) Reduce food insecurity for recipients; and

(c) Increase access to food for recipients who are senior citizens.

3. The Division shall take any action necessary to obtain federal authorization to carry out the program established pursuant to subsection 1, including, without limitation, applying for any necessary federal waiver.

Sec. 3. ***1. The Surplus Food Assistance Account is hereby created in the State General Fund.***

2. The Administrator shall administer the Account.

3. In addition to any direct legislative appropriation, the Administrator may apply for and accept any gift, grant, bequest, donation or other source of money. Any money so received must be deposited in the Account.

4. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used only to carry out the program established pursuant to section 2 of this act.

6. Claims against the Account must be paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 4. NRS 422A.232 is hereby amended to read as follows:

422A.232 1. ~~[Any]~~ ***Except as otherwise provided in section 3 of this act, any*** gifts or grants of money which the Division is authorized to accept must be deposited in the State Treasury to the credit of the Division of Welfare and Supportive Services' Gift and Cooperative Account in the Department of Health and Human Services' Gift Fund.

2. Money in the Account must be used for welfare purposes only and expended in accordance with the terms of the gift or grant.

3. All claims must be approved by the Administrator before they are paid.

Sec. 5. There is hereby appropriated from the State General Fund to the Surplus Food Assistance Account created by section 3 of this act the sum of $5,000,000 to carry out the program established pursuant to section 2 of this act.

Sec. 6. This act becomes effective upon passage and approval.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 482.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 511.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time and ordered to third reading.

Assembly Bill No. 528.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 9, 106, 135, 162, 221, 243, 247, 272, 307, 337, 359, 388, 474, 482, 483, 528, and 534 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 346.

Bill read third time.

The following amendment was proposed by Assemblymember Dalia:

Amendment No. 313.

AN ACT relating to health care; revising provisions concerning medical certificates of death of persons who self-administer a medication that is designed to end the life of the person; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a

patient from administering a medication that is designed to end the life of the patient; imposing requirements relating to the medical records of a patient who requests a medication that is designed to end the life of the patient; providing immunity to certain providers of health care and health care facilities for certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit the provision of certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from including certain provisions in a will, contract, agreement or policy of life insurance; prohibiting certain actions on a policy of life insurance because the insured requested or revoked a request for a medication that is designed to end the life of the insured; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances. (NRS 449A.400-449A.581, 450B.400-450B.590) **Sections 5-33** of this bill authorize a patient, under certain circumstances, to self-administer a medication that is designed to end the life of the patient. **Section 14** defines "practitioner" to mean a physician, osteopathic physician or advanced practice registered nurse. **Sections 6-13, 15 and 16** define other relevant terms. **Section 17** authorizes a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two practitioners; (3) has made an informed and voluntary decision to end his or her own life; (4) is mentally capable of making such a decision; and (5) is not requesting the medication because of coercion, deception or undue influence. **Section 18** prescribes certain requirements concerning the manner in which a patient may request a medication that is designed to end the life of the patient, including that the patient make two verbal requests and one written request for the medication, and that the written request for the medication be signed by a witness. **Section 19** prescribes the form for the written request for the medication. **Section 20** imposes certain requirements before a practitioner is authorized to prescribe a medication that is designed to end the life of a patient, including that the practitioner: (1) inform the patient of his or her right to revoke a request for the medication at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) discuss certain relevant factors with the patient, including the diagnosis and prognosis of the patient and alternative options for care; (4) refer the patient to a consulting practitioner who can confirm the diagnosis, prognosis and mental capability of the patient and that the patient has not been coerced or unduly influenced; and (5) instruct the patient against self-administering the medication in public. **Section 21** requires a practitioner who determines that a patient who has requested a prescription for a medication that is designed to end his or her life may not be mentally capable

to refer the patient to a qualified mental health professional and to receive confirmation about the patient's mental capability.

Section 22: (1) prescribes procedures for the issuance of a prescription for a medication that is designed to end the life of the patient; and (2) provides that only an attending practitioner or a pharmacist may dispense such a medication. **Section 22.5 of this bill prescribes the manner in which the attending practitioner may bill the patient or the insurer of the patient for diagnosing the condition of the patient and prescribing the medication.** **Section 23** prohibits an attending practitioner from prescribing a medication that is designed to end the life of a patient based solely on the age or disability of the patient. **Section 24** requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a medication that is designed to end the life of a patient in the medical record of the patient. If a patient who has requested a medication that is designed to end the life of a patient transfers care to another practitioner or health care facility, **sections 24 and 31** require the practitioner or health care facility that previously provided care to the patient to forward the patient's medical records to the new practitioner or health care facility. **Section 27** prescribes certain information that must be reported by an attending practitioner to the Division of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has been prescribed or self-administered such a medication. **Section 28** requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a medication that is designed to end the life of the patient. **Sections 27, 40 and 43** of this bill provide that such information is otherwise confidential when reported to the Division.

Section 25 authorizes a patient, at any time, to revoke a request for a medication that is designed to end his or her life. **Sections 26 and 35** of this bill provide that only the patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. **Section 26** establishes requirements for the disposal of any unused portion of the medication.

Section 33 makes certain persons exempt from professional discipline and immune from civil and criminal penalties and provides that such persons do not violate any applicable standard of care for taking actions authorized by this bill to assist a patient in acquiring a medication that is designed to end the life of the patient. **Section 33.3 of this bill requires a person who administers emergency medical services to treat a prescription for a medication that is designed to end the life of a patient as a written do-not-resuscitate order for the purpose of withholding life-sustaining treatment.** **Section 33.6 of this bill requires a person who administers emergency medical services who responds to a person who has self-administered a medication that is designed to end his or her life to indicate "medical aid in dying" in any report concerning the incident.** **Section 33.1 of this bill makes a**

conforming change to include a patient who has self-administered a medication designed to end his or her life in the definition of "qualified patient" for the purpose of provisions governing the withholding of life-sustaining treatment. **Section 29** provides that a death resulting from the self-administration of a medication that is designed to end the life of a patient is not mercy killing, euthanasia, assisted suicide, suicide or homicide when done in accordance with the provisions of this bill, and **section 2** of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. **However, section 1.5 of this bill requires a death certificate to include a box that may be marked to indicate that a patient died from the self-administration of a medication that is designed to end the life of a patient, and section 2 requires the death certificate of such a patient to indicate that the patient died in that manner through a mark in that box.** **Sections 1 and 3** of this bill provide that a coroner, coroner's deputy or local health officer is not required to certify the cause of such a death. **Section 42** of this bill: (1) authorizes a coroner to make an appropriate investigation after discovering that a person has self-administered a medication designed to end the life of the person, to the extent necessary to determine the cause of the terminal condition with which the person was diagnosed; and (2) requires a coroner to cease such an investigation after determining that the terminal condition resulted from a natural cause. **Section 41** of this bill makes a conforming change to revise certain internal references.

Sections 30 and 38 of this bill prohibit a person from preventing or requiring a person to make or revoke a request for a medication that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Section 31 clarifies that a practitioner is not required to prescribe a medication that is designed to end the life of a patient and remains responsible for treating the patient's pain. However, if a patient who is diagnosed with a terminal condition requests information concerning the prescription and self-administration of a medication that is designed to end the life of the patient, **section 31** requires a practitioner to provide that information or facilitate the transfer of the patient to another provider of health care. **Section 31** also provides that a pharmacist is not required to fill a prescription for or dispense such a medication. **Section 32** authorizes the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a medication that is designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. **Section 33** prohibits a health care facility or provider of health care from taking certain actions against an employee or independent contractor who: (1) provides accurate, scientific information concerning end-of-life care to a patient; or (2) facilitates the prescription or self-administration of a medication that is designed to end the life of the patient. **Sections 34-37** of this

bill make conforming changes to clarify that a practitioner or pharmacist is authorized to dispense a medication that is designed to end the life of a patient that is a controlled substance or dangerous drug and a patient may self-administer such a medication in accordance with other provisions governing medications designed to end the life of a patient.

Section 39 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a medication that is designed to end his or her life or revoked such a request.

Sections 44 and 45 of this bill prohibit insurers from conditioning life insurance benefits, group life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a medication that is designed to end the life of the insured or self-administers such a medication. **Section 46** of this bill makes a conforming change to reflect this prohibition on a policy of group life insurance.

WHEREAS, A mentally capable adult patient should have the right to self-determination concerning his or her health care decisions based on his or her values, beliefs or personal preferences; and

WHEREAS, It is important that patients have the full range of options for their care, especially at the end of their lives; and

WHEREAS, Patients with a terminal illness may undergo unremitting pain, agonizing discomfort and a sudden, continuing and irreversible reduction in their quality of life; and

WHEREAS, The availability of medical aid in dying provides an additional palliative care option for persons with a terminal illness who seek to retain their autonomy and some level of control over the progression of their disease or ease unnecessary pain and suffering; and

WHEREAS, The integration of medical aid in dying into standard end-of-life care has demonstrably improved such care by contributing to better conversations between providers of health care and patients, earlier and more appropriate enrollment in hospice care and better training concerning palliative care for providers; and

WHEREAS, Patient-directed care respects and responds to the decisions, preferences, needs and values of individual patients, ensures that the values of patients direct all clinical decisions concerning their care and ensures that patients are fully informed of and able to access the options for care that they desire; now, therefore,

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A coroner, coroner's deputy or local health officer is not required to certify the cause of death of a patient who dies after self-administering a

medication that is designed to end the life of the patient in accordance with the provisions of sections 5 to 33, inclusive, of this act.

2. A coroner, coroner's deputy or local health officer may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 27 of this act to confirm that a patient died from self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 5 to 33, inclusive, of this act.

Sec. 1.5. **NRS 440.350 is hereby amended to read as follows:**

440.350 ~~[The]~~

1. Except as otherwise provided in subsection 2, the certificate of death or of stillbirth that shall be used is the standard form approved by the United States Public Health Service.

2. The certificate of death must contain a box that may be marked to indicate that a patient died after self-administering a medication that is designed to end his or her life in accordance with sections 5 to 33, inclusive, of this act.

Sec. 2. NRS 440.380 is hereby amended to read as follows:

440.380 1. The medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required under this section, and may state where, in his or her opinion, the disease was contracted.

3. The medical certificate of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with sections 5 to 33, inclusive, of this act:

(a) Must specify the terminal condition with which the patient was diagnosed as the cause of death; ~~***[and]***~~

(b) Must not indicate suicide as the cause of death ~~***[or mention that the patient self-administered a medication that is designed to end the life of the patient.]***~~ ***; and***

(c) Must indicate that the patient died after self-administering a medication that is designed to end his or her life through a mark in the box included in the certificate of death pursuant to subsection 2 of NRS 440.350.

Sec. 3. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy **.** ~~[for immediate investigation and certification.]~~ ***Except as otherwise provided in NRS 259.050 and section 1 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.***

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 4. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 33, inclusive, of this act.

Sec. 5. ***As used in sections 5 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 6. ***"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.***

Sec. 7. ***"Attending practitioner" means the practitioner who has primary responsibility for the treatment of a terminal condition from which a patient suffers.***

Sec. 8. ***"Consulting practitioner" means a practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 20 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 17 of this act.***

Sec. 9. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 10. *"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.*

Sec. 11. *"Mentally capable" means that a patient has the ability to make, communicate and understand the nature and consequences of the decision to request and self-administer a medication that is designed to end the life of the patient.*

Sec. 12. *"Person professionally qualified in the field of psychiatric mental health" ~~[has the meaning ascribed to it in NRS 433.209.]~~ means:*

1. A psychiatrist licensed to practice medicine in the State of Nevada and certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work, is licensed by the State as a clinical social worker and is employed by the Division;

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State; and

(b) Holds a master's degree in the field of psychiatric nursing; and

(c) Is employed by the Division; and

5. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 13. *"Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.*

Sec. 14. *"Practitioner" means a physician or advanced practice registered nurse.*

Sec. 15. *"Self-administer" or "self-administration" means the ingestion by a person of a medication that is designed to end his or her life as an affirmative, conscious and voluntary act. The term does not include the administration of the medication by parenteral injection or infusion.*

Sec. 16. *"Terminal condition" means an incurable and irreversible condition that will, in accordance with reasonable medical judgment, result in death within 6 months.*

Sec. 17. *A patient may request that his or her attending practitioner prescribe a medication that is designed to end the life of the patient if the patient:*

1. Is at least 18 years of age;

2. Has been diagnosed with a terminal condition by the attending practitioner and at least one consulting practitioner;

3. Has made an informed and voluntary decision to end his or her own life;

4. Is mentally capable; and

5. Is not requesting the medication because of coercion, deception or undue influence.

Sec. 18. *1. A patient who wishes to obtain a prescription for a medication that is designed to end his or her life must:*

(a) Make two verbal requests for the medication to his or her attending practitioner. Except as otherwise provided in this paragraph, the second verbal request must be made at least 15 days after the first verbal request. If the attending practitioner determines that the patient is reasonably likely to die within 15 days after the first verbal request, the patient may make the second verbal request at any time.

(b) Make a written request for the medication in the form prescribed by section 19 of this act and submit the written request to the attending practitioner. The written request for the medication must be signed by the patient and one witness, who must not be:

(1) Related to the patient by blood, marriage or adoption;

(2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law;

(3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident;

(4) The attending practitioner; or

(5) An interpreter for the patient.

2. An oral or written request made pursuant to this section may not be made:

(a) By any person acting on behalf of the patient, including, without limitation, a surrogate, supporter, guardian or person designated in a power of attorney to make decisions concerning health care pursuant to NRS 162A.790.

(b) In an advance directive.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449A.703.

(b) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 19. *A written request for a medication that is designed to end the life of a patient must be in substantially the following form:*

REQUEST FOR A MEDICATION
THAT IS DESIGNED TO END MY LIFE

I, ..., am an adult of sound mind.

I have been diagnosed with ..... and given a prognosis of less than 6 months to live.

I have been fully informed of my diagnosis, my prognosis and the feasible alternative, concurrent or additional treatment opportunities, including comfort care, hospice care and pain control. I have been offered resources or referrals to pursue these alternative, concurrent or additional treatment opportunities.

I have been fully informed of the nature of the medication to be prescribed to me and the risks and benefits of self-administering the medication, including that the likely effect of self-administering the medication is death. I understand that I can rescind this request at any time and that I am under

no obligation to fill the prescription once it is written or to self-administer the medication if I obtain it.

I request that my attending practitioner prescribe a medication that I may self-administer to end my life and authorize my attending practitioner to contact a pharmacist to fill the prescription at a time of my choosing.

I make this request voluntarily, free from coercion or undue influence.

Signed: .....

Dated: .....
Witness signature: .....

Date: .....

Sec. 20. ***1. Before prescribing a medication that is designed to end the life of a patient, the attending practitioner of the patient must:***

(a) Inform the patient that he or she may revoke a request for the medication at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 18 of this act;

(b) Determine and verify, after each verbal and written request for the medication made pursuant to subsection 1 of section 18 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 3, 4 and 5 of section 17 of this act;

(c) Discuss with the patient:

(1) The diagnosis and prognosis of the patient;

(2) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control, and the risks and benefits of each method;

(3) The risks and benefits of self-administering the medication, including, without limitation, that death is the probable result of self-administering the medication;

(4) The recommended procedure for self-administering the medication;

(5) The manner in which the medication must be kept and disposed of in accordance with applicable state and federal law;

(6) The importance of having another person present when the patient self-administers the medication; and

(7) The benefits of notifying the patient's next of kin of his or her decision to request a prescription for a medication that is designed to end the life of the patient;

(d) Refer the patient to a consulting practitioner who is qualified by reason of specialty or experience to diagnose the terminal condition of the patient for examination and receive written confirmation from that practitioner of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 17 of this act;

(e) Inform the patient that there is no obligation to fill the prescription or to self-administer the medication, if obtained; and

(f) Instruct the patient against self-administering the medication in a public place. As used in this paragraph, "public place" means any location readily accessible to the general public, but does not include a health care facility.

2. The attending practitioner shall refer the patient for comfort care, palliative care, hospice care, pain control or other end-of-life care if requested or as clinically indicated.

Sec. 21. *1. If the attending practitioner to whom a patient makes a request for a medication that is designed to end the life of the patient or the consulting practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 20 of this act determines that the patient may not be mentally capable:*

(a) The attending practitioner or consulting practitioner, as applicable, must refer the patient for examination by a person professionally qualified in the field of psychiatric mental health; and

(b) The attending practitioner must not prescribe a medication that is designed to end the life of the patient, unless the person professionally qualified in the field of psychiatric mental health concludes, based on the examination, that the patient is mentally capable.

2. If a patient is examined pursuant to subsection 1, the person professionally qualified in the field of psychiatric mental health must provide to the attending practitioner and, if applicable, the consulting practitioner who made the referral, his or her written determination regarding whether the patient is mentally capable.

Sec. 22. *1. Except as otherwise provided in section 23 of this act, the attending practitioner of a patient may prescribe a medication that is designed to end the life of the patient after the attending practitioner has ensured that the requirements of sections 17 to 21, inclusive, of this act have been met.*

2. After an attending practitioner prescribes a medication that is designed to end the life of a patient, the attending practitioner shall, after obtaining the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending practitioner shall transmit the prescription directly to the pharmacist.

3. A medication that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending practitioner of the patient. A pharmacist may only dispense such a medication pursuant to a valid prescription provided by an attending practitioner in accordance with subsection 2 to:

(a) The patient;

(b) The attending practitioner who prescribed the medication; or

(c) An agent of the patient who has been expressly identified to the pharmacist as such by the patient.

Sec. 22.5. When billing a patient or his or her insurer for services in connection with prescribing a medication that is designed to end the life of the patient, an attending practitioner may only bill the patient or his or her insurer using the appropriate coding found in the current edition of the Current Procedural Terminology published by the American Medical Association for:

1. Diagnosing the patient; and

2. Prescribing the medication that is designed to end the life of the patient.

Sec. 23. *An attending practitioner shall not prescribe a medication that is designed to end the life of a patient based solely on the age or disability of the patient.*

Sec. 24. *1. The attending practitioner of a patient who requests a medication that is designed to end the life of the patient shall document in the medical record of the patient:*

(a) Each request for such a medication made by the patient, including, without limitation, by including in the record a copy of the written request submitted pursuant to paragraph (b) of subsection 1 of section 18 of this act, and each revocation of such a request;

(b) The diagnosis and the prognosis of the patient provided by the attending practitioner;

(c) Each determination made by the attending practitioner concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 17 of this act;

(d) Confirmation that:

(1) The attending practitioner offered the patient the opportunity to revoke his or her second verbal request for the medication, as required by subsection 1 of section 20 of this act; and

(2) The requirements set forth in sections 5 to 33, inclusive, of this act have been satisfied; and

(e) The name, amount and dosage of any medication that is designed to end the life of the patient and any ancillary medications that the attending practitioner prescribes for the patient.

2. A consulting practitioner shall report to the attending practitioner of the patient and document in the medical record of the patient his or her:

(a) Confirmation that the patient has requested a medication designed to end the life of the patient;

(b) Diagnosis and opinion regarding the prognosis of the patient; and

(c) Determination concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 17 of this act.

3. A person professionally qualified in the field of psychiatric mental health to whom a patient is referred pursuant to section 21 of this act shall

document in the medical record of the patient his or her determination of whether the patient is mentally capable.

4. If a patient who has requested a medication that is designed to end his or her life changes his or her attending practitioner or transfers his or her care to a different health care facility, the prior attending practitioner and health care facility, as applicable, must, upon the request of the patient or the new attending practitioner or health care facility, forward the medical records of the patient to the new attending practitioner or health care facility, as applicable.

Sec. 25. ***1. A patient who requests a medication that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.***

2. The revocation of a request for such a medication becomes effective immediately upon the patient communicating the revocation to his or her attending practitioner. When the patient revokes such a request, the attending practitioner must document the revocation in the medical record of the patient.

Sec. 26. ***1. Only a patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. No other person may administer the medication to the patient, including, without limitation, by parenteral injection or infusion. Any person who is present may assist the patient in preparing the medication for self-administration.***

2. If any amount of a medication that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.

Sec. 27. ***1. An attending practitioner who prescribes a medication that is designed to end the life of a patient shall:***

(a) Not more than 30 days after prescribing the medication, provide to the Division in the form prescribed by the Division the name, date of birth, diagnosis and prognosis of the patient and affirmation that the prescription was issued in accordance with the provisions of sections 5 to 33, inclusive, of this act; and

(b) Not more than 60 days after the death of a patient from administering the medication, provide to the Division the name and date of birth of the patient, the date on which the patient died and a statement of whether the patient was receiving hospice care at the time of death.

2. The Division shall prescribe forms for reporting each set of information required by subsection 1.

3. Except as otherwise provided in NRS 239.0115 and sections 1 and 28 of this act, any information or records submitted to the Division pursuant to this section are confidential.

4. The Division shall annually review a sample of the reports submitted pursuant to subsection 1 to ensure compliance with the requirements of that subsection.

5. The provisions of subsection 1 of section 33 of this act do not apply to a practitioner who willfully fails to comply with the requirements of this section.

Sec. 28. *On or before February 1 of each year, the Division shall:*

1. Compile a report concerning the implementation of the provisions of sections 5 to 33, inclusive, of this act. The report:

(a) Must include, for the immediately preceding calendar year:

(1) The number of patients to whom a medication that is designed to end the life of a patient was prescribed;

(2) The number of patients described in subparagraph (1) who died after self-administering the medication and the terminal conditions which were specified as the cause of those deaths; and

(3) The number of practitioners who prescribed a medication that is designed to end the life of a patient.

(b) Must not include the personally identifiable information of any patient or provider of health care.

2. Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division.

Sec. 29. *1. A death resulting from a patient self-administering a medication that is designed to end his or her life in accordance with the provisions of sections 5 to 33, inclusive, of this act does not constitute mercy killing, euthanasia, assisted suicide, suicide or homicide.*

2. Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensing of and self-administration of a medication that is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensing of and self-administration, as applicable, of a medication that is designed to end the life of a patient.

Sec. 30. *1. A person shall not prevent a patient from making or revoking or require a patient to make or revoke a request for a medication that is designed to end the life of the patient as a condition of receiving health care.*

2. Any provision in any contract or agreement entered into before, on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 5 to 33, inclusive, of this act is unenforceable and void.

Sec. 31. *1. The provisions of sections 5 to 33, inclusive, of this act do not:*

(a) Require an attending practitioner to prescribe a medication that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a medication;

(b) Affect the responsibility of a practitioner to provide information and treatment in accordance with the standard of care, including, without limitation, treatment for a patient's comfort or alleviation of pain; or

(c) Condone, authorize or approve mercy killing, euthanasia or assisted suicide.

2. An attending practitioner shall provide a patient who is diagnosed with a terminal condition with complete and accurate information concerning his or her available options for care and the risks and benefits of each option. If an attending practitioner is unwilling or unable to provide information concerning the prescription and self-administration of a medication that is designed to end the life of the patient in accordance with sections 5 to 33, inclusive, of this act to a patient who requests such information, the attending practitioner must facilitate the transition of the patient to another provider of health care, unless the patient refuses such a transition. An attending practitioner who fails to comply with the requirements of this subsection shall be deemed to have failed to obtain informed consent to any care provided to the patient after the request.

3. If a patient requests pursuant to section 18 of this act that the attending practitioner prescribe a medication that is designed to end the life of the patient and the attending practitioner is unwilling or unable to issue a prescription for such medication, the attending practitioner shall:

(a) Document the request and the date of the request in the medical record of the patient; and

(b) Upon request, forward the medical records of the patient as required by subsection 4 of section 24 of this act.

Sec. 32. *1. Except as otherwise required by section 31 of this act, the owner or operator of a health care facility may prohibit:*

(a) Any employee or independent contractor of the health care facility from providing any services described in sections 5 to 33, inclusive, of this act while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or

(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another provider of health care who provides services on the premises of the health care facility, from providing any services described in sections 5 to 33, inclusive, of this act on the premises of the health care facility.

2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 5 to 33, inclusive, of this act shall provide notice of the prohibition to:

(a) Each employee and independent contractor of the health care facility at the time of hiring and annually thereafter; and

(b) Each provider of health care not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515, at the time the provider of health care begins providing services on the premises of the health care facility and annually thereafter.

3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy,

procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.

Sec. 33. ***1. Except as otherwise provided in section 32 of this act:***

(a) A health care facility or provider of health care shall not:

(1) Prohibit an employee or independent contractor from:

(I) Providing services described in sections 5 to 33, inclusive, of this act outside the scope of the employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care;

(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care; or

(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources, including, without limitation, information about how to access such services and resources, when discussing the options of the patient for end-of-life care; or

(2) Discharge, demote, censure, suspend, revoke or suspend the privileges of, discipline or otherwise penalize an employee or independent contractor who takes any action described in subparagraph (1).

(b) A practitioner, person professionally qualified in the field of psychiatric mental health, pharmacist or other provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the provider of health care:

(1) Takes any action authorized by sections 5 to 33, inclusive, of this act, including, without limitation, assisting a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 26 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

(c) A health care facility is not subject to disciplinary action, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because an employee or independent contractor of the health care facility takes any action authorized by sections 5 to 33, inclusive, of this act.

(d) A person other than a provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the person:

(1) Assists a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 26 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

2. If any part of paragraph (a) of subsection 1 conflicts with requirements concerning the receipt of federal money by this State, the conflicting provision does not apply solely to the extent of the conflict with respect to the health care facility or provider of health care directly affected.

3. A local government, coroner, law enforcement agency or an employee of a local government, coroner or law enforcement agency is not subject to any civil or criminal penalty for ceasing or refusing to investigate or take other action in response to a death resulting from the self-administration of a medication designed to end the life of the patient pursuant to sections 5 to 33, inclusive, of this act or refusing to make a finding concerning such a death.

4. The provisions of this section do not limit liability for damages resulting from the negligence or intentional misconduct of any person providing services pursuant to sections 5 to 33, inclusive, of this act.

Sec. 33.1. **NRS 450B.470 is hereby amended to read as follows:**

450B.470 "Qualified patient" means:

1. A patient 18 years of age or older who has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition and who:

(a) Has executed a declaration in accordance with the requirements of NRS 449A.433;

(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; ~~[or]~~

(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510 ~~]~~***; or***

(d) Has self-administered a medication that is designed to end his or her life in accordance with sections 5 to 33, inclusive, of this act.

2. A patient who is less than 18 years of age and who:

(a) Has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition; and

(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

Sec. 33.3. **NRS 450B.550 is hereby amended to read as follows:**

450B.550 1. Except as otherwise provided in subsection 2, a person who administers emergency medical services shall comply with do-not-resuscitate protocol when the person observes a do-not-resuscitate identification or carries out a do-not-resuscitate order.

2. A person who administers emergency medical services and who is unwilling or unable to comply with the do-not-resuscitate protocol shall take all reasonable measures to transfer a qualified patient who possesses a do-not-resuscitate identification or has been issued a do-not-resuscitate order to a physician, advanced practice registered nurse or health care facility in which the do-not-resuscitate protocol may be followed.

3. A prescription for a medication that is designed to end the life of the patient issued in accordance with sections 5 to 33, inclusive, of this act shall be considered a written do-not-resuscitate order for the purposes of NRS 450B.400 to 450B.590, inclusive, if a person who administers emergency medical services:

(a) Responds to a patient who has self-administered a medication that is designed to end his or her life; and

(b) Determines that such a prescription has been issued to the patient.

Sec. 33.6. **NRS 450B.570 is hereby amended to read as follows:**

450B.570 1. Death that results when life-resuscitating treatment has been withheld pursuant to the do-not-resuscitate protocol and in accordance with the provisions of NRS 450B.400 to 450B.590, inclusive, does not constitute a suicide or homicide.

2. The possession of a do-not-resuscitate identification or the issuance of a do-not-resuscitate order does not affect the sale, procurement or issuance of a policy of life insurance or an annuity or impair or modify the terms of a policy of life insurance or an annuity. A policy of life insurance or an annuity is not legally impaired or invalidated if life-resuscitating treatment has been withheld from an insured who possesses a do-not-resuscitate identification or has been issued a do-not-resuscitate order, notwithstanding any term in the policy or annuity to the contrary.

3. A person may not prohibit or require the possession of a do-not-resuscitate identification or the issuance of a do-not-resuscitate order as a condition of being insured for, or receiving, health care.

4. A person who administers emergency medical services and responds to a patient who has self-administered a medication that is designed to end the life of the patient in accordance with sections 5 to 33, inclusive, of this act shall indicate "medical aid in dying" in any report concerning the incident created by the person who administers emergency medical services.

Sec. 34. NRS 453.256 is hereby amended to read as follows:

453.256 1. A prescription for a controlled substance must be given to a pharmacy in compliance with NRS 639.23535. A prescription for a substance included in schedule II must not be refilled. A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under

NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

7. As used in this section, "medical treatment" includes ~~[dispensing]~~ ***:***

(a) Dispensing or administering a narcotic drug for pain, whether or not intractable ~~[.]~~ ***; and***

(b) Dispensing a medication that is designed to end the life of a patient pursuant to the provisions of sections 5 to 33, inclusive, of this act.

Sec. 35. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~[A]~~ ***Except as otherwise provided in sections 5 to 33, inclusive, of this act, a*** controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) An anesthesiologist assistant, at the direction of a supervising anesthesiologist or supervising osteopathic anesthesiologist.

(f) A medical student, student in training to become a physician assistant or anesthesiologist assistant, student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(g) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(h) Any person designated by the head of a correctional institution.

(i) A veterinary technician at the direction of his or her supervising veterinarian.

(j) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(k) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(l) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(m) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section:

(a) "Accredited college of medicine" means:

(1) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(2) A school of osteopathic medicine, as defined in NRS 633.121.

(b) "Anesthesiologist assistant" means a person who holds a license issued pursuant to NRS 630.2683 or 633.4254 or a temporary license issued pursuant to NRS 630.2685 or 633.4262.

Sec. 36. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217 ~~[,]~~ ***and sections 5 to 33, inclusive, of this act,*** a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS or an anesthesiologist assistant, at the direction of his or her supervising physician or supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or a licensed dental hygienist or expanded function dental assistant acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct

supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 37. NRS 454.215 is hereby amended to read as follows:

454.215 ~~[A]~~ ***Except as otherwise provided in sections 5 to 33, inclusive, of this act, a*** dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board;

9. A manufacturer or wholesaler dispensing a dialysate drug pursuant to NRS 639.573; or

10. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 38. NRS 133.065 is hereby amended to read as follows:

133.065 ***1.*** Except ***as otherwise provided in subsection 2 or*** to the extent that it violates public policy, a testator may:

~~[1.]~~ ***(a)*** Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~[2.]~~ ***(b)*** Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a medication designed to end his or her life, revoking such a request or self-administering such a medication in accordance with the provisions of sections 5 to 33, inclusive, of this act is unenforceable and void.

Sec. 39. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a medication that is designed to end his or her life or the revocation of such a request if made in accordance with the provisions of sections 5 to 33, inclusive, of this act.

Sec. 40. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,

442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 27 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge,

diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 41. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections ~~[3]~~ ***4*** and ~~[4]~~ ***5*** of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 42. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been

occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. ***When a coroner or the coroner's deputy is informed or otherwise discovers that a person has self-administered a medication designed to end his or her life pursuant to sections 5 to 33, inclusive, of this act, the coroner:***

(a) May make an appropriate investigation to the extent necessary to determine that the cause of the terminal condition with which the person was diagnosed; and

(b) Must cease investigating the death after determining that the terminal condition with which the person was diagnosed resulted from a natural cause.

3. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

~~[3.]~~ ***4.*** If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

~~[4.]~~ ***5.*** A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

~~[5.]~~ ***6.*** The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~[6.]~~ ***7.*** If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~[7.]~~ ***8.*** A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 43. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.597 and 639.2357, ***and***

section 27 of this act, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face “Copy, Not Refillable—For

Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 44. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 5 to 33, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 45. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 5 to 33, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 46. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, ***and section 45 of this act*** or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, do not apply to policies issued to a creditor to insure debtors of such creditor;

2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and

3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 47. Not later than 45 days after the effective date of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall prescribe and make available on an Internet website maintained by the Division the forms for making the reports required by section 27 of this act.

Sec. 48. This act becomes effective upon passage and approval.

Assemblymember Dalia moved the adoption of the amendment.

Remarks by Assemblymember Dalia.

Amendment adopted.

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

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblymember Flanagan.

ASSEMBLYMEMBER FLANAGAN:

Assembly Bill 1 relates to regulations concerning the Fort Mohave Valley. Assembly Bill No. 1 voids certain regulations related to the Fort Mohave Valley Development Law and requires the Legislative Counsel to remove them from the *Nevada Administrative Code*.

Roll call on Assembly Bill No. 1:

YEAS—35.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts—7.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblymember Gray.

ASSEMBLYMEMBER GRAY:

Assembly Bill 8 exempts the Division of State Parks from the requirement to deposit public money in excess of $10,000 or more accumulated during any day by the next working day. Instead, it requires the Division to deposit the money within ten working days.

Roll call on Assembly Bill No. 8:

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill 10 adds the improvement of a water or sewer system owned by a common-interest community to the definition of "neighborhood improvement project" and excludes this type of project from certain provisions that apply to other neighborhood improvement projects. It also establishes that such a project will not be stayed, defeated, or prevented by written complaints, protests, and objections, unless deemed so by the governing body of a county, city, or town.

Roll call on Assembly Bill No. 10:

YEAS—37.

NAYS—Cole, Dickman, Gallant, Gray, Hafen—5.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblymember Kasama.

ASSEMBLYMEMBER KASAMA:

Assembly Bill 14 establishes a requirement for certain elected county officers, as well as, the Board of Supervisors in Carson City, to be registered to vote in this state. The requirement does not apply to individuals who hold such offices on July 1, 2025. The bill is effective July 1, 2025.

Roll call on Assembly Bill No. 14:

Yeas—42.

Nays—None.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblymember Nadeem.

ASSEMBLYMEMBER NADEEM:

Assembly Bill 15 expands the authority of the Attorney General, acting through the Medicaid Fraud Control Unit, to issue a subpoena to compel a person to appear, be examined, and answer written questions, all while under oath. The Attorney General may petition a court to issue an order compelling compliance with such a subpoena. Upon hearing the matter, the court is authorized to issue the order, modify the order, or issue certain other rulings.

Roll call on Assembly Bill No. 15:

YEAS—31.

NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, O'Neill, Yurek—11.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblymember Hansen.

ASSEMBLYMEMBER HANSEN:

Assembly Bill 17 requires that writs of garnishment be served upon the Division of Human Resource Management, instead of the State Controller, when the garnishee is the State of Nevada.

Roll call on Assembly Bill No. 17:

YEAS—42.

NAYS—None.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:

Assembly Bill 18 requires that certain documents filed electronically contain the electronic signature of the person who is filing the document, as set forth within the Nevada Electronic Filing and Conversion Rules.

Roll call on Assembly Bill No. 18:

YEAS—42.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:

Assembly Bill 19 revises the membership of the Statewide Substance Use Response Working Group and provides staggered initial terms of new members.

Roll call on Assembly Bill No. 19:

YEAS—32.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, O'Neill—10.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 25 revises provisions relating to offenders within Nevada's Department of Corrections. The bill requires the Department to provide women who are incarcerated access to annual pelvic examinations and mammography based on certain factors, such as age, family medical history, health care provider recommendations, or other health-related risks.

The bill also allows notarial officers to verify the identity of incarcerated individuals using inmate identification cards or declarations signed under penalty of perjury.

Additionally, the bill repeals provisions requiring the Director of the Department to establish and administer a program of regimental discipline as an alternative to incarceration.

Roll call on Assembly Bill No. 25:

YEAS—42.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblymember Gurr.

ASSEMBLYMEMBER GURR:

Assembly Bill 26 revises provisions relating to dams. The bill exempts the State Engineer and any assistant from liability for damages caused by certain failures of a dam or reservoir as a result of an inspection, emergency response, or enforcement of an order or regulation by the State Engineer or his or her assistant. The bill also exempts work under the jurisdiction of the United States Bureau of Reclamation or the U.S. Army Corps of Engineers from certain inspection requirements. Additionally, the bill revises provisions related to the construction, reconstruction, or alteration of dams. Finally, Assembly Bill No. 26 authorizes the State Engineer and certain other personnel to enter parcels adjacent to a dam or other obstruction as necessary for obtaining access to carry out certain duties and clarifies the authority of the State Engineer to order the removal of any dam, diversion works, or obstruction that has not been legally established and recognized.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:
Assembly Bill 30 authorizes the Administrator of the Division of Public and Behavioral Health to request and access certain medical and mental health records from local detention facilities for detained or imprisoned defendants who are committed to the Administrator's custody for evaluation and treatment.

Roll call on Assembly Bill No. 30:
YEAS—42.
NAYS—None.
Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 35.
Bill read third time.
Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:
Assembly Bill 35 establishes the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct.

Roll call on Assembly Bill No. 35:
YEAS—42.
NAYS—None.
Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:
Assembly Bill 45 renames the Committee on Domestic Violence to the Committee on Domestic Violence and Sexual Assault to reflect its expanded duties, responsibilities, and scope of issues related to sexual assault. The bill revises the composition of the Committee, reducing the number of members who are survivors of domestic violence from two to one and adds three members. In addition, the bill deletes statutory reference to the Sexual Assault Kit Working Group and transfers its duties to the Committee. Lastly, the bill creates a victim notification system in the Office of the Attorney General and replaces references to the Victim Information Notification Everyday System with references to the newly created system.

Roll call on Assembly Bill No. 45:
YEAS—42.
NAYS—None.
Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 57.
Bill read third time.
Remarks by Assemblymember DeLong.

ASSEMBLYMEMBER DELONG:

Assembly Bill 57 transfers certain duties related to the Nevada Intrastate Mutual Aid System to the State Forester Fire Warden. These duties, which pertain to wildfire suppression, include coordinating the provision of mutual aid, administering the System, and adopting related regulations. This bill also outlines conditions for a System participant to request interstate [intrastate] mutual aid and requires that such requests be forwarded either to the Division of Emergency Management or the Division of Forestry, depending on the type of aid requested. Additionally, the bill establishes the State Forester Fire Marshal [Fire Warden] and the Chief of the Division of Emergency Management as Co-Chairs of the Intrastate Mutual Aid Committee and establishes that Committee Members must be jointly appointed. Finally, the bill outlines provisions related to System reimbursement requests and reporting requirements by participants to the Division of Forestry.

Roll call on Assembly Bill No. 57:

YEAS—42.

NAYS—None.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblymember Gurr.

ASSEMBLYMEMBER GURR:

Assembly Bill 59 expands game wardens' scope of enforcement authority to include all laws of the State of Nevada and makes enforcement of such laws a power instead of a duty.

Additionally, Assembly Bill No. 59 prohibits the intentional feeding of any wildlife classified by the Board of Wildlife Commissioners as a wild mammal or game bird, with certain exceptions that include any bird feeder within 100 feet of a private residence. Also, it categorizes a moose as a "trophy big game mammal" instead of a "big game mammal" and increases the civil penalty for unlawfully killing or possessing a moose. Prohibits knowingly bringing into or possessing in this state the excrement or bodily fluid of certain animals obtained in another state, or territory, or country and eliminates permits for importing, possessing, or propagating alternative livestock and, with certain exceptions, makes such activities unlawful.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 12:51 p.m.

ASSEMBLY IN SESSION

At 12:53 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 96 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblymember Edgeworth.

ASSEMBLYMEMBER EDGEWORTH:

Senate Bill 96 designates January 27 of each year as "International Holocaust Remembrance Day" in the state of Nevada and requires the Governor to issue an annual proclamation encouraging the observance of this day.

Roll call on Senate Bill No. 96:

YEAS—42.

NAYS—None.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 12:54 p.m.

ASSEMBLY IN SESSION

At 1:05 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill Nos. 98 and 144 be taken from their place on the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 98 requires the Governor to annually proclaim April 10 as "Dolores Huerta Day" in the state of Nevada. The proclamation must encourage all public schools and educational institutions in this state to recognize and educate students about her life, accomplishments, and contributions to the United States.

Roll call on Assembly Bill No. 98:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 144 establishes the second Monday in October as "Indigenous Peoples Day" and requires the Governor to annually issue a proclamation encouraging the observance of this day. The bill also outlines certain requirements for the proclamation, including acknowledging the culture, history, significant contributions, and advancements made by indigenous communities in the state of Nevada and around the world.

Roll call on Assembly Bill No. 144:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 81, 82, 83, 86, 90, 96, 107, 110, 119, 125, 132, 136, 137, 140, 148, 150, 164, 168, 174, 185, 189, 193, 196, 232, 235, 236, 237, 244, 248, 249, 256, 258, 262, 263, 277, 278, 283, 306, 333, 342, 347, 354, 361,369, 380, 411, 430, 466, 480, 484, 506, and 507 be taken from their place on the General file and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Zbinden and Mark Travis.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Lori Murphy, Hannah Manning, and Tina Tsoi.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Kamal Patel, Dr. Ronald Laux, and Dr. Sheronda Barraza.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Martin.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Olivia Jensen.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Stanek.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Poth.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Parikh, Alvin Babu, and Karishma Patel.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Landron and Lori Benvin.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Chandler.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, April 16, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 16, 2025

Assembly called to order at 11:47 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Pastor Joseph Lent.

Tammi Naa'a, pija mmi matuguna; Uu gwino'o nummi goova gwei woitsami'yoo. Yeishi pija mmi sooduhei, no'oko numu yaa; mu poina'idu, mu tunihannidu, mu waakudu, tugwutumadu, mu tuvodu noko. Meikoosaba bija masookwamaguti, sutagoo a-gwuneikya, o'no yeishi dammi pija tunihannikwu, yaahoo mani-puninna.

Creator God, Father of all, thank You for this day. We thank You for one another, we thank You for life and for health; we thank You for this building and for everyone and everything in it. We thank You for making us wise and capable to make sound decisions. I ask that You would help us keep to the highest moral law as we convene this session, that we would do unto others as we desire others to do unto us. We receive Your peace and divine clarity and guidance during this time.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 142, 223, 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 64, 131, 213, 274, 433, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 161, 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 55, 58, 149, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 194, 320, 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 8, 9, 10, 11, 19, 21, 31, 84, 102, 137, 143, 225, 327, 359, 370.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 13, 45, 46, 114, 120, 142, 291, 293, 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 7, 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Joint Resolution No. 8.
Resolution read.
Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

Assembly Joint Resolution No. 8 proposes to amend the *Nevada Constitution* to require the Legislature, to the extent money is available, to provide by law for the establishment of a business court consisting of three or more judges. This court would have exclusive original jurisdiction over disputes involving shareholder rights, mergers and acquisitions, fiduciary duties, receiverships involving business entities, and other commercial or business disputes seeking equitable or declaratory relief.

Roll call on Assembly Joint Resolution No. 8:

YEAS—40.

NAYS—La Rue Hatch, Roth—2.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read.

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

Amendment No. 211.

ASSEMBLY JOINT RESOLUTION—Urging the Federal Government to maintain the moratorium on the testing of explosive nuclear weapons.

WHEREAS, The **State of Nevada and its citizens have long contributed to the national security of the** United States ~~[Congress approved a moratorium on the underground testing of explosive nuclear weapons in 1992,]~~ **by hosting the Nevada National Security Site, formerly the Nevada Test Site, where a total of 100 atmospheric tests and 828 underground tests were conducted;** and

WHEREAS, ~~[The]~~ **After sustained advocacy by Nevadans, the era of explosive nuclear testing in the** United States ~~[signed the Comprehensive Nuclear Test-Ban Treaty in 1996, but has not yet ratified the treaty;]~~ **ended in 1992 when a moratorium on underground nuclear testing was passed by bipartisan majorities in the United States Congress and signed into law by President George H.W. Bush, and the moratorium has been voluntarily upheld by every president for over 30 years;** and

WHEREAS, ~~[There have been no test explosions of nuclear weapons in Nevada for over thirty years;]~~ **Former national security officials and other Washington-based research organizations have recently called for renewed explosive nuclear testing which, if adopted, would occur underground at the Nevada National Security Site in Nye County, just 65 miles from Las Vegas, Nevada, and would introduce environmental, health and economic risks to all Nevadans;** and

WHEREAS, ~~[The]~~ **When the Federal Government first selected the** Nevada ~~[National Security]~~ **Test** Site ~~[, where resumption of the underground]~~ **for nuclear** testing ~~[of explosive nuclear weapons would occur, is located approximately 65 miles northwest of Las Vegas, Nevada;]~~ **, an estimated 57,000 people lived in Clark County and the five nearby rural counties, whereas today these counties are home to more than 2.3 million people;** and

WHEREAS, ~~[The improper underground]~~ **Underground** testing of explosive nuclear weapons could ~~[vent and disperse a large amount of]~~ **inadvertently release** radioactive material into the air, as ~~[it did in]~~ **has happened in the past with at least 32 venting accidents from underground tests at the**

Nevada Test Site, including the 1970 ~~[when an underground test vented 80,000 curies]~~ **Baneberry incident, which released a significant amount** of radioactive ~~[contamination]~~ **material** across a widespread area of the western United States ~~[,]~~ and **exposed 86 Nevada Test Site workers to high levels of radiation; and**

WHEREAS, ~~[Radioactive material from previous nuclear tests is still present in the groundwater of some areas of the Nevada National Security Site, and the resumption of underground testing of explosive nuclear weapons could contaminate the groundwater even further with radioactive material;]~~ **More than 32,000 "Downwinder" claims have been filed as a result of atmospheric testing, and more than 27,000 claims have been filed under the Energy Employees Occupational Illness Compensation Program Act by former Nevada Test Site employees and contractors, demonstrating the impact of nuclear testing on the health of Nevadans;** and

WHEREAS, Exposure to radiation ~~[through the air or groundwater can pose adverse]~~ **from resumed testing of explosive nuclear weapons could result in negative chronic** health effects **to the local population** over time, including cancer **, heart disease, neurological disorders, autoimmune disorders** and ~~[other illnesses;]~~ **thyroid disease;** and

WHEREAS, ~~[The]~~ **Previous** underground testing of explosive nuclear weapons ~~[could cause]~~ **caused** tremors in Las Vegas ~~[, Nevada,]~~ **registering as high as 5.7 on the Richter scale,** which ~~[would resemble a major earthquake;]~~ **rattled residents and visitors, underscoring that resumed testing could pose significant risks to the infrastructure, buildings and, ultimately, economy of Nevada, including its tourism and real estate industries;** and

WHEREAS, ~~[The resumption of the testing of]~~ **Resumed** explosive nuclear ~~[weapons]~~ **testing** would ~~[risk the local Nevada economy by frightening residents and tourists alike;]~~ **further contaminate local groundwater sources, as evidenced by the environmental reports of the National Nuclear Security Administration indicating radioactive materials in groundwater from previous testing and the known effectiveness of groundwater in dispersing radioactive contamination into the surrounding environment;** and

WHEREAS, ~~[When the]~~ **There is no technical or military requirement to resume nuclear testing, as the Directors of the Los Alamos, Sandia and Lawrence Livermore National Laboratories and the Commander of** United States ~~[first began testing explosive]~~ **Strategic Command, along with the Secretaries of Defense and Energy, have annually affirmed the safety, security, reliability and performance of** nuclear weapons ~~[at the Nevada Test Site in the 1950s, there was an estimated population in Clark County of 50,000 people. Today there are estimated to be around 2,300,000 people in Clark County, which means there are now far more people who could potentially experience adverse impacts from this]~~ **for over 25 years and have**

consistently determined there is no technical or military requirement to resume testing; and

WHEREAS, ~~[Over 72 percent of Nevada voters oppose the resumption of underground testing of explosive nuclear weapons;]~~ **No country other than North Korea has conducted an explosive nuclear test this century, and 187 countries, including the United States, every NATO and United States Pacific ally, Russia and China, are signatories to the 1996 Comprehensive Nuclear Test Ban Treaty;** and

WHEREAS, Resumption of the ~~[underground]~~ testing of explosive nuclear weapons ~~[in]~~ **would undermine the national security of** the United States ~~[could lead]~~ **by encouraging Russia, China and** other countries to resume the testing of nuclear weapons **~~[, causing a new]~~ and improve their** nuclear ~~[arms race,]~~ **arsenals; and**

WHEREAS, The United States has extensive data from having conducted more nuclear tests than any other country, which fuels today's powerful science-based stockpile stewardship program with cutting edge diagnostic, modeling and computing capabilities that are second to none; and

WHEREAS, Polling conducted by the University of Maryland in 2024 found that more than two-thirds of Nevada Republicans and Democrats favor continuing to abide by the moratorium on nuclear testing; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the ~~[United States should]~~ **members of the 83rd Session of the Nevada Legislature hereby urge the Federal Government to** maintain ~~[and renew its commitment to]~~ the moratorium on the testing of explosive nuclear weapons **;** ~~[in this country;]~~ and be it further

~~[Resolved, That the United States, in alignment with its signing of the Comprehensive Nuclear Test Ban Treaty, should not resume the testing of explosive nuclear weapons at the Nevada National Security Site; and be it further]~~

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, **the United States Secretary of State, the United States Secretary of Defense,** the United States Secretary of Energy**, the Under Secretary for the National Nuclear Security Administration** and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

Assembly Joint Resolution No. 14.
Resolution read.
Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:
Assembly Joint Resolution No. 14 condemns the attack on the United States Capitol on January 6, 2021, including the assault on law enforcement officers, and denounces the use of presidential pardons and commutations to absolve the participants in the riot.

Roll call on Assembly Joint Resolution No. 14:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.
Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Senate Joint Resolution No. 8.
Assemblymember Mosca moved that the resolution be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assemblymember Jauregui moved that Amendment No. 105 be withdrawn from Assembly Bill No. 69.
Motion carried.

Assemblymember Jauregui moved that Amendment No. 185 be withdrawn from Assembly Bill No. 176 and be replaced with Amendment No. 530.
Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 8.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 9.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 10.
Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Senate Bill No. 11.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 13.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 19.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 21.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 31.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 45.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 46.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 102.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 114.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 120.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 137.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 142.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 143.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 225.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 291.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 293.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 327.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 359.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 370.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 387.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 44.

AN ACT relating to the Department of Motor Vehicles; authorizing the imprinting of individualized symbols or codes for different medical conditions on driver's licenses or identification cards; ~~[providing for the use of electronic mail for certain communications]~~ **revising the manner in which the Department communicates certain information** concerning liability insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card. If such a program is adopted, existing law: (1) requires the Department to adopt a single symbol to indicate that a person has a medical condition; and (2) prohibits the Department from adopting individualized symbols for different medical conditions. (NRS 483.3485, 483.863) **Sections 1 and 2** of this bill authorize the Department to adopt individualized symbols or codes for different medical conditions in addition to adopting the required single symbol to indicate that a person has a medical condition.

Existing law requires the Department to mail to the registered owner of a motor vehicle a request for information regarding the liability insurance covering the motor vehicle, if the Department is unable to verify that the motor vehicle is covered by a policy of liability insurance. If the Department does not receive the requested information, existing law requires the Department to suspend the registration of the motor vehicle after sending a notice of suspension of registration by certified mail. (NRS 485.317) **Section 3** of this bill ~~[additionally authorizes]~~ **requires** the Department to send a request for information regarding liability insurance coverage by electronic ~~[mail,]~~ **notification,** if the registered owner has elected to receive information from the Department by electronic ~~[mail.]~~ **notification. Section 3** also requires the Department to send a notice of suspension of registration by electronic ~~[mail,]~~ **notification,** if the registered owner has elected to receive information from the Department by electronic ~~[mail,]~~ **notification,** in addition to sending the notice by certified mail ~~[.]~~ **or a mail service that requires the signature of the recipient and confirmation of delivery.**

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

Section 1. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol indicating a medical condition on a driver's license issued by the Department.

2. If the Department establishes a program pursuant to subsection 1:

(a) ~~[Except as otherwise provided in this title, the]~~ ***The*** Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and ~~[shall not]~~ ***may also*** adopt individualized symbols ***or codes*** for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to

subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

(e) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 2. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol indicating a medical condition on an identification card issued by the Department.

2. If the Department establishes a program pursuant to subsection 1:

(a) ~~[Except as otherwise provided in this title, the]~~ ***The*** Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and ~~[shall not]~~ ***may also*** adopt individualized symbols ***or codes*** for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card

of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 3. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by ~~[first-class]~~ mail ***or, if the registered owner of the motor vehicle has elected to receive information from the Department by electronic ~~[mail,]~~ notification, by electronic ~~[mail]~~ notification,*** to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was ~~[mailed]~~ ***sent*** by the Department. If the Department does not receive the requested information within 15 days after it ~~[mailed]~~ ***sent*** the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail ~~[.]~~ ***or a mail service that requires the signature of the recipient and***

confirmation of delivery ***and, if the owner has elected to receive information from the Department by electronic ~~[mail,]~~ notification, by electronic ~~[mail.]~~ notification.*** The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 7 of NRS 482.480.

6. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection 7 of NRS 482.480; or

(b) Remove the suspension of the registration without the payment of a fee or administrative fine.

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

3. Section 3 of this act becomes effective on October 1, 2025.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 9.

AN ACT relating to the state militia; authorizing the Adjutant General to appoint a ~~[State Assistant]~~ **Deputy** Adjutant General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively. (NRS 412.044, 412.054) **Section 2** of this bill authorizes the Adjutant General to appoint ~~[an additional Assistant]~~ **a Deputy** Adjutant General from either the Nevada Army National Guard or the Nevada Air National Guard ~~[who may serve as the State Assistant Adjutant General and]~~ who is in the unclassified service of the State. **Section 2** also removes: (1) the Chief of Staff for Army from the unclassified service of the State; and (2) the authorization for the Assistant Adjutants General appointed from the Nevada Army National Guard and the Nevada Air National Guard to serve as Chief of Staff for Army and Chief of Staff for Air, respectively. **Section 1** of this bill makes a conforming change to ~~[increase]~~ **include** the ~~[number of Assistant Adjutants]~~ **Deputy Adjutant** General **in the military staff of the Governor** that the Adjutant General may appoint**.** ~~[from two to three.]~~

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

Section 1. NRS 412.042 is hereby amended to read as follows:

412.042 1. The military staff of the Governor consists of the Adjutant General***, the Deputy Adjutant General*** and ~~[not more than]~~ two ~~*[three]*~~ Assistant Adjutants General selected from the commissioned officers of the Nevada National Guard ~~[.]~~ ***, as described in NRS 412.054.***

2. The military staff of the Governor shall perform such ceremonial functions and duties as the Governor may prescribe.

Sec. 2. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint ~~[two *three*]~~ ***:***

(a) A Deputy Adjutant General from the Nevada Army National Guard or the Nevada Air National Guard; and

(b) Two Assistant Adjutants General , one each ~~*, as follows:*~~

~~*(a) One]*~~ from the Nevada Army National Guard and ~~*;*~~

~~*(b) One from]*~~ the Nevada Air National Guard**.** ~~[, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively,~~ ~~*; and*~~

~~*(c) One from the Nevada Army National Guard or the Nevada Air National Guard, who may serve as the State Assistant General.]*~~

2. The Deputy Adjutant General and Assistant Adjutants General serve at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

~~[2.]~~ ***3.*** To be eligible for appointment to the office of ***Deputy Adjutant General or*** Assistant Adjutant General, a person must be an officer of the Nevada National Guard and be federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

~~[3.]~~ ***4.*** ~~[An]~~ ***The Deputy Adjutant General or an*** Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. ~~[An]~~ ***The Deputy Adjutant General or an*** Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

~~[4.]~~ ***5.*** The ***Deputy Adjutant General and*** Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

~~[5. Whoever serves as Chief of Staff for Army]~~

6. The ~~[State Assistant]~~ Deputy Adjutant General is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

~~[6.]~~ ***7.*** In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) ~~[One]~~ ***The Deputy Adjutant General to perform the duties of the Adjutant General as Acting Adjutant General.***

(b) If the Deputy Adjutant General is unavailable, one of the Assistant Adjutants General to perform the duties of ~~[his or her office]~~ ***the Adjutant General*** as Acting Adjutant General.

~~[(b)]~~ ***(c)*** If ~~[neither none of]~~ ***the Deputy Adjutant General and the*** Assistant ~~[Adjutant]~~ ***Adjutants*** General ~~[is]~~ ***are not*** available, any national guard officer to ~~[be]~~ ***perform the duties of*** the ***Adjutant General as*** Acting Adjutant General.

➥ The designated ***Deputy Adjutant General, designated*** Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 69.

Bill read second time and ordered to third reading.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 51.

AN ACT relating to conservation; ~~[establishing the Soil Health Advisory Board within the State Conservation Commission in the State Department of Conservation and Natural Resources;]~~ creating the Healthy Soils Initiative; setting forth the powers and duties of the State Conservation Commission **in the State Department of Conservation and Natural Resources** relating to the Healthy Soils Initiative; establishing the Fund for Soil Health; declaring certain information obtained by the Commission to be confidential; requiring the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services relating to the Healthy Soils Initiative ~~[; making an appropriation to the Conservation Districts Program to provide staff services to the State Conservation Commission for administering the Healthy Soils Initiative;]~~ **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Conservation Commission in the State Department of Conservation and Natural Resources and authorizes the establishment of conservation districts to facilitate the conservation, protection and controlled development of the renewable natural resources of this State, which includes soil. (Chapter 548 of NRS) ~~[Section 6 of this bill establishes the Soil Health Advisory Board within the Commission to advise the Commission on the Healthy Soils Initiative. The Advisory Board consists of: (1) nine voting members, including six members who represent certain agricultural interests in this State; and (2) any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.]~~

Section 7 of this bill creates the Healthy Soils Initiative within the Commission, which **, to the extent money is available,** must: (1) encourage the adoption of soil health practices by ~~[agricultural]~~ producers; (2) promote and advance the understanding of the environmental and economic benefits of soil health practices; and (3) support and advance scientific research into soil health.

Section 8 of this bill authorizes the Commission to establish, as part of the Healthy Soils Initiative: (1) a grant program for soil health activities and projects; (2) a soil health monitoring and inventory platform; and (3) any other program the Commission determines is appropriate. **Section 8** requires, with certain exceptions, any program or platform established by the Commission to be voluntary and incentive-based. **Section 8** also provides that, if the

Commission establishes a grant program, the Commission must adopt certain regulations relating to the grant program.

Section 9 of this bill establishes the Fund for Soil Health in the State Treasury and requires the Commission to administer the Fund.

Sections 10 and 58 of this bill provide that, with certain exceptions, any information in the records and files of the Commission regarding the identity of ~~[an agricultural]~~ **a** producer or program participant and the practices of ~~[an agricultural]~~ **a** producer or program participant is confidential.

Section 11 of this bill requires **, to the extent money is available,** the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services to the Commission to carry out the provisions of **sections 2-12** of this bill.

Section 12 authorizes the Commission to adopt regulations to carry out the provisions of **sections 2-12**.

Sections ~~[2-5]~~ **2-5.5** define certain terms relating to the provisions of **sections 2-12**.

Existing law provides that the provisions of chapter 548 of the Nevada Revised Statutes may be known and cited as the Conservation Districts Law. (NRS 548.010) **Sections 13-57 and 59** of this bill revise existing references to these provisions to reflect the addition of **sections 2-12** to chapter 548 of the Nevada Revised Statutes.

~~[Section 60 of this bill makes an appropriation to the Conservation Districts Program to provide staff services to the Commission for administering the Healthy Soils Initiative and for the salary of an employee to assist the Commission in administering the Healthy Soils Initiative.]~~

Section 60.7 of this bill requires the Commission to, beginning on January 1, 2036, study the results of the Healthy Soils Initiative and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report detailing the progress made toward meeting certain requirements relating to the Healthy Soils Initiative.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3,]~~ 4 , ~~[and]~~ 5 and 5.5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~[***"Agricultural producer" means a person engaged in the production of a product of agriculture.***]~~ **(Deleted by amendment.)**

Sec. 4. ***"Commission" has the meaning ascribed to it in NRS 548.030.***

Sec. 5. ***"Government" has the meaning ascribed to it in NRS 548.045.***

Sec. 5.5. "Producer" has the meaning ascribed to it in NRS 576.018.

Sec. 6. ~~[1. The Soil Health Advisory Board is hereby created within the Commission. The Soil Health Advisory Board consists of:~~

~~(a) Nine voting members as follows:~~

~~(1) One representative from the State Department of Agriculture appointed by the Director of the State Department of Agriculture;~~

~~(2) One representative from the Division of Environmental Protection of the State Department of Conservation and Natural Resources appointed by the Administrator of the Division of Environmental Protection;~~

~~(3) One representative from the Division of Public and Behavioral Health of the Department of Health and Human Services appointed by the Administrator of the Division of Public and Behavioral Health; and~~

~~(4) Six members appointed by the Commission who represent the diverse agricultural interests of this State as follows:~~

~~(I) A dairy farmer;~~

~~(II) A rancher;~~

~~(III) A specialty crop or small farmer;~~

~~(IV) An irrigated crop producer;~~

~~(V) A tribal representative; and~~

~~(VI) A person engaged in research relating to agricultural soil health; and~~

~~(b) Any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.~~

~~2. In appointing the members of the Soil Health Advisory Board pursuant to subparagraph (4) of paragraph (a) of subsection 1, the Commission shall ensure that:~~

~~(a) When practicable, the members of the Soil Health Advisory Board represent the different geographic regions and demographics of this State; and~~

~~(b) The terms of office are staggered as required pursuant to subsection 3.~~

~~3. Except as otherwise provided in this subsection, each member of the Soil Health Advisory Board serves a term of 2 years. The terms of office of the voting members must be staggered to result in the appointment of four or five of the members described in paragraph (a) of subsection 1 every year. In making the initial appointments of the voting members, the appointing authorities shall appoint the members to staggered terms of 1 or 2 years. A member may be reappointed.~~

~~4. A vacancy on the Soil Health Advisory Board must be filled in the same manner as the original appointment.~~

~~5. Each member of the Soil Health Advisory Board who is not serving on the Soil Health Advisory Board in the capacity of an officer or employee of this State or a political subdivision of this State is entitled to receive:~~

~~(a) A salary of not more than $80, as fixed by the Commission, for each day or portion thereof during which the member is in attendance at a regularly called meeting of the Soil Health Advisory Board; and~~

~~*(b) The per diem allowance and travel expenses provided for state officers and employees generally.*~~

~~*6. A majority of the voting members of the Soil Health Advisory Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is required for any official action taken by the Soil Health Advisory Board.*~~

~~*7. The Soil Health Advisory Board shall advise the Commission on the Healthy Soils Initiative created by section 7 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. *1. The Healthy Soils Initiative is hereby created within the Commission. ~~[The]~~ To the extent that money is available, the Healthy Soils Initiative must, without limitation:*

(a) Encourage the widespread adoption in quantity and acres of soil health practices by ~~[agricultural]~~ producers;

(b) Promote and advance the understanding of the environmental and economic benefits of soil health practices by ~~[agricultural]~~ producers, policymakers, consumers and the general public; and

(c) Support and advance scientific research into soil health, including, without limitation:

(1) The existing conditions of agricultural soils in this State and the current carbon storage and carbon storage potential of such soils;

(2) The environmental benefits of soil health practices; and

(3) The economic benefits of soil health practices.

2. In carrying out the requirements of subsection 1, the Commission may:

(a) Provide incentives to encourage the implementation of soil health practices;

(b) Conduct educational and outreach programs on the benefits of soil health;

(c) Evaluate and develop soil health sampling and testing protocols that are appropriate for the agricultural systems in this State;

(d) Facilitate stakeholder collaboration to advance the understanding of the science of soil health and the implementation of soil health practices, which may include, without limitation, collaboration between the government, Indian tribes, academic and research institutions, nonprofit organizations and private entities;

(e) Collaborate with ~~[agricultural]~~ producers, groups of ~~[agricultural]~~ producers, ~~[agricultural]~~ producer cooperatives, conservation districts, water conservancy districts, academic and research institutions, the government, Indian tribes and any other entity; and

(f) Enter into agreements or contracts.

Sec. 8. *1. In addition to the requirements of section 7 of this act, as part of the Healthy Soils Initiative, the Commission may establish:*

(a) A program to distribute, within the limits of legislative appropriations and other available money, grants of money to eligible entities to engage in

soil health activities or projects, including, without limitation, research, education or demonstration projects. In developing such a grant program, the Commission:

(1) Shall prioritize distributing such grants to conservation districts that are working with ~~[agricultural]~~ producers, if appropriate, as determined by the Commission; and

(2) May prioritize the needs of historically underserved ~~[agricultural]~~ producers, emerging areas of scientific inquiry and research, environmental benefits or any other consideration the Commission determines is appropriate.

(b) A soil health monitoring and inventory platform.

(c) Any other program the Commission determines is appropriate.

2. Except as otherwise provided in subsection 3, any program or platform established by the Commission pursuant to subsection 1 must be voluntary and incentive-based. Such a program may not:

(a) Require the participation of ~~[an agricultural]~~ a producer or other entity;

(b) Mandate the implementation of soil health practices by ~~[agricultural]~~ producers or other entities who do not participate; or

(c) Bind a participant to execute specific practice standards in adverse climate conditions or circumstances with limited or no chance of success or that would cause irreparable physical or economic harm to the operations of the participant.

3. If a grant program is established pursuant to paragraph (a) of subsection 1, the Commission shall adopt regulations to carry out the grant program, which must, without limitation:

(a) Set forth the entities that are eligible to receive grants;

(b) Require any grant recipient who does not have sufficient expertise in soil health practices or project management to work with a technical assistance agency or organization;

(c) Require each grant recipient to:

(1) Conduct outreach and education activities regarding the soil health activity or project; and

(2) Disclose information relating to the soil health activity or project;

(d) Ensure that the most accurate and current scientific evidence relating to soil health, soil health practices and the economic and environmental benefits of soil health practices is considered in awarding a grant by the program;

(e) Limit the grant money that may be used by a grant recipient for costs not directly related to the purpose of the grant, including, without limitation, administrative expenses and overhead expenses;

(f) Establish monitoring requirements to ensure that any grant money awarded is spent in accordance with state law; and

(g) Establish requirements to ensure the confidentiality of a grant recipient, landowner and land information, as applicable.

Sec. 9. ***1. There is hereby created in the State Treasury the Fund for Soil Health. The Commission is responsible for the administration of the Fund. All money received and held by the State Treasurer for that purpose must be deposited in the Fund.***

2. The Commission may:

(a) Apply for and accept gifts, grants, services and donations from any source for the purposes of carrying out the provisions of sections 2 to 12, inclusive, of this act;

(b) Administer and expend money for the purpose of planning, developing or establishing the Healthy Soils Initiative pursuant to sections 7 and 8 of this act; and

(c) Use money received or appropriated as matching funds to obtain or make grants for soil health activities.

Sec. 10. ***Except as otherwise provided in this section or pursuant to a grant agreement executed in relation to a program established pursuant to section 8 of this act, all information in the records and files of the Commission regarding the identity of ~~[an agricultural]~~ a producer or participant in a program established by the Commission pursuant to sections 2 to 12, inclusive, of this act and the practices of the ~~[agricultural]~~ producer or program participant are confidential unless the ~~[agricultural]~~ producer or program participant provides express permission in writing to the Commission to release such information.***

Sec. 11. ***~~[The]~~ To the extent that money is available, the Conservation Districts Program in the State Department of Conservation and Natural Resources shall provide staff services to the Commission for carrying out the provisions of sections 2 to 12, inclusive, of this act.***

Sec. 12. ***The Commission may adopt regulations to carry out the provisions of sections 2 to 12, inclusive, of this act.***

Sec. 13. NRS 548.010 is hereby amended to read as follows:

548.010 ~~[This chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** may be known and cited as the Conservation Districts Law.

Sec. 14. NRS 548.015 is hereby amended to read as follows:

548.015 As used in ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive, unless the context otherwise requires,*** the ~~[following]~~ ***words and*** terms ~~[have the meanings attributed to them]~~ ***defined*** in NRS 548.020 to 548.090, inclusive, ~~[unless the context otherwise requires.]~~ ***have the meanings ascribed to them in those sections.***

Sec. 15. NRS 548.032 is hereby amended to read as follows:

548.032 "Conservation district" or "district" means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** for the purposes, with the powers, and subject to the restrictions set forth in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 16. NRS 548.050 is hereby amended to read as follows:

548.050 "Land occupier" or "occupier of land" means any person, firm or corporation which holds title to, or is in legal possession of, any lands lying within a district organized under the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** whether as owner or as lessee or tenant under a lease or rental agreement for a term of 1 year or longer, but does not include transient users.

Sec. 17. NRS 548.085 is hereby amended to read as follows:

548.085 "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 18. NRS 548.157 is hereby amended to read as follows:

548.157 The Program shall perform staff services for the Commission in carrying out its responsibilities under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 19. NRS 548.160 is hereby amended to read as follows:

548.160 The Commission may adopt and promulgate such rules and regulations as may be necessary for the execution of its functions under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 20. NRS 548.175 is hereby amended to read as follows:

548.175 The Commission has the following duties and powers:

1. To carry out the policies of this State in programs at the state level for the conservation of the renewable natural resources of this State and to represent the State in matters affecting such resources.

2. To offer such assistance as may be appropriate to the supervisors of conservation districts in the carrying out of any of their powers and programs, to propose programs and to assist and guide districts in the preparation and carrying out of programs authorized under ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to review district programs, to coordinate the programs of the districts and resolve any conflicts in such programs, and to facilitate, promote, assist, harmonize, coordinate and guide the programs and activities of districts as they relate to other special-purpose districts, counties and other public agencies.

3. To keep the supervisors of each of the districts informed of the activities and experience of all other districts organized pursuant to ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** and to facilitate an interchange of advice and experience among those districts and promote cooperation among them.

4. To secure the cooperation and assistance of the United States, any of its agencies and of other agencies of this State in the work of conservation districts.

5. To serve, along with conservation districts, as the official state agency for cooperating with the Natural Resources Conservation Service of the United States Department of Agriculture in carrying on conservation operations within the boundaries of conservation districts as created under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

6. To enlist the cooperation and collaboration of state, federal, interstate, local, public and private agencies with the conservation districts and to facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation and use of renewable natural resources.

7. To make available, with the assistance of the Program, information concerning the needs and the work of the districts and the Commission to the Director of the State Department of Conservation and Natural Resources, the Legislature, executive agencies and political subdivisions of this State, cooperating federal agencies and the general public.

8. To cooperate with and give such assistance as may be requested by cities, counties, irrigation districts, and other special-purpose districts in the State of Nevada for the purpose of cooperating with the United States through the Secretary of Agriculture in the furtherance of conservation, pursuant to the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001 et seq., and the requirements of other special programs of the United States Department of Agriculture.

9. Pursuant to procedures developed mutually by the Commission and federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation and use of renewable natural resources, to receive from those agencies, for review and comment, suitable descriptions of their plans, programs and activities for purposes of coordination with the conservation districts' programs and to arrange for and participate in conferences necessary to avoid conflict among the plans and programs, to call attention to omissions and to avoid duplication of effort.

10. To submit, with the assistance of the Program, a report to the Director of the State Department of Conservation and Natural Resources whenever the Commission determines that there exists a substantial conflict between the program of a district and the proposed plans or activities directly affecting the conservation of natural resources prepared by any other local governmental unit or agency of this State.

11. By administrative order of the Commission, upon the written request of the board of supervisors of the conservation district or districts involved, with a showing that the request has been approved by a majority vote of the members of each of the boards involved:

(a) To transfer lands from one district established under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** to another.

(b) To divide a single district into two or more districts, each of which must, thereafter, operate as a separate district under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(c) To consolidate two or more districts established under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** into a single district under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(d) To inform the Program of any action taken pursuant to this subsection for its approval of any new name and the appropriate entry in the Program's records of the changes made.

12. To authorize the change of name of any district, upon receipt by the Commission of a resolution by the board of supervisors of the district for such a change and to present the resolution to the Program for processing and recording in accordance with the provisions of NRS 548.240.

13. To apply for any available grants and to accept and use any grants, gifts or donations to make available grants of money to qualified conservation districts to aid the districts in carrying out the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 21. NRS 548.178 is hereby amended to read as follows:

548.178 1. The Commission may establish programs for distributing, within the limits of legislative appropriations and other available money, grants of money to conservation districts. Distribution of such grants must be made in the following manner:

(a) Except as otherwise provided in subsection 4, the Commission shall distribute grants of money provided by legislative appropriation in equal amounts to each conservation district which the Commission determines qualifies for a grant.

(b) The Commission may distribute grants of money provided by sources other than legislative appropriation in such amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.

2. The Commission may determine that a conservation district qualifies for a grant of money pursuant to this section if the district demonstrates to the satisfaction of the Commission that the district:

(a) Has been established in accordance with the provisions of ~~[this chapter;]~~ ***NRS 548.010 to 548.550, inclusive;*** and

(b) Is in compliance with all of the requirements of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and the regulations of the Commission adopted pursuant thereto.

3. Except as may otherwise be provided as a condition of a grant of money distributed by the Commission pursuant to paragraph (b) of subsection 1, a conservation district that is awarded a grant of money pursuant to this section may use the money for reasonable and necessary expenses incurred by the district in carrying out its duties and authorities in accordance with ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the annual district budget approved by the Commission.

4. With regard to money provided by legislative appropriation, the Commission may distribute grants of money to conservation districts in unequal amounts if:

(a) The grants of money are for a specific competitive grant program for which the Legislature expressly appropriated money; and

(b) The competitive grant program described in paragraph (a) is governed by regulations specifically adopted to govern that competitive grant program and those regulations expressly state that the grants of money may be distributed in unequal amounts.

5. The Commission may adopt such regulations as it considers necessary to carry out the provisions of this section.

Sec. 22. NRS 548.190 is hereby amended to read as follows:

548.190 1. Within 30 days after such a petition has been filed with the Commission, it shall cause due notice to be given of a proposed hearing upon:

(a) The question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district.

(b) The question of the appropriate boundaries to be assigned to such district.

(c) The propriety of the petition and other proceedings taken under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(d) All questions relevant to such inquiries.

2. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested persons, shall have the right to attend such hearings and to be heard.

3. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing shall be held.

Sec. 23. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for

organization under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 24. NRS 548.205 is hereby amended to read as follows:

548.205 1. After the Commission has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has determined the township or townships to be included, the Commission shall consider the question whether the operation of a district within such territory with the powers conferred upon conservation districts in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** is administratively practicable and feasible.

2. To assist the Commission in the determination of such administrative practicability and feasibility, the Commission shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of its territory, hold a referendum within the proposed district upon the proposition of the creation of the district, and shall cause due notice of such referendum to be given.

3. The question shall be submitted by ballots upon which the words "For creation of a conservation district consisting of the township (or townships) of ..... in the county (or counties) of ....." and "Against creation of a conservation district consisting of the township (or townships) of ..... in the county (or counties) of ....." shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose creation of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the boundaries of the proposed conservation district shall be eligible to vote in such referendum.

Sec. 25. NRS 548.210 is hereby amended to read as follows:

548.210 1. The Commission shall:

(a) Pay all expenses for the issuance of such notices and the conduct of such hearings and referendum.

(b) Supervise the conduct of such hearings and referendum.

(c) Issue appropriate regulations governing the conduct of such hearings and referendum, and providing for the registration prior to the date of the referendum of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum.

2. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice

thereof shall have been given substantially as provided in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and the referendum shall have been fairly conducted.

Sec. 26. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.*** The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

Sec. 27. NRS 548.220 is hereby amended to read as follows:

548.220 After 6 months shall have expired from the date of entry of a determination by the Commission that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed and action taken thereon in accordance with the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 28. NRS 548.235 is hereby amended to read as follows:

548.235 1. The five appointed supervisors shall present to the Program an application signed by them, which states:

(a) That a petition for the creation of the district was filed with the Commission pursuant to the provisions of ~~[this chapter,]~~ ***NRS 548.010 to***

548.550, inclusive, and that the proceedings specified in ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** were taken pursuant to that petition.

(b) That the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(c) That the Commission has appointed them as supervisors.

(d) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office.

(e) The term of office of each of the supervisors.

(f) The name which is proposed for the district.

(g) The location of the principal office of the supervisors of the district.

2. The application must be subscribed and sworn to by each of the supervisors before a person authorized to take and certify oaths, who shall certify upon the application that the person personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence.

3. The application must be accompanied by a statement by the Commission:

(a) That a petition was filed, notice issued and hearing held as required by ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(b) That the Commission did determine that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the township or townships to be included.

(c) That notice was given and a referendum held on the question of the creation of such a district, and that a majority of the votes cast in such referendum were in favor of the creation of the district.

(d) That thereafter the Commission did determine that the operation of the proposed district is administratively practicable and feasible.

4. The statement must set forth the township or townships to be included.

Sec. 29. NRS 548.240 is hereby amended to read as follows:

548.240 1. The Program shall examine the application and statement, and if the Program finds that the name proposed for the district is not identical with that of any other conservation district of this State or so nearly similar as to lead to confusion or uncertainty, the Program shall record them in an appropriate book of record.

2. If the Program finds that the name proposed for the district is identical with that of any other conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, the Program shall notify the Commission. The Commission shall thereupon submit a new name for the district. Upon receipt of a new name, free of such defects, the Program shall record the application and statement, with the name so modified, in an appropriate book of record.

3. When the application and statement have been recorded, the district becomes a governmental subdivision of this State and a public body corporate and politic.

4. The Program shall make and issue to the supervisors a certificate, over the signature of a member of the staff of the Program, of the organization of the district.

5. The boundaries of the district must include the territory determined by the Commission, but must not include any area included within the boundaries of another conservation district organized under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 30. NRS 548.245 is hereby amended to read as follows:

548.245 1. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of the district, the district shall be deemed to have been established in accordance with the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** upon proof of the issuance of the certificate by the Program.

2. A copy of such a certificate issued by the Program is admissible in evidence in any such suit, action or proceeding and is proof of the contents thereof.

Sec. 31. NRS 548.280 is hereby amended to read as follows:

548.280 Each district shall be governed by a board consisting of five supervisors elected at large and one or more appointed supervisors, as provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 32. NRS 548.330 is hereby amended to read as follows:

548.330 The supervisors shall furnish to the Commission, upon request:

1. Copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ; and

2. Such other information concerning their activities as the Commission may require in the performance of its duties under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 33. NRS 548.340 is hereby amended to read as follows:

548.340 A conservation district organized under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** shall constitute a governmental subdivision of this State and a public body corporate and politic, exercising public powers.

Sec. 34. NRS 548.345 is hereby amended to read as follows:

548.345 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to conduct surveys, investigations and research relating to the conservation of renewable natural resources and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation

with the government of this State or any of its agencies, or with the United States or any of its agencies.

Sec. 35. NRS 548.350 is hereby amended to read as follows:

548.350 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to conduct demonstrational projects within the district on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods and measures by which renewable natural resources may be conserved.

Sec. 36. NRS 548.355 is hereby amended to read as follows:

548.355 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may:

1. Carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in the use of land; and

2. Repair and restore property within the district, including, but not limited to, wetlands, stream corridors and other riparian property,

➥ on land owned or controlled by any government or municipal corporation, with the cooperation of the agency administering and having jurisdiction thereof, and on any other land within the district, upon obtaining the consent of all persons holding any relevant rights or interests in such land.

Sec. 37. NRS 548.360 is hereby amended to read as follows:

548.360 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may cooperate or enter into agreements with and, within the limits of appropriations made available to it by law and any money it acquires from any other source, furnish financial or other aid to any governmental or other agency, or any occupier of land within the district, in conserving renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 38. NRS 548.365 is hereby amended to read as follows:

548.365 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers in carrying on operations upon their lands for the conservation of renewable natural resources.

Sec. 39. NRS 548.370 is hereby amended to read as follows:

548.370 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power to construct, operate, improve and maintain such facilities and structures as may be necessary or convenient for the performance of any of the operations authorized in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 40. NRS 548.375 is hereby amended to read as follows:

548.375 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power:

1. To develop comprehensive plans for the conservation of renewable natural resources within the district, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in the use of land; and

2. To publish such plans and information and bring them to the attention of occupiers of lands within the district.

Sec. 41. NRS 548.380 is hereby amended to read as follows:

548.380 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may:

1. Manage or administer any project for the conservation of a renewable natural resource located within its boundaries undertaken by any person, municipal corporation or government.

2. Act as an agent of any person, municipal corporation or government in connection with the acquisition, construction, operation or administration of any project for the conservation of a renewable natural resource within its boundaries.

3. Accept donations, gifts and contributions in money, services, materials or any other form from any source, and use or expend such money, services, materials or other contributions in carrying on its operations.

4. Participate in cost-sharing on federally financed projects.

Sec. 42. NRS 548.385 is hereby amended to read as follows:

548.385 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof shall have the power:

1. To sue and be sued in the name of the district.

2. To have a seal, which seal shall be judicially noticed.

3. To have perpetual succession, unless terminated as provided in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

4. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

5. To make, and from time to time amend and repeal, rules and regulations not inconsistent with ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to carry into effect its purposes and powers.

Sec. 43. NRS 548.390 is hereby amended to read as follows:

548.390 As a condition to the extending of any benefits under ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Sec. 44. NRS 548.393 is hereby amended to read as follows:

548.393 In addition to other powers granted in ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may, in furtherance of the purposes and provisions of ~~[this chapter:]~~ ***NRS 548.010 to 548.550, inclusive:***

1. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, except by adverse possession, any property, real or personal, or rights or interests therein;
2. Maintain, administer and improve any properties acquired;
3. Receive income from such properties and expend that income; and
4. Sell, lease or otherwise dispose of any of its property or interests therein.

Sec. 45. NRS 548.395 is hereby amended to read as follows:

548.395 No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** unless the Legislature shall specifically so state.

Sec. 46. NRS 548.400 is hereby amended to read as follows:

548.400 1. The supervisors of any two or more districts organized under the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** may cooperate with and enter into agreements with one another in the exercise of any or all powers conferred in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in the other states permits the districts in the states to enter into the agreements.

Sec. 47. NRS 548.405 is hereby amended to read as follows:

548.405 1. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized under ~~[this chapter,]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** shall cooperate to the fullest extent with the supervisors of such

districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.

3. The provisions of land use regulations adopted pursuant to NRS 548.410 to 548.435, inclusive, shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

Sec. 48. NRS 548.4052 is hereby amended to read as follows:

548.4052 1. Subject to the provisions of NRS 548.4053 and 548.4054, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to NRS 548.4053 or at an election conducted by mail pursuant to NRS 548.4054:

(a) If a conservation district includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district; and

(b) If a conservation district includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than $25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 49. NRS 548.410 is hereby amended to read as follows:

548.410 1. The supervisors of any district may file petitions with the Commission at any time to request it to formulate land use regulations applicable to the district.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

3. The Commission shall have authority to formulate regulations, based upon the petition, governing the use of lands within a district in the interest of conserving renewable natural resources and preventing and controlling soil erosion and sedimentation.

4. The Commission shall conduct, after due notice, public meetings and public hearings within the district or districts concerned upon such regulations as it deems necessary to assist it in consideration thereof.

5. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings, and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 50. NRS 548.415 is hereby amended to read as follows:

548.415 If a referendum is to be held:

1. The proposed regulations shall be embodied in a proposed ordinance.

2. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum.

3. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance can be examined.

4. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No. ....., prescribing land use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No. ....., prescribing land use regulations for conservation of soil and prevention of erosion" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter may favor or oppose approval of such proposed ordinance.

5. The Commission shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof.

6. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

7. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the referendum was fairly conducted.

Sec. 51. NRS 548.495 is hereby amended to read as follows:

548.495 1. The board of adjustment shall adopt rules to govern its procedures, which rules shall be in accordance with the provisions of ~~[this chapter]~~ ***NRS 548.010 to 548.550, inclusive,*** and with the provisions of any ordinance adopted pursuant to NRS 548.460.

2. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

Sec. 52. NRS 548.515 is hereby amended to read as follows:

548.515 1. Petitions for including additional territory within an existing district shall be filed with the Commission.

2. The proceedings provided for in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** in the case of petitions to organize a district

shall be observed in the case of petitions for inclusion, except that the application for a certificate of inclusion shall be signed by the chair and the secretary of the governing body of the district into which the additional territory is to be included.

3. The Commission shall prescribe the form for the petitions, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

4. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

5. In referenda upon petitions for inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

6. The Commission shall determine whether or not such inclusion shall be made.

Sec. 53. NRS 548.520 is hereby amended to read as follows:

548.520 1. Petitions to withdraw lands from a district may be filed with the Commission at any time.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

3. Where the total number of land occupiers in the area affected by a proposed withdrawal will be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

4. In referenda upon petitions for withdrawal, all occupiers of land lying within the area affected by the proposed change in boundary shall be eligible to vote.

5. The Commission shall determine whether or not such withdrawal shall be made.

Sec. 54. NRS 548.525 is hereby amended to read as follows:

548.525 1. At any time after 5 years after the organization of a district under the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** any 10 occupiers of land lying within the boundaries of such district may file a petition with the Commission praying that the operations of the district be terminated and the existence of the district be discontinued.

2. The Commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof.

3. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or

denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 55. NRS 548.530 is hereby amended to read as follows:

548.530 1. Within 60 days after a petition for discontinuance has been received by the Commission, it shall give due notice of the holding of the referendum if one is to be held.

2. The Commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof.

3. The question shall be submitted by ballots upon which the words "For terminating the existence of the ..... (name of the conservation district to be here inserted)" and "Against terminating the existence of the ..... (name of the conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose discontinuance of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

5. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** and the referendum was fairly conducted.

6. The Commission shall publish the result of the referendum.

Sec. 56. NRS 548.540 is hereby amended to read as follows:

548.540 The Commission shall not entertain petitions for the discontinuance of any district, nor conduct referenda upon such petitions, nor make any determination pursuant to such petitions in accordance with the provisions of ~~[this chapter,]~~ ***NRS 548.010 to 548.550, inclusive,*** more often than once in 5 years.

Sec. 57. NRS 555.206 is hereby amended to read as follows:

555.206 1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ NRS ~~[,]~~ ***548.010 to 548.550, inclusive,*** the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ NRS ~~[,]~~ ***548.010 to 548.550, inclusive,*** the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.

2. An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the

supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.

3. The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of NRS 555.202 to 555.220, inclusive.

Sec. 58. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,

392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of

Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 59. NRS 318A.280 is hereby amended to read as follows:

318A.280 1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and

construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to ~~[~~chapter 548 of~~]~~ NRS ~~[~~,~~]~~ ***548.010 to 548.550, inclusive,*** the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 60. ~~[1. There is hereby appropriated from the State General Fund to the Conservation Districts Program in the State Department of Conservation and Natural Resources the sum of $250,000 for providing staff services to the State Conservation Commission in the State Department of Conservation and Natural Resources in administering the Healthy Soils Initiative created by section 7 of this act, and for the salary of an employee to assist the Commission in carrying out the provisions of sections 2 to 12, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.~~]~~ **(Deleted by amendment.)**

Sec. 60.3. **Beginning on January 1, 2036, the State Conservation Commission in the State Department of Conservation and Natural Resources shall study the results of the Healthy Soils Initiative created by section 7 of this act to determine whether the Initiative has made significant progress toward achieving the requirements of subsection 1 of section 7 of this act, as determined by the State Conservation Commission, and submit to the Director of the Legislative Counsel Bureau, for transmittal to the next regular session of the Legislature, a written report which must detail the progress made toward meeting the requirements of subsection 1 of section 7 of this act. If the Commission determines that there has not been significant progress, the Commission shall:**

1. Establish additional measures set forth in subsection 2 of section 7 of this act or section 8 of this act to meet the requirements of subsection 1 of section 7 of this act; or

2. Recommend to the Legislature in the written report that the Legislature repeal the provisions of sections 1 to 61, inclusive, of this act relating to the Healthy Soils Initiative.

Sec. 60.7. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 61. 1. This section and section 60 of this act become effective upon passage and approval.

2. Sections 1 to 59, inclusive, **and 60.3 and 60.7** of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 93.

Bill read second time.

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

Amendment No. 7.

ASSEMBLYMEMBERS HIBBETTS, YUREK **,** ~~[AND]~~ D'SILVA **AND MONROE-MORENO**

JOINT SPONSORS: SENATOR DOÑATE

AN ACT relating to public employees; revising the definition of "police officer" for the purposes of certain benefits and exemptions; ~~[specifying that the use of certain designations by the Department of Public Safety or a division or officer of the Department does not exclude certain persons employed by the Department from the definition of "police officer" for the purposes of certain benefits and exemptions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) ~~[Among the law enforcement officers included in the definition of "police officer" are certain specified employees of the Department of Public Safety. (NRS 617.135) Existing law authorizes the Director of the Department of Public Safety to authorize: (1) the Department to use certain designations to identify itself; and (2) the divisions of the Department and the officers and employees of the Department to use certain designations to identify themselves. (NRS 480.150) Section 1 of this bill provides that the use of such a designation does not exclude from the definition of "police officer" any person employed by the Department of Public Safety who is included in the definition of "police officer" under existing law.]~~

Section 1 of this bill ~~[also]~~ expands the definition of "police officer" to include: (1) a school police officer employed or appointed by the board of trustees of a school district; (2) a juvenile probation officer; (3) a bailiff or deputy marshal of a municipal court; (4) a marshal or deputy marshal of a city or town; and (5) all category I**, II and III** peace officers. Furthermore, because

various other provisions of the Nevada Revised Statutes reference "police officer" as that term is defined in the Act, this bill makes applicable to all category I**, II and III** peace officers, school police officers employed or appointed by the board of trustees of a school district, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns: (1) industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any surviving child of a police officer or firefighter. (NRS 6.020, 281.153, 287.021, 287.0477; chapters 616A-616D of NRS)

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 ~~[1.]~~ "Police officer" includes:

1. ~~[(a)]~~ A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. ~~[(b)]~~ A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. ~~[(c)]~~ A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. ~~[(d)]~~ A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. ~~[(e)]~~ A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. ~~[(f)]~~ A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) ~~[(1)]~~ The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) ~~[(2)]~~ The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. ~~[(g)]~~ An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. ~~[(h)]~~ An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. ~~[(i)]~~ ***A school police officer employed or appointed by the board of trustees of a school district pursuant to NRS 391.281;***

~~[(j)]~~ ***10.*** A member of the police department of the Nevada System of Higher Education;

~~[10.~~ ~~(k)~~ ***11.*** A:

(a) ~~[(1)]~~ Uniformed employee of; or

(b) ~~*[(2)]*~~ Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[~~11.~~ (d)]~~ ***12. A juvenile probation officer;***

~~*[(m)]*~~ ***13.*** A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[~~12.~~ (n)]~~ ***14.*** A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[~~13.~~ (o)]~~ ***15.*** The State Fire Marshal and his or her assistant and deputies;

~~[~~14.~~ (p)]~~ ***16.*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~[~~15.~~ (q)]~~ ***17.*** A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260;

~~[~~16.~~ (r)]~~ ***18.*** A bailiff or a deputy marshal of the district court ***, municipal court*** or justice court whose duties require him or her to carry a weapon and to make arrests; ~~[~~and

~~17. (s)]~~ ***19.*** An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290 ~~[.]~~ ***;***

~~*[(t)]*~~ ***20. A marshal or deputy marshal of a city or town; and***

~~*[(u)]*~~ ***21. Any category I peace officer as defined in NRS 289.460 , category II peace officer as defined in NRS 289.470 and category III peace officer as defined in NRS 289.480 who is not otherwise included in*** ~~*[paragraphs (a)]*~~ ***subsections 1 to*** ~~*[(t),)]*~~ ***20, inclusive.***

~~*[2. The use of any designation by the Department of Public Safety, a division of the Department or an officer of the Department pursuant to subsection 3 of NRS 480.150 does not exclude any person described in paragraphs (b) to (f), inclusive, and (m) of subsection 1 from the definition of "police officer" set forth in subsection 1.]*~~

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on ~~[~~January~~]~~ **July** 1, 2026.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 123.

Bill read second time.

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

Amendment No. 104.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** NADEEM **, NGUYEN, D'SILVA, GONZÁLEZ, MILLER, TORRES-FOSSETT; JACKSON, MONROE-MORENO AND MOSCA**

JOINT SPONSOR: SENATOR NGUYEN

AN ACT relating to elections communications; prohibiting a person **~~[~~**, ~~during any speech or other communication made in the course of his or her political campaign,]~~ from making certain statements which threaten ~~[the life of any other]~~ **or intimidate a candidate for public office; authorizing a** person **~~[~~**,~~]~~ **to notify the Secretary of State of a violation of such a prohibition; requiring the Secretary of State to take certain actions upon the receipt of such notice;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The United States Supreme Court has held that: (1) a "true threat" is an unprotected category of communication which subjects a person to the fear of violence and to the many kinds of disruption that fear engenders; and (2) the First Amendment of the United States Constitution requires a speaker who communicates a true threat to act recklessly when making such a statement. (Counterman v. Colorado, 600 U.S. 66, 74-81 (2023)) The Supreme Court has further held that a person acts recklessly when he or she "consciously disregards a substantial and unjustifiable risk that the conduct will cause harm to another." (Counterman, 600 U.S. at 79 (quoting Voisine v. U.S., 579 U.S. 686, 691 (2016)))]~~

Existing law provides that a person is guilty of harassment if he or she, without lawful authority, knowingly makes certain threats and, by words or conduct, places the person threatened in reasonable fear that the threat will be carried out. Existing law further provides that a person who is guilty of harassment is: (1) for the first offense, guilty of a misdemeanor; and (2) for the second or any subsequent offense, guilty of a gross misdemeanor. (NRS 200.571)

~~[This]~~ **Section 2 of this** bill prohibits a person from, ~~[during any speech]~~ **directly** or ~~[other communication made in]~~ **indirectly addressing any threat or intimidation to a candidate for public office if** the ~~[course of his]~~ **person knows** or ~~[her political campaign, threatening]~~ **has reason to know that** the ~~[life of any other person:]~~ **threat or intimidation communicates the intent, either immediately or in the future, to cause or induce another to cause:** (1) ~~[with conscious disregard for the substantial and unjustifiable risk:]~~ **bodily injury to the candidate or another who the person who knows or has reason to know is a family member** of ~~[harm to another caused by his or her speech]~~ **the candidate;** or ~~[communication; and]~~ (2) ~~[in a manner which places the person who is]~~ **physical damage to** the ~~[subject]~~ **property** of the ~~[threat in reasonable fear that the threat will be carried out. This bill]~~ **candidate or another who the person knows or has reason to know is a family member of the candidate. Section 2** further provides that a person who violates the provisions of ~~[this bill]~~ **section 2** is: (1) for the first offense, guilty of a

misdemeanor; and (2) for the second or any subsequent offense, guilty of a gross misdemeanor.

Section 3 of this bill authorizes a person who believes that the provisions of section 2 have been violated to notify the Secretary of State in writing of the alleged violation. Upon receipt of such notice, section 3 requires the Secretary of State to conduct an investigation and, if the Secretary of State determines that reasonable suspicion exists that a violation has occurred, requires the Secretary of State to, as soon as practicable, refer the matter to the Attorney General for a determination of whether to institute proceedings to enforce the provisions of section 2. Section 3 further requires the Secretary of State to, within 30 days after the receipt of a notice of an alleged violation, issue a written report to the candidate who is the subject of the threat or intimidation that includes: (1) a description of the alleged violation; (2) the results of the investigation undertaken; and (3) whether the Secretary of State referred the matter to the Attorney General.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. A person shall not ~~[, during any speech]~~ directly or ~~[other communication made in]~~ indirectly address any threat or intimidation to a candidate for public office if the ~~[course of his]~~ person knows or ~~[her political campaign, threaten]~~ has reason to know that the threat or intimidation communicates the ~~[life of any other person:]~~ intent, either immediately or in the future, to cause or induce another to cause:

(a) ~~[With conscious disregard for the substantial and unjustifiable risk]~~ Bodily injury to the candidate or another who the person knows or has reason to know is a family member of ~~[harm to another caused by his or her speech]~~ the candidate; or ~~[communication; and]~~

(b) ~~[In a manner which places the person who is]~~ Physical damage to the ~~[subject]~~ property of the ~~[threat in reasonable fear that the threat will be carried out.]~~ candidate or another who the person knows or has reason to know is a family member of the candidate.

2. Nothing in this section shall be construed as to prohibit a person from engaging in any constitutionally protected exercise of free speech, including political hyperbole.

3. A person who violates the provisions of subsection 1:

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

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

Sec. 3. 1. A person who believes that the provisions of section 2 of this act have been violated may notify the Secretary of State in writing of the alleged violation.

2. Upon receipt of a notice of an alleged violation pursuant to subsection 1, the Secretary of State shall conduct an investigation and if the Secretary of State determines that reasonable suspicion exists that a violation of section 2 of this act has occurred, the Secretary of State shall, as soon as practicable, refer the matter to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce the provisions of section 2 of this act.

3. The Secretary of State shall, within 30 days after the receipt of a notice of an alleged violation pursuant to subsection 1, issue a written report to the candidate who is the subject of the threat or intimidation that includes:

(a) A description of the alleged violation;

(b) The results of the investigation undertaken by the Secretary of State; and

(c) Whether the Secretary of State referred the matter to the Attorney General pursuant to subsection 2.

Assemblymember Mosca moved the adoption of the amendment.

Remarks by Assemblymember Mosca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 230.

SUMMARY—Creates the ~~[Office of]~~ Public Records ~~[Ombudsman in the Executive Department of State Government.]~~ **Task Force.** (BDR ~~[19-400)]~~ **S-400)**

AN ACT relating to public records; creating the ~~[Office of]~~ Public Records ~~[Ombudsman in the Executive Department of State Government; setting forth the powers and duties of the Ombudsman; authorizing a person to file a complaint with the Ombudsman; revising provisions governing judicial relief for actions relating to public records;]~~ **Task Force; setting forth the membership and duties of the Task Force;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless otherwise declared by law to be confidential, all public books and records of a state or local governmental entity are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public book or record in any medium in which the book or record is available. (NRS 239.010) ~~[Section 2 of this bill creates the Office~~

~~of Public Records Ombudsman as an independent agency in the Executive Department of State Government and requires the Governor to appoint a person as the Public Records Ombudsman. Section 5 of this bill defines the term "Ombudsman."~~

~~Section 3 of this bill sets forth the duties of the Ombudsman, which include establishing a mediation program for complaints relating to public books and records, investigating complaints relating to public books and records, and providing training, education and educational material relating to public books and records.~~

~~Section 4 of this bill authorizes a person to file a complaint with the Ombudsman. Upon receiving a complaint, section 4 requires the Ombudsman to notify the governmental entity of the complaint and offer the parties the opportunity to resolve the complaint through mediation. If a party refuses mediation or the mediation is unsuccessful, section 4 authorizes the Ombudsman to initiate an investigation into the complaint and issue a final determination not later than 90 days after initiating the investigation and, if warranted, provide relief in the form of: (1) denying the request for the release of the public book or record; (2) requiring the governmental entity to permit the requester to inspect or copy the public book or record; or (3) waiving or reducing the fee charged by the governmental entity for providing a copy of the public book or record to the requester.~~

~~If a request for inspection, copying or copies of a public book or record is denied or unreasonably delayed, or if the person making the request believes that the fee charged by the governmental entity is excessive or improper, existing law authorizes a requester to apply to a district court for an order permitting the requester to make or receive a copy of the book or record or providing relief relating to the amount of the fee. (NRS 239.011) Sections 4 and 6 of this bill authorize a requester or governmental entity that is aggrieved by the final determination of the Ombudsman to seek judicial relief.]~~ **This bill creates the Public Records Task Force to evaluate certain topics relating to requests for public records and make certain recommendations. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.**

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

Section 1. ~~[Chapter 239 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[1. The Office of Public Records Ombudsman is hereby created as an independent agency in the Executive Department of State Government.~~

~~2. The Governor shall appoint the Public Records Ombudsman who must have experience with the laws of this State relating to public records. The Ombudsman is in the unclassified service of the State.~~

~~3. Within the limits of money available for such purpose, the Ombudsman may employ personnel to assist the Ombudsman in carrying out his or her duties.~~

~~4. The Ombudsman may adopt regulations to carry out the provisions of this section and sections 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[1. The Ombudsman shall:~~

~~(a) Establish a mediation program in accordance with section 4 of this act to facilitate the resolution of disputes relating to public books and records;~~

~~(b) Investigate complaints filed pursuant to section 4 of this act;~~

~~(c) Provide training on public books and records to governmental entities and the staff thereof;~~

~~(d) Educate the public on the rights of the public and the responsibilities of governmental entities under the public records laws of this State; and~~

~~(e) Prepare educational material relating to public books and records.~~

~~2. To carry out the duties set forth in subsection 1, the Ombudsman may:~~

~~(a) Notwithstanding any other provision of law, have access to all books and records of a governmental entity, including, without limitation, any confidential records of the governmental entity; and~~

~~(b) Issue subpoenas if necessary to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidence to which the Ombudsman may need access.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. If a person whose request to inspect or copy a public book or record is denied or unreasonably delayed, or if the person believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper, the person may file a complaint with the Ombudsman within 60 days after the date of the denial or notice of fee. The complaint must be in writing and must include, without limitation, a copy of the~~

~~request to inspect or copy the public book or record and any responses from the governmental entity.~~

~~2. Upon receipt of a complaint filed pursuant to subsection 1, the Ombudsman shall notify the governmental entity of the complaint and offer the parties the opportunity to resolve the complaint through mediation. The Ombudsman shall prepare a mediation report with the results and any agreement resulting from the mediation.~~

~~3. If either party declines mediation or the mediation conducted pursuant to subsection 2 fails, the Ombudsman may, in his or her discretion,~~

~~*initiate an investigation into the complaint. The governmental entity may present the Ombudsman with any statement or information concerning the complaint as to the availability of the public book or record. Not later than 90 days after initiating an investigation, the Ombudsman shall issue a final determination. In a final determination, the Ombudsman may:*~~

~~*(a) Deny the request to release the public book or record;*~~

~~*(b) Require the governmental entity to permit the requester to inspect or copy the public book or record; or*~~

~~*(c) Waive or reduce any fees charged by the governmental entity for providing a copy of the public book or record.*~~

~~*4. If either party is aggrieved by the final determination of the Ombudsman, that party may seek judicial review of the decision pursuant to NRS 239.011.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 239.005 is hereby amended to read as follows:~~

~~239.005 As used in this chapter, unless the context otherwise requires:~~

~~1. "Actual cost" means the direct cost incurred by a governmental entity in the provision of a public record, including, without limitation, the cost of ink, toner, paper, media and postage. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.~~

~~2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.~~

~~3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.~~

~~4. "Division" means the Division of State Library, Archives and Public Records of the Department of Administration.~~

~~5. "Governmental entity" means:~~

~~(a) An elected or appointed officer of this State or of a political subdivision of this State;~~

~~(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;~~

~~(c) A university foundation, as defined in NRS 396.405;~~

~~(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools; or~~

~~(e) A library foundation, as defined in NRS 379.0056, to the extent that the foundation is dedicated to the assistance of a public library.~~

~~6. "Official state record" includes, without limitation:~~

~~(a) Papers, unpublished books, maps and photographs;~~

~~(b) Information stored on magnetic tape or computer, laser or optical disc;~~

~~(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and~~

~~(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.~~

~~7.~~ ***"Ombudsman" means the Public Records Ombudsman appointed pursuant to section 2 of this act.***

~~***8.*** "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:~~

~~(a) Substantially similar to the services provided by the public employees of the governmental entity; and~~

~~(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.~~**] (Deleted by amendment.)**

Sec. 6. **[**~~NRS 239.011 is hereby amended to read as follows:~~

~~239.011 1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied or unreasonably delayed ,~~ **[**~~or~~**]** ~~if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper~~ **[**~~,~~**]** ***or if the requester is aggrieved by the final determination of the Ombudsman issued pursuant to section 4 of this act,*** ~~the requester may apply to the district court in the county in which the book or record is located for an order:~~

~~(a) Permitting the requester to inspect or copy the book or record;~~

~~(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester; or~~

~~(c) Providing relief relating to the amount of the fee,~~

~~"~~ ~~as applicable.~~

~~2.~~ ***If a governmental entity is aggrieved by the final determination of the Ombudsman issued pursuant to section 4 of this act, the governmental entity may apply to the district court in the county in which the book or record is located for an order denying the request to inspect or copy the book or record or approving the amount of the fee charged by the governmental entity for the public book or record.***

~~***3.*** The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees in the proceeding.~~

~~**[**3.**]** ***4.*** If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.~~

~~**[**4.**]** ***5.*** The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.~~**] (Deleted by amendment.)**

Sec. 7. **1. The Public Records Task Force is hereby created. The Task Force consists of the following 10 members:**

(a) One government representative and two transparency advocates appointed by the Majority Leader of the Senate;

(b) Two government representatives and one transparency advocate appointed by the Speaker of the Assembly;

(c) One government representative appointed by the Minority Leader of the Senate;

(d) One transparency advocate appointed by the Minority Leader of the Assembly; and

(e) One government representative and one transparency advocate appointed by the Governor.

2. The Task Force shall:

(a) Evaluate:

(1) Current exemptions to chapter 239 of NRS;

(2) The impact of broad requests for public records on governmental entities;

(3) The cost, burden and time constraint on governmental entities to redact confidential information;

(4) The financial burden on a person who requests a public record;

(5) Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution; and

(6) Methods for collecting and sharing data related to requests for public records.

(b) Make recommendations, including, without limitation:

(1) To clarify the custodianship and control of public records;

(2) To protect sensitive information while promoting government transparency;

(3) To identify situations in which access to public records should be granted or denied;

(4) For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;

(5) For protocols to protect personal information and criminal investigations;

(6) For a standardized fee schedule; and

(7) For mechanisms to protect governmental entities from retaliatory litigation.

3. The members of the Task Force serve without compensation.

4. Each member of the Task Force who is an officer or employee of the State or local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer

or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual, vacation or compensatory time for the absence.

5. The Task Force shall, at its first meeting, elect a Chair from the members who are transparency advocates and a Vice Chair from the members who are government representatives.

6. The Task Force shall meet:

(a) Upon the call of the Chair or a majority of the members of the Task Force; and

(b) At least four times.

7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

8. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

9. On or before October 31, 2026, the Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

10. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Government representative" includes, without limitation, a representative:

(1) From the Nevada Association of Counties or a county;

(2) From the Nevada League of Cities or a local government;

(3) Who is a district attorney or city attorney;

(4) From a law enforcement agency;

(5) From a school district;

(6) From the Office of the Attorney General;

(7) From a public utility that is not regulated by the Public Utilities Commission of Nevada; and

(8) From the Division of State Library, Archives and Public Records of the Department of Administration.

(c) "Transparency advocate" includes, without limitation, a representative:

(1) From the Nevada Broadcasters Association;

(2) From the Nevada Press Association;

(3) From the Nevada Open Government Coalition;

(4) From the American Civil Liberties Union;

(5) Who is an attorney that specializes in requests for public records;

(6) From the Legal Aid Center of Southern Nevada; and

(7) Who is a member of the public and has experience related to public records.

Sec. 8. **The members of the Task Force must be appointed pursuant to section 7 of this act not later than October 31, 2025.**

Sec. 9. **This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.**

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 176.

Bill read second time.

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

Amendment No. 530.

AN ACT relating to health care; prohibiting ~~[a]~~ **certain** governmental ~~[entity]~~ **entities** from substantially burdening certain activity relating to reproductive health care under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-8** of this bill establish the Right to ~~[Reproductive Health Care]~~ **Contraception and Family Planning Services** Act. **Sections 4-6** define certain terms for purposes of the Act. **Section 3** establishes the applicability of those definitions. **Section 7** applies the provisions of the Act to certain state laws and ~~[all]~~ local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7 also ensures that the provisions of the Act do not apply to: (1) state and local laws and ordinances relating to abortion; and (2) certain regulations and policies of certain entities that regulate education and activities that take place at or are sponsored by a public school.** **Section 8** generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out reproductive health care and substantially burdens: (1) the access of a person to reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care; or (2) the ability of a provider of health care to provide reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care within his or her scope of practice, training

and experience. **Section 8** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 8** authorizes a person whose ability to obtain or provide reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care is burdened to bring or defend an action in court and obtain appropriate relief. **Section 8** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

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

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***Sections 2 to 8, inclusive, of this act may be cited as the Right to ~~[Reproductive Health Care]~~ Contraception and Family Planning Services Act.***

Sec. 3. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Governmental entity" means the State of Nevada or any of its agencies or political subdivisions.***

Sec. 5. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 6. ***"Reproductive health care" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.***

Sec. 7. ***1. Except as otherwise provided in this section, the provisions of sections 2 to 8, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2026.***

2. The provisions of sections 2 to 8, inclusive, of this act do not apply to:

(a) State and local laws and ordinances and the implementation of those laws and ordinances relating to abortion, the provision of medication to induce an abortion and any medical, surgical, counseling or referral services associated with an abortion, including, without limitation NRS 442.250 ~~[or the implementation of NRS 442.250.]~~ , whether statutory or otherwise, and whether enacted before, on or after January 1, 2026;

(b) Regulations and policies approved, enacted or administered, on or after January 1, 2026, by:

(1) The State Board of Education;

(2) The Department of Education;

(3) The board of trustees of a school district;

(4) The governing body of a charter school or university school for profoundly gifted pupils; or

(5) A public school; and

(c) Activities that occur at a public school or are sponsored by a public school, school district or governing body of a charter school or university school for profoundly gifted pupils.

~~[2. State]~~ 3. Except as otherwise provided in subsection 2, state laws that are enacted on or after January 1, 2026, are subject to the provisions of sections 2 to 8, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

~~[3. The]~~ 4. Except as otherwise provided in subsection 2, the provisions of sections 2 to 8, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to reproductive health care, information related to reproductive health care or any drug or device related to reproductive health care; or

(2) The ability of a provider of health care to provide reproductive health care or information related to reproductive health care or to provide, administer, dispense or prescribe any drug or device related to reproductive health care within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

5. As used in this section, "public school" means any school described in NRS 388.020.

Sec. 8. *1. Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) Expressly, effectively, implicitly or, as implemented, singles out reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care or any providers of health care or facilities that provide reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care; and

(b) Substantially burdens:

(1) The access of a person to reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care; or

(2) The ability of a provider of health care to provide reproductive health care, drugs or devices related to reproductive health care or information related to reproductive health care within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 8, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

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

2. Sections 1 to 8, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 215.

Bill read second time.

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

Amendment No. 30.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MONROE-MORENO **, HIBBETTS AND MOORE**

AN ACT relating to employment; revising provisions relating to the employment of children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Fair Labor Standards Act and existing state law establish certain standards relating to the employment of children. (29 U.S.C. § 212, 29 C.F.R. Part 570; chapter 609 of NRS) When such federal and state standards are

different, the standards that provide the most protection to children apply. (29 U.S.C. § 218) With certain exceptions, both existing federal and state law restrict the daily and weekly number of hours worked in authorized employment by children who are 14 and 15 years of age. (29 C.F.R. § 570.35; NRS 609.240) **In part, existing state law prohibits children who are 14 and 15 years of age from being employed, subject to certain exceptions, more than 48 hours in any 1 week. (NRS 609.240) Section 2 of this bill reduces the maximum allowable number of weekly work hours under this prohibition to 40 hours in any 1 week.** With the exception of working as certain messengers, existing state law does not place restrictions on the times of day worked in authorized employment by children who are 14 years of age and older and under 18 years of age. (NRS 609.230, 609.240) However, existing federal law limits the times of day worked in authorized employment by children who are 14 and 15 years of age to 7 a.m. to 7 p.m., except between June 1 and Labor Day when the evening hours are extended to 9 p.m. (29 C.F.R. § 570.35) **Section 2** ~~[of this bill]~~ prohibits, with certain exceptions, work between ~~[10]~~ **11** p.m. and ~~[5]~~ **6** a.m. on any night immediately preceding a school day by a child who is: (1) enrolled in high school ~~[,]~~ **at a public or private school;** (2) 16 years of age or older and under 19 years of age; and (3) not emancipated. **Section 2 exempts from this time restriction the employment of a child as a lifeguard, employee of an arcade or stage or theatrical performer. Section 2** authorizes a school district **or other governing body of the high school** or juvenile court to grant an exemption from this time restriction in certain circumstances.

A person who violates the prohibitions relating to the employment of children: (1) is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine or imprisonment; and (2) may be liable for certain civil penalties. (NRS 193.150, 609.650, 609.652) These penalties apply to persons who violate the **maximum allowable number of weekly work hours or** time restrictions in **section 2**.

Existing law requires every employer in this State to conspicuously post on the premises where any person is employed a printed abstract, furnished by the Labor Commissioner, of the provisions relating to compensation, wages and hours of employment. (NRS 608.013) **Section 1** of this bill requires the Labor Commissioner to prepare an abstract of the provisions relating to the employment of children and post the abstract to the Internet website maintained by the Office of Labor Commissioner. **Section 1** also requires the Labor Commissioner to include the abstract relating to the employment of children in a two-dimensional bar code, commonly known as a QR code, or other machine-readable bar code used for storing an Internet address, in the abstract relating to compensation, wages and hours of employment that the Labor Commissioner is required to furnish to every employer in this State.

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

Section 1. Chapter 609 of NRS is hereby amended by adding thereto a new section to read as follows:

The Labor Commissioner shall:

1. Prepare an abstract of this chapter;

2. Post the abstract on the Internet website maintained by the Office of Labor Commissioner; and

3. Include the abstract in a two-dimensional bar code, commonly known as a QR code, or other machine-readable barcode used for storing an Internet address, in any abstract furnished to an employer pursuant to NRS 608.013.

Sec. 2. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than employment as a performer in the production of a motion picture or work on a farm, more than ~~[48]~~ ***40*** hours in any 1 week, or more than 8 hours in any 1 day.

2. ***Except as otherwise provided in this subsection and NRS 609.230, no child may be employed, permitted or suffered to work at any gainful occupation, other than employment as a lifeguard, employee of an arcade, stage or theatrical performer or performer in the production of a motion picture or work on a farm, between ~~[10]~~ 11 p.m. and ~~[5]~~ 6 a.m. on any night immediately preceding a school day if the child:***

(a) Is enrolled in high school ~~[,]~~ at a public or private school;

(b) Is 16 years of age or older and under 19 years of age; and

(c) Is not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

➥ A school district or other governing body of the high school or juvenile court may grant an exemption from the restrictions of this subsection if the school district , governing body or juvenile court, as applicable, determines the exemption is in the best interest of the child.

3. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

4. As used in this section:

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

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

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 220.

Bill read second time.

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

Amendment No. 424.

AN ACT relating to identification cards; authorizing the Department of Health and Human Services to establish a program to issue identification cards to Nevada residents who are experiencing homelessness; requiring an applicant for an identification card to attest to certain facts and provide certain information providing for the change of the full legal name on an identification card under certain circumstances; providing for the expiration of an identification card issued by the Department; prohibiting certain conduct related to an identification card; authorizing certain local governments to accept an identification card issued by the Department for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Motor Vehicles to issue identification cards to: (1) qualified residents of this State who are 10 years of age or older and do not hold a valid driver's license or identification card from any state or jurisdiction; and (2) qualified seasonal residents who do not hold a valid Nevada driver's license. (NRS 483.820, 483.830) Existing law requires the Department of Health and Human Services to establish the Nevada Housing Crisis Response System and requires the System to collaborate with the Department of Motor Vehicles to facilitate assistance to persons experiencing homelessness who wish to apply for an identification card issued by the Department of Motor Vehicles. (NRS 422A.680)

Section 7 of this bill authorizes the Department of Health and Human Services to establish and administer a program to issue identification cards to residents of this State who are experiencing homelessness. **Section 7** limits the issuance of such cards to residents of this State who are 10 years of age or older and do not hold a valid driver's license or identification card from any state or jurisdiction. **Section 7**: (1) prohibits the Department from charging a fee for the issuance, renewal or replacement of an identification card; and (2) authorizes the Department to accept gifts, grants and donations of money to fund the program to provide identification cards to residents of this State who are experiencing homelessness. **Sections 7 and 19** of this bill make confidential personal information contained in any file or record of the Department relating to an identification card or an application for an identification card.

Section 8 of this bill prescribes the form of identification cards issued by the Department and requires the Department to adopt regulations prescribing the information that must be contained on such identification cards.

Section 9 of this bill requires an application for an identification card issued by the Department to include a statement from the applicant attesting that the applicant is a person who: (1) is experiencing homelessness; and (2) does not hold a valid driver's license or identification card from any state or jurisdiction.

Section 10 of this bill requires an applicant to furnish proof of his or her full legal name and age to the Department by presenting an original or certified copy of the documents required by the Department of Motor Vehicles as proof of the full legal name and age of an applicant for an identification card issued by the Department of Motor Vehicles. **Section 10** prohibits the Department of Health and Human Services from issuing an identification card to an applicant who does not furnish such proof unless the identification card clearly indicates on the face of the card that the Department has not verified the full legal name and age of the card holder.

Section 11 of this bill requires a person to request that the Department change his or her full legal name on an identification card issued by the Department after a legal name change as indicated on certain documents and authorizes a person to request that the Department change his or her full legal name on an identification card upon the occurrence of certain life events. **Section 11** prohibits the Department from charging or collecting a fee for making a change to an identification card.

Section 12 of this bill applies to the Department the prohibition of existing law against the issuance of an identification card to or renewal of the identification card of a sex offender or an offender convicted of a crime against a child until the Department receives information submitted by the Central Repository for Nevada Records of Criminal History or other satisfactory evidence that the offender is in compliance with the provisions of law governing the registration of sex offenders and offenders convicted of a crime against a child. (NRS 179D.570) **Section 12** provides that an identification card issued to such offenders expires on the first anniversary date of the offender's birthday, measured from the birthday nearest to the date of issuance or renewal of the card. **Section 17** of this bill authorizes the Central Repository to share information concerning sex offenders and offenders convicted of a crime against a child with the Department to carry out the provisions of **section 12**.

Section 13 of this bill provides that an identification card issued by the Department generally remains valid until expiration unless the holder becomes licensed in any state or jurisdiction to drive a motor vehicle or obtains an identification card from any state or jurisdiction. **Section 13** requires an identification card issued by the Department to be surrendered upon the issuance of a driver's license from any state or jurisdiction, an identification card from another state or jurisdiction or an identification card issued by the Department of Motor Vehicles.

Section 14 of this bill requires the Department to adopt regulations prescribing when an identification card expires and requires the date of expiration adopted by the Department to be not later than the eighth anniversary of the birthday of the holder of the identification card measured from the birthday nearest to the date of issuance or renewal of the card.

Section 15 of this bill authorizes a person whose identification card is lost or destroyed to obtain a duplicate card.

Section 16 of this bill provides that a person who commits certain acts relating to an identification card is guilty of a misdemeanor.

Section 18 of this bill authorizes certain local governments to accept an identification card issued by the Department of Health and Human Services for certain purposes.

Sections 2-6 of this bill define certain terms for the purposes of **sections 2-16**.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Full legal name" means a natural person's first name or given name, middle name and family name or last name, without the use of initials or a nickname. The term includes a full legal name that has been changed pursuant to the provisions of section 11 of this act.***

Sec. 4. ***"Identification card" means an identification card issued by the Department pursuant to sections 2 to 16, inclusive, of this act.***

Sec. 5. ***"Person experiencing homelessness" means a person who is transient, at imminent risk of homelessness or homeless.***

Sec. 6. ***"Resident" means a person who has actually resided in this State for at least 6 months.***

Sec. 7. ***1. To the extent that money is available for that purpose, the Department, through a division of the Department designated by the Director, may establish and administer a program to issue photo identification cards to residents of this State who are persons experiencing homelessness. If the Department establishes such a program, the Department shall:***

(a) Prepare suitable identification cards.

(b) Prepare and furnish application forms for those cards.

(c) Receive applications, grant or deny the applications and maintain files of applications.

(d) Issue identification cards, recall and cancel identification cards when necessary and maintain records adequate to preserve the integrity of the system for identification cards.

2. A person who applies for an identification card in accordance with the provisions of sections 2 to 16, inclusive, of this act and who is not ineligible to receive an identification card pursuant to section 12 of this act is entitled to receive an identification card if the person:

(a) Is a resident of this State;

(b) Is 10 years of age or older; and

(c) Does not hold a valid driver's license or identification card from any state or jurisdiction.

3. The Department shall not charge a fee for the issuance, renewal or replacement of an identification card.

4. The Department may accept gifts, grants and donations of money to fund the program to issue identification cards to residents of this State who are experiencing homelessness. Money received by the Department pursuant to this subsection does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

5. The personal information contained in any file or record of the Department relating to an identification card or an application for an identification card is confidential and is not a public record for the purposes of chapter 239 of NRS. The Department may only disclose information made confidential pursuant to this subsection if such disclosure is necessary for the Department to carry out its duties or upon the lawful order of a court of competent jurisdiction.

Sec. 8. *1. The form of identification cards issued by the Department must be similar to that of identification cards issued by the Department of Motor Vehicles pursuant to NRS 483.810 to 483.890, inclusive, but distinguishable in color or otherwise.*

2. ~~[Identification cards issued by the Department must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.~~

~~3.]~~ Identification cards issued by the Department do not authorize the operation of any motor vehicle.

~~[4.]~~ 3. If the Department establishes the program described in section 7 of this act, the Department shall adopt regulations prescribing the information that must be contained on the identification card.

Sec. 9. *1. Every application for an identification card must be made upon a form prescribed by the Department and include, without limitation, a statement from the applicant attesting that the applicant:*

(a) Does not hold a valid driver's license or identification card from any state or jurisdiction.

(b) Is a person experiencing homelessness.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

Sec. 10. *1. Except as otherwise provided in subsection 2, every applicant for an identification card pursuant to sections 2 to 16, inclusive, of this act must furnish proof of his or her full legal name and age by presenting an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.860 as proof of the full legal name and age of an applicant for the issuance of an identification card by the Department of Motor Vehicles.*

2. If an applicant for an identification card does not furnish the proof of his or her full legal name and age as required by subsection 1, the Department must not issue to the applicant an identification card, unless the identification card clearly indicates on the face of the card that the Department has not verified the full legal name and age of the card holder pursuant to subsection 1.

Sec. 11. *1. A person must request that the Department change his or her full legal name on an identification card after a legal change of the person's name indicated on:*

(a) An order of a court of competent jurisdiction changing the name of the person;

(b) A decree of adoption;

(c) A certificate of marriage; or

(d) A decree of divorce.

2. A request required pursuant to subsection 1 must:

(a) Be made on a form prescribed by the Department; and

(b) Include an original or certified copy of the order, decree or certificate.

3. A person may request that the Department change his or her full legal name on an identification card upon adoption, marriage, divorce or the death of a spouse. Such a request must be made on a form prescribed by the Department and must include:

(a) Upon adoption, an original or certified copy of a decree of adoption and an affidavit on a form prescribed by the Department indicating the person's choice to:

(1) Change his or her last name to the last name of one of his or her adoptive parents;

(2) Use his or her last name hyphenated with the last name of one of his or her adoptive parents; or

(3) Replace his or her middle name with his or her last name and use as his or her last name the last name of one of his or her adoptive parents.

(b) Upon marriage, an original or certified copy of a certificate of marriage and an affidavit on a form prescribed by the Department indicating the person's choice to:

(1) Change his or her last name to the last name of his or her spouse;

(2) Use his or her last name hyphenated with the last name of his or her spouse; or

(3) Replace his or her middle name with his or her last name and use as his or her last name the last name of his or her spouse.

(c) Upon divorce, an original or certified copy of a decree of divorce and an affidavit on a form prescribed by the Department indicating the person's choice to:

(1) Change his or her last name back to a last name he or she used before marriage; or

(2) If he or she changed his or her name pursuant to subparagraph (3) of paragraph (b), change his or her middle name and last name back to the middle name and last name he or she used before the marriage; or

(d) Upon the death of a spouse, an original or certified copy of a certificate of marriage and an original or certified copy of a death certificate and an affidavit on a form prescribed by the Department indicating the person's choice to:

(1) Change his or her last name back to a name he or she used before the marriage; or

(2) If he or she changed his or her name pursuant to subparagraph (3) of paragraph (b), change his or her middle name and last name back to the middle name and last name he or she used before marriage.

4. Upon receipt of a request that meets the requirements of subsection 2 or 3, the Department shall:

(a) Change the full legal name of a person on the identification card issued to the person by the Department; and

(b) Provide to the person who requested the change a document which evidences that such a change was made pursuant to this section.

5. The Department shall not charge or collect a fee for a change to an identification card pursuant to this section.

Sec. 12. *1. The Department shall not issue an identification card to an offender or renew the identification card of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.*

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue an identification card to the offender or renew the identification card of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes, without limitation, an "offender convicted of a crime against a child" as defined in NRS 179D.0559 and a "sex offender" as defined in NRS 179D.095.

Sec. 13. *Except as otherwise provided in section 14 of this act, an identification card that is issued pursuant to sections 2 to 16, inclusive, of this act remains valid until its expiration date so long as the facts and circumstances declared in the application and stated on the card do not change and the person does not become licensed in any state or jurisdiction to drive a motor vehicle or obtain an identification card from any state or jurisdiction. An identification card that is issued pursuant to sections 2 to 16, inclusive, of this act does not become invalid because the person ceases to be a person experiencing homelessness. An identification card issued pursuant to sections 2 to 16, inclusive, of this act must be surrendered upon the issuance of:*

1. A driver's license from any state or jurisdiction;

2. An identification card from another state or jurisdiction; or

3. An identification card issued by the Department of Motor Vehicles pursuant to NRS 483.810 to 483.890, inclusive.

Sec. 14. *1. Except as otherwise provided in sections 12 and 13 of this act, an identification card and a renewal of an identification card issued pursuant to sections 2 to 16, inclusive, of this act expires as prescribed by the regulations adopted pursuant to subsection 2.*

2. The Department shall adopt regulations prescribing when an identification card expires. The regulations adopted by the Department pursuant to this section must not establish an expiration date which is later than the eighth anniversary of the birthday of the holder of the identification card measured, in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

3. An identification card is renewable at any time before its expiration upon application.

Sec. 15. *1. Upon furnishing information that his or her identification card is lost or destroyed, the person to whom the original was issued may obtain a duplicate.*

2. If the original of a duplicated identification card is subsequently recovered or a lost identification card is found, the person having possession shall return it immediately to the Department.

Sec. 16. *A person who:*

1. Forges or alters an identification card or knowingly possesses an altered or forged identification card;

2. Refuses to surrender an identification card for cancellation when so directed by the Department;

3. Lends his or her identification card to another person for the other's use or uses an identification card issued to another person; or

4. Willfully fails to surrender to the Department within 10 days after another's identification card comes into his or her possession or to return it to the proper holder,

↳ is guilty of a misdemeanor.

Sec. 17. NRS 179D.570 is hereby amended to read as follows:

179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:

(a) The Nevada Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the Nevada Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the Nevada Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.

(c) The Department of Health and Human Services to carry out the provisions of section 12 of this act.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.

4. The Central Repository may adopt regulations to carry out the provisions of this section.

Sec. 18. NRS 237.200 is hereby amended to read as follows:

237.200 1. Except as otherwise provided in subsection 2, with respect to any activity or transaction in which a local government accepts an identification card issued by the Department of Motor Vehicles to identify a person, the local government may also accept ***an identification card issued by the Department of Health and Human Services pursuant to sections 2 to 16, inclusive, of this act,*** a consular identification card, permanent resident card or tribal identification card to identify a person.

2. The provisions of subsection 1 apply only to the presentation of ***an identification card issued by the Department of Health and Human Services,*** a consular identification card, permanent resident card or tribal identification card for purposes of identification and do not convey an independent right to receive benefits of any type.

3. To be accepted pursuant to subsection 1 to identify a person, an identification card issued by a tribal government must contain:

(a) The full legal name of the holder of the card;

(b) The date of birth of the holder of the card;

(c) A unique number assigned to the holder of the card;

(d) A digital photograph of the full face of the holder of the card;

(e) The address of the principal residence of the holder of the card;

(f) A physical description of the holder of the card, including, without limitation, the height, weight, hair color and eye color of the holder of the card;

(g) The usual signature of the holder of the card;

(h) The date on which the card is issued; and

(i) A reference to the tribal government which issued the card.

4. As used in this section:

(a) "Consular identification card" means an identification card issued by a consulate of a foreign government, which consulate is located within the State of Nevada.

(b) "Identification card issued by the Department of Motor Vehicles" means an identification card of the type described in NRS 483.810 to 483.890, inclusive.

(c) "Local government" has the meaning ascribed to it in NRS 237.050.

(d) "Permanent resident card" means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(e) "Tribal government" has the meaning ascribed to it in NRS 239C.105.

(f) "Tribal identification card" means an identification card issued by a tribal government which satisfies the requirements of subsection 3.

Sec. 19. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061,

332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470,

678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 20. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 241.

Bill read second time.

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

Amendment No. 251.

AN ACT relating to housing; requiring the governing body of each county and city to adopt an ordinance to authorize ~~[a person to apply for a permit to construct]~~ **by-right** a multifamily housing development or mixed-use development **that includes a residential use** on property zoned for commercial use; declaring void certain county or city ordinances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each governing body of a county or city to adopt an ordinance that authorizes ~~[a person to apply for a permit to construct]~~ **by-right** a multifamily housing development or mixed-use development **that includes a residential use** on property zoned for commercial use. **Section 1** further ~~[requires such an ordinance to set forth an expedited process for the approval of the application and any appeal of the denial of such an application.]~~ **provides that property zoned for commercial use does not include property zoned for industrial use.** **Section 5** of this bill declares void any ordinance, regulation or rule of a county or city which conflicts with the provisions of this bill.

Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill creates an exception to account for the requirement that the governing body of a county or city adopt an ordinance to

authorize ~~[a person to apply for a permit to construct]~~ **by-right** a multifamily housing development or mixed-use development **that includes a residential use** on property zoned for commercial use pursuant to **section 1**.

Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to **section 1**.

Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to **section 1**.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not later than October 1, 2026, each governing body shall adopt an ordinance that authorizes ~~[a person to construct]~~ by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use.

2. ~~[The ordinance adopted pursuant to subsection 1 must set forth an expedited process for:~~

~~(a) The appropriate staff of the planning department of the county to process and determine whether to approve an application for a permit to construct a multifamily housing development or mixed-use development on property zoned for commercial use; and~~

~~(b) An applicant to appeal to the board of county commissioners any denial of an application for a permit to construct a multifamily housing development or mixed-use development on]~~ As used in this section, "property zoned for commercial use" does not include property zoned for ~~[commercial]~~ industrial use.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.

3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.

4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.

5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

7. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 4. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[. Within]~~ ***, and section 1 of this act. Except as otherwise provided in section 1 of this act, within*** the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 5. On and after October 1, 2026, any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 232.

AN ACT relating to the management of land; requiring the Sagebrush Ecosystem Council in the State Department of Conservation and Natural Resources to establish by regulation a program to mitigate damage to sagebrush ecosystems; requiring the Council to ~~[set forth in regulation any method or formula used by the habitat quantification tool developed by the Council as part of the program;]~~ **adopt certain regulations related to the program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Sagebrush Ecosystem Council within the **State** Department of Conservation and Natural Resources. Existing law requires the Council to establish a program to mitigate damage to sagebrush ecosystems by creating a system to award credits to certain persons and entities to protect, enhance or restore sagebrush ecosystems. (NRS 232.162) This bill requires the Council to establish the program by regulation. In establishing the program, this bill further requires the Council to ~~[: (1) develop a habitat quantification tool; and (2)]~~ set forth in regulation ~~[any method or formula used by the habitat quantification tool for calculating debits and credits.]~~ **: (1) the process to apply to participate in the program; (2) the process for the review of an application by the Council; (3) the process by which an applicant may appeal any decision of the Council relating to the application; and (4) the process by which the Council will periodically review any activity or project that has been approved by the Council to create credits or acquire debits pursuant to the program.**

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

Section 1. NRS 232.162 is hereby amended to read as follows:

232.162 1. The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:

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

(1) One member who represents agricultural interests;

(2) One member who represents the energy industry;

(3) One member who represents the general public;

(4) One member who represents conservation and environmental interests;

(5) One member who represents mining interests;

(6) One member who represents ranching interests;

(7) One member who represents local government;

(8) One member who acts as a liaison for Native American tribes; and

(9) One member of the Board of Wildlife Commissioners or his or her designee.

(b) In addition to the members appointed pursuant to paragraph (a), the following nonvoting members:

(1) The Director of the State Department of Conservation and Natural Resources;

(2) The Director of the Department of Wildlife;

(3) The Director of the State Department of Agriculture;

(4) The State Director of the Nevada State Office of the Bureau of Land Management;

(5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;

(6) The Forest Supervisor for the Humboldt-Toiyabe National Forest; and

(7) Any other members appointed by the Governor as nonvoting members.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to the appointment by the Governor of the members of the Council.

3. After the initial terms, each member of the Council appointed pursuant to subparagraphs (1) to (8), inclusive, of paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b) of subsection 1 serves a term of 4 years, commencing on July 1.

4. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.

5. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than $80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.

6. The Council may:

(a) Adopt regulations to govern the management and operation of the Council;

(b) Establish subcommittees consisting of members of the Council to assist the Council in the performance of its duties; and

(c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of NRS 321.594 pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering those costs.

7. The Council shall:

(a) Consider the best science available in its determinations regarding the conservation of the greater sage grouse (Centrocercus urophasianus) and sagebrush ecosystems in this State;

(b) Establish and carry out strategies for:

(1) The conservation of the greater sage grouse and sagebrush ecosystems in this State; and

(2) Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;

(c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems in this State using an adaptive management framework and providing for input from interested persons and governmental entities;

(d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;

(e) Establish ***by regulation*** a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;

(f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

(g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;

(i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594; and

(j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594 and resolve any conflict with any direction given by another state board, commission or department jointly with that board, commission or department, as applicable.

8. ***In establishing a program to mitigate damage to sagebrush ecosystems pursuant to paragraph (e) of subsection 7, the Council shall*** ~~***[:]***~~ ***set forth in regulation:***

(a) ~~***[Develop a habitat quantification tool; and***~~

~~***(b) Set forth in regulation any method or formula used by the habitat quantification tool for calculating debits and credits.]***~~ ***The process for a person, federal or state agency, local government or nonprofit organization to apply to participate in the program by:***

(1) Proposing an activity or project that will create credits to protect, enhance or restore sagebrush ecosystems; or

(2) Acquiring debits to compensate for the loss or degradation of habitat of the greater sage-grouse caused by a proposed activity or project;

(b) The process for the review of an application described in paragraph (a) by the Council;

(c) The process by which a person, federal or state agency, local government or nonprofit organization that applies to participate in the program pursuant to paragraph (a) may appeal any decision of the Council relating to the application; and

(d) The process by which the Council will periodically review any activity or project that has been approved by the Council to create credits or acquire debits pursuant to the program.

9. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:

(a) Information concerning the overall health and population of the greater sage grouse within this State and in the United States and the overall health of sagebrush ecosystems within this State, including, without limitation, information concerning any threats to the population of sage grouse and any sagebrush ecosystems within this State;

(b) Information concerning all strategies, systems, programs and projects carried out pursuant to this section and NRS 321.592 and 321.594, including, without limitation, information concerning the costs, sources of funding and results of those strategies, systems, programs and projects; and

(c) Any other information specified by the Council.

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

2. Section 1 of this act becomes effective:

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

(b) On July 31, 2027, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 266.

Bill read second time.

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

Amendment No. 90.

ASSEMBLYMEMBERS GONZÁLEZ, MOORE, MILLER **[**;**]** **, BROWN-MAY;** ANDERSON, DALIA, D'SILVA, GALLANT, GOULDING, GRAY, HUNT, JACKSON, KARRIS, LA RUE HATCH, NADEEM, NGUYEN, ORENTLICHER, ROTH AND TORRES-FOSSETT

JOINT SPONSORS: SENATORS CRUZ-CRAWFORD AND DOÑATE

AN ACT relating to public health; requiring the Department of Health and Human Services to publish certain information relating to breastfeeding and

develop a program of public education concerning lactation; authorizing certain providers of health care and medical facilities to provide that information to certain persons; prohibiting a place of public accommodation from engaging in certain discrimination against a person who is breastfeeding; authorizing certain civil actions and administrative actions to enforce that prohibition; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Medicaid program to cover: (1) counseling and support for breastfeeding; (2) supplies for breastfeeding until the child's first birthday; and (3) lactation consultation and support. (NRS 422.27174, 422.27179) Existing law authorizes Medicaid to provide additional coverage of supplies for breastfeeding. (NRS 422.27178) **Section 1** of this bill requires the Department of Health and Human Services to post on an Internet website maintained by the Department: (1) a fact sheet that provides information concerning that coverage under Medicaid; and (2) a list of services available in the community for lactation support. **Section 1** authorizes certain providers of health care and medical facilities that provide care to a pregnant person to provide the information posted by the Department to the pregnant person and, with the consent or at the direction of the pregnant person, certain other persons. **Section 1** additionally requires the Department to develop and carry out a program of public education to increase public awareness about lactation.

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law defines the term "place of public accommodation" to mean any establishment or place to which the public is invited or which is intended for public use, including inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private and public schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050; *Clark County Sch. Dist. v. Buchanan*, 112 Nev. 1146 (1996)) **Section 4** of this bill prohibits a place of public accommodation from: (1) denying the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation to a person because the person is breastfeeding a child; or (2) publishing a statement, advertisement, notice or sign that conflicts with that prohibition. **Section 5** of this bill makes the definition of "place of public accommodation" in existing law apply to **section 4**. **Section 6** of this bill clarifies that those prohibitions do not apply to certain private establishments that are not places of public accommodation. **Section ~~[7 of this bill makes certain actions that violate section 4 misdemeanors, and section]~~ 8** of this bill authorizes a victim of ~~[such~~

~~a violation]~~ **certain violations of section 4** to file a civil action. **Section 9** of this bill authorizes a county or incorporated city to adopt an ordinance that protects the rights protected by **section 4**, with certain limitations. **Section 10** of this bill authorizes a victim of a violation of **section 4** to file a complaint with the Nevada Equal Rights Commission, and **section 3** of this bill authorizes the Commission to order its Administrator to investigate and hold hearings on such a complaint. The Commission would also be authorized to: (1) hold an informal meeting to attempt to settle a dispute over an alleged violation of **section 4**; and (2) after a formal public hearing, order the place of public accommodation to cease and desist from activity that violates **section 4** and take corrective action. (NRS 233.170) **Section 2** of this bill makes a conforming change to include preventing discrimination against persons who are breastfeeding children within the purposes of the Commission.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Post on an Internet website maintained by the Department and update at least annually:

(1) A fact sheet that provides, in accessible language, information concerning the coverage provided under Medicaid pursuant to paragraph (a) of subsection 1 of NRS 422.27174 and paragraph (a) of subsection 1 of NRS 422.27179 and any additional coverage provided under Medicaid pursuant to subsection 1 of NRS 422.27178.

(2) A list of services available in the community for lactation support. The list must include, without limitation, the names, addresses and telephone numbers of organizations that provide lactation support.

(b) Develop and carry out a program of public education to increase public awareness about lactation, including, without limitation, the health benefits of lactation and ways in which pregnant persons and the parents of infants can connect to lactation support.

2. The information described in paragraph (a) of subsection 1 must be available in English, Spanish, Tagalog and any other language deemed appropriate by the Department.

3. A physician, physician assistant, advanced practice registered nurse or midwife who attends a pregnant patient during gestation or the delivery of an infant or a hospital or freestanding birthing center from which a pregnant patient receives care during gestation or the delivery of an infant may provide the information posted by the Department pursuant to paragraph (a) of subsection 1 to:

(a) The patient;

(b) With the consent of the patient, any other person accompanying the patient when the patient receives care; and

(c) Any other person, at the direction of the patient.

Sec. 2. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin, ancestry or gender identity or expression ~~[.]~~ ***or because a person is breastfeeding a child.***

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. As used in this subsection:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 3. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression ***or because the person is breastfeeding a child*** and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual

orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

➥ As used in this paragraph, "race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 4. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless expressly authorized by federal or state law or regulations, it is unlawful for a place of public accommodation to:

1. Deny the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the place of public accommodation to a person because the person is breastfeeding a child.

2. Print, circulate, post, mail or otherwise cause to be published a statement, advertisement, notice or sign:

(a) Stating that the place of public accommodation refuses or denies the full and equal enjoyment of any good, service, facility, privilege, advantage or accommodation of the place of public accommodation to a person in violation of subsection 1; or

(b) Otherwise indicating that the patronage or presence of a person at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because the person is breastfeeding a child.

Sec. 5. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, ***and section 4 of this act,*** unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

3. "Online establishment" means a business, whether or not conducted for profit, which:

(a) Offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium; and

(b) Is not operated in conjunction with a physical location which is open to the public.

4. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor's residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use;

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment; and

(p) Any online establishment.

5. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 6. NRS 651.060 is hereby amended to read as follows:

651.060 1. The provisions of NRS 651.050 to 651.110, inclusive, ***and section 4 of this act*** do not apply to any private club, private online discussion forum or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

2. As used in this section, "private online discussion forum" means an online forum:

(a) Which is operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association;

(b) Which has not more than 1,000 members; and

(c) The operator of which does not regularly receive payment, directly or indirectly, from or on behalf of nonmembers for dues, fees, use of facilities or goods or services for the furtherance of trade or business.

Sec. 7. ~~[NRS 651.080 is hereby amended to read as follows:~~

~~651.080 1. Any person is guilty of a misdemeanor who:~~

~~(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 [,] *or section 4 of this act;*~~

~~(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 [,] *or section 4 of this act;* or~~

~~(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 [,] *or section 4 of this act.*~~

~~2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 651.090 is hereby amended to read as follows:

651.090 1. Any person who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act;***

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act;*** or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act,***

➥ is liable to the person whose rights pursuant to NRS 651.070 or 651.075 ***or section 4 of this act*** are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.

2. In an action brought pursuant to this section, the court may:

(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.

(b) Award costs and reasonable attorney's fees to the prevailing party.

Sec. 9. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights, privileges or access secured by NRS 651.070, 651.072 or 651.075 ~~[,]~~ ***or section 4 of this act,*** but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 10. NRS 651.110 is hereby amended to read as follows:

651.110 1. Except as otherwise provided in subsection 2, any person who believes he or she has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression ***or because the person is breastfeeding a child*** may file a complaint to that effect with the Nevada Equal Rights Commission.

2. A complaint may not be filed with the Nevada Equal Rights Commission for a violation of NRS 651.072.

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

2. Sections 2 to 10, inclusive, of this act become effective on July 1, 2025.

3. Section 1 of this act becomes effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

The following amendment was proposed by Assemblymember Brown-May:

Amendment No. 91.

AN ACT relating to public health; requiring the Department of Health and Human Services to publish certain information relating to breastfeeding and develop a program of public education concerning lactation; authorizing certain providers of health care and medical facilities to provide that information to certain persons; prohibiting a place of public accommodation from engaging in certain discrimination against a person who is breastfeeding; authorizing certain civil actions and administrative actions to enforce that prohibition; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Medicaid program to cover: (1) counseling and support for breastfeeding; (2) supplies for breastfeeding until the child's first birthday; and (3) lactation consultation and support. (NRS 422.27174, 422.27179) Existing law authorizes Medicaid to provide additional coverage of supplies for breastfeeding. (NRS 422.27178) **Section 1** of this bill requires the Department of Health and Human Services to post on an Internet website maintained by the Department: (1) a fact sheet that provides information concerning that coverage under Medicaid; and (2) a list of services available in the community for lactation support. **Section 1** authorizes certain providers of health care and medical facilities that provide care to a pregnant person to provide the information posted by the Department to the pregnant person and, with the consent or at the direction of the pregnant person, certain other persons. **Section 1** additionally requires the Department to develop and carry out a program of public education to increase public awareness about lactation.

Existing law provides that all persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression. (NRS 651.070) Existing law defines the term "place of public accommodation" to mean any establishment or place to which the public is invited or which is intended for public use, including inns, hotels, motels, restaurants, bars, gasoline stations, theaters, convention centers, bakeries, grocery stores, laundromats, museums, libraries, parks, zoos, nurseries, private and public schools or universities, day care centers, senior citizen centers, gymnasiums, health spas and bowling alleys. (NRS 651.050; *Clark County Sch. Dist. v. Buchanan*, 112 Nev. 1146 (1996)) **Section 4** of this bill prohibits a place of public accommodation **, except if required by law, regulation or ordinance to restrict the access of a minor to the place of public accommodation,** from: (1) denying the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation to a person because the person is breastfeeding a child; or (2) publishing a statement, advertisement, notice or sign that conflicts with that prohibition. **Section 5** of this bill makes the definition of "place of public accommodation" in existing law apply to **section 4**. **Section 6** of this bill clarifies that those prohibitions do not apply to certain private establishments that are not places of public accommodation. **Section 7** of this bill makes certain actions that violate **section 4** misdemeanors, and **section 8** of this bill authorizes a victim of such a violation to file a civil action. **Section 9** of this bill authorizes a county or incorporated city to adopt an ordinance that protects the rights protected by **section 4**, with certain limitations. **Section 10** of this bill authorizes a victim of a violation of **section 4** to file a complaint with the Nevada Equal Rights Commission, and **section 3** of this bill authorizes the Commission to order its Administrator to investigate and hold hearings on such

a complaint. The Commission would also be authorized to: (1) hold an informal meeting to attempt to settle a dispute over an alleged violation of **section 4**; and (2) after a formal public hearing, order the place of public accommodation to cease and desist from activity that violates **section 4** and take corrective action. (NRS 233.170) **Section 2** of this bill makes a conforming change to include preventing discrimination against persons who are breastfeeding children within the purposes of the Commission. **Section 1.5 of this bill provides that it is not an unlawful discriminatory practice in public accommodations to enforce a law, regulation or ordinance restricting a minor from entering or remaining in the place of public accommodation.**

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Post on an Internet website maintained by the Department and update at least annually:

(1) A fact sheet that provides, in accessible language, information concerning the coverage provided under Medicaid pursuant to paragraph (a) of subsection 1 of NRS 422.27174 and paragraph (a) of subsection 1 of NRS 422.27179 and any additional coverage provided under Medicaid pursuant to subsection 1 of NRS 422.27178.

(2) A list of services available in the community for lactation support. The list must include, without limitation, the names, addresses and telephone numbers of organizations that provide lactation support.

(b) Develop and carry out a program of public education to increase public awareness about lactation, including, without limitation, the health benefits of lactation and ways in which pregnant persons and the parents of infants can connect to lactation support.

2. The information described in paragraph (a) of subsection 1 must be available in English, Spanish, Tagalog and any other language deemed appropriate by the Department.

3. A physician, physician assistant, advanced practice registered nurse or midwife who attends a pregnant patient during gestation or the delivery of an

infant or a hospital or freestanding birthing center from which a pregnant patient receives care during gestation or the delivery of an infant may provide the information posted by the Department pursuant to paragraph (a) of subsection 1 to:

(a) The patient;

(b) With the consent of the patient, any other person accompanying the patient when the patient receives care; and

(c) Any other person, at the direction of the patient.

Sec. 1.5. **Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:**

Notwithstanding any provision of this chapter, it is not an unlawful discriminatory practice in public accommodations for any place of public accommodation to enforce a federal or state law or regulation or local law or ordinance that prohibits a minor from entering or remaining on its premises or certain areas of its premises.

Sec. 2. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin, ancestry or gender identity or expression ~~[.]~~ ***or because a person is breastfeeding a child.***

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. As used in this subsection:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 3. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression ***or because the person is breastfeeding a child*** and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

➥ As used in this paragraph, "race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 4. Chapter 651 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Unless expressly authorized by federal or state law or regulations,]~~

1. Except as otherwise provided in subsection 2, it is unlawful for a place of public accommodation to:

~~[1.]~~ (a) Deny the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the place of public accommodation to a person because the person is breastfeeding a child.

~~[2.]~~ (b) Print, circulate, post, mail or otherwise cause to be published a statement, advertisement, notice or sign:

~~[(a)]~~ (1) Stating that the place of public accommodation refuses or denies the full and equal enjoyment of any good, service, facility, privilege, advantage or accommodation of the place of public accommodation to a person in violation of ~~[subsection 1;]~~ paragraph (a); or

~~[(b)]~~ (2) Otherwise indicating that the patronage or presence of a person at a place of public accommodation is objectionable, unwelcome, unacceptable or undesirable because the person is breastfeeding a child.

2. It is not a violation of this section for any place of public accommodation to enforce a federal or state law or regulation or local law or ordinance that requires the place of public accommodation to prohibit a

minor from entering or remaining on its premises or certain areas of its premises.

Sec. 5. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, ***and section 4 of this act,*** unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

3. "Online establishment" means a business, whether or not conducted for profit, which:

(a) Offers goods or services to the general public in this State through an Internet website, mobile application or other electronic medium; and

(b) Is not operated in conjunction with a physical location which is open to the public.

4. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as the proprietor's residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use;

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment; and

(p) Any online establishment.

5. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 6. NRS 651.060 is hereby amended to read as follows:

651.060 1. The provisions of NRS 651.050 to 651.110, inclusive, ***and section 4 of this act*** do not apply to any private club, private online discussion forum or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of NRS 651.050.

2. As used in this section, "private online discussion forum" means an online forum:

(a) Which is operated for the primary purpose of allowing its members to exercise their constitutionally protected right of expressive association;

(b) Which has not more than 1,000 members; and

(c) The operator of which does not regularly receive payment, directly or indirectly, from or on behalf of nonmembers for dues, fees, use of facilities or goods or services for the furtherance of trade or business.

Sec. 7. NRS 651.080 is hereby amended to read as follows:

651.080 1. Any person is guilty of a misdemeanor who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 ~~[,]~~ ***or section 4 of this act;***

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 ~~[,]~~ ***or section 4 of this act;*** or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right, privilege or access secured by NRS 651.070, 651.072 or 651.075 ~~[,]~~ ***or section 4 of this act.***

2. A prosecution for violation of a local ordinance authorized by NRS 651.100 is a bar to any prosecution pursuant to this section.

Sec. 8. NRS 651.090 is hereby amended to read as follows:

651.090 1. Any person who:

(a) Withholds, denies, deprives or attempts to withhold, deny or deprive any other person of any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act;***

(b) Intimidates, threatens, coerces or attempts to threaten, intimidate or coerce any other person for the purpose of interfering with any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act;*** or

(c) Punishes or attempts to punish any other person for exercising or attempting to exercise any right or privilege secured by NRS 651.070 or 651.075 ~~[,]~~ ***or section 4 of this act,***

➥ is liable to the person whose rights pursuant to NRS 651.070 or 651.075 ***or section 4 of this act*** are affected for actual damages, to be recovered by a civil action in a court in and for the county in which the infringement of civil rights occurred or in which the defendant resides.

2. In an action brought pursuant to this section, the court may:

(a) Grant any equitable relief it considers appropriate, including temporary, preliminary or permanent injunctive relief, against the defendant.

(b) Award costs and reasonable attorney's fees to the prevailing party.

Sec. 9. NRS 651.100 is hereby amended to read as follows:

651.100 Any county or incorporated city of this state may adopt a local ordinance prohibiting infringement of the rights, privileges or access secured by NRS 651.070, 651.072 or 651.075 ~~[,]~~ ***or section 4 of this act,*** but such an ordinance must not apply to any establishment outside the scope of NRS 651.050 and 651.060 or impose a penalty more severe than that provided by NRS 651.075 or 651.080. A prosecution pursuant to NRS 651.075 or 651.080 is a bar to any prosecution pursuant to an ordinance authorized by this section.

Sec. 10. NRS 651.110 is hereby amended to read as follows:

651.110 1. Except as otherwise provided in subsection 2, any person who believes he or she has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression ***or because the person is breastfeeding a child*** may file a complaint to that effect with the Nevada Equal Rights Commission.

2. A complaint may not be filed with the Nevada Equal Rights Commission for a violation of NRS 651.072.

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

2. Sections ~~[2]~~ **1.5** to 10, inclusive, of this act become effective on July 1, 2025.

3. Section 1 of this act becomes effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 270.

Bill read second time.

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

Amendment No. 43.

AN ACT relating to professional regulation; revising provisions relating to certain examinations required for licensure as a professional engineer or professional land surveyor; revising the circumstances under which the State Board of Professional Engineers and Land Surveyors may waive certain examinations for certain applicants for licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an applicant for licensure as a professional engineer to pass: (1) an examination on the fundamentals of engineering or receive a waiver of that requirement; and (2) an examination on the principles and practices of engineering that must cover the discipline of engineering in which the applicant is applying for licensure. Existing law prohibits an applicant from taking the examination on the principles and practices of engineering unless the applicant has passed the examination on the fundamentals of engineering or received a waiver of that requirement. Existing law authorizes the State Board of Professional Engineers and Land Surveyors to waive the examination on the fundamentals of engineering if the applicant: (1) has graduated from an engineering curriculum that is approved by the Board; and (2) has 15 or more years of experience in engineering. (NRS 625.183, 625.193)

Sections 1 and 2 of this bill remove the requirement that an applicant must pass the examination on the fundamentals of engineering or receive a waiver of that requirement before taking the examination on the principles and practices of engineering. **Section 2** revises the years of experience required to waive the examination on the fundamentals of engineering from 15 years of experience in engineering to ~~[8]~~ **10** years of active experience in engineering.

Existing law requires an applicant for licensure as a professional land surveyor to pass: (1) an examination on the fundamentals of land surveying or receive a waiver of that requirement; and (2) an examination on the principles and practices of land surveying. Existing law prohibits an applicant from taking the examination on the principles and practices of land surveying unless the applicant: (1) is a graduate of a land-surveying curriculum of 4 or more years that is approved by the Board; and (2) has passed the examination on the fundamentals of land surveying or received a waiver of that requirement. Existing law: (1) authorizes the Board to waive the examination on the fundamentals of land surveying if the applicant has 15 or more years of experience in land surveying; and (2) requires the Board to consider graduation from a land-surveying curriculum that is approved by the Board to be equivalent to 4 years of experience for purposes of the waiver. (NRS 625.270, 625.280)

Sections 3 and 4 of this bill remove the requirements that an applicant must be a graduate of a land-surveying curriculum that is approved by the Board and pass the examination on the fundamentals of land surveying or receive a waiver of that requirement before taking the examination on the principles and practices of land surveying. **Section 4** revises the requirements to waive the examination on the fundamentals of land surveying by: (1) adding a requirement that an applicant be a graduate of a land-surveying curriculum that is approved by the Board; (2) revising the years of experience required from 15 years of experience in land surveying to ~~[8]~~ **10** years of active experience in land surveying; and (3) removing the requirement for the Board to consider graduation from a land-surveying curriculum that is approved by the Board to be equivalent to 4 years of experience.

Existing law sets forth certain requirements for the content and administration of examinations on the fundamentals of engineering or land surveying and the principles and practices of engineering or land surveying. (NRS 625.193, 625.280) **Sections 2 and 4** remove those requirements and instead require applicants for licensure to pass an applicable examination administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.

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

Section 1. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

➥ pursuant to NRS 625.193.

3. An applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant ~~[who is eligible to]~~ ***may*** take the examination on the principles and practices of engineering pursuant to ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 625.193 ~~[may take the examination on the principles and practices of engineering]~~ before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 2. NRS 625.193 is hereby amended to read as follows:

625.193 1. The examination for licensure as a professional engineer must consist of:

(a) An examination on the fundamentals of engineering ~~[that must cover the subject matter of a general education or training in engineering.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.*** If the applicant for licensure as a professional engineer has graduated from an engineering curriculum that is approved by the Board and has ~~[15~~ ~~*8]*~~ ***10*** years or more of ***active*** experience in engineering, the examination on the fundamentals of engineering may be waived by the Board.

(b) An examination on the principles and practices of engineering that must cover the discipline of engineering in which the applicant is applying for licensure ~~[.]~~ ***, administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.***

2. ~~[An applicant for licensure as a professional engineer must pass the examination on the fundamentals of engineering or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of engineering.~~

~~3. When determining the content of the examinations on the fundamentals of engineering and the principles and practices of engineering, the Board shall consider the recognized disciplines of engineering and may conform the examination to the particular qualifications of the applicant.~~

~~4.]~~ The Board may require additional examinations for licensure in specialized areas of practice within one or more recognized disciplines of engineering.

~~[5. The Board may administer or authorize an accredited college or university that offers a program in engineering approved by the Board to administer the examination on the fundamentals of engineering to persons who are not applicants for licensure as professional engineers in this state.~~

~~6. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.~~

~~7.]~~ ***3.*** The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

(a) In writing, with a pen or pencil of a type that has been approved by the Board;

(b) With a computer that has been provided or approved by the Board; or

(c) Orally, in the manner prescribed by the Board.

Sec. 3. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation;

(b) Pass the examination on the fundamentals of land surveying required by paragraph (a) of subsection 1 of NRS 625.280 or receive a waiver of that requirement; ***and***

(c) Pass the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280 **.** ~~[; and~~

~~(d) Have a record of 4 or more years of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land surveying work.]~~

3. An applicant for licensure as a professional land surveyor ~~[may]~~ ***is*** not ~~[take the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280]~~ ***qualified for licensure*** unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board ~~[.]~~ ***and has a record of 4 years or more of active experience in land surveying which is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land surveying work. An applicant may take the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280 before the applicant meets the active experience requirements for licensure set forth in this subsection.***

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection ~~[2:]~~ ***3:***

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 4. NRS 625.280 is hereby amended to read as follows:

625.280 1. The examination for licensure as a professional land surveyor must consist of:

(a) An examination on the fundamentals of land surveying ~~[that must cover the subject matter of a general land surveying education or training.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.*** If the applicant for licensure as a professional land surveyor has ~~[15]~~ ***graduated from a land-surveying curriculum that is approved by the Board and has ~~[8]~~ 10*** years or more of ***active*** experience in land surveying, the examination on the fundamentals of land surveying may be waived ~~[. For the purposes of determining the years of experience of an applicant for licensure as a professional land surveyor pursuant to this paragraph, the Board shall consider graduation from a land surveying curriculum that is approved]~~ by the Board ~~[to be equivalent to 4 years of experience.]~~.

(b) An examination on the principles and practices of land surveying ~~[.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.***

2. ~~[An applicant for licensure as a professional land surveyor must pass the examination on the fundamentals of land surveying or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of land surveying.~~

~~3. The Board may administer or authorize an accredited college or university that offers a program in land surveying approved by the Board to administer the examination on the fundamentals of land surveying to persons who are not applicants for licensure as professional land surveyors in this state.~~

~~4. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.~~

~~5.]~~ The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

(a) In writing, with a pen or pencil of a type that has been approved by the Board;

(b) With a computer that has been provided or approved by the Board; or

(c) Orally, in the manner prescribed by the Board.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 163.

AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to establish a course of study in financial literacy **. ~~[~~, for which a student must pass to graduate;~~]~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Article 11 of the Nevada Constitution requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) Existing law establishes the Nevada System of Higher Education, which consists of the State University and certain other educational institutions, programs and operations. (NRS 396.020) Existing law authorizes the Board of Regents of the University of Nevada to prescribe the course of study for the System. (NRS 396.440) ~~[Existing law grants the Board of Regents the power to prescribe the standards of graduation. (NRS 396.550)]~~ This bill authorizes the Board of Regents to establish a course of study in financial literacy **. ~~[~~, for which a student of the System must pass a satisfactory examination to receive a certificate or diploma of graduation.~~]~~**

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board of Regents may establish a course of study in financial literacy . ~~[~~, for which a student of the System must pass a satisfactory examination to receive a certificate or diploma of graduation.~~]~~

Assemblymember Torres-Fossett moved the adoption of the amendment.

Remarks by Assemblymember Torres-Fossett.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 305.

Bill read second time.

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

Amendment No. 32.

AN ACT relating to providers of health care; limiting the amount a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Family and Medical Leave Act of 1993, certain employees have the right to take an unpaid leave of absence from work for certain medical or family reasons, including, without limitation: (1) because of a serious health condition of the employee that makes the employee unable to perform the functions of his or her position; (2) to care for certain family members who have a serious health condition; or (3) to care for certain veterans or members of the Armed Forces who have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an employer of an employee who requests leave for one of those reasons to require the employee to provide a certification issued by a health care provider that contains certain information concerning the serious health condition or serious injury or illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a provider of health care from charging a person more than ~~[$10]~~ **$30** to fill out a form for such a certification. **This bill requires that amount to be adjusted annually based on the Consumer Price Index (All Items) for the immediately preceding year. The Department of Health and Human Services is required to determine the amount of the adjustment on or before January 1 of each year and establish the adjusted amount to take effect on January 1 of that year. This bill also requires the Department to post the adjusted amount on its Internet website.**

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall not charge a person more than ~~[$10]~~ $30 to fill out a form for a certification required by an employer pursuant to 29 U.S.C. § 2613.

2. The amount specified in subsection 1 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the immediately preceding year. On or before January 1 of each year, the Department of Health and Human Services shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amount to take effect on January 1 of that year. The Department shall also post the adjusted amount on its Internet website.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

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

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 339.
Bill read second time.
The following amendment was proposed by the Committee on Health and Human Services:
Amendment No. 187.
AN ACT relating to mental health; revising the duties of the Commission on Behavioral Health; creating the Office of Children's Mental and Behavioral Health within the Office of the Director of the Department of Health and Human Services; requiring certain entities to coordinate with and submit certain documents to the Office; establishing the powers and duties of the Office; providing for the appointment of a Director of the Office; eliminating the subcommittee on the mental health of children of the Commission on Behavioral Health; **requiring the Office to take certain steps toward the establishment of a Children's Behavioral Health Center of Excellence;** making appropriations; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law creates the Department of Health and Human Services, which consists of a Director, various divisions, including the Division of Public and Behavioral Health and Division of Child and Family Services, and certain other entities. (NRS 232.300) **Section 5** of this bill creates the Office of Children's Mental and Behavioral Health within the Office of the Director of the Department. **Section 4** of this bill defines the term "Office" to refer to the Office of Children's Mental and Behavioral Health for the purposes of this bill, and **section 8** of this bill applies that definition to applicable existing law. **Section 5** requires **[**~~:~~ (1)**]** the Director of the Department to appoint a Director of the Office **[**~~;~~**]** and **[**~~(2)~~**]** **prescribes the qualifications of the Director of the Office. Section 5** requires the Director of the Office to perform certain duties relating to the oversight of the Office. **Section 6** of this bill requires the Office to perform various duties relating to the mental and behavioral health of children in this State. **Section 7** of this bill authorizes the Office to: (1) apply for and accept gifts, grants and donations; and (2) seek assistance from and cooperate with public and private entities. **Section 7** also requires state and local governmental entities to provide the Office with such assistance as the Office may reasonably require in discharging its duties. **Sections 11 and 12** of

this bill make appropriations to the Department for the personnel and operating costs of the Office and the cost of procuring equipment and office supplies for the Office, respectively.

Section 12.3 of this bill requires the Director of the Office to: (1) begin the process of establishing a Children's Behavioral Health Center of Excellence; (2) prepare certain reports documenting the progress of the Director of the Office in establishing the Center; (3) present a report on such progress before the Joint Interim Standing Committee on Health and Human Services; and (4) submit to the Director of the Department a final proposal for the establishment of the Center on or before June 1, 2026.

Existing law creates the Commission on Behavioral Health within the Department. (NRS 232.361) Existing law requires the Commission to appoint a subcommittee on the mental health of children. (NRS 433.317) Existing law also: (1) establishes mental health consortia for different geographic areas of this State; and (2) requires each mental health consortium to prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium. (NRS 433B.333, 433B.335) Existing law requires the subcommittee on the mental health of children to: (1) create a statewide plan for the provision of mental health services to children; and (2) review the findings and recommendations of each mental health consortium. (NRS 433.317) **Section 13** of this bill eliminates the subcommittee. Instead, **section 6** requires the Office to: (1) develop a statewide plan for the provision of mental and behavioral health services to children in this State; and (2) review the long-term strategic ~~[plans,]~~ **plan,** budget requests and reports of each mental health consortium. **Section 9** of this bill accordingly requires each mental health consortium to submit to the Office its long-term strategic plan and certain other reports. **Section 9** further requires each consortium to collaborate with the Office as necessary to prepare and submit such reports and plans. **Section 10** of this bill requires each mental health consortium to coordinate with the Department and the Office to avoid duplicating or contradicting the efforts of the Department and the Office to provide mental health services to children. **Section 1** of this bill requires the Commission to: (1) coordinate with the Office regarding the mental and behavioral health of children in this State; and (2) review the statewide plan developed by the Office pursuant to **section 6** and integrate the statewide plan into the policies established by the Commission where appropriate.

Existing law: (1) establishes five behavioral health regions within this State; (2) establishes a behavioral health policy board for each region; and (3) requires each policy board to advise the Department, the Division of Public and Behavioral Health and the Commission regarding, among other things, the behavioral health needs of adults and children in each behavioral health region. (NRS 433.425-433.4295) **Section 2** of this bill requires each regional behavioral health policy board to coordinate with the Office to provide unified and coordinated recommendations to the Department, Division and

Commission regarding the behavioral health needs of children in each behavioral health region.

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

Section 1. NRS 433.314 is hereby amended to read as follows:

433.314 1. The Commission shall:

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

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

(c) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable;

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

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

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

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

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

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

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

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

(g) Coordinate with the Office of Children's Mental and Behavioral Health created by section 5 of this act regarding the mental and behavioral health of children in this State; and

(h) Review the statewide plan for the provision of mental and behavioral health services to children developed by the Office of Children's Mental and Behavioral Health pursuant to section 6 of this act and integrate the policies and procedures set forth in the statewide plan into the policies established by the Commission where appropriate.

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

Sec. 2. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, Division and Commission regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

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

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

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

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

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

(c) Coordinate and exchange information with ~~[the]~~ ***:***

(1) The other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region ~~[.]~~ ***; and***

(2) The Office of Children's Mental and Behavioral Health created by section 5 of this act to provide unified and coordinated recommendations to the Department, Division and Commission regarding the behavioral health needs of children in the behavioral health region.

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

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

(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to

mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court-ordered admission pursuant to NRS 433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:

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

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

(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.

(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

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

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (h) and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

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

Sec. 3. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. ***"Office" means the Office of Children's Mental and Behavioral Health created by section 5 of this act.***

Sec. 5. ***1. The Office of Children's Mental and Behavioral Health is hereby created within the Office of the Director of the Department.***

2. The Director of the Department shall appoint a Director of the Office who must:

(a) Be a physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, a licensed nurse or a person licensed, certified or registered pursuant to chapters 641 to 641D, inclusive, of NRS;

(b) Have at least 5 years of experience directly providing mental and behavioral health services to children; and

(c) Not have any conflicts of interest relating to the performance of his or her duties as Director of the Office. For the purposes of this paragraph, a conflict of interest exists if the Director of the Office:

(1) Is an officer, director or employee of a facility providing mental and behavioral health services to children;

(2) Has a financial or other personal or private interest in a facility providing mental and behavioral health services to children;

(3) Directly or indirectly holds any financial interest in any company, partnership, organization or corporation that owns, operates or controls a facility providing mental and behavioral health services to children; or

(4) Is an officer, director or employee of a professional organization, if holding such a position is likely to constitute or create the appearance of a conflict of interest.

3. The Director of the Department shall give special consideration when appointing a Director of the Office to a potential appointee who has earned:

(a) The degree of doctor of philosophy in a specialty that specifically relates to the mental or behavioral health of children; or

(b) The degree of doctor of medicine or doctor of osteopathic medicine and has completed postgraduate training in a specialty that specifically relates to the mental or behavioral health of children.

4. The Director of the Office serves at the pleasure of the Director of the Department.

~~[3.]~~ 5. The Director of the Office shall:

(a) Ensure that the duties of the Office are carried out;

(b) Direct and supervise all of the technical and administrative activities of the Office; and

(c) Collaborate with public and private entities involved in the provision of mental and behavioral health services to children in this State to coordinate the provision of such services.

6. The Director of the Office may employ such staff as the Director of the Office deems necessary to carry out the duties of the Office, which may include, without limitation:

(a) Data analysts;

(b) Administrative assistants;

(c) Research and grants professionals;

(d) Professionals to engage in community engagement and outreach; and

(e) Professionals to engage in clinical implementation and quality assurance.

Sec. 6. *The Office shall:*

1. Develop and publish a statewide plan for the provision of mental and behavioral health services to children in this State;

2. Provide expertise and act as a central resource for matters relating to the mental and behavioral health of children in this State;

3. Disseminate information relating to programs, opportunities and resources to improve mental and behavioral health care for children in this State;

4. Review the long-term strategic plan, budget requests and reports of each mental health consortium submitted pursuant to NRS 433B.335;

5. Track, review and analyze the policies, programs, reports or recommendations of any agency, board, commission, subcommittee or policy board of this State to the extent that those policies, programs, reports or recommendations relate to the mental and behavioral health of children in this State;

6. Study and make recommendations to local, state and federal governmental entities concerning policies that relate to children with mental and behavioral health needs in this State with the goal of improving access to and the delivery of mental and behavioral health services and resources for children in this State;

7. Develop sustainable partnerships with community organizations and other private sector entities which serve children with mental and behavioral needs in this State; ~~[and]~~

8. Collaborate with other persons and entities in this State as necessary to streamline and connect the provision of mental and behavioral health services for children in this State ~~[.]~~ ; and

9. On or before January 31 of each year:

(a) Compile a report concerning the implementation of the statewide plan for the provision of mental and behavioral health services to children in this State developed pursuant to subsection 1; and

(b) Transmit the report compiled pursuant to paragraph (a) to:

(1) The Director of the Department; and

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

(I) In odd-numbered years, the next regular session of the Legislature; and

(II) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services.

Sec. 7. ***1. In carrying out the duties set forth in section 6 of this act, the Office may:***

(a) Apply for any available grants and accept any available gifts, grants and donations, and use any such gifts, grants or donations to carry out its purposes and duties; and

(b) Seek assistance from and cooperate with any public or private entity.

2. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Office with such assistance as the Office may reasonably require in discharging its duties.

Sec. 8. NRS 433B.010 is hereby amended to read as follows:

433B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433B.020 to 433B.100, inclusive, ***and section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to NRS 433B.333 shall prepare and submit to the Director of the Department ***and the Director of the Office*** a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium shall submit to the Director of the Department ***, the Director of the Office*** and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities and any request for an allocation submitted pursuant to subsection 4 by each mental health consortium. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department;

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion; and

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each consortium shall submit to the Director of the Department ***, the Director of the Office*** and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan;

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year; and

(c) A report of all expenditures made from an account maintained pursuant to NRS 433B.339, if any.

7. Each mental health consortium established pursuant to NRS 433B.333 shall collaborate with the Office as necessary to perform the duties prescribed in this section.

Sec. 10. NRS 433B.337 is hereby amended to read as follows:

433B.337 1. A mental health consortium established by NRS 433B.333 may:

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and 433B.339.

2. To the extent practicable, a mental health consortium shall coordinate with the Department ***and the Office*** to avoid duplicating or contradicting the efforts of the Department ***and the Office*** to provide mental health services to children with emotional disturbance and their families.

Sec. 11. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $1,113,364 for the personnel and operating costs of the Office of Children's Mental and Behavioral Health created by section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services the sum of $15,000 for Fiscal Year 2025-2026 to procure equipment and office supplies for the Office of Children's Mental and Behavioral Health created by section 5 of this act.

2. Any balance of the sum appropriated by subsection 1 remaining at the end of the 2025-2026 Fiscal Year must not be committed for expenditure after June 30, 2026, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026.

Sec. 12.3. **1. As soon as practicable after the Director of the Office is appointed pursuant to section 5 of this act, the Director of the Office shall begin the process of establishing a Children's Behavioral Health Center of Excellence within the Office. The Director of the Office shall:**

(a) On or before January 1, 2026, compile and submit to the Director of the Department a report describing the progress made toward establishing the Center and developing the final proposal required to be submitted to the Director of the Department pursuant to paragraph (c), which must include, without limitation:

(1) A review of the capacity and readiness of the Office to implement the Center; and

(2) A proposal to provide training, technical assistance and quality assurance for providers of mental and behavioral health care to children through the Center;

(b) On or before April 1, 2026, present at a meeting of the Joint Interim Standing Committee on Health and Human Services concerning the progress of the Director of the Office toward establishing the Center; and

(c) On or before June 1, 2026, submit a final proposal to the Director of the Department for the establishment of the Center. The proposal must include:

(1) The manner in which the Center will be funded; and

(2) Operational plans for establishing the Center.

2. The Director of the Department shall, on or before July 1, 2026:

(a) Approve the proposal submitted by the Director of the Office pursuant to paragraph (c) of subsection 1; or

(b) Request that the Director of the Office revise the proposal.

3. If the Director of the Department requests that the Director of the Office make revisions to the proposal submitted pursuant to paragraph (c) of subsection 1, the Director of the Office shall make the requested revisions and submit the revised proposal to the Director of the Department on or before August 1, 2026. The Director of the Department shall approve the revised proposal or further revise the proposal and approve the revised proposal.

4. As used in this section:

(a) "Children's Behavioral Health Center of Excellence" means an entity that uses the expertise and knowledge of providers of mental and behavioral health care, community engagement professionals, community health workers and employees of governmental entities to:

(1) Develop and provide training to providers of mental and behavioral health care;

(2) Provide technical and supportive services to providers of mental and behavioral health care;

(3) Oversee the quality of the mental and behavioral health services provided to children; and

(4) Connect children in need of mental or behavioral health services to qualified providers of mental and behavioral health care.

(b) "Community health worker" has the meaning ascribed to it in NRS 449.0027.

(c) "Director of the Department" means the Director of the Department of Health and Human Services.

(d) "Director of the Office" means the Director of the Office.

(e) "Office" means the Office of Children's Mental and Behavioral Health created by section 5 of this act.

Sec. 12.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 13. NRS 433.317 is hereby repealed.

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

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

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

(b) On July 1, 2025, for all other purposes.

TEXT OF REPEALED SECTION

433.317 Appointment of subcommittee on the mental health of children; duties; compensation to extent of available funding.

1. The Commission shall appoint a subcommittee on the mental health of children to review the findings and recommendations of each mental health consortium submitted pursuant to NRS 433B.335 and to create a statewide plan for the provision of mental health services to children.

2. The members of the subcommittee appointed pursuant to this section serve at the pleasure of the Commission. The members serve without compensation, except that each member is entitled, while engaged in the business of the subcommittee, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 340.

Bill read second time.

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

Amendment No. 191.

AN ACT relating to insurance; requiring certain health insurance to include coverage for the screening, assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for certain persons; establishing certain administrative sanctions for failure to provide such coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of health insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1652-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695A.265, 695B.1901-695B.1948, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits for health care to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3-9, 11 and 13-15** of this bill require certain public and private policies of health insurance and health care plans, including Medicaid, to include coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years. **Section 2** of this bill authorizes the Commissioner of Insurance to require certain policies of insurance issued by a domestic insurer to a person residing in another state to include such coverage. **Section 10** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 8**. The Commissioner would also be authorized under existing law to take such action against other health insurers who fail to comply with the requirements of **sections 1, 3-7 and 11** of this bill. (NRS 680A.200) **Section 12** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 15** in the same manner as other provisions relating to Medicaid.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall include in the policy coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. ~~[An insurer that issues a policy of health insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~3.]~~ Nothing in this section shall be construed as requiring an insurer that issues a policy of health insurance to provide reimbursement to a school for services delivered through school services.

~~[4.]~~ 3. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.

~~[5.]~~ 4. As used in this section:

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~["Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(e)]~~ "Specific learning disability" has the meaning ascribed to it in NRS 388.417.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ *, and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall include in the policy coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. ~~[An insurer that issues a policy of group health insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~3.~~ *Nothing in this section shall be construed as requiring an insurer that issues a policy of group health insurance to provide reimbursement to a school for services delivered through school services.*

~~4.~~ *3. A policy of group health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.*

~~5.~~ *4. As used in this section:*

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~"Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(e)~~ "Specific learning disability" has the meaning ascribed to it in NRS 388.417.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall include in the health benefit plan coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. ~~A carrier that issues a health benefit plan must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.~~

~~3.~~ *Nothing in this section shall be construed as requiring a carrier that issues a health benefit plan to provide reimbursement to a school for services delivered through school services.*

~~4.~~ *3. A health benefit plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with this section is void.*

~~5.~~ *4. As used in this section:*

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~["Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.~~

~~(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(e)]~~ "Specific learning disability" has the meaning ascribed to it in NRS 388.417.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall include in the benefit contract coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. ~~[A society that issues a benefit contract must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.~~

~~3.]~~ Nothing in this section shall be construed as requiring a society that issues a benefit contract to provide reimbursement to a school for services delivered through school services.

~~[4.]~~ 3. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with this section is void.

~~[5.]~~ 4. As used in this section:

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~["Network plan" means a benefit contract issued by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through~~

~~*a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.*~~

~~*(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*~~

~~*(e)]*~~ *"Specific learning disability" has the meaning ascribed to it in NRS 388.417.*

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance shall include in the policy of health insurance coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. ~~*[A hospital or medical services corporation that issues a policy of health insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.*~~

~~*3.]*~~ *Nothing in this section shall be construed as requiring a hospital or medical services corporation that issues a policy of health insurance to provide reimbursement to a school for services delivered through school services.*

~~*[4.]*~~ *3. A policy of health insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.*

~~*[5.]*~~ *4. As used in this section:*

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~*["Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.*~~

~~*(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.*~~

~~*(e)]*~~ *"Specific learning disability" has the meaning ascribed to it in NRS 388.417.*

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall include in the health care plan coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for enrollees under the age of 18 years or, if enrolled in high school, until the enrollee reaches the age of 22 years.

2. ~~[A health maintenance organization that issues a health care plan must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.~~

~~3.]~~ Nothing in this section shall be construed as requiring a health maintenance organization that issues a health care plan to provide reimbursement to a school for services delivered through school services.

~~[4.]~~ 3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with this section is void.

~~[5.]~~ 4. As used in this section:

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) ~~["Network plan" means a health care plan which is offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.~~

~~(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(e)]~~ "Specific learning disability" has the meaning ascribed to it in NRS 388.417.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 8 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140,

unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 8 of this act, NRS*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or

solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall include in the health care plan coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for insureds under the age of 18 years or, if enrolled in high school, until the insured reaches the age of 22 years.

2. [A managed care organization that issues a health care plan must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3.] Nothing in this section shall be construed as requiring a managed care organization that issues a health care plan to provide reimbursement to a school for services delivered through school services.

[4.] 3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with this section is void.

[5.] 4. As used in this section:

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

(c) [~~***"Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.***

~~***(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.***

~~***(e)] "Specific learning disability" has the meaning ascribed to it in NRS 388.417.***

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act, NRS*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, ***and section 3 of this act, NRS*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be

budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

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

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 11 of this act, NRS*** 695G.176, 695G.177,

695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for screening for and the assessment and diagnosis of attention deficit hyperactivity disorder, fetal alcohol spectrum disorders, intellectual disabilities and specific learning disabilities for recipients of Medicaid under the age of 18 years or, if enrolled in high school, until the recipient reaches the age of 22 years.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

3. As used in this section:

(a) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

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

~~(d)]~~ "Specific learning disability" has the meaning ascribed to it in NRS 388.417.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 259.

AN ACT relating to water; revising provisions relating to the establishment, membership and duties of a groundwater board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to recommend to the State Engineer that the State Engineer establish a groundwater board in an area designated as a groundwater basin by the State Engineer. If the State Engineer directs the establishment of a groundwater board, the Governor is required to appoint seven members to serve on the groundwater board. Existing law authorizes the Governor to dissolve the groundwater board if the Governor determines that the future activities of the board are likely to be insubstantial. (NRS 534.035) **Section 1** of this bill authorizes a board of county commissioners to request or boards of county commissioners to jointly request that the State Engineer establish a groundwater board. If ~~[requested,]~~ **the State Engineer establishes a groundwater board, section 1**: (1) requires the State Engineer to appoint seven members to the groundwater board; and (2) authorizes a board of county commissioners or boards of county commissioners, as applicable, to appoint a nonvoting member to the groundwater board. **Section 1** additionally provides that the groundwater board: (1) must be dissolved after 4 years, unless the State Engineer approves a request from the board of county commissioners or boards of county commissioners, as applicable, to continue the board; and (2) may be dissolved by a majority vote of the groundwater board. **Section 1** further provides that only one groundwater board may be established for a designated groundwater basin.

Section 1 also requires the State Engineer to consider the written advice and recommendations of the groundwater board on reducing overpumping in the designated groundwater basin.

Section 1 also authorizes the board of county commissioners or boards of county commissioners, as applicable, to submit a list of names of persons who are eligible for appointment to the groundwater board to the State Engineer, who may appoint members to the groundwater board from the list.

Existing law requires: (1) the State to pay certain expenses of a groundwater board such as per diem and travel allowances for board members and expenses for consultants employed by a groundwater board; and (2) the State Engineer to determine and certify the budget of a groundwater board for paying such expenses. (NRS 534.035, 534.040) **Sections 1 and 2** of this bill eliminate these provisions and provide that members serve without compensation.

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

Section 1. NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030 ~~[, the]~~ ***:***

(a) If the designated groundwater basin is located in one county, the board of county commissioners may ~~[recommend to the State Engineer]~~ ***request*** that the State Engineer establish a groundwater board. The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.

(b) If the designated groundwater basin is located in more than one county:

(1) A board of county commissioners may request or the board of county commissioners of the counties may jointly request that the State Engineer establish a groundwater board.

(2) Regardless of whether a groundwater board is requested jointly to be established, the State Engineer may appoint members of the groundwater board in accordance with subsection 3 ~~[who reside in]~~ for any county in which the designated groundwater basin is located.

2. ***Not more than one groundwater board may be established in a designated groundwater basin pursuant to subsection 1.***

3. If a groundwater board is ~~[established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who ***requested to be]*** ***established pursuant to subsection 1, the State Engineer*** shall appoint seven members of the board ~~[. At least one member must be appointed from each list.~~

~~3. After the initial terms, the ***who must reside within the designated groundwater basin]*** ***as follows:***

(a) Four members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a senior date of priority, as determined by the State Engineer;

(b) Two members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a junior date of priority, as determined by the State Engineer; and

(c) One member who holds a permit or certificate, or permits or certificates, within the designated groundwater basin for the greatest quantity of groundwater in the basin, or if such a person is already appointed or unwilling to serve, the person who holds a permit or certificate, or permits or certificates, in the designated groundwater basin for the next greatest quantity of groundwater in the basin, as determined by the State Engineer.

4. In addition to the members appointed pursuant to subsection 3, the board of county commissioners or boards of county commissioners, as applicable, may appoint a nonvoting member to the groundwater board.

5. The board of county commissioners or boards of county commissioners, as applicable, may submit a list of names of persons who are

eligible for appointment pursuant to subsection 3 to the State Engineer, who may appoint members to the groundwater board from the list.

6. ***The*** term of office of each member of the board is 4 years. The ***groundwater*** board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the ***groundwater*** board.

~~[4. 6.]~~ ***7.*** The ***groundwater*** board shall ~~[maintain its headquarters at the county seat of]~~ ***hold public meetings and any physical location for such public meetings must be in*** the county in which the designated area is located, or if the area lies in more than one county ~~[,]~~ ***and the counties jointly requested the establishment of the groundwater board,*** in ~~[the county seat of]~~ one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

~~[5. 7.]~~ ***8.*** A majority of the ***groundwater*** board constitutes a quorum, and the ***groundwater*** board shall act only by a majority of those present.

~~[6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection 7 of NRS 534.040.~~

~~7.~~ ***~~8.]~~ 9. Members of the groundwater board serve without compensation.***

~~***[9.]***~~ ***10.*** The State Engineer shall ~~[not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its]~~ ***consider the*** written advice and recommendations ~~[.]~~ ***of the groundwater board on reducing overpumping in the designated groundwater basin.***

~~[8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if]~~ ***If*** there is any disagreement between the State Engineer and the ***groundwater*** board, the views of the State Engineer prevail. A ~~[written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.~~

~~9. Any]~~ ***decision of the State Engineer to comply or not comply with the views of the groundwater board is not subject to judicial review. A disagreement between the State Engineer and a groundwater board is not admissible in any proceeding challenging a decision of the State Engineer.***

~~***[10.]***~~ ***11.*** ***A*** groundwater board ~~[may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and]~~ ***:***

(a) Must be dissolved 4 years after the date the board is established by the State Engineer ~~[and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.~~

~~10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.]~~ ***pursuant to subsection 3, unless the State Engineer approves a request from the board of county commissioners or boards of county commissioners, as applicable, to continue the groundwater board for any additional 4-year term; and***

(b) May be dissolved by a majority vote of the groundwater board at a meeting of the board.

Sec. 2. NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is $1.

4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.

5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

7. ~~[Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid.]~~ The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 378.

Bill read second time.

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

Amendment No. 446.

AN ACT relating to controlled substances; creating the Alternative Therapy Pilot Program; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to administer and adopt certain regulations governing the Program; authorizing **and requiring** the Division to take certain actions with respect to the Program; requiring the Division to authorize at least one person to cultivate, manufacture or produce psychedelic substances for use in the Program; requiring the Division to submit to the Legislature an annual report concerning the Program; **requiring the Division to establish an advisory committee with certain duties relating to the Program; prohibiting certain causes of action from being brought against the Department, its officers or employees relating to the Program;** providing immunity from civil, criminal and administrative liability to a participant in the Program for certain conduct relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 9 of this bill creates the Alternative Therapy Pilot Program for the purpose of providing certain patients who have been diagnosed with a mental health condition access to treatment involving the administration, under medical supervision and control, of psychedelic substances through the development and implementation of experimental and investigational pilot clinic programs. **Section 9** requires the Division of Public and Behavioral Health of the Department of Health and Human Services to administer the Program and, within the limits of available funds, develop and implement experimental and investigational pilot programs for the provision of alternative therapies. **Section 7** of this bill defines "psychedelic substance" to mean psilocybin, psilocin, dimethyltryptamine, ibogaine or mescaline.

Section 10 of this bill requires the Division to adopt regulations to carry out the provisions governing the Program. **Section 11** of this bill authorizes the Division to carry out or contract for certain programs for research and education. **Section 12** of this bill requires the Division to authorize at least one person to cultivate, manufacture or otherwise produce psychedelic substances for use in the Program. **Section 12** requires such a person to comply with certain requirements. **Section 12.5 of this bill authorizes the Division to require a person who wishes to participate in the Program by operating a pilot clinic program or by cultivating, manufacturing or otherwise producing psychedelic substances for use in a pilot clinic program to reimburse the Division for certain costs incurred by the Division.**

Section 13 of this bill requires the Division to collect comprehensive data concerning all alternative therapies provided under any pilot clinic program developed and implemented under the Program. **Sections 13 and 17** of this bill require any data collected that would lead to the identification of any patient participating in a pilot clinic program developed and implemented under the Program to be kept confidential and securely maintained. **Section 13** also requires the Division to submit an annual report concerning the Program to the Legislature. **Section 13.5 of this bill requires the Division to establish an advisory committee, which is required to assist the Division with oversight of the Program and submit to the Department a quarterly report concerning the operations of pilot clinic programs developed and implemented under the Program.**

Section 14.5 of this bill prohibits the provisions of this bill from being construed to imply the creation of any warranty or guarantee by the Department, its officers or employees as to the success, safety or any particular outcome of any alternative therapy provided through a pilot clinic program developed and implemented under the Program. Section 14.5 prohibits a cause of action from being brought on the basis of an alleged breach of such a warranty or guarantee and requires the Department to post certain notice on its Internet website.

Section 15 of this bill authorizes the Division to coordinate with other state agencies for certain purposes relating to the Program. **Section 15** also requires

the Division to take all actions which are feasible to ensure that all pilot clinic programs developed and implemented under the Program comply with all applicable federal requirements or guidelines relating to the clinical or experimental use of controlled substances.

Existing law requires the State Board of Pharmacy to administer the Uniform Controlled Substances Act and to add substances to or delete or reschedule all substances enumerated in schedules I, II, III, IV and V by regulation. (NRS 453.146) Existing regulations list psilocybin, psilocin, dimethyltryptamine, ibogaine and mescaline as schedule I controlled substances. (NAC 453.510) Existing law prohibits certain acts relating to controlled substances, including, without limitation: (1) importing, transporting, selling, exchanging, bartering, supplying, prescribing, dispensing, giving away or administering the controlled substance; (2) manufacturing or compounding the controlled substance; (3) unlawfully possessing the controlled substance; and (4) trafficking in the controlled substance. (NRS 453.321, 453.322, 453.336, 453.337, 453.338, 453.3385) **Section 14** of this bill provides that any person who has been approved by the Division to participate in a pilot clinic program developed and implemented under the Program who engages in certain conduct involving a psychedelic substance within the scope of the participation of the person in the Program is immune from civil, criminal and administrative liability arising from that conduct and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Section 16 of this bill authorizes the Division to accept certain sources of money and enter into certain contracts and agreements to carry out the Program.

Sections 2-7 of this bill add necessary definitions of terms. **Section 8** of this bill sets forth certain legislative findings and declarations.

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

Section 1. Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Alternative therapy" means any treatment of a patient for a mental health condition that involves administering to the patient, under medical supervision and control, a psychedelic substance.***

Sec. 4. ***"Division" means the Division of Public and Behavioral Health of the Department.***

Sec. 5. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 6. *"Program" means the Alternative Therapy Pilot Program created by section 9 of this act.*

Sec. 7. *"Psychedelic substance" means any of the following substances:*

1. Psilocybin.

2. Psilocin.

3. Dimethyltryptamine.

4. Ibogaine.

5. Mescaline.

Sec. 8. *The Legislature hereby finds and declares that:*

1. Mental health conditions, including, without limitation, post-traumatic stress disorder, depression and anxiety disorders require innovative approaches to treatment.

2. It is the policy of this State to encourage and promote programs which provide for the treatment and rehabilitation of persons with a mental health condition through alternative treatments that may include, without limitation, the administration of controlled substances in a clinical setting.

3. Providing access to treatments that involve the administration of psychedelic substances, under proper medical supervision, may contribute to the public welfare by fostering enhanced treatment outcomes.

Sec. 9. *1. The Alternative Therapy Pilot Program is hereby created for the purpose of providing certain patients who have been diagnosed with a mental health condition access to treatment involving the administration, under medical supervision and control, of psychedelic substances through the development and implementation of experimental and investigational pilot clinic programs. The Division shall administer the Program.*

2. As part of the Program, the Division shall, within the limits of available funds, including, without limitation, legislative appropriations, develop and implement experimental and investigational pilot clinic programs for the provision of alternative therapies. All alternative therapies provided under such a pilot clinic program must be provided:

(a) By or under the supervision of a practitioner who has been approved by the Division;

(b) At a medical facility or other location that has been approved by the Division;

(c) To a patient who has been approved by the Division and who meets all of the following criteria:

(1) The patient has been diagnosed with a mental health condition;

(2) The patient is 21 years of age or older; and

(3) The patient has either:

(I) ~~[Been honorably discharged]~~ Received an honorable discharge or general discharge under honorable conditions from the Armed Forces of the United States; or

(II) Previously been employed as a first responder, as defined in NRS 193.1678.

(d) In compliance with all applicable medical and ethical standards; and

(e) In conjunction with any supporting or rehabilitative services necessary to enhance the efficacy of treatment with psychedelic substances.

3. In administering the Program, the Division shall:

(a) Ensure that all alternative therapies provided under a pilot clinic program pursuant to subsection 2 are provided in accordance with the requirements set forth in that subsection.

(b) Approve qualified practitioners, patients and medical facilities or other locations to participate in a pilot clinic program pursuant to subsection 2.

(c) Ensure that comprehensive data concerning all aspects of alternative therapies provided under a pilot clinic program pursuant to subsection 2 is collected and reported to the Division. Such data must include, data concerning longitudinal outcomes for participants in such a program.

(d) Provide for the participation in the Program of institutions of higher education in this State, which may include, without limitation, the training of practitioners, research on alternative therapies and the evaluation of therapeutic protocols.

Sec. 10. *1. The Division shall adopt regulations to carry out the provisions of sections 2 to 16, inclusive, of this act. The regulations must include, without limitation:*

(a) Procedures and criteria for determining whether to approve a practitioner, patient, medical facility or other location to participate in a pilot clinic program developed and implemented under the Program;

(b) Procedures to ensure that each patient who participates in a pilot clinic program developed and implemented under the Program receives a plan for the continuation of care upon the completion of his or her participation in the Program which has been approved by the Division;

(c) Protocols to ensure that psychedelic substances are handled, stored and administered safely, ethically and in a manner consistent with federal and state law;

~~[(c)]~~ *(d) Standards for the reporting of the outcomes and effectiveness of any alternative therapies provided through a pilot clinic program developed and implemented under the Program;*

~~[(d)]~~ *(e) Any provisions the Division determines to be necessary to ensure that pilot clinic programs developed and implemented under the Program receive appropriate medical supervision; and*

~~[(e)]~~ *(f) Any provisions the Division determines to be necessary to protect the public health and safety.*

2. The regulations adopted pursuant to subsection 1 must be designed to:

(a) Ensure that the provision of any alternative therapy under a pilot clinic program developed and implemented under the Program conforms to the highest standards of patient safety, medical ethics and informed consent; and

(b) Promote the health and welfare of persons with a mental health condition, consistent with the declared policy of this State.

Sec. 11. *In developing and implementing pilot clinic programs under the Program, the Division may carry out or contract for any programs of research and education that the Division deems necessary to:*

1. Develop new approaches for the treatment of mental health conditions through the administration of psychedelic substances;

2. Improve the quality or availability of prevention and treatment services; and

3. Train practitioners and other personnel who require specialized instruction to safely provide alternative therapies under a pilot clinic program.

Sec. 12. *1. The Division shall authorize at least one person to cultivate, manufacture or otherwise produce psychedelic substances for use in any pilot clinic program developed and implemented under the Program.*

2. A person authorized to cultivate, manufacture or otherwise produce psychedelic substances pursuant to subsection 1 shall:

(a) Comply with all standards and requirements, including, without limitation, security requirements and reporting requirements, established by the Division;

(b) Obtain and maintain any registration required by this chapter and the regulations adopted pursuant thereto to engage in the production, distribution or use of controlled substances for the purpose of conducting research; and

(c) Not cultivate, manufacture or otherwise produce or distribute any psychedelic substance except as authorized by the Division in connection with the Program.

Sec. 12.5. ***The Division may require a person who wishes to participate in the Program by operating a pilot clinic program or by cultivating, manufacturing or otherwise producing psychedelic substances for use in a pilot clinic program under the Program to reimburse the Division for the actual costs and expenses incurred by the Division in conducting any inspections or providing any certifications that the Division deems necessary to allow for such participation.***

Sec. 13. *1. The Division shall collect comprehensive data concerning all alternative therapies provided under any pilot clinic program developed and implemented under the Program. Such data must include, without limitation, the following data concerning each patient who participates in such a pilot clinic program:*

(a) Demographic information.

(b) A baseline mental health assessment.

(c) Outcome measures, including, without limitation, longitudinal data after treatments have concluded.

(d) Any data relating to monitoring performed for ethical or safety purposes.

2. Any data collected pursuant to subsection 1 that would lead to the identification of any patient participating in a pilot clinic program developed and implemented under the Program is confidential and must be securely maintained by each person who has possession, custody or control of the data.

3. On or before January 1 of each year the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report on the status and results of the Program. The report must not contain any information that would lead to the identification of any patient participating in a pilot clinic program developed and implemented under the Program.

Sec. 13.5. 1. The Division shall establish an advisory committee consisting of medical professionals, representatives of relevant state agencies and other stakeholders. The Division shall appoint such number of members of the committee as the Division determines is appropriate to carry out the duties of the committee.

2. The advisory committee established pursuant to subsection 1 shall:

(a) Assist the Division with oversight of the development, implementation, evaluation and financial viability of pilot clinic programs under the Program.

(b) Submit to the Department a quarterly report concerning the operations of the pilot clinic programs developed and implemented under the Program.

Sec. 14. *Notwithstanding any other provision of law, any person who has been approved by the Division to participate in a pilot clinic program developed and implemented under the Program, to produce psychedelic substances for use in such pilot clinic programs or to otherwise participate in the Program and who engages in any conduct relating to psychedelic substances within the scope of his or her participation in the Program and in compliance with the provisions of sections 2 to 16, inclusive, of this act and any regulations adopted pursuant thereto is immune from civil, criminal and administrative liability arising from that conduct and any such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.*

Sec. 14.5. 1. Nothing in the provisions of sections 2 to 16, inclusive, of this act shall be construed to imply the creation of any warranty or guarantee by the Department, its officers or employees as to the success, safety or any particular outcome of any alternative therapy provided through a pilot clinic program developed and implemented under the Program.

2. No cause of action may be brought against the Department, its officers or employees on the basis of an alleged breach of any warranty or guarantee described in subsection 1.

3. The Department shall post a notice on the Internet website of the Department indicating that the Department, its officers and employees do

not offer any warranty or guarantee as to the success, safety or any particular outcome of any alternative therapy provided under the Program.

Sec. 15. ***1. The Division may coordinate with other state agencies, including, without limitation, the Board and other health care licensing boards, as defined in NRS 629.079, to facilitate the oversight of pilot clinic programs developed and implemented under the Program.***

2. To the extent consistent with federal law, the Division shall take all actions which are feasible to ensure that all pilot clinic programs developed and implemented under the Program comply with all applicable federal requirements or guidelines relating to the clinical or experimental use of controlled substances.

Sec. 16. ***1. The Division may accept gifts, grants, donations or other sources of money to carry out the provisions of sections 2 to 16, inclusive, of this act, including, without limitation, to support or expand pilot clinic programs developed and implemented under the Program.***

2. The Division may enter into contracts and other lawful agreements with private or public entities to assist the Division in carrying out the provisions of sections 2 to 16, inclusive, of this act, including, without limitation, contracts or agreements for the purpose of developing, implementing or evaluating pilot clinic programs under the Program or for the production or distribution of psychedelic substances for use in such pilot clinic programs.

Sec. 17. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145,

250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082,

645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 18. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 19. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 18, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 168.

AN ACT relating to education; requiring the inclusion of certain information regarding pupil achievement in annual reports of accountability submitted by the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070, 385A.400) **Such annual reports of accountability are required to include certain information concerning the results of pupils on criterion-referenced examinations and the college and career readiness assessment. (NRS 385A.200, 385A.410)** Existing law prohibits a separate reporting for a group of pupils if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. (NRS 385A.070, 385A.400) **Sections 1 and 2** of this bill

require that, unless the existing prohibition on separate reporting for a group of pupils applies, the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education must include within annual reports of accountability information on pupil achievement among ~~[: (1)]~~ pupils who have accrued ~~[10 or]~~ more **than 10** absences ~~[within the school year; and (2) pupils whose instruction in a core academic subject during the school year involved at least 4 consecutive weeks of instruction provided by someone other than a licensed teacher.]~~ **before the first day of the period prescribed by the State Board for the administration of criterion-referenced examinations or the college and career readiness assessment at the school of the pupil, whichever is earlier.** Under **sections 1 and 2**, this information is required to be ~~[reported separately by gender and]~~ reported separately by certain ~~[other]~~ pupil characteristics.

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

Section 1. NRS 385A.200 is hereby amended to read as follows:

385A.200 1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

(a) The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(b) Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

(c) A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

(d) The percentage of pupils who were not tested.

(e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and

reported separately for the groups identified in the statewide system of accountability for public schools.

(f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) ***Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils with*** ~~***[at least]***~~ ***more than 10 absences*** ~~***[in a school year, reported separately by gender and]***~~ ***occurring before the earlier of the first day of the period prescribed by the State Board during which any examination must be administered pursuant to NRS 390.105 at the school of the pupil or, if the pupil is enrolled in high school, the first day of the period during which the college and career readiness assessment must be administered in all public high schools as prescribed by the State Board pursuant to NRS 390.610, reported separately for the groups identified in the statewide system of accountability for public schools. For the purposes of this paragraph, a pupil is absent if the pupil misses an entire school day, including any scheduled partial school day, regardless of whether the absence is excused.***

(h) ~~***[Except as otherwise provided in subsection 2 of NRS 385A.070, information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.***~~

~~***(i)]***~~ Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

~~[(h)~~ ~~***(j)]***~~ ***(i)*** Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

~~[(i)~~ ~~***(k)]***~~ ***(j)*** Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(j)~~ ~~***(l)]***~~ ***(k)*** For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this paragraph

must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 2. NRS 385A.410 is hereby amended to read as follows:

385A.410 Except as otherwise provided in subsection 6 of NRS 390.105, the annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on pupil achievement and school performance, including, without limitation:

1. Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. Except as otherwise provided in subsection 2 of NRS 385A.400, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

3. A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

4. The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

5. Except as otherwise provided in subsection 2 of NRS 385A.400, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

6. The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

7. ***Except as otherwise provided in subsection 2 of NRS 385A.400, information on pupil achievement among pupils with ~~[at least]~~ more than 10 absences ~~[in a school year, reported separately by gender and]~~ occurring before the earlier of the first day of the period prescribed by the State Board during which any examination must be administered pursuant to NRS 390.105 at the school of the pupil or, if the pupil is enrolled in high school,***

the first day of the period during which the college and career readiness assessment must be administered in all public high schools as prescribed by the State Board pursuant to NRS 390.610, reported separately for the groups identified in the statewide system of accountability for public schools. ***For the purposes of this subsection, a pupil is absent if the pupil misses an entire school day, including any scheduled partial school day, regardless of whether the absence is excused.***

8. [Except as otherwise provided in subsection 2 of NRS 385A.400, information on pupil achievement among pupils whose instruction in a core academic subject, as designated in NRS 389.018, during the school year involved at least 4 consecutive weeks of instruction by a person other than a licensed teacher, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

9.] Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school, including, without limitation, each charter school, pursuant to the statewide system of accountability for public schools.

[8.~~ 10.]~~ ***9.*** Information on whether each public school, including, without limitation, each charter school, has made progress based upon the model adopted by the Department pursuant to NRS 390.125, if applicable for the grade level of pupils enrolled at the school.

[9.~~ 11.]~~ ***10.*** Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 390.830.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Remarks by Assemblymember Torres-Fossett.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 409.

Bill read second time.

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

Amendment No. 138.

ASSEMBLYMEMBERS HAFEN, D'SILVA ~~[;]~~ **, GRAY;** BROWN-MAY AND TORRES-FOSSETT

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, under certain circumstances, to issue a special license plate ~~[to a veteran of the Space Force;]~~ **honoring certain veterans;** authorizing the combination of personalized prestige license plates and certain special license plates associated with military service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to issue personalized prestige license plates and certain special license plates associated with military or public service. (NRS 482.3667, 482.3757-482.3787)

Existing law requires the Department to issue special license plates for the support of outreach programs and services for veterans and their families to: (1) a veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard; (2) a female veteran; or (3) the spouse, parent or child of a veteran or female veteran. Existing law requires the plates to be inscribed with the seal of the branch of the Armed Forces, the seal of the National Guard or an image representative of female veterans, as applicable. (NRS 482.3763) **Section 1** of this bill requires the issuance, upon application, of such special license plates to veterans of the Space Force and the spouse, parent or child of such veterans.

Existing law requires the Department to issue special license plates honoring veterans of the Armed Forces of the United States who have been awarded the: (1) Silver Star; or (2) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device. (NRS 482.3783) Section 1.5 of this bill requires the Department to issue special license plates honoring veterans who have been awarded the: (1) Air Force Cross; (2) Coast Guard Cross; (3) Distinguished Service Cross; or (4) Navy Cross.

Existing law requires the Department to issue, upon application, a special license plate to each family member of a person: (1) killed in the line of duty while on active duty in the Armed Forces of the United States; or (2) who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. (NRS 482.3785, 482.3787) **Sections 2 and 3** of this bill authorize a person to request that personalized prestige license plates be combined with such special license plates.

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

Section 1. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps ***,*** ~~[or]~~ Coast Guard ***or Space Force*** of the United States, a reserve component thereof or the National Guard;

(b) A female veteran; or

(c) The spouse, parent or child of a person described in paragraph (a) or (b).

➥ The plates must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States, the seal of the National Guard or an image representative of the female veterans, as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for a fee of $10.

Sec. 1.5. **NRS 482.3783 is hereby amended to read as follows:**

482.3783 1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

(a) Silver Star; ~~[or]~~

(b) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device ~~[.]~~ **;**

(c) Air Force Cross;

(d) Coast Guard Cross;

(e) Distinguished Service Cross; or

(f) Navy Cross.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international

symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of ~~[the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device, as applicable,]~~ ***an award listed in subsection 1*** and, subject to the provisions of NRS 417.0187, evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

5. Except as otherwise provided in this subsection, a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

Sec. 2. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates

must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. ***A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.***

8. Any person who knowingly:

(a) Makes a false statement that he or she is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or

(b) Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,

➥ is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

~~[8.]~~ ***9.*** As used in this section:

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Killed in the line of duty while on active duty in the Armed Forces of the United States" includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 3. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. ***A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant***

to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

8. Any person who knowingly:

(a) Makes a false statement that he or she is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or

(b) Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,

➥ is guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

~~[8.]~~ ***9.*** As used in this section:

(a) "Died as a result of injuries sustained while on active duty in the Armed Forces of the United States" includes persons who die as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 280.

AN ACT relating to animals; requiring each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, an animal rescue organization **that handles pets** or a commercial establishment engaged in the business of handling ~~[animals]~~ **pets** to complete a training course on handling ~~[animals]~~ **pets** prescribed by the governing body and renew the training biennially; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or incorporated city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1 and 2** of this bill require each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, an animal rescue organization **that handles pets** or a commercial establishment engaged in the business of handling ~~[animals]~~ **pets** to complete a training course on handling ~~[animals]~~ **pets** prescribed by the governing body. **Sections 1 and 2** also require the

ordinance adopted by the governing body of the county or incorporated city to prescribe the manner in which a kennel, an animal rescue organization **that handles pets** or a commercial establishment engaged in the business of handling ~~[animals:]~~ **pets:** (1) completes the required training course on handling ~~[animals;]~~ **pets;** and (2) renews the training biennially. **Sections 1 and 2 define the term "pet" to mean a domestic cat or dog commonly kept for pleasure.**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each board of county commissioners shall adopt an ordinance requiring the owner or operator of a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling ~~[animals,]~~ pets, including, without limitation, a breeder, a cattery, a retailer, a pet groomer or a dealer, to complete a training course on handling ~~[animals]~~ pets in a manner prescribed by the board of county commissioners.

2. Each owner or operator who is required to complete a training course on handling ~~[animals]~~ pets pursuant to subsection 1 shall renew the training biennially in a manner prescribed by the board of county commissioners.

3. The ordinance adopted by a board of county commissioners pursuant to subsection 1 does not apply to:

(a) ~~[A business engaged exclusively in the handling of equine animals;~~

~~(b)~~ A veterinarian; ~~[or~~

~~(c)~~ (b) An animal shelter ~~[.]~~ ; or

(c) A nonprofit organization whose primary purpose is to shelter the pets of victims of domestic violence.

4. As used in this section:

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.205.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Breeder" has the meaning ascribed to it in NRS 574.245.

(d) "Cattery" has the meaning ascribed to it in NRS 574.250.

(e) "Dealer" has the meaning ascribed to it in NRS 574.260.

(f) "Kennel" has the meaning ascribed to it in NRS 574.280.

(g) "Nonprofit organization" has the meaning ascribed to it in NRS 82A.060.

(h) "Pet" has the meaning ascribed to it in NRS 574.300.

~~(h)~~ (i) "Pet groomer" means a person who professionally styles pets for compensation. The term includes, without limitation, a person who professionally bathes, brushes or clips a pet.

~~(i)~~ (j) "Retailer" has the meaning ascribed to it in NRS 574.320.

~~(j)~~ (k) "Veterinarian" has the meaning ascribed to it in NRS 574.330.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each city council or other governing body of an incorporated city shall adopt an ordinance requiring the owner or operator of a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling ~~[animals,]~~ pets, including, without limitation, a breeder, a cattery, a retailer, a pet groomer or a dealer, to complete a training course on handling ~~[animals]~~ pets in a manner prescribed by the city council or other governing body of the incorporated city.

2. Each owner or operator who is required to complete a training course on handling ~~[animals]~~ pets pursuant to subsection 1 shall renew the training biennially in a manner prescribed by the city council or other governing body of the city.

3. The ordinance adopted by a city council or other governing body of a city pursuant to subsection 1 does not apply to:

(a) ~~[A business engaged exclusively in the handling of equine animals;~~

~~(b)~~ A veterinarian; ~~[or~~

~~(c)~~ (b) An animal shelter ~~[.]~~ ; or

(c) A nonprofit organization whose primary purpose is to shelter the pets of victims of domestic violence.

4. As used in this section:

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.205.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Breeder" has the meaning ascribed to it in NRS 574.245.

(d) "Cattery" has the meaning ascribed to it in NRS 574.250.

(e) "Dealer" has the meaning ascribed to it in NRS 574.260.

(f) "Kennel" has the meaning ascribed to it in NRS 574.280.

(g) "Nonprofit organization" has the meaning ascribed to it in NRS 82A.060.

(h) "Pet" has the meaning ascribed to it in NRS 574.300.

~~[(h)]~~ (i) "Pet groomer" means a person who professionally styles pets for compensation. The term includes, without limitation, a person who professionally bathes, brushes or clips a pet.

~~[(i)]~~ (j) "Retailer" has the meaning ascribed to it in NRS 574.320.

~~[(j)]~~ (k) "Veterinarian" has the meaning ascribed to it in NRS 574.330.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 133.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** YEAGER **; AND DELONG**

AN ACT relating to public financial administration; revising provisions governing the program administered by a corporation for public benefit to provide private equity funding and venture capital investments to certain businesses; **revising provisions relating to certain financing information that is required to be provided to certain small businesses by the Office of Economic Development;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State of Nevada is prohibited from donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9) Existing law requires the State Treasurer to form an independent corporation for public benefit, the purpose of which is to act as a limited partner of limited partnerships or a shareholder or member of limited-liability companies that provide private equity funding to businesses that are located in this State or seeking to locate to this State and engage primarily in certain industries. (NRS 355.270) Under existing law, the State Treasurer is prohibited from making certain investments of money in the State Permanent School Fund unless the State Treasurer obtains a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution against the State of Nevada donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9; NRS 355.060) Upon obtaining a judicial determination that an investment does not violate the Nevada Constitution, existing law authorizes the State Treasurer to transfer up to $75,000,000 from the State Permanent School Fund to the corporation for public benefit and requires the corporation by agreement to provide more than 50 percent of all private equity funding to businesses engaged in specified industries that are located or seeking to locate

in Nevada. (NRS 355.280) Existing law authorizes the money transferred from the State Permanent School Fund to the corporation for public benefit to be used to make venture capital investments. (NRS 355.275)

Sections 2 and 4 of this bill eliminate the restriction that the businesses in which the corporation for public benefit is authorized to invest engage primarily in certain industries. **Section 1** of this bill instead requires that the business be engaged in an industry that is consistent with the State Plan for Economic Development, which the Executive Director of the Office of Economic Development within the Office of the Governor is required to develop under existing law. (NRS 231.053) **Section 1** also: (1) clarifies the circumstances in which a business is located or seeking to locate in Nevada; and (2) requires that the businesses be seeking early-stage or middle-stage investments to commence or expand operations. **Section 5** of this bill makes a conforming change relating to the revised criteria for eligible businesses. **Section 2** also provides that, in addition to the money transferred from the State Permanent School Fund, any other money received by the corporation for public benefit is authorized to be used for venture capital investments.

Existing law establishes the board of directors of the corporation for public benefit and requires the board to consist of the Chancellor of the Nevada System of Higher Education, the State Treasurer, five members from the private sector who have at least 10 years of experience in certain fields appointed by the Governor and legislative leadership and certain additional members who are required to be approved by a majority of certain board members. (NRS 355.270) **Section 2**: (1) replaces the Chancellor of the Nevada System of Higher Education on the board with the Executive Director of the Office of Economic Development; and (2) changes the experience required for the five appointed members from at least 10 years of experience in certain fields to demonstrated experience in those fields.

Existing law authorizes the corporation for public benefit to place investments through the use or assistance of external asset managers ~~[and]~~ **or** private equity investment firms. (NRS 355.275) Existing law also references the board contracting with venture capital investment firms. (NRS 355.270) **Section 3** of this bill: (1) authorizes a corporation for public benefit to invest directly in eligible businesses; and (2) clarifies that the board is authorized to place investments though the use or assistance of venture capital investment firms. **Section 3** also requires the corporation for public benefit to ensure that private equity money and venture capital investments made directly by the corporation or by external asset managers and private equity or venture capital investment firms are provided in a manner that: (1) ensures diversification among the recipient businesses; (2) gives priority to eligible businesses that meet specified criteria; (3) allows businesses to create new job opportunities; and (4) supports new, emerging and expanding businesses in this State.

Existing law authorizes the State Treasurer to adopt regulations which include criteria for determining eligibility for and use of private equity funding, subject to certain limitations. (NRS 355.285) **Section 5** of this bill

expands that specific regulatory authority to also address such criteria for venture capital investments.

Sections 6-9 of this bill revise obsolete references to the provisions governing the program administered by the corporation for public benefit to provide private equity funding and venture capital investments to specified businesses.

Existing law: (1) provides for the certification of eligible businesses as local emerging small businesses by the Office of Economic Development; and (2) requires the Office to provide to such businesses certain information concerning public and private programs to provide financing to small businesses and the criteria for obtaining financing through such programs. (NRS 231.14055) Section 8 of this bill revises the scope of the financing programs concerning which the Office is required to provide information to local emerging small businesses to public and private programs that are active or funded, or both, at the time the application for certification of a business is received by the Office.

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

Section 1. Chapter 355 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To be eligible to receive private equity funding or a venture capital investment from the corporation for public benefit pursuant to this section and NRS 355.250 to 355.285, inclusive, a business must:

(a) Have a presence in this State as evidenced by:

(1) Being domiciled in this State;

(2) Having a headquarters in this State;

(3) Having a significant percentage of employees residing in this State; or

(4) Being in the process of expanding in this State or locating to this State;

(b) Be seeking early-stage investment or middle-stage investment, or both; and

(c) Be engaged in an industry that is consistent with the State Plan for Economic Development developed pursuant to NRS 231.053.

2. As used in this section:

(a) "Early-stage investment" means any investment that is made directly to or on behalf of a business to enable the business to commence operation, including, without limitation, seed funding, start-up funding, accelerator funding or early-growth funding.

(b) "Middle-stage investment" means any investment that is made directly to or on behalf of a business to enable the business to expand its operations.

Sec. 2. NRS 355.270 is hereby amended to read as follows:

355.270 1. The State Treasurer shall cause to be formed in this State an independent corporation for public benefit, the general purpose of which is to

act as a limited partner of limited partnerships or a shareholder or member of limited-liability companies that provide private equity funding ***or venture capital investments, or both,*** to businesses ~~[~~:

~~(a) Located in this State or seeking to locate in this State; and~~

~~(b) Engaged primarily in one or more of the following industries:~~

~~(1) Health care and life sciences.~~

~~(2) Cyber security.~~

~~(3) Homeland security and defense.~~

~~(4) Alternative energy.~~

~~(5) Advanced materials and manufacturing.~~

~~(6) Information technology.~~

~~(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.~~] ***that meet the eligibility requirements set forth in section 1 of this act.***

2. The corporation for public benefit created pursuant to subsection 1 must have a board of directors consisting of:

(a) Five members from the private sector who have ~~[at least 10 years of]~~ ***demonstrated*** experience in the field of investment, finance or banking and who are appointed for a term of 4 years as follows:

(1) One member appointed by the Governor;

(2) One member appointed by the Senate Majority Leader;

(3) One member appointed by the Speaker of the Assembly;

(4) One member appointed by the Senate Minority Leader; and

(5) One member appointed by the Assembly Minority Leader;

(b) The ~~[Chancellor of the Nevada System of Higher Education]~~ ***Executive Director of the Office of Economic Development within the Office of the Governor*** or his or her designee;

(c) The State Treasurer; and

(d) With the approval of a majority of the members of the board of directors described in subparagraphs (1), (2) and (3) of paragraph (a), up to 5 additional members who are direct investors in the corporation for public benefit.

3. Vacancies in the appointed positions on the board of directors of the corporation for public benefit created pursuant to subsection 1 must be filled by the appointing authority for the unexpired term.

4. The State Treasurer shall serve as chair of the board of directors of the corporation for public benefit created pursuant to subsection 1.

5. The members of the board of directors of the corporation for public benefit must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.

6. A member of the board of directors of the corporation for public benefit created pursuant to subsection 1 must not have an equity interest in any:

(a) External asset manager or venture capital or private equity investment firm contracting with the board pursuant to NRS 355.275; or

(b) Business which receives private equity funding ***or a venture capital investment*** pursuant to NRS 355.250 to 355.285, inclusive ~~.~~ ***, and section 1 of this act.***

7. The board of directors of the corporation for public benefit created pursuant to subsection 1 shall:

(a) Comply with the provisions of chapter 281A of NRS.

(b) Meet at least quarterly and conduct any meetings of the board of directors in accordance with chapter 241 of NRS.

(c) Review the performance of all external asset managers and venture capital and private equity investment firms contracting with the corporation for public benefit pursuant to NRS 355.275.

(d) On or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

(1) An accounting of all money received and expended by the corporation for public benefit, including, without limitation, any matching grant funds, gifts or donations; and

(2) The name and a brief description of all businesses receiving ~~[an]~~ ***private equity funding or a venture capital*** investment ~~[of money]~~ pursuant to the provisions of NRS 355.250 to 355.285, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 3. NRS 355.275 is hereby amended to read as follows:

355.275 1. The corporation for public benefit may ~~[place]~~ ***provide private equity funding or venture capital*** investments ~~[through the use or assistance of:]~~ ***pursuant to NRS 355.250 to 355.285, inclusive, and section 1 of this act:***

(a) Directly to eligible businesses.

(b) Pursuant to a contract entered into with:

~~[(a)]~~ ***(1)*** External asset managers; ~~[or~~

~~(b)]~~ ***(2)*** Private equity investment firms ~~.~~ ***; or***

(3) Venture capital investment firms.

2. ~~[Money received pursuant to NRS 355.280 by the]~~ ***The*** corporation for public benefit ~~[may be used to make]~~ ***shall ensure that private equity funding and*** venture capital investments ~~.~~ ***are provided pursuant to subsection 1 in a manner that:***

(a) Ensures diversification among the businesses that receive private equity funding or venture capital investments pursuant to NRS 355.250 to 355.285, inclusive, and section 1 of this act.

(b) Gives priority to eligible businesses that:

(1) Employ residents of this State;

(2) Provide jobs that are in demand and pay high wages to residents of this State;

(3) Provide health insurance coverage to its employees; and

(4) Advance environmental sustainability in accordance with the policies of this State set forth in NRS 445B.380 and 704.7820.

(c) Allows businesses the ability to create new job opportunities.

(d) Supports new, emerging and expanding businesses in this State.

Sec. 4. NRS 355.280 is hereby amended to read as follows:

355.280 If the State Treasurer obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed $75,000,000 from the State Permanent School Fund to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:

1. Provide, through the limited partnerships or limited-liability companies described in subsection 1 of NRS 355.270, private equity funding ~~[.]~~ ***or venture capital investments, or both;*** and

2. Ensure that ~~[more than 50 percent of all]~~ private equity funding ***and venture capital investments*** provided by the corporation for public benefit, including, without limitation, private equity funding ***and venture capital investments*** provided by a corporation for public benefit to a pooled fund that includes businesses located outside of this State, is provided to businesses ~~[:~~

~~(a) Located in this State or seeking to locate in this State; and~~

~~(b) Engaged primarily in one or more of the following industries:~~

~~(1) Health care and life sciences.~~

~~(2) Cyber security.~~

~~(3) Homeland security and defense.~~

~~(4) Alternative energy.~~

~~(5) Advanced materials and manufacturing.~~

~~(6) Information technology.~~

~~(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.]~~ ***that meet the eligibility requirements set forth in section 1 of this act.***

Sec. 5. NRS 355.285 is hereby amended to read as follows:

355.285 The State Treasurer:

1. May adopt such regulations as he or she deems necessary to carry out the provisions of NRS 355.250 to 355.285, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Shall adopt regulations:

(a) Requiring the performance of audits and the submission of reports to ensure compliance with the provisions of NRS 355.250 to 355.285, inclusive, ***and section 1 of this act*** and the regulations adopted pursuant to this section;

(b) Providing for appropriate leveraging of investments to ensure that ~~[investments]~~ ***private equity funding and venture capital investments provided pursuant to NRS 355.250 to 355.285, inclusive, and section 1 of this act*** consist of money transferred from the State Permanent School Fund pursuant to NRS 355.280 and money from private sources;

(c) Establishing a range or cap on servicing fees;

(d) Establishing limits on the amount or percentage of investment in a single ~~[venture capital project]~~ ***business*** or by a fund manager; and

(e) Requiring the return of the corpus of investments after a defined investment period.

3. May adopt regulations which include, without limitation, criteria for determining eligibility for and use of private equity funding ~~[,]~~ ***and venture capital investments,*** but the corporation for public benefit must have sole authority for the approval of applications for and the management of private equity funding ***and venture capital investments*** provided pursuant to NRS 355.250 to 355.285, inclusive ~~[.]~~ ***, and section 1 of this act.***

4. May, by regulation, establish a Business Leadership Council. The members of the Business Leadership Council must serve without compensation and are subject to the provisions of chapter 281A of NRS.

5. Shall provide the corporation for public benefit with such assistance as is necessary to carry out the provisions of NRS 355.250 to 355.285, inclusive, ***and section 1 of this act*** and comply with the regulations adopted pursuant to this section.

6. Shall ensure that businesses receiving ***private equity funding or*** venture capital investments pursuant to NRS 355.250 to 355.285, inclusive, ~~[have a presence in this State as evidenced by:~~

~~(a) Being domiciled in this State;~~

~~(b) Having a headquarters in this State;~~

~~(c) Having a significant percentage of employees residing in this State; or~~

~~(d) Being in the process of expanding in this State or relocating to this State.]~~ ***and section 1 of this act continue to meet the eligibility requirements set forth in section 1 of this act.***

Sec. 6. NRS 75A.350 is hereby amended to read as follows:

75A.350 1. The Secretary of State shall ensure that the state business portal enables a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS to indicate whether the applicant is a minority-owned business, a woman-owned business, a veteran-owned business or an LGBTQ-owned business.

2. If a person who applies through the state business portal for the issuance or renewal of a state business license pursuant to chapter 76 of NRS indicates that the business is a minority-owned business, a woman-owned business, a veteran-owned business or an LGBTQ-owned business, the Secretary of State shall provide the following information to the person in electronic form through the state business portal:

(a) Information concerning programs ~~[to]~~ ***that*** provide financing for small businesses. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) ~~[The Nevada Silver State Opportunities Fund]~~ ***Private equity funding and venture capital investments*** pursuant to NRS ~~[355.275;]~~ ***355.250 to 355.285, inclusive, and section 1 of this act;***

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other program ~~[to provide]~~ ***that provides*** financing for small businesses designated by the Secretary of State.

(b) Information concerning the process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program ~~[to provide]~~ ***that provides*** financing for disadvantaged business enterprises.

3. The Secretary of State may adopt regulations as he or she deems necessary to carry out the provisions of this section.

4. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Veteran" has the meaning ascribed to it in NRS 417.005.

(d) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 7. NRS 225.081 is hereby amended to read as follows:

225.081 1. The Secretary of State shall include and maintain on the Internet website of the Secretary of State information concerning:

(a) Programs ~~[to]~~ ***that*** provide financing for small businesses. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) ~~[The Nevada Silver State Opportunities Fund established to make investments]~~ ***Private equity funding and venture capital investments*** pursuant to NRS 355.250 to 355.285, inclusive ~~[;]~~ ***, and section 1 of this act;***

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other program ~~[to provide]~~ ***that provides*** financing for small businesses designated by the Secretary of State.

(b) The process by which the business may become certified as a disadvantaged business enterprise for the purposes of 49 C.F.R. § 26.5 or a program ~~[to provide]~~ ***that provides*** financing for disadvantaged business enterprises.

2. The Secretary of State may adopt regulations as he or she deems necessary to carry out the provisions of this section.

Sec. 8. NRS 231.14055 is hereby amended to read as follows:

231.14055 1. A business may apply, on a form prescribed by regulation of the Office, to the Office for certification as a local emerging small business. The application must be accompanied by such proof as the Office requires to demonstrate that the applicant is in compliance with the criteria set forth in NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408.

2. Upon receipt of the application and when satisfied that the applicant meets the requirements set forth in this section, NRS 231.1405 and any regulations adopted pursuant to NRS 231.1408, the Office shall:

(a) Certify the business as a local emerging small business; and

(b) Provide to the business, in written or electronic form, information concerning public and private programs ~~[to]~~ ***that are active or funded, or both, at the time the application of the business was received and which*** provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation, information concerning:

(1) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(2) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(3) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(4) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(5) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(6) ~~[~~The Nevada Silver State Opportunities Fund~~]~~ ***Private equity funding and venture capital investments*** pursuant to NRS ~~[~~355.275;~~]~~ ***355.250 to 355.285, inclusive, and section 1 of this act;***

(7) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(8) Any other private program ~~[~~to provide~~]~~ ***that provides*** financing for small businesses approved by the Office.

3. The Office shall compile a list of the local emerging small businesses certified pursuant to this section and post the list on its Internet website.

Sec. 9. Section 20 of the Regional Business Development Advisory Council for Clark County Act, being chapter 7, Statutes of Nevada 2003, 20th Special Session, as last amended by chapter 426, Statutes of Nevada 2017, at page 2863, is hereby amended to read as follows:

Sec. 20. 1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council pursuant to subsection 1 of section 15 of this act shall prepare and deliver a written report to the Council for the immediately preceding fiscal year which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Expenditures made by the public entity during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of expenditures paid by the public entity to local businesses owned and operated by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by local businesses owned and operated by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of local businesses owned and operated by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public and private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. The Council shall provide to local businesses owned and operated by disadvantaged persons information, in written or electronic form, concerning public and private programs ~~[~~to~~]~~ ***that*** provide financing for small businesses

and the criteria for obtaining financing through such programs. The information must include, without limitation:

(a) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(b) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(c) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(d) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(e) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(f) ~~[The Nevada Silver State Opportunities Fund]~~ ***Private equity funding and venture capital investments*** pursuant to NRS ~~[355.275;]~~ ***355.250 to 355.285, inclusive, and section 1 of this act;***

(g) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(h) Any other private lending opportunity for small businesses with which the Council has a working relationship.

5. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 261.

AN ACT relating to natural resources; providing, with certain exceptions, that any person is authorized to perform certain actions relating to an easement for conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, with certain exceptions, an easement for conservation to be created**,** conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected in the same manner as other easements. (NRS 111.420) This bill instead provides that any person, including a state or local government or any agency or instrumentality thereof, is authorized to create, convey, record, assign, release, **reserve,** modify, terminate or otherwise alter or affect an easement for conservation in the same manner as other easements.

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

Section 1. NRS 111.420 is hereby amended to read as follows:

111.420 1. Except as otherwise provided in NRS 111.390 to 111.440, inclusive, ~~[an]~~ ***any person, including, without limitation, a state or local government or any agency or instrumentality thereof, may create, convey, record, assign, release, reserve, modify, terminate or otherwise alter or affect an*** easement for conservation ~~[may be created, conveyed, recorded, assigned, released, modified, terminated or otherwise altered or affected]~~ in the same manner as other easements.

2. No right or duty in favor of or against a holder and no right of enforcement in favor of a third person arises under an easement for conservation before it is accepted by the holder and the acceptance is recorded.

3. An easement for conservation is unlimited in duration unless:

(a) The instrument creating it otherwise provides; or

(b) A court orders that the easement be terminated or modified, according to subsection 2 of NRS 111.430.

4. An interest in real property existing at the time the easement for conservation is created is not impaired by the easement unless the owner of the interest is a party to the easement or consents to it.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 450.

Bill read second time.

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

Amendment No. 109.

AN ACT relating to professions; revising requirements to obtain a license as a marriage and family therapist or clinical professional counselor by endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of marriage and family therapists and clinical professional counselors by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. (Chapter 641A of NRS) Existing law sets forth procedures by which a marriage and family therapist or clinical professional counselor who is licensed in the District of Columbia or any state or territory of the United States may obtain a license by endorsement to practice in this State. Under existing law, **the Board is authorized** to ~~[obtain]~~ **issue** such a license by endorsement ~~[,]~~ **to** an applicant ~~[must submit]~~ **who submits** to the Board, among other things ~~[,]~~ **: (1)** proof satisfactory to the Board that the applicant has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable ~~[.]~~ **; and (2) any other information required by the Board.** (NRS 641A.242) This bill **instead requires, rather than authorizes, the Board to issue such a license by endorsement to an applicant who meets the applicable requirements and** eliminates the ~~[requirement]~~ **requirements** that an applicant submit **: (1)** proof to the Board that the applicant has not been investigated by the corresponding regulatory authority, thereby making a person who has been investigated by the corresponding regulatory authority, but who has not been disciplined by the authority, eligible to obtain a license by endorsement ~~[.]~~ **; and (2) any other information required by the Board.**

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

Section 1. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board ~~[may]~~ ***shall*** issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined ~~[or investigated]~~ by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background;

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

(d) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for an initial license and for the initial issuance of a license. ~~[; and~~

~~(e) Any other information required by the Board.]~~

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may, for any reason, grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 521.

Bill read second time.

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

Amendment No. 457.

AN ACT relating to the protection of children; requiring an investigation of the history of abuse or neglect of certain persons associated with certain medical facilities and organizations; requiring such a facility to terminate the employment of such persons based on the results of such an investigation

under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, which contains information regarding any substantiated report of child abuse or neglect made pursuant to existing law. Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to release information contained in the Statewide Central Registry to an employer under certain circumstances to determine whether a person whose background is being investigated by the employer has been found to have abused or neglected a child. (NRS 432.100)

Section 1 of this bill defines "Statewide Central Registry" as the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. **Section 2** of this bill applies the definitions in existing law and **section 1** to the provisions of **sections 3-7** of this bill.

Sections 3 and 4 require an applicant for a license, a license holder and certain employees and independent contractors of certain facilities to provide written authorization for the release of any information within the immediately preceding 5 years that may be stored in the Statewide Central Registry to determine whether there has been a substantiated report of child abuse or neglect made against the person. **Section 5** similarly requires certain employees and independent contractors of certain intermediary service organizations to provide written authorization for the release of any information within the immediately preceding 5 years that may be stored in the Statewide Central Registry to determine whether there has been a substantiated report of child abuse or neglect made against the person. **Section 6** requires the holder of a certificate to operate an intermediary service organization to terminate the employment of a person who has had a substantiated report of child abuse or neglect made against him or her. **Section 7** authorizes the Division to deny, suspend or revoke a certificate to operate an intermediary service organization if the holder of the certificate: (1) has continued to employ a person who has had a substantiated report of child abuse or neglect made against him or her; or (2) has had a substantiated report of child abuse or neglect made against him or her.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 2. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 449.122 is hereby amended to read as follows:

449.122 1. Each applicant for a license to operate a facility, hospital, agency, program or home shall submit ~~[to]~~ ***:***

(a) To the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report ~~[.]~~ ***; and***

(b) Written authorization to the Division for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the applicant.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the administrator of the facility, hospital, agency, program or home, if any, and the Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate a facility, hospital, agency, program or home which provides residential services to children, a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility shall submit ~~[to]~~ ***:***

(a) To the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for a report required by this section at least once every 5 years after the initial investigation ~~[.]~~ ***; and***

(b) Written authorization to the Division for the release of any information that may be available from the Statewide Central Registry to determine whether there has been a substantiated report of child abuse or neglect made against the person at least once every 5 years after the initial investigation.

Sec. 4. NRS 449.123 is hereby amended to read as follows:

449.123 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate a facility, hospital, agency, program or home shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been

convicted of any crime listed in NRS 449.174;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in NRS 449.174; ~~[and]~~

(f) ***Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor; and***

(g) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1 ***, other than the information described in paragraph (f) of subsection 1,*** from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

3. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information

described in subsection 1, other than the information described in ~~[~~paragraph~~]~~ ***paragraphs*** (c) ***and (f)*** of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in NRS 449.174;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in NRS 449.174.

4. The administrator of, or the person licensed to operate, a facility, hospital, agency, program or home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the facility, hospital, agency, program or home:

(a) Except as otherwise provided in subsection 2, is completed as soon as practicable, and if residential services are provided to children or the facility is a psychiatric hospital that provides inpatient services to children or a psychiatric residential treatment facility, before the employee, employee of the temporary employment service or independent contractor provides any care or services to a child in the facility, hospital, agency, program or home without supervision; and

(b) Is completed at least once every 5 years after the date of the initial investigation.

5. The administrator or person shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ~~[~~and~~]~~

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History ~~[.]~~ ***; and***

(d) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor.

6. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in NRS 449.174 and immediately inform the Division and the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home at which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

7. The Central Repository for Nevada Records of Criminal History may impose a fee upon a facility, hospital, agency, program or home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The facility, hospital, agency, program or home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the facility, hospital, agency, program or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The facility, hospital, agency, program or home may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. A facility, hospital, agency, program or home shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the facility, hospital, agency, program or home based upon the results of an investigation conducted pursuant to this section.

8. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in NRS 449.174, is guilty of a misdemeanor.

Sec. 5. NRS 449.4329 is hereby amended to read as follows:

449.4329 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary

employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of NRS 449.4332;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in subsection 1 of NRS 449.4332; ~~[and]~~

(f) ***Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor; and***

(g) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 ***, other than the information described in paragraph (f) of subsection 1,*** from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to

the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in ~~[~~paragraph~~]~~ ***paragraphs*** (c) ***and (f)*** of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of NRS 449.4332;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is investigated is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; ~~[~~and~~]~~

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History ~~[~~.~~]~~ ***; and***

(d) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor for the release of any information that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the employee, employee of the temporary employment service or independent contractor has resided within the immediately preceding 5 years to determine whether there has been a substantiated report of child abuse or neglect made against the employee, employee of the temporary employment service or independent contractor.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of NRS 449.4332 and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.

7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in subsection 1 of NRS 449.4332, is guilty of a misdemeanor.

Sec. 6. NRS 449.4331 is hereby amended to read as follows:

449.4331 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.4329, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an intermediary service organization has ~~[been]~~ ***:***

(a) Been convicted of a crime listed in subsection 1 of NRS 449.4332 ~~[, the]~~***; or***

(b) Had a substantiated report of abuse or neglect of a child made against him or her, if he or she will provide services for a person with a disability or a child,

➥ ***the*** holder of the certificate to operate the intermediary service organization shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the intermediary service organization after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository ***, Statewide Central Registry or any equivalent registry maintained by a governmental entity in another jurisdiction*** is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the intermediary service organization. The intermediary service organization that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository ***, Statewide Central Registry or any equivalent registry maintained by a governmental entity in another jurisdiction*** before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with NRS 449.4329 may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository ~~[.]~~ ***, Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;***

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, ***Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction*** if the information received ~~[from the Central Repository]~~ was inaccurate; or

(d) Any combination thereof.

➥ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 7. NRS 449.4332 is hereby amended to read as follows:

449.4332 In addition to the grounds listed in NRS 449.4321, the Division may deny a certificate to operate an intermediary service organization to an

applicant or may suspend or revoke a certificate of a holder of a certificate to operate an intermediary service organization if:

1. The applicant for or holder of the certificate has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Assault with intent to kill or to commit sexual assault or mayhem;

(c) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(d) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, if the conviction occurred within the immediately preceding 7 years;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(g) A violation of any provision of NRS 200.5099 or 200.50995;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

(i) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; ~~[or]~~

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1 ~~[.]~~ ***or who has had a substantiated report of abuse or neglect of a child made against him or her; or***

3. The holder of a certificate has had a substantiated report of abuse or neglect of a child made against him or her.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 530.

Bill read second time.

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

Amendment No. 210.

AN ACT relating to taxation; revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose certain taxes on motor vehicle fuels and special fuels used in motor vehicles. (Chapter 373 of NRS) Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to impose, upon

approval by a two-thirds majority of the members of the board, additional taxes on motor vehicle fuel and various special fuels used in motor vehicles and to provide for annual increases in those taxes based on a certain measure of increases in the cost of highway and street construction. Existing law provides that, for the period beginning on January 1, 2027, additional annual increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2026 authorize the board of county commissioners to continue to provide for the annual increases. (NRS 373.0663)

Instead of requiring the approval of a majority of the voters in the county to continue to provide for the annual increases on and after January 1, 2027, this bill authorizes the continued imposition of additional increases in these taxes if the board of county commissioners, on or before December 31, 2026, adopts an ordinance approved by a two-thirds majority of the board authorizing the effectuation of such annual increases. This bill provides that, if the board of county commissioners does not adopt such an ordinance on or before December 31, 2026, the board is prohibited from imposing any additional annual increases in these taxes. This bill also provides that, for the period beginning on January 1, 2037, additional annual increases in these taxes may not be effectuated unless a majority of the voters in the county at the general election in November 2036 authorize the board of county commissioners to continue to provide for the annual increases.

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

Section 1. NRS 373.0663 is hereby amended to read as follows:

373.0663 1. Except as otherwise provided in this section, in a county whose population is 700,000 or more and in which a commission has been created and a tax is imposed pursuant to NRS 373.030:

(a) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 3.6 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 3.6 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(b) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(c) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 1 cent per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 1 cent per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(d) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 9 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 9 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(e) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.455 cents per gallon by the lesser of the applicable percentage

or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.455 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(f) The board may by ordinance impose:

(1) An excise tax on each gallon of motor vehicle fuel, except aviation fuel, sold in the county in an amount equal to the product obtained by multiplying 18.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(g) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of an emulsion of water-phased hydrocarbon fuel sold in the county in an amount equal to the product obtained by multiplying 19 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 19 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(h) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 22 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 22 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(i) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 21 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 21 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(j) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (g), (h) or (i), in an amount equal to the product obtained by multiplying 27.75 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 27.75 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(k) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of liquefied petroleum gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal

year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(l) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel that consists of compressed natural gas sold in the county in an amount equal to the product obtained by multiplying 18.3 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 18.3 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

(m) The board may by ordinance impose:

(1) An excise tax on each gallon of special fuel sold in the county, other than any special fuel described in paragraph (k) or (l), which is taxed by the Federal Government at a rate per gallon or gallon equivalent of 24.4 cents or more, in an amount equal to the product obtained by multiplying 24.4 cents per gallon by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the ordinance becomes effective; and

(2) Except as otherwise provided in subsection 5, an annual increase in the tax imposed pursuant to subparagraph (1), on the first day of each fiscal year following the fiscal year in which that tax becomes effective, in the amount determined by adding 24.4 cents per gallon to the amount of the tax imposed pursuant to subparagraph (1) during the immediately preceding fiscal year, then multiplying that sum by the lesser of the applicable percentage or the adjusted average highway and street construction inflation index for the fiscal year in which the increase becomes effective.

2. An ordinance authorized by this section must be approved by a two-thirds majority of the members of the board. If the board adopts an ordinance authorized by this section, the ordinance must impose all of the taxes authorized by this section. Upon the adoption of such an ordinance, and except as otherwise provided in subsection 5, no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

3. If the board adopts an ordinance imposing the taxes authorized by this section, the ordinance:

(a) Must be adopted before October 1, 2013;

(b) Must become effective on January 1, 2014; and

(c) Is not affected by any changes in the population of the county which occur after the adoption of the ordinance.

4. The applicable percentage specified by the board for the taxes imposed pursuant to this section must be the same percentage for each tax imposed pursuant to this section. Except as otherwise provided in subsection 5, the board may amend the applicable percentage by ordinance from time to time, but any such amendment must not become effective earlier than 90 days after the date of the adoption of the ordinance amending the applicable percentage. Except as otherwise provided in subsection 4 of NRS 373.120, the applicable percentage must not be amended to reduce the applicable percentage at any time that bonds are outstanding which are secured by the taxes imposed pursuant to this section.

5. Upon the adoption of an ordinance authorized by this section:

(a) For the period beginning on January 1, 2014, and ending on December 31, ~~[~~2016,~~ *March 31,]* 2026,~~ no further action by the board is necessary to effectuate the annual increases in the taxes imposed by the ordinance.

(b) For the period beginning on January 1, ~~[~~2017,~~ *April 1,]* 2027,~~ and ending on December 31, ~~[~~2026,~~]~~ ~~*2036,*~~ the annual increases in the taxes authorized by this section and imposed by the ordinance may not be effectuated unless ~~[~~a question is placed on the ballot at the general election on November 8, 2016, which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, 2017, the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by this section and imposed by the ordinance.~~]~~ ***, on or before December 31, 2026, the board adopts an ordinance approved by a two-thirds majority of the members of the board authorizing the effectuation of the annual increases.*** If ~~[~~the question is not approved by a majority of such voters,~~]~~ ***such an ordinance is not adopted by the board on or before December 31, 2026,*** the board shall not impose any additional annual increases in the taxes authorized by this section and imposed by the ordinance after ~~[~~November 8, 2016,~~]~~ ***December 31, 2026,*** but any annual increases in such taxes imposed by the ordinance on or before ~~[~~November 8, 2016,~~]~~ ***December 31, 2026,*** are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance. ***If the board adopts an ordinance pursuant to this paragraph, the ordinance is not affected by any changes in the population of the county which occur after the adoption of the ordinance.***

(c) For the period beginning on January 1, ~~[~~2027, if the question placed on the ballot pursuant to paragraph (b) is approved by a majority of the registered voters in the county voting on the question,~~]~~ ***2037,*** the annual increases in the

taxes authorized by this section and imposed by the ordinance may be effectuated if a question is placed on the ballot at the general election on November ~~[~~3, 2026,~~]~~ ***4, 2036,*** which asks the voters in the county whether to authorize the board to impose, for the period beginning on January 1, ~~[~~2027,~~]~~ ***2037,*** the increases authorized by this section in the taxes imposed by the ordinance and the question is approved by a majority of the registered voters voting on the question. If the question is approved at the general election on November ~~[~~3, 2026,~~]~~ ***4, 2036,*** by a majority of such voters, no further action by the board is necessary to effectuate the annual increases in the taxes authorized by this section and imposed by the ordinance. If the question is not approved by a majority of such voters, the board shall not impose any additional annual increases in the taxes authorized by this section and imposed by the ordinance after November ~~[~~3, 2026,~~]~~ ***4, 2036,*** but any annual increases in such taxes imposed by the ordinance on or before November ~~[~~3, 2026,~~]~~ ***4, 2036,*** are not affected, amended, reduced or eliminated and must be continued for any period during which bonds are outstanding that are secured by such taxes imposed by the ordinance.

6. As used in this section:

(a) "Adjusted average highway and street construction inflation index" means:

(1) For the fiscal year in which an ordinance adopted pursuant to this section becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero; and

(2) For each fiscal year following the fiscal year in which the ordinance becomes effective, the percentage obtained by adding the average highway and street construction inflation index for that fiscal year to:

(I) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is greater than the applicable percentage, the remainder obtained by subtracting the applicable percentage from the adjusted average highway and street construction inflation index for the immediately preceding fiscal year; or

(II) If the adjusted average highway and street construction inflation index for the immediately preceding fiscal year is less than or equal to the applicable percentage, zero.

(b) "Applicable percentage" means the lesser of 7.8 percent or the percentage specified by the board in any ordinance imposing a tax pursuant to this section.

(c) "Average highway and street construction inflation index" means for a fiscal year the average percentage increase in the highway and street construction inflation index for the 10 calendar years immediately preceding the beginning of that fiscal year.

(d) "Highway and street construction inflation index" means:

(1) The Producer Price Index for Highway and Street Construction until that Index ceased to be published; and

(2) The Producer Price Index for Other Nonresidential Construction thereafter or, if that Index ceases to be published by the United States Department of Labor, the published index that most closely measures inflation in the costs of highway and street construction, as determined by the commission.

(e) "Special fuel" has the meaning ascribed to it in NRS 366.060.

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

Assemblymember Watts moved the adoption of the amendment.

Remarks by Assemblymember Watts.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 80, 93, 123, 220, 242, 339, 340, 363, 378, and 409 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that the Assembly recess until 2 p.m.

Motion carried.

Assembly in recess at 12:52 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 46, 86, 90, 96, 232, 236, 237, 249, 262, 325, 342, 347, 354, 355, 477, 484, 506, 507, 511, and 518 be taken from their place on the General File and placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolutions Nos. 6, 9, and 10 be taken from the Chief Clerk's Desk and be placed on Resolution File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblymember Dickman.

ASSEMBLYMEMBER DICKMAN:

Assembly Bill 46 provides that any applicable privilege of confidential information contained in certain materials and property of public utilities and certain other entities is not waived as a result of making such information available or disclosing such information to the Public Utilities Commission of Nevada, its staff, and certain other persons and governmental entities.

Conflict of interest declared by Assemblymember Hafen.

ASSEMBLYMEMBER HAFEN:

I would like to disclose that the water utility that I operate is governed by the provisions of NRS 703.196 and Section 1 of Assembly Bill No. 46 would revise such provisions regulating these utilities. Because of the very small number of utilities that are governed by this provision of law, I am hereby making this disclosure for the purpose of Assembly Standing Rule No. 23 and will abstain from voting on Assembly Bill 46.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

NOT VOTING—Hafen.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 86 removes references to "cutting operations" in Chapter 528 of NRS [Nevada Revised Statutes]. Specifically, a cutting operation is removed from requirements related to securing a logging permit from the State Forester Firewarden, sowing suitable grass seed on certain trails, roads, and landings [upon completion of operations], and also, allows for the furnishing of a timberland conversion certificate prior to operations commencing on land covered by such a certificate.

Roll call on Assembly Bill No. 86:

YEAS—42.

NAYS—None.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:

Assembly Bill 90 expands the definition of a detention facility with regards to the Juvenile Justice Bill of Rights.

Roll call on Assembly Bill No. 90:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblymember Karris.

ASSEMBLYMEMBER KARRIS:

Assembly Bill 96 requires that the master plan in counties with a population of 100,000 or more, currently Clark and Washoe Counties, must include a heat mitigation element. This element must include a plan to develop heat mitigation strategies, which may include access to public cooling spaces, public drinking water, cool building practices, shade over paved surfaces, and other measures. The shade elements may include shade structures and urban tree canopies, with a preference for native or drought-tolerant tree species.

Roll call on Assembly Bill No. 96:

YEAS—29.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, O'Neill—13.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 232, as amended, revises the computation of credit for service of members of the Public Employes' Retirement System who are employed by a school district and provides that such an employee receives a full year of service credit if the employee works at least 900 hours over the course of not less than eight calendar months in a school year.

Roll call on Assembly Bill No. 232:

YEAS—37.

NAYS—Dickman, Gallant, Gray, Hansen, Kasama—5.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

Assembly Bill 236 revises the appointment process for teachers and other school officials to certain state boards and councils, to require the Governor to select appointees from a list of candidates provided by specified employee organizations.

Roll call on Assembly Bill No. 236:

YEAS—32.

NAYS—Anderson, Dickman, Gallant, Goulding, Gray, Hansen, Koenig, La Rue Hatch, Miller, Roth—10.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill 237 authorizes any county to create the office of registrar of voters.

Roll call on Assembly Bill No. 237:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 249 requires the summary of a bill or joint resolution to include certain statements relating to the measure's fiscal effect on the State Highway Fund. The bill also changes the summary statement, relating to the measure's fiscal effect on the State from "Effect on the State: Yes" to "Effect on the State: May have Fiscal Impact." Additionally, the bill revises the deadline for posting the fiscal note for an initiative or referendum petition on the Secretary of State's website and authorizes the Fiscal Analysis Division of the Legislative Counsel Bureau to extend the period for local governments to return fiscal notes if a matter requires extended research.

Roll call on Assembly Bill No. 249:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 262 authorizes an election board officer or trainee, voting board officer, or counting board officer to choose to work as a volunteer without receiving compensation. The bill also authorizes a person who has been convicted of a felony involving theft or fraud to be employed by a voter registration agency or appointed as a field registrar.

Roll call on Assembly Bill No. 262:

YEAS—26.

NAYS—Brown-May, Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—16.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:

Assembly Bill 325 requires that the state emergency management plan and such plans developed by state and local governments must include certain provisions to ensure that final decisions regarding emergency response planning and resource allocation are not made by AI [Artificial Intelligence].

Conflict of interest declared by Assemblymember Hafen.

ASSEMBLYMEMBER HAFEN:

I would like to disclose that the water utility that I operate is governed by the provisions of Chapter 704 of NRS. Section 1 of Assembly Bill 325 would revise the chapter of NRS which regulates these utilities because of the very small numbers of utilities that are governed by this provision of law, I am hereby making this disclosure for the purpose of Assembly Standing Rule No. 23 and will abstain from voting on Assembly Bill 325.

Roll call on Assembly Bill No. 325:

YEAS—41.

NAYS—None.

NOT VOTING—Hafen.

Assembly Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill 342 designates the month of March of each year as "Women Veterans History Month" in Nevada and requires the Governor to annually issue a proclamation encouraging its observance.

Roll call on Assembly Bill No. 342:

YEAS—37.

NAYS—Cole, DeLong, Edgeworth, Gray, Hibbetts—5.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 347 revises Nevada Revised Statutes 353.335, subsection 5, to increase the dollar threshold under which state agencies can accept certain gifts, including grants from non-governmental sources, without approval from the Interim Finance Committee, from $200,000 to $500,000 in value.

Roll call on Assembly Bill No. 347:

YEAS—41.

NAYS—Gray.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblymember Karris.

ASSEMBLYMEMBER KARRIS:

Assembly Bill 354 revises the membership of the Nevada State Board on Geographic Names. Specifically, the bill replaces the representative from the Nevada Historical Society with a representative from the Division of Museums and History, clarifies that the representative from the Department of Native American Affairs is from the Department in this state, and changes the federal agency representatives from voting members of the Board to nonvoting members who serve in an advisory capacity. Thereby, reducing the number of voting members from twelve to nine.

Roll call on Assembly Bill No. 354:

YEAS—42.

NAYS—None.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 355, as amended, requires any money remaining in the Fund to Assist School Districts in Financing Capital Improvements and the Fund to Assist Rural School Districts in Financing Capital Improvements, at the end of a fiscal year, to be carried forward to the next fiscal year and not revert to the State General Fund. In addition, the bill, as amended, would allow the

Director of the Office of Finance in the Office of the Governor to provide additional grants from the Fund to Assist Rural School Districts in Financing Capital Improvements to a board of trustees of a school district in a county whose population is less than 100,000. The bill, as amended, would provide matching grants equal to gifts, grants, and donations, as well as interest accrued through the retention of funds received by the school district for a capital project on qualified tribal land.

Roll call on Assembly Bill No. 355:

YEAS—42.

NAYS—None.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 477 clarifies the duties of the Department of Corrections and the State Demographer when counting incarcerated persons for the purposes of the apportionment of the population for legislative districts, congressional districts, and the districts of the Board of Regents.

Roll call on Assembly Bill No. 477:

YEAS—42.

NAYS—None.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

Assembly Bill 484 expands the required information the Director of the Department of Health and Human Services must collect from health care license, certificate, or registration renewal applications and compile it into a database.

Roll call on Assembly Bill No. 484:

YEAS—42.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 506 eliminates 20 various reports that are provided to the Interim Finance Committee, the Legislative Commission, or the Joint Interim Standing Committee on Education. These reports are provided by various offices, state agencies, and local governments, including,

but not limited to, the Office of the Attorney General, the Department of Corrections, the Governor's Office of Economic Development, the State Board of Education, and the Public Utilities Commission.

Roll call on Assembly Bill No. 506:

YEAS—42.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 507 revises Nevada Revised Statutes 353.220, subsection 4, to clarify the minimum threshold for a work program revision to require approval by the Interim Finance Committee. Under Assembly Bill 507, for the revision of a work program to require approval by the Interim Finance Committee, the request must (1) propose a revision in one or more of the expense categories within the work program in a total amount of more than $75,000, regardless of any other revisions during the fiscal year. And increase or decrease by 20.0% or $350,000, whichever is less, the expenditure level approved by the Legislature for any of the expense categories within the work program when considered cumulatively over the course of the fiscal year. Assembly Bill 507 also provides that a proposed revision to the work program must not be divided into separate requests to avoid otherwise requiring approval of the Interim Finance Committee.

Roll call on Assembly Bill No. 507:

YEAS—42.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 511.

Bill read third time.

Remarks by Assemblymember Yurek.

ASSEMBLYMEMBER YUREK:

Assembly Bill 511 revises provisions that entitle an insured to reimbursement for treatment and services, provided by certain health care providers, to instead require that the provider who provided the treatment or services is entitled to reimbursement.

Roll call on Assembly Bill No. 511:

YEAS—42.

NAYS—None.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblymember Goulding.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 518 adopts a revised version of the Interstate Compact on the Placement of Children—after the adoption of a total of 35 other states. The revisions make certain administrative changes, requiring each participating state to establish a central state compact office with an executive head appointed by the Governor.

Roll call on Assembly Bill No. 518:

YEAS—41.

NAYS—Backus.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 60, 81, 82, 83, 107, 110, 111, 114, 119, 125, 132, 136, 137, 140, 148, 150, 155, 164, 168, 174, 185, 189, 193, 196, 217, 235, 244, 248, 256, 258, 263, 277, 278, 283, 301, 306, 333, 346, 361, 369, 380, 392, 394, 411, 430, 466, and 480 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Cavallaro.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Drew Borkowski and Maral Borkowski.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Miller.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Teddie Craig.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Mitchell.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Kat Hartley, Nancy Nelson, and Reagan Knoblauch.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Erdody, John Kelley, and Ross Erdody.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Angel Hood and Joseph Ketcham.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, April 17, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:45 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 17, 2025

Assembly called to order at 12:10 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Craig Swope.

Father, individually, most of us know the challenges of not enough resources to meet our own needs, but when we face those challenges collectively it can be vexing because everyone we work for is impacted. In those times, help us seek Your guidance for wisdom that can bring the best solutions. We thank You for that guidance, in Your Son's name.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

Assembly in recess at 12:22 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 63, 299, 384, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 219, 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 26, 27, 266, 290, 301, 343, 395, 409, 414, 418, 419, 421, 451, 458.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 43, 72, 97, 101, 117, 141, 187, 203, 241, 274, 297, 298, 322, 349, 352, 358, 405, 406, 439, 444.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Joint Resolution No. 6.

Resolution read.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Joint Resolution No. 6 urges the United States Congress to enact legislation to extend the Social Security Fairness Act to apply from the month of December 2013, moving forward.

Roll call on Assembly Joint Resolution No. 6:

YEAS—32.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gurr, Hafen, Hansen, Hardy, Hibbetts—10.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read.

Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Joint Resolution 9 urges Congress to enact legislation to prohibit officers and agents, of the United States Immigration and Customs Enforcement, from entering schools and places of worship for the purpose of upholding federal immigration laws.

Roll call on Assembly Joint Resolution No. 9:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Joint Resolution No. 10 urges the federal government to prioritize the passage and implementation of the Southern Nevada Economic Development and Conservation Act, which releases certain parcels of federally managed land to the State of Nevada and its local governments for the purposes of addressing and stabilizing the State's housing crisis, while protecting public lands, conservation, and wildlife. The resolution further urges that such land transfers should be conducted in a manner that ensures comprehensive planning and public input, promotes sustainable development, and protects the environmental and cultural values of the affected areas.

Roll call on Assembly Joint Resolution No. 10:

YEAS—36.

NAYS—Anderson, Considine, Flanagan, La Rue Hatch, Moore, Watts—6.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 13

Resolution read.

Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

Assembly Joint Resolution No. 13 urges the federal government to maintain the moratorium on the testing of explosive nuclear weapons.

Roll call on Assembly Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

NOTICE OF EXEMPTION

April 17, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 131.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bill No. 490 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved to withdraw Senate Bill No. 359 from the Committee on Growth and Infrastructure and rerefer it to the Committee on Judiciary.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 60, 69, 110, 111, 114, 132, 164, 176, 189, 193, 248, 270, 277, 283, 306, 333, 346, 380, 411, 418, 466, and 480 be taken from their place on the General File and be placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 26.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 27.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 30.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 43.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 72.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 97.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 101.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 117.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 187.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 203.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 241.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 266.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 274.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 290.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 297.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 298.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 301.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 322.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 343.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 349.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 352.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 358.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 395.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 405.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 406.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 409.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 414.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 418.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 419.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 421.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 439.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 444.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 451.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 458.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 171.

AN ACT relating to public safety; ~~[requiring a]~~ **revising provisions governing** blood ~~[test]~~ **tests** of ~~[a]~~ deceased crash ~~[victim to include an analysis of the presence and concentration of certain prohibited substances;]~~ **victims;** revising provisions governing the submittal of crash reports to the Department of Public Safety; revising provisions governing the central repository to track data electronically concerning vehicle crashes on a statewide basis that is created and maintained by the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a coroner, or other public official performing like duties, in all cases in which a death has occurred as a result of a crash involving a motor vehicle, to **: (1)** cause to be drawn from each decedent a blood sample to be analyzed for the presence and concentration of alcohol **[.] within 8 hours of the crash; and (2) report to the Department of Motor Vehicles the findings of such a blood sample within 30 days after the death.** (NRS 484C.170) **Section 1** of this bill**: (1)** requires the blood sample to also be analyzed for the presence and concentration of certain **[prohibited]** substances **[.] which are commonly misused, as determined by the coroner or other public official; (2) removes the requirement that such a blood sample be drawn within 8 hours of the crash; and (3) removes the requirement that the findings of such a blood sample be reported to the Department within 30 days after the death, and instead requires the coroner or other public official to report the findings to the Department upon receipt of the findings.**

Existing law requires every police officer who investigates a vehicle crash and prepares a report as a result to forward the written or electronic report to the Department of Public Safety within 10 days after the investigation of the crash. Existing law requires the Department to record the data collected from such reports in a central repository to track data electronically concerning vehicle crashes on a statewide basis. (NRS 484E.110) **Section 2** of this bill requires a police officer to submit the report through the electronic crash reporting system maintained by the Department within 10 days after: (1) the date of the crash; or (2) the date of death of a person involved in the crash if the death occurred as a result of the crash.

Existing law requires the Department of Public Safety to prepare forms for crash reports made by police officers to the Department and to supply such forms to law enforcement agencies and other appropriate persons upon request. (NRS 484E.120) To reflect the changes made in **section 2** requiring that a crash report to the Department be submitted through the electronic crash reporting system, **section 3** of this bill requires the Department to prescribe the form for crash reports and make the form available to law enforcement agencies and other appropriate persons.

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

Section 1. NRS 484C.170 is hereby amended to read as follows:

484C.170 1. Any coroner, or other public official performing like duties, shall in all cases in which a death has occurred as a result of a crash involving a motor vehicle, whether the person killed is a driver, passenger or pedestrian, cause to be drawn from each decedent **[, within 8 hours of the crash,]** a blood sample to be analyzed for the presence and concentration of alcohol **[.]** ***and [prohibited] substances [.] which are commonly misused, as determined by the coroner or other public official.***

2. The findings of the examinations are a matter of public record and must be reported to the Department by the coroner or other public official ~~[within 30 days after the death.]~~ ***upon receipt of the findings.***

3. ~~[Blood alcohol]~~ ***Blood sample*** analyses ***for the presence and concentration of alcohol and ~~[prohibited]~~ substances which are commonly misused*** are acceptable only if made by laboratories licensed to perform this function.

Sec. 2. NRS 484E.110 is hereby amended to read as follows:

484E.110 1. Every police officer who investigates a vehicle crash of which a report must be made as required in this chapter, or who otherwise prepares a written or electronic report as a result of an investigation either at the time of and at the scene of the crash or thereafter by interviewing the participants or witnesses, shall ~~[forward a written or electronic]~~ ***submit the*** report of the crash to the Department of Public Safety ***through the electronic crash reporting system maintained by the Department of Public Safety*** within 10 days after ~~[the investigation]~~ ***:***

(a) The date of the crash ~~[.]~~ ***; or***

(b) The date of death of a person involved in the crash if the death occurred as a result of the crash.

2. The data collected by the Department of Public Safety pursuant to ~~[this]~~ subsection ***1*** must be recorded in a central repository created ***and maintained*** by the Department of Public Safety ***, in collaboration with the Department of Transportation,*** to track data electronically concerning vehicle crashes on a statewide basis.

~~[2.]~~ ***3.*** The ~~[written or electronic]~~ reports required to be ~~[forwarded]~~ ***submitted*** by police officers and the information contained therein are not privileged or confidential.

~~[3.]~~ ***4.*** Every sheriff, chief of police or office of the Nevada Highway Patrol receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall immediately ~~[prepare]~~ ***file*** a copy thereof ~~[and file the copy]~~ with the Department of Public Safety.

~~[4.]~~ ***5.*** If a police officer investigates a vehicle crash resulting in bodily injury to or the death of any person or total damage to any vehicle or item of property to
an apparent extent of $750 or more, the police officer shall prepare a ~~[written or electronic]~~ report of the investigation.

~~[5.]~~ ***6.*** As soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall ~~[submit]~~ ***transmit*** a copy of the report to the Department of Motor Vehicles.

Sec. 3. NRS 484E.120 is hereby amended to read as follows:

484E.120 1. The Department of Public Safety shall ~~[prepare forms]~~ ***prescribe the form*** for crash reports required pursuant to NRS 484E.110, ***which must be*** suitable with respect to the persons required to make the reports and the purposes to be served. The ~~[forms]~~ ***form*** must be designed to call for sufficiently detailed information to disclose with reference to a crash the cause,

conditions then existing, the persons and vehicles involved, the name and address of the insurance company, the number of the policy providing coverage and the dates on which the coverage begins and ends. The Department of Public Safety shall ~~[, upon request, supply]~~ ***make available*** to a police department, sheriff or other appropriate agency or person the ~~[forms]~~ ***form*** for crash reports prepared by a police officer pursuant to NRS 484E.110.

2. In addition to submitting a copy of a report pursuant to NRS 484E.110, the Department of Public Safety shall provide any information required by this section which is not included in the report to the Department of Motor Vehicles to enable the Department of Motor Vehicles to determine whether the requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department of Motor Vehicles may rely upon the accuracy of information supplied to a police officer by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. Every crash report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.

4. Every crash report required pursuant to NRS 484E.110 must be made on the appropriate form approved by the Department of Public Safety and must contain all the information required therein unless it is not available.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 172.

AN ACT relating to gaming; revising the definitions of certain terms related to gaming; providing for the administrative approval of games or gambling games by the Chair of the Nevada Gaming Control Board; revising the types of games that may be exposed by gaming establishments; making a technical correction to refer to a race book and sports pool for the purposes of licensing an establishment to operate interactive gaming; removing and repealing provisions governing cash access and wagering instrument service providers; removing and repealing provisions governing global risk management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain terms for the purposes of provisions relating to gaming. (NRS 463.013-463.01967) ~~[Section 1 of this bill removes dice, playing cards and devices for weighing or counting money from the definition of the term "associated equipment."]~~ **Section 4** of this bill adds a person who sells and provides management, or consultation or instruction in the

management, of risks associated with wagering pools for a race or sporting event or any other event for which a wager may be accepted to the definition of the term "information service."

Existing law: (1) prohibits, in general, a gaming licensee from offering a game or gambling game for play if the game or gambling game has not received a recommendation from the Nevada Gaming Control Board or an approval from the Nevada Gaming Commission; and (2) requires the Commission to adopt regulations governing the approval of games or gambling games. (NRS 463.164) **Section 6** of this bill instead prohibits a gaming licensee from offering a game or gambling game for play if the game or gambling game has not been administratively approved by the Chair of the Board in accordance with regulations adopted by the Commission governing such administrative approval. **Section 2** of this bill makes a conforming change to refer to such regulations and administrative approval of a game or gambling game.

Existing law prohibits the Commission from approving a license for an establishment to operate interactive gaming unless certain conditions are met. (NRS 463.750) **Section 8** of this bill makes a technical correction to refer to a race book and sports pool for purposes of such licensure.

Existing law authorizes the Commission to provide by regulation for the licensing of service providers, who generally: (1) perform certain services on behalf of another licensed person who conducts nonrestricted gaming operations or an establishment licensed to operate interactive gaming; or (2) provide services or devices which patrons of licensed establishments use to obtain cash or wagering instruments. (NRS 463.01395, 463.0157, 463.160, 463.677) **Section 11** of this bill repeals the term "cash access and wagering instrument service provider." **Sections 3, 5 and 7** of this bill make conforming changes to remove provisions of existing law relating to cash access and wagering instrument service providers. **Section 7** also removes system-based and system-supported games from the list of certain games that may be exposed by licensed gaming establishments.

Existing law requires the Commission to adopt regulations relating to global risk management, which is defined as the operation, by a person who has been issued a license to operate a race book or sports pool, of certain risk management services between and among various jurisdictions through communications technology for the purposes of the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. (NRS 463.810, 463.820) **Section 11** repeals the provisions of existing law governing global risk management, and **section 4** adds certain activities previously included in the definition of "global risk management" to the definition of "information service." **Sections 9 and 10** of this bill make conforming changes to remove references to global risk management in existing law.

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

Section 1. ~~[NRS 463.0136 is hereby amended to read as follows:~~

~~463.0136 "Associated equipment" means any equipment or mechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming, any game, race book or sports pool that would not otherwise be classified as a gaming device, including [dice, playing cards,] links which connect to progressive slot machines, inter-casino linked systems, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool [,] *and* computerized systems for monitoring slot machines . [and devices for weighing or counting money.]]~~ **(Deleted by amendment.)**

Sec. 2. NRS 463.0152 is hereby amended to read as follows:

463.0152 1. "Game" or "gambling game" means any game played with cards, dice, equipment or any mechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, klondike, craps, poker, chuck-a-luck, wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission ~~[, upon the recommendation]~~ ***or administratively approved by the Chair*** of the Board ~~[,]~~ pursuant to ~~[NRS 463.164.]~~ ***regulations adopted by the Commission.***

2. The term does not include games:

(a) Played with cards in private homes or residences in which no person makes money for operating the game, except as a player; or

(b) Operated by qualified organizations that are registered by the Chair pursuant to the provisions of chapter 462 of NRS.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any employee, temporary employee or other representative of an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, whose job duties pertain to the operation, control or outcome of any gambling game or the access, transport or review of any gaming revenue, including, without limitation:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Table games personnel;

(c) Cage and counting room personnel;

(d) Slot personnel;

(e) Keno personnel;

(f) Race book and sports pool personnel;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) ~~[Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;~~

~~(j)]~~ Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

~~[(k)]~~ ***(j)*** Employees of operators of interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(l)]~~ ***(k)*** Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(m)]~~ ***(l)*** Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(n)]~~ ***(m)*** Information technology personnel who have operational or supervisory control over information technology systems associated with any of the matters related to gaming described in this subsection;

~~[(o)]~~ ***(n)*** Hosts or other persons empowered to extend credit or complimentary services related to gaming;

~~[(p)]~~ ***(o)*** Machine mechanics;

~~[(q)]~~ ***(p)*** Odds makers and line setters;

~~[(r)]~~ ***(q)*** Security personnel;

~~[(s)]~~ ***(r)*** Shift or pit bosses;

~~[(t)]~~ ***(s)*** Shills;

~~[(u)]~~ ***(t)*** Supervisors or managers whose duties include the supervision of employees described in this subsection;

~~[(v)]~~ ***(u)*** Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(w)]~~ ***(v)*** Club venue employees; and

~~[(x)]~~ ***(w)*** Other persons whose duties are similar to the classifications set forth in paragraphs (a) to ~~[(w),]~~ ***(v),*** inclusive, as the Commission may from time to time designate by regulation.

2. "Gaming employee" does not include employees whose duties do not involve gaming activities, persons engaged exclusively in preparing or serving

food or beverages or persons involved primarily in the resort or hotel functions of a licensed gaming establishment.

Sec. 4. NRS 463.01642 is hereby amended to read as follows:

463.01642 ***1.*** "Information service" means a person who sells and provides information to a licensed sports pool that is used primarily to aid the placing of wagers on events of any kind.

2. The term includes, without limitation, a person who sells and provides any:

~~[1.]~~ ***(a)*** Line, point spread or odds;

~~[2.]~~ ***(b)*** Information, advice or consultation considered by a licensee in establishing or setting any line, point spread or odds; ~~[or~~

~~3.]~~ ***(c)*** Advice, estimate or prediction regarding the outcome of an event ~~[.~~

➥ ~~]~~ ***; or***

(d) Management, or consultation or instruction in the management, of risks associated with wagering pools for a race or sporting event or any other event for which a wager may be accepted.

3. The term does not include a newspaper or magazine of general circulation or a television or radio service or broadcast if the primary purpose of the newspaper, magazine or television or radio service or broadcast is other than to aid the placing of wagers on events of any kind.

Sec. 5. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 3 and NRS 462.155, 463.172 and 463.1725, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool; ***or***

(e) ~~[To operate as a cash access and wagering instrument service provider; or~~

~~(f)]~~ To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. Except as otherwise provided in subsection 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any

house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

4. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

Sec. 6. NRS 463.164 is hereby amended to read as follows:

463.164 1. A licensee shall not offer a game or gambling game for play unless the game or gambling game has received ~~[a recommendation]~~ ***administrative approval*** from the ***Chair of the*** Board or an approval of the Commission.

2. ~~[The Board may recommend a game or gambling game for the approval of the Commission, and upon the issuance of any such recommendation, a licensee may immediately offer the game or gambling game for play, subject to the final disposition of the Commission pursuant to subsection 3.~~

~~3. Not later than 60 days after the issuance of a recommendation of the Board pursuant to subsection 2, the Commission shall render a final disposition relating to the approval or disapproval of the game or gambling game. If the Commission does not render a final disposition within such time, the game or gambling game is deemed to be approved by the Commission.~~

~~4.]~~ The Commission shall adopt regulations governing the ***administrative*** approval of games or gambling games.

Sec. 7. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, ~~[system based and system supported games,]~~ gaming devices, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who

provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to:

(1) License interactive gaming service providers;

(2) Register service providers; and

(3) Maintain strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the:

(a) Licensing of an interactive gaming service provider;

(b) Registration of a service provider; and

(c) Operation of such a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith.

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring:

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission and to be licensed regardless of whether the interactive gaming service provider holds any license.

(2) The service provider to be registered regardless of whether the service provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to:

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent

with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

4. The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

5. Subject to any regulations adopted by the Commission pursuant to subsection 6, the premises on which an interactive gaming service provider or a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

6. The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 5 as it deems appropriate based on the type and function of a specific interactive gaming service provider or service provider.

7. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who ~~[~~:

~~(1) Is a cash access and wagering instrument service provider; or~~

~~(2) Meets~~] ***meets*** such ~~[other or additional]~~ criteria as the Commission may establish by regulation.

Sec. 8. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing:

(a) The licensing and operation of interactive gaming; and

(b) The registration of service providers to perform any action described in paragraph (b) of subsection 7 of NRS 463.677.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems;

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 7 of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection 7 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware;

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 7 of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection 7 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be:

(1) Licensed as a manufacturer of interactive gaming systems;

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection 7 of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection 7 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection 7 of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection 7 of NRS 463.677.

(3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license or registration, as applicable.

(4) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which an interactive gaming service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "interactive gaming system," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 52,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a ~~[~~sports~~]~~ ***race*** book and ~~[~~race~~]~~ ***sports*** pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 9. NRS 465.090 is hereby amended to read as follows:

465.090 1. It is unlawful for a person to furnish or disseminate any information in regard to racing or races, from any point within this state to any point outside the State of Nevada, by telephone, telegraph, teletype, radio or any signaling device, with the intention that the information is to be used to induce betting or wagering on the result of the race or races, or with the intention that the information is to be used to decide the result of any bet or wager made upon the race or races.

2. This section does not prohibit:

(a) A newspaper of general circulation from printing and disseminating news concerning races that are to be run or the results of races that have been run; ***or***

(b) The furnishing or dissemination of information concerning wagers made in an off-track pari-mutuel system of wagering approved by the Nevada Gaming Commission **.** ~~[~~~, or~~

~~(c) Global risk management pursuant to NRS 463.810 and 463.820.]~~

3. A person who violates the provisions of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more

than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to ~~[global risk management pursuant to NRS 463.810 and 463.820 or to]~~ a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

4. Any other person or establishment that is licensed to engage in wagering in another jurisdiction and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to NRS 463.747.

Sec. 11. NRS 463.01395, 463.810 and 463.820 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

463.01395 "Cash access and wagering instrument service provider" defined. "Cash access and wagering instrument service provider" means a provider of services or devices for use by patrons of licensed gaming establishments to obtain cash or wagering instruments through a variety of automated methods, including, without limitation:

1. Wagering instrument issuance and redemption kiosks; or
2. Money transfers through mobile or Internet services.

463.810 "Global risk management" defined.

1. As used in this section and NRS 463.820, unless the context otherwise requires, "global risk management" means the operation, by a person who has been issued a license to operate a race book or sports pool, of risk management services between and among permissible jurisdictions through communications technology for the purposes of providing the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. The term:

(a) Includes, without limitation:

(1) The management of risks associated with a wagering pool for a race or sporting event or any other event for which a wager may be accepted.

(2) The setting or changing of bets or wagers, cutoff times for bets or wagers, acceptance or rejection of bets or wagers, pooling or laying off of bets or wagers, lines, point spreads, odds or other activity relating to betting or wagering.

(3) The use, transmittal and accumulation of information and data for the purpose of providing risk management services.

(b) Does not include:

(1) The transmission or placement of a bet or wager for a race or sporting event or any other event for which a wager may be accepted between or among permissible jurisdictions.

(2) The provision of any information service, as defined by NRS 463.01642.

2. As used in this section:

(a) "Communications technology" has the meaning ascribed to it in NRS 463.016425.

(b) "Permissible jurisdiction" means any jurisdiction in which global risk management or the betting or wagering on a race or sporting event is lawful or not otherwise expressly prohibited under the laws of that jurisdiction.

(c) "Wagering pool" means a pool or a combination of multiple pools for the placement of bets or wagers for a race or sporting event or any other event for which a wager may be accepted and which is located in a permissible jurisdiction.

463.820 Regulations. The Commission shall, with the advice and assistance of the Board, adopt regulations for global risk management. The regulations adopted by the Commission pursuant to this section may include, without limitation:

1. Provisions which establish minimum internal and operational control standards for global risk management; and

2. Any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 194.

AN ACT relating to public meetings; revising the definition of "meeting" for purposes of the Open Meeting Law; ~~[requiring that each speaker during a period devoted to public comment be allowed a minimum time to provide~~

~~public comment;~~] authorizing, under certain circumstances, a public body to refuse to accept certain public comment relating to a contested case; revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meeting; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Existing law defines the term "meeting" for purposes of the Open Meeting Law and provides that the term does not include certain gatherings by members of a public body to receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both. (NRS 241.015) **Section 1** of this bill provides instead that a "meeting" does not include certain gatherings by members of a public body to: (1) receive legal advice from the attorney employed or retained by the public body regarding a matter over which the public body has supervision, control, jurisdiction or advisory power; and (2) deliberate on the matter, provided such deliberation is limited to the legal advice.

Existing law requires a public body to take comments by the general public at certain times during a meeting. (NRS 241.021) Existing law further requires a public body to provide notice of all meetings at least 3 working days before the meeting which must include certain information, including any restrictions on comments by the general public. (NRS 241.020) ~~[Section 3 of this bill provides that during each period devoted to public comment, each speaker must be allowed to provide at least 3 minutes of public comment.~~

~~Section 2 of this bill makes a conforming change to provide that any restriction relating to public comment on the agenda must be consistent with section 3.~~ **Section 3** ~~[additionally]~~ **of this bill** authorizes a public body to refuse to accept public comment relating to issues of fact or law in a contested case which is before the public body until after that case has reached a final decision and any petition for judicial review is concluded. **Section 2 of this bill makes a conforming change to provide that any restriction relating to public comment must be consistent with section 3.**

With certain exceptions, existing law authorizes a public body to conduct a meeting by means of a remote technology system but prohibits a public body from holding a meeting to consider a contested case or a regulation by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate. (NRS 241.023) **Section 4** of this bill prohibits instead a public body from holding a meeting by means of a remote technology system unless there is a physical location for the meeting where members of the general

public are permitted to attend and participate if, at the meeting, the public body will adjudicate certain contested cases or hold a workshop or a hearing on a regulation.

Existing law further requires that if a meeting is conducted using a remote technology system, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment must be read verbally before the first period of the day devoted to public comment. (NRS 241.023) **Section 4** provides instead that such a requirement applies if the meeting is conducted using a remote technology system and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate.

Existing law provides certain privileges for statements and testimony made at a public meeting, including an authorization, subject to a qualified privilege, for a witness who is testifying before a public body to publish defamatory matter as a part of a public meeting. (NRS 241.0353) **Section 5** of this bill provides instead that: (1) a witness who, subject to certain penalties relating to perjury, testifies under oath before a public body may publish defamatory matter as part of a public meeting; and (2) in general, no provision of the Open Meeting Law shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Existing law provides that: (1) certain requirements of the Open Meeting Law do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee unless the licensee requests that the proceedings be conducted in such a manner; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to such provisions of the Open Meeting Law. (NRS 622.320) A "licensee" is a person who holds any license, certificate, registration, permit or similar type of authorization issued by a regulatory body which has authority to regulate certain occupations or professions. (NRS 622.040, 622.060) **Section 6** of this bill provides instead that: (1) the provisions of the Open Meeting Law which require a meeting to be noticed and open to the public do not apply to such proceedings unless the licensee requests that such proceedings be conducted pursuant to those provisions; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to all provisions of the Open Meeting Law.

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

Section 1. NRS 241.015 is hereby amended to read as follows:

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

1. "Action" means:

(a) A decision made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

4. "Meeting":

(a) Except as otherwise provided in paragraphs (b) and (c), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(c) Does not include a gathering or series of gatherings of members of a public body at which a quorum is actually or collectively present, whether in person, by use of a remote technology system or by means of electronic communication, to receive ~~[information]~~ ***legal advice*** from the attorney employed or retained by the public body regarding ~~[potential or existing~~

~~litigation involving]~~ a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate ~~[toward a decision]~~ on the matter, ~~[or both.]~~ ***provided such deliberation is limited to the legal advice.***

5. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 and an educational foundation as defined in subsection 3 of NRS 388.750, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201;

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action; and

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the voting membership of a public body or another proportion established by law.

7. "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

8. "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

9. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments.

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable ***and consistent with NRS 241.021*** and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

(8) If the meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for

the meeting where members of the general public are permitted to attend and participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if the meeting has a physical location, at the building in which the meeting is to be held. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a

meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 52,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:

(a) Have an Internet website; and

(b) Post to its Internet website:

(1) The public notice required by this section; and

(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

➥ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 3. NRS 241.021 is hereby amended to read as follows:

241.021 1. Except as otherwise provided in this section, comments by the general public must be taken by a public body:

(a) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, the public body must allow the general public to comment on any matter that is not specifically

included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of paragraph (d) of subsection 3 of NRS 241.020.

3. The provisions of subsections 1 and 2 do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to subsection 1 or 2.

4. If the agenda for a meeting authorizes the continuation of the meeting of a public body to one or more other calendar days, the public body must have a period devoted to comments by the general public:

(a) At the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or the adjournment of the meeting; or

(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

5. ~~[During each period devoted to public comment, each speaker must be allowed to provide to the public body at least 3 minutes of public comment. —6.]~~ A public body may refuse to accept public comment relating to issues of fact or law in a contested case, as defined in NRS 233B.032, which is before the public body until after that case has reached a final decision and any pending petition for judicial review is concluded.

Sec. 4. NRS 241.023 is hereby amended to read as follows:

241.023 1. Except as otherwise provided in subsection 2, a public body may conduct a meeting by means of a remote technology system if:

(a) A quorum is actually or collectively present, whether in person, by using the remote technology system or by means of electronic communication.

(b) Members of the public are permitted to:

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate; or

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system. A public body may also allow public comment by means of prerecorded messages.

(c) The public body reasonably ensures that any person who is not a member of the public body or a member of the public but is otherwise required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to the person using the remote technology system. The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting. Nothing in this paragraph requires a public body to provide a person with technical support to address the person's individual hardware, software or other technical issues.

2. If all members of a public body:

(a) Are required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

(b) Are not required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

4. Notwithstanding the provisions of subsections 1, 2 and 3, a public body may not hold a meeting ~~[to consider]~~ ***by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate if, at the meeting, the public body will:***

(a) Adjudicate a contested case ~~[, as defined in NRS 233B.032]~~ ***for which notice is required pursuant to NRS 233B.121;*** or

(b) Hold a workshop or a hearing on a regulation ~~[as defined in NRS 233B.038 by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.]~~ ***pursuant to NRS 233B.040 to 233B.120, inclusive.***

5. If a meeting is conducted pursuant to this section using a remote technology system ~~[,]~~ ***and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate,*** before the first period of the day devoted to public comment, the clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number or any necessary identification number of the meeting or other access code, must be read verbally.

Sec. 5. NRS 241.0353 is hereby amended to read as follows:

241.0353 1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. ~~[Subject to a qualified privilege, a]~~ ***A*** witness who ~~[is testifying]~~ ***testifies under oath, subject to the penalties set forth in NRS 199.120,*** before a public

body may publish defamatory matter as part of a public meeting. It is unlawful to misrepresent any fact knowingly when testifying before a public body.

3. Except as otherwise provided by law, nothing in this chapter shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Sec. 6. NRS 622.320 is hereby amended to read as follows:

622.320 1. The provisions of ***chapter 241 of*** NRS ~~[~~241.020~~]~~ ***requiring a meeting to be noticed and open to members of the public*** do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee, unless the licensee requests that the proceedings be conducted pursuant to those provisions.

2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of ***chapter 241 of*** NRS **.** ~~[~~241.020.~~]~~

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 260.

AN ACT relating to wildlife; authorizing the management of designated invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; **requiring the Department to coordinate with the State Department of Agriculture in preparing the State Wildlife Action Plan;** revising the definition of "wildlife" to include designated invertebrates; establishing a wildlife classification for designated invertebrates; requiring the listing of designated invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions governing the management of wildlife in this State by the Board of Wildlife Commissioners, commonly known as the "Commission," and the Department of Wildlife. (Chapter 501 of NRS) This bill expands the wildlife managed by the Commission and Department to include designated invertebrates. As a result of the inclusion of designated invertebrates, certain fees and penalties that apply to violations of certain provisions of existing law relating to wildlife will also apply to violations related to designated invertebrates. (*See*, *e.g.*, NRS 501.385, 502.240, 504.295)

Section 2 of this bill defines "designated invertebrate" to mean any ~~[nonpest]~~ species of invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan ~~[.]~~ **, not including pests, as defined in section 2.5 of this bill.** **Section 3** of this bill defines "State Wildlife Action Plan." **Section 5** of this bill revises the definition of "wildlife" to include designated invertebrates.

Section 3.5 of this bill requires the Department, in preparing the State Wildlife Action Plan, to coordinate with the State Department of Agriculture and consider the Nevada Managed Pollinator Protection Plan prepared by the State Department of Agriculture.

Section 4 of this bill applies the definitions in **sections 2 , 2.5 and 3** to the provisions of existing law that govern wildlife.

Existing law requires: (1) wildlife to be classified into certain categories; and (2) the Commission to place each species of wildlife in a classification by regulation. (NRS 501.110) **Section 6** of this bill establishes a classification for designated invertebrates.

Existing law provides that if the Commission determines that the existence of a species or subspecies of native fish, wildlife and other fauna is endangered and its survival requires assistance, the Commission must place the animal on the list of fully protected species and the animal may not be captured, removed or destroyed except by means of a special permit issued by the Department. (NRS 503.585) **Sections 7 and 8** of this bill provide for the placement of designated invertebrates on the list of fully protected species.

Existing law: (1) requires the Commission and Director of the Department to carry out a program for conserving, protecting, restoring and propagating selected species of native fish, wildlife and other vertebrates and their habitats which are threatened with extinction and destruction; and (2) authorizes the Director to cooperate and enter into agreements with other states, counties and legal entities in carrying out the program. (NRS 503.587, 503.589) **Sections 9 and 10** of this bill require the Commission and Director to include designated invertebrates in the program.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and 3]~~ **to 3.5, inclusive,** of this act.

Sec. 2. ***"Designated invertebrate" means any ~~[nonpest]~~ species of invertebrate designated as a species of greatest conservation need in the State Wildlife Action Plan. The term does not include pests.***

Sec. 2.5. "Pest" has the meaning ascribed to it in NRS 555.005.

Sec. 3. ***"State Wildlife Action Plan" means a statewide plan prepared by the Department and approved by the United States Fish and Wildlife Service which sets forth provisions for the conservation of wildlife and wildlife habitat, including, without limitation, provisions for assisting in the***

prevention of any species of wildlife from becoming threatened or endangered.

Sec. 3.5. 1. In preparing the State Wildlife Action Plan, the Department shall:

(a) Coordinate with the State Department of Agriculture; and

(b) Consider the Nevada Managed Pollinator Protection Plan.

2. As used in this section, "Nevada Managed Pollinator Protection Plan" means the plan prepared by the State Department of Agriculture to reduce pesticide exposure to certain bees.

Sec. 4. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, ***and sections 2, 2.5 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 501.097 is hereby amended to read as follows:

501.097 "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk ***,*** ~~[or]~~ crustacean ***or designated invertebrate*** found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 6. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this title, wildlife must be classified as follows:

(a) Wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals.

(b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.

(c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.

(d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.

(f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.

(g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.

(h) Designated invertebrates.

2. Protected wildlife may be further classified as either sensitive, threatened or endangered.

3. Each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another.

Sec. 7. NRS 503.584 is hereby amended to read as follows:

503.584 1. The Legislature finds that:

(a) The economic growth of the State of Nevada has been attended with some serious and unfortunate consequences. Nevada has experienced the extermination or extirpation of some of the State's native species of animals, including fish ***,*** ~~[and]~~ vertebrate wildlife ~~[.]~~ ***and designated invertebrates.*** Serious losses have occurred and are occurring in other species of native wild animals with important economic, educational, historical, political, recreational, scientific and aesthetic values.

(b) The people of the State of Nevada have an obligation to conserve and protect the various species of native fish and wildlife that are threatened with extinction.

2. The purpose of NRS 503.584 to 503.589, inclusive, is to provide a program for the:

(a) Conservation, protection, restoration and propagation of selected species of ***designated invertebrates,*** native fish and ~~[other]~~ vertebrate wildlife, including ***, without limitation,*** migratory birds; and

(b) Perpetuation of the populations and habitats of such species.

Sec. 8. NRS 503.585 is hereby amended to read as follows:

503.585 A species or subspecies of native fish, wildlife ***, including, without limitation, vertebrates and designated invertebrates,*** and other fauna must be regarded as threatened with extinction when the Commission, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease or other factors or its habitat is threatened with destruction, drastic modification or severe curtailment. Any animal so declared to be threatened with extinction must be placed on the list of fully protected species, and no member of its kind may be captured, removed or destroyed at any time by any means except under special permit issued by the Department.

Sec. 9. NRS 503.587 is hereby amended to read as follows:

503.587 The Commission shall use its authority to manage land to carry out a program for conserving, protecting, restoring and propagating selected species of native fish ~~[,]~~ ***and*** wildlife ~~[and other]~~ ***, including, without limitation,*** vertebrates ***and designated invertebrates,*** and their habitats which are threatened with extinction and destruction.

Sec. 10. NRS 503.589 is hereby amended to read as follows:

503.589 In carrying out the program authorized by NRS 503.584 to 503.589, inclusive, the Director shall cooperate, to the maximum extent practicable, with other states and with the counties in the State of Nevada, and the Director may enter into agreements with such other states and counties and with other legal entities for the administration and management of any area established pursuant to NRS 503.584 to 503.589, inclusive, for the conservation, protection, restoration and propagation of species of native fish, wildlife ***, including, without limitation, vertebrates and designated invertebrates,*** and other fauna which are threatened with extinction.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 92.

Bill read second time.

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

Amendment No. 381.

AN ACT relating to elections; requiring that rooms or spaces in **certain** public buildings be provided to certain political parties without charge for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 292 of the 2021 Legislative Session repealed a requirement that, upon application by a state or county central committee, rooms or spaces in certain public buildings be made available without charge to state or county central committees of major political parties: (1) in presidential election years for any purpose; and (2) during other years for the purpose of conducting precinct meetings. (Section 15 of chapter 331, Statutes of Nevada 2021, at page 1980) This bill **: (1)** reinstates this requirement ~~.~~ **; and (2) excepts from this requirement any building owned or occupied by any component of the Nevada System of Higher Education.**

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

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

1. If a room or space is available in a building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, except a building that is owned or occupied by any component of the Nevada System of Higher Education, the public officer or employee in control of the room or space shall, upon application by a state or county central committee of a major political party, grant the use of the room or space to the state or county central committee:

(a) During a presidential election year, without charge for any purpose; and

(b) During any year that is not a presidential election year:

(1) Without charge for the purpose of conducting a precinct meeting; and

(2) At a rate that must not exceed the rate charged to any other group during this time period for the use of the room or space, for any purpose other than conducting a precinct meeting.

2. As used in this section, "precinct meeting" means a meeting of the state or central committee of a major political party held to elect delegates and alternates for a state or county convention of a major political party.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 231.

SUMMARY— ~~[Revises provisions relating to housing.]~~ **Provides an exemption from property taxation for accessory dwelling units rented or leased to certain tenants.** (BDR ~~[22-694)]~~ **32-694)**

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to housing; ~~[requiring the governing body of certain counties and cities to adopt an ordinance to authorize the owner of certain historic residential properties to add an]~~ **providing an exemption from property taxation for** accessory dwelling ~~[unit to the property; setting forth certain requirements for the ordinance;]~~ **units rented or leased to tenants receiving certain tenant-based housing assistance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties) or the governing body of a city whose population is 60,000 or more (currently the Cities of Las Vegas, Henderson, North Las Vegas, Reno and Sparks) to adopt an ordinance that authorizes the owner of any historic residential property to apply to add an accessory dwelling unit to the historic residential property. Section 1 further requires such ordinance to: (1) set forth an expedited process for the approval of the application and any appeal of the denial of such an application; (2) require that an accessory dwelling unit that is added to a historic residential property meet all applicable building codes, housing codes and any other codes regulating the health or safety of occupants of real property; (3) require that the owner of an accessory dwelling unit that is added to a historic residential property pursuant to the ordinance use the accessory dwelling unit for family members or long-term rental housing; and (4) prohibit the owner of the accessory dwelling unit from renting the accessory dwelling unit as transient lodging or any other short-term housing or from accepting for the payment of rent for the unit any financial assistance received under the Housing Choice Voucher Program, commonly known as "section 8 vouchers." For purposes of section 1, a "historic residential property" means a property: (1) that is located in an area of the county or city, as applicable, zoned for single-family residential use; (2) that is not located within a common-interest~~

~~community; and (3) on which there is an existing single-family residential unit that is at least 50 years old.~~

~~— Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) Section 4 of this bill creates an exception to account for the requirement that the governing body of certain counties and cities adopt an ordinance to allow the addition of an accessory dwelling unit to a historic residential property pursuant to section 1.~~

~~— Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) Section 3 of this bill applies these provisions to section 1.~~

~~— Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to section 1.~~] **Existing federal law authorizes the Secretary of the United States Department of Housing and Urban Development to provide assistance to public housing agencies for tenant-based assistance through the Housing Choice Voucher Program. (Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f) Section 6 of this bill provides an exemption from property taxes for an accessory dwelling unit if the accessory dwelling unit: (1) is rented or leased to a tenant receiving assistance under the Program pursuant to a lease which is for a period of not less than 12 consecutive months; (2) is located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit; (3) complies with all applicable local zoning laws; and (4) if the parcel is located within a common-interest community, complies with all applicable covenants, conditions and restrictions of the community. Section 6 requires a person claiming the exemption to annually file with the county assessor: (1) certain verifications from the appropriate public housing authority; and (2) a copy of the lease. Section 6 also: (1) prohibits the exemption from being granted for more than one accessory dwelling unit per parcel; and (2) requires the county assessor to determine the value of the accessory dwelling unit based on the cost of replacing the accessory dwelling unit. Section 7 of this bill makes a conforming change to indicate the proper placement of section 6 in the Nevada Revised Statutes.**

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

Section 1. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more shall adopt an ordinance that authorizes the owner of any historic residential property to apply to add an accessory dwelling unit to the historic residential property.*~~

~~*2. The ordinance adopted pursuant to subsection 1 must:*~~

~~*(a) Set forth an expedited process for:*~~

~~*(1) The appropriate staff of the planning department of the county or city to process and determine whether to approve an application from an owner of any historic residential property to add an accessory dwelling unit to the historic residential property; and*~~

~~*(2) An owner of any historic residential property to appeal to the governing body any denial of an application to add an accessory dwelling unit to the historic residential property;*~~

~~*(b) Require that any accessory dwelling unit that is added to a historic residential property pursuant to the expedited process set forth in paragraph (a) meet all applicable building codes, housing codes and any other codes regulating the health or safety of occupants of real property;*~~

~~*(c) Require that the owner of an accessory dwelling unit that is added to a historic residential property pursuant to the expedited process set forth in paragraph (a) use the accessory dwelling unit for family members or long-term rental housing; and*~~

~~*(d) Prohibit the owner of an accessory dwelling unit that is added to a historic residential property pursuant to the expedited process set forth in paragraph (a) from:*~~

~~*(1) Renting the accessory dwelling unit as transient lodging or any other short-term housing; or*~~

~~*(2) Accepting for the payment of rent for the accessory dwelling unit any financial assistance that a person receives under the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.*~~

~~*3. Any zoning regulation adopted by the governing body pursuant to NRS 278.250 must allow the addition of an accessory dwelling unit to a historic residential property pursuant to the provisions of an ordinance adopted pursuant to this section.*~~

~~*4. As used in this section, "historic residential property" means a property:*~~

~~*(a) That is located in an area of the county or city, as applicable, zoned for single family residential use;*~~

~~*(b) That is not located within a common interest community; and*~~

~~*(c) On which there is an existing single-family residential unit that is at least 50 years old.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 278.010 is hereby amended to read as follows:~~

~~278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in~~

~~NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 278.0235 is hereby amended to read as follows:~~

~~"278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.~~

~~2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.~~

~~3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.~~

~~4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.~~

~~5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.~~

~~6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.~~

~~7. The court, for good cause, may extend the times allowed in this section for filing memoranda.~~] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 278.250 is hereby amended to read as follows:~~

~~"278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive [. Within] ***, and section 1 of this act. Except as otherwise provided in section 1 of this act, within*** the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.~~

~~2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:~~

~~(a) To preserve the quality of air and water resources.~~

~~(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.~~

~~(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.~~

~~(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.~~

~~(e) To provide for recreational needs.~~

~~(f) To protect life and property in areas subject to floods, landslides and other natural disasters.~~

~~(g) To conform to the adopted population plan, if required by NRS 278.170.~~

~~(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.~~

~~(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.~~

~~(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.~~

~~(k) To promote health and the general welfare.~~

~~(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.~~

~~(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.~~

~~(n) To promote systems which use solar or wind energy.~~

~~(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.~~

~~3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.~~

~~4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.~~

~~5. As used in this section:~~

~~(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.~~

~~(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds~~

~~residential dwellings to build a certain percentage of those dwellings as affordable housing.~~

~~(e) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.~~] **(Deleted by amendment.)**

Sec. 5. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 6. **Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An accessory dwelling unit is exempt from taxation if, for the year in which the exemption applies, the accessory dwelling unit:

(a) Is rented or leased to a qualified tenant receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months;

(b) Is located on the same parcel as a single-family residence which is the primary residence of the owner of the accessory dwelling unit;

(c) Complies with all applicable local zoning laws; and

(d) If the parcel is located within a common-interest community, complies with all applicable covenants, conditions and restrictions of the common-interest community.

2. Any person claiming an exemption pursuant to this section must file annually with the county assessor:

(a) Verification from the appropriate public housing authority that:

(1) The person has entered into a housing assistance payment contract with the public housing authority to receive tenant-based assistance payments under the Housing Choice Voucher Program for the accessory dwelling unit;

(2) The qualified tenant to whom the accessory dwelling unit is rented or leased is receiving assistance under the Housing Choice Voucher Program pursuant to a written lease which is for a period of not less than 12 consecutive months; and

(3) The accessory dwelling unit, at the time it was last inspected, met the housing quality standards set forth in 42 U.S.C. 1437f(o); and

(b) A copy of the lease for the accessory dwelling unit, which must set forth, without limitation, the total square footage of the accessory dwelling unit.

3. The person may claim an exemption pursuant to this section for one accessory dwelling unit per parcel.

4. To determine the value of the accessory dwelling unit for the purposes of an exemption claimed pursuant to this section, the value is equal to the cost of replacing the accessory dwelling unit, which must be calculated by the county assessor in accordance with the regulations adopted by the Nevada Tax Commission pursuant to subsection 6 of NRS 361.227.

5. A county assessor may prescribe forms and adopt procedures for claiming the exemption pursuant to this section not inconsistent with any regulations, forms and procedures prescribed or adopted by the Department or the Nevada Tax Commission.

6. As used in this section:

(a) "Accessory dwelling unit" means an ancillary or secondary living unit that has a separate egress, kitchen, bathroom and sleeping area existing on the same lot as a single-family residence.

(b) "Housing Choice Voucher Program" means the federal tenant-based assistance program established under 42 U.S.C. 1437f(o).

(c) "Qualified tenant" means a person who is not employed by or related to the owner of the property on which the accessory dwelling unit is located by consanguinity or affinity within the third degree.

Sec. 7. **NRS 361.160 is hereby amended to read as follows:**

361.160 1. Personal property in transit through this State is personal property:

(a) Which is moving in interstate commerce through or over the territory of the State of Nevada; or

(b) Which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward.

➥ Such property is deemed to have acquired no situs in Nevada for purposes of taxation. Such property is not deprived of exemption because while in the warehouse the property is assembled, bound, joined, manufactured, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged, or because the property is being held for resale to customers outside the State of Nevada. The exemption granted shall be liberally construed to effect the purposes of NRS 361.160 to 361.185, inclusive.

2. Personal property within this State as mentioned in NRS 361.030 and 361.045 to 361.155, inclusive, ***and section 6 of this act*** does not include personal property in transit through this State as defined in this section.

Sec. 8. **The Legislature hereby finds that the exemption provided by this act from any ad valorem tax on property:**

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

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

2. Sections 1 to 8, inclusive, of this act become effective:

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

(b) On July 1, 2026, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 142.

Bill read second time.

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

Amendment No. 66.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MARZOLA **, JAUREGUI, MONROE-MORENO; AND YUREK**

AN ACT relating to industrial insurance; revising the list of persons who constitute a first responder for the purpose of provisions governing the circumstances under which a first responder may receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment. Existing law deems an injury or disease caused by stress that afflicts an employee who is a first responder to arise out of and in the course of employment if the employee proves by clear and convincing medical or psychiatric evidence that the employee has a mental injury which is caused by extreme stress for which the primary cause was the employee witnessing an event or series of events during the course of his or her employment that involved: (1) the death, or the aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience. Existing law defines the term "first responder" for the purposes of those provisions to include: (1) a salaried or volunteer firefighter; (2) a police officer; (3) an emergency dispatcher or call taker who is employed by a law enforcement agency or public safety agency in this State; or (4) an emergency medical technician or paramedic who is employed by a public safety agency in this State. (NRS 616C.180)

This bill adds a civilian employee of a law enforcement agency ~~[who provides support services to the law enforcement agency]~~ **whose primary duties involve responding to and investigating crime scenes** to the list of persons who constitute a first responder for the purposes of provisions governing the circumstances under which a first responder is authorized to receive compensation under industrial insurance for certain stress-related claims. Additionally, this bill specifies that the term "law enforcement

agency," for the purposes of those provisions, means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which has a duty to enforce the law and employs any person upon whom some or all of the powers of a peace officer are conferred. Finally, this bill also specifies that the term "public safety agency," for the purposes of those provisions, means: (1) a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires; (2) a law enforcement agency; or (3) an emergency medical service.

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

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Except as otherwise provided in subsection 4, any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event or a series of events described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement ***agency*** or ***other*** public safety agency in this State; ~~[or]~~

(4) ***A civilian employee of a law enforcement agency*** ~~***[, other than an employee described in subparagraph (3), who provides support services to the law enforcement agency;]***~~ ***whose primary duties involve responding to and investigating crime scenes; or***

(5) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) ***"Law enforcement agency" has the meaning ascribed to it in NRS 289.010.***

(d) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

(e) "Public safety agency" means:

(1) A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;

(2) A law enforcement agency; or

(3) An emergency medical service.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 136.

AN ACT relating to cannabis; requiring the Cannabis Compliance Board to adopt regulations governing certain agreements to share information and data maintained by the Board; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law deems certain information and data maintained by the Cannabis Compliance Board to be confidential and sets forth the persons to whom and the circumstances under which the Board may disclose such information and data. (NRS 678A.470) **Section 1** of this bill requires the Board to adopt regulations establishing procedures pursuant to which the Board may enter into an agreement with a research institution to share information and data maintained by the Board for the purposes of research relating to cannabis and the cannabis industry. **Section 1** defines the term "research institution" to mean a university, college or other organization which has as one of its principal purposes the conducting of medical, scientific or academic research. **Section 2** of this bill authorizes the Board to disclose confidential information and data maintained by the Board to a research institution in accordance with the regulations adopted by the Board pursuant to **section 1**.

Sections 3 and 4 of this bill appropriate money to the Cannabis Policy Institute at the University of Nevada, Las Vegas **,** for personnel, operating and travel expenses and for **direct costs relating to** research conducted by the Institute.

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

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

6. The Board shall adopt regulations establishing procedures pursuant to which the Board may enter into an agreement with a research institution to share information and data maintained by the Board, including, without limitation, information and data classified as confidential pursuant to NRS 678A.470, for the purposes of research relating to cannabis and the cannabis industry. As used in this subsection, "research institution" means a university, college or other organization which has as one of its principal purposes the conducting of medical, scientific or academic research.

Sec. 2. NRS 678A.470 is hereby amended to read as follows:

678A.470 1. The Board shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board. These records are open to public inspection.

2. Any and all information and data prepared or obtained by the Board or by an agent or employee of the Board relating to a holder of or an applicant for a medical cannabis establishment license pursuant to NRS 678B.210, other than the name of a licensee and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action, are confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state ***,*** ~~[or]~~ any political subdivision of a state or the government of any foreign country ~~[.]~~ ***or a research institution pursuant to an agreement entered into in accordance with the regulations adopted by the Board pursuant to subsection 6 of NRS 678A.450.*** Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

3. Except as otherwise provided in this subsection, any information and data included in an application for an adult-use cannabis establishment license

or a registration card is confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The name of the holder of an adult-use cannabis establishment license and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action are not confidential. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state ***,*** ~~[or]~~ the government of any foreign country ~~[.]~~ ***or a research institution pursuant to an agreement entered into in accordance with the regulations adopted by the Board pursuant to subsection 6 of NRS 678A.450.*** Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

4. All files, records, reports and other information and data pertaining to matters related to cannabis in the possession of the Nevada Tax Commission or the Department of Taxation must be made available to the Board as is necessary to the administration of this title.

5. As used in this section, "information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Cannabis Policy Institute at the University of Nevada, Las Vegas, for personnel, operating and travel expenses the following sums:

For the Fiscal Year 2025-2026 ..... $657,241
For the Fiscal Year 2026-2027 ..... $657,241

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Cannabis Policy Institute at the University of Nevada, Las Vegas, for **direct costs relating to** research conducted by the Institute **, including, without limitation, costs for the salaries of researchers, stipends and travel relating**

to such research, but not including indirect costs or overhead expenses, the following sums:

For the Fiscal Year 2025-2026 ..... $1,000,000

For the Fiscal Year 2026-2027 ..... $1,000,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 166.

SUMMARY—Revises provisions relating to **the** education of incarcerated persons. (BDR ~~[34-234)]~~ **16-234)**

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(Not Requested by Affected Local Government)]~~

AN ACT relating to **the** education of incarcerated persons; requiring ~~[a school district that operates a program]~~ **staff at each institution or facility** of ~~[education for incarcerated persons]~~ **the Department of Corrections** to provide ~~[support]~~ **information** and assistance **relating** to ~~[certain incarcerated persons in completing]~~ the Free Application for Federal Student Aid; requiring the ~~[board of trustees]~~ **submission** of ~~[a school district that operates a program]~~ **certain reports concerning the provision** of ~~[education for incarcerated persons to report certain]~~ **such** information ~~[to the State Treasurer;]~~ **and assistance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the establishment of a statewide program of education for incarcerated persons and sets forth certain requirements for the program. (NRS 388H.020) To carry out the statewide program of education for incarcerated persons, existing law authorizes the board of trustees of a school district to operate a program of education for incarcerated persons in any facility or institution operated by the Department of Corrections in the county of the school district. (NRS 388H.040)]~~

Under existing law, the board of trustees of a school district and the governing bodies of certain charter schools and private schools are required to

~~[:(1)]~~ provide support and assistance to certain pupils and their parents or legal guardians in completing the Free Application for Federal Student Aid **~~[,]~~ (FAFSA)** and ~~[(2)]~~ report **certain related information** to the State Treasurer**.** ~~[certain information relating to the provision of such support and assistance.]~~ (NRS 388.224, 394.151) **Section ~~[1]~~ 2.3** of this bill imposes similar requirements on ~~[a school district that operates a program]~~ **the programming staff at each institution or facility** of ~~[education for incarcerated persons.]~~ **the Department of Corrections. Section 2.3 requires such staff to: (1) provide information to offenders on the importance and benefits of financial planning and completing the FAFSA; and (2) offer assistance to offenders in completing the FAFSA, including through designated FAFSA events held each year in October and February. Section 2.3 also requires: (1) each institution and facility to report annually to the Department on the implementation and outcomes of such services; and (2) the Department to submit a summary of such reports to the Joint Interim Standing Committee on the Judiciary in odd-numbered years. Section 2.3 prohibits the Department and Department staff from using the decision of an offender to apply for financial aid or to participate in related activities as the basis for imposing a sanction or granting a privilege, incentive or other benefit. Finally, section 2.3 provides that any substantially similar program offered by the Department in effect on July 1, 2025, is deemed to satisfy such requirements if the Department continues to offer the program without substantial interruption.**

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

Section 1. ~~[NRS 388H.040 is hereby amended to read as follows:~~

~~388H.040 1. The board of trustees of a school district may, with the cooperation of the Department of Corrections, operate a program of education for incarcerated persons in any facility or institution operated by the Department of Corrections in the county of the school district.~~

~~2. A school district that operates a program of education for incarcerated persons shall:~~

~~(a) Comply with the standards for such programs established by the Department of Education in the statewide program established pursuant to NRS 388H.020;~~

~~(b) *Ensure that a person participating in the program receives the education and information described in subsections 1 and 2 of NRS 388.224 if the person is enrolled in one or more courses normally provided by a high school; and*~~

~~*(c) Hold at least one annual event at each facility or institution in which the school district operates such a program at which a person participating in the program may complete, or receive assistance in completing, the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090. To the*~~

~~*extent practicable, a facility or institution that holds any such event shall comply with the requirements prescribed by subsection 3 of NRS 388.224.*~~

~~*3.* As a condition for obtaining an allocation from the Fund for Programs of Education for Incarcerated Persons, *a school district that operates a program of education for incarcerated persons must* submit to the Department of Education:~~

~~[(1)] *(a)* An application to operate such a program; and~~

~~[(2)] *(b)* A detailed budget for the program. [; and~~

~~(c) If the]~~

~~*4. A* school district *that* receives an allocation from the Fund [,] *must* obtain the approval of the Department of Education before it makes any changes in categorical expenditures.~~

~~*5. On or before July 1 of each year, the board of trustees of a school district that operates a program of education for incarcerated persons shall report to the State Treasurer the information prescribed in subsection 5 of NRS 388.224, to the extent such information is available.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 2.3. **Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. On or before September 30 of each year, programming staff at each institution or facility of the Department shall provide to offenders who wish to receive it information on the importance and benefits of financial planning and completing the Free Application for Federal Student Aid. The information must include, without limitation:

(a) An explanation that financial aid may be used to attend an online, trade or vocational school; and

(b) A description of the types of financial aid available to persons who are lawfully present in the United States under any federal law, regulation, policy or program administered by a federal agency or department.

2. The information described in subsection 1 must be provided:

(a) During the year immediately preceding the date on which an offender is projected to be released from the custody of the Department; or

(b) Upon the setting of a parole eligibility date, as part of the pre-release planning process.

3. The programming staff described in subsection 1 shall offer assistance with completing the Free Application for Federal Student Aid to offenders who wish to receive it. Such assistance may be provided on an ongoing basis and must include:

(a) At least one designated Free Application for Federal Student Aid event during the first week of October; and

(b) At least one designated Free Application for Federal Student Aid event during the last week of February.

4. The information and assistance described in subsections 1 and 3 may be provided in person or through virtual means and may be integrated into other programs, classes, institutional policies or public postings within an institution or facility.

5. The programming staff described in subsection 1 shall, as appropriate:

(a) Provide offenders with guidance on employment opportunities that may be available following release;

(b) Identify circumstances in which a recommendation to an offender to apply for financial aid is appropriate;

(c) Assist offenders in obtaining documentation necessary to complete a Free Application for Federal Student Aid;

(d) Permit eligible visitors, including family members, to attend Free Application for Federal Student Aid events and to bring required documents or materials on behalf of the offender;

(e) Provide offenders with training on managing finances while in the custody of the Department and after release; and

(f) Coordinate with institutions of higher education, public libraries and other community organizations to support Free Application for Federal Student Aid, offer offenders informational sessions, assist offenders with registration and facilitate offenders' access to educational and vocational opportunities.

6. The Department and staff of the Department shall not use the decision of an offender to apply for financial aid or to participate in any activity described in this section as a basis to impose a sanction or grant a privilege, incentive or other benefit.

7. Each institution and facility of the Department shall, on or before January 31 of each year, submit to the Department a report concerning the implementation and outcomes of the services provided pursuant to this section. The Department shall compile and summarize such reports and submit the summary to the Joint Interim Standing Committee on the Judiciary in odd-numbered years.

8. Any program offered by the Department on July 1, 2025, that provides substantially the same information, assistance and services described in subsections 1 to 5, inclusive, shall be deemed to satisfy the requirements of this section, so long as the Department continues to offer the program without substantial interruption.

9. As used in this section, "programming staff" means staff designated to provide programming services as part of a reentry program at an institution or facility, or other appropriate staff if such personnel are not designated.

Sec. 2.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 161.

Bill read second time.

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

Amendment No. 184.

AN ACT relating to hospice care; requiring a program of hospice care to ~~[accept payment through Medicare; prohibiting a program of hospice care from accepting new patients or transferring billing privileges under Medicare in certain circumstances; providing for the enhanced oversight of a program of hospice care during the first 2 years after initial licensure; imposing requirements governing the staffing and operation of a program of hospice care; requiring the publication of an annual report of certain information concerning programs of hospice care;]~~ **obtain informed consent to treatment and provide certain notice to patients or their representatives; providing that patients of a program for hospice care have a right to certain care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires any program of hospice care, regardless of whether the program is provided by a facility for hospice care, to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) imposes certain requirements governing the operation of a program of hospice care. (NRS 449.029, 449.030, 449.196) ~~[Section 3 of this bill requires a program of hospice care to: (1) accept payment through Medicare; and (2) be accredited by a national accrediting agency. Section 3 also prohibits a program of hospice care from accepting new patients if any person who holds an ownership interest in the program of at least 5 percent is under investigation for or has been found to have committed a violation of federal, state or local law related to payment for health care. Finally, section 3 prohibits a program of hospice care from transferring the billing privileges of the program under Medicare within 60 months after: (1) being authorized to accept payment through Medicare; or (2) a change in the ownership of an interest of 50 percent or greater in the program. Sections 4 and 11 of this bill provide for the enhanced oversight of a program of hospice care during the first 2 years after initial licensure.~~

~~Existing law requires a program of hospice care to have a medical director who is a licensed physician. (NRS 449.196) Sections 8 and 14 of this bill prescribe additional required qualifications of the medical director, and section 5 of this bill prescribes the duties of the medical director. Section 14]~~ **Existing law** requires a program of hospice care to provide certain care, and **section 17** of this bill provides that a patient of a program of hospice care has a right to such care. **(NRS 449.196) Sections 17 and 18** of this bill require a program of

hospice care to inform a patient of that right. **Section 15** of this bill removes provisions authorizing a facility for hospice care to provide certain care that the facility is required by ~~[section 14]~~ **existing law** to provide. **Section 14** ~~[also]~~ **of this bill** requires ~~[: (1) the employees of a program of hospice care to receive certain training; and (2)]~~ a program of hospice care to obtain and document the informed, written consent of a patient or his or her representative for all treatment and all decisions regarding the care of the patient. **Section 14** ~~[establishes certain other requirements governing the operation of]~~ **additionally requires** a program of hospice care ~~[, including a requirement that the program designate an interdisciplinary team to develop, review and revise a plan of care for each patient. Sections 2, 7 and 8 of this bill make conforming changes so that "interdisciplinary team" is defined consistently for provisions of law regulating hospice care.~~

~~Section 11 requires the State Board of Health to adopt regulations: (1) requiring a program of hospice care to establish an independent review board to assess compliance with relevant legal requirements and ethical standards; and (2) prohibiting persons with financial conflicts of interest from determining or assisting in the determination of whether a person is eligible to receive hospice care. Section 6 of this bill requires the Division to publish an annual report concerning the ownership and licensure of each program of hospice care and the results of inspections of such programs. Sections 9, 13 and 16 of this bill make conforming changes to establish the applicability of sections 3-6 and provide for the enforcement of sections 3-6.]~~ **to: (1) notify a patient or his or her representative if the program has initiated filing claims for benefits on behalf of the patient; (2) provide a written notice containing the contact information for the program and the hours during which the program can be contacted; (3) notify a patient or his or her representative not less than 7 days before the program terminates the care of the patient or ceases operations; and (4) provide a written notice to the patient or his or her representative upon admission outlining the right of the patient to file a complaint against the program with the Division.**

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

Section 1. ~~[Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*"Interdisciplinary team" means a group of persons who work collectively to meet the special needs of terminally ill patients receiving hospice care and their families and includes such persons as a physician, registered nurse, social worker, member of the clergy and trained volunteer.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. Not later than 12 months after initial licensure, a program of hospice care shall enter into an agreement with the United States*~~

~~*Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395cc to accept payment through Medicare.*~~

~~*2. A program of hospice care must be accredited by a national accrediting agency acceptable to the Division.*~~

~~*3. A program of hospice care:*~~

~~*(a) Shall promptly inform the Division if any person or entity that holds an ownership interest of at least 5 percent in the program is being investigated for a potential violation of any federal, state or local law related to payment for health care.*~~

~~*(b) Shall not accept any new patients while:*~~

~~*(1) An investigation described in paragraph (a) is pending; or*~~

~~*(2) Any person or entity who has been found in a criminal or civil proceeding to have committed a violation of any federal, state or local law related to payment for health care retains an ownership interest of at least 5 percent in the program.*~~

~~*(c) Shall not transfer the billing privileges of the program under Medicare to any other person or entity within 60 months after:*~~

~~*(1) Initially entering into an agreement described in subsection 1; or*~~

~~*(2) A change in the ownership of an interest of 50 percent or greater in the program.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. The Division shall inspect a program of hospice care that is issued an initial license on or after January 1, 2026:*~~

~~*(a) For the first time, within 60 days after initial licensure;*~~

~~*(b) For the second time, within 6 months after initial licensure;*~~

~~*(c) For the third time, within 12 months after initial licensure;*~~

~~*(d) For the fourth time, within 24 months after initial licensure; and*~~

~~*(e) At least once every 36 months thereafter.*~~

~~*2. The Division shall inspect a program of hospice care that was issued an initial license on or after January 1, 2026, at least once every 36 months.*~~

~~*3. For the first 24 months after the initial licensure of a program of hospice care that is issued an initial license on or after January 1, 2026:*~~

~~*(a) The program shall submit to the Division each month all information required to be reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395f(i)(5).*~~

~~*(b) The Division shall conduct enhanced oversight of the program, which must include, without limitation, a review by the Division of a representative portion, as defined by regulation of the Board, of the claims for payment that the program intends to submit before the program submits the claims.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. The medical director employed by a program of hospice care pursuant to NRS 449.196 shall:*~~

~~*(a) Assist each interdisciplinary team in the development, review and revision of the plan of care required by paragraph (c) of subsection 1 of NRS 449.196;*~~

~~*(b) Act as a medical resource for each interdisciplinary team;*~~

~~(c) Develop and periodically review the medical policies of the program, including, without limitation, policies for:~~

~~(1) The delivery of services to patients by physicians employed or contracted by the program;~~

~~(2) The orientation, training and support of physicians employed or contracted by the program;~~

~~(3) Ensuring compliance with paragraphs (c) to (k), inclusive, of subsection 1 of NRS 449.196 and subsections 2 and 3 of NRS 449.196; and~~

~~(4) Documentation to ensure compliance with the medical policies;~~

~~(d) Consult with the attending physicians of patients concerning the control of pain and symptoms and the medical management of patients, as appropriate;~~

~~(e) Act as a liaison between the program and physicians in the community;~~

~~(f) Ensure continuity and coordination of all medical services provided to patients;~~

~~(g) Provide supervision, direction and oversight for all physicians employed or contracted by the program; and~~

~~(h) Perform such other duties as are appropriate for the needs of the program.~~

~~2. Any order for the administration of medication to a patient of a program of hospice care must be written and signed by the medical director of the program.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. On or before December 31 of each year, the Division shall compile and post on a publicly available Internet website operated by the Division a report which includes, for each program of hospice care licensed in this State:~~

~~(a) The date on which the program was incorporated and the name of each incorporator;~~

~~(b) The name of each person or entity that owns at least 5 percent of the program;~~

~~(c) The name of any person or entity that is wholly or partially responsible for managing the program;~~

~~(d) The date on which the program applied for licensure, the date on which initial licensure was granted and the date on which licensure was most recently renewed;~~

~~(e) The date on which the program came into compliance with subsection 1 of section 3 of this act;~~

~~(f) The name of the entity that conducted the most recent survey of the program pursuant to 42 C.F.R. § 488.1110;~~

~~(g) The results of each inspection of the program conducted by the Division during the 5 years immediately preceding the date of the report, including, without limitation:~~

~~(1) Any deficiencies noted during the inspection;~~

~~*(2) Requirements imposed by the Division to correct such deficiencies; and*~~

~~*(3) The date on which the Division determined that the deficiencies had been corrected; and*~~

~~*(b) Any other information required by subsection 2.*~~

~~*2. The Division shall solicit input from persons and entities interested in the provision of hospice care, including, without limitation, patients, families, as defined in NRS 449.0115, advocates for patients, providers of health care and insurers, and include in the report compiled pursuant to subsection 1 information useful to such persons and entities.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 449.001 is hereby amended to read as follows:~~

~~449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 449.0115 is hereby amended to read as follows:~~

~~449.0115 1. "Hospice care" means a centrally administered program of palliative services and supportive services provided by an interdisciplinary team directed by a physician~~ ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.*** ~~The program includes the provision of physical, psychological, custodial and spiritual care for persons who are terminally ill and their families. The care may be provided in the home, at a residential facility or at a medical facility at any time of the day or night. The term includes the supportive care and services provided to the family after the patient dies.~~

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

~~(a) "Family"]~~ ***, "family"*** ~~includes the immediate family, the person who primarily cared for the patient and other persons with significant personal ties to the patient, whether or not related by blood.~~

~~[(b) "Interdisciplinary team" means a group of persons who work collectively to meet the special needs of terminally ill patients and their families and includes such persons as a physician, registered nurse, social worker, member of the clergy and trained volunteer.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 449.029 is hereby amended to read as follows:~~

~~449.029 As used in NRS 449.029 to 449.240, inclusive, *and sections 3 to 6, inclusive, of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 449.0301 is hereby amended to read as follows:~~

~~449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and sections 3 to 6, inclusive, of this act* do not apply to:~~

~~1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and~~

~~treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.~~

~~2. Foster homes as defined in NRS 424.014.~~

~~3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.~~] **(Deleted by amendment.)**

Sec. 11. ~~[~~NRS 449.0302 is hereby amended to read as follows:

~~449.0302 1. The Board shall adopt:~~

~~(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and sections 3 to 6, inclusive, of this act,* and for programs of hospice care.~~

~~(b) Regulations governing the licensing of such facilities and programs.~~

~~(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.~~

~~(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.~~

~~(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.~~

~~(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.~~

~~(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive~~ **[.]** ~~*, and sections 3 to 6, inclusive, of this act.*~~

~~2. The Board shall adopt separate regulations governing the licensing and operation of:~~

~~(a) Facilities for the care of adults during the day; and~~

~~(b) Residential facilities for groups,~~

~~which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.~~

~~3. The Board shall adopt separate regulations for:~~

~~(a) The licensure of rural hospitals and rural emergency hospitals which take into consideration the unique problems of operating such a facility in a rural area.~~

~~(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.~~

~~(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.~~

~~4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.~~

~~5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.~~

~~6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:~~

~~(a) The ultimate user's physical and mental condition is stable and is following a predictable course.~~

~~(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.~~

~~(c) A written plan of care by a physician or registered nurse has been established that:~~

~~(1) Addresses possession and assistance in the administration of the medication; and~~

~~(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.~~

~~(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.~~

~~(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.~~

~~7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:~~

~~(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.~~

~~(b) The residents of the facility reside in their own living units which:~~

~~(1) Except as otherwise provided in subsection 8, contain toilet facilities;~~
~~(2) Contain a sleeping area or bedroom; and~~
~~(3) Are shared with another occupant only upon consent of both occupants.~~
~~(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:~~
~~(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;~~
~~(2) The facility is committed to offering high quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;~~
~~(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;~~
~~(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;~~
~~(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;~~
~~(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and~~
~~(7) The facility is operated in such a manner as to foster a culture that provides a high quality environment for the residents, their families, the staff, any volunteers and the community at large.~~
~~8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:~~
~~(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and~~
~~(b) The exception, if granted, would not:~~
~~(1) Cause substantial detriment to the health or welfare of any resident of the facility;~~
~~(2) Result in more than two residents sharing a toilet facility; or~~
~~(3) Otherwise impair substantially the purpose of that requirement.~~
~~9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:~~

~~— (a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;~~

~~— (b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;~~

~~— (c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and~~

~~— (d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.~~

~~— 10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:~~

~~— (a) Facilities that only provide a housing and living environment;~~

~~— (b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and~~

~~— (c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.~~

~~— The regulations must provide that if a facility was originally constructed as a single family dwelling, the facility must not be authorized for more than eight beds.~~

~~— 11. The Board shall adopt regulations applicable to providers of community based living arrangement services which:~~

~~— (a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community based living arrangement services and each employee of a provider of community based living arrangement services who supervises or provides support to recipients of community based living arrangement services to complete training concerning the provision of community based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;~~

~~— (b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;~~

~~— (c) Require a natural person responsible for the operation of a provider of community based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community based living arrangement services; and~~

~~— (d) Require an applicant for a license to provide community based living arrangement services to post a surety bond in an amount equal to the operating~~

~~expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.~~

~~12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:~~

~~(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and~~

~~(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.~~

~~13. If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.~~

~~14. ***The Board shall adopt regulations to:***~~

~~***(a) Establish an aggregate annual maximum amount of payments that a program for hospice care may claim during each of the first 2 years after initial licensure;***~~

~~***(b) Require a program of hospice care to establish an independent review board to assess compliance with state, federal and local laws and regulations and ethical standards related to hospice care; and***~~

~~***(c) Prohibit persons with financial conflicts of interest from determining or assisting in any manner with a determination of whether a person is eligible to receive hospice care.***~~

~~***15.*** As used in this section:~~

~~(a) "Certified nurse-midwife" means a person who is:~~

~~(1) Certified as a Certified Nurse Midwife by the American Midwifery Certification Board, or its successor organization; and~~

~~(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.~~

~~(b) "Living unit" means an individual private accommodation designated for a resident within the facility.~~] **(Deleted by amendment.)**

Sec. 12. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ~~***[and sections 3 to 6, inclusive, of this act]***~~ upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ~~***[and sections 3 to 6, inclusive,***~~

~~*of this act,]*~~ or 449A.100 to 449A.124, inclusive, ***and section 17 of this act*** and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ~~*[and sections 3 to 6, inclusive, of this act]*~~ and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 13. ~~[NRS 449.163 is hereby amended to read as follows:~~

~~449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 3 to 6, inclusive, of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:~~

~~(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;~~

~~(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;~~

~~(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;~~

~~(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and~~

~~(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:~~

~~(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or~~

~~(2) Improvements are made to correct the violation.~~

~~2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.~~

~~3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:~~

~~(a) Suspend the license of the facility until the administrative penalty is paid; and~~

~~(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.~~

~~4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 3 to 6, inclusive, of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.~~

~~5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 3 to 6, inclusive, of this act,* 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.~~] **(Deleted by amendment.)**

Sec. 14. NRS 449.196 is hereby amended to read as follows:

449.196 ***1.*** No person, state or local government or agency may represent that it provides "hospice care" unless the program of care , either directly or indirectly]:

[~~1.~~ ***:]***

(a) [Has an administrator who has at least 5 years of experience in hospice or palliative medicine;

(b)] Has a medical director whose ***[who performs the]*** responsibilities are appropriate to the needs of the program ***[listed in section 5 of this act]*** and who:

[~~(a)~~] ***(1)*** Is a physician , ***[who:***

(I) Is] currently licensed ***[pursuant to chapter 630 or 633 of NRS]*** to practice ; ***[medicine or osteopathic medicine, as applicable;***

(II) Has at least 5 years of independent experience in the clinical practice of medicine or osteopathic medicine; and

(III) Is an employee of the person, state or local government or agency that provides the program of hospice care; and]

[~~(b)~~] ***(2)*** On the basis of training, experience and interest, is knowledgeable about the psychosocial ***[, spiritual]*** and medical aspects of hospice; and

[~~(c)~~] ***(3)*** Acts as a medical resource to the interdisciplinary team which provides the hospice care;

[~~2.~~ ***(c)]*** ***(b)*** Is provided to the patient, as needed, in the patient's home, at a residential facility and at a medical facility, at any time of the day or night;

[~~3.~~ ***(d)]*** ***(c)*** Includes medical, nursing, psychological and pastoral care and social services at the level required by the patient's condition ;

[~~4.~~ ***, including, without limitation, the following types of care:***

(1) Routine care in the home;

(2) General inpatient care for the management of pain and symptoms;

(3) Continuous in-home care for the acute management of symptoms; and

(4) Care for the patient which provides a respite from the stresses and responsibilities that result from the daily care of the patient;

~~*(e) Designates an interdisciplinary team for the patient to develop a plan of care for the patient and review and revise the plan of care at least once every 15 days in accordance with 42 C.F.R. § 418.56;*~~

~~*(f) Requires each person who provides care to a patient to adhere to the plan of care developed pursuant to paragraph (e);*~~

~~*(g) Provides for the visitation of the patient by a member of the interdisciplinary team of the patient at least once each week, and more frequently if required by the plan of care;*~~

~~*(h) Has a physician on call 24 hours each day, 7 days each week to respond to the needs of patients;*~~

~~*(i) Has entered into contracts with other facilities and providers of health care as necessary to allow the transfer of a patient if the patient requires care with respect to the management of pain or symptoms that the program is unable to provide;*~~

~~*(j)*~~ *(d)* Provides supportive services for the patient's immediate family and other persons with significant personal ties to the patient, whether or not related by blood, including :

~~[~~(a)~~]~~ *(1)* Care for the patient which provides a respite from the stresses and responsibilities that result from the daily care of the patient; and

~~[~~(b)~~]~~ *(2)* Emotional ~~*[emotional]*~~ support and other care after the patient dies; and

~~[~~5.~~]~~ ~~*(k)]*~~ *(e)* Includes the services of trained volunteers.

2. ~~*[Each employee of a program of hospice care must:*~~

~~*(a) Before beginning his or her employment, receive training on compliance with federal laws and regulations relating to hospice care and relevant requirements of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and*~~

~~*(b) Receive at least 40 hours of training annually concerning the elements of hospice care related to the role of the employee which must include, without limitation, training in ethics.*~~

~~*3.]*~~ *A program of hospice care shall:*

(a) Obtain the informed, written consent of the patient or his or her representative for all treatment and all decisions concerning the care of the patient; ~~*[and]*~~

(b) Maintain each document upon which written consent is provided pursuant to paragraph (a) for at least 5 years after the patient ceases receiving care from the program ~~*.]*~~ *;*

(c) Timely notify the patient or his or her representative if the program of hospice care has initiated filing claims for benefits on behalf of the patient;

(d) Provide a written notice to the patient or his or her representative that contains the contact information for the program of hospice care and the hours during which the program can be reached through the contact information provided;

(e) If the program of hospice care plans to cease operations or terminate the care of a patient, provide written notice of that fact to the patient or his

or her representative not less than 7 days before ceasing operations or terminating the care of the patient, as applicable; and

(f) Provide to the patient or his or her representative upon the admission of the patient a written notice that:

(1) States that the patient has the right to file a complaint against the program with the Division at any time;

(2) Describes the process through which a complaint may be made with the Division; and

(3) Contains the address of the Internet website and telephone number of the Division.

Sec. 15. NRS 449.197 is hereby amended to read as follows:

449.197 ~~[1.]~~ A licensed facility for hospice care may provide any of the following levels of care for terminally ill patients:

~~[(a)]~~ ***1.*** Medical care for a patient who is in an acute episode of illness;

~~[(b)]~~ ***2.*** Skilled nursing care;

~~[(c)]~~ ***3.*** Intermediate care;

~~[(d)]~~ ***4.*** Custodial care; and

~~[(e)]~~ ***5.*** Palliative services.

~~[2. A licensed facility for hospice care may provide direct supportive services to a patient's family and persons who provide care for the patient, including services which provide care for the patient during the day and other services which provide a respite from the stresses and responsibilities that result from the daily care of the patient.]~~

Sec. 16. ~~[NRS 449.240 is hereby amended to read as follows:~~

~~449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive [.] , *and sections 3 to 6, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 17. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every patient of a program of hospice care has the right to receive the care specified in paragraph ~~[(d)]~~ (c) of subsection 1 of NRS 449.196.

2. Not later than 15 days after a patient elects to receive care from a program of hospice care, the program of hospice care shall provide to the patient or the patient's legal representative an explanation of the services available through the program. The explanation must include, without limitation, a statement of the rights prescribed by subsection 1.

3. As used in this section, "program of hospice care" means a program of hospice care described in NRS 449.196.

Sec. 18. NRS 449A.118 is hereby amended to read as follows:

449A.118 1. Every medical facility and facility for the dependent shall inform each patient or the patient's legal representative, upon the admission of the patient to the facility, of the patient's rights as listed in NRS 449A.100 and 449A.106 to 449A.115, inclusive ~~[.]~~ ***, and section 17 of this act.***

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449A.218, the facility shall inform the patient of his or her rights pursuant to NRS 449A.200 to 449A.263, inclusive.

3. In addition to the requirements of subsections 1 and 2, every hospital shall, upon the admission of a patient to the hospital, provide to the patient or the patient's legal representative:

(a) Notice of the right of the patient to:

(1) Designate a caregiver pursuant to NRS 449A.300 to 449A.330, inclusive; and

(2) Express complaints and grievances as described in paragraphs (b) to (f), inclusive;

(b) The name and contact information for persons to whom such complaints and grievances may be expressed, including, without limitation, a patient representative or hospital social worker;

(c) Instructions for filing a complaint with the Division;

(d) The name and contact information of any entity responsible for accrediting the hospital;

(e) A written disclosure approved by the Director of the Department of Health and Human Services, which written disclosure must set forth:

(1) Notice of the existence of the Bureau for Hospital Patients created pursuant to NRS 232.462;

(2) The address and telephone number of the Bureau; and

(3) An explanation of the services provided by the Bureau, including, without limitation, the services for dispute resolution described in subsection 3 of NRS 232.462; and

(f) Contact information for any other state or local entity that investigates complaints concerning the abuse or neglect of patients.

4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

➥ As used in this subsection, "major hospital" has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

(2) Instructions for arranging to make payment;

(b) Be written in language that is easy to understand; and

(c) Be written in English and Spanish.

Sec. 19. ~~[1. A program of hospice care operating in this State on January 1, 2026, is exempt from the requirements of subsections 1 and 2 of section 3 of this act until July 1, 2026.~~

~~2. A program of hospice care that holds a valid license to operate in this State on January 1, 2026, is not subject to the requirements of paragraph (a) of subsection 14 of NRS 449.0302, as amended by section 11 of this act, and any regulations adopted pursuant thereto.~~

~~3. As used in this section, "hospice care" has the meaning ascribed to it in NRS 449.0115.]~~ **(Deleted by amendment.)**

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 288.

AN ACT relating to public safety; prohibiting the release of certain balloons that are lighter than air under certain circumstances; providing for the imposition of civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain acts concerning public safety. (NRS 202.500-202.595) Currently, at least 10 other states prohibit the release of certain types of balloons that are lighter than air under certain circumstances. (Cal. Penal Code § 653.1; Conn. Gen. Stat. § 26-25c; Del. Code Ann. tit. 16, § 1604; Fla. Stat. § 379.233; Haw. Rev. Stat. § 339-12; Me. Rev. Stat. Ann. tit. 17 § 2263-A; Md. Code Ann., Envir. § 9-2301; R.I. Gen. Laws § 23-96-1; Tenn. Code Ann. § 68-101-108; Va. Code Ann. § 29.1-556.1) This bill: (1) prohibits intentionally releasing, organizing the release of or intentionally causing the release of ~~[10 or more certain balloons]~~ **a balloon** inflated with a gas that is lighter than air **;** ~~[within a 24-hour period;]~~ (2) provides for the imposition of civil penalties that may be recovered by the Attorney General or a district or city attorney in a civil action; and (3) exempts certain balloons from the prohibition such as hot air balloons, certain balloons used for research and balloons that are released and remain indoors.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. No person shall intentionally release, organize the release of or intentionally cause ~~[to be released 10 or more balloons]~~ the release of a balloon inflated with a gas that is lighter than air . ~~[within a 24-hour period.]~~

2. A person who violates the provisions of subsection 1 is subject to a civil penalty not to exceed $250. ~~[Each balloon released in a 24-hour period in excess of the limit imposed in subsection 1 constitutes a separate violation.]~~

3. A civil penalty imposed pursuant to subsection 2 must be recovered in a civil action brought by the Attorney General or by the district attorney or city attorney for the jurisdiction in which the violation occurred.

4. Any civil penalty collected pursuant to this section by:

(a) The Attorney General must be paid to the State Treasurer for credit to the State General Fund.

(b) A district attorney or city attorney must be deposited in the county or city treasury, as applicable.

5. The Attorney General or the district attorney or city attorney of a county or city, as applicable, in which a person releases a balloon in violation of subsection 1 may bring an action to enjoin the violation.

6. As used in this section, "balloon" means any balloon made of nonbiodegradable material or biodegradable material that requires more

than 5 minutes of contact with air or water to degrade. The term does not include:

(a) A hot air balloon that is recovered after launching;

(b) A balloon used in a governmental or scientific research project; or

(c) A balloon that is released and remains indoors.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 279.

CONTAINS UNFUNDED MANDATE ~~[(§§ 2–5)]~~ **(§§ 2, 3-5)**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to governmental administration; **requiring certain persons who qualify for certain preferences in bidding on a public work to certify, under certain conditions, that the persons will ensure that any nonstandard good or material procured for the public work is custom fabricated in this State;** requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; requiring the payment of prevailing wages to workers who perform custom fabrication on any project financed or otherwise undertaken by the Tahoe-Douglas Visitor's Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) **Section 2** of this bill provides that workers who perform custom fabrication on a public work must also be paid such a prevailing wage. **Section 1** of this bill: (1) defines the term "custom fabrication"; (2) defines the term "nonstandard good or material"; and (3) revises the definition of "worker" to include a worker who performs custom fabrication.

Under existing law, performance contracts for certain operating cost-savings measures entered into by local governments and state agencies must contain in express terms the hourly and daily rate of wages to be paid to each class of mechanics and workers. Such wages must not be less than the prevailing wage in the region in which the local government or state agency is located. (NRS

332.390, 333A.120) Similar to **section 1, sections 3 and 4** of this bill, respectively, provide that workers who perform custom fabrication must also be paid such a prevailing wage.

The Tahoe-Douglas Visitor's Authority Act requires the payment of prevailing wages on any project financed or otherwise undertaken by the Tahoe-Douglas Visitor's Authority that requires the employment of certain workers even if the project does not qualify as a public work. (Section 33 of chapter 375, Statutes of Nevada 2019, at page 2364) **Section 5** of this bill provides that workers who perform custom fabrication on such a project must also be paid prevailing wages.

Section 6 of this bill provides that the requirement to pay prevailing wage to workers who perform custom fabrication does not apply to a public works contract or performance contract awarded before January 1, 2026.

Existing law provides that as a condition of receiving certain preferences in bidding on a public work, a contractor, an applicant or a design-build team is required to submit to the public body sponsoring or financing the public work, a signed affidavit which makes certain certifications. (NRS 338.0117) Section 1.5 of this bill requires an additional certification that if the public work requires the procurement of any nonstandard good or material and is located in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the contractor, applicant or design-build team and any subcontractor engaged on the public work will: (1) ensure that each nonstandard good or material is custom fabricated in this State; and (2) maintain and make available for inspection certain records concerning each nonstandard good or material procured for the public work. Sections 2.3 and 2.7 of this bill make conforming changes to refer to provisions that have been renumbered in section 1.5.

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the

determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

4. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

5. ***"Custom fabricated" and "custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific public work.***

6. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~[6.]~~ ***7.*** "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~[7.]~~ ***8.*** "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[8.]~~ ***9.*** "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~[9.]~~ ***10.*** "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple

construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.

~~[10.]~~ ***11.*** "Division" means the State Public Works Division of the Department of Administration.

~~[11.]~~ ***12.*** "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[12.]~~ ***13.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[13.]~~ ***14.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[14.]~~ ***15.*** "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~[15.]~~ ***16.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[16.]~~ ***17. "Nonstandard good or material" includes, without limitation, any nonstandard good or material used in any of the following building systems:***

(a) Plumbing or pipe fitting;

(b) Ventilation system;

(c) Air-conditioning system;

(d) Heating system;

(e) Sheet metal or any other sheet metal product; and

(f) Signage, including, without limitation, any illuminated or unilluminated sign.

18. "Offense" means:

(a) Failing to:

(1) Pay the prevailing wage required pursuant to this chapter;

(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(4) Comply with subsection 5 or 6 of NRS 338.070.

(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.

~~[17.]~~ ***19.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[18.]~~ ***20.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[19.]~~ ***21.*** "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

~~[20.]~~ ***22.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[21.]~~ ***23.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[22.]~~ ***24.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[23.]~~ ***25.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[24.]~~ ***26.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[25.]~~ ***27.*** "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

~~[26.]~~ ***28.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

~~[27.]~~ ***29.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker ***,*** ~~[or]~~ unskilled worker ***or worker who performs custom fabrication*** in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 1.5. **NRS 338.0117 is hereby amended to read as follows:**

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must

submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; ~~[and]~~

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work ~~[.]~~ ***; and***

(e) If the public work requires the procurement of any nonstandard good or material and is located in a county whose population is 100,000 or more, the contractor, applicant or design-build team and any subcontractor engaged on the public work will:

(1) Ensure that each nonstandard good or material is custom fabricated in this State; and

(2) Maintain and make available for inspection within this State his or her records concerning each nonstandard good or material procured for the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply

with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. In addition to any other remedy or penalty provided by law, a public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:

(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1; and

(c) No other party to the contract is liable to the public body for a penalty.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 2. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the region in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or

(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the region where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 2.3. **NRS 338.1389 is hereby amended to read as follows:**

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to

the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public

works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss

the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 2.7. **NRS 338.147 is hereby amended to read as follows:**

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on

an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 3. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds $100,000, the qualified service company must furnish to the contracting body any bonds

required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

3. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 4. NRS 333A.120 is hereby amended to read as follows:

333A.120 ***1.*** If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.

2. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 5. Section 33 of the Tahoe-Douglas Visitor's Authority Act, being chapter 375, Statutes of Nevada 2019, at page 2364, is hereby amended to read as follows:

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication, as defined in NRS 338.010,*** to perform the project; and

2. Does not qualify as a public work, as defined in NRS 338.010,

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract or agreement.

Sec. 6. The amendatory provisions of this act do not apply to any contract to which the provisions of:

1. NRS 338.020 to 338.090, inclusive;
2. NRS 332.390; or

3. NRS 333A.120,

➥ apply, that is awarded before January 1, 2026.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 223.

Bill read second time.

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

Amendment No. 46.

[ASSEMBLYMEMBER] ASSEMBLYMEMBERS CONSIDINE **; ANDERSON, KARRIS, MOSCA, ROTH AND WATTS**

AN ACT relating to real property; authorizing a tenant whose landlord fails to remedy a failure to maintain a dwelling unit in **a** habitable condition to file a verified complaint for expedited relief; revising certain provisions relating to the content **[and form]** of written rental agreements; revising provisions relating to the **[acceptance and]** payment of rent; revising provisions relating to requirements for habitability; revising provisions relating to the remedies a tenant is authorized to pursue if a landlord fails to remedy certain breaches or failures relating to habitability; providing that certain items and services constitute essential items and services for purposes of such provisions; revising the amounts which a tenant is authorized to recover from a landlord who takes certain unlawful actions or fails to make required disclosures; requiring a landlord to, under certain circumstances, provide a tenant who has terminated a rental agreement with a reasonable length of time to gather his or her belongings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[Sections 2 and] Section 3 of this bill **[define] defines** the **[terms "actual damages" and "diminution] term "loss** of **[the value of a dwelling unit"] value"** for purposes of the provisions set forth in existing law governing the relationship between landlords and tenants. (Chapter 118A of NRS)

Existing law requires a written rental agreement to contain provisions relating to certain subjects, including **[, without limitation: (1) the amount of rent and the manner and time of its payment; (2) fees which are required and the purposes for which they are required; and (3)]** certain information concerning the contact information of the landlord or his or her authorized

representative. (NRS 118A.200) **Section 6** of this bill ~~[: (1) requires such provisions relating to rent to include information concerning the requirements set forth in sections 7 and 8 of this bill; and (2)]~~ requires the electronic mail address of the landlord or his or her authorized representative to be included in ~~[certain]~~ **such** provisions. ~~[Section 6 additionally requires: (1) the provision relating to fees to instead require information concerning any fees which are required to be paid or may be incurred by a tenant and the purposes for which they are required or reasons that they may be incurred; and (2) such information to be listed on a single sheet of paper immediately after certain information that existing law requires to be on the first page of the written rental agreement.]~~

Existing law provides that the absence of a written agreement raises certain disputable presumptions, including a presumption that maintenance and waste removal services are provided without charge to the tenant. (NRS 118A.200) **Section 6** additionally includes the provision of utility services at no charge to the tenant in such a presumption.

Existing law sets forth certain provisions governing the payment of rent by a tenant and the delivery of certain signed written receipts to a tenant. (NRS 118A.210, 118A.250) ~~[Section 7 requires a landlord to accept, at no charge to the tenant, at least one of the following methods of payment for rent: (1) money order; (2) personal check; (3) cashier's check; or (4) cash.]~~ **Section 8 of this bill** requires a landlord to provide a written receipt to a tenant upon the receipt of ~~[any]~~ **each** payment of rent.

Existing law requires a landlord, at all times during a tenancy, to maintain a dwelling unit in **a** habitable condition and provides that a dwelling unit is not habitable if it violates provisions of certain housing or health codes or if it substantially lacks certain things, including floors, walls, ceilings, stairways and railings which are maintained in good repair. (NRS 118A.290) **Section 9** of this bill additionally provides that a dwelling unit is not habitable if it substantially lacks: (1) doors and windows which are maintained in good repair; (2) effective measures in place to control the presence of rodents, insects and vermin; (3) effective measures in place to prevent exposure to unsafe levels of radon, lead paint, asbestos, toxic mold and other hazardous substances; (4) in the dwelling unit and any other part of the areas on the premises under the landlord's control, locks which are **maintained** in good repair on all exterior doors and all windows which are capable of being opened; and (5) safety equipment which is required by law to be included in the dwelling unit maintained in good working order.

Existing law requires, if a landlord fails to comply with a rental agreement, a tenant to deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will be terminated. Existing law further authorizes, if the landlord fails to remedy the breach or make a reasonable effort to do so within 14 days after receipt of the notice, a tenant to: (1) terminate the rental agreement immediately; (2) recover actual damages; and (3) apply to the court for such relief as the court deems

proper under the circumstances. (NRS 118A.350) **Section 10** of this bill authorizes the tenant to terminate the rental agreement without incurring any fee which is assessed by the landlord for the early termination of a rental agreement and authorizes the tenant to additionally provide the landlord with written notice of the intent of the tenant to terminate the rental agreement on a date which is not later than 60 days after the date the notice is provided to the landlord. **Sections 11 and 12** of this bill similarly authorize tenants whose landlords have failed to maintain a dwelling unit in a habitable condition or supply essential items and services to terminate a rental agreement in this manner. (NRS 118A.355, 118A.380)

Existing law further prohibits a tenant from taking certain remedial actions if the breach is remediable and the landlord adequately remedies the breach or uses his or her best efforts to remedy the breach within 14 days after receipt of the notice. (NRS 118A.350) **Section 10** instead provides that a tenant is prohibited from taking such remedial actions if the breach is remediable and the landlord remedies the breach within the prescribed time. Existing law additionally prohibits a tenant from taking such remedial actions unless the tenant has provided the landlord with certain notice but authorizes the tenant to recover actual damages without such notice if the landlord: (1) admits to the court that the landlord had knowledge of the condition constituting the breach; or (2) has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes. (NRS 118A.350) **Section 10** instead authorizes the tenant to recover actual damages without providing such notice if the landlord: (1) received written notice of that condition from such a governmental agency; or (2) had actual knowledge of the condition constituting the breach. **Sections 11 and 12** similarly, for tenants whose landlords have failed to maintain a dwelling unit in a habitable condition or supply essential items and services: (1) remove language which would prohibit such tenants from taking certain remedial actions if the landlord has failed to adequately remedy the failure or used his or her best efforts to remedy the concern; and (2) revise the circumstances under which a tenant is authorized to take certain remedial actions without providing notice. (NRS 118A.355, 118A.380)

Existing law authorizes a tenant whose landlord has failed to maintain a dwelling unit in a habitable condition to take certain remedial actions if a landlord fails to adequately remedy the failure or use his or her best efforts to remedy the failure within a certain period of time. (NRS 118A.355) **Section 4** of this bill authorizes a tenant, in addition to such remedial actions, to file a verified complaint for expedited relief with the court ~~[within 15 judicial days after the failure of the landlord to remedy the failure]~~ and sets forth procedures relating to the filing, hearing and disposition of such a verified complaint. **Section 4** also: (1) authorizes a tenant who files such a verified complaint to withhold any rent that becomes due without incurring late fees, charges for notice or certain other charges until the landlord has remedied the failure; (2) authorizes the court to order that such rent be placed into an escrow account

which is maintained or approved by the court; and (3) requires the payment of all costs and official fees for any tenant who files such a verified complaint to be deferred and later assessed against the party that does not prevail. **Section 17** of this bill authorizes a tenant to provide a copy of the notice provided to a landlord to a district board of health for purposes of certain provisions relating to the inspection of and administrative proceedings concerning health hazards, in addition to any remedy provided in **section 4**.

Existing law further requires justice courts to establish by local rule a mechanism by which tenants that withhold rent under such circumstances may deposit such rent into an escrow account maintained or approved by the court. (NRS 118A.355) **Section 11**: (1) requires such rules to additionally provide for the deposit of rent withheld pursuant to **section 4**; and (2) prohibits a court from releasing any money deposited into such accounts until the time period to file an appeal has run.

Existing law authorizes, under certain circumstances, a tenant to withhold any rent that becomes due without incurring certain charges until the landlord has remedied, or has attempted in good faith to remedy, certain failures to maintain a dwelling in a habitable condition. Existing law further provides that a tenant who takes such actions does not have a defense to an eviction unless the tenant has deposited the withheld rent into an escrow account maintained or approved by the court. (NRS 118A.355) Section 11 instead provides that a tenant does not have such a defense unless: (1) he or she has deposited the withheld rent minus any applicable loss of value, into such an escrow account; or (2) the court determines, at the time of the hearing, that the tenant has otherwise retained or is capable of paying the withheld rent minus any applicable loss of value.

Existing law additionally prohibits a tenant whose landlord has failed to maintain a dwelling unit in a habitable condition from taking certain remedial actions if the condition was caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent. (NRS 118A.355) **Section 11** prohibits such a tenant from taking such remedial actions, including filing a verified complaint for expedited relief pursuant to **section 4**, if the condition was proven, by clear and convincing evidence, to have been caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent who is not another tenant, or guest thereof, ~~[who is]~~ on the premises pursuant to a separate rental agreement. **Section 12** similarly prohibits a tenant whose landlord has willfully or negligently failed to supply essential items or services from taking certain remedial actions under such circumstances. (NRS 118A.380)

Existing law authorizes a tenant to take certain remedial actions if his or her landlord willfully or negligently fails to supply essential items or services and by doing so, caused the premises to become unfit for habitation. Existing law further provides a nonexhaustive list of certain items and services which

constitute essential items or services, including, heat, air-conditioning, running water, hot water, electricity, gas and a functioning door lock. (NRS 118A.380) **Section 12** includes in such a list a functioning window lock and functional safety equipment.

Existing law authorizes a tenant to take certain actions and recover actual damages or an amount not greater than $2,500 which is fixed by a court, or both, if a landlord: (1) unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises; (2) willfully interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or by law; or (3) recovers possession of the dwelling unit under certain other circumstances which are prohibited by existing law. (NRS 118A.390) **Section 13** of this bill: (1) revises the monetary amount that a tenant is authorized to recover by instead providing that the tenant is authorized to recover an amount which is three times the periodic rent or the tenant's actual damages, whichever is greater; and (2) additionally authorizes such remedial measures in circumstances where a landlord negligently interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or by law. **Section 15** of this bill makes a conforming change to make the revisions made by **section 13** inapplicable to provisions governing liability of a landlord who unlawfully retains the household goods or personal property of a tenant. (NRS 118A.520) **Section 16** of this bill makes a conforming change to require certain notices provided to a tenant to include notice of the ability of the tenant to seek relief if a landlord negligently interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or by law. (NRS 40.253)

Section 13: (1) requires a landlord to provide a tenant who terminates his or her rental agreement under certain circumstances to provide the tenant with a reasonable length of time to gather his or her belongings; (2) provides that a landlord who was provided notice by a tenant which specified the willful or negligent failure to supply essential items or services and failed to remedy the breach is presumed to have negligently caused the interruption of **the** essential items ~~[and]~~ **or** services; and (3) provides that a landlord may overcome such a presumption by showing clear and convincing evidence that the restoration could not be accomplished within the notice period. Finally, **section 13** ~~[extends]~~ **removes** the ~~[length of time]~~ **requirement** for a tenant to file certain verified complaints for expedited relief with the court ~~[from]~~ 5 judicial days after the last date of the unlawful act by the landlord**.** ~~[to 15 judicial days after the last date on which the unlawful conduct of the landlord occurred.]~~ (NRS 118A.390)

Existing law: (1) requires a landlord, or any person authorized to enter into a rental agreement on his or her behalf, to disclose certain information to a tenant in writing before the commencement of a tenancy or to post such information in certain areas; and (2) authorizes a tenant to recover actual damages or $25, whichever is greater, after a demand if the landlord fails to

make such disclosures or postings. (NRS 118A.260, 118A.270, 118A.410) **Section 14** of this bill instead provides that a tenant is authorized to recover actual damages or an amount equal to ~~[1 month]~~ **5 percent** of **the periodic** rent, whichever is greater, under such circumstances.

Section 5 of this bill makes a conforming change to indicate the placement of ~~[sections 2 and]~~ **section 3** in the Nevada Revised Statutes.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*[“Actual damages” means damages which compensate for any direct, consequential or incidental injuries or losses, including, without limitation, any amount payable to a landlord or tenant under a rental agreement for a violation of the rental agreement or any such amount based on the diminution of the value of a dwelling unit. The term does not include any attorney’s fees or any business expenses which are charged on a pro rata basis pursuant to the provisions of a rental agreement.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Diminution]*~~ ***“Loss*** *of* ~~*[the value of a dwelling unit”]*~~ ***value”*** *means a portion of the rent of a dwelling unit which* ~~*[reflects, as determined by the court with or without expert testimony,]*~~ **:**

(a) Reflects the amount of rent to be deducted from the periodic rent of the dwelling unit; and

(b) Is based on *the extent to which a condition of the premises which violates the provisions of this chapter or a rental agreement impairs the use and enjoyment of the dwelling unit by the tenant.*

Sec. 4. *1. If a tenant provides written notice to a landlord pursuant to subsection 1 of NRS 118A.355 and the landlord fails to remedy a failure to maintain the dwelling unit in a habitable condition within the time prescribed in NRS 118A.355, the tenant may file a verified complaint for expedited relief with the court.* ~~*[When]*~~ ***Upon*** *filing a verified complaint pursuant to this subsection, a tenant may withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement.*

2. A verified complaint filed pursuant to subsection 1 must state:

(a) The manner in which the tenant provided notice of each failure to the landlord;

(b) The date on which the tenant provided notice of each failure to the landlord;

(c) An estimate of what the tenant believes is the ~~*[diminution]*~~ ***loss*** *of* ~~*[the]*~~ *value* **;** ~~*[of the dwelling unit;]*~~

(d) A description of each failure which is the subject of the notice; and

(e) Whether the tenant is withholding rent **.** ~~*[pursuant to subsection 1.]*~~

3. A verified complaint filed pursuant to subsection 1:

(a) ~~[Must be filed with the court within 15 judicial days after the last day provided to the landlord to remedy the failure, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.~~

~~(b)]~~ May be consolidated with any action for summary eviction or unlawful detainer that is already pending between the landlord and tenant.

~~[(c)]~~ (b) May be raised as a defense in an action for summary eviction or unlawful detainer.

4. The court shall conduct a hearing on a verified complaint filed pursuant to subsection 1 not later than 7 ~~[judicial]~~ calendar days after the filing of the verified complaint ~~.]~~ unless the court determines that good cause exists to extend such time. Before or at the scheduled hearing, the tenant must provide to the court proof that the landlord has been properly served with a copy of the verified complaint. Upon the hearing, if the court determines that the landlord has violated the provisions of subsection 1 of NRS 118A.355, the court may:

(a) Order the landlord to remedy each failure specified in the verified complaint;

(b) Award actual damages; and

(c) Enjoin the landlord from unlawfully removing the tenant from the dwelling unit or excluding the tenant by blocking or attempting to block the tenant's entry upon the dwelling unit and, if the circumstances so warrant:

(1) Hold the landlord in contempt of court; or

(2) Abate the rent owed by the tenant in total or in part, in addition to any amount of rent owed which is reduced pursuant to subsection 5.

5. If a tenant has withheld rent pursuant to subsection 1, the court shall determine the amount of rent that the tenant owes to the landlord during the period of time in which one or more failures specified in the verified complaint exist by subtracting the ~~[diminution]~~ loss of ~~[the]~~ value ~~[of the dwelling unit]~~ from the rent owed by the tenant pursuant to the rental agreement. The court may order that any such rent which is currently owed by the tenant or will be owed by the tenant be placed into an escrow account which is maintained or approved by the court. A landlord is not eligible to receive any money placed into an escrow account pursuant to this subsection until the landlord submits to the court evidence that the failure has been remedied.

6. The payment of all costs and fees must be deferred for any tenant who files a verified complaint for expedited relief pursuant to this section. After any hearing and not later than the final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce or waive the costs and fees, as justice may require.

Sec. 5. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, ***and*** ~~***[sections 2 and]***~~ ***section 3 of this act*** ~~***,]***~~ have the meanings ascribed to them in those sections.

Sec. 6. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~***[, which must include, without limitation, information concerning:***~~

~~***(1) The method or methods of payment of rent which the landlord will accept pursuant to NRS 118A.210 at no charge to the tenant; and***~~

~~***(2) The process by which the landlord will provide a signed written receipt pursuant to NRS 118A.250 for the payment of rent.]***~~

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees ~~***[Any fees]***~~ which are required ~~***[to be paid or may be incurred by a tenant]***~~ and the purposes for which they are required ~~***[for reasons that they may be incurred.]***~~

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address ***, electronic mail address*** and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address ***, electronic mail address*** and telephone number of the landlord or his or her authorized representative.

5. ~~*[The information about fees required pursuant to paragraph (c) of subsection 3 to be included in a written rental agreement must be listed on a single sheet of paper immediately after the information required pursuant to subsection 4 on the first page of the agreement.*~~

~~*6.]*~~ The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance ***, utility*** and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~*[7.]*~~ It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ~~*[8.]*~~ As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 7. ~~[NRS 118A.210 is hereby amended to read as follows:~~

~~118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.~~

~~*2. A landlord shall accept, at no charge to a tenant, at least one of the following methods of payment of rent:*~~

~~*(a) Money order;*~~

~~*(b) Personal check;*~~

~~*(c) Cashier's check; or*~~

~~*(d) Cash.*~~

~~*3.* Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.~~

~~[3.] *4.* In the absence of an agreement, either written or oral:~~

~~(a) Rent is payable at the beginning of the tenancy; and~~

~~(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.~~

~~[4.] *5.* A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:~~

~~(a) In a tenancy that is longer than week to week, no late fee may be charged or imposed until at least 3 calendar days after the date that rent is due;~~

~~(b) Such a late fee must not exceed 5 percent of the amount of the periodic rent; and~~

~~(c) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.~~] **(Deleted by amendment.)**

Sec. 8. NRS 118A.250 is hereby amended to read as follows:

118A.250 ***1.*** The landlord shall deliver to the tenant upon the tenant's request a signed written receipt for the security deposit or surety bond, or a combination thereof, and any other payments, deposits or fees, including rent, paid by the tenant and received by the landlord. The tenant may refuse to make rent payments until the landlord tenders the requested receipt.

2. The landlord shall provide a signed written receipt to a tenant upon the receipt of each payment of rent. Nothing in this subsection prohibits a tenant from requesting an additional signed written receipt pursuant to subsection 1.

Sec. 9. NRS 118A.290 is hereby amended to read as follows:

118A.290 1. The landlord shall at all times during the tenancy maintain the dwelling unit in a habitable condition. A dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation of the dwelling unit or if it substantially lacks:

(a) Effective waterproofing and weather protection of the roof and exterior walls, including windows and doors.

(b) Plumbing facilities which conformed to applicable law when installed and which are maintained in good working order.

(c) A water supply approved under applicable law, which is:

(1) Under the control of the tenant or landlord and is capable of producing hot and cold running water;

(2) Furnished to appropriate fixtures; and

(3) Connected to a sewage disposal system approved under applicable law and maintained in good working order to the extent that the system can be controlled by the landlord.

(d) Adequate heating facilities which conformed to applicable law when installed and are maintained in good working order.

(e) Electrical lighting, outlets, wiring and electrical equipment which conformed to applicable law when installed and are maintained in good working order.

(f) An adequate number of appropriate receptacles for garbage and rubbish in clean condition and good repair at the commencement of the tenancy. The landlord shall arrange for the removal of garbage and rubbish from the premises unless the parties by written agreement provide otherwise.

(g) Building, grounds, appurtenances and all other areas under the landlord's control at the time of the commencement of the tenancy in every part clean, sanitary and reasonably free from all accumulations of debris, filth, rubbish, garbage, rodents, insects and vermin.

(h) ***Effective measures in place to:***

(1) Control the presence of rodents, insects and vermin; and

(2) Prevent exposure to unsafe levels of radon, lead paint, asbestos, toxic mold and other hazardous substances.

(i) Floors, walls, ***doors, windows,*** ceilings, stairways and railings maintained in good repair.

~~[(i)]~~ ***(j)*** Ventilating, air-conditioning and other facilities and appliances, including elevators, maintained in good repair if supplied or required to be supplied by the landlord.

(k) In the dwelling unit and all other areas on the premises under the landlord's control, locks or other security devices maintained in good repair and located on all exterior doors and all windows which are capable of being opened.

(l) Safety equipment maintained in good working order, which is required by law to be included in the dwelling unit.

2. The landlord and tenant may agree that the tenant is to perform specified repairs, maintenance tasks and minor remodeling only if:

(a) The agreement of the parties is entered into in good faith; and

(b) The agreement does not diminish the obligations of the landlord to other tenants in the premises.

3. An agreement pursuant to subsection 2 is not entered into in good faith if the landlord has a duty under subsection 1 to perform the specified repairs, maintenance tasks or minor remodeling and the tenant enters into the agreement because the landlord or his or her agent has refused to perform them.

4. Except as otherwise provided in subsection 5, the landlord shall not require a tenant to pay any fee or other charge for the performance of any repairs, maintenance tasks or other work for which the landlord has a duty under subsection 1 to perform, including, without limitation, any fee or other

charge to cover the costs of any deductible or copayment under a policy of insurance for home protection or service contract for the performance of any such repairs, maintenance tasks or other work.

5. The landlord may require a tenant to pay any fee or other charge for the performance of any repairs, maintenance tasks or other work necessary for a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent.

6. As used in this section:

(a) "Insurance for home protection" has the meaning ascribed to it in NRS 690B.100.

(b) "Service contract" has the meaning ascribed to it in NRS 690C.080.

Sec. 10. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement, the tenant shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord ~~[adequately]~~ remedies the breach ~~[or uses his or her best efforts to remedy the breach]~~ within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach ~~[or make a reasonable effort to do so]~~ within the prescribed time, the tenant may:

(a) ~~[Terminate]~~ ***Without incurring any fee which is assessed by the landlord for the early termination of a rental agreement, terminate*** the rental agreement ***by providing the landlord with written notice of the intent of the tenant to terminate the rental agreement*** immediately ~~[.]~~ ***or on a date which is not later than 60 days after the date the notice is provided to the landlord.***

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

2. The tenant may not terminate the rental agreement for a condition ***which is proven by clear and convincing evidence to be*** caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent ~~[.]~~ ***who is not another tenant, or guest thereof, ~~[who is]~~ on the premises pursuant to a separate rental agreement.***

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice, recover damages under paragraph (b) of subsection 1 if the landlord:

(a) ~~[Admits to the court that the landlord had]~~ ***Had actual*** knowledge of the condition constituting the breach; or

(b) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

Sec. 11. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If ~~[a failure is remediable and]~~ the landlord ~~[adequately]~~ remedies the failure ~~[or uses his or her best efforts to remedy the failure]~~ within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a ~~[material]~~ failure to maintain the dwelling unit in a habitable condition ~~[or to make a reasonable effort to do so]~~ within the prescribed time, the tenant may ~~[:]~~ ***file a verified complaint pursuant to section 4 of this act or:***

(a) ~~[Terminate]~~ ***Without incurring any fee which is assessed for the early termination of a rental agreement, terminate*** the rental agreement ***by providing the landlord with written notice of the intent of the tenant to terminate the rental agreement*** immediately ~~[.]~~ ***or on a date which is not later than 60 days after the notice is provided to the landlord.***

(b) Recover actual damages.

(c) ~~[Apply to the court for such relief as the court deems proper under the circumstances.~~

~~(d)]~~ Withhold any rent that becomes due without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement until the landlord has remedied ~~[, or has attempted in good faith to remedy,]~~ the failure.

2. The tenant may not proceed under this section ~~[:]~~ ***or section 4 of this act:***

(a) For a condition ***which is proven by clear and convincing evidence to be*** caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent ~~[;]~~ ***who is not another tenant, or guest thereof, ~~[who is]~~ on the premises pursuant to a separate rental agreement;*** or

(b) If the landlord's inability to ~~[adequately]~~ remedy the failure ~~[or use his or her best efforts to remedy the failure]~~ within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section ***or section 4 of this act*** unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) ~~[Admits to the court that the landlord had]~~ ***Had actual*** knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph ~~[(d)]~~ ***(c)*** of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy ~~[or attempt in good faith to remedy]~~ the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph ~~[(d)]~~ ***(c)*** of subsection 1 ***or pursuant to section 4 of this act*** into an escrow account maintained or approved by the court. ***A court shall not release any money deposited into an escrow account pursuant to this section or section 4 of this act until the time period to file an appeal has run.***

6. A tenant does not have a defense to an eviction under paragraph ~~[(d)]~~ ***(c)*** of subsection 1 unless ~~[the]~~ ***:***

(a) The tenant has deposited the withheld rent ***minus any applicable loss of value*** into an escrow account pursuant to ~~[this]~~ subsection ~~[.4]~~ ***5; or***

(b) The court ~~[shall not release any money deposited into an escrow account pursuant to this section or section 4 of this act until]~~ determines, at the time of the hearing, that the tenant has otherwise retained or is capable of paying the ~~[time period to file an appeal has run.]~~ withheld rent minus any applicable loss of value.

Sec. 12. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock ***, a functioning window lock, functional safety equipment*** or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not ~~[adequately]~~ remedy the breach ~~[, or use his or her best efforts to remedy the breach]~~ within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) ***Without incurring any fee which is assessed for the early termination of a rental agreement, terminate the rental agreement by providing the landlord with written notice of the intent of the tenant to terminate the rental agreement immediately or on a date which is not later than 60 days after the notice is provided to the landlord;***

(d) Withhold any rent that becomes due during the landlord's noncompliance without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has ~~[attempted in good faith to restore]~~ ***restored*** the essential items or services; ~~[or~~

~~(d)]~~ ***(e) Proceed under NRS 118A.390; or***

(f) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) ~~[Admits to the court that the landlord had]~~ ***Had actual*** knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph ~~[(c)]~~ ***(d)*** of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy ~~[or attempt in good faith to remedy]~~ the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph ~~[(c)]~~ ***(d)*** of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was ***proven by clear and convincing evidence to be*** caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent ~~[,]~~ ***who is not another tenant, or guest thereof, ~~[who is]~~ on the premises pursuant to a separate rental agreement,*** the tenant has no rights under this section.

Sec. 13. NRS 118A.390 is hereby amended to read as follows:

118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully ***or negligently*** interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or this chapter or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480, the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover ***an amount which is three times the periodic rent or*** the tenant's actual damages, ~~[receive an amount not]~~ ***whichever is*** greater ***.*** ~~[than $2,500 to be fixed by the court, or both.]~~

2. ~~[In determining the amount, if any, to be awarded under subsection 1, the court shall consider:~~

~~(a) Whether the]~~ ***If a*** landlord ~~[acted in good faith;~~

~~(b) The course of conduct between the landlord and the tenant; and~~

~~(c) The degree of harm to the tenant caused by the landlord's conduct.]~~ ***was provided notice pursuant to subsection 1 of NRS 118A.380 and failed to remedy the breach, the landlord is presumed to have negligently caused the interruption of the essential items or services and may overcome this presumption only if the landlord shows by clear and convincing evidence that the restoration could not be accomplished within the notice period.***

3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall ~~[return]~~ ***:***

(a) Provide the tenant with a reasonable length of time to gather his or her belongings; and

(b) Return all prepaid rent and any security deposit recoverable under this chapter.

4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises, the willful ***or negligent*** interruption of any essential item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.

5. A verified complaint for expedited relief ~~[:~~

~~(a) Must be filed with the court within 5~~ ***15*** judicial days after the ~~***last***~~ date of ~~***on which***~~ the unlawful act by ~~***conduct of***~~ the landlord, ~~***occurred,***~~ and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.

~~(b) May]~~ ***may*** be consolidated with any action for summary eviction or unlawful detainer that is already pending between the landlord and tenant.

6. The court shall conduct a hearing on the verified complaint for expedited relief not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant

must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:

(a) Order the landlord to restore to the tenant the premises or essential items or services, or both;

(b) Award damages pursuant to subsection 1; and

(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.

7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.

Sec. 14. NRS 118A.410 is hereby amended to read as follows:

118A.410 After a demand by the tenant, if a landlord fails to disclose as provided in NRS 118A.260 or NRS 118A.270, the tenant may recover actual damages or ~~[~~$25,~~]~~ ***an amount equal to*** ~~***[one month's]***~~ ***5 percent of the periodic rent,*** whichever is greater.

Sec. 15. NRS 118A.520 is hereby amended to read as follows:

118A.520 1. Any lien or security interest in the tenant's household goods created in favor of the landlord to ensure the payment of rent is unenforceable unless created by attachment or garnishment.

2. Distraint for rent is abolished.

3. A landlord who retains the household goods or other personal property of a tenant in violation of this section is liable to the tenant for ***actual*** damages ~~[as provided in NRS 118A.390.]~~ ***or statutory damages in an amount not greater than $2,500, to be fixed by the court, or both. In determining the amount, if any, to be awarded under this subsection, the court shall consider:***

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 16. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the

tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully ***or negligently*** interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be

conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 17. NRS 439.479 is hereby amended to read as follows:

439.479 1. In addition to any other powers, duties and authority conferred on a district board of health, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Regulate any health hazard on residential property;

(b) Regulate any health hazard in a rental dwelling unit; and

(c) Regulate any health hazard on commercial property.

2. The district board of health may adopt regulations to ensure the enforcement of laws that protect the public health and safety associated with the condition of rental dwelling units and to recover all costs incurred by the district board of health relating thereto. Any regulation adopted pursuant to this subsection must be provided by the landlord of a rental dwelling unit to a tenant upon request to ensure that the landlord and the tenant understand their respective rights and responsibilities clearly.

3. In carrying out its duties relating to the protection of the public health and safety associated with the condition of rental dwelling units, the district board of health may:

(a) Take any enforcement action it determines necessary; and

(b) Establish an administrative hearing process, including, without limitation, the hiring of qualified hearing officers.

4. If a tenant of a rental dwelling unit provides written notice to the landlord pursuant to NRS 118A.355 specifying a failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failure and the landlord fails to remedy the failure ~~[or to make a reasonable effort to do so]~~ within the time prescribed in NRS

118A.355, the tenant may, in addition to any remedy provided in NRS 118A.355 ~~[,]~~ ***or section 4 of this act,*** provide to the district board of health a copy of the written notice that the tenant provided to the landlord. If, upon inspection of the dwelling unit, the district board of health determines that either the landlord or the tenant has failed to maintain the dwelling unit in a habitable condition, the district board of health may refer the matter to the administrative hearing process if established pursuant to subsection 3 or take any action with respect to the dwelling unit which is authorized by this section or the regulations adopted pursuant thereto.

5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

7. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

8. As used in this section:

(a) "Commercial property" means any real property which is not used as a dwelling unit and is not occupied as, or designed or intended for occupancy as, a residence or sleeping place.

(b) "Dwelling unit" has the meaning ascribed to it in NRS 118A.080.

(c) "Health hazard" means any biological, physical or chemical exposure, condition or public nuisance that may adversely affect the health of a person.

Sec. 18. ~~[The amendatory provisions of subsections 3 and 5 of NRS 118A.200, as amended by section 5 of this act, do not apply to a rental agreement entered into before October 1, 2025. A landlord described in NRS 118A.200, as amended by section 5 of this act, shall review the rental agreements of the landlord that are in effect on October 1, 2025, to ensure compliance with the amendatory provisions of this act and, on or before the date for renewal of such an agreement, if necessary, revise the agreement to include the information required pursuant to subsection 3 of NRS 118A.200,~~

~~as amended by section 5 of this act, and reformat the agreement to meet the requirements of subsection 5 of NRS 118A.200, as amended by section 5 of this act.~~] **(Deleted by amendment.)**

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 259.

Bill read second time.

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

Amendment No. 156.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** CONSIDINE **; AND ANDERSON**

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) **Section 1** of this bill prohibits a person or entity that: (1) purchases a drug which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. **Section 1 exempts from such prohibitions certain providers of health coverage under federal law but prescribes a procedure by which such a provider of health coverage may elect to be subject to the provisions of section 1.**

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) **Section 1** makes it a deceptive trade practice for any person to violate the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price. **Sections 1 and 3** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only

to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) **Section 2** of this bill provides that a violation of **section 1** constitutes consumer fraud, and **sections 1 and 2** authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that "[i]n 2018, Americans paid an average of $1,229 for prescription drugs, the highest amount per capita in any developed country in the world"; and

WHEREAS, LCB Bulletin No. 21-9 also stated that "[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and co-pay increases"; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, "Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons," published January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance programs for public employees, including employees of the State, municipalities, counties, school districts and institutions for higher education

and retirees whose health costs are funded by taxpayer dollars, thereby threatening the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now, therefore,

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

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

1. ~~[A]~~ Except as otherwise provided in subsection 7, a person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

2. ~~[A]~~ Except as otherwise provided in subsection 7, a person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

3. Except as otherwise provided in subsection 4, a violation of subsection 1 or 2 by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 constitutes a separate deceptive trade practice.

4. A person who violates the provisions of subsection 1 or 2 is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

5. A person aggrieved by a violation of subsection 1 or 2 may bring an action for consumer fraud pursuant to NRS 41.600.

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

7. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5):

(a) Is not required to comply with the requirements of this section.

(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the provider or trust, as applicable, elects to participate.

8. As used in this section:

(a) "Maximum fair price" means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(b) "Price applicability period" has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(c) "Referenced drug" means a drug subject to a maximum fair price.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) AN ACT prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) AN ACT prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~[or]~~

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ ***; or***

(g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $15,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2026, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 197.

AN ACT relating to state business licenses; requiring the Secretary of State to waive the ~~[fee]~~ **fees** charged for the issuance **and renewal** of a state business license for certain businesses related to veterans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain businesses to obtain a state business license from the Secretary of State. ~~[.]~~ **and to pay an annual fee for the renewal of the license.** The fee for the issuance **and renewal** of a state business license is $500 for certain corporations and $200 for certain other businesses. (NRS ~~[76.100) This]~~ **76.100, 76.130) Sections 1.7 and 1.9 of this** bill ~~[requires]~~ **require** the Secretary of State to waive the fee for the issuance of a state business license **and, during the first 3 years of the existence of a business, the fee for the renewal of the license** if the state business license is issued on or after July 1, 2025, and: (1) the applicant is an eligible veteran; (2) the applicant is a gold star family member; or (3) at least 51 percent of the business is owned by one or more eligible veterans or gold star family members. **Section 1.7 prohibits the Secretary of State from waiving the fee for the issuance of a state business license if the applicant has already received a waiver for another qualifying business.**

Sections 1.1 and 1.3 of this bill define the terms "eligible veteran" and "gold star family member," respectively. Section 1.5 of this bill makes a conforming change to apply the definitions to the provisions of sections 1.7 and 1.9.

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

Section 1. **Chapter 76 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.3 of this act.**

Sec. 1.1. ***"Eligible veteran" means a resident of this State who retired from the Armed Forces of the United States after 20 or more years of creditable service or because of a physical disability as described in 10 U.S.C. § 1201.***

Sec. 1.3. ***"Gold star family member" means a resident of this State who is the spouse or a natural or adoptive child or parent of a member of the Armed Forces of the United States as described in 10 U.S.C. § 1126(a).***

Sec. 1.5. **NRS 76.010 is hereby amended to read as follows:**

76.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 76.020 to 76.040, inclusive, ***and sections 1.1 and 1.3 of this act*** have the meanings ascribed to them in those sections.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;

(c) ~~[Be]~~ ***Except as otherwise provided in subsection 8, be*** accompanied by a fee in the amount of $200 ~~[, except that]~~ ***or,*** if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, ~~[the application must be accompanied by]~~ a fee of $500; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.

6. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

7. For the purposes of this chapter, a person:

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

(1) Is organized pursuant to this title, other than a business organized pursuant to:

(I) Chapter 82 or 84 of NRS; or

(II) Chapter 81 of NRS if the business is a nonprofit unit-owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(2) Has an office or other base of operations in this State;

(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or

(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

(b) Shall be deemed not to conduct a business in this State if:

(1) The business for which the person is responsible:

(I) Is not organized pursuant to this title;

(II) Does not have an office or base of operations in this State;

(III) Does not have a registered agent in this State; and

(IV) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (2);

(2) The business for which the person is responsible is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency; or

(3) The Secretary of State determines that the person is not conducting a business in this State.

8. ***~~[The]~~ Except as otherwise provided in subsection 9, the Secretary of State shall waive the fee required by this section if the applicant is:***

(a) A natural person who is an eligible veteran;

(b) A natural person who is a gold star family member; or

(c) An entity organized pursuant to this title in which at least 51 percent of the ownership interest in the entity is held by one or more eligible veterans or gold star family members.

9. The Secretary of State shall not waive the fee required by this section if an applicant has received a waiver pursuant to subsection 8 for another qualifying business.

10. As used in this section , "registered ***~~:~~***

~~(a) "Eligible veteran" means a resident of this State who retired from the Armed Forces of the United States after 20 or more years of creditable service or because of a physical disability as described in 10 U.S.C. § 1201.~~

~~(b) "Gold star family member" means a resident of this State who is related by blood, marriage or adoption within the first degree of consanguinity or affinity to a member of the Armed Forces of the United States described in 10 U.S.C. § 1126(a).~~

~~(c) "Registered~~ agent" has the meaning ascribed to it in NRS 77.230.

Sec. 1.9. **NRS 76.130 is hereby amended to read as follows:**

76.130 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 6,*** a person who applies for renewal of a state business license shall submit a fee in the amount of $200 to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. If the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is $500.

3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

4. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

5. A person who continues to do business in this State without renewing the person's state business license before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business license with the Secretary of State.

6. The Secretary of State shall ~~[waive]~~ **:**

(a) Waive the annual state business license fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.

(b) For the 3 years following the issuance of a state business license on or after July 1, 2025, waive the annual state business license fee if the applicant for renewal of the state business license is:

(1) A natural person who is an eligible veteran;

(2) A natural person who is a gold star family member; or

(3) An entity organized pursuant to this title in which at least 51 percent of the ownership interest in the entity is held by one or more eligible veterans or gold star family members.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 204.

AN ACT relating to records of criminal history; ~~[requiring a court to order certain records of criminal history sealed under certain circumstances;]~~ eliminating the authority for a court to consider a proceeding for which records have been sealed in determining whether to grant a petition to seal records relating to a conviction of another offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a person who was arrested for alleged criminal conduct to file a petition for the sealing of certain records relating to the arrest if: (1) the charges are dismissed; or (2) the person is acquitted of the charges. (NRS 179.255) Section 1 of this bill removes the requirement for such a person to file a petition and instead requires the court in which the charges were dismissed or the acquittal was entered, as applicable, to order the sealing of the records. Section 1 also provides that if a person has been arrested for alleged criminal conduct and the prosecuting attorney having jurisdiction declines prosecution of the charges, the person may petition the court having jurisdiction in which the charges are declined for prosecution: (1) any time~~

~~after the applicable statute of limitations has run; (2) any time 8 years after the arrest; or (3) pursuant to a stipulation between the parties.~~**]**

Under existing law, if a court orders a record sealed, the proceedings recounted in the record are deemed never to have occurred for most purposes. (NRS 179.285) Although existing law generally deems a proceeding for which records have been sealed never to have occurred, existing law authorizes a court to consider any such proceeding in determining whether to grant a petition to seal records relating to a conviction of another offense. (NRS 179.295) **Section 2** of this bill eliminates this authorization and instead prohibits a court from considering any such proceeding in determining whether to grant a petition to seal records relating to a conviction of another offense.

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

Section 1. ~~**[**NRS 179.255 is hereby amended to read as follows:~~

~~179.255 1. If a person has been arrested for alleged criminal conduct and **[**the**]** :~~

~~*(a) The* charges are dismissed, the **[**prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:~~

~~(a) The**]** court in which the charges were dismissed **[**, at any time after the date the charges were dismissed;**]** *shall order the sealing of all records relating to the arrest and the proceedings leading to the dismissal; or*~~

~~(b) The **[**court having jurisdiction in which the charges were declined for prosecution:~~

~~(1) Any time after the applicable statute of limitations has run;~~

~~(2) Any time 8 years after the arrest; or~~

~~(3) Pursuant to a stipulation between the parties; or~~

~~(c) The**]** *person is acquitted of the charges, the* court in which the acquittal was entered **[**, at any time after the date of the acquittal,

~~**]** for**]** *shall order* the sealing of all records relating to the arrest and the proceedings leading to the **[**dismissal, declination or**]** acquittal.~~

~~2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.~~

~~*3. If a person has been arrested for alleged criminal conduct and the prosecuting attorney having jurisdiction declines prosecution of the charges, the person may petition the court having jurisdiction in which the charges are declined for prosecution for the sealing of all records relating to the charges that were declined for prosecution:*~~

~~*(a) Any time after the applicable statute of limitations has run;*~~

~~*(b) Any time 8 years after the arrest; or*~~

~~*(c) Pursuant to a stipulation between the parties.*~~

~~*4.* A petition filed pursuant to subsection **[**1 or**]** 2 *or 3* must:~~

~~(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;~~

~~(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;~~

~~(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the [dismissal,] declination [or acquittal] and to whom the order to seal records, if issued, will be directed; and~~

~~(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~(1) Date of birth of the petitioner;~~

~~(2) Specific charges that were [dismissed or of which the petitioner was acquitted;] *declined for prosecution;* and~~

~~(3) Date of arrest relating to the specific charges that were [dismissed or of which the petitioner was acquitted.~~

~~4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:~~

~~(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or~~

~~(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.~~

~~➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.] *declined for prosecution.*~~

~~5. Upon receiving a petition pursuant to subsection 2, the court shall notify:~~

~~(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or~~

~~(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.~~

~~➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~*6. Upon receiving a petition pursuant to subsection 3, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:*~~

~~*(a) If the charges were declined for prosecution in a district court or justice court, the prosecuting attorney for the county; or*~~

~~*(b) If the charges were declined for prosecution in a municipal court, the prosecuting attorney for the city.*~~

~~*→ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.*~~

~~*7.* If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection [4 or] *5 or 6* and the court makes the findings set forth in subsection [7] *8* or [8,] *9,* as applicable, the court may order the sealing of the records in accordance with subsection [7] *8* or [8,] *9,* as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.~~

~~[7.] *8.* If the court finds [:~~

~~(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or~~

~~(b) That] *that* prosecution was declined [or that the charges were dismissed] and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination [or dismissal] which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.~~

~~[8.] *9.* If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.~~

~~[9.] *10.* If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection [7,] *8,* the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.]~~ **(Deleted by amendment.)**

Sec. 2. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 may petition the court that ordered the records sealed to permit inspection of

the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 ~~*[10]*~~ of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. ~~[This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 in]~~ ***In*** determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense ~~[.]~~ ***, the court shall not consider a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365.***

Sec. 3. The amendatory provisions of this act apply to a petition for the sealing of a record that is filed on or after October 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 304.

Bill read second time.

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

Amendment No. 434.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** KARRIS **; ANDERSON, DALIA, D'SILVA, GRAY, HANSEN, HIBBETTS, JACKSON, KASAMA, MOORE, NADEEM AND O'NEILL**

JOINT SPONSORS: SENATORS HANSEN AND PAZINA

SUMMARY—Creates a pilot program relating to **transcranial magnetic stimulation and** electromagnetic brain pulse treatment. (BDR S-865)

AN ACT relating to mental health; requiring the Department of Health and Human Services to create a pilot program to ~~[study]~~ **collect and analyze data on transcranial magnetic stimulation and** electromagnetic brain pulse

treatment[,] **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[This] **To the extent money is available, and with the use of existing personnel and resources, this** bill requires the Department of Health and Human Services to create a pilot program to [study] **collect and analyze data that is publicly available or voluntarily provided to the pilot program related to best practices for, and the outcome of studies concerning, transcranial magnetic stimulation and** electromagnetic brain pulse treatment. [Specifically, this bill requires: (1) the pilot program to study best practices, compile relevant data, analyze risks and examine barriers associated with electromagnetic brain pulse treatment; and (2)] **This bill requires** the Department to [submit] **compile** a report of [its] **the** findings and recommendations of the pilot program **, which must be posted on an Internet website maintained by the Department and submitted** to [the Governor and] the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services. [This bill also authorizes the Department to contract with certain persons for the purpose of administering the pilot program.]

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

Section 1. 1. The Department of Health and Human Services shall **, to the extent money is available,** create a pilot program to [study electromagnetic brain pulse treatment.

2. The pilot program must include, without limitation:] **collect and analyze data that is publicly available or voluntarily provided to the pilot program concerning:**

(a) The [identification of] best practices for **transcranial magnetic stimulation and** electromagnetic brain pulse treatment[, including the circumstances in which the treatment is safe and effective for patients;] **; and**

(b) [An analysis of any risks to patients associated with electromagnetic brain pulse treatment;

(c)] The [examination of data from publicly available] **results of** studies [or reports] concerning **transcranial magnetic stimulation and** electromagnetic brain pulse treatment**.** [; and

(d) An analysis of any barriers to the introduction or inclusion of electromagnetic brain pulse treatment in medical practices in this State.]

2. The data described in subsection 1 may be collected from:

(a) Entities that provide transcranial magnetic stimulation or electromagnetic brain pulse treatment in this State; and

(b) Public or private research institutions that conduct studies on transcranial magnetic stimulation or electromagnetic brain pulse treatment for persons with a substance use disorder, post-traumatic stress disorder or an addictive disorder related to gambling.

3. The Department ~~[may contract with persons and public or private entities that are qualified]~~ **shall use existing personnel, resources and technology** to administer the pilot program.

4. The Department shall, on or before July 1, 2027, ~~[submit]~~ **compile** a report of its findings and recommendations resulting from the pilot program ~~[to :]~~ **, which must be:**

(a) ~~[The Governor;]~~ **Posted on an Internet website maintained by the Department;** and

(b) ~~[The]~~ **Submitted to the** Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

5. The Department may apply for and accept gifts, grants and donations to assist with the implementation of the pilot program.

6. As used in this section ~~[, "electromagnetic]~~ **:**

(a) "Electromagnetic brain pulse treatment" means a noninvasive and non-pharmaceutical treatment that uses an electroencephalograph and transcranial magnetic stimulation to image and identify abnormal brainwaves and provide treatment through the delivery of pulse-matching, electromagnetic stimulation intended to restore normal brain function.

(b) "Transcranial magnetic stimulation" means a noninvasive procedure that uses magnetic pulses to stimulate and alter brain activity.

Sec. 2. This act becomes effective on October 1, 2025, and expires by limitation on September 30, 2027.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

SUMMARY—Revises provisions related to ~~[criminal]~~ **the administration of** justice. (BDR ~~[14-810)]~~ **1-810)**

AN ACT relating to ~~[criminal]~~ **the administration of** justice; prohibiting courts from ~~[denying]~~ **penalizing** defendants ~~[in criminal actions]~~ **who have been denied** access to courtrooms ~~[and proceedings]~~ under certain circumstances related to attire; ~~[revising provisions relating to the imposition of bail or conditions of release; requiring]~~ **authorizing** the Division of Parole and Probation of the Department of Public Safety to establish a pilot program relating to employment opportunities and training for parolees and probationers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions related to ~~[criminal procedure.]~~ **the courts of this State.** (Title ~~[14]~~ **1** of NRS) **Section 1.3 of this bill: (1) makes certain legislative declarations recognizing the importance of**

access to the courts of this State and the interest of the courts in maintaining order and decorum in the courtroom; and (2) provides that the Legislature urges the courts not to create policies, rules or administrative orders that unduly restrict access to justice based on the attire of the parties. Section ~~1~~ 1.7 of this bill prohibits a court from ~~[~~denying~~]~~ **imposing a penalty on** a defendant ~~[~~in a criminal action~~]~~ **who is denied** access to a courtroom ~~[~~or judicial proceeding~~]~~ solely because **of** the **attire of the** defendant**.** ~~[~~is not wearing formal or professional attire.

~~— Existing law provides that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court. (NRS 178.4851) Existing law requires a court to consider certain factors when making this determination. (NRS 178.4853, 178.498) Section 3 of this bill provides that the imposition of bail is not the least restrictive means necessary to protect the safety of the community or to ensure the appearance of the person in court if the person is arrested for certain misdemeanor or gross misdemeanor offenses and has no previous convictions. Section 2 of this bill makes a conforming change to reflect the changes in section 3. Section 4 of this bill requires a court to consider additional factors related to the participation of a person in an employment readiness, substance use disorder treatment or mental health treatment program in making decisions regarding pretrial release.~~]

Section 5 of this bill ~~[~~requires~~]~~ **authorizes** the Division of Parole and Probation of the Department of Public Safety to establish a pilot program to identify and develop employment opportunities for and provide training on employment readiness to parolees and probationers. **Section 6** of this bill applies definitions in existing law relating to parole to **section 5**.

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

Section 1. **Chapter 1 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. ***1. The Legislature hereby finds and declares that access to justice and the courts of this State is of great importance to the people of this State, and the Legislature recognizes the interest of the courts in maintaining order and decorum in the courtroom.***

2. The Legislature therefore urges the courts of this State, for the purpose of recognizing the diverse socioeconomic backgrounds of the people who appear before them, not to create policies, rules or administrative orders that unduly restrict access to justice based on the attire of the parties, witnesses or public.

~~[~~Section 1.~~]~~ ***Sec. 1.7.*** ~~[~~Chapter 169 of NRS is hereby amended by adding thereto a new section to read as follows:~~]~~

1. A court may not ~~[deny]~~ impose a penalty on a defendant who is denied access to a courtroom ~~[or proceeding]~~ solely because of the attire of the defendant. ~~[is not wearing formal or professional attire.]~~

2. As used in this section, ~~["formal or professional attire" includes, without limitation, suits, trousers, slacks, long pants, dress shirts, long-sleeved shirts, suit jackets, blazers, ties, dresses, skirts, pantsuits, dress shoes and closed-toe shoes.]~~ "penalty" includes, without limitation:

(a) A fine or fee;

(b) Entering upon the minutes that a person failed to appear when lawfully required in court; or

(c) The issuance of a warrant for arrest.

Sec. 2. ~~[~~NRS 178.484 is hereby amended to read as follows:~~]~~

~~178.484 1. Except as otherwise provided in this section [,] *and NRS 178.4851,* a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail;~~

~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail; or~~

~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses~~

~~any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle, a power-driven vessel or a sailing vessel under way must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~(b) Five thousand dollars, if the person has:~~

~~(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(c) Fifteen thousand dollars, if the person has:~~

~~(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for~~

~~violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or~~

~~(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or~~

~~harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~→ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~10. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~11. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.~~] **(Deleted by amendment.)**

Sec. 3. [~~NRS 178.4851 is hereby amended to read as follows:~~

~~178.4851 1. Except as otherwise provided in~~ [~~subsection~~] ~~4,~~] ***subsections 4 and 5,*** ~~the court shall only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498. Such conditions of release may include, without limitation:~~

~~(a) Requiring the person to remain in this State or a certain county within this State;~~

~~(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~(c) Prohibiting the person from entering a certain geographic area;~~

~~(d) Prohibiting the person from possessing a firearm during the pendency of the case; or~~

~~(e) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~2. A prosecuting attorney may request that a court impose bail or a condition of release, or both, on a person. If the request includes the imposition of bail, the prosecuting attorney must prove by clear and convincing evidence~~

~~that the imposition of bail is necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, with regard to the factors set forth in NRS 178.4853 and 178.498.~~

~~3. If a court imposes bail or any condition of release, or both, other than release on recognizance with no other conditions of release, the court shall make findings of fact for such a determination and state its reasoning on the record, and, if the determination includes the imposition of a condition of release, the findings of fact must include why the condition of release constitutes the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at the times and places ordered by the court.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~*5. The imposition of bail is not the least restrictive means necessary to protect the safety of the community or to ensure that the person will appear at all times and places ordered by the court, if a person is arrested for a misdemeanor or gross misdemeanor that is not a crime of violence and the person has not previously been convicted of any offense. This subsection does not apply to any bail that may be set pursuant to NRS 178.484.*~~

~~*6.* The person must sign a document before the person's release stating that:~~

~~(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;~~

~~(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and~~

~~(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the safety of the community or the person's appearance, if applicable.~~

~~**[**6.**]** *7.* The document signed pursuant to subsection **[**5**]** *6* must be filed with the clerk of the court of competent jurisdiction and becomes effective upon the signature of the person to be released.~~

~~**[**7.**]** *8.* If a person fails to comply with a condition of release imposed pursuant to this section, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~(a) Deem such conduct a contempt pursuant to NRS 22.010;~~

~~(b) Impose such additional conditions of release as the court deems necessary to protect the safety of the community or to ensure the person will appear at the times and places ordered by the court;~~

~~(c) Increase the amount of bail pursuant to NRS 178.499, if applicable; or~~

~~(d) Revoke bail and remand the person into custody.~~

~~[8.]~~ ***9.*** ~~If a person fails to appear as ordered by the court and a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.~~

~~[9.]~~ ***10.*** ~~An order issued pursuant to this section that imposes a condition on a person must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.~~

~~[10.]~~ ***11.*** ~~Nothing in this section shall be construed to require a court to receive the request of a prosecuting attorney before imposing a condition of release.~~

~~***12. As used in this section, "crime of violence" means any offense involving the use or threatened use of force or violence against another person.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 178.4853 is hereby amended to read as follows:~~

~~178.4853 In reviewing the custody status of a person, the court at a minimum shall consider the following factors concerning the person:~~

~~1. The length of residence in the community;~~

~~2. The status and history of employment;~~

~~3.~~ ***The status and history of participation in a program for employment readiness;***

~~***4.*** Relationships with the person's spouse and children, parents or other family members and with close friends;~~

~~[4.]~~ ***5.*** ~~Reputation, character and mental condition;~~

~~***6. The status and history of participation in a program of substance use disorder treatment or mental health treatment;***~~

~~[5.]~~ ***7.*** ~~Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;~~

~~[6.]~~ ***8.*** ~~The identity of responsible members of the community who would vouch for the reliability of the person;~~

~~[7.]~~ ***9.*** ~~The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;~~

~~[8.]~~ ***10.*** ~~The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;~~

~~[9.]~~ ***11.*** ~~The likelihood of more criminal activity by the person after release; and~~

~~[10.]~~ ***12.*** ~~Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.]~~ **(Deleted by amendment.)**

Sec. 5. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division ~~[shall,]~~ may, by regulation, establish a pilot program to identify and develop employment opportunities for and provide training on employment readiness to parolees and probationers.

2. In establishing the pilot program, the Division ~~[shall]~~ may collaborate with nonprofit organizations in the community that provide services to parolees and probationers.

Sec. 6. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 5 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. "Sex offender" means any person who has been or is convicted of a sexual offense.
8. "Sexual offense" has the meaning ascribed to it in NRS 179D.097.
9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 146.

AN ACT relating to victims of crime; revising certain ~~[requirements for receiving compensation from]~~ **provisions relating to** the Fund for the

Compensation of Victims of Crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain victims of crime to apply for and receive payment of compensation from the Fund for the Compensation of Victims of Crime under certain circumstances. (NRS 217.010-217.270) Existing law generally requires an application for compensation from the Fund to be filed **: (1)** not later than 24 months after the injury or death for which compensation is claimed ~~[, or]~~ **; (2)** not later than 60 months after the injury or death for which compensation is claimed if the applicant is a victim of sex trafficking or facilitating sex trafficking ~~[.]~~ **; or (3) before the applicant reaches 21 years of age if the applicant is a victim of sexual abuse or involved in the production of pornography and the applicant was a minor at the time of the injury.** (NRS 217.100) ~~[This]~~ **Section 1 of this** bill makes various changes to require all applications for compensation from the Fund to be filed not later than 60 months after the injury or death for which compensation is claimed ~~[.]~~ **, unless the applicant was a minor at the time of the injury, in which case the application must be filed not later than 60 months after the applicant reaches 21 years of age.**

Existing law authorizes the Director of the Department of Health and Human Services **or a person designated by the Director** to waive the limitation on the time for filing an application for compensation from the Fund for good cause shown if the injury or death for which compensation is claimed was the result of an incident or offense that was reported to the police within 5 days ~~[of]~~ **after** its occurrence or within 5 days ~~[of]~~ **after** the time when a report could reasonably have been made. (NRS 217.100) ~~[This bill]~~ **Section 1** removes the condition that to be eligible for the waiver, the incident or offense that caused the injury or death for which compensation is claimed be reported to the police, thereby authorizing the Director **or a person designated by the Director** to waive the limitation on the time for filing an application for any good cause shown.

Existing law requires an application for compensation from the Fund to be accompanied by certain medical records that document the injury for which compensation is claimed. (NRS 217.100) ~~[This bill expands the types of documents]~~ **Section 1 removes this requirement and instead provides** that the applicant may ~~[provide to]~~ **prove eligibility for compensation from the Fund by submitting certain documentary** evidence **of** the injury **or death** for which compensation is claimed.

Existing law prohibits an award of compensation from the Fund under certain circumstances, including compensation to a victim of crime who fails to cooperate with a law enforcement agency. (NRS 217.220) Section 2 of this bill removes the prohibition against the award of compensation from the Fund to a victim of a crime who fails to cooperate with a law enforcement agency.

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

Section 1. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection ~~[5,]~~ ***2,*** any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation ~~[not]~~ ***:***

(a) Except as otherwise provided in paragraph (b), not later than ~~[24 months after the injury or death for which compensation is claimed or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than]~~ 60 months after the injury or death for which compensation is claimed ~~[, unless waived by the]~~ ***; or***

(b) If the applicant was a minor at the time of the injury, not later than 60 months after the applicant reaches 21 years of age.

2. The Director or a person designated by the Director ***may waive the limitation on time described in subsection 1*** for good cause shown ***.*** ~~[, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.~~

~~2. An]~~

3. Except as otherwise provided in subsection 2, an order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

~~[3.]~~ ***4.*** Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

~~[4. The]~~

5. An applicant ~~[must submit with his or her application the]~~ ***may prove eligibility for compensation by submitting documentary evidence of the injury or death for which the applicant claims compensation, which may include, without limitation:***

(a) The reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed ~~[.]~~ ***;***

(b) A police report, investigative report or complaint which the victim filed with a law enforcement agency;

(c) A copy of an order for protection;

(d) A transcript of testimony given under oath or affirmation in a civil or criminal proceeding;

(e) A record of a governmental entity;

(f) [A record of a communication;

~~(g)~~ ***A record from an organization which provides services to victims of crime;***

~~(h)~~ ***(g) An affidavit of a qualified third party; or***

~~(i)~~ ***(h) Other documentary evidence deemed sufficient by the Director.***

~~[5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.]~~

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

~~(a) "Facilitating sex trafficking" means a violation of NRS 201.301.~~

~~(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.]~~ ***, "qualified third party" means:***

(a) A physician licensed to practice in this State;

(b) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

(c) A psychologist licensed to practice in this State;

(d) A social worker licensed to practice in this State;

(e) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(f) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;

(g) A victim's advocate as defined in NRS 49.2545; or

(h) Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination and who is a resident of this State.

Sec. 2. **NRS 217.220 is hereby amended to read as follows:**

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440;

(b) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(c) Was injured or killed while serving a sentence of imprisonment in a prison or jail; ***or***

(d) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to title 5 of NRS. ~~[; or~~

~~(c) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.]~~

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484C.110 or is punishable pursuant to NRS 484C.430 or 484C.440.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if the compensation officer determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 167.

AN ACT relating to education; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; requiring **the superintendent of each** school ~~[districts in certain counties]~~ **district** to appoint ~~[a Director of Multilingual Student Services;]~~ **an administrator to serve in a role supporting pupils who are English learners;** requiring the board of trustees of a school district to ensure that each licensed teacher receives training concerning English language acquisition; requiring the Department of Education to provide certain guidance to the board of trustees of a school district; **revising provisions governing certain data collected and maintained in the statewide system of accountability for public schools;** prohibiting certain pupil achievement data from negatively impacting the performance rating of certain schools, school districts and employees; requiring the Department to establish an English Learner Advisory Council during the 2025-2026 interim to study policies to support English language acquisition, development and literacy; prescribing the membership and duties of the Advisory Council; repealing provisions relating to certain corrective action plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the superintendent of each school district ~~[in a county whose population is 100,000 or more (currently Clark and Washoe Counties)]~~ to designate an ~~[employee]~~ **administrator** to serve ~~[as Director of Multilingual Student Services]~~ **in a role supporting pupils who are English learners** for the school district. **Section 4** also prescribes the qualifications and duties of ~~[the Director,]~~ **any such person.**

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school. (NRS 385A.650) **Section 2** of this bill requires the principal of a school to consult with the ~~[Director]~~ **administrator** designated pursuant to **section 4** ~~[, if applicable,]~~ in preparing or revising the plan. **Section 2** requires such a plan to include methods for closing gaps in achievement, if any, between different demographics of pupils enrolled in the school. If at least 10 percent of the pupils enrolled in the school are English learners, **section 2** requires such a plan to: (1) make closing gaps in achievement, if any, between pupils who are English learners and pupils who are proficient in English the primary goal of the plan; and (2) include certain quantitative goals and specific actions for improvement in the achievement of pupils who are English learners. **Section 1** of this bill makes a conforming change to reflect the renumbering of subsections by **section 2**.

Section 5 of this bill requires the board of trustees of each school district to ensure that each licensed teacher employed by the school district receives training concerning English language acquisition. **Section 5** also requires the Department of Education to develop and provide guidance to each school district concerning the training required by **section 5**. **Section 12** of this bill requires a ~~[person who, on October 1, 2025, holds]~~ **teacher employed by** a ~~[valid teacher's license,]~~ **school district** to submit proof **of completion of the training required by section 5** on or before October 1, 2030, ~~[that the person has completed the training required by section 5.]~~ **as a condition of continued employment after that date.**

Section 6 of this bill **requires data collected and maintained in the statewide system of accountability for public schools concerning pupils who are English learners to be disaggregated into certain subcategories, as designated by regulation of the State Board of Education. Section 6 also** provides that, notwithstanding any other provision of law, any pupil achievement data concerning a pupil who is a newcomer to the English language, as designated by regulation of the State Board ~~[of Education,]~~ must not negatively impact the performance rating of: (1) the school in which the pupil is enrolled; (2) the school district in which the school is located; or (3) any employee of the school in which the pupil is enrolled or school district in which the school is located.

Existing law requires the board of trustees of each school district to: (1) develop a policy to teach English to pupils who are English learners; and (2) adopt a plan to ensure that the policy achieves certain objectives. (NRS

388.407) **Section 10** of this bill requires the policy to provide that a pupil who is a newcomer to the English language, as designated by regulation of the State Board, may remain in high school for not more than ~~[8]~~ **10** semesters after the date on which the pupil was otherwise scheduled to graduate or until the pupil is 21 years of age, whichever is earlier. **Section 10** also requires the Department to consult with the ~~[Director]~~ **administrator** designated pursuant to **section 4** ~~[, if applicable,]~~ in monitoring the implementation of the policy and plan.

Section 11 of this bill requires the Department to establish an English Learner Advisory Council in the 2025-2026 interim to study policies to support English language acquisition, development and literacy. **Section 11** also: (1) prescribes the membership and duties of the Advisory Council; (2) requires the Department to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Council for transmittal to the 84th Session of the Legislature; and (3) authorizes the Advisory Council to request the drafting of not more than 1 legislative measure for prefiling on or before the first day of the regular session of the Legislature in 2027.

Section 14 of this bill repeals an existing law which requires the principals of certain schools that demonstrate low achievement for pupils who are English learners to establish a corrective action plan. (NRS 388.408) **Sections 7-9** of this bill make conforming changes by removing references to the statute repealed by **section 14**.

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

Section 1. NRS 385.113 is hereby amended to read as follows:

385.113 The State Board shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(a) Improving proficiency results in core academic subjects;

(b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(d) Improving the performance of pupils on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a

mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection ~~[4]~~ ***5*** of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school; and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 2. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school ~~[,]~~ ***and the ~~[Director of Multilingual Student Services, if applicable,]~~ administrator designated pursuant to section 4 of this act,*** prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board;

(b) Be developed in accordance with the provisions of NRS 388.885;

(c) Include, without limitation, methods for ~~[evaluating]~~ ***:***

(1) Evaluating and improving the school climate in the school; and

(2) Closing gaps in achievement, if any, between different demographic groups of pupils enrolled in the school, including, without limitation:

(I) Pupils who are English learners and pupils who are proficient in English;

(II) Pupils in foster care and pupils who are not in foster care; and

(III) Pupils who are economically disadvantaged and pupils who are not economically disadvantaged; and

(d) Comply with the provisions of 20 U.S.C. § 6311(d).

3. ***If at least 10 percent of the pupils enrolled in a school are English learners:***

(a) The primary goal of the plan developed pursuant to subsection 1 must be closing gaps in achievement, if any, between pupils who are English learners and pupils who are proficient in English; and

(b) The plan developed pursuant to subsection 1 must, in addition to the requirements prescribed by subsection 2, include:

(1) Attainable quantitative goals for improvement in the achievement of pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board, and timelines for meeting those goals; and

(2) Specific actions to improve the achievement of pupils who are English learners and plans to monitor those actions.

4. The principal of each school shall, in consultation with the employees of the school ~~[.]~~ ***and*** ~~***[, if applicable,]***~~ ***the*** ~~***[Director of Multilingual Student Services]***~~ ***administrator designated pursuant to section 4 of this act:***

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

~~[4.]~~ ***5.*** On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

~~[5.]~~ ***6.*** As used in this section , "school ~~***[:***~~

~~***(a) "Director of Multilingual Student Services" means the employee designated to serve as Director of Multilingual Student Services pursuant to section 4 of this act.***~~

~~***(b) "School***~~ climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***1. The superintendent*** ~~***[of schools]***~~ ***of each school district*** ~~***[in a county whose population is 100,000 or more]***~~ ***shall designate an*** ~~***[employee]***~~ ***administrator to serve*** ~~***[as Director of Multilingual Student Services]***~~ ***in a role supporting pupils who are English learners for the school district. The*** ~~***[employee designated to serve as Director]***~~ ***administrator must have:***

(a) Experience working with pupils who are English learners; and

(b) Demonstrated success as an effective school leader.

2. In addition to the duties set forth in NRS 385A.650 and 388.407, the ~~***[Director]***~~ ***administrator designated pursuant to subsection 1 shall:***

(a) Oversee any assessment or reassessment of pupils who are English learners provided for pursuant to paragraphs (a) and (b) of subsection 2 of NRS 388.407; and

(b) Upon the request of the board of trustees or the superintendent of schools of the school district, provide training designed to address the needs of pupils who are English learners to administrators, teachers and other educational staff, including, without limitation, the training each licensed teacher is required to receive pursuant to section 5 of this act.

Sec. 5. ***1. The board of trustees of each school district shall ensure that each licensed teacher employed by the school district receives training concerning English language acquisition.***

2. The Department shall develop and provide guidance to each school district in this State concerning the training required by subsection 1.

Sec. 6. ***1. In addition to any other requirements prescribed by law, data collected and maintained in the statewide system of accountability for public schools concerning pupils who are English learners must be disaggregated into the following subcategories, as designated by regulation of the State Board:***

(a) Pupils who are newcomers to the English language;

(b) Pupils who are short-term English learners; and

(c) Pupils who are long-term English learners.

2. Notwithstanding any other provision of law, any pupil achievement data concerning a pupil who is a newcomer to the English language, as designated by regulation of the State Board, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and any other pupil achievement data collected and maintained by the school district, must not negatively impact the performance rating of:

~~[1.]~~ (a) The school in which the pupil is enrolled;

~~[2.]~~ (b) The school district in which the school is located; or

~~[3.]~~ (c) Any employee of the school in which the pupil is enrolled or school district in which the school is located.

Sec. 7. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105; ***or***

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive **.** ~~[~~**;** ~~or~~

~~(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408.]~~

Sec. 8. NRS 388.4055 is hereby amended to read as follows:

388.4055 The Department may adopt regulations as necessary to carry out the provisions of NRS 388.405 to ~~[~~388.408,~~]~~ ***388.4077,*** inclusive ~~[~~.~~]~~ ***, and sections 4, 5 and 6 of this act.***

Sec. 9. NRS 388.406 is hereby amended to read as follows:

388.406 1. A pupil who is an English learner has the right to:

(a) Receive a free appropriate public education regardless of the immigration status or primary language of the pupil or the parent or legal guardian of the pupil;

(b) Equal access to all programming and services offered to pupils in the same grade level who are not English learners by the school or school district in which the pupil is enrolled;

(c) Receive instruction at the same grade level as other pupils who are of a similar age as the pupil who is an English learner, unless the school or school district in which the pupil is enrolled determines it is appropriate for the pupil who is an English learner to be placed in a different grade level;

(d) Equal access to participate in extracurricular activities;

(e) Receive appropriate services for academic support provided by the school or school district to pupils enrolled in the school or school district who are not English learners;

(f) Be evaluated each year to determine the progress of the pupil in learning the English language and to obtain information about the academic performance of the pupil, including, without limitation, the results of an examination administered pursuant to NRS 390.105; and

(g) Be continuously placed in a program for English learners for as long as the pupil is classified as an English learner unless the parent or legal guardian of the pupil declines for the pupil to be placed in a program for English learners.

2. The parent or legal guardian of a pupil who is an English learner has the right to:

(a) Enroll his or her child in a public school without disclosing the immigration status of the pupil or the parent or legal guardian;

(b) To the extent practicable, have a qualified interpreter in the primary language of the parent or legal guardian with the parent or legal guardian during significant interactions with the school district;

(c) To the extent practicable, receive written notice in both English and the primary language of the parent or legal guardian that the pupil has been

identified as an English learner and will be placed in a program for English learners;

(d) Receive information about the progress of the pupil in learning the English language and, if the pupil is enrolled in a program of bilingual education, the progress of the pupil in learning the languages of that program;

(e) At the request of the parent or legal guardian, meet with staff of the school in which the pupil is enrolled at least once a year, in addition to any other required meetings, to discuss the overall progress of the pupil in learning the English language;

(f) Transfer the pupil to another school within the school district if the school in which the pupil is currently enrolled does not offer a program for English learners ***;*** ~~[or has been placed on a corrective action plan pursuant to NRS 388.408;]~~

(g) Receive information related to any evaluations of the pupil pursuant to paragraph (f) of subsection 1; and

(h) Contact the Department or the school district, as applicable, if the school or school district in which the pupil is enrolled violates the provisions of this section.

3. Notwithstanding the provisions of paragraphs (b) and (c) of subsection 2, the board of trustees of each school district shall provide information to the parent or legal guardian of a pupil who is an English learner in a language and format that the parent or legal guardian can understand.

4. To the extent practicable, the board of trustees of each school district shall, in writing and in both English and the primary language of the parent or legal guardian of a pupil who is an English learner, inform the parent or legal guardian of the rights described in this section at the time of the registration of the pupil in a school within the school district or at the time the pupil is identified as an English learner. The school district shall provide a copy of the rights described in this section at the annual registration of a pupil in a school within the school district to the parent or legal guardian of a pupil who is an English learner.

5. The Department shall provide translated copies of the rights described in this section in the five most common languages other than English primarily spoken in the households within each school district, which may include, without limitation, Spanish and Tagalog. The board of trustees of each school district and each school that enrolls pupils who are English learners shall post a copy of the rights described in this section on their respective Internet websites in as many languages as possible, which may include, without limitation, and as applicable for the school district, the languages translated by the Department pursuant to this subsection.

Sec. 10. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are English learners. The policy must be designed to provide pupils enrolled in each public school located in the school district who are English learners with instruction that

enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are English learners through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as an English learner;

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are English learners and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are English learners to participate in the program;

(e) Provide the parents and legal guardians of pupils who are English learners with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are English learners and assist those parents and legal guardians in enrolling those pupils in such programs;

(f) Provide for the identification of the primary language of each pupil enrolled in the school district at the beginning of each school year to assist in the identification of pupils who are English learners pursuant to paragraph (a); ~~[and]~~

(g) Provide that a pupil who is an English learner remain placed in a program for English learners until the pupil obtains language proficiency based on an appropriate assessment of pupils who are English learners unless the parent or legal guardian of the pupil declines for the pupil to remain placed in a program for English learners ~~[.]~~ ***; and***

(h) Provide that a pupil who is a newcomer to the English language, as designated by regulation of the State Board, may remain in high school for not more than ~~[8]~~ 10 semesters after the date on which the pupil was otherwise scheduled to graduate or until the pupil is 21 years of age, whichever is earlier.

3. The board of trustees of a school district shall adopt a plan to ensure that a policy adopted pursuant to this section achieves the objectives prescribed by paragraph (c) of subsection 2.

4. The Department shall ***, in consultation with the ~~[Director of Multilingual Student Services, if applicable,]~~ administrator designated pursuant to section 4 of this act,*** monitor the implementation of:

(a) The provisions of the policy developed pursuant to subsection 1 designed to achieve the objectives described in paragraph (c) of subsection 2; and

(b) The plan adopted pursuant to subsection 3.

5. The board of trustees of a school district may identify and purchase an assessment for use by the school district to measure the literacy of pupils who are English learners. Such an assessment:

(a) Must be approved by the Department; and

(b) May include tools to assist pupils who are English learners to improve their mastery of the English language.

~~*[6. As used in this section, "Director of Multilingual Student Services" means the employee designated to serve as Director of Multilingual Student Services pursuant to section 4 of this act.]*~~

Sec. 11. 1. The Department of Education shall establish an English Learner Advisory Council during the 2025-2026 interim to study policies to support English language acquisition, development and literacy. The Advisory Council consists of the following ~~[13]~~ **12** members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Advisory Council.

(b) Two members who have knowledge and expertise in language acquisition and who represent the Nevada System of Higher Education, appointed by the ~~[Chancellor]~~ **Superintendent** of ~~[the Nevada System of Higher Education.~~

~~(c) One member who is a teacher at a public elementary school in this State and has an English language acquisition and development endorsement, an endorsement as a professional teacher of English as a second language or an endorsement as a specialist in English language acquisition and development, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization.~~

~~(d) One member who is a teacher at a public junior high school, middle school or high school in this State and has an English language acquisition and development endorsement, an endorsement as a professional teacher of English as a second language or endorsement as a specialist in English language acquisition and development, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization.~~

~~(e) One member who is a teacher at a public elementary school in this State and provides general education to pupils in kindergarten or grades 1 to 5, inclusive, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization.~~

~~(f) One member who is a teacher at a public elementary school in this State and provides general education to pupils in grades 6 to 12, inclusive, appointed by the Governor from a list of nominees submitted by the Nevada State Education Association, or its successor organization.~~

~~(g)]~~ **Public Instruction.**

(c) Two members who are staff members of the Department, appointed by the Superintendent of Public Instruction.

(d) One member who is an education professional, appointed by the employee organization recognized as representing the plurality of teachers employed by a large school district.

(e) One member who is an education professional, appointed by the employee organization recognized as representing the plurality of teachers employed by school districts that are not large school districts.

(f) Two members who are school-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

~~[(h)]~~ **(g)** Two members who are school-district-level administrators, one of whom is employed by a school district in a county whose population is 100,000 or more and one of whom is employed by a school district in a county whose population is less than 100,000, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

~~[(i) Two members]~~

(h) One member with expertise in the development of public policy relating to the education of pupils who have limited proficiency in English, appointed by the Superintendent of Public Instruction upon the advice and recommendation of persons who have knowledge and expertise in providing instruction to pupils who have limited proficiency in English.

2. **In addition to the members appointed pursuant to subsection 1, the Executive Director of the State Public Charter School Authority may appoint one member to the Advisory Council.**

3. The Advisory Council shall study policies to support English language acquisition, development and literacy.

~~[3.]~~ **4.** The Advisory Council shall, at its first meeting, elect a Chair and a Vice Chair from among its members.

~~[4.]~~ **5.** A majority of the member of the Advisory Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Advisory Council.

~~[5.]~~ **6.** The Department shall provide administrative support to the Advisory Council.

~~[6.]~~ **7.** The members of the Advisory Council serve without compensation generally.

~~[7.]~~ **8.** Each member of the Advisory Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Advisory Council and perform any work necessary to carry out the duties of the Advisory Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Advisory Council to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

~~[8.]~~ **9.** The Department may accept gifts, grants and donations from any source to support the work of the Advisory Council.

~~[9.]~~ **10.** The Department shall, on or before ~~[December]~~ **October** 31, 2026, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Council to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

~~[10.]~~ **11.** The Advisory Council may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Advisory Council. The request must be submitted to the Legislative Counsel on or before December 31, 2026, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2027. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 12. A ~~[person who, on October 1, 2025, holds a valid teacher's license issued pursuant to chapter 391 of NRS]~~ **teacher employed by a school district** must **,** ~~[submit]~~ on or before October 1, 2030, **submit** proof that he or she has completed the training required by section 5 of this act **.** ~~[.]~~ **as a condition of continued employment after that date.**

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. NRS 388.408 is hereby repealed.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

3. Section 11 of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the English Learner Advisory Council established pursuant to section 11 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

4. Sections 12, 13 and 14 of this act become effective on October 1, 2025.

TEXT OF REPEALED SECTION

388.408 Certain schools required to adopt corrective action plan; enrollment in other schools of pupils who attend school that adopts plan; reporting of information concerning plans.

1. The principal of each public school which, based upon the most recent annual report of the statewide system of accountability for public schools, was rated in the lowest 30 percent of public schools in this State in the achievement of pupils who are English learners, shall adopt, submit to the Department and

publish on an Internet website maintained by the school a corrective action plan which must include, without limitation:

(a) Identification of the root causes of the low levels of achievement among pupils who are English learners;

(b) Plans to address those root causes;

(c) Attainable quantitative goals for improvement in the achievement of pupils who are English learners and timelines for meeting those goals;

(d) Identification of specific actions to improve the achievement of pupils who are English learners, plans to monitor those actions and identification of persons responsible for taking and monitoring those actions; and

(e) Plans to provide professional development designed to address the needs of pupils who are English learners to administrators, teachers and other educational staff.

2. The Department shall assist principals who are required by subsection 1 to adopt a corrective action plan with the development of the plan.

3. A corrective action plan adopted pursuant to subsection 1 may be incorporated into any other relevant corrective action plan adopted by the school.

4. A public high school that has adopted a corrective action plan pursuant to subsection 1 shall notify the parent or guardian of each pupil receiving services for English learners at the high school, in English and any language that is the primary language of at least 10 percent of the English learners enrolled in the high school, that the school has adopted a corrective action plan. The notice must include, without limitation:

(a) A list of each high school in the same school district as the school that has not adopted a corrective action plan;

(b) A statement that the parent or guardian may request that the pupil be transferred to a public high school that has not adopted a corrective action plan; and

(c) A statement of the provisions of subsection 5.

5. The board of trustees of a school district shall allow a pupil who is an English learner and attends a school that has adopted a corrective action plan to enroll in a public school outside the zone of attendance in which the pupil resides if:

(a) The pupil wishes to transfer because the school meets the criteria prescribed in subsection 1 or because of the adoption of the corrective action plan; and

(b) The public school in which the pupil wishes to enroll has adequate capacity to enroll the pupil after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.

6. On or before July 1 of each year, the Department shall submit to the Joint Interim Standing Committee on Education a report that includes:

(a) The number of public schools in this State that have adopted a corrective action plan pursuant to subsection 1;

(b) A description of any progress or lack of progress in closing gaps in achievement between pupils who are English learners and pupils who are proficient in English; and

(c) An evaluation of the success of the corrective action plans.

7. As used in this section, "zone of attendance" means the zone established by the board of trustees of a school district pursuant to NRS 388.040 to designate which school within the district a pupil must attend.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 164.

AN ACT relating to education; revising provisions governing the submission of data and metrics on the performance and progress of pupils; revising provisions governing the automated system of accountability information for Nevada; requiring the Commission on ~~[School Funding]~~ **Innovation and Excellence in Education** to review and make recommendations concerning reports on pupil achievement and the financial accountability of school districts; requiring the Commission to create a framework for such reports and collaborate with the Department of Education to create a centralized repository of such reports; revising requirements for publishing a list of expenditures of county school districts; revising provisions governing the ratios of pupils to licensed teachers; removing the requirement for a school district to prepare a summary of certain fiscal reports; repealing the requirement for the Department to recommend a minimum amount to be spent by public schools on textbooks and other instructional supplies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to: (1) establish certain metrics of performance for public schools for each grade; and (2) on or before October 1 of each year, report data relating to each metric to the Governor, the State Board of Education and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education. (NRS 385A.080) In addition, existing law requires: (1) the Commission on School Funding to review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan and use certain metrics in performing that review; and (2) each school district and charter school to submit to the Commission a quarterly report of data and metrics collected by the school district or charter school to identify areas of improvement in academic performance and the progress of pupils. (NRS 387.12463) **Section 5** of this bill removes the requirement for each school district and charter school to submit to the Commission a quarterly

report of such data and metrics and, instead, requires the Commission to conduct an annual review of data and metrics to identify how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils. Under **section 5**: (1) the annual review may include, without limitation, a review of data and metrics submitted to the Commission by school districts and charter schools and data and metrics previously reported to the Superintendent of Public Instruction or the Department of Education; and (2) data and metrics previously reported by school districts and charter schools to the Superintendent of Public Instruction or the Department are not required to also be submitted to the Commission. Finally, **section 1** of this bill similarly requires that, to the greatest extent possible, the Superintendent of Public Instruction use information previously submitted to the Superintendent or the Department to prepare reports of data concerning metrics of performance for public schools and to avoid duplicative requests for information.

Existing law requires the Department to establish and maintain an automated system of accountability information for Nevada that has the capacity to provide and report certain information concerning pupils in this State. (NRS 385A.800) To carry out the automated system of accountability, the Superintendent of Public Instruction is required to prescribe a uniform program throughout this State for the collection, maintenance and transfer of data, which must include standardized software, and each school district is required to adopt and maintain that uniform program, including, without limitation, by providing electronic data concerning pupils as required by the Superintendent. (NRS 385A.810, 385A.820) **Sections 2 and 3** of this bill clarify that this uniform program must include the collection, validation and maintenance of electronic records concerning pupils and the transfer of data to the Department from electronic records maintained by each school district, sponsor of a charter school and university school for profoundly gifted pupils in this State. **Section 3 authorizes the Superintendent of Public Instruction to deduct money from certain apportionments from the State Education Fund otherwise owed to a school district, charter school or university school for profoundly gifted pupils to compensate the Department for costs to collect, validate and maintain electronic records concerning pupils and financial accountability information as necessary to report on pupil achievement and financial accountability on behalf of the school district, charter school or university school for profoundly gifted pupils.**

Existing law requires the Commission on ~~[School Funding to review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan and make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability.]~~ **Innovation and Excellence in Education to develop a statewide vision and implementation plan to improve the public education system in this State.**

(NRS ~~[387.12463)]~~ **385.920) Section 4** of this bill additionally requires the Commission to: (1) review the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement to identify **and recommend the elimination of** reporting requirements that are redundant or do not **effectively** provide ~~[meaningful information]~~ **measurable and informative data with which** to assess and ~~[develop]~~ **improve** educational programs and priorities in this State; and (2) ~~[include in the]~~ **present any** recommendations made by the Commission to the ~~[Governor and the Legislature under existing law recommendations for the elimination of such reporting requirements or the amending of reporting requirements to enhance the effectiveness and alignment of the reporting with the educational programs and priorities of this State. (NRS 387.12463)]~~ **Joint Interim Standing Committee on Education and annually transmit such recommendations to the Governor and the Legislature. Section 4** also requires the Commission to: (1) collaborate with the Department of Education to **gather input on the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability; (2) collaborate with the Department to** establish a centralized repository of all reports of data relating to pupil achievement and financial accountability and make the repository easily accessible on the Internet website of the Department; and ~~[(2)]~~ **(3)** develop a framework for the reporting of data relating to pupil achievement and financial accountability that ensures that data reported to the Department identifies areas of proficiency and growth of pupils in this State, identifies gaps in achievement among groups of pupils in this State and provides clear, actionable data to enable the development of policies and practices to improve educational outcomes in this State.

Section 6 this bill: (1) repeals the requirement for the board of trustees of a county school district to publish a quarterly expenditure report for the school district in a newspaper that meets certain requirements; and (2) instead requires the board of trustees of a county school district to publish the quarterly expenditure report on the Internet website of the county school district. (NRS 387.320)

Existing law prohibits the ratio of pupils per licensed teacher in certain classes from exceeding certain ratios during each school quarter of a school year. (NRS 388.700) Existing law requires the board of trustees of each school district to report to the Department, on a quarterly basis, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for certain grade levels. (NRS 388.725) If the ratio of pupils per licensed teacher at one or more elementary schools in a school district exceeds the ratio prescribed by statute during any quarter of a school year, existing law requires the school district to request a variance from the State Board for each such school for the subsequent quarter. (NRS 388.700) **Section 7** of this bill provides that: (1) the prohibition against exceeding the prescribed ratio of pupils per licensed teacher in certain classes is measured for the entire school year rather than each school quarter of a school year; and (2) a school district is required to request

a variance only if the ratio measured for one or more elementary schools for the entire school year exceeds the prescribed ratio. **Section 9** of this bill requires annual reports, rather than quarterly reports, regarding the average daily enrollment of pupils and the ratio of pupils per licensed teacher for certain grade levels. **Section 8** of this bill makes a conforming change to remove references to such quarterly reports.

Existing law requires the governing body of each local government to: (1) submit a fiscal report of the local government to the Department of Taxation in accordance with the requirements prescribed by the Committee on Local Government Finance; and (2) publish a summary of the fiscal report in a newspaper that meets certain requirements. Under existing regulations, the summary of the fiscal report published in a newspaper is: (1) required to contain certain information concerning the revenues and expenditures of the general fund of the local government and any proprietary fund of the local government; and (2) authorized to contain such information for any other fund of the local government. **Section 10** of this bill eliminates the requirement for the board of trustees of a county school district to prepare and publish a summary of the fiscal report of the county school district.

Section 11 of this bill repeals the requirement for the Department, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, to: (1) recommend a minimum amount of money to be spent during each fiscal year of the biennium on textbooks, instructional supplies, instructional software and instructional hardware by school districts, charter schools and university schools for profoundly gifted pupils; and (2) publish a report concerning school districts, charter schools and university schools for profoundly gifted pupils that did not spend the recommended minimum amount. (NRS 387.206, 387.2062)

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

Section 1. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;
(4) Nevada Parent Teacher Association;
(5) Budget Division of the Office of Finance;
(6) Legislative Counsel Bureau; and
(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:

(1) The growth and proficiency of pupils in literacy, mathematics and science;

(2) The engagement and proficiency of pupils in courses for college and career readiness; and

(3) The retention and recruitment of teachers and education support professionals.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. The Superintendent of Public Instruction and each school district and charter school shall:

(a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and

(b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

4. To obtain the information necessary to report data on metrics of performance for public schools, the Superintendent of Public Instruction shall, to the greatest extent possible, use information that has previously been submitted to the Superintendent or the Department and avoid duplicative requests for information.

Sec. 2. NRS 385A.810 is hereby amended to read as follows:

385A.810 The board of trustees of each school district shall:

1. Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to NRS 385A.820 for the collection, ***validation and*** maintenance ***of electronic records of individual pupils*** and ***the*** transfer of data from ~~[the]~~ ***such electronic*** records ~~[of individual pupils]~~ ***by the school district, the sponsor of each charter school and each university school for profoundly gifted pupils*** to the automated system of information ~~[, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;]~~ ***established by the Department pursuant to NRS 385A.800;***

2. Provide to the Department electronic data concerning pupils ~~[as required]~~ ***in accordance with the program prescribed*** by the Superintendent of Public Instruction pursuant to NRS 385A.820 ~~[,]~~ ***, including, without limitation, the data required to be reported pursuant to NRS 385A.840 and any other data requested by the Department to carry out its functions or required to be reported to the Department by state or federal law or regulations;*** and

3. Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 385A.830.

Sec. 3. NRS 385A.820 is hereby amended to read as follows:

385A.820 ***1.*** The Superintendent of Public Instruction shall:

~~[1.]~~ ***(a)*** Prescribe a uniform program throughout this State for the collection, ***validation and*** maintenance ***of electronic records of individual pupils*** and ***the*** transfer of data ~~[that]~~ ***from such electronic records, which*** each school district must adopt ~~[,]~~ ***and*** which must include standardized software;

~~[2.]~~ ***(b)*** Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to NRS 385A.810 and by each university school for profoundly gifted pupils;

~~[3.]~~ ***(c)*** Prescribe the format for the data;

~~[4.]~~ ***(d)*** Prescribe the date by which each school district shall report the data to the Department;

~~[5.]~~ ***(e)*** Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

~~[6.]~~ ***(f)*** Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

~~[7.]~~ ***(g)*** Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

~~[(a)]~~ ***(1)*** Individual pupils;

~~[(b)]~~ ***(2)*** Individual teachers;

~~[(c)]~~ ***(3)*** Individual schools and school districts; and

~~[(d)]~~ ***(4)*** Programs and financial information;

~~[8.]~~ ***(h)*** Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

~~[9.]~~ ***(i)*** Provide for the analysis and reporting of the data in the automated system of information.

2. The Superintendent of Public Instruction may deduct money from the apportionment otherwise due to a school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.124 to compensate the Department for costs to collect, validate and maintain electronic records of individual pupils and financial accountability information as necessary to

report on pupil achievement and financial accountability on behalf of the school district, charter school or university school for profoundly gifted pupils, including, without limitation, costs to purchase licenses for software to collect, validate and maintain such electronic records and financial accountability information.

Sec. 4. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission on [School Funding] Innovation and Excellence in Education created by NRS [387.1246] 385.910 shall:

(a) Review the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability for the purpose of identifying and recommending the elimination of any reporting that is redundant or does not effectively provide [meaningful information] measurable and informative data with which to assess and [develop] improve the educational programs and priorities of this State.

(b) Collaborate with the Department to [establish] :

(1) Gather input relating to paragraph (a) from all interested persons and entities; and

(2) Establish a centralized repository of all reports of data relating to pupil achievement and financial accountability and make the centralized repository easily accessible on the Internet website of the Department.

(c) Develop a framework for the reporting of data relating to pupil achievement and financial accountability that ensures that data reported to the Department:

(1) Identifies areas of proficiency and growth of pupils in this State;

(2) Identifies gaps in achievement among groups of pupils;

(3) Provides clear, actionable data to enable the development of policies and practices to improve educational outcomes in this State; and

(4) Is incorporated into the centralized repository established pursuant to paragraph (b) and is organized into portals or tabs that feature information of interest and value to interested parties, including, without limitation, the Department, school districts, schools, administrators, teachers and support staff, elected officials and parents.

2. The Commission shall:

(a) [Include] Present any recommendations developed pursuant to paragraph (a) of subsection 1 [in the recommendations presented] at a meeting of the Joint Interim Standing Committee on Education [pursuant to paragraph (a) of subsection 4 of NRS 387.12463.] for consideration and comment by the Committee. The recommendations must include, without limitation, recommendations for:

(1) The elimination of any requirements for the reporting of data that are redundant or do not effectively provide [meaningful information] measurable and informative data with which to assess and [develop] improve the educational programs and priorities of this State; and

(2) Any amendments of existing requirements for the reporting of data that will enhance the effectiveness and alignment of the reporting with the educational programs and priorities of this State.

(b) ~~[After]~~ On or before September 30 of each year, after consideration of ~~[the]~~ any comments on the recommendations ~~[of]~~ made by the Joint Interim Standing Committee on Education, ~~[include]~~ transmit the recommendations developed pursuant to paragraph (a) of subsection 1 or a revised version of such recommendations ~~[in the recommendations transmitted pursuant to paragraph (b) of subsection 4 of NRS 387.12463]~~ to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature.

3. Upon the request of the Chair of the Senate Standing Committee on Education or the Assembly Standing Committee on Education, the Commission shall present the recommendations developed pursuant to paragraph (a) of subsection 1 to the applicable Committee for the purpose of informing legislative decision-making and policy development.

Sec. 5. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and

the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in the first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility and ensure the equitability of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. ~~[Each school district and each charter school shall submit a quarterly report to]~~ ***On an annual basis,*** the Commission ~~[that identifies]~~ ***shall review data and metrics to identify*** how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils ***.*** ~~[and includes,]~~ ***The data and metrics reviewed pursuant to this subsection may include,*** without limitation, all data or metrics collected ***and submitted*** by ~~[the]~~ ***a*** school district or charter school ***, and all data or metrics previously reported by a school district or charter school to the Superintendent of Public Instruction or the Department,*** to demonstrate such improvement. ***A school district or charter school must not be required to submit data or metrics for a review pursuant to this subsection if the school district or charter school has previously reported the data or metrics to the Superintendent of Public Instruction or the Department.*** The Commission shall ~~[review the reports submitted pursuant to this subsection and transmit the reports,]~~ ***report the results of a review pursuant to this subsection,*** along with any commentary or recommendations relating to the ~~[reports,]~~ ***review,*** to the Governor, the

Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.

3. After receiving ~~[the reports]~~ ***a report*** submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the ~~[reports]~~ ***report*** submitted pursuant to subsection 2.

4. The Commission shall:

(a) Present any recommendations pursuant to paragraphs (a) to (g), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and recommendations by the Committee; and

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the recommendations or a revised version of the recommendations to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Sec. 6. NRS 387.320 is hereby amended to read as follows:

387.320 ~~[1.]~~ During each quarter of each school year, the clerk of the board of trustees of a county school district shall cause to be published ***on the Internet website of the county school district*** a list of expenditures of the county school district made during the previous quarter school year. The published list of expenditures shall be in the form prescribed by the Superintendent of Public Instruction.

~~[2. The publication required by subsection 1 shall be printed in some newspaper published and of general circulation in the county the boundaries of which are conterminous with the boundaries of the county school district.~~

~~3. The newspaper described in subsection 2 must possess the qualifications prescribed in chapter 238 of NRS.~~

~~4. If no qualified newspaper is published within a county, then the required publication shall be printed in some qualified newspaper printed in the State of Nevada and having a general circulation within the county.]~~

Sec. 7. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for ~~[each school quarter of]~~ a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject

areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the ~~[end of a quarter during the]~~ ***beginning of a*** school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4 ~~[.]~~ ***for the school year.***

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any ~~[quarter of a]~~ school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance for each such school for ~~[the next quarter of the current school year if a quarter remains in that school year or for the next quarter of]~~ the succeeding school year ~~[, as applicable,]~~ from the State Board by providing a written statement that includes the reasons for the request, the justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on ~~[a quarterly]~~ ***an annual*** basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding ~~[quarter]~~ ***school year*** and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. ~~[The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:~~

~~(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.~~

~~(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the~~

~~current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.~~ ~~7.~~] The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed full-time;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of substitute teachers filling vacancies or long-term positions;

(d) The number of pupils enrolled; and

(e) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~[8.]~~ ***7.*** The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 8. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~[quarterly]~~ reports concerning the average daily enrollment of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the ~~[Legislature]~~ ***Interim Finance Committee*** pursuant to that section.

(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

Sec. 9. NRS 388.725 is hereby amended to read as follows:

388.725 1. On or before August 1 ~~[, November 1, February 1 and May 1]~~ of each year, the board of trustees of each school district shall report to the Department for the preceding ~~[quarter:]~~ ***school year:***

(a) Except as otherwise provided in paragraph (b), the average daily enrollment of pupils and the ratio of pupils per licensed teacher for grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 10. NRS 354.6015 is hereby amended to read as follows:

354.6015 1. ~~[Except as otherwise provided in subsection 3, the]~~ ***The*** governing board of a local government shall:

(a) ~~[Submit]~~ ***Except as otherwise provided in subsection 3, submit*** electronically a fiscal report of the local government to the Department of

Taxation in accordance with the requirements prescribed by the Committee on Local Government Finance pursuant to subsection 2; and

(b) ~~[~~Publish~~]~~ ***Except as otherwise provided in this paragraph, publish*** a summary of the fiscal report, which must contain the information required by the Committee on Local Government Finance pursuant to subsection 2, in a newspaper of general circulation in the county in which the local government is situated. ***The board of trustees of a county school district is not required to prepare or publish a summary of the fiscal report of the county school district pursuant to this paragraph.***

2. The Committee on Local Government Finance shall prescribe, by regulation:

(a) The dates and times for filing a fiscal report, which must require a local government to file at least one fiscal report per year;

(b) The content of a fiscal report, which must include, without limitation, revenues, expenditures, fund balances, cash balances, components of assessed value, debt schedules and any other information that the Committee on Local Government Finance determines to be appropriate for determining the financial status of a local government;

(c) The content for a summary of a fiscal report that must be published pursuant to subsection 1; and

(d) A uniform method for creating and submitting a fiscal report electronically pursuant to this section. The method must facilitate the storage and reproduction of the fiscal report in electronic format by the Department of Taxation.

3. The Committee on Local Government Finance may establish, by regulation, an exception to the requirement that a fiscal report be submitted to the Department of Taxation in electronic format. The exception must be limited to local governments that the Committee determines do not have the financial ability to comply with the method for submitting a fiscal report to the Department of Taxation prescribed by the Committee. If the Committee on Local Government Finance provides an exception pursuant to this subsection, the Committee shall provide, by regulation, specific standards that it will use to determine whether a local government qualifies for an exemption pursuant to this subsection.

4. The Committee on Local Government Finance shall adopt regulations pursuant to this section in the manner prescribed for state agencies in chapter 233B of NRS.

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

Sec. 11. NRS 387.206 and 387.2062 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

387.206 Recommended minimum expenditure by school districts, charter schools and university schools for profoundly gifted pupils for textbooks, instructional supplies, instructional software and instructional hardware.

1. On or before August 1 of each odd-numbered year, the Department, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall determine a recommended minimum amount of money to be expended during each fiscal year of a biennium for textbooks, instructional supplies, instructional software and instructional hardware by all school districts, charter schools and university schools for profoundly gifted pupils. The amount must be determined by increasing the amount that was established for the Fiscal Year 2004-2005 by the percentage of the change in enrollment between Fiscal Year 2004-2005 and the fiscal year for which the amount is being established, plus any inflationary adjustment approved by the Legislature after Fiscal Year 2004-2005.

2. The Department, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district, charter school and university school for profoundly gifted pupils is recommended to expend each fiscal year for textbooks, instructional supplies, instructional software and instructional hardware. The sum of all of the minimum amounts determined pursuant to this subsection must be equal to the combined minimum amount determined pursuant to subsection 1. The formula must be used only to develop expenditure recommendations and must not be used to alter the yearly apportionment from the State Education Fund to school districts, charter schools or university schools for profoundly gifted pupils.

3. Upon approval of the formula pursuant to subsection 2, the Department shall provide written notice to each school district, charter school and university school for profoundly gifted pupils on or before August 15 of each odd-numbered year that sets forth the recommended minimum combined amount of money that the school district, charter school and university school for profoundly gifted pupils may expend for textbooks, instructional supplies, instructional software and instructional hardware for each fiscal year of a biennium.

387.2062 Report concerning failure to comply with recommended minimum expenditure.

1. On or before January 1 of each year, the Department shall determine whether each school district, charter school and university school for profoundly gifted pupils has expended, during the immediately preceding fiscal year, the recommended minimum amount of money set forth in the

notice provided pursuant to subsection 3 of NRS 387.206. In making this determination, the Department shall use the report submitted by:

(a) The school district pursuant to NRS 387.303.

(b) The charter school pursuant to NRS 388A.345.

(c) The university school for profoundly gifted pupils pursuant to NRS 388C.250.

2. Except as otherwise provided in subsection 3, if the Department determines that a school district, charter school or university school for profoundly gifted pupils, as applicable, has not expended the recommended minimum amount of money set forth in the notice or the revised notice, as applicable, provided pursuant to subsection 3 of NRS 387.206, the Department shall publish a report on an Internet website maintained by the Department which identifies the difference between the actual combined expenditure for textbooks, instructional supplies, instructional software and instructional hardware and the minimum recommended combined expenditure set forth in the notice provided pursuant to subsection 3 of NRS 387.206.

3. If the actual enrollment of pupils in a school district, charter school or university school for profoundly gifted pupils is less than the enrollment included in the projections used in the biennial budget of the school district submitted pursuant to NRS 387.303, the budget of the charter school submitted pursuant to NRS 388A.345 or the report of the university school for profoundly gifted pupils submitted pursuant to NRS 388C.250, as applicable, the recommended expenditure for textbooks, instructional supplies, instructional software and instructional hardware pursuant to NRS 387.206 must be reduced proportionately.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 433.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 234.

AN ACT relating to peace officers; creating the ~~[Blue]~~ **Purple** Ribbon Task Force on **Firefighter and** Peace Officer Wellness; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the ~~[Blue]~~ **Purple** Ribbon Task Force on **Firefighter and** Peace Officer Wellness to review the existing policies of this State concerning personal wellness initiatives that account for **the** mental and physical health of **firefighters,** peace officers and other law enforcement personnel. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and

recommendations for transmittal to the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

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

Section 1. 1. The ~~[Blue]~~ **Purple** Ribbon Task Force on **Firefighter and** Peace Officer Wellness is hereby created. The Task Force consists of the following ~~[eight]~~ **nine** members:

(a) Two members appointed by the Majority Leader of the Senate;

(b) One member appointed by the Minority Leader of the Senate;

(c) ~~[Two]~~ **Three** members appointed by the Governor;

(d) Two members appointed by the Speaker of the Assembly; and

(e) One member appointed by the Minority Leader of the Assembly.

2. To the extent practicable, membership of the Task Force must include, without limitation:

(a) A representative from a local government;

(b) A representative of an ~~[employer]~~ **employee** organization, as defined in NRS ~~[288.400]~~ **288.040,** that represents peace officers ~~[,]~~ **or a labor organization, as defined in NRS 288.048, that represents peace officers;**

(c) A resource officer with a behavioral health background; ~~[and]~~

(d) A representative from a state law enforcement agency, including, without limitation, the Department of Public Safety or the Department of Corrections ~~[.]~~ **; and**

(e) A representative of firefighters from a local government employer, as defined in NRS 288.060.

3. The Task Force shall:

(a) Review the existing policies of this State concerning personal wellness initiatives that account for the mental and physical health of **firefighters,** peace officers and other law enforcement personnel; and

(b) Recommend personal wellness initiatives for state and local law enforcement agencies ~~[.]~~ **and fire departments.**

4. The members of the Task Force serve without compensation.

5. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

6. The Task Force shall, at its first meeting, elect a Chair and Vice Chair from among its members.

7. The Task Force shall meet upon the call of the Chair or a majority of the members of the Task Force.

8. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

9. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

10. The Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

Sec. 2. The members of the **Purple Ribbon** Task Force **on Firefighter and Peace Officer Wellness** must be appointed pursuant to section 1 of this act not later than October 1, 2025.

Sec. 3. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 284.

AN ACT relating to public works; revising provisions relating to the compliance of a contractor or subcontractor with certain requirements relating to apprentices on a public work; revising requirements relating to identifying numbers for public works; revising provisions relating to the imposition of penalties for certain violations; revising provisions relating to the period within which a person is disqualified from being awarded a contract for a public work in certain circumstances; revising provisions relating to the investigation of certain possible violations; creating the Public Works Compliance Division within the Office of Labor Commissioner and prescribing its duties; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for the State and its political subdivisions to award a contract for the new construction, repair or reconstruction of specified projects that are financed in whole or in part from public money, known as public works. (Chapter 338 of NRS) Existing law creates the Office of Labor Commissioner and requires the Labor Commissioner to enforce specified provisions relating to employment on public works. (NRS 338.010-338.130, 607.010) Existing law requires contractors or subcontractors engaged on public works to use apprentices for a certain percentage of the total hours performed on a public work, depending on certain conditions related to the public work, and to report certain

information regarding the public works for the previous year to the Labor Commissioner, except identifying information about a public work or an apprentice or employee. Existing law further requires a contractor or subcontractor on a public work to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the apprenticeship requirement. Such a good faith effort includes submitting to an apprenticeship program a request for an apprentice: (1) not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work; and (2) if a contractor or subcontractor does not work continuously on a public work, not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work. (NRS 338.01165) **Section 1** of this bill removes the 10-day time limitation on requesting an apprentice, thereby allowing for an apprentice to be requested by a contractor or subcontractor at any time before work on a public work is scheduled to begin or resume. **Section 1** also removes the exception for not reporting identifying information about a public work, thereby requiring the reporting of such information to the Labor Commissioner.

Existing law, in part, requires a public body that undertakes a public work to: (1) request an identifying number with a designation of the work and include the number in any advertisement or other type of solicitation; and (2) report to the Labor Commissioner the award of a contract within 10 days after the award and subsequently report the completion of the work under the contract. (NRS 338.013) **Section 2** of this bill requires that a public body request such an identifying number not less than ~~[10]~~ **3 business** days before any advertisement or other type of solicitation for the public work is published or made, as applicable. **Section 2** also ~~[imposes]~~ **authorizes** a penalty for each calendar day or portion thereof that a public body is not in compliance with the reporting requirements.

~~[Existing law authorizes the Labor Commissioner to impose an administrative penalty, in addition to any other remedy or penalty authorized by law, if any person, including, without limitation, a public body, violates certain provisions relating to public works in the amount of not more than $5,000 for each such violation. (NRS 338.015) Section 3 of this bill limits the existing maximum penalty to the first violation and authorizes the imposition of an administrative penalty of not less than $5,000 for each subsequent violation.]~~

Under existing law, if an administrative penalty is imposed against a person for a violation of certain provisions relating to public works, the Labor Commissioner is authorized to prohibit the person from being awarded a contract for a public work: (1) for the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and (2) for the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty. (NRS 338.017) **Section 4** of this bill instead provides for the issuance of a warning for the first offense and revises the

duration of the period of the disqualification as follows: (1) for the second offense, a period of 180 days after the date of the imposition of the administrative penalty; (2) for the third offense, a period of 1 year after the date of the imposition of the administrative penalty; and (3) for the fourth or subsequent offense, a period of 3 years after the date of the imposition of the administrative penalty.

Existing law requires any public body awarding a contract for a public work to investigate possible violations of certain laws relating to public works and determine whether a violation has been committed and inform the Labor Commissioner of any such violations. (NRS 338.070) **Section 5** of this bill requires a public body, within ~~[30]~~ **90** days after substantial completion of a contract for a public work, to: (1) conduct an investigation and make a determination regarding any violation; or (2) refer the matter to the Public Works Compliance Division, which is created within the Office of Labor Commissioner in **section 8** of this bill. **Section 7** of this bill requires the Division to: (1) investigate possible violations of certain laws relating to public works at the direction of the Labor Commissioner or upon receipt of a referral from a public body; (2) submit to the Labor Commissioner a written report concerning such an investigation and, if applicable, provide a copy of the report to the referring public body upon completion of the investigation; and (3) perform any other duties related to the enforcement of certain provisions relating to public works, as directed by the Labor Commissioner. **Sections 9 and 10** of this bill make conforming changes related to the creation of the Division.

Existing law requires a public body to withhold and retain from payments to a contractor on a public work sums that are forfeited as a result of the violation of certain laws relating to public works. Existing law also prohibits any sums from being withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body. (NRS 338.070) **Section 5** requires a public body who refers the investigation of possible offenses to the Division to withhold and retain all sums believed to be forfeited by the violation of such laws until an investigation has been completed by the Division and the Labor Commissioner has determined if any violations were committed. **Section 5** authorizes the Labor Commissioner to impose against a public body that fails to investigate possible violations of certain laws relating to a public work or refer possible violations to the Public Works Compliance Division within the prescribed time period: (1) a fee of $1,000 for each contractor or subcontractor found to be in violation of such provisions; and (2) an administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of such provisions. **Section 5 also prohibits a public body from withholding from any contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed against the public body by the Labor Commissioner pursuant to section 5.**

~~[Existing law requires that a person found to have willfully and repeatedly failed to pay the prevailing wage required by law be required to pay certain damages to each affected worker. (NRS 338.090) Section 6 of this bill removes the requirement of willfulness, thus making the penalty applicable to a person who repeatedly fails to pay the prevailing wage.]~~

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor or subcontractor may utilize a person who graduated from the apprenticeship program
in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner, a request for an apprentice ~~[not earlier than 10 days]~~ before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work ~~[not earlier than 10 days]~~ before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner, the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about ~~[a public work or]~~ an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for each apprentice required to be used in the construction of a public work.

17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.013 is hereby amended to read as follows:

338.013 1. A public body that undertakes a public work shall request from the Labor Commissioner ~~[, and include in any advertisement or other type of solicitation,]~~ an identifying number with a designation of the work ~~[.]~~ ***not less than ~~[10]~~ 3 business days before any advertisement or other type of solicitation is published or made for the public work.*** That number must be included in any ***such advertisement or solicitation or any*** bid or other document submitted in response to the advertisement or ~~[other type of]~~ solicitation.

2. Each public body which awards a contract for any public work shall report its award to the Labor Commissioner within 10 days after the award, giving the name and address of the contractor to whom the public body awarded the contract and the identifying number for the public work.

3. Each contractor engaged on a public work shall report to the Labor Commissioner and the public body that awarded the contract the name and address of each subcontractor whom the contractor engages for work on the project within 10 days after the subcontractor commences work on the contract and the identifying number for the public work.

4. The public body which awarded the contract shall report the completion of all work performed under the contract to the Labor Commissioner before the final payment of money due the contractor by the public body.

5. If a public body fails to comply with subsection 2 or 4, the Labor Commissioner ~~[shall]~~ may impose against the public body a penalty of $50 for each calendar day or portion thereof that the public body is not in compliance.

Sec. 3. ~~[NRS 338.015 is hereby amended to read as follows:~~

~~338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.~~

~~2. Except as otherwise provided in NRS 338.035 and in addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of [not] :~~

~~*(a) Not* more than $5,000 for [each such violation.] *the first violation; and*~~

~~*(b) Not less than $5,000 for each subsequent violation.*~~

~~3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.~~

~~4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.~~] **(Deleted by amendment.)**

Sec. 4. NRS 338.017 is hereby amended to read as follows:

338.017 1. If any administrative penalty is imposed pursuant to this chapter against a [~~person~~] ***contractor or subcontractor*** for the commission of an offense, [~~that person,~~] ***the Labor Commissioner may take the following actions against the contractor or subcontractor*** and the corporate officers, if any, of [~~that person, may not be awarded a contract for a public work:~~] ***the contractor or subcontractor:***

(a) [~~For~~] ***Issue a warning for*** the first offense **.** [~~,~~]

(b) Disqualify the contractor or subcontractor and any corporate officers thereof from being awarded a contract for a public work or entering into a contract to perform work on a public work, as applicable:

(1) For the second offense, for a period of [~~3 years~~] ***180 days*** after the date of the imposition of the administrative penalty; [~~and~~

~~(b)~~] ***(2) For the third offense, for a period of 1 year after the date of the imposition of the administrative penalty; and***

(3) For the [~~second~~] ***fourth*** or subsequent offense, for a period of [~~5~~] ***3*** years after the date of the imposition of the administrative penalty.

2. A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work for the period of debarment of the contractor from receiving contracts from the Federal Government.

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor ***or subcontractor*** who is [~~prohibited or~~] disqualified from being awarded a contract for a public work pursuant to this section.

Sec. 5. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall [~~:~~] ***, within*** ~~*30*~~ ***90 days after substantial completion of the contract:***

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract,

and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; ~~[and]~~ ***or***

(b) ***Refer a possible violation of the provisions of NRS 338.010 to 338.090, inclusive, to the Public Works Compliance Division in the Office of Labor Commissioner. Such a referral must be made on a form prescribed by the Labor Commissioner.***

2. ~~[When]~~ ***Except as otherwise provided in this subsection, when*** making payments to the contractor engaged on the public work of money becoming due under the contract, ***a public body shall*** withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

~~[2.]~~ No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body ~~[.]~~ ***or the Public Works Compliance Division pursuant to section 7 of this act.***

3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:

(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:

(1) Whether the worker wishes to specify voluntarily his or her gender; and

(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and

(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):

(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and

(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.

➥ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.

5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

(1) The name of the worker;

(2) The occupation of the worker;

(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(6) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.

➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.

8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

9. If the Labor Commissioner finds that a public body has failed to comply with the requirements of subsection 1, the Labor Commissioner ~~[shall]~~ may impose against the public body:

(a) A fee of $1,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work; and

(b) An administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work.

10. A public body shall not withhold from a contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed by the Labor Commissioner pursuant to subsection 9.

11. As used in this section, "substantial completion" means that the construction of a public work is, in accordance with the contract documents, sufficiently complete that the owner can occupy and use the public work as intended.

Sec. 6. ~~[NRS 338.090 is hereby amended to read as follows:~~

~~338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.~~

~~2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:~~

~~(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid;~~

~~(b) Shall require a person found to have [willfully and] repeatedly failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and~~

~~(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.~~

~~3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.~~

~~4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.~~

~~5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.~~] **(Deleted by amendment.)**

Sec. 7. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

The Public Works Compliance Division shall:

1. At the direction of the Labor Commissioner or upon receipt of a referral made by a public body pursuant to NRS 338.070:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive; and

(b) Submit to the Labor Commissioner a written report concerning an investigation conducted pursuant to paragraph (a). If the investigation was conducted pursuant to a referral made by a public body pursuant to NRS 338.070, a copy of the report must be provided to the public body.

2. Perform any other duties related to the enforcement of NRS 338.010 to 338.130, inclusive, as directed by the Labor Commissioner.

Sec. 8. NRS 607.010 is hereby amended to read as follows:

607.010 The Office of Labor Commissioner is hereby created. ***The Office consists of the Labor Commissioner and the Public Works Compliance Division.***

Sec. 9. NRS 607.060 is hereby amended to read as follows:

607.060 The Labor Commissioner may employ:

1. One Chief Assistant, who is in the unclassified service of the State.
2. Stenographic, clerical and statistical assistance.
3. Any personnel necessary to carry out the duties of the Public Works Compliance Division.

Sec. 10. NRS 607.130 is hereby amended to read as follows:

607.130 Upon the written request of the ***Office of*** Labor Commissioner, all state and county officers shall furnish all information in their power necessary to assist in carrying out the objects of this chapter.

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

2. Sections 1 to 10, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 377.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** YEAGER **; CONSIDINE, DICKMAN, D'SILVA, GALLANT, GOULDING AND KASAMA**

AN ACT relating to public employment; requiring an appointing authority to recognize relevant employment experience obtained in the Federal Government as equivalent to employment experience obtained in the government of this State for certain purposes; prohibiting, with certain exceptions, an appointing authority from requiring an applicant for a position of employment in the classified or unclassified service of the State to have obtained a bachelor's degree as a condition precedent to employment; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to take certain actions with respect to the master classification plan for all positions in the classified service of the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements and procedures governing the employment of persons in the classified and unclassified service of this State. (Chapter 284 of NRS) Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to prepare, maintain and revise a master classification plan for all positions in the classified service, based on similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. (NRS 284.160) **Section 4** of this bill requires the Administrator, in determining the qualifications that may be reasonably required for all positions in the same class, to allow a person to substitute equivalent employment experience obtained in the Federal Government for any employment experience required to be obtained in the government of this State.

Existing law requires an appointing authority, with respect to positions in the classified service of the State, to recruit, evaluate, select, manage and promote employees through open competition on the basis of knowledge, skills and ability and without regard to certain characteristics of an applicant or employee. (NRS 284.210) **Section 5** of this bill specifies that the

requirement applies, without limitation, to the recruitment, evaluation, selection, management and promotion of an employee through the making of any determination that affects the pay of an employee. **Sections 2 and 5** of this bill additionally require an appointing authority, with respect to positions in the classified and unclassified service, to recruit, evaluate, select, manage and promote employees, including, without limitation, through the making of any determination that affects the pay of an employee, in a manner which recognizes relevant employment experience obtained by an applicant or employee in the Federal Government as equivalent to employment experience obtained in the government of this State.

Section 3 of this bill prohibits, with certain exceptions, an appointing authority from requiring an applicant for a position in the classified or unclassified service to have obtained a bachelor's degree as a condition precedent to employment. **Section 3** provides an exception from that prohibition if the appointing authority makes certain determinations. Because **section 3** prohibits an appointing authority from requiring an applicant to have obtained a bachelor's degree except under certain limited circumstances, **section 4** eliminates provisions of existing law which require the Administrator to conduct certain periodic reviews of classes of positions in the classified service which require a person to hold a bachelor's degree. (NRS 284.160)

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***In relation to positions in the unclassified service, each appointing authority shall recruit, evaluate, select, manage and promote employees, including, without limitation, through the making of any determination that affects the pay of an employee, in a manner which recognizes relevant employment experience obtained by an applicant or employee in the Federal Government as equivalent to employment experience obtained in the government of this State.***

Sec. 3. ***1. Except as otherwise provided in subsection 2, an appointing authority shall not require an applicant for a position of employment in the classified or unclassified service of the State to have obtained a bachelor's degree as a condition precedent to employment.***

2. The provisions of subsection 1 do not apply if the appointing authority determines that the knowledge, skills or abilities required for the position for which the applicant is applying may only be obtained through a course of study in pursuit of and that culminates in the award of a bachelor's degree.

Sec. 4. NRS 284.160 is hereby amended to read as follows:

284.160 1. The Administrator shall prepare, maintain and revise as necessary a master classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same

qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

2. In determining the qualifications that may be reasonably required for all positions in the same class pursuant to subsection 1, the Administrator shall ~~[periodically review each class of positions in the classified service which require a person to hold a bachelor's degree and, whenever the Administrator deems it necessary for the efficiency of the public service, revise the qualifications to]~~ allow a person to substitute equivalent ***employment*** experience ~~[or skills in lieu of a bachelor's degree.]~~ ***obtained in the Federal Government for any employment experience required to be obtained in the government of this State.***

3. The Administrator shall review annually the classification plan of each appointing authority using the audit function developed and implemented pursuant to NRS 284.107.

4. Subject to the provisions of subsection 5, with the approval of the Administrator, an appointing authority may make changes in the classification of positions within its agency whenever the appointing authority deems it necessary for the efficiency of the public service.

5. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator, at the request of an appointing authority, may make a change in the classification plan without the prior approval of the Commission if:

(a) The Administrator deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

➥ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

6. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

7. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

Sec. 5. NRS 284.210 is hereby amended to read as follows:

284.210 In relation to positions in the classified service, each appointing authority shall, consistent with the regulations adopted by the Commission pursuant to NRS 284.205, recruit, evaluate, select, manage and promote employees ***, including, without limitation,*** through ***the making of any determination that affects the pay of an employee:***

1. Through open competition on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

2. In a manner which recognizes relevant employment experience obtained by an applicant or employee in the Federal Government as equivalent to employment experience obtained in the government of this State.

Sec. 6. **This act becomes effective upon passage and approval.**

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 58, 85, 92, 131, 149, 259, 274, 304, 320, 335, 389, and 502 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 533.

SUMMARY—Revises provisions ~~[related to courts.]~~ **relating to the venue for certain proceedings.** (BDR ~~[0-870)]~~ **24-870)**

AN ACT relating to courts; ~~[providing that]~~ **revising provisions relating to the venue for** certain proceedings **;** ~~[and causes of action may be brought in a qualified judicial district;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the First Judicial District Court has **exclusive** jurisdiction conferred by statute over certain proceedings, including, without limitation, **judicial review of** final decisions made by the Secretary of State~~,~~ ~~Department of Transportation or Commissioner of Insurance. (NRS 294A.420, 485.290, 693A.665) Existing law also confers the First Judicial District Court with jurisdiction over certain causes of action, including, without limitation, certain criminal petitions and certain disputes related to property. (NRS 34.738, 120A.525, 485.290) Section 2 of this bill provides that the jurisdiction conferred by statute to the First Judicial District Court over a cause of action or other proceeding is also conferred by statute to any qualified judicial district. Section 3 of this bill provides that any district court in a judicial district is a qualified judicial district if it has: (1) three or more district judges; (2) an electronic filing, storage and reproduction process; and (3) electronic access to its documents and hearings.~~ **relating to: (1) the designation of certain public buildings for use in gathering signatures on a petition for initiative or referendum that proposes a constitutional amendment or statewide measure; and (2) the verification of signatures on such a petition. (NRS 293.127565, 293.12795) Existing law also provides that whether such an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the description of the effect of such an initiative or referendum may be challenged by filing a complaint in the First Judicial District Court. (NRS 295.061)**

Sections 4-6 of this bill provide that instead of being limited to being filed only in the First Judicial District Court, such petitions for judicial review or complaints, as applicable, may be filed in a qualified district court, which is defined as: (1) the First Judicial District Court, but only if the First Judicial District Court has established and maintains an electronic filing, storage and reproduction process and electronic access to its documents and hearings; or (2) any district court which has at least five district judges and which has established and maintains an electronic filing, storage and reproduction process and electronic access to its documents and hearings.

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

Section 1. ~~[The preliminary chapter of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*Except as otherwise expressly provided in a particular statute or required by the context, any reference to the "First Judicial District Court" must be interpreted to include a "qualified district court."*]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*Except as otherwise expressly provided in a particular statute or required by the context, "qualified district court" means any district court in a judicial district which has:*~~

~~*1. Three or more district judges;*~~

~~*2. An electronic filing, storage and reproduction process; and*~~

~~*3. Electronic access to its documents and hearings.]~~ **(Deleted by amendment.)**

Sec. 4. **NRS 293.127565 is hereby amended to read as follows:**

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be designated for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall:

(a) Designate the area at the building for the gathering of signatures; and

(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.015 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may ~~[only]~~ be appealed ~~[in the First Judicial District Court.]~~ ***to a qualified district court.***

5. If the ~~[First Judicial District Court]~~ ***district court to which a decision has been appealed pursuant to subsection 4*** determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the ~~[Court]~~ ***district court*** shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.015 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

~~[5.]~~ ***6.*** The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

7. As used in this section, "qualified district court" means:

(a) The First Judicial District Court, but only if the First Judicial District Court has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings; or

(b) Any district court which has at least five district judges and which has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings.

Sec. 5. **NRS 293.12795 is hereby amended to read as follows:**

293.12795 1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the Secretary of State shall:

(a) If the Secretary of State finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the Secretary of State determines are valid. If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, the county clerk shall do so before recertifying the petition.

(b) If the Secretary of State does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, the Secretary of State may order the county clerk to reverify the signatures.

3. The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may ~~[only]~~ be appealed ~~[in the First Judicial District Court.]~~ ***to a qualified district court.***

4. As used in this section, "qualified district court" means:

(a) The First Judicial District Court, but only if the First Judicial District Court has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings; or

(b) Any district court which has at least five district judges and which has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings.

Sec. 6. **NRS 295.061 is hereby amended to read as follows:**

295.061 1. Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the description of the effect of an initiative or referendum required pursuant to NRS 295.009, may be challenged by filing a complaint in ~~[the First Judicial District Court]~~ ***a qualified district court*** not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

2. The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint in ***a qualified*** district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

3. If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.

4. As used in this section, "qualified district court" means:

(a) The First Judicial District Court, but only if the First Judicial District Court has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings; or

(b) Any district court which has at least five district judges and which has established and maintains:

(1) An electronic filing, storage and reproduction process; and

(2) Electronic access to its documents and hearings.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 20 authorizes the Department of Motor Vehicles [DMV] to adopt and imprint individualized symbols or codes for different medical conditions on driver's licenses or identification cards. The bill authorizes the DMV to communicate by electronic notification in certain circumstances. Additionally, the bill authorizes the DMV to use signature service with delivery confirmation mail when sending a notice of suspension.

Roll call on Assembly Bill No. 20:

YEAS—42.

NAYS—None.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblymember Goulding.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 41 authorizes the Adjutant General to appoint a Deputy Adjutant General from either the Nevada Army National Guard or the Nevada Air National Guard, who is in the unclassified service of the State. The bill also removes the Chief of Staff for Army from the unclassified service of the State and eliminates the authorization for the appointed Assistant Adjutants General to serve in certain Chief of Staff roles.

Roll call on Assembly Bill No. 41:

YEAS—42.

NAYS—None.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblymembers La Rue Hatch, Gurr, and Hafen

ASSEMBLYMEMBER LA RUE HATCH:

Assembly Bill 81 will enact Permanent Standard Time in Nevada.

ASSEMBLYMEMBER GURR:

I am in opposition to the bill. Many of my constituents in the northern part of the state, especially in the northeastern corner, they all like to lock the clock, but on daylight savings time, not on standard. Many of them do not want to wake up at 3:30 in the morning, with the sun coming up, and do not want to go to bed at seven o'clock at night when they could be out on a golf course. I understand that in the south that is not that big a deal, with all the neon and everything, but in the north, we do not have that much neon out in the rural areas. So, truthfully, we all want to lock the clock, but we want to lock it on daylight savings time; restaurants, outdoor restaurants, golf courses, you know, any outdoor activity—baseball games, they would have to pay more for their lights at night. So, there are many, many people out there that are in opposition to locking the clock on standard time, not to locking the clock, but on standard time.

ASSEMBLYMEMBER HAFEN:

I want to thank the bill sponsor for bringing this bill, first and foremost, not because I golf, because I clearly do not, but because we all agree that we really do need to stop changing time. It is bad for our health. I will be voting no because, like my colleague from Elko, I agree we should

stay on daylight savings time. I do appreciate though the efforts by my colleague, but I do want to stay on daylight savings time.

ASSEMBLYMEMBER LA RUE HATCH:

I rise in support of Assembly Bill 81. This is, I think, about as bipartisan a bill as we can get. We have equal numbers of Republican and Democratic cosponsors. We also have equal numbers of Senators and Assembly members which I think is even more rare to have on these bills. This is a bill which will save lives. That is what we are talking about. When we change the clocks, people die. There are increased heart attacks, car accidents, and strokes. While I appreciate my colleagues' concerns, I do think that this is a bill that will improve the quality of life, will save lives, and will not cost us a dollar. I will point out that the states that are on Permanent Standard Time, Hawaii and Arizona, they continue to have golf, and baseball games, and recreational activities in the evening. So, I urge my colleagues to vote for this measure as it is the only way that we are allowed to stop changing the clock because the feds [federal government] will not allow permanent daylight savings time.

Roll call on Assembly Bill No. 81:

YEAS—27.

NAYS—Brown-May, Cole, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, Koenig, O'Neill, Torres-Fossett, Watts, Yurek—15.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

Assembly Bill 82 requires the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day," and "Vesak Day" in the state of Nevada.

Roll call on Assembly Bill No. 82:

YEAS—33.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, O'Neill, Yurek—9.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:

Assembly Bill 83 requires the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the state of Nevada. This is a bill that came directly from a bipartisan group of Filipino Americans who are proud Nevadans. The Filipino community is the largest AANHPI [Asian Americans, Native Hawaiians, and Pacific Islanders] group in our state and the AANHPI community is the fastest growing; from serving as our nurses who take care of us, to our teachers who teach us, to our small business owners who feed us, we are so proud of the Fil-Am [Filipino American] community in Nevada. This was their direct ask, this bill, to make sure that Nevadans knew about our most famous Filipino American that so many people do not know about. I thank you for helping Nevadans learn about the Filipino American contribution to this country and I urge my colleagues to vote for Assembly Bill 83.

Roll call on Assembly Bill No. 83:

YEAS—28.

NAYS—Cole, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Assembly Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 107 revises background check requirements for foster home license applicants, licensees, employees, and adult residents. The bill provides that such background checks do not include determining whether a person has been arrested for, has charges pending, or has been convicted of certain violations involving the possession of marijuana not for sale—if the violation occurred more than five years prior.

Roll call on Assembly Bill No. 107:

YEAS—42.

NAYS—None.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:

Assembly Bill 119 establishes provisions authorizing the Attorney General to investigate alleged paramilitary activity.

Roll call on Assembly Bill No. 119:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblymember Flanagan.

ASSEMBLYMEMBER FLANAGAN:

Assembly Bill 125 requires that the State website location, maintained by the Department of Administration, must include a place to post a schedule of public body meetings that provides public notice of a meeting at least three working days before the meeting.

Roll call on Assembly Bill No. 125:
YEAS—42.
NAYS—None.
Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 128.
Bill read third time.
Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:
Assembly Bill 128 creates the Public Records Task Force to evaluate and make recommendations on issues related to public records requests, including access, cost, protection of sensitive information, and dispute resolution.

Roll call on Assembly Bill No. 128:
YEAS—42.
NAYS—None.
Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 136.
Bill read third time.
Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:
Assembly Bill 136 requires the owner or operator of a commercial establishment engaged in the business of selling access to live animals to interact with the public, to visibly display and post a notice at the location where payment is made. The notice must include certain information for reporting suspected acts of animal cruelty and include contact information for the local animal control authority. The bill exempts facilities accredited by the Association of Zoos and Aquariums from the notice posting requirement. Finally, AB 136 establishes an administrative penalty of $100 per day for failure to post the required notice.

Roll call on Assembly Bill No. 136:
YEAS—42.
NAYS—None.
Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 137.
Bill read third time.
Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:
Assembly Bill 137 revises requirements for advertising the sale of an occupant's personal property to satisfy a lien held by the owner of a storage facility. Per the bill, an owner must either, advertise the sale for two weeks, beforehand, in a newspaper of general circulation or advertise the sale for ten days, beforehand, on a website.

Roll call on Assembly Bill No. 137:
YEAS—42.
NAYS—None.
Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 140.
Bill read third time.
Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:
Assembly Bill 140 modifies the expiration date of driver authorization cards.

Roll call on Assembly Bill No. 140:
YEAS—28.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 148.
Bill read third time.
Remarks by Assemblymember Hafen.

ASSEMBLYMEMBER HAFEN:
Assembly Bill 148 revises the deadline for distributing mail ballots to active registered voters from not later than 20 days before the election, to instead, on or after the fifth Monday before the election, but not later than the fourth Monday before the election. The bill also requires counties and city clerks to distribute sample ballots before the applicable deadline for distributing mail ballots.

Roll call on Assembly Bill No. 148:
YEAS—42.
NAYS—None.
Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:
Assembly Bill 150 closes a serious gap in our current laws. Unfortunately, judges and other court personnel are in an elevated risk of threats, assaults, and other violent behavior. Existing law, therefore, provides protection for judicial personnel, but the protections do not include judges and court staff of Native American tribes. AB 150 corrects that omission.

Roll call on Assembly Bill No. 150:
YEAS—42.
NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:

Assembly Bill 155 will address class sizes by requiring districts to discuss class size and educator case load when they engage in collective bargaining.

Roll call on Assembly Bill No. 155:

YEAS—26.

NAYS—Cole, DeLong, Dickman, D'Silva, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—16.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblymember Goulding.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 168 requires individuals operating a bicycle to stop at a stop sign or a signal displaying a steady red light. However, they may proceed cautiously through an intersection controlled by a stop sign without stopping, or an intersection with a steady red signal after initially stopping, if certain requirements are met.

Roll call on Assembly Bill No. 168:

YEAS—41.

NAYS—Hibbetts.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:

Assembly Bill 174 allows providers of retail voice services via satellite to be included among the providers of alternative voice service, for the purposes of determining whether certain telecommunications providers may be relieved of their obligations.

Roll call on Assembly Bill No. 174:

YEAS—42.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 185 prohibits, with certain exceptions, the executive board and governing documents of a unit-owners' association from prohibiting a unit owner from operating a licensed childcare facility providing care for between 5 and 12 children. The executive board and governing documents may impose conditions and restrictions on such a facility, provided they are consistent with licensing requirements, but the standards and regulations adopted by the State Board of Health or a licensing agency may not prohibit the licensure of such facilities if they meet certain other requirements. This bill also specifies the types of common-interest communities to which the provisions of the bill apply and authorizes a tenant to operate a licensed childcare facility under certain circumstances.

Roll call on Assembly Bill No. 185:

YEAS—32.

NAYS—DeLong, Edgeworth, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—10.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 196 authorizes the Board of Psychological Examiners to adopt regulations allowing a person not licensed by the Board to perform certain psychological tests under the direct supervision and periodic observation of a licensed psychologist; and use the title "psychometrist" in connection with the performance of such tests; and repeals provisions requiring a firm, partnership, or corporation that engages in, or offers to engage, in the practice of psychology to register with the Board.

Roll call on Assembly Bill No. 196:

YEAS—42.

NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 215 requires the Labor Commissioner to prepare an abstract of the provisions relating to the employment of children and post the abstract on the website maintained by the Office of Labor Commissioner. The abstract must include a two-dimensional bar code, commonly known as a "QR code," relating to the compensation, wages, and hours of employment the Labor Commissioner must furnish to every employer in this state. A person who is 14 or 15 years of age is prohibited from working more than 40 hours in any 1 week. The measure prohibits, with certain exceptions, work between 11 p.m. and 6 a.m. on any night immediately preceding a school day by

a child who is: (1) enrolled in high school at a public or private school; (2) 16 years of age or older and under 19 years of age; and (3) not emancipated. A child who is employed as a lifeguard, employee of an arcade, or stage or theatrical performer is exempt from the time restrictions.

Roll call on Assembly Bill No. 215:

YEAS—42.

NAYS—None.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill 217 prohibits a school district, public school or district, or school employee from granting access to the grounds, facilities, or buildings of a school district or public school; and from disclosing certain information about a pupil or a pupil's family to specific officials engaging in enforcement of immigration.

Roll call on Assembly Bill No. 217:

YEAS—31.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hibbetts, Kasama, O'Neill, Yurek—11.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:

Assembly Bill 235 relates to court orders that require certain government entities to confidentially maintain the personal information of any health care provider practicing in reproductive health care.

Roll call on Assembly Bill No. 235:

YEAS—33.

NAYS—Cole, DeLong, Dickman, Gray, Hafen, Hansen, Hardy, Hibbetts, O'Neill—9.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 241 requires the governing body of each county and city to adopt an ordinance that permits by-right the construction of a multifamily housing development or mixed-use development, on a property zoned for commercial use, not including industrial zoned property.

Roll call on Assembly Bill No. 241:
YEAS—28.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblymember Jauregui moved that the Assembly recess until 3 p.m.
Motion carried.

Assembly in recess at 1:42 p.m.

ASSEMBLY IN SESSION

At 3:27 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 346 be taken from its place on the General File and be placed after Assembly Bill No. 530.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.
Bill read third time.
Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:
Assembly Bill 244 prohibits a food dispensing establishment with ten or more locations doing business in this state from selling, preparing, or providing food or beverages using a disposable foodware container that is made, wholly or partially, from polystyrene foam. A violation is subject to a civil penalty not to exceed $100 per day. Beginning January 1, 2029, all food dispensing establishments will be prohibited from using disposable foodware containers that are made, wholly or partially, from polystyrene foam.

Roll call on Assembly Bill No. 244:
YEAS—36.
NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen—6.
Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:
Assembly Bill 256 will create a group to study how we can implement regional rail in communities across our state.

Roll call on Assembly Bill No. 256:
YEAS—42.
NAYS—None.
Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 258.
Bill read third time.
Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:
Assembly Bill 258 requires a contract to be in writing to constitute a brokerage agreement.

Roll call on Assembly Bill No. 258:
YEAS—42.
NAYS—None.
Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 263.
Bill read third time.
Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:
Assembly Bill 263 requires the board of county commissioners of a county with a population of 700,000 or more, to notify Nevada's Department of Transportation before conducting a clean-up of a homeless encampment near a right-of-way controlled by the Department. The Department may consult with homeless outreach teams and approve and participate in certain encampment clean-up efforts.

Roll call on Assembly Bill No. 263:
YEAS—42.
NAYS—None.
Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 266.
Bill read third time.
Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:
Assembly Bill 266 requires the Department of Health and Human Services to post certain resources relating to breastfeeding on its Internet website. The bill prohibits a person who is breastfeeding from being denied the full and equal enjoyment of a place of public accommodation.

Roll call on Assembly Bill No. 266:
YEAS—39.
NAYS—Cole, DeLong, Dickman—3.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblymembers Miller and Nadeem.

ASSEMBLYMEMBER MILLER:

Assembly Bill 278 designates the month of July of each year as "Muslim American Heritage Month" in the state of Nevada and requires the Governor to annually issue a proclamation encouraging its observance.

There are about 3.5 [million] Muslims in the United States and about 1.9 billion worldwide. That is about 1 in 4 people. Whereas, with roots in at least 77 different countries that primarily identify as White, Black, Arab, and Asian, with 57 of those countries being a majority Muslim nations. Muslim Americans are an extremely diverse population—a tapestry of ethnic, racial, linguistic, social, and economic groups. Yet, with being the second largest faith in the world, Islam is still a faith that, for the most part in the United States, is not fully understood—rendering the community and its proud determined resilient members feeling mostly invisible.

I was honored when I was asked to sponsor this bill. It is time for us to acknowledge and celebrate our Muslims here in Nevada by recognizing July as Muslim American Heritage Month to celebrate the heritage, culture, and contributions of Muslim Americans here in Nevada. Also, to join in with a dozen other states and countless other local governments that have also proclaimed the same. Muslim Americans are a central component of Nevada's diverse fabric. In proclaiming July as Muslim American Heritage Month, we are encouraging people and stakeholders across Nevada to shine a light on the invaluable contributions they make to this state and this country while also acknowledging the painful history and religious discrimination that have often characterized them. This bill provides a space for this recognition, celebration, and acknowledgement. I urge your support today, to vote today, to let your fellow Nevadans know that you see and embrace them.

ASSEMBLYMEMBER NADEEM:

Celebrating Muslim Heritage Month will foster community strength and unity among Muslims and other communities. It will emphasize the importance of charity and social responsibility, encouraging acts of kindness and support for the less fortunate. Such months are critical in preserving traditions, teachings, and cultural identities, especially for younger generations. As the first Muslim elected in the history of Nevada Legislature, on behalf of Muslim community, I want to convey the community gratefulness to the main sponsor of the bill. Thank you so much. This important milestone has been very much appreciated and welcomed among Muslim community and they highly appreciate the leadership of our amazing Speaker.

Roll call on Assembly Bill No. 278:

YEAS—28.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, O'Neill, Yurek—14.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:
Assembly Bill 289 authorizes the Board of Regents of the Nevada System of Higher Education to establish a course of study in financial literacy.

Roll call on Assembly Bill No. 289:
YEAS—41.
NAYS—DeLong.
Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 301.
Bill read third time.
Remarks by Assemblymember Goulding.

ASSEMBLYMEMBER GOULDING:
Assembly Bill 301 increases the compensation that each member of a certain type of general improvement district board may receive. Specifically, authorized compensation is increased from not more than $9,000 per year to not more than $14,500 per year.

Roll call on Assembly Bill No. 301:
YEAS—42.
NAYS—None.
Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 305.
Bill read third time.
Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:
Assembly Bill 305 prohibits a health care provider from charging a person more than $30 to fill out a certification form required by an employer.

Roll call on Assembly Bill No. 305:
YEAS—42.
NAYS—None.
Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 361.
Bill read third time.
Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:
Assembly Bill 361 requires a regional transportation commission in a county with a population of 100,000 or more to install and maintain certain infrastructure and technology to mitigate safety risks to transit operators; and to install signage informing the public about the criminal penalties for assault or battery of a transit operator.

Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 369 expands the type of evidence law enforcement officers may rely on to enforce an order for protection against domestic violence issued by the court of another state, territory, or Indian tribe. Such evidence includes digital images of the order and statements from the person against whom the order is enforced. In addition, the bill provides that if an officer determines that an otherwise valid out-of-state order cannot be enforced because the respondent has not been notified or served with the order, the officer is required to provide notice, attempt service, and give reasonable opportunity for compliance.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 391 revises accountability requirements for the State Board of Education and for public schools, including charter schools, to include data on pupil achievement based on how many absences they have in a year—if there are ten or more in that year when they take the administration of certain standardized exams. This information must be reported separately by certain groups and identified in the statewide system of accountability.

Roll call on Assembly Bill No. 391:

YEAS—42.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 392 requires that, if a tribal government wishes to enter into a joint or cooperative agreement or contract with the governing body of a county or agency for any service, activity, or undertaking, the county's governing body may engage in discussions, in good faith,

with the tribal government. If the governing body enters into such an agreement or contract with a tribal government, the agreement must be a conditional interlocal agreement that does not require the tribal government to waive sovereign immunity and authorizes the governing body to terminate the agreement with 90 days [advance notice to the tribal government under certain circumstances].

Roll call on Assembly Bill No. 392:

YEAS—42.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 394 provides for the adoption of emergency response plans at Nevada System of Higher Education [NSHE] institutions to address opioid-related drug overdoses. Institutions may tailor emergency response plans to the needs of the institution for implementation.

Roll call on Assembly Bill No. 394:

YEAS—42.

NAYS—None.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

Assembly Bill 427 eliminates the restriction that limits a corporation for public benefit from investing in businesses other than those which engage primarily in certain industries, instead requiring the businesses to engage in an industry that is consistent with the State Plan for Economic Development. The bill also outlines additional provisions concerning eligible businesses, including the stage of investment they are seeking.

Assembly Bill 427 replaces the Nevada System of Higher Education Chancellor with the Executive Director of the Office of Economic Development on the Board of Directors of the Corporation for Public Benefit. It also changes the experience required for the five appointed board members from at least ten years of experience in certain fields to demonstrated experience in those fields.

Roll call on Assembly Bill No. 427:

YEAS—42.

NAYS—None.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:

Assembly Bill 429 authorizes any person, including, without limitation, a state or local government or any agency or instrumentality to create, convey, record, assign, release, reserve, modify, terminate, or otherwise alter or affect conservation easements.

Roll call on Assembly Bill No. 429:

YEAS—42.

NAYS—None.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Remarks by Assemblymember Flanagan.

ASSEMBLYMEMBER FLANAGAN:

Assembly Bill 430 exempts a person engaged solely in the provision of payroll processing services from provisions governing the licensure and regulation of persons engaged in money transmission. The bill repeals provisions setting forth the duties of licensed persons engaged in payroll processing services.

Roll call on Assembly Bill No. 430:

YEAS—42.

NAYS—None.

Assembly Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 450.

Bill read third time.

Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:

Assembly Bill 450 eliminates the requirement that an applicant for a license by endorsement submit proof to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.

Roll call on Assembly Bill No. 450:

YEAS—42.

NAYS—None.

Assembly Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 521 requires certain individuals to provide written authorization for the release of any information from the preceding five years that may be stored in the Statewide Central

Registry for the Collection of Information Concerning the Abuse or Neglect of a Child, in order to determine whether there has been a substantiated report of child abuse or neglect against the person.

Roll call on Assembly Bill No. 521:

YEAS—42.

NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:

Assembly Bill 530 revises fuel tax increase implementation in counties with over 700,000 residents. After December 31, 2026, the Board of County Commissioners must approve such increases by a two-thirds majority vote by December 31, for the period between January 1, 2027, and December 31, 2036. Beginning January 1, 2037, any annual increases may not be implemented unless a majority of voters approve a ballot question at the general election in November 2036.

Roll call on Assembly Bill No. 530:

YEAS—39.

NAYS—Dickman, Gallant, Hafen—3.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblymembers Dalia and Orentlicher.

ASSEMBLYMEMBER DALIA:

Assembly Bill 346 authorizes certain patients who suffer from a terminal condition that, according to reasonable medical judgment, will result in death within six months, to self-administer a medication designed to end the patient's life. The bill outlines requirements concerning the manner in which a patient may request, and a practitioner may prescribe and dispense, such a medication. Only the patient to whom such a medication is prescribed may administer it, and the patient may revoke a request for such a medication at any time. It further prohibits a person from preventing or requiring a patient to make or revoke a request for life-ending medication as a condition for receiving health care or as a contract term.

ASSEMBLYMEMBER ORENTLICHER:

I stand in support of this bill. Fortunately, we do not have to be the first state to legalize aid in dying; Oregon did that more than 25 years ago. As a result, we have more than 25 years of experience in Oregon and other states with this practice. What we have learned is that it is a vital last resort for dying patients—they have to be terminally ill—for them to relieve serious and intolerable suffering. Fortunately, this bill includes very strict safeguards so we will not have the problems we have seen in other countries. Please support this to make sure that people—they know they are going to die—at least they can relieve their suffering.

Roll call on Assembly Bill No. 346:

YEAS—23.

NAYS—Brown-May, Cole, DeLong, Dickman, D'Silva, Flanagan, Gray, Hafen, Hansen, Hardy, Hibbetts, Hunt, Kasama, Koenig, La Rue Hatch, Marzola, Nadeem, O'Neill, Yurek—19.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 306 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 306 requires county clerks in certain counties, for the period beginning the day after the last day of early voting and ending the day before election day, to establish a certain number of mail ballot drop box locations that must be open for at least seven hours a day. The bill additionally requires ballot drop boxes to be monitored at all times when made available for use and secured during any period when not available for use. The Secretary of State must adopt regulations to establish requirements for monitoring and securing ballot drop boxes.

Roll call on Assembly Bill No. 306:

YEAS—28.

NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 60, 69, 110, 111, 114, 132, 164, 176, 189, 193, 248, 270, 277, 283, 333, 380, 411, 418, 466, and 480 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

Assemblymember Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 4 p.m.

ASSEMBLY IN SESSION

At 4:54 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that through April 22, 2025, all necessary rules be suspended; the reprinting of all Assembly Bills and Resolutions amended on the Second Reading File, the General File, the Resolution File be dispensed with, including all bills and resolutions on those files from today's legislative day; the Chief Clerk be authorized to insert all amendments adopted by the Assembly; and the bill or resolution be placed on the appropriate reading file for further action.

Motion carried.

Mr. Speaker appointed Assemblymembers La Rue Hatch and Dickman as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Jacky Rosen.

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Buck, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymember Kasama, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Neal and Assemblymember Anderson to wait upon United States Senator Jacky Rosen and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Jacky Rosen, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted Senator Rosen to the rostrum.

The Speaker of the Assembly welcomed Senator Rosen and invited her to deliver her message.

Senator Rosen delivered her speech as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Thank you, everyone. It is good to be here in Carson City. It is a beautiful—the windows are small—but it is a beautiful view to see the trees and the blue sky and to be here today, with all

of you. I want to start out by thanking Majority Leader Cannizzaro, Speaker Yeager—for the opportunity to address all of you, the Nevada Legislature, today. I would also like to recognize and thank everyone who is here today. Minority leaders, Titus and Hafen, the members of the Legislature, the Justices of the Supreme Court, the LCB [Legislative Counsel Bureau] staff, who serve Nevadans day in and day out in the Legislature. I also want to say, that I am honored, and I am grateful that Nevadans have put their trust in me to represent them in the United States Senate for six more years, thank you.

Since the last time I spoke here, a lot has changed in Washington [D.C.], but there is something that has not changed, and will not change, and it is my commitment to always put Nevada first. I have built a record as one of the most bipartisan, independent, and effective U.S. Senators because I focus on getting things done for our state. Agree where you can and fight where you must so no matter who is in the White House or who is in control in Congress, I will do everything I can to deliver for Nevada families who work hard every day. They count on me, and they count on all of you. Like I said, some of you know, my motto has always been, "Agree where you can and fight where you must." I continue every day to look for agreement with my colleagues across the aisle because there are a lot of harmful actions that we have to fight against. It is no secret that the chaos and cruelty being inflicted by Donald Trump and Elon Musk are having a direct impact on families right here in Nevada. I have heard directly from thousands of Nevadans who are worried every day about what is happening. I just had two women in tears when I was at lunch before I got here in Carson City. I know I do not have to tell any of you this, prices of everyday items; still too high, affordable housing; still too hard to find, childcare, health care; still too difficult to access.

What do Nevadans want? We all know the answer to this. Nevadans are practical. They are pragmatic and they want solutions. They want stability. They want us to work together to tackle rising costs, to create better-paying jobs, to protect our freedoms and opportunities that define our state. I can tell you what they do not want. They do not want the reckless actions that this new administration is taking: the funding cuts, the mass firings, the economic chaos. These actions have put millions of dollars that our state depends on, which all of you are working on and depending on as you do our budgets. They are putting it all at risk, every single bit of it. These actions have led to many Nevadans losing their jobs. They are jeopardizing the jobs of veterans, who were hired by the federal government to help and serve our veterans, our local communities. The firings here in Nevada have hurt the ability for seniors to access Medicare and Social Security benefits. It hurts families and their access to Medicaid for their children. It hurts our veterans and their access to their VA [Veterans Affairs] benefits, their mental health benefits, and their health care. Elon Musk, he has even cut staffing to the veterans' assistance hotline. Think about that for a minute. Think about that there is no one to answer that call for a veteran in crisis. Well, we do not want to think about the consequences of that unanswered phone call. This is no way to run a country. It is no way to treat the men and women who risk their lives to protect our freedoms. We should be doing everything we can to honor their service, to recognize their sacrifice, and make sure that they can access every benefit that is owed to them—that they earned. That we sit here free, able to do what we do, is because they put their lives on the line, and I want those calls to be answered at the veterans' hotline and I know you all do too. Earlier this year, I helped introduce bipartisan bills to help veterans access their VA benefits more easily, to increase veterans' awareness, things like the VA home loan program for those who were injured while fighting to protect all of us. The least we could do is ensure that they all have full benefits. Current red tape is currently preventing 50,000 combat injured veteran retirees from receiving both their retirement pay through the [U.S.] Department of Defense, and their disability payments through the VA. Well, that is wrong. They earned it. They deserved it. I helped introduce a bill with my colleagues on both sides of the aisle because veterans come from all over this great country to fix and repeal the offsets that are currently in place. I am proud of that bill and hope that we can pass it.

Now, at a time when families are seeing their budgets tighten, I am working across party lines to eliminate taxes on military retirement pay so our veterans can keep more of their money. Military families, well, they are not the only ones being squeezed by higher prices because when costs go up, they hurt all Nevadans. This is why Nevadans that I have talked to are worried about the Trump tariffs. These tariffs, they are essentially a national sales tax. They are going to raise the cost of everything you buy: your groceries, your gas, your medications—not to mention

construction materials, which will make housing even more expensive. Interest rates go up, prices go up, everything goes up and up. This is the complete opposite of what I believe we should be doing right now. We should be finding ways, every way we can, to lower costs. That is why I took action to help stop the Kroger and Albertson's mega merger that would have raised those grocery prices for Nevada families. It is why I introduced bipartisan legislation to lower housing costs by helping to train and grow our housing construction workforce—those houses do not build themselves. I have introduced a bill to crack down on corporations that buy up housing and jack up prices for families. I know you are working on it too. It is also why I have introduced bipartisan legislation to help lower the cost of childcare. We have a little one here today, five years old, but we need to provide relief for working families. Just last week, I helped introduce legislation to provide those hardworking Nevada families with a much-needed tax cut and expand the child tax credit. This is in addition to the bipartisan bill I helped introduce to eliminate taxes on tips and allow working families to keep more of their paychecks. I am doing all of this because we should be providing relief for our Nevada families, for people who work hard and play by the rules. We should not be giving more tax breaks to billionaires who, frankly, do not need the money.

Sweeping tariffs, on the other hand, they do a lot more harm to our state. In addition to just squeezing our family's budgets, they do a lot more harm, because when prices go up, people spend less, when people spend less, what does that mean? They travel less, and suddenly, they do not plan their Nevada vacation. We know that tourism is down over last year, international tourism going down, all of it. When people have to tighten their belts, it is a luxury to go on vacation. The tourist destinations in Nevada are going to suffer. That means our economy suffers, everyone suffers at their job level, then they do not go out—back home to their neighborhood—go out to eat, buy a new pair of gym shoes, whatever it is, it hits everyone. We are going to get it from both sides. Like I said, international travel [is] down. I do not expect that to be going up anytime soon. A recent report estimates, as a result, up to 14,000 jobs in hospitality could be at risk because of the decrease in tourism. We know Nevada tourism, of course I do not have to tell you, tourism [is the] top business in our state, but small businesses make up over 99 percent of the rest of those businesses. I am hearing from small business owners who are already feeling, I do not want to say seeing, they are feeling it. They are feeling the impacts of the reckless tariffs, and they are worried. Nevadans, like Isaac, who wrote into my office asking me to take action to stop the devastating tariffs. Isaac is a founder of a small business in Reno, up here. He designs innovative cycling and protective gear. As we look out to the outdoor recreation that is so important to this economy up here, we know his business does well. I am going to quote what he wrote to me. He wrote this, "We maintain a small production facility in Reno. These duties will force us to raise retail prices by 37 percent and we do not believe our customers can accept that. This policy will wipe us out entirely." So small business, like Isaac, gone. Maybe you know Isaac, maybe you go cycling, maybe he is a neighbor, friend, goes to your church—his business is gone. That is exactly why I am fighting back. I recently helped pass legislation overturning Trump's tariffs on Canada, which is Nevada's largest trading partner—Canada. That was bipartisan legislation we voted to pass, by the way. I also helped introduce a bill to require the United States International Trade Commission to investigate how Trump's recent tariffs will impact the American people and make that information public. I am leading the charge in the [U.S.] Senate and making sure the administration knows how destructive the tariffs are for small businesses, like Isaac's and the thousands who have written into us. I am going to continue fighting against these reckless, just across the board tariffs, just across the board on virtually every nation. We need to support legislation to overturn them. What keeps Nevada families up at night, does not stop with the tariffs.

We are seeing a full-scale attack in Congress on key programs that Nevadans rely on: Medicare, Medicaid, [and] Social Security. I am not telling you anything you do not know in this Chamber. More than 600,000 Nevadans depend on Medicare and this administration is going after this program with staffing cuts that threaten our seniors' ability to access the medical care that they need. Elon Musk is dismantling Social Security piece by piece, bit by bit, office by office, staff member by staff member. He is reducing all of the services. So, it makes it harder for seniors to access their benefits. We have deep rural communities. How are they going to get here in person, to an office where you might wait eight hours or months to get your care? That is not going to work in Nevada. How are we going to take care of our folks? I am focused on protecting Social Security and Medicare from these attacks. It does not stop there. Republicans in Congress just

passed a budget resolution, this last week, to cut Medicaid so that they can give more tax breaks to billionaires. I would like to see who wants to raise your hand if they think a billionaire needs more money, as opposed to a working family. I will not ask you that here, but that is what is happening. They are making these cuts to make more tax breaks for billionaires. I know many in this room, I know your hearts, and I know you know how important, how critical Medicaid is. It makes up a sizable portion of our state budget and we stand to lose more than half a billion dollars if Medicaid is cut, but it is more than just funding. It is a lifeline for families. It is a lifeline for moms and for children. I want to talk about my special guests in a moment because it is more than a number. It is more than a number that they are cutting; these are our friends, our family, our neighbors, our kids. Attempts to cut this important lifeline for children is going to put more than 300,000 children in Nevada at risk of losing their only source of health care coverage. Nevada children like Levi, who is being so good. Levi, can we applaud you? He is five years old. Thank you. You have been such a good boy. Levi is my guest along with his really incredible mother, Allison Marcus. They are here tonight because Medicaid has made a difference in their lives and I am going to, with their permission, I am going to share a little bit of Levi's story because sometimes we look at budgets and their numbers, you are trying to balance, and make all this work, but there are people behind every one of those numbers. When Levi was just three years old, and now he is five—he told me he was not four anymore, he is a full five; you know, that is really important when you are little—Levi was just three years old, and Allison noticed a strange mole behind his ear. So, she thought she was just going to go to the doctor; like all of us who are parents here, you go to the doctor. Oh, it is just a little thing, you got a bug bite, who knows, whatever, simple doctor's visit, but every parent's worst fear was realized when a biopsy came back and came back positive for Melanoma. Melanoma, not just a person who has been in the sun their whole life, it happens when you are three years old—skin cancer. They had to have further tests. His cancer spread. Levi and Allison, they have had to jump through hoop after hoop, in order to implement a care plan, treatments, medications, surgery, radiation. They had to repeatedly travel out of state to get special pediatric care—you have to go to hospitals where they know how to take care of young children. All the nights they spent in hospitals instead of their own bed. All the nights she probably stayed awake, making sure he was breathing. All the nights she spent watching, making sure he would wake up in the morning. No family should have to go through this, but Allison never gave up. She and Levi have shown awe-inspiring strength and resilience every step of the way. They refused to quit fighting this awful disease. The one thing they did not have to worry about on this journey was how they were going to pay for that care, how were they going to get to the doctor, how were they going to go for these treatments, how were they going to be cared for because they had Medicaid. So, thanks to Medicaid, she was able to be there for her son. [Medicaid] made sure they had not one out of pocket expense while dealing with some of the worst moments that any parent can go through. Not one out of pocket expense. It took that burden, that one extra stress right off her back. Today, Levi—I know he just told me his birthday is August 5, so he is going to be six, but today he is five years old, and we are glad to say, and we are going to give him another round of applause—he is in remission. Of course, he is going to continue to get watched and get cared for, but it is a success story, and it is a success story because she had Medicaid. That is why Medicaid matters, not just for Levi and his family, but for all the Levi's, for all the families in Nevada, across the country, story after story, after story, this is just one of them. I am sure many of you in this room can tell stories like this, as well. Medicaid makes the difference in their lives. It covered the medical care, covered travel expenses, just like it did for Allison and Levi. It is literally a lifeline. All of these children, every one of them, has a name and a family and I want everyone in Nevada and America to see these kids and see these families and know their names before they cut that budget. So shameful and immoral; I believe that Republicans want to cut this program to give tax breaks to the ultra-wealthy. In my heart, I cannot look at children like Levi, moms like Allison, and so many others who call us, and tell them they do not matter. So, I am going to stand up, I am going to fight back, I am going to say their names loudly; for all the patients, for all their families, for Levi and Allison, we will not let them become invisible and just another number on a page to take a red pen to cut them out, to give money to a person who literally does not need it; cannot spend all they have. Tell me if you had billions and billions of dollars, do you really need any more? Is Levi's life worth it. I can tell you why that is why I am fighting, that is who I am fighting for.

I am also going to fight back against Donald Trump's immoral, cruel, devastating attacks on our immigrant communities here in Nevada. You know, here in Nevada, I do not have to tell any of you, we are particularly vulnerable to immigration decisions coming out of Washington [D.C.]. We have the largest share of mixed-status families in the United States. They are our neighbors, they are our friends, they may even be our families. Right now, Nevada immigrant families, well, they are afraid. They are calling my office; I am sure they are calling you. They are being used as scapegoats by far-right extremists who are using the issues of immigration and border security to divide all of us. To divide all of us in every single way, instead of bringing us together to find solutions, they are dividing us. I know that we all agree that we need to have a secure border and humane and orderly process that treats people with dignity and respect while enforcing the laws. We are all in agreement on that. I know that we all agree that if you commit a crime, you have to be held accountable no matter what your immigration status. But instead of working with Democrats to secure our border, work on passing comprehensive immigration reform with permanent protections for DACA [Deferred Action for Childhood Arrivals] and TPS [Temporary Protected Status] recipients, which we have a lot of here in Nevada, the Trump administration is violating our *Constitution* to inflict as much fear, pain, and cruelty as possible on our immigrant communities. So many of these are families that play by the rules; they work hard, they pay taxes, they contribute to our state's economy every day. They are living in fear that their mom, their dad, their son or daughter is going to be snatched; snatched from the streets, a masked person just comes up, jumps out of a van, grabs someone—you have seen it on television—throws them in, moves them thousands of miles away. I am sitting here in front of the [Chief] Justice and that is not how it is supposed to work. No due process, no explanation, no way to reach them. I know there are a lot of lawyers in this room; you are at least allowed a phone call, right? Not trying to make light of it, but no due process. Then, they only later learn that their loved one has been sent to another country with no return in sight. Many of these parents, who want nothing but a better future for themselves and their kids, are making plans with teachers, with friends, with neighbors to take their children in the event that they are snatched and deported. People's rights are being violated. Their due process rights are being taken away and our *Constitution* is being deliberately trampled by this administration. In fact, one of the first actions Donald Trump took after being sworn in was to sign an executive order attempting to eliminate automatic U.S. citizenship for children born here. Again, this is unconstitutional. It is an unconstitutional action that is going to target mixed-status families who live and work every day in our communities by taking away their citizenship. Now, I am going to go off my speech for a second. I do not know about everybody here, but we are a nation of immigrants. Some of you might be first generation, some of you might be like me, second generation. Think about if you or your parent had their citizenship taken away. That is why I introduced the Born in the USA Act, to ensure that not a single penny goes towards implementing Trump's illegal order while the lawsuits play out in court. I am also pushing back against the administration's policies to separate families, and I have helped introduce a bill to prevent ICE [Immigration and Customs Enforcement] agents from carrying out immigration rates in sensitive locations, like schools, and churches, and hospitals. I am calling for congressional hearings on reports that the IRS [Internal Revenue Service] is going to turn over sensitive personal information to be used in immigration enforcement. Nevadans have my word, that as long as I am your Senator, I will fight back against cruel policies that hurt our community.

I pledge to you today that everyone in this Chamber also has my word that I will continue partnering with all of you to improve Nevadan's lives because we owe it to our communities to have a strong partnership between our federal and our state governments. It is the only way we can solve problems of the pressing issues that we are facing every single day. I know every one of you are getting calls—everybody does, right? And emails, we do not get letters as much. I do applaud your recent efforts to remove college degree requirements for jobs in state agencies, putting more people to work. As government officials, we need to support our workers and make it easier for people to access good paying jobs for skilled training. In the Senate, I have led and joined bills to support our nation's workforce and incentivize Nevadans to access career training programs in high demand industries. I look forward to partnering with all of you to make sure that Nevadans can access those good paying jobs, that they have the skills, they get trained, and we are building out for our future. That is what you all want. That is why you are all here. Another way to support our workers is by strengthening the right to form a union, collectively bargain. That is

why I helped introduce the Pro Act, once again. While all of you in this Legislature work to expand health care access in rural communities and tackle our doctor shortage, I want to tell you that in the [U.S.] Senate, I am doing the same thing. I have multiple bills to help bring more nurses, doctors, [and] dentists in underserved areas. I will point back to Allison for a second; through her journey, she has decided to go into nursing. So, she is in pre-nursing school. We are thousands of nurses short in Nevada. She has learned how important nursing is and soon enough, she will be joining that profession and caring for others, the way that people cared for her, she is paying it forward.

I will tell you about a couple of the bills I have, and I know I am going to partner with you on some of those. They are all bipartisan. The first one is called the Physicians for Underserved Areas Act. It is going to take the long overdue step of revising the graduate medical education process, to increase the likelihood of states with physician shortages, like we are, to get more medical residency slots. We do not have enough slots to take care of the people we have. We are going to fight to do that. I have another; actually, these bills are all bipartisan. Why? Because we are not the only state that has a physician shortage. So, we find our friends across the aisle; agree where you can and fight where you must. This is what we agree on. I have a bipartisan bill called the REDI [Resident Education Deferred Interest] Act. It is going to help increase the number of doctors and dentists, we never can forget the dentist because dental care is important too, in Nevada's underserved areas by allowing them to defer their student loan payments without interest until they complete their residencies and internships. They can go serve some of our rural communities. It is hard for them to get dentists and doctors out there, we know this, this is a benefit—everybody benefits. My bipartisan Spark Act, which I just introduced last week, is going to help increase the number of medical specialists in our rural communities. Finally, my Train More Nurses Act. We were lucky in the last few years; we have been able to fund a lot of programs in our community colleges and universities to build out our nursing training. Right? About 4,000 nurses short, like I said, but you need nurse educators to train the new nurses. The Train More Nurses Act does just that; makes new nurse educators. It passed the [U.S.] Senate unanimously, last Congress, and we are going to get it through again. That is going to help us address that nursing shortage because we can have all the space, but if we do not have the teachers, as you all know, it goes for nothing. We are hoping to get that through. So much to do there, health care, housing. We have to complement the efforts that we work on together to improve access and tackle our housing crisis by creating new legislation to help small home builders, or small local home builders, access financing to build affordable homes. I am going to continue to pass my Washoe County Lands Bill [Truckee Meadows Public Lands Management Act] so we actually have some land to build the homes on; make appropriate federal land available for housing, for economic development, while also permanently protecting sensitive landscapes, putting more land into tribal trusts. I am also continuing to work with local stakeholders to pass lands bills I have for Pershing County, Carson City, and building on the success of my Lander County Lands Bill [Lander County Management and Conservation Act] that was signed into law a couple of years ago. We continue to drive innovation in clean energy, and water conservation, and weather mitigation. Well, we can look both ways. We have drought, we have wildfires, we have energy concerns, all of that up here in Northern Nevada. I want to work to bring the federal dollars to prepare for the drought and wildfire season as well as advance our renewable energy. We got lithium, we got geothermal, wind, water, solar, and we need to recycle it so we can continue to use it in a smart way over and over again.

You know, all of us here in this Chamber, looking up, looking all around, all of us in this Chamber, we have an incredible honor. It is an incredible honor to win an election. It is an incredible honor to have that trust put in you to serve. We all know that, we know what it feels like; it is an incredible responsibility, but it is a privilege. You all ran and you are all here because the one thing we have in common is, we all love Nevada. Nevadans chose each and every one of you here for a reason. They are counting on all of us together, to support each other, and support success in our state. It does not always mean you agree on everything, but find the things you agree on and do those. People are counting on us. They sent us here to find the places we agree. Do that. Do not let it stop you. There is a lot to fight about in Washington [D.C.], sure, but there are a lot of places for agreement too, especially right here in Carson City. I think I just really want to leave you all with a call to action and something that my eight years now in the United States Congress I have really been using every single day, and it is shown in my work and work that I am

proud of. The call to action to this is to find all those places to work together to deliver for the Nevada families, for our home, for the Nevada we care about. I am not asking anyone to compromise your values. What I am asking you to do is value compromise. Find the places where you can agree and do that because babies are counting on you, seniors are counting on you, vets [veterans] are counting on you. Twelve things on the to do list? You can find six, do them. People will applaud you for that. You can argue about the other six, but trust me, they will send you back here and be proud. They will tell you how proud that makes them to see you do that. You do not have to compromise your values, just value some compromise where you can agree. People are counting on all of us to lead. They are looking to us in these tough times. I would say, everyone will look back, all times are tough. The old days were better than the new days. Right? We always look back with nostalgia. It is not easy, but it takes energy, it takes passion, it takes commitment, it takes caring—something I know that every person in this room has, or you would not have fought to be here. You could all be doing something else, but you chose to come here and do this. In Nevada we are not just Democrats and Republicans, I believe we are Nevadans first—in this room especially—we are Nevadans first. I want us to think about moving forward together with a common purpose with shared values and that unshakeable commitment to build a stronger, more prosperous, and just a better Nevada for all of us; for the Levi's, for our parents and grandparents, and all the kids in the future. I am so grateful to have you all as partners and to be here today to speak with all of you and thankful for your work. Thank you.

Senator Daly moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Rosen for her timely, able, and constructive message.

Seconded by Assemblymember Carter.

Motion carried.

The Committee on Escort escorted United States Senator Jacky Rosen to the bar of the Assembly.

Assemblymember Nguyen moved that the Joint Session be dissolved.

Seconded by Senator Scheible.

Motion carried.

Joint Session dissolved at 5:45 p.m.

ASSEMBLY IN SESSION

At 5:45 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Juha Kiesi.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Nielsen, Sandy Backus, and Steven Cohen.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Cruz and Connie McMullen.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Christensen and Patricia Smith.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Elliot Malin.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Chavez.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Lia Roberts.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Takeshi Ishihara.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Blackstock.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Chavez and Sia LiiLii.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Astra Michels.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Weathers.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Rabe Henriksen, Kathleen Blakely, and Takahiro Mizuno.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Armenian.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Zena Aya Hajji.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Lakin, Amie Padua Belmonte, and Patricia Wood.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jerred Delatorre.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Janice Flanagan and Karol McClellan.

Assemblymember Jauregui moved that the Assembly adjourn until Friday, April 18, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:46 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 18, 2025

Assembly called to order at 12:07 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Brown-May, Monroe-Moreno, and Torres-Fossett, who were excused.

Prayer by Pastor Paul Larson.

Holy One, You are known by many names and worshiped in many ways, but in every tradition that seeks You, we hear the call to justice, to liberation, and to love that breaks chains. On this day, we remember the suffering of the innocent. We recall the story of bondage and the journey to freedom. We witness again the cost of oppression and the promise of deliverance. In the shadow of the cross, we remember the One who stood with the poor, spoke truth to power, and bore violence rather than return it.

At the table of the Passover, we remember the people led out from slavery, the blood on the doorstep, the courage to leave behind empire for a promise of wholeness. Bless this Legislature with wisdom and humility. Let laws be shaped not by fear or gain, but by compassion, equity, and the needs of the most vulnerable.

God of mercy, God of freedom, make of us a people who remember, who repent, and who rise.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 177, 207, 280, 423, 448, 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 426, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

REUBEN D'SILVA, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 208, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 281, 356, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 486, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 352, 514, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DUY NGUYEN, *Vice Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 105, 451, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 367, 491, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

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

SHEA M. BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 450.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 17, 28, 93, 138, 162, 381.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

NOTICE OF EXEMPTION

April 18, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 539.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that Assembly Bills Nos. 40, 105, 177, 207, 208, 211, 280, 281, 303, 352, 356, 367, 422, 423, 426, 442, 445, 446, 448, 451, 486, 489, 491, 493, 496, 501, 513, 514, 516 and Assembly Joint Resolution No. 1 as reported out of committee be placed on the appropriate reading file for today's legislative day.

Motion carried.

Assemblymember Jauregui moved that Amendment No. 295 be withdrawn from Assembly Bill No. 501.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 161, 193, and 547 be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 16.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 17.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 28.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 93.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 138.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 162.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 381.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 450.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 393.

AN ACT relating to actions concerning persons; revising provisions relating to civil actions for wrongful conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who is not currently incarcerated for any offense to bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief. (NRS ~~[41.900)]~~ **41.900-41.970) Section 1** of this bill ~~[instead authorizes a person who is not currently in custody to bring such a civil action.]~~ **defines the term "incarcerated" for such purposes.**

Existing law also requires, among other things, that a person seeking such damages or other relief prove by a preponderance of the evidence that: (1) the person's conviction was reversed or vacated and his or her charges were dismissed; (2) the basis for reversing or vacating the conviction was not legal error that was unrelated to his or her innocence, and if a new trial was ordered, the person was found not guilty at the new trial or the person was not retried and his or her charges were dismissed; or (3) the person was pardoned by the State Board of Pardons Commissioners on the grounds that the person was innocent. (NRS 41.900) Section 1.5 of this bill makes technical changes relating to when a conviction is reversed or vacated.

If a person brings an action for wrongful conviction which results in the court entering a certificate of innocence, existing law requires the court to award monetary damages based upon the length of time for which the person was imprisoned and for which the person was on parole or required to register as a sex offender. Existing law additionally authorizes the court to award, in addition to monetary damages, reasonable attorney's fees, certain reimbursements and, subject to a limitation of $100,000 in a calendar year, payment for the cost of: (1) tuition, books and fees for the person to enroll in any course or academic program at an institution operated by the Nevada System of Higher Education; (2) participation in Medicare or Medicaid or a qualified health plan; (3) programs for reentry into the community; (4) counseling services; (5) housing assistance; and (6) programs for assistance for financial literacy. Finally, existing law also authorizes the court to award any other relief, which is not subject to the limitation of $100,000 in a calendar year. (NRS 41.950) **Section 2** of this bill makes any other relief awarded by the court subject to the limitation of $100,000 in a calendar year.

Section 3 of this bill clarifies that the amendatory provisions of this bill apply to an action for wrongful conviction that is filed on or after the effective date of this bill.

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

Section 1. **Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

As used in NRS 41.900 to 41.970, inclusive, unless the context otherwise requires, "incarcerated" means confined in a local detention facility, county jail or state prison.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 41.900 is hereby amended to read as follows:

41.900 1. A person who is not currently incarcerated ~~*[in custody]*~~ for any offense may bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief provided by NRS 41.950.

2. The court shall award damages for wrongful conviction in accordance with NRS 41.950 if the person proves by a preponderance of the evidence that:

(a) He or she was convicted of a felony in this State and was subsequently imprisoned for the conviction;

(b) He or she did not commit the felony for which he or she was convicted and the person:

(1) Was not an accessory or accomplice to the acts that were the basis of the conviction;

(2) Did not commit the acts that were the basis of the conviction; and

(3) Did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction;

(c) He or she was not convicted of an offense necessarily included in the offense charged;

(d) Any of the following occurred:

(1) The judgment of conviction was reversed or vacated , ~~[and]~~ the charging document was dismissed ~~[~~;

~~(2) The]~~ ***and the*** basis for reversing or vacating the judgment of conviction was not legal error that was unrelated to his or her innocence ~~[, and if a court ordered]~~ ;

(2) The judgment of conviction was reversed or vacated and, following a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(3) The person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and

(e) The person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the person did not by his or her own conduct cause or bring about his or her felony conviction.

3. The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence, may, in the interest of justice, give due consideration to:

(a) The difficulty of providing evidence caused by the passage of time;

(b) The death or unavailability of a witness;

(c) The destruction of evidence; or

(d) Any other factor not caused by the person or any other person acting on his or her behalf.

4. The court may appoint an attorney to aid a person in an action brought pursuant to this section.

5. For the purposes of subsection 2, the following do not constitute committing perjury, fabricating evidence or causing or bringing about the conviction of the person:

(a) A confession or an admission later found to be false; or

(b) If the judgment of conviction was reversed or vacated and the charging document dismissed, a guilty plea for a felony.

6. As used in this section, "innocence" means that a person did not engage in:

(a) The conduct for which he or she was convicted; and

(b) Any conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted.

Sec. 2. NRS 41.950 is hereby amended to read as follows:

41.950 1. In an action brought pursuant to NRS 41.900 which results in the court entering a certificate of innocence pursuant to NRS 41.910, the court shall award the person:

(a) If the person was imprisoned for:

(1) One to 10 years, $50,000 for each year the person was imprisoned for his or her wrongful conviction;

(2) Eleven to 20 years, $75,000 for each year the person was imprisoned for his or her wrongful conviction; or

(3) Twenty-one years or more, $100,000 for each year the person was imprisoned for his or her wrongful conviction; and

(b) Not less than $25,000 for each year the person was on parole or not less than $25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.

2. In addition to any damages awarded pursuant to subsection 1, the court may award:

(a) Reasonable attorney's fees, not to exceed $25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.

(b) Subject to the limitations in subsection 6, ~~[payment]~~ ***reimbursement*** for the cost of:

(1) Tuition, books and fees for the person to enroll in any course or academic program at an institution operated by the Nevada System of Higher Education commenced not later than 3 years and completed not later than 10 years after the date the award of damages is issued pursuant to subsection 1.

(2) Participation by the person in Medicare or Medicaid, if the person is eligible for Medicare or Medicaid, or a qualified health plan offered on the health insurance exchange administered by the Silver State Health Insurance Exchange which has been designated by the Exchange as a Bronze or Silver plan, if the person is not eligible for Medicare or Medicaid. The court shall not award payment pursuant to this subparagraph for any period in which the person is enrolled in an employer-based health insurance plan.

(3) Programs for reentry into the community for the person commenced not later than 3 years and completed not later than 5 years after the date the award of damages is issued pursuant to subsection 1.

(4) Counseling services for the person commenced not later than 2 years after the date the award of damages is issued pursuant to subsection 1.

(5) Housing assistance in an amount not greater than $15,000 per year.

(6) Programs for assistance for financial literacy for the person commenced not later than 2 years and completed not later than 3 years after the date the award of damages is issued pursuant to subsection 1.

(7) Any other relief.

(c) Reimbursement for:

(1) Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and

(2) Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction.

~~[(d) Any other relief.]~~

3. Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.

4. A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving a sentence for a conviction of another offense for which the person was lawfully convicted and ~~[imprisoned.]~~ ***incarcerated.***

5. If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, "relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

6. A court shall not award payment pursuant to paragraph (b) of subsection 2:

(a) In an amount greater than $100,000 in a calendar year.

(b) For a length of time that exceeds the period of time described in subsection 1 during which the person was imprisoned or on parole.

7. As used in this section, "qualified health plan" has the meaning ascribed to it in NRS 695I.080.

Sec. 3. The amendatory provisions of this act apply to an action for wrongful conviction that is filed on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 237.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** WATTS **; CONSIDINE, D'SILVA, GOULDING AND NGUYEN**

JOINT **[**SPONSOR: SENATOR**]** **SPONSORS: SENATORS** DOÑATE **; AND NGUYEN**

AN ACT relating to taxation; revising the amount of the tax on live entertainment that is required to be distributed to the Nevada Arts Council; **requiring the Nevada Arts Council to use a portion of such distributions to make grants to certain persons;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax on admission to any facility in this State where live entertainment is provided, at a rate of 9 percent of the admission

charge. Under existing law, the tax is required to be added to the purchase of the admission and paid by the purchaser at the time of purchase. (NRS 368A.200) If the live entertainment is provided at a licensed gaming establishment, the person licensed to conduct gaming at the establishment is required to pay the tax to the Nevada Gaming Control Board. If the live entertainment is not provided at a licensed gaming establishment, the person collecting the tax from purchasers is required to remit the tax to the Department of Taxation. (NRS 368A.110, 368A.140) Existing law requires the Board and the Department to deposit all taxes, interest and penalties received from the excise tax on live entertainment in the State Treasury for credit to the State General Fund, except that, on or before October 1 of each year, the Department is required to deposit $150,000 from the taxes, interest and penalties it receives in the State Treasury for credit to the Nevada Arts Council as a continuing appropriation. (NRS 368A.220) This bill revises the amount of the excise tax on live entertainment that is required to be deposited in the State Treasury for credit to the Nevada Arts Council by requiring that: (1) an amount equal to 1 percent of such taxes, and the interest and penalties on such taxes, received by the Board and the Department in the immediately preceding fiscal year be deposited in the State Treasury for credit to the Nevada Arts Council **;** ~~[as a continuing appropriation;]~~ and (2) any additional amount of such taxes, and the interest and penalties on such taxes, be deposited in the State Treasury for credit to the State General Fund. **This bill requires the Nevada Arts Council to use at least 90 percent of the amount of such taxes credited to the Nevada Arts Council to make grants to artists and local arts agencies in this State. This bill states the intent of the Legislature that the amount of such taxes credited to the Nevada Arts Council not be used to replace or supplant funding available from other sources.**

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

Section 1. NRS 368A.220 is hereby amended to read as follows:

368A.220 1. Except as otherwise provided in this section:

(a) Each taxpayer who is a licensed gaming establishment shall file with the Board, on or before the 15th day of each month, a report showing the amount of all taxable receipts for the preceding month or the month in which the taxable events occurred. The report must be in a form prescribed by the Board.

(b) All other taxpayers shall file with the Department, on or before the last day of each month, a report showing the amount of all taxable receipts for the preceding month. The report must be in a form prescribed by the Department.

2. The Board or the Department, if it deems it necessary to ensure payment to or facilitate the collection by the State of the tax imposed by NRS 368A.200, may require reports to be filed not later than 10 days after the end of each calendar quarter.

3. Each report required to be filed by this section must be accompanied by the amount of the tax that is due for the period covered by the report.

4. Except as otherwise provided in this subsection, the Board and the Department shall deposit all taxes, interest and penalties they receive pursuant to this chapter in the State Treasury for credit to ~~[the State General Fund. On or before October 1 of each year, the Department shall deposit $150,000 from the taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the]~~ ***:***

(a) The Nevada Arts Council created by NRS 233C.025 ~~[.]~~ ***until the amount deposited in the State Treasury for credit to the Nevada Arts Council is equal to 1 percent of all taxes, interest and penalties received by the Department and the Board pursuant to this chapter in the immediately preceding fiscal year.*** ~~[The]~~ ***At least 90 percent of the*** amount deposited in the State Treasury for credit to the Nevada Arts Council pursuant to this ~~[subsection]~~ ***paragraph*** ~~[is hereby authorized for expenditure]~~ ***must be used*** by the Nevada Arts Council ~~[as a continuing appropriation.]~~ ***to provide grants to artists and local arts agencies in this State.***

(b) The State General Fund after the requirement of paragraph (a) has been satisfied.

5. It is the intent of the Legislature that money deposited in the State Treasury for credit to the Nevada Arts Council pursuant to this section not be used to replace or supplant funding available from other sources, including, without limitation, legislative appropriations.

6. As used in this section, "local arts agency" means a public or private nonprofit organization with the primary purpose of making arts and culture more accessible to the public by supporting local artists, art programming or local organizations focused on arts and culture.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

ASSEMBLYMEMBER MARZOLA

JOINT SPONSOR: SENATOR CANNIZZARO

AN ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; requiring a peace officer to make an arrest with or without a warrant under certain circumstances; revising requirements for the automatic sealing of records in certain circumstances; **revising provisions relating to certain civil actions involving prostitution and solicitation for prostitution;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a customer from engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution. Existing law provides that a customer who violates such a prohibition: (1) for a first offense that involves an adult, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months and by a fine of not less than $400 but not more than $1,000; (2) for a subsequent offense that involves an adult, is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by certain minimum fines; and (3) for any offense, is subject to a civil penalty of not less than $200 per offense. Additionally, existing law provides for the automatic sealing of records if a person is discharged and the proceedings against the person are dismissed upon the fulfillment of the terms and conditions of a court-ordered program for the treatment of persons who solicit prostitution. (NRS 201.354)

~~[This]~~ **Section 1 of this** bill: (1) requires a peace officer to arrest a person if the peace officer has probable cause to believe that the person has violated such a prohibition; (2) increases the minimum fine for a first offense to not less than $800; (3) increases the civil penalty for any offense to $600; and (4) authorizes a person to petition the court 2 years after the person is discharged and the proceedings against the person are dismissed for the sealing of all records relating to the discharge and dismissal.

Existing law generally provides that when a person suffers an injury as the proximate result of a wrongful act, the person who caused the injury is liable to the person injured for damages. (NRS 41.130) In general, existing law requires a civil action to recover damages for injuries arising from the wrongful act of another person to be commenced within 2 years after the date on which the wrongful act occurred. (NRS 11.190) Existing law exempts certain civil actions from this requirement, including a civil action to recover damages for sexual exploitation, if the sexual exploitation occurred when the plaintiff was less than 18 years of age. For purposes of this exemption, existing law defines sexual exploitation to include forcing, allowing or encouraging a child to solicit for or engage in prostitution. Therefore, under existing law, a civil action to recover damages for prostitution or solicitation for prostitution may be commenced at any time, if the prostitution or solicitation for prostitution occurred when the plaintiff was less than 18 years of age. (NRS 11.215, 432B.110)

Section 1.6 of this bill specifically authorizes a person who has suffered an injury as the proximate result of unlawful prostitution or solicitation for prostitution to bring a civil action to recover damages for injuries arising from the prostitution or solicitation for prostitution against the person convicted of the offense. Section 1.4 of this bill exempts a civil action brought pursuant to section 1.2 from the generally applicable 2-year statute of limitations prescribed by existing law. Section 1.2 of this

bill provides that a civil action brought pursuant to section 1.6 must be commenced within 20 years after the date on which the violation occurred, unless an exception applies. Section 1.4 exempts a civil action to recover damages for injuries arising from unlawful prostitution or solicitation for prostitution from the 20-year statute of limitations prescribed by section 1.2 if the prostitution or solicitation for prostitution occurred when the plaintiff was less than 18 years of age. Consistent with existing law, any such civil action may be commenced at any time. (NRS 11.215, 432B.110)

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

Section 1. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution. ***Whether or not a warrant has been issued, a peace officer shall arrest a person if the peace officer has probable cause to believe that the person to be arrested has violated this section.***

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A child;

(b) A peace officer who is posing as a child; or

(c) A person who is assisting in an investigation on behalf of a peace officer by posing as a child,

➥ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than ~~[$400.]~~ ***$800.***

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than ~~[$200]~~ ***$600*** per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who violates this section by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➥ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those

purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the ~~[court shall, without a hearing,]~~ ***person may petition the court for the sealing of all records relating to the discharge and dismissal 2 years after the date of the dismissal. The court may*** order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 1.2. **Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:**

Except as otherwise provided in NRS 11.215, an action to recover damages pursuant to section 1.6 of this act must be commenced within 20 years after the date on which the prostitution or solicitation for prostitution in violation of NRS 201.354 occurred.

Sec. 1.4. **NRS 11.190 is hereby amended to read as follows:**

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to NRS 41.1335, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of NRS 200.975, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215 or 11.217, ***or section 1.2 of this act,*** an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 1.6. **Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

In addition to any other remedy provided by law, a person who has suffered an injury as the proximate result of a violation of NRS 201.354 may bring an action for the recovery of the person's actual damages and any punitive damages which the facts may warrant against the person convicted of the offense.

Sec. 1.8. **The amendatory provisions of sections 1.2, 1.4 and 1.6 of this act apply to a cause of action that accrues on or after July 1, 2025.**

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 403.

SUMMARY— ~~[Revises provisions]~~ **Requires the Chair of the Juvenile Justice Oversight Commission to solicit input regarding certain subjects** relating to juvenile justice. (BDR 5-1053)

AN ACT relating to juvenile justice; requiring ~~[a juvenile facility to create and maintain, for certain purposes, certain records relating to certain acts of violence committed by a child in the facility; revising provisions relating to the admission or placement of certain children in certain facilities under certain circumstances; requiring the Chief of the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services to perform certain duties relating to children who are paroled from certain facilities;]~~ **the Chair of the Juvenile Justice Oversight Commission to solicit input regarding certain subjects relating to juvenile justice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the juvenile court to: (1) commit a child who is adjudicated delinquent to the custody of a regional facility for the treatment and rehabilitation of children or state facility for the detention of children; or (2) order a child to be placed in a facility for the detention of children for a violation of probation. (NRS 62E.525, 62E.710) Section 3 of this bill provides that if a child is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children for a violation of probation, the facility is required to: (1) create and maintain a written record documenting the commission of any act of serious violence that is committed by the child against the staff of the facility or another child in the facility; and (2) provide any such record to the juvenile court and all other appropriate authorities to be used for certain purposes. Section 1 of this bill defines the term "act of serious violence" to mean an act of violence committed by a child against the staff of the facility or another child in the facility that involves: (1) the use of a weapon by the child; or (2) a sustained attack or repeated attacks by the child upon the staff of the facility or another child in the facility.~~

~~Section 2 of this bill makes a conforming change to clarify that the definition of "act of serious violence" in section 1 applies to the provisions of existing law relating to juvenile justice. Section 4 of this bill makes a conforming change to clarify that the provisions of existing law relating to the disposition of a case involving a child who is adjudicated delinquent apply to section 3.~~

~~Existing law provides that before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the juvenile court must find that: (1) appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and (2) the child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment, any history of delinquency and the seriousness of the offense committed by the child. (NRS 62E.505) Section 5 of this bill requires the juvenile court also to consider any act of serious violence, as defined in section 1, committed by the child.~~

~~Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to: (1) develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by a risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals; and (2) use the matrix and release criteria in making release and discharge decisions. (NRS 62E.525) Section 6 of this bill requires the Division, in developing the length of stay matrix and establishing release criteria, also to consider any act of serious violence, as defined in section 1, committed by the child.~~

~~Existing law authorizes the Division to place a delinquent child who has been committed to the custody of the Division in certain facilities or public or private institutions or agencies located within or outside this State under certain circumstances, depending upon the age of the child. (NRS 63.440) Section 7 of this bill requires the Division, in adopting any statewide policy for the admission or placement of children, to consider certain specific factors, including, without limitation, whether the child: (1) has been adjudicated delinquent multiple times or otherwise had multiple cases disposed of; (2) has previously been adjudicated delinquent for acts that involve the use or threatened use of force or violence; (3) has committed any act of serious violence, as defined in section 1; and (4) does not appear to be benefiting from, or to be receptive to, the programs or treatment offered to the child or has otherwise demonstrated a desire not to modify his or her behavior in a positive manner.]~~

Existing law ~~[requires the Chief of the Youth Parole Bureau of the Division to perform certain duties, including: (1) supervising all children released on parole from a facility; (2) supervising all children released by other states for juvenile parole in this State pursuant to interstate compact; (3) furnishing to each child paroled a written statement of the conditions of the parole and instructions regarding those conditions; (4) keeping informed concerning the conduct and condition of all children and employees under the supervision of the Chief; and (5) coordinating the functions of the Chief with those of the superintendents of each facility. (NRS 63.710) Section 8 of this bill additionally requires the Chief to: (1) communicate and coordinate with local school districts and officials as necessary to ensure that each child paroled, if attending school, is attending school regularly and not in danger of becoming a habitual truant and is receiving any necessary and appropriate counseling or guidance offered by the school district; and (2) partner and coordinate with available organizations, entities and persons who offer programs for reentry, mentorship and other necessary services for children who are paroled.]~~ **establishes the Juvenile Justice Oversight Commission and requires the Commission to perform certain duties, which include, for example, developing and periodically updating a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services of the Department of Health and Human Services and each department of juvenile services relating to the use of evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. (NRS 62B.600, 62B.615) Section 9 of this bill requires the Chair of the Commission to: (1) solicit input regarding certain subjects relating to juvenile justice; and (2) submit a report to the Legislature summarizing any actions performed during the previous year and setting forth any findings and recommendations regarding such subjects.**

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

Section 1. ~~[Chapter 62A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Act of serious violence" means an act of violence committed by a child against the staff of a local facility for detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children or another child in the facility that involves:*~~

~~*1. The use of a weapon by the child; or*~~

~~*2. A sustained attack or repeated attacks by the child upon the staff of the facility or another child in the facility.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 62A.010 is hereby amended to read as follows:~~

~~62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.015 to 62A.350, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a child is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710, the facility shall create and maintain a written record documenting the commission of any act of serious violence that is committed by the child against the staff of the facility or another child in the facility.*~~

~~*2. A facility shall provide any written record relating to a child that is created pursuant to subsection 1 to the juvenile court and all other appropriate authorities for any purpose that is required by the provisions of this title or for any other appropriate purpose, including, without limitation, determining the disposition of the current case or a subsequent case involving the child, determining the placement of the child and developing a plan of aftercare for the child following the release of the child from a facility.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 62E.500 is hereby amended to read as follows:~~

~~62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive~~ **[:]** ~~*, and section 3 of this act:*~~

~~(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.~~

~~(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.~~

~~2. If a child is adjudicated delinquent:~~

~~(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, *and section 3 of this act* that the juvenile court deems proper for the disposition of the case; and~~

~~(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 62E.505 is hereby amended to read as follows:~~

~~62E.505 Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:~~

~~1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and~~

~~2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to NRS 62E.506, any history of delinquency~~ ***, any act of serious violence committed by the child*** ~~and the seriousness of the offense committed by the child.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 62E.525 is hereby amended to read as follows:~~

~~62E.525 1. The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to NRS 62E.506 to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.~~

~~2. The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child,~~ ***any act of serious violence committed by the child,*** ~~the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.~~

~~3. The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:~~

~~(a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to NRS 62E.506;~~

~~(b) The trauma, if any, experienced by the child;~~

~~(c) The education level of the child;~~

~~(d) The seriousness of the offense committed by the child;~~

~~(e) The child's progress in meeting treatment goals; and~~

~~(f) Any relevant information provided by the family of the child.~~

~~4. A case plan developed pursuant to subsection 3 must:~~

~~(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to NRS 62E.506;~~

~~(b) Specify the level of supervision and services that the child needs;~~

~~(c) Provide referrals to treatment providers that may address the child's risks and needs;~~

~~(d) Be developed in consultation with the child's family or guardian, as appropriate;~~

~~(e) Specify the responsibilities of each person or agency involved with the child; and~~

~~(f) Provide for the full reentry of the child into the community.~~

~~5. In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child's case plan must:~~

~~(a) Include a comprehensive plan for complete reentry of the child into the community; and~~

~~(b) Be reviewed at least once every 3 months by the Division of Child and Family Services.~~

~~6. A reentry plan developed pursuant to subsection 5 must include, without limitation:~~

~~(a) A detailed description of the education, counseling and treatment provided to the child;~~

~~(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;~~

~~(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and~~

~~(d) A proposed plan for any engagement of the child's family or guardian.~~

~~7. The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to NRS 62B.610.~~

~~8. A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:~~

~~(a) The child;~~

~~(b) A family member or the guardian of the child;~~

~~(c) The child's youth parole counselor;~~

~~(d) The superintendent of the state facility for the detention of children; and~~

~~(e) Any treatment providers of the child.~~] **(Deleted by amendment.)**

Sec. 7. ~~[~~Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

~~***In adopting any statewide policy for the admission or placement of children pursuant to this chapter, the Division of Child and Family Services shall consider, without limitation, the following factors regarding the child:***~~

~~*1. Whether the child has been adjudicated delinquent multiple times or otherwise had multiple cases disposed of pursuant to this title.*~~

~~*2. Whether the child has previously been adjudicated delinquent for acts that involve the use or threatened use of force or violence.*~~

~~*3. Whether the child has committed any act of serious violence.*~~

~~*4. Whether the child does not appear to be benefiting from, or to be receptive to, the programs or treatment offered to the child or has otherwise demonstrated a desire not to modify his or her behavior in a positive manner.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 63.710 is hereby amended to read as follows:~~

~~63.710 The Chief of the Youth Parole Bureau shall:~~

~~1. Supervise all children released on parole from a facility.~~

~~2. Supervise all children released by other states for juvenile parole in the State of Nevada pursuant to interstate compact.~~

~~3. Furnish to each child paroled:~~

~~(a) A written statement of the conditions of the parole; and~~

~~(b) Instructions regarding those conditions.~~

~~4.~~ ~~*Communicate and coordinate with local school districts and officials as necessary to ensure that each child paroled, if attending school, is:*~~

~~*(a) Attending school regularly and not in danger of becoming a habitual truant; and*~~

~~*(b) Receiving any necessary and appropriate counseling or guidance offered by the school district.*~~

~~*5. Partner and coordinate with available organizations, entities and persons who offer programs for reentry, mentorship and other necessary services for children who are paroled.*~~

~~6. Keep informed concerning the conduct and condition of all children and employees under the supervision of the Chief.~~

~~[5.] 7. Coordinate the functions of the Chief with those of the superintendents of each facility.]~~ **(Deleted by amendment.)**

Sec. 9. **Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Chair of the Commission shall solicit input from persons, organizations and entities who have knowledge and experience in matters relating to wrap-around services for children who are or were in the juvenile justice system, including, without limitation, children who are or were on probation or who are or were released from a local facility for the detention of children, regional facility for the treatment and rehabilitation of children or state facility for the detention of children.

2. The Chair shall solicit input from such persons, organizations and entities regarding:

(a) Issues relating to the availability of wrap-around services;

(b) The scope and different types of wrap-around services that are offered to children and their families, including, without limitation:

(1) Evidence-based home and community services;

(2) Evidence-based reentry programs or services; and

(3) Mentorship or other necessary services relating to the needs of children who are or were in the juvenile justice system and their families; and

(c) Any other matters relating to wrap-around services that are deemed relevant by the Chair.

3. On or before March 1 of each year, the Chair shall prepare an annual report that includes, without limitation, a summary of actions performed pursuant to this section during the previous year and any findings and recommendations relating to wrap-around services or the juvenile justice system in general. The report must be submitted to:

(a) The Commission; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

Sec. 10. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 148.

AN ACT relating to guardianship; revising provisions relating to service of certain notices, petitions and citations relating to guardianships of minors; revising provisions relating to the appointment, modification, removal or termination of guardianships of minors; revising provisions relating to the powers and duties of guardians of minors; revising provisions relating to the management of the estates, property and other assets of protected minors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures relating to the appointment of guardians of minors and prescribes the powers and duties of the guardians. (Chapter 159A of NRS) Specifically, existing law requires a notice of a petition in a guardianship proceeding for a minor, the petition and a citation relating to the time and place of the hearing on the petition to be served on certain persons. (NRS 159A.034, 159A.047, 159A.0475) **Sections 3, 8 and 9** of this bill make various changes related to the persons who are required to be served with the notice, petition or citation.

Existing law prescribes the method of service related to certain petitions and citations required to be served in guardianship proceedings for minors. (NRS

159A.034, 159A.0475, 159A.052, 159A.053) **Sections 3, 9, 13 and 14** of this bill make various changes related to the method of service.

Existing law requires a petition for the appointment of a guardian for a minor to include certain information. (NRS 159A.044) Similarly, existing law sets forth the information that must be contained in a petition for the appointment of a temporary guardian of a minor. (NRS 159A.053) **Sections 4 and 14** of this bill revise the information that is required to be contained in the petition for the appointment of a guardian and a petition for the appointment of a temporary guardian, respectively.

Existing law requires a proposed guardian to file a proposed preliminary care plan and budget under certain circumstances. (NRS 159A.0445) **Section 5** of this bill: (1) expands the circumstances under which a proposed guardian may be required to file a proposed preliminary care plan and budget; and (2) requires the annual review and revision of the budget under certain circumstances.

Existing law authorizes a court to appoint an attorney to represent a protected minor or proposed protected minor in guardianship proceedings. (NRS 159A.045) **Section 6** of this bill provides that if a court appoints an attorney to represent a protected minor or proposed protected minor in a jurisdiction where there are certain established programs for legal services, the court must appoint an attorney from that program in those circumstances. **Section 6** also establishes provisions that address the scenario under which the program for legal services has insufficient funding to support the representation of each child who would otherwise qualify for the appointment of an attorney under the new procedures ~~.~~ **and requires such attorneys to comply with the Nevada Rules of Professional Conduct.** **Sections 7 and 10** of this bill make certain changes to reflect the procedures for the appointment of an attorney under **section 6**.

Section 11 of this bill deems a protected minor or proposed protected minor who is the subject of guardianship proceedings to be a party to the proceedings.

Existing law authorizes a court to determine that a petitioner is a vexatious litigant under certain circumstances. (NRS 159A.0486) **Section 12** of this bill expands the circumstances under which a court may find that a petitioner is a vexatious litigant to include certain acts involving a parent of a protected minor or proposed protected minor.

Existing law authorizes a person to petition the court for the appointment of a temporary guardian under certain circumstances. (159A.052, 159A.053) Sections 13 and 14 make various changes to these procedures for the purpose of providing that a court may require a hearing on the petition before determining the need to appoint a temporary guardian.

Existing law requires a proposed protected minor to attend a hearing for the appointment of a guardian unless certain evidence is shown to the court. (NRS 159A.0535) **Section 15** of this bill removes this requirement related to the

evidence and instead authorizes the court to waive the requirement for physical attendance or remote appearance for good cause shown.

Existing law establishes various procedures related to the issuance of orders for the appointment of a guardian and the burden of proof for the petitioner and certain other persons. (NRS 159A.055, 159A.0565, 159A.061) **Section 16** of this bill requires the petitioner to prove by clear and convincing evidence that the appointment of a guardian is in the best interests of the proposed protected minor. **Sections 16-18** of this bill also make various changes related to the issuance of such orders.

Existing law requires a guardian of a protected minor to perform certain duties that are necessary for the proper care, maintenance, education and support of the protected minor. (NRS 159A.079) **Section 20** of this bill additionally requires a guardian to ~~[ensure that]~~ **facilitate appropriate contact between** a protected minor ~~[maintains a relationship with]~~ **and** each parent of the protected minor under certain circumstances.

Existing law establishes certain requirements relating to the placement of a protected minor in a secured residential long-term care facility. (NRS 159A.079, 159A.0807) **Sections 20 and 21** of this bill make these requirements applicable to the placement of a protected minor in a facility that provides residential treatment.

Sections 20 and 22 of this bill also remove certain unnecessary references to the employment of certain providers of health care by the Department of Veterans Affairs.

Existing law requires a guardian of a protected minor to file an annual report and prescribes the required contents of the report. (NRS 159A.081) **Section 23** of this bill requires the report to include the frequency of visitation between the protected minor and any parent of the protected minor.

Existing law establishes the duties of a guardian of the estate of a protected minor. (NRS 159A.083) **Section 24** of this bill revises and expands the duties of a guardian of the estate related to investing, financial accounting, the expenditure of money and the management of certain other property. **Section 27** of this bill makes similar changes concerning the expenditure of money related to a guardian of a protected minor who is not a guardian of the estate of a protected minor. (NRS 159A.112) **Sections 19, ~~[26, 28-31]~~ 25-31, 36 and 39** of this bill make various other changes related to the estate of a protected minor.

Existing law requires a guardian to notify the court if the guardian is subject to certain disqualifying events. (NRS 159A.1852) **Section 32** of this bill removes certain circumstances under which a guardian is required to provide such notice.

Existing law authorizes certain persons to petition the court to remove a guardian. (NRS 159A.1853) **Section 33** of this bill revises the persons who may file such a petition by removing the authority of a public guardian to file the petition and additionally authorizing an attorney of a protected minor or agency which provides child welfare services to file the petition. **Section 37**

of this bill requires a court to consider certain factors related to petitions filed by the parent of a protected minor. (NRS 159A.1915)

Sections 33, 35, 38 and 40 of this bill revise the remedial actions that can be taken by a court under certain circumstances.

Existing law authorizes a court to appoint another guardian when a guardian dies or is removed by an order of the court. (NRS 159A.187) **Section 34** of this bill requires the court to provide notice of the matter to an agency which provides child welfare services if a guardian dies or is removed and there is not a qualified guardian or temporary substitute guardian willing to serve.

Section 1 of this bill defines the term "agency which provides child welfare services" for the purposes of the provisions of law governing guardianships of minors. **Section 2** of this bill makes a conforming change to indicate that the definition applies to the existing provisions of law.

Section 42 of this bill repeals various provisions of law related to the guardianship of minors. **Sections 2-4, 8 ~~[,]~~ and 9 ~~[, 25-28, 36 and 41]~~** of this bill make conforming changes relating to the repeal of such provisions.

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

Section 1. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

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

Sec. 2. NRS 159A.013 is hereby amended to read as follows:

159A.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[159A.014]~~ ***159A.0145*** to 159A.0265, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 159A.034 is hereby amended to read as follows:

159A.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any protected minor who is 14 years of age or older, regardless of whether the protected minor is considered to have the capacity to understand or appreciate the contents of the petition.

(b) The parent or legal guardian of any protected minor **.** ~~[who is less than 14 years of age.]~~

(c) All known relatives of the protected minor who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the ***guardian or the proposed*** guardian. ~~[The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.]~~

(e) The guardian, if the petitioner is not the guardian.

(f) ~~*[(e)]*~~ Any person ~~[or care provider]~~ who is providing care for the protected minor, except that if the person ~~[or care provider]~~ is not related to the protected minor, such person ~~[or care provider]~~ must not receive copies of any inventory or accounting.

(g) ~~[The Director of the Department of Health and Human Services if the protected minor has received or is receiving benefits from Medicaid.]~~ ***An agency which provides child welfare services, if the proposed protected minor is in the care, custody or control of the agency which provides child welfare services.***

(h) ~~*[(f)]*~~ Those persons entitled to notice if a proceeding were brought in the protected minor's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice ~~[must]~~ ***may*** be made ~~[by publication]~~ in ~~[the]~~ ***any*** manner ~~[provided]~~ ***prescribed*** by the Nevada Rules of Civil Procedure . ~~*[, including, without limitation, by electronic transmission.]*~~ In all such cases, the notice must be ~~[published]~~ ***served*** not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the protected minor listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice ~~[by publication]~~ required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

7. A request for notice filed pursuant to paragraph (d) of subsection 1:

(a) Must state the interest of the person filing the request and the name and address of the person or the attorney of the person; and

(b) Does not make the interested person a party to the guardianship proceeding.

Sec. 4. NRS 159A.044 is hereby amended to read as follows:

159A.044 1. Except as otherwise provided in NRS 127.045, a proposed protected minor, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed protected minor.

(c) A copy of one of the following forms of identification of the proposed protected minor which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) The date on which the proposed protected minor will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed protected minor will need guardianship after attaining the age of majority.

(e) Whether the proposed protected minor is a resident or nonresident of this State.

(f) The names and addresses of the relatives of the proposed protected minor who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the ***proposed*** guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;
(2) A birth certificate;
(3) A valid driver's license number;
(4) A valid identification card number;
(5) A valid passport number;
(6) A valid permanent resident card number; or
(7) A valid tribal identification card number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) ***Whether the proposed guardian*** ~~[,]~~ ***or any person who resides with the proposed guardian:***

(1) Has ever been ~~[named in]~~ ***the subject of a report that has been assigned a disposition of substantiated pursuant to NRS 432B.305*** ~~[,]~~ ***or an equivalent disposition in another jurisdiction; or***

(2) ~~[Has ever been investigated for child abuse or neglect by an agency which provides child welfare services; or~~

~~(3)]~~ ***Is being investigated for child abuse or neglect by an agency which provides child welfare services.***

(k) A summary of the reasons why a guardian is needed and any available documentation demonstrating the need for a guardianship, including, without limitation, any orders or other information from a court concerning the custody of the proposed protected minor.

~~[(k)]~~ ***(l) A statement concerning the suitability of the proposed guardian to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing, medical care and education.***

(m) A general description and the probable value of the property of the proposed protected minor and any income to which the proposed protected minor is or will be entitled, if the petition is for the appointment of a guardian of the estate.

~~[(l)]~~ ***(n)*** The name and address of any person ~~[or care provider]~~ having the care, custody or control of the proposed protected minor.

~~[(m)]~~ ***(o) A description of the relationship between the proposed guardian and the proposed protected minor.***

(p) The name of each person who resides with the proposed guardian and a description of the relationship between any such person and:

(1) The proposed guardian; and

(2) The proposed protected minor.

(q) If a petitioner is not a parent of the proposed protected minor ~~[, a]~~ ***:***

(1) A declaration explaining the relationship of the petitioner to the proposed protected minor or to the proposed protected minor's parents and the interest, if any, of that petitioner in the appointment ~~[.~~

~~(n)]~~ ***; and***

(2) The expected amount of parental involvement in the life of the proposed protected minor, if any.

(r) Requests for any of the specific powers set forth in NRS 159A.165 to ~~***[159A.169, 159A.171 and]***~~ 159A.175 , inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

~~[(o)]~~ ***(s)*** If the guardianship is sought as the result of an investigation of a report of abuse or neglect of the proposed protected minor, whether the referral was from a law enforcement agency or a state or county agency.

~~[(p)]~~ ***(t)*** Whether the proposed protected minor or the proposed guardian is a party to any pending criminal or civil ~~[litigation.~~

~~(q)]~~ ***proceeding, including, without limitation:***

(1) A proceeding for dependency; or

(2) A delinquency proceeding which is conducted pursuant to title 5 of NRS.

(u) Whether the guardianship is sought for the purpose of initiating litigation.

~~[(r)]~~ ***(v)*** Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

Sec. 5. NRS 159A.0445 is hereby amended to read as follows:

159A.0445 ~~[Upon the filing of a petition for the appointment of a guardian, the]~~

1. A court may require a proposed guardian to file a proposed preliminary care plan and budget ~~[.]~~ ***upon:***

(a) The filing of a petition for the appointment of a guardian of the estate;

(b) The filing of a petition for the appointment of a guardian of the person and estate; or

(c) A finding of good cause shown.

2. The format of ~~[such]~~ a proposed preliminary care plan and budget ~~[and the timing of the filing thereof]~~ ***described in this section*** must be specified by a rule approved by the Supreme Court.

3. If a budget submitted pursuant to this section is approved, a court shall annually review the budget in conjunction with the annual accounting filed pursuant to NRS 159A.176 to ~~[159A.183,]~~ 159A.184, inclusive.

4. If at any time the court determines that a budget is not reasonably calculated to meet the needs of a protected minor, the court may order the guardian to submit a revised proposed budget for review and approval by the court.

5. ~~[A requirement to make a budget from the estate of a protected minor is presumed to not be in the best interest of the protected minor if the guardian is a parent of the protected minor.~~

~~6.]~~ Nothing in this section shall be deemed to alleviate the duty of a parent to financially provide for the basic needs of a protected minor, including, without limitation, food, shelter, clothing and medical care.

Sec. 6. NRS 159A.045 is hereby amended to read as follows:

159A.045 1. On or after the date of the filing of a petition to appoint a guardian:

(a) ~~[The]~~ ***Subject to subsection 2, the*** court may appoint an attorney to represent the protected minor or proposed protected minor; and

(b) The attorney must represent the protected minor or proposed protected minor until relieved of that duty by court order.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, if a petition to appoint a guardian is filed in a jurisdiction where there is a program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent and the protected minor or proposed protected minor would qualify for representation from the program in the guardianship proceeding, the court shall appoint an attorney from the program to represent the protected minor or proposed protected minor.***

3. If a program for legal services described in subsection 2 has insufficient funds to support the representation of each child who would qualify for the appointment of an attorney pursuant to subsection 2, the program shall ~~***[represent the percentage]***~~ ***determine the number of protected minors or proposed protected minors supported from the available funds.***

4. If an attorney appointed pursuant to subsection 1 is not compensated by any public money for the representation and the protected minor or proposed protected minor has an estate, the court may authorize an attorney ~~[is entitled]~~ to ***receive*** reasonable compensation from the estate ***.*** ~~[of the protected minor or proposed protected minor.]~~

5. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the attorney.

~~[3.]~~ ***6.*** An attorney who is appointed pursuant to subsection 1 may not serve as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor.

7. An attorney appointed to represent a protected minor or proposed protected minor shall comply with the Nevada Rules of Professional Conduct.

8. The provisions of this section do not prohibit:

(a) A protected minor or proposed protected minor from retaining counsel; or

(b) An attorney from providing legal services on a pro bono basis to a protected minor or a proposed protected minor.

Sec. 7. NRS 159A.0455 is hereby amended to read as follows:

159A.0455 1. The court may appoint a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is the subject of guardianship proceedings conducted pursuant to this chapter if the court believes that the minor could benefit from that appointment.

2. The court may not appoint an attorney as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor unless:

(a) ~~[The]~~ ***If an attorney has been appointed pursuant to subsection 1 of NRS 159A.045 or has otherwise been retained to represent the protected minor or proposed protected minor, the*** court believes that ~~[an]~~ ***the*** attorney ~~[who represents the protected minor or proposed protected minor]~~ is unable to provide information which is required by the court to make a determination on the best interests of the minor;

(b) ~~[No]~~ ***A*** volunteer is ***not*** available to serve as an advocate; or

(c) Extraordinary circumstances exist in which an attorney may assist the court as an advocate.

3. A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is appointed pursuant to subsection 1:

(a) Is an officer of the court;

(b) Does not represent the protected minor or proposed protected minor;

(c) Shall not offer legal advice;

(d) Is not a party to the case;

(e) Shall advocate for the best interests of the protected minor or proposed protected minor;

(f) Shall provide information to the court in accordance with applicable court rule; and

(g) Shall serve until relieved of that duty by court order.

4. A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the protected minor or proposed protected minor is indigent, the court may order such compensation to be paid by the county.

5. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the guardian ad litem or advocate for the best interests of the protected minor or proposed protected minor.

Sec. 8. NRS 159A.047 is hereby amended to read as follows:

159A.047 1. Except as otherwise provided in NRS 159A.0475, ~~[159A.049,]~~ 159A.052 and 159A.053, upon the filing of a petition under NRS 159A.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons ~~[or care provider]~~ referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed protected minor.

2. A citation issued under subsection 1, together with a copy of the petition filed under NRS 159A.044, must be served upon:

(a) A proposed protected minor who is 14 years of age or older, regardless of whether the proposed protected minor is considered to have the capacity to understand or appreciate the contents of the citation and petition;

(b) All known relatives of the proposed protected minor who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed protected minor;

(d) Any person ~~[or officer of a care provider]~~ having the care, custody or control of the proposed protected minor; ***and***

(e) The proposed guardian, if the petitioner is not the proposed guardian**.** ~~[; and~~

~~(f) The Director of the Department of Health and Human Services if the proposed protected minor has received or is receiving any benefits from Medicaid.]~~

3. A person who serves notice upon a proposed protected minor pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed protected minor in accordance with the provisions of NRS 159A.0475.

Sec. 9. NRS 159A.0475 is hereby amended to read as follows:

159A.0475 1. A copy of the citation issued pursuant to NRS 159A.047, together with a copy of the petition filed under NRS 159A.044, must be served ~~[:~~

~~(a) Except as otherwise ordered by the court, on a proposed protected minor who is 14 years of age or older by personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing; and~~

~~(b) On]~~ ***on*** each person required to be served pursuant to NRS 159A.047 ~~[other than a proposed protected minor]~~ by:

~~[(1)]~~ ***(a)*** Certified mail, with a return receipt requested, at least 20 days before the hearing; or

~~[(2)]~~ ***(b)*** Personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing.

2. If none of the persons on whom the citation and petition is to be served can, after due diligence, be served by certified mail or personal service, as applicable, and this fact is proven by affidavit to the satisfaction of the court, service of the citation ~~[must]~~ ***may*** be made ~~[by publication]~~ in ~~[the]~~ ***any*** manner ~~[provided]~~ ***prescribed*** by the Nevada Rules of Civil Procedure **.** ***[, including, without limitation, by electronic transmission.]*** In all such cases, the citation must be ~~[published]~~ ***served*** at least ~~[20]~~ ***10*** days before the date set for the hearing.

3. A citation and petition need not be served on a person ~~[or an officer of the care provider]~~ who has signed the petition or a written waiver of service of the citation and petition or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation and petition have been served by personal service on the proposed protected minor and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159A.047;

(b) The citation and petition have been served by certified mail, with a return receipt requested, or by personal service on the ~~[care provider or]~~ guardian required to be served pursuant to NRS 159A.047; and

(c) At least one relative of the proposed protected minor who is required to be served pursuant to NRS 159A.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected minor has not received notice that is sufficient, the court will require ***service of*** the citation ~~[to be published]~~ pursuant to subsection 2.

Sec. 10. NRS 159A.048 is hereby amended to read as follows:

159A.048 The citation issued pursuant to NRS 159A.047 must state that:

1. A guardian may be appointed for the proposed protected minor;

2. The rights of the proposed protected minor and of any person having legal or physical custody of the proposed protected minor may be affected as specified in the petition;

3. The proposed protected minor has the right to appear at the hearing and to oppose the petition;

4. The proposed protected minor has the right to be represented by an attorney; and

5. At any time during proceedings on the citation, the court may appoint for the proposed protected minor:

(a) An attorney ~~[.]~~ ***pursuant to NRS 159A.045.***

(b) A guardian ad litem or an advocate for the best interests of the proposed protected minor pursuant to NRS 159A.0455 ***[.] if an attorney has been appointed pursuant to NRS 159A.045.***

Sec. 11. NRS 159A.0483 is hereby amended to read as follows:

159A.0483 ***1.*** A protected minor or proposed protected minor who is the subject of proceedings held pursuant to this chapter ***shall be deemed a party to the proceedings.***

2. The protected minor or proposed protected minor may be represented by an attorney at all stages of the proceedings.

3. If the protected minor or proposed protected minor is represented by an attorney, the attorney has the same authority and rights as an attorney representing ~~[a]~~ ***another*** party to the proceedings.

Sec. 12. NRS 159A.0486 is hereby amended to read as follows:

159A.0486 1. A court may find that a petitioner is a vexatious litigant if a person, other than the protected minor ~~[.]~~ ***or proposed protected minor:***

(a) Files a petition which is without merit or intended to harass or annoy the guardian ~~[.]~~ ***or a parent of the protected minor or proposed protected minor;*** and

(b) Has previously filed pleadings in a guardianship proceeding that were without merit or intended to harass or annoy the guardian ~~[.]~~ ***or a parent of the protected minor or proposed protected minor.***

2. If a court finds a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the petitioner **.** ~~[in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor to defend the petition, to respond to the petition and for any other pecuniary losses which are associated with the petition.]~~

Sec. 13. NRS 159A.052 is hereby amended to read as follows:

159A.052 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected minor who is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed protected minor needs immediate medical attention and, without the appointment of a temporary guardian, cannot obtain that medical attention. ~~[Such documentation must include, without limitation, a copy of the birth certificate of the proposed protected minor or other documentation verifying the age of the proposed protected minor.]~~

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected minor would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed protected minor is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian; and

(b) ~~[Is]~~ ***Except as otherwise provided in subsection 3, is*** satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. ***The court may require a hearing on the petition for the purpose of receiving additional evidence, including, without limitation, testimony, to determine the need for the appointment of a temporary guardian pursuant***

to this section and shall establish requirements for the provision of notice for any such hearing.

4. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 3 and 5,*** after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

~~[4. If,]~~

5. Except as otherwise provided in subsection 3, if, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

~~[5.]~~ ***6.*** Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** if the court finds by clear and convincing evidence that the protected minor continues to be in need of immediate medical attention which he or she cannot obtain without the extension of the temporary guardianship, the court may, pursuant to subsection ~~[8,]~~ ***9,*** extend the temporary guardianship until a general guardian is appointed.

~~[6.]~~ ***7.*** If the court appoints a temporary guardian or extends a temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the need for immediate medical attention.

~~[7.]~~ ***8.*** The court may not extend a temporary guardianship pursuant to subsection ~~[5]~~ ***6*** beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice ~~[by publication pursuant to]~~ ***in any manner prescribed by*** the Nevada Rules of Civil Procedure ~~***[, including, without limitation, by electronic transmission]***~~ is currently being undertaken.

~~[8.]~~ ***9.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods.

Sec. 14. NRS 159A.053 is hereby amended to read as follows:

159A.053 1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.

2. ~~[The petition]~~ ***To support the request, the petitioner*** must ~~[state]~~ ***set forth in the petition and present under oath*** facts which ***:***

(a) Establish that the proposed protected minor would be exposed to an immediate risk of physical, emotional, educational or financial harm if the court did not appoint a temporary guardian or otherwise establish good cause for the appointment of a temporary guardian ***;*** and ~~[which show that:~~

~~(a)]~~ ***(b) Show that:***

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

~~[(b)]~~ ***(2)*** The proposed protected minor would be exposed to an immediate risk of physical, emotional ***, educational*** or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

~~[(c)]~~ ***(3)*** Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship of the person of the minor is presumed to be in the best interest of the minor.

5. ***The court may require a hearing on the petition for the purpose of receiving additional evidence, including, without limitation, testimony, to determine the need for the appointment of a temporary guardian pursuant to this section and shall establish requirements for the provision of notice for any such hearing.***

6. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

~~[6.]~~ ***7.*** Except as otherwise provided in ~~[subsection 7,]~~ ***subsections 5 and 8,*** after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

~~[7. If,]~~

8. Except as otherwise provided in subsection 5, if, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to ***subparagraph (2) or (3) of*** paragraph (b) ~~[or (c)]~~ of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to NRS

159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

~~[8.]~~ ***9.*** Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection ~~[5,]~~ ***6,*** the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[9,]~~ ***10,*** if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection ~~[10,]~~ ***11,*** extend the temporary guardianship until a general guardian is appointed.

~~[9.]~~ ***10.*** The court may not extend a temporary guardianship pursuant to subsection ~~[8]~~ ***9*** beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice ~~[by publication pursuant to]~~ ***in any manner prescribed by*** the Nevada Rules of Civil Procedure ~~*[, including, without limitation, by electronic transmission]*~~ is currently being undertaken.

~~[10.]~~ ***11.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

~~[11.]~~ ***12.*** If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 15. NRS 159A.0535 is hereby amended to read as follows:

159A.0535 1. ~~[A]~~ ***Unless waived by the court for good cause shown, a*** proposed protected minor who is found in this State must ***physically*** attend the hearing for the appointment of a guardian ~~[unless:~~

~~(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or~~

~~(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.~~

~~2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant~~

~~to subsection 1 may]~~ ***or*** appear ***at the hearing*** by telephone or by videoconference or any other means that uses audio-video communication ~~[.~~

~~3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~4.]~~ ***, if so authorized by the court.***

2. If the proposed protected minor is not in this State, the proposed protected minor must attend ***or appear at*** the hearing ***as described in subsection 1*** only if the court determines that the attendance of the proposed protected minor is necessary in the interests of justice.

~~[5.]~~ ***3.*** As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 16. NRS 159A.055 is hereby amended to read as follows:

159A.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the estate, or of the person and estate is necessary ~~[.]~~ ***and in the best interests of the proposed protected minor.***

2. ***In determining the best interests of the proposed protected minor pursuant to subsection 1, the court shall consider:***

(a) The wishes of the proposed protected minor;

(b) The extent to which the parent poses a safety risk of either physical or emotional danger to the proposed protected minor;

(c) The nature and quality of the parent-child relationship;

(d) The length of time that the proposed protected minor has been out of the care, custody and control of either parent;

(e) The ability of the parent to meet the needs of the proposed protected minor; ~~[and]~~

(f) The recommendation of the guardian ad litem, if applicable ~~[.]~~ ; and

(g) Any other factor deemed relevant by the court.

3. If ~~[it appears to]~~ the court ~~[that the allegations of the petition are sufficient and]~~ ***finds by clear and convincing evidence*** that ***the appointment of*** a guardian ~~[should be appointed for]~~ ***is necessary and in the best interests of*** the proposed protected minor, the court shall enter an order appointing a guardian. ~~[The]~~

4. An order ***appointing a guardian*** must:

(a) ***Set forth with specificity the findings of fact upon which the order is based;***

(b) Specify whether the guardian appointed is guardian of the person, of the estate, or of the person and estate;

~~[(b)]~~ ***(c)*** Specify whether the proposed protected minor is a resident or nonresident of this State;

~~[(c)]~~ ***(d)*** Specify the amount of the bond to be executed and filed by the guardian; ***and***

~~[(d)]~~ ***(e)*** Designate the names and addresses, so far as may be determined, of ~~[:~~

~~(1) The]~~ ***the*** relatives of the proposed protected minor upon whom notice must be served pursuant to NRS 159A.047 **.** ~~[; and~~

~~(2) Any other interested person; and~~

~~(e) Specify whether the proposed protected minor will require a guardianship after reaching 18 years of age.~~

~~3.]~~ ***5.*** A notice of entry of the court order must be sent to ~~[:~~

~~(a) The]~~ ***the*** relatives of the proposed protected minor upon whom notice must be served pursuant to NRS 159A.047 **.** ~~[; and~~

~~(b) Any other interested person.]~~

Sec. 17. NRS 159A.0565 is hereby amended to read as follows:

159A.0565 ~~[In]~~

1. Subject to subsection 2, in an order appointing a guardian or in any order thereafter, the court may award rights of visitation between a protected minor and his or her parents ***.*** ~~[or]~~ relatives who are within the fourth degree of consanguinity ~~[.]~~ ***or fictive kin.***

2. If an order described in subsection 1 limits the visitation between the protected minor and a parent, the order must set forth with specificity findings of fact as to why the limitation is necessary to protect the physical and emotional well-being of the child.

3. As used in this section, "fictive kin" means a person who is not related by blood to a protected minor but who has a significant emotional and positive relationship with the protected minor.

Sec. 18. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The ~~*[appointment of the]*~~ parents of a proposed protected minor, or either parent, ~~[if qualified and]~~ ***are presumed*** suitable ~~[, are preferred over all others for appointment as guardian]~~ ***to care*** for ~~[the person or estate or person and estate of]~~ the proposed protected minor ~~[. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.]~~ ***and it is presumed to be in the best interest of the proposed protected minor*** ~~*[.]*~~ ***to be cared for by a qualified and suitable parent.***

2. Except as otherwise provided in subsection ~~[4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the]~~ ***3, a*** parent is presumed to be suitable to serve as guardian for the proposed protected minor ~~[.]~~ ***unless:***

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition.

3. ~~[In determining whether the parents of a proposed protected minor, or either]~~ ***If a proposed protected minor has been in the care, custody and control of a person who is not a parent for the 6 months immediately preceding the filing of a petition for the appointment of a guardian, a parent*** ~~***[may rebut the presumption of unsuitability by proving]***~~ ***must prove*** ***that*** ~~***[the parent does not qualify for unsuitability in the manner described in]***~~ ***the provisions of paragraph (a) or (b) of subsection 2*** ~~***.]***~~ ***do not apply to the parent.***

4. In evaluating a petition for the appointment of a guardian, the court shall determine the suitability of each parent ~~[, or any other person who seeks appointment as]~~ ***of the proposed protected minor and the proposed*** guardian for the proposed protected minor ~~[is qualified and suitable, the court shall consider,]~~ ***by considering,*** if applicable and without limitation:

(a) ~~[Which parent has physical custody of the proposed protected minor;]~~ ***With whom the proposed protected minor lives and how long the proposed protected minor has lived with that person;***

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of cannabis in accordance with the provisions of chapter 678C of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

~~[4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:~~

~~(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:~~

~~(1) Food;~~

~~(2) Shelter;~~

~~(3) Clothing;~~
~~(4) Medical care; and~~
~~(5) Education;~~
~~(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or~~
~~(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.~~]

5. Subject to the ~~[~~preference ~~*presumption]*~~ ***presumptions*** set forth in subsection 1 and except as otherwise provided in subsection ~~[~~7,~~]~~ ***9,*** the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. ***Except as otherwise provided in subsection 7, the court may not appoint a guardian for a proposed protected minor without the consent of the proposed protected minor if the proposed protected minor is ~~[a minor who is]~~ 14 years of age or older.***

7. If the minor will not consent to the appointment of ~~[any person who]~~ a guardian and the proposed guardian is otherwise found qualified and suitable ~~[and willing to serve,]~~ pursuant to this section, the petitioner must show by clear and convincing evidence that the award of the guardianship to the person who is the most suitable and willing to serve is necessary and in the best interests of the proposed protected minor.

8. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2 ~~[~~, 3~~]~~ and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) ~~[~~Any ~~*Except as otherwise provided in subsection]*~~ ***Subject to subsections 6 and 7, any*** request made by the proposed protected minor **.** ~~[~~, ~~if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.~~]

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. ~~[In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:~~
~~(1) Parent.~~
~~(2) Adult sibling.~~
~~(3) Grandparent.~~
~~(4) Uncle or aunt.~~
~~(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.~~
~~(e)~~] ***(d)*** Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

~~[(f)]~~ ***(e)*** Any request for the appointment of any other interested person that the court deems appropriate.

~~[7.]~~ ***9.*** The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

~~[8.]~~ ***10.*** Notwithstanding the presumption set forth in subsection ~~[4,]~~ ***2,*** in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

~~[9.]~~ ***11.*** In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

~~[10.]~~ ***12.*** A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

~~[11.]~~ ***13.*** As used in this section:

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

~~(b)]~~ “Blind” has the meaning ascribed to it in NRS 426.082.

~~[(c)]~~ ***(b)*** “Holder of a valid registry identification card” means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 19. NRS 159A.076 is hereby amended to read as follows:

159A.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the protected minor’s property does not exceed $10,000.

2. If the court grants a summary administration, the court may:

(a) Authorize the guardian of the estate who is authorized to manage the protected minor’s property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall ~~[deposit the money in savings accounts or]~~ invest the money as provided in NRS 159A.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the protected minor. The court may dispense with annual accountings and all other proceedings required by this chapter.

(b) Terminate the guardianship of the estate and direct the guardian to deliver the protected minor's property to the custodial parent or parents, guardian or custodian of the protected minor to hold, invest or use as the court may order.

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the protected minor exceeds $10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court ~~[may]~~ ***shall*** require the guardian to ***place the entire value of the estate in a blocked account, unless the guardian is a private professional guardian or a public guardian, in which case the court may require the guardian to*** post a bond.

5. As used in this section, "blocked account" means a restricted account that requires a court order before a distribution or transfer is made from the account.

Sec. 20. NRS 159A.079 is hereby amended to read as follows:

159A.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:

(a) Supplying the protected minor with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the protected minor based on the financial situation and needs of the protected minor, including, without limitation, any medical needs or needs relating to his or her care.

(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected minor and commencing a proceeding if any property of the protected minor is in need of protection.

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected minor.

(d) Seeing that the protected minor is properly trained and educated and that the protected minor has the opportunity to learn a trade, occupation or profession.

(e) ~~[Ensuring that]~~ Facilitating appropriate contact between the protected minor ~~[maintains a relationship with]~~ and each parent of the protected minor ~~[in a manner that complies]~~ if the contact:

(1) Is in the best interest of the protected minor; and

(2) Complies with an order ~~[relating to custody or]~~ for visitation ~~[.]~~ , if applicable.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected minor. A guardian of the person may be required to incur expenses on behalf of the protected minor if the estate of the protected minor is insufficient to reimburse the guardian.

3. A guardian of the person is the protected minor's personal representative for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the protected minor's health care or health insurance.

4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159A.0807, establish and change the residence of the protected minor at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected minor and which is financially feasible.

5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected minor to a location outside of this State. The guardian must show that changing the residence of the protected minor to a location outside of this State is in the best interest of the protected minor or that there is no appropriate residence available for the protected minor in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159A.1905 or 159A.191 or the jurisdiction of the guardianship is transferred to the other state. Not later than 6 months after changing the residence of a protected minor to a location outside of this State, the guardian shall file a petition for guardianship in the state of the protected minor's residence.

6. A guardian of the person must file a notice with the court of his or her intent to move a protected minor to or place a protected minor in a ***facility that provides residential treatment, including, without limitation, a*** secured residential long-term care facility ***,*** pursuant to subsection 4 of NRS 159A.0807 unless ***:*** ~~[the secured residential long-term care facility is in this State and:]~~

(a) An emergency condition exists pursuant to subsection 5 of NRS 159A.0807;

(b) The court has previously granted the guardian authority to move the protected minor to or place the protected minor in such a facility based on findings made when the court appointed the guardian; or

(c) The move or placement is made pursuant to a written recommendation by a licensed physician, ~~[a physician employed by the Department of Veterans Affairs,]~~ a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

Sec. 21. NRS 159A.0807 is hereby amended to read as follows:

159A.0807 1. Every protected minor has the right, if possible, to:

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection 5, a proposed protected minor must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159A.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected minor:

(a) Is admitted to a ***facility that provides residential treatment, including, without limitation, a*** secured residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one ~~[secured]~~ ***facility that provides*** residential ~~[long-term care facility]~~ ***treatment*** to another; or

(c) Will reside at a location other than his or her residence for more than 3 days.

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159A.079, a guardian shall file with the court a notice of his or her intent to move the protected minor and shall serve notice upon all interested persons not less than 10 days before moving the protected minor. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected minor without court permission.

5. If an emergency condition exists, including, without limitation, the health or safety of the protected minor is at risk of imminent harm or the protected minor has been hospitalized and will be unable to return to his or her residence for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.

6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or NRS 159A.0809 must include the current location of the protected minor. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected minor.

7. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or NRS 159A.0809 if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected minor or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 22. NRS 159A.0809 is hereby amended to read as follows:

159A.0809 1. Except as otherwise provided in NRS 159A.0807, a guardian shall immediately notify all interested persons and persons of natural affection:

(a) If the guardian reasonably believes that the death of the protected minor is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected minor or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital **.** ~~[of the Department of Veterans Affairs.]~~

(b) Upon the death of the protected minor.

(c) Upon obtaining any information relating to the burial or cremation of the protected minor.

2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:

(a) In person or by telephone to the family members of the protected minor or, if the protected minor does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected minor or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 23. NRS 159A.081 is hereby amended to read as follows:

159A.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected minor and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days after changing the residence of a protected minor; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the protected minor and any attorney for the protected minor.

3. The court may prescribe the form and contents for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected minor;

(b) The place of residence of the protected minor;

(c) The name of all other persons living with the protected minor unless the protected minor is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; ~~[and]~~

(d) ***The frequency of visitation between the protected minor and any parent of the protected minor; and***

(e) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 24. NRS 159A.083 is hereby amended to read as follows:

159A.083 ***1.*** A guardian of the estate shall:

~~[1.]~~ ***(a)*** Protect, preserve, manage and dispose of the estate of the protected minor according to law and for the best interests of the protected minor ~~[.]~~ ***;***

(b) Responsibly invest the property of the protected minor pursuant to NRS 159A.117;

(c) File an annual accounting pursuant to NRS 159A.176 to ~~[159A.183,]~~ 159A.184, inclusive; and

(d) Take any other action authorized or required by law.

2. ~~[Apply]~~ ***Upon approval of the court, a guardian of the estate may:***

(a) Expend money from the estate of the protected minor ~~[for the proper care, maintenance, education and support of the protected minor having due regard for other income or property available to support]~~ ***if it is necessary to meet any extraordinary needs of*** the protected minor ~~[.~~

~~3. Have such other authority and perform such other duties as are provided by law.]~~ ***, ~~[including, without limitation, through]~~ considering the routines and needs of the protected minor before the establishment of the guardianship of the estate and the expenditures prescribed in an annual budget approved by the court pursuant to NRS 159A.0445;***

(b) Manage any property right on behalf of the protected minor;

(c) Establish:

(1) A special needs trust;

(2) A trust for the benefit of the protected minor which is payable over the lifetime of the minor or over a reasonable shorter period; and

(3) A structured settlement which is payable over the lifetime of the protected minor or over a reasonable shorter period of time; and

(d) Invest money, including, without limitation, with the assistance of a financial advisor, for the purposes of growing the estate of the protected minor, as appropriate given the age and needs of the minor and the size of the estate.

3. As used in this section:

(a) "Estate of the protected minor" does not include any payment assigned to a guardian for the support of the protected minor, including, without limitation, child support payments that are processed pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any supplemental security income benefit.

(b) "Special needs trust" has the meaning ascribed to it in NRS 163.556.

(c) "Structured settlement" has the meaning ascribed to it in NRS 42.275.

Sec. 25. NRS 159A.085 is hereby amended to read as follows:

159A.085 1. Not later than 60 days after the date of the appointment of a guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the protected minor which comes to the possession or knowledge of the guardian, including, without limitation, the existence of any trust of which the protected minor is currently a beneficiary who is receiving or is entitled to receive distributions.

2. A temporary guardian of the estate shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159A.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the protected minor which has come into the possession of the guardian;

(b) All of the money that belongs to the protected minor; and

(c) All of the just claims of the protected minor against the guardian.

4. A copy of the inventory filed with the court and a notice of the filing must be served on the protected minor, his or her attorney and any guardian ad litem representing the protected minor.

5. Whenever any property of the protected minor not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

6. The court may order which of the two methods described in subsection 5 the guardian shall follow.

7. ~~[The court may order all or any part of the property of the protected minor appraised as provided in NRS 159A.0865 and 159A.305.~~

~~8.]~~ If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian is liable ~~[on the bond]~~ for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 26. NRS 159A.103 is hereby amended to read as follows:

159A.103 A guardian of the estate shall pay from the guardianship estate ~~[pursuant to NRS 159A.105, 159A.107 and 159A.109]~~ all just claims against the protected minor, the estate or the guardian as such, ~~[whether accruing before or after the appointment of the guardian and whether arising in contract, in tort or otherwise.]~~ ***in the same manner as prescribed by chapter 159 of NRS for the payment of claims by the guardian of the estate of a protected person.***

Sec. 27. NRS 159A.112 is hereby amended to read as follows:

159A.112 1. If a guardian of the estate has not been appointed, a guardian of the person may:

(a) Institute proceedings to compel any person under a duty to support the protected minor or to pay for the welfare of the protected minor to perform that duty; and

(b) Receive money and tangible property deliverable to the protected minor**.** ~~[and apply such money and property for the support, care and education of the protected minor. The]~~

2. A guardian shall not use any money from the estate of the protected minor to cover the cost of any ~~[room]~~ ***:***

(a) Room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected minor ~~[unless a charge for the service is approved by a court order, after notice to at least one adult relative in the nearest degree of consanguinity to the protected minor in which there is an adult.]~~ ***; or***

(b) Any care, maintenance, education or support for the protected minor, unless approved by the court upon a showing that the expenditure is necessary to meet an extraordinary need of the protected minor.

3. The guardian shall exercise care to conserve any ~~[excess]~~ money ~~[for the needs]~~ of the protected minor.

~~[2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected minor must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.~~

~~3. A guardian of the person of a protected minor for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected minor if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159A.107 and 159A.109.~~

~~4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected minor to another person or entity for the care and maintenance of the protected minor in accordance with NRS 159A.107 and 159A.109.]~~

Sec. 28. NRS 159A.113 is hereby amended to read as follows:

159A.113 1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the protected minor pursuant to NRS 159A.117.

(b) ~~[Borrow money for the protected minor pursuant to NRS 159A.121.~~

~~(c) Except as otherwise provided in NRS 159A.079, enter into contracts for the protected minor or complete the performance of contracts of the protected minor pursuant to NRS 159A.123.~~

~~(d) Make gifts from the protected minor's estate pursuant to NRS 159A.125.~~

~~(e)]~~ Sell, lease or place in trust any property of the protected minor pursuant to NRS 159A.127.

~~[(f)]~~ ***(c)*** Exchange or partition the protected minor's property pursuant to NRS 159A.175.

~~[(g)]~~ ***(d)*** Exercise or release the power of the protected minor as a donee of a power of appointment.

~~[(h)]~~ ***(e)*** Exercise the right of the protected minor to take under or against a will.

~~[(i)]~~ ***(f)*** Transfer to a trust created by the protected minor any property unintentionally omitted from the trust.

~~[(j)]~~ ***(g)*** Submit a revocable trust or an irrevocable trust to the jurisdiction of the court if:

(1) The protected minor is the grantor and sole beneficiary of the income of the trust; or

(2) The trust was created by the court.

~~[(k)]~~ ***(h)*** Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the protected minor.

~~[(l)]~~ ***(i)*** Transfer money in a protected minor's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the protected minor's property.

(b) Take any other action which the guardian deems would be in the best interests of the protected minor.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the protected minor.

(b) A concise statement as to the condition of the protected minor's estate.

(c) A concise statement as to the advantage to the protected minor of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~[5. A petition filed pursuant to paragraph (c) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to enter contracts for the protected minor or complete contracts of the protected minor.]~~

Sec. 29. NRS 159A.117 is hereby amended to read as follows:

159A.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the protected minor, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the protected minor to purchase or exchange securities or other property.

2. ~~[A guardian of the estate may, without securing the prior approval of the court, invest the property of the protected minor in the following:~~

~~(a) Savings accounts in any bank, credit union, savings and loan association or savings bank in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.~~

~~(b) Interest-bearing obligations of or fully guaranteed by the United States.~~

~~(c) Interest-bearing obligations of the United States Postal Service.~~

~~(d) Interest-bearing obligations of the Federal National Mortgage Association.~~

~~(e) Interest-bearing general obligations of this State.~~

~~(f) Interest-bearing general obligations of any county, city or school district of this State.~~

~~(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.~~

~~3. A guardian of the estate for two or more protected persons may invest the property of two or more of the protected persons in property in which each protected person whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each protected person in the investment and in the income, profits or proceeds therefrom.~~

~~4.]~~ A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 30. NRS 159A.127 is hereby amended to read as follows:

159A.127 A guardian of the estate, with prior approval of the court by order, may sell, lease or place in trust any of the property of the protected minor:

1. For the purpose of paying claims against the protected minor ~~[,]~~ ***or*** the ~~[~~guardianship~~]~~ estate **.** ~~[or the guardian of the estate.]~~

2. For the purpose of providing for the proper care, maintenance, education and support of the protected minor.

3. For the purpose of investing the proceeds.

4. To obtain income through rentals or royalties.

5. For any other purpose that is in the best interests of the protected minor.

Sec. 31. NRS 159A.183 is hereby amended to read as follows:

159A.183 ~~[1.]~~ Subject to the discretion and approval of the court **,** ~~[and except as otherwise provided in subsection 5,]~~ a guardian must be allowed :

~~[~~(a) Reasonable~~]~~

1. If the guardian is a private professional guardian of the estate, reasonable compensation for the guardian's services; ***and***

~~[~~(b) Necessary and reasonable expenses ***to receive reimbursement]***

2. Reimbursement for:

~~1.~~ ***(a) Expenses*** incurred in exercising the authority and performing the duties of a guardian; and

~~[~~(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

~~2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:~~

~~(a) The nature of the guardianship;~~

~~(b) The type, duration and complexity of the services required; and~~

~~(c) Any other relevant factors.~~

~~3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected minor. In evaluating the ability of a protected minor to pay such compensation and expenses, the court may consider:~~

~~(a) The nature, extent and liquidity of the protected minor's assets;~~

~~(b) The disposable net income of the protected minor;~~

~~(c) Any foreseeable expenses; and~~

~~(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159A.079 or 159A.083.~~

~~4. Any compensation or expenses, including, without limitation, attorney's fees, must not be paid from the estate of the protected minor unless and until the payment of such fees is approved by the court pursuant to this section or NRS 159A.344, as applicable.~~

~~5. A guardian is not allowed compensation or expenses, including, without limitation, attorney's fees, for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian.~~

~~2.~~ ***(b) Other actual costs of preserving and growing the estate if the expenses are necessary to meet an extraordinary need of the protected minor.***

Sec. 32. NRS 159A.1852 is hereby amended to read as follows:

159A.1852 A guardian who, after appointment:

1. Is convicted of a gross misdemeanor or felony in any state;

2. Files for or receives protection as an individual or as a principal of any entity under the federal bankruptcy laws ~~[.]~~ ***, if appointed guardian of the estate or guardian of the person and estate;***

3. ~~[Has a driver's license suspended, revoked or cancelled for nonpayment of child support;~~

~~4.]~~ Is suspended for misconduct or disbarred from ~~[:~~

~~(a) The practice of law;~~

~~(b) The practice of accounting; or~~

~~(c) Any other profession]~~ ***any professional practice*** which ~~[:~~

~~(1) Involves or]~~ may involve the management or sale of money, investments, securities or real property ~~[; or~~

~~(2) Requires licensure in this State or any other state; or~~

~~5. Has a judgment entered against him or her for misappropriation of funds or assets from any person or entity in any state,]~~ ***, if appointed guardian of the estate or guardian of the person and estate; or***

4. Is being investigated for child abuse or neglect by an agency which provides child welfare services,

➥ shall immediately inform the court of the circumstances of those events. The court may remove the guardian and appoint a successor guardian, unless the court finds that it is in the best interest of the protected minor to allow the guardian to continue in his or her appointment.

Sec. 33. NRS 159A.1853 is hereby amended to read as follows:

159A.1853 1. The following persons may petition the court to have a guardian removed:

(a) The protected minor;

(b) Any relative who is within the second degree of consanguinity to the protected minor;

(c) ~~[A public guardian; or]~~ ***Any attorney of the protected minor;***

(d) ***An agency which provides child welfare services; or***

(e) Any other interested person.

2. The petition must:

(a) State with particularity the reasons for removing the guardian; and

(b) Show cause for the removal.

3. If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.

4. If the court finds that the petitioner did not file a petition for removal in good faith or in furtherance of the best interests of the protected minor, the court may ~~[:~~

~~(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and~~

~~(b) Impose~~] ***impose*** sanctions on the petitioner**.** ~~[in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor in responding to the petition and for any other pecuniary losses which are associated with the petition.]~~

Sec. 34. NRS 159A.187 is hereby amended to read as follows:

159A.187 1. When a guardian dies or is removed by order of the court, the court, upon the court's own motion or upon a petition filed by any interested person, may appoint another guardian in the same manner and subject to the same requirements as are provided by law for an original appointment of a guardian.

2. If a guardian of the person is appointed for a protected minor pursuant to this section, the protected minor must be served with the petition. If the protected minor does not object to the appointment, the protected minor is not required to attend the hearing.

3. If a guardian dies or is removed by order of the court and there is not a legally qualified guardian or temporary substitute guardian who is willing to serve, the court shall notify an agency which provides child welfare services concerning the matter.

Sec. 35. NRS 159A.1905 is hereby amended to read as follows:

159A.1905 1. A protected minor, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected minor.

(c) The name, age and address of the protected minor, if the protected minor is not the petitioner, or the date of death of the protected minor if the protected minor is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected minor and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the protected minor if ~~[~~:

~~(a) The protected minor is unable to retain an attorney;~~ or ~~*and*~~

~~(b) The~~] ***the*** court determines that the appointment is necessary to protect the interests of the protected minor.

3. ~~[The]~~ ***Except as otherwise provided in NRS 159A.1915, the*** petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected minor.

4. The court shall issue a citation requiring all interested persons to appear and show cause why termination or modification of the guardianship should

not be granted. The court shall serve the citation on the guardian and the petitioner. The petitioner shall serve the citation on all interested persons.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the protected minor, the court may ~~[~~:

~~(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and~~

~~(b) Impose]~~ ***impose*** sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected minor and associated with the petition.

Sec. 36. NRS 159A.191 is hereby amended to read as follows:

159A.191 1. A guardianship of the person, of the estate, or of the person and estate is terminated:

(a) By the death of the protected minor;

(b) Upon the protected minor's change of domicile to a place outside this State and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary;

(d) On the date on which the protected minor reaches 18 years of age; or

(e) On the date on which the protected minor graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(1) The protected minor will be older than 18 years of age upon graduation from high school; and

(2) The protected minor and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the protected minor will become 18 years of age.

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the protected minor, subject to the provisions of NRS 159A.193.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

5. Immediately upon the death or emancipation of the protected minor:

(a) The guardian of the estate shall have no authority to act for the protected minor except to wind up the affairs of the guardianship pursuant to NRS

159A.193 ***;*** ~~[, and to distribute the property of the protected minor as provided in NRS 159A.195 and 159A.197;]~~ and

(b) No person has standing to file a petition pursuant to NRS 159A.078.

6. A hearing may be held not later than 90 days before a protected minor reaches the age of majority to determine whether:

(a) Guardianship is needed beyond the age of majority;

(b) The protected minor desires an additional year of guardianship beyond the age of majority; and

(c) The guardian should be notified of any requirements of the guardianship which require compliance before termination of the guardianship.

7. If, at a hearing conducted pursuant to subsection 6, a court makes a determination that, upon reaching the age of majority, a protected minor would be deemed incapacitated, as defined in NRS 159.019, a petition may be filed in accordance with the provisions of chapter 159 of NRS to seek guardianship for the protected minor pursuant to that chapter to take effect when the protected minor reaches the age of majority. The protected minor has the right to be represented by counsel if guardianship is sought pursuant to this subsection.

Sec. 37. NRS 159A.1915 is hereby amended to read as follows:

159A.1915 1. If, before a protected minor is emancipated, a parent of the protected minor petitions the court for the termination of a guardianship of the protected minor, the ~~[parent has the burden of proof to show by clear and convincing evidence that:]~~ ***court shall consider whether:***

(a) ~~***[court shall consider whether:***~~

~~***1.]***~~ There has been a material change of circumstances since the time the guardianship was created ~~[. The parent must show that, as part of the change of circumstances, the]~~ ***;***

~~***[2.]***~~ ***(b) The*** parent has been restored to suitability as described in NRS 159A.061 ~~[.~~

~~(b) Except as otherwise provided in subsection 2, the welfare of the protected minor would be substantially enhanced by the]~~ ***; and***

~~***[3.]***~~ ***(c) The*** termination of the guardianship ~~[and the placement of]~~ ***is in the best interests of*** the protected minor ***.*** ~~[with the parent.]~~

2. ~~[If the parent consented to the guardianship when it was created, the parent is required to make only that showing set forth in paragraph (a) of subsection 1.]~~ ***In determining the best interests of the protected minor, the court shall consider:***

(a) Whether the parent has abandoned or persistently neglected the protected minor;

(b) Whether the parent has demonstrated continued neglect or abdication of parental responsibilities;

(c) The likelihood of physical or emotional harm to the protected minor if the protected minor is placed in the custody of the parent;

(d) The level and nature of parental involvement since the appointment of the guardian;

(e) The quality of commitment demonstrated by the parent to raising the protected minor;

(f) The likelihood that the parent could provide stability and security for the protected minor;

(g) The age of the protected minor during the guardianship;

(h) The length of time that the protected minor has been in the care of the person appointed as guardian, including any time before the appointment;

(i) Whether the protected minor and the guardian have a bonded relationship such that significant emotional harm to the protected minor would result from the termination of the guardianship;

(j) The impact that terminating the guardianship would have on the right of the protected minor to education, including, without limitation, receiving special education;

(k) The wishes of the protected minor relating to the termination of the guardianship, including, without limitation, any request for a graduated visitation schedule or therapeutic reunification; and

(l) Any other circumstance that would substantially and adversely impact the welfare of the protected minor.

Sec. 38. NRS 159A.315 is hereby amended to read as follows:

159A.315 1. If the court finds, after examination of a person cited pursuant to NRS 159A.305, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of NRS 159A.305, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of NRS 159A.305, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to NRS 159A.305 in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.

3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed protected minor or the estate of the protected minor to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to NRS 159A.305 appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the proposed protected minor or the estate of the protected minor, the court may order ~~[~~:

~~(a) The proposed protected minor or the estate of the protected minor to pay the attorney's fees and costs of the respondent; or~~

~~(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition,~~ the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 39. NRS 159A.344 is hereby amended to read as follows:

159A.344 1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

2. Notwithstanding the provisions of subsection 1 **,** ~~and except as otherwise provided in subsection 5 of NRS 159A.183,~~ a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the protected minor in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the protected minor;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159A.034 and 159A.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the protected minor and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court may consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the protected minor or attempted to advance the best interests of the protected minor.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the protected minor to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the protected minor; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the protected minor.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the protected minor.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party, the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

10. If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

Sec. 40. NRS 159A.346 is hereby amended to read as follows:

159A.346 1. If a guardian violates any right of a protected minor that is set forth in this chapter, a court may take any appropriate action, including, without limitation:

(a) Issuing an order that certain actions be taken or discontinued;

(b) ~~[Disallowing any fees payable to the guardian;~~

~~(c)]~~ After notice and a hearing, issuing an order compensating a protected minor or the estate of a protected minor for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

~~[(d)]~~ ***(c)*** Removing the guardian pursuant to NRS 159A.185; or

~~[(e)]~~ ***(d)*** Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected minor; and

(b) Attorney's fees and costs.

Sec. 41. ~~[NRS 253.200 is hereby amended to read as follows:~~

~~253.200 1. A resident of Nevada is eligible to have the public guardian of the county in which he or she resides appointed as his or her temporary individual guardian pursuant to NRS 159.0523 or 159.0525 or to mitigate the risk of financial harm to a proposed protected minor pursuant to NRS 159A.053.~~

~~2. An adult resident of Nevada is eligible to have the public guardian of a county appointed as his or her permanent or general individual guardian if the proposed protected person is a resident of that county and:~~

~~(a) The proposed protected person has no nominated person, relative or friend suitable and willing to serve as his or her guardian; or~~

~~(b) The proposed protected person has a guardian who the court determines must be removed pursuant to NRS 159.185.~~

~~3. A person qualified pursuant to subsection 1 or 2, or anyone on his or her behalf, may petition the district court of the county in which he or she resides to make the appointment.~~

~~4. Before a petition for the appointment of the public guardian as a guardian may be filed pursuant to subsection 3, a copy of the petition and copies of all accompanying documents to be filed must be delivered to the public guardian or a deputy public guardian.~~

~~5. Any petition for the appointment of the public guardian as a guardian filed pursuant to subsection 3 must include a statement signed by the public guardian or deputy public guardian and in substantially the following form:~~

~~"The undersigned is the Public Guardian or a Deputy Public Guardian of ..... County. The undersigned certifies that he or she has received a copy of this petition and all accompanying documents to be filed with the court.~~

~~6. A petition for the appointment of the public guardian as permanent or general guardian must be filed separately from a petition for the appointment of a temporary guardian.~~

~~7. If a person other than the public guardian served as temporary guardian before the appointment of the public guardian as permanent or general guardian, the temporary guardian must file an accounting and report with the court in which the petition for the appointment of a public guardian was filed within 30 days of the appointment of the public guardian as permanent or general guardian.~~

~~8. In addition to NRS 159.099~~ **,** ~~[and 159A.099,]~~ ~~a county is not liable on any written or oral contract entered into by the public guardian of the county for or on behalf of a protected person.~~

~~9. For the purposes of this section:~~

~~— (a) Except as otherwise provided in paragraph (b), the county of residence of a person is the county to which the person moved with the intent to reside for an indefinite period.~~

~~— (b) The county of residence of a person placed in institutional care is the county that was the county of residence of the person before the person was placed in institutional care by a guardian or agency or under power of attorney.~~

~~— 10. As used in this section, "nominated person" has the meaning ascribed to it in NRS 159.0613.~~] **(Deleted by amendment.)**

Sec. 42. NRS 159A.014, 159A.0345, 159A.049, [~~159A.059,~~] 159A.0615, 159A.0617 [~~,~~] **and** 159A.0755 [~~, 159A.086, 159A.0865, 159A.087, 159A.0895, 159A.097, 159A.099, 159A.105, 159A.107, 159A.109, 159A.111, 159A.121, 159A.123, 159A.125, 159A.132, 159A.134, 159A.136, 159A.1365, 159A.1375, 159A.138, 159A.1385, 159A.1415, 159A.142, 159A.1425, 159A.144, 159A.1455, 159A.146, 159A.1465, 159A.1475, 159A.148, 159A.1495, 159A.1505, 159A.1515, 159A.152, 159A.1535, 159A.154, 159A.156, 159A.157, 159A.159, 159A.161, 159A.163, 159A.165, 159A.1653, 159A.1657, 159A.166, 159A.1663, 159A.1667, 159A.167, 159A.184, 159A.195, 159A.197, 159A.203 and 159A.342~~] are hereby repealed.

LEADLINES OF REPEALED SECTIONS

159A.014 "Care provider" defined.

159A.0345 Court authorized to alter requirements concerning publication of notice or citation.

159A.049 Appointment without issuance of citation.

[~~159A.059 Qualifications of guardian.~~]

159A.0615 Appointment of master of court or special master to identify person most qualified and suitable to serve as guardian; hearing; recommendation.

159A.0617 Court or master of court or special master authorized to allow certain persons to testify at hearing to determine person most qualified and suitable to serve as guardian.

159A.0755 Disposition of estate having value not exceeding by more than $10,000 aggregate amount of unpaid expenses of and claims against estate.

~~[159A.086 Guardian of estate to cause appraisal or valuation of assets of guardianship estate; record or statement in lieu of appraisal.~~

~~— 159A.0865 Certification of appraiser, certified public accountant or expert in valuation; form of appraisal or valuation; purchase by appraiser, certified public accountant or expert in valuation without disclosure prohibited; penalties.~~

~~— 159A.087 Recording letters of guardianship.~~

~~— 159A.0895 Assets retained to pay expenses of funeral and disposal of remains of protected minor: Amount exempt from all claims; placement in account or trust; reversion of excess to estate of protected minor.~~

~~— 159A.097 Voidable contracts and transactions of protected minor.~~
~~— 159A.099 Liability of guardian of estate on contracts for protected minor.~~
~~— 159A.105 Payment of claims of guardian and claims arising from contracts of guardian; report of claims and payment.~~
~~— 159A.107 Presentment and verification of claims.~~
~~— 159A.109 Examination and allowance or rejection of claims by guardian.~~
~~— 159A.111 Recourse of claimant when claim rejected or not acted upon.~~
~~— 159A.121 Borrowing money for protected minor.~~
~~— 159A.123 Contracts of protected minor.~~
~~— 159A.125 Gifts from estate of protected minor.~~
~~— 159A.132 Property of protected minor subject to sale.~~
~~— 159A.134 Selling real property of protected minor.~~
~~— 159A.136 Order requiring guardian to sell real property of estate.~~
~~— 159A.1365 Application of money from sale of real property of protected minor that is subject to mortgage or other lien.~~
~~— 159A.1375 Sale of real property of protected minor to holder of mortgage or lien on such property.~~
~~— 159A.138 Sale of equity of estate in real property of protected minor that is subject to mortgage or lien and of property that is subject to mortgage or lien.~~
~~— 159A.1385 Contract for sale of real property of protected minor authorized; limitation on commission; liability of guardian and estate.~~
~~— 159A.1415 Presentation of offer to purchase real property to court for confirmation; division of commission for sale of such property.~~
~~— 159A.142 Sale of interest of protected minor in real property owned jointly with one or more persons.~~
~~— 159A.1425 Notice of sale of real property of protected minor: When required; manner of providing; waiver; content.~~
~~— 159A.144 Sale of real property of guardianship estate: Requirements for establishing date; manner of making offers.~~
~~— 159A.1455 Confirmation by court of sale of real property of guardianship estate.~~
~~— 159A.146 Hearing to confirm sale of real property: Considerations; conditions for confirmation; actions of court if sale is not confirmed; continuance; circumstances in which sale is confirmed without bidding.~~
~~— 159A.1465 Conveyance of real property of guardianship estate to purchaser upon confirmation of sale by court.~~
~~— 159A.1475 Sale of real property made upon credit.~~
~~— 159A.148 Neglect or refusal of purchaser of real property to comply with terms of sale.~~
~~— 159A.1495 Fraudulent sale of real property of protected minor by guardian.~~
~~— 159A.1505 Periods of limitation for actions to recover or set aside sale of real property.~~
~~— 159A.1515 Sale of personal property of protected minor by guardian without notice.~~

~~— 159A.152 — Sale of security of protected minor by guardian.~~
~~— 159A.1535 — Notice of sale of personal property of protected minor.~~
~~— 159A.154 — Place and manner of sale of personal property of protected minor; report by guardian; first right of refusal of family members.~~
~~— 159A.156 — Sale of interest in personal property pledged to protected minor and choses in action of estate of protected minor.~~
~~— 159A.157 — Lease of property of protected minor.~~
~~— 159A.159 — Contract with broker to secure lessee.~~
~~— 159A.161 — Petition for approval of lease: Content; conditions for approval.~~
~~— 159A.163 — Agreement for rental or bailment of personal property.~~
~~— 159A.165 — Lease of mining claim or mineral rights; option to purchase.~~
~~— 159A.1653 — Petition to enter into agreement; setting date of hearing; notice.~~
~~— 159A.1657 — Hearing on petition; court order; recording of court order.~~
~~— 159A.166 — Bond and actions required upon court order to enter into agreement.~~
~~— 159A.1663 — Neglect or refusal of purchaser of mining claim or of option holder to comply with terms of agreement.~~
~~— 159A.1667 — Petition for confirmation of proceedings concerning agreement: When required; notice; hearing.~~
~~— 159A.167 — Special sale of property of protected minor or surrender of interest therein.~~
~~— 159A.184 — Accounting by certain care providers.~~
~~— 159A.195 — Disposition of claims of creditor after termination of guardianship by death of protected minor.~~
~~— 159A.197 — Delivery of physical possession of property of protected minor; petition to modify title to such property; handling property of deceased protected minor.~~
~~— 159A.203 — Delivering property or paying obligations to foreign guardian.~~
~~— 159A.342 — Determination as to whether guardian has already been appointed upon application by person to be designated as guardian.~~**]**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 481.

Bill read second time.

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

Amendment No. 409.

AN ACT relating to aviation; creating the Sustainable Aviation Fuel Incentive Fund and the Sustainable Aviation Fuel Incentive Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Air Service Development Fund as a special revenue fund in the State Treasury and provides for the award of grants of money from the Nevada Air Service Development Fund to air carriers that meet certain requirements. (NRS 231.690-231.720) **Section 2** of this bill creates the Sustainable Aviation Fuel Incentive Fund in the State Treasury to be administered by the State Treasurer. **Section 3** of this bill creates the Sustainable Aviation Fuel Incentive Program to provide incentives of money to domestic air carriers for the purchase of sustainable aviation fuel **produced** in this State. **Section 4** of this bill makes an appropriation of $10,000,000 to the Fund for the Program.

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

Section 1. Chapter 493 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Sustainable Aviation Fuel Incentive Fund is hereby created in the State Treasury as a special revenue fund.***

2. The Sustainable Aviation Fuel Incentive Fund is a continuing fund without reversion. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

3. The State Treasurer shall administer the Fund. The money in the Fund must be used by the State Treasurer to carry out the Sustainable Aviation Fuel Incentive Program created pursuant to section 3 of this act.

4. The State Treasurer may apply for and accept gifts, grants, donations, bequests and any other source of money available under federal law and from private sources for deposit in the Fund to carry out the provisions of the Sustainable Aviation Fuel Incentive Program created by section 3 of this act.

Sec. 3. ***1. The Sustainable Aviation Fuel Incentive Program is hereby created for the purpose of providing incentives of money for the purchase of sustainable aviation fuel produced in this State.***

2. A domestic air carrier based in the United States is eligible to receive from the Program for the purchase of sustainable aviation fuel produced in this State an incentive [:

~~***(a) Of $1.75 per gallon for the purchase of sustainable aviation fuel produced outside of this State; and***~~

~~***(b) Of]*** ***of $2.50 per gallon*** ~~***[for the purchase of sustainable aviation fuel produced in this State.]***~~

3. A carrier that qualifies for an incentive from the Program pursuant to subsection 2 may obtain an incentive by submitting a claim to the State Treasurer. The State Treasurer shall review any claim submitted pursuant to

this subsection to confirm that the air carrier qualifies for an incentive from the Program.

4. The State Treasurer may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Air carrier" means a person who provides commercial air transportation to passengers.

(b) "Sustainable aviation fuel" means liquid fuel that meets the criteria set forth in subsections (d) and (e) of 26 U.S.C. § 40B.

Sec. 4. There is hereby appropriated from the State General Fund to the Sustainable Aviation Fuel Incentive Fund created by section 2 of this act the sum of $10,000,000 to award incentives from the Sustainable Aviation Fuel Incentive Program created by section 3 of this act.

Sec. 5. 1. The Legislature hereby finds and declares that:

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a "gift clause" which restricts the State under certain circumstances from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when "the State acts as a surety or guarantor for the debts of a company, corporation or association."

(c) In *Lawrence v. Clark County*, 127 Nev. 390, 399 (2011), the Nevada Supreme Court held that the State does not donate, loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(d) In *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 333 (1973), the Nevada Supreme Court held that legislation which promotes economic development and seeks to create, protect or enhance job opportunities "inures to the public benefit" and serves important public purposes because it assists in "relieving unemployment and maintaining a stable economy."

(e) In *Lawrence v. Clark County*, 127 Nev. 390, 399, 406 (2011), the Nevada Supreme Court adopted the public trust doctrine in this State, noting that the public possesses inviolable rights to the natural resources of the State and the State must serve as trustee of the public resources and finding that the "constitutional policy contained in the gift clause infers the people's intent to constrain the Legislature's ability to alienate public trust lands as well as public funds."

(f) Section 3 of Article 9 of the Nevada Constitution restricts the ability of the State to contract public debts, but makes an exception for "any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the

benefits thereof," which further emphasizes the constitutionally mandated importance of the protection and preservation of the natural resources of this State.

(g) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951) and *Lawrence v. Clark County*, 127 Nev. 390, 399 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds, the courts will:

(1) Carefully examine whether the Legislature made an informed and appropriate finding that the dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) Give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's "finding unless it clearly appears to be erroneous and without reasonable foundation;" and

(3) Closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature hereby further finds and declares that:

(a) The release of greenhouse gases traps heat in the Earth's atmosphere, driving climate change.

(b) The United States Environmental Protection Agency has concluded that certain large subsonic jet aircraft and subsonic propeller driven airplanes that are used in all domestic and international flights originating in the United States are responsible for 10 percent of all greenhouse gas emissions from the transportation sector in the United States and 3 percent of all greenhouse gas emissions in the United States.

(c) According to the Federal Aviation Administration, about 10 percent of all aircraft emissions occur close to the surface of the Earth near ground level and most particulate matter that affects communities surrounding an airport are the result of emissions released during landing and takeoff.

(d) Climate change threatens the health, lives and safety of Nevada's residents, as well as Nevada's diverse ecosystems, wildlands and wildlife. Rising temperatures have increased the severity and length of droughts and the frequency and intensity of wildfires.

(e) Climate change threatens Nevada's economy. Rising temperatures, compounded by the urban heat island effect, will likely make summers in Southern Nevada dangerously hot, potentially deterring visitors and reducing the hours when it is safe to engage in outdoor activities, such as construction.

(f) Throughout this State, rising temperatures will impact public health by increasing heat stress on vulnerable populations and increasing air pollution from more frequent wildfires.

(g) The State of Nevada and its residents will benefit from the diversification and economic growth driven by a transition to a low-carbon emission aviation transportation sector.

3. The Legislature lastly finds and declares that:

(a) The state program developed and carried into effect pursuant to this act will not result in the State acting as a surety or guarantor of the debts of an air carrier receiving an incentive of money.

(b) The purpose of this act is to develop and carry into effect a state program to encourage the production and purchase of sustainable aviation fuel in this State for the purposes of:

(1) Developing the market and industry for sustainable aviation fuel in this State and promoting jobs and businesses in this State in the sustainable aviation fuel industry; and

(2) Reducing greenhouse gases emitted by domestic air carriers that operate in this State, specifically emissions occurring on takeoff and landing at airports in this State.

(c) The promotion and development of the sustainable fuel industry in this State is an important public purpose which incentivizes the development of business and industry in this State.

(d) The protection and preservation of the natural resources of this State by incentivizing the purchase of sustainable aviation fuel is an important public purpose which will limit the emissions of greenhouse gasses from air carriers operating in this State and thus lower the contributions air travel in this State make to climate change, which threatens the health, safety and welfare of the residents of this State and the economy of this State.

(e) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each incentive of money from the program because:

(1) The program requires the dispensing agency to review all facts, figures and necessary information when making each incentive of money from the program to ensure the incentive meets the requirements of the program;

(2) The promotion and development of the sustainable fuel industry in this State and the protection and preservation of the natural resources of this State are important public purposes that promote job growth in this State and protect the health, safety and welfare of the residents of this State; and

(3) The dispensing state agency may not make an incentive of money from the program unless the air carrier purchases sustainable aviation fuel in accordance with the requirements of the program.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 262.

AN ACT relating to animals; prohibiting a retail pet store from selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog or cat; providing that ~~[a person who is responsible for the operation]~~ **an operator** of a retail pet store that ~~[knowingly]~~ commits such an act is guilty of a misdemeanor; ~~[providing, with certain exceptions, that a person who sells or attempts to sell, offers for adoption or transfers ownership of a dog or cat in certain locations is guilty of a misdemeanor;]~~ revising provisions governing the sale of dogs and cats; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for retailers and dealers who sell dogs or cats. (NRS 574.450-574.510) **Section 8** of this bill revises the term "retailer" to "retail pet store" and revises the definition for purposes of such requirements to mean a commercial establishment in the business of acquiring animals for resale **that sells** or ~~[selling food, supplies and other items for]~~ **offers to sell such** animals to consumers on the premises of the business. **Section 6** of this bill provides that the definition of "dealer" does not include a "retail pet store."

Section 2 of this bill prohibits a retail pet store from selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog or cat. **Section 2** further: (1) provides that ~~[a person who is responsible for the operation]~~ **an operator** of a retail pet store ~~[who knowingly]~~ **that** violates this prohibition is guilty of a misdemeanor; and (2) authorizes the court to prohibit such a person from selling any dogs or cats that he or she is otherwise authorized to sell as a breeder or dealer for not more than 1 year. Finally, **section 2** provides that, for purposes of prosecuting a violation of **section 2**, each act that constitutes a violation is a separate offense.

Section 7.5 of this bill revises the definition of "operator" to specifically include a person responsible for the operation of a retail pet store.

Section 4 of this bill applies certain definitions concerning the care of animals to the provisions of ~~[sections]~~ **section 2** **.** ~~[and 3 of this bill.]~~ **Sections 5, 7 and 10-17** of this bill make conforming changes to remove references to retailers from certain provisions governing requirements for entities who sell dogs or cats. **Section 9** of this bill provides that the provisions of ~~[sections]~~ **section 2** ~~[and 3]~~ do not apply to certain activities.

~~[Section 3 provides that, with certain exceptions, a person who sells or attempts to sell, offers for adoption or transfers ownership of a dog or cat on any street, road or public place is guilty of a misdemeanor.]~~

Existing law provides, with certain exceptions, that a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor. Existing law, as an exception to such a prohibition, authorizes a person to perform such acts at a swap meet if it is conducted in a county or incorporated city in this State that has authorized, by an ordinance which meets certain requirements, such a sale and the person performs such acts in accordance with the ordinance. (NRS 574.550)

Section 18 of this bill instead prohibits a person from selling, attempting to sell or offering for adoption or transferring ownership of a dog or cat at a swap meet, without exception.

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A retail pet store shall not sell, offer to sell, barter, auction or otherwise transfer ownership of any dog or cat.***

2. Nothing in this section shall be construed to prohibit a retail pet store from collaborating with an animal shelter or animal rescue organization for the purpose of adoption to provide space to showcase dogs or cats under the care of the animal shelter or animal rescue organization. A retail pet store that provides space to an animal shelter or animal rescue organization in such a manner must not receive any compensation for showcasing the dog or cat or any portion of the fees that result from the adoption of the dog or cat.

3. ~~[A person who is responsible for the operation]~~ An operator of a retail pet store that ~~[knowingly]~~ violates the provisions of this section is guilty of a misdemeanor.

4. For the purposes of prosecuting a violation of this section, each act that constitutes a violation of this section is a separate offense. In addition to any other penalty that may be imposed, the court may prohibit a person who is guilty of a misdemeanor pursuant to subsection 3 from selling any dogs or cats that he or she is otherwise authorized to sell as a breeder or dealer, if applicable, pursuant to the provisions of this chapter for not more than 1 year.

5. As used in this section, "animal rescue organization" has the meaning ascribed to it in NRS 574.205. The term does not include a dealer, a breeder or any organization that is located on the premises of or shares employees with a breeder.

Sec. 3. ~~***[1. Except as otherwise provided in subsection 2, a person who sells or attempts to sell, offers for adoption or transfers ownership of a dog or cat on any street, road or public place is guilty of a misdemeanor.***~~

~~***2. This section does not apply to any adoption of a dog or cat at an event held by an animal shelter or animal rescue organization.***~~

~~***3. As used in this section, "animal rescue organization" has the meaning ascribed to it in NRS 574.205.]***~~ **(Deleted by amendment.)**

Sec. 4. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, ***and ~~[sections]~~ section 2 ~~[and 3]~~ of this act,*** unless the context otherwise requires, the words and

terms defined in NRS 574.220 to 574.330, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 574.250 is hereby amended to read as follows:

574.250 "Cattery" means a place where at least 10 cats of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a ~~[retailer or]~~ dealer.

➥ For the purposes of this section, spayed or neutered cats must not be counted when determining the number of cats that are being kept, harbored or maintained.

Sec. 6. NRS 574.260 is hereby amended to read as follows:

574.260 "Dealer" means a person who, for compensation or profit, buys, sells, breeds, trades or imports cats or dogs for resale. ***The term does not include a retail pet store.***

Sec. 7. NRS 574.280 is hereby amended to read as follows:

574.280 "Kennel" means a place where at least 10 dogs of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a ~~[retailer or]~~ dealer.

➥ For the purposes of this section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by persons with disabilities, including, but not limited to, dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained.

Sec. 7.5. **NRS 574.290 is hereby amended to read as follows:**

574.290 "Operator" means a person responsible for the operation of:

1. A cattery, kennel ***, retail pet store*** or commercial establishment engaged in the business of selling animals; or
2. An animal shelter.

Sec. 8. NRS 574.320 is hereby amended to read as follows:

574.320 ~~[~~"Retailer"~~]~~ ***"Retail pet store"*** means a ~~[~~person who acquires pets~~]~~ ***commercial establishment engaged in the business of acquiring animals*** for resale ~~[.]~~ ***that sells or ~~[selling food, supplies and other items for]~~ offers to sell such animals to consumers on the premises of the business.***

Sec. 9. NRS 574.340 is hereby amended to read as follows:

574.340 1. The provisions of NRS 574.210 to 574.510, inclusive, ***and ~~[sections]~~ section 2 ~~[and 3]~~ of this act*** do not apply to:

(a) The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity or animal.

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

(c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

(d) The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 10. NRS 574.450 is hereby amended to read as follows:

574.450 1. A ~~[retailer or]~~ dealer shall, after the acquisition of a cat or dog for resale, cause the cat or dog to be examined by a veterinarian. The ~~[retailer or]~~ dealer shall not sell the cat or dog before it is initially examined by a veterinarian.

2. A ~~[retailer or]~~ dealer shall cause a cat or dog acquired for resale to be reexamined by a veterinarian:

(a) Fourteen days after the date of its initial examination; and

(b) Every 30 days thereafter until sold.

3. If a veterinarian conducting an examination pursuant to this section finds that the cat or dog has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, the veterinarian shall provide a written statement setting forth his or her findings to the ~~[retailer or]~~ dealer.

4. A ~~[retailer or]~~ dealer shall not knowingly sell a cat or dog if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.

5. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the cat or dog is clinically ill as a result of the parasite.

Sec. 11. NRS 574.460 is hereby amended to read as follows:

574.460 1. A ~~[retailer or]~~ dealer shall, before selling a cat, provide the purchaser of the cat with a written statement that discloses:

(a) The name, address and telephone number of the ~~[retailer or]~~ dealer.

(b) The date the cat was born, if known.

(c) The name and address of the person from whom the ~~[retailer or]~~ dealer obtained the cat and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

(d) The name and address of the breeder of the cat and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.

(e) The registration numbers, if any, of the cat's sire and dam with the appropriate breed registry or any health certifications from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.

(f) A record of any immunizations administered to the cat before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.

(g) Any sterilization requirements for the cat required by local ordinance.

(h) The medical history of the cat, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, reexamined the cat pursuant to subsections 1 and 2 of NRS 574.450 and determined that the cat did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the cat is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the cat pursuant to subsections 1 and 2 of NRS 574.450 and if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The date on which the veterinarian sterilized the cat, if applicable.

(4) The name and address of the veterinarian who performed the examinations, reexaminations or sterilization or administered any treatments or medications.

(i) That a copy of the veterinarian's evaluation of the health of the cat made pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the ~~[retailer or]~~ dealer and contain a space for the purchaser to sign and date the statement as an attestation that the purchaser has read and understands the disclosures contained in the statement.

Sec. 12. NRS 574.470 is hereby amended to read as follows:

574.470 1. A ~~[retailer or]~~ dealer shall, before selling a dog, provide the purchaser of the dog with a written statement that discloses:

(a) The name, address and telephone number of the ~~[retailer or]~~ dealer.

(b) The date the dog was born, if known.

(c) The name and address of the person from whom the ~~[retailer or]~~ dealer obtained the dog and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

(d) The name and address of the breeder of the dog and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.

(e) The registration numbers, if any, of the dog's sire and dam with the appropriate breed registry or any health certificates from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.

(f) A record of any immunizations administered to the dog before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.

(g) Any sterilization requirements for the dog required by local ordinance.

(h) The medical history of the dog, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, reexamined the dog pursuant to subsections 1 and 2 of NRS 574.450 and determined that the dog did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the dog is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the dog pursuant to subsections 1 and 2 of NRS 574.450 and, if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The date on which the veterinarian sterilized the dog, if applicable.

(4) The name and address of the veterinarian who performed the examinations, reexaminations or sterilization or administered any treatments or medications.

(i) That a copy of the veterinarian's evaluation of the health of the dog performed pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the ~~[retailer or]~~ dealer and contain a space for the purchaser to sign and date the statement as an attestation that the purchaser has read and understands the disclosures contained in the statement.

Sec. 13. NRS 574.480 is hereby amended to read as follows:

574.480 A ~~[retailer or]~~ dealer shall conspicuously post within close proximity to the primary enclosure of a dog or cat offered for sale the following notice printed in at least 48-point type upon paper that is at least 11 inches wide and 17 inches long:

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF BIRTH, SOURCE, LINEAGE AND MEDICAL HISTORY OF THESE DOGS (OR CATS) BE PROVIDED TO THE PURCHASER BEFORE THE COMPLETION OF ANY SALE.

Sec. 14. NRS 574.485 is hereby amended to read as follows:

574.485 1. In addition to any other penalty provided by law, the Director of the State Department of Agriculture may impose an administrative fine on any ~~[retailer or]~~ dealer who violates the provisions of NRS 574.460, 574.470 or 574.480 in an amount not to exceed:

For the first violation	$250
For the second violation	500
For each subsequent violation	1,000

2. All fines collected by the Director pursuant to subsection 1 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 15. NRS 574.490 is hereby amended to read as follows:

574.490 If a person purchases a ~~[~~pet~~]~~ ***dog or cat*** from a ~~[~~retailer or~~]~~ dealer and, within 10 days after the sale, a veterinarian determines that the ~~[~~pet~~]~~ ***dog or cat*** has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and that was in existence on the date of the sale, the ~~[~~retailer or~~]~~ dealer shall, at the option of the purchaser, either:

1. Refund the purchase price of the ~~[~~pet~~]~~ ***dog or cat*** if the ~~[~~pet~~]~~ ***dog or cat*** is returned or provide the purchaser with another ~~[~~pet~~]~~ ***dog or cat*** of equal value; or

2. Reimburse the purchaser, in an amount not to exceed the purchase price of the ~~[~~pet,~~]~~ ***dog or cat,*** for expenses incurred by the purchaser in obtaining a diagnosis and treatment for the ~~[~~pet~~]~~ ***dog or cat*** from a veterinarian chosen by the ~~[~~retailer or~~]~~ dealer.

Sec. 16. NRS 574.500 is hereby amended to read as follows:

574.500 1. A ~~[~~retailer,~~]~~ dealer or operator shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 17. NRS 574.510 is hereby amended to read as follows:

574.510 1. A ~~[~~retailer or~~]~~ dealer who sells a dog or cat that the ~~[~~retailer or~~]~~ dealer knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this section from selling any dogs or cats for not more than 1 year.

2. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

Sec. 18. NRS 574.550 is hereby amended to read as follows:

574.550 1. Except as otherwise provided in subsections 2 and 3, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal ***other than a dog or cat or dog*** at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, ***and ~~[sections]~~ section 2 ~~[and 3]~~ of this act*** and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive.

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any event where the primary purpose is to sell or auction livestock or agricultural implements.

(c) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(d) Apply to a person who offers for adoption or transfers ownership of a live animal at a swap meet if:

(1) A fee is not charged or collected for the adoption or transfer of ownership or otherwise in connection with the transaction; and

(2) The animal has had all the required vaccinations which are appropriate based upon the age of the animal.

(e) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

(c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

Sec. 19. NRS 574.300 is hereby repealed.

Sec. 20. This act becomes effective on January 1, 2026.

TEXT OF REPEALED SECTION

574.300 "Pet" defined. "Pet" means a domestic cat or dog commonly kept for pleasure.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 473.

AN ACT relating to workforce development; requiring, to the extent that money is available, the Governor's Office of Workforce Innovation to establish and carry out a program to place career coaches in middle schools and junior high schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation. (NRS 232.965) Under existing law, the Office is required, in part, to establish and administer programs for pupils which support the development of the workforce in this State, including: (1) a Career Pathways Demonstration Program; and (2) a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive. (NRS 232.985, 232.990) **Section 1** of this bill requires, to the extent that money is available, the Office to establish and carry out a program to place career coaches in middle schools and junior high schools. **Section 1** requires that the program be designed to provide pupils enrolled in middle school or junior high school with information and guidance, inside or outside the classroom, for the exploration of career pathways and the development of knowledge, training and skills required for career readiness. **Section 1** further: (1) requires the Office to collaborate with any appropriate persons or entities to establish and carry out this program; and (2) authorizes the Office to apply for and accept gifts, donations, grants or other sources of money and, within the limits of available money, to enter into contracts and award grants related to the program. **Section 2** of this bill makes certain definitions applicable to the provisions of **section 1**.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Governor's Office of Workforce Innovation shall establish and carry out a program for the placement of career coaches in middle schools and junior high schools.

2. The program established pursuant to subsection 1 must be designed to provide pupils enrolled in middle school or junior high school with information and guidance, inside or outside the classroom, for:

(a) The exploration of career pathways; and

(b) The development of knowledge, training and skills required for career readiness, including, without limitation, ~~information and guidance regarding~~ financial literacy, and the opportunities available for such development in high school.

3. For the purpose of establishing and carrying out the program set forth in subsection 1, the Office:

(a) Shall collaborate with any appropriate persons or entities, including, without limitation, a state agency, school district or other local governmental agency, chamber of commerce, nonprofit organization, trade association and regional development authority, as defined in NRS 231.009.

(b) May:

(1) Apply for and accept any gift, donation, grant or other source of money; and

(2) Within the limits of available money, enter into contracts with or award grants to persons or entities that have the appropriate expertise to provide any services or resources necessary to assist the Office in establishing or carrying out the program.

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.990, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 50.

AN ACT relating to environmental hazards; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue ~~[a summary]~~ **an** order for certain violations relating to mining reclamation; providing the Division, solid waste management authority and Department with a lien on certain property under certain circumstances; revising provisions governing mining reclamation to include the stabilization of process fluids; revising certain requirements for a permit to engage in a mining operation or exploration project; **authorizing the State Environmental Commission to adopt regulations relating to solid waste management facilities;** requiring the ~~[State Environmental]~~ Commission to adopt regulations relating to the requirements for the owner or operator of a municipal solid waste landfill or solid waste management facility to provide certain evidence of financial responsibility; requiring a permit to construct or operate a solid waste management facility; making requirements for ~~[municipal solid waste landfills]~~ **disposal sites** applicable to solid waste management facilities ~~[establishing recycling as a method]~~ **; prohibiting a municipal solid waste landfill from accepting certain types of hazardous**

waste; revising provisions relating to the management of ~~[disposal for]~~ hazardous waste; **revising requirements governing a permit to operate a facility for the management of hazardous waste; revising requirements relating to evidence of financial responsibility provided by an owner or operator of certain facilities for the management of hazardous waste; revising certain prohibitions relating to hazardous waste;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the reclamation of land subject to mining operations or exploration projects. (Chapter 519A of NRS) **Section 13** of this bill revises the definition of the term "reclamation" to include actions performed during or after an exploration project or mining operation to stabilize process fluids. **Sections 2-9** of this bill define certain terms relating to reclamation. **Section 14** of this bill revises the definition of the term "surety" to include an account held by or for the benefit of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Section 10 of this bill authorizes the Division to issue ~~[a summary]~~ **an** order if the Division has reasonable cause to believe that a ~~[person]~~ **holder of a permit** is **violating or is** about to violate certain provisions of existing law relating to the reclamation of land.

Section 11 of this bill provides that **,** ~~[, upon the issuance of a notice of noncompliance or a summary order to a person holding a permit for an exploration project or mining operation,]~~ the Division ~~[has a]~~ **may** lien ~~[on]~~ all real and personal property **associated with a facility** of ~~[the person.]~~ **a holder of a permit for an exploration project or mining operation.**

Section 12 of this bill applies the definitions in existing law and **sections 2-9** governing reclamation to the provisions of **sections 10 and 11**.

Section 15 of this bill authorizes certain fees collected by the Division that are used to administer the provisions of existing law relating to reclamation to also be used to administer the provisions of **sections 2-11**.

Existing law requires an applicant for a permit to engage in a mining operation to, amongst other requirements, complete a checklist developed by the Division and file a plan for reclamation with the application. (NRS 519A.210, 519A.220) **Section 16** of this bill requires that the information requested by the checklist include a manual for the operation and maintenance of the fluid management system for the mining operation. **Section 17** of this bill requires a plan for reclamation to provide for the stabilization of process fluids.

Existing law provides that if an exploration project or a mining operation ~~[are]~~ **is** conducted on: (1) land administered by a federal agency, an approved federal plan of operations and surety that are consistent with certain requirements ~~[supersedes]~~ **supersede** certain requirements for a permit and bond or other surety; or (2) both public land and privately owned land, compliance with the approved federal plan of operations is sufficient if that

plan substantially provides for the reclamation and bond or other surety required by existing law. (NRS 519A.240) **Section 18** of this bill ~~[requires the Division to approve: (1) any parts of]~~ **provides that** a federal plan of operations and surety approved by a federal agency for an exploration project or a mining operation **supersede, if wholly** conducted on land administered by a federal agency **,** ~~[that include the stabilization of process fluids; and (2) a federal plan of operations and surety approved by a federal agency for an exploration project or a mining operation]~~ **or substitute, if partly** conducted on ~~[a site that includes both public and privately owned]~~ land ~~[.]~~ **administered by a federal agency, requirements in state law for a permit and bond or other surety if the applicant: (1) submits to the Division the federal plan of operations and an estimate of the costs of reclamation; and (2) remedies any inconsistencies identified by the Division between the federal plan of operations and the requirements of state law.**

Sections 19 and 20 of this bill apply certain disciplinary actions and criminal penalties to the provisions of **sections 2-11**.

Existing law requires the governing body of every municipality or district board of health of a health district to develop a plan to provide for a solid waste management system which provides for the management and disposal of solid waste. (NRS 444.510) Existing law defines the term "solid waste management system" as the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. (NRS 444.500) Section 28.3 of this bill revises the definition of "solid waste management system" to mean the entire process of storage, collection, transportation, processing, recycling or disposal of solid waste.

Existing law requires a solid waste management authority to issue permits to operate disposal sites. (NRS 444.553) Section 28.7 of this bill requires a solid waste management authority to also issue permits to operate solid waste management facilities. Section 32.1 of this bill requires the State Environmental Commission to adopt regulations concerning standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a solid waste management facility. Sections 32.1-32.4 and 32.8 of this bill make certain provisions of existing law relating to disposal sites applicable to solid waste management facilities.

Section 22 of this bill defines the term "solid waste management facility" to mean any place that engages in any activity related to a solid waste management system. Section 23.5 of this bill authorizes the State Environmental Commission to adopt regulations establishing activities that are related to a solid waste management system and the places which constitute a solid waste management facility based on the activities performed at the place.

Existing law requires the owner or operator of a municipal solid waste landfill to obtain a permit from a solid waste management authority before constructing or operating the municipal solid waste landfill. The permit must

be conditioned upon all requirements necessary to ensure compliance with certain federal laws governing solid waste, including financial requirements for the owners and operators of municipal solid waste landfills. (NRS 444.465, 444.556) **Section** ~~[28 of this bill revises the definition of the term "municipal solid waste landfill" to exclude a landfill that receives waste from a very small quantity generator. Section 23 of this bill defines the term "very small quantity generator."~~

~~Section 29 of this bill requires the owner or operator of a solid waste management facility to also obtain a permit from a solid waste management authority. Sections 30-32]~~ **30** of this bill ~~[apply certain other requirements in existing law governing municipal]~~ **revises certain references to the term "municipal** solid waste ~~[landfills to solid waste management facilities.~~

~~Section 22]~~ **landfill." Section 32.6** of this bill ~~[defines the term "solid waste management facility" to mean a facility or location that engages in any activity related to a solid waste management system. Section 27 of this bill revises the definition of the term "disposal site" to include a solid waste management facility.]~~ **revises a reference to a sanitary landfill with a reference to a municipal solid waste landfill. Section 32 of this bill prohibits a municipal solid waste landfill from accepting hazardous waste from a very small quantity generator.**

Section 24 of this bill requires the ~~[State Environmental]~~ Commission to adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility to demonstrate financial responsibility.

Section 29 ~~[also]~~ **of this bill** provides that certain requirements for a permit relating to standards of care and financial responsibility may be satisfied by a plan for reclamation under certain circumstances.

Section 25 of this bill provides that ~~[, upon the issuance of an order or action taken by a solid waste management authority under existing law,]~~ the Division or solid waste management authority ~~[has a]~~ **may** lien ~~[on]~~ all real and personal property **associated with a municipal solid waste landfill or solid waste management facility** of ~~[the person who is the subject of the order or action.]~~ **an owner or operator of the municipal solid waste landfill or solid waste management facility.**

Section 26 of this bill applies the definitions in existing law and ~~[sections]~~ **section 22** ~~[and 23]~~ governing the collection and disposal of solid waste to the provisions of **sections 22-25**.

Existing law establishes provisions governing the disposal of hazardous waste through the **management of hazardous waste, which is defined as the systematic control of the** generation, collection, storage, transportation, processing, treatment, recovery and disposal of hazardous waste. (NRS 459.400-459.600) ~~[Sections 36, 38-45 and 47-52]~~ **Section 39** of this bill ~~[expand]~~ **revises: (1) the definition of the management of hazardous waste to mean the systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of**

hazardous waste; and as a result: (2) expands the applicability of these requirements governing hazardous waste to include recycling as a method for the disposal of hazardous waste ~~[.]~~ **and any systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of hazardous waste.**

Sections 36, 40, 44, 46-51, 52 and 53 of this bill remove references to specific activities constituting the management of hazardous waste. Sections 37.5, 38.5 and 40-41 of this bill revise certain definitions relating to the disposal of hazardous waste.

Sections 46 ~~[and 53-55]~~ **, 53 and 54** of this bill apply certain existing criminal and civil penalties and disciplinary actions to the ~~[recycling]~~ **management** of hazardous waste. ~~[As a result of the inclusion of recycling, certain existing fees and reimbursements relating to the management of hazardous waste also apply to the recycling of hazardous waste. (NRS 459.500, 459.512, 459.537, 459.548, 459.634)]~~

Section 34 of this bill defines the term "recycling" to mean the ~~[process]~~ **processing** of ~~[using]~~ hazardous waste to recover materials or produce a usable product. **Section 36 establishes that an additional purpose of the provisions of existing law governing the disposal of hazardous waste includes conserving resources of material and energy through the recycling or recovery of hazardous waste.**

Section 35 of this bill provides that ~~[upon the issuance of an order under certain provisions of existing law,]~~ the Department ~~[has a]~~ **may** lien ~~[on]~~ all real and personal property **associated with a facility for the management of hazardous waste** of the ~~[person who is the subject of the order.]~~ **owner, operator or holder of a permit of the facility.**

Section 37 of this bill applies the definitions in existing law and **section 34** governing the disposal of hazardous waste to the provisions of **sections 34 and 35**.

Existing law requires the Commission, through the Department, to develop a program to encourage the minimization of hazardous waste and the recycling or reuse of hazardous waste. (NRS 459.485) Section 43 of this bill removes the requirement that the program include the reuse of hazardous waste.

Existing law prohibits a person from constructing, substantially altering or operating a facility for the treatment, storage or disposal of hazardous waste or treating, storing or disposing of hazardous waste unless the person has first obtained a permit from the Department. (NRS 459.515) Section 46 provides that the person must only obtain a permit if the Commission has required by regulation that type of facility to obtain a permit. Section 47 requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must obtain a permit.

Existing law requires the Commission to adopt regulations requiring the owner or operator of any facility for the treatment, storage or disposal

of hazardous waste to show his or her financial responsibility for the undertaking. (NRS 459.525) Section 48 requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must show financial responsibility.

Existing law provides that certain provisions of existing law authorizing any authorized representative or employee of the Commission or Department to conduct certain inspections relating to hazardous substances and authorizing the Department to issue certain orders relating to hazardous substances do not apply in a county whose population is less than 55,000 (currently all counties except Clark County, Washoe County, Lyon County and Carson City). (NRS 459.558) Section 51.5 of this bill removes this exemption.

Existing law prohibits a person from transporting hazardous waste to a facility that has not been issued a permit to treat, store or dispose of hazardous waste. (NRS 459.590) Section 54.5 of this bill instead prohibits a person from transporting hazardous waste to a facility that has not been authorized to accept hazardous waste in accordance with certain regulations adopted by the Commission.

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

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Beneficiation" means the dressing or processing of ores to:***

1. Regulate the size of a desired product;

2. Remove unwanted constituents; and

3. Improve the quality, purity or assay grade of a desired product.

Sec. 3. ***"Discharge" has the meaning ascribed to it in NRS 445A.345.***

Sec. 4. ***"Facility" means all portions of a mining operation, including, without limitation, the mine, waste rock piles, ore piles, process components for beneficiation, processed ore disposal sites, and all associated buildings and structures. The term does not include any process component or non-process component that is not used for mining or mineral production and has not been used in the past for mining or mineral production.***

Sec. 5. ***"Fluid management system" means the portion of a facility constructed to contain or transport process fluids.***

Sec. 6. ***"Point source" means any discernible, confined and discrete conveyance from which pollutants are or may be discharged, including, without limitation, any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, wheeled, track, stationary or floating equipment used for earth-moving activities or vessel or other floating craft. The term does not include return flows from irrigated agriculture.***

Sec. 7. ***"Process component" means the distinct portion of a constructed facility which is a point source.***

Sec. 8. *"Process fluid" means any liquid, including, without limitation, meteoric waters, which are intentionally or unintentionally introduced into any part of a process component for beneficiation.*

Sec. 9. *"Stabilize" means the condition in which a contaminant in a material or process fluid ~~[are]~~ is bound, contained or treated so that the contaminant does not exhibit a potential to adversely impact human health, public safety or the environment.*

Sec. 10. *1. If the Division has reasonable cause to believe, based on evidence satisfactory to the Division, that a ~~[person]~~ holder of a permit is violating or is about to violate the provisions of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act, or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 pertaining to the stabilization of process fluids, and that the violation will pose imminent danger to human health, public safety or the environment, the Division may, without prior hearing, issue ~~[a summary]~~ an order against the ~~[person,]~~ holder of the permit, which:*

(a) ~~[Suspends a]~~ Temporarily suspends all or part of the permit issued under NRS 519A.180 or 519A.200;

(b) Requires the ~~[person]~~ holder of the permit to ensure all equipment necessary to stabilize process fluids remain at the facility; and

(c) Authorizes the Division to enter the facility and ~~[continue stabilizing]~~ stabilize the process fluids at the facility.

2. The ~~[summary]~~ order issued pursuant to subsection 1 must specify ~~[the]~~ :

(a) The provision of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 which the Division reasonably believes is being or is about to be violated ~~.~~ and any facts supporting this belief;

(b) The parts of the permit that are being suspended, if only parts of the permit are suspended; and

(c) The actions the holder of the permit must take to correct the violation.

3. An order issued by the Division pursuant to this section is effective immediately and remains in effect until the Division issues a decision pursuant to subsection 5.

4. The Division shall serve ~~[a summary]~~ an order issued pursuant to subsection 1 personally or by mail with delivery on the next business day to the holder of the permit at his or her address as shown on the records of the Division.

5. Unless otherwise agreed upon by the holder of the permit and the Division, the Division shall hold a hearing not later than 10 business days after issuing the ~~[summary]~~ order. The Division shall issue a decision not later than 5 business days after the hearing.

6. ~~[The]~~ Unless otherwise authorized in writing by the Division , ~~[shall not reinstate]~~ the permit or parts thereof must remain suspended until the violation is corrected and any costs of the Division for the ~~[management]~~ stabilization of the process fluids while the permit is suspended pursuant to subsection 1 are compensated from the bond or other surety required pursuant to NRS 519A.190 or 519A.210, as applicable, or otherwise repaid to the Division.

Sec. 11. *1. ~~[Upon the issuance of a notice of noncompliance pursuant to NRS 519A.270 or a summary order pursuant to section 10 of this act to a holder of a permit under NRS 519A.180 or 519A.200, the]~~ The Division ~~[has a]~~ may lien ~~[on]~~ all real and personal property, tangible and intangible, associated with a facility of ~~[the]~~ a holder ~~[,]~~ of a permit under NRS 519A.180 or 519A.200 for:*

(a) The costs incurred by the Division pursuant to section 10 of this act to stabilize process fluids that pose an imminent danger to human health, public safety or the environment; and

(b) The amount of any deficiency in a bond or surety required by NRS 519A.190 or 519A.210 and identified in a notice of noncompliance issued pursuant to NRS 519A.270.

2. To perfect a lien held pursuant to subsection 1, the Division shall:

(a) Provide notice of ~~[the]~~ intent to lien to the holder of the permit by certified or registered mail; ~~[and]~~

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the holder of the permit by certified or registered mail; and

(c) File notice of the lien ~~[;]~~ , which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located . ~~[; and]~~

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The ~~[unrecovered]~~ costs ~~[incurred by]~~ of the Division for ~~[performing]~~ reclamation ~~[;]~~ and any deficiency in a bond or other surety; or

(b) ~~If~~ The proceeds from the sale of the real or personal property ~~is marketable because of reclamation performed by the Division, the difference between the fair market value of the property at the time of the disposition of the property and the fair market value of the property before reclamation was performed by the Division.~~

~~4.~~ associated with the facility of the holder of the permit after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the ~~property if the property is:~~ :

(a) ~~Held in trust or as part~~ Proceeds of ~~a bond in accordance with the requirements for~~ a bond or other surety ~~set forth in~~ required by NRS 519A.190 or 519A.210; or

(b) ~~Marketable due~~ Increase in the fair market value of the real or personal property associated with the facility that is attributable to reclamation performed by the Division ~~.~~

~~5.~~ , which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Division shall release the lien ~~perfected pursuant to subsection 2 continues as a lien against the property of the holder of the permit until:~~ pursuant to subsection 7 if:

(a) The ~~notice of noncompliance is resolved or the permit is reinstated and the~~ costs of reclamation incurred by the Division are repaid ~~;~~ or reimbursed;

(b) The ~~Division releases the~~ holder of the permit resolves the deficiency in the bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270; or

(c) The lien ~~.~~

~~6.~~ is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General may, on behalf of the Division ~~may recover the lienable amount~~ , foreclose on a perfected lien in ~~an action~~ a suit brought in ~~the First Judicial District Court or in the~~ district court in the ~~county in which the reclamation costs were incurred.~~

~~7.~~ ***same manner as a suit for the foreclosure of any other lien.***

9. Nothing in this section shall be construed to limit the right of the Division to bring an action to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 12. NRS 519A.020 is hereby amended to read as follows:

519A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 519A.030 to 519A.130, inclusive, ***and sections 2 to*** ~~11,~~ ***9, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 519A.100 is hereby amended to read as follows:

519A.100 "Reclamation" means actions performed during or after an exploration project or mining operation to ~~[~~shape,~~]~~ ***:***

1. Shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects ~~[.]~~ ***; or***

2. Stabilize process fluids.

Sec. 14. NRS 519A.130 is hereby amended to read as follows:

519A.130 "Surety" means, but is not limited to, a trust fund, surety bonds that guarantee performance or payment into a trust fund ~~[,]~~ ***or an account held by or for the benefit of the Division,*** letters of credit, insurance ~~[,~~ ~~corporate or other guarantees of performance,~~] or any combination of these or other forms of security approved by the Director of the State Department of Conservation and Natural Resources and used to ensure that reclamation will be completed.

Sec. 15. NRS 519A.170 is hereby amended to read as follows:

519A.170 All fees collected by the Division pursuant to this chapter, including, without limitation, the fees for an application for and the issuance of a permit, must be deposited with the State Treasurer for credit to the appropriate account of the Division and must be used in the administration of NRS 519A.010 to 519A.280, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.*** All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

Sec. 16. NRS 519A.220 is hereby amended to read as follows:

519A.220 The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:

(a) The proposed subsequent use of the land after the mining operation is completed;

(b) The proposed schedule of reclamation that will be followed;

(c) The proposed topography of the land after the mining operation is completed;

(d) The treatment of slopes created or affected by the mining operation;

(e) The proposed use of impoundments;

(f) The kinds of access roads to be built and the manner of reclamation of road sites;

(g) The methods of drainage that will be used during the mining operation and reclamation;

(h) The revegetation of the land;

(i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;

(j) The reclamation that will be necessary as a result of instream mining;

(k) The effect that reclamation will have on future mining in that area; ~~[and]~~

(l) The effect of the reclamation on public safety ~~[.]~~ ***; and***

(m) A manual for the operation and maintenance of the fluid management system.

2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

Sec. 17. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the stabilization of process fluids.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 18. NRS 519A.240 is hereby amended to read as follows:

519A.240 ***1.*** If ~~***[1. Except as otherwise provided in this subsection, if]***~~ a mining operation or exploration project is conducted ***, in whole or in part,*** on land administered by a federal agency, ~~[an approved]~~ ***a*** federal plan of operations and a surety ***approved by the federal agency*** that are consistent with the requirements of this chapter supersede ***, if wholly conducted on land administered by the federal agency, or substitute, if partly conducted on land administered by the federal agency,*** the requirements for a permit and bond or other surety otherwise required by this chapter ~~[. If]~~ ***if the applicant:***

(a) Submits to the Division the federal plan of operations ~~***[and surety approved]***~~ ***determined by the federal agency*** ~~***[includes the stabilization of process fluids, the plan of operations and surety relating to the stabilization of process fluids must also be approved]***~~ ***to be administratively complete and an estimate of the costs of reclamation of the mining operation or exploration project, and any modifications thereto; and***

(b) Remedies any inconsistencies between the federal plan of operations and the requirements of this chapter and any regulations adopted pursuant thereto that are identified by the Division.

~~***2. [***If the mining operation or exploration project is conducted on a site which includes both public land and privately owned land, compliance with the federal ***federally approved*** plan suffices if that plan substantially provides for the reclamation ***of operations and surety must also be approved by the Division to satisfy the requirements for a permit*** and bond or other surety required by this chapter.~~

~~***3.]***~~ Nothing in this section affects the requirement ~~[for]~~ ***to obtain*** a permit set forth in NRS 519A.180 or 519A.200 or the required payment of fees set forth in NRS 519A.160 or 519A.260.

Sec. 19. NRS 519A.270 is hereby amended to read as follows:

519A.270 If the Division has reason to believe that any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to NRS 519A.160, has been violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;
2. Specify each violation; and
3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

Sec. 20. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or any

regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 21. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. ***"Solid waste management facility" means*** ~~***[a facility or location]***~~ ***any place that engages in any activity related to a solid waste management system. The term includes, without limitation, a disposal site.***

Sec. 23. ~~***["Very small quantity generator" has the meaning ascribed to it in 40 C.F.R. § 260.10.]***~~ **(Deleted by amendment.)**

Sec. 23.5. The State Environmental Commission may adopt regulations establishing activities that are related to a solid waste management system. Such regulations may, without limitation, establish places that constitute solid waste management facilities because, as determined by the Commission, the activities performed at the place present a significant hazard to human health, public safety or the environment if solid waste at the place is managed improperly. The determination of the Commission may be based upon, without limitation, the size of the activity, throughput of the activity, location of the place or any other relevant factor determined by the State Environmental Commission.

Sec. 24. ***1. The State Environmental Commission shall adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility to demonstrate that the owner or operator is financially responsible for the municipal solid waste landfill or solid waste management facility in accordance with subsection 4 of NRS 444.556. Such regulations must require the owner or operator to provide:***

(a) Evidence that the owner or operator has a policy of liability insurance in an amount which the State Department of Conservation and Natural Resources has determined is necessary for the protection of human health, public safety and the environment;

(b) Evidence of security, in a form and amount which the State Department of Conservation and Natural Resources deems necessary, to

ensure that at the time of any abandonment, cessation or interruption of the service provided by the municipal solid waste landfill or solid waste management facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

(c) Any other evidence of financial responsibility which the State Environmental Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any courts of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 25. *1. ~~[Upon the issuance of an order or other action taken pursuant to NRS 444.592 to a person, owner or operator holding a permit under NRS 444.505, 444.553 or 444.556, the]~~ The Division of Environmental Protection of the State Department of Conservation and Natural Resources or the solid waste management authority ~~[have a]~~ may lien ~~[on]~~ all real and personal property, tangible and intangible, associated with a municipal solid waste landfill or solid waste management facility of the ~~[person who is the subject of the order or action.]~~ owner or operator of a municipal solid waste landfill or solid waste management facility for:*

(a) The costs incurred by the Division of Environmental Protection or solid waste management authority to reduce or eliminate an imminent threat to human health, public safety or the environment relating to the management of hazardous waste at a municipal solid waste landfill or solid waste management facility of the owner or operator pursuant to subsection 1 of NRS 459.537; and

(b) The amount of any deficiency in a security or other type of financial responsibility required in accordance with the regulations adopted pursuant to section 24 of this act or the Resource Conservation and Recovery Act of

1976, Subtitle D, §§ 42 U.S.C. 6941 et seq., and any regulations adopted pursuant thereto and identified in an order issued pursuant to NRS 444.592.

2. To perfect a lien held pursuant to subsection 1, the Division of Environmental Protection or solid waste management authority shall:

(a) Provide notice of [the] intent to lien to the [holder of the permit] owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail; [and]

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail; and

(c) File notice of the lien [;] , which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located . [; and]

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division of Environmental Protection or solid waste management authority shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 444.592.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The [unrecovered] costs [incurred by] of the Division of Environmental Protection or solid waste management authority for performing remediation [;] and any deficiency in a security or other type of financial responsibility; or

(b) [If] The proceeds from the sale of the real or personal property [is marketable because of remediation performed by the Division of Environmental Protection or solid waste management authority, the difference between the fair market value of the property at the time of the disposition of the property and the fair market value of the property before remediation was performed.

4.] associated with the municipal solid waste landfill or solid waste management facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected

pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the ***:*** ~~*[property if the property is:]*~~

(a) ~~*[Held in trust or as part]*~~ ***Proceeds*** *of a security or other* ~~*[evidence]*~~ ***type*** *of financial responsibility* ***required*** *in accordance with the requirements prescribed pursuant to section 24 of this act or the Resource Conservation and Recovery Act of 1976, Subtitle D, §§ 42 U.S.C. 6941* ~~*[et. seq.]*~~ ***et seq.,*** *and any regulations adopted pursuant thereto; or*

(b) ~~*[Marketable due]*~~ ***Increase in the fair market value of the real or personal property associated with the municipal solid waste landfill or solid waste management facility that is attributable*** *to remediation performed by the Division of Environmental Protection or solid waste management authority* ~~*.*~~

~~*5.]*~~ ***, which must be measured at the time of the sale or other disposition of the real or personal property.***

6. The Division of Environmental Protection or solid waste management authority shall release the *lien* ~~*[perfected pursuant to subsection 2 continues as a lien against the property of the holder of the permit until:]*~~ ***pursuant to subsection 7 if:***

(a) The ~~*[order or other action]*~~ ***costs of remediation*** *of the Division of Environmental Protection or solid waste management authority* ~~*[is resolved;]*~~ ***are repaid or reimbursed;***

(b) The ***owner or operator of the municipal solid waste landfill or solid waste management authority resolves the deficiency in the*** *security or other* ~~*[evidence]*~~ ***type*** *of financial responsibility* ~~*[is forfeited and the proceeds are available to the Division of Environmental Protection or solid waste management authority to pay the costs of remediation;]*~~ ***identified in an order issued pursuant to NRS 444.592; or***

(c) The ~~*[Division of Environmental Protection or solid waste management authority releases the]*~~ *lien* ~~*.*~~

~~*6.]*~~ ***is satisfied by sale or other means.***

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division of Environmental Protection or solid waste management authority shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General or district attorney may, on behalf of the Division of Environmental Protection or solid waste management authority ~~*[may recover the lienable amount]*~~ ***, foreclose on a perfected lien in*** ~~*[an*~~

~~*action]*~~ *a suit brought in* ~~*[the First Judicial District Court or in the]*~~ *district court in the* ~~*[county in which the remediation costs were incurred.*~~

~~*7.]*~~ *same manner as a suit for the foreclosure of any other lien.*

9. Nothing in this section shall be construed to limit the right of the Division of Environmental Protection or solid waste management authority to recover any costs and damages incurred by the Division of Environmental Protection or solid waste management authority for which the person, owner or operator is liable under NRS 444.598.

Sec. 26. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, *and sections 22 to 25, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, *and* ~~*[sections]*~~ *section 22* ~~*[and 23]*~~ *of this act* have the meanings ascribed to them in those sections.

Sec. 27. ~~[NRS 444.460 is hereby amended to read as follows:~~

~~444.460 "Disposal site" means any place at which solid waste is dumped, abandoned or accepted or disposed of by incineration, land filling, composting or any other method. The term includes a municipal solid waste landfill [.] *and a solid waste management facility.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 444.465 is hereby amended to read as follows:~~

~~444.465 "Municipal solid waste landfill" has the meaning ascribed to [it] *a "municipal solid waste landfill unit"* in [the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.] *40 C.F.R. § 258.2, except that the term does not include a landfill that receives waste from a very small quantity generator.]*~~ **(Deleted by amendment.)**

Sec. 28.3. **NRS 444.500 is hereby amended to read as follows:**

444.500 "Solid waste management system" means the entire process of ***the*** storage, collection, transportation, processing, recycling ~~[and]~~ ***or*** disposal of solid waste. The term includes plans and programs for the reduction of waste and public education.

Sec. 28.7. **NRS 444.553 is hereby amended to read as follows:**

444.553 1. The solid waste management authority shall, in accordance with the regulations of the State Environmental Commission adopted pursuant to NRS 444.560, issue permits to operate ***solid waste management facilities, including, without limitation,*** disposal sites.

2. A person shall not operate or authorize the operation of a ***solid waste management facility, including, without limitation, a*** disposal site **,** unless the operator:

(a) Holds a permit to operate the ***solid waste management facility, including without limitation, a*** disposal site **,** issued by the solid waste management authority; and

(b) Complies with the terms and conditions of the permit.

Sec. 29. NRS 444.556 is hereby amended to read as follows:

444.556 1. Before constructing or operating a municipal solid waste landfill , ***[or solid waste management facility,]*** the owner or operator of the ***municipal solid waste*** landfill ***[or solid waste management facility, as applicable,]*** shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill ***[or solid waste management facility]*** is subject to the general conditions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. ***[***A***]*** ***Except as otherwise provided in subsection 5, a*** permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, which describe:

(1) General standards for a municipal solid waste landfill ; ***[or solid waste management facility;]***

(2) Restrictions on the location of such a ***municipal solid waste*** landfill ; ***[or solid waste management facility;]***

(3) Criteria for the operation of such a ***municipal solid waste*** landfill ; ***[or solid waste management facility;]***

(4) Criteria for the design of such a ***municipal solid waste*** landfill ; ***[or solid waste management facility;]***

(5) Requirements for monitoring groundwater and standards for corrective actions related thereto;

(6) Standards of care related to the closure of such a ***municipal solid waste*** landfill ; ***[or solid waste management facility;]*** and

(7) Financial ***responsibility*** requirements for the owners or operators of such ***municipal solid waste*** landfills ***[, or solid waste management facilities]*** ***pursuant to section 24 of this act;***

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. ***The requirements of subparagraphs (6) and (7) of paragraph (a) of subsection 4 [,] may be satisfied by a plan for reclamation [that complies] :***

(a) Which has been approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

***(b) Complies** with NRS 519A.230 and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto . ~~[which has been approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.]~~*

6. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill ~~*[for solid waste management facility]*~~ shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill ~~*[for solid waste management facility]*~~ are kept in order to inspect those records.

Sec. 30. NRS 444.557 is hereby amended to read as follows:

444.557 1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill ~~*[for solid waste management facility]*~~ with the terms and conditions of the permit issued for that ***municipal solid waste*** landfill , ~~*[for solid waste management facility,]*~~ the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The program must include procedures to:

(a) Verify the accuracy of any information submitted by the owner or operator of the ***municipal solid waste*** landfill ~~*[for solid waste management facility]*~~ to the authority;

(b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the ***municipal solid waste*** landfill ; ~~*[for solid waste management facility;]*~~ and

(c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the ***solid waste management*** authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the ***solid waste management*** authority.

Sec. 31. ~~[NRS 444.558 is hereby amended to read as follows:~~

~~444.558 1. The State Environmental Commission and the district board of health of a health district created pursuant to NRS 439.362 or 439.370 shall, in a timely manner, adopt all regulations that are necessary to establish and carry out a program of issuing permits for municipal solid waste landfills~~ **[.]** ***and solid waste management facilities.*** ~~The program must ensure compliance with the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, and carry out the purpose and intent of this section.~~

~~2. The regulations adopted by a district board of health pursuant to this section must not conflict with regulations adopted by the State Environmental Commission.~~**] (Deleted by amendment.)**

Sec. 32. NRS 444.559 is hereby amended to read as follows:

444.559 ***1.*** A municipal solid waste landfill ~~***for a solid waste management facility]***~~ shall accept a recreational vehicle for disposal if:

~~[1.]~~ ***(a)*** The person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle, indicating that he or she is the owner.

~~[2.]~~ ***(b)*** Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill . ~~***for solid waste management facility.]***~~

2. A municipal solid waste landfill shall not accept hazardous waste from a very small quantity generator for disposal.

3. As used in this section, "very small quantity generator" has the meaning ascribed to it in 40 C.F.R. § 260.10.

Sec. 32.1. **NRS 444.560 is hereby amended to read as follows:**

444.560 1. The State Environmental Commission shall adopt regulations concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a ***solid waste management facility, including, without limitation, a*** disposal site.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with NRS 444.495 or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a

municipality or person may operate or permit an operation in violation of the regulation.

Sec. 32.2. **NRS 444.570 is hereby amended to read as follows:**

444.570 1. The State Department of Conservation and Natural Resources shall:

(a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of NRS 444.440 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to NRS 444.505, 444.553 and 444.556 and ensuring compliance with the terms and conditions of such permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for ***solid waste management facilities, including, without limitation,*** disposal sites **,** and enforce the laws of this State regarding solid waste management systems.

(e) Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 22 to 25, inclusive, of this act,*** enter and inspect areas of the facility where:

(a) Solid waste may have been ~~[generated,]~~ stored, ***collected,*** transported, ~~[treated]~~ ***processed, recycled*** or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 32.4. **NRS 444.580 is hereby amended to read as follows:**

444.580 Except as otherwise provided in NRS 444.559:

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of ***solid waste management facilities,*** solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 22 to 25, inclusive, of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 32.6. **NRS 444.583 is hereby amended to read as follows:**

444.583 1. Except as otherwise provided in subsection 5 and NRS 444.509, it is unlawful willfully to:

(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the solid waste management authority;

(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a ~~[sanitary]~~ ***municipal solid waste*** landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the solid waste management authority; or

(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the solid waste management authority for the recovery of energy or other appropriate use.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation.

3. The State Department of Conservation and Natural Resources shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the

public. The plan may include education of the public regarding the necessity of disposing of these items properly and recycling them.

4. The State Department of Conservation and Natural Resources shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.

5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the solid waste management authority makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the solid waste management authority concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.

Sec. 32.8. **NRS 444.592 is hereby amended to read as follows:**

444.592 If the solid waste management authority receives information that the ~~[handling,]~~ storage, ~~[recycling,]~~ ***collection,*** transportation, ~~[treatment]~~ ***processing, recycling*** or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, a statute, a regulation or an order issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 22 to 25, inclusive, of this act:***

1. Issue an order directing the owner or operator of the ***solid waste management facility, including, without limitation, a*** disposal site or any other site where the ~~[handling,]~~ storage, ~~[recycling,]~~ ***collection,*** transportation, ~~[treatment]~~ ***processing, recycling*** or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS 444.600.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 33. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 and 35 of this act.

Sec. 34. ***"Recycling" means the ~~[process]~~ processing of ~~[using]~~ hazardous waste to recover materials or produce a usable product. The term does not include the treatment or disposal of hazardous waste.***

Sec. 35. ***1. ~~[Upon the issuance of an order pursuant to NRS 459.565 or 459.570, the]~~ The Department ~~[has a]~~ may lien ~~[on]~~ all real and personal property, tangible and intangible, associated with a facility for the management of hazardous waste of the ~~[person who is the subject of the order.]~~ owner, operator or holder of a permit for:***

(a) The costs incurred by the Department to remediate an imminent and substantial hazard to human health, public safety or the environment pursuant to subsection 1 of NRS 459.537; and

(b) The amount of any deficiency in a security or other type of financial responsibility required pursuant to NRS 459.525 and identified in an order issued pursuant to NRS 459.570.

2. To perfect a lien held pursuant to subsection 1, the Department shall:

(a) Provide notice of ~~[the]~~ intent to lien to the owner, operator or holder of the permit by certified or registered mail; ~~[and]~~

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner, operator or holder of the permit by certified or registered mail; and

(c) File notice of the lien ~~[.]~~ , which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located . ~~[; and]~~

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Department shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 459.570.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The ~~[unrecovered]~~ costs ~~[incurred by]~~ of the Department for performing remediation ~~[.]~~ and any deficiency in a security or other type of financial responsibility; or

(b) ~~[If]~~ The proceeds from the sale of the real or personal property ~~[is marketable because of remediation performed by the Department, the difference between the fair market value of the property at the time of the disposition of the property and the fair market value of the property before the remediation was performed by the Department.~~

~~4.]~~ associated with the facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the : ~~[property if the property is:]~~

(a) ~~[Held in trust or as part]~~ Proceeds of a security or other ~~[evidence]~~ type of financial responsibility ~~[established]~~ required pursuant to NRS 459.525; or

(b) ~~[Marketable due]~~ Increase in the fair market value of the real or personal property associated with the facility that is attributable to remediation performed by the Department ~~[.~~

~~5.]~~ , which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Department shall release the lien ~~[perfected pursuant to subsection 2 continues as a lien against the property of the holder of the permit until:]~~ pursuant to subsection 7 if:

(a) The ~~[order]~~ costs of remediation of the Department ~~[is resolved;]~~ are repaid or reimbursed;

(b) The owner, operator or holder of the permit resolves the deficiency in the security or other ~~[evidence]~~ type of financial responsibility ~~[is forfeited and the proceeds are available to the Department to pay the costs of remediation; or]~~ identified in an order issued pursuant to NRS 459.570; or

(c) The ~~[Department releases the]~~ lien ~~[.~~

~~6.]~~ is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General, on behalf of the Department , may ~~[recover the lienable amount]~~ foreclose on a perfected lien in ~~[an action]~~ a suit brought in ~~[the First Judicial District Court or in the]~~ district court in the ~~[county in which the remediation costs were incurred.~~

~~7.]~~ same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Department to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 36. NRS 459.400 is hereby amended to read as follows:

459.400 The purposes of NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act*** are to:

1. Protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste;

2. Establish a program for regulation of the ~~[storage, generation, transportation, treatment and disposal or recycling]~~ ***management*** of hazardous waste; ~~[and]~~

3. Ensure safe and adequate management of hazardous waste. ~~[.]~~ ***; and***

4. Conserve resources of material and energy through the recycling or recovery of hazardous waste.

Sec. 37. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, ***and section 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 37.5. **NRS 459.425 is hereby amended to read as follows:**

459.425 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water in a manner which might allow the hazardous waste or any ~~[part of it]~~ ***constituent thereof*** to enter the environment, be emitted into the air or be discharged into any ~~[water, including any groundwater.]~~ ***waters of this State, as defined in NRS 445A.415.***

Sec. 38. ~~[NRS 459.430 is hereby amended to read as follows:~~

~~459.430 "Hazardous waste" means any waste or combination of wastes, including, without limitation, solids, semisolids, liquids or contained gases, except household waste, which:~~

~~1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:~~

~~(a) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or~~

~~(b) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal ***, recycling*** or other management.~~

~~2. Is identified as hazardous by the Department as a result of studies undertaken for the purpose of identifying hazardous wastes.~~

~~The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.]~~ **(Deleted by amendment.)**

Sec. 38.5. **NRS 459.432 is hereby amended to read as follows:**

459.432 "Household waste" means waste material, including, without limitation, garbage, trash and sanitary wastes in septic tanks that is generated by a household, including, without limitation, a single-family or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground and day-use recreational area. The term does not include nickel, cadmium, mercuric oxide, manganese, zinc-carbon ***,*** ~~[or]~~ lead ***or high-density energy*** batteries, toxic art supplies, used motor oil, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted or any other waste generated by a household that would otherwise be defined as hazardous waste pursuant to subsection 2 of NRS 459.430.

Sec. 39. NRS 459.435 is hereby amended to read as follows:

459.435 "Management of hazardous waste" means the systematic control of the generation, collection, storage, transportation, ***recycling,*** processing, treatment, recovery ~~[and]~~ ***or*** disposal ~~***[or recycling]***~~ of hazardous waste.

Sec. 40. NRS 459.440 is hereby amended to read as follows:

459.440 "Manifest" means a document used to identify hazardous waste during its transportation from between any two of the points of ~~[generation, storage, treatment and disposal , or recycling,]~~ ***management*** and specifying the quantity, composition, origin, route and destination of the waste.

Sec. 40.5. **NRS 459.450 is hereby amended to read as follows:**

459.450 "Storage" means the containment of hazardous waste, ~~[temporarily or]~~ for a ***temporary*** period of years, ~~[in a manner which does not constitute disposal.]~~ ***at the end of which the hazardous waste is transported, processed, treated, recovered, disposed of or stored elsewhere.***

Sec. 41. NRS 459.455 is hereby amended to read as follows:

459.455 "Treatment" means ~~[a]~~ ***any method, technique or*** process, including neutralization, which is designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize it or render it less hazardous, nonhazardous, safer for transportation, storage and disposal , ~~***[or recycling,]***~~ amenable to recovery of resources ***of material or energy*** from it, or reduce its volume.

Sec. 42. ~~[NRS 459.475 is hereby amended to read as follows:~~

~~459.475 The Department shall:~~

~~1. Except as otherwise provided in NRS 459.480, enforce the Commission's regulations on hazardous waste;~~

~~2. Develop and publish a plan of management of hazardous waste in this State, including among other things, descriptions of:~~

~~(a) Sources of hazardous waste, including information on the types and quantities of the waste;~~

~~(b) Current practices and costs in the management of hazardous waste, including treatment, storage and disposal [;] *or recycling;* and~~

~~(c) The hazards associated with the use by a consumer of a commercial product in a manner contrary to the directions for use, cautions or warnings appearing on the label of the product, if the Department determines that such a description is necessary; and~~

~~3. Cooperate with other states to bring about improved management of hazardous waste, encourage the enactment of uniform state laws relating to hazardous waste, and develop compacts between this and other states which are designed to provide for improved management of hazardous waste.]~~ **(Deleted by amendment.)**

Sec. 43. NRS 459.485 is hereby amended to read as follows:

459.485 The Commission shall:

1. Adopt regulations ~~[governing systems of hazardous waste management,]~~ ***to carry out the provisions of NRS 459.400 to 459.600, inclusive, and sections 34 and 35 of this act,*** including the plan for management of hazardous waste in the entire State; and

2. Through the Department:

(a) Advise, consult and cooperate with other agencies of the State, other states, the Federal Government, municipalities and other persons on matters relating to formulation of plans for managing hazardous waste.

(b) Develop a plan for management of hazardous waste in the entire State.

(c) Develop a program to encourage the minimization of hazardous waste and the recycling ~~[or reuse]~~ of hazardous waste by persons who generate hazardous waste within Nevada. The program may include grants or other financial incentives.

Sec. 44. NRS 459.490 is hereby amended to read as follows:

459.490 Regulations adopted by the Commission pursuant to NRS 459.485 must be based upon studies, guidelines and regulations of the Federal Government and must:

1. Set out mechanisms for determining whether any waste is hazardous;

2. Govern combinations of wastes which are not compatible and may not be ~~[stored, treated, or disposed of *or recycled]*~~ ***managed*** together;

3. Govern ~~[generation, storage, treatment and disposal *or recycling]*~~ ***the management*** of hazardous waste;

4. Govern operation and maintenance of facilities for the ~~[treatment, storage and disposal *or recycling]*~~ ***management*** of hazardous waste, including the qualifications and requirements for ownership, continuity of operation, closure and care after closing;

5. Provide standards for location, design and construction of facilities for ~~[treatment, storage and disposal *or recycling]*~~ ***the management*** of hazardous waste;

6. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, govern the transportation, packing and labeling of hazardous waste in a manner consistent with regulations issued by the United States Department of Transportation relating to hazardous waste;

7. Provide procedures and requirements for the use of a manifest for each shipment of hazardous waste. The procedures and requirements must be applied equally to those persons who transport hazardous waste generated by others and those who transport hazardous waste which they have generated themselves; and

8. Take into account climatic and geologic variations and other factors relevant to the management of hazardous waste.

Sec. 45. ~~[NRS 459.500 is hereby amended to read as follows:~~

~~459.500 1. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, or 459.800 to 459.856, inclusive:~~

~~(a) Regulations of the Commission must provide:~~

~~(1) For safety in the packaging, handling, transportation and disposal *or recycling* of hazardous waste;~~

~~(2) For the certification of consultants involved in consultation regarding the response to and the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks, the clean up~~

~~of spills of or accidents or motor vehicle crashes involving hazardous waste, hazardous material or a regulated substance, or the management of hazardous waste;~~

~~(3) That a person employed full-time by a business to act as such a consultant is exempt from the requirements of certification if the person:~~

~~(I) Meets the applicable requirements of 29 C.F.R. § 1910.120 to manage such waste, materials or substances; and~~

~~(II) Is acting in the course of that full-time employment; and~~

~~(4) For the certification of laboratories that perform analyses for the purposes of NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act, NRS*** 459.610 to 459.658, inclusive, and 459.800 to 459.856, inclusive, to identify whether waste is hazardous waste or to detect the presence of hazardous waste or a regulated substance in soil or water.~~

~~(b) Regulations of the Commission may:~~

~~(1) Provide for the licensing and other necessary regulation of generators, including shippers and brokers, who cause that waste to be transported into or through Nevada or for disposal in Nevada;~~

~~(2) Require that the person responsible for a spill, leak, accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance, obtain advice on the proper handling of the spill, leak, accident or motor vehicle crash from a consultant certified under the regulations adopted pursuant to paragraph (a); and~~

~~(3) Establish standards relating to the education, experience, performance and financial responsibility required for the certification of consultants.~~

~~2. The regulations may include provisions for:~~

~~(a) Fees to pay the cost of inspection, certification and other regulation, excluding any activities conducted pursuant to NRS 459.7052 to 459.728, inclusive; and~~

~~(b) Administrative penalties of not more than $2,500 per violation or $10,000 per shipment for violations by persons licensed by the Department, and the criminal prosecution of violations of its regulations by persons who are not licensed by the Department.~~

~~3. Designated employees of the Department and the Nevada Highway Patrol Division shall enforce the regulations of the Commission relating to the transport and handling of hazardous waste and the leakage or spill of that waste from packages.~~] **(Deleted by amendment.)**

Sec. 46. NRS 459.515 is hereby amended to read as follows:

459.515 1. It is unlawful for any person to:

(a) Construct, substantially alter or operate any facility for the ~~[~~~treatment, storage, or disposal ***or recycling]***~~ ***management*** of hazardous waste; or

(b) ~~[~~Treat, store, or dispose of ***or recycle]*** ***Manage*** any hazardous waste,

➥ unless the person has first obtained a permit from the Department to do so ~~[.]~~ ***, if a permit is required for that type of facility for the management of***

hazardous waste by the regulations adopted by the Commission pursuant to NRS 459.520.

2. A person who:

(a) Conducts an activity for which a permit is required pursuant to this section, and is doing so on the effective date of the regulations establishing procedures for the system of permits; and

(b) Has made an application for a permit,

➥ shall be deemed to have been issued a permit until his or her application has been acted upon, unless a delay in that action was caused by the person's failure to furnish information which was reasonably requested or required for the processing of the application.

3. The Commission may require a person who is conducting an activity pursuant to subsection 2 to comply with requirements which it has specified by regulation before a permit is issued.

Sec. 47. NRS 459.520 is hereby amended to read as follows:

459.520 1. The Commission shall adopt regulations ~~[for]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste which must obtain a permit; and

(b) For the granting, renewal, modification, suspension, revocation and denial of ***such*** permits.

2. If the local government within whose territory a facility for the ~~[treatment, storage,~~ or disposal ~~*or recycling]*~~ ***management*** of hazardous waste is to be located requires that a special use permit or other authorization be obtained for such a facility or activity, the application to the Department for a permit to operate such a facility must show that local authorization has been obtained. This requirement does not apply to an application for a permit to construct a utility facility that is subject to the provisions of NRS 704.820 to 704.900, inclusive.

3. Permits may contain terms and conditions which the Department considers necessary and which conform to the provisions of regulations adopted by the Commission.

4. Permits may be issued for any period of not more than 10 years.

5. A permit may not be granted or renewed if the Director determines that granting or renewing the permit is inconsistent with any regulation of the Commission relating to hazardous waste or with the plan for management of hazardous waste developed pursuant to NRS 459.485. The provisions of this subsection do not apply to a permit granted or under review before July 1, 1987.

6. The Department may suspend or revoke a permit pursuant to the Commission's regulations if the holder of the permit fails or refuses to comply with the terms of the permit or a regulation of the Commission relating to hazardous waste.

7. A permit may not be granted, renewed or modified for a facility for the disposal of hazardous waste that proposes to construct or operate a landfill unless the Director determines that the landfill is or will be constructed to

include at least one liner and a leachate collection and removal system designed to prevent the migration of waste or leachate to the adjacent subsurface soils, groundwater and surface water.

8. As used in this section:

(a) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land-treatment facility, a surface impoundment, an underground-injection well, a salt-dome formation, a salt-bed formation, an underground mine or a cave.

(b) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from a landfill.

(c) "Leachate collection and removal system" means a layer of granular or synthetic materials installed above a liner and operated in conjunction with drains, pipes, sumps and pumps or other means designed to collect and remove leachate from a landfill.

(d) "Liner" means a continuous layer of artificially created material installed beneath and on the sides of a landfill which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate, and prevents the migration of waste to the adjacent subsurface soils, groundwater and surface water.

Sec. 48. NRS 459.525 is hereby amended to read as follows:

459.525 1. The Commission shall adopt regulations ~~[requiring that]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste for which the owner or operator of ~~[any]~~ ***a*** facility for the ~~[treatment, storage, or disposal or recycling]~~ ***management*** of hazardous waste ***must*** show his or her financial responsibility for the undertaking ~~[by providing:]~~ ***; and***

(b) Requiring the owner or operator to provide:

~~[(a)]~~ ***(1)*** Evidence that the owner or operator has a policy of liability insurance in an amount which the Department has determined is necessary for the protection of human health, public safety and the environment;

~~[(b)]~~ ***(2)*** Evidence of security, in a form and amount which the Department deems necessary, to ensure that at the time of any abandonment, cessation or interruption of the service provided by the facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

~~[(c)]~~ ***(3)*** Any other evidence of financial responsibility which the Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any court of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 49. NRS 459.537 is hereby amended to read as follows:

459.537 1. If the person responsible for a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment, money from the Account for the Management of Hazardous Waste may be expended to pay the costs of:

(a) Responding to the leak, spill, accident or crash;

(b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill, accident or crash;

(c) Managing the cleaning and decontamination of an area for the ~~*[treatment, storage,* disposal *or recycling]*~~ ***management*** of hazardous waste or the site of the leak, spill, accident or crash;

(d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in responding to the leak, spill, accident or crash, by consultants certified pursuant to regulations adopted by the Commission.

2. Except as otherwise provided in this subsection or NRS 459.610 to 459.658, inclusive, the Director shall demand reimbursement of the Account for money expended pursuant to subsection 1 from any person who is responsible for the accident, crash, leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the ~~[disposal *or recycling]*~~ ***management*** of the waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the Director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident or motor vehicle crash involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

3. At the request of the Director, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) "Does not act promptly and appropriately" means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) "Responding" means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance, including, without limitation, efforts to:

(1) Contain and dispose of the hazardous waste, hazardous material or regulated substance.

(2) Clean and decontaminate the area affected by the leak, spill, accident or crash.

(3) Investigate the occurrence of the leak, spill, accident or crash.

Sec. 50. NRS 459.546 is hereby amended to read as follows:

459.546 1. Except as otherwise provided in subsection 4, the owner or operator of a facility for the ~~[treatment, storage,~~ or ~~disposal~~ ***or recycling]*** ***management*** of hazardous waste or a person who wishes to construct such a facility may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after a public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The facility or proposed facility, under the worst adverse conditions, does not or will not endanger or tend to endanger the environment and human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the environment or public.

2. The Commission shall not grant a variance unless it has considered in the following order of priority the interests of:

(a) The public;

(b) Other owners of property likely to be affected by the emissions or discharge; and

(c) The applicant.

3. The Commission may:

(a) Upon granting a variance, impose certain conditions upon the applicant; or

(b) Revoke the variance if the applicant fails to comply with those conditions.

4. The Commission shall not grant a variance from its applicable regulations that would allow a facility for the disposal of hazardous waste to construct or operate a landfill in a manner that fails to comply with the requirements of subsection 7 of NRS 459.520.

Sec. 51. NRS 459.550 is hereby amended to read as follows:

459.550 1. The Commission shall adopt regulations which require licensees to keep records and submit reports on hazardous waste and which prescribe procedures for:

(a) Installing, calibrating, using and maintaining monitoring equipment or other methods for obtaining data on hazardous wastes;

(b) Taking samples and performing tests and analyses;

(c) Establishing and maintaining suitable records; and

(d) Making reports to the Department.

2. It is unlawful for any person to ~~[generate, store, transport, treat , or dispose of *or recycle]*~~ ***manage*** hazardous waste without reporting each activity to the Department in accordance with regulations adopted by the Commission.

Sec. 51.5. **NRS 459.558 is hereby amended to read as follows:**

459.558 1. The provisions of NRS 459.560 and 459.565 that concern hazardous substances do not apply:

(a) ~~[In a county whose population is less than 55,000;~~

~~(b)]~~ To mining or agricultural activities; or

~~[(c)]~~ ***(b)*** To other facilities or locations where the quantity of any one hazardous substance at any one facility or location does not exceed 1,000 kilograms at any time.

2. All other provisions of NRS 459.560 and 459.565, including the provisions concerning hazardous waste, apply to ~~[all counties and]~~ all industries without regard to volume.

Sec. 52. NRS 459.560 is hereby amended to read as follows:

459.560 Any authorized representative or employee of the Commission or the Department may, for the purpose of carrying out his or her duties pursuant to NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** or to enforce a regulation adopted pursuant to those sections:

1. Enter any place where waste or a substance which the Department has reason to believe may be hazardous waste or a hazardous substance is or may have been ~~[generated, stored, transported, treated, disposed of , *recycled]*~~ ***managed*** or otherwise handled;

2. Inspect and obtain samples of any waste or substance which the Department has reason to believe may be hazardous waste or a hazardous substance, including samples from any vehicle in which waste or substance is being transported, and samples of containers and labels; and

3. Inspect and copy any records, reports, information or test results relating to the management of hazardous wastes or hazardous substances.

Sec. 53. NRS 459.565 is hereby amended to read as follows:

459.565 1. If the Department receives information that the ~~[handling, storage, transportation, treatment , or disposal *or recycling]*~~ ***the management***

of any waste or hazardous substance may present an imminent and substantial hazard to human health, public safety or the environment, it may:

(a) Issue an order directing the owner or operator of the facility for ~~[treatment, storage, or disposal *or recycling]*~~ ***the management*** of the waste or the owner or operator of any site where the ~~[treatment, storage, or disposal *or recycling]*~~ ***management*** of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take necessary steps to prevent the act or eliminate the practice which constitutes the hazard.

(b) Order a site assessment to be conducted and a remediation plan to be developed pursuant to regulations adopted by the Commission.

(c) Assess costs and expenses incurred by the Department in carrying out the provisions of this section or in removing, correcting or terminating any hazard to human health, public safety or the environment pursuant to regulations adopted by the Commission.

(d) Request that the Attorney General commence an action to enjoin the practices or acts which constitute the hazard.

(e) Take any other action designed to reduce or eliminate the hazard.

2. The Department may perform inspections pursuant to NRS 459.560 and issue an order directing the owner or operator of the facility for ~~[treatment, storage, or disposal *or recycling]*~~ ***the management*** of waste or the owner or operator of any site where the ~~[treatment, storage, or disposal *or recycling]*~~ ***management*** of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take any necessary steps to prevent any act or eliminate any practice or effect which could constitute a hazard to human health, public safety or the environment.

Sec. 54. NRS 459.585 is hereby amended to read as follows:

459.585 1. Any person who violates or contributes to a violation of any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act, NRS*** 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the Department for a civil penalty of not more than $25,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.400 to 459.600, inclusive ~~[.]~~ ***and sections 34 and 35 of this act.***

2. The Department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the Department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any fish, aquatic life or other wildlife destroyed as a result of the violation.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act, NRS*** 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, by

injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 54.5. **NRS 459.590 is hereby amended to read as follows:**

459.590 It is unlawful for any person to transport hazardous waste:

1. Without a manifest that complies with regulations adopted by the Commission;

2. That does not conform to the description of the waste specified in the manifest;

3. In a manner that does not conform to the manner of shipment described in the manifest; or

4. To a facility that has not been ~~[issued a permit to treat, store or dispose of]~~ ***authorized by the Commission to accept*** the hazardous waste described in the manifest ~~[.]~~ ***in accordance with the regulations adopted pursuant to NRS 459.485 and 459.490.***

Sec. 55. ~~[NRS 459.600 is hereby amended to read as follows:~~

~~459.600 A person who, intentionally or with criminal negligence:~~

~~1. Violates NRS 459.590, subsection 1 of NRS 459.515 or any term or condition of a permit issued pursuant to NRS 459.520;~~

~~2. Violates an order issued by the Department relating to hazardous waste, if:~~

~~(a) The violation threatens or harms the environment or the personal safety of other persons; and~~

~~(b) The person has not made a good faith effort to comply with the order; or~~

~~3. Disposes of , *recycles* or discharges hazardous waste in any manner not authorized by the provisions of this chapter or regulations adopted thereunder,~~

~~" is guilty of a category D felony and shall be punished as provided in NRS 193.130, or by a fine of not more than $50,000 for each day of the violation, or by both fine and the punishment provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 56. This act becomes effective upon passage and approval.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 287.

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; **requiring the county clerk, registrar of voters or city clerk, as applicable, to post a sign at each election site notifying persons that possession of a firearm is prohibited within a certain distance of the site;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from carrying or possessing certain weapons on the property of the Nevada System of Higher Education, a private or public school or a child care facility, or while in a vehicle of a private or public school or child care facility. (NRS 202.265) **Section 1** of this bill additionally prohibits a person from possessing or causing a firearm to be present in, or within 100 feet of an entrance to, a place the person knows or reasonably should know is an election site, unless the person: (1) is a law enforcement officer engaged in the performance of his or her official duties; (2) **is an off-duty law enforcement officer who is lawfully carrying a concealed firearm; (3)** is a private security guard or other security personnel hired by the owner of the facility or property in which the election site is located; ~~[(3)]~~ **(4)** possesses the firearm while in a vehicle, so long as the person does not brandish the firearm or remove the firearm from the vehicle; or ~~[(4)]~~ **(5)** lawfully possesses a firearm in a place of residence, in a business or on private property that is located within 100 feet of an entrance to an election site. Under **section 1**, a person who violates this prohibition is guilty of a gross misdemeanor, except if the person knowingly possesses a firearm or causes a firearm to be present with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote, the person is guilty of a category D felony. **Section 1 also establishes an affirmative defense for a person who was lawfully in possession of a firearm and was traveling within 100 feet of an election site solely for the purpose of accessing private property located within that area or departing from such property. Section 1 further: (1) requires the county clerk, registrar of voters or city clerk, as applicable, to post a sign at each election site notifying persons that the possession of a firearm is prohibited; and (2) specifies certain requirements relating to the sign.**

Section 2 of this bill makes a conforming change to make the existing definitions that apply to certain crimes involving the ownership or possession of a firearm by certain persons applicable to **section 1**.

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person shall not possess or cause a firearm to be present in, or within 100 feet of an entrance to, a place the person knows or reasonably should know is an election site.

2. The provisions of subsection 1 do not apply to:

(a) A law enforcement officer who is employed by a federal, state or local law enforcement agency and carrying out official duties ~~[.]~~ or who is off duty and lawfully carrying a concealed firearm.

(b) A private security guard or other security personnel hired or arranged for by the owner or manager of the facility or property in which the election site is located.

(c) The possession of a firearm in a vehicle that is located within 100 feet of an entrance to an election site, so long as the person does not brandish the firearm or remove the firearm from the vehicle.

(d) The otherwise lawful possession of a firearm in a residence, in a business or on private property that is located within 100 feet of an entrance to an election site.

3. A person shall not knowingly possess a firearm or cause a firearm to be present at an election site with the specific intent to disrupt, interfere with or monitor the administration of the election, the counting of votes or any person who is voting or attempting to vote.

4. A person who violates subsection 1 is guilty of a gross misdemeanor.

5. A person who violates subsection 3 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

6. It is an affirmative defense to a charge made pursuant to subsection 1 that, at the time of the alleged offense, the person was lawfully in possession of the firearm and was traveling within 100 feet of an election site for the limited purpose of accessing private property located within that area or departing from such private property to reach a location beyond 100 feet of the election site. This affirmative defense does not apply if the person:

(a) Intimidated or attempted to intimidate a voter;

(b) Interfered or attempted to interfere with the administration of the election; or

(c) Entered or passed through an election site with the firearm for any purpose other than to access or depart from private property as described in this subsection.

7. During the period in which voting is conducted at an election site, the county clerk, registrar of voters or city clerk, as applicable, shall keep continuously posted at the outer limits of the area where possession of a firearm is prohibited at least one sign on which is printed in large letters "Distance Marker: The carrying of firearms between this point and the election site is prohibited." The county clerk, registrar of voters or city clerk, as applicable, shall ensure that any sign posted pursuant to this subsection is:

(a) At least 17 inches by 11 inches in size;

(b) Affixed to a window or door of the election site or placed on a freestanding sign; and

(c) Clearly visible to a person approaching the outer limits of the area within which the possession of a firearm is prohibited.

8. A sign posted pursuant to subsection 7 may be produced in conjunction with a sign posted pursuant to NRS 293.361, 293.740 or 293C.361, as applicable.

9. As used in this section, "election site" means any:

(a) ~~[Polling]~~ Location being used as a polling place;

(b) Central counting place, as defined in NRS 293.0335; or

(c) Place a ballot box, as defined in NRS 293.026, or ballot drop box is present.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~,~~ ***, and section 1 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 177.

Bill read second time.

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

Amendment No. 155.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GONZÁLEZ **; AND BROWN-MAY**

AN ACT relating to professions; providing for the licensure of speech-language pathology assistants; authorizing certain persons to engage in the supervised practice of speech-language pathology; ~~[establishing requirements for hearing aid specialists to provide tinnitus care;]~~ revising the scope of practice of audiologists, hearing aid specialists and speech-language pathologists; requiring certain persons to be licensed and regulated as audiologists or speech-language pathologists; increasing the maximum amount of certain fees; **authorizing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to waive fees in certain circumstances; requiring that certain fees be discounted for certain persons affiliated with the military;** revising the required qualifications for and processes for issuing certain licenses; eliminating the requirement for a licensed audiologist to obtain an endorsement before engaging in the practice of fitting and dispensing hearing aids; revising provisions relating to the sale of hearing aids; **imposing certain requirements relating to the classification of persons who practice speech-language pathology in schools under a collective bargaining agreement;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) with certain exceptions, requires a person who engages in the practice of audiology, fitting and dispensing hearing aids or speech-language pathology to be licensed by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; and (2) prescribes the qualifications necessary to obtain such licenses. (NRS 637B.160, 637B.193-637B.204, 637B.290) ~~[Section 15 of this bill expands the activities that constitute the practice of fitting and dispensing hearing aids to include: (1) tinnitus care, when performed by a hearing aid specialist with the qualifications prescribed in section 11 of this bill; and (2) the removal of cerumen in the course of inspecting ears or fitting and maintaining hearing instruments. Section 15 thereby authorizes a hearing aid specialist to engage in those activities under the specified conditions. Section 16 of this bill expands the activities that constitute the practice of speech-language pathology to include the use of stroboscopy, in addition to nasal endoscopy, for evaluating and treating certain disorders. Section 16 also revises terminology used to refer to certain procedures that currently constitute the practice of speech-language pathology.]~~ **Section 22** of this bill increases the maximum amount of certain fees relating to such licensure. **Section 22 authorizes the Board to waive all or part of such fees in certain circumstances. Section 22 also requires the Board to collect not more than half of the fee that would otherwise be required for the initial licensure of an applicant who: (1) is an active member of the Armed Forces of the United States or a spouse of such a person; (2) a veteran or the surviving spouse of a veteran; or (3) a family member of a person killed in the line of duty in the Armed Forces of the**

United States under certain circumstances. **Sections 27-29** of this bill authorize an applicant for certain types of licenses which require the applicant to hold a license in another state to satisfy this requirement by holding the required license in the District of Columbia or any state or territory of the United States. **Section 30** of this bill revises the procedures for issuing an expedited license by endorsement to practice audiology or speech-language pathology. Existing law authorizes the Board to issue a provisional license to practice audiology or speech-language pathology to certain applicants affiliated with the military who are awaiting a decision by the Board on an application for an expedited license by endorsement. (NRS 637B.204) **Section 39** of this bill repeals that authority, thereby making the procedures for issuing an expedited license by endorsement under **section 30** applicable to all applicants for such a license. **Sections 21 and 22** of this bill remove references to the repealed section.

Section 16 of this bill expands the activities that constitute the practice of speech-language pathology to include the use of stroboscopy, in addition to nasal endoscopy, for evaluating and treating certain disorders. Section 16 also revises terminology used to refer to certain procedures that currently constitute the practice of speech-language pathology.

Existing law authorizes a student who is pursuing a degree in speech-language pathology at certain institutions to engage in the unlicensed practice of speech-language pathology. (NRS 637B.080) Existing law authorizes the Board to issue a provisional license to engage in the practice of speech-language pathology to a person in the process of completing certain clinical fellowship requirements. (NRS 637B.201) **Section 3** of this bill defines the term "speech-language pathology provisional licensee" to refer to the holder of such a provisional license. **Section 26** of this bill makes a conforming change to appropriately substitute the term defined by **section 3**. **Section 9** of this bill authorizes the Board to issue a license as a speech-language pathology assistant and prescribes the qualifications for such a license. **Section 9** also requires the Board to adopt regulations governing the licensure and practice of speech-language pathology assistants. **Section 10** of this bill authorizes a speech-language pathology assistant, a speech-language pathology provisional licensee or a speech-language pathology student to engage in the practice of speech-language pathology only under the supervision of a supervising speech-language pathologist. **Section 18** of this bill makes a conforming change to reflect that a student engaged in the supervised practice of speech-language pathology is subject to regulation by the Board pursuant to **section 10**. **Sections 35-38** of this bill make conforming changes to clarify that a student who is engaging in the supervised practice of speech-language pathology pursuant to **section 10** is not engaging in the unauthorized practice of speech-language pathology. **Sections 2 and ~~[4-8]~~ 4-7** of this bill define certain other terms relating to the supervised practice of speech-language pathology and **section 12** of this bill establishes the applicability of those definitions.

Existing law exempts from licensure and regulation by the Board a person who practices audiology or speech-language pathology within the scope of ~~[a credential]~~ **certain credentials** issued by the Department of Education. (NRS 637B.080) **Section 18** ~~[eliminates that exemption, thereby requiring such a person to be subject to licensure and regulation by the Board.]~~ **limits the applicability of this exemption to a person who holds a current endorsement that is issued by the Department on or before September 30, 2026. Section 9** provides that a person ~~[who]~~ **is qualified for licensure as a speech-language pathology assistant if the person: (1)** holds ~~[certain credentials]~~ **an endorsement** issued by the Department on or before September 30, 2026, which ~~[allow]~~ **allows** the ~~[holder]~~ **person** to teach pupils with speech and language impairments ~~[is qualified for licensure as a speech-language pathology assistant.]~~ **; and (2) actively practices speech-language pathology within the scope of that endorsement at the school or school district where the person is employed. Section 38.3 of this bill requires that a person who holds such an endorsement, is employed by a school district and is subject to a collective bargaining agreement be classified in the same manner for purposes of the agreement as a licensed speech-language pathologist.**

Sections 24, 25 and 28 of this bill revise the qualifications required to obtain a license as a hearing aid specialist, a license as an apprentice to engage in the practice of fitting and dispensing hearing aids or a provisional license to engage in the practice of fitting and dispensing hearing aids.

Existing law authorizes the Board to grant an audiologist who wishes to engage in the practice of fitting and dispensing hearing aids an endorsement to engage in such practice as a dispensing audiologist. (NRS 637B.205) **Section 14** of this bill includes within the practice of audiology certain activities that substantially overlap with the practice of fitting and dispensing hearing aids, including ordering the use of hearing aids. **Section 15 of this bill expands the activities that constitute the practice of fitting and dispensing hearing aids to include ordering the use of hearing aids.** Accordingly, **section 39** repeals the separate endorsement for dispensing audiologists and **sections 17, 19, 20, 22, 23, 25, 27 and 31-33** of this bill make conforming changes to eliminate references to such endorsements and to dispensing audiologists.

Federal law requires the United States Food and Drug Administration to regulate over-the-counter hearing aids. (FDA Reauthorization Act of 2017 Pub. L. No. 115-52, § 709, 131 Stat. 1005, 1065–67) Federal law and regulations prohibit state or local governments from requiring the order, involvement or intervention of a licensed person for a consumer to access an over-the-counter hearing aid. (Pub. L. No. 115-52, § 709; 21 C.F.R. § 800.30) **Sections 13 and 34** of this bill prohibit the Board from regulating or restricting the provision of over-the-counter hearing aids unless a licensee violates federal law applicable to such devices. **Section 34** also updates certain references to related federal regulations.

In 2022, the federal Food and Drug Administration repealed a regulation that prohibited the sale of a hearing aid unless: (1) the person dispensing the hearing aid has received a written statement or waiver stating that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid; or (2) the patient waives the medical evaluation in writing. (87 FR 50755) **Section 32** removes conforming requirements from Nevada law governing the sale of hearing aids by catalog, mail or the Internet, thereby authorizing such sales without such a statement or waiver.

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

Section 1. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Speech-language pathology assistant" means a person licensed pursuant to section 9 of this act to engage in the practice of speech-language pathology under the supervision of a supervising speech-language pathologist.***

Sec. 3. ***"Speech-language pathology provisional licensee" means any person who holds a provisional license issued pursuant to NRS 637B.201 to engage in the practice of speech-language pathology while completing the clinical fellowship requirements for obtaining a Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language-Hearing Association.***

Sec. 4. ***"Speech-language pathology student" means an unlicensed student who engages in the practice of speech-language pathology under the supervision of a supervising speech-language pathologist pursuant to section 10 of this act.***

Sec. 5. ***"Supervising speech-language pathologist" means a speech-language pathologist who supervises a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student.***

Sec. 6. ***"Supervision" means the provision of direction and the evaluation of the tasks assigned by a supervising speech-language pathologist to a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student. The term includes, without limitation, direct supervision, indirect supervision and telesupervision.***

Sec. 7. ***"Telesupervision" means the real-time, distance observation by a supervising speech-language pathologist of services delivered by a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student, with feedback or assistance provided by the supervising speech-language pathologist as needed. The term may include, without limitation, the utilization of technology which allows a supervising speech-language pathologist to view and communicate with the client and speech-language pathology assistant, speech-language***

pathology provisional licensee or speech-language pathology student in real time through virtual telecommunication software, webcam, telephone or other similar devices and services to provide immediate feedback.

Sec. 8. ~~***[“Tinnitus care” means the assessment of tinnitus symptoms and advising patients on sound therapy techniques and other strategies to address tinnitus symptoms.]***~~ **(Deleted by amendment.)**

Sec. 9. ***1. An applicant for a license to engage in the practice of speech-language pathology as a speech-language pathology assistant must hold:***

(a) A bachelor’s degree or master’s degree in speech-language pathology or communication sciences and disorders awarded by:

(1) An educational institution that is accredited by an accrediting agency recognized by the United States Department of Education; or

(2) A foreign school which is accredited by an accrediting agency approved by the Board and which provides an educational program that is substantially equivalent to the educational program provided by an institution described in subparagraph (1); or

(b) A current endorsement issued on or before September 30, 2026, by the Department of Education pursuant to NRS 391.019 and any regulations adopted pursuant thereto which allows a person to teach pupils who have speech and language impairments ~~***.]***~~ ***and actively engage in the practice of speech-language pathology within the scope of that endorsement at the school or school district where the applicant is employed.***

2. The Board shall adopt regulations regarding speech-language pathology assistants, including, without limitation:

(a) The licensing of speech-language pathology assistants;

(b) The educational and training requirements for speech-language pathology assistants, in addition to the requirements prescribed by subsection 1; and

(c) The practice of speech-language pathology by speech-language pathology assistants.

Sec. 10. ***1. A speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student may engage in the practice of speech-language pathology only under the supervision of a supervising speech-language pathologist and in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.***

2. A speech-language pathology student who engages in the practice of speech-language pathology must be enrolled in a program to obtain a bachelor’s degree or master’s degree in the field of speech-language pathology or communication sciences and disorders at an educational institution that is accredited by a nationally recognized agency under the United States Department of Education.

3. The Board shall adopt regulations regarding the supervision of speech-language pathology assistants, speech-language pathology provisional licensees and speech-language pathology students.

Sec. 11. ~~***[A hearing aid specialist shall not provide tinnitus care unless the hearing aid specialist:***~~

~~***1. Holds a certificate as a Tinnitus Care Provider issued by the International Hearing Society, or its successor organization; or***~~

~~***2. Has completed a program that is:***~~

~~***(a) Equivalent to the Tinnitus Care Provider Program offered by the International Hearing Society, or its successor organization; and***~~

~~***(b) Approved by the Board.]***~~ **(Deleted by amendment.)**

Sec. 12. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.025 to 637B.075, inclusive, ***and sections 2 to 8, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 637B.044 is hereby amended to read as follows:

637B.044 "Hearing aid" ***:*** ~~[means any:]~~

1. ~~[Device]~~ ***Except as otherwise provided in subsection 2, means:***

(a) Any device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and

(b) Any part, attachment or accessory for a device described in paragraph (a).

2. ~~[Part, attachment or accessory for such a device.]~~ ***Does not include an over-the-counter hearing aid, as defined in 21 C.F.R. § 800.30.***

Sec. 14. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" means the application of principles, methods and procedures relating to hearing and balance, hearing disorders and related speech and language disorders and includes, without limitation:

1. The conservation of auditory system functions;
2. Screening, identifying, assessing and interpreting, preventing and rehabilitating auditory and balance system disorders;
3. The selection, fitting, programming ***,*** ~~[and]~~ dispensing ***and ordering the use*** of hearing aids, the programming of ~~[cochlear implants]~~ ***implantable hearing devices*** and other technology which assists persons with hearing loss and training persons to use such technology;
4. Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services;
5. Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing; ***and***
6. Providing referral services for medical diagnosis and treatment ***.*** ~~[; and~~

~~7. At the request of a physician, participating in the diagnosis of a person.]~~

Sec. 15. NRS 637B.055 is hereby amended to read as follows:

637B.055 "Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing ***,*** ~~[or]~~ selling ***or ordering the use of*** hearing aids and includes, without limitation:

1. Making impressions for earmolds;
2. Administering and interpreting tests of human hearing and middle ear functions;
3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;
4. Selecting ***,*** ~~[and]~~ fitting ***and ordering the use of*** hearing aids;
5. Providing assistance to a person after the fitting of a hearing aid;
6. Providing services relating to the care and repair of hearing aids;
7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing ***,*** ~~[or]~~ selling ***or ordering the use of*** hearing aids; and
8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment . ~~*[;*~~

~~*9. Removing cerumen in the course of inspecting ears or for the purpose of making ear impressions or fitting and maintaining hearing instruments; and*~~

~~*10. Providing tinnitus care under the circumstances authorized by section 11 of this act.]*~~

Sec. 16. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of speech-language pathology" means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:

1. The prevention, screening, consultation, assessment, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;
2. Augmentative and alternative communication techniques and strategies;
3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;
4. The screening of persons for hearing loss and middle ear pathology;
5. The use of ***rigid*** oral ~~[and]~~ ***endoscopy, flexible*** nasal endoscopy ***and stroboscopy*** for the purpose of ~~[vocal tract imaging and visualization;]~~ ***evaluating and treating disorders of speech, voice, resonance and swallowing function;***
6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss;
7. Providing services to modify or enhance communication;

8. Providing referral services for medical diagnosis and treatment; and

9. At the request of a physician, participating in the diagnosis of a person.

Sec. 17. NRS 637B.075 is hereby amended to read as follows:

637B.075 "Sponsor" means a hearing aid specialist or ~~[dispensing]~~ audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.

Sec. 18. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current ~~[credential]~~ ***endorsement*** issued by the Department of Education ***on or before September 30, 2026,*** pursuant to ~~[chapter 391 of]~~ NRS ***391.019*** and any regulations adopted pursuant thereto ~~[and]~~ ***, does not hold a license issued by the Board pursuant to this chapter and*** engages in the practice of audiology or speech-language pathology ***solely*** within the scope of that ~~[credential;]~~ ***endorsement;***

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. ~~*[2.]*~~ Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology ~~[or speech language pathology]~~ and is clearly designated to the public as a student; or

4. ~~*[3.]*~~ Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS,

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 19. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists ***;*** ~~[, at least one of whom must be a dispensing audiologist;]~~

(c) One member who is a hearing aid specialist; and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, a hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, a hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 20. NRS 637B.132 is hereby amended to read as follows:

637B.132 The Board shall:

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license ~~[or endorsement of a license]~~ issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license ~~[or endorsement of a license]~~ to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed ~~[or endorsed]~~ pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed ~~[or endorsed]~~ pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed ~~[or endorsed]~~ pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license ~~[or endorsement]~~ issued pursuant to the provisions of this chapter.

Sec. 21. NRS 637B.160 is hereby amended to read as follows:

637B.160 Except as otherwise provided in NRS 637B.195, 637B.200, 637B.201 ~~[,]~~ ***and*** 637B.203 ***,*** ~~[and 637B.204,]~~ to be eligible for licensing by the Board, an applicant for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:

1. Be a natural person of good moral character;

2. Pass an examination prescribed by the Board pursuant to NRS 637B.191 or 637B.194, as applicable;

3. Pay the fees provided for in this chapter; and

4. Submit all information required to complete an application for a license.

Sec. 22. NRS 637B.175 is hereby amended to read as follows:

637B.175 1. ~~[The]~~ ***Except as otherwise provided in this section, the*** Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee	~~[$150]~~ ***$300***
License fee	~~[100]~~ ***200***
Fee for the renewal of a license	~~[100]~~ ***200***
Reinstatement fee	~~[100]~~ ***300***
Examination fee	~~[300]~~ ***500***
Fee for converting to a different type of license	50
Fee for each additional license ~~[or endorsement]~~	50
Fee for obtaining license information	~~[50]~~ ***200***

2. If an ~~[applicant]~~ ***active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran or a family member of a person who was killed in the line of duty while on active duty in the Armed Forces of the United States*** submits an application for a license ***,*** ~~[by endorsement pursuant to NRS 637B.204, 637B.203,]~~ the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. ***For the purposes of this subsection, a person shall be deemed to have been killed in the line of duty while on active duty in the Armed Forces of the United States if the person:***

(a) Was killed directly in the line of duty; or

(b) Died as the result of injuries sustained while in the line of duty.

3. All fees are payable in advance and may not be refunded.

4. The Board may waive all or part of a fee set forth in subsection 1 at a meeting of the Board or pursuant to criteria established by regulation of the Board.

5. As used in this section ~~[, "veteran"]~~ :

(a) "Family member" means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 23. NRS 637B.191 is hereby amended to read as follows:

637B.191 1. The Board shall adopt regulations prescribing:

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200 and 637B.202, must be not less than 1 year; and

(c) The manner in which a license ~~[or endorsement]~~ issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 24. NRS 637B.193 is hereby amended to read as follows:

637B.193 An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:

1. Successfully complete a program of education or training approved by the Board which requires, without limitation, that the applicant:

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; ~~[or]~~

(b) Hold a high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences, and successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board ~~[.]~~ ***; or***

(c) Hold a current certification issued by the National Board for Certification in Hearing Instrument Sciences.

2. ~~[Except as otherwise provided in NRS 637B.201, be certified by the National Board for Certification in Hearing Instrument Sciences.~~

~~3.]~~ Pass the examination prescribed pursuant to NRS 637B.194.

~~[4.]~~ ***3.*** Comply with the regulations adopted pursuant to NRS 637B.194.

~~[5.]~~ ***4.*** Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 25. NRS 637B.194 is hereby amended to read as follows:

637B.194 The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:

1. The licensing of hearing aid specialists and apprentices;

2. The educational and training requirements for hearing aid specialists and apprentices ~~[;]~~ ***, which must include, without limitation, on-site training and work experience;***

3. The examination required pursuant to NRS 637B.160, 637B.193 ~~[, 637B.205]~~ and 637B.238 concerning the practice of fitting and dispensing hearing aids; and

4. A program of in-service training for apprentices.

Sec. 26. NRS 637B.197 is hereby amended to read as follows:

637B.197 Except for ~~[the holder of a provisional license issued pursuant to NRS 637B.201]~~ ***a speech-language pathology provisional licensee*** and in addition to the requirements set forth in NRS 637B.196, a speech-language

pathologist must hold a current ~~[certificate of clinical competence]~~ ***Certificate of Clinical Competence in Speech-Language Pathology*** issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

Sec. 27. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board may issue a temporary license to engage in the practice of:

(a) Audiology, speech-language pathology or fitting and dispensing hearing aids upon application and the payment of the fee required pursuant to NRS 637B.175 to any person who is so licensed in ~~[another]~~ ***the District of Columbia or any*** state ***or territory of the United States*** and who meets all the qualifications for licensing in this State; and

(b) Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.175 to any person who meets all the qualifications for licensing as a hearing aid specialist ~~[or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids]~~ other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to NRS 637B.194.

2. The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.175 to any spouse of a member of the Armed Forces of the United States who:

(a) Is so licensed in ~~[another state;]~~ ***the District of Columbia or any state or territory of the United States;*** and

(b) Attests that he or she meets all of the qualifications for licensure in this State.

3. A temporary license issued pursuant to this section:

(a) Is valid for not more than 6 months;

(b) May be renewed not more than once; and

(c) May be converted to ~~[an active]~~ ***a standard*** license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.175.

Sec. 28. NRS 637B.201 is hereby amended to read as follows:

637B.201 1. Upon application and payment of the application fee required pursuant to NRS 637B.175, the Board may issue a provisional license to engage in the practice of:

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a ~~[certificate of clinical competence]~~ ***Certificate of Clinical Competence in Speech-Language Pathology*** issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in ~~[another state;]~~ ***the District of Columbia or any state or territory of the United States;*** and

(2) ~~[Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.]~~ ***Meets the requirements of paragraph (a), (b) or (c) of subsection 1 of NRS 637B.193 but has not yet completed the on-site training and work experience required by the regulations adopted pursuant to NRS 637B.194.***

2. A provisional license issued pursuant to this section may be:

(a) Renewed not more than twice; and

(b) Converted to ~~[an active]~~ ***a standard*** license upon payment of the fee required pursuant to NRS 637B.175 for converting the license and the ~~[award]~~ ***submission to the Board*** of ~~[:~~

~~(1) A certificate of clinical competence]~~ ***proof that the holder of the provisional license:***

(1) Holds a current Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language-Hearing Association ~~[; or]~~ ***, if the provisional license ~~[is]~~ authorizes the holder to engage in the practice of speech-language pathology.***

(2) ~~[Certification by the National Board for Certification in Hearing Instrument Sciences.]~~ ***Has successfully completed the on-site training and work experience required by the regulations adopted pursuant to NRS 637B.194, if the provisional license ~~[is]~~ authorizes the holder to engage in the practice of fitting and dispensing hearing aids.***

Sec. 29. NRS 637B.202 is hereby amended to read as follows:

637B.202 1. Upon application and payment of the application fee required pursuant to NRS 637B.175, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in ~~[another state;]~~ ***the District of Columbia or any state or territory of the United States;*** and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 30. NRS 637B.203 is hereby amended to read as follows:

637B.203 1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of audiology or speech-language pathology, as applicable; and

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

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

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving the application.

~~[4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.]~~

Sec. 31. NRS 637B.236 is hereby amended to read as follows:

637B.236 1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or ~~[~~dispensing~~]~~ audiologist, and the hearing aid specialist or ~~[~~dispensing~~]~~ audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or ~~[~~dispensing~~]~~ audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or ~~[~~dispensing~~]~~ audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including an alcohol or other substance use disorder.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 32. NRS 637B.242 is hereby amended to read as follows:

637B.242 1. A hearing aid specialist or ~~[dispensing]~~ audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if ~~[~~:

~~(a) The hearing aid specialist or dispensing audiologist has received:~~

~~(1) A written statement signed by:~~

~~(I) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;~~

~~(II) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and~~

~~(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or~~

~~(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and~~

~~(b) The~~] ***the*** person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or ~~[dispensing]~~ audiologist is selling him or her the hearing aid by catalog, mail or the Internet**.** ~~[based upon the information submitted by the person in accordance with this section.]~~

2. A hearing aid specialist or ~~[dispensing]~~ audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.

Sec. 33. NRS 637B.243 is hereby amended to read as follows:

637B.243 A hearing aid specialist or ~~[dispensing]~~ audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.

Sec. 34. NRS 637B.250 is hereby amended to read as follows:

637B.250 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony or gross misdemeanor relating to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(4) Any offense involving moral turpitude.

(c) Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

(d) Professional incompetence.

(e) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ ~~[801.420]~~ ***800.30*** and ~~[801.421;]~~ ***801.422;***

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 35. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. ~~[A]~~ ***Except as otherwise provided in this chapter, a*** person shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State without holding a valid license issued pursuant to the provisions of this chapter ~~[,]~~ ***in violation of subsection 1,*** the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 36. NRS 637B.291 is hereby amended to read as follows:

637B.291 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license issued pursuant to the provisions of this chapter ~~[.]~~ ***in violation of NRS 637B.290.***

Sec. 37. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license issued pursuant to the provisions of this chapter ~~[.]~~ ***in violation of NRS 637B.290.***

Sec. 38. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its Chair or Vice Chair may maintain in any court of competent jurisdiction a suit for an injunction against any person engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without a license valid under this chapter ~~[.]~~ ***in violation of NRS 637B.290.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 38.3. **NRS 391.162 is hereby amended to read as follows:**

391.162 ***1.*** Each year when determining the salary of a person who is employed by a school district as a speech-language pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

~~[1.]~~ ***(a)*** On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

~~[(a)]~~ ***(1)*** Licensure as a speech-language pathologist by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; ***or***

~~[(b)]~~ ***(2)*** Certification as being clinically competent in speech-language pathology by:

~~[(1)]~~ ***(I)*** The American Speech-Language-Hearing Association; or

~~[(2)]~~ ***(II)*** A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; and

~~[2.]~~ ***(b)*** The employee is assigned by the school district to serve as a speech-language pathologist during the school year.

~~[3.]~~

2. No increase in salary may be given pursuant to ~~[this section]~~ ***subsection 1*** during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with ~~[this section]~~ ***subsection 1*** is in addition to any other increase to which the employee may otherwise be entitled.

3. Any person employed by a school district who is subject to a collective bargaining agreement, including, without limitation, a licensed speech-language pathology assistant, must be classified in the same manner under the collective bargaining agreement as an employee who holds a license to practice speech-language pathology if the person holds an endorsement issued by the Department on or before September 30, 2026, pursuant to NRS 391.019 and any regulations adopted thereto which authorizes the person to teach pupils who have speech and language impairments.

Sec. 38.6. **The provisions of subsection 3 of NRS 391.162, as amended by section 38.3 of this act, do not apply to any collective bargaining agreement entered into before January 1, 2026, but apply to any renewal of such a collective bargaining agreement.**

Sec. 39. NRS 637B.042, 637B.204 and 637B.205 are hereby repealed.

Sec. 40. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 39, inclusive, of this act become effective:

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

(b) January 1, 2026, for all other purposes.

TEXT OF REPEALED SECTIONS

637B.042 "Dispensing audiologist" defined. "Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.

637B.204 Expedited license by endorsement to practice audiology or speech-language pathology for active member of Armed Forces, member's spouse, veteran or veteran's surviving spouse: Requirements; procedure for issuance; provisional license pending action on application.

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States; and

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

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to engage in the practice of audiology or speech-language pathology, as applicable; and

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

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

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech-language pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

637B.205 Endorsement for certain licensees or applicants to practice fitting and dispensing hearing aids. An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:

1. Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and

2. Pass an examination prescribed by the Board pursuant to NRS 637B.194. The examination must be identical to the examination required for the licensure of hearing aid specialists.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 207.

Bill read second time.

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

Amendment No. 443.

AN ACT relating to insurance; revising the manner in which a data request or report submitted to the Commissioner of Insurance by certain insurers or other organizations providing health coverage relating to the compliance of the insurer or organization with certain federal laws must be submitted to the Commissioner; revising provisions governing the confidentiality of information contained in such a data request or report; **setting forth certain requirements for certain market analyses conducted by the Commissioner;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 110-343, 122 Stat. 3765) Existing law requires certain health insurers or other organizations providing health coverage to comply with the Act. Existing law additionally requires the

Commissioner of Insurance to annually prescribe and provide to each such insurer or other organization a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Act. Under existing law, an insurer or other organization is required to either complete the data request and submit it to the Commissioner or submit to the Commissioner a copy of a report submitted to the Federal Government demonstrating compliance with the Act. (NRS 687B.404) This bill requires the data request or the report to be submitted to the Commissioner in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners.

Under existing law, any information provided to the Commissioner in the data request or report is confidential. (NRS 687B.404) This bill **instead** provides that ~~[only the]~~ **such information is a public record except for** personally identifiable information of a consumer ~~[that is provided by an insurer or other organization to]~~ **and any information determined by** the Commissioner ~~[in the data request or report is]~~ **to constitute a trade secret, which are** confidential. **This bill sets forth certain standards for the making of a determination by the Commissioner as to whether information provided to the Commissioner in the data request or report constitutes a trade secret.**

Finally, this bill requires any market analysis conducted by the Commissioner to determine compliance with the provisions of this bill to be conducted in accordance with applicable standards set forth by the National Association of Insurance Commissioners, all applicable laws and any regulations adopted by the Commissioner.

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

Section 1. NRS 687B.404 is hereby amended to read as follows:

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

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

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

(a) Complete and submit to the Commissioner ***, in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners,*** the data request prescribed pursuant to subsection 2; or

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

4. Any ~~***[personally identifiable]***~~ information ~~***[of a consumer]***~~ provided by an insurer or other organization to the Commissioner pursuant to subsection 3 is ***a public record except that the following information is*** confidential ~~[.]~~ ***:***

(a) Personally identifiable information of a consumer.

(b) Any information determined by the Commissioner to constitute a trade secret. In determining whether information provided pursuant to subsection 3, including, without limitation, information concerning mental health parity in the adequacy of the networks of insurers and other organizations, reimbursement rates for providers of health care, in-network and out-of-network utilization rates and the number and percentage of denials of claims, constitutes a trade secret pursuant to this paragraph:

(1) The Commissioner shall not make a determination that the information constitutes a trade secret solely because the information reflects whether an insurer is in compliance with the provisions of this section; and

(2) Any doubt or uncertainty regarding whether the information constitutes a trade secret must be resolved in favor of a determination that the information does not constitute a trade secret.

5. Any market analysis conducted by the Commissioner to determine compliance with the provisions of this section must be conducted in accordance with applicable standards set forth by the National Association of Insurance Commissioners, all applicable laws and any regulations adopted by the Commissioner.

~~[5.]~~ ***6.*** On or before December 31 of each year, the Commissioner shall compile a report summarizing the information submitted to the Commissioner pursuant to this section and submit the report to:

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

(b) The Governor; and

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

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

(2) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services.

~~[6.]~~ ***7.*** The Commissioner may adopt any regulations necessary to carry out the provisions of this section.

8. As used in this section, "trade secret" has the meaning ascribed to it in NRS 600A.030.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 531.

AN ACT relating to governmental entities; restricting the manner in which ~~[a]~~ **certain** governmental ~~[entity]~~ **entities** or ~~[a]~~ government-funded ~~[entity]~~ **entities** may use certain products; providing certain exceptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits, with certain exceptions, a governmental entity or a government-funded entity **that operates, administers or contracts with a mental health facility or place of confinement** from using a product that is or has ever been protected by a patent granted by the United States Patent and Trademark Office or is subject to review by certain federal agencies in a manner: (1) that is contrary to the terms of use of that product established by the current or most recent holder of the patent for the product or the manufacturer or distributor of the product; (2) that is inconsistent with any written instructions, limitations or directed uses included with the product; or (3) that exceeds the scope of the approved usage of the product, if a federal agency has approved the product for specific uses. **This bill also prohibits such a governmental entity or government-funded entity from providing or dispensing such a product for use in such a manner.**

However, this bill authorizes a ~~[governmental entity or government-funded]~~ **covered** entity to use **, provide or dispense** a product in such a manner if the ~~[governmental entity or government-funded entity, as applicable,]~~ **covered entity** transmits a written notice of the intended use to the patent holder and the manufacturer or distributor of the product, if different from the patent holder, that: (1) identifies the specific product at issue; and (2) describes the specific manner in which the entity plans to use **, provide or dispense** the product. This bill authorizes the patent holder or the manufacturer or distributor of a product to object to the use **, provision or dispensing** of the product in such a manner by transmitting a written notice of the objection to the ~~[governmental entity or~~

~~government-funded]~~ **covered** entity. Once the ~~[governmental entity or government-funded]~~ **covered** entity receives a notice of objection from the patent holder, manufacturer or distributor, this bill requires the ~~[governmental entity or government-funded entity, as applicable,]~~ **covered entity** to cease and desist from using **, providing or dispensing** the product in the manner to which the patent holder, manufacturer or distributor objects. **This bill further authorizes a covered entity to provide or dispense a patented or reviewed product to a resident of a mental health facility or place of confinement to be used in a non-conforming manner without providing notice to the patent holder, manufacturer and distributor of the product if the resident to whom the product is provided or dispensed provides informed consent with respect to the use and receipt of the product.**

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

Section 1. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as authorized by this section, a ~~[governmental entity or a government-funded]~~ covered entity shall not use a federally reviewed product ~~,]~~ or provide or dispense a federally reviewed product to a resident for use, regardless of how the product was obtained, in a manner that:

(a) Is contrary to the terms of use established for the federally reviewed product by the patent holder, manufacturer or distributor;

(b) Is inconsistent with any written directions, instructions, limitations or intended usages for the federally reviewed product that:

(1) Accompany the product;

(2) Are printed on the product; or

(3) Are printed on any label or packaging for the product; or

(c) Is not one of the approved uses or purposes of the federally reviewed product, if the product is approved for specific uses or purposes by an agency of the Federal Government.

2. Except as otherwise provided by subsection 5, a ~~[governmental entity or a government-funded]~~ covered entity may use , provide or dispense a federally reviewed product in a manner described in subsection 1 if:

(a) The ~~[governmental entity or government-funded]~~ covered entity transmits a written notice to the patent holder and the manufacturer and distributor of the federally reviewed product, if different from the patent holder, that:

(1) Sufficiently identifies the federally reviewed product that the ~~[governmental entity or government-funded]~~ covered entity seeks to use ~~,]~~ , provide or dispense; and

(2) Describes the specific manner in or purposes for which the ~~[governmental entity or government-funded]~~ covered entity plans to use , provide or dispense the federally reviewed product; and

(b) At least 30 days have elapsed after the transmission of the notice described in paragraph (a) without the patent holder, manufacturer or distributor of the federally reviewed product transmitting an objection to the ~~[governmental]~~ covered entity ~~[or government-funded entity, as applicable,]~~ pursuant to subsection 3.

3. If a patent holder or a manufacturer or distributor of a federally reviewed product has reason to believe that a ~~[governmental entity or a government-funded]~~ covered entity is using, providing or dispensing or plans to use, provide or dispense a federally reviewed product in a manner described in subsection 1, based on a notice received pursuant to subsection 2 or for any other reason, the patent holder, manufacturer or distributor may object to such use by transmitting a written notice to the ~~[governmental entity or government-funded]~~ covered entity that:

(a) Identifies the federally reviewed product at issue;

(b) Specifically describes the manner of use of the federally reviewed product to which the patent holder, manufacturer or distributor, as applicable, objects;

(c) Explains the reasons that the patent holder, manufacturer or distributor believes such manner of use of the federally reviewed product violates subsection 1; and

(d) Requests that the ~~[governmental]~~ covered entity ~~[or government-funded entity, as applicable,]~~ cease and desist from using , providing or dispensing the federally reviewed product in the manner described in paragraph (b).

4. A patent holder or a manufacturer or distributor of a federally reviewed product may withdraw an objection made pursuant to subsection 3 by transmitting a written notice to the ~~[governmental entity or government-funded]~~ covered entity to which the patent holder, manufacturer or distributor, as applicable, transmitted the objection pursuant to subsection 3. The notice must identify:

(a) The federally reviewed product at issue; and

(b) The manner of use of the federally reviewed product described in paragraph (b) of subsection 3 to which the patent holder, manufacturer or distributor, as applicable, no longer objects.

5. Except as otherwise provided in this subsection ~~[,]~~ and subsection 6, upon receiving a written notice described in subsection 3 from a patent holder or the manufacturer or distributor of a federally reviewed product, a ~~[governmental entity or government-funded]~~ covered entity shall immediately cease and desist from using , providing or dispensing the federally reviewed product in the manner described in the notice pursuant to paragraph (b) of subsection 3. A ~~[governmental entity or government-funded]~~ covered entity may use , provide or dispense the federally reviewed product in such a manner if the ~~[governmental]~~ covered entity ~~[or government-funded entity, as applicable,]~~ subsequently receives a written notice withdrawing any objection for that particular manner of use pursuant

to subsection 4 from all patent holders, manufacturers and distributors that have objected to that particular manner of use pursuant to subsection 3.

6. A covered entity may provide or dispense a federally reviewed product to a resident to be used in a manner described in subsection 1 if the resident to whom the product is provided or dispensed provides informed consent to the covered entity with respect to the particular use and receipt of the product. A covered entity is not required to provide the notice required pursuant to subsection 2 to the patent holder, manufacturer and distributor of a federally reviewed product that is provided or dispensed in a manner consistent with the provisions of this subsection.

7. The provisions of this section shall not be construed to require a covered entity to perform any action or use, provide or dispense a federally reviewed product in a manner that is in violation of any condition to the receipt of federal money.

8. As used in this section:

(a) "Covered entity" means:

(1) A governmental entity that operates or administers a covered facility; and

(2) A government-funded entity that:

(I) Maintains a contract with a governmental entity to provide services in or assist in the operations of a covered facility; or

(II) Operates or administers a covered facility.

(b) "Covered facility" means:

(1) A facility that provides care, treatment or training of consumers and persons with mental illnesses, including, without limitation, the facilities listed in NRS 433.233 and 433B.110; or

(2) A community correctional center, conservation camp, facility of minimum security, prison or other place of confinement for the custody, care or training of persons sentenced to imprisonment.

(c) "Federally reviewed product" means any product or invention that:

(1) Is currently protected by, or has ever been protected by, a patent issued by the United States Patent and Trademark Office; and

(2) Has received or is pending approval by the United States Food and Drug Administration or the United States Department of Agriculture.

~~[(b)]~~ (d) "Governmental entity" means the State of Nevada ~~[, any political subdivision of the State of Nevada]~~ or any agency, institution, board, commission, bureau, council, department, division, office, authority or other unit of government of the State of Nevada . ~~[or any political subdivision of the State of Nevada.~~

~~(c)]~~ (e) "Government-funded entity" means any entity that received 50 percent or more of its operating budget in the immediately preceding calendar year from any combination of:

(1) One or more governmental entities; or

(2) Appropriations, grants or transfers from the State General Fund or any other fund or account established by law.

~~*[(d)]*~~ *(f) "Patent holder" means:*

(1) A person or entity that holds a valid patent for a federally reviewed product issued by the United States Patent and Trademark Office; or

(2) If the patent issued by the United States Patent and Trademark Office for a federally approved product is expired, the person or entity that held the patent at the time of the expiration.

(g) "Resident" means a person who is ordered into the custody of, confined in or otherwise resides within a covered facility.

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

2. Section 1 of this act becomes effective:

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

(b) On July 1, 2025, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 211.

Bill read second time.

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

Amendment No. 47.

AN ACT relating to property; authorizing a county or city to require a property owner to repair or rehabilitate or abate certain conditions on a residential property under certain circumstances; establishing procedures relating to a property owner's failure to repair or rehabilitate or abate certain conditions on the residential property; authorizing certain local governments and persons to bring an action to require the repair or rehabilitation or abatement or appoint a receiver for substandard property in certain circumstances; establishing the powers and duties of a receiver appointed for substandard property; making various other changes relating to substandard properties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a landlord to maintain a dwelling unit in a habitable condition at all times during the tenancy; and (2) provides that a dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation. (NRS 118A.290)

Sections 8 and 27 of this bill provide that: (1) if a residential property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and (2) as a result of the violation or violations, the condition of the residential property is of such a nature that the health and safety of residents or the public are substantially endangered, the appropriate

department of the county or city, as applicable, may notify the owner and order that the owner repair or rehabilitate the property or abate the condition. **Sections 8 and 27** also set forth certain requirements for the notice.

Sections 9 and 28 of this bill provide that if the owner of the residential property fails to comply with the terms of the notice and summary order, the county or city, as applicable, certain actions may be brought to have the residential property declared to be a substandard property, including an action to have a receiver appointed to manage the repair or rehabilitation of the substandard property.

Sections 10 and 29 of this bill: (1) set forth certain findings and considerations that must be made by the district court in order to declare a residential property to be a substandard property; and (2) require an order issued by the district court declaring a residential property to be a substandard property to set forth the conditions that make the residential property a substandard property and the repairs, rehabilitations and abatements that are necessary to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

Sections 11 and 30 of this bill provide that if the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents, the district court must: (1) order the owner of the substandard property to pay all reasonable and actual costs of the board of county commissioners or governing body of the city, as applicable; (2) order that the board of county commissioners or governing body of the city provide each tenant with notice of the judgment and court order; (3) order, uncertain circumstances, the owner to provide or pay certain relocation benefits and compensation to the tenants; (4) determine the date when a tenant has to relocate; and (5) make certain other orders.

Sections 12 and 31 of this bill set forth certain duties for a receiver appointed for a substandard property.

Sections 13 and 32 of this bill provide that a receiver appointed for a substandard property is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.

Sections 14 and 33 of this bill require a receiver appointed for a substandard property to prepare and submit monthly reports to the board of county commissioners or governing body of a city.

Sections 15 and 34 of this bill: (1) require the district court to discharge the receiver for a substandard property under certain circumstances; and (2) authorize the district court to retain jurisdiction over the substandard property for a period of time not to exceed 18 consecutive months.

Sections 16 and 35 of this bill authorize the district court to require the owner of a substandard property to pay all unrecovered costs associated with the receivership.

Sections 17 and 36 of this bill provide that the remedies and penalties set forth in **sections 2-18 and 21-37** of this bill are cumulative, may not be

abrogated and are in addition to any other remedies or penalties that may exist in law or equity.

Sections 18 and 37 provide that nothing in **sections 2-18 and 21-37** is intended to deprive any owner of a residential property or substandard property any right guaranteed by the United States Constitution or Nevada Constitution, including, without limitation, the right to due process.

Existing law authorizes a receiver to be appointed in certain actions. (NRS 32.010) **Section 19** of this bill authorizes a receiver to be appointed in an action to have a residential property declared to be a substandard property that is brought pursuant to **section 10 or 29** to manage the repair or rehabilitation of the substandard property.

Sections 2-7 and 21-26 define certain terms used in the provisions of **sections 2-18 and 21-37**, respectively.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Dwelling unit" means a structure or the part of the structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

Sec. 4. ***"Habitability standard" includes, without limitation:***

1. Any provision of an applicable housing or health code concerning the health, safety, sanitation or fitness for habitation of a dwelling unit; or

2. The requirements of chapter 118A of NRS relating to the habitability of a dwelling unit, including, without limitation, the provisions of subsection 1 of NRS 118A.290.

Sec. 5. ***"Receiver" means a receiver appointed by a district court in an action to declare a residential property to be a substandard property pursuant to section 10 of this act.***

Sec. 6. ***"Residential property" means a parcel of land in the unincorporated area of the county which is primarily used for personal, family or household purposes to which is affixed one or more dwelling units.***

Sec. 7. ***"Substandard property" means residential property that has been declared to be a substandard property by a district court pursuant to section 10 of this act.***

Sec. 8. ***1. If the appropriate department of a county finds that:***

(a) A residential property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) As a result of the violation or violations described in paragraph (a), the condition of the residential property is of such a nature that the health and safety of residents or the public is substantially endangered,

➥ the county may notify the owner of the residential property and order that the owner repair or rehabilitate the residential property or otherwise abate the condition.

2. Any notice and order issued pursuant to subsection 1:

(a) Must include, without limitation:

(1) The name, address and telephone number of the county department that issued the notice and summary order;

(2) The date, time and location of any public hearing or proceeding concerning the notice and summary order;

(3) A description of each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety, as applicable;

(4) Any deadline by which the owner must repair or rehabilitate the residential property or otherwise abate the condition; and

(5) A statement that the owner or lessor, if applicable, is prohibited from retaliating against any tenant pursuant to NRS 118A.510; and

(b) Must be ~~[either:~~

~~(1) Posted]~~ posted in a conspicuous place on the residential property and mailed by first-class mail to the owner and each affected resident of a dwelling unit on the residential property~~. [; or~~

~~(2) Posted in a conspicuous place on the residential property and in a prominent place on each affected dwelling unit on the residential property.]~~

Sec. 9. *1. If the owner of a residential property fails to comply within the terms of the notice and summary order issued pursuant to section 8 of this act:*

(a) The county may bring an action to:

(1) Have the residential property declared by the district court to be a substandard property;

(2) Obtain a court order requiring the owner to repair or rehabilitate the residential property or otherwise abate the condition; and

(3) Have the district court impose a civil penalty against the owner of the residential property, as provided by ordinance; or

(b) The county or a tenant, a tenant association or a nonprofit organization representing any tenant or tenant association may bring an action to:

(1) Have the residential property declared to be a substandard property; and

(2) Have a receiver appointed pursuant to NRS 32.010.

2. A party who intends to bring an action for the appointment of a receiver pursuant to paragraph (b) of subsection 1 shall:

(a) Not later than ~~[3]~~ 30 days before filing such an action, provide notice of intent to bring the action by:

(1) Posting a notice in a conspicuous place on the residential property; and

(2) Mailing the notice to each person with a recorded interest in the residential property; and

(b) Provide with the court filing ~~[proof]~~ :

(1) Proof that the party provided the notice of intent to bring the action as required pursuant to paragraph (a) ~~[.]~~ ; and

(2) If the party is a tenant, a tenant association or a nonprofit organization representing a tenant or tenant association, an affidavit in support of the court filing which must include, without limitation, a history of communications and any documentation relating to the provisions of section 8 of this act.

3. A party who brings an action pursuant to subsection 1 must serve each owner of the residential property in the manner provided by Rule 4 of the Nevada Rules of Civil Procedure.

4. The ~~[prevailing party in an action brought pursuant to this section is entitled to]~~ district court may award reasonable attorney's fees and costs ~~[, as may be fixed by the district court.]~~ to the prevailing party in an action brought pursuant to this section.

Sec. 10. *1. To declare a residential property to be a substandard property, the district court must find:*

(a) The residential property is maintained in a way that violates one or more applicable habitability standards, housing codes or building codes, or any statute or ordinance relating to habitability, building safety or fire safety;

(b) The condition of the residential property that is caused by the violation or violations described in paragraph (a) is so extensive and of such a nature that the health and safety of residents of the building or the public is substantially endangered; and

(c) Any other factor that the district court finds relevant.

2. In determining whether to appoint a receiver for a substandard property, the district court shall consider:

(a) Whether the owner of the substandard property has been afforded a reasonable opportunity to repair or rehabilitate the property or otherwise abate the condition; and

(b) Any other factor that the district court finds relevant.

3. The district court:

(a) Except as otherwise provided in paragraph (b), may appoint a nonprofit organization, community development corporation or other person as a receiver.

(b) Shall not appoint any nonprofit organization, community development corporation or person as a receiver unless the nonprofit organization, community development corporation or person has demonstrated to the district court the necessary capacity and expertise to

develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the substandard property.

4. An order issued by a district court declaring a residential property to be a substandard property must, without limitation, set forth:

(a) The conditions found by the district court that make the residential property a substandard property; and

(b) The repairs, rehabilitations and abatements that the district court finds to be necessary in order to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

Sec. 11. *1. If the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents of the substandard property, upon the entry of any order or judgment pursuant to section 10 of this act, the district court shall:*

(a) Order the owner of the substandard property to pay all reasonable and actual costs of the board of county commissioners or its designee, including, without limitation, inspection costs, investigation costs, enforcement costs, attorney's fees and costs and all costs of prosecution.

(b) Order that the board of county commissioners or its designee shall provide each tenant of the substandard property with the notice of the district court order or judgment.

(c) If the conditions of the substandard property or the repair, rehabilitation or abatement thereof significantly affect the safe and sanitary use of the substandard property by any lawful tenant, such that the tenant cannot safely reside in the premises, order the owner to provide or pay relocation benefits to each lawful tenant. These benefits must consist of actual reasonable moving and storage costs and relocation compensation, including, without limitation, the costs and compensation for the following:

(1) Transportation of the personal property of the tenant to the new location. The new location must be in close proximity to the substandard property, except where relocation to a new location beyond a close proximity is determined by the district court to be justified.

(2) Packing, crating, unpacking and uncrating all personal property of the tenant.

(3) Insurance of the property of the tenant while in transit.

(4) The reasonable replacement value of any personal property lost, stolen or damaged, other than any personal property that was lost, stolen or damaged through the fault or negligence of the displaced tenant, or his or her agent or employee, in the process of moving, where insurance covering the loss, theft or damage is not reasonably available.

(5) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(6) Relocation compensation in an amount equal to the differential between the contract rent and the fair market rental value determined by the United States Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired or rehabilitated, for not more than 120 days.

(d) Determine the date when the tenant is to relocate, and order the tenant to notify the board of county commissioners or its designee and the owner of the dwelling unit of the address to which the tenant has relocated not more than 5 days after the relocation.

(e) Order that the owner of the substandard property offer the first right of occupancy of a dwelling unit to each tenant who received benefits pursuant to this section, before letting the dwelling unit for rent to a third party. Except as otherwise provided in this paragraph, the offer for first right of occupancy to the tenant must be in writing and sent by certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the address of the tenant by the tenant as required by this section, the owner is not required to offer the tenant the first right of occupancy. The tenant may accept the offer by giving the owner notice in writing by certified mail not later than 10 days after the owner mailed the offer.

(f) Order that if the owner fails to comply with any order issued pursuant to sections 2 to 18, inclusive, of this act, the court may:

(1) Sanction the person for civil contempt;

(2) Impose any penalty authorized pursuant to NRS 244.3603 as if the substandard property were a chronic nuisance; or

(3) Any other penalty provided by law.

2. If the district court finds that a tenant has been substantially responsible for causing or substantially contributing to the conditions found by the district court that make the residential property a substandard property, the court shall not grant to the tenant any relocation compensation or benefits.

3. Any tenant of the substandard property who has been ordered to relocate due to the conditions found by the district court that make the residential property a substandard property and who is not substantially responsible for causing or contributing to the condition must be paid these benefits and moving costs at the time that the tenant actually relocates.

Sec. 12. *1. If the district court appoints a receiver for a substandard property pursuant to section 10 of this act, the owner of the substandard property, and any agent or employee of the owner, shall not collect rent from any tenant, interfere with the receiver in the operation of the substandard property or encumber or transfer any interest in the substandard property.*

2. Unless otherwise ordered by the district court, a receiver for a substandard property shall:

(a) Take full and complete control of the substandard property.

(b) Manage the substandard property and pay any expenses of the operation of the substandard property, including, without limitation, paying the taxes, insurance, utilities, general maintenance and debt secured by an interest in the substandard property.

(c) Secure a cost estimate and construction plan from a licensed contractor for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 10 of this act.

(d) Enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the order issued pursuant to section 10 of this act.

(e) Collect all rents and income generated by the substandard property.

(f) Use all rents and income generated by the substandard property to pay for the cost of the repairs, rehabilitation or abatement determined by the district court to be necessary to correct the conditions cited in the order issued pursuant to section 10 of this act.

(g) Borrow money to pay for repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 10 of this act and to borrow money to pay for any relocation benefits for tenants that are authorized pursuant to section 11 of this act and, with district court approval, secure that debt and any money owed to the receiver for services performed pursuant to this section with a lien on the residential property upon which the substandard property is situated. The lien shall be recorded in the county recorder's office in the county wherein the substandard property is situated.

(h) To exercise any other power granted to a receiver pursuant to chapter 32 of NRS.

(i) Provide any relocation benefits to a tenant that are ordered by the court pursuant to section 11 of this act.

3. If the district court appoints as a receiver a nonprofit organization or community development corporation, in addition to the powers and duties that are granted pursuant to subsection 2, the nonprofit organization or community development corporation may apply for grants to assist in the rehabilitation of the substandard property.

Sec. 13. *A receiver appointed pursuant to section 10 of this act is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.*

Sec. 14. *In addition to any periodic reporting required by the district court, the receiver shall prepare and submit monthly reports relating to a substandard property to the board of county commissioners or its designee. The report to the board of county commissioners must include, without limitation:*

1. The total amount of rent payments received from tenants of the substandard property;

2. The nature and amount of any contract that is negotiated or entered into by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

3. A record of payments made by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

4. Information relating to the progress of the repair or rehabilitation of the substandard property or abatement of a condition at the substandard property; and

5. A record of any amount paid to a tenant pursuant to section 12 of this act for relocation benefits.

Sec. 15. *1. A district court must discharge the receiver appointed pursuant to section 10 of this act when the district court finds that:*

(a) The conditions set forth in the court order issued pursuant to section 10 of this act that made the residential property a substandard property have been properly repaired or abated; and

(b) A complete accounting of all costs relating to the operation, repair or rehabilitation of or abatement of a condition at the substandard property has been delivered to the district court.

2. Upon correction of the conditions that made the residential property a substandard property, the owner, the mortgagee or any lienholder may apply for the discharge of all money not used by the receiver for removal of the condition and all other costs.

3. After discharging the receiver, the district court may:

(a) Retain jurisdiction over the substandard property for a period of time not to exceed than 18 consecutive months; and

(b) Require the owner of the substandard property and the board of county commissioners or its designee to report to the district court on the substandard property in accordance with a schedule determined by the district court.

Sec. 16. *Upon the request of a receiver, the district court may require the owner of the substandard property to pay all unrecovered costs associated with the receivership.*

Sec. 17. *1. The remedies and penalties provided in sections 2 to 18, inclusive, of this act are cumulative, may not be abrogated and are in addition to any other remedies or penalties that may exist in law or equity* ~~.~~ *, including, without limitation, any remedy or penalty that may be available pursuant to NRS 244.360 to 244.3607, inclusive.*

2. The provisions of sections 2 to 18, inclusive, of this act shall not be construed to limit those rights available to a landlord or tenant pursuant to any other provision of law.

Sec. 18. *Nothing in the provisions of sections 2 to 18, inclusive, of this act is intended to deprive any owner of a residential property or substandard property any right guaranteed by the United States Constitution or the Nevada Constitution, including, without limitation, the right to due process.*

Sec. 19. NRS 32.010 is hereby amended to read as follows:

32.010 A receiver may be appointed by the court in which an action is pending, or by the judge thereof:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed or materially injured.

2. In an action by a mortgagee for the foreclosure of the mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt.

3. ***In an action to have a residential property declared to be a substandard property that is brought pursuant to section 10 or 29 of this act to manage the repair or rehabilitation of the substandard property.***

4. After judgment, to carry the judgment into effect.

~~[4.]~~ ***5.*** After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply the judgment debtor's property in satisfaction of the judgment.

~~[5.]~~ ***6.*** In the cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

~~[6.]~~ ***7.*** In all other cases where receivers have heretofore been appointed by the usages of the courts of equity.

Sec. 20. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 37, inclusive, of this act.

Sec. 21. ***As used in sections 21 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 22 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. ***"Dwelling unit" means a structure or the part of the structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

Sec. 23. ***"Habitability standard" includes, without limitation:***

1. Any provision of an applicable housing or health code concerning the health, safety, sanitation or fitness for habitation of a dwelling unit; or

2. The requirements of chapter 118A of NRS relating to the habitability of a dwelling unit, including, without limitation, the provisions of subsection 1 of NRS 118A.290.

Sec. 24. *"Receiver" means a receiver appointed by a district court in an action to declare a residential property to be a substandard property pursuant to section 29 of this act.*

Sec. 25. *"Residential property" means a parcel of land in the incorporated area of the city which is primarily used for personal, family or household purposes to which is affixed one or more dwelling units.*

Sec. 26. *"Substandard property" means residential property that has been declared to be a substandard property by a district court pursuant to section 29 of this act.*

Sec. 27. *1. If the appropriate department of a city finds that:*

(a) A residential property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) As a result of the violation or violations described in paragraph (a), the condition of the residential property is of such a nature that the health and safety of residents or the public is substantially endangered,

➥ the city may notify the owner of the residential property and order that the owner repair or rehabilitate the residential property or otherwise abate the condition.

2. Any notice and order issued pursuant to subsection 1:

(a) Must include, without limitation:

(1) The name, address and telephone number of the city department that issued the notice and summary order;

(2) The date, time and location of any public hearing or proceeding concerning the notice and summary order;

(3) A description of each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety, as applicable;

(4) Any deadline by which the owner must repair or rehabilitate the residential property or otherwise abate the condition; and

(5) A statement that the owner or lessor, if applicable, is prohibited from retaliating against any tenant pursuant to NRS 118A.510; and

(b) Must be ~~[either:~~

~~(1) Posted]~~ posted in a conspicuous place on the residential property and mailed by first-class mail to the owner and each affected resident of a dwelling unit on the residential property~~. [; or~~

~~(2) Posted in a conspicuous place on the residential property and in a prominent place on each affected dwelling unit on the residential property.]~~

Sec. 28. *1. If the owner of a residential property fails to comply within the terms of the notice and summary order issued pursuant to section 27 of this act:*

(a) The city may bring an action to:

(1) Have the residential property declared by the district court to be a substandard property;

(2) Obtain a court order requiring the owner to repair or rehabilitate the residential property or otherwise abate the condition; and

(3) Have the district court impose a civil penalty against the owner of the residential property, as provided by ordinance; or

(b) The city or a tenant, a tenant association or a nonprofit organization representing any tenant or tenant association may bring an action to:

(1) Have the residential property declared to be a substandard property; and

(2) Have a receiver appointed pursuant to NRS 32.010.

2. A party who intends to bring an action for the appointment of a receiver pursuant to paragraph (b) of subsection 1 shall:

(a) Not later than ~~[3]~~ 30 days before filing such an action, provide notice of intent to bring the action by:

(1) Posting a notice in a conspicuous place on the residential property; and

(2) Mailing the notice to each person with a recorded interest in the residential property; and

(b) Provide with the court filing ~~[proof]~~ :

(1) Proof that the party provided the notice of intent to bring the action as required pursuant to paragraph (a) ~~.~~ ; and

(2) If the party is a tenant, a tenant association or a nonprofit organization representing a tenant or tenant association, an affidavit in support of the court filing which must include, without limitation, a history of communications and any documentation relating to the provisions of section 27 of this act.

3. A party who brings an action pursuant to subsection 1 must serve each owner of the residential property in the manner provided by Rule 4 of the Nevada Rules of Civil Procedure.

4. The ~~[prevailing party in an action brought pursuant to this section is entitled to]~~ district court may award reasonable attorney's fees and costs ~~, as may be fixed by the district court.]~~ to the prevailing party in an action brought pursuant to this section.

Sec. 29. *1. To declare a residential property to be a substandard property, the district court must find:*

(a) The residential property is maintained in a way that violates one or more applicable habitability standards, housing codes or building codes, or any statute or ordinance relating to habitability, building safety or fire safety;

(b) The condition of the residential property that is caused by the violation or violations described in paragraph (a) is so extensive and of such a nature that the health and safety of residents of the building or the public is substantially endangered; and

(c) Any other factor that the district court finds relevant.

2. In determining whether to appoint a receiver for a substandard property, the district court shall consider:

(a) Whether the owner of the substandard property has been afforded a reasonable opportunity to repair or rehabilitate the property or otherwise abate the condition; and

(b) Any other factor that the district court finds relevant.

3. The district court:

(a) Except as otherwise provided in paragraph (b), may appoint a nonprofit organization, community development corporation or other person as a receiver.

(b) Shall not appoint any nonprofit organization, community development corporation or person as a receiver unless the nonprofit organization, community development corporation or person has demonstrated to the district court the necessary capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the substandard property.

4. An order issued by a district court declaring a residential property to be a substandard property must, without limitation, set forth:

(a) The conditions found by the district court that make the residential property a substandard property; and

(b) The repairs, rehabilitations and abatements that the district court finds to be necessary in order to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

Sec. 30. *1. If the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents of the substandard property, upon the entry of any order or judgment pursuant to section 29 of this act, the district court shall:*

(a) Order the owner of the substandard property to pay all reasonable and actual costs of the governing body of the city or its designee, including, without limitation, inspection costs, investigation costs, enforcement costs, attorney's fees and costs and all costs of prosecution.

(b) Order that the governing body of the city or its designee shall provide each tenant of the substandard property with the notice of the district court order or judgment.

(c) If the conditions of the substandard property or the repair, rehabilitation or abatement thereof significantly affect the safe and sanitary use of the substandard property by any lawful tenant, such that the tenant cannot safely reside in the premises, order the owner to provide or pay relocation benefits to each lawful tenant. These benefits must consist of actual reasonable moving and storage costs and relocation compensation, including, without limitation, the costs and compensation for the following:

(1) Transportation of the personal property of the tenant to the new location. The new location must be in close proximity to the substandard property, except where relocation to a new location beyond a close proximity is determined by the district court to be justified.

(2) Packing, crating, unpacking and uncrating all personal property of the tenant.

(3) Insurance of the property of the tenant while in transit.

(4) The reasonable replacement value of personal property lost, stolen or damaged, other than any personal property that was lost, stolen or damaged through the fault or negligence of the displaced tenant, or his or her agent or employee, in the process of moving, where insurance covering the loss, theft or damage is not reasonably available.

(5) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(6) Relocation compensation in an amount equal to the differential between the contract rent and the fair market rental value determined by the United States Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired or rehabilitated, for not more than 120 days.

(d) Determine the date when the tenant is to relocate, and order the tenant to notify the governing body of the city or its designee and the owner of the dwelling unit of the address to which the tenant has relocated not more than 5 days after the relocation.

(e) Order that the owner of the substandard property offer the first right of occupancy of a dwelling unit to each tenant who received benefits pursuant to this section, before letting the dwelling unit for rent to a third party. Except as otherwise provided in this paragraph, the offer for first right of occupancy to the tenant must be in writing and sent by certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the address of the tenant by the tenant as required by this section, the owner is not required to offer the tenant the first right of occupancy. The tenant may accept the offer by giving the owner notice in writing by certified mail not later than 10 days after the owner mailed the offer.

(f) Order that if the owner fails to comply with any order issued pursuant to sections 21 to 37, inclusive, of this act, the court may:

(1) Sanction the person for civil contempt;

(2) Impose any penalty authorized pursuant to NRS 268.4124 as if the substandard property were a chronic nuisance; or

(3) Any other penalty provided by law.

2. If the district court finds that a tenant has been substantially responsible for causing or substantially contributing to the conditions found by the district court that make the residential property a substandard property, the court shall not grant to the tenant any relocation compensation or benefits.

3. Any tenant of the substandard property who has been ordered to relocate due to the conditions found by the district court that make the

residential property a substandard property and who is not substantially responsible for causing or contributing to the condition must be paid these benefits and moving costs at the time that the tenant actually relocates.

Sec. 31. *1. If the district court appoints a receiver for a substandard property pursuant to section 29 of this act, the owner of the substandard property, and any agent or employee of the owner, shall not collect rent from any tenant, interfere with the receiver in the operation of the substandard property or encumber or transfer any interest in the substandard property.*

2. Unless otherwise ordered by the district court, a receiver for a substandard property shall:

(a) Take full and complete control of the substandard property.

(b) Manage the substandard property and pay any expenses of the operation of the substandard property, including, without limitation, paying the taxes, insurance, utilities, general maintenance and debt secured by an interest in the substandard property.

(c) Secure a cost estimate and construction plan from a licensed contractor for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 29 of this act.

(d) Enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the order issued pursuant to section 29 of this act.

(e) Collect all rents and income generated by the substandard property.

(f) Use all rents and income generated by the substandard property to pay for the cost of the repairs, rehabilitation or abatement determined by the district court to be necessary to correct the conditions cited in the order issued pursuant to section 29 of this act.

(g) Borrow money to pay for repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 29 of this act and to borrow money to pay for any relocation benefits for tenants that are authorized pursuant to section 30 of this act and, with district court approval, secure that debt and any money owed to the receiver for services performed pursuant to this section with a lien on the residential property upon which the substandard property is situated. The lien shall be recorded in the county recorder's office in the county wherein the substandard property is situated.

(h) To exercise any other power granted to a receiver pursuant to chapter 32 of NRS.

(i) Provide any relocation benefits to a tenant that are ordered by the court pursuant to section 30 of this act.

3. If the district court appoints as a receiver a nonprofit organization or community development corporation, in addition to the powers and duties that are granted pursuant to subsection 2, the nonprofit organization or community development corporation may apply for grants to assist in the rehabilitation of the substandard property.

Sec. 32. *A receiver appointed pursuant to section 29 of this act is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.*

Sec. 33. *In addition to any periodic reporting required by the district court, the receiver shall prepare and submit monthly reports relating to a substandard property to the governing body of the city or its designee. The report to the governing body of the city must include, without limitation:*

1. The total amount of rent payments received from tenants of the substandard property;

2. The nature and amount of any contract that is negotiated or entered into by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

3. A record of payments made by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

4. Information relating to the progress of the repair or rehabilitation of the substandard property or abatement of a condition at the substandard property; and

5. A record of any amount paid to a tenant pursuant to section 31 of this act for relocation benefits.

Sec. 34. *1. A district court must discharge the receiver appointed pursuant to section 29 of this act when the district court finds that:*

(a) The conditions set forth in the court order issued pursuant to section 29 of this act that made the residential property a substandard property have been properly repaired or abated; and

(b) A complete accounting of all costs relating to the operation, repair or rehabilitation of or abatement of a condition at the substandard property has been delivered to the district court.

2. Upon correction of the conditions that made the residential property a substandard property, the owner, the mortgagee or any lienholder may apply for the discharge of all money not used by the receiver for removal of the condition and all other costs.

3. After discharging the receiver, the district court may:

(a) Retain jurisdiction over the substandard property for a period of time not to exceed than 18 consecutive months; and

(b) Require the owner of the substandard property and the governing body of the city or its designee to report to the district court on the substandard property in accordance with a schedule determined by the district court.

Sec. 35. *Upon the request of a receiver, the district court may require the owner of the substandard property to pay all unrecovered costs associated with the receivership.*

Sec. 36. *1. The remedies and penalties provided in sections 21 to 37, inclusive, of this act are cumulative, may not be abrogated and are in addition to any other remedies or penalties that may exist in law or equity* ~~*.*~~ *]*

, including, without limitation, any remedy or penalty that may be available pursuant to NRS 268.4122, 268.4124 and 268.4126.

2. The provisions of sections 21 to 37, inclusive, of this act shall not be construed to limit those rights available to a landlord or tenant pursuant to any other provision of law.

Sec. 37. ***Nothing in the provisions of sections 21 to 37, inclusive, of this act is intended to deprive any owner of a residential property or substandard property any right guaranteed by the United States Constitution or the Nevada Constitution, including, without limitation, the right to due process.***

Assemblymember Marzola moved the adoption of the amendment.

Remarks by Assemblymember Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 84.

AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant; requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement for the use and occupancy of a dwelling unit or premises, including, without limitation, that the agreement contain provisions relating to fees which are required and the purposes for which they are required. (NRS 118A.200) **Section 2** of this bill: (1) provides that such a rental agreement also include a separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; (2) requires such appendix to state with specificity for each fee that is variable, that the tenant pays the actual cost incurred by the tenant, and, for each fee that is fixed or provided by a third-party vendor, the tenant pays the current amount of the fee; and (3) makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in such an appendix. **Section 2** further requires such a rental agreement to include a separate appendix that contains a clear

and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

Section 1 of this bill requires a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to a different prospective tenant; and (2) does not conduct the activity for which the fee was collected.

Section 1 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

Section 3 of this bill provides that during the period beginning on July 1, 2025, and ending on December 31, 2026, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than ~~[10]~~ **5** percent of the rent payable by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2025. **Section 3** further defines "tenant" to mean a person who is entitled under a rental agreement that exists on June 30, 2025, between the person and the landlord to occupy a dwelling unit to the exclusion of others and: (1) is 62 years of age or older; or (2) relies on payments received pursuant to the federal Social Security Act.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

(a) Rents the dwelling unit to a different prospective tenant; and

(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or a background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(o) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement, including, without limitation, fees required to be contained in the written rental agreement pursuant to paragraph (e), and the purpose for which the fee may be charged. The appendix must state with specificity for each fee that is:

(1) Variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) Fixed or provided by a third-party vendor, the current amount of the fee.

(p) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized

agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ***It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (o) of subsection 3.***

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 3. 1. During the period beginning on July 1, 2025, and ending on December 31, 2026, a landlord shall not renew the rental agreement or enter into a new rental agreement for a dwelling unit with the existing tenant of the dwelling unit that increases the rent payable by the existing tenant for the dwelling unit in an amount that is more than ~~[10]~~ **5** percent of the rent payable

by the existing tenant pursuant to the rental agreement that is in effect on June 30, 2025.

2. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118A.100.

(b) "Tenant" means a person who is entitled under a rental agreement that exists on June 30, 2025, between the person and a landlord to occupy a dwelling unit to the exclusion of others and:

(1) Is 62 years of age or older; or

(2) Relies on payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Section 3 of this act becomes effective on July 1, 2025.

3. Sections 1 and 2 of this act become effective on October 1, 2025.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 198.

AN ACT relating to the state militia; ~~[revising the benefits and compensation]~~ **clarifying for purposes of industrial insurance** that a member of the state militia ~~[and the dependents of the member are entitled to receive if the member is wounded, injured, disabled or killed while]~~ **is** on state active duty ~~[;]~~ **for 24 hours a day while on state active duty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes that the militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor. (NRS 412.026) Existing law entitles, with certain exceptions, any member of the militia of the State or his or her dependents to certain compensation pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act if the member is wounded, injured, disabled or killed while in the line of duty in the service of the State. (NRS 412.142) Existing law further requires that certain compensation and benefits: (1) must be determined based on the member's average income from all sources during the year immediately preceding his or her injury or death or the commencement of his or her disability; and (2) must not exceed the maximum amount prescribed by the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 412.142) ~~[Section]~~ **Sections 1 and 2** of this bill ~~[provides instead that the member or the dependents of the member are entitled to receive compensation~~

~~and benefits that are equivalent to the federal compensation or benefits that the member would be entitled to receive if the wound, injury, disability or death arose from military duties performed pursuant to Title 10 or Title 32 of the United States Code.]~~ **clarify that for purposes of industrial insurance a member of the militia of the State who is on state active duty is on state active duty 24 hours a day for each day of state active duty.**

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

Section 1. NRS 412.142 is hereby amended to read as follows:

412.142 1. Except as otherwise provided in subsection ~~[2.]~~ ***3:***

(a) In ~~***[, in]***~~ all cases in which any member of the militia of the State is wounded, injured, disabled or killed while ~~[in the line of]~~ ***on state active*** duty ~~[in the service of the State,]~~ ***or if that wound, injury or disability is aggravated or recurs while the member is on state active duty,*** the member or the dependents of the member are entitled to receive compensation ~~***[and benefits]***~~ from the State of Nevada , in accordance with the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS. If that wound, injury or disability is aggravated or recurs while the member is in the line of duty in the service of the State, the member or the member's dependents are also entitled to receive such compensation.

(b) In all cases, the member who has a disability or is deceased shall be deemed to be an employee of the State of Nevada. The compensation to be awarded to the member or to the dependents of the member must be determined upon the basis of the member's average income from all sources during the year immediately preceding the date of his or her injury or death or the commencement of his or her disability, but the compensation must not exceed the maximum prescribed in chapters 616A to 616D, inclusive, or chapter 617 of NRS. ~~***[that are equivalent to the federal compensation or benefits that the member would be entitled to receive if the injury, wound, illness, disability or death arose from military duties performed pursuant to Title 10 or Title 32 of the United States Code.]***~~

2. ***For the purposes of subsection 1, a member of the militia of the State who is on state active duty shall be deemed to be on state active duty 24 hours a day for each day of state active duty.***

3. The provisions of this section do not apply to a member of the militia of the State or any dependents of the member who is receiving or is entitled to receive compensation or benefits for an injury, wound, illness, disability or death described in this section pursuant to any law or regulation of the Federal Government, if:

(a) The federal compensation or benefits arise from military duties performed pursuant to Title 10 or Title 32 of the United States Code; and

(b) The wound, injury, illness or disability is not an aggravation or recurrence of a wound, injury, illness or disability that arose from previous duties performed pursuant to Title 10 or Title 32 of the United States Code.

Sec. 2. **Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any member of the Nevada National Guard shall be deemed an employee of the State of Nevada for purposes of chapters 616A to 616D, inclusive, of NRS while on state active duty.

2. For the purposes of subsection 1, a member of the Nevada National Guard shall be deemed to be on state active duty 24 hours a day for each day of state active duty.

Sec. 3. **NRS 616A.025 is hereby amended to read as follows:**

616A.025 As used in chapters 616A to 616D, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 616A.030 to 616A.360, inclusive, ***and section 2 of this act,*** have the meanings ascribed to them in those sections.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 199.

~~[~~ASSEMBLYMEMBER~~]~~ **ASSEMBLYMEMBERS** KARRIS **; AND JACKSON**

JOINT SPONSOR: SENATOR HANSEN

SUMMARY— ~~[~~Requires certain projects to comply with~~]~~ **Revises** provisions governing public works. (BDR 28-866)

AN ACT relating to public works; requiring ~~[~~certain~~]~~ **a contractor or subcontractor engaged on certain public works that are** projects for the development **, deployment** or improvement of broadband, telecommunication or fiber optic services ~~[~~to comply with provisions governing public works; requiring a contractor or subcontractor engaged on such a project~~]~~ to submit certain records to the Board of Directors of the Nevada State Infrastructure Bank; **specifying that the provisions governing public works do not apply to certain contracts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements for public works, including, without limitation, requirements for: (1) procedures for the awarding of contracts by a public body; (2) the prevailing wage to be paid to certain workers employed in connection with the public work; (3) the retention of records relating to workers employed in connection with the public work and the wages and benefits paid to such workers; and (4) a contractor on a public work to establish certain fair employment practices. (Chapter 338 of NRS)

~~[~~This~~]~~ **Section 2 of this** bill provides that the provisions of existing law governing public works **do not** apply to any ~~[~~project~~]~~ **contract awarded** for the development **, deployment** or improvement of **privately owned**

broadband, telecommunication or fiber optic services . ~~[for which public money has been provided and that is sponsored, financed, overseen or administered by a public body in the same manner as if the public body awarded a contract for the project, even if the project does not qualify as a public work.]~~

Existing law requires a contractor or subcontractor engaged on a public work to maintain certain records concerning workers employed by the contractor or subcontractor in connection with the public work and the wages and benefits paid to such workers. Existing law requires a contractor or subcontractor to ensure that a copy of each such record for each calendar month is received by the public body awarding the contract not later than 15 days after the end of each month. (NRS 338.070) ~~[This]~~ **Section 1 of this** bill requires a contractor or subcontractor engaged on a **public work that is a** project ~~[described above]~~ **for the development, deployment or improvement of broadband, telecommunication or fiber optic services** who submits to ~~[a]~~ **the** public body **awarding the contract** a copy of such a record to simultaneously submit a copy of the record to the Board of Directors of the Nevada State Infrastructure Bank.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. In addition to any other requirements imposed by federal or state law, the provisions of this chapter apply to any]~~ A contractor or subcontractor engaged on a public work that is a project for the development , deployment or improvement of broadband, telecommunication or fiber optic services ~~[for which public money has been provided and that is sponsored, financed, overseen or administered by a public body, including, without limitation, through the disbursement of money by the public body or the issuance by the public body of a request for procurement, in the same manner as if the public body awarded a contract for the project, even if the project does not qualify as a public work.~~

~~2. A contractor or subcontractor engaged on a project described in subsection 1 that]~~ who, pursuant to subsection 6 of NRS 338.070, submits to ~~[a]~~ the public body awarding the contract a copy of a record required pursuant to subsection 5 of NRS 338.070 shall simultaneously submit a copy of the record to the Board of Directors of the Nevada State Infrastructure Bank.

~~[3. As used in this section, "public body" has the meaning ascribed to it in NRS 338.010 and includes, without limitation, the Office of Science, Innovation and Technology in the Office of the Governor.]~~

Sec. 2. **NRS 338.011 is hereby amended to read as follows:**

338.011 The requirements of this chapter do not apply to a contract:

1. Awarded in compliance with chapter 332 or 333 of NRS which is directly related to the normal operation of the public body or the normal maintenance of its property.

2. Awarded to meet an emergency which results from a natural or artificially created disaster and which threatens the health, safety or welfare of the public. If the public body or its authorized representative determines that an emergency exists, a contract or contracts necessary to contend with the emergency may be let without complying with the requirements of this chapter. If such emergency action was taken by the authorized representative, the authorized representative shall report the contract or contracts to the public body at the next regularly scheduled meeting of the public body.

3. Awarded for the development, deployment or improvement of privately owned broadband, telecommunication or fiber optic services.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 352.

Bill read second time.

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

Amendment No. 448.

AN ACT relating to businesses; requiring a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license; setting forth requirements and fees relating to a cottage cosmetics operation; exempting a cottage cosmetics operation from certain licensing requirements; revising and reorganizing certain provisions governing cottage food establishments; requiring a person who wishes to conduct a cottage food operation to apply to the Department; **revising certain provisions governing craft food operations;** revising provisions governing farm-to-fork events; applying certain provisions governing food delivery service platforms to the delivery of food items from a cottage food operation; ~~[declaring void certain regulations; eliminating certain provisions governing craft food operations;]~~ providing a penalty; providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Food and Drugs is required to adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in this State. (NRS 585.245) **Section 20** of this bill exempts, with certain exceptions, cottage cosmetics operations from the provisions of law governing the licensing, regulation, fees and inspection of such persons by the Commissioner.

Section 4 of this bill defines the term "cottage cosmetics operation" to mean a natural person: (1) who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be

inspected for the preparation of a cosmetic, for sale to a natural person; and (2) whose gross sales of such cosmetics are not more than $100,000 per year. **Section 3** of this bill defines the term "cosmetic." **Sections 5 and 6** of this bill define certain other terms relating to cottage cosmetics operations. **Section 2** of this bill applies these definitions to the provisions of **sections ~~[2-11]~~ 2-11.5** of this bill.

Section 7 requires a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license to conduct a cottage cosmetics operation and prescribes certain requirements for such an application. **Section 7** authorizes the Department to: (1) charge certain fees for the issuance and renewal of a license to conduct a cottage cosmetics operation; and (2) inspect a cottage cosmetics operation for certain purposes and charge a fee for the inspection if the cottage cosmetics operation produced an adulterated or misbranded cosmetic or was the source of an outbreak of illness caused by a contaminated cosmetic. **Section 7 ~~[~~~~prohibits a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county to adopt an ordinance or other regulation that prohibits a person from operating a cottage cosmetics operation. Additionally, section 7~~~~]~~ also** requires the Department to maintain a registry of each person who holds an active license to conduct a cottage cosmetics establishment. **Section 10** requires the Director of the Department to adopt certain regulations governing cottage cosmetics operations.

Section 11 of this bill authorizes the Director to impose a civil penalty of not more than $500 for a violation of the provisions of **sections ~~[2-11.]~~ 2-11.5. Section 21** of this bill provides that the civil penalty is an exception to the criminal penalties imposed for other violations of the provisions relating to food, drugs and cosmetics.

Section 11.5: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation; and (2) provides that the provisions of sections 2-11.5 do not prohibit certain entities from regulating the time, place or manner of a cottage cosmetics operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage cosmetics operation.

Existing law sets forth certain requirements for a food establishment that prepares food intended for human consumption. (NRS 446.0145-446.945) Existing law exempts a cottage food operation from such requirements and requires a person who wishes to conduct a cottage food operation to register with a certain health authority. (NRS 446.866) **Section 16** of this bill instead requires a person who wishes to conduct a cottage food operation to apply to the Department for a license to conduct a cottage food operation. **Sections 14-16** of this bill revise and reorganize the existing provisions governing cottage food operations into new sections of the Nevada Revised Statutes. **Section 28** of this bill repeals **~~[~~~~the~~~~]~~ an** existing **~~[~~~~provisions~~~~]~~ provision** governing cottage food operations **~~[.]~~ made redundant by section 16. Section 14** revises the

definition of "cottage food operation" to apply to a natural person who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale and whose gross sales of such food items are not more than $100,000 per calendar year. **Section 15** revises the definition of "food item" to include, ~~[among other]~~ **certain** food items **.** ~~[, certain acidified foods. Section 13 of this bill defines the term "acidified foods."]~~

Additionally, **section 16** authorizes a cottage food operation to: (1) sell food items via a transaction by telephone or via the Internet; and (2) fulfill a transaction in person, by mail or through a food delivery service platform. **Section 26** of this bill makes a cottage food operation a "food dispensing establishment," thereby applying the provisions governing the food delivery service platforms to the delivery of food items from a cottage food operation. **Section 16** authorizes the Department to charge certain fees for the issuance and renewal of a license to conduct a cottage food operation. **Section 16** further requires the Department to maintain a registry of each person who holds an active license to conduct a cottage food operation. **Section 19** of this bill requires the Director of the Department to adopt certain regulations governing cottage food operations.

Section 19.5 of this bill: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a person from preparing food in a cottage operation; and (2) provides that the provisions of sections 12-19.5 do not prohibit certain entities from regulating the time, place or manner of a cottage food operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage food operation.

Section 23 of this bill revises the definition of "food establishment" to reflect the reorganization of provisions governing cottage food operations.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 8, 9, 17 and 18** ~~[of this bill]~~ enact such procedures as applicable to an applicant for a license to conduct a cottage cosmetics operation and an applicant for a license to conduct a cottage food operation in order to comply with federal law.

Existing law provides that the penalty for a violation of any provision of existing law relating to agricultural products and seeds is a civil penalty of not more than $500 for each violation. (NRS 587.900) This penalty applies to **sections** ~~[12-19]~~ **12-19.5** of this bill.

Existing law exempts a farm from certain provisions governing food establishments for the purposes of holding a farm-to-fork event under certain conditions. (NRS 446.868) **Section 24** of this bill authorizes a farm holding such an event to serve certain food items provided that: (1) any livestock or game animal that is served at the event is butchered and processed on the farm in accordance with certain provisions of law or was inspected and approved under a certain inspection program; and (2) certain other food items served at

the farm-to-fork event are sourced from certain facilities or was inspected and approved under a certain inspection program. **Section 24** also exempts: (1) a farm from certain provisions governing food establishments provided that the farm holds four events or less in a month; and (2) a farm that holds more than four events during a harvest or holiday season from such provisions. **Section 25** of this bill prohibits the Department from charging a fee for the registration of a farm to hold farm-to-fork events when the annual revenue of the farm for the preceding calendar year was less than $100,000.

Existing law sets forth certain requirements for a craft food operation in which a person manufactures or prepares acidified foods in certain kitchens and whose gross sales of such foods are not more than $35,000 per calendar year and authorizes the Department to adopt certain regulations governing such operations. (NRS 587.691-587.699) **Section ~~[28 repeals such provisions. Section 27 of this bill declares void the regulations adopted by the Department governing craft food operations and requires the Legislative Counsel to remove the regulations from the Nevada Administrative Code.]~~ 21.2 of this bill increases the amount of gross sales that a craft food operation may have to not more than $100,000 per calendar year.**

Section 21.4 of this bill authorizes a craft food operation to sell acidified foods in a transaction by telephone or via the Internet and requires that the sale be fulfilled in person. Section 21.6 of this bill eliminates the requirements that an acidified food be produced by a person who: (1) maintains a log and supporting documentation concerning the canning date for each batch of acidified foods produced by the person; and (2) uses only certain canning recipes. Section 21.8 of this bill eliminates the authority of the Department to charge a fee to a person who produces acidified food for a course of training and an examination.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[19,]~~ **19.5,** inclusive of this act.

Sec. 2. ***As used in sections 2 to ~~[11,]~~ 11.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Cosmetic" ~~[has the meaning ascribed to it in NRS 585.060.]~~ means:***

1. Bath preparations, including, without limitation, oils, tablets, salts, bubble baths and bath capsules;

2. Fragrance preparations, including, without limitation, colognes, perfumes and powders;

3. Noncoloring hair preparations, including, without limitation, conditioners, rinses and shampoos;

4. Personal cleanliness preparations, including, without limitation, bath soaps, body washes and deodorants; and

5. Skin care preparations for the body and hands, including, without limitation, lotions, salves, balms and skin fresheners.

Sec. 4. ***"Cottage cosmetics operation":***

1. Means a natural person:

(a) Who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a cosmetic, for sale to a natural person; and

(b) Whose gross sales of such cosmetics are not more than $100,000 per year.

2. The term does not include an operation that engages in the manufacturing or processing of any of the products described in 21 U.S.C. § 364h(b).

Sec. 5. ***"Department" means the State Department of Agriculture.***

Sec. 6. ***"Director" means the Director of the Department.***

Sec. 7. ***1. A person shall not conduct a cottage cosmetics operation unless the person holds a license issued pursuant to subsection 2.***

2. A natural person who wishes to obtain a license to conduct a cottage cosmetics operation must submit to the Department an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage cosmetics operation; and

(b) If the cottage cosmetics operation sells cosmetics under a name other than the name of the natural person who conducts the cottage cosmetics operation, the name under which the cottage cosmetics operation sells cosmetics.

3. The Department may charge a fee for the issuance or renewal of a license to conduct a cottage cosmetics operation pursuant to subsection 2 in an amount not to exceed the actual cost of the Department to issue or renew a license and maintain the registry required by subsection 6.

4. The Department may inspect a cottage cosmetics operation only to investigate a cosmetic that may be deemed to be adulterated or misbranded pursuant to NRS 585.500 and 585.510, or an outbreak or suspected outbreak of illness known or suspected to be caused by an adulterated cosmetic. The cottage cosmetics operation shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the cottage cosmetics operation has produced an adulterated or misbranded cosmetic or was the source of an outbreak caused by a contaminated cosmetic, the Department may charge and collect from the cottage cosmetics operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

5. ~~[No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing cosmetics in a cottage cosmetics operation.~~

~~6.~~ *The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage cosmetics operation. The registry must include, without limitation, the name under which the cottage cosmetics operation sells cosmetics.*

Sec. 8. *1. In addition to any other requirements set forth in sections 2 to ~~[11,]~~ 11.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage cosmetics operation shall:*

(a) Include the social security number of the applicant in the application submitted to the Department pursuant to section 7 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license to conduct a cottage cosmetics operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

Sec. 9. *1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage cosmetics operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

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

Sec. 10. *The Director shall adopt regulations to carry out the provisions of sections 2 to ~~[11,]~~ 11.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage cosmetics operation.*

Sec. 11. *The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of sections 2 to ~~[11,]~~ 11.5, inclusive, of this act.*

Sec. 11.5. 1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation.

2. Nothing in the provisions of sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage cosmetics operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage cosmetics operation.

Sec. 12. *As used in sections 12 to ~~[19,]~~ 19.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[13,]~~ 14 and 15 of this act have the meanings ascribed to them in those sections.*

Sec. 13. ~~*["Acidified foods" means a food item containing either fruits, vegetables or both fruits and vegetables which, when prepared for sale, has a finished equilibrium of pH level of not more than 4.6. The term does not include any product that includes, without limitation, milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or other ingredients capable of supporting the rapid growth of infectious or toxigenic microorganisms.]*~~ **(Deleted by amendment.)**

Sec. 14. *"Cottage food operation" means a natural person:*

1. Who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale to a natural person for consumption; and

2. Whose gross sales of such food items are not more than $100,000 per calendar year.

Sec. 15. *"Food item" means:*

1. Nuts and nut mixes;

2. Candies;

3. Jams, jellies and preserves;

4. Dry herbs, seasoning mixes and teas;

5. Dried fruits and vegetables;

6. Cereals, trail mixes and granola;

7. Popcorn and popcorn balls; or

8. Baked goods that:

(a) Are not potentially hazardous foods;

(b) Do not contain cream, uncooked egg, custard meringue or cream cheese frosting or garnishes; and

(c) Do not require time or temperature controls for food safety . ~~[; or~~

~~9. Acidified foods.]~~

Sec. 16. *1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:*

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction or a transaction by telephone or via the Internet. A sale made pursuant to this paragraph may be fulfilled in person, by mail or through a food delivery service platform, as defined in NRS 597.7627.

(b) Sold to a natural person for his or her consumption and not for resale.

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101.

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item.

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the Department, in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item.

2. ~~[No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.~~

~~3.]~~ A person shall not conduct a cottage food operation unless the person holds a license issued pursuant to subsection ~~[4.]~~ 3.

~~[4.]~~ 3. A natural person who wishes to obtain a license to conduct a cottage food operation must submit to the Department an application on a

form prescribed by the Director. The application must include, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage cosmetics operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

~~[5.]~~ 4. The Department may charge a fee for the issuance or renewal of a license to conduct a cottage food operation pursuant to subsection ~~[4]~~ 3 in an amount not to exceed the actual cost of the Department to issue and renew a license and maintain the registry required by subsection ~~[7.]~~ 6.

~~[6.]~~ 5. The Department may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated or misbranded pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the Department in any such inspection. If, as a result of such inspection, the Department determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

~~[7.]~~ 6. The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage food operation. The registry must include, without limitation, the name under which the cottage food operation sells food items.

Sec. 17. *1. In addition to any other requirements set forth in sections 12 to ~~[19,]~~ 19.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage food operation shall:*

(a) Include the social security number of the applicant in the application submitted to the Department pursuant to section 16 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license to conduct a cottage food operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in

compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

Sec. 18. ***1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage food operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

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

Sec. 19. ***The Director shall adopt regulations necessary to carry out the provisions of sections 12 to ~~[19,]~~ 19.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage food operation.***

Sec. 19.5. 1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage food operation.

2. Nothing in the provisions of sections 12 to 19.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage food operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage food operation.

Sec. 20. NRS 585.245 is hereby amended to read as follows:

585.245 1. The Commissioner shall adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs,

devices or cosmetics in a factory, warehouse, laboratory or other location in this State. The regulations must set forth the requirements for issuance and renewal of a license. Only a person who complies with the requirements of this chapter is entitled to a license. A license is not transferable from person to person or from place to place. The regulations must prescribe the length of term for which a license is issued and must set forth grounds and procedures for the revocation, suspension or nonrenewal of a license.

2. A valid license is required for the manufacturing, compounding, processing or packaging of drugs, devices or cosmetics in any factory, warehouse, laboratory or other location in this State. Licensed pharmacies compounding or packaging prescriptions are exempt from this provision.

3. The Commissioner shall establish and collect fees for the purpose of paying the costs of inspecting, testing and other functions required under the provisions of this chapter with respect to any drug, device or cosmetic. Failure to pay any fee imposed pursuant to this subsection is a ground for revocation, suspension or nonrenewal of a license. All such fees collected by the Commissioner must be deposited with the State Treasurer for credit to the State General Fund.

4. As a condition for entertaining the application of any applicant for any license authorized under this chapter, and as a further condition for the issuance of any such license, the Commissioner or the Commissioner's authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or other location in which drugs, devices or cosmetics are manufactured, compounded, processed or packaged or held for introduction into commerce, and may enter any vehicle being used to transport or hold such drugs, devices or cosmetics in commerce, for the purposes of:

(a) Inspecting the factory, warehouse, other location or vehicle to determine whether any of the provisions of this chapter is being violated; and

(b) Securing samples or specimens of any drug, device or cosmetic after paying or offering to pay therefor.

5. The Commissioner shall make, or cause to be made, examinations of samples and specimens secured under the provisions of this section to determine whether any of the provisions of this chapter is being violated.

6. A cottage cosmetics operation subject to the requirements of sections 2 to ~~[11,]~~ 11.5, inclusive, of this act, is exempt from the provisions of this section.

Sec. 21. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** person who violates any other provision of this chapter is guilty of a gross misdemeanor.

Sec. 21.2. **NRS 587.693 is hereby amended to read as follows:**

587.693 "Craft food operation" means a natural person who manufactures or prepares acidified foods in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption, and whose gross sales of such foods are not more than ~~[$35,000]~~ ***$100,000*** per calendar year.

Sec. 21.4. **NRS 587.6945 is hereby amended to read as follows:**

587.6945 1. A craft food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (j) of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction ~~[that does not involve selling the food item]~~ ***or a transaction*** by telephone or via the Internet**.** ~~[;]~~ ***A sale made pursuant to this paragraph must be fulfilled in person.***

(b) Sold to a natural person for his or her consumption and not for resale**.** ~~[;]~~

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101**.** ~~[;]~~

(d) Labeled with:

(1) The date the food item was produced**.** ~~[; and]~~

(2) "MADE IN A CRAFT FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item**.** ~~[;]~~

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers**.** ~~[; and]~~

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a craft food operation.

3. As used in this section, "food item" means acidified foods produced by a person who meets the requirements of NRS 587.695 to 587.699, inclusive.

Sec. 21.6. **NRS 587.695 is hereby amended to read as follows:**

587.695 For the purposes of a craft food operation, an acidified food must be produced by a person who:

1. Complies with the requirements of NRS 587.6945;
2. Is registered pursuant to NRS 587.696;

3. Maintains a log and supporting documentation for not less than 5 years which must include:

(a) The name of each acidified food produced;

(b) The recipe for each acidified food produced, including, without limitation, the ingredients and the process used in preparation of the acidified food; ***and***

(c) ~~[The canning date of each batch produced; and~~

~~(d)]~~ The results of the pH test for each batch produced; ***and***

4. For the purposes of paragraph ~~[(d)]~~ ***(c)*** of subsection 3, uses a pH test meter that meets the requirements of the regulations adopted by the State Department of Agriculture**.** ~~[; and~~

~~5. Uses only canning recipes that have been approved by, or included in publications approved by, the State Department of Agriculture.]~~

Sec. 21.8. **NRS 587.696 is hereby amended to read as follows:**

587.696 1. The Department shall register a person who produces acidified foods if the person:

(a) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;

(b) Passes an examination on the preparation of acidified foods which has been approved by the Department;

(c) Pays the registration fee prescribed by the Department; and

(d) Provides the Department with such information as the Department deems appropriate, including, without limitation:

(1) The name, address and contact information of the natural person who is producing the acidified foods; and

(2) If the acidified foods are sold under a name other than that of the natural person who produces the acidified foods, the name under which the natural person sells the acidified foods.

2. A registration that is issued or otherwise recorded pursuant to subsection 1 is valid for 3 years after the date of initial registration and may be renewed pursuant to the provisions of subsection 3.

3. The Department shall renew a registration that is issued or otherwise recorded pursuant to subsection 1 every 3 years if the person:

(a) Provides proof satisfactory to the Department that the person has complied with the requirements of NRS 587.695;

(b) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;

(c) Passes an examination on the preparation of acidified foods which has been approved by the Department;

(d) Pays the renewal fee prescribed by the Department; and

(e) Provides the Department with any such information as the Department deems appropriate.

4. The Department shall provide to each person registered to produce acidified foods pursuant to this section:

(a) Periodic updates on, without limitation, the testing and preparation of acidified foods; and

(b) Information about workshops or other training opportunities related to the safe production of acidified foods.

5. The Department may inspect the premises of a person registered to produce acidified foods pursuant to this section only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The producer of acidified foods shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the producer of acidified foods has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the producer of acidified foods a fee in an amount that does not exceed the actual cost to the Department to conduct the investigation.

6. The Department may charge a reasonable fee for:

(a) Registration pursuant to subsection 1;

(b) Renewal of a registration pursuant to subsection 3; ***and***

(c) ~~[A course of training pursuant to subsections 1 and 3;~~

~~(d) An examination pursuant to subsections 1 and 3; and~~

~~(e)]~~ An investigation conducted pursuant to subsection 5.

Sec. 22. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 446.868 and 446.869, unless the context otherwise requires, "Department" means the State Department of Agriculture.

Sec. 23. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of NRS;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;

(i) A cottage food operation that meets the requirements of ~~[NRS 446.866]~~ ***section 16 of this act*** with respect to food items as defined in ~~[that]~~ section ~~[;]~~ ***15 of this act; ~~[or]~~***

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; or

(k) A farm for purposes of holding a farm-to-fork event.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 24. NRS 446.868 is hereby amended to read as follows:

446.868 1. Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; ~~[and]~~

(b) ***Any livestock or game animal that is served at the farm-to-fork event is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture; and***

(c) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm ~~[.]~~ ***or sourced from a facility that satisfies the requirements of chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture.***

2. A farm which holds a farm-to-fork event shall, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1.

3. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** farm which holds more than ~~[two]~~ ***four*** events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.

4. The Director of the Department may provide an exemption from the requirements of subsection 3 to a farm which holds more than four events during a harvest or holiday season.

5. As used in this section:

(a) "Game animal" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule or other equine, or as poultry or fish. The term includes mammals, including, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and nonaquatic reptiles such as land snakes.

(b) "Livestock" has the meaning ascribed to it in NRS 583.325.

Sec. 25. NRS 446.869 is hereby amended to read as follows:

446.869 1. A farm that wishes to hold farm-to-fork events must register with the ~~[~~health authority~]~~ ***Department*** by submitting such information as the ~~[~~health authority~]~~ ***Department*** deems appropriate, including, without limitation:

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; ~~[~~and~]~~

(c) The address of the farm ~~[~~.~]~~ ***; and***

(d) The annual revenue of the farm for the immediately preceding calendar year.

2. ~~[~~The health authority~]~~ ***Except as otherwise provided in this subsection, the Department*** may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the ~~[~~health authority~]~~ ***Department*** to establish and maintain ~~[~~a~]~~ ***the*** registry ~~[~~of farms holding farm-to-fork events.~]~~ ***required pursuant to subsection 5. The Department shall not charge a fee for the registration of a farm when the annual revenue of the farm for the immediately preceding calendar year was less than $100,000.***

3. The ~~[~~health authority~]~~ ***Department*** shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of NRS 446.868 and except that the ~~[~~health authority~]~~ ***Department*** may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the ~~[~~health authority~]~~ ***Department*** in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the ~~[~~health authority~]~~ ***Department*** determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the ~~[~~health authority~]~~ ***Department*** may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

5. The Department shall maintain a registry of farms holding farm-to-fork events that are registered with the Department pursuant to subsection

1. The registry must include, without limitation, the name under which the farm operates.

Sec. 26. NRS 597.7629 is hereby amended to read as follows:

597.7629 1. "Food dispensing establishment" means a food establishment ***or a cottage food operation*** that prepares and serves food intended for immediate consumption. The term includes, without limitation, a restaurant. The term does not include a convenience store or a grocery store.

2. As used in this section:

(a) "Convenience store" has the meaning ascribed to it in NRS 597.225.

(b) ***"Cottage food operation" has the meaning ascribed to it in section 14 of this act.***

(c) "Food establishment" has the meaning ascribed to it in NRS 446.020.

~~[(c)]~~ ***(d)*** "Grocery store" has the meaning ascribed to it in NRS 597.225.

Sec. 27. ~~[The regulations adopted by the State Department of Agriculture which are codified as NAC 587.840 to 587.848, inclusive, are hereby declared void. In preparing supplements to the Nevada Administrative Code on or after July 1, 2026, the Legislative Counsel shall remove those regulations.]~~ **(Deleted by amendment.)**

Sec. 28. NRS 446.866 ~~[, 587.691, 587.692, 587.693, 587.694, 587.6945, 587.695, 587.696, 587.697, 587.698 and 587.699 are]~~ **is** hereby repealed.

Sec. 29. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 28, inclusive, of this act become effective:

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

(b) On July 1, 2026, for all other purposes.

3. Sections ~~[7,]~~ 8, ~~[15 and 16]~~ **9, 17 and 18** of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[LEADLINES]~~ **TEXT** OF REPEALED ~~[SECTIONS]~~ **SECTION**

446.866 Exemption from certain requirements; certain local governing bodies prevented from prohibiting cottage food operations; registration; fee; inspection.

~~[587.691 Definitions.~~

~~587.692 "Acidified foods" defined.~~

~~587.693 "Craft food operation" defined.~~

~~587.694 "Health authority" defined.~~

~~— 587.6945 Conditions under which craft food operation not regulated as food establishment; local governing bodies prevented from prohibiting craft food operations.~~

~~— 587.695 Requirements for production of acidified food by craft food operation.~~

~~— 587.696 Registration to produce acidified foods: Requirements and qualifications; period of validity; renewal; provision of updates and information by Department to registrants; inspections; fees.~~

~~— 587.697 Payment of child support: Statement by applicant for registration; grounds for denial of registration; duty of Department.~~

~~— 587.698 Suspension of registration for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of registration.~~

~~— 587.699 Regulations.~~] **446.866 1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:**

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

(b) Sold to a natural person for his or her consumption and not for resale;

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101;

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.

3. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The health authority may charge a fee for the registration of a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of cottage food operations.

5. The health authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the health authority in any such inspection. If, as a result of such inspection, the health authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the health authority to conduct the investigation.

6. As used in this section:

(a) "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than $35,000 per calendar year.

(b) "Food item" means:

(1) Nuts and nut mixes;

(2) Candies;

(3) Jams, jellies and preserves;

(4) Vinegar and flavored vinegar;

(5) Dry herbs and seasoning mixes;

(6) Dried fruits;

(7) Cereals, trail mixes and granola;

(8) Popcorn and popcorn balls; or

(9) Baked goods that:

(I) Are not potentially hazardous foods;

(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and

(III) Do not require time or temperature controls for food safety.

Assemblymember Nguyen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 375.

AN ACT relating to public employees; **requiring the Governor to include certain information relating to collective bargaining agreements in the biennial proposed executive budget;** revising certain deadlines relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Governor may, notwithstanding the provisions of any collective bargaining agreement, include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for salaries, wage rates or any other form of direct monetary compensation for employees. (NRS 288.510) Section 1 of this bill requires the Governor, to the extent practicable, to include in the biennial proposed executive budget, any amount of money to be paid as agreed upon in a collective bargaining agreement. Section 1 also requires that if the Governor determines it is impracticable to include such money in the biennial proposed executive budget, he or she must submit a report stating the reason for such a determination to the Legislature on the same day the budget is submitted.

Under existing law, certain groups of employees in the classified service of the Executive Department of State Government are authorized to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Under existing law, the Governor is required to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit are required to begin within 60 days after one party notifies the other party of the desire to negotiate or on or before October 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section ~~1~~ 1.5** of this bill requires such negotiations to begin **: (1)** on or before ~~June~~ **April** 1, rather than October 1,

of each even-numbered year ~~.~~; **and (2) within 60 days after an exclusive representative is designated for an unrepresented bargaining unit.**

Under existing law, either the representative of the Executive Department or the exclusive representative of a bargaining unit are authorized to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or on or before February 1 of an odd-numbered year, whichever is earlier, unless the parties agree to a later date. (NRS 288.570) **Section 2** of this bill authorizes parties who do not reach an agreement to request a mediator ~~[120 days after beginning]~~ **: (1) after at least six meetings of** negotiations or on or before ~~[October 1, rather than February 1.]~~ **September 5 of an even-numbered year when one of the parties is a bargaining unit with an existing collective bargaining agreement; or (2) after at least eight meetings of negotiations or 90 days after the parties begin negotiating, whichever is earlier, when one of the parties is a bargaining unit negotiating to enter a collective bargaining agreement for the first time.**

Under existing law, if the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 10 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before February 15 unless the parties agree to a later date. The arbitrator is then required to render a decision on or before March 5. (NRS 288.575) **Section 3** of this bill: (1) requires arbitration proceedings to begin on or before ~~[October]~~ **September** 15, rather than February 15; and (2) requires the arbitrator to render a decision on or before ~~[November]~~ **December** 5, rather than March 5. **Section 3** also eliminates the authority for the parties to agree to a later deadline for the decision of the arbitrator.

Under existing law, the Economic Forum, a panel of appointed economic and financial experts, prepares a written report of its projections of economic indicators and an estimate of future state revenue for the Governor and Legislature on or before December 3 of each even-numbered year. (NRS 353.228) Section 4 of this bill requires that such a report instead be prepared by November 15 of each even-numbered year.

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

Section 1. **NRS 288.510 is hereby amended to read as follows:**

288.510 ***1.*** Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Governor ~~[may]~~ **:**

(a) Shall, to the extent practicable, include in the biennial proposed executive budget of the State any amount of money to be paid as agreed upon in a collective bargaining agreement; and

(b) May include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the salaries, wage rates or any other form of direct monetary compensation for employees.

2. If the Governor determines it is impracticable to include any amount of money to be paid as agreed upon in a collective bargaining agreement in the biennial proposed executive budget, he or she must submit a report to the Legislature stating the reason for such a determination. The report must be submitted on the same day the biennial proposed executive budget is submitted to the Legislature.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall:

(a) Begin negotiations concerning a collective bargaining agreement ~~[within 60 days after one party notifies the other party of the desire to negotiate or]~~ on or before ~~[October *June]*~~ ***April*** 1 of each even-numbered year ***;*** ~~[, whichever is earlier;]~~ and

(b) Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

3. ~~[As soon as practicable]~~ ***Within 60 days*** after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator selected pursuant to NRS 288.565 if the parties do not reach a collective bargaining agreement:

(a) ~~[Within 120 days after the date on which the parties began]~~ ***After at least six meetings of*** negotiations or on or before ~~[February *October* 1]~~ ***September 5*** of an ~~[odd-numbered]~~ ***even-numbered*** year, whichever is earlier ~~[;]~~ ***, when one of the parties is a bargaining unit with an existing collective bargaining agreement;*** or

(b) ~~[On or before any later date set by agreement of the parties.]~~ ***After at least eight meetings of negotiations or 90 days after the date on which the***

parties begin negotiations, whichever is earlier, when one of the parties is a bargaining unit negotiating to enter a collective bargaining agreement for the first time.

2. The mediator shall bring the parties together as soon as possible after a request is made pursuant to subsection 1 and shall attempt to settle each issue in dispute within 10 days after the request was made pursuant to subsection 1 or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator requested pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within 10 days after a request made pursuant to NRS 288.570 or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall engage in arbitration. Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. The arbitrator shall begin arbitration proceedings on or before ~~[February *October]*~~ ***September*** 15 of an ~~[odd-numbered]~~ ***even-numbered*** year or any later date set by agreement of the parties.

3. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

4. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 6, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

5. The arbitrator shall render a decision on or before ~~[March *November]*~~ ***December*** 5 of an ~~[odd-numbered]~~ ***even-numbered*** year**.** ~~[or any later date set by agreement of the parties.]~~

6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 4. **NRS 353.228 is hereby amended to read as follows:**

353.228 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:

(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);

(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled;

(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;

(d) On or before ~~[December 3]~~ ***November 15*** of each even-numbered year, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature;

(e) On or before May 1 of each odd-numbered year, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the Governor and the Legislature; and

(f) Except as otherwise provided in subsection 2, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, hold a meeting to consider current economic indicators, including, without limitation, employment, unemployment, personal income and any other indicators deemed appropriate by the Economic Forum. Based on current economic indicators, the Economic Forum shall update the status of actual State General Fund revenue compared to the most recent forecast of the Economic Forum. The provisions of this paragraph are not intended to authorize the Economic Forum to make additional forecasts pursuant to paragraph (b). At the next appropriate meeting of the Interim Finance Committee, the Chair of the Economic Forum or a member of the staff of the Economic Forum shall present to the Interim Finance Committee such matters considered at the meeting of the Economic Forum held pursuant to this paragraph, as the Economic Forum determines appropriate. Any such information presented to the Interim Finance Committee must be made available on the Internet website of the Legislature.

2. If the deadline for preparing a report or holding a meeting as required in subsection 1 falls on a Saturday, Sunday or legal holiday, the deadline is extended to the second business day following the deadline.

3. The Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief.

4. The Economic Forum may request information directly from any state agency, including, without limitation, the Nevada System of Higher Education. A state agency, including, without limitation, the Nevada System of Higher Education, that receives a reasonable request for information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.

5. The Economic Forum may request direct testimony from any state agency, including, without limitation, the Nevada System of Higher Education, at a meeting of the Economic Forum or the Technical Advisory Committee. The head, or a designee thereof, of a state agency, including, without limitation, the Nevada System of Higher Education, who receives a reasonable request for direct testimony at a meeting of the Economic Forum or the Technical Advisory Committee shall appear at the meeting and shall comply with the request.

6. To carry out its duties pursuant to this section, the Economic Forum may consider any information received from the Technical Advisory Committee and any other information received from independent sources.

7. Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material.

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

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 367.

Bill read second time.

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

Amendment No. 382.

~~[CONTAINS UNFUNDED MANDATE (§§ 5, 6, 8, 13-15, 21, 24, 25, 28, 29) (Not Requested by Affected Local Government)]~~

AN ACT relating to elections; setting forth certain language access requirements relating to elections; requiring the Secretary of State to employ a language access coordinator; ~~[requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual;]~~ providing that a registered voter with a physical disability may use a mobile device to access interpretive services; ~~[revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each voting system used by a county or city is required to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted ~~[or made available at a polling place or]~~ on ~~[certain]~~ **the** Internet ~~[websites]~~ **website of the Office of the Secretary of State** in certain languages. **Section** ~~[5 further requires the Secretary of State, on or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited English proficiency in the State. Based on the review of such data, section 5 requires the Secretary of State and certain~~

~~county and city clerks, under certain circumstances, to ensure that voting materials and other information are provided in certain other languages. Sections 13-15, 17-19, 21, 22 and 28-31 of this bill make changes to require that certain information and voting materials be made available in such languages. Section 42 of this bill requires the Secretary of State to review such data in sufficient time for information and voting materials to be made available for the 2026 General Election.~~

~~Sections 2-4~~] **4** of this bill ~~[, respectively, define~~] **defines** the ~~[terms "limited English proficiency," "minority group" and~~] **term** "voting materials." **Section 11** of this bill applies ~~[these definitions~~] **that definition** to the provisions of existing law relating to elections.

Section 6 of this bill requires the Secretary of State ~~[and authorizes a county clerk~~] to establish a toll-free telephone number which may be used by any person to receive language interpretation or assistance with translation relating to an election. ~~[Sections 7, 17-19, 21, 25, 29 and 30 of this bill require that each polling place, sample ballot and Internet website of the Secretary of State or county or city clerk, as applicable, include the toll-free telephone number.~~

~~Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who preregisters or registers to vote to request a sample ballot in a language other than English.~~

~~Under existing law, each county and city clerk is required to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) Sections 12 and 27 of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.~~]

Section 9 of this bill requires the Secretary of State to employ a person to serve as the language access coordinator for the Office of the Secretary of State, who is in the classified service of the State.

Existing law provides that, with certain exceptions, any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice. (NRS 293.296) **Section 16** of this bill provides that a registered voter with a physical disability may also use a mobile device to access interpretive services to assist him or her in casting a vote in an election. Such interpretive services include, without limitation, interpretive services using American Sign Language.

~~[Under existing law, the Secretary of State is required to prescribe forms for applications to preregister or register to vote. (NRS 293.507) Section 20 of this bill requires the Secretary of State to include on each such application a line on which an applicant may enter voluntarily the applicant's state or country of birth and language preference. Section 23 of this bill requires such information to be included on the statewide voter registration list, if it is provided by the applicant.~~

~~Under existing law, the Secretary of State is required to establish a user-friendly system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. (NRS 293.671) Section 22 requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5.~~

~~Section 24 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.~~

~~Section 37 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and certain other members. Sections 35 and 36 of this bill define "Advisory Committee" and "language access programs" for the purposes of sections 34-39 of this bill. Section 38 requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine needs relating to language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility programs and services; and (5) make certain recommendations to the Office of the Secretary of State relating to such programs and services. Section 39 sets forth certain requirements for meetings of the Advisory Committee. Section 41 of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2026; and (2) staggers the terms of the initial members.~~

~~Sections 5 and 40 of this bill require that the cost of ensuring that voting materials and other elections information are posted or made available at a polling place in certain languages be paid from the Reserve for Statutory Contingency Account.~~

~~Existing law authorizes, under certain circumstances, the governing body of a city to conduct a city election in which all ballots must be cast by mail. If such an election is conducted, certain existing provisions of law relating to early voting do not apply to the election. (NRS 293C.112) Section 26 of this bill provides that the provisions of section 25 also do not apply to such a city election.~~

~~Section 32 of this bill makes a conforming change to make the provisions of section 7 apply to a presidential preference primary election.~~]

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ~~*[“Limited English proficiency” means being unable to speak or understand English adequately to participate in the electoral process.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Minority group” includes, without limitation, United States citizens of Chinese heritage.]*~~ **(Deleted by amendment.)**

Sec. 4. ***“Voting materials” means the following written materials:***

1. Applications to preregister or register to vote;

2. Ballots and the instructions for the use of such ballots, including, without limitation, mail ballots, sample ballots and provisional ballots;

3. Voting instructions;

4. Information and instructions relating to the location of polling places, including, without limitation, vote centers, permanent polling places for early voting and temporary branch polling places and the hours during which such polling places will be open;

5. Any notices required to be provided for an election pursuant to title 24 of NRS;

6. Ballot questions;

7. Any forms prepared for an election to assist voters; and

8. Any other voting materials required to be translated pursuant to the regulations adopted by the Secretary of State pursuant to section 5 of this act.

Sec. 5. ~~*[1.]*~~ ***The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State*** ~~*[or the system of approved electronic transmission established pursuant to NRS 293D.200]*~~ ***are available on the website*** ~~*[and system of approved electronic transmission]*~~ ***in any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503*** ~~*[.]*~~ ***and American Sign Language. If there are less than seven languages in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503, the Secretary of State shall ensure that voting materials and other elections information are posted pursuant to this subsection in at least the seven most commonly spoken languages in the State*** ~~*[.]*~~ ***and American Sign Language. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information as required by this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the respective minority group for assistance with the translation.***

~~*[2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent*~~

~~*location a link to the information on the website of the Office of the Secretary of State required by subsection 1.*~~

~~*3. The Secretary of State shall, on or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited English proficiency in the State, based on the American Community Survey conducted by the Bureau of the Census of the United States Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:*~~

~~*(a) The Secretary of State finds that there are at least 5,000 qualified electors in this State who are members of a minority group and are of limited English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission established pursuant to NRS 293D.200 are available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required by this paragraph. If such a certified translator is not available to translate the information required by this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the respective minority group for assistance with the translation.*~~

~~*(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited English proficiency, the Secretary of State shall collaborate with each county clerk to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required by this paragraph. If such a certified translator is not available to translate the information required by this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the respective minority group for assistance with the translation. The cost of preparing and providing voting materials and other elections information in any language required by this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account, upon recommendation by the Secretary of State and approval by the State Board*

~~*of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.*~~

~~*(c) The Secretary of State finds that there are at least 5,000 qualified electors in a county who are members of a minority group and are of limited English proficiency, the Secretary of State shall notify the county clerk, and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required by this paragraph. If such a certified translator is not available to translate the information required by this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the respective minority group for assistance with the translation.*~~

~~*(d) The Secretary of State finds that there are at least 5,000 qualified electors in a city who are members of a minority group and are of limited English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required by this paragraph. If such a certified translator is not available to translate the information required by this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the respective minority group for assistance with the translation.*~~

~~*4. The Secretary of State may adopt regulations requiring any additional information or voting material that must be translated pursuant to this section.]*~~

Sec. 6. *1. The Secretary of State shall:*

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or assistance with translation relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. The Secretary of State shall ensure that the toll-free telephone number established pursuant to subsection 1 provides language interpretation or assistance with translation relating to an election in the 200 most commonly spoken languages in the State and American Sign Language.

~~*[3. A county clerk:*~~

~~*(a) May establish a toll-free telephone number which may be used by any person in the county to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and*~~

~~*(b) If such a toll-free telephone number is established pursuant to paragraph (a), may post the toll-free telephone number on the Internet website of the county clerk.*~~

~~*4. Each county and city clerk shall post the toll-free telephone number established by the Secretary of State pursuant to subsection 1 on the Internet website of the county or city clerk, as applicable.]*~~

Sec. 7. ~~*[The county clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State and, if applicable, the toll-free telephone number established by the county clerk pursuant to section 6 of this act for a voter to receive assistance with voter registration and other assistance during the period for early voting is posted in a conspicuous place.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS 293.671 to allow persons by computer to preregister and register to vote, the following language in at least 14 point bold type:*~~

~~***CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____***~~

~~***PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.***~~

~~*2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language. If, pursuant to section 5 of this act, a county or city clerk is not required to provide information and*~~

~~*voting materials in the preferred language of the voter, the county clerk or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide information and voting materials in the preferred language of the voter.]*~~ **(Deleted by amendment.)**

Sec. 9. ***1. The Secretary of State shall employ a person to serve as the language access coordinator for the Office of the Secretary of State.***

2. A language access coordinator employed pursuant to subsection 1 is in the classified service of the State.

Sec. 10. ***In addition to any other requirement relating to language access, the Secretary of State shall ensure that all elections-related communications and information are made available to voters in English and Spanish.***

Sec. 11. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and*** ~~*[sections 2, 3 and]*~~ ***section 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. ~~[NRS 293.217 is hereby amended to read as follows:~~

~~293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929.~~ ~~*The county clerk shall make a good faith effort to appoint election board officers who are bilingual in a language in which information and voting materials are required to be made available pursuant to section 5 of this act.*~~ ~~The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:~~

~~(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or~~

~~(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.~~

~~→ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.~~

~~2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 293.2549 is hereby amended to read as follows:~~

~~293.2549 1. The Secretary of State, each county clerk and each city clerk shall:~~

~~(a) Make the Voters' Bill of Rights readily available to the public;~~

~~(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; [and]~~

~~(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place~~ **[.]** ***; and***

(d) Ensure that the Voters' Bill of Rights is made available in all languages in which information and voting materials are required to be provided pursuant to section 5 of this act.

~~2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website~~ **[.]** ***and made available in all languages in which information and voting materials are required to be provided pursuant to section 5 of this act.]*** **(Deleted by amendment.)**

Sec. 14. ~~[NRS 293.2699 is hereby amended to read as follows:~~

~~293.2699 1. Each voting system used by a county or city shall provide voting materials in:~~

~~(a) English; [and]~~

~~(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503~~ **[.]** ***; and***

(c) Every other language in which information and voting materials are required to be provided by the county clerk or city clerk pursuant to section 5 of this act.

~~2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited English proficiency.~~

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 293.269911 is hereby amended to read as follows:~~

~~293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without~~

~~limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.~~ ***~~If a county clerk is required to provide information and voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.~~***

~~2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.~~

~~3. The county clerk shall not distribute a mail ballot to any person who:~~

~~(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or~~

~~(b) Elects not to receive a mail ballot pursuant to subsection 2.~~

~~4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.~~

~~5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:~~

~~(a) Each active registered voter who:~~

~~(1) Resides within the State, not later than 20 days before the election; and~~

~~(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.~~

~~(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.~~

~~(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.~~

~~6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.~~

~~7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.]~~ **(Deleted by amendment.)**

Sec. 16. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter's employer or an agent of the voter's employer; or

(b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. ***A registered voter with a physical disability may use a mobile device to access interpretive services to assist him or her in casting a vote in an election. Such interpretive services include, without limitation, interpretive services using American Sign Language.***

4. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

~~[4.]~~ ***5.*** In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at a polling place at which he or she is entitled to vote.

Sec. 17. ~~[NRS 293.3025 is hereby amended to read as follows:~~

~~293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:~~

~~1. A sample ballot;~~

~~2. Information concerning the date and hours of operation of the polling place;~~

~~3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;~~

~~4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;~~

~~5. Information concerning the accessibility of polling places to persons with disabilities;~~

~~6. *Instructions concerning how a registered voter may obtain a copy of information and voting materials in each of the languages in which voting materials are required to be provided pursuant to section 5 of this act;*~~

~~*7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free telephone number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or assistance with translation relating to the election;*~~

~~*8.* General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and~~

~~[7.] *9.* Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.]~~ **(Deleted by amendment.)**

Sec. 18. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the

Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained, collected and compiled by the Secretary of State pursuant to subsection 1 must be made available in all languages in which information and voting materials are required to be provided pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 19. ~~[NRS 293.4689 is hereby amended to read as follows:~~

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; [and]~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.388 [.] ; and~~

~~*(c) The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free telephone number established by the county clerk pursuant to section 6 of this act.*~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. *The information required to be maintained by the county clerk pursuant to subsection 1 must be made available on the website in all*~~

~~*languages in which information and voting materials are required to be provided by the county clerk pursuant to section 5 of this act.*~~

~~*4.* If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.~~**] (Deleted by amendment.)**

Sec. 20. ~~[NRS 293.507 is hereby amended to read as follows:~~

~~293.507 1. The Secretary of State shall prescribe:~~

~~(a) Standard forms for applications to preregister or register to vote;~~

~~(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and~~

~~(c) A standard form for the affidavit described in subsection 5.~~

~~2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.~~

~~3. Each form for an application to preregister or register to vote must include a:~~

~~(a) Unique control number assigned by the Secretary of State; and~~

~~(b) Receipt which:~~

~~(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and~~

~~(2) May be retained by the applicant upon completion of the form.~~

~~4. The form for an application to preregister or register to vote must include:~~

~~(a) A line for use by the applicant to enter:~~

~~(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;~~

~~(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or~~

~~(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.~~

~~(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.~~

~~(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.~~

~~(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.~~

~~*(e) A line on which the applicant may enter voluntarily the applicant's state or country of birth and language preference.*~~

~~5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.~~

~~6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.~~] **(Deleted by amendment.)**

Sec. 21. ~~[NRS 293.565 is hereby amended to read as follows:~~

~~293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:~~

~~(a) If applicable, the statement required by NRS 293.267;~~

~~(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;~~

~~(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and~~

~~(e) The full text of each proposed constitutional amendment.~~

~~2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.~~

~~3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:~~

~~(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;~~

~~(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and~~

~~(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.~~

~~4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample~~

~~ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.~~

~~5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.~~

~~6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:~~

~~(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or~~

~~(b) The sample ballot must also include a notice in bold type immediately above the location which states:~~

~~NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION~~

~~7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.~~

~~8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:~~

~~(a) Be prepared in at least 12-point type.~~ [~~; and~~]

~~(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)~~

~~*(c) Include on the front page, in a separate box created by bold lines, a notice that states:*~~

~~*NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)*~~

~~*PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY*~~

~~9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.~~

~~12. *If a person requests a sample ballot in a language other than English and the county clerk is required to provide information and voting materials in that language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county clerk is not required to provide information and voting materials in the preferred language of the voter, the county clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide information and voting materials in the preferred language.*~~

~~*13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting, in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.*~~

~~*14.* The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:~~

~~(a) The addresses of such centralized voting locations;~~

~~(b) The types of specially equipped voting devices available at such centralized voting locations; and~~

~~(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.~~

~~[13.]~~ ***15.*** ~~The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 293.671 is hereby amended to read as follows:~~

~~293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:~~

~~(a) Preregister and register to vote;~~

~~(b) Cancel his or her preregistration or voter registration;~~

~~(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address , [and] party affiliation [;] and *language preference; and*~~

~~(d) Determine at what polling place or places he or she is entitled to vote.~~

~~2. The system established pursuant to subsection 1 must:~~

~~(a) Be user friendly;~~

~~(b) *Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;*~~

~~*(c)* Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and~~

~~[(c)] *(d)* Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person may vote in the election only if the person complies with the applicable requirements established by those sections.~~

~~3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:~~

~~(a) The qualifications to register or preregister to vote;~~

~~(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and~~

~~(c) The penalties for submitting a false application.~~

~~4. The Secretary of State shall not include on the system:~~

~~(a) Any additional warnings regarding the penalties for submitting a false application; or~~

~~(b) The notice set forth in NRS 225.083.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 293.675 is hereby amended to read as follows:~~

~~293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.~~

~~2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.~~

~~3. The statewide voter registration list must:~~

~~(a) Be a uniform, centralized and interactive computerized list;~~

~~(b) Serve as the single method for storing and managing the official list of registered voters in this State;~~

~~(c) Serve as the official list of registered voters for the conduct of all elections in this State;~~

~~(d) Contain the name and registration information of every legally registered voter in this State [;] , *including, without limitation, the state or country of birth and language preference, if applicable;*~~

~~(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;~~

~~(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;~~

~~(g) Be electronically accessible to each state and local election official in this State at all times;~~

~~(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and~~

~~(i) Be regularly maintained to ensure the integrity of the registration process and the election process.~~

~~4. Each county and city clerk shall:~~

~~(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and~~

~~(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.~~

~~5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.~~

~~6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.~~

~~7. The Department of Motor Vehicles shall ensure that its database:~~

~~(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and~~

~~(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.~~

~~8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.~~

~~9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.~~

~~10. The Secretary of State may:~~

~~(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and~~

~~(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.]~~ **(Deleted by amendment.)**

Sec. 24. ~~[Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of ballot measures for which the voter is entitled to vote is in that preferred language.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~[Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The city clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 293C.112 is hereby amended to read as follows:~~

~~293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:~~

~~(a) The election is a special election; or~~

~~(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~(2) One office or ballot question.~~

~~2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, *and section 25 of this act* do not apply to an election conducted pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 293C.220 is hereby amended to read as follows:~~

~~293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. *The city clerk shall make a good faith effort to appoint election board officers who are bilingual in a language in which information and voting materials are required to be provided pursuant to section 5 of this act.*~~ ~~No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:~~

~~(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or~~

~~(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.~~

~~→ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.~~

~~2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[NRS 293C.263 is hereby amended to read as follows:~~

~~293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. *If a city clerk is required to provide information and voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.*~~

~~2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the~~

~~form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.~~

~~3. The city clerk shall not distribute a mail ballot to any person who:~~

~~(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or~~

~~(b) Elects not to receive a mail ballot pursuant to subsection 2.~~

~~4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.~~

~~5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:~~

~~(a) Each active registered voter who:~~

~~(1) Resides within the State, not later than 20 days before the election; and~~

~~(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.~~

~~(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.~~

~~(c) Each covered voter who is entitled to have a military overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.~~

~~6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.~~

~~7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.~~]

(Deleted by amendment.)

Sec. 29. [~~NRS 293C.530 is hereby amended to read as follows:~~

~~293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.~~

~~2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.~~

~~3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his~~

~~or her polling place or places. If the location of the polling place or places has changed since the last election:~~

~~(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or~~

~~(b) The sample ballot must also include a notice in bold type immediately above the location which states:~~

~~NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION~~

~~4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.~~

~~5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:~~

~~(a) Be prepared in at least 12-point type~~ **.** ~~[;]~~

~~(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217~~ **.** ~~[; and]~~

~~(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)~~

~~(d) Include on the front page, in a separate box created by bold lines, a notice that states:~~

~~NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)~~

~~PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY~~

~~6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.~~

~~7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.~~

~~8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in~~

~~any other manner, must be prepared in at least 14-point type, or larger when practicable.~~

~~9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.~~

~~10. *If a person requests a sample ballot in a language other than English and the city clerk is required to provide information and voting materials in that language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a city clerk is not required to provide information and voting materials in the preferred language of the voter, the city clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide information and voting materials in the preferred language.*~~

~~*11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting, in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.*~~

~~*12.* The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:~~

~~(a) The addresses of such centralized voting locations;~~

~~(b) The types of specially equipped voting devices available at such centralized voting locations; and~~

~~(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.~~

~~[11.] *13.* The cost of distributing sample ballots for a city election must be borne by the city holding the election.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 293C.715 is hereby amended to read as follows:~~

~~293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; [and]~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387~~ **[**~~.~~**]** ***; and***

~~***(c) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.***~~

~~2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~***3. The information required to be maintained by a city clerk pursuant to subsection 1 must be made available on the website in all languages in which information and voting materials are required to be provided by the city clerk pursuant to section 5 of this act.***~~

~~***4.*** If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.**]** **(Deleted by amendment.)**

Sec. 31. **[**~~NRS 293D.200 is hereby amended to read as follows:~~

~~293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.~~

~~2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter.~~ ***The Secretary of State shall ensure that the system of approved electronic transmission is available in all languages in which information and voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.***

~~3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.~~

~~4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the~~

~~Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.~~

~~5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.~~

~~6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:~~

~~(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and~~

~~(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.~~] **(Deleted by amendment.)**

Sec. 32. ~~[NRS 298.700 is hereby amended to read as follows:~~

~~298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, *and section 7 of this act* apply to a presidential preference primary election.~~

~~2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.~~

~~3. The county clerk may:~~

~~(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~4. A permanent polling place for early voting must remain open:~~

~~(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.~~

~~(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.~~

~~(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.~~] **(Deleted by amendment.)**

Sec. 33. ~~[Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 to 39, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 34. ~~[*As used in sections 34 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35 and 36 of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[*"Advisory Committee" means the Language Access Advisory Committee created by section 37 of this act.*]~~ **(Deleted by amendment.)**

Sec. 36. ~~[*"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.*]~~ **(Deleted by amendment.)**

Sec. 37. ~~[*1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.*~~

~~*2. The Advisory Committee consists of the following members who represent the diversity of this State, including:*~~

~~*(a) The Secretary of State or his or her designee;*~~

~~*(b) The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;*~~

~~*(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and*~~

~~*(d) Three other members of the public appointed by the Secretary of State.*~~

~~*3. The Secretary of State shall:*~~

~~*(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;*~~

~~*(b) Select the Chair of the Advisory Committee from among its members; and*~~

~~*(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.*~~

~~*4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.*~~

~~*5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.*~~

~~*6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.*~~

~~*7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*]~~ **(Deleted by amendment.)**

Sec. 38. ~~[*1. The Advisory Committee shall:*~~

~~*(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;*~~

~~*(b) Coordinate with community organizations to determine needs relating to language accessibility for elections and voting materials;*~~

~~*(c) Act as a liaison between the Office of the Secretary of State and community organizations;*~~

~~*(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process; and*~~

~~*(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.*~~

~~*2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~*[1. The Advisory Committee shall meet at least 4 times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.*~~

~~*2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.*~~

~~*3. A majority of the members of the Advisory Committee constitute a quorum.*~~

~~*4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 353.264 is hereby amended to read as follows:~~

~~353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.~~

~~2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:~~

~~(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.2504, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 [;] *and section 5 of this act;*~~

~~(b) The payment of claims which are obligations of the State pursuant to:~~

~~(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and~~

~~(2) NRS 7.155, 34.750, 176A.640, 179.225, 180.008 and 213.153,~~

~~➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;~~

~~(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;~~

~~(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and~~

~~(c) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.~~

~~3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.~~] **(Deleted by amendment.)**

Sec. 41. [~~1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 37 of this act before January 1, 2026.~~

~~2. Notwithstanding the provisions of section 37 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:~~

~~(a) The member who is a county clerk of a county whose population is less than 100,000 and one of the members who are members of the public must be appointed to serve a term of 2 years.~~

~~(b) Two of the members who are members of the public must be appointed to serve a term of 3 years.~~] **(Deleted by amendment.)**

Sec. 42. [~~1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that information and voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2026 General Election.~~

~~2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.~~] **(Deleted by amendment.)**

Sec. 43. [~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~] **(Deleted by amendment.)**

Sec. 44. 1. This section and sections 41, 42 and 43 of this act become effective upon passage and approval.

2. Sections 1 to 40, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 132.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** YEAGER **; AND KASAMA**

AN ACT relating to the Civil Air Patrol; revising provisions relating to the employment of a member of the Civil Air Patrol; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law establishes the Civil Air Patrol as a federally chartered nonprofit corporation and the volunteer civilian auxiliary of the United States Air Force. (10 U.S.C. §§ 9491, 9492, 36 U.S.C. §§ 40301 et seq.) Existing law establishes various duties of the Nevada Wing of the Civil Air Patrol, including to carry out crash, rescue and emergency operations, support federal, state and local law enforcement agencies in homeland defense and narcotics interdiction missions and provide related organization and training. (NRS 413.010) **Section 1** of this bill provides that an employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol is entitled to a leave of absence from his or her employment without loss of position, seniority, accrued leave or benefits on days during which the employee is: (1) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays during each federal fiscal year; and (2) responding to an emergency mission with the Civil Air Patrol, not to exceed 30 workdays during each federal fiscal year. **Section 1 defines "emergency mission" to include search and rescue and disaster response activities.** **Section 1** prohibits an employer from requiring an employee to exhaust any other leave to which the employee is entitled before such leaves of absence and any such leave is authorized to be treated as unpaid leave by an employer. **Section 1** also requires the employee requesting the leave to provide to his or her employer certain certifications and verifications relating to the employee's service with the Civil Air Patrol. **Section 1** authorizes an employee who is aggrieved by a violation of the provisions of **section 1** to bring a civil action to seek damages equal to the amount of the lost wages and benefits and reasonable attorney's fees and costs.

Existing law requires an employee to disclose to his or her employer if he or she wishes to join a volunteer search and rescue or reserve unit of a sheriff's department or a Civil Air Patrol unit **.** ~~[and]~~ **Existing law also** authorizes an employer to prohibit the employee from participating in search and rescue activities during normal working hours. (NRS 414.250) **Section 2** of this bill eliminates the authority of an employer to prohibit an employee **who is entitled to a leave of absence pursuant to section 1** from participating in ~~[search and rescue]~~ activities related to the employee's membership in a Civil Air Patrol unit ~~[under certain circumstances.]~~ **for which such leave is authorized.**

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

Section 1. Chapter 413 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol is entitled to a leave of absence from his or her employment without loss of position, seniority, accrued leave or benefits on all days during which the employee is:

(a) Engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays during each federal fiscal year; or

(b) Responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays during each federal fiscal year.

2. An employee requesting leave pursuant to this section shall provide to his or her employer:

(a) Certification that the employee has been authorized by the United States Air Force, the Governor or a political subdivision of this State to respond to or train for an emergency mission; and

(b) Verification from the Civil Air Patrol of the emergency need of the volunteer service of the employee.

3. An employer may treat a leave of absence pursuant to this section as unpaid leave. An employer shall not require an employee to exhaust any other leave to which the employee is entitled before such a leave of absence pursuant to this section. Nothing in this section shall be construed to prevent an employer from providing paid leave during such leaves of absence.

4. Any employee aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:

(a) Damages equal to the amount of the lost wages and benefits; and

(b) Reasonable attorney's fees and costs.

5. As used in this section, "emergency mission" includes, without limitation, search and rescue and disaster response activities.

Sec. 2. NRS 414.250 is hereby amended to read as follows:

414.250 1. An employee who wishes to join a volunteer search and rescue or reserve unit of a sheriff's department or ***join*** a Civil Air Patrol unit ***as a volunteer member*** shall disclose that fact to his or her employer.

2. ~~[If]~~ ***Except as otherwise provided in ~~[subsection 3,]~~ section 1 of this act, if*** the employer chooses not to allow the employee to participate in ~~[search and rescue]~~ ***the*** activities ***of such a reserve unit or Civil Air Patrol unit*** during his or her normal working hours, the employer shall notify the employee as soon as practicable after the disclosure is made pursuant to subsection 1.

3. ~~***[An employer shall not prohibit an employee from participating in search and rescue activities if the search and rescue activities are related to the membership of the employee in a Civil Air Patrol unit and the employee has otherwise met the requirements of section 1 of this act.***~~

~~*4.]*~~ An applicant for employment who is a member of a search and rescue or reserve unit of a sheriff's department or a Civil Air Patrol unit shall disclose that fact to his or her prospective employer.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 423.

Bill read second time.

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

Amendment No. 478.

ASSEMBLYMEMBERS COLE **[;], KASAMA;** DELONG, GURR, HAFEN, HANSEN AND HIBBETTS

AN ACT relating to business; ~~[requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to adopt regulations establishing a process for certain employers and employing units to elect not to make]~~ **revising provisions relating to** contributions into the Unemployment Compensation Fund; providing an exemption for certain persons from paying certain fees for an application and first renewal of a state business license; establishing requirements relating to the review and approval of an application to modify a facility for personal wireless service by certain land use authorities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Unemployment Compensation Law: (1) with certain exceptions, employers and employing units that employ one or more persons are required to pay contributions into the Unemployment Compensation Fund at a certain rate of the wages paid by the employer for employment; and (2) persons who have become unemployed and comply with certain requirements are eligible for benefits from the Unemployment Compensation Fund in an amount based on the person's previous wages for employment. (Chapter 612 of NRS) **Existing law authorizes certain employers to elect to reimburse the Unemployment Compensation Fund for benefits paid to their former employees rather than making quarterly contributions to the Unemployment Compensation Fund. (NRS 612.553)** ~~[Section 3]~~ **Sections 3.3-3.7** of this bill ~~[: (1) requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish by regulation a process for]~~ **authorize** an employer or employing unit that employs only one person who owns the organization, trade or business of the employer or employing unit **or employer or employing unit that employs not more than two persons who share a familial relationship within the first degree of consanguinity who own the organization, trade or business of the employer or employing unit** to ~~[elect not to]~~ make ~~[contributions into the Unemployment Compensation Fund; and (2) provides that if a person~~

~~makes]~~ such an election. ~~[, he or she is not eligible to receive benefits from the Fund.~~

~~Section 2 of this bill exempts from the services included in the term "employment" any services performed by a person who has elected not to make contributions on behalf of himself or herself under the regulations adopted pursuant to section 3. Sections 4 and 5 of this bill apply the exemption from the definition of "employment" in section 2 to the provisions of existing law relating to unemployment compensation.~~

~~Existing law defines "employer" for purposes of an excise tax imposed on employers to mean any employer who is required to pay contributions into the Unemployment Compensation Fund. (NRS 363B.030) Section 9 of this bill includes in this definition any employer who elects not to make contributions pursuant to section 2.]~~

Existing law requires a person who applies for a state business license or the renewal of a state business license to pay a fee of $200 or, for certain corporations, $500. (NRS 76.100, 76.130) **Section 6** of this bill exempts certain persons from paying a fee for an initial application for a state business license and the first renewal of the state business license if the person: (1) does not qualify for certain existing tax abatements and partial tax abatements; or (2) attests that the business will employ a certain number of full-time employees in the county or city of the place of business by the eighth calendar quarter after the initial application fee is waived or will make a certain amount of capital investment in the State not later than 2 years after the initial application fee is waived. Upon the second renewal of a state business license, **section 6** requires the Secretary of State to review the records of the business to verify that the business met such criteria and if the business did not, require the person to pay the fees that were waived.

Sections 7 and 8 of this bill provide that the exemption provided in **section 6** is an exception to the requirement to pay a fee for an application and renewal of a state business license.

Existing law requires a land use authority with jurisdiction over an application to construct a facility for personal wireless service to establish procedures and standards for the review and approval of such an application. (NRS 707.575) **Section 10** of this bill establishes requirements relating to the review ~~[and approval]~~ of an application to modify a facility for personal wireless service by a land use authority with jurisdiction over the application.

Section 11 of this bill applies certain existing definitions relating to facilities for personal wireless service to **section 10**. **Section 12** of this bill requires that a denial of an application to modify a facility for personal wireless service be in writing.

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

Section 1. ~~[Chapter 612 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*"Employment" does not include services performed by a person who has elected not to make contributions on behalf of himself or herself pursuant to the regulations adopted by the Administrator pursuant to section 3 of this act.*]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*Except as otherwise provided by federal law, the Administrator shall adopt regulations establishing a process for an employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business to elect not to make contributions on behalf of himself or herself. If the employer or employing unit elects not to make contributions, he or she is not eligible to receive benefits from the Fund.*]~~ **(Deleted by amendment.)**

Sec. 3.3. **NRS 612.553 is hereby amended to read as follows:**

612.553 1. For the purposes of this section:

(a) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.

(b) "Nonprofit organization" means any entity described in subsection 1 of NRS 612.121.

(c) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.

2. Any nonprofit organization, political subdivision ***, employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** or Indian tribe which is subject to this chapter:

(a) Shall pay contributions to the Unemployment Compensation Fund in the manner provided in NRS 612.535 to 612.550, inclusive, unless it elects, in accordance with this section, to pay into the Unemployment Compensation Fund, in lieu of contributions, as reimbursement an amount equivalent to the amount of regular unemployment compensation benefits and one-half of the extended benefits paid to claimants that is attributable to wages paid, except that after December 31, 1978, a political subdivision, and after December 21, 2000, an Indian tribe, shall reimburse an amount equal to the regular unemployment compensation benefits and all of the extended benefits. An Indian tribe may elect to become liable for payments by way of reimbursement in lieu of contributions for the tribe as a whole, or for any political subdivision, subsidiary, wholly owned business, or any combination thereof. The amount of benefits payable by each employer who elects to make payments by way of reimbursement in lieu of contributions must be an amount which bears the same ratio to the total benefits paid to a person as the total base-period wages paid to that person by the employer bear to the total base-period wages paid to that person by all of the person's base-period employers. Two or more employers who have become liable for payments by way of reimbursement in

lieu of contributions may file a joint application, in accordance with regulations of the Administrator, for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers.

(b) May elect to become liable for payments by way of reimbursement in lieu of contributions for a period of not less than 4 consecutive calendar quarters beginning with the first day of the calendar quarter on which it became subject to this chapter by filing a written notice with the Administrator not later than 30 days immediately following the date of the determination that it is subject to this chapter. The organization remains liable for payments by way of reimbursement in lieu of contributions until it files with the Administrator a written notice terminating its election not later than 30 days before the beginning of the taxable year for which the termination is first effective.

3. Any nonprofit organization, political subdivision ***, employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** or Indian tribe which is paying contributions as provided in NRS 612.535 to 612.550, inclusive, may change to a reimbursement-in-lieu-of-contributions basis by filing with the Administrator not later than 30 days before the beginning of any taxable year a written notice of its election to become liable for payments by way of reimbursements in lieu of contributions. The election is not terminable by the organization for that and the next taxable year.

4. The Administrator may for a good cause extend the period in which a notice of election or a notice of termination must be filed and may permit an election to be retroactive, but not any earlier than with respect to benefits paid after December 31, 1970, for a nonprofit organization, December 31, 1976, for a political entity, or December 21, 2000, for an Indian tribe.

5. The Administrator shall notify each nonprofit organization, political subdivision ***, employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** and Indian tribe of any determination which the Administrator may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. The Administrator's determination is subject to reconsideration, petitions for hearing and judicial review in accordance with the provisions of this chapter.

6. The amount of reimbursement in lieu of contributions due from each employing unit which elects to make reimbursement in lieu of contributions must be determined by the Administrator as soon as practicable after the end of each calendar quarter or at the end of any other period as determined by the

Administrator. The Administrator shall bill each employing unit which makes reimbursement in lieu of contributions for an amount determined pursuant to paragraph (a) of subsection 2. Amounts due under this subsection must be paid not later than 30 days after a bill is mailed to the last known address of the employing unit or electronically transmitted to the employing unit. If payment is not made on or before the date due and payable, the whole or any part thereafter remaining unpaid bears interest at the rate of one-half percent per month or fraction thereof, from and after the due date until payment is received by the Administrator. The amount of payments due, but not paid, may be collected by the Administrator, together with interest and penalties, if any, in the same manner and subject to the same conditions as contributions due from other employers. The amount due specified in any bill from the Administrator is conclusive and binding on the employing unit, unless not later than 15 days after the bill was mailed to its last known address or electronically transmitted to it, the employing unit files an application for redetermination. A redetermination made under this subsection is subject to petition for hearing and judicial review in accordance with the provisions of this chapter. Payments made by any nonprofit organization, political subdivision ***, employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** or Indian tribe under the provisions of this section must not be deducted, in whole or in part, from the wages of any person employed by that organization.

7. The Administrator shall:

(a) Suspend the election of an Indian tribe to become liable for payments by way of reimbursement in lieu of contributions if the tribe fails to make payment, together with interest and penalties, if any, within 90 days after the tribe receives a bill from the Administrator.

(b) Require an Indian tribe whose election to become liable for payments by way of reimbursement in lieu of contributions is suspended pursuant to paragraph (a) to pay contributions as set forth in NRS 612.535 to 612.550, inclusive, for the following taxable year unless the Administrator receives its payment in full before the Administrator computes the contribution rates for that year.

(c) Reinstate the election of an Indian tribe to become liable for payments by way of reimbursement in lieu of contributions that is suspended pursuant to paragraph (a) if the tribe:

(1) Has paid all contributions pursuant to NRS 612.535 to 612.550, inclusive, including interest and penalties, for not less than 1 year; and

(2) Has no unpaid balance owing to the Administrator for any contribution, payment in lieu of contributions, penalty or interest.

8. Benefits are payable on the basis of employment to which this section applies, in the same amount, on the same terms and subject to the same

conditions as benefits payable on the basis of other employment subject to this chapter.

9. In determining contribution rates assigned to employers under this chapter, the payrolls of employing units liable for payments in lieu of contributions must not be included in computing the contribution rates to be assigned to employers under this chapter. The reimbursement in lieu of contributions paid by or due from such employing units must be included in the total assets of the fund in the same manner as contributions paid by other employers.

10. The provisions of NRS 612.550 do not apply to employers who elect reimbursement in lieu of contributions.

11. Except as inconsistent with the provisions of this section, the provisions of this chapter and regulations of the Administrator apply to any matter arising pursuant to this section.

Sec. 3.5. **NRS 612.6132 is hereby amended to read as follows:**

612.6132 1. Notwithstanding any other provision of this chapter, all employers required to pay contributions under NRS 612.535 are required to pay the special bond contributions provided in this section. The provisions of this section do not apply to any nonprofit organization, political subdivision **,** ***employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** or Indian tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553. The Administrator shall establish an assessment payable by each employer to the Administrator for the special bond contributions at such rate or rates as the Administrator may prescribe.

2. All special bond contributions collected under this section must remain separate from any other contributions paid pursuant to this chapter.

3. The amount of the special bond contributions must be calculated and assessed annually, or more frequently as provided in subsection 4, by the Administrator as the amount necessary for the following purposes:

(a) To pay the bond obligations and bond administrative expenses that are due in that year or any other year;

(b) To replenish amounts that have been drawn from bond reserves under any instrument or agreement related to the bonds;

(c) To fund or replenish additional reserves in an amount required under any instrument or agreement related to the bonds to maintain a debt service coverage ratio at least at the level required by the trust indenture and instruments in connection with the bonds, or in an amount that may be necessary to maintain any ratings on the bonds at a level determined by the State Treasurer, in his or her sole discretion; and

(d) To fund optional redemption, mandatory redemption, purchase, refunding or defeasance of outstanding bonds that will occur in that year.

4. Whenever the Administrator determines that the cash balance and current estimated receipts of the Unemployment Compensation Bond Fund will be insufficient at any time to meet the covenants and conditions of the trust indenture and other instruments in connection with the bonds, the Administrator shall assess supplemental special bond contributions in an amount sufficient to increase the balance of the Unemployment Compensation Bond Fund to the amount required to meet such covenants and conditions.

5. Special bond contributions are due and payable by each employer in accordance with such regulations as the Administrator may prescribe.

6. Except as otherwise provided in NRS 612.6102 to 612.6134, inclusive, all provisions of this chapter applicable to the collection or refund of any contributions due under this chapter, including, without limitation, the enforcement and remedial provisions of NRS 612.625, 612.630, 612.635 and 612.660 to 612.695, inclusive, are applicable to the collection or refund of amounts due pursuant to this section and amounts directed pursuant to this section for deposit into the Unemployment Compensation Bond Fund. In accordance with NRS 612.680, special bond contributions, including penalties and interest thereon, due and unpaid from any employer constitute a lien upon all of the assets of the employer. The lien is to be prior to and paid in preference to all other liens or claims except prior recorded liens and prior taxes.

7. The provisions of this section are operative only when any bonds remain outstanding. During any period that no bonds are outstanding, the Administrator shall cease charging additional special bond contributions and shall notify all employers paying special bond contributions that contributions are no longer being assessed. The Administrator may continue to collect any special bond contributions previously assessed and not paid. Any money remaining in the Unemployment Compensation Bond Fund when no bonds remain outstanding must be deposited into this State's account in the Unemployment Trust Fund of the United States Treasury.

Sec. 3.7. **NRS 612.6175 is hereby amended to read as follows:**

612.6175 1. There is hereby created the Interest Repayment Fund as a special revenue fund.

2. The Fund consists of all money received pursuant to this section, and must only be used for the payment of interest accruing and payable on advances received pursuant to NRS 612.290 in accordance with the conditions specified in Title XII of the Social Security Act, 42 U.S.C. §§ 1321 et seq., as amended.

3. The Administrator shall establish an assessment that will be calculated by dividing the interest accruing and payable on advances received pursuant to NRS 612.290 by 95 percent of the total taxable wages paid by all employers in this State during the immediately preceding calendar year.

4. Except as otherwise provided in subsection 7, each employer subject to the provisions of this chapter shall pay a proportionate share of the assessment established by the Administrator pursuant to subsection 3. An employer's proportionate share of the assessment will be calculated by multiplying the

employer's total taxable wages paid during the immediately preceding calendar year by the amount of the assessment. The Administrator shall notify each employer of his or her proportionate share of the assessment on or before June 30 of each year, and may collect interest on any such amount that remains unpaid on July 31 of each year in accordance with the provisions of NRS 612.620. Any money collected from an employer pursuant to this subsection must be deposited into the Interest Repayment Fund. The Administrator shall establish procedures necessary to collect payments pursuant to this subsection.

5. An employer's proportionate share of the assessment must not be charged against the experience rating record of the employer.

6. The provisions of law applicable to the collection of unemployment contributions also apply to the collection of payments pursuant to this section.

7. The provisions of this section do not apply to any nonprofit organization, political subdivision ***, employer who has in its employ only one person who is the owner or sole shareholder of the organization, trade or business, employer who has in its employ not more than two persons who share a familial relationship within the first degree of consanguinity who are collectively the owners or sole shareholders of the organization, trade or business*** or Indian tribe which makes reimbursements in lieu of contributions pursuant to NRS 612.553.

8. The provisions of this section are operative only so long as the Interest Repayment Fund continues to exist and the Administrator continues to accept and deposit payments received from employers pursuant to this section into the Interest Repayment Fund. If the Administrator determines that the assessment is no longer necessary, the Administrator shall notify all employers paying a proportionate share of the assessment and shall not accept any further payments. If and when the Interest Repayment Fund ceases to exist, any money remaining in the Interest Repayment Fund, after the payment of all interest accruing and payable on advances received pursuant to NRS 612.290 and a determination by the Administrator that no further payments are anticipated, must be deposited into the Unemployment Compensation Fund.

Sec. 4. ~~[NRS 612.015 is hereby amended to read as follows:~~

~~"612.015 As used in this chapter, unless the context clearly requires otherwise, the words and terms defined in NRS 612.016 to 612.200, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 612.065 is hereby amended to read as follows:~~

~~"612.065 Subject to the provisions of NRS 612.070 to 612.145, inclusive, *and section 2 of this act,* "employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.]~~ **(Deleted by amendment.)**

Sec. 6. Chapter 76 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person is eligible for an exemption from the requirement to pay the fee for an application for a business license required pursuant to NRS

76.100 and the fee for the first renewal of a state business license required pursuant to NRS 76.130 if the person:

(a) Does not qualify for an abatement of taxes pursuant to NRS 360.950 or a partial abatement of taxes pursuant to NRS 360.750, 360.752, 360.753, 360.754 or 360.890; or

(b) If the place of business of the person is in:

(1) A county whose population is 100,000 or more or a city whose population is 60,000 or more, the person attests that:

(I) By the eighth calendar quarter after the initial application fee is waived, the business will have at least five full-time employees on its payroll in that county or city, as applicable; or

(II) Not later than 2 years after the initial application fee is waived, the business will make a capital investment of at least $50,000 in this State; or

(2) A county whose population is less than 100,000 or a city whose population is less than 60,000, the person attests that:

(I) By the eighth calendar quarter after the initial application fee is waived, the business will have at least three full-time employees on its payroll in that county or city, as applicable; or

(II) Not later than 2 years after the initial application fee is waived, the business will make a capital investment of at least $5,000 in this State.

2. Upon the second renewal of a state business license, the Secretary of State shall review the records of any holder of a state business license who attested a business would meet the criteria set forth in subsection 1 and received a fee waiver pursuant to this section to determine whether the business fulfilled such criteria. If the business failed to meet such criteria, the person shall pay any fees which were exempted pursuant to subsection 1.

Sec. 7. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the business identification number as assigned by the Secretary of State pursuant to NRS 225.082, and the location in this State of the place or places of business;

(c) ~~[Be]~~ ***Except as otherwise provided in section 6 of this act, be*** accompanied by a fee in the amount of $200, except that if the applicant is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the application must be accompanied by a fee of $500; and

(d) Include any other information that the Secretary of State deems necessary.

➥ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.

5. A state business license issued pursuant to this section must contain the business identification number assigned by the Secretary of State pursuant to NRS 225.082.

6. The state business license required to be obtained pursuant to this section is in addition to any license to conduct business that must be obtained from the local jurisdiction in which the business is being conducted.

7. For the purposes of this chapter, a person:

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

(1) Is organized pursuant to this title, other than a business organized pursuant to:

(I) Chapter 82 or 84 of NRS; or

(II) Chapter 81 of NRS if the business is a nonprofit unit-owners' association or a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

(2) Has an office or other base of operations in this State;

(3) Except as otherwise provided in NRS 76.103, has a registered agent in this State; or

(4) Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid.

(b) Shall be deemed not to conduct a business in this State if:

(1) The business for which the person is responsible:

(I) Is not organized pursuant to this title;

(II) Does not have an office or base of operations in this State;

(III) Does not have a registered agent in this State; and

(IV) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (2);

(2) The business for which the person is responsible is conducting activity in this State solely to provide vehicles or equipment on a short-term basis in response to a wildland fire, a flood, an earthquake or another emergency; or

(3) The Secretary of State determines that the person is not conducting a business in this State.

8. As used in this section, "registered agent" has the meaning ascribed to it in NRS 77.230.

Sec. 8. NRS 76.130 is hereby amended to read as follows:

76.130 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 6 of this act,*** a person who applies for renewal of a state business license shall submit a fee in the amount of $200 to the Secretary of State:

(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or

(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.

2. ~~[If]~~ ***Except as otherwise provided in section 6 of this act, if*** the person applying for the renewal of a state business license pursuant to subsection 1 is a corporation organized pursuant to chapter 78, 78A or 78B of NRS, or a foreign corporation required to file an initial or annual list with the Secretary of State pursuant to chapter 80 of NRS, the fee for the renewal of a state business license is $500.

3. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.

4. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:

(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:

(1) Shall pay a penalty of $100 in addition to the annual state business license fee;

(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and

(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).

(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty in the amount of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:

(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.

(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.

5. A person who continues to do business in this State without renewing the person's state business license before its renewal date is subject to the fees and penalties provided for in this section unless the person files a certificate of cancellation of the person's state business license with the Secretary of State.

6. The Secretary of State shall waive the annual state business license fee and any related penalty imposed on a natural person or partnership if the natural person or partnership provides evidence satisfactory to the Secretary of State that the natural person or partnership conducted no business in this State during the period for which the fees and penalties would be waived.

Sec. 9. ~~[NRS 363B.030 is hereby amended to read as follows:~~

~~363B.030 1. Except as otherwise provided in this section, "employer" means any employer who [is]:~~

~~*(a) Is* required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the employer [.]~~ ***; and***

~~*(b) Elects not to make contributions on behalf of himself or herself pursuant to the regulations adopted by the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to section 3 of this act.***~~

~~2. The term does not include:~~

~~(a) A financial institution;~~

~~(b) Any person who is subject to the tax on the net proceeds of minerals imposed pursuant to the provisions of NRS 362.100 to 362.240, inclusive, whether or not the person is required to pay that tax in a particular calendar year, and who is required to pay a contribution pursuant to NRS 612.535 for any calendar quarter with respect to any business activity of the person;~~

~~(c) An Indian tribe;~~

~~(d) A nonprofit organization;~~

~~(e) A political subdivision; or~~

~~(f) Any person who does not supply a product or service, but who only consumes a service.~~

~~3. For the purposes of this section:~~

~~(a) "Financial institution" has the meaning ascribed to it in NRS 363A.050.~~

~~(b) "Indian tribe" includes any entity described in subsection 10 of NRS 612.055.~~

~~(c) "Nonprofit organization" means a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).~~

~~(d) "Political subdivision" means any entity described in subsection 9 of NRS 612.055.~~] **(Deleted by amendment.)**

Sec. 10. Chapter 707 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in federal law ~~[~~***:***

~~1. Notwithstanding~~] , ***notwithstanding*** ***any specific statute or ordinance to the contrary, a land use authority with jurisdiction over an application to modify a facility for personal wireless service shall review an application to modify the facility in accordance with the requirements of*** ~~[this section.~~

~~2. Except as otherwise provided in subsections 5 and 6, a land use authority may not deny and shall approve an application to modify a facility for personal wireless service in not more than 60 days if the modification:~~

~~(a) Would not substantially change the physical dimensions of the facility for personal wireless service; or~~

~~(b) Involves:~~

~~(1) The collocation of new transmission equipment;~~

~~(2) The removal of transmission equipment; or~~

~~(3) The replacement of transmission equipment.~~

~~3. For the purposes of paragraph (a) of subsection 2, a modification substantially changes the physical dimensions of a facility for personal wireless service if:~~

~~(a) For a tower that is not in a right-of-way, the modification increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, and for other facilities for personal wireless service, the modification increases the height of the structure by not more than 10 percent or more than 10 feet, whichever is greater. For the purposes of this paragraph:~~

~~(1) Changes in height must be measured from:~~

~~(I) The original support structure in cases where deployments are or will be separated horizontally, such as on the rooftop of a building; and~~

~~(II) The dimensions of the facility for personal wireless service, inclusive of originally approved appurtenances and any modifications approved before October 1, 2025; and~~

~~(2) The separation from the nearest existing antenna means the distance from the top of the highest existing antenna on the facility for~~

~~*personal wireless service to the bottom of the proposed new antenna to be deployed above the highest existing antenna.*~~

~~*(b) For a tower that is not in a right-of-way, the modification involves adding the appurtenance to the body of the tower that would protrude more than 20 feet from the edge of the tower or more than the width of the tower structure at the level of the appurtenance, whichever is greater.*~~

~~*(c) For a tower that is in a right-of-way, the modification involves the installation of:*~~

~~*(1) New equipment cabinets on the ground if there are no existing cabinets on the ground associated with the tower; or*~~

~~*(2) Cabinets on the ground that are more than 10 percent larger in height or overall volume than any other cabinet on the ground associated with the structure.*~~

~~*(d) For any facility for personal wireless service, the modification:*~~

~~*(1) Involves the installation of more than the standard number of new equipment cabinets, but not to exceed four cabinets;*~~

~~*(2) Would defeat the concealment element of the facility for personal wireless service;*~~

~~*(3) Does not comply with the siting approval conditions; or*~~

~~*(4) Does not comply with the conditions associated with the siting approval of the construction or modification of the facility for personal wireless service, provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this paragraph and paragraphs (a), (b) and (c).*~~

~~*(e) The modification involves:*~~

~~*(1) For towers not in a public right-of-way, the excavation or deployment of transmission equipment outside of the current site of the facility for personal wireless service by more than 30 feet in any direction, which 30-foot site boundary excludes any access or utility easements related to the site; and*~~

~~*(2) For all other excavations or deployments, the excavation or deployment outside of the current site of the facility for personal wireless service.*~~

~~*4. If an applicant to modify a facility for personal wireless service asserts in writing that the application meets the requirements of subsection 2, the land use authority:*~~

~~*(a) May require the applicant to provide documentation or information regarding the application only to the extent such documentation is reasonably related to the need for the land use authority to determine whether the application meets the requirements of this section; and*~~

~~*(b) May not require the applicant to submit any documentation other than as described in paragraph (a), including, without limitation, any documentation supporting the need for the facility for personal wireless service or the decision to modify the facility for personal wireless service.*~~

~~*5. For the purposes of subsection 2, the time period within which approval must be granted by a land use authority:*~~

~~*(a) Begins to run on the date that the applicant:*~~

~~*(1) Takes the first procedural action that the land use authority requires as part of the process for an application to modify a facility for personal wireless service, which must be a single action and may not be a combination or sequence of actions; and*~~

~~*(2) If not part of the first procedural action, asserts in writing that the application meets the requirements of subsection 2.*~~

~~*(b) May be tolled only by mutual agreement or in accordance with subsection 6 if the land use authority determines that the application is incomplete and may not be tolled by a moratorium on the review of applications.*~~

~~*6. If a land use authority determines that an application is incomplete:*~~

~~*(a) The land use authority shall, not more than 30 days after the date the application is submitted, provide written notice to the applicant that the application is incomplete. The notice must, without limitation, clearly and specifically delineate all missing documents or information in accordance with the documentation and information that may be required pursuant to paragraph (a) of subsection 4.*~~

~~*(b) If the land use authority determines that the supplemental documents or information submitted pursuant to paragraph (a) do not satisfy the missing documents or information originally identified pursuant to paragraph (a), the land use authority shall, not more than 10 days after receiving the supplemental documents or information, provide written notice to the applicant that the supplemental documents or information are insufficient. The land use authority may not request supplemental documents or information that was not originally identified in the notice provided pursuant to paragraph (a).*~~

~~*(c) The time period to grant approval is tolled beginning on the date the land use authority sends a written notice to the applicant pursuant to paragraph (a) or (b) and begins running again on the date on which the applicant submits the supplemental documents or information in response to the notice provided pursuant to paragraph (a) or (b).*~~

~~*7. If a land use authority fails to approve or deny an application to modify a facility for personal wireless service in not more than 60 days or, if the application is tolled pursuant to subsection 5 or 6, if the land use authority fails to approve or deny such an application in 60 days plus any days in which the application was tolled, the application shall be deemed granted. The approval of an application pursuant to this subsection does not take effect until the date on which the applicant notifies the land use authority in writing that the time period has expired and the application has been deemed granted.]~~ *47 U.S.C. § 332, as amended, 47 U.S.C. § 1455(a) and any applicable rules, interpretations and requirements imposed by the*

Federal Communications Commission and the Federal Aviation Administration.

Sec. 11. NRS 707.550 is hereby amended to read as follows:

707.550 As used in NRS 707.550 to 707.585, inclusive, ***and section 10 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 707.555 to 707.570, inclusive, have the meanings ascribed to them in those sections.

Sec. 12. NRS 707.585 is hereby amended to read as follows:

707.585 1. A land use authority that denies the approval of an application to construct ***or modify*** a facility for personal wireless service shall issue a written decision. The decision must:

(a) Set forth with specificity each ground on which the authority denied the approval of the application; and

(b) Describe the documents relied upon by the land use authority in making its decision.

2. A person who brings an action against a land use authority pursuant to NRS 278.0233 shall file a copy of the decision and record with the court.

Sec. 13. **1. This section and sections 1, 2, 3 and 4 to 12, inclusive, of this act become effective on October 1, 2025.**

2. Sections 3.3, 3.5 and 3.7 of this act become effective on January 1, 2026.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 428.

ASSEMBLYMEMBERS KARRIS, ANDERSON, NGUYEN, DALIA; **GONZÁLEZ** AND MOORE

AN ACT relating to education; revising provisions governing the plan of operation for a local school precinct; revising provisions governing the expenditure of certain money by a local school precinct; revising provisions governing members of the organizational team for a local school precinct; revising provisions governing the duties of certain entities when a vacancy occurs in the position of principal for a local school precinct; requiring the principal of a local school precinct to provide the organizational team with a briefing containing certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each public school within a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) is deemed to be a local school precinct. (NRS 388G.530, 388G.600) Existing law requires the principal of a

local school precinct to: (1) establish an organizational team for the local school precinct; (2) develop a plan of operation that contains a budget for the use of money allocated to the local school precinct; (3) present the plan at a public meeting before the organizational team conducts a vote to approve the plan; and (4) if at least 75 percent of the members of the organizational team vote to approve the plan of operation, submit the plan to the school associate superintendent for approval. (NRS 388G.700) **Section 2** of this bill requires, for each meeting at which the organizational team is scheduled to vote on approval of the plan of operation, the principal to: (1) at least 3 days before the meeting, send a copy of the budget included in such a plan to the members of the organizational team through electronic mail; and (2) provide the organizational team with a report containing information regarding certain expenditures. **Section 3** of this bill: (1) requires the principal to, at least 3 working days before holding a public meeting to present a plan of operation, send a copy of the agenda to the parents or legal guardian of a pupil enrolled in the local school precinct unless the parents or legal guardian have opted not to receive a copy of the agenda; and (2) sets forth certain requirements governing the posting of the agenda and minutes and plan of operation on various Internet websites maintained by the large school district or the local school precinct. Finally, **section 3** provides that: (1) after the plan of operation has been approved, if the principal determines that an adjustment to the budget is necessary, ~~[he or she must, instead of consulting with the organizational team, obtain the approval of]~~ **the adjustment may not be made unless the principal notifies** the organizational team and **conducts a meeting of the organizational team and** school associate superintendent for any adjustment to the budget in an amount of at least ~~[$1,000,]~~ **$80,000 for an elementary or middle school or $125,000 for a high school;** and (2) any expenditure of money generated by pupils enrolled at the local school precinct must be approved by the organizational team. (NRS 388G.710)

Existing law requires the organizational team for a local school precinct to include elected members who are: (1) teachers or other licensed educational personnel at the local school precinct; (2) employees of the local school precinct who are not teachers or other licensed educational personnel; and (3) parents or legal guardians of pupils enrolled at the local school precinct. (NRS 388G.720) **Section 4** of this bill: (1) prohibits the principal of a local school precinct from being elected as a member of an organizational team in any capacity other than as principal; and (2) provides for the designation of certain alternate members in the event of a vacancy. **Section 4** additionally requires the superintendent of the large school district to provide the ~~[Department of Education and the board of trustees]~~ **staff** of the large school district with a directory of contact information for members of each organizational team within the large school district.

Existing law sets forth certain requirements governing meetings of organizational teams and the terms of members of organizational teams. (NRS 388G.730) **Section 5** of this bill: (1) sets forth certain requirements for

the school associate superintendent who oversees the local school precinct concerning such meetings; **and** (2) ~~[provides that the term of a member of an organizational team who is the parent or legal guardian of a pupil enrolled in the local school precinct does not expire because his or her child is no longer enrolled at the local school precinct; and (3)]~~ sets forth ~~[when an alternate member must]~~ **the procedure to** fill a vacancy in the organizational team ~~[.]~~ **from among the candidates who received votes in elections for members of the organizational team.**

Existing law sets forth certain duties that the organizational team and superintendent of the large school district are required to carry out when a vacancy occurs in the position of principal for a local school precinct. (NRS 388G.740) **Section 6** of this bill: (1) requires the organizational team to conduct a meeting to obtain input from the public concerning the vacancy; (2) sets forth requirements for how the organizational team and superintendent must use the list of qualifications for candidates prepared by the organizational team; **and** (3) ~~[requires the superintendent to provide information to certain entities regarding the reason that a candidate was not selected; and (4)]~~ requires the organizational team to hold a meeting to introduce the person selected to serve as principal.

Existing law requires the board of trustees of each school district to submit to the Superintendent of Public Instruction and the Department of Taxation an annual report containing certain information concerning budgets and expenditures. (NRS 387.303) **Section 1** of this bill requires the principal of a local school precinct to provide the organizational team with a briefing containing certain information contained in the report.

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

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

The principal of a local school precinct shall, not later than 45 days after the board of trustees submits the report required pursuant to NRS 387.303, provide the organizational team for the local school precinct with a briefing comparing the budget included in the plan of operation for the local precinct pursuant to subsection 3 of NRS 388G.700 for the previous school year with the actual expenditures of the local school precinct for the previous school year.

Sec. 2. NRS 388G.700 is hereby amended to read as follows:

388G.700 1. The principal of a local school precinct shall:

(a) Establish an organizational team for the local school precinct consisting of the members described in NRS 388G.720 on or before October 1 of each school year;

(b) Develop the proposed plan of operation for the local school precinct for the next school year with the assistance and advice of the organizational team;

(c) Before any vote on a proposed plan of operation for the local school precinct, make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote;

(d) ***At least 3 days before any vote on a proposed plan of operation for the local school precinct, send a message through electronic mail to the members of the organizational team for the local school precinct that contains a copy of the budget included in the proposed plan of operation for the local school precinct pursuant to paragraph (b) of subsection 3;***

(e) If the proposed plan of operation for the local school precinct is approved by a vote of at least 75 percent of the members of the organizational team for the local school precinct who are present at the time of the vote, submit the proposed plan of operation to the school associate superintendent for approval; ~~[and~~

~~(e)]~~ ***(f)*** If the proposed plan of operation for the local precinct is not approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote, notify the school associate superintendent in accordance with NRS 388G.750 ~~[.]~~ ***; and***

(g) At each meeting in which the organizational team is scheduled to vote on the proposed plan of operation for the local school precinct, provide the organizational team with an itemized report describing any expenditures that will not be completed within 1 year and the reason for the timing of the expenditures.

2. In accordance with the applicable collective bargaining agreement, the principal of the local school precinct shall select staff for the local school precinct as necessary to carry out the plan of operation from a list provided by the superintendent.

3. The plan of operation for the local school precinct must include, without limitation:

(a) A plan to improve the achievement of pupils enrolled in the local school precinct, regardless of whether such a plan is required to be prepared pursuant to NRS 385A.650; and

(b) A budget which itemizes the manner in which the local school precinct will use the money allocated to the local school precinct.

4. The budget included in the plan of operation for the local school precinct pursuant to subsection 3 must be based upon the average unit cost for each type of employee of the local school precinct established pursuant to paragraph (a) of subsection 1 of NRS 388G.650, the actual cost for the procurement of equipment, services and supplies for the local school precinct and the actual cost of any other item included in the budget of the local school precinct. The budget must be developed in accordance with the criteria for determining budgetary priorities established by the board of trustees of the large school district pursuant to NRS 387.301.

Sec. 3. NRS 388G.710 is hereby amended to read as follows:

388G.710 1. Before the organizational team conducts a vote on approving a plan of operation for the local school precinct, the principal of the local school precinct shall present the plan at a public meeting held in accordance with ~~[~~subsection~~]~~ ***subsections*** 2 ***and 3*** at the local school precinct to which the plan of operation applies.

2. The principal shall ~~[~~post~~]~~ ***:***

(a) Post notice of the meeting not less than 3 working days before the date on which the meeting will be held ~~[~~.~~]~~ ***;***

(b) Send a copy of the agenda for the meeting to the parents or legal guardian of a pupil enrolled in the local school precinct by electronic mail or through other electronic means not less than 3 working days before the date on which the meeting will be held, unless a parent or legal guardian of a pupil opt not to receive a copy of the agenda; and

(c) Post a copy of the agenda and minutes for the meeting on the Internet website maintained by the local school precinct. Any agendas or minutes posted pursuant to this paragraph must remain posted on the Internet website maintained by the local school precinct for not less than 3 years.

3. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this ~~[~~subsection~~]~~ ***section*** is not subject to the provisions of chapter 241 of NRS.

~~[~~3.~~]~~ ***4.*** Before any vote on a proposed plan of operation for the local school precinct, the principal of the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote.

~~[~~4.~~]~~ ***5.*** The principal shall not finalize the plan of operation for the local school precinct unless the plan of operation has been approved by at least 75 percent of the members of the organizational team who are present at the time of the vote. If the plan of operation for the local school precinct is finalized by the principal, the principal must submit the plan to the school associate superintendent for approval. After receipt of the plan of operation pursuant to this subsection, the school associate superintendent must approve or deny the plan of operation within 10 days. The plan of operation must be approved unless any provision of the plan violates any federal or state law or policy of the large school district.

~~[~~5.~~]~~ ***6.*** If the school associate superintendent:

(a) Approves the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. ***The plan of operation must remain posted on the Internet website of the large school***

district and on the Internet website of the local school precinct for not less than 5 years.

(b) Does not approve the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct of the reasons for not approving the plan and post those reasons on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The school associate superintendent must assist the principal as necessary to revise the plan of operation.

~~[6.]~~ ***7.*** ~~[Any]~~ ***For any*** adjustment to the budget that the principal of the local school precinct determines is necessary after the plan of operation has been approved pursuant to this section or NRS 388G.750 ~~[may]~~ ***:***

(a) If the adjustment to the budget is ~~[in an amount of]~~ at least ~~[$1,000, must be approved by]~~ $80,000 for an elementary or middle school or $125,000 for a high school, the adjustment may not be made unless the principal:

(1) Notifies the organizational team ~~[at]~~ before making the adjustment; and

(2) Schedules and holds a meeting of the organizational team ~~[conducted pursuant to]~~ in accordance with subsection 3 of NRS 388G.730 and the school associate superintendent ~~[,]~~ not later than 10 days after the notification of the adjustment unless exigent circumstances require otherwise; or

(b) If the adjustment to the budget is ~~[in an amount]~~ less than ~~[$1,000,]~~ $80,000 for an elementary or middle school or $125,000 for a high school, the adjustment may be made upon consultation with the organizational team and approval of the school associate superintendent.

8. Before any expenditure of money generated for the local school precinct by pupils enrolled at the local school precinct, the organizational team must approve the expenditure.

Sec. 4. NRS 388G.720 is hereby amended to read as follows:

388G.720 1. The organizational team for a local school precinct must consist of:

(a) The principal of the local school precinct who shall serve as a voting member.

(b) At least two but not more than four members, as determined by the principal, who are teachers or other licensed educational personnel at the local school precinct who are elected by a vote of the teachers and other licensed educational personnel at the local school precinct and at least one-half of whom are members of the association representing teachers and other licensed educational personnel. The association shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow all teachers and other licensed educational personnel an opportunity to participate and be elected regardless of whether the teachers or other licensed educational personnel are members of the association.

(c) One member who is employed at the local school precinct, other than a teacher or other licensed educational personnel, who is elected by a vote of all such employees, other than teachers or other licensed educational personnel, except that if four members are elected pursuant to paragraph (b), then two members who are elected by a vote of all such employees and who are members of an organization that represents those employees. The organization that represents those employees shall establish the process for nominating and electing the members pursuant to this paragraph, which must allow any eligible employee an opportunity to vote regardless of whether the employee is a member of the organization.

(d) A number of parents or legal guardians of pupils who are enrolled at the local school precinct which represents 50 percent of the total number of voting members if possible, or, if fewer are available to accept membership, then the greatest number of parents or legal guardians available. The parents or legal guardians must be elected by a vote of all parents and legal guardians of pupils enrolled at the local school precinct. A parent or legal guardian who is a teacher or other licensed educational personnel or employee of the local school precinct may not be elected to serve as a member pursuant to this paragraph, but may be elected to serve as a member of the organizational team pursuant to paragraph (b) or (c), as applicable. ***The parents or legal guardians who receive the most votes of those not elected pursuant to this paragraph must be designated as alternates in the event that a vacancy must be filled pursuant to paragraph (b) of subsection 7 of NRS 388G.730.*** The association of parents for the school, if there is one, must establish the process for nominating and electing these members pursuant to this paragraph. If no such association exists, the principal of the local school precinct must inform all parents and legal guardians of the opportunity to serve on the organizational team and provide the parents and guardians with information about the responsibilities associated with serving as a member of the organizational team, the manner in which to submit a name to be included on a ballot, the date on which a vote will be taken and any other relevant information. The principal must post such information on the Internet website of the local school precinct and provide the information to the superintendent who shall post the information on the Internet website of the large school district. The information must also be made available to any person upon request.

2. ***The principal of a local school precinct may not be elected to an organizational team pursuant to paragraph (b), (c) or (d) of subsection 1.***

3. If one or more specialty schools exist within a local school precinct, at least one member selected pursuant to paragraphs (b) and (d) of subsection 1 must represent each specialty school on the organizational team.

~~[3.]~~ ***4.*** In addition to the members described in subsection 1, if the local school precinct is a middle school, junior high school or high school, the organizational team must have one nonvoting member who is a pupil enrolled at the local school precinct who is elected by a vote of all of the pupils enrolled at the local school precinct. Any pupil who attends the local school precinct

may request to be placed on the ballot to be elected to serve as a member of the organizational team pursuant to this subsection. A teacher or administrator of the local school precinct may nominate a pupil but the pupil may only be placed on the ballot if the pupil agrees to have his or her name placed on the ballot. The principal of the local school precinct shall cause a vote to be taken of the entire student body at the local school precinct through secret ballot to elect the pupil member. A member elected pursuant to this subsection may only provide assistance and advice regarding the plan of operation for the local school precinct.

~~[4.]~~ ***5.*** The organizational team may select one or more nonvoting advisory members from the community at large to assist the organizational team and provide input from the community. Such members must not be the parent or legal guardian of a pupil who attends the local school precinct and must not otherwise be qualified to serve as a voting member of the organizational team.

~~[5.]~~ ***6.*** The principal of a local school precinct shall assist as necessary with establishing the process for nominating and electing the members described in subsection 1 and shall ensure that each member who is elected pursuant to paragraph (d) of subsection 1 is informed that the member is not an employee of the local school precinct or the large school district and of any potential liability for serving as a member of the organizational team.

~~[6.]~~ ***7.*** A person who receives the highest number of votes must be appointed to the organizational team regardless of the total number of votes cast for the position.

~~[7.]~~ ***8. The superintendent shall, for each organizational team established pursuant to NRS 388G.700, collect, organize and update, as necessary, contact information for each member of the organizational team. The contact information collected pursuant to this subsection must be compiled in an accessible directory that is made available to the staff of the large school district for the purpose of official communications related to the operation and governance of the local school precinct for which the organizational team was established.***

9. Except as otherwise provided in this subsection, an organizational team and its members who are not employees of the large school district are immune from liability for civil damages as a result of an act or omission in performing any of the duties of the organizational team as set forth in NRS 388G.700 to 388G.750, inclusive ~~[.]~~ ***, and section 1 of this act.*** This subsection does not restrict the liability of a local school precinct or the large school district for an act or omission of an organizational team or its members in performing the duties described in NRS 388G.700 to 388G.750, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 5. NRS 388G.730 is hereby amended to read as follows:

388G.730 1. Upon the establishment of an organizational team pursuant to NRS 388G.700, the principal of the local school precinct shall schedule the first meeting of the team and act as the chair of the team until a chair is selected.

The first item of business for the organizational team must be to select a chair and vice chair from among its members.

2. A majority of the voting members of the organizational team constitutes a quorum for purposes of voting. A majority vote of the quorum is required to take action with respect to any matter.

3. Notice of a meeting of the organizational team must be posted not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.

4. ***Each school associate superintendent shall:***

(a) Each year, attend at least one meeting of the organizational team for each local school precinct overseen by the school associate superintendent; and

(b) On or before November 1 of each year, send a message through electronic mail to each member of each such organizational team which contains:

(1) Instructions for accessing any relevant training materials; and

(2) Directions for communicating with the school associate superintendent concerning oversight of the principal of a local school precinct.

5. Each member of the organizational team serves until October 1 of the year following his or her election and may serve additional terms. ~~***[A vacancy in the membership of the organizational team does not occur if a member was elected pursuant to paragraph (d) of subsection 1 of NRS 388G.720 and his or her child is no longer enrolled at the local school precinct, and such a member may complete the term to which he or she was elected.***~~

~~[5.]~~ ***6.*** The organizational team must meet not less than one time each month during the school year.

~~[6.]~~ ***7.*** If a vacancy occurs in the membership of the organizational team ~~[, a]~~ ***:***

(a) For a member elected pursuant to paragraph (b) or (c) of subsection 1 of NRS 388G.720, ~~***[a]***~~ ***the*** new member must be ~~[elected in the same manner as the original selection,]~~ ***the candidate who received the next highest number of votes in the immediately preceding election,*** and the vacancy must be filled within 30 days. ***If there is no candidate remaining who received votes in the immediately preceding election, the vacancy must be filled by electing a new member in the same manner as the original selection.***

(b) For a member elected pursuant to paragraph (d) of subsection 1 of NRS 388G.720, the new member must be an alternate designated pursuant to that paragraph, and the vacancy must be filled within 30 days. If there is no such alternate remaining, the vacancy must be filled by electing a new member in the same manner as the original selection.

~~[7.]~~ ***8.*** Each member of the organizational team ~~[serves]~~ ***:***

(a) Serves without compensation of any kind.

(b) Whether he or she is an employee of the local school precinct, is entitled to receive the same information necessary to carry out the duties of the organizational team, as set forth in NRS 388G.700 to 388G.750, inclusive, and section 1 of this act.

Sec. 6. NRS 388G.740 is hereby amended to read as follows:

388G.740 1. An organizational team shall:

(a) Provide assistance and advice to the principal of the local school precinct regarding the development of the plan of operation for the local school precinct and vote on whether to approve that plan of operation;

(b) Provide continued assistance and advice to the principal of the local school precinct in carrying out the plan of operation for the local school precinct; and

(c) Whenever a vacancy occurs in the position of principal for the local school precinct, assist with the selection of the next principal in accordance with the provisions of this section.

2. The organizational team may provide input regarding the principal of the local school precinct to the school associate superintendent not more than two times each school year.

3. Whenever a vacancy occurs in the position of principal for the local school precinct, the organizational team shall ~~[establish]~~ ***:***

(a) Not later than 7 business days after receiving notice of the vacancy:

(1) Schedule a meeting, which must be held not later than 14 days after receiving such notice, for the purpose of receiving input from pupils enrolled in the local school precinct, parents or legal guardians of such pupils and employees of the local school precinct concerning the needs of the local school precinct and any qualifications desired for a candidate for the position of principal for the local school precinct; and

(2) Notify the large school district of the meeting scheduled pursuant to subparagraph (1) and the large school district shall send an electronic communication to each parent or legal guardian of a pupil enrolled in the local school precinct and employee of the local school precinct that provides notice of the meeting scheduled pursuant to subparagraph (1); and

(b) After considering any input received during the meeting held pursuant to paragraph (a), establish a list of qualifications that the organizational team ~~[determines]~~ ***recommends*** are desirable for the next principal of the local school precinct and provide the list to the superintendent. The list of qualifications must include, without limitation, qualifications relating to the:

~~[(a)]~~ ***(1)*** Employment history of the candidate;

~~[(b)]~~ ***(2)*** Ability of the candidate to connect and communicate with pupils;

~~[(c)]~~ ***(3)*** Ability of the candidate to provide a safe and respectful learning environment pursuant to NRS 388.1321; and

~~[(d)]~~ ***(4)*** Strategies the candidate would implement to improve the achievement of pupils.

4. The superintendent shall post notice of the vacancy pursuant to subsection 3. ~~[The superintendent shall interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team. One member]~~ ***The notice must include the list of qualifications established by the organizational team pursuant to paragraph (b) of subsection 3. The large school district shall examine the list of candidates*** ~~***[and only eliminate any candidate who does not meet the minimum qualifications established pursuant to subsection 3. The superintendent shall provide, to the organizational team and each candidate who was determined to have not met the minimum qualifications established pursuant to subsection 3 a written explanation of the reasons for that determination and provide to the organizational team the application materials submitted by that candidate.]***~~ ***and conduct an interview of at least 5 but not more than 10 candidates, unless fewer than 5 candidates applied to fill the vacancy, in which case an interview must be conducted of all candidates. At least two members*** of the organizational team must ~~[be allowed to]~~ participate in interviewing candidates with the superintendent ~~[.]~~ ***, including, at least one member elected pursuant to paragraph (b) of subsection 1 of NRS 388G.720 and one member elected pursuant to paragraph (d) of subsection 1 of NRS 388G.720. Such an interview must not be conducted unless at least two members of the organizational team are present at the interview.***

5. From the list of candidates submitted by the superintendent pursuant to subsection 4, the organizational team shall rank the candidates for the position of principal by preference and submit a list with that ranking within 15 school days after receipt of the recommendation. The superintendent, in consultation with the school associate superintendent, must select a candidate to hire for the position of principal. Before any vote on the selected candidate, the school associate superintendent responsible for the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote. The organizational team may reject the selection of the candidate if at least 75 percent of the members of the organizational team who are present at the time of the vote elect to do so. The superintendent must then select a candidate from the remaining members of the list submitted pursuant to subsection 4. ***Not later than 10 days after the selection of a candidate, the organizational team must hold a meeting at the local school precinct to introduce the candidate selected to serve as principal of the local school precinct.***

6. Each person who participates in interviewing candidates pursuant to this section shall comply with all laws that apply to an employer when making a decision about employment.

7. After the principal of the local school precinct is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the principal.

8. As used in this section, "electronic communication" means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, cellular telephone, electronic mail or any similar means of communication.

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 282.

AN ACT relating to state financial administration; declaring the policy of this State to make payments to private nonprofit corporations under a grant agreement within a certain period of time ~~[,]~~ **and to make advance payments of grants to such corporations;** with certain exceptions, imposing interest on amounts due under a written grant agreement which are not timely paid after receipt of a proper invoice; requiring state entities that make grants to take certain actions upon the receipt of an invoice; authorizing the use of media other than original paper documents to expedite grant payments; revising provisions relating to advance payments of grants to private nonprofit corporations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, this bill enacts requirements governing payments by agencies of the Executive Department of the State Government to private nonprofit corporations that receive grants from those agencies and are reimbursed by those agencies for services or other performance under a grant agreement. **Section 3** of this bill defines the term "grant" to establish the types of financial assistance to which these requirements apply. **Section 8** of this bill declares that it is the policy of this State to: (1) complete all processing and authorization required by law to make a payment, as defined in **section 4** of this bill, within 30 calendar days after ~~[the later of the date on which the payment becomes due under a grant agreement or the date on which the state entity that made the grant receives]~~ **receipt of** a proper invoice, as defined in **section 6** of this bill; and (2) make an advance of a grant to a private nonprofit corporation to facilitate the expeditious carrying out of the grant. **Section 8.5 of this bill requires the State Board of Examiners to adopt policies and procedures to carry out the provisions of this bill, which are required under existing law to be published in the State Administrative Manual. (NRS 232.004) Section 8.5 mandates that such policies and procedures**

include a requirement that a summary of the provisions relating to prompt payments and advance payments be included in each grant agreement with a private nonprofit corporation.

Section 9 of this bill provides that, with certain exceptions, a state entity that makes a grant to a private nonprofit corporation, which is defined in **section 7** of this bill as a "state grant-making entity," is liable for interest on amounts which are due and payable under a written grant agreement at the rate that has been agreed upon in the grant agreement, or if no such rate has been agreed upon, by a specified rate. **Section 9** provides that, with certain exceptions, interest begins accruing on the 31st calendar day after the date on which the state grant-making entity receives a proper invoice and requires interest to be paid from the operating budget of the state grant-making entity, not including money appropriated to fund a grant. **Section 9 also requires a state grant-making entity that does not make a payment that is due and payable under a written grant agreement within 30 calendar days after receipt of a proper invoice to: (1) provide written notice to the private nonprofit corporation of the reason for the delay in making the payment; and (2) make a written record of the delayed payment and submit an annual compilation of such records to the Director of the Office of Finance.**

Section 10 of this bill requires a state grant-making entity to mark an invoice with the date on which the invoice was received and review the invoice as soon as practicable to determine whether the invoice is a proper invoice. **Section 10** authorizes a state grant-making entity to use media that produce tangible recordings of information to expedite payment in lieu of requiring original paper documents.

Section 11 of this bill authorizes a private nonprofit corporation to submit to a state grant-making entity a request for an advance of money from the grant that was awarded to the private nonprofit corporation by the state grant-making entity. **Section 11** requires the private nonprofit corporation to: (1) submit an expenditure plan with its request for an advance and any other information requested by the state grant-making entity; and (2) agree to requirements relating to reporting expenditures, returning unexpended money**,** ~~[and]~~ depositing the advance ~~[.]~~ **and reporting related interest. Section 11**, with certain exceptions, ~~[requires, to the greatest extent practicable,]~~ **authorizes** the state grant-making entity to approve the advance if it ~~[determines that the private nonprofit corporation has demonstrated sufficient justification for the advance and, if applicable, it has verified compliance by recipients of subgrants with the grant agreement and applicable law.]~~ **makes specific determinations and verifications.** With certain exceptions, **section 11** limits the amount of such an advance to be: (1) if the source of funding for the grant is state money, the amount requested by the private nonprofit corporation, but not to exceed 25 percent of the ~~[annual]~~ amount of the grant award; or (2) if the source of the grant is federal money, the minimum amount to cover the immediate cash requirements of the private nonprofit corporation in carrying out the purpose of the grant. **Section 11 prohibits a state grant-making entity**

from making an advance if the entity does not have sufficient budgetary authority or a sufficient cash balance to pay the advance.

~~[Section 11 requires the State Board of Examiners to adopt policies and procedures to carry out that provision, which are required under existing law to be published in the State Administrative Manual. (NRS 232.004)]~~ **Section 11** ~~[also]~~ requires: (1) the state grant-making entity to provide written notice of the approval of any advance to the Director of the Office of Finance; and (2) the Director to submit an annual report to the Interim Finance Committee relating to advance payments of which the Director was notified.

Section 14 of this bill makes this bill effective on July 1, 2026, and section 13 of this bill excludes from the requirements of this bill grants which are executed, renewed or extended before July 1, 2026.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Grant" means a legal instrument of financial assistance between a state grant-making entity and a private nonprofit corporation that is:***

(a) Used to enter into a relationship for which the principal purpose is to transfer anything of value from the state grant-making entity to the private nonprofit corporation to carry out a public purpose authorized by law and not to acquire property or services for the direct benefit or use of the state grant-making entity;

(b) Used to provide for one or more payments in reimbursement for services or other performance under the agreement on a scheduled or other incremental basis; and

(c) Distinguished from a cooperative agreement in that it does not provide for substantial involvement between the state grant-making entity and the private nonprofit corporation in carrying out the activity contemplated by the award.

2. The term does not include an instrument that provides only:

(a) Direct government cash assistance to a person;

(b) A subsidy;

(c) A loan;

(d) A loan guarantee;

(e) Insurance; or

(f) State funding that is required annually and is calculated based on a formula set in statute.

Sec. 4. *"Payment" includes all processing and authorization required by law from the State Board of Examiners, the Director of the Office of Finance and the State Controller.*

Sec. 5. *"Private nonprofit corporation" means an organization that has been granted tax-exempt status by the Internal Revenue Service pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).*

Sec. 6. *"Proper invoice" means a bill, a request for reimbursement, a written document or an electronic submission readable by the state grant-making entity that is provided by a private nonprofit corporation and which:*

1. Requests an eligible amount that is due and payable by law under a written grant agreement with the private nonprofit corporation; and

2. Includes:

(a) ~~[The federal employer identification number or social security number of the private nonprofit corporation;~~

~~(b)]~~ Sufficient information to identify the grant agreement; and

~~[(c)]~~ (b) Any additional information or documentation required by the grant agreement or for compliance with 2 C.F.R. Part 200.

Sec. 7. *"State grant-making entity" means an agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government that makes a grant. The term does not include the Nevada System of Higher Education or any institution of the Nevada System of Higher Education.*

Sec. 8. *The Legislature declares that it is the policy of this State to:*

1. Make a payment under a grant agreement within 30 calendar days after ~~[the later of:~~

~~(a) The date on which the payment becomes due under the grant agreement; or~~

~~(b) The date on which the state grant-making entity receives]~~ receipt of a proper invoice.

2. Make an advance of a grant to a private nonprofit corporation to facilitate the expeditious carrying out of the grant.

Sec. 8.5. 1. The State Board of Examiners shall adopt policies and procedures pursuant to NRS 353.040 for carrying out the provisions of sections 2 to 11, inclusive, of this act.

2. The policies and procedures adopted pursuant to subsection 1 must include, without limitation:

(a) A requirement that a summary of the provisions of sections 2 to 11, inclusive, of this act is included in each grant agreement into which a state grant-making entity enters with a private nonprofit corporation;

(b) The criteria for determining the amount of an advance pursuant to section 11 of this act; and

(c) The requirements for the reporting of interest earned on an advance made pursuant to section 11 of this act.

Sec. 9. *1. Except as otherwise provided in subsection 3, a state grant-making entity shall be liable for interest on any amount that is due and payable by law under a written grant agreement with a private nonprofit corporation at a rate that has been agreed upon in the grant agreement or, if a rate has not been so agreed upon, the rate equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, based on the date on which the written grant agreement was signed by the parties.*

2. Interest for which a state grant-making entity is liable pursuant to this section must accrue beginning on the 31st calendar day after the date on which the state grant-making entity receives a proper invoice.

3. A state grant-making entity is not liable for interest pursuant to this section:

(a) Unless the private nonprofit corporation submits an invoice for the interest within 30 calendar days after receiving payment for the amount on which the interest accrued;

(b) If the state grant-making entity has initiated legal proceedings to dispute the amount owed to the private nonprofit corporation;

(c) Accruing more than 1 year after the 31st calendar day after the state grant-making entity receives a proper invoice;

(d) On an amount that represents unpaid interest; ~~[or]~~

(e) If the delay in payment is the result of technical problems relating to the operation of the electronic payment system of the state or federal grant-making entity, the closure of the office of the state grant-making entity on a day declared to be a legal holiday pursuant to NRS 236.015, extreme weather or another extraordinary event ~~[.]~~ ; or

(f) If the state grant-making entity does not have sufficient budgetary authority or a sufficient cash balance to process the payment.

4. Interest for which a state grant-making entity is liable pursuant to this section:

(a) Must be paid from the operating budget of the state grant-making entity; and

(b) May not be paid from money appropriated to provide money for a grant.

5. For the purposes of determining the due date of a payment and the date on which interest begins to accrue, an invoice is deemed to be received:

(a) For invoices that are mailed, when a proper invoice is received by the state grant-making entity, as of the date on which the state grant-making entity annotates the invoice with the date and time of receipt; or

(b) For invoices that are transmitted electronically, on the date on which the transmission is received by the state grant-making entity or, if the transmission is received after 5 p.m. on that date, the next business day.

6. If a state grant-making entity does not make a payment for an amount that is due and payable by law under a written grant agreement with a private nonprofit corporation within 30 calendar days after receipt of a proper

invoice because of circumstances described in subsection 3, the state grant-making entity shall, as soon as practicable after that 30-day period:

(a) Provide written notice to the private nonprofit corporation of the reason for the delay in making the payment; and

(b) Make a written record of the delayed payment, including, without limitation:

(1) The date on which the state grant-making entity received a proper invoice for the payment;

(2) The reason for the delay by the state grant-making entity in making the payment; and

(3) If applicable, the date on which the payment was made.

7. On or before October 1 of each year, the state grant-making entity shall submit to the Director of the Office of Finance a compilation of the records made by the state grant-making entity pursuant to paragraph (b) of subsection 6 during the immediately preceding fiscal year.

Sec. 10. ***1. Upon receipt of an invoice, a state grant-making entity shall:***

(a) Mark the invoice with the date on which the invoice was received; and

(b) Review the invoice as soon as practicable to determine whether the invoice is a proper invoice.

2. If the state grant-making entity determines that the invoice:

(a) Is a proper invoice, the state grant-making entity shall submit the invoice for payment in the same manner as other claims against the State are paid.

(b) Is not a proper invoice, within 14 calendar days after making such a determination, the state grant-making entity shall notify the private nonprofit corporation of all defects that prevent the invoice from being determined to be a proper invoice. A private nonprofit corporation that receives such a notification may submit a corrected invoice.

3. A state grant-making entity may use media that produce tangible recordings of information to expedite the payment process in lieu of requiring original paper documents.

4. Failure by a state grant-making entity to comply with the procedural requirements of this section does not constitute a late payment.

Sec. 11. ***1. A private nonprofit corporation may submit to a state grant-making entity, on a form prescribed by the Director of the Office of Finance, a request for an advance from the grant that was awarded to the private nonprofit corporation by the state grant-making entity.***

2. The private nonprofit corporation must include with the form submitted pursuant to subsection 1 a plan for expenditure of the advance which must, without limitation:

(a) Align with the eligible activities and expenditures under the grant;

(b) Provide the justification for the advance; and

(c) Describe the financial management policies that the private nonprofit corporation has established to monitor expenditure of the advance.

3. As a condition to receipt of an advance pursuant to this section, a private nonprofit corporation must agree to:

(a) Transmit a report on the expenditure of the advance in the manner required by the state grant-making entity, which includes, without limitation, a summary of the work completed and proof of expenditures.

(b) Return to the state grant-making entity any money from the advance that was not expended within the timeline for expenditure of the advance or for the eligible activities specified in the grant agreement between the private nonprofit corporation and state grant-making entity or receive a reduced amount for the immediately succeeding payment under the grant in an amount equivalent to the unexpended amount of the advance.

(c) Deposit the advance in a federally insured account that provides the ability to track the interest earned on money in the account and any withdrawal from the account. The account must be opened in the name of the private nonprofit corporation and not in the name of any director or officer of the private nonprofit corporation.

(d) Report any interest earned on the advance deposited in an account described in paragraph (c) in accordance with the policies and procedures adopted pursuant ~~[to subsection 7.]~~ to section 8.5 of this act. If the source of funding for the grant is money from the Federal Government, the private nonprofit corporation must return any such interest payments to the state grant-making entity.

4. The private nonprofit corporation must submit any additional information requested by the state grant-making entity ~~[.]~~ , including, without limitation, any information that is necessary for the state grant-making entity to perform effectively risk assessment and monitoring of recipients of subgrants from the grant.

5. ~~[Unless prohibited by federal or state law or the grant agreement, an]~~ An advance pursuant to this section:

(a) ~~[To the greatest extent practicable, must]~~ Unless prohibited by federal law or contractual agreement:

(1) May be approved by the state grant-making entity if the state grant-making entity:

~~[(1)]~~ (I) Determines that the private nonprofit corporation has demonstrated sufficient justification for the advance ~~[; and~~

~~(2)]~~ and does not pose any undue risk to the state grant-making entity;

(II) Determines that providing an advance does not create an unreasonable administrative burden on or financial risk to the state grant-making entity; and

(III) If applicable, has verified compliance by any recipients of subgrants from the grant with the grant agreement and applicable law.

~~[(b)]~~ (2) Is limited to:

~~[(1)]~~ (I) If the source of funding for the grant is money from the State Government, the amount requested by the private nonprofit corporation, but not to exceed 25 percent of the ~~[annual]~~ amount of the grant award; or

~~[(2)]~~ ***(II) If the source of funding for the grant is money from the Federal Government, the minimum amount to cover the immediate cash requirements of the private nonprofit corporation in carrying out the purpose of the grant in accordance with 2 C.F.R.*** ~~[§ 200.305.]~~ ***Part 200.***

(b) May not be approved by the state grant-making entity if the state grant-making entity does not have sufficient budgetary authority or a sufficient cash balance to pay the advance.

6. A state grant-making entity that approves an advance pursuant to subsection 5 shall provide written notice of the advance to the Director of the Office of Finance.

~~*7. [The State Board of Examiners shall adopt policies and procedures pursuant to NRS 353.040 for carrying out the provisions of this section, including, without limitation:*~~

~~*(a) The criteria for determining the amount of and for approving an advance; and*~~

~~*(b) The requirements for the reporting of interest earned on an advance.*~~

~~*8.]*~~ ***The requirements and penalties set forth in the grant agreement apply to the use of the advance.***

~~*[9.]*~~ ***8. On or before October 1 of each year, the Director of the Office of Finance shall submit a report to the Interim Finance Committee concerning the advances for which the Director was provided notice pursuant to subsection 6 during the immediately preceding fiscal year.***

Sec. 12. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. The provisions of this act apply only to a grant, as defined in section 3 of this act, which is executed, renewed or extended on or after July 1, 2026.

Sec. 14. This act becomes effective on July 1, 2026.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 429.

~~[CONTAINS UNFUNDED MANDATE (§§ 1, 2)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to libraries; ~~[requiring the Department of Education and the State Library, Archives and Public Records Administrator to develop a model policy on the access of certain persons to library materials; providing required components of such a policy; requiring the board of trustees of each school district, the governing body of each charter school and the governing body of each public library to adopt the model policy or develop a policy that~~

~~is not less protective of the rights of certain persons to access library materials and includes certain provisions;~~] providing that library staff are immune from criminal or civil liability for certain **good faith** acts ~~[;]~~ **relating to providing access to or assisting pupils or library patrons in accessing library materials;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to purchase all new library books and supplies to be used by pupils of the school district. (NRS 393.170) Existing law also provides for the creation of publicly supported libraries and information centers to meet the informational needs of all citizens. (NRS 379.002) **Sections 1 and 2** of this bill ~~[require the Department of Education and the State Library, Archives and Public Records Administrator to develop a model policy on the access of persons to library materials of a school library or public library, respectively, that: (1) includes model policies for the selection of materials for libraries; (2) prohibits the censorship of library materials; (3) ensures certain persons are permitted to reserve, check out and access library materials; (4) establishes criteria for the removal of library materials from a library; and (5) includes a model form for certain interested persons to request the removal of specific library materials. Sections 1 and 2 require the board of trustees of each school district, the governing body of each charter school and the governing body of a public library to: (1) adopt the model policy; or (2) develop and adopt a policy that is not less protective of the rights of certain persons to access library materials than the model policy and that includes a process to request and review requests for the removal of library materials that is substantially similar to the model policy. Sections 1 and 2 additionally: (1) require the model policy to include the process by which a form to request removal is reviewed by a committee appointed by the superintendent of schools, the governing body of a charter school or the governing body of a public library, as applicable; (2) sets forth the members of the committee; and (3) requires the board of trustees of a school district, the governing body of a charter school or the governing body of a public library, as applicable, to review recommendations made by the committee and determine whether to remove or limit access to the library materials. Furthermore, sections 1 and 2 set forth: (1) the content and characteristics of the subject, author or perceived or intended audience of the library materials that cannot be used to justify removal of or limiting access to library materials; and (2) prohibitions on certain subsequent requests for the removal of library materials. Section 1 requires the Department to adopt regulations that set forth the process for a person to appeal, to the Superintendent of Public Instruction, a determination made by the board of trustees of a school district or the governing body of a charter school concerning the removal of library materials.

— Sections 1 and 2~~]~~ provide that the staff members of a school library or public library are immune from criminal or civil liability for certain good faith acts

~~[related to their duties.]~~ **relating to providing access to or assisting pupils or library patrons in accessing library materials.**

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

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

~~*1. [The Department shall develop a model policy on the access of pupils to library materials of a school library that:*~~

~~*(a) Includes model policies for the selection of materials for school libraries which are designed to ensure that each school library includes library materials that present a diverse range of developmentally relevant information, stories, perspectives and ideas, including, without limitation, diverse and inclusive materials;*~~

~~*(b) Prohibits the censorship of library materials;*~~

~~*(c) Ensures pupils are permitted to reserve, check out and access any library materials which are appropriate for the age and grade level of the pupil, including, without limitation, diverse and inclusive material;*~~

~~*(d) Establishes criteria for the removal of library materials from the school library pursuant to a written policy for the preservation and curation of library materials or upon request from an employee of the school district or charter school, a pupil enrolled in the school district or charter school or the parent or legal guardian of such a pupil; and*~~

~~*(e) Includes a model form for an employee of the school district or charter school, a pupil enrolled in the school district or charter school or the parent or legal guardian of such a pupil to submit to the principal of the school, or his or her designee, to request the removal of library materials from the school library and specify the reasons why the library materials should be removed.*~~

~~*2. A policy developed pursuant to this section must, without limitation:*~~

~~*(a) Require the principal of the school, or his or her designee, to submit the request for the removal of library materials to the superintendent of schools of the school district or the governing body of the charter school, as applicable;*~~

~~*(b) Require the superintendent of schools or the governing body of the charter school, as applicable, after receiving the request submitted pursuant to paragraph (a), to appoint a committee to review the request to remove library materials that consists of:*~~

~~*(1) The superintendent of schools, his or her designee or a member of the governing body of the charter school, as applicable;*~~

~~*(2) The principal of the school in which the library materials requested for removal are located, or his or her designee;*~~

~~*(3) One school library staff member of the school in which the library materials requested for removal are located;*~~

~~*(4) If the request for the removal of library materials is for library materials located at a public school within a school district, including, without limitation, a charter school that is sponsored by a school district, one representative selected by the board of trustees of the school district who must not be the person who submitted the request for removal of the library materials;*~~

~~*(5) One teacher who teaches pupils enrolled in a grade for which the library materials are appropriate who must not be the person who submitted the request for removal of the library materials;*~~

~~*(6) One parent or legal guardian of a pupil enrolled in the school district or the charter school, as applicable, who must not be the person who submitted the request for removal of the library materials or the spouse of such a person;*~~

~~*(7) If the request for removal of the library materials was submitted by a pupil enrolled in grade 9, 10, 11 or 12, at the discretion of the superintendent of schools or the governing body of the charter school, as applicable, one pupil enrolled in grade 9, 10, 11 or 12 within the school district or the charter school, as applicable, who must not be the person who submitted the request for removal of library materials; and*~~

~~*(8) Any additional members the superintendent of schools or governing body of the charter school deems necessary;*~~

~~*(c) Require the committee appointed pursuant to paragraph (b) to evaluate the request for the removal of library materials and the library materials identified in the request and, not later than 60 days after receiving the request:*~~

~~*(1) Prepare a written report that includes a recommendation of whether to remove the library materials or limit access to the library materials; and*~~

~~*(2) Submit the report prepared pursuant to this paragraph to the board of trustees of the school district or the governing body of the charter school, as applicable;*~~

~~*(d) Require the committee appointed pursuant to paragraph (b) to submit a copy of the report prepared pursuant to paragraph (c) to the principal of the school in which the library materials requested for removal are located and to the person who submitted the request;*~~

~~*(e) Require the board of trustees of the school district or governing body of the charter school, as applicable, to:*~~

~~*(1) Review the report submitted pursuant to paragraph (c);*~~

~~*(2) Determine whether the library materials requested for removal will be removed or access to the library materials will be limited;*~~

~~*(3) Provide a written statement describing the reasons the determination was made;*~~

~~*(4) Post the written statement in an easily accessible location on the Internet website maintained by the school district or charter school; and*~~

~~*(5) If the board of trustees or governing body, as applicable, determines that the library materials requested for removal will be removed pursuant to*~~

~~*subparagraph (2), require a school library staff member to remove the library materials from circulation;*~~

~~*(f) Allow the board of trustees of a school district or governing body of a charter school to consolidate more than one request for the removal of library materials into a single determination if the requests concern the same library materials;*~~

~~*(g) Require that any library materials requested for removal remain in circulation, available to check out and in the appropriate location within the school library until a determination is made pursuant to paragraph (e);*~~

~~*(h) Prohibit a subsequent request for the removal of library materials from being submitted less than 1 year after a determination has been made pursuant to paragraph (e) concerning the same library materials; and*~~

~~*(i) Prohibit a determination made pursuant to paragraph (e) from being based upon disagreement with a viewpoint, idea or concept expressed in the library materials or based upon the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:*~~

~~*(1) The subject of the library materials;*~~

~~*(2) The author of the library materials; or*~~

~~*(3) The perceived or intended audience for the library materials, except that the age of the intended audience may be considered in determining if the materials are developmentally appropriate.*~~

~~*3. The board of trustees of each school district and the governing body of each charter school shall adopt:*~~

~~*(a) The model policy developed by the Department pursuant to subsection 1; or*~~

~~*(b) A policy on the access of pupils to library materials of a school library that:*~~

~~*(1) Is not less protective of the rights of pupils to access library materials than the model policy developed by the Department pursuant to subsection 1; and*~~

~~*(2) Includes the adoption of a form described in paragraph (e) of subsection 1 and a process for the review of requests for the removal of library materials that is substantially similar to the process described in subsection 2.*~~

~~*4. The Department shall adopt regulations that set forth the process for a person to appeal a determination made pursuant to paragraph (e) of subsection 2 to the Superintendent of Public Instruction.*~~

~~*5.]*~~ *A school library staff member is immune from criminal or civil liability for good faith acts* ~~*[:*~~

~~*(a) Relating]*~~ *relating to providing access to or assisting pupils in accessing library materials of a school library.* ~~*[; or*~~

~~*(b) Performed in compliance with a policy adopted pursuant to subsection 3.*~~

~~*6. Nothing in this section shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to a policy adopted pursuant to subsection 3.*~~

~~*7.]*~~ *2. As used in this section:*

(a) ~~*["Censorship":*~~

~~*(1) Means to block, suppress or remove library material based on disagreement with a viewpoint, idea or concept, or solely because an individual finds certain content offensive.*~~

~~*(2) Does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain pupils.*~~

~~*(b) "Diverse and inclusive material":*~~

~~*(1) Means material:*~~

~~*(I) That reflects the history, contributions or experiences of Native Americans and Native American tribes, persons of marginalized sexual orientation or gender identity, persons with disabilities, persons from various socioeconomic statuses, immigrants or refugees, persons from various religious backgrounds or persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander; or*~~

~~*(II) That contains the author's points of view concerning contemporary problems and issues, whether international, national or local.*~~

~~*(2) Does not include material that is inappropriate for all of the grades or age groups served by a school library.*~~

~~*(c)]*~~ *"Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.*

~~*[(d)]*~~ *(b) "School library staff member" means a school library media specialist, school librarian, any licensed or unlicensed employee of a school assigned to duties in a school library or any person carrying out or assisting with the functions of a school library media specialist or school librarian.*

Sec. 2. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[The State Library, Archives and Public Records Administrator shall develop a model policy on the access of patrons to library materials of a public library that:*~~

~~*(a) Includes model policies for the selection of materials for public libraries that are designed to ensure that each public library includes library materials that present a diverse range of information, stories, perspectives and ideas, including, without limitation, diverse and inclusive materials;*~~

~~*(b) Prohibits the censorship of library materials;*~~

~~*(c) Ensures residents of the municipality served by the library are permitted to reserve, check out and access any library materials, including, without limitation, diverse and inclusive material;*~~

~~*(d) Establishes criteria for the removal of library materials from the public library pursuant to a written policy for the preservation and curation of library materials or upon request from a resident of the municipality which is served by the public library; and*~~

~~*(e) Includes a model form for a resident of the municipality which is served by the public library to submit to the governing body of the public library to request the removal of library materials from the public library and specify the reasons why the library materials should be removed.*~~

~~*2. A policy developed pursuant to this section must, without limitation:*~~

~~*(a) Require the governing body of a public library, after receiving a request for the removal of library materials from the public library, to appoint a committee to review the request to remove library materials that consists of:*~~

~~*(1) One member of the governing body of the public library;*~~

~~*(2) One librarian employed by the public library;*~~

~~*(3) One staff member employed by the public library who is not a librarian and who is familiar with the library materials requested for removal;*~~

~~*(4) One resident of the municipality which is served by the public library who must not be the person who submitted the request for removal of library materials; and*~~

~~*(5) Any additional members the governing body deems necessary.*~~

~~*(b) Require the committee appointed pursuant to paragraph (a) to evaluate the request for the removal of library materials and the library materials identified in the request and, not later than 60 days after receiving the request:*~~

~~*(1) Prepare a written report that includes a recommendation of whether to remove the library materials or limit access to the library materials; and*~~

~~*(2) Submit the report prepared pursuant to this paragraph to the governing body of the public library;*~~

~~*(c) Require the committee appointed pursuant to paragraph (a) to submit a copy of the report prepared pursuant to paragraph (b) to the person who submitted the request;*~~

~~*(d) Require the governing body of the public library to:*~~

~~*(1) Review the report submitted pursuant to paragraph (b);*~~

~~*(2) Determine whether the library materials requested for removal will be removed or access to the library materials will be limited;*~~

~~*(3) Provide a written statement describing the reasons the determination was made;*~~

~~*(4) Post the written statement in an easily accessible location on the Internet website maintained by the public library; and*~~

~~*(5) If the governing body determines that the library materials requested for removal will be removed pursuant to subparagraph (2), require the librarians of the public library to remove the library materials from circulation;*~~

~~(c) Allow the governing body of the public library to consolidate more than one request for the removal of library materials into a single determination if the requests concern the same library materials;~~

~~(f) Require that any library materials requested for removal remain in circulation, available to check out and in the appropriate location within the public library until a determination is made pursuant to paragraph (d);~~

~~(g) Prohibit a subsequent request for the removal of library materials from being submitted less than 5 years after a determination has been made pursuant to paragraph (d) concerning the same library materials; and~~

~~(h) Prohibit a determination made pursuant to paragraph (d) from being based upon disagreement with a viewpoint, idea or concept expressed in the library materials or based upon the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:~~

~~(1) The subject of the library materials;~~

~~(2) The author of the library materials; or~~

~~(3) The perceived or intended audience for the library materials.~~

~~3. The governing body of the public library shall adopt:~~

~~(a) The model policy developed by the State Library, Archives and Public Records Administrator pursuant to subsection 1; or~~

~~(b) A policy on the access of library patrons to library materials of a public library that:~~

~~(1) Is not less protective of the rights of library patrons to access library materials than the model policy developed by the State Library, Archives and Public Records Administrator pursuant to subsection 1; and~~

~~(2) Includes the adoption of a form described in paragraph (d) of subsection 1 and a process for the review of requests for the removal of library materials that is substantially similar to the process described in subsection 2.~~

~~4.~~ Any staff member of a public library, including, without limitation, a librarian employed by a public library, is immune from criminal or civil liability for good faith acts ~~:~~

~~(a) Relating~~ relating to providing access to or assisting library patrons in accessing library materials of the public library ~~; or~~

~~(b) Performed in compliance with a policy adopted pursuant to subsection 3.~~

~~5. Nothing in this section shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to a policy adopted pursuant to subsection 3.~~

~~6.~~ 2. As used in this section ~~:~~

~~(a) "Censorship":~~

~~(1) Means to block, suppress or remove library material based on disagreement with a viewpoint, idea or concept, or solely because an individual finds certain content offensive.~~

~~*(2) Does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain age groups.*~~

~~*(b) "Diverse and inclusive material" means material:*~~

~~*(1) That reflects the history, contributions or experiences of:*~~

~~*(I) Native Americans and Native American tribes;*~~

~~*(II) Persons of marginalized sexual orientation or gender identity;*~~

~~*(III) Persons with disabilities;*~~

~~*(IV) Persons from various racial and ethnic backgrounds, including, without limitation, persons who are African-American, Basque, Hispanic or Asian or Pacific Islander;*~~

~~*(V) Persons from various socioeconomic statuses;*~~

~~*(VI) Immigrants or refugees; and*~~

~~*(VII) Persons from various religious backgrounds; or*~~

~~*(2) That contains the author's points of view concerning contemporary problems and issues, whether international, national or local.*~~

~~*(c) "Governing body" means the trustees of a consolidated, county or district library, the governing authority of a city library, the regional library board of a regional library or any other executive body which governs the operations of a public library, not including the governing board of a regional network of libraries.*~~

~~*(d) "Library"*~~ *"library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.*

~~*[(e) "Municipality" means a county, district, city, town or other political subdivision served by a public library.]*~~

Sec. 3. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 446.

Bill read second time.

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

Amendment No. 320.

AN ACT relating to transportation; prohibiting trains of a certain length from being run on certain railroads; ~~[prohibiting a railroad from placing a stationary rail car or train within a certain distance of a railroad grade crossing;]~~ requiring certain railroads to install certain safety equipment; requiring certain railroad companies to take or refrain from taking certain actions relating to railroad safety; establishing requirements for lighting

equipment installed in certain railroad yards; requiring certain reports; providing for the monitoring and inspection of railroads by certain union representatives; prescribing certain requirements relating to the transportation of railroad employees by railroad contract carriers; limiting the hours drivers employed by railroad contract carriers may work; providing for the maintenance and inspection of certain records; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) **Section 2** of this bill prohibits a **Class I or Class II** railroad ~~[company owning or]~~ operating ~~[any railroad]~~ in this State from ~~[: (1)]~~ operating, running or allowing to be run on certain railroad tracks a freight or work train that is more than ~~[8,500]~~ **7,500** feet long ~~. [; and (2) placing a stationary rail car or train within 1,500 feet of a railroad grade crossing.]~~ **Section 2** also requires a **Class I or Class II** railroad ~~[company owning or]~~ operating ~~[any railroad]~~ in this State to: (1) install and periodically inspect a hot box detector every ~~[10]~~ **20** miles along certain railroad tracks in this State; and (2) cut, separate or move a train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing, if an authorized emergency vehicle is approaching the crossing, with certain exceptions. **Section 3** of this bill prohibits a **Class I or Class II** railroad ~~[company owning or]~~ operating ~~[any railroad]~~ in this State from placing or causing to be placed certain material, debris and other objects that could pose a safety hazard to employees of the railroad within a certain area surrounding railroad tracks.

Section 4 of this bill requires ~~[certain]~~ **Class I or Class II** railroads that operate a railroad yard where rail cars or locomotives are frequently switched, repaired or inspected at night or where trains are frequently assembled or disassembled at night to: (1) maintain the lighting equipment installed in such railroad yards in good and working order; and (2) ~~[promptly]~~ repair or replace malfunctioning lighting equipment within 48 hours after receiving a report of a malfunction of the equipment. **Section 4** establishes certain minimum standards for lighting equipment installed in a railroad yard where rail cars or locomotives carrying hazardous materials are frequently switched, repaired or inspected at night or where certain trains carrying such materials are frequently assembled or disassembled at night. **Section 4** additionally requires ~~[certain]~~ **Class I or Class II** railroads and the union representatives of the employees of each railroad yard of such railroads to annually compile and transmit to the Public Utilities Commission of Nevada certain reports relating to the maintenance and operation of the lighting equipment installed in the railroad yards operated by the railroad.

Section 5 of this bill requires a railroad company owning or operating any railroad in this State to authorize a representative of a union that represents the employees of the railroad to monitor the safety practices of the railroad. **Section 5** requires a railroad to authorize the representative of such a union to

access the property of the railroad to conduct certain inspections and other activities to monitor the safety practices of the railroad. **Section 5** also requires a railroad to notify the Commission and certain union officials upon the occurrence of any derailment, collision or other incident involving a train, rail car, locomotive or other equipment owned or operated by the railroad or operated on the railroad tracks owned or operated by the railroad.

Section 6 of this bill requires each **Class I or Class II** railroad ~~[company owning or]~~ operating ~~[any railroad]~~ in this State to provide a bond to the Commission in an amount of not less than $5,000,000 to ensure the compliance of the railroad with the provisions of **sections 2-5**. **Section 6** also provides that a railroad that violates the provisions of **sections 2-5** is subject to certain civil penalties. **Sections 1.5 and 1.7 of this bill define the terms "Class I railroad" and "Class II railroad," respectively, and section 1.3 of this bill establishes the applicability of those definitions to sections 1.3-6.**

Existing law requires an operator of a motor vehicle that transports passengers for compensation pursuant to a contract with one or more customers to obtain a permit from the Nevada Transportation Authority as a contract motor carrier. Existing law subjects each contract motor carrier to certain regulations and requirements. (Chapter 706 of NRS) **Sections 9-20** of this bill prescribe additional requirements for railroad contract carriers, which are contract motor carriers that specifically transport, for compensation and within this State, employees of a railroad. **Section 15** limits, with certain exceptions, the number of hours that a railroad contract carrier can require or allow a driver employed by the carrier to drive or otherwise be on duty for the carrier. **Section 15** requires a railroad contract carrier to ~~[ensure]~~ **require** that each driver maintains accurate time records on a daily basis. **Section 15** requires each railroad contract carrier to collect and retain records for each driver for a period of not less than 1 year. **Section 16** prohibits a railroad contract carrier from employing a driver who has twice been convicted of certain traffic offenses within a 3-year period or has ever had his or her driving privileges suspended or revoked due to a conviction of certain traffic offenses. **Section 16** also requires a railroad contract carrier to maintain for each driver employed by the carrier certain information relating to the driving ability and safety record of the driver. **Section 17** prohibits a person from acting as a driver for a railroad contract carrier unless the person submits to testing for alcohol and controlled substances. **Section 17** also requires a railroad contract carrier to test a driver involved in a crash involving certain injuries for alcohol and controlled substances as soon as practicable after the crash. **Section 17** requires a railroad contract carrier to transmit the results of any post-crash testing of a driver to the Authority. **Section 18** requires a railroad contract carrier to annually inspect each transport vehicle operated by the carrier. **Section 18** further requires a railroad contract carrier to ~~[develop]~~ **adopt** a vehicle safety and maintenance policy, which must provide for the weekly inspection of parts and accessories of each transport vehicle. **Section 18** requires each transport

vehicle operated by a railroad contract carrier to be equipped with certain equipment and safety features.

Existing law requires motor carriers regulated by the Authority to maintain a liability insurance policy in such amounts as the Authority may designate. (NRS 706.291) **Section 19** instead requires each railroad contract carrier to maintain a certain minimum amount of liability coverage and uninsured and underinsured vehicle coverage. **Section 25** of this bill clarifies that the insurance requirements of **section 19** apply only to railroad contract carriers and not to other contract motor carriers, which are still required to maintain the minimum amount of coverage prescribed by the Authority. Additionally, **section 20** requires a railroad contract carrier to provide a bond to the Authority in an amount of not less than $5,000,000 to ensure the compliance of the railroad contract carrier with the provisions of **sections 8-20**.

Existing law declares all contract motor carriers to be affected with a public interest and subject to the permitting, regulatory and enforcement authority of the Authority. (NRS 706.156) **Section 22** of this bill requires a railroad contract carrier to comply with the provisions of **sections 8-20** in the same manner as the carrier is required to comply with other requirements and regulations applicable to contract motor carriers generally. **Sections 26-30** of this bill provide for the enforcement of **sections 8-20** by the Authority in the same manner as other provisions relating to motor carriers. **Section 23** of this bill clarifies that the requirements of **sections 8-20** are inapplicable to vehicles leased to or owned by certain governmental entities. **Section 24** of this bill requires a railroad contract carrier to display certain identifying information on each vehicle it operates. **Sections 9-14** define certain terms relating to railroad contract carriers and **section 8** establishes the applicability of those definitions. **Section 21** of this bill applies definitions in existing law relating to the regulation of motor carriers to **sections 8-20**.

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

Section 1. Chapter 705 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.3** to 6, inclusive, of this act.

Sec. 1.3. ***As used in sections 1.3 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.***

Sec. 1.5. ***"Class I railroad" has the meaning ascribed to it in 40 C.F.R. § 1033.901.***

Sec. 1.7. ***"Class II railroad" has the meaning ascribed to it in 40 C.F.R. § 1033.901.***

Sec. 2. ***1. A Class I or Class II railroad ~~[company owning or]~~ operating ~~[any railroad]~~ within this State shall not operate, run or permit to be run anywhere over a main line or branch line in this State any freight or work train that is more than ~~[8,500]~~ 7,500 feet long. Each train operating or running in violation of this section constitutes a separate violation.***

2. A Class I or Class II railroad ~~[company owning or]~~ operating ~~[any railroad]~~ within this State shall install and maintain a hot box detector not less than every ~~[10]~~ 20 miles along each main line in this State that is owned or operated by the railroad . ~~[company.]~~ A railroad ~~[company]~~ that is required to install a hot box detector pursuant to this section shall inspect each such hot box detector installed by the ~~[company]~~ railroad for defects not less than once every 30 days.

3. ~~[A railroad company owning or operating any railroad within this State shall not place a stationary rail car or train on a portion of a railroad that is within 1,500 feet of a railroad grade crossing.~~

~~4.]~~ Except for a train, rolling stock or other on-track equipment that is stopped due to mechanical failure where separation or movement is not possible, a Class I or Class II railroad ~~[company owning or]~~ operating ~~[any railroad]~~ within this State shall, upon the approach of an authorized emergency vehicle, cut, separate or cause to be moved any train, rolling stock or other on-track equipment that has come to a complete stop and is blocking a railroad grade crossing.

~~[5.]~~ 4. As used in this section:

(a) "Authorized emergency vehicle" has the meaning ascribed to it in NRS 484A.020.

(b) "Branch line" means a secondary railroad track that branches off from a main line.

(c) "Hot box detector" means a device that utilizes infrared technology to measure the temperature of axles, bearings and the related equipment of a passing train, rolling stock or other on-track equipment in order to detect potential defects or abnormal temperatures of the measured equipment.

(d) "Main line" means:

(1) A segment or route of railroad tracks over which 5,000,000 gross tons or more of freight railroad traffic is transported annually; and

(2) Such other tracks as the Public Utilities Commission of Nevada may prescribe by regulation.

(e) "Railroad grade crossing" means any intersection between a highway, as defined in NRS 706.081, and a railroad track.

Sec. 3. *1. A Class I or Class II railroad ~~[company owning or]~~ operating ~~[any railroad]~~ within this State shall not knowingly cause to be placed or permit to remain in the safe space of a railroad track any material or condition likely to endanger the safety of an employee, including, without limitation:*

(a) Scrap iron;

(b) Lumber;

(c) Debris;

(d) Vegetation exceeding a height of 4 inches; or

(e) Marked unevenness of terrain.

2. As used in this section, "safe space" means the area whose dimensions include the entire length of any railroad track and:

(a) A height from actual grade level to 14 feet above the top of the rails of the track; and

(b) A width extending 8 feet perpendicularly, on both sides, from the center line of the track.

Sec. 4. *1. A Class I or Class II railroad that operates a railroad yard in this State where rail cars or locomotives are frequently switched, repaired or inspected at night or where trains are frequently assembled or disassembled at night shall submit to the Public Utilities Commission of Nevada, not later than January 15 of each year, a report that:*

(a) Identifies each such railroad yard.

(b) For each railroad yard identified pursuant to paragraph (a):

(1) Describes the nature and placement of lighting equipment currently in use at the railroad yard; and

(2) Describes the practices of the railroad relating to maintenance and operation of the lighting equipment described in subparagraph (1).

(c) States for each railroad yard identified pursuant to paragraph (a) whether the lighting equipment in the railroad yard meets or exceeds the guidelines for illumination established by the American Railway Engineering and Maintenance-of-Way Association.

(d) States for each railroad yard identified pursuant to paragraph (a) whether the lighting equipment in the railroad yard is installed and operated in a manner consistent with:

(1) Conserving energy;

(2) Reducing glare;

(3) Minimizing light pollution; and

(4) Preserving the natural environment of the night.

(e) Contains either:

(1) A plan developed by the railroad for bringing into compliance any railroad yard identified by the railroad pursuant to paragraph (a) in which the lighting equipment:

(I) Does not meet or exceed the guidelines described in paragraph (c); or

(II) Is not operated in accordance with the objectives described in paragraph (d);

(2) A declaration that the lighting equipment in each railroad yard operated by the railroad meets or exceeds the guidelines described in paragraph (c) and is operated in accordance with the objectives described in paragraph (d); or

(3) An explanation of why the guidelines and objectives described in paragraphs (c) and (d), respectively, should not apply to a railroad yard operated by the railroad, based on circumstances individually applicable to each applicable railroad yard.

2. A railroad that is required to submit a report pursuant to subsection 1 shall maintain all lighting equipment at each railroad yard operated by the railroad in good and working order.

3. If a railroad that is required to submit a report pursuant to subsection 1 receives a report from any person that any lighting equipment at a railroad yard is malfunctioning, the railroad shall repair or replace the malfunctioning equipment within 48 hours after receiving the report.

4. If any employees of a railroad yard operated by a railroad that is required to submit a report pursuant to subsection 1 have elected to be represented by a labor union, the representative of each union for the employees of each applicable railroad yard shall submit to the Public Utilities Commission of Nevada, not later than January 15 of each year, a report that:

(a) Describes the nature and placement of lighting equipment currently in use at the railroad yard and the maintenance status and operation of the lighting equipment;

(b) Describes the level of maintenance of the lighting equipment and the promptness of the railroad in responding to reports of malfunctions of the lighting equipment;

(c) States whether the available lighting at the railroad yard is adequate to provide adequate working conditions for employees working at night; and

(d) Describes any applicable changes in the lighting equipment and any observed changes in the maintenance and operation practices relating to the equipment that have occurred since the last time a report was submitted for a railroad yard pursuant to this section.

5. A Class I or Class II railroad that operates a railroad yard in this State where rail cars or locomotives that carry placarded hazardous materials are frequently switched, repaired or inspected at night or where trains with more than 25 tanker rail cars carrying placarded hazardous materials are frequently assembled or disassembled at night shall install and operate lighting equipment in each such railroad yard:

(a) That meets or exceeds the guidelines for illumination established by the American Railway Engineering and Maintenance-of-Way Association; and

(b) In a manner consistent with:

(1) Conserving energy;

(2) Reducing glare;

(3) Minimizing light pollution; and

(4) Preserving the natural environment of the night.

6. The Public Utilities Commission of Nevada shall:

(a) Review all reports submitted pursuant to subsections 1 and 4 and investigate any discrepancies between a report submitted pursuant to subsection 1 and subsection 4 with respect to a particular railroad yard.

(b) Upon the conclusion of an investigation undertaken pursuant to paragraph (a), report the findings of the investigation to the railroad that operates the applicable railroad yard and the union representative for the employees of the railroad yard.

(c) On or before December 31 of each year, compile a report that contains:

(1) A summary of the reports received pursuant to this section during the immediately preceding year;

(2) The results of any investigation undertaken pursuant to paragraph (a) during the immediately preceding year;

(3) A summary of the progress achieved by railroads in this State with achieving the guidelines and objectives for lighting equipment in railroad yards described in paragraphs (c) and (d), respectively, of subsection 1; and

(4) Recommendations for legislation to improve safety in and around railroad yards at night, including, without limitation, additional standards and guidelines for lighting equipment installed in railroad yards.

(d) Transmit the report compiled pursuant to paragraph (c) to the Director of the Legislative Counsel Bureau for transmittal:

(1) In odd-numbered years, to the next regular session of the Legislature.

(2) In even-numbered years, to:

(I) The Joint Interim Standing Committee on Commerce and Labor; and

(II) The Joint Interim Standing Committee on Growth and Infrastructure.

7. The Public Utilities Commission of Nevada shall adopt regulations prescribing what constitutes "frequent" for the purposes of this section.

~~*[8. As used in this section:*~~

~~*(a) "At night" means after sunset and before sunrise.*~~

~~*(b) "Class I railroad" has the meaning ascribed to it in 49 C.F.R. § 1033.901.*~~

~~*(c) "Class II railroad" has the meaning ascribed to it in 49 C.F.R. § 1033.901.]*~~

Sec. 5. *1. If the employees of a railroad company owning or operating a railroad in this State, or any particular subset of employees of the railroad company, have elected to be represented by a labor union, the railroad company shall authorize the designated representative of each such union to monitor the safety practices and operations of the railroad. The railroad company shall authorize each designated representative of the union to:*

(a) Carry out physical inspections of railroad property, when such inspections can be safely conducted;

(b) Take photographs of or on railroad property; and

(c) Conduct such other examinations of railroad property and interviews of employees of the railroad company who are represented by the union as may be necessary to:

(1) Ensure the compliance of the railroad with all applicable state and federal laws and regulations relating to the safety of employees of the railroad company; and

(2) Investigate a potential safety hazard that may result in injury or death to an employee of the railroad company represented by the union.

2. If a train, rail car, locomotive or other equipment owned or operated by a railroad company, or operating on tracks owned or operated by the railroad company, is involved in a derailment, collision, split switch, runaway equipment event, an unintended separation of equipment event or any other incident occurring outside of normal railroad operations, the railroad company owning or operating the applicable train, rail car, locomotive or other equipment shall:

(a) Report the incident to the Public Utilities Commission of Nevada within 30 days after the incident, regardless of whether the incident caused any property damage, and include within the report a copy of the investigation of the incident conducted by the railroad company, if applicable.

(b) Immediately report the incident to the designated representative of the union of each employee involved in the incident, and the local leader of each such union, as applicable, and authorize each representative of such a union and its local leader to conduct an investigation of the incident on behalf of the union in a manner consistent with subsection 1.

Sec. 6. ***1. The Public Utilities Commission of Nevada shall require each Class I or Class II railroad [company owning or] operating [any railroad] within this State to provide a bond executed by the company, corporation or receiver, as applicable, as principal, and by a corporation qualified pursuant to the laws of this State as a surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of sections 2 to 5, inclusive, of this act. The total amount of the bond must be not less than $5,000,000.***

2. A Class I or Class II railroad [company] that violates [the provisions] any provision of sections 2 to 5, inclusive, of this act, is liable to the Public Utilities Commission of Nevada for a civil penalty of:

(a) Not less than $500, but not more than $25,000 for each violation; or

(b) Not more than $100,000 for each violation, if the Public Utilities Commission of Nevada first determines, after notice and an opportunity for a hearing in accordance with the provisions of NRS 703.320, that:

(1) The railroad [company] committed the violation in a grossly negligent manner; or

(2) The violation is a part of a pattern of repeated violations.

Sec. 7. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 20, inclusive, of this act.

Sec. 8. ***As used in sections 8 to 20, inclusive, of this act, the words and terms defined in sections 9 to 14, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 9. ***"Drive time" means the length of time that a transport vehicle driver spends behind the wheel of a transport vehicle performing***

transportation assignments or driving to or from a transportation assignment.

Sec. 10. *"Off-duty time" means a period of time that a transport vehicle driver is not on-duty, during which time the railroad contract carrier is unable to communicate with the transport vehicle driver in a manner that could disrupt the rest of the transport vehicle driver.*

Sec. 11. *"On-duty time" means all time from the time a transport vehicle driver begins to work or is required to be in readiness to work until the time the transport vehicle driver is relieved from work and all responsibility for performing work. The term includes, without limitation:*

1. Time spent at the facility of the railroad contract carrier waiting to be dispatched for a transportation assignment;

2. Time spent inspecting, servicing or maintaining a transport vehicle;

3. Any time classified as drive time;

4. Any time required to be spent in a transport vehicle other than drive time;

5. Time spent supervising, assisting or attending the loading and unloading of passengers of a transport vehicle;

6. Time spent obtaining assistance for or safeguarding a disabled transport vehicle; and

7. Time spent providing a breath sample or urine sample, including travel time to and from the testing site, as required to comply with federal or state law, including the requirements of section 17 of this act.

Sec. 12. *"Railroad contract carrier" means a contract motor carrier engaged in intrastate transportation by transport vehicle of the employees of a railroad to or from a work assignment for compensation.*

Sec. 13. *"Transport vehicle" means a motor vehicle that:*

1. Has a seating capacity of 15 passengers or less; and

2. Is used by a railroad contract carrier to transport employees of a railroad to or from a work assignment.

Sec. 14. *"Transport vehicle driver" means a person who is employed by a railroad contract carrier to drive employees of a railroad to or from a work assignment using a transport vehicle.*

Sec. 15. *1. A railroad contract carrier shall not allow or require a transport vehicle driver to accrue:*

(a) Within any 24-hour period:

(1) Except as otherwise provided in subsection 2, more than 10 hours of drive time following 8 consecutive hours of off-duty time.

(2) More than 15 hours of on-duty time since the transport vehicle driver last had 8 consecutive hours of off-duty time.

(b) More than 70 hours of total on-duty time in any period of 7 consecutive days.

2. A railroad contract carrier may authorize a transport vehicle driver to accrue an additional 2 hours of drive time, in addition to the limit established pursuant to subparagraph (1) of paragraph (a) of subsection 1, if:

(a) The driver encounters an emergency during a transportation assignment and, because of the emergency, cannot safely complete the assignment within the 10 hours of drive time allowed pursuant to subparagraph (1) of paragraph (a) of subsection 1;

(b) The transportation assignment could have otherwise been completed within the drive time remaining for the driver in the 24-hour period, absent the emergency; and

(c) The additional drive time is used by the transport vehicle driver for the sole purpose of:

(1) Completing the transportation assignment, if the assignment can be completed within the additional hours of drive time authorized by this subsection; or

(2) Reaching a place or destination that offers safety for the occupants of the transport motor vehicle and security for the transport vehicle.

3. A railroad contract carrier shall require each transport vehicle driver employed by the carrier to keep and maintain accurate time records for each day that the transport vehicle driver is on duty. The records kept by each transport vehicle driver must include, without limitation:

(a) The time that the transport vehicle driver reported for duty on that day;

(b) The total number of hours of on-duty time worked by the transport vehicle driver on that day;

(c) The time that the transport vehicle driver was released from duty on that day; and

(d) The total number of hours that the transport vehicle driver drove for the railroad contract carrier on that day.

4. A railroad contract carrier shall collect all of the records required to be kept and maintained by each transport vehicle driver pursuant to subsection 3 and shall retain each record collected from each driver for not less than 1 year from the date on which each record was compiled.

Sec. 16. *1. A railroad contract carrier shall not employ any person as a transport vehicle driver if:*

(a) The driving privileges or driver's license of the person or driver's permit issued to the person pursuant to NRS 706.462 has ever been suspended or revoked by the Department, the Authority, or any department or regulatory body of any other state or territory of the United States based on a conviction of any offense described in paragraph (b).

(b) The person has been found to have committed two or more of the following offenses within a 3-year period in any state or territory of the United States:

(1) Any traffic offense relating to intoxication, including, without limitation, any violation of NRS 484C.110, 484C.120 and 484C.130.

(2) Any traffic offense which specifically applies to commercial motor vehicles.

(3) Any seat belt violation, including, without limitation, a violation of NRS 484D.495.

(4) Driving 15 miles per hour or more over the speed limit.

(5) Vehicular manslaughter pursuant to NRS 484B.657, a violation of subsection 9 of NRS 484B.653 or a similar offense, the elements of which involve the death of a person caused by the negligent or grossly negligent operation of a motor vehicle.

(6) Using a vehicle to commit a felony.

(7) Any offense involving the failure to maintain the requisite minimum amount of insurance or financial responsibility as required by law or the failure to maintain proof of such financial responsibility, including, without limitation, a violation of NRS 485.187.

(8) Any offense involving a breach of a duty or responsibility under law to stop and remain at the scene of a crash, including, without limitation, a violation of NRS 484E.010, 484E.020 or 484E.030.

(9) Fleeing and attempting to elude law enforcement through the use of a vehicle, including, without limitation, a violation of NRS 484B.550.

(10) Reckless or aggressive driving, including, without limitation, a violation of NRS 484B.650 or 484B.653.

(11) Unlawfully passing a school bus, including, without limitation, a violation of NRS 484B.353.

(12) Failure to obey an official traffic control device, including, without limitation, a violation of NRS 484B.300.

(13) Failure to stop at a railroad grade crossing or obey a traffic-control device for railroad crossings, including, without limitation, a violation of NRS 484B.553 or 484B.557.

(14) Driving without a valid driver's license or driving with a cancelled, suspended or revoked driver's license, including, without limitation, a violation of NRS 483.550 or 483.560.

(15) Driving the wrong way down a one-way street or driving the wrong way on a divided highway, including, without limitation, a violation of NRS 484B.220 or 484B.227.

2. A railroad contract carrier shall maintain a file of records for each transport vehicle driver that the railroad contract carrier employs. The file must include, without limitation:

(a) A copy of a medical examiner's certificate issued to the driver within the last 2 years by a medical examiner licensed in this State which states that the driver meets the health requirements established by the Federal Motor Carrier Safety Regulations, 49 C.F.R. §§ 391.41 et seq.

(b) Documentation that confirms that the railroad contract carrier has obtained a copy of the driving record of the transport vehicle driver at least once each year that the transport vehicle driver is employed by the railroad contract carrier.

(c) Documents and records relating to the driving record and history of the transport vehicle driver, including, without limitation, records of any

citations issued to the driver or convictions of the driver for a violation of the motor vehicle laws or ordinances of any jurisdiction.

(d) Documents not described in paragraph (b) or (c) that otherwise relate to the qualification or ability of the transport vehicle driver to drive a motor vehicle, including, without limitation, records of any complaints made against the transport vehicle driver through a hotline maintained by the railroad contract carrier to receive feedback on the driving of transport vehicle drivers.

(e) The application for employment submitted by the transport vehicle driver, which must conform with the requirements of 49 C.F.R. § 391.21(b).

(f) Responses or documentation received by the railroad contract carrier from the previous employer of the transport vehicle driver relating to the safety record of the transport vehicle driver.

3. As used in this section, "medical examiner" has the meaning ascribed to it in NRS 706.8842.

Sec. 17. *1. A railroad contract carrier shall not permit a person to perform the duties of a transport vehicle driver unless the person has undergone testing for alcohol or controlled substances in a manner consistent with the provisions of 49 C.F.R. Parts 40 and 382. A person may perform the duties of a transport vehicle driver if the testing of the person indicates:*

(a) A blood alcohol concentration of zero; and

(b) A negative test result for the presence of controlled substances.

2. A railroad contract carrier shall not permit a person to perform, and a person shall not perform, the duties of a transport vehicle driver if:

(a) The results of the testing of the person for alcohol and controlled substances are not in compliance with subsection 1;

(b) The person refuses to agree to testing or refuses to submit a specimen for an alcohol test or controlled substances test; or

(c) The person submits an adulterated specimen, a dilute positive specimen or a substituted specimen for an alcohol test or a controlled substances test.

3. As soon as practicable after an accident occurs, during a transportation assignment, involving a motor vehicle owned or operated by a railroad contract carrier, the railroad contract carrier shall test each surviving transport vehicle driver for alcohol or controlled substances, in a manner consistent with the provisions of 49 C.F.R. Parts 40 and 382, if:

(a) The accident involved the loss of human life.

(b) The transport vehicle driver received a moving violation citation or civil infraction citation arising from or relating to the accident and the accident additionally resulted in:

(1) Bodily injury to a person who received medical attention for that injury at the scene of the accident or immediately after leaving the scene of the accident; or

(2) One or more vehicles involved in the accident being rendered disabled or immovable due to damages sustained in the accident.

4. If the railroad contract carrier is unable to conduct the testing required pursuant to subsection 3 immediately following the accident, the railroad contract carrier shall conduct the testing:

(a) For alcohol, within 8 hours after the accident.

(b) For controlled substances, within 32 hours after the accident.

5. A railroad contract carrier shall transmit to the Authority the results of any testing required to be conducted pursuant to subsection 3.

6. A railroad contract carrier shall maintain any record relating to the testing of a person for alcohol and controlled substances pursuant to this section for a period of not less than 5 years after the record is compiled or generated. All records that are required to be maintained by this section must be maintained in a safe and secure location.

Sec. 18. *1. A railroad contract carrier shall inspect each transport vehicle, and the components thereof at least once every 12 months in a manner that conforms with the requirements of 49 C.F.R. § 396.17 and Appendix A to that part. Each inspection conducted pursuant to this subsection must be completed by a person who is qualified under the provisions of 49 C.F.R. § 396.19 to conduct inspections of vehicles.*

2. A railroad contract carrier shall require each transport vehicle driver to complete a written inspection report on each day that the transport vehicle driver is on duty, in a manner consistent with the provisions of 49 C.F.R. § 396.11, before the transport vehicle driver is released from duty for the day.

3. A railroad contract carrier shall adopt a policy to ensure the safety and maintenance of transport vehicles and the parts, accessories and other equipment thereof. The policy must:

(a) Require that all parts and accessories stored in, installed on or equipped with each transport vehicle be inspected for safety and proper operation at least once a week;

(b) Ensure that each transport vehicle owned or operated by the railroad contract carrier is equipped with:

(1) Tires with sufficient tread in accordance with 49 C.F.R. § 393.75.

(2) A spare tire that is fully inflated.

(3) A secured location for baggage and personal items, including proper restraints.

(4) Fully operational seatbelts for all passenger seats.

(5) If the transport vehicle is expected to be driven through inclement weather conditions requiring specialized equipment, traction devices, studs or chains necessary to drive safely in such conditions.

(6) A heater in working condition and an air conditioner in working condition, including properly working fans.

(7) A kit for emergencies that contains, without limitation:

(I) An aerosol can or similar device that is capable of inflating a tire;

(II) Flares or reflective triangles;

(III) Jumper cables; and

(IV) A readily accessible first aid kit that contains, at a minimum, the contents and articles described in the most recent American National Standard (ANSI) Z308.1-1998, entitled "Minimum Requirements for Workplace First-aid Kits" or, any successor standard described in 29 C.F.R. § 1910.151 and Appendix A to that section.

(8) An operable amber light or strobe light that is placed on the roof of the rear one-third portion of the vehicle and that is capable of providing adequate light to other motorists if the vehicle is stalled, slowed or stopped in or otherwise obstructing the roadway.

(9) A windshield, windshield wipers, tail lamps and a headlamp that comply with the requirements of NRS 705.380.

(c) Require that each transport vehicle be maintained in a condition and operated in a manner that is not likely to be hazardous or cause a mechanical breakdown pursuant to NRS 706.246.

(d) Provide that the railroad contract carrier will adequately maintain records for each transport vehicle, including, without limitation:

(1) Records containing the vehicle identification number, make, model, year of manufacture and manufacturer of each transport vehicle;

(2) Records containing the information about the owner of each transport vehicle, if the railroad contract carrier is not the owner of the transport vehicle; and

(3) Detailed records evidencing all maintenance, servicing or repair performed on each transport vehicle, which must include a description of the specific maintenance, service or repair tasks performed on the transport vehicle and the date on which the maintenance, service or repair task was performed.

4. A railroad contract carrier shall ensure that each of its transport vehicle drivers, officers, agents and employees whose duties or responsibilities are related to inspecting and maintaining transport vehicles comply with and are knowledgeable of the policy adopted by the railroad contract carrier pursuant to subsection 3.

5. A railroad contract carrier shall be deemed to have committed a violation of this section if the railroad contract carrier operates a transport vehicle on any public road or highway in this State that does not comply with the requirements established pursuant to paragraph (b) of subsection 3.

6. A railroad contract carrier shall maintain all records required to be maintained pursuant to paragraph (d) of subsection 3 at the principal place of business of the railroad contract carrier for not less than 1 year after each record is compiled or generated, unless the record pertains to a transport vehicle that is no longer in the control of the railroad contract carrier, in which case, the record must be maintained for not less than 6 months after the record is compiled or generated.

Sec. 19. *A railroad contract carrier shall ensure that, while the railroad contract carrier operates any transport vehicle within this State, the railroad*

contract carrier and driver of each such transport vehicle is covered by a policy of insurance issued by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State that includes:

1. Coverage for the payment of tort liabilities arising from the maintenance or use of the transport vehicle in the amount of:

(a) Not less than $2,000,000 for bodily injury to or death of one person in any one crash;

(b) Not less than $5,000,000 for bodily injury to or death of two or more persons in any one crash, subject to the limit for one person; and

(c) Not less than $1,000,000 for injury to or destruction of property of others in any one crash; and

2. Uninsured and underinsured motorist coverage in an amount not less than the limits of coverage for bodily injury maintained by the railroad contract carrier pursuant to subsection 1.

Sec. 20. ***1. The Authority shall require a railroad contract carrier to provide a bond executed by the railroad contract carrier as principal, and by a corporation qualified pursuant to the laws of this State as a surety, payable to the State of Nevada, and conditioned upon the faithful performance of all the requirements of sections 8 to 20, inclusive, of this act. The total amount of the bond must be not less than $5,000,000.***

2. The Department of Motor Vehicles, the Department of Public Safety, the Authority and any member, officer, employee or other designee of the Authority may, pursuant to subsection 1 of NRS 706.171 and NRS 706.172, inspect any document or record required to be maintained pursuant to sections 8 to 20, inclusive, of this act, and such records shall be deemed to contain information relating to a matter of public safety.

3. The provisions of sections 8 to 20, inclusive, of this act:

(a) Shall be construed to be minimum standards; and

(b) Shall not be construed to supersede or abrogate any law, rule or regulation that imposes stricter standards or regulations upon a railroad contract carrier.

Sec. 21. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 8 to 20, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~.~~ ***, and sections 8 to 20, inclusive, of this act.***

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and

necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The Authority shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 23. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 8 to 20, inclusive, of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.
2. Any state or a political subdivision thereof.

Sec. 24. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 8 to 20, inclusive, of this act*** must have the name of the operator operating the vehicle displayed on the vehicle in such location, size and style as may be specified by the Authority. The display shall not be deemed advertising for the purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of the employees of that employer, whether or not the employees pay for the transportation.

Sec. 25. NRS 706.291 is hereby amended to read as follows:

706.291 1. ~~[The]~~ ***Except as otherwise provided in section 19 of this act, the*** Authority shall require every fully regulated carrier and every operator of a tow car, within such time and in such amounts as the Authority may designate, to file with the Authority in a form required and approved by the Authority a liability insurance policy, or a certificate of insurance in lieu thereof, or a bond of a surety company, or other surety, in such reasonable sum as the Authority may deem necessary to protect adequately the interests of the public.

2. The Department shall require every other common and contract motor carrier and every private carrier, within such time and in such amounts as the Department may designate, to file with the Department in a form required and approved by the Department a liability insurance policy, or a certificate of insurance in lieu thereof, a bond of a surety company, or other surety, in such reasonable sum as the Department may deem necessary to protect adequately the interests of the public. In determining the amount of liability insurance or other surety required of a carrier pursuant to this subsection, the Department shall create a separate category for vehicles with a manufacturer's gross vehicle weight rating of less than 26,000 pounds and impose a lesser requirement with respect to such vehicles.

3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The Authority and the Department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 26. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~,~~ ***, and sections 8 to 20, inclusive, of this act.***

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~,~~ ***, and sections 8 to 20, inclusive, of this act.***

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 27. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, ***and sections 8 to 20, inclusive, of this act*** and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. If the Authority proceeds with a hearing on an application for a permit, the Authority shall fix a time and place for the hearing.

3. The Authority may dispense with the hearing, if any, on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the permit.

4. An application must be denied if the provisions of subsection 1 are not met.

5. The Authority shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required in NRS 706.167 within 60 days after the report is due.

6. The Authority shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after the contract motor carrier has been issued a permit pursuant to this section may be approved by the Authority without giving notice required by statute or by a regulation of the Authority.

Sec. 28. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or

contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~[,]~~ ***and sections 8 to 20, inclusive, of this act;*** or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, ***and sections 8 to 20, inclusive, of this act*** is being violated,

➥ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~[.]~~ ***, and sections 8 to 20, inclusive, of this act.*** The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, ***and sections 8 to 20, inclusive, of this act*** or by other law.

Sec. 29. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 8 to 20, inclusive, of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 8 to 20, inclusive, of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and sections 8 to 20, inclusive, of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and sections 8 to 20, inclusive, of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[,]~~ ***, and sections 8 to 20, inclusive, of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 30. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, ***and sections 8 to 20, inclusive, of this act*** for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 8 to 20, inclusive, of this act*** and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 31. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 31, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 448.

Bill read second time.

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

Amendment No. 479.

AN ACT relating to health care; establishing various requirements relating to vision benefit managers and providers of vision care; revising provisions relating to certain contracts between an insurer and a provider of vision care; prohibiting certain conduct of a vision benefit manager or provider of vision care which would constitute an unfair or deceptive trade practice in the business of insurance; authorizing a provider of vision care to bring a civil action against a vision benefit manager under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain unfair trade practices in the business of insurance. (NRS 686A.010-686A.310) Existing law prohibits an insurer from entering into a contract with a provider of vision care that conditions any rate of reimbursement for vision care on the provider of vision care prescribing certain ophthalmic devices or materials or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. Existing law also prohibits an insurer from entering into a contract with a provider of vision care that: (1) authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not

reimbursed under the contract; or (2) requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to a covered person. Finally, existing law requires a provider of vision care to disclose to any covered person an ownership or pecuniary interest of the provider in a supplier of ophthalmic devices or materials before the covered person authorizes the provider to obtain covered eyewear materials from such a supplier. (NRS 686A.135) Existing law authorizes the Commissioner of Insurance to investigate a violation of and enforce those provisions as an unfair or deceptive trade practice. (NRS 686A.020, 686A.160, 686A.170, 686A.183)

Sections ~~[2-34]~~ 2-25, 27-34 and 37 of this bill revise provisions of existing law governing vision care and set forth various additional requirements and restrictions governing vision benefit managers. **Section 15** defines "vision benefit manager" to mean a person, including, without limitation, an insurer, third-party administrator or subcontractor, that creates, promotes, sells, provides, operates, advertises or administers a vision benefit plan or vision benefit discount plan. **Section 16** defines "vision benefit plan" to mean a policy, contract, certificate or agreement offered by a vision benefit manager to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of vision care. **Section 16** specifies that the term includes a standalone vision benefit plan or a health benefit plan that provides coverage for vision care. **Section 14** defines "vision benefit discount plan" to mean a policy, contract, certificate or agreement offered by a vision benefit manager to an enrollee that solely provides for a discount for covered services or covered materials.

Because an insurer that provides a vision benefit plan constitutes a vision benefit manager, **section 37** revises the provisions of existing law setting forth certain prohibitions on insurers with respect to vision care to replace references to an insurer with references to a vision benefit manager. **Section 37** additionally prohibits a vision benefit manager from: (1) requiring a provider of vision care to use a specific source or supplier for certain materials, including ophthalmic devices; and (2) paying reimbursement to a provider of vision care which is not reasonable . ~~[and not substantially similar to rates for reimbursement under Medicare.]~~

Section 18 prohibits a vision benefit manager from limiting the reimbursement or choice of a provider of vision care for services or materials which are not covered by a plan. **Sections 19, 20, 25 and 30-32** prohibit certain provisions in a contract or agreement between a vision benefit manager and a provider of vision care.

Section 21 prohibits a vision benefit manager from falsely representing the number of participating providers of vision care or the benefits that compose a plan. **Section 22** prohibits a vision benefit manager from engaging in certain marketing or advertising activities. **Section 23** prohibits a vision benefit manager from retroactively reversing a reimbursement to a provider of vision care if the provider relied in good faith on certain information at the time of service. **Section 24** authorizes a provider of vision care to offer a cash price

option for certain services and materials under certain circumstances. ~~[Section 26 requires a vision benefit manager, under certain circumstances, to provide the same reimbursement to an optometrist for certain services or materials as if the services or materials were provided by a physician.]~~ **Section 27** establishes procedures for amending or terminating a contract between a vision benefit manager and a provider of vision care.

Sections 28 and 29 prohibit certain actions of a vision benefit manager relating to certain business practices, billing practices, audit practices and receiving personal or confidential information of an enrollee. **Section 34** authorizes a provider of vision care who is adversely affected by certain violations by a vision benefit manager to bring a civil action to recover his or her actual damages, punitive damages and other equitable relief. **Section 33** makes the provisions of this bill which are applicable to a vision benefit manager equally applicable to any affiliate or subcontractor that a vision benefit manager uses or enters into a contract with for certain activities. **Section 33** additionally makes the provisions of this bill which are applicable to contracts between a provider of vision care and a vision benefit manager equally applicable to certain other agreements.

Sections 35, 36 and 38-43 of this bill make provisions of existing law which are generally applicable to certain unfair or deceptive trade practices in the business of insurance specifically applicable to the provisions of **sections** ~~[2-34.]~~ **2-25 and 27-34. Sections 44-47** of this bill provide that certain entities that provide coverage for vision care, including local governments and the Public Employees' Benefits Program, are subject to the provisions of **sections** ~~[2-34.]~~ **2-25 and 27-34.**

Sections 3-17 define certain words and terms for the purposes of this bill.

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

Section 1. Chapter 686A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. ***As used in NRS 686A.135 and sections 2 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Chargeback" means a dollar amount, fee, surcharge, rebate or item of value that reduces, modifies or offsets all or part of the:***

1. Amount that an enrollee is required to pay for a covered service or covered material;

2. Amount for which a provider of vision care will be reimbursed for a covered service or covered material;

3. Maximum amount a vision benefit manager will pay for a covered service or covered material; or

4. The fee for a covered service or covered material, as set forth on a schedule of fees established by a vision benefit manager.

Sec. 4. *"Contractual discount" means a percentage reduction from the usual and customary rate of a provider of vision care for covered services and covered materials required under an agreement between a provider of vision care and a vision benefit manager.*

Sec. 5. *"Covered material" means any material for which:*

1. Reimbursement from a vision benefit manager is provided to a provider of vision care by a vision benefit plan of an enrollee, or for which a reimbursement would be available but for the application of the contractual limitations on deductibles, copayments or coinsurance applicable for the enrollee, regardless of how the materials are listed or described in the definition of benefits in a vision benefit plan of an enrollee; or

2. A discount is provided by a vision benefit discount plan of an enrollee.

Sec. 6. *"Covered services" means the professional work performed by a provider of vision care for which:*

1. Reimbursement from a vision benefit manager is provided to a provider of vision care by a vision benefit plan of an enrollee, or for which a reimbursement would be available but for the application of the contractual plan limitations of deductibles, copayments or coinsurance, regardless of how the services are listed or described in the definition of benefits in a vision benefit plan of an enrollee; or

2. A discount is provided by a vision benefit discount plan of an enrollee.

Sec. 7. *"Enrollee" means any person participating in or entitled to receive covered services or covered materials through a vision benefit plan or vision benefit discount plan that is purchased by the person or provided to the person by another person or a governmental entity.*

Sec. 8. *"Extrapolation" means a mathematical formula, process or technique used by a vision benefit manager or the agent of a vision benefit manager in the audit of a provider of vision care to estimate the audit results or findings for a larger batch or group of claims not reviewed by the vision benefit manager.*

Sec. 9. *"Materials" means ophthalmic devices, including, without limitation, lenses, devices containing lenses, artificial intraocular lenses, ophthalmic frames and other lens mounting apparatuses, prisms, lens treatments and coatings, contact lenses, low vision devices, vision therapy devices and prosthetic devices, used to correct, relieve or treat defects or abnormal conditions of the human eye or its adnexa, or any other material authorized for use in chapter 636 of NRS and any regulations adopted pursuant thereto.*

Sec. 10. *"Participating provider of vision care" means a provider of vision care that has entered into a contractual agreement or other business relationship with a vision benefit manager to provide covered services or covered materials.*

Sec. 11. *"Provider of vision care" means a physician who provides vision care or an optometrist.*

Sec. 12. *"Subcontractor" means a person, including, without limitation, an agent, servant, broker, wholesaler, distributor, partially or wholly owned subsidiary or controlled organization of a vision benefit manager, that is contracted by a vision benefit manager to supply covered services or covered materials to another vision benefit manager, provider of vision care or enrollee to execute or fulfill the vision benefit plan or vision benefit discount plan of the vision benefit manager.*

Sec. 13. *"Third-party administrator" means a person that provides services, including, without limitation, administrative, operational, regulatory, human resource, compliance and claim adjudication services, for a vision benefit manager under a contract or agreement with the vision benefit manager.*

Sec. 14. *"Vision benefit discount plan" means a policy, contract, certificate or agreement offered by a vision benefit manager to an enrollee that solely provides for a discount for covered services or covered materials.*

Sec. 15. *"Vision benefit manager" means a person, including, without limitation, an insurer, third-party administrator or subcontractor, that creates, promotes, sells, provides, operates, advertises or administers a vision benefit plan or vision benefit discount plan.*

Sec. 16. *1. "Vision benefit plan" means a policy, contract, certificate or agreement offered by a vision benefit manager to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of vision care.*

2. The term includes, without limitation:

(a) A policy, contract, certificate or agreement which only pays for or reimburses any of the costs of vision care and is offered or issued separately from any health benefit plan, as defined in NRS 695G.019.

(b) A health benefit plan, as defined in NRS 695G.019, that provides coverage for vision care.

Sec. 17. *"Vision care" means routine ophthalmological evaluation of the eye, including refraction.*

Sec. 18. *A vision benefit manager shall not:*

1. Mandate or otherwise condition reimbursement or participation in a vision benefit plan or vision benefit discount plan on terms relating to the pricing for services or materials that are not covered services or covered materials; or

2. Influence or limit the choice of an enrollee as to a provider of vision care for services or materials that are not covered services or covered materials.

Sec. 19. *A contract between a vision benefit manager and a provider of vision care must not contain any provision which requires the provider of vision care to:*

1. Provide covered services or covered materials to an enrollee at a financial loss, taking into account any applicable discounts and chargebacks.

2. Accept a reimbursement payment in the form of a credit card or any other payment method which requires a fee for processing or administration or a percentage or dollar amount which is assessed against the provider of vision care in order to receive the payment.

3. Share equally the expenses of any arbitration, except that each party to an arbitration may bear its own costs subject to a fee-shifting provision for a prevailing party.

4. Establish a security interest in all or part of the assets of the provider of vision care in the event of a termination described in subsection 6 of section 27 of this act.

Sec. 20. *1. Except as otherwise provided in subsection 2, the period prescribed by a contract between any vision benefit manager and a provider of vision care for the vision benefit manager to recover any reimbursement amount from the provider of vision care must be the same period allowed or required for the vision benefit manager to remit the applicable reimbursement after the submission by a provider of vision care of a claim for covered services rendered or covered materials furnished that does not contain any defects or other issues that would delay the remittance.*

2. The provisions of subsection 1 must not be construed to limit the ability of a vision benefit manager to conduct an audit of claims, in accordance with the written policies of the vision benefit manager and applicable law, in the event that the vision benefit manager has a reasonable belief that the provider of vision care has engaged in fraud, waste or abuse.

Sec. 21. *A vision benefit manager shall not falsely represent the number of participating providers of vision care within a particular region or the benefits that compose a vision benefit plan or vision benefit discount plan.*

Sec. 22. *A vision benefit manager shall not:*

1. Promote or use in any marketing or advertising to a client, purchaser, company, enrollee or prospective enrollee any statement that a covered service or covered material is free, no charge or complimentary or that uses any other materially similar language.

2. Offer an enrollee a varying deductible, copay, coinsurance, coverage amount, rebate, gift card or other incentive to obtain covered services, covered materials or other services or materials at:

(a) Any particular participating provider of vision care;

(b) A retail establishment owned by, partially owned by, contracted with or otherwise affiliated with the vision benefit manager; or

(c) Any provider of vision care accessed primarily through an Internet website or other virtual means that is owned by, partially owned by, contracted with or otherwise affiliated with the vision benefit manager.

3. Engage in marketing or advertising activities that may be misleading or deceptive to the public. Upon request by an applicable enforcement agency, a vision benefit manager shall submit all information regarding alleged savings and discounts offered by any affiliate of the vision benefit manager.

Sec. 23. *A vision benefit manager:*

1. Shall reimburse a provider of vision care the contracted amount for a covered service or covered material provided to an enrollee if the provider of vision care verifies the enrollee as eligible to receive the covered service or covered material on the date of service through the customary methods of verification of the vision benefit manager.

2. Shall not retroactively reverse reimbursement to a provider of vision care who relied in good faith on the presented coverage credentials of a person and the customary methods of verification of the vision benefit manager at the time of service, even if the vision benefit manager determines at a later date that the enrollee was ineligible to receive covered services or covered materials on the date of service.

Sec. 24. *1. A provider of vision care may offer an enrollee a cash price option for covered services and covered materials instead of using the benefit of the enrollee if the cash price option is an amount which is less than the total out-of-pocket cost for the service or material.*

2. A provider of vision care must not be subject to an audit solely for offering a cash price option for covered services and covered materials pursuant to subsection 1.

Sec. 25. *1. An agreement between a vision benefit manager and a provider of vision care must not require that a provider of vision care participate in or be credentialed by any specific vision benefit plan or vision benefit discount plan as a condition for participation in the provider network of the vision benefit manager to provide covered services or covered materials to enrollees.*

2. A vision benefit manager shall not require a provider of vision care to possess, offer for sale or sell materials in the office of the provider of vision care as a condition of participation in a provider network.

3. A vision benefit manager shall:

(a) Apply the same terms and conditions of participation to all the participating providers of vision care regardless of the educational credentials of the provider of vision care, subject to the permitted scope of practice for any licensee under applicable state law; and

(b) Identify participating providers of vision care in a neutral manner, which does not distinguish between participating providers of vision care based on any of the following characteristics:

(1) A discount or incentive offered by the provider of vision care for services and materials which are not covered by the vision benefit plan or vision benefit discount plan of the vision benefit manager.

(2) The dollar amount, volume amount or percent usage amount of any material or good which is purchased by the provider of vision care.

(3) The brand, source, manufacturer or supplier of a covered service or covered material used or provided by the provider of vision care.

Sec. 26. ~~*[A vision benefit manager shall, if issuing or renewing a vision benefit plan or vision benefit discount plan which provides benefits for*~~

~~*covered services or covered materials rendered by a physician licensed under chapter 630 or 633 of NRS which are within the scope of practice of an optometrist licensed under chapter 636 of NRS, provide the same reimbursement to an optometrist for covered services or covered materials rendered by an optometrist as allowed for the same covered services or covered materials if rendered by a physician.]*~~ **(Deleted by amendment.)**

Sec. 27. *1. A vision benefit manager shall not change or alter a contract, including, without limitation, a term, reimbursement rate or fee schedule contained in a contract, that the vision benefit manager enters into with a participating provider of vision care unless, at least 90 days before the date on which the proposed change would become effective:*

(a) The vision benefit manager:

(1) Sends to the provider of vision care by certified mail, return receipt requested, or any other mailing process that requires a signature on delivery, or a method of electronic communication which requires an electronic signature:

(I) A detailed written description of the proposed change; and

(II) A copy of the contract with the proposed change clearly marked in the body of the contract, in a form that is easily understood and conducive to review by the provider of vision care; and

(2) Upon request of the provider of vision care, meets with the provider of vision care to discuss the proposed change in person, by telephone or by other audiovisual or electronic means; and

(b) The provider of vision care agrees, in writing, to the proposed change.

2. If a provider of vision care does not agree to the change or alteration to a contract which is proposed pursuant to subsection 1, the provider of vision care shall provide notice of that fact to the vision benefit manager in writing.

3. A vision benefit manager shall not remove a provider of vision care from the network of participating providers of vision care included under a vision benefit plan or vision benefit discount plan solely because the provider of vision care does not agree to any change or alteration to a contract which is proposed pursuant to subsection 1.

4. A vision benefit manager and a provider of vision care must execute a new contract if the parties to the contract make three or more material changes or alterations pursuant to subsection 1.

5. A vision benefit manager shall not terminate a contract described in this section except in the event of a material breach by the provider of vision care. In the event of an alleged material breach:

(a) The vision benefit manager shall provide written notice to the provider of vision care which describes the alleged breach; and

(b) The provider has 30 days after the date on which the provider receives the written notice to remedy the alleged breach to the reasonable satisfaction of the insurer or vision benefit manager.

6. If a vision benefit manager terminates a contract pursuant to subsection 5, the vision benefit manager shall not require the provider of vision care to establish a security interest in all or part of the property and assets of the provider, including assets pertaining to the practice of the provider, in an amount equal to any money which is owed to the vision benefit manager at the time of termination.

Sec. 28. *A vision benefit manager shall not directly or indirectly:*

1. Control or attempt to control the professional judgment, manner of practice or practice of a provider of vision care.

2. Employ a provider of vision care to provide a covered service or covered material.

3. Withhold or recoup payment to a provider of vision care for covered services or covered materials which are provided to an enrollee if the enrollee was shown to be eligible on the date that the covered services or covered materials were provided.

4. Reimburse a provider of vision care a different amount for covered services or covered materials because of the choice of the provider of vision care of the:

(a) Optical laboratory.

(b) Source of supplier of:

(1) Contact lenses;

(2) Ophthalmic lenses;

(3) Ophthalmic glasses frames; or

(4) Covered or non-covered services or materials.

(c) Equipment used for patient care.

(d) Retail optical affiliation.

(e) Vision support organization.

(f) Organization for group purchasing.

(g) Doctor alliance.

(h) Membership in a professional trade association.

(i) Software for management of the practice of the provider of vision care, including, without limitation, for maintenance of electronic health or medical records.

(j) Services for billing, filing third-party claims or securely exchanging electronic business documents.

5. Restrict, limit or influence the choice of a provider of vision care of the software or services described in paragraph (i) or (j) of subsection 4.

6. Restrict or limit the access of a provider of vision care to complete information concerning the coverage provided by the vision benefit plan or vision benefit discount plan of an enrollee, including, without limitation, details for coverage which is in-network and out-of-network.

7. Apply a chargeback to an enrollee or provider of vision care if the chargeback is for a covered material or covered service for which the vision benefit manager does not incur the cost to produce, deliver or provide to the enrollee or provider of vision care.

8. Require a provider of vision care to:

(a) Disclose any confidential or protected health information of an enrollee, unless expressly authorized by the enrollee or permitted under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended.

(b) Disclose or report a medical history or diagnosis as a condition to file a claim, adjudicate a claim or receive reimbursement for a routine or wellness eye examination.

(c) Disclose or report the glasses prescription, contact lens prescription, ophthalmic device measurements, facial photograph or unique anatomical measurements of an enrollee as a condition to file a claim, adjudicate a claim or receive reimbursement for a claim, unless the information is needed for the vision benefit manager to manufacture or cause to be manufactured a covered material that is submitted on the applicable claim.

(d) Disclose any information relating to an enrollee, other than information identified on the most recent version of Form CMS-1500, or its successor form, published by the National Uniform Claim Committee, or its successor organization, and approved by the Commissioner, as a condition to file a claim, adjudicate a claim or receive reimbursement for a claim unless the information is needed for the vision benefit manager to manufacture or cause to be manufactured a covered material that is submitted on the applicable claim.

Sec. 29. *1. A vision benefit manager shall not use extrapolation to complete an audit of a participating provider of vision care.*

2. Any additional payment due to a participating provider of vision care or any refund due to the vision benefit manager must be based on the actual overpayment or underpayment and not an extrapolation.

3. For the purpose of subsection 2, actual overpayment or underpayment must be determined after:

(a) An investigation conducted and findings made by the vision benefit manager; and

(b) The participating provider of vision care has been afforded and has exhausted all opportunities to appeal the findings of the vision benefit manager in accordance with any manual provided by the vision benefit manager to the provider of vision care, any policies of the vision benefit manager and applicable law.

Sec. 30. *1. A vision benefit manager that offers more than one vision benefit plan or vision benefit discount plan shall not require a provider of vision care, as a condition of participation in a vision benefit plan or vision benefit discount plan, to participate in any of the other vision benefit plans or vision benefit discount plans of the vision benefit manager.*

2. In addition to any other remedy provided by law, any provision in a contract which violates subsection 1 is void and unenforceable.

Sec. 31. *1. A contract between a vision benefit manager and a provider of vision care must not have a duration longer than 2 years from the date the contract was signed by all parties.*

2. A vision benefit manager shall not construe recredentialing as recontracting with a participating provider of vision care. A contract between a vision benefit manager and a provider of vision care must be a distinctly separate document from any credentialing materials and must be signed by the provider of vision care and the vision benefit manager.

3. A vision benefit manager shall include a copy of any manual and any policies referred to in a contract between a vision benefit manager and a provider of vision care at the time the contract is sent to any participating provider of vision care and prospective participating provider of vision care.

Sec. 32. *A vision benefit manager shall not engage in negotiations or enter into an agreement with any person on behalf of any independent affiliated provider of vision care regarding reimbursement, copayments, coinsurance or materials supply chain. Any agreement between a provider of vision care and a vision benefit manager must be negotiated directly between the provider of vision care and the vision benefit manager.*

Sec. 33. *1. Any affiliate or subcontractor who is used by a vision benefit manager to supply covered services or covered materials to a provider of vision care or enrollee is subject to the provisions of NRS 686A.135 and sections 2 to 34, inclusive, of this act to the same extent as a vision benefit manager.*

2. The following agreements are subject to the provisions of NRS 686A.135 and sections 2 to 34, inclusive, of this act to the same extent as a contract between a provider of vision care and a vision benefit manager:

(a) Any subcontract or agreement that a provider of vision care enters into with another provider of vision care to provide vision care to an enrollee or a covered dependent of an enrollee of a vision benefit plan or vision benefit discount plan, where the subcontracted provider of vision care will seek reimbursement from the plan or enrollee for the subcontracted materials or services.

(b) Any agreement a vision benefit manager enters into with another person to provide an enrollee with covered services or covered materials.

Sec. 34. *In addition to any other remedy provided by law, any provider of vision care who is aggrieved by a violation of NRS 686A.135 and sections 2 to 34, inclusive, of this act may bring a civil action in a court of competent jurisdiction to seek any or all of the following relief:*

1. Declaratory and injunctive relief.

2. Actual damages.

3. Punitive or exemplary damages in an amount not to exceed $10,000 for each violation.

4. Reasonable attorney's fees and costs.

5. Any other legal or equitable relief that the court deems appropriate.

Sec. 35. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 36. NRS 686A.020 is hereby amended to read as follows:

686A.020 A person shall not engage in this state in any practice which is defined in NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** as, or determined pursuant to NRS 686A.170 to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

Sec. 37. NRS 686A.135 is hereby amended to read as follows:

686A.135 1. ~~[An insurer]~~ ***A vision benefit manager*** shall not enter into a contract with a provider of vision care that:

(a) Authorizes the ~~[insurer]~~ ***vision benefit manager*** to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;

(b) Requires the provider of vision care to use a specific laboratory as the manufacturer of ~~[ophthalmic devices or]~~ materials provided to ~~[covered persons; or]~~ ***enrollees;***

(c) ***Requires the provider of vision care to use a specific source or supplier of covered materials or other materials; or***

(d) Conditions any rate of reimbursement for vision care on the provider of vision care prescribing ~~[ophthalmic devices or]~~ materials in which the ~~[insurer]~~ ***vision benefit manager*** has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ~~[ophthalmic devices or]~~ materials.

2. ***Reimbursement which is paid by a vision benefit manager to a provider of vision care for covered services and covered materials, regardless of the supplier or optical laboratory used, must be*** ~~***[:***~~

~~***(a) Reasonable]***~~ ***reasonable and not nominal or de minimis . [; and***~~

~~***(b) Substantially similar to rates for reimbursement under Medicare for the current year.]***~~

3. Before entering into a contract with a provider of vision care to include the provider of vision care in the network of ~~[an insurer,]~~ ***a vision benefit manager,*** the ~~[insurer]~~ ***vision benefit manager*** must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

~~[3. An insurer]~~

4. A vision benefit manager shall disclose in any ~~[policy of insurance that covers]~~ vision ~~[care]~~ ***benefit plan or vision benefit discount plan*** or any description of benefits covered by such a ~~[policy,]~~ ***plan,*** whether written or electronic, any ownership or other pecuniary interest of the ~~[insurer]~~ ***vision***

benefit manager in a supplier of ~~[ophthalmic devices or]~~ materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

~~[4. An insurer]~~

5. A vision benefit manager that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the ~~[insurer]~~ ***vision benefit manager*** covers that vision care if such vision care is available at a discount or with a copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that ~~[a covered person]~~ ***an enrollee*** is typically required to pay for covered services.

~~[5.]~~ ***6.*** A provider of vision care shall disclose in writing to any ~~[covered person]~~ ***enrollee*** under a ~~[policy of insurance that covers]~~ vision ~~[care]~~ ***benefit plan or vision benefit discount plan*** any ownership or other pecuniary interest of the provider of vision care in a supplier of ~~[ophthalmic devices or]~~ materials, including, without limitation, a general disclosure of any rebates or rewards programs, before the ~~[covered person]~~ ***enrollee*** authorizes the provider of vision care to obtain covered ~~[eyewear]~~ materials from such a supplier or laboratory that is not contracted with the ~~[insurer]~~ ***vision benefit manager*** providing the ~~[policy of insurance that covers]~~ vision ~~[care.]~~ ***benefit plan or vision benefit discount plan.*** The disclosure must appear in a conspicuous and clear manner.

~~[6.]~~ ***7.*** Nothing in this section shall be construed to prohibit ~~[a covered person]~~ ***an enrollee*** from using an in-network source or supplier of ~~[ophthalmic devices or]~~ materials as set forth in the ~~[covered person's policy of insurance that covers]~~ vision ~~[care.~~

~~7. As used in this section:~~

~~(a) "Provider of vision care" means a physician who provides vision care or an optometrist.~~

~~(b) "Vision care" means:~~

~~(1) Routine ophthalmological evaluation of the eye, including refraction.~~

~~(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.~~

~~➥ The term "vision care" does not include the initiation of treatment or diagnosis pursuant to a program of medical care.]~~ ***benefit plan or vision benefit discount plan of the enrollee.***

Sec. 38. NRS 686A.160 is hereby amended to read as follows:

686A.160 If the Commissioner has cause to believe that any person has been engaged or is engaging, in this state, in any unfair method of competition or any unfair or deceptive act or practice prohibited by NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** and that a proceeding by the Commissioner in respect thereto would be in the interest of the public, the Commissioner may issue and serve upon such person a statement of the charges and a notice of the hearing to be held thereon. The statement of charges and notice of hearing shall comply with the requirements

of NRS 679B.320 and shall be served upon such person directly or by certified or registered mail, return receipt requested.

Sec. 39. NRS 686A.170 is hereby amended to read as follows:

686A.170 1. If the Commissioner believes that any person engaged in the insurance business is in the conduct of such business engaging in this state in any method of competition or in any act or practice not defined in NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** which is unfair or deceptive and that a proceeding by the Commissioner in respect thereto would be in the public interest, the Commissioner shall, after a hearing of which notice and of the charges against such person are given to the person, make a written report of the findings of fact relative to such charges and serve a copy thereof upon such person and any intervener at the hearing.

2. If such report charges a violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act,*** and if such method of competition, act or practice has not been discontinued, the Commissioner may, through the Attorney General, at any time after 20 days after the service of such report cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs or orders as are ancillary to its jurisdiction or necessary in its judgment to prevent injury to the public pendente lite; but the State of Nevada shall not be required to give security before the issuance of any such order or injunction under this section. If a stenographic record of the proceedings in the hearing before the Commissioner was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.

3. If the court finds that:

(a) The method of competition complained of is unfair or deceptive;

(b) The proceedings by the Commissioner with respect thereto are to the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ it shall issue its order enjoining and restraining the continuance of such method of competition, act or practice.

4. Either party may appeal from such final judgment or order or decree of court in a like manner as provided for appeals in civil cases.

5. If the Commissioner's report made under subsection 1 or order on hearing made under NRS 679B.360 does not charge a violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act,*** then any intervener in the proceedings may appeal therefrom within the time and in the manner provided in this Code for appeals from the Commissioner generally.

6. Upon violation of any injunction issued under this section, the Commissioner, after a hearing thereon, may impose the appropriate penalties provided for in NRS 686A.187.

Sec. 40. NRS 686A.183 is hereby amended to read as follows:

686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act,*** the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:

(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act,*** payment of an administrative fine of not more than $5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed $500 for each act or violation.

(b) Suspension or revocation of the person's license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive ~~.~~ ***, and sections 2 to 34, inclusive, of this act.***

2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.

3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.

Sec. 41. NRS 686A.520 is hereby amended to read as follows:

686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** apply to companies.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "company."

Sec. 42. NRS 689.160 is hereby amended to read as follows:

689.160 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** apply to agents and sellers.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "agent" and "seller."

3. The provisions of NRS 679B.230 to 679B.300, inclusive, apply to sellers. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "seller."

4. The provisions of NRS 683A.301 apply to applicants for and holders of a seller's certificate of authority. Unless the context requires that a provision apply only to an applicant for or holder of a license as a producer of insurance, any reference in that section to:

(a) An "applicant for a license as a producer of insurance" must be replaced by a reference to an "applicant for a seller's certificate of authority"; and

(b) A "licensee" must be replaced by a reference to a "holder of a seller's certificate of authority."

Sec. 43. NRS 689.595 is hereby amended to read as follows:

689.595 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** apply to agents and sellers.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "agent" and "seller."

3. The provisions of NRS 679B.230 to 679B.300, inclusive, apply to sellers. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "seller."

4. The provisions of NRS 683A.301 apply to applicants for and holders of a seller's permit. Unless the context requires that a provision apply only to an applicant for or a holder of a license as a producer of insurance, any reference in that section to:

(a) An "applicant for a license as a producer of insurance" must be replaced by a reference to an "applicant for a seller's permit"; and

(b) A "licensee" must be replaced by a reference to a "holder of a seller's permit."

Sec. 44. NRS 695C.300 is hereby amended to read as follows:

695C.300 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading or any form of evidence of coverage which is deceptive. For purposes of this chapter:

(a) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a health care plan.

(b) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health care plan if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist.

(c) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography and format as well as language, shall be such as to cause a reasonable person not possessing special knowledge regarding health care plans and evidences of coverage therefor to expect benefits, services, charges or other advantages which the evidence of coverage does not provide or which the health care plan issuing such evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.

2. NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** shall be construed to apply to health maintenance organizations, health care plans and evidences of coverage except to the extent that the nature of health maintenance organizations, health care plans and evidences of coverage render the sections therein clearly inappropriate.

3. An enrollee may not be cancelled or not renewed except for the failure to pay the charge for such coverage or for cause as determined in the master contract.

4. No health maintenance organization, unless licensed as an insurer, may use in its name, contracts, or literature any of the words "insurance," "casualty," "surety," "mutual" or any other words descriptive of the insurance, casualty or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in this State.

5. No person not certificated under this chapter shall use in its name, contracts or literature the phrase "health maintenance organization" or the initials "HMO."

Sec. 45. NRS 695F.090 is hereby amended to read as follows:

695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

(a) NRS 686B.010 to 686B.175, inclusive, concerning rates and essential insurance.

(b) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

(c) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

(d) The requirements of NRS 679B.152.

(e) The fees imposed pursuant to NRS 449.465.

(f) NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to 34, inclusive, of this act*** concerning trade practices and frauds.

(g) The assessment imposed pursuant to NRS 679B.700.

(h) Chapter 683A of NRS.

(i) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

(j) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

(k) NRS 680B.025 to 680B.060, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this paragraph, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

(l) Chapter 692C of NRS, concerning holding companies.

(m) NRS 689A.637, concerning health centers.

(n) Chapter 681B of NRS, concerning assets and liabilities.

(o) NRS 682A.400 to 682A.468, inclusive, concerning investments.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 46. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through

deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135 ~~[,]~~ ***and sections 2 to 34, inclusive, of this act,*** 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

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

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

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political

subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

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

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

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

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

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

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

Sec. 47. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135 ~~[,]~~ ***and sections 2 to 34, inclusive, of this act,*** 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 48. The amendatory provisions of this act do not apply to any contract or agreement existing on the effective date of this act until the contract or agreement is renewed.

Sec. 49. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 50. This act becomes effective upon passage and approval.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 405.

SUMMARY— ~~[Establishes provisions for voluntarily placing temporary restrictions on the possession, custody, control, purchase or acquisition of firearms.]~~ **Provides immunity from civil liability to certain persons returning a firearm under certain circumstances. (**BDR ~~[15-1057)]~~ **3-1057**)

AN ACT relating to ~~[firearms; establishing provisions for voluntarily placing temporary restrictions on the possession, custody, control, purchase or acquisition of firearms; revising provisions relating to permits to carry a concealed firearm for persons with temporary restrictions on firearms; providing that forms and records relating to temporary restrictions on firearms are confidential; requiring the Department of Public Safety to adopt regulations relating to temporary restrictions on firearms;]~~ **civil immunity; providing immunity from civil liability to licensed firearm dealers and local law enforcement agencies under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing, controlling, purchasing or otherwise acquiring a firearm, to file a verified application for an emergency or extended order for protection against high-risk behavior. (NRS 33.560) Existing law also prohibits certain persons from owning or having in their possession or under their custody or control any firearm under certain circumstances. (NRS 202.360) Sections 2-14 of this bill establish a process wherein a person may voluntarily seek to temporarily restrict his or her ability to possess, have custody or control of or purchase or otherwise acquire any firearm.~~

~~Section 8 of this bill requires the Department of Public Safety to: (1) develop a process and forms for inclusion on, and removal from, a list of temporary restricted persons; and (2) maintain the list. Section 9 of this bill requires: (1) a licensed firearm dealer or local law enforcement agency to accept such forms from persons requesting inclusion on the list of temporary restricted persons and transmit the forms to the Central Repository for Nevada Records of Criminal History through the Nevada Criminal Justice Information System; and (2) the Central Repository to add such persons to the list of temporary restricted persons and enter the information in the National Instant Criminal Background Check System. Section 11 of this bill provides a similar process for requesting removal from the list of temporary restricted persons. Section 12 of this bill requires a licensed firearm dealer or local law enforcement agency, as applicable, to destroy the files and the Central Repository to destroy the records after a person is removed from the list of temporary restricted persons.~~

~~Under existing law, a person who wishes to carry a concealed firearm is required to obtain a permit from the sheriff and certain persons are prohibited from obtaining such a permit. (NRS 202.3657) Section 15 of this bill requires the sheriff to deny an application for or suspend a permit to carry a concealed firearm if a person is temporarily restricted from possessing, having custody or control of or purchasing or otherwise acquiring any firearm.~~

~~Section 13 of this bill provides that all forms and records relating to temporary restrictions under sections 2-14 are confidential and are not public~~

~~records. Section 16 of this bill makes a conforming change to indicate that such information is exempt from the requirement that public books and public records of a governmental entity must be open to inspection.]~~ **provides immunity from civil liability to certain persons for acts or omissions under certain circumstances. (Chapter 41 of NRS) This bill extends immunity from civil liability under certain circumstances to a licensed firearm dealer or local law enforcement agency who returns a firearm to the owner of the firearm pursuant to a firearm hold agreement, wherein the licensed firearm dealer or local law enforcement agency: (1) takes physical possession of the owner's lawfully possessed firearm at the request of the owner; (2) holds the firearm for an agreed upon period of not less than 21 days; and (3) returns the firearm to the owner according to the terms of the agreement.**

WHEREAS, Suicide is a public health crisis affecting countless Nevada families and communities daily; and

WHEREAS, According to the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services, this State had the highest state rate of suicide from 1999-2015 for people 65 years of age or older; and

WHEREAS, Suicide prevention for seniors, veterans, military members, their families and all Nevada residents requires expanded secure, out-of-home storage of firearms to reduce access to lethal means; and

WHEREAS, Encouraging temporary and voluntary out-of-home storage of firearms is a critical step in reducing suicide risk and saving lives as has been demonstrated by similar acts and programs in other states; and

WHEREAS, It is the intent of this act and the Legislature to facilitate efforts to reduce the risk of suicide by establishing limited civil liability protections for licensed firearm dealers and local law enforcement agencies who enter into agreements with owners of firearms who are voluntarily seeking to securely store their firearms; now, therefore,

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

Section 1. Chapter ~~[202]~~ **41** of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 14, inclusive, of this act.]~~ **a new section to read as follows:**

1. Except as otherwise provided in subsection 2, a licensed firearm dealer or local law enforcement agency is immune from civil liability for any act or omission arising from a firearm hold agreement, including, without limitation, any personal injury or death which results after the return of any firearm to the owner of the firearm at the termination of a firearm hold agreement.

2. A licensed firearm dealer or local law enforcement agency is not immune from civil liability pursuant to subsection 1 if:

(a) An action arising from a firearm hold agreement was the result of gross negligence or reckless or unlawful conduct on the part of the licensed firearm dealer or local law enforcement agency; or

(b) The licensed firearm dealer or local law enforcement agency knew at the time the person sought to retrieve a firearm pursuant to a firearm hold agreement that the person was:

(1) Demonstrating behavior that the person would engage in the unlawful use of the firearm;

(2) Demonstrating behavior that the person would cause harm to himself or herself or another person; or

(3) Prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.

3. As used in this section:

(a) "Firearm hold agreement" means a written or oral agreement between an owner of a firearm and a licensed firearm dealer or local law enforcement agency in which a licensed firearm dealer or local law enforcement agency:

(1) Takes physical possession of the owner's lawfully possessed firearm at the request of the owner;

(2) Holds the firearm for an agreed upon period of not less than 21 days; and

(3) Returns the firearm to the owner according to the terms of the agreement.

(b) "Licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 2. ~~*[As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*["Central Repository" means the Central Repository for Nevada Records of Criminal History.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*["Department" means the Department of Public Safety.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*["Licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*["Local law enforcement agency" means:*~~

~~*1. The sheriff's office of a county;*~~

~~*2. A metropolitan police department; or*~~

~~*3. A police department of an incorporated city.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[A person who is not prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360 may be voluntarily restricted through a temporary process from possessing, having under his or her custody or control, purchasing or otherwise acquiring a firearm.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. The Department shall:*~~

~~*(a) Develop a process and forms for inclusion on, and removal from, a list of temporary restricted persons;*~~

~~*(b) Maintain the list;*~~

~~*(c) Make the forms for inclusion and removal available on its Internet website; and*~~

~~*(d) Require, at a minimum, the following information for the person described in section 7 of this act:*~~

~~*(1) Name;*~~

~~*(2) Address;*~~

~~*(3) Date of birth;*~~

~~*(4) Contact information;*~~

~~*(5) Signature; and*~~

~~*(6) An acknowledgment of the statement described in subsection 2.*~~

~~*2. The form must have the following language prominently displayed before the signature:*~~

~~*ACKNOWLEDGMENT*~~

~~*By presenting this completed form to a licensed firearm dealer or local law enforcement agency, I understand that I am voluntarily requesting that my name be placed on a list that restricts my ability to possess, have custody or control of, purchase or otherwise acquire a firearm for not less than 21 days. I understand that by making myself a temporary restricted person, I may not have a firearm in my possession, custody or control and any attempt to purchase or otherwise acquire a firearm while I am on this list will be denied. I also understand that any time after 21 days, I may request removal from the list of temporary restricted persons and all previous rights will be restored. In addition, if I am in possession of a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, my permit will be suspended during the time I am on the list but will be reinstated upon my removal unless the permit has been revoked, suspended for another reason or expired or I have become prohibited from owning, possessing or having under my custody or control any firearm. Additionally, I acknowledge that if I possess, obtain custody or control of, purchase or otherwise acquire a firearm while I am outside of this State, I will be subject to the law of that jurisdiction regarding restricted persons.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. A person requesting inclusion on the list of temporary restricted persons maintained pursuant to section 8 of this act shall deliver the completed form in person to a licensed firearm dealer or local law enforcement agency who:*~~

~~*(a) Shall verify the identity of the person before accepting the form;*~~

~~*(b) May not accept a form from anyone other than the person named on the form; and*~~

~~*(c) Shall electronically transmit the form to the Central Repository through the Nevada Criminal Justice Information System.*~~

~~— 2. Upon receipt of a verified form requesting inclusion on the list of temporary restricted persons, the Central Repository shall, within 24 hours:~~

~~— (a) Add the name of the person to the list; and~~

~~— (b) Enter the information in the National Instant Criminal Background Check System, including the date of the entry.~~

~~— 3. A person who is added to the list of temporary restricted persons may not request removal from the list unless the person has been on the list for at least 21 days.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[If a person who is added to the list of temporary restricted persons pursuant to sections 2 to 14, inclusive, of this act possesses a permit to carry a concealed firearm issued pursuant to NRS 202.3653 to 202.369, inclusive, the person's permit must be:~~

~~— 1. Suspended upon entry onto the list of temporary restricted persons; and~~

~~— 2. Reinstated upon removal from the list of temporary restricted persons, unless:~~

~~— (a) The permit has expired, been revoked or suspended for a reason other than under sections 2 to 14, inclusive, of this act; or~~

~~— (b) The person is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[1. A person requesting removal from the list of temporary restricted persons maintained pursuant to section 8 of this act shall deliver in person a completed form for removal to the licensed firearm dealer or local law enforcement agency that processed the form for inclusion on the list pursuant to section 9 of this act. The licensed firearm dealer or local law enforcement agency:~~

~~— (a) Shall verify the identity of the person before accepting the form;~~

~~— (b) May not accept a form from someone other than the person named on the form; and~~

~~— (c) Shall electronically transmit the form to the Central Repository through the Nevada Criminal Justice Information System.~~

~~— 2. Upon receipt of a verified form for removal, the Central Repository shall within 24 hours remove the person from the list of temporary restricted persons and the information from the National Instant Criminal Background Check System.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[1. A licensed firearm dealer or local law enforcement agency that receives a form for inclusion on the list of temporary restricted persons maintained pursuant to section 8 of this act shall maintain the form and all subsequent forms related to the person who requested such inclusion in a separate file.~~

~~— 2. If a licensed firearm dealer or local law enforcement agency receives a form for removal pursuant to section 11 of this act, the licensed firearm dealer or local law enforcement agency, as applicable, shall destroy the entire file after transmitting the form to the Central Repository.~~

~~*3. Upon removal of a person from the list of temporary restricted persons, the Central Repository shall destroy all records related to the inclusion and removal of the person.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[All forms and records created pursuant to sections 2 to 14, inclusive, of this act are confidential and are not public records pursuant to chapter 239 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[The Department shall adopt regulations to develop the processes and forms to carry out the provisions of sections 2 to 14, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 202.3657 is hereby amended to read as follows:~~

~~202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.~~

~~2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.~~

~~3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:~~

~~(a) Is:~~

~~(1) Twenty-one years of age or older; or~~

~~(2) At least 18 years of age but less than 21 years of age if the person:~~

~~(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or~~

~~(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;~~

~~(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and~~

~~(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:~~

~~(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or~~

~~(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.~~

~~→ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff~~

~~determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.~~

~~4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:~~

~~(a) Has an outstanding warrant for his or her arrest.~~

~~(b) Has been judicially declared incompetent or insane.~~

~~(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.~~

~~(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has:~~

~~(1) Been convicted of violating the provisions of NRS 484C.110; or~~

~~(2) Participated in a program of treatment pursuant to NRS 176A.230 to 176A.245, inclusive.~~

~~(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.~~

~~(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.~~

~~(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.~~

~~(h) Is currently subject to an emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580.~~

~~(i) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.~~

~~(j) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:~~

~~(1) Withholding of the entry of judgment for a conviction of a felony; or~~

~~(2) Suspension of sentence for the conviction of a felony.~~

~~(k) Has made a false statement on any application for a permit or for the renewal of a permit.~~

~~(l) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.~~

~~5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance~~

~~of a permit to the applicant or require the revocation of a permit pursuant to this section.~~

~~6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.~~

~~7. *The sheriff shall deny an application or suspend a permit if the applicant or permittee is a temporary restricted person pursuant to sections 2 to 14, inclusive, of this act. If a permittee is removed from the temporary restricted list, the sheriff shall restore his or her permit without imposing a fee.*~~

~~*8.* An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:~~

~~(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;~~

~~(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;~~

~~(c) A front view colored photograph of the applicant taken by the sheriff or his or her agent;~~

~~(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;~~

~~(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;~~

~~(f) If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant:~~

~~(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, as evidenced by his or her current military identification card; or~~

~~(2) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;~~

~~(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and~~

~~(h) A nonrefundable fee set by the sheriff not to exceed $60.~~] **(Deleted by amendment.)**

Sec. 16. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,~~

~~408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 13 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may**

~~be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

~~(a) The public record:~~

~~(1) Was not created or prepared in an electronic format; and~~

~~(2) Is not available in an electronic format; or~~

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

~~(1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

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

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

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

Sec. 17. [~~1. This section becomes effective upon passage and approval.~~

~~2. Sections 1 to 16, inclusive, of this act become effective:~~

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

~~(b) On October 1, 2025, for all other purposes.~~] **(Deleted by amendment.)**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 486.

Bill read second time.

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

Amendment No. 408.

AN ACT relating to wildlife; **revising provisions relating to the proposal for certain highway projects the Department of Transportation must submit to the Board of Directors of the Department;** revising provisions relating to the Wildlife Crossings Account; increasing the fee collected from a purchaser of new tires and requiring a certain amount of the proceeds to be credited to the Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Transportation to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost $25 million or more. (NRS 408.3195) Section 1 of this bill instead requires that the Department prepare such an analysis of each proposal for a highway project that will cost $50 million or more. Section 1 additionally requires the Department to include in the analysis for a highway project proposal a discussion of the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings.

Existing law creates the Wildlife Crossings Account in the State General Fund, which is administered by the Director of the Department of Transportation. Existing law requires the money in the Account to be used by the Department for certain purposes relating to wildlife crossings. (NRS 408.656)

Existing law requires a person who sells a new tire for a vehicle to a customer for certain purposes to collect from the purchaser a fee of $1 per tire to be held in trust for the State. The seller then must: (1) transmit 95 percent of the money held in trust to the Department of Taxation for deposit with the State Treasurer for credit to the Solid Waste Management Account in the State General Fund; and (2) retain the remaining 5 percent to cover related administrative costs. (NRS 444A.090) **Section 2** of this bill increases the fee collected by the seller to $2 per tire and, once the 95 percent of the money is transmitted to the Department of Taxation for deposit with the State Treasurer, requires the State Treasurer to credit half of the money to the Wildlife Crossings Account in the State General Fund and the other half of the money to the Solid Waste Management Account in the State General Fund.

Section ~~[1]~~ 1.5 of this bill requires that any money credited to the Wildlife Crossings Account from the fee imposed pursuant to **section 2** be deposited in the State Treasury for credit to the Account.

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

Section 1. **NRS 408.3195 is hereby amended to read as follows:**

408.3195 1. Before the Department submits a proposal for a highway project to the Board for approval, the Department shall prepare a written analysis of the costs and benefits of the project. The analysis must state, for each highway district in which the project is proposed:

(a) The limits of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The initial costs of the Department for the project, including any costs for design, engineering, the acquisition of land and construction;

(e) The future costs of the Department to preserve and maintain the project, discounted to present value;

(f) Any other costs of the Department for any other construction or any mitigation associated with the project;

(g) The costs to highway users for any loss of safety, delays in the time of travel and costs for the operation of vehicles that are associated with the project;

(h) The costs of any environmental impacts, including vehicle emissions and noise, that are associated with the project; and

(i) The value of the benefits of the project, including the value of any:

(1) Savings in the time of travel;

(2) Improvements to safety; and

(3) Savings in the cost of operating vehicles.

2. The analysis required by this section:

(a) Must include a discussion of ~~[any]~~ ***:***

(1) Any additional increases in costs that would result from any delays in the performance of any routine maintenance scheduled under the maintenance program of the Department; ***and***

(2) The number of wildlife-vehicle collisions in the highway district and the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings;

(b) May include a discussion of:

(1) The costs of the project for any other persons and governmental agencies;

(2) The value of any other social, economic or environmental benefits or costs of the project; and

(3) Any costs or benefits which may result from the use of any alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed highway projects.

3. The analysis required by this section must be made available to the Board and the public when the agenda is posted for the meeting at which the proposal will be submitted to the Board for its approval.

4. As used in this section, "highway project" means a project that is expected to increase the capacity of the state highway system and cost at least ~~[$25 million.]~~ ***$50,000,000.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 408.656 is hereby amended to read as follows:

408.656 1. The Wildlife Crossings Account is hereby created in the State General Fund. The Director shall administer the Account. The Account is a continuing account without reversion.

2. ~~[Any]~~ ***All money credited to the Account from the fee imposed pursuant to NRS 444A.090 and any*** proceeds from the issuance of bonds or other securities for the Account must be deposited in the State Treasury for credit to the Account.

3. The Director may accept gifts, grants and bequests of money from any public or private source. The money must be deposited in the State Treasury for credit to the Account.

4. Money in the Account must be used by the Department for the design, construction, identification, restoration and protection of wildlife crossings and other related highway features to improve wildlife permeability in this State, which may include, without limitation:

(a) Matching any federal money for a project to design, construct, identify, restore or protect wildlife crossings and other related highway features;

(b) Conducting studies on wildlife crossings and other related highway features;

(c) Designing or constructing wildlife crossings and other related highway features;

(d) Planning related to wildlife crossings and other related highway features;

(e) Staffing needs related to the design, construction, identification, restoration and protection of wildlife crossings and other related highway features; and

(f) Carrying out the provisions of NRS 408.651 to 408.676, inclusive, in cooperation with the Department of Wildlife.

5. In administering the Account, the Department shall consult with the Department of Wildlife to:

(a) Identify locations where key wildlife habitat, wildlife migration corridors and highways intersect;

(b) Identify and implement strategies to avoid, minimize and mitigate wildlife-vehicle collisions; and

(c) Prioritize areas to implement projects for wildlife crossings or other related highway features to improve permeability for wildlife while maintaining highway user safety.

6. All claims against the Account must be paid as other claims against the State are paid.

Sec. 2. NRS 444A.090 is hereby amended to read as follows:

444A.090 1. A person who sells a new tire for a vehicle to a customer for any purpose other than for resale by the customer in the ordinary course of business shall collect from the purchaser at the time the person collects the applicable sales taxes for the sale a fee of ~~[$1]~~ ***$2*** per tire. A person who did not pay the fee imposed by this section at the time of purchase because he or she purchased the new tire for resale and who then makes any use of that tire other than to resell it in the ordinary course of business, shall pay the fee imposed by this section to the Department of Taxation at the time of the first use of that tire for a purpose other than holding it for resale.

2. The seller shall account separately for all money received pursuant to subsection 1 as a deposit to be held in trust for the State. In accordance with the regulations adopted pursuant to subsection 3, the seller shall transmit 95 percent of the money held in trust pursuant to this section to the Department of Taxation for deposit with the State Treasurer **.** ~~[for]~~ ***The State Treasurer shall*** credit ***half of the money transmitted pursuant to this subsection to the Wildlife Crossings Account created by NRS 408.656 in the State General Fund and half of the money*** to the Solid Waste Management Account in the State General Fund. The remaining 5 percent and all interest and income which accrued on the money while in trust with the seller become the property of the seller on the day the balance for the month is transmitted to the Department of Taxation and may be retained by the seller to cover his or her related administrative costs.

3. The Director of the Department of Taxation shall adopt regulations establishing acceptable methods for accounting for and transmitting to the Department money collected or required to be paid by retailers pursuant to subsection 1. The regulations must include a designation of the persons responsible for payment. The regulations must, in appropriate situations, allow for the transmission of that money together with the payment of the applicable sales and use taxes.

4. In collecting the fee, the Department of Taxation may employ any administrative and legal powers conferred upon it for the collection of the sales and use taxes by chapters 360 and 372 of NRS.

5. The fee imposed pursuant to subsection 1 does not apply to any tire included in the sale of a new or used vehicle unless the tire is sold in a separate transaction.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 406.

AN ACT relating to civil actions; revising the term "heir" for certain purposes relating to civil actions; eliminating the statute of limitations for certain civil actions arising from a death caused by homicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, for the purposes of allowing an heir to maintain an action for damages for a death caused by the wrongful act or neglect of another person, defines the term "heir" to mean a person who would be entitled to succeed to the separate property of a decedent if the decedent had died intestate. (NRS 41.085) **Section 1** of this bill revises the definition of "heir" to mean a person who, at the time such an action for damages is brought, would be entitled to succeed to the separate property of the decedent.

Existing law generally requires a civil action to recover damages for injuries to or the death of a person arising from the wrongful act or neglect of another person to be commenced not later than 2 years after the date on which the wrongful act or neglect occurred. (NRS 11.190) **Sections 1 and 2** of this bill authorize a civil action to recover damages for the death of a decedent to be brought by the heirs and the personal representatives of the decedent at any time upon a showing by a preponderance of evidence that the death of the decedent was a homicide committed by a wrongdoer. **Section 3** of this bill provides that the amendatory provisions of this bill apply retroactively to any ~~[cause of action to recover damages for]~~ **wrongful act or neglect of another causing a** death ~~[caused by]~~ **that was a** homicide ~~[that accrues before, on or after the effective date of this bill.]~~ **, even if the statute of limitations that was in effect at the time of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.**

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

Section 1. NRS 41.085 is hereby amended to read as follows:

41.085 1. As used in this section, "heir" means a person who, under the laws of this State, ***at the time an action is brought pursuant to subsection 2,*** would be entitled to succeed to the separate property of the decedent if the decedent had died intestate. The term does not include a person who is deemed to be a killer of the decedent pursuant to chapter 41B of NRS, and such a person shall be deemed to have predeceased the decedent as set forth in NRS 41B.330.

2. When the death of any person, whether or not a minor, is caused by the wrongful act or neglect of another, the heirs of the decedent and the personal representatives of the decedent may each maintain an action for damages against the person who caused the death, or if the wrongdoer is dead, against the wrongdoer's personal representatives, whether the wrongdoer died before

or after the death of the person injured by the wrongdoer. If any other person is responsible for the wrongful act or neglect, or if the wrongdoer is employed by another person who is responsible for the wrongdoer's conduct, the action may be maintained against that other person, or if the other person is dead, against the other person's personal representatives.

3. ***An action brought by the heirs of a decedent and the personal representatives of a decedent pursuant to subsection 2 may be commenced at any time upon a showing by a preponderance of evidence that the death of the decedent was a homicide committed by the wrongdoer.***

4. An action brought by the heirs of a decedent pursuant to subsection 2 and the cause of action of that decedent brought or maintained by the decedent's personal representatives which arose out of the same wrongful act or neglect may be joined.

~~[4.]~~ ***5.*** The heirs may prove their respective damages in the action brought pursuant to subsection 2 and the court or jury may award each person pecuniary damages for the person's grief or sorrow, loss of probable support, companionship, society, comfort and consortium, and damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are not liable for any debt of the decedent.

~~[5.]~~ ***6.*** The damages recoverable by the personal representatives of a decedent on behalf of the decedent's estate include:

(a) Any special damages, such as medical expenses, which the decedent incurred or sustained before the decedent's death, and funeral expenses; and

(b) Any penalties, including, but not limited to, exemplary or punitive damages, that the decedent would have recovered if the decedent had lived,

➥ but do not include damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are liable for the debts of the decedent unless exempted by law.

Sec. 2. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to NRS 41.1335, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of NRS 200.975, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215 ***,*** ~~[or]~~ 11.217 ~~[,]~~ ***or 41.085,*** an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 3. The amendatory provisions of this act apply **retroactively** to any ~~[cause of action arising from]~~ **wrongful act or neglect of another causing** a death ~~[caused by]~~ **that was a** homicide ~~[that accrues]~~ **which occurred** before ~~[, on or after]~~ the effective date of this act **.** ~~[.]~~ **, regardless of any statute of limitations that was in effect at the time the wrongful act or neglect of another causing a death that was a homicide occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 491.

Bill read second time.

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

Amendment No. 383.

AN ACT relating to elections; requiring a county or city clerk to provide certain information or data relating to an election within a certain period of time; revising qualifications for certain elected public officers to require such officers to be registered to vote in this State; revising provisions governing a declaration of candidacy and declaration of residency; ~~[revising the deadline~~

~~by which a petition of candidacy must be filed by an independent candidate;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~[requires, with certain exceptions,]~~ **provides that if the Secretary of State requests any information or data relating to an election from** a county or city clerk **, the clerk is required, not later than the end of the second calendar day after receiving the request,** to ~~[: (1) respond to a request from]~~ **provide** the Secretary of State ~~[for]~~ **with: (1) the** information or data **;** ~~[relating to an election not later than 48 hours after receiving the request with the information or data requested; or]~~ (2) ~~[provide]~~ a written explanation ~~[as to why the county or city clerk is unable to comply.]~~ **that the county or city clerk will not be able to provide the information or data by the end of the second calendar day, along with an estimate of when the county or city clerk will provide the information or data; or (3) a written explanation that the county or city clerk does not have the information or data.**

Existing law requires a person to be a qualified elector to be eligible for a public office in this State. (Nev. Const. Art. 15, § 3) Existing law also requires, with certain exceptions, a candidate for any elected office to actually, as opposed to constructively, reside in the State, district, county, township or other area prescribed by law to which the office pertains. (NRS 293.1755) **Sections 2 and 7-77** of this bill include as a qualification for any elected public office other than federal office, including, without limitation, State Legislator, Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Controller, county commissioners, county clerk, sheriff, district attorney, public administrator, city council, mayor, the Board of Regents, the board of directors of a general improvement district and the board of directors of a water district, that the officer be registered to vote in the State, district, county, township or other area prescribed by law to which the officer is required to reside. **Section 78** of this bill provides that the requirement for these officers to be registered to vote in this State does not apply to a person who, on October 1, 2025, holds such office.

Existing law requires a candidate for a primary election for a public office to file a declaration of candidacy and a candidate for the office of State Senator, Assemblyman or Assemblywoman to also file a declaration of residency. (NRS 293.177, 293.181, 293C.185) Existing law also requires a person nominated or applying to fill a vacancy in the office of Legislator to file a declaration of eligibility with the board of county commissioners. (NRS 218A.264) **Sections 3, 4, 6 and 13** of this bill provide that a declaration of candidacy, a declaration of residency and a declaration of eligibility are public records and the filing officer must make such declarations available to the public in an electronic format.

Sections 3, 6 and 13 also require a person filing a declaration of candidacy or declaration of eligibility to attest under penalty of perjury to the city or town and county of the State of Nevada where the person is registered to vote.

~~[Existing law requires an independent candidate for partisan office to file with the appropriate filing officer a petition of candidacy not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June. (NRS 293.200) Section 5 of this bill revises the date by which the petition must be filed from the third Friday in June to the Friday in June immediately after the primary election.]~~

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

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

Except as otherwise provided in this title, if the Secretary of State requests any information or data relating to an election from a county clerk or city clerk, the county or city clerk shall, not later than ~~[48 hours]~~ the end of the second calendar day after receiving the request, ~~[respond to]~~ provide the Secretary of State with ~~[the]~~ :

(a) The information or data ~~[or provide a]~~ ;

(b) A written explanation that the county or city clerk will not be able to provide the information or data ~~[within 48 hours]~~ by the end of the second calendar day, along with an estimate of when the county or city clerk will provide the information or data; or

(c) A written explanation that the county or city clerk does not have the information or data.

Sec. 2. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy for the office which the person seeks, the person has ~~[, in]~~ ***:***

(a) In accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent ~~[.]~~ ***; and***

(b) Registered to vote in the State, district, county, township or other area prescribed by law in which the officer is required to reside and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for ~~[:~~
~~(a) Any]~~ ***any*** federal office.

~~[(b)]~~ ***4.*** The ***provisions of paragraph (a) of subsection 1 do not apply to candidates for the*** office of district attorney.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless

the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***if I am filing for a public office other than a federal office, I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected

thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***if I am filing for a public office other than a federal office, I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I

will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of

the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. ***A declaration of candidacy filed pursuant to this section is a public record and the filing officer shall make the declaration of candidacy available to the public in an electronic format.***

8. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

~~[8.]~~ ***9.*** The receipt of information by the Attorney General or district attorney pursuant to subsection ~~[7]~~ ***8*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

~~[9.]~~ ***10.*** Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file, with his or her declaration of candidacy, a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:
>
> | | |
> |---|---|
> | ..... | ..... |
> | Street Address | Street Address |
> | ..... | ..... |
> | City or Town | City or Town |
> | ..... | ..... |
> | State | State |
> | From ..... To ..... | From ..... To ..... |
> | Dates of Residency | Dates of Residency |
> | ..... | ..... |
> | Street Address | Street Address |
> | ..... | ..... |
> | City or Town | City or Town |
> | ..... | ..... |
> | State | State |
> | From ..... To ..... | From ..... To ..... |
> | Dates of Residency | Dates of Residency |
>
> (Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the

candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. ***A declaration of residency filed pursuant to this section is a public record and the filing officer shall make the declaration of residency available to the public in an electronic format.***

4. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. ~~[NRS 293.200 is hereby amended to read as follows:~~

~~293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:~~

~~(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.~~

~~(b) Either of the following:~~

~~(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:~~

~~(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;~~

~~(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or~~

~~(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.~~

~~(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.~~

~~2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.~~

~~3. The petition of candidacy may state the principle, if any, which the person qualified represents.~~

~~4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the [third] Friday in June~~ **[.]** ***immediately after the primary election.***

~~5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.~~

~~6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.~~

~~7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.~~

~~8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.~~

~~9. Any challenge pursuant to subsection 8 must be filed with:~~

~~(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.~~

~~(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.~~

~~10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.~~

~~11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary or general city election unless the person named has, in accordance with NRS 293C.145 or 293C.175, as applicable, timely filed a declaration of candidacy with the appropriate filing officer and paid the filing fee established by the governing body of the city.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***that I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with

the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. ***A declaration of candidacy filed pursuant to this section is a public record and the filing officer shall make the declaration of candidacy available to the public in an electronic format.***

8. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~[8.]~~ ***9.*** The receipt of information by the city attorney pursuant to subsection ~~[7]~~ ***8*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

~~[9.]~~ ***10.*** Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 2.020 is hereby amended to read as follows:

2.020 1. A person may not be a candidate for or be eligible to the office of justice of the Supreme Court unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of justice of the Supreme Court if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 8. NRS 2A.020 is hereby amended to read as follows:

2A.020 1. A person may not be a candidate or be eligible for the office of judge of the Court of Appeals unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of judge of the Court of Appeals if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 9. NRS 3.060 is hereby amended to read as follows:

3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 10. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector ***, is registered to vote in the township*** and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education.

3. In addition to any other requirement provided by law or a court rule, a justice of the peace who is not licensed or admitted to practice law in the courts of this State at the time of his or her election or appointment must pass an examination prescribed by the Nevada Supreme Court within 18 months after taking the official oath. The examination must test the competency of the examinee's knowledge on subject matters related to the duties of a justice of the peace, including, without limitation:

(a) Judicial decorum;

(b) Application of the Revised Nevada Code of Judicial Conduct;

(c) Criminal and civil actions and proceedings over which a justice court has jurisdiction, including, without limitation, the issuance of temporary or extended orders for protection; and

(d) The financial administration of a court, including, without limitation, the minimum accounting standards of a justice court.

4. In a county whose population is 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who:

(a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and

(b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

5. Subsections 2 and 4 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 11. NRS 5.020 is hereby amended to read as follows:

5.020 1. Except as provided in subsection 3 and NRS 266.405, each municipal judge must be chosen by the electors of the city within which the municipal court is established on a day to be fixed by the governing body of that city. The term of office of a municipal judge is the period fixed by:

(a) An ordinance adopted by the city if the city is organized under general law; or

(b) The charter of the city if the city is organized under a special charter.

➥ Before entering upon his or her duties, a municipal judge shall take the constitutional oath of office.

2. A municipal judge must:

(a) Be a citizen of the State;

(b) Except as otherwise provided in the charter of a city organized under a special charter, have been a bona fide resident of the city for not less than 1 year next preceding his or her election;

(c) Be a qualified elector in the city;

(d) Be registered to vote in the city; and

~~[(d)]~~ ***(e)*** Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. The governing body of a city, with the consent of the board of county commissioners and the justice of the peace, may provide that a justice of the

peace of the township in which the city is located is ex officio the municipal judge of the city.

4. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 12. NRS 218A.200 is hereby amended to read as follows:

218A.200 A person is not eligible to be elected or appointed to office as a Legislator unless the person:

1. Is a qualified elector;

2. Has been an actual, as opposed to constructive, citizen resident of this State for 1 year next preceding the person's election or appointment;

3. At the time of election or appointment, has attained the age of 21 years;

4. Is registered to vote in the district the office represents; and

~~[4.]~~ ***5.*** Meets all other qualifications for the office as required by the Constitution and laws of this State.

Sec. 13. NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person is nominated pursuant to NRS 218A.260 or 218A.262, or a person files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with the board of county commissioners, a declaration of eligibility that must be in substantially the following form:

> For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ... (name of assembly or senatorial district), I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date of nomination pursuant to NRS 218A.262 or the date established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy, as applicable; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which

contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, ***I am registered to vote in the City or Town of ....., County of ....., State of Nevada and*** I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From ..... To .....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

.....
(Name of applicant)

.....
(Signature of applicant)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the

residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. ***A declaration of eligibility filed pursuant to this section is a public record and the filing officer shall make the declaration of eligibility available to the public in an electronic format.***

4. Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.

~~[4.]~~ ***5.*** Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 14. NRS 223.010 is hereby amended to read as follows:

223.010 No person shall be eligible to the Office of Governor unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 15. NRS 224.010 is hereby amended to read as follows:

224.010 No person shall be eligible to the Office of Lieutenant Governor unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 16. NRS 225.010 is hereby amended to read as follows:

225.010 No person shall be eligible to the Office of Secretary of State unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 17. NRS 226.010 is hereby amended to read as follows:

226.010 No person shall be eligible to the Office of State Treasurer unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 18. NRS 227.010 is hereby amended to read as follows:

227.010 No person shall be eligible to the Office of State Controller unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 19. NRS 228.010 is hereby amended to read as follows:

228.010 No person shall be eligible to the Office of Attorney General unless the person:

1. Has attained the age of 30 years at the time of such election;

2. Is a qualified elector and has been a citizen resident of this State for 3 years next preceding the election;

3. Is registered to vote in this State; and

~~[3.]~~ ***4.*** Is a member of the State Bar of Nevada in good standing.

Sec. 20. NRS 244.020 is hereby amended to read as follows:

244.020 1. County commissioners must ~~[be]~~ ***:***

(a) Be qualified electors of their respective counties ***;***

(b) Be registered to vote in the county; and ~~[have]~~

(c) Have such other qualifications as are provided in this chapter.

2. No county or township officer is eligible to the office of county commissioner.

Sec. 21. NRS 246.010 is hereby amended to read as follows:

246.010 1. County clerks shall be elected by the qualified electors of their respective counties.

2. ***County clerks must be registered to vote in the county.***

3. County clerks shall be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

Sec. 22. NRS 247.010 is hereby amended to read as follows:

247.010 1. Except as otherwise provided in subsection 3 or as altered pursuant to the mechanism set forth in NRS 244.1507, county recorders must be ~~[elected]~~ ***:***

(a) Elected by the qualified electors of their respective counties ~~[.]~~ ***; and***

(b) Registered to vote in the county.

2. County recorders must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The Clerk of Carson City is ex officio the Recorder of Carson City.

Sec. 23. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected;

(b) Is a qualified elector;

(c) Is registered to vote in the county which the office represents; and

~~[(c)]~~ ***(d)*** On or after January 1, 2010, meets the requirements set forth in subsection 2 or 3, as applicable.

2. If a person described in paragraph ~~[(c)]~~ ***(d)*** of subsection 1 is a candidate for the office of sheriff in a county whose population is 30,000 or more, the person must meet the following requirements at the time he or she files his or her declaration of candidacy for the office:

(a) He or she has a history of at least 5 consecutive years of employment or service:

(1) As a peace officer;

(2) As a law enforcement officer of an agency of the United States;

(3) As a law enforcement officer of another state or political subdivision thereof; or

(4) In any combination of the positions described in subparagraphs (1), (2) and (3); and

(b) He or she has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph ~~[(c)]~~ ***(d)*** of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 30,000, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.

(f) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 24. NRS 249.010 is hereby amended to read as follows:

249.010 1. Except as otherwise provided in subsection 3 or as altered pursuant to the mechanism set forth in NRS 244.1507, county treasurers must be ~~[elected]~~ ***:***

(a) Elected by the qualified electors of their respective counties ~~[.]~~ ***; and***

(b) Registered to vote in the county.

2. County treasurers must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The county clerks of Churchill, Douglas, Esmeralda, Eureka, Lyon, Mineral, Pershing and Storey Counties are ex officio county treasurers of their respective counties, unless such an arrangement is altered pursuant to the mechanism set forth in NRS 244.1507.

Sec. 25. NRS 250.010 is hereby amended to read as follows:

250.010 1. County assessors shall be elected by the qualified electors of their counties.

2. ***County assessors must be registered to vote in the county.***

3. County assessors shall be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their offices on the first Monday of January subsequent to their election.

Sec. 26. NRS 252.010 is hereby amended to read as follows:

252.010 No person shall be a candidate for or be eligible to the office of district attorney unless the person is:

1. A bona fide resident of the State of Nevada.

2. ***Registered to vote in this State.***

3. An attorney duly licensed and admitted to practice law in all the courts of this state.

Sec. 27. NRS 253.010 is hereby amended to read as follows:

253.010 Except as otherwise provided in NRS 253.125:

1. Except as otherwise provided in subsections 4 and 5 or as altered pursuant to the mechanism set forth in NRS 244.1507, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

(a) Be a qualified elector of the county;

(b) ***Be registered to vote in the county;***

(c) Be at least 21 years of age on the date he or she will take office;

~~[(c)]~~ ***(d)*** Not have been convicted of a felony for which his or her civil rights have not been restored; and

~~[(d)]~~ ***(e)*** Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

4. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties are ex officio public administrators of Humboldt County, Lander County, Lincoln County, Storey County and White Pine County, respectively, unless such an arrangement is altered pursuant to the mechanism set forth in NRS 244.1507. The Clerk of Carson City shall serve as Public Administrator of Carson City.

5. In a county other than Carson City and Humboldt, Lander, Lincoln, Storey and White Pine Counties, if, for any reason, the office of public administrator becomes vacant, the board of county commissioners may appoint a public administrator for the remainder of the unexpired term.

Sec. 28. NRS 258.005 is hereby amended to read as follows:

258.005 1. No person is eligible to the office of constable unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed; ~~[and]~~

(b) Is a qualified elector ~~[.]~~ ***; and***

(c) Is registered to vote in the township which the office represents.

2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether the person has been restored to his or her civil rights.

Sec. 29. NRS 266.170 is hereby amended to read as follows:

266.170 Mayors shall be ~~[qualified]~~ ***:***

1. Qualified electors within their respective cities and shall have been actually bona fide residents ~~[thereof]~~ for a period of at least 1 year next preceding their election ~~[.]~~ ***; and***

2. Registered to vote in their respective cities.

Sec. 30. NRS 266.215 is hereby amended to read as follows:

266.215 Council members must be:

1. Qualified electors within their respective cities and bona fide residents thereof for a period of at least 1 year next preceding their election.

2. Except as otherwise provided in NRS 266.220, qualified electors within their respective wards.

3. Registered to vote in their respective wards.

Sec. 31. NRS 267.030 is hereby amended to read as follows:

267.030 Whenever the qualified voters of any incorporated city desiring to adopt a commission form of government so declare their desire by filing with the governing body of that city a petition having the signatures of one-fourth of the qualified voters voting at the last city election, the governing body shall cause 15 qualified electors to be elected at the next primary or general municipal election or primary or general state election to frame a charter which

provides for a commission form of government for the city. The persons elected must ~~[have]~~ ***:***

1. Have been residents of the city for at least 2 years preceding their election ~~[.]~~ ***; and***

2. Be registered to vote in the city.

Sec. 32. NRS 269.017 is hereby amended to read as follows:

269.017 1. If the board of county commissioners determines that the best interests of an unincorporated town would be served by adoption of a town board form of government it shall establish a town board for the town by appointing five persons who are residents and qualified electors in the town to serve as members of the town board until successors can be elected at the next general election.

2. At the next general election five persons who are residents ***,*** ~~[and]~~ qualified electors in the town ***and registered to vote in the town*** must be elected by the registered voters of the town to serve as members of the town board.

Sec. 33. NRS 269.0171 is hereby amended to read as follows:

269.0171 1. If the establishment of a town board form of government is proposed by initiative petition, and the proposal is submitted to the electors, the prospective members of the town board must be elected at the same general election in which the proposal is submitted to the electors.

2. Any person who is a resident, is a qualified elector ***, is registered to vote in the town*** and desires to become a candidate for the position of member of a town board must, within the time specified by subsection 3, file in the office of the county clerk a notice of intention to become a candidate. The notice of intention must show that the person possesses the qualifications required by this section. Each person filing the notice of intention as required by this section is entitled to have his or her name placed on the official ballot.

3. The notice of intention required by subsection 2 must be filed not later than 5 p.m. on the second Tuesday in May of the year in which the election is held.

4. If the proposal to establish a town board form of government is approved at the election, members of the town board elected pursuant to this section serve as members until the next general election.

Sec. 34. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563 or 269.567, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection 7, appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board. If the ordinance provides for appointment

by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. Except as otherwise provided in subsection 7, the members of a town advisory board serve at the pleasure of the board of county commissioners.

3. If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

4. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

5. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

6. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

7. Except an unincorporated town established pursuant to NRS 269.567, if an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board. If there are fewer qualified electors who are residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

Sec. 35. NRS 269.577 is hereby amended to read as follows:

269.577 1. Except as appointment may be deferred pursuant to NRS 269.567, the board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

3. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 36. NRS 281.040 is hereby amended to read as follows:

281.040 ***1.*** No person who is not a qualified elector shall be eligible to any office of honor, profit or trust in and under the government and laws of this State.

2. No person who is not registered to vote in the State, district, county, township or other area prescribed by law in which the officer is required to reside shall be eligible to any elected office of the State or a local government.

Sec. 37. NRS 318.080 is hereby amended to read as follows:

318.080 1. After adopting an ordinance creating a district and before appointing the first board of trustees for the district, the board of county commissioners is, ex officio, the board of trustees for the district.

2. While acting as the board of trustees, the board of county commissioners shall establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

3. Except as otherwise provided in NRS 318.0953 and 318.09533, after the board of county commissioners has performed the duties required by

subsection 2, it shall appoint five persons to serve as the first board of trustees of the district and shall specify therein the terms of office to the first Monday in January next following the respective election dates provided in NRS 318.095. Except as otherwise provided in subsection 5, these persons must be qualified electors of the district ~~[.]~~ ***and registered to vote in the district.***

4. The members of the board of trustees shall qualify by filing with the county clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of their duties as trustees. The board of county commissioners may from time to time, upon good cause shown, increase or decrease the amount of the bond.

5. The board of county commissioners may appoint as one of the five initial trustees as provided by subsection 1 the district attorney for the county or a deputy district attorney on his or her staff. Such appointee need not be a qualified elector of the district, but no such attorney is qualified for appointment to fill any vacancy on the board pursuant to NRS 318.090 or qualified as a candidate for election to the board at any biennial election pursuant to NRS 318.095 unless he or she is a qualified elector of the district.

6. The board of county commissioners of the county vested with jurisdiction pursuant to NRS 318.050 may remove any trustee serving on an appointed or elected board of trustees for cause shown, on petition, hearing and notice thereof by publication and by mail addressed to the trustee.

Sec. 38. NRS 318.083 is hereby amended to read as follows:

318.083 1. Notwithstanding any provision of law to the contrary, the board of trustees of a district organized or reorganized pursuant to this chapter that exists on July 1, 2009, that is authorized only to exercise the basic power of furnishing electric light and power pursuant to NRS 318.117 in a county whose population is 700,000 or more, and for which the board of county commissioners of the county is not ex officio the board of trustees, shall consist of seven trustees. ***The members of the board of trustees must be registered to vote in the district.***

2. The members of the board of trustees described in subsection 1 must be selected as follows:

(a) One member who is elected by the qualified electors of the largest incorporated city in the district at the first biennial election following July 1, 2009. The term of office of a trustee who is elected pursuant to this paragraph is 4 years.

(b) One member who is elected by the qualified electors of the district at the first biennial election following July 1, 2009. The initial term of office of a trustee who is elected pursuant to this paragraph is 2 years. After the initial term, the term of office of a trustee who is elected pursuant to this paragraph is 4 years.

(c) Five members who are elected from the election areas in the district created pursuant to NRS 318.0952 that existed on July 1, 2009, each of whom serves for a term of 4 years.

3. Each member of the board of trustees must be a resident of the area which he or she seeks to represent.

4. A majority of the members of the board constitutes a quorum at any meeting.

Sec. 39. NRS 318.090 is hereby amended to read as follows:

318.090 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the county clerk or clerks of the county or counties wherein the district is located within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Except as otherwise provided in NRS 318.083, three members of the board constitute a quorum at any meeting.

5. A vacancy on the board must be filled by a qualified elector of the district ***who is registered to vote in the district and*** chosen by the remaining members of the board, the appointee to act until a successor in office qualifies as provided in NRS 318.080 on or after the first Monday in January next following the next biennial election, held in accordance with NRS 318.083 or 318.095, at which election the vacancy must be filled by election if the term of office extends beyond that first Monday in January. Nominations of qualified electors of the district as candidates to fill unexpired terms of 2 years may be made the same as nominations for regular terms of 4 years, as provided in NRS 318.083 and 318.095. If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.

6. Each term of office of 4 years terminates on the first Monday in January next following the general election at which a successor in office is elected, as provided in NRS 318.083 or 318.095. The successor's term of office commences then or as soon thereafter as the successor qualifies as provided in NRS 318.080, subject to the provisions in this chapter for initial appointments to a board, for appointments to fill vacancies of unexpired terms and for the reorganizations of districts under this chapter which were organized under other chapters of NRS.

Sec. 40. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. The names of the candidates for trustee of a district may be placed on the ballot for the primary or general election. ***A candidate for the office of trustee must be a registered voter in the district.***

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 41. NRS 318.0952 is hereby amended to read as follows:

318.0952 Except as otherwise provided in NRS 318.0953:

1. Trustees may be elected in the alternate manner provided in this section from election areas within the district.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the qualified electors of the district voting at the next preceding biennial election of the district may file a written petition with the board of county commissioners of the county vested with jurisdiction under NRS 318.050 praying for the creation of election areas within the district in the manner provided in this section. The petition must specify with particularity the five areas proposed to be created. The description of the proposed election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular area. The signatures to the petition need not all be appended to one paper, but each signer must add to the signer's name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall take an oath, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of that notice are a proper charge against the district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of election areas within the district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the district into the areas specified in the petition, designate them by number and define their boundaries. The territory comprising each election area must be contiguous. One trustee must be elected from each election area by a majority of the qualified electors voting on the candidates for any vacancy for that area as provided in subsection 7.

5. Before June 1 and immediately following the adoption of the resolution creating election areas within a district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the secretary of the district.

6. Upon the creation of election areas within a district, the terms of office of all trustees then in office expire on the first Monday of January thereafter next following a biennial election. At the biennial election held following the creation of election areas within a district, district trustees to represent the odd-numbered election areas must be elected for terms of 4 years and district trustees to represent the even-numbered election areas must be elected for terms of 2 years. Thereafter, at each biennial election, the offices of trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. Candidates for election as a trustee representing any election area must be elected only by those qualified electors of the district residing in that area. No qualified elector may vote in more than one election area at any one time.

8. A candidate for the office of trustee of a district in which election areas have been created must be ~~[a]~~ ***:***

(a) A qualified elector of the district ~~[and must be a]~~ ***;***

(b) A resident of the election area which the candidate seeks to represent ~~[.]~~***; and***

(c) Registered to vote in the district.

9. Election areas may be altered or abolished in the same manner as provided in this section for the creation of election areas and the election of trustees therefor.

Sec. 42. NRS 318.09535 is hereby amended to read as follows:

318.09535 1. Whenever a board of county commissioners is the board of trustees of any district organized or reorganized pursuant to this chapter or is exercising any powers pursuant to NRS 244.157, the board may by ordinance establish a local district managing board for the district.

2. Such a local district managing board must consist of not less than 5 members and not more than 12 members who are qualified electors of the district ~~.~~ ***and registered to vote in the district.*** The members must be:

(a) Appointed by the board of county commissioners; or

(b) Elected by the qualified electors of the district.

3. If the local district managing board is elective, the initial appointments and subsequent elections must be conducted in the manner provided in this chapter for trustees of a district.

4. An ordinance establishing a local district managing board must:

(a) Provide for the compensation which members of the board are to receive for their services;

(b) Provide for the terms of office for the members of the board;

(c) Contain a recital of the powers delegated and duties assigned by the board of county commissioners to the local district managing board; and

(d) Provide that the local district managing board does not have the power to tax, issue bonds or call for an election for the issuance of bonds. All taxes must be levied and bonds issued by the board of county commissioners as generally provided in this chapter.

5. Any vacancy on the board must be filled by a qualified elector of the district who is appointed by the board of county commissioners. If the local district managing board is appointive, the person appointed to fill the vacancy must be appointed to serve the remainder of the unexpired term. If the board is elective, the appointee must be appointed to serve until the first Monday in January when his or her successor in office, elected at the biennial election next following the vacancy, qualifies.

6. The local district managing board may be dissolved by the board of county commissioners after notice and hearing whenever the board of county commissioners determines:

(a) The local district managing board is no longer necessary; or

(b) The services of the district can be more effectively performed by another district.

Sec. 43. NRS 318A.180 is hereby amended to read as follows:

318A.180 1. Except as otherwise may be provided in an interlocal agreement entered into pursuant to NRS 318A.160, after adopting an ordinance creating a district, the governing body must establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

2. After the duties required by subsection 1 have been performed, the first board of trustees of the district, consisting of five members, must be appointed. Except as otherwise provided in this subsection, each governing body of a county or city with territory included within the district that has entered into an interlocal agreement pursuant to NRS 318A.160 must each appoint one member to the first board of trustees. If:

(a) More than five counties or cities have territory within the district, the interlocal agreement entered into pursuant to NRS 318A.160 must determine which governing bodies may appoint the five members of the first board of trustees of the district.

(b) Less than five counties or cities have territory within the district, the governing body of each county or city must appoint one member and the remaining members of the first board of trustees must be appointed as determined pursuant to the terms of the interlocal agreement entered into pursuant to NRS 318A.160.

3. The members of the first board of trustees must be qualified electors of the district ~~.~~ ***and registered to vote in the district.*** The trustees must determine by lot which three trustees serve 4-year terms and which two trustees serve 2-year terms.

4. The governing body may remove any member of the first board of trustees for cause shown unless an interlocal agreement entered into pursuant to NRS 318A.160 otherwise prohibits such removal.

5. All members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees. The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 44. NRS 318A.200 is hereby amended to read as follows:

318A.200 1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Three members of the board constitute a quorum at any meeting.

5. Unless an interlocal agreement entered into pursuant to NRS 318A.160 provides otherwise, a vacancy on the board must be filled by a qualified elector of the district ***who is registered to vote in the district and*** chosen by the remaining members of the board.

Sec. 45. NRS 320.070 is hereby amended to read as follows:

320.070 1. After adopting a resolution creating a district, the board of county commissioners shall appoint five persons to serve as the initial

members of the board. A member of the board appointed pursuant to this subsection:

(a) Must be a qualified elector of the district ~~[.]~~ and ***registered to vote in the district; and***

(b) Serves in that office until his or her successor is elected pursuant to NRS 320.080.

2. Each member of the board must qualify for appointment by filing in the office of the county clerk where the district is located:

(a) A written oath of office signed by the member; and

(b) A bond in an amount of not more than $10,000 as determined by the board of county commissioners. The bond must be filed in a form approved by the board of county commissioners and be conditioned upon the satisfactory performance of the duties of the member filing the bond. The board of county commissioners may, from time to time, increase or decrease the amount of the bond.

Sec. 46. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

(a) One member elected by the registered voters of each congressional district described in the shapefile adopted by NRS 304.095;

(b) One member appointed by the Governor;

(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and

(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be ~~[a]~~ *:*

(a) A qualified elector of the district from which that member is elected ~~.~~***; and***

(b) Registered to vote in the district.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years, except that each member continues to serve until a successor is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs ~~.~~ ***and registered to vote in the district.***

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 47. NRS 386.200 is hereby amended to read as follows:

386.200 1. In addition to the manner of election provided in NRS 386.205, 386.215 and 386.225, the trustees of a county school district may be

elected from school trustee election areas in the alternate manner provided in this section.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the registered voters of a county school district in which 25,000 or fewer pupils are enrolled may file a written petition with the board of county commissioners of the county praying for the creation of school trustee election areas within the county school district in the manner provided in this section. The petition must specify with particularity the school trustee election areas proposed to be created, the number of trustees to be elected from each area, and the manner of their nomination and election. The number of school trustee election areas proposed must not exceed the number of trustees authorized by law for the particular county school district. The description of the proposed school trustee election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular school trustee election area. The signatures to the petition need not all be appended to one paper, but each signer must add to his or her name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall swear or affirm, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of the notice is a proper charge against the county school district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of school trustee election areas within the county school district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the county school district into the number of school trustee election areas specified in the petition, designate them by number and define their boundaries. The territory comprising each school trustee election area must be contiguous. The resolution must further set forth the number of trustees to be elected from each school trustee election area and the manner of their nomination and election.

5. Before June 1 and immediately following the adoption of the resolution creating school trustee election areas within a county school district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the Superintendent of Public Instruction.

6. Upon the creation of school trustee election areas within a county school district the terms of office of all trustees then in office expire on the 1st Monday of January thereafter next following a general election. At the general election held following the creation of school trustee election areas within a county

school district, school trustees to represent the odd-numbered school trustee election areas must be elected for terms of 4 years and school trustees to represent the even-numbered school trustee election areas must be elected for terms of 2 years. Thereafter, at each general election, the offices of school trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. A candidate for the office of trustee of a county school district in which school trustee election areas have been created must be ~~[~~a~~]~~ ***:***

(a) A qualified elector ~~[~~and a~~]~~ ***;***

(b) A resident of the school trustee election area which he or she seeks to represent ~~[.]~~ ***; and***

(c) Registered to vote in the school trustee election area which he or she seeks to represent.

8. The board of county commissioners may by resolution change the boundaries of school trustee election areas or the manner of nomination or election of school trustees after:

(a) Holding a public hearing of which notice must be given as provided in subsection 3; and

(b) Receiving, at the hearing or by resolution, the consent of the board of trustees of the school district.

9. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with NRS 386.120 specifying that the board will consist of five members, and the board of trustees of the county school district is composed of seven elected members based upon a previous enrollment of 1,000 or more, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for reduction of the membership of the board of trustees of the county school board from seven to five members, and only five school trustees may thereafter be nominated and elected at the forthcoming elections.

10. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the county school district is composed of five elected members, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for increasing the membership of the board of trustees of the county school district from five to seven members, and two additional school trustees must thereafter be nominated and elected at the forthcoming elections.

11. The provisions of subsection 10 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more

but less than 1,500, and in which the board of trustees of the school district has adopted a resolution specifying that the board will consist of five members.

Sec. 48. NRS 386.225 is hereby amended to read as follows:

386.225 1. Election districts created pursuant to NRS 386.205 may be constructed so that the:

(a) Voters in each election district elect a trustee to represent them; or

(b) Trustees are elected by all of the voters in the county school district.

➥ In either case, each trustee must be a resident of the election district which he or she represents throughout his or her term of office ~~.~~ ***and registered to vote in the district.***

2. The board of trustees shall adopt a resolution, after a public hearing on the matter, determining whether each trustee will be elected solely by the voters in the election district of the trustee or all of the voters in the county school district.

Sec. 49. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for election to the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

3. Be registered to vote in the county school district required for the office for which he or she seeks election.

Sec. 50. NRS 396.040 is hereby amended to read as follows:

396.040 1. The Board of Regents consists of 13 members elected by the registered voters within the districts described in the shapefile adopted by NRS 396.047.

2. The members of the Board of Regents must be elected as follows:

(a) At the general election in 2002, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 2, 3, 5 and 10.

(b) At the general election in 2004, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 6, 7, 8, 11 and 13.

(c) At the general election in 2006, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 1, 4, 9 and 12.

3. Each member of the Board of Regents must be a resident of the district from which the member is elected ~~.~~ ***and registered to vote in the district.***

Sec. 51. NRS 450.070 is hereby amended to read as follows:

450.070 1. Except in counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees for the public hospital consists of five trustees, who must:

(a) Be residents of the county or counties concerned.

(b) ***Be registered to vote in the county or counties concerned.***

(c) Be elected as provided in subsection 2.

2. In any county:

(a) Whose population is less than 100,000, hospital trustees must be elected for terms of 4 years in the same manner as other county officers are elected.

(b) Whose population is 100,000 or more but less than 700,000, hospital trustees must be elected from the county at large for terms of 4 years.

Sec. 52. NRS 474.070 is hereby amended to read as follows:

474.070 1. Except as otherwise provided in subsection 2, when, pursuant to the provisions of NRS 474.040, 474.050 and 474.060, the boundaries of the proposed district are defined and established by the board, the board of county commissioners shall make an order dividing the proposed district into three or five divisions as nearly equal in size as practicable. The divisions must be numbered consecutively and constitute election precincts for the district.

2. When or after the boundaries of a district are established, the board of county commissioners may provide for the election of three or five directors at large, without precincts.

3. If precincts are created, each director must be ~~[~~***a***~~]~~ ***:***

(a) A resident of the election precinct for which the director is elected ***;***

(b) Registered to vote in the election precinct for which the director is elected; and ~~[must be elected]~~

(c) Elected at large by the district.

Sec. 53. NRS 474.145 is hereby amended to read as follows:

474.145 1. If a vacancy occurs on the board of directors of a county fire protection district, the remaining directors shall fill the vacancy by appointing a qualified elector ***who is registered to vote in the district*** to serve during the rest of the term and until his or her successor is elected and qualified.

2. If the remaining directors fail or refuse to appoint a new director within 30 days after the vacancy occurs, the board of county commissioners shall appoint a person to fill the vacancy.

Sec. 54. NRS 539.045 is hereby amended to read as follows:

539.045 1. Upon making an order granting the prayer of the petition as provided in NRS 539.043, the board of county commissioners shall by further order entered upon its record submit to the qualified electors of the proposed district at the next primary or general election the question of whether that district shall be organized pursuant to the provisions of this chapter, and by that order shall submit the names of one or more persons from each of the divisions of the district to be voted for as directors of the district.

2. One director must be elected from each division by the qualified electors of the district and be a qualified elector of the district and holder of title, or evidence of title as prescribed in NRS 539.020 and 539.023, to land within the division from which the director is elected.

3. A candidate for election to the office of director must be registered to vote in the district from which the director is elected.

Sec. 55. NRS 539.367 is hereby amended to read as follows:

539.367 1. One local director shall hold office until his or her successor is elected at the next biennial district election and qualifies, and the other local

director shall hold office until his or her successor is elected at the second biennial district election after his or her appointment and qualifies.

2. The terms of such local directors shall be determined by lot, and their successors shall be elected for 4-year terms at the biennial elections.

3. The two local directors, with the director of the district from the division, shall constitute the local board of such division.

4. The directors of the district shall fill any vacancy in the office of local director of a division by the appointment of a qualified elector from the division in which the vacancy occurs ~~[.]~~ ***who is registered to vote in the division.***

Sec. 56. NRS 548.225 is hereby amended to read as follows:

548.225 1. If the Commission determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, the Commission shall appoint five supervisors to act as the governing body of the district until the time of the election of five supervisors by the qualified electors of the district, at which time such appointments shall be terminated. The number of supervisors elected to 2-year and 4-year terms shall correspond to the respective numbers so elected in all other districts at that particular election.

2. ***A candidate for the office of supervisor must be registered to vote in the district from which the supervisor is elected.***

3. The five supervisors appointed by the Commission shall be persons who are by training and experience qualified to perform the specialized, skilled services which will be required of them in the performance of their duties hereunder.

Sec. 57. Section 5 of the Charter of Boulder City is hereby amended to read as follows:

Section 5. Qualifications.

1. No person shall be eligible for the office of Council Member or Mayor unless he or she is a qualified elector of Boulder City ***,*** ~~[and]~~ has been a resident of the City for at least 2 years immediately prior to the election in which he or she is a candidate ~~[.]~~ ***and is registered to vote in the City.*** He or she shall hold no other elective public office, but he or she may hold a commission as a notary public or be a member of the Armed Forces reserve. No employee of the City or officer thereof, excluding City Council Members, receiving compensation under the provisions of this Charter or any City ordinance, shall be a candidate for or eligible for the office of Council Member or Mayor without first resigning from City employment or City office. (Add. 8; Amd. 1; 6-7-1977; Add. 17; Amd. 1; 11-5-1996)

2. If a Council Member or the Mayor ceases to possess any of the qualifications enumerated in subsection 1 or is convicted of a felony, or ceases to be a resident of the City, his or her office shall immediately become vacant. (1959 Charter) (Add. 17; Amd. 1; 11-5-1996)

Sec. 58. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3549, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member must be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as otherwise provided in sections 5.010 and 5.120.

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary must not be increased or diminished during the term of the recipient.

Sec. 59. Section 2.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 58, Statutes of Nevada 2007, at page 142, is hereby amended to read as follows:

Sec. 2.010 Board of Council Members: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a Board of Council Members consisting of four Council Members and a Mayor.

2. The Mayor and Council Members must be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The Mayor and Council Members first holding office under this Charter shall each receive a monthly salary of $35 during the terms for which they were elected, selected or appointed. Thereafter, subject to the provisions of subsection 5 of section 2.090, the Mayor and Council Members shall receive a salary in an amount fixed by the Board of Council Members.

Sec. 60. Section 2.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 52, Statutes of Nevada 2023, at page 239, is hereby amended to read as follows:

Sec. 2.010 Board of Supervisors: Qualifications; election; term of office.

1. The legislative power of Carson City is vested in a Board of Supervisors consisting of five Supervisors, including the Mayor.

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within Carson City.

(c) Registered to vote in Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents, except that changes effected in the boundaries of a ward pursuant to the provisions of section 1.060 do not affect the right of any elected Supervisor to continue in office for the term for which he or she was elected.

(d) Registered to vote in the ward which he or she represents.

4. All Supervisors, including the Mayor, must be voted upon by the registered voters of Carson City at large and shall serve for terms of 4 years. Each term of office:

(a) Begins at midnight on the first Monday in January following the general election; and

(b) Ends at 11:59 p.m. on the day immediately preceding the first Monday in January following the general election.

Sec. 61. Section 4.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 96, Statutes of Nevada 1997, at page 182, is hereby amended to read as follows:

Sec. 4.030 Municipal Court: Judges.

1. The justices of the peace of Carson City are ex officio judges of the Municipal Court of Carson City which consists of at least two departments.

2. The Board of Supervisors may by ordinance establish a third department of the Municipal Court. The judge of this department must be:

(a) A resident of Carson City for a continuous 6-month period immediately preceding his or her election.

(b) A qualified elector.

(c) Registered to vote in Carson City.

3. If a third department of the Municipal Court is established, the municipal judge elected for that department serves for a term of 6 years.

4. The Board may appoint a municipal judge for a part-time or temporary position. The Board shall establish the hours of service for this position.

5. The salary of the judges of the Municipal Court must be fixed by the Board and be paid in the same manner as provided for other elected officers.

Sec. 62. Section 2.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1002, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four members and the Mayor.

2. The members of the City Council must be:

(a) Bona fide residents of the City for at least 2 years before their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All members of the City Council must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The members of the City Council must receive a salary in an amount fixed by the City Council.

Sec. 63. Section 3.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 51, Statutes of Nevada 2001, at page 461, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the City for at least 2 years before his or her election.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. The Mayor shall:

(a) Serve as ex officio President of the City Council and preside over its meetings.

(b) Serve as the Chief Executive Officer of the City.

(c) Be recognized as the head of the City Government for all ceremonial purposes.

(d) Perform such emergency duties as may be necessary for the health, welfare and safety of the City.

(e) Perform such other duties, except administrative duties assigned by the City Council to the City Manager, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

3. The City Council shall elect one of its members to be the Mayor pro tempore who:

(a) Holds such office and title, without additional compensation, during the term for which he or she was elected.

(b) Must perform the duties of Mayor during the absence or disability of the Mayor.

(c) Must act as Mayor until the next municipal election if the office of Mayor becomes vacant.

Sec. 64. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3551, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of one Council Member from each ward and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

(d) Registered to vote in the ward which he or she represents.

4. All Council Members, including the Mayor, except as otherwise provided in sections 5.020 and 5.120, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 65. Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Council Members: Qualifications; terms of office; salary.

1. The Mayor must be ~~[a]~~ ***:***

(a) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for that office ***;***

(b) Registered to vote in the City; and ~~[be elected]~~

(c) Elected by the registered voters of the City at large.

2. Each Council Member must be ~~[a]~~ ***:***

(a) A qualified elector who has resided within the ward which he or she represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his or her office ***;***

(b) Registered to vote in the ward which he or she represents; and ~~[be elected]~~

(c) Elected by the registered voters of that ward.

3. The Mayor or any Council Member automatically forfeits the remainder of his or her term of office and that office becomes vacant if he or she ceases to be a resident of the City or of the ward which he or she represents, as the case may be.

4. The respective salaries of the Mayor and Council Members must be fixed by ordinance.

Sec. 66. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3557, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) ***Registered to vote in the City.***

(d) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on:

(a) If the general municipal election is held in an odd-numbered year, July 1 of each year of a general municipal election.

(b) If the general municipal election is held in an even-numbered year, January 1 of the year following the general municipal election.

4. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

5. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

6. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 67. Section 2.010 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1869, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council members.

2. Each Council member must be elected at large and without respect to the location of his or her residence, as long as the residence is within the city limits of the City of Mesquite.

3. Each Council member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

4. All Council members must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

5. The Council members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Council members and becomes effective during the term for which they have been elected or appointed.

Sec. 68. Section 3.010 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1880, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties; election; term of office; salary; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. The Mayor:

(a) Shall preside over the meetings of the City Council, but may not vote except in the case of breaking a tie vote. While presiding over a meeting, the Mayor shall preserve order and decorum among the members and enforce the rules of the City Council and determine the order of business, subject to those rules and appeal to the City Council, or as provided by ordinance.

(b) Must be recognized as the official head of the City Government for all ceremonial purposes and for the performance of all duties lawfully delegated to the Mayor by this Charter, by action of the City Council or by any law.

(c) Has the authority to declare emergencies as necessary to protect the general health, welfare and safety of the City. Any such declaration of emergency:

(1) May include a provision authorizing the Mayor to act as the chief executive officer of all affairs of the City during the emergency; and

(2) Must be reviewed by the City Council at its next meeting.

(d) Shall provide an annual address to the City Council during the first quarter of each year relating to the state of the City, and recommend such measures as the Mayor may deem beneficial to the City.

(e) Shall take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose the Mayor may, if the City is not participating in a metropolitan police department, appoint extra police officers temporarily and use and command the police force. If the City is participating in a metropolitan police department, the Mayor may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, the Mayor shall call upon the Governor for military aid in the manner provided by law.

(f) Shall sign all licenses and warrants and claims against the City.

(g) May, subject to ratification by the City Council:

(1) Appoint himself or herself or any member of the City Council to, or remove himself or herself or any member of the City Council from, any board, commission or advisory agency if the Mayor or Council member is granted a seat on the board, commission or advisory agency because of his or her elective office; or

(2) Appoint a person whom the City Council determines to be qualified to fill the seat of any person granted a seat pursuant to subparagraph (1) or remove such a qualified person from that seat.

(h) Shall, with the advice and consent of the City Council, appoint the City Manager and City Attorney.

(i) May propose ordinances, resolutions and proclamations that the City Council shall consider.

(j) Shall perform such other duties as the City Council prescribes by ordinance.

3. The Mayor may exercise the right of veto upon all matters passed by the City Council, but has no power to exercise a line-item veto. To pass any matter receiving the Mayor's veto requires a four-fifths vote of the City Council.

4. No resolution or contract requiring the payment of money approved by the City Council or any ordinance may go into force or have any effect until approved in writing by the Mayor or his or her authorized designee, unless passed over the Mayor's veto. If the Mayor does not approve the resolution, contract or ordinance so submitted, the Mayor shall, within 5 days after the receipt thereof, return it to the City Clerk with his or her reasons in writing for not approving it. If the Mayor does not so return it, the resolution or contract

thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the Mayor.

5. Any of the duties set forth in:

(a) Subsection 2 or 4, other than the duties set forth in paragraph (c) or (f) of subsection 2, may be delegated to the Mayor pro tempore by the Mayor administratively or in instances of abstention during an official meeting.

(b) Paragraph (c) or (f) of subsection 2 may be delegated to the City Manager by the Mayor administratively.

6. The Mayor:

(a) Must be voted upon by the registered voters of the City at large and shall serve for a term of 4 years.

(b) Is entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor during the term for which he or she has been elected.

7. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he or she was elected.

(b) Perform the duties of Mayor during the absence or disability of the Mayor.

(c) Act as Mayor until the City Council appoints a Mayor, if the office of Mayor becomes vacant.

Sec. 69. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3561, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

(c) Must be registered to vote in the ward which he or she represents.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce

evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 70. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 584, Statutes of Nevada 2017, at page 4198, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor.

2. The Mayor and Council Members must be qualified electors within the City ~~[.]~~ ***and registered to vote in the City or ward which he or she represent, as applicable.*** Each Council Member elected from a ward must continue to live in that ward for as long as he or she represents the ward.

3. The Mayor represents the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years.

4. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 71. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 772, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada ***,*** ~~[and]~~ a qualified elector within the City ~~[.]~~ ***and registered to vote in the City.*** Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as are designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. As he or she requires in the discharge of the duties of his or her office, the City Attorney may:

(a) Appoint and remove any professional and paraprofessional legal staff, including, without limitation, attorneys, paralegals, investigators, an office administrator and an executive assistant. Professional and paraprofessional legal staff must not be Civil Service employees.

(b) Appoint and remove clerical staff, including, without limitation, management assistants, legal secretaries and advocates. Clerical staff must not be Civil Service employees.

5. The Council may appropriate such an amount of money as it deems proper to compensate the professional and paraprofessional legal staff and clerical staff appointed by the City Attorney pursuant to subsection 4.

6. Any attorney or paralegal who is employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 72. Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

(a) An attorney licensed to practice law in the State.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 73. Section 2.010 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 59, Statutes of Nevada 2007, at page 144, is hereby amended to read as follows:

Sec. 2.010 Board of Council Members: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a Board of Council Members consisting of four Council Members and a Mayor.

2. The Mayor and Council Members must be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The Mayor and Council Members shall receive a salary in an amount fixed by the Board of Council Members.

Sec. 74. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3564, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members must be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

(c) Registered to vote in the City.

3. All Council Members must be voted upon by the registered voters of the City at large and, except as otherwise provided in sections 5.010 and 5.110, shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 75. Section 3.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties.

1. The Mayor shall be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector in the City.

(c) Registered to vote in the City.

2. The Mayor shall:

(a) Serve as the Chief Executive and Administrative Officer of the City.

(b) Preside over the meetings of the City Council. He or she shall not be entitled to vote on any matter before the Council except in case of a tie.

(c) Have the right of veto on any matter passed by the City Council. A three-fourths vote of the Council is necessary to override such veto.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 76. Section 6 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2001, at page 991 is hereby amended to read as follows:

Sec. 6. 1. Each member of the Board must:

(a) Actually, as opposed to constructively, reside in the election area represented for at least 30 days immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;

(b) Be a qualified elector of the election area represented;

(c) Be registered to vote in the election area represented; and

~~[(c)]~~ ***(d)*** Take office upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy on the Board must be filled by an appointment made by the remaining members of the Board. The person so appointed must be, for the 30 days immediately preceding the date of appointment, a resident and elector of the election area represented, and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve until the first Monday in January following the next general district election. If that general district election precedes the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general district election in the same manner as prescribed for the election of other members of the Board. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 77. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as last amended by chapter 353, Statutes of Nevada 2013, at page 1849 is hereby amended to read as follows:

Sec. 7. 1. Each member of the Board must:

(a) Reside in the geographical area represented, or if the Board has established various election areas, the election area represented, for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the geographical area represented or the election area represented;

(c) Be registered to vote in the geographical area represented or the election area represented; and

~~[(c)]~~ ***(d)*** Take office upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy in the office of a member of the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the geographical area represented, or if the Board has established various election areas, the election area represented,

and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 78. 1. The amendatory provisions of this bill do not apply to a person who, on October 1, 2025, holds an elected office in this State.

2. Notwithstanding the provisions of subsection 1, the amendatory provisions of this bill apply to every person who, after October 1, 2025, files a declaration of candidacy for any elected office in this State other than federal office.

Sec. 79. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 493.

Bill read second time.

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

Amendment No. 413.

AN ACT relating to waste; ~~[establishing provisions relating to the disposal of propulsion batteries;]~~ requiring ~~[an owner]~~ **certain owners** of a distributed generation system to file certain plans relating to the disposal of the distributed generation system with the Division of Environmental Protection of the State Department of Conservation and Natural Resources; **requiring facilities that recycle materials from a distributed generation system or utility-scale solar project to file a report with the Division;** requiring a surplus retirement plan to include certain information relating to the retirement of a utility-scale solar project; ~~[providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prohibits: (1) the willful disposal, abandonment or dumping of a motor vehicle battery at any site which has not been issued a permit by the solid waste management authority and at any sanitary landfill or other disposal site established by a municipality which has not been issued a permit by the solid waste management authority; and (2) the incineration of a motor vehicle battery as a means of disposal, unless approved by the solid waste management authority. (NRS 444.583) Existing law further requires a solid waste management authority to issue permits for the operation of disposal sites for solid waste. (NRS 444.553) Section 2 of this bill: (1) requires all propulsion batteries in this State to be disposed of with a specialized battery recycler; (2) prohibits the disposal of propulsion batteries in municipal solid waste landfills; and (3) requires each solid waste management authority to prohibit the owner~~

~~or operator of a municipal solid waste landfill from accepting a propulsion battery for disposal.~~

~~— Section 26 of this bill applies the definitions in existing law relating to the collection and disposal of solid waste to section 2.~~

~~— Section 27 of this bill provides that the prohibition and civil penalty set forth in section 2 is an exception to other penalties in existing law relating to the disposal or incineration of motor vehicle batteries.~~

~~— Sections 28-31 of this bill apply certain penalties, remedies and enforcement mechanisms relating to the collection and disposal of solid waste to the provisions of section 2.~~

~~— Existing law provides that: (1) a plan for a solid waste management system does not apply to a vehicle owned by an automobile wrecker or in the possession of a salvage pool; and (2) the provisions governing the collection and disposal of solid waste do not prevent a mining operation from dumping waste from its operation on its own lands. (NRS 444.620) Section 32 of this bill applies these exceptions to section 2.~~

~~— Sections 4-15 of this bill define certain terms relating to the disposal of propulsion batteries. Section 3 of this bill applies those definitions to the provisions of sections 4-25 of this bill.~~

~~— Section 16 sets forth a declaration of the Legislature relating to the management and disposal of propulsion batteries in this State. Section 17 sets forth the applicability of the provisions of sections 3-25.~~

~~— Section 18 requires a battery provider who sells, offers for sale or distributes for sale a propulsion battery or a vehicle containing a propulsion battery in or into this State to: (1) add a label to the propulsion battery with the name and contact information of the battery provider; and (2) ensure that the battery health of the propulsion battery is easily interpretable and accessible.~~

~~— Section 19 requires a battery provider or, if a propulsion battery has been reused, repaired, repurposed or remanufactured by a secondary handler or secondary user, the secondary handler or secondary user, to dispose of all spent propulsion batteries in this State with a specialized battery recycler.~~

~~— Section 20 sets forth the methods by which a person other than a battery provider, secondary handler or secondary user may dispose of a propulsion battery or a vehicle containing a propulsion battery, which include: (1) returning the propulsion battery to the party responsible for disposal; (2) notifying the responsible party to collect the propulsion battery; or (3) selling or transferring the propulsion battery or vehicle to a secondary handler, secondary user or specialized battery recycler. Section 21 similarly sets forth the methods by which a secondary handler or secondary user may dispose of a propulsion battery or a vehicle containing a propulsion battery. Section 22 requires a battery provider, secondary handler or secondary user to take certain actions upon receiving such notification and when collecting a propulsion battery.~~

~~— Sections 23-25 require each battery provider, secondary handler, secondary user and specialized battery recycler in this State to submit certain reports to~~

~~the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~Existing law sets forth certain requirements for the dismantling, scrapping, processing or wrecking of vehicles by an automobile wrecker. (NRS 487.047-487.200) Section 34 of this bill provides that an automobile wrecker is subject to the provisions of sections 2-25 with respect to such activities for a vehicle containing a propulsion battery. Section 35 of this bill applies certain definitions relating to automobile wreckers to section 34. Section 36 of this bill applies certain criminal penalties to the provisions of section 34.~~

Existing law sets forth certain requirements for agreements for the lease or purchase of a distributed generation system and for the purchase of the output of a distributed generation system. (NRS 598.9801-598.9822) **Section 33** of this bill requires the owner of a distributed generation system ~~[~~, including one which~~]~~ **that** has been leased or ~~[~~one~~]~~ from which a customer is purchasing the output ~~[~~,~~]~~ to file with the Division a plan for the disposal of the distributed generation system at the end of the useful life of the system. **Section 37** of this bill requires an agreement for the lease of a distributed generation system to include a description of any obligation the lessor has regarding the ~~[~~disposal~~]~~ **disposition** of the distributed generation system in accordance with the plan.

Existing law requires certain electric utilities to file a surplus asset retirement plan with the Public Utilities Commission of Nevada for each asset classified as surplus and sets forth certain requirements for the plan. (NRS 704.734) **Section 38** of this bill requires a surplus asset retirement plan for certain utility-scale solar projects to include certain information relating to the decommissioning of a site of such a project and the restoration of the land.

Section 36.5 of this bill requires each facility that recycles a distributed generation system or utility-scale solar project or a component thereof to submit a written report to the Division with certain information relating to the materials received, recycled and recovered by the facility.

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

Section 1. ~~[~~Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this act.~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~***1. All propulsion batteries in this State must be disposed of with a specialized battery recycler who holds a permit to operate a disposal site pursuant to NRS 444.553 in accordance with the provisions of sections 3 to 25, inclusive, of this act.***

2. A person shall not willfully dispose of a propulsion battery in any municipal solid waste landfill in this State. Each person who disposes of a propulsion battery in violation of the provisions of this subsection is subject to a civil penalty of not less than $100 but not more than $5,000.

3. Each solid waste management authority shall prohibit, as a term of any permit to construct or operate a municipal solid waste landfill issued

~~*pursuant to NRS 444.556, the owner or operator of the municipal solid waste landfill from accepting a propulsion battery for disposal in the municipal solid waste landfill.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[As used in sections 3 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*["Automobile wrecker" has the meaning ascribed to it in NRS 487.047.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*["Battery provider":*~~

~~*1. Means:*~~

~~*(a) A person who initially sells, offers for sale or distributes a propulsion battery into this State, including, without limitation, a vehicle manufacturer who sells, offers for sale or distributes a propulsion battery or a vehicle that contains a vehicle traction propulsion battery in or into this State under the name or brand of the person.*~~

~~*(b) If no person meets the description of paragraph (a), the owner or exclusive licensee of a brand or trademark under which the propulsion battery is sold, whether or not the trademark is registered. For the purposes of this subsection, the exclusive licensee is the person holding the exclusive right to use a brand or trademark in this State in connection with the manufacture, sale or distribution for sale in or into this State of the propulsion battery.*~~

~~*(c) If no person meets the description of paragraph (a) or (b), the person that imports the propulsion battery into this State for sale, distribution or installation.*~~

~~*(d) If no person meets the description of paragraph (a), (b) or (c), the distributor, retailer, dealer or wholesaler who sells the propulsion battery in or into this State.*~~

~~*2. Does not include a secondary handler who sells, offers for sale or distributes a propulsion battery in or into this State.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*["End-of-life stage" means the stage when a propulsion battery is removed from its current application and is evaluated by a secondary handler or secondary user for reuse, repair, repurposing, remanufacturing, recycling or disposal.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*["Propulsion battery" means a battery with the primary purpose of supplying power to propel an electric or hybrid vehicle.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*["Remanufacture" means the process of refurbishing propulsion batteries at the end-of-life stage for the same purpose for which the propulsion battery was originally intended.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*["Repurpose" means the use of a propulsion battery or any battery modules or cells thereof, to store and supply electricity for a purpose*~~

~~*other than supplying power to propel an electric or hybrid vehicle.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[“Responsible party” means the battery provider or secondary handler or user, whoever was the last to take possession of a propulsion battery.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[“Reuse” means the transfer of a propulsion battery from one vehicle to another vehicle in a manner that does not require modifying the propulsion battery.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[“Secondary handler” means a person that takes possession of a propulsion battery to sort, reuse, repair or remanufacture or prepare the battery for repurposing by a secondary user.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[“Secondary user” means a person that repurposes a propulsion battery.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[“Specialized battery recycler”:*~~

~~*1. Means a person that holds a permit to operate a disposal site pursuant to NRS 444.553 who:*~~

~~*(a) Refines propulsion batteries at the end-of-life stage or propulsion battery materials into the elemental components that include, without limitation, lithium compounds, cobalt, nickel, copper, aluminum, iron, manganese and graphite; or*~~

~~*(b) Extracts and separates propulsion batteries at the end of life stage into the elemental components that include, without limitation, lithium compounds, cobalt, nickel, copper, aluminum, iron, manganese and graphite, and sends the components for further processing or refining.*~~

~~*2. Does not include a person or solid waste facility that is only engaged in the collection or logistics of moving materials for recycling or whose primary method of processing battery materials is done by smelting.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[“Spent” means no longer capable of being reused, repaired, repurposed, remanufactured or recycled because such actions are not possible or cost-effective.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[The Legislature finds and declares that it is the policy of this State that propulsion batteries be managed to encourage battery providers, secondary handlers, secondary users and automobile wreckers to strive to reuse, repair, repurpose or remanufacture propulsion batteries when possible and cost-effective before the propulsion battery is disposed of with a specialized battery recycler.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. The provisions of sections 3 to 25, inclusive, of this act apply to the collection and disposal of propulsion batteries in this State.*~~

~~*2. A sale of a propulsion battery shall be deemed to occur in this State if a propulsion battery is delivered to a licensed dealer or to a consumer in this State.*~~

~~*3. A propulsion battery that is not located in the State at the time of disposal is not subject to the provisions of sections 3 to 25, inclusive, of this*~~

~~*act, regardless of whether the propulsion battery was sold or distributed in or into this State.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. Any battery provider who sells, offers for sale or distributes for sale propulsion batteries or vehicles containing propulsion batteries in or into this State shall:*~~

~~*(a) Add a label to the propulsion battery with the name and contact information of the battery provider; and*~~

~~*(b) Ensure that the battery health of the propulsion battery is easily interpretable and accessible.*~~

~~*2. As used in this section, "battery health" means the measurement in kilowatt-hours of the remaining energy retention capacity of a battery compared to the original specifications of the energy retention capacity of the battery when it was new.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. Except as otherwise provided in subsection 2, a battery provider shall dispose of all spent propulsion batteries in this State in the possession of the battery provider with a specialized battery recycler.*~~

~~*2. If a propulsion battery has been reused, repaired, repurposed or remanufactured by a secondary handler or secondary user, the secondary handler or secondary user that is listed on the label of the propulsion battery shall dispose of the spent propulsion battery pursuant to section 21 of this act, unless the battery provider has agreed by contract to dispose of the propulsion battery.*~~

~~*3. For the purposes of sections 3 to 25, inclusive, of this act, upon reusing, repairing, repurposing or remanufacturing a propulsion battery, a battery provider becomes a secondary handler or secondary user.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[A person with a propulsion battery or a vehicle containing a propulsion battery, other than a battery provider, secondary handler or secondary user, that wishes to dispose of the propulsion battery or vehicle containing the propulsion battery may:*~~

~~*1. Return the propulsion battery to the responsible party indicated on the label of the propulsion battery;*~~

~~*2. Notify the responsible party indicated on the label of the propulsion battery and arrange for the propulsion battery or vehicle containing the propulsion battery to be collected by the responsible party; or*~~

~~*3. Sell or transfer the propulsion battery or vehicle containing the propulsion battery to a secondary handler, secondary user or specialized battery recycler.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[A secondary handler or secondary user in possession of a spent propulsion battery or a vehicle containing a propulsion battery shall:*~~

~~*1. Return the propulsion battery to the responsible party indicated on the label of the propulsion battery;*~~

~~*2. Notify the responsible party indicated on the label of the propulsion battery and arrange for the propulsion battery or vehicle containing the propulsion battery to be collected by the responsible party; or*~~

~~*3. If the secondary handler or secondary user is the responsible party, dispose of the propulsion battery with a specialized battery recycler.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. If a battery provider is notified pursuant to section 20 or 21 of this act that a propulsion battery needs to be collected, the battery provider shall:*~~

~~*(a) Retrieve the propulsion battery in a timely and safe manner; and*~~

~~*(b) Perform an evaluation to determine if the battery has reached its end-of-life stage.*~~

~~*2. If a secondary handler or secondary user is notified pursuant to section 20 or 21 of this act that a propulsion battery needs to be collected or takes possession of a propulsion battery, the secondary handler or secondary user shall perform an evaluation to determine if the battery has reached its end-of-life stage.*~~

~~*3. If, after an evaluation is performed pursuant to subsection 1 or 2, the battery provider, secondary handler or secondary user:*~~

~~*(a) Reuses, repairs, repurposes or remanufactures the propulsion battery, the battery provider, if the battery provider is not already listed on the label, secondary handler or secondary user, as applicable, shall add a label to the propulsion battery with the name and contact information of the battery provider, secondary handler or secondary user; or*~~

~~*(b) Determines that the propulsion battery is spent:*~~

~~*(1) The battery provider shall dispose of the propulsion battery pursuant to section 19 of this act; and*~~

~~*(2) The secondary handler or secondary user shall dispose of the propulsion battery pursuant to section 21 of this act.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. On or before March 1 of each year, each battery provider in this State shall submit to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in the form prescribed by the Division, a written report for the previous calendar year containing the total volume of:*~~

~~*(a) Propulsion batteries for which the battery provider performed an evaluation pursuant to section 22 of this act;*~~

~~*(b) Propulsion batteries the battery provider disposed of with a specialized battery recycler pursuant to section 19 of this act; and*~~

~~*(c) Spent propulsion batteries the battery provider received from:*~~

~~*(1) Automobile wreckers; and*~~

~~*(2) All other sources.*~~

~~*2. A specialized battery recycler may submit the report required pursuant to this section on behalf of a battery provider if the specialized battery recycler has received propulsion batteries from the battery provider.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[1. On or before March 1 of each year, each secondary handler or secondary user in this State shall submit to the Division of*~~

~~*Environmental Protection of the State Department of Conservation and Natural Resources, in the form prescribed by the Division, a written report for the previous calendar year containing, as applicable:*~~

~~*— (a) The total volume of propulsion batteries obtained by the secondary handler or secondary user;*~~

~~*— (b) The total volume of propulsion batteries obtained from automobile wreckers;*~~

~~*— (c) A brief overview of the methods used by the secondary handler or secondary user to transport propulsion batteries;*~~

~~*— (d) The total volume of propulsion batteries that will be reused by the secondary handler or secondary user and a brief overview of the process to reuse propulsion batteries;*~~

~~*— (e) The total volume of propulsion batteries that will be repaired by the secondary handler or secondary user and a brief overview of the process to repair the propulsion batteries;*~~

~~*— (f) The total volume of propulsion batteries that will be repurposed by the secondary handler or secondary user and a brief overview of the process to repurpose the propulsion batteries;*~~

~~*— (g) The total volume of propulsion batteries that will be remanufactured by the secondary handler or secondary user and a brief overview of the process to remanufacture the propulsion batteries;*~~

~~*— (h) The total volume of spent batteries collected by a battery provider at the request of the secondary handler or secondary user; and*~~

~~*— (i) The total volume of spent batteries disposed of with a specialized battery recycler pursuant to section 21 of this act.*~~

~~*— 2. A battery provider that also acts as a secondary handler or secondary user may submit a single report that meets the requirements of this section and section 23 of this act.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[On or before March 1 of each year, each specialized battery recycler in this State shall submit to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in the form prescribed by the Division, a written report for the previous calendar year containing:*~~

~~*— 1. The total volume of propulsion batteries received by the specialized battery recycler;*~~

~~*— 2. The total volume of propulsion batteries repurposed by the specialized battery recycler;*~~

~~*— 3. The total volume of propulsion batteries recycled by the specialized battery recycler; and*~~

~~*— 4. The recovery rates of lithium, nickel, cobalt, copper, aluminum and graphite, as applicable, from the propulsion batteries received by the specialized battery recycler.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 444.450 is hereby amended to read as follows:~~

~~— 444.450 — As used in NRS 444.440 to 444.620, inclusive,~~ ~~*and section 2 of this act,*~~ ~~unless the context otherwise requires, the words and terms defined in~~

~~NRS 444.460 to 444.501, inclusive, have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 27. ~~[NRS 444.583 is hereby amended to read as follows:~~

~~444.583 1. Except as otherwise provided in subsection 5 and NRS 444.509,~~ ***and section 2 of this act,*** ~~it is unlawful willfully to:~~

~~(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the solid waste management authority;~~

~~(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a sanitary landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the solid waste management authority; or~~

~~(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the solid waste management authority for the recovery of energy or other appropriate use.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation.~~

~~3. The State Department of Conservation and Natural Resources shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may include education of the public regarding the necessity of disposing of these items properly and recycling them.~~

~~4. The State Department of Conservation and Natural Resources shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.~~

~~5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the solid waste management authority makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the solid waste management authority concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.~~] **(Deleted by amendment.)**

Sec. 28. ~~[NRS 444.596 is hereby amended to read as follows:~~

~~444.596 The solid waste management authority may bring an action in a court of competent jurisdiction to recover from a person or municipality which violates any statute or regulation, any term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, or any order issued pursuant to NRS 444.592, a civil penalty of not more than $5,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided in NRS 444.440 to 444.620, inclusive~~ **[.]** ***, and section 2 of this act.]*** **(Deleted by amendment.)**

Sec. 29. ~~[NRS 444.598 is hereby amended to read as follows:~~

~~"444.598 The solid waste management authority may bring an action in a court of competent jurisdiction to recover actual damages which result from a violation of a statute or regulation, any term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, or any order issued pursuant to NRS 444.592. The damages may include expenses incurred by the authority in testing for and removing, correcting or terminating any adverse effects which resulted from the violation and costs and attorney's fees, including those incurred in administrative proceedings. This remedy is in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive~~ **[.] *, and section 2 of this act,]*** **(Deleted by amendment.)**

Sec. 30. ~~[NRS 444.600 is hereby amended to read as follows:~~

~~"444.600 In addition to any other remedies provided in NRS 444.450 to 444.590, inclusive,~~ ***and section 2 of this act,*** ~~the State Department of Conservation and Natural Resources or a solid waste management authority may bring an action in a court of competent jurisdiction to enjoin a violation of NRS 444.450 to 444.560, inclusive,~~ ***and section 2 of this act,*** ~~any term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, any order issued pursuant to NRS 444.592, or any regulation adopted by the State Environmental Commission or solid waste management authority.~~**]** **(Deleted by amendment.)**

Sec. 31. ~~[NRS 444.605 is hereby amended to read as follows:~~

~~"444.605 1. In carrying out the provisions of NRS 444.440 to 444.620, inclusive,~~ ***and section 2 of this act,*** ~~the State Environmental Commission, a district board of health of a health district created pursuant to NRS 439.362 or 439.370, and a solid waste management authority may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.~~

~~2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:~~

~~(a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;~~

~~(b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable the person to comply with its provisions; and~~

~~(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena,~~

~~" and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.~~

~~3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the~~

~~date of the order, and show cause why the person should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.~~

~~4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, the person may be punished as for a contempt of court.~~] **(Deleted by amendment.)**

Sec. 32. ~~[NRS 444.620 is hereby amended to read as follows:~~

~~444.620 1. No plan for a solid waste management system adopted pursuant to NRS 444.440 to 444.620, inclusive, *and section 2 of this act* applies to:~~

~~(a) Any agricultural activity or agricultural waste.~~

~~(b) A vehicle that is:~~

~~(1) Owned by an automobile wrecker licensed pursuant to chapter 487 of NRS or in the possession of a salvage pool licensed pursuant to chapter 487 of NRS; and~~

~~(2) Designated for dismantling as a source of parts.~~

~~2. No provision of NRS 444.440 to 444.620, inclusive, *and section 2 of this act* prevents a mining operation from dumping waste from its operation on its own lands.~~] **(Deleted by amendment.)**

Sec. 33. Chapter ~~[445C]~~ **444** of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirement set forth in title 58 relating to the disposal of a distributed generation system, an owner of a distributed generation system ~~[, including, without limitation, a distributed generation system]~~ that is being leased to a customer or from which a customer purchases the output, shall file with the Division of Environmental Protection of the State Department of Conservation and Natural Resources a written plan for the disposal of the distributed generation system at the end of the useful life of the distributed generation system. The plan must ~~[include,]~~ :

(a) In lieu of disposal, provide for the reuse, refurbishment or recycling of any solar photovoltaic panels; and

(b) Include, without limitation:

~~[(a)]~~ (1) The name of the person that will be responsible for the disposal of the distributed generation system;

~~[(b)]~~ (2) The extent and methods by which the distributed generation system will be recycled, refurbished or reused; and

~~[(c)]~~ (3) For any solar photovoltaic panels that will be recycled, the percentage rate of the material recovery in weight.

2. ~~[The]~~ Except as otherwise provided in this subsection, the percentage rate of the material recovery in weight for any solar photovoltaic panels that will be recycled at the end of the useful life of a distributed generation system

must not be less than 90 percent. The State Environmental Commission may, by regulations adopted pursuant to subsection 3, prescribe alternative methods to measure the recycled content of a solar photovoltaic panel that will be recycled.

3. The State Environmental Commission shall adopt regulations to carry out the requirements of this section.

4. As used in this section, [“distributed] :

(a) “Distributed generation system” means a system or facility [for the residential generation of electricity] directly installed on or at a residence that uses solar energy to generate electricity.

(b) “Residence” means any dwelling in which title to the individual unit is transferred to the owners.

Sec. 34. [Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The dismantling, scrapping, processing or wrecking of any vehicle containing a propulsion battery is subject to the provisions of sections 2 to 25, inclusive, of this act, with respect to the disposal of the propulsion battery.

2. As used in this section, “propulsion battery” has the meaning ascribed to it in section 7 of this act.] **(Deleted by amendment.)**

Sec. 35. [NRS 487.047 is hereby amended to read as follows:

487.047 As used in NRS 487.047 to 487.200, inclusive, ***and section 34 of this act,*** unless the context otherwise requires, “automobile wrecker” or “wrecker” means a person who obtains a license to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.] **(Deleted by amendment.)**

Sec. 36. [NRS 487.200 is hereby amended to read as follows:

487.200 Any person who violates any of the provisions of NRS 487.047 to 487.200, inclusive, ***and section 34 of this act*** is guilty of a misdemeanor.] **(Deleted by amendment.)**

Sec. 36.5. **Chapter 444A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. On or before March 1 of each year, each facility that recycles a distributed generation system or utility-scale solar project, or a component thereof, shall submit to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in the form prescribed by the Division, a written report for the previous calendar year containing:

(a) The total volume or tonnage of materials received by the facility;

(b) The total volume or tonnage of materials recycled; and

(c) The recovery rates of materials recycled from a distributed generation system or utility-scale solar project by the facility in this State.

2. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in section 33 of this act.

(b) "Utility-scale solar project" has the meaning ascribed to it in section 38 of this act.

Sec. 37. NRS 598.9811 is hereby amended to read as follows:

598.9811 An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of the warranty for the distributed generation system.

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. ***A description of any obligation the lessor has regarding the*** ~~***[disposal]***~~ ***disposition of the distributed generation system in accordance with the plan filed pursuant to section 33 of this act.***

16. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~[16.]~~ ***17.*** A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

~~[17.]~~ ***18.*** Any terms for renewal of the lease.

~~[18.]~~ ***19.*** A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~[19.]~~ ***20.*** A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the lessee.

~~[20.]~~ ***21.*** A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

~~[21.]~~ ***22.*** The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.

~~[22.]~~ ***23.*** An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

~~[23.]~~ ***24.*** A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 38. NRS 704.734 is hereby amended to read as follows:

704.734 1. For each asset which has been classified as surplus by an electric utility pursuant to NRS 704.7338 or reclassified as surplus by the Commission pursuant to NRS 704.7339, each electric utility which owns all or part of the asset shall file a surplus asset retirement plan with the Commission within 120 days after the asset has been classified or reclassified as surplus. Such a plan is subject to the approval of the Commission.

2. A surplus asset retirement plan must include:

(a) A brief description of the asset, including without limitation, its generating capacity, its current condition and any details regarding ownership.

(b) A plan for the decommissioning of the site, including without limitation, the closure of any remaining operational activities, any required environmental remediation, the removal and disposal of any physical assets deemed unsuitable for redevelopment and remediation, as determined by the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to NRS 704.7318, or, if decommissioning is underway or completed, a full description of the decommissioning program.

(c) A marketing plan for the sale of the asset, prepared in consultation with the Office of Economic Development, which must disclose any environmental issues or other restrictions and emphasize the value of the asset in its marketplace.

(d) A timeline for implementation of the plan, including without limitation, key dates for completion of benchmarks including a final sale date. To the

extent reasonably possible, the timeline must indicate a final sale date that is within 30 months after commencement of the plan.

(e) For each utility-scale solar project with a nameplate capacity of 70 megawatts or more:

(1) The name, address and contact information of the landowner on which the utility-scale solar project is sited, if the owner is not the electric utility ~~.~~ or an independent power producer;

(2) A narrative description of how the decommissioning of the site will be conducted, including, without limitation, the sequencing of the decommissioning, the disposition of any materials used for the decommissioning, including, without limitation, any materials used for the ~~[landfilling.]~~ disposition, reuse or recycling of equipment;

(3) A schedule for completion of the decommissioning;

(4) A narrative description of how the land will be returned to a substantially similar state of the land as it existed before construction of the utility-scale solar project;

(5) Any equipment relating to the utility-scale solar project that is proposed to be salvaged;

(6) An estimate of the costs of decommissioning, including, without limitation, any costs of recycling, and restoring the land; and

(7) A description of the manner in which the surplus asset retirement plan will be funded in accordance with NRS 704.870.

3. As used in this section ~~,~~ :

(a) "Independent power producer" means a generating facility that is connected to the system but is not owned by a public utility. The term includes any qualifying cogeneration or small power production facility subject to 18 C.F.R. Part 292 and any exempt wholesale generator, as that term is defined in 15 U.S.C. § 79z-5a, that is connected to the system but is not owned by a public utility. The term does not include distributed generation.

(b) "Utility-scale solar project" means a ground-mounted photovoltaic project capable of generating 70 megawatts or more that is directly connected to an electric transmission system. The term includes, without limitation, solar arrays, accessory buildings, battery storage facilities, transmission facilities and any other infrastructure necessary for the operation of the project.

Sec. 39. 1. This section and sections 1 to 32, inclusive, 34, 35, 36 and 38 of this act become effective on October 1, 2025.

2. Sections 33**, 36.5** and 37 of this act become effective on January 1, 2028.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 496.

Bill read second time.

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

Amendment No. 384.

AN ACT relating to elections; requiring county and city clerks and the Secretary of State to post on the Internet certain information relating to mail ballots and provisional ballots; requiring each county clerk to post monthly on the Internet an alphabetical listing of all registered voters in the county; requiring certain information to be included on the return envelopes for mail ballots; revising provisions relating to access to information concerning provisional ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county clerk to cause to be published in a newspaper circulated in the county an alphabetical listing of all registered voters. (NRS 293.557) **Section 3** of this bill requires, on the first business day of each month, each county clerk to publish on the Internet website of the county clerk an alphabetical listing of all registered voters in the county. **Section 3** further requires that the county clerk ensure that the alphabetical listing may be downloaded by any person free of charge. **Section 6** of this bill makes a conforming change to require the county clerk to include the identification number of a registered voter on the list required by **section 3**, similar to the inclusion of the identification number on other lists of registered voters made available for public inspection.

Existing law requires, with certain exceptions, the county or city clerk to send to each active registered voter certain information relating to voting by mail, including a mail ballot and a return envelope. (NRS 293.269913, 293C.26312) **Sections 4 and 9** of this bill require that the return envelope include: (1) the ~~[name]~~ **initials** of the voter in print; and (2) a space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification.

Sections 2 and 8 of this bill require each county and city clerk, respectively, to post on the Internet website of the county or city clerk, as applicable, certain information relating to mail ballots and provisional ballots starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed. **Sections 2 and 8** also require the Secretary of State to post on the Internet website of the Secretary of State a compilation of such information.

Existing federal law requires that access to information about an individual provisional ballot be restricted to the individual who cast the ballot. (52 U.S.C. § 21082) Existing state law requires that access to information concerning a provisional ballot be restricted to the person who cast the ballot. (NRS 293.3086, 293.5882) **Sections 5 and 7** of this bill revise these provisions to specify that access to information concerning an individual provisional ballot must be restricted.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed, not later than*** ~~***[10 a.m.]***~~ ***5 p.m. on each day:***

(a) Each county clerk shall post on the Internet website of the county clerk:

(1) The total number of mail ballots for the county that have been returned to a ballot drop box;

(2) The total number of mail ballots for the county that have been returned by the United States Postal Service or other delivery service;

(3) The total number of mail ballots for the county that require registered voters to cure signature defects;

(4) For each mail ballot that requires the curing of a signature defect:

(I) The name of the registered voter; and

(II) The specific category of defect with the signature;

(5) The total number of mail ballots for the county for which registered voters have cured signature defects;

~~***[(5)]***~~ ***(6) The total number of provisional ballots for the county cast pursuant to NRS 293.3078 to 293.3086, inclusive, that:***

(I) Have been counted; and

(II) Have not been counted; and

~~***[(6)]***~~ ***(7) The total number of provisional ballots for the county cast pursuant to NRS 293.5772 to 293.5887, inclusive, that:***

(I) Have been counted; and

(II) Have not been counted; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the counties.

2. Starting on the day after election day and ending on the day after the election results are canvassed, not later than ~~***[10 a.m.]***~~ ***5 p.m. on each day:***

(a) Each county clerk shall post on the Internet website of the county clerk:

(1) The total number of mail ballots for the county that are in the custody of the United States Postal Service;

(2) The total number of mail ballots for the county that are in the custody of the county clerk;

(3) The total number of mail ballots for the county that have been counted by the county clerk but have not been tabulated;

(4) The total number of mail ballots for the county that have been counted and tabulated by the county clerk;

(5) The total number of mail ballots for the county that were treated as provisional ballots pursuant to NRS 293.269915 and for which the voter has subsequently provided the required identification to the county clerk; and

(6) The total number of provisional ballots for the county that were cast pursuant to subsection 2 of NRS 293.3081 and for which the voter has subsequently provided the required identification to the county clerk; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the counties.

3. The Secretary of State shall adopt by regulation the specific categories of defects in signatures that require curing by registered voters pursuant to NRS 293.269927.

Sec. 3. ***1. On the first business day of each month, each county clerk shall publish on the Internet website of the county clerk an alphabetical listing of all registered voters in the county.***

2. The county clerk shall ensure that the alphabetical listing on the Internet website may be downloaded by any person free of charge.

Sec. 4. NRS 293.269913 is hereby amended to read as follows:

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

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation:***

(1) The ~~[name]~~ initials of the voter in print; and

(2) A space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

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

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

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

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

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

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

Sec. 5. NRS 293.3086 is hereby amended to read as follows:

293.3086 1. The Secretary of State shall establish a free access system such as a toll-free telephone number or an Internet website to inform a person who cast a provisional ballot whether the person's vote was counted and, if the vote was not counted, the reason why the vote was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning ~~[a]~~ ***an individual*** provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 6. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542 ~~[.]~~ ***or section 3 of this act.***

2. The county or city clerk shall not disclose:

(a) The social security number or the driver's license or identification card number of a registered voter, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county or city clerk shall not

disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542 ~~[.]~~ ***or section 3 of this act.***

4. No information relating to a registered voter may be withheld from the public other than:

(a) The address and telephone number of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of the registered voter; and

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 7. NRS 293.5882 is hereby amended to read as follows:

293.5882 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning ~~[a]~~ ***an individual*** provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 8. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed, not later than ~~[10 a.m.]~~ 5 p.m. on each day:

(a) Each city clerk shall post on the Internet website of the city clerk:

(1) The total number of mail ballots for the city that have been returned to a ballot drop box;

(2) The total number of mail ballots for the city that have been returned by the United States Postal Service or other delivery service;

(3) The total number of mail ballots for the city that require registered voters to cure signature defects;

(4) For each mail ballot that requires the curing of a signature defect:

(I) The name of the registered voter; and

(II) The specific category of defect with the signature;

(5) The total number of mail ballots for the city for which registered voters have cured signature defects;

~~[(5)]~~ (6) The total number of provisional ballots for the city cast pursuant to NRS 293.3078 to 293.3086, inclusive, that:

(I) Have been counted; and

(II) Have not been counted; and

~~[(6)]~~ (7) The total number of provisional ballots for the city cast pursuant to NRS 293.5772 to 293.5887, inclusive, that:

(I) Have been counted; and

(II) Have not been counted; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the cities.

2. Starting on the day after election day and ending on the day after the election results are canvassed, not later than ~~[10 a.m.]~~ 5 p.m. on each day:

(a) Each city clerk shall post on the Internet website of the city clerk:

(1) The total number of mail ballots for the city that are in the custody of the United States Postal Service;

(2) The total number of mail ballots for the city that are in the custody of the city clerk;

(3) The total number of mail ballots for the city that have been counted by the city clerk but have not been tabulated;

(4) The total number of mail ballots for the city that have been counted and tabulated by the city clerk;

(5) The total number of mail ballots for the city that were treated as provisional ballots pursuant to NRS 293C.26314 and for which the voter has subsequently provided the required identification to the city clerk; and

(6) The total number of provisional ballots for the city that were cast pursuant to subsection 2 of NRS 293.3081 and for which the voter has subsequently provided the required identification to the city clerk; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the cities.

3. The Secretary of State shall adopt by regulation the specific categories of defects in signatures that require curing by registered voters pursuant to NRS 293C.26327.

Sec. 9. NRS 293C.26312 is hereby amended to read as follows:

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

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation:***

(1) The ~~[name]~~ initials of the voter in print; and

(2) A space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

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

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

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

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

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

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

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. **1. This section and section 10 of this act become effective upon passage and approval.**

2. Sections 1 to 9, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 501.

Bill read second time and ordered to third reading.

Assembly Bill No. 513.

Bill read second time.

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

Amendment No. 481.

AN ACT relating to chiropractic; enacting provisions relating to temporary certificates for chiropractic assistants; revising provisions relating to unprofessional conduct in the practice of chiropractic; revising the membership of the Chiropractic Physicians' Board of Nevada; revising certain qualifications required to apply for a license as a chiropractic physician or a certificate as a chiropractic assistant; revising certain fees the Board may charge and collect; revising certain requirements for student participation in a preceptor program; revising certain requirements for certain cease and desist orders of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the practice of chiropractic in this State and provides for the licensure of chiropractic physicians and the certification of chiropractic assistants. (Chapter 634 of NRS) **Section 1** of this bill authorizes the Chiropractic Physicians' Board of Nevada, under certain circumstances, to issue a temporary certificate to practice as a chiropractic assistant to a person who holds an existing license, certificate or registration in good standing in another jurisdiction where the person resides. **Section 1** provides that such a temporary certificate is: (1) valid for 15 business days or less; (2) valid only under the supervision and control of a chiropractic physician; and (3) not renewable, and the Board may grant not more than two temporary certificates to a person during any calendar year. **Section 1** authorizes the Board to charge a reasonable fee, established by regulation of the Board, for each application for a temporary certificate.

Existing law provides grounds for initiating disciplinary action against practitioners of chiropractic. (NRS 634.018, 634.140) **Section 2** of this bill makes employing a person as a temporary chiropractic assistant if the person has not been issued a temporary certificate pursuant to **section 1** grounds for disciplinary action.

Existing law creates the Board, consisting of seven members, and requires the Governor to appoint members with certain qualifications. (NRS 634.020) **Section 3** of this bill revises the membership of the Board by: (1) removing a requirement for the Governor to appoint one member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care; and (2) increasing from four to five the number of chiropractic physicians the Governor is required to appoint.

Existing law requires: (1) the Board to hold certain examinations prescribed by the Board at least semiannually; and (2) examinations prescribed by the Board to include certain subjects. Existing law also authorizes the Board to: (1) determine the form of such examinations; and (2) include additional subjects on such examinations. (NRS 634.070) **Section 4** of this bill removes the requirements that such examinations be held semiannually and contain

certain subjects, and instead authorizes the Board to: (1) hold examinations semiannually or at other intervals prescribed by the Board; and (2) determine the content of such examinations. **Section 5** of this bill requires an applicant for examination to submit to the Board a statement which attests that the applicant has read, understood and will abide by the provisions of existing law and regulations governing chiropractic physicians and providers of health care. **Sections 7 and 10** of this bill remove provisions establishing the minimum score to pass the required examination. **Section 7** additionally removes certain provisions governing applicants who fail to pass the examination.

Sections 3, 5, 6 and 12 of this bill revise the educational requirements for licensure as a chiropractic physician **and for being appointed to the Board** to specify that the required education may be obtained through certain doctor of chiropractic degree programs.

Existing law authorizes the Board to specify the formal training which an applicant for a certificate as a chiropractic assistant must complete, which must include at least 12 months of study or the equivalent. (NRS 634.123) **Section 8** of this bill removes the requirement to include at least 12 months of training or the equivalent. ~~[Existing law requires certain licenses and certificates to be renewed biennially, on or before January 1. (NRS 634.130) Section 9 of this bill instead requires renewal by the last day of the month in which the holder of the license or certificate was born.]~~

Section 11 of this bill eliminates the authority of the Board to charge a fee for providing to a person who is not licensed to practice chiropractic: (1) a list of persons who were licensed to practice chiropractic following the most recent examination of the Board; (2) a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State; and (3) a list of continuing education courses approved by the Board. **Section 11** also expands the applicability of an existing fee for a review by the Board of certain courses offered for continuing education to include a review of a course offered to satisfy the requirements for the qualifications to perform dry needling.

Section 12 revises certain requirements for a student to participate in a preceptor program. **Section 13** of this bill revises certain contact information which is required to be included in certain cease and desist orders issued by the Board.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, upon submission of the application and materials required by this section and payment of the required fee, the Board may issue a temporary certificate to practice as a chiropractic assistant in this State to a person who holds a corresponding license, certificate or registration which is in good standing to perform the

functions of a chiropractic assistant in the District of Columbia or any other state or territory of the United States in which the person resides.

2. An applicant for a temporary certificate to practice as a chiropractic assistant must:

(a) Hold a license, certificate or registration which is in good standing to perform the functions of a chiropractic assistant in the District of Columbia or any other state or territory of the United States in which the applicant is a resident;

(b) Submit to the Board:

(1) An application on a form prescribed by the Board;

(2) An attestation on a form prescribed by the Board that the applicant has read, understood and will abide by the provisions of this chapter and the regulations adopted thereto;

(3) An attestation on a form prescribed by the Board that the applicant understands he or she is not authorized to take and develop radiographs unless he or she is certified or licensed in this State to do so; and

(4) The attestation required by subsection 3; and

(c) Pay a reasonable application fee established by regulation of the Board.

3. A chiropractic physician who intends to use the services of a chiropractic assistant who will practice under a temporary certificate must attest on a form provided by the Board that:

(a) The chiropractic physician has a need for the assistance of a chiropractic assistant on a temporary basis;

(b) The person who will perform the functions of a chiropractic assistant on a temporary basis, if approved by the Board, will work under the supervision and control of the chiropractic physician, either as an employee or as an independent contractor;

(c) The chiropractic physician will be responsible for the acts of the person performed in his or her capacity as a chiropractic assistant; and

(d) The person will only perform the functions of a chiropractic assistant for the period specified by the chiropractic physician, which must be 15 business days or less.

4. An applicant for a temporary certificate as a chiropractic assistant shall not commence performing the functions of a chiropractic assistant until his or her application is approved and the applicant is issued the certificate.

5. A temporary certificate to practice as a chiropractic assistant is:

(a) Valid for the period designated on the certificate, which must be 15 business days or less;

(b) Valid only under the supervision and control of the chiropractic physician described in subsection 3; and

(c) Not renewable.

6. The Board may not grant more than two temporary certificates to practice as a chiropractic assistant to a person during any calendar year.

Sec. 2. NRS 634.018 is hereby amended to read as follows:

634.018 "Unprofessional conduct" means:

1. Obtaining a certificate upon fraudulent credentials or gross misrepresentation.

2. Procuring, or aiding or abetting in procuring, criminal abortion.

3. Assuring that a manifestly incurable disease can be permanently cured.

4. Advertising, by any form of public communication, a chiropractic practice:

(a) Using grossly improbable statements; or

(b) In any manner that will tend to deceive, defraud or mislead the public.

➥ As used in this subsection, "public communication" includes, but is not limited to, communications by means of television, radio, motion pictures, Internet websites, electronic mail, social media accounts and newspapers, books, periodicals, handbills, letterhead and other printed matter.

5. Willful disobedience of the law, or of the regulations of the State Board of Health or of the Chiropractic Physicians' Board of Nevada.

6. Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Administering, dispensing or prescribing any controlled substance.

8. Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

9. Habitual intemperance or excessive use of alcohol or alcoholic beverages ***, cannabis*** or any controlled substance.

10. Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

11. Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the Board, or any other statute or regulation pertaining to the practice of chiropractic.

12. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.

13. Malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

14. Solicitation by the licensee or the licensee's designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been involved in a motor vehicle crash, involved in a work-related accident, or injured by, or as the result of the actions of, another person. As used in this subsection:

(a) "Designated agent" means a person who renders service to a licensee on a contract basis and is not an employee of the licensee.

(b) "Solicitation" means the attempt to acquire a new patient through information obtained from a law enforcement agency, medical facility or the report of any other party, which information indicates that the potential new patient may be vulnerable to undue influence, as described in this subsection.

15. Employing, directly or indirectly, any person as a chiropractic assistant unless the person ~~[has]~~ ***:***

(a) Has been issued a certificate by the Board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the Board concerning the application ~~[.]~~ ***; or***

(b) Has been issued a temporary certificate by the Board pursuant to section 1 of this act.

16. Aiding, abetting, commanding, counseling, encouraging, inducing or soliciting an insurer or other third-party payor to reduce or deny payment or reimbursement for the care or treatment of a patient, unless such action is supported by:

(a) The medical records of the patient; or

(b) An examination of the patient by the chiropractic physician taking such action.

17. Violating a lawful order of the Board, a lawful agreement with the Board, or any of the provisions of this chapter or any regulation adopted pursuant thereto.

18. Practicing below the standard of care required from a chiropractic physician or chiropractic assistant under the circumstances.

Sec. 3. NRS 634.020 is hereby amended to read as follows:

634.020 1. The Chiropractic Physicians' Board of Nevada, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~[Four]~~ ***Five*** members who are:

(1) Graduates of chiropractic schools or colleges ***or of doctor of chiropractic degree programs*** giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) ~~[One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.~~

~~(c)]~~ Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

(1) A chiropractic physician or a chiropractic assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractic physician or a chiropractic assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic ~~[.]~~ ***or in a doctor of chiropractic degree program.***

Sec. 4. NRS 634.070 is hereby amended to read as follows:

634.070 1. All applicants for licenses to practice chiropractic in Nevada must pass all examinations prescribed by the Board. Examinations ~~[must]~~ ***may*** be held ~~[at least]~~ semiannually ~~[.]~~ ***or at other intervals prescribed by the Board.***

2. The examinations may be written, oral, practical, demonstrative, or any combination thereof, as the Board determines to be sufficient, and ~~[must]~~ ***may*** include ~~[, without limitation,]~~ the following subjects:

(a) ~~[Chapter]~~ ***Chapters 629 and*** 634 of NRS and regulations of the Board;

(b) The technique for taking X-rays, including the positioning of the body, and interpretation of X-rays;

(c) Chiropractic technique; and

(d) Clinical competency and case management.

3. If a member of the Board is not licensed under the provisions of this chapter, the member shall not participate in preparing any examination required by the Board.

Sec. 5. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application with the Secretary of the Board on a form to be furnished by the Executive Director of the Board. An applicant may take the examination any time after the Executive Director determines that his or her application is complete.

2. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that

state, and that no proceedings affecting the applicant's standing as a chiropractic physician are undisposed of and pending.

(f) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(g) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractic physician licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(h) All other information required to complete the application.

3. An application must include ~~[a]~~ ***:***

(a) A copy of the applicant's official transcript from the school or college of chiropractic ***or the doctor of chiropractic degree program*** from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic ***or the doctor of chiropractic degree program*** directly to the Board.

(b) A statement from the applicant which attests, on a form prescribed by the Board, that the applicant has read, understood and will abide by the provisions of this chapter and chapter 629 of NRS and the regulations adopted pursuant thereto.

Sec. 6. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 3 and 6, that the applicant ~~[has a high school education and]~~ is a graduate from a college of chiropractic ***or a doctor of chiropractic degree program*** which is accredited by the Council on Chiropractic Education, or its successor organization, or an accrediting agency recognized by that organization; and

(c) Except as otherwise provided in subsection 2, that the applicant has successfully completed:

(1) Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners, or its successor organization; or

(2) An examination that is required to graduate from a college of chiropractic ***or a doctor of chiropractic degree program*** which is accredited by the Council on Chiropractic Education, or its successor organization, or an accrediting agency recognized by that organization. Such an examination must be:

(I) Administered by such a college ~~[,]~~ ***or degree program;*** and

(II) Approved by the Board.

2. If an applicant has actively engaged in the practice of chiropractic in another state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States for not less than 7 of the immediately preceding 10 years without any adverse disciplinary action taken

against him or her, the applicant is only required to have successfully completed those parts of the examination administered by the National Board of Chiropractic Examiners, or its successor organization, at the time that the applicant graduated from a college of chiropractic ~~[.]~~ ***or a doctor of chiropractic degree program.***

3. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic ***or doctor of chiropractic degree program*** from which the applicant graduated must be accredited by the Council on Chiropractic Education, or its successor organization, or an accrediting agency recognized by that organization.

4. Except as otherwise provided in subsections 5 and 6, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

5. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 4.

6. If an applicant has received his or her training and education at a school or college located in a foreign country and the course of study leading to his or her degree of doctor of chiropractic consisted of not less than 4,000 hours of instruction, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic ***or doctor of chiropractic degree program*** that is accredited by the Council on Chiropractic Education, or its successor organization, waive the requirement that an applicant attend or graduate from a college ***or degree program*** that is accredited by the Council on Chiropractic Education, or its successor organization, or an accrediting agency recognized by that organization.

Sec. 7. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board before the date of the examination.

2. ~~[Except as otherwise provided in NRS 622.090:~~

~~(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.~~

~~(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.~~

~~3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed.~~

~~4.]~~ An applicant for a certificate as a chiropractic assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 8. NRS 634.123 is hereby amended to read as follows:

634.123 1. The Board may issue a certificate to a properly qualified applicant to perform ancillary services relating to chiropractic, other than chiropractic adjustment, under the supervision of a chiropractic physician. The Board shall specify the formal training ~~[, including at least 12 months of study or the equivalent,]~~ which such an applicant must have completed before the Board awards the applicant a certificate as a chiropractic assistant.

2. An application for the issuance of a certificate as a chiropractic assistant must include all information required to complete the application.

Sec. 9. ~~[NRS 634.130 is hereby amended to read as follows:~~

~~634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection 10 or 11, each person who is licensed or holds a certificate as a chiropractic assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.~~

~~2. Except as otherwise provided in subsection 10 or 11, the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by~~ [January 1] ~~*the last day of the month in which the licensee or holder of a certificate was born,* of:~~

~~(a) Each odd-numbered year for a licensee; and~~

~~(b) Each even-numbered year for a holder of a certificate as a chiropractic assistant.~~

~~3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.~~

~~4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractic assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractic assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not~~

~~approve or endorse a course of continuing education which is self-directed or conducted via home study.~~

~~5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractic assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractic assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractic assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.~~

~~6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractic assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.~~

~~7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractic physician in this State.~~

~~8. A holder of a certificate as a chiropractic assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractic assistant in this State.~~

~~9. The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractic assistant to ensure compliance with subsection 3 or 4, as appropriate.~~

~~10. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractic assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.~~

~~11. The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a certificate as a chiropractic assistant if such prorating or waiving is based upon the date on which:~~

~~(a) The Board issues a license to practice chiropractic or a certificate as a chiropractic assistant; and~~

~~(b) Such license or certification must be renewed.~~

~~12. If a licensee fails to:~~

~~(a) Except as otherwise provided in subsection 10 or 11, pay the renewal fee by [January 1] *the last day of the month in which the licensee was born* of an odd-numbered year;~~

~~(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;~~

~~(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or~~

~~(d) Submit all information required to complete the renewal,~~

~~→ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by [January 1] *the last day of the month in which the licensee was born* of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.~~

~~13. If a holder of a certificate as a chiropractic assistant fails to:~~

~~(a) Except as otherwise provided in subsection 10 or 11, pay the renewal fee by [January 1] *the last day of the month in which the holder of the certificate was born* of an even-numbered year;~~

~~(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;~~

~~(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or~~

~~(d) Submit all information required to complete the renewal,~~

~~→ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection 12 of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) ~~[Either:~~

~~(1)]~~ Submit satisfactory evidence to the Board:

~~[(I)]~~ *(1)* That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

~~[(II)]~~ *(2)* From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

~~[(III)]~~ *(3)* That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; ~~[or~~

~~(2) Score:~~

~~(I) For]~~

(b) Submit a ~~[written, closed book examination which is administered in person]~~ ***statement from the applicant which attests, on a form prescribed*** by the Board, ~~[75 percent or higher in all subjects on]~~ ***that*** the ~~[examination concerning]~~ ***applicant has read, understood and will abide by*** the provisions of this chapter ***and chapter 629 of NRS*** and the regulations adopted ~~[by the Board; or~~

~~(II) For a written, open book examination which is administered in person by the Board or an examination that is taken online, 90 percent or higher in all subjects on the examination concerning the provisions of this chapter and the regulations adopted by the Board;~~ ***pursuant thereto;***

~~(b)~~ ***(c)*** Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic;

(2) The fee for reinstating a license to practice chiropractic which has expired; and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

~~(c)~~ ***(d)*** Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

Sec. 11. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic	$200.00
For an examination for a license to practice chiropractic	200.00
For an application for, and the issuance of, a certificate as a chiropractic assistant	100.00
For an examination for a certificate as a chiropractic assistant	100.00
For the issuance of a license to practice chiropractic	300.00
For the biennial renewal of a license to practice chiropractic	1,000.00
For the biennial renewal of an inactive license to practice chiropractic	300.00

For the biennial renewal of a certificate as a chiropractic assistant 200.00

For the restoration to active status of an inactive license to practice chiropractic 300.00

For reinstating a license to practice chiropractic which has expired pursuant to NRS 634.130 or has been suspended 500.00

For reinstating a certificate as a chiropractic assistant which has expired pursuant to NRS 634.130 or has been suspended 100.00

For a review of any subject on the examination 25.00

For the issuance of a duplicate license or for changing the name on a license 35.00

For written verification of licensure or issuance of a certificate of good standing 25.00

For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic $25.00

~~[For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic ..... 10.00]~~

For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State 35.00

~~[For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic ..... 25.00~~

~~For each page of a list of continuing education courses that have been approved by the Board ..... .50]~~

For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges 35.00

For an application for a student or chiropractic physician to participate in the preceptor program established by the Board pursuant to NRS 634.137 ..... 35.00

For a review by the Board of a course offered ~~[by a chiropractic school or college or a course of]~~ ***to satisfy the requirements for*** continuing education ~~[in chiropractic]~~ ***set forth in NRS 634.130 or a course offered to satisfy the qualifications to perform dry needling pursuant***

to the regulations adopted pursuant to NRS 634.035 ..... 50.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 12. NRS 634.1375 is hereby amended to read as follows:

634.1375 1. A student who wishes to participate in the preceptor program established by the Board pursuant to NRS 634.137 must:

(a) File with the Board an application in the form required by the Board;

(b) Pay the fee for filing an application required by NRS 634.135;

(c) Be enrolled in his or her final academic year at a college of chiropractic ***or in a doctor of chiropractic degree program*** that meets the criteria established in paragraph (b) of subsection 1 of NRS 634.090;

(d) Have completed all clinical work required by the Board;

(e) Enter into a preceptor agreement with a chiropractic physician who is approved by the Board to act as a preceptor pursuant to NRS 634.1379; and

(f) Comply with any other requirements prescribed by the Board.

2. The Board may approve or deny an application for a student who wishes to participate in the preceptor program and shall provide notice to the student of its decision.

3. A student who is approved to participate in the preceptor program:

(a) May perform chiropractic, including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractic physician who is approved to act as a preceptor pursuant to NRS 634.1379.

(b) Shall not perform chiropractic as a participant in the preceptor program for more than 1 year.

Sec. 13. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license ***, certificate*** or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105, 634.117 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractic physician;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must include a ***mailing address,*** telephone number ***, electronic mail address and, if applicable, facsimile number*** with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

4. A person who owns or operates a business entity that offers chiropractic services:

(a) Which is not registered with the Board pursuant to NRS 634.136; or

(b) For which a chiropractic physician who is not licensed pursuant to this chapter engages in the practice of chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 14. The amendatory provisions of section 3 of this act do not affect the current term of appointment of any person who, before October 1, 2025, is a member of the Chiropractic Physicians' Board of Nevada, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of this act, the Governor shall make appointments to the Chiropractic Physicians' Board of Nevada in accordance with NRS 634.020, as amended by section 3 of this act.

Sec. 15. ~~[1. Notwithstanding the amendatory provisions of section 9 of this act, a person who on October 1, 2025, holds a license to practice~~

~~chiropractic or a certificate as a chiropractic physician shall pay the renewal fee for the license or certificate and submit to the Board all information required to be submitted for the renewal on or before January 1 of:~~

~~(a) For the holder of a license, 2027.~~

~~(b) For a holder of a certificate, 2026.~~

~~2. A person who renews a license or certificate in accordance with subsection 1 shall thereafter renew the license or certificate in accordance with NRS 634.130 as amended by section 9 of this act.]~~ **(Deleted by amendment.)**

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 514.

Bill read second time.

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

Amendment No. 454.

SUMMARY— ~~[Provides for Medicaid coverage of certain mental health services.]~~ **Makes revisions relating to mental health care.** (BDR 38-350)

AN ACT relating to ~~[Medicaid;]~~ **mental health;** requiring Medicaid to provide coverage for ~~[certain community-based living arrangement services;]~~ **rehabilitative residential mental health care; requiring the State Long-Term Care Ombudsman to investigate and provide certain assistance to providers of rehabilitative residential mental health care; providing for the licensure and regulation of providers of rehabilitative residential mental health care; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) **Section 1** of this bill requires the Director of the Department to include under Medicaid coverage for **rehabilitative residential mental health** care provided ~~[through a therapeutic group home]~~ to **certain** recipients of Medicaid **.** ~~[who have serious mental illnesses.]~~ **Section ~~[1]~~ 5 of this bill** defines the term ~~["therapeutic group home"]~~ **"rehabilitative residential mental health care"** to mean ~~[a provider of community-based living arrangement services that supports independent, community-based living for persons with serious mental illnesses,]~~ **community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to achieve certain**

goals relating to mental health. Section 6 of this bill applies that definition to provisions of existing law governing medical facilities and other related entities. Section ~~[2]~~ 3 of this bill makes a conforming change to require the Director to administer the provisions of **section 1** in the same manner as the provisions of existing law governing the State Plan for Medicaid.

Existing law provides for the licensure and regulation by the Division of Public and Behavioral Health of the Department of community-based living arrangement services, which are flexible, individualized services that are: (1) provided in the home, for compensation, to persons with mental illness; and (2) designed and coordinated to assist such persons in maximizing their independence. (NRS 449.0026, 449.0045, 449.030, 449.0302) Sections 2 and 4-16 of this bill similarly provide for the licensure and regulation of providers of rehabilitative residential mental health care. Section 8 requires such a provider to obtain a license as a facility for the dependent and comply with other requirements applicable to such facilities. Sections 7, 9 and 10 clarify that such a provider is separate from certain other types of facilities for the dependent. Section 11 requires the State Board of Health to adopt specific regulations governing providers of rehabilitative residential mental health care. Sections 12 and 15 provide for the inspection of buildings operated by such providers. Sections 13 and 14: (1) require periodic background investigations of the personnel of a provider of rehabilitative residential mental health care; and (2) authorize the suspension or revocation of the license of such a provider if the provider or an employee of the provider has been convicted of certain crimes. (NRS 449.174) Section 16 requires a provider of rehabilitative residential mental health care to notify a person receiving such care from the provider, his or her parent or legal guardian or another designated person upon the discovery by the Division of a deficiency affecting the health and safety of a patient. Section 4 requires such a provider to comply with provisions governing the reporting and investigation of sentinel events and the designation of patient safety officers. (NRS 439.800-439.890) Section 2 adds providers of rehabilitative residential mental health care to the list of facilities that the State Long-Term Care Ombudsman is required to investigate and assist. (NRS 427A.125-427A.165) Section 17 of this bill provides that a person is not required to be a licensed nurse to provide rehabilitative residential mental health care if the person is licensed pursuant to the provisions of this bill. Operating as a provider of rehabilitative residential mental health care without a license would be a misdemeanor. (NRS 449.210)

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for rehabilitative residential mental health care . [provided through a therapeutic group home to recipients of Medicaid who have serious mental illnesses.] Such coverage is not required to pay the costs of room and board for a recipient of rehabilitative residential mental health care.

2. The Department shall:

(a) Establish a method for providing the coverage described in subsection 1.

(b) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(c) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (b).

3. As used in this section [:

(a) "Community based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

(b) "Therapeutic group home" means a provider of community based living arrangement services that supports independent, community based living for persons with serious mental illnesses.] , "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

Sec. 2. **NRS 427A.0292 is hereby amended to read as follows:**

427A.0292 "Living arrangement services" means:

1. Community-based living arrangement services, as defined in NRS 449.0026, that include:

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; ~~[and]~~

2. Supported living arrangement services, as defined in NRS 435.3315, that include 24-hour care ~~[.]~~ ***; and***

3. Rehabilitative residential mental health care, as defined in section 5 of this act.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. **NRS 439.803 is hereby amended to read as follows:**

439.803 "Health facility" means:

1. Any facility licensed by the Division pursuant to chapter 449 of NRS; and

2. A home operated by ~~[a]~~ ***:***

(a) A provider of community-based living arrangement services, as defined in NRS 449.0026 ~~[.]~~ ***; or***

(b) A provider of rehabilitative residential mental health care, as defined in section 5 of this act.

Sec. 5. **Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Rehabilitative residential mental health care" means community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to:

1. Promote the recovery of the client with a mental illness or other behavioral health condition; and

2. Assist the client in achieving psychiatric stability, personal and emotional adjustment, self-sufficiency and other skills necessary to transition to a more independent setting.

Sec. 6. **NRS 449.001 is hereby amended to read as follows:**

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. **NRS 449.0026 is hereby amended to read as follows:**

449.0026 ***1.*** "Community-based living arrangement services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:

~~[1.]~~ ***(a)*** Provided in the home, for compensation, to persons with mental illness who are served by the Division or any other entity; and

~~[2.]~~ ***(b)*** Designed and coordinated to assist such persons in maximizing their independence.

2. The term does not include rehabilitative residential mental health care.

Sec. 8. **NRS 449.0045 is hereby amended to read as follows:**

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;
2. A facility for the care of adults during the day;
3. A residential facility for groups;
4. An agency to provide personal care services in the home;
5. A facility for transitional living for released offenders;
6. A home for individual residential care;
7. A community health worker pool; ~~[and]~~

8. A provider of community-based living arrangement services ~~[.]~~ ***; and***

9. A provider of rehabilitative residential mental health care.

Sec. 9. **NRS 449.0105 is hereby amended to read as follows:**

449.0105 "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with intellectual disabilities or with physical disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

1. A recovery house for persons recovering from alcohol or other substance use disorders; ~~[or]~~

2. A home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is engaged in providing the services ~~[.]~~ ***; or***

3. A location where rehabilitative residential mental health care is provided by a provider of such care.

Sec. 10. **NRS 449.017 is hereby amended to read as follows:**

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his or her own home;

(c) A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;

(d) A recovery house for persons recovering from alcohol or other substance use disorders; ~~[or]~~

(e) A home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is providing the services ~~[.]~~ ***; or***

(f) A location where rehabilitative residential mental health care is provided by a provider of such care.

Sec. 11. **NRS 449.0302 is hereby amended to read as follows:**

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in

his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals and rural emergency hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a

physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

14. ***The Board shall adopt regulations governing the licensing and operation of providers of rehabilitative residential mental health care, which must include, without limitation, separate requirements for providers providing such care to minors and providers providing such care to adults.***

15. As used in this section:

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 12. **NRS 449.080 is hereby amended to read as follows:**

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100 or 439A.102, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. Any investigation of an applicant for a license to provide community-based living arrangement services ***or rehabilitative residential mental health care*** conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services ~~[.]~~ ***or rehabilitative residential mental health care, as applicable.***

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 13. **NRS 449.089 is hereby amended to read as follows:**

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 or 439A.102; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, ***a provider of rehabilitative residential mental health care,*** a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, ***provider,*** program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 14. **NRS 449.119 is hereby amended to read as follows:**

449.119 "Facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, ***a provider of rehabilitative residential mental health care,*** a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or

nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders.

Sec. 15. **NRS 449.131 is hereby amended to read as follows:**

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

2. The State Fire Marshal or a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal, shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups or a building operated by a provider of community-based living arrangement services ***or a provider of rehabilitative residential mental health care*** in which such services ~~[are]~~ ***or care is*** provided; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

➥ to ensure the safety of the residents of the facility or persons receiving care from the provider, as applicable, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups**,** ~~[and]~~ each building operated by a provider of community-based living arrangement services in which such services are provided ***and each building operated by a provider of rehabilitative residential mental health care in which such care is provided*** to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups**,** ~~[or]~~ provider of community-based living arrangement services ***or provider of rehabilitative residential mental health care*** within 72 hours after the Division is notified that a residential facility for groups**,** ~~[or]~~ provider of community-based living arrangement services ***or provider of rehabilitative residential mental health care*** is operating without a license.

Sec. 16. **NRS 449.134 is hereby amended to read as follows:**

449.134 A facility for intermediate care, facility for skilled nursing, residential facility for groups, provider of community-based living arrangement services ***, provider of rehabilitative residential mental health care*** or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection of the facility for intermediate care, facility for skilled nursing, residential facility for groups, provider of community-based living arrangement services ***, provider of rehabilitative residential mental***

health care or home for individual residential care conducted by the Division to:

1. A person receiving care at the facility or home or from the provider, as applicable;

2. The parent or legal guardian of the person receiving care at the facility or home or from the provider, as applicable; or

3. Any other natural person designated to receive such notice by the person receiving care at the facility or home or from the provider, as applicable, or the parent or guardian of the person.

Sec. 17. **NRS 632.316 is hereby amended to read as follows:**

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of nursing by any person who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

11. A natural person from providing jobs and day training services if:

(a) That person has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive.

➥ As used in this subsection, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

12. A natural person from providing rehabilitative residential mental health care if:

(a) That person has been issued a license pursuant to the provisions of chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to the provisions of chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

Sec. 18. **1. Notwithstanding the amendatory provisions of section 8 of this act, a provider of rehabilitative residential mental health care that is operating on July 1, 2026, may continue to operate without obtaining a license issued by the Division of Public and Behavioral Health of the Department of Health and Human Services until January 1, 2027.**

2. As used in this section, "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

~~[Sec. 3.]~~ ***Sec. 19.*** 1. This section becomes effective upon passage and approval.

2. Sections 1 ~~[and 2]~~ **to 18, inclusive,** of this act become effective:

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

(b) On July 1, 2026, for all other purposes.

Assemblymember Nguyen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 516.

Bill read second time.

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

Amendment No. 452.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to certain children who are recipients of Medicaid; establishing the School Health Access Resource Center in the Division of Health Care Financing and Policy of the Department for the purpose of providing certain assistance relating to participation in Medicaid as a provider; providing for the increase of certain rates of reimbursement under Medicaid; requiring the Director to apply for any federal authority necessary to simplify and streamline the methodology for reimbursing under Medicaid certain services provided by a school-based health center; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) **Section 2** of this bill requires the Director of the Department to: (1) take any action necessary to ensure that local ~~[and state]~~ educational agencies **and the Department of Education** are able to receive reimbursement for health services covered by Medicaid when provided on the premises of a school to certain children who are recipients of Medicaid; and (2) establish incentives for certain providers to enter into an agreement with a ~~[school district, a charter school]~~ **local educational agency** or the Department of Education to provide health services to such children who are enrolled in a public school. **Section 3** of this bill establishes the School Health Access Resource Center within the Division for the purpose of assisting providers of services under Medicaid and persons and entities who wish to provide services to recipients of Medicaid on the premises of a school to evaluate and utilize different methods of participating in and

billing Medicaid. **Section 4** of this bill makes a conforming change to require the Director to administer the provisions of **sections 2 and 3** in the same manner as the provisions of existing law governing Medicaid. **Section 5** of this bill makes appropriations to the Division to cover certain costs of operating the Center.

Section 6 of this bill requires the Director to apply for any federal authority that is necessary to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided on the premises of a school by an employee or independent contractor of: (1) a ~~[school district or charter school;]~~ **local educational agency;** or (2) the Department of Education. **Section 6** also requires the Director to apply for any federal authority that is necessary to: (1) simplify and streamline the methodology for reimbursing primary care and preventative services covered by Medicaid when such services are provided by a school-based health center; and (2) increase by at least 10 percent the rates of reimbursement under Medicaid for such services provided by a school-based health center.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Director shall:***

(a) Take any action necessary to ensure that ~~[school districts, charter schools]~~ local educational agencies and the Department of Education are able to receive reimbursement for health services covered by Medicaid when such services are provided on the premises of a school to children who are recipients of Medicaid.

(b) Establish a program of incentive payments that increase the effective rates of reimbursement provided under Medicaid to a certified community behavioral health clinic or federally-qualified health center that enters into an agreement with a ~~[school district, a charter school]~~ local educational agency or the Department of Education to provide services covered by Medicaid to children who are:

(1) Enrolled in a public school; and

(2) Recipients of Medicaid.

2. The incentives provided pursuant to paragraph (b) of subsection 1 may be provided through increased rates of reimbursement or value-based payment models.

3. The Department shall apply to the Secretary of Health and Human Services for any necessary waiver, amendment of the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to carry out the provisions of this section. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government

for obtaining a waiver, amendment or other federal authority pursuant to this section.

4. As used in this section:

(a) "Certified community behavioral health clinic" means a community behavioral health clinic certified in accordance with section 223 of the Protecting Access to Medicare Act of 2014, Public Law No. 113-93.

(b) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(c) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

(d) "Value-based payment model" means a method of payment for health care services that provides incentives based on the quality of care.

Sec. 3. ***1. The School Health Access Resource Center is hereby established within the Division.***

2. The School Health Access Resource Center shall assist providers of services under Medicaid and persons and entities that wish to provide services to recipients of Medicaid on the premises of a school to:

(a) Evaluate the benefits and drawbacks of various methods of participating in and billing Medicaid that are available to the provider, person or entity, including, without limitation, different provider types under which the provider, person or entity may be authorized to participate in and bill Medicaid; and

(b) Meet the requirements and carry out the procedures necessary to participate in and bill Medicaid using the methods chosen by the provider, person or entity, as applicable.

3. The Division shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the School Health Access Resource Center to carry out its functions.

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 2 and 3 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other

provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services:

(a) The sum of $600,000 to enter into contracts with such persons or entities as are necessary to conceptualize and establish the School Health Access Resource Center pursuant to section 3 of this act.

(b) The sum of $224,000 for the purposes of hiring staff for and covering the costs of operating the School Health Access Resource Center.

(c) The sum of $5,000 to acquire such equipment as is necessary to operate the School Health Access Resource Center.

2. Any remaining balance of the appropriations made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 6. 1. On or before October 1, 2025, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid or for any other necessary federal authority to:

(a) Increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when such services are provided:

(1) On the premises of a school; and

(2) By an employee or independent contractor of a ~~[school district, a charter school]~~ **local educational agency, as defined in 20 U.S.C. § 7801(30)(A),** or the Department of Education;

(b) Simplify and streamline the methodology for reimbursing primary care and preventative services covered by Medicaid when such care and services are provided by a school-based health center; and

(c) Increase by at least 10 percent the rates of reimbursement under Medicaid for services described in paragraph (b) when such care and services are provided by a school-based health center.

2. As used in this section, "school-based health center" means a health center located on or in school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 5 and 6 of this act become effective on July 1, 2025.

3. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Nguyen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Joint Resolution No. 1.

Resolution read.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 371.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** ANDERSON **; AND CONSIDINE**

JOINT SPONSOR: SENATOR NEAL

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. For purposes of assessment and taxation of property:

(a) Except as otherwise provided in this paragraph, for the first fiscal year after the sale or transfer of real property, the real property sold or transferred shall not be eligible for any adjustment provided by the Legislature by law based on the age of improvements to the real property, any abatement of the tax upon the real property provided by the Legislature by law pursuant to subsection 8 or any abatement or exemption provided by the Legislature by law pursuant to subsection 10. The provisions of this paragraph do not apply to real property for which the Legislature has provided by law for an exemption of the tax on property.

(b) For any fiscal year following the first fiscal year after the sale or transfer of real property to which the provisions of paragraph (a) apply, any adjustment provided by the Legislature by law based on the age of improvements to the real property must be determined as if the improvements were new improvements on the date of the sale or transfer.

(c) The Legislature shall provide by law for definitions of the terms "sale" and "transfer" as necessary to carry out the provisions of this subsection.

~~***[12. The Legislature shall provide by law for a program to provide for the payment of refunds of the taxes imposed on the primary residence of a person domiciled in this State who is 62 years of age or older or a person with a disability. If such a person rents his or her primary residence, the amount of the refund for which the person is eligible must not exceed the portion of the rent which is deemed to constitute accrued property tax. The Legislature shall establish by law:***~~

~~***(a) The criteria which a person must satisfy to be eligible for such a refund; and***~~

~~***(b) The amount of the refund to be paid to a person eligible for such a refund, which may consist of a graduated refund based on the household income of such a person.]***~~

And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

Assemblymember Backus moved that Assembly Bills Nos. 105, 208, 219, 352, 356, 423, 442, 446, 481, 514, 516 and 539 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblymember Edgeworth.

ASSEMBLYMEMBER EDGEWORTH:

Assembly Bill 161 requires hospice care programs to obtain the informed, written consent of a patient, or their representative, for all treatment and decisions concerning the care of the patient and to maintain such documentation for at least five years after the patient no longer receives care from the program. This bill additionally adds new patient notification requirements a hospice care program must comply with.

Roll call on Assembly Bill No. 161:

YEAS—39.

NAYS—None.

EXCUSED—Brown-May, Monroe-Moreno, Torres-Fossett—3.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblymember Koenig.

ASSEMBLYMEMBER KOENIG:

Assembly Bill 193 requires law enforcement agencies to furnish free, complete, and unaltered copies of all reports concerning a domestic violence incident upon written request by the victim. Law enforcement agencies must furnish these reports within one month of the request, regardless of whether the report is closed, and may redact personal identifying information as appropriate. This bill is effective October 1, 2025.

Roll call on Assembly Bill No. 193:

YEAS—39.

NAYS—None.

EXCUSED—Brown-May, Monroe-Moreno, Torres-Fossett—3.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:

Assembly Bill 547 requires that an appointing authority recognize relevant experience an employee has obtained in the federal government, as equivalent to experience obtained within the state government. Additionally, the bill requires the Administrator of the Division of Human Resource Management to allow a person to substitute equivalent federal government employee experience for experience obtained at the state level when determining certain reasonable employment qualifications. Furthermore, the bill prohibits an appointing authority, with certain exceptions, from requiring an applicant for a position in the classified or unclassified service to have obtained a bachelor's degree as a condition precedent to employment. Finally, AB 547 removes certain duties of the Administrator, related to reviewing and revising employment requirements, necessitating that a person hold a bachelor's degree. The bill is effective upon passage and approval.

Roll call on Assembly Bill No. 547:

YEAS—39.

NAYS—None.

EXCUSED—Brown-May, Monroe-Moreno, Torres-Fossett—3.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:

Assembly Bill 55 adds the requirement that blood drawn from deceased crash victims be analyzed for the presence and concentration of commonly misused drugs, as determined by the coroner or other official performing similar examinations.

Roll call on Assembly Bill No. 55:

YEAS—39.

NAYS—None.

EXCUSED—Brown-May, Monroe-Moreno, Torres-Fossett—3.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblymember Jauregui moved that Assembly Bills Nos. 60, 64, 69, 110, 111, 114, 132, 142, 153, 164, 176, 189, 194, 213, 223, 248, 270, 277, 283, 291, 329, 333, 380, 411, 418, 433, 466, 480, and 490 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Maddox Gallant.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Hector Chavez.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, April 21, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 2

THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

Page

ASSEMBLY PROCEEDINGS 1652

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 21, 2025

Assembly called to order at 3:09 p.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblymember Torres-Fossett, who was excused.
Prayer by Reverend Dawn Blundell.

Interfaith Benediction adapted from a prayer written by Gary Kowalski.

Gathered in our varied faiths, we give thanks for the blessings of community, here and everywhere as we share our common dream: a land of clean water and abundant life, homes and schools where children thrive, neighborhoods that are safe and clean, cities rich in colors and cultures, an economy where no one is expendable. A beloved community where all have the opportunity for a dignified and productive life, churches, mosques, synagogues, temples, and tables where we join together in kinship and in service. Enable us, O God of many names, as we do our work together to carry forth this prayer into the coming hours, days, and weeks, turning our thoughts toward charity, our hearts toward justice, and our hands toward the work of peace. Shalom. Salaam. Namaste. Blessed be.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

Assembly in recess at 3:24 p.m.

ASSEMBLY IN SESSION

At 3:26 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 112, 121, 169, 202, 231, 250, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 37, 43, 50, 103, 133, 264, 269, 432, 444, 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 282, 297, 315, 326, 343, 350, 360, 368, 395, 461, 515, 519, 520, 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 73, 79, 254, 497, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 25, 99, 196.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 124 to Senate Bill No. 96.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 3, 37, 38, 43, 44, 48, 49, 50, 52, 56, 65, 66, 70, 72, 73, 76, 79, 88, 91, 100, 103, 104, 112, 116, 121, 133, 156, 159, 167, 169, 183, 184, 186, 192, 197, 198, 201, 202, 203, 204, 205, 209, 216, 226, 227, 231, 239, 245, 246, 250, 251, 254, 264, 269, 276, 282, 286, 290, 296, 297, 302, 309, 314, 315, 319, 321, 326, 328, 334, 343, 344, 345, 350, 351, 360, 362, 368, 375, 377, 383, 386, 395, 396, 402, 403, 404, 406, 407, 412, 413, 414, 415, 416, 417, 419, 420, 428, 432, 434, 437, 439, 441, 444, 449, 452, 453, 454, 457, 458, 460, 461, 462, 463, 464, 465, 467, 471, 478, 479, 488, 494, 495, 497, 499, 503, 504, 509, 512, 515, 519, 520, 522, 523, 527, 529, 533, and 535 as reported out of committee be placed on the appropriate reading file for today's legislative day.

Motion carried.

Assemblymember Jauregui moved that Assembly Joint Resolution No. 1 be taken from its place on the Resolution File and be placed on the Resolution File of the next legislative day.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 63, 142, 153, 194, 207, 211, 213, 281, 291, 299, 303, 329, 367, 387, 411, 422, 426, 433, 445, 487, 489, 490, 491, 493, 496, 501, and 110 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

NOTICE OF EXEMPTION

April 21, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 204, 326, 415, 522.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 444.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 25.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 99.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 196.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 37.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 228.

AN ACT relating to housing; renaming the position of Housing Advocate within the Housing Division of the Department of Business and Industry as the Housing Liaison; revising provisions relating to the statewide low-income housing database maintained by the Division; revising provisions relating to the Account for Affordable Housing; revising provisions governing the tiers of affordable housing; revising provisions relating to certain reports submitted to the Division by certain local governments relating to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Housing Division in the Department of Business and Industry and charges the Division, among other duties, with responsibility for increasing the availability of decent, safe and sanitary housing for persons of low and moderate income in this State. (NRS 232.510; chapter 319 of NRS) Existing law creates the position of Housing Advocate within the Division and establishes the duties for the position, which include providing information and assistance to persons who reside in affordable housing and manufactured

housing. (NRS 319.141) **Section 1** of this bill renames the position of Housing Advocate as the Housing Liaison.

Existing law requires the Division to create and maintain a statewide low-income housing database. The database is required to include certain information relating to low-income housing, including compilations and analysis of demographic, economic and housing data from a variety of sources. (NRS 319.143) **Section 2** of this bill requires the inclusion of any survey conducted by the Division in the database. **Section 2** also revises the data that is required to be included in the database by: (1) changing the measure for determining the number of households in various population groups experiencing high housing costs from 50 to 30 percent of household income; (2) increasing from 2 years to 3 years the length of the planning period for identifying when subsidized units are forecast to convert to market-rate units; and (3) adding information regarding certain multi-family residential housing. **Section 2** further requires the Division, on or before December 31 of each year, to analyze the data in the database and prepare and post on its website a report of its analysis.

Existing law creates the Account for Affordable Housing in the State General Fund, which is required to be administered by the Division, and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Under existing law, the costs to create and maintain the statewide low-income housing database are required to be paid from the Account up to a maximum of $175,000 per year. (NRS 319.143, 319.510) **Sections 2 and 3** of this bill: (1) require payment from the Account of the costs to prepare the new annual report required by **section 2**; and (2) change the maximum annual amount authorized from the Account for the payment of costs related to the database from the fixed amount of $175,000 to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law also authorizes the Division to expend not more than $40,000 per year or an amount equal to 6 percent of money received pursuant to the federal HOME Investment Partnerships Act, whichever is greater, as reimbursement for administering the Account and that federal money. (NRS 319.510; 42 U.S.C. §§ 12701 et seq.) **Section 3**: (1) eliminates the authority of the Division to receive reimbursement from the Account for administering that federal money; and (2) changes the maximum amount authorized from the Account as reimbursement for administering the Account to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law requires the Division to distribute a certain portion of **the remaining** money in the Account to **the Division of Welfare and Supportive Services of the Department of Health and Human Services for a program to provide emergency assistance to needy families with children. (NRS 319.510) Section 3 eliminates this required distribution to the Division for this program, but specifically authorizes the use of money in the Account for the same purpose. With the elimination of this distribution to the Division, all of the remaining money in the Account will effectively be**

distributed to the other authorized recipients in existing law, which are certain charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to certain requirements. One such eligibility requirement in existing law is that not less than 15 percent of the units acquired, constructed or rehabilitated be affordable to persons whose income is at or below the federally designated level signifying poverty. (NRS 319.510) **Section 3**: (1) changes the income level for that requirement to at or below 30 percent of the median monthly gross household income for the applicable county; and (2) clarifies that the money is authorized to be distributed to one or more of the types of entities that are eligible recipients. **Section 3** also eliminates the eligibility requirement in existing law that a local government sponsor such a project.

Existing law establishes three tiers of affordable housing for various purposes in existing law and defines "affordable housing" as housing that falls within any of the three tiers. (NRS 232.860, 244.189, 244.287, 268.058, 268.190, 278.0105, 279.385, 279A.020, 279B.020, 315.9625, 319.042) Under existing law, the tiers are based on both household income and the costs of housing as a percentage of that income. With respect to household income: (1) "tier one affordable housing" is housing for a household which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located, which is commonly known as the area median household income; (2) "tier two affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the area median household income; and (3) "tier three affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the area median household income. In addition, with respect to the costs of housing, affordable housing under existing law is housing that costs not more than 30 percent of the total monthly gross household income of the household with an income at the maximum percentage of the area median household income for the tier. (NRS 278.01902, 278.01904, 278,01906) **Section 4** of this bill creates a new tier of affordable housing, to be known as "tier one affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 30 percent of the area median household income. As a result of the creation of this new tier of affordable housing, **section 7** of this bill renames "tier one affordable housing" in existing law as "tier two affordable housing" and changes the percentage range for median income for that tier to more than 30 percent but not more than 60 percent of the area median household income. **Section 9** of this bill renames "tier two affordable housing" in existing law, for which the percentage range for median income is more than 60 percent but not more than 80 percent of the area median household income, as ~~["workforce]~~ **"tier three** affordable housing." **Section 8** of this bill renames "tier three affordable housing" in existing law, for which

the percentage range for median income is more than 80 percent but not more than 120 percent of the area median household income, as ~~[~~"attainable~~]~~ **"tier four** affordable housing." **Section 4.5 of this bill creates another new tier of affordable housing, to be known as "tier five affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the area median household income.** **Section 5** of this bill applies the newly defined ~~[~~term~~]~~ **terms** in ~~[~~section~~]~~ **sections 4 and 4.5** to the provisions of existing law relating to planning and zoning. ~~[~~Sections 6 and~~]~~ **Section 11** of this bill ~~[~~make~~]~~ **makes** conforming changes to existing law to reflect the new ~~[~~tier.~~]~~ **tiers.**

Section 6 of this bill renames "affordable housing" as "attainable housing" and includes "tier four affordable housing" and "tier five affordable housing" within its meaning. Sections 2 and 10 of this bill make conforming changes to reflect the new name.

Existing law requires the governing body of certain cities or counties to submit to the Division annual progress reports relating to affordable housing. (NRS 278.235) Existing law requires: (1) the inclusion of these reports in the statewide low-income housing database; and (2) the Division to compile and post these reports on its Internet website. (NRS 278.235, 319.143) **Section 10** ~~[~~of this bill~~]~~ moves the deadline for: (1) the submission of the reports to the Division from July 15 to March 15; and (2) the posting of the compilation of the reports by the Division from August 15 to April 15. Because the change in the deadlines is not effective until October 1, 2025, pursuant to **section 14** of this bill, the new deadlines apply initially to the reports submitted in 2026.

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

Section 1. NRS 319.141 is hereby amended to read as follows:

319.141 1. The Housing ~~[~~Advocate~~]~~ ***Liaison*** is hereby created within the Division.

2. The Administrator shall appoint a person to serve in the position of Housing ~~[~~Advocate.~~]~~ ***Liaison.*** The Housing ~~[~~Advocate~~]~~ ***Liaison*** is in the unclassified service of the State and serves at the pleasure of the Administrator.

3. The person so appointed pursuant to subsection 2 must be knowledgeable about affordable housing and manufactured housing.

4. The Housing ~~[~~Advocate~~]~~ ***Liaison*** shall:

(a) Respond to written and telephonic inquiries received from residents who reside in affordable housing and manufactured housing and provide assistance to such residents in understanding their rights and responsibilities;

(b) Conduct community outreach and provide information concerning housing to residents who reside in affordable housing and manufactured housing;

(c) Identify and investigate complaints of residents of affordable housing and manufactured housing that relate to their housing and provide assistance to such residents to resolve the complaints;

(d) Establish and maintain a system to collect and maintain information pertaining to written and telephonic inquiries received by the Division; and

(e) ~~[Any]~~ ***Perform any*** other duties specified by the Administrator.

5. The Administrator may remove the Housing ~~[Advocate]~~ ***Liaison*** from the office for any reason not prohibited by law.

Sec. 2. NRS 319.143 is hereby amended to read as follows:

319.143 1. The Division shall create and maintain a statewide low-income housing database.

2. The database must include, without limitation, the compilation ~~[and analysis]~~ of demographic, economic and housing data from a variety of sources, including, without limitation, reports submitted pursuant to NRS 278.235 ~~[, that:]~~ ***and any survey conducted by the Division, relating to the information that must be included in the report required by subsection 3.***

3. On or before December 31 of each year, the Division shall:

(a) ~~[Provides for an annual assessment of]~~ ***Analyze the data in the database and prepare a report which must:***

(1) Assess the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes and conversions of multifamily condominiums;

~~[(b) Addresses]~~

(2) Address the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering persons with a substance use disorder, persons suffering from mental health ailments and victims of domestic violence, with each group distinguished to show the percentage of the population group at different income levels, and a determination of the number of households within each special-needs group experiencing housing costs greater than ~~[50]~~ ***30*** percent of their income, overcrowding or substandard housing;

~~[(c) Contains]~~

(3) Contain an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a ~~[2-year]~~ ***3-year*** planning period;

~~[(d) Provides]~~

(4) Provide a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

~~[(e) Provides]~~

(5) Provide the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

~~[(f) Provides]~~

(6) Provide the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

~~[3. The costs of creating and maintaining the database:~~

~~(a) Must be paid from the Account for Affordable Housing created by NRS 319.500; and]~~

(b) ~~[May not exceed $175,000 per year.]~~ ***Post the report on the Internet website of the Division.***

4. If an owner of multifamily residential housing that is offered for rent or lease in this State and is:

(a) Accessible to persons with disabilities; and

(b) ~~[Affordable]~~ ***Attainable*** housing, as defined in NRS 278.0105,

➥ has received any loan, grant or contribution for the multifamily residential housing from the Federal Government or the State, the owner shall, not less than quarterly, report to the Division ***for inclusion in the database*** information concerning each unit of the multifamily residential housing that is available and suitable for use by a person with a disability.

5. The Division shall adopt regulations to carry out the provisions of subsection 4.

Sec. 3. NRS 319.510 is hereby amended to read as follows:

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; ~~[and]~~

(f) ***To pay the costs of creating and maintaining the statewide low-income housing database and preparing the annual report required by NRS 319.143;*** ~~***[and]***~~

(g) To assist families that have children and whose income is at or below the federally designated level signifying poverty; and

(h) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** Division may expend ***each fiscal year not more than:***

(a) Six percent of the money ~~[from]~~ ***deposited in*** the Account as reimbursement for the necessary costs of efficiently administering the Account. ~~[and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from]~~

(b) Six percent of the money deposited in the Account to create and maintain the statewide low-income housing database ***and prepare the annual report*** required by NRS 319.143. ~~[The Division may expend not more than $75,000 per year]~~

(c) Seventy-five thousand dollars of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1.

3. ~~[Of the]~~ ***The*** remaining money allocated from the Account ~~[:]~~ ***after the expenditures*** ~~***[authorized by subsection]***~~ ***made pursuant to subsections 1 and 2*** ~~***[:***~~

~~(a) Except as otherwise provided in subsection 3, 4, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:~~

~~(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.~~

~~(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.~~

~~(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.~~

~~(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.~~

~~(b) Eighty-five percent~~] must be distributed to public or private nonprofit charitable organizations, housing authorities ~~[and]~~ ***or*** local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

~~[(1)]~~ ***(a)*** Priority may be given to those projects that provide a preference for:

~~[(I)]~~ ***(1)*** Women who are veterans;

~~[(II)]~~ ***(2)*** Women who were previously incarcerated;

~~[(III)]~~ ***(3)*** Survivors of domestic violence;

~~[(IV)]~~ ***(4)*** Elderly women who do not have stable or adequate living arrangements; and

~~[(V)]~~ ***(5)*** Unmarried persons with primary physical custody of a child.

~~[(2)]~~ ***(b)*** Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[(3)]~~ ***(c)*** Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[(4)]~~ ***(d)*** Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(5)]~~ ***(e)*** All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(6)]~~ ***(f)*** Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below ~~[the federally designated level signifying poverty.]~~ ***30 percent of the median monthly gross household income for the county in which the housing is located.*** For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(7) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.~~

~~3. *4.* The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, *3,* distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~

Sec. 3.5. **Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 4.5 of this act.**

Sec. 4. ~~[Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. "Tier one affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to not more than 30 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 30 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For the purposes of this section, median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located.

Sec. 4.5. 1. "Tier five affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 150 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For the purposes of this section, median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located.

Sec. 5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, ***and ~~[section]~~ sections 4 and 4.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 278.0105 is hereby amended to read as follows:

278.0105 ~~["Affordable]~~ ***"Attainable*** housing" means tier one affordable housing, tier two affordable housing ~~[or]~~ , tier three ~~***[, workforce]***~~ ***affordable housing, tier four affordable housing or ~~[attainable]~~ tier five*** affordable housing.

Sec. 7. NRS 278.01902 is hereby amended to read as follows:

278.01902 1. "Tier ~~[one]~~ ***two*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to ***more than 30 percent but*** not more than 60 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 60 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section, median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located.

Sec. 8. NRS 278.01904 is hereby amended to read as follows:

278.01904 1. "Tier ~~[three "Attainable]~~ ***four*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 120 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section, median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located.

Sec. 9. NRS 278.01906 is hereby amended to read as follows:

278.01906 1. "Tier ~~[two "Workforce]~~ ***three*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 80 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section, median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located.

Sec. 10. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of ~~[affordable]~~ ***attainable*** housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county

to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for ~~[affordable]~~ ***attainable*** housing.

(d) Leasing land by the city or county to be used for ~~[affordable]~~ ***attainable*** housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of ~~[affordable]~~ ***attainable*** housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for ~~[affordable]~~ ***attainable*** housing that must be used for the acquisition, construction or rehabilitation of ~~[affordable]~~ ***attainable*** housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing ~~[affordable]~~ ***attainable*** housing.

(h) Providing money, support or density bonuses for ~~[affordable]~~ ***attainable*** housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for ~~[affordable]~~ ***attainable*** housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an ~~[affordable]~~ ***attainable*** housing component.

(j) Offering density bonuses or other incentives to encourage the development of ~~[affordable]~~ ***attainable*** housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of ~~[affordable]~~ ***attainable*** housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in ~~[affordable]~~ ***attainable*** housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for ~~[affordable]~~ ***attainable*** housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for ~~[affordable]~~ ***attainable*** housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for ~~[affordable]~~ ***attainable*** housing must satisfy to receive assistance in maintaining or developing the project for ~~[affordable]~~ ***attainable*** housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for ~~[affordable]~~ ***attainable*** housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[July]~~ ***March*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for ~~[affordable]~~ ***attainable*** housing within the city or county that exists at the end of the reporting period. The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[August]~~ ***April*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 11. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Affordable Housing created pursuant to NRS 319.500.

(b) In a county whose population is 700,000 or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing ***,*** ~~[and]~~ tier two affordable housing ~~[.]~~ ***and*** ~~***[workforce]***~~ ***tier three affordable housing.*** A county or city that uses the proceeds in that manner must give priority to the development of tier one affordable housing ***,*** ~~[and]~~ tier two affordable housing ***and*** ~~***[workforce]***~~ ***tier three affordable housing*** for persons who are elderly or persons with disabilities.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

4. As used in this section:

(a) "Tier one affordable housing" has the meaning ascribed to it in ~~[~~NRS 278.01902.~~]~~ ***section 4 of this act.***

(b) "Tier two affordable housing" has the meaning ascribed to it in NRS ~~[~~278.01906.~~]~~ ***278.01902.***

(c) ~~***[***"Workforce***]***~~ ***"Tier three affordable housing" has the meaning ascribed to it in NRS 278.01906.***

Sec. 12. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 13. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 14. 1. This section and sections 1 to 9, inclusive, 11, 12 and 13 of this act become effective on July 1, 2025.

2. Section 10 of this act becomes effective on October 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 10.

AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for ~~[the maintenance, repair, alteration, demolition, renovation, remediation or]~~ minor construction ~~[of a]~~ **performed on an existing** public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) Senate Bill No. 67 of the 2021 Legislative Session established a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District and authorized those public bodies, as part of the pilot program, to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. (Chapter 523, Statutes of Nevada 2021, at page 3509) The pilot program expires on June 30, 2025. (Section 15 of chapter 523, Statutes of Nevada 2021, at page 3514) **Sections 2-16** of this bill: (1) establish a similar, permanent program; (2) authorize certain public bodies to award job order contracts for certain public works; and (3) set forth various requirements and restrictions concerning the use of job order contracts by those public bodies. **Section 2** provides that the provisions of **sections 2-16** apply only to a public body that is: (1) a county whose population is 700,000 or more (currently only Clark County); (2) a city whose population is 150,000 or more located in such a county (currently the Cities of Henderson, Las Vegas and North Las Vegas); or (3) a general improvement district located in such a county which is granted certain powers relating to sanitary sewer systems. (NRS 318.140)

Section 3 establishes a program to gather data on the use of job order contracts for certain public works and directs each public body to gather and report data on the use of job order contracts. **Sections 5-8** define certain terms for the purposes of this bill. **Section 9** authorizes a public body to award job order contracts for ~~[the maintenance, repair, alteration, demolition, renovation, remediation or]~~ minor construction ~~[of]~~ **performed on an existing** public ~~[works.]~~ **work.** **Section 17** of this bill revises the list of procedures by which a local government may award a contract for a public work to include the use of job order contracts if the local government is a public body to which the provisions of **sections 2-16** apply pursuant to **section 2**.

Section 9 requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. **Section 9** provides that a job order contract: (1) must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) must require a contractor to prepare and submit a proposal for each job order. **Section 9** requires such a proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. **Section 9** also requires a public body **, after holding a public hearing on the matter,** to adopt a written policy for the assignment of job orders and limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 10 prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. **Section 11** requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. **Section 11** also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. **Sections 12 and 18** of this bill make any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and prohibit disclosure of any such document or information until notice of intent to award the contract is issued.

Section 13 prescribes the method for selecting a contractor for a job order contract. Specifically, **section 13** requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants.

Section 14 prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or professional. **Section 14** also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 9 requires a job order contract to provide for the use of job orders, which are defined in **section 7** as an order issued for a definite scope of work to be performed for a fixed price pursuant to a job order contract. **Section 15**

requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before a public body issues a job order. **Section 16** requires a public body to submit a quarterly report that contains certain information relating to job order contracts to the governing body of the public body. **Section 16** also requires a governing body to annually submit to the Director of the Legislative Counsel Bureau a written report including the information reported to the governing body during the immediately preceding calendar year.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 16, inclusive, of this act apply only to a public body that is:***

1. A county whose population is 700,000 or more;

2. A city whose population is 150,000 or more located in a county whose population is 700,000 or more; or

3. A general improvement district established pursuant to chapter 318 of NRS in a county whose population is 700,000 or more which is granted the powers set forth in NRS 318.140.

Sec. 3. ***1. The Legislature hereby finds and declares that:***

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for ~~[the maintenance, repair, alteration, demolition, renovation, remediation or]~~ minor construction ~~[of a]~~ performed on an existing public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous ~~[renovation, repair and maintenance]~~ minor construction projects required for existing facilities.

(f) The provisions of sections 2 to 16, inclusive, of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to this chapter.

2. The Legislature therefore:

(a) Establishes a program to gather data on the use of job order contracts for ~~[the maintenance, repair, alteration, demolition, renovation, remediation and]~~ minor construction ~~[of a]~~ performed on an existing public work; and

(b) Directs each public body in the program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 16 of this act.

Sec. 4. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Adjustment factor" means the adjustment that is multiplied by a contractor against the unit price listed in the unit price catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.*

Sec. 6. *"Construction task" means an item of work:*

1. That is included in a job order; and

2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 11 of this act.

Sec. 7. *"Job order" means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.*

Sec. 8. *"Job order contract" means a contract entered into pursuant to section 13 of this act.*

Sec. 9. *1. Except as otherwise provided in subsection 2, a public body may award a job order contract for ~~[the maintenance, repair, alteration, demolition, renovation, remediation or]~~ minor construction ~~[of a]~~ performed on an existing public work. A job order contract must:*

(a) Be for a fixed period;

(b) Provide for indefinite times of delivery and indefinite types of quantities of work;

(c) Provide for the use of job orders;

(d) Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and

(e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.

2. Except as otherwise provided in subsection 3, a public body may not award more than $25,000,000 annually in job order contracts.

3. If the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year pursuant to subsection 2, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year.

4. A public body shall , after holding a public hearing on the matter, adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 10. *To qualify to enter into a job order contract with a public body, a contractor:*

1. Must not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 11 of this act;

2. Must not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

3. Must be licensed as a contractor pursuant to chapter 624 of NRS.

Sec. 11. *1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.*

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) Construction tasks and any technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;

(c) A statement requiring that a proposal list an adjustment factor;

(d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;

(e) A description of the bonding requirements for a contractor;

(f) The minimum amount of work committed to the selected contractor under the job order contract;

(g) The proposed form of the job order contract;

(h) A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 9 of this act;

(i) A description of the method for pricing a renewal or extension of the job order contract;

(j) The date by which proposals must be submitted to the public body; and

(k) A list of the factors and relative weight of the factors that will be used pursuant to section 13 of this act to rank proposals submitted by applicants.

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

(a) The professional qualifications and experience of the applicant;

(b) An adjustment factor;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurances as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 12. *Except as otherwise provided in subsection 4 of section 11 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 11 of this act, including, without limitation, a proposal made pursuant to section 11 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.*

Sec. 13. *1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 11 of this act. At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.*

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of section 10 of this act; and

(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

Sec. 14. *1. A contractor who enters into a job order contract pursuant to section 13 of this act is responsible for:*

(a) Contracting for the services of any necessary subcontractor, supplier or professional necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or professional.

2. A contractor who enters into a job order contract pursuant to section 13 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.

3. Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.

Sec. 15. *1. Before a public body issues a job order, a contractor must submit a list of each subcontractor whom the contractor intends to engage for work on the job order.*

2. A contractor shall not:

(a) Perform any work required by a job order unless the requirements of subsection 1 are met.

(b) Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.

Sec. 16. *1. Each quarter, a public body shall provide to the governing body of the public body a written report containing, for each job order contract, if any:*

(a) A list of each job order issued;

(b) The cost of each job order issued;

(c) A list of each subcontractor hired to perform work for each job order;

(d) A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business; ~~*[and]*~~

(e) *A list of each job order that the public body expects to issue in the following quarter; and*

(f) Any other information requested by the governing body.

2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, "local emerging small business" has the meaning ascribed to it in NRS 231.1402.

Sec. 17. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; ~~[or]~~

(d) NRS 338.1711 to 338.173, inclusive ~~[.]~~ ***; or***

(e) If applicable, sections 2 to 16, inclusive, of this act.

2. A public body shall not use a reverse auction when awarding a contract for a public work.

3. Except as otherwise provided in this subsection, subsection 4 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

4. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420,

62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,

463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 193.

AN ACT relating to public safety; authorizing a board of county commissioners to establish an electronic database containing information

concerning victims of mass casualty incidents; **setting forth certain requirements for such an electronic database;** exempting certain persons from civil liability related to such an electronic database, under certain circumstances; providing for the confidentiality of information contained in such an electronic database; requiring a hospital and an independent center for emergency medical care in a county in which such an electronic database is established to report to the database certain information concerning a victim of a mass casualty incident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a board of county commissioners to establish and maintain an electronic database containing information concerning victims of mass casualty incidents to coordinate the provision of reunification and identification services and ~~[other appropriate follow-up]~~ **long-term support** services for such victims. **Section 1** sets forth certain requirements for such an electronic database and requires a board of county commissioners that establishes such an electronic database to determine certain matters concerning the information contained in the database, the reporting of certain information to the database and the persons and governmental entities that may participate in the database. Under **sections 1 and 2** of this bill, the information contained in the electronic database is confidential and may be disclosed only by participants in the database for certain purposes. **Additionally, section 1 requires that, except for a victim of a mass casualty incident who has provided written authorization for his or her information to remain in the database for the purpose of receiving long-term support services, all information contained in the database concerning a victim of a mass casualty incident must be deleted after all victims of the mass casualty incident have been identified and reunified. Section 1** grants a county in which the board of county commissioners has established such an electronic database and the officers, employees and agents of the county immunity from civil liability for any act or omission related to the establishment or maintenance of the database not amounting to willful misconduct, gross negligence or bad faith.

Existing law provides for the licensure and regulation of medical facilities, including hospitals and independent centers for emergency medical care, by the Division of Public and Behavioral Health of the Department of Health and Human Services. (Chapter 449 of NRS) **Section 3** of this bill requires a hospital or independent center for emergency medical care located in a county in which an electronic database is established pursuant to **section 1** and which is notified or becomes aware of a mass casualty incident to report to the database certain information about a victim of the mass casualty incident. **Section 3 additionally requires a hospital or independent center for emergency medical care to: (1) inquire whether such a victim wishes to receive long-term support services and, if so, request that the victim provide written authorization for his or her information to remain in the**

electronic database; and (2) include a unique identifier in the medical record of such a victim. Section 3 grants a hospital, an independent center for emergency medical care and their agents and employees immunity from civil liability for any such report made in good faith and for any unauthorized acquisition of the information reported that may occur after a report was made by the hospital or independent center for emergency medical care in accordance with the requirements of **section 3**. **Sections** ~~[4-9]~~ **4-6** of this bill make conforming changes to provide for the administration ~~[and enforcement]~~ of the requirements of **section 3** in the same manner as other requirements imposed on hospitals and independent centers for emergency medical care by existing law ~~[.]~~ **, except for the penalties imposed for violation of those requirements.** (NRS 449.029, 449.0301, ~~[449.0302, 449.160, 449.163, 449.240)]~~ **449.0302) Under section 3, a hospital or independent center for emergency medical care that fails to comply with the requirements of section 3 is not subject to any penalty for that failure. Sections 7-9 of this bill make conforming changes so that the penalties imposed for violations of other requirements imposed on hospitals and independent centers for emergency medical care by existing law do not apply to a failure to comply with the provisions of section 3.**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may establish and maintain an electronic database containing information concerning victims of mass casualty incidents to coordinate the provision of reunification and identification services and ~~[other appropriate follow-up]~~ long-term support services for such victims.

2. A board of county commissioners that establishes an electronic database pursuant to subsection 1 shall determine:

(a) The information that must be contained in the electronic database, which must include, without limitation, the information reported by a hospital or an independent center for emergency medical care pursuant to section 3 of this act.

(b) The form and manner in which a hospital or an independent center for emergency medical care must report the information required by section 3 of this act to the electronic database, which must require the information to be reported in such a form and in such a manner so as to protect the security of the information.

(c) Each person or governmental entity that may participate in the electronic database ~~[and the]~~ , which must include, without limitation, each person or governmental entity in the county whose duties or responsibilities include the support of carrying out emergency functions, as determined by the county emergency manager.

(d) The extent ~~[of that participation,]~~ to which a person or governmental entity described in paragraph (c) may participate in the electronic database, including, without limitation, whether the person or governmental entity may input information into the electronic database and the type of information contained in the electronic database to which the person or governmental entity has access.

3. If a board of county commissioners establishes an electronic database pursuant to subsection 1, the board of county commissioners shall implement and maintain security measures to protect the personally identifiable information contained within the database. Such security measures must:

(a) Comply with all applicable provisions of 45 C.F.R. Parts 160, 162 and 164, NRS 603A.210 and any other applicable federal and state law.

(b) Include, without limitation:

(1) The performance of vulnerability and risk assessments;

(2) The imposition of restrictions on access by a participant to the information contained in the database based on the role of the participant; and

(3) Reasonable measures for authentication, monitoring and auditing to prevent unauthorized access to the information contained in the database or misuse of that information.

4. Any information contained in an electronic database established pursuant to subsection 1 is confidential and may only be disclosed by a participant in the database as necessary for the provision of reunification and identification services and ~~[other appropriate follow up]~~ long-term support services for victims of mass casualty incidents. Except for a victim of a mass casualty incident who has provided a written authorization for his or her information to remain in the electronic database for the purpose of receiving long-term support services, all information contained in the database concerning a victim of a mass casualty incident must be deleted after all victims of the mass casualty incident have been identified and reunified.

~~[4.]~~ 5. An electronic database established pursuant to subsection 1 and the disclosure of information therefrom must comply with the applicable provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and the applicable regulations adopted pursuant thereto.

~~[5.]~~ 6. A county in which the board of county commissioners has established an electronic database pursuant to subsection 1 and any officer, employee or agent of the county are immune from civil liability for any act or omission related to the establishment or maintenance of the database not amounting to willful misconduct, gross negligence or bad faith.

~~[6.]~~ 7. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.

(c) "Long-term support services" means the support services provided pursuant to NRS 217.096, financial aid services, services which provide compensation to victims and medical or psychological services provided in a trauma-informed manner, as defined in NRS 422.2734.

(d) "Mass casualty incident" has the meaning ascribed to ~~it in NRS 616C.180.~~ the term "mass casualty event" in 34 U.S.C. § 10281(o)(1)(A).

Sec. 2. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,

394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all

public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, if]~~ If a hospital or an independent center for emergency medical care is located in a county in which the board of county commissioners has established an electronic

database pursuant to section 1 of this act and is notified or otherwise becomes aware of a mass casualty incident, the hospital or independent center for emergency medical care shall, as soon as possible but not later than ~~[4]~~ 24 hours after receiving and registering a victim of the mass casualty incident as a patient at the hospital or independent center for emergency medical care, report to the electronic database the following information concerning the victim in accordance with 45 C.F.R. § 164.510(b)(4) and in the form and manner determined by the board of county commissioners:

(a) The name of the victim, if known.

(b) The date of birth of the victim, if known.

(c) ~~[The contact information of the victim, if known.~~

~~(d)]~~ Any identifying physical characteristics of the victim.

2. ~~[If an unforeseen circumstance prevents a hospital or an independent center for emergency medical care from reporting to the electronic database the information concerning a victim of a mass casualty incident specified in subsection 1 within the time required by subsection 1, the hospital or independent center for emergency medical care must report the information to the electronic database, in the form and manner determined by the board of county commissioners, as soon as reasonably possible, but in no event later than 12 hours after receiving and registering the victim as a patient at the hospital or independent center for emergency medical care.]~~ A hospital or an independent center for emergency medical care shall:

(a) Include in the medical record of each patient who is the victim of a mass casualty incident a unique identifier established by the hospital or independent center for emergency medical care which allows the hospital or center to identify the patient as a victim of a mass casualty incident in the event that the patient wishes to receive long-term support services after discharge from the hospital or center; and

(b) Before discharging a patient who is the victim of a mass casualty incident, inquire whether the patient wishes to receive long-term support services and, if so, request that the patient provide written authorization for his or her information to remain in the electronic database established pursuant to section 1 of this act for the purpose of receiving such services.

3. A hospital, an independent center for emergency medical care and any agent or employee thereof are immune from civil liability for any report made in good faith in accordance with the requirements of this section and for any unauthorized acquisition of any information reported that may occur after the hospital or independent center for emergency medical care made a report in accordance with the requirements of this section.

4. A hospital or independent center for emergency medical care that fails to comply with the provisions of this section is not subject to any penalty imposed pursuant to this chapter for such failure to comply.

5. As used in this section ~~[, "mass]~~ :

(a) "Long-term support services" has the meaning ascribed to it in section 1 of this act.

(b) "Mass casualty incident" has the meaning ascribed to ~~[it in NRS 616C.180,]~~ the term "mass casualty event" in 34 U.S.C. § 10281(o)(1)(A).

Sec. 4. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 5. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 6. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and section 3 of this act*** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for

such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~,~~ ***, and section 3 of this act.***

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals and rural emergency hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based

living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

14. As used in this section:

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 7. NRS 449.160 is hereby amended to read as follows:

449.160 1. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ***and section 3 of this act*** or ***NRS*** 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 3 of this act*** and ***NRS*** 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 8. NRS 449.163 is hereby amended to read as follows:

449.163 1. ~~[In]~~ ***Except as otherwise provided in section 3 of this act, in*** addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 3 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 3 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 3 of this act, NRS*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 9. NRS 449.240 is hereby amended to read as follows:

449.240 ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 3 of this act.***

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 379.

AN ACT relating to campaign practices; requiring certain communications relating to an election that include synthetic media to contain a disclosure; ~~[requiring a copy of certain communications relating to an election to be filed with the Secretary of State; providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that certain statements and communications relating to an election contain disclosures to provide the public with certain information relating to the source or purpose of the statement or communication. (NRS 294A.347-294A.3495) **Section 2** of this bill **: (1)** requires that any communication made **or paid for by a person, candidate, personal campaign committee of a candidate, committee for political action or committee**

sponsored by a political party that is in support of or opposition to a candidate, group of candidates or political party or that solicits contributions for a candidate, group of candidates or political party that includes any form of synthetic media in the communication must disclose that the image, video or audio has been manipulated ~~[. Section 5 of this bill provides that a violation of this requirement is subject to a civil penalty of not more than $50,000 for each violation.~~

~~Section 3 of this bill requires any person, committee for political action, political party or committee sponsored by a political party that is required to disclose information in a communication relating to an election under existing law to submit a copy of the communication electronically to the Secretary of State. Section 3 also requires the Secretary of State to make such communications available to the public. Section 4 of this bill exempts from this requirement certain communications appearing on clothing or items that retail for less than $5. Section 5 provides that a violation of this requirement is subject to a civil penalty of not more than $10,000.]~~ **; and (2) authorizes a candidate who is depicted in any such communication that fails to include such a disclosure to seek an injunction or equitable relief in a district court against certain parties that made or paid for the communication.**

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any communication made or paid for by a person, candidate, personal campaign committee of a candidate, committee for political action or committee sponsored by a political party that is made in support of or opposition to a candidate, group of candidates or political party or that solicits contributions for a candidate, group of candidates or political party and includes any form of synthetic media in the communication must disclose on the communication in a clear and conspicuous manner:***

This (image/video/audio) has been manipulated.

2. The disclosure required pursuant to subsection 1 must be provided in accordance with the following requirements:

(a) For a communication made using visual media ~~[~~:

~~***(1) The text of the disclosure must appear in a size that is easily readable by the average viewer and if the visual media includes other text, the text of the disclosure must not be smaller than the largest font size of the other text appearing in the visual media; and***~~

~~***(2) If the visual media]*** ***that is a video, the disclosure must appear for the entire duration of the video; and***

(b) For a communication made using only audio, the disclosure must be read in a clearly spoken manner, in a pitch that can be easily heard by the average listener and in the same language as the rest of the audio:

(1) At the beginning of the audio;

(2) At the end of the audio; and

(3) If the audio is longer than 2 minutes in length, interspersed within the audio at intervals of not more than 2 minutes each.

3. Any candidate who is depicted in any communication that includes synthetic media and which communication fails to include the disclosure required pursuant to subsection 1 may seek an injunction or other equitable relief in district court against the person, candidate, personal campaign committee of a candidate, committee for political action or committee sponsored by a political party who made or paid for the communication.

4. Nothing in this section shall be construed to impose liability for a violation of subsection 1 upon:

(a) Any interactive computer service provider, cloud service provider or internet service provider;

(b) A radio broadcasting station, television broadcasting station, telecommunications network or cable or satellite television operator;

(c) Any programmer or producer of radio or television broadcasting content; or

(d) Any person who publishes synthetic media as part of entertainment as a satire or parody.

5. As used in this section:

(a) "Artificial intelligence" means a machine-based system that , ~~[can,]~~ for ~~[a given set of human-defined objectives, make]~~ explicit or implicit objectives, infers from the input it receives how to generate outputs such as predictions, content, recommendations or decisions ~~[influencing real]~~ that can influence physical or virtual environments.

(b) "Generative adversarial network" means a framework for machine learning that uses adversarial training towards the development of generative artificial intelligence.

(c) "Generative artificial intelligence" means a technology of artificial intelligence that is capable of creating content such as text, audio, image or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.

(d) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

(e) "Synthetic media" means an image, audio recording or video recording of the appearance, speech or conduct of a person that has been intentionally manipulated with the use of generative adversarial network techniques, artificial intelligence ~~[,]~~ or generative artificial intelligence ~~[or any other digital technology]~~ to create a realistic but false image, audio recording or video recording that produces:

(1) A depiction that to a reasonable natural person is of a real natural person in appearance, action or speech but that did not actually occur in reality ~~***[;]***~~ ***or was not authentically captured or recorded; and***

(2) A fundamentally different understanding or impression of the appearance, action or speech of a person than what a reasonable natural person would have from viewing or listening to the unaltered original version of the image, audio recording or video recording.

Sec. 3. ~~***[1. Except as otherwise provided in NRS 294A.349, any person, committee for political action, political party or committee sponsored by a political party that is required to disclose information in a communication pursuant to NRS 294A.348, 294A.3495 or section 2 of this act must submit a copy of the communication electronically to the Secretary of State.***~~

~~***2. The Secretary of State shall make available to the public all communications submitted pursuant to subsection 1 on an Internet website of the Secretary of State.***~~

~~***3. The Secretary of State shall adopt regulations to carry out the provisions of this section.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 294A.349 is hereby amended to read as follows:~~

~~294A.349 The provisions of NRS 294A.347 *and section 3 of this act* and subsections 1 and 2 of NRS 294A.348 do not apply to any statement or communication appearing on:~~

~~1. Any cap, hat, shirt or other article of clothing, regardless of its cost; or~~

~~2. Except as otherwise provided in this subsection, any item having a retail cost per item of less than $5, including, without limitation, any button, pen, pencil, ruler, magnet, key tag, emery board, comb, letter opener, can holder, bottle opener, jar opener, balloon or piece of candy. The exclusion otherwise provided by this subsection does not apply to any door hanger, bumper sticker, yard sign or advertising through a television or radio broadcast, newspaper, magazine, outdoor advertising facility or mailing.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 294A.420 is hereby amended to read as follows:~~

~~294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than $10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of~~

~~the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.~~

~~3.~~ ***If a civil penalty is imposed for a violation of the requirements of section 2 of this act, the amount of the civil penalty imposed may not exceed $50,000 for each violation.***

~~4. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:~~

~~(a) If the report is not more than 7 days late, $25 for each day the report is late.~~

~~(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.~~

~~(c) If the report is more than 15 days late, $100 for each day the report is late.~~

~~**.** A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.~~

~~**[**4.**]** ***5.*** For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.~~

~~**[**5.**]** ***6.*** When considering whether to waive, pursuant to subsection **[**4,**]** ***5,*** a civil penalty that would otherwise be imposed pursuant to subsection **[**3,**]** ***4,*** the Secretary of State may consider, without limitation:~~

~~(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;~~

~~(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;~~

~~(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;~~

~~(d) Whether the violation was inadvertent;~~

~~(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and~~

~~(f) Any other factor that the Secretary of State deems to be relevant.~~

~~**[**6.**]** ***7.*** If the Secretary of State waives a civil penalty pursuant to subsection **[**4,**]** ***5,*** the Secretary of State shall:~~

~~(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and~~

~~(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.~~

~~[7.]~~ ***8.*** ~~The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1.]~~ This ~~[section]~~ **act** becomes effective ~~[upon passage and approval.~~

~~2. Sections 1 to 5, inclusive, of this act become effective:~~

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

~~(b) On]~~ **on** January 1, 2026 ~~. [, for all other purposes.]~~

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 79.

Bill read second time.

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

Amendment No. 380.

SUMMARY—Revises provisions relating to ~~[campaign finance.]~~ **governmental administration.** (BDR 24-483)

AN ACT relating to ~~[campaign finance; prohibiting a committee for political action from spending campaign contributions for the personal use of any person; authorizing, under certain circumstances, an elected public officer to use unspent campaign contributions to pay for the cost of child care, the care of an elderly parent or health insurance premiums;]~~ **governmental administration; establishing a limit on contributions to the campaign of a candidate in certain special elections;** requiring certain candidates, public officers or former public officers to notify the Secretary of State when all unspent campaign contributions have been disposed of; ~~[requiring a committee for political action to report the balance in its bank account at the end of a reporting period; clarifying that certain nonprofit organizations are not a committee for political action for purposes of campaign finance requirements;]~~ requiring a candidate to file a notice of intent to file for candidacy with the Secretary of State; ~~[requiring a candidate or committee for political action to produce certain bank account information in the course of an investigation of alleged violation of campaign finance laws; making such information confidential;]~~ **revising provisions relating to the personal use of contributions or unspent contributions; revising provisions relating to the**

investigation and enforcement of provisions of law relating to campaign finance and financial disclosure statements; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth limitations on making, soliciting and accepting a campaign contribution for a primary election, a general election or a special election to recall a public officer. (Nev. Const. Art. 2, § 10; NRS 294A.100, 294A.115) Section 6.5 of this bill clarifies that these limits apply regardless of the number of candidates for the office at the primary or general election.

Section 2.5 of this bill: (1) establishes a contribution limit of $5,000 for a special election that is not a special election to recall a public officer; and (2) sets forth the period during which such contributions may be made, solicited or accepted.

Under existing law, it is unlawful for **: (1)** a candidate to spend money received as a contribution for the candidate's personal use ~~.~~ **; or (2) a public officer to spend unspent contributions for the public officer's personal use.** (NRS 294A.160) **Section** ~~2~~ **8.5** of this bill ~~similarly makes it unlawful for a committee for political action to spend money received as a contribution for the personal use of any person.~~

~~Under existing law, certain candidates, public officers and former public officers are required to dispose of unspent contributions. Any such candidate, public officer or former public officer is also subject to various reporting requirements for as long as the candidate, public officer or former public officer has unspent contributions. (NRS 294A.160) Section 4 of this bill provides that every candidate, public officer or former public officer who is required to dispose of unspent contributions must, in addition to any other requirement, notify the Secretary of State when the candidate, public officer or former public officer has disposed of all unspent contributions.~~

~~Under existing law, every candidate for office at a primary, general or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the election is required to dispose of the unspent contributions through one or more authorized methods, including using the unspent contributions to pay for expenses related to public office. (NRS 294A.160) Section 3 of this bill authorizes an elected public officer to use unspent contributions to pay for the cost of child care, the care of an elderly parent or the premiums for health insurance if the elected public officer would be unable to afford to pay such costs due to serving in the elected public office. If an elected public officer uses any unspent contributions to pay for such expenses, section 3: (1) deems the cost of such expenses to be an expense related to public office; and (2) requires the elected public officer to report the use of unspent contributions on his or her campaign finance report.~~

~~Existing law requires a committee for political action to open and maintain a separate account in a financial institution located in the United States for the~~

~~deposit of any contributions received not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more. (NRS 294A.130) Under existing law, certain committees for political action are required to report: (1) each contribution in excess of $1,000 received during a reporting period; and (2) contributions received during a reporting period from a contributor which cumulatively exceed $1,000. (NRS 294A.140) Sections 5 and 8 of this bill require that certain committees for political action also report the balance of the account on the ending date of the reporting period. These requirements are consistent with the requirements for candidates to report the balance of the account at the end of a reporting period. (NRS 294A.130) Sections 9, 10 and 12 of this bill make conforming changes to reflect this new reporting requirement for committees for political action. Section 14 of this bill provides that sections 5 and 8: (1) do not apply to any report of contributions or expenditures that is required to be filed by a committee for political action on or before January 15, 2026; and (2) apply to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2026.~~

~~Existing law defines a "committee for political action" for purposes of campaign finance law. (NRS 294A.0055) Section 6 of this bill revises this definition to exclude from the definition a nonprofit organization which is recognized as tax exempt pursuant to section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.~~ **clarifies that these provisions do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.**

Existing law requires every candidate, not later than 1 week after receiving minimum contributions of $100, to open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. (NRS 294A.130) **Section 7** of this bill requires every candidate to also file with the Secretary of State a notice of intent to file for candidacy.

Under existing law, if it appears that the provisions of law relating to campaign finance have been violated, the Secretary of State may **: (1)** conduct an investigation concerning the alleged violation ~~.~~ **and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or (2) refer the alleged violation to the Attorney General for investigation. The Attorney General is required to investigate and institute and prosecute the appropriate proceedings in the First Judicial District Court.** (NRS 294A.410) **Section 11** of this bill ~~provides that in conducting an investigation of an alleged violation, a candidate or committee for political action must, upon request of the Secretary of State, provide to the Secretary of State information relating to the campaign account of the candidate or committee for political action. Sections 11 and 13 of this bill provide that any account information collected or stored by the Secretary~~

~~of State is confidential and not a public record.]~~ **: (1) eliminates provisions relating to instituting any such proceedings in the First Judicial District Court; and (2) authorizes the Office of the Secretary of State to conduct an investigation.**

Existing law authorizes a person who believes that any provisions of law relating to campaign finance have been violated to notify the Secretary of State, in writing, of the alleged violation. Under certain circumstances, the Secretary of State may conduct an investigation of the alleged violation. (NRS 294A.410) Section 11 provides instead that the Office of the Secretary of State may conduct such an investigation.

Existing law authorizes, under certain circumstances, the Secretary of State to cause proceedings to be instituted in the First Judicial District Court to recover certain civil penalties for certain violations of provisions relating to campaign finance. (NRS 294A.420) Section 12 of this bill provides instead that the Secretary of State may, after notice and a hearing, impose certain administrative fines for certain violations relating to campaign finance.

Section 4.5 of this bill sets forth certain powers and duties of the Secretary of State or certain officers or employees designated by the Secretary of State relating to investigations or proceedings relating to campaign finance.

Sections 12 and 13.5 of this bill authorize the Secretary of State, for good cause, to reduce certain administrative fines and civil penalties relating to campaign finance and statements of financial disclosure. Sections 12 and 13.5 also: (1) authorize the Secretary of State to enter into payment agreements relating to administrative fines and civil penalties; and (2) require the Secretary of State to maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any such administrative fine or civil penalty. Section 10.5 of this bill makes a conforming change to provide that the Secretary of State may impose an administrative fine for certain violations.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ~~*[1. It is unlawful for a committee for political action to spend money received as a contribution for the personal use of any person.*~~

~~*2. As used in this section, "personal use" means any use of contributions to a committee for political action to fulfill a commitment, obligation or expense that exists irrespective of the duties or activities of the committee for political action.]*~~ **(Deleted by amendment.)**

Sec. 2.5. 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in a special election in an amount which exceeds $5,000, regardless of:

(a) The number of candidates for the office; or

(b) Whether the special election is held on the same day as a primary election or general election.

2. No contribution to a candidate in a recall election may be given or received except during the period:

(a) Beginning on the date that the declaration of a special election is made; and

(b) Ending on the date of the special election.

3. No contribution made, committed to be made or accepted pursuant to this section for a special election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.100 for a primary election or general election.

4. A candidate shall not accept a contribution or commitment to make a contribution made in violation of this section.

5. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. The provisions of this section apply to any special election other than a special election to recall a public officer.

Sec. 3. ~~*[1. An elected public officer may use unspent contributions to pay for the cost of child care, the care of an elderly parent or the premiums for health insurance if the elected public officer would be unable to afford to pay such costs due to serving in the elected public office.*~~

~~*2. If an elected public officer uses any unspent contributions to pay for the cost of child care, the care of an elderly parent or the premiums for health insurance pursuant to subsection 1:*~~

~~*(a) It shall be deemed that the cost of such expenses is an expense related to public office, as authorized pursuant to paragraph (b) of subsection 3 of NRS 294A.160; and*~~

~~*(b) The elected public officer must report the use of unspent contributions for any such purpose pursuant to NRS 294A.200.*~~

~~*3. The Secretary of State shall adopt regulations to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 4. *1. Every candidate, public officer or former public officer required to dispose of unspent contributions pursuant to NRS 294A.160 shall, in addition to complying with any other requirement set forth in this chapter, notify the Secretary of State, on a form prescribed by the Secretary of State, when the candidate, public officer or former public officer has disposed of all unspent contributions. Such notice must include, without limitation:*

(a) A description of the manner in which unspent contributions were disposed of; and

(b) An affirmation that all unspent contributions have been properly disposed of pursuant to the applicable provisions of NRS 294A.160.

2. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 4.5. 1. For the purposes of an investigation or proceedings under this chapter, the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses, compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other records which the Secretary of State determines to be relevant or material to the investigation or proceeding.

2. A person whom the Secretary of State does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of records which the person is required by subpoena to produce. The Secretary of State may require or permit a person to file a statement, under oath or otherwise as the Secretary of State determines, as to the facts and circumstances concerning the matter to be investigated.

3. If a person does not testify or produce the records required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to a court of competent jurisdiction for an order compelling compliance. The court shall give this matter priority over other civil matters to which priority is not given by other statutes.

4. Any decision of the Secretary of State or any officer or employee is a final decision for the purposes of judicial review.

Sec. 5. ~~***[1. The provisions of this section apply to every committee for political action which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.***~~

~~***2. Every committee for political action shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:***~~

~~***(a) Each contribution in excess of $1,000 received during the period;***~~

~~***(b) Contributions received during the period from a contributor which cumulatively exceed $1,000; and***~~

~~***(c) The balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.***~~

~~***3. In addition to the requirements set forth in subsection 2, every committee for political action described in subsection 1 shall, not later than:***~~

~~***(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;***~~

~~***(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;***~~

~~***(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and***~~

~~***(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,***~~

~~→ report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period from a contributor and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.~~

~~4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.~~

~~5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.~~

~~6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions~~

~~*of that chapter, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period. The provisions of this subsection apply to the committee for political action if the petition for recall:*~~

~~*(a) Is not submitted to the filing officer as required by chapter 306 of NRS;*~~

~~*(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or*~~

~~*(c) Is otherwise legally sufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.*~~

~~*7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:*~~

~~*(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:*~~

~~*(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of the intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution described in paragraphs (a), (b) and (c) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.*~~

~~*(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.*~~

~~*(b) Insufficient pursuant to chapter 306 of NRS, every committee for political action described in subsection 1 which makes an expenditure for or against a candidate for office at a special election to determine whether a*~~

~~*public officer will be recalled or for or against a group of candidates for offices at such special election shall:*~~

~~*(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.*~~

~~*(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period.*~~

~~*8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a committee for political action described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution described in paragraphs (a) and (b) of subsection 2 received during the period and the balance in the account maintained by the committee for political action pursuant to NRS 294A.130 on the ending date of the period. Nothing in this subsection:*~~

~~*(a) Requires the committee for political action to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or*~~

~~*(b) Authorizes the committee for political action to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.*~~

~~*9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.*~~

~~*10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.*~~

~~*11. Every committee for political action described in this section shall file a report required by this section even if the committee for political action receives no contributions.*~~

~~*12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of $1,000 since the beginning of the current reporting period.]*~~ **(Deleted by amendment.)**

Sec. 5.5. **NRS 294A.0035 is hereby amended to read as follows:**

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) ***Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;***

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

~~[(k)]~~ ***(l)*** Fees for filing declarations of candidacy; and

~~[(l)]~~ ***(m)*** Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.117 or 294A.160.

Sec. 6. ~~[NRS 294A.0055 is hereby amended to read as follows:~~

~~294A.0055 1. "Committee for political action" means:~~

~~(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:~~

~~(1) Makes or intends to make contributions to candidates or other persons; or~~

~~(2) Makes or intends to make expenditures,~~

~~designed to affect the outcome of any primary election, general election, special election or question on the ballot.~~

~~(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:~~

~~(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or~~

~~(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes independent expenditures in excess of $5,000 in a calendar year.~~

~~2. "Committee for political action" does not include:~~

~~(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.~~

~~(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.~~

~~(c) An individual natural person.~~

~~(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.~~

~~(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.~~

~~(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.~~

~~(g) A committee for the recall of a public officer.~~

~~(h) A major or minor political party or any committee sponsored by a major or minor political party.~~

~~*(i) A nonprofit organization which is recognized as tax exempt pursuant to section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, being 26 U.S.C. § 501(c)(3) or 26 U.S.C. § 501(c)(4).]*~~ **(Deleted by amendment.)**

Sec. 6.5. **NRS 294A.100 is hereby amended to read as follows:**

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office ~~[.]~~ ***at the primary election,*** and $5,000 for the general election, regardless of the number of candidates for the office ~~[.]~~ ***at the general election,*** during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election or general election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer ~~[.]~~ ***or section 2.5 of this act for any other special election.***

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of $100, ~~[~~open~~]~~ ***do the following:***

(a) Open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

(b) File with the Secretary of State a notice of intent to file for candidacy. ~~***[The notice of intent to file for candidacy must, without limitation, indicate the office for which the candidate intends to run. If the candidate later decides to run for a different office, the candidate must file with the Secretary of State, on a form prescribed by the Secretary of State, an updated intent to file for candidacy. Any such updated intent to file for candidacy must be filed with the Secretary of State not later than 1 week after the candidate decides to run for a different office.]***~~

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥and as soon as all payments of money committed have been made.

3. Every committee for political action, committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

~~***[4. A candidate must file an intent to file for candidacy pursuant to subsection 1 for each office for which the candidate is seeking election or intends to seek election.]***~~

Sec. 8. ~~[NRS 294A.140 is hereby amended to read as follows:~~

~~294A.140 1. The provisions of this section apply to:~~

~~(a) Every person who makes an independent expenditure in excess of $1,000; and~~

~~(b) Every [committee for political action,] political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.~~

~~2. Every person, [committee and] political party ***and committee*** described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~3. In addition to the requirements set forth in subsection 2, every person, [committee and] political party ***and committee*** described in subsection 1 shall, not later than:~~

~~(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;~~

~~(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;~~

~~(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and~~

~~(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, [committee and] political party ***and committee*** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, [committee and] political party ***and committee*** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:~~

~~(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;~~

~~(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and~~

~~(c) Thirty days after the special election, for the remaining period through the date of the special election,~~

~~→ report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000.~~

~~6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, [committee and] political party *and committee* described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of $1,000 received and contributions received which cumulatively exceed $1,000. The provisions of this subsection apply to the person, [committee and] political party *and committee* if the petition for recall:~~

~~(a) Is not submitted to the filing officer as required by chapter 306 of NRS;~~

~~(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or~~

~~(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.~~

~~7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:~~

~~(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, [committee and] political party *and committee* described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:~~

~~(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of $1,000 received~~

~~during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~(b) Insufficient pursuant to chapter 306 of NRS, every person, [committee and] political party ***and committee*** described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:~~

~~(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of $1,000 received during the period and contributions received during the period which cumulatively exceed $1,000.~~

~~8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, [committee or] political party ***or committee*** described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. Nothing in this subsection:~~

~~(a) Requires the person, [committee or] political party ***or committee*** to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or~~

~~(b) Authorizes the person, [committee or] political party ***or committee*** to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.~~

~~9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.~~

~~10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.~~

~~11. Every person, [committee and] political party ***and committee*** described in this section shall file a report required by this section even if the person, [committee or] political party ***or committee*** receives no contributions.~~

~~12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made~~

~~cumulatively in excess of $1,000 since the beginning of the current reporting period.]~~ **(Deleted by amendment.)**

Sec. 8.5. **NRS 294A.160 is hereby amended to read as follows:**

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

➥ The provisions of this subsection do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

7. Except for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. Except as otherwise provided in subsection 9, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

9. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

10. Except as otherwise provided in subsection 11, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

12. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

13. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

14. The court shall, in addition to any ~~[penalty]~~ ***administrative fine*** which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

15. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 9. ~~[NRS 294A.223 is hereby amended to read as follows:~~

~~"294A.223 If a special election is held on the same day as a primary election or general election, any candidate, person, committee, political party or nonprofit corporation that is otherwise required to file a report with the Secretary of State pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 ***or section 5 of this act*** shall, in lieu of complying with the requirements of those sections relating to a special election, comply with the requirements of those sections relating to the primary election or general election, as applicable, except that:~~

~~1. A candidate, person, committee, political party or nonprofit corporation is not required to file a report pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 ***or section 5 of this act*** that was due on or before the date on which the call for the special election was issued; and~~

~~2. If the special election is held on the same day as a primary election, the final report for the special election that is required pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220 or 294A.362 ***or section 5 of this act*** is due on or before the 15th day of the second month after the primary election.~~**]** **(Deleted by amendment.)**

Sec. 10. ~~[NRS 294A.390 is hereby amended to read as follows:~~

~~"294A.390 The officer from whom a candidate or entity requests a form for:~~

~~1. A declaration of candidacy;~~

~~2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or~~

~~3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,~~

~~→ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100,~~

~~294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 *or section 5 of this act* relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.]~~ **(Deleted by amendment.)**

Sec. 10.5. **NRS 294A.230 is hereby amended to read as follows:**

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making independent expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent

form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the ~~[civil penalty]~~ ***administrative fine*** that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose ~~[a civil penalty.]~~ ***an administrative fine.***

Sec. 11. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the ***Office of the*** Secretary of State may ~~[:~~

~~(a) Conduct]~~ ***conduct*** an investigation concerning the alleged violation ~~[and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or~~

~~(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.]~~.

2. A person who believes that any provision of this chapter has been violated may notify the ***Office of the*** Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the ***Office of the*** Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the ***Office of the*** Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the ***Office of the*** Secretary of State may conduct an investigation of the alleged violation.

~~[5. *During the course of an investigation of an alleged violation pursuant to this section, the Secretary of State may require that a candidate or committee for political action provide information about the campaign*~~

~~*account established pursuant to NRS 294A.130. Any account information collected or stored by the Secretary of State as part of an investigation is confidential and not a public record within the meaning of NRS 239.010.*~~

~~*6.* If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:~~

~~(a) Any person alleged in the notice to have committed the violation; or~~

~~(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.~~

~~6.~~ ~~*7.* If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, *6,* the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:~~

~~(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or~~

~~(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.~~

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. ~~If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 *or section 5 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~2.~~ Except as otherwise provided in this section, ***if*** a candidate, person, organization, committee, political party or nonprofit corporation ~~[that]~~ violates an applicable provision of this chapter ~~[is subject to a civil penalty]~~ ***, the Secretary of State may, after notice and a hearing, impose an administrative fine*** of not more than $10,000 for each violation ***.*** ~~[and payment of court costs and attorney's fees.]~~ ***The decision of the Secretary of State is a final decision for the purposes of judicial review.***

2. The ~~[civil penalty]~~ ***administrative fine*** must be ~~[recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and]~~ deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If ~~[a civil penalty]~~ ***an administrative fine*** is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the ~~[civil penalty]~~ ***administrative fine*** is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ ~~[A civil penalty]~~ ***An administrative fine*** imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive ~~[a civil penalty]~~ ***or reduce an administrative fine*** that would otherwise be imposed pursuant to this section.

5. When considering whether to waive ~~[,]~~ ***or reduce,*** pursuant to subsection 4, ~~[a civil penalty]~~ ***an administrative fine*** that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives ~~[a civil penalty]~~ ***or reduces an administrative fine*** pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the ~~[civil penalty]~~ ***administrative fine*** has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. ***The Secretary of State may enter into a payment agreement for any administrative fine imposed pursuant to this section.***

8. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any administrative fine imposed pursuant to this section.

9. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 13. ~~[NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, ***294A.410,***~~

~~331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340,~~

~~676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.~~

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

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

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

~~(a) The public record:~~

~~(1) Was not created or prepared in an electronic format; and~~

~~(2) Is not available in an electronic format; or~~

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

~~(1) Give access to proprietary software; or~~

~~(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.~~

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

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

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

Sec. 13.5. **NRS 281.581 is hereby amended to read as follows:**

281.581 1. If the Secretary of State receives information that a public officer or candidate willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to the public officer or candidate, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a public officer or candidate who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive ***or reduce*** a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives ***or reduces*** a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. ***The Secretary of State may enter into a payment agreement for any civil penalty imposed pursuant to this section.***

6. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any civil penalty imposed pursuant to this section.

7. As used in this section, "willfully" means intentionally and knowingly.

Sec. 14. ~~[1. The provisions of sections 5 and 8 of this act:~~

~~(a) Do not apply to any report of contributions or expenditures that is required to be filed by a committee for political action on or before January 15, 2026.~~

~~(b) Apply to every report of contributions or expenditures that is required to be filed by a committee for political action after January 15, 2026.~~

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

~~(a) "Committee for political action" has the meaning ascribed to it in NRS 294A.0055, as amended by section 6 of this act.~~

~~(b) "Contribution" has the meaning ascribed to it in NRS 294A.007.~~

~~(c) "Expenditure" has the meaning ascribed to it in NRS 294A.0075.]~~ **(Deleted by amendment.)**

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 277.

~~[~~ASSEMBLYMEMBER~~]~~ **ASSEMBLYMEMBERS** O'NEILL **; AND ANDERSON**

AN ACT relating to housing authorities; **authorizing the formation of a regional housing authority in certain counties; setting forth the composition and powers of certain regional housing authorities; revising various provisions relating to housing authorities;** revising the compensation of commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law creates a municipal corporation known as a housing authority in each city, county and town in this State to provide

various types of housing services for persons of certain low income in the city, county or town. (NRS 315.140-315.7813) Existing law authorizes the initial operation of such a housing authority only when the governing body of the city, county or town declares by resolution that there is a need for the housing authority to function in the city, county or town. (NRS 315.320) Upon the adoption of such a resolution, existing law requires the appointment of five persons to serve as commissioners of the housing authority. (NRS 315.370) In a county whose population is 700,000 or more (currently only Clark County), existing law authorizes two or more housing authorities to form a regional housing authority, which is required to be governed by nine appointed commissioners. (NRS 315.7805, 315.7809)

Section 3 of this bill authorizes the creation of a regional housing authority in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) by the governing body of each city, town and county located within the county that desires to participate in the regional housing authority. Section 3 requires dissolution of the existing housing authority upon formation of the regional housing authority. Section 4 of this bill establishes the composition of the regional housing authority and requires the appointment of seven commissioners as follows: (1) two persons appointed by the governing body of the county; (2) two persons appointed by the governing body of the largest city; (3) two persons appointed by the governing body of the second largest city; and (4) one person who must be a current recipient of assistance from the housing authority appointed by the executive director of the regional housing authority.

Existing law sets forth that a housing authority is required to fix the rentals or payments of its housing projects at low rates sufficient for certain purposes and is prohibited from operating for a profit. (NRS 315.500) Section 18 of this bill also authorizes a housing authority to fix the rentals or payments for the purposes of enhancing the ability of the authority to meet its purposes, including providing housing and services for low-income households in the operation area of the authority. Section 18 provides that: (1) certain housing projects constructed or operated that are eligible for low-income housing under certain federal laws are not constructed or operated for a profit; and (2) the provisions do not prohibit authorized actions or impose restrictions on a business entity created by section 5 of this bill. Section 18 also exempts a regional housing authority formed pursuant to section 3 from operating for a profit.

Existing law requires a housing authority to follow certain conditions when operating or managing a housing project, including renting or leasing a dwelling or accommodation to eligible tenants subject to certain preferences and prohibiting a housing authority from accepting any person as a tenant in a housing project who exceeds certain income limitations. (NRS 315.510) Section 19 of this bill revises the preferences to only include preferences that may be required by the Federal Government

pursuant to federal law or in any contract for financial assistance with the authority and eliminates the certain income limitations. Section 19 also clarifies that the provisions do not apply to a business entity created by section 5.

Existing law exempts from property taxes the portion of real property that is used for housing and related facilities for persons with low incomes if the portion of the property: (1) qualifies as a low-income unit that is part of a qualified low-income housing project and is financed in part by certain federal or state funding sources; or (2) meets certain affordability requirements set forth in federal law and is financed in part by certain federal funding sources. (NRS 361.082) Existing law requires a housing authority to pay in lieu of taxes to the State or any political subdivision an amount consistent with the maintenance of the low-rent character of the housing project or the achievement of the purposes of the housing authority. (NRS 315.540) Section 20 of this bill provides that a housing authority is exempt from such payments in lieu of taxes if the property meets the requirements for the tax exemption.

Existing law defines the terms "veteran" and "serviceman or servicewoman" related to housing authorities. (NRS 315.300) Section 2 of this bill moves and revises the terms "serviceman" and "servicewoman" for the purposes of existing law governing housing authorities. Section 12 of this bill revises the term "veteran" for the purposes of existing law governing housing authorities.

Under existing law, a housing authority is authorized to provide, by resolution, compensation for each commissioner of $80 for each meeting attended, but imposes a monthly limit of $240 on such compensation. (NRS 315.390) In lieu of this specified amount of compensation, **section ~~[1]~~ 14** of this bill authorizes the housing authority to provide, by resolution, an amount of compensation determined by the housing authority that does not exceed ~~[$200]~~ **$250** for each meeting attended. **Section ~~[1]~~ 14** also ~~[increases]~~ **eliminates** the monthly limit on such compensation**.** ~~[to $600.]~~

Existing law also creates the Nevada Rural Housing Authority to provide various types of housing services for persons of certain low and moderate income in areas of this State which are not included within the corporate limits of a city or town having a population of 150,000 or more or in other areas pursuant to a contract. (NRS 315.961-315.99874) Existing law: (1) requires the appointment of five persons to serve as commissioners of the Authority; and (2) entitles each commissioner to receive compensation of $80 per day for attendance at meetings of the Authority. (NRS 315.977, 315.980) In lieu of this specified amount of compensation, **section ~~[2]~~ 22** of this bill requires the Authority to determine the compensation for such attendance in an amount that does not exceed ~~[$200]~~ **$250** per day.

Section 5 of this bill establishes, in addition to the various types of housing services for persons of certain low income that a housing authority may provide, certain powers of the regional housing authority,

including authorizing the regional housing authority to enter into a public-private partnership to finance a housing project, construct or operate a housing project for profit and create a nonprofit or for-profit business for the purpose of developing housing projects. Sections 5 and 22 of this bill exempt a business entity created by the regional housing authority from the provisions that require that meetings of state and local agencies be open and public.

Sections 6, 10, 11, 13 and 16 of this bill revise references to a regional housing authority in existing law to include a regional authority formed pursuant to section 3.

Section 8 of this bill indicates the placement of sections 2-5 in existing law relating to housing authorities.

Section 9 of this bill applies the definitions in existing law and section 2 to the provisions of sections 2-5.

Section 15 of this bill indicates the powers of a housing authority to carry out and effectuate the purposes and provisions of existing law relating to housing authorities includes the provisions of sections 2-5.

Section 25 of this bill repeals obsolete provisions relating to the provision of housing by a housing authority. Section 7 of this bill makes conforming changes to eliminate references to the repealed provisions.

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

Section 1. **Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.**

Sec. 2. ***"Serviceman" or "servicewoman" means a person who is presently serving in the Armed Forces of the United States.***

Sec. 3. ***1. In a county whose population is 100,000 or more but less than 700,000, an authority may form a regional authority.***

2. To form a regional authority as described in subsection 1, the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority shall adopt a resolution setting forth:

(a) The intent to regionalize some or all of their powers;

(b) A reference to the development plan for transitioning any existing authority to a regional authority;

(c) The geographic scope of the regional authority; and

(d) Such other matters as the governing bodies determine to be necessary or advisable.

3. If the formation of a regional authority pursuant to this section involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the regional authority shall, in consultation with the United States Department of Housing and Urban Development, resolve such matters by written contract, agreement or other arrangement entered into by those governing bodies. Upon the adoption of

a resolution pursuant to subsection 2 forming a regional authority, the dissolution of any individual authority of the local governments who form the regional authority must be initiated.

Sec. 4. 1. Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, seven persons must be appointed to serve as commissioners of the authority as follows:

(a) Two persons appointed by the governing body of the county;

(b) Two persons appointed by the governing body of the largest city in the county that participates in the authority;

(c) Two persons appointed by the governing body of the second largest city in the county that participates in the regional authority; and

(d) One person who must be a current recipient of assistance from the authority appointed by the executive director of the authority. The initial appointment made pursuant to this section may be a recipient of assistance from any authority which was dissolved by resolution pursuant to section 3 of this act to form the regional authority.

2. Except as otherwise provided in subsections 3 and 4, each commissioner must be appointed for a term of office of 4 years.

3. Of the two commissioners appointed pursuant to paragraphs (a), (b) and (c) of subsection 1, respectively:

(a) One commissioner must be appointed to an initial term of 2 years; and

(b) One commissioner must be appointed to an initial term of 3 years.

4. If, during his or her term, the commissioner appointed pursuant to paragraph (d) of subsection 1 ceases to be a recipient of assistance of the authority, the commissioner must be replaced in the manner set forth in subsection 1 by a person who is a recipient of assistance.

5. All vacancies must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 5. **1.** *A regional authority formed pursuant to section 3 of this act may, in addition to exercising the powers set forth in NRS 315.440 and 315.460 and any other relevant provisions of this chapter:*

(a) Jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by a local housing agency of this State.

(b) Create a business entity which has as its principal purpose the development, operation or management of housing projects. The authority or any business entity created by the authority pursuant to this paragraph may hold an ownership interest in a business entity created pursuant to this subsection and participate in matters of corporate governance for that business entity. The meetings of a business entity are not subject to the provisions of chapter 241 of NRS.

(c) Enter into a public-private partnership to finance a housing project.

(d) Construct or operate a housing project for profit.

(e) Exercise such other powers as the governing bodies of the local governments that formed the regional authority may agree upon.

2. As used in this section, "business entity" means a corporation, whether or not for profit, nonprofit organization, association, partnership, limited-liability company, limited-liability partnership or other entity formed pursuant to this section.

Sec. 6. **NRS 315.021 is hereby amended to read as follows:**

315.021 As used in NRS 315.021 to 315.071, inclusive, unless the context otherwise requires:

1. "Housing authority" means a housing authority created pursuant to this chapter. The term includes a regional authority formed pursuant to NRS 315.7805 ~~[,]~~ ***or section 3 of this act.***

2. "Landlord" means a person who owns or manages any premises that he or she rents or leases to a tenant pursuant to a contract with a housing authority.

3. "Premises" means a particular apartment or other residential unit of public housing occupied by a tenant, or a residential unit that is occupied by a tenant pursuant to a federally assisted housing program administered by a housing authority.

4. "Public housing" means the residential accommodations operated by a housing authority or a landlord.

Sec. 7. **NRS 315.041 is hereby amended to read as follows:**

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➥ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or

constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, do not apply to any proceeding brought pursuant to the provisions of NRS ~~[315.011]~~ ***315.021*** to 315.071, inclusive.

Sec. 8. **NRS 315.140 is hereby amended to read as follows:**

315.140 NRS 315.140 to 315.7813, inclusive, ***and sections 2 to 5, inclusive, of this act*** may be referred to as the Housing Authorities Law of 1947.

Sec. 9. **NRS 315.150 is hereby amended to read as follows:**

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, ***and section 2 of this act*** govern the construction of NRS 315.140 to 315.7813, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 10. **NRS 315.160 is hereby amended to read as follows:**

315.160 1. In the case of an authority of a city or town, "area of operation" shall include such city or town and the area within 5 miles of the territorial boundaries thereof; but the area of operation of an authority of any city or town shall not include any area which lies within the territorial boundaries of some other city or town as herein defined, unless a resolution shall have been adopted by the governing body of such other city or town (and by any authority which shall have been theretofore established and authorized

to exercise its powers in such city or town) declaring that there is a need for such authority to exercise its powers within that city or town.

2. In the case of an authority of a county, "area of operation" shall include all of the county for which it is created; but a county authority shall not undertake any housing project or projects within the boundaries of any city or town, as herein defined, unless a resolution shall have been adopted by the governing body of such city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for the county authority to exercise its powers within such city or town.

3. In the case of a regional authority, "area of operation" shall include:

(a) All of the territory within the geographic scope of the regional authority, as referred to in paragraph (c) of subsection 2 of NRS 315.7805 ~~[.]~~ ***or paragraph (c) of subsection 2 of section 3 of this act;*** and

(b) Any other territory regarding which the regional authority and another authority agree to exercise joint power or control.

Sec. 11. **NRS 315.275 is hereby amended to read as follows:**

315.275 "Regional authority" means an authority formed pursuant to NRS 315.7805 ~~[.]~~ ***or section 3 of this act.***

Sec. 12. **NRS 315.300 is hereby amended to read as follows:**

315.300 "Veteran" ~~[or "serviceman or servicewoman" means a person who has served in the Armed Forces of the United States at any time:~~

~~1. On or after April 6, 1917, and prior to November 11, 1918;~~

~~2. On or after September 16, 1940, and prior to July 26, 1947;~~

~~3. On or after June 27, 1950, and prior to January 31, 1955; and~~

~~4. On or after August 5, 1964, and prior to such date thereafter as shall be determined by Presidential proclamation or concurrent resolution of the Congress as the end of the Vietnam era,~~

~~and, in the case of a veteran, has been discharged or released therefrom under conditions other than dishonorable, or in the case of a serviceman or servicewoman, is presently in the Armed Forces of the United States.]~~ ***has the meaning ascribed to it in 38 U.S.C. § 101(2).***

Sec. 13. **NRS 315.380 is hereby amended to read as follows:**

315.380 1. An authority shall select a chair and a vice chair from its commissioners.

2. For the purpose of managing a regional authority ~~[.]~~ ***formed pursuant to NRS 315.7805,*** the commissioners of the regional authority shall initially select an executive director by way of a competitive, open and public process. ***For the purpose of managing a regional authority formed pursuant to section 3 of this act, the executive director of the authority to be dissolved to form the regional authority shall serve as the initial executive director of the regional authority.*** Thereafter, the selection of an executive director must be made as determined by the commissioners of the regional authority to be in the best interests of the authority.

~~[Section 1.]~~ ***Sec. 14.*** NRS 315.390 is hereby amended to read as follows:

315.390 1. A commissioner is entitled to necessary expenses, including travel expenses, incurred in the discharge of the commissioner's duties.

2. An authority may provide ***,*** by resolution ~~[that]~~ ***, for compensation for*** each commissioner ~~[is entitled to receive compensation]~~ of ~~[$80]~~ ***not more than ~~[$200]~~ $250*** for each meeting ***of the authority*** attended .

~~[3. No commissioner may receive as compensation***, but not*** more than $240 ***$600*** in a calendar month. ***for attendance at such meetings.]***

Sec. 15. **NRS 315.420 is hereby amended to read as follows:**

315.420 An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of NRS 315.140 to 315.7813, inclusive, ***and sections 2 to 5, inclusive of this act*** (but not the power to levy and collect taxes or special assessments).

Sec. 16. **NRS 315.435 is hereby amended to read as follows:**

315.435 Except as otherwise provided in NRS 315.9835, a housing authority shall not operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. For the purposes of this section, the formation of a regional authority ~~[pursuant to NRS 315.7805]~~ shall be deemed to constitute consent by resolution of the authority of any participating local governmental entity.

Sec. 17. **NRS 315.460 is hereby amended to read as follows:**

315.460 An authority may:

1. Lease or rent any ***land,*** dwellings, accommodations, buildings, structures or facilities embraced in any housing project, and establish and revise the rents or charges therefor.

2. Own, hold and improve real or personal property.

3. Purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein.

4. Acquire by the exercise of the power of eminent domain any real property pursuant to the provisions of the laws of Nevada and rules of court relative to the right of eminent domain, civil actions, new trials and appeals, which laws and rules shall be applicable to and constitute the rules of practice in condemnation proceedings by housing authorities.

5. Sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein.

6. Insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards.

Sec. 18. **NRS 315.500 is hereby amended to read as follows:**

315.500 ***1.*** It is declared to be the policy of this state that each authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals or payments for dwelling accommodations at low rates consistent with its providing decent, safe and sanitary dwelling

accommodations for persons of low income, and that no authority ***, except a regional authority formed pursuant to section 3,*** shall construct or operate any housing project for profit, or as a source of revenue to the city, town or the county. To this end an authority shall fix the rentals or payments for dwellings in its housing projects at no higher rates than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient:

~~[1.]~~ ***(a)*** To pay, as the same become due, the principal and interest on the bonds of the authority.

~~[2.]~~ ***(b)*** To create and maintain such reserves as may be required to assure the payment of principal and interest as it becomes due on its bonds.

~~[3.]~~ ***(c)*** To meet the cost of, and to provide for, maintaining and operating the housing projects (including necessary reserves therefor and the cost of any insurance) and the administrative expenses of the authority.

~~[4.]~~ ***(d)*** To make such payments in lieu of taxes as it determines are consistent with the maintenance of the low-rent character of the housing projects.

(e) To enhance the ability of the authority to meet its purposes, including providing housing and services for low-income households in the operation area of the authority.

2. For the purposes of this section, a housing project constructed or operated by an authority that is eligible for low-income housing pursuant to 26 U.S.C. § 42 is not constructed or operated for profit.

3. Nothing in this section shall be construed to:

(a) Prohibit a business entity created pursuant to section 5 of this act from taking any authorized action; or

(b) Impose any restrictions on a business entity created by section 6 of this act.

Sec. 19. **NRS 315.510 is hereby amended to read as follows:**

315.510 ***1.*** In the operation or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant admissions:

~~[1.]~~ ***(a)*** It may rent or lease the dwelling accommodations therein only to persons of low income and, as among low-income persons who are eligible applicants for occupancy in dwellings of given sizes and at specified rents, shall extend ~~[the following]~~ preferences in the selection of tenants ~~[:~~

~~(a) First: To families who are to be displaced by any low-rent housing project or by any public slum clearance or redevelopment project initiated after January 1, 1947, or who were so displaced within 3 years before making application on authority for admission to any low-rent housing. Among such families, first preference must be given to families of veterans with a disability whose disability has been determined by the Department of Veterans Affairs to be service-connected, second preference must be given to families of deceased veterans and servicemen or servicewomen whose death has been~~

~~determined by the Department of Veterans Affairs to be service connected, and third preference must be given to families of other veterans and servicemen or servicewomen.~~

~~(b) Second: To families of other veterans and servicemen or servicewomen. Among such families, first preference must be given to families of veterans with a disability whose disability has been determined by the Department of Veterans Affairs to be service connected, and second preference must be given to families of deceased veterans and servicemen or servicewomen whose death has been determined by the Department of Veterans Affairs to be service connected.]~~ ***as may be required by the Federal Government pursuant to federal law or in any contract for financial assistance with the authority.***

~~[2.]~~ ***(b)*** It may rent or lease to a tenant dwelling accommodations consisting of a number of rooms, but no greater number, which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

~~[3. An authority shall not accept any person or persons as tenants in any housing project if the person or persons who occupy the dwelling accommodations have, at the time of admission, an aggregate annual net income, less an exemption of $200 for each minor member of the family other than the head of the family and his or her spouse, in excess of seven times the annual rental of the quarters to be furnished such person or persons, but an authority may agree to conditions as to tenant eligibility or preference required by the Federal Government pursuant to federal law in any contract for financial assistance with the authority.]~~

(c) In computing the rental for ~~[this]~~ ***the*** purpose of admitting tenants, there must be included in the rental the average annual cost, as determined by the authority, to occupants of heat, water, electricity, gas, cooking fuel and other necessary services or facilities, whether or not the charge for such services and facilities is included in the rental.

2. The requirements of this section do not apply to a housing project developed, operated or managed by a business entity created pursuant to section 5 of this act.

Sec. 20. **NRS 315.540 is hereby amended to read as follows:**

315.540 ~~[An]~~

1. Except as otherwise provided in subsection 2, an authority shall agree to make such payments in lieu of taxes to the city, town, county, and the State, or any political subdivision, as it finds consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of NRS 315.140 to 315.7813, inclusive ~~,]~~ ***and sections 2 to 5, inclusive, of this act.***

2. If a tax exemption is allowed for a housing project pursuant to NRS 361.082, an authority is not required to make the payment in lieu of taxes.

~~[Sec. 2.]~~ ***Sec. 21.*** NRS 315.980 is hereby amended to read as follows:

315.980 Each commissioner is entitled to receive compensation of ~~[$80]~~ ***not more than ~~[$200]~~ $250*** per day ***, as fixed by the Authority,*** for attendance at meetings of the Authority.

Sec. 22. **NRS 241.016 is hereby amended to read as follows:**

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 223.966, 226.778, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 293.252, 295.121, 295.217, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 427A.940, 433.534, 435.610, 442.774, 450.140, 450.635, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 5 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and a remote technology system or electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 23. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.**

Sec. 24. **1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.**

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

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

Sec. 25. **NRS 315.011 and 315.580 are hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 26.*** This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

315.011 Legislative findings and declarations. The Legislature hereby finds and declares that:

1. The policy of this State, to provide decent, safe and sanitary housing for persons of low income, is being thwarted by the frequent occurrence in public housing of activities concerning the unlawful possession, distribution and use of controlled substances.

2. The provision of public housing has never been intended to help subsidize criminal behavior.

3. These unlawful activities, conducted by an intimidating minority of the residents of public housing, are causing our public housing to become increasingly infested with violence, degeneracy and squalor, which imperils the physical and mental health of the peaceful residents therein.

4. Persons residing with the active participants in these unlawful activities commonly share in the proceeds thereof or have the ability to prevent or interfere significantly in the conduct of the activities.

5. It will promote the public health, safety and welfare of the residents of this State to require housing authorities to evict from public housing both the persons who actively participate in unlawful activities relating to the possession, distribution or use of controlled substances, and the persons who reside with them.

315.580 Housing for veterans and servicemen or servicewomen.

1. In addition to other powers conferred upon an authority by NRS 315.140 to 315.7813, inclusive, an authority may acquire property and construct housing projects thereon for the purpose of leasing dwellings to servicemen or servicewomen, veterans and their families, and the families of deceased persons who served in the Armed Forces, at rentals, excluding utilities, of not to exceed $50 per month, during the existence of the acute

shortage of housing available to such persons as determined by applicable law or as may be provided for in any contract for financial assistance with the Federal Government.

2. In exercising the powers provided in this section an authority shall not be subject to the limitations provided in NRS 315.500 or 315.510 during the period of acute housing shortage for veterans and servicemen or servicewomen, and their families and the families of deceased persons who served in the Armed Forces, of moderate income.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 112.

Bill read second time.

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

Amendment No. 40.

AN ACT relating to employment; removing an exemption for employees covered under a valid collective bargaining agreement from provisions providing certain employees with the right to use sick leave to assist a member of the employee's immediate family with certain medical needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family. Existing law exempts an employer from this requirement if the employee is covered under a valid collective bargaining agreement. (NRS 608.01975) **Section 1** of this bill eliminates the exemption, thereby making the requirement applicable to an employer even if the employee is covered under a valid collective bargaining agreement. **Section 1 also provides that the obligation of an employer to comply with a collective bargaining agreement, policy of the employer, employment contract or applicable local, state or federal law that provides the same or a more generous sick leave benefit or paid time off benefit is not diminished by the provisions of section 1.** **Section 2** of this bill provides that the amendatory provisions of **section 1** do not apply during the current term of any collective bargaining agreement entered into before October 1, 2025, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2025.

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

Section 1. NRS 608.01975 is hereby amended to read as follows:

608.01975 1. Except as otherwise provided in this section, if an employer provides paid or unpaid sick leave for the use of his or her employees, the employer must allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment
or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave.

2. An employer may limit the amount of sick leave that an employee may use pursuant to subsection 1 to an amount which is equal to not less than the amount of sick leave that the employee accrues during a 6-month period.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth an explanation of the provisions of this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner and shall require each employer that provides sick leave to employees to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. The provisions of this section shall not be construed to:

(a) Limit or abridge any other rights, remedies or procedures available under the law;

(b) Negate any other rights, remedies or procedures available to an aggrieved party;

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit; or

(d) Extend the maximum amount of leave to which an employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. ***; or***

(e) Diminish the obligation of an employer to comply with any of the following that provide the same or a more generous sick leave benefit or paid time off benefit:

(1) A collective bargaining agreement;

(2) A policy of the employer;

(3) An employment contract; or

(4) Any applicable local, state or federal law.

5. An employer shall not deny an employee the right to use accrued sick leave in accordance with the provisions of this section or retaliate against an employee for attempting to prosecute a violation of this section or for exercising any rights afforded by this section.

6. The provisions of this section do not apply ~~[~~:

~~(a) To~~] ***to*** the extent prohibited by federal law . ~~[~~; or

~~(b) With regard to an employee of the employer if the employee is covered under a valid collective bargaining agreement.~~]

7. As used in this section, "immediate family" means:

(a) The child, foster child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent of an employee; or

(b) Any person for whom the employee is the legal guardian.

Sec. 2. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before October 1, 2025, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2025. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 121.

Bill read second time.

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

Amendment No. 45.

AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; prohibiting a landlord or his or her agent from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the website or portal; requiring a written rental agreement to separately identify any such fee under certain circumstances; authorizing a tenant to bring a civil action against a landlord who has committed certain violations; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; **requiring a landlord to refund certain fees collected from a prospective tenant under certain circumstances; prohibiting a landlord from collecting certain application fees;** requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement and requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 5** of this bill requires that, in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any

fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 5** prohibits a landlord from charging a tenant an amount of periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 5**. **Section 4** of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.

Section 2 of this bill requires a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge for using the method; or (2) provide information concerning a bank account of the tenant. **Section 2** also prohibits a landlord or his or her agent who allows a tenant to pay rent or any other fee or charge through an Internet website or online portal from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the Internet website or online portal. **Section 2** requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement.

Section 4.5 of this bill requires a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to a different prospective tenant; and (2) does not conduct the activity for which the fee was collected. Section 4.5 also prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

Section 3 of this bill authorizes a tenant who is aggrieved by a violation of the requirements of **section 5** concerning the manner in which rent must be listed or referenced in a written rental agreement or the prohibition set forth in **section 5** on charging a tenant an amount of periodic rent that exceeds the amount of rent due under a written rental agreement to bring a civil action for such a violation. **Section 3** requires a court to award certain relief to a tenant who prevails in such an action.

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[, 3 and 4]~~ **to 4.5, inclusive,** of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant.

2. If a landlord or his or her agent allows a tenant to pay rent or any other fee or charge through an Internet website or online portal:

(a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the Internet website or online portal; and

(b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal must be separately identified in any written rental agreement.

Sec. 3. ***1. A tenant who is aggrieved by a violation of subsection 6 or 7 of NRS 118A.200 may bring a civil action in any court of competent jurisdiction for such a violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained ~~***[;]***~~ ***that the court deems appropriate;***

(b) Any equitable relief that the court deems appropriate;

(c) The tenant's costs in the action and reasonable attorney's fees; and

(d) Statutory damages of ~~***[$1,000]***~~ ***$250 for each violation which involved deception*** ~~***. [; and***~~

~~***(e) Treble the amount of actual damages sustained by the tenant as a result of each willful violation.]***~~

Sec. 4. ***A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.***

Sec. 4.5. 1. A landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:

(a) Rents the dwelling unit to a different prospective tenant; and

(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 5. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ***In each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement, the rent must be set forth as a single figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.***

7. A landlord shall not charge a tenant an amount of periodic rent that exceeds the amount of rent due under a written rental agreement, as set forth in the manner required by subsection 6.

8. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7.]~~ ***9.*** As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 278.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GURR **; DELONG, GALLANT AND TORRES-FOSSETT**

AN ACT relating to public financial administration; **revising the hours the office of the county treasurer is required to be kept open;** requiring certain money from the sale of property for delinquent taxes to be accounted for separately in a county general fund and used to pay for the acquisition and improvement of technology used in the office of the county treasurer; revising the contents of a notice of delinquent taxes; revising provisions relating to certain property held in trust by a county treasurer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, subject to certain exceptions, sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers to keep open the county office and branch offices, if any, on all days except Sundays and nonjudicial days from 9 a.m. to 12 p.m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. Existing law also authorizes the board of county commissioners of any county to designate or authorize deviation from the days and hours, but requires each office to be kept open for not less than 40 hours during each week. (NRS 245.040) Existing law establishes that the county treasurers are tax receivers for the county. (NRS 361.475) Section 1 of this bill provides that the county office and branch offices, if any, of the county treasurer must not close earlier than 5 p.m. but may close later than 5 p.m.

Existing law requires the tax receiver of a county to mail notice of delinquent taxes to certain persons. The notice of delinquency must state certain information, including that if the amount of delinquent taxes is not paid, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property. (NRS 361.5648) **Section 2** of this bill provides instead that the notice of delinquency must state that if the amount of delinquent taxes is not paid, the tax receiver will, at the close of business of the tax receiver of the county on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property.

Existing law requires the tax receiver to make out a trustee's certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The trustee's certificate authorizes the county treasurer to hold each property for a certain period of time. (NRS 361.570) When the time allowed by law for the redemption of a property described in the certificate has expired and no redemption has been made, the tax receiver who issued the certificate is required to execute and deliver to the county treasurer a deed of the property. Upon obtaining such a deed, the county treasurer is required to hold the property in trust until it is sold or otherwise disposed of. Existing law provides that during certain periods or not later than 5 p.m. on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs. (NRS 361.585) **Section 3** of this bill provides instead that during certain periods or not later

than the close of business of the county treasurer on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs.

Existing law authorizes, under certain circumstances, the county treasurer to sell property held in trust because of delinquent taxes. Upon payment, the county treasurer is required, with certain exceptions, to issue a quitclaim deed to the purchaser. Existing law provides an exception to this requirement to issue a quitclaim deed under certain circumstances, if, not later than 5 p.m. on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements. (NRS 361.595) **Section 4** of this bill provides instead that, under certain circumstances, the county treasurer may not issue the quitclaim deed if, not later than the close of business of the county treasurer on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements.

Under existing law, if the county treasurer sells property held in trust because of delinquent taxes, the county treasurer is required to pay certain costs and taxes from the excess proceeds from the sale and then pay into the county general fund: (1) the first $300 of the excess proceeds; (2) 10 percent of the next $10,000 of the excess proceeds; and (3) the amount remaining to be held separately for a certain period of time, and if not claimed by certain persons who had a secured interest in the property, then into the county general fund. (NRS 361.610) **Section 5** of this bill provides that ~~[after the payment of certain costs and taxes,]~~ **of the amount remaining to be held separately for a certain period of time, and if not claimed,** 5 percent of the ~~[excess proceeds]~~ **total amount remaining** must be accounted for separately in the county general fund pursuant to **section** ~~[1]~~ **1.5** of this bill. The money in the account is only authorized to be used to acquire technology or improve technology used in the office of the county treasurer. **Section** ~~[1]~~ **1.5** also requires the county treasurer to submit an annual report to the board of county commissioners by July 1 setting forth the projected expenditure of money in the account for the following fiscal year. **Section 1.5 also authorizes a board of county commissioners to revert 50 percent of any balance of unexpended or unencumbered money after 3 years.**

Existing law sets forth certain procedures allowing a person to make a claim for the excess proceeds from the sale by the county treasurer of property held in trust because of delinquent taxes, including, without limitation, requiring certain indeterminable claims to be submitted to mediation, and if mediation is unsuccessful, then requiring the county treasurer to conduct a hearing or file an action for interpleader. (NRS 361.610) **Section 5** eliminates conducting a hearing as a method for determining certain indeterminable claims, instead requiring the county treasurer to file an action for interpleader following any unsuccessful mediation. Existing law authorizes a person to enter into an

agreement to locate, deliver, recover or assist in the recovery of excess proceeds by certain persons. However, if the agreement is entered into by a natural person who occupied the property as his or her primary residence at the time of the sale, any such agreement must not provide for a fee of more than 10 percent of the remaining excess proceeds due that person. (NRS 361.610) **Section 5** removes the limitation that the property must have been occupied by a natural person as his or her primary residence at the time of sale and instead applies the 10 percent cap to the fee of: (1) any natural person; and (2) certain persons who are otherwise authorized by power of attorney, assignment or any other legal instrument by another person to file a claim with and collect from the county treasurer any property owned to the person.

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

Section 1. **NRS 245.040 is hereby amended to read as follows:**

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which, except as otherwise provided in subsections 3 and 4, must be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained in this subsection interferes with a duty now required of a public officer under the election laws of this State. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the primary or general election is held.

2. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 5 and notwithstanding*** the provisions of subsection 1, the board of county commissioners of any county may, by an order regularly made and entered in the records of its proceedings, designate the days and hours during which the offices of the sheriff, county recorder and county auditor, county clerk, county assessor and county treasurer must be kept open for the transaction of public business. An order so made and entered must require each office to be kept open for not less than 40 hours during each week, and must not prevent the county clerk from closing his or her office for all purposes except election business and the issuance of marriage licenses on primary and general election days as provided in subsection 1.

3. The board of county commissioners may authorize a county officer to rent, equip and operate, at public expense, one or more branch offices in the county. The branch office may be kept open for the transaction of public business on the days and during the hours specified in subsections 1 and 2 or on such days and during such hours as determined by the board. The provisions of this subsection do not preempt any other statutory provisions which require certain duties to be performed at the county seat.

4. Any county office may deviate from the hours of operation required pursuant to this section if the board of county commissioners approves the plan for the deviation submitted by the office, except that no such deviation may conflict with the election laws of this State. Such a plan must be fiscally neutral or result in cost savings.

5. ***The board of county commissioners of any county shall not designate or approve the county office or branch offices, if any, of the county treasurer to close earlier than 5 p.m. for the transaction of business on all days except Saturdays, Sundays and nonjudicial days. Nothing in this subsection shall be construed to prohibit the offices from closing later than 5 p.m.***

6. A county officer who violates the provisions of this section is guilty of a misdemeanor, and if an officer mentioned in subsection 1 absents himself or herself from office, except:

(a) When called away from his or her office by official duties;

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When he or she makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed by this section and in charge of a deputy qualified to act in the county officer's absence,

➥ there must be withheld from the county officer's monthly salary that proportion thereof as the number of days of absence bears to the number of days of the month in which the absence occurs. The money must be withheld from payment of salary to the officer for the next succeeding month by order of the board of county commissioners, but such an order must not be made without first giving the officer affected reasonable notice and an opportunity to appear before the board and defend the charge against him or her.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 249 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any money received by the county treasurer pursuant to paragraph (a) of subsection 3 of NRS 361.610 must be accounted for separately in the county general fund.

2. Money in the account:

(a) May only be used to acquire technology for or improve the technology used in the office of the county treasurer, including, without limitation, the payment of any costs associated with acquiring or improving technology for converting or archiving records, purchasing hardware or software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology; and

(b) Must not be used to replace or supplant any money available from other sources to acquire technology for or improve technology used in the office of the county treasurer.

3. Any money remaining in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

4. The money in the account must be invested as other county funds are invested. All interest earned on the deposit or investment of the money in the account, after deducting any applicable charges, must be credited to the account. Claims against the account must be paid as other claims against the county are paid.

5. On or before July 1 of each year, the county treasurer shall submit a report to the board of county commissioners setting forth the projected expenditure of money in the account for the following fiscal year.

6. Fifty percent of any balance of unexpended or unencumbered money remaining in the account after 3 years shall be deemed dormant and subject to transfer at the discretion of and order by a board of county commissioners pursuant to NRS 354.150.

Sec. 2. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at ~~[5 p.m.]~~ ***the close of business of the tax receiver of the county*** on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years, or within 1 year if the property is determined to be abandoned pursuant to NRS 361.567, after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in

accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 3. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his or her successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his or her successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day before the day of the sale by a county treasurer, as specified in the notice required by NRS 361.595, of any property held in trust by him or her by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon the receipt by the county treasurer of payment by or on behalf of that person of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a note and deed of trust.

(c) The mortgagee under a mortgage.

(d) The creditor under a judgment.

(e) The person to whom the property was assessed.

(f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

(g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.

(h) The successor in interest of any person specified in this subsection.

(i) A municipality that holds a lien against the property.

5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 4. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Except as otherwise provided in subsection 4, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. If, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property and the requirements of NRS 361.567 were met, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper

published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 45 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

5. Except as otherwise provided in subsection 6, the county treasurer shall make, execute and deliver to any purchaser, upon payment to the county treasurer, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

6. If, not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit signed by the treasurer of the municipality stating that:

(a) The municipality sold the property or the property was stricken off to the municipality pursuant to NRS 271.560; and

(b) A certificate of sale for the property was issued to the purchaser pursuant to NRS 271.570 or to the municipality pursuant to NRS 271.560,

➥ the county treasurer may not issue the quitclaim deed described in subsection 5 unless the person who purchased the property from the county pays to the municipality any amount owed pursuant to the certificate of sale issued pursuant to NRS 271.560 and 271.570 and the municipality provides an affidavit signed by the treasurer of the municipality stating that such amounts have been paid. If the purchaser does not pay the amount owed to the municipality within 20 days after the sale of the property by the county, the sale of the property by the county is void and the county treasurer may retain for administrative costs not more than 10 percent of the purchase amount paid by the purchaser.

7. Before delivering a deed, the county treasurer shall record the deed at the expense of the purchaser.

8. All deeds issued pursuant to this section, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property;

(b) That if, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property, the property is abandoned; and

(c) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

9. No deed may be executed and delivered by the county treasurer until he or she files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of

sale, as the case may be, together with his or her return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

10. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his or her own conveyance is first recorded.

11. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 5. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale : ~~*[, the following:]*~~

(a) ~~*[Five percent of the total amount of excess proceeds into the account created by section 1 of this act;*~~

~~*(b)]*~~ The first ~~*[next]*~~ $300 of the excess proceeds; and

(b) ~~*[(c)]*~~ Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay **:**

(a) Five percent of the total amount remaining into the account created by section 1.5 of this act; and

(b) The remainder of the money into the general fund of the county **.** ~~**[**, and it**]**~~

➥ ***Money paid*** must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the ***interest-bearing*** account required by this subsection is the property of the county.

5. If a person listed in subsection 6 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The following persons in the order of priority of the liens recorded or perfected before the sale:

(1) A person holding a valid lien under subsection 3 of NRS 444.520;

(2) Persons specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585;

(3) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded; and

(4) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. ***In determining a claim for excess proceeds, the county treasurer may require any person making a claim to provide any records or other documents to the county treasurer.*** Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall ~~[~~:

~~(a) Conduct a hearing to determine who is entitled to the excess proceeds; or~~

~~(b) File~~] ***file*** an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. If an association, as defined in NRS 116.011, recovers any amount of excess proceeds of a sale of a residential unit, as defined in NRS 116.332, the amount recovered by the association shall be deemed to have satisfied the debt

owed by the owner of the residential unit to the association and the association may not recover in a civil action or otherwise collect any deficiency remaining due to the association from the owner.

11. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person listed in subsection 6 must:

(a) Be in writing.

(b) Be signed by the person listed in subsection 6.

(c) If the agreement is entered into by a natural person for assistance in the recovery of excess proceeds remaining from a sale **,** ~~[of a residence that was occupied by that natural person as his or her primary residence at the time of the sale,]~~ not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

12. In addition to authorizing a person pursuant to an agreement described in subsection 11 to file a claim and collect from the county treasurer any property owed to the person, a person listed in subsection 6 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. ***Any person authorized pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property may collect a fee of not more than 10 percent of the total remaining excess proceeds of the sale due the person making the authorization.*** The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 83.

SUMMARY— ~~[Requires that certain]~~ **Revises provisions relating to health insurance .** ~~[policies and health plans cover speech-language pathology for certain purposes.]~~ (BDR 57-735)

AN ACT relating to insurance; **establishing the applicability of provisions requiring policies of health insurance to include certain coverage;** requiring that certain health insurance policies and health plans include coverage for certain forms of speech-language pathology as treatment for stuttering for persons who are less than ~~[18]~~ **26** years of age; prohibiting certain limitations on such coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of **health** insurance **and health plans** regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.27172-422.272428, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1652-689C.169, 689C.194, 689C.1945, 689C.195, 689C.425, 695A.184-695A.1875, 695A.265, 695B.1901-695B.1948, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits for health care to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 2.3 and 4.3 of this bill provide that certain provisions requiring a policy of individual or group health insurance to include certain coverage are inapplicable to a policy that only provides coverage for a specified disease or illness or that only provides a limited benefit.**

Sections ~~[2, 4-10,]~~ 2.7, 4.7-10, 12 and 14-16 of this bill require that certain public and private policies of health insurance and health plans, including Medicaid, include coverage for habilitative and rehabilitative speech-language pathology as a treatment for stuttering for persons who are less than ~~[18]~~ **26** years of age. **Sections 1, ~~[2, 4-10,]~~ 2.7, 4.7-10, 12 and 14-16** of this bill additionally prohibit an insurer from imposing a maximum annual limit on the coverage, limiting coverage based on the cause of the stuttering or imposing medical management techniques on those benefits. **Section 13** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 16** in the same manner as other provisions relating to Medicaid. **Section 3** of this bill authorizes the Commissioner of Insurance to require that certain policies of health insurance issued by a domestic insurer to a person who resides in another state include the coverage required by ~~[section 2.]~~ **sections 2.3 and 2.7.** **Section 11** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 9**. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections ~~[2, 4-8]~~ 2.7, 4.7-8 or 12**. (NRS 680A.200)

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

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171,

695G.1714, 695G.1715, 695G.1719 ~~[and]~~ 695G.177, ***and sections ~~[2, 4,]~~ 2.7, 4.7, 5, 7, 8, 9 and 12 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 2. Chapter 689A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2.3 and 2.7 of this act.**

Sec. 2.3. 1. The provisions of NRS 689A.04033 to 689A.0465, inclusive, and section 2.7 of this act must not be construed to require a policy that provides coverage only for a specified disease or illness or other limited benefit to provide the coverage set forth in those sections.

2. The Division shall not interpret the term "policy of health insurance," for the purposes of NRS 689A.04033 to 689A.0465, inclusive, and section 2.7 of this act, in a manner contrary to the provisions of subsection 1.

Sec. 2.7. 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. An insurer shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 3. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and ~~[section 2]~~ sections 2.3 and 2.7 of this act.***

Sec. 4. Chapter 689B of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 4.3 and 4.7 of this act.**

Sec. 4.3. 1. The provisions of NRS 689B.0303 to 689B.0379, inclusive, and section 4.7 of this act must not be construed to require a policy that provides coverage only for a specified disease or illness or other limited benefit to provide the coverage set forth in those sections.

2. The Division shall not interpret the term "policy of group health insurance," for the purposes of NRS 689B.0303 to 689B.0379, inclusive, and section 4.7 of this act, in a manner contrary to the provisions of subsection 1.

Sec. 4.7. 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. An insurer shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 5. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. A carrier shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and

categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 6. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 5 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 7. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the contract coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. A society shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 8. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. A hospital or medical services corporation shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 9. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for enrollees who are less than ~~[18]~~ 26 years of age.

2. A health maintenance organization shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 10. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed

care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 9 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 11. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 9 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 12. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for habilitative speech-language

pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than ~~[18]~~ 26 years of age.

2. A managed care organization shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 13. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 16 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430,

inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 287.010 is hereby amended to read as follows:

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

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

to make deductions from their compensation for the payment of premiums on the insurance.

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, ***and section ~~[4]~~ 4.7 of this act,*** 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation,

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

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

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

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

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

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

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

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

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

Sec. 15. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 12 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 16. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent federal financial participation is available, the Director shall include under Medicaid coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for persons who are less than ~~[18]~~ 26 years of age.

2. Except where necessary to obtain federal financial participation, the Department shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 202.

Bill read second time.

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

Amendment No. 42.

AN ACT relating to insurance; revising certain definitions for the purposes of certain coverage for health care services; revising provisions governing the circumstances under which a managed care organization is not required to authorize coverage of a health care service; revising the applicability of certain provisions requiring certain insurers to establish a system of procedures for resolving complaints of insured persons and providing for the external review of an adverse determination to include certain insurers that issue policies or certificates that provide only dental coverage; revising the information which a health carrier is required to provide in a notice of an adverse determination; authorizing a dentist of a covered person to submit to the Office for Consumer Health Assistance in the Department of Health and Human Services a request for an external review of an adverse determination; requiring an independent review organization to notify the dentist of a covered person and a health carrier of certain information and the determination and reasons of the independent review organization; requiring a decision of an independent review organization to be based, in part, on certain documentary evidence, including any recommendation of the dentist of the insured; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each managed care organization to authorize coverage of a health care service that has been recommended for an insured by a provider of health care acting within the scope of his or her practice if that service is covered by the health care plan of the insured unless the decision not to authorize coverage is made by a physician who satisfies certain conditions. (NRS 695G.150) **Section 2** of this bill provides that a managed care organization is also not required to authorize coverage if the decision not to authorize coverage is made by a dentist who satisfies certain conditions.

Existing law: (1) requires a managed care organization to establish a system of procedures for resolving complaints of a person who is insured by a managed care organization; and (2) provides for the external review of an adverse determination by a managed care organization. (NRS 695G.200-695G.310) The requirement for the establishment of a system of procedures for resolving complaints and the provisions setting forth procedures for the external review of an adverse determination also apply to insurers that issue certain policies, plans, contracts and coverage for health insurance in this State that provide, deliver, arrange for, pay for or reimburse costs of health care through managed care, including: (1) certain health insurance provided through a plan of self-insurance for officers and employees of this State; (2) individual health insurance; (3) group health insurance; (4) health benefit plans of small employers; (5) contracts for hospital or medical services; (6) health care plans issued by health maintenance organizations; and (7) evidence of coverage issued by prepaid limited health service organizations. (NRS

287.04335, 689A.745, 689B.0285, 689C.156, 695B.380, 695C.260, 695F.230) Existing law exempts a policy or certificate that provides only dental coverage from these provisions. (NRS 695G.243) **Section 3** of this bill provides that the requirement for the establishment of a system of procedures for resolving complaints and the provisions setting forth procedures for the external review of an adverse determination apply to a policy or certificate that provides only dental coverage.

Existing law requires a health carrier to notify certain persons, including a covered person and his or her treating physician, of: (1) an adverse determination relating to a request for the provision of or payment for a health care service or course of treatment; and (2) certain information which must be included in such a notice, including the ability to file a request for an expedited external review if, among other conditions, the insured's treating physician makes certain written certifications relating to the recommended or requested health care service or treatment. (NRS 695G.245) **Section 4** of this bill provides that a dentist may make the required written certifications.

Existing law authorizes a covered person, a physician of a covered person or an authorized representative to submit a request to the Office for Consumer Health Assistance in the Department of Health and Human Services for an external review of an adverse determination. (NRS 695G.251) **Section 5** of this bill authorizes a dentist of a covered person to submit such a request.

Existing law requires an independent review organization that receives a request for an external review to: (1) notify the covered person, the physician of the covered person and the health carrier if any additional information is required to conduct the review; (2) forward to the health carrier any information received from a covered person or the physician of a covered person; and (3) notify the covered person, the physician of the covered person, the authorized representative of the covered person and the health carrier of its determination and reasons therefor. (NRS 695G.261) **Section 6** of this bill requires the independent review organization to also: (1) notify the dentist of the covered person if any additional information is required to conduct the review; (2) forward to the health carrier any information received from the dentist of a covered person; and (3) notify the dentist of the covered person of its determination and reasons therefor.

Existing law requires an independent review organization to notify a covered person, the physician of the covered person, the authorized representative, if any, and the health carrier by telephone and in writing after completing its external review. (NRS 695G.271) **Section 7** of this bill requires an independent review organization to notify the dentist of a covered person, if applicable.

Existing law sets forth the process by which an external review of an adverse determination must be conducted. (NRS 695G.275) **Section 8** of this bill revises provisions setting forth that process to provide a covered person's treating dentist with the same powers and duties with respect to that process as a covered person's treating physician.

Existing law requires the decision of an independent review organization concerning a request for an external review to be based, in part, on documentary evidence, including any recommendation of the physician of the insured. (NRS 695G.280) **Section 9** of this bill requires that documentary evidence to include any recommendation of the dentist of the insured.

Existing law provides a clinical peer who conducts or participates in an external review of an adverse determination immunity from liability for certain damages relating to the external review under certain circumstances. (NRS 695G.290) **Section 1** of this bill revises the definition of "clinical peer" to include certain dentists.

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

Section 1. NRS 695G.016 is hereby amended to read as follows:

695G.016 "Clinical peer" means ~~[a]~~ ***:***

1. ***A*** physician who is:

~~[1.]~~ ***(a)*** Engaged in the practice of medicine; and

~~[2.]~~ ***(b)*** Certified or is eligible for certification by a member board of the American Board of Medical Specialties in the same or similar area of practice as is the health care service that is the subject of a final adverse determination ~~[.]~~ ***; or***

2. A dentist who is:

(a) Licensed by the Board of Dental Examiners of Nevada pursuant to chapter 631 of NRS; and

(b) Engaged in the practice of dentistry . ~~[; and~~

~~(b) Certified or is eligible for certification by a certifying board approved by the American Dental Association in the same or similar area of practice as is the health care service that is the subject of a final adverse determination.]~~

Sec. 2. NRS 695G.150 is hereby amended to read as follows:

695G.150 Each managed care organization shall authorize coverage of a health care service that has been recommended for the insured by a provider of health care acting within the scope of his or her practice if that service is covered by the health care plan of the insured, unless:

1. The decision not to authorize coverage is made by a physician ***or dentist*** who:

(a) Is licensed to practice medicine ***or dentistry*** in the State of Nevada pursuant to chapter 630 ***, 631*** or 633 of NRS;

(b) Possesses the education, training and expertise to evaluate the medical condition of the insured; and

(c) Has reviewed the available medical documentation, notes of the attending physician ~~[,]~~ ***or dentist,*** test results and other relevant medical records of the insured.

➥ The physician ***or dentist*** may consult with other providers of health care in determining whether to authorize coverage.

2. The decision not to authorize coverage and the reason for the decision have been transmitted in writing in a timely manner to the insured, the provider of health care who recommended the service and the primary care physician ***or dentist*** of the insured, if any.

Sec. 3. NRS 695G.243 is hereby amended to read as follows:

695G.243 1. Except as otherwise provided in subsection 2, the provisions of NRS 695G.200 to 695G.310, inclusive, apply to all health carriers.

2. The provisions of subsection 1 do not apply to:

(a) A policy or certificate that provides only coverage for:

(1) A specified disease or accident;

(2) Accidents;

(3) Credit;

(4) ~~[~~Dental;

~~(5)]~~ Disability income;

~~[(6)]~~ ***(5)*** Hospital indemnity;

~~[(7)]~~ ***(6)*** Long-term care insurance;

~~[(8)]~~ ***(7)*** Vision care; or

~~[(9)]~~ ***(8)*** Any other limited supplemental benefit;

(b) A Medicare supplement policy of insurance, as defined in regulations adopted by the Commissioner;

(c) Coverage under a plan through Medicare, Medicaid or the Federal Employees Health Benefits Program, FEHBP, 5 U.S.C. §§ 8901 et seq.;

(d) Any coverage issued under the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq., and any coverage issued as supplemental to that coverage;

(e) Any coverage issued as supplemental to liability insurance;

(f) Workers' compensation or similar insurance;

(g) Automobile medical payment insurance; or

(h) Any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

Sec. 4. NRS 695G.245 is hereby amended to read as follows:

695G.245 1. A health carrier shall notify the covered person in writing of the covered person's right to request an external review to be conducted pursuant to NRS 695G.241 to 695G.310, inclusive, and include the appropriate statements and information set forth in subsection 2 at the same time the health carrier sends written notice of an adverse determination upon completion of the health carrier's utilization review process set forth in NRS 683A.375 to 683A.379, inclusive, and the regulations adopted pursuant thereto.

2. As part of the written notice required pursuant to subsection 1, a health carrier shall include the following, or substantially equivalent, language:

We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us if our decision involved making a judgment as to the medical necessity,

appropriateness, health care setting, level of care or effectiveness of the health care service or treatment you requested by submitting a request for external review to the Office for Consumer Health Assistance.

3. The Commissioner may prescribe by regulation the form and content of the notice required pursuant to this section.

4. The health carrier shall include in the notice required pursuant to subsection 1 a statement informing the covered person that:

(a) If the covered person has a medical condition where the time frame for completion of an expedited review of a grievance involving an adverse determination set forth in NRS 695G.200 to 695G.230, inclusive, would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the covered person or the covered person's authorized representative may, at the same time the covered person or the covered person's authorized representative files a request for an expedited review of a grievance involving an adverse determination as set forth in NRS 695G.210, file a request for an expedited external review to be conducted pursuant to NRS 695G.271 and 695G.275 if the adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician ***or dentist, as applicable,*** certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be significantly less effective if not promptly initiated, and the independent review organization assigned to conduct the expedited external review will determine whether the covered person will be required to complete the expedited review of the grievance before conducting the expedited external review; and

(b) The covered person or the covered person's authorized representative may file a grievance under the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, but if the health carrier has not issued a written decision to the covered person or the covered person's authorized representative within 30 days after the date on which the covered person or the covered person's authorized representative filed the grievance with the health carrier and the covered person or the covered person's authorized representative has not requested or agreed to a delay, the covered person or the covered person's authorized representative may file a request for external review pursuant to NRS 695G.251 and shall be considered to have exhausted the health carrier's internal grievance process.

5. In addition to the information required to be provided pursuant to subsection 1, the health carrier shall include a copy of the description of both the standard and expedited external review procedures the health carrier is required to provide pursuant to NRS 695G.307, highlighting the provisions in the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information and including any forms used to process an external review.

6. As part of any forms provided pursuant to subsection 3, the health carrier shall include an authorization form, or other document approved by the Commissioner that complies with the requirements of 45 C.F.R. § 164.508, by which the covered person, for purposes of conducting an external review, authorizes the health carrier and the covered person's treating health care provider to disclose protected health information, including medical records, concerning the covered person that are pertinent to the external review.

7. As used in this section, "protected health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 5. NRS 695G.251 is hereby amended to read as follows:

695G.251 1. If a covered person or a physician ***or dentist*** of a covered person receives notice of an adverse determination from a health carrier concerning the covered person, the covered person, the physician ***or dentist, as applicable,*** of the covered person or an authorized representative may, within 4 months after receiving notice of the adverse determination, submit a request to the Office for Consumer Health Assistance for an external review of the adverse determination.

2. Within 5 days after receiving a request pursuant to subsection 1, the Office for Consumer Health Assistance shall notify the covered person, the authorized representative or physician ***or dentist, as applicable,*** of the covered person, the agent who performed utilization review for the health carrier, if any, and the health carrier that the request has been filed with the Office for Consumer Health Assistance.

3. As soon as practicable after receiving a request pursuant to subsection 1, the Office for Consumer Health Assistance shall assign an independent review organization from the list maintained pursuant to NRS 683A.3715. Each assignment made pursuant to this subsection must be completed on a rotating basis.

4. Within 5 days after receiving notification from the Office for Consumer Health Assistance specifying the independent review organization assigned pursuant to subsection 3, the health carrier shall provide to the independent review organization all documents and materials relating to the adverse determination, including, without limitation:

(a) Any medical records of the insured relating to the external review;

(b) A copy of the provisions of the health benefit plan upon which the adverse determination was based;

(c) Any documents used by the health carrier to make the adverse determination;

(d) The reasons for the adverse determination; and

(e) Insofar as practicable, a list that specifies each provider of health care who has provided health care to the covered person and the medical records of the provider of health care relating to the external review.

Sec. 6. NRS 695G.261 is hereby amended to read as follows:

695G.261 1. Except as otherwise provided in NRS 695G.271 and 695G.275, upon receipt of a request for an external review pursuant to

NRS 695G.251, the independent review organization shall, within 5 days after receiving the request:

(a) Review the request and the documents and materials submitted pursuant to NRS 695G.251; and

(b) Notify the covered person, the physician ***or dentist, as applicable,*** of the covered person and the health carrier if any additional information is required to conduct a review of the adverse determination. Such additional information must be provided within 5 days after receiving notice that the information is required to conduct a review of the adverse determination. The independent review organization shall forward to the health carrier, within 1 business day after receipt, any information received from a covered person or the physician ***or dentist*** of a covered person.

2. Except as otherwise provided in NRS 695G.271 and 695G.275, the independent review organization shall approve, modify or reverse the adverse determination within 15 days after it receives the information required to make that determination pursuant to this section. The independent review organization shall submit a copy of its determination, including the reasons therefor, to:

(a) The covered person;

(b) The physician ***or dentist, as applicable,*** of the covered person;

(c) The authorized representative of the covered person, if any; and

(d) The health carrier.

Sec. 7. NRS 695G.271 is hereby amended to read as follows:

695G.271 1. The Office for Consumer Health Assistance shall approve or deny a request for an external review of an adverse determination in an expedited manner not later than 72 hours after it receives proof from the provider of health care of the covered person that:

(a) The adverse determination concerns an admission, availability of care, continued stay or health care service for which the covered person received emergency services but has not been discharged from the facility providing the services or care; or

(b) Failure to proceed in an expedited manner may jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function.

2. If the Office for Consumer Health Assistance approves a request for an external review pursuant to subsection 1, the Office for Consumer Health Assistance shall assign the request to an independent review organization not later than 1 working day after approving the request. Each assignment made by the Office for Consumer Health Assistance pursuant to this section must be completed on a rotating basis.

3. Within 24 hours after receiving notice of the Office for Consumer Health Assistance assigning the request, the health carrier shall provide to the independent review organization all documents and materials specified in subsection 4 of NRS 695G.251.

4. An independent review organization that is assigned to conduct an external review pursuant to subsection 2 shall, if it accepts the assignment:

(a) Complete its external review not later than 48 hours after receiving the assignment, unless the covered person and the health carrier agree to a longer period;

(b) Not later than 24 hours after completing its external review, notify the covered person, the physician ***or dentist, as applicable,*** of the covered person, the authorized representative, if any, and the health carrier by telephone of its determination; and

(c) Not later than 48 hours after completing its external review, submit a written decision of its external review to the covered person, the physician ***or dentist, as applicable,*** of the covered person, the authorized representative, if any, and the health carrier.

Sec. 8. NRS 695G.275 is hereby amended to read as follows:

695G.275 1. Within 4 months after receipt of a notice of an adverse determination pursuant to NRS 695G.245 that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, a covered person or the covered person's authorized representative may file a request for external review with the Office for Consumer Health Assistance pursuant to this section.

2. A covered person or the covered person's authorized representative may make an oral request for an expedited external review of the adverse determination pursuant to NRS 695G.245 that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational if the covered person's treating physician ***or dentist, as applicable,*** certifies, in writing, that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated.

3. Upon receipt of a request for an expedited external review pursuant to subsection 2, the Office for Consumer Health Assistance shall immediately notify the health carrier.

4. Immediately upon notice of a request for an expedited external review pursuant to subsection 2, the health carrier shall determine whether the request meets the requirements for review set forth in subsection 12. The health carrier shall immediately notify the Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative, of its determination regarding eligibility.

5. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 4 and any supporting information to be included in the notice.

6. The notice of initial determination required by subsection 4 must include a statement that a health carrier's initial determination that a request

which is ineligible for external review may be appealed to the Office for Consumer Health Assistance.

7. The Office for Consumer Health Assistance may determine that a request for an expedited external review is eligible for external review pursuant to subsection 12 and require that it be referred for expedited external review notwithstanding a health carrier's initial determination that the request is ineligible.

8. In making a determination pursuant to subsection 7, the decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

9. Upon receipt of the notice that the request for expedited external review meets the requirements for review, the Office for Consumer Health Assistance shall immediately assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to NRS 683A.3715 and notify the health carrier of the name of the assigned independent review organization.

10. Upon receipt of the notice pursuant to subsection 9, the health carrier or utilization review organization shall provide or transmit any documents and information considered in making the adverse determination to the assigned independent review organization electronically or by telephone or facsimile, or any other available expeditious method.

11. Except as otherwise provided in subsection 3, within 1 business day after receipt of a request for external review pursuant to subsection 1, the Office for Consumer Health Assistance shall notify the health carrier.

12. Within 5 business days after receipt of the notice sent pursuant to subsection 11, the health carrier shall conduct and complete a preliminary review of the request to determine whether:

(a) The person is or was a covered person in the health benefit plan at the time the health care service or treatment was recommended or requested or, in the case of a retrospective review, was a covered person in the health benefit plan at the time the health care service or treatment was provided;

(b) The recommended or requested health care service or treatment that is the subject of the adverse determination:

(1) Would be a covered benefit under the covered person's health benefit plan but for the health carrier's determination that the health care service or treatment is experimental or investigational for a particular medical condition; and

(2) Is not explicitly listed as an excluded benefit under the covered person's health benefit plan;

(c) The covered person's treating physician ***or dentist*** has certified that one of the following situations is applicable:

(1) Standard health care services or treatments have not been effective in improving the condition of the covered person;

(2) Standard health care services or treatments are not medically appropriate for the covered person; or

(3) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment described in paragraph (d);

(d) The covered person's treating physician ~~[,]~~ ***or dentist:***

(1) Has recommended a health care service or treatment that the physician ***or dentist*** certifies, in writing, is likely to be more beneficial to the covered person, in the ~~[physician's]~~ opinion ~~[,]~~ ***of the physician or dentist,*** than any available standard health care services or treatments; or

(2) Who is a licensed, board certified or board eligible physician ***or dentist*** qualified to practice in the area of medicine ***or dentistry*** appropriate to treat the covered person's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the covered person that is the subject of the adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments;

(e) The covered person has exhausted the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, unless the covered person is not required to exhaust the health carrier's internal grievance process; and

(f) The covered person has provided all the information and forms required by the Office for Consumer Health Assistance to process an external review, including the release form provided pursuant to subsection 6 of NRS 695G.245.

13. Within 1 business day after completion of the preliminary review, the health carrier shall notify the Office for Consumer Health Assistance and the covered person, and, if applicable, the covered person's authorized representative, in writing, whether the request is:

(a) Complete;

(b) Eligible for external review;

(c) Not complete, in which case the health carrier shall include in the notice the information or materials that are needed to make the request complete; or

(d) Not eligible for external review, in which case the health carrier shall include in the notice the reasons for its ineligibility.

14. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 13 and any supporting information to be included in the notice.

15. The notice of initial determination must include a statement informing the covered person and, if applicable, the covered person's authorized representative that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the Office for Consumer Health Assistance.

16. The Office for Consumer Health Assistance may determine that a request is eligible for external review pursuant to subsection 12 and require

that it be referred for external review notwithstanding a health carrier's initial determination that the request is ineligible.

17. In making a determination pursuant to subsection 16, the decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

18. When a health carrier determines that a request is eligible for external review pursuant to subsection 12, the health carrier shall notify the Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative.

19. Within 1 business day after receipt of the notice from the health carrier that the external review request is eligible for external review pursuant to subsection 18, the Office for Consumer Health Assistance shall:

(a) Assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to NRS 683A.3715 to conduct the external review;

(b) Notify the health carrier of the name of the assigned independent review organization; and

(c) Notify in writing the covered person and, if applicable, the covered person's authorized representative that the request is eligible for external review and provide the name of the assigned independent review organization.

20. The Office for Consumer Health Assistance shall include in the notice provided to the covered person and, if applicable, the covered person's authorized representative pursuant to subsection 19 a statement that the covered person or the covered person's authorized representative may submit in writing to the assigned independent review organization within 5 business days after receipt of the notice provided pursuant to subsection 19 additional information that the independent review organization shall consider when conducting the external review. The independent review organization may accept and consider additional information submitted after the 5 business days have elapsed.

21. Within 1 business day after receipt of the notice of assignment to conduct the external review pursuant to subsection 19, the assigned independent review organization shall:

(a) Select one or more clinical reviewers to conduct the external review, as it determines is appropriate; and

(b) Based on the opinion of the clinical reviewer, or opinions if more than one clinical reviewer has been selected to conduct the external review, make a decision to uphold or reverse the adverse determination.

22. In selecting clinical reviewers pursuant to paragraph (a) of subsection 21, the assigned independent review organization shall select health care professionals who meet the minimum qualifications described in NRS 683A.372 and through clinical experience in the past 3 years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment.

23. The covered person, the covered person's authorized representative, if applicable, and the health carrier may not choose or control the choice of the health care professionals to be selected to conduct the external review.

24. In accordance with subsections 37 to 41, inclusive, each clinical reviewer shall provide a written opinion to the assigned independent review organization regarding whether the recommended or requested health care service or treatment should be covered.

25. In reaching an opinion, clinical reviewers are not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth in NRS 683A.375 to 683A.379, inclusive, or the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive.

26. Within 5 business days after receipt of the notice pursuant to subsection 19, the health carrier or utilization review organization shall provide to the assigned independent review organization any documents and information considered in making the adverse determination.

27. Except as otherwise provided in subsection 28, failure by the health carrier or utilization review organization to provide the documents and information within the time specified in subsection 26 must not delay the conduct of the external review.

28. If the health carrier or utilization review organization fails to provide the documents and information within the time specified in subsection 26, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination.

29. If the independent review organization elects to terminate the external review and reverse the adverse determination pursuant to subsection 28, the independent review organization shall immediately notify the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance.

30. Each clinical reviewer selected pursuant to subsection 21 shall review all the information and documents received pursuant to subsections 20 and 26.

31. The assigned independent review organization shall forward any information submitted by the covered person or the covered person's authorized representative pursuant to subsection 20 to the health carrier within 1 business day after receipt of the information.

32. Upon receipt of the information required to be forwarded pursuant to subsection 31, the health carrier may reconsider the adverse determination that is the subject of the external review.

33. Reconsideration by the health carrier of its adverse determination pursuant to subsection 32 must not delay or terminate the external review.

34. Except as otherwise provided in subsection 28, the external review may only be terminated before completion if the health carrier decides, upon completion of its reconsideration, to reverse its adverse determination and provide coverage or payment for the recommended or requested health care service or treatment that is the subject of the adverse determination.

35. If the health carrier reverses its adverse determination pursuant to subsection 28, the health carrier shall immediately notify the covered person, the covered person's authorized representative, if applicable, the assigned independent review organization and the Office for Consumer Health Assistance in writing of its decision.

36. The assigned independent review organization shall terminate the external review upon receipt of the notice from the health carrier pursuant to subsection 35.

37. Except as otherwise provided in subsection 39, within 20 days after being selected in accordance with subsection 21 to conduct the external review, each clinical reviewer shall provide an opinion to the assigned independent review organization pursuant to subsection 41 regarding whether the recommended or requested health care service or treatment should be covered.

38. Except for an opinion provided pursuant to subsection 39, each clinical reviewer's opinion must be in writing and include the following:

(a) A description of the covered person's medical condition;

(b) A description of the indicators relevant to determine if there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

(c) A description and analysis of any medical or scientific evidence considered in reaching the opinion;

(d) A description and analysis of any evidence-based standards used as a basis for the opinion; and

(e) Information concerning whether the reviewer's rationale for the opinion is based on the provisions of subsection 41.

39. For an expedited external review, each clinical reviewer shall provide an opinion orally or in writing to the assigned independent review organization as expeditiously as the covered person's medical condition or circumstances requires, but in no event not more than 5 calendar days after being selected in accordance with subsection 21.

40. If the opinion provided pursuant to subsection 39 was not in writing, within 48 hours after providing that notice, the clinical reviewer shall provide written confirmation of the opinion to the assigned independent review organization and include the information required pursuant to subsection 38.

41. In addition to the documents and information provided pursuant to subsections 10 and 26, each clinical reviewer, to the extent the information or documents are available and the reviewer considers them appropriate, shall consider the following in reaching an opinion:

(a) The covered person's medical records;

(b) The attending health care professional's recommendation;

(c) Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, the covered person's authorized representative or the covered person's treating provider;

(d) The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or investigational, the reviewer's opinion is not contrary to the terms of coverage under the health benefit plan; and

(e) Whether:

(1) The recommended or requested health care service or treatment has been approved by the Food and Drug Administration, if applicable, for the condition; or

(2) Medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

42. Except as otherwise provided in subsection 43, within 20 days after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide written notice of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

43. For an expedited external review, within 48 hours after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide notice of the decision orally or in writing to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance.

44. If the notice provided pursuant to subsection 43 was not in writing, within 48 hours after providing that notice, the assigned independent review organization shall provide written confirmation of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

45. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should be covered, the independent review organization shall make a decision to reverse the health carrier's adverse determination.

46. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should not be

covered, the independent review organization shall make a decision to uphold the health carrier's adverse determination.

47. If the clinical reviewers are evenly split as to whether the recommended or requested health care service or treatment should be covered, the independent review organization shall obtain the opinion of an additional clinical reviewer in order for the independent review organization to make a decision based on the opinions of a majority of the clinical reviewers pursuant to subsection 45 or 46.

48. The additional clinical reviewer selected pursuant to subsection 47 shall use the same information to reach an opinion as the clinical reviewers who have already submitted their opinions pursuant to subsection 41.

49. The selection of an additional clinical reviewer pursuant to subsection 47 must not extend the time within which the assigned independent review organization is required to make a decision based on the opinions of the clinical reviewers pursuant to subsection 42.

50. The independent review organization shall include in the notice provided pursuant to subsection 42 or 44:

(a) A general description of the reason for the request for external review;

(b) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation;

(c) The date the independent review organization was assigned by the Office for Consumer Health Assistance to conduct the external review;

(d) The date on which the external review was conducted;

(e) The date of the decision;

(f) The principal reason or reasons for the decision; and

(g) The rationale for the decision.

51. Upon receipt of a notice of a decision pursuant to subsection 42 or 44 reversing the adverse determination, the health carrier shall immediately approve coverage of the recommended or requested health care service or treatment that was the subject of the adverse determination.

52. The assignment by the Office for Consumer Health Assistance of an approved independent review organization to conduct an external review in accordance with this section must be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination and other circumstances, including concerns regarding conflicts of interest pursuant to subsection 4 of NRS 683A.372.

53. As used in this section:

(a) "Best evidence" means evidence based on:

(1) Randomized clinical trials;

(2) If randomized clinical trials are not available, cohort studies or case-control studies;

(3) If the methods described in subparagraphs (1) and (2) are not available, case series; or

(4) If the methods described in subparagraphs (1), (2) and (3) are not available, expert opinion.

(b) "Evidence-based standard" means the conscientious, explicit and judicious use of the current best evidence based on the overall systematic review of research in making decisions about the care of an individual patient.

(c) "Randomized clinical trial" means a controlled, prospective study of patients who have been randomized into an experimental group and a control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.

Sec. 9. NRS 695G.280 is hereby amended to read as follows:

695G.280 The decision of an independent review organization concerning a request for an external review must be based on:

1. Documentary evidence, including any recommendation of the physician ***or dentist*** of the insured submitted pursuant to NRS 695G.251;

2. Medical or scientific evidence, including, without limitation:

(a) Professional standards of safety and effectiveness for diagnosis, care and treatment that are generally recognized in the United States;

(b) Any report published in literature that is peer-reviewed;

(c) Evidence-based medicine, including, without limitation, reports and guidelines that are published by professional organizations that are recognized nationally and that include supporting scientific data; and

(d) An opinion of an independent physician ***or dentist*** who, as determined by the independent review organization, is an expert in the health specialty that is the subject of the independent review; and

3. The terms and conditions for benefits set forth in the evidence of coverage issued to the insured by the health carrier.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 31.

SUMMARY—Requires ~~[a]~~ **certain** service ~~[contract]~~ **contracts** to impose certain duties ~~[on]~~ **upon** the provider of the service contract. (BDR 57-655)

AN ACT relating to insurance; requiring ~~[a]~~ **certain** service ~~[contract]~~ **contracts** to impose certain duties upon the provider of the service contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of providers of service contracts by the Commissioner of Insurance. (Chapter 690C of NRS) Existing law requires that a service contract specify the duties of the provider and any limitations, exceptions or exclusions. (NRS 690C.260) This bill **sets forth certain duties of a provider of a home warranty service contract, which this bill defines to mean a service contract that covers only the structural components, appliances or home systems of a residence. This bill** requires ~~[those]~~ **the** duties **of a provider of a home warranty service contract set forth in the contract** to include, without limitation, the duty to ensure that: (1) any goods, other than an air conditioner **, furnace or heater** in a home or dwelling, covered under the service contract are restored to sound working condition within 14 business days after receiving notice that the goods are defective; and (2) any goods which are restored and become defective within 14 business days after the date on which the goods were restored are restored within 2 business days after receiving notice that the goods are defective. With respect to an air conditioner **, furnace or heater** in a home or dwelling that is covered under a service contract, this bill requires a service contract to provide that the provider has the duty to: (1) ensure that the air conditioner **, furnace or heater** is restored to sound working condition within 5 business days after receiving notice that the air conditioner **, furnace or heater** is defective; and (2) if the provider fails to do so, provide the holder with ~~[sleeping accommodations in a hotel]~~ **a per diem allowance for lodging** until the air conditioner **, furnace or heater** is restored.

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

Section 1. NRS 690C.260 is hereby amended to read as follows:

690C.260 1. A service contract must:

(a) Be written in language that is understandable and printed in a typeface that is easy to read.

(b) Indicate that it is insured by a contractual liability insurance policy if it is so insured, and include the name and address of the issuer of the policy or that it is backed by the full faith and credit of the provider if the service contract is not insured by a contractual liability insurance policy.

(c) Include the amount of any deductible that the holder is required to pay.

(d) Include the name and address of the provider and, if applicable:

(1) The name and address of the administrator; and

(2) The name of the holder, if provided by the holder.

➥ The names and addresses of such persons are not required to be preprinted on the service contract and may be added to the service contract at the time of the sale.

(e) Include the purchase price of the service contract. The purchase price must be determined pursuant to a schedule of fees established by the provider. The purchase price is not required to be preprinted on the service contract and

may be negotiated with the holder and added to the service contract at the time of sale.

(f) Include a description of the goods covered by the service contract.

(g) Specify the duties of the provider and any limitations, exceptions or exclusions. ~~***[The]***~~ ***If the service contract is a home warranty service contract, the duties of the provider must include, without limitation, the duty to:***

(1) Except as otherwise provided in subparagraphs (2) and (3), ensure that any goods described in the service contract that the provider is obligated to repair or replace in the event the goods become defective are restored within 14 business days after receiving notice from the holder that the goods are defective.

(2) Except as otherwise provided in subparagraph (3), ensure that any air conditioner , furnace or heater in a home or dwelling that the provider is obligated to repair or replace in the event that the air conditioner , furnace or heater becomes defective is restored within 5 business days after receiving notice from the holder that the air conditioner , furnace or heater is defective. If the provider fails to restore the air conditioner , furnace or heater within that period, the provider shall provide to the holder ~~***[, at no cost to the holder, with sleeping accommodations in a hotel]***~~ ***a per diem allowance for lodging at the same rate as the comparable rate established for employees of the Federal Government by the Administrator of General Services pursuant to 5 U.S.C. § 5707 until the air conditioner , furnace or heater is restored.***

(3) If the provider restores any goods and the goods become defective within 14 business days after the date on which the goods were restored, ensure that the goods are restored within 2 business days after receiving notice from the holder that the goods are defective.

(h) If the service contract covers a motor vehicle, indicate whether replacement parts that are not made for or by the original manufacturer of the motor vehicle may be used to comply with the terms of the service contract.

(i) Include any restrictions on transferring or renewing the service contract.

(j) Include the terms, restrictions or conditions for cancelling the service contract before it expires and the procedure for cancelling the service contract. The conditions for cancelling the service contract must include, without limitation, the provisions of NRS 690C.270.

(k) Include the duties of the holder under the contract, including, without limitation, the duty to protect against damage to the goods covered by the service contract or to comply with any instructions included in the owner's manual for the goods.

(l) Indicate whether the service contract authorizes the holder to recover consequential damages.

(m) Indicate whether any defect in the goods covered by the service contract existing on the date the contract is purchased is not covered under the service contract.

2. A provider shall not allow, make or cause to be made a false or misleading statement in any of the service contracts of the provider or intentionally omit a material statement that causes a service contract to be misleading. The Commissioner may require the provider to amend any service contract that the Commissioner determines is false or misleading.

3. As used in this section ~~[, "restored"]~~ :

(a) "Home warranty service contract" means a service contract that covers only the structural components, appliances or home systems of a residence, including, without limitation, the electrical, heating, cooling and plumbing systems and other similar systems of a residence.

(b) "Restored" means restoration to a sound working condition by replacing the goods or any part thereof, or by correcting what is inoperative.

Sec. 2. The amendatory provisions of this act apply to service contracts entered into on or after October 1, 2025.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 250.

Bill read second time.

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

Amendment No. 442.

AN ACT relating to debt; ~~[prescribing certain requirements relating to the collection of a debt that is the result of economic abuse or coerced debt; requiring a reporting agency that receives certain notice that a debt or any portion of a debt is the result of economic abuse or]~~ **establishing** coerced debt ~~[to take]~~ **as an affirmative defense in** certain **civil** actions ~~[;]~~ **to collect a consumer debt;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the collection of debt by certain persons in this State, including, without limitation, collection agencies and private debt collectors. (*See, e.g.*, chapters 353C and 649 of NRS) ~~[Existing law also governs: (1) the reporting of certain information concerning consumer credit; and (2) the recording of any such information in the consumer report of a consumer. (Chapter 598C of NRS) In general, sections 1 and 2 of this bill prescribe certain requirements relating to the: (1) collection of a debt that is the result of economic abuse or coerced debt; and (2) inclusion of certain information concerning any such debt on the consumer report of a consumer. Sections 1 and 2 define the term "economic abuse" for the purpose of these requirements to mean any act taken by a person to: (1) obtain control, through coercion, deception, manipulation, undue influence, threats of harm, force or fraud, over another person's money, assets or property; (2) restrain, sabotage or unreasonably control the ability of another person to acquire, use or maintain economic resources to which the person is entitled; (3) exploit the relationship~~

~~between the person and another person for financial gain; or (4) exert undue influence over another person's financial decisions. Sections 1 and 2 also define.]~~ **Section 1 of this bill establishes that in any civil action to collect a consumer debt, a coerced debt may be used as an affirmative defense. Section 1 also: (1) sets forth the requirements for establishing a prima facie affirmative defense of coerced debt; and (2) defines** "coerced debt" ~~[for the purpose of these requirements,]~~ to mean a **consumer** debt or any part thereof which is the proximate result of a person having been a victim of ~~[identity theft,]~~ domestic violence, **human trafficking,** abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct intended to induce the person to incur debt against his or her own will.

~~[Specifically, section 1 requires a creditor to cease any collection efforts related to a debt and provide certain notice concerning the debt to certain reporting agencies if a debtor: (1) asserts that all or any portion of the debt is the result of economic abuse or coerced debt; and (2) provides certain notice and documentation to the creditor concerning the debt. Section 1 also authorizes a creditor to seek a court order declaring that a debt or any portion thereof is not the result of economic abuse or coerced debt and prescribes certain requirements relating to any such order. Finally, section 1 provides that a creditor who violates section 1 is liable in a civil action for the violation.~~

~~Section 2 requires a reporting agency that receives certain notice that a debt or any portion of a debt is the result of economic abuse or coerced debt to: (1) conduct an investigation concerning the debt; and (2) remove from its files any reference to the debt or any portion of the debt determined by the reporting agency to be the result of economic abuse or coerced debt under certain circumstances.]~~

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. [Except as otherwise provided in subsections 4 and 5, if a debtor asserts that all or any portion of a debt is the result of economic abuse or coerced debt and provides notice and adequate documentation to a creditor, the creditor:*~~

~~*(a) Shall:*~~

~~*(1) Immediately cease any collection efforts related to the debt, including, without limitation, any effort to collect the debt by:*~~

~~*(I) Garnishing the wages, bank account or personal property of the debtor; or*~~

~~*(II) Bringing an action to collect the debt;*~~

~~*(2) Dismiss any action to collect the debt; and*~~

~~*(3) Return any payment made by the debtor on the debt, including, without limitation, any payment executed through a writ of garnishment; and*~~

~~(b) Shall not assign or transfer any claim or account associated with the debt.~~

~~2. In addition to the requirements prescribed by subsection 1 and except as otherwise provided in subsection 4, if a debtor asserts that all or any part of a debt is the result of economic abuse or coerced debt and provides notice and adequate documentation to a creditor, the creditor shall:~~

~~(a) Using the contact information provided by the debtor pursuant to subparagraph (4) of paragraph (b) of subsection 3, notify the debtor or person designated by the debtor to receive information concerning the debt, that:~~

~~(1) The creditor is ceasing any collection efforts related to the debt; and~~

~~(2) The debtor may request that the creditor provide the notice required by this paragraph in writing;~~

~~(b) If the creditor does not own the debt, notify the owner of the debt that the creditor is ceasing any collection efforts related to the debt; and~~

~~(c) Notify any reporting agency to whom the creditor reported information concerning the debt that the debt is the result of economic abuse or coerced debt and request that the reporting agency remove from its files any reference to the debt or any portion of the debt determined by the reporting agency to be the result of economic abuse or coerced debt in accordance with subsection 3 of section 2 of this act.~~

~~3. The notice provided by a debtor to a creditor described in subsection 1:~~

~~(a) May be provided orally or in writing; and~~

~~(b) Must include:~~

~~(1) Sufficient information for the creditor to identify any claim or account associated with the debt;~~

~~(2) A statement that the debt is the result of economic abuse or coerced debt;~~

~~(3) Information concerning the circumstances under which the debt was incurred, if known; and~~

~~(4) Contact information that the creditor may use to reach the debtor or a person designated by the debtor to receive information concerning the debt.~~

~~4. If a creditor finds that the notice provided by a debtor is incomplete or is not accompanied by adequate documentation, the creditor shall, not later than 5 business days after receiving the notice, provide to the debtor a specific description of the additional information or documentation required by the creditor. A creditor is not required to comply with subsection 1 until the creditor receives the additional information or documentation requested.~~

~~5. The requirements prescribed by paragraphs (a) and (b) of subsection 1 do not apply to a creditor who challenges that the debt is not the result of economic abuse or coerced debt in accordance with subsection 6.~~

~~6. If a creditor has a good faith basis to believe that all or any portion of a debt is not the result of economic abuse or coerced debt, the creditor may~~

~~seek a court order declaring that the debt or any portion of the debt is not the result of economic abuse or coerced debt. In any such suit:~~

~~(a) The fact that the debtor provided to the creditor the notice and documentation described in subsection 1 is prima facie evidence that the debt is the result of economic abuse or coerced debt, which must be rebutted by the creditor.~~

~~(b) The court shall take appropriate steps to protect the debtor and any immediate family member of the debtor from an alleged perpetrator of economic abuse or coerced debt.~~

~~7. Nothing in this section shall be construed to prohibit a creditor from taking any action to collect a debt from a perpetrator of economic abuse or coerced debt.~~

~~8. A creditor who violates this section is liable in a civil action brought pursuant to this section for actual damages, reasonable attorney's fees and any punitive damages that the facts may warrant.~~

~~9. The provisions of this section apply to an action upon a contract filed in any court in this State, regardless of whether the contract contains a choice of law provision which provides that the contract is to be governed or interpreted pursuant to the laws of another state.~~

~~10.~~ In any civil action to collect a consumer debt, it is an affirmative defense that the debt is a coerced debt.

2. A debtor establishes a prima facie affirmative defense that a debt is a coerced debt by proving that:

(a) The debt is a consumer debt accrued in his or her name;

(b) The debt was accrued as the proximate result of the debtor having been a victim of domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct; and

(c) Being a victim of domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct caused the debtor to incur the debt against the debtor's will.

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

~~(a)~~ "Adequate documentation" includes, without limitation:

~~(1)~~ A police report that identifies the debt as a result of economic abuse or coerced debt and describes the circumstances under which the debt was incurred.

~~(2)~~ A report filed with the Federal Trade Commission which states that the debtor is a victim of identity theft.

~~(3)~~ An order from a court of competent jurisdiction finding that the debt is the result of economic abuse or coerced debt.

~~(4)~~ An affidavit or declaration signed under penalty of perjury by a qualified third party to whom the debtor reported the economic abuse or coerced debt which:

~~(I)~~ Identifies the debt; and

~~(II) Describes the circumstances under which the debt was incurred.~~

~~(b) "Coerced~~ , "coerced debt" means a consumer debt or any part thereof which is the proximate result of a person having been a victim of ~~identity theft,~~ domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct intended to induce the person to incur debt against his or her own will.

~~[(c) "Collection agent" has the meaning ascribed to it in NRS 649.025.~~

~~(d) "Creditor" means any person to whom money is owed, including, without limitation, a collection agent or debt buyer.~~

~~(e) "Debt buyer" has the meaning ascribed to it in NRS 649.031.~~

~~(f) "Economic abuse" means any act taken by a person to:~~

~~(1) Obtain control, through coercion, deception, manipulation, undue influence, threats of harm, force or fraud, over another person's money, assets or property, including, without limitation by:~~

~~(I) Restricting the access of the person to his or her money, assets, property or consumer report;~~

~~(II) Using the personal identifying information of the person to obtain credit, a good, a service or anything of value in the name of that person without his or her consent; or~~

~~(III) Using the money, assets or property of the person without his or her consent;~~

~~(2) Restrain, sabotage or unreasonably control the ability of another person to acquire, use or maintain economic resources to which the person is entitled, including, without limitation, by:~~

~~(I) Depriving the person of food, shelter, clothing or services which are necessary to maintain the physical or mental health of the person; or~~

~~(II) Causing or attempting to cause another person to be financially dependent on the person;~~

~~(3) Exploit the relationship between the person and another person for financial or other personal gain; or~~

~~(4) Exert undue influence over another person's financial decisions, including, without limitation, by:~~

~~(I) Forcing the person into default on shared financial obligations;~~

~~(II) Misusing a power of attorney, guardianship or conservatorship of the person; or~~

~~(III) Failing to act in the person's best financial interest.~~

~~(g) "Immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.~~

~~(h) "Qualified third party" includes a:~~

~~(1) Law enforcement officer;~~

~~(2) Provider of health care;~~

~~(3) Person who provides services to victims of crimes; or~~

~~(4) Member of the clergy of a church or religious society or denomination.~~

~~(i) "Reporting agency" has the meaning ascribed to it in NRS 598C.100.]~~

Sec. 2. ~~[Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a consumer asserts that all or any portion of a debt is the result of economic abuse or coerced debt and provides notice and adequate documentation to a reporting agency or if the reporting agency receives notice from a creditor pursuant to paragraph (c) of subsection 2 of section 1 of this act, the reporting agency shall, as soon as reasonably practicable after receiving the notice and documentation, conduct an investigation concerning the debt.*~~

~~*2. The notice provided by a consumer to a reporting agency described in subsection 1:*~~

~~*(a) May be provided orally or in writing; and*~~

~~*(b) Must include:*~~

~~*(1) Sufficient information for the reporting agency to identify any account associated with the debt;*~~

~~*(2) A statement that the debt is the result of economic abuse or coerced debt;*~~

~~*(3) Information concerning the circumstances under which the debt was incurred, if known; and*~~

~~*(4) Contact information that the reporting agency may use to reach the consumer or a person designated by the consumer to receive information concerning the debt.*~~

~~*3. If the reporting agency determines, after investigation, that the debt or any portion of the debt:*~~

~~*(a) Is not the result of economic abuse or coerced debt, the reporting agency shall so notify the consumer.*~~

~~*(b) Is the result of economic abuse or coerced debt, the reporting agency shall remove from its files any reference to the debt or any portion of the debt determined by the reporting agency to be the result of economic abuse or coerced debt.*~~

~~*4. As used in this section:*~~

~~*(a) "Adequate documentation" includes, without limitation:*~~

~~*(1) A police report that identifies the debt as a result of economic abuse or coerced debt and describes the circumstances under which the debt was incurred.*~~

~~*(2) A report filed with the Federal Trade Commission which states that the consumer is a victim of identity theft.*~~

~~*(3) An order from a court of competent jurisdiction finding that the debt is the result of economic abuse or coerced debt.*~~

~~*(4) An affidavit or declaration signed under penalty of perjury by a qualified third party to whom the consumer reported the economic abuse or coerced debt which:*~~

~~*(I) Identifies the debt as being the result of economic abuse or coerced debt; and*~~

~~*(II) Describes the circumstances under which the debt was incurred.*~~

~~*(b) "Coerced debt" means a debt or any part thereof which is the proximate result of a person having been a victim of identity theft, domestic violence, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct intended to induce the person to incur debt against his or her own will.*~~

~~*(c) "Economic abuse" means any act taken by a person to:*~~

~~*(1) Obtain control, through coercion, deception, manipulation, undue influence, threats of harm, force or fraud, over another person's money, assets or property, including, without limitation by:*~~

~~*(I) Restricting the access of the person to his or her money, assets, property or consumer report;*~~

~~*(II) Using the personal identifying information of the person to obtain credit, a good, a service or anything of value in the name of that person without his or her consent; or*~~

~~*(III) Using the money, assets or property of the person without his or her consent;*~~

~~*(2) Restrain, sabotage or unreasonably control the ability of another person to acquire, use or maintain economic resources to which the person is entitled, including, without limitation, by:*~~

~~*(I) Depriving the person of food, shelter, clothing or services which are necessary to maintain the physical or mental health of the person; or*~~

~~*(II) Causing or attempting to cause another person to be financially dependent on the person;*~~

~~*(3) Exploit the relationship between the person and another person for financial or other personal gain; or*~~

~~*(4) Exert undue influence over another person's financial decisions, including, without limitation, by:*~~

~~*(I) Forcing the person into default on shared financial obligations;*~~

~~*(II) Misusing a power of attorney, guardianship or conservatorship; or*~~

~~*(III) Failing to act in the person's best financial interest.*~~

~~*(d) "Qualified third party" includes a:*~~

~~*(1) Law enforcement officer;*~~

~~*(2) Provider of health care;*~~

~~*(3) Person who provides services to victims of crimes; or*~~

~~*(4) Member of the clergy of a church or religious society or denomination.]*~~ **(Deleted by amendment.)**

Sec. 3. The ~~[amendatory]~~ provisions ~~[of section 1]~~ of this act ~~[do not]~~ apply to any ~~[contract entered into before]~~ **action filed on or after** October 1, 2025 **.** ~~[, but do apply to any renewal or extension of such a contract.]~~

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 254.

Bill read second time.

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

Amendment No. 102.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** MOSCA **, MONROE-MORENO; GONZÁLEZ AND KASAMA**

SUMMARY—Revises provisions relating to ~~[the Legislature.]~~ **grants. (**BDR ~~[17-691)]~~ **18-691)**

AN ACT relating to ~~[the Legislature;]~~ **grants;** creating the Community Project Grant Program to provide grants for certain community projects **;** ~~[in legislative districts;]~~ creating the Account for the Community Project Grant Program in the ~~[Legislative]~~ **State General** Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing standing rules of the houses of Congress govern requests by members of Congress for the inclusion of funding, known as "earmarks" or "congressionally directed spending items," in federal appropriation bills for projects that benefit communities in the members' districts. (See, e.g., Clause 9 of Rule No. XXI and Clause 17 of Rule No. XXIII of the Standing Rules of the U.S. House of Representatives, H.R. Res. 5, 119th Cong. (2025) and Rule No. XLIV of the Standing Rules of the U.S. Senate, Pub. L. 110-81, 110th Cong. (2007))]~~

Existing law creates the Office of Federal Assistance within the Office of the Governor for the purpose of obtaining and maximizing any money, equipment, material or services available from the Federal Government. (NRS 223.464, 223.472) The Office of Federal Assistance is required, as part of its duties, to administer the Nevada Grant Matching Program, which provides grants to state agencies, local governments, tribal governments and nonprofit organizations for the purpose of satisfying the matching requirement for a federal grant. (NRS 223.488-223.498)

Section 2 of this bill creates the Community Project Grant Program ~~[at the state legislative level]~~ for the purpose of awarding grants to ~~[private]~~ **specified** nonprofit ~~[organizations]~~ **corporations** to conduct projects that benefit communities in Nevada. **Section 2** requires ~~[that an application for such a grant be submitted by a Legislator on behalf of a nonprofit organization for a project within the Legislator's district. Section 2 further requires the Legislative Commission]~~ **the Director of the Office of Federal Assistance** to adopt regulations to carry out the Grant Program, including regulations that prescribe: (1) the ~~[categories of eligible projects for which grants may be awarded under the Grant Program; (2)]~~ **criteria for eligibility for such a grant and the** procedures for the submission and review of applications for and the awarding of such a grant; and ~~[(3)]~~ **(2)** requirements for reporting expenditures of money from such a grant.

~~[Existing law creates the Legislative Fund as a special revenue fund for the use of the Legislature, and where specifically authorized by law, for the use of the Legislative Counsel Bureau. (NRS 218A.150)]~~ **Section 3** of this bill creates the Account for the Community Project Grant Program in the ~~[Legislative]~~ **State General** Fund. **Section 3** requires that money in the Account be used only to carry out the Community Project Grant Program and provides that any money remaining in the Account at the end of a fiscal year does not revert to the ~~[Legislative]~~ **State General** Fund.

Sections 2 and 3: (1) require the Director of the ~~[Legislative Counsel Bureau or the Director's designee]~~ **Office of Federal Assistance** to administer the Grant Program and the Account and to prepare a biennial report regarding the Grant Program for submission to the Legislature; and (2) authorize the ~~[Director or the Director's designee]~~ **Office** to apply for **and accept** grants **,** ~~[and accept]~~ gifts and other sources of money for deposit in the Account.

Section 3.3 of this bill makes a conforming change to have existing definitions that apply to the Office of Federal Assistance also apply to sections 2 and 3 of this act.

Section 3.7 of this bill makes a conforming change to the general authority of the Office to apply for and receive any gift, grant, contribution or other source money to carry out the provisions of law relating to the Office to account for the authority of the Office in section 3 to apply for gifts, grants, bequests, donations or other sources of money specifically for the Community Project Grant Program.

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

Section 1. Chapter ~~[218A]~~ **223** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Community Project Grant Program is hereby created for the purpose of awarding grants to ~~[private]~~ nonprofit ~~[organizations]~~ corporations to conduct projects that benefit communities in this State. ~~[An application for such a grant must be submitted by a Legislator on behalf of a nonprofit organization for a project within the district of the Legislator.]~~***

2. The Director ~~[or the Director's designee]~~ shall administer the Grant Program.

3. The ~~[Legislative Commission]~~ Director shall adopt regulations necessary to carry out the Grant Program, including, without limitation, regulations that prescribe:

(a) The ~~[categories of eligible projects]~~ criteria for eligibility for ~~[which]~~ such a grant ~~[may be awarded under the Grant Program;]~~

~~[(b) Procedures]~~ and the procedures for the submission and review of applications for and the awarding of such a grant ~~[.]~~ , including, without limitation, a separate process with criteria and procedures suitable for a nonprofit corporation that:

(1) Has an annual revenue that does not exceed $1,000,000; or

(2) Has been in existence for less than 5 years after the effective date of its recognition as tax-exempt by the Internal Revenue Service; and

~~[(c)]~~ (b) Requirements for reporting expenditures of the money from such a grant.

4. On or before October 1 of each ~~[even-numbered]~~ odd-numbered year, the Director ~~[or the Director's designee]~~ shall prepare and transmit a written report to the Legislature concerning the applications submitted for grants ~~[awarded]~~ under the Grant Program during the immediately preceding biennium.

5. As used in this section, "nonprofit corporation" means a corporation that:

(a) Operates exclusively for any exempt purpose under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. §501(c)(3); and

(b) Is recognized as exempt by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. §501(c)(3).

Sec. 3. *1. The Account for the Community Project Grant Program is hereby created in the ~~[Legislative]~~ State General Fund.*

2. The Director ~~[or the Director's designee]~~ shall administer the Account.

3. In addition to any direct legislative appropriation, the ~~[Director or the Director's designee]~~ Office may apply for and accept any gift, grant, bequest, donation or other source of money. Any money so received must be deposited in the Account.

4. The money in the Account must be used only to carry out the Community Project Grant Program created by section 2 of this act.

5. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

6. All claims against the Account must be ~~[approved by the Director or the Director's designee before the]~~ paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the ~~[Legislative]~~ State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 3.3. **NRS 223.460 is hereby amended to read as follows:**

223.460 As used in NRS 223.460 to 223.498, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 223.462 to 223.470, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.7. **NRS 223.482 is hereby amended to read as follows:**

223.482 ~~[The]~~ *Except as otherwise provided in section 3 of this act, the* Office may apply for and receive any gift, grant, contribution or other money from any source to carry out the provisions of NRS 223.460 to 223.498, inclusive ~~[.]~~ *, and sections 2 and 3 of this act.*

Sec. 4. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On July 1, 2025, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 128.

SUMMARY—Revises provisions relating to the issuance of **certain** professional and occupational licenses. (BDR ~~[19-926)]~~ **54-926**)

AN ACT relating to professional licensing; establishing procedures by which an applicant for ~~[a]~~ **certain** professional or occupational ~~[license]~~ **licenses** may obtain judicial review of the decision of a ~~[licensing agency]~~ **regulatory body** denying the application of the applicant on the basis of the moral character or criminal history of the applicant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of certain professions and occupations in this State. (Title 54 of NRS) Existing law, in general, designates various state agencies, boards and commissions that are authorized to license and regulate those professions and occupations as "regulatory bodies." (NRS 622.060) Existing law authorizes or requires various ~~[entities that issue professional or occupational licenses]~~ **regulatory bodies** to deny an application for the issuance of ~~[such]~~ a **professional or occupational** license based on the moral character or criminal history of the applicant. For example, existing law authorizes the Nevada State Board of Accountancy to refuse to grant a certificate of certified public accountant to an applicant if he or she has been convicted of a felony in this State. (NRS 628.190) Similarly, existing law requires an applicant for a license as an athletic trainer to be of good moral character. (NRS 640B.310) ~~[Additionally, under existing law, the Cannabis Compliance Board is prohibited, with certain exceptions, from issuing a cannabis establishment agent registration card to a person who has been convicted of certain felony offenses. (NRS 678B.340)]~~ This bill sets forth procedures by which an applicant for the issuance of ~~[any]~~ **a "license," which existing law defines to mean any** license, ~~[certification,]~~

certificate, registration, permit or other **similar type of** authorization ~~[that grants a person the authority to engage in a profession or occupation in this State that is]~~ issued by ~~[any officer, agency, board or commission of this State or any political subdivision of this State]~~ **a regulatory body,** may obtain judicial review of a **final** decision **of the regulatory body** denying the application of the applicant on the basis of the moral character or criminal history of the applicant. **(NRS 622.030)**

This bill requires a ~~[licensing agency]~~ **regulatory body** that denies an application for the issuance of a license on the basis of the moral character or criminal history of the applicant to **, before issuing a final decision on the matter, advise the applicant of the administrative remedies available for challenging the denial, if any, and the applicable timelines for pursuing such remedies. If the regulatory body issues a final decision denying the application of the applicant on the basis of the moral character or criminal history of the applicant, this bill requires the regulatory body to** provide written notice to the applicant within 10 days after the ~~[denial.]~~ **issuance of the final decision.** This bill authorizes the applicant to file a petition in the district court seeking review of the decision within 30 days after receipt of the notice. Under this bill, the ~~[licensing agency]~~ **regulatory body** is required to prove by ~~[clear and convincing]~~ **a preponderance of the** evidence at the hearing on the petition that the issuance of the license to the applicant would pose a direct, substantial and unmitigatable risk to public health or safety based on the duties and responsibilities of the profession or occupation in which the applicant wishes to engage. If the court determines that the ~~[licensing agency]~~ **regulatory body** has met that burden of proof, this bill requires the court to issue an order affirming the decision of the ~~[licensing agency.]~~ **regulatory body.** If the court determines that the ~~[licensing agency]~~ **regulatory body** has not met that burden of proof, this bill requires the court to order the ~~[licensing agency]~~ **regulatory body** to issue the applicant the license. Under this bill, the ~~[licensing agency]~~ **regulatory body** is required to comply with the order, notwithstanding any other provision of existing law.

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

Section 1. Chapter ~~[237]~~ **622** of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a ~~[licensing agency]~~ regulatory body denies an application for the issuance of a license on the basis of the moral character or criminal history of the applicant, the ~~[licensing agency]~~ regulatory body shall , before issuing a final decision on the matter, advise the applicant of the administrative remedies available for challenging the denial, if any, and the applicable timelines for pursuing such remedies. The regulatory body shall, within 10 days after issuing a final decision denying the application of the applicant on the basis of the moral character or criminal history of the applicant, provide to the applicant written notice ~~[within 10 days after the denial,]~~ of

the final decision. The notice must set forth the basis for the final decision of the ~~[licensing agency and contain an explanation of the provisions of this section.]~~ regulatory body.

2. An applicant who receives a notice of a final decision provided pursuant to subsection 1 may, within 30 days after receipt of the notice, file a petition in the district court seeking review of the decision of the ~~[licensing agency.]~~ regulatory body.

3. Upon the filing of a petition pursuant to subsection 2, the court shall set a time for a hearing on the petition and provide notice of the hearing to the applicant and ~~[licensing agency.]~~ regulatory body. At the hearing, the ~~[licensing agency]~~ regulatory body has the burden of proof of establishing by ~~[clear and convincing]~~ a preponderance of the evidence that the issuance to the applicant of the license for which the applicant applied would pose a direct, substantial and unmitigatable risk to public health or safety based on the duties and responsibilities of the profession or occupation in which the applicant wishes to engage. The regulatory body may present the court with any relevant evidence showing how it reached its decision on the matter. Evidence of any prior arrests of the applicant is not sufficient in itself to meet the burden of proof imposed on the regulatory body pursuant to this subsection.

4. If the court determines that the licensing agency has met the burden of proof required by subsection 3, the court shall issue an order affirming the decision of the ~~[licensing agency.]~~ regulatory body. The order must contain specific findings of fact and conclusions of law supporting the decision of the court . ~~[and specific recommendations to improve the possibility of being granted the license the next time the applicant applies for the license.]~~ The court may also order the regulatory body to meet and confer with the applicant concerning any necessary actions that the applicant must take for the regulatory body to not deny the applicant a license based on the moral character or criminal history of the applicant.

5. If the court determines that the ~~[licensing agency]~~ regulatory body has failed to meet the burden of proof required by subsection 3, the court shall issue an order requiring the ~~[licensing agency]~~ regulatory body to issue the license to the applicant. Notwithstanding any other provision of law, the ~~[licensing agency]~~ regulatory body shall comply with the order and issue the license to the applicant.

6. The provisions of this section do not apply to an applicant for the issuance of a license issued by the State Contractors' Board pursuant to chapter 624 of NRS.

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

~~(a) "License"]~~ , "applicant" means a natural person who applies for a license . ~~], certification, registration, permit or other authorization that grants a person the authority to engage in a profession or occupation in this State.~~

~~*(b) "Licensing agency" means any officer, agency, board or commission of this State or any political subdivision of this State that issues a license.]*~~

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 13.

AN ACT relating to education; ~~[expanding the applicability of]~~ **revising provisions relating to** the Student Loan Repayment for Providers of Health Care in Underserved Communities Program; **renaming the Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. (NRS 226.458) **Existing law also creates the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities to be used to repay those student education loans. (NRS 226.466)** Existing law defines "provider of health care" for purposes of the Program. (NRS 226.454) **Section ~~[1]~~ 4** of this bill adds a licensed **speech-language pathologist, physical therapist,** marriage and family therapist, clinical alcohol and drug counselor**,** ~~[and]~~ alcohol and drug counselor **, assistant behavior analyst and behavior analyst** and a certified problem gambling counselor to the definition of "provider of health care" for such purposes, thereby expanding the applicability of the Program.

Existing law prescribes the requirements for a provider of health care to be eligible for repayment of student education loans under the Program, including a requirement that the provider of health care commit to practice for at least 5 years in certain locations. Such locations in existing law include specified census tracts that have populations with lower income levels or have a high level of social vulnerability under certain federal criteria. (NRS 226.460) Section 6 expands eligibility for the Program to a provider of health care who commits to practice for at least 5 years in a census tract that is directly adjacent to a census tract prescribed in existing law as an eligible location under the Program.

Sections 5-7 of this bill also expand the Program to include public health professionals, which are defined in section 1 of this bill as: (1) the Chief Medical Officer and county and district health officers who are appointed under existing law; and (2) a person who is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health in a position for which the Division or

local board of health experiences substantial difficulty in recruitment and retention. Such positions are required by section 7 to be designated by regulation by the State Treasurer, based on recommendations that are required to be made by the State Board of Health pursuant to section 9 of this bill. Section 8 of this bill changes the name of the Account for the Program to the Account for Student Loan Repayment for Providers of Health Care and Public Health Professionals in Underserved Communities as a result of the expansion of the Program to include public health professionals. Section 2 of this bill applies the definitions in existing law and section 1 to the provisions of existing law relating to the Program. Section 3 of this bill makes a conforming change as a result of the expansion and change of the name of the Program.

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

Section 1. **Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Public health professional" means:

1. A person who is employed full-time or part-time as:

(a) The Chief Medical Officer appointed pursuant to NRS 439.085;

(b) A county health officer appointed pursuant to NRS 439.290; or

(c) A district health officer appointed pursuant to NRS 439.368 or 439.400; or

2. A person who is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health in a position designated by the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 226.462.

Sec. 2. **NRS 226.450 is hereby amended to read as follows:**

226.450 As used in NRS 226.450 to 226.466, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 226.452, 226.454 and 226.456 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. **NRS 226.452 is hereby amended to read as follows:**

226.452 "Program" means the Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities Program created by NRS 226.458.

~~[Section 1.]~~ ***Sec. 4.*** NRS 226.454 is hereby amended to read as follows:

226.454 "Provider of health care" means:

1. A physician;
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;
3. A dentist;
4. A licensed nurse;
5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

6. An optometrist;
7. An audiologist;
8. A practitioner of respiratory care;
9. A podiatric physician;
10. A psychologist;
11. A clinical professional counselor;
12. A perfusionist;
13. A pharmacist or pharmacy technician;
14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
15. A midwife; ~~[or]~~
16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***;***

17. A speech-language pathologist licensed pursuant to chapter 637B of NRS;

18. A physical therapist licensed pursuant to chapter 640 of NRS;

19. A marriage and family therapist licensed pursuant to chapter 641A of NRS;

~~[18.]~~ 20. A clinical alcohol and drug counselor or an alcohol and drug counselor licensed pursuant to chapter 641C of NRS; ~~[or

19.]~~ 21. A problem gambling counselor certified pursuant to chapter 641C of NRS ~~[.]~~ ; or

22. An assistant behavior analyst or a behavior analyst licensed pursuant to chapter 641D of NRS.

Sec. 5. **NRS 226.458 is hereby amended to read as follows:**

226.458 1. The Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities Program is hereby created to repay the student education loans of providers of health care ***and public health professionals*** who are eligible for the Program pursuant to NRS 226.460 and 226.462 and any regulations adopted pursuant thereto.

2. The State Treasurer shall administer the Program.

3. In administering the Program, the State Treasurer shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing health care services ***or are committed to working as a public health professional, as applicable,*** in an underserved community in this State;

(b) Ensure that at least 15 percent of money available for the Program in any year be used to repay the student education loans of providers of health care who commit to practicing ***or persons who commit to working as public health professionals, as applicable,*** in a county whose population is less than 100,000, to the extent that such providers ***or public health professionals*** are participating in the Program;

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize ***, for providers of health care,*** the repayment of student education loans for providers of primary care, providers of health care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by the regulations adopted by the State Treasurer pursuant to NRS 226.462; and

(d) Work collaboratively to raise awareness about the Program with organizations that work with providers of health care ***and public health professionals*** and students studying to become providers of health care ~~[,]~~ ***or public health professionals,*** including, without limitation:

(1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;

(2) Organizations that represent medical students and other students studying to become providers of health care ~~[,]~~ ***or public health professionals;***

(3) Organizations that represent providers of health care ~~[,]~~ ***or public health professionals;***

(4) Tribal governments; and

(5) Organizations who advocate for improved health outcomes in minority communities.

4. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, psychiatry or obstetrics and gynecology.

Sec. 6. **NRS 226.460 is hereby amended to read as follows:**

226.460 A provider of health care ***or public health professional*** is eligible for repayment of a student education loan under the Program if the provider of health care ~~[,]~~ ***or public health professional:***

1. Is a current resident of this State;

2. Is actively licensed, certified or registered in good standing to practice in this State as a provider of health care ~~[,]~~ ***or is working as a public health professional, as applicable;*** and

3. Commits to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in this State ~~[,]~~ ***or at least 5 years of employment as a public health professional, as applicable:***

(a) In a census tract which, upon commencement of such clinical practice ~~[,]~~ ***or employment,*** is designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii) ~~[,]~~ ***or a census tract that is directly adjacent thereto;***

(b) In a census tract which, upon commencement of such clinical practice ~~[,]~~ ***or employment,*** has a high level of social vulnerability as determined according to the Social Vulnerability Index developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services ~~[,]~~ ***or a census tract that is directly adjacent thereto;***

(c) In a community in which, according to the decennial census immediately preceding the commencement of such clinical practice ~~[,]~~ ***or***

employment, at least 20 percent of households were not proficient in the English language;

(d) On tribal lands or in a community where tribal members commonly reside;

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to NRS 226.462; or

(f) In a county whose population is less than 100,000.

Sec. 7. **NRS 226.462 is hereby amended to read as follows:**

226.462 1. A provider of health care ***or public health professional*** who meets the qualifications set forth in NRS 226.460 and wishes to receive repayment of student education loans from the Program must submit an application to the State Treasurer in the form prescribed by the State Treasurer and comply with any regulations adopted pursuant to subsection 2.

2. The State Treasurer:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by NRS 226.460, for determining the eligibility of a provider of health care ***or public health professional*** to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of health care ***or public health professional*** is eligible to receive from the Program. That methodology must include, without limitation, a sliding scale that conditions the amount a provider of health care ***or public health professional*** should receive from the Program on areas of specialization, type of degree and average loan burden for the particular field of health care in which the provider practices ~~[.]~~ ***or the professional works.***

(c) Shall adopt regulations establishing the:

(1) Procedure that the State Treasurer will use to carry out the provisions of paragraph (b) of subsection 3 of NRS 226.458; and

(2) Manner in which the Program must prioritize the repayment of student education loans for the providers of health care pursuant to paragraph (c) of subsection 3 of NRS 226.458.

(d) Shall adopt regulations prescribing the manner in which the State Treasurer will determine whether a geographic area meets the requirements of paragraph (e) of subsection 3 of NRS 226.460.

(e) ***Shall, based on the recommendations made by the State Board of Health pursuant to subsection 5 of NRS 439.200, designate positions for which the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health experiences substantial difficulty in recruitment and retention.***

(f) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of health care ***or public health***

professional who has been found eligible to receive such repayment from the Program.

~~[(f)]~~ ***(g)*** May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of health care ***or public health professional*** more than $120,000 for the repayment of student education loans.

4. The application of a provider of health care ***or public health professional*** for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 8. **NRS 226.466 is hereby amended to read as follows:**

226.466 1. The Account for Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities is hereby created in the State General Fund. The State Treasurer shall administer the Account.

2. Money for the Account may be provided:

(a) By direct legislative appropriation;

(b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or

(c) As provided in subsection 5.

3. Money in the Account must be used solely:

(a) To administer the Account and the Program; and

(b) To repay the student education loans of providers of health care ***and public health professionals*** who have qualified for such repayment pursuant to NRS 226.460 and 226.462.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The State Treasurer may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of providers of health care ***and public health professionals*** who have qualified for repayment of student education loans pursuant to NRS 226.460 and 226.462. The State Treasurer shall deposit any money so received into the Account.

Sec. 9. **NRS 439.200 is hereby amended to read as follows:**

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) To provide for the sanitary protection of water and food supplies.

(e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

(f) To protect and promote the public health generally.

(g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

5. The State Board of Health shall make recommendations to the State Treasurer regarding the designation of positions for the regulations required to be adopted pursuant to paragraph (e) of subsection 2 of NRS 226.462. In determining whether to designate a position, the Board shall make findings regarding:

(a) The history of the rate of turnover or length of vacancy for the position;

(b) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and

(c) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

Sec. 10. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.**

Sec. 11. **1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.**

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been

transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

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

~~[Sec. 2.]~~ ***Sec. 12.*** 1. This section becomes effective upon passage and approval.

2. ~~[Section]~~ **Sections** 1 **to 11, inclusive,** of this act ~~[becomes]~~ **become** effective:

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

(b) On October 1, 2025, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 282.

Bill read second time.

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

Amendment No. 436.

AN ACT relating to health care; requiring a medical facility or a provider of health care who receives notice **from a patient** of ~~[or otherwise discovers a potential]~~ **an** error in a medical bill to review the potential error and refund any overpayment; authorizing **certain** disciplinary action for the failure to comply with such requirements; **requiring the Governor's Consumer Health Advocate to provide certain assistance concerning medical billing errors;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides every patient of a medical facility with the right to examine the bill for his or her care and receive an explanation of the bill. (NRS 449A.106) Existing law also requires each provider of health care to timely provide a patient with an itemized bill at no additional cost to the patient. (NRS 629.071) **Sections 2 and 3** of this bill, respectively, require a medical facility or provider of health care that ~~[determines or]~~ receives notice **from a patient** that a medical bill ~~[may contain]~~ **contains** one or more **specific** billing errors to: (1) ~~[review the potential]~~ **respond to the patient concerning the** billing

errors.~~[;]~~ **, including by providing the contact information for the Office for Consumer Health Assistance in the Department of Health and Human Services if the facility or provider does not intend to refund the disputed charge; or** (2) notify the patient ~~[of the review and the results of the review; and (3) refund any overpayment by the patient. Sections 1 and 4 of this bill, respectively, authorize the suspension or revocation of the license of a medical facility that violates section 2, and the imposition of disciplinary action against and administrator of certain facilities who aids or abets a violation of section 2.]~~ **that the disputed charge is being reviewed. Sections 2 and 3 require the medical facility or provider of health care to refund any overpayment by the patient. Section 2 requires the State Board of Health to establish by regulation an administrative fine to impose on a medical facility that violates section 2. Section 3** authorizes the imposition of disciplinary action against a provider of health care who fails to comply with the requirements of **section 3**. **Section 2.5 of this bill requires the Governor's Consumer Health Advocate, who serves as the head of the Office, to review medical bills that consumers believe to be erroneous and assist consumers in addressing medical billing errors.**

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

Section 1. ~~[NRS 449.160 is hereby amended to read as follows:~~

~~449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, *and section 2 of this act* and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.~~

~~(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.~~

~~(g) Violation of the provisions of NRS 458.112.~~

~~(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.~~

~~(i) Violation of the provisions of NRS 629.260.~~

~~2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:~~

~~(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;~~

~~(b) A report of any investigation conducted with respect to the complaint; and~~

~~(c) A report of any disciplinary action taken against the facility.~~

~~➥The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.~~] **(Deleted by amendment.)**

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Not later than 30 days after determining or receiving notice from]~~ If a patient ~~[or any other source]~~ believes that a bill ~~[may contain]~~ from a medical facility contains one or more billing errors ~~[, a]~~ and notifies the medical facility of the specific charges the patient believes are erroneous, the medical facility shall ~~[:]~~ investigate the alleged error and, not later than 30 days after notification:

(a) ~~[Notify in writing]~~ Respond to the patient ~~[to whom the bill relates:

(1) Of each potential billing error;

(2) That the medical facility will conduct a review pursuant to paragraph (b); and

~~(3) That during a review conducted pursuant to paragraph (b)]~~ by:

(1) Notifying the patient whether the medical facility will be refunding any amount of the bill; and

(2) If the medical facility will not be refunding the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge and provide the patient an update to the investigation at least once every 30 days thereafter.

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the medical facility of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a medical facility or any review of a disputed charge by the Office for Consumer Health Assistance, the medical facility ~~[will]~~ shall not bill the patient for any care that is subject to the investigation or review ~~.~~

~~(b) Review the potential billing errors. During such a review, the medical facility shall not bill the patient for any care that is subject to the review.~~

~~2. Not later than 30 days after completing a review pursuant to paragraph (b) of subsection 1, a medical facility shall:~~

~~(a) Notify the patient in writing of the completion and results of the review. The notice must include, without limitation:~~

~~(1) Notice of whether the review resulted in the discovery of any billing errors and:~~

~~(I) If the review resulted in the discovery of any billing errors, an explanation of each billing error and the manner in which the billing error was corrected; or~~

~~(II) If the review did not result in the discovery of any billing errors, an explanation of the reasons why the potential errors identified pursuant to subsection 1 are not actual billing errors; and~~

~~(2) Applicable coding guidelines, references to medical records and other information relevant to the explanation provided pursuant to subparagraph (1).~~

~~(b) If the review resulted in the discovery of a billing error which resulted in the patient overpaying for care, refund]~~ , but may bill for charges the patient incurs relating to other care provided by the medical facility to the patient.

4. Except as otherwise provided in this subsection, a medical facility that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the medical facility determines that an overpayment was made. The medical facility may apply the amount of overpayment due to the patient ~~[the amount of the overpayment.]~~ to other current outstanding bills of the patient.

5. A medical facility that violates this section:

(a) Is subject to an administrative fine at a rate established by regulation by the Board; and

(b) Is not subject to any other administrative sanction.

Sec. 2.5. **NRS 232.459 is hereby amended to read as follows:**

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; ~~[and]~~

(n) ***Review bills from medical facilities and providers of health care that consumers believe to be erroneous, including, without limitation, after being contacted by a consumer pursuant to section 2 or 3 of this act, and assist consumers in dealing with medical billing errors; and***

(o) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

Sec. 3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Not later than 30 days after determining or receiving notice from]~~ If a patient ~~[or any other source]~~ believes that a bill ~~[may contain]~~ from a provider of health care contains one or more billing errors ~~[, a]~~ and notifies the provider of health care of the specific charges the patient believes are erroneous, the provider of health care shall ~~[:]~~ investigate the alleged error and, not later than 30 days after notification:

(a) ~~[Notify in writing]~~ Respond to the patient ~~[to whom the bill relates:

(1) Of each potential billing error;

(2) That the provider of health care will conduct a review pursuant to paragraph (b); and

(3) That during a review conducted pursuant to paragraph (b)]~~ by:

(1) Notifying the patient whether the medical facility will be refunding any amount of the bill; and

(2) If the medical facility will not be refunding the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge and provide the patient an update to the investigation at least once every 30 days thereafter.

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the provider of health care of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a provider of health care or any review of a disputed charge by the Office for Consumer Health Assistance, the provider of health care ~~[will]~~ shall not bill the patient for any care that is subject to the investigation or review ~~.~~

~~*(b) Review the potential billing errors. During such a review, the provider of health care shall not bill the patient for any care that is subject to the review.*~~

~~*2. Not later than 30 days after completing a review pursuant to paragraph (b) of subsection 1, a provider of health care shall:*~~

~~*(a) Notify the patient in writing of the completion and results of the review. The notice must include, without limitation:*~~

~~*(1) Notice of whether the review resulted in the discovery of any billing errors and:*~~

~~*(I) If the review resulted in the discovery of any billing errors, an explanation of each billing error and the manner in which the billing error was corrected; or*~~

~~*(II) If the review did not result in the discovery of any billing errors, an explanation of the reasons why the potential errors identified pursuant to subsection 1 are not actual billing errors; and*~~

~~*(2) Applicable coding guidelines, references to medical records and other information relevant to the explanation provided pursuant to subparagraph (1).*~~

~~*(b) If the review resulted in the discovery of a billing error which resulted in the patient overpaying for care, refund]*~~ , but may bill for charges the patient incurs relating to other care provided by the provider of health care to the patient.

4. Except as otherwise provided in this subsection, a provider of health care that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the provider of health care determines that an overpayment was made. The provider of health care may apply the amount of overpayment due to the patient ~~[the amount of the overpayment.]~~ to other current outstanding bills of the patient.

~~[3.]~~ 5. ***A provider of health care who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.***

Sec. 4. ~~[NRS 654.190 is hereby amended to read as follows:~~

~~654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:~~

~~(a) Is convicted of a felony relating to the practice of administering a facility for skilled nursing or facility for intermediate care or residential facility for groups or of any offense involving moral turpitude.~~

~~(b) Has obtained his or her license by the use of fraud or deceit.~~

~~(c) Violates any of the provisions of this chapter.~~

~~(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, or 449A.100 to 449A.124, inclusive, ***and section 2 of this act*** and 449A.270 to 449A.286, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.~~

~~(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.~~

~~(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.~~

~~2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.0333. A licensee may waive, in writing, his or her right to attend the hearing.~~

~~3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.~~

~~4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.~~~~]~~ **(Deleted by amendment.)**

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 297.

Bill read second time.

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

Amendment No. 435.

~~[ASSEMBLYMEMBER]~~**ASSEMBLYMEMBERS** NADEEM**, GONZÁLEZ; D'SILVA, HUNT, JACKSON, KARRIS, NGUYEN AND ORENTLICHER**

SUMMARY— ~~[Creates a program for the postnatal visitation of certain persons who have recently given birth.]~~ **Revises provisions relating to Medicaid.** (BDR ~~[40-838)]~~ **38-838)**

AN ACT relating to health care; requiring ~~[the development and administration of a program for the postnatal visitation by registered nurses of certain persons who have recently given birth;]~~ **Medicaid to provide coverage for home visitation services for persons who are pregnant or have recently given birth;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing federal law makes available to states grants to establish maternal, infant and early childhood home visiting programs. (42 U.S.C. § 711)]~~ Existing law requires the ~~[Division of Public and Behavioral Health of the]~~ Department of Health and Human Services to administer ~~[a maternal and child health program.]~~ **the Medicaid program, which includes coverage for certain services related to postpartum care.** (NRS ~~[442.130)]~~ **422.271775)** ~~[Section 1 of this bill requires that program to include a program for the postnatal visitation by registered nurses of residents of this State who have recently given birth. Section 1 requires the Department to apply for federal grants and other money to carry out the postnatal visitation program. Section 2 of this bill authorizes the State Board of Health to adopt regulations to carry out the postnatal visitation program.]~~ **Section 2.3 of this bill requires the Department to include under Medicaid coverage for optional home visitation services provided to recipients of Medicaid who are pregnant or have given birth within the immediately preceding 24 months. Section 2.3 also requires the Department to notify recipients of Medicaid who are eligible to receive such services. Section 2.7 of this bill makes a conforming change to require the Director of the Department to administer section 2.3 in the same manner as other provisions of law governing Medicaid.**

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

Section 1. ~~[Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Department, through the State Board of Health and the Division, shall include in the maternal and child health program established pursuant to NRS 442.130 a program for the postnatal visitation of residents of this State who have recently given birth.*~~

~~*2. The program for the postnatal visitation of residents of this State who have recently given birth established pursuant to subsection 1 must provide for at least two visits each week for the first 28 days after the birth by a registered nurse to a resident of this State who has given birth without any charge to the resident who has given birth.*~~

~~*3. The Department shall apply for available funding from the Federal Government, including, without limitation, funding available pursuant to 42 U.S.C. § 711, and funding available from any other source to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 442.140 is hereby amended to read as follows:~~

~~442.140 1. The Department may:~~

~~(a) Formulate, adopt and administer, through the State Board of Health and the Division, a detailed plan for the purposes specified in NRS 442.130.~~

~~(b) Adopt, through the State Board of Health, regulations necessary for the administration of the plan and the administration of NRS 442.130 to 442.170, inclusive~~ ~~[.]~~ ~~*, and section 1 of this act.*~~

~~2. In developing and revising the plan, the Department shall consider:~~

~~(a) The amount of money available from the Federal Government for services relating to maternal and child health;~~

~~(b) The conditions attached to the acceptance of money from the Federal Government; and~~

~~(c) The limitations of legislative appropriations for services relating to maternal and child health.]~~ **(Deleted by amendment.)**

Sec. 2.3. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent that financial participation is available, the Director shall include under Medicaid coverage for optional home visitation services for recipients of Medicaid who are pregnant or have given birth within the immediately preceding 24 months as necessary to support a healthy pregnancy, birth, postpartum period and first 24 months of the life of the child. Such services may include, without limitation, educational and informational support to the family, counseling relating to family planning, preventative screenings, referrals to medical, social and community services and coordination of care.

2. The Administrator shall adopt regulations that establish requirements for providers of services described in subsection 1, which may include, without limitation, a requirement that such a provider be accredited by a nationally recognized organization for the accreditation of home visitation services for pregnant women and new mothers.

3. The Department shall notify each recipient of Medicaid who is eligible for the services covered pursuant to subsection 1 that such services are

available. Such a notice must clearly indicate that such services are optional and that no person is required to receive such services.

4. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 2.7. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 2.3 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 ~~[and 2]~~ **to 2.7, inclusive,** of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 315.

Bill read second time.

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

Amendment No. 433.

SUMMARY—Requires applications to participate in Medicaid as a provider to be ~~[notarized.]~~ **accompanied by a certain verification.** (BDR 38-659)

AN ACT relating to Medicaid; requiring an application to participate in Medicaid as a provider to be ~~[notarized;]~~ **accompanied with a verification of the identity and signature of the applicant; establishing the means by which the identity and signature of an applicant may be established;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an application to participate in Medicaid as a provider to contain a statement that all matters stated within the application are true and accurate. Existing law requires a natural person who is the applicant, or is

authorized to act on behalf of the applicant, to sign the ~~[application]~~ **statement** under the pains and penalties of perjury. Existing law provides that a person who signs such ~~[an application]~~ **a statement** knowing that the application contains information which is false, whether in whole or in part, and whether by commission or omission, is guilty of a category D felony. (NRS 422.550) This bill **additionally** requires that an application submitted ~~[by a person]~~ to participate in Medicaid as a provider be ~~[notarized, in addition to being signed under the pains and penalties of perjury and containing the required statement that all matters stated within the application are true and accurate.]~~ **accompanied by verification of the identity and signature of the person who signed the statement. This bill specifies that a person may verify his or her identity and signature for this purpose by: (1) oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations; or (2) through the use of an electronic identity verification system.**

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

Section 1. NRS 422.550 is hereby amended to read as follows:

422.550 1. Each application or report submitted to participate as a provider, each report stating income or expense upon which rates of payment are or may be based, and each invoice for payment for goods or services provided to a recipient must contain a statement that all matters stated therein are true and accurate, signed

by a natural person who is the provider or is authorized to act for the provider, under the pains and penalties of perjury.

2. ***In addition to the requirements of subsection 1, each application submitted to participate as a provider must be ~~[notarized.]~~ accompanied by verification of the identity and signature of the natural person who signed the statement pursuant to subsection 1:***

(a) By oath or affirmation of the person administered by a notary public or other person authorized by law to administer oaths or affirmations; or

(b) Through an electronic identity verification system that is used or approved by the Department for the purpose of verifying the identification or signature of a person.

3. A person is guilty of perjury which is a category D felony and shall be punished as provided in NRS 193.130 if the person signs or submits, or causes to be signed or submitted, ~~[such]~~ a statement ***described in subsection 1*** , knowing that the application, report or invoice contains information which is false, in whole or in part, by commission or by omission.

~~[3.]~~ ***4.*** For the purposes of this section, a person who signs on behalf of a provider is presumed to have the authorization of the provider and to be acting at the direction of the provider.

5. As used in this section, "electronic identity verification system" means an electronic system that is capable of verifying the identity or signature of a person by:

(a) Using multifactor authentication;

(b) Verifying data contained within governmental databases or appearing on government-issued identification cards, including, without limitation, photographs and signatures;

(c) Utilizing biometric data or facial recognition technology;

(d) Utilizing a combination of any mechanism described in paragraphs (a), (b) and (c); or

(e) Utilizing other secure and accurate means or procedures.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 326.

Bill read second time.

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

Amendment No. 432.

SUMMARY—~~[Revises provisions relating to the designation of hospitals as centers for]~~ **Provides for a study on** the treatment of trauma. (BDR ~~[40-153)]~~ **S-153)**

~~[CONTAINS UNFUNDED MANDATE (§ 2)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to health care; requiring the ~~[State Board of]~~ **Department of** Health **and Human Services** to ~~[adopt regulations establishing the designation of centers for]~~ **conduct a study on** the treatment of trauma ~~[as level I, II, III or IV; authorizing the State Board to adopt regulations establishing additional designations; requiring approval before a center for the treatment of trauma increases its designated level;]~~ **in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that before operating a center for the treatment of trauma, a hospital must obtain the approval of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and, if the hospital is located in a county whose population is 700,000 or more (currently only Clark County), the district board of health. (NRS 450B.236, 450B.237) Existing law also requires the Administrator to verify that a hospital meets certain standards and complete a comprehensive assessment of needs before approving a proposal to designate a hospital as a center for the treatment of trauma. (NRS 450B.237) Existing regulations authorize the Administrator to designate a center for the treatment of trauma as level I, II or III. (NAC 450B.780-450B.875) ~~[Section 2 of this bill~~

~~incorporates those designations into existing law and additionally authorizes the designation of a critical access hospital as a level IV center for the treatment of trauma. Section 2 additionally requires a hospital that wishes to increase the level of treatment provided by an existing center for the treatment of trauma to submit to a similar application and approval process as a hospital applying for initial designation as a center for the treatment of trauma. Section 1 of this bill prohibits the operator of a center for the treatment of trauma from representing that the center for the treatment of trauma provides a level of treatment unless the center has been designated by the Administrator to provide that level of treatment.]~~ **Section 3.5 of this bill requires: (1) the Department of Health and Human Services to study during the 2025-2026 interim the current system for the treatment of trauma in this State and the future needs of this State relating to the treatment of trauma; (2) the study to include the solicitation of public comment on the subject matter of the study; and (3) the Department to publish a report of the study on the Internet and submit the report to the Governor and the Legislature.**

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

Section 1. ~~[NRS 450B.236 is hereby amended to read as follows:~~

~~450B.236 A person shall not [operate] :~~

~~*1. Operate* a center for the treatment of trauma without first applying for and obtaining the written approval of the Administrator of the Division.~~

~~*2. Represent that a center for the treatment of trauma operated by the person provides a level of treatment unless the center for the treatment of trauma has been designated by the Administrator of the Division to provide that level of treatment.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 450B.237 is hereby amended to read as follows:~~

~~450B.237 1. The board shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.~~

~~2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a guide for such regulations. *The regulations must:*~~

~~*(a) Provide for the designation of centers for the treatment of trauma as level I, II, III and IV and may establish additional designations.*~~

~~*(b) Limit the designation of level IV to critical access hospitals.*~~

~~*3.* The Administrator of the Division shall not approve a proposal to designate a hospital as a center for the treatment of trauma *or to increase the level of the designation of an existing center for the treatment of trauma* unless:~~

~~(a) The hospital meets the ***applicable*** standards established pursuant to this subsection; and~~

~~(b) The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma ***or the existing center for the treatment of trauma which proposes to increase the level of its designation, as applicable,*** will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:~~

~~(1) The impact of the proposed center for the treatment of trauma ***or the increase in the level of treatment provided by the existing center of the treatment of trauma, as applicable,*** on the capacity of existing hospitals to provide for the treatment of trauma;~~

~~(2) The number and locations of cases of trauma that have occurred during the previous 5 calendar years in the county in which the proposed center for the treatment of trauma will be located ***or in which the existing center for the treatment of trauma is located, as applicable,*** and the level of treatment that was required for those cases;~~

~~(3) Any identified need for an additional center for the treatment of trauma ***or an increase in the level of treatment provided by the existing center for the treatment of trauma, as applicable,*** in the county in which the proposed center for the treatment of trauma will be located **[**;**]** ***or in which the existing center for the treatment of trauma is located, as applicable;*** and~~

~~(4) Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed ***or existing*** trauma center.~~

~~**[**3.**]** ***4.*** Each district board of health in a county whose population is 700,000 or more shall adopt:~~

~~(a) Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2; and~~

~~(b) A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.~~

~~**[**4.**]** ***5.*** A district board of health in a county whose population is 700,000 or more shall not approve a proposal to designate a hospital as a center for the treatment of trauma ***or to increase the level of the designation of an existing center of the treatment of trauma*** unless:~~

~~(a) The hospital meets the standards established pursuant to subsection **[**3;**]** ***4;***~~

~~(b) The proposal has been approved by the Administrator of the Division pursuant to subsection **[**2;**]** ***3;*** and~~

~~(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection [3,] 4, that the proposed center for the treatment of trauma or the proposed increase in the level of treatment provided by the existing center for the treatment of trauma, as applicable, will not negatively impact the capacity of existing centers for the treatment of trauma in the county.~~

~~[5.] 6. Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue written approval which designates the hospital as such a center. As a condition of continuing designation of the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:~~

~~(a) The hospital must admit any injured person who requires medical care.~~

~~(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.~~

~~(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 and [3.] 4.~~

~~7. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).]~~ **(Deleted by amendment.)**

Sec. 3. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 3.5. **1. During the 2025-2026 interim, the Department of Health and Human Services shall study the current system for the treatment of trauma in the State and the future needs of the State relating to the treatment of trauma. The study must include, without limitation:**

(a) Consideration of the need to develop new hospitals to be designated as centers for the treatment of trauma or newly designate existing hospitals as centers for the treatment of trauma;

(b) Consideration of any plans to develop new hospitals to be designated as centers for the treatment of trauma or newly designate existing hospitals as centers for the treatment of trauma; and

(c) An evaluation of the potential benefits of designating hospitals as level IV centers for the treatment of trauma.

2. The study must:

(a) Consider the demographics of each county in this State;

(b) Consider the manner in which this State and each county in this State may most effectively ensure the availability of treatment of trauma for the residents of this State or county, as applicable; and

(c) Include an opportunity for the public to comment on the subject matter of the study, including, without limitation:

(1) A publicized time period for the public to submit written comments to the Department; and

(2) A public meeting held in compliance with chapter 241 of the NRS to allow members of the public to provide in-person comments.

3. The Department may apply for and receive gifts, grants, donations and other money from any source for the purpose of carrying out the provisions of this section and to defray costs incurred by the Department for carrying out the provisions of this section.

4. On or before January 1, 2027, the Department shall:

(a) Compile a written report of the study conducted pursuant to this section which must include, without limitation:

(1) A conspicuous section disclosing the name of any person who provided any gift, grant, donation or other money for the purpose of carrying out the provisions of this section and the amount of money provided by the person;

(2) All written comments received pursuant to subparagraph (1) of paragraph (c) of subsection 2;

(3) The minutes of the public meeting held pursuant to subparagraph (2) of paragraph (c) of subsection 2; and

(4) A list of recommendations resulting from the study;

(b) Publish the report on an Internet website maintained by the Department; and

(c) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

5. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 4. 1. This section and ~~[section]~~ **sections** 3 **and 3.5** of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 343.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 450.

AN ACT relating to health care; requiring hospitals to publish certain information relating to the pricing of goods and services; prohibiting a hospital

from collecting medical debt that accrued while the hospital was out of compliance with that requirement; prescribing a procedure for the correction of violations of that requirement; authorizing certain **investigations,** civil actions and the imposition of certain administrative sanctions; providing for the publication of certain information relating to violations; requiring certain health care entities to provide certain information before taking any action to collect a medical debt; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require a hospital to publish: (1) a list of standard charges for all items and services provided by the hospital; and (2) a consumer-friendly list of standard charges for a limited set of shoppable services, which are services provided by a hospital that can be scheduled by a consumer in advance. (45 C.F.R. §§ 180.20, 180.40-180.60) **Sections 13-15** of this bill codify similar requirements into Nevada law. Specifically, **section 13** requires a hospital to compile, publish and update annually a list of standard charges for all items and services provided by the hospital. **Section 14** requires a hospital to compile, publish and update annually: (1) a list of shoppable services provided by the hospital; and (2) a list of the shoppable services that appear on a list of certain shoppable services specified by the Federal Government and that the hospital does not provide. **Section 15** requires a hospital to publish the lists required by **sections 13 and 14** on the most prominent publicly available Internet website maintained by the hospital and requires those lists to remain available for at least 7 years after the date of initial publication. **Section 15** prescribes additional technical requirements governing the publication of those lists. **Section 16** of this bill requires a hospital to annually report to the Department of Health and Human Services concerning facility fees for outpatient services provided in off-campus facilities. **Section 16** requires the Department to publish those reports on a publicly available Internet website.

Section 17 of this bill prohibits a hospital from taking certain actions to collect a medical debt for goods or services provided to a patient while the hospital is not in compliance with the requirements of **sections 13-15** or the corresponding federal requirements. **Section 17 provides that such prohibited actions, when taken knowingly, constitute deceptive trade practices, thereby subjecting a hospital that commits such a violation to the civil and criminal penalties that may be imposed for deceptive trade practices generally. (Chapter 598 of NRS) Section 17 also** authorizes a ~~[patient or]~~ medical debtor who is aggrieved by **such** a ~~[violation of those requirements]~~ **prohibited action** to ~~[bring a civil action against the hospital.]~~ **file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. Section 24.5 of this bill requires the Governor's Consumer Health Advocate to assist patients with the filing of such claims. If the Bureau determines that a hospital has taken an action prohibited**

by section 17 to collect a medical debt, section 17 requires the hospital to cancel the debt and refund any portion of the debt that has been paid.

Sections 18-21 ~~[and 24]~~ of this bill provide for the administrative enforcement of **sections 2-21**. Specifically, **section 18**: (1) authorizes any person or entity to file a complaint against a hospital that fails to comply with **sections 2-21**; and (2) requires the Department to monitor the compliance of hospitals with **sections 2-21**. **Section 19** prescribes a procedure for the correction of a violation of **sections 2-21**, and **section 20** requires the Department to impose administrative penalties against a hospital that commits such a violation. ~~[Section 24 additionally authorizes the Division of Public and Behavioral Health of the Department to suspend or revoke the license of a hospital that fails to comply with sections 2-21.]~~ **Section 21** provides for the publication of certain documents relating to violations of **sections 2-21**. **Sections 21 and 25** of this bill provide that a complaint alleging such a violation and certain initial investigatory documents are confidential.

Section 22 of this bill requires certain health care entities, before taking any action to collect a medical debt, to provide: (1) the patient with an itemized statement of the medical debt and certain other information; and (2) the medical debtor with a receipt for each payment made on the debt. **Section 22** authorizes a patient or medical debtor who is aggrieved by a violation of those requirements to bring a civil action against the health care entity. **Sections 3-12** of this bill define certain terms, and **section 2** of this bill establishes the applicability of those definitions. **Sections 23 and 27** of this bill make conforming changes to clarify the applicability of an existing definition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other health benefit plans offered by third parties.***

Sec. 4. ***"Healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.***

Sec. 5. ***"Health benefit plan" means a policy, contract, certificate or agreement offered or issued by a third party to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.***

Sec. 5.5. ***"Health care entity" means:***

1. Any facility licensed pursuant to chapter 449 of NRS;

2. A practitioner group practice;

3. An entity that provides staffing or services of practitioners; or

4. Any other entity that provides health care specified by regulation of the Department.

Sec. 6. ***"Hospital" has the meaning ascribed to it in NRS 439B.110, and additionally includes any parent or subsidiary of a hospital, and any other entity that provides health care items or services and is affiliated with a hospital, regardless of whether the parent, subsidiary or other entity is independently licensed.***

Sec. 7. ***"Medical debt" means an obligation or alleged obligation owed by a consumer of health care to pay money to a health care entity or its assignee for ~~[an item or service described in paragraph (a) of subsection 1 of section 13 of this act that was purchased from, or provided to a patient by, a hospital, whether or not the obligation has been reduced to judgment. The term does not include an obligation to pay money for business, investment, commercial or agricultural purposes or an obligation to pay money incurred by a business.]~~ medical services, products or devices, regardless of whether the obligation is past due. The term includes, without limitation, any amount which has been paid toward the partial or total satisfaction of the debt.***

Sec. 8. ***"Medical debtor" means a natural person who:***

1. Owes a medical debt; or

2. Is the guarantor of a natural person who owes a medical debt.

Sec. 9. ***"National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.***

Sec. 10. ***"Practitioner group practice" means any business entity organized for the purpose of the practice of one or more healing arts by more than one practitioner.***

Sec. 11. ***"Small practitioner group practice" means a practitioner group practice consisting of a number of practitioners less than or equal to the maximum number of practitioners established by regulation of the Department for a small practitioner group practice.***

Sec. 12. ***"Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.***

Sec. 13. ***1. A hospital shall compile, publish in accordance with section 15 of this act and update annually a list of:***

(a) Each item or service provided by the hospital for which the hospital has established a standard charge, including, where applicable:

(1) A fee for:

(I) Supplies and procedures;

(II) Room and board; or

(III) The services of physicians and other practitioners employed by or under contract with the hospital; and

(2) A fee for the use of the hospital or an item; and

(b) For each item or service described in paragraph (a):

(1) A description of the item or service;

(2) The amount, in dollars, of the charge for the item or service that is reflected on the charge master maintained pursuant to NRS 449.490, absent any discount;

(3) The amount, in dollars, of the highest charge that the hospital has negotiated with a third party for the item or service, listed without identifying the third party;

(4) The amount, in dollars, of the lowest charge that the hospital has negotiated with a third party for the item or service, listed without identifying the third party;

(5) The amount, in dollars, that the hospital charges a natural person who pays immediately in cash for the item or service;

(6) Each third party with which the hospital has negotiated a charge for the item or service, the tax identification number of the third party and the amount, in dollars, of that negotiated charge, listed in a manner that clearly associates the negotiated charge with the third party and, where applicable, each health benefit plan offered by the third party; and

(7) Any code or similar identifier that the hospital uses for the purpose of accounting or billing for the item or service, which may include, without limitation:

(I) The code set forth in Current Procedural Terminology published by the American Medical Association;

(II) The code set forth in the Healthcare Common Procedure Coding System published by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(III) The diagnosis-related group; and

(IV) The National Drug Code.

2. If a hospital operates multiple facilities in this State, the hospital shall compile a separate list pursuant to subsection 1 for each facility.

3. A hospital shall be deemed to be in compliance with the requirements of this section if a list compiled pursuant to this section contains at least 95 percent of the entries required by this section.

4. As used in this section, "standard charge" means the regular rate established by a hospital for an item or service provided to a specific group of patients. The term includes, without limitation:

(a) A charge that is reflected on the charge master maintained pursuant to NRS 449.490, absent any discount;

(b) A charge negotiated with a third party; and

(c) The amount charged to a natural person who pays immediately in cash for the item or service.

Sec. 14. *1. A hospital shall compile, publish in accordance with section 15 of this act and update annually:*

(a) A list of shoppable services provided by the hospital and, for each such shoppable service, the information required by subsection 3. The list must include at least 300 shoppable services or, if the hospital provides fewer than 300 shoppable services, each shoppable service that the hospital provides. Such shoppable services must include, without limitation, each shoppable service provided by the hospital that appears on the list of 70 shoppable services specified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 45 C.F.R. § 180.60.

(b) A list of each shoppable service that appears on the list of 70 shoppable services specified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 45 C.F.R. § 180.60 that is not offered by the hospital.

2. In deciding whether to include a shoppable service on the list compiled pursuant to paragraph (a) of subsection 1, a hospital shall:

(a) Consider the frequency with which the hospital provides the shoppable service and the rate that the hospital charges for the shoppable service; and

(b) Prioritize for inclusion on the list the shoppable services that the hospital most frequently provides.

3. The list compiled pursuant to paragraph (a) of subsection 1 must include, for each shoppable service:

(a) A description, in plain language, of the shoppable service;

(b) Each third party with which the hospital has negotiated a charge for the shoppable service and any services ancillary to the shoppable service, the tax identification number of the third party and the amount, in dollars, of that negotiated charge, listed in a manner that clearly associates the negotiated charge with the third party and, where applicable, each health benefit plan offered by the third party;

(c) The amount, in dollars, that the hospital charges a natural person who pays immediately in cash for the shoppable service and any services ancillary to the shoppable service;

(d) The amount, in dollars, of the highest charge that the hospital has negotiated with a third party for the shoppable service and any services ancillary to the shoppable service, listed without identifying the third party;

(e) The amount, in dollars, of the lowest charge that the hospital has negotiated with a third party for the shoppable service and any services ancillary to the shoppable service, listed without identifying the third party;

(f) Any code or similar identifier that the hospital uses for the purpose of accounting or billing for the shoppable service, which may include, without limitation:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The code set forth in the Healthcare Common Procedure Coding System published by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(3) The diagnosis-related group; and

(4) The National Drug Code; and

(g) If the hospital provides the shoppable service to both inpatients and outpatients, whether each charge specified pursuant to paragraphs (b) to (e), inclusive, applies to the shoppable service when provided to an inpatient or an outpatient.

4. If a hospital operates multiple facilities in this State, the hospital shall compile a separate list pursuant to subsection 1 for each facility.

5. A hospital shall be deemed to be in compliance with the requirements of this section if a list compiled pursuant to this section contains at least 95 percent of the entries required by this section.

6. As used in this section, "shoppable service" means a service that a patient may schedule in advance.

Sec. 15. *1. A hospital shall:*

(a) Publish each list compiled pursuant to section 13 or 14 of this act in a single digital file that is presented in a machine-readable format without additional rows or spacing between data and in the manner required by subsection 2. Each such list must be made available in a prominent location on the most prominent publicly available Internet website operated by the hospital. If a hospital operates multiple facilities with separate Internet websites, the lists pertaining to each facility must be available on the most prominent publicly available Internet website for the facility to which the list pertains.

(b) Indicate on each list compiled pursuant to section 13 or 14 of this act or in a manner clearly associated with the list the date on which the list was most recently updated.

(c) Not later than 14 days after initially publishing or updating a list compiled pursuant to section 13 or 14 of this act, submit to the Department:

(1) A copy of the list; and

(2) A statement signed by a senior official or executive of the hospital under penalty of perjury affirming the accuracy and completeness of the list.

2. Each list published pursuant to subsection 1 must:

(a) Be available at all times and free of charge, without having to establish a user account or password and without having to submit personally identifiable information, enter a code or overcome any other impediment;

(b) Be accessible to a common commercial operator of an Internet search engine to the extent necessary for the search engine to index the list and display the list in response to a search by a user of the search engine;

(c) Use the template prescribed by the Department pursuant to subsection 4;

(d) Be digitally searchable and printable by service description, billing code and third party; and

(e) Use the following naming convention: <ein>_<facility-name>_standardcharges.{jsonxmlcsv} or <ein>_<facility-name>_shoppableservices.{jsonxmlcsv}, as applicable.

3. A hospital shall not remove any version of a list published pursuant to section 13 or 14 of this act from the Internet website on which the list is published pursuant to subsection 1 until 7 years after the date on which that version is published.

4. The Department shall develop and publish a template that each hospital must use in formatting a list pursuant to this section. In developing the template, the Department shall:

(a) Consider any federal law, regulations or guidelines for formatting similar lists;

(b) Ensure that the design of the template enables researchers to compare the charges contained in the lists compiled by each hospital; and

(c) Design the template to be substantially similar to any template used by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for a similar purpose, to the extent that such a design meets the objective specified in paragraph (b).

5. The Department shall publish each list received pursuant to paragraph (c) of subsection 1 on a publicly accessible Internet website maintained by the Department not later than 45 days after receiving the list.

6. As used in this section, "machine-readable format" means a digital representation of information in a file that is capable of being imported or read into a computerized system for further processing. The term includes, without limitation, .XML, .JSON and .CSV formats.

Sec. 16. *1. On or before July 1 of each year, a hospital shall submit to the Department in the form prescribed by the Department:*

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed by a senior official or executive of the hospital under penalty of perjury affirming the accuracy and completeness of the information in the report.

2. A report submitted pursuant to paragraph (a) of subsection 1 must include, for the immediately preceding calendar year:

(a) The name and location of each health care facility, other than a small practitioner group practice, owned or operated by the hospital that charges a facility fee for any service;

(b) The number of patient visits to each health care facility described in paragraph (a);

(c) The number, total amount and types of facility fees paid at each health care facility described in paragraph (a) by Medicare;

(d) The number, total amount and types of facility fees paid at each health care facility described in paragraph (a) by nongovernmental third parties;

(e) For each health care facility described in paragraph (a), the total number of facility fees charged and the total amount of revenue received from facility fees;

(f) The total amount of facility fees charged and the total amount of revenue received from facility fees by the hospital for all health care facilities described in paragraph (a);

(g) The 10 services provided by the hospital, including, without limitation, all health care facilities owned or operated by the hospital, that generated the largest amount of gross revenue through facility fees and, for each such service:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The total number of times the hospital provided the service;

(3) The gross and net revenue generated by the hospital through the provision of the service; and

(4) The net revenue received by the hospital through facility fees associated with the service;

(h) The 10 services provided by the hospital most frequently for which the hospital charged a facility fee and, for each such service:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The total number of times the hospital provided the service;

(3) The gross and net revenue generated by the hospital through the provision of the service; and

(4) The net revenue received by the hospital through facility fees associated with the service; and

(i) Any other information prescribed by regulation of the Department.

3. The Department shall publish each report received pursuant to subsection 1 available on a publicly accessible Internet website maintained by the Department not later than 45 days after receiving the report.

4. As used in this section:

(a) "Facility fee" means a fee that is charged by a hospital for outpatient services provided in an off-campus health care facility operated by the hospital and that is intended to compensate the hospital for the expenses of providing health care. The term does not include a fee charged by a practitioner for medical services.

(b) "Health care facility" means:

(1) An off-campus location of a hospital;

(2) Any facility independently licensed pursuant to chapter 449 of NRS;

(3) A practitioner group practice; and

(4) Any other facility that provides health care specified by regulation of the Department.

Sec. 17. *1. A hospital shall not take any action described in subsection 2 with regard to any medical debt while the hospital is not in compliance*

with any provision of section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60.

2. A hospital shall not, with regard to any medical debt described in subsection 1:

(a) Refer the medical debt to a collection agency or other third party for collection;

(b) File a civil action or seek arbitration or mediation to collect the medical debt; or

(c) Directly or indirectly cause the reporting of the medical debt to a reporting agency.

3. If a medical debtor believes that a hospital has taken an action described in subsection 2 in violation of subsection 1 with respect to a medical debt owed by the medical debtor, the medical debtor may ~~[bring a civil action against the hospital.]~~ file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. A medical debtor who files such a claim shall immediately notify the hospital that he or she has filed the claim.

4. Upon the filing of a claim pursuant to subsection 3, the Bureau of Consumer Protection shall investigate the claim. The hospital shall not take any action described in subsection 2 to collect the medical debt that is the subject of the ~~[civil action]~~ investigation while the ~~[civil action]~~ investigation is pending.

~~[4.]~~ 5. If, at the conclusion of ~~[a civil action brought]~~ an investigation pursuant to subsection ~~[3,]~~ 4, the ~~[court finds]~~ Bureau of Consumer Protection determines that the hospital has taken an action described in subsection 2 in violation of subsection 1, the ~~[court shall:~~

~~(a) Order the]~~ hospital ~~[to:~~

~~(1) Refund]~~ shall cancel the medical debt that is the subject of the investigation and any related medical debt and refund any amount of the medical debt ~~[that is the subject of the civil action]~~ or any related medical debt which has been paid by the medical debtor ~~. [;~~

~~(2) Pay to the medical debtor punitive damages in an amount equal to three times the amount of the medical debt that is the subject of the civil action; and~~

~~(3) Pay the reasonable attorneys' fees and costs of the medical debtor;~~

~~(b) Enjoin the hospital from taking further actions in violation of subsections 1 and 2;~~

~~(c) Dismiss any civil action filed in that court by the hospital in violation of this section with prejudice and order the hospital to pay the reasonable attorney's fees and costs of the patient or the guarantor of the patient, as applicable, in that action;~~

~~(d) Notify any other court in which the hospital has filed a civil action in violation of this section of the verdict; and~~

~~(e) Order any reporting agency to which a hospital has caused to be reported a medical debt in violation of paragraph (c) of subsection 2 to~~

~~*refrain from including information relating to the medical debt in any consumer report.*~~

~~*5. Upon receiving notice pursuant to paragraph (d) of subsection 4 that a medical debtor has prevailed in a civil action brought pursuant to subsection 3, a court shall take the actions described in paragraph (c) of subsection 4.]*~~

6. A knowing violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7. As used in this section , ~~[~~:

~~*(a) "Consumer report" has the meaning ascribed to it in NRS 598C.060.*~~

~~*(b) "Reporting]*~~ *"reporting agency" has the meaning ascribed to it in NRS 598C.100.*

Sec. 18. *1. Any person who believes that a hospital has failed to comply with the provisions of sections 2 to 21, inclusive, of this act may submit a complaint to the Department. The Department shall:*

(a) Create an electronic form for the submission of such complaints and post the form on an Internet website operated by the Department; and

(b) Accept such complaints through a telephone number dedicated for that purpose.

2. The Department shall monitor the compliance of hospitals with the provisions of sections 2 to 21, inclusive, of this act by:

(a) Evaluating complaints submitted pursuant to subsection 1 and other available information concerning compliance with sections 2 to 21, inclusive, of this act;

(b) Reviewing any available analysis of noncompliance with sections 2 to 21, inclusive, of this act prepared in good faith by a qualified person or entity;

(c) Auditing the Internet websites maintained by hospitals in this State; and

(d) Confirming that each hospital has complied with paragraph (c) of subsection 1 of section 15 of this act.

3. The Department shall adopt such regulations as are necessary to carry out the provisions of sections ~~[18]~~ 17 to 21, inclusive, of this act, including, without limitation, regulations prescribing the procedure to appeal any action taken by the Department pursuant to section 19 or 20 of this act. That procedure must include, without limitation, the opportunity for a hearing.

Sec. 19. *1. If the Department determines that a hospital has failed to comply with the provisions of sections 2 to 21, inclusive, of this act, the Department shall issue to the hospital a notice of the violation. The notice must include, without limitation:*

(a) A description of the violation;

(b) A requirement that the hospital:

(1) Take action to correct the violation within 30 days after the date of the notice, if the Department determines that the violation is capable of correction within that time period; or

(2) Submit a plan of correction within 30 days after the date of the notice, in all other cases; and

(c) If the Department requires a hospital to submit a plan of correction, notice of:

(1) The form and manner in which the hospital must submit the plan of correction;

(2) The date by which the hospital must submit the plan of correction or a notice of appeal; and

(3) The date by which the hospital must correct the violation.

2. If the Department requires a hospital to take action to correct a violation pursuant to subparagraph (1) of paragraph (b) of subsection 1, the hospital shall, within 30 days after the date of the notice, submit to the Department written confirmation that the hospital has taken such action or a notice of appeal.

3. A plan of correction submitted pursuant to subparagraph (2) of paragraph (b) of subsection 1 must state:

(a) The manner in which the hospital will correct the violation identified in the notice provided pursuant to subsection 1; and

(b) The date by which the hospital will correct the violation.

4. Upon the submission of a plan of correction pursuant to subparagraph (2) of paragraph (b) of subsection 1, the Department may:

(a) Approve the plan of correction as submitted; or

(b) Notify the hospital that additional corrective actions are necessary and require the hospital to submit a revised plan of correction.

5. The Department must approve a plan of correction before it becomes effective. After approving a plan of correction, the Department shall monitor and evaluate the compliance of the hospital with the plan of correction.

Sec. 20. *1. The Department shall impose an administrative penalty against a hospital that the Department determines, after notice and the opportunity for a hearing in accordance with sections 18 and 19 of this act and any regulations adopted pursuant thereto, to comply with sections 2 to 21, inclusive, of this act, any requirement imposed by the Department pursuant to section 19 of this act or any plan of correction approved by the Department pursuant to section 19 of this act.*

2. An administrative penalty imposed pursuant to this section must be in an amount of:

(a) Not more than $5,000 for the first incident;

(b) Not more than $10,000 for the second incident;

(c) Not more than $20,000 for the third incident; and

(d) Not more than $30,000 for the fourth incident or any subsequent incident.

3. For the purposes of subsection 2, each day that a hospital has failed

to correct a violation beyond the date prescribed pursuant to subparagraph (1) of paragraph (b) of subsection 1 of section 19 of this act or subparagraph (3) of paragraph (c) of subsection 1 of section 19 of this act, as applicable, or failed to submit a plan of correction or a notice of appeal beyond the date prescribed pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 19 of this act constitutes a separate incident.

4. In determining the amount of an administrative penalty imposed pursuant to this section, the Department shall consider:

(a) Previous violations by the hospital;

(b) The seriousness of the violation;

(c) The demonstrated good faith of the hospital; and

(d) Such other matters as justice may require.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to carry out the provisions of sections 2 to 22, inclusive, of this act.

Sec. 21. *1. The Department shall:*

(a) Maintain a publicly available Internet website to inform the public concerning violations of sections 2 to 21, inclusive, of this act; and

(b) Not later than 30 days after finding, after notice and the opportunity for a hearing in accordance with sections 18 and 19 of this act and the regulations adopted pursuant thereto, that a hospital has violated any provision of sections 2 to 21, inclusive, of this act, post to the Internet website maintained pursuant to paragraph (a):

(1) The name of the hospital;

(2) A description of the violation that the hospital was found to have committed;

(3) Any corrective action that the hospital was ordered to take pursuant to section 19 of this act or included in a plan of correction approved pursuant to that section and, if applicable, the date on which the hospital took such corrective action; and

(4) The amount of any administrative penalty imposed on the hospital pursuant to section 20 of this act.

2. Except as otherwise provided in subsection 3 and NRS 239.0115, a complaint filed with the Department pursuant to section 18 of this act, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to issue a notice of violation pursuant to section 19 of this act are confidential.

3. Any notice provided by the Department, plan of correction approved by the Department or confirmation that a hospital has taken a corrective action required by the Department pursuant to section 19 of this act, any order of the Department imposing an administrative penalty pursuant to section 20 of this act and any documents or information considered by the Department when determining whether to approve a plan of correction or impose an administrative penalty are public records.

Sec. 22. *1. Before taking any action to collect a medical debt or authorizing a collection agency or any other person or entity to take any action to collect a medical debt, a health care entity shall provide the patient:*

(a) An itemized statement of the medical debt owed by the patient to the health care entity, which must:

(1) Be easy to understand;

(2) Where applicable, comply with the requirements of NRS 449.193, 449.243 or 629.071 or any other requirements of state or federal law regarding billing for health care; and

(3) Include, without limitation, the applicable billing codes, including modifiers, for each item or service for which the medical debt is owed. Those codes must use a commonly recognized system of billing codes that is identified in the statement.

(b) Information concerning any available language assistance services for persons with limited English proficiency.

(c) The name, telephone number and electronic mail address of a person or office at the health care entity that is authorized to discuss the itemized statement described in paragraph (a) with the patient and make changes relating to the medical debt, including, without limitation, reducing or cancelling the medical debt.

2. Not later than 30 days after a medical debtor makes any payment related to a medical debt to the health care entity or a collection agency acting on behalf of the health care entity, the health care entity shall provide an itemized receipt to the medical debtor. A health care entity shall not take any action to collect a medical debt or authorize a collection agency or other entity to take any action to collect a medical debt if the health care entity has failed to timely provide any receipt required by this subsection to the medical debtor.

3. A medical debtor who is aggrieved by a violation of this section by a health care entity may bring a civil action against the health care entity. If the medical debtor prevails in such a civil action, the court:

(a) Shall award to the medical debtor any actual damages resulting from the violation and reasonable attorney's fees and costs; and

(b) May award punitive damages in an amount not to exceed $10,000 for each violation.

4. If one or more medical debtors who prevail in a civil action brought pursuant to subsection 3 are representatives of a class, the court may award, in addition to the amounts authorized by subsection 3, an amount for other members of the class not to exceed the lesser of $10,000,000 or 1 percent of the annual net income of the health care entity found to be in violation of this section.

5. The provisions of this section do not apply to a small practitioner group practice.

6. As used in this section,

~~*(a) "Collection]*~~ *"collection agency" has the meaning ascribed to it in NRS 649.020.*

~~*[(b) "Health care entity" means:*~~

~~*(1) Any facility licensed pursuant to chapter 449 of NRS;*~~

~~*(2) A practitioner group practice;*~~

~~*(3) An entity that provides staffing or services of practitioners; or*~~

~~*(4) Any other entity that provides health care specified by regulation of the Department.]*~~

Sec. 23. NRS 439B.320 is hereby amended to read as follows:

439B.320 1. A hospital shall provide, without charge, in each fiscal year, care for indigent inpatients in an amount which represents 0.6 percent of its net revenue for the hospital's preceding fiscal year.

2. The Department shall compute the obligation of each hospital for care of indigent inpatients for each fiscal year based upon the net revenue of the hospital in its preceding fiscal year and shall provide this information to the board of county commissioners of the county in which the hospital is located.

3. The board of county commissioners shall maintain a record of discharge forms submitted by each hospital located within the county, together with the amount accruing to the hospital. The amount accruing to the hospital for the care, until the hospital has met its obligation pursuant to this section, is the highest amount the county is paying to any hospital in the county for that care. Except as otherwise provided in subsection 2 of NRS 439B.330, no payment for indigent care may be made to the hospital until the total amount so accruing to the hospital exceeds the minimum obligation of the hospital for the fiscal year, and a hospital may only receive payment from the county for indigent care provided in excess of its obligation pursuant to this section. After a hospital has met its obligation pursuant to this section, the county may reimburse the hospital for care of indigent inpatients at any rate otherwise authorized by law.

4. As used in this section, "net revenue" means all revenues earned from inpatient medical care provided to patients by a hospital.

Sec. 24. ~~[~~NRS 449.160 is hereby amended to read as follows:

~~449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:~~

~~(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.~~

~~(b) Aiding, abetting or permitting the commission of any illegal act.~~

~~(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.~~

~~(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.~~

~~(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.~~

~~(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.~~

~~(g) Violation of the provisions of NRS 458.112.~~

~~(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.~~

~~(i) Violation of the provisions of NRS 629.260.~~

~~*(j) Failure to comply with sections 2 to 21, inclusive, of this act.*~~

~~2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:~~

~~(a) Is convicted of violating any of the provisions of NRS 202.470;~~

~~(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or~~

~~(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.~~

~~3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:~~

~~(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;~~

~~(b) A report of any investigation conducted with respect to the complaint; and~~

~~(c) A report of any disciplinary action taken against the facility.~~

~~The facility shall make the information available to the public pursuant to NRS 449.2486.~~

~~4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:~~

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and~~

~~(b) Any disciplinary actions taken by the Division pursuant to subsection 2.~~] **(Deleted by amendment.)**

Sec. 24.5. **NRS 232.459 is hereby amended to read as follows:**

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the

charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) ***Assist consumers with filing claims with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to section 17 of this act;***

(n) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

~~[(n)]~~ ***(o)*** On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) "Public Option" means the Public Option established pursuant to NRS 695K.200.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,

200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121,

632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 21 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in

this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. 1. The provisions of section 17 of this act apply to any medical debt incurred before, on or after January 1, 2026.

2. The provisions of section 22 of this act apply to any medical debt incurred on or after January 1, 2026.

3. As used in this section, "medical debt" has the meaning ascribed to it in NRS 649.036.

Sec. 27. NRS 439B.140 is hereby repealed.

Sec. 28. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 27, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

TEXT OF REPEALED SECTION

439B.140 "Net revenue" defined. "Net revenue" means all revenues earned from inpatient medical care provided to patients by a hospital.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 350.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 449.

AN ACT relating to cemeteries; revising provisions relating to the disinterment and removal of human remains from certain cemeteries; revising certain requirements applicable to certain cemetery owners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a cemetery authority to order the disinterment and removal of all human remains interred in all or any part of a cemetery if: (1) a governmental authority other than the cemetery authority makes certain determinations relating to the maintenance of the cemetery in accordance with the health, safety and comfort of the public; or (2) the cemetery authority determines that financial provision must be made for future care of certain gravesites. (NRS 451.070) **Section 1** of this bill instead provides that, before a cemetery authority may disinter or remove human remains interred in all or any part of a cemetery: (1) the cemetery authority must petition the district court of the county in which a cemetery is located for an order authorizing the disinterment and removal; and (2) the court must issue an order authorizing the disinterment and removal. **Sections 2-4** of this bill make conforming changes relating to the issuance by the court, rather than the cemetery authority, of an order for the disinterment and removal of human remains interred in a cemetery.

Existing law: (1) requires the owner of a cemetery to keep the cemetery in an orderly condition; and (2) authorizes a board of county commissioners to make rules relating to this requirement. (NRS 452.030) **Section 5** of this bill removes the authority of a board of county commissioners to make such rules. Instead, **section 5** requires the owner of a cemetery to take certain specific actions to ensure that a cemetery is kept in an orderly condition. ~~[Section 5 also: (1) requires the board of county commissioners of each county to ensure that the owner of a cemetery complies with these requirements; and (2) authorizes a board of county commissioners to require the owner of a cemetery to take corrective action under certain circumstances.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 451.070 is hereby amended to read as follows:

451.070 ***1.*** Except as otherwise provided in ~~[NRS 451.075,]~~ ***subsection ~~[6]~~ 7,*** a cemetery authority ***shall not disinter or remove human remains interred in all or any part of a cemetery owned, leased or operated by the cemetery authority without a court order authorizing the cemetery authority to do so.***

2. A cemetery authority may ***petition the district court of the county in which a cemetery is located for an*** order ***authorizing*** the disinterment and removal of ~~[all]~~ human remains interred in all or any part of ~~[any]~~ ***a*** cemetery ~~[if:~~

~~1. A governmental authority other than the cemetery authority determines that:]~~ ***owned, leased or operated by the cemetery authority. The petition must:***

(a) Contain a concise statement as to the necessity of the proposed action; and

(b) Be accompanied by adequate documentation to justify a hearing on the petition.

3. Upon the filing of a petition pursuant to subsection 2, the court shall fix a time for a hearing on the matter. The petitioner shall provide notice and a copy of the petition to every person who owns, holds or has the right of interment in any plot of the cemetery or part affected whose name appears on the records of the cemetery or upon the real property assessment roll of the county in which the cemetery is located. If a person who receives such notice wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

4. After the hearing described in subsection 3, the court may issue an order authorizing the disinterment and removal of human remains from all or any part of the cemetery if:

(a) ***The court finds by clear and convincing evidence that:***

(1) The maintenance of all or any part of the cemetery ***that is the subject of the petition*** as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public;

~~[(b)]~~ ***(2)*** The cemetery authority is unable to restore the cemetery or part of the cemetery ***that is the subject of the petition*** to a condition where the maintenance of the cemetery as a burial place for the human dead is in accordance with the health, safety, comfort and welfare of the public; and

~~[(c)]~~ ***(3)*** The cemetery authority is unable, at current market rates, to sell or lease the cemetery ***that is the subject of the petition*** to or enter into a contract with another cemetery authority that will maintain the cemetery ***that is the subject of the petition*** as a burial place for the human dead in accordance with the health, safety, comfort and welfare of the public; or

~~[2.]~~ ***(b)*** The ~~[cemetery authority determines]~~ ***court finds by clear and convincing evidence*** that ***such disinterment and removal is necessary because of the*** financial ~~[provision must be made]~~ ***obligations of the cemetery authority*** for future care of gravesites within a specified area.

5. Upon the issuance of an order pursuant to subsection 4, a cemetery authority may proceed to disinter and remove the remains in accordance with the provisions of NRS 451.069 to 451.330, inclusive.

6. The cemetery authority shall:

(a) Maintain a written record for each person whose remains are disinterred and removed, which must include, without limitation:

(1) The name of the person;

(2) A description of the plot from which the remains were removed; and

(3) The location where the remains are reinterred, if known; and

(b) Provide a copy of any such record described in paragraph (a) to a local health officer, county coroner or the Nevada Funeral and Cemetery Services Board upon request.

7. The provisions of this section do not apply to the disinterment and removal of human remains ~~[interred]~~ :

(a) Interred in a burial plot that is owned in fee simple by a person other than the cemetery authority ~~[.]~~ ; or

(b) By a cemetery authority if the cemetery authority is acting at the direction of a:

(1) Person to whom a permit for disinterment has been issued pursuant to NRS 451.045;

(2) County coroner, in the performance of his or her official duties; or

(3) Person who is authorized to order the burial or cremation of human remains pursuant to NRS 451.024.

Sec. 2. NRS 451.075 is hereby amended to read as follows:

451.075 Notwithstanding any other provision of law, including, without limitation, any provision of NRS 451.069 to 451.330, inclusive, a cemetery authority shall not ~~[~~:

~~1. Order the disinterment and removal of human remains interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or~~

~~2. Sell,~~] ***sell,*** mortgage or encumber or require the sale, mortgage or encumbrance of ~~[such]~~ a burial plot ~~[.]~~ ***owned in fee simple by a person other than the cemetery authority.***

Sec. 3. NRS 451.080 is hereby amended to read as follows:

451.080 1. The cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium or for providing appropriate future care.

2. The cemetery authority must prescribe a reasonable time of not less than 1 year after the date on which ~~[it]~~ ***a court*** orders the disinterment and removal of remains pursuant to NRS 451.070, after which the cemetery authority may proceed to disinter and remove the remains and reinter them in a portion of the existing cemetery or another cemetery or deposit them in a memorial mausoleum or columbarium.

Sec. 4. NRS 451.310 is hereby amended to read as follows:

451.310 If, before receiving ~~[notice of any determination made by a governmental authority]~~ ***an order authorizing the disinterment and removal of human remains interred in all or any part of a cemetery*** pursuant to NRS 451.070, ~~[any]~~ ***a*** cemetery authority has in good faith entered into ~~[any]~~ ***an*** agreement to sell or has granted ~~[any]~~ ***an*** option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Sec. 5. NRS 452.030 is hereby amended to read as follows:

452.030 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** owner of a cemetery shall keep the same in an orderly condition, ~~[and authority~~

~~is conferred on the~~] ***including, without limitation, by:***

(a) ~~[Regularly mowing and maintaining]~~ Mowing any grass within the limits of the cemetery ~~[such that]~~ at least once per month during the ~~[grass does not exceed a length of 4 1/2 inches;]~~ growing season, based on the climate of the area;

(b) Regularly removing or treating ~~[any]~~ weeds within the limits of the cemetery;

(c) Replenishing, pruning or replacing ~~[any]~~ landscaping ~~[element]~~ elements within the limits of the cemetery as necessary to preserve the appearance and dignity of the cemetery;

(d) Maintaining ~~[any pathway or entryway]~~ pathways and entryways that ~~[leads]~~ lead into or through the cemetery in safe condition for pedestrian traffic, including, without limitation, by ensuring that:

(1) ~~[Each pathway]~~ Such pathways and ~~[entryway is]~~ entryways are free of debris and erosion; and

(2) ~~[Trimming any landscaping element]~~ Landscaping elements that ~~[encroaches]~~ encroach on ~~[a pathway or entryway]~~ such pathways and entryways within the limits of the cemetery ~~[;]~~ are trimmed;

(e) Removing ~~[any]~~ litter and garbage within the limits of the cemetery without undue delay; and

(f) Ensuring that any tomb, monument, gravestone or other structure within the limits of the cemetery is properly placed.

2. ~~[The~~ ~~board of county commissioners of each county~~ to make such rules as will carry out the intent of this section.

~~2.~~ ***~~shall ensure that the owner of a cemetery complies with the requirements set forth in subsection 1. If the board of county commissioners determines that the owner of a cemetery has failed to comply with the requirements set forth in subsection 1, the board of county commissioners may require the owner to take corrective action.~~***

~~3.]~~ Except as otherwise provided in subsection ~~[4,]~~ ***5,*** ~~[in addition to any~~ ***~~corrective~~*** ~~action that may be~~ taken pursuant to the rules described in ***~~required pursuant to~~*** ~~subsection 1,~~ ***~~2,]~~*** the district attorney of the county in which a cemetery is located or a relative of any person interred in a cemetery may bring an action in a court of competent jurisdiction to enforce the ~~[provisions of]~~ ***requirements set forth in*** subsection 1. If the court finds that the owner of the cemetery has failed to keep the cemetery in an orderly condition, the court may:

(a) Order the owner of the cemetery to take any action necessary to bring the cemetery into such a condition; or

(b) If the court also determines that continued ownership of the cemetery by the owner is not in accordance with the health, safety, comfort or welfare of the public, transfer title to the cemetery to the city or, if the cemetery is located in an unincorporated area of a county, the county in which the cemetery is located, if the city or county accepts such a transfer of title.

3. ~~[4.]~~ A city or county to which title of a cemetery is transferred pursuant to this section shall:

(a) Operate the cemetery;

(b) Lease the cemetery to a cemetery authority to operate the cemetery;

(c) Enter into a contract with a cemetery authority to operate the cemetery; or

(d) Transfer title of the cemetery to a nonprofit organization acting as the cemetery authority of the cemetery.

4. ~~[5.]~~ ***The provisions of subsection 1 do not apply to any area within a cemetery that contains a historical marker or is designated as a historical site, including, without limitation, any tomb, monument, gravestone or other structure marked as historical or located on land designated as part of a historical site.***

5. The provisions of subsection 2 ~~[3]~~ do not apply to ~~[a]~~ **:**

(a) A cemetery owned by a city or county ~~[.]~~ **;**

(b) A veterans' cemetery; or

(c) A cemetery that is funded, in whole or in part, by the Federal Government.

6. As used in this section:

(a) "Landscaping element" includes, without limitation, any tree, shrub or plant within the limits of a cemetery.

(b) "Orderly condition" means the comprehensive upkeep and preservation of a cemetery in a manner that honors the deceased, promotes public safety and ensures accessibility ~~[.]~~ ***upon request.***

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 183.

AN ACT relating to health care; **requiring certain physician assistants and advanced practice registered nurses to examine pregnant women for the discovery of syphilis;** requiring the use of a rapid **or point-of-care** test when testing certain pregnant women for syphilis in certain circumstances; **requiring certain medical facilities to develop a policy to ensure compliance with such requirements; exempting certain medical facilities from requirements relating to testing for syphilis;** authorizing the discipline of certain health care facilities that violate ~~[that requirement;]~~ **such requirements; requiring Medicaid to reimburse for rapid or point-of-care testing for syphilis performed under certain circumstances separately from reimbursement for other prenatal care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires **every physician attending a pregnant woman during gestation to make an examination for the discovery of syphilis. Existing law also requires** any medical facility, other than a hospital, and an emergency department or labor and delivery unit in a hospital that is evaluating or treating a pregnant woman to test the pregnant woman for syphilis using a standard serological test, unless the pregnant woman refuses the test or indicates that she has already had ~~[certain]~~ **the** prenatal screenings and tests ~~[.]~~ **recommended by the American College of Obstetricians and Gynecologists.** Existing law requires such a **physician or** facility to treat a patient who tests positive for syphilis or to refer the patient for such treatment, except where the patient refuses treatment. (NRS 442.010) **Section 1** of this bill **additionally requires a physician assistant or advanced practice registered nurse to make an examination for the discovery of syphilis when attending a pregnant woman during gestation. Section 1** requires ~~[such a facility]~~ **certain medical facilities, other than a hospital, and an emergency department or labor unit of a hospital** to test a pregnant woman who has not received ~~[certain]~~ **any** prenatal screenings and tests for syphilis **, and who does not refuse testing ,** using a rapid ~~[point-of-contact]~~ **or point-of-care** test instead of a standard serological test unless ~~[the pregnant woman refuses]~~ the **results of a serological** test ~~[.]~~ **are likely to be available before the woman is discharged or otherwise leaves the facility. Section 1 requires such a facility to perform a serological test if a woman indicates she has a history of syphilis or refer the woman for such a test. Section 1** ~~[also]~~ **: (1)** clarifies that such a facility must perform a ~~[rapid]~~ test for syphilis on a pregnant woman, unless the woman refuses the test, regardless of the reason the woman is seeking treatment at the facility ~~[.]~~ **; and (2) requires any such refusal to be documented. Section 1 further requires such a facility to develop a policy to ensure compliance with such testing requirements and certain recommendations by the American College of Obstetricians and Gynecologists or its successor organization. Section 1 additionally exempts rural clinics that are owned, operated or administered by certain governmental entities from certain requirements governing testing for syphilis.**

Additionally, certain public and private policies of health insurance, including Medicaid, would be required to cover ~~[this]~~ rapid ~~[test]~~ **or point-of-care testing** for syphilis performed under the conditions required by **section 1**. (NRS 287.010, 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 698C.425, 695A.1856, 695B.1913, 695C.050, 695C.1737, 695G.1714) **Section 3.5 of this bill requires Medicaid, to the extent federal financial participation is available, to reimburse such testing for syphilis separately from the other prenatal care the pregnant woman received at the time of the testing.**

Sections 2 and 3 of this bill authorize the Division of Public and Behavioral Health of the Department of Health and Human Services to discipline a medical facility for a violation of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 442.010 is hereby amended to read as follows:

442.010 1. Except as otherwise provided in ~~[subsection 6,]~~ ***subsections 7 and 9,*** every:

(a) Physician ***, physician assistant or advanced practice registered nurse*** attending a pregnant woman during gestation for conditions relating to her pregnancy shall make an examination, including a standard serological test, for the discovery of syphilis. The physician ***, physician assistant or advanced practice registered nurse*** shall take or cause to be taken a sample of blood of the woman at the times prescribed by subsection 2, if applicable, and shall submit the sample to a laboratory licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

(b) Person permitted by law to attend upon pregnant women, but not permitted by law to make blood tests in Nevada, shall cause a sample of the blood of the pregnant woman to be taken at the times prescribed by subsection 2, if applicable, by a duly licensed physician ***, physician assistant or advanced practice registered nurse*** and submitted to a laboratory licensed pursuant to chapter 652 of NRS for a standard serological test for syphilis.

(c) Non-hospital medical facility or emergency department or labor and delivery unit in a hospital that evaluates or treats a woman of childbearing age ***for any reason*** shall ensure that:

(1) The woman is asked if she is pregnant and, if she responds in the affirmative, whether she has ~~[had the]~~ ***received any*** prenatal ***care, including, without limitation, any prenatal*** screenings and tests ***;*** ~~[recommended by the American College of Obstetricians and Gynecologists or its successor organization;]~~ and

(2) An examination is made, including ~~[a standard serological test, *rapid*]~~ ***the performance of:***

(I) A test ~~[*performed at point of contact,*]~~ for the discovery of syphilis ~~[,]~~ ***in accordance with subsection 3*** if the woman indicates that she is pregnant ***.*** ~~[and has not had the prenatal screenings and tests recommended by the American College of Obstetricians and Gynecologists or its successor organization. The non-hospital medical facility, emergency department or labor and delivery unit shall ensure that a sample of blood of the woman is taken at the times prescribed by subsection 2, if applicable, and shall ensure the submission of the sample to a laboratory licensed pursuant to chapter 652 of NRS for a standard serological test for]~~ ***has no history of syphilis and has not been tested for syphilis within the immediately preceding 3 months; or***

(II) A serological test or a referral for the performance of a serological test if the woman indicates that she has a history of syphilis.

2. An examination for the discovery of syphilis pursuant to ***paragraphs (a) and (b) of*** subsection 1 must be performed:

(a) ~~[~~During the first trimester of pregnancy at~~]~~ ***At*** the first visit to a physician ***, physician assistant or advanced practice registered nurse*** or other person permitted by law to attend upon pregnant women, a non-hospital medical facility or an emergency department or labor and delivery unit of a hospital ***during a pregnancy*** or as soon thereafter as practicable;

(b) During the third trimester of pregnancy between the 27th and 36th week of gestation or as soon thereafter as practicable; and

(c) At delivery for a pregnant woman who:

(1) Should be routinely tested for infection with syphilis, as recommended by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(2) Lives in an area designated by the Division as having high syphilis morbidity;

(3) Did not receive prenatal care; or

(4) Delivers a stillborn infant after 20 weeks of gestation.

3. ***For the purposes of sub-subparagraph (I) of subparagraph (2) of paragraph (c) of subsection 1, a non-hospital medical facility or emergency department or labor and delivery unit of a hospital may use:***

(a) A rapid or point-of-care test; or

(b) A serological test only if the facility performing the test reasonably believes it is able to obtain the results of the serological test before the woman is discharged from or otherwise leaves the facility.

4. A qualified serological ***, ~~[or]~~ rapid or point-of-care*** test for syphilis is one recognized as such by the State Board of Health.

~~[~~4.~~]~~ ***5.*** If the test is made in a state laboratory, it must be made without charge.

~~[~~5.~~]~~ ***6.*** If a serological ***, rapid , point-of-care*** or physical examination test performed pursuant to subsection 1 shows that a pregnant woman is infected with syphilis, the physician, ***physician assistant, advanced practice registered nurse,*** other person, non-hospital medical facility, emergency department or labor and delivery unit shall:

(a) If the physician, ***physician assistant, advanced practice registered nurse,*** other person, non-hospital medical facility, emergency department or labor and delivery unit is capable of providing treatment for syphilis, seek the consent of the pregnant woman to begin such treatment and, if such consent is obtained, commence treatment; or

(b) If the physician, ***physician assistant, advanced practice registered nurse,*** other person, non-hospital medical facility, emergency department or labor and delivery unit is not capable of providing treatment for syphilis, seek the consent of the pregnant woman to refer her for such treatment and, if such consent is obtained, issue the referral.

~~[~~6.~~]~~ ***7.*** If the pregnant woman objects to the taking of the sample of blood or the serological ***, ~~[or]~~ rapid or point-of-care*** test ~~[~~, the~~]~~ ***:***

(a) The sample must not be taken and the test must not be performed ~~[.]~~ ***; and***

(b) The provider of health care attending to the woman shall ensure that any refusal is documented in her medical records.

~~[7.]~~ ***8. Except as otherwise provided in subsection 9, a non-hospital medical facility and a hospital with an emergency department or labor and delivery unit shall develop a policy to ensure compliance with this section and recommendations of the American College of Obstetricians and Gynecologists, or its successor organization, to the extent that those recommendations do not conflict with this section, concerning best practices for prenatal screenings and tests. The policy must include, without limitation, procedures:***

(a) For documenting refusals to any service or testing offered by the non-hospital medical facility, emergency department or labor and delivery unit; and

(b) To ensure compliance with NRS 441A.150.

9. A rural clinic that is owned, operated or administered by the Department or any political subdivision of this State, including, without limitation, a city, county, city board of health, county board of health or district board of health, is exempt from the requirements of paragraph (c) of subsection 1 and subsection 8.

10. As used in this section, "non-hospital medical facility" means:

(a) A freestanding birthing center;

(b) An independent center for emergency medical care, as defined in NRS 449.013;

(c) A psychiatric hospital, as defined in NRS 449.0165;

(d) A rural clinic, as defined in NRS 449.0175;

(e) A facility for modified medical detoxification, as defined in NRS 449.00385;

(f) A mobile unit, as defined in NRS 449.01515; and

(g) A community triage center, as defined in NRS 449.0031.

Sec. 2. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, ***442.010,*** 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 3. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any

provision of NRS 439B.410 ***, 442.010*** or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 3.5. **NRS 422.27173 is hereby amended to read as follows:**

422.27173 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for:

~~[1.]~~ ***(a)*** Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:

~~[(a)]~~ ***(1)*** Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~[(b)]~~ ***(2)*** Syphilis in accordance with NRS 442.010.

~~[2.]~~ ***(b)*** Condoms for recipients of Medicaid.

2. To the extent federal financial participation is available, the Director shall provide reimbursement for rapid or point-of-care testing for syphilis in accordance with NRS 442.010 separately from the rate of reimbursement provided for other prenatal care provided to the pregnant woman at the time of the testing.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsections 1 and 2.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. **1.** This ~~[act]~~ **section** becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 447.

SUMMARY—Revises provisions governing electronic communication devices in locations where certain ~~[health care facilities]~~ **services are provided. (**BDR 40-878)

AN ACT relating to health care; authorizing a patient in any of certain facilities for assisted living **or a resident of a living community for persons with disabilities** or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient ~~[.]~~ **or person;** prohibiting such a facility or an employee of such a facility from taking certain additional actions; **prohibiting a provider of a supported living services arrangement from taking certain actions with regard to the installation and use of an electronic communication device in the home of a recipient of such services;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient in a facility for skilled nursing or the representative of the patient to request the installation and use of an electronic communication device in the living quarters of the patient. Existing law requires any roommate of the patient to consent before such a device may be installed. However, if the roommate of a patient refuses to consent, existing law requires the facility for skilled nursing to make reasonable attempts to accommodate the patient, including by moving either the patient or the roommate with the consent of the person being moved. (NRS 449A.182) If a facility for skilled nursing approves a request to install an electronic communication device, existing law provides that the patient or the representative of the patient who submitted the request is responsible for choosing the device and paying certain costs associated with the device. (NRS 449A.184) Existing law limits the persons who are authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device or temporarily disable or turn off an electronic communication device. Existing law also prohibits a facility for skilled nursing from discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. (NRS 449A.186) Existing law establishes civil and criminal penalties that may be imposed against: (1) a facility for skilled nursing which violates that prohibition; (2) a person, other than the patient or the representative of the patient, who obstructs, tampers with or destroys an electronic communication device or any recording made by an electronic communication device; or (3) a person who views or listens to images or sounds which are displayed, broadcast or recorded by an electronic communication device without authorization. (NRS 449A.189, 449A.188) Existing law requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in that living quarters. Existing law prohibits an employee of a facility for skilled nursing from refusing to enter into the living quarters of a patient which contains an electronic communication device or

failing to perform his or her duties because such a device is in use. (NRS 449A.190) Existing law: (1) authorizes the State Board of Health to adopt regulations governing electronic communication devices in facilities for skilled nursing; and (2) provides that the provisions governing such electronic communication devices do not apply to certain devices installed by a law enforcement agency. (NRS 449A.192)

Sections 8-14 of this bill broaden the applicability of those provisions to authorize a patient in any facility for assisted living to install an electronic communication device under the same conditions as existing law establishes for a patient in a facility for skilled nursing. **Section 3** of this bill defines the term "facility for assisted living" to mean: (1) a facility for intermediate care; (2) a facility for skilled nursing; (3) a home for individual residential care; (4) a unit for the provision of long-term care in a hospital; (5) a residential facility for groups; (6) assisted living services provided in a senior living community; or (7) a secure unit in a medical facility for the provision of care to persons with dementia. **Sections 4-6** of this bill define the terms "facility for intermediate care," "home for individual residential care" and "senior living community," respectively, to have the meanings ascribed to them in existing law. **Section 7** of this bill establishes the applicability of those definitions. **Section ~~11~~ 1.5** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to deny an application for a license for or suspend or revoke the license of a facility for assisted living that fails to comply with provisions governing the installation and use of electronic communication devices.

Sections 24-31 of this bill enact provisions governing the installation of electronic communication devices by residents of living communities for persons with disabilities. Sections 24-30 authorize a resident of such a living community or the representative of the resident to request the installation and use of an electronic communication device in the living quarters of the resident under similar conditions to those that currently apply to a patient in a facility for skilled nursing. Section 24 of this bill prescribes the requirements for a person to serve as the representative of a resident. Section 28 establishes civil and criminal penalties that may be imposed against a living community or person who engages in certain prohibited conduct relating to electronic communication devices in living communities. Section 31 prohibits a person from posting or otherwise uploading onto an Internet website an image or a sound of an employee or independent contractor of a living community displayed, broadcasted or recorded on an electronic commination device. Section 32 prohibits a provider of supported living arrangement services in the home of a recipient of such services from: (1) entering into a contract that prohibits the recipient from installing and using an electronic communication device in his or her home; or (2) taking certain actions against a recipient because the recipient has installed or used an electronic communication device in his or her home. Sections 19-23 of this bill define certain terms,

and section 18 of this bill establishes the applicability of those definitions. Section 30 authorizes the Administrator of the Aging and Disability Services Division of the Department to adopt regulations as necessary to carry out sections 18-32. Section 33 of this bill makes the definition of "supported living arrangement services" applicable to section 18-32. Sections 1, 15, 16 and 34-36 of this bill update references to that definition and make other technical updates related to the change made in section 33.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 449.0185 is hereby amended to read as follows:**

449.0185 "Supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***"Facility for assisted living" means:***

1. A facility for intermediate care;

2. A facility for skilled nursing;

3. A home for individual residential care;

4. A unit for the provision of long-term care in a hospital;

5. A residential facility for groups;

6. A unit in a senior living community for the provision of assisted living services or a senior living community that provides only assisted living services; or

7. A secure unit in a medical facility for the provision of care to persons with dementia.

Sec. 4. ***"Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.***

Sec. 5. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 6. ***"Senior living community" has the meaning ascribed to it in NRS 449.0179.***

Sec. 7. NRS 449A.170 is hereby amended to read as follows:

449A.170 As used in NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449A.172 to 449A.178, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 449A.180 is hereby amended to read as follows:

449A.180 A person may serve as the representative of a patient in a facility for ~~[skilled nursing,]~~ ***assisted living,*** including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to NRS 449A.182, for the purposes of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** if the person:

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** is specifically delegated to the person in the power of attorney.

Sec. 9. NRS 449A.182 is hereby amended to read as follows:

449A.182 1. A patient in a facility for ~~[skilled nursing]~~ ***assisted living*** or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for ~~[skilled nursing:]~~ ***assisted living:***

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of NRS 449A.186;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by NRS 449A.186:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for ~~[skilled nursing]~~ ***assisted living*** and any employee of the facility from any administrative, civil or criminal liability for

a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to the installation and use of an electronic communication device in the living quarters of the patient; and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in NRS 449A.186:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for ~~[skilled nursing]~~ ***assisted living*** and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the use of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of NRS 449A.180.

3. A facility for ~~[skilled nursing]~~ ***assisted living*** may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of NRS 449A.170 to 449A.192, inclusive ~~[;]~~ ***, and sections 3 to 6, inclusive, of this act;*** and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for ~~[skilled nursing]~~ ***assisted living*** shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for ~~[skilled nursing]~~ ***assisted living*** shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for ~~[skilled nursing.]~~ ***assisted living.*** Not later than 24 hours after the submission of such

a written revocation, the facility for ~~[skilled nursing]~~ ***assisted living*** shall cause the removal of any electronic communication device that has been installed.

Sec. 10. NRS 449A.184 is hereby amended to read as follows:

449A.184 1. If a facility for ~~[skilled nursing]~~ ***assisted living*** approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to NRS 449A.182, the patient or the representative of the patient is solely responsible for:

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for ~~[skilled nursing]~~ ***assisted living*** or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. NRS 449A.186 is hereby amended to read as follows:

449A.186 1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 shall not intentionally:

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to NRS 449A.182 or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for ~~[skilled nursing]~~ ***assisted living*** shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to NRS 449A.182.

Sec. 12. NRS 449A.188 is hereby amended to read as follows:

449A.188 1. A natural person who violates subsection 1 of NRS 449A.186:

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for ~~[skilled nursing]~~ ***assisted living*** or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for ~~[skilled nursing]~~ ***assisted living*** who violates subsection 1 or 5 of NRS 449A.186:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. NRS 449A.190 is hereby amended to read as follows:

449A.190 1. A facility for ~~[skilled nursing]~~ ***assisted living*** shall post a notice in a conspicuous place at the entrance to the living quarters of a patient

which contains an electronic communication device stating that such a device is in use in that living quarters.

2. An employee of a facility of ~~[skilled nursing]~~ ***assisted living*** shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to NRS 449A.182 or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. NRS 449A.192 is hereby amended to read as follows:

449A.192 1. The State Board of Health may adopt regulations necessary to carry out the provisions of NRS 449A.170 to 449A.192, inclusive ~~[.]~~ ***, and sections 3 to 6, inclusive, of this act.***

2. The provisions of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. **NRS 159.081 is hereby amended to read as follows:**

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected person and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a protected person to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Except as otherwise provided in subsection 6, be served, without limitation, on the protected person and any attorney for the protected person.

3. The court may prescribe the form for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, home in which supported living arrangement services are provided, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. The court may waive the requirement set forth in paragraph (b) of subsection 2 that a report filed pursuant to paragraph (b) of subsection 1 must be served on a protected person upon a showing that such service is detrimental to the physical or mental health of the protected person.

7. As used in this section:

(a) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(b) "Supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

Sec. 16. **NRS 427A.0292 is hereby amended to read as follows:**

427A.0292 "Living arrangement services" means:

1. Community-based living arrangement services, as defined in NRS 449.0026, that include:

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; and

2. Supported living arrangement services, as defined in NRS ~~[435.3315,]~~ ***435.007*** that include 24-hour care.

Sec. 17. **Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 32, inclusive, of this act.**

Sec. 18. ***As used in sections 18 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 19 to 33, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 19. ***"Facility for supported living arrangement services" means a facility or other residential setting that is owned, operated or otherwise controlled by a provider of supported living arrangement services.***

Sec. 20. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 21. ***"Living community for persons with disabilities" or "living community" means:***

1. A facility for supported living arrangement services; and

2. Any other housing arrangement that provides assistance, food, shelter or limited supervision to persons with intellectual disabilities or physical disabilities for compensation and is not a facility for assisted living as defined in section 3 of this act.

Sec. 22. ***"Representative" means a person who is authorized to serve as the representative of a resident pursuant to section 24 of this act.***

Sec. 23. ***"Resident" means a person who resides in a living community for persons with disabilities.***

Sec. 24. ***A person may serve as the representative of a resident, including, without limitation, a resident who is the roommate of a resident who wishes to submit or has submitted a request pursuant to section 25 of***

this act, for the purposes of sections 24 to 29, inclusive, of this act, if the person:

1. Is the guardian of the resident whom he or she is representing and:

(a) The power to make decisions on behalf of the resident pursuant to sections 24 to 29, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the resident pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the resident pursuant to sections 24 to 29, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 25. 1. A resident or the representative of a resident may request the installation and use of an electronic communication device in the living quarters of the resident by submitting to the living community in which he or she resides:

(a) A completed form prescribed by the living community pursuant to subsection 3; or

(b) If the living community has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the resident or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 27 of this act;

(c) An agreement by the resident or the representative of the resident to, except as otherwise provided by section 27 of this act:

(1) Waive the resident's right to privacy in connection with use of the electronic communication device; and

(2) Release the living community and any employee of the living community from any administrative, civil or criminal liability for a violation of the resident's right to privacy in connection with use of the electronic communication device;

(d) If the resident has a roommate:

(1) The written consent of the roommate or the representative of the roommate to the installation and use of an electronic communication device in the living quarters of the resident; and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 27 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the living community and any employee of the living community from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the use of the electronic communication device; and

(e) If the request is submitted by the representative of the resident, proof that the representative of the resident meets the requirements of section 24 of this act.

3. A living community may prescribe a form for use by a resident or the representative of a resident to request to install and use an electronic communication device in the living quarters of the resident. To the extent practicable, such a form must be provided in a language chosen by the resident or the representative of the resident. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 24 to 29, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A living community shall approve a request by a resident or the representative of a resident pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a resident who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the living community shall make reasonable attempts to accommodate the resident. Such reasonable attempts may include, without limitation, moving either the resident or his or her roommate to different living quarters within the living community with the consent of the resident being moved or his or her representative.

6. A resident or the representative of a resident who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the living community. Not later than 24 hours after the submission of such a written revocation, the living community shall cause the removal of any electronic communication device that has been installed.

Sec. 26. 1. If a living community approves a request to install and use an electronic communication device in the living quarters of a resident pursuant to section 25 of this act, the resident or the representative of the resident is solely responsible for:

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device if the resident does not pay for electricity for his or her living quarters; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A resident who ceases to reside in a living community or the representative of such a resident remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the person leaves the living community .

3. An electronic communication device chosen by a resident or the representative of a resident pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 27. 1. Except as otherwise provided in this section, a person, other than the resident or the representative of the resident who has requested the installation and use of an electronic communication device pursuant to section 25 of this act, shall not intentionally:

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 25 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Division who is conducting an investigation; or

(c) An attorney who is representing the resident or a roommate of the resident and acting within the scope of that representation.

3. A resident or the representative of the resident who has requested the installation and use of an electronic communication device pursuant to section 25 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The resident or representative, as applicable, may provide a copy of the authorization to the living community

and the roommate of the resident or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the resident.

5. A living community shall not evict a resident, refuse to renew a contract with a resident or otherwise require a resident to leave the living community or discriminate or retaliate against a resident because of a decision to request the installation and use of an electronic communication device in the living quarters of the resident pursuant to section 25 of this act.

6. A person shall not use an electronic communication device to control the actions of a resident or otherwise violate any right that a resident has pursuant to 42 C.F.R. § 441.301(c)(4), where applicable.

Sec. 28. 1. A natural person who violates subsection 1 of section 27 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to regulations adopted pursuant to NRS 435.333, where applicable, a living community that violates subsection 1 or 5 of section 27 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 29. 1. A living community shall post a notice in a conspicuous place at the entrance to the living quarters of a resident which contains an electronic communication device stating that such a device is in use in the living quarters.

2. An employee of a living community shall not refuse to enter the living quarters of a resident which contains an electronic communication device installed pursuant to section 25 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 30. 1. The Administrator may adopt regulations necessary to carry out the provisions of section 18 to 32, inclusive, of this act.

2. The provisions of sections 18 to 31, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 31. ***1. A resident of a living community or any other person who has authority to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 27 of this act may not post, upload or otherwise share any images or sounds displayed, broadcasted or recorded by the electronic communication device of an employee or independent contractor of a living community on an Internet website or technology application, including, without limitation, a social media, image sharing or open communication Internet website.***

2. For a first violation of this section, a living community shall notify the resident and his or her representative, if applicable, that a second violation will authorize the living community to take the actions authorized by subsection 3.

3. For a second or subsequent violation of this section, a living community may:

(a) Refuse to provide services to the resident when the electronic communication device is on; or

(b) Revoke the authority of the resident to have an electronic communication device in his or her living quarters.

Sec. 32. ***1. A provider of supported living arrangement services that provides such services in the home of a person receiving such services shall not enter into a contract or agreement that prohibits the installation or use of an electronic communication device in the home of the person. Any contract or agreement that is entered into in violation of this subsection is void.***

2. A provider of supported living arrangement services or an employee or independent contractor of such a provider shall not:

(a) Refuse to enter the home of a person who is receiving supported living arrangement services;

(b) Refuse to provide supported living arrangement services to a person; or

(c) Otherwise discriminate or retaliate against a person,

➥ because an electronic communication device has been installed or is in use in the home of the person.

3. As used in this section, "home" does not include a facility for supported living arrangement services.

Sec. 33. **NRS 435.007 is hereby amended to read as follows:**

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. "Department" means the Department of Health and Human Services.

5. "Developmental disability" means autism, cerebral palsy, epilepsy, a fetal alcohol spectrum disorder or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

7. "Division" means the Aging and Disability Services Division of the Department.

8. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

10. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

11. "Intellectual and developmental disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

12. "Medical director" means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

13. "Mental illness" has the meaning ascribed to it in NRS 433.164.

14. "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

15. "Person" includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

16. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

17. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

18. ***"Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.***

19. "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~[19.]~~ ***20.*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 34. **NRS 435.3305 is hereby amended to read as follows:**

435.3305 As used in NRS 435.3305 to 435.339, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NRS 435.331 and 435.3315 have the meanings ascribed to them in those sections.]~~ ***"certificate" means a certificate to provide supported living arrangement services that is issued pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.***

Sec. 35. **NRS 632.316 is hereby amended to read as follows:**

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months,

if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of nursing by any person who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

11. A natural person from providing jobs and day training services if:

(a) That person has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.130 to

435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive.

➥ As used in this subsection, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

Sec. 36. **NRS 435.331 and 435.3315 are hereby repealed.**

~~[Sec. 15.]~~ ***Sec. 37.*** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[14,]~~ **36,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On or before October 1, 2025, for all other purposes.

TEXT OF REPEALED SECTIONS

435.331 "Certificate" defined. "Certificate" means a certificate to provide supported living arrangement services that is issued pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

435.3315 "Supported living arrangement services" defined. "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 455.

AN ACT relating to health care; requiring certain health facilities and providers of health care to provide qualified sign language interpreters to certain persons who are deaf or hard of hearing; prescribing the circumstances under which such qualified sign language interpreters may be provided remotely; establishing requirements for providing remotely such qualified sign language interpreters; requiring the Department of Health and Human Services to maintain a list of certain facilities that provide services specialized to persons who are deaf or hard of hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require providers of health care and health care facilities that receive funding or certain other assistance from the Federal Government to ensure that communications with persons with disabilities are as effective as communications with persons who do not have disabilities. (45 C.F.R. § 92.202) Those federal regulations: (1) prohibit such providers and facilities from requiring a person with a disability to be accompanied by a person to interpret for him or her; and (2) authorize such providers and facilities to provide qualified interpreters through video remote interpreting services. (28 C.F.R. § 35.160, 45 C.F.R. § 92.202)

Sections 1 and 8 of this bill require a medical facility, a facility for the dependent and certain other health facilities **in a county whose population is 20,000 or more (currently Clark, Washoe, Lyon, Elko, Nye, Douglas and Churchill Counties and Carson City)** and a provider of health care **[,] who is providing services in such a county,** respectively, to ensure that each person who is deaf or hard of hearing and seeks care or services at the facility or from the provider, as applicable, is notified **:** ~~[that:]~~ (1) **that** a qualified sign language interpreter ~~[is]~~ **can be made** available; ~~[and]~~ (2) ~~[except in certain circumstances,]~~ **that** the person may request an in-person or remote sign language interpreter ~~[. Sections]~~ **; and (3) of any other accommodations that may be made available. If the person requests an in-person qualified sign language interpreter, sections 1 and 8** require such a health facility or provider of health care to ~~[ensure that such a]~~ **: (1) provide the** person ~~[is provided]~~ with a qualified sign language interpreter in person if ~~[: (1) the person requests an in-person interpreter;]~~ **the request is made at least 48 hours before a prescheduled encounter or at least 2 hours after arriving at the health facility for an unplanned inpatient hospitalization;** or (2) ~~[certain circumstances exist that would make a remote interpreter inappropriate, unless a person provides informed consent to receive sign language interpreting services from]~~ **make a good faith effort to provide the person with a qualified sign language interpreter in person under all other circumstances. If the health facility or provider of health care cannot provide an in-person qualified sign language interpreter after making a good faith effort or if the person requests a remote interpreter, sections 1 and 8 require the health facility or provider of health care to provide** a remote interpreter. **Sections 1 and 8** prescribe requirements governing the use of a remote interpreter.

Sections 2 and 3 of this bill make conforming changes to establish the applicability of certain existing provisions to **section 1**. **Sections 4-6 and 9** of this bill prescribe various mechanisms for the enforcement of **section 1**, including the imposition of administrative sanctions against a health facility that fails to comply with those provisions. **Section 8** authorizes professional discipline against a provider of health care who fails to comply with that section.

Section 7 of this bill requires the Department of Health and Human Services to maintain on an Internet website a list of assisted living facilities and senior living communities that provide services specialized for persons who are deaf or hard of hearing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health facility that is located in a county whose population is 20,000 or more shall [:

[(a) Notify] ***notify*** ***each person who is deaf or hard of hearing and seeks care or services at the health facility [that:***

[(1) A] :

(a) That a qualified sign language interpreter [is] ***can be made*** ***available to assist the person;***

[(2) The]

(b) That the person may request an in-person or remote qualified sign language interpreter; and

[(3) If the health facility has determined in accordance with subsection 3 that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate, the person who is deaf or hard of hearing must provide informed consent in order to receive sign language interpreting services from a remote qualified sign language interpreter; and

(b) Provide the person with a qualified sign language interpreter in accordance with subsections 2 and 3 until the person ceases receiving care or services from the health facility or it is determined that the person will not receive care or services from the health facility.]

(c) Of any other specific accommodations that may be available for the person.

2. [A health facility:

(a) Shall provide an in-person qualified sign language interpreter to a person who is deaf or hard of hearing and seeks care or services from the health facility if:

(1) The person requests an in-person qualified sign language interpreter; or

(2) The health facility determines that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate in accordance with subsection 3 and the person does not provide informed consent to receive sign language interpreting services from a remote qualified sign language interpreter.

(b) Shall] If a person who is deaf or hard of hearing seeks health care from a health facility that is located in a county whose population is 20,000 or more and requests an in-person qualified sign language interpreter:

(a) At least 48 hours before a prescheduled encounter at a health facility or at least 2 hours after arriving at a health facility that is a hospital for an unplanned inpatient hospitalization, the health facility shall provide an in-person qualified sign language interpreter.

(b) In circumstances other than those described in paragraph (a), the health facility shall:

(1) Make a good faith effort to provide an in-person qualified sign language interpreter;

(2) Provide an in-person qualified sign language interpreter if the health facility is able to do so after making a good faith effort;

(3) Provide a qualified sign language interpreter remotely using audiovisual communication technology in a manner that meets the requirements of subsections 4 and 5 if the health facility is unable to provide an in-person qualified sign language interpreter after making a good faith effort; and

(4) Maintain in the medical record of the person documentation of the good faith effort made pursuant to subparagraph (1), which must include, without limitation:

(I) A list of entities contacted to provide an in-person qualified sign language interpreter and a statement of the manner in which each such entity responded;

(II) A statement of whether the health facility provided an in-person qualified sign language interpreter or provided a qualified sign language interpreter remotely using audiovisual communication technology; and

(III) If applicable, the time at which a qualified sign language interpreter was available in person to assist the person.

3. If a person who is deaf or hard of hearing seeks health care from a health facility that is located in a county whose population is 20,000 or more and requests that the health facility provide ~~[a]~~ :

(a) A qualified sign language interpreter remotely using audiovisual communication technology ~~[to a person who is deaf or hard of hearing and seeks health care from the facility if:~~

~~(1) The person requests a remote qualified sign language interpreter; and~~

~~(2) If the health facility has determined in accordance with subsection 3 that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate, the person provides informed consent to receiving sign language interpreting services from a remote sign language interpreter.~~

~~(c) May provide a qualified sign language interpreter either remotely using audiovisual communication technology or in person under circumstances where a person who is deaf or hard of hearing seeks health care from the facility, other than those described in paragraphs (a) and (b).~~

~~*3. A health facility shall determine that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate if:*~~

~~*(a) The person who is deaf or hard of hearing:*~~

~~*(1) Cannot easily see the audiovisual transmission because of restricted mobility, a secondary disability or because of the location where the communication is taking place;*~~

~~*(2) Is heavily medicated or intoxicated;*~~

~~*(3) Has cognitive limitations;*~~

~~*(4) Is in surgery;*~~

~~*(5) Is giving birth;*~~

~~*(6) Is in danger of imminent death; or*~~

~~*(7) Indicates through sigh, facial expression or other means that communication is not being achieved;*~~

~~*(b) The communications are highly sensitive, including, without limitation, the communication of a serious diagnosis;*~~

~~*(c) The communications occur during:*~~

~~*(1) An initial meeting with a specialist provider of health care;*~~

~~*(2) An eye examination; or*~~

~~*(3) The transportation of the person who is deaf or hard of hearing; or*~~

~~*(d) The communications are impeded by equipment failure or poor connectivity.]*~~ ***, the health facility shall provide a qualified sign language interpreter remotely using audiovisual communication technology in a manner that meets the requirements of subsections 4 and 5.***

(b) Any type of accommodation other than a qualified sign language interpreter, the health facility may provide the accommodation.

4. If a health facility ***that is located in a county whose population is 20,000 or more*** *provides a qualified sign language interpreter remotely using audiovisual communication technology, the audiovisual communication technology must* ~~*[provide synchronous interaction with video over a high-speed, wide-bandwidth connection or wireless connection that:*~~

~~*(a) Does not produce lag or irregular pauses in communication or images;*~~

~~*(b) Provides transmission of voice that is clear and audible; and*~~

~~*(c) Produces a high-quality video image that is not blurry or grainy and is large enough to display the face, arms, hands and finger of the qualified sign language interpreter and the person who is deaf or hard of hearing, regardless of body position.]*~~ ***:***

(a) Provide clear transmission of audio and visuals; and

(b) Be capable of hands-free use.

5. A qualified sign language interpreter who provides remote sign language interpreting pursuant to this section must:

(a) Interpret from a dedicated secure call center that ensures the privacy of the person who is deaf or hard of hearing; ***and***

(b) Comply with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto . ~~[, including, without limitation, entering into business associate agreements with each health facility for which the qualified sign language interpreter provides remote sign language interpreting; and~~

~~(c) Provide to the Division upon request copies of the business associate agreements into which the qualified sign language interpreter has entered.]~~

6. A health facility that is located in a county whose population is 20,000 or more shall provide training to an employee, a contractor or a volunteer who is involved in using audiovisual communication technology to facilitate the use of a remote qualified sign language interpreter. Such training must be adequate to ensure that the employee, contractor or volunteer operates the technology efficiently and effectively.

7. As used in this section:

(a) "Health facility" means a medical facility, a facility for the dependent or a facility which is required by the regulations adopted pursuant to NRS 449.0303 to be licensed.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Qualified sign language interpreter" means ~~[an]~~ a qualified interpreter ~~[,]~~ for an individual with a disability, as defined in ~~[NRS 656A.030,]~~ 45 C.F.R. § 92.4, who ~~[:~~

~~(1) Has demonstrated proficiency in the]~~ is registered pursuant to NRS 656A.100 to practice ~~[of]~~ sign language interpreting ~~[, as defined in NRS 656A.060;~~

~~(2) Is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary or terms without changes, omissions, or additions and while preserving the tone, sentiment and emotional level of the original statement; and~~

~~(3) Adheres to generally accepted ethical principles in the field of sign language interpreting, including, without limitation, client confidentiality.]~~ in a community setting.

(d) "Secure call center" means a location with the physical and technological capability to provide qualified sign language interpreters remotely using audiovisual communication technology in compliance with this section.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ***and section 1 of this act*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 6. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 449.2488 is hereby amended to read as follows:

449.2488 1. The Department of Health and Human Services shall develop a brochure and website to assist persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs. The brochure and website must include, without limitation:

(a) The various types of housing and levels of care that are available to persons who are 55 years of age or older, including, without limitation, residential facilities for groups, facilities for intermediate care and facilities for skilled nursing, distinguishing the varying degree of services that are offered by the different types of facilities;

(b) Whether individual facilities accept payment through Medicaid or Medicare for the level of care and type of housing that the facilities provide;

(c) The manner in which a person may obtain information concerning whether the facility has ever been found to have violated the provisions of this chapter; and

(d) Such other information as the Department deems to be beneficial to persons who are 55 years of age or older in determining the appropriate level of care and type of housing that they require to meet their individual needs.

2. ***The Department of Health and Human Services shall maintain on an Internet website maintained by the Department and update at least annually a list of assisted living facilities and senior living communities that provide services specialized for persons who are deaf or hard of hearing.***

3. As used in this section:

(a) ***"Assisted living facility" means a facility that has staff at the facility available 24 hours a day, 7 days a week, to provide scheduled assisted living supportive services and assisted living supportive services that are required in an emergency in a manner that promotes maximum dignity and independence of the residents of the facility.***

(b) "Assisted living supportive services" means services which are provided at an assisted living facility to residents of the assisted living facility, including, without limitation:

(1) Personal care services;

(2) Homemaker services;

(3) Chore services;

(4) Attendant care;

(5) Companion services;

(6) Medication oversight;

(7) Therapeutic, social and recreational programming; and

(8) Services which ensure that the residents of the facility are safe, secure and adequately supervised.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

~~[(b)]~~ ***(d)*** "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 8. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care who is providing care in a county whose population is 20,000 or more shall ensure that each person who is deaf or hard of hearing and seeks health care from the provider of health care ~~***[:***~~

~~***(a) Is]***~~ ***is notified*** ~~***[that:***~~

~~***(1) A]***~~ ***:***

(a) That a qualified sign language interpreter ~~***[is]***~~ ***can be made available to assist the person;***

~~***[(2) The]***~~

(b) That the person may request an in-person or remote qualified sign language interpreter; and

~~*[(3) If the provider of health care has determined in accordance with subsection 3 that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate, the person who is deaf or hard of hearing must provide informed consent in order to receive sign language interpreting services from a remote qualified sign language interpreter; and*~~

~~*(b) Is provided with a qualified sign language interpreter in accordance with subsections 2 and 3 until the person ceases receiving health care from the provider of health care or it is determined that the person will not receive health care from the provider of health care.]*~~

(c) Of any other specific accommodations that may be available for the person.

~~*2. [A provider of health care:*~~

~~*(a) Shall ensure that an in-person qualified sign language interpreter is provided to a person who is deaf or hard of hearing and seeks health care from the provider of health care if:*~~

~~*(1) The person requests an in-person qualified sign language interpreter; or*~~

~~*(2) The provider of health care determines that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate in accordance with subsection 3 and the person does not provide informed consent to receive sign language interpreting services from a remote qualified sign language interpreter.*~~

~~*(b) Shall ensure that a]*~~ *If a person who is deaf or hard of hearing seeks health care from a provider of health care who is providing care in a county whose population is 20,000 or more and requests an in-person qualified sign language interpreter:*

(a) At least 48 hours before a prescheduled encounter with the provider of health care, the provider of health care shall provide an in-person qualified sign language interpreter.

(b) In circumstances other than those described in paragraph (a), the provider of health care shall:

(1) Make a good faith effort to provide an in-person qualified sign language interpreter;

(2) Provide an in-person qualified sign language interpreter if the provider of health care is able to do so after making a good faith effort;

(3) Provide a qualified sign language interpreter remotely using audiovisual communication technology in a manner that meets the requirements of subsections 4 and 5 if the provider of health care is unable to provide an in-person qualified sign language interpreter after making a good faith effort; and

(4) Maintain in the medical record of the person documentation of the good faith effort made pursuant to subparagraph (1), which must include, without limitation:

(I) A list of entities contacted to provide an in-person qualified sign language interpreter and a statement of the manner in which each such entity responded;

(II) A statement of whether the provider of health care provided an in-person qualified sign language interpreter or provided a qualified sign language interpreter remotely using audiovisual communication technology; and

(III) If applicable, the time at which a qualified sign language interpreter was available in person to assist the person.

3. If a person who is deaf or hard of hearing seeks health care from a provider of health care who is providing care in a county whose population is 20,000 or more and requests that the provider of health care provide:

(a) A qualified sign language interpreter ~~[is provided to a person who is deaf or hard of hearing and seeks health care from the provider]~~ remotely using audiovisual communication technology ~~[if:~~

~~(1) The person requests a remote sign language interpreter; and~~

~~(2) If the provider of health care has determined in accordance with subsection 3 that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate, the person provides informed consent to receiving sign language interpreting services from a remote sign language interpreter.~~

~~(c) May provide a qualified sign language interpreter either remotely using audiovisual communication technology or in person under circumstances where a person who is deaf or hard of hearing seeks health care from the provider, other than those described in paragraphs (a) and (b).~~

~~3. A provider of health care shall determine that the provision of a qualified sign language interpreter remotely using audiovisual communication technology is inadequate if:~~

~~(a) The person who is deaf or hard of hearing:~~

~~(1) Cannot easily see the audiovisual transmission because of restricted mobility, a secondary disability or because of the location where the communication is taking place;~~

~~(2) Is heavily medicated or intoxicated;~~

~~(3) Has cognitive limitations;~~

~~(4) Is in surgery;~~

~~(5) Is giving birth; or~~

~~(6) Is in danger of imminent death; or~~

~~(7) Indicates through sigh, facial expression or other means that communication is not being achieved;~~

~~(b) The communications are highly sensitive, including, without limitation, the communication of a serious diagnosis;~~

~~(c) The communications occur during:~~

~~(1) An initial meeting with a specialist provider of health care;~~

~~(2) An eye examination; or~~

~~(3) The transportation of the person who is deaf or hard of hearing; or~~

~~(d) The communications are impeded by equipment failure or poor connectivity.]~~ , the provider of health care shall provide a qualified sign language interpreter remotely using audiovisual communication technology in a manner that meets the requirements of subsections 4 and 5.

(b) Any type of accommodation other than a qualified sign language interpreter, the provider of health care may provide the accommodation.

4. If a provider of health care who is providing care in a county whose population is 20,000 or more provides a qualified sign language interpreter remotely using audiovisual communication technology, the audiovisual communication technology must ~~[provide synchronous interaction with video over a high-speed, wide-bandwidth connection or wireless connection that:~~

~~(a) Does not produce lag or irregular pauses in communication or images;]~~

~~[(b) Provides transmission of voice that is clear and audible; and~~

~~(c) Produces a high-quality video image that is not blurry or grainy and is large enough to display the face, arms, hands and finger of the qualified sign language interpreter and the person who is deaf or hard of hearing, regardless of body position.]~~ :

(a) Provide clear transmission of audio and visuals; and

(b) Be capable of hands-free use.

5. A qualified sign language interpreter who provides remote sign language interpreting pursuant to this section must:

(a) Interpret from a dedicated and secure call center that ensures the privacy of the person who is deaf or hard of hearing; and

(b) Comply with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto . ~~[, including, without limitation, entering into business associate agreements with each provider of health care for which the qualified sign language interpreter provides remote sign language interpreting; and~~

~~(c) Provide upon request to the board, agency or other entity in this State by which the relevant provider of health care is licensed, certified or registered copies of the business associate agreements into which the qualified sign language interpreter has entered.]~~

6. A provider of health care who is providing care in a county whose population is 20,000 or more shall provide training to an employee, a contractor or a volunteer who is involved in using audiovisual communication technology to facilitate the use of a remote qualified sign language interpreter. Such training must be adequate to ensure that the employee, contractor or volunteer operates the technology efficiently and effectively.

7. A provider of health care who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the

board, agency or other entity in this State by which he or she is licensed, certified or registered.

8. The provisions of this section do not apply to a person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

9. As used in this section:

(a) "Qualified sign language interpreter" has the meaning ascribed to it in section 1 of this act.

(b) "Secure call center" has the meaning ascribed to it in section 1 of this act.

Sec. 9. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a facility for skilled nursing or facility for intermediate care or residential facility for groups or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.0333. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to

this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 33.

AN ACT relating to workforce development; providing for the creation of the Southern Nevada Health Care Workforce Apprenticeship Pilot Program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the promotion, registration and approval of apprenticeship programs in this State. (Chapter 610 of NRS) **Section 1** of this bill requires ~~[the Department of Business and Industry]~~ **Workforce Connections to use the money appropriated by section 2 of this bill** to develop, create and administer the Southern Nevada Health Care Workforce Apprenticeship Pilot Program for the purpose of addressing shortages in the number of medical assistants and pharmaceutical technicians in this State through the establishment of apprenticeship programs in Southern Nevada for the training of such persons. **Section 1** requires the Program to provide: (1) for the establishment of apprenticeship programs in Southern Nevada for the training of medical assistants and pharmaceutical technicians, which must be registered and approved by the State Apprenticeship Council; and (2) money ~~[to]~~ **for** participants in the program to cover the costs of participating in the program, including, without limitation, fees for professional certifications and

registrations, as applicable, for not more than 100 apprentices who are enrolled in apprenticeship programs established under the Program.

Section 2 ~~[of this bill]~~ makes an appropriation to ~~[the Department of Business and Industry]~~ **Workforce Connections** to carry out the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. ~~[The Department of Business and Industry]~~ **Workforce Connections** shall **use the money appropriated by section 2 of this act to** develop, create and administer the Southern Nevada Health Care Workforce Apprenticeship Pilot Program for the purpose of addressing shortages in the number of medical assistants and pharmaceutical technicians in this State through the establishment of apprenticeship programs for the training of such persons.

2. The Program must provide:

(a) For the establishment of apprenticeship programs in Southern Nevada for the training of medical assistants and pharmaceutical technicians. Any apprenticeship program established under the Program must be registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

(b) Money ~~[to]~~ **for** participants in the Program to cover the costs of participating in the Program, including, without limitation, fees for professional certifications and registrations, as applicable, for not more than 100 apprentices who are enrolled in apprenticeship programs established under the Program.

3. As used in this section:

(a) "Medical assistant" has the meaning ascribed to it in NRS 630.0129 and 633.075.

(b) "Pharmaceutical technician" has the meaning ascribed to it in NRS 639.0113.

Sec. 2. 1. There is hereby appropriated from the State General Fund to ~~[the Department of Business and Industry]~~ **Workforce Connections** the sum of $300,000 to carry out the Southern Nevada Health Care Workforce Apprenticeship Pilot Program established pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 281.

AN ACT relating to governmental administration; creating and setting forth the duties of the Security Operations Center within the Office of the Chief Information Officer within the Office of the Governor; ~~[authorizing the Chief Information Officer to apply for and accept federal grants]~~ **creating the Account** for ~~[purposes of supporting]~~ the Security Operations Center ~~[.]~~ **and prescribing the use of money in the Account;** requiring the Security Operations Center to prepare an annual report that assesses the effectiveness of the Security Operations Center; establishing the Cybersecurity Talent Pipeline Program; revising the purpose of the Office; authorizing the board of trustees of a school district to use the services and equipment of the Office; making various other changes relating to the cybersecurity of governmental entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Office of the Chief Information Officer within the Office of the Governor is composed of: (1) the Administration Unit; (2) the Client Services Unit; (3) the Computing Services Unit; (4) the Network Services Unit, including a Network Transportation Services Group and a Telecommunications Group; (5) the Office of Information Security; and (6) certain other units, groups, divisions or departments deemed necessary by the Chief Information Officer. (NRS 242.080) **Section 12** of this bill creates the Security Operations Center in the Office of the Chief Information Officer.

Existing law: (1) requires the Office to provide certain state agencies and elected officers with all their required design of information systems; (2) authorizes certain other state agencies to negotiate with the Office for its services or the use of its equipment; and (3) authorizes, upon request, the Office to provide certain services to state agencies not under the control of the Governor and local governmental agencies. (NRS 242.131, 242.141) **Section 15** of this bill requires the Security Operations Center to provide certain state agencies and elected officers with cybersecurity services, including real-time monitoring of cyberinfrastructure, threat mitigation, incident response and cybersecurity enforcement. **Sections 15 and 24** of this bill reorganize provisions that authorize certain state agencies and local governmental agencies to use the equipment and services of the Office. **Section 15 also requires any local governmental agency which has agreed to use the equipment and services of the Office to apply to the Chief to withdraw from the use.** **Section 9** of this bill revises the definition of "local

governmental agency" to include the board of trustees of a school district, which has the effect of authorizing the board of trustees of a school district to use the services of the Office pursuant to **section 15**. **Section 10** of this bill amends the definition of "using agency" so that the term includes any state agency, state officer or local governmental agency that uses the services and equipment of the Office.

Section 2 of this bill requires the Security Operations Center to develop certain policies and procedures to: (1) combat the increasing threats to using agencies posed by cybercriminals; (2) protect sensitive data in the possession of a using agency; and (3) ensure a coordinated and rapid response to any cybersecurity incident that affects a using agency.

Section 3 of this bill provides that if a using agency does not comply with the cybersecurity policies and protocols developed by the Security Operations Center, the Chief may ~~[: (1)]~~ impose additional oversight or audit requirements on the using agency relating to cybersecurity **.** ~~[; (2) restrict the using agency's access to the equipment of the Office until the using agency is back in compliance; or (3) charge the using agency an additional amount for the using agency's continued use of the equipment and services of the Office.]~~

Section 4 of this bill ~~[authorizes]~~ **creates the Account for the Security Operations Center in the State General Fund to be administered by** the Chief **.** ~~[to apply for and accept federal grants]~~ **Section 4 requires the money in the Account to be used** for **the** purposes of supporting and carrying out the duties of the Security Operations Center. **Section 4 also authorizes the Security Operations Center to serve as a fiscal agent to pool federal grant funds for the purposes of cybersecurity support and infrastructure development.**

Section 5 of this bill requires the Security Operations Center to collaborate with the Nevada Office of Cyber Defense Coordination to enhance communication and coordination of incident responses to cyber threats or cyberattacks on information systems.

Section 6 of this bill requires the Security Operations Center to submit an annual report to the Governor, Attorney General and the Director of the Legislative Counsel Bureau for transmission to the Legislature that includes certain information relating to the duties of the Security Operations Center.

Section 6.5 of this bill provides that the provisions of the Nevada Revised Statutes relating to information services do not impair or affect existing agreements with a federally recognized American Indian tribe and that any interlocal agreement entered into must respect the sovereign governance of the tribe and provide for jointly agreed data protocols.

To the extent that funding is available, section 7 of this bill requires the Security Operations Center, in collaboration with the Nevada System of Higher Education, to develop the Cybersecurity Talent Pipeline Program.

Section 8 of this bill amends the definition of "information service," as provided by the Office to a using agency, to include the real-time monitoring

of cyberinfrastructure, threat mitigation, incident response and cybersecurity enforcement.

Existing law makes certain legislative determinations and declarations relating to the creation and purpose of the Office. (NRS 242.071) **Section 11** of this bill revises these determinations and declarations to include performing information services for using agencies**.** ~~[and to eliminate the limitation on the Office providing administrative control of the informational systems of using agencies.]~~

Existing law provides that certain documents relating to homeland security that are assembled, maintained, overseen or prepared by the Office to mitigate, prevent or respond to acts of terrorism are confidential. (NRS 242.105) **Section 13** of this bill provides that certain documents relating to the cybersecurity of a using agency are also confidential.

Existing law requires the Chief to adopt certain regulations relating to information systems of certain state agencies. (NRS 242.111) **Section 14** of this bill instead requires the Chief to adopt certain regulations relating to information systems of using agencies.

Existing law requires the Chief to advise using agencies regarding the policy for information services of the Executive Branch of Government. (NRS 242.151) **Section 16** of this bill instead requires the Chief to advise the using agencies of the policy for information services of the Office.

Existing law provides that all equipment of an agency or elected state officer which is owned or leased by the State must be under the managerial control of the Office. (NRS 242.161) **Section 17** of this bill **: (1)** provides instead that all equipment of a using agency which is owned or leased by the State must be under the managerial control of the Office ~~[.]~~ **; (2) prohibits the Security Operations Center from assuming operational control of the equipment or software systems of a using agency; and (3) requires the Security Operations Center to provide standards and policies for the equipment or software systems which must be agreed upon in writing before the Security Operations Center provides services.**

Section 18 of this bill provides that the Office is responsible for any application of an information system which it furnishes to using agencies.

Section 19 of this bill requires: (1) any using agency which uses the equipment or services of the Office to adhere to the regulations, standards, practices, policies and conventions of the Office; and (2) each using agency to report **certain information relating to** certain suspected incidents to the Security Operations Center.

Existing law requires the Chief to investigate and resolve any breach of an information system of a state agency or elected officer that uses the equipment or services of the Office. (NRS 242.183) **Section 20** of this bill requires instead that the Chief, in consultation with the Security Operations Center, investigate and resolve any breach of an information system of using agency.

Existing law provides that the amount receivable from a state agency or officer or local governmental agency which uses the service of the Office must

be determined by the Chief. (NRS 242.191) **Section 21** of this bill provides instead that the amount receivable from a using agency which uses the services or equipment of the Office must be determined by the Chief . ~~[and that the amount will include the annual expenses of the cybersecurity services provided by the Security Operations Center.]~~

Section 22 of this bill requires each using agency using the services and equipment of the Office to pay a fee to the Fund for Information Services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Security Operations Center shall develop policies and procedures to:***

(a) Combat the increasing threats to using agencies posed by cybercriminals;

(b) Protect sensitive data in the possession of a using agency; and

(c) Ensure a coordinated and rapid response to any cybersecurity incident that affects a using agency.

2. The policies and procedures developed pursuant to subsection 1 must include, without limitation:

(a) A requirement that a using agency notify the Security Operations Center of any specific or immediate threat to the cybersecurity of an information system operated or maintained by the using agency;

(b) A requirement that the Security Operations Center notify the appropriate law enforcement agency and prosecuting attorney and any other appropriate public or private entity of any specific threat to the cybersecurity of an information system of which the Security Operations Center has been notified;

(c) A strategy for developing ongoing programs for professional development in cybersecurity for the employees of a using agency; and

(d) The use of security orchestration automation and response systems to automate repetitive tasks, enhance operational efficiency and standardize procedures and responses for the various information technology support of using agencies.

Sec. 3. ***If a using agency does not comply with the cybersecurity policies and protocols developed by the Security Operations Center, the Chief may ~~[do one or more of the following:~~***

~~1. Impose]~~ impose additional oversight or audit requirements on the using agency relating to cybersecurity.

~~[2. Restrict the using agency's access to the equipment of the Office until the using agency is back in compliance.~~

~~3. Charge the using agency an additional amount for the using agency's continued use of the equipment and services of the Office.]~~

Sec. 4. *1. The Account for the Security Operations Center is hereby created in the State General Fund. The Chief must administer the Account.*

2. The money in the Account must only be used for the purposes of supporting and carrying out the duties of the Security Operations Center.

3. The Chief may apply for and accept federal grants for the purposes of ~~[supporting and carrying out the duties of the Security Operations Center.]~~ this section.

4. The Security Operations Center may serve as a fiscal agent to pool federal grant funds for the purposes of cybersecurity support and infrastructure development. The Security Operations Center may establish criteria for using agencies to access shared resources which must ensure equitable distribution of the resources and maximize competiveness for federal opportunities.

5. All interest earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

6. All claims against the Account must be paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.

Sec. 5. *The Security Operations Center shall collaborate with the Nevada Office of Cyber Defense Coordination created by NRS 480.920 to enhance communication and coordination of incident responses to cyber threats or cyberattacks on information systems and to provide each using agency information relating to emerging cyber threats and best practices for cybersecurity.*

Sec. 6. *1. On or before January 1 of each year, the Security Operations Center shall prepare a report assessing the effectiveness of the Security Operations Center relating to its duties. The report must include, without limitation:*

(a) A summary of the progress made by the Security Operations Center during the previous year in performing its duties and exercising such powers as are conferred upon it;

(b) A general description of any threats or attacks responded to by the Security Operations Center during the previous year, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Security Operations Center for the upcoming year;

(d) A summary of any issues presenting challenges to the Security Operations Center; and

(e) Any other information that the Chief determines is appropriate to include in the report.

2. The report required pursuant to subsection 1 must be submitted not later than July 1 of each year to the Governor, Attorney General and Director of the Legislative Counsel Bureau for transmission to the Legislature.

Sec. 6.5. ***Nothing in this chapter shall be construed to impair or affect existing agreements with a federally recognized American Indian tribe. Any interlocal agreement entered into with the governing body of an Indian tribe, group of tribes, organized segment of a tribe or any organization representing two or more such entities must respect sovereign governance and provide for jointly agreed data protocols.***

Sec. 7. ***To the extent that funding is available:***

1. The Security Operations Center shall, in collaboration with the Nevada System of Higher Education, develop the Cybersecurity Talent Pipeline Program. The Program must ~~[, without limitation,]~~ develop a system for the career development of students in the field of computer science or cybersecurity.

2. The Program must ~~[, without limitation,]~~ provide opportunities for students within the Nevada System of Higher Education who are majoring in a field related to cybersecurity to obtain working experience in the Security Operations Center.

Sec. 8. NRS 242.055 is hereby amended to read as follows:

242.055 "Information service" means any service relating to the creation, maintenance, operation, security validation, testing, continuous monitoring or use of an information system. ***The term includes, without limitation, the real-time monitoring of cyberinfrastructure, threat mitigation, incident response and cybersecurity enforcement.***

Sec. 9. NRS 242.061 is hereby amended to read as follows:

242.061 "Local governmental agency" means any ~~[branch,]~~ ***:***

1. Branch, agency, bureau, board, commission, department or division of a county, incorporated city or town in this State ~~[.]~~ ***; or***

2. The board of trustees of a school district.

Sec. 10. NRS 242.068 is hereby amended to read as follows:

242.068 "Using agency" means ~~[an agency of the State which has a function requiring the use of information technology, information services or an information system.]~~ ***:***

1. A state agency or elected state officer who is required to use the services and equipment of the Office pursuant to subsection 1 of NRS 242.131.

2. Any other state agency or local governmental agency that has negotiated with the Office for its services and equipment pursuant to subsection 2 of NRS 242.131.

Sec. 11. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the Office of the Chief Information Officer within the Office of the Governor is necessary for the ***secure,*** coordinated, orderly and economical processing of data and information in State Government, to ensure ***the secure and*** economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the Office are:

(a) To perform information services for ~~[state]~~ ***using*** agencies.

(b) To provide technical advice but not administrative control of the information systems within the ~~[state]~~ ***using*** agencies ***.*** ~~[and, as authorized, of local governmental agencies.]~~

Sec. 12. NRS 242.080 is hereby amended to read as follows:

242.080 1. The Office of the Chief Information Officer is hereby created within the Office of the Governor.

2. The Office consists of the Chief and:

(a) The Administration Unit. The Chief is the head of the Administration Unit.

(b) The Client Services Unit.

(c) The Computing Services Unit.

(d) The Network Services Unit.

(e) The Office of Information Security.

(f) ***The Security Operations Center.***

(g) Other units, groups, divisions or departments deemed necessary by the Chief to the extent such functions are supported by the appropriations allocated to the functions of the Office.

3. A Network Transport Services Group and a Telecommunications Group are hereby created within the Network Services Unit of the Office.

Sec. 13. NRS 242.105 is hereby amended to read as follows:

242.105 1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Office to mitigate, prevent or respond to ***cybersecurity incidents or*** acts of terrorism, the public disclosure of which would, in the determination of the Chief, create a substantial likelihood of threatening the ***cybersecurity of a using agency or the*** safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to re-establish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The Chief shall maintain or cause to be maintained a list of each record or portion of a record that the Chief has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the Chief shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Chief has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the Chief determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the Chief shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.

Sec. 14. NRS 242.111 is hereby amended to read as follows:

242.111 The Chief shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of ~~[~~the Executive Branch of Government, excluding the Nevada System of Higher Education and the Nevada Criminal Justice Information System,~~]~~ ***using agencies,*** as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of ~~[~~state~~]~~ ***using*** agencies and officers ~~[~~at~~]~~ ***in*** the ~~[~~least cost to~~]~~ ***best interests of*** the State ~~[~~;~~]~~ ***and using agencies;***

2. The procedures of the Office in providing information services, which may include provision for the performance, by ~~[~~an~~]~~ ***using*** agency which uses the services or equipment of the Office, of preliminary procedures, such as data recording and verification, within the ***using*** agency;

3. The effective administration of the Office, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;

4. The development of standards to ensure the security of the information systems of the ~~[Executive Branch of Government;]~~ ***using agencies;*** and

5. Specifications and standards for the employment of all personnel of the Office.

Sec. 15. NRS 242.131 is hereby amended to read as follows:

242.131 1. The Office shall provide state agencies and elected state officers with all their required design of information systems. ***Additionally, the Security Operations Center shall provide each state agency and elected state officer with cybersecurity services, including, without limitation, real-time monitoring of cyberinfrastructure, threat mitigation, incident response and cybersecurity enforcement.*** All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the Office for its services ***, including, without limitation, cybersecurity services, including, without limitation, real-time monitoring of cyberinfrastructure, threat mitigation, incident response and cybersecurity enforcement*** or the use of its equipment, subject to the provisions of this chapter, and the Office shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(f) The Department of Wildlife;

(g) The Housing Division of the Department of Business and Industry;

(h) The Legislative Counsel Bureau;

(i) The State Controller;

(j) The Nevada Gaming Control Board and Nevada Gaming Commission; ~~[and]~~

(k) The Nevada System of Higher Education ~~[.]~~ ***;***

(l) ~~[Any other state agency; and~~

~~(m)]~~ Any local governmental agency.

3. Any state agency or elected state officer who uses the services of the Office and desires to withdraw substantially from that use must apply to the Chief for approval. The application must set forth justification for the withdrawal. If the Chief denies the application, the agency or officer must:

(a) If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

(b) If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The Chief shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the

application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

4. ***Any local governmental agency which has entered into an agreement to use the equipment and services of the Office and desires to withdraw substantially from that use must apply to the Chief for approval. The application must set forth the justification for the withdrawal.***

5. If the demand for services or use of equipment exceeds the capability of the Office to provide them, the Office may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

Sec. 16. NRS 242.151 is hereby amended to read as follows:

242.151 The Chief shall advise the using agencies regarding:

1. The policy for information services of the ~~[Executive Branch of Government,]~~ ***Office*** as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for the selection, location and use of information systems in order that the requirements of ~~[state agencies and officers]~~ ***using agencies*** may be met at the least cost ***;*** ~~[to the State;]~~

2. The procedures in performing information services; and

3. The effective administration and use of the computer facility, including security to prevent unauthorized access to data, information and plans for the recovery of systems and applications after they have been disrupted.

Sec. 17. NRS 242.161 is hereby amended to read as follows:

242.161 1. All equipment of ~~[an agency or elected state officer]~~ ***a using agency*** which is owned or leased by the State must be under the managerial control of the Office, except the equipment of the agencies and officers specified in subsection 2 of NRS 242.131.

2. The Office may permit ~~[an]~~ ***a using*** agency which is required to use such equipment to operate it on the ***using*** agency's premises.

3. The Security Operations Center shall not assume operational control of the equipment or software systems of a using agency. Before providing services, the Security Operations Center shall provide to the using agency standards and policies for the equipment or software systems of the using agency which must be agreed upon in writing.

Sec. 18. NRS 242.171 is hereby amended to read as follows:

242.171 1. The Office is responsible for:

(a) The applications of information systems;

(b) Designing and placing those information systems in operation;

(c) Any application of an information system which it furnishes to ~~[state]~~ ***using*** agencies ~~[and officers]~~ after negotiation; and

(d) The security validation, testing, including, without limitation, penetration testing, and continuous monitoring of information systems,

➥ for using agencies **.** ~~[and for state agencies and officers which use the equipment or services of the Office pursuant to subsection 2 of NRS 242.131.]~~

2. The Chief shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an

estimated developmental cost of $50,000 or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Chief.

3. As used in this section, "penetration testing" means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application.

Sec. 19. NRS 242.181 is hereby amended to read as follows:

242.181 1. Any ~~[state agency or elected state officer]~~ ***using agency*** which uses the equipment or services of the Office shall adhere to the regulations, standards, practices, policies and conventions of the Office.

2. Each ~~[state]~~ ***using*** agency ~~[or elected state officer described in subsection 1]~~ shall report any suspected incident of:

(a) ~~[Unauthorized access to an information system or application of an information system of the Office used by the state~~ ***using*** agency ~~; or elected state officer; and]~~ ***A data breach;***

(b) ***A distributed denial of service incident;***

(c) A ransomware incident;

(d) Any other incident that disrupts the delivery or essential services for more than 1 business day or directly affects life or property; or

(e) Noncompliance with the regulations, standards, practices, policies and conventions of the Office that is identified by the Office as security-related,

➥ to the Office of Information Security of the Office ***and Security Operations Center*** within 24 hours after discovery of the suspected incident. If the Office of Information Security ***, in consultation with the Security Operations Center,*** determines that an incident of unauthorized access or noncompliance occurred, it shall immediately report the incident to the Chief. The Chief shall assist in the investigation and resolution of any such incident.

3. ***The report submitted pursuant to subsection 2 must contain the following information:***

(a) The date and time of the incident;

(b) The type of incident;

(c) The type of information system or data affected by the incident;

(d) The known and projected impact of the incident to the using agency;

(e) Whether law enforcement, a regulatory body or any other entity that could be affected by the incident has been notified, as applicable; and

(f) Any additional resources needed by the using agency to respond to the incident, as applicable.

4. The Chief may establish a uniform reporting system if the Office and Security Operations Center are organizationally collocated.

5. The Office shall provide services to each ~~[state]~~ ***using*** agency ~~[and elected state officer described in subsection 1]~~ uniformly with respect to degree of service, priority of service, availability of service and cost of service.

Sec. 20. NRS 242.183 is hereby amended to read as follows:

242.183 1. The Chief of the Office of Information Security ***, in consultation with the Security Operations Center,*** shall investigate and resolve any breach of an information system of a ~~[state]~~ ***using*** agency ~~[or elected officer that uses the equipment or services of the Office of the Chief Information Officer]~~ or an application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.

2. The Chief Information Officer or Chief of the Office of Information Security, at his or her discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach of an information system of a ~~[state]~~ ***using*** agency ~~[or elected officer]~~ or application of such an information system or unauthorized acquisition of computerized data or information that materially compromises the security, confidentiality or integrity of such an information system.

Sec. 21. NRS 242.191 is hereby amended to read as follows:

242.191 1. Except as otherwise provided in subsection 3, the amount receivable from a ~~[state]~~ ***using*** agency ~~[or officer or local governmental agency]~~ which uses the services ***and equipment*** of the Office must be determined by the Chief in each case and include:

(a) The annual expense, including depreciation, of operating and maintaining the Network Services Unit ~~[,]~~ ***and the cybersecurity services provided by the Security Operations Center,*** distributed among the agencies in proportion to the services performed for each agency.

(b) ~~***[The annual expense of the cybersecurity services provided by the Security Operations Center, including, without limitation, real-time monitoring, incident response and security enforcement.***~~

~~***(c)]***~~ A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies in proportion to the services performed for each agency.

2. The Chief shall prepare and submit monthly to the ~~[state agencies and officers and local governmental]~~ ***using*** agencies for which services of the Office have been performed an itemized statement of the amount receivable from each ~~[state]~~ ***using*** agency ***.*** ~~[or officer or local governmental agency.]~~

3. The Chief may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for depreciation, for services rendered to a ~~[state]~~ ***using*** agency ***.*** ~~[or officer or local governmental agency.]~~

Sec. 22. NRS 242.211 is hereby amended to read as follows:

242.211 1. The Fund for Information Services is hereby created as an internal service fund. Money from the Fund must be paid out on claims as other claims against the State are paid. The claims must be made in accordance with budget allotments and are subject to postaudit examination and approval.

2. All operating, maintenance, rental, repair and replacement costs of equipment and all salaries of personnel assigned to the Office must be paid from the Fund.

3. Each ***using*** agency using the services ***or equipment*** of the Office shall pay a fee for that use to the Fund, which must be set by the Chief in an amount sufficient to reimburse the Office for the entire cost of providing those services, including overhead. Each using agency shall budget for those services. All fees, proceeds from the sale of equipment and any other money received by the Office must be deposited with the State Treasurer for credit to the Fund.

Sec. 23. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. NRS 242.141 is hereby repealed.

TEXT OF REPEALED SECTION

242.141 Services provided for agencies not under Governor's control and local governmental agencies. To facilitate the economical processing of data or information throughout the State Government, the Office may provide service for agencies not under the control of the Governor, upon the request of any such agency. The Office may provide services, including, without limitation, purchasing services, to a local governmental agency upon request, if provision of such services will result in reduced costs to the State for equipment and services.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 376.

ASSEMBLYMEMBER HAFEN

JOINT SPONSOR: SENATOR NEAL

AN ACT relating to governmental administration; revising provisions relating to the adoption of regulations by certain agencies of the Executive Department of the State Government; revising provisions relating to the adoption by a governing body of a local government of certain ordinances or the taking of certain actions relating to fees paid by businesses; ~~[authorizing certain legal actions to be taken for certain violations relating to the adoption of such ordinances or taking of such actions by a governing body of a local government;]~~ revising provisions relating to impact fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act establishes procedural requirements for the adoption of administrative regulations by agencies, officers and employees of the Executive Department of the State Government, with certain exceptions. (NRS 233B.010-233B.120) Under the Act, such state agencies, officers and employees are required to take certain actions to determine the impact of a proposed regulation on for-profit businesses that employ less than 150 employees before adopting a regulation that is likely to impose a direct and significant economic burden upon such a small business or that directly restricts the formation, operation or expansion of such a small business. (NRS 233B.0382, 233B.0608) The Act further requires that after such actions are taken, the state agency, officer or employee is required to prepare a small business impact statement and prescribes the information required to be included in the statement. (NRS 233B.0608, 233B.0609) **The Act also requires that an agency, before holding an initial public hearing on a proposed regulation, conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. (NRS 233B.061)** Existing law also establishes procedural requirements for the adoption by a local government of a rule, which is defined in existing law to mean an ordinance and, with certain exceptions, an action taken that imposes, increases or changes the basis for the calculation of a fee that is paid by a for-profit business. (NRS 237.030-237.150) One of the procedural prerequisites for the adoption by a local government of such a rule that is likely to impose a direct and significant economic burden upon a business or directly restricts the formation, operation or expansion of a business is the notification of chambers of commerce and trade associations of the proposed rule. (NRS 237.080) Existing law requires inclusion in the business impact statement prepared by the local government regarding such a proposed rule: (1) the number of businesses likely to be affected by the proposed rule; and (2) a list of the chambers of commerce and trade associations notified of the proposed rule. (NRS 237.090) **Section 1** of this bill imposes the same prerequisite of notifying chambers of commerce and trade associations on a state agency, officer or employee subject to the Nevada Administrative Procedure Act, in determining the impact of a proposed regulation on small businesses, insofar as is practicable. **Section 2** of this bill similarly requires the state agency, officer or employee to include in the small business impact statement for the proposed regulation the total number of small businesses likely to be affected by the proposed regulation and a list of any chambers of commerce and trade associations notified pursuant to **section 1**. **Section 2.5 of this bill requires an agency to notify by electronic mail chambers of commerce, trade associations or owners and officers of businesses which are likely be affected by a proposed regulation of the time and place set for a workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. Section 2.5 also requires an agency to maintain an electronic mailing list**

of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year.

Under existing law, a local government is not required to comply with the procedural requirements for adopting a rule if the local government is taking action that imposes, increases or changes the basis for the calculation of **an impact fee or** sales and use taxes. (NRS 237.060) **Section 3** of this bill eliminates ~~[this exemption,]~~ **these exemptions,** thereby requiring a local government to comply with those procedural requirements with respect to a proposed rule that imposes, increases or changes the basis for the calculation of **an impact fee or** sales and use taxes. **Section 3** also clarifies that, for purposes of the procedural requirements for adopting a rule, a "rule" is either: (1) an ordinance by the adoption of which the governing body of a local government exercises legislative powers; or (2) an action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses. (*See, e.g., Castellanos v. City of Reno*, 629 F. Supp. 3d 1031, 1042 (D. Nev. 2022) (construing NRS 237.060 "as disjunctive because the alternative is contrary to common sense and the law's purpose"))

Existing law further provides that any action of a local government to adopt a proposed rule in violation of the requirements for adopting such a rule is void. (NRS 237.140) **Section 4** of this bill ~~[authorizes the Attorney General and certain persons to sue in a court of competent jurisdiction: (1) to have any action to adopt a proposed rule in violation of the requirements for adopting such a rule declared void; or (2) for an injunction against the local government to require compliance with or prevent violations of the requirements for adopting such a rule. Section 4 also prescribes a time period for bringing such an action and authorizes a court to award reasonable attorney's fees and court costs to the successful plaintiff in such a suit. Existing law provides identical authority to bring such a lawsuit or seek injunctive relief for violations of the Open Meeting Law. (NRS 241.037)]~~ **clarifies that any such action is also unenforceable.**

Existing law authorizes local governments to impose by ordinance impact fees to pay the cost of constructing a capital improvement or facility expansions necessitated or attributable to certain new development. (NRS 278B.160) Under existing law, a local government that wishes to impose an impact fee is required to set a public hearing to consider the land use assumptions and to provide certain notice of such a public hearing. (NRS 278B.180) **Section 5** of this bill requires copies of such notice be provided, insofar as is practicable, to chambers of commerce and trade associations whose members are owners or officers of businesses that are likely to be affected by the proposed impact fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) ***Insofar as practicable, notify chambers of commerce and trade associations whose members are owners or officers of small businesses that are likely to be affected by the proposed regulation.***

(c) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.

~~[(c)]~~ ***(d)*** Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business; and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

~~[(d)]~~ ***(e)*** Prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061. A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If

the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) ***The total number of small businesses likely to be affected by the proposed regulation.***

(c) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to paragraph (b) of subsection 2 of NRS 233B.0608.

(d) The manner in which the analysis ***required pursuant to paragraph (c) of subsection 2 of NRS 233B.0608*** was conducted.

~~[(c)]~~ ***(e)*** The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

~~[(d)]~~ ***(f)*** A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

~~[(e)]~~ ***(g)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[(f)]~~ ***(h)*** If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

~~[(g)]~~ ***(i)*** If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

~~[(h)]~~ ***(j)*** The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sec. 2.5. **NRS 233B.061 is hereby amended to read as follows:**

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation, except that a workshop is not required if it is the second or subsequent hearing on the regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; ~~[and]~~

(b) ***By electronic mail to chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed regulation; and***

(c) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The agency shall maintain an electronic mailing list of chambers of commerce, trade associations and owners and officers of businesses. The electronic mailing list must be updated on or before January 31 of each year. The agency must provide notification pursuant to this section to each chamber of commerce and trade association by electronic mail regardless of whether the chamber of commerce or trade association has requested that it be placed on the electronic mailing list. Nothing in this section prohibits the agency from also providing notification pursuant to this section by mail.

Sec. 3. NRS 237.060 is hereby amended to read as follows:

237.060 1. "Rule" means:

(a) An ordinance by the adoption of which the governing body of a local government exercises legislative powers; ~~[and]~~ ***or***

(b) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses ~~[.]~~***, including, without limitation, an impact fee.***

2. "Rule" does not include:

(a) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of:

(1) Special assessments imposed pursuant to chapter 271 of NRS;

(2) ~~[Impact fees imposed pursuant to chapter 278B of NRS;~~

~~(3)]~~ Fees for remediation imposed pursuant to chapter 540A of NRS;

~~[(4)]~~ ***(3)*** Taxes ad valorem; ***or***

~~[(5) Sales and use taxes; or~~

~~(6)]~~ ***(4)*** A fee that has been negotiated pursuant to a contract between a business and a local government.

(b) An action taken by the governing body of a local government that approves, amends or augments the annual budget of the local government.

(c) An ordinance adopted by the governing body of a local government pursuant to a provision of chapter 271, 271A, 278, 278A, 278B or 350 of NRS.

(d) An ordinance adopted by or action taken by the governing body of a local government that authorizes or relates to the issuance of bonds or other evidence of debt of the local government.

Sec. 4. NRS 237.140 is hereby amended to read as follows:

237.140 ~~*[1.]*~~ Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, is void ~~[.]~~ ***and unenforceable,*** including, without limitation, if the governing body does not comply with the provisions of subsection 3 of NRS 237.100.

~~*[2. The Attorney General may sue in any court of competent jurisdiction to have an action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, declared void or for an injunction against the governing body to require compliance with or prevent violations of the provisions of NRS 237.030 to 237.150, inclusive. The injunction may be issued without proof of actual damage or other irreparable harm sustained by any person.*~~

~~*3. Any person denied a right conferred by the provisions of NRS 237.030 to 237.150, inclusive, if any, may sue in the district court of the district in which the governing body of a local government is situated. A suit may seek to have an action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, declared void or to require compliance with or prevent violations of the provisions of NRS 237.030 to 237.150, inclusive. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.*~~

~~*4. Any suit brought to:*~~

~~*(a) Require compliance with the provisions of NRS 237.030 to 237.150, inclusive, must be commenced within 120 days after the action to which the objection was raised was taken.*~~

~~*(b) Have an action declared void pursuant to subsection 2 or 3 must be commenced within 60 days after the action was taken.]*~~

Sec. 5. NRS 278B.180 is hereby amended to read as follows:

278B.180 1. A local government which wishes to impose an impact fee must set a time at least 20 days thereafter and place for a public hearing to

consider the land use assumptions within the designated service area which will be used to develop the capital improvements plan.

2. The notice must be given:

(a) By publication of a copy of the notice at least once a week for 2 weeks in a newspaper of general circulation in the jurisdiction of the local government.

(b) By posting a copy of the notice at the principal office of the local government and at least three other separate, prominent places within the jurisdiction of the local government.

(c) Insofar as practicable, by providing copies of the notice to chambers of commerce and trade associations whose members are owners and officers of businesses that are likely to be affected by the proposed impact fee.

3. Proof of publication must be by affidavit of the publisher.

4. Proof of posting must be by affidavit of the clerk or any deputy posting the notice.

5. The notice must contain:

(a) The time, date and location of the hearing;

(b) A statement that the purpose of the hearing is to consider the land use assumptions which will be used to develop a capital improvements plan for which an impact fee may be imposed;

(c) A map of the service area to which the land assumptions apply; and

(d) A statement that any person may appear at the hearing and present evidence for or against the land use assumptions.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 182.

AN ACT relating to powers of attorney; enacting the provisions of the Uniform Health-Care Decisions Act that have not been enacted into law in this State; revising various provisions relating to powers of attorney for health care to conform with the Uniform Act; requiring the Department of Health and Human Services, acting through the Aging and Disability Services Division of the Department, to conduct a program to educate and inform residents of this State concerning planning for long-term care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) Under existing law, a person may create an advance health-care directive, which existing law defines as a power of attorney for health care, by using a form set forth in the Uniform

Health-Care Decisions Act. (NRS 162A.715, 162A.855) Existing law also contains definitions from the Uniform Health-Care Decisions Act of "guardian," "health care" and "nursing home." This bill replaces other provisions of existing law relating to powers of attorney for health care with the remaining provisions of the Uniform Health-Care Decisions Act that have been enacted into law.

Section 28 of this bill provides that an individual has capacity to make health care decisions and make or revoke an advance health-care directive if the individual: (1) is willing and able to communicate a decision independently or with appropriate services, technological assistance, supported decision making or other reasonable accommodations; and (2) understands the nature and consequences of the action, including, with limitation, the risks and benefits of the action, or, if the individual is appointing an agent to make health care decisions for the individual, the individual recognizes the identity of the individual being appointed and understands the general nature of the relationship with the individual being appointed. Under **section 29** of this bill, an individual is presumed to have capacity to make health care decisions and make or revoke an advance health-care directive, unless certain health care professionals or a court determine that the individual does not have such capacity. **Sections 30 and 31** of this bill require certain notice of a finding that an individual lacks capacity, authorize an individual to object to the finding that the individual lacks capacity and authorize certain persons to petition the court to make a determination on whether the individual lacks capacity.

Section 32 of this bill authorizes an individual to make a health care instruction which includes certain preferences regarding the health care of the individual.

Section 33 of this bill sets forth the requirements to execute a power of attorney for health care and specifies who may not act as an agent to an individual who lacks capacity.

Section 34 of this bill authorizes an individual to create an advance health-care directive that only addresses the mental health care of the individual. **Section 35** of this bill sets forth the procedure to follow when an advance health-care directive that addresses only the mental health care of the individual conflicts with any other type of advance health-care directive.

Section 36 of this bill sets forth the classes of persons who, in order of priority, may act as a default surrogate for an individual if the individual lacks capacity to make health care decisions and an agent or guardian has not been appointed or the agent or guardian of the individual is not willing or able to act or is not reasonably available. **Section 37** of this bill sets forth the procedure a responsible health care professional is required to follow if two or more members of such a class assume authority to act as a default surrogate and the default surrogates disagree on a health care decision.

Section 38 of this bill authorizes an individual to disqualify certain persons from acting as a default surrogate.

Section 39 of this bill authorizes an individual, under certain circumstances, to revoke: (1) an appointment of an agent; (2) the designation of a default surrogate; or (3) a health care instruction. **Section 39** also provides that: (1) a subsequent advance health-care directive revokes a prior advance health-care directive to the extent the two conflict; and (2) the appointment of a spouse or domestic partner is revoked under certain circumstances involving annulment, divorce, dissolution of marriage, legal separation or termination of the domestic partnership.

Section 40 of this bill provides that: (1) an advance health-care directive created outside of this State is valid in this State under certain circumstances; (2) a person may rely on an advance health-care directive under certain circumstances; and (3) the directive may not be denied solely because the directive or the signature is in electronic form.

Section 41 of this bill provides that an agent or default surrogate has a fiduciary duty to an individual who lacks capacity and is required to make a health care decision in accordance with the direction of the individual in an advance health-care directive.

Sections 42 and 43 of this bill set forth the powers and limitations of an agent or a default surrogate under an advance health-care directive or court order.

Section 44 of this bill provides that under certain circumstances, two or more individuals are authorized to act as co-agents or alternate agents of an individual under an advance health-care directive.

Section 45 of this bill sets forth the duties of a health care professional, a responsible health care professional and a health care institution.

Section 46 of this bill provides that: (1) a guardian may refuse to comply with or revoke the advance health-care directive of the individual only if the court appointing the guardian expressly orders the noncompliance or revocation; and (2) a health care decision made by certain agents prevails over the decision of the guardian appointed for the individual, unless otherwise ordered by a court.

Section 47 of this bill provides that under certain circumstances, a health care professional, health care institution, an agent or default surrogate acting in good faith is not subject to civil or criminal liability or certain discipline.

Section 48 of this bill prohibits a person from taking certain actions concerning an advance health-care directive. **Section 48** additionally provides that an individual or the estate of the individual has a cause of action against a person that violates such prohibitions.

Section 49 of this bill provides that an electronic copy of an advance health-care directive, a revocation of an advance health-care directive or a designation or disqualification of a surrogate has the same effect as the original. **Section 49** also establishes requirements for creating a certified physical copy of an advance health-care directive that is in electronic form.

Section 50 of this bill provides that a court acting under this Uniform Act may only grant equitable relief, including, without limitation, a restraining

order or injunction: (1) to prevent certain the implementation of a health care decision made by an agent or default surrogate that is inconsistent with the Act; (2) to prevent an agent or default surrogate from making a health care decision for an individual under certain circumstances; or (3) to order implementation of a health care decision.

Section 51 of this bill provides that the Uniform Act does not authorize mercy killing, assisted suicide or euthanasia.

Section 52 of this bill provides that in applying and construing the Uniform Act, a court is required to consider the promotion of uniformity of the law among jurisdictions that enact the Uniform Act.

Sections 1, ~~[53-59]~~ 53-59.5 and 61-79 of this bill make conforming changes to reflect the changes made in this bill and to remove and replace references to repealed sections.

Sections 4-27 of this bill define certain words and terms for the purposes of **sections 3-52** and the provisions of existing law that contain only certain provisions of the Uniform Act.

Section 60 of this bill requires the Department of Health and Human Services, through the Aging and Disability Services Division of the Department, to conduct a program to educate and inform residents of this State concerning planning for long-term care.

Section 83 of this bill repeals existing provisions governing the execution of a declaration concerning the withholding or withdrawal of life-sustaining treatment, thereby making directions concerning such treatment governed solely by the Uniform Act. (NRS 449A.400-449A.481)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.0753 is hereby amended to read as follows:

159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so:

(a) If nominating a guardian of the estate, pursuant to NRS 162A.250;

(b) If nominating a guardian of the person, pursuant to ~~[NRS 162A.800;]~~ ***section 32 of this act;*** or

(c) By completing a form requesting to nominate a guardian in accordance with this section.

2. A form requesting to nominate a guardian pursuant to this section must be:

(a) Signed by the person requesting to nominate a guardian;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A request to nominate a guardian pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my
guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....
(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....
(Signature of first witness)

.....
(Print name)

.....
(Date)

.....
(Signature of second witness)

.....
(Print name)
.....
(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }
}
County of ..... }

On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.

.....
(Signature of notarial officer)
(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 2. Chapter 162A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 52, inclusive, of this act.

Sec. 3. ***NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act may be cited as the Uniform Health Care Decisions Act.***

Sec. 4. ***"Advance mental health-care directive" means a power of attorney for health care, health care instruction, or both, created under section 34 of this act.***

Sec. 5. ***"Agent" means an individual appointed under a power of attorney for health care to make a health care decision for the individual who made the appointment. The term includes, without limitation, a co-agent or alternate agent appointed under section 44 of this act.***

Sec. 6. ***"Capacity" means having capacity under section 28 of this act.***

Sec. 7. ***"Cohabitant" means each of two individuals who have been living together as a couple for at least 1 year after each became an adult or was emancipated and who are not married to each other or are not domestic partners with each other.***

Sec. 8. ***"Default surrogate" means an individual authorized under section 36 of this act to make a health care decision for another individual.***

Sec. 9. ***"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

Sec. 10. ***"Family member" means a spouse, domestic partner, adult child, parent or grandparent, or an adult descendant of a spouse, domestic partner, child, parent or grandparent.***

Sec. 11. ***"Health care decision" means a decision made by an individual, or the surrogate of the individual, regarding the individual's health care, including, without limitation, the:***

1. Selection or discharge of a health care professional or health care institution;

2. Approval or disapproval of a diagnostic test, surgical procedure, medication, therapeutic intervention or other type of health care; and

3. Direction to provide, withhold or withdraw artificial nutrition or hydration, mechanical ventilation or other health care.

Sec. 12. ***"Health care institution" means a facility or agency licensed, certified or otherwise authorized or permitted by other law to provide health care in this State in the ordinary course of business.***

Sec. 13. ***"Health care instruction" means a direction, whether or not in a record, made by an individual that indicates the goals, preferences or wishes of the individual concerning the provision, withholding or withdrawal of health care. The term includes a direction intended to be effective if a specified condition arises.***

Sec. 14. ***"Health care professional" means a physician or other individual licensed, certified or otherwise authorized or permitted by other law of this State to provide health care in this State in the ordinary course of business or the practice of the profession of the physician or individual.***

Sec. 15. ***"Individual" means a natural person who is an adult or emancipated minor.***

Sec. 16. ***"Mental health care" means care or treatment or a service or procedure to maintain, monitor, diagnose or otherwise affect an individual's mental illness or other psychiatric, psychological or psychosocial condition.***

Sec. 17. ***"Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality or other legal entity.***

Sec. 18. ***"Person interested in the welfare of the individual" means:***

1. The surrogate of the individual;

2. A family member of the individual;

3. The cohabitant of the individual;

4. A public entity providing health care case management or protective services to the individual;

5. A person appointed under other law to make decisions for the individual under a power of attorney for financial matters; or

6. A person that has an ongoing personal or professional relationship with the individual, including, without limitation, a person that has provided educational or health care services or supported decision making to the individual.

Sec. 19. *"Physician" means an individual authorized to practice medicine under chapter 630 of NRS or osteopathy under chapter 633 of NRS.*

Sec. 20. *"Power of attorney for health care" means a record in which an individual appoints an agent to make health care decisions for the individual.*

Sec. 21. *"Reasonably available" means able to be contacted without undue effort and being willing and able to act in a timely manner considering the urgency of an individual's health care situation. When used to refer to an agent or default surrogate, the term includes being willing and able to comply with the duties under section 41 of this act in a timely manner considering the urgency of an individual's health care situation.*

Sec. 22. *"Record" means information:*

1. Inscribed on a tangible medium; or

2. Stored in an electronic or other medium and retrievable in perceivable form.

Sec. 23. *"Responsible health care professional" means:*

1. A health care professional designated by an individual, or the surrogate of an individual, to have primary responsibility for the individual's health care or for overseeing a particular course of treatment; or

2. In the absence of a designation under subsection 1 or, if the professional designated under subsection 1 is not reasonably available, a health care professional who has primary responsibility for overseeing the health care of the individual or for overseeing a particular course of treatment.

Sec. 24. *"Sign" means, with present intent to authenticate or adopt a record, to:*

1. Execute or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 25. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.*

Sec. 26. *"Supported decision making" means assistance from one or more persons of an individual's choosing that helps the individual make or communicate a decision, including, without limitation, by helping the individual understand the nature and consequences of the decision.*

Sec. 27. *"Surrogate" means:*

1. An agent;

2. A default surrogate; or

3. A guardian authorized to make health care decisions.

Sec. 28. *1. An individual has capacity for the purposes of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act if the individual:*

(a) Is willing and able to communicate a decision independently or with appropriate services, technological assistance, supported decision making or other reasonable accommodation; and

(b) In making or revoking:

(1) A health care decision, understands the nature and consequences of the decision, including, without limitation, the primary risks and benefits of the decision;

(2) A health care instruction, understands the nature and consequences of the instruction, including, without limitation, the primary risks and benefits of the choices expressed in the health care instruction; and

(3) An appointment of an agent under a power of attorney for health care or identification of a default surrogate under paragraph (a) of subsection 2 of section 36 of this act, recognizes the identity of the individual being appointed or identified and understands the general nature of the relationship of the individual making the appointment or identification with the individual being appointed or identified.

2. The right of an individual who has capacity to make a decision about the individual's health care is not affected by whether the individual creates or revokes an advance health-care directive.

Sec. 29. *1. An individual is presumed to have capacity to make or revoke a health care decision, health care instruction or power of attorney for health care unless:*

(a) A court has found the individual lacks capacity to do so; or

(b) The presumption is rebutted under subsection 2.

2. Subject to sections 30 and 31 of this act, a presumption under subsection 1 may be rebutted by a finding that the individual lacks capacity:

(a) Subject to subsection 3, made on the basis of a contemporaneous examination by any of the following:

(1) A physician;

(2) A licensed psychologist;

(3) An individual with training and expertise in the finding of lack of capacity who is licensed or otherwise authorized to practice in this State as:

(I) A physician assistant;

(II) An advanced practice registered nurse; or

(III) A clinical social worker; or

(4) A responsible health care professional not described in subparagraph (1), (2) or (3) if:

(I) The individual about whom the finding is to be made is experiencing a health condition requiring a decision regarding health care treatment to be made promptly to avoid loss of life or serious harm to the health of the individual; and

(II) An individual listed in subparagraph (1), (2), or (3) is not reasonably available;

(b) Made in accordance with accepted standards of the profession and scope of practice of the individual making the finding and to a reasonable degree of certainty; and

(c) Documented in a record signed by the individual making the finding that includes, without limitation, an opinion of the cause, nature, extent and probable duration of the lack of capacity.

3. The finding under subsection 2 may not be made by:

(a) A family member of the individual presumed to have capacity;

(b) The cohabitant of the individual or a descendant of the cohabitant; or

(c) The individual's surrogate, a family member of the surrogate or a descendant of the surrogate.

4. If the finding under subsection 2 was based on a condition the individual no longer has or a responsible health care professional subsequently has good cause to believe the individual has capacity, the individual is presumed to have capacity unless a court finds the individual lacks capacity or the presumption is rebutted under subsection 2.

Sec. 30. *1. As soon as reasonably feasible, an individual who makes a finding under subsection 2 of section 29 of this act shall inform the individual about whom the finding was made or the individual's responsible health care professional of the finding.*

2. As soon as reasonably feasible, a responsible health care professional who is informed of a finding under subsection 2 of section 29 of this act shall inform the individual about whom the finding was made and the individual's surrogate.

3. An individual found under subsection 2 of section 29 of this act to lack capacity may object to the finding:

(a) By orally informing a responsible health care professional;

(b) In a record provided to a responsible health care professional or the health care institution in which the individual resides or is receiving care; or

(c) By another act that clearly indicates the individual's objection.

4. If the individual objects under subsection 3, the finding under subsection 2 of section 29 of this act is not sufficient to rebut the presumption of capacity in subsection 1 of section 29 of this act, and the individual must be treated as having capacity, unless:

(a) The individual withdraws the objection;

(b) A court finds that the individual lacks the presumed capacity;

(c) The individual is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid imminent loss of life or serious harm to the health of the individual; or

(d) Subject to subsection 5, the finding is confirmed by a second finding made by an individual authorized under paragraph (a) of subsection 2 of section 29 of this act who:

(1) Did not make the first finding;

(2) Is not a family member of the individual who made the first finding; and

(3) Is not the cohabitant of the individual who made the first finding or a descendant of the cohabitant.

5. A second finding that the individual lacks capacity under paragraph (d) of subsection 4 is not sufficient to rebut the presumption of capacity if the individual is requesting the provision or continuation of life-sustaining treatment and the finding is being used to make a decision to withhold or withdraw the treatment.

6. As soon as reasonably feasible, a health care professional who is informed of an objection under subsection 3 shall:

(a) Communicate the objection to a responsible health care professional; and

(b) Document the objection and the date of the objection in the individual's medical record or communicate the objection and the date of the objection to an administrator with responsibility for medical records of the health care institution providing health care to the individual, who shall document the objection and the date of the objection in the individual's medical record.

Sec. 31. *1. An individual found under subsection 2 of section 29 of this act to lack capacity, a responsible health care professional, the health care institution providing health care to the individual or a person interested in the welfare of the individual may petition a district court in the county in which the individual resides or is located to determine whether the individual lacks capacity.*

2. The court in which a petition under subsection 1 is filed shall appoint legal counsel to represent the individual if the individual does not have legal counsel in the proceeding. The court shall hear the petition as soon as possible after the petition is filed. As soon as possible, the court shall determine whether the individual lacks capacity. The court may determine that the individual lacks capacity only if the court finds by clear and convincing evidence that the individual lacks capacity.

Sec. 32. *1. An individual may create a health care instruction that expresses the individual's preferences for future health care, including, without limitation, preferences regarding:*

(a) Health care professionals or health care institutions;

(b) How a health care decision will be made and communicated;

(c) Persons that should or should not be consulted regarding a health care decision;

(d) A person to serve as guardian for the individual if one is appointed; and

(e) An individual to serve as a default surrogate.

2. A health care professional to whom an individual communicates or provides an instruction under subsection 1 shall document the instruction and the date of the instruction in the individual's medical record or communicate the instruction and date of the instruction to an administrator with responsibility for medical records of the health care institution

providing health care to the individual, who shall document the instruction and the date of the instruction in the individual's medical record.

3. A health care instruction made by an individual that conflicts with an earlier health care instruction made by the individual, including, without limitation, an instruction documented in a medical order, revokes the earlier instruction to the extent of the conflict.

4. A health care instruction may be in the same record as a power of attorney for health care.

Sec. 33. *1. An individual may create a power of attorney for health care to appoint an agent to make a health care decision for the individual.*

2. An individual is disqualified from acting as agent for an individual who lacks capacity to make health care decisions if:

(a) A court finds that the potential agent poses a danger to the individual's well-being, even if the court does not issue a protective order or restraining order against the potential agent; or

(b) The potential agent is an owner, operator, employee or contractor of a nursing home at which the individual resides or is receiving care, unless the owner, operator, employee or contractor is a family member of the individual, the cohabitant of the individual or a descendant of the cohabitant.

3. A health care decision made by an agent is effective without judicial approval.

4. A power of attorney for health care must be in a record, signed by the individual creating the power, and signed by an adult witness who:

(a) Reasonably believes that the act of the individual to create the power of attorney is voluntary and knowing;

(b) Must not be:

(1) The agent appointed by the individual;

(2) The spouse, domestic partner or cohabitant of the agent; or

(3) If the individual resides in or is receiving care in a nursing home, the owner, operator, employee or contractor of the nursing home; and

(c) Is present when the individual signs the power of attorney or when the individual represents that the power of attorney reflects the individual's wishes.

5. A witness under subsection 4 is considered present if the witness and the individual are:

(a) Physically present in the same location;

(b) Using electronic means that allow for real time audio and visual transmission and communication in real time to the same extent as if the witness and individual were physically present in the same location; or

(c) Able to speak to and hear each other in real time through audio connection if:

(1) The identity of the individual is personally known to the witness; or

(2) The witness is able to authenticate the identity of the individual by receiving accurate answers from the individual that enable the authentication.

6. A power of attorney for health care may include a health care instruction.

Sec. 34. *1. An individual may create an advance health-care directive that addresses only mental health care for the individual. The directive may include a health care instruction, a power of attorney for health care, or both.*

2. A health care instruction under this section may include the individual's:

(a) Statement of the general philosophy and objectives regarding mental health care; and

(b) Specific goals, preferences and wishes regarding the provision, withholding or withdrawal of a form of mental health care, including:

(1) Preferences regarding professionals, programs and facilities;

(2) Admission to a mental health facility, including, without limitation, the duration of admission;

(3) Preferences regarding medications;

(4) Refusal to accept a specific type of mental health care, including, without limitation, a medication; and

(5) Preferences regarding means of crisis intervention.

3. A power of attorney for health care under this section may appoint an agent to make decisions only for mental health care.

4. An individual may direct in an advance mental health-care directive that, if the individual is experiencing a psychiatric or psychological event specified in the directive, the individual may not revoke the directive or a part of the directive.

5. If an advance mental health-care directive includes the direction under subsection 4, the advance mental health-care directive must be in a record that is separate from any other advance health-care directive created by the individual and signed by the individual creating the advance mental health-care directive and at least two adult witnesses who:

(a) Attest that to the best of their knowledge that the individual:

(1) Understood the nature and consequences of the direction, including, without limitation, its risks and benefits; and

(2) Made the direction voluntarily and without coercion or undue influence;

(b) Are not:

(1) The agent appointed by the individual;

(2) The spouse, domestic partner or cohabitant of the agent; and

(3) If the individual resides in a nursing home, the owner, operator, employee or contractor of the nursing home; and

(c) Are physically present in the same location as the individual.

Sec. 35. *1. If a direction in an advance mental health-care directive of an individual conflicts with a direction in another advance health-care directive of the individual, the later direction revokes the earlier direction to the extent of the conflict.*

2. An appointment of an agent to make decisions only for the mental health care of the individual does not revoke an earlier appointment of an agent to make any other health care decisions for the individual. A later appointment revokes the authority of an agent under the earlier appointment to make decisions about mental health care unless otherwise specified in the power of attorney making the later appointment.

3. Appointment of an agent to make health care decisions for an individual other than decisions about mental health care made after appointment of an agent authorized to make only mental health care decisions does not revoke the appointment of the agent authorized to make only mental health care decisions.

Sec. 36. *1. A default surrogate may make a health care decision for an individual who lacks capacity to make health care decisions and for whom ~~[an]~~ :*

(a) An agent ~~[or guardian]~~ authorized to make health care decisions has not been appointed or is not reasonably available ~~[.]~~ ; or

(b) A guardian authorized to make health care decisions has not been appointed.

2. Unless the individual has an advance health-care directive that indicates otherwise, a member of the following classes, in descending order of priority, who is reasonably available and not disqualified under section 38 of this act, may act as a default surrogate for the individual:

(a) An adult whom the individual has identified, other than in a power of attorney for health care, to make a health care decision for the individual if the individual cannot make the decision;

(b) The spouse or domestic partner of the individual, unless:

(1) A petition for annulment, divorce, dissolution of marriage, legal separation or termination has been filed and not dismissed or withdrawn;

(2) A decree of annulment, divorce, dissolution of marriage, legal separation or termination has been issued;

(3) The individual and the spouse or domestic partner have agreed in a record to a legal separation; or

(4) The spouse or domestic partner has abandoned the individual for more than 1 year;

(c) The adult child or parent of the individual;

(d) The cohabitant of the individual;

(e) The adult sibling of the individual;

(f) The adult grandchild or grandparent of the individual;

(g) An adult not listed in paragraphs (a) to (f), inclusive, who has assisted the individual with supported decision making routinely during the preceding 6 months;

(h) The adult stepchild of the individual not listed in paragraphs (a) to (g), inclusive, who the individual actively parented during the minor years of the stepchild and with whom the individual has an ongoing relationship; or

(i) An adult not listed in paragraphs (a) to (h), inclusive, who has exhibited special care and concern for the individual and is familiar with the personal values of the individual.

3. A responsible health care professional may require an individual who assumes authority to act as a default surrogate to provide a declaration in a record under penalty of perjury stating facts and circumstances reasonably sufficient to establish the authority.

4. If a responsible health care professional reasonably determines that an individual who has assumed authority to act as a default surrogate is not willing or able to comply with a duty under section 41 of this act or fails to do so in a timely manner, the professional may recognize the individual next in priority under subsection 2 as the default surrogate.

5. A health care decision made by a default surrogate is effective without judicial approval.

Sec. 37. *1. A default surrogate who assumes authority under section 36 of this act shall inform a responsible health care professional if two or more members of a class under subsection 2 of section 36 of this act have assumed authority to act as default surrogates and the members do not agree on a health care decision.*

2. A responsible health care professional shall comply with the decision of a majority of the members of the class with highest priority under subsection 2 of section 36 of this act who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under section 41 of this act.

3. If a responsible health care professional is informed that the members of the class who have communicated their views to the professional are evenly divided concerning the health care decision, the professional shall make a reasonable effort to solicit the views of members of the class who are reasonably available but have not yet communicated their views to the professional. The professional, after the solicitation, shall comply with the decision of a majority of the members who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under section 41 of this act.

4. If the class remains evenly divided after the effort is made under subsection 3, the health care decision must be made as provided by other law of this State regarding the treatment of an individual who is found to lack capacity.

Sec. 38. *1. An individual for whom health care decisions would be made may disqualify another individual from acting as a default surrogate for the first individual. The disqualification may be in a record signed by the first individual or communicated verbally or nonverbally to the individual*

being disqualified, another individual or a responsible health care professional. Disqualification under this subsection is effective even if made by an individual who lacks capacity to make an advance health-care directive if the individual clearly communicates a desire that the individual being disqualified not make health care decisions for the individual.

2. An individual is disqualified from acting as a default surrogate for an individual who lacks capacity to make health care decisions if:

(a) A court finds that the potential default surrogate poses a danger to the individual's well-being, even if the court does not issue a protective order or restraining order against the potential surrogate;

(b) The potential default surrogate is an owner, operator, employee or contractor of a nursing home in which the individual is residing or receiving care unless the owner, operator, employee or contractor is a family member of the individual, the cohabitant of the individual or a descendant of the cohabitant; or

(c) The potential default surrogate refuses to provide a timely declaration under subsection 3 of section 36 of this act.

Sec. 39. *1. An individual may revoke the appointment of an agent, the designation of a default surrogate or a health care instruction in whole or in part, unless:*

(a) A court finds that the individual lacks capacity to do so;

(b) The individual is found under subsection 2 of section 29 of this act to lack capacity to do so and, if the individual objects to the finding, the finding is confirmed under paragraph (d) of subsection 4 of section 30 of this act; or

(c) The individual created an advance mental health-care directive that includes the provision under subsection 4 of section 34 of this act and the individual is experiencing the psychiatric or psychological event specified in the directive.

2. Revocation under subsection 1 may be by any act of the individual that clearly indicates that the individual intends to revoke the appointment, designation or instruction, including, without limitation, an oral statement to a health care professional.

3. Except as otherwise provided in section 35 of this act, an advance health-care directive of an individual that conflicts with another advance health-care directive revokes the earlier directive to the extent of the conflict.

4. Unless otherwise provided in an individual's advance health-care directive appointing an agent, the appointment of a spouse or domestic partner of an individual as agent for the individual is revoked by:

(a) A petition for annulment, divorce, dissolution of marriage, legal separation or termination that has been filed and not dismissed or withdrawn;

(b) A decree of annulment, divorce, dissolution of marriage, legal separation or termination;

(c) The individual and the spouse or domestic partner having agreed in a record to a legal separation; or

(d) Abandonment of the individual for more than 1 year by the spouse or domestic partner of the individual.

Sec. 40. *1. An advance health-care directive created outside this State is valid if the advance health-care directive complies with:*

(a) The law of the state specified in the directive or, if no state is specified, the state in which the individual created the directive; or

(b) The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.

2. A person may assume without inquiry that an advance health-care directive is genuine, valid and still in effect and may implement or rely on it, unless the person has good cause to believe that the directive is invalid or has been revoked.

3. An advance health-care directive, revocation of a directive or a signature on a directive or revocation may not be denied legal effect or enforceability solely because it is in electronic form.

4. Evidence relating to an advance health-care directive, revocation of a directive or a signature on a directive or revocation may not be excluded in a proceeding solely because the evidence is in electronic form.

5. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not affect the validity of an electronic record or signature that is valid under chapter 719 of NRS.

6. If any provision of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act conflict with other law of this State relating to the creation, execution, implementation or revocation of an advance health-care directive, NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act prevails.

Sec. 41. *1. An agent or default surrogate has a fiduciary duty to the individual for whom the agent or default surrogate is acting when exercising or purporting to exercise a power under section 42 of this act.*

2. An agent or default surrogate shall make a health care decision in accordance with the direction of the individual in an advance health-care directive and other goals, preferences and wishes of the individual , including, without limitation, those that may reflect the individual's culture, to the extent known or reasonably ascertainable by the agent or default surrogate.

3. If there is not a direction in an advance health-care directive and the goals, preferences and wishes of the individual regarding a health care decision are not known or reasonably ascertainable by the agent or default surrogate, the agent or default surrogate shall make the decision in accordance with the agent's or default surrogate's determination of the individual's best interest.

4. In determining the individual's best interest under subsection 3, the agent or default surrogate shall:

(a) Give primary consideration to the contemporaneous communications of the individual, including, without limitation, verbal and nonverbal expressions;

(b) Consider the individual's values , including, without limitation, those that may reflect the individual's culture, to the extent known or reasonably ascertainable by the agent or default surrogate; and

(c) Consider the risks and benefits of the potential health care decision.

5. As soon as reasonably feasible, an agent or default surrogate who is informed of a revocation of an advance health-care directive or disqualification of an agent or default surrogate shall communicate the revocation or disqualification to a responsible health care professional.

Sec. 42. *1. Except as otherwise provided in subsection 3, the power of an agent or default surrogate commences when the individual is found under subsection 2 of section 29 of this act or by a court to lack capacity to make a health care decision. The power ceases if the individual later is found to have capacity to make a health care decision, or the individual objects under subsection 3 of section 30 of this act to the finding of lack of capacity under subsection 2 of section 29 of this act. The power resumes if:*

(a) The power ceased because the individual objected under subsection 3 of section 30 of this act; and

(b) The finding of lack of capacity is confirmed under paragraph (d) of subsection 4 of section 30 of this act or a court finds that the individual lacks capacity to make a health care decision.

2. An agent or default surrogate may request, receive, examine, copy and consent to the disclosure of medical and other health care information about the individual if the individual would have the right to request, receive, examine, copy or consent to the disclosure of the information.

3. A power of attorney for health care may provide that the power of an agent under subsection 2 commences upon appointment.

4. If no other person is authorized to do so, an agent or default surrogate may apply for public or private health insurance and benefits on behalf of the individual. An agent or default surrogate who may apply for insurance and benefits does not, solely by reason of the power, have a duty to apply for the insurance or benefits.

5. An agent or default surrogate may not consent to voluntary admission of the individual to a facility for mental health treatment unless:

(a) Voluntary admission is specifically authorized by the individual in an advance health-care directive in a record; and

(b) The admission is for not more than the maximum of the number of days specified in the directive or 72 hours, including weekends and holidays, whichever is less.

6. Except as otherwise provided in subsection 7, an agent or default surrogate may not consent to the placement of the individual in a nursing home if the placement is intended to be for more than 100 days if:

(a) An alternative living arrangement is reasonably feasible;

(b) The individual objects to the placement; or

(c) The individual is not terminally ill.

7. If specifically authorized by the individual in an advance health-care directive in a record, an agent or default surrogate may consent to the placement of the individual in a nursing home for more than 100 days even if:

(a) An alternative living arrangement is reasonably feasible;

(b) The individual objects to the placement; and

(c) The individual is not terminally ill.

Sec. 43. *1. If an individual has a long-term disability requiring routine treatment by artificial nutrition, hydration or mechanical ventilation and the individual has a history of using the treatment without objection, an agent or default surrogate may not consent to withhold or withdraw the treatment unless:*

(a) The treatment is not necessary to sustain the individual's life or maintain the individual's well-being;

(b) The individual has expressly authorized the withholding or withdrawal in a health care instruction that has not been revoked; or

(c) The individual has experienced a major reduction in health or functional ability from which the individual is not expected to recover, even with other appropriate treatment, and the individual has not:

(1) Given a direction inconsistent with withholding or withdrawal; or

(2) Communicated, by verbal or nonverbal expression, a desire for artificial nutrition, hydration or mechanical ventilation.

2. A default surrogate may not make a health care decision if, under other law of this State, the decision:

(a) May not be made by a guardian; or

(b) May be made by a guardian only if the court appointing the guardian specifically authorizes the guardian to make the decision.

Sec. 44. *1. An individual in a power of attorney for health care may appoint two or more individuals as co-agents. Unless the power of attorney provides otherwise, each co-agent may exercise independent authority.*

2. An individual in a power of attorney for health care may appoint one or more individuals to act as alternate agents if a predecessor agent resigns, dies, becomes disqualified, is not reasonably available or is otherwise unwilling or unable to act as agent.

3. Unless the power of attorney provides otherwise, an alternate agent has the same authority as the original agent:

(a) At any time the original agent is not reasonably available or is otherwise unwilling or unable to act, for the duration of the unavailability, unwillingness or inability to act; or

(b) If the original agent and all other predecessor agents have resigned or died or are disqualified from acting as agent.

Sec. 45. *1. A responsible health care professional who is aware that an individual has been found to lack capacity to make a decision shall make a reasonable effort to determine if the individual has a surrogate.*

2. If possible before implementing a health care decision made by a surrogate, a responsible health care professional as soon as reasonably feasible shall communicate to the individual the decision made and the identity of the person making the decision.

3. A responsible health care professional who makes or is informed of a finding that an individual lacks capacity to make a health care decision or no longer lacks capacity, or that other circumstances exist that affect a health care instruction or the authority of a surrogate, as soon as reasonably feasible, shall:

(a) Document the finding or circumstance in the medical record of the individual; and

(b) If possible, communicate to the individual and the surrogate of the individual the finding or circumstance and that the individual may object under subsection 3 of section 30 of this act to the finding under subsection 2 of section 29 of this act.

4. A responsible health care professional who is informed that an individual has created or revoked an advance health-care directive, or that a surrogate for an individual has been appointed, designated or disqualified, shall:

(a) Document the information as soon as reasonably feasible in the medical record of the individual; and

(b) If evidence of the directive, revocation, appointment, designation or disqualification is in a record, request a copy and, on receipt, cause the copy to be included in the medical record of the individual.

5. Except as provided in subsections 6 and 7, a health care professional or health care institution providing health care to an individual shall comply with:

(a) A health care instruction given by the individual regarding the health care of the individual;

(b) A reasonable interpretation by the surrogate of the individual of an instruction given by the individual; and

(c) A health care decision for the individual made by the surrogate of the individual in accordance with sections 41 and 42 of this act to the same extent as if the decision had been made by the individual at a time when the individual had capacity.

6. A health care professional or a health care institution may refuse to provide care consistent with a health care instruction or health care decision if:

(a) The instruction or decision is contrary to a policy of the health care institution providing health care to the individual that is expressly based on reasons of conscience and the policy was timely communicated to the individual or to the surrogate of the individual;

(b) The care would require care that is not available to the professional or institution; or

(c) Compliance with the instruction or decision would:

(1) Require the professional to provide care that is contrary to the professional's religious belief or moral conviction if other law permits the professional to refuse to provide the care;

(2) Require the professional or institution to provide care that is contrary to generally accepted health care standards applicable to the professional or institution; or

(3) Violate a court order or other law.

7. A health care professional or health care institution that refuses to provide care under subsection 6 shall:

(a) As soon as reasonably feasible, inform the individual, if possible, and the surrogate of the individual of the refusal;

(b) Immediately make a reasonable effort to transfer the individual to another health care professional or health care institution that is willing to comply with the instruction or decision; and

(c) Either:

(1) If the care is refused under paragraph (a) or (b) of subsection 6, provide life-sustaining care and care needed to keep or make the individual comfortable, consistent with accepted medical standards to the extent feasible, until a transfer is made; or

(2) If the care is refused under paragraph (c) of subsection 6, provide life-sustaining care and care needed to keep or make the individual comfortable, consistent with accepted medical standards, until a transfer is made or, if the professional or institution reasonably believes that a transfer cannot be made, for at least 10 days after the refusal.

Sec. 46. *1. A guardian may refuse to comply with or revoke the individual's advance health-care directive only if the court appointing the guardian expressly orders the noncompliance or revocation.*

2. Unless a court orders otherwise, a health care decision made by an agent appointed by an individual subject to guardianship prevails over a decision of the guardian appointed for the individual.

Sec. 47. *1. A health care professional or health care institution acting in good faith is not subject to civil or criminal liability or to discipline for unprofessional conduct for:*

(a) Complying with a health care decision made for an individual by another person if compliance is based on a reasonable belief that the person has authority to make the decision for an individual, including, without limitation, a decision to withhold or withdraw health care;

(b) Refusing to comply with a health care decision made for an individual by another person if the refusal is based on a reasonable belief that the person lacked authority or capacity to make the decision;

(c) Complying with an advance health-care directive based on a reasonable belief that the directive is valid;

(d) Refusing to comply with an advance health-care directive based on a reasonable belief that the directive is not valid, including, without limitation, a reasonable belief that the directive was not made by the individual or, after its creation, was substantively altered by a person other than the individual who created it;

(e) Determining that an individual who might otherwise be authorized to act as an agent or default surrogate is not reasonably available; or

(f) Complying with an individual's direction under subsection 4 of section 34 of this act.

2. An agent or default surrogate, or an individual with a reasonable belief that the individual is an agent or a default surrogate, is not subject to civil or criminal liability or to discipline for unprofessional conduct for a health care decision made in a good faith effort to comply with the provisions of section 41 of this act.

Sec. 48. *1. A person shall not:*

(a) Intentionally falsify, in whole or in part, an advance health-care directive;

(b) For the purpose of frustrating the intent of the individual who created an advance health-care directive or with knowledge that doing so is likely to frustrate the intent:

(1) Intentionally conceal, deface, obliterate or delete the directive or a revocation of the directive without consent of the individual who created or revoked the directive; or

(2) Intentionally withhold knowledge of the existence or revocation of the directive from a responsible health care professional or health care institution providing health care to the individual who created or revoked the directive;

(c) Coerce or fraudulently induce an individual to create, revoke or refrain from creating or revoking an advance health-care directive or a part of a directive; or

(d) Require or prohibit the creation or revocation of an advance health-care directive as a condition for providing health care.

2. An individual who is the subject of conduct prohibited by subsection 1, or the estate of the individual, has a cause of action against a person that violates subsection 1 for statutory damages of $25,000 or actual damages resulting from the violation, whichever is greater.

3. Subject to subsection 4, an individual who makes a health care instruction, or the estate of the individual, has a cause of action against a health care professional or health care institution that intentionally violates section 45 of this act for statutory damages of $50,000, or actual damages resulting from the violation, whichever is greater.

4. A person who administers emergency medical services, as defined in NRS 450B.460, is not liable under subsection 3 for a violation of subsection 5 of section 45 of this act if:

(a) The violation occurs in the course of providing care to an individual experiencing a health condition for which the professional reasonably believed the care was appropriate to avoid imminent loss of life or serious harm to the individual;

(b) The failure to comply is consistent with accepted standards of the profession of the person who administers emergency medical services; and

(c) The provision of care does not begin in a health care institution in which the individual resides or was receiving care.

5. In an action under this section, a prevailing plaintiff may recover reasonable attorney's fees, court costs and other reasonable litigation expenses.

6. A cause of action or remedy under this section is in addition to any cause of action or remedy under other law.

Sec. 49. *1. A physical or electronic copy of an advance health-care directive, revocation of an advance health-care directive or appointment, designation or disqualification of a surrogate has the same effect as the original.*

2. An individual may create a certified physical copy of an advance health-care directive in electronic form or revocation of an advance health-care directive that is in electronic form by affirming under penalty of perjury that the physical copy is a complete and accurate copy of the directive or revocation.

Sec. 50. *1. On petition of an individual, the surrogate of an individual, a health care professional or health care institution providing health care to the individual, or a person interested in the welfare of the individual, the court may:*

(a) Enjoin implementation of a health care decision made by an agent or default surrogate on behalf of the individual, on a finding that the decision is inconsistent with section 41 or 42 of this act;

(b) Enjoin an agent from making a health care decision for the individual, on a finding that the individual's appointment of the agent has been revoked or the agent:

(1) Is disqualified under subsection 2 of section 33 of this act;

(2) Is unable or unwilling to comply with section 41 of this act; or

(3) Poses a danger to the individual's well-being;

(c) Enjoin another individual from acting as a default surrogate, on a finding that the other individual acting as a default surrogate did not comply with section 36 of this act or the other individual:

(1) Is disqualified under section 38 of this act;

(2) Is unable or unwilling to comply with section 41 of this act; or

(3) Poses a danger to the first individual's well-being; or

(d) Order implementation of a health care decision made:

(1) By and for the individual; or

(2) By an agent or default surrogate who is acting in compliance with the powers and duties of the agent or default surrogate.

2. For the purposes of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act, advocating for the withholding or withdrawal of health care or mental health care from an individual is not itself evidence that an agent or default surrogate, or a potential agent or default surrogate, poses a danger to the individual's well-being.

3. A proceeding under this section is governed by chapter 159 of NRS.

Sec. 51. ***1. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not authorize mercy killing, assisted suicide or euthanasia.***

2. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not affect other law of this State governing the treatment for mental illness of an individual involuntarily committed to a mental health facility pursuant to chapter 433A of NRS.

3. The death of an individual caused by withholding or withdrawing health care in accordance with NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act does not constitute a suicide or homicide or legally impair or invalidate a policy of insurance or an annuity providing a death benefit, notwithstanding any term of the policy or annuity to the contrary.

4. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not create a presumption concerning the intention of an individual who has not created an advance health-care directive.

Sec. 52. ***In applying and construing the Uniform Health Care Decisions Act, a court shall consider the promotion of uniformity of the law among states that enact it.***

Sec. 53. NRS 162A.220 is hereby amended to read as follows:

162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

2. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.

3. If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in ~~[~~NRS 162A.840~~]~~ ***section 33 of this act*** and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:

(a) The hospital, assisted living facility or facility for skilled nursing;

(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or

(c) An employee of the hospital, assisted living facility or facility for skilled nursing.

4. The principal may name as agent any person identified in subsection 3 if that person is:

(a) The spouse, legal guardian or next of kin of the principal; or

(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.

5. A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:

(a) A valid financial power of attorney for the principal does not exist;

(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;

(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;

(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and

(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.

6. A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than to assist the principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(d) "Hospital" has the meaning ascribed to it in NRS 449.012.

(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 54. NRS 162A.710 is hereby amended to read as follows:

162A.710 As used in NRS ~~[~~162A.700 to 162A.870,~~]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52,*** inclusive, ***of this act,*** unless the context otherwise requires, the words and terms defined in NRS 162A.715 ~~[~~to 162A.780,~~]~~ ***, 162A.733, 162A.736 and 162A.755 and sections 4 to 27,*** inclusive, ***of this act*** have the meanings ascribed to them in those sections.

Sec. 55. NRS 162A.715 is hereby amended to read as follows:

162A.715 "Advance health-care directive" means a power of attorney for health care ~~[.]~~ ***, health care instruction, or both. The term includes, without limitation, an advance mental health-care directive.***

Sec. 56. NRS 162A.736 is hereby amended to read as follows:

162A.736 "Health care" means care ~~[,]~~ ***or*** treatment ~~[,]~~ ***or a*** service or procedure to maintain, monitor, diagnose or otherwise affect the physical or mental illness, injury or condition of an individual. ***The term includes mental health care.***

Sec. 57. NRS 200.495 is hereby amended to read as follows:

200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

(a) The act or omission is aggravated, reckless or gross;

(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;

(c) The consequences of the negligent act or omission could have reasonably been foreseen; and

(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.

2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:

(a) If the neglect results in death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

(b) If the neglect results in substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.

3. For the purposes of this section, a patient is not neglected for the sole reason that:

(a) According to the patient's desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.

(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to ~~[NRS 162A.790.]~~ ***section 33 of this act.***

4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:

(a) Licensed the facility in which the criminal neglect occurred; and

(b) If applicable, licensed the person so convicted.

5. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Patient" means a person who resides or receives health care in a medical facility.

(c) "Professional caretaker" means a person who:

(1) Holds a license, registration or permit issued pursuant to title 54 or chapter 449 of NRS;

(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and

(3) Has responsibility to provide care to patients.

➥ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.

Sec. 58. NRS 225.330 is hereby amended to read as follows:

225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 or a power of attorney for health care that is properly executed pursuant to ~~[NRS 162A.790.]~~ ***section 33 of this act.***

Sec. 59. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

(1) Medical facility as defined in NRS 449.0151; and

(2) Facility for the dependent as defined in NRS 449.0045.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) "Public Option" means the Public Option established pursuant to NRS 695K.200.

Sec. 59.5. **NRS 232.461 is hereby amended to read as follows:**

232.461 1. The Advocate, within the limits of available money:

(a) Shall, to carry out the provisions of this section and NRS 232.459, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and

(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:

(1) Such persons in the unclassified service of the State as the Advocate determines to be necessary to carry out the provisions of this section and NRS 232.459, including, without limitation, a ~~[provider of]~~ health care ~~[,]~~ ***professional,*** as that term is defined in ~~[NRS 449A.424.]~~ ***section 14 of this act.***

(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 232.459, who must be in the classified service of the State.

➥ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the Advocate employs that person.

2. The Advocate may:

(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as the Advocate determines to be necessary to carry out the provisions of this section and NRS 232.459.

(b) Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to paragraphs (h) and (i) of subsection 1 of NRS 232.459.

3. The Advocate and the Advocate's employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section and NRS 232.459. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the Advocate or employee, or any person affiliated with the Advocate or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 60. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, through the Division, shall conduct a program to:

(a) Develop and carry out a public awareness campaign to provide information to the public about the importance of planning for long-term care that provides information relevant to the changing demographics of this State. A public awareness campaign carried out pursuant to this paragraph must engage with various forms of media, including, without limitation, television and digital platforms, to ensure the campaign reaches a wide audience throughout this State.

(b) Create and maintain on the Internet website of the Division comprehensive information on the resources and tools available to residents of this State to assist residents of this State with planning for long-term care.

(c) Coordinate with financial planners, providers of health care, insurance companies and community organizations to provide throughout this State workshops, seminars and educational sessions that provide information on planning for long-term care.

(d) Prepare planning guides, brochures and other printed material and make such material available to the public, community centers and other relevant organizations that may distribute such materials to residents of this State. The materials prepared and made available pursuant to this paragraph must incorporate a range of educational material, including electronic and physical materials, that offer detailed information about

options for long-term care, tools for planning for long-term care and financial assistance with long-term care that is available to residents of this State.

2. In carrying out the provisions of subsection 1, the Department, through the Division, shall:

(a) Incorporate best practices from other states and engage a diverse range of stakeholders, including, without limitation, financial planners, providers of health care, insurance companies, senior advocacy groups, nonprofit and grassroots organizations, and local government agencies that work with the elderly population in this State, with an emphasis on engaging with organizations with significant connections to the elderly population in this State and have a thorough understanding of the unique needs and challenges experienced by different segments of the elderly population in this State.

(b) Address specific demographic segments within the elderly population in this State, including, without limitation, persons who are not proficient in the English language, veterans and residents of rural communities, to ensure the inclusivity and accessibility of resources.

3. The Department, through the Division, may implement the provisions of subsection 1 in phases, with initial priority given to areas of this State with a high concentration of elderly persons and person with limited access to long-term planning resources. The Department may select counties in this State to host pilot programs to test and refine outreach and delivery strategies for implementation statewide.

4. The Department, through the Division, shall develop a framework to monitor, evaluate and assess the effectiveness of the program set forth in subsection 1, and to adapt the program as necessary. In monitoring, evaluating, assessing and adapting the program, the Department, through the Division, shall gather input from participants and stakeholders, including, without limitation, nonprofit and grassroots organizations.

5. On or before February 1 of each year, the Administrator shall submit a report to the Director of the Legislative Counsel Bureau for transmittal:

(a) In even-numbered years, to the Legislative Commission and the Joint Interim Standing Committee on Health and Human Services; and

(b) In odd-numbered years, to the next regular session of the Legislature.

6. The Division may adopt regulations to carry out the provisions of this section.

Sec. 61. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility or hospital shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility or hospital may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS ~~[162A.700 to 162A.870, inclusive,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act*** or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility or hospital must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

Sec. 62. NRS 439.4923 is hereby amended to read as follows:

439.4923 "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

1. Medical facility as defined in NRS 449.0151; and

2. Facility for the dependent as defined in NRS 449.0045.

Sec. 63. NRS 439.4972 is hereby amended to read as follows:

439.4972 "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

1. Medical facility as defined in NRS 449.0151; and

2. Facility for the dependent as defined in NRS 449.0045.

Sec. 64. NRS 439.5256 is hereby amended to read as follows:

439.5256 "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

1. Medical facility as defined in NRS 449.0151; and

2. Facility for the dependent as defined in NRS 449.0045.

Sec. 65. NRS 449A.180 is hereby amended to read as follows:

449A.180 A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to NRS 449A.182, for the purposes of NRS 449A.170 to 449A.192, inclusive, if the person:

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS ~~[162A.700 to 162A.870, inclusive,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act,*** and the power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, is specifically delegated to the person in the power of attorney.

Sec. 65.5. **NRS 449A.203 is hereby amended to read as follows:**

449A.203 "Aversive intervention" means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:

1. The use of noxious odors and tastes;
2. The use of water and other mists or sprays;
3. The use of blasts of air;
4. The use of corporal punishment;
5. The use of verbal and mental abuse;
6. The use of electric shock;
7. Requiring a person to perform exercise under forced conditions if the:

(a) Person is required to perform the exercise because the person exhibited a behavior that is related to his or her disability;

(b) Exercise is harmful to the health of the person because of his or her disability; or

(c) Nature of the person's disability prevents the person from engaging in the exercise;

8. Any intervention, technique or procedure that deprives a person of the use of one or more of the person's senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or

9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:

(a) Food or liquid at a time when it is customarily served; or

(b) Medication.

➥ The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS ~~[449A.454]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act,*** or 449A.500 to 449A.581, inclusive.

Sec. 66. NRS 449A.274 is hereby amended to read as follows:

449A.274 "Representative of the resident" means a natural person who is designated in writing by a resident to be his or her representative. The term includes, without limitation, a person given power of attorney to make decisions concerning health care for the resident pursuant to NRS ~~[162A.700 to 162A.870, inclusive,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act*** or a person appointed as a guardian of the resident under the provisions of chapter 159 of NRS.

Sec. 67. NRS 449A.309 is hereby amended to read as follows:

449A.309 "Representative of the patient" means a legal guardian of the patient ~~[, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433]~~ or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS ~~[162A.700 to 162A.870, inclusive.]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.***

Sec. 68. ~~[NRS 449A.433 is hereby amended to read as follows:~~

~~449A.433 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life-sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or another at the declarant's direction, and attested by two witnesses.~~

~~2. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.~~

~~3. A durable power of attorney for health care properly executed pursuant to [NRS 162A.790]~~ ***section 33 of this act*** ~~regarding the withholding or withdrawal of life-sustaining treatment constitutes for the purposes of NRS 449A.400 to 449A.481, inclusive, a properly executed declaration pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 68.3. **NRS 449A.503 is hereby amended to read as follows:**

449A.503 "Advanced practice registered nurse" ~~[has the meaning ascribed to it in NRS 449A.406.]~~ ***means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.***

Sec. 68.5. **NRS 449A.506 is hereby amended to read as follows:**

449A.506 "Attending advanced practice registered nurse" ~~[has the meaning ascribed to it in NRS 449A.409.]~~ ***means an advanced practice***

registered nurse who has primary responsibility for the treatment and care of the patient.

Sec. 68.7. **NRS 449A.509 is hereby amended to read as follows:**

449A.509 "Attending physician" ~~[has the meaning ascribed to it in NRS 449A.412.]~~ ***means the physician who has primary responsibility for the treatment and care of the patient.***

Sec. 69. NRS 449A.524 is hereby amended to read as follows:

449A.524 "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

1. Medical facility as defined in NRS 449.0151; and

2. Facility for the dependent as defined in NRS 449.0045.

Sec. 69.5. **NRS 449A.530 is hereby amended to read as follows:**

449A.530 "Life-sustaining treatment" ~~[has the meaning ascribed to it in NRS 449A.418.]~~ ***means a medical procedure or intervention that, when administered to a patient, serves only to prolong the process of dying.***

Sec. 70. NRS 449A.545 is hereby amended to read as follows:

449A.545 "Representative of the patient" means a legal guardian of the patient ~~[, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433]~~ or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS ~~[162A.700 to 162A.870, inclusive.]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.***

Sec. 70.3. **NRS 449A.551 is hereby amended to read as follows:**

449A.551 1. A physician, physician assistant or advanced practice registered nurse shall take the actions described in subsection 2:

(a) If the physician, physician assistant or advanced practice registered nurse diagnoses a patient with a terminal condition;

(b) If the physician, physician assistant or advanced practice registered nurse determines, for any reason, that a patient has a life expectancy of less than 5 years; or

(c) At the request of a patient.

2. Upon the occurrence of any of the events specified in subsection 1, the physician, physician assistant or advanced practice registered nurse shall explain to the patient:

(a) The existence and availability of the Provider Order for Life-Sustaining Treatment form;

(b) The features of and procedures offered by way of the POLST form; and

(c) The differences between a POLST form and the other types of advance directives.

3. The physician, physician assistant or advanced practice registered nurse shall complete the POLST form based on the preferences and medical indications of the patient, upon the request of:

(a) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient has

the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient.

(b) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:

(1) The representative of the patient; or

(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.

(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.

4. A POLST form is valid upon execution by a physician, physician assistant or advanced practice registered nurse and:

(a) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient.

(b) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:

(1) The representative of the patient; or

(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.

(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.

5. If, pursuant to subsection 3, a valid POLST form has been executed by a representative or surrogate of the patient and a provider of health care or the representative or surrogate of the patient believes that the patient has regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, a physician, physician assistant or advanced practice registered nurse must examine the patient and inform the patient of the execution of the POLST form. If the physician, physician assistant or advanced practice registered nurse determines that the patient regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient may approve the execution of the POLST form or, pursuant to NRS 449A.554, revoke the POLST form executed for the patient by his or her representative or surrogate. If the patient approves the execution

of the POLST form executed by his or her representative or surrogate, such approval must be made a part of the medical record of the patient and the POLST form is deemed to be valid. The physician, physician assistant or advanced practice registered nurse who examined the patient must notify the representative or surrogate of the patient who executed the POLST form of the decision of the patient to approve or revoke the POLST form.

6. For the purpose of determining whether a surrogate of the patient is authorized to request and execute a POLST form pursuant to subsections 3 and 4, respectively:

(a) If a class entitled to decide whether to request and execute a POLST form is not reasonably available for consultation and capable of deciding or declines to decide, the next class is authorized to decide, but an equal division in a class does not authorize the next class to decide.

(b) A decision to request and execute a POLST form must be made in good faith and is not valid if it conflicts with the expressed intention of the patient.

(c) A decision of the physician, physician assistant or advanced practice registered nurse acting in good faith that a decision to request and execute a POLST form is valid or invalid is conclusive.

7. As used in this section:

(a) "Surrogate of the patient" means the following persons, in order of priority:

(1) The spouse of the patient;

(2) An adult child of the patient or, if there is more than one adult child, a majority of the adult children who are reasonably available for consultation;

(3) The parents of the patient;

(4) An adult sibling of the patient or, if there is more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation;

(5) The nearest other adult relative of the patient by blood or adoption who is reasonably available for consultation; or

(6) An adult who has exhibited special care or concern for the patient, is familiar with the values of the patient and willing and able to make health care decisions for the patient.

(b) "Terminal condition" ~~[has the meaning ascribed to it in NRS 449A.430.]~~ ***means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician or attending advanced practice registered nurse, result in death within a relatively short time.***

Sec. 70.5. **NRS 449A.606 is hereby amended to read as follows:**

449A.606 "Attending physician" has the meaning ascribed to it in NRS ~~[449A.412.]~~ ***449A.509.***

Sec. 70.7. **NRS 449A.612 is hereby amended to read as follows:**

449A.612 "Provider of health care" has the meaning ascribed to ~~[it in NRS 449A.424.]~~ ***the term "health care professional" in section 14 of this act.***

Sec. 71. NRS 449A.621 is hereby amended to read as follows:

449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS ~~[162A.700 TO 162A.870, INCLUSIVE,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 AND 162A.855 AND SECTIONS 3 TO 52, INCLUSIVE, OF THIS ACT,*** YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE

PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE

Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS ~~[162A.700 to 162A.870, inclusive,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act,*** the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in NRS 449A.636. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.

ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE

I, ..., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance

directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:

.....

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the following medications: [.....]

.....

I do not consent to the administration of the following medications: [.....]

.....

Conditions or limitations:

.....

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. [.....]

My facility preference is:

.....

I do not consent to being admitted to a medical facility for psychiatric care. [.....]

This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.

Conditions or limitations:

.....

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.

In case of a mental health crisis, please contact:

1.
   Name: .....
   Address: .....
   Home Telephone Number: .....
   Work Telephone Number: .....
   Relationship to Me: .....
2.
   Name: .....
   Address: .....
   Home Telephone Number: .....
   Work Telephone Number: .....
   Relationship to Me: .....
3. My physician:
   Name: .....
   Work Telephone Number: .....
4. My therapist or counselor:
   Name: .....
   Work Telephone Number: .....

The following may cause me to experience a mental health crisis:

.....

The following may help me avoid a hospitalization:

.....

I generally react to being hospitalized as follows:

.....

Staff of the hospital or crisis unit can help me by doing the following:

.....

I give permission for the following person or people to visit me:

.....

Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as “shock treatment”):

.....

Other instructions:

.....

I have attached an additional sheet of instructions to be followed and considered part of this advance directive. [.....]

SHARING OF INFORMATION BY PROVIDERS

I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.

Other instructions about sharing of information:

.....

SIGNATURE OF PRINCIPAL

By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.

....
Signature of Principal Date

AFFIRMATION OF WITNESSES

We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:

1. A person appointed as an attorney-in-fact by this document;
2. The principal's attending physician or provider of health care or an employee of the physician or provider; or
3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.

Witnessed by:

Witness: ....
Signature Date

Witness: ....
Signature Date

CERTIFICATION OF NOTARY PUBLIC

STATE OF NEVADA
COUNTY OF .....

I, ..., a Notary Public for the County cited above in the State of Nevada, hereby certify that ..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care

and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.

I further certify that ..... and ....., witnesses, appeared before me and swore or affirmed that each witnessed ..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney-in-fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.

This is the ..... day of ....., ...

.....

Notary Public

My Commission expires: .....

Sec. 72. NRS 449A.703 is hereby amended to read as follows:

449A.703 "Advance directive" means an advance directive for health care. The term includes:

1. ~~[A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449A.400 to 449A.481, inclusive;~~

~~2.]~~ A durable power of attorney for health care as set forth in NRS ~~[162A.700 to 162A.870, inclusive;]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;***

~~[3.]~~ ***2.*** An advance directive for psychiatric care as set forth in NRS 449A.600 to 449A.645, inclusive;

~~[4.]~~ ***3.*** A do-not-resuscitate order as defined in NRS 450B.420; and

~~[5.]~~ ***4.*** A Provider Order for Life-Sustaining Treatment form as defined in NRS 449A.542.

Sec. 73. NRS 449A.727 is hereby amended to read as follows:

449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.

2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:

(a) ~~[~~NRS 449A.460,~~]~~ ***Section 47 of this act,*** if the advance directive is ~~[~~a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449A.400 to 449A.481, inclusive, or~~]~~ a durable power of attorney for health care executed pursuant to NRS ~~[~~162A.700

~~to 162A.870, inclusive;~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;***

(b) NRS 449A.642, if the advance directive is an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;

(c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a Provider Order for Life-Sustaining Treatment form; or

(d) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.

Sec. 73.3. **NRS 450B.402 is hereby amended to read as follows:**

450B.402 "Advanced practice registered nurse" has the meaning ascribed to it in NRS ~~[449A.406.]~~ ***449A.503.***

Sec. 73.5. **NRS 450B.404 is hereby amended to read as follows:**

450B.404 "Attending advanced practice registered nurse" has the meaning ascribed to it in NRS ~~[449A.409.]~~ ***449A.506.***

Sec. 73.7. **NRS 450B.405 is hereby amended to read as follows:**

450B.405 "Attending physician" has the meaning ascribed to it in NRS ~~[449A.412.]~~ ***449A.509.***

Sec. 74. NRS 450B.440 is hereby amended to read as follows:

450B.440 "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

1. Medical facility as defined in NRS 449.0151; and

2. Facility for the dependent as defined in NRS 449.0045.

Sec. 74.3. **NRS 450B.470 is hereby amended to read as follows:**

450B.470 "Qualified patient" means:

1. A patient 18 years of age or older who has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition and who:

(a) Has executed a ~~[declaration in accordance with the requirements of NRS 449A.433;]~~ ***health care instruction, as defined in section 13 of this act, concerning the withholding or withdrawal of life-resuscitating treatment;***

(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. A patient who is less than 18 years of age and who:

(a) Has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition; and

(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.

Sec. 74.7. **NRS 450B.475 is hereby amended to read as follows:**

450B.475 "Terminal condition" ~~[has the meaning ascribed to it in NRS 449A.430.]~~ ***means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the***

attending physician or attending advanced practice registered nurse, result in death within a relatively short time.

Sec. 75. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS ~~[162A.700 to 162A.870, inclusive;]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;*** or

(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 75.5. **NRS 450B.590 is hereby amended to read as follows:**

450B.590 The provisions of NRS 450B.400 to 450B.590, inclusive, do not:

1. Require a physician or other provider of health care to take action contrary to reasonable medical standards;

2. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;

3. Substitute for any other legally authorized procedure by which a person may direct that the person not be resuscitated in the event of a cardiac or respiratory arrest;

4. Except as otherwise provided in NRS 449A.557, affect or impair any right created pursuant to the provisions of NRS ~~[449A.400 to 449A.481,]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52,*** inclusive, ***of this act,*** or 449A.500 to 449A.581, inclusive; or

5. Affect the right of a qualified patient to make decisions concerning the use of life-resuscitating treatment, if he or she is able to do so, or impair or supersede a right or responsibility of a person to affect the withholding of medical care in a lawful manner.

Sec. 76. NRS 451.595 is hereby amended to read as follows:

451.595 1. As used in this section:

(a) "Advance health-care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in ~~[~~NRS 162A.790,~~]~~ ***section 33 of this act,*** containing the prospective donor's direction concerning a health-care decision for the prospective donor.

(b) ~~[~~"Declaration" means a record signed by a prospective donor, or executed as set forth in NRS 449A.433, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to NRS 449A.500 to 449A.581, inclusive.

(c)~~]~~ "Health-care decision" means any decision made regarding the health care of the prospective donor.

2. If a prospective donor has ~~[~~a declaration or~~]~~ ***an*** advance health-care directive and the terms of the ~~[~~declaration or~~]~~ advance health-care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:

(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:

(1) An agent acting under the ~~[~~declaration or~~]~~ advance health-care directive of the prospective donor; or

(2) If an agent is not named in the ~~[~~declaration or~~]~~ advance health-care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health-care decision for the prospective donor.

(b) The conflict must be resolved as expeditiously as practicable.

(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.

(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.

Sec. 77. NRS 457.020 is hereby amended to read as follows:

457.020 As used in this chapter, unless the context requires otherwise:

1. "Cancer" means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.

2. "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

3. "Health care facility" ~~[has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities]~~ ***means any:***

(a) Medical facility as defined in NRS 449.0151;

(b) Facility for the dependent as defined in NRS 449.0045; and

(c) Freestanding facility for plastic reconstructive, oral and maxillofacial surgery.

4. "Other treatment facility" means a facility, other than a health care facility, that provides services to patients with cancer and other neoplasms, including, without limitation, screening, diagnosis and treatment.

5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 78. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, a dental therapist, a dental assistant, an expanded function dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, dental therapist or expanded function dental assistant, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, dental therapist or expanded function dental assistant, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) Except as otherwise provided in NRS 631.3105 and 631.3129, the diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations

adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility ~~[, as defined in NRS 162A.740,]~~ if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

5. As used in this section, "health care facility" means any:

(a) Medical facility as defined in NRS 449.0151; and

(b) Facility for the dependent as defined in NRS 449.0045.

Sec. 79. NRS 639.0155 is hereby amended to read as follows:

639.0155 ***1.*** "Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:

~~[1.]~~ ***(a)*** Sales within a company.

~~[2.]~~ ***(b)*** The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.

~~[3.]~~ ***(c)*** The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug:

~~[(a)]~~ ***(1)*** By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501(c)(3), to a nonprofit affiliate of the organization.

~~[(b)]~~ ***(2)*** Between health care facilities or pharmacies that are under common control.

~~[(c)]~~ ***(3)*** For emergency medical reasons.

~~[(d)]~~ ***(4)*** Pursuant to a prescription.

~~[4.]~~ ***(d)*** A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

~~[5.]~~ ***(e)*** The distribution of drug samples by a representative of the manufacturer or distributor.

~~[6.]~~ ***(f)*** The sale, purchase or exchange of blood or blood components for transfusions.

~~[~~ ***2.*** As used in this section, "health care facility" ~~[has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

(a) Medical facility as defined in NRS 449.0151; and

(b) Facility for the dependent as defined in NRS 449.0045.

Sec. 80. 1. The provisions of this act apply to an advance health-care directive created before, on or after January 1, 2026.

2. An advance health-care directive created before January 1, 2026, is valid if it complies with the provisions of this act or complied at the time of creation with the law of the state in which it was created.

3. The provisions of this act do not affect the validity or effect of an act done before January 1, 2026.

4. An individual who assumed authority to act as a default surrogate before January 1, 2026, may continue to act as a default surrogate until the individual for whom the default surrogate is acting no longer lacks capacity or the default surrogate is disqualified, whichever occurs first.

5. An advance health-care directive created before, on or after January 1, 2026, must be interpreted in accordance with the law of this State, excluding the State's choice-of-law rules, at the time the directive is implemented.

6. As used in this section:

(a) "Advance health-care directive" has the meaning ascribed to it in NRS 162A.715, as amended by section 55 of this act.

(b) "Capacity" has the meaning ascribed to it in section 6 of this act.

(c) "Default surrogate" has the meaning ascribed to it in section 8 of this act.

(d) "Individual" has the meaning ascribed to it in section 15 of this act.

Sec. 81. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 82. NRS 162A.700, 162A.720, 162A.730, 162A.740, 162A.745, 162A.750, 162A.760, 162A.770, 162A.780, 162A.790, 162A.800, 162A.810, 162A.815, 162A.820, 162A.830, 162A.840, 162A.850, 162A.865 **_,** ~~[and]~~ 162A.870 **, 449A.400, 449A.403, 449A.406, 449A.409, 449A.412, 449A.415, 449A.418, 449A.421, 449A.424, 449A.427, 449A.430, 449A.433, 449A.436, 449A.439, 449A.442, 449A.445, 449A.448, 449A.451, 449A.454, 449A.457, 449A.460, 449A.463, 449A.466, 449A.469, 449A.472, 449A.475, 449A.478 and 449A.481** are hereby repealed.

Sec. 83. 1. This section and section 60 of this act become effective upon passage and approval.

2. Sections 1 to ~~[59.]~~ **59.5,** inclusive, and 61 to 82, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

LEADLINES OF REPEALED SECTIONS

162A.700 Applicability.
162A.720 "Attending physician" defined.
162A.730 "Declaration" defined.
162A.740 "Health care facility" defined.
162A.745 "Intellectual disability" defined.
162A.750 "Life-sustaining treatment" defined.
162A.760 "Provider of health care" defined.

162A.770 "Qualified patient" defined.

162A.780 "Terminal condition" defined.

162A.790 Execution of power of attorney; acknowledgment; witnesses; validity of power of attorney executed outside this State.

162A.800 Nomination of guardian of person; relation of agent to court-appointed guardian; duties of guardian.

162A.810 Time at which power of attorney is effective.

162A.815 Acceptance and reliance upon acknowledged power of attorney.

162A.820 Termination of power of attorney or authority of agent.

162A.830 Co-agents and successor agents.

162A.840 Persons not eligible for designation as agent.

162A.850 Agents: Prohibited acts; decisions concerning use or nonuse of life-sustaining treatment.

162A.865 Power of attorney for adult with intellectual disability: Form.

162A.870 Power of attorney for adult with dementia: Form.

449A.400 Short title; uniformity of application and construction.

449A.403 Definitions.

449A.406 "Advanced practice registered nurse" defined.

449A.409 "Attending advanced practice registered nurse" defined.

449A.412 "Attending physician" defined.

449A.415 "Declaration" defined.

449A.418 "Life-sustaining treatment" defined.

449A.421 "Person" defined.

449A.424 "Provider of health care" defined.

449A.427 "Qualified patient" defined.

449A.430 "Terminal condition" defined.

449A.433 Declaration relating to use of life-sustaining treatment.

449A.436 Form of declaration directing physician or advanced practice registered nurse to withhold or withdraw life-sustaining treatment.

449A.439 Form of declaration designating another person to decide to withhold or withdraw life-sustaining treatment.

449A.442 Time declaration becomes operative; duty of providers of health care.

449A.445 Revocation of declaration; entry of revocation in medical records of declarant.

449A.448 Recording determination of terminal condition and declaration.

449A.451 Treatment of qualified patients; withholding or withdrawal of artificial nutrition and hydration; treatment of pregnant patient.

449A.454 Written consent to withhold or withdraw life-sustaining treatment.

449A.457 Transfer of care of declarant.

449A.460 Immunity from civil and criminal liability and discipline for unprofessional conduct.

449A.463 Consideration of declaration and other factors; failure to follow directions of patient.

449A.466 Assumption of validity of declaration; presumption of intent to use, withhold or withdraw life-sustaining treatment not created.

449A.469 Death does not constitute suicide or homicide; effect of declaration on policy of insurance; prohibiting or requiring execution of declaration prohibited as condition for insurance or receipt of health care.

449A.472 Penalties.

449A.475 Actions contrary to reasonable medical standards not required; mercy-killing, assisted suicide or euthanasia not authorized.

449A.478 Other right or responsibility regarding use of life-sustaining treatment or withholding or withdrawal of medical care not limited.

449A.481 Validity of declaration executed in another state; effect of previously executed instrument.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 283.

AN ACT relating to construction; ~~[revising provisions relating to the times during which residential construction work may start in certain counties and cities;]~~ **setting forth certain limitations on a board of county commissioners in certain counties or the governing body of a city in such a county in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city which is located in such a county (currently the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas) adopts an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for construction work in a declarant-controlled common-interest community must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30. (NRS 244.3679, 268.4137) **Sections** ~~[1 and 3]~~ **3.3 and 3.5** of this bill provide ~~[instead]~~ that if such a board or governing body adopts an ordinance restricting the hours in which ~~[residential]~~ construction work may begin, the hours for ~~[residential]~~ construction work **on any project that is**

more than 300 feet from a residential unit must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30.

~~[Existing law provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of a county or city adopts an ordinance restricting the hours in which construction work may begin, a declarant-controlled common-interest community must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347) Section 2 of this bill instead provides that these prohibitions apply to any common-interest community.]~~

Section 3.7 of this bill provides that if, on the effective date of this bill, the board of county commissioners in a county whose population is 700,000 or more or the governing body of a city located in such a county has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from a residential unit to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 244.3679 is hereby amended to read as follows:~~

~~244.3679 1. If the board of county commissioners in a county whose population is 700,000 or more adopts an ordinance restricting the hours in which *residential* construction work [in a common-interest community] may begin, the hours for *residential* construction work [in a declarant-controlled common-interest community] must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30.~~

~~2. *The provisions of subsection 1 apply regardless of whether the residential construction work is in a common-interest community.*~~

~~*3.* As used in this section [:~~

~~(a) "Common interest] *, "common interest* community" has the meaning ascribed to it in NRS 116.021.~~

~~[(b) "Declarant-controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units.]]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 116.347 is hereby amended to read as follows:~~

~~116.347 1. If, in a county whose population is 700,000 or more, the governing body of a county or city in which a [declarant-controlled] common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the [declarant-controlled] common-interest community during the~~

~~period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.~~

~~2. The provisions of subsection 1 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:~~

~~(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or~~

~~(b) During the period beginning on October 1 and ending on March 31.~~

~~3. If, in a county whose population is less than 700,000, the governing body of a county or city in which a [declarant-controlled] common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the [declarant-controlled] common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance.~~

~~4. The provisions of subsection 3 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:~~

~~(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or~~

~~(b) During the period beginning on October 1 and ending on April 30.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 268.4137 is hereby amended to read as follows:~~

~~268.4137 1. If the governing body of a city located in a county whose population is 700,000 or more adopts an ordinance restricting the hours that~~ ***residential*** ~~construction work may begin , [in a common-interest community,] the hours for~~ ***residential*** ~~construction work [in a declarant-controlled common-interest community] must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30.~~

~~2.~~ ***The provisions of subsection 1 apply regardless of whether the residential construction work is in a common-interest community.***

~~3.~~ ~~As used in this section [:~~

~~(a) "Common-interest] , "~~***common-interest*** ~~community" has the meaning ascribed to it in NRS 116.021.~~

~~[(b) "Declarant-controlled common-interest community" means a common-interest community in which the original developer controls a majority of the units.]]~~ **(Deleted by amendment.)**

Sec. 3.3. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the board of county commissioners in a county whose population is 700,000 or more adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from a residential unit must be allowed to begin

at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling.

Sec. 3.5. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the governing body of a city located in a county whose population is 700,000 or more adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from a residential unit must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling.

Sec. 3.7. **1. If, on the effective date of this act, the board of county commissioners in a county whose population is 700,000 or more or the governing body of a city located in such a county has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from a residential unit to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable.**

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly in recess at 3:50 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 497 be taken from its place on the Second Reading File and be placed on the Chief Clerk's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 386.

AN ACT relating to elections; requiring each county clerk to establish and maintain a voter services portal on the Internet website of the office of the county clerk; **requiring the county clerk to include certain information relating to the voter services portal on any communication to a registered voter;** requiring the Department of Motor Vehicles to submit electronically to each county clerk certain information relating to each person who has a driver's license or identification card issued by the Department; requiring the county clerk to include certain information received from the Department in the centralized, top-down database that is established by the Secretary of State for purposes of creating the statewide voter registration list; requiring certain information to be included on the return envelope for a mail ballot; revising provisions relating to signature curing for mail ballots; providing that certain information on the statewide voter registration list relating to a voter is confidential and not a public record; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires each county clerk to establish and maintain a voter services portal on the Internet website of the office of the county clerk, which must allow any registered voter in the county to: (1) review his or her voter registration information; (2) print any form necessary to update his or her voter registration information; (3) view his or her sample ballot; and (4) obtain the location of any polling place where the registered voter may vote or deliver a mail ballot to a ballot drop box. **Section 2** further **: (1)** authorizes a county clerk to request the assistance of the Secretary of State to establish and maintain the voter services portal ~~.~~ **; and (2) requires the county clerk to include on any communication to a registered voter a two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the county clerk pursuant to section 2.**

Existing law requires, with certain exceptions, the county or city clerk to send to each active registered voter certain information relating to voting by mail, including a mail ballot and a return envelope. (NRS 293.269913,

293C.26312) **Sections 4 and 8** of this bill require the return envelope for a mail ballot to include: (1) a space for the voter to voluntarily write certain identifying information; and (2) a QR code or other machine-readable code that directs a voter to the voter services portal on the Internet website of the office of the county clerk.

Existing law requires: (1) the Secretary of State to establish and maintain a centralized, top-down database that collects and stores information relating to the preregistration of persons and the registration of electors from all the counties in this State; and (2) each county clerk to use the database to collect and maintain all records of preregistration and registration to vote. Under existing law, the Secretary of State is required to: (1) use the voter registration information collected in the database to create the official statewide voter registration list, which serves as the single method for storing and managing the official list of registered voters in this State; and (2) enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department to verify the accuracy of the information in an application to register to vote. (NRS 293.675)

Section 3 of this bill requires the Department of Motor Vehicles, on a regular basis, to submit electronically to each county clerk certain information relating to each person who has a driver's license or identification card issued by the Department. **Section 3** further requires the county clerk to: (1) match such information to registered voters in the county; (2) electronically enter into the centralized, top-down database such information for each registered voter in the county as soon as practicable after matching the information to registered voters in the county; (3) identify any person who is a registered voter in the county and does not have a driver's license or identification card; and (4) indicate in the database whether each registered voter in the county has a driver's license or identification card issued by the Department. **Section 7** of this bill requires the information submitted to the county clerk by the Department to be included on the statewide voter registration list.

Existing law provides that certain information relating to a registered voter is confidential and not a public record. (NRS 293.558) **Section 6** of this bill provides that the information submitted to the county clerk by the Department pursuant to **section 3** is also confidential and not a public record.

Existing law requires a voter who votes by mail to affix his or her signature in the space provided on the return envelope of a mail ballot and the county clerk or city clerk to check the signature to verify the identity of the voter. (NRS 293.269917, 293.269927, 293C.26316, 293C.26327) Existing law provides that if the county clerk or city clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk is required to contact the voter and advise the voter of the procedures to provide a signature or a confirmation, as

applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. (NRS 293.269927, 293C.26327) **Sections 5 and 9** of this bill make various changes to the signature curing process. First, **sections 5 and 9** provide that if the voter included on the return envelope the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the ballot and the signature is not required to be verified. If the voter did not include such information on the return envelope or the information provided on the return envelope is not accurate, the clerk or an employee in the office of the clerk is required to check the signature. Second, **sections 5 and 9** require that: (1) the county clerk and city clerk ensure that employees are available by telephone **until at least 7 p.m.** on evenings and weekends during the signature curing period; and (2) any voicemail message or hold message used by the office of the clerk provides instructions on how a voter may provide a signature or a signature confirmation. Finally, **sections 5 and 9** authorize a voter to confirm his or her signature on the return envelope by electronic mail or text message.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each county clerk shall establish and maintain a voter services portal on the Internet website of the office of the county clerk.***

2. The voter services portal must, without limitation, allow any registered voter in the county to:

(a) Review his or her voter registration information, including, without limitation, his or her voter identification number;

(b) Print any form necessary to update his or her voter registration information;

(c) View his or her sample ballot; and

(d) Obtain the location of any polling place where the registered voter may vote or deliver a mail ballot into a ballot drop box.

3. A county clerk may request the assistance of the Secretary of State to establish and maintain the voter services portal required pursuant to this section.

4. The county clerk shall include on any communication to a registered voter a two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the county clerk pursuant to this section.

Sec. 3. ***1. Except as otherwise provided in subsection 2, the Department of Motor Vehicles shall, on a regular basis, submit electronically to each county clerk the following information relating to each person who has a driver's license or identification card issued by the Department:***

(a) Name;

(b) Date of birth;

(c) ~~[Social]~~ Last four digits of the person's social security number;

(d) Driver's license number or identification card number, as applicable;

(e) ~~[Birthplace;~~

~~(f)]~~ Sex;

~~[(g) Height and weight;~~

~~(h) Photograph from the person's driver's license or identification card;~~

~~(i)]~~ (f) Physical address;

~~[(j)]~~ (g) Mailing address;

~~[(k)]~~ (h) Citizenship status;

~~[(l)]~~ (i) Telephone number;

~~[(m)]~~ (j) Electronic mail address; and

~~[(n)]~~ (k) Veteran status.

2. The Department of Motor Vehicles shall not submit any information to a county clerk pursuant to subsection 1 relating to any person who has a driver authorization card issued by the Department pursuant to NRS 483.291.

3. The county clerk shall:

(a) Match the information received from the Department of Motor Vehicles pursuant to subsection 1 to registered voters in the county in the centralized, top-down database established pursuant to NRS 293.675;

(b) Electronically enter the information received from the Department pursuant to subsection 1 into the centralized, top-down database established pursuant to NRS 293.675 for each registered voter in the county as soon as practicable after matching the information to registered voters in the county;

(c) Identify, based on the information received pursuant to subsection 1, any person who:

(1) Is a registered voter in the county; and

(2) Does not have a driver's license or identification card issued by the Department; and

(d) Indicate in the centralized, top-down database established pursuant to NRS 293.675 whether the registered voter has a driver's license or identification card issued by the Department.

Sec. 4. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ *, which must include, without limitation:*

(1) A space for the voter to voluntarily write:

(I) The last four digits of the voter's driver's license;

(II) The last four digits of the voter's social security number; or

(III) The voter identification number of the voter; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the county clerk pursuant to section 2 of this act;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions ~~[.]~~ ***that include, without limitation:***

(1) An explanation that the voter may voluntarily write on the return envelope the information described in paragraph (b); and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal on the Internet website of the county clerk.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293.269927 is hereby amended to read as follows:

293.269927 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the ***return envelope to determine whether the voter included on the return envelope the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number. If the return envelope includes any such information and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the mail ballot and the signature is not required to be checked. If the voter did not include such information on the return envelope or the information provided on the***

return envelope is not accurate, the clerk or an employee in the office of the clerk must check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the

manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. ***During the period in which signatures may be cured, the clerk shall ensure that employees in the office of the clerk are available by telephone until at least 7 p.m. on evenings and weekends. Any voicemail message or hold message used by the office of the clerk must provide instructions on how a voter may provide a signature or a confirmation.***

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the county clerk, orally or in writing, ***including, without limitation, in writing by electronic mail or text message,*** with other personal data which verifies the identity of the voter; or

(c) Providing the county clerk with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the clerk; and

(c) Electronic means, which ~~[may]~~ ***must*** include, without limitation ~~[, electronic]~~ ***:***

(1) Electronic mail, if the voter has provided the clerk with ~~[sufficient information to contact the voter by such means.]~~ ***an electronic mail address; or***

(2) Text message, if the voter has provided the clerk with a cellular telephone number.

Sec. 6. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The county or city clerk shall not disclose:

(a) The social security number or the driver's license or identification card number of a registered voter, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

(c) The information of a registered voter that is received from the Department of Motor Vehicles pursuant to section 3 of this act is confidential and is not a public book or record.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county or city clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information relating to a registered voter may be withheld from the public other than:

(a) The address and telephone number of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of the registered voter; ~~[and]~~

(d) ***The ~~[birthplace,]~~ sex, ~~[height, weight, photograph,]~~ citizenship status and veteran status of the registered voter; and***

(e) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 7. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ~~[and]~~ ***, voter*** registration information ***and, if applicable, the information described in section 3 of this act*** of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested

by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 8. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active

registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation:***

(1) A space for the voter to voluntarily write:

(I) The last four digits of the voter's driver's license;

(II) The last four digits of the voter's social security number; or

(III) The voter identification number of the voter; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the county clerk pursuant to section 2 of this act;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions ~~[.]~~ ***that include, without limitation:***

(1) An explanation that the voter may voluntarily write on the return envelope the information described in paragraph (b); and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal on the Internet website of the county clerk.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 9. NRS 293C.26327 is hereby amended to read as follows:

293C.26327 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an

employee in the office of the clerk shall check the ***return envelope to determine whether the voter included on the return envelope the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number. If the return envelope includes any such information and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the mail ballot and the signature is not required to be checked. If the voter did not include such information on the return envelope or the information provided on the return envelope is not accurate, the clerk or an employee in the office of the clerk must check the*** signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3.

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. ***During the period in which signatures may be cured, the clerk shall ensure that employees in the office of the clerk are available by telephone until at least 7 p.m. on evenings and weekends. Any voicemail message or hold message used by the office of the clerk must provide instructions on how a voter may provide a signature or a confirmation.***

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature or failed to affix it in the manner required by law for the mail ballot, or for whom there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature or a confirmation that the signature used for the mail ballot belongs to the voter, as applicable; and

(c) After a signature or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the city clerk, orally or in writing, ***including, without limitation, in writing by electronic mail or text message,*** with other personal data which verifies the identity of the voter; or

(c) Providing the city clerk with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the clerk; and

(c) Electronic means, which ~~[may]~~ ***must*** include, without limitation ~~[, electronic]~~ ***:***

(1) Electronic mail, if the voter has provided the clerk with ~~[sufficient information to contact the voter by such means.]~~ ***an electronic mail address; and***

(2) Text message, if the voter has provided the clerk with a cellular telephone number.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 453.

AN ACT relating to the protection of children; revising provisions relating to certain categorical grants to fund the adoption assistance program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires each child welfare agency to calculate savings realized from expanded eligibility for children under Title IV-E of the Social Security Act, known as "adoption savings," and reinvest an equal amount in the state's child welfare system. (42 U.S.C. § 673(a)(8)(D)) Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to provide a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more (currently Clark and Washoe Counties) for each fiscal year for its adoption assistance program. Existing law requires the Division to base the amount of such a categorical grant on the estimated cost of the projected growth in the adoption assistance program. (NRS 432B.219) This bill requires the Division to additionally base the amount of such a categorical grant on the adoption savings calculated for the immediately preceding fiscal year pursuant to federal law.

Under existing law, any money remaining from such a categorical grant that has not been used or committed for expenditure by the agency by the end of the fiscal year reverts to the State General Fund in most cases. However, existing law provides that the portion of such money remaining at the end of a fiscal year that is identified as adoption savings does not revert until the end of the immediately following fiscal year. Existing law authorizes the agency which provides child welfare services that received the categorical grant to use that money for any costs of providing child welfare services without restriction during that fiscal year. (NRS 432B.219) This bill authorizes an agency which provides child welfare services to continue to use such money for any such costs **in a manner consistent with federal law** for an additional fiscal year before the money reverts to the State General Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.219 is hereby amended to read as follows:

432B.219 1. The Division of Child and Family Services shall provide a categorical grant to each agency which provides child welfare services for each fiscal year for its adoption assistance program to the extent that money has been appropriated to the Division for that purpose. The amount of the grant must be based upon ~~[the]~~ ***:***

(a) The estimated cost of the projected growth in the adoption assistance program ~~[.]~~ ***; and***

(b) The amount identified as savings pursuant to the calculation required under 42 U.S.C. § 673(a)(8)(A), reported at the end of the immediately preceding fiscal year.

2. The amount of the grant awarded pursuant to subsection 1 must be determined for 2 years beginning on July 1 of each odd-numbered year and allocated each fiscal year.

3. Except as otherwise provided in subsection 4:

(a) An agency which provides child welfare services that receives a grant pursuant to subsection 1 must use the money allocated only for costs associated with the adoption assistance program.

(b) Any money from the grant awarded pursuant to subsection 1 that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year reverts to the State General Fund.

4. The portion of any money remaining at the end of a fiscal year from a grant awarded pursuant to subsection 1 that is identified as savings pursuant to the calculation required under 42 U.S.C. § ~~[673(a)(8)(D)(ii)]~~ ***673(a)(8)(A)*** does not revert to the State General Fund and may be carried forward to the next ***2*** fiscal ~~[year]~~ ***years*** and used for any costs of providing child welfare services ~~[without restriction.]~~ ***in a manner that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D).*** Any such money identified as savings that has not been used or committed for

expenditure by the agency which provides child welfare services by the end of the ***second*** fiscal year to which the money was carried forward reverts to the State General Fund.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 451.

AN ACT relating to health care; establishing separate provisions for the licensing or certification, regulation and discipline of agencies to provide personal care services in the home, employment agencies that contract to provide certain nonmedical services and intermediary service organizations; enacting provisions to facilitate the collecting of certain debts from applicants for certain licenses; imposing certain requirements as an applicant for a certificate to operate an intermediary service organization; **revising the training requirements for certain caregivers who receive reimbursement through Medicaid; authorizing a family member to serve as the personal care assistant for a recipient of Medicaid under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of medical facilities and facilities for the dependent by the Division of Public and Behavioral Health of the Department of Health and Human Services. (Chapter 449 of NRS) Existing law requires an agency to provide personal care services in the home to be licensed by the Division as a facility for the dependent. (NRS 449.0045, 449.030) Existing law requires an employment agency that contracts with persons in this State to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home to obtain a license from the State Board of Health. (NRS 449.03005) Existing law requires an intermediary service organization to obtain a certificate from the Division. (NRS 449.431) Existing law requires the Board to adopt regulations governing agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons and persons with disabilities and intermediary service organizations. (NRS 449.03005, 449.0302, 449.4309)

This bill transfers the provisions of law governing agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations from the chapter of the Nevada Revised Statutes that generally governs

medical facilities and facilities for the dependent to a new chapter in the Nevada Revised Statutes without changing the current substantive provisions that govern such agencies and organizations. **Sections 2-19, 24-49, 51-60, 69-79 and 81-90** of this bill create a new chapter consisting of provisions for the licensure and regulation of such entities in a manner **substantially** identical to the manner in which those entities are licensed and regulated under existing law. **Sections 94, 96-104 and 150** of this bill eliminate provisions governing those entities from the chapter of the Nevada Revised Statutes that regulates medical facilities and facilities for the dependent. **Sections 93, 111, 113, 117, 118, 120-123, 126-133, 138 and 146** of this bill eliminate references to sections repealed by **section 150**. **Sections 91, 92, 95 and 105-146** of this bill make various conforming changes so that the legal status of agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations is not changed by this bill.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations, including by requiring an applicant for such a license to provide his or her social security number. (42 U.S.C. § 666) **Sections 20, 21 and 50** of this bill enact such procedures as applicable to an applicant for the issuance or renewal of a license to operate an agency to provide personal care services in the home or an employment agency that contracts to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home in order to comply with federal law. **Section 23** of this bill establishes alternate provisions for such an applicant who does not have a social security number. **Section 22** of this bill also requires an applicant for the renewal of such a license to provide certain information for the purpose of identifying persons who owe certain debts to the State. **Sections 65, 69, 74 and 76** of this bill establish similar provisions for intermediary service organizations, which were carried over from existing law. (NRS 449.4312, 449.4313, 449.4315, 449.432, 449.4322)

Existing law requires: (1) an agency to provide personal care services in the home to file with the Administrator of the Division a surety bond or a substitute for a surety bond; and (2) an applicant for a license to operate an agency to provide personal care services in the home to undergo a criminal background check. (NRS 449.065, 449.067, 449.122) **Sections 67, 68 and 80** of this bill impose similar requirements on intermediary service organizations.

Existing law requires: (1) the Department to apply for a home and community-based services waiver to include structured family caregiving for certain persons as medical assistance under Medicaid; and (2) a caregiver providing care under that waiver to complete training required by the Aging and Disability Services Division of the Department. (NRS 422.3965) Sections 30 and 122 of this bill instead require such a caregiver to complete the same training that is required for unlicensed caregivers

who provide care for an agency to provide personal care services in the home.

Existing law requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursement for personal care services covered by Medicaid and using that money to pay for services provided by a personal care assistant or an agency to provide personal care services in the home. (NRS 422.272407). Section 120 of this bill authorizes a family member of a recipient of Medicaid to serve as a personal care assistant for a recipient of Medicaid if the family member: (1) completes the training required by section 30 for certain other caregivers; and (2) receives authorization from a provider of health care.

Section 147 of this bill requires the Legislative Counsel to move regulations specifically relating to such entities to a new chapter of the Nevada Administrative Code that corresponds to the new chapter of the Nevada Revised Statutes created by **sections 2-90**. **Section 147** also: (1) requires the Board to adopt new regulations to replace other regulations relating to those entities that remain in the chapter of the Nevada Administrative Code governing medical facilities and facilities for the dependent; and (2) provides that those existing regulations remain in effect until the Board adopts new regulations to replace them. **Section 148** of this bill clarifies that this bill does not affect the validity of: (1) licenses or certificates to operate agencies to provide personal care services in the home, employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and intermediary service organizations; (2) certain training completed by the operators, employees and contractors of such entities; or (3) disciplinary actions taken against such entities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 90, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Agency to provide personal care services in the home" means any person, other than a natural person, which provides services authorized pursuant to section 52 of this act to elderly persons or persons with disabilities in the home.***

2. The term does not include:

(a) An independent contractor who provides nonmedical services specified in section 52 of this act without the assistance of employees;

(b) An organized group of persons composed of the family and friends of a person needing nonmedical services related to personal care that employs or contracts with persons to provide such nonmedical services for the person if:

(1) The organization of the group of persons is set forth in a written document that is made available for review by the Division upon request; and

(2) The services are provided to only one person or one family who resides in the same residence;

(c) An intermediary service organization; or

(d) A person or agency that contracts with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services.

3. As used in this section:

(a) "Intermediary service organization" has the meaning ascribed to it in section 59 of this act.

(b) "Temporary respite services" means services provided through a contract with the Aging and Disability Services Division of the Department of Health and Human Services to a natural person on a periodic basis to provide a respite for a regular provider of services.

Sec. 4. *"Board" means the State Board of Health.*

Sec. 5. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 6. *"Employment agency" has the meaning ascribed to it in NRS 611.020.*

Sec. 7. *"Nonmedical services related to personal care to elderly persons or persons with disabilities" includes, without limitation:*

1. The elimination of wastes from the body;

2. Dressing and undressing;

3. Bathing;

4. Grooming;

5. The preparation and eating of meals;

6. Laundry;

7. Shopping;

8. Cleaning;

9. Transportation; and

10. Any other minor needs related to the maintenance of personal hygiene.

Sec. 8. *Except as otherwise provided in section 12 of this act, no person, state or local government or agency thereof may operate or maintain in this State an agency to provide personal care services in the home without first obtaining a license as provided in sections 8 to 58, inclusive, of this act.*

Sec. 9. *1. Except as otherwise provided in section 12 of this act, a person must obtain a license from the Board to operate an employment agency that contracts with persons in this State to provide nonmedical*

services related to personal care to elderly persons or persons with disabilities in the home, regardless of whether the employment agency is located in this State.

2. The Board shall adopt:

(a) Standards for licensing of employment agencies that contract to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home;

(b) Standards relating to the fees charged by such employment agencies;

(c) Regulations governing the licensing of such employment agencies; and

(d) Regulations establishing requirements for training the persons who contract with such employment agencies to provide such nonmedical services.

3. An employment agency that is licensed pursuant to this section shall not refer a person to a home to provide nonmedical services related to personal care to elderly persons or persons with disabilities if that person has not met the requirements set forth in sections 36 to 40, inclusive, of this act.

4. A person who violates the provisions of subsection 3 is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second and subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of chapter 449A of NRS and sections 2 to 58, inclusive, of this act and to protect the health, safety, well-being and property of the persons served by the employment agencies.

Sec. 10. ***1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to sections 2 to 58, inclusive, of this act.***

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a license pursuant to sections 2 to 58, inclusive, of this act from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 11. *The provisions of sections 2 to 58, inclusive, of this act do not apply to any agency to provide personal care services in the home that is operated and maintained by the United States Government or an agency thereof.*

Sec. 12. *A person who is licensed or certified pursuant to a provision of this chapter other than section 9 of this act or a provision of chapter 449 of NRS and who contracts with persons to provide nonmedical services related*

to personal care to elderly persons or persons with disabilities is not required to obtain an additional license pursuant to section 9 of this act.

Sec. 13. *1. The Board shall adopt:*

(a) Licensing standards for agencies to provide personal care services in the home.

(b) Regulations governing the licensing of such agencies.

(c) Regulations that prescribe the specific types of discrimination prohibited by section 32 of this act.

(d) Any other regulations as it deems necessary or convenient to carry out the provisions of sections 2 to 58, inclusive, of this act.

2. The Board shall require that the practices and policies of each agency to provide personal care services in the home provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person served by the agency.

Sec. 14. *1. The Board shall adopt regulations authorizing an employee of an agency to provide personal care services in the home, with the consent of the person receiving services, to:*

(a) Check, record and report the temperature, blood pressure, apical or radial pulse, respiration or oxygen saturation of a person receiving services from the agency;

(b) Using an auto-injection device approved by the Food and Drug Administration for use in the home, administer to a person receiving services from the agency insulin furnished by a registered pharmacist, as directed by a physician, physician assistant or advanced practice registered nurse, or assist such a person with the self-administration of such insulin; and

(c) Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, conduct a blood glucose test on a person receiving services from the agency or assist such a person to conduct a blood glucose test on himself or herself.

2. The regulations adopted pursuant to this section:

(a) Must require the tasks described in subsection 1 to be performed in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation;

(b) Must prohibit the use of a device for monitoring blood glucose on more than one person; and

(c) May require a person to receive training before performing any task described in subsection 1.

Sec. 15. *1. Money received from the licensing of agencies to provide personal care services in the home must be forwarded to the State Treasurer for deposit in the State General Fund to the credit of the Division.*

2. The Division shall enforce the provisions of sections 2 to 58, inclusive, of this act and may incur any necessary expenses not in excess of money authorized for that purpose by the State or received from the Federal Government.

Sec. 16. *The Division may:*

1. Upon receipt of an application for a license, conduct an investigation into the qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of an agency to provide personal care services in the home.

2. Upon receipt of a complaint against an agency to provide personal care services in the home, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation, policies, procedures and records of that agency or any other such agency which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of this chapter.

Sec. 17. *1. Except as otherwise provided in this section, the Division may charge and collect from an agency to provide personal care services in the home or a person who operates such an agency without a license issued by the Division the actual costs incurred by the Division for the enforcement of the provisions of this chapter, including, without limitation, the actual cost of conducting an inspection or investigation of the agency.*

2. The Division shall not charge and collect the actual cost for enforcement pursuant to subsection 1 if the enforcement activity is:

(a) Related to the issuance or renewal of a license for which the Board charges a fee pursuant to sections 19 and 28 of this act; or

(b) Conducted pursuant to an agreement with the Federal Government which has appropriated money for that purpose.

3. Any money collected pursuant to subsection 1 may be used by the Division to administer and carry out the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 18. *Any person, state or local government or agency thereof desiring a license under the provisions of sections 2 to 58, inclusive, of this act, must file with the Division an application, on a form prescribed, prepared and furnished by the Division, containing:*

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.

2. The address of the principal place of business of the agency.

3. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

4. The name of the person in charge of the agency.

5. Such other information as may be required by the Division for the proper administration and enforcement of this chapter.

6. Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof and the person in charge of the agency for which the application is made. If the applicant is a political subdivision of the State or other governmental agency, similar

evidence must be submitted as to the person in charge of the entity for which application is made.

7. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of sections 2 to 58, inclusive, of this act and the standards and regulations adopted by the Board.

Sec. 19. *Each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.*

Sec. 20. *An application for the issuance of a license pursuant to sections 2 to 58, inclusive, of this act must include the social security number of the applicant.*

Sec. 21. *1. An applicant for the issuance or renewal of a license pursuant to sections 2 to 58, inclusive, of this act must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license may not be issued or renewed by the Division pursuant to sections 2 to 58, inclusive, of this act if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 22. *1. In addition to any other requirements set forth in sections 2 to 58, inclusive, of this act, an applicant for the renewal of a license pursuant to those sections must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business*

identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license issued pursuant to sections 2 to 58, inclusive, of this act may not be renewed by the Division if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 23. *1. The Division shall not deny the application of a person for a license pursuant to sections 2 to 58, inclusive, of this act based solely on his or her immigration status.*

2. Notwithstanding the provisions of section 20 of this act, an applicant for a license pursuant to sections 2 to 58, inclusive, of this act who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for such a license.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 24. *1. Except as otherwise provided in subsection 6 and section 25 of this act, each agency to provide personal care services in the home, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:*

(a) If the agency employs less than 7 employees, in the amount of $5,000;

(b) If the agency employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the agency employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the agency as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older client who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the agency to protect the property of the older client.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older client for property damaged as a result of any act or failure to act by the agency to protect the property of the older client alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the agency is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 25 of this act. The Administrator of the Division of Public and Behavioral Health shall give the agency at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The requirement of filing a surety bond set forth in this section does not apply to an agency to provide personal care services in the home that is operated and maintained by the State of Nevada or an agency thereof.

7. As used in this section, "older client" means a client who is 60 years of age or older.

Sec. 25. *1. As a substitute for the surety bond required pursuant to section 24 of this act, an agency to provide personal care services in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:*

(a) An obligation of a bank, savings and loan association, savings bank, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in

an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 24 of this act. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by section 24 of this act and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 26. *1. The Division shall issue a license to operate an agency to provide personal care services in the home if, after investigation, the Division finds that the applicant is in:*

(a) Full compliance with the provisions of sections 2 to 58, inclusive, of this act; and

(b) Substantial compliance with the standards and regulations adopted by the Board.

2. A license applies only to the person to whom it is issued and is not transferable.

Sec. 27. *Each license issued by the Division to an agency to provide personal care services in the home must be in the form prescribed by the Division and must contain:*

1. The name of the person or persons authorized to operate the agency to provide personal care services in the home; and

2. The nature of services offered and the capacity of the licensee to deliver services.

Sec. 28. *1. Each license to operate an agency to provide personal care services in the home issued pursuant to sections 2 to 58, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 3 and section 19 of this act unless the Division finds, after an investigation, that the agency has not satisfactorily complied with the provisions of sections 2 to 58, inclusive, of this act, or the standards and regulations adopted by the Board.*

2. Each reapplication for an agency to provide personal care services in the home must include, without limitation:

(a) A statement that the agency is in compliance with the provisions of sections 36 to 40, inclusive, and 49 of this act; and

(b) A statement that the holder of the license, the administrator or other person in charge and employees of the agency are in compliance with the provisions of section 31 of this act.

3. Each reapplication for an agency to provide personal care services in the home must be accompanied by the fee prescribed by the Board pursuant to NRS 457.240, in addition to the fees imposed pursuant to section 19 of this act.

Sec. 29. *1. The Division may cancel the license of an agency to provide personal care services in the home and issue a provisional license, effective for a period determined by the Division, to such an agency if the agency:*

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 2 to 58, inclusive, of this act, and the Division determines that the agency requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the agency is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license where the Division deems such action necessary for the health and safety of the persons receiving services from any agency.

Sec. 30. *1. The Board shall:*

(a) Adopt regulations prescribing mandatory training for unlicensed caregivers who provide care for an agency to provide personal care services in the home ~~.~~ and persons who receive reimbursement from Medicaid pursuant to NRS 422.272407 or 422.3965 for providing personal care services. The regulations must establish the required topics for the training, which must include, without limitation, control of infectious diseases and minimum standards for training in each required topic.

(b) Review the required topics for training established pursuant to paragraph (a) at least annually and revise those topics when necessary to address new issues that impact the health and safety of persons who receive personal care services . ~~from an agency to provide personal care services in the home.~~

2. The Division shall post on an Internet website maintained by the Division a list of nationally recognized organizations that provide evidence-based training for caregivers which:

(a) Is free of charge or has a minimal cost; and

(b) May be used to satisfy the requirements of the regulations adopted pursuant to subsection 1.

3. The administrator or other person in charge of an agency to provide personal care services in the home shall:

(a) Ensure that each unlicensed caregiver who provides care for the agency completes the training required by the regulations adopted pursuant to subsection 1 and document the completion of the training in the personnel file of each unlicensed caregiver;

(b) Ensure the implementation of the best practices taught in the training required by the regulations adopted pursuant to subsection 1 at the agency where appropriate;

(c) Develop and annually update a written plan for the control of infectious diseases; and

(d) Provide a written copy of the plan for the control of infectious diseases to each employee or independent contractor of the agency and each client of the agency.

Sec. 31. *1. An applicant for a license to operate an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before a license to operate such an agency is issued to the applicant. If an applicant has completed such training within the year preceding the date of the application for a license and the application includes evidence of the training, the applicant shall be deemed to have complied with the requirements of this subsection.*

2. A licensee who holds a license to operate an agency to provide personal care services in the home must annually receive training to recognize and prevent the abuse of older persons before the license to operate such an agency may be renewed.

3. If an applicant or licensee who is required by this section to obtain training is not a natural person, the person in charge of the agency must receive the training required by this section.

4. An administrator or other person in charge of an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before the agency provides care to a person and annually thereafter.

5. An employee who will provide care for an agency to provide personal care services in the home must receive training to recognize and prevent the abuse of older persons before the employee provides care to a person in the agency and annually thereafter.

6. The topics of instruction that must be included in the training required by this section must include, without limitation:

(a) Recognizing the abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive;

(b) Responding to reports of the alleged abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive; and

(c) Instruction concerning the federal, state and local laws, and any changes to those laws, relating to:

(1) The abuse of older persons; and

(2) Agencies to provide personal care services in the home for the person.

7. The agency to provide personal care services in the home is responsible for the costs related to the training required by this section.

8. The holder of a license to operate an agency to provide personal care services in the home shall ensure that each person who is required to comply with the requirements for training pursuant to this section complies with those requirements. The Division may, for any violation of this section, take disciplinary action against an agency pursuant to sections 44 and 45 of this act.

Sec. 32. *1. An agency to provide personal care services in the home and any employee or independent contractor of such an agency shall not discriminate in the provision of services to a client based wholly or partially on the actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or human immunodeficiency virus status of the client or any person with whom the client associates.*

2. An agency to provide personal care services in the home shall:

(a) Develop and carry out policies to prevent the specific types of prohibited discrimination described in the regulations adopted by the Board pursuant to section 13 of this act and meet any other requirements prescribed by regulations of the Board; and

(b) Post prominently on any Internet website used to market the agency the following statement:

[Name of the agency to provide personal care services in the home] does not discriminate and does not permit discrimination, including, without limitation, bullying, abuse or harassment, on the basis of actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status, or based on association with another person on account of that person's actual or perceived race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation, gender identity or expression or HIV status.

3. The provisions of this section shall not be construed to:

(a) Require an agency to provide personal care services in the home or an employee or independent contractor thereof to take or refrain from taking any action in violation of reasonable medical standards; or

(b) Prohibit an agency to provide personal care services in the home from adopting a policy that is applied uniformly and in a nondiscriminatory manner, including, without limitation, such a policy that bans or restricts sexual relations.

Sec. 33. *An agency to provide personal care services in the home shall:*

1. Maintain the confidentiality of personally identifiable information concerning the sexual orientation of a client, whether the client is transgender or has undergone gender-affirming surgery and the human immunodeficiency virus status of the client and take reasonable actions to prevent the unauthorized disclosure of such information;

2. Prohibit employees or independent contractors of the agency who are not directly providing care to a client from being present during any portion of the care, during which the client is fully or partially unclothed without the express permission of the client or the authorized representative of the client;

3. Use visual barriers, including, without limitation, doors, curtains and screens, to provide privacy for clients who are fully or partially unclothed; and

4. Allow a client to refuse to be examined or observed by or receive services from an employee or independent contractor of the agency for a purpose that is primarily educational rather than therapeutic.

Sec. 34. *1. Except as otherwise provided in subsection 3, to enable an agent or employee of an agency to provide personal care services in the home who is described in subsection 2 to more effectively care for clients the Board shall, by regulation, require such an agency to conduct training relating specifically to cultural competency for any agent or employee of the agency who is described in subsection 2 so that such an agent or employee may better understand clients who have different cultural backgrounds, including, without limitation, clients who are:*

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

➥ *The Board shall set forth by regulation the frequency with which an agency to provide personal care services in the home is required to provide such training relating to cultural competency.*

2. Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of an agency to provide personal care services in the home who:

(a) Provides personal care services or administrative or support services and has direct client contact at least once each week on average as a part of his or her regular job duties; or

(b) Oversees an agent or employee described in paragraph (a).

3. An agency to provide personal care services in the home is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.

4. Except as otherwise provided in subsection 6, the training relating specifically to cultural competency conducted by an agency to provide personal care services in the home pursuant to subsection 1 must be provided

through a course or program that is approved by the Department of Health and Human Services.

5. The Office of Minority Health and Equity of the Department of Health and Human Services shall ensure that the list established and maintained pursuant to NRS 449.103 is distributed to each agency to provide personal care services in the home which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

6. An agency to provide personal care services in the home which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

7. As used in this section "direct client contact" means direct contact with a client of an agency to provide personal care services in the home which is in person or using telephone, electronic mail or other electronic means, except that the term does not include incidental contact.

Sec. 35. *The Board shall adopt regulations that require an agency to provide personal care services in the home to:*

1. Develop policies to ensure that a client is addressed by his or her preferred name and pronoun and in accordance with his or her gender identity or expression; and

2. Adapt electronic records to reflect the gender identities or expressions of clients with diverse gender identities or expressions, including, without limitation, adapting electronic records to include:

(a) The preferred name and pronoun and gender identity or expression of a client; and

(b) Any other information prescribed by regulation of the Board.

Sec. 36. *1. Each applicant for a license to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.*

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of section 49 of this act and immediately inform the administrator of the agency and the Division of whether the applicant has been convicted of such a crime.

Sec. 37. *1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency*

to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in section 49 of this act;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in section 49 of this act; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in section 49 of this act.

3. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the administrator of, or the person licensed to operate, an agency to provide personal care services in the home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in section 49 of this act;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in section 49 of this act.

4. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the agency:

(a) Except as otherwise provided in subsection 2, is completed as soon as practicable; and

(b) At least once every 5 years after the date of the initial investigation.

5. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository

for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

6. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in section 49 of this act and immediately inform the Division and the administrator of, or the person licensed to operate, the agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home at which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

7. The Central Repository for Nevada Records of Criminal History may impose a fee upon an agency that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the agency requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The agency may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An agency shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the agency based upon the results of an investigation conducted pursuant to this section.

8. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in section 49 of this act, is guilty of a misdemeanor.

Sec. 38. *1. A temporary employment service shall not send an employee to provide services to an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home if the temporary employment service has*

received notice from such an agency that the employee of the temporary employment service is ineligible to provide such services.

2. An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home that enters into an agreement with a temporary employment service to provide services for the agency on a temporary basis must require the temporary employment service to:

(a) Provide proof that each employee of the temporary employment service whom it may send to provide services to the agency has been continuously employed by the temporary employment service since the last investigation conducted of the employee pursuant to section 37 of this act; and

(b) Notify the agency if the investigation conducted of an employee of the temporary employment service pursuant to section 37 of this act has not been conducted within the immediately preceding 5 years.

Sec. 39. *1. Each agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall maintain records of the information concerning its employees, employees of a temporary employment service and independent contractors collected pursuant to section 37 of this act, including, without limitation:*

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee, employee of the temporary employment service or independent contractor;

(b) Proof that the fingerprints of the employee, employee of the temporary employment service or independent contractor were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to section 37 of this act.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employment of the person with the agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, as applicable; and

(b) Made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

3. If an Internet website has been established pursuant to NRS 439.942, an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home shall

maintain a current list of its employees, employees of a temporary employment service and independent contractors on the Internet website.

4. The Central Repository for Nevada Records of Criminal History may maintain an electronic image of fingerprints submitted pursuant to sections 36 and 37 of this act to notify an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home and the Division of any subsequent conviction of a person who is required to submit to an investigation pursuant to sections 36 and 37 of this act.

Sec. 40. ***1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 37 of this act, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home has been convicted of a crime listed in paragraph (a) of subsection 1 of section 49 of this act, the administrator of, or the person licensed to operate, the agency shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the agency after allowing the person time to correct the information as required pursuant to subsection 2.***

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the agency to provide personal care services in the home, employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home or temporary employment service. The agency or temporary employment service that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home that has complied with section 37 of this act may not be held civilly or criminally liable based solely upon the ground that the agency allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the

Central Repository, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision during such period;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ *An agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home may be held liable for any other conduct determined to be negligent or unlawful.*

Sec. 41. *Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of sections 2 to 58, inclusive, of this act.*

Sec. 42. *Every agency to provide personal care services in the home may be inspected at any time, with or without notice, as often as is necessary by:*

1. The Division of Public and Behavioral Health to ensure compliance with all applicable regulations and standards; and

2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the agency to provide personal care services in the home.

Sec. 43. *The Division shall prepare a report of the results of its inspections of agencies to provide personal care services in the home regarding compliance with applicable regulations and standards. The report must be provided to the agency to provide personal care services in the home and include, without limitation, a recommendation of the Division for correcting any deficiencies and, if a deficiency is discovered as a result of an investigation by a county, district or city board of health or health officer, the recommendations of the board or health officer.*

Sec. 44. *1. The Division may deny an application for a license or may suspend or revoke any license to operate an agency to provide personal care services in the home issued under the provisions of sections 2 to 58, inclusive, of this act upon any of the following grounds:*

(a) Violation by the applicant or the licensee of any of the provisions of NRS 449A.100 to 449A.124, inclusive, or sections 2 to 58, inclusive, of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the agency for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the clients or employees of the agency to provide personal care services in the home.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate an agency to provide personal care services in the home if, with respect to that agency, the licensee that operates the agency, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate an agency to provide personal care services in the home pursuant to subsection 2.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 45. *1. In addition to the payment of the amount required by section 17 of this act, if an agency to provide personal care services in the home violates any provision related to its licensure, including any provision of sections 2 to 58, inclusive, of this act or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to section 46 of this act, may:*

(a) Prohibit the agency to provide personal care services in the home from providing services to a client until it determines that the agency has corrected the violation;

(b) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the agency to provide personal care services in the home and to ensure the health and safety of the clients of the agency, until:

(1) It determines that the agency has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the agency to provide personal care services in the home fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the license of the agency until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any agency to provide personal care services in the home that violates any provision of sections 2 to 58, inclusive, of this act or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (b) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of chapter 449A of NRS and sections 2 to 58, inclusive, of this act to protect the health, safety, well-being and property of the clients in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 46. *The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 45 of this act. These regulations must:*

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations;

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations; and

5. Establish an administrative penalty to be imposed if a violation of sections 2 to 58, inclusive, of this act causes harm or the risk of harm to more than one person.

Sec. 47. *1. When the Division intends to deny, suspend or revoke a license, or impose any sanction prescribed by section 45 of this act, it shall give reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, it may order a summary suspension of a license pursuant to this section and NRS 233B.127 or impose any sanction prescribed by section 45 of this act, pending proceedings for revocation or other action.*

2. If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations adopted by the Board.

3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Board.

4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 48. *1. If the Division suspends the license of an agency to provide personal care services in the home pursuant to the provisions of this chapter, or if such an agency otherwise ceases to operate, including, without limitation, pursuant to an action or order of a health authority pursuant to chapter 441A of NRS, the Division may, if deemed necessary by the Administrator of the Division, take control of and ensure the safety of the records of the agency.*

2. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the Division shall:

(a) Maintain the confidentiality of the records obtained pursuant to subsection 1.

(b) Share records obtained pursuant to subsection 1 with law enforcement agencies in this State and other governmental entities which have authority to license the agency to provide personal care services in the home or to license the owners or employees of the agency.

(c) Release a record obtained pursuant to subsection 1 to the client or legal guardian of the client who is the subject of the record.

3. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations for contracting with a person to maintain any records under the control of the Division pursuant to subsection 1 and for payment by the agency to provide personal care services in the home of the cost of maintaining medical records.

Sec. 49. *1. In addition to the grounds listed in section 44 of this act, the Division or the Board, as applicable, may deny a license to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home to an applicant or may suspend or revoke the license of a licensee to operate such an agency if:*

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years; or

(b) The licensee has, in violation of section 40 of this act, continued to employ a person who has been convicted of a crime listed in paragraph (a).

2. In addition to the grounds listed in section 44 of this act, the Division or the Board, as applicable, may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home if the licensee has, in violation of section 40 of this act, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(c) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 50. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of license, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a license issued pursuant to sections 2 to 58, inclusive, of this act that has been suspended by a district attorney pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 51. *If a patient is released by a hospital to his or her residence to receive care from an agency to provide personal care services in the home, the agency to provide personal care services in the home shall consult with a dietitian, as appropriate, to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient.*

Sec. 52. *An agency to provide personal care services in the home that is licensed pursuant to this chapter may, through its employees or by contractual arrangement with other persons, provide:*

1. To persons with disabilities, any medical services authorized pursuant to NRS 629.091; and

2. Nonmedical services related to personal care to elderly persons or persons with disabilities to assist those persons with activities of daily living.

Sec. 53. *Any person who is employed by an agency to provide personal care services in the home who:*

1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,

➥ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

Sec. 54. *The name, sign, listing or other designation of an agency to provide personal care services in the home must not contain any terms misleading to the public with regard to the services offered.*

Sec. 55. *1. An agency to provide personal care services in the home or an employee of such an agency shall not:*

(a) Refer a person to a residential facility for groups that is not licensed by the Division; or

(b) Refer a person to a residential facility for groups if the agency to provide personal care services in the home or its employee knows or

reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.

2. If an agency to provide personal care services in the home or an employee of such an agency violates the provisions of subsection 1, the agency to provide personal care services in the home is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 or more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.

3. The Board shall:

(a) Establish and maintain a system to track violations of this section. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:

(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.

(2) Information which may not be disclosed under federal law.

(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.

4. As used in this section, "residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 56. *1. In addition to the payment of the amount required by section 17 of this act and any civil penalty imposed pursuant to subsection 4, a person who operates an agency to provide personal care services in the home without a license issued by the Division is guilty of a misdemeanor.*

2. If the Division believes that a person is operating an agency to provide personal care services in the home without such a license, the Division may issue an order to cease and desist the operation of the agency. The order must be served upon the person by personal delivery or by certified or registered mail, return receipt requested. The order is effective upon service.

3. If a person does not voluntarily cease operating an agency to provide personal care services in the home without a license or apply for licensure within 30 days after the date of service of the order pursuant to subsection 2, the Division may bring an action in a court of competent jurisdiction pursuant to section 57 of this act.

4. Upon a showing by the Division that a person is operating an agency to provide personal care services in the home without a license, a court of competent jurisdiction may:

(a) Enjoin the person from operating the agency.

(b) Impose a civil penalty on the operator to be recovered by the Division of not more than $10,000 for the first offense or not less than $10,000 or more than $25,000 for a second or subsequent offense.

5. Unless otherwise required by federal law, the Division shall deposit all civil penalties collected pursuant to paragraph (b) of subsection 4 into a separate account in the State General Fund to be used to administer and carry out the provisions of sections 2 to 58, inclusive, of this act and to protect the health, safety, well-being and property of the clients in accordance with applicable state and federal standards.

Sec. 57. *1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home within the meaning of sections 2 to 58, inclusive, of this act:*

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such an agency without a license.

Sec. 58. *The district attorney of the county in which an agency to provide personal care services in the home or employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of sections 2 to 58, inclusive, of this act.*

Sec. 59. *As used in sections 59 to 90, inclusive, of this act, unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to section 60 of this act for a person with a disability or other responsible person.*

Sec. 60. *1. An intermediary service organization that is certified pursuant to sections 59 to 90, inclusive, of this act may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:*

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide nonmedical services and any medical services authorized pursuant to NRS 629.091;

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. As used in this section:

(a) "Other responsible person" means:

(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or

(2) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.

(b) "Personal assistance" means the provision of any goods or services to help a person with a disability maintain his or her independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.

(c) "Personal assistant" means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help the person maintain his or her independence, personal hygiene and safety.

Sec. 61. *1. The Board shall adopt regulations authorizing an employee of an intermediary service organization, with the consent of the person receiving services, to:*

(a) Check, record and report the temperature, blood pressure, apical or radial pulse, respiration or oxygen saturation of a person receiving services from the organization;

(b) Using an auto-injection device approved by the Food and Drug Administration for use in the home, administer to a person receiving services from the organization insulin furnished by a registered pharmacist as directed by a physician or assist such a person with the self-administration of such insulin; and

(c) Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, perform a blood glucose test on a person receiving services from the organization or assist such a person to perform a blood glucose test on himself or herself.

2. The regulations adopted pursuant to this section:

(a) Must require the tasks described in subsection 1 to be performed in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation;

(b) Must prohibit the use of a device for monitoring blood glucose on more than one person; and

(c) May require a person to receive training before performing any task described in subsection 1.

Sec. 62. *1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service*

organization without first obtaining a certificate to operate an intermediary service organization as provided in sections 59 to 90, inclusive, of this act.

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 63. *Any person wishing to obtain a certificate to operate an intermediary service organization pursuant to the provisions of sections 59 to 90, inclusive, of this act must file with the Division an application, on a form prescribed, prepared and furnished by the Division, containing:*

1. The name of the applicant and, if a person, whether the applicant has attained the age of 21 years.

2. The location of the intermediary service organization.

3. The name of the person in charge of the intermediary service organization.

4. Such other information as may be required by the Division for the proper administration and enforcement of sections 59 to 90, inclusive, of this act.

5. Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the intermediary service organization for which the application is made.

6. Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of sections 59 to 90, inclusive, of this act and the standards and regulations adopted by the Board.

Sec. 64. *An application for the issuance of a certificate to operate an intermediary service organization pursuant to section 63 of this act must include the social security number of the applicant.*

Sec. 65. *1. An applicant for the issuance or renewal of a certificate to operate an intermediary service organization must submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate; or

(b) A separate form prescribed by the Division.

3. A certificate to operate an intermediary service organization may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 66. *Each application for a certificate to operate an intermediary service organization must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a certificate in installments and may fix the amount of each payment and the date on which the payment is due.*

Sec. 67. *1. Except as otherwise provided in subsection 6 and section 68 of this act, each intermediary service organization shall, when applying for a certificate or renewing a certificate, file with the Administrator of the Division of Public and Behavioral Health a surety bond:*

(a) If the intermediary service organization employs less than 7 employees, in the amount of $5,000;

(b) If the intermediary service organization employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the intermediary service organization employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the intermediary service organization as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient whom the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the intermediary service organization to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial certificate to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the intermediary service

organization to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A certificate is suspended by operation of law when the intermediary service organization is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to section 68 of this act. The Administrator of the Division of Public and Behavioral Health shall give the intermediary service organization at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the certificate will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The requirement of filing a surety bond set forth in this section does not apply to an intermediary service organization that is operated and maintained by the State of Nevada or an agency thereof.

7. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 68. ***1. As a substitute for the surety bond required pursuant to section 67 of this act, an intermediary service organization may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:***

(a) An obligation of a bank, savings and loan association, savings bank, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by section 67 of this act. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by section 67 of this act and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 69. *1. The Division shall not deny the application of a person for a certificate to operate an intermediary service organization pursuant to section 63 of this act based solely on his or her immigration status.*

2. Notwithstanding the provisions of section 64 of this act, an applicant for a certificate to operate an intermediary service organization who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certificate to operate an intermediary service organization.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 70. *1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate to operate an intermediary service organization pursuant to section 62 of this act.*

2. Not later than 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. The

Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division may post on its Internet website:

(a) The requirements to obtain a certificate from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 71. *1. The Division shall issue the certificate to operate an intermediary service organization to the applicant if, after investigation, the Division finds that the applicant is in:*

(a) Full compliance with the provisions of sections 59 to 90, inclusive, of this act; and

(b) Substantial compliance with the standards and regulations adopted by the Board.

2. A certificate applies only to the person to whom it is issued and is not transferable.

Sec. 72. *Each certificate to operate an intermediary service organization issued by the Division pursuant to sections 59 to 90, inclusive, of this act must be in the form prescribed by the Division and must contain:*

1. The name of the person or persons authorized to operate the intermediary service organization;

2. The location of the intermediary service organization; and

3. The services offered by the intermediary service organization.

Sec. 73. *1. Each certificate to operate an intermediary service organization issued pursuant to sections 59 to 90, inclusive, of this act expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to section 66 of this act unless the Division finds, after an investigation, that the intermediary service organization has not satisfactorily complied with the provisions of sections 59 to 90, inclusive, of this act or the standards and regulations adopted by the Board.*

2. Each reapplication for an intermediary service organization must include, without limitation, a statement that the organization is in compliance with the provisions of sections 80 to 85, inclusive, of this act.

Sec. 74. *1. In addition to any other requirements set forth in sections 59 to 90, inclusive, of this act, an applicant for the renewal of a certificate as an intermediary service organization must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.*

2. A certificate as an intermediary service organization may not be renewed by the Division if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 75. *The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of sections 59 to 90, inclusive, of this act upon any of the following grounds:*

1. Violation by the applicant or the holder of a certificate of any of the provisions of sections 59 to 90, inclusive, of this act or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 76. ***1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate to operate an intermediary service organization, the Division shall deem the certificate issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Division shall reinstate a certificate to operate an intermediary service organization that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate was suspended stating that the person whose certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 77. ***1. The Division may cancel a certificate to operate an intermediary service organization and issue a provisional certificate, effective for a period determined by the Division, to the intermediary service organization if the intermediary service organization:***

(a) Is in operation at the time of the adoption of standards and regulations pursuant to the provisions of sections 59 to 90, inclusive, of this act and the Division determines that the intermediary service organization requires a reasonable time under the particular circumstances within which to comply with the standards and regulations; or

(b) Has failed to comply with the standards or regulations and the Division determines that the intermediary service organization is in the process of making the necessary changes or has agreed to make the changes within a reasonable time.

2. The provisions of subsection 1 do not require the issuance of a certificate or prevent the Division from refusing to renew or from revoking or suspending any certificate if the Division deems such action necessary for the health and safety of a person for whom the intermediary service organization provides services.

Sec. 78. ***1. Money received from the certification of intermediary service organizations:***

(a) Must be forwarded to the State Treasurer for deposit in the State Treasury;

(b) Must be accounted for separately in the State General Fund; and

(c) May only be used to carry out the provisions of sections 59 to 90, inclusive, of this act.

2. The Division shall enforce the provisions of sections 59 to 90, inclusive, of this act and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 79. *1. The Board shall adopt regulations governing the certification of intermediary service organizations and such other regulations as it deems necessary to carry out the provisions of sections 59 to 90, inclusive, of this act.*

2. The Division may:

(a) Upon receipt of an application for a certificate to operate an intermediary service organization, conduct an investigation into the qualifications of personnel, methods of operation and policies and purposes of any person proposing to engage in the operation of an intermediary service organization.

(b) Upon receipt of a complaint against an intermediary service organization, except for a complaint concerning the cost of services, conduct an investigation into the qualifications of personnel, methods of operation and policies, procedures and records of that intermediary service organization or any other intermediary service organization which may have information pertinent to the complaint.

(c) Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of sections 59 to 90, inclusive, of this act.

Sec. 80. *1. Each applicant for a certificate to operate an intermediary service organization shall submit to the Central Repository for Nevada Records of Criminal History one complete set of fingerprints for submission to the Federal Bureau of Investigation for its report.*

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in subsection 1 of section 85 of this act and immediately inform the administrator of the facility, hospital, agency, program or home, if any, and the Division of whether the applicant has been convicted of such a crime.

Sec. 81. *1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:*

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of section 85 of this act;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to determine whether the person has been convicted of any crime listed in subsection 1 of section 85 of this act; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of section 85 of this act.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of section 85 of this act;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of section 85 of this act.

4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of section 85 of this act and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository,

it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.

7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in subsection 1 of section 85 of this act, is guilty of a misdemeanor.

Sec. 82. ***1. A temporary employment service shall not send an employee to provide services to an intermediary service organization if the temporary employment service has received notice from a holder of a certificate to operate an intermediary service organization that the employee of the temporary employment service is ineligible to provide such services.***

2. A holder of a certificate to operate an intermediary service organization who enters into an agreement with a temporary employment service to provide services to the intermediary service organization on a temporary basis must require the temporary employment service to:

(a) Provide proof that each employee of the temporary employment service whom it may send to provide services to the intermediary service organization has been continuously employed by the temporary employment service since the last investigation conducted of the employee pursuant to section 81 of this act; and

(b) Notify the intermediary service organization if the investigation conducted of an employee of the temporary employment service pursuant to section 81 of this act has not been conducted within the immediately preceding 5 years.

Sec. 83. ***1. Each intermediary service organization shall maintain accurate records of the information concerning its employees, employees of a temporary employment service and independent contractors collected pursuant to section 81 of this act, including, without limitation:***

(a) A copy of the fingerprints submitted to the Central Repository for Nevada Records of Criminal History or proof of electronic fingerprint submission and a copy of the written authorization that was provided by the employee, employee of the temporary employment service or independent contractor;

(b) Proof that the fingerprints of the employee, employee of the temporary employment service or independent contractor were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to section 81 of this act.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employment of the person with the intermediary service organization; and

(b) Made available for inspection by the Division at any reasonable time, and copies thereof must be furnished to the Division upon request.

3. If an Internet website has been established pursuant to NRS 439.942, an intermediary service organization shall maintain a current list of its employees, employees of a temporary employment service and independent contractors on the Internet website.

4. The Central Repository for Nevada Records of Criminal History may maintain an electronic image of fingerprints submitted pursuant to sections 80 and 81 of this act to notify an intermediary service organization and the Division of any subsequent conviction of a person who is required to submit to an investigation pursuant to sections 80 and 81 of this act.

Sec. 84. *1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 81 of this act, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an intermediary service organization has been convicted of a crime listed in subsection 1 of section 85 of this act, the holder of the certificate to operate the intermediary service organization shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the intermediary service organization after allowing the person time to correct the information as required pursuant to subsection 2.*

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the intermediary service organization. The intermediary service organization that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with section 81 of this act may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of a temporary

employment service or independent contractor shall not have contact with a child without supervision before such information is received;

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of a temporary employment service or independent contractor shall not have contact with a child without supervision during such period;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ *An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.*

Sec. 85. *In addition to the grounds listed in section 75 of this act, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke a certificate of a holder of a certificate to operate an intermediary service organization if:*

1. The applicant for or holder of the certificate has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Assault with intent to kill or to commit sexual assault or mayhem;

(c) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(d) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, if the conviction occurred within the immediately preceding 7 years;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;

(g) A violation of any provision of NRS 200.5099 or 200.50995;

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or

(i) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; or

2. The holder of a certificate has continued to employ a person who has been convicted of a crime listed in subsection 1.

Sec. 86. *1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of sections 59 to 90, inclusive, of this act or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to section 87 of this act, may, as it deems appropriate:*

(a) Prohibit the intermediary service organization from providing services pursuant to section 60 of this act until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of sections 59 to 90, inclusive, of this act, or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 87. *The Board shall adopt regulations establishing the criteria for the imposition of each sanction prescribed by section 86 of this act. These regulations must:*

1. Prescribe the circumstances and manner in which each sanction applies;

2. Minimize the time between identification of a violation and the imposition of a sanction;

3. Provide for the imposition of incrementally more severe sanctions for repeated or uncorrected violations; and

4. Provide for less severe sanctions for lesser violations of applicable state statutes, conditions, standards or regulations.

Sec. 88. *1. When the Division intends to deny, suspend or revoke a certificate to operate an intermediary service organization, or to impose any sanction prescribed by section 86 of this act, the Division shall give*

reasonable notice to the holder of the certificate by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. Notice is not required if the Division finds that the public health requires immediate action. In that case, the Division may order a summary suspension of a certificate or impose any sanction prescribed by section 86 of this act, pending proceedings for revocation or other action.

2. If a person wants to contest the action of the Division, the person must file an appeal pursuant to regulations adopted by the Board.

3. Upon receiving notice of an appeal, the Division shall hold a hearing pursuant to regulations adopted by the Board.

4. The Board shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 89. ***1. Except as otherwise provided in subsection 2 of section 62 of this act, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of sections 59 to 90, inclusive, of this act:***

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 90. ***The district attorney of the county in which an intermediary service organization operates shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provision of sections 59 to 90, inclusive, of this act.***

Sec. 91. NRS 439.942 is hereby amended to read as follows:

439.942 1. The Division may establish a secure Internet website which makes certain information available for a website client to conduct an investigation into the background and personal history of a person that is required pursuant to the provisions of this chapter or chapter 62B, 63, 424, 427A, 432, 432A, 432B, 433, 433B, 435 or 449 of NRS ~~[.]~~ ***or the chapter consisting of sections 2 to 90, inclusive, of this act.***

2. To become a website client, a person or governmental entity must:

(a) Create an account on the Internet website;

(b) Comply with NRS 439.942 to 439.948, inclusive, and any regulations adopted pursuant thereto governing use of the Internet website; and

(c) Designate a website client administrator who is responsible for:

(1) Determining the persons who are authorized to use the Internet website;

(2) Providing the Division with the names of the persons who are authorized to use the Internet website;

(3) Ensuring that only those authorized persons have access to the Internet website; and

(4) Notifying the Division of any change in the persons who are authorized to use the Internet website.

3. Authorized employees of the Division and of the Department of Public Safety may be designated to serve as administrators of the Internet website with access to all the data and information on the Internet website.

4. Except as otherwise provided in this section and NRS 239.0115, information collected, maintained, stored, backed up or on file on the Internet website is confidential, not subject to subpoena or discovery and is not subject to inspection by the general public.

5. The Division shall ensure that any information collected, maintained and stored on the Internet website is protected adequately from fire, theft, loss, destruction, other hazards and unauthorized access, and is backed-up in a manner that ensures proper confidentiality and security.

6. The Internet website must be maintained in accordance with any requirements of the Office of the Chief Information Officer within the Office of the Governor established for use of the equipment or services of the Office pursuant to NRS 242.181.

Sec. 92. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 634B, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~[.]~~ ***or the chapter consisting of sections 2 to 90, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 93. NRS 449.030 is hereby amended to read as follows:

449.030 Except as otherwise provided in NRS 449.03013 **,** ~~[and 449.03017,]~~ no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the

dependent without first obtaining a license therefor as provided in NRS 449.029 to 449.2428, inclusive.

Sec. 94. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;
2. A facility for the care of adults during the day;
3. A residential facility for groups;
4. ~~[An agency to provide personal care services in the home;~~
~~5.]~~ A facility for transitional living for released offenders;

~~[6.]~~ ***5.*** A home for individual residential care;

~~[7.]~~ ***6.*** A community health worker pool; and

~~[8.]~~ ***7.*** A provider of community-based living arrangement services.

Sec. 95. NRS 449.03013 is hereby amended to read as follows:

449.03013 ***1.*** A person who is licensed pursuant to this chapter as a facility for the dependent or medical facility ***, or who is licensed pursuant to the chapter consisting of sections 2 to 90, inclusive, of this act as an agency to provide personal care services in the home,*** and who employs community health workers is not required to obtain an additional license as a community health worker pool.

2. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in section 3 of this act.

Sec. 96. NRS 449.0304 is hereby amended to read as follows:

449.0304 1. The Board shall adopt regulations authorizing an employee of a residential facility for groups ~~[, an agency to provide personal care services in the home]~~ or a facility for the care of adults during the day, with the consent of the person receiving services, to:

(a) Check, record and report the temperature, blood pressure, apical or radial pulse, respiration or oxygen saturation of a person receiving services from the facility or agency;

(b) Using an auto-injection device approved by the Food and Drug Administration for use in the home, administer to a person receiving services from the facility or agency insulin furnished by a registered pharmacist as directed by a physician or assist such a person with the self-administration of such insulin; and

(c) Using a device for monitoring blood glucose approved by the Food and Drug Administration for use in the home, conduct a blood glucose test on a person receiving services from the facility or agency or assist such a person to conduct a blood glucose test on himself or herself.

2. The regulations adopted pursuant to this section:

(a) Must require the tasks described in subsection 1 to be performed in conformance with the Clinical Laboratory Improvement Amendments of 1988, Public Law No. 100-578, 42 U.S.C. § 263a, if applicable, and any other applicable federal law or regulation;

(b) Must prohibit the use of a device for monitoring blood glucose on more than one person; and

(c) May require a person to receive training before performing any task described in subsection 1.

Sec. 97. NRS 449.065 is hereby amended to read as follows:

449.065 1. Except as otherwise provided in subsections 6 and 7 and NRS 449.067, each facility for intermediate care, facility for skilled nursing, residential facility for groups, home for individual residential care ~~[, agency to provide personal care services in the home]~~ and agency to provide nursing in the home shall, when applying for a license or renewing a license, file with the Administrator of the Division of Public and Behavioral Health a surety bond:

(a) If the facility, agency ~~[, organization]~~ or home employs less than 7 employees, in the amount of $5,000;

(b) If the facility, agency ~~[, organization]~~ or home employs at least 7 but not more than 25 employees, in the amount of $25,000; or

(c) If the facility, agency ~~[, organization]~~ or home employs more than 25 employees, in the amount of $50,000.

2. A bond filed pursuant to this section must be executed by the facility, agency ~~[, organization]~~ or home as principal and by a surety company as surety. The bond must be payable to the Aging and Disability Services Division of the Department of Health and Human Services and must be conditioned to provide indemnification to an older patient who the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines has suffered property damage as a result of any act or failure to act by the facility, agency ~~[, organization]~~ or home to protect the property of the older patient.

3. Except when a surety is released, the surety bond must cover the period of the initial license to operate or the period of the renewal, as appropriate.

4. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the Administrator of the Division of Public and Behavioral Health, but the release does not discharge or otherwise affect any claim filed by an older patient for property damaged as a result of any act or failure to act by the facility, agency ~~[, organization]~~ or home to protect the property of the older patient alleged to have occurred while the bond was in effect.

5. A license is suspended by operation of law when the facility, agency ~~[, organization]~~ or home is no longer covered by a surety bond as required by this section or by a substitute for the surety bond pursuant to NRS 449.067. The Administrator of the Division of Public and Behavioral Health shall give the facility, agency ~~[, organization]~~ or home at least 20 days' written notice before the release of the surety or the substitute for the surety, to the effect that the license will be suspended by operation of law until another surety bond or substitute for the surety bond is filed in the same manner and amount as the bond or substitute being terminated.

6. The Administrator of the Division of Public and Behavioral Health may exempt a residential facility for groups or a home for individual residential care from the requirement of filing a surety bond pursuant to this section if the

Administrator determines that the requirement would result in undue hardship to the residential facility for groups or home for individual residential care.

7. The requirement of filing a surety bond set forth in this section does not apply to a facility for intermediate care, facility for skilled nursing, residential facility for groups, home for individual residential care ~~[, agency to provide personal care services in the home]~~ or agency to provide nursing in the home that is operated and maintained by the State of Nevada or an agency thereof.

8. As used in this section, "older patient" means a patient who is 60 years of age or older.

Sec. 98. NRS 449.067 is hereby amended to read as follows:

449.067 1. As a substitute for the surety bond required pursuant to NRS 449.065, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care ~~[, an agency to provide personal care services in the home]~~ and an agency to provide nursing in the home may deposit with any bank or trust company authorized to do business in this State, upon approval from the Administrator of the Division of Public and Behavioral Health:

(a) An obligation of a bank, savings and loan association, savings bank, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State, in an aggregate amount, based upon principal amount or market value, whichever is lower.

2. The obligations of a bank, savings and loan association, savings bank, thrift company or credit union must be held to secure the same obligation as would the surety bond required by NRS 449.065. With the approval of the Administrator of the Division of Public and Behavioral Health, the depositor may substitute other suitable obligations for those deposited, which must be assigned to the Aging and Disability Services Division of the Department of Health and Human Services and are negotiable only upon approval by the Administrator of the Aging and Disability Services Division.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be an amount at least equal to the surety bond required by NRS 449.065 and must state that the amount may not be withdrawn except by direct and sole order of the Administrator of the Aging and Disability Services Division.

Sec. 99. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 or 439A.102; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for ~~[an agency to provide personal care services in the home,]~~ an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for ~~[an agency to provide personal care services in the home,]~~ a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, ~~[agency,]~~ pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing ~~[, agency to provide personal care services in the home]~~ or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 100. NRS 449.093 is hereby amended to read as follows:

449.093 1. An applicant for a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before a license to operate such a facility ~~[, agency]~~ or home is issued to the applicant. If an applicant has completed such training within the year preceding the date of the application

for a license and the application includes evidence of the training, the applicant shall be deemed to have complied with the requirements of this subsection.

2. A licensee who holds a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must annually receive training to recognize and prevent the abuse of older persons before the license to operate such a facility ~~[, agency]~~ or home may be renewed.

3. If an applicant or licensee who is required by this section to obtain training is not a natural person, the person in charge of the facility ~~[, agency]~~ or home must receive the training required by this section.

4. An administrator or other person in charge of a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before the facility ~~[, agency]~~ or home provides care to a person and annually thereafter.

5. An employee who will provide care to a person in a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care must receive training to recognize and prevent the abuse of older persons before the employee provides care to a person in the facility ~~[, agency]~~ or home and annually thereafter.

6. The topics of instruction that must be included in the training required by this section must include, without limitation:

(a) Recognizing the abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive;

(b) Responding to reports of the alleged abuse of older persons, including sexual abuse and violations of NRS 200.5091 to 200.50995, inclusive; and

(c) Instruction concerning the federal, state and local laws, and any changes to those laws, relating to:

(1) The abuse of older persons; and

(2) Facilities for intermediate care, facilities for skilled nursing, ~~[agencies to provide personal care services in the home,]~~ facilities for the care of adults during the day, residential facilities for groups or homes for individual residential care, as applicable for the person receiving the training.

7. The facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care is responsible for the costs related to the training required by this section.

8. The administrator of a facility for intermediate care, facility for skilled nursing or residential facility for groups who is licensed pursuant to chapter 654 of NRS shall ensure that each employee of the facility who provides care to residents has obtained the training required by this section. If an

administrator or employee of a facility or home does not obtain the training required by this section, the Division shall notify the Board of Examiners for Long-Term Care Administrators that the administrator is in violation of this section.

9. The holder of a license to operate a facility for intermediate care, facility for skilled nursing, ~~[agency to provide personal care services in the home,]~~ facility for the care of adults during the day, residential facility for groups or home for individual residential care shall ensure that each person who is required to comply with the requirements for training pursuant to this section complies with such requirements. The Division may, for any violation of this section, take disciplinary action against a facility ~~[, agency]~~ or home pursuant to NRS 449.160 and 449.163.

Sec. 101. NRS 449.119 is hereby amended to read as follows:

449.119 "Facility, hospital, agency, program or home" means ~~[an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home,]~~ an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders.

Sec. 102. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a); or

(c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children, is a psychiatric hospital that provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home ~~[, an agency to provide nursing in the home]~~ or a community health worker pool if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Facility, hospital, agency, program or home" has the meaning ascribed to it in NRS 449.119.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 103. NRS 449.1824 is hereby amended to read as follows:

449.1824 1. If a patient will be released from a hospital to his or her residence or a rehabilitation center and a dietitian is assigned to a team of

persons formed by the hospital to care for the patient while the patient rehabilitates, the hospital shall ensure that the patient or the person with primary responsibility for the care of the patient meets or knows how to contact the dietitian.

2. If a patient is released by a hospital to his or her residence to receive care from an ~~[agency to provide personal care services in the home or any other]~~ entity licensed pursuant to this chapter that provides care to the patient in his or her residence, the ~~[agency to provide personal care services in the home or other]~~ entity shall consult with a dietitian, as appropriate, to ensure that the patient or the person with primary responsibility for the care of the patient understands the dietary needs of the patient.

Sec. 104. NRS 449.194 is hereby amended to read as follows:

449.194 Any person who is employed by ~~[an agency to provide personal care services in the home or]~~ a community health worker pool who:

1. Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

2. Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

3. Has successfully completed the training requirements of a course in the use and administration of first aid, including cardiopulmonary resuscitation,

➥ and who in good faith renders emergency care or assistance in accordance with the person's training, in the course of his or her regular employment or profession, to an elderly person or a person with a disability, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

Sec. 105. NRS 449A.031 is hereby amended to read as follows:

449A.031 "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045 ***and additionally includes an agency to provide personal care services in the home, as defined in section 3 of this act***.

Sec. 106. NRS 457.240 is hereby amended to read as follows:

457.240 1. The State Board of Health shall by regulation:

(a) Prescribe the form and manner in which the information on cases of cancer and other neoplasms must be reported;

(b) Specify the neoplasms which must be reported;

(c) Prescribe other information to be included in each such report, for example, the patient's name and address, the pathological findings, the stage of the disease, the environmental and occupational factors, the methods of treatment, the incidence of cancer or other neoplasms in the patient's family, and the places where the patient has resided;

(d) Establish a protocol for obtaining access to and preserving the confidentiality of the patients' records needed for research into cancer and other neoplasms; and

(e) Prescribe a fee to be imposed on an applicant for:

(1) The issuance or renewal of a certificate of authorization for a radiation machine for mammography pursuant to NRS 457.184;

(2) The issuance or renewal of registration of a radiation machine pursuant to the regulations adopted by the State Board of Health pursuant to NRS 459.201;

(3) The renewal of a license to operate a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing ~~[, agency to provide personal care services in the home]~~ or rural clinic pursuant to NRS 449.089; ~~[or]~~

(4) ***The renewal of a license to operate an agency to provide personal care services in the home pursuant to section 28 of this act; or***

(5) The renewal of a license to operate a medical laboratory, other than a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations, pursuant to NRS 652.080.

2. The amount of any fee prescribed pursuant to paragraph (e) of subsection 1 must not exceed 8 percent of the fee for the issuance or renewal of the applicable license, certificate or registration. For the purposes of this subsection, the fee for the renewal of a license to operate a facility described in subparagraph (3) of paragraph (e) of subsection 1 does not include any fee that is imposed per bed in the facility.

3. The fees collected pursuant to paragraph (e) of subsection 1 must be accounted for separately and used by the Division to support the system for the reporting of information on cancer and other neoplasms established pursuant to NRS 457.230.

Sec. 107. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS ~~[,]~~

or an entity licensed or certified under the chapter consisting of sections 2 to 90, inclusive, of this act, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder;

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier; and

(6) In the case of a foreclosure sale, depositing in the United States mail an envelope, registered or certified, return receipt requested and with postage prepaid, containing a copy of the notice, addressed to:

(I) Each person who, in accordance with subsection 1 of NRS 107.090, has recorded a request for a copy of a notice of default or notice of sale with respect to the mortgage or other lien being foreclosed;

(II) Each other person with an interest in the real property whose interest or claimed interest is subordinate to the mortgage or other lien being foreclosed; and

(III) An association that, pursuant to subsection 4 of NRS 107.090, has recorded a request for a copy of the deed upon a foreclosure sale.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.
If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:
(1) You will be given at least 10 days to answer a summons and complaint;
(2) If you do not file an answer, an order evicting you by default may be obtained against you;
(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and
(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment

debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section:

(a) "Foreclosure sale" means the sale of real property pursuant to NRS 40.430.

(b) "Residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 108. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 106.210, 107.0805, 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) In the case of any deed of trust coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment.

(b) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of each county wherein the trust property, or any part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation.

(c) The beneficiary or its successor in interest or the servicer of the obligation or debt secured by the deed of trust has instructed the trustee to exercise the power of sale with respect to the property.

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2 commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of each county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS ~~[,]~~ ***or an entity licensed or certified under the chapter consisting of sections 2 to***

90, inclusive, of this act, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property or, if authorized by the parties, delivered by electronic transmission. The notice of default and election to sell must describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2.

4. The trustee, or other person authorized to make the sale under the terms of the deed of trust, shall, after expiration of the applicable period specified in paragraph (d) of subsection 2 following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS ~~[,]~~ ***or an entity licensed or certified under the chapter consisting of sections 2 to 90, inclusive, of this act,*** the State Board of Health, by personal service, by electronic transmission if authorized by the parties or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in a public place in each county where the property is situated; and

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in each county where the property is situated or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. Except as otherwise provided in subsection 7, a sale made pursuant to this section must be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 30 days after the date on which the trustee's deed upon sale is recorded pursuant to subsection 10 in the office of the county recorder of each county in which the property is located; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of each county where the sale took place within 5 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 90 days after the date of the sale.

7. Upon expiration of the time for commencing an action which is set forth in subsections 5 and 6, any failure to comply with the provisions of this section or any other provision of this chapter does not affect the rights of a bona fide purchaser as described in NRS 111.180.

8. If, in an action brought by the grantor or the person who holds title of record in the district court in and for any county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.

9. The sale or assignment of a proprietary lease in a cooperative vests in the purchaser or assignee title to the ownership interest and votes in the cooperative association which accompany the proprietary lease.

10. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of each county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of each county in which the property is located.

11. Within 5 days after recording the trustee's deed upon sale, the trustee or successful bidder, whoever recorded the trustee's deed upon sale pursuant to subsection 10, shall cause a copy of the trustee's deed upon sale to be posted conspicuously on the property. The failure of a trustee or successful bidder to effect the posting required by this subsection does not affect the validity of a sale of the property to a bona fide purchaser for value without knowledge of the failure.

12. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 10, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 10 and for reasonable attorney's fees and the costs of bringing the action.

13. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $95 for deposit in the Account for Foreclosure Mediation Assistance, which is hereby created in the State General Fund. The Account must be administered by the Interim Finance Committee and the money in the Account may be expended only for the purpose of:

(1) Supporting a program of foreclosure mediation; and

(2) The development and maintenance of an Internet portal for a program of foreclosure mediation pursuant to subsection 16 of NRS 107.086.

(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.

14. The fees collected pursuant to paragraphs (a) and (b) of subsection 13 must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account for Foreclosure Mediation Assistance as prescribed pursuant to subsection 13. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in subsection 13.

15. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 13.

Sec. 109. NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection 6, a landlord of dwelling units intended and operated exclusively for persons 55 years of age

and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:

(a) Every 5 years; and

(b) Whenever the person changes his or her employment to perform work for an employer other than the employer for which the person's current work card was issued.

3. Except as otherwise provided in subsection 4, if the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(b) The sheriff shall submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

(c) The sheriff may issue a temporary work card pending the determination of the criminal history of the applicant by the Federal Bureau of Investigation.

4. The sheriff of a county shall not require an investigation of the criminal history of an employee or independent contractor of an agency ***,*** ~~[or]~~ facility ***or organization*** governed by NRS 449.122 to 449.125, inclusive, and 449.174***, sections 36 to 40, inclusive, and section 49 of this act, or sections 80 to 85, inclusive, of this act, as applicable,*** who has had his or her fingerprints submitted to the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123 ***or section 37 or 81 of this act, as applicable,*** for an investigation of his or her criminal history within the immediately preceding 6 months.

5. The sheriff shall not issue a work card to any person who:

(a) Has been convicted of a category A, B or C felony or of a crime in another state which would be a category A, B or C felony if committed in this State;

(b) Has been convicted of a sexual offense;

(c) Has been convicted of a crime against any person who is 60 years of age or older or against a vulnerable person for which an additional term of imprisonment may be imposed pursuant to NRS 193.167 or the laws of any other jurisdiction;

(d) Has been convicted of a battery punishable as a gross misdemeanor; or

(e) Within the immediately preceding 5 years:

(1) Has been convicted of a theft; or

(2) Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.

6. The following persons are not required to obtain a work card pursuant to this section:

(a) A person who holds a permit to engage in property management pursuant to chapter 645 of NRS.

(b) An independent contractor. As used in this paragraph, "independent contractor" means a person who performs services for a fixed price according to the person's own methods and without subjection to the supervision or control of the landlord, except as to the results of the work, and not as to the means by which the services are accomplished.

(c) An offender in the course and scope of his or her employment in a work program directed by the warden, sheriff, administrator or other person responsible for administering a prison, jail or other detention facility.

(d) A person performing work through a court-assigned restitution or community-service program.

7. If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 5 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, the sheriff shall give the person at least 30 days in which to correct the information before terminating the temporary work card issued pursuant to subsection 3.

8. As used in this section, unless the context otherwise requires:

(a) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 110. NRS 162A.740 is hereby amended to read as follows:

162A.740 "Health care facility" includes:

1. Any medical facility as defined in NRS 449.0151; ~~[and]~~

2. Any facility for the dependent as defined in NRS 449.0045 ~~[.]~~ ***; and***

3. Any agency to provide personal care services in the home as defined in section 3 of this act.

Sec. 111. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183 ~~[,]~~ ***and*** 449.123 and ~~[449.4329,]~~ ***sections 37 and 81 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public

Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122 ~~[,]~~ ***or*** 449.123 or ~~[449.4329.]~~ ***section 36, 37, 80 or 81 of this act.***

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 112. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, ***an entity licensed or certified pursuant to the chapter consisting of sections 2 to 90, inclusive, of this act,*** an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner,

master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a

license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(j) "Taxicab driver" means a person who operates a taxicab.

(k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(l) "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 113. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division

of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, expanded function dental assistant, chiropractic physician, naprapath, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~[~~NRS 449.4304.~~]~~ ***section 59 of this act.***

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 114. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was

responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~[,]~~ ***or the chapter consisting of sections 2 to 90, inclusive, of this act,*** the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 115. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, ***and the chapter consisting of sections 2 to 90, inclusive, of this act,*** 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to

445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 116. NRS 232.359 is hereby amended to read as follows:

232.359 1. The Department, in collaboration with any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services, shall establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the

health, welfare, human and social services provided by public or private entities in this State. The system must:

(a) Integrate any information and referral systems previously established by state agencies, local agencies or community-based organizations with the system established pursuant to this section;

(b) Be the sole system in this State which is accessible to a person by dialing the digits 2-1-1 and which provides nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State;

(c) Be accessible to a person using the public telephone system by dialing the digits 2-1-1;

(d) Include information concerning service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive;

(e) Except as otherwise provided in paragraph (f), include information that is updated periodically; and

(f) Include information concerning the licensing status of any entity licensed pursuant to chapter 449 of NRS ***or the chapter consisting of sections 2 to 90, inclusive, of this act*** that is reviewed and updated at least quarterly.

2. In establishing the statewide information and referral system, the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services shall consult with representatives of:

(a) The Public Utilities Commission of Nevada;

(b) Telephone companies which provide service through a local exchange in this State;

(c) Companies that provide wireless phone services in this State;

(d) Existing information and referral services established by state agencies, local agencies or community-based organizations;

(e) State and local agencies or other organizations that provide health, welfare, human and social services;

(f) Nonprofit organizations; and

(g) Such other agencies, entities and organizations as determined necessary by the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services or any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services.

3. The Public Utilities Commission of Nevada, each telephone company which provides service through a local exchange in this State and each company that provides wireless phone services in this State shall cooperate with the Department, any state or local agencies or community-based

organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services in the establishment of the statewide information and referral system.

Sec. 117. NRS 232B.237 is hereby amended to read as follows:

232B.237 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, ~~[~~449.4316,~~]~~ 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626 ~~[~~,~~]~~ ***and sections 10 and 70 of this act;***

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, ~~[~~449.4316,~~]~~ 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626 ~~[~~,~~]~~ ***and sections 10 and 70 of this act;*** and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 118. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,

164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, ~~[449.4315,]~~ 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,

624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 23, 55 and 69 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 119. NRS 287.500 is hereby amended to read as follows:

287.500 As used in NRS 287.500 to 287.530, inclusive, unless the context otherwise requires:

1. "Employee organization" means an organization of any kind whose members are governmental employees and has as one of its purposes the improvement of the terms and conditions of employment of governmental employees.

2. "Professional service" means any type of personal service which may be performed only pursuant to a license, certificate of registration or other authorization issued by this state, except services provided by any person licensed under chapter 630 or 633 of NRS ***,*** ~~[or]~~ by any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~[.]~~ ***or any agency to provide personal care services in the home as defined in section 3 of this act.***

Sec. 120. NRS 422.272407 is hereby amended to read as follows:

422.272407 1. To the extent authorized by federal law, the Director shall include ~~[in the State Plan for]~~ ***under*** Medicaid authorization for ~~[a]~~ ***:***

(a) A recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.

(b) A member of the family of a recipient of Medicaid to serve as a personal care assistant pursuant to paragraph (a) if the family member:

(1) Completes the training required by section 30 of this act; and

(2) Receives authorization from a provider of health care pursuant to NRS 629.091 to act as a personal care assistant for the recipient.

2. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[~~NRS 449.0021.~~]~~ ***section 3 of this act.***

(b) "Personal care services" means the services described in ~~[~~NRS 449.1935.~~]~~ ***section 52 of this act.***

Sec. 121. NRS 422.3792 is hereby amended to read as follows:

422.3792 "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[~~NRS 449.0021.~~]~~ ***section 3 of this act.***

Sec. 122. NRS 422.3965 is hereby amended to read as follows:

422.3965 1. The Department shall apply to the Secretary of Health and Human Services for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;

(c) Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);

(d) Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and

(e) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete ~~[any]~~ ***the*** training ~~[the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.]~~ ***required by section 30 of this act.***

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining a waiver pursuant to this section;

(b) If the Federal Government approves the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[NRS 449.0021.]~~ ***section 3 of this act.***

(b) "Intermediary service organization" has the meaning ascribed to it in ~~[NRS 449.4304.]~~ ***section 59 of this act.***

(c) "Structured family caregiving" means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:

(1) Case management services;

(2) Personal care services;

(3) Personal assistance;

(4) Homemaker services; and

(5) Health-related services, including, without limitation, home health aide services.

Sec. 123. NRS 427A.175 is hereby amended to read as follows:

427A.175 1. Within 1 year after an older patient sustains damage to his or her property as a result of any act or failure to act by a facility for intermediate care, a facility for skilled nursing, a residential facility for groups, a home for individual residential care, an agency to provide personal care services in the home, an intermediary service organization, a community health worker pool or an agency to provide nursing in the home in protecting the property, the older patient may file a verified complaint with the Division setting forth the details of the damage.

2. Upon receiving a verified complaint pursuant to subsection 1, the Administrator shall investigate the complaint and attempt to settle the matter through arbitration, mediation or negotiation.

3. If a settlement is not reached pursuant to subsection 2, the facility, home, agency, organization or older patient may request a hearing before the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition. If requested, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall conduct a hearing to determine whether the facility, home, agency, pool or organization is liable for damages to the patient. If the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition determines that the facility, home, agency, pool or

organization is liable for damages to the patient, the Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related Condition shall order the amount of the surety bond pursuant to NRS 449.065 ***or section 24 or 67 of this act, as applicable,*** or the substitute for the surety bond necessary to pay for the damages pursuant to NRS 449.067 ***or section 25 or 68 of this act, as applicable,*** to be released to the Division. The Division shall pay any such amount to the older patient or the estate of the older patient.

4. The Division shall create a separate account for money to be collected and distributed pursuant to this section.

5. As used in this section:

(a) "Agency to provide nursing in the home" has the meaning ascribed to it in NRS 449.0015;

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[~~NRS 449.0021;~~]~~ ***section 3 of this act;***

(c) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028;

(d) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038;

(e) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039;

(f) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105;

(g) "Intermediary service organization" has the meaning ascribed to it in ~~[~~NRS 449.4304;~~]~~ ***section 59 of this act;***

(h) "Older patient" has the meaning ascribed to it in NRS 449.065; and

(i) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

Sec. 124. NRS 427A.906 is hereby amended to read as follows:

427A.906 "Facility or service provider" means:

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS ~~[.]~~ ***or the chapter consisting of sections 2 to 90, inclusive, of this act.***

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 125. NRS 435.450 is hereby amended to read as follows:

435.450 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent ***, an agency to provide personal care services in the home*** or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility ***, agency*** or physician. Except as otherwise required by 42 U.S.C. § 290dd, 290dd-1 or 290dd-2 or NRS 439.591 or 439.597, the division facility

is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, ~~["medical]~~ ***:***

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in section 3 of this act.

(b) "Medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 126. NRS 608.0195 is hereby amended to read as follows:

608.0195 1. If an employee specified in paragraph (a) of subsection 3 is required to be on duty for 24 hours or more, the employer and employee may agree in writing to exclude from the employee's wages a regularly scheduled sleeping period not to exceed 8 hours if adequate sleeping facilities are furnished:

(a) By the employer of an employee described in subparagraph (1) of paragraph (a) of subsection 3; or

(b) In the home in which an employee described in subparagraph (2) of paragraph (a) of subsection 3 provides personal care services,

➥ as applicable.

2. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services, the interruption must be counted as hours worked. If the sleeping period is interrupted by any call for service by the employer or for service to a person to whom the employee provides personal care services to such an extent that the sleeping period is less than 5 hours, the employee must be paid for the entire sleeping period.

3. The provisions of subsections 1 and 2:

(a) Apply only to:

(1) An employee who is on duty at a residential facility for a group of similarly situated persons who require supervision, care or other assistance from employees at the residential facility; and

(2) An employee of an agency to provide personal care services in the home who is on duty.

(b) Do not apply to a firefighter, a member of a rescue or emergency services crew or a peace officer, including, without limitation, a correctional officer.

4. As used in this section:

(a) "A group of similarly situated persons" includes, without limitation, a group of:

(1) Persons with a mental illness;

(2) Persons with a physical disability;

(3) Persons with an intellectual disability;

(4) Persons who are elderly;

(5) Persons recovering from alcohol or substance use disorders;

(6) Children in foster care; and

(7) Children in a program to address emotional or behavioral problems.

(b) "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[NRS 449.0021.]~~ ***section 3 of this act.***

(c) "On duty" means any period during which an employee is working or is required to remain on the premises of:

(1) In the case of an employee described in subparagraph (1) of paragraph (a) of subsection 3, the employer; or

(2) In the case of an employee described in subparagraph (2) of paragraph (a) of subsection 3, the home of a person to whom the employee provides personal care services.

(d) "Personal care services" means the services described in ~~[NRS 449.1935.]~~ ***section 52 of this act.***

(e) "Residential facility" means:

(1) A dormitory, any structure similar to a dormitory or any structure similar to a private residence in which a group of similarly situated persons reside for the purpose of receiving supervision, care or other assistance from employees on duty at the residential facility. Any such dormitory or structure similar to a dormitory may include a studio apartment for the use of the employees.

(2) In the case of a program for children to address emotional or behavioral problems, any structure which provides for residential living for the children and employees.

Sec. 127. NRS 608.510 is hereby amended to read as follows:

608.510 "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[NRS 449.0021.]~~ ***section 3 of this act.***

Sec. 128. NRS 608.530 is hereby amended to read as follows:

608.530 1. "Home care employee" means a person who provides:

(a) Personal care services through a home care program as an employee of a home care employer that is an agency to provide personal care services in the home;

(b) Personal assistance through a home care program as a personal assistant for whom a home care employer that is an intermediary service organization is the employer of record; or

(c) Temporary respite services through a home care program as an employee of a home care employer that has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide such services.

2. As used in this section, "personal assistant" has the meaning ascribed to it in ~~[NRS 449.4308.]~~ ***section 60 of this act.***

Sec. 129. NRS 608.570 is hereby amended to read as follows:

608.570 "Intermediary service organization" has the meaning ascribed to it in ~~[NRS 449.4304.]~~ ***section 59 of this act.***

Sec. 130. NRS 608.580 is hereby amended to read as follows:

608.580 "Personal assistance" has the meaning ascribed to it in ~~[NRS 449.4308.]~~ ***section 60 of this act.***

Sec. 131. NRS 608.590 is hereby amended to read as follows:

608.590 "Personal care services" means the services described in ~~[NRS 449.1935.]~~ ***section 52 of this act.***

Sec. 132. NRS 608.600 is hereby amended to read as follows:

608.600 "Temporary respite services" has the meaning ascribed to it in ~~[NRS 449.0021.]~~ ***section 3 of this act.***

Sec. 133. NRS 630.024 is hereby amended to read as follows:

630.024 1. "Respiratory care" means the treatment, management, diagnostic testing, control and care of persons with deficiencies and abnormalities associated with the cardiopulmonary system. The term includes inhalation and respiratory therapy.

2. The term does not include any task performed in accordance with the regulations adopted by the State Board of Health pursuant to NRS 449.0304 and ~~[449.4309.]~~ ***sections 14 and 61 of this act.***

Sec. 134. NRS 630.060 is hereby amended to read as follows:

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. One member of the Board must be a person who is licensed to practice as a physician assistant in this State, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.

3. One member of the Board must be a person who is licensed to engage in the practice of respiratory care in this State, is actually engaged in the practice of respiratory care in this State and has resided and practiced respiratory care in this State for at least 5 years preceding his or her appointment.

4. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

5. The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, ***agency to provide personal care services in the home as defined in section 3 of this act,*** medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

6. The members of the Board must be selected without regard to their individual political beliefs.

Sec. 135. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant;

(b) Renewal of a license as an anesthesiologist assistant; or

(c) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

4. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 136. NRS 630A.110 is hereby amended to read as follows:

630A.110 1. Two members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of this State.

2. One member of the Board must be an advanced practitioner of homeopathy who holds a valid certificate granted by the Board pursuant to NRS 630A.293.

3. One member of the Board must be a person who has resided in this State for at least 3 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

4. The remaining two members of the Board must be persons who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~[,]~~ ***or any agency to provide personal care services in the home as defined in section 3 of this act;***

(d) Do not have a pecuniary interest in any matter pertaining to such a facility ~~[,]~~ ***or agency,*** except as a patient or potential patient; and

(e) Have resided in this State for at least 3 years.

5. The members of the Board must be selected without regard to their individual political beliefs.

6. As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

Sec. 137. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages.

These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least 4 hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~,~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 138. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, expanded function dental assistant, naprapath, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in ~~[~~NRS 449.4304.~~]~~ ***section 59 of this act.***

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or

medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in ~~[~~NRS 449.0021.~~]~~ ***section 3 of this act.***

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 139. NRS 633.191 is hereby amended to read as follows:

633.191 1. Five members of the Board must:

(a) Be licensed under this chapter;

(b) Be actually engaged in the practice of osteopathic medicine in this State; and

(c) Have been so engaged in this State for a period of more than 5 years preceding their appointment.

2. One member of the Board must be a resident of the State of Nevada and must represent the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

3. The remaining member of the Board must be a resident of the State of Nevada who is:

(a) Not licensed in any state to practice any healing art;

(b) Not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art; and

(c) Not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS ~~[.]~~ ***or any agency to provide personal care services in the home as defined in section 3 of this act.***

Sec. 140. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 15 and NRS 633.491, every holder of a license, except a physician assistant or an anesthesiologist assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection 14, submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from a percentage of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant determined by the Board. Subject to subsection 14, upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a

license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician, physician assistant or anesthesiologist assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103 ~~[.]~~ ***or section 34 of this act,*** where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

15. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 141. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 142. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 143. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 144. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 145. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103 ~~[,]~~ ***or section 34 of this act,*** where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 146. NRS 652.074 is hereby amended to read as follows:

652.074 The provisions of this chapter do not apply to any:

1. Test or examination conducted by a law enforcement officer or agency;

2. Test or examination required by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to NRS 176A.230; or

3. Task performed in accordance with the regulations adopted by the Board pursuant to NRS 449.0304 or ~~[449.4309.]~~ ***section 14 or 61 of this act.***

Sec. 147. 1. The provisions of NAC 449.395 to 449.39561, inclusive, 449.396 to 449.3982, inclusive, and 449.870 to 449.882, inclusive, shall be deemed to have been adopted pursuant to section 9, 13, 14, 48, 60, 61, 63, 66, 72, 73, 75, 77, 79, 81, 83, 86, 87 or 88 of this act, as applicable, and continue in effect until amended or repealed. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, move the regulations described in this subsection from chapter 449 of the Nevada Administrative Code to a new chapter of the Nevada Administrative Code that corresponds with the chapter of the Nevada Revised Statutes consisting of sections 2 to 90, inclusive, of this act.

2. As soon as practicable after the effective date of this act, the State Board of Health shall adopt regulations to replace any regulations adopted by the State Board of Health that have been codified in chapter 449 of the Nevada Administrative Code and apply to agencies to provide personal care services in the home, employment agencies to provide nonmedical services or intermediary service organizations, other than the regulations described in subsection 1. The existing regulations described in this section continue to apply to those entities until the effective date of the regulations adopted pursuant to this section.

3. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in section 3 of this act.

(b) "Employment agency" means an employment agency licensed pursuant to section 9 of this act.

(c) "Intermediary service organization" has the meaning ascribed to it in section 59 of this act.

Sec. 148. 1. A license to operate an agency to provide personal care services in the home issued pursuant to NRS 449.080, a license to operate an employment agency that contracts with persons in this State to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home issued by the State Board of Health pursuant to NRS 449.03005 or a certificate to operate an intermediary service organization issued by the Division pursuant to NRS 449.4317 that is valid on the effective date of this act, remains valid until its date of expiration, if the holder of the license or certificate otherwise remains qualified for the issuance or renewal of the license or certificate on or after the effective date of this act.

2. Any valid training completed on or before the effective date of this act, by ~~[a person required by]~~ an operator, employee or contractor of an agency to provide personal care services in the home, an employment agency to provide nonmedical services or an intermediary service organization ~~,~~ ~~[or]~~ an applicant for a license or certificate to operate such an agency or organization pursuant

to NRS 449.03005, 449.0304, 449.0925, 449.093, 449.103, 449.194 or 449.4309 **or a caregiver chosen by a recipient of Medicaid pursuant to NRS 422.3965** remains valid for the purposes for which it was completed.

3. Any disciplinary or other administrative action taken by the Division against an agency to provide personal care services in the home, employment agency that contracts with persons in this State to provide nonmedical services or intermediary service organization that is effective on the effective date of this act, remains in effect after that date until the expiration of the action.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in section 3 of this act.

(b) "Division" means Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) "Employment agency to provide nonmedical services" means an employment agency licensed pursuant to section 9 of this act.

(d) "Intermediary service organization" has the meaning ascribed to it in section 59 of this act.

Sec. 149. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 150. NRS 449.0021, 449.00325, 449.01517, 449.03005, 449.03017, 449.1935, 449.4304, 449.4308, 449.4309, 449.431, 449.4311, 449.4312, 449.4313, 449.4314, 449.4315, 449.4316, 449.4317, 449.4318, 449.4319, 449.432, 449.4321, 449.4322, 449.4324, 449.4325, 449.4327, 449.4329, 449.43295, 449.433, 449.4331, 449.4332, 449.4335, 449.4336, 449.4337, 449.4338 and 449.4339 are hereby repealed.

Sec. 151. 1. This act becomes effective upon passage and approval.

2. Sections 20, 21, 50, 64, 65 and 76 of this act expire by limitation on the date of the repeal of the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children.

LEADLINES OF REPEALED SECTIONS

449.0021 "Agency to provide personal care services in the home" defined.

449.00325 "Employment agency" defined.

449.01517 "Nonmedical services related to personal care to elderly persons or persons with disabilities" defined.

449.03005 License to operate employment agency that contracts with persons in State to provide certain nonmedical services; standards and

regulations; licensed employment agency prohibited from making certain referrals; civil penalty.

449.03017 Person otherwise licensed under this chapter exempt from requirement to obtain license to operate employment agency that contracts with persons to provide certain nonmedical services.

449.1935 Agency to provide personal care services in the home authorized to provide certain services to elderly persons and persons with disabilities.

449.4304 "Intermediary service organization" defined.

449.4308 Authority to provide services.

449.4309 Board to adopt regulations authorizing employee of intermediary service organization to perform certain tasks.

449.431 Certificate required; exception; penalty.

449.4311 Application for certificate: Contents.

449.4312 Application for certificate: Social security number required.

449.4313 Application for certificate: Statement regarding obligation of child support; grounds for denial; duty of Division.

449.4314 Application for certificate: Fee.

449.4315 Prohibition on denial of application based on immigration or citizenship status; alternative personally identifying number required by applicant with no social security number; confidentiality of social security or alternative personally identifying number.

449.4316 Petition to determine if criminal history will disqualify person from obtaining certificate; fee; posting of requirements for certificate and list of disqualifying crimes on Internet; report.

449.4317 Issuance of certificate; nontransferability.

449.4318 Form and contents of certificate.

449.4319 Expiration and renewal of certificate.

449.432 Application for renewal of certificate: Information concerning state business license required; conditions which require denial.

449.4321 Grounds for denial, suspension or revocation of certificate.

449.4322 Suspension of certificate for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate.

449.4324 Provisional certificate.

449.4325 Deposit of money received; expenses of Division to enforce provisions.

449.4327 Regulations; powers of Division.

449.4329 Initial and periodic investigations of employee, employee of temporary employment service or independent contractor; penalty.

449.43295 Temporary employment service prohibited from sending ineligible employee to organization; temporary employment service to provide certain information regarding its employees.

449.433 Maintenance and availability of certain records regarding employee, employee of temporary employment service or independent contractor of organization.

449.4331 Termination of employment or contract of employee, employee of temporary employment service or independent contractor who has been convicted of certain crime; period in which to correct information regarding conviction; liability of organization.

449.4332 Additional grounds for denial, suspension or revocation of certificate.

449.4335 Administrative sanctions: Imposition by Division; consequences of failure to pay; use of money collected.

449.4336 Administrative sanctions: Regulations.

449.4337 Notice by Division of disciplinary action; exception; appeal.

449.4338 Action to enjoin violations.

449.4339 Prosecution by district attorney.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 458.

AN ACT relating to adoption; requiring background investigations of certain persons who operate or provide services to children at a child-placing agency; requiring the maintenance of certain records of such background investigations; authorizing the disclosure of information from the State Register for Adoptions to certain persons without the consent of the natural parent under extenuating circumstances; authorizing certain persons to attend an adoption hearing by a remote technology system under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires certain persons who work with children or reside in certain homes or facilities that provide services to children to undergo a background investigation; (2) prohibits a person who has been convicted of certain crimes from working or residing in such a home or facility; and (3) requires certain homes and facilities to maintain records of background investigations. (NRS 62B.260-62B.280, 424.031-424.034, 432A.170-432A.1755, 433B.183-433B.187, 449.122-449.125) Existing law defines "child-placing agency" to mean a nonprofit corporation that places children for adoption or permanent free care. (NRS 127.220) Existing regulations: (1) require an applicant for a license to operate a child-placing agency or an employee, volunteer or independent contractor of a child-placing agency to undergo a background investigation; and (2) prohibit the director of adoption

of a child-placing agency from allowing a person to provide services to children if the Division of Child and Family Services has, based on the criminal history of the person, deemed the person to be unacceptable to provide services to children. (NAC 127.140)

Sections 2-5 of this bill: (1) codify such requirements governing child-placing agencies into existing law similarly to the manner in which the requirements governing background investigations of the personnel of other homes or facilities that provide services to children are codified; and (2) additionally require such background investigations to be conducted every 5 years. Specifically, **section 2** requires the Division to: (1) investigate the background and personal history of every initial applicant for a license to operate a child-placing agency and every employee, volunteer or independent contractor of a child-placing agency; and (2) repeat such investigations every 5 years. **Sections 3 and 11** of this bill prescribe the procedure for conducting such an investigation. **Section 3** authorizes the Division to deny an application for a license to operate a child-placing agency or suspend or revoke such a license if the Division determines that the applicant or licensee, as applicable: (1) has a ~~[criminal]~~ **substantiated** history ~~[or a history of child abuse and neglect]~~ **of maltreating a child** that renders the person unacceptable to provide services to children; or (2) has allowed an employee, volunteer or independent contractor who has such a history or has not undergone such a background investigation to provide services to children. **Section 4** prohibits an employee, volunteer or independent contractor of a child-placing agency from providing services to children under such circumstances. **Section 4** also requires an applicant for a license to operate a child-placing agency or the holder of such a license to give an employee, independent contractor or volunteer who believes that the information resulting from an investigation of his or her background and criminal history is incorrect 30 days to correct the information. **Section 2** requires the Division to prescribe by regulation the conditions under which the Division may deem a person to have a ~~[criminal history or a history of child abuse and neglect]~~ **substantiated history of maltreating a child** that renders the person unacceptable to provide services to children. **Section 5** requires an applicant for a license to operate a child-placing agency or the holder of such a license to maintain records of certain information relating to background investigations of employees, volunteers and independent contractors and make such records available to the Division upon request. **Sections 7 and 9** of this bill prohibit a court from entering an order of adoption and declare any order of adoption so entered to be void if the adoption was facilitated by a child-placing agency that has failed to comply with **sections 2-5**. **Section 10** of this bill makes certain definitions applicable to **sections 2-5**.

Existing law requires the Division to maintain the State Register for Adoptions to provide information to identify adults who were adopted and certain relatives of such adults. Existing law authorizes the Division to release certain information from the State Register to adopted persons and their

relatives if: (1) the natural parent of the adopted person has consented to the release; and (2) the adopted person has not requested to restrict the release of the information. (NRS 127.007) **Section 6** of this bill authorizes the Division to release such information without the written consent of the natural parent if the Division determines that extenuating circumstances exist to justify the release of the information.

Existing law authorizes the prospective adoptive parents to attend a court hearing concerning the adoption by telephone instead of in person if: (1) the prospective adoptive parents reside in another state or jurisdiction; (2) the child who is the subject of the hearing is in the custody of an agency which provides child welfare services or a child-placing agency; and (3) a representative of the agency responsible for supervising the child in the state where the child will be placed attends the hearing by telephone. (NRS 127.145) **Section 8** of this bill additionally authorizes the prospective adoptive parents and the representative of the agency responsible for supervising the child to attend a court hearing concerning the adoption by any other remote technology system under such circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Division shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to operate a child-placing agency, person who is licensed to operate a child-placing agency or employee, volunteer or independent contractor of such an applicant or licensee who provides or will provide services to children to determine whether the person investigated has a ~~[criminal]~~ history ~~[or a history of child abuse and neglect]~~ of maltreating a child that, in the determination of the Division, renders the person unacceptable to provide services to children.***

2. The Division may charge each person investigated pursuant to subsection 1 for the cost of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of fingerprint cards and the issuance of reports of criminal histories.

3. The Division shall:

(a) Conduct an investigation of each licensee, employee, volunteer and independent contractor pursuant to this section at least once every 5 years after the initial investigation; and

(b) Adopt regulations prescribing the conditions under which the Division may deem a person investigated pursuant to subsection 1 to have a ~~[criminal]~~ history ~~[or a history of child abuse and neglect]~~ of maltreating a child that renders the person unacceptable to provide services to children.

Sec. 3. *1. Each applicant for a license to operate a child-placing agency, person who is licensed to operate a child-placing agency or employee, volunteer or independent contractor of such an applicant or licensee who provides services to children must submit to the Division for the purposes of an investigation pursuant to section 2 of this act:*

(a) A complete set of fingerprints and written permission authorizing the Division to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the Division to conduct an investigation pursuant to section 2 of this act; and

(b) Written permission to conduct a child abuse and neglect screening . ~~[;~~ ~~and~~

~~*(c) The first time the person is subject to such an investigation, three satisfactory references.]*~~

2. ~~[For each person who submits the documentation required pursuant to subsection 1, the Division shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.~~

~~3.]~~ The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information relating to the fingerprints submitted.

~~[4.]~~ 3. When the Central Repository receives a report from the Federal Bureau of Investigation, the Central Repository shall immediately forward a copy of the report to the Division.

~~[5.]~~ 4. Upon receiving a report pursuant to this section, the Division shall determine whether the person has ~~[a criminal history or a history of child abuse and neglect]~~ been substantiated through information in the Central Repository or other available information to have a history of maltreating a child that , in accordance with the regulations adopted pursuant to section 2 of this act, renders the person unacceptable to provide services to children.

~~*[6. The Division shall immediately inform the applicant for a license to operate a child-placing agency or person who is licensed to operate a child-placing agency whether an employee, volunteer or independent contractor of the applicant or licensee has been determined to have a criminal history or a history of child abuse and neglect that renders the person unacceptable to provide services to children. The information provided to the applicant for a license to operate a child-placing agency or the person who is licensed to operate a child-placing agency must not include specific information relating to any criminal conviction, including, without limitation, the specific crime for which the person was convicted.*~~

~~7.]~~ 5. The Division may deny an application for a license to operate a child-placing agency or may suspend or revoke such a license if the Division determines that the applicant or licensee:

(a) Has ~~[a criminal history or a history of child abuse and neglect]~~ been substantiated through information in the Central Repository or other available information to have a history of maltreating a child that , in accordance with the regulations adopted pursuant to section 2 of this act, renders the person unacceptable to provide services to children; or

(b) Has allowed an employee, volunteer or independent contractor to provide services to children in violation of subsection 1 of section 4 of this act.

Sec. 4. *1. An applicant for a license to operate a child-placing agency or a person licensed to operate a child-placing agency shall not allow an employee, volunteer or independent contractor of the applicant or licensee to provide services to children if:*

(a) The employee, volunteer or independent contractor has not complied with subsection 1 of section 3 of this act; or

(b) ~~[The applicant or licensee has not received a response from the Division pursuant to subsection 6 of section 3 of this act concerning the employee, volunteer or independent contractor; or~~

~~(c)]~~ The applicant or licensee has received information from the Division or any other source that the employee, volunteer or independent contractor has ~~[a criminal history or a history of child abuse and neglect]~~ been substantiated through information in the Central Repository for Nevada Records of Criminal History or other available information to have a history of maltreating a child that, in accordance with the regulations adopted pursuant to section 2 of this act, renders the employee, volunteer or independent contractor unacceptable to provide services to children.

2. If an employee, volunteer or independent contractor believes that the information provided pursuant to paragraph ~~[(c)]~~ (b) of subsection 1 is incorrect, the employee, volunteer or independent contractor must inform the applicant or licensee immediately. An applicant or licensee that is so informed shall give the employee, volunteer or independent contractor 30 days to correct the information.

3. During the period in which an employee, volunteer or independent contractor seeks to correct information pursuant to subsection 2, the employee, volunteer or independent contractor shall not provide services to children.

Sec. 5. *1. Each applicant for a license to operate a child-placing agency and each person licensed to operate a child-placing agency shall maintain records of the information concerning its employees, volunteers and independent contractors that is collected pursuant to sections 2, 3 and 4 of this act, including, without limitation:*

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee, volunteer or independent contractor;

(b) Proof that the fingerprints of the employee, volunteer or independent contractor were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to sections 2, 3 and 4 of this act.

2. An applicant for a license to operate a child-placing agency or a person licensed to operate a child-placing agency shall:

(a) Maintain the records described in subsection 1 for the period of the subject's service as an employee, volunteer or independent contractor of the child-placing agency;

(b) Make the records described in subsection 1 available for inspection by the Division at any reasonable time; and

(c) Furnish copies of the records described in subsection 1 to the Division upon request.

Sec. 6. NRS 127.007 is hereby amended to read as follows:

127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ ***under the circumstances described in subsection 4.***

4. The Division may release the information described in subsection 3 if ~~[the]~~ ***:***

(a) The names and information about both persons are contained in the Register ***;*** and ~~[written]~~

(b) Written consent for the release of such information is given by the natural parent ~~[.]~~ ***or the Division determines that extenuating circumstances exist to justify the release of the information.***

~~[4.]~~ ***5.*** An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.

Sec. 7. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act,*** and the provisions of NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive.

Sec. 8. NRS 127.145 is hereby amended to read as follows:

127.145 1. The prospective adoptive parents may attend by telephone ~~[,]~~ ***or any other remote-technology system,*** in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

(a) The prospective adoptive parents reside in another state or jurisdiction;

(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter; and

(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone ~~[.]~~ ***or any other remote-technology system.***

2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.

3. If the prospective adoptive parents are attending a hearing by ~~[telephone]~~ ***:***

(a) Telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.

(b) Any other remote-technology system pursuant to subsection 1, the court shall provide instructions on how the prospective adoptive parents may use the remote-technology system to attend the hearing.

4. As used in this section, "remote-technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend any hearing held by the court even though the person is not physically present at the hearing. The term includes, without limitation, teleconference and videoconference systems.

Sec. 9. NRS 127.155 is hereby amended to read as follows:

127.155 Any order or decree of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act*** is hereby declared valid.

Sec. 10. NRS 127.220 is hereby amended to read as follows:

127.220 As used in NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act,*** unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.

3. "Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.

4. "Person" includes a hospital.

5. "Recommend the placement of a child" means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329 ~~[.]~~ ***and section 3 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329 ~~,~~ ***or section 3 of this act.***

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. 1. A person who is licensed to operate a child-placing agency or provides services to children in his or her capacity as an employee, volunteer or independent contractor of a child-placing agency on the effective date of this act and who has not undergone a background investigation pursuant to NAC 127.140 after October 1, 2020, shall submit the documentation and fingerprints required to conduct such an investigation in accordance with sections 2, 3 and 4 of this act on or before October 1, 2025, and may continue to operate the child-placing agency or provide services to children, as applicable, pending the results of the investigation.

2. As used in this section, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 13. This act becomes effective upon passage and approval.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 456.

AN ACT relating to health care; requiring health insurers to allow the covered adult child of an insured to remain covered by the health insurance of the insured until 26 years of age; requiring health insurers to provide coverage for certain preventive health care for children, persons who are pregnant, women and adults; prohibiting insurers from imposing certain costs and taking other actions with respect to certain preventive health care; requiring health insurers to provide coverage for screenings for colorectal cancer; requiring health insurers to provide coverage for maternity and newborn care; prohibiting health insurers and providers of health care from engaging in certain discriminatory actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires all health insurers to extend coverage for the covered adult child of an insured until such child reaches 26 years of age. (42 U.S.C. § 300gg-14) **Sections 2, 17, 31, 44, 46, 60, 74, 79, 90, 104 and 106** of this bill align Nevada law with federal law in this manner and require a policy of health insurance that provides coverage for dependent children to continue to make such coverage available until the dependent child reaches 26 years of age.

Existing federal law requires all health insurance plans to include coverage, without a higher deductible, copay or coinsurance, for certain preventive health care for women, adults and children based on the recommendations and guidelines of certain entities, including the United States Preventive Services Task Force and the Health Resources and Services Administration of the United States Department of Health and Human Services. (42 U.S.C. § 300gg-13; 45 C.F.R. § 147.130) Existing Nevada law generally conforms with federal law in this manner and requires public and private policies of health insurance, including Medicaid, to cover certain preventive health care, including certain screenings, counseling, vaccinations and contraceptive and other family planning drugs and devices. (NRS 287.010, 287.04335, 422.27172, 422.27174, 608.1555, 689A.0418, 689A.0419, 689B.0378, 689B.03785, 689C.1676, 689C.1678, 695A.1865, 695A.1875, 695B.1919, 695B.19195, 695C.1696, 695C.1698, 695G.1715, 695G.1717) **Sections 3-5, 11, 18-20, 27, 32-34, 40, 44, 47-49, 57, 61-63, 69, 75-77, 79, 80, 91-93, 101, 104, 106 and 115** of this bill require public and private policies of health insurance, including Medicaid, to include certain additional preventive health care services which

are not currently required to be covered under existing law, but have been recommended by the United States Preventive Services Task Force and the Health Resources and Services Administration. **Sections 3-5, 11, 18-20, 27, 32-34, 40, 44, 47-49, 57, 61-63, 69, 75-77, 79, 80, 91-93, 101, 104, 106 .** ~~[and]~~ **115 and 117** additionally prohibit an insurer from charging a higher deductible or any copay or coinsurance for such preventive health care.

Existing law requires certain public and private policies of health insurance to provide coverage for: (1) screening, genetic counseling and testing for harmful mutations in the BRCA gene under certain circumstances; (2) examinations of persons who are pregnant to detect certain diseases; and (3) testing for, treating and preventing sexually transmitted diseases. (NRS 287.010, 287.04335, 422.27173, 422.27175, 608.1555, 689A.04049, 689A.0412, 689A.0438, 689B.0314, 689B.0315, 689B.0316, 689C.1653, 689C.1673, 689C.1675, 695A.1844, 695A.1853, 695A.1856, 695B.1911, 695B.1913, 695B.1926, 695C.17347, 695C.1736, 695C.1737, 695G.1707, 695G.1712, 695G.1714) **Sections 8, 10, 13, 21-23, 36, 37, 39, 52, 53, 55, 66, 68, 70, 83, 85, 86, 96, 97, 99, 114 and 116** of this bill prohibit an insurer from charging a higher deductible or any copay or coinsurance for these services as well. **Sections 10, 22, 39, 55, 68, 86, 99 and 114** additionally require such policies of health insurance to include coverage for the detection of the human immunodeficiency virus in persons who are pregnant.

Existing law requires certain public and private policies of health insurance to include coverage for certain screenings and tests for breast cancer. Existing law also prohibits such policies of health insurance, other than Medicaid, from charging a higher deductible or any copay or coinsurance for such screenings and tests. (NRS 287.0273, 287.04337, 422.27176, 608.1555, 689A.0405, 689B.0374, 689C.1674, 695A.1855, 695B.1912, 695C.1735, 695G.1713) ~~[Sections 9, 25, 38, 54, 67, 84, 98, 105, 107 and 117 of this bill additionally require such policies of health insurance to include coverage for medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer. Sections 9, 25, 38, 54, 67, 84, 98, 105, 107 and 117 also prohibit an insurer from charging a higher deductible or any copay or coinsurance for any of these services.]~~ **Sections 105 and 107 of this bill** additionally require insurance for government employees to cover certain additional diagnostic imaging if breast cancer is seen or suspected ~~[.]~~ **without charging a higher deductible or imposing any copay or coinsurance for such imaging.**

Existing law requires certain policies of health insurance that provide coverage for the treatment of colorectal cancer to additionally provide coverage for the screening of colorectal cancer. (NRS 689A.04042, 689B.0367, 695B.1907, 695C.1731, 695G.168) **Sections 7, 24, 35, 50, 65, 82, 95 and 111** of this bill: (1) require all public and private policies of health insurance, including Medicaid, to cover screening for colorectal cancer; and (2) prohibit insurers from charging a higher deductible or any copay or coinsurance for such screenings.

Existing federal law requires all policies of health insurance to include coverage for maternity and newborn care. (42 U.S.C. § 18022(b)) **Sections 12, 15, ~~[26,]~~ 29, 41, 42, 51, 56, 64, 71, 78, 81, 94, 100 and 112** of this bill align Nevada law with federal law in this manner and require public and private policies of health insurance to include coverage for such care.

Existing federal regulations prohibit certain health care entities from discriminating on the basis of race, color, national origin, sex, age or disability. (45 C.F.R. §§ 92.101, 92.206, 92.208, 92.209) Existing law prohibits public and private policies of health insurance from discriminating against any person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. (NRS 287.010, 287.04335, 422.2701, 608.1555, 689A.033, 689B.0675, 689C.1975, 689C.425, 695A.198, 695B.3167, 695C.050, 695C.204, 695G.415) **Sections 6, 28, 43, 58, 72, 87, 102 and 113** of this bill additionally prohibit public and private policies of health insurance, including Medicaid, from discriminating against any person on the basis of actual or perceived race, color, national origin, sex, age or disability. **Section 119** of this bill similarly prohibits a provider of health care from discriminating against a person on the basis of those characteristics, as well as gender identity or expression. **Section 119** also authorizes a board, agency or other entity in this State that licenses, certifies or regulates a provider of health care to: (1) adopt regulations prescribing the types of discrimination that are prohibited; and (2) discipline a provider of health care that violates **section 119**.

Existing law prohibits an insurer that offers or issues a policy of group health insurance from penalizing a provider of health care who provides the following benefits that such an insurer is required to cover: (1) certain counseling and screenings; (2) smoking cessation programs; (3) certain federally recommended vaccinations; (4) federally recommended well-woman preventative visits; and (5) care in a hospital for a prescribed length of time after a birth. (NRS 689B.03785, 689B.520) Sections 27 and 29 remove that prohibition, thereby authorizing such an insurer to penalize a provider of health care for providing such benefits and the additional benefits added by those sections. Section 104 exempts health plans for retirees from local government employment from: (1) the requirements of this bill; and (2) certain provisions of existing law requiring group health insurance plans to provide certain coverage and prohibiting such plans from engaging in certain discrimination. (NRS 689B.0314, 689B.0315, 689B.0316, 689B.0367 and 689B.0675)

Section 88 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to provide the coverage required by **sections 74-78**. The Commissioner would also be authorized to take such action against other private health insurers who fail to provide the coverage required by this bill. (NRS 680A.200) **Section 103** of this bill requires the Director of the Department of Health and Human

Services to administer the provisions of **sections 109-112** in the same manner as other provisions relating to Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. An insurer that offers or issues a policy of health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 3. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than 25 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of insureds who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age . ~~[; and~~

~~(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]~~

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for insureds who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;

(f) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;

(j) ~~[An annual screening for urinary incontinence for women;~~

~~(k)]~~ Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;

~~[(l)]~~ (k) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and

~~[(m)]~~ (l) Screening for osteoporosis for women who:

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. *1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. The benefits provided pursuant to paragraph (h) of subsection 1 are in addition to and separate from the benefits provided pursuant to NRS 689A.046.

3. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

4. Except as otherwise provided in subsection 6, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

6. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

7. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) ~~***[("Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.***~~

~~***(g)]***~~ ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 6. NRS 689A.033 is hereby amended to read as follows:

689A.033 ***1.*** An insurer that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 7. NRS 689A.04042 is hereby amended to read as follows:

689A.04042 1. A policy of health insurance ~~[that provides coverage for the treatment of colorectal cancer]~~ must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. An insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, ~~[~~2003,~~]~~ ***2025,*** has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8. NRS 689A.04049 is hereby amended to read as follows:

689A.04049 1. An insurer that issues a policy of health insurance shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. ***An insurer that issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~]~~ ***October*** 1, ~~[~~2022,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. ~~[~~NRS 689A.0405 is hereby amended to read as follows:

~~689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~*(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.*~~

~~2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost-sharing or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;~~

~~(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of health insurance with respect to the deductible of such a policy of health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a~~

~~defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified policy of health insurance" means a policy of health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.~~] **(Deleted by amendment.)**

Sec. 10. NRS 689A.0412 is hereby amended to read as follows:

689A.0412 1. An insurer that issues a policy of health insurance shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. An insurer that issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

[~~3.~~] ***4.*** A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [~~July~~] ***October*** 1, [~~2021,~~] ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

[~~4.~~] ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 11. NRS 689A.0419 is hereby amended to read as follows:

689A.0419 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[women]~~ ***insureds*** who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression ~~[,]~~ ***for insureds who are 12 years of age or older;***

(h) ***Screening for anxiety disorders;***

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(i) Smoking]~~

(j) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~(j)]~~ ***(k)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(k)]~~ ***(l)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance ~~[that includes coverage for maternity care]~~ shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 13. NRS 689A.0438 is hereby amended to read as follows:

689A.0438 1. An insurer that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***An insurer that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 15. NRS 689A.717 is hereby amended to read as follows:

689A.717 1. ***An insurer that offers or issues an individual health benefit plan subject to the provisions of this chapter shall include in the plan coverage for maternity care and pediatric care for newborn infants.***

2. Except as otherwise provided in this subsection, an individual health benefit plan issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the individual health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any individual health benefit plan in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

~~[2.]~~ ***3.*** Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

~~[3.]~~ ***4.*** An individual health benefit plan ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan ~~[or coverage]~~ if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[4.]~~ ***5.*** Nothing in this section:

(a) Prohibits an individual health benefit plan from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between an individual health benefit plan and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents an individual health benefit plan from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. An individual health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 16. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 17 to 20, inclusive, of this act.

Sec. 17. ***1. An insurer that offers or issues a policy of group health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring an insurer to make coverage available for a dependent of an adult child of an insured.

Sec. 18. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling ~~[and education]~~ pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than ~~[25]~~ 24 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of insureds who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age . ~~[; and~~

~~(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]~~

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)]~~ Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

~~[(f)]~~ *(e) Impose any other restrictions or delays on the access of an insured to any such benefit.*

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. *1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) ~~*[Screening for asymptomatic bacteriuria for insureds who are pregnant;*~~

~~*(e)]*~~ *Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;*

~~*[(f)]*~~ *(e) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;*

~~[(g)]~~ *(f) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;*

~~[(h)]~~ *(g) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;*

~~[(i)]~~ *(h) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;*

~~[(j) An annual screening for urinary incontinence for women;~~

~~(k)~~ *(i) Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;*

~~[(l)]~~ *(j) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and*

~~[(m)]~~ *(k) Screening for osteoporosis for women who:*

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)~~ *Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or*

~~[(f)]~~ *(e) Impose any other restrictions or delays on the access of an insured to any such benefit.*

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after

October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]*~~ *in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)]~~ Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

~~[(f)]~~ (e) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by

subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(f) ~~["Pack year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.~~

~~(g)]~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689B.0314 is hereby amended to read as follows:

689B.0314 1. An insurer that issues a policy of group health insurance shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. ***An insurer that issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)]~~ Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

~~[(f)]~~ (e) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~]~~ ***October*** 1, ~~[~~2022,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 689B.0315 is hereby amended to read as follows:

689B.0315 1. An insurer that issues a policy of group health insurance shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the insurer; and

(b) Without prior authorization.

3. ***An insurer that issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)~~] Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

~~[(f)~~] (e) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~July~~]~~ ***October*** 1, ~~[~~2021,~~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[~~4.~~]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 689B.0316 is hereby amended to read as follows:

689B.0316 1. An insurer that offers or issues a policy of group health insurance shall include in the policy:

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***An insurer that offers or issues a policy of group health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)~~ ***Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or***

~~(f)~~ ***(e) Impose any other restrictions or delays on the access of an insured to any such benefit.***

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~]~~ ***October*** 1, ~~[~~2024,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 689B.0367 is hereby amended to read as follows:

689B.0367 1. A policy of group health insurance ~~[that provides coverage for the treatment of colorectal cancer]~~ must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. ***An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.***

3. An insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e)~~ ***Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or***

~~(f)~~ ***(e) Impose any other restrictions or delays on the access of an insured to any such benefit.***

4. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1,

~~[~~2003,~~]~~ ***2025,*** has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. ~~[~~NRS 689B.0374 is hereby amended to read as follows:

~~689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~***(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.***~~

~~2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost-sharing or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;~~

~~(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified policy of group health insurance with respect to the deductible of such a policy of group health insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified policy of group health insurance" means a policy of group health insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 689B.03766 is hereby amended to read as follows:~~

~~689B.03766 1. An insurer that offers or issues a policy of group health insurance [that includes coverage for maternity care] shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.~~

~~2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the policy of group health insurance.~~

~~3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.]~~ **(Deleted by amendment.)**

Sec. 27. NRS 689B.03785 is hereby amended to read as follows:

689B.03785 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[women]~~ ***insureds*** who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression ~~[,]~~ ***for insureds who are 12 years of age or older;***

(h) ***Screening for anxiety disorders;***

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(i) Smoking]~~

(j) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~—(j)]~~ ***(k)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(k)]~~ ***(l)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) ~~[Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~—(e)]~~ Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

~~[(f)]~~ ***(e)*** Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. NRS 689B.0675 is hereby amended to read as follows:

689B.0675 ***1.*** An insurer that issues a policy of group health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[~~gender identity or expression.~~]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[~~1.~~]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of group health insurance on the basis of ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person;

~~[~~2.~~]~~ ***(b)*** Imposing a payment or premium that is based on ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[~~3.~~]~~ ***(c)*** Designating ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[~~4.~~]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[~~gender identity or expression,~~]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[~~(a)~~]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[~~(b)~~]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 29. NRS 689B.520 is hereby amended to read as follows:

689B.520 1. ***An insurer that offers or issues a group health plan subject to the provisions of this chapter shall include in the plan coverage for maternity care and pediatric care for newborn infants.***

2. Except as otherwise provided in this subsection, a group health plan or coverage offered under group health insurance issued pursuant to this chapter ~~[~~that includes coverage for maternity care and pediatric care for newborn infants~~]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan or coverage to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the group health plan or health insurance coverage may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any group health plan or health insurance coverage in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

~~[2.]~~ ***3.*** Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

~~[3.]~~ ***4.*** A group health plan or coverage under group health insurance ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan ~~[or coverage]~~ if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) ~~[Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;~~

~~(d)]~~ Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

~~[(e)]~~ ***(d)*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[4.]~~ ***5.*** Nothing in this section:

(a) Prohibits a group health plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required

by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a group health plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a group health plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A group health plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 30. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 35, inclusive, of this act.

Sec. 31. ***1. A carrier that offers or issues a health benefit plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a carrier to make coverage available for a dependent of an adult child of an insured.

Sec. 32. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than 25 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of insureds who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age. ~~[; and~~

~~*(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]~~*

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 33. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for insureds who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;

(f) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;

(j) ~~[An annual screening for urinary incontinence for women;~~
~~(k)]~~ Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;

~~[(l)]~~ (k) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and

~~[(m)]~~ (l) Screening for osteoporosis for women who:

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 34. *1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. The benefits provided pursuant to paragraph (h) of subsection 1 are in addition to and separate from the benefits provided pursuant to NRS 689C.167.

3. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

4. Except as otherwise provided in subsection 6, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

6. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

7. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) ~~["Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.~~

~~(f)~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 35. *1. A health benefit plan must provide coverage for colorectal cancer screening in accordance with:*

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. A carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 36. NRS 689C.1653 is hereby amended to read as follows:

689C.1653 1. A carrier that offers or issues a health benefit plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***A carrier that offers or issues a health benefit plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 37. NRS 689C.1673 is hereby amended to read as follows:

689C.1673 1. A carrier that issues a health benefit plan shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. ***A carrier that issues a health benefit plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2022,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

[4.] *5.* As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. [NRS 689C.1674 is hereby amended to read as follows:

689C.1674 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for:

(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost sharing or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any

~~provision of the plan or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health benefit plan with respect to the deductible of such a health benefit plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified health benefit plan" means a health benefit plan that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.~~ **(Deleted by amendment.)**

Sec. 39. NRS 689C.1675 is hereby amended to read as follows:

689C.1675 1. A carrier that issues a health benefit plan shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the carrier; and

(b) Without prior authorization.

3. ***A carrier that issues a health benefit plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ ***October*** 1, ~~[2021,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[4.]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 40. NRS 689C.1678 is hereby amended to read as follows:

689C.1678 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[women]~~ ***insureds*** who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression ~~[,]~~ ***for insureds who are 12 years of age or older;***

(i) ***Screening for anxiety disorders;***

(j) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(j) Smoking]~~

(k) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~(k)]~~ ***(l)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(l)]~~ ***(m)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 41. NRS 689C.194 is hereby amended to read as follows:

689C.194 1. ***A carrier that offers or issues a health benefit plan subject to the provisions of this chapter shall include in the plan coverage for maternity care and pediatric care for newborn infants.***

2. Except as otherwise provided in this subsection, a health benefit plan issued pursuant to this chapter ~~[that includes coverage for maternity care and pediatric care for newborn infants]~~ may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health benefit plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health benefit plan in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

~~[2.]~~ ***3.*** Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

~~[3.]~~ ***4.*** A health benefit plan ~~[that offers coverage for maternity care and pediatric care of newborn infants]~~ may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

~~[4.]~~ ***5.*** Nothing in this section:

(a) Prohibits a health benefit plan or carrier from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health benefit plan or carrier and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a health benefit plan or carrier from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 42. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan ~~[that includes coverage for maternity care]~~ shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health benefit plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 43. NRS 689C.1975 is hereby amended to read as follows:

689C.1975 ***1.*** A carrier that issues a health benefit plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health benefit plan on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 44. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and sections 31 to 35, inclusive, of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 45. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 46 to 51, inclusive, of this act.

Sec. 46. ***1. A society that offers or issues a benefit contract which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a society to make coverage available for a dependent of an adult child of an insured.

Sec. 47. ***1. A society that offers or issues a benefit contract shall include in the benefit contract coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than 25 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of insureds who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age. ~~[; and~~

~~(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]~~

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 48. *1. A society that offers or issues a benefit contract shall include in the benefit contract coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for insureds who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;

(f) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;

(j) ~~[An annual screening for urinary incontinence for women;~~

~~(k)]~~ Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;

~~[(l)]~~ (k) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and

~~[(m)]~~ (l) Screening for osteoporosis for women who:

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 49. *1. A society that offers or issues a benefit contract shall include in the benefit contract coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ **in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;***

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(f) ~~["Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.~~

~~(g)]~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. *1. A benefit contract must provide coverage for colorectal cancer screening in accordance with:*

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. A society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the benefit contract that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 51. *1. A society that offers or issues a benefit contract subject to the provisions of this chapter shall include in the benefit contract coverage for maternity care and pediatric care for newborn infants.*

2. Except as otherwise provided in this subsection, a benefit contract issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the benefit contract to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ *If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the benefit contract may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any benefit contract in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.*

3. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

4. A benefit contract may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the contract if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a society from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the benefit contract, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a society and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a society from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 52. NRS 695A.1844 is hereby amended to read as follows:

695A.1844 1. A society that offers or issues a benefit contract shall include in the contract:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***A society that offers or issues a benefit contract shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. NRS 695A.1853 is hereby amended to read as follows:

695A.1853 1. A society that issues a benefit contract shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. ***A society that issues a benefit contract shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~]~~ ***October*** 1, ~~[~~2022,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 54. ~~[NRS 695A.1855 is hereby amended to read as follows:~~

~~695A.1855 1. A benefit contract must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~*(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.*~~

~~2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.~~

~~3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost-sharing or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;~~

~~(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified benefit contract with respect to the deductible of such a benefit contract after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified benefit contract" means a benefit contract that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.~~] **(Deleted by amendment.)**

Sec. 55. NRS 695A.1856 is hereby amended to read as follows:

695A.1856 1. A society that issues a benefit contract shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the society; and

(b) Without prior authorization.

3. ***A society that issues a benefit contract shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the benefit contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~

October 1, ~~[~~2021,~~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

~~[~~4.~~]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 56. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract ~~[~~~~that includes coverage for maternity care~~]~~ shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 57. NRS 695A.1875 is hereby amended to read as follows:

695A.1875 1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[~~~~women~~]~~ ***insureds*** who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression ~~[~~~~,~~]~~ ***for insureds who are 12 years of age or older;***

(i) ***Screening for anxiety disorders;***

(j) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(j) Smoking]~~

(k) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~(k)]~~ ***(l)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(l)]~~ ***(m)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. NRS 695A.198 is hereby amended to read as follows:

695A.198 ***1.*** A society that issues a benefit contract shall not discriminate against any person with respect to participation or coverage under the contract on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a benefit contract on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the contract for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 59. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 60 to 64, inclusive, of this act.

Sec. 60. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a hospital or medical services corporation to make coverage available for a dependent of an adult child of an insured.

Sec. 61. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than 25 years of age ~~***[and have fair skin types]***~~ ***and the parents or legal guardians of insureds who are less than 18 years of age*** ~~***[and have fair skin types]***~~ ***for the purpose of minimizing the risk of skin cancer in those persons;***

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age ~~***. [; and***~~

~~***(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]***~~

2. A hospital or medical services corporation must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

3. Except as otherwise provided in subsection 5, a hospital or medical services corporation that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a hospital or medical services corporation may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 62. *1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for insureds who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;

(f) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;

(j) ~~*[An annual screening for urinary incontinence for women;*~~

~~*(k)]*~~ *Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;*

~~*[(l)]*~~ *(k) Counseling relating to maintaining a healthy weight for women who are 40 but not more than 60 years of age and have a body mass index greater than 18.5; and*

~~*[(m)]*~~ *(l) Screening for osteoporosis for women who:*

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. A hospital or medical services corporation must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

3. Except as otherwise provided in subsection 5, hospital or medical services corporation that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a hospital or medical services corporation may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. *1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. A hospital or medical services corporation must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

3. Except as otherwise provided in subsection 5, a hospital or medical services corporation that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain

any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a hospital or medical services corporation may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(f) ~~["Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.~~

~~(g)~~ *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 64. *1. A hospital or medical services corporation that offers or issues a policy of health insurance subject to the provisions of this chapter shall include in the policy coverage for maternity care and pediatric care for newborn infants.*

2. Except as otherwise provided in this subsection, a policy of health insurance issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the policy to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the policy of health insurance may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any policy of health insurance in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

3. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

4. A policy of health insurance may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the policy if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section

in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a hospital or medical services corporation from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the policy, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a hospital or medical services corporation and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a hospital or medical services corporation from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 65. NRS 695B.1907 is hereby amended to read as follows:

695B.1907 1. A policy of health insurance issued by a hospital or medical service corporation ~~[that provides coverage for the treatment of colorectal cancer]~~ must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. ***A hospital or medical services corporation must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.***

3. A hospital or medical services corporation that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, ~~[~~2003,~~]~~ ***2025,*** has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 695B.1911 is hereby amended to read as follows:

695B.1911 1. A hospital or medical services corporation that issues a policy of health insurance shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

3. ***A hospital or medical services corporation that issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~]~~ ***October*** 1, ~~[~~2022,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 67. ~~[~~NRS 695B.1912 is hereby amended to read as follows:

~~695B.1912 1. An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~***(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.***~~

~~2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost-sharing or require a longer waiting period or other condition to obtain any benefit provided in a contract for hospital or medical service pursuant to subsection 1;~~

~~(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~4. A contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified contract for hospital or medical service with respect to the deductible of such a contract for hospital or medical service after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified contract for hospital or medical service" means a contract for hospital or medical service that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.~~] **(Deleted by amendment.)**

Sec. 68. NRS 695B.1913 is hereby amended to read as follows:

695B.1913 1. A hospital or medical services corporation that issues a policy of health insurance shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the hospital or medical services corporation; and

(b) Without prior authorization.

3. ***A hospital or medical services corporation that issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ ***October*** 1, ~~[2021,]~~ ***2025,*** has the legal effect of including the coverage required by

subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[4.]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 69. NRS 695B.19195 is hereby amended to read as follows:

695B.19195 1. An insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[women]~~ ***insureds*** who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression ~~[,]~~ ***for insureds who are 12 years of age or older;***

(h) ***Screening for anxiety disorders;***

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(i) Smoking]~~

(j) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~(j)~~ ***(k)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~(k)~~ ***(l)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~,~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~January~~ ***October*** 1, ~~2018,~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 70. NRS 695B.1926 is hereby amended to read as follows:

695B.1926 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***A hospital or medical services corporation that offers or issues a policy of health insurance shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 71. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services ~~[that includes coverage for maternity care]~~ shall not deny,

limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 72. NRS 695B.3167 is hereby amended to read as follows:

695B.3167 ***1.*** A hospital or medical services corporation that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 73. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 74 to 78, inclusive, of this act.

Sec. 74. ***1. A health maintenance organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an enrollee until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a health maintenance organization to make coverage available for a dependent of an adult child of an enrollee.

Sec. 75. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Screening for anxiety for enrollees who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for enrollees who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for enrollees who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for enrollees who are less than 5 years of age;

(e) Oral fluoride supplements for enrollees who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for enrollees who are less than 25 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of enrollees who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for enrollees who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for enrollees who are at least 3 but not more than 5 years of age . ~~[; and~~

~~(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for enrollees who are less than 18 years of age.]~~

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 76. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for enrollees who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for enrollees who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for enrollees who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for enrollees who are pregnant;

(f) Counseling for enrollees who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an enrollee who is pregnant during the enrollee's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for enrollees who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for enrollees who are pregnant;

(j) ~~[An annual screening for urinary incontinence for women;~~

~~(k)]~~ Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for enrollees who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;

~~[(l)]~~ (k) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and

~~[(m)]~~ (l) Screening for osteoporosis for women who:

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 77. *1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for enrollees with cardiovascular risk factors;

(b) Statin preventive medication for enrollees who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for enrollees who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in enrollees with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for enrollees who are 18 years of age or older;

(h) If an enrollee engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for enrollees who are at least 50 but not more than 80 years of age ~~[and:~~

~~(1) Have a smoking history of 20 pack-years;~~

~~(2) Smoke or have stopped smoking within the immediately preceding 15 years; and~~

~~(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;~~] in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;

(j) Screening for prediabetes and type 2 diabetes in enrollees who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for enrollees who are 18 years of age or older and have a body mass index of 30 or greater.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the

legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(f) ~~["Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.~~

~~(g)]~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 78. *1. A health maintenance organization that offers or issues a health care plan subject to the provisions of this chapter shall include in the health care plan coverage for maternity care and pediatric care for newborn infants.*

2. Except as otherwise provided in this subsection, a health care plan issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to

discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

3. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

4. A health care plan may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a health maintenance organization from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a health maintenance organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a health maintenance organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 79. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and sections 74 to 78, inclusive, of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal

corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 80. NRS 695C.1698 is hereby amended to read as follows:

695C.1698 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[women]~~ ***enrollees*** who are at increased risk for such diseases;

(d) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(e) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(f) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(g) Screening for depression ~~[,]~~ ***for enrollees who are 12 years of age or older;***

(h) ***Screening for anxiety disorders;***

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the enrollee or as ordered by a provider of health care;

~~[(i) Smoking]~~

(j) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an enrollee who is 18 years of age or older ***:*** ~~[not more than two cessation attempts per year and four counseling sessions per year;~~

~~(j)]~~ ***(k)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(k)]~~ ***(l)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the

health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 81. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan ~~[that includes coverage for maternity care]~~ shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 82. NRS 695C.1731 is hereby amended to read as follows:

695C.1731 1. A health care plan issued by a health maintenance organization ~~[that provides coverage for the treatment of colorectal cancer]~~ must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. ***A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.***

3. A health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, ~~[~~2003,~~]~~ ***2025,*** has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 83. NRS 695C.17347 is hereby amended to read as follows:

695C.17347 1. A health maintenance organization that issues a health care plan shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. ***A health maintenance organization that issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~January~~]~~ ***October*** 1, ~~[~~2022,~~]~~ ***2025,*** has the legal effect of including the coverage required

by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[4.]~~ ***5.*** As used in this section:

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 84. ~~[NRS 695C.1735 is hereby amended to read as follows:~~

~~695C.1735 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for enrollees who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the enrollee.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~*(d) Medication to prevent breast cancer for enrollees who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.*~~

~~2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.~~

~~3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an enrollee to pay a deductible, copayment, coinsurance or any other form of cost-sharing or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;~~

~~(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;~~

~~(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or~~

~~(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.~~

~~4. A health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an enrollee pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the enrollee has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified health care plan" means a health care plan of a health maintenance organization that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.]~~

(Deleted by amendment.)

Sec. 85. NRS 695C.1736 is hereby amended to read as follows:

695C.1736 1. A health maintenance organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. ***A health maintenance organization that offers or issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 86. NRS 695C.1737 is hereby amended to read as follows:

695C.1737 1. A health maintenance organization that issues a health care plan shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the enrollee by a provider of health care, facility or medical laboratory that participates in the network plan of the health maintenance organization; and

(b) Without prior authorization.

3. ***A health maintenance organization that issues a health care plan shall not:***

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~July~]~~ ***October*** 1, ~~[~~2021,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 87. NRS 695C.204 is hereby amended to read as follows:

695C.204 ***1.*** A health maintenance organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[~~gender identity or expression.~]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[~~1.~]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of ~~[~~the~]~~ ***an*** actual or perceived ~~[~~gender identity or

~~expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an enrollee or a family member of the enrollee;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 88. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and sections 74 to 78, inclusive, of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 89. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 90 to 94, inclusive, of this act.

Sec. 90. ***1. A managed care organization that offers or issues a health care plan which provides coverage for dependent children shall continue to make such coverage available for an adult child of an insured until such child reaches 26 years of age.***

2. Nothing in this section shall be construed as requiring a managed care organization to make coverage available for a dependent of an adult child of an insured.

Sec. 91. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) Screening for anxiety for insureds who are at least 8 but not more than 18 years of age;

(b) Assessments relating to height, weight, body mass index and medical history for insureds who are less than 18 years of age;

(c) Comprehensive and intensive behavioral interventions for insureds who are at least 12 but not more than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(d) The application of fluoride varnish to the primary teeth for insureds who are less than 5 years of age;

(e) Oral fluoride supplements for insureds who are at least 6 months of age but less than 5 years of age and whose supply of water is deficient in fluoride;

(f) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for insureds who are less than 25 years of age ~~[and have fair skin types]~~ and the parents or legal guardians of insureds who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(g) Brief behavioral counseling and interventions to prevent tobacco use for insureds who are less than 18 years of age; and

(h) At least one screening for the detection of amblyopia or the risk factors of amblyopia for insureds who are at least 3 but not more than 5 years of age . ~~[; and~~

~~(i) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are less than 18 years of age.]~~

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 92. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for insureds who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for insureds who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for insureds who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for insureds who are pregnant;

(f) Counseling for insureds who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of an insured who is pregnant during the insured's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for insureds who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for insureds who are pregnant;

(j) ~~[An annual screening for urinary incontinence for women;~~

~~(k)]~~ Screening for type 2 diabetes at such intervals as recommended by the Health Resources and Services Administration on January 1, 2025, for insureds who are in the postpartum stage of pregnancy and who have a history of gestational diabetes mellitus;

~~[(l)]~~ (k) Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index greater than 18.5; and

~~[(m)]~~ (l) Screening for osteoporosis for women who:

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 93. *1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:*

(a) Behavioral counseling and interventions to promote physical activity and a healthy diet for insureds with cardiovascular risk factors;

(b) Statin preventive medication for insureds who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for insureds who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in insureds with an increased risk of contracting tuberculosis;

(e) Screening for hypertension;

(f) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(g) Screening for drug and alcohol misuse for insureds who are 18 years of age or older;

(h) If an insured engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (g), behavioral counseling to reduce such behavior;

(i) Screening for lung cancer using low-dose computed tomography for insureds who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(j) Screening for prediabetes and type 2 diabetes in insureds who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater; and

(k) Intensive behavioral interventions with multiple components for insureds who are 18 years of age or older and have a body mass index of 30 or greater.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the

legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(d) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(e) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(f) ~~[~~"Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.

~~(g)]~~ "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 94. *1. A managed care organization that offers or issues a health care plan subject to the provisions of this chapter shall include in the health care plan coverage for maternity care and pediatric care for newborn infants.*

2. Except as otherwise provided in this subsection, a health care plan issued pursuant to this chapter may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant covered by the plan to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, the health care plan may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply to any health care plan in any case in which the decision to

discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

3. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

4. A health care plan may not:

(a) Deny a pregnant or postpartum individual or the newborn infant coverage or continued coverage under the terms of the plan if the sole purpose of the denial of coverage or continued coverage is to avoid the requirements of this section;

(b) Provide monetary payments or rebates to a pregnant or postpartum individual to encourage the individual to accept less than the minimum protection available pursuant to this section;

(c) Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care because the attending provider of health care provided care to a pregnant or postpartum individual or newborn infant in accordance with the provisions of this section;

(d) Provide incentives of any kind to an attending physician to induce the attending physician to provide care to a pregnant or postpartum individual or newborn infant in a manner that is inconsistent with the provisions of this section; or

(e) Except as otherwise provided in subsection 5, restrict benefits for any portion of a hospital stay required pursuant to the provisions of this section in a manner that is less favorable than the benefits provided for any preceding portion of that stay.

5. Nothing in this section:

(a) Prohibits a managed care organization from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child covered by the plan, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between a managed care organization and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents a managed care organization from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

6. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2025, has the legal effect of including the coverage required by this section, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 95. NRS 695G.168 is hereby amended to read as follows:

695G.168 1. A health care plan issued by a managed care organization ~~[that provides coverage for the treatment of colorectal cancer]~~ must provide coverage for colorectal cancer screening in accordance with:

(a) The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or

(b) Other guidelines or reports concerning colorectal cancer screening which are published by nationally recognized professional organizations and which include current or prevailing supporting scientific data.

2. ***A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.***

3. A managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. An evidence of coverage for a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***October*** 1, ~~[2003,]~~ ***2025,*** has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage that conflicts with the provisions of this section is void.

5. As used in this section:

(a) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers of health care under contract

with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 96. NRS 695G.1707 is hereby amended to read as follows:

695G.1707 1. A managed care organization that offers or issues a health care plan shall include in the plan:

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. ***A managed care organization that offers or issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2024,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 97. NRS 695G.1712 is hereby amended to read as follows:

695G.1712 1. A managed care organization that issues a health care plan shall provide coverage for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. ***A managed care organization that issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2022,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[4.]~~ ***5.*** As used in this section:

(a) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 98. ~~[NRS 695G.1713 is hereby amended to read as follows:~~

~~695G.1713 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for:~~

~~(a) A mammogram to screen for breast cancer annually for insureds who are 40 years of age or older.~~

~~(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.~~

~~(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:~~

~~(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or~~

~~(2) Detected by other means of examination.~~

~~***(d) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.***~~

~~2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.~~

~~3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:~~

~~(a) Except as otherwise provided in subsection 6, require an insured to pay a deductible, copayment, coinsurance or any other form of cost sharing or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;~~

~~(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;~~

~~(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;~~

~~(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;~~

~~(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or~~

~~(f) Impose any other restrictions or delays on the access of an insured to any such benefit.~~

~~4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [January] *October* 1, [2024,] *2025,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.~~

~~5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.~~

~~6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified health care plan with respect to the deductible of such a health care plan after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive~~

~~care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.~~

~~7. As used in this section:~~

~~(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.~~

~~(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.~~

~~(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~

~~(d) "Qualified health care plan" means a health care plan issued by a managed care organization that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.~~] **(Deleted by amendment.)**

Sec. 99. NRS 695G.1714 is hereby amended to read as follows:

695G.1714 1. A managed care organization that issues a health care plan shall provide coverage for the examination of a person who is pregnant for the discovery of:

(a) Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

(b) Syphilis in accordance with NRS 442.010.

(c) Human immunodeficiency virus.

2. The coverage required by this section must be provided:

(a) Regardless of whether the benefits are provided to the insured by a provider of health care, facility or medical laboratory that participates in the network plan of the managed care organization; and

(b) Without prior authorization.

3. ***A managed care organization that issues a health care plan shall not:***

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~July~]~~ ***October*** 1, ~~[~~2021,~]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[~~4.~]~~ ***5.*** As used in this section:

(a) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 100. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan ~~[~~that includes coverage for maternity care~]~~ shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 101. NRS 695G.1717 is hereby amended to read as follows:

695G.1717 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active ~~[~~women~]~~ ***insureds*** who are at increased risk for such diseases;

(d) Hormone replacement therapy;

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression ~~[,]~~ ***for insureds who are 12 years of age or older;***

(i) ***Screening for anxiety disorders;***

(j) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

~~[(j) Smoking]~~

(k) Tobacco cessation programs ***, including, without limitation, pharmacotherapy approved by the United States Food and Drug Administration,*** for an insured who is 18 years of age or older ***;*** ~~[consisting of not more than two cessation attempts per year and four counseling sessions per year;~~

~~(k)]~~ ***(l)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(l)]~~ ***(m)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[,]~~ ***on January 1, 2025,*** which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[January]~~ ***October*** 1, ~~[2018,]~~ ***2025,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 102. NRS 695G.415 is hereby amended to read as follows:

695G.415 ***1.*** A managed care organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2.]~~ ***(b)*** Imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 103. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 109 to 112, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 104. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident

of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 ***,*** ~~[and]~~ 689B.500 ***and 689B.520 and sections 17 to 20, inclusive, of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS ***689B.0314, 689B.0315, 689B.0316, 689B.0367,*** 689B.0378, 689B.03785 ~~[and]~~ ***, 689B.0675,*** 689B.500 ***and 689B.520 and sections 17 to 20, inclusive, of this act*** only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 105. NRS 287.0273 is hereby amended to read as follows:

287.0273 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for benefits payable for expenses incurred for ~~[(a)]~~ ***:***

(a) A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older ~~[.]~~ ***; and***

(b) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from the mammogram described in paragraph (a) or the imaging test described in this paragraph ; ~~[(b);]~~ or

(2) Detected by other means of examination . ~~[; and~~

~~(c) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.]~~

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

3. Except as otherwise provided in subsection 5, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not:

(a) Except as otherwise provided in subsection 6, require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 106. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665 ~~[, 695G.167, 695G.1675, 695G.170]~~ to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, ***and sections 90 to 94, inclusive, of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 107. NRS 287.04337 is hereby amended to read as follows:

287.04337 1. If the Board provides health insurance through a plan of self-insurance, it shall provide coverage for benefits payable for expenses incurred for ~~[~~a~~]~~ ***:***

(a) A mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older ~~[.]~~ ***; and***

(b) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from the mammogram described in paragraph (a) or the imaging test described in this paragraph ~~(b);~~ or

(2) Detected by other means of examination . ~~; and~~

~~(c) Medication to prevent breast cancer for insureds who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.~~]

2. If the Board provides health insurance through a plan of self-insurance, it must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the Board.

3. Except as otherwise provided in subsection 5, if the Board provides health insurance through a plan of self-insurance, it shall not:

(a) Except as otherwise provided in subsection 6, require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, if the Board provides health insurance through a plan of self-insurance, the Board may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. If the application of paragraph (a) of subsection 3 would result in the ineligibility of a health savings account of an insured pursuant to 26 U.S.C. § 223, the prohibitions of paragraph (a) of subsection 3 shall apply only for a qualified plan of self-insurance with respect to the deductible of such a plan of self-insurance after the insured has satisfied the minimum deductible pursuant to 26 U.S.C. § 223, except with respect to items or services that constitute preventive care pursuant to 26 U.S.C. § 223(c)(2)(C), in which case the prohibitions of paragraph (a) of subsection 3 shall apply regardless of whether the minimum deductible under 26 U.S.C. § 223 has been satisfied.

7. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the Board under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the Board. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Qualified plan of self-insurance" means a plan of self-insurance that has a high deductible and is in compliance with 26 U.S.C. § 223 for the purposes of establishing a health savings account.

Sec. 108. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 109 to 112, inclusive, of this act.

Sec. 109. *1. The Director shall include under Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Screening for major depressive disorder for recipients of Medicaid who are at least 12 but less than 18 years of age;

(b) Screening for anxiety for recipients of Medicaid who are at least 8 but less than 18 years of age;

(c) Assessments relating to height, weight, body mass index and medical history for recipients of Medicaid who are less than 18 years of age;

(d) Comprehensive and intensive behavioral interventions for recipients of Medicaid who are at least 6 but less than 18 years of age and have a body mass index in the 95th percentile or greater for persons of the same age and sex;

(e) The application of fluoride varnish to the primary teeth for recipients of Medicaid who are less than 5 years of age;

(f) Oral fluoride supplements for recipients of Medicaid who are at least 6 months of age but less than 5 years of age whose supply of water is deficient in fluoride;

(g) Counseling and education pertaining to the minimization of exposure to ultraviolet radiation for recipients of Medicaid who are less than 25 years of age ~~[who have fair skin types]~~ and the parents or legal guardians of recipients of Medicaid who are less than 18 years of age ~~[and have fair skin types]~~ for the purpose of minimizing the risk of skin cancer in those persons;

(h) Brief behavioral counseling and interventions prevent tobacco use for recipients of Medicaid who are less than 18 years of age; and

(i) At least one screening for the detection of amblyopia or the risk factors of amblyopia for recipients of Medicaid who are at least 3 but not more than 5 years of age . ~~[; and~~

~~(j) Screening, tests and counseling for such other health conditions and diseases as recommended by the Health Resources and Services Administration on January 1, 2025, for recipients of Medicaid who are less than 18 years of age.]~~

2. To obtain any benefit provided under Medicaid pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 110. *1. The Director shall include under Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) A daily dose of 0.4 to 0.8 milligrams of folic acid for recipients of Medicaid who are pregnant or are planning on becoming pregnant;

(b) A low dose of aspirin for the prevention of preeclampsia for recipients of Medicaid who are determined to be at a high risk of that condition after 12 weeks of gestation;

(c) Prophylactic ocular tubal medication for the prevention of gonococcal ophthalmia in newborns;

(d) Screening for asymptomatic bacteriuria for recipients of Medicaid who are pregnant;

(e) Counseling and behavioral interventions relating to the promotion of healthy weight gain and the prevention of excessive weight gain for recipients of Medicaid who are pregnant;

(f) Counseling for recipients of Medicaid who are pregnant or in the postpartum stage of pregnancy and have an increased risk of perinatal or postpartum depression;

(g) Screening for the presence of the rhesus D antigen and antibodies in the blood of a recipient of Medicaid who is pregnant during the recipient's first visit for care relating to the pregnancy;

(h) Screening for rhesus D antibodies between 24 and 28 weeks of gestation for recipients of Medicaid who are negative for the rhesus D antigen and have not been exposed to blood that is positive for the rhesus D antigen;

(i) Behavioral counseling and intervention for tobacco cessation for recipients of Medicaid who are pregnant;

(j) Screening for diabetes after at least 24 weeks of gestation or as ordered by a provider of health care;

(k) ~~*[An annual screening for urinary incontinence for women;*~~

~~*(l)]*~~ *Counseling relating to maintaining a healthy weight for women who are at least 40 but not more than 60 years of age and have a body mass index of 18.5 or greater; and*

~~*[(m)]*~~ *(l) Screening for osteoporosis for women who:*

(1) Are 65 years of age or older; or

(2) Are less than 65 years of age and have a risk of fracturing a bone equal to or greater than that of a woman who is 65 years of age without any additional risk factors.

2. To obtain any benefit provided under Medicaid pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 111. *1. The Director shall include under Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:*

(a) Behavioral counseling and interventions to promote physical activity and a heathy diet for recipients of Medicaid with cardiovascular risk factors;

(b) Statin preventive medication for recipients of Medicaid who are at least 40 but not more than 75 years of age and do not have a history of cardiovascular disease, but who have:

(1) One or more risk factors for cardiovascular disease; and

(2) A calculated risk of at least 10 percent of acquiring cardiovascular disease within the next 10 years;

(c) Interventions for exercise to prevent falls for recipients of Medicaid who are 65 years of age or older and reside in a medical facility or facility for the dependent;

(d) Screenings for latent tuberculosis infection in recipients of Medicaid with an increased risk of contracting tuberculosis;

(e) One abdominal aortic screening by ultrasound to detect abdominal aortic aneurysms for men who are at least 65 but not more than 75 years of age and have smoked during their lifetimes;

(f) Screening for drug and alcohol misuse for persons who are at least 18 years of age;

(g) If a recipient of Medicaid engages in risky or hazardous consumption of alcohol, as determined by the screening described in paragraph (f), behavioral counseling to reduce such behavior;

(h) Screening for lung cancer using low-dose computed tomography for recipients of Medicaid who are at least 50 but not more than 80 years of age ~~[and:~~

~~*(1) Have a smoking history of 20 pack-years;*~~

~~*(2) Smoke or have stopped smoking within the immediately preceding 15 years; and*~~

~~*(3) Do not suffer from a health problem that substantially limits the life expectancy of the person or the willingness of the person to undergo curative surgery;]~~ in accordance with the most recent guidelines published by the American Cancer Society or the recommendations of the United States Preventive Services Task Force in effect on January 1, 2025;*

(i) Screening for colorectal cancer for persons who are at least 45 but not more than 85 years of age; and

(j) Intensive behavioral interventions with multiple components for recipients of Medicaid who are 18 years of age or older and have a body mass index of 30 or greater.

2. To obtain any benefit provided under Medicaid pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

4. As used in this section:

(a) "Computed tomography" means the process of producing sectional and three-dimensional images using external ionizing radiation.

(b) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

~~[(d) "Pack-year" means the product of the number of packs of cigarettes smoked per day and the number of years that the person has smoked.]~~

Sec. 112. *1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for maternity care and pediatric care for newborn infants.*

2. Except as otherwise provided in this subsection, Medicaid may not restrict benefits for any length of stay in a hospital in connection with childbirth for a pregnant or postpartum individual or newborn infant who is a recipient of Medicaid to:

(a) Less than 48 hours after a normal vaginal delivery; and

(b) Less than 96 hours after a cesarean section.

➥ If a different length of stay is provided in the guidelines established by the American College of Obstetricians and Gynecologists, or its successor organization, and the American Academy of Pediatrics, or its successor organization, Medicaid may follow such guidelines in lieu of following the length of stay set forth above. The provisions of this subsection do not apply in any case in which the decision to discharge the pregnant or postpartum individual or newborn infant before the expiration of the minimum length of stay set forth in this subsection is made by the attending physician of the pregnant or postpartum individual or newborn infant.

3. Nothing in this section requires a pregnant or postpartum individual to:

(a) Deliver the baby in a hospital; or

(b) Stay in a hospital for a fixed period following the birth of the child.

4. Nothing in this section:

(a) Prohibits Medicaid from imposing a deductible, coinsurance or other mechanism for sharing costs relating to benefits for hospital stays in connection with childbirth for a pregnant or postpartum individual or newborn child who is a recipient of Medicaid, except that such coinsurance or other mechanism for sharing costs for any portion of a hospital stay

required by this section may not be greater than the coinsurance or other mechanism for any preceding portion of that stay.

(b) Prohibits an arrangement for payment between the Department and a provider of health care that uses capitation or other financial incentives, if the arrangement is designed to provide services efficiently and consistently in the best interest of the pregnant or postpartum individual and the newborn infant.

(c) Prevents the Department from negotiating with a provider of health care concerning the level and type of reimbursement to be provided in accordance with this section.

Sec. 113. NRS 422.2701 is hereby amended to read as follows:

422.2701 ***1.*** The Department shall not discriminate against any person with respect to participation or coverage under Medicaid on the basis of ***an*** actual or perceived ~~[~~gender identity or expression.~~]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[~~1.~~]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue a payment or coverage on the basis of ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person;

~~[~~2.~~]~~ ***(b)*** Imposing a payment that is based on ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a recipient of Medicaid or a family member of the recipient;

~~[~~3.~~]~~ ***(c)*** Designating ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[~~4.~~]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[~~gender identity or expression,~~]~~ ***protected characteristic,*** including, without limitation, by limiting or denying payment or coverage for health care services that are:

~~[~~(a)~~]~~ ***(1)*** Related to gender transition, provided that there is coverage under Medicaid for the services when the services are not related to gender transition; or

~~[~~(b)~~]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 114. NRS 422.27173 is hereby amended to read as follows:

422.27173 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for:

~~[~~1.~~]~~ ***(a)*** Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for

all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:

~~[(a)]~~ ***(1)*** Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~[(b)]~~ ***(2)*** Syphilis in accordance with NRS 442.010.

~~[2.]~~ ***(3) Human immunodeficiency virus.***

(b) Condoms for recipients of Medicaid.

2. To obtain any benefit provided pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 115. NRS 422.27174 is hereby amended to read as follows:

422.27174 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Counseling and support for breastfeeding;

(b) Screening and counseling for interpersonal and domestic violence;

(c) Counseling for sexually transmitted diseases;

(d) Screening for blood pressure abnormalities and diabetes, including gestational diabetes;

(e) ***Screening for prediabetes in recipients of Medicaid who are at least 35 but not more than 70 years of age and have a body mass index of 25 or greater;***

(f) An annual screening for cervical cancer;

~~[(f)]~~ ***(g)*** Screening for ***anxiety and*** depression;

~~[(g)]~~ ***(h)*** Screening and counseling for the human immunodeficiency virus;

~~[(h)]~~ ***(i)*** Smoking cessation programs;

~~[(i)]~~ ***(j)*** All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

~~[(j)]~~ ***(k)*** Such well-woman preventative visits as recommended by the Health Resources and Services Administration ~~[.]~~ ***on January 1, 2025, and any additional well-woman preventative visits that may be so recommended thereafter.***

2. To obtain any benefit provided in the Plan pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible ~~[,]~~ ***or*** any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 116. NRS 422.27175 is hereby amended to read as follows:

422.27175 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, must pay the nonfederal share of expenditures incurred for screening, genetic counseling and testing for harmful mutations in the BRCA gene for women under

circumstances where such screening, genetic counseling or testing, as applicable, is required by NRS 457.301.

2. To obtain any benefit provided pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 117. NRS 422.27176 is hereby amended to read as follows:

422.27176 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for a ~~***[***~~***:***

~~***(a) A]***~~ mammogram ~~***.***~~ ~~***[; and***~~

~~***(b) Medication to prevent breast cancer for women who are at a high risk of developing breast cancer and have a low risk of adverse side effects from the medication.]***~~

2. To obtain any benefit provided pursuant to subsection 1, a recipient of Medicaid must not be required to:

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

Sec. 118. NRS 422.27179 is hereby amended to read as follows:

422.27179 1. To the extent that money is available, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Supplies for breastfeeding a child until the child's first birthday. Such supplies include, without limitation, electric or hospital-grade breast pumps that:

(1) Have been prescribed or ordered by a qualified provider of health care; and

(2) Are medically necessary for the mother or the child.

(b) Such prenatal screenings and tests as are recommended by the American College of Obstetricians and Gynecologists, or its successor organization.

2. The Director shall include in the State Plan for Medicaid a requirement that, to the extent that money and federal financial participation are available, the State must pay the nonfederal share of expenditures incurred for lactation consultation and support.

3. ***To obtain any benefit provided pursuant to subsection 1, a recipient of Medicaid must not be required to:***

(a) Pay a higher deductible or any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

4. As used in this section:

(a) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 119. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall not discriminate in the provision of services to a person seeking to receive or receiving services from the provider of health care based wholly or partially on the actual or perceived:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression of the person or a person with whom the person associates; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

2. A health care licensing board may adopt regulations prescribing the specific types of discrimination prohibited by subsection 1.

3. A provider of health care who violates any provision of this section or any regulation adopted pursuant thereto is guilty of unprofessional conduct and is subject to disciplinary action by the health care licensing board by which he or she is licensed, certified or regulated.

4. The provisions of this section shall not be construed to:

(a) Require a provider of health care to take or refrain from taking any action in violation of medical standards; or

(b) Prohibit a provider of health care from adopting a policy that is applied uniformly and in a nondiscriminatory manner.

5. As used in this section, "health care licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 634B, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.

Sec. 120. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 121. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 120, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 169, 254, 264, 297, 326, 395, 413, 432, 444, 515, and 522 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 497 be taken from the Chief Clerk's Desk and be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 385.

AN ACT relating to campaign finance; authorizing a committee for political action to use money in its campaign finance account for certain purposes; clarifying that nonprofit organizations or corporations are not a committee for political action for purposes of campaign finance requirements; revising provisions relating to the disposal of unspent campaign contributions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every committee for political action to, not later than 1 week after receiving contributions the sum of which, in the aggregate is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. (NRS 294A.130) **Section 1** of this bill authorizes a committee for political action to use money in the account for certain purposes.

Section 2 of this bill revises the definition of a "committee for political action" to exclude from the definition any nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States.

Existing law governs the disposition of unspent campaign contributions by a candidate or former public officer. Under existing law, a candidate who is elected to office may use unspent contributions in the candidate's next election, but a candidate who is defeated is required to dispose of unspent contributions. (NRS 294A.160) **Section 3** of this bill authorizes a candidate who is defeated to use unspent contributions in the candidate's next election. If, within 4 years, such a candidate doesn't file a declaration of candidacy or appear on an official ballot at any election, **section 3** requires the defeated candidate to dispose of unspent contributions.

Existing law authorizes certain former public officers who resigned or did not run for reelection to use unspent contributions in a future election. In such a circumstance, existing law requires such unspent contributions to be disposed of within 4 years if the former public officer does not file a declaration of candidacy or appear on the ballot. (NRS 294A.160) **Section 3** of this bill instead requires any former public officer to dispose of unspent contributions not later than ~~[the 15th day of the second month]~~ **15 days** after **the 4-year period immediately following** leaving office.

Section 4 of this bill requires any candidate who was defeated and any former officer who resigned or did not run for reelection who have unspent contributions, and for whom the time period in which he or she

is required to dispose of such contributions has yet to expire, to dispose of such contributions not later than 4 years from the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

A committee for political action may use money in the separate account opened and maintained pursuant to subsection 3 of NRS 294A.130 to:

1. Subject to the limitations set forth in NRS 294A.100, make a contribution to a candidate;

2. Make a contribution to a legal defense fund;

3. Make a contribution to a nonprofit corporation;

4. Make a contribution to another committee for political action;

5. Make a contribution to a committee for the recall of a public officer;

6. Make a contribution to a political party or a committee sponsored by a political party; or

7. Make any expenditure, including, without limitation, an independent expenditure.

Sec. 2. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) Any business or social organization, corporation, partnership, association, trust, unincorporated organization or labor union:

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes independent expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) Except as otherwise provided in paragraph (b) of subsection 1, an individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) Except as otherwise provided in paragraph (b) of subsection 1, a labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

(i) Any nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States.

Sec. 3. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in ~~[subsection 5,]~~ ***this section,*** every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy ~~[,]~~ ***or*** is removed from the ballot by court order ~~[or is defeated for or otherwise not elected to that office]~~ and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

7. Except ~~[for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a]~~ ***as otherwise provided in this***

subsection, every candidate ~~[by receiving one or more qualifying contributions in excess of $100 but who,]~~ ***who appears on the ballot but is defeated at a primary election or general election may use unspent contributions in the candidate's next election. Such a candidate is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the candidate has unspent contributions. If,*** within 4 years ~~[after the date of receiving the first of those qualifying contributions,]~~ ***, the candidate*** does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ ***the candidate*** shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. ~~[Except as otherwise provided in subsection 9, every]~~ ***Every former*** public officer who ~~[:~~

~~(a) Does not run for reelection to the office which he or she holds;~~

~~(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has]~~ ***has*** contributions that are not spent or committed for expenditure remaining from a previous election ~~[,~~

➥~~]~~ shall, not later than ~~[the 15th day of the second month]~~ ***15 days*** after ~~[the expiration of the public officer's term of]~~ ***the 4-year period immediately following leaving*** office, dispose of those contributions in the manner provided in subsection 4.

9. ~~[Every public officer who:~~

~~(a) Resigns from his or her office;~~

~~(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,~~

~~➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.~~

~~10. Except as otherwise provided in subsection 11, every public officer who:~~

~~(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;~~

~~(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,~~

~~➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a~~

~~candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.~~

~~— 11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:~~

~~— (a) File a declaration of candidacy; or~~

~~— (b) Appear on an official ballot at any election,~~

~~➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.~~

~~— 12.]~~ In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[13.]~~ ***10.*** Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

~~[14.]~~ ***11.*** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[15.]~~ ***12.*** As used in this section ~~[~~:

~~— (a) "Contribution"]~~ ***, "contribution"*** includes, without limitation, any interest and other income earned on a contribution.

~~[(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.]~~

Sec. 4. **Any former public officer who on October 1, 2025, has unspent contributions pursuant to the former provisions of subsections 7 to 11, inclusive, of NRS 294A.160 as that section existed on September 30, 2025, shall dispose of such unspent contributions pursuant to NRS 294A.160 as amended by section 3 of this act not later than October 1, 2029.**

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 48, 156, 184, 205, 286, 345, 383, 386, 406, 412, 420, 454, 465, 494, 495, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

REUBEN D'SILVA, *Vice Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 296, 402, 415, 417, 439, 449, 452, 458, 523, 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 66, 201, 245, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 76, 88, 91, 460, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Assembly Bills Nos. 70, 100, 226, 362, 377, 453, 457, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which were referred Assembly Bills Nos. 276, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 157.

AN ACT relating to education; **requiring a school administrator or his or her designee to conduct an initial screening and assessment of a report of discrimination based on race, bullying or cyber-bullying to determine whether to take certain actions;** authorizing the board of trustees of a school district to assign a pupil who is a perpetrator of discrimination based on race, bullying or cyber-bullying to another school if his or her parent or guardian requests such an assignment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits discrimination based on race, bullying ~~[and]~~ **or** cyber-bullying on the premises of a school, at an activity sponsored by a school or on any school bus; and (2) establishes various provisions governing the protocol for addressing violations of such prohibitions. (NRS 388.135-388.137) Under existing law, after such a violation is reported to an administrator or his or her designee, the administrator or his or her designee is required to begin an investigation into the reported violation. If the findings of such an investigation show that a violation occurred, existing law requires the administrator or his or her designee to make recommendations concerning disciplinary action or other measures to be imposed against the pupil who was the perpetrator of the violation. Additionally, existing law requires the board

of trustees of a school district to assign a pupil who is a victim of discrimination based on race, bullying or cyber-bullying to another school in the district if his or her parent or guardian requests the assignment. (NRS 388.1351) **Existing law additionally authorizes an administrator to recommend disciplinary action against a person who submits a report of discrimination based on race, bullying or cyber-bullying that the administrator determines is false and made with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law. (NRS 388.137)**

This bill requires the administrator or his or her designee upon receipt of a report of discrimination based on race, bullying or cyber-bullying to, in accordance with any procedures prescribed by the Department of Education for such purposes, immediately screen and assess the report to determine whether based on the facts included in the report such discrimination likely occurred. If the administrator or designee determines that such discrimination has occurred, the administrator or designee shall take the actions and begin the investigation required in existing law. If the administrator or designee determines that the facts included in the report do not suggest that such discrimination has likely occurred, the administrator or designee shall, unless such a person determines that a report is false and submitted in violation of the law, adhere to any policies prescribed by the Department for handling such a report. This bill ~~[:]~~ **additionally:** (1) authorizes the board of trustees of a school district to assign a pupil who is a perpetrator of discrimination based on race, bullying or cyber-bullying to another school in the district at the request of his or her parent or guardian; and (2) prohibits the victim and perpetrator from being assigned to the same school if both pupils are assigned to a new school as a result of the violation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately ***, in accordance with any relevant procedures prescribed by the Department for such purposes, screen and assess the report to determine whether the facts included in the report suggest that a violation of NRS 388.135 has likely occurred. If the administrator or designee determines that:***

(a) A violation of NRS 388.135 has likely occurred, the administrator or designee shall take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

(b) The facts included in the report do not suggest that a violation of NRS 388.135 has likely occurred, the administrator or designee shall adhere to any policies or procedures prescribed by the Department for handling such a report.

3. The investigation conducted pursuant to ***paragraph (a) of*** subsection 2 must include, without limitation:

(a) Except as otherwise provided in ~~[subsection]~~ ***subsections 2 and*** 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 5 school days after making a good faith effort, 2 additional school days may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. ~~[If]~~ ***Except as otherwise provided in paragraph (b) of subsection 11, if*** a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator or designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim ***or perpetrator*** of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled ~~[to]~~ assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees ~~[shall,]~~ ***:***

(a) Shall, if the pupil is a victim of discrimination based on race, bullying or cyber-bullying, in consultation with the parent or guardian of the pupil, assign the pupil to a different school ~~[.]~~ ***; or***

(b) May, if the pupil is a perpetrator of discrimination based on race, bullying or cyber-bullying, in consultation with the parent or guardian of the pupil, assign the pupil to a different school as a component of the disciplinary action or other measures taken in response to the violation.

12. ***If both the victim and perpetrator of a violation of NRS 388.135 are assigned to a different school pursuant to subsection 11, the perpetrator must not be assigned to the same school as the victim.***

13. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

~~[13.]~~ ***14.*** School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

~~[14.]~~ ***15.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 286.

CONTAINS UNFUNDED MANDATE (§§ ~~[1-9]~~ **2, 8)**

(Not Requested by Affected Local Government)

AN ACT relating to district courts; ~~[prescribing the method for increasing the number of district judges in certain judicial districts based upon certain increases in population;]~~ increasing the number of district judges in certain judicial districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) divides the State into 11 judicial districts; and (2) sets forth the number of district judges in each judicial district. (NRS 3.010, 3.011-3.0197) The Nevada Constitution authorizes the Legislature to increase or decrease the number of district judges. (Nev. Const. Art. 6, § 5) ~~[Section 1 of this bill revises requirements governing the number of district judges in each judicial district whose population is 350,000 or more by setting forth a schedule for increasing the number of district judges in any such judicial district based upon certain increases in the population of the judicial district. If the schedule requires an increase in the number of district judges due to an increased population of a judicial district, section 1 provides that if the Chief Judge of the judicial district submits to the Legislature and the board of county commissioners of each county located within the judicial district an opinion stating that the caseload of the judicial district does not warrant the increase in the number of district judges set forth in the schedule, the number of district judges must not be increased unless the Legislature, by resolution, expressly approves of the increase.]~~

Section 2 of this bill increases the number of district judges in the First Judicial District, which includes Carson City and Storey County, from two district judges to three district judges. (NRS 3.010, 3.011) ~~[Sections 3 and 4 of this bill increase the number of district judges in the Second Judicial District, which includes Washoe County, by three district judges, one of whom must be a judge of the family court. (NRS 3.010, 3.012, 3.0125) Section 5 of this bill increases the number of district judges in the Sixth Judicial District, which includes Humboldt County, from one district judge to two district judges. (NRS 3.010, 3.016) Sections 6 and 7 of this bill increase the number of district judges in the Eighth Judicial District, which includes Clark County, by eighteen district judges, eight of whom must be judges of the family court. (NRS 3.010, 3.018, 3.0185)]~~ **Section 8** of this bill increases the number of district judges in the Tenth Judicial District, which includes Churchill County, from one district judge to two district judges. (NRS 3.010, 3.0195) ~~[Section 9 of this bill increases the number of district judges in the Eleventh Judicial District, which includes Lander County, Mineral County and Pershing County, from one district judge to two district judges. (NRS 3.010, 3.0197)]~~ **Section 10** of this bill sets out the timeframe for the election of the additional judges who will take office on January 4, 2027.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 3, in addition to the district judges established pursuant to NRS 3.011 to 3.0197, inclusive, the number of district judges of each judicial district whose population is 350,000 or more must be increased according to the population of the county or counties*~~

~~*constituting the judicial district, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with the following schedule:*~~

~~*(a) In each judicial district in which a family court has been established pursuant to NRS 3.0105, the number of district judges must be increased by one district judge who is not a judge of the family court and one district judge who is a judge of the family court for each 40,000 population increase of the judicial district that occurs on or after January 1, 2026.*~~

~~*(b) In each judicial district in which a family court has not been established, the number of district judges must be increased by one district judge for each 40,000 population increase of the judicial district that occurs on or after January 1, 2026.*~~

~~*2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of district judges in a judicial district, each new district judge must be elected at the next general election to a term that expires on the same date as the current terms of the district judges who are serving on the date of the general election.*~~

~~*3. If the schedule set forth in subsection 1 provides for an increase in the number of district judges in a judicial district, and a majority of the district judges of the judicial district, in consultation with the board of county commissioners of each county located within the judicial district, determine that the caseload does not warrant the increase provided for in subsection 1, the Chief Judge shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of each county located within the judicial district of his or her opinion on or before March 15 of the even-numbered year in which the population of the judicial district provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the Chief Judge transmits such a notice to the Director of the Legislative Counsel Bureau and any board of county commissioners, the number of district judges must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 3.011 is hereby amended to read as follows:

3.011 For the First Judicial District there must be ~~[two]~~ ***three*** district judges.

Sec. 3. ~~[NRS 3.012 is hereby amended to read as follows:~~

~~3.012 For the Second Judicial District there must be [nine]~~ ***11*** ~~district judges who are not judges of the family court.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 3.0125 is hereby amended to read as follows:~~

~~3.0125 For the Second Judicial District, in addition to the district judges established pursuant to NRS 3.012, there must be [seven]~~ ***eight*** ~~district judges who are judges of the family court.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 3.016 is hereby amended to read as follows:~~

~~3.016 For the Sixth Judicial District there must be [one] *two* district [judge.] *judges.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 3.018 is hereby amended to read as follows:~~

~~3.018 For the Eighth Judicial District there must be [32] *42* district judges who are not judges of the family court.]~~ **(Deleted by amendment.)**

Sec. 7. ~~[NRS 3.0185 is hereby amended to read as follows:~~

~~3.0185 For the Eighth Judicial District, in addition to the district judges established pursuant to NRS 3.018, there must be [26] *34* district judges who are judges of the family court.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 3.0195 is hereby amended to read as follows:

3.0195 For the Tenth Judicial District there must be ~~[one]~~ ***two*** district ~~[judge.]~~ ***judges.***

Sec. 9. ~~[NRS 3.0197 is hereby amended to read as follows:~~

~~3.0197 For the Eleventh Judicial District, there must be [one] *two* district [judge.] *judges.]*~~ **(Deleted by amendment.)**

Sec. 10. Each additional district judge required pursuant to the amendatory provisions of sections 2 ~~[to 9, inclusive,]~~ **and 8** of this act must be selected at the general election to be held on November 3, 2026, and take office on January 4, 2027, for a term that expires on January 3, 2033.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 12. 1. This section and sections 1, 10 and 11 of this act become effective on January 1, 2026.

2. Sections 2 ~~[to 9, inclusive,]~~ **and 8** of this act become effective on January 4, 2027.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 538.

AN ACT relating to energy; ~~[requiring]~~ **authorizing the board of county commissioners of a county to require applicants for a partial abatement of certain taxes imposed on certain renewable energy facilities to reimburse the county for costs incurred by the county to participate in the preparation of a federal environmental impact statement; authorizing** the Director of the Office of Energy within the Office of the Governor to ~~[consider certain written comments of a board of county commissioners upon receipt of an application for]~~ **condition approval of such** a partial abatement ~~[of certain taxes by certain renewable energy facilities;]~~ **on compliance with the requirement to pay such a reimbursement; prohibiting a county from taking certain actions with respect to a renewable energy facility that the**

county has approved or recommended approval for a partial abatement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain renewable energy facilities to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes and property taxes. As soon as practicable after the Director receives such an application, existing law requires the Director to forward a copy of the application to certain persons and entities, including the board of county commissioners. (NRS 701A.360) **Under existing law, the Director is prohibited from approving the application unless the application is: (1) approved by the board of county commissioners; or (2) deemed approved by the board of county commissioners because the board of county commissioners has not approved or disapproved the application within a certain period after the board of county commissioners receives from the Director a copy of the application. (NRS 701A.365)**

Section 1 of this bill ~~[requires that, in addition to any other requirement set forth in existing law, the Director: (1) provide]~~ **authorizes** the board of county commissioners of ~~[the]~~ **a** county ~~[in which the facility will be located an opportunity to submit written comments on the application; and (2) consider any written comments received from the board of county commissioners when determining whether to approve or deny the application.]~~ **, unless an alternative cost recovery mechanism has been adopted by the county, to require an applicant for a partial abatement of certain taxes imposed on a renewable energy facility located on federal land within the county to reimburse the county for actual administrative and operational costs incurred by the county, in an amount not to exceed $50,000, to participate in the preparation of an environmental impact statement required with respect to the facility pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq. Under section 1: (1) the applicant is authorized to require that the county provide documentation of the actual costs for which the county is seeking reimbursement; and (2) the county is authorized to require the applicant to prepay the anticipated amount of such costs, with the county refunding the amount of any prepayment that exceeds the actual costs for which the county is seeking reimbursement. Section 2.5 of this bill authorizes the Director to condition approval of the application for the partial abatement on the compliance of the applicant with the requirements of section 1. Section 2.5 also prohibits a board of county commissioners from: (1) imposing certain requirements for the applicant to obtain a special use permit for the facility that would reasonably and foreseeably result in the development or operation of the facility becoming financially or operationally impractical or impossible; or (2) applying to the facility any moratorium on the construction or operation of a renewable energy facility.**

Section 2 of this bill applies the definitions in existing law relating to the partial abatement of certain taxes for certain renewable energy projects to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701A of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[In addition to any other requirement set forth in NRS 701A.300 to 701A.390, inclusive, the Director shall:*~~

~~*1. Provide the board of county commissioners of the county in which the facility will be located an opportunity to submit written comments on an application; and*~~

~~*2. Consider any written comments received from the board of county commissioners when determining whether to approve or deny an application for a partial abatement.]*~~

1. The board of county commissioners of a county may require an applicant for a partial abatement pursuant to this section and NRS 701A.300 to 701A.390, inclusive, for a facility located on federal land within the county to reimburse the county, in an amount not to exceed $50,000, for the actual administrative and operational costs incurred by the county for its involvement in the process of preparing any environmental impact statement required with respect to the facility pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq, unless the board of county commissioners has adopted any other mechanism or fee structure to recover such costs.

2. An applicant for a partial abatement pursuant to this section and NRS 701A.300 to 701A.390, inclusive, who is required to pay a reimbursement to a county pursuant to subsection 1 may require the county to provide documentation of the actual costs incurred by the county for which the county is seeking reimbursement pursuant to subsection 1.

3. A county requiring an applicant for a partial abatement pursuant to this section and NRS 701A.300 to 701A.390, inclusive, to pay a reimbursement to the county pursuant to subsection 1 may require the applicant to prepay the anticipated amount of the reimbursement. If the amount of the actual costs incurred by the county for which reimbursement is required pursuant to subsection 1:

(a) Exceeds the amount of the prepayment, the applicant must pay the county the difference between the prepayment and the actual costs incurred by the county.

(b) Is less than the amount of the prepayment, the county must refund to the applicant the difference between the actual costs incurred by the county and the amount of the prepayment.

4. For the purposes of this section, unless the applicant and the county agree otherwise, the provisions of subsection 1 apply to a single facility,

including, without limitation, any necessary ancillary facilities or structures necessary to the operation of the facility.

5. As used in this section, "facility" means a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State.

Sec. 2. NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 701A.365 is hereby amended to read as follows:**

701A.365 1. The Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, ***and section 1 of this act*** if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) Except as otherwise provided in paragraph (e), if the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by

the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection ~~[6,]~~ *7,* the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least 50 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State in capital assets that will be retained at the location of the facility until at least the date which is 5 years after the date on which the abatement becomes effective;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) Except as otherwise provided in subsection ~~[6,]~~ *7,* the average hourly wage of the employees working on the construction of the facility will be at least 175 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that is provided by a third-party administrator and includes health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility unless the application is approved or deemed approved pursuant to this subsection. The board of county commissioners of a county must provide notice to the Director that the board intends to consider an application and, if such notice is given, must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners:

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

(c) Must not condition the approval of the application on a requirement that the facility agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility; and

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

➥ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed approved.

3. ***If a board of county commissioners has approved or recommended approval of an application pursuant to subsection 2, or if the application has been deemed approved pursuant to subsection 2, the board of county commissioners shall not:***

(a) Require, or create or impose a requirement for, an applicant to obtain a special use permit that would reasonably and foreseeably result in the development or operation of the facility becoming financially or operationally impractical or impossible; or

(b) Impose any moratorium that would prevent or prohibit the construction or operation of the facility or apply any such existing moratorium to the facility.

4. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet any requirement set forth in subparagraph (1) or (2) of paragraph (d) of subsection 1 or subparagraph (1) or (2) of paragraph (e) of subsection 1; ~~[or]~~

(b) Add additional requirements that a facility must meet to qualify for a partial abatement ~~.~~

~~4.~~ ***; or***

(c) Condition approval of an application for a partial abatement for a facility located on federal land on the compliance of the applicant with requirements adopted by a board of county commissioners pursuant to section 1 of this act.

5. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

~~[5.]~~ ***6.*** The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

~~[6.]~~ ***7.*** The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

~~[7.]~~ ***8.*** As used in this section, "wage" or "wages":

(a) Means:

(1) The basic hourly rate of pay; and

(2) The amount of any hourly contribution made to a third-party administrator pursuant to a pension plan or vacation plan which is for the benefit of the employee.

(b) Except as otherwise provided in paragraph (a), does not include the amount of any health insurance plan, pension or other bona fide fringe benefits which are a benefit to the employee.

Sec. 3. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2049.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 173.

AN ACT relating to cannabis; revising provisions relating to the confidentiality of certain information relating to cannabis; revising provisions governing certain disciplinary proceedings; ~~[prohibiting certain transportation of cannabis and cannabis products under certain circumstances;]~~ revising provisions relating to the operation of a cannabis establishment; authorizing the Cannabis Compliance Board to issue summonses and subpoenas and take certain other actions relating to unlicensed cannabis activities; revising provisions relating to the licensing of a cannabis establishment; revising provisions relating to cannabis independent testing laboratories; revising provisions relating to advertising engaged in and packaging used by a cannabis establishment; ~~[authorizing certain cannabis establishments to engage in certain activities involving hemp;]~~ exempting certain persons from state prosecution for certain criminal offenses under certain circumstances; making various other changes relating to the regulation of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law sets forth procedures by which the Board may take disciplinary action against a licensee or registrant. (NRS 678A.500-678A.600) Under existing law, the Executive Director of the Board is authorized to transmit the details of any suspected violation of the provisions of existing law and regulations that govern the medical and adult use of cannabis to the Attorney General for an investigation. (NRS 678A.500) After the investigation, existing law requires the Board to determine whether to proceed with disciplinary action against a licensee or registrant. (NRS 678A.510) If the Board proceeds with disciplinary action, existing law: (1) requires the Board or the Executive Director to serve a complaint upon the respondent; and (2) sets forth procedures for the conduct of a disciplinary hearing before the Board. (NRS 678A.520-678A.590) If the Board determines that a licensee or registrant has violated a provision of existing law or regulations governing the medical and adult use of cannabis, existing law authorizes the Board to impose certain penalties against the licensee or registrant. (NRS 678A.600)

Sections 6 ~~[, 11]~~ and 13-24 of this bill revise the procedures by which disciplinary action may be taken against a licensee or registrant. **Section 13** specifies that the Executive Director is authorized to transmit the details of a

suspected violation to the Attorney General for further investigation. **Section 24** makes a conforming change to reflect the fact that an investigation of a violation is commenced by the Executive Director, rather than the Board. **Section 14** ~~[requires the Executive Director, rather than]~~ **revises the actions** the Board ~~[, to make the determination whether to proceed with disciplinary action. If the Executive Director makes a determination to proceed, section 15 requires the Executive Director to serve upon the respondent either a complaint or notice of violation. Section 11 requires the Board to adopt regulations prescribing a list of violations which are appropriate for the issuance of a notice of violation.]~~ **must take with respect to each complaint resulting in an investigation by the Attorney General.** **Section 15** revises the required content of a complaint ~~[and sets forth the required content of a notice of violation. Under section 15, if the Executive Director serves a notice of violation, the Executive Director may seek only the imposition of a civil penalty. Section 15 requires the respondent to either answer the complaint or notice of violation or, for a notice of violation, pay the civil penalty being sought.]~~ **served by the Board or the Executive Director and the time in which the respondent may answer the complaint.** Upon receipt of an answer demanding a hearing or the expiration of the time to answer the complaint**,** ~~[or notice of violation,]~~ **section 15** requires the ~~[Executive Director]~~ **Board** to assign the matter to a hearing officer. **Sections 15-23** require a disciplinary hearing to be heard before a hearing officer, rather than the Board, and revise procedures for the conduct of such a hearing. **Section 6**: (1) provides that the decision and order of a hearing officer is final unless a party aggrieved by the decision requests that the Board review the decision **and order** or the Board initiates such a review on its own motion; and (2) sets forth procedures for the conduct of a review by the Board. **Section 23** provides that any person aggrieved by a final decision or order of the Board after a review conducted pursuant to **section 6** is entitled to judicial review of the decision or order.

Section 5 of this bill requires the Board to appoint one or more hearing officers to conduct disciplinary hearings and render decisions.

Section 26 of this bill authorizes the Board, the Executive Director or a designee of the Executive Director to issue a letter of warning, a letter of concern or a nonpunitive admonishment under certain circumstances.

Existing law requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. (NRS 678A.450) **Section 11** authorizes the Board to issue summonses and subpoenas and to take certain other actions in connection with such an investigation.

Sections 4, 12 and 54 of this bill revise provisions relating to the confidentiality of certain information obtained by the Board. Existing law authorizes the Governor or his or her designee to enter into one or more agreements with tribal governments concerning cannabis. (NRS 223.250) **Sections 52 and 53** of this bill provide that certain information received by a governmental entity **from a tribal government or a facility engaged in**

cannabis activities operating on tribal land pursuant to the terms of such an agreement **remains the property of the tribal government,** does not constitute a public record and ~~[is]~~ **must be kept** confidential ~~[.]~~ **by the governmental entity.**

Sections 2, 7, 33, 34, 37 and 38 of this bill establish a standardized definition of the term "local governmental jurisdiction" for the purposes of provisions governing the medical and adult use of cannabis.

Existing law prohibits the production, distribution and sale of any synthetic cannabinoid. (NRS 453.572, 557.255, 678B.525) **Section 10** of this bill revises the definition of "synthetic cannabinoid" to: (1) specify that any cannabinoid that is either produced artificially or not obtained directly without the use of ~~[chemicals]~~ **a chemical reagent** from a plant of the genus *Cannabis* constitutes a synthetic cannabinoid; and (2) exclude ~~[delta-9-tetrahydrocannabinol]~~ **THC** produced using certain processes.

Existing law requires a cannabis establishment to use an inventory control system. (NRS 678B.210, 678B.250, 678C.430) Existing law sets forth certain requirements for the operation of such a system by a medical cannabis establishment. (NRS 678B.430) **Sections 27, 31, 32, 35 and 45** of this bill revise those requirements and additionally apply the requirements to the operation of such a system by an adult-use cannabis establishment. **Sections 45 and 49** of this bill revise requirements for a dual licensee concerning the reporting of inventory.

~~[Existing law authorizes a medical cannabis establishment to: (1) transport medical cannabis to another cannabis establishment or between the buildings of the medical cannabis establishment; and (2) enter into a contract with a third party to provide such transportation. (NRS 678C.460) Existing law, with certain exceptions, prohibits an adult-use cannabis establishment from transporting cannabis or cannabis products to an adult-use cannabis retail store unless the adult-use cannabis establishment holds an adult-use cannabis establishment license for an adult-use cannabis distributor. (NRS 678D.410, 678D.440) Section 46 of this bill eliminates the authorization for a medical cannabis establishment to transport cannabis or cannabis products and to enter into a contract with a third party to transport cannabis or cannabis products. Section 28 of this bill instead prohibits, with certain exceptions, any cannabis establishment from transporting cannabis or cannabis products to another cannabis establishment or between the buildings of a cannabis establishment unless the cannabis establishment holds an adult-use cannabis establishment license for an adult-use cannabis distributor. Section 50 of this bill authorizes an adult-use cannabis distributor to transport cannabis and cannabis products between a cannabis establishment and another cannabis establishment or between the buildings of a cannabis establishment. Section 8 of this bill revises the definition of "adult-use cannabis distributor" to reflect the authorizations set forth in section 50.]~~

Existing law sets forth procedures by which a health authority, upon finding a condition in the operation of a food establishment constituting a substantial

hazard to the public health, may issue an order to the holder of the permit to operate the food establishment that may require the immediate suspension of the permit and discontinuance of all food operations. (NRS 446.880) **Section 30** of this bill sets forth similar procedures by which an agent of the Board may issue such an order to the holder of a cannabis establishment license if the agent finds a condition in the operation of the cannabis establishment which constitutes a substantial hazard to the public health. **Section 30** sets forth certain conditions under which such an order may not order the immediate suspension of the license and the immediate discontinuance of the operations of the cannabis establishment. **Section 29** of this bill defines "substantial hazard to the public health" to include certain specified conditions. **Section 29** additionally requires the Board to adopt certain regulations concerning substantial hazards to the public health which may exist at a cannabis establishment.

Existing law requires an applicant for a medical cannabis establishment license or adult-use cannabis establishment license to submit to the Board the physical address of the proposed cannabis establishment, which, among other requirements, must not be within a certain distance of a public or private school or community facility. (NRS 678B.210, 678B.250) **Sections 32 and 35** establish definitions of "public school" and "private school" and revise the definition of "community facility."

Section 36 of this bill revises certain requirements for cannabis independent testing laboratories.

Existing law deems the issuance of a license by the Board to be conditional in certain local governmental jurisdictions until the cannabis establishment is in compliance with applicable local governmental ordinances or rules and the local government has issued a business license for the operation of the establishment. (NRS 678B.320) **Section 37** additionally deems the issuance of such a license to be conditional until the cannabis establishment satisfies an inspection conducted by the Board.

Existing law prohibits a cannabis establishment from dispensing or selling cannabis or cannabis products from a vending machine or allowing such a vending machine to be installed on the premises of the cannabis establishment. (NRS 678B.510) **Section 39** of this bill ~~[authorizes a cannabis establishment to engage in such activities upon the approval of the Board.]~~ **removes that prohibition.** **Section 39** additionally revises the procedures that the operating documents of a cannabis establishment are required to include.

~~[Existing law authorizes a medical cannabis production facility to: (1) acquire hemp or a commodity or product made using hemp from a grower or handler registered by the State Department of Agriculture; and (2) use hemp or a commodity or product made using hemp to manufacture medical cannabis products. (NRS 687C.410) Sections 40 and 43 of this bill instead authorize any cannabis production facility to: (1) acquire hemp from any source approved by the Board; (2) use hemp to manufacture cannabis products; and (3) sell to a cannabis sales facility a cannabis product that contains hemp. Section 40~~

~~additionally authorizes a cannabis sales facility to acquire hemp or a commodity or product made using hemp from any source approved by the Board and to sell hemp or any cannabis product that contains hemp, in addition to any commodity or product made using hemp.]~~

Section 40 of this bill revises certain restrictions on advertising engaged in and packaging used by a cannabis establishment.

Existing law prohibits a person from selling, offering to sell, appearing to sell or advertising the sale of cannabis or cannabis products unless the person holds an adult-use cannabis establishment license or medical cannabis establishment license. (NRS 678B.530) **Section 41** of this bill prohibits those actions only if the person does not have the appropriate type of license and additionally prohibits a person from advertising as a cannabis sales facility or cannabis consumption lounge without the appropriate type of license.

Existing law exempts an employee of the State Department of Agriculture from state prosecution for certain offenses relating to cannabis under certain circumstances. (NRS 678B.600) **Section 42** of this bill expands that exemption to also include an employee of the Board and an attorney who represents the Department or the Board.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. However, under existing law, that exemption is subject to certain limitations. For example, with respect to usable cannabis, the exemption applies only to the extent that a person does not, at any one time, possess, deliver or produce more than 2.5 ounces of usable cannabis. (NRS 678C.200, 678D.200) Existing law also prohibits a cannabis sales facility from selling to a person, in any one transaction, more than 2.5 ounces of usable cannabis. (NRS 678B.550) **Sections 3, 7 and 56** of this bill revise the definition of "usable cannabis" to exclude the seeds of a plant of the genus plant *Cannabis* and ~~[applies]~~ **apply** this definition throughout the provisions of existing law governing the medical and adult use of cannabis. **Section 47** of this bill makes a conforming change to eliminate a reference to a provision that has been repealed in **section 56**.

Existing law requires a medical cannabis establishment to maintain an electronic verification system. (NRS 678B.210, 678C.420) **Section 9** of this bill changes the name of such a system to an electronic verification and authentication system. **Section 44** of this bill revises requirements concerning the operation of such a system.

Existing law requires an adult-use cannabis product to be sold in a single package. (NRS 678D.420) **Section 48** of this bill revises requirements concerning the amount of usable cannabis **, concentrated cannabis** or THC that a single package may contain.

Existing law, with certain exceptions, prohibits smoking in any form within indoor places of employment. (NRS 202.2483) **Section 51** of this bill clarifies that the smoking of cannabis in a cannabis consumption lounge in accordance

with the provisions of existing law governing the medical and adult-use of cannabis is not prohibited.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Local governmental jurisdiction" means a city or unincorporated area within a county.***

Sec. 3. ***1. "Usable cannabis" means the dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis.***

2. The term does not include the seeds, stalks and roots of the plant.

Sec. 4. ***The Board or an agent of the Board may refuse to reveal, in any court or administrative proceeding, except a proceeding brought by the State of Nevada:***

1. The identity of any person who has furnished to the Board information purporting to reveal the commission of a violation of a provision of this title or the regulations adopted pursuant thereto, including, without limitation, information concerning unlicensed cannabis activities;

2. The information obtained by the Board from a person described in subsection 1; or

3. Both the identity of a person described in subsection 1 and the information obtained from the person.

Sec. 5. ***The Board shall appoint one or more hearing officers to conduct hearings and render decisions as provided in NRS 678A.520 to 678A.600, inclusive, and section 6 of this act.***

Sec. 6. ***1. Unless a review by the Board is requested by a party or initiated by the Board pursuant to subsection 2 or 3, the decision and order of a hearing officer issued pursuant to NRS 678A.590 are final and not subject to review by any court or the Board.***

2. A party who is aggrieved by the decision and order of a hearing officer issued pursuant to NRS 678A.590 may submit to the Board a written request for a review of the decision and order within 30 calendar days after the service of the decision and order.

3. The Board may, on its own motion, initiate a review of the decision and order of a hearing officer issued pursuant to NRS 678A.590 within 30 days after the service of the decision and order.

4. If requested or initiated in accordance with subsection 2 or 3, the Board shall conduct a review of the decision and order of the hearing officer. The review must be limited to the record of the proceedings before the hearing officer. The Board may not consider any additional evidence which was not presented to the hearing officer.

5. The Board may, at the request of a party or on its own motion, provide for oral argument as part of a review conducted pursuant to this section. The

Chair of the Board shall determine the time, place and any other conditions and requirements for any such oral argument.

6. After the conclusion of a review conducted pursuant to this section, the Board may affirm, modify or reverse the decision and order of the hearing officer or remand the matter to the hearing officer for further proceedings. The Board shall prepare a written decision and order on the matter as expeditiously as possible and serve the decision and order on the parties personally or by certified mail.

Sec. 7. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. ~~[NRS 678A.030 is hereby amended to read as follows:~~

~~678A.030 "Adult use cannabis distributor" means a business that:~~

~~1. Is licensed by the Board pursuant to NRS 678B.250; and~~

~~2. Transports cannabis or [adult use] cannabis products [from an adult use] *between a* cannabis establishment [to] *and* another [adult use] cannabis establishment [.] *or between the buildings of a cannabis establishment.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 678A.150 is hereby amended to read as follows:

678A.150 "Electronic verification ***and authentication*** system" means an electronic database that:

1. Keeps track of data in real time; and
2. Is accessible by the Board and by the cannabis establishment.

Sec. 10. NRS 678A.239 is hereby amended to read as follows:

678A.239 ***1.*** "Synthetic cannabinoid" means a cannabinoid that is:

~~[1.]~~ ***(a)*** Produced artificially, whether from chemicals or from recombinant biological agents, including, without limitation, yeast and algae; ~~[and~~

~~2. Is not]~~ ***or***

(b) Not obtained directly without the use of ~~*[chemicals* derived]~~ ***a chemical reagent*** from a plant of the genus Cannabis ***.*** ~~[, including,]~~

2. The term includes, without limitation, biosynthetic cannabinoids.

3. The term does not include ~~*[delta-9-tetrahydrocannabinol]*~~ ***THC produced through the decarboxylation of tetrahydrocannabinolic acid using a process approved by the Board.***

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. ~~***[The Board shall adopt regulations prescribing a list of each violation of a provision of this title or a regulation adopted pursuant thereto that the Board has determined to be appropriate for the issuance of a notice of violation pursuant to NRS 678A.520.***~~

~~4.~~ The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. ~~[5.]~~ ***As part of an investigation of unlicensed cannabis activities conducted pursuant to the regulations adopted pursuant to subsection ~~[4,]~~ 3, if the Board has cause to believe that a person has engaged in or is engaging in unlicensed cannabis activities, the Board may issue a summons to require any person to appear before the Board at the time and place set forth in the summons and a subpoena to require the testimony of any person or the production of documents. The Board may administer an oath or affirmation to any person providing testimony pursuant to such a subpoena. A summons or subpoena issued pursuant to this subsection must be served upon a person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Board may personally serve such a summons or subpoena. The Board may use any documents, records or material produced pursuant to a subpoena issued pursuant to this subsection in the course of an action or proceeding brought pursuant to the regulations adopted pursuant to subsection ~~[4.~~***

~~6.~~ ***3.***

5. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

~~[~~5. ~~7.]~~ ***6.*** The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. NRS 678A.470 is hereby amended to read as follows:

678A.470 1. The Board shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board. These records are open to public inspection.

2. ~~[Any]~~ ***Except as otherwise provided in subsections 3, 4 and 6, any*** and all information and data prepared or obtained by the Board or by an agent or employee of the Board ~~[relating to a holder of or an applicant for a medical cannabis establishment license pursuant to NRS 678B.210, other than the name of a licensee and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action, are confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.~~

~~3. Except as otherwise provided in this subsection, any information and data included in]~~ ***:***

(a) Relating to an application for ~~[an adult use cannabis establishment]~~ ***a*** license or a registration card ***, a request for a transfer of ownership interest pursuant to the regulations adopted by the Board pursuant to NRS 678B.380 or a request to obtain the approval of the Board of any act, transaction, qualification, extension or exemption for which the approval of the Board is required pursuant to this title or the regulations adopted pursuant thereto and which is given at a meeting of the Board;***

(b) That is required by the Board to be provided to the Board pursuant to this title or any regulation adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any licensee, registrant or applicant for a license or registration card;

(c) Pertaining to the criminal record, antecedents and background of a natural person;

(d) For which an assurance that the information and data will be held in confidence and treated as confidential has been provided in writing by the Board or an agent or employee of the Board who has been authorized by the Board to provide such an assurance;

(e) Relating to the internal layout and structural elements of a cannabis establishment;

(f) Relating to the security of a cannabis establishment, including, without limitation, the security measures and emergency preparedness of a cannabis establishment and any assessment of threats to or vulnerabilities of a cannabis establishment;

(g) That constitutes a trade secret, as defined in NRS 600A.030, and for which the word "Confidential" or "Private" or another indication of secrecy was placed in a reasonably noticeable manner on any medium or container that describes or includes any portion of the trade secret at the time it was provided to the Board or an agent or employee of the Board;

(h) That contains the name or other personal information of a natural person who facilitates or delivers services in accordance with the provisions of this title and the regulations adopted pursuant thereto;

(i) Whose disclosure would likely prejudice the effectiveness of the operations of a law enforcement agency;

(j) Relating to the activities of a licensee or registrant involving the medical use of cannabis; or

(k) Relating to disciplinary action taken in accordance with NRS 678A.520 to 678A.600, inclusive, and section 6 of this act or an audit, inspection or investigation,

➥ is confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. ~~[The name of the holder of an adult use cannabis establishment license and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action are not confidential.]~~

3. The following information and data are not confidential:

(a) The name of a licensee.

(b) The name of each owner, officer and board member of a licensee.

(c) The name of the receiver for a cannabis establishment subject to receivership.

(d) The physical address of a cannabis sales facility or cannabis consumption lounge.

(e) The local governmental jurisdiction in which a cannabis establishment is located.

(f) Information and data relating to the scoring and ranking of applications for a license.

(g) A complaint or notice of violation served pursuant to NRS 678A.520.

(h) A decision and order issued pursuant to NRS 678A.590 or section 6 of this act.

(i) A consent or settlement agreement entered into pursuant to NRS 678A.645.

~~***[(j) Information and data relating to any civil penalty paid pursuant to subsection 4 of NRS 678A.520.***~~

~~***(k) A letter of warning, letter of concern or nonpunitive admonishment issued pursuant to section 26 of this act.]***~~

4. The Board may reveal ~~[such]~~ information and data ***declared confidential pursuant to subsection 2*** to an authorized agent of any ~~[agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.]~~ ***governmental entity. If any confidential information and data is provided by the Board to a governmental entity pursuant to this section, the information and data remains confidential and may not be provided to any other person or governmental entity. To the extent practicable, any governmental entity that receives any confidential information and data from the Board pursuant to***

this section shall treat the information and data as confidential. Notwithstanding any other provision of state law, ~~[such]~~ information and data ***declared confidential pursuant to subsection 2*** may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

~~[4.]~~ ***5. A person seeking an order of a court of competent jurisdiction for the disclosure of information and data declared confidential pursuant to subsection 2 must submit a motion in writing to the court requesting the information. At least 14 days before submitting the motion, the person must provide notice to the Board, the Attorney General and all persons who may be affected by the disclosure of the information and data. The notice must:***

(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

6. The Board may reveal information and data declared confidential pursuant to subsection 2 to the extent necessary to establish a claim or defense in an action against the Board brought by a licensee, registrant or applicant for a license or registration card. The court may order the redaction or sealing of any court records containing confidential information and data revealed pursuant to this subsection to maintain the confidentiality of the information and data.

7. All files, records, reports and other information and data pertaining to matters related to cannabis in the possession of the Nevada Tax Commission or the Department of Taxation must be made available to the Board as is necessary to the administration of this title.

~~[5.]~~ ***8.*** As used in this section ~~[, "information]~~ ***:***

(a) "Governmental entity" means any agency of the United States Government, any state or political subdivision of a state or the government of any foreign country.

(b) "Information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document***.*** ~~[, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.]~~

(c) "Personal information" means:

(1) The name, address, telephone number, electronic mail address or date of birth of a person; and

(2) Any other information that constitutes personal information as defined in NRS 603A.040.

Sec. 13. NRS 678A.500 is hereby amended to read as follows:

678A.500 1. If the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this

title or any regulation adopted pursuant thereto, the Executive Director may transmit the details of the suspected violation, along with any further facts or information related to the violation which are known to the Executive Director, to the Attorney General ~~[.]~~ ***for further investigation.***

2. If any person other than the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title or any regulation adopted pursuant thereto, the person may file a written complaint with the Executive Director specifying the relevant facts. The Executive Director shall review each such complaint and, if the Executive Director finds the complaint not to be frivolous, may transmit the details of the suspected violation, along with any further facts or information derived from the review of the complaint to the Attorney General ~~[.]~~ ***for further investigation.***

3. The employees of the Board who are certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 shall cooperate with the Attorney General in the performance of any criminal investigation.

Sec. 14. NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General ***for further investigation*** pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board ~~***[Executive Director]***~~ shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board ~~***[Executive Director]***~~ shall:

(a) ~~[Dismiss the complaint;]~~ ***Decline to proceed with disciplinary action;***

(b) ~~[Enter into]~~ ***Authorize the Attorney General to attempt to negotiate*** a consent or settlement agreement ~~[with]~~ ***to be entered into between*** the licensee or registrant ***and the Board*** pursuant to NRS 678A.645; or

(c) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, ***and section 6 of this act,*** chapter 233B of NRS and the regulations adopted by the Board. In determining the disciplinary action to impose the Board ~~***[Executive Director]***~~ shall consider mitigating factors pursuant to NRS 678A.647.

Sec. 15. NRS 678A.520 is hereby amended to read as follows:

678A.520 1. If the Board ~~***[Executive Director]***~~ proceeds with disciplinary action pursuant to NRS 678A.510, the Board or the Executive Director shall serve a complaint upon the respondent . ~~[either personally, :~~

~~*(a) A complaint;* or by~~

~~*(b) If the alleged violation at issue is a violation that the Board has determined to be appropriate for the issuance of a notice of violation pursuant to the regulations adopted pursuant to NRS 678A.450, a notice of violation.*~~

~~*➡ The fact that an alleged violation is a violation that the Board has determined to be appropriate for the issuance of a notice of violation does not prohibit the Executive Director from issuing a complaint concerning the alleged violation rather than a notice of violation.]*~~

2. A complaint ~~*[or notice of violation]*~~ ***served pursuant to subsection 1 must be served upon the respondent:***

(a) Personally;

(b) By registered or certified mail at the address of the respondent that is on file with the Board ~~[. Such]~~ ***; or***

(c) If the respondent has expressly agreed to service by electronic means, by electronic means.

3. A complaint ~~*[or notice of violation]*~~ ***served pursuant to subsection 1*** must:

(a) ~~[Be a written statement of charges;~~

~~(b) Set forth in ordinary and concise language the acts or omissions with which the respondent is charged;~~

~~(c)]~~ Specify the statutes and regulations which the respondent is alleged to have violated ***.*** ~~[;~~

~~(d) Not consist merely of charges raised in the language of the statutes or regulations which the respondent is alleged to have violated;~~

~~(e)]~~ ***(b) Set forth a short and plain statement of the matters asserted, including, without limitation, the acts or omissions with which the respondent is charged.*** ~~*[If the Executive Director is unable to state the matters in detail at the time the complaint or notice of violation is served, the complaint or notice of violation may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement must be furnished.]*~~

(c) If the respondent is alleged to have committed multiple violations consisting of the same or a similar act, omission or course of conduct, charge those violations as a single alleged violation if the violations:

(1) Are closely related in time, place and circumstance; and

(2) Were all discovered in the course of a single audit, inspection or investigation ***.*** ~~[;~~

~~(f)]~~ ***(d)*** Specify the penalty being sought against the respondent ***.*** ~~[; and~~

~~(g)~~ ~~*If the Executive Director serves a notice of violation, the Executive Director may seek only the imposition of a civil penalty in the notice of violation.]*~~

(e) Provide notice of the right of the respondent to request a hearing.

~~[2.]~~ ***4.*** The Chair of the Board ~~*[Executive Director]*~~ may grant an extension to respond to the complaint ~~*[or notice of violation]*~~ for good cause.

Unless granted such an extension, the respondent must **,** ~~[answer]~~ within ~~[20]~~ ***21*** days after the service of the complaint ~~[.~~ ~~*or notice of violation:*~~

~~*(a) Answer]*~~ **,** ***answer the complaint*** ~~*[or notice of violation]*~~ ***in accordance with subsection 5*** ***.*** ~~*[; or*~~

~~*(b) For a notice of violation, pay to the Board the civil penalty being sought. If the respondent pays the civil penalty, the respondent shall be deemed to not have committed the alleged violation at issue for the purpose of any system of progressive discipline adopted by the Board.]*~~

5. In the answer ***to a complaint*** ***,*** ~~*[or notice of violation,]*~~ the respondent:

(a) Must state in short and plain terms the defenses to each claim asserted.

(b) Must admit or deny the facts alleged in the complaint ***.*** ~~*[or notice of violation.]*~~

(c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.

(d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.

(e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing ~~[and]~~ ***, the right*** to ~~[judicial]~~ ***request a*** review of ~~[any]~~ ***the*** decision or order of the ***hearing officer by the*** Board ~~[, but]~~ ***and the right to judicial review of any decision of*** the Board ***.*** ~~[may order a hearing even if the respondent so waives his or her right.~~

~~3.]~~ ***6. Upon receipt of an answer demanding a hearing or the expiration of the time to answer the complaint*** ***,*** ~~*[or notice of violation,]*~~ ***the*** ~~*[Executive Director]*~~ ***Board shall assign the matter to a hearing officer.***

7. Failure to ~~[answer]~~ ***comply with subsection 4*** or ***, if the respondent has demanded a hearing pursuant to subsection 5,*** to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint***.*** ~~*[or notice of violation.]*~~ The ~~[Board]~~ ***hearing officer*** may take action based on such an admission and on other evidence without further notice to the respondent. If the ~~[Board]~~ ***hearing officer*** takes action based on such an admission, the ~~[Board]~~ ***hearing officer*** shall include in the record which evidence was the basis for the action.

~~[4.]~~ ***8.*** The ~~[Board]~~ ***hearing officer*** shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The ~~[Board]~~ ***hearing officer*** shall deliver or send by registered ~~[or]~~ ***mail,*** certified mail ***or, if the parties have expressly agreed to service by electronic means, by electronic means*** a notice of hearing ***that complies with NRS 233B.121*** to all parties at least 10 days before the hearing. The hearing must be held within ~~[45]~~ ***120*** days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the ***Executive Director or the*** Board, in which event the hearing must be held as soon as practicable. The ~~[Chair of the Board]~~ ***hearing officer*** may grant one or more extensions to the ~~[45-day]~~ ***120-day*** requirement pursuant to a request of a party or an agreement by both parties.

Sec. 16. NRS 678A.530 is hereby amended to read as follows:

678A.530 Before a hearing ~~[, before the Board,]~~ and during a hearing upon reasonable cause shown, the ~~[Board]~~ ***hearing officer*** shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. ~~[The Board may award as costs the amount of all such expenses to the prevailing party.]~~

Sec. 17. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before ~~[the Board:]~~ ***a hearing officer:***

(a) Oral evidence may be taken only upon oath or affirmation administered by the ~~[Board.]~~ ***hearing officer.***

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except that those prescribed in NRS 233B.123 apply. Any relevant evidence that is not immaterial or unduly repetitious may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The ~~[Board]~~ ***hearing officer*** may take official notice of any generally accepted information or technical or scientific matter within the field of

cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the ~~[Board.]~~ ***hearing officer.***

3. Affidavits may be received in evidence at any hearing ~~[of the Board]~~ ***before a hearing officer*** in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

> The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ..... day of the month of ……. of the year …… (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.
>
> .....
> (Party or Counsel)
> .....
> (Address)

Sec. 18. NRS 678A.550 is hereby amended to read as follows:

678A.550 ~~[The following procedures apply at]~~ ***At*** all hearings ~~[of the Board:~~

~~1. At least three members of the Board shall be present at every hearing, and they shall exercise all powers relating to the conduct of]~~ ***before a hearing officer,*** the hearing ~~[and shall enforce all decisions with respect thereto.~~

~~2. The proceedings]~~ ***officer shall cause an audio recording to be made of all oral proceedings*** at the hearing ***. The audio recording*** must be ~~[reported~~

~~either stenographically or by a phonographic reporter.]~~ ***transcribed upon the request of any party. The party making the request shall pay all the costs for the transcription.***

Sec. 19. NRS 678A.570 is hereby amended to read as follows:

678A.570 ~~[The Board]~~ ***A hearing officer*** may, before submission of the case for decision, permit the filing of amended or supplemental pleadings and shall notify all parties thereof, and provide a reasonable opportunity for objections thereto.

Sec. 20. NRS 678A.580 is hereby amended to read as follows:

678A.580 If any person in proceedings before ***a hearing officer or*** the Board ~~***[a hearing officer]***~~ disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during the hearing or so near the place thereof as to obstruct the proceeding, the ***hearing officer or the*** Board may certify the facts to the district court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why the person should not be punished as for contempt. The court order and a copy of the statement of the ***hearing officer or the*** Board must be served on the person cited to appear. Thereafter the court has jurisdiction of the matter, and the same proceedings must be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before a district court.

Sec. 21. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the ~~[Board]~~ ***hearing officer*** shall render a written decision on the merits. Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision must contain findings of fact and conclusions of law which are separately stated, a determination of the issues presented and the penalty to be imposed, if any. If the ~~[Board]~~ ***hearing officer*** determines that the licensee or registrant has violated any provision of this title or any regulation adopted pursuant thereto, the written decision must set forth the determination of the ~~[Board]~~ ***hearing officer*** as to whether any of the mitigating circumstances required to be considered by the ~~[Board]~~ ***hearing officer*** pursuant to NRS 678A.600 exist and, if so, the weight given to each mitigating circumstance in determining the appropriate action to be taken pursuant to that section. The ~~[Board]~~ ***hearing officer*** shall thereafter make and enter ~~[its]~~ ***a*** written order in conformity to ~~[its]~~ ***the*** decision. ~~[No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty.]~~ Copies of the decision and order must be served on the parties personally or sent to them by ~~[registered or]~~ certified mail. The decision is effective upon such service **.** ~~[, unless the Board orders otherwise.]~~

2. The ~~[Board]~~ ***hearing officer*** may, upon motion made within 15 days after service of a decision and order, order a rehearing before the ~~[Board]~~ ***hearing officer*** upon such terms and conditions as it may deem just and proper if a ~~[petition for judicial]~~ review of the decision ~~[and order]~~ has not been ~~[filed.]~~ ***initiated pursuant to section 6 of this act.*** The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the ~~[Board,]~~ ***hearing officer,*** and that sufficient reason existed for failure to present the evidence at the hearing ~~[of]~~ ***before*** the ~~[Board.]~~ ***hearing officer.*** The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the ~~[Board]~~ ***hearing officer*** may modify ~~[its]~~ ***his or her*** decision and order as the additional evidence may warrant.

Sec. 22. NRS 678A.600 is hereby amended to read as follows:

678A.600 1. If the ~~[Board]~~ ***hearing officer*** finds that a licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the ~~[Board]~~ ***hearing officer*** may:

(a) Limit, condition, suspend or revoke the license or registration card of the licensee or registrant;

(b) Impose a civil penalty in an amount established by regulation, not to exceed $20,000 for a single violation;

(c) Take any combination of the actions authorized by paragraphs (a) and (b);

(d) Issue a warning to the licensee or registrant; or

(e) Take no action against the licensee or registrant.

2. In determining the appropriate action to be taken against a licensee or registrant pursuant to this section, including, without limitation, the amount of any civil penalty imposed, the ~~[Board]~~ ***hearing officer*** shall consider whether any of the mitigating circumstances set forth in NRS 678A.647 exist.

Sec. 23. NRS 678A.610 is hereby amended to read as follows:

678A.610 Any person aggrieved by a final decision or order of the Board made ~~[after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed,]~~ ***pursuant to section 6 of this act*** is entitled to judicial review of the decision or order in the manner provided by chapter 233B of NRS.

Sec. 24. NRS 678A.647 is hereby amended to read as follows:

678A.647 1. A violation of any provision of this title or any regulation adopted pursuant thereto may be mitigated by any of the following circumstances:

(a) The licensee or registrant self-reported the violation to the Board or an agent of the Board.

(b) For a violation committed by a licensee, the licensee has:

(1) Submitted to the Board a plan to correct the violation which has been approved by the Board or deemed approved pursuant to subsection 2; and

(2) Taken action to correct the violation.

(c) The licensee or registrant has made a good faith effort to prevent violations from occurring, including, without limitation, by:

(1) Providing regular training to the employees of the licensee or registrant which has been documented and which was provided before the commencement of an investigation by the ~~[Board]~~ ***Executive Director*** concerning the violation ~~[,]~~ ***pursuant to NRS 678A.500;*** or

(2) Establishing, before the commencement of an investigation by the ~~[Board]~~ ***Executive Director*** concerning the violation ~~[,]~~ ***pursuant to NRS 678A.500,*** standard operating procedures that include procedures which directly address the conduct constituting the violation.

(d) The licensee or registrant has cooperated in the investigation of the violation in such a manner as to demonstrate that the licensee or registrant accepts responsibility for the violation.

(e) Any other mitigating circumstance established by the Board by regulation exists.

2. For the purposes of subparagraph (1) of paragraph (b) of subsection 1, if a licensee has submitted a plan to correct a violation and the Board does not take action to approve or reject the plan within 30 days after the date on which the plan was submitted, the plan shall be deemed to be approved by the appropriate agent of the Board.

Sec. 25. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 30, inclusive, of this act.

Sec. 26. ***1. If the Board, the Executive Director or a designee of the Executive Director has reason to believe that a licensee or registrant has violated or is violating any provision of this title or the regulations adopted pursuant thereto, the Board, Executive Director or designee may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the ~~[Executive Director]~~ Board has initiated any disciplinary proceedings against the person.***

2. The issuance of such a letter or admonishment:

(a) Does not preclude the ~~[Executive Director]~~ Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

Sec. 27. ***1. Each cannabis establishment, in consultation with the Board, shall maintain an inventory control system.***

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point of acquisition at a cannabis cultivation facility until it is sold at a cannabis establishment;

(b) The name of each person or cannabis establishment, or both, to which the cannabis establishment sold cannabis;

(c) The date on which the cannabis was sold and the quantity of any cannabis products sold, measured both by weight and potency; and

(d) Such other information as the Board may require.

3. Nothing in this section prohibits more than one cannabis establishment from co-owning an inventory control system in cooperation with other cannabis establishments or sharing the information obtained therefrom.

4. A cannabis establishment shall exercise reasonable care to ensure that the personal identifying information of persons which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 28. ~~*[1. Except as otherwise provided in this section, a cannabis establishment shall not transport cannabis or cannabis products to another cannabis establishment or between the buildings of a cannabis establishment unless the cannabis establishment holds an adult-use cannabis establishment license for an adult-use cannabis distributor.*~~

~~*2. An adult-use cannabis establishment that holds an adult-use cannabis establishment license for an adult-use cannabis retail store and an adult-use cannabis establishment license for a retail cannabis consumption lounge that is attached or immediately adjacent to the adult-use cannabis retail store may transport cannabis and cannabis products between the adult-use cannabis retail store and the retail cannabis consumption lounge.]*~~ **(Deleted by amendment.)**

Sec. 29. *1. The Board shall adopt regulations establishing:*

(a) Procedures pursuant to which a cannabis establishment must immediately discontinue operations and notify the Board upon becoming aware that a condition constituting a substantial hazard to the public health exists at the cannabis establishment. Such procedures must not require a cannabis establishment at which a substantial hazard to the public health exists to discontinue operations if the hazard affects a discrete area of the cannabis establishment and the Board has approved a plan to allow the cannabis establishment to continue operations in the areas of the cannabis establishment unaffected by the hazard.

(b) Procedures and requirements for a cannabis establishment to resume operations after a substantial hazard to the public health has been found to exist at the cannabis establishment.

2. As used in this section, "substantial hazard to the public health" means any of the following:

(a) A fire or flood.

(b) Interruption of electrical ~~*[or water]*~~ *service* ~~*[.]*~~ *for more than 2 hours.*

(c) Interruption of water service.

(d) Sewage backup.

~~[(d)]~~ (e) The misuse of poisonous or toxic materials.

~~[(e)]~~ (f) The onset of an apparent food-borne illness outbreak.

~~[(f)]~~ (g) A gross insanitary occurrence or condition.

~~[(g)]~~ (h) Any other occurrence or condition that may endanger the public health.

Sec. 30. *1. Whenever an agent of the Board finds a condition in the operation of a cannabis establishment which constitutes a substantial hazard to the public health as defined in section 29 of this act, the agent may, without warning, notice or hearing, issue a written order to the licensee citing the condition, specifying the corrective action to be taken and specifying the time within which the action must be taken. Except as otherwise provided in subsection 3, the order may state that the license of the cannabis establishment is immediately suspended and all operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the Board, the person must be afforded a hearing before a hearing officer as soon as possible, but not later than ~~[45]~~ 14 days after the date on which the order was issued unless the Board and the licensee agree in writing to a longer period.*

2. Any licensee whose license has been suspended pursuant to subsection 1 may, at any time, make an application for a reinspection for reinstatement of the license. ~~[Within 10]~~ As soon as practicable, but not more than 2 business days following receipt of a written request, including a statement signed by the applicant that in the opinion of the applicant the conditions causing the suspension of the license have been corrected, the Board shall make a reinspection. If the applicant is complying with all applicable requirements of this title and the regulations adopted pursuant thereto, the license must be reinstated.

3. An order issued by an agent of the Board pursuant to subsection 1 must not order the immediate suspension of the license for the cannabis establishment and the immediate discontinuance of the operations of the cannabis establishment if the Board has approved the continued operation of the cannabis establishment or, while the agent of the Board is on the premises of the cannabis establishment:

(a) The condition is immediately corrected; or

(b) The licensee presents to the agent of the Board a plan for the continued operation of the cannabis establishment and the agent of the Board approves the plan.

Sec. 31. NRS 678B.060 is hereby amended to read as follows:

678B.060 "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of ~~[cultivation]~~ ***acquisition*** to the end consumer.

Sec. 32. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.215 to 678B.240, inclusive, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification ***and authentication*** system and an inventory control system pursuant to NRS 678C.420 and ~~[678C.430;]~~ ***section 27 of this act;***

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 and NRS 678B.215, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from

being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section ~~[, "community]~~ ***:***

(a) "Community facility" means:

~~[(a)]~~ ***(1)*** A ~~[facility that provides day care to children.]~~ ***licensed child care facility, as defined in NRS 432A.024.***

~~[(b)]~~ ***(2)*** A public park.

~~[(c)]~~ ***(3)*** A playground ~~[.]~~ ***, as defined in NRS 453.3345.***

~~[(d)]~~ ***(4)*** A public swimming pool ~~[.]~~ ***, as defined in NRS 444.065.***

~~[(e)]~~ ***(5)*** A ~~[center or facility, the primary purpose of which is to provide]~~ recreational ~~[opportunities or services to children or adolescents.]~~ ***center for youths.***

~~[(f)]~~ ***(6)*** A ~~[church, synagogue or other building, structure or place used for]~~ ***video arcade, as defined in NRS 453.3345.***

(7) A place of religious worship ***.*** ~~[or other religious purpose.]~~

(b) "Place of religious worship" means a church, synagogue or other building or structure that is owned and operated by a church, an integrated auxiliary of a church or a convention or association of churches that is exempt for taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033. The term does not include any building, structure or other place that is owned and operated by an organization that is listed on the most recent version of the Automatic Revocation of Exemption List published by the Internal Revenue Service, regardless of whether the organization identifies as a church, an integrated auxiliary of a church or a convention or association of churches.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" has the meaning ascribed to it in NRS 385.007.

(e) "Recreational center for youths" means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities in which more than 75 percent of the participants are persons who are less than 18 years of age.

Sec. 33. NRS 678B.215 is hereby amended to read as follows:

678B.215 1. Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.

2. The Board may, on or after January 1, 2024:

(a) Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.

(b) Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.

3. If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

4. An application submitted pursuant to subsection 3 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.

5. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

6. Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

7. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

8. As used in this section ~~[~~:

~~(a) "Covered]~~ ***, "covered*** jurisdiction" means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.

~~[(b) "Local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 34. NRS 678B.230 is hereby amended to read as follows:

678B.230 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the Board shall ensure that not more than 25 percent of the total number of medical cannabis dispensaries that may be licensed in the county, as set forth in NRS 678B.220, are located in any one local governmental jurisdiction within the county. The Board may increase the percentage described in this subsection upon the request of the board of county commissioners of the county. The Board shall adopt regulations setting forth the requirements for granting such a request.

2. To prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical cannabis establishment license; or

(b) More than 10 percent of the medical cannabis establishment licenses otherwise allocable in the county.

~~[3. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 35. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177

and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system ~~[;]~~ ***pursuant to section 27 of this act;***

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section ~~[~~, "community~~]~~ ***:***

(a) "Community facility" ~~[~~means:

~~(a) A facility that provides day care to children.~~

~~(b) A public park.~~

~~(c) A playground.~~

~~(d) A public swimming pool.~~

~~(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.~~

~~(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.~~] ***has the meaning ascribed to it in NRS 678B.210.***

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 36. NRS 678B.290 is hereby amended to read as follows:

678B.290 1. The Board shall establish standards for ~~[~~and certify one or more~~]~~ cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment or a person described in NRS 446.844.

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungi.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(5) The presence of any other substance, chemical, material or organism required by the Board by regulation.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) ~~[Agree to]~~ ***Satisfy any other requirements established by the Board by regulation.***

4. A cannabis independent testing laboratory shall, not more than 1 year after the date on which the cannabis independent testing laboratory is issued a license by the Board pursuant to NRS 678B.210 or 678B.250, become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization ~~[within 1 year after licensure]~~ by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

5. The Board may adopt regulations establishing standards and procedures for the operation of a cannabis independent testing laboratory, including, without limitation, regulations setting forth requirements concerning:

(a) The construction or layout of a building used for testing cannabis and cannabis products;

(b) The procedures, process, equipment, instruments, materials or supplies used for testing cannabis and cannabis products;

(c) Safety procedures to ensure that cannabis and cannabis products are protected from contamination from physical, chemical or biological hazardous materials; and

(d) The creation and retention of records by a cannabis independent testing laboratory, including, without limitation, records related to the finances of the cannabis independent testing laboratory and testing performed by the cannabis independent testing laboratory.

Sec. 37. NRS 678B.320 is hereby amended to read as follows:

678B.320 1. In a local governmental jurisdiction that issues business licenses, the issuance by the Board of ***a*** license shall be deemed to be conditional until such time as:

(a) The cannabis establishment is in compliance with all applicable local governmental ordinances or rules; ~~[and]~~

(b) The local government has issued a business license for the operation of the ***cannabis*** establishment ~~[.]~~ ***; and***

(c) The cannabis establishment satisfies an inspection conducted by the Board.

2. The Board shall adopt regulations:

(a) Requiring the surrender of a conditional license if a cannabis establishment does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and

(b) Authorizing a cannabis establishment to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the cannabis establishment that cause a delay in satisfying the requirements of subsection 1.

~~[3. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 38. NRS 678B.327 is hereby amended to read as follows:

678B.327 1. The Board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to independent cannabis consumption lounges. At least 50 percent of the licenses issued to independent cannabis consumption lounges must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

~~[5. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 39. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; ~~[and]~~

(b) To ensure accurate recordkeeping ~~[.]~~ ***;***

(c) For the training of the cannabis establishment agents who volunteer or work at, contract to provide labor to or are employed by an independent contractor to provide labor to the cannabis establishment; and

(d) Any other procedures for the operation of the cannabis establishment established by the Board by regulation.

2. Except as otherwise provided in this subsection, a cannabis establishment may have more than one entrance so long as each entrance is secure and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis. The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to ~~[reasonable]~~ inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; ~~[and]~~

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request ~~[.]~~ ***; and***

(c) Satisfy any other requirements established by the Board by regulation.

~~[7. A cannabis establishment shall not *may, upon approval of the Board,* dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.]~~

Sec. 40. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words "THIS PRODUCT CONTAINS CANNABIS" in bold type; and

(2) As required by the provisions of this chapter ***,*** ~~[and]~~ chapters 678C and 678D of NRS ~~[.]~~ ***and the regulations adopted by the Board.***

(b) Are not presented in packaging that contains an ***anthropomorphic image or an*** image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) ***Contains an anthropomorphic image.***

(d) Is modeled after a brand of products primarily consumed by or marketed to children.

~~[(d)]~~ ***(e)*** Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising ~~***[for use packaging for cannabis or cannabis products]***~~ that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising ~~***[for packaging]***~~ which uses an ***anthropomorphic image or an*** image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell ~~*[acquire hemp, and a cannabis sales facility may acquire hemp or]*~~ a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol ~~*[from any source approved by the Board.*~~

~~*10. A cannabis production facility may:*~~

~~*(a) Use hemp to manufacture cannabis products; and*~~

~~*(b) Sell]*~~ to a cannabis sales facility .

10. ~~*[a cannabis product that contains hemp.*~~

~~*11.]*~~ In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any ~~*[Hemp, any]*~~ commodity or product made using hemp , as defined in NRS 557.160; ~~*[or any cannabis product that contains hemp;]*~~

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. ~~*[12.]*~~ A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, ~~[13,]~~ the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. ~~[13.]~~ A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 ~~[12]~~ if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. ~~[14.]~~ Nothing in subsection 11 ~~[12]~~ shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 ~~[12]~~ relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed ~~[,]~~ ***to the general public,*** excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

14. ~~***[15.]***~~ If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. ~~***[16.]***~~ To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. ~~***[17.]***~~ In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 ~~***[12]***~~ or 14 ~~***[15]***~~ as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

17. ~~***[18.]***~~ As used in this section ~~[, "motor]~~ ***:***

(a) "Anthropomorphic image" means any image, including, without limitation, a caricature, cartoon or artistic rendering, in which human characteristics are attributed to an animal, plant or other object or which uses similar anthropomorphic techniques.

(b) ~~***["Hemp" has the meaning ascribed to it in NRS 557.160.***~~

~~***(c)]***~~ ***"Motor*** vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 41. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; ~~[or]~~

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products ~~[.]~~ ***; or***

(c) Advertise as a cannabis sales facility or cannabis consumption lounge, ➥ unless the person holds ~~[an adult use cannabis establishment license or a medical cannabis establishment]~~ ***the appropriate type of*** license ~~[.]~~ ***which authorizes the person to sell cannabis or cannabis products or engage in the business of a cannabis sales facility or cannabis consumption lounge, as applicable.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 42. NRS 678B.600 is hereby amended to read as follows:

678B.600 1. An employee of the State Department of Agriculture ***or the Board or an attorney who represents the Department or Board*** who, in the course of his or her duties:

(a) Possesses, delivers or produces cannabis;

(b) Aids and abets another in the possession, delivery or production of cannabis;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of cannabis is an element,

➥ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the cannabis described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the cannabis in accordance with the provisions of this title.

3. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 43. ~~[NRS 678C.410 is hereby amended to read as follows:~~

~~678C.410 1. A medical cannabis establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing cannabis for any purpose except to:~~

~~(a) Directly or indirectly assist patients who possess valid registry identification cards;~~

~~(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers; and~~

~~(c) Return for a refund cannabis, medical edible cannabis products or medical cannabis infused products to the medical cannabis establishment from which the cannabis, medical edible cannabis products or medical cannabis infused products were acquired.~~

~~➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 678C.470.~~

~~2. A medical cannabis dispensary and a medical cultivation facility may acquire usable cannabis or cannabis plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the cannabis. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a~~

~~person who holds a letter of approval may sell usable cannabis to a medical cannabis dispensary one time and may sell cannabis plants to a cultivation facility one time.~~

~~3. [A medical cannabis production facility and a medical cannabis dispensary may acquire hemp, as defined in NRS 557.160, or a commodity or product made using such hemp from a grower or handler registered by the State Department of Agriculture pursuant to chapter 557 of NRS. A medical cannabis production facility may use hemp or a commodity or product made using such hemp to manufacture medical cannabis products. A medical cannabis dispensary may dispense hemp or a commodity or product made using such hemp and medical edible cannabis products and medical cannabis-infused products manufactured using hemp or a commodity or product made using such hemp.~~

~~4.] A dual licensee:~~

~~(a) Shall comply with the regulations adopted by the Board pursuant to subsection 7 of NRS 678B.650 with respect to the medical cannabis establishment operated by the dual licensee; and~~

~~(b) May, to the extent authorized by such regulations, combine the location or operations of the medical cannabis establishment operated by the dual licensee with the adult use cannabis establishment operated by the dual licensee.~~

~~[5.] 4. If a medical cannabis establishment is operated by a dual licensee, any provision of this section which is determined by the Board to be unreasonably impracticable pursuant to subsection 8 of NRS 678B.650 does not apply to the medical cannabis establishment.]~~ **(Deleted by amendment.)**

Sec. 44. NRS 678C.420 is hereby amended to read as follows:

678C.420 1. Each medical cannabis establishment, in consultation with the Board, shall maintain an electronic verification ***and authentication*** system.

2. The electronic verification ***and authentication*** system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical cannabis dispensary, for each person who holds a valid registry identification card and who purchased cannabis from the dispensary in the immediately preceding 60-day ~~***[120-day]***~~ period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each cannabis establishment agent who is employed by or volunteers at the medical cannabis establishment, the number of the person's cannabis establishment agent registration card.

(c) In the case of a medical cannabis dispensary, such information as may be required by the Board by regulation regarding persons who are not residents of this State and who have purchased cannabis from the dispensary ~~[.]~~ ***in the immediately preceding 120-day period. Such information may include, without limitation, any information relating to any document issued to a***

person who is not a resident of this State by the state in which the person is a resident which identifies the person as exempt from state prosecution for engaging in the medical use of cannabis in that state.

(d) Verification of the identity of a person to whom cannabis or medical cannabis products are sold or otherwise distributed.

(e) Such other information as the Board may require.

3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an electronic verification ***and authentication*** system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.

4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification ***and authentication*** system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 45. NRS 678C.430 is hereby amended to read as follows:

678C.430 1. ~~[Each medical cannabis establishment, in consultation with the Board, shall maintain an inventory control system.~~

~~2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:~~

~~(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point that it is harvested at a cannabis cultivation facility until it is sold at a medical cannabis dispensary and, if applicable, medical cannabis production facility;~~

~~(b) The name of each person or other medical cannabis establishment, or both, to which the establishment sold cannabis;~~

~~(c) In the case of a medical cannabis dispensary, the date on which it sold cannabis to a person who holds a registry identification card and, if any, the quantity of medical cannabis products sold, measured both by weight and potency; and~~

~~(d) Such other information as the Board may require.~~

~~3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an inventory control system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.~~

~~4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.~~

~~5.]~~ If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment may:

(a) For the purpose of tracking cannabis for medical use, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the medical cannabis establishment operated by the dual licensee, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee and report the combined inventory under ~~[a single medical cannabis establishment license or]~~ ***the*** adult-use cannabis establishment license.

~~[6.]~~ ***2.*** If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment shall:

(a) For the purpose of reporting on the sales of any medical cannabis establishment or adult-use cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or chapter 678D of NRS in its inventory control system at the point of sale; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of this chapter holds a valid registry identification card.

Sec. 46. ~~[NRS 678C.460 is hereby amended to read as follows:~~

~~678C.460 1. At each medical cannabis establishment, medical cannabis must be stored only in an enclosed, locked facility.~~

~~2. Except as otherwise provided in subsection 3, at each medical cannabis dispensary, medical cannabis must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by the Underwriters Laboratories for key locks.~~

~~3. At a medical cannabis dispensary, medical cannabis may be removed from the secure setting described in subsection 2:~~

~~(a) Only for the purpose of dispensing the cannabis;~~

~~(b) Only immediately before the cannabis is dispensed; and~~

~~(c) Only by a cannabis establishment agent who is employed by or volunteers at the dispensary.~~

~~[4. A medical cannabis establishment may:~~

~~(a) Transport medical cannabis to another medical cannabis establishment or between the buildings of the medical cannabis establishment; and~~

~~(b) Enter into a contract with a third party to transport cannabis to another medical cannabis establishment or between the buildings of the medical cannabis establishment.]~~ **(Deleted by amendment.)**

Sec. 47. NRS 678D.005 is hereby amended to read as follows:

678D.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678D.010 ~~[to 678D.040, inclusive,]~~ ***, 678D.020 and 678D.030*** have the meanings ascribed to them in those sections.

Sec. 48. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than ~~[1 ounce]~~ ***2.5 ounces*** of usable cannabis ~~*[.* or one eighth of an ounce]~~ ***or 3,500 milligrams*** of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than ~~[800]~~ ***1,000*** milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.

(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than ~~[800~~ ~~*1,000]*~~ ***2,500*** milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

(g) For any other adult-use cannabis product, more than ~~[800]~~ ***1,000*** milligrams of THC.

3. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.

Sec. 49. NRS 678D.430 is hereby amended to read as follows:

678D.430 1. If an adult-use cannabis establishment is operated by a dual licensee, the adult-use cannabis establishment may:

(a) For the purpose of tracking cannabis, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the adult-use cannabis establishment, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee and report the combined inventory under ~~[a single medical cannabis license or]~~ ***the*** adult-use cannabis license.

2. If a cannabis establishment is operated by a dual licensee, the cannabis establishment shall:

(a) For the purpose of reporting on the sales of any adult-use cannabis establishment or medical cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or chapter 678C of NRS; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of chapter 678C of NRS holds a valid registry identification card.

3. An adult-use cannabis retail store shall not sell cannabis or cannabis products through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold an adult-use cannabis establishment license.

4. An adult-use cannabis retail store may contract with a third party or intermediary business to deliver cannabis or cannabis products only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the adult-use cannabis retail store or an Internet website, digital network or software application service of the adult-use cannabis retail store;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products;

(c) In addition to any other requirements imposed by the Board by regulation, the name of the adult-use cannabis retail store and all independent contractors who perform deliveries on behalf of the adult-use cannabis retail store has been published on the Internet website of the Board; and

(d) The delivery is made by a cannabis establishment agent who is authorized to make the delivery by the adult-use cannabis retail store by which he or she is employed.

Sec. 50. ~~[NRS 678D.440 is hereby amended to read as follows:~~

~~678D.440 1. An adult-use cannabis distributor may transport cannabis and cannabis products between [an adult-use] *a* cannabis establishment and another [adult-use] cannabis establishment or between the buildings of [an adult-use] *a* cannabis establishment.~~

~~2. [An adult-use cannabis establishment shall not transport cannabis or cannabis products to an adult-use cannabis retail store unless the adult-use cannabis establishment holds an adult-use cannabis establishment license for an adult-use cannabis distributor.~~

~~3.] An adult-use cannabis distributor shall not purchase or sell cannabis or cannabis products unless the adult-use cannabis distributor also holds [an adult-use cannabis establishment] *a* license for a type of [adult-use] cannabis establishment authorized by law to purchase or sell cannabis or cannabis products.~~

~~[4.] *3.* An adult-use cannabis distributor may enter into an agreement or contract with [an adult-use] *a* cannabis establishment for the transport of cannabis or cannabis products. Such an agreement or contract may include, without limitation, provisions relating to insurance coverage, climate control and theft by a third party or an employee.~~

~~[5.] *4.* An adult-use cannabis distributor, and each cannabis establishment agent employed by the adult-use cannabis distributor who is involved in the transportation, is responsible for cannabis and cannabis products once the adult-use cannabis distributor takes control of the cannabis or cannabis products and leaves the premises of [an adult-use] *a* cannabis establishment.~~

~~[6.] *5.* The Board may adopt regulations establishing additional requirements for the operations of an adult-use cannabis distributor.]~~ **(Deleted by amendment.)**

Sec. 51. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ~~[,]~~ ***and 4,*** smoking in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking in any form is prohibited within school buildings and on school property.

3. Smoking is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. ***The smoking of cannabis in accordance with the provisions of title 56 of NRS and the regulations adopted pursuant thereto is not prohibited in a cannabis consumption lounge.***

5. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

~~[5.]~~ ***6.*** If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection ~~[4,]~~ ***5,*** the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, $1,000.

(b) For a second or subsequent offense, $2,000.

~~[6.]~~ ***7.*** In any prosecution or other proceeding for a violation of the provisions of subsection ~~[4 or]~~ 5 ~~[,]~~ ***or 6,*** it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

~~[7.]~~ ***8.*** In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

~~[8.]~~ ***9.*** Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local smoking control measures that meet or exceed the minimum applicable standards set forth in this section.

~~[9.]~~ ***10.*** "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

~~[10.]~~ ***11.*** Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

~~[11.]~~ ***12.*** No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

~~[12.]~~ ***13.*** For the purposes of this section, the following terms have the following definitions:

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor

windows must remain closed at all times and doors must remain closed when not actively in use.

(b) ***"Cannabis" has the meaning ascribed to it in NRS 678A.085.***

(c) "Cannabis consumption lounge" has the meaning ascribed to it in NRS 678A.087.

(d) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

~~[(c)]~~ ***(e)*** "Child care facility" has the meaning ascribed to it in NRS 441A.030.

~~[(d)]~~ ***(f)*** "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

~~[(e)]~~ ***(g)*** "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

~~[(f)]~~ ***(h)*** "Health authority" has the meaning ascribed to it in NRS 202.2485.

~~[(g)]~~ ***(i)*** "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

~~[(h)]~~ ***(j)*** "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

~~[(i)]~~ ***(k)*** "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

~~[(j)]~~ ***(l)*** "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

~~[(k)]~~ ***(m)*** "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

~~[(l)]~~ ***(n)*** "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(m)]~~ ***(o)*** "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(n)]~~ ***(p)*** "Smoking" means inhaling, exhaling, burning or carrying any liquid or heated cigar, cigarette or pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. The term includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, and the use of any oral smoking device. As used in this paragraph, "electronic smoking device":

(1) Means any product containing or delivering nicotine, a product made or derived from tobacco or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor or aerosol from the product.

(2) Includes any component part of a product described in subparagraph (1), regardless of whether the component part is sold separately.

(3) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 352 et seq.

~~[(o)]~~ ***(q)*** "Stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

~~[(p)]~~ ***(r)*** "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

~~[13.]~~ ***14.*** Any statute or regulation inconsistent with this section is null and void.

~~[14.]~~ ***15.*** The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 52. NRS 223.250 is hereby amended to read as follows:

223.250 1. The Governor or his or her designee may enter into one or more agreements with tribal governments in this State to efficiently coordinate the cross-jurisdictional administration of the laws of this State and the laws of

tribal governments relating to the use of cannabis. Such an agreement may include, without limitation, provisions relating to:

(a) Criminal and civil law enforcement;

(b) Regulatory issues relating to the possession, delivery, production, processing or use of cannabis or cannabis products;

(c) Medical and pharmaceutical research involving cannabis;

(d) The administration of laws relating to taxation;

(e) Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing, transportation or use of cannabis or cannabis products; and

(f) The resolution of any disputes between a tribal government and this State, which may include, without limitation, the use of mediation or other nonjudicial processes.

2. An agreement entered into pursuant to this section must:

(a) Provide for the preservation of public health and safety;

(b) Ensure the security of cannabis establishments and the corresponding facilities on tribal land; and

(c) Establish provisions regulating business involving cannabis which passes between tribal land and non-tribal land in this State.

3. ***Any information received pursuant to the terms of an agreement entered into pursuant to this section by a governmental entity from a tribal government or a facility engaged in cannabis activities operating on tribal land which relates to cannabis or a cannabis product that is not sold or transferred to a cannabis establishment*** ***remains the property of the tribal government,*** ***is not a public record within the meaning of NRS 239.010 and*** ~~*[is]*~~ ***must be kept*** ***confidential*** ~~*[.]*~~ ***by the governmental entity.***

4. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

(c) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

(d) ***"Governmental entity" has the meaning ascribed to it in NRS 239.005.***

(e) "Tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to ~~[83.13,]~~ ***83.12,*** inclusive.

Sec. 53. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,

164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, ***223.250,*** 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,

624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 54. NRS 239.0115 is hereby amended to read as follows:

239.0115 1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that the person seeks to inspect or copy.

3. The provisions of subsection 1 do not apply to any book or record:

(a) Declared confidential pursuant to NRS 463.120 ~~,~~ ***or 678A.470.***

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

Sec. 55. The amendatory provisions of sections 5, 6 and 13 to 23, inclusive, of this act apply to any judicial or administrative proceedings commenced on or after the effective date of this act.

Sec. 56. NRS 678C.060, 678C.100 ~~[,]~~ **and** 678D.040 ~~[and 678D.410]~~ are hereby repealed.

Sec. 57. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

678C.060 "Inventory control system" defined. "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.

678C.100 "Usable cannabis" defined.

1. "Usable cannabis" means:

(a) The dried leaves and flowers of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis; and

(b) The seeds of a plant of the genus *Cannabis*.

2. The term does not include the stalks and roots of the plant.

678D.040 "Usable cannabis" defined. "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

~~[678D.410 License required for transportation of cannabis for adult use and adult use cannabis products; exceptions. An adult use cannabis establishment shall not transport cannabis or adult use edible cannabis products or adult use cannabis infused products to an adult use cannabis retail store unless the adult use cannabis establishment:~~

~~1. Holds a license for an adult use cannabis distributor;~~

~~2. Holds a medical cannabis establishment license and is only transporting cannabis or medical edible cannabis products or medical cannabis infused products for the medical use of cannabis;~~

~~3. Is an adult use cannabis independent testing laboratory transporting samples for testing; or~~

~~4. Is a dual licensee and is only transporting cannabis or medical edible cannabis products or medical cannabis infused products for the medical use of cannabis to a medical cannabis dispensary or a dual licensee.]~~

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

AN ACT relating to juvenile justice; ~~[removing the requirement that the district attorney must give written approval before]~~ **revising provisions relating to the authority of** a juvenile court ~~[may]~~ **to** place a child under

informal supervision under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, **if, after a complaint is made alleging that a child is delinquent or in need of supervision, the district attorney files a petition with the juvenile court,** the juvenile court may ~~[place a]~~ **dismiss the petition without prejudice and refer the** child ~~[who is alleged to have committed an unlawful act that would be a gross misdemeanor or felony if committed by an adult under]~~ **to a probation officer for** informal supervision if: (1) the child voluntarily admits participation in the acts alleged in the complaint; and (2) the district attorney gives written approval for the placement of the child under informal supervision ~~[.]~~ **, if any of the acts alleged in the complaint are unlawful acts that would have constituted a gross misdemeanor or felony if committed by an adult.** (NRS ~~[62C.200)]~~ **62C.200, 62C.230)** This bill removes the ~~[requirement]~~ **requirements** that the district attorney must give written approval **and that the child must make certain admissions** before the juvenile court may ~~[place]~~ **dismiss a petition without prejudice and refer** such a child ~~[under]~~ **to a probation officer for** informal supervision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 62C.200 is hereby amended to read as follows:~~

~~"62C.200 1. When a complaint is made alleging that a child is delinquent or in need of supervision, the child may be placed under the informal supervision of a probation officer if [:~~

~~(a) The] *the* child voluntarily admits participation in the acts alleged in the complaint. [; and~~

~~(b) The district attorney gives written approval for placement of the child under informal supervision, if any of the acts alleged in the complaint are unlawful acts that would have constituted a gross misdemeanor or felony if committed by an adult.]~~

~~2. If the probation officer recommends placing the child under informal supervision, the probation officer must advise the child and the parent or guardian of the child that they may refuse informal supervision.~~

~~3. The child must enter into an agreement for informal supervision voluntarily and intelligently:~~

~~(a) With the advice of the attorney for the child; or~~

~~(b) If the child is not represented by an attorney, with the consent of the parent or guardian of the child.~~

~~4. If the child is placed under informal supervision:~~

~~(a) The terms and conditions of the agreement for informal supervision must be stated clearly in writing. The terms and conditions of the agreement may include, but are not limited to, the requirements set forth in NRS 62C.210.~~

~~(b) The agreement must be signed by all parties.~~

~~(c) A copy of the agreement must be given to:~~

~~(1) The child;~~

~~(2) The parent or guardian of the child;~~

~~(3) The attorney for the child, if any; and~~

~~(4) The probation officer, who shall retain a copy in the probation officer's file for the case.~~

~~5. The period of informal supervision must not exceed 180 days. The child and the parent or guardian of the child may terminate the agreement at any time by requesting the filing of a petition for formal adjudication.~~

~~6. The district attorney may not file a petition against the child based on any acts for which the child was placed under informal supervision unless the district attorney files the petition not later than 180 days after the date the child entered into the agreement for informal supervision. If the district attorney files a petition against the child within that period, the child may withdraw the admission that the child made pursuant to subsection 1.~~

~~7. If the child successfully completes the terms and conditions of the agreement for informal supervision, the juvenile court may dismiss any petition filed against the child that is based on any acts for which the child was placed under informal supervision.~~] **(Deleted by amendment.)**

Sec. 2. **NRS 62C.230 is hereby amended to read as follows:**

62C.230 1. If the district attorney files a petition with the juvenile court, the juvenile court may:

(a) Dismiss the petition without prejudice and refer the child to the probation officer for informal supervision **;** ~~[pursuant to NRS 62C.200;]~~ or

(b) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency, if the juvenile court receives:

(1) The recommendation of the probation officer;

(2) The written approval of the district attorney; and

(3) The written consent and approval of the child and the parent or guardian of the child.

2. If a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree, the juvenile court may dismiss the petition if the child successfully completes the terms and conditions of the supervision and consent decree.

3. If the petition is dismissed pursuant to subsection 2:

(a) The child may respond to any inquiry concerning the proceedings and events which brought about the proceedings as if they had not occurred; and

(b) The records concerning a supervision and consent decree may be considered in a subsequent proceeding before the juvenile court regarding that child.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 397.

AN ACT relating to parole; authorizing the State Board of Parole Commissioners to grant second look ~~[parole]~~ **review** to certain persons; making certain persons convicted of certain crimes committed when the person was less than 25 years of age eligible for parole after serving a certain number of years of incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Parole Commissioners to grant geriatric parole to a person who is 65 years of age or older and meets certain criteria. (NRS 213.12155) **Section 1** of this bill likewise authorizes the Board to grant second look ~~[parole]~~ **review** to a person convicted of a category A or B felony if the person: (1) does not pose a significant and articulable risk to public safety; (2) has served a certain number of years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; and (3) meets certain other criteria. **Section 1** also prescribes: (1) the procedure for initiating consideration for second look ~~[parole;]~~ **review;** and (2) certain requirements relating to scheduling and conducting a second look ~~[parole]~~ **review** hearing. Finally, **section 1** requires the Board to prescribe the terms and conditions of ~~[second look parole]~~ **release** for ~~[each]~~ **a** person ~~[to]~~ **for** whom ~~[the Board grants]~~ **a** second look ~~[parole]~~ **review was conducted** and provides that any such person is under the supervision of the Division of Parole and Probation of the Department of Public Safety. **Section 2** of this bill makes a conforming change to make certain existing definitions applicable to **section 1**.

Existing law makes a prisoner who was sentenced for certain offenses that were committed when he or she was less than 18 years of age eligible for parole after the prisoner has served: (1) 15 calendar years of incarceration, if the prisoner is incarcerated for having been convicted of an offense that did not result in the death of a victim; or (2) 20 calendar years of incarceration, if the prisoner is incarcerated for having been convicted of an offense that resulted in the death of only one victim. (NRS 213.12135) **Section 3** of this bill makes a prisoner eligible for parole under these conditions when the prisoner was sentenced for an offense that was committed when he or she was less than 25 years of age, rather than 18 years of age.

Section 4 of this bill provides that the amendatory provisions of **sections 1 and 3** apply to an offense committed before, on or after January 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, the Board may grant second look ~~[parole]~~ review to a prisoner convicted of a:

(a) Category A felony if the prisoner:

(1) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;

(2) Does not pose a significant and articulable risk to public safety; and

(3) Has served not less than 25 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; or

(b) Category B felony if the prisoner:

(1) Does not pose a significant and articulable risk to public safety; and

(2) Has served not less than 15 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court.

2. Consideration for second look ~~[parole]~~ review may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records and any other relevant documents, from:

(a) A prison official or employee;

(b) A prisoner;

(c) An attorney or representative of a prisoner;

(d) A family member of a prisoner; or

(e) A medical or mental health professional.

3. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and request verification of the length of time the prisoner has spent in the custody of the Department.

4. Upon receipt of a request from the Board submitted pursuant to subsection 3, if the Department determines that the prisoner:

(a) Meets the criteria set forth in subsection 1, the Department shall:

(1) Notify the Board of the prisoner's eligibility for ~~[consideration of]~~ second look ~~[parole;]~~ review;

(2) Place the prisoner on the next available list of persons eligible for ~~[parole pursuant to NRS 209.254;]~~ second look review; and

(3) Provide to the Board a report prepared in accordance with paragraph (c) of subsection 1 of NRS 213.131.

(b) Does not meet the criteria set forth in subsection 1, the Department shall notify the Board and explain the reasons for such a determination.

5. Upon receipt of the list ~~[prepared pursuant to NRS 209.254,]~~ of persons eligible for second look review, the Board shall, after sending copies of the list to all law enforcement agencies in this State and other appropriate persons in accordance with subsection 5 of NRS 213.1085, schedule a hearing to ~~[consider]~~ conduct the second look ~~[parole]~~ review of an eligible prisoner whose name appears on the list.

6. Except as otherwise provided in subsection 7, the Board shall schedule and conduct the second look ~~[parole]~~ review hearing of a prisoner

in the same general manner in which other prisoners are considered for parole. The Board shall notify the prisoner and, if applicable, the person who submitted the application pursuant to subsection 2 of the date, time and location of the second look ~~[parole]~~ review hearing.

7. In determining whether to grant second look ~~[parole]~~ review to a prisoner, the Board ~~[shall]~~ may consider:

(a) The written application and supporting documentation submitted to the Board pursuant to subsection 2;

(b) ~~[The age of the prisoner at the time the offense was committed in conjunction with any relevant research presented at the hearing concerning the developmental maturity of persons at that age;~~

~~(c)]~~ The age of the prisoner at the time the application was submitted pursuant to subsection 2 in conjunction with any relevant research presented at the hearing concerning the impact of aging on the behavior of a person;

~~[(d) Whether the prisoner had less involvement in the commission of the crime for which parole is being considered than other persons who participated in the commission of the crime;~~

~~(e)]~~ (c) The behavior of the prisoner while in custody, including, without limitation:

(1) Any disciplinary action taken against the prisoner; and

(2) Whether the prisoner has completed a program of general education, an industrial or vocational training program or any other program for rehabilitation or treatment;

~~[(f) Information on the background, personal history and characteristics of the prisoner, including, without limitation, whether, at the time the offense was committed, the prisoner was a victim of domestic violence or sexual abuse;~~

~~(g)]~~ (d) Any victim impact statement, other documents or testimony submitted by the victim;

~~[(h)]~~ (e) Any evidence indicating that the sentence imposed was ~~[:~~

~~(1) Enhanced because the offender exercised his or her constitutional right to a trial; or~~

~~(2) Inconsistent]~~ inconsistent with the public policy set forth in NRS 176.0131 or any state laws, regulations or guidelines relating to sentencing;

~~[(i)]~~ (f) Whether a stable plan for the release of the prisoner exists;

~~[(j)]~~ (g) Whether the prisoner has support available to him or her in the community or from his or her family; and

~~[(k)]~~ (h) Any other evidence the Board deems relevant for purposes of determining whether the release of the prisoner ~~[on parole]~~ would benefit, or would not be dangerous to, society or the prisoner.

8. ~~[The]~~ Upon making a final decision concerning the second look review of a prisoner, the Board shall ~~[notify a]~~ provide written notice to the prisoner of ~~[the Board's]~~ its decision ~~[as to whether to grant second look parole]~~ in accordance with subsection 11 of NRS 213.131.

9. At the time of the release of a prisoner ~~[on]~~ for whom a second look ~~[parole,]~~ review was conducted, the Board shall prescribe the terms and conditions of ~~[the second look parole.]~~ his or her release.

10. A person who is ~~[granted second look parole]~~ released pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the person's compliance with the terms and conditions of release prescribed by the Board.

11. Except as otherwise provided in this subsection, the Board shall not take any action on an application submitted pursuant to subsection 2 if the prisoner to whom the application pertains was previously denied second look ~~[parole]~~ review and less than 24 months have elapsed since the most recent denial. The Board may take action on such an application if a shorter period has been prescribed by the Board or a request is made by the Director of the Department.

12. The provisions of this section are not intended to replace the provisions relating to the general eligibility and consideration of parole provided in NRS 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section:

(a) "Department" means the Department of Corrections.

(b) "Domestic violence" means the commission of any act described in NRS 33.018.

(c) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(d) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

(e) "Victim" includes:

(1) A person against whom a crime has been committed; and

(2) A relative of a person described in subparagraph (1).

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

8. "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 3. NRS 213.12135 is hereby amended to read as follows:

213.12135 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law, a prisoner who was sentenced ~~[as an adult]~~ for an offense that was committed when he or she was less than ~~[18]~~ ***25*** years of age is eligible for parole as follows:

(a) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.

(b) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.

2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Sec. 4. The amendatory provisions of sections 1 and 3 of this act apply to an offense committed before, on or after January 1, 2026.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 372.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GURR **, KOENIG AND D'SILVA**

SUMMARY—Revises provisions relating to economic development of regional commercial air service in this State. (BDR ~~[18-140)]~~ **44-140)**

AN ACT relating to economic development; ~~[providing that money remaining in the Nevada Air Service Development Fund does not revert to the State General Fund at the end of a fiscal year;]~~ **creating the Office of Aerospace within the Department of Transportation; setting forth the duties of the Office; revising provisions relating to the Nevada Air Service Development Commission; requiring the Office to submit certain written reports relating to grants; requiring the Director of the Office to administer the Fund for Aviation;** making an appropriation to the Nevada ~~[Air Service]~~ **Aerospace** Development Fund; making an appropriation to the Fund for Aviation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates within the Office of Economic Development in the Office of the Governor the Nevada Air Service Development Commission, which consists of the Executive Director of the Office of Economic Development and certain members who are appointed by the Governor. (NRS 231.680) **Section 7 of this bill creates the Office of Aerospace within the Department of Transportation and requires the Governor to appoint a Director to head the Office. Sections 3-6 of this bill define certain terms relating to the Office.**

Section 8 of this bill sets forth the duties of the Office, which include: (1) developing and expanding state planning relating to air service and airspace infrastructure and aviation-flight use, including, airport, airstrip, heliport, spaceport and vertiport, which must be developed subject to certain conditions; (2) creating a system for automated weather observation at rural locations; (3) creating a certification program for airport lighting and maintenance at rural airports; (4) developing a program to distribute the surplus equipment to airports; (5) implementing a statewide network of crew cars to support rural airports; and (6) establishing a comprehensive aviation support network. Section 9 of this bill authorizes the Office to apply for grants and accept certain funds.

Existing law ~~[also]~~ creates the Nevada Air Service Development Fund **as a special revenue fund in the State Treasury** and requires the Commission to develop a program to make grants of money from the Fund to an air carrier or any governmental entity for the purpose of establishing air service or providing enhanced air service routes that service certain airports. (NRS 231.690, 231.710) ~~[Section 1]~~ **Sections 10 and 23** of this bill ~~[provides]~~ **: (1) move and rename the Nevada Air Service Development Fund to the Nevada Aerospace Development Fund and provide** that money remaining in the Nevada ~~[Air Service]~~ **Aerospace** Development Fund does not revert to the State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year ~~[.]~~ **; and (2) require the Director of the Office to administer the Fund and make grants of money to air carriers or governmental entities that meet certain requirements. Sections 11 and 23 move the responsibility for developing the grant program from the**

Nevada Air Service Development Commission to the Office. Section 11 also sets forth the requirements for air carriers to be awarded a grant of money from the Office.

Sections 12 and 23 of this bill: (1) rename the Nevada Air Service Development Commission the Nevada Aerospace Commission; and (2) move the Commission to the Office of Aerospace. Section 12 requires the Nevada Aerospace Commission to advise the Governor and the Office on the priorities for aerospace development in this State.

Existing law creates the Fund for Aviation as a trust fund administered by the Director of the Department of Transportation and authorizes the Director to award grants of money from the Fund for Aviation to counties, cities or other local governments in this State to obtain matching money for federal programs and certain other programs relating to airports. (NRS 494.048) Section 14 of this bill requires the Director of the Office of Aerospace to administer the Fund for Aviation and authorizes the Director of the Office of Aerospace to award such grants of money.

Section 13 of this bill requires the Office to submit an annual report to be transmitted to the Legislature or Legislative Commission detailing certain information for the immediately preceding calendar year relating to the grants awarded from the Nevada Aerospace Development Fund and the Fund for Aviation.

Section ~~[2]~~ 15 of this bill makes an appropriation from the State General Fund to the Nevada ~~[Air Service]~~ **Aerospace** Development Fund in the amount of $10,000,000 for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money ~~[to an air carrier or any governmental entity that will service or provide enhanced air service routes to certain airports.~~

~~Existing law creates the Fund for Aviation in the State Treasury and requires the Director of the Department of Transportation to administer the Fund for Aviation. Existing law authorizes the Director to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently only Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048)]~~ **pursuant to section 11. Section ~~[3]~~ 16** of this bill makes an appropriation from the State General Fund to the Fund for Aviation in the amount of $1,000,000 for Fiscal Year 2025-2026 and $1,000,000 for Fiscal Year 2026-2027 to match money that is available from the Federal Aviation Administration for these purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 231.690 is hereby amended to read as follows:~~

~~231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund.~~ ***~~Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.~~***

~~2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.~~

~~3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.~~

~~4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.~~] **(Deleted by amendment.)**

Sec. 2. **Chapter 494 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 13, inclusive, of this act.**

Sec. 3. ***As used in sections 3 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Air carrier" means a person who provides commercial air transportation to passengers. The term includes, without limitation, an air taxi operator designated pursuant to 14 C.F.R. § 298.3.***

Sec. 5. ***"Director" means the Director of the Office of Aerospace appointed pursuant to section 7 of this act.***

Sec. 6. ***"Office" means the Office of Aerospace created by section 7 of this act.***

Sec. 7. ***1. The Office of Aerospace is hereby created within the Department of Transportation.***

2. The Governor shall appoint a Director to head the Office. The Director is in the unclassified service of the State and serves at the pleasure of the Governor.

Sec. 8. ***1. The Office shall:***

(a) Develop a statewide plan for advanced air mobility airspace and airport infrastructure and aviation-flight use, including, without limitation, airport, airstrip, heliport, spaceport and vertiport, which must be developed with input from relevant stakeholders;

(b) Manage and support the development of air service in this State, with an emphasis on intrastate air service to all areas of this State;

(c) Expand existing state planning for airports and heliport systems to highlight the economic impact of airports and aviation in this State;

(d) Create a system for automated weather observation at rural locations;

(e) Create a certification program in airport lighting and maintenance at rural airports;

(f) Develop a program to distribute surplus equipment to airports in this State;

(g) Implement a statewide network of crew cars to support rural airports in this State; and

(h) Establish a comprehensive aviation support network in this State.

2. The Director may adopt regulations to carry out the provisions of sections 3 to 13, inclusive, of this act.

Sec. 9. The Office of Aerospace may apply for any available grants and accept gifts, grants, bequests and other contributions from any public or private source, including interlocal agreements.

Sec. 10. 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Aerospace Development Fund. Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

2. The Director shall administer the Fund. The Director may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director may make grants of money from the Fund to air carriers or governmental entities that satisfy the criteria set forth in section 11 of this act.

Sec. 11. 1. The Office shall develop a program to provide grants of money from the Nevada Aerospace Development Fund created by section 10 of this act to an air carrier or governmental entity for the purpose of establishing air service or providing enhanced air service routes that service a public-use airport that is a National Plan of Integrated Airport Systems public airport.

2. An application for a grant of money from the Fund must be in the form prescribed by the Director and must include, without limitation:

(a) A statement designating the airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Office awards the grant to the air carrier, the air carrier will enter into a written agreement with the Office that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Office one of the guarantees set forth in subsection 4; and

(c) Letters of support from each airport that participates in the air service route offered by the air carrier pursuant to subsection 1.

3. The Office may make a grant of money from the Nevada Aerospace Development Fund if the Office finds that the grant will:

(a) Enable an air carrier to commence or continue air service to an airport described in subsection 1; and

(b) Provide economic benefit to this State.

4. The Office may make a grant of money from the Nevada Aerospace Development Fund only to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates into or out of the airport designated in the application pursuant to paragraph (a) of subsection 2; or

(b) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the Office.

5. As used in this section:

(a) "National Plan of Integrated Airport Systems public airport" means an airport in this State that is part of the most recent version of the National Plan of Integrated Airport Systems published by the United States Secretary of Transportation pursuant to 49 U.S.C. § 47103.

(b) "Public-use airport" has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 12. 1. The Nevada Aerospace Commission is hereby created within the Office. The Commission shall advise the Governor and the Office on the priorities for aerospace development in this State.

2. The Commission consists of:

(a) The Director;

(b) One member appointed by the Governor who is a member of the Commission on Tourism;

(c) One member appointed by the Governor who represents the Nevada Aviation Association or its successor organization;

(d) One member appointed by the Governor who represents the department of aviation in a county whose population is 700,000 or more;

(e) One member appointed by the Governor who represents the Reno-Tahoe Airport Authority;

(f) One member appointed by the Governor who represents the Nevada Resort Association or its successor organization;

(g) One member appointed by the Governor who represents the Nevada Association of Counties or its successor organization; and

(h) One member appointed by the Governor who represents the Nevada League of Cities or its successor organization.

3. The Governor shall ensure that at least one member appointed pursuant to subsection 2 is a resident of a county whose population is less than 100,000.

4. The terms of office for the members of the Commission appointed pursuant to paragraphs (b) to (h), inclusive, of subsection 2 are 2 years, which terms must be staggered.

5. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

6. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members. A majority of the members of the Commission constitutes a quorum for the transaction of all business.

7. The members of the Commission serve without compensation.

Sec. 13. On or before February 1 of each year, the Office shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, a report detailing for the immediately preceding calendar year:

1. The total number of applications for grants of money from the Nevada Aerospace Development Fund created by section 10 of this act that were received pursuant to section 11 of this act;

2. The total amount of grants from the Nevada Aerospace Development Fund that were awarded by the Office to air carriers or governmental entities pursuant to section 11 of this act;

3. For each grant of money awarded from the Nevada Aerospace Development Fund, the amount of each grant and an explanation of how the grant will be used by the air carrier to provide or enhance air service to an airport;

4. The total amount of grants from the Fund for Aviation that were awarded by the Office to a county, city or other local government pursuant to NRS 494.048; and

5. For each grant of money awarded from the Fund for Aviation that was awarded by the Office to a county, city or local government pursuant to NRS 494.048, the amount of each grant and an explanation of how the grant will be used by the county, city or other local government.

Sec. 14. **NRS 494.048 is hereby amended to read as follows:**

494.048 1. The Fund for Aviation is hereby created as a trust fund in the State Treasury. The Director:

(a) Shall administer the Fund; and

(b) May apply for and accept any gift, bequest, grant, appropriation or donation from any source for deposit in the Fund.

2. Any money received by the Director pursuant to the provisions of subsection 1 must be deposited in the Fund. The money in the Fund may be invested as the money in other state funds is invested. After deducting any applicable charges, all interest and income earned on the money in the Fund must be credited to the Fund. The money in the Fund may be expended only in accordance with the terms and conditions of any gift, bequest, grant, appropriation or donation to the Fund or in the manner provided in subsection 3. Not more than 1 percent of the money in the Fund may be used to pay the costs of administering the Fund.

3. Except as otherwise provided in this section, the Director may:

(a) Expend money in the Fund to award grants to a county, city or other local government in this State for obtaining matching money for federal programs and any other programs relating to airports or for the planning,

establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government; and

(b) Adopt regulations to carry out the provisions of paragraph (a).

4. The Director shall:

(a) In adopting regulations pursuant to subsection 3, determine the order of priority for the expenditures from the Fund by considering, without limitation, the following factors:

(1) The purpose of the project;

(2) The costs and benefits of the project; and

(3) The effect of the project on the environment, safety, security, infrastructure and capacity of the airport; and

(b) Before awarding a grant or adopting a regulation pursuant to subsection 3, consult with the Nevada Aviation Technical Advisory Committee and any person who represents an airport in this State used by the general public.

5. Any money received by a county, city or other local government pursuant to the provisions of this section must be accounted for separately by the county, city or other local government and may be used only for the purpose for which the money was received by the county, city or other local government.

6. The provisions of this section do not apply to an airport, landing area or air navigation facility that is owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more.

7. As used in this section, "Director" means the Director of the ~~[Department]~~ ***Office*** of ~~[Transportation.]~~ ***Aerospace created by section 7 of this act.***

~~[Sec. 2.]~~ ***Sec. 15.*** 1. There is hereby appropriated from the State General Fund to the Nevada ~~[Air Service]~~ **Aerospace** Development Fund created by ~~[NRS 231.690]~~ **section 10 of this act** the sum of $10,000,000.

2. The amount appropriated by subsection 1 must be used for the purpose of conducting a study of the development of intrastate air service in this State and for the purpose of making grants of money pursuant to ~~[NRS 231.710.]~~ **section 11 of this act.**

~~[Sec. 3.]~~ ***Sec. 16.*** 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 **, as amended by section 14 of this act,** the following sums:

For the Fiscal Year 2025-2026 ..... $1,000,000

For the Fiscal Year 2026-2027 ..... $1,000,000

2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.

Sec. 17. **1. The Legislature hereby finds and declares that:**

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as the "gift clause" which restricts the State, under certain circumstances, from donating or loaning the State's money

or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In *Lawrence v. Clark County*, 127 Nev. 390, 405 (2011), the Nevada Supreme Court held that the State does not donate, loan or "gift" its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for public purposes and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(d) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951), and *Lawrence v. Clark County*, 127 Nev. 390, 399 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that the dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair compensation in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundations; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature hereby further finds and declares that:

(a) The program developed and carried into effect pursuant to section 11 of this act will not result in the State acting as a surety or guarantor of the debts of an air carrier receiving a grant of money.

(b) The purpose of section 11 of this act is to develop and carry into effect a state program to encourage air carriers to resume, retain or enhance the provision of commercial air service to and from small hub airports, nonhub airports and large hub airports that serve rural communities in this State.

(c) The provisions of section 11 of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each grant of money from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each grant of

money from the program to determine whether the grant will provide economic benefit to the State;

(2) The provision of air transportation service to and from small hub airports and nonhub airports enables the citizens and businesses of this State to travel more efficiently, and at lower cost, to and from the rural communities in this State; and

(3) The dispensing state agency may not make a grant of money from the program unless the agency receives a commitment from the air carrier receiving the grant to commence or continue air service to a designated small hub airport, nonhub airport or large hub airport that services small hub airports and nonhub airports.

3. As used in this section, "air carrier" has the meaning ascribed to it in section 4 of this act.

Sec. 18. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.**

Sec. 19. **1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.**

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 20. **Notwithstanding the amendatory provisions of sections 12 and 23 of this act, any person who, on July 1, 2025, was appointed to serve on the Nevada Air Service Development Commission created by NRS 231.680, as that section existed on June 30, 2025, may continue to serve in that capacity until his or her term would ordinarily expire pursuant to subsection 3 of NRS 231.680, as that section existed on June 30, 2025.**

Sec. 21. **On July 1, 2025, the State Controller shall transfer any unexpended balance in the Nevada Air Service Development Fund created**

by NRS 231.690, as that section existed on June 30, 2025, to the Nevada Aerospace Development Fund created by section 10 of this act.

Sec. 22. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 23. **NRS 231.600, 231.610, 231.620, 231.630, 231.650, 231.655, 231.665, 231.680, 231.690, 231.700, 231.710, 231.720 and 231.730 are hereby repealed.**

~~[Sec. 4.]~~ ***Sec. 24.*** This act becomes effective on July 1, 2025.

LEADLINES OF REPEALED SECTIONS

231.600 Definitions.
231.610 "Air carrier" defined.
231.620 "Commission" defined.
231.630 "Fund" defined.
231.650 "Local air service development entity" defined.
231.655 "National Plan of Integrated Airport Systems public airport" or "NPIAS airport" defined.
231.665 "Public use airport" defined.
231.680 Creation; membership; terms; election of Chair, Vice Chair and Secretary; meetings; quorum.
231.690 Nevada Air Service Development Fund: Creation; gifts, grants and donations; interest; use.
231.700 Administration of Fund; regulations.
231.710 Grant program for air service or enhanced air service; requirements for grant application.
231.720 Award of grants.
231.730 Annual reports to Legislature.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 291.

SUMMARY—Revises provisions governing the ~~[salary of]~~ members of the board of trustees of ~~[certain]~~ school districts. (BDR 34-689)

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ **(§ 5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; **revising provisions governing the duties, rights and responsibilities of appointed members of the board of trustees of a school district; enacting provisions governing term limits for trustees;** revising provisions governing the salaries of the members of the board of trustees of a school district in certain counties; **prohibiting a board of**

trustees from conducting certain business during a meeting designated as a work session or workshop; authorizing a trustee to solicit gifts or bequests on behalf of and for the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district in which more than 75,000 pupils are enrolled (currently only the Clark County School District) is composed of 11 members, of whom: (1) seven voting members are elected from election districts established by the board of trustees; (2) one nonvoting member is appointed by the board of county commissioners of the county in which the school district is located; and (3) three nonvoting members are appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Existing law prohibits a nonvoting member from voting on the election of officers of the board of trustees or serving as an officer of the board of trustees. (NRS 386.165) Section 1 of this bill provides that the appointed members of the board of trustees of a school district in which more than 75,000 pupils are enrolled have the same duties, rights and responsibilities as the members of the board of trustees who are elected to the office. Section 1 prohibits a board of trustees from adopting a policy, bylaw or practice or otherwise restricting or curtailing the duties, rights or responsibilities of a member based on whether the member was elected or appointed to office. Section 3 of this bill authorizes appointed members of a board of trustees to participate in the appointment of a member to fill a vacancy among the elected members of the board of trustees. Section 4 of this bill authorizes appointed members of a board of trustees to serve as officers of the board of trustees.

The Nevada Constitution prohibits, with certain exceptions, a person from being elected to any state office or local governing body if he or she has served in that office, or at the expiration of his or her current term if he or she is so serving, will have served, 12 years or more. (Nev. Const. Art. 15, § 3) Section 2 of this bill prohibits a person, elected or appointed, from serving as a trustee for any school district or combination of school districts for 12 years or more.

Existing law establishes the salaries for the members of the board of trustees of school districts based on the population of the county in which the school district is located. Under existing law, the salary of a member of the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) is $750 per month. (NRS 386.320) **Section ~~11~~ 5** of this bill increases the salary of ~~a~~ **an elected** member of the board of trustees of a school district in a county whose population is 700,000 or more (currently only the Clark County School District) to an amount equal to the base salary of a county commissioner of that county. Existing law establishes the base salary of such a county commissioner as an amount equal

to 112.551 percent of the amount of the base annual salary for a county commissioner that was in effect on January 1, 2015. (NRS 245.043) **Section 5 authorizes the board of county commissioners in a county whose population is less than 700,000 (currently all counties other than Clark County), or an appointing authority of an appointed member of a board of trustees in a county whose population is 700,000 or more (currently only Clark County), to provide additional compensation for a member of the board of trustees such that the salary of the member is equal to the salary of a county commissioner in that county. Section 5 requires the salary of a member of the board of trustees to be paid from the funds of the school district, except that any additional compensation authorized to be paid by the board of county commissioners or an appointing authority must be paid from the funds of that entity.**

Section ~~[2]~~ 8 of this bill limits the salary increase **~~[pursuant to]~~ authorized in section ~~[1 to]~~ 5 for the elected** members of the boards of trustees of **~~[the]~~ a** school district **in a county whose population is 700,000 or more to those members** who were elected **~~[or appointed]~~** to a term of office that begins on or after January 1, 2027, including members who are reelected **~~[or reappointed]~~** to a term of office that begins on or after that date. **Section 8 prohibits the salary of an appointed member of the board of trustees of a school district in a county whose population is 700,000 or more from being increased by the appointing authority without the consent of the member during any term that is being served on January 1, 2027. Section 9 of this bill prohibits a school district from reducing the compensation for teachers and other educational personnel and support staff to fund the increase in compensation for elected members of a board of trustees required by section 5.**

Section 6 of this bill prohibits a board of trustees from conducting certain business related to the members of the board of trustees and their duties at a meeting that has been designated as a work session or workshop. Section 6 also requires appointed members to be included in the membership of a board of trustees for the purposes of calculating the existence of a quorum for the transaction of business.

Existing law authorizes a board of trustees to accept on behalf of and for the school district certain gifts or bequests of money or property. (NRS 386.390) Section 7 of this bill, subject to certain limitations, authorizes a member of the board of trustees to solicit such a gift or bequest on behalf of and for the school district.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 386.165 is hereby amended to read as follows:**

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven ~~[voting]~~ members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One ~~[nonvoting]~~ member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three ~~[nonvoting]~~ members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

3. In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

4. Each elected trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

5. In each school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.

6. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

7. The term of office of a school trustee is 4 years, commencing on the first Monday of January thereafter next following the election ***or appointment*** of the trustee.

8. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

9. The ~~[nonvoting]~~ members of the board of trustees appointed pursuant to subsection 2 ~~[:~~

~~(a) Except as otherwise provided in paragraph (b),]~~ shall have the same ***duties,*** rights and responsibilities as ~~[voting]~~ ***elected*** members of the board of trustees, including, without limitation ~~[, being]~~ **:**

(a) Being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions; ~~[and]~~

(b) ~~[Do not have voting rights for the election of officers or the authority to serve as an officer of]~~ ***Voting on matters before*** the board of trustees ~~[.]~~ ***, including, without limitation, the election of officers;***

(c) Making or seconding motions before the board of trustees;

(d) Serving as an officer of the board of trustees; and

(e) Requesting that an item be added to an agenda or appealing a denial of such a request.

10. The board of trustees of a school district may not adopt any policy, bylaw or practice or take any other action to restrict or curtail the duties, rights or responsibilities of a member of the board of trustees based on whether the member was elected or appointed to the office of trustee.

Sec. 2. **NRS 386.240 is hereby amended to read as follows:**

386.240 ***1.*** A candidate for election to the office of trustee of a school district shall:

~~[1.]~~ ***(a)*** Be a qualified elector.

~~[2.]~~ ***(b)*** Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

2. No person, elected or appointed, may serve as a trustee for any school district or combination of school districts in this State for 12 years or more. Accordingly, no person may be elected or appointed to the office of trustee of a school district if the person:

(a) Has served as a trustee, or at the expiration of his or her current term if he or she is so serving will have served, 12 years or more, for any school district or combination of school districts in this State; or

(b) If elected or appointed, cannot serve the entire term of office without serving 12 years or more for any school district or combination of school districts in this State.

Sec. 3. **NRS 386.270 is hereby amended to read as follows:**

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring among the elected members of a board of trustees must be filled by appointment by the remaining ~~[elected]~~ members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and ***, except as otherwise provided in NRS 386.240,*** may be reappointed.

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS 386.165 or 386.240, as applicable.

Sec. 4. **NRS 386.310 is hereby amended to read as follows:**

386.310 1. The board of trustees shall meet and organize by:

(a) Electing one of its ~~[elected]~~ members as president.

(b) Electing one of its ~~[elected]~~ members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers from its ~~[elected]~~ members as may be deemed necessary.

(d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

~~[Section 1.]~~ ***Sec. 5.*** NRS 386.320 is hereby amended to read as follows:

386.320 1. ***Except as otherwise provided in subsection 2:***

(a) Each member of the board of trustees of a school district in a county whose population is less than 20,000 must receive a salary of $250 per month.

~~[2.]~~ ***(b)*** Each member of the board of trustees of a school district in a county whose population is 20,000 or more but less than 100,000 must receive a salary of $400 per month.

~~[3.]~~ ***(c)*** Each member of the board of trustees of a school district in a county whose population is 100,000 or more ***but less than 700,000*** must receive a salary of $750 per month.

~~[4.]~~ ***(d) Each member of the board of trustees of a school district in a county whose population is 700,000 or more must receive ~~[an annual]~~ a salary :***

(1) For an elected member, that is equal to the annual salary for a county commissioner in the county set forth in NRS 245.043.

(2) For an appointed member, of $750 per month.

2. Except as otherwise provided in subsections 3 and 4, the salaries set forth in this section must be paid from the funds of the school district.

3. In a county whose population is less than 700,000, the board of county commissioners may, from the general funds of the county, provide additional compensation for each member of the board of trustees of a school district such that the salary of the members of the board of trustees is equal to the annual salary for a county commissioner in the county set forth in NRS 245.043.

4. In a county whose population is 700,000 or more, an appointing authority described in subsection 2 of NRS 386.165 may, from the general funds of the county or city governed by the appointing authority, provide additional compensation for a member of the board of trustees of a school district who is appointed by the appointing authority such that the salary of the member is equal to the salary for a county commissioner in the county set forth in NRS 245.043.

5. A member of the board of trustees of a school district who receives a salary pursuant to this section may:

(a) Donate all or a part of the monthly salary that he or she receives to a school within the school district or to the school district; or

(b) In lieu of making a donation after the member receives the salary, request that all or a part of his or her monthly salary be paid directly to a school within the school district or to the school district.

~~[5.]~~ ***6.*** The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

Sec. 6. **NRS 386.330 is hereby amended to read as follows:**

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the ~~[elected]~~ members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the ~~[elected]~~ members of the board of trustees.

5. ***The election of officers, the appointment of members to fill a vacancy pursuant to subsection 1 of NRS 386.270, the adoption or amendment of any policies governing the operation of the board of trustees and all other business relating to members and their duties may be conducted during a regular or special meeting of the board of trustees, except that such business must not be conducted during a meeting that has been designated as a work session or workshop.***

6. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

~~[6.]~~ ***7.*** Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

~~[7.]~~ ***8.*** As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 7. **NRS 386.390 is hereby amended to read as follows:**

386.390 1. Each board of trustees shall have the power to accept on behalf of and for the school district:

(a) Any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated; and

(b) Any donation of surplus personal property of another school district made pursuant to subsection 2 of NRS 332.185.

2. Except as otherwise provided in subsection 3, the board of trustees of each school district shall record each gift or bequest accepted pursuant to this section and prepare a report which includes, for each such gift or bequest:

(a) The amount of the gift or bequest of money or the fair market value of the bequest of property, as applicable;

(b) Except as otherwise provided in subsection 4, the name of the donor of the gift or bequest;

(c) Any instructions provided by the donor concerning the use of the gift or bequest; and

(d) Information concerning any connection between the donor and the board of trustees or any person responsible for the administration of the system of public education in this State, including, without limitation:

(1) Any contract between the donor and the board of trustees;

(2) Any bid by the donor for a contract with the board of trustees;

(3) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and

(4) Any service by the donor on a committee to form a charter school created pursuant to NRS 388A.240.

3. This section does not apply to any gift or bequest:

(a) In an amount less than $100,000, unless the cumulative total by the same donor within a 12-month period is equal to or more than $100,000; or

(b) That is intended for a public broadcasting service.

4. A donor may remain anonymous for purposes of the report prepared pursuant to subsection 2, unless the donor is required to provide information pursuant to paragraph (d) of subsection 2.

5. The board of trustees of a school district may submit a form to each donor that requires the donor to provide the information required for inclusion in the report prepared pursuant to subsection 2. If the board of trustees uses such a form, the board of trustees may rely upon the information provided by the donor on the form for purposes of the report required of the school district pursuant to subsection 2 and the board of trustees is not otherwise required to verify the contents of the information provided by the donor on the form.

6. The board of trustees of each school district shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to NRS 386.330 and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees.

7. On or before February 1 of each year, the board of trustees of each school district shall transmit each report prepared pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) In even-numbered years, to the Joint Interim Standing Committee on Education.

8. Subject to the provisions of this section and chapter 281A of NRS, a member of the board of trustees of a school district may solicit a gift or bequest of money or property on behalf of and for the school district.

~~[Sec. 2.]~~ ***Sec. 8.*** **1.** The amendatory provisions of **subparagraph (1) of paragraph (d) of subsection 1 of NRS 386.320, as amended by section 5 of** this act apply only to a member of the board of trustees of a school district who is elected ~~[or appointed]~~ to a term of office that begins on or after January 1, 2027, including, without limitation, a member who is reelected ~~[or reappointed]~~ to a term that begins on or after that date.

2. An appointing authority must not increase the compensation of a member of the board of trustees of a school district pursuant to subsection 4 of NRS 386.320, as amended by section 5 of this act, during the term of the member being served on January 1, 2027, without the consent of the member. The appointing authority may not remove the member from office for refusing such additional compensation. Following the end of the term being served on January 1, 2027, the appointing authority may increase the compensation of the member pursuant to subsection 4 of NRS 386.320, as amended by section 5 of this act, with or without the consent of the member.

Sec. 9. **In funding the increase in salaries for members of the board of trustees of a school district in a county whose population is 700,000 or more pursuant to subparagraph (1) of paragraph (d) of subsection 1 of**

NRS 386.320, as amended by section 5 of this act, a school district must not reduce the compensation for teachers and other educational personnel and support staff, including, without limitation, mental health professionals.

~~[Sec. 3.]~~ ***Sec. 10.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 4. This]~~

Sec. 11. **1. This section and sections 1 to 4, inclusive, and 6 of this** act ~~[becomes]~~ **become** effective on January 1, ~~[2027.]~~ **2025.**

2. Sections 5 and 7 to 10, inclusive, of this act become effective on January 1, 2026.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 162.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** ANDERSON **; DALIA, DELONG, D'SILVA, KOENIG, O'NEILL AND TORRES-FOSSETT**

JOINT SPONSOR: SENATOR FLORES

AN ACT relating to interscholastic activities; prohibiting the Nevada Interscholastic Activities Association from retaliating against a school or person for certain activities; prohibiting athletic recruitment; revising provisions governing certain hearings and appeals conducted by the Association; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic activity or event; **revising requirements relating to the adoption of regulations by the Association;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters, the eligibility and participation of certain pupils in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) **Existing law requires the Association to adopt rules and regulations in the same manner provided for state agencies by the Nevada Administrative Procedure Act. (Chapter 233B of NRS, NRS 385B.060) Existing regulations establish certain procedures for classifying and aligning the schools within the Association into leagues or regions, which, in part, require the Board of Control of the Association to determine the classification and alignment of each school by majority vote after conducting a public hearing. (NAC 385B.250)**

Section 4.5 of this bill: (1) clarifies that the adoption, repeal or amendment of any policy, practice, rule or regulation concerning or affecting pupils, public schools or school districts be accomplished by rule or regulation in conformity with the Nevada Administrative Procedure Act; and (2) requires any change to the classification or alignment of a school or the creation of a new conference, class, region or league be accomplished by regulation. **Section 2** of this bill prohibits the Association from taking certain adverse action against a school or person who advocates for or against a policy in certain circumstances. ~~[Sections 7 and 9 of this bill prohibit the Association and any school district or school from considering or authorizing the consideration of the zone of attendance in which a pupil resides in determining whether the pupil is eligible to participate in an interscholastic activity or event.]~~

Section 3 of this bill: (1) prohibits athletic recruitment; (2) requires the Association to investigate and, under certain circumstances, hold a hearing on a complaint alleging a violation of that prohibition; and (3) sets forth the penalties for such a violation, including providing that a pupil who enrolls in a school because of athletic recruitment is ineligible to participate and practice in a sanctioned sport at the school. **Sections 7 and 8** of this bill make conforming changes to clarify that certain automatic eligibility for a sanctioned sport does not apply to a pupil who enrolled in or transferred to a school because of athletic recruitment.

Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days and a pupil may rebut that presumption to become immediately eligible to participate in certain circumstances. (NAC 385B.716) However, existing law provides that a pupil who is the child of a military family and transferred schools pursuant to the Interstate Compact on Educational Opportunity for military children, which is an interstate compact that establishes a framework to facilitate the transfer of children in military families between schools, is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. (NRS 385B.130, 388F.010) **Section 7** additionally provides that, regardless of his or her zone of attendance, a pupil is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers if he or she: (1) transfers to a school that uses a lottery system to determine which pupils may enroll; or (2) transfers before enrolling in grade 10. **Section 9** of this bill makes a conforming change to prohibit schools from adopting regulations, rules, policies, procedures or requirements that are more restrictive than those prescribed by the Association pursuant to **section 7**.

Section 4 of this bill authorizes a pupil who transfers schools for certain reasons and seeks to be immediately eligible to participate in any sanctioned sport or interscholastic activity or event to submit a request for a waiver to the

Association. **Section 4** additionally: (1) prescribes certain requirements governing the supporting documentation for such a request; and (2) requires the Association to provide for procedures for reviewing such a request.

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association to appeal such a decision to a hearing officer appointed by the Executive Director of the Association. Existing law additionally sets forth certain procedural requirements for filing such an appeal. (NRS 385B.100) **Section 6** of this bill: (1) sets forth the time period within which such a hearing must be conducted; (2) authorizes a pupil or school to appeal a decision or order made by the hearing officer to the ~~[State Board of Education;]~~ **school district within which the pupil is enrolled or the school is located** and (3) authorizes the Association to grant an appeal without appointing a hearing officer in certain circumstances. **Section 5** of this bill provides that, in addition to a decision of the Association or a designee of the Association that is authorized to make final decisions on disputes on behalf of the Association, a decision of ~~[the State Board]~~ **a school district or its designee** on an appeal filed pursuant to **section 6** must not be stayed by a court pending final judgment on the matter.

Section 10 of this bill requires the Association to amend its rules and regulations as necessary to conform with the provisions of **sections 1-9** of this bill before ~~[June 30,]~~ **July 1,** 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for advocating for or against any policy including, without limitation, by communicating with a member of the Legislative Branch, as defined in NRS 218H.090, testifying before a legislative committee or communicating data, views or arguments on a policy to a public body, as defined in NRS 241.015.***

Sec. 3. ***1. A school or any person or organization associated with a school, including, without limitation, administration, staff, coaches, pupils, parents or clubs for supporters, shall not engage in athletic recruitment. Any violation of this subsection by a person or organization associated with a school shall be deemed to be a violation by the school.***

2. A pupil shall not transfer to or otherwise enroll in a school as the result of athletic recruitment. A pupil who violates this section is ineligible to participate in and practice in a sanctioned sport at that school.

3. Any person who believes that a violation of this section has occurred may file a complaint with the Nevada Interscholastic Activities Association. The Nevada Interscholastic Activities Association shall investigate such a complaint. If the Nevada Interscholastic Activities Association determines,

after an investigation, that the complaint is not meritless, the Nevada Interscholastic Activities Association shall hold a hearing on the complaint in accordance with procedures established by regulation of the Nevada Interscholastic Activities Association.

4. ~~[For the purposes of subsection 3 and any hearing held pursuant thereto, any evidence that a pupil has moved to a residence owned, leased or provided by or otherwise associated with a person or organization associated with a school is prima facie evidence that the school has engaged in athletic recruitment.~~

~~5.]~~ If, after conducting a hearing pursuant to subsection 3, the Nevada Interscholastic Activities Association determines that a school has engaged in athletic recruitment, the Nevada Interscholastic Activities Association shall impose the following penalties:

(a) For the first violation, the school must be placed on probation and any coach or member of his or her staff who was involved in the athletic recruitment must be suspended for not less than 10 games;

(b) For the second violation, any coach or member of his or her staff who was involved in the athletic recruitment must be suspended for not less than 1 school year; and

(c) For the third violation, any coach or member of his or her staff who was involved in the athletic recruitment must be dismissed from his or her position on the athletic staff and suspended from coaching at any school for not less than 2 calendar years.

~~[6.]~~ 5. As used in this section:

(a) "Athletic recruitment" means any effort to persuade, pressure, urge or entice a pupil to enroll in or transfer to a school for athletic purposes, including, without limitation:

(1) Communicating through social media, mail, brochures or other media directed towards the pupil that compares schools or athletic programs or teams or describes the athletic assets of the school with which the sender is affiliated; and

(2) Initiating or engaging in persuasive interviews or communications with the pupil.

(b) "Social media" means any electronic service or account or electronic content including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

Sec. 4. *1. A pupil who transfers from a school to another school is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers if the pupil, or a parent or legal guardian of the pupil, submits to the Nevada Interscholastic Activities Association a request for a waiver of any period of ineligibility based on transferring schools, the Nevada Interscholastic Activities Association approves the request pursuant to this section and the pupil is otherwise eligible to participate and practice in the*

sanctioned sport or other interscholastic activity or event. If the Nevada Interscholastic Activities Association does not take action on a request submitted pursuant to this section within 30 days after the request is submitted, the request shall be deemed approved.

2. The Nevada Interscholastic Activities Association shall approve a request submitted pursuant to subsection 1 if the pupil, or the parent or legal guardian of the pupil, establishes by a preponderance of the evidence that the pupil transferred to the school because:

(a) Of the order or decree of a court of competent jurisdiction that directly or indirectly results in the pupil transferring schools, including, without limitation, any order issued pursuant to chapter 432B of NRS.

(b) The pupil was a victim of assault or bullying at the school in which he or she was previously enrolled and the assault or bullying was likely to continue if the pupil had remained enrolled at the school, as established by evidence submitted pursuant to subsection 3.

(c) The pupil was enrolled in an academic program or a Junior Reserve Officers' Training Corp Program that was discontinued by the school in which he or she was previously enrolled.

(d) The pupil was a member of a team that participates in a sanctioned sport that was diminished or eliminated due to budgetary or administrative decisions for the school from which the pupil is transferring.

(e) The pupil is in the custody of an agency which provides child welfare services, as defined in NRS 432B.030, and changes residences as a result of a change related to his or her placement.

(f) The pupil is a homeless pupil, as determined by a school pursuant to NRS 388.208, and has changed residences.

(g) The parent or legal guardian was discharged or released from the uniformed service under conditions other than dishonorable and the pupil is returning to the school in which the pupil was previously enrolled or is transferring to a school in a school district in which the pupil's parent or legal guardian resides.

(h) The pupil was required by the board of trustees of a school district to transfer, and the decision of the board of trustees was not disciplinary.

(i) The transfer is in the best interest of the pupil because of a mental health or emotional condition, as documented by a letter from:

(1) The school counselor at the school in which the pupil is enrolled; and

(2) A physician licensed pursuant to chapter 630 or 633 of NRS or a licensed psychologist.

(j) The immediate family of the pupil is experiencing financial hardship, as verified by documentation of the financial status of the parent or legal guardian of the pupil.

(k) ~~[Any other circumstance that:~~

~~(1) Is beyond the normal control of a pupil or a parent or legal guardian of the pupil; and~~

~~(2) Is not related to participation by the pupil in a sanctioned sport or other interscholastic activity or event or the result of athletic recruitment, as defined in section 3 of this act.]~~ ***The school in which the pupil was previously enrolled or the school district within which the school is located provided the public with notice stating that the school:***

(1) Will close permanently; or

(2) Will be closed temporarily for purposes relating to a renovation or repair of the school.

3. A request made pursuant to paragraph (b) of subsection 2 must be accompanied by evidence of the assault or bullying of which the pupil who is the subject of the request was a victim. Such evidence may include, without limitation:

(a) Documentation produced by the school where the pupil was previously enrolled, the school district in which that school was located or law enforcement; and

(b) The testimony of witnesses or law enforcement.

4. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to review and determine whether to approve requests submitted pursuant to subsection 1. The review procedures must include, without limitation:

(a) The review of a request submitted pursuant to subsection 1 by the Executive Director, or such staff of the Nevada Interscholastic Activities Association as the Executive Director may designate and the approval of such a request, without a hearing before a hearing officer pursuant to NRS 385B.100, if the request and documentation submitted with the request establish by a preponderance of the evidence that the pupil is eligible for the waiver pursuant to subsection 2.

(b) Upon the filing of a written appeal with the Executive Director pursuant to NRS 385B.100, the review by a hearing officer appointed pursuant to NRS 385B.100 of a decision denying a request submitted pursuant to subsection 1 and the conduct of a hearing before that hearing officer not later than 60 days after the date on which the Nevada Interscholastic Activities Association received the request pursuant to subsection 1.

5. As used in this section, "homeless pupil" means a homeless child or youth, as defined in 42 U.S.C. § 11434a(2).

Sec. 4.5. **NRS 385B.060 is hereby amended to read as follows:**

385B.060 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of this chapter. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the

child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 388D.070.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. ***The Nevada Interscholastic Activities Association shall not adopt, repeal or amend any policy, practice, rule or regulation which concerns or affects pupils, public schools or school districts in a manner that does not conform with the requirements of subsection 1, and any action to adopt, repeal or amend a policy, practice, rule or regulation in violation of this subsection is void and unenforceable.***

5. The Nevada Interscholastic Activities Association may not establish a new conference, class, region or league or reclassify or realign a school within any conference, class, region or league unless the Association does so by regulation in a manner that conforms with the requirements of subsection 1.

6. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 5. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association **,** ~~[or]~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 ***or a decision of*** ~~***[the State Board]***~~ ***a school district or its designee on a matter which is appealed to the*** ~~***[State Board]***~~ ***school district pursuant to NRS 385B.100*** must not be stayed by a court pending the court's final judgment on the matter.

Sec. 6. NRS 385B.100 is hereby amended to read as follows:

385B.100 1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,

➥ may file a written appeal with the Executive Director. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal. ***Except as otherwise provided in section 4 of this act, the hearing officer shall conduct a hearing not later than 30 days after the appeal has been filed with the Executive Director.***

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. ***Any pupil or school that is aggrieved by a decision or order issued pursuant to subsection 2 by a hearing officer may appeal to the*** ~~***[State Board]***~~ ***school district within which the pupil is enrolled or the school is located, as applicable, or a person designated by the school district to hear such appeals within 30 days after the decision or order is issued. The*** ~~***[State Board]***~~ ***school***

district or person designated by the school district may affirm, modify or reverse the decision or order of the hearing officer.

5. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 7. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. ~~***[The Nevada Interscholastic Activities Association shall not consider or authorize the consideration of the zone of attendance in which a pupil resides in determining whether the pupil is eligible to participate in an interscholastic activity or event at the school to which the pupil is transferring.***~~

~~***3.]***~~ Notwithstanding any provision of law to the contrary ~~**[,]**~~ ***and except as otherwise provided in subsection*** ~~***[4,]***~~ ***3,*** a pupil ~~**[**who is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS**]**~~ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers ~~**[.]**~~ ***, regardless of the zone of attendance in which the pupils resides, if the pupil:***

(a) Is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS;

(b) Transfers to a school that uses a lottery system to determine which pupils may enroll; or

(c) Transfers to a school before his or her enrollment in grade 10.

~~***[4.]***~~ ***3. The provisions of subsection*** ~~***[3]***~~ ***2 do not apply to a pupil who transfers to a school as the result of athletic recruitment in violation of section 3 of this act.***

Sec. 8. NRS 385B.140 is hereby amended to read as follows:

385B.140 ~~**[**A**]**~~ ***Except as otherwise provided in section 3 of this act, a*** pupil who enrolls in grade 9 at:

1. A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

(a) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

(b) Attended a school other than a public school before the pupil's enrollment in grade 9.

2. A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

Sec. 9. NRS 385B.170 is hereby amended to read as follows:

385B.170 ~~[1.]~~ A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. ~~***[(a)]***~~ Eligibility of homeschooled children ***, children who transfer to a school that uses a lottery system to determine which pupils may enroll, children who transferred schools before enrolling in grade 10*** or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; or

2. ~~***[(b)]***~~ Participation of homeschooled children ***, children who transfer to a school that uses a lottery system to determine which pupils may enroll, children who transferred schools before enrolling in grade 10*** or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS in interscholastic activities and events pursuant to this chapter,

➥ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.

~~***[2. A school district, public school or private school shall not consider the zone of attendance in which a pupil resides in determining whether the pupil who transfers from one school to another school is eligible to participate in interscholastic activities or events pursuant to this chapter.]***~~

Sec. 10. The Nevada Interscholastic Activities Association shall, on or before ~~[June 30,]~~ **July 1,** 2026, amend its rules and regulations **in the manner provided for state agencies by chapter 233B of NRS** as necessary to conform with the provisions of sections 1 to 9, inclusive, of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, ~~[2026,]~~ **2025,** for all other purposes.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 202.

SUMMARY—Revises provisions relating to the sealing of **certain** records**.** ~~[for summary evictions.]~~ (BDR 3-843)

AN ACT relating to evictions; requiring the automatic sealing of certain eviction case court files under certain circumstances; revising the circumstances under which a court is authorized to seal certain eviction case

court files; **requiring the automatic sealing of certain case court files related to unjustified lockouts under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the automatic sealing of certain eviction case court files relating to an action for summary eviction. (NRS 40.2545) **Section 1** of this bill expands the circumstances under which an eviction case court file related to an action for summary eviction is sealed automatically by providing for the automatic sealing of any such file: (1) upon motion of the tenant, if ~~[the court finds that]~~ the landlord does not ~~[oppose]~~ **file a timely response opposing** the motion; or (2) if an appeal taken by a party to the action is resolved in certain ways.

Existing law authorizes a court to seal an eviction case court file under certain circumstances, including, without limitation, upon motion by the tenant, if the court finds that sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file. (NRS 40.2545) **Section 1** provides that the filing of a motion to seal an eviction case court file more than 1 year after the date on which the eviction order is entered creates a rebuttable presumption that sealing the eviction case court file is in the interests of justice.

Existing law authorizes an occupant locked out of a dwelling by the owner or an authorized representative of the owner to recover possession of the dwelling by filing a verified complaint for reentry in justice court. Under existing law, if an occupant files such a complaint, the court is required to hold a trial and, if the court finds that the lockout was unjustified, issue a writ of restitution to restore possession of the dwelling to the occupant. (NRS 40.416) Section 1.5 of this bill provides for the automatic sealing of the case court file relating to a verified complaint for reentry if the court finds that the lockout was unjustified and certain conditions are met.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, the court shall automatically seal the eviction case court file.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in any action for summary eviction pursuant to NRS 40.253, 40.254 or 40.2542, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) ***Upon motion of the tenant*** ***, ~~[and decision by the court]~~*** ***if ~~[the court finds that]~~*** ***the landlord does not ~~[oppose]~~*** ***file a response opposing the motion ~~[,]~~*** ***within 7 judicial days after the date of service of the motion;***

(c) Ten judicial days after the entry of a court order which denies the action for summary eviction; ~~[or~~

~~(c)]~~ ***(d)*** Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 or subsection 3 of NRS 40.2542, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit ~~[.]~~ ***; or***

(e) If an appeal is taken, upon a district court ~~[, the Court of Appeals or the Supreme Court of Nevada, whichever has]~~ with jurisdiction over the matter ~~[,]~~ rendering a decision that:

(1) Upholds an order which dismisses an action for summary eviction;

(2) Upholds an order which denies an action for summary eviction; or

(3) Remands the case to the court from which the appeal was taken for the entry of an order which:

(I) Dismisses an action for summary eviction; or

(II) Denies an action for summary eviction.

3. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsections 1 and 2, the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS 40.253, 40.254 or 40.2542:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file. ***For the purposes of this subparagraph, if the filing of the motion to seal the eviction case court file occurs more than 1 year after the date on which the eviction order is entered, there is a presumption that sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the***

eviction case court file unless the presumption is rebutted by clear and convincing evidence to the contrary.

4. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

5. Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

6. ***Any order issued by the court pursuant to this section must include the basis for the decision of the court.***

7. As used in this section:

(a) "COVID-19 emergency" means the period of time:

(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and

(2) Ending on the date on which the Governor terminates the emergency described in the Declaration [May 20, 2022].

(b) "Eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, ***records maintained by a justice court or district court,*** the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure ***, District Court Rules*** and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 1.5. **NRS 40.416 is hereby amended to read as follows:**

40.416 1. If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to NRS 40.412, the occupant may recover possession of the dwelling as provided in this section.

2. The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.

4. If the court finds that an unjustified lockout has occurred, the court ~~[must issue]~~ ***shall:***

(a) Issue a writ of restitution, restoring possession of the dwelling to the occupant ~~[.]~~ ***; and***

(b) Automatically seal the case court file:

(1) Upon the expiration of the period for filing a notice of appeal, if no notice of appeal has been filed within that period; or

(2) If a notice of appeal is timely filed, upon final resolution of the appeal, if the finding that an unjustified lockout occurred is affirmed.

5. A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

6. If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.

7. This section does not affect:

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 2. The amendatory provisions ~~[of section 1]~~ of this act apply to ~~[any action for summary eviction]~~ **actions** filed before, on or after July 1, 2025.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 426.

AN ACT relating to education; revising provisions governing consent to participate in a course or unit of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility; revising requirements for forms used to refuse authorization for a pupil to participate in such a course or unit of a course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility. Existing law further requires notice to be given to a parent or guardian of a pupil to whom such a course or

unit of instruction will be offered and requires the school district to provide a form for the parent or guardian of the pupil to provide consent for the pupil to participate in the course or unit. (NRS 389.036) This bill instead requires the school district to provide a form for the parent or guardian of a pupil to refuse to authorize the pupil to participate in the course or unit. **This bill requires the school district to furnish the notice containing the form to the parent or guardian not later than 4 weeks after the start of the school year or 4 weeks before the course or unit is to commence, whichever is earlier.** This bill additionally authorizes a school district to make the form available on the secure Internet website of the school district and requires that the form include ~~[an option for]~~ **a notice that** a parent or guardian of a pupil ~~[to]~~ **may** refuse permission for the pupil to participate in a course or unit of sexuality education ~~[: (1) for that school year only; or (2) for]~~ **at** any **time during the** school year **.** ~~[in which the pupil is enrolled in the school district.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall establish a course or unit of a course of:

(a) Factual instruction concerning the human immunodeficiency virus; and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend schools in the district; or

(5) Teaching.

➥ This committee shall advise the district concerning the content of and materials to be used in a course ~~[of instruction]~~ ***or unit*** established pursuant to this section, and the recommended ages of the pupils to whom the course ***or unit*** is offered. The final decision on these matters must be that of the board of trustees.

3. The subjects of the courses ***or units*** may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

4. The parent or guardian of each pupil to whom a course ***or unit*** is offered must ~~[first]~~ be furnished written notice ***, not later than 4 weeks after the start of the school year or 4 weeks before the first date on which the course or unit will commence, whichever is earlier,*** that the course ***or unit*** will be

offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil ~~[consenting]~~ ***refusing*** to ***authorize*** the pupil's attendance ~~[.]~~ ***in the course or unit.*** Upon receipt of the written ~~[consent]~~ ***refusal*** of the parent or guardian, the pupil ~~[may attend the course. If the written consent of the parent or guardian is not received, the pupil]~~ must be excused from ~~[such attendance]~~ ***attending the course or unit*** without any penalty as to credits or academic standing. ***If the written refusal of the parent or guardian is not received, the pupil must attend each lesson of the course or unit.*** Any course ***or unit*** offered pursuant to this section is not a requirement for graduation.

5. ***The form required to be provided to a parent or guardian of a pupil pursuant to subsection 4:***

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any online registration to register a pupil with a school.

(b) ~~[Must allow the parent or guardian to refuse to authorize the pupil to attend a course or unit established pursuant to subsection 1 during:~~

~~(1) The school year in which the authorization is refused; or~~

~~(2) Any school year in which the pupil is enrolled in the school district.~~

~~(c)]~~ Must include a notification that ~~[authorization]~~ the parent or guardian of a pupil may , ~~[be refused]~~ at any time ~~[and, regardless of how authorization is refused, the parent or guardian will receive written notice pursuant to subsection 4 when a course or unit of a course of instruction established pursuant to subsection 1 will be offered.]~~ during the school year, refuse to authorize or withdraw authorization for the pupil to attend the course or unit.

6. All instructional materials to be used in a course ***or unit*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course ***or unit*** is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 373.

AN ACT relating to taxation; requiring ~~[applicants]~~ **an application** for certain transferable tax credits and certain tax abatements to ~~[agree]~~ **contain a certification that the applicant agrees** to **submit a** community benefits ~~[plan prescribing the requirements for a community benefits plan; authorizing the~~

~~Office of Economic Development to investigate the recipient of certain transferable tax credits and certain tax abatements for compliance with a community benefits plan; requiring the recipient of certain transferable tax credits and certain tax abatements to repay the amount of the credits and abatements if the recipient is not in substantial compliance with the community benefits plan;~~ **agreement and collaborate with the community in which the business is located if the application is approved;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve transferable tax credits and abatements or partial abatements of certain property taxes, business taxes and sales and use taxes for certain businesses in certain circumstances. The Office is prohibited from approving an application for such credits or abatements unless the applicant satisfies certain criteria and has entered into an agreement with the Office establishing certain terms for the abatement. (NRS 231.1555, 274.310, 274.320, 274.330, 360.750, 360.753, 360.754, 360.759, 360.889, 360.945) **Sections 1-** ~~4~~ **3, 6, 8 and 12-15** of this bill **additionally** require ~~such an agreement between the Office and an applicant~~ **an applicant** for **certain** transferable tax credits or a tax abatement to ~~incorporate~~ **certify in the application for transferrable tax credits or a tax abatement, as applicable, that, if the application is approved, the business will: (1) collaborate with the community in which the business is located; and (2) submit to the Office** a community benefits ~~plan addressing actions that the applicant agrees to take to benefit the vitality of the local community and improve the social and economic well-being of members of the local community. Sections 1-3, 5, 7, 9 and 12-15 of this bill: (1) authorize the Office to investigate whether the recipient of an abatement or partial abatement is complying with the terms of the community benefits plan; and (2) require a recipient to repay the amount of the abatement or partial abatement, plus interest, if the Executive Director of the Office determines that the recipient has not substantially complied with the terms of the community benefits plan. Sections 10 and 11 of this bill make conforming changes to update references to provisions renumbered by section 2.~~ **agreement not later than 2 years after the date on which the application is approved. Section 16** of this bill makes the requirements of this **bill** relating to ~~community benefits plans only if an applicant for~~ **the certification requirement applicable only to applications for** certain transferable tax credits or certain abatements ~~submits an application~~ **submitted** on or after July 1, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this

section for a partial abatement of one or more of the taxes imposed on the:

(a) New business pursuant to chapter 361, 363B or 374 of NRS.

(b) Expanded business pursuant to chapter 361 or 363B of NRS or a partial abatement of the local sales and use taxes imposed on the expanded business. As used in this paragraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) ~~*[Incorporate a community benefits plan, which must:*~~

~~*(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location or expansion of the business will have on the local community that immediately surrounds the location of the business;*~~

~~*(II) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(III) Detail the specific actions described in sub-subparagraph (II) that the business agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating*~~

~~*in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(IV) Include such other provisions as the Office may require; and*~~

~~*(6)]*~~ Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4, 5 or 6, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter

in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least $250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

(j) Except as otherwise provided in subsection 3, if the business will have at least 50 full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, the business, by the earlier of the eighth calendar quarter following the calendar quarter in which the abatement becomes effective or the date on which the business has at least 50 full-time employees on the payroll of the business, has a policy for paid family and medical leave and agrees that all employees who have been employed by the business for at least 1 year will be eligible for at least 12 weeks of paid family and medical leave at a rate of at least 55 percent of the regular wage of the employee. The business will agree in writing that if the Office approves the application, the business will not:

(1) Prohibit, interfere with or otherwise discourage an employee from taking paid family and medical leave:

(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

(II) To care for any adult child, sibling or domestic partner of the employee.

(2) Discriminate, discipline or discharge an employee for taking paid family and medical leave:

(I) For any reason authorized pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

(II) To care for any adult child, sibling or domestic partner of the employee.

(3) Prohibit, interfere with or otherwise discourage an employee or other person from bringing a proceeding or testifying in a proceeding against the business for a violation of the policy for paid family and medical leave that is required pursuant to this paragraph.

(k) The applicant has certified in the application that the business will, if the application is approved:

(1) Collaborate with the community in which the business is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

3. For purposes of paragraph (j) of subsection 2, the Office of Economic Development shall determine that a business meets the requirements of that paragraph if the business has a policy for paid family and medical leave for employees on the payroll of the business outside of this State that meets or

exceeds the requirements for a policy for paid family and medical leave pursuant to that paragraph and the business agrees in writing that its employees on the payroll in this State are eligible for paid family and medical leave under such policy.

4. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the policy of paid family and medical leave provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

5. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

(e) The applicant has changed the name or identity of the business to evade the provisions of paragraph (c) or (d).

6. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

7. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

8. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant ~~*[for business]*~~ meets the requirements of subsection 2 . ~~*[, including, without limitation, that the business is complying with the terms of the community benefits plan.]*~~

9. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

10. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

11. ~~*[The Office of Economic Development may investigate a business whose partial abatement has been approved pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in subparagraph (5) of paragraph (b) of subsection 2. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a business has failed to substantially comply with the terms of the community benefits plan, the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.*~~

~~*— 12.]*~~ A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 10 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

12. ~~[13.]~~ The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

13. ~~[14.]~~ The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

14. ~~[15.]~~ An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

15. ~~[16.]~~ For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 2. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) ~~*[Incorporates a community benefits plan, which must:*~~

~~*(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location or expansion of the business will have on the local community that immediately surrounds the location of the business;*~~

~~*(II) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(III) Detail the specific actions described in sub-subparagraph (II) that the business agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(IV) Include such other provisions as the Office may require; and*~~

~~*(5)]*~~ Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement;

(2) The business will maintain and possess in this State tangible personal property having a value of not less than $5,000,000 during the period of partial abatement;

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21; ~~[and]~~

(h) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033 ~~[.]~~ ***; and***

(i) The applicant has certified in the application that the business will, if the application is approved:

(1) Collaborate with the community in which the business is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the

Executive Director with copies of all records necessary to verify that the applicant ~~[for business]~~ meets the requirements of subsection 2 . ~~[including, without limitation, that the business is complying with the terms of the community benefits plan.]~~

7. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

8. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. ~~[The Office of Economic Development may investigate a business whose partial abatement has been approved pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in subparagraph (4) of paragraph (a) of subsection 2. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a business has failed to substantially comply with the terms of the community benefits plan, the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~10.]~~ The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

10. ~~[11.]~~ The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

11. ~~[12.]~~ An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

12. ~~[13.]~~ As used in this section:

(a) "Aircraft" means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) "Component of an aircraft" means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

(e) "Personal property taxes" means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 3. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 or 374 of NRS.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) ~~*[Incorporate a community benefits plan, which must:*~~

~~*(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location or expansion of the data center will have on the local community that immediately surrounds the location of the data center;*~~

~~*(II) State that the data center will proactively undertake actions, beyond those incidental to the regular activities of the data center, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(III) Detail the specific actions described in sub-subparagraph (II) that the data center agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(IV) Include such other provisions as the Office may require; and*~~

~~*(5)]*~~ Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement

becomes effective, a cumulative capital investment of at least $25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 13. ~~[14.]~~

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least $100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits

established by the Office of Economic Development by regulation pursuant to subsection 13. ~~[14.]~~

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

(g) If the applicant is seeking a partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

(h) The applicant has certified in the application that the data center will, if the application is approved:

(1) Collaborate with the community in which the data center is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraphs (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 8 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant ~~*[for data center]*~~ meets the requirements of subsection 2 ~~*[, including, without limitation, that the data center is complying with the terms of the community benefits plan.]*~~.

7. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 2 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

8. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. ~~*[The Office of Economic Development may investigate a data center whose partial abatement has been approved pursuant to this section to determine whether the data center is in substantial compliance with the terms of the community benefits plan described in subparagraph (4) of paragraph (b) of subsection 2. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a data center has failed to substantially comply with the terms of the community benefits plan, the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.*~~

~~*— 10.]*~~ A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. ~~*[11.]*~~ An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

11. ~~*[12.]*~~ For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

12. ~~[13.]~~ For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

13. ~~[14.]~~ The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

14. ~~[15.]~~ The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

15. ~~[16.]~~ As used in this section, unless the context otherwise requires:

(a) "Colocated business" means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) "Data center" means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more

than one building or physical location, any network or connection between such buildings or physical locations.

(c) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 4. ~~[NRS 360.759 is hereby amended to read as follows:~~

~~"360.759 1. A production company that produces a qualified production in this State in whole or in part may apply to the Office of Economic Development for a certificate of eligibility for transferable tax credits for any qualified direct production expenditures. The transferable tax credits may be applied to:~~

~~(a) Any tax imposed by chapters 363A and 363B of NRS;~~

~~(b) The gaming license fees imposed by the provisions of NRS 463.370;~~

~~(c) Any tax imposed pursuant to chapter 680B of NRS; or~~

~~(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).~~

~~2. The Office may approve an application for a certificate of eligibility for transferable tax credits if the Office finds that the production company producing the qualified production qualifies for the transferable tax credits pursuant to subsection 3. If the Office approves the application, the Office shall calculate the estimated amount of the transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594.~~

~~3. To be eligible for transferable tax credits pursuant to this section, a production company must:~~

~~(a) Submit an application that meets the requirements of subsection 4;~~

~~(b) Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;~~

~~(c) Provide proof satisfactory to the Office that 70 percent or more of the funding for the qualified production has been obtained;~~

~~(d) Provide proof satisfactory to the Office that at least 60 percent of the direct production expenditures for:~~

~~(1) Preproduction;~~

~~(2) Production; and~~

~~(3) If any direct production expenditures for postproduction will be incurred in this State, postproduction,~~

~~➥ of the qualified production will be incurred in this State as qualified direct production expenditures;~~

~~(e) Not later than 270 days after the completion of principal photography of the qualified production or, if any direct production expenditures for postproduction will be incurred in this State, not later than 270 days after the completion of postproduction, unless the Office agrees to extend this period by not more than 90 days, provide the Office with an audit of the qualified production that includes an itemized report of qualified direct production expenditures which:~~

~~(1) Shows that the qualified production incurred qualified direct production expenditures of $500,000 or more; and~~

~~(2) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~(f) Pay the cost of the audit required by paragraph (e);~~

~~(g) ***Enter into an agreement with the Office establishing a community benefits plan, which must:***~~

~~***(1) Include a brief description of the environmental, economic and social effects that the applicant anticipates the qualified production will have on the local community;***~~

~~***(2) State that the production company will proactively undertake actions, beyond those incidental to the regular activities of the production of the qualified production, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;***~~

~~***(3) Detail the specific actions described in subparagraph (2) that the production company agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and***~~

~~***(4) Include such other provisions as the Office may require;***~~

~~***(h)*** Enter into a written agreement with the Office that requires the production company to include:~~

~~(1) In the end screen credits of the qualified production, a logo of this State provided by the Office which indicates that the qualified production was filmed or otherwise produced in Nevada; or~~

~~(2) If the qualified production does not have end screen credits, another acknowledgment in the final version of the qualified production which indicates that the qualified production was filmed or otherwise produced in Nevada; and~~

~~**[**(h)**]** ***(i)*** Meet any other requirements prescribed by regulation pursuant to this section.~~

~~4. An application submitted pursuant to subsection 3 must contain:~~

~~(a) A script, storyboard or synopsis of the qualified production;~~

~~(b) The names of the production company, producer, director and proposed cast;~~

~~(c) An estimated timeline to complete the qualified production;~~

~~(d) A summary of the budgeted expenditures for the entire production, including projected expenditures to be incurred outside of Nevada;~~

~~(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;~~

~~(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;~~

~~(g) The business address of the production company;~~

~~(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance;~~

~~(i) Proof that the production company has secured all licenses and registrations required to do business in each location in this State at which the qualified production will be produced; and~~

~~(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.~~

~~5. If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The Nevada Gaming Control Board.~~

~~6. Within 60 business days after receipt of an audit provided by a production company pursuant to paragraph (c) of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit, determines that all other requirements for the transferable tax credits have been met and determines that a certificate of transferable tax credits will be issued, the Office shall notify the production company that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the production company shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the production company a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the production company. The production company shall notify the Office upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any transferable tax credits transferred.~~

~~7. An applicant for transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3~~ [.] ***, including, without limitation, that the applicant is complying with the terms of the community benefits plan.***

~~8. The Office:~~

~~(a) Shall adopt regulations prescribing:~~

~~(1) Any additional requirements to receive transferable tax credits;~~

~~(2) Any additional qualified expenditures or production costs that may serve as the basis for transferable tax credits pursuant to NRS 360.7591;~~

~~(3) Any additional information that must be included with an application pursuant to subsection 4;~~

~~(4) The application review process;~~

~~(5) Any type of qualified production which, due to obscene or sexually explicit material, is not eligible for transferable tax credits; and~~

~~(6) The requirements for notice pursuant to NRS 360.7595; and~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~

~~9. The Nevada Tax Commission and the Nevada Gaming Commission:~~

~~(a) Shall adopt regulations prescribing the manner in which transferable tax credits will be administered.~~

~~(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.758 to 360.7598, inclusive.~~ **(Deleted by amendment.)**

Sec. 5. ~~NRS 360.7597 is hereby amended to read as follows:~~

~~360.7597 1.~~ ***The Office of Economic Development may investigate a production company that has been issued transferable tax credits pursuant to NRS 360.759 to determine whether the production company is in substantial compliance with the terms of the community benefits plan described in paragraph (g) of subsection 3 of NRS 360.759. If the Executive Director of the Office of Economic Development determines, based on an investigation conducted pursuant to this section, that a production company has failed to substantially comply with the terms of such an agreement, the production company shall repay to the Department or the Nevada Gaming Control Board, as applicable, an amount of money equal to the transferable tax credits issued to the production company.***

~~2. A production company that is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.759 shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the production company is not entitled.~~

~~[2.]~~ ***3.*** ~~Transferable tax credits purchased in good faith are not subject to forfeiture or repayment by the transferee unless the transferee submitted fraudulent information in connection with the purchase.~~ **(Deleted by amendment.)**

Sec. 6. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 5;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) ~~*[Enter into an agreement with the Office establishing a community benefits plan, which must:*~~

~~*(1) Include a brief description of the environmental, economic and social effects that the applicant anticipates the project will have on the local community that immediately surrounds the location of the project;*~~

~~*(2) State that the participants in the project will proactively undertake actions, beyond those incidental to the regular activities of the participants, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(3) Detail the specific actions described in subparagraph (2) that the participants in the project agree to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(4) Include such other provisions as the Office may require;*~~

~~*(o)]*~~ Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds issued pursuant to NRS 360.991; and

(o) ~~(p)~~ Meet any other requirements prescribed by the Office.

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➥ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. In addition to meeting the requirements set forth in subsection 2, a project is eligible for the transferable tax credits described in paragraph (a) of subsection 1 only if the Interim Finance Committee approves a written request for the issuance of the transferable tax credits. Such a request may only be submitted by the Office and only after the Office has approved the application submitted for the project pursuant to subsection 2. The Interim Finance Committee may approve a request submitted pursuant to this subsection only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053.

5. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A certification by the lead participant in the project that, if the application is approved, the participants in the project will:***

(1) Collaborate with the community in which the project is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application; and

(g) Any other information required by the Office.

6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and

valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

11. If an applicant for one or more partial abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 5 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

Sec. 7. ~~[NRS 360.894 is hereby amended to read as follows:~~

~~360.894 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for any transferable tax credits issued pursuant to NRS 360.891~~

~~and the partial abatement of any taxes pursuant to NRS 360.893 **[**.**]** *, including, without limitation, that the participants in the project are complying with the terms of the community benefits plan described in paragraph (n) of subsection 2 of NRS 360.889.*~~

~~2. *The Office may investigate a qualified project to determine whether the participants of the project are in substantial compliance with the terms of the community benefits plan described in paragraph (n) of subsection 2 of NRS 360.889.*~~

~~*3.* The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:~~

~~(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;~~

~~(b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;~~

~~(c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; **[**or**]**~~

~~(d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.880 to 360.896, inclusive.~~

~~**[**3.**]** *4.* Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.~~

~~**[**4.**]** *5.* Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which a partial abatement has been approved pursuant to NRS 360.893 and is in effect:~~

~~(a) Fails to meet the requirements for eligibility pursuant to that section; or~~

~~(b) Ceases operation before the time specified in the agreement described in paragraph (c) of subsection 5 of NRS 360.889,~~

~~→ the lead participant shall repay to the Department or, if the partial abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~[5.] 6. If the Executive Director of the Office determines, based on an investigation conducted pursuant to subsection 2 that the participants in a project have failed to substantially comply with the terms of the community benefits plan, the lead participant in the project shall repay to the Department, the Nevada Gaming Control Board or the appropriate county treasurer, as applicable, an amount of money equal to the amount of transferable tax credits issued to the lead participant and the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~7. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business license of the lead participant in a qualified project which is required to repay any portion of transferable tax credits pursuant to subsection [2] 3 or the amount of any partial abatement pursuant to subsection [4] 5 or 6 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business license of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business license suspended pursuant to this subsection or issue a new state business license to the lead participant whose state business license has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in

paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $3.5 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) ~~*[Enter into an agreement with the Office establishing a community benefits plan, which must:*~~

~~*(1) Include a brief description of the environmental, economic and social effects that the applicant anticipates the project will have on the local community that immediately surrounds the location of the project;*~~

~~*(2) State that the participants in the project will proactively undertake actions, beyond those incidental to the regular activities of the participants, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(3) Detail the specific actions described in subparagraph (2) that the participants in the project agree to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(4) Include such other provisions as the Office may require;*~~

~~*(o)]*~~ Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; and

(o) ~~*[(p)]*~~ Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make

a total new capital investment of at least $3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

(3) Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A certification by the lead participant in the project that, if the application is approved, the participants in the project will:***

(1) Collaborate with the community in which the project is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application; and

(g) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep

the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

9. If an applicant for one or more abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for an abatement pursuant to this section unless the applicant submits a new application.

Sec. 9. ~~[NRS 360.970 is hereby amended to read as follows:~~

~~360.970 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for any transferable tax credits issued pursuant to NRS 360.955 and the abatement of any taxes pursuant to NRS 360.965~~ **[.]** ~~, *including, without limitation, that the participants in the project are complying with the terms of the community benefits plan.*~~

~~2. *The Office may investigate a qualified project to determine whether the participants of the project are in substantial compliance with the terms of the community benefits plan described in paragraph (n) of subsection 2 of NRS 360.889.*~~

~~*3.* The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:~~

~~(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;~~

~~(b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;~~

~~(c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits;~~ **[**~~or~~**]**

~~(d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.900 to 360.975, inclusive.~~

~~[3.] *4.* Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.~~

~~[4.] *5.* Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which an abatement has been approved pursuant to NRS 360.965 and is in effect:~~

~~(a) Fails to meet the requirements for eligibility pursuant to that section; or~~

~~(b) Ceases operation before the time specified in the agreement described in paragraph (c) of subsection 3 of NRS 360.945,~~

~~→ the lead participant shall repay to the Department or, if the abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the abatement that was allowed to the lead participant pursuant to NRS 360.965 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the abatement not been approved until the date of payment of the tax.~~

~~[5.] *6. If the Executive Director of the Office determines, based on an investigation conducted pursuant to subsection 2 that the participants in a project have failed to substantially comply with the terms of the community benefits plan, the lead participant in the project shall repay to the Department, the Nevada Gaming Control Board or the appropriate county treasurer, as applicable, an amount of money equal to the amount of transferable tax credits issued to the lead participant and the amount of the abatement that was allowed to the lead participant pursuant to NRS 360.965. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the abatement not been approved until the date of payment of the tax.*~~

~~*7.* The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business license of the lead participant in a qualified project which is required to repay any portion of transferable tax credits pursuant to subsection [2] *3* or the amount of any abatement pursuant to subsection [4] *5 or 6* and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business license of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall~~

~~provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business license suspended pursuant to this subsection or issue a new state business license to the lead participant whose state business license has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.~~] **(Deleted by amendment.)**

Sec. 10. [~~NRS 372.7261 is hereby amended to read as follows:~~

~~372.7261 1. In administering the provisions of this chapter:~~

~~(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:~~

~~(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.~~

~~(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.~~

~~(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.~~

~~2. As used in this section:~~

~~(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection~~ [~~12~~] ***13*** ~~of NRS 360.753.~~

~~(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection~~ [~~12~~] ***13*** ~~of NRS 360.753.~~

~~(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.~~] **(Deleted by amendment.)**

Sec. 11. [~~NRS 374.7261 is hereby amended to read as follows:~~

~~374.7261 1. In administering the provisions of this chapter:~~

~~(a) The Department shall calculate the amount of tax imposed on tangible personal property purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft as follows:~~

~~(1) If the tangible personal property is purchased by a business for use in the performance of a contract, the business is deemed the consumer of the tangible personal property and the sales tax must be paid by the business on the sales price of the tangible personal property to the business.~~

~~(2) If the tangible personal property is purchased by a business for use in the performance of a contract and the sales tax is not paid because the vendor did not have a valid seller's permit, or because the resale certificate was properly presented, or for any other reason, the use tax must be imposed based on the sales price of the tangible personal property to the business.~~

~~(b) Any tangible personal property purchased by a business for use in the performance of a contract is deemed to have been purchased for use in owning, operating, manufacturing, servicing, maintaining, testing, repairing, overhauling or assembling an aircraft or any component of an aircraft.~~

~~2. As used in this section:~~

~~(a) "Aircraft" has the meaning ascribed to it in paragraph (a) of subsection [12] *13* of NRS 360.753.~~

~~(b) "Component of an aircraft" has the meaning ascribed to it in paragraph (b) of subsection [12] *13* of NRS 360.753.~~

~~(c) "Contract" means any contract for the ownership, operation, manufacture, service, maintenance, testing, repair, overhaul or assembly of an aircraft or any component of an aircraft entered into by a business.~~] **(Deleted by amendment.)**

Sec. 12. NRS 231.1555 is hereby amended to read as follows:

231.1555 1. A person who intends to locate or expand a business in this State may apply to the Office for a certificate of eligibility for transferable tax credits which may be applied to:

(a) Any tax imposed by chapter 363A or 363B of NRS;

(b) The gaming license fee imposed by the provisions of NRS 463.370;

(c) Any tax imposed by chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. After considering any advice and recommendations of the Board, the Executive Director shall establish:

(a) Procedures for applying to the Office for a certificate of eligibility for transferable tax credits which must:

(1) Include, without limitation, a requirement that the applicant set forth in the application:

(I) The proposed use of the transferable tax credits;

(II) The plans, projects and programs for which the transferable tax credits will be used;

(III) The expected benefits of the issuance of the transferable tax credits; ~~[and]~~

(IV) A statement of the short-term and long-term impacts of the issuance of the transferable tax credits; and

(V) A certification that the business will, if the application is approved, collaborate with the community in which the business is located and submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application; and

(2) Allow the applicant to revise the application upon the recommendation of the Executive Director.

(b) The criteria which a person to whom a certificate of eligibility for transferable tax credits has been issued must satisfy to be issued a certificate of transferable tax credits. ~~*In addition to any other criteria established by the Executive Director, to be eligible to be issued transferable tax credits pursuant to this section, the applicant must enter into an agreement with the Office establishing a community benefits plan, which must:*~~

~~*(1) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location or expansion of the business will have on the local community that immediately surrounds the location of the business;*~~

~~*(2) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(3) Detail the specific actions described in subparagraph (2) that the business agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of that community; and*~~

~~*(4) Include such other provisions as the Office may require; and]*~~

3. After receipt of an application pursuant to this section, the Executive Director shall review and evaluate the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

4. If the applicant is requesting transferable tax credits in an amount of $100,000 or less, the Executive Director may approve the application, subject to the provisions of subsection 6, if the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development.

5. If the applicant is requesting transferable tax credits in an amount greater than $100,000, the Executive Director shall submit the application and the Executive Director's review and evaluation of the application pursuant to subsection 3 to the Board, and the Board may approve the application, subject to the provisions of subsection 6, if the Board determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development.

6. The Executive Director or the Board shall not approve any application for transferable tax credits for:

(a) A period of more than 5 fiscal years;

(b) Fiscal Year 2015-2016; or

(c) Any fiscal year if the approval of the application would cause the total amount of transferable tax credits issued pursuant to this section to exceed:

(1) For Fiscal Year 2016-2017, $1,000,000.

(2) For Fiscal Year 2017-2018, $2,000,000.

(3) For Fiscal Year 2018-2019, $2,000,000.

(4) For Fiscal Year 2019-2020, $3,000,000.

(5) For a fiscal year beginning on or after July 1, 2020, $5,000,000.

7. If the Executive Director or the Board approves an application and issues a certificate of eligibility for transferable tax credits, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:

(a) The applicant;

(b) The Department of Taxation; and

(c) The Nevada Gaming Control Board.

8. Within 14 days after the Office determines that a person to whom a certificate of eligibility for transferable tax credits has been issued satisfies the criteria established by the Executive Director pursuant to subsection 2, the Office shall notify the person that transferable tax credits will be issued. Within 30 days after the receipt of the notice, the person shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the person a certificate of transferable tax credits in the amount approved by the Executive Director or the Board, as applicable, for the fees or taxes included in the declaration. The Office shall notify the Department of Taxation and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, and the amount of any transferable tax credits transferred.

~~***[9. The Office may investigate a business that is issued transferable tax credits pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in paragraph (b) of subsection 2. If the Executive Director determines, based on an investigation conducted pursuant to this section, that a business has failed to substantially comply with the terms of such an agreement, the business shall repay to the Department or the Nevada Gaming Control Board, as applicable, an amount of money equal to amount of transferable tax credits issued to the business pursuant to this section.]***~~

Sec. 13. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which ~~*[:]*~~ states:

(1) The ~~*[States the]*~~ date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That ~~*[States that]*~~ the business will, after the date on which the abatement becomes effective:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise

community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection . ~~*[; and*~~

~~*(3) Incorporates a community benefits plan, which must:*~~

~~*(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location of the business will have on the local community that immediately surrounds the location of the business;*~~

~~*(II) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(III) Detail the specific actions described in sub-subparagraph (II) that the business agrees to undertake during the duration of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of the community; and*~~

~~*(IV) Include such other provisions as the Office may require.]*~~

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

(e) The applicant has certified in the application that the business will, if the application is approved:

(1) Collaborate with the community in which the business is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. ~~*[The Office of Economic Development may investigate a business whose partial abatement is approved pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in subparagraph (3) of paragraph (b) of subsection 3. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a business has failed to substantially comply with the terms of such an agreement, the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS*~~

~~*360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.*~~

~~*9.*~~ The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. ~~*10.*~~ An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 14. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the local sales and use taxes imposed on capital equipment. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit

the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which ~~[:]~~ states:

(1) The ~~[States the]~~ date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That ~~[States that]~~ the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection . ~~[; and~~

~~(3) Incorporates a community benefits plan, which must:~~

~~(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the expansion of the business will have on the local community that immediately surrounds the location of the business;~~

~~(II) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;~~

~~(III) Detail the specific actions described in sub-subparagraph (II) that the business agrees to undertake during the duration of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to improve the well-being of the local community and the members of the community; and~~

~~(IV) Include such other provisions as the Office may require.]~~

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

(e) The applicant has certified in the application that the business will, if the application is approved:

(1) Collaborate with the community in which the business is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall,

in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. ~~*[The Office of Economic Development may investigate a business whose partial abatement is approved pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in subparagraph (3) of paragraph (b) of subsection 3. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a business has failed to substantially comply with the terms of such an agreement, the business shall repay to the Department of Taxation the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.*~~

~~*— 9.]*~~ The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. ~~*[10.]*~~ An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 15. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 of NRS or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which ~~*[:]*~~ states:

(1) The ~~*[States the]*~~ date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application; and

(2) That ~~*[States that]*~~ the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection . ~~*[; and*~~

~~*(3) Incorporates a community benefits plan, which must:*~~

~~*(I) Include a brief description of the environmental, economic and social effects that the applicant anticipates the location of the business will have on the local community that immediately surrounds the location of the business;*~~

~~*(II) State that the business will proactively undertake actions, beyond those incidental to the regular activities of the business, to increase the vitality of the local community and improve the social and economic well-being of the members of that community;*~~

~~*(III) Detail the specific actions described in sub-subparagraph (II) that the business agrees to undertake during the period of the agreement entered into pursuant to this paragraph, which may include, without limitation, partnering with community-based charitable or educational organizations, sponsoring educational or vocational activities, participating in philanthropic endeavors meant to specifically aid the local community and the members of that community and establishing other programs to*~~

~~*improve the well-being of the local community and the members of that community; and*~~

~~*(IV) Include such other provisions as the Office may require.]*~~

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

(e) The applicant has certified in the application that the business will, if the application is approved:

(1) Collaborate with the community in which the business is located; and

(2) Submit a community benefits agreement to the Office not later than 2 years after the date on which the Office approves the application.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (b) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new request pursuant to subsection 1.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. ~~*[The Office of Economic Development may investigate a business whose partial abatement is approved pursuant to this section to determine whether the business is in substantial compliance with the terms of the community benefits plan described in subparagraph (3) of paragraph (b) of subsection 3. If the Executive Director of the Office determines, based on an investigation conducted pursuant to this subsection, that a business has failed to substantially comply with the terms of such an agreement, the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the partial abatement that was allowed pursuant to this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.*~~

~~*—9.]*~~ The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

9. ~~*[10.]*~~ An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. ~~*[11.]*~~ As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 16. The amendatory provisions of this act apply only to an application for an abatement from taxation for which a person applies on or after July 1, 2025.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. ~~[Sections]~~ **Section** 6 ~~[and 7]~~ of this act expires by limitation on June 30, 2032.

4. ~~[Sections]~~ **Section** 2 ~~[, 10 and 11]~~ of this act expires by limitation on June 30, 2035.

5. ~~[Sections]~~ **Section** 8 ~~[and 9]~~ of this act expires by limitation on June 30, 2036.

6. Section 3 of this act expires by limitation on December 31, 2056.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 400.

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; **prohibiting the sale or barter of certain firearms to a person who is less than 21 years of age;** revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a child ~~[under the age of]~~ **who is less than** 18 years **of age** from handling, possessing or controlling a firearm under certain circumstances. (NRS 202.300) **Section 1** of this bill makes it a gross misdemeanor for a person who is less than 21 years of age to **handle,** possess or control a: (1) semiautomatic shotgun; or (2) semiautomatic centerfire rifle.

Existing law provides that a person does not aid or knowingly permit a child to handle, possess or control a firearm if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. Under existing law, a person who aids or knowingly permits a child to handle, possess or control a firearm is guilty of: (1) for the first offense, a misdemeanor; (2) for a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, a category C felony; and (3) for a second or any subsequent offense, a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years. (NRS 202.300) **Section 1**: (1) provides the same penalties for a person who aids or knowingly permits a person who is less than 21 years of age to handle, possess or control certain firearms; and (2) includes similar provisions concerning the circumstances in which a person does not aid or knowingly permit a person who is less than 21 years of age to handle, possess or control such firearms.

Existing law makes it a misdemeanor for a person to negligently store or leave a firearm at a location under his or her control if the person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain the firearm. (NRS 202.300) **Section 1** adds a similar provision imposing the same penalty for a person who negligently stores or leaves a firearm at a similar location from which a person who is less than 21 years of age may obtain the firearm.

Existing law authorizes a child who is 14 years of age or older and who, among other requirements, has a valid hunting license, to handle, possess or control a: (1) rifle or shotgun; or (2) firearm capable of being concealed upon the person. However, existing law provides that the rifle or shotgun must not be a fully automatic firearm. (NRS 202.300) **Section 3** of this bill prohibits a child who is 14 years of age or older from handling, possessing or controlling a semiautomatic shotgun or semiautomatic centerfire rifle.

Under certain circumstances, existing law authorizes a child who is 14 years of age or older to handle, possess or control a rifle or shotgun that is not a fully automatic firearm at his or her residence. (NRS 202.300) **Section 3**: (1) provides that the rifle or shotgun must not be a semiautomatic shotgun or semiautomatic centerfire rifle; and (2) requires that the rifle or shotgun, while not in use, must remain unloaded and stored in a securely locked container under the possession of certain persons.

Existing law provides that a person who barters or sells a pistol, revolver or firearm capable of being concealed to a child who is less than 18 years of age, with reckless disregard of the age of the child or with knowledge or reason to know that the child is less than 18 years of age, is guilty of a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. (NRS 202.310) Section 3.5 of this bill provides that a person who sells or barters a semiautomatic centerfire rifle or semiautomatic shotgun to a person who is less than 21 years of age, with reckless disregard of the age of the person or with knowledge or reason to know that the person is less than 21 years of age, is guilty of a category B felony and is subject to the same penalties.

Section 2 of this bill applies certain definitions prescribed by existing law to **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is less than 21 years of age shall not handle or have in his or her possession or under his or her control any:

(a) Semiautomatic shotgun; or

(b) Semiautomatic centerfire rifle.

➥ A person who violates this subsection is guilty of a gross misdemeanor.

2. ~~[A]~~ Unless a greater penalty is provided by law, a person who aids or knowingly permits a person who is less than 21 years of age to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the person who is less than 21 years of age will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a person who is less than 21 years of age to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The person who is less than 21 years of age obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The person who is less than 21 years of age gained possession of the firearm from a member of the Armed Forces of the United States, a reserve component thereof or the National Guard or a law enforcement officer while the member or law enforcement officer was carrying out official duties.

4. The provisions of subsection 1 do not apply to a person who is less than 21 years of age and who:

(a) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard;

(b) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions; ~~***[or]***~~

(c) Is a law enforcement officer who is employed by a federal, state or local law enforcement agency ~~***[.]***~~ ***; or***

(d) Is at least 18 years of age and who temporarily handles or possesses a semiautomatic shotgun or semiautomatic centerfire rifle exclusively:

(1) At an established shooting range authorized by the governing body of the jurisdiction in which such a range is located;

(2) At a lawful organized competition involving the use of a firearm;

(3) While participating in or practicing for a public performance by an organized group that uses firearms as a part of the public performance; or

(4) While hunting or trapping, if such activity is lawful in all locations where the person possesses the firearm and the person holds all licenses or permits required for such hunting or trapping; or

(e) Is at least 18 years of age and handles or possesses a semiautomatic shotgun or semiautomatic centerfire rifle while engaged in lawful predatory animal or range control activities on rangeland.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a person who is less than 21 years of age and who is prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 3. NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

6. Except as otherwise provided in subsection 9, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic centerfire rifle or*** fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

➥ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

7. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic centerfire rifle or*** fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child

has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his or her residence ~~[.]~~ ***, so long as the rifle or shotgun, when not in use, is unloaded and stored in a securely locked container under the possession of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child.***

8. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 7, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and

(b) Is not otherwise prohibited by law from possessing such a firearm.

9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

10. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

Sec. 3.5. **NRS 202.310 is hereby amended to read as follows:**

202.310 ***1.*** Any person in this State who sells or barters to a child who is under the age of 18 years, with reckless disregard of whether the child is under the age of 18 years, or with knowledge or reason to know that the child is under the age of 18 years, a pistol, revolver or a firearm capable of being concealed upon the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. Any person in this State who sells or barters a semiautomatic centerfire rifle or semiautomatic shotgun to a person who is less than 21 years of age, with reckless disregard of the age of the person or with knowledge or reason to know that the person is less than 21 years of age, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 469.

AN ACT relating to taxation; increasing and providing for the adjustment of the gross revenue threshold above which the gross revenue of a business entity is subject to the commerce tax; **prohibiting the payment of interest on an overpayment of commerce tax resulting from the use of a gross revenue threshold other than the adjusted threshold calculated and published by the Department of Taxation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity whose Nevada gross revenue in a fiscal year exceeds $4,000,000, with the rate of commerce tax based on the industry in which the business entity is primarily engaged. Existing law imposes the tax only on the portion of the Nevada gross revenue of a business entity that is in excess of $4,000,000. (NRS 363C.200, 363C.300-363C.560) **Sections 4 and 6** of this bill eliminate the $4,000,000 Nevada gross revenue threshold and replace it with a revenue threshold that is calculated on an annual basis. **Section 4** provides the method for calculating the revenue threshold for a taxable year. For the taxable year beginning on

July 1, 2025, **section 4** sets the revenue threshold at $4,000,000 plus an additional amount that is determined by multiplying $4,000,000 by the average 12-month percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items) for the 3 calendar years immediately preceding July 1, 2025. For all subsequent taxable years, **section 4** provides that the revenue threshold is: (1) the same as the previous taxable year, if the average 12-month change in the Consumer Price Index for All Urban Consumers, West Region (All Items) for the previous 3 calendar years is negative; or (2) increased from the previous taxable year by an amount equal to the revenue threshold from the previous taxable year multiplied by the average 12-month percentage increase in Consumer Price Index for All Urban Consumers, West Region (All Items) for the previous 3 calendar years, if the average 12-month percentage change for that period was positive. **Under section 4, the revenue threshold calculated for each taxable year must be rounded to the nearest $100,000. Section 6** requires a business entity whose Nevada gross revenue in a taxable year exceeds the revenue threshold calculated as described in **section 4** to file a return for that taxable year and excuses all business entities whose Nevada gross revenue is equal to or less than the revenue threshold from the requirement to file such a return for that taxable year. **Sections 2, 3 and 5** of this bill define the terms "consumer price inflation index" and "revenue threshold" for the purposes of the provisions governing the commerce tax. **Sections 7-33** of this bill make conforming changes to provisions governing the calculation of the commerce tax owed by a business entity to reflect that any Nevada gross revenue of a business entity that is equal to or below the revenue threshold is excluded from the calculation of the commerce tax.

Under existing law, a business entity that overpays the commerce tax is entitled to a refund of the amount of the overpayment if, with certain exceptions, the business entity claims the refund within a certain period. (NRS 363C.600) With certain exceptions, existing law requires such a business entity to be paid interest on any overpayment of any amount of the commerce tax at a rate specified in existing law. However, the Department of Taxation is prohibited from paying interest to a business entity if the Department determines that any overpayment has been made intentionally or by reason of carelessness. (NRS 363C.620) Section 33.5 of this bill prohibits the Department from paying interest on such an overpayment of the commerce tax because a business entity uses a revenue threshold to calculate the amount of commerce tax it owes other than the revenue threshold calculated by the Department and published pursuant to section 4.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 363C of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.***

Sec. 3. ***"Revenue threshold" means the amount described in subsection 1 of section 4 of this act for a given taxable year.***

Sec. 4. ***1. The revenue threshold is:***

(a) For the taxable year beginning on July 1, 2025, $4,000,000 plus the product of $4,000,000 multiplied by the average 12-month percentage increase in the consumer price inflation index for the 3 calendar years immediately preceding the taxable year beginning on July 1, 2025. The revenue threshold calculated pursuant to this paragraph must be rounded to the nearest $100,000.

(b) For each subsequent taxable year:

(1) If the average 12-month percentage change in the consumer price inflation index for the 3 calendar years immediately preceding the taxable year for which the revenue threshold is being calculated is positive, the revenue threshold for the immediate preceding taxable year plus the product of the revenue threshold for the immediately preceding taxable year multiplied by the average percentage increase in the consumer price inflation index for the 3 calendar years immediately preceding the taxable year for which the revenue threshold is being calculated. A revenue threshold calculated pursuant to this subparagraph must be rounded to the nearest $100,000.

(2) If the average 12-month percentage change in the consumer price inflation index for the 3 calendar years immediately preceding the taxable year for which the revenue threshold is being calculated is negative, an amount equal to the revenue threshold for the immediately preceding taxable year. A revenue threshold calculated pursuant to this subparagraph must be rounded to the nearest $100,000.

2. ~~[On or before March 1 of each year,]~~ Not later than 30 days after July 1, 2025, the Department shall calculate and publish on its Internet website the revenue threshold for the taxable year that began on July 1, 2025. Not later than March 1 of each subsequent year, the Department shall calculate and publish on its Internet website the revenue threshold for the taxable year beginning the following July 1.

Sec. 5. NRS 363C.010 is hereby amended to read as follows:

363C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 363C.015 to 363C.085, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 363C.200 is hereby amended to read as follows:

363C.200 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds ~~[$4,000,000]~~ ***the revenue threshold*** in an amount determined pursuant to NRS 363C.300 to 363C.560, inclusive. The commerce tax is due and payable as provided in this section.

2. Each business entity whose Nevada gross revenue in a taxable year exceeds ~~[$4,000,000]~~ ***the revenue threshold*** shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a return on a form prescribed by the Department. The Department shall not require a business entity whose Nevada gross revenue for a taxable year is ~~[$4,000,000]~~ ***equal to*** or less ***than the revenue threshold*** to file a return for that taxable year. The return required by this subsection must include such information as is required by the Department.

3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial return filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.

4. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 7. NRS 363C.300 is hereby amended to read as follows:

363C.300 Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in NRS 363C.310 to 363C.550, inclusive, for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in NRS 363C.310 to 363C.550, inclusive, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in NRS 363C.560.

Sec. 8. NRS 363C.310 is hereby amended to read as follows:

363C.310 1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.

2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.

3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.

Sec. 9. NRS 363C.320 is hereby amended to read as follows:

363C.320 1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:

(a) Naturally occurring mineral solids, such as coal and ores;

(b) Liquid minerals, such as crude petroleum; and

(c) Gases, such as natural gas.

2. Examples of business entities in this category include, without limitation:

(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.

(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.

3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.

4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.

Sec. 10. NRS 363C.330 is hereby amended to read as follows:

363C.330 1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:

(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and

(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.

2. This category does not include business entities primarily engaged in waste management and remediation services that are described in NRS 363C.490.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.

Sec. 11. NRS 363C.340 is hereby amended to read as follows:

363C.340 1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.

2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint-venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.

Sec. 12. NRS 363C.350 is hereby amended to read as follows:

363C.350 1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.

2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat, treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.

3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue***

threshold from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.

Sec. 13. NRS 363C.360 is hereby amended to read as follows:

363C.360 1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[~~$4,000,000~~]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.

Sec. 14. NRS 363C.370 is hereby amended to read as follows:

363C.370 1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[~~$4,000,000~~]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 15. NRS 363C.380 is hereby amended to read as follows:

363C.380 1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[~~$4,000,000~~]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.

Sec. 16. NRS 363C.390 is hereby amended to read as follows:

363C.390 1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[~~$4,000,000~~]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.

Sec. 17. NRS 363C.400 is hereby amended to read as follows:

363C.400 1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:

(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;

(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;

(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;

(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;

(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;

(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and

(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.

Sec. 18. NRS 363C.410 is hereby amended to read as follows:

363C.410 1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.

Sec. 19. NRS 363C.420 is hereby amended to read as follows:

363C.420 1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 20. NRS 363C.430 is hereby amended to read as follows:

363C.430 1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:

(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;

(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 21. NRS 363C.440 is hereby amended to read as follows:

363C.440 1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.

Sec. 22. NRS 363C.450 is hereby amended to read as follows:

363C.450 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.

Sec. 23. NRS 363C.460 is hereby amended to read as follows:

363C.460 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.

Sec. 24. NRS 363C.470 is hereby amended to read as follows:

363C.470 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:

(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or

(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.

Sec. 25. NRS 363C.480 is hereby amended to read as follows:

363C.480 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.

Sec. 26. NRS 363C.490 is hereby amended to read as follows:

363C.490 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.

Sec. 27. NRS 363C.500 is hereby amended to read as follows:

363C.500 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.

Sec. 28. NRS 363C.510 is hereby amended to read as follows:

363C.510 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.

Sec. 29. NRS 363C.520 is hereby amended to read as follows:

363C.520 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.

Sec. 30. NRS 363C.530 is hereby amended to read as follows:

363C.530 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.

Sec. 31. NRS 363C.540 is hereby amended to read as follows:

363C.540 1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.

Sec. 32. NRS 363C.550 is hereby amended to read as follows:

363C.550 1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in NRS 363C.310 to 363C.540, inclusive. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue threshold*** from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.

Sec. 33. NRS 363C.560 is hereby amended to read as follows:

363C.560 1. The unclassified business category includes any business entity not included in any of the business categories established by NRS 363C.310 to 363C.550, inclusive.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting ~~[$4,000,000]~~ ***the revenue***

threshold from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.

Sec. 33.5. **NRS 363C.620 is hereby amended to read as follows:**

363C.620 1. Except as otherwise provided in this section and NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the commerce tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally **,** ~~[or]~~ by reason of carelessness ~~[,]~~ ***or by application of a revenue threshold other than the revenue threshold calculated and published by the Department pursuant to section 4 of this act,*** the Department shall not allow any interest on the overpayment.

Sec. 34. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 160.

AN ACT relating to education; ~~[making an appropriation to the University of Nevada, Las Vegas,]~~ **authorizing one or more institutions of higher education within the Nevada System of Higher Education** to establish a pilot program to assess the competency of applicants for a license to teach through the use of alternative assessment methods; requiring certain regulations adopted by the Commission on Professional Standards in Education to authorize an applicant for a license to teach to be exempt from requirements to pass a competency test in various subjects if the applicant completes the pilot program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.011, 391.019) Existing law additionally requires the Commission to adopt regulations **,** ~~[: (1)]~~ governing examinations for the initial licensing of teachers and other educational personnel **.** ~~[, and (2) authorizing an applicant for such licenses to be exempt from the requirement to pass a competency test in basic reading, writing and mathematics if he or she satisfies certain requirements]~~ (NRS 391.021) Existing regulations provide that an applicant is exempt from the requirement to pass ~~[such a competency test]~~ **a competency test in the principles and methods of teaching** if the applicant submits to the Department of Education evidence that he or she **: (1)** completed **,** ~~[: (1)]~~ the ~~["Praxis Core Academic Skills for Educators" in reading, mathematics and~~

~~writing.]~~ **"Principles of Learning and Teaching Test"** prepared and administered by the Educational Testing Service; or (2) ~~[an equivalent test, as determined by the Department.]~~ **is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required.** (NAC 391.036) **Section 1** of this bill provides that the regulations adopted by the Commission must also authorize an applicant for an initial license to teach to be exempt from the requirement to pass a competency test in ~~[basic reading, writing and mathematics]~~ **the principles and methods of teaching** if he or she satisfactorily completes the pilot program established pursuant to **section 2** of this bill.

~~[Section 3 of this bill appropriates money to the University of Nevada, Las Vegas.]~~ **Section 2 authorizes institutions within the Nevada System of Higher Education** to establish a pilot program to offer an alternative pathway for assessing the competency of prospective teachers through the use of alternative assessment methods. **Section 2**: (1) sets forth the requirements for the program; and (2) provides that the pilot program must ~~[have]~~ **select** not more than 100 participants ~~[, requiring]~~ **each academic year during the duration of the program; and (3) requires** that each participant be an applicant for an initial license to teach who currently holds a provisional license to teach ~~[. Furthermore, section 2 sets forth the requirements governing the composition of participants, including that: (1) not more than 60 percent of participants be employed by a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties); (2) not more than 40 percent of participants be employed by a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties); (3) participants be from at least five different school districts; (4) there be at least one graduate from each institution within the Nevada System of Higher Education; (5) for each regional training program, there be at least one participant who received professional development services from the regional training program; and (6) there be at least one participant who is a member of certain employee organizations.]~~ **or an endorsement or license to serve as a substitute teacher.**

For a participant in the pilot program, **section 2** requires the Department to extend the deadline for successfully passing a competency test, which is required to receive an initial license to teach, for a period of 24 months after he or she is selected to participate in the program, thereby allowing the participant to use his or her satisfactory completion of the pilot program to satisfy ~~[requirements to receive an]~~ **by** exemption ~~[from completing]~~ **the requirement to complete** certain competency tests. **Section 2** also requires ~~[the University of Nevada, Las Vegas,]~~ **each institution that established a pilot program** to submit: (1) an annual progress report regarding the pilot program to the **Commission, the State Board of Education and the** Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on Education; and (2) not later than 6 months after the cessation of the pilot program, a report to the Department on the success of the pilot

program and a plan for its broader implementation. **Section 4 of this bill provides that the pilot program established by section 2 expires by limitation on July 1, 2029.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in ~~[basic]~~ **:**

(a) Basic reading, writing and mathematics if the applicant submits to the Department evidence that ~~[,~~ ~~:~~

~~*(a) At]*~~ ***at any time before or*** after ~~[not passing]~~ ***completing*** a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

(b) ~~If]~~ The principles and methods of teaching if the applicant ~~is applying for an initial license to teach, he or she]~~ has satisfactorily completed the pilot program established pursuant to section 2 of this act.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 or 391B.010 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 2. 1. ~~[The University of Nevada, Las Vegas, shall]~~ **One or more institutions within the Nevada System of Higher Education may** establish and operate a pilot program to offer an alternative pathway for assessing the competency of applicants for a license to teach pupils in this State through the use of alternative assessment methods.

2. A pilot program established pursuant to subsection 1 must:

(a) ~~[Using the criteria set forth in subsection 3, select]~~ **Select** not more than 100 participants for the pilot program ~~[;]~~ **each academic year;**

(b) Select not more than 25 teachers licensed pursuant to chapter 391 of NRS who have taught in a public school in this State for at least 5 years to serve as mentors for participants in the pilot program;

(c) Include a curriculum of professional development for participants in the pilot program that consists of at least 10 sessions and is aligned with the criteria for designating a teacher as effective or highly effective under the statewide performance evaluation system established by the State Board of Education pursuant to NRS 391.465;

(d) Require, for the duration of the pilot program, a teacher selected to serve as a mentor pursuant to paragraph (b) to conduct a monthly meeting with each participant who is assigned as his or her mentee;

(e) For a participant to receive credit for satisfactorily completing the pilot program, require the participant to, while he or she is participating in the pilot program, receive at least two consecutive evaluations, conducted pursuant to NRS 391.685, in which the overall performance of the teacher was designated as effective or highly effective;

(f) For alternative assessment methods, assess the validity and reliability of the methods and ability of the methods to be scaled to accommodate a greater number of participants;

(g) Promote assessment practices that are inclusive and equitable and that support a diversity of learning styles and experiences;

(h) Align alternative assessment methods with applicable state standards, requirements for accreditation and the needs of school districts in this State; **and**

(i) Collect and analyze data to provide evidence-based recommendations for the potential implementation of alternative assessment methods in this State **.** ~~[; and~~

~~(j) Continue for a duration of not more than 24 months after the date of establishment of the pilot program.]~~

3. A person is eligible to participate in a pilot program established pursuant to this section if he or she is an applicant for a license to teach issued pursuant to chapter 391 of NRS and holds ~~[(a)~~ **:**

(a) A provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032 **.** ~~[. Not more than 60 percent of the total participants in the pilot program must be employed by a school district in a county whose population is 100,000 or more, and not more than 40 percent of the participants in the pilot program must be employed by a school district in a county whose population is less than 100,000. A pilot program established pursuant to this section must be composed of:~~

~~(a) Participants from at least five different school districts in this State;~~

~~(b) For each institution within the Nevada System of Higher Education, at least one participant who has obtained an associate's degree, baccalaureate degree or certificate from the institution;~~

~~(c) For each regional training program, at least one participant who has received professional development services from the regional training program;~~

~~(d) At least one participant who is a member of the employee organization representing the majority of teachers employed by a large school district; and~~

~~(e) At least one participant who is a member of an employee organization representing the majority of teachers employed by school districts in this State other than a large school district.~~**]** **:**

(b) A special license as an emergency substitute teacher issued by the Department of Education; or

(c) An endorsement to serve as a substitute teacher in early childhood education through grade 12 issued by the State Board of Education.

4. The Department of Education shall ~~[, for]~~ **:**

(a) For each participant in the pilot program established pursuant to this section, extend for 24 months after selection to participate in the pilot program any deadline for removing a provision on a provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032 that requires successfully passing a competency test required to receive an initial license to teach pursuant to NRS 391.021.

(b) Upon successful completion of the pilot program by a participant who holds a provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032, remove any provision on the provisional license issued to the applicant which requires the applicant to pass a competency test in the principles and methods of teaching.

5. ~~[The University of Nevada, Las Vegas,]~~ **Each institution that offers a pilot program pursuant to this section** shall:

(a) On or before July 1 of each year of operation ~~[for the]~~ **of the** pilot program established pursuant to this section ~~[, submit]~~ **:**

(1) Compile a report ~~[to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on Education]~~ describing the progress of the pilot program, including, without limitation:

~~[(1)]~~ **(I)** Demographic information for participants in the pilot program;

~~[(2)]~~ **(II)** The success of professional development services provided by the pilot program; and

~~[(3)]~~ **(III)** Preliminary findings of the pilot program.

(2) Submit the report compiled pursuant to paragraph (a) to:

(I) The Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on Education;

(II) The State Board of Education; and

(III) The Commission on Professional Standards in Education.

(b) Not later than 6 months after the pilot program established pursuant to this section ceases operation, submit to the Department of Education:

(1) A plan for implementing the pilot program in a permanent format that can accommodate all prospective applicants that describes the structure and curriculum of the pilot program; and

(2) The metrics of success for the pilot program.

6. As used in this section:

(a) "Alternative assessment methods" means valid and reliable methods used for determining, for an applicant for an initial license to teach issued pursuant to NRS 391.019, the ~~[applicants]~~ **applicant's** competency in, knowledge of and ability to provide instruction ~~[in reading, mathematics and writing]~~ **in accordance with sound principles and methods of teaching appropriate to the applicant's required level of competence** that is equivalent to the ~~["Praxis Core Academic Skills for Educators" in reading, mathematics and writing,]~~ **"Principles of Learning and Teaching Test"** prepared and administered by the Educational Testing Service.

(b) ~~["Large school district" has the meaning ascribed to it in NRS 388G.530.~~

~~(c)]~~ "Metrics of success" includes, without limitation:

(1) An evaluation of the growth in competency, professional engagement and readiness for participants in the pilot program established pursuant to this section;

(2) An analysis of the impact of the pilot program on the retention, effectiveness and morale of teachers; and

(3) Benchmarks for satisfactory completion of the pilot program.

~~[(d)]~~ **(c)** "Participant" means an applicant for a license to teach who is selected to participate in the pilot program established pursuant to this section.

~~[(e) "Regional training program" has the meaning ascribed to it in NRS 391A.105.]~~

Sec. 3. ~~[1. There is hereby appropriated from the State General Fund to the University of Nevada, Las Vegas the sum of $1,100,000 for the purpose of developing and conducting a pilot program to offer an alternative pathway for assessing the competency of applicants for a license to teach pupils in this State through the use of alternative assessment methods. Not more than 10 percent of the money appropriated by this subsection may be used for the purpose of defraying indirect costs incurred as a result of providing the pilot program established pursuant to section 2 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.]~~ **(Deleted by amendment.)**

Sec. 4. **1.** This act becomes effective upon passage and approval.

2. Section 2 of this act expires by limitation on July 1, 2029.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 318.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to contract with a person who makes installment loans to pay the fees and taxes due for the initial or renewal registration of a vehicle; **prescribing certain requirements for such installment loans;** authorizing the Director of the Department to authorize the use of digital license plates; providing requirements governing the use of digital license plates; **revising the applicability of certain provisions governing installment lenders to a lender who contracts with the Department;** extending the pilot program to gather data about annual vehicle miles traveled by certain vehicles registered in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish electronic branch offices consisting of an Internet website or software application through which the Department may conduct transactions that have been designated by the Director of the Department as suitable to be conducted through electronic means. (NRS 481.055) If the Department provides the ability to register or renew the registration of a vehicle through such an electronic branch office, **section 1** of this bill requires the Department to contract with a person who is licensed in this State to make installment loans to allow the person, through the electronic branch office, to offer installment loans to vehicle owners to pay the applicable fees and taxes that are due for the initial or renewal registration of a vehicle. **Section 1: (1) requires the person to furnish to the Department the entire amount of the fees and taxes owed by vehicle owners for the registration and renewal of registration; (2) prohibits such a person from charging interest on an installment loan or collecting an initial installment fee in excess of $10 or a monthly installment fee in excess of $5 each month; and (3) prohibits the making of loans less than $250.**

Existing law requires the Department to furnish license plates to every owner whose vehicle is registered and sets forth the manner in which such license plates must be displayed on a vehicle. (NRS 482.265) **Section 2** of this bill authorizes the Director to permit the use of digital license plates by a person who otherwise complies with the requirements for registration and licensing. **Section 2** requires a digital license plate to: (1) display the license plate code assigned to the vehicle and evidence of valid registration at all times; (2) meet certain requirements for visibility; (3) be displayed on a digital

license plate device that has been approved by the Department and purchased from a vendor approved by the Department; and (4) display only information and images required or authorized by the Department. **Section 2** requires the Department to adopt regulations relating to the issuance and use of digital license plates, including the personally identifiable information that may be stored on a digital license plate or digital license plate device. **Section 2** authorizes the Department to take certain additional actions with respect to digital license plates, including: (1) approving banner messages to appear on the bottom of a digital license plate; (2) restricting the types or classes of vehicles for which a digital license plate may be used; (3) authorizing the sale or resale of digital license plate devices; and (4) authorizing digital license plates to replicate the appearance of certain special license plates or personalized prestige license plates. **Section 2 prohibits the Department from charging a fee for digital license plates that exceeds the fee charged for a conventional plate of the same type.** **Section 3** of this bill provides that the Department is not required to furnish license plates to a person who applies to use a digital license plate and authorizes the Department to require the return of license plates which were previously issued for the vehicle.

Existing law requires the Director to utilize the facility for the production of license plates which is located at the Department of Corrections to produce all license plates required by the Department. (NRS 482.267) **Section 4** of this bill creates an exception from this requirement for the use of digital license plates.

Section 5 of this bill requires a digital license plate device, which is an electronic device capable of displaying a digital license plate, to be attached to the rear of a motor vehicle. If a digital license plate has been authorized for use, **section 5** also excuses the requirement to attach a license plate to the front of the vehicle.

Existing law establishes a procedure for the licensing of persons engaged in the business of making and collecting on installment loans. (Chapter 675 of NRS) Section 5.3 of this bill authorizes a person who contracts with the Department to make loans to apply for a license for a place of business located outside this State. Section 5.7 of this bill additionally authorizes such a person to conduct the business of making loans within any office, suite, room or place of business in which any other business is solicited or engaged in.

Existing law requires the Department to conduct a pilot program to gather data on the annual vehicle miles traveled by certain vehicles registered in this State. (NRS 482.2175) As part of the pilot program, existing law requires the owners of certain motor vehicles to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. (NRS 482.2177) Under existing law, the provisions providing for the pilot program expire by limitation on December 31, 2026. (Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006) **Section 6**

of this bill eliminates the provision of law providing for the expiration of the pilot program, thereby requiring the continuation of the pilot program beyond December 31, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means, including, without limitation:

(a) The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.

(b) The electronic transmission and recording of applications for driver's licenses.

(c) The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.

(d) The acceptance of electronic signatures.

(e) The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:

(1) Brokers;
(2) Dealers;
(3) Distributors;
(4) Lessors;
(5) Manufacturers;
(6) Rebuilders;
(7) Salespersons; and
(8) Vehicle transporters.

(f) The issuance of registration credentials pursuant to NRS 482.217.

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

5. If the Department provides the ability to register or renew the registration of vehicles through an electronic branch office consisting of an Internet website or software application, the Department shall contract with a person who is licensed pursuant to chapter 675 of NRS to allow the person to offer, through the website or application, installment loans to vehicle owners to pay the applicable fees and taxes due for the initial or renewal registration of a vehicle, including, without limitation, governmental services taxes, sales and use taxes due pursuant to NRS 482.225, fees for license plates and registration fees. The person with whom the Department contracts pursuant to this subsection:

(a) Must furnish to the Department, at the time of the initial or renewal registration of a vehicle, the entire amount of the fees and taxes owed by the vehicle owner to whom an installment loan is provided;

(b) Shall not charge the vehicle owner an annual percentage rate with respect to the loan;

(c) Shall not require the vehicle owner to pay an initial installment fee in excess of $10 or a monthly installment fee in excess of $5 each month; and

(d) May only provide a loan pursuant to this subsection if the total amount financed is $250 or more.

Sec. 2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may authorize the use of digital license plates in accordance with this section upon application by a person who otherwise complies with the requirements for registration and licensing pursuant to this chapter.

2. The use of a digital license plate must be voluntary and the Department shall not require any person to use or install a digital license plate or digital license plate device.

3. All digital license plates authorized for use pursuant to this section must:

(a) Display the license plate code assigned to the vehicle by the Department and evidence of valid registration at all times, including, without limitation, when the vehicle is in motion, stationary, parked or unoccupied.

(b) Be plainly readable by the human eye from a distance of 100 feet during daylight and darkness.

(c) Be displayed on a digital license plate device that has been approved by the Department and purchased from a vendor approved by the Department.

(d) Display only information and images required or authorized for display by the Department.

4. The Department may:

(a) Approve alternative banner messages to appear on the bottom of a digital license plate.

(b) Authorize the sale or resale of digital license plate devices by a device manufacturer or by participating vendors, subject to review and approval by the Department.

(c) By regulation, restrict the types or classes of vehicles for which the Department will authorize the use of a digital license plate.

5. The Department may authorize digital license plates to replicate the appearance of a license plate type other than a standard license plate. If the Department authorizes a digital license plate to replicate the appearance of a special license plate, the Department shall charge for the use or renewal of a digital license plate which replicates the appearance of a special license plate ~~[, in addition to all other applicable registration and license fees and governmental services taxes, only the additional fee for the initial issuance or renewal of the special license plate, as applicable,]~~ the same fees which are charged for the conventional version of the special license plate. Any such fee which is imposed to generate financial support for a particular cause or charitable organization ~~[. Any such fee]~~ must be deposited and distributed in the same manner as the fee imposed with respect to the conventional version of the special license plate. A digital license plate which replicates the appearance of a special license plate is valid for the same length of time as the conventional version of the special license plate. ~~[A digital license plate which replicates the appearance of a special license plate is renewable upon payment of any required fee imposed to generate financial support for a particular cause or charitable organization, except that the]~~ The Department may cease the use of digital license plates which replicate the appearance of a special license plate which the Department no longer issues in conventional form. If the owner of a vehicle does not renew the digital license plate which replicates the appearance of a special license plate or the Department has ceased the use of the digital license plate which replicates the appearance of a special license plate previously used by the owner of a vehicle, the owner of a vehicle may continue to use a digital license plate which does not replicate the appearance of the special license plate.

6. The Department may authorize a digital license plate to replicate the appearance of a personalized prestige license plate issued pursuant to NRS 482.3667 by displaying a personalized license plate code. The Department ~~[may impose a reasonable fee to authorize and renew]~~ shall charge for the use of a digital license plate that replicates the appearance of a personalized prestige license plate ~~[, which fee must be designed to defray the administrative costs to the Department to review and approve the]~~ the same fees which are charged for the issuance and renewal of a conventional personalized license plate. ~~[code but not include any amount which is normally charged for a conventional personalized prestige license plate to defray the costs of manufacturing the plate.]~~ A digital license plate which replicates the appearance of a personalized prestige license plate is valid for the same length of time as a conventional personalized prestige license plate

as provided in NRS 482.3667 . ~~[and is renewable upon payment of the required fee.]~~ Any fees collected pursuant to this subsection must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. The provisions of subsections 5, 6 and 7 of NRS 482.3667 apply with equal force to a digital license plate which replicates the appearance of a personalized prestige license plate.

7. ~~[Except as otherwise provided in subsections 5 and 6, the]~~ The Department shall not charge any ~~[additional]~~ fee for the use of a digital license plate or digital license plate device in excess of ~~[any applicable registration and license fee and governmental services taxes.]~~ the fees charged for a conventional license plate of the same type.

8. The Department shall adopt regulations:

(a) Prescribing standards for the personally identifiable information which may be stored on a digital license plate or digital license plate device, which must be limited to that information which is deemed necessary by the Department to display evidence of registration compliance or for the manufacturer or vendor to provide services to the owner of a digital license plate device.

(b) Prescribing standards governing the use of digital license plates and digital license plate devices, including, without limitation:

(1) Protocols for data sharing, privacy and security.

(2) Information which must be displayed on a digital license plate.

(3) Information and images which may be displayed on a digital license plate, which may include, if determined by the Department to be appropriate and not contrary to the interests of the public, emergency service alerts and personalized messages.

(4) The list of digital license plate devices which are approved for use pursuant to this section.

(5) The procedure through which a person may apply to use a digital license plate.

9. All provisions of this title relating to license plates apply to digital license plates and digital license plate devices except:

(a) As otherwise specifically provided;

(b) As to those provisions which, owing to the physical differences between digital license plates or digital license plate devices and conventional license plates, can have no application;

(c) Provisions requiring the return or surrender of license plates to the Department do not require the return or surrender of a digital license plate device which was not purchased from the Department; and

(d) The provisions of NRS 482.270 do not apply to a digital license plate or digital license plate device.

10. As used in this section:

(a) "Digital license plate" means a digital image displayed on a digital license plate device that includes the license plate code assigned to the

vehicle and any other information or images which the Department may authorize or require by regulation.

(b) "Digital license plate device" means an electronic device capable of:

(1) Being mounted to a motor vehicle in accordance with the requirements for motor vehicle license plates; and

(2) Displaying a digital license plate.

(c) "License plate code" means the unique combination of numbers, letters or both numbers and letters appearing on the face of a license plate.

(d) "Special license plate" means a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive.

Sec. 3. NRS 482.265 is hereby amended to read as follows:

482.265 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2085 and 482.2155, ***or unless unnecessary because a digital license plate has been authorized for use on the vehicle,*** upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to NRS 482.37901.

5. If, at the time of registration, the owner of a vehicle applies to use a digital license plate on the vehicle pursuant to section 2 of this act, the Department is not required to furnish a license plate to the vehicle owner pursuant to subsection 1. If the owner of a vehicle applies to use a digital license plate on a vehicle for which a license plate was previously issued by the Department, the Department may require the return to the Department of the license plate or plates previously issued for the vehicle.

Sec. 4. NRS 482.267 is hereby amended to read as follows:

482.267 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** the Director shall utilize the facility for the production of license

plates which is located at the Department of Corrections to produce all license plates required by the Department of Motor Vehicles.

2. The Director may contract with a vendor for the production of license plates which require technological or mechanical processes which are not available at the facility.

Sec. 5. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license plates for a motor vehicle other than a motorcycle, moped or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2 ~~[,]~~ ***or 3,*** one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. ***If a digital license plate has been authorized for use on a motor vehicle pursuant to section 2 of this act:***

(a) The digital license plate device must be attached to the motor vehicle in the rear; and

(b) No license plate is required to be attached to the motor vehicle in the front.

4. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

~~[4.]~~ ***5.*** Every license plate ***, including a digital license plate device,*** must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

~~[5.]~~ ***6.*** Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or

controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 5.3. **NRS 675.090 is hereby amended to read as follows:**

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if:

(a) The applicant is an Internet business lender ~~[.]~~ ***, including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department;*** or

(b) The applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State.

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 5.7. **NRS 675.230 is hereby amended to read as follows:**

675.230 1. Except as otherwise provided in subsections 2 and 3, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet business lender **, *including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department,*** may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 6. Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006, is hereby amended to read as follows:

Sec. 7. 1. This section and section 6.5 of this act become effective on July 1, 2019.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2019 **.** ~~[, and expire by limitation on December 31, 2026.]~~

Sec. 6.5. **As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of section 1 of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.**

Sec. 7. 1. This section and ~~[section]~~ **sections** 6 **and 6.5** of this act become effective upon passage and approval.

2. **Section 1 of this act becomes effective on the date on which the Director of the Department of Motor Vehicles, pursuant to section 6.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to carry out the amendatory provisions of this act.**

3. Sections ~~[1]~~ **2** to ~~[5,]~~ **5.7,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 344.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 226.

AN ACT relating to judiciary; replacing the term "master" with "judicial officer" when used to refer to judicial officers who perform certain duties; prescribing a procedure for the transfer of child welfare proceedings to a different court within this State; requiring the appointment of an attorney to represent certain parties during a child welfare proceeding in certain circumstances; revising the compensation that an appointed attorney in certain proceedings is entitled to receive; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the appointment of a master or special master to perform certain limited duties in certain proceedings, including family law, juvenile justice and traffic proceedings and certain proceedings in a justice or municipal court. (NRS 3.2201, 3.405, 4.357, 5.0245, 33.019, 62B.020, 62B.030, 126.111, 129.080, 159A.0615, 425.381, 432B.455) **Sections 3-24, 31-35, 40, 42-47, 52-63**, **65, 66, 69-71 and 79** of this bill replace the term "master" with the term "judicial officer" when used to refer to a judicial official who performs those duties. **Sections 1, 26, 38 and 67** of this bill define the term "judicial officer" for certain purposes and **sections 2, 28, 39 and 68** of this bill establish the applicability of those definitions. **Sections 32, 42, 43, 46-48, 54 and 70** of this bill authorize a court to designate a different title to a person appointed as a judicial officer so long as the title does not include the term "master." **Section 4** makes an additional clarifying change regarding the appointment of judicial officers. **Sections 37, 41, 48, 50, 51 and 72-78** of this bill make various other changes so that a judicial officer retains all of the duties, privileges and protections that such a person currently has while functioning under the title "master."

Existing law establishes procedures for the transfer of proceedings involving the legal or physical custody of a child, including child welfare proceedings, to a court of another state. (NRS 125A.315, 125A.355, 125A.365) **Section 27** of this bill similarly establishes a procedure for the transfer of child welfare proceedings to a different court in this State. **Section 27** requires: (1) the originating court and the receiving court to hold a joint hearing on the potential transfer; and (2) both courts to conclude that the transfer would be in the best interests of the child who is the subject of the proceedings before the transfer may occur. **Section 36** of this bill makes a conforming change to include a reference to **section 27** where appropriate. **Sections 29 and 49** of this bill

prohibit a person from invoking certain privileges during a proceeding concerning such a transfer.

Existing law: (1) authorizes an attorney to represent a parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child at all stages of child welfare proceedings concerning the child; and (2) requires a court to appoint an attorney to represent a child who is alleged to have been abused or neglected at all stages of such proceedings. An appointed attorney is entitled to the same compensation and payment for expenses as an attorney, other than a public defender, selected to represent or defend a defendant at any stage of a criminal proceeding. (NRS 432B.420) **Section 30** of this bill provides that any parent or **other** person responsible for the welfare of a child who is taken into protective custody may be represented during ~~[~~~the child welfare proceedings,~~]~~ **a hearing on protective custody,** regardless of whether the parent is alleged to have abused or neglected the child. If a petition is filed alleging that a child is in need of protection, **section 30 : (1)** requires the court to appoint an attorney to represent the parent or **other** person responsible for the welfare of a child who is allegedly responsible for the child being **in** need of protection upon determining that the parent or other person is indigent, except in certain circumstances ~~[.]~~ **; and (2) authorizes the court to appoint an attorney to represent a parent or other person responsible for the welfare of the child who is not allegedly responsible for the child being in need of protection if the court determines that the parent or other person is indigent and appointment of an attorney is in the best interest of the child.** **Section 30** also provides that an attorney who is appointed to represent a parent or other person responsible for the welfare of a child or a child in a child welfare proceeding is, except in certain circumstances, entitled to compensation and payment for expenses for all reasonable time and expenses spent on the case at a rate not less than the rate an attorney in the same jurisdiction receives for representing a person charged with a misdemeanor.

Existing law authorizes a court to appoint an attorney to represent a child and an indigent parent of a child during any proceeding for terminating or restoring parental rights. Existing law also requires a court to appoint an attorney to represent a child in such a proceeding if the child has been placed outside the home because he or she was deemed to be in need of protection. Such an appointed attorney is entitled to the same compensation and payment for expenses as an attorney, other than a public defender, selected to represent or defend a defendant at any stage of a criminal proceeding. (NRS 128.100) **Section 64** of this bill provides that such an appointed attorney is entitled to compensation and payment for expenses for all reasonable time and expenses spent on the case at a rate not less than the rate an attorney in the same jurisdiction receives for representing a person charged with a felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

"Judicial officer" means a person who is appointed by a court pursuant to NRS 425.381 to act as a judicial officer of the court.

Sec. 2. NRS 425.260 is hereby amended to read as follows:

425.260 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 425.270 to 425.335, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 425.295 is hereby amended to read as follows:

425.295 "Debt" means the amount of money owed as support for a dependent child pursuant to:

1. An order of a court of competent jurisdiction of this or any other state; or

2. A recommendation entered by the ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive, and approved by the district court.

Sec. 4. NRS 425.381 is hereby amended to read as follows:

425.381 1. A ~~[master]~~ ***judicial officer*** must be appointed as set forth in this section ~~[.]~~ ***and NRS 3.405.***

2. The district judges of:

(a) The Family Court of the Second Judicial District shall appoint the ~~[masters]~~ ***judicial officers*** for that District, and shall establish the qualifications and duties of those ~~[masters;]~~ ***judicial officers;*** and

(b) The Family Court of the Eighth Judicial District shall appoint the ~~[masters]~~ ***judicial officers*** for that District, and shall establish the qualifications and duties of those ~~[masters.]~~ ***judicial officers.***

3. The district judges of the remaining judicial districts shall appoint the ~~[masters]~~ ***judicial officers*** for those districts, and shall establish the qualifications and duties of those ~~[masters.]~~ ***judicial officers.***

4. A ~~[master]~~ ***judicial officer*** serves at the pleasure of the district judges who appointed the ~~[master.]~~ ***judicial officer.***

Sec. 5. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court pursuant to NRS 425.3844, a ~~[master]~~ ***judicial officer*** may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the ~~[master]~~ ***judicial officer*** informed of the responsible parent's current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the ~~[master]~~ ***judicial officer*** and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance use disorders or a program to address mental health issues;

(14) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

(15) Award reasonable attorney's fees and other fees and costs; and

(16) Grant any other available remedy.

Sec. 6. NRS 425.3824 is hereby amended to read as follows:

425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:

(a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.

(b) A statement of the monthly support for which the parent is responsible.

(c) A statement of the amount of arrearages sought, if any.

(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the Division will request pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the ~~[master]~~ ***judicial officer*** may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS 425.382 to 425.3852, inclusive.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the Chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with the guidelines established by the Administrator pursuant to NRS 425.620.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at the last known address of the parent or to the last known address of the attorney for the parent.

Sec. 7. NRS 425.3826 is hereby amended to read as follows:

425.3826 If the paternity of the dependent child has not been legally established and a notice and finding of financial responsibility is to be served on the alleged parent, the notice must include:

1. The information required by NRS 425.3824.
2. An allegation that the person is the parent of the dependent child.
3. The name of the other parent of the child.
4. The date of birth of the child.
5. The probable period during which conception took place.
6. A statement that if the alleged parent does not send to the office issuing the notice and finding of financial responsibility a written response that denies paternity and requests a hearing, within the specified period, the ~~[master,]~~ ***judicial officer,*** without further notice to the alleged parent, may enter a

recommendation that declares and establishes the person as the legal parent of the child.

Sec. 8. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the ~~[master]~~ ***judicial officer*** may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom, support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are provided to the enforcing authority.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified

period, and the ~~[master]~~ ***judicial officer*** enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 9. NRS 425.383 is hereby amended to read as follows:

425.383 1. After the entry of a recommendation for the support of a dependent child by the ~~[master]~~ ***judicial officer*** that has been approved by the district court pursuant to NRS 425.3844, or after entry of an order for the support of a dependent child by a district court regarding which the Chief is authorized to proceed pursuant to NRS 425.382 to 425.3852, inclusive, the responsible parent, the person entitled to support or the enforcing authority may move for the amount of the child support being enforced to be modified or adjusted in accordance with NRS 125B.145.

2. The motion must:

(a) Be in writing.

(b) Set out the reasons for the modification or adjustment.

(c) State the address of the moving party.

(d) Be served by the moving party upon the responsible parent or the person entitled to support, as appropriate, by first-class mail to the last known address of that person.

3. The moving party shall mail or deliver a copy of the motion and the original return of service to the Chief.

4. The Chief shall set the matter for a hearing within 30 days after the date of receipt of the motion unless a stipulated agreement between the parties is reached. The Chief shall send to the parties and person with physical custody of the dependent child a notice of the hearing by first-class mail to the last known address of those persons.

5. A motion for modification or adjustment requested pursuant to this section does not prohibit the Chief from enforcing and collecting upon the existing order for support of a dependent child unless so ordered by the district court.

6. The only support payments that may be modified or adjusted pursuant to this section are monthly support payments that:

(a) A court of this state has jurisdiction to modify pursuant to chapter 130 of NRS; and

(b) Accrue after the moving party serves notice that a motion has been filed for modification or adjustment.

7. The party requesting the modification or adjustment has the burden of showing a change of circumstances and good cause for the modification or adjustment, unless the request is filed in accordance with subsection 1 of NRS 125B.145.

Sec. 10. NRS 425.3832 is hereby amended to read as follows:

425.3832 1. Except as otherwise provided in this chapter, a hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive, must be conducted

in accordance with the provisions of this section by a qualified ~~[master]~~ ***judicial officer*** appointed pursuant to NRS 425.381.

2. Subpoenas may be issued by:

(a) The ~~[master.]~~ ***judicial officer.***

(b) The attorney of record for the office.

➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS. A witness appearing pursuant to a subpoena, other than a party or an officer or employee of the Chief, is entitled to receive the fees and payment for mileage prescribed for a witness in a civil action.

3. Except as otherwise provided in this section, the ~~[master]~~ ***judicial officer*** need not observe strict rules of evidence but shall apply those rules of evidence prescribed in NRS 233B.123.

4. The affidavit of any party who resides outside of the judicial district is admissible as evidence regarding the duty of support, any arrearages and the establishment of paternity. The ~~[master]~~ ***judicial officer*** may continue the hearing to allow procedures for discovery regarding any matter set forth in the affidavit.

5. The physical presence of a person seeking the establishment, enforcement, modification or adjustment of an order for the support of a dependent child or the establishment of paternity is not required.

6. A verified petition, an affidavit, a document substantially complying with federally mandated forms and a document incorporated by reference in any of them, not excluded under NRS 51.065 if given in person, is admissible in evidence if given under oath by a party or witness residing outside of the judicial district.

7. A copy of the record of payments for the support of a dependent child, certified as a true copy of the original by the custodian of the record, may be forwarded to the ~~[master.]~~ ***judicial officer.*** The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

8. Copies of bills for testing for paternity, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 20 days before the hearing, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

9. Documentary evidence transmitted from outside of the judicial district by telephone, telecopier or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

10. The ~~[master]~~ ***judicial officer*** may:

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which the ~~[master]~~ ***judicial officer*** is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means before a designated court or at another location outside of the judicial district.

➥ The ~~[master]~~ ***judicial officer*** shall cooperate with courts outside of the judicial district in designating an appropriate location for the hearing, deposition or testimony.

11. If a party called to testify at a hearing refuses to answer a question on the ground that the testimony may be self-incriminating, the ~~[master]~~ ***judicial officer*** may draw an adverse inference from the refusal.

12. A privilege against the disclosure of communications between a married couple does not apply.

13. The defense of immunity based on the relationship of a married couple or parent and child does not apply.

Sec. 11. NRS 425.3834 is hereby amended to read as follows:

425.3834 1. Upon issuance by a district court of an order approving a recommendation entered by a ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive, the Chief shall enforce and collect upon the order, including arrearages.

2. A recommendation entered by a ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive, is final upon approval by the district court pursuant to NRS 425.3844. Upon such approval, the recommendation is in full force and effect while any judicial review is pending unless the recommendation is stayed by the district court.

3. The district court may review a recommendation entered by a ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive. If a review is conducted, the district court:

(a) Shall, except as otherwise provided in paragraph (b), review the recommendation on the record of the case before the ~~[master.]~~ ***judicial officer.***

(b) May, in extraordinary circumstances as determined by the district court, grant a trial de novo.

Sec. 12. NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the Chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the Division will request pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, the responsible parent must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.

(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the Chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS 425.382 to 425.3852, inclusive.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, the responsible parent may contact the appropriate office or consult an attorney.

(l) Such other information as the Chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the ~~[master]~~ ***judicial officer*** may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to subparagraph (14) of paragraph (b) of subsection 2 of NRS 425.382 regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the Chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.

6. The ~~[master]~~ ***judicial officer*** may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court pursuant to NRS 425.3844. The ~~[master]~~ ***judicial officer*** may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.

Sec. 13. NRS 425.3838 is hereby amended to read as follows:

425.3838 1. The ~~[master]~~ ***judicial officer*** may enter a recommendation establishing the paternity of a child during a proceeding concerning the support of a dependent child pursuant to NRS 425.382 to 425.3852, inclusive, if both parents sign affidavits or other sworn statements that paternity has not been legally established and that the male parent is the father of the child.

2. If there is only one alleged father and he does not file a response that denies paternity and requests a hearing within the period allowed in paragraph (g) of subsection 1 of NRS 425.3824, the ~~[master,]~~ ***judicial officer,*** without further notice to the alleged father, may enter a recommendation in accordance with NRS 425.3828 that declares and establishes the alleged father as the legal father of the child.

3. Any recommendation entered pursuant to subsection 1 or 2 and approved by the district court establishes legal paternity of the dependent child for all purposes.

Sec. 14. NRS 425.384 is hereby amended to read as follows:

425.384 1. The ~~[master]~~ ***judicial officer*** shall order blood tests or tests for the genetic identification of the child, mother and alleged father if such tests are not ordered pursuant to NRS 425.490 and:

(a) Paternity is alleged pursuant to NRS 425.3826 and a written response denying paternity and requesting a hearing is received by the Chief within the period allowed in paragraph (g) of subsection 1 of NRS 425.3824;

(b) Any person alleges that more than one person may be the father of the child and none of the persons alleged to be the father acknowledges paternity of the child; or

(c) The ~~[master]~~ ***judicial officer*** determines that there is a valid issue concerning the paternity of the child.

➥ The Division shall pay the costs of any tests conducted pursuant to this section. If the district court approves a recommendation establishing the paternity of a child pursuant to NRS 425.3844, the father shall reimburse the Division for the costs of those tests.

2. If settlement is not made after the ~~[master]~~ ***judicial officer*** examines the results of the blood tests or tests for genetic identification conducted pursuant to this section or NRS 425.490, the ~~[master]~~ ***judicial officer*** shall make a determination of paternity based upon the evidence presented to him.

Sec. 15. NRS 425.3841 is hereby amended to read as follows:

425.3841 Upon the motion of a party in a proceeding to establish paternity, the ~~[master]~~ ***judicial officer*** shall issue a recommendation for the temporary support of the dependent child pending the resolution of the proceedings if the ~~[master]~~ ***judicial officer*** determines that there is clear and convincing evidence that the person to whom the recommendation is issued is the father of the child.

Sec. 16. NRS 425.3844 is hereby amended to read as follows:

425.3844 1. A recommendation entered by a ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, must be furnished to each party or the attorney of the party at the conclusion of the proceedings or as soon thereafter as possible.

2. Within 10 days after receipt of the recommendation, any party may file with the district court and serve upon the other parties a notice of objection to the recommendation. The notice must include:

(a) A copy of the ~~[master's]~~ recommendation ~~[;]~~ ***of the judicial officer;***

(b) The results of any blood tests or tests for genetic identification examined by the ~~[master;]~~ ***judicial officer;***

(c) A concise statement setting forth the reasons that the party disagrees with the ~~[master's]~~ recommendation ~~[,]~~ ***of the judicial officer,*** including any affirmative defenses that must be pleaded pursuant to the Nevada Rules of Civil Procedure;

(d) A statement of the relief requested;

(e) The notice and finding of financial responsibility if the Chief issued such a notice and finding; and

(f) Any other relevant documents.

3. If, within 10 days after receipt of the recommendation, a notice of objection is:

(a) Not filed, the recommendation entered by the ~~[master]~~ ***judicial officer*** shall be deemed approved by the district court, and the clerk of the district court may file the recommendation pursuant to subsection 7 and judgment may be entered thereon; or

(b) Filed, the district court shall review the matter pursuant to NRS 425.3834.

4. A party who receives a notice of objection pursuant to subsection 2 is not required to file an answer to that notice. The district court shall review each objection contained in the notice.

5. If a notice of objection includes an objection to a recommendation establishing paternity, the enforcement of any obligation for the support of the child recommended by the ~~[master]~~ ***judicial officer*** must, upon the filing and service of the notice, be stayed until the district court rules upon the determination of paternity. The obligation for the support of the child continues to accrue during the consideration of the determination of paternity and must be collected as arrears after the completion of the trial if the court approves the recommendation of the ~~[master.]~~ ***judicial officer.***

6. If a recommendation entered by a ~~[master,]~~ ***judicial officer,*** including a recommendation establishing paternity, is deemed approved by the district court pursuant to paragraph (a) of subsection 3 and the recommendation modifies or adjusts a previous order for support issued by any district court in this State, that district court must be notified of the recommendation by the ~~[master.]~~ ***judicial officer.***

7. Upon approval by the district court of a recommendation entered by a ~~[master]~~ ***judicial officer*** pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, a copy of the recommendation, with the approval of the court endorsed thereon, must be filed:

(a) In the office of the clerk of the district court;

(b) If the order of the district court approving the recommendation of the ~~[master]~~ ***judicial officer*** modifies or adjusts a previous order issued by any district court in this State, with the original order in the office of the clerk of that district court; and

(c) With any court that conducts a proceeding related thereto pursuant to the provisions of chapter 130 of NRS.

8. A district court that approves a recommendation pursuant to this section shall ensure that, before the recommendation is filed pursuant to subsection 7, the social security numbers of the parents or legal guardians of the child are provided to the enforcing authority.

9. Upon the approval and filing of the recommendation as provided in subsection 7, the recommendation has the force, effect and attributes of an order or decree of the district court, including, but not limited to, enforcement by supplementary proceedings, contempt of court proceedings, writs of execution, liens and writs of garnishment.

Sec. 17. NRS 425.3846 is hereby amended to read as follows:

425.3846 In addition to any other remedy provided by law for the enforcement of support, if a recommendation for support of a dependent child has been entered by the ~~[master,]~~ ***judicial officer,*** approved by the district court and filed, the Chief may proceed in accordance with the provisions of chapter 31A of NRS.

Sec. 18. NRS 425.385 is hereby amended to read as follows:

425.385 Notwithstanding any other provision of this chapter, the ~~[master]~~ ***judicial officer*** may certify a proceeding to establish an order for support of a dependent child or arrearages to the district court if the issues are complex or beyond the competence of the ~~[master.]~~ ***judicial officer.*** The ~~[master]~~ ***judicial officer*** shall enter a temporary recommendation for support in such cases. The temporary support must be paid to the enforcing authority and held until final resolution of the case.

Sec. 19. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, or an order approving a recommendation for the support of a dependent child made by a ~~[master]~~ ***judicial officer*** shall ensure that the

social security numbers of the parents or legal guardians of the child are provided to the enforcing authority.

Sec. 20. NRS 425.470 is hereby amended to read as follows:

425.470 1. The Chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a court in this State. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after the responsible parent receives the notice required by subsection 1, the Chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount the responsible parent is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the Chief proceeds to collect an arrearage pursuant to subsection 2, the Chief shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The Chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and the ability of the responsible parent to pay.

5. A responsible parent against whom the Division proceeds pursuant to subsection 2 may, within 20 days after the responsible parent receives the notice required pursuant to subsection 3, submit to the Chief a request for a hearing. Before a hearing may be held, the responsible parent and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

6. If a hearing is requested within the period prescribed in subsection 5 and the responsible parent and the enforcing authority meet as required pursuant to subsection 5, the hearing must be held pursuant to NRS 425.3832 within 20 days after the Chief receives the request. The ~~[master]~~ ***judicial officer*** shall notify the responsible parent of the recommendation or decision of the ~~[master]~~ ***judicial officer*** at the conclusion of the hearing or as soon thereafter as is practicable.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at the last known address of the person.

Sec. 21. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsection 2 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles and to the Department of Wildlife.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required pursuant to subsection 3, a hearing must be held pursuant to NRS 425.3832. The ~~[master]~~ ***judicial officer*** shall notify the person of the recommendation of the ~~[master]~~ ***judicial officer*** at the conclusion of the hearing or as soon thereafter as is practicable. If the ~~[master]~~ ***judicial officer*** determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, the ~~[master]~~ ***judicial officer*** shall include in the notice the information set forth in subsection 5. If the ~~[master]~~ ***judicial officer*** determines that the person is in arrears in the payment for the support of one or more children, the ~~[master]~~ ***judicial officer*** shall include in the notice the information set forth in subsection 6.

5. If the ~~[master]~~ ***judicial officer*** determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child and the district court issues an order approving the recommendation of the ~~[master,]~~ ***judicial officer,*** the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles and to the Department of Wildlife.

6. If the ~~[master]~~ ***judicial officer*** determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the ~~[master]~~ ***judicial officer*** shall notify the person that if the person does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, the driver's license and motorcycle driver's license of the person and any license or permit to hunt, fish or trap issued by the Department of Wildlife to the person pursuant to chapters 502 and 503 of NRS, may be

subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the ~~[master,]~~ ***judicial officer,*** the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles and to the Department of Wildlife.

7. The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the Department of Motor Vehicles and the Department of Wildlife that the person has complied with the subpoena or warrant or has satisfied the arrearage.

8. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at the last known address of the person.

Sec. 22. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall request in writing that the ~~[master]~~ ***judicial officer*** suspend all professional, occupational and recreational licenses, certificates and permits issued to that person, and any state business license issued to that person if he or she is conducting business in this State as a sole proprietor.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the ~~[master]~~ ***judicial officer*** receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, and any state business license issued to that person if he or she is conducting business in this State as a sole proprietor, the ~~[master]~~ ***judicial officer*** shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ As soon as practicable after the ~~[master]~~ ***judicial officer*** enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the ~~[master.]~~ ***judicial officer.***

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The ~~[master]~~ ***judicial officer*** shall notify the person of the recommendation of the ~~[master]~~ ***judicial officer*** at the conclusion of the hearing or as soon thereafter as is practicable.

6. As used in this section, "professional, occupational and recreational licenses, certificates and permits" does not include licenses and permits to hunt, fish or trap issued by the Department of Wildlife pursuant to chapters 502 and 503 of NRS.

Sec. 23. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a ~~[master]~~ ***judicial officer*** enters a recommendation determining that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ and the district court issues an order approving the recommendation of the ~~[master]~~ ***judicial officer*** pursuant to NRS 425.3844, the court shall provide a copy of the order to the Secretary of State and all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person, and to the Secretary of State if he or she conducts business in this State as a sole proprietor, a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency, or the state business license issued to the person to conduct business in this State as a sole proprietor by the Secretary of State, will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

4. As used in this section, "professional, occupational and recreational licenses, certificates and permits" does not include licenses and permits to hunt, fish or trap issued by the Department of Wildlife pursuant to chapters 502 and 503 of NRS.

Sec. 24. NRS 425.610 is hereby amended to read as follows:

425.610 1. The Committee to Review Child Support Guidelines is hereby created. The Committee consists of:

(a) The presiding judge of the Family Division of the Second Judicial District Court or his or her designee;

(b) The presiding judge of the Family Division of the Eighth Judicial District Court or his or her designee;

(c) One member who is a district court judge or ~~[master]~~ ***judicial officer*** from a judicial district other than the Second or Eighth Judicial District, appointed by the Chief Justice of the Supreme Court;

(d) One member who is a justice or retired justice of the Supreme Court, appointed by the Chief Justice of the Supreme Court;

(e) One member who is a district attorney in Clark County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(f) One member who is a district attorney in Washoe County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(g) One member who is a district attorney in a county other than Clark or Washoe County, appointed by the governing body of the Nevada District Attorneys Association, or his or her designee;

(h) Two members who are members of the Family Law Section of the State Bar of Nevada, appointed by the Executive Council of the Family Law Section;

(i) One member who is an employee of the Division, appointed by the Administrator;

(j) One member who has expertise in economics and child support, appointed by the Administrator;

(k) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(l) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

➥ If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

2. Each appointed member serves a term of 4 years. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

3. At the first regular meeting every 4 years, the members of the Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.

4. The Committee shall convene on or before September 1, 2017, and shall meet at least once every 4 years thereafter. The Committee may also meet at such further times as deemed necessary by the Chair.

5. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

Sec. 25. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. ***"Judicial officer" means a person who is appointed by a court to act as a judicial officer of the court.***

Sec. 27. ***1. A court may, upon the motion of a party or its own motion, consider transferring proceedings under this section and NRS 432B.410 to 432B.590, inclusive, to another court in this State. If the court determines that such a transfer may be in the best interests of the child who is the subject of the proceedings, the court shall contact the receiving court to schedule a joint hearing. The originating court shall notify the following persons and entities of the hearing:***

(a) The agency which provides child welfare services in the jurisdiction where the originating court is located;

(b) The agency which provides child welfare services that serves the jurisdiction of the receiving court, if that agency is different from the agency which currently has custody of the child; and

(c) All parties to the proceedings.

2. At the joint hearing conducted pursuant to subsection 1, the originating court shall provide each person or entity notified of the hearing an opportunity to express an opinion as to the transfer of the case:

(a) At the hearing; or

(b) By written comment.

3. The originating court and the receiving court may not communicate about the facts of the proceedings that are the subject of a joint hearing conducted pursuant to subsection 1 outside of that joint hearing, but may communicate about scheduling, the transfer of documents and other administrative matters.

~~[3.]~~ 4. An originating court may, after conducting a joint hearing pursuant to subsection 1, transfer proceedings under this section and NRS 432B.410 to 432B.590, inclusive, to a receiving court and the receiving court may accept the transfer only if each court determines in accordance with subsection ~~[4]~~ 5 that the transfer would be in the best interests of the child who is the subject of the proceedings. The proceedings must be transferred if both courts make such a determination. If both courts make such a determination, the receiving court shall notify each person or entity listed in subsection 1 of that decision.

~~[4.]~~ 5. When determining if the transfer of proceedings under this section and NRS 432B.410 to 432B.590, inclusive, would be in the best interests of the child who is the subject of the proceedings, a court shall consider:

(a) Which jurisdiction has the most significant contacts with the child;

(b) The residence of any parent or guardian who has current physical custody of the child;

(c) The location of the school the child currently attends;

(d) If the Indian Child Welfare Act applies, the recommendations of any relevant Indian tribe; ~~[and]~~

(e) If the child is receiving any services in the jurisdiction where the originating court is located and the ability of the child to continue to receive those services in the jurisdiction where the receiving court is located; and

(f) Any other factor the court deems appropriate.

~~[5.]~~ 6. Except as otherwise provided in this subsection, if a motion is made pursuant to subsection 1 before disposition of the case pursuant to subsection 5 of NRS 432B.530, any transfer of the proceedings pursuant to this section must occur after an adjudicatory hearing held pursuant to subsection 1 of NRS 432B.530 and before disposition of the case. If all parties agree to transfer the proceedings before the adjudicatory hearing, the originating court and the receiving court may elect to hold a joint hearing pursuant to subsection 1 and, if both courts determine pursuant to subsection ~~[4]~~ 5 that the transfer would be in the best interests of the child, transfer the proceedings to the receiving court before the adjudicatory hearing.

~~[6.]~~ 7. If a receiving court accepts the transfer of proceedings after a joint hearing is conducted pursuant to subsection 1 and the agency which provides child welfare services in the jurisdiction of the receiving court is different from the agency which provides child welfare services in the jurisdiction of the originating court, the receiving court shall order the transfer of all responsibilities of the agency which provides child welfare services with regard to the child who is the subject of the proceedings, including, where applicable, the custody of the child, to the agency which provides child welfare services in the jurisdiction of the receiving court.

~~[7.]~~ 8. As used in this section:

(a) "Originating court" means a court that is considering transferring proceedings under this section and NRS 432B.410 to 432B.590, inclusive, to a receiving court or has transferred such proceedings to a receiving court.

(b) "Receiving court" means the court to which an originating court is considering transferring proceedings under this section and NRS 432B.410 to 432B.590, inclusive, or has transferred such proceedings.

Sec. 28. NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, ***and section 26 of this act*** have the meanings ascribed to them in those sections.

Sec. 29. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 27 of this act.***

Sec. 30. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A ~~***[Beginning on the date on which a child is placed in protective custody pursuant to NRS 432B.390, a]***~~ parent or other person responsible for the welfare of a child ~~[who is alleged to have abused or neglected the child]~~ may be represented by an attorney at ~~[all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive.***, and section 27 of this act.]***~~ ***a hearing held pursuant to NRS 432B.470.*** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to ~~[have been abused or neglected]~~ ***be in need of protection*** shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 27 of this act.*** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 27 of this act.*** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. If a petition alleging that a child is in need of protection is filed pursuant to NRS ~~***[432B.510]***~~ ***432B.490 and the court determines that a parent or other person responsible for the welfare of the child who is alleged to have committed an act or omission that resulted in the child being in need***

of protection is indigent, the court shall appoint an attorney to represent the parent or other person ~~[,]~~ at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive, and section 27 of this act, unless good cause is shown for not appointing an attorney to represent the parent or other person. For the purposes of this subsection, good cause includes, without limitation:

(a) Failure to communicate with previously appointed counsel;

(b) Harmful or offensive conduct, including, without limitation, violence or threats of violence, toward previously appointed counsel;

(c) Requesting new counsel without valid justification; and

(d) A high likelihood that the appointment of counsel will cause undue delay.

~~[4.]~~ 5. If a petition alleging that a child is in need of protection is filed pursuant to NRS 432B.490, the court may appoint an attorney to represent a parent or other person responsible for the welfare of the child who not is alleged to have committed an act or omission that resulted in the child being in need of protection at any stage of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive, and section 27 of this act, if the court determines:

(a) That the parent or other person is indigent; and

(b) Appointment of an attorney is in the best interest of the child.

6. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1***,*** ~~[or]~~ 2, ***4 or 5,*** is entitled to the ~~[same]~~ compensation and payment for expenses ~~[from the county as provided in NRS 7.125 and 7.135]~~ for ***all time reasonably spent on the proceedings and payment for all expenses reasonably incurred from the proceedings, including, without limitation, time spent and expenses incurred for preparation, hearings and meetings. Such compensation must be paid at a rate not less than the lowest rate paid to*** an attorney appointed to represent a person charged with a ~~[crime.]~~ ***misdemeanor in the same jurisdiction.***

~~[6.]~~ 7. For the purposes of this section, a person is deemed to be indigent if:

(a) The person has a household income that is less than 200 percent of the federally designated level signifying poverty;

(b) The person is receiving federal assistance through federal programs, including, without limitation, Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance or disability insurance benefits under the federal Social Security Act;

(c) The person resides in public housing; or

(d) Hiring counsel would pose a financial hardship to the person or his or her child or hinder the ability of the person to obtain services to facilitate reunification with his or her child.

~~[7.]~~ 8. As used in this section:

(a) "Public housing" has the meaning ascribed to it in NRS 315.021.

(b) "Supplemental Nutrition Assistance" means the program established to provide persons of low income with an opportunity to purchase a more nutritious diet pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

(c) "Temporary Assistance for Needy Families" means the program established to provide temporary assistance for needy families pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and other provisions of that act relating to temporary assistance for needy families.

Sec. 31. NRS 432B.430 is hereby amended to read as follows:

432B.430 1. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is 700,000 or more:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and section 27 of this act,*** other than a hearing held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 or a hearing held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately, must be open to the general public unless the judge or ~~[master,]~~ ***judicial officer,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be closed to the general public because such closure is in the best interests of the child who is the subject of the proceeding. In determining whether closing all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***judicial officer*** must consider and give due weight to the desires of that child.

(b) If the judge or ~~[master]~~ ***judicial officer*** determines pursuant to paragraph (a) that all or part of a proceeding must be closed to the general public:

(1) The judge or ~~[master]~~ ***judicial officer*** must make specific findings of fact to support such a determination; and

(2) The general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***judicial officer,*** may be admitted to the proceeding.

(c) Any proceeding held pursuant to subsections 1 to 4, inclusive, of NRS 432B.530 and any proceeding held pursuant to subsection 5 of NRS 432B.530 when the court proceeds immediately must be closed to the general public unless the judge or ~~[master,]~~ ***judicial officer,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***judicial officer*** must consider and give due weight to the desires of that child. If the judge or ~~[master]~~ ***judicial officer*** determines pursuant to this paragraph that all or part of a proceeding must be open to the general public, the judge or ~~[master]~~ ***judicial officer*** must make specific findings of fact to support such a determination. Unless the judge or ~~[master]~~ ***judicial officer*** determines

pursuant to this paragraph that all or part of a proceeding described in this paragraph must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***judicial officer,*** may be admitted to the proceeding.

2. Except as otherwise provided in subsections 3 and 4 and NRS 432B.457, in each judicial district that includes a county whose population is less than 700,000:

(a) Any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and section 27 of this act*** must be closed to the general public unless the judge or ~~[master,]~~ ***judicial officer,*** upon his or her own motion or upon the motion of another person, determines that all or part of the proceeding must be open to the general public because opening the proceeding in such a manner is in the best interests of the child who is the subject of the proceeding. In determining whether opening all or part of the proceeding is in the best interests of the child who is the subject of the proceeding, the judge or ~~[master]~~ ***judicial officer*** shall consider and give due weight to the desires of that child.

(b) If the judge or ~~[master]~~ ***judicial officer*** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the judge or ~~[master]~~ ***judicial officer*** must make specific findings of fact to support such a determination.

(c) Unless the judge or ~~[master]~~ ***judicial officer*** determines pursuant to paragraph (a) that all or part of a proceeding must be open to the general public, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***judicial officer,*** may be admitted to the proceeding.

3. Except as otherwise provided in subsection 4 and NRS 432B.457, in a proceeding held pursuant to NRS 432B.470, the general public must be excluded and only those persons having a direct interest in the case, as determined by the judge or ~~[master,]~~ ***judicial officer,*** may be admitted to the proceeding.

4. In conducting a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ***and section 27 of this act,*** a judge or ~~[master]~~ ***judicial officer*** shall keep information confidential to the extent necessary to obtain federal funds in the maximum amount available to this state.

Sec. 32. NRS 432B.455 is hereby amended to read as follows:

432B.455 1. If the court determines that a child must be kept in protective custody pursuant to NRS 432B.480 or must be placed in temporary or permanent custody pursuant to NRS 432B.550, the court may, before placing the child in the temporary or permanent custody of a person, order the appointment of a special ~~[master]~~ ***judicial officer*** from among the members of the State Bar of Nevada to conduct a hearing to identify the person most qualified and suitable to take custody of the child in consideration of the needs of the child for temporary or permanent placement.

2. Not later than 5 calendar days after the hearing, the special ~~[master]~~ ***judicial officer*** shall prepare and submit to the court a recommendation regarding which person is most qualified and suitable to take custody of the child.

3. A court may designate a different title to a person appointed as a special judicial officer so long as the title does not include the term "master."

Sec. 33. NRS 432B.457 is hereby amended to read as follows:

432B.457 1. If, upon the initiative of the court or a special ~~[master]~~ ***judicial officer*** appointed pursuant to NRS 432B.455 or the motion of a party, the court or special ~~[master]~~ ***judicial officer*** finds that a person has a special interest in a child, the court or special ~~[master]~~ ***judicial officer*** shall:

(a) Except for good cause, ensure that the person is involved in and notified of any plan for the temporary or permanent placement of the child and is allowed to offer recommendations regarding the plan; and

(b) Allow the person to testify at any hearing held pursuant to this chapter to determine any temporary or permanent placement of the child.

2. A finding that a person has a special interest in a child pursuant to subsection 1 may be reviewed or modified at any time by the court or special ~~[master.]~~ ***judicial officer.***

3. For the purposes of this section, a person "has a special interest in a child" if:

(a) The person is:

(1) A parent or other relative of the child;

(2) A foster parent or other provider of substitute care for the child;

(3) A provider of care for the medical or mental health of the child;

(4) An educational decision maker appointed for the child pursuant to NRS 432B.462; or

(5) A teacher or other school official who works directly with the child; and

(b) The person:

(1) Has a personal interest in the well-being of the child; or

(2) Possesses information that is relevant to the determination of the placement of the child.

Sec. 34. NRS 432B.470 is hereby amended to read as follows:

432B.470 1. A child placed in protective custody pursuant to NRS 432B.390 must be given a hearing, conducted by a judge, ~~[master]~~ ***judicial officer*** or special ~~[master]~~ ***judicial officer*** appointed by the judge for that particular hearing, within 72 hours, excluding Saturdays, Sundays and holidays, after being placed in protective custody, to determine whether the child should remain in protective custody pending further action by the court.

2. Except as otherwise provided in this subsection, notice of the time and place of the hearing must be given to a parent or other person responsible for the child's welfare:

(a) By personal service of a written notice;

(b) Orally, with a written notice mailed to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody; or

(c) If the parent or other person responsible for the child's welfare cannot be located for personal or oral service, by mailing a written notice to the last known address of the parent or other person responsible for the child's welfare within 24 hours after the child is placed in protective custody.

➥ If the child was delivered to a provider of emergency services pursuant to NRS 432B.630, the parent who delivered the child to the provider shall be deemed to have waived any right to notice of the hearing conducted pursuant to this section.

3. If the parent or other person responsible for the child's welfare cannot be located for personal or oral notice and the last known address of the parent or other person responsible for the child's welfare cannot be ascertained, reasonable efforts must be made to locate and notify the parent or other person responsible for the child's welfare as soon as possible.

4. Actual notice of the hearing or appearance at the hearing shall be deemed to satisfy the requirements relating to notice set forth in this section.

Sec. 35. NRS 432B.513 is hereby amended to read as follows:

432B.513 1. Except as otherwise provided in subsection 3, a person who submits a report or information to the court for consideration in a proceeding held pursuant to NRS 432B.466 to 432B.468, inclusive, or 432B.500 to 432B.590, inclusive, ***and section 27 of this act,*** shall provide a copy of the report or information, to the extent that the data or information in the report or information is available pursuant to NRS 432B.290, to each parent or guardian of the child who is the subject of the proceeding and to the attorney of each parent or guardian not later than 72 hours before the proceeding.

2. If a person does not provide a copy of a report or information to a parent or guardian of a child and an attorney of the parent or guardian before a proceeding if required by subsection 1, the court or ~~[master:]~~ ***judicial officer:***

(a) Shall provide the parent or guardian and the attorney of the parent or guardian an opportunity to review the report or information; and

(b) May grant a continuance of the proceeding until a later date that is agreed upon by all the parties to the proceeding if the parent or guardian or the attorney of the parent or guardian requests that the court grant the continuance so that the parent or guardian and the attorney of the parent or guardian may properly respond to the report or information.

3. If a child was delivered to a provider of emergency services pursuant to NRS 432B.630, a copy of a report or information described in subsection 1 need not be sent to the parent who delivered the child to the provider or the attorney of that parent pursuant to subsection 1.

4. As used in this section, "person" includes, without limitation, a government, governmental agency or political subdivision of a government.

Sec. 36. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➥ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159A of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction ~~[.]~~ ***in accordance with section 27 of this act.***

2. The court shall not deny placement of a child in the temporary or permanent custody of a person pursuant to subsection 1 solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

3. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

4. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

5. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630:

(a) The parent who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

6. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

7. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

8. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

9. As used in this section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 37. NRS 1.428 is hereby amended to read as follows:

1.428 "Judge" means:

1. A justice of the Supreme Court;

2. A judge of the Court of Appeals;

3. A judge of the district court;

4. A judge of the municipal court;

5. A justice of the peace;

6. Any other officer of the Judicial Branch of this State, whether or not the officer is an attorney, who presides over judicial proceedings, including, but not limited to, a magistrate, court commissioner, special master ***, judicial officer appointed by a court*** or referee; and

7. Any person who formerly served in any of the positions described in subsections 1 to 6, inclusive, if the conduct at issue for purposes of NRS 1.425 to 1.4695, inclusive, occurred while the person was serving in such a position.

Sec. 38. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

"Judicial officer" means a person who is appointed by a court to act as a judicial officer of the court.

Sec. 39. NRS 3.001 is hereby amended to read as follows:

3.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 3.002 to 3.008, inclusive, ***and section 38 of this act*** have the meanings ascribed to them in those sections.

Sec. 40. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

(a) Assign cases to each judge in the judicial district;

(b) Prescribe the hours of court;

(c) Adopt such other rules as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

➥ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a ~~[master,]~~ ***judicial officer,*** the recommendation, report or order of the ~~[master]~~ ***judicial officer*** must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 41. NRS 3.026 is hereby amended to read as follows:

3.026 1. In each judicial district that includes a county whose population is 100,000 or more, in addition to the other duties set forth in NRS 3.025:

(a) The Chief Judge shall ensure that:

(1) The procedures which govern the consideration and disposition of cases and other proceedings within the jurisdiction of the district court are applied as uniformly as practicable; and

(2) Cases and other proceedings within the jurisdiction of the district court are considered and decided in a timely manner.

(b) Except as otherwise provided in subsection 2, the Chief Judge shall establish procedures for addressing grievances that are:

(1) Submitted to the Chief Judge by a party in a case or other proceeding within the jurisdiction of the district court; and

(2) Directly related to the administration of the case or other proceeding.

2. For the purposes of paragraph (b) of subsection 1, a party in a case or other proceeding within the jurisdiction of the district court may not submit to the Chief Judge a grievance that:

(a) Addresses, in whole or in part, the merits of the case or other proceeding; or

(b) Challenges, in whole or in part, the merits of any decision or ruling in the case or other proceeding that is made by:

(1) The district court; or

(2) A master ***, judicial officer*** or other person who is acting pursuant to an order of the district court or pursuant to any authority that is granted to the master ***, judicial officer*** or other person by a specific statute, including, without limitation, NRS 3.405, 3.475 and 3.500.

Sec. 42. NRS 3.2201 is hereby amended to read as follows:

3.2201 1. The district court has exclusive jurisdiction to accept an application for, to consider an application for, and to issue or deny the issuance of any of the following orders when the adverse party against whom the order is sought is a child who is under 18 years of age:

(a) A temporary or extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive.

(b) A temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(c) An emergency or extended order for protection against high-risk behavior pursuant to NRS 33.500 to 33.670, inclusive.

(d) A temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

(e) A temporary or extended order for protection against stalking, aggravated stalking or harassment pursuant to NRS 200.591.

2. If the district court issues an order listed in subsection 1, the order must be served upon:

(a) The child who is the adverse party; and

(b) The parent or guardian of the child.

3. The juvenile court has exclusive jurisdiction over any action in which it is alleged that a child who is the adverse party in an order listed in subsection 1 has committed a delinquent act by violating a condition set forth in the order.

4. If the district court issues an order listed in subsection 1 and the adverse party reaches the age of 18 years while the order is still in effect, the order remains effective against the adverse party until the order expires or is dissolved by the district court.

5. The district court shall automatically seal all records related to the application for, consideration of and issuance of an order listed in subsection 1 as provided in NRS 62H.140 upon the dissolution or expiration of the order or when the adverse party reaches the age of 18 years, whichever is earlier, unless, at such a time, the order is still in effect, in which case the records must be automatically sealed by the district court upon the expiration or dissolution of the order.

6. A district court may appoint a ~~[master]~~ ***judicial officer*** to conduct the proceedings described in this section.

7. An admission, representation or statement made during a proceeding described in this section is not admissible in any criminal proceeding.

8. ***A court may designate, by rule or order, a different title for a judicial officer so long as the title does not include the term "master."***

9. As used in this section, "criminal proceeding" means:

(a) A trial or hearing before a court in a prosecution of a person charged with violating a criminal law of this State; or

(b) A delinquency proceeding which is conducted pursuant to title 5 of NRS.

Sec. 43. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish paternity, the court may appoint a ~~[master]~~ ***judicial officer*** to take testimony and recommend orders.

2. The court may appoint a ~~[master]~~ ***judicial officer*** to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The ~~[master]~~ ***judicial officer*** must be an attorney licensed to practice in this State. The ~~[master:]~~ ***judicial officer:***

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of paternity or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➥ If a temporary order for support is issued pursuant to paragraph (b), the ~~[master]~~ ***judicial officer*** shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the ~~[master]~~ ***judicial officer*** must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

5. A court may designate, by rule or order, a different title for a judicial officer so long as the title does not include the term "master."

Sec. 44. NRS 3.475 is hereby amended to read as follows:

3.475 1. In a county whose population is 700,000 or more, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases that involve the custody or visitation of a child.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and authorize the impartial mediation of any other nonfinancial issue deemed appropriate by the court.

(b) Authorize the court to exclude a case from the program for good cause shown, including, but not limited to, a showing that:

(1) There is a history of child abuse or domestic violence by one of the parties;

(2) The parties are currently participating in private mediation; or

(3) One of the parties resides outside of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases, including, but not limited to:

(1) Minimum educational requirements, which must not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the dispute was resolved.

(e) Establish a sliding schedule of fees for participation in the program based on the ability of a party to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator.

3. The costs of the program must be paid from the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the county general fund.

4. This section does not prohibit a court from referring a financial or other issue to a special ~~[master]~~ ***judicial officer*** or other person for assistance in resolving the dispute.

Sec. 45. NRS 3.500 is hereby amended to read as follows:

3.500 1. In a county whose population is 100,000 or more and less than 700,000, the district court shall establish by rule approved by the Supreme Court a program of mandatory mediation in cases which involve the custody or visitation of a child. A district court in a county whose population is less than 100,000 may establish such a program in the same manner for use in that county. The district courts in two or more counties whose populations are less than 100,000 may establish such a program in the same manner for use in the counties in which the courts are located.

2. The program must:

(a) Require the impartial mediation of the issues of custody and visitation and any other nonfinancial issue deemed appropriate by the court.

(b) Allow the court to exclude a case from the program for good cause shown, including a showing of a history of child abuse or domestic violence by one of the parties, ongoing private mediation or residency of one of the parties out of the jurisdiction of the court.

(c) Provide standards for the training of the mediators assigned to cases pursuant to the rule, including but not limited to:

(1) Minimum educational requirements, which may not be restricted to any particular professional or educational training;

(2) Minimum requirements for training in the procedural aspects of mediation and the interpersonal skills necessary to act as a mediator;

(3) A minimum period of apprenticeship for persons who have not previously acted as domestic mediators;

(4) Minimum requirements for continuing education; and

(5) Procedures to ensure that potential mediators understand the high standard of ethics and confidentiality related to their participation in the program.

(d) Prohibit the mediator from reporting to the court any information about the mediation other than whether the mediation was successful or not.

(e) Establish a sliding schedule of fees for participation in the program based on the client's ability to pay.

(f) Provide for the acceptance of gifts and grants offered in support of the program.

(g) Allow the court to refer the parties to a private mediator for assistance in resolving the issues.

3. The costs of the program must be paid from the account for dispute resolution in the county general fund. All fees, gifts and grants collected pursuant to this section must be deposited in the account.

4. This section does not prohibit a court from referring a financial or other issue to a special ~~[master]~~ ***judicial officer*** or other person for assistance in resolving the dispute.

Sec. 46. NRS 4.357 is hereby amended to read as follows:

4.357 1. In any county in which the appointment of ~~[masters]~~ ***judicial officers*** by a justice court is authorized by the board of county commissioners, the local rules of practice adopted in a justice court within the county may authorize the appointment of one or more ~~[masters]~~ ***judicial officers*** to perform certain duties that the Supreme Court has approved. If the justice court elects to appoint a ~~[master or masters,]~~ ***judicial officer,*** the local rules of practice adopted in that court must set forth the selection process for choosing a ~~[master.]~~ ***judicial officer.***

2. A ~~[master]~~ ***judicial officer*** appointed pursuant to subsection 1 must possess qualifications that are equal to or greater than the qualifications required of the justice of the peace for the township in which the ~~[master]~~ ***judicial officer*** is appointed as set forth in NRS 4.010.

3. The Supreme Court shall provide by rule for a course of instruction in the elements of substantive law relating to the duties of any ~~[master]~~ ***judicial officer*** appointed pursuant to subsection 1. A ~~[master]~~ ***judicial officer*** appointed pursuant to subsection 1 may not perform any duties of a ~~[master]~~ ***judicial officer appointed by the court*** until he or she has completed the course of instruction described in this subsection.

4. A ~~[master]~~ ***judicial officer*** appointed pursuant to subsection 1 may not preside over:

(a) Any trial for a misdemeanor constituting:

(1) An act of domestic violence pursuant to NRS 33.018; or

(2) A violation of NRS 484B.657, 484C.110 or 484C.120; or

(b) Any preliminary hearing for a gross misdemeanor or felony.

5. A person appointed as a ~~[master]~~ ***judicial officer*** must take and subscribe to the official oath before acting as a ~~[master.]~~ ***judicial officer.***

6. A ~~[master]~~ ***judicial officer appointed by the court*** is entitled to receive a salary or a per diem salary set by the board of county commissioners. The annual sum expended for salaries of ~~[masters]~~ ***such judicial officers*** must not exceed the amount budgeted for those expenses by the board of county commissioners.

7. A justice court may, by local rule or order, designate another title for a judicial officer appointed pursuant to this section so long as the title does not include the term "master."

Sec. 47. NRS 5.0245 is hereby amended to read as follows:

5.0245 1. A municipal court may appoint a referee or ~~[hearing master]~~ ***judicial officer*** to take testimony and recommend orders and a judgment in any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The referee or ~~[hearing master:]~~ ***judicial officer:***

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the court, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the court.

3. The findings of fact, conclusions of law and recommendations of the referee or ~~[hearing master]~~ ***judicial officer*** must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the court shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

4. A municipal court may, by local rule or order, designate a different title for a judicial officer appointed pursuant to this section so long as the title does not include the term "master."

Sec. 48. NRS 33.019 is hereby amended to read as follows:

33.019 1. ~~[In]~~ ***Except as otherwise provided in subsection 4, in*** an action to issue, dissolve, convert, modify, register or enforce a temporary or extended order pursuant to NRS 33.017 to 33.100, inclusive, the court may appoint ~~[a]~~ ***:***

(a) A master to take testimony and recommend orders ~~[.]~~ ***if the temporary or extended order was sought by a person who is at least 18 years of age; or***

(b) A judicial officer to take testimony and recommend orders, if the temporary or extended order was sought by a person who is less than 18 years of age.

2. The master ***or judicial officer*** must be an attorney licensed to practice in this State.

3. The master ***or judicial officer*** shall:

(a) Take testimony and establish a record; and

(b) Make findings of fact, conclusions of law and recommendations concerning a temporary or extended order.

4. A court may, by local rule or order, designate a different title for a judicial officer appointed pursuant to paragraph (b) of subsection 1 so long as the title does not include the term "master."

Sec. 49. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 27 of this act;*** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 50. NRS 50.175 is hereby amended to read as follows:

50.175 Every person who has been, in good faith, served with a subpoena to attend as a witness before a court, judge, commissioner, master ~~[.]~~ ***, judicial officer appointed by a court*** or other person, in a case where the disobedience of the witness may be punished as a contempt, is exonerated from arrest in a civil action while going to the place of attendance, necessarily remaining there, and returning therefrom.

Sec. 51. NRS 50.225 is hereby amended to read as follows:

50.225 1. For attending the courts of this State in any criminal case, civil suit, hearing to contest the determination that a person has committed a civil infraction or proceeding before a court of record, master, ***judicial officer appointed by a court,*** commissioner, justice of the peace, or before the grand jury, in obedience to a subpoena, each witness is entitled:

(a) To be paid a fee of $25 for each day's attendance, including Sundays and holidays.

(b) Except as otherwise provided in this paragraph, to be paid for attending a court of the county in which the witness resides at the standard mileage

reimbursement rate for which a deduction is allowed for the purposes of federal income tax for each mile necessarily and actually traveled from and returning to the place of residence by the shortest and most practical route. A board of county commissioners may provide that, for each mile so traveled to attend a court of the county in which the witness resides, each witness is entitled to be paid an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is entitled to receive the payment for mileage specified in this paragraph must be paid mileage in an amount equal to the allowance for travel by private conveyance established by the State Board of Examiners for state officers and employees generally.

2. In addition to the fee and payment for mileage specified in subsection 1, a board of county commissioners may provide that, for each day of attendance in a court of the county in which the witness resides, each witness is entitled to be paid the per diem allowance provided for state officers and employees generally. If the board of county commissioners so provides, each witness at any other hearing or proceeding held in that county who is a resident of that county and who is entitled to receive the fee specified in paragraph (a) of subsection 1 must be paid, in addition to that fee, the per diem allowance provided for state officers and employees generally.

3. If a witness is from without the county or, being a resident of another state, voluntarily appears as a witness at the request of the Attorney General or the district attorney and the board of county commissioners of the county in which the court is held, the witness is entitled to reimbursement for the actual and necessary expenses for going to and returning from the place where the court is held. The witness is also entitled to receive the same per diem allowance provided for state officers and employees generally.

4. Any person in attendance at a trial or hearing to contest the determination that a person has committed a civil infraction who is sworn as a witness is entitled to the fees, the per diem allowance, if any, travel expenses and any other reimbursement set forth in this section, irrespective of the service of a subpoena.

5. Witness fees, per diem allowances, travel expenses and other reimbursement in civil cases, including, without limitation, a hearing to contest the determination that a person has committed a civil infraction, must be taxed as disbursement costs against the defeated party upon proof by affidavit that they have been actually incurred. Costs must not be allowed for more than two witnesses to the same fact or series of facts, and a party plaintiff or defendant must not be allowed any fees, per diem allowance, travel expenses or other reimbursement for attendance as a witness in his or her own behalf. Witness fees, per diem allowances, travel expenses and other reimbursement must not be taxed against a county or incorporated city after a hearing to contest the determination that a person has committed a civil infraction unless the court

determines, after a hearing, that the civil infraction citation was issued maliciously and without probable cause.

6. A person is not obligated to appear in a civil action, hearing to contest the determination that a person has committed a civil infraction or other proceeding unless the person has been paid an amount equal to 1 day's fees, the per diem allowance provided by the board of county commissioners pursuant to subsection 2, if any, and the travel expenses reimbursable pursuant to this section.

Sec. 52. NRS 62A.180 is hereby amended to read as follows:

62A.180 1. "Juvenile court" means each district judge who is assigned to serve as a judge of the juvenile court pursuant to NRS 62B.010 or court rule.

2. The term includes a ~~[master]~~ ***juvenile judicial officer*** who is performing an act on behalf of the juvenile court if:

(a) The juvenile court delegates authority to the ~~[master]~~ ***juvenile judicial officer*** to perform the act in accordance with the Constitution of the State of Nevada; and

(b) The ~~[master]~~ ***juvenile judicial officer*** performs the act within the limits of the authority delegated to the ~~[master.]~~ ***juvenile judicial officer.***

Sec. 53. NRS 62A.210 is hereby amended to read as follows:

62A.210 ~~["Master of the juvenile court"]~~ ***"Juvenile judicial officer"*** means a person who is appointed to act as a ~~[master]~~ ***judicial officer*** of the juvenile court pursuant to NRS 62B.020.

Sec. 54. NRS 62B.020 is hereby amended to read as follows:

62B.020 1. Except as otherwise provided in this section, the juvenile court or the chief judge of the judicial district may appoint any person to act as a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** if the person is qualified by previous experience, training and demonstrated interest in the welfare of children to act as a ~~[master of the]~~ juvenile ~~[court.]~~ ***judicial officer.***

2. A probation officer shall not act as a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** unless the proceeding concerns:

(a) A minor traffic offense;

(b) An offense related to tobacco; or

(c) A child who is alleged to be a habitual truant.

3. If a person is appointed to act as a ~~[master of the]~~ juvenile ~~[court,]~~ ***judicial officer,*** the person shall attend instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada, in a course designed for the training of new judges of the juvenile court on the first occasion when such instruction is offered after the person is appointed.

4. If, for any reason, a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** is unable to act, the juvenile court or the chief judge of the judicial district may appoint another qualified person to act temporarily as a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** during the period that the ~~[master]~~ ***juvenile judicial officer*** who is regularly appointed is unable to act.

5. The compensation of a ~~[master of the]~~ juvenile ~~[court:]~~ ***judicial officer:***

(a) May not be taxed against the parties.

(b) Must be paid out of appropriations made for the expenses of the district court, if the compensation is fixed by the juvenile court.

6. A juvenile court or the chief judge of a judicial district may designate, by rule or order, a different title for a juvenile judicial officer appointed by the juvenile court or chief judge so long as the title does not include the term "master."

Sec. 55. NRS 62B.030 is hereby amended to read as follows:

62B.030 1. The juvenile court may order a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** to:

(a) Swear witnesses.

(b) Take evidence.

(c) Make findings of fact and recommendations.

(d) Conduct all proceedings before the ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** in the same manner as a district judge conducts proceedings in a district court.

2. Not later than 10 days after the evidence before a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** is closed, the ~~[master]~~ ***juvenile judicial officer*** shall file with the juvenile court:

(a) All papers relating to the case;

(b) Written findings of fact; and

(c) Written recommendations.

3. A ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** shall provide to the parent or guardian of the child, the attorney for the child, the district attorney, and any other person concerned, written notice of:

(a) The ~~[master's]~~ findings of fact ~~[,]~~ ***of the juvenile judicial officer;***

(b) The ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer;***

(c) The right to object to the ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer;*** and

(d) The right to request a hearing de novo before the juvenile court as provided in subsection 4.

4. After reviewing the recommendations of a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** and any objection to the ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer,*** the juvenile court shall:

(a) Approve the ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer,*** in whole or in part, and order the recommended disposition;

(b) Reject the ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer,*** in whole or in part, and order such relief as may be appropriate; or

(c) Direct a hearing de novo before the juvenile court if, not later than 5 days after the ~~[master]~~ ***juvenile judicial officer*** provides notice of the ~~[master's]~~ recommendations ~~[,]~~ ***of the juvenile judicial officer,*** a person who is entitled to such notice files with the juvenile court a request for a hearing de novo before the juvenile court.

5. A recommendation of a ~~[master of the]~~ juvenile ~~[court]~~ ***judicial officer*** is not effective until expressly approved by the juvenile court as evidenced by the signature of a judge of the juvenile court.

Sec. 56. NRS 62B.100 is hereby amended to read as follows:

62B.100 1. All expenses incurred in complying with the provisions of this title are a charge against the county, except for expenses that must be paid by the State of Nevada pursuant to the provisions of chapter 63 of NRS or a specific statute.

2. Except as otherwise provided in subsection 3, within the limits provided by the board of county commissioners, the juvenile court shall fix the salaries, expenses and other compensation of ~~[masters of the]~~ juvenile ~~[court,]~~ ***judicial officers,*** probation officers and all employees of the juvenile court.

3. If the board of county commissioners has established a department of juvenile justice services by ordinance pursuant to NRS 62G.200 to 62G.240, inclusive, the board of county commissioners shall fix the salaries, expenses and other compensation of probation officers, assistant probation officers and all employees of the department of juvenile justice services.

Sec. 57. NRS 62B.607 is hereby amended to read as follows:

62B.607 1. Any person who, during the scope of his or her employment, has regular and routine contact with juveniles who are involved in the juvenile justice system in this State, including, without limitation, any prosecuting attorney, public defender, peace officer, probation officer, juvenile correctional officer, employee of a state or local facility for the detention of children, employee of a regional facility for the treatment and rehabilitation of children or employee of a prosecuting attorney's office or public defender's office, shall complete, in addition to any other required training, training relating to implicit bias and cultural competency provided by his or her employer pursuant to the regulations adopted pursuant to subsection 3. Unless the regulations adopted by the Division of Child and Family Services pursuant to subsection 3 provide otherwise, such training relating to implicit bias and cultural competency must be completed at least once every 2 years.

2. The training required by subsection 1 must include, without limitation, instruction that:

(a) Explains what implicit bias is, where implicit bias comes from, the importance of understanding implicit bias and the negative impacts of implicit bias, and offers examples of actions that can be taken to reduce implicit bias;

(b) Provides information regarding cultural competency, including, without limitation, sensitivity to the needs of children, lesbian, gay, bisexual and transgender persons, racial and ethnic minorities, religious minorities and women; and

(c) Provides information regarding:

(1) Socioeconomic conditions in various areas in this State;

(2) Historical inequities in the juvenile justice and criminal justice systems; and

(3) The impact of trauma and adverse child experiences on the decision making and behaviors of children.

3. The Division of Child and Family Services shall adopt regulations to carry out the provisions of this section. When adopting such regulations, the

Division of Child and Family Services may consult with any person whose assistance the Division of Child and Family Services determines will be helpful.

4. The Nevada Supreme Court may provide by court rule for continuing appropriate training concerning implicit bias and cultural competency, incorporating the elements identified in subsection 2, for any magistrate, judge, ~~[master]~~ ***judicial officer appointed by the court*** or employee in the juvenile court system who regularly and routinely comes into contact with juveniles who are involved in the juvenile justice system.

5. As used in this section, "cultural competency" means an understanding of how people and institutions can respond respectfully and effectively to people of all cultures, economic statuses, language backgrounds, races, ethnic backgrounds, disabilities, religions, genders, gender identities or expressions, sexual orientations, veteran statuses and other characteristics in a manner that recognizes, affirms and values the worth and preserves the dignity of people, families and communities.

Sec. 58. NRS 62F.350 is hereby amended to read as follows:

62F.350 1. The juvenile court may not refer to a ~~[master]~~ ***juvenile judicial officer*** any finding, determination or other act required to be made or performed by the juvenile court pursuant to NRS 62F.320 and 62F.340.

2. As used in this section, ~~["master"]~~ ***"juvenile judicial officer"*** has the meaning ascribed to it in ~~[Rule 53 of the Nevada Rules of Civil Procedure.]~~ ***NRS 62A.210.***

Sec. 59. NRS 125B.200 is hereby amended to read as follows:

125B.200 As used in NRS 125B.200 to 125B.300, inclusive, unless the context otherwise requires:

1. "Court" includes a referee or ~~[master]~~ ***judicial officer*** appointed by the court.

2. "Minor child" means a person who is:

(a) Under the age of 18 years;

(b) Under the age of 19 years, if the person is enrolled in high school;

(c) Under a legal disability; or

(d) Not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

3. "Obligor-parent" means a parent who has been ordered by a court to pay for the support of a minor child.

Sec. 60. NRS 126.111 is hereby amended to read as follows:

126.111 1. The court shall endeavor to resolve the issues raised in an action pursuant to this chapter by an informal hearing.

2. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing must be held. The court may order that the hearing be held before a ~~[master]~~ ***judicial officer appointed by the court*** or referee. The public shall be barred from the hearing. A record of the proceeding or any portion thereof must

be kept if any party requests or the court orders. Strict rules of evidence need not be observed, but those prescribed in NRS 233B.123 apply.

3. Upon refusal of any witness, including a party, to testify under oath or produce evidence, the court may order the witness to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the ground that the witness's testimony or evidence might tend to incriminate the witness, the court may grant the witness immunity from prosecution for all criminal offenses shown in whole or in part by testimony or evidence the witness is required to produce, except for perjury committed in his or her testimony. The refusal of a witness who has been granted immunity to obey an order to testify or produce evidence is a civil contempt of the court.

4. Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

Sec. 61. NRS 126.121 is hereby amended to read as follows:

126.121 1. The court may, and shall upon the motion of a party, order the mother, child, alleged father or any other person so involved to submit to one or more tests for the typing of blood or taking of specimens for genetic identification to be made by a designated person, by qualified physicians or by other qualified persons, under such restrictions and directions as the court or judge deems proper. Whenever such a test is ordered and made, the results of the test must be received in evidence and must be made available to a judge, ~~[master]~~ ***judicial officer appointed by the court*** or referee conducting a hearing pursuant to NRS 126.111. The results of the test and any sample or specimen taken may be used only for the purposes specified in this chapter. Unless a party files a written objection to the result of a test at least 30 days before the hearing at which the result is to be received in evidence, the result is admissible as evidence of paternity without foundational testimony or other proof of authenticity or accuracy. The order for such a test also may direct that the testimony of the experts and of the persons so examined may be taken by deposition or written interrogatories.

2. If any party refuses to submit to or fails to appear for a test ordered pursuant to subsection 1, the court may presume that the result of the test would be adverse to the interests of that party or may enforce its order if the rights of others and the interests of justice so require.

3. The court, upon reasonable request by a party, shall order that independent tests for determining paternity be performed by other experts or qualified laboratories.

4. In all cases, the court shall determine the number and qualifications of the experts and laboratories.

5. As used in this section:

(a) "Designated person" means a person who is:

(1) Properly trained to take samples or specimens for tests for the typing of blood and genetic identification; and

(2) Designated by an enforcing authority to take such samples or specimens.

(b) "Enforcing authority" means the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative, a district attorney or the Attorney General when acting pursuant to NRS 425.380.

Sec. 62. NRS 126.141 is hereby amended to read as follows:

126.141 1. On the basis of the information produced at the pretrial hearing, the judge, ~~[master]~~ ***judicial officer appointed by a court*** or referee conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement must be made to the parties, which may include any of the following:

(a) That the action be dismissed with or without prejudice.

(b) That the matter be compromised by an agreement among the alleged father, the mother and the child, in which the father and child relationship is not determined but in which a defined economic obligation, fully secured by payment or otherwise, is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge, ~~[master]~~ ***judicial officer*** or referee conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge, ~~[master]~~ ***judicial officer*** or referee conducting the hearing shall consider the best interest of the child, discounted by the improbability, as it appears to him or her, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on the alleged father.

(c) That the alleged father voluntarily acknowledge his paternity of the child.

2. If the parties accept a recommendation made in accordance with subsection 1, judgment may be entered accordingly.

3. If a party refuses to accept a recommendation made under subsection 1 and blood tests or tests for genetic identification have not been taken, the court shall require the parties to submit to blood tests or tests for genetic identification, if practicable. Thereafter the judge, ~~[master]~~ ***judicial officer*** or referee shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action must be set for trial.

4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

5. The pretrial hearing may be terminated and the action set for trial if the judge, ~~[master]~~ ***judicial officer*** or referee conducting the hearing finds unlikely

that all parties would accept a recommendation he or she might make under subsection 1 or 3.

Sec. 63. NRS 126.143 is hereby amended to read as follows:

126.143 After an action is set for trial pursuant to NRS 126.141, the judge, ~~[master]~~ ***judicial officer appointed by a court*** or referee shall, upon the motion of a party, issue an order providing for the temporary support of the child pending the resolution of the trial if the judge, ~~[master]~~ ***judicial officer*** or referee determines that there is clear and convincing evidence that the party against whom the order is issued is the father of the child.

Sec. 64. NRS 128.100 is hereby amended to read as follows:

128.100 1. Except as otherwise provided in subsection 2, in any proceeding for terminating parental rights, or any rehearing or appeal thereon, or any proceeding for restoring parental rights, the court may appoint an attorney to represent the child as his or her counsel. The child may be represented by an attorney at all stages of any proceedings for terminating parental rights. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. In any proceeding for the termination of parental rights to a child who has been placed outside of his or her home pursuant to chapter 432B of NRS, or any rehearing or appeal thereon, or any proceeding for restoring parental rights to such a child, the court shall appoint an attorney to represent the child as his or her counsel. The child shall be deemed to be a party to any proceeding described in this section and must be represented by an attorney at all stages of such proceedings. The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the parent or parents of the child desire to be represented by counsel, but are indigent, the court may appoint an attorney for them.

4. Each attorney appointed under the provisions of this section is entitled to the same compensation and expenses ~~[from the county as provided in NRS 7.125 and 7.135]~~ for ***all time reasonably spent on the proceedings and payment for all expenses reasonably incurred from the proceedings, including, without limitation, time spent and expenses incurred for preparation, hearings and meetings. Such compensation must be paid at a rate not less than the lowest rate paid to*** attorneys appointed to represent persons charged with ~~[crimes.]~~ ***a felony in the same jurisdiction.***

5. For the purposes of this section, a person shall be deemed indigent if:

(a) The person has a household income that is less than 200 percent of the federally designated level signifying poverty;

(b) The person is receiving federal assistance through federal programs, including, without limitation, Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance or disability insurance benefits under the federal Social Security Act;

(c) The person resides in public housing; or

(d) Hiring counsel would pose a financial hardship to the person or his or her child or hinder the ability of the person to obtain services to facilitate reunification with his or her child.

6. As used in this section:

(a) "Public housing" has the meaning ascribed to it in NRS 315.021.

(b) "Supplemental Nutrition Assistance" means the program established to provide persons of low income with an opportunity to purchase a more nutritious diet pursuant to the Food Stamp Act of 1977, 7 U.S.C. §§ 2011 et seq., as amended.

(c) "Temporary Assistance for Needy Families" means the program established to provide temporary assistance for needy families pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and other provisions of that act relating to temporary assistance for needy families.

Sec. 65. NRS 129.080 is hereby amended to read as follows:

129.080 Any minor who is at least 16 years of age, who is married or living apart from his or her parents or legal guardian, and who is a resident of the county, may petition the juvenile court of that county for a decree of emancipation. The district court may refer the petition to a ~~[master]~~ ***judicial officer*** appointed pursuant to title 5 of NRS or chapter 432B of NRS.

Sec. 66. NRS 130.102 is hereby amended to read as follows:

130.102 1. The district court and, within the limitations of authority granted pursuant to NRS 3.405, 125.005 or 425.381 to 425.3852, inclusive, a ~~[master]~~ ***judicial officer*** or referee appointed pursuant to any of those sections, are the tribunals of this State.

2. The support enforcement agency of this State may include, without limitation, a court, a district attorney, a law enforcement agency or the Division of Welfare and Supportive Services of the Department of Health and Human Services.

Sec. 67. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

"Judicial officer" means a person who is appointed to act as a judicial officer of the court.

Sec. 68. NRS 159A.013 is hereby amended to read as follows:

159A.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159A.014 to 159A.0265, inclusive, ***and section 67 of this act*** have the meanings ascribed to them in those sections.

Sec. 69. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the

proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of cannabis in accordance with the provisions of chapter 678C of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a ~~[master of the court]~~ ***judicial officer*** or special ~~[master]~~ ***judicial officer*** pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

11. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Blind" has the meaning ascribed to it in NRS 426.082.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 70. NRS 159A.0615 is hereby amended to read as follows:

159A.0615 1. If the court determines that a minor may be in need of a guardian, the court may order the appointment of a ~~[master of the court]~~ ***judicial officer*** or a special ~~[master]~~ ***judicial officer*** from among the members of the State Bar of Nevada to conduct a hearing to identify the person most qualified and suitable to serve as guardian for the proposed protected minor.

2. Not later than 5 calendar days after the date of the hearing, the ~~[master of the court]~~ ***judicial officer*** or special ~~[master]~~ ***judicial officer*** shall prepare and submit to the court a recommendation regarding which person is most qualified and suitable to serve as guardian for the proposed protected minor.

3. A court may designate, by rule or order, a different title to a person appointed as a judicial officer or special judicial officer so long as the title does not include the term "master."

Sec. 71. NRS 159A.0617 is hereby amended to read as follows:

159A.0617 If the court or a ~~[master of the court]~~ ***judicial officer*** or special ~~[master appointed pursuant to NRS 159A.0615]~~ ***judicial officer*** finds that a parent or other relative, teacher, friend or neighbor of a proposed protected minor or any other interested person:

1. Has a personal interest in the well-being of the proposed protected minor; or

2. Possesses information that is relevant to the determination of who should serve as guardian for the proposed protected minor,

➥ the court or a ~~[master of the court]~~ ***judicial officer*** or special ~~[master appointed pursuant to NRS 159A.0615]~~ ***judicial officer*** may allow the person to testify at any hearing held pursuant to this chapter to determine the person most qualified and suitable to serve as guardian for the proposed protected minor.

Sec. 72. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master ***, judicial officer appointed by a court*** or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee,

a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(j) "Taxicab driver" means a person who operates a taxicab.

(k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(l) "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 73. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master ***, judicial officer appointed by a court*** or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(m) "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery:

(1) Is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 74. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or judicial officer*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret

Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 75. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or judicial officer*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may

request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 76. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or judicial officer*** in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

(e) "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

(f) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 77. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master ***or judicial officer*** in this State.

(d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

(1) Crimes that are punishable as category A felonies; or

(2) Domestic violence.

(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(i) Any county manager in this State.

(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by the county or city clerk or registrar of voters in the elections division of the county or city.

(l) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive.

(m) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (k), inclusive, who was killed in the performance of his or her duties.

(n) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address

of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 78. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 484A.7047.

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from any of the following:

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section.

(2) A traffic commissioner, referee, hearing master, ***judicial officer appointed by a court,*** municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 79. NRS 609.245 is hereby amended to read as follows:

609.245 Every person who employs and every parent, guardian or other person having the care, custody or control of such child, who permits to be employed, by another, any child under the age of 14 years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farmwork, housework or employment as a performer in a motion picture, without the written permission for the employment signed by a judge of the district court of the county of the child's residence, or signed by a juvenile ~~[master,]~~ ***judicial officer,*** referee or probation officer authorized to sign such a permit by a judge of the district court of the county of the child's residence, is guilty of a misdemeanor.

Sec. 80. The amendatory provisions of sections 30 and 64 of this act do not apply to any proceedings that began before January 1, 2026.

Sec. 81. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer whose name is changed pursuant to the provisions of this act to refer to the appropriate officer.

2. Any contracts or other agreements entered into by an officer whose name has been changed pursuant to the provisions of this act to another officer are binding upon the officer to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer whose name has been changed pursuant to the provisions of this act to another officer remains in effect as if taken by the officer to which the responsibility for the enforcement of such actions has been transferred.

Sec. 82. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 83. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 82, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **July** 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 292.

AN ACT relating to education; requiring the Board of Regents of the University of Nevada to establish a data dashboard setting forth certain statistical information relating to student outcomes; **requiring the Board of Regents to establish a policy for the use of low-cost course materials and no-cost open educational resources in courses offered at an institution within the Nevada System of Higher Education;** requiring the Board of Regents to conduct a study during the 2025-2026 interim relating to certain ~~[financial]~~ issues facing students of the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Regents of the University of Nevada shall require employees of the Nevada System of Higher Education to provide to the board of trustees of each school district in this State information regarding the: (1) number of pupils who graduated from a high school in the district in the immediately preceding year and enrolled in certain remedial courses; and (2) costs incurred by the System in providing such remedial instruction. (NRS 396.548) **Section ~~[1]~~ 1.3** of this bill requires the Board of Regents to establish and maintain a data dashboard that includes statistical data relating to the number of: (1) students who graduated from a **public** high school in this State and enroll in a university, state college or community college within the System; (2) students who graduated from a high school in this State and enroll in remedial courses in reading, writing or mathematics at a university, state college or community college within the System **~~[.]~~ or who are identified as not college-ready in such subjects and enrolled in a corequisite support course;** (3) years it takes for ~~[each student]~~ **students, on average,** to graduate from a university, state college or community college within the System; and (4) **subject to the availability of data, the number of** students who graduate from a university, state college or community college within the System and, within ~~[1 year]~~ **2 years** of graduation, ~~[are unemployed]~~ **have not received wages from an employer in this State and are not enrolled in an institution within the Nevada System of Higher Education or have received unemployment benefits** or ~~[receiving]~~ benefits from a program of public assistance. **Section ~~[1.]~~ 1.3 also:** (1) requires that the data dashboard be posted **or accessible** on the Internet website of the System **~~[.]~~ by September 1, 2026;** and (2) authorizes any state agency or local government, including, without limitation, a school district, to assist the Board of Regents in establishing and maintaining the data dashboard.

Section 1.5 of this bill requires the Board of Regents to establish a policy for the use of low-cost course materials and no-cost open educational resources in courses offered at an institution within the Nevada System of Higher Education. Section 1.5 requires the policy to include, without limitation: (1) the definition of "low-cost course materials" and "no-cost open educational resources"; and (2) a uniform system to identify, and mark for identification within the course registration system used at each institution, each course that exclusively uses low-cost course materials and no-cost open educational resources.

Section 2 of this bill requires the Board of Regents to conduct an interim study relating to ~~[the]~~ financial **and food insecurity** issues facing students of the System. The study must include: (1) ~~[the development of a policy to allow any student who is within two semesters of graduation and has outstanding debts or delinquent fees owed to the System to complete the requirements for graduation while paying off any of the outstanding debts or delinquent fees; (2) an examination of issues relating to the use of open educational resources within the System; and (3)]~~ an examination of the **financial and** food insecurity issues experienced by students of the System **; (2) the identification of factors that contribute to the temporary withdrawal of students from enrollment in academic programs due to financial and food insecurity; (3) an evaluation of potential interventions to the financial and food insecurity experienced by students of the System;** and **(4) data-driven** recommendations for ways to reduce the **financial and** food insecurity experienced by students of the System.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. The Board of Regents shall establish and maintain a data dashboard relating to the educational and professional outcomes of students that includes, without limitation, statistical data relating to the number of:

(a) Students who graduated from a public high school in this State and enroll in a university, state college or community college within the System;

(b) Students who graduated from a high school in this State and enroll in remedial courses in reading, writing or mathematics at a university, state college or community college within the System ~~[.]~~ or who are identified as not being college-ready in such subjects and enrolled in a corequisite support course;

(c) Years it takes for ~~[each student]~~ students, on average, to graduate from a university, state college or community college within the System; and

(d) ~~[Students]~~ Subject to the availability of data, the number of students who graduate from a university, state college or community college within

the System and, within ~~[1 year]~~ 2 years of graduation ~~[, are unemployed or receiving]~~ have:

(1) Not received wages from an employer in this State and are not enrolled in an institution within the Nevada System of Higher Education; and

(2) Received unemployment benefits or benefits from a program of public assistance ~~[.]~~ after graduating.

2. The data dashboard established pursuant to subsection 1:

(a) Must be posted on or otherwise accessible through the Internet website of the System ~~[.]~~ on or before September 1, 2026; and

(b) Must not include any personal identifying information of any student or other person.

3. Any state agency or local government, including, without limitation, a school district, may assist the Board of Regents in establishing and maintaining the data dashboard established pursuant to subsection 1.

4. As used in this section:

(a) "Corequisite support course" means a course taken simultaneously with a first college-level or foundation course for a program of study that supports the topics being covered in the first college-level or foundation course.

(b) "Employer" has the meaning ascribed to it in NRS 612.055.

Sec. 1.5. The Board of Regents shall establish a policy for the use of low-cost course materials and no-cost open educational resources in courses offered at an institution within the Nevada System of Higher Education. The policy must include, without limitation:

1. A definition of "low-cost course materials" and "no-cost open educational resources"; and

2. A uniform system to identify, and mark for identification within the course registration system used at each institution, each course that exclusively uses low-cost course materials and no-cost open educational resources.

Sec. 2. 1. During the 2025-2026 interim, the Board of Regents of the University of Nevada shall conduct a study ~~[relating to the financial issues facing]~~ **on financial and food insecurity among** students ~~[of]~~ **within** the Nevada System of Higher Education. The study must include, without limitation:

(a) ~~[The development of a policy to allow any student who is within two semesters of graduation and has outstanding debts or delinquent fees owed to the System to complete the requirements for graduation while paying off any of the outstanding debts or delinquent fees.~~

~~(b) An examination of issues relating to the use of open educational resources within the System, including, without limitation:~~

~~(1) Whether it is feasible for the System to transition to the use of open educational resources as a replacement for more expensive textbooks and other course materials.~~

~~(2) Whether there are potential fiscal, legal or technological obstacles or other issues that prevent the System from using open educational resources as a replacement for more expensive textbooks and other course materials.~~

~~(e)~~ An examination of the **financial and** food insecurity issues experienced by students of the System**.** ~~[and]~~

(b) The identification of factors that contribute to the temporary withdrawal of students from enrollment in academic programs due to financial and food insecurity.

(c) An evaluation of potential interventions to the financial and food insecurity experienced by students in the System, which may include, without limitation, allowing a student who has outstanding debts or delinquent fees owed to the System to register for courses.

(d) Data-driven policy recommendations for ways to reduce the **financial and** food insecurity of students of the System**.** ~~[, including, without limitation, whether it is feasible for the food venders on the campuses of the schools of the System to accept EBT cards from the Supplemental Nutrition Assistance Program. In examining these issues, the Board of Regents shall create and conduct a survey of students.]~~

2. On or before ~~[February 1, 2027,]~~ **July 1, 2026,** the Board of Regents shall prepare and submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the ~~[84th Session of the Legislature.]~~ **Joint Interim Standing Committee on Education.**

3. The Board of Regents may accept gifts, grants and donations to carry out the duties set forth in this section.

~~[4. As used in this section, "open educational resources" means teaching, learning and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification and sharing. The term includes, without limitation, courses, course materials, textbooks, modules, faculty-created content, videos, tests, software and any other tool, material or technique used to support access to knowledge.]~~

Sec. 3. 1. This **section becomes effective upon passage and approval.**

2. Sections 1, 1.3 and 2 of this act ~~[becomes]~~ **become** effective on July 1, 2025.

3. Section 1.5 of this act becomes effective on July 1, 2026.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 374.

AN ACT relating to taxation; providing for the imposition, collection, administration and enforcement of taxes on the sale or transfer of a controlling

interest in an entity which possesses an interest in real property in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes several taxes, known as real property transfer taxes, on each deed by which lands, tenements or other realty are assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds $100. The amount of the real property transfer taxes owed is required to be computed on the basis of the value of the transferred real property. (NRS 375.020, 375.023, 375.026) Existing law provides for the disposition and use of the proceeds of the real property transfer taxes for specific purposes, including: (1) deposit in the State General Fund; (2) deposit in the Account for Affordable Housing; (3) deposit in the Local Government Tax Distribution Account for credit to the accounts of each county; (4) deposit in the county school district's fund for capital projects, with respect to proceeds collected in a county whose population is 700,000 or more; and (5) transmittal to the State Treasurer for use by the Division of Plant Health and Compliance of the State Department of Agriculture. (NRS 375.023, 375.026, 375.070)

Section 8 of this bill imposes taxes on the sale or transfer of a controlling interest in an entity which possesses, directly or indirectly, an interest in real property in this State when the value of the real property interest exceeds $100. **Section 8** imposes the taxes at the same rate as the existing real property transfer taxes and requires the taxes to be computed based on the value of the entity's interest in the real property, which corresponds to the estimated fair market value of the real property. **Section 9** of this bill requires the person who ~~[conveys]~~ **receives** a controlling interest in an entity which is subject to the tax to file a return and remit the tax to the ~~[Department of Taxation]~~ **county recorder of each county in which the entity has a controlling interest in real property** on or before the last day of the month immediately following the month in which the sale or transfer was made. ~~[Section 10 of this bill authorizes the Department to extend the time within which the tax is required to be paid, upon application and for good cause shown.]~~ **Section 11** of this bill requires the ~~[Department]~~ **county recorder** to ~~[deposit]~~ **dispose of** the ~~[taxes, interest and penalties collected in the Controlling Interest Transfer Tax Account and requires the State Controller to dispose of those taxes, interest and penalties]~~ **proceeds of the tax** in the same manner as the corresponding real property transfer taxes. **Sections 11 and 25.5 authorize the county recorder to deduct and withhold from the tax required to be transmitted to the State Controller for deposit in the State General Fund: (1) for the first 5 years after the effective date of this bill, 2 percent of those taxes to reimburse the county for the cost of collecting the tax; and (2) for each year thereafter, 1 percent of those taxes.** **Section 12** of this bill exempts certain transfers of the controlling interest in an entity from the taxes imposed by **section 8**. **Section 23** of this bill makes it a misdemeanor to willfully falsely declare the estimated fair market value of real property on a return filed

pursuant to **section 9** ~~[.]~~ **and requires the payment of any additional tax required plus a penalty of 25 percent of that amount.**

Sections 2.5, 3 and 4 of this bill define the terms **"controlling interest,"** "estimated fair market value" and "taxpayer," respectively, for the purposes of the provisions governing the taxes imposed by **section 8**.

Section 25 of this bill requires money from the taxes imposed by **section 8** which is received by the Division of Plant Health and Compliance to be allocated for disbursement to each county in proportion to the money collected with respect to real property in that county: (1) for use by the State Department of Agriculture for programs on the exclusion, detection and control of invasive species and endemic pests and weeds; and (2) to make grants to local governments and nonprofit organizations for the control or management of such species, pests and weeds.

Sections ~~[5-7, 13-22 and 24]~~ **5-5.7, 10.5, and 24.1-24.18** of this bill provide for the administration and enforcement of the taxes imposed by **section 8** ~~[.]~~ **in, to the extent applicable, the same manner as the real property transfer taxes.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to ~~[24,]~~ **24.18,** inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 2.5, 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. "Controlling interest" means:

1. With respect to a corporation, owning, controlling or holding more than 50 percent of:

(a) The total combined voting power of all classes of stock of the corporation; or

(b) The capital, profits or beneficial interest in the voting stock of the corporation.

2. With respect to any entity other than a corporation, owning, controlling or holding more than 50 percent of the capital, profits or beneficial interest in the entity.

Sec. 3. ***"Estimated fair market value" means the estimated price the real property would bring on the open market in a sale between a willing buyer and a willing seller. Such price must be derived from the assessor's taxable value or the prior purchasing price, if the prior purchase was within the 5 years immediately preceding the date of valuation, whichever is higher.***

Sec. 4. ***"Taxpayer" means any person liable for a tax imposed by this chapter.***

Sec. 5. ***The Department ~~[shall administer and enforce the provisions of this chapter and]~~ may ~~[adopt]~~ prescribe such regulations as it ~~[deems~~***

~~appropriate for those purposes.]~~ may deem necessary to carry out the purposes of this chapter.

Sec. 5.3. With regard to the administration of any tax imposed by this chapter, the county recorder shall apply the principles set forth in NRS 375.018.

Sec. 5.5. 1. A county recorder who has any question of law regarding the imposition or collection of any tax imposed by this chapter shall request an opinion from the district attorney pursuant to NRS 252.160. The district attorney shall request an opinion from the Attorney General pursuant to NRS 228.150 if:

(a) The county recorder informs the district attorney that there is a conflict between the opinions of two or more district attorneys in this State on the question; or

(b) The district attorney:

(1) Chooses not to render an opinion on the question; or

(2) Determines that he or she will not be able to render an opinion on the question within a reasonable time.

2. If, according to an opinion issued by the Attorney General in response to a request submitted pursuant to subsection 1, the amount of any taxes received by a county recorder differs from the amount required by law, the county recorder shall cause the notice required by section 24.13 of this act to be given to the taxpayer.

Sec. 5.7. 1. The Department shall, to ensure that the tax imposed by subsection 2 of section 8 of this act is collected fairly and equitably in all counties, coordinate the collection and administration of that tax. For this purpose, the Department may conduct such audits of the records of the various counties as are necessary to carry out the provisions of this chapter with respect to subsection 2 of section 8 of this act.

2. When requested, the Department shall render assistance to the county recorder of a county whose population is less than 30,000 relating to the imposition and collection of the tax imposed by subsection 2 of section 8 of this act.

3. The Department is not entitled to receive any fee for rendering any assistance pursuant to subsection 2.

Sec. 6. ~~[1. Each person responsible for maintaining the records of a taxpayer shall:~~

~~(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;~~

~~(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and~~

~~(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.~~

~~*2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a taxpayer pursuant to the provisions of this chapter.*~~

~~*3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[1. To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount of the tax required to be paid pursuant to this chapter, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.*~~

~~*2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.]*~~ **(Deleted by amendment.)**

Sec. 8. ***1. There is hereby imposed a tax on the sale or transfer of a controlling interest in any entity which possesses, directly or indirectly, an interest in real property in this State when the value of the interest in real property exceeds $100, at the rate of:***

(a) If the real property is located in a county whose population is 700,000 or more, $1.25; and

(b) If the real property is located in a county whose population is less than 700,000, 65 cents,

➥ for each $500 of value, or fraction thereof, of the interest in real property possessed, directly or indirectly, by the entity.

2. In addition to all other taxes imposed pursuant to this section, there is hereby imposed a tax on the sale or transfer of a controlling interest in any entity which possesses, directly or indirectly, an interest in real property in this State when the value of the interest in real property exceeds $100, at the rate of $1.30 for each $500 of value, or fraction thereof, of the interest in real property possessed, directly or indirectly, by the entity.

3. In addition to all other taxes imposed pursuant to this section, there is hereby imposed a tax on the sale or transfer of a controlling interest in any entity which possesses, directly or indirectly, an interest in real property which is located in a county whose board of county commissioners has imposed a tax pursuant to NRS 375.026 when the value of the interest in real property exceeds $100, at the rate which is an amount of cents per $500 of value, or fraction thereof, of the interest in real property possessed, directly or indirectly, by the entity that is equal to the amount of cents per $500 of value, or fraction thereof, imposed by the board of county commissioners of the county as the rate for the tax pursuant to NRS 375.026.

4. For the purposes of this section, an entity only possess an interest in real property if the entity possesses, directly or indirectly, more than 50 percent of the total ownership interest in the real property. The value of an entity's interest in real property is ~~*[:*~~

~~*(a) The]*~~ *the estimated fair market value of the real property* ~~*. [, if the entity possesses, directly or indirectly, the entire interest in the real property.*~~

~~*(b) If the entity possesses, directly or indirectly, less than the entire interest in the real property, the estimated fair market value of the real property multiplied by the ownership interest in the real property possessed, directly or indirectly, by the entity, expressed as a percentage.]*~~

5. A taxable sale or transfer of a controlling interest ~~*[may occur in one]*~~ *in an entity includes a single transaction or* ~~*[in]*~~ *a series of related transactions. It is presumed that transactions which occur within* ~~*[6]*~~ *24 months of each other are a series of related transactions.*

6. A taxable sale or transfer of a controlling interest ~~*[may be]*~~ *in an entity includes a sale or transfer made by one seller or transferor or* ~~*[may be]*~~ *a sale or transfer made by a group of sellers or transferors acting in concert. It is presumed that sellers or transferors are acting in concert if the sellers or transferors are:*

(a) Persons who are related to each other by blood or marriage within the fourth degree of consanguinity ~~*[are acting in concert.]*~~ *; or*

(b) Entities which are under common control.

Sec. 9. *1. On or before the last day of the month immediately following the month in which the sale or transfer of a controlling interest in an entity which is subject to any of the taxes imposed by section 8 of this act occurs, the person* ~~*[conveying]*~~ *receiving the interest shall file with the* ~~*[Department]*~~ *county recorder of each county in which the entity has an interest in real property a return* ~~*[on a form prescribed by the Department]*~~ *and remit to the* ~~*[Department]*~~ *county recorder any tax due pursuant to section 8 of this act. The return must separately:*

(a) Identify each parcel of real property in ~~*[this State]*~~ *the county in which the entity possesses, directly or indirectly, an interest* ~~*; [, including, without limitation, the county in which the parcel is located;]*~~

(b) State the estimated fair market value of each parcel of real property in ~~*[this State]*~~ *the county in which the entity possesses, directly or indirectly, an interest; and*

(c) State the amount of tax remitted with respect to each such parcel.

2. Unless filed electronically, returns must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 10. ~~*[Upon written application made before the date on which payment must be made, the Department may for good cause extend by 30 days the time within which a taxpayer is required to pay a tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the*~~

~~*taxpayer shall pay interest at the rate of 1 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.]*~~
(Deleted by amendment.)

Sec. 10.5. ***If, after acceptance of the return filed pursuant to section 9 of this act, the county recorder disallows an exemption that was claimed at the time the return was filed or through audit or otherwise determines that an additional amount of tax is due, the county recorder shall promptly notify the person who filed the return of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the person is notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at a rate of 1 percent per month, or a portion thereof, of the additional amount due calculated from the date the return was filed through the date on which the additional amount due, penalty and interest are paid to the county recorder.***

Sec. 11. ***1. The*** ~~*[Department shall deposit all taxes, interest and penalties required to be paid pursuant to]*~~ ***county recorder shall transmit the proceeds of the tax imposed by section 8 of this act*** ~~*[in the Controlling Interest Transfer Tax Account, which is hereby created in the State General Fund. The State Controller, acting upon the collection data furnished by the Department shall,]*~~ ***at the end of each quarter*** ~~*[,]*~~ ***in the following manner:***

~~*(a) [Transfer from the Controlling Interest Transfer Tax Account 1 percent of all taxes, interest and penalties collected with respect to each county during the preceding quarter to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.*~~

~~*(b) Determine an amount of money equal to any taxes, interest and penalties collected during the preceding quarter with respect to each county pursuant to subsection 2 of section 8 of this act, less the amount transferred to the State General Fund pursuant to paragraph (a), and transfer the amount determined to the State General Fund.*~~

~~*(c) Determine an amount of money equal to any taxes, interest and penalties collected during the preceding quarter with respect to each county pursuant to subsection 3 of section 8 of this act, less the amount transferred to the State General Fund pursuant to paragraph (a), and transfer the amount determined to the appropriate account in the State General Fund for use as required by NRS 561.355.*~~

~~*(d) Determine an amount of money equal to any taxes, interest and penalties collected during the preceding quarter with respect to each county pursuant to subsection 1 of section 8 of this act, less the amount transferred to the State General Fund pursuant to paragraph (a), and:*~~

~~*(1) Deposit an]*~~ ***An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof in the Account for Affordable Housing created pursuant to NRS 319.500.***

~~*[(2) For proceeds collected with respect to]*~~

(b) In a county whose population is 700,000 or more, ~~[transfer]~~ an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the ~~[Intergovernmental Fund and remit the money to the]~~ county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

~~[(3) Deposit the]~~

(c) In a county whose population is less than 700,000, an amount equal to that portion of the proceeds which is derived from the tax imposed by subsection 3 of section 8 of this act must be transmitted to the State Treasurer for use as required by NRS 561.355.

(d) An amount equal to that portion of the proceeds which is equivalent to $1.30 for each $500 of value or fraction thereof must be transmitted to the State Controller for deposit in the State General Fund.

(e) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. From the taxes required to be transmitted to the State Controller pursuant to paragraph (d) of subsection 1, the county recorder of each county may deduct and withhold 2 percent of those taxes to reimburse the county for the cost of collecting the tax.

3. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing and tier two affordable housing. A county or city that uses the proceeds in that manner must give priority to the development of tier one affordable housing and tier two affordable housing for persons who are elderly or persons with disabilities.

~~[3.]~~ 4. The expenses authorized by subsection ~~[2]~~ 3 include, without limitation:

(a) The costs to acquire land and development rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

~~[4.]~~ 5. As used in this section:

(a) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.

(b) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.

Sec. 12. ***The taxes imposed by section 8 of this act do not apply to a transfer of the controlling interest in an entity:***

1. To the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

2. Between former spouses in compliance with a decree of divorce.

3. To or from a trust without consideration.

4. Which possesses, directly or indirectly, an interest in an unpatented mine or mining claim, with respect to the unpatented mine or mining claim. The taxes imposed by section 8 of this act remain applicable with respect to other real property which the entity possess.

5. To a corporation or other business organization if the person making the transfer owns 100 percent of the corporation or organization to which the transfer is made.

Sec. 13. ~~*[If the Department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. Except as otherwise provided in NRS 360.235 and 360.395:*~~

~~*(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the month in which the overpayment was made.*~~

~~*(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.*~~

~~*2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.*~~

~~*3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.*~~

~~*4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the taxes imposed by this chapter at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.*~~

~~2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this chapter of a tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.~~

~~2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Nevada Tax Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.~~

~~2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Nevada Tax Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.~~

~~2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.~~

~~3. The balance of the judgment must be refunded to the plaintiff.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[In any judgment, interest must be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the~~

~~amount or by any person other than the person who paid the amount.]~~ (Deleted by amendment.)

Sec. 21. ~~[1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.~~

~~2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.~~

~~3. The Attorney General shall prosecute the action, and the provisions of the Nevada Revised Statutes, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.]~~ (Deleted by amendment.)

Sec. 22. ~~[1. If any amount in excess of $25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify that fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.~~

~~2. If an amount not exceeding $25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying that fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.]~~ (Deleted by amendment.)

Sec. 23. *Any person who willfully falsely declares the estimated fair market value of real property on a return filed pursuant to section 9 of this act is guilty of a misdemeanor and shall pay the amount of any additional tax required on account of the falsification* ~~.]~~ *and a penalty which is equal to 25 percent of that amount.*

Sec. 24. ~~[The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.]~~ (Deleted by amendment.)

Sec. 24.1. The county recorder shall:

1. Conduct and apply audits and other procedures for enforcement as uniformly as is feasible.

2. Collect any tax that is due pursuant to the provisions of this chapter in an equitable manner so that every taxpayer pays the full amount imposed by law.

Sec. 24.2. 1. The county recorder may audit all records relating to the collection and calculation of any tax imposed by this chapter. If the county recorder deems it necessary to conduct an audit, the audit must be completed within 3 years after the date the relevant return was filed.

2. The county recorder may issue subpoenas to require the production of documents necessary to determine the amount of the tax due pursuant to this chapter or to determine whether a person qualifies for an exemption from taxes pursuant to this chapter. The county recorder may have the subpoenas served, and upon application of the district attorney, to any court of competent jurisdiction, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

Sec. 24.3. 1. If an audit is conducted by the county recorder pursuant to the provisions of this chapter, the date on which the audit will be completed must be included in the notice to the taxpayer that the audit will be conducted.

2. The date on which the audit will be completed may be extended by the county recorder if the county recorder gives prior written notice of the extension to the taxpayer. The notice must include an explanation of the reason or reasons that the extension is required.

3. If, after the audit, the county recorder determines that delinquent taxes are due, interest and penalties may not be imposed for the period of the extension if the taxpayer did not request the extension or was not otherwise the cause of the extension.

Sec. 24.4. Any amount determined to be refundable by the county recorder after an audit must be refunded to the taxpayer.

Sec. 24.5. 1. If any tax imposed pursuant to this chapter is not paid when due, the county may, within 4 years after the date that the tax was due, record a certificate in the office of the county recorder which states:

(a) The amount of the tax and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and

(c) That the county recorder has complied with all procedures required by law for determining the amount due.

2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes a demand for payment.

Sec. 24.6. 1. If a person is delinquent in the payment of any tax imposed by this chapter or has not paid the amount of a deficiency determination, the county may bring an action in a court of this State, a court of a county of any other state or a court of the United States that has competent jurisdiction to collect the delinquent or deficient amount, penalties and interest. The action:

(a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to a hearing officer pursuant to section 24.17 of this act.

(b) Must be brought not later than 4 years after the payment became delinquent or the determination became final.

2. The district attorney shall prosecute the action. The provisions of the Nevada Revised Statutes, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings,

proofs, trials and appeals are applicable to the proceedings. In the action, a writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In an action, a certificate by the county recorder showing the delinquency is prima facie evidence of:

(a) The determination of the tax or the amount of the tax;

(b) The delinquency of the amounts; and

(c) The compliance by the county recorder with all the procedures required by law relating to the computation and determination of the amounts.

Sec. 24.7. In an action relating to a tax imposed pursuant to this chapter, process must be served:

1. In accordance with the requirements for service of process set forth in the Nevada Rules of Civil Procedure; or

2. By serving the taxpayer at their place of residence in this State or their last known address.

Sec. 24.8. A lien may, within 5 years after the date of the judgment or within 5 years after the last extension of the lien in a manner provided in this chapter, be extended by recording in the office of the county recorder a certified copy of the judgment, and from the time of that recording, the lien must be extended upon the property in that county for 5 years unless sooner released or otherwise discharged.

Sec. 24.9. 1. The county or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax that is administered pursuant to this chapter:

(a) Within 4 years after the person is delinquent in the payment of the tax; or

(b) Within 5 years after the last recording of a certificate copy constituting a lien for the tax.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and the sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 24.10. The county may pay or advance to the sheriff or constable the same fees, commissions and expenses or acting upon the warrant as are provided by law for acting upon a writ of execution. The county must approve the fees for publication in a newspaper. Approval from a court is not required for the publication.

Sec. 24.11. 1. The amounts, including interest and penalties, required to be paid by any person pursuant to this chapter must be satisfied first if:

(a) The person is insolvent;

(b) The person makes a voluntary assignment of his or her assets;

(c) The estate of the person in the hands of executors, administrators or heirs, before distribution, is insufficient to pay all the debts due from the deceased; or

(d) The estate and effects of an absconding, concealed or absent person required to pay any amount by force of such revenue act are levied upon by process of law.

2. This section does not give the county recorder a preference over:

(a) Any recorded lien that attached before the date when the amounts required to be paid became a lien; or

(b) Any costs of administration, funeral expenses, expenses of personal illness, family allowances or debts preferred pursuant to federal law or wages as provided in NRS 147.195.

Sec. 24.12. A certificate by the county recorder stating that real property has been released from a lien imposed pursuant to this chapter is conclusive evidence that the property has been released.

Sec. 24.13. If an officer or employee of the county recorder determines that a taxpayer is entitled to an exemption or has been taxed more than is required by law, he or she shall give written notice of that determination to the taxpayer. The notice must:

1. Be given within 30 days after the officer or employee makes his or her determination or, if the determination is made as a result of an audit, within 30 days after the completion of the audit; and

2. If appropriate, include instructions indicating the manner in which the taxpayer may petition for a refund of any overpayment.

Sec. 24.14. A taxpayer is entitled to receive on any overpayment of any tax imposed by this chapter a refund together with interest at a rate determined pursuant to NRS 17.130. No interest is allowed on a refund of any penalties or interest on the tax that is paid by a taxpayer.

Sec. 24.15. The county recorder shall provide a taxpayer with a response to any written request submitted by the taxpayer that relates to a tax imposed by this chapter within 30 days after the county treasurer receives the request.

Sec. 24.16. 1. After reviewing a petition for a refund, the county recorder or his or her designee shall approve or disapprove the refund. If the county recorder approves the refund, he or she shall grant the refund to the taxpayer.

2. If the county recorder denies a refund, the petitioner may file a written notice of appeal to the county recorder within 45 days after the date the county recorder decides to deny the petition. If notice is not received by the county recorder within 45 days after his or her decision to deny the petition, the decision of the county recorder is final.

3. If the county recorder receives a timely notice of appeal pursuant to subsection 2, he or she shall set a date for a hearing before a hearing officer and notify the parties of the date, place and time of the hearing.

Sec. 24.17. 1. Any person who is aggrieved by a decision of the county recorder made pursuant to this chapter may appeal the decision by filing a notice of appeal with the county recorder within 30 days after service of the decision upon that person.

2. A hearing officer, appointed by the county, may review any decision made by the county recorder and may reverse, affirm or modify any decision of the county recorder. A hearing officer appointed pursuant to this section must not be an employee of the county recorder's office. A decision of a hearing officer is a final decision for purposes of judicial review.

3. Service of a decision made by the county recorder or a hearing officer pursuant to this chapter must be made personally or by certified mail. If service is made by certified mail:

(a) The decision must be enclosed in an envelope that is addressed to the taxpayer at his or her address as it appears on the declaration of value or in the records of the county.

(b) It is deemed to be complete at the time the appropriately addressed envelope containing the decision is deposited with the United States Postal Service.

4. All decisions of the county recorder made pursuant to this chapter are final unless appealed.

5. A county recorder or local government that is a party and is aggrieved by the decision of the hearing officer may seek judicial review of the decision in the district court of that county.

Sec. 24.18. 1. The county recorder may waive any tax, penalty and interest owed by the taxpayer pursuant to this chapter, other than the tax imposed by subsection 2 of section 8, if the taxpayer meets the criteria adopted by regulation. If a waiver is granted pursuant to this subsection, the county shall prepare and maintain on file a statement that contains:

(a) The reason for the waiver;

(b) The amount of the tax, penalty and interest owed by the taxpayer; and

(c) The amount of the tax, penalty and interest waived by the county.

2. If the county recorder or a designated hearing officer finds that the failure of a person to make a timely payment of any tax imposed is the result of circumstances beyond his or her control and occurred despite the exercise of ordinary care and without intent to avoid such payment, the county recorder may relieve the person of all or part of any interest or penalty or both.

3. If a person proves to the satisfaction of the county recorder that the person has in good faith remitted the tax in reliance upon written advice provided by an officer or employee of the county recorder, an opinion of the district attorney or Attorney General or the written results of an audit of the taxpayer's records conducted by the county recorder, the county recorder may not require the taxpayer to pay delinquent taxes, penalties or interest if the county recorder determines after the completion of a subsequent audit that the taxes the taxpayer remitted were deficient.

Sec. 25. NRS 561.355 is hereby amended to read as follows:

561.355 1. The following fees and money must be used by the Division of Plant Health and Compliance of the Department only for the purposes of carrying out the provisions of this chapter and chapters 552, 554, 555 and 587 of NRS:

(a) Except as otherwise provided in NRS 552.095 and 555.570, fees and money collected pursuant to the provisions of chapters 552, 555 and 587 of NRS.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of chapter 552 of NRS.

(c) Laboratory fees collected for the diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of chapter 554 of NRS.

(d) Laboratory fees collected for the survey and identification of insect pests, plant diseases and noxious weeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 555.005 to 555.249, inclusive.

(e) Laboratory fees collected for the testing of the purity and germinating power of agricultural seeds, as authorized by NRS 561.305, and as may be necessary pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

(f) Money received from a tax on the transfer of real property imposed pursuant to NRS 375.026.

(g) Money received from a tax on the sale or transfer of a controlling interest in an entity which possesses an interest in real property imposed pursuant to section 8 of this act.

2. The money received pursuant to paragraph (f) ***or (g)*** of subsection 1 must be allocated for disbursement to each county in proportion to the amount of money collected ***with respect to real property*** in that county and must only be used:

(a) By the Department for programs on the exclusion, detection and control of:

(1) Invasive species; and

(2) Endemic pests and weeds designated by the Director; and

(b) For grants to local governments and nonprofit organizations for the control or management of such species, pests and weeds.

3. As used in this section:

(a) "Invasive species" means any living organism not native to this State that may present a threat to the economy, environment or public health of this State.

(b) "Local government" has the meaning ascribed to it in NRS 237.050.

Sec. 25.5. **Section 11 of this act is hereby amended to read as follows:**

Sec. 11. 1. The county recorder shall transmit the proceeds of the tax imposed by section 8 of this act at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof in the Account for Affordable Housing created pursuant to NRS 319.500.

(b) In a county whose population is 700,000 or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) In a county whose population is less than 700,000, an amount equal to that portion of the proceeds which is derived from the tax imposed by subsection 3 of section 8 of this act must be transmitted to the State Treasurer for use as required by NRS 561.355.

(d) An amount equal to that portion of the proceeds which is equivalent to $1.30 for each $500 of value or fraction thereof must be transmitted to the State Controller for deposit in the State General Fund.

(e) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. From the taxes required to be transmitted to the State Controller pursuant to paragraph (d) of subsection 1, the county recorder of each county may deduct and withhold ~~[2]~~ **1** percent of those taxes to reimburse the county for the cost of collecting the tax.

3. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing and tier two affordable housing. A county or city that uses the proceeds in that manner must give priority to the development of tier one affordable housing and tier two affordable housing for persons who are elderly or persons with disabilities.

4. The expenses authorized by subsection 3 include, without limitation:

(a) The costs to acquire land and development rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

5. As used in this section:

(a) "Tier one affordable housing" has the meaning ascribed to it in NRS 278.01902.

(b) "Tier two affordable housing" has the meaning ascribed to it in NRS 278.01906.

Sec. 26. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 25, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[July]~~ **October** 1, 2025, for all other purposes.

3. Section 25.5 of this act becomes effective on October 1, 2030.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 264.

AN ACT relating to real property; requiring the Nevada Tax Commission to include in the form prescribed for the declaration of value of real property a section in which a property owner is authorized to claim certain partial abatements of property taxes; **prescribing the manner in which a property owner is required to claim such partial abatements;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes partial abatements of property taxes for real property that is: (1) a single-family residence which is the primary residence of the owner; or (2) a residential rental dwelling that qualifies based on the amount of rent collected from the tenants. (NRS 361.4723, 361.4724) Existing law requires a person who files with a county recorder a deed evidencing a transfer of title of real property or a land sale installment contract to also provide the county recorder with a declaration of value of the real property made on a form prescribed by the Nevada Tax Commission. The county recorder is prohibited from charging or collecting any fee for recording the form. (NRS 375.060) ~~[This]~~ **Section 3 of this** bill requires the Nevada Tax Commission to include a section in that form in which a property owner is authorized to claim a partial abatement of property taxes for a single-family residence which is the primary residence of the owner or for a qualified residential rental dwelling.

Existing regulations require an owner of a single-family residence which is the primary residence of the owner to claim the partial abatement of property taxes on the single-family residence by submitting a claim for the partial abatement to the county assessor. (NAC 361.606) Section 1 of this bill additionally authorizes such a partial abatement to be claimed on the form for a declaration of value prescribed by the Nevada Tax Commission and provided to the county recorder with a deed evidencing a transfer of title to the single-family residence.

Existing regulations require the owner of a residential rental dwelling that qualifies for a certain partial abatement of property taxes based on the amount of rent collected from the tenants of the property to claim the partial abatement by annually filing a claim with the county assessor of the county in which the property is located not later than June 15 of each year. Under existing regulations, the claim must be accompanied by an affidavit concerning the amount of rent charged to the tenants of the property. (NAC 361.607) Section 2 of this bill additionally authorizes a claim for this partial abatement of property taxes to be made on a declaration of value form prescribed by the Nevada Tax Commission and provided to the county recorder with a deed evidencing the transfer of title to the property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 361.4723 is hereby amended to read as follows:**

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. ***A claim for a partial abatement of property taxes pursuant to this section must be submitted:***

(a) On a form provided by the county assessor of the county in which the property is located in accordance with regulations adopted by the Nevada Tax Commission; or

(b) If a partial abatement of property taxes pursuant to this section is claimed on the form for a declaration of value prescribed by the Nevada Tax Commission pursuant to NRS 375.060, on the form prescribed by the Nevada Tax Commission pursuant to NRS 375.060.

7. For the purposes of this section:

(a) "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

(d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 2. **NRS 361.4724 is hereby amended to read as follows:**

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4729, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. ***A claim for a partial abatement of property taxes pursuant to this section must be submitted:***

(a) In the manner prescribed by regulations adopted by the Nevada Tax Commission; or

(b) If a partial abatement of property taxes pursuant to this section is claimed on the form for a declaration of value prescribed by the Nevada Tax Commission pursuant to NRS 375.060, on the form prescribed by the Nevada Tax Commission pursuant to NRS 375.060.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

~~[Section 1.]~~ ***Sec. 3.*** NRS 375.060 is hereby amended to read as follows:

375.060 1. Each deed evidencing a transfer of title of real property or land sale installment contract that is presented for recordation to the county recorder must be accompanied by a declaration of value made on a form prescribed by the Nevada Tax Commission.

2. ***The Nevada Tax Commission shall include in the form prescribed pursuant to subsection 1 a section in which the property owner may claim a partial abatement from taxation provided pursuant to NRS 361.4723 or 361.4724.***

3. A county recorder shall not charge or collect any fees for recording the declaration of value required pursuant to this section.

~~[Sec. 2.]~~ ***Sec. 4.*** 1. This section becomes effective upon passage and approval.

2. ~~[Section 1]~~ **Sections 1, 2 and 3** of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 388.

AN ACT relating to education; ~~[requiring the Department of Education to develop, update and publish a list of high-impact tutoring programs that meet certain criteria to be considered an evidence-based high-impact tutoring program; requiring]~~ **authorizing** the ~~[Department]~~ **State Board of Education** to adopt regulations establishing ~~[such]~~ criteria ~~[;]~~ **that a vendor that provides a high-impact tutoring program must satisfy to contract with the board of trustees of a school district or the governing body of a charter school to provide such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[requires the Department of Education to develop, update and publish a list of high-impact tutoring programs that are available to provide academic assistance to pupils in this State to supplement instruction in core academic subjects and that meet the criteria established by the Department to be considered an evidence-based high-impact tutoring program. This bill further requires]~~ **authorizes** the ~~[Department]~~ **State Board of Education** to adopt regulations establishing the criteria that a **vendor that provides a** high-impact tutoring program is required to satisfy to ~~[be included on the list, including, without limitation,]~~ **contract with the board of trustees of a school district or the governing body of a charter school to provide such a program. The regulations must establish the** criteria concerning: (1) the frequency of interactions between a pupil and a tutor; (2) the standards used by the program to determine which pupils will be selected to receive tutoring under the program; (3) the methods of tutoring under the program; (4) the requirements for a person to be a tutor, including, without limitation, training requirements; (5) the instructional materials used by the program; (6) the collection and reporting of required data concerning the academic progress of a pupil receiving tutoring under the program; and (7) the security and privacy of data concerning pupils who are provided tutoring under the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ The ~~[Department shall develop and, as necessary or appropriate, update a list of high-impact tutoring programs that are available to provide academic assistance to pupils in this State to supplement instruction in core

~~*academic subjects and that meet the criteria established by the Department pursuant to subsection 2 to be considered an evidence-based high-impact tutoring program. The Department shall publish the list developed and updated pursuant to this subsection on an Internet website maintained by the Department.*~~

~~*2. The Department shall*~~ *State Board may adopt regulations establishing the criteria that a vendor that provides a high-impact tutoring program must satisfy to* ~~*be included on the list of high-impact tutoring programs developed or updated pursuant to subsection 1.*~~ *contract with the board of trustees of a school district or the governing body of a charter school to provide such a program. The regulations adopted pursuant to this subsection must establish criteria concerning:*

~~*(a)*~~ *1. The frequency of interactions between a pupil and a tutor, including, without limitation, a requirement that a pupil receive three tutoring sessions during each week that the pupil receives tutoring under the program and that each tutoring session is at least 30 minutes and the minimum number of weeks for which a pupil must receive tutoring under the program.*

~~*(b)*~~ *2. The standards used by the program to determine which pupils will be selected to receive tutoring under the program.*

~~*(c)*~~ *3. The methods of tutoring under the program, including, without limitation, a maximum pupil-tutor ratio of four pupils per tutor, a requirement that the pupil receive tutoring from not more than two different tutors, a requirement to use assessments administered at prescribed intervals and other measures of progress to guide and customize the tutoring provided to a pupil, and the provision of tutoring to a pupil during the school day.*

~~*(d)*~~ *4. The qualifications of a person to serve as a tutor under the program, including, without limitation, the training necessary for a person to serve as a tutor.*

~~*(e)*~~ *5. The instructional materials used by the program, which must be accessible, rigorous, research-based and aligned with any appropriate curricula in the school in which the pupil is enrolled.*

~~*(f)*~~ *6. The data required to be collected by the program to monitor the academic progress of pupils who are provided tutoring under the program and a requirement to report the academic progress of each pupil to:*

~~*(1)*~~ *(a) Administrators and teachers at the school in which the pupil is enrolled; and*

~~*(2)*~~ *(b) The parent or legal guardian of the pupil.*

~~*(g)*~~ *7. The methods used by the program to ensure the security and privacy of data concerning pupils who are provided tutoring under the program, which must be consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.*

Sec. 2. ~~1.~~ This ~~section becomes effective upon passage and approval. 2. Section 1 of this~~ act becomes effective ~~:~~

~~— (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~— (b) On~~ **on** July 1, ~~[~~2026, for all other purposes.~~]~~ **2025.**

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 427.

~~[~~ASSEMBLYMEMBER~~]~~ **ASSEMBLYMEMBERS** GOULDING **; AND HUNT**

AN ACT relating to education; ~~[~~requiring the State Board of Education to approve at least two~~]~~ **revising provisions governing the** assessments which may be used to assess the literacy of pupils enrolled in an elementary school; **authorizing the Department of Education to prescribe requirements relating to the collection and reporting of the results of such assessments; authorizing the Department to prescribe the assessments used to assess literacy under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include procedures to assess the proficiency of a pupil in reading during each grade level of elementary school, as is determined to be necessary, by using assessments that have been approved by the State Board of Education by regulation. (NRS 388.157) This bill ~~[~~requires the State Board to approve by regulation at least two assessments which the board of trustees of a school district or the governing body of a charter school may administer to pupils to assess proficiency in reading.~~]~~ **removes the requirement that such assessments be approved by the State Board by regulation, thereby allowing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. This bill also authorizes the Department of Education to: (1) adopt regulations prescribing how the results of any assessment used by a school district or charter school to assess proficiency in reading are collected and reported; and (2) prescribe the assessments which must be used in a school district or charter school if no assessment is included in the plan.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments ~~[that have been approved by the State Board by regulation]~~ during each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. ~~*[The State Board shall approve by regulation at least two valid and reliable standards-based assessments that the board of trustees of a school district or the governing body of a charter school may choose from to assess a pupil's proficiency in the subject area of reading.*~~

~~*3.]*~~ The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. ~~*[4.]*~~ The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

(b) May adopt regulations prescribing the manner by which the board of trustees of each school district and the governing body of a charter school are required to collect and report the results of any assessment used by the school district or charter school, as applicable, to assess a pupil's proficiency in the subject area of reading.

(c) May prescribe valid and reliable standards-based assessments that must be used in a school district or charter school to assess a pupil's

proficiency in the subject area of reading if the board of trustees of the school district or the governing body of the charter school, as applicable, fails to include such an assessment in the plan submitted pursuant to subsection 1.

Sec. 2. ~~[This act becomes effective on July 1, 2025.]~~ **(Deleted by amendment.)**

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 319.

SUMMARY— ~~[Authorizes]~~ **Creates a pilot program authorizing** the installation and use of automated traffic enforcement systems in temporary traffic control zones. (BDR 43-184)

AN ACT relating to public safety; **creating a pilot program** authorizing the Department of Transportation, a local authority and a regional transportation commission to allow the installation and use of an automated traffic enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; **requiring the Department to annually compile and submit certain information to the Director of the Legislative Counsel Bureau;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless the equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) **Sections** ~~[2 and 3]~~ **2.1-2.7** of this bill ~~[create]~~ **provide** an exception to this prohibition ~~[,]~~ **and create a pilot program** authorizing the Department of Transportation, a local authority and a regional transportation commission to allow for the installation and use of an automated traffic enforcement system to enforce ~~[provisions of law governing the]~~ **certain** speed limits in temporary traffic control zones under certain circumstances. **Section 2.2 sets forth the**

conditions for the installation and use of an automated traffic enforcement system and requires an entity which installs such a system to, among other things, carry out a public information campaign before commencing any enforcement.

Section ~~[2]~~ 2.3 requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automated traffic enforcement system before a **civil infraction** citation is issued. **Section ~~[2]~~ 2.3** also establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. ~~[Section 2]~~ **Finally, section 2.3** creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption. ~~[Finally, section 2]~~

Section 2.4 establishes requirements for the storage and transmission of any photograph, recorded image or data created by an automated traffic enforcement system. Section 2.4 also prohibits any entity who manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State from contracting to receive payment on the basis of the number of citations issued.

Section 2.6 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation but is punishable by a civil penalty ~~[,]~~ **not to exceed $200. Section 2.6 also requires that any funds collected from such civil infractions in excess of the cost and maintenance of the automated traffic enforcement systems be apportioned by the board of county highway commissioners for certain expenses.**

Section 2.7 requires the Department, a local authority and a regional transportation commission who authorize the installation and use of an automated traffic enforcement system to annually compile certain information and report it to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Sections 1, 4 and 5 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system. **Section 5 of this bill also extends the time to respond to such a citation to 120 days.**

Existing law provides that before a hearing to contest the determination that a person has committed a civil infraction, the person is required to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. (NRS 484A.7041) Section 6 of this bill limits the amount of a bond for a civil infraction citation issued for a violation

described in section 2.2 to an amount not to exceed $100. Section 8 of this bill provides that the pilot program expires by limitation on June 30, 2029.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~[a]~~ ***:***

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 ~~[.]~~ ***; or***

(b) A civil infraction citation issued pursuant to NRS 484A.7035 for a violation ~~[detected by an automated traffic enforcement system, pursuant to]~~ described in section ~~[2]~~ 2.2 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. Chapter 484A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2.1 to 2.7, inclusive, of this act.**

Sec. 2.1. As used in sections 2.1 to 2.7, inclusive, of this act, unless the context otherwise requires, "automated traffic enforcement system" means a manned or unmanned stationary electronic or digital system which creates a photograph or other recorded image of a vehicle and vehicle license plate which is used as evidence of a violation of a traffic law by the driver of the

vehicle. Such a photograph or other recorded image must not reveal the face of the driver or any other passenger in the vehicle.

Sec. 2.2. 1. The Department of Transportation, a local authority and a regional transportation commission as defined in NRS 482.1825 may , except as otherwise provided in subsection 3, authorize the installation and use of an automated traffic enforcement system to enforce any rate of speed which is 10 miles per hour or more over the posted speed limit:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present.

2. An automated traffic enforcement system must be accompanied by warning signs installed at the entry point of the temporary traffic control zone. The Department shall adopt regulations setting forth standards for such warning signs, including, without limitation:

(a) A statement that an automated traffic enforcement system is in use;

(b) A statement of the speed limit; and

(c) A display which alerts drivers of their current speed.

3. Before commencing any enforcement, including the issuance of a civil infraction citation pursuant to NRS 484A.7035 for a violation described in this section, the Department, a local authority or a regional transportation commission as defined in NRS 482.1825 that installs an automated traffic enforcement system shall establish and carry out a public information campaign to:

(a) Raise public awareness of the proposed use of an automated traffic enforcement system not less than 30 days before commencing any enforcement; and

(b) Inform the public of the date upon which enforcement will begin.

Sec. 2.3. 1. Before a civil infraction citation is issued pursuant to NRS 484A.7035 for a violation described in ~~[subsection 1,]~~ section 2.2 of this act, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.

~~[3. 4]~~

2. If after reviewing the evidence described in subsection 1, the peace officer determines that a violation described in section 2.2 of this act occurred, the peace officer shall cause a civil infraction citation to be issued pursuant to NRS 484A.7035 . ~~[for a violation described in subsection 1]~~ The citation must be sent by the traffic enforcement agency described in subsection 1 or its designee by first class mail to the address listed with the Department of ~~[Transportation]~~ Motor Vehicles for the registered owner of the vehicle identified by the automated traffic enforcement system.

3. A manual or automated record prepared by a traffic enforcement agency described in subsection 1 or its designee in the ordinary course of

business shall be prima facie evidence of mailing and service, and is admissible in any hearing as to the facts contained in the civil infraction citation.

4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in ~~[subsection 1]~~ section 2.2 of this act must include:

(a) The date and time of the violation;

(b) An image taken by the automated traffic enforcement system showing the vehicle and vehicle license plate involved in the violation or the address of the Internet website on which such an image may be viewed; and

(c) A statement summarizing the provisions of subsection 5.

5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation described in ~~[subsection 1]~~ section 2.2 of this act was detected by an automated traffic enforcement system. Such an inference may be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or

(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

Sec. 2.4. 1. Any photograph, recorded image or data created by an automated traffic enforcement system:

(a) Must only be stored and disseminated by the traffic enforcement agency that issued the civil infraction citation pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act; and

(b) May not be sold, transferred or otherwise transmitted by any other entity or organization except pursuant to a court order.

2. Any entity that manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State shall not contract to receive payment on the basis of the number of civil infraction citations issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act.

Sec. 2.5. ~~[6.]~~ The provisions of ~~[this section]~~ sections 2.1 to 2.7, inclusive, of this act do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.

Sec. 2.6. ~~***[7.]***~~ ***1. A violation described in*** ~~***[subsection 1]***~~ ***section 2.2 of this act for which a civil infraction citation is issued pursuant to NRS 484A.7035:***

(a) Is not a moving traffic violation under NRS 483.473; and

(b) Is punishable by a civil penalty pursuant to NRS 484A.7043 ~~***.***~~

~~8. As used in this section, "automated traffic enforcement system" means a stationary electronic or digital system which creates a photograph or other recorded image of a vehicle and vehicle license plate which is used as evidence of a violation of a traffic law by the driver of the vehicle. Such a photograph or other recorded image must not reveal the face of the driver or any other passenger in the vehicle.~~***]***, ***not to exceed $200.***

2. Any money collected as a civil penalty pursuant to subsection 1 must be accounted for separately in the county or city treasury or State General Fund, as applicable, must be credited to the traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system and must be used to defray the cost of installing and operating the automated traffic enforcement system, including, without limitation, the costs of administering the provisions of sections 2.1 to 2.7 of this act. Any remaining funds may be apportioned by the board of county highway commissioners to the road funds of the county, as applicable, to be expended as described in NRS 403.470.

Sec. 2.7. 1. Each local authority and regional transportation commission as defined in NRS 482.1825 that authorizes the installation and use of an automated traffic enforcement system pursuant to sections 2.1 to 2.7, inclusive, of this act, shall prepare and file a report annually with the Department of Transportation that includes, without limitation, the following information relating to the immediately preceding year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; and

(c) The frequency of repeat violations in temporary traffic control zones.

2. If the Department authorizes the installation and use of an automated traffic enforcement system pursuant to sections 2.1 to 2.7, inclusive, of this act, the Department shall prepare a report annually that includes, without limitation, the following information relating to the previous year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; and

(c) The frequency of repeat violations in temporary traffic control zones.

3. On or before October 1 of each year, the Department shall compile any reports prepared pursuant to subsections 1 and 2 and submit the compilation to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~[A]~~ ***Except as otherwise provided in ~~[section 2]~~ sections 2.1 to 2.7, inclusive, of this act, a*** governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 ~~[,]~~ ***or 484A.7035 for a violation described in section ~~[2]~~ 2.2 of this act,*** whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to ***:***

(a) Except as otherwise provided in paragraph (b), NRS 484A.7035 ~~***[,]***~~ or 484A.7049 ~~***[or section 2 of this act]***~~ shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ ***; or***

(b) NRS 484A.7035 for a violation described in section 2.2 of this act shall respond to the citation as provided in this section not later than 120 days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court

specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. **NRS 484A.7041 is hereby amended to read as follows:**

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the

determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. ***Any bond required to be posted for a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act must not exceed $100.*** In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 8. **This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2029.**

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 368.

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question of whether the Sales and Use Tax Act of 1955 should be amended to exempt from the taxes the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic under certain circumstances; providing for the same exemption from certain analogous taxes if the voters approve this amendment to the Sales and Use Tax Act of 1955; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The nonadministrative provisions of the Sales and Use Tax Act of 1955 (part of chapter 372 of NRS) were approved by the voters by a referendum and therefore may not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. (Nev. Const. Art. 19, § 1)

Sections 2-9 of this bill require the submission of a question to the voters at the 2026 General Election of whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic, if the amount of the allowance is **known and provided in full to the customer at the time of purchase and** stated on the sales receipt and the trade-in and purchase occur as part of a single, contemporaneous transaction. **Sections 10-13** of this bill

amend the Local School Support Tax Law (chapter 374 of NRS) to provide an identical exemption. These tax exemptions become effective on January 1, 2027, and expire by limitation on December 31, 2050, only if the voters approve the amendment to the Sales and Use Tax Act of 1955 at the General Election in 2026.

Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705, 374A.020, 376A.060, 377.040, 377A.030, 377B.110, 543.600 and various special and local acts) Therefore, if the voters approve the exemption proposed by this bill, from January 1, 2027, through December 31, 2050, the exemption will apply to all sales and use taxes currently contemplated under existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds that each exemption provided by this act from any excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. At the General Election on November 3, 2026, a proposal must be submitted to the registered voters of this State to amend the Sales and Use Tax Act, which was enacted by the 47th Session of the Legislature of the State of Nevada and approved by the Governor in 1955, and subsequently approved by the people of this State at the General Election held on November 6, 1956.

Sec. 3. At the time and in the manner provided by law, the Secretary of State shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 4. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

> Notice is hereby given that at the General Election on November 3, 2026, a question will appear on the ballot for the adoption or rejection by the registered voters of the State of the following proposed act:
>
> AN ACT to amend an act entitled "An act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for

violation, and other matters properly relating thereto." approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above entitled Act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 18.3, immediately following section 18.2, to read as follows:

Sec. 18.3 "Portable electronic" means an electronic device that is portable in nature and its accessories.

Sec. 2. Section 11 of the above-entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, and amended by chapter 400, Statutes of Nevada 2003, at page 2397, and amended by chapter 484, Statutes of Nevada 2005, at page 2493, is hereby amended to read as follows:

Sec. 11. 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used portable electronic which is taken in trade on the purchase of another portable electronic if:

(1) The amount of the allowance is known and provided in full to the customer at the time of the purchase;

(2) The amount of the allowance is stated separately on the sales receipt; and

~~(2)~~ (3) The trade-in of the used portable electronic and the purchase of another portable electronic occur as part of a single, contemporaneous transaction.

Sec. 3. Section 12 of the above entitled Act, being chapter 397, Statutes of Nevada 1955, at page 764, and amended by chapter 400, Statutes of Nevada 2003, at page 2398, and amended by chapter 484, Statutes of Nevada 2005, at page 2494, is hereby amended to read as follows:

Sec. 12. 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Tax Commission may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his vendor for tax which the vendor is required to pay to the State or has paid the use tax with respect to the property, and has resold the property before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used portable electronic which is taken in trade on the purchase of another portable electronic if:

(1) The amount of the allowance is known and provided in full to the customer at the time of the purchase;

(2) The amount of the allowance is stated separately on the sales receipt; and

~~(2)~~ (3) The trade-in of the used portable electronic and the purchase of another portable electronic occur as part of a single, contemporaneous transaction.

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Tax Commission that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 4. This act becomes effective on January 1, 2027, and expires by limitation on December 31, 2050.

Sec. 5. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic?

Yes ☐ No ☐

Sec. 6. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this Act on the gross receipts from the sale and the storage, use or other consumption of tangible personal property, the amount of any allowance against the selling price given by a retailer for the value of a used portable electronic taken in trade on the purchase of another portable electronic if the amount of the allowance is **known and provided in full to the customer at the time**

of purchase and stated on the sales receipt and the trade-in and purchase occur as part of a single, contemporaneous transaction. If this proposal is adopted, the Legislature has provided that the Local School Support Tax Law and certain analogous taxes on retail sales will be amended to provide the same exemption.

Sec. 7. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 2027, and expires by limitation on December 31, 2050. If less than a majority of votes cast on the question is yes, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 8. All general election laws not inconsistent with this act are applicable.

Sec. 9. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the Office of the Secretary of State whether the proposed amendment was adopted by a majority of those registered voters.

Sec. 10. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

"Portable electronic" means an electronic device that is portable in nature and its accessories.

Sec. 11. NRS 374.020 is hereby amended to read as follows:

374.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 374.025 to 374.108, inclusive, ***and section 10 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 374.030 is hereby amended to read as follows:

374.030 1. "Gross receipts" means the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the Department may prescribe, a deduction may be taken if the retailer has purchased property for some other purpose than resale, has reimbursed his or her vendor for tax which the vendor is required to pay to the county or has paid the use tax with respect to the property, and has resold the property before making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his or her vendor with respect to the sale of the property.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

(c) The cost of transportation of the property before its sale to the purchaser.

2. The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sale price of property returned by customers when the full sale price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The price received for labor or services used in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle which is taken in trade on the purchase of another vehicle.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used portable electronic which is taken in trade on the purchase of another portable electronic if:

(1) The amount of the allowance is known and provided in full to the customer at the time of the purchase;

(2) The amount of the allowance is stated separately on the sales receipt; and

~~(2)~~ (3) The trade-in of the used portable electronic and the purchase of another portable electronic occur as part of a single, contemporaneous transaction.

4. For purposes of the sales tax, if the retailers establish to the satisfaction of the Department that the sales tax has been added to the total amount of the sale price and has not been absorbed by them, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 13. NRS 374.070 is hereby amended to read as follows:

374.070 1. "Sales price" means the total amount for which tangible property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of the materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property before its purchase.

2. The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded in cash or credit, except that this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by the State of Nevada upon or with respect to the storage, use or other consumption of tangible personal property purchased from any retailer.

(f) The amount of any allowance against the selling price given by a retailer for the value of a used vehicle or vessel which is taken in trade on the purchase of another vehicle or vessel.

(g) The amount of any allowance against the selling price given by a retailer for the value of a used portable electronic which is taken in trade on the purchase of another portable electronic if:

(1) The amount of the allowance is known and provided in full to the customer at the time of the purchase;

(2) The amount of the allowance is stated separately on the sales receipt; and

~~[(2)]~~ (3) The trade-in of the used portable electronic and the purchase of another portable electronic occur as part of a single, contemporaneous transaction.

Sec. 14. 1. This section and sections 1 to 9, inclusive, of this act become effective on October 1, 2025.

2. Sections 10 to 13, inclusive, of this act become effective on January 1, 2027, and expire by limitation on December 31, 2050, only if the proposal submitted pursuant to sections 2 to 9, inclusive, of this act is approved by the voters at the General Election on November 3, 2026.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 389.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to health; ~~[requiring a public school to provide certain information relating to mental health to pupils;]~~ prohibiting certain uses of artificial intelligence in public schools; ~~[requiring that a pupil be allowed credit or promotion to the next higher grade despite absences from school in certain circumstances; deeming certain absences from school to be approved absences;]~~ imposing certain restrictions relating to the marketing and programming of artificial intelligence systems; prohibiting certain persons from representing themselves as qualified to provide mental or behavioral health care; imposing certain restrictions relating to the use of artificial intelligence by providers of mental or behavioral health care; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the board of trustees of a school district or governing body of a charter school to ensure that information relating to mental health resources appears on the back of any identification card issued to a pupil at a school within the school district or the charter school. (NRS 388.1335) Section 1 of this bill requires each public school to publish on an Internet website maintained by the school and to provide at the school information relating to mental health and certain resources for caring for the mental health of pupils. Section 1 also requires each public school to conduct a live assembly at least once every 3 months during the school year for the pupils of the school to provide education and information relating to mental health.]~~

Existing law prescribes the authority and duties of a school counselor, school psychologist and school social worker. (NRS 391.293, 391.294, 391.296) **Section 2** of this bill prohibits a public school from using artificial intelligence to perform the functions and duties of a school counselor, school psychologist or school social worker which relate to the mental health of pupils.

~~[Existing law, in general, requires a child between 6 and 18 years of age to attend public school. (NRS 392.040) Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance for the pupil to obtain credit or be promoted to the next higher grade. (NRS 392.122) Existing law excuses a child from those attendance requirements when satisfactory written evidence, including a certificate from certain providers of health care, is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition or behavioral health is such as to prevent or render inadvisable the child's attendance at school or his or her application to study. (NRS 392.050) Section 3 of this bill additionally excuses a child from attendance for the dates immediately preceding and immediately following any date or dates to which a certificate from a provider of health care applies.~~

~~Existing law deems as a truant a pupil who is absent from school without the approval of a teacher or principal of the school, unless the pupil is absent: (1) because the pupil is physically or mentally unable to attend school; or (2) for the observance of a religious holiday. (NRS 391.130) A day on which a pupil is absent for those reasons must be: (1) deemed as approved, with certain~~

~~exceptions; and (2) credited towards the minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade, if the pupil has completed course-work requirements. (NRS 392.122, 392.130) Section 6 of this bill provides that a pupil is not a truant if the pupil is absent from school: (1) for the bereavement of the death of an immediate family member; (2) because the pupil is experiencing distress relating to bullying; or (3) for certain other mental or behavioral health reasons. Section 6 requires the parent or legal guardian or other person having control or charge of a pupil who is absent from school for those reasons to notify the teacher or principal of the school within 3 days after the absence. Section 6 then deems those absences as approved, except that only a certain amount of absences for each reason may be approved within 1 school year. Section 5 of this bill requires those days on which the pupil was absent under those circumstances to be credited towards the minimum number of days that the pupil must be in attendance to obtain credit or be promoted to the next higher grade, if the pupil has completed course-work requirements. Section 4 of this bill provides that an absence that is approved under those circumstances is not considered an absence that a school is required to indicate on a report card issued to a pupil. Section 5 prohibits the denial of credit to a pupil or the promotion of a pupil to the next higher grade because the pupil did not attend school for the minimum number of days required if: (1) the pupil has earned at least a weighted 3.0 grade point average, on a 4.0 grading scale, for the school year; and (2) the absences, without which would otherwise allow the pupil to receive credit or be promoted to the next grade, were caused by or relate to bullying or physical, mental or behavioral health.]~~

Existing law: (1) regulates the practice and requires the licensure of certain mental health professionals, including psychiatrists, psychologists, marriage and family therapists, clinical professional counselors, registered nurses, social workers, alcohol and drug counselors and problem gambling counselors; and (2) prohibits unlicensed persons from engaging in the practices of those professions. (Chapters 630, 632, 633 and 641-641C of NRS) **Section 7** of this bill prohibits, with certain exceptions, an artificial intelligence provider from offering to users in this State an artificial intelligence system that is specifically programmed to provide a user with a service or an experience that would constitute the practice of professional mental or behavioral health care if provided by a natural person. **Section 7** also prohibits, with certain exceptions, an artificial intelligence provider or a natural person who is not licensed to practice professional mental or behavioral health care from making certain representations that would lead a person to believe that the provider, the artificial intelligence system operated by the provider or the natural person is capable of or qualified to provide mental or behavioral health care. **Section 8** of this bill imposes certain restrictions and prohibitions on the use of an artificial intelligence system by a licensed provider of mental and behavioral health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 388.1335 is hereby amended to read as follows:~~

~~388.1335 1. *Each public school, including, without limitation, a charter school or university school for profoundly gifted pupils, shall publish on an Internet website maintained by the school and provide in a conspicuous and accessible location at the school information relating to mental health, including, without limitation:*~~

~~*(a) Information about any counseling or other mental health services that are available to pupils at the school, including, without limitation, services provided by the school and services available in the community where the school is located; and*~~

~~*(b) Information relating to resources and services for crisis intervention, including, without limitation, information about the hotline described in NRS 433.704 for persons who are considering suicide or otherwise in a behavioral health crisis.*~~

~~*2. Each public school, including, without limitation, a charter school or university school for profoundly gifted pupils, shall, at least once every 3 months during the school year, conduct a live assembly for pupils enrolled in the school in order to provide those pupils with education and information relating to:*~~

~~*(a) Mental health in general;*~~

~~*(b) Services and self-help techniques that a pupil may seek out or utilize for the purpose of improving his or her mental health; and*~~

~~*(c) Resources that are available to support pupils who may be impacted by or experiencing mental or behavioral health issues.*~~

~~*3. A school may invite an organization or other person specializing in children's mental health to participate in an assembly conducted pursuant to subsection 2 or to conduct such an assembly.*~~

~~*4.* The board of trustees of a school district or the governing body of a charter school shall ensure that information relating to mental health resources, including, without limitation, the number 9-8-8 which may be dialed to access the hotline described in NRS 433.704 for persons who are considering suicide or otherwise in a behavioral health crisis, or any successor number for a hotline established pursuant to the National Suicide Prevention Lifeline program, appears on the back of any identification card issued to a pupil at a school within the school district or the charter school.~~

~~[2.] *5.* As used in this section, "National Suicide Prevention Lifeline program" has the meaning ascribed to it in NRS 433.702.]~~ **(Deleted by amendment.)**

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public school, including, without limitation, a charter school or university school for profoundly gifted pupils, shall not use artificial

intelligence to perform the functions and duties of a school counselor, school psychologist or school social worker as prescribed in NRS 391.293, 391.294 and 391.296, respectively, which relate to the mental health of pupils.

2. The provisions of subsection 1 do not prohibit a school counselor, school psychologist, school social worker or other educational personnel from using artificial intelligence to perform tasks for administrative support, which may include, without limitation:

(a) Scheduling;

(b) Managing records;

(c) Analyzing data for operational purposes; and

(d) Organizing, tracking and managing files or notes pertaining to a pupil.

3. As used in this section, "artificial intelligence" means a system of machine-based technology that can simulate human intelligence through one or more technological means, including, without limitation, utilizing or deploying:

(a) Systems for machine learning;

(b) Large language models; or

(c) Systems for natural language processing.

Sec. 3. ~~[NRS 392.050 is hereby amended to read as follows:~~

~~392.050 1. A child must be excused from attendance required by the provisions of NRS 392.040 when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child's physical or mental condition or behavioral health is such as to prevent or render inadvisable the child's attendance at school or his or her application to study.~~ ~~*A child must also be excused from attendance required by the provisions of NRS 392.040 for the dates immediately preceding and immediately following any date or dates to which a certificate filed pursuant to subsection 2 applies.*~~

~~2. A certificate in writing from any qualified physician, mental health professional or behavioral health professional acting within his or her authorized scope of practice, filed with the board of trustees immediately after its receipt, stating that the child is not able to attend school or that the child's attendance is inadvisable must be taken as satisfactory evidence by the board of trustees.~~

~~3. A board of trustees of a school district which has excused from attendance pursuant to subsection 1 a child who, pursuant to NRS 388.417, qualifies as a pupil with a disability, shall make available to the child a free appropriate public education in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.), as that act existed on July 1, 1995.~~

~~4. If a pupil is excused from attendance pursuant to subsection 1, the excusal must not negatively affect the rating of a public school as determined by the Department pursuant to the statewide system of accountability for public schools.~~~~]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 392.118 is hereby amended to read as follows:~~

~~392.118 1. The board of trustees of each school district shall adopt rules that require each public school in the district to include the accounting of attendance and, if feasible, tardiness of a pupil on each report card or other report of progress of the pupil. The report card or other report of progress must indicate the number of absences, if any, for the period covered by the report card or other report of progress.~~

~~2. An absence [for the observance of a religious holiday] which is approved pursuant to [subsection 6 of] NRS 392.130 must not be counted as an absence for the purposes of this section.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 392.122 is hereby amended to read as follows:~~

~~392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory enrollment and attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing:~~

~~(a) A minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.~~

~~(b) The circumstances under which a pupil will be considered chronically absent by the Department.~~

~~2. Before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the parent or legal guardian may present the principal or the principal's designee with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.~~

~~3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 2 to the board of trustees of the school district in which the pupil is enrolled.~~

~~*4. A pupil must not be denied credit or promotion to the next higher grade for the failure to comply with the attendance requirements prescribed pursuant to subsection 1 if:*~~

~~*(a) The pupil has earned at least a weighted 3.0 grade point average, on a 4.0 grading scale, or the equivalent of a weighted 3.0 grade point average on a grading scale approved by the Superintendent of Public Instruction if a different grading scale is used, for the school year during which the pupil failed to comply with the attendance requirements prescribed pursuant to subsection 1;*~~

~~*(b) The pupil or the legal guardian or other person having control or charge of the pupil represents that one or more of the absences of the pupil were caused by or related to:*~~

~~*(1) Distress caused by bullying at school;*~~

~~*(2) The mental or behavioral health of the pupil; or*~~

~~*(3) A physical or mental condition of the pupil; and*~~

~~*(c) The number of days that the pupil was absent from school, excluding the number of absences described in paragraph (b), are insufficient to deny the pupil credit or promotion to the next higher grade for the failure to comply with the attendance requirements prescribed pursuant to subsection 1.*~~

~~*5.* For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for ~~[~~the observance of a religious holiday~~]~~ *a reason described in subsections 6 to 9, inclusive, of NRS 392.130* must be credited towards the required days of attendance if the absence was approved pursuant to ~~[~~subsection 6 of~~]~~ NRS 392.130 and the pupil has completed course work requirements.~~

~~[5.] *6.* A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the enrollment, attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.~~]~~ **(Deleted by amendment.)**

Sec. 6. ~~[~~NRS 392.130 is hereby amended to read as follows:~~

~~392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is ~~[~~physically or mentally unable to attend school or is absent from school for the observance of a religious holiday.~~]~~ *absent for the reasons described in subsections 5 to 9, inclusive, and the absence is deemed an excused or approved absence.*~~

~~2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal may give his or her written approval for the pupil to be absent if an emergency exists, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of~~

~~grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection [in] :~~

~~*(a) In* excess of 10 percent of the number of school days in the school year [.] *; or*~~

~~*(b) If the absences are for reasons set forth in subsections 6 to 9, inclusive, and would exceed the number of approved absences authorized by those subsections.*~~

~~3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.~~

~~4. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.~~

~~5. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.~~

~~6. If a pupil will be absent from school for the observance of a religious holiday, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school in writing, in accordance with the policy established by the board of trustees of the school district, at least 3 days before the pupil will be absent from school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection.~~

~~*7. If a pupil is absent from school for the bereavement of a death of a family member who is within the first degree of consanguinity or affinity of the pupil, the parent, legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection. The teacher or principal of the school may require the parent, legal guardian or other person having control or charge of the pupil to provide with the notice described in this subsection documentation which evidences the death of the family member. Such documentation may include, without limitation, an obituary, funeral program or death certificate.*~~

~~*8. If a pupil is unable to attend school because the pupil is experiencing distress due to bullying at school that has occurred within the 30 days immediately preceding the absence and the pupil has reported the bullying to the teacher or principal of the school, the parent or legal guardian or other*~~

~~*person having control or charge of the pupil shall notify the teacher or principal of the school in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 5 absences within 1 school year may be approved pursuant to this subsection.*~~

~~*9. If a pupil is absent from school because the pupil is obtaining treatment or otherwise requires relief for a reason related to his or her mental or behavioral health, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school. An absence for which notice is provided in accordance with this subsection shall be deemed an approved absence, except that not more than 3 absences within 1 school year may be approved pursuant to this subsection.*~~

~~*10.* An absence which has not been approved pursuant to this section shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written or electronic notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written or electronic notice must be delivered to the parent, legal guardian or other person who has control of the child. The written or electronic notice must inform the parents or legal guardian of such absences in a form specified by the Department.~~

~~[8.]~~ ***11.*** ~~All approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.~~

~~[9.]~~ ***12.*** ~~The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:~~

~~(a) Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand, the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and~~

~~(b) Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.~~

~~[10.]~~ ***13.*** ~~The provisions of this section apply to all pupils who are required to enroll in and attend school pursuant to NRS 392.040.~~

~~[11.]~~ ***14.*** ~~For the purposes of collecting the information required pursuant to NRS 385A.240 on the attendance, truancy and transiency of pupils for the annual report of accountability prepared pursuant to NRS 385A.070, an absence that is approved pursuant to subsection 6 shall not be deemed an absence.~~

~~[12.] *15.* As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.]~~ **(Deleted by amendment.)**

Sec. 7. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An artificial intelligence provider shall not make any representation or statement or knowingly cause or program an artificial intelligence system made available for use by a person in this State to make any representation or statement that explicitly or implicitly indicates that:

(a) The artificial intelligence system is capable of providing professional mental or behavioral health care;

(b) A user of the artificial intelligence system may interact with any feature of the artificial intelligence system which simulates human conversation in order to obtain professional mental or behavioral health care; or

(c) The artificial intelligence system, or any component, feature, avatar or embodiment of the artificial intelligence system is a provider of mental or behavioral health care, a therapist, a clinical therapist, a counselor, a psychiatrist, a doctor or any other term commonly used to refer to a provider of professional mental health or behavioral health care.

2. An artificial intelligence provider shall not make available for use by a person in this State an artificial intelligence system that is specifically programmed to provide a service or experience to a user that would constitute the practice of professional mental or behavioral health care if provided by a natural person.

3. A natural person shall not represent himself or herself as being qualified to provide professional mental or behavioral health care, including, without limitation, by using the title of "therapist," "psychotherapist" or "counselor," or any similar title, if the person does not possess a valid credential issued by a governmental entity that authorizes the person to practice professional mental or behavioral health care in this State.

4. The Division:

(a) May investigate potential violations of this section.

(b) May bring an action to recover a civil penalty pursuant to subsection 5.

(c) Shall deposit any money received from a civil penalty into the State General Fund.

(d) Shall develop and disseminate to the public educational materials which contain:

(1) Information describing how a person may obtain professional mental or behavioral health care from a licensed or certified provider of professional mental or behavioral health care.

(2) Information about free or low-cost services or options that are available to persons in this State who are experiencing a mental or behavioral health crisis.

(3) Recommended best practices relating to the use or potential use of artificial intelligence by a person who is seeking care or relief from a mental or behavioral health condition, or who is experiencing a mental or behavioral health event, which may include, without limitation, recommendations concerning the circumstances under which such a person should seek the assistance or care of a provider of professional mental or behavioral health care.

5. A person who violates any provision of subsection 1, 2 or 3 is subject to a civil penalty not to exceed $15,000 per violation.

6. This section shall not be construed to prohibit:

(a) The provision of faith-based counseling services, specifically designated as such, by a member of the clergy who does not hold a valid credential to practice professional mental or behavioral health care.

(b) Any advertisement, statement or representation for or relating to materials, literature and other products which are meant to provide advice and guidance for self-help relating to mental or behavioral health, if the material, literature or product does not purport to offer or provide professional mental or behavioral health care.

(c) Offering or operating an artificial intelligence system that is designed to be used by a provider of professional mental or behavioral health care to perform tasks for administrative support in conformity with subsection 2 of section 8 of this act.

7. As used in this section:

(a) "Artificial intelligence provider" means a person who owns, operates or controls an artificial intelligence system.

(b) "Artificial intelligence system" means a system of machine-based technology that can simulate human intelligence through one or more technological means, including, without limitation, by utilizing or deploying:

(1) Systems for machine learning;

(2) Large language models; or

(3) Systems for natural language processing.

(c) "Professional mental or behavioral health care":

(1) Means mental or behavioral health care or services relating to the diagnosis, treatment or prevention of mental illnesses or emotional or behavioral disorders which are typically provided by a provider of mental or behavioral health care within his or her authorized scope of practice.

(2) Includes, without limitation, the practice of:

(I) Psychology, as defined in NRS 641.025.

(II) Clinical professional counseling, as defined in NRS 641A.065.

(III) Marriage and family therapy, as defined in NRS 641A.080.

(IV) Social work and clinical social work, as defined in NRS 641B.030.

(V) Counseling persons with alcohol and other substance use disorders and counseling persons with an addictive disorder related to gambling, as defined in NRS 641C.100 and 641C.105, respectively.

(VI) Psychiatry.

Sec. 8. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by subsection 2, a provider of mental and behavioral health care shall not use an artificial intelligence system in connection with providing professional mental and behavioral health care directly to a patient.

2. A provider of mental and behavioral health care may use an artificial intelligence system to assist the provider with performing tasks for administrative support, which may include, without limitation:

(a) Scheduling appointments;

(b) Managing records;

(c) Billing patients and managing records relating to billing;

(d) Analyzing data for operational purposes; and

(e) Organizing, tracking and managing files or notes relating to an individual session with a patient.

3. If a provider of mental and behavioral health care uses an artificial intelligence system for any purpose authorized in subsection 2, the provider shall ensure that such use complies with all applicable federal and state laws governing patient privacy and the security of electronic health records, health-related information and other related data, including, without limitation:

(a) The Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq.;

(b) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended; and

(c) The provisions of NRS 439.581 to 439.597, inclusive.

4. A provider of mental and behavioral health care shall independently review the accuracy of any report, data or other information compiled, summarized, analyzed or generated by an artificial intelligence system for a purpose described in subsection 2.

5. A provider of mental and behavioral health care who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed or certified.

6. As used in this section:

(a) "Artificial intelligence system" means a system of machine-based technology that can simulate human intelligence through one or more technological means, including, without limitation, by utilizing or deploying:

(1) Systems for machine learning;

(2) Large language models; or

(3) Systems for natural language processing.

(b) "Professional mental and behavioral health care" means psychotherapy, psychiatry, counseling, therapy or other care or services relating to the diagnosis, treatment or prevention of mental illnesses or

emotional or behavioral disorders which are provided by a provider of mental and behavioral health care within his or her authorized scope of practice.

(c) "Provider of mental and behavioral health care" means:

(1) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(2) A psychologist licensed to practice in this State pursuant to chapter 641 of NRS;

(3) A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;

(4) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;

(5) A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS;

(6) An alcohol and drug counselor or problem gambling counselor who is licensed or certified pursuant to chapter 641C of NRS; and

(7) A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (6), inclusive.

Sec. 9. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 412.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 293.

SUMMARY—~~[Creates a program to provide grants of money to school districts for the purpose of facilitating]~~ **Revises provisions relating to** emergency response ~~[by providing school mapping data.]~~ **in schools.** (BDR ~~[43-1006)]~~ **36-1006)**

AN ACT relating to emergency response; creating the Account for the Nevada School Safety Data Grant Program within the ~~[Department of Public Safety]~~ **Division of Emergency Management of the Office of the Military** to award grants to ~~[school districts]~~ **law enforcement agencies** to procure

school mapping data for **public** schools in this State; prescribing certain requirements for the use of grants received from the Account; ~~[making an appropriation;]~~ **authorizing the installation of master key boxes at public and private schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) the board of trustees of each school district and the governing body of each charter school and private school to establish a development committee to develop a plan to be used by the schools in the district or the charter school or private school in responding to a crisis, emergency or suicide; and (2) such a development committee to annually review and, as appropriate, update the plan. (NRS 388.241, 388.245, 394.1685, 394.1688) **Existing law creates the Division of Emergency Management within the Office of the Military and requires the Chief of the Division to carry out the program for emergency management in this State. (NRS 414.040) Section 1** of this bill creates the Account for the Nevada School Safety Data Grant Program within the ~~[Department of Public Safety]~~ **Division** to award grants to ~~[school districts]~~ **law enforcement agencies** in this State to procure school mapping data for ~~[each]~~ public ~~[school and private school]~~ **schools** located in the county in which the ~~[school district]~~ **jurisdiction of the law enforcement agency** is located. **Section 1**: (1) authorizes a ~~[school district]~~ **law enforcement agency** to apply for grants from the Program; (2) requires any grant money awarded from the Program to be used for purposes of providing school mapping data ~~[, including, without limitation,]~~ **by** contracting with a vendor to provide school mapping data; (3) requires an entity that produces school mapping data to **meet certain requirements and to** provide the school mapping data to the school district and any public safety agency in the county in which the school district is located; (4) requires such school mapping data to comply with certain requirements; and (5) requires the ~~[Department]~~ **Division** to adopt regulations to carry out the provisions of the Program. ~~[Section 2 of this bill makes an appropriation of $2,500,000 to the Account for the purposes of making grants from the Account.]~~ **Sections 1 and 1.1 of this bill prohibit the disclosure of school mapping data produced using a grant from the Account except to employees of the school district, a public safety agency or the Division.**

Sections 1.3 and 1.7 of this bill authorize the board of trustees of a school district or the governing body of a charter school or private school to provide for the installation at the schools under the management of the board of trustees or the governing body of a secure, exterior master key box meeting certain requirements. Sections 1.3 and 1.7 require the board of trustees or the governing body to consult with public safety agencies to determine the location to install the master key box. Sections 1.5 and 1.9 of this bill make certain existing definitions relating to emergency responses in schools applicable to sections 1.3 and 1.7.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[480]~~ **414** of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account for the Nevada School Safety Data Grant Program is hereby created in the State General Fund. The ~~[Director]~~ Chief or a designee of the ~~[Director]~~ Chief shall administer the Account. The money in the Account must only be used for the purposes described in subsection 5 and is hereby authorized for expenditures as a continuing appropriation for those purposes.

2. The money in the Account that is provided from sources other than the State General Fund must remain in the Account and must not revert to the State General Fund at the end of any fiscal year. Money in the Account that is appropriated or allocated from the State General Fund must revert as provided in the legislation that authorizes the appropriation or the allocation.

~~[2.]~~ 3. The ~~[Director]~~ Chief or designee may apply for and accept any gift, donation, bequest, grant or other source of money for the use of the Account. All money received for the use of the Account pursuant to this subsection or from any other source must be deposited with the State Treasurer for credit to the Account.

~~[3.]~~ 4. A political subdivision may make a grant of money for credit to the Account. Such money must be used for the purposes described in subsection 5, but solely with respect to public schools located within the jurisdiction of the political subdivision.

5. A ~~[school district,]~~ law enforcement agency, in consultation with ~~[any public safety agency in]~~ the school district in the county in which the ~~[school district]~~ law enforcement agency is located, may apply to the ~~[Department]~~ Division for a grant of money from the Account. A ~~[school district]~~ law enforcement agency receiving a grant of money from the Account shall use the money to provide school mapping data for ~~[the]~~ public schools ~~[and private schools]~~ in the ~~[county in which the school district is located]~~ jurisdiction of the law enforcement agency for the purpose of facilitating an efficient and effective response to emergencies in those public schools by public safety agencies ~~[in the county, including, without limitation,]~~ by contracting with a vendor to provide such school mapping data.

~~[4.]~~ 6. The school mapping data provided pursuant to subsection ~~[3]~~ 5 must:

(a) Be compatible with software platforms used by any municipal, state or federal public safety agencies ~~[in the county in]~~ which are responsible for providing emergency services to schools in the school district ~~[is located]~~ without requiring a public safety agency to purchase additional software or pay a fee to access the data;

(b) ~~[Be compatible with security software platforms used by any school district or any public school or private school for which the school mapping data is provided without requiring the school district to purchase additional software or pay a fee to access the data;~~

~~(c)]~~ Be in a printable format in addition to an electronic or digital format that can be integrated into an interactive mobile platform in use by public safety agencies;

~~[(d)]~~ (c) Be verified for accuracy by the entity that produces the school mapping data by a walk-through of the buildings and grounds of the public school ; ~~[or private school;~~

~~(e)]~~ (d) Be oriented true north and overlaid with gridded x and y coordinates for reference, and ~~[z coordinates for]~~ capture z-axis elevation data ~~[;~~

~~(f)]~~ for each floor of the public school;

(e) Contain site-specific labeling that matches the structure of school buildings, including, without limitation, room labels, hallway names, external doors or stairwell numbers, locations of hazards, critical utility locations, key boxes, automated external defibrillators and trauma kits;

~~[(g)]~~ (f) Contain site-specific labeling that matches the school grounds, including, without limitation, parking areas, athletic fields, surrounding roads and neighboring properties; and

~~[(h)]~~ (g) Be provided to the school district and public safety agencies in the county in which the school district is located at no additional cost beyond the initial cost of production of the school mapping data.

~~[5.]~~ 7. A vendor that contracts with a law enforcement agency pursuant to this section must:

(a) Comply with Special Publications 800-45, 800-53, 800-61 and 800-171 published by the National Institute of Standards and Technology of the United States Department of Commerce.

(b) Ensure that all aspects of the process of creating school mapping data are developed and maintained within the geographic boundaries of the United States or any territory or possession subject to the jurisdiction of the United States.

8. School mapping data produced pursuant to this section:

(a) Shall be deemed the property of the school district.

(b) Is confidential and must not be disclosed to any person except to an employee of the school district, a public safety agency or the Division as necessary to enhance the efficiency and effectiveness of the response to emergencies at a public school.

9. The Chief may accept in-kind gifts or donations to assist law enforcement agencies in providing school mapping data for public schools.

10. The ~~[Department]~~ Division shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations to ensure compliance with the requirements for the use of money from grants received from the Account pursuant to this section.

~~[6.]~~ ***11.*** ***As used in this section:***

(a) ~~["Private school" has the meaning ascribed to it in NRS 394.103]~~ "Law enforcement agency" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

(b) "Public safety agency" has the meaning ascribed to it in NRS 388.2345.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

(d) "School mapping data" means structural data in a printable format in addition to an electronic or digital format of school buildings and grounds, including, without limitation, floor plans, aerial imagery and site-specific labels identifying rooms, hallways, stairwells and emergency resources to assist a public safety agency in responding to emergencies at a public or private school.

(e) "Software platforms" means the digital tools and systems used by a public safety agency to access, share and use school mapping data and related emergency information.

Sec. 1.1. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061,

332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470,

678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 1.3. **Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To permit emergency access by public safety agencies to the premises of a public school, the board of trustees of a school district or the governing body of a charter school may provide for the installation at public schools in the school district or the charter school, as applicable, of a secure, exterior master key box that meets the requirements of Underwriters Laboratories Inc. Standard 1037, "Antitheft Alarms and Devices."

2. If the board of trustees of a school district or the governing body of a charter school intends to provide for the installation of a master key box pursuant to this section, the board of trustees or the governing body shall consult with the public safety agencies responsible for providing emergency services to schools in the school district or the charter school, as applicable, to determine the location to install the master key box.

Sec. 1.5. **NRS 388.229 is hereby amended to read as follows:**

388.229 As used in NRS 388.229 to 388.266, inclusive, ***and section 1.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.2359, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.7. **Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To permit emergency access by public safety agencies to the premises of a private school, the governing body of a private school may provide for the installation at the private school of a secure, exterior master key box that meets the requirements of Underwriters Laboratories Inc. Standard 1037, "Antitheft Alarms and Devices."

2. If the governing body of a private school intends to provide for the installation of a master key box pursuant to this section, the governing body shall consult with the public safety agencies responsible for providing emergency services to the private school to determine the location to install the master key box.

Sec. 1.9. **NRS 394.168 is hereby amended to read as follows:**

394.168 As used in NRS 394.168 to 394.1699, inclusive, ***and section 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1684, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. ~~[1. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $2,500,000 to the Account for the~~

~~Nevada School Safety Data Grant Program created by section 1 of this act, for the purpose of making grants of money to school districts from the Account.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.~~] **(Deleted by amendment.)**

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 [~~and~~] **to** 2 **, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 93.

ASSEMBLYMEMBERS CARTER **,** [~~AND~~] GOULDING **; AND DICKMAN**

AN ACT relating to motor vehicles; revising provisions governing the disposition of certain vehicles abandoned on public or private property; revising [~~the value of a vehicle for which a~~] **provisions governing the issuance of** junk [~~certificate may be issued~~] **certificates** by the Department of Motor Vehicles; **revising provisions governing lists of operators of tow cars used by law enforcement agencies;** prohibiting the operator of a tow car from falsely reporting the location of the operator or tow car to a law enforcement agency for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes certain persons and law enforcement agencies to request the removal of a vehicle that has been abandoned on public or private property; and (2) requires the person who requests such a removal to inquire into whether the vehicle was stolen and the identity of the vehicle's owner. (NRS 487.230, 487.235) Existing law requires a person who removed an abandoned vehicle to notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked, dismantled or otherwise disposed of

unless the owner or the person having the security interest responds and pays the costs of removal. (NRS 487.250) Existing law additionally requires a tow operator to notify the registered and legal owner of a vehicle if the vehicle was towed and placed in storage at the request of someone other than the owner or the owner's authorized agent. (NRS 706.4479)

Existing law authorizes the Department of Motor Vehicles to issue a junk certificate to a tow operator or automobile wrecker for a vehicle that: (1) has been discarded or abandoned; (2) has been ruined, wrecked, dismantled or rendered inoperative; (3) is unfit for further use in accordance with the vehicle's original purpose; (4) is unregistered or is not reclaimed by the registered owner or person having a security interest in the vehicle within a certain period of time; and (5) has value principally as scrap which does not exceed $200. (NRS 487.260) **Section 4** of this bill increases the value of a vehicle for which a junk certificate may be issued to include a vehicle which has value principally as scrap which does not exceed $500. **Section 4 authorizes the Department to issue a junk certificate for a vehicle that is appraised as a junk vehicle by an automobile wrecker or tow operator in accordance with regulations prescribed by the Department.** **Sections 1 and 2** of this bill authorize certain persons, with respect to an abandoned, unregistered vehicle which appears likely to be appraised as a junk vehicle and for which the identity of the owner is not known or readily ascertainable, to affix to the vehicle a notice that if the abandoned vehicle is not removed from the public or private property within ~~[5]~~ **7** days, the vehicle is subject to being junked, dismantled or otherwise disposed of. **Sections 1 and 2 require the notice to include certain information, including that the owner of the vehicle may request an expedited hearing in the local justice court to contest the classification of the vehicle as an abandoned junk vehicle.** If ~~[this]~~ **the** notice is affixed to ~~[an]~~ **certain** unregistered ~~[vehicle]~~ **vehicles** which ~~[is]~~ **are** appraised as ~~[a]~~ junk ~~[vehicle,]~~ **vehicles, sections 1-5** of this bill excuse the person or law enforcement agency that authorized the removal of the vehicle and the tow operator who removed the vehicle from other provisions requiring such persons to make inquiries into the identity of the owner of the vehicle and provide the owner with certain notice regarding the removal of the vehicle. **Section 4** requires the person or law enforcement agency that authorized the removal of the vehicle to provide the contact information of the automobile wrecker or tow operator who removed the vehicle if contacted by the vehicle's owner. ~~[Section 4 authorizes an automobile wrecker or tow operator who receives a junk certificate for an abandoned vehicle to which such a notice has been affixed to dispose of the vehicle not earlier than 48 hours after the vehicle arrives and is registered at the place of storage.]~~

Existing law prohibits a law enforcement agency that maintains and uses a list of tow cars which are called by that agency to provide towing from including an operator of a tow car on that list unless the operator meets certain requirements. **Existing law prohibits the Nevada Highway Patrol from removing an operator of a tow car from the list used by the Nevada**

Highway Patrol solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. (NRS 706.4485)

Section 6 of this bill **: (1) expands the applicability of this prohibition to all law enforcement agencies; and (2)** prohibits an operator of a tow car from using any software, device or other means to falsely report the location of the operator or tow car to a law enforcement agency **or any agent of a law enforcement agency** for the purpose of securing a request from the law enforcement agency to provide towing services. **Section 6 requires a law enforcement agency to remove an operator of a tow car from the list used by the law enforcement agency for 1 year if the operator violates that prohibition.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 487.230 is hereby amended to read as follows:

487.230 1. Except as otherwise provided in NRS 487.235, any sheriff or designee of a sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or police officer of a city or town or his or her designee, a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125, or any other person charged with the enforcement of county or city ordinances who has reason to believe that a vehicle has been abandoned on public property in his or her jurisdiction may remove the vehicle from that property or cause the vehicle to be removed from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his or her property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. ~~[A]~~ ***Except as otherwise provided in NRS 487.260, a*** person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:

(1) The state agency or political subdivision making the request if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal

owner of the vehicle and supply the information to the person who is storing the vehicle.

3. If:

(a) The vehicle appears likely to be appraised as a junk vehicle;

(b) The vehicle is not registered with the Department ~~[or]~~ and it is not readily ascertainable whether the vehicle is registered in any other state; and

(c) The identity of the owner of the vehicle is not known or readily ascertainable,

➥ an operator of a tow car, an automobile wrecker or, in the case of a vehicle abandoned on public property, a state agency or political subdivision, may, before the removal of a vehicle pursuant to this section, affix a notice to the vehicle stating that the vehicle, if not removed from the property within ~~[5]~~ 7 days, is subject to being junked, dismantled or otherwise disposed of without further notice. The notice must state the date and time that the notice was affixed to the vehicle ~~.~~ and that the owner of the vehicle may, at any time before the vehicle is removed from the property, request an expedited hearing in the justice court of the township where the property on which the vehicle was purportedly abandoned is located to contest the classification of the vehicle as an abandoned junk vehicle.

4. As used in this section, "junk vehicle" has the meaning ascribed to it in NRS 487.260.

Sec. 2. NRS 487.235 is hereby amended to read as follows:

487.235 1. ~~[If]~~ ***Except as otherwise provided in NRS 487.260, if*** a sheriff's office or other law enforcement agency discovers that, or receives notification that, a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall:

(a) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the owner of the vehicle; and

(b) If the vehicle has not been reported as stolen and the sheriff's office or other law enforcement agency is able to determine the identity of the owner of the vehicle, notify the Department of those facts.

2. Upon the receipt of a notice from a sheriff's office or other law enforcement agency pursuant to paragraph (b) of subsection 1 and if the registration of the vehicle has not expired, the Department shall send by registered or certified mail, return receipt requested, a written notice to the owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.

3. If an owner receives a notice pursuant to subsection 2, the owner may submit to the Department an affidavit which states that the owner has taken action which meets the requirements of paragraph (a) or (b) of subsection 2 of NRS 487.220. If the owner submits such an affidavit, the Department:

(a) Shall maintain a record of the affidavit; and

(b) Shall not suspend the registration of each vehicle currently registered to that owner as otherwise required by subsection 4.

4. If an owner:

(a) Receives a notice pursuant to subsection 2;

(b) Fails to remove or cause the vehicle to be removed within the 30-day period set forth in that notice; and

(c) Does not submit an affidavit as described in subsection 3,

➥ the Department shall suspend the registration of each vehicle currently registered to the owner pursuant to chapter 482 of NRS. For the purposes of this subsection, the determination of the sheriff's office or other law enforcement agency that notified the Department pursuant to paragraph (b) of subsection 1 is conclusive as to whether the abandoned vehicle was removed within the 30-day period.

5. If the registration of a vehicle is suspended pursuant to subsection 4, the Department shall reinstate the registration upon receipt from the registered owner of the vehicle of:

(a) An affidavit setting forth that the registered owner caused the removal and disposition of, or proof that the registered owner paid the cost of removal and disposition of, the vehicle discovered abandoned upon public lands; and

(b) If applicable, proof that the registered owner redeemed any lien placed pursuant to NRS 487.270 on the vehicle discovered abandoned on public lands.

6. ***If a vehicle has been abandoned on public lands and:***

(a) The vehicle appears likely to be appraised as a junk vehicle;

(b) The vehicle is not registered with the Department ~~[or]~~ and it is not readily ascertainable whether the vehicle is registered in any other state; and

(c) The identity of the owner of the vehicle is not known or readily ascertainable,

➥ the sheriff's office or other law enforcement agency, an operator of a tow car or an automobile wrecker may, before the removal of the vehicle, affix a notice to the vehicle stating that the vehicle, if not removed from the property within ~~[5]~~ 7 days, is subject to being junked, dismantled or otherwise disposed of without further notice. The notice must state the date and time that the notice was affixed to the vehicle ~~.~~ and state that the owner of the vehicle may, at any time before the vehicle is removed from the property, request an expedited hearing in the justice court of the township where the property on which the vehicle was purportedly abandoned is located to contest the classification of the vehicle as an abandoned junk vehicle.

7. If a sheriff's office or other law enforcement agency is notified by a person or another governmental entity that a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall, insofar as practicable and authorized by law, inform the person or entity making such notification of the actions taken by the sheriff's office or other law enforcement agency pursuant to this section.

8. As used in this section, "junk vehicle" has the meaning ascribed to it in NRS 487.260.

Sec. 3. NRS 487.250 is hereby amended to read as follows:

487.250 1. The state agency or political subdivision shall, within 48 hours after the appraisal, notify the head of the state agency of the removal of the vehicle. The notice must contain:

(a) A description of the vehicle.

(b) The appraised value of the vehicle.

(c) A statement as to whether the vehicle will be junked, dismantled or otherwise disposed of.

2. ~~[The]~~ ***Except as otherwise provided in NRS 487.260, the*** person who removed the vehicle must notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked or dismantled or otherwise disposed of unless the registered owner or the person having a security interest in the vehicle responds and pays the costs of removal.

3. Failure to reclaim within 15 days after notification a vehicle appraised at $500 or less constitutes a waiver of interest in the vehicle by any person having an interest in the vehicle.

4. If all recorded interests in a vehicle appraised at $500 or less are waived, either as provided in subsection 3 or by written disclaimer by any person having an interest in the vehicle, the state agency, except as otherwise provided in subsection 3 of NRS 487.100, shall issue a salvage title pursuant to NRS 487.810 to the automobile wrecker who towed the vehicle or to whom the vehicle may have been delivered, or a certificate of title to the garage owner if the garage owner elects to retain the vehicle and the vehicle is equipped as required by chapter 484D of NRS.

Sec. 4. NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than $500, the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle ~~,~~ ~~[,]~~ ***by the Department, or by an automobile wrecker or tow operator pursuant to such regulations as the Department may prescribe,*** the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. If a notice is affixed to a vehicle pursuant to subsection 3 of NRS 487.230 or subsection 6 of NRS 487.235, the vehicle is not registered with the Department ~~[or]~~ , it is not readily ascertainable whether the vehicle is registered in any other state and the vehicle is appraised as a junk vehicle, the automobile wrecker or tow operator who removed the vehicle:

(a) Shall notify the person or law enforcement agency that authorized the removal of the vehicle of that fact, and the person or agency:

(1) Is relieved of the duty to:

(I) Make inquiries to ascertain if the vehicle is stolen or determine the identity of the owner of the vehicle pursuant to NRS 487.230 or 487.235; or

(II) Provide notice to the registered owner and any person having a security interest in the vehicle pursuant to subsection 2 of NRS 487.250.

(2) Shall, if contacted by the owner of the vehicle, provide the owner with the contact information of the automobile wrecker or tow operator who removed the vehicle.

(b) Is not required to obtain the identity of or attempt to notify the owner pursuant to NRS 706.4479.

~~***[(c) Upon receipt of a junk certificate from the Department, may dispose of the vehicle pursuant to this section, but not earlier than 48 hours after the vehicle arrives and is registered at the place of storage.***~~

~~3.~~ ***4.*** An automobile wrecker who possesses a junk certificate for a junk vehicle may process the vehicle for parts or scrap metal pursuant to NRS 487.105.

~~[4.]~~ ***5.*** A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. Except as otherwise provided in subsection 3 of NRS 487.100, an automobile wrecker who purchases a vehicle for which a junk certificate has been issued shall immediately affix the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.

~~[5.]~~ ***6.*** If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection ~~[4,]~~ ***5,*** except as otherwise provided in subsection 3 of NRS 487.100, an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

~~[6.]~~ ***7.*** A person who sells a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. The person shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~[7.]~~ ***8.*** An automobile wrecker who processes a junk vehicle for parts or scrap metal shall maintain records as required by NRS 487.170.

~~[8.]~~ ***9.*** As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed ~~[~~$200.~~]~~ ***$500.***

Sec. 5. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. ~~[If]~~ ***Except as otherwise provided in NRS 487.260, if*** a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for towing and storage;

(4) Of the date and time the vehicle was placed in storage;

(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and

(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

➥ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,

➥ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following a crash involving the motor vehicle or after having been stolen and subsequently recovered, the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 6. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless the operator:

(a) Holds a certificate of public convenience and necessity issued by the Authority.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484A to 484E, inclusive, of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) Except as otherwise provided in NRS 706.4489, assesses only rates and charges that have been approved by the Authority for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The Authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by ~~[the Nevada Highway Patrol]~~ ***a law enforcement agency*** pursuant to this section, the ~~[Nevada Highway Patrol]~~ ***law enforcement agency*** shall not remove the operator of the tow car from the list, or restrict the operator's use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

4. An operator of a tow car shall not use any software, device or other means to falsely report the location of the operator or tow car to a law

enforcement agency or any agent of a law enforcement agency for the purpose of securing a request from the law enforcement agency to provide towing services. If an operator of a tow car violates the provisions of this subsection, the law enforcement agency shall remove for 1 year the operator from the list of operators of tow cars that is maintained and used by the law enforcement agency.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 137.

ASSEMBLYMEMBERS HUNT; CONSIDINE, D'SILVA, FLANAGAN, **GONZÁLEZ,** KARRIS AND NADEEM

AN ACT relating to public safety; establishing provisions relating to the inspection of certain vehicles; revising provisions relating to the rescission and cancellation of the registration of a vehicle under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful to drive a vehicle in an unauthorized speed contest or in an unauthorized trick driving display on a highway or premises to which the public has access. (NRS 484B.653) **Section 3** of this bill provides that if a peace officer, while investigating an act that may constitute driving in an unauthorized speed contest or in an unauthorized trick driving display, has reasonable cause to believe that the vehicle used or suspected of being used in the unauthorized speed contest or unauthorized trick driving display fails to comply with certain requirements related to vehicle equipment or is unsafe under certain circumstances, the peace officer must inspect the vehicle to determine whether those conditions exist. **Section 3** authorizes the peace officer to issue a citation to the registered owner of the vehicle if the peace officer determines from the inspection that the conditions exist.

Existing law provides that a court may, in addition to certain other penalties, order the impoundment of a vehicle used in the commission of certain offenses related to unauthorized speed contests or unauthorized trick driving displays. (NRS 484B.653) **If a court issues an order for impoundment, section 5 of this bill also requires the court to issue an order requiring the Department of Motor Vehicles to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle in the manner prescribed by section 1 of this bill. Section 5** ~~[of this bill]~~ requires the court to forward a copy of the order for impoundment **and the order for recission and cancellation of registration** to the Department**.** ~~[of Motor Vehicles.]~~

~~[Section 4 of this bill requires the Department, upon receipt of the copy of the order for impoundment, to cause a peace officer or inspector of the Department to travel to the place of impoundment to view the vehicle. Section 4 provides that if a peace officer or an inspector of the Department has reasonable cause to believe that the impounded vehicle fails to comply with certain requirements related to vehicle equipment or is unsafe under certain circumstances, the peace officer or inspector of the Department must inspect the impounded vehicle to determine whether those conditions exist. Section 4 authorizes the peace officer or inspector of the Department to issue a citation or notice of violation to the registered owner of the vehicle if the peace officer or inspector of the Department determines from the inspection that the conditions exist.]~~

Existing law requires the Department to rescind and cancel the registration of a vehicle if the registered owner of the vehicle is issued a citation or notice of violation for failure to comply with certain requirements concerning emissions and the owner does not provide proof to the Department that the condition has been corrected within 30 days after the issuance of the citation or notice of violation. (NRS 482.460) **Section 1** ~~[of this bill]~~ additionally requires the Department to rescind and cancel the registration of a vehicle if the registered owner of the vehicle **: (1)** is issued a citation or notice of a violation pursuant to **section 3** ~~[or 4]~~ and the owner does not provide proof to the Department that the condition has been corrected within 30 days after the issuance of the citation or notice of violation ~~[.]~~ **; or (2) is the subject of an order of impoundment and order for rescission and cancellation of registration pursuant to section 5 and the owner does not prove through an inspection of the vehicle that the vehicle complies with certain requirements related to vehicle equipment or is otherwise not in an unsafe condition within 30 days of the last date of impound.**

Finally, section 1 authorizes the Department to extend the time by which the registered owner must provide the specified proof to the Department before the rescission and cancellation of the registration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.460 is hereby amended to read as follows:

482.460 1. The Department shall rescind and cancel the registration of any vehicle which the Department determines is unsafe, unfit to be operated or not equipped as required by law.

2. ~~[The]~~ ***Except as provided in subsection 4, the*** Department shall rescind and cancel the registration of any vehicle if the registered owner of the vehicle is issued a citation or notice of violation ***pursuant to section 3 ~~[or 4]~~ of this act or*** for operating a motor vehicle in violation of subsection 2 of NRS 484D.415, unless the owner provides, within 30 days after the citation or notice is issued, proof to the Department that the condition for which he or she was issued the notice or citation has been corrected.

3. Except as provided in subsection 4, the Department shall rescind and cancel the registration of any vehicle for which it receives an order to impound and an order to rescind and cancel registration pursuant to subsection 5 or 8 of NRS 484B.653, unless the registered owner within 30 days after the last date of impound indicated on the order to impound the vehicle, proves through an inspection in a manner prescribed by the Department that the vehicle is:

(a) Equipped in the manner required by chapter 484D of NRS, and any regulations adopted pursuant thereto; and

(b) Not in such an unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

4. The Department may extend the period prescribed by subsection 2 or 3 for not more than an additional 60 days if:

(a) The vehicle is registered with the Department; and

(b) The owner of the vehicle proves to the Department that the work is being performed that is necessary, as applicable, to:

(1) Equip the car in the manner required by chapter 484D of NRS, and any regulations adopted pursuant thereto; or

(2) Repair any unsafe condition that endangers the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. If a peace officer, while investigating a violation of paragraph (b) or (d) of subsection 1 of NRS 484B.653, has reasonable cause to believe that a vehicle used or suspected of being used in the violation is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto, or is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access, the peace officer shall inspect the vehicle to determine whether the vehicle:***

(a) Is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto; or

(b) Is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

2. If, after performing an inspection pursuant to subsection 1, the peace officer determines that the vehicle is in a condition described in paragraph (a) or (b) of subsection 1, the peace officer may issue a citation to the registered owner of the vehicle.

3. A peace officer who issues a citation pursuant to subsection 2 shall, not later than 5 days after issuing the citation, deliver or cause to be delivered to the Department a copy of the citation.

Sec. 4. ~~[1. Upon receipt of a copy of an order to impound a vehicle pursuant to subsection 5 or 8 NRS 484B.653, the Department shall cause a peace officer or inspector of the Department to travel to the place of impoundment to view the vehicle not later than the last date of impoundment indicated on the order to impound the vehicle.~~

~~2. If a peace officer or an inspector of the Department described in subsection 1 has reasonable cause to believe that the impounded vehicle is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto, or is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access, the peace officer or inspector of the Department shall inspect the vehicle to determine whether the vehicle:~~

~~(a) Is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto; or~~

~~(b) Is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.~~

~~3. If, after performing an inspection pursuant to subsection 2, the peace officer or the inspector of the Department determines that the vehicle is in a condition described in paragraph (a) or (b) of subsection 2, the peace officer or inspector of the Department may issue to the registered owner of the vehicle a citation or notice of violation.~~

~~4. A peace officer who issues a citation pursuant to subsection 3 shall, not later than 5 days after issuing the citation, deliver or cause to be delivered to the Department a copy of the citation.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a highway or premises to which the public has access.

(e) Facilitate an unauthorized trick driving display on a highway or premises to which the public has access.

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision

with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; ~~[and]~~

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense ~~[.]~~ ***; [and]***

(e) If the court issues an order for impoundment pursuant to paragraph (c) or (d), shall require the Department to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle as prescribed by subsection 3 of NRS 482.460; and

(f) Within 5 days after issuing an order [for impounding the vehicle] pursuant to paragraph (c) or (d) [,] and paragraph (e), shall forward to the Department the number of the license plate of the vehicle and the year, make and model of the vehicle to be impounded, together with a copy of the [order.] orders.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; ~~[and]~~

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense ~~[.]~~ ***; ~~[and]~~***

(d) If the court issues an order for impoundment pursuant to paragraph (c), shall require the Department to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle as prescribed by subsection 3 of NRS 482.460; and

(e) Within 5 days after issuing an order ~~[for impounding the vehicle]~~ pursuant to ~~[paragraph]~~ paragraphs (c) ~~[,]~~ and (d), shall forward to the Department the number of the license plate of the vehicle and the year, make and model of the vehicle to be impounded, together with a copy of the ~~[order.]~~ orders.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

(b) A minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not less than $2,000 but not more than $5,000 if:

(1) The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or

(2) The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a highway or premises to which the public has access, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a highway, or premises to which the public has access, upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 294.

SUMMARY—Revises provisions relating to ~~[governmental administration.]~~ **education. (**BDR 34-538)

AN ACT relating to ~~[governmental administration; requiring certain entities to prepare and submit a report to]~~ **education; requiring** the board of trustees of ~~[a school district after a chemical agent or electronic stun device is used against pupils or minors in certain settings; requiring the board of trustees of the school district to conduct an investigation and make certain determinations after receiving such a report; requiring the board of trustees of the school district to make available to the public a summary of certain information relating to the use of and review of the use of such items; creating the Voter Access Grant Program and the Account for the Voter Access Grant Program;]~~ **certain school districts and the governing body of certain charter schools to prepare and publish an annual report relating to the use of force by school police officers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school

police officers. (NRS 388A.384, 391.281) ~~[Section 1 of this bill requires, if a school police officer or employee of a school district in a county whose population is 700,000 or more (currently only Clark County) uses or orders the use of a chemical agent or electronic stun device against a pupil or minor in certain settings, the school in which he or she is assigned or the metropolitan police department or sheriff's office that is his or her employer, as applicable, to prepare and submit a report to the board of trustees of the school district in which the incident occurred. Section 1 further requires: (1) certain information to be included in the report; (2) the board of trustees of the school district to conduct an independent investigation of the incident; (3) the board of trustees of the school district to determine whether the use of the chemical agent or electronic stun device was justified; and (4) the board of trustees of the school district to determine whether to change certain policies and procedures of the school district or make recommendations for the adoption or modification of certain policies to the metropolitan police department or sheriff.~~

~~Section 1 requires, after such an investigation has been completed, the board of trustees to make available to the public not less than 30 days before the date of the next succeeding general election a summary of any report submitted, investigation conducted and determination made, and provides that this requirement may be fulfilled by posting the summary on the Internet website of the school district.~~

~~Existing law requires the Secretary of State to serve as the Chief Officer of Elections for this State and to be responsible for the execution and enforcement of the provisions of the Nevada Revised Statutes and all other provisions of state and federal law relating to elections. (NRS 293.124) Section 3 of this bill requires the Secretary of State to establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program created by section 4 of this bill to eligible entities to support the administration of elections and improve voter access. For the purpose of providing such grants, an "eligible entity" is defined by section 3 to mean a county, city or tribal government.]~~ **Section 1 of this bill requires, on or before the first day of each school year, the board of trustees of a school district that employs school police officers and the governing body of a charter school that has entered into a contract for the provision of school police officers to prepare and publish on the Internet website of the school district or charter school, as applicable, a report relating to the use of force by school police officers during the immediately preceding school year. Section 1 also sets forth the requirements for such a report.**

Section 5.5 of this bill provides that the first report required pursuant to section 1: (1) is due on or before the first day of the 2026-2027 school year; and (2) must contain the information required pursuant to section 1 for the 2025-2026 school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~If~~ On or before the first day of each school year, the board of trustees of a school district that employs school police ~~officer or employee of a school district in a county whose population is 700,000 or more uses or orders the use of a chemical agent or electronic stun device against a pupil or minor under any of the following circumstances, the school in which he or she is assigned or, if the board of trustees of the school district~~ officers and the governing body of a charter school that has entered into a contract ~~with a metropolitan police department created~~ pursuant to ~~chapter 280 of NRS or with the sheriff of that county for the provision of school police officers, the metropolitan police department or sheriff's office that employs the school police officer,~~ NRS 388A.384 for the provision of school police officers must prepare and ~~submit~~ publish on the Internet website of the school district or charter school, as applicable, a report ~~to the board of trustees of the school district in which the incident occurred:~~

~~(a) On or in school grounds, property, buildings or any other school district facilities;~~

~~(b) If the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, on or in the grounds, property, buildings or any other facilities in which the charter school is located; or~~

~~(c) At activities or events sponsored by the school district or charter school that are in a location other than the school grounds, property, buildings or facilities within the school district or charter school.~~ relating to the use of force by school police officers during the immediately preceding school year.

2. The report required pursuant to subsection 1 must ~~describe:~~ set forth:

(a) ~~Measures that the school police officer or employee of a school district took before the incident occurred to reduce the probability of disorder and disruption; and~~ The number of incidents involving the use of force involving the use of:

(1) A baton;

(2) A chemical agent; or

(3) An electronic stun device.

(b) ~~Actions taken before the incident occurred to de-escalate or stabilize the situation to avoid using a chemical agent or electronic stun device against a pupil or minor.~~ For each incident described in paragraph (a):

(1) The location of the incident, including, without limitation, whether the incident occurred:

(I) On or in the grounds, property, buildings or any other facility of the school district or charter school; or

(II) A location other than the grounds, property, buildings or any other facility of the school district or charter school;

(2) Whether the incident occurred during the school day or at an activity or event sponsored by the school district or charter school; and

(3) Except as otherwise provided in this subparagraph, the rank of each school police officer who used such force and the number of years that each such school police officer has been employed. The provisions of this subparagraph only apply to the report required of the board of trustees of a school district that employs more than 75 school police officers.

(c) The demographic information, including, without limitation, age, race, gender and ethnicity, of the persons upon whom such force was used by school police. All information must be reported in the aggregate and must not include any personally identifiable information.

3. ~~[The board of trustees of a school district that receives a report prepared pursuant to subsection 1 shall:~~

~~(a) Review the report;~~

~~(b) Conduct an independent investigation of the incident; and~~

~~(c) Determine whether:~~

~~(1) The measures or actions described in the report were consistent with any policies or procedures of the school district regarding de-escalation, stabilization or the use of force;~~

~~(2) The use of the chemical agent or electronic stun device was justified; and~~

~~(3) To revise the policies and procedures of the school district regarding de-escalation, stabilization and the use of force or, if the school district enters into a contract with a metropolitan police department created pursuant to chapter 280 of NRS or with the sheriff of that county for the provision of school police officers, make recommendations to the metropolitan police department or sheriff for the modification or adoption of policies and training procedures.~~

~~4. After the board of trustees completes the investigation required by subsection 3, the board of trustees shall make available to the public not less than 30 days before the date of the next succeeding general election a summary of any report submitted, investigation conducted and determination made pursuant to the provisions of this section. The board of trustees may fulfill the requirements of this subsection by posting the summary on the Internet website of the school district.~~

~~5.]~~ As used in this section:

(a) "Baton" means a cylindrical instrument that is designed to deliver a blunt force contact or a strike to a person in close proximity.

(b) "Chemical agent" means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.

~~[(b)]~~ (c) "Electronic stun device" means a device that:

(1) Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and

(2) Is designed to disable a person or animal temporarily or permanently.

~~***[(c)]***~~ ***(d) "School police officer" includes a peace officer who is employed by a metropolitan police department created pursuant to chapter 280 of NRS or a sheriff's office that has entered into a contract with a school district to provide police services in public schools pursuant to NRS 391.281.***

Sec. 2. ~~[Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~***[1. The Secretary of State shall establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program created by section 4 of this act to eligible entities to support the administration of elections and improve voter access.***~~

~~***2. In carrying out the Program, the Secretary of State may award a grant to an eligible entity for:***~~

~~***(a) The purchase and maintenance of supplies or equipment for an election;***~~

~~***(b) Payment of election board officers and other employees who perform duties relating to elections;***~~

~~***(c) Programs for voter education and outreach; and***~~

~~***(d) Any other project, program or expense that the Secretary of State determines to be eligible for the Program.***~~

~~***3. The Secretary of State, or his or her designee, shall review each application submitted for a grant from the Program in accordance with the regulations adopted pursuant to subsection 6. When reviewing an application, the Secretary of State, or his or her designee, may request any additional information from an applicant to determine eligibility of the applicant for a grant.***~~

~~***4. Any grant awarded to an eligible entity pursuant to the Program is in addition to and does not supplant or replace any money, support or services otherwise authorized or required by law to be provided to an eligible entity.***~~

~~***5. On or before January 1 of each odd-numbered year, the Secretary of State shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, for the immediately preceding biennium:***~~

~~***(a) The number of eligible entities that applied for a grant from the Program;***~~

~~***(b) The number of eligible entities that received a grant from the Program;***~~

~~***(c) The number of eligible entities that applied for but did not receive a grant from the Program;***~~

~~***(d) The total amount of grants awarded from the Program; and***~~

~~***(e) A description of the projects, programs, supplies or equipment that were purchased or supported, in whole or in part, from the Program.***~~

~~*6. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe:*~~

~~*(a) The process for applying for a grant from the Program, including, without limitation, application requirements;*~~

~~*(b) Criteria for eligibility for a grant from the Program;*~~

~~*(c) The order of priority for reviewing applications and awarding grants from the Program; and*~~

~~*(d) Standards for determining whether to approve an application for a grant from the Program.*~~

~~*7. For the purposes of this section, "eligible entity" means a county, city or tribal government.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[1. The Account for the Voter Access Grant Program is hereby created in the State General Fund. The Secretary of State shall administer the Account.*~~

~~*2. The Secretary of State may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.*~~

~~*3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*~~

~~*4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Account must be carried forward to the next fiscal year.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 5.5. **The first report required pursuant to section 1 of this act:**

1. Is due on or before the first day of the 2026-2027 school year; and

2. Must contain the information required pursuant to section 1 of this act for the 2025-2026 school year.

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 411.

AN ACT relating to unmanned aerial vehicles; revising provisions concerning the purchase or acquisition of certain unmanned aerial vehicles or other related equipment or services under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in relevant part, requires the Department of Public Safety to adopt regulations to establish a list of countries, businesses and entities from which a public agency or law enforcement agency is prohibited from purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle. (NRS 493.118) This bill provides that a public agency or law enforcement agency may purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle from a business or entity that would otherwise be contained on the list if: (1) any photograph, image, recording or other information collected by the business or entity is stored and maintained exclusively within the United States and is not accessible to ~~[any]~~ **certain** third ~~[party; and]~~ **parties;** (2) before the purchase or acquisition, the Department determines that the business or entity complies with the information storage and access requirements **~~[, unless the determination is waived by the Department.]~~ ; and (3) the purchase or acquisition complies with federal law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency ***, except as otherwise provided in subsection 8,*** shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include ***:*** ~~[, without limitation:]~~

(a) Any ~~[country,]~~ business or entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(c) Any hardware, software, vendor or service prohibited from being used by a state agency in Nevada by a regulation, guideline or policy adopted by the Office of the Chief Information Officer within the Office of the Governor pursuant to NRS 242.111 and 242.115; and

(d) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle, as determined by the Department.

8. A public agency or law enforcement agency may purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle from a business or entity that is identified on the list established pursuant to paragraph (a) of subsection 6 if:

(a) Any photograph, image, recording or other information collected by the business or entity from the purchase, acquisition or operation of the unmanned aerial vehicle or other equipment or service relating to the operation of the unmanned aerial vehicle:

(1) Is stored and maintained exclusively within the United States; and

(2) Is not accessible to any third party; ~~[and]~~

(b) Before the purchase or acquisition of the unmanned aerial vehicle or other equipment or service relating to the operation of the unmanned aerial vehicle, the Department has determined that the policies of the business or entity comply with paragraph (a) ~~[, unless the determination is waived by the Department.]~~ ; and

(c) The purchase or acquisition complies with all requirements of federal law, including, without limitation, any restrictions on the use of federal funds.

9. The provisions of subsection 8 shall not be construed to discourage the purchase or acquisition of any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that is manufactured in the United States. To the extent authorized by chapter 332 or 333 of NRS, a public agency or law enforcement agency is encouraged to prioritize the purchase or acquisition of any unmanned aerial vehicle or other equipment or service related to the operation of an unmanned aerial vehicle that is manufactured in the United States.

10. As used in this section, "third party" includes, without limitation, a person that is domiciled in a foreign country or has its principal place of business in, or is organized under the laws of, a foreign country. The term does not include a governmental entity of the United States.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 209.

AN ACT relating to public utilities; revising provisions governing certain procedures or methodologies for changing rates or ~~[charges]~~ **fees** for certain public utilities; revising provisions authorizing certain public utilities to submit letters of advice for certain proposed changes in schedules of rates or services in lieu of filing an application with the Public Utilities Commission of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to adopt regulations which provide simplified procedures or methodologies for a change of rates for those public utilities which furnish water or services for the disposal of sewage, or both, and which: (1) serve 3,000 or fewer persons; and (2) had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to $2,000,000 or less. Existing law also requires the regulations adopted by the Commission to authorize public utilities that satisfy those requirements to file letters of advice to change rates based on a nationally recognized inflation index approved by the Commission. (NRS 704.095) **Section 1** of this bill instead requires the regulations adopted by the Commission to provide for simplified procedures or methodologies for a change of any rates or ~~[charges, including, without limitation, rates for furnishing water or services for the disposal of sewage, or both, connection fees, fees to expand capacity for the storage of water and fees to expand capacity for plants for the treatment of wastewater or effluent]~~ for public utilities which furnish water or services for the disposal of sewage, or both, and which: (1) serve 4,000 or fewer persons; and (2) had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to $4,000,000 or less. **In addition to providing for the filing of letters of advice to change rates based on an approved nationally recognized inflation index, section 1 requires those regulations to provide for the filing of letters of advice to change fees, as authorized by the Commission, based on such an index.**

Existing law generally requires a public utility to submit an application and obtain the approval of the Commission for a change in any schedule of rates or services. (NRS 704.110) However, existing law authorizes a public utility to submit a letter of advice in lieu of filing an application with the Commission if, among other criteria, the proposed change does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $15,000. Existing law additionally sets forth various requirements for the submission of a letter of advice in lieu of an application by a small-scale provider of last resort. (NRS 704.100) **Section 2** of this bill authorizes a public utility other than a small-scale provider of last resort to submit a letter of advice if the proposed change does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $100,000. **Section 2** maintains the requirements for the use of a letter of advice by a small-scale provider of last resort provided under existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 704.095 is hereby amended to read as follows:

704.095 1. The Commission shall adopt regulations which provide simplified procedures or methodologies for a change of ***any*** rates ***or ~~[charges]~~ fees*** for those public utilities which furnish water or services for the disposal of sewage, or both, to persons within this State for compensation, and which:

(a) Serve ~~[~~3,000~~]~~ ***4,000*** or fewer persons; and

(b) Had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage amounting to ~~[~~$2,000,000~~]~~ ***$4,000,000*** or less. If a public utility furnishes both water and services for the disposal of sewage, its gross sales for each service must be considered separately for determining whether the public utility qualifies under this paragraph for either service.

2. The regulations adopted by the Commission pursuant to subsection 1 must provide, without limitation, for the filing of letters of advice to change rates ~~[:~~

~~*(a) Rates for furnishing water or services for the disposal of sewage, or both;*~~

~~*(b) Connection fees;*~~

~~*(c) Fees to expand capacity for the storage of water; and*~~

~~*(d) Fees to expand capacity for plants for the treatment of wastewater or effluent,*~~

~~*]*~~ ***and, as authorized by the Commission, fees,*** based on a nationally recognized inflation index approved by the Commission.

~~*[3. As used in this section, "connection fee" means the charge for establishing service to a customer, defined in the tariff of the utility as the installation or service connection fee.]*~~

Sec. 2. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, 704.7865 and 704.7867, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except ~~[as otherwise provided in paragraph (g),]~~ ***for a public utility that is a small-scale provider of last resort,*** if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed ~~[$15,000:]~~ ***$100,000:***

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds ~~[$15,000.]~~ ***$100,000.***

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds $50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 410.

AN ACT relating to public utilities; requiring ~~[certain electric utilities to include a cost-sharing adjustment mechanism in certain plans the utility is required to submit to]~~ the Public Utilities Commission of Nevada ~~[;~~ ~~establishing certain requirements for]~~ **to open one or more investigatory dockets to examine certain matters relating to** a **potential** cost-sharing adjustment mechanism; **requiring a utility to refund certain overcharges;** revising provisions governing certain ~~[quarterly and annual adjustments to a required general rate application; revising provisions governing the review of certain plans by the Commission;]~~ **applications filed by a public utility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires each electric utility to submit to]~~ **Section 1.3 of this bill requires** the Public Utilities Commission of Nevada ~~[every 3 years an integrated resource plan]~~ to ~~[increase the utility's supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) Sections 1 and 4 of this bill require certain electric utilities to include in such a plan]~~ **open one or more investigatory dockets to examine certain matters relating to** a **potential** cost-sharing adjustment mechanism for the recovery of costs for purchased fuel and purchased power and the sharing of such costs between an electric utility and its customers. **Section** ~~[1 also establishes certain requirements for such a cost-sharing adjustment mechanism. Section 1 requires a cost-sharing adjustment mechanism to be based on a forecasted estimate of costs for purchased fuel and purchased power which is made by the utility, and requires the utility to provide reasonable access to the forecasted estimate to: (1) the Regulatory Operations Staff of the Commission ; (2) the Bureau of Consumer Protection in the Office of the Attorney General; and (3) any intervenor who signs a nondisclosure agreement, including the Office of Economic Development. Section 1 provides for the calculation of costs or savings based on the forecasted estimate and authorizes the percentage of costs or savings which are shared between the utility and its customers to be symmetrical or asymmetrical as the Commission deems necessary to incentivize the utility to manage costs effectively. Section 1 requires the utility to : (1) include in its plan the financial strategy employed by the utility to reduce risks which are associated with fluctuations in the market; and (2) propose an annual cap on the cumulative amount of]~~ **1.3 requires the Commission to submit periodic reports to the Joint Interim Standing Committee on Growth and Infrastructure concerning the progress of each investigatory docket and, on or before July 1, 2026, submit a final report to the Legislative Commission on the outcomes of the investigatory dockets. Under section 1.3, the Commission is authorized to adopt**

regulations to establish a cost-sharing ~~[adjustments.]~~ **adjustment mechanism, if the Commission finds it is in the public interest as a result of the investigatory docket.**

If the Commission determines that a utility has charged a customer more than any applicable rate or tariff allows, section 1.7 of this bill requires a utility to refund to the customer, with interest, the full amount of any overcharge.

Existing law requires ~~[certain electric utilities]~~ **the Commission** to ~~[file a general rate application once every 36 months and to file certain quarterly and annual adjustments.]~~ **issue a written order approving or disapproving an application filed by a public utility to make any change in a schedule not later than 210 days after the date on which the application is filed.** (NRS ~~[704.110, 704.187)]~~ **704.110) Section 2** of this bill ~~[requires the quarterly and annual adjustments to take into account any cost-sharing adjustments made pursuant to section 1. Existing law requires]~~ **authorizes** the Commission **, under certain circumstances,** to ~~[issue certain orders to accept or modify, or deem inadequate any portion of, the plan filed pursuant to section 4 which relates to the energy supply plan of the utility within 135 days after a utility has filed the plan. (NRS 704.751) Section 5 of this bill requires the Commission to issue such orders within 180 days after a utility has filed: (1) the plan; and (2) any update of a portion of the plan that the Commission requires. Sections 1 and 3 of this bill make section 1 applicable to]~~ **extend by not more than 90 days the time to act on such an application filed by** certain electric utilities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 1.3 and 1.7 of this act.**

Sec. 1.3. 1. ~~[An electric utility shall include as part of the portions of the plan required by NRS 704.741 relating to the energy supply plan for the utility for the 3 years covered by the plan and as part of any update to those portions that the]~~ The Commission ~~[may require:]~~ shall open one or more investigatory dockets to:

(a) ~~[A cost-sharing adjustment mechanism for the recovery of]~~ Examine how costs for purchased fuel and purchased power ~~[that meets the requirements of this section; and]~~ are currently passed through to customers.

(b) ~~[The financial strategy employed by the utility, which must be approved by the Commission, to reduce risks]~~ Examine the use of carrying charges on deferred energy accounting and balances.

(c) Identify opportunities to mitigate the impact on customer rates which are associated with fluctuations in the market for purchased fuel and purchased power ~~[.]~~:

~~2. A~~ or other unpredictable events which affect customer rates.

(d) Consider elements of a potential cost-sharing adjustment mechanism ~~[must be based on a forecasted estimate of costs]~~ for purchased fuel and purchased power which is ~~[made by the]~~ designed to align the financial incentives of an electric utility ~~[. An]~~ with the interest of the customers of the electric utility ~~[shall provide reasonable access to the forecasted estimate to:~~

~~(a) The Regulatory Operations Staff of the Commission;~~

~~(b) The Bureau of Consumer Protection in the Office of the Attorney General; and~~

~~(c) Any intervenor who signs a nondisclosure agreement, including, without limitation, the Office of Economic Development.~~

~~3. A~~ , including, without limitation:

(1) A cost-sharing ~~[adjustment mechanism must incorporate the deadband which is calculated pursuant to subsection 10 of NRS 704.110. Any]~~ percentage that is high enough to incentivize the electric utility to keep the costs of purchased fuel and purchased power ~~[, or savings on such costs, that are above or below the deadband must be shared between]~~ low, but not low enough that the electric utility ~~[and the customers of the utility as described in subsections 4 and 5.~~

~~4. The percentage of costs of purchased fuel and purchased power, or savings on such costs, that are shared between an electric utility and its customers pursuant to subsection 3 may be]~~ is exposed to unreasonable levels of risk and volatility.

(2) Whether a cost-sharing adjustment mechanism is symmetrical or asymmetrical . ~~[as the Commission deems necessary to incentivize the utility to manage costs effectively.~~

~~5. An electric utility shall propose an annual cap on the cumulative amount of cost-sharing adjustments pursuant to subsections 3 and 4, whether costs or savings, which must be based on a percentage of the authorized return on the equity of the electric utility and expressed in basis points representing one-hundredth of a percent. If the earnings of the electric utility are:~~

~~(a) Below the cap, the utility may recover excess costs pursuant to subsections 3 and 4 until the cap is reached; or~~

~~(b) Above the cap, the utility shall refund to the customers of the utility the savings pursuant to subsections 3 and 4 until the cap is reached.~~

~~6.]~~ (3) Whether to use a straight-sharing method or a sharing-band method.

(4) Whether to use a forecasted estimate of costs or historic information concerning costs.

(5) Options to improve the transparency of any forecasted estimate of costs, including the use of a forward price index and providing access to forecasted estimates to interveners in proceedings of the Commission who sign nondisclosure agreements.

(6) Implications of the inclusion of costs for purchased fuel and purchased power on the participation of an electric utility in real time and day-ahead markets.

(e) Examine existing practices for integrated resource planning and evaluate options that reduce load and mitigate volatility in the cost of natural gas, including, without limitation, demand-side management programs which are cost effective, demand response and load shifting.

2. Before the submission of the report required by subsection 3, the Commission shall submit periodic reports on the progress of each investigatory docket opened pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

3. On or before July 1, 2026, the Commission shall submit a report on the outcomes of each investigatory docket opened pursuant to subsection 1, including, without limitation, the status of any regulations adopted or considered as a result of the investigatory docket, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

4. If the Commission finds it is in the public interest, as a result of the investigatory docket opened pursuant to subsection 1, the Commission may adopt regulations to establish a cost-sharing adjustment mechanism.

5. As used in this section:

(a) "Cost-sharing adjustment mechanism" means a mechanism that shares the risk of purchased fuel and purchased power costs between an electric utility and its customers.

(b) ~~["Deadband" means a range around a performance target within which the performance of an electric utility is deemed reasonable, for which performance the electric utility does not receive a reward or penalty and which recognizes the inherent uncertainty or margin of error in measuring and calculating a given benchmark or baseline.~~

~~(c)]~~ "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 1.7. Notwithstanding any other provision of law, if the Commission determines that a utility has charged a customer more than any applicable rate or tariff allows, the utility shall refund to the customer, with interest, the full amount of any overcharge.

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual

deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ***this subsection and*** subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes. ***If the public utility is an electric utility, the Commission may, upon good cause, extend by not more than 90 days the time to act upon the application.***

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared . ***[, including, without limitation, the results of any cost-sharing adjustment mechanism pursuant to section 1 of this act, if applicable.]*** Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances . ~~[, including, without limitation, the results of any cost-sharing adjustment mechanism pursuant to section 1 of this act, if applicable.]~~ If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of

specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility, or a public utility affiliated with the public utility through common ownership, shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility or its affiliate is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit a public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's

recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates ~~*[, in compliance with section 1 of this act,]*~~ on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment . ~~*[in compliance with section 1 of this act.]*~~ The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 ~~*[must comply with section 1 of this act and]*~~ is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the

Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 ~~*[and in compliance with section 1 of this act]*~~ with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069. ~~*[The annual deferred energy accounting adjustment application must contain the calculations and a justification which supports any cost-sharing adjustment made pursuant to section 1 of this act, including, without limitation:*~~

~~*(1) The forecasted quarterly rates and actual quarterly rates;*~~

~~*(2) The quarterly amount of any cost-sharing adjustments and the annual cumulative amount of any cost-sharing adjustments; and*~~

~~*(3) The calculation of any cap on the annual cumulative amount of any cost-sharing adjustments.]*~~

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment

and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 3. ~~[NRS 704.736 is hereby amended to read as follows:~~

~~— 704.736 The application of NRS 704.736 to 704.754, inclusive, *and section 1 of this act* is limited to any public utility in the business of supplying electricity which has an annual operating revenue in this state of $2,500,000 or more.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 704.741 is hereby amended to read as follows:~~

~~— 704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, or more often if necessary, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common~~

~~ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.~~

~~2. The Commission shall, by regulation:~~

~~(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:~~

~~(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection 6 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and~~

~~(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them;~~

~~(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary; and~~

~~(c) Establish requirements governing the manner in which and circumstances under which an amendment may be filed with the Commission to modify an approved plan.~~

~~3. The Commission shall require the utility or utilities to include in the plan:~~

~~(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.~~

~~(b) A proposal for the expenditure of not less than 10 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency measures for customers of the electric utility in low income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.~~

~~(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include:~~

~~(1) At least one scenario of low carbon dioxide emissions that:~~

~~(I) Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;~~

~~(II) Includes the deployment of distributed generation; and~~

~~(III) If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.~~

~~(2) At least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to~~

~~close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission. A significant share of the renewable energy facilities and energy storage systems included in the scenario must be owned by the utility.~~

~~** A requirement to include a particular scenario in the plan pursuant to this paragraph, or the compliance of a utility with such a requirement, shall not be construed as indicating a preference by the Commission or the utility for a particular scenario.~~

~~(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.~~

~~(e) A list of the utility's or utilities' assets described in NRS 704.7338.~~

~~(f) A surplus asset retirement plan as required by NRS 704.734.~~

~~*(g) A cost-sharing adjustment mechanism and information concerning the financial strategy of the utility as required by section 1 of this act.*~~

~~4. For each scenario considered pursuant to subsection 3, the plan must include, without limitation:~~

~~(a) For each energy resource proposed:~~

~~(1) A description of each energy resource to be constructed, acquired or contracted for by the utility, including, without limitation, the location of the energy resource, the technology to be used by the energy resource to generate electricity, the anticipated capacity of the energy resource and the anticipated date by which the energy resource will be placed into service;~~

~~(2) The cost of constructing or acquiring, operating and maintaining the energy resource or, if the energy resource is contracted for by the utility, the price of the energy to be supplied by the energy resource;~~

~~(3) Whether the energy resource will be owned by the utility or utilized by the utility pursuant to a contract with a third party; and~~

~~(4) Any other information required by the Commission to evaluate the prudence of the scenario.~~

~~(b) An evaluation of the impact that the implementation of the scenario will have on:~~

~~(1) The ability of the utility to decrease its reliance on market purchases to meet the utility's open energy load requirements, including, without limitation, any appropriate reserves, and the forecast of energy needs over the next 10 years;~~

~~(2) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable energy resources, including, without limitation, solar, geothermal, hydropower and wind energy resources;~~

~~(3) The ability of the utility to access energy markets or geographic locations that have excess capacity to import into this State through firm transmission to ensure additional reliability in times of increased energy needs;~~

~~(4) The ability of the utility to increase access to carbon-free energy, support compliance with the renewable portfolio standard and advance the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 through a balanced portfolio of energy supply and demand-side resources;~~

~~(5) The ability of the utility to demonstrate to a regional entity that the utility has adequate resources to meet the forecast for energy needs over the next 10 years;~~

~~(6) The ability of the utility to advance cost-effective demand-side management;~~

~~(7) The rates charged to the customers of the utility, provided that, in implementing the plan, the utility must endeavor to mitigate costs for the benefit of customers to the extent possible by utilizing federal funding and tax credits available to utilities or third parties for the development of electric resources; and~~

~~(8) The benefits from high-quality jobs, job training and apprenticeships provided by the projects included in the plan, whether constructed or operated by the utility or a third-party developer.~~

~~5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:~~

~~(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.~~

~~(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.~~

~~(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.~~

~~(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.~~

~~(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.~~

~~(f) Include a transportation electrification plan as required by NRS 704.7867.~~

~~6. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16,~~

~~2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:~~

~~(a) A forecast of the load growth of the utility or utilities;~~

~~(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;~~

~~(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;~~

~~(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and~~

~~(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end use customers of the electric utility.~~

~~7. The annual limits proposed pursuant to subsection 6 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:~~

~~(a) Was not an end use customer of the electric utility at any time before June 12, 2019; and~~

~~(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.~~

~~8. As used in this section:~~

~~(a) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.~~

~~(b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand response technologies.~~

~~(c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.~~

~~(d) "Energy" has the meaning ascribed to it in NRS 704B.090.~~

~~(e) "Energy storage system" has the meaning ascribed to it in NRS 704.793.~~

~~(f) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.~~

~~(g) "Low income household" has the meaning ascribed to it in NRS 704.78347.~~

~~(h) "New electric resource" has the meaning ascribed to it in NRS 704B.110.~~

~~(i) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.~~

~~(j) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.~~

~~(k) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.~~] **(Deleted by amendment.)**

Sec. 5. ~~[NRS 704.751 is hereby amended to read as follows:~~

~~704.751 1. After a utility has filed the plan required pursuant to NRS 704.741 [,] *or any update of a portion of the plan that the Commission requires,* the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:~~

~~(a) Within [135] *180* days for any [portion] *:*~~

~~*(1) Portion* of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; *or*~~

~~*(2) Update of any portion of the plan described in subparagraph (1);* and~~

~~(b) Within 210 days for all portions of the plan not described in paragraph (a).~~

~~→ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.~~

~~2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:~~

~~(a) Within 165 days after the filing of the amendment; or~~

~~(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.~~

~~→ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.~~

~~3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.~~

~~4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.~~

~~5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan~~

~~or an amendment to such a plan must, if the energy efficiency plan remains cost-effective, require that not less than 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency measures for customers of the utility or utilities in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.~~

~~6. The Commission may accept a distributed resources plan submitted pursuant to subsection 5 of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.~~

~~7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.~~

~~8. The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of NRS 704.79877 and includes the evaluations required by subsection 4 of NRS 704.79877.~~

~~9. As used in this section:~~

~~(a) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.~~

~~(b) "Low-income household" has the meaning ascribed to it in NRS 704.78347.~~ **(Deleted by amendment.)**

Sec. 6. ~~1. Notwithstanding the amendatory provisions of this act, an electric utility shall include the information specified in paragraph (e) of subsection 11 of NRS 704.110, as amended by section 2 of this act, concerning cost-sharing adjustments made using a cost-sharing adjustment mechanism pursuant to section 1 of this act in the annual deferred energy accounting adjustment application of the electric utility commencing with the application required to be filed pursuant to NRS 704.187 on March 1, 2027.~~

~~2. As used in this section:~~

~~(a) "Cost-sharing adjustment mechanism" has the meaning ascribed to it in section 1 of this act.~~

~~(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 470.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** ANDERSON **AND CONSIDINE**

JOINT SPONSOR: SENATOR NEAL

AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of a tax on certain digital products electronically transferred to a purchaser; ~~[decreasing the Nevada gross revenue threshold at which certain business entities engaged in business in this State are required to pay the commerce tax; eliminating an exemption from the tax on live entertainment for athletic events conducted by certain professional sports teams;]~~ **prohibiting the issuance and use of certain transferable tax credits if money is transferred or allocated from the Account to Stabilize the Operation of the State Government; stating the intent of the Legislature to review the transferable tax credits which the State is authorized to issue under certain circumstance;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 24 and 33 of this bill impose a tax on a retail sale in this State of specified digital products electronically transferred to a person and on the use of specified digital products electronically transferred to a person in a transaction in this State for which the tax was not collected at the time of sale. **Section 23** of this bill establishes requirements for determining the place where a sale of specified digital products takes place for the purpose of the tax. Under **sections 24 and 33**, the rate of the tax is the same as the sales and use tax rate imposed in the county in which the sale of the specified digital products takes place, as determined pursuant to **section 23**. Under **section 100** of this bill, the requirement to impose, collect and remit the tax is imposed on a retailer who does not maintain a place of business in this State if, in the immediately preceding calendar year or the current calendar year, the retailer had more than $100,000 of gross revenue from certain transactions that took place in this State or 200 or more such transactions that took place in this State. **Sections 2-22, 25-32, 34-99 and 101-127** of this bill provide for the administration, collection and enforcement of the tax in the same manner as the sales and use tax.

Section 94 requires a person who directly or indirectly facilitates retail sales of specified digital products to collect and remit the tax if, in the immediately preceding calendar year or the current calendar year, the facilitator had more than $100,000 of gross receipts from certain transactions made to customers in this State or made or facilitated 200 or more transactions, on its own behalf or on behalf of a seller, unless the facilitator enters into an agreement with a seller whereby the seller agrees to assume responsibility for the collection and imposition of the tax. **Section 95** provides that such a facilitator is not liable for the payment of the tax under certain circumstances.

Section 96 requires certain persons who receive a fee in exchange for listing or advertising a product for a seller but do not collect money or other consideration from a customer to impose, collect and remit the tax if 200 or more retail sales to customers in this State result from referrals made by the person or the cumulative gross receipts of sales resulting from such referrals exceed $100,000, unless the person complies with certain notice requirements and makes a monthly report to the Department of Taxation.

~~[Existing law imposes an annual commerce tax on each business entity whose Nevada gross revenue in a fiscal year exceeds $4,000,000, with the rate of commerce tax based on the industry in which the business entity is primarily engaged. (NRS 363C.200, 363C.300-363C.560) Section 128 of this bill decreases the Nevada gross revenue threshold at which the commerce tax is imposed upon a business entity from $4,000,000 earned in a fiscal year to $3,500,000 earned in a fiscal year. Sections 129-155 of this bill make conforming changes to reflect the decrease in the Nevada gross revenue threshold from $4,000,000 to $3,500,000 for the purpose of calculating the rate of the commerce tax for certain industries in which a business entity is primarily engaged.~~

~~Existing law provides for the imposition of an excise tax on admission to certain facilities where live entertainment is provided. (Chapter 368A of NRS) Existing law exempts from the excise tax an athletic contest, event or exhibition conducted by a professional team based in this State and in which the team participates. (NRS 368A.200) Section 156 of this bill eliminates the exemption from the excise tax on live entertainment for such athletic contests, events or exhibitions.]~~

Existing law creates the Account to Stabilize the Operation of State Government, also known as the Rainy Day Fund, and authorizes the Director of the Office of Finance in the Office of the Governor to request a transfer of money from the Account to the State General Fund if: (1) the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature or the Interim Finance Committee; or (2) the Legislature or Interim Finance Committee and the Governor declare that a fiscal emergency exists. The Legislature may also allocate money from the Account directly. (NRS 353.288) Section 157.3 of this bill prohibits the issuance of transferable tax credits or the application of transferable tax credits to state or local taxes during any fiscal year in which a transfer or allocation is made from the Account by the Interim Finance Committee or during a fiscal emergency by the Legislature. Section 157.3 limits this prohibition to transferable tax credits authorized by state legislation that is enacted on or after the effective date of section 157.3.

Existing law requires the Governor, on or before July 1 of each even-numbered year, to impanel and Economic Forum consisting of economic and financial experts appointed by the Governor to provide an estimate

of the revenue that will be collected by the State for general, unrestricted uses during the subsequent biennium and make such projections for economic indicators as the Economic Forum deems necessary to ensure that this estimate is accurate. (NRS 353.226, 353.228) Section 157.7 of this bill provides that, if the Economic Forum forecasts that such revenue in the subsequent biennium will be less than in the then-current biennium and that the reduction in revenue exceeds 7 percent, it is the intent of the Legislature to review any transferable tax credits which the State is authorized to issue and consider if the amount of such credits should be reduced.

Section 160 of this bill establishes ~~[July 1, 2025, as the effective date of the provisions of this bill relating to commerce tax and the live entertainment tax, and establishes]~~ January 1, 2026, as the effective date of the provisions of this bill**.** ~~[relating to the imposition of a tax on the retail sale of specified digital goods.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 117, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Business" includes any activity engaged in by any person or caused to be engaged in by any person with the object of gain, benefit or advantage, either direct or indirect.***

Sec. 4. ***"Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.***

Sec. 5. ***"Digital audio works" means works that result from the fixation of a series of musical, spoken or other sounds, including, without limitation, ringtones.***

Sec. 6. ***"Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.***

Sec. 7. ***"Digital books" means works that are generally recognized in the ordinary and usual sense as "books."***

Sec. 8. ***"Electronically transferred" means obtained by the purchaser by means other than tangible storage media.***

Sec. 9. ***"End user" means any person who receives a specified digital product, other than a person who receives by contract a specified digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or***

exhibition of the specified digital product, in whole or in part, to another person or persons.

Sec. 10. ***1. "Gross receipts" means the total amount of the sales price or lease or rental price, as the case may be, of the retail sales of specified digital products of retailers of specified digital products, valued in money, whether received in money or otherwise, without any deduction on account of any of the following:***

(a) The cost of the specified digital products sold, except that, in accordance with such rules and regulations as the Department may prescribe, a deduction may be taken if the retailer has purchased specified digital products for some other purpose than resale, has reimbursed the vendor of the specified digital products for tax which the vendor is required to pay to the State or has paid the use tax with respect to the specified digital products, and has resold the specified digital products before making any use of the specified digital products other than the broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to the vendor of the specified digital products with respect to the sale of the specified digital products.

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense.

2. The total amount of the sales or lease or rental price includes all of the following:

(a) Any services that are a part of the sale.

(b) All receipts, cash, credits and property of any kind.

(c) Any amount for which credit is allowed by the seller to the purchaser.

3. "Gross receipts" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The sales price of specified digital products returned by customers when the full sales price is refunded either in cash or credit, but this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other specified digital products at a price greater than the amount charged for the specified digital products that are returned.

(c) The price received for labor or services used in installing or applying the specified digital products sold.

(d) The amount of any tax imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the end user.

4. For purposes of the tax imposed by section 24 of this act, if a retailer establishes to the satisfaction of the Department that the tax has been added to the total amount of the sales price and has not been absorbed by the retailer, the total amount of the sales price shall be deemed to be the amount received exclusive of the tax imposed.

Sec. 11. *"In this State" or "in the State" means within the exterior limits of the State of Nevada and includes all territory within these limits owned by or ceded to the United States of America.*

Sec. 12. *1. "Occasional sale" includes:*

(a) A sale of specified digital products not held or used by a seller in the course of an activity for which the seller is required to hold a seller's permit, if the sale is not one of a series of sales sufficient in number, scope and character to constitute an activity requiring the holding of a seller's permit.

(b) Any transfer of all or substantially all the specified digital products held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.

2. For the purposes of this section, stockholders, bondholders, partners or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the specified digital products of the corporation or other entity.

Sec. 13. *"Other digital products":*

1. Means greeting cards, digital images, video or electronic games or news and prewritten computer software, as defined in NRS 360B.470.

2. Does not include:

(a) Computer software that is not prewritten computer software.

(b) The storage, management and dissemination of data and information on a cloud network, server or other digital storage medium.

(c) The provision of maintenance services for computer software, provided that, if the purchase of the maintenance services occurs at the same time as the purchase of the software, the maintenance services are optional and are separately stated on any invoice, billing or other document given to a purchaser.

(d) Internet service.

(e) Payment processing services, including, without limitation, services for processing payments from retail sales and peer-to-peer money transfers.

(f) Accounting, bookkeeping and check preparation services.

(g) Internet broadcasts of live entertainment or educational or informational presentations.

(h) Website hosting, storage or backup.

(i) The transmission of educational or instructional programming, including, without limitation, the transmission of courses by an elementary or secondary school, vocational or technical school or institution of higher education or the transmission of courses of professional development.

(j) The services of a travel agent.

(k) Cryptocurrency or digital currency, not including simulated currencies or in-game currencies which are not intended to be convertible to legal tender.

(l) Gift cards.

Sec. 14. *"Purchase" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of specified digital products for a consideration.*

Sec. 15. *"Retail sale" or "sale at retail" means a sale for any purpose other than resale in the regular course of business of specified digital products.*

Sec. 16. *1. "Retailer" includes:*

(a) Every seller who makes any retail sale or sales of specified digital products.

(b) Every person engaged in the business of making sales of specified digital products for use.

(c) Every person making more than two retail sales of specified digital products during any 12-month period, including sales made in the capacity of assignee for the benefit of creditors or a receiver or trustee in bankruptcy.

2. When the Nevada Tax Commission determines that it is necessary for the efficient administration of this chapter to regard any salespersons, representatives, peddlers or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the specified digital products sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors or employers, the Nevada Tax Commission may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.

Sec. 17. *"Ringtones" means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.*

Sec. 18. *"Sale" means and includes any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of specified digital products for a consideration, including, without limitation, any such transfer, exchange or barter on a subscription basis.*

Sec. 19. *1. "Sales price" means the total amount for which specified digital products are sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:*

(a) The cost of the specified digital products sold.

(b) The cost of materials used, labor or service cost, interest charged, losses or any other expenses.

(c) The cost of transmitting the specified digital products before purchase.

2. The total amount for which specified digital products are sold includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

3. "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for specified digital products returned by customers when the entire amount charged therefor is refunded either in cash or credit, except that this exclusion does not apply in any instance when the customer, in order to obtain the refund, is required to purchase other specified digital products at a price greater than the amount charged for the specified digital products that are returned.

(c) The amount charged for labor or services rendered in installing or applying the specified digital products sold.

(d) The amount of any tax, not including any manufacturers' or importers' excise tax, imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer.

Sec. 20. *"Seller" includes every person engaged in the business of selling specified digital products of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the tax imposed by section 24 of this act.*

Sec. 21. *1. "Specified digital products" means electronically transferred:*

(a) Digital audio works;

(b) Digital audio-visual works;

(c) Digital books;

(d) Digital codes; and

(e) Other digital products.

2. The term does not include:

(a) Direct-to-home satellite services, as defined in 47 U.S.C. § 303(v).

(b) Video service, as defined in NRS 711.141.

3. As used in this section, "digital code":

(a) Means a method that permits a purchaser to obtain or access at a later date specified digital products.

(b) Does not include public or private keys when used in a transaction conducted on a blockchain. As used in this paragraph:

(1) "Blockchain" has the meaning ascribed to it in NRS 719.045.

(2) "Private key" has the meaning ascribed to it in NRS 720.100.

(3) "Public key" has the meaning ascribed to it in NRS 720.110.

Sec. 22. *"Subscription" means any arrangement in which a person has the right or ability to access, receive, use, obtain, purchase or otherwise acquire specified digital products on a permanent or less than permanent basis, regardless of whether the person actually accesses, receives, uses, obtains, purchases or otherwise acquires such specified digital products.*

Sec. 23. *For the purposes of this chapter, a retail sale of specified digital products shall be deemed to take place:*

1. If the specified digital products are received by the purchaser at a place of business of the seller, at that place of business.

2. If the specified digital products are not received by the purchaser at a place of business of the seller:

(a) At the location indicated to the seller pursuant to any instructions provided for the delivery of the specified digital products to the purchaser or to another recipient who is designated by the purchaser as his or her donee; or

(b) If no such instructions are provided and if known by the seller, at the location where the purchaser or another recipient who is designated by the purchaser as his or her donee, receives the specified digital products.

3. If subsections 1 and 2 do not apply, at the address of the purchaser indicated in the business records of the seller that are maintained in the ordinary course of the seller's business, unless the use of that address would constitute bad faith.

4. If subsections 1, 2 and 3 do not apply, at the address of the purchaser obtained during the consummation of the sale, including, if no other address is available, the address of the purchaser's instrument of payment, unless the use of an address pursuant to this subsection would constitute bad faith.

5. In all other circumstances, at the address from which the specified digital products were shipped.

Sec. 24. *1. An excise tax is hereby imposed upon the retail sale of specified digital products to an end user in this State, in an amount equal to the sum of the rates of all taxes imposed upon sales at retail of tangible personal property in the county in which the retail sale of the specified digital goods takes place, as determined pursuant to section 23 of this act, multiplied by the gross receipts of the retailer of the specified digital products.*

2. The tax imposed by subsection 1 applies whether the purchaser obtains permanent use or less than permanent use of the specified digital product, whether the sale is conditioned or not conditioned upon continued payment from the purchaser and whether the sale is on a subscription basis or is not on a subscription basis.

Sec. 25. *The tax imposed by section 24 of this act must be collected by the retailer from the end user insofar as it can be done.*

Sec. 26. *1. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the specified digital products sold or that, if added, it or any part thereof will be refunded.*

2. Any person violating any provision of this section is guilty of a misdemeanor.

Sec. 27. *1. A person shall not engage in or conduct business as a seller in this State unless the person has:*

(a) Registered with the Department pursuant to NRS 360B.200; or

(b) Obtained a permit issued by the Department.

2. Every application for a permit must:

(a) Be made upon a form prescribed by the Department.

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of the applicant's place or places of business.

(c) Set forth any other information which the Department may require.

(d) Be accompanied by a fee of $5.

(e) Be signed by:

(1) The owner if he or she is a natural person;

(2) A member or partner if the seller is an association or partnership; or

(3) An executive officer or some person specifically authorized to sign the application if the seller is a corporation. Written evidence of the signer's authority must be attached to the application.

Sec. 28. *1. If the holder of a permit issued pursuant to this chapter fails to comply with any provision of this chapter or any regulations adopted pursuant thereto, the Department may revoke or suspend any one or more of the permits held by the person. Before doing so, the Department must hold a hearing after giving 10 days' written notice to the holder of the permit. The notice must specify the time and place of the hearing and require the holder of the permit to show cause why the permit should not be suspended or revoked.*

2. If a permit is suspended or revoked, the Department must give written notice of the action to the holder of the permit.

3. The notices required by this section may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

4. The Department shall not issue a new permit after the revocation of a permit unless the Department is satisfied that the former holder of the permit will comply with the provisions of this chapter and the regulations of the Department adopted pursuant thereto.

5. A retailer whose permit has been suspended or revoked must pay the Department a fee of $5 for the reinstatement of the permit or the issuance of a new permit.

Sec. 29. *For the purpose of the proper administration of this chapter and to prevent evasion of the tax imposed by section 24 of this act, it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of specified digital products is not a sale at retail is upon the person who makes the sale unless the person takes from the purchaser a certificate to the effect that the specified digital products were purchased by an end user and the purchaser:*

1. Is engaged in the business of commercial broadcasting, rebroadcasting, transmitting, retransmitting, licensing, relicensing, distributing, redistributing or exhibiting specified digital products, in whole or in part, to another person or persons;

2. Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to section 27 of this act, if required; and

3. At the time of purchasing the specified digital product, intends to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute or exhibit the specified digital product in the regular course of business or is unable to ascertain at the time of purchase whether the specified digital product will be used for such a purpose or will be used for some other purpose.

Sec. 30. *A resale certificate must:*

1. Be substantially in such form and include such information as the Department may prescribe; and

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 31. *1. If a purchaser who gives a resale certificate makes any use of specified digital products other than the commercial broadcasting, rebroadcasting, transmitting, retransmitting, licensing, relicensing, distributing, redistributing or exhibiting of the specified digital products, in whole or in part, to another person or persons in the regular course of business:*

(a) The use is taxable to the purchaser as of the time one of the specified digital products is first so used by the purchaser, and the sales price of the specified digital products to the purchaser is the measure of the tax.

(b) The seller is liable for the tax with respect to the sale of the specified digital products to the purchaser only if:

(1) There is an unsatisfied use tax liability pursuant to paragraph (a); and

(2) The seller fraudulently failed to collect the tax or solicited the purchaser to provide the resale certificate unlawfully.

2. As used in this section, "seller" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a seller who is registered pursuant to NRS 360B.200.

Sec. 32. *Any person who gives a resale certificate for specified digital products which the person knows at the time of purchase is not to be further broadcast, rebroadcast, transmitted, retransmitted, licensed, relicensed, distributed, redistributed or exhibited by the person in the regular course of business for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction is guilty of a misdemeanor.*

Sec. 33. *1. An excise tax is hereby imposed on the use in this State of specified digital products purchased and electronically transferred from any retailer on or after January 1, 2026, for use in this State at a rate equal to the sum of the rates of all taxes imposed upon the storage, use or other consumption of tangible personal property in the county in which the use of the specified digital products occurs.*

2. The tax imposed by subsection 1 applies whether the purchaser obtains permanent use or less than permanent use of the specified digital product, whether the sale is conditioned or not conditioned upon continued payment from the purchaser and whether the sale is on a subscription basis or is not on a subscription basis.

3. The tax is imposed with respect to all specified digital products which were electronically transferred in a transaction that is taxable pursuant to this chapter but for which the tax imposed by section 24 of this act was not collected.

Sec. 34. *Every person storing, using or otherwise consuming in this State specified digital products purchased from a retailer is liable for the tax. The liability of a person pursuant to this section is not extinguished until the tax has been paid to this State, except that a receipt from a retailer given to the purchaser pursuant to section 35 of this act is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.*

Sec. 35. *Every retailer maintaining a place of business in this State and making sales of specified digital products for use in this State, not exempted by this chapter, shall, at the time of making the sales or, if the use of the specified digital products is not then taxable hereunder, at the time the use becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Nevada Tax Commission.*

Sec. 36. *The tax required to be collected by the retailer constitutes a debt owed by the retailer to this State.*

Sec. 37. *It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the specified digital products sold or that, if added, it or any part thereof will be refunded.*

Sec. 38. *The tax required pursuant to this chapter to be collected by the retailer from the purchaser must be displayed separately from the list price, the price advertised in the premises, the marked price, or any other price on the sales check or other proof of sale.*

Sec. 39. *Any person who violates section 35, 37 or 38 of this act is guilty of a misdemeanor.*

Sec. 40. *1. Every retailer who sells specified digital products for use in this State shall register with the Department and give:*

(a) The name and address of all agents operating in this State.

(b) The location of all offices or other places of business in this State.

(c) Such other information as the Department may require.

2. Every business that purchases specified digital products for use in this State shall, at the time the business obtains a state business license pursuant to chapter 76 of NRS, register with the Department on a form prescribed by the Department. As used in this subsection, "business" has the meaning ascribed to it in NRS 76.020.

Sec. 41. *For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that specified digital products sold by any person for delivery in this State are sold for use in this State until the contrary is established. The burden of proving that a sale of specified digital products is not a sale at*

retail is upon the person who makes the sale unless the person takes from the purchaser a certificate to the effect that the specified digital products were purchased by an end user and the purchaser:

1. Is engaged in the business of commercial broadcasting, rebroadcasting, transmitting, retransmitting, licensing, relicensing, distributing, redistributing or exhibiting specified digital products, in whole or in part, to another person or persons;

2. Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to section 27 of this act, if required; and

3. At the time of purchasing the specified digital products, intends to broadcast, rebroadcast, transmit, retransmit, license, relicense, distribute, redistribute or exhibit the specified digital products in the regular course of business or is unable to ascertain at the time of purchase whether the specified digital products will be used for such a purpose or will be used for some other purpose.

Sec. 42. *A resale certificate must:*

1. Be substantially in such form and include such information as the Department may prescribe; and

2. Unless submitted in electronic form, be signed by the purchaser.

Sec. 43. *If a purchaser who gives a resale certificate makes any use of the specified digital products other than the commercial broadcasting, rebroadcasting, transmitting, retransmitting, licensing, relicensing, distributing, redistributing or exhibiting of the specified digital products, in whole or in part, to another person or persons in the regular course of business, the use is taxable as of the time any of the specified digital products is first so stored or used.*

Sec. 44. *As used in sections 44 to 56, inclusive, of this act, "exempted from the taxes imposed by this chapter" means exempted from the computation of the amount of taxes imposed.*

Sec. 45. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the use in this State of, specified digital products the gross receipts from the sale of which, or the use of which, this State is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this State.*

Sec. 46. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale of specified digital products that are textbooks sold within the Nevada System of Higher Education.*

Sec. 47. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the use in this State of, specified digital products which is a newspaper regularly issued at average intervals not exceeding 1 week and any such newspaper.*

Sec. 48. *There are exempted from the taxes imposed by this chapter the gross receipts from occasional sales of specified digital products and the use in this State of specified digital products, the transfer of which to the purchaser is an occasional sale.*

Sec. 49. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale of any specified digital products to:*

1. The United States, its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada, its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

Sec. 50. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the use in this State of, any specified digital products sold by or to a nonprofit organization created for religious, charitable or educational purposes. The Legislature shall establish:*

1. Standards for determining whether an organization is created for religious, charitable or educational purposes.

2. Procedures for administering the provisions of this section.

Sec. 51. *1. For the purposes of section 50 of this act, an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.*

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Accreditation Commission or accreditation by the Northwest Commission on Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. In addition to the requirements set forth in subsection 2, 3 or 4, as applicable, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 52. *There are exempted from the taxes imposed by this chapter on the use of specified digital products any such products loaned or donated to:*

1. The United States, its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada, its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this State.

5. Any organization created for religious, charitable or eleemosynary purposes, provided that no part of the net earnings of any such organization inures to the benefit of any private shareholder or individual.

Sec. 53. *The use in this State of specified digital products, the gross receipts from the sale of which are required to be included in the measure of the tax imposed by section 24 of this act, is exempted from the tax imposed by section 33 of this act.*

Sec. 54. *1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such information from the purchaser as is required by the Department.*

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer:

(a) Fraudulently fails to collect the tax;

(b) Solicits a purchaser to participate in an unlawful claim of an exemption; or

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section:

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 55. *1. Any nonprofit organization created for religious, charitable or educational purposes that wishes to claim an exemption pursuant to section 50 of this act, must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.*

2. If the Department determines that the organization is created for religious, charitable or educational purposes, it shall issue a letter of exemption to the organization. The letter of exemption expires 5 years after the date on which it is issued by the Department. At least 90 days before the

expiration of the letter of exemption, the Department shall notify the organization to whom the letter was issued of the date on which the letter will expire. The organization may renew its letter of exemption for an additional 5 years by filing an application for renewal with the Department. The application for renewal must be on a form and contain such information as is required by the Department.

3. To claim an exemption pursuant to section 50 of this act for the sale of specified digital products to such an organization:

(a) The organization must give a copy of its letter of exemption to the retailer from whom the organization purchases the product; and

(b) The retailer must retain and present upon request a copy of the letter of exemption.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 56. ***If a purchaser certifies in writing to a seller that the specified digital products purchased will be used in a manner or for a purpose entitling the seller to regard the gross receipts from the sale as exempted by this chapter from the computation of the amount of the taxes imposed by this chapter, and uses the specified digital products in some other manner or for some other purpose, the purchaser shall be liable for payment of the tax as if the purchaser were a retailer making a retail sale of the specified digital products at the time of such use, and the cost of the specified digital products to the purchaser shall be deemed the gross receipts from such retail sale.***

Sec. 57. ***A retailer shall hold the amount of all taxes collected pursuant to this chapter in a separate account in trust for the State.***

Sec. 58. ***Except as otherwise provided in section 65 of this act or required by the Department pursuant to NRS 360B.200, the taxes imposed by this chapter are due and payable to the Department monthly on or before the last day of the month next succeeding each month.***

Sec. 59. ***Except as otherwise required by the Department pursuant to NRS 360B.200:***

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form and manner as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapters 372 and 374 of NRS.

2. For purposes of:

(a) The tax imposed by section 24 of this act, a return must be filed by each seller.

(b) The tax imposed by section 33 of this act, a return must be filed by each retailer maintaining a place of business in the State and by each person purchasing specified digital products, the use of which is subject to the use tax, who has not paid the use tax due.

3. Unless filed electronically, returns must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 60. ***1. Except as otherwise required by the Department pursuant to NRS 360B.200:***

(a) For the purposes of the tax imposed by section 24 of this act:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of specified digital products pertains.

(3) A sale pertains to the county in this State in which the retail sale of specified digital products takes place as determined pursuant to section 23 of this act.

(b) For purposes of the tax imposed by section 33 of this act:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the specified digital products purchased by the retailer, the use of which specified digital products became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of specified digital products pertains.

(3) If the specified digital products were:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In the case of a return filed by a purchaser, the return must show the total sales price of the specified digital products purchased by the purchaser, the use of which became subject to the tax imposed by section 24 of this act during the preceding reporting period and indicate the county in this State in which the specified digital products were first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 61. *In determining the amount of taxes due pursuant to this chapter:*

1. The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

2. A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

Sec. 62. *1. If a retailer is unable to collect all or part of the sales price of a sale, the retailer is entitled to receive a deduction from his or her taxable sales for that bad debt.*

2. Any deduction that is claimed pursuant to this section may not include interest.

3. The amount of any deduction claimed must equal the amount of a deduction that may be claimed pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166, for that sale minus:

(a) Any finance charge or interest charged as part of the sale;

(b) Any tax imposed by this chapter charged on the sales price;

(c) Any amount not paid on the sales price because the specified digital product that was sold was not delivered until the full sales price is paid; and

(d) Any expense incurred in attempting to collect the bad debt.

4. A bad debt may be claimed as a deduction on the return that covers the period during which the bad debt is written off in the business records of the retailer that are maintained in the ordinary course of the retailer's business and is eligible to be claimed as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166, or if the retailer is not required to file a federal income tax return, would be eligible to be claimed as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

5. If a bad debt for which a deduction has been claimed is subsequently collected in whole or in part, the tax on the amount so collected must be reported on the return that covers the period in which the collection is made.

6. If the amount of the bad debt is greater than the amount of the taxable sales reported for the period during which the bad debt is claimed as a deduction, a claim for a refund may be filed pursuant to sections 69 to 87,

inclusive, of this act except that the time within which the claim may be filed begins on the date on which the return that included the deduction was filed.

7. If the retailer has contracted with a certified service provider for the remittance of the tax due under this chapter, the service provider may, on behalf of the retailer, claim any deduction to which the retailer is entitled pursuant to this section. The service provider shall credit or refund the full amount of any deduction or refund received pursuant to this section to the retailer.

8. For the purposes of reporting a payment received on a bad debt for which a deduction has been claimed, the payment must first be applied to the sales price of the specified digital products sold and the tax due thereon, and then to any interest, service charge or other charge that was charged as part of the sale.

9. If the records of a retailer indicate that a bad debt may be allocated among other states that are members of the Streamlined Sales and Use Tax Agreement, the retailer may allocate the bad debt among those states.

10. A retailer who assigns a debt to an entity which is part of an affiliated group that includes the retailer may claim any deduction or refund to which the retailer would otherwise be entitled pursuant to this section, notwithstanding:

(a) The assignment of the debt to the entity;

(b) That the debt is written off as a bad debt in the business records of the entity which are maintained in the ordinary course of the entity's business; and

(c) That the bad debt is or would be eligible to be claimed by the entity as a deduction pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

11. Except as otherwise provided in subsection 12, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the deduction claimed or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the deduction claimed or $3,000, whichever is less.

12. For the purposes of subsection 11, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 11.

13. As used in this section:

(a) "Affiliated group" means:

(1) An affiliated group as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. § 1504(a); or

(2) A controlled group of corporations as described in section 1563(a)(2) of the Internal Revenue Code, 26 U.S.C. § 1563(a)(2).

(b) "Bad debt" means a debt that may be deducted pursuant to section 166 of the Internal Revenue Code, 26 U.S.C. § 166.

(c) "Certified service provider" has the meaning ascribed to it in NRS 360B.060.

Sec. 63. *1. Except as otherwise provided in subsection 2, if the taxes imposed by this chapter are paid in accordance with section 58 of this act, a taxpayer may deduct and withhold from the taxes otherwise due from the taxpayer 0.25 percent of those taxes as reimbursement for the cost of collecting the tax.*

2. The regulations adopted by the Nevada Tax Commission pursuant to NRS 360B.110 may authorize the deduction and withholding from the taxes otherwise due from a taxpayer such other amounts as are required to carry out the Streamlined Sales and Use Tax Agreement.

Sec. 64. *1. Except as otherwise authorized or required by the Department, the person required to file a return shall deliver the return together with a remittance of the amount of the tax due to the Department.*

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 65. *1. Except as otherwise provided in this section or required by the Department pursuant to NRS 360B.200, the reporting and payment period of:*

(a) A taxpayer whose taxable sales do not exceed $10,000 per month is a calendar quarter.

(b) A taxpayer who files reports on a quarterly basis in accordance with paragraph (a) and:

(1) From whom no tax is due pursuant to this chapter for the immediately preceding three quarterly reporting periods; or

(2) Whose taxable sales do not exceed a total amount of $1,500 for the immediately preceding four quarterly reporting periods,

➥ is 12 calendar months, unless the taxable sales of the taxpayer exceed a total amount of $1,500 for such a 12-month reporting and payment period or $10,000 for a calendar month.

2. The Department, if it deems this action necessary to ensure payment to or facilitate the collection by the State of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months or quarters, depending upon the principal place of business of the seller, retailer or purchaser, as the case may be, or for other than monthly, quarterly or annual periods.

Sec. 66. *For the purposes of the tax imposed by section 24 of this act, gross receipts from rentals or leases of specified digital products must be reported and the tax paid in accordance with such regulations as the Department may prescribe.*

Sec. 67. *The Department for good cause may extend for not to exceed 1 month the time for making any return or paying any amount required to be paid under this chapter.*

Sec. 68. *1. The Department, whenever it deems it necessary to ensure compliance with this chapter, may require any person subject to the chapter to place with it such security as the Department may determine. The Department shall fix the amount of the security which, except as otherwise provided in subsection 2, may not be greater than twice the estimated average tax due quarterly of persons filing returns for quarterly periods, three times the estimated average tax due monthly of persons filing returns for monthly periods or four times the estimated average tax due annually of persons filing returns for annual periods, determined in such a manner as the Department deems proper.*

2. In the case of persons who are habitually delinquent in their obligations under this chapter, the amount of the security may not be greater than three times the average actual tax due quarterly of persons filing returns for quarterly periods, five times the average actual tax due monthly of persons filing returns for monthly periods or seven times the average actual tax due annually of persons filing returns for annual periods.

3. The limitations provided in this section apply regardless of the type of security placed with the Department.

4. The amount of the security may be increased or decreased by the Department subject to the limitations provided in this section.

5. The Department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, or interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail. If the notice is served by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his or her address as it appears in the records of the Department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the Department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 69. *1. If the Department determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Examiners,*

the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person, or his or her successors, administrators or executors.

2. Any overpayment of the tax imposed by section 33 of this act by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to sections 33 to 43, inclusive, of this act must be credited or refunded by the State to the purchaser, subject to the requirements of NRS 360.236.

Sec. 70. *Except as otherwise provided in NRS 360.235 and 360.395 and section 62 of this act:*

1. No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the close of the period for which the overpayment was made.

2. No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period, or unless the credit relates to a period for which a waiver is given pursuant to NRS 360.355.

Sec. 71. *No credit or refund of any amount paid pursuant to sections 33 to 43, inclusive, of this act may be allowed on the ground that the use of the specified digital products is exempted pursuant to section 53 of this act, unless the person who paid the amount reimburses the vendor of the specified digital products for the amount of the tax imposed by section 24 of this act upon the vendor of the specified digital products with respect to the sale of the specified digital products and paid by the vendor to the State.*

Sec. 72. *Every claim must be in writing and state the specific grounds upon which the claim is founded.*

Sec. 73. *Failure to file a claim within the time prescribed in section 70 of this act constitutes a waiver of any demand against the State on account of overpayment.*

Sec. 74. *Within 30 days after disallowing any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.*

Sec. 75. *Except as otherwise provided in NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of tax at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.*

Sec. 76. *If the Department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.*

Sec. 77. *No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State, a county or any officer thereof to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected.*

Sec. 78. *No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally*

determined or collected unless a claim for refund or credit has been duly filed.

Sec. 79. *1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Nevada Tax Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his or her principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.

Sec. 80. *If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with a hearing officer within 45 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the hearing officer on appeal, the claimant may, pursuant to the provisions of NRS 360.245, appeal the decision to the Nevada Tax Commission. If the claimant is aggrieved by the decision of the Commission on appeal, the claimant may, within 45 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.*

Sec. 81. *1. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited as follows:*

(a) If the judgment is for a refund of tax imposed by section 24 of this act, it must be credited on any amount of tax due from the plaintiff pursuant to this chapter.

(b) If the judgment is for a refund of the tax imposed by section 33 of this act, it must be credited on any amount of that tax due from the plaintiff pursuant to this chapter.

2. The balance of the judgment must be refunded to the plaintiff.

Sec. 82. *In any judgment, interest shall be allowed at the rate of 3 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Department.*

Sec. 83. *A judgment shall not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.*

Sec. 84. *The Department may recover any refund or part of it which is erroneously made and any credit or part of it which is erroneously allowed*

in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.

Sec. 85. *The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.*

Sec. 86. *The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.*

Sec. 87. *1. If any amount in excess of $25 has been illegally determined, either by the person filing the return or by the Department, the Department shall certify this fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.*

2. If an amount not exceeding $25 has been illegally determined, either by the person filing a return or by the Department, the Department, without certifying this fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.

Sec. 88. *This chapter must be administered in accordance with the provisions of chapter 360B of NRS.*

Sec. 89. *1. The provisions of this chapter relating to:*

(a) The imposition, collection and remittance of the tax imposed by section 24 of this act apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the tax imposed by section 33 of this act apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of subsection 1.

Sec. 90. *As used in sections 90 to 97, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 91, 92 and 93 of this act have the meanings ascribed to them in those sections.*

Sec. 91. *"Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purposes of this section, control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 10 percent or more of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact.*

Sec. 92. *1. "Marketplace facilitator" means a person, including any affiliate of the person, who:*

(a) Directly or indirectly, does one or more of the following to facilitate a retail sale:

(1) Lists, makes available or advertises specified digital products for sale by a marketplace seller in a marketplace owned, operated or controlled by the person;

(2) Facilitates the sale of a marketplace seller's product through a marketplace by transmitting or otherwise communicating an offer or acceptance of a retail sale of specified digital products between a marketplace seller and a purchaser in a forum including a shop, store, booth, catalog, Internet site or similar forum;

(3) Owns, rents, licenses, makes available or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark or patent that connects marketplace sellers to purchasers for the purpose of making retail sales of specified digital products;

(4) Provides a marketplace for making retail sales of specified digital products, or otherwise facilitates retail sales of specified digital products, regardless of ownership or control of the specified digital products that are the subject of the retail sale;

(5) Provides software development or research and development activities related to any activity described in this subsection, if such software development or research and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider;

(6) Provides or offers fulfillment or storage services for a marketplace seller;

(7) Sets prices for the sale of specified digital products by a marketplace seller;

(8) Provides or offers customer service to a marketplace seller or the customers of a marketplace seller, or accepts or assists with taking orders, returns or exchanges of specified digital products sold by a marketplace seller; or

(9) Brands or otherwise identifies sales as those of the marketplace facilitator; and

(b) Directly or indirectly, does one or more of the following to facilitate a retail sale:

(1) Collects the sales price or purchase price of a retail sale of specified digital products;

(2) Provides payment processing services for a retail sale of specified digital products;

(3) Charges, collects or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available specified digital products on a marketplace or other consideration from the facilitation of a retail sale of specified digital products, regardless of ownership or control of the specified digital products that are the subject of the retail sale;

(4) Through terms and conditions, agreements or arrangements with a third party, collects payment in connection with a retail sale of specified digital products from a purchaser and transmits that payment to the marketplace seller, regardless of whether the person collecting and

transmitting such payment receives compensation or other consideration in exchange for the service; or

(5) Provides a virtual currency that purchasers are allowed or required to use to purchase specified digital products.

2. The term does not include a person who provides Internet advertising services, including, without limitation, the listing of products for sale, if the person does not directly or indirectly or through an affiliate:

(a) Transmit or otherwise communicate an offer or acceptance of a retail sale of specified digital products between a marketplace seller and a purchaser; and

(b) Do one or more of the activities listed in paragraph (b) of subsection 1.

3. The term includes a provider of direct broadcast satellite services as defined in 47 U.S.C. § 335(b)(5)(A) or a cable operator as defined in 47 U.S.C. § 522(5) who meets the definition of "marketplace facilitator" provided in subsection 1, including, without limitation, by facilitating the retail sale of a software application of a marketplace seller which may be accessed through the digital platform owned, operated or controlled by the provider of direct broadcast satellite services or cable operator. A provider of direct broadcast satellite services or cable operator is not a marketplace facilitator with respect to a software application of a marketplace seller which may be accessed through the digital platform owned, operated or controlled by the provider of direct broadcast satellite services or cable operator for no additional charge.

Sec. 93. *"Marketplace seller" means:*

1. A seller who makes retail sales through any physical or electronic marketplace owned, operated or controlled by a marketplace facilitator, even if such seller would not have been required to collect and remit the sales tax or use tax had the sale not been made through such marketplace; or

2. A seller who makes retail sales resulting from a referral by a referrer, even if such seller would not have been required to collect and remit the sales tax or use tax had the sale not been made through such referrer.

Sec. 94. *1. Except as otherwise provided in this section and section 95 of this act, the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act, and the collection and remittance of the tax imposed by section 33 of this act, apply to a marketplace facilitator during a calendar year in which or during a calendar year immediately following any calendar year in which:*

(a) The cumulative gross receipts from retail sales of tangible personal property and specified digital products made or facilitated by the marketplace facilitator on its own behalf or for one or more marketplace sellers to customers in this State exceed $100,000; or

(b) The marketplace facilitator makes or facilitates 200 or more separate retail sales transactions of tangible personal property or specified digital products on his or her own behalf or for one or more marketplace sellers to customers in this State.

2. The provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act and the collection and remittance of the tax imposed by section 33 of this act do not apply to a marketplace facilitator described in subsection 1 if:

(a) The marketplace facilitator and the marketplace seller have entered into a written agreement whereby the marketplace seller assumes responsibility for the collection and remittance of the tax imposed by section 24 of this act, and the collection and remittance of the tax imposed by section 33 of this act, for retail sales made by the marketplace seller through the marketplace facilitator; and

(b) The marketplace seller has obtained a permit pursuant to section 27 of this act or registered pursuant to NRS 360B.200.

➥ Upon request of the Department, a marketplace facilitator shall provide to the Department a report containing the name of each marketplace seller with whom the marketplace facilitator has entered into an agreement pursuant to this subsection and such other information as the Department determines is necessary to ensure that each marketplace seller with whom the marketplace facilitator has entered into an agreement pursuant to this subsection has obtained a permit pursuant to section 27 of this act or registered pursuant to NRS 360B.200.

3. Except as otherwise provided in this section and section 95 of this act, the provisions of subsection 1 apply regardless of whether:

(a) The marketplace seller for whom a marketplace facilitator makes or facilitates a retail sale would not have been required to collect and remit the sales tax or the use tax had the retail sale not been facilitated by the marketplace facilitator;

(b) The marketplace seller for whom a marketplace facilitator makes or facilitates a retail sale was required to register with the Department pursuant to NRS 360B.200 or obtain a permit pursuant to section 27 of this act; or

(c) The amount of the sales price of a retail sale will ultimately accrue to or benefit the marketplace facilitator, the marketplace seller or any other person.

4. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 95. *1. In administering the provisions of this chapter, the Department shall not hold a marketplace facilitator liable for the payment of any tax imposed by this chapter which is attributable to a retail sale made or facilitated on behalf of a marketplace seller who is not an affiliate of the marketplace facilitator if:*

(a) The marketplace facilitator provides proof satisfactory to the Department that the marketplace facilitator has made a reasonable effort to obtain accurate information from the marketplace seller about the retail sale; and

(b) The failure to collect and remit the correct tax on the retail sale was due to incorrect information provided to the marketplace facilitator by the marketplace seller.

2. Except as otherwise provided in subsection 3, in administering the provisions of this chapter, the Department shall not hold a marketplace facilitator liable for the payment of any tax imposed by this chapter which is attributable to a retail sale made or facilitated on behalf of a marketplace seller who is not an affiliate of the marketplace facilitator if the marketplace facilitator provides proof satisfactory to the Department that:

(a) The retail sale was made before January 1, 2026;

(b) The retail sale was made through a marketplace of the marketplace facilitator; and

(c) The failure to collect the tax imposed by section 24 of this act and the tax imposed by section 33 of this act was due to an error other than an error in sourcing the retail sale.

3. The relief from liability provided pursuant to subsection 2 for the 2026 and 2027 calendar years, respectively, must not exceed 5 percent of the total tax imposed by sections 24 and 33 of this act owed for the calendar year on the cumulative gross receipts of the marketplace facilitator from retail sales made or facilitated by the marketplace facilitator for one or more marketplace sellers to customers in this State.

4. If a marketplace facilitator is relieved of liability for the collection and remittance of any amount of the tax imposed by section 24 of this act or the tax imposed by section 33 of this act pursuant to subsection 1, the marketplace seller or purchaser, as applicable, is liable for the payment of such uncollected, unpaid or unremitted tax.

5. To the extent that a marketplace facilitator is relieved of liability for the collection and remittance of any tax pursuant to subsections 2 and 3, the marketplace seller for whom the marketplace facilitator made or facilitated the retail sale giving rise to the tax is also relieved of such liability.

6. Nothing in this section shall be construed to relieve any person of liability for collecting but failing to remit to the Department any tax imposed by this chapter.

Sec. 96. *1. The Department may provide by regulation that, except as otherwise provided in this section, the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act and the collection and remittance of the tax imposed by section 33 of this act apply to a referrer during a calendar year in which, or during a calendar year immediately following any calendar year in which:*

(a) The cumulative gross receipts from retail sales of tangible personal property and specified digital products to customers in this State resulting from referrals from a platform of the referrer are in excess of $100,000; or

(b) There are 200 or more separate retail sales transactions involving sales of tangible personal property or specified digital products to customers in this State resulting from referrals from a platform of the referrer.

2. Any regulations adopted by the Department pursuant to subsection 1 must provide that the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act, and the collection and remittance of the tax imposed by section 33 of this act do not apply to a referrer described in subsection 1 if the referrer:

(a) Posts a conspicuous notice on each platform of the referrer that includes all of the following:

(1) A statement that tax imposed by sections 24 and 33 of this act is due on certain purchases;

(2) A statement that the marketplace seller from whom the person is purchasing on the platform may or may not collect and remit the tax imposed by sections 24 and 33 of this act on a purchase;

(3) A statement that Nevada requires the purchaser to pay the tax imposed by sections 24 and 33 of this act and file a return for such taxes if the tax imposed by sections 24 and 33 of this act is not collected at the time of the sale by the marketplace seller;

(4) Information informing the purchaser that the notice is provided under the requirements of this section; and

(5) Instructions for obtaining additional information from the Department regarding whether and how to remit the tax imposed by sections 24 and 33 of this act;

(b) The referrer provides a monthly notice to each marketplace seller to whom the referrer made a referral of a potential customer located in this State during the previous calendar year, which monthly notice shall contain all of the following:

(1) A statement that Nevada imposes the tax imposed by sections 24 and 33 of this act on retail sales in this State;

(2) A statement that a marketplace facilitator or other retailer making retail sales in this State must collect and remit the tax imposed by sections 24 and 33 of this act; and

(3) Instructions for obtaining additional information from the Department regarding the collection and remittance of the tax imposed by sections 24 and 33 of this act; and

(c) The referrer provides the Department with periodic reports in an electronic format and in the manner prescribed by the Department, which reports contain all of the following:

(1) A list of marketplace sellers who received a notice from the referrer pursuant to paragraph (b);

(2) A list of marketplace sellers that collect and remit the tax imposed by sections 24 and 33 of this act and that list or advertise the marketplace seller's products for sale on a platform of the referrer; and

(3) An affidavit signed under penalty of perjury from an officer of the referrer affirming that the referrer made reasonable efforts to comply with the applicable notice and reporting requirements of this subsection.

3. Any regulations adopted by the Department pursuant to subsection 1 must provide that in administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. Any regulations adopted by the Department pursuant to subsection 1 must apply only to referrals by a referrer and shall not preclude the applicability of other provisions of this chapter to a person who is a referrer and is also a retailer, a marketplace facilitator or a marketplace seller.

5. As used in this section:

(a) "Platform" means an electronic or physical medium, including, without limitation, an Internet site or catalog, that is owned, operated or controlled by a referrer.

(b) "Referral" means the transfer through telephone, Internet link or other means by a referrer of a potential customer to a retailer or seller who advertises or lists specified digital products for sale on a platform of the referrer.

(c) "Referrer":

(1) Means a person who does all of the following:

(I) Contracts or otherwise agrees with a retailer, seller or marketplace facilitator to list or advertise for sale specified digital products of the retailer, seller or marketplace facilitator on a platform, provided such listing or advertisement identifies whether or not the retailer, seller or marketplace facilitator collects the tax imposed by sections 24 and 33 of this act;

(II) Receives a commission, fee or other consideration from the retailer, seller or marketplace facilitator for the listing or advertisement;

(III) Provides referrals to a retailer, seller or marketplace facilitator, or an affiliate of a retailer, seller or marketplace facilitator; and

(IV) Does not collect money or other consideration from the customer for the transaction.

(2) Does not include:

(I) A person primarily engaged in the business of printing or publishing a newspaper; or

(II) A person who does not provide the retailer's, seller's or marketplace facilitator's shipping terms and who does not advertise whether a retailer, seller or marketplace facilitator collects the tax imposed by sections 24 and 33 of this act.

Sec. 97. *1. Nothing in sections 90 to 97, inclusive, of this act shall be construed to create any remedy or private right of action against a marketplace facilitator.*

2. A marketplace facilitator that is required to collect taxes imposed by this chapter is immune from civil liability for claims arising from or related to the overpayment of taxes imposed by this chapter if the marketplace facilitator acted in good faith and without malicious intent.

3. Nothing in this section applies to or otherwise limits:

(a) Any claim, action, mandate, power, remedy or discretion of the Department, or an agent or designee of the Department.

(b) The right of a taxpayer to seek a refund pursuant to sections 69 to 87, inclusive, of this act.

Sec. 98. *1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act, and the collection and remittance of the tax imposed by section 33 of this act, apply to a retailer if:*

(a) The retailer is part of a controlled group of corporations that has a component member, other than a common carrier acting in its capacity as such, that has physical presence in this State; and

(b) The component member with physical presence in this State:

(1) Sells a similar line of products or services as the retailer and does so under a business name that is the same or similar to that of the retailer;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in this State to facilitate the delivery of products or services sold by the retailer to the retailer's customers;

(3) Uses trademarks, service marks or trade names in this State that are the same or substantially similar to those used by the retailer;

(4) Delivers, installs, assembles or performs maintenance services for the retailer's customers within this State;

(5) Facilitates the retailer's delivery of products or services to customers in this State by allowing the retailer's customers to pick up or receive products or services sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the component member in this State; or

(6) Conducts any other activities in this State that are significantly associated with the retailer's ability to establish and maintain a market in this State for the retailer's products or services.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that, during the calendar year in question, the activities of the component member with physical presence in this State are not significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

4. As used in this section:

(a) "Component member" has the meaning ascribed to it in section 1563(b) of the Internal Revenue Code, 26 U.S.C. § 1563(b), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as

a component member of the same controlled group of corporations as the retailer.

(b) "Controlled group of corporations" has the meaning ascribed to it in section 1563(a) of the Internal Revenue Code, 26 U.S.C. § 1563(a), and includes any entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that would qualify as a component member of the same controlled group of corporations as the retailer.

Sec. 99. *1. Except as otherwise provided in this section, it is presumed that the provisions of this chapter relating to:*

(a) The imposition, collection and remittance of the tax imposed by section 24 of this act; and

(b) The collection and remittance of the tax imposed by section 33 of this act,

➥ apply to every retailer who enters into an agreement with a resident of this State under which the resident, for a commission or other consideration based upon the sale of specified digital products by the retailer, directly or indirectly refers potential customers, whether by a link on an Internet website or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in this State who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September and December.

2. A retailer may rebut the presumption set forth in subsection 1 by providing proof satisfactory to the Department that each resident with whom the retailer has an agreement did not engage in any activity in this State that was significantly associated with the retailer's ability to establish or maintain a market in this State for the retailer's products or services during the preceding four quarterly periods ending on the last day of March, June, September and December. Such proof may consist of the sworn written statements of each resident with whom the retailer has an agreement stating that the resident did not engage in any solicitation in this State on behalf of the retailer during the preceding four quarterly periods ending on the last day of March, June, September and December, if the statements were obtained from each resident and provided to the Department in good faith.

3. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of this section.

Sec. 100. *1. The provisions of this chapter relating to the imposition, collection and remittance of the tax imposed by section 24 of this act, and the collection and remittance of the tax imposed by section 33 of this act apply to a retailer who does not maintain a place of business in this State if, in the immediately preceding calendar year or the current calendar year:*

(a) The gross revenue of the retailer from the retail sale of tangible personal property or specified digital products, or the total gross revenue of

the retailer from the retail sale of tangible personal property and specified digital products, in transactions that took place in this State, as determined pursuant to NRS 360B.350 to 360B.375, inclusive, or section 23 of this act, as applicable, is greater than $100,000.

(b) The retailer had 200 or more transactions that took place in this State, as determined pursuant to NRS 360B.350 to 360B.375, inclusive, or section 23 of this act, as applicable, in which tangible personal property or specified digital products were sold at retail.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of subsection 1.

Sec. 101. *1. The Department shall enforce the provisions of this chapter and may adopt regulations relating to the administration and enforcement of this chapter.*

2. The Department may prescribe the extent to which any regulation may be applied without retroactive effect.

Sec. 102. *In administering the provisions of section 49 of this act, the Department shall apply the exemption for the sale of specified digital products to the State of Nevada, its unincorporated agencies and instrumentalities to include all specified digital products that are sold to:*

1. A member of the Nevada National Guard who is engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and has been called into active service.

2. A relative of a member of the Nevada National Guard eligible for the exemption pursuant to subsection 1 who:

(a) Resides in the same home or dwelling in this State as the member; and

(b) Is related by blood, adoption or marriage within the first degree of consanguinity or affinity to the member.

3. A relative of a deceased member of the Nevada National Guard who was engaged in full-time National Guard duty, as defined in 10 U.S.C. § 101(d)(5), and who was killed while performing his or her duties as a member of the Nevada National Guard during a period when the member was called into active service. To be eligible under this subsection, the relative must be a person who:

(a) Resided in the same house or dwelling in this State as the deceased member; and

(b) Was related by blood, adoption or marriage within the first degree of consanguinity or affinity to the deceased member.

Sec. 103. *1. A person who wishes to claim an exemption pursuant to section 102 of this act must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.*

2. If the Department determines that a person is eligible for the exemption provided pursuant to section 102 of this act, the Department shall issue a letter of exemption to the person. A letter of exemption issued to a

member of the Nevada National Guard described in subsection 1 of section 102 of this act or a relative of a member described in subsection 2 of section 102 of this act expires on the date on which the person no longer meets the qualifications for eligibility. A letter of exemption issued to a relative of a deceased member of the Nevada National Guard described in subsection 3 of section 102 of this act expires on the date 3 years after the date of the death of the member.

3. To claim an exemption pursuant to section 102 of this act for the sale of specified digital products to such a person:

(a) The person must provide a copy of the letter of exemption to the retailer from whom the person purchases the specified digital products; and

(b) The retailer must retain and present upon request a copy of the letter of exemption to the Department.

4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 104. *The Department may employ accountants, auditors, investigators, assistants and clerks necessary for the efficient administration of this chapter, and may delegate authority to its representatives to conduct hearings, adopt regulations or perform any other duties imposed by this chapter.*

Sec. 105. *1. Notwithstanding any other provision of law, any broadcaster, printer, outdoor advertising firm, advertising distributor or publisher which broadcasts, publishes, displays or distributes paid commercial advertising in this State which is intended to be disseminated primarily to persons located in this State and is only secondarily disseminated to bordering jurisdictions, including advertising appearing exclusively in a Nevada edition or section of a national publication, must be regarded, for the purposes set forth in subsection 2 only, as the agent of the person or entity placing the advertisement, and as a retailer maintaining a place of business in this State.*

2. The agency created by this section is solely for the purpose of the proper administration of this chapter, to prevent evasion of the tax imposed by section 33 of this act and the duty to collect that tax, and to provide a presence in Nevada for the collection of the tax imposed by section 33 of this act by and from advertisers and sellers who do not otherwise maintain a place of business in this State. The agent has no responsibility to report, or liability to pay, any tax imposed under this chapter and is not restricted by the provisions of this chapter from accepting advertisements from advertisers or sellers who do not otherwise maintain a place of business in this State.

Sec. 106. *1. Every seller, every retailer and every person storing, using or otherwise consuming in this State specified digital products purchased from a retailer shall keep records, receipts, invoices and other pertinent papers in such form as the Department may require.*

2. Every seller, retailer or person who files the returns required under this chapter shall keep the records for not less than 4 years from their making unless the Department in writing sooner authorizes their destruction.

3. Every seller, retailer or person who fails to file the returns required under this chapter shall keep the records for not less than 8 years from their making unless the Department in writing sooner authorizes their destruction.

Sec. 107. *1. The Department, or any person authorized in writing by the Department, may examine the books, papers, records and equipment of any person selling specified digital products and any person liable for the tax imposed by section 33 of this act and may investigate the character of the business of the person to verify the accuracy of any return made or, if no return is made by the person, to ascertain and determine the amount required to be paid.*

2. Any person selling or purchasing specified digital products in this State who:

(a) Is required to:

(1) Obtain a permit pursuant to section 27 of this act or register pursuant to NRS 360B.200; or

(2) File a return pursuant to subsection 2 of section 59 of this act; and

(b) Keeps outside of this State his or her records, receipts, invoices and other documents relating to sales the person has made or the tax imposed by section 33 of this act due this State,

➥ shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 108. *In its administration of the tax imposed by section 33 of this act, the Department may require the filing of reports by any person or class of persons having in their possession or custody information relating to sales of specified digital products, the use of which is subject to the tax. The report must:*

1. Be filed when the Department requires.

2. Set forth the names and addresses of purchasers of the specified digital products, the sales price of the specified digital products, the date of sale and such other information as the Department may require.

Sec. 109. *Any retailer or other person who fails or refuses to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Department, or who renders a false or fraudulent return shall be fined not more than $500 for each offense.*

Sec. 110. *Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, is guilty of a gross misdemeanor and shall for each offense be fined not less than $300 nor more than $5,000, or be imprisoned for not more than 364 days in the county jail, or be punished by both fine and imprisonment.*

Sec. 111. *Any violation of this chapter, except as otherwise provided, is a misdemeanor.*

Sec. 112. *Any prosecution for violation of any of the penal provisions of this chapter must be instituted within 3 years after the commission of the offense.*

Sec. 113. *In the determination of any case arising under this chapter, the rule of res judicata is applicable only if the liability involved is for the same period as was involved in another case previously determined.*

Sec. 114. *1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the State under this chapter must be paid to the Department in the form of remittances payable to the Department.*

2. Except as otherwise provided in subsection 3, the Department shall deposit the payments in the State Treasury to the credit of each account in the State General Fund to which is credited a tax imposed upon sales at retail of tangible personal property and use tax due on the purchase of tangible personal property for use in this State, in the proportion that would be credited to each account if the fees, taxes, interest and penalties imposed or required to be paid to the State under this chapter were a tax upon sales at retail of tangible personal property or use tax due on the purchase of tangible personal property for use in this State.

3. The payments pursuant to this chapter which, in the absence of this subsection, would be allocated pursuant to NRS 377.055 and 377.057 must instead be distributed to the county to which the underlying retail sale of specified digital products is deemed to take place pursuant to section 23 of this act.

Sec. 115. *The money in the accounts described in subsection 2 of section 114 of this act may, upon order of the State Controller, be used for refunds under this chapter.*

Sec. 116. *The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.*

Sec. 117. *The imposition of taxes by this chapter, the categories of transactions upon which taxes are imposed and the specification of exemptions are exclusive. The Nevada Tax Commission and the Department shall not construe any provision of this chapter to authorize the imposition of a tax imposed by this chapter upon any transaction not expressly made taxable by this chapter.*

Sec. 118. NRS 360.261 is hereby amended to read as follows:

360.261 Not later than 30 days after the Department or the Nevada Tax Commission makes a finding or ruling, or enters into an agreement with a retailer providing, that the provisions of chapters 372 and 374 of NRS ***and sections 2 to 117, inclusive, of this act*** relating to the imposition, collection and remittance of ~~[~~the sales~~]~~ ***a*** tax ~~[~~, and the collection and remittance of the use tax,~~]~~ do not apply to the retailer, despite the presence in this State of an office, distribution facility, warehouse or storage place or similar place of business which is owned or operated by the retailer or an affiliate of the retailer, whether the finding, ruling or agreement is written or oral and whether the finding, ruling or agreement is express or implied, the Department shall submit a report of the finding, ruling or agreement to the Director of the Legislative Counsel Bureau for transmittal to:

1. If the Legislature is in session, the Legislature; or
2. If the Legislature is not in session, the Legislative Commission.

Sec. 119. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of subsection 1 of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372B, 374, 377, 377A, 377C or 377D of NRS ~~[~~,~~]~~ ***or sections 2 to 117, inclusive, of this act,*** any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090, 482.313, 482C.230 or 482C.240, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 120. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS, NRS 482.313, 482C.230 or 482C.240, or chapter 585 or 680B of NRS ~~[~~,~~]~~ ***or sections 2 to 117, inclusive, of this act,*** as

administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 121. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372B, 374, 377, 377A, 377C, 377D, 444A or 585 of NRS ~~[,]~~ ***or sections 2 to 117, inclusive, of this act,*** any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, 482C.230 or 482C.240, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 122. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 363C, 363D, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C, 377D or 444A of NRS,

NRS 482.313, 482C.230 or 482C.240, or chapter 585 or 680B of NRS ***or sections 2 to 117, inclusive, of this act*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 123. Chapter 360B of NRS is hereby amended by adding thereto a new section to read as follows:

"Specified digital products" has the meaning ascribed to it in section 21 of this act.

Sec. 124. NRS 360B.030 is hereby amended to read as follows:

360B.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 360B.040 to 360B.100, inclusive, ***and section 123 of this act*** have the meanings ascribed to them in those sections.

Sec. 125. NRS 360B.063 is hereby amended to read as follows:

360B.063 "Purchaser" means a person to whom a sale of tangible personal property ***or specified digital products*** is made.

Sec. 126. NRS 360B.080 is hereby amended to read as follows:

360B.080 "Seller" means any person making sales, leases or rentals of tangible personal property ~~[.]~~ ***or specified digital products.***

Sec. 127. NRS 360B.320 is hereby amended to read as follows:

360B.320 1. The Department shall provide public notification to consumers of tangible personal property ~~[,]~~ ***or specified digital products,*** including purchasers who are exempt from any sales and use taxes, of the practices of this State relating to the collection, use and retention of any personally identifiable information.

2. The Department shall not retain any personally identifiable information if the information is no longer required to ensure the validity of exemptions from sales and use taxes.

3. When any personally identifiable information that identifies a natural person is retained by or on behalf of the State, that person is entitled to reasonable access to that information to correct any portion thereof which has been inaccurately recorded.

4. If any person or other entity, except a state which is a member of the Agreement or any person or other entity who is entitled to such information pursuant to any state law or the Agreement, requests any personally identifiable information maintained by the Department, the Department shall make a reasonable and timely effort to notify any person who is identified by the requested information.

5. The Attorney General shall enforce the provisions of this section.

6. As used in this section, "personally identifiable information" means information that identifies:

(a) A participant in the system created pursuant to the Agreement; or

(b) A consumer of tangible personal property ***or specified digital products*** who deals with a registered seller that elects to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use

taxes, other than the obligation of the seller to remit the taxes on its own purchases.

Sec. 128. ~~[NRS 363C.200 is hereby amended to read as follows:~~

~~"363C.200 1. For the privilege of engaging in a business in this State, a commerce tax is hereby imposed upon each business entity whose Nevada gross revenue in a taxable year exceeds~~ **[**~~$4,000,000~~**]** ***$3,500,000*** ~~in an amount determined pursuant to NRS 363C.300 to 363C.560, inclusive. The commerce tax is due and payable as provided in this section.~~

~~2. Each business entity whose Nevada gross revenue in a taxable year exceeds~~ **[**~~$4,000,000~~**]** ***$3,500,000*** ~~shall, on or before the 45th day immediately following the end of that taxable year, file with the Department a return on a form prescribed by the Department. The Department shall not require a business entity whose Nevada gross revenue for a taxable year is~~ **[**~~$4,000,000~~**]** ***$3,500,000*** ~~or less to file a return for that taxable year. The return required by this subsection must include such information as is required by the Department.~~

~~3. For the purposes of determining the amount of the commerce tax due pursuant to this chapter, the initial return filed by a business entity with the Department pursuant to subsection 2 must designate the business category in which the business entity is primarily engaged. A business entity may not change the business category designated for that business entity unless the person applies to the Department to change such designation and the Department determines that the business is no longer primarily engaged in the designated business category.~~

~~4. A business entity shall remit with the return the amount of commerce tax due pursuant to subsection 1. Upon written application made before the date on which payment of the commerce tax due pursuant to this chapter must be made, the Department may for good cause extend by not more than 30 days the time within which a business entity is required to pay the commerce tax. If the commerce tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay the commerce tax at the time required, but the business entity shall pay interest at the rate of 0.75 percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.~~**]** **(Deleted by amendment.)**

Sec. 129. ~~[NRS 363C.300 is hereby amended to read as follows:~~

~~"363C.300 Except as otherwise provided in this section, the commerce tax required to be paid by a business entity engaging in a business in this State is equal to the amount obtained by subtracting~~ **[**~~$4,000,000~~**]** ***$3,500,000*** ~~from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in NRS 363C.310 to 363C.550, inclusive, for the business category in which the business entity is primarily engaged. If the business entity cannot be categorized in a business category set forth in NRS 363C.310 to 363C.550, inclusive, the commerce tax required to be paid by that business entity is equal to the amount obtained by subtracting~~

~~[$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by the rate set forth in NRS 363C.560.]~~ **(Deleted by amendment.)**

Sec. 130. ~~[NRS 363C.310 is hereby amended to read as follows:~~

~~*363C.310* 1. The agriculture, forestry, fishing and hunting business category (NAICS 11) includes all business entities primarily engaged in agricultural production or agricultural support activities, or both, including, without limitation, growing crops, raising animals, harvesting timber and harvesting fish and other animals from a farm, ranch or their natural habitats.~~

~~2. Examples of business entities in this category include, without limitation, farms, ranches, dairies, greenhouses, nurseries, orchards and hatcheries.~~

~~3. This category does not include business entities primarily engaged in agricultural research or administering programs for regulating and conserving land, minerals, wildlife or forest use.~~

~~4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.063 percent.]~~ **(Deleted by amendment.)**

Sec. 131. ~~[NRS 363C.320 is hereby amended to read as follows:~~

~~*363C.320* 1. The mining, quarrying and oil and gas extraction business category (NAICS 21) includes all business entities primarily engaged in mining operations and mining support activities, including, without limitation, extracting:~~

~~(a) Naturally occurring mineral solids, such as coal and ores;~~

~~(b) Liquid minerals, such as crude petroleum; and~~

~~(c) Gases, such as natural gas.~~

~~2. Examples of business entities in this category include, without limitation:~~

~~(a) Business entities operating mines, quarries or oil and gas wells on their own account or for others on a contract or fee basis.~~

~~(b) Mining support activities, including business entities that perform exploration or other mining services, or both, on a contract or fee basis, except geophysical surveying, mine site preparation and the construction of oil and gas pipelines.~~

~~3. As used in subsections 1 and 2, the term "mining" includes quarrying, well operations and beneficiating, including, without limitation, crushing, screening, washing, flotation and other preparation customarily performed at a mine site or as a part of mining activity.~~

~~4. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.051 percent.]~~ **(Deleted by amendment.)**

Sec. 132. ~~[NRS 363C.330 is hereby amended to read as follows:~~

~~363C.330 1. The utilities and telecommunications business category (NAICS 22 and 517, respectively) includes:~~

~~(a) All business entities primarily engaged in providing utility services, including, without limitation, electric power, natural gas, steam supply, water supply and sewage removal; and~~

~~(b) All business entities primarily engaged in providing telecommunications and the services related to that activity, including, without limitation, telephony, cable and satellite distribution services, Internet access and telecommunications reselling services.~~

~~2. This category does not include business entities primarily engaged in waste management and remediation services that are described in NRS 363C.490.~~

~~3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.136 percent.]~~ **(Deleted by amendment.)**

Sec. 133. ~~[NRS 363C.340 is hereby amended to read as follows:~~

~~363C.340 1. The construction business category (NAICS 23) includes all business entities primarily engaged in the construction of buildings or engineering projects, such as highways and utility systems. Business entities engaged in the preparation of sites for new construction and business entities primarily engaged in subdividing land for sale as building sites also are included in this category.~~

~~2. Examples of business entities in this category include, without limitation, general contractors, design-builders, construction managers, turnkey contractors, joint venture contractors, specialty trade contractors, for-sale builders, speculative builders and merchant builders.~~

~~3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.083 percent.]~~ **(Deleted by amendment.)**

Sec. 134. ~~[NRS 363C.350 is hereby amended to read as follows:~~

~~363C.350 1. The manufacturing business category (NAICS 31, 32 and 33) includes all business entities primarily engaged in the mechanical, physical or chemical transformation of materials, substances or components into new products.~~

~~2. Examples of business entities in this category include, without limitation, milk bottling and pasteurizing, water bottling and processing, fresh fish packaging, apparel jobbing, contracting on materials owned by others, printing and related activities, ready-mixed concrete production, leather converting, grinding of lenses to prescription, wood preserving, electroplating, plating, metal heat, treating and polishing for the trade, lapidary work for the trade, fabricating signs and advertising displays, rebuilding or remanufacturing machinery, ship repair and renovation, machine shops and tire retreading.~~

~~3. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.091 percent.]~~ **(Deleted by amendment.)**

Sec. 135. ~~[NRS 363C.360 is hereby amended to read as follows:~~

~~363C.360 1. The wholesale trade business category (NAICS 42) includes all business entities primarily engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.101 percent.]~~ **(Deleted by amendment.)**

Sec. 136. ~~[NRS 363C.370 is hereby amended to read as follows:~~

~~363C.370 1. The retail trade business category (NAICS 44 and 45) includes all businesses primarily engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.]~~ **(Deleted by amendment.)**

Sec. 137. ~~[NRS 363C.380 is hereby amended to read as follows:~~

~~363C.380 1. The air transportation business category (NAICS 481) includes all business entities primarily engaged in providing air transportation of passengers or cargo, or both, using aircraft, such as an airplane and helicopter.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.058 percent.]~~ **(Deleted by amendment.)**

Sec. 138. ~~[NRS 363C.390 is hereby amended to read as follows:~~

~~363C.390 1. The rail transportation business category (NAICS 482) includes all business entities primarily engaged in providing rail transportation of passengers or cargo, or both, using railroad rolling stock.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.331 percent.]~~ **(Deleted by amendment.)**

Sec. 139. ~~[NRS 363C.400 is hereby amended to read as follows:~~

~~363C.400 1. The other transportation business category (NAICS 483, 485, 486, 487, 488, 491 and 492) includes all business entities primarily engaged in:~~

~~(a) Water transportation, including, without limitation, the transportation of passengers and cargo using watercraft;~~

~~(b) Transit and ground passenger transportation, including, without limitation, charter buses, school buses, interurban bus transportation, taxis and limousine services, street railroads, commuter rail and rapid transit;~~

~~(c) Pipeline transportation, including, without limitation, using transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products and slurry;~~

~~(d) Scenic and sightseeing transportation, including, without limitation, on land or the water, or in the air;~~

~~(e) Support activities for transportation, including, without limitation, air traffic control services, marine cargo handling, motor vehicle towing, railroad switching and terminals, and ship repair and maintenance not done in a shipyard, such as floating drydock services in a harbor;~~

~~(f) Postal services, including, without limitation, the activities of the United States Postal Service and its subcontractors operating under a universal service obligation to provide mail services, deliver letters and small parcels, and rural post offices on contract to the United States Postal Service; and~~

~~(g) Courier and messenger services, including, without limitation, the provision of intercity, local or international delivery of parcels and documents without operating under a universal service obligation.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.129 percent.]~~ **(Deleted by amendment.)**

Sec. 140. ~~[NRS 363C.410 is hereby amended to read as follows:~~

~~363C.410 1. The truck transportation business category (NAICS 484) includes all business entities primarily engaged in providing over-the-road transportation of cargo using motor vehicles, such as a truck and tractor trailer.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.202 percent.]~~ **(Deleted by amendment.)**

Sec. 141. ~~[NRS 363C.420 is hereby amended to read as follows:~~

~~363C.420 1. The warehousing and storage business category (NAICS 493) includes all business entities primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods and other warehouse products.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.]~~ **(Deleted by amendment.)**

Sec. 142. ~~[NRS 363C.430 is hereby amended to read as follows:~~

~~363C.430 1. The publishing, software and data processing business category (NAICS 511, 512, 515 and 518) includes all business entities primarily engaged in:~~

~~(a) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;~~

~~(b) Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;~~

~~(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast the content; and~~

~~(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.]~~ **(Deleted by amendment.)**

Sec. 143. ~~[NRS 363C.440 is hereby amended to read as follows:~~

~~363C.440 1. The finance and insurance business category (NAICS 52) includes all business entities primarily engaged in financial transactions or in facilitating financial transactions.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.111 percent.]~~ **(Deleted by amendment.)**

Sec. 144. ~~[NRS 363C.450 is hereby amended to read as follows:~~

~~363C.450 1. The real estate and rental and leasing business category (NAICS 53) includes all business entities primarily engaged in renting, leasing or otherwise allowing the use of tangible or intangible assets, providing related services, managing real estate for others, selling, renting or buying real estate for others, and appraising real estate.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.25 percent.]~~ **(Deleted by amendment.)**

Sec. 145. ~~[NRS 363C.460 is hereby amended to read as follows:~~

~~363C.460 1. The professional, scientific and technical services business category (NAICS 54) includes all business entities primarily engaged in performing professional, scientific and technical activities for others.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.181 percent.]~~ **(Deleted by amendment.)**

Sec. 146. ~~[NRS 363C.470 is hereby amended to read as follows:~~

~~363C.470 1. The management of companies and enterprises business category (NAICS 55) includes all business entities primarily engaged in:~~

~~(a) Holding the securities of, or other equity interests in, companies and enterprises for the purpose of owning a controlling interest or influencing management decisions; or~~

~~(b) Administering, overseeing and managing establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision making role of the company or enterprise.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.137 percent.]~~ **(Deleted by amendment.)**

Sec. 147. ~~[NRS 363C.480 is hereby amended to read as follows:~~

~~363C.480 1. The administrative and support services business category (NAICS 561) includes all business entities primarily engaged in activities that support the day-to-day operations of other organizations.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.154 percent.]~~ **(Deleted by amendment.)**

Sec. 148. ~~[NRS 363C.490 is hereby amended to read as follows:~~

~~363C.490 1. The waste management and remediation services business category (NAICS 562) includes all business entities primarily engaged in the collection, treatment and disposal of waste materials.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.261 percent.]~~ **(Deleted by amendment.)**

Sec. 149. ~~[NRS 363C.500 is hereby amended to read as follows:~~

~~363C.500 1. The educational services business category (NAICS 61) includes all businesses primarily engaged in providing instruction and training in a wide variety of subjects.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.281 percent.]~~ **(Deleted by amendment.)**

Sec. 150. ~~[NRS 363C.510 is hereby amended to read as follows:~~

~~363C.510 1. The health care and social assistance business category (NAICS 62) includes all business entities primarily engaged in providing health care and social assistance for natural persons.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.190 percent.]~~ **(Deleted by amendment.)**

Sec. 151. ~~[NRS 363C.520 is hereby amended to read as follows:~~

~~363C.520 1. The arts, entertainment and recreation business category (NAICS 71) includes all business entities primarily engaged in operating facilities or providing services to meet varied cultural, entertainment and recreational interests of their patrons.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.24 percent.]~~ **(Deleted by amendment.)**

Sec. 152. ~~[NRS 363C.530 is hereby amended to read as follows:~~

~~363C.530 1. The accommodation business category (NAICS 721) includes all business entities primarily engaged in providing lodging or short-term accommodations for travelers, vacationers and others.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.2 percent.]~~ **(Deleted by amendment.)**

Sec. 153. ~~[NRS 363C.540 is hereby amended to read as follows:~~

~~363C.540 1. The food services and drinking places business category (NAICS 722) includes all business entities primarily engaged in preparing meals, snacks and beverages to customer order for immediate on-premises and off-premises consumption.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.194 percent.]~~ **(Deleted by amendment.)**

Sec. 154. ~~[NRS 363C.550 is hereby amended to read as follows:~~

~~363C.550 1. The other services business category (NAICS 81) includes all business entities primarily engaged in providing services not included in any of the business categories described in NRS 363C.310 to 363C.540, inclusive. Business entities in this category are primarily engaged in activities such as repairing equipment and machinery, promoting or administering religious activities, grantmaking, advocacy, and providing dry cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services and dating services.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.142 percent.]~~ **(Deleted by amendment.)**

Sec. 155. ~~[NRS 363C.560 is hereby amended to read as follows:~~

~~363C.560 1. The unclassified business category includes any business entity not included in any of the business categories established by NRS 363C.310 to 363C.550, inclusive.~~

~~2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting [$4,000,000] *$3,500,000* from~~

~~the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.128 percent.~~] **(Deleted by amendment.)**

Sec. 156. [~~NRS 368A.200 is hereby amended to read as follows:~~

~~368A.200 1. Except as otherwise provided in this section, there is hereby imposed an excise tax on admission to any facility in this State where live entertainment is provided and on the charge for live entertainment provided by an escort at one or more locations in this State. The rate of the tax is:~~

~~(a) Except as otherwise provided in paragraph (b), for admission to a facility in this State where live entertainment is provided, 9 percent of the admission charge to the facility.~~

~~(b) For live entertainment provided by an escort who is escorting one or more persons at a location or locations in this State, 9 percent of the total amount, expressed in terms of money, of consideration paid for the live entertainment provided by the escort.~~

~~2. Amounts paid for:~~

~~(a) Admission charges collected and retained by a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c), or by a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, are not taxable pursuant to this section, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.~~

~~(b) Gratuities directly or indirectly remitted to persons employed at a facility where live entertainment is provided are not taxable pursuant to this section.~~

~~(c) Fees imposed, collected and retained by an independent financial institution in connection with the use of credit cards or debit cards to pay the admission charge to a facility where live entertainment is provided are not taxable pursuant to this section. As used in this paragraph, "independent financial institution" means a financial institution that is not the taxpayer or an owner or operator of the facility where the live entertainment is provided or an affiliate of any of those persons.~~

~~3. The tax imposed by this section must be added to and collected from the purchaser at the time of purchase, whether or not the admission for live entertainment is purchased for resale.~~

~~4. The tax imposed by subsection 1 does not apply to:~~

~~(a) Live entertainment that this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~(b) Live entertainment that is governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS or is provided or sponsored by an elementary school, junior high school, middle school or high school, if only pupils or faculty provide the live entertainment.~~

~~(e) An athletic contest, event, tournament or exhibition provided by an institution of the Nevada System of Higher Education, if students of such an institution are contestants in the contest, event, tournament or exhibition.~~

~~(d) Live entertainment that is provided by or entirely for the benefit of a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c), or a nonprofit corporation organized or existing under the provisions of chapter 82 of NRS, only if the number of tickets to the live entertainment which are offered for sale or other distribution to patrons, either directly or indirectly through a partner, subsidiary, client, affiliate or other collaborator, is less than 7,500.~~

~~(e) Any boxing contest or exhibition governed by the provisions of chapter 467 of NRS.~~

~~(f) Live entertainment that is not provided at a licensed gaming establishment if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.~~

~~(g) Live entertainment that is provided at a licensed gaming establishment that is licensed for less than 51 slot machines, less than 6 games, or any combination of slot machines and games within those respective limits, if the facility in which the live entertainment is provided has a maximum occupancy of less than 200 persons.~~

~~(h) Live entertainment that is provided at a trade show.~~

~~(i) Music performed by musicians who move constantly through the audience if no other form of live entertainment is afforded to the patrons.~~

~~(j) Live entertainment that is provided at a licensed gaming establishment at private meetings or dinners attended by members of a particular organization or by a casual assemblage if the purpose of the event is not primarily for entertainment.~~

~~(k) Live entertainment that is provided in the common area of a shopping mall, unless the entertainment is provided in a facility located within the mall.~~

~~(l) Food and product demonstrations provided at a shopping mall, a craft show or an establishment that sells grocery products, housewares, hardware or other supplies for the home.~~

~~(m) Live entertainment that is incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction. For the purposes of this paragraph, live entertainment shall be deemed to be incidental to an amusement ride, a motion simulator or a similar digital, electronic, mechanical or electromechanical attraction if the live entertainment is:~~

~~(1) Not the predominant element of the attraction; and~~

~~(2) Not the primary purpose for which the public rides, attends or otherwise participates in the attraction.~~

~~(n) A race scheduled at a race track in this State and sanctioned by the National Association for Stock Car Auto Racing, if two or more such races are held at that race track during the same calendar year.~~

~~(o) [An athletic contest, event or exhibition conducted by a professional team based in this State if the professional team based in this State is a participant in the contest, event or exhibition.~~

~~(p)] Live entertainment that is provided by or entirely for the benefit of a governmental entity.~~

~~5. As used in this section:~~

~~(a) "Affiliate" has the meaning ascribed to it in NRS 463.0133.~~

~~(b) "Maximum occupancy" means, in the following order of priority:~~

~~(1) The maximum occupancy of the facility in which live entertainment is provided, as determined by the State Fire Marshal or the local governmental agency that has the authority to determine the maximum occupancy of the facility;~~

~~(2) If such a maximum occupancy has not been determined, the maximum occupancy of the facility designated in any permit required to be obtained in order to provide the live entertainment; or~~

~~(3) If such a permit does not designate the maximum occupancy of the facility, the actual seating capacity of the facility in which the live entertainment is provided.~~

~~(c) "Operator" includes, without limitation, a person who operates a facility where live entertainment is provided or who presents, produces or otherwise provides live entertainment.] (Deleted by amendment.)~~

Sec. 157. ~~[1. The provisions of sections 128 to 155, inclusive, of this act apply only to a taxable year, as defined in NRS 363C.080, beginning on or after July 1, 2025.~~

~~2. The provisions of section 156 of this act apply only to taxable receipts that are collected by a taxpayer pursuant to the provisions of chapter 368A of NRS on or after July 1, 2025.] (Deleted by amendment.)~~

Sec. 157.3. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any state legislation enacted on or after the effective date of this section which authorizes a state agency to issue transferable tax credits is subject to the provisions of this section.

2. If the Interim Finance Committee approves a request to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund pursuant to subsection 7 of NRS 353.288 or the Legislature directly allocates money from the Account pursuant to subsection 8 of NRS 353.288 during a fiscal emergency, during the remainder of the fiscal year in which the transfer is approved or the allocation is made and during the fiscal year immediately following the fiscal year in which the transfer is approved or the allocation is made:

(a) A state agency shall not issue transferable tax credits.

(b) Any transferable tax credits issued by a state agency before the date on which the transfer was approved or the allocation was made may not be applied to any state or local tax. The expiration date for such transferable

tax credits must be extended by the number of days that such transferable tax credits may not be applied to state and local taxes pursuant to this section.

3. As used in this section, "fiscal emergency" means a fiscal emergency that has been declared by the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor.

Sec. 157.7. **Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:**

If the Economic Forum forecasts that the revenue that will be collected by the State for general, unrestricted uses during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled will be less than the amount of such revenue collected during the immediately preceding biennium and the forecasted reduction in revenue exceeds 7 percent, it is the intent of the Legislature that the Legislature will review any transferable tax credits which the State is authorized to issue and consider if the amount of such transferable tax credits should be reduced.

Sec. 158. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 159. NRS 360B.483 is hereby repealed.

Sec. 160. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 127, inclusive, and **157.3 to** 159 **, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Sections 128 to ~~[158.]~~ **157,** inclusive, of this act become effective on July 1, 2025.

TEXT OF REPEALED SECTION

360B.483 "Specified digital products" construed.

1. "Specified digital products" means electronically transferred digital audio works, digital audiovisual works and digital books.

2. As used in this section:

(a) "Digital audio works" means works that result from the fixation of a series of musical, spoken or other sounds, including ringtones.

(b) "Digital audiovisual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(c) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(d) "Electronically transferred" means obtained by a purchaser by means other than tangible storage media.

(e) "Ringtones" means digitized sound files that are downloaded onto a device and may be used to alert the customer with respect to a communication.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 390.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** NADEEM **; DALIA, D'SILVA, JACKSON, KARRIS, NGUYEN AND ORENTLICHER**

~~[CONTAINS UNFUNDED MANDATE (§§ 2, 6)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to education; ~~[providing for the development, review and updating of athletic]~~ **requiring an** emergency ~~[action plans]~~ **operations plan development committee** for ~~[use by]~~ public and private ~~[high]~~ schools ~~[in responding to serious or life-threatening injuries sustained by pupils participating in certain school athletic activities;]~~ **to create a plan for responding to certain medical emergencies relating to the heart; authorizing the board of trustees of a school district, the governing body of a charter school or the governing body of a private school to include a physician or other medical professional as a member of such a committee;** establishing requirements for certain training and certification for coaches, managers and ~~[other persons associated with such school athletic activities; establishing requirements for maintaining an automated external defibrillator at each public or private high school in this State for use during the school day or during certain school athletic activities;]~~ **athletic trainers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark County School District and Washoe County School District) to provide at least one automated external defibrillator at each high school within the school district. (NRS 450B.600) Existing law additionally authorizes: (1) the board of trustees of each school district in a county whose population is 100,000 or more to provide an automated external defibrillator in each school in the school district, other than a high school, and at each athletic facility maintained by the school district that is in a separate location from a public school; and (2) the board of trustees of any other school district to provide an automated external defibrillator in each school in the school district and at each athletic facility maintained by the school district that is in a separate location from a public school. (NRS 450B.620) Section 6 of this bill: (1) extends to all public and private high schools in this State the requirement to maintain an automated external defibrillator and requires an automated external defibrillator to be accessible during the school day and during all school athletic activities; and (2) requires each coach, manager or other person who is associated with such a school

~~athletic activity to complete training in the operation and use of an automated external defibrillator. Under section 6, a school athletic activity is: (1) an interscholastic activity or event governed by the Nevada Interscholastic Activities Association or any other interscholastic athletic activity or event involving an organized athletic game or competition against another team, club or entity; or (2) any practice or preparation for any such interscholastic activity or event. Section 7 of this bill makes a conforming change to reflect that the requirement to maintain an automated external defibrillator is extended to all public and private high schools.~~

~~Sections 2 and 4 of this bill require the establishment of athletic emergency action plans for use by public and private high schools in responding to serious or life-threatening injuries sustained by pupils participating in school athletic activities. Under section 2, the board of trustees of each school district and the governing body of each charter school is required to develop a model for such a plan and provide the model to each principal of a high school or charter high school. Section 2 requires the principal of each high school or charter high school to use the model to develop a site-specific plan for the high school or charter high school, as applicable, that satisfies certain minimum requirements, including, without limitation: (1) identifying the personnel in each school who are responsible for carrying out the plan; (2) identifying providers of health care who may provide medical care during the activities; (3) identifying equipment and supplies that may be needed to respond to a medical emergency at such activities; (4) describing procedures to be followed after a serious or life-threatening injury; and (5) providing contact information for emergency medical services and directions to assist emergency medical personnel in accessing the location of the activity. Finally, section 2 requires each coach, manager or other person who is associated with a school athletic activity to attend training on the athletic emergency action plan for his or her school, which must include, without limitation, a rehearsal of actions required under the plan to respond to a serious or life-threatening injury to a pupil participating in a school athletic activity. Section 4 requires the governing body of a private school that operates as a high school to develop an athletic emergency action plan for the school and imposes the same requirements related to such a plan as are set forth in section 2 for public schools.~~

Existing law requires the board of trustees of each school district to establish a plan for teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education to obtain training and certification in the administration of cardiopulmonary resuscitation. (NRS 391.092) Existing regulations require coaches of a school team participating in an interscholastic activity or event governed by the Nevada Interscholastic Activities Association to be certified in cardiopulmonary resuscitation and to complete certain training in administering first aid. (NAC 385B.798) **Section ~~1~~ 1.5** of this bill requires each coach, manager or ~~other person who is associated with any school athletic activity~~ **athletic trainer** in a school district to obtain training and certification in the administration of cardiopulmonary

resuscitation. **Section 5** of this bill applies this requirement to each coach, manager or ~~[person who is associated with any school athletic activity or event]~~ **athletic trainer** at a private school.

Existing law requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to establish an emergency operations plan development committee to develop a plan for responding to certain emergencies in each school. (NRS 388.241, 388.243, 394.1685, 394.1687) Sections 1.3 and 8.7 of this bill require a plan developed by such a committee for a public school or private school, respectively, to include a plan for immediately responding to an emergency involving the heart, including, without limitation, a person in cardiac arrest. Sections 1 and 8.3 of this bill provide that the membership of such a committee at a public school or private school, respectively, may include a physician or other medical professional.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 388.241 is hereby amended to read as follows:**

388.241 1. The board of trustees of each school district shall establish an emergency operations plan development committee to develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. The governing body of each charter school shall establish an emergency operations plan development committee to develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards.

2. The membership of an emergency operations plan development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school and who is not an employee of the school district or charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers;

(h) At least one representative of a state or local organization for emergency management;

(i) At least one representative of the county or district board of health in the county in which the school district or charter school is located, designated by the county or district board of health; and

(j) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of an emergency operations plan development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; ~~[and]~~

(b) An attorney or judge who resides or works in the county in which the school district or charter school is located ~~[.]~~ ***; and***

(c) A physician or other medical professional.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the emergency operations plan development committee that it establishes. Each emergency operations plan development committee may adopt rules for its own management and government.

Sec. 1.3. **NRS 388.243 is hereby amended to read as follows:**

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide;

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide;

(i) If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques;

(j) A plan to coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school;

(k) A plan to provide support to:

(1) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources; and

(2) Members of the faculty and staff who have experienced a crisis or emergency by using trauma-informed resources;

(l) A plan to ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail; ~~[and]~~

(m) A plan to inform, at least twice each academic year, a pupil's parent or legal guardian of any state requirement related to the storage of firearms, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and 202.3623 ~~[.]~~ ***; and***

(n) A plan for immediately responding to a medical emergency involving the heart, including, without limitation, a person in cardiac arrest.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. As used in this section:

(a) "Active assailant movement techniques" means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.

(b) "Active assailant training" means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 391.092 is hereby amended to read as follows:

391.092 1. The board of trustees of each school district:

(a) Shall establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education ~~[;]~~ ***and each coach, manager or*** ~~***[other person who is associated with a school athletic activity]***~~ ***athletic trainer in the school district;*** and

(b) May establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in courses of

study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity,

➥ to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the board of trustees pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation;

(b) Set forth the courses of study and activities offered at schools within the district other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity, including, without limitation, laboratory sciences, vocational education, special education, competitive sports and the transportation of pupils; and

(c) Set forth an estimation of the time and resources necessary for all personnel of the district to obtain certification in the administration of cardiopulmonary resuscitation.

3. The board of trustees of each school district shall submit to the State Board any plan that it establishes pursuant to subsection 1.

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board of trustees of the school district in which the person is employed has identified as involving a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity and for which the board of trustees has established a plan pursuant to subsection 1,

➥ shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees.

5. ***A coach, manager or other person who is associated with a school athletic activity in the school district shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees.***

6. The board of trustees of a school district may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

7. As used in this section, "school athletic activity" ~~[has the meaning ascribed to it in section 6 of this act.]~~ means:

(a) An interscholastic activity or event governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS;

(b) Any other interscholastic athletic activity or event involving an organized athletic game or competition against another team, club or entity; or

(c) Any practice or preparation for an interscholastic activity or event described in paragraph (a) or (b).

Sec. 2. ~~[Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of each school district and the governing body of each charter school shall develop, annually review and, as necessary, update a model athletic emergency action plan for use by each public school that provides instruction to pupils enrolled in a high school grade level in responding to serious or life threatening injuries sustained by pupils participating in school athletic activities.*~~

~~*2. A model athletic emergency action plan must:*~~

~~*(a) Integrate nationally recognized, evidence based core elements or standards;*~~

~~*(b) Be developed in consultation with local emergency medical services personnel; and*~~

~~*(c) For a plan developed or updated by:*~~

~~*(1) The board of trustees of a school district, be provided by the board of trustees of each school district to the principal of each public high school within the school district, other than a charter school; or*~~

~~*(2) The governing body of a charter school that provides instruction to pupils enrolled in a high school grade level, be provided by the principal of the charter school.*~~

~~*3. Based on the model athletic emergency action plan developed or updated pursuant to subsection 1, the principal of each high school and the principal of each charter school that provides instruction to pupils enrolled in a high school grade level shall, in consultation with local emergency medical services personnel, develop a site specific athletic emergency action plan for a school year, which must, at a minimum:*~~

~~*(a) Identify the address or venue of each school athletic activity for the applicable school year;*~~

~~*(b) Be memorialized as a written document, specific to the sites under control of the school where a school athletic activity is conducted;*~~

~~*(c) Identify the personnel in the school who are responsible for carrying out the athletic emergency action plan, including, without limitation, the responsibilities assigned to that person and the designated chain of command;*~~

~~*(d) Identify any providers of health care who may provide medical care during school athletic activities;*~~

~~*(e) Identify any equipment and supplies that may be needed to respond to a medical emergency at a school athletic activity, including, without limitation, the location of each item;*~~

~~(f) Describe the proper procedures to be followed after a serious or life-threatening injury occurs, including, without limitation, responding to the injured person, summoning emergency medical care, assisting emergency medical responders and documenting the actions taken during the emergency; and~~

~~(g) Provide contact information for emergency medical services and directions to assist emergency medical personnel in accessing the location of a school athletic activity.~~

~~4. The board of trustees of each school district and the governing body of each charter school that provides instruction to pupils enrolled in a high school grade level shall require each coach, manager or other person who is associated with a school athletic activity to attend, at least once each school year, a training on the athletic emergency action plan of the high school or charter school, as applicable, for which the coach, manager or other person is working in connection with a school athletic activity. The training must include, without limitation, a rehearsal of actions that must be taken under the athletic emergency action plan of the high school or charter school, as applicable, to respond to serious or life threatening injuries sustained by a pupil participating in a school athletic activity.~~

~~5. As used in this section, "school athletic activity" has the meaning ascribed to it in section 6 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ~~[1. The governing body of each private school that operates as a high school shall develop, annually review and, as necessary, update an athletic emergency action plan for use by the private school in responding to serious or life threatening injuries sustained by pupils participating in school athletic activities.~~

~~2. An athletic emergency action plan must:~~

~~(a) Integrate nationally recognized, evidence based core elements or standards;~~

~~(b) Be developed in consultation with local emergency medical services personnel; and~~

~~(c) Be specific to the site of the private school.~~

~~3. At a minimum, an athletic emergency action plan must:~~

~~(a) Identify the address or venue of each school athletic activity for the applicable school year;~~

~~(b) Be memorialized as a written document, specific to the sites under control of the school where a school athletic activity is conducted;~~

~~(c) Identify the personnel in the school who are responsible for carrying out the athletic emergency action plan, including, without limitation, the responsibilities assigned to that person and the designated chain of command;~~

~~(d) Identify any providers of health care who may provide medical care during school athletic activities;~~

~~(c) Identify any equipment and supplies that may be needed to respond to a medical emergency at a school athletic activity, including, without limitation, the location of each item;~~

~~(f) Describe the proper procedures to be followed after a serious or life-threatening injury occurs, including, without limitation, responding to the injured person, summoning emergency medical care, assisting emergency medical responders and documenting the actions taken during the emergency; and~~

~~(g) Provide contact information for emergency medical services and directions to assist emergency medical personnel in accessing the location of a school athletic activity.~~

~~4. The governing body of each private school that operates as a high school shall require each coach, manager and any other person who is associated with a school athletic activity for the private school to attend, at least once each school year, a training on the athletic emergency action plan of the private school. The training must include, without limitation, a rehearsal of actions that must be taken under the athletic emergency action plan of the private school to respond to serious or life threatening injuries sustained by a pupil participating in a school athletic activity.~~

~~5. As used in this section, "school athletic activity" has the meaning ascribed to it in section 6 of this act.~~ **(Deleted by amendment.)**

Sec. 5. *1. The governing body of each private school that operates as a high school shall establish a plan for each coach, manager or ~~[other person who is associated with a school athletic activity]~~ athletic trainer of the private school to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.*

2. A plan established by the governing body of a private school pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation; and

(b) Set forth an estimation of the time and resources necessary for coaches, managers and other persons associated with a school athletic activity of the private school to obtain certification in the administration of cardiopulmonary resuscitation.

3. A coach, manager or other person who is associated with a school athletic activity of the private school shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the governing body of the private school.

4. The governing body of a private school may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

5. As used in this section, "school athletic activity" ~~[has the meaning ascribed to it in section 6 of this act.]~~ means:

(a) An interscholastic activity or event governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B or NRS;

(b) Any other interscholastic athletic activity or event involving an organized athletic game or competition against another team, club or entity; or

(c) Any practice or preparation for an interscholastic activity or event described in paragraph (a) or (b).

Sec. 6. ~~[Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of each school district, the governing body of each charter school and the governing body of each private school in this State shall maintain an automated external defibrillator that is accessible during the school day at each school in which any of the grades 9 to 12, inclusive, are taught, and during all school athletic activities in which pupils in any of the grades 9 to 12, inclusive, are participating.*~~

~~*2. During a school athletic activity, an automated external defibrillator must be located on-site at the school athletic activity or placed and made available in an unlocked location that allows for the automated external defibrillator to be used on a person who may experience a sudden cardiac arrest event while the person is on-site at the school athletic activity.*~~

~~*3. The board of trustees of each school district, the governing body of each charter school and the governing body of each private school in this State shall:*~~

~~*(a) Ensure that an automated external defibrillator maintained pursuant to subsection 1 is appropriate for use on children and adults and is inspected and maintained on a regular basis; and*~~

~~*(b) Require any employee who will use a defibrillator, and each coach, manager or other person who is associated with a school athletic activity, to complete the training requirements of a course in basic emergency care of a person in cardiac arrest that includes training in the operation and use of an automated external defibrillator and is conducted in accordance with standards of the American Heart Association, the American National Red Cross or any similar organization.*~~

~~*4. The board of trustees of a school district or the governing body of a charter school may:*~~

~~*(a) Use an automated external defibrillator placed at a school pursuant to subsection 1 of NRS 450B.600 or subsection 1 of 450B.620 to comply with the requirements of subsection 1.*~~

~~*(b) Accept:*~~

~~*(1) The donation of an automated external defibrillator that complies with the standards established by the United States Food and Drug Administration; and*~~

~~*(2) Gifts, grants and donations for use in obtaining, inspecting and maintaining an automated external defibrillator.*~~

~~*5. As used in this section, "school athletic activity" means:*~~

~~*(a) An interscholastic activity or event governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS;*~~

~~*(b) Any other interscholastic athletic activity or event involving an organized athletic game or competition against another team, club or entity; or*~~

~~*(c) Any practice or preparation for an interscholastic activity or event described in paragraph (a) or (b).]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~NRS 450B.620 is hereby amended to read as follows:

~~450B.620 1. Except as otherwise provided in NRS 450B.600 [,]~~ ***and section 6 of this act,*** ~~the board of trustees of each school district in this State, to the extent that money is available, may provide for the placement of an automated external defibrillator in each public school in the school district and at each athletic facility maintained by the school district at a location that is separate from a public school. Each defibrillator must be appropriate for use on children and adults and be limited to use on school property and at school events. The board of trustees may accept:~~

~~(a) The donation of a defibrillator that complies with the standards established by the United States Food and Drug Administration; and~~

~~(b) Gifts, grants and donations for use in obtaining, inspecting and maintaining a defibrillator.~~

~~2. Each medical facility and health club in this State may provide for the placement of an automated external defibrillator in a central location at the medical facility or health club.~~

~~3. Each school district, medical facility and health club that provides for the placement of one or more automated external defibrillators pursuant to this section shall:~~

~~(a) Ensure that each defibrillator is inspected and maintained on a regular basis; and~~

~~(b) Require any employee who will use a defibrillator to complete the training requirements of a course in basic emergency care of a person in cardiac arrest that includes training in the operation and use of an automated external defibrillator and is conducted in accordance with the standards of the American Heart Association, the American National Red Cross or any similar organization.~~

~~4. As used in this section:~~

~~(a) "Health club" has the meaning ascribed to it in NRS 598.9415.~~

~~(b) "Medical facility" means:~~

~~(1) A facility for hospice care as defined in NRS 449.0033;~~

~~(2) A facility for intermediate care as defined in NRS 449.0038;~~

~~(3) A facility for skilled nursing as defined in NRS 449.0039;~~

~~(4) A hospital as defined in NRS 449.012;~~

~~(5) An independent center for emergency medical care as defined in NRS 449.013; or~~

~~(6) A surgical center for ambulatory patients as defined in NRS 449.019.~~

~~(e) "School property" has the meaning ascribed to it in NRS 701B.350.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 8.3. **NRS 394.1685 is hereby amended to read as follows:**

394.1685 1. The governing body of each private school shall establish an emergency operations plan development committee to develop a plan to be used by the private school in responding to a crisis, emergency or suicide and all other hazards.

2. The membership of an emergency operations plan development committee consists of:

(a) At least one member of the governing body;

(b) At least one administrator of the school;

(c) At least one teacher of the school;

(d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in the school and who is not an employee of the school;

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of an emergency operations plan development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; ~~[and]~~

(e) An attorney or judge who resides or works in the county in which the school is located ~~[.]~~ ***; and***

(f) A physician or other medical professional.

4. The governing body of each private school shall determine the term of each member of the emergency operations plan development committee that it established. Each emergency operations plan development committee may adopt rules for its own management and government.

Sec. 8.7. **NRS 394.1687 is hereby amended to read as follows:**

394.1687 1. Each emergency operations plan development committee shall develop a plan to be used by its school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; ~~[and]~~

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency ~~[.]~~ ***; and***

(d) A plan for immediately responding to a medical emergency involving the heart, including, without limitation, a person in cardiac arrest.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 9. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 471.

SUMMARY—[~~Revises provisions governing~~] **Requires the Joint Interim Standing Committee on Revenue to conduct a study concerning the application of** the commerce tax ~~[.]~~ **to certain entities.** (BDR 32-167)

AN ACT relating to taxation; requiring **the Joint Interim Standing Committee on Revenue to conduct a study during the 2025-2026 interim on the advisability and feasibility of treating** certain business entities ~~[to be treated]~~ as a ~~[combined taxpayer group]~~ **single entity** for the purposes of the commerce tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) ~~[Section 3 of this bill requires~~

~~that certain business entities that are primarily engaged in the business of renting real property located in this State to other persons be treated as a single business entity for the purposes of the commerce tax. Section 2 of this bill refers to such a group as a "combined taxpayer group," and section 4 of this bill applies that definition to the provisions of law governing the commerce tax. Under sections 3 and 5 of this bill, for a combined taxpayer group, the applicability of the commerce tax, and the amount of the commerce tax owed, would be determined based on the combined Nevada gross revenue of each business entity that is treated as a member of the combined taxpayer group. Sections 6 and 7 of this bill make the provisions of this bill applicable only to a taxable year that begins on or after July 1, 2025.~~ **Existing law creates the Joint Interim Standing Committee on Revenue and authorizes a Joint Interim Standing Committee, including the Joint Interim Standing Committee on Revenue, to conduct studies directed by the Legislature or the Legislative Commission, within the limits of the Committee's budget. (NRS 218E.320, 218E.330) This bill requires the Joint Interim Standing Committee on Revenue to conduct a study during the 2025-2026 interim concerning the advisability and feasibility of treating as a single entity for the purposes of the commerce tax certain business entities that are primarily engaged in the business of renting real property located in this State to another person. This bill requires the Committee to submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 363C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*"Combined taxpayer group" means a group of business entities required by section 3 of this act to be treated as a single business entity for the purposes of the commerce tax.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. Except as otherwise provided in subsection 2, each business entity primarily engaged in the business of renting real property located in this State to other persons, which has more than 50 percent of the value of the ownership interest of the business entity owned or controlled, directly or constructively through related interests, by common owners during all or any portion of a taxable year, must be treated as members of a combined taxpayer group.*

2. Each limited liability company, and any series thereof, formed under the laws of this State or any jurisdiction other than this State, primarily engaged in the business of renting real property located in this State to other persons must treated as members of a combined taxpayer group.~~

~~*3. The members of a combined taxpayer group shall be treated as a single business entity for the purposes of the commerce tax.*~~

~~*4. A business entity that is a member of a combined taxpayer group for a taxable year must be treated as a member of a combined taxpayer group for all subsequent taxable years unless the business entity requests and receives from the Department written approval to no longer be treated as a member of a combined taxpayer group pursuant to this section or the circumstances of the business entity have changed such that it is no longer required to be treated as a member of a combined taxpayer group pursuant to this section.*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 363C.010 is hereby amended to read as follows:~~

~~363C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 363C.015 to 363C.085, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 363C.020 is hereby amended to read as follows:~~

~~363C.020 1. Except as otherwise provided in subsection 2, "business entity" means a corporation, partnership, proprietorship, limited liability company, business association, joint venture, limited liability partnership, business trust, professional association, joint stock company, holding company and any other person engaged in a business. *The term includes, without limitation, a combined taxpayer group.*~~

~~2. "Business entity" does not include:~~

~~(a) Any person or other entity which this State is prohibited from taxing pursuant to the Constitution or laws of the United States or the Nevada Constitution.~~

~~(b) A natural person, unless that person is engaging in a business and is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss from Farming, or its equivalent or successor form, for that business.~~

~~(c) A governmental entity.~~

~~(d) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).~~

~~(e) A business entity organized pursuant to chapter 82 or 84 of NRS.~~

~~(f) A credit union organized under the provisions of chapter 672 of NRS or the Federal Credit Union Act.~~

~~(g) A grantor trust as defined by section 671 and 7701(a)(30)(E) of the Internal Revenue Code, 26 U.S.C. §§ 671 and 7701(a)(30)(E), all of the grantors and beneficiaries of which are natural persons or charitable entities as described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), excluding a trust taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).~~

~~(h) An estate of a natural person as defined by section 7701(a)(30)(D) of the Internal Revenue Code, 26 U.S.C. § 7701(a)(30)(D), excluding an estate taxable as a business entity pursuant to 26 C.F.R. § 301.7701-4(b).~~

~~(i) A real estate investment trust, as defined by section 856 of the Internal Revenue Code, 26 U.S.C. § 856, and its qualified real estate investment trust subsidiaries, as defined by section 856(i)(2) of the Internal Revenue Code, 26 U.S.C. § 856(i)(2), except that:~~

~~(1) A real estate investment trust with any amount of its assets in direct holdings of real estate, other than real estate it occupies for business purposes, as opposed to holding interests in limited partnerships or other entities that directly hold the real estate, is a business entity pursuant to this section; and~~

~~(2) A limited partnership or other entity that directly holds the real estate as described in subparagraph (1) is a business entity pursuant to this section, without regard to whether a real estate investment trust holds an interest in it.~~

~~(j) A real estate mortgage investment conduit, as defined by section 860D of the Internal Revenue Code, 26 U.S.C. § 860D.~~

~~(k) A trust qualified under section 401(a) of the Internal Revenue Code, 26 U.S.C. § 401(a).~~

~~(l) A passive entity.~~

~~(m) A person whose activities within this State are confined to the owning, maintenance and management of the person's intangible investments or of the intangible investments of persons or statutory trusts or business trusts registered as investment companies under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and the collection and distribution of the income from such investments or from tangible property physically located outside this State. For the purposes of this paragraph, "intangible investments" includes, without limitation, investments in stocks, bonds, notes and other debt obligations, including, without limitation, debt obligations of affiliated corporations, real estate investment trusts, patents, patent applications, trademarks, trade names and similar types of intangible assets or an entity that is registered as an investment company under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq.~~

~~(n) A person who takes part in an exhibition, trade show, industry or corporate meeting or similar event held in this State for a purpose related to the conduct of a business, including, without limitation, an organizer, manager or sponsor of such an event or an exhibitor at such an event.~~

~~(o) A person engaged in the business of extracting gold or silver in this State.~~] **(Deleted by amendment.)**

Sec. 6. ~~[The provisions of this act apply only to a taxable year, as defined in NRS 363C.080 that begins on or after July 1, 2025.]~~ **(Deleted by amendment.)**

Sec. 6.5. **1. During the 2025-2026 interim, the Joint Interim Standing Committee on Revenue shall conduct a study on the advisability and feasibility of treating as a single entity for the purposes of the commerce tax imposed by chapter 363C of NRS:**

(a) A business entity primarily engaged in the business of renting real property located in this State to other persons, which has more than 50 percent of the value of the ownership interest of the business entity owned or controlled, directly or constructively through related interests, by common owners.

(b) A limited liability company, and any series thereof, primarily engaged in the business of renting real property located in this State to other persons.

(c) Any other type or form of entity engaged primarily in the business of renting real property located in this State to other persons which the Committee determines is advisable to study.

2. On or before January 1, 2027, the Joint Interim Standing Committee on Revenue shall submit a report of the results of the study, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

Sec. 7. This act becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 321.

AN ACT relating to energy; authorizing the users of a solar-powered affordable housing system to participate in net metering; exempting the owner or operator of a solar-powered affordable housing system from certain provisions of law; **requiring the owner or landlord of a qualified multifamily affordable housing property to notify residents and new tenants of certain information relating to a solar-powered affordable housing system; making certain provisions governing public works applicable to contracts for construction work related to certain solar-powered affordable housing systems;** establishing requirements for a tariff or contract relating to a solar-powered affordable housing system; revising provisions governing the administration of net metering; revising provisions relating to an expanded solar access program which certain electric utilities are required to offer; **revising certain contractual requirements for an agreement for the purchase or lease of a solar-powered affordable housing system; imposing various requirements and restrictions on a contractor who performs work concerning a residential photovoltaic system used to produce electricity on a qualified multifamily affordable housing property;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility. (NRS 704.773) Existing law defines "net metering" to mean measuring the difference between the electricity supplied by a utility and the electricity generated by certain customers which is fed back to the utility. (NRS 704.769) **Sections 13 and 14** of this bill authorize the users of a solar-powered affordable housing system to participate in net metering. **Sections 2-8** of this bill define certain terms related to solar-powered affordable housing systems. **Section 11** of this bill excludes persons who own or operate a solar-powered affordable housing system from the definition of "public utility." **Section 12** of this bill makes a conforming change to make the definitions set forth in **sections 2-8** applicable to the provisions of existing law governing net metering.

Sections 15 and 16 of this bill revise existing provisions governing net metering to provide for the administration of net metering with respect to solar-powered affordable housing systems, including the measuring of net electricity produced or consumed and the awarding of credit for excess electricity produced by a solar-powered affordable housing system. **Sections 9 and 10** of this bill establish certain requirements for any tariff or contract which relates to a solar-powered affordable housing system. **Section 9.3 of this bill requires an application to qualify for the tariff submitted to the utility by an owner or operator of a solar-powered affordable housing system to include certain supporting documentation which shows that the system is part of a qualified multifamily affordable housing property. Section 9.7 of this bill requires the owner of a solar-powered affordable housing system, in the initial application for the tariff which the owner submits to the utility, to inform the utility of the proper allocation of capacity and its associated production to customer-generators of the system.** **Section 18** of this bill provides that, with certain exceptions, certain provisions governing the rates charged for the provision of electric service by the landlord of a manufactured home park or mobile home park or owner of a company town do not apply to the owner or operator of a solar-powered affordable housing system.

Section 10.3 of this bill requires the owner or landlord of a qualified multifamily affordable housing property to notify residents and new tenants of certain information relating to a solar-powered affordable housing system that is on the premises or to be installed on the premises.

Section 10.7 of this bill provides that certain provisions governing public works apply to any contract for construction work related to a solar-powered affordable housing system financed in whole or in part by a state or local government, even if the construction work does not qualify as a public work.

Existing law requires: (1) certain electric utilities in this State to offer an expanded solar access program to residential customers and to certain nonresidential customers who consume less than 10,000 kilowatt-hours of

electricity per month; (2) the Public Utilities Commission of Nevada to adopt certain regulations for the implementation of the expanded solar access program; and (3) an electric utility to submit a plan for the implementation of the expanded solar access program. Under existing law, the customers who are eligible to participate in an expanded solar access program are: (1) low-income residential customers; (2) certain disadvantaged businesses and nonprofit organizations; and (3) certain residential customers who cannot install solar resources on the premises of the customer. In implementing the expanded solar access program, an electric utility is required to: (1) make use of at least a certain number of community-based solar resources; and (2) provide participating low-income residential customers with a lower rate. (NRS 704.7865)

Section 17 of this bill: (1) revises the criteria for eligibility so that only low-income residential customers are eligible to participate in an expanded solar access program; and (2) ~~[adds certain rate reductions for such]~~ **requires** customers who are supported with certain funding from the Nevada Clean Energy Fund **~~[.]~~ to comply with certain requirements. Section 17** also authorizes such a participating customer to remain continuously enrolled in the program without having to reapply. For community-based solar resources, **section 17**: (1) increases the maximum nameplate capacity from not more than 1 megawatt to not more than 5 megawatts; (2) requires a process for open bidding or requests for proposals for the selection of sites; (3) requires prioritizing the selection of sites that provide resiliency for the electric grid and benefits for the community; and (4) requires construction of additional community-based solar resources in proportion to increased participation in the expanded solar access program.

Existing law: (1) imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State; (2) prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; and (3) provides that the violation of those provisions relating to distributed generation systems constitutes a deceptive trade practice. (NRS 598.9801-598.9822) Sections 1 and 19-25 of this bill make these provisions applicable to solar-powered affordable housing systems.

Existing law: (1) prohibits a person from performing any work on, or providing a bid for or executing a contract to perform such work on, a residential photovoltaic system used to produce electricity on a single-family residence unless the person holds a license issued by the State Contractors' Board or is an employee of such a person; (2) imposes certain requirements on contractors who perform work on such systems; (3) establishes requirements for contracts for such work; (4) prohibits or limits certain practices related to such work and contracts; and (5) authorizes certain penalties and disciplinary action for violations of these provisions. (NRS 624.830-624.895) Sections 23, 26 and 29-35 of this bill

make these provisions applicable to a residential photovoltaic system, including a solar-powered affordable housing system, located on a qualified multifamily affordable housing property.

Section 28 of this bill requires a general building contractor, in the case of a contract for work concerning a residential photovoltaic system to produce electricity on a qualified multifamily affordable housing property, to provide to the owner of the property certain information relating to subcontractors on the project, certain persons who furnished material for the project and liens.

Existing law authorizes the State Contractors' Board to require a contractor who performs work concerning a residential photovoltaic system used to produce electricity to obtain performance and payment bonds if the contractor: (1) is determined by the Board to have committed certain violations; (2) enters into a contract that is later found to be void and unenforceable against an owner; or (3) has five valid complaints filed against him or her with the Board within a 15-day period. (NRS 624.270) Sections 23 and 28 of this bill make this provision applicable to a contractor who performs work on a solar-powered affordable housing system located on a qualified multifamily affordable housing property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 701.540 is hereby amended to read as follows:**

701.540 The Legislature hereby declares that each natural person who is a resident of this State has the right to:

1. Generate, consume and export renewable energy and reduce his or her use of electricity that is obtained from the grid.

2. Use technology to store energy at his or her residence.

3. If the person generates renewable energy pursuant to subsection 1, or stores energy pursuant to subsection 2, or any combination thereof, be allowed to connect his or her system that generates renewable energy or stores energy, or any combination thereof, with the electricity meter on the customer's side that is provided by an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS:

(a) In a timely manner;

(b) In accordance with requirements established by the electric utility to ensure the safety of utility workers; and

(c) After providing written notice to the electric utility providing service in the service territory and installing a nomenclature plate on the electrical meter panel indicating that a system that generates renewable energy or stores energy, or any combination thereof, is present if the system:

(1) Is not used for exporting renewable energy past the electric utility meter on the customer's side; and

(2) Meets all applicable state and local safety and electrical code requirements.

4. Fair credit for any energy exported to the grid.

5. Consumer protections in contracts for renewable energy pursuant to NRS 598.9801 to 598.9822, inclusive ~~[.]~~ ***, and sections 20 and 21 of this act.***

6. Have his or her generation of renewable energy given priority in planning and acquisition of energy resources by an electric utility.

7. Except as otherwise provided in NRS 704.7725 or 704.7732, remain within the existing broad rate class to which the resident would belong in the absence of a net metering system or a system that generates renewable energy or stores energy, or any combination thereof, without any fees or charges that are different than the fees and charges assessed to customers of the same rate class, regardless of the technologies on the customer's side of the electricity meter, including, without limitation, energy production, energy savings, energy consumption, energy storage or energy shifting technologies, provided that such technologies do not compromise the safety and reliability of the utility grid.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[10,]~~ **10.7,** inclusive, of this act.

Sec. 2. ***"Active affordability covenant" means a covenant, condition or restriction contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property, which:***

1. Establishes a period during which the covenant, condition or restriction is active; and

2. During the period described in subsection 1, limits the amount of any rent and utility charges that may be charged to a natural person or household:

(a) Who has an income of:

(1) Not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development; or

(2) Not more than 150 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services; or

(b) Which qualifies as a low-income family pursuant to 42 U.S.C. § 1437a(b)(2).

Sec. 3. ***"Allocation" means*** ~~*[a]*~~ ***:***

1. A portion of the capacity from or the electricity that is produced by a solar-powered affordable housing system that is; or

2. The net metering credits for each kilowatt-hour of excess electricity generated by the solar-powered affordable housing system that are,

➥ attributed to one of ~~*[its]*~~ ***the users*** ~~*[.]*~~ ***of the solar-powered affordable housing system.***

Sec. 4. ***"Net metering credits" means the credit , expressed in terms of the number of kilowatt-hours, that the utility is required to*** ~~*[provide]*~~ ***allocate***

to a customer-generator for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator.

Sec. 5. *"Qualified low-income residential building" means a residential rental building which participates in:*

1. A federal covered housing program, as defined in 34 U.S.C. § 12491(a)(3), and is wholly or partially financed by or otherwise connected to a grant or program under:

(a) Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. § 1701q;

(b) Section 811 or sections 851 to 863, inclusive, of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. § 8013 or §§ 12901 et seq.;

(c) The McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. §§ 11360 et seq., including, without limitation, the Emergency Solutions Grants Program, Continuum of Care Program and Rural Housing Stability Assistance Program;

(d) The HOME Investment Partnerships Act, 42 U.S.C. §§ 12741 et seq.;

(e) Section 8 or 9 of the United States Housing Act of 1937, 42 U.S.C. § 1437f or 1437g, and any regulations adopted pursuant thereto, or pursuant to any successor program, including, without limitation, programs for project-based rental assistance, moderate rehabilitation and moderate rehabilitation single-room occupancy;

(f) A low-income housing credit received pursuant to 26 U.S.C. § 42;

(g) Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, 12 U.S.C. § 4568;

(h) The following programs administered by the Secretary of Veterans Affairs:

(1) The programs for comprehensive services to homeless veterans set forth in 38 U.S.C. §§ 2011-2016;

(2) The program to assist homeless veterans set forth in 38 U.S.C. § 2061; and

(3) The programs to provide financial assistance and supportive services for very low-income veteran families in permanent housing set forth in 38 U.S.C. §§ 2041 et seq.;

2. A housing assistance program administered by the United States Department of Agriculture under Title V of the federal Housing Act of 1949, Public Law 81-171, as amended, and is wholly or partially financed by or otherwise connected to a grant or program under section 514, 515, 516, 521, 533 or 538 of the Housing Act of 1949, 42 U.S.C. § 1484, 1485, 1486, 1490a, 1490m or 1490p-2, including, without limitation, programs for multifamily preservation and revitalization or multifamily housing rental assistance;

3. A housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22); or

4. Such other affordable housing programs as federal, state or local law may provide.

Sec. 6. *"Qualified low-income residential building project" means an energy facility that:*

1. Is installed on the premises of a qualified low-income residential building; and

2. For which the financial benefits of the electricity produced by the energy facility are allocated equitably among the occupants of the dwelling units of the qualified low-income residential building.

Sec. 7. *"Qualified multifamily affordable housing property":*

1. Means a multifamily residential property with at least five rental housing units or, for a housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22), two rental housing units that:

(a) Contains one or more qualified low-income residential buildings:

(1) That are part of a single low-income housing development; and

(2) In which not less than 80 percent of the rental housing units have active affordability covenants; and

(b) Consists of tenant housing units, which may be individually metered and the occupants of which may maintain individual customer accounts with the utility, along with common areas served by one or more common meters under the customer account of the property owner.

2. In the case of a mixed-use property, does not include any independent commercial units on the premises that are not appurtenant to the housing use.

Sec. 8. *"Solar-powered affordable housing system" means an energy system for the generation of electricity that:*

1. Uses renewable energy as its primary source of energy to generate electricity;

2. Has a generating capacity of not more than 1 megawatt ; ~~[as measured in alternating current;]~~

3. Is a qualified low-income residential building project that is located on a qualified multifamily affordable housing property;

4. Operates in parallel with the utility's transmission and distribution facilities;

5. Is owned by the landlord or another third party that equitably allocates the capacity and associated production of the energy system to each of the individually metered units or common areas within the qualified multifamily affordable housing property;

6. Is intended primarily to offset part or all of the qualified multifamily affordable housing property's requirements for electricity, subject to the following maximum allocations:

(a) In the case of common-area meters, a capacity that is sized to supply not more than 100 percent of the metered historic usage or reasonably expected future usage; and

(b) In the case of meters serving tenant units, a capacity of not more than 25 kilowatts per unit; and

7. Is net metered by the utility by allocating net metering credits either to common-area meters or to individually metered accounts, or both, that receive an allocation, according to the allocation schedule provided by the owner of the energy system, without requiring the energy system to be physically interconnected with the meter of each user.

Sec. 9. *Any tariff or contract which relates to a solar-powered affordable housing system must include, without limitation:*

1. The particular limitations and responsibilities of a customer-generator who is an owner of a solar-powered affordable housing system, a customer-generator who is a user of a solar-powered affordable housing system and the utility.

2. A provision authorizing the allocation by the owner of a solar-powered affordable housing system, in consultation with the owner of the qualified multifamily affordable housing property where the solar-powered affordable housing system is located, of the financial benefits of the electricity produced by the solar-powered affordable housing system in a manner which ensures net metering credits are equitably allocated among the tenant units:

(a) As a percentage of system production in proportion to the size of each tenant unit measured in square feet; or

(b) In equal proportion to all tenant units, regardless of the size of each tenant unit.

➥ *An equitable allocation of the financial benefits of the electricity produced by the solar-powered affordable housing system to the occupants does not preclude any allocation of the generation output to common-area accounts.*

3. The manner in which the owner of a solar-powered affordable housing system ~~[may]~~ is required to inform and update the utility on the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system ~~[, which]~~ pursuant to section 9.7 of this act. The allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system must:

(a) Ensure that not less than 80 percent of the total allocation is reserved for tenant units ~~. [;]~~ In the event a tenant unit is vacant, unallocated net metering credits for that unit that are designated for assignment to the account of the owner or a common-area account pursuant to paragraph (b) must not be considered for the purposes of this paragraph.

(b) ~~[Require the owner to submit updates at least annually and more frequently if necessary to reflect changes in occupancy or usage; and~~

~~(c) Require the utility, in the case of an allocation of capacity to any tenant units which are vacant, to provide the owner the option to designate the unallocated net metering credits to:~~

~~(1) The account of the owner;~~

~~*(2) A common-area account; or*~~

~~*(3) In equal proportion to all tenant units which are not vacant.]*~~ ***Provide the owner with the option to designate the assignment of unallocated net metering credits to either the account of the owner or a common-area account.***

4. The manner in which a utility is required to meter and bill customer-generators who are allocated shares of the capacity of a solar-powered affordable housing system by way of the provision of net metering credits on the bill of a customer-generator.

5. Provisions governing the interconnection of a solar-powered affordable housing system to the system of the utility without requiring the meters of individual users, common-area meters or owners of the solar-powered affordable housing system to be directly interconnected to the solar-powered affordable housing system, including, without limitation, fees for interconnections, procedures and timelines that are consistent with the procedures and timelines established for other net metering systems.

6. Provisions for the ~~*[credit]*~~ ***allocation of net metering credits for each kilowatt-hour of excess electricity, for a system that has a capacity of:***

(a) Not more than 25 kilowatts ~~*[;]*~~ ***, in accordance with NRS 704.7732; and***

(b) More than 25 kilowatts but not more than 1 megawatt ~~*[.]*~~ ***, in accordance with applicable requirements for a net metering tariff and a standard net metering contract established by the Commission pursuant to NRS 704.773.***

7. Provisions governing fees or other charges which the utility may impose on an owner or user of a solar-powered affordable housing system, which:

(a) Must prohibit the utility from imposing any:

(1) Monthly fee or charge on an owner or user of a solar-powered affordable housing system for the provision of net metering credits.

(2) Fee or charge on a user of a solar-powered affordable housing system to initiate the allocation of net metering credits.

(3) Fee or charge on the owner of a qualified multifamily affordable housing property, if the person is not the owner of the solar-powered affordable housing system, for the application to install a net metering system or to initiate the allocation of net metering credits.

(4) Fee or charge for a change to the occupancy of a tenant unit, unless there are two or more such changes to the same tenant unit in a 12-month period for which a fee or charge may be imposed pursuant to subparagraph (1) of paragraph (b).

(b) May impose:

(1) For the second and any subsequent change to the occupancy of the same tenant unit in a 12-month period, a fee or charge for remote connection of the tenant unit to the system which is associated with establishing service, billed to the owner of the solar-powered affordable housing system.

(2) A one-time fee or charge on the owner of a solar-powered affordable housing system to initiate the allocation of net metering credits for the solar-powered affordable housing system, in an amount which represents the lesser of $25 for each user or $500 for each solar-powered affordable housing system.

8. Provisions governing the manner in which the utility will provide aggregated and anonymized data relating to net metering credits to the owner of the solar-powered affordable housing system, which must require the utility to provide such data on an annual basis and in a form which is sufficient to enable the owner to verify that users of the solar-powered affordable housing system are provided net metering credits accurately.

Sec. 9.3. An application to qualify for a tariff which relates to a solar-powered affordable housing system described in section 9 of this act submitted to the utility by an owner or operator of a solar-powered affordable housing system must include supporting documentation which shows that the system is part of a qualified multifamily affordable housing property. The documentation must include, without limitation:

1. A declaration of active affordability covenants and a statement regarding the portion of rental housing units that have active affordability covenants; or

2. A letter of verification from the appropriate entity with the authority and responsibility to grant federal, state or local funds pursuant to a program, law or regulation as described in section 5 of this act. The letter of verification must include, without limitation:

(a) A statement that the solar-powered affordable housing system is part of a qualified multifamily affordable housing property;

(b) A description of the type of funding which is granted;

(c) The date on which the funding was granted; and

(d) The number of rental housing units associated with the funding.

Sec. 9.7. 1. The owner of a solar-powered affordable housing system shall, in the initial application for a tariff which relates to a solar-powered affordable housing system described in section 9 of this act which the owner submits to the utility, inform the utility of the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system.

2. The utility shall allow the owner of a solar-powered affordable housing system to submit at least annually updates on the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system to reflect changes in occupancy, square footage, number of tenant units and other relevant factors.

Sec. 10. *For any tariff or tariffs which relate to a solar-powered affordable housing system described in section 9 of this act, eligibility must be limited to a total capacity of not more than 50 megawatts.*

Sec. 10.3. 1. In whatever manner is typically used by the owner or landlord of a qualified multifamily affordable housing property to

communicate with residents and new tenants, as applicable, on matters related to common areas and utilities for the property, the owner or landlord shall:

(a) Not less than 30 days before a solar-powered affordable housing system is installed on an existing qualified multifamily affordable housing property, notify residents of occupied tenant units that a solar-powered affordable housing system will be installed on the premises of the qualified multifamily affordable housing property; and

(b) Notify each new tenant of the presence of the solar-powered affordable housing system on the premises.

2. A notification required by subsection 1 must include, without limitation:

(a) The nameplate capacity of the solar-powered affordable housing system, the expected energy production of the system and a summary of the manner of making the equitable allocations required by the provisions described in subsection 2 of section 9 of this act;

(b) The particular limitations and responsibilities of a user of a solar-powered affordable housing system;

(c) The contact information for the utility; and

(d) The contact information for the appropriate entity with the authority and responsibility to grant federal, state or local funds pursuant to a program, law or regulation as described in section 5 of this act.

Sec. 10.7. The provisions of NRS 338.01165 and 338.013 to 338.090, inclusive, apply to any contract for construction work related to a solar-powered affordable housing system financed in whole or in part by a state or local government, even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 11. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing

water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) ***or (d)*** of subsection 1 of NRS 704.771.

10. Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 12. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and sections 2 to ~~[10,]~~ 10.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, ***and sections 2 to 8, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 704.768 is hereby amended to read as follows:

704.768 "Customer-generator" means a user of a net metering system ~~[.]~~ ***, including, without limitation:***

1. The owner of a solar-powered affordable housing system; and

2. Any user of a solar-powered affordable housing system that includes, without limitation, tenant meters and common-area meters that receive an allocation of the capacity and associated production of the solar-powered affordable housing system, regardless of the legal ownership of the solar-powered affordable housing system.

Sec. 14. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means:

(a) A facility or energy system for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy to generate electricity;

(2) Has a generating capacity of not more than 1 megawatt;

(3) Is located on the customer-generator's premises;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; ~~[or]~~

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012 ~~[.]~~ ***; or***

(d) A solar-powered affordable housing system.

2. The term does not include a facility or energy system for the generation of electricity ***, other than a solar-powered affordable housing system,*** which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred percent of the customer-generator's annual requirements for electricity.

Sec. 15. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and sections 2 to*** ~~***[10,]***~~ ***10.7, inclusive, of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator ***or, if the net metering system is a solar-powered affordable housing system, the owner of the solar-powered affordable housing system*** to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator ***or owner of the solar-powered affordable housing system, if applicable,*** governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, ***and sections 2 to ~~[10,]~~ 10.7, inclusive, of this act*** at the location at which the net metering system is

originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~.~~ ***, and sections 2 to 10, inclusive, of this act.***

Sec. 16. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period ~~.~~ ***:***

(1) For a net metering system that serves only one meter, in accordance with normal metering practices.

(2) For a solar-powered affordable housing system that serves multiple meters, by measuring the total generation output of the solar-powered affordable housing system using a production meter. The utility shall, for capacity allocations, calculate the total kilowatt-hour output associated with each user's allocated share of the solar-powered affordable housing system's production and deduct the allocated total kilowatt-hour output from each user's total measured consumption.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a solar-powered affordable housing system,***

which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) Except as otherwise provided in NRS 704.7732, if the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a solar-powered affordable housing system,*** which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, ***including, without limitation, a customer-generator that is the owner of a solar-powered affordable housing system,*** the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 17. NRS 704.7865 is hereby amended to read as follows:

704.7865 1. An electric utility shall offer an expanded solar access program to ***low-income*** eligible customers within its service area in accordance with the provisions of this section. The size of the expanded solar access program shall not exceed:

(a) For an electric utility that primarily serves densely populated counties, a total capacity of 240,000 megawatt-hours; and

(b) For an electric utility that primarily serves less densely populated counties, a total capacity of 160,000 megawatt-hours.

2. The Commission shall adopt regulations establishing standards for the expanded solar access program. The regulations must:

(a) Advance the development of solar energy resources in this State, including, without limitation, utility scale and community-based solar resources;

(b) Provide for the expanded solar access program to include a reasonable mixture of community-based solar resources and utility scale solar resources;

(c) ***For community-based solar resources:***

(1) Require a process for open bidding or requests for proposals for the selection of sites for community-based solar resources;

(2) Prioritize the selection of sites for community-based solar resources that provide resiliency for the electric grid and benefits for the community; and

(3) Require construction of additional community-based solar resources in proportion to increased participation in the expanded solar access program;

~~[(d) Provide a plan for community participation in the siting and naming of community-based solar resources;]~~

(d) ~~*[(e)]*~~ Provide for solar workforce innovations and opportunity programs related to the construction, maintenance and operation of solar resources, including opportunities for workforce training, apprenticeships or other job opportunities at community-based solar resources;

(e) ~~*[(f)]*~~ Provide for equitably broadened access to solar energy;

(f) ~~*[(g)]*~~ Provide for the creation of an expanded solar access program rate for participating ***low-income*** eligible customers that:

(1) Is based, among other factors, on a new utility scale solar resource accepted by the Commission in an order issued pursuant to NRS 704.751, as approved by the Commission;

(2) Is a fixed rate that replaces the base tariff energy rate and deferred accounting adjustment charged by the electric utility for participating ***low-income eligible*** customers and which is adjusted in accordance with the Commission's quarterly calculations;

(3) ~~[For low-income eligible customers, provides]~~ ***Provides*** for a lower rate, the cost of which must be allocated across all of the rate classes of the utility; ***and***

(4) ~~[For eligible customers who are not low-income eligible customers, provides stability and predictability and the opportunity for a lower rate; and~~

~~(5)]~~ Includes ~~[for all participating customers]~~ any other applicable charges including, without limitation, the universal energy charge, franchise fees, the renewable energy program rate and base tariff general rates, except that the Commission ~~[may]~~ ***:***

(I) May reduce one or more of these charges for ***participating*** low-income eligible customers to ensure that such customers receive a lower rate pursuant to subparagraph (3); ***and***

(II) For a participating low-income eligible customer who is supported with specific funding from the Nevada Clean Energy Fund established pursuant to NRS 701B.985 relating to a Solar for All program, shall ~~[reduce the base tariff general rate by 20 percent;]~~ require the participating low-income eligible customer to achieve the energy savings required for such funding;

(g) ~~*[(h)]*~~ Establish a process for identifying noncontiguous geographic locations for community-based solar resources which, to the extent practicable, must be located in communities with higher levels of low-income eligible customers;

(h) ~~*[(i)]*~~ Provide for the use of at least one utility scale solar resource and at least three but not more than ten community-based solar resources within the service territory of the electric utility;

(i) ~~*[(j)]*~~ Require not less than 50 percent of the employees engaged or anticipated to be engaged in construction of community-based solar resources to be residents of this State, which residency may be demonstrated, without limitation, by a notarized statement of the employee that he or she is a resident of this State;

(j) ~~*[(k)]*~~ Provide for a mechanism for the host sites of community-based solar resources to receive compensation from the utility for the use of such site;

(k) ~~*[(l)]*~~ Provide for the use of a combination of new and other renewable energy facilities, which may be either utility scale or community-based solar resources, that were submitted to the Commission for approval after May 1, 2018, and that were not placed into operation before April 1, 2020;

(l) ~~*[(m)]*~~ Provide for an application and selection process for ***low-income*** eligible customers to participate in the program ; ~~*[, which:*~~

~~*(1) Must authorize a customer who is selected to participate in the program to remain continuously enrolled in the program until the customer withdraws or is terminated from participation; and*~~

~~*(2) Must not require a continuously enrolled customer to reapply, recertify or renew participation in the program or participate in any selection lottery;]*~~

(m) ~~*[(n)]*~~ Ensure reasonable and equitable participation by ***low-income*** eligible customers within the service area of the electric utility;

(n) ~~*[(o)]*~~ Ensure that ***low-income*** eligible customers are able to participate in the program regardless of whether the customer owns, rents or leases the customer's premises;

(o) ~~[Require that:~~

~~(1) Twenty five percent of the capacity of the program, as provided in subsection 1, be reserved for low-income eligible customers;~~

~~(2) Twenty five percent of the capacity of the program, as provided in subsection 1, be reserved for disadvantaged businesses and nonprofit organizations; and~~

~~(3) Fifty percent of the capacity of the program, as provided in subsection 1, be reserved for eligible customers who are fully bundled residential customers who own, rent or lease their residence and who certify in a statement which satisfies the requirements established by the Commission pursuant to paragraph (p) that they cannot install solar resources on their premises; and~~

~~(p)]~~ Establish the requirements for a fully bundled residential customer to certify that he or she cannot install solar resources on his or her premises; and

~~[(q)]~~ ***(p)*** Establish standards for the form, content and manner of submission of an electric utility's plan for implementing the expanded solar access program.

3. An electric utility shall file a plan for implementing the expanded solar access program in accordance with the regulations adopted by the Commission pursuant to subsection 2.

4. The Commission shall review the plan for the implementation of the expanded solar access program submitted pursuant to subsection 3 and issue an order approving, with or without modifications, or denying the plan within 210 days. The Commission may approve the plan if it finds that the proposed expanded solar access program complies with the regulations adopted by the Commission pursuant to subsection 2.

5. In administering the provisions of this section, the electric utility and the Commission shall establish as the preferred sites for utility scale development of solar energy resources pursuant to this section brownfield sites and land designated by the Secretary of the Interior as Solar Energy Zones and held by the Bureau of Land Management.

6. As used in this section:

(a) "Brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

(b) "Community-based solar resource" means a solar resource which has a nameplate capacity of not more than ~~[1 megawatt]~~ ***5 megawatts*** and is owned and operated by the electric utility and connected to and used as a component of the distribution system of the electric utility ~~[.]~~***, and may include resources for the storage of energy.***

(c) ~~["Disadvantaged business" means a business for which:~~

~~(1) Fifty one percent or more of the owners are women, veterans, members of a racial or ethnic minority group or otherwise part of a traditionally underrepresented group; and~~

~~(2) None of the owners has a net worth of more than $250,000, not including the equity held in the business or in a primary residence.~~

~~(d)~~] "Electric utility" has the meaning ascribed to it in NRS 704.187.

[~~(e)~~] ***(d)*** "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

[~~(f)~~] ***(e)*** "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

[~~(g) "Eligible customer" means:~~

~~(1) A fully bundled general service customer; or~~

~~(2) A fully bundled residential customer of a utility.~~

~~(h)~~] ***(f)*** "Fully bundled ***residential*** customer" means a customer of an electric utility who receives energy, transmission, distribution and ancillary services from an electric utility ~~[~~.

~~(i) "Fully bundled general service customer" means a fully bundled customer who is a nonresidential customer with a kilowatt-hour consumption that does not exceed 10,000 kilowatt-hours per month.~~

~~(j) "Fully bundled residential customer" means a fully bundled customer who~~] ***and*** is a single-family or a multifamily residential customer.

[~~(k)~~] ***(g)*** "Low-income eligible customer" means a natural person or household who is a fully bundled residential customer of a utility and has an income of not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development.

[~~(l)~~] ***(h)*** "Solar Energy Zone" means an area identified and designated by the Bureau of Land Management as an area well-suited for utility-scale production of solar energy, and where the Bureau of Land Management will prioritize solar energy and associated transmission infrastructure development.

[~~(m)~~] ***(i)*** "Solar resource" means a facility or energy system that uses a solar photovoltaic device to generate electricity.

[~~(n)~~] ***(j)*** "Solar workforce innovations and opportunity program" means a workforce education, training and job placement program developed by the Department of Employment, Training and Rehabilitation and its appropriate regional industry or sector partnership, if applicable, in conjunction with potential employers and community stakeholders.

[~~(o)~~] ***(k)*** "Utility scale solar resource" means a solar resource which has a nameplate capacity of at least 50 megawatts and is interconnected directly to a substation of the electric utility through a generation step-up transformer.

Sec. 18. NRS 704.940 is hereby amended to read as follows:

704.940 1. In a manufactured home park, mobile home park or company town where the landlord or owner is billed by a gas or electric utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller, and the park or town:

(a) Is equipped with individual meters for each lot, the landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.

(b) Is not equipped with individual meters for each lot, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

2. In a manufactured home park, mobile home park or company town that:

(a) Is equipped with individual water meters for each lot, the individual meters must be read and billed by the purveyor of the water.

(b) Is not equipped with individual water meters for each lot and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

➥ The landlord or owner of a manufactured home park or mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent increase to recover from the landlord's or owner's tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.

3. To the extent that the cost of providing a utility service to the common area of a manufactured home park, mobile home park or company town can be identified, the landlord or owner may not recover the cost of the utility service provided to the common area by directly charging a tenant or the occupant of a dwelling for those services.

4. The landlord of a manufactured home park or mobile home park or owner of a company town may assess and collect a charge to reimburse the landlord or owner for the actual cost of the service charge the landlord or owner is required to pay to a water utility serving the park or town. If the landlord or owner collects such a charge, the landlord or owner shall prorate the actual cost of the service charge to the tenants or occupants of dwellings who use the service. The landlord or owner shall not collect more than the aggregate cost of the service to the landlord or owner.

5. The landlord may assess and collect a service charge from the tenants of the park for the provision of gas and electric utility services, but the amount of the charge must not be more than the tenants would be required to pay the utility or alternative seller providing the service. The landlord shall:

(a) Keep the money from the service charges in a separate account and expend it only for federal income taxes which must be paid as a result of the collection of the service charge, for preventive maintenance or for repairing or replacing utility lines or equipment when ordered or granted permission to do so by the Commission; and

(b) Retain for at least 3 years a complete record of all deposits and withdrawals of money from the account and file the record with the Commission on or before March 30 of each year.

6. Money collected by the landlord or owner for service provided by a utility or an alternative seller to the tenants of a manufactured home park or mobile home park or occupants of the dwellings may not be used to maintain, repair or replace utility lines or equipment serving the common area of the manufactured home park, mobile home park or company town.

7. The owner of a company town who provides a utility service directly to the occupants of the town may charge the occupants their pro rata share of the owner's cost of providing that service. Where meters are available, the pro rata share must be based on meter readings. Where meters are not available, the owner shall determine a fair allocation which must be explained in detail to the Commission in the reports required by NRS 704.960. The Commission may modify the allocation in accordance with its regulations if it determines the owner's method not to be fair. The Commission shall adopt regulations governing the determination of the costs which an owner of a company town may recover for providing a utility service directly to the occupants of that town and the terms and conditions governing the provision of that service.

8. The landlord or owner shall itemize all charges for utility services on all bills for rent or occupancy. The landlord or owner may pass through to the tenant or occupant any increase in a rate for a utility service and shall pass through any decrease in a charge for a utility service as it becomes effective.

9. The landlord or owner shall retain for at least 3 years a copy of all billings for utility services made to the tenants or the occupants of the landlord's or owner's dwellings and shall make these records available upon request to the Commission for verification of charges made for utility services.

10. A landlord whose interest in a manufactured home park or mobile home park terminates for any reason shall transfer to the landlord's successor in interest any balance remaining in the account for service charges for utilities. Evidence of the transfer must be filed with the Commission.

11. The Commission may at any time examine all books and records which relate to the landlord's or owner's purchase of or billing for a service provided by a utility or an alternative seller if the landlord or owner is charging the tenants of the manufactured home park or mobile home park or occupants of the dwellings for that service.

12. The provisions of this section do not apply to a landlord or owner who is the owner or operator of a solar-powered affordable housing system, as defined in section 8 of this act, except that:

(a) If the owner of a solar-powered affordable housing system is the landlord of a qualified multifamily affordable housing property, as defined in section 7 of this act, in which the tenant units are equipped with individual meters, the owner of the solar-powered affordable housing system must follow any applicable federal laws or regulations to ensure that the owner of the solar-powered affordable housing system does not charge a tenant or

occupant for utility service at a rate that is higher than the rate paid by the owner of the solar-powered affordable housing system.

(b) A landlord who is the owner or operator of a solar-powered affordable housing system shall ensure that the financial benefits of the electricity produced by the solar-powered affordable housing system are allocated among the tenant units in a manner that is equitable as required by NRS 704.773 and section 9 of this act.

Sec. 19. **Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.**

Sec. 20. ***"Customer-generator" has the meaning ascribed to it in NRS 704.768.***

Sec. 21. ***"Solar-powered affordable housing system" has the meaning ascribed to it in section 8 of this act.***

Sec. 22. **NRS 598.9801 is hereby amended to read as follows:**

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 20 and 21 of this act*** have the meanings ascribed to them in those sections.

Sec. 23. **NRS 598.9804 is hereby amended to read as follows:**

598.9804 "Distributed generation system" means a system or facility for the residential generation of electricity that uses solar energy to generate electricity. ***The term includes a solar-powered affordable housing system.***

Sec. 24. **NRS 598.9805 is hereby amended to read as follows:**

598.9805 "Host customer" means ***:*** ~~[either:]~~

1. The customer of record of an electric utility at the location where an energy system that uses photovoltaic cells and solar energy to generate electricity will be located; ~~[or]~~

2. A person who has been designated by the customer of record of an electric utility in a letter to the utility explaining the relationship between that person and the customer of record ~~[.]~~ ***; or***

3. A customer-generator of a solar-powered affordable housing system.

Sec. 25. **NRS 598.9822 is hereby amended to read as follows:**

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive,

and sections 20 and 21 of this act or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 26. **Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

Sec. 27. **NRS 624.270 is hereby amended to read as follows:**

624.270 1. Before issuing a contractor's license to any applicant, the Board shall require that the applicant:

(a) File with the Board a surety bond in a form acceptable to the Board executed by the contractor as principal with a corporation authorized to transact surety business in the State of Nevada as surety; or

(b) In lieu of such a bond, establish with the Board a cash deposit as provided in this section.

2. Before granting renewal of a contractor's license to any applicant, the Board shall require that the applicant file with the Board satisfactory evidence that the applicant's surety bond or cash deposit is in full force, unless the applicant has been relieved of the requirement as provided in this section.

3. Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license.

4. Except as otherwise provided in subsection 6, the amount of each bond or cash deposit required by this section must be fixed by the Board with reference to the contractor's financial and professional responsibility and the magnitude of the contractor's operations, but must be not less than $1,000 or more than $500,000. The bond must be continuous in form and must be conditioned that the total aggregate liability of the surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force. A bond required by this section must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The Board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the Board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.2545 or 624.291. Unless released earlier pursuant to subsection 5, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established, or 2 years after completion of all work authorized by the Board after termination of the license, whichever occurs later, if there is no outstanding claim against it.

5. After a licensee has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the Board may relieve the licensee of the requirement of filing a bond or establishing a cash deposit if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the licensee to file a new bond or establish a new cash deposit as provided in subsection 4:

(a) If evidence is presented to the Board supporting this requirement;

(b) Pursuant to subsection 6, after notification of a final written decision by the Labor Commissioner; or

(c) Pursuant to subsection 7.

➥ If a licensee is relieved of the requirement of establishing a cash deposit, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.

6. If the Board is notified by the Labor Commissioner pursuant to NRS 607.165 or otherwise receives notification that three substantiated claims for wages have been filed against a contractor within a 2-year period, the Board shall require the contractor to file a bond or establish a cash deposit in an amount fixed by the Board. The contractor shall maintain the bond or cash deposit for the period required by the Board.

7. If a contractor who performs work concerning a residential pool or spa or work concerning a residential photovoltaic system used to produce electricity:

(a) Is determined by the Board to have violated one or more of the provisions of NRS 624.301 to 624.305, inclusive;

(b) Enters into a contract that is later found to be void and unenforceable against the owner pursuant to subsection 5 of NRS 624.940 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa;

(c) Enters into a contract on or after October 1, 2021, that is later voided by the owner of the single-family residence pursuant to subsection 6 of NRS 624.875 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; ~~[or]~~

(d) ***Enters into a contract on or after October 1, 2025, that is later voided by the owner of the qualified multifamily affordable housing property pursuant to subsection 6 of NRS 624.875 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; or***

(e) Has five valid complaints filed against him or her with the Board within any 15-day period,

➥ the Board may require the contractor to comply with the provisions of subsection 8.

8. If the Board requires a contractor described in subsection 7 to comply with the provisions of this subsection, the contractor shall, before commencing work concerning a residential pool or spa or work concerning a residential photovoltaic system used to produce electricity, obtain:

(a) Except as otherwise provided in this subsection, a performance bond in an amount equal to not less than 50 percent of the amount of the contract, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions set forth in the contract. The performance bond must be solely for the protection of the owner of the property to be improved.

(b) Except as otherwise provided in this subsection, a payment bond in an amount equal to not less than 50 percent of the amount of the contract. The payment bond must be solely for the protection of persons supplying labor or materials to the contractor, or to any of his or her subcontractors, in carrying out the provisions of the contract.

➥ A bond required pursuant to this subsection must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The contractor shall maintain the bond for the period required by the Board. The contractor shall furnish to the building department of the city or county, as applicable, in which the work will be carried out, a copy of any bond. In lieu of a performance or payment bond, the contractor may obtain an equivalent form of security approved by the Board.

9. As used in this section ~~[, "substantiated]~~ ***:***

(a) "Qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

(b) "Substantiated claim for wages" has the meaning ascribed to it in NRS 607.165.

Sec. 28. **NRS 624.600 is hereby amended to read as follows:**

624.600 ***1.*** A general building contractor shall provide in writing to the owner of a single-family residence ***or, in the case of a contract for work concerning a residential photovoltaic system used to produce electricity on a qualified multifamily affordable housing property, the owner of the qualified multifamily affordable housing property*** with whom he or she has contracted:

~~[1.]~~ ***(a)*** The name, license number, business address and telephone number of:

~~[(a)]~~ ***(1)*** All subcontractors with whom he or she has contracted on the project; and

~~[(b)]~~ ***(2)*** All persons who furnish material of the value of $500 or more to be used in the project.

~~[2.]~~ ***(b)*** A notice that a person described in ~~[subsection 1]~~ ***paragraph (a)*** may record a notice of lien upon the residence of the owner and any building, structure and improvement thereon pursuant to the provisions of NRS 108.226.

~~[3.]~~ ***(c)*** An informational form, whose contents must be prescribed by the Board, regarding:

~~[(a)]~~ ***(1)*** Contractors pursuant to this chapter; and

~~[(b)]~~ ***(2)*** Mechanics' and materialmen's liens pursuant to chapter 108 of NRS.

2. As used in this section, "qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

Sec. 29. **NRS 624.830 is hereby amended to read as follows:**

624.830 As used in NRS 624.830 to 624.895, inclusive, ***and section 26 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 624.835 to 624.855, inclusive, ***and section 26 of this act*** have the meanings ascribed to them in those sections.

Sec. 30. **NRS 624.855 is hereby amended to read as follows:**

624.855 1. "Work concerning a residential photovoltaic system used to produce electricity" or "work" means any of the following acts:

(a) The construction, repair, maintenance, restoration, alteration or improvement of any photovoltaic system used to produce or store electricity on the customer's side of an electric meter on a single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property,*** including, without limitation, the repair or replacement of existing equipment or the installation of new equipment, as necessary; or

(b) Any activity for the supervision concerning such work.

2. The scope of such work includes the installation, alteration and repair of photovoltaic cells, batteries, inverters and storage systems used in the conversion of solar energy into electricity and the storage of that electricity on the customer's side of an electric meter on a single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property.***

3. The term does not include:

(a) Education regarding solar photovoltaics;

(b) Energy audits; or

(c) The advertising or solicitation of such work.

Sec. 31. **NRS 624.865 is hereby amended to read as follows:**

624.865 1. Any contractor who performs work concerning a residential photovoltaic system used to produce electricity shall, regardless of whether the work is performed under the direction of a builder who is also the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed:

(a) Apply for and obtain all applicable permits for the work;

(b) Meet all applicable requirements imposed pursuant to this chapter and any regulations adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; and

(c) Meet all applicable requirements imposed by the Public Utilities Commission of Nevada or any system for the distribution of electricity to which the work will interconnect.

2. If a contractor performs work concerning a residential photovoltaic system used to produce electricity and the work is performed under the direction of a builder who is also the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed, the owner shall comply with all state and local laws and ordinances for the submission of names, licenses and information concerning any required bonds and insurance with respect to the contractors working on the work.

3. If work concerning a residential photovoltaic system used to produce electricity is performed under the direction of a builder who is exempt from having to obtain a license as a contractor because the builder is also the owner of the single-family residence on which the work is being performed, a person shall not, directly or indirectly, perform or offer to perform any act as a consultant, adviser, assistant or aide to the builder for the purposes of the project, including, without limitation, any act associated with obtaining permits for the project, or otherwise hold himself or herself out as being able to perform such acts, unless the person holds:

(a) A license issued pursuant to this chapter which authorizes the person to perform such acts; or

(b) Any other license, certificate, registration or permit under state law which authorizes the person to perform such acts.

Sec. 32. **NRS 624.870 is hereby amended to read as follows:**

624.870 1. A contractor who receives an initial down payment or deposit of $1,000 or 10 percent of the aggregate contract price, whichever is less, for work concerning a residential photovoltaic system used to produce electricity shall start the work within 30 days after the date all necessary permits for the work and all necessary approvals from an electric utility into whose system the residential photovoltaic system used to produce electricity will interconnect, if any, are issued, unless the person who made the payment agrees in writing to a longer period.

2. A contractor who receives money for work concerning a residential photovoltaic system used to produce electricity shall complete the work diligently and shall not refuse to perform any work agreed to in the contract for any 30-day period.

3. Except as otherwise provided in subsection 4, if satisfactory payment is made for any portion of the work performed, the contractor shall, before any further payment is made, furnish to the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work was performed a full and unconditional release of the contractor's claim for a mechanic's lien for that portion of the work for which payment has been made.

4. The requirements of subsection 3 do not apply if the contract for the work provides for the contractor to furnish a bond for payment and performance or joint control covering full performance and completion of the contract and the bond or joint control is furnished by the contractor.

5. A contract for work concerning a residential photovoltaic system used to produce electricity must contain a written statement explaining the rights of the customer under NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and other relevant statutes, including, without limitation, NRS 598.9801 to 598.9822, inclusive ~~.~~ ***, and sections 20 and 21 of this act.***

6. A contractor may require final payment for the final stage or phase of the construction of a residential photovoltaic system used to produce electricity after the system is deemed complete and any required inspections are completed.

Sec. 33. **NRS 624.875 is hereby amended to read as follows:**

624.875 1. The Board may adopt by regulation mandatory elements to be included in all contracts to be used by contractors for work concerning a residential photovoltaic system used to produce electricity. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2021, any contract entered into between a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity must comply with the provisions of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and all applicable regulations adopted by the Board. ***On and after October 1, 2025, any contract entered into between a contractor and the owner of a qualified multifamily affordable housing property for work concerning a residential photovoltaic system used to produce electricity must comply with the provisions of NRS 624.830 to 624.895, inclusive, and section 26 of this act and all applicable regulations adopted by the Board.*** A contract that does not comply with the provisions of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and all applicable regulations adopted by the Board is voidable by the owner of the single-family residence ~~.~~ ***or qualified multifamily affordable housing property, as applicable.***

2. Any contract for work concerning a residential photovoltaic system used to produce electricity must contain in writing at least the following information:

(a) The name of the contractor, his or her address and contractor's license number and the monetary limit on that license.

(b) The name and mailing address of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed and the address or legal description of the property.

(c) The date of execution of the contract.

(d) The estimated date of completion of all work to be performed under the contract.

(e) A description of the work to be performed under the contract.

(f) The total amount to be paid to the contractor by the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** for all work to be performed under the contract, including all applicable taxes.

(g) The amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the contractor by the owner before the start of construction.

(h) A statement that the contractor has provided the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** with the notice and informational form required by NRS 624.600.

(i) A statement that any change in the scope or price of the work to be performed under the contract must be agreed to in writing by the parties and incorporated into the original contract as a change order. A change order is not enforceable against the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** who is contracting for work concerning a residential photovoltaic system used to produce electricity unless the change order sets forth all changes in the scope and price of the work and is accepted by the owner of the single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property, as applicable.***

(j) For a project of new work concerning a residential photovoltaic system used to produce electricity, a plan and scale drawing showing the shape, size and dimensions of and the specifications for the construction and equipment for the work specified in the contract, and a description of the work to be done, the materials to be used and the equipment to be installed, and the agreed consideration for the work. For projects which consist exclusively of repairs to existing work concerning a residential photovoltaic system used to produce electricity, plans, scale drawings, equipment specifications and lists of materials and equipment are not required to be contained in or included with the contract.

(k) Except as otherwise provided in this subsection and subsection 3, the dollar amount of any progress payment and the stage of construction at which

the contractor will be entitled to collect progress payments from the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** during the course of construction under a contract for the installation of a residential photovoltaic system used to produce electricity. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the contractor to receive, nor may the contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit.

(l) With respect to a contract ***with the owner of a single-family residence*** executed before October 1, 2021, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:

(1) The obligation of the owner of the single-family residence to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

~~[(l)]~~ ***(m) With respect to a contract with the owner of a qualified multifamily affordable housing property executed before October 1, 2025, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:***

(1) The obligation of the owner of the qualified multifamily affordable housing property to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

(n) If a contract with the owner of a single-family residence ***or qualified multifamily affordable housing property*** for the installation of a residential photovoltaic system used to produce electricity provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the contractor by the disbursing party in accordance with the provisions of paragraph (k).

~~[(m)]~~ ***(o)*** A disclosure of the retail price of a kilowatt-hour, any offsetting tariff and the identity of the electric utility that furnishes electric service to the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** at the time the contract is executed.

➥ Except as otherwise provided in subsection 6, the contract may contain such other conditions, stipulations or provisions as to which the parties may agree.

3. The provisions of ~~[paragraph]~~ ***paragraphs*** (k) ***, (l) and (m)*** of subsection 2 do not apply if:

(a) The contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project;

(b) The contractor builds a residential photovoltaic system used to produce electricity as part of the original building plan pursuant to which the contractor builds a single-family residence ***or qualified multifamily affordable housing property*** on the premises; or

(c) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** has:

(1) Purchased the residential photovoltaic system used to produce electricity pursuant to a power purchase agreement as defined in NRS 598.9807; or

(2) Leased the residential photovoltaic system used to produce electricity pursuant to a monthly lease contract.

4. The contract must contain:

(a) A method whereby the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** may initial provisions of the contract, thereby indicating that those provisions have been read and are understood.

(b) In close proximity to the signatures of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** and the contractor, a notice stating that the owner of the single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property, as applicable:***

(1) May contact the Board or the Public Utilities Commission of Nevada if assistance is needed to clarify any of the provisions of the contract that the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** does not fully understand;

(2) Has the right to request a bond for payment and performance if such a bond is not otherwise required pursuant to NRS 624.270;

(3) May contact an attorney for an explanation of the rights of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** under the contract; and

(4) May, if the contract was explained in a language other than the language in which the contract is written, ask for a contract that is written in the language in which the contract was explained.

5. At the time the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** signs the contract, the contractor shall furnish to the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** a legible copy of all documents signed and a written and signed receipt for any money paid to the contractor by the owner of the single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property, as applicable.*** All written information provided in the contract must be printed in at least 10-point type.

The contract, receipt and other documents referenced in this subsection may be delivered by electronic means.

6. A condition, stipulation or provision in a contract that requires a person to waive any right provided by this chapter or any regulations adopted pursuant thereto or relieves a person of an obligation or liability imposed by this chapter or those regulations is void. Failure to comply with the requirements of this section renders a contract voidable by the owner of the single-family residence ~~]]~~ ***or qualified multifamily affordable housing property, as applicable.***

7. The contractor shall apply for and obtain all necessary permits and approvals from an electric utility into whose system the residential photovoltaic system used to produce electricity will interconnect.

Sec. 34. **NRS 624.885 is hereby amended to read as follows:**

624.885 1. A contract for work concerning a residential photovoltaic system used to produce electricity is not enforceable against the owner of a single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed if the obtaining of a loan for all or a portion of the contract price is a condition precedent to the contract unless both of the following requirements are satisfied:

(a) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** agrees to accept the loan or financing.

(b) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** does not rescind the loan or financing transaction within the period prescribed for rescission pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., or chapter 598 of NRS, if applicable.

2. Unless and until all applicable requirements of subsection 1 are satisfied, a contractor shall not:

(a) Perform or deliver any work, labor, material or services; or

(b) Represent in any manner that the contract is enforceable or that the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** has any obligation under the contract.

Sec. 35. **NRS 624.895 is hereby amended to read as follows:**

624.895 1. A violation of any provision of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** or any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity by a contractor:

(a) Constitutes cause for disciplinary action pursuant to NRS 624.300; and

(b) May be reported to the Office of the Attorney General as a potential deceptive trade practice pursuant to chapter 598 of NRS.

2. It is unlawful for a person to violate any provision of NRS 624.830 to 624.895, inclusive ~~]]~~ ***, and section 26 of this act.***

3. Any person who violates any provision of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** shall be penalized pursuant to the applicable provisions of NRS 624.700 and 624.750.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 36. 1. Not later than ~~[February 17, 2026,]~~ **December 31, 2025,** a utility shall file with the Public Utilities Commission of Nevada any amendments to its tariff or tariffs that are necessary to comply with the provisions of this act.

2. As used in this section, "utility" has the meaning ascribed to it in NRS 704.772.

~~[Sec. 20.]~~ ***Sec. 37.*** 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[19,]~~ **36,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **October** 1, ~~[2026,]~~ **2025,** for all other purposes.

3. Section 10 of this act expires by limitation on December 31, 2029.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 206.

AN ACT relating to child welfare; establishing a form by which a parent or guardian may request to nominate a guardian of a minor; authorizing the filing of such a form in the Nevada Lockbox; **removing the authority of the Secretary of State to charge and collect a fee for filing a form in the Nevada Lockbox;** creating a presumption that temporary guardianship is in the best interest of a minor in certain circumstances; ~~[authorizing certain additional persons to receive supportive assistance through the program to provide such assistance to certain relatives who provide care for and obtain legal guardianship of a child; making an appropriation to a program to support pupils affected by trauma;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any person requesting to nominate another person to be appointed as his or her guardian to complete a form requesting to nominate a guardian. (NRS 159.0753) Existing law also authorizes the Secretary of State to establish and maintain the Nevada Lockbox, which is an electronic registry where a person may register a form requesting to nominate a guardian, among other documents. (NRS 225.360) **Section 1** of this bill authorizes a parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor to complete a

form requesting to nominate a guardian of the minor. **Section 1** clarifies that a person nominated to be a guardian of a minor is required to obtain appointment from a court before exercising the power of a guardian. **Section 3** of this bill requires a court to consider a form requesting to nominate a guardian of a minor in determining which person is most suitable to be the guardian for the minor. **Section 4** of this bill includes a form requesting to nominate a guardian of a minor in the list of documents that may be submitted for inclusion in the Nevada Lockbox. **Sections 4.5 and 5.5 of this bill remove the authority of the Secretary of State to charge and collect a fee for the registration of a will or other document in the Nevada Lockbox.** **Section 5** of this bill authorizes the Secretary of State to provide access to the lockbox when required by a court, hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian for a minor. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law establishes a procedure by which a petitioner may request the appointment of a temporary guardian for the person or estate, or both, of a proposed protected minor in circumstances where it is not feasible or would be harmful to notify the persons and entities who are normally entitled to notice of a guardianship hearing. Existing law presumes that temporary guardianship is in the best interest of the minor if no parent has had the care, custody and control of the minor for the immediately preceding 6 months. (NRS 159A.053) **Section 2** of this bill creates an additional presumption that a temporary guardianship is in the best interest of the proposed protected minor if no parent has the care, custody and control of the minor due to one or both parents being separated from the minor due to a federal immigration order.

~~[Existing law requires the Department of Health and Human Services to establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children, if the relative meets certain requirements, including, having attained a minimum age set by the Department. (NRS 422A.650) Section 6 of this bill authorizes a relative who has not attained that minimum age to receive supportive assistance through the program if the person is the legal guardian of a child who has been separated from one or both parents due to a federal immigration order.~~

~~Section 8 of this bill makes an appropriation to the Department of Education for the Nevada Trauma Recovery Grant Project for supporting pupils affected by trauma through the delivery of clinical trauma-specific interventions.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor may do so by

completing a form requesting to nominate a guardian of a minor in accordance with this section.

2. A form requesting to nominate a guardian of a minor pursuant to this section must be:

(a) Signed by the parent or guardian who is executing the form;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the minor or the parent or guardian of the minor and who attest that the parent or guardian has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A nomination of a guardian of a minor made pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN OF A MINOR

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as
guardian for my child should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian for my child, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the minor)/(guardian of the estate of the minor)/(guardian of the minor and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as the appointed guardian for my child.

4. I request that my ..... (insert relation), ... (insert name), serve as appointed guardian of my child.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as appointed guardian of my child.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as appointed guardian of my child.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....
(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian of a minor in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal or minor.

.....
(Signature of first witness)
.....
(Print name)
.....
(Date)

.....
(Signature of second witness)
.....
(Print name)
.....
(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }
}
County of .....}

On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.

.....
(Signature of notarial officer)
(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The person nominated for appointment as the guardian of a minor pursuant to this section must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

6. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 2. NRS 159A.053 is hereby amended to read as follows:

159A.053 1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.

2. The petition must state facts which establish good cause for the appointment of a temporary guardian and which show that:

(a) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

(b) The proposed protected minor would be exposed to an immediate risk of physical, emotional or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

(c) Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition ~~[.]~~ ***or one or both parents have been separated from the minor due to a federal immigration order leading to no parent having the care, custody and control of the minor,*** temporary guardianship of the person of the minor is presumed to be in the best interest of the minor.

5. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

6. Except as otherwise provided in subsection 7, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

7. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to paragraph (b) or (c) of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

8. Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection 5, the court shall hold a hearing to

determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 9, if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection 10, extend the temporary guardianship until a general guardian is appointed.

9. The court may not extend a temporary guardianship pursuant to subsection 8 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

10. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

11. If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 3. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of cannabis in accordance with the provisions of chapter 678C of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime

involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will ***, a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act*** or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

11. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Blind" has the meaning ascribed to it in NRS 426.082.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 4. NRS 225.330 is hereby amended to read as follows:

225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ***, a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act*** or a power of attorney for health care that is properly executed pursuant to NRS 162A.790.

Sec. 4.5. **NRS 225.370 is hereby amended to read as follows:**

225.370 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. A person who wishes to establish a lockbox and thereby register a will or other document in the Nevada Lockbox must submit to the Secretary of State:

(a) An application in the form prescribed by the Secretary of State; ***and***

(b) A copy of the will or other document to be registered~~. [; and~~

~~(c) The fee, if any, established by the Secretary of State pursuant to subsection 1 of NRS 225.410.]~~

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the will or other document and post it within the registrant's lockbox;

(b) Assign to the registrant a registration number and access code for the lockbox; and

(c) Provide to the registrant a registration card that includes, without limitation:

(1) The name of the registrant;

(2) The registration number assigned to the registrant pursuant to paragraph (b); and

(3) The access code assigned to the registrant pursuant to paragraph (b).

3. The Secretary of State shall establish procedures for, without limitation:

(a) The registration of a will or other document which replaces a will or other document that has been registered previously and posted within the Nevada Lockbox;

(b) The removal from the Nevada Lockbox of a will or other document that has been revoked at the request of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access by a registrant to his or her registration number and access code if a registration card issued pursuant to this section is lost, stolen, mutilated, destroyed or otherwise unavailable.

Sec. 5. NRS 225.380 is hereby amended to read as follows:

225.380 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. Except as otherwise provided in this section, the Secretary of State shall not provide access to the lockbox of a registrant unless:

(a) The person requesting access provides the registration number and access code of the registrant;

(b) The Secretary of State determines that providing access to the lockbox is in the best interest of the registrant;

(c) Access to the lockbox is required pursuant to the lawful order of a court of competent jurisdiction;

(d) Access to the lockbox is requested by the registrant or his or her personal representative; or

(e) Access to the lockbox is requested by a court, hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian ~~[.]~~ ***for himself or herself or a minor.*** Except as otherwise provided in subsection 2, the Secretary of State shall ensure that a person who needs

access to the lockbox pursuant to this paragraph does not have access to any document contained in the lockbox other than a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ~~[.]~~ ***or a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act.***

2. A court that requests access to the lockbox pursuant to paragraph (e) of subsection 1 may access any other document contained in the lockbox as is necessary to determine whether a person has made more than one designation of a guardian.

3. A registrant or his or her personal representative may access the lockbox of the registrant for any purpose.

Sec. 5.5. **NRS 225.410 is hereby amended to read as follows:**

225.410 ~~[1. If the Nevada Lockbox is established pursuant to NRS 225.360, the Secretary of State may charge and collect fees for the registration of a will or other document pursuant to NRS 225.370.~~

~~2.]~~ The Secretary of State may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of NRS 225.300 to 225.440, inclusive. A person who gives a gift, grant, bequest or other contribution may designate a specific purpose for the gift, grant, bequest or other contribution to carry out the provisions of NRS 225.300 to 225.440, inclusive.

Sec. 6. ~~[NRS 422A.650 is hereby amended to read as follows:~~

~~422A.650 1. The Department, through a division of the Department designated by the Director, shall establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children.~~

~~2. As a condition to the provision of any supportive assistance pursuant to this section:~~

~~(a) The child must:~~

~~(1) Have been placed in the care of a qualifying relative for not less than 6 months; and~~

~~(2) If the child is 14 years of age or older, consent to the legal guardianship; and~~

~~(b) The qualifying relative must:~~

~~(1) Reside in this State;~~

~~(2) Have attained such a minimum age as the Department specifies by regulation [;] *or be the legal guardian of a child who has been separated from one or both parents due to a federal immigration order;*~~

~~(3) Verify his or her relationship to the child; and~~

~~(4) File for and obtain court approval of the legal guardianship and comply with any requirements imposed by the court.~~

~~3. The supportive assistance provided pursuant to this section must include, within the limitations of available funding:~~

~~(a) Reimbursement of all or a portion of the legal fees incurred by the qualifying relative to establish the legal guardianship;~~

~~(b) Payments of not more than the amount that the Department would provide to a foster parent if the child had been placed in foster care;~~

~~(c) Assistance with:~~

~~(1) Child care;~~

~~(2) Respite care; and~~

~~(3) Transportation; and~~

~~(d) Any other assistance the Department deems appropriate.~~

~~4. The Department shall adopt such regulations as are necessary to carry out the provisions of this section.~~

~~5. As used in this section, unless the context otherwise requires, "qualifying relative" means a person specified in 45 C.F.R. § 233.90(c)(1)(v)(A).~~ **(Deleted by amendment.)**

Sec. 7. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS 159A.061;

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) That the proposed guardian has complied with the requirements of chapter 159A of NRS; and

(4) That the burden of proof set forth in chapter 159A of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159A.079, and subjects the guardian to the limitations set forth in NRS 159A.0805;

(b) Is subject to the provisions of NRS 159A.065 to 159A.076, inclusive, ***and section 1 of this act*** and 159A.185 to 159A.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

Sec. 8. ~~1. There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Trauma Recovery Grant Project~~

~~for supporting pupils affected by trauma through the delivery of clinical trauma-specific interventions the following sums:~~

~~For the Fiscal Year 2025-2026.....$1,000,000~~

~~For the Fiscal Year 2026-2027.....$1,000,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.~~ **(Deleted by amendment.)**

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Section 8 of this act becomes effective on July 1, 2025.

3. Sections 2 and 6 of this act become effective on October 1, 2025.

4. Sections 1, 3 ~~[, 4, 5]~~ **to 5.5, inclusive,** and 7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 265.

AN ACT relating to economic development; authorizing the creation of an industrial park in a contiguous area that meets certain requirements; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an inland port or industrial park; requiring a school district which offers certain career pathways programs to offer career exploration opportunities at certain middle and junior high schools; requiring the designation of a full-time staff member to coordinate career pathways programs at each high school which offers such programs; creating the Career Pathways Oversight Committee; requiring the appointment of a Career Pathways Oversight Coordinator; creating the State Seal of Teacher Training; revising provisions governing the Teacher Academy College Pathway Program; ~~[requiring the Board of Regents of the University of Nevada to grant a waiver of certain mandatory fees;]~~ revising provisions governing the program for reimbursement of tuition and fees paid by teachers

who completed the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Inland Port Authority Act, which authorizes one or more boards of county commissioners of a county or governing bodies of an incorporated city to apply to the Office of Economic Development to create, operate and maintain an inland port and inland port authority in a contiguous area that includes certain transportation infrastructure and no residential property. (NRS 277B.150) **Sections 8-15, 17 and 18** of this bill revise the Inland Port Authority Act to additionally authorize the creation, operation and maintenance of an industrial park and an industrial park authority and makes the existing provisions of the Act applicable to industrial parks and industrial park authorities. **Section 8** provides that the Act may now be known and cited as the Inland Port and Industrial Park Authority Act. **Section 2** of this bill defines the term "industrial park." **Section 11 requires any area designated as an "industrial park" to include only property that includes or is adjacent to an inland port.**

Section 5 of this bill authorizes a participating entity in an inland port or industrial park to adopt an ordinance creating a tax increment area consisting of all or part of the inland port or industrial park for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain projects within the inland port or industrial park. If a participating entity designates such a tax increment area, **section 5** provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the project. **Section 7** of this bill authorizes the issuance of such bonds or securities by counties or incorporated cities that have created an inland port or industrial park. **Section 4** of this bill sets forth the projects of an inland port or industrial park which may be undertaken using the funding generated by the tax increment area. **Section 3** of this bill defines the term "municipality" for the purposes of the Inland Port and Industrial Park Authority Act. **Section 9** of this bill applies the new definitions created by this bill to the existing provisions of the Inland Port and Industrial Park Authority Act.

Sections 6 and 20 of this bill exempt a tax increment area created pursuant to **section 5** from certain limits on revenue from taxes ad valorem.

Section 12 authorizes the Office to initiate the creation of an inland port or industrial park and authority with the approval of the Board of Economic Development.

Existing law requires an inland port authority to be governed by a board of directors and sets forth the composition of such a board. (NRS 277B.200) **Section 16** of this bill adds an additional director to the board if none of the participating entities in the authority is a city and requires this director to be appointed by the Governor.

Existing law **: (1)** requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment as professionals in K-12 education **;** and **(2)** authorizes a large school district, or a school district which is not a large school district, to offer the Program at other high schools. (NRS 388.223) **Section 25** of this bill excludes specialty schools from the high schools at which a large school district is required to offer the Program. **Section 25** requires a school district to offer dual credit courses at each high school which offers the Program in subjects which align with the requirements to obtain a bachelor's degree in education and in sufficient quantity to allow a pupil to obtain at least ~~[2]~~ **12** units of college credit. **Section 25** authorizes a school district to apply to the State Board of Education for an exemption from the requirement to offer certain internships and dual credit courses as part of the Program at a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes providing such internships or courses impracticable.

Section 25 authorizes a high school pupil, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees to request a hearing for reconsideration of the decision by the board of trustees.

Existing law requires a school district to ensure that each high school which offers the Program is staffed by a full-time employee who is a licensed teacher or administrator who is responsible for implementing the Program. (NRS 388.223) **Section 25** replaces this requirement with a requirement for a school district to ensure that at least one licensed teacher ~~[is]~~ **be** assigned full-time to implement and teach the Program at each high school which offers the Program ~~[.]~~ **if more than two class periods in the Program will be offered at the high school.**

Section 25 requires **that for** a pupil ~~[,]~~ to complete the Program, ~~[to:]~~ **the pupil must:** (1) complete at least 2 ~~[units of college credit in certain courses and internships or complete]~~ **academic years in** a program of career and technical education in the area of teaching; and (2) participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching.

Existing law requires the Superintendent of Public Instruction to establish certain State Seals, including the State Seal of Biliteracy, the State Seal of Civics and the State Seal of STEM, which may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met certain requirements. (NRS 388.591, 388.5933, 388.594) **Section 24** of this bill requires the Superintendent of Public Instruction to create a State Seal of Teacher Training and requires each board of trustees of a school district that

offers the Program to affix the Seal to the diploma of and note the receipt of the Seal on the transcript of each pupil who completes the Program.

~~[Existing law requires the Board of Regents of the University of Nevada to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against certain students. (NRS 396.5443, 396.5449) Section 26 of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester for a course of dual credit which a high school pupil enrolls in as part of the Program, for the first 12 credit hours of such courses in which a high school pupil enrolls. Section 26 requires the Board of Regents to grant a waiver of the payment of any application or admission fee for an undergraduate program assessed against a person who has completed the Program.]~~

Existing law requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fee paid to an institution within the Nevada System of Higher Education by a person who: (1) completed the Program; and (2) has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years. **Under existing law, the State Treasurer is authorized to provide a partial reimbursement to persons who have completed the Program and who have worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years.** (NRS 226.420) **Section 19** of this bill ~~[removes the requirement for a person to have worked as a full-time, licensed teacher at a public school for at least 3 consecutive school years to receive such reimbursement and, instead, authorizes the State Treasurer to provide]~~ **additionally requires that to be eligible for** such **a** reimbursement ~~[to anyone who has completed the Program and]~~ **or partial reimbursement, a person must have** completed the application for federal student aid. ~~[.~~

~~Section 27 of this bill authorizes a phased-in implementation of the Program by requiring a large school district to provide the Program at an increasing number of high schools with 250 or more pupils enrolled until August 1, 2033, by which date every high school in the school district with 250 or more pupils enrolled, other than high schools which are exempt, must provide the Program.]~~ **and have successfully completed at an institution in the Nevada System of Higher Education a program to become a licensed teacher. Section 19 also authorizes a person who was not able to complete the Program because of circumstances beyond the control of that person to obtain the reimbursement or partial reimbursement from the State Treasurer, if the person meets the other requirements for such a reimbursement or partial reimbursement. Finally, section 19 provides that student education loans are not a form of financial aid or financial assistance that may be applied to reduce the reimbursement or partial reimbursement received from the State Treasurer.**

Existing law requires the Governor's Office of Workforce Development to: (1) establish and administer a Career Pathways Demonstration Program; and (2) establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education. (NRS 232.985) **Sections 22 and 23** of this bill designate these programs, as well as the Teacher Academy College Pathway Program, as career pathways programs. **Section 22** requires a school district which offers a career pathways program at a high school to: (1) offer career exploration opportunities in certain priority industries to pupils at each middle school or junior high school which feeds into the high school; and (2) designate a ~~[full-time staff member]~~ **teacher or other licensed educational personnel, including, without limitation a school counselor,** at the high school to coordinate career pathways programs.

Section 23 creates within the Department of Education a Career Pathways Oversight Committee and requires the Committee to: (1) establish metrics to measure the success of the career pathways programs; (2) evaluate the progress and success of the career pathways programs; (3) evaluate programs for dual credit provided by the Nevada System of Higher Education; and (4) report ~~[its]~~ **certain** findings to the State Board and the Joint Interim Standing Committee on ~~[Education.]~~ **; and (5) identify state agencies with the jurisdiction and expertise to oversee, implement and regulate the career pathways programs for different industries.** **Section 23** requires the Superintendent of Public Instruction to appoint an employee of the Department to act as the Career Pathways Oversight Coordinator to provide certain technical support and assistance in implementing career pathways programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. "Industrial park" means land, including, without limitation, all necessary rights, appurtenances, easements and franchises relating to such land, that is acquired and developed by a participating entity or authority for the establishment and location of a series of sites for plants and other buildings for industrial, distribution and wholesale use.***

2. The term includes, without limitation, the acquisition and provision of water, sewage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad or docking facilities, to the extent such facilities are incidental to the use of the land as an industrial park.

Sec. 3. ***"Municipality" means any county or city in this State.***

Sec. 4. ***"Undertaking" means any enterprise to acquire, improve or equip, or any combination thereof, in the case of a county or incorporated city with respect to any tax increment area created by an ordinance adopted pursuant to section 5 of this act:***

1. A drainage and flood control project, as defined in NRS 244A.027;

2. An overpass project, as defined in NRS 244A.037;

3. A sewerage project, as defined in NRS 244A.0505;

4. A street project, as defined in NRS 244A.053;

5. An underpass project, as defined in NRS 244A.055;

6. A water project, as defined in NRS 244A.056;

7. A rail project, as defined in NRS 278C.105;

8. An airport project; or

9. A utility project.

Sec. 5. *1. If an inland port or industrial park is created by one participating entity, the participating entity, on behalf of the county or incorporated city in which the inland port or industrial park is located, may adopt an ordinance creating a tax increment area within the inland port or industrial park consisting of all or any portion of the inland port or industrial park for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the costs of an undertaking, as supplemented by the Local Government Securities Law.*

2. If an inland port or industrial park is created by two or more participating entities, the participating entities may enter into an interlocal or cooperative agreement for the ordering of an undertaking whose boundaries encompass all or part of the inland port or industrial park and the creation of a tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this subsection must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this section to the contrary. If the participating entities enter into an interlocal or cooperative agreement pursuant to this subsection, the participating entities may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a participating entity for the creation of a tax increment area pursuant to this section, except that each participating entity must adopt an ordinance in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

3. A participating entity may amend an ordinance creating a tax increment area pursuant to this section by adopting a supplemental ordinance to:

(a) Modify the undertaking by specifying new undertakings or removing or modifying undertakings specified in the original ordinance.

(b) Add areas to or remove areas from a tax increment area.

➥ The amount of taxes to be allocated to a tax increment account pursuant to subsection 5 must be computed separately for the original tax increment area and each addition of land thereto.

4. A participating entity shall not adopt an ordinance creating a tax increment area pursuant to this section unless:

(a) The board has determined that the undertaking described in the ordinance is necessary or desirable to further the purposes of the inland port or industrial park.

(b) The participating entity makes a finding at a public hearing that the undertaking will benefit the inland port or industrial park.

5. After the effective date of the ordinance adopted pursuant to subsection 1, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be allocated to, and when collected must be paid into, the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the tax increment area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

6. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 5 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the

area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of the taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the State Education Fund.

7. The provisions of paragraph (a) of subsection 6 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

8. A tax increment area must expire not more than 30 years after the date on which the ordinance which creates the area becomes effective.

9. As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

Sec. 6. *The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to a tax increment area created pursuant to this chapter.*

Sec. 7. *1. To defray in whole or in part the cost of any undertaking, a participating entity may issue the following securities:*

(a) Notes;

(b) Warrants;

(c) Interim debentures;

(d) Bonds; and

(e) Temporary bonds.

2. Any net revenues derived from the operation of an undertaking supported by the issuance of securities pursuant to this section must be pledged for the payment of the securities. The securities must be made payable from any such net pledged revenues as the bond requirements become due from time to time by the bond ordinance, trust indenture or other proceedings that authorize the issuance of the securities or otherwise pertain to their issuance.

3. Securities issued pursuant to this section:

(a) Must be made payable from tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act; and

(b) May, at the option of the participating entity and if otherwise so authorized by law, be made payable from the taxes levied by the participating entity against all taxable property within the boundaries of the participating entity.

➥ A participating entity may also issue general obligation securities other than the ones authorized by this chapter that are made payable from taxes

without also making the securities payable from any net pledged revenues or tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act.

4. Any securities payable only in the manner provided in either paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are special obligations of the participating entity and are not in their issuance subject to any debt limitation imposed by law;

(b) While they are outstanding, do not exhaust the debt incurring power of the participating entity; and

(c) May be issued under the provisions of the Local Government Securities Law without any compliance with the provisions of NRS 350.020 to 350.070, inclusive, except as otherwise provided in the Local Government Securities Law, only after the issuance of municipal bonds is approved under the provisions of NRS 350.011 to 350.0165, inclusive.

5. Any securities payable from taxes in the manner provided in paragraph (b) of subsection 3, regardless of whether they are also payable in the manner provided in paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are general obligations of the participating entity and are in their issuance subject to such debt limitation;

(b) While they are outstanding, do exhaust the power of the participating entity to incur debt; and

(c) May be issued under the provisions of the Local Government Securities Law only after the issuance of municipal bonds is approved under the provisions of:

(1) NRS 350.011 to 350.0165, inclusive; or

(2) NRS 350.020 to 350.070, inclusive,

➥ except for the issuance of notes or warrants under the Local Government Securities Law that are payable out of the revenues for the current year and are not to be funded with the proceeds of interim debentures or bonds in the absence of such bond approval under the two acts designated in subparagraphs (1) and (2).

Sec. 8. NRS 277B.010 is hereby amended to read as follows:

277B.010 This chapter may be known and cited as the Inland Port ***and Industrial Park*** Authority Act.

Sec. 9. NRS 277B.020 is hereby amended to read as follows:

277B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277B.030 to 277B.070, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 277B.030 is hereby amended to read as follows:

277B.030 "Authority" means an inland port authority ***or industrial park authority*** created pursuant to this chapter.

Sec. 11. NRS 277B.150 is hereby amended to read as follows:

277B.150 1. Subject to the requirements set forth in NRS 277B.150 to 277B.180, inclusive, an inland port ***or industrial park*** may be created only in a contiguous area that:

(a) Includes at least two of the following:

(1) A municipally owned airport with a runway of at least ~~[~~4,500~~]~~ ***5,001*** feet.

(2) A portion of a highway that is part of the National Highway System.

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

(c) In the case of an industrial park, may include property adjacent to the industrial park ~~[.]~~ ***but may only include property that includes or is adjacent to an inland port.***

2. All areas within the boundaries of an inland port ***or industrial park*** must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Office pursuant to NRS 277B.160 for the creation of the inland port ~~[.]~~ ***or industrial park.***

3. If the boundaries of an inland port ***or industrial park*** will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1:

(a) The municipality that owns and operates the airport must be a participating entity; or

(b) If the municipality that owns and operates the airport is not a participating entity, the municipality, by ordinance, must approve of the inclusion of the airport within the boundaries of the inland port ~~[.]~~ ***or industrial park.***

Sec. 12. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port ***or industrial park*** and authority. ***In a county whose population is 700,000 or more, only the board of county commissioners of the county may apply to the Office to create, operate and maintain an inland port or industrial park and authority within the boundaries of the county, including the boundaries of any incorporated city within the county.***

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port ~~[.]~~ ***or industrial park.***

3. The Office may ~~[~~approve~~]~~ ***:***

(a) Approve the creation of an inland port ***or industrial park*** and authority if the Office determines that the proposed inland port ***or industrial park*** and authority will serve the economic interests of this State.

(b) With the approval of the Board of Economic Development created by NRS 231.033, initiate the creation of an inland port or industrial park, as applicable, and authority.

Sec. 13. NRS 277B.170 is hereby amended to read as follows:

277B.170 1. If the Office approves the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, each participating entity shall hold at least two public hearings to discuss the creation of the inland port ***or industrial park*** and authority.

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port ~~[,]~~ ***or industrial park,*** including, without limitation, a map of the proposed inland port ~~[,]~~ ***or industrial park;*** and

(c) The powers of the proposed authority.

Sec. 14. NRS 277B.180 is hereby amended to read as follows:

277B.180 If a participating entity obtains approval of the Office for the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, the participating entity shall create the inland port ***or industrial park*** and authority by ordinance. The ordinance must include, without limitation:

1. A description of the boundaries of the inland port ~~[,]~~ ***or industrial park;***

2. The location of the principal office of the authority;

3. The name of the inland port ***or industrial park*** and authority; and

4. The number of directors who will compose the board of the authority pursuant to NRS 277B.200.

Sec. 15. NRS 277B.190 is hereby amended to read as follows:

277B.190 1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port ***or industrial park*** must be adjusted by the other participating entity or entities to comply with the provisions of NRS 277B.150; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) Each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 16. NRS 277B.200 is hereby amended to read as follows:

277B.200 1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any;

(c) ***One director appointed by the Governor, if none of the participating entities is an incorporated city;***

(d) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 277B.150, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

~~[(d)]~~ ***(e)*** Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to NRS 277B.180.

2. A director must reside within the boundaries of the participating entity that appoints him or her.

3. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

4. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

5. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 17. NRS 277B.320 is hereby amended to read as follows:

277B.320 1. ***The governing body of an authority shall adopt bylaws for the governance of the authority, and shall not impose any fees unless at least two-thirds of the members of the governing body approve the imposition of the fee.***

2. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.

~~[2.]~~ ***3.*** Except as otherwise provided in subsections ~~[3,]~~ 4 ***, 5*** and ~~[5,]~~ ***6,*** with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port ~~[.]~~ ***or industrial park, as applicable.***

~~[3.]~~ ***4.*** An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

~~[4.]~~ ***5.*** If an inland port ***or industrial park*** includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

~~[5.]~~ ***6.*** Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 18. NRS 277B.340 is hereby amended to read as follows:

277B.340 An authority may market, advertise and promote the use of the inland port ***or industrial park*** that the authority constructs, owns, operates, regulates or maintains.

Sec. 19. NRS 226.420 is hereby amended to read as follows:

226.420 1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who : ***[has completed:]***

(a) ~~[Completed a~~ ***4[*** ***Except as otherwise provided in subsection 4, has completed a*** Teacher Academy College Pathway Program offered pursuant to NRS 388.223; ~~[and]~~

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years ***[. [The]*** ***;***

(c) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090]] ; and

(d) Has successfully completed a program at an institution within the Nevada System of Higher Education for the preparation of a person to become a licensed teacher.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance. ***For the purposes of this subsection, a student education loan, as defined in NRS 226.510, must not be considered financial aid or financial assistance.]***

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who ~~[completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223]~~ ***satisfies the criteria set forth in paragraphs (a), (c) and (d) of subsection 1*** and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

4. If a person has not completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223 because of circumstances beyond the control of that person, including, without limitation, because the person attended a high school that did not offer a Program, but the person satisfies the criteria set forth in paragraph (c) and (d) of subsection 1, the State Treasurer may, upon the submission of an application by that person, provide:

(a) Reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Education by the person if the person has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive years.

(b) Partial reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education, in the amount described in subsection 3, if the person has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years.

Sec. 20. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, ***and section 6 of this act,*** for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 21. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 22, 23 and 24 of this act.

Sec. 22. *1. A school district which offers a career pathways program at any high school in the school district shall offer career exploration opportunities* ***, which must consist of the provision of teaching and training*** *in the priority industries identified by the Governor's Office of Workforce Innovation pursuant to NRS 232.985 to pupils at each middle school or junior high school which feeds into such a high school.* ***Such teaching and training must be designed to prepare pupils to engage in a career pathway program.***

2. A school district shall designate a ~~*[full-time staff member]*~~ ***teacher or other licensed educational personnel, including, without limitation, a school counselor, employed*** *at each high school which offers a career pathways program to coordinate the career pathways programs at the high school.*

3. For the purposes of this section, a middle school or junior high school feeds into a high school if any part of the zone of attendance for the middle school or junior high school overlaps with the zone of attendance for the high school.

4. As used in this section:

(a) "Career pathways program" means:

(1) A Teacher Academy College Pathway Program offered pursuant to NRS 388.223;

(2) A career pathway offered as part of the Career Pathways Demonstration Program pursuant to NRS 232.985; or

(3) A program for work-based learning opportunities provided pursuant to NRS 232.990.

(b) "Zone of attendance" has the meaning ascribed to it in NRS 385B.045.

Sec. 23. *1. There is hereby created within the Department the Career Pathways Oversight Committee consisting of the following members:*

(a) The Executive Director of the Governor's Office of Workforce Innovation, or his or her designee;

(b) The Superintendent of Public Instruction, or his or her designee; ~~*[and]*~~

(c) ***The superintendent of schools of each school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, or his or her designee; and***

(d) The following three members appointed by the Governor:

(1) One member who is a teacher ***at a public school*** *who is assigned full-time to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the* ~~*[President of*~~

~~the Clark County Education Association;~~ employee organization representing the plurality of teachers employed by a large school district;

(2) One member who is a teacher at a public school who is assigned full-time to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the employee organization representing the plurality of teachers employed by school districts in this State that are required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, other than a large school district;

(3) One member who is an administrator of a public school ~~[that provides a career pathways program,]~~ in a school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, nominated by the Nevada Association of School ~~[Administrators;]~~ Superintendents; and

~~[(3)]~~ (4) One member who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada.

2. The Committee shall:

(a) Establish metrics to measure the short- and long-term success of the career pathways programs.

(b) Evaluate the progress and success of the career pathways programs.

(c) Evaluate programs for dual credit provided by institutions within the Nevada System of Higher Education.

(d) Report the results of the evaluations conducted pursuant to paragraphs (b) and (c) to the State Board and the Joint Interim Standing Committee on Education on or before June 1 of each year.

(e) Identify the agency of this State with jurisdiction and expertise necessary to assist in the oversight and implementation of a career pathways program. An agency of this State identified pursuant to this paragraph shall oversee, implement and regulate the career pathways program.

3. The Superintendent of Public Instruction shall appoint an employee of the Department to act as the Career Pathways Oversight Coordinator, who shall:

(a) Provide technical support to assist in the implementation of career pathways programs.

(b) Assist in coordinating the efforts of entities involved in the implementation of career pathways programs, including, without limitation, the Department, school districts, the Nevada System of Higher Education, institutions within the System and the Governor's Office of Workforce Innovation.

4. As used in this section, "career pathways program" has the meaning ascribed to it in section 22 of this act.

Sec. 24. 1. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Teacher Training that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has

completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223; and

(b) Deliver the State Seal of Teacher Training to each school district that offers the Program.

2. Each board of trustees of a school district that offers the Program shall:

(a) Identify the pupils who have completed the Program; and

(b) Affix the State Seal of Teacher Training to the diploma and note the receipt of the State Seal of Teacher Training on the transcript of each pupil who completes the Program.

3. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section.

4. As used in this section, "Program" has the meaning ascribed to it in NRS 388.223.

Sec. 25. NRS 388.223 is hereby amended to read as follows:

388.223 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. ***A large school district is not required to offer a Program at a specialty school.***

3. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure ***that at least one licensed teacher is assigned full-time to implement and teach the Program at*** each high school in the school district which offers such a Program ~~[is staffed by a full-time employee who is:~~

~~(1) A licensed teacher or administrator; and~~

~~(2) Responsible for implementing the Program at the school.~~~~,~~~~]~~ ***and at which more than two class periods of the Program are offered, except that such a teacher may also serve as the person designated pursuant to section 22 of this act to coordinate the career pathways programs at the high school.***

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program ***and, to the extent that money is available, the provision of such courses and internships*** at no cost ***or reduced cost*** to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) ***Offer dual credit courses at each high school in the school district which offers the Program:***

(1) In ~~[subjects]~~ the subject of teacher education which align with the requirements for obtaining a bachelor's degree in education; and

(2) In sufficient quantity that a pupil may obtain at least ~~[2]~~ 12 units of college credit through the Program.

(i) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

~~[3.]~~ ***4. A school district may apply to the State Board for an exemption from the provisions of paragraph (d) or (h) of subsection 3 with respect to a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes compliance with those provisions impracticable.***

5. A large school district, and a school district that is not a large school district which elects to offer the Program, may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

~~[4.]~~ ***6. To complete the Program a pupil must:***

(a) Successfully complete ~~***[:***~~

~~***(1) At***~~ ***at least 2*** ~~***[units of college credit for courses and internships which align with the requirements for obtaining a bachelor's degree in education; or***~~

~~***(2) At***~~ ***academic years in a program of career and technical education established pursuant to NRS 388.380 in the area of teaching; and***

(b) Participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching and may include, without limitation, an internship offered pursuant to paragraph (d) of subsection 3 or a work-based learning opportunity provided pursuant to NRS 232.990.

7. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

~~[5.]~~ ***8. A pupil who is enrolled in a high school within a school district, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees may, within 30 days after the decision is rendered, make a written request to the board of trustees for a hearing for reconsideration of the decision. The board shall schedule the hearing within 30 days after receiving the request. The decision of the board of trustees after its reconsideration hearing is a final decision subject to judicial review as provided by law.***

9. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

(c) "Specialty school" means a public school that operates as a magnet school or program, a school or program for career and technical education,

a school or program for special education or an alternative program of education.

Sec. 26. ~~[Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, the Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester for a course of dual credit at an institution within the System which a high school pupil enrolls in as part of a Teacher Academy College Pathway Program offered pursuant to NRS 388.223.*~~

~~*2. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.*~~

~~*3. The Board of Regents is only required to grant a waiver pursuant to subsection 1 for the first 12 credit hours of such courses in which a high school pupil enrolls.*~~

~~*4. The Board of Regents shall grant a waiver of the payment of any application or admission fee assessed against a person who applies to the undergraduate program at an institution within the System and who has completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~[1. Notwithstanding the provisions of NRS 388.223, as amended by section 25 of this act, each large school district shall:~~

~~(a) Not later than August 1, 2027, offer a Teacher Academy College Pathway Program at not less than 25 percent of the total number of high schools in the school district with 250 or more pupils enrolled.~~

~~(b) Not later than August 1, 2029, offer a Teacher Academy College Pathway Program at not less than 50 percent of the total number of high schools in the school district with 250 or more pupils enrolled.~~

~~(c) Not later than August 1, 2031, offer a Teacher Academy College Pathway Program at not less than 75 percent of the total number of high schools in the school district with 250 or more pupils enrolled.~~

~~(d) Not later than August 1, 2033, offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled.~~

~~2. The total number of high schools with 250 or more pupils enrolled does not include any school which is excused from providing the Program pursuant to subsection 2 of NRS 388.223, as amended by section 25 of this act.~~

~~3. In selecting the high schools at which to offer a Teacher Academy College Pathway Program in accordance with the schedule described in subsection 1, a large school district shall ensure that the schools selected in each phase listed in paragraphs (a) to (d), inclusive, of subsection 1 reflect the diversity of schools within the large school district, including, without limitation:~~

~~(a) Geographic diversity; and~~

~~(b) Both Title I schools, as defined in NRS 385A.040, and schools which are not Title I schools.~~

~~4. A large school district which complies with the provisions of this section is not in violation of the provisions of NRS 388.223, as amended by section 25 of this act.~~

~~5. As used in this section, "large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.~~**]** **(Deleted by amendment.)**

Sec. 28. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 29. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 30. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 391.

AN ACT relating to education; ~~[providing that]~~ **creating immunity from civil liability for** a school district **, charter school** or institution within the Nevada System of Higher Education ~~[is civilly liable]~~ for ~~[the]~~ **certain** actions ~~[of certain persons]~~ that constitute harassment**.** ~~[; setting forth requirements governing when an entity receives notice of such actions; creating affirmative defenses for such actions; prohibiting certain actions by a school district and authorizing the Board of Regents of the University of Nevada to prohibit certain actions by an institution within the System relating to harassment; providing requirements for certain persons designated to receive certain complaints and coordinate compliance with certain federal laws; revising provisions governing a climate survey on power-based violence; defining certain terms relating to incidents of harassment; revising certain terms;]~~ **if the school district, charter school or institution establishes, publishes and enforces a policy containing certain provisions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates county school districts as political subdivisions of this State and provides that each school district has the power to be sued. (NRS 386.010) Existing law also establishes provisions relating to the handling of power-based violence at institutions within the Nevada System of Higher Education. (NRS 396.125-396.1595) ~~[Section 14 of this bill provides that a school district is civilly liable if an agent, employee or authorized person of the school district engages in harassment against a person who participates in~~

~~or receives an aid, benefit, service or opportunity from an education program or activity of the school district or a school within the school district, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, regardless of where the incident occurs, if the incident of harassment is: (1) enabled or assisted by the authority exercised as an agent, employee or authorized person; or (2) the school district receives notice of the incident. Section 14 additionally provides that a school district is civilly liable if a person who is not an agent, employee or authorized person of the school district engages in harassment if the school district received notice of the incident. Section 15 of this bill sets forth the criteria for determining when a school district receives notice of an incident of harassment.]~~ **Section 16** of this bill ~~[creates an affirmative defense for]~~ **: (1) makes** a school district **or charter school immune from civil liability for incidents of harassment by pupils or staff** if it demonstrates that it ~~[: (1)]~~ established, adequately published and enforced certain policies, procedures and training concerning harassment; **and** (2) ~~[provided supportive measures within 3 days of receiving notice of the incident; (3) under certain circumstances, undertook a prompt, thorough and impartial investigation; (4) after obtaining consent to do so, facilitated a disciplinary process in accordance with practices based on restorative justice; and (5) took other necessary, prompt and appropriate corrective action. Sections 27-29]~~ **requires such a policy to include certain provisions. Section 29** of this bill ~~[set]~~ **sets** forth similar provisions for institutions within the System.

~~[Sections 17 and 30 of this bill: (1) require the board of trustees of each school district and authorize an institution within the System, respectively, to designate one employee to serve as a confidential employee; and (2) set forth the responsibilities of the confidential employee. Sections 17 and 30 additionally require the board of trustees of each school district and authorize the Board of Regents, respectively, to: (1) direct a civil rights coordinator to perform certain duties; (2) address reports of retaliation against a complainant, reporting party or witness; and (3) prohibit a school district or institution within the System, as applicable, from taking certain actions, including, without limitation, disciplinary actions, against a complainant, reporting party or witness.~~

~~Sections 3-13 of this bill define certain terms for the purposes of sections 14-17. Sections 20-26 of this bill define certain terms for the purposes of sections 27-30. Section 31 provides that: (1) the terms defined in sections 20-26 apply to provisions governing the handling of power-based violence at institutions within the System; and (2) certain terms relating to power-based violence apply to sections 20-30.~~

~~Section 32 of this bill revises the definition of the term "complainant" to include a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute harassment. (NRS 396.126) Section 33 of this bill revises the term "respondent" to include a person reported for conduct that could constitute harassment. (NRS 396.131)~~

~~Section 34 of this bill revises the definition of "sexual harassment" to conform with the definition for the term "sexual harassment" used for the purposes of public schools, as set forth in section 10. (NRS 396.133) Section 35 of this bill revises the definition of the term "supportive measures" to reflect a change in the citation to the relevant federal regulation. (NRS 396.137)~~

~~Existing law authorizes the Board of Regents to appoint researchers to develop a climate survey on power-based violence designed to be administered at institutions within the System. (NRS 396.142) If the Board of Regents requires administration of the survey, existing law additionally sets forth: (1) requirements for the contents and offering of the survey; and (2) the duties of the Board of Regents in storing and disseminating the responses to the survey. (NRS 396.1425, 396.143) Under existing law, the Board of Regents is authorized to: (1) prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of power-based violence to disciplinary proceedings for certain violations of policies on student conduct; and (2) require an institution within the System to review such disciplinary action to determine if there is a connection between the alleged incident of power-based violence and the misconduct that led to such disciplinary action. (NRS 396.151) Section 18 of this bill similarly authorizes the board of trustees of each school district to prohibit a school within the school district from subjecting a complainant, reporting party or witness who reports an alleged incident of harassment to disciplinary proceedings under certain circumstances. Section 22: (1) defines the term "harassment" for the purposes of provisions relating to harassment at institutions within the System; and (2) includes incidents of power-based violence as incidents of harassment. Sections 37-41 of this bill replace the term "power-based violence" with "harassment," thereby: (1) authorizing the Board of Regents to appoint researchers to develop a climate survey on harassment; and (2) applying the provisions of those sections to incidents of harassment, as defined in section 22.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ~~*[As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. "Authorized person" means a person authorized by the board of trustees of a school district or a school within the school district to provide an aid, benefit, service or opportunity through an education program or activity of the school district or a school within the school district.*~~

~~*2. The term includes, without limitation, a:*~~

~~*(a) Vendor;*~~

~~*(b) Contractor;*~~
~~*(c) Member of the board of trustees of the school district;*~~
~~*(d) Volunteer, as defined in NRS 391.1035; and*~~
~~*(e) Guest speaker.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Civil rights coordinator” means a person who serves as a Title IX coordinator, Title VI coordinator or a section 504 coordinator for a school district or public school in this State.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[“Complainant” means a pupil or employee of a school district who is alleged to be the victim of conduct that could constitute harassment.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[“Harassment” means:*~~
~~*1. Conduct that, on the basis of an actual or perceived protected characteristic of a person or his or her association with an actual or perceived protected characteristic of another person, whether direct or indirect, verbal or nonverbal or in person or by virtual or electronic means, negatively affects the ability of the person to participate in or receive an aid, benefit, service or opportunity from an education program or activity of a school district or public school in this State, including, without limitation, by creating an intimidating, hostile or abusive educational or work environment;*~~
~~*2. Sexual harassment; or*~~
~~*3. An incident of power-based violence, as defined in NRS 396.1285.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[“Protected characteristic” means the race, color, religion, ancestry, national origin, physical or mental disability, familial status, sex, sexual orientation or gender identity or expression of a person.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~*[“Respondent” means a person alleged to have engaged in conduct that could constitute harassment.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[“Section 504 coordinator” means an employee designated by the board of trustees of the school district or the principal of a school within the district to coordinate compliance by the school district or school with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[“Sexual harassment” means conduct that, on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, takes the form of:*~~
~~*1. Conduct by an agent, employee or authorized person that implicitly or explicitly conditions the provision of an aid, benefit, service or opportunity through an education program or activity on the participation of a person in a sexual act, regardless of whether the person assents to or refuses to participate in the sexual act. Such conduct includes, without limitation:*~~
~~*(a) A sexual advance;*~~
~~*(b) A request for sexual favors; or*~~
~~*(c) Other conduct of a sexual nature.*~~

~~*2. Unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature or evincing gender bias that negatively affects the ability of a person to participate in or receive an aid, benefit, service or opportunity from an education program or activity of a public school or school district, including, without limitation, by creating an intimidating, hostile or abusive educational or work environment which may interfere with the academic or occupational performance of the person.*~~

~~*3. Power-based violence, as defined in NRS 396.1285.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[“Supportive measures” has the meaning ascribed to it in 34 C.F.R. § 106.2.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[“Title VI coordinator” means a person designated by the board of trustees of a school district or the principal of a school within the school district to coordinate compliance by the school district or school with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[“Title IX coordinator” means a person designated by the board of trustees of a school district or the principal of a school within the school district to:*~~

~~*1. Oversee compliance by the school or school district with the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;*~~

~~*2. Receive notice of instances of discrimination on the basis of sex within the school or school district, as applicable;*~~

~~*3. Contact a complainant about supportive measures and options for reporting grievances; and*~~

~~*4. Oversee the grievance process of the school or school district, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[Except as otherwise provided in section 16 of this act, a school district is civilly liable if, regardless of where an incident of harassment occurs:*~~

~~*1. An agent, employee or authorized person of the school district engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from an education program or activity of the school district or a school within the school district, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if:*~~

~~*(a) The incident of harassment is enabled or assisted by the authority exercised as an agent, employee or authorized person of the school district; or*~~

~~*(b) The school district receives notice of the harassment; or*~~

~~*2. A person who is not an agent, employee or authorized person of the school district engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from the education program or activity of the school district or a school within the school*~~

~~*district, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if the school district receives notice of the harassment.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[A school district receives notice of harassment if an agent, employee or authorized person knew or, in the exercise of reasonable care, should have known, about the harassment, and:*~~

~~*1. The agent, employee or authorized person:*~~

~~*(a) Has the authority to take action to address the harassment;*~~

~~*(b) Has the responsibility to report harassment or similar misconduct to an administrator; or*~~

~~*(c) Receives a report of harassment from a person who reasonably believes that the agent, employee or authorized person holds the authority or responsibility described in paragraph (a) or (b), as applicable; and*~~

~~*2. The agent, employee or authorized person was not prevented from taking action or reporting the harassment by any privilege which exists at common law, by statute or otherwise.]*~~ **(Deleted by amendment.)**

Sec. 16. *1. A school district or charter school is immune from civil liability* ~~*[pursuant to section 14 of this act]*~~ *for any incident of harassment by a pupil, employee or contractor of the school district or charter school if the school district or charter school demonstrates that it* ~~*[exercised reasonable care to prevent the harassment and promptly remedy the effects of the harassment, including, without limitation, through a demonstration by the school district that it:*~~

~~*(a) Established,]*~~ *established, adequately published and enforced* ~~*[, as applicable:*~~

~~*(1) A]*~~ *a comprehensive policy to prevent harassment* ~~*[;*~~

~~*(2) An annual training session concerning harassment that is given to all pupils and employees within the school district; and*~~

~~*(3) A harassment complaint procedure that is likely to provide a redress of grievances and avoid harm to the complainant without exposing him or her to unreasonable risk, effort or expense;*~~

~~*(b) Within 3 school days after receiving notice of an instance of harassment, provided supportive measures to preserve and restore access to the education program or activity of the school district or school within the school district for the complainant, regardless of whether the complainant requests an investigation into the harassment;*~~

~~*(c) If requested by a complainant, or his or her parent or legal guardian if he or she is a minor, or otherwise necessary to protect the complainant or other persons in the education program or activity from a significant ongoing threat of harm, undertook a prompt, thorough and impartial investigation of the incident of harassment;*~~

~~*(d) If informed consent is obtained from a complainant and from the person alleged to have committed harassment, or the parent or legal guardian of either person if either person is a minor, facilitated a*~~

~~*disciplinary process in accordance with practices based on restorative justice, as defined in NRS 392.472; and*~~

~~*(c) Took other necessary, prompt and appropriate corrective action designed to stop the harassment, prevent its recurrence and remedy its effects.*~~

~~*2. To assert an affirmative defense pursuant to this section, a school district must establish that it acted with reasonable care as required by paragraphs (a) to (c), inclusive, of subsection 1, even if additional incidents of harassment did not occur after the school district first received notice of the harassment.]*~~ *that includes, without limitation:*

(a) Protocols that describe specific measures that must be adhered to in responding to a complaint of an alleged incident of harassment by a pupil or staff member;

(b) Procedures to address a complaint of an alleged incident of harassment without exposing the complainant to further harm or to unreasonable effort or expense;

(c) Regardless of whether the complainant requests an investigation, a plan to deliver supportive measures to a complainant not later than 3 days after receiving the complaint of an alleged incident of harassment; and

(d) Any corrective action that is necessary, appropriate, delivered promptly and designed to, for an alleged incident of harassment:

(1) Stop any such incident;

(2) Prevent the recurrence of any such incident; and

(3) Remedy the effects of any such incident.

2. As used in this section, "supportive measures" includes, without limitation:

(a) Adjusting the schedule of courses of a pupil;

(b) Providing a pupil with accommodations for assignments and examinations;

(c) Complying with a court order prohibiting contact;

(d) Providing counseling services;

(e) Adjusting participation in school activities or the duties of an employee or contractor;

(f) Providing a list of providers of counseling or legal services in the community;

(g) Regardless of any requirements concerning the attendance or grade point average of a pupil, preserving the ability of the pupil to serve in leadership positions and participate in activities and educational programs;

(h) As appropriate, excusing any absences of a pupil or providing a leave of absence to an employee or contractor; and

(i) Increasing the monitoring or supervision of locations or during activities where an incident of harassment is alleged to have occurred.

Sec. 17. ~~*[1. The board of trustees of each school district must designate at least one employee of the school district to serve as the confidential employee for the school district. A confidential employee*~~

~~*designated pursuant to this section is not required to report instances of harassment to a civil rights coordinator. When an incident of harassment is disclosed and does not rise to the level of abuse or neglect for which a report is required pursuant to NRS 392.303, a confidential employee is not required to report the incident to law enforcement.*~~

~~*2. A confidential employee must inform a person who discloses allegations of harassment:*~~

~~*(a) How to report the allegations of harassment to a civil rights coordinator;*~~

~~*(b) How a civil rights coordinator can assist the person who disclosed the allegations of harassment; and*~~

~~*(c) That the confidential employee will not report the allegations of harassment to a civil rights coordinator.*~~

~~*3. A civil rights coordinator, or his or her designee, at each school district shall, upon receiving notice of allegations of harassment, notify the complainant, in an age-appropriate and accessible manner, in writing or orally, about resources and services available to the complainant to ensure his or her access to education programs or activities, including, without limitation:*~~

~~*(a) Supportive measures, including, without limitation:*~~

~~*(1) Adapting course schedules, assignments or examinations;*~~

~~*(2) Issuing no-contact orders;*~~

~~*(3) Providing counseling services;*~~

~~*(4) Altering activities or employment;*~~

~~*(5) Adjusting grades or transcripts;*~~

~~*(6) Preserving eligibility for leadership positions, scholarships and other education programs or activities, regardless of requirements concerning attendance or grade point averages;*~~

~~*(7) Permitting absences, leaves of absence; or*~~

~~*(8) Increasing monitoring or supervision at locations or during activities where the harassment is alleged to have occurred;*~~

~~*(b) Information about community-based support services, including, without limitation:*~~

~~*(1) Counseling services, mental health resources, substance misuse resources and other health services;*~~

~~*(2) Legal advocates, housing advocates and advocates for victims; and*~~

~~*(3) Any services provided as the result of an active memorandum of understanding required pursuant to NRS 388.1347; and*~~

~~*(c) Reasonable accommodations for complainants and respondents with disabilities, including, without limitation, pre-existing disabilities and disabilities arising from the harassment, consistent with federal and state law, including, without limitation:*~~

~~*(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;*~~

~~*(2) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and*~~

~~(3) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[1. A school district shall:~~

~~(a) Require a civil rights coordinator, or his or her designee, to review any disciplinary actions against a complainant, reporting party or witness to ensure it does not discriminate against or harass the person on the basis of a protected characteristic; and~~

~~(b) Address reports of retaliation against a complainant, reporting party or witness, including, without limitation, investigating or disciplining a person who engages in retaliation.~~

~~2. A school district shall not:~~

~~(a) Discipline a complainant, reporting party or witness for a report of harassment that is deemed false for which the school district has decided that there is insufficient evidence for a finding of responsibility or for which the respondent is found to not be responsible for an incident of harassment;~~

~~(b) Discipline a complainant, reporting party or witness for a complaint of alleged misconduct that the school district knew or should have known was filed by a respondent or other person for the purpose of retaliation;~~

~~(c) Require a complainant, reporting party or witness to leave an education program or activity of the school district or a school within the school district because the complainant reported an incident of harassment; or~~

~~(d) Require a complainant to enter a confidentiality agreement as a prerequisite to obtaining supportive measures, participating in an investigation or informal resolution or asserting any other rights under federal or state law and shall not discipline a complainant, reporting party or witness for violating a confidentiality agreement that is impermissible pursuant to this paragraph, unless otherwise permitted by federal or state law.~~

~~3. The board of trustees of a school district may prohibit a school within the school district from subjecting a complainant, reporting party or witness who reports an alleged incident of harassment to a disciplinary proceeding pursuant to chapter 392 of NRS for a violation of a policy on the conduct of pupils related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of the school district that occurred during or related to an alleged incident of harassment, unless the board of trustees of the school district determines that the:~~

~~(a) Report of an alleged incident of harassment was not made in good faith; or~~

~~(b) Violation of a policy on the conduct of pupils was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.~~

~~4. The board of trustees of each school district may require a school within the school district to review any disciplinary action taken against a complainant, reporting party or witness to determine if there is any~~

~~*connection between the alleged incident of harassment and the misconduct that led to the pupil being disciplined.]*~~ **(Deleted by amendment.)**

Sec. 19. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 to 30, inclusive, of this act.

Sec. 20. ~~*[1. "Authorized person" means a person authorized by an institution within the System to provide an aid, benefit, service or opportunity through an education program or activity of the institution.*~~

~~*2. The term includes, without limitation, a:*~~

~~*(a) Vendor;*~~

~~*(b) Contractor;*~~

~~*(c) Volunteer; or*~~

~~*(d) Guest speaker.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[*"Civil rights coordinator" *means a person who serves as a Title IX coordinator, Title VI coordinator or a section 504 coordinator at an institution within the System.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[*"Harassment" *means:*~~

~~*1. Conduct that, on the basis of an actual or perceived protected characteristic of a person or his or her association with an actual or perceived protected characteristic of another person, whether direct or indirect, verbal or nonverbal or in person or by virtual or electronic means, negatively affects the ability of the person to participate in or receive an aid, benefit, service or opportunity from an education program or activity of an institution within the System, including, without limitation, by creating an intimidating, hostile or abusive educational or work environment;*~~

~~*2. Sexual harassment; or*~~

~~*3. An incident of power-based violence.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[*"Protected characteristic" *means the race, color, religion, ancestry, national origin, physical or mental disability, familial status, sex, sexual orientation or gender identity or expression of a person.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[*"Section 504 coordinator" *means an employee who is designated by the institution to coordinate compliance by the institution with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[*"Title VI coordinator" *means a person designated by an institution within the System to coordinate compliance by the institution with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[*"Title IX coordinator" *means a person designated by an institution within the System to:*~~

~~*1. Oversee compliance by the institution with the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;*~~

~~*2. Receive notice of instances of discrimination on the basis of sex within the institution;*~~

~~*3. Contact a complainant about supportive measures and options for reporting grievances; and*~~

~~*4. Oversee the grievance process set forth by the institution.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[Except as otherwise provided in section 29 of this act, an institution within the System is civilly liable if, regardless of where an incident of harassment occurs:*~~

~~*1. An agent, employee or authorized person of the institution engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from an education program or activity of the institution, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if:*~~

~~*(a) The incident of harassment is enabled or assisted by the authority exercised as an agent, employee or authorized person of the institution; or*~~

~~*(b) The institution receives notice of the harassment.*~~

~~*2. A person who is not an agent, employee or authorized person of the institution engages in harassment against a person who participates in or receives an aid, benefit, service or opportunity from an education program or activity of the institution, or who attempts to participate in or receive any aid, benefit, service or opportunity from such a program or activity, if the institution receives notice of the harassment.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[An institution within the System receives notice of harassment if an agent, employee or authorized person knew or, in the exercise of reasonable care, should have known, about the harassment, and:*~~

~~*1. The agent, employee or authorized person:*~~

~~*(a) Has the authority to take action to address the harassment;*~~

~~*(b) Has the responsibility to report harassment or similar misconduct to an administrator or supervisor employed by the institution; or*~~

~~*(c) Receives a report of harassment from a person who reasonably believes that the agent, employee or authorized person holds the authority or responsibility described in paragraph (a) or (b), as applicable; and*~~

~~*2. The agent, employee or authorized person was not prevented from taking action or reporting the harassment by any privilege which exists at common law, by statute or otherwise.]*~~ **(Deleted by amendment.)**

Sec. 29. *1. An institution within the System is immune from civil liability* ~~*[pursuant to section 27 of this act]*~~ *for any incident of harassment by a student, employee or contractor of the institution if the institution demonstrates that it* ~~*[exercised reasonable care to prevent the harassment and promptly remedy the effects of the harassment, including, without limitation, through a demonstration by the institution that it:*~~

~~*(a) Established,]*~~ *established, adequately published and enforced* ~~*[, as applicable:*~~

~~*(1) A]*~~ *a comprehensive policy to prevent harassment* ~~*[;*~~

~~*(2) An annual training session concerning harassment that is given to all students and employees; and*~~

~~(3) A harassment complaint procedure that is likely to provide a redress of grievances and avoid harm to the complainant without exposing him or her to unreasonable risk, effort or expense;~~

~~(b) Within 3 school days after receiving notice of an incident of harassment, provided supportive measures to preserve and restore access to the education program or activity of the institution for the complainant, regardless of whether the complainant requests an investigation pursuant to NRS 396.155;~~

~~(c) If requested by a complainant, or his or her parent or legal guardian if he or she is a minor, or otherwise necessary to protect the complainant or other persons in the education program or activity from a significant ongoing threat of harm, undertook a prompt, thorough and impartial investigation of the incident of harassment; and~~

~~(d) Took other necessary, prompt and appropriate corrective action designed to stop the harassment, prevent its recurrence and remedy its effects.~~

~~2. To assert an affirmative defense pursuant to this section, an institution within the System must establish that it acted with reasonable care as required by paragraphs (a) to (d), inclusive, of subsection 1, even if additional incidents of harassment did not occur after the institution first received notice of the harassment.]~~ that includes, without limitation:

(a) Protocols that describe specific measures that must be adhered to in responding to a complaint of an alleged incident of harassment by a student or staff member;

(b) Procedures to address a complaint of an alleged incident of harassment without exposing the complainant to further harm or to unreasonable effort or expense;

(c) Regardless of whether the complainant requests an investigation, a plan to deliver supportive measures to a complainant not later than 3 days after receiving the complaint of an alleged incident of harassment; and

(d) Any corrective action that is necessary, appropriate, delivered promptly and designed to, for an alleged incident of harassment:

(1) Stop any such incident;

(2) Prevent the recurrence of any such incident; and

(3) Remedy the effects of any such incident.

2. As used in this section, "supportive measures" includes, without limitation:

(a) Adjusting the schedule of courses of a student;

(b) Providing a student with accommodations for assignments and examinations;

(c) Complying with a court order prohibiting contact;

(d) Providing counseling services;

(e) Adjusting participation in school activities or the duties of an employee or contractor;

(f) Providing a list of providers of counseling or legal services in the community;

(g) Regardless of any requirements concerning the attendance or grade point average of a student, preserving the ability of the student to serve in leadership positions and participate in activities and educational programs;

(h) As appropriate, excusing any absences of a student or providing a leave of absence to an employee or contractor; and

(i) Increasing the monitoring or supervision of locations or during activities where an incident of harassment is alleged to have occurred.

Sec. 30. ~~*1. Each institution within the System may designate at least one employee to serve as the confidential employee for the institution. A confidential employee designated pursuant to this section is not required to report instances of harassment to a civil rights coordinator. When an incident of harassment is disclosed by a student who is less than 18 years of age and does not rise to the level of child abuse, a confidential employee is not required to report the incident to law enforcement.*~~

~~*2. A confidential employee must inform a person who discloses allegations of harassment:*~~

~~*(a) How to report the allegations of harassment to a civil rights coordinator;*~~

~~*(b) How a civil rights coordinator can assist the person who disclosed the allegations of harassment; and*~~

~~*(c) That the confidential employee will not report the allegations of harassment to a civil rights coordinator.*~~

~~*3. The Board of Regents may direct the civil rights coordinator, or his or her designee, at each institution within the System to, upon receiving notice of allegations of harassment, notify the complainant, in an accessible manner, in writing or orally, about resources and services available to the complainant to ensure his or her access to education programs or activities, including, without limitation:*~~

~~*(a) Supportive measures, including, without limitation:*~~

~~*(1) Adapting course schedules, assignments or examinations;*~~

~~*(2) Issuing no-contact orders;*~~

~~*(3) Providing counseling services;*~~

~~*(4) Altering activities, housing assignments or employment;*~~

~~*(5) Adjusting grades or transcripts;*~~

~~*(6) Preserving eligibility for leadership positions, scholarships and other education programs or activities, regardless of requirements concerning attendance or grade point averages;*~~

~~*(7) Providing services for being escorted around campus; or*~~

~~*(8) Increasing monitoring or supervision at locations or during activities where the incident of harassment is alleged to have occurred;*~~

~~*(b) Information about community-based support services, including, without limitation:*~~

~~(1) Counseling services, mental health resources, substance misuse resources and other health services;~~

~~(2) Legal advocates, housing advocates and advocates for victims; and~~

~~(3) Any services provided as the result of an active memorandum of understanding entered into pursuant to NRS 396.147; and~~

~~(c) Reasonable accommodations for complainants and respondents with disabilities, including, without limitation, pre-existing disabilities and disabilities arising from the harassment, consistent with federal and state law, including, without limitation:~~

~~(1) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;~~

~~(2) The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; and~~

~~(3) The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~4. The Board of Regents may, for each institution within the System:~~

~~(a) Require a civil rights coordinator, or his or her designee, to review any disciplinary actions against a complainant, reporting party or witness to ensure it does not discriminate against or harass the person on the basis of a protected characteristic; and~~

~~(b) Address reports of retaliation against a complainant, reporting party or witness, including, without limitation, investigating or disciplining a person who engages in retaliation.~~

~~5. The Board of Regents may prohibit an institution within the System from:~~

~~(a) Disciplining a complainant, reporting party or witness for a report of harassment that is deemed false for which the institution has decided that there is insufficient evidence for a finding of responsibility or for which the respondent is found not responsible for an incident of harassment;~~

~~(b) Disciplining a complainant, reporting party or witness for a complaint of alleged misconduct that the institution knew or should have known was filed by a respondent or other person for the purpose of retaliation;~~

~~(c) Requiring a complainant, reporting party or witness to leave an education program or activity of an institution because the complainant reported an incident of harassment; or~~

~~(d) Requiring a complainant to enter a confidentiality agreement as a prerequisite to obtaining supportive measures, participating in an investigation or informal resolution or asserting any other rights under federal or state law or disciplining a complainant, reporting party or witness for violating a confidentiality agreement that is impermissible pursuant to this paragraph, unless otherwise permitted by federal or state law.~~

~~6. As used in this section:~~

~~(a) "Child abuse" means physical injury of a nonaccidental nature to a child less than 18 years of age.~~

~~*(b) "Law enforcement" means an agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.*~~ **(Deleted by amendment.)**

Sec. 31. ~~NRS 396.125 is hereby amended to read as follows:~~

~~396.125 As used in NRS 396.125 to 396.1595, inclusive, *and sections 20 to 30, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, *and sections 20 to 26, inclusive, of this act* have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Sec. 32. ~~NRS 396.126 is hereby amended to read as follows:~~

~~396.126 "Complainant" means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute power-based violence [.] *or harassment.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~NRS 396.131 is hereby amended to read as follows:~~

~~396.131 "Respondent" means a person who has been reported to be the perpetrator of conduct that could constitute power-based violence [.] *or harassment.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~NRS 396.133 is hereby amended to read as follows:~~

~~396.133 "Sexual harassment" means conduct on the basis of sex, whether direct or indirect, implicit or explicit, verbal or nonverbal or in person or via virtual or electronic means, that [satisfies one or more of the following:] *takes the form of:*~~

~~1. [An] *Conduct by an authorized person, agent or* employee of an institution within the System [conditioning] *that implicitly or explicitly conditions* the provision of an aid, benefit, [or] service [of the] *or opportunity through the education program or activity of the* institution [or the terms, conditions or privileges of the participation of a person in the education programs or activities of the institution] on [the] *a* person's participation in [unwelcome] *a* sexual [conduct, including,] *act, regardless of whether the person assents to or refuses to participate in the sexual act. Such conduct includes,* without limitation:~~

~~(a) A sexual advance;~~

~~(b) A request for sexual favors; or~~

~~(c) Other conduct of a sexual nature.~~

~~2. Unwelcome sexual advances, requests for sexual favors and conduct of a sexual nature or evincing gender bias [:~~

~~(a) That, in the educational environment, is made a term or condition of a student's academic status or, based on an objective standard, is sufficiently severe, persistent or pervasive that it interferes with, limits or effectively denies a student] *that negatively affects* the ability *of a person* to participate in or [benefit from the services, activities] *receive an aid, benefit, service* or [opportunities offered by] *opportunity from an education program or activity of* an institution within the System [.~~

~~(b) Where, in the workplace, submission to or rejection of the sexual advances, requests for sexual favors or conduct is used as a basis for decisions or evaluations related to academics or employment or permission to participate in a service, activity or opportunity offered by an institution within the System or that, based on an objective standard, is sufficiently severe, persistent or pervasive that it creates an intimidating, hostile or abusive work environment which may or may not interfere with an employee's job performance.~~**] ,** ***including, without limitation, by creating an intimidating, hostile or abusive educational or work environment which may interfere with the academic or occupational performance of the person.***

~~3.~~ **[**~~Sexual assault, dating~~**]** ***Power-based*** ~~violence~~**. [**~~, domestic violence or stalking.~~**]]** **(Deleted by amendment.)**

Sec. 35. **[**~~NRS 396.137 is hereby amended to read as follows:~~

~~396.137 "Supportive measures" has the meaning ascribed to it in 34 C.F.R. § [106.30.]~~ ***106.2.]*** **(Deleted by amendment.)**

Sec. 36. **[**~~NRS 396.1415 is hereby amended to read as follows:~~

~~396.1415 1. The Task Force on Power-Based Violence at Institutions of Higher Education created by NRS 396.141 shall:~~

~~(a) Review the results of any climate survey on [power-based violence]~~ ***harassment*** ~~administered at an institution within the System;~~

~~(b) Examine current procedures and protocols for preventing, intervening in or responding to instances of power-based violence that are used at institutions within the System;~~

~~(c) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System;~~

~~(d) Examine the correlation between social groups, campus life and the incidence of power based violence on the campus of each institution within the System;~~

~~(e) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address power based violence at institutions within the System; and~~

~~(f) Not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education a written report summarizing the findings of the Task Force, the data collected from responses to any climate survey and any recommendations regarding the prevention of, intervention in or response to incidences of power-based violence occurring at institutions within the System.~~

~~2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.]~~ **(Deleted by amendment.)**

Sec. 37. **[**~~NRS 396.142 is hereby amended to read as follows:~~

~~396.142 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on [power-based violence]~~ ***harassment*** ~~designed to be administered at institutions within the System. The climate survey on [power based violence]~~ ***harassment*** ~~must:~~

~~(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;~~

~~(b) Be fair and unbiased;~~

~~(c) Be scientifically valid and reliable; and~~

~~(d) Meet the highest standards of survey research.~~

~~2. If appointed to develop a climate survey on [power-based violence,] *harassment,* the researchers shall:~~

~~(a) Use best practices from peer-reviewed research;~~

~~(b) Consult with persons with expertise in the development and use of climate surveys on [power-based violence] *harassment* at institutions of higher education;~~

~~(c) Consult with a student government association;~~

~~(d) Review climate surveys on [power-based violence] *harassment* which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;~~

~~(e) Provide opportunity for written comment from organizations that assist victims of [power-based violence] *harassment* to ensure the adequacy and appropriateness of any proposed content of the climate survey on [power-based violence;] *harassment;*~~

~~(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on [power-based violence;] *harassment;* and~~

~~(g) Account for the diverse needs and differences of the institutions within the System.~~

~~3. If a climate survey on [power-based violence] *harassment* is developed, the climate survey must request information on topics related to [power-based violence.] *harassment.* The topics may include, without limitation:~~

~~(a) The estimated number of alleged incidents of [power-based violence,] *harassment,* both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;~~

~~(b) When and where an alleged incident of [power-based violence] *harassment* occurred;~~

~~(c) Whether an alleged incident of [power-based violence] *harassment* was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;~~

~~(d) Awareness of a student of the policies and procedures related to [power-based violence] *harassment* at an institution;~~

~~(e) Whether a student reported an alleged incident of [power-based violence] *harassment* and:~~

~~(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and~~

~~(2) If the incident was not reported, the reason the student chose not to report the incident;~~

~~(f) Whether a student who reported an alleged incident of [power-based violence] *harassment* was:~~

~~(1) Offered supportive measures by an institution;~~

~~(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and~~

~~(3) Informed of the prohibition against retaliation for reporting an alleged incident of [power-based violence;] *harassment;*~~

~~(g) Contextual factors in an alleged incident of [power-based violence,] *harassment,* such as the involvement of force, incapacitation or coercion;~~

~~(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on [power-based violence;] *harassment;*~~

~~(i) Perceptions a student has of campus safety;~~

~~(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of [power-based violence;] *harassment;*~~

~~(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of [power-based violence;] *harassment;*~~

~~(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of [power-based violence;] *harassment;*~~

~~(m) Whether a student experienced any financial impact as a result of an alleged incident of [power-based violence;] *harassment;*~~

~~(n) Whether a student experienced any negative health impacts as a result of an alleged incident of [power-based violence,] *harassment,* including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;~~

~~(o) The perception of the participants in the survey of the attitudes of the community toward [power-based violence,] *harassment,* including, without limitation, the willingness of a person to intervene in an ongoing incident of [power-based violence] *harassment* as a bystander; and~~

~~(p) Any other questions as determined necessary by the researchers.~~

~~4. The climate survey on [power-based violence] *harassment* must provide an option for students to decline to answer a question.~~

~~5. The climate survey on [power-based violence] *harassment* must be provided to the Task Force on Power-Based Violence at Institutions of Higher Education created pursuant to NRS 396.141 for comment.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[NRS 396.1425 is hereby amended to read as follows:~~

~~396.1425 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on [power-based violence] *harassment* at the institution biennially.~~

~~2. A climate survey on [power-based violence] *harassment* conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on [power-based violence] *harassment* pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of [power-based violence.] *harassment.*~~

~~3. If an institution within the System conducts a climate survey on [power-based violence] *harassment* pursuant to subsection 1, the institution shall:~~

~~(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;~~

~~(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on [power-based violence;] *harassment;*~~

~~(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;~~

~~(d) Within 120 days after completion of the climate survey on [power-based violence:] *harassment:*~~

~~(1) Compile a summary of the responses to the survey; and~~

~~(2) Submit the summary of responses to the Board of Regents; and~~

~~(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on [power-based violence.] *harassment.*~~

~~4. A climate survey on [power-based violence] *harassment* must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.~~

~~5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on [power-based violence] *harassment* pursuant to this section due to the financial circumstances of the institution.~~

~~6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.~~

~~7. Any data or reports that underlie the summaries generated pursuant to subsection 3 are confidential and are not a public record for the purposes of chapter 239 of NRS.] (Deleted by amendment.)~~

Sec. 39. ~~[NRS 396.143 is hereby amended to read as follows:~~

~~396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on [power-based violence] *harassment* pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:~~

~~(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;~~

~~(b) Establish a repository for the summaries of the climate survey on [power-based violence] *harassment* submitted by each institution pursuant to NRS 396.1425;~~

~~(c) Post each summary of the responses to a climate survey on [power-based violence] *harassment* submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;~~

~~(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on [power-based violence;] *harassment;* and~~

~~(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on [power-based violence] *harassment* submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.~~

~~2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 396.151 is hereby amended to read as follows:~~

~~396.151 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of [power-based violence] *harassment* to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of [power-based violence] *harassment* unless the institution determines that the:~~

~~(a) Report of an alleged incident of [power-based violence] *harassment* was not made in good faith; or~~

~~(b) [The violation] *Violation* of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.~~

~~2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of [power-based violence] *harassment* that was reported and the misconduct that led to the reporting party or witness being disciplined.]~~ **(Deleted by amendment.)**

Sec. 41. ~~[NRS 396.1595 is hereby amended to read as follows:~~

~~396.1595 The Board of Regents may adopt regulations as necessary to carry out the provisions of NRS 396.125 to 396.1595, inclusive [.] *, and sections 20 to 31, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 42. This act becomes effective on July 1, 2025.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 169.

CONTAINS UNFUNDED MANDATE ~~[(§ 2)]~~ **(§§ 2, 6.3)**

(Not Requested by Affected Local Government)

AN ACT relating to education; providing ~~[in skeleton form]~~ that the provisions of certain federal laws and applicable regulations continue to apply in this State if the laws and regulations are repealed by the Federal Government; authorizing certain persons to bring a civil action in a court of competent jurisdiction of this State if the federal Individuals with Disabilities Education Act is repealed; **requiring the Department of Education to adopt certain regulations and carry out certain laws if such federal laws and applicable regulations are repealed by the Federal Government; requiring the Interim Finance Committee to make certain determinations regarding certain federal block grants;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act and its corresponding regulations govern how states and public agencies provide early intervention, special education and related services to pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300) The federal Family Educational Rights and Privacy Act of 1974 and its corresponding regulations set forth certain requirements governing the privacy and availability of education records at schools and institutions that receive federal funding. (20 U.S.C. § 1232g; 34 C.F.R. Part 99) The federal Health Insurance Portability and Accountability Act of 1996 and its corresponding regulations: (1) protect the privacy of certain individually identifiable health information; and (2) include provisions concerning the disclosure of such health information by certain covered entities, including, without limitation, health care providers who transmit electronically such health information in certain transactions. (Pub. L. No. 104-191; 42 U.S.C. §§ 1320d et seq.) Existing federal law prohibits discrimination based on race, color or national origin in any program or activity that receives federal funding. (Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.) Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) **The federal Every Student Succeeds Act of 2015 sets forth, without limitation, certain requirements for accountability, assessment and instruction to which a state must adhere to receive federal funding. (20 U.S.C. §§ 6301 et seq.) Sections** ~~[2-6]~~ **2-6.3** of this bill provide ~~[, in skeleton form,]~~ that, if any of these federal laws or regulations are repealed by the Federal Government, the provisions of the repealed federal laws or regulations, as they existed on ~~[July]~~ **January** 1, 2025, continue to apply in this State. **Section 2** additionally provides that, if the Individuals with

Disabilities Education Act is repealed, a person who previously had the right to bring a civil action in a district court of the United States is authorized to bring such an action in a court of competent jurisdiction of this State. **Section 6.7 of this bill requires the Department of Education to, if any such federal laws are repealed: (1) not later than 6 months after such a repeal, adopt regulations to carry out the provisions of the repealed federal law in this State; and (2) carry out the provisions of the repealed federal law in this State. Section 6.3 requires the Interim Finance Committee to make certain determinations regarding certain block grants provided by the Federal Government before accepting such block grants.** **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***If the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government:***

1. The provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025, apply in this State and each school that received federal funding on ~~[July]~~ January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions;

2. Any person who had the right to bring a civil action in a district court of the United States pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, may bring such an equivalent action in a court of competent jurisdiction of this State pursuant to subsection 1; and

3. Any existing references to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025.

Sec. 3. ***If the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, are repealed by the Federal Government:***

1. The provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025, apply in this State and each school that received federal funding on ~~[July]~~ January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and

2. Any existing references to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant

thereto, in the Nevada Revised Statutes become references to the Family Educational Rights
and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025.

Sec. 4. *If the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, are repealed by the Federal Government:*

1. To the extent that the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, apply to schools in this State, the provisions of the Act, and any applicable regulations, as they existed on ~~[July]~~ January 1, 2025, apply in this State; and

2. Any existing references to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, in the Nevada Revised Statutes become references to the Act, and any applicable regulations, as they existed on ~~[July]~~ January 1, 2025.

Sec. 5. *If Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., is repealed by the Federal Government:*

1. The provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., as they existed on ~~[July]~~ January 1, 2025, apply in this State and each school that received federal funding on ~~[July]~~ January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and

2. Any existing references to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., in the Nevada Revised Statutes become references to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., as it existed on ~~[July]~~ January 1, 2025.

Sec. 6. *If Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government:*

1. The provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025, apply in this State and each school that received federal funding on ~~[July]~~ January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and

2. Any existing references to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, as they existed on ~~[July]~~ January 1, 2025.

Sec. 6.3. If the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government:

1. The provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and

2. Any existing references to the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, as they exist on January 1, 2025.

Sec. 6.5. If any of the provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act, are repealed by the Federal Government, the Interim Finance Committee shall, before accepting any block grants from the Federal Government for the purposes of supporting public education of pupils enrolled in kindergarten and grades 1 to 12, inclusive, evaluate whether the block grant would be used to support, in whole or in part, programs that received federal funding pursuant to the repealed provision of federal law discussed in sections 2 to 6.3, inclusive, of this act on or before January 1, 2025. The Interim Finance Committee may only accept such a block grant if it determines that the block grant would be used to support such programs.

Sec. 6.7. 1. The Department shall adopt regulations as necessary to ensure that the provisions of sections 2 to 6.3, inclusive, of this act are implemented by this State not later than 6 months after the repeal of any provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act by the Federal Government.

2. If any of the provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act are repealed by the Federal Government, the Department shall be deemed responsible for carrying out the provisions of sections 2 to 6.3, inclusive, of this act, as applicable, in this State.

Sec. 7. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~,~~ ***, and section 2 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and

decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 9. This act becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 431.

AN ACT relating to charter schools; providing that the sponsor of a charter school that receives certain performance ratings under the statewide system of accountability for public schools is not required to terminate the charter contract of the charter school or restart the charter school under a new charter contract if ~~[the sponsor determines that]~~ the charter school ~~[is demonstrating progress towards meeting certain school achievement targets and performance targets;]~~ **achieves certain ratings or increases a rating from the immediately preceding school year; requiring the Department of Education to establish a committee to evaluate and recommend revisions to the statewide system of accountability for public schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school, including, without limitation, a charter school, to be rated pursuant to the statewide system of accountability for public schools. (NRS 385A.600) Existing law also requires the sponsor of a charter school to terminate the charter contract or restart the charter school under a new charter contract if the charter school receives certain ratings indicating underperformance of the charter school in 3 years out of any 5 consecutive years. (NRS 388A.300) ~~[This]~~ **Section 1 of this** bill **, until October 1, 2026: (1) instead** provides that the sponsor of ~~[such]~~ a charter school is ~~[not]~~ required to terminate the charter contract or restart the charter school under a new charter contract if the ~~[sponsor determines that the charter school is demonstrating progress towards meeting at least two of the school achievement targets and performance targets that are established]~~ **charter school receives certain ratings indicating underperformance of the charter school in 3 consecutive years; and (2) eliminates the prohibition on using the rating of a charter school issued for any school year before the 2015-2016 school year for making such a determination. Section 1 also provides that the sponsor of such a charter school is not required to terminate the charter contract or restart the charter school under a new charter contract if,** pursuant to the statewide system of accountability for public schools ~~[.]~~ **, the charter school receives certain ratings or increases a rating from the immediately preceding school year by a certain percentage.**

Section 2 of this bill: (1) requires the Department of Education to establish a committee to evaluate and recommend revisions to the statewide system of accountability for public schools; (2) sets forth the membership of the committee; and (3) sets forth the topics for the committee to evaluate. Section 2 additionally: (1) requires the committee to submit a report describing its findings to certain entities; and (2) provides that the committee is dissolved after submitting the report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388A.300 is hereby amended to read as follows:

388A.300 1. Except as otherwise provided in ~~[subsection]~~ ***subsections 5 and*** 6 ~~, [and 7,]~~ subsection 3 of NRS 385A.720 and subsection 6 of NRS 388A.274, the sponsor of a charter school shall terminate the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives, in any period of ~~[5]~~ ***3*** consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. ~~[A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school must not be included in the count of annual ratings for the purposes of subsection 1 for any school year before the 2015-2016 school year.~~

~~3.]~~ If a charter contract is terminated or a charter school is restarted pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after terminating the charter contract or restarting the charter school.

~~[4.]~~ ***3.*** The provisions of NRS 388A.330 do not apply to the termination of a charter contract or restart of the charter school pursuant to this section.

~~[5.]~~ ***4.*** The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

~~[6.]~~ ***5.*** If the sponsor of a charter school determines that not all of the elementary, middle or high schools in or campuses of the charter school meet the criteria described in subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the elementary, middle or high schools or campuses which do not meet the criteria described in subsection 1, the sponsor may amend the charter contract to eliminate the elementary, middle or high schools or campuses that meet the criteria described in subsection 1 and limit the enrollment in all other elementary, middle or high schools in or campuses of the charter school.

~~[7.]~~ 6. The sponsor of a charter school described in subsection 1 is not required to terminate the charter contract of the charter school or restart the charter school under a new charter contract if ~~[the sponsor determines that the charter school is demonstrating progress towards meeting at least two of the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.]~~ the charter school received a rating that is:

(a) Within 5 percent of the number of points required for the second lowest rating of performance pursuant to the statewide system of accountability for public schools or higher; or

(b) Within 10 percent of the number of points required for the second lowest rating of performance pursuant to the statewide system of accountability for public schools or higher and the charter school increased its rating from the immediately preceding school year by at least 50 percent.

Sec. 2. **1. The Department of Education shall establish a committee to evaluate and recommend revisions to the statewide system of accountability for public schools set forth in NRS 385A.600 to 385A.840, inclusive.**

2. The committee established pursuant to this section shall consist of, without limitation, the following members:

(a) One member who is an employee of a school district in this State whose duties include supervising compliance with the statewide system of accountability for public schools, appointed by the Department;

(b) One member who is an administrator of a public school in this State, appointed by the Department;

(c) One member who is a licensed teacher at a public school in this State, appointed by the Department;

(d) One member appointed by the Nevada Association of School Superintendents;

(e) One member appointed by the State Public Charter School Authority;

(f) One member who is a pupil enrolled in a high school in this State, appointed by the Department;

(g) One member from each regional training program created pursuant to NRS 391A.120, appointed by the governing body of each regional training program;

(h) One member appointed by the Board of Regents of the University of Nevada;

(i) One member who is a Legislator, appointed by the Legislative Commission;

(j) One member appointed by the President of the Nevada State Education Association;

(k) One member appointed by the Clark County Education Association;

(l) One member who is a teacher who holds a license to teach special education, appointed by the Department;

(m) One member who is a teacher who holds a license to teach pupils enrolled in a program of early childhood education, appointed by the Department;

(n) One member who is a teacher in a program for English learners, appointed by the Department;

(o) One member from each relevant office of the Department, appointed by the Department; and

(p) One member who is the parent or legal guardian of a pupil enrolled in a public school in this State, appointed by the Department.

3. The committee established pursuant to this section shall evaluate how to revise the statewide system of accountability for public schools set forth in NRS 385A.600 to 385A.840, inclusive, so that the system:

(a) Aligns with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Reflects accomplishments of pupils and whether the outcomes of schools in this State are capable of advancing the economic mobility of a person;

(c) Results in pupils enrolling in a postsecondary educational institution after graduation;

(d) Results in pupils obtaining careers with livable wages after graduation;

(e) Does not increase any reporting burden on schools and school districts;

(f) Aligns with any existing initiatives of the Department to increase efficiency in reporting; and

(g) Complies with all requirements of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301, et seq., as amended, for the continued receipt of federal money.

4. The committee established pursuant to this section:

(a) Shall, on or before June 30, 2026, submit a report describing the findings of the evaluation conducted pursuant to this section to:

(1) The Superintendent of Public Instruction; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

(b) Shall be dissolved after the submission of the report pursuant to this subsection.

Sec. 3. **1. This act becomes effective upon passage and approval.**

2. Section 1 of this act expires by limitation on October 1, 2026.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 407.

SUMMARY—Revises provisions relating to ~~[utility wire.]~~ **governmental administration.** (BDR 15-394)

AN ACT relating to ~~[utility wire;]~~ **governmental administration;** prohibiting certain acts related to **critical infrastructure or** used utility wire; establishing requirements relating to transactions involving used utility wire; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor to knowingly burn stolen metallic wire to remove insulation. (NRS 202.180) **Section 1** of this bill sets forth penalties for a person who willfully **tampers with or willfully** removes, damages or destroys any critical ~~[electrical]~~ infrastructure **.** ~~[to obtain used utility wire.]~~

Section 3 of this bill provides that it is unlawful for a person to possess used utility wire unless the person is a certain type of business that may reasonably generate, possess or sell used utility wire or the person possesses documentation proving lawful ownership or possession. **Section 4** of this bill prohibits a person from purchasing used utility wire for any purpose unless the seller is a business that may reasonably generate, possess or sell used utility wire or the seller establishes lawful ownership or possession of the used utility wire by providing certain documentation. **Section 5** of this bill provides that a person who commits the offense created by **section 3** or who violates the provisions of **section 4** is guilty of a degree of felonious conduct consistent with the ~~[value]~~ **weight** of used utility wire involved in the crime.

Existing law provides that, under certain circumstances, a person may not sue any political subdivisions for any injury, wrongful death or other damage incurred by the person while committing certain crimes. Section 5.5 of this bill revises the list of crimes to include the new crime created by section 1.

Existing law provides certain restrictions on the purchase or receipt by a junk dealer of metallic wire that has been burned in whole or in part to remove insulation. (NRS 647.035) **Sections 14 and 15** of this bill make these restrictions apply instead to the purchase or receipt by a junk dealer of used utility wire.

Existing law provides certain restrictions on the sale and purchase of scrap metal and used catalytic converters in this State. (NRS 647.092-647.099) **Sections 12 and 13** of this bill exclude used utility wire from the definition of "scrap metal" but include persons who purchase, trade, barter or otherwise receive used utility wire in the definition of "scrap metal processor." **Section 8** of this bill prohibits a scrap metal processor from purchasing or receiving used utility wire from any person other than certain businesses that may reasonably generate, possess or sell used utility wire and persons who provide documentation to establish lawful ownership or possession of used utility wire. **Section 10** of this bill provides certain restrictions on the manner by which a scrap metal processor may purchase used utility wire that are substantially similar to the restrictions under existing law on the manner by which a scrap metal processor may purchase a used catalytic converter.

Existing law requires a scrap metal processor to maintain certain records of purchases of scrap metal and used catalytic converters. (NRS 647.094, 647.0943) **Section 9** of this bill requires a scrap metal processor to maintain records of purchases of used utility wire that are substantially similar to the records that it must maintain under existing law for purchases of used catalytic

converters. **Section 9** requires a scrap metal processor to maintain these records for a period of not less than 3 years. **Section 9** also requires a scrap metal processor to make available to a local law enforcement agency on demand all the used utility wire that it purchases and the records of those purchases.

Existing law authorizes a local law enforcement agency to establish an electronic reporting system or to utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal or used catalytic converters by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. If a law enforcement agency establishes or uses such a system, existing law requires each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency to submit electronically to the local law enforcement agency certain information relating to each purchase of scrap metal and catalytic converters from certain persons. (NRS 647.0945) **Section 16** of this bill requires each scrap metal processor to submit electronically to the local law enforcement agency certain additional information if the scrap metal processor purchases used utility wire.

Section 17 of this bill provides that a person who violates any provision of **section 8, 9 or 10** is guilty of a misdemeanor.

Section 7 of this bill defines "used utility wire" for the purposes of **sections 8-16**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who willfully tampers with or willfully removes, damages or destroys any critical ~~[electrical]~~ infrastructure ~~[to obtain used utility wire]~~ shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property tampered with or removed, damaged or destroyed, as described in subsection 1, is:

(a) Less than ~~[$500,]~~ $1,200, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) At least $1,200 but less than $5,000, a person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

(c) Five ~~[hundred]~~ thousand dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the tampering with or the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any critical ~~[electrical]~~ infrastructure, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. ~~[In addition to any other penalty, the court shall order]~~ A prosecuting attorney shall not seek, and a court shall not impose, any penalty pursuant to NRS 205.0821 to 205.0835, inclusive or NRS 206.310 against a person ~~[who violates]~~ for the same conduct that is a violation of the provisions of subsection 1 . ~~[to pay restitution and:~~

~~(a) For a first offense, to perform 100 hours of community service.~~

~~(b) For a second offense, to perform 200 hours of community service.~~

~~(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.]~~

5. In determining the value of the property tampered with or removed, damaged or destroyed, as described in subsection 1, the cost of replacing or repairing the property or critical ~~[electrical]~~ infrastructure, if necessary, must be added to the value of the property.

6. As used in this section ~~[:~~

~~(a) "Critical electrical]~~ , "critical infrastructure" means any building, facility, structure, fixture, equipment or other property owned, maintained or used by a company or a county, city or other political subdivision of this State to store, use, transform, deliver, transport or transmit electricity or furnish video service, broadband service, telecommunication service, telephone service, wireless service, natural gas service, water service, sewer service or stormwater collection or disposal service for the benefit of the public, including, without limitation, power lines, telephone lines, streetlights, traffic lights, electrical transformers, electrical substations , ~~[and]~~ cellular towers ~~]~~.

~~(b) "Used utility wire" means:~~

~~(1) Seven-strand metallic wire;~~

~~(2) Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or~~

~~(3) Metallic wire that has been burned, in whole or in part, to remove insulation.]~~ and telecommunication or fiber optic cables.

Sec. 2. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *1. It is unlawful for a person to possess used utility wire unless the person:*

(a) Holds a permit issued pursuant to NRS 444.553 to operate a disposal site, as defined in NRS 444.460;

(b) Holds a contractor's license issued pursuant to chapter 624 of NRS in the specialty of electrical contracting;

(c) Is a scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions set forth in ~~[NRS 647.0943 and 647.099 for catalytic converters;]~~ sections 8 and 9 of this act;

(d) Is a junk dealer and has obtained the used utility wire in accordance with the provisions set forth in NRS 647.030 and 647.035;

(e) Possesses documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the seller, bailor or deliverer from whom the person received the used utility wire concerning the lawfulness of the acquisition and possession of the used utility wire by the seller, bailor or deliverer; or

~~[(e)]~~ (f) Any other business that may reasonably generate, possess or sell the used utility wire.

2. As used in this section, "used utility wire" means:

(a) Seven-strand metallic wire;

(b) Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

(c) Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 4. *1. A person shall not purchase used utility wire for any purpose, including, without limitation, to recycle or smelt, unless the person purchases the used utility wire from:*

(a) A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions of sections 8 and 9 of this act;

(b) Any other business that may reasonably generate, possess or sell used utility wire; or

(c) A person providing documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the person concerning the lawfulness of the acquisition and possession of the used utility wire by the person.

2. As used in this section, "used utility wire" means:

(a) Seven-strand metallic wire;

(b) Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

(c) Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 5. *A person who violates the provisions of section 3 or 4 of this act is guilty of:*

1. If the violation involves used utility wire with a ~~[value]~~ weight of less than ~~[$500,]~~ 100 pounds, a misdemeanor.

2. If the violation involves used utility wire with a weight of at least 100 pounds but less than 400 pounds, a gross misdemeanor.

3. If the violation involves used utility wire with a ~~[value]~~ weight of ~~[$500]~~ 400 pounds or more, a category D felony and shall be punished as provided in NRS 193.130.

Sec. 5.5. **NRS 41.0334 is hereby amended to read as follows:**

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or

any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in ***section 1 of this act,*** NRS 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 206.335, 207.210, 331.200 or 393.410 at the time of the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➥ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 6. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. ***"Used utility wire" means:***

1. Seven-strand metallic wire;

2. Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

3. Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 8. ***A person described in subsection 1 of NRS 647.0172 shall not purchase or otherwise receive used utility wire for any purpose, including, without limitation, to recycle or smelt, unless the person purchases or receives the used utility wire from:***

1. A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions of section 9 or 10 of this act;

2. A person providing documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the person concerning the lawfulness of the acquisition and possession of the used utility wire by the person; or

3. Any other business that may reasonably generate, possess or sell used utility wire.

Sec. 9. *1. Except as otherwise provided in subsections 2 and 3, every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of used utility wire, a record of the purchase that contains:*

(a) The place and date of the purchase.

(b) The name of the seller and the seller's valid driver's license number or valid identification card number and the state of issue.

(c) A general description of the vehicle delivering the used utility wire, including, without limitation, the state of the registration of the vehicle.

(d) A description of the used utility wire purchased, including, without limitation, the item type and quantity.

(e) A statement written by the seller indicating:

(1) That the seller is the lawful owner or possessor of the used utility wire; or

(2) The name of the person from which the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document.

(f) The price paid by the scrap metal processor for the used utility wire.

(g) If the seller is a business entity other than a scrap metal processor, the seller's:

(1) Physical business address;

(2) Business telephone number; and

(3) Business license number or tax identification number.

2. A scrap metal processor who purchases used utility wire from a business entity that holds a written agreement with another business that sells used utility wire for recycling purposes is required to maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase, a record of the purchase that contains:

(a) The name of the seller or agent acting on behalf of the seller.

(b) The seller's physical business address and business telephone number.

(c) The seller's business license number or tax identification number.

(d) The date and place of the transaction.

(e) The number of units of used utility wire received in the course of the transaction.

(f) The amount of money that was paid for each unit of used utility wire in the course of the transaction.

(g) A copy of the written agreement.

3. A scrap metal processor who sells used utility wire to another scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each sale, a record of the sale that contains:

(a) The name and address of each person to whom each unit of used utility wire is sold.

(b) The number of units of used utility wire being sold.

(c) The amount of money that was received for each unit of used utility wire sold in the transaction.

(d) The date and place of the transaction.

4. All records kept pursuant to subsections 1, 2 and 3 must be kept and maintained for not less than 3 years.

5. All used utility wire purchased by a scrap metal processor and the records made and maintained in accordance with subsections 1 to 4, inclusive, must be made available at all times to a local law enforcement agency upon demand.

Sec. 10. ***1. Except as otherwise provided in subsection 2, a scrap metal processor shall not provide payment for used utility wire unless:***

(a) The payment is made by check or through an electronic transfer of money cleared through an automated clearinghouse;

(b) The seller is a person described in section 8 of this act; and

(c) The scrap metal processor obtains:

(1) A clear photograph or video of the:

(I) Seller at the time of the sale; and

(II) Used utility wire being sold;

(2) A copy of the seller's valid driver's license containing the photograph and address of the seller, or a copy of a state or federal government-issued identification card containing the photograph and address of the seller; and

(3) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used utility wire; or

(II) The name of the person from whom the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document.

2. The provisions of subsection 1 do not apply to a scrap metal processor who buys used utility wire if the scrap metal processor and the seller have a written agreement for the transaction which includes:

(a) A log or other regularly updated record of all used utility wire received pursuant to the agreement; and

(b) A description of each unit of used utility wire with enough particularity so that each of the units of used utility wire in the scrap metal processor's inventory can reasonably be matched to its description in the agreement.

Sec. 11. NRS 647.010 is hereby amended to read as follows:

647.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 647.011 to 647.0185, inclusive, ***and section 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 647.017 is hereby amended to read as follows:

647.017 1. "Scrap metal" means nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power

generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government, including, without limitation, street lights, traffic-control devices, park lights or ballpark lights.

2. The term does not include waste generated by a household, aluminum beverage containers, used construction scrap iron, materials consisting of a metal product in its original manufactured form which contains not more than 20 percent by weight nonferrous metal ***, used utility wire*** or used catalytic converters.

Sec. 13. NRS 647.0172 is hereby amended to read as follows:

647.0172 "Scrap metal processor" means any person who:

1. Engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal ***, used utility wire*** or used catalytic converters; or

2. Uses machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

Sec. 14. NRS 647.030 is hereby amended to read as follows:

647.030 1. Every junk dealer shall keep a book in which must be written in ink at the time of purchase a full and accurate description of each article purchased, together with the full name, residence, driver's license number, vehicle license number and general description of the person selling the article.

2. In addition to the information required to be included in the book pursuant to subsection 1, a junk dealer must include in writing in ink in the book each time he or she purchases or otherwise receives ~~[metallic]~~ ***used utility*** wire that has been burned in whole or in part to remove insulation:

(a) The name of the person who delivered the ~~[metallic]~~ ***used utility*** wire; and

(b) A description of the written evidence obtained by the junk dealer pursuant to NRS 647.035 identifying the person who delivered the ~~[metallic]~~ ***used utility*** wire.

3. No entry in the book may be erased, mutilated or changed.

4. The book must be open at all times to inspection by the sheriff of the county or any of his or her deputies, any member of the police department in the city or town, and any constable or other county or municipal officer in the county in which the junk dealer does business.

Sec. 15. NRS 647.035 is hereby amended to read as follows:

647.035 1. A junk dealer shall not purchase or otherwise receive ~~[metallic]~~ ***used utility*** wire ~~[that has been burned in whole or in part to remove insulation]~~ unless, at the time that the ~~[metallic]~~ ***used utility*** wire is purchased or otherwise received, the junk dealer obtains:

(a) Written evidence identifying the person who delivered the ~~[metallic]~~ ***used utility*** wire; and

(b) A statement signed by the person who delivered the ~~[metallic]~~ ***used utility*** wire in which the person attests that the ~~[metallic]~~ ***used utility*** wire was lawfully acquired and ***, if applicable,*** burned.

2. A junk dealer shall retain the written evidence and the statement obtained pursuant to subsection 1 for not less than 3 years.

Sec. 16. NRS 647.0945 is hereby amended to read as follows:

647.0945 1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal ***, used utility wire*** or used catalytic converters by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding:

(a) Each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(1) The name of the seller;

(2) The date of the purchase;

(3) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(4) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(5) The license number and general description of any vehicle that delivered the scrap metal;

(6) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094;

(7) The amount, in weight, of scrap metal purchased; and

(b) ***Each purchase of used utility wire conducted on the preceding day from a person who sold the used utility wire in his or her individual capacity:***

(1) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used utility wire; or

(II) The name of the person from whom the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document; and

(2) A description of the used utility wire purchased or sold, including, without limitation, the item type and quantity.

(c) Each purchase of a used catalytic converter conducted on the preceding day from a person who sold the used catalytic converter in his or her individual capacity:

(1) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used catalytic converter; or

(II) The name of the person from whom the seller obtained the used catalytic converter, including, if applicable, the name of the business as shown on a signed transfer document;

(2) If applicable, a copy of the title of the vehicle from which the used catalytic converter was removed which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter;

(3) The year, make, model and vehicle identification number of the vehicle from which the used catalytic converter was removed; and

(4) A description of the used catalytic converter purchased or sold, including, without limitation, the item type, quantity and vehicle identification number permanently marked on the used catalytic converter.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094 or 647.0943.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal or used catalytic converters within the jurisdiction of the law enforcement agency.

6. Except as otherwise provided in paragraph ~~[(b)]~~ ***(c)*** of subsection 2, the provisions of this section do not apply to the purchase of scrap metal ***, used utility wire*** or a used catalytic converter from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 17. NRS 647.143 is hereby amended to read as follows:

647.143 1. Except as otherwise provided in subsection 3 and unless a greater penalty is provided pursuant to specific statute, a person who violates any provision of NRS 647.093, 647.094, 647.0943, 647.096, 647.098 or 647.099 ***or section 8, 9 or 10 of this act*** is guilty of a misdemeanor.

2. In addition to the provisions of subsections 1 and 3, the court may issue an injunction prohibiting a person from engaging in the business of a scrap metal processor:

(a) For the first or second offense, for a period of not less than 30 days.

(b) For a third or subsequent offense, for a period of 1 year.

3. Any scrap metal processor who is a natural person and who knowingly violates NRS 647.093 or who sells any used catalytic converter that the scrap metal processor knows or should know is a stolen catalytic converter, is guilty of:

(a) If the violation involves one used catalytic converter, a category E felony and shall be punished as provided in NRS 193.130.

(b) If the violation involves 2 or more, but less than 10, used catalytic converters, a category D felony and shall be punished as provided in NRS 193.130.

(c) If the violation involves 10 or more used catalytic converters, a category C felony and shall be punished as provided in NRS 193.130.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 3.

AN ACT relating to transportation; revising the minimum dollar amount of transportation network company insurance that a transportation network company, a driver or a monitored autonomous vehicle provider is required to maintain under certain circumstances; **defining certain terms related to delivery network companies;** providing that certain delivery network companies are not vicariously liable for any acts or omissions of a driver who provides delivery services for the delivery network company; providing that a transportation network company is not vicariously liable for any acts or omissions of a driver who provides transportation services for the transportation network company; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various provisions governing transportation network companies which enter into agreements with one or more drivers to receive connections to potential passengers from the company in exchange for the payment of a fee by the driver to the company. (Chapter 706A of NRS) Existing law requires a transportation network company or driver to continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance for the payment of liabilities arising from the operation of a motor vehicle by the driver. Existing law sets forth certain minimum amounts of coverage that are required to be provided by a transportation network company or driver for the periods in which the driver is providing transportation services and for the periods in which a driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services. (NRS 690B.470) **Section 1** of this bill reduces the minimum amount of transportation network company insurance required to be maintained while a driver is providing transportation services from an amount of not less than $1,500,000 to an amount of not less than $1,000,000.

Section 3 of this bill provides that a transportation network company is not vicariously liable for any act or omission of a driver or passenger that harms a person or property under any theory of liability or duty of care.

Existing law requires every monitored autonomous vehicle provider to continuously provide transportation network company insurance in an amount of not less than $1,500,000 during any period in which the monitored

autonomous vehicle provider is operating a monitored autonomous vehicle, regardless of whether the provider is providing transportation services. (NRS 690B.470) **Section 1** reduces the minimum amount of transportation network company insurance required to be maintained to an amount of not less than $1,000,000.

Section 2.3 of this bill defines "delivery network company" to mean certain entities that operate in this State and use a digital network to connect a customer to a driver for the purpose of providing delivery services. Sections 2.2 and 2.4-2.8 of this bill define certain other terms relating to delivery network companies. **Section** ~~[2]~~ **2.9** of this bill provides that a delivery network company ~~[which uses a digital network to connect a customer to a driver for the purpose of providing delivery services]~~ is not vicariously liable for any act or omission of a driver that harms a person or property under any theory of liability or duty of care. ~~[Section 2 defines "delivery services" to mean the delivery of an item by a person through the use of a digital network of a delivery network company to a customer located within 50 miles of the pick-up location of the item.]~~ **Section** ~~[2]~~ **2.9** further provides that a delivery network company shall be deemed to not control, direct or manage a driver or the personal ~~[motor]~~ vehicle of a driver. Additionally, **section** ~~[2]~~ **2.9** limits **, for any driver who uses a personal vehicle which is a motor vehicle,** the applicability of its provisions to a delivery network company that ~~[maintains]~~ **maintained** a ~~[casualty]~~ **motor vehicle** insurance policy in an amount of not less than $1,000,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 690B.470 is hereby amended to read as follows:

690B.470 1. Every transportation network company or driver shall continuously provide, during any period in which the driver is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375:

(a) In an amount of not less than ~~[$1,500,000]~~ ***$1,000,000*** for bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is providing transportation services;

(b) In an amount of not less than $50,000 for bodily injury to or death of one person in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services;

(c) Subject to the minimum amount for one person required by paragraph (b), in an amount of not less than $100,000 for bodily injury to or death of two

or more persons in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services; and

(d) In an amount of not less than $25,000 for injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the driver is logged into the digital network or software application service of the transportation network company and available to receive requests for transportation services but is not otherwise providing transportation services,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. Every monitored autonomous vehicle provider shall continuously provide, during any period in which a monitored autonomous vehicle provider is operating a monitored autonomous vehicle, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, in an amount of not less than ~~[$1,500,000]~~ ***$1,000,000*** for bodily injury to or destruction of property of others in any one accident or motor vehicle crash that occurs while the monitored autonomous vehicle provider is operating a monitored autonomous vehicle for the payment of tort liabilities arising from the maintenance or use of the monitored autonomous vehicle.

3. The transportation network company insurance required by subsection 1 or 2, as applicable, may be provided through one or a combination of insurance policies provided by the transportation network company, the driver, the monitored autonomous vehicle provider, both the transportation network company and the driver or both the transportation network company and the monitored autonomous vehicle provider.

4. Every transportation network company shall continuously provide, during any period in which the driver or monitored autonomous vehicle provider is providing transportation services, transportation network company insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State or a broker licensed pursuant to chapter 685A of NRS or procured directly from a nonadmitted insurer, as defined in NRS 685A.0375, which meets the requirements of subsection 1 or 2, as applicable, as primary insurance if the insurance provided by the driver or monitored autonomous vehicle provider:

(a) Lapses; or

(b) Fails to meet the requirements of subsection 1 or 2, as applicable.

5. Notwithstanding the provisions of NRS 485.185 and 485.186 which require the owner or operator of a motor vehicle to provide insurance, transportation network company insurance shall be deemed to satisfy the

requirements of NRS 485.185 or 485.186, as appropriate, regardless of whether the insurance is provided by the transportation network company, the driver, the monitored autonomous vehicle provider, both the transportation network company and the driver or both the transportation network company and the monitored autonomous vehicle provider, if the transportation network company insurance otherwise satisfies the requirements of NRS 485.185 or 485.186, as appropriate.

6. In addition to the coverage required pursuant to subsection 1 or 2, as applicable, a policy of transportation network company insurance may include additional coverage, including, without limitation, coverage for medical payments, coverage for uninsured or underinsured motorists, comprehensive coverage and collision coverage.

7. An insurer who provides transportation network company insurance shall not require a policy of insurance for the operation of a motor vehicle required pursuant to NRS 485.185 or 485.186, as appropriate, to deny a claim before the transportation network company insurance provides coverage for a claim.

8. An insurer who provides transportation network company insurance has a duty to defend and indemnify the driver or monitored autonomous vehicle provider and the transportation network company.

9. An insurer who provides transportation network company insurance which includes comprehensive coverage or collision coverage for the operation of a motor vehicle against which a lienholder holds a lien shall issue any payment for a claim under such coverage:

(a) Directly to the person who performs repairs upon the vehicle; or

(b) Jointly to the owner of the vehicle and the lienholder.

10. A transportation network company that provides transportation network company insurance for a motor vehicle is not deemed to be the owner of the motor vehicle.

11. As used in this section, "monitored autonomous vehicle" has the meaning ascribed to it in NRS 706A.045.

Sec. 2. Chapter 597 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2.1 to 2.9, inclusive, of this act.**

Sec. 2.1. As used in sections 2.1 to 2.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.2 to 2.8, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.2. "Customer" means a person who orders the delivery of goods where the driver delivers such goods at the direction of the customer.

Sec. 2.3. "Delivery network company" means a corporation, partnership, sole proprietorship or other entity that:

1. Operates in this State; and

2. Uses a digital network to connect a customer to a driver to provide delivery services.

Sec. 2.4. "Delivery services" means the fulfillment of customer delivery requests through the pick-up from any location of any item or items and the delivery of items using a personal vehicle to a location selected by the customer located within 50 miles of the pick-up location.

Sec. 2.5. "Delivery service period" means the period:

1. Beginning when a driver starts operating a personal vehicle enroute to pick-up goods for a delivery or series of deliveries as documented via a digital network controlled by a delivery network company;

2. Continuing while the driver transports the requested deliveries; and

3. Ending upon delivery of the requested goods to:

(a) The customer or the last customer in a series of deliveries;

(b) A location designated by the customer or the last location so designated in a series of deliveries; or

(c) A location designated by the delivery network company, including, for purposes of returning the goods.

Sec. 2.6. "Digital network" means any online-enabled technology application, service, website or system offered or utilized by a delivery network company that enables the provision of delivery services.

Sec. 2.7. "Driver" means a natural person who provides delivery services through a delivery network company's digital network pursuant to an independent contractor agreement.

Sec. 2.8. "Personal vehicle" means a vehicle including, without limitation, a motor vehicle, bicycle, scooter or other similar means of transportation, that:

1. Is used by a driver to provide delivery services through a digital network;

2. Is owned, leased or otherwise authorized for use by the driver; and

3. Does not exceed 6,000 pounds.

Sec. 2.9. 1. A delivery network company is not vicariously liable for any act or omission of a driver that harms a person or property under any theory of liability or duty of care.

2. A delivery network company shall be deemed to not control, direct or manage a driver or the personal ~~[motor]~~ vehicle of a driver.

3. ~~[The]~~ For any driver who uses a personal vehicle which is a motor vehicle, as defined in NRS 482.075, the provisions of this section apply ~~[only]~~ to a delivery network company ~~[that maintains]~~ if the delivery network company maintained a ~~[casualty]~~ motor vehicle insurance policy , in force on the date of the incident giving rise to an action, in an amount of not less than $1,000,000 ~~[for any potential liability to a third party while a driver is providing delivery services.]~~ , that insured the driver for liability to third parties arising out of the use of a motor vehicle during the delivery service period.

4. This section does not ~~[:~~

~~(a) Alter]~~ alter or preclude any other theory of liability against a delivery network company or duty of care owed by a delivery network company ~~[; or~~

~~(b) Preclude any remedy or cause of action a person may have against a delivery network company under any other provision of~~] to the extent available and proven under law.

~~[5. As used in this section:~~

~~(a) "Customer" means a person who places an order for the delivery of an item through the digital network of a delivery network company.~~

~~(b) "Delivery network company" means an entity that uses a digital network to connect a customer to a driver for the purpose of providing delivery services.~~

~~(c) "Delivery services" means the delivery of an item by a person through the use of a digital network of a delivery network company to a customer located within 50 miles of the pick-up location of the item. The term includes the period beginning when a driver accepts a request by a customer for the delivery of an item through the digital network of a delivery network company and ending when the last item is delivered to the:~~

~~(1) Location designated by the customer;~~

~~(2) Last location in a series of deliveries; or~~

~~(3) Location designated by the delivery network company for the purposes of returning the item.~~

~~(d) "Digital network" means an Internet website, online service or mobile application which allows a person to purchase an item and offers delivery services.~~

~~(e) "Driver" means a natural person who:~~

~~(1) Operates a personal motor vehicle that is owned, leased or otherwise authorized for use by the person; and~~

~~(2) Enters into an agreement with a delivery network company to provide delivery services.~~

~~(f) "Personal motor vehicle" means a motor vehicle that:~~

~~(1) Is used by a driver to provide delivery services; and~~

~~(2) Weighs less than 6,000 pounds.~~]

Sec. 3. Chapter 706A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A transportation network company is not vicariously liable for any act or omission of a driver or passenger that harms a person or property under any theory of liability or duty of care.

2. This section does not ~~[:~~

~~(a) Alter~~] alter or preclude any other theory of liability against a transportation network company or duty of care owed by a transportation network company ~~[; or~~

~~(b) Preclude any remedy or cause of action a person may have against a transportation network company under any other provision of~~] to the extent available and proven under law.

Sec. 4. The amendatory provisions of this act do not apply to a cause of action that arises before October 1, 2025.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 412.

SUMMARY—Revises provisions governing facilities for the generation of electricity **.** ~~[from solar energy.]~~ (BDR 58-427)

AN ACT relating to energy; requiring certain wholesale facilities for the generation of electricity ~~[from solar energy]~~ to purchase power from certain **small** electric utilities; **requiring a provider of electric service that serves a wholesale generation facility in the service territory of certain small electric utilities to make certain payments to the utility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of a certificate of public convenience and necessity to certain cooperative associations, nonprofit corporations and nonprofit associations that provide electric service to their members. (NRS 704.677) Existing law also authorizes certain local governmental entities to provide electric service. (Chapters 709 and 710 of NRS) This bill requires certain wholesale facilities for the generation of electricity ~~[from solar energy]~~ which are located within the service territory of such a cooperative association, nonprofit corporation or nonprofit association or municipal utility to purchase the energy required to operate, maintain or repair the facility from the cooperative association, nonprofit corporation or nonprofit association or municipal utility. This bill further requires the facility to: (1) adhere to all rules, rates and policies established by the governing board of the cooperative association, nonprofit corporation or nonprofit association or municipal utility ~~[;]~~ **relating to the delivery of and payment for power;** and (2) ~~[grant access by the]~~ **authorize a** cooperative association, nonprofit corporation or nonprofit association or municipal utility to ~~[the facility as necessary]~~ **install or certify the proper operation of a meter** to accurately measure **and provide accurate monthly readings of** the ~~[service loads]~~ **energy use** of the facility. **This bill further: (1) authorizes a cooperative association, nonprofit corporation, nonprofit association or municipal utility to charge certain rates to the wholesale generation facility; and (2) requires a provider of electric service that provides power to a wholesale generation facility in the service territory of the cooperative association, nonprofit corporation, nonprofit association or municipal utility to make certain payments to the cooperative association, nonprofit corporation, nonprofit association or municipal utility.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A wholesale generation facility in this State which becomes operational on or after January 1, 2026, and is located within the service territory of a rural electric utility shall:

(a) Purchase its station power from the rural electric utility, unless otherwise provided in a written agreement between the wholesale generation facility and the rural electric utility.

(b) Adhere to all rules, rates and policies established by the governing board of the rural electric utility ~~.~~ relating to the delivery of and payment for station power.

(c) ~~[Grant access by]~~ Authorize the rural electric utility to ~~[the facilities of the wholesale generation facility as necessary to accurately measure or assess the service load of the wholesale generation facility.]~~ install or certify the proper operation of a meter that measures the use of station power by a wholesale generation facility and provides the rural electric utility with accurate monthly readings of that use.

2. A rural electric utility may charge to a wholesale generation facility a retail rate for station power which is commensurate with the rate the rural electric utility charges to customers in its service territory with comparable load magnitudes, load factors and other relevant characteristics.

3. If a wholesale generation facility receives station power from a provider of electric service other than the rural electric utility for the service territory in which the wholesale generation facility is located, the provider of electric service shall remit to the rural electric utility an amount equal to the payment which the wholesale generation facility would have paid for such station power if provided by the rural electric utility.

4. As used in this section:

(a) "Municipal electric utility" includes, without limitation:

(1) An electric utility established pursuant to chapter 709 or 710 of NRS.

(2) Any other electric utility that is owned, operated or controlled by a county, city or other local governmental entity.

(b) "Rural electric utility" means:

(1) A cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members; or

(2) A municipal electric utility which provides electric service to fewer than 100,000 retail electric meters.

(c) "Station power" means energy used on the site of a wholesale generation facility for the operation, maintenance or repair of the facility,

including, without limitation, energy used for ~~[heating,]~~ lighting, ~~[air-conditioning,]~~ thermal regulation, fuel processing and powering equipment. The term:

(1) Includes any such load:

(I) That is served by a provider of electric service over a distribution line that is connected to the system of the provider of electric service at a point that is separate from the switchyard where a generation or storage resource of the wholesale generation facility is connected to the transmission system; or

(II) That is served by the system of a provider of electric service that is connected to the transmission system at the same point as a generation or storage resource of the wholesale generation facility during any period when the generation or storage resource is idle.

(2) With respect to a wholesale generation facility which generates electricity from geothermal resources, does not include energy used to operate fans or pumps or parasitic loads associated with the production of electricity from a geothermal resource.

(d) "Wholesale generation facility" means a facility for the generation of electricity ~~[from solar energy]~~ that has a capacity in excess of 1 megawatt and:

(1) Is not affiliated through common ownership with an end-use customer that purchases electricity; and

(2) Does not provide the electricity generated by the facility directly and exclusively to the end-use customer described in subparagraph (1).

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 297.

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of

the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil receives approval to attend the school. **Section 2** additionally: (1) requires the Superintendent of Public Instruction to establish an application process to enable pupils to request such transfers between public schools; (2) provides certain requirements governing the application process, including, without limitation, various factors that may not be considered when determining whether to approve an application; ~~[and]~~ (3) sets forth the process for the parent or legal guardian of a pupil who submits an application to appeal certain decisions regarding the application ~~[.]~~ **; and (4) requires the Superintendent of Public Instruction to publish certain data concerning vacancies at each public school on the Internet website maintained by the Department of Education.** **Section 1** of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. Additionally, **section 2** authorizes the board of trustees of a school district to accept gifts and grants to carry out certain provisions of **section 2**. **Section 2 also requires the board of trustees of each school district to submit to the Superintendent of Public Instruction an annual report concerning, without limitation: (1) transportation resources available to the district; and (2) how such resources can be used to provide transportation to pupils who submit an application to attend a public school outside the zone of attendance that the pupils are otherwise required to attend.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private

schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~[or]~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~[.]~~ ***; or***

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil is approved to attend the school pursuant to this section.

3. The Superintendent of Public Instruction shall:

(a) Establish an application process through which a pupil may request to attend, pursuant to paragraph (f) of subsection 2, a public school outside the zone of attendance that the pupil is otherwise required to attend. The process must:

(1) Include an annual deadline by which a pupil must submit the application to the board of trustees of the school district in which the school the pupil requests to attend is located; and

(2) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved.

(b) Ensure that any application developed pursuant to paragraph (a) is made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.

(c) On or before the first calendar day of each month, publish, on the Internet website maintained by the Department, the number of vacancies for each grade level in each public school in this State.

(d) Not require a pupil to complete an application developed pursuant to paragraph (a) unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend.

(e) On the Internet website maintained by the Department, annually publish data describing, for pupils who transferred between schools located in different zones of attendance pursuant to paragraph (f) of subsection 2:

(1) The total number of pupils who transferred between schools located in different zones of attendance during the previous school year; and

(2) For each public school, the number of pupils who transferred into and out of the school pursuant to paragraph (f) of subsection 2 during the previous school year.

4. The board of trustees of each school district shall:

(a) ~~[Establish]~~ Determine the capacity ~~[limits]~~ for each grade level within each public school in the school district ~~.]~~ in accordance with the provisions of this section.

(b) Require a public school in the school district to enroll a pupil whose application submitted pursuant to subsection 3 has been approved, so long as the public school has capacity at the grade level of the pupil ~~.]~~ without taking into consideration the capacity of any specialized program.

(c) Establish a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (a), which may include, without limitation, a lottery system.

(d) Allow a pupil whose application submitted pursuant to subsection 3 has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

(e) Prepare and submit an annual report to the Superintendent of Public Instruction describing:

(1) The number of applications received pursuant to subsection 3 and the number of such applications that were approved or denied; and

(2) For each application that was denied, the reason the board of trustees of the school district denied the application.

5. The application process established pursuant to subsection 3 must prohibit the consideration of any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner;

(e) The address at which the pupil resides; or

(f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.

6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend submitted pursuant to subsection 3 is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and ~~[, if]~~ he or she ~~[upholds the decision of the board of trustees of the school district, to the Superintendent of Public Instruction. The Superintendent of Public Instruction]~~ shall promptly approve or deny the application ~~[, and his or her]~~ The decision of the superintendent of the school district is final.

7. The board of trustees of a school district may accept gifts and grants to carry out the provisions of subsections 3 to 6, inclusive.

8. Each year, the board of trustees of each school district shall prepare and submit to the Superintendent of Public Instruction a report describing:

(a) The resources available to the school district for the transportation of pupils;

(b) The number of pupils enrolled in the school district who have applied to attend a school outside the zone of attendance that the pupils are otherwise required to attend pursuant to subsection 3; and

(c) An analysis of ways the resources available to the school district for the transportation of pupils could be used to provide transportation to pupils who have submitted an application to attend a school outside the zone of attendance that the pupils are otherwise required to attend pursuant to subsection 3.

9. As used in this section:

(a) "Capacity" means the number of pupils who can be adequately served by a school in each grade level, calculated by subtracting the sum of the number of pupils enrolled in the school at that grade level and the number of staff members assigned to the school for that grade level from the

maximum physical capacity of the instructional space in the school dedicated to that grade level.

(b) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.

~~(b)~~ (c) "Instructional space" does not include:

(1) A gymnasium;

(2) A theater;

(3) An administrative office;

(4) A cafeteria; and

(5) A storage space.

(d) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 66, 76, 91, 100, 226, 276, 286, 296, 344, 345, 386, 402, 403, 412, 415, 453, 460, 462, 494, 503, and 533 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assembly in recess at 4:28 p.m.

ASSEMBLY IN SESSION

At 4:31 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 63 revises provisions for civil actions against the state for wrongful convictions. The bill clarifies the circumstances under which courts are required to award damages, including cases where convictions are reversed or vacated based on innocence. The bill subjects all relief awarded to the existing annual $100,000 limitation, including additional compensation for tuition, housing assistance, and counseling services. The mandatory provisions of this bill apply to an action for wrongful conviction that is filed on or after the effective date of this act.

Roll call on Assembly Bill No. 63:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:

Assembly Bill 142 adds a civilian employee of a law enforcement agency, whose primary duties involve responding to and investigating crime scenes, to the list of persons who constitute a first responder.

Roll call on Assembly Bill No. 142:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 153 requires programming staff, within the Department of Corrections, to provide certain information to inmates relating to financial planning, and financial aid, and offer assistance to those inmates who choose to complete the free application for federal student aid.

Roll call on Assembly Bill No. 153:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 194 prohibits the intentional release, organization, or intentional causation of the release of a balloon inflated with gas that is lighter than air.

Roll call on Assembly Bill No. 194:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:

Assembly Bill 207 requires the Commissioner of Insurance to annually prescribe and provide to certain health insurers—or other organizations providing health coverage—a data request, or submit a report that solicits information necessary to evaluate the compliance of the insurer organization with provisions of the federal Paul Wellstone and Pete Dominici Mental Health Parity and Addiction Equity Act of 2008 in accordance with the system for electronic rate and form filing developed and implemented by the National Association of Insurance Commissioners.

The measure also provides that such information as a public record except for consumers' personally identifiable information and any information determined by the commissioner to constitute a trade secret, which are confidential. [It] requires any market analysis conducted by the commissioner to determine compliance with the provisions of this bill be conducted in accordance with the standards set forth by the NAIC [National Association of Insurance Commissioners], all applicable laws, and any regulations adopted by the commissioner.

Roll call on Assembly Bill No. 207:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblymembers Considine and Cole.

ASSEMBLYMEMBER CONSIDINE:

Assembly Bill 211 authorizes a city or county to require a property owner to repair, rehabilitate, or abate certain habitability and safety conditions on a residential property under certain circumstances. If the owner of the residential property fails to comply with the terms of the notice, in summary order, the city or county may bring certain actions to have the residential property declared to be a substandard property and may appoint a new receiver to manage the repair or rehabilitation of the property. The measure establishes the power and duties of a receiver appointed for a substandard property. In addition, a district court is required to discharge a receiver for a substandard property under certain circumstances and authorizes the district court to retain jurisdiction over the substandard property for a period of time, not to exceed 18 months.

ASSEMBLYMEMBER COLE:

We appreciate very much our colleague working with us on some of the amendments, which will continue on the Senate side; and we just wanted to put that on the record, but there will be many of us who are yes on this.

Roll call on Assembly Bill No. 211:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 213 provides that workers who perform custom fabrication on a public work or for certain government performance contracts must be paid the prevailing wage. Additionally, the bill requires that in order to receive certain bidding preferences on public works requiring the procurement of nonstandard goods or materials and located in a county with a population of 100,000 or more, the contractor, applicant, or a design build team engaged on the public work must ensure each non-standard good or material is custom fabricated in this state and maintain and make available for inspection certain records concerning each non-standard good or material.

Roll call on Assembly Bill No. 213:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281.

Bill read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

Assembly Bill 281 clarifies for the purposes of industrial insurance that a member of the state militia, on state active duty, is on active duty 24 hours a day.

Roll call on Assembly Bill No. 281:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymember Jackson.

ASSEMBLYMEMBER JACKSON:

Assembly Bill 291 prohibits courts from considering proceedings, for which certain criminal records have been sealed, when determining whether to grant petition, to seal records relating to a conviction to another offense. The mandatory provisions in this bill apply to a petition for sealing of a record that is filed on or after October 1, 2025.

Roll call on Assembly Bill No. 291:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:

Assembly Bill 299 requires a peace officer to arrest a person who is engaging in the solicitation outside of a licensed house of prostitution. The bill increases penalties and also civil penalties that a court may additionally impose.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblymember Karris.

ASSEMBLYMEMBER KARRIS:

Assembly Bill 303 specifies that provisions of existing public works laws do not apply to any contract awarded for the development, deployment, or improvement of privately owned broadband telecommunication or fiber optic services. It also outlines certain reporting requirements for a contractor or subcontractor engaged on a public work project for the development, deployment, or improvement of privately owned broadband telecommunication and fiber optic services.

Roll call on Assembly Bill No. 303:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

EXCUSED—Torres-Fossett.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:

Assembly Bill 329 revises provisions for applying for payment from the fund for the compensation of victims of crime.

Roll call on Assembly Bill No. 329:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill 367 requires voting materials and other election information posted on the Secretary of State's website, to be made available in at least seven most commonly spoken languages, as well as American Sign Language.

Roll call on Assembly Bill No. 367:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 387 revises numerous provisions related to the guardianship of minors and although there is a full page of it, I will only give you two highlights. It repeals various provisions and then also deems a proposed protected minor as a party to guardianship proceedings.

Roll call on Assembly Bill No. 387:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 411 authorizes the prescribing practitioner of mifepristone or their generic alternatives, to request to have the practitioner's name replaced on the prescription label with the name of the prescribing health care practice instead.

Roll call on Assembly Bill No. 411:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 422 provides that an employee who is a volunteer member of the Nevada Wing of the Civil Air Patrol, under certain circumstances, is entitled to a leave of absence from his or her employment without loss of position, seniority, accrued leave, or benefits.

Roll call on Assembly Bill No. 422:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblymember Karris.

ASSEMBLYMEMBER KARRIS:

Assembly Bill 426 revises provisions relating to local school precincts in large school districts. The bill sets forth various requirements and duties for certain meetings of a precinct's organizational team, including those involving discussion or approval of a precinct's plan of operation. Additionally, the bill specifies that after a plan of operation has been approved, principals may not make budgetary adjustments equal to or over $80,000 for an elementary or middle school, and $125,000 for a high school, without proper notification and first conducting an organizational team meeting. Principals must also brief organizational teams on certain budgetary information, annually reported by boards of trustees. The bill further provides that school principals may not serve as an elected member of an organizational team and establishes a procedure for filling a vacancy in the organizational team. Lastly, this bill outlines certain duties for large school district superintendents and school organizational teams to carry out in the event of a school principal vacancy, including obtaining input from the public, creating lists of desired candidate qualifications, and interviewing candidates.

Roll call on Assembly Bill No. 426:
YEAS—41.
NAYS—None.
EXCUSED—Torres-Fossett.
Assembly Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 433.
Bill read third time.
Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:
Assembly Bill 433 creates the purple ribbon task force on firefighter and peace officer wellness to review the existing state policies concerning personal wellness initiatives that account for the mental and physical health of firefighters, peace officers, and other law enforcement personnel.

Roll call on Assembly Bill No. 433:
YEAS—41.
NAYS—None.
EXCUSED—Torres-Fossett.
Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 445.
Bill read third time.
Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:
Assembly Bill 445 provides that staff members of school and public libraries are immune from criminal or civil liability for good faith acts relating to providing access to or assisting pupils or public library patrons in accessing library materials.

Roll call on Assembly Bill No. 445:
YEAS—32.
NAYS—DeLong, Dickman, Edgeworth, Gray, Gurr, Hansen, Hibbetts, Kasama, O'Neill—9.
EXCUSED—Torres-Fossett.
Assembly Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 487.
Bill read third time.
Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:
Assembly Bill 487 prohibits a retail pet store from selling, offering to sell, bartering, auctioning, or otherwise transferring ownership of any dog or cat; and make such activities a misdemeanor.

Roll call on Assembly Bill No. 487:

YEAS—32.

NAYS—Cole, Dickman, Gallant, Hafen, Hansen, Hibbetts, Kasama, O'Neill, Yurek—9.

EXCUSED—Torres-Fossett.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

Assembly Bill 489 revises provisions for civil actions involving wrongful death caused by homicide to allow heirs and personal representatives of a decedent to file a claim at any time upon a showing of a preponderance of evidence that the death was caused by homicide.

Roll call on Assembly Bill No. 489:

YEAS—25.

NAYS—Backus, Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—16.

EXCUSED—Torres-Fossett.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 490 expands the jurisdiction conferred by statute to the First Judicial District Court, allowing certain proceedings and causes of action to be brought in any qualified judicial district. The bill provides that references to the First Judicial District Court in statute must be interpreted to include any qualified district court unless otherwise specified.

Roll call on Assembly Bill No. 490:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblymember Moore.

ASSEMBLYMEMBER MOORE:

Assembly Bill 491 requires, with certain exceptions, county and city clerks to respond to a request from the Secretary of State for data or information relating to an election within two calendar days of receiving the request. Additionally, the bill revises the qualifications for elected

offices, other than federal offices, to require officers to be registered to vote in the state district, county, township, or other area prescribed by law where they must reside.

Roll call on Assembly Bill No. 491:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:

Assembly Bill 493 revises provisions relating to the recycling of materials from a distributed generation system or utility-scale solar project, including the addition of reporting requirements.

Roll call on Assembly Bill No. 493:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 496 requires county and city clerks to post online by 5 p.m. each day, starting the day after early voting begins for an election and ending the day after election results are canvassed, certain information relating to mail ballots and provisional ballots. The Secretary of State must also post a compilation of this information online, each day, during the same period. The bill, additionally, requires county clerks to post online on the first business day of each month an alphabetical list of all registered voters in the county, which must be made available for download—free of charge. Finally, the bill requires mail ballot return envelopes to include the voters initials and a space for the voter to write his or her telephone number for the purposes of contacting the voter, if necessary, for signature curing or verification.

Roll call on Assembly Bill No. 496:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Torres-Fossett.

Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 501 authorizes the board of trustees of a school district or the governing body of a charter school to award elective course credit to middle, junior, or high school pupils who complete approved outdoor recreational activities outside of school hours.

Roll call on Assembly Bill No. 501:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblymember Gallant.

ASSEMBLYMEMBER GALLANT:

Assembly Bill 110 designates the State Route 163 within Nevada, as the Colorado River Highway; and the bridge connecting it with Bullhead City, Arizona as the Don J. Laughlin memorial bridge. Effective date will be October 1, 2025.

Roll call on Assembly Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Torres-Fossett.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 5:06 p.m.

ASSEMBLY IN SESSION

At 5:24 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 38, 44, 52, 56, 116, 183, 186, 198, 319, 334, 375, 396, 404, 407, 414, 428, 434, 437, 463, 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 204, 290, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

REUBEN D'SILVA, *Vice Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 3, 65, 159, 167, 192, 203, 209, 216, 239, 246, 302, 309, 321, 351, 416, 467, 488, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 104, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Revenue, to which was rereferred Assembly Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 285.

SUMMARY— ~~[Increases the monetary threshold for mandatory nonbinding arbitration in civil actions.]~~ **Revises provisions relating to alternative dispute resolution.** (BDR 3-472)

AN ACT relating to civil actions; ~~[increasing the monetary threshold for mandatory nonbinding arbitration in civil actions;]~~ **revising provisions relating to alternate dispute resolution for certain civil actions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, civil actions for damages that do not exceed $50,000 per plaintiff to be submitted to nonbinding arbitration. (NRS 38.250, 38.255) **Section** ~~[1]~~ **1.5** of this bill increases the monetary threshold for mandatory nonbinding arbitration in civil actions to $100,000 per plaintiff. **Section 2** of this bill makes a conforming change to reflect that the monetary threshold for mandatory nonbinding arbitration is increased to $100,000 per plaintiff by **section** ~~[1.]~~ **1.5.**

Existing law requires the Supreme Court to adopt rules to provide for the establishment of a program of arbitration, and such rules must include, for example: (1) provisions for the payment of fees to an arbitrator who is appointed to hear a case and who must be compensated at a rate of $100 per hour, to a maximum of $1,000 per case, unless otherwise authorized by the arbitration commissioner for good cause shown; (2) guidelines for the award of attorney's fees; and (3) exclusion of certain types of actions from the program, such as class actions, probate actions and actions involving domestic relations. (NRS 38.255) Section 2 revises the requirements for the rules adopted by the Supreme Court to: (1) increase the rate of compensation for an arbitrator to $150 per hour, to a maximum of $2,000 per case; (2) authorize an arbitrator to award to a prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule, and fees, costs and interest in an amount not to exceed $15,000, as provided by specific statute or court rule; (3) exclude additional types of actions from the program; and (4) provide that, based upon the amount of the arbitration award, a trial

anew after an arbitration must be conducted either in district court or as a short trial.

Existing law provides that the Supreme Court may authorize the use of settlement conferences and other alternative methods of resolving disputes, including, without limitation, a short trial. If the Supreme Court authorizes the use of an alternative method of resolving disputes, the Supreme Court is required to adopt rules and procedures to govern the use of any such method. (NRS 38.258) Section 3 of this bill provides that if the Supreme Court authorizes the use of a short trial, in addition to any other appropriate provisions, the rules and procedures governing a short trial must authorize the short trial judge to award to the prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule.

Existing law provides that if an action is submitted to arbitration and, after arbitration, a party requests a trial anew before a jury: (1) the written findings made by the arbitrator or the panel of arbitrators must be admitted at trial; and (2) the court is required to give a specific instruction to the jury. (NRS 38.259) Section 4 of this bill removes such requirements.

Sections 1, 1.5 and 3 make a conforming change to apply the definition of the term "short trial" to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:**

As used in NRS 38.250 to 38.259, inclusive, unless the context otherwise requires, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than eight persons and a specified limit on the amount of time each party may use to present the party's case.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 38.250 is hereby amended to read as follows:

38.250 1. Except as otherwise provided in NRS 38.310:

(a) All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed ~~[$50,000]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs, must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, unless the parties have agreed or are otherwise required to submit the action to an alternative method of resolving disputes established by the Supreme Court pursuant to NRS 38.258, including, without limitation, a settlement conference, mediation or a short trial.

(b) A civil action for damages filed in justice court may be submitted to binding arbitration or to an alternative method of resolving disputes, including, without limitation, a settlement conference or mediation, if the parties agree to the submission.

2. An agreement entered into pursuant to this section must be:

(a) Entered into at the time of the dispute and not be a part of any previous agreement between the parties;

(b) In writing; and

(c) Entered into knowingly and voluntarily.

➥ An agreement entered into pursuant to this section that does not comply with the requirements set forth in this subsection is void.

~~[3. As used in this section, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than eight persons and a specified limit on the amount of time each party may use to present the party's case.]~~

Sec. 2. NRS 38.255 is hereby amended to read as follows:

38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253 to provide guidelines for the establishment by a district court of a program must include provisions for a:

(a) Mandatory program for the arbitration of civil actions pursuant to NRS 38.250.

(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds ~~[$50,000]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs.

(c) Voluntary program for the use of binding arbitration in all civil actions.

2. The rules must provide that the district court of any judicial district whose population is 100,000 or more:

(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.

(b) May set fees and charge parties for arbitration if the amount in issue exceeds ~~[$50,000]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs.

➥ The rules may provide for similar programs for the other judicial districts.

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than ~~[$50,000]~~ ***$100,000*** or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

(e) Probate actions;

(f) Appeals from courts of limited jurisdiction;

(g) Actions for declaratory relief;

(h) Actions involving divorce or problems of domestic relations;

(i) Actions brought for relief based on any extraordinary writs;

(j) Actions for the judicial review of an administrative decision;

(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to rules adopted by the Supreme Court, have submitted the controversy to arbitration or any other alternative method for resolving a dispute;

(l) Actions that present unusual circumstances that constitute good cause for removal from the program;

(m) Actions in which any of the parties is incarcerated; ~~[and]~~

(n) Actions submitted to mediation pursuant to rules adopted by the Supreme Court ~~[.]~~ ***;***

(o) Actions in which an insurer is alleged to have acted in bad faith regarding its obligations to provide insurance coverage and punitive damages are sought;

(p) Actions involving sexual assault or sexual battery; and

(q) Actions for product liability.

4. The rules must include:

(a) Provisions for the payment of fees to an arbitrator who is appointed to hear a case pursuant to the rules. The rules must provide that an arbitrator must be compensated at a rate of ~~[$100]~~ ***$150*** per hour, to a maximum of ~~[$1,000]~~ ***$2,000*** per case, unless otherwise authorized by the arbitration commissioner for good cause shown.

(b) Guidelines ~~[for the]~~ ***authorizing an arbitrator to*** award ~~[of attorney's]~~ ***to the prevailing party:***

(1) Attorney's fees ~~[and]~~ ***in an amount not to exceed $15,000, as provided by specific statute or court rule; and***

(2) Fees, costs and interest in an amount not to exceed $15,000, as provided by specific statute or court rule.

(c) Guidelines setting maximum limitations on the costs to the parties of the arbitration.

~~[(c)]~~ ***(d)*** Disincentives to appeal.

~~[(d)]~~ ***(e)*** Provisions for trial upon the exercise by either party of the party's right to a trial anew after the arbitration. ***The rules must provide that if the arbitration award:***

(1) Exceeds $50,000, exclusive of attorney's fees, costs and interest, the trial anew must be conducted in the district court.

(2) Is $50,000 or less, exclusive of attorney's fees, costs and interest, the trial anew must be conducted as a short trial.

Sec. 3. **NRS 38.258 is hereby amended to read as follows:**

38.258 1. The Supreme Court may authorize the use of settlement conferences and other alternative methods of resolving disputes, including,

without limitation, mediation and a short trial, that are available in the county in which a district court is located:

(a) In lieu of submitting an action to nonbinding arbitration pursuant to NRS 38.250; or

(b) During or following such nonbinding arbitration if the parties agree that the use of any such alternative methods of resolving disputes would assist in the resolution of the dispute.

2. If the Supreme Court authorizes the use of an alternative method of resolving disputes pursuant to subsection 1, the Supreme Court shall adopt rules and procedures to govern the use of any such method.

3. ~~[As used in this section, "short trial" has the meaning ascribed to it in NRS 38.250.]~~ ***If the Supreme Court authorizes the use of a short trial pursuant to this section, in addition to any other appropriate provisions, the rules and procedures governing a short trial must authorize the short trial judge to award to the prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule.***

Sec. 4. **NRS 38.259 is hereby amended to read as follows:**

38.259 1. If an action is submitted to arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, the arbitrator or panel of arbitrators shall, in addition to any other written findings of fact or conclusions of law, make written findings in accordance with this subsection concerning each cause of action. The written findings must be in substantially the following form, with "panel of arbitrators" being substituted for "arbitrator" when appropriate:

Based upon the evidence presented at the arbitration hearing concerning the cause of action for ....., the arbitrator finds in favor of .....(name of the party) and .....("awards damages in the amount of $....." or "does not award any damages on that cause of action").

2. If an action is submitted to arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, and, after arbitration, a party requests a trial anew before a jury ~~[:~~

~~(a) The written findings made by the arbitrator or the panel of arbitrators pursuant to subsection 1 must be admitted at trial. The~~]**,** ***the*** testimony of the arbitrator or arbitrators, whenever taken, must not be admitted at trial, and the arbitrator or arbitrators must not be deposed or called to testify concerning the arbitration. Any other evidence concerning the arbitration must not be admitted at trial, unless the admission of such evidence is required by the Constitution of this State or the Constitution of the United States.

~~[(b) The court shall give the following instruction to the jury concerning the action, substituting "panel of arbitrators" for "arbitrator" when appropriate:~~

~~During the course of this trial, certain evidence was admitted concerning the findings of an arbitrator. On the cause of action for ....., the arbitrator found in favor of .....(name of the party) and .....("awarded damages in the amount of $....." or "did not award any damages on that cause of action"). The findings of the arbitrator may be given the same weight~~

~~as other evidence or may be disregarded. However, you must not give those findings undue weight because they were made by an arbitrator, and you must not use the findings of the arbitrator as a substitute for your independent judgment. You must weigh all the evidence that was presented at trial and arrive at a conclusion based upon your own determination of the cause of action.~~

~~3. The court shall give a separate instruction pursuant to paragraph (b) of subsection 2 for each such cause of action that is tried before a jury.]~~

Sec. 5. **The amendatory provisions of this act apply to civil actions filed on or after January 1, 2026.**

Sec. 6. **This act becomes effective:**

1. Upon passage and approval for the purpose of adopting any rules and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 38.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 29.

AN ACT relating to housing; revising provisions governing manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing; **revising provisions relating to certain investigations by the Administrator;** revising provisions governing the payment of certain claims from the Account for Housing Inspection and Compliance; ~~[establishing the rights of a landlord to access a tenant's lot in a manufactured home park;]~~ revising provisions governing certain disclosures required to be made to a tenant by a landlord of a manufactured home park; revising requirements relating to the maintenance of lots by tenants in a manufactured home park; requiring a ~~[seller or transferor]~~ **purchaser or transferee** of a mobile home park to notify the Housing Division of the Department of Business and Industry of the sale or transfer; **eliminating certain provisions relating to travel trailers;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates various activities relating to manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing. (Chapter 489 of NRS) **Sections** ~~[1]~~ **1.3 and 24-28** of this bill make the requirements and prohibitions in existing law relating to trip permits applicable to manufactured buildings. (NRS 489.122, 489.611-489.661) ~~[Sections]~~ **Section 2** ~~[and 9]~~ of this bill ~~[make]~~ **makes** certain provisions in

existing law relating to the issuance of certificates and labels of compliance applicable to manufactured buildings. (NRS 489.241, 489.461) **Sections 3 and 14-18** of this bill make the requirements in existing law relating to regulations governing certain sales and the issuance of certificates of title by the Housing Division of the Department of Business and Industry applicable to manufactured buildings. (NRS 489.272, 489.531-489.581) **Sections 4-6** of this bill make the enforcement authority of the Division in existing law relating to notice of violations, orders to vacate and orders to stop work applicable to manufactured buildings. (NRS 489.291, 489.295, 489.297) **Section 8** of this bill makes the provisions relating to advance fees in existing law applicable to sales of manufactured buildings and factory-built housing. (NRS 489.426)

Existing law authorizes, in certain circumstances, and requires, upon receiving a complaint, the Administrator of the Division to investigate certain actions of a licensee or other person suspected to violate any provision of existing law regulating various activities relating to manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing and take certain disciplinary action. (NRS 489.431) Section 8.5 of this bill: (1) provides, with certain exceptions, that the documents, files and communications made or received relating to such an investigation are confidential and not a public record; and (2) requires the Administrator, to the extent feasible, to communicate or cooperate with a licensing board or any other agency conducting an investigation relating to such acts. Section 39.7 of this bill makes a conforming change to indicate that such records are not public records.

Existing law creates the Account for Housing Inspection and Compliance in the State General Fund and requires that this Account be administered by the Division. (NRS 319.169) Under existing law, a person is required to obtain a license from the Division to engage in the business of a dealer, distributor, manufacturer, general serviceperson, specialty serviceperson, salesperson or certain managing employee in connection with the sale, lease, distribution, alteration, repair, remodeling or manufacture of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing. (NRS 489.311, 489.341) Existing law provides a procedure pursuant to which certain persons who obtain judgments against such licensees for acts of fraud, misrepresentation or deceit made in connection with their licenses are authorized to make a claim for payment from the Account of any unpaid damages, subject to certain monetary limitations. (NRS 489.4971-489.4989) **Sections 10 and 11** of this bill clarify that an eligible claimant for such a payment is not only a purchaser of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing but any person who entered into an agreement for the sale, purchase, lease, distribution, alteration, repair, remodeling or manufacture of such housing. **Sections 10 and 11** also expand the actions regarding which such claims are authorized to be made to include any action against a licensee in which

damages are recovered for an act or omission of the licensee that violates the laws governing manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing. Additionally, **sections 10 and 11** reorganize the existing procedure for making a claim for payment from the Account. **Section 7** of this bill makes a conforming change to refer to a provision that has been renumbered by **section 10**. (NRS 489.325)

Existing law sets forth certain requirements concerning the sale of a new, used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or new, used or rebuilt factory-built housing. (NRS 489.501, 489.511, 489.521) If such a sale is conducted by a dealer, existing law requires the dealer to complete a report of sale in a form prescribed by the Division and submit the report of sale and certain other documents to the Division within certain time periods after the sale. (NRS 489.501, 489.511) ~~[In addition to the report of sale and other documents, sections]~~ **Sections 12 and 13** of this bill require ~~[a dealer to submit]~~ **that the report of sale submitted** to the Division ~~[within certain time periods after the sale the completed contract for sale prescribed by the Administrator of the Division.]~~ **be completed.**

Sections 19-23 of this bill make the provisions in existing law relating to the issuance of labels and certificates of installation applicable to manufactured buildings and commercial coaches. (NRS 489.591-489.5965) **Section 29** of this bill makes the exemption of a dealer from property taxes for inventory in existing law applicable to the dealer's inventory of manufactured buildings and factory-built housing. (NRS 489.711) **Section 30** of this bill makes the requirements for offers to sell, buy or lease used manufactured homes, mobile homes and commercial coaches applicable to such offers for used manufactured buildings and factory-built housing. (NRS 489.715) **Section 31** of this bill expands the forms of contracts in existing law that the Administrator is required to prescribe for use by a dealer to include contracts for the sale or listing for sale of a manufactured building or factory-built housing. (NRS 489.7152)

Existing law: (1) authorizes the Division to investigate and audit any financial account related to the business of a dealer or distributor of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing to investigate potential insolvency or to administer or enforce any law; and (2) requires the Administrator to adopt regulations prescribing the scope of such an audit. (NRS 489.7235) Instead of investigating for potential insolvency, **section 32** of this bill authorizes the Division to investigate whether the dealer or distributor violated laws governing manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing. **Section 32** also broadens the authority of the Division for adoption of the regulations to include the investigation and other related matters.

Sections 33 and 35 of this bill expand the prohibition in existing law against a dealer commingling his or her money with money or other property of a seller or purchaser of a manufactured home or mobile home to apply to sales or

purchases of manufactured buildings, commercial coaches and factory-built housing. (NRS 489.727, 489.821) **Section 34** of this bill expands the prohibition against manufacturing a manufactured home, mobile home ~~[, travel trailer]~~ or commercial coach unless the components and system are constructed or assembled according to certain standards to include manufactured buildings and factory-built housing. (NRS 489.801)

~~[Existing law sets forth certain rights and obligations of the owner or lessor of a manufactured home lot within a manufactured home park or the owner or lessor of such a park. (NRS 118B.065-118B.185) Existing law defines such an owner or lessor as a "landlord." (NRS 118B.014) Existing law defines the owner of a manufactured home which is located on a manufactured home lot in a manufactured home park as a "tenant." (NRS 118B.0185) Section 36 of this bill establishes the rights of the landlord to access the lot of a tenant. Section 36 is modeled on the rights of a landlord to access the dwelling unit of a tenant in the Residential Landlord and Tenant Act. (NRS 118A.330)~~

~~Existing law prohibits certain retaliatory conduct by a landlord against a tenant, including terminating a tenancy, refusing to renew a tenancy, increasing rent or decreasing services, or bringing or threatening to bring an action for possession of a manufactured home lot because the tenant has complained to the landlord concerning a violation of certain provisions of existing law. (NRS 118B.210) Section 39 of this bill also prohibits such retaliatory conduct by a landlord against a tenant who complains about a violation of section 36.]~~

Existing law requires a landlord **of a manufactured home lot or manufactured home park** to: (1) provide certain written disclosures to each tenant, including certain contact information for the **manufactured home** park owner, manager, assistant manager and person authorized to receive service of process for the landlord; and (2) post or provide to each tenant the office hours or the landlord's availability at the park. (NRS 118B.080) **Section 37** of this bill **revises such disclosure requirements to mandate certain contact information for the representative of the manufactured home park instead of the manager or assistant manager and** adds to such disclosure requirements an electronic mail address **, if available,** for ~~[such persons and]~~ **the manufactured home park and the person authorized to receive service of process for the landlord.** **Section 37** requires that the office hours be during regular business hours. **Section 37** also requires that the manager or assistant manager of a manufactured home park consisting of 75 or more lots: (1) be available at the park location for a minimum of 8 hours each week during regular business hours; and (2) post such hours.

Existing law authorizes a landlord or his or her agent or employee to require a tenant to landscape and maintain the tenant's lot if the landlord advises the tenant in writing of reasonable requirements for landscaping. (NRS 118B.120) **Section 38** of this bill changes the authority of the landlord regarding landscaping to only allow the landlord **, with certain exceptions,** to require the tenant to reasonably maintain the tenant's lot to control weeds and any

grass or other vegetation and only if the landlord had provided the tenant with 30 days' advance written notice of the requirement.

Existing law sets forth various requirements and restrictions relating to a mobile home park. (NRS 461A.215-461A.237) **Section 40** of this bill requires a ~~[seller or transferor]~~ **purchaser or transferee** of a mobile home park to notify the Division of the sale or transfer of the park, in a form prescribed by the Division, within 10 business days after the sale or transfer.

Section 40.5 of this bill repeals the definition of the term "travel trailer," which has the effect of eliminating the applicability to travel trailers of the provisions of law regulating various activities relating to manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing. Sections 1-1.2, 1.4-2, 9, 28.5, 34-35 and 39.3 of this bill make conforming changes as a result of the elimination of the term.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 489.021 is hereby amended to read as follows:**

489.021 1. The Legislature finds that the construction, assembly and use of manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings, commercial coaches and factory-built housing and their systems, components and appliances, and the alteration, transportation and installation of manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing, like other products having concealed vital parts, may present hazards to the health, life and safety of persons and the safety of property unless they are properly manufactured, altered, transported and installed.

2. In the sale of manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings, commercial coaches and factory-built housing, there is also the possibility of unascertained defects in them even though they are inspected by purchasers.

3. It is the policy and purpose of this State to protect the public against these hazards and to prohibit the manufacture, sale, distribution, alteration, transportation and installation in this State of manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings, commercial coaches and factory-built housing which are not constructed in a manner which provides reasonable safety and protection to owners and users.

4. The Legislature further intends to provide a procedure to ensure that this State assumes the fullest responsibility for the administration and enforcement of federal safety and construction standards for manufactured homes in Nevada in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.

Sec. 1.1. **NRS 489.115 is hereby amended to read as follows:**

489.115 "Manufacturer" means every person, including, without limitation, a partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company, or a

corporation, engaged in the business of manufacturing manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings, commercial coaches or factory-built housing.

Sec. 1.2. **NRS 489.120 is hereby amended to read as follows:**

489.120 1. "Mobile home" means a structure which is:

(a) Built on a permanent chassis;

(b) Designed to be used with or without a permanent foundation as a dwelling when connected to utilities; and

(c) Transportable in one or more sections.

2. The term includes the design of the body and frame and the plumbing, heating, air-conditioning and electrical systems of the mobile home.

3. The term does not include a recreational park trailer, ~~[travel trailer,]~~ commercial coach or manufactured home or any structure built in compliance with the requirements of chapter 461 of NRS.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 489.122 is hereby amended to read as follows:

489.122 "Movement" means the act of towing, pushing or otherwise propelling a manufactured home, mobile home ***, manufactured building*** or commercial coach upon a highway or road.

Sec. 1.4. **NRS 489.125 is hereby amended to read as follows:**

489.125 "New manufactured home," "new mobile home," ~~[~~"new travel trailer,"~~]~~ "new manufactured building," "new commercial coach" or "new factory-built housing" means a manufactured home, mobile home, ~~[travel trailer,]~~ manufactured building or commercial coach or factory-built housing, respectively, which has never been sold at retail or occupied either before or after sale for the purpose intended by the manufacturer and has never been registered with or been the subject of a certificate of title issued by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.

Sec. 1.5. **NRS 489.155 is hereby amended to read as follows:**

489.155 "Used manufactured home," "used mobile home," ~~[~~"used travel trailer,"~~]~~ "used manufactured building," "used commercial coach" or "used factory-built housing" means a manufactured home, mobile home, ~~[travel trailer,]~~ manufactured building or commercial coach or factory-built housing, respectively, which has been:

1. Sold, rented or leased and occupied before or after the sale, rental or lease; or

2. Registered with or been the subject of a certificate of title issued by the appropriate agency of authority of any other state, the District of Columbia, or any territory or possession of the United States or any foreign state, province or country.

Sec. 1.6. **NRS 489.221 is hereby amended to read as follows:**

489.221 An employee of the Division shall not hold an interest in any firm which sells, distributes, manufactures, rebuilds or services any manufactured

home, mobile home, ~~[travel trailer,]~~ manufactured building, commercial coach or factory-built housing or which installs any manufactured home, mobile home, manufactured building, commercial coach or factory-built housing, or act as an agent for any of them.

Sec. 1.7. **NRS 489.231 is hereby amended to read as follows:**

489.231 1. To carry out the provisions of this chapter, the Administrator may:

(a) Issue subpoenas for the attendance of witnesses or the production of books, papers and documents; and

(b) Conduct hearings.

2. The Administrator may apply for and receive grants from the Secretary of Housing and Urban Development for developing and carrying out a plan for enforcement and administration of federal standards of safety and construction respecting manufactured homes offered for sale or lease in this state.

3. The Administrator may adopt regulations to ensure acceptance by the Secretary of Housing and Urban Development of the state plan for administration and enforcement of federal standards of safety and construction respecting manufactured homes in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.

4. The Administrator may:

(a) Make inspections;

(b) Approve plans and specifications;

(c) Provide technical services;

(d) Issue licenses, permits, certificates of title and certificates and labels of compliance and installation in such form as he or she may deem proper, including, without limitation, in electronic form;

(e) Enter into reciprocal agreements with other states or private organizations that adopt and maintain standards reasonably consistent with this chapter;

(f) Collect the fees provided for in this chapter; and

(g) Adopt regulations necessary to carry out his or her duties under this chapter.

5. The Administrator or a representative of the Administrator may enter, at reasonable times and without notice, any mobile home park or place of business or any factory, warehouse or establishment in which manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings or factory-built housing are manufactured, stored or held for sale or distribution and inspect at reasonable times in a reasonable manner the premises and books, papers, records and documents which are relevant to the manufacture, distribution and sale of manufactured homes, mobile homes, ~~[travel trailers,]~~ manufactured buildings or factory-built housing and compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto, and to compliance by landlords of

mobile home parks with the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee. A magistrate shall issue a warrant to permit an inspection if the Administrator has shown:

(a) Evidence that a violation of a provision of this chapter or of the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee has been committed or is being committed; or

(b) That the business has been chosen for an inspection on the basis of a general administrative plan for the enforcement of the provisions of this chapter.

Sec. 2. NRS 489.241 is hereby amended to read as follows:

489.241 The Administrator shall adopt regulations:

1. Consistent with the federal regulations governing procedure and enforcement respecting manufactured homes to administer and enforce federal construction and safety standards respecting manufactured homes in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

2. For the construction of commercial coaches that are reasonably consistent with nationally recognized standards.

3. For the:

(a) Reconstruction; and

(b) Alteration, including that done to a plumbing, heating or electrical system,

➥ of mobile homes and commercial coaches that are reasonably consistent with nationally recognized standards.

4. For the issuance of certificates and labels of compliance. The regulations must provide for, without limitation:

(a) Inspection at the place of manufacture;

(b) Submission and approval of plans and specifications or for the actual inspection and approval of the ***manufactured home,*** mobile home, ~~[travel trailer ,]~~ ***manufactured building*** or commercial coach or acceptance of a label of compliance issued by another state or a private organization which the Administrator finds has a competent inspection program reasonably consistent with this chapter; and

(c) Revocation for cause, upon notice and hearing, of the right of a manufacturer to sell ***manufactured homes,*** mobile homes, ~~[travel trailers ,]~~ ***manufactured buildings*** or commercial coaches in this state for use in this state.

~~[5. Consistent with nationally recognized standards governing the minimum requirements for the design of travel trailers.]~~

Sec. 3. NRS 489.272 is hereby amended to read as follows:

489.272 The Administrator shall adopt regulations:

1. Requiring a person who is buying or selling a manufactured home, mobile home ***, manufactured building*** or commercial coach pursuant to:

(a) A sale to satisfy a lien; or

(b) A contract for sale or other agreement by which the certificate of title does not pass immediately from the seller to the buyer upon the sale,

➥ to submit to the Administrator such information regarding the sale as the Administrator deems necessary.

2. Establishing requirements for the issuance or transfer of a certificate of title of a mobile home, manufactured home ***, manufactured building*** or commercial coach in cases involving:

(a) More than one transferor or transferee;

(b) A transferor or transferee who holds a certificate of title in trust for another person; or

(c) A sale to satisfy a lien.

Sec. 4. NRS 489.291 is hereby amended to read as follows:

489.291 1. If the Administrator finds a violation of this chapter or of the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, or of any regulation adopted pursuant to this chapter, the Administrator may issue a notice of violation to the person alleged to have violated the provision. The notice of violation must set forth the violation which the Administrator alleges with particularity and specify the corrective action which is to be taken and the time within which the action must be taken. If the person is alleged to have violated the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, the notice of violation must specify that the fee be repaid in full, and may specify any other corrective action which the Administrator deems necessary.

2. Any person who fails to take the corrective action required in a notice of violation is guilty of a misdemeanor and the Administrator may:

(a) Apply to the district court for the judicial district in which the violation is alleged to have occurred for an injunction and any other relief which the court may grant to compel compliance;

(b) Request that the district attorney of the county in which the violation is alleged to have occurred prosecute the person for the violation;

(c) If the person is alleged to have violated the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, assess a penalty against the person equal to three times the amount of the fee which was charged or received; or

(d) If the person is alleged to have violated NRS 489.311 and while acting without a license is alleged to have caused damage to a mobile home, manufactured home ***, manufactured building*** or commercial coach, require that the person reimburse the owner of the mobile home, manufactured home***, manufactured building*** or commercial coach for the cost of repairing such damage and assess a penalty against that person equal to the estimated cost of such repairs.

3. The assessment of a penalty pursuant to paragraph (c) or (d) of subsection 2 is a contested case.

4. Any person who is found to have violated a provision of this chapter, the prohibition in NRS 118B.140 against charging or receiving an entrance or

exit fee, or a regulation adopted pursuant to this chapter, is liable for the cost incurred by the Division in enforcing the provision or regulation.

Sec. 5. NRS 489.295 is hereby amended to read as follows:

489.295 1. If an inspection reveals that a used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach is constructed or maintained in violation of this chapter, the Division may order its use discontinued and the used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach, or any portion thereof, vacated.

2. The order to vacate must be served upon the person using the used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach and copies of the order must also be posted at or upon each exit of the used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach.

3. The order to vacate must include a reasonable time within which the violation may be corrected.

4. A person shall not occupy or use the used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach in violation of the order to vacate.

Sec. 6. NRS 489.297 is hereby amended to read as follows:

489.297 1. Whenever any construction, rebuilding or other work is performed in violation of this chapter or any regulation adopted pursuant to this chapter, the Division may order the work stopped.

2. The order to stop work must be served upon the person doing the work or upon the person causing the work to be done. The person served with the order shall immediately cease the work until authorized by the Division to continue it.

3. A copy of the order to stop work must be posted at or upon a recognized entrance of the used manufactured home, used mobile home ***, used manufactured building*** or used commercial coach.

Sec. 7. NRS 489.325 is hereby amended to read as follows:

489.325 1. The Administrator may adopt regulations which provide for the licensing of specialty servicepersons. A person licensed as a specialty serviceperson pursuant to this section must be limited in the scope of the work he or she may perform to installation or repair in one of the following categories:

(a) Awnings, roofing or skirting;

(b) Plumbing;

(c) Heating and air-conditioning systems;

(d) Electrical systems; or

(e) Any other category that may be similarly licensed by the State Contractors' Board.

2. The Administrator shall provide in those regulations for:

(a) The imposition of reasonable fees for application, examination and licensure.

(b) The creation and administration of a written or oral examination for each category of limited licensure.

(c) Minimum qualifications for such a license, including, without limitation, the passage of any applicable examination required pursuant to subsection 1 of NRS 489.351, unless waived pursuant to subsection 2 of NRS 489.351.

3. A person who is licensed as a specialty serviceperson shall comply with each statute and regulation which applies to general servicepersons, including, without limitation, the payment of a fee required pursuant to subparagraph ***(1)*** of paragraph (c) of subsection ~~[2]~~ ***1*** of NRS 489.4971.

Sec. 8. NRS 489.426 is hereby amended to read as follows:

489.426 1. A person who charges or collects an advance fee shall, within 3 months after charging or collecting such a fee, furnish to his or her principal an accounting of the use of the money. The Administrator also may require an accounting by the person of the use of the money.

2. A person shall not accept an advance fee listing unless the person is a dealer, responsible managing employee or salesperson who is licensed pursuant to this chapter.

3. The Administrator may adopt regulations concerning advance fee listings and the charging and collecting of an advance fee, including, but not limited to:

(a) Forms to be used for advance fee agreements; and

(b) Reports and forms of accounting required to be kept, made or submitted to the Division.

4. A violation of this section or the regulations adopted pursuant to this section constitutes grounds for disciplinary action against a licensee.

5. As used in this section:

(a) "Advance fee" means the money contracted for, charged, claimed, collected, demanded or received for an advance fee listing of, an advertisement for or an offer to sell a manufactured home, mobile home ***, manufactured building*** or commercial coach ~~[.]~~ ***or factory-built housing,*** if the advance fee listing, advertisement or offer is issued to promote the sale of a manufactured home, mobile home ***, manufactured building*** or commercial coach ***or factory-built housing*** or for referral to a business, to dealers or to salespersons, before the last printing or other last issuance thereof, other than by a newspaper of general circulation.

(b) "Advance fee listing" includes, but is not limited to:

(1) The name or a list of the names of owners, prospective buyers or exchangers, or the location of a manufactured home, mobile home ***, manufactured building*** or commercial coach ***or factory-built housing*** that is offered for sale or exchange.

(2) The location at which prospective or potential buyers or exchangers of manufactured homes, mobile homes ~~[or]~~ ***, manufactured buildings,*** commercial coaches ***or factory-built housing*** may be communicated with or found.

(3) An agreement by which a person who is engaged in the business of promoting the sale of manufactured homes, mobile homes ~~[or]~~ ***, manufactured buildings,*** commercial coaches ***or factory-built housing*** agrees to render to an owner or buyer any service to promote the sale of the manufactured home, mobile home ~~[or]~~ ***, manufactured building,*** commercial coach ***or factory-built housing*** for an advance fee.

(4) An agreement by which a person agrees to locate or to promote the sale of a manufactured home, mobile home ***, manufactured building*** or commercial coach ***or factory-built housing*** for an advance fee.

➥ The term does not include any publication issued for general circulation.

Sec. 8.5. **NRS 489.431 is hereby amended to read as follows:**

489.431 1. The Administrator may on his or her own motion, and shall upon receiving a complaint, investigate the actions of any licensee or any other person who assumes to act in the capacity of a licensee in this State. A complaint must be verified and filed with the Division within 2 years after the act complained of.

2. If the Administrator finds that the licensee or other person has acted in violation of this chapter, and that the violation is not repeated or continuing, the Administrator may attempt to secure a correction of the violation or satisfaction for the complainant from the licensee or other person. If the Administrator's attempt fails or if the Administrator determines that disciplinary action is necessary, the Administrator may take disciplinary action.

3. If the Administrator finds that the violation is being repeatedly or continuously committed, or if in the Administrator's discretion the violation warrants disciplinary action, the Administrator may take disciplinary action without seeking correction or satisfaction.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a licensee or other person who assumes to act in the capacity of a licensee are confidential.

5. The charging documents filed with the Administrator to initiate disciplinary action pursuant to this chapter and all documents and information considered by the Administrator or a hearing officer when determining whether to impose discipline are public records.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

7. The Administrator shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 9. NRS 489.461 is hereby amended to read as follows:

489.461 Except as otherwise provided in NRS 278.02095, a manufactured home, mobile home ~~[, travel trailer~~ ***, manufactured building]*** or commercial coach for which a certificate and label of compliance has been issued pursuant to the provisions of this chapter is not required to comply with any local building codes or ordinances prescribing standards for plumbing, heating, electrical systems, body and frame design and construction requirements.

Sec. 10. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. ~~[Any person who entered into an agreement for the sale, purchase, lease, distribution, alteration, repair, remodeling or manufacture of a manufactured home, mobile home, manufactured building or commercial coach or factory built housing may file a claim against a person licensed pursuant to the provisions of this chapter. Such a claim may be satisfied by the Account.~~

~~2.]~~ Upon the issuance or renewal of the following licenses by the Division, the licensee must pay, in addition to the original or renewal license fee, a fee:

(a) For a dealer's, distributor's or manufacturer's original license, or for any original limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of $1,000.

(b) For a dealer's, distributor's or manufacturer's renewal license, or a renewal of any limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of $600.

(c) For an original or renewal license for:

(1) A general serviceperson or specialty serviceperson, of $150.

(2) A salesperson, of $75.

(3) A responsible managing employee, of $100.

➥ Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the State Treasury for credit to the Account.

~~[3. A payment from the Account to satisfy the claim of a person specified in subsection 1 against a person who is licensed pursuant to this chapter must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to this chapter.~~

~~4. If a person specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter, the person specified in subsection 1 must serve a copy of the complaint upon the Administrator within 30 days after the action is commenced.]~~

2. Money in the Account must, within the limitations set by NRS 489.4975 and 489.4983, be used to pay a claim for which:

(a) A court entered an order directing payment of the claim from the Account pursuant to NRS 489.4979; or

(b) The Administrator compromised the claim pursuant to NRS 489.4977.

Sec. 11. NRS 489.4975 is hereby amended to read as follows:

489.4975 1. If a ~~[purchaser]~~ ***person who entered into an agreement for the sale, purchase, lease, distribution, alteration, repair, remodeling or***

manufacture of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing ***commences an action against a person who is licensed pursuant to this chapter relating to an act or omission of the licensee that is in violation of this chapter or the regulations adopted pursuant thereto, the person who commenced the action must serve a copy of the complaint in the action upon the Administrator within 30 days after the action is commenced.***

2. If the person who commenced the action obtains a final judgment in any court of competent jurisdiction ***for the recovery of damages*** against ~~[any]~~ ***the*** licensee ***,*** ~~[under this chapter in an action specified in subsection 3 of NRS 489.4971,]~~ the judgment creditor may, ~~[upon]~~ ***within 1 year after*** the termination of all proceedings, including appeals in connection with any judgment, ~~[file]~~ ***make a claim for payment from the Account by filing*** a verified petition in the court in which the judgment was entered for an order directing payment from the Account in the amount of actual damages included in the judgment and unpaid, but not more than $25,000 per judgment and the liability of the Account may not exceed $100,000 for any licensee.

~~[2.]~~ ***3.*** A copy of the petition must be served upon the Administrator and an affidavit of service filed with the court. The petition and each copy of the petition served pursuant to this subsection must set forth the grounds which entitle the judgment creditor to recover from the Account and must include a copy of:

(a) The final judgment specified in subsection ~~[1,]~~ ***2;***

(b) The complaint upon which the final judgment was entered; and

(c) If assets are known to exist, the writ of execution that was returned unsatisfied.

~~[3.]~~ ***4.*** The court shall act upon the petition within 30 days after service and, upon the hearing of the petition, the judgment creditor must show that:

(a) The judgment creditor is not the spouse of the judgment debtor, or the personal representative of that spouse.

(b) The judgment creditor has complied with all the requirements of NRS 489.4971 to 489.4989, inclusive.

(c) The judgment creditor has obtained a judgment of the kind described in subsection ~~[1,]~~ ***2,*** stating the amount of the judgment and the amount owing on it at the date of the petition.

(d) A writ of execution has been issued upon the judgment and that no assets of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of any of them that were found under the execution was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due.

(e) The judgment creditor and the Division have made reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(f) The petition has been filed not more than 1 year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

~~[4.]~~ ***5.*** A person licensed pursuant to this chapter shall not recover from the Account for damages related to a transaction in which the person acted in his or her capacity as a licensee.

Sec. 12. NRS 489.501 is hereby amended to read as follows:

489.501 1. When a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing is sold in this State by a dealer, the dealer shall complete a report of sale. The report of sale must be in a form prescribed by the Division.

2. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division. A dealer who sells a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing shall deliver the buyer's copy of the acknowledgment of taxes to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing will be located.

3. The dealer shall submit the ***completed*** report of sale ~~***[and contract for sale prescribed by NRS 489.7152]***~~ and the manufacturer's certificate or statement of origin to the Division within 30 days after the execution of all instruments which the contract of sale required to be executed at the time of sale or within 30 days after the date of sale, whichever is later, unless an extension of time is granted by the Division.

4. A dealer who sells a new manufactured home, new mobile home, new manufactured building or new commercial coach or new factory-built housing shall deliver a copy of the report of sale to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing will be located.

Sec. 13. NRS 489.511 is hereby amended to read as follows:

489.511 1. If a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold in this State by a dealer, the dealer shall complete a dealer's report of sale. The report must be in a form prescribed by the Division.

2. The dealer shall submit the ***completed*** dealer's report of sale ~~***[and contract for sale prescribed by NRS 489.7152]***~~ to the Division within 45 days after the execution of all instruments which the contract of sale requires to be executed at the time of the sale, unless an extension of time is granted by the Division, together with the endorsed certificate of title previously issued. The dealer shall furnish one copy of the report of sale to the buyer at the time of the sale. Within 45 days after the sale, the dealer shall furnish one copy of the report of sale to the assessor of the county in which the manufactured home,

mobile home, manufactured building, commercial coach or factory-built housing will be located.

3. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division. The dealer shall deliver the buyer's copy of the acknowledgment to the buyer at the time of sale and submit another copy to the county assessor of the county in which the manufactured home, mobile home, manufactured building, commercial coach or factory-built housing is to be located.

4. If a used or rebuilt manufactured home, mobile home, manufactured building or commercial coach or used or rebuilt factory-built housing is sold by a dealer pursuant to an installment contract or other agreement by which the certificate of title does not pass immediately from the seller to the buyer upon the sale, the dealer shall submit to the Division any information required by the regulations adopted by the Administrator pursuant to NRS 489.272.

Sec. 14. NRS 489.531 is hereby amended to read as follows:

489.531 The Division shall not issue a certificate of title of a used manufactured home ***,*** ~~[or]~~ used mobile home ***, used manufactured building or used commercial coach*** unless the county assessor of the county in which the manufactured home ***,*** ~~[or]~~ mobile home ***, manufactured building or commercial coach*** was situated at the time of sale has provided to the Division, on a form prescribed by the Division, verification that all personal property taxes on that manufactured home ***,*** ~~[or]~~ mobile home ***, manufactured building or commercial coach*** for the fiscal year have been paid.

Sec. 15. NRS 489.561 is hereby amended to read as follows:

489.561 Whenever an application is made to the Division for title of a manufactured home, mobile home ***, manufactured building*** or commercial coach previously titled and the applicant is unable to present the certificate of title previously issued because it is lost or being unlawfully detained by one in possession or is not otherwise available, the Division may receive the application and examine the circumstances of the case and require the filing of affidavits or other information. When the Division is satisfied that the applicant is entitled to a certificate of title, or pursuant to NRS 489.562, it may issue the certificate on the manufactured home, mobile home ***, manufactured building*** or commercial coach.

Sec. 16. NRS 489.564 is hereby amended to read as follows:

489.564 1. The owner or joint owners of a manufactured home, mobile home ***, manufactured building*** or commercial coach may request the Division to issue a certificate of title in beneficiary form for the manufactured home, mobile home ***, manufactured building*** or commercial coach, as applicable, which includes a directive to the Division to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.

2. A request made pursuant to subsection 1 must be submitted on an application made available by the Division and must:

(a) Contain a notarized signature of the owner or each joint owner; and

(b) Be accompanied by the fee for the issuance of a certificate of title.

3. A certificate of title in beneficiary form may not be issued to a person who holds an interest in a manufactured home, mobile home ***, manufactured building*** or commercial coach as a tenant in common with another person.

4. A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to a manufactured home, mobile home ***, manufactured building*** or commercial coach for which a certificate of title in beneficiary form has been issued; and

(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the manufactured home, mobile home ***, manufactured building*** or commercial coach with proper assignment and delivery of the certificate of title to another person; or

(2) Filing an application with, and paying a fee to, the Division to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in a manufactured home, mobile home ***, manufactured building*** or commercial coach on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the manufactured home, mobile home ***, manufactured building*** or commercial coach were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Division shall, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner; and

(b) Payment of the fee for a certificate of title,

➥ issue a new certificate of title for the manufactured home, mobile home ***, manufactured building*** or commercial coach to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purposes of complying with the provisions of subsection 8, the Division may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of a manufactured home, mobile home ***, manufactured building*** or commercial coach pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means a person or persons designated to become the owner or owners of a manufactured home, mobile home ***, manufactured building*** or commercial coach on the death of the preceding owner or owners.

(b) "Certificate of title in beneficiary form" means a certificate of title of a manufactured home, mobile home ***, manufactured building*** or commercial coach that indicates the present owner or owners of the manufactured home, mobile home ***, manufactured building*** or commercial coach and designates a beneficiary.

Sec. 17. NRS 489.571 is hereby amended to read as follows:

489.571 1. Whenever a security interest is created in a manufactured home, mobile home ***, manufactured building*** or commercial coach, the certificate of title must be delivered to the Division with a statement signed by the debtor showing the date of the security agreement, the names and addresses of the debtor and the secured party.

2. The Division shall issue to the secured party a certificate of title with the name and address of the secured party and the name and address of the registered owner noted on it. If the security interest is subsequently acquired by another person, or if there is a change in the name or address of the secured party, the secured party shall apply to the Division for a corrected certificate of title.

3. When the contract or terms of the security agreement have been fully performed, the seller or other secured party who holds the certificate of title shall deliver the certificate to the person legally entitled to it with proper evidence of the termination or release of the security interest.

Sec. 18. NRS 489.581 is hereby amended to read as follows:

489.581 Compliance with the provisions of this chapter relating to a security interest in a manufactured home, mobile home ***, manufactured building*** or commercial coach is sufficient for the perfection and release of that security interest. In all other respects the rights and duties of the debtor and secured party are governed by the Uniform Commercial Code—Secured Transactions and chapter 97 of NRS to the extent applicable.

Sec. 19. NRS 489.591 is hereby amended to read as follows:

489.591 The Division shall adopt regulations concerning the issuance of:

1. Certificates of installation issued by the Division which certify that the manufactured home, mobile home ***, manufactured building*** or commercial coach was installed in compliance with regulations adopted by the Division.

2. Labels of installation issued by the Division which must be attached to a manufactured home, mobile home ***, manufactured building*** or commercial coach after the certificate of installation has been issued and removed when the manufactured home, mobile home ***, manufactured building*** or commercial coach is moved from the location it occupied when the certificate was issued.

Sec. 20. NRS 489.593 is hereby amended to read as follows:

489.593 Each certificate of installation issued by the Division for a manufactured home ***,*** ~~[or]~~ mobile home ***, manufactured building or***

commercial coach must include the following information:

1. The name of the Administrator;
2. The address and telephone number of each office of the Division;
3. The legal rights of owners of manufactured homes ***,*** ~~[and]~~ mobile homes ~~[.]~~ ***, manufactured buildings and commercial coaches;***
4. The procedure for filing a complaint with the Administrator;
5. The procedure for resolution of disputes between owners of manufactured homes ***,*** ~~[or]~~ mobile homes ***, manufactured buildings or commercial coaches*** and persons licensed by the Division; and
6. Any other information prescribed by the Administrator.

Sec. 21. NRS 489.595 is hereby amended to read as follows:

489.595 A dealer shall provide a copy of the certificate of installation described in NRS 489.593 to each purchaser of a new manufactured home ~~[.]~~ ***, new mobile home, new manufactured building or new commercial coach.*** The Division shall make available sample copies of certificates of installation to all licensed dealers for distribution to prospective purchasers.

Sec. 22. NRS 489.596 is hereby amended to read as follows:

489.596 1. The Division, in cooperation with manufacturers and organizations concerned with manufactured homes ***,*** ~~[and]~~ mobile homes, ***manufactured buildings and commercial coaches,*** shall conduct one or more training programs each year regarding appropriate methods and techniques for conducting any inspections necessary for the issuance of certificates of installation and labels of installation for manufactured homes ***,*** ~~[and]~~ mobile homes ~~[.]~~ ***manufactured buildings and commercial coaches.***

2. The Division shall pay for the expenses of conducting the programs from money in the Account.

Sec. 23. NRS 489.5965 is hereby amended to read as follows:

489.5965 No person may issue a certificate of installation or label of installation for a manufactured home ***,*** ~~[or]~~ mobile home ***, manufactured building or commercial coach*** unless the person has successfully completed, within the preceding 12 months, a training program conducted pursuant to NRS 489.596.

Sec. 24. NRS 489.611 is hereby amended to read as follows:

489.611 1. Except as otherwise provided in subsection 2, no manufactured home, mobile home ***, manufactured building*** or commercial coach may be moved upon the highways or roads of this state through use of any valid license plate unless a proper trip permit is obtained and displayed.

2. NRS 489.621 to 489.661, inclusive, do not apply to manufactured homes, mobile homes ***, manufactured buildings*** or commercial coaches moved:

(a) Through this state from and to points outside Nevada.
(b) Into this state with a valid license plate or permit from another state.
(c) With any valid license plate when movement is from:

(1) The place of manufacture of the manufactured home, mobile home ***, manufactured building*** or commercial coach to the place of business of a dealer licensed under this chapter;

(2) One dealer lot to another; or

(3) A dealer lot to the place of delivery to that dealer's buyer.

Sec. 25. NRS 489.621 is hereby amended to read as follows:

489.621 1. Except as otherwise provided in NRS 489.611, any person who moves a manufactured home, mobile home ***, manufactured building*** or commercial coach upon any highway or road in this state shall, before that movement, apply to the county assessor for a trip permit. The assessor of the county from which the manufactured home, mobile home ***, manufactured building*** or commercial coach is to be moved shall issue a trip permit for each section of the manufactured home, mobile home ***, manufactured building*** or commercial coach upon application presented in the form prescribed by the Division, payment of a fee of $5 for each permit, and proof satisfactory to the assessor of ownership and that all property taxes, for the full year in which the permit is to be used, and use taxes if applicable, levied against the manufactured home, mobile home ***, manufactured building*** or commercial coach and its contents have been paid.

2. The trip permit authorizes movement over the highways and roads for not more than 5 consecutive working days following the date of issuance and the application and permit respectively must be used in lieu only of any certificate of registration and vehicle license number plate required by law.

Sec. 26. NRS 489.631 is hereby amended to read as follows:

489.631 1. The application for a trip permit must contain any information required by the Division, and the name of the owner of the manufactured home, mobile home ***, manufactured building*** or commercial coach, the make, model and serial number of the manufactured home, mobile home ***, manufactured building*** or commercial coach, the location of the place from which it was moved, the address of the place to which it is to be moved, the amount of all property taxes paid for the manufactured home, mobile home ***, manufactured building*** or commercial coach for the year in which the permit will be used, the expiration date of the permit and the signature of the county assessor or designee of the county assessor.

2. The county assessor shall, within 10 days after issuing the trip permit, forward a copy of the application:

(a) To the Division; and

(b) To the assessor of the county where the manufactured home, mobile home ***, manufactured building*** or commercial coach will be located, unless the manufactured home, mobile home ***, manufactured building*** or commercial coach is to leave this state.

3. The county assessor shall also provide a copy of the application:

(a) For use by the operator of the vehicle moving the manufactured home, mobile home ***, manufactured building*** or commercial coach and the operator

shall keep a copy of the application in his or her possession at all times during the movement.

(b) To the owner of the manufactured home, mobile home ***, manufactured building*** or commercial coach.

Sec. 27. NRS 489.641 is hereby amended to read as follows:

489.641 1. The Division shall determine the size, shape and form of the trip permit which may be part of a single form also containing the application for the permit. Each permit must bear the month and day of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight.

2. The trip permit must be prominently displayed on the rear of each section of the manufactured home, mobile home ***, manufactured building*** or commercial coach in the manner prescribed by the Division at all times during which the manufactured home, mobile home ***, manufactured building*** or commercial coach is moved upon any highway or road. The permit must be made and displayed in a manner that renders the permit unusable when removed from the manufactured home, mobile home ***, manufactured building*** or commercial coach.

Sec. 28. NRS 489.661 is hereby amended to read as follows:

489.661 1. Any person who moves a manufactured home, mobile home***, manufactured building*** or commercial coach in violation of the provisions of NRS 489.611 to 489.651, inclusive, is guilty of a misdemeanor.

2. If a manufactured home, mobile home ***, manufactured building*** or commercial coach is moved upon any highway or road in the State in violation of any of the provisions of NRS 489.611 to 489.651, inclusive, the Division, any member of the Nevada Highway Patrol or any peace officer in the State shall seize and hold the manufactured home, mobile home ***, manufactured building*** or commercial coach until presented with a copy of the application and trip permit required by NRS 489.621 to 489.661, inclusive.

Sec. 28.5. **NRS 489.701 is hereby amended to read as follows:**

489.701 1. Any mobile home~~,~~ ~~[,]~~ ***or*** commercial coach ~~[or travel trailer]~~ sold or used for residential purposes in this State must be equipped with a smoke detector which meets standards approved by the State Fire Marshal.

2. Any manufactured home sold or used for residential purposes in this State must be equipped with a smoke detector which meets federal construction and safety standards for manufactured homes in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

3. An interconnectivity device for smoke detectors is not required to be installed in a mobile home or manufactured home that was not designed and produced by the manufacturer to accommodate such a device.

Sec. 29. NRS 489.711 is hereby amended to read as follows:

489.711 Notwithstanding the provisions of chapters 361 and 482 of NRS or any other law, no dealer may be required to pay any property tax, either as tax on inventory or on individual manufactured homes, mobile homes ,

manufactured buildings or commercial coaches ~~[.]~~ ***or factory-built housing,*** on any manufactured home, mobile home ***, manufactured building*** or commercial coach ***or factory-built housing*** of which the dealer takes possession and holds for sale in the ordinary course of business.

Sec. 30. NRS 489.715 is hereby amended to read as follows:

489.715 1. Full disclosure of all terms and conditions of an offer to sell, buy or lease a used ***or rebuilt*** manufactured home, used ***or rebuilt*** mobile home***, used or rebuilt manufactured building*** or used ***or rebuilt*** commercial coach ***or used or rebuilt factory-built housing*** must be set forth in writing and signed by the seller, buyer and dealer.

2. Any offer to purchase or lease a used ***or rebuilt*** manufactured home, used ***or rebuilt*** mobile home ***, used or rebuilt manufactured building*** or used ***or rebuilt*** commercial coach ***or used or rebuilt factory-built housing*** must be submitted within 5 days after the offer is made to the owner or the authorized agent of the owner for approval or disapproval. The offer must be in writing and signed and dated by the person making the offer and by the dealer.

3. As used in this section, "authorized agent" does not include a dealer or an employee or agent of the dealer.

Sec. 31. NRS 489.7152 is hereby amended to read as follows:

489.7152 The Administrator shall prescribe the form of the contracts that must be used by a dealer for the sale and listing for sale of a manufactured home, mobile home ***, manufactured building*** or commercial coach ~~[.]~~ ***or factory-built housing.*** A dealer who fails to use the forms prescribed by the Administrator pursuant to this section is subject to disciplinary action pursuant to NRS 489.381.

Sec. 32. NRS 489.7235 is hereby amended to read as follows:

489.7235 1. The Division may investigate and audit any financial account, including, without limitation, any trust account, related to the business of a dealer or distributor if ~~[:~~

~~(a) The]~~ ***the*** Division ~~[has reasonable cause to believe that the dealer or distributor is using or has used the account to carry on the business of the dealer or distributor; and~~

~~(b) The Division:~~

~~(1)]~~ ***:***

(a) Has reasonable cause to believe ~~[or has received a credible complaint]~~ that the dealer or distributor ~~[is insolvent or is in a financial condition, or has engaged in a financial practice, which creates a substantial risk of insolvency; or~~

~~(2)]~~ ***has violated a provision of this chapter or the regulations adopted pursuant thereto; or***

(b) Determines that the investigation and audit are reasonably necessary to assist the Division in administering or enforcing any provision of law.

2. The Administrator shall adopt regulations ***to carry out the provisions of this section, including, without limitation,*** prescribing the scope of an ***investigation or*** audit conducted pursuant to this section.

~~[3. As used in this section, "insolvency" or "insolvent" means a condition under which a dealer or distributor is unable to meet the liabilities of his or her business as they become due in the regular course of business and which creates a substantial risk of harm to the public or a consumer.]~~

Sec. 33. NRS 489.727 is hereby amended to read as follows:

489.727 A dealer shall not commingle the money or other property of a seller or purchaser of a manufactured home **,** ~~[or a]~~ mobile home **,** ***manufactured building or commercial coach or factory-built housing*** with his or her own.

Sec. 34. NRS 489.801 is hereby amended to read as follows:

489.801 1. It is unlawful for any person to manufacture any manufactured home, mobile home, ~~[travel trailer or~~ ***,] manufactured building,*** commercial coach ***or factory-built housing*** unless the manufactured home, mobile home, ~~[travel trailer or~~ ***,] manufactured building,*** commercial coach ***or factory-built housing*** and its components and systems are constructed and assembled according to the standards prescribed pursuant to the provisions of this chapter.

2. It is unlawful for any person knowingly to sell or offer for sale any manufactured home which has been constructed on or after June 15, 1976, unless the manufactured home and its components and systems have been constructed and assembled according to the standards prescribed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

3. Any person who knowingly sells or offers to sell in this state any manufactured home, mobile home or commercial coach for which a certificate or label of compliance is required under this chapter, which does not bear a certificate or label of compliance, is liable for the penalties provided in NRS 489.811 and 489.821.

4. It is unlawful for any person to issue a certification which states that a manufactured home conforms to all applicable federal standards for safety and construction if that person, in the exercise of due care, has reason to know that the certification is false or misleading in any material respect.

5. It is unlawful for a manufacturer to fail to furnish notification of defects relating to construction or safety, as required by the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. § 5414).

6. It is unlawful for any person to fail or refuse to permit access by the Administrator to the documentary materials set forth in NRS 489.231.

7. It is unlawful for any person, without authorization from the Division, to disclose or obtain the contents of an examination given by the Division.

8. It is unlawful for any person to use a manufactured home or mobile home as living quarters or for human occupancy, respectively, if the manufactured home or mobile home violates a standard of safety set forth in regulations adopted pursuant to subsection 1 of NRS 489.251, concerning installation, tie down, and support of manufactured homes and mobile homes.

Sec. 34.5. **NRS 489.811 is hereby amended to read as follows:**

489.811 1. ~~[Except as otherwise provided in subsection 5, any]~~ ***Any*** person who violates any of the provisions of this chapter is liable to the State for a civil penalty of not more than $1,000 for each violation. Each violation of this chapter or any regulation or order issued under it constitutes a separate violation with respect to each manufactured home, mobile home, manufactured building, commercial coach or factory-built housing and with respect to each failure or refusal to allow or perform an act required by this chapter or regulation or order, except that the maximum civil penalty is $1,000,000 for any related series of violations occurring within 1 year after the first violation.

2. Before the adoption of any regulation for whose violation a civil penalty may be imposed, the Administrator shall give at least 30 days' written notice to every licensed manufacturer, dealer, distributor, general serviceperson and specialty serviceperson, and every other interested party who has requested the notice.

3. An action to enforce a civil penalty must be brought in a court of competent jurisdiction in the county in which the defendant has his or her principal place of business.

4. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the Account.

~~[5. This section does not apply to a manufacturer, distributor or dealer of travel trailers.]~~

Sec. 35. NRS 489.821 is hereby amended to read as follows:

489.821 1. A person is guilty of a gross misdemeanor who knowingly:

(a) Makes any false entry on any certificate of origin or certificate of title.

(b) Furnishes false information to the Division concerning any security interest.

(c) Files with the Administrator any notice, statement or other document required under the provisions of this chapter which is false or contains any material misstatement of fact.

(d) Whether acting individually or as a director, officer or agent of a corporation, violates a provision of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto, causing a condition which endangers the health or safety of a purchaser of a manufactured home.

2. A dealer is guilty of a gross misdemeanor who knowingly:

(a) Fails to maintain a trust account as required by NRS 489.724.

(b) Commingles the money or other property of a seller or purchaser of a manufactured home, manufactured building ***,*** ~~[or]~~ mobile home or ***commercial coach or*** factory-built housing with his or her own.

(c) Fails to cooperate or comply with or knowingly impedes or interferes with any investigation or audit conducted by the Division pursuant to NRS 489.7235.

(d) Acts as a dealer while insolvent or engages in any financial practice which creates a substantial risk of insolvency.

3. Except as otherwise provided in this section, any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor.

~~[4. Subsection 3 does not apply to a manufacturer of travel trailers.]~~

Sec. 36. ~~[Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A tenant shall not unreasonably withhold consent for the landlord peaceably to enter onto the lot of the tenant to:*~~

~~*(a) Inspect the lot;*~~

~~*(b) Make necessary or agreed upon repairs, decorating, alterations or improvements;*~~

~~*(c) Supply necessary or agreed upon services;*~~

~~*(d) Exhibit the lot to prospective purchasers, mortgagees, tenants, workers, contractors or other persons with a bona fide interest in inspecting the lot; or*~~

~~*(e) Read a utility meter.*~~

~~*2. The landlord may enter the lot of a tenant without consent of the tenant in case of emergency.*~~

~~*3. The landlord shall not abuse the right to access the lot of a tenant as provided in this section or use such right to harass the tenant. Except in case of emergency, the landlord shall give the tenant at least 24 hours' notice of intent to enter and may enter only at reasonable times during normal business hours unless the tenant expressly consents to shorter notice or to entry during nonbusiness hours with respect to the particular entry.*~~

~~*4. The landlord has no other right to access the lot of a tenant except:*~~

~~*(a) Pursuant to court order; or*~~

~~*(b) Where the tenant has abandoned the premises occupying the lot.]*~~

(Deleted by amendment.)

Sec. 37. NRS 118B.080 is hereby amended to read as follows:

118B.080 1. The landlord shall disclose in writing to each tenant the:

(a) Name, address ~~*[, electronic mail address]*~~ and telephone number of the owner ~~[and manager]~~ or ~~[assistant manager]~~ ***representative*** of the manufactured home park ~~[,]~~ ***and the electronic mail address of the manufactured home park, if available;*** and

(b) Name ***, electronic mail address , if available,*** and address of a person authorized to receive service of process for the landlord,

➥ and any change thereof.

2. The information must be furnished in writing to each new tenant on or before the commencement of the tenancy and to each existing tenant.

3. A landlord shall post ~~[, or]~~ ***in a conspicuous place in a common area of the park and*** provide to each tenant ~~[,]~~ the office hours ~~[or]~~ ***, which must be during regular business hours, and the*** landlord's availability at the park location.

4. If the manufactured home park consists of 75 or more lots, the manager or assistant manager:

(a) Must be available at the park location for at least 8 hours each week, which must be during regular business hours; and

(b) Shall post the hours of availability of the manager or assistant manager required pursuant to paragraph (a) in a conspicuous place in a common area of the park.

Sec. 38. NRS 118B.120 is hereby amended to read as follows:

118B.120 1. The landlord or his or her agent or employee may:

(a) ~~[Require]~~ ***Except as otherwise provided in the rental agreement or lease or subsection 4, require*** that the tenant ~~[landscape and]~~ ***reasonably*** maintain the tenant's lot ***to control weeds and any grass or other vegetation*** if the landlord ~~[advises]~~ ***has provided*** the tenant ~~[in writing of reasonable requirements for the landscaping.]~~ ***with 30 days' advance written notice of this requirement.***

(b) If the tenant does not comply with the provisions of paragraph (a), maintain the tenant's lot ***to control weeds and any grass or other vegetation*** and charge the tenant a service fee for the actual cost of that maintenance.

(c) Require that the manufactured home be removed from the park if it is unoccupied for more than 90 consecutive days and the tenant or dealer is not making good faith and diligent efforts to sell it.

2. The landlord shall maintain, in the manner required for the other tenants, any lot on which is located a manufactured home within the park which has been repossessed, abandoned or held for rent or taxes. The landlord is entitled to reimbursement for the cost of that maintenance from the repossessor or lienholder or from the proceeds of any sale for taxes, as the case may be.

3. Before dismantling a manufactured home that was abandoned, the landlord or manager must:

(a) Conduct a title search with the Division to determine the owner of record of the manufactured home. If the owner of record is not found, the landlord or manager may use the records of the county assessor for the county in which the manufactured home is located to determine the owner of the manufactured home.

(b) Send a certified letter notifying the owner and any lienholder of the intent of the landlord or manager to dismantle the manufactured home.

(c) If the owner does not respond within 30 days after the date of mailing the certified letter, submit to the Division an affidavit of dismantling.

4. The landlord shall trim all the trees located within the park and dispose of the trimmings from those trees absent a written voluntary assumption of that duty by the tenant for trees on the tenant's lot.

5. For the purposes of this section, a manufactured home shall be deemed to be abandoned if:

(a) It is located on a lot in a manufactured home park, other than a cooperative park, for which no rent has been paid for at least 60 days;

(b) It is unoccupied; and

(c) The manager of the manufactured home park reasonably believes it to be abandoned.

Sec. 39. ~~[NRS 118B.210 is hereby amended to read as follows:~~

~~118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:~~

~~(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.~~

~~(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, *and section 36 of this act,* or 118B.240.~~

~~(c) The tenant has organized or become a member of a tenants' league or similar organization.~~

~~(d) The tenant has requested the reduction in rent required by:~~

~~(1) NRS 118.165 as a result of a reduction in property taxes.~~

~~(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.~~

~~(e) The tenant provides the proof required by subsection 3 of NRS 118B.200.~~

~~(f) A citation has been issued to the landlord as the result of a complaint of the tenant.~~

~~(g) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.~~

~~2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.~~

~~3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.~~

~~4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.]~~ **(Deleted by amendment.)**

Sec. 39.3. **NRS 118B.215 is hereby amended to read as follows:**

118B.215 1. In addition to the requirements set forth in NRS 319.510, money in the Account may be used to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. Except as otherwise provided in subsection 3, to be eligible for assistance from the Account, a person must:

(a) Except as otherwise provided in this subsection, have been a tenant in the same manufactured home park in this State for at least 1 year immediately preceding his or her application for assistance;

(b) Be the registered owner of the manufactured home which is subject to the tenancy, as indicated on the certificate of title that is issued by the Division pursuant to NRS 489.541;

(c) Have a monthly household income, as determined by the Administrator in accordance with subsection 2, which is at or below:

(1) The federally designated level signifying poverty or thirty percent of the median family income, as prescribed by the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq., adjusted for household size, which the United States Department of Housing and Urban Development has established for the area of the State in which the manufactured home is located, whichever is greater; or

(2) A maximum monthly household income that the Administrator has established by regulation pursuant to subsection 5;

(d) Be a tenant in a manufactured home park that is operated for profit and maintain continuous tenancy in that park during the duration of the supplemental assistance; and

(e) Not have assets whose value is more than $12,000, excluding the value of:

(1) The manufactured home which is subject to the tenancy;

(2) The contents of that manufactured home; and

(3) One motor vehicle.

➥ A person who has been a tenant of a manufactured home park in this State for at least 1 year, but has not been a tenant of the manufactured home park in which the tenant resides at the time the tenant applies for assistance for at least 1 year, is eligible for assistance from the Account if the tenant moved to the manufactured home park in which the tenant resides at the time of his or her application because the tenant was unable to pay the rent at the manufactured home park from which the tenant moved or because that park was closed.

2. In determining the monthly household income of an applicant pursuant to subsection 1, the Administrator shall exclude from the calculation:

(a) The value of any food stamps the applicant received pursuant to the Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011 et seq., during the year immediately preceding his or her application for assistance; or

(b) If the applicant is receiving coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., the value of the cost of that coverage during the year immediately preceding his or her application for assistance,

➥ whichever is greater.

3. The Administrator may waive the requirements for eligibility set forth in subsection 1 upon the written request of an applicant if the applicant demonstrates to the satisfaction of the Administrator that the circumstances of the applicant warrant a waiver as a result of:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based upon a significant reduction of income, when considering the applicant's current financial circumstances.

➥ An applicant shall include with his or her request for a waiver all medical and financial documents that support his or her request.

4. The Administrator shall adopt regulations establishing:

(a) The annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the Division with a written acknowledgment of his or her continued eligibility for assistance.

(b) The maximum amount of assistance which may be distributed to a person to supplement his or her monthly rent pursuant to this section.

5. The Administrator may adopt regulations establishing a maximum monthly household income for a person to be eligible for assistance from the Account pursuant to subparagraph (2) of paragraph (c) of subsection 1.

6. As used in this section:

(a) "Manufactured home" includes a travel trailer that is located on a manufactured home lot within a manufactured home park.

(b) "Monthly household income" means the combined monthly incomes of the occupants of a manufactured home which is subject to the tenancy for which assistance from the Account is requested.

(c) "Travel trailer" ~~[has the meaning ascribed to it in NRS 489.150.]~~ ***means a portable structure mounted on wheels, consisting of a vehicular chassis primarily designed as temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle, and designated by the manufacturer as a travel trailer. The term does not include a recreational park trailer.***

Sec. 39.7. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,

239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, ***489.431,*** 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262,

641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 40. Chapter 461A of NRS is hereby amended by adding thereto a new section to read as follows:

When a mobile home park is sold or otherwise transferred, the ~~[seller or transferor]~~ purchaser or transferee of the mobile home park shall complete and submit a report of transfer to the Division within 10 business days after the sale or transfer. The report of transfer must be in a form prescribed by the Division.

Sec. 40.5. **NRS 489.150 is hereby repealed.**

Sec. 41. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[40,]~~ **40.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

TEXT OF REPEALED SECTION

NRS 489.150 "Travel trailer" defined. "Travel trailer" means a portable structure mounted on wheels, consisting of a vehicular chassis primarily designed as temporary living quarters for recreational, camping or travel use and designed to be drawn by another vehicle, and designated by the manufacturer as a travel trailer. The term does not include a recreational park trailer.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 154.

AN ACT relating to unfair trade practices; revising the list of activities that constitute an unlawful contract, combination or conspiracy in restraint of trade

to include manipulating the price of an essential good or service in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Unfair Trade Practice Act sets forth various activities that constitute an unlawful contract, combination or conspiracy in restraint of trade and authorizes the Attorney General to investigate and take certain actions against persons who engage in such activities, which may include, without limitation, criminal prosecution and the imposition of civil penalties. (Chapter 598A of NRS) Existing law makes it a category D felony to engage in such activities. (NRS 598A.280) This bill includes among the activities that constitute an unlawful contract, combination or conspiracy in restraint of trade manipulating the price of an essential good or service in this State. This bill defines "essential good or service" to mean any good or service ~~[: (1) that]~~ **which** is needed on a daily or recurring basis for the livelihood of a person ~~[, including, without limitation, food, medicine or shelter; and (2) the price for which results in the person paying more than $750 for the good or service over a 30-day period or $9,000 for the good or service over a 1-year period. Under]~~ **and which falls within certain specified categories of goods and services. Section 1 of** this bill ~~[,]~~ **provides that** a person manipulates the price of an essential good or service when the person, alone or in concert with others, ~~[intentionally]~~ **knowingly** engages in any ~~[fraudulent or]~~ deceptive ~~[conduct]~~ **trade practice** which is intended to and does cause the price of an essential good or service in this State ~~[, as compared to the price of comparable essential goods or services readily available in the 24 months immediately preceding the conduct,]~~ to increase in a manner that **: (1)** does not reflect the basic forces of supply and demand ~~[.]~~ **; and (2) results in a person paying, over a 1-year period, an amount for the good or service which represents a percentage increase over the amount paid by the person over the immediately preceding year that is equal to or greater than the average percentage increase for the most recent 5-year average annual percentage change for the category of good or service, as set forth in the Personal Consumption Expenditures by State (SAPCE3) for the State of Nevada as published by the Bureau of Economic Analysis of the United States Department of Commerce. Section 1 sets forth certain exceptions from the prohibition against manipulating the price of an essential good or service.**

Existing law, with certain exceptions, authorizes a person who is injured or damaged, or threatened with injury or damage, by a violation of the Nevada Unfair Trade Practice Act to bring an action to obtain certain relief. (NRS 598A.210) Sections 1 and 2 of this bill provide that the provisions relating to the manipulation of an essential good or service do not establish a private right of action against any person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598A.060 is hereby amended to read as follows:

598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity in this State:

(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:

(1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.

(2) Agreements to establish prices for commodities or services.

(3) Agreements to establish uniform discounts, or to eliminate discounts.

(4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.

(5) Agreements not to sell below cost.

(6) Agreements to establish uniform trade-in allowances.

(7) Establishment of uniform cost surveys.

(8) Establishment of minimum markup percentages.

(9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.

(10) Agreements not to advertise prices.

(11) Agreements among competitors to fix uniform list prices as a place to start bargaining.

(12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.

(13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.

(14) Agreements to restrict volume of production.

(b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.

(c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.

(d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.

(e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.

(f) ***Manipulating the price of an essential good or service in this State. For the purposes of this paragraph, a person manipulates the price of an essential good or service in this State when the person, alone or in concert with others, ~~[intentionally]~~ knowingly engages in any ~~[fraudulent or]~~ deceptive ~~[conduct]~~ trade practice in violation of NRS 598.0903 to 598.0999, inclusive, which is intended to and does cause the price of an essential good***

or service in this State ~~[, as compared to the price of comparable essential goods or services readily available in the 24 months immediately preceding the conduct,]~~ to increase in a manner that ~~[does]~~ :

(1) Does not reflect basic forces of supply and demand ~~[.]~~ ; and

(2) Results in a person paying, over a 1-year period, an amount for the good or service which represents a percentage increase over the amount paid by the person over the immediately preceding year that is equal to or greater than the average percentage increase for the most recent 5-year average annual percentage change for the category of good or service, as set forth in the Personal Consumption Expenditures by State (SAPCE3) for the State of Nevada, as published by the Bureau of Economic Analysis of the United States Department of Commerce.

(g) Except as otherwise provided in subsection ~~[2,]~~ ***4,*** consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:

(1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or

(2) Substantially lessen competition or be in restraint of trade.

2. ***The provisions of paragraph (f) of subsection 1 do not apply to:***

(a) Conduct which is expressly authorized, regulated or approved by an administrative agency of:

(1) This State;

(2) The United States; or

(3) A city or county of this State,

➥ having jurisdiction over the prices of goods or services;

(b) Conduct relating to rates, fares, allowances or charges of a transportation network company pursuant to chapter 706A of NRS; or

(c) Conduct relating to prices charged by a resort hotel.

3. The provisions of paragraph (f) of subsection 1 do not establish a private right of action against any person.

4. The provisions of paragraph ~~[(f)]~~ ***(g)*** of subsection 1 do not:

(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his or her acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.

(b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.

~~[3.]~~ 5. As used in this section ~~[, "essential]~~ :

(a) "Essential good or service" means any good or service ~~[:

(a) That]~~ which is needed on a daily or recurring basis for the livelihood of a person ~~[, including, without limitation, food, medicine and shelter; and

~~*(b) The price for which results in the person paying more than $750 for the good or service over a 30-day period or $9,000 for the good or service over a 1-year period.]*~~ ***and which falls within one of the following categories:***

(1) Food and beverages purchased for off-premises consumption;

(2) Clothing and footwear;

(3) Gasoline and other energy goods;

(4) Pharmaceutical and other medical products;

(5) Housing;

(6) Household utilities;

(7) Ground transportation;

(8) Telecommunication services; or

(9) Internet access.

(b) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

(c) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.

Sec. 2. **NRS 598A.210 is hereby amended to read as follows:**

598A.210 Except as otherwise provided in NRS 598A.430 ~~[,]~~ ***and subsection 3 of NRS 598A.060:***

1. Any person threatened with injury or damage to his or her business or property by reason of a violation of any provision of this chapter may institute a civil action or proceeding for injunctive or other equitable relief, including, without limitation, a temporary restraining order, a preliminary or permanent injunction, restitution or disgorgement. If the court issues a permanent injunction, the plaintiff shall recover reasonable attorney fees, together with costs, as determined by the court.

2. Any person injured or damaged directly or indirectly in his or her business or property by reason of a violation of the provisions of this chapter may institute a civil action and shall recover treble damages, together with reasonable attorney fees and costs.

3. Any person commencing an action for any violation of the provisions of this chapter shall, simultaneously with the filing of the complaint with the court, mail a copy of the complaint to the Attorney General.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 161.

AN ACT relating to educational personnel; authorizing a person who holds a license to teach in ~~[certain states]~~ **another state** to be hired as a teacher in this State **on a certain provisional basis** if he or she satisfies certain requirements; ~~[authorizing a person to simultaneously enroll in multiple programs for an alternative route to licensure;]~~ requiring the Commission on

Professional Standards in Education to prescribe certain regulations concerning the licensure of teachers, **school counselors,** school nurses and school social workers; **requiring the Department of Education to waive certain fees for licensure for certain substitute teachers; eliminating the authority of the State Board of Education to disapprove of regulations adopted by the Commission;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and requires the Commission to prescribe regulations for licensing teachers and other educational personnel. (NRS 391.011, 391.019) Under existing law, such regulations are required to provide for the reciprocal licensure of educational personnel from other states. (NRS 391.032) **Section 1** of this bill ~~[requires the Commission to compile a list of states in which the requirements and qualifications to obtain a license to teach are equivalent to the requirements and qualifications to obtain a license to teach in this State. Section 1 additionally]~~ authorizes the board of trustees of a school district or the governing body of a charter school to employ as a teacher **, on a provisional basis not to exceed 1 year,** a person not licensed as a teacher in this State if the person: (1) holds a license in good standing from ~~[a state included on the list compiled by the Commission;]~~ **another state;** (2) has submitted an application to receive a license to teach in this State; and (3) has completed the background investigation the employing school district is required to conduct.

Section 2 of this bill requires that the regulations adopted by the Commission also ~~[prescribe qualifications for a person who holds certain licenses to teach to receive a license to teach elementary education without repeating previously completed requirements or satisfying additional requirements. Section 2 additionally requires such regulations to]~~ prescribe qualifications for a person to use work experience or a license in an area of career and technical education to receive an endorsement in career and technical education without repeating certain requirements. **Additionally, section 2 requires such regulations to authorize a person who is employed by a public school to provide support and other services relating to school counseling and is enrolled in a program that would allow the person to obtain a license or endorsement as a school counselor to simultaneously complete any required internship or practicum hours for the purpose of obtaining such a license or endorsement.** **Section 2** also requires such regulations to authorize a person to serve as a school nurse or school social worker without the applicable endorsement if the person: (1) has applied for such an endorsement ~~[but the endorsement has not yet been approved or denied;]~~ **and is awaiting the issuance or denial of the endorsement;** and (2) holds certain valid licenses issued by the State Board of Nursing or the Board of Examiners for Social Workers, as applicable. **Section 4** of this bill makes a

conforming change to authorize such a registered nurse to be employed as a school nurse without an endorsement as a school nurse.

~~[Existing law requires the Commission to prescribe regulations that set forth the qualifications for licensing teachers through an alternative route to licensure. (NRS 391.019) Section 2 requires such regulations to authorize a person to simultaneously enroll in multiple programs for an alternative route to licensure.]~~

Section 3 of this bill requires a reduction in the fee for a license to teach for certain applicants who are substitute teachers.

Existing law authorizes the State Board of Education to disapprove of any regulation that is adopted by the Commission on Professional Standards in Education. (NRS 391.027) Section 4.5 of this bill eliminates the authority of the State Board to take such an action. Sections 2, 2.3 and 2.7 of this bill make conforming changes to remove references to this authority in other provisions of law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. The Commission shall develop, and on an annual basis, update a list of each state that the Commission determines has requirements and qualifications for a license to teach early childhood education, elementary education, middle school or junior high school education, secondary education or special education that are substantially equivalent to the requirements and qualifications for such a license in this State.~~

~~2.]~~ Notwithstanding any other provision of law, the board of trustees of a school district or the governing body of a charter school may, on a provisional basis not to exceed 1 year, employ as a teacher a person who is not licensed to teach pursuant to this chapter if the person:

~~[(a)]~~ 1. Is licensed in good standing as a teacher in ~~[a]~~ another state ~~; [included on the most recent list developed or updated by the Commission pursuant to subsection 1;~~

~~(b)]~~ 2. Has submitted an application for the issuance of a license to teach pursuant to this chapter;

~~[(c)]~~ 3. Is employed to teach in a position that corresponds to the license of the teacher in the other state;

~~[(d)]~~ 4. Complies with the requirements of NRS 391.104; and

~~[(e)]~~ 5. Is not otherwise prohibited from being employed as a teacher in this State.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) ~~*[Authorize a person to simultaneously enroll in multiple programs for an alternative route to licensure;*~~

~~*(IV)]*~~ Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) ~~*[(V)]*~~ Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) ~~*[(VI)]*~~ Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) ~~*[(VII)]*~~ Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) ~~*[(VIII)]*~~ regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) ~~*[(VIII)]*~~ Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

~~*(4) [Must prescribe, for a person who holds a license to teach middle school or junior high school education or secondary education and is an*~~

~~*applicant for a license to teach elementary education, qualifications to receive the additional license without satisfying additional requirements or repeating requirements that were previously completed.*~~

~~*(5)*~~ ***Must prescribe qualifications for the receipt of a secondary license with an endorsement in career and technical education that authorize an applicant to use work experience or a license in an area of career and technical education to satisfy requirements on the application if he or she has previously listed the information on an application for such a license that is no longer valid.***

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or

authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to ~~[school]~~ ***:***

(1) School psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

(2) School counseling, if the person does not hold a license or endorsement as a school counselor but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete any required program of internship or practicum hours to obtain such a license or endorsement while remaining employed in such a position.

(n) ***~~If~~ Authorizing a person who has applied for an endorsement as a school nurse or school social worker ~~[but the endorsement has not been issued or denied, authorizing the applicant to, as applicable:]~~ to, during the pendency of such application:***

(1) Serve as a school nurse without an endorsement as a school nurse if he or she holds a valid license as a registered nurse issued by the State Board of Nursing; or

(2) Serve as a school social worker without an endorsement as a school social worker if he or she holds a valid license as a social worker issued by the Board of Examiners for Social Workers.

(o) To carry out the provisions of NRS 391B.010.

2. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 2.3. **NRS 391.021 is hereby amended to read as follows:**

391.021 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 or 391B.010 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 2.7. **NRS 391.032 is hereby amended to read as follows:**

391.032 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions:

(1) For the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines

is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

(2) Which provide for the licensure of persons pursuant to the Interstate Teacher Mobility Compact enacted in NRS 391B.010.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 3. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than $100 for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education ~~[may]~~ ***:***

(a) May waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active

duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

(b) Shall waive all or part of the fee for the initial issuance of a license to teach for an applicant who holds a license or endorsement as a substitute teacher and who paid the fee to apply for and be issued such a license or endorsement within 1 year preceding the date on which the applicant submits the application for the initial issuance of a license to teach. The amount of the fee waiver pursuant to this paragraph must equal ~~[the amount by which the fee for the initial issuance of a license to teach exceeds]~~ the amount paid by the applicant for the license or endorsement as a substitute teacher.

Sec. 4. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. ~~[A]~~ ***Except as otherwise provided in regulations adopted by the Commission pursuant to NRS 391.019, a*** school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate:

(1) Employees of the school who are authorized to administer auto-injectable epinephrine; and

(2) If the school has obtained an order for an opioid antagonist pursuant to subsection 2 of NRS 386.870, at least two employees of the school who are authorized to administer the opioid antagonist.

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine or opioid antagonists, as applicable.

4. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

Sec. 4.5. **NRS 391.027 is hereby repealed.**

Sec. 5. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTION

391.027 Approval or disapproval of Commission's regulations by State Board of Education.

1. The State Board may disapprove any regulation adopted by the Commission.

2. A regulation shall be deemed approved if the State Board does not disapprove the regulation within 90 days after it is adopted by the Commission.

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 235.

~~[CONTAINS UNFUNDED MANDATE (§ 20)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to insurance; requiring the Commissioner of Insurance to establish programs to inform providers of health care and insureds under health insurance policies of certain information relating to the payment of claims; revising provisions governing the payment of claims under policies of health insurance; establishing certain administrative penalties; requiring a health carrier to provide certain information to participating providers of health care and covered persons; requiring a health carrier to establish certain procedures for challenging the denial of a claim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In most cases, existing law requires the administrators of health insurance plans and certain health insurers, including the Public Employees' Benefits Program, to approve or deny a claim within 30 days after the insurer receives the claim. If the administrator or insurer approves the claim, existing law requires the administrator or insurer to pay the claim within 30 days after the claim is approved. If the administrator or insurer requires additional information to determine whether to approve or deny the claim, existing law requires the administrator or insurer to notify the claimant of its request for additional information within 20 days after the administrator or insurer receives the claim. If the administrator or insurer approves the claim after receiving such additional information from the claimant, existing law requires the administrator or insurer to pay the claim within 30 days after receiving such information. Existing law requires an administrator or insurer that fails to pay a claim within the required time period to pay interest on the claim at a prescribed rate. (NRS 287.04335, 683A.0879, 689A.410, 689B.255, 689C.335, 695A.188, 695B.2505, 695C.185, 695D.215, 695F.090)

Sections 2, 5, 8-11, 14 ~~[,]~~ **and 16** ~~[, 20 and 22]~~ of this bill replace those requirements with uniform requirements governing the time periods for the payment of health insurance claims that apply to administrators of health

insurance plans and all ~~[public and]~~ private health insurers in this State ~~[, including Medicaid, insurance for employees of local governments]~~ and the Public Employees' Benefits Program. Specifically, **sections 2, 5, 8-11, 14 ~~[,]~~ and 16 ~~[, 20 and 22]~~** require each such administrator or insurer to approve or deny a claim and, if the claim is approved, pay the claim within: (1) ~~[fifteen working]~~ **twenty-one** days after receiving the claim, if the claim is submitted electronically; or (2) thirty ~~[working]~~ days after receiving the claim, if the claim is not submitted electronically. **Sections 2, 5, 8-11, 14 ~~[,]~~ and 16 ~~[, 20 and 22]~~** require an administrator or insurer that needs additional information to determine whether to approve or deny a claim to request such information within 20 working days after receiving the claim. If, after receiving such additional information, the administrator or insurer approves the claim, **sections 2, 5, 8-11, 14 ~~[,]~~ and 16 ~~[, 20 and 22]~~** require the administrator or insurer, as applicable, to pay the claim within: (1) ~~[fifteen working]~~ **twenty-one** days after receiving the additional information, if the additional information is submitted electronically; or (2) thirty ~~[working]~~ days after receiving the additional information, if the additional information is not submitted electronically. **Sections 2, 5, 8-11, 14 and 16 prohibit an administrator or insurer from denying a claim without a reasonable basis for doing so. Sections 2, 5, 8-11, 14 ~~[,]~~ and 16 ~~[, 20 and 22]~~** require an administrator or ~~[health]~~ insurer to annually report to the Commissioner of Insurance certain information relating to compliance with those requirements. **Section 25** of this bill repeals certain provisions applicable to health maintenance organizations that are no longer necessary because existing law makes the provisions of **section 16** applicable to all managed care organizations, including health maintenance organizations. (NRS 695C.055) **Sections 13 and 18** of this bill update references to a section repealed by **section 25** with a reference to **section 16**.

Existing law authorizes the Commissioner to: (1) impose an administrative penalty upon determining that the administrator of a health insurance plan or certain health insurers are not in substantial compliance with the provisions of existing law governing the schedule for paying claims; and (2) suspend or revoke the certificate of registration or authority of such an administrator or insurer upon a second or subsequent determination that such an administrator or insurer is not in substantial compliance with those provisions. (NRS 287.04335, 683A.0879, 689A.410, 689B.255, 689C.335, 695B.2505, 695C.185, 695F.090) **Sections 10, 14 and 16** of this bill extend those penalties to apply to fraternal benefit societies, issuers of plans for dental care and managed care organizations. **Sections 2, 5, 8-11, 14 and 16** additionally authorize the Commissioner to: (1) impose an administrative penalty upon determining that the administrator of a health insurance plan or a health insurer has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim; and (2) suspend or revoke the certificate of registration or authority of an administrator or insurer upon a second or subsequent such determination. ~~[Section 19 of this bill makes a~~

~~conforming change to require the Director of the Department of Health and Human Services to administer the provisions of section 22 in the same manner as other provisions governing Medicaid.]~~

Existing law requires certain health insurers to provide certain notice to an insured within 10 days after denying coverage. (NRS 689A.755, 689B.0295, 695B.400, 695G.230) **Sections 2, 6, 7, 9, 10, 12, 14, 15** ~~[, 17,]~~ **and 18** ~~[, 20 and 22]~~ of this bill require ~~[all public and private]~~ health insurers and administrators of health insurance plans to provide notice of the denial of a claim within ~~[30 working days]~~ **21 days** after receiving all information necessary to make a determination concerning the claim ~~[.]~~ **if the information is submitted electronically, or if the information is not received electronically, within 30 days after receiving the necessary information.** **Sections 2, 6, 7, 9, 10, 12, 14, 15** ~~[, 17,]~~ **and 18** ~~[, 20 and 22 of this bill]~~ also require the inclusion of certain additional information in such a notice. **Sections 10, 14 and 16** make certain other provisions relating to the payment of claims that currently apply to most health insurers also apply to fraternal benefit societies, organizations for dental care and managed care organizations so that the requirements governing the payment of claims are uniform for all health insurers.

Existing law requires a health carrier which offers or issues a network plan to notify each participating provider of health care in the network of the responsibilities of the provider of health care with respect to any applicable administrative policies and programs of the health carrier. (NRS 687B.730) ~~[Sections]~~ **Section 3** ~~[and 22]~~ of this bill additionally ~~[require]~~ **requires** such a health carrier ~~[or the Medicaid Program]~~ to provide to each participating provider of health care and each covered person at least annually an explanation of the process by which the health carrier ~~[or Medicaid, as applicable,]~~ will provide remittances to or pay claims submitted by participating providers of health care.

Existing law requires a health carrier which offers or issues a network plan to establish procedures for the resolution of disputes between the health carrier and a participating provider of health care. (NRS 687B.820) **Section 4** of this bill requires those procedures to include an efficient process by which a participating provider of health care may challenge the denial by a health carrier of a claim. ~~[Section 22 imposes a similar requirement on the Medicaid program. Sections 20 and 21 of this bill make the provisions of sections 3 and 4 applicable to local governments that provide health insurance for their employees and the Public Employees' Benefits Program, respectively.]~~ **Section 1** of this bill requires the Division of Insurance of the Department of Business and Industry to establish and carry out certain programs to facilitate public knowledge and use of the provisions of this bill.

WHEREAS, Ensuring timely reimbursement for providers of health care will enhance the business environment in this State for providers of health care and improve access to health care for residents of this State; and

WHEREAS, Prompt payment of claims by health insurers will create a more stable and attractive landscape for new medical practices, thereby improving the health care infrastructure of this State; and

WHEREAS, Delayed payments by insurers have a disproportionate negative effect on minority communities, whose residents are less likely to have the means to pay out of pocket for health care services; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.550 is hereby amended to read as follows:

679B.550 The Division shall:

1. Establish a toll-free telephone service for receiving inquiries and complaints from consumers of health care in this State concerning health care plans;

2. Provide answers to inquiries of consumers of health care concerning health care plans, or refer the consumers to the appropriate agency, department or other entity that is responsible for addressing the specific type of inquiry;

3. Refer consumers of health care to the appropriate agency, department or other entity that is responsible for addressing the specific type of complaint of the consumer;

4. Provide counseling and assistance to consumers of health care concerning health care plans;

5. Educate consumers of health care concerning health care plans in this State; ~~[and]~~

6. ***Establish and carry out:***

(a) A campaign to inform providers of health care and insureds of the provisions of NRS 683A.0879, 687B.730, 687B.820, 689A.410, 689A.755, 689B.0295, 689B.255, 689C.335, 695A.188, 695B.2505, 695B.400, 695D.215 and 695G.230 and sections 15 and 16 of this act; and

(b) A program to provide additional support and resources to assist providers of health care who operate small health care practices or are new to operating a health care practice in:

(1) Navigating the process for seeking reimbursement from insurers; and

(2) Ensuring that insurers comply with the requirements of NRS 683A.0879, 687B.730, 687B.820, 689A.410, 689A.755, 689B.0295, 689B.255, 689C.335, 695A.188, 695B.2505, 695B.400, 695D.215 and 695G.230 and sections 15 and 16 of this act; and

7. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Division pursuant to this section.

Sec. 2. NRS 683A.0879 is hereby amended to read as follows:

683A.0879 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 439B.754, an administrator shall approve or deny a claim relating to health insurance coverage ***and, if the administrator:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one*** days after the administrator receives the claim ~~[~~. If the claim is approved, the administrator shall pay the claim within 30 days after it is approved.~~]~~ ***, if the claim is submitted electronically; or***

(2) Thirty ~~***[working]***~~ ***days after the administrator receives the claim, if the claim is not submitted electronically.***

(b) Denies the claim, notify the claimant in writing of the denial within ~~***[30 working]***~~ ***21 days after the administrator receives the claim*** ~~***.]***~~ ***, if the claim is submitted electronically, or 30 days after the administrator receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:***

(1) All reasons for denying the claim ~~***.]***~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the administrator as a basis to deny the claim;***

(2) The criteria by which the administrator determines whether to approve or deny the claim and a description of the manner in which the administrator applied those criteria to the claim; and

(3) ~~***[Any other legal or factual basis for denying the claim; and***~~

~~***(4)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.***

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in subsection 1,*** the administrator shall pay interest on the claim at a rate of ~~[~~interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6~~]~~ ***10*** percent ~~[~~.~~]~~ ***per annum.*** The interest must be calculated from ~~[~~30 days after~~]~~ the date on which ***payment of*** the claim is ~~[~~approved~~]~~ ***due pursuant to subsection 1*** until the date on which the claim is paid.

~~[~~2.~~]~~ ***3.*** If the administrator requires additional information to determine whether to approve or deny the claim, the administrator shall notify the claimant of the administrator's request for the additional information within 20 ***working*** days after receiving the claim. The administrator shall notify the ~~[~~provider of health care~~]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The administrator shall approve or deny the claim ***and, if the administrator:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one days after receiving the additional information, if the information is submitted electronically; or***

(2) Thirty ~~***[working]***~~ days after receiving the additional information ~~[~~. If the claim is approved, the administrator shall pay the claim within 30 days after receiving the additional information.~~]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within ~~***[30 working]***~~ ***21 days after receiving the additional information*** ~~***[.]***~~ ***, if the information is submitted electronically, or 30 days after receiving the additional information, if the information is not submitted electronically.***

4. If ~~[the]~~ ***a claim*** approved ~~[claim]~~ ***pursuant to subsection 3*** is not paid within ~~[that]~~ ***the*** period ~~[.]~~ ***specified in that subsection,*** the administrator shall pay interest on the claim in the manner prescribed in subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***5.*** An administrator shall not ~~[request]~~ ***:***

(a) Deny a claim relating to health insurance coverage without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the administrator, unless the administrator provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[4.]~~ ***6.*** An administrator shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

~~[6.]~~ ***8.*** The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the administrator.

~~[7.]~~ ***9.*** The Commissioner may require an administrator to provide evidence which demonstrates that the administrator has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

~~[8.]~~ ***10.*** If the Commissioner determines that an administrator is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the administrator to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an administrator is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of registration of the administrator.

11. On or before February 1 of each year, an administrator that was responsible for the approval and denial of claims relating to health insurance coverage in this State during the immediately preceding calendar year shall submit to the Commissioner a report concerning the compliance of the administrator with the requirements of this section during that calendar year. The report must include, without limitation:

(a) The number of claims for which the administrator failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the administrator pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 3. NRS 687B.730 is hereby amended to read as follows:

687B.730 A health carrier which offers or issues a network plan shall ~~[notify]~~ ***:***

1. Notify each participating provider of health care in the network of the responsibilities of the participating provider of health care with respect to any applicable administrative policies and programs of the health carrier including, without limitation, any applicable administrative policies and programs concerning:

~~[1.]~~ ***(a)*** Terms of payment;

~~[2.]~~ ***(b)*** Utilization review;

~~[3.]~~ ***(c)*** Quality assessment and improvement;

~~[4.]~~ ***(d)*** Credentialing;

~~[5.]~~ ***(e)*** Procedures for grievances and appeals;

~~[6.]~~ ***(f)*** Requirements for data reporting;

~~[7.]~~ ***(g)*** Requirements for timely notice to the health carrier of changes in the practices of the participating provider of health care, such as discontinuance of accepting new patients;

~~[8.]~~ ***(h)*** Requirements for confidentiality; and

~~[9.]~~ ***(i)*** Any applicable federal or state programs.

2. Provide to each participating provider of health care in the network and each covered person at least annually a detailed explanation of the process by which the health carrier will pay claims submitted by participating providers of health care, including, without limitation, the contact information for the department of the health carrier that is responsible for reviewing claims that have been denied in accordance with the process established pursuant to NRS 687B.820.

Sec. 4. NRS 687B.820 is hereby amended to read as follows:

687B.820 A health carrier which offers or issues a network plan shall establish procedures for the resolution of administrative, payment or other disputes between a participating provider of health care in the network and the health carrier. ***Those procedures must include, without limitation, an efficient process by which a participating provider of health care may challenge the denial of a claim by the health carrier. The process must allow for the clear resolution of each challenge within a reasonable time.***

Sec. 5. NRS 689A.410 is hereby amended to read as follows:

689A.410 1. Except as otherwise provided in subsection 2 and NRS 439B.754, an insurer shall approve or deny a claim relating to a policy of health insurance within ~~***[15 working]***~~ ***21 days after the insurer receives the claim, if the claim is submitted electronically, or*** 30 ~~***[working]***~~ days after the insurer receives the claim ~~[.]~~ ***, if the claim is not submitted electronically.*** If

the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it is approved.]~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which ***payment of*** the claim is ~~[approved]~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The insurer shall notify the ~~[provider of health care]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within ~~***[15 working]***~~ ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 ~~***[working]***~~ days after receiving the additional information ~~[.]~~ ***, if the additional information is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not ~~[request]~~ **:**

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or that the insurer has failed to approve or deny a claim or pay an approved claim within 60***

working days after receiving the claim, the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the insurer.

9. On or before February 1 of each year, an insurer shall submit to the Commissioner a report concerning the compliance of the insurer with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the insurer failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the insurer pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 6. NRS 689A.755 is hereby amended to read as follows:

689A.755 1. Following approval by the Commissioner, each insurer that issues a policy of health insurance in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives his or her evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service to an insured, including, without limitation, denying a claim relating to a policy of health insurance pursuant to NRS 689A.410, it shall notify the insured ***and, if applicable, the provider of health care who submitted the claim,*** in writing within ~~***[30 working]***~~ ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim , if the information was submitted electronically;

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information was not submitted electronically; or ~~***[, if]***~~

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service***.*** ~~***[, of:]***~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the insurer as a basis to deny coverage of the service;***

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ and ***a description of the manner in which the insurer applied those criteria to the health care service;***

(c) ~~***[Any other legal or factual basis for denying coverage of the health care service;***~~

~~***(d)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and***

~~***[(e)]***~~ ***(d)*** The right of the insured to file a written complaint and the procedure for filing such a complaint.

~~[3.]~~ ***4.*** A written notice which is approved by the Commissioner ***pursuant to subsection 1*** shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 7. NRS 689B.0295 is hereby amended to read as follows:

689B.0295 1. Following approval by the Commissioner, each insurer that issues a policy of group health insurance in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service, including, without limitation, denying a claim relating to a policy of group health insurance or blanket insurance pursuant to NRS 689B.255, to an insured it shall notify the insured in writing within ~~***[30 working]***~~ ***:***

(a) Twenty-one ***days after the insurer receives all information necessary to make a determination concerning the claim , if the information is submitted electronically;***

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is submitted electronically; or ~~***], if]***~~

(c) If ***no claim is received, within*** 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service ***.*** ~~***[, of:]***~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the insurer as a basis to deny coverage of the service;***

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ and ***a description of the manner in which the insurer applied those criteria to the health care service;***

(c) ~~***[Any other legal or factual basis for denying coverage;***~~

~~(d)~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and***

~~(e)~~ ***(d)*** The right of the insured to file a written complaint and the procedure for filing such a complaint.

~~3.~~ ***4.*** A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

~~4.~~ ***5. If an insurer denies a claim submitted by a provider of health care, the insurer shall notify the provider of health care in writing of the denial within*** ~~30 working~~ ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim ~~.~~ ***, if the information is submitted electronically; or***

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

6. The notice required pursuant to subsection 5 must include, without limitation:

(a) All reasons for denying the claim;

(b) The criteria by which the insurer determines whether to approve or deny the claim and a description of the manner in which the insurer applied those criteria to the claim;

(c) Any other legal or factual basis for denying the claim; and

(d) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 8. NRS 689B.255 is hereby amended to read as follows:

689B.255 1. Except as otherwise provided in subsection 2 and NRS 439B.754, an insurer shall approve or deny a claim relating to a policy of group health insurance or blanket insurance within ~~15 working~~ ***21 days after the insurer receives the claim, if the claim is submitted electronically, or*** 30 ~~working~~ days after the insurer receives the claim ~~.~~ ***, if the claim is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~30 days after it is approved.~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of ~~interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6~~ ***10*** percent ~~.~~ ***per annum.*** The interest must be calculated from ~~30 days after~~ the date on which ***payment of*** the claim is ~~approved~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The insurer shall notify the ~~provider of health care~~ ***claimant*** of all the specific

reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within ~~[15 working]~~ ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 ~~[working]~~ days after receiving the additional information ~~[.]~~ ***, if the additional information is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not ~~[request]~~ **:**

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the insurer.

9. On or before February 1 of each year, an insurer shall submit to the Commissioner a report concerning the compliance of the insurer with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the insurer failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the insurer pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 9. NRS 689C.335 is hereby amended to read as follows:

689C.335 1. Except as otherwise provided in subsection ~~[~~2~~]~~ ***3*** and NRS 439B.754, a carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall approve or deny a claim relating to a policy of health insurance ***and, if the carrier:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one*** days after the carrier receives the claim ~~[~~. If the claim is approved, the carrier shall pay the claim within 30 days after it is approved.~~]~~ ***, if the claim is submitted electronically; or***

(2) Thirty ~~***[working]***~~ ***days after the carrier receives the claim, if the claim is not submitted electronically.***

(b) Denies the claim, notify the claimant in writing of the denial within ~~***[30 working]***~~ ***21 days after the carrier receives the claim*** ~~***[.]***~~ ***, if the claim is submitted electronically, or 30 days after the carrier receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:***

(1) All reasons for denying the claim ~~***[.]***~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the carrier as a basis to deny the claim;***

(2) The criteria by which the carrier determines whether to approve or deny the claim and a description of the manner in which the carrier applied those criteria to the claim; and

(3) ~~***[Any other legal or factual basis for denying the claim; and***~~

~~***(4)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.***

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in subsection 1,*** the carrier shall pay interest on the claim at a rate of ~~[~~interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6~~]~~ ***10*** percent ~~[~~.~~]~~ ***per annum.*** The interest must be calculated from ~~[~~30 days after~~]~~ the date on which ***payment of*** the claim is ~~[~~approved~~]~~ ***due pursuant to subsection 1*** until the date on which the claim is paid.

~~[~~2.~~]~~ ***3.*** If the carrier requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The carrier shall notify the ~~[~~provider of health care~~]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The carrier shall approve or deny the claim ***and, if the carrier:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one days after receiving the additional information, if the information is submitted electronically; or***

(2) Thirty ~~[working]~~ days after receiving the additional information. ~~[If the claim is approved, the carrier shall pay the claim within 30 days after it receives the additional information.]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within ~~[30 working]~~ 21 days after receiving the additional information ~~[,]~~ , if the information is submitted electronically, or 30 days after receiving the additional information, if the information is not submitted electronically.

4. If ~~[the approved]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[that]~~ ***the*** period ~~[,]~~ ***specified in that subsection,*** the carrier shall pay interest on the claim in the manner prescribed in subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***5.*** A carrier shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the carrier, unless the carrier provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[4.]~~ ***6.*** A carrier shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

~~[6.]~~ ***8.*** The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the carrier.

~~[7.]~~ ***9.*** The Commissioner may require a carrier to provide evidence which demonstrates that the carrier has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

~~[8.]~~ ***10.*** If the Commissioner determines that a carrier is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the carrier to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a carrier is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the carrier.

11. On or before February 1 of each year, a carrier shall submit to the Commissioner a report concerning the compliance of the carrier with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the carrier failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the carrier pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 10. NRS 695A.188 is hereby amended to read as follows:

695A.188 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 439B.754, a society shall approve or deny a claim relating to a certificate of health insurance ***and, if the society:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one*** days after the society receives the claim ~~[. If the claim is approved, the society shall pay the claim within 30 days after it is approved. If]~~ ***, if the claim is submitted electronically; or***

(2) Thirty ~~***[working]***~~ ***days after the society receives the claim, if the claim is not submitted electronically.***

(b) Denies the claim, notify the claimant in writing of the denial within ~~***[30 working]***~~ ***21 days after the society receives the claim*** ~~***[,]***~~ ***, if the claim is submitted electronically, or 30 days after the society receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:***

(1) All reasons for denying the claim ~~***[;]***~~ ***, including, without limitation, the specific facts and provisions of the certificate relied upon by the society as a basis to deny the claim;***

(2) The criteria by which the society determines whether to approve or deny the claim and a description of the manner in which the society applied those criteria to the claim; and

(3) ~~***[Any other legal or factual basis for denying the claim; and***~~

~~***(4)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.***

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[that]~~ ***the*** period ~~[,]~~ ***specified by subsection 1,*** the society shall pay interest on the claim at the rate of ~~[interest established pursuant to NRS 99.040 unless a different rate of interest is established pursuant to an express written contract between the society and the provider of health care.]~~ ***10 percent per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which ***payment of*** the claim is ~~[approved]~~ ***due pursuant to subsection 1*** until the claim is paid.

~~[2.]~~ ***3.*** If the society requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The society shall notify the ~~[provider of health care]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The society shall approve or deny the claim ***and, if the society:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) ~~[Fifteen working]~~ Twenty-one days after receiving the additional information, if the information is submitted electronically; or

(2) Thirty ~~[working]~~ days after receiving the additional information ~~[. If the claim is approved, the society shall pay the claim within 30 days after it receives the additional information.]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within ~~[30 working]~~ 21 days after receiving the additional information ~~[.]~~ , if the information is submitted electronically, or 30 days after receiving the information, if the information is not submitted electronically.

4. If ~~[the approved]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[that]~~ ***the*** period ~~[.]~~ ***specified in that subsection,*** the society shall pay interest on the claim in the manner prescribed in subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***5.*** A society shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the society, unless the society provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[4.]~~ ***6.*** A society shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

8. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the society.

9. The Commissioner may require a society to provide evidence which demonstrates that the society has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

10. If the Commissioner determines that a society is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the society to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a society is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the society.

11. On or before February 1 of each year, a society shall submit to the Commissioner a report concerning the compliance of the society with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the society failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the society pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 11. NRS 695B.2505 is hereby amended to read as follows:

695B.2505 1. Except as otherwise provided in subsection 2 and NRS 439B.754, a corporation subject to the provisions of this chapter shall approve or deny a claim relating to a contract for dental, hospital or medical services within ~~*[15 working]*~~ ***21 days after the corporation receives the claim, if the claim is submitted electronically, or*** 30 ~~*[working]*~~ days after the corporation receives the claim ~~[.]~~ ***, if the claim is not submitted electronically.*** If the claim is approved, the corporation shall ***also*** pay the claim within ~~[30 days after it is approved.]~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within ~~[that]~~ ***that*** period, the corporation shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which the ***payment of the*** claim is ~~[approved]~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the corporation requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The corporation shall notify the ~~[provider of dental, hospital or medical services]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The corporation shall approve or deny the claim within ~~*[15 working]*~~ ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 ~~*[working]*~~ days after receiving the additional information ~~[.]~~ ***, if the information is not submitted electronically.*** If the claim is approved, the corporation shall pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the corporation shall pay interest on the claim in the manner prescribed in subsection 1.

3. A corporation shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the corporation, unless the corporation provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A corporation shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the corporation.

7. The Commissioner may require a corporation to provide evidence which demonstrates that the corporation has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a corporation is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the corporation to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a corporation is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the corporation.

9. On or before February 1 of each year, a corporation shall submit to the Commissioner a report concerning the compliance of the corporation with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the corporation failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the corporation pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 12. NRS 695B.400 is hereby amended to read as follows:

695B.400 1. Following approval by the Commissioner, each insurer that issues a contract for hospital or medical services in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives a certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service to a beneficiary or subscriber, including, without limitation, denying a claim

relating to a contract for dental, hospital or medical services pursuant to NRS 695B.2505, it shall notify the beneficiary or subscriber in writing within ~~[30 working]~~ ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim , if the information is submitted electronically;

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically; or ~~[, if]~~

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service of:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the contract relied upon by the insurer as a basis to deny coverage for the service;***

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ ***and the manner in which the insurer applied those criteria to the health care service;***

(c) ~~[Any other legal or factual basis for denying coverage of the health care service;~~

~~(d)]~~ A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and

~~[(c) (e)]~~ ***(d)*** The right of the beneficiary or subscriber to file a written complaint and the procedure for filing such a complaint.

3. A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 13. NRS 695C.187 is hereby amended to read as follows:

695C.187 1. A health maintenance organization shall not:

(a) Enter into any contract or agreement, or make any other arrangements, with a provider for the provision of health care; or

(b) Employ a provider pursuant to a contract, an agreement or any other arrangement to provide health care,

➥ unless the contract, agreement or other arrangement specifically provides that the health maintenance organization and provider agree to the schedule for the payment of claims set forth in ~~[NRS 695C.185.]~~ ***section 16 of this act.***

2. Any contract, agreement or other arrangement between a health maintenance organization and a provider that is entered into or renewed on or after ~~[October]~~ ***July*** 1, ~~[2001,]~~ ***2025,*** that does not specifically include a provision concerning the schedule for the payment of claims as required by subsection 1 shall be deemed to conform with the requirements of subsection 1 by operation of law.

Sec. 14. NRS 695D.215 is hereby amended to read as follows:

695D.215 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** an organization for dental care shall approve or deny a claim relating to a plan for dental care ***and, if the organization for dental care:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one*** days after the organization for dental care receives the claim ~~[. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it is approved. If]~~ ***, if the claim is submitted electronically; or***

(2) Thirty ~~***[working]***~~ ***days after the organization for dental care receives the claim, if the claim is not submitted electronically.***

(b) Denies the claim, notify the claimant in writing of the denial within ~~***[30 working]***~~ ***21 days after the organization for dental care receives the claim*** ~~***[.]***~~ ***, if the claim was submitted electronically, or 30 days after the organization for dental care receives the claim, if the claim was not submitted electronically. The notice must include, without limitation:***

(1) All reasons for denying the claim ~~***[.]***~~ ***, including, without limitation, the specific facts and provisions of the plan relied upon by the organization for dental care as a basis to deny the claim;***

(2) The criteria by which the organization for dental care determines whether to approve or deny the claim and a description of the manner in which the organization for dental care applied those criteria to the claim; and

(3) ~~***[Any other legal or factual basis for denying the claim; and***~~

~~***(4)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.***

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[that]~~ ***the*** period ~~[,]~~ ***specified by subsection 1,*** the organization for dental care shall pay interest on the claim at the rate of ~~[interest established pursuant to NRS 99.040.]~~ ***10 percent per annum.*** The interest must be calculated from the date the payment ***of the claim*** is due ***pursuant to subsection 1*** until the claim is paid.

~~[2.]~~ ***3.*** If the organization for dental care requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The organization for dental care shall notify the ~~[provider of dental care]~~ ***claimant*** of the reason for the delay in approving or denying the claim. The organization for dental care shall approve or deny the claim ***and, if the organization for dental care:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) ~~***[Fifteen working]***~~ ***Twenty-one days after receiving the additional information, if the information is submitted electronically; or***

(2) Thirty ~~***[working]***~~ days after receiving the additional information ~~[. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it receives the additional information.]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within ~~***[30 working]***~~ ***21 days after receiving the additional information*** ~~***[.]***~~ ***, if the information is submitted***

electronically, or 30 days after receiving the additional information, if the information is not received electronically.

4. If ~~[the approved]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[that]~~ ***the*** period ~~[.]~~ ***specified in that subsection,*** the organization for dental care shall pay interest on the claim in the manner prescribed in subsection ~~[1.]~~ ***2.***

5. An organization for dental care shall not ~~[request]~~ :

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the organization for dental care, unless the organization for dental care provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

6. An organization for dental care shall not pay only part of a claim that has been approved and is fully payable.

7. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

8. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the organization for dental care.

9. The Commissioner may require an organization for dental care to provide evidence which demonstrates that the organization for dental care has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

10. If the Commissioner determines that an organization for dental care is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the organization for dental care to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an organization for dental care is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the organization for dental care.

11. On or before February 1 of each year, an organization for dental care shall submit to the Commissioner a report concerning the compliance of the organization for dental care with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the organization for dental care failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the organization for dental care pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 15. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a prepaid limited health service organization denies a claim, the prepaid limited health service organization shall notify the claimant in writing of the denial within [30 working] :

(a) Twenty-one days after the prepaid limited health service organization receives all information necessary to make a determination concerning the claim [.] , if the information is submitted electronically; or

(b) Thirty days after the prepaid limited health organization receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

2. The notice required pursuant to subsection 1 must include, without limitation:

[1.] (a) All reasons for denying the claim [;] , including, without limitation, the specific facts and provisions of the evidence of coverage relied upon by the prepaid limited health organization as a basis to deny the claim;

[2.] (b) The criteria by which the prepaid limited health service organization determines whether to approve or deny the claim and a description of the manner in which the prepaid limited health service organization applied those criteria to the claim;

[3. Any other legal or factual basis for denying the claim;] and

[4.] (c) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 16. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 and NRS 439B.754, a managed care organization shall approve or deny a claim within [15 working] 21 days after the managed care organization receives the claim, if the claim is submitted electronically, or 30 [working] days after the managed care organization receives the claim, if the claim is not submitted electronically. If the claim is approved, the managed care organization shall also pay the claim within that period. Except as otherwise provided in this section, if the approved claim is not paid within that period, the managed care organization shall pay interest on the claim at a rate of 10 percent per annum. The interest must be calculated from the date on which payment of the claim is due pursuant to this subsection until the date on which the claim is paid.

2. If the managed care organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant

of its request for the additional information within 20 working days after it receives the claim. The managed care organization shall notify the claimant of all the specific reasons for the delay in approving or denying the claim. The managed care organization shall approve or deny the claim within ~~[15 working]~~ 21 days after receiving the additional information, if the additional information is submitted electronically, or 30 ~~[working]~~ days after receiving the additional information, if the additional information is not submitted electronically. If the claim is approved, the managed care organization shall also pay the claim within that period. If the approved claim is not paid within that period, the managed care organization shall pay interest on the claim in the manner prescribed in subsection 1.

3. A managed care organization shall not ~~[request]~~ :

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the managed care organization, unless the managed care organization provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A managed care organization shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the managed care organization.

7. The Commissioner may require a managed care organization to provide evidence which demonstrates that the managed care organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a managed care organization is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the managed care organization to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a managed care organization is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the managed care organization.

9. On or before February 1 of each year, a managed care organization shall submit to the Commissioner a report concerning the compliance of the

managed care organization with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the managed care organization failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the managed care organization pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 17. ~~[NRS 695G.090 is hereby amended to read as follows:~~

~~695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.~~

~~2. In addition to the provisions of this chapter, each managed care organization shall comply with:~~

~~(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and~~

~~(b) Any other applicable provision of this title.~~

~~3. The provisions of NRS 695G.127, 695G.1639, 695G.164, 695G.1645, 695G.167 , [and] 695G.200 [to 695G.230, inclusive,] , *695G.210 and 695G.220 and subsections 1, 2 and 3 of NRS 695G.230* do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~4. The provisions of NRS 695C.1735 and 695G.1639 do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.~~

~~5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.]~~ **(Deleted by amendment.)**

Sec. 18. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. After approval by the Commissioner, each health carrier shall provide a written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such a notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the health carrier denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. If a health carrier denies coverage of a health care service to an insured, including, without limitation, a ~~[health maintenance]~~ ***managed care*** organization that denies a claim related to a health care plan pursuant to ~~[~~NRS 695C.185,~~]~~ ***section 16 of this act,*** it shall notify the insured ***and, if applicable, the provider of health care who submitted the claim,*** in writing within ~~***[30 working]***~~ ***:***

(a) Twenty-one days after the health carrier receives all information necessary to make a determination concerning the claim , if the information is submitted electronically;

(b) Thirty days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically; or ~~***[, if]***~~

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the health carrier*** denies coverage of the health care service ***.*** ~~[of:]~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the plan relied upon by the health carrier as a basis to deny coverage of the service;***

(b) The criteria by which the health carrier or insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ ***and a description of the manner in which the health carrier applied those criteria to the health care service;***

(c) ~~***[Any other legal or factual basis for denying coverage of the health care service;***~~

~~***(d)]***~~ ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim;***

~~***[(e)]***~~ ***(d)*** The right of the insured to:

(1) File a written complaint and the procedure for filing such a complaint;

(2) Appeal an adverse determination pursuant to NRS 695G.241 to 695G.310, inclusive;

(3) Receive an expedited external review of an adverse determination if the health carrier receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including notification of the procedure for requesting the expedited external review; and

(4) Receive assistance from any person, including an attorney, for an external review of an adverse determination; and

~~[~~(d)~~***(f)]***~~ ***(e)*** The telephone number of the Office for Consumer Health Assistance.

~~[3.]~~ ***4.*** A written notice which is approved by the Commissioner ***pursuant to subsection 1*** shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

~~[4.]~~ ***5. If a health carrier denies a claim submitted by a provider of health care, the health carrier shall notify the provider of health care in writing of the denial within ~~[30 working]~~ :***

(a) Twenty-one days after the health carrier receives all information necessary to make a determination concerning the claim ~~[,]~~ , if the information is submitted electronically; or

(b) Thirty days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

6. The notice required pursuant to subsection 5 must include, without limitation:

(a) All reasons for denying the claim ~~[,]~~ , including, without limitation, the specific facts and provisions of the plan relied upon by the health carrier as a basis to deny coverage of the service;

(b) The criteria by which the health carrier determines whether to approve or deny the claim and a description of the manner in which the health carrier applied those criteria to the claim; and

(c) ~~[A~~any other legal or factual basis for denying the claim; and ~~(d)]~~ A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 19. ~~[NRS 232.320 is hereby amended to read as follows:~~

~~232.320 1. The Director:~~

~~(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:~~

~~(1) The Administrator of the Aging and Disability Services Division;~~

~~(2) The Administrator of the Division of Welfare and Supportive Services;~~

~~(3) The Administrator of the Division of Child and Family Services;~~

~~(4) The Administrator of the Division of Health Care Financing and Policy; and~~

~~(5) The Administrator of the Division of Public and Behavioral Health.~~

~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 22 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

~~(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.~~

~~(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:~~

~~(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;~~

~~(2) Set forth priorities for the provision of those services;~~

~~(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;~~

~~(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;~~

~~(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and~~

~~(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.~~

~~(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.~~

~~(f) Has such other powers and duties as are provided by law.~~

~~2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.~~] **(Deleted by amendment.)**

Sec. 20. [~~NRS 287.010 is hereby amended to read as follows:~~

~~287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:~~

~~(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.~~

~~(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the~~

~~dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.~~

~~(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, ***687B.730,*** 687B.805, ***subsection 4 of NRS 689B.0295,*** 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, ***689B.255,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.~~

~~(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.~~

~~2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.~~

~~3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are~~

~~eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.~~

~~4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:~~

~~(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and~~

~~(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.~~

~~5. A contract that is entered into pursuant to subsection 3:~~

~~(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.~~

~~(b) Does not become effective unless approved by the Commissioner.~~

~~(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.~~

~~6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.~~] **(Deleted by amendment.)**

Sec. 21. [~~NRS 287.04335 is hereby amended to read as follows:~~

~~287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, *687B.730,* 687B.805, *687B.820, subsection 4 of NRS 689B.0295,* 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, *and section 16 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.~~] **(Deleted by amendment.)**

Sec. 22. [~~Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, the Department shall approve or deny a claim for reimbursement on a fee-for-service basis under Medicaid or the Children's Health Insurance Program within 15 working days after the Department receives the claim, if the claim is submitted electronically, or 30 working days after the Department receives the claim, if the claim is not submitted electronically. If the claim is approved, the Department shall also pay the approved reimbursement within that period. Except as otherwise provided in this section, if the approved reimbursement is not paid within that period, the Department shall pay interest on the claim*~~

~~*at a rate of 10 percent per annum. The interest must be calculated from the date on which payment is due pursuant to this subsection until the date on which the reimbursement is paid.*~~

~~*2. If the Department requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 working days after it receives the claim. The Department shall notify the claimant of all the specific reasons for the delay in approving or denying the claim. The Department shall approve or deny the claim within 15 working days after receiving the additional information, if the additional information is submitted electronically, or 30 working days after receiving the additional information, if the additional information is not submitted electronically. If the claim is approved, the Department shall also pay the approved reimbursement within that period. If the approved reimbursement is not paid within that period, the Department shall pay interest on the claim in the manner prescribed in subsection 1.*~~

~~*3. If the Department denies a claim for reimbursement on a fee-for-service basis under Medicaid or the Children's Health Insurance Program, the Department shall notify the claimant in writing of the denial within 30 working days after the Department receives all information necessary to make a determination concerning the claim. The notice must include, without limitation:*~~

~~*(a) All reasons for denying the claim;*~~

~~*(b) The criteria by which the Department determines whether to approve or deny the claim and a description of the manner in which the Department applied those criteria to the claim;*~~

~~*(c) Any other legal or factual basis for denying the claim; and*~~

~~*(d) A description of the process established pursuant to subsection 4 for challenging the denial of the claim.*~~

~~*4. The Department shall establish an efficient process by which a provider of health care who participates in Medicaid or the Children's Health Insurance Program may challenge the denial by the Department of a claim for reimbursement on a fee-for-service basis. The process must allow for the clear resolution of each challenge within a reasonable time.*~~

~~*5. The Department shall provide to each provider of health care who receives reimbursement on a fee-for-service basis through Medicaid or the Children's Health Insurance Program, each recipient of Medicaid who receives services on a fee-for-service basis and the parent or guardian of each child who receives coverage under the Children's Health Insurance Program and receives services on a fee-for-service basis at least annually an explanation of the process by which the Department will provide remittances to participating providers of health care.]~~ **(Deleted by amendment.)**

Sec. 23. 1. The amendatory provisions of this act do not supersede the provisions of any contract entered into or policy issued before July 1, 2025, but apply to any renewal of such a contract or policy.

2. The amendatory provisions of this act do not apply to any claim under a policy of health insurance or other program that provides health coverage submitted before July 1, 2025, but, except as otherwise provided in subsection 1, apply to such claims submitted on or after that date.

Sec. 24. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 25. NRS 695C.128 are 695C.185 are hereby repealed.

Sec. 26. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

695C.128 Contracts to provide services pursuant to certain state programs: Payment of interest on claims. Any contract or other agreement entered into or renewed by a health maintenance organization on or after October 1, 2001:

1. To provide health care services through managed care to recipients of Medicaid under the state plan for Medicaid; or

2. With the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide insurance pursuant to the Children's Health Insurance Program,

➥ must require the health maintenance organization to pay interest to a provider of health care services on a claim that is not paid within the time provided in the contract or agreement at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

695C.185 Approval or denial of claims; payment of claims and interest; requests for additional information; award of costs and attorney's fees; compliance with requirements; imposition of administrative fine or suspension or revocation of certificate of authority for failure to comply.

1. Except as otherwise provided in subsection 2 and NRS 439B.754, a health maintenance organization shall approve or deny a claim relating to a health care plan within 30 days after the health maintenance organization receives the claim. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the health maintenance organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The health maintenance organization shall notify the provider of health care services of all the specific reasons for the delay in approving or denying the claim. The health maintenance organization shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim in the manner prescribed in subsection 1.

3. A health maintenance organization shall not request a claimant to resubmit information that the claimant has already provided to the health maintenance organization, unless the health maintenance organization provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A health maintenance organization shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the health maintenance organization.

7. The Commissioner may require a health maintenance organization to provide evidence which demonstrates that the health maintenance organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the health maintenance organization to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the health maintenance organization.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 108.

AN ACT relating to providers of health care; revising requirements for continuing education and training for certain providers of health care; requiring the Board of Medical Examiners to require a physician assistant on inactive status to pay a biennial registration fee; ~~[increasing]~~ **revising** the ~~[maximum amount of certain]~~ **provisions relating to** fees charged and collected by the Board; requiring the Board, if authorized by a licensee, to provide to an employer of the licensee or an entity credentialing the licensee certain documents and information; **setting forth certain grounds for the State Board of Osteopathic Medicine to initiate disciplinary action against a licensee or deny licensure to an applicant; revising requirements for the issuance by the Board of a license to practice osteopathic medicine;** providing for the biennial renewal of certain licenses issued by the ~~[State]~~ Board **;** ~~[of Osteopathic Medicine;]~~ establishing and revising certain fees charged by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain providers of health care licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine to complete certain continuing education as a condition to the renewal of the license. ~~[Existing law sets forth certain courses of instruction and training that each Board must require certain licensees to complete, including, among other courses and training, a course of instruction on evidence based suicide prevention and awareness and training in the screening, brief intervention and referral to treatment approach to substance use disorder.]~~ (NRS 630.253, 633.471) ~~[Additionally, existing law requires each Board to require a physician, osteopathic physician and physician assistant who is registered to dispense controlled substances to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. (NRS 630.2535, 633.473) Sections]~~ **Section 1** ~~[, 12 and 21]~~ of this bill ~~[eliminate]~~ **eliminates** provisions requiring ~~[each]~~ **the** Board **of Medical Examiners** to require the completion of ~~[certain specified courses]~~ **a course** of instruction ~~[and training. Sections 1 and 12 maintain the requirement for certain licensees to complete continuing education but, rather than requiring each Board to require the completion of certain specified courses and training, sections 1 and 12 require each Board to encourage each licensee to complete courses of instruction in, among other subjects: (1) evidence based suicide prevention and awareness; (2) the screening, brief intervention and referral to treatment approach to substance use disorder; (3) the prescribing of opioids; and (4) care for persons with an addictive disorder. Sections 5 and 19 of this bill eliminate provisions making the failure of a licensee to complete training relating to persons with substance use and other addictive disorders and the prescribing of opioids grounds for initiating disciplinary action by the Board of Medical Examiners~~

~~and the State Board of Osteopathic Medicine, respectively.]~~ **relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. Section 12 ~~[additionally]~~ of this bill** increases, from 35 to 40, the number of hours of continuing medical education certain providers of health care licensed by the State Board of Osteopathic Medicine are required to complete during each period of licensure.

Existing law requires the Board of Medical Examiners to adopt regulations regarding the licensure of a physician assistant. (NRS 630.275) Existing law establishes a biennial registration fee for a physician assistant licensed by the Board. (NRS 630.268) Under existing law, the Board is required to exempt a physician assistant on inactive status from paying the biennial registration fee. (NRS 630.255) **Section 2** of this bill eliminates that exception. **Section 4** of this bill instead requires the Board to require a physician assistant on inactive status to pay a fee for biennial registration. **Section 3** of this bill sets forth the maximum amount of that fee.

Section 3 ~~[additionally increases]~~ revises provisions setting forth the maximum amount of ~~[the]~~ **various** fees ~~[for: (1) biennial registration for a physician from $800 to $1,200; and (2) biennial registration for a physician who is on inactive status from $400 to $600.]~~ **charged by the Board. Section 3 increases the maximum amount of certain fees, removes certain fees and establishes the maximum amount of a fee the Board is required to charge for certain services provided by the Board.**

Existing law authorizes the Board to keep certain information confidential, including, among other information, any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application for a license. (NRS 630.336) **Section 6** of this bill requires the Board, if authorized by a licensee, to provide to an employer of the licensee or an entity credentialing the licensee copies of any documents or other information obtained by the Board during the application process for the issuance of the license of the licensee, including, without limitation, copies of documents and other information verifying the completion by the licensee of any educational program related to licensure and verifying certain other matters concerning the licensee.

Existing law sets forth the requirements for the issuance by the State Board of Osteopathic Medicine of a license to practice osteopathic medicine, including, among other requirements, the requirement that an applicant must: (1) have graduated from a school of osteopathic medicine before 1995 and completed a hospital internship or certain postgraduate training; (2) have completed 3 years, or such other length of time as required by certain programs of postgraduate medical education as a resident in the United States or Canada; or (3) be a resident who is enrolled in a postgraduate training program in this State, have completed 24 months of the program and have committed, in writing, that he or she will complete the program. (NRS 633.311) Section 6.7 of this bill revises the requirements for a person who is a resident enrolled in a postgraduate

training program to obtain a license to allow a license to be issued to a resident who is enrolled in a postgraduate training program in the United States or Canada that is approved by the Board or certain other organizations who has completed 24 months of the program and who has committed, in writing, that he or she will complete the program. Section 6.7 also provides that if, after issuing a license to practice osteopathic medicine, the Board obtains information that differs from the information provided by the applicant or otherwise received by the Board, the Board may take certain action against the applicant.

Section 6.3 of this bill provides that obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice osteopathic medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement constitutes grounds for the Board to initiate disciplinary action against a licensee and to deny licensure to an applicant.

Existing law, with certain exceptions, provides for the annual renewal of a license to practice osteopathic medicine issued by the State Board of Osteopathic Medicine and sets forth a renewal date for such a license as January 1 of each calendar year. (NRS 633.471) **Section 12** instead provides, with certain exceptions, for the biennial renewal of such a license and establishes the renewal date for such a license as December 31 of each even-numbered year.

Existing regulations provide for the annual renewal of a license as a physician assistant issued by the Board. (NAC 633.285) **Sections 9 and 10** of this bill instead provide for the biennial renewal of such a license and establish the renewal date as December 31 of each odd-numbered year. Existing law provides for the biennial renewal of a license as an anesthesiologist assistant issued by the Board. (NRS 633.4254) **Section 7** of this bill establishes a renewal date for such a license as December 31 of each odd-numbered year.

Section 20 of this bill sets forth certain requirements for the renewal of certain licenses issued by the Board which are held by a licensee on December 31, 2025.

Existing law sets forth procedures by which a person may be simultaneously licensed as a physician assistant or anesthesiologist assistant by the Board of Medical Examiners and the State Board of Osteopathic Medicine. (NRS 630.2677, 630.26835, 630.2684, 630.26845, 630.2735, 630.2755, 633.4256, 633.4258, 633.426, 633.4332, 633.438, 633.4718) Under existing law, a person who is licensed as a physician assistant or anesthesiologist assistant by the State Board of Osteopathic Medicine and who wishes to be simultaneously licensed by both the Board of Medical Examiners and the State Board of Osteopathic Medicine is required to: (1) apply to the Board of Medical Examiners for a license to practice as a physician assistant or anesthesiologist assistant, as applicable; (2) pay all applicable fees, including the fee payable to the Board of Medical Examiners for an application for and the issuance of a simultaneous license as a physician assistant or anesthesiologist assistant, as

applicable, and the annual simultaneous registration fee for a physician assistant or biennial simultaneous registration fee for an anesthesiologist assistant, as applicable, payable to the State Board of Osteopathic Medicine; and (3) if the person is applying for simultaneous licensure while renewing his or her license, apply to renew his or her license and indicate in the application that he or she wishes to hold a simultaneous license. (NRS 633.426, 633.438, 633.4718) **Sections 8, 11 and 15** of this bill instead require such a person to pay to the State Board of Osteopathic Medicine a biennial simultaneous license renewal fee, rather than an annual or biennial simultaneous license registration fee. **Section 14** of this bill similarly eliminates a reference to the biennial registration of a license.

Existing law requires the State Board of Osteopathic Medicine to: (1) maintain a list of each licensed osteopathic physician and physician assistant and certain training that each such licensee has received; and (2) update the list at least annually with information received from licensees who renewed their licenses during the preceding year. (NRS 633.4715) **Section 13** of this bill requires the Board to instead update the list at least biennially with such information from licensees who renewed their licenses during the preceding biennium. **Sections 16 and 17** of this bill revise certain other procedures and requirements relating to licensure to account for the change from an annual to a biennial period of licensure for certain osteopathic physicians and physician assistants.

Existing law sets forth a list of maximum fees to be charged and collected by the Board. (NRS 633.501) **Section 18** of this bill: (1) revises the descriptions of certain fees; (2) increases the amount of certain fees to account for the change from an annual to a biennial period of licensure for certain osteopathic physicians and physician assistants; and (3) establishes a biennial license renewal fee and a biennial simultaneous license renewal fee for an anesthesiologist assistant.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant;

(b) Renewal of a license as an anesthesiologist assistant; or

(c) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) ~~[Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course~~

~~must provide at least 4 hours of instruction that includes instruction in the following subjects:~~

~~(1) An overview of acts of terrorism and weapons of mass destruction;~~

~~(2) Personal protective equipment required for acts of terrorism;~~

~~(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;~~

~~(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and~~

~~(5) An overview of the information available on, and the use of, the Health Alert Network.~~

~~(c)~~ Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours ***[The regulations adopted pursuant to subsection 1 must encourage each holder of a license to take courses]*** of instruction on evidence-based ***[in:***

(a) Evidence-based] suicide prevention and awareness as described in subsection ~~[6.]~~ ***5.***

~~[(d)]~~ ***(c)*** Must provide for the completion of at least 2 hours of training in the ***[which may include, without limitation, instruction concerning:***

(1) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(2) Approaches to engaging other professionals in suicide intervention; and

(3) The detection of suicidal thoughts and ideations and the prevention of suicide.

(b) The] screening, brief intervention and referral to treatment approach to substance use disorder ***.]*** within 2 years after initial licensure.

~~[(e)]~~ ***(d)*** Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

~~[(f)]~~ ***(e)*** Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

~~[(g)]~~ ***(f)*** Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. ~~[The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.~~

4. ~~***(c) The prescribing of opioids.***~~

~~***(d) Care for persons with an addictive disorder.***~~

~~***3.]***~~ The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

~~[5.]~~ ***4.*** The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

~~[6.]~~ ***5.*** The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~[7. 5.]~~ ***6.*** The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

~~[8.]~~ ***7.*** A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[9.]~~ ***8.*** Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[10.]~~ ***9.*** As used in this section ~~[:~~

~~(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~

~~(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.~~

~~(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.~~

~~(d) "Primary]~~ ***, "primary*** care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~[(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.~~

~~(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.]~~

Sec. 2. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board. Any physician assistant who notifies the Board of his or her desire to be placed on inactive status in writing on a form prescribed by the Board may be placed on inactive status by order of the Board.

2. Each inactive licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. An inactive licensee who changes his or her permanent mailing address

shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board may impose upon the licensee a fine not to exceed $250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. An inactive physician assistant shall not practice as a physician assistant. The Board shall consider an inactive physician assistant who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 630.275.

5. ~~[The Board shall exempt an inactive physician assistant from paying the applicable fee for biennial registration prescribed by NRS 630.268.~~

~~6.]~~ Before resuming the practice of medicine or practice as a physician assistant in this State, the inactive licensee must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine or practice as a physician assistant, as applicable, in this State;

(b) File an affidavit with the Board describing the activities of the licensee during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine or practice as a physician assistant, as applicable.

~~[7.]~~ ***6.*** If the Board determines that the conduct or competence of the licensee during the period of inactive status would have warranted denial of an application for a license to practice medicine or practice as a physician assistant in this State, the Board may refuse to place the licensee on active status.

Sec. 3. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including ***a license as an administrative physician or*** a license by endorsement.....~~[$600]~~ ***$800***

For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license.....~~[400]~~ ***600***

For renewal of a limited, restricted, authorized facility or special license.....~~[400]~~ ***600***

For application for and issuance of a license as a physician assistant,

including a license by endorsement ***and any temporary license*** ..... ~~[400]~~ ***600***

For application for and issuance of a simultaneous license as a physician assistant 200

For biennial registration of a physician assistant 800

For biennial simultaneous registration of a physician assistant 400

For biennial registration of a physician ..... ~~[800~~ ~~*1,200]*~~ ***1,000***

For application for and issuance of a license as a perfusionist or practitioner of respiratory care ***including any temporary license to practice perfusion and any temporary license to provide respiratory care as an intern*** ..... ~~[$400]~~ ***600***

For biennial renewal of a license as a perfusionist 600

For application for and issuance of a license or temporary license to practice as an anesthesiologist assistant ..... ~~[400]~~ ***600***

For application for and initial issuance of a simultaneous license as an anesthesiologist assistant ..... ~~[200]~~ ***400***

For biennial registration of an anesthesiologist assistant 800

For biennial simultaneous registration of an anesthesiologist assistant 400

For biennial registration of a practitioner of respiratory care 600

For biennial registration for a physician who is on inactive status ***600***

For biennial registration for a physician assistant who is on inactive status 400

For written verification of licensure ..... ~~[50]~~ ***100***

~~[For a duplicate identification card ..... 25]~~

For a duplicate ~~[license]~~ ***wall certificate*** ..... ~~[50]~~ ***100***

~~[For computer printouts or labels ..... 500~~

~~For verification of a listing of physicians, per hour ..... 20]~~

For furnishing a ***custom*** list of ~~[new physicians]~~ ***licensees or a list of newly licensed licensees*** 100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 630.1607, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 630.1606 or 630.2751, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

6. The amount of the fee specified in subsection 1 for the biennial registration of a physician assistant who is on inactive status must not exceed one-half of the amount of the fee for the biennial registration of a physician assistant who is on active status.

Sec. 4. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.
5. The tests or examinations of applicants required by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractic physicians, naprapaths, podiatric physicians and optometrists under chapters 631, 634, 634B, 635 and 636, respectively, of NRS, or as hearing aid specialists.
7. The duration, renewal and termination of licenses, including licenses by endorsement. The Board ~~[shall]~~ ***:***

(a) Shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses.

(b) Shall require a physician assistant who is on inactive status to pay a biennial fee for registration prescribed by NRS 630.268.

8. The grounds and procedures respecting disciplinary actions against physician assistants.
9. The supervision of medical services of a physician assistant by a supervising physician.

10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 5. ~~[NRS 630.306 is hereby amended to read as follows:~~

~~630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:~~

~~(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.~~

~~(b) Engaging in any conduct:~~

~~(1) Which is intended to deceive;~~

~~(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or~~

~~(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.~~

~~(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.~~

~~(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.~~

~~(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.~~

~~(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.~~

~~(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.~~

~~(h) Having an alcohol or other substance use disorder.~~

~~(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.~~

~~(j) Failing to comply with the requirements of NRS 630.254.~~

~~(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.~~

~~(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.~~

~~(n) Operation of a medical facility at any time during which:~~

~~(1) The license of the facility is suspended or revoked; or~~

~~(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~→ This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~(o) Failure to comply with the requirements of NRS 630.373.~~

~~(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.~~

~~(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~(s) Failure to comply with the provisions of NRS 630.3745.~~

~~(t) [Failure to obtain any training required by the Board pursuant to NRS 630.2535.~~

~~(u)] Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~[(v)] *(u)* Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.~~

~~[(w)] *(v)* Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.~~

~~2. As used in this section:~~

~~(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.~~

~~(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in ***subsection 7 and*** NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a person, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

7. If authorized by a licensee, the Board shall provide to an employer of the licensee or an entity credentialing the licensee copies of any documents and other information obtained by the Board during the application process for the issuance of the license of the licensee, including, without limitation, copies of any documents and other information verifying:

(a) The completion by the licensee of any educational program related to licensure, including, without limitation, academic transcripts.

(b) The completion by the licensee of any postgraduate training.

(c) Any malpractice insurance maintained by the licensee.

(d) Any privileges of the licensee to practice at a hospital, clinic or other medical facility.

Sec. 6.3. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

Obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice osteopathic medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement constitutes grounds for the Board to initiate disciplinary action against a licensee pursuant to NRS 633.511 and to deny licensure to an applicant.

Sec. 6.7. **NRS 633.311 is hereby amended to read as follows:**

633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

(a) The applicant is 21 years of age or older;

(b) The applicant is a graduate of a school of osteopathic medicine;

(c) The applicant:

(1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(I) A hospital internship; or

(II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(3) Is a resident who is enrolled in a postgraduate training program in ~~[this State,]~~ ***the United States or Canada that is approved by the Board, the Bureau of Professional Education of the American Osteopathic Association, the Accreditation Council for Graduate Medical Education or, as applicable, their successor organizations,*** has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

(d) The applicant applies for the license as provided by law;

(e) The applicant passes:

(1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(2) All parts of the licensing examination of the Federation of State Medical Boards;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;

(f) The applicant pays the fees provided for in this chapter; and

(g) The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (c) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (c) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

3. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice osteopathic medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 633.741; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice osteopathic medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

4. If the Board determines after reviewing the differing information to allow the licensee to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 7. NRS 633.4254 is hereby amended to read as follows:

633.4254 1. The Board may issue a license to practice as an anesthesiologist assistant to an applicant who:

(a) Graduated from an anesthesiologist assistant program accredited by the Commission on Accreditation of Allied Health Education Programs or its predecessor or successor organization;

(b) Has passed a certification examination administered by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(c) Is certified by the National Commission for Certification of Anesthesiologist Assistants, its successor organization or other nationally recognized organization for the certification of anesthesiologist assistants that has been reviewed and approved by the Board;

(d) Submits an application for a license as an anesthesiologist assistant in accordance with the regulations adopted by the Board pursuant to NRS 633.4252;

(e) Pays the application fee for the application for and issuance of a license as an anesthesiologist assistant required by NRS 633.501; and

(f) Meets the qualifications prescribed by the regulations adopted by the Board pursuant to NRS 633.4252 to assist in the practice of medicine under the supervision of a supervising osteopathic anesthesiologist.

2. An applicant for a license to practice as an anesthesiologist assistant submitted pursuant to this section must include, without limitation, all the information required by the Board to complete the application.

3. A license issued by the Board pursuant to subsection 1 ~~[is valid for a period of 2 years and]~~ may be renewed ***on or before December 31 of each odd-numbered year*** in a manner consistent with the regulations adopted by the Board pursuant to NRS 633.4252.

Sec. 8. NRS 633.426 is hereby amended to read as follows:

633.426 If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS, the person must:

1. Apply for an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The ~~[fee for]~~ biennial simultaneous ~~[registration of]~~ ***license renewal fee for*** an anesthesiologist assistant pursuant to NRS 633.501; and

(b) The application and initial simultaneous license fee for an anesthesiologist assistant pursuant to NRS 630.268.

Sec. 9. NRS 633.433 is hereby amended to read as follows:

633.433 ***1.*** The Board may issue a license as a physician assistant to an applicant who is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician. The application for a license as a physician assistant must include all information required to complete the application.

2. A license as a physician assistant issued by the Board may be renewed on or before December 31 of each odd-numbered year in a manner consistent with the regulations adopted by the Board pursuant to NRS 633.434.

Sec. 10. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance ***and renewal*** of licenses.

4. The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to NRS 633.4335 and 633.4336.

5. The tests or examinations of applicants by the Board.

6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractic physicians, doctors of Oriental medicine, naprapaths, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 634B, 635, 636 and 637B, respectively, of NRS.

7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11. NRS 633.438 is hereby amended to read as follows:

633.438 If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS, the person must:

1. Apply for a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The ~~[annual]~~ ***biennial*** simultaneous ~~[registration]~~ ***license renewal*** fee for a physician assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268.

Sec. 12. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 15 ~~*[8]*~~ and NRS 633.491, every holder of a license, except a physician assistant or an anesthesiologist assistant, issued under this chapter, except a temporary ***,*** ~~[or a]~~ special ***or authorized facility*** license, may renew the license on or before ~~[January 1]~~ ***December 31*** of each ~~[calendar]~~ ***even-numbered*** year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the ~~[annual]~~ ***biennial*** license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous ~~[year;]~~ ***biennium;***

(d) Subject to subsection 14, ~~*[7,]*~~ submitting evidence to the Board that in the ~~[year]~~ ***biennium*** preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than ~~[35]~~ ***40*** hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education ~~[annually]~~ ***biennially*** from a percentage of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant determined by the Board. Subject to subsection 14, ~~*[7,]*~~ upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant or anesthesiologist assistant shall submit verified evidence satisfactory to the Board that in the ~~[year]~~ ***biennium*** preceding the application for renewal the applicant attended courses or programs of continuing medical

education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require ~~[encourage]~~ each holder of a license to practice osteopathic medicine ~~[licensee]~~ to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours ~~[courses]~~ of instruction on evidence-based ~~[in:~~

~~(a) Evidence-based]~~ suicide prevention and awareness as described in subsection 9. ~~[, which may include:~~

~~(1) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;~~

~~(2) Approaches to engaging other professionals in suicide intervention; and~~

~~(3) The detection of suicidal thoughts and ideations and the prevention of suicide.~~

~~(b) The screening, brief intervention and referral to treatment approach to substance use disorder.~~

~~(c) The prescribing of opioids.~~

~~(d) Care for persons with an addictive disorder.]~~

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician, physician assistant or anesthesiologist assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(a) May include the training provided pursuant to NRS 449.103, where applicable.

(b) Must be based upon a range of research from diverse sources.

(c) Must address persons of different cultural backgrounds, including, without limitation:

(1) Persons from various gender, racial and ethnic backgrounds;

(2) Persons from various religious backgrounds;

(3) Lesbian, gay, bisexual, transgender and questioning persons;

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

(7) Persons with an intellectual disability, developmental disability or physical disability; and

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

15. ~~[8.]~~ Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the ~~[annual]~~ ***biennial*** license renewal fee during their active duty status.

16. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 13. NRS 633.4715 is hereby amended to read as follows:

633.4715 1. The Board shall:

(a) Require each applicant for the renewal of a license as an osteopathic physician or physician assistant to:

(1) Report whether he or she has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, training in the short-term treatment of mental and emotional trauma or training in the long-term treatment of mental and emotional trauma; and

(2) If the applicant has received training in the treatment of mental and emotional trauma immediately following an emergency or disaster, describe the training and indicate if he or she is willing to respond immediately should an emergency or disaster arise at any location in this State;

(b) Maintain a list of each licensed osteopathic physician and physician assistant and any training described in subparagraph (1) of paragraph (a) that the licensee has received and update the list at least ~~[annually]~~ ***biennially*** to include information reported pursuant to paragraph (a) by licensees who renewed their license during the immediately preceding ~~[year;]~~ ***biennium;***

(c) Maintain a list of the names and contact information for osteopathic physicians or physician assistants who indicate that they are willing to respond immediately should an emergency or disaster arise at any location in this State and whom the Board has determined have appropriate training to respond following an emergency or disaster; and

(d) Provide the lists maintained pursuant to paragraphs (b) and (c) upon request to a governmental entity responding to a state of emergency or declaration of a disaster by the Governor or the Legislature pursuant to NRS 414.070.

2. The Board shall not deny the renewal of a license as an osteopathic physician or physician assistant solely because the applicant has failed to comply with the requirements of paragraph (a) of subsection 1.

3. Except as otherwise provided in paragraph (d) of subsection 1, any information obtained or maintained by the Board pursuant to this section is confidential.

Sec. 14. NRS 633.4717 is hereby amended to read as follows:

633.4717 1. In addition to any other requirements set forth in this chapter and any regulations adopted pursuant thereto, each applicant for the renewal of any type of license as an osteopathic physician pursuant to this chapter shall complete the data request developed by the Department of Health and Human Services pursuant to NRS 439A.124. The applicant shall provide to the Department all the information included in the request.

2. The Board shall make the data request described in subsection 1 available to applicants for the renewal of a license as an osteopathic physician on an electronic application for the renewal of a license or through a link included on the Internet website maintained by the Board.

3. An applicant for biennial ~~[registration or]~~ renewal of a license who refuses or fails to complete a data request pursuant to subsection 1 is not subject to disciplinary action, including, without limitation, refusal to ~~[issue the biennial registration or]~~ renew the license, for such refusal or failure.

4. The information contained in a completed data request is confidential and, except as required by NRS 439A.124, must not be disclosed to any person or entity.

Sec. 15. NRS 633.4718 is hereby amended to read as follows:

633.4718 A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:

1. Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply:

(a) To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

(b) For a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The ~~[annual]~~ ***biennial*** simultaneous ~~[registration]~~ ***license renewal*** fee for a physician assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268.

Sec. 16. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee fails to comply with the requirements of NRS 633.471 within 10 days after the renewal date, the Board shall give 15 days' notice of the failure to renew the license and of the expiration of the license by certified mail to the licensee at the licensee's last known address that is registered with the Board. If the license is not renewed within 15 days after receiving notice, the license expires automatically without any further notice or a hearing and the Board shall file

a copy of the notice with the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

2. A licensee who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that ~~[year]~~ ***biennium*** only if the Board finds that the failure is due to a disability, military service, absence from the United States, or circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license has expired under this section may apply to the Board for restoration of the license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in NRS 633.501;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the ~~[year]~~ ***biennium*** preceding the renewal date and for each ~~[year]~~ ***biennium*** succeeding the date of expiration;

(c) Stating under oath in writing that he or she has not withheld information from the Board which if disclosed would constitute grounds for disciplinary action under this chapter; and

(d) Submitting any other information that is required by the Board to restore the license.

Sec. 17. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee who retires from practice is not required ~~[annually]~~ ***biennially*** to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and any other evidence that the Board may require to verify the retirement.

2. An osteopathic physician or physician assistant who retires from practice and who desires to return to practice may apply to renew his or her license by paying all back ~~[annual]~~ ***biennial*** license renewal fees ~~[or annual registration fees]~~ from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A licensee who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine or cease to practice as a physician assistant in Nevada and any other evidence that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. An osteopathic physician or physician assistant whose license has been placed on inactive status:

(a) Is not required to ~~[annually]~~ ***biennially*** renew the license.

(b) Except as otherwise provided in subsection 6, shall ~~[annually]~~ ***biennially*** pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not practice osteopathic medicine or practice as a physician assistant in this State.

5. A physician assistant whose license has been placed on inactive status shall not practice as a physician assistant. The Board shall consider a physician assistant whose license has been placed on inactive status and who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 633.434.

6. The Board shall exempt a physician assistant whose license has been placed on inactive status from paying the inactive license fee prescribed by NRS 633.501.

7. An osteopathic physician or physician assistant whose license is on inactive status and who wishes to renew his or her license to practice osteopathic medicine or license to practice as a physician assistant must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The ~~[year]~~ ***biennium*** preceding the date of the application for renewal of the license; and

(2) Each ~~[year]~~ ***biennium*** after the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would constitute grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 18. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician ..... ~~[$800]~~ ***$1,600***

(b) ~~[Annual]~~ ***Biennial*** license renewal fee for an osteopathic physician ..... ~~[500]~~ ***1,000***

(c) Temporary license fee 500

(d) Special or authorized facility license fee $200

(e) Special event license fee 200

(f) Special or authorized facility license renewal fee 200

(g) Reexamination fee 200

(h) Late payment fee 300

(i) Application and initial license fee for a physician assistant ..... ~~[400]~~ ***800***

(j) Application and initial simultaneous license fee for a physician assistant ..... ~~[200]~~ ***400***

(k) ~~[~~Annual registration~~]~~ ***Biennial license renewal*** fee for a physician assistant ..... ~~[~~400~~]~~ ***800***

(l) ~~[~~Annual~~]~~ ***Biennial*** simultaneous ~~[~~registration~~]~~ ***license renewal*** fee for a physician assistant ..... ~~[~~200~~]~~ ***400***

(m) Inactive license fee ..... ~~[~~200~~]~~ ***400***

(n) Application and initial license fee for an anesthesiologist assistant 400

(o) Application and initial simultaneous license fee for an anesthesiologist assistant 200

(p) Biennial license renewal fee for an anesthesiologist assistant 400

(q) Biennial simultaneous license renewal fee for an anesthesiologist assistant 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) ***,*** ~~[~~or~~]~~ (i) ***or (n)*** of subsection 1 which expires less than ~~[~~6~~]~~ ***12*** months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 633.4336, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 19. ~~[~~NRS 633.511 is hereby amended to read as follows:

~~633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:~~

~~(a) Unprofessional conduct.~~

~~(b) Conviction of:~~

~~(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant or anesthesiologist assistant;~~

~~(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~

~~(4) Murder, voluntary manslaughter or mayhem;~~

~~(5) Any felony involving the use of a firearm or other deadly weapon;~~

~~(6) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~(8) Abuse or neglect of a child or contributory delinquency; or~~

~~(9) Any offense involving moral turpitude.~~

~~(e) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant or anesthesiologist assistant by any other jurisdiction.~~

~~(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.~~

~~(e) Professional incompetence.~~

~~(f) Failure to comply with the requirements of NRS 633.527.~~

~~(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.~~

~~(h) Failure to comply with the provisions of NRS 633.694.~~

~~(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(1) The license of the facility is suspended or revoked; or~~

~~(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~→ This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.~~

~~(k) Signing a blank prescription form.~~

~~(l) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or~~

~~(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~

~~(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~

~~(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~

~~(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter, except for a violation of NRS 633.4717, or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~

~~(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.~~

~~(s) Failure to comply with the provisions of NRS 629.515.~~

~~(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~(u) [Failure to obtain any training required by the Board pursuant to NRS 633.473.~~

~~(v)] Failure to comply with the provisions of NRS 633.6955.~~

~~[(w)] *(v)* Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~[(x)] *(w)* Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~[(y)] *(x)* Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~[(z)] *(y)* Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.~~

~~[(aa)] *(z)* Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.~~

~~2. As used in this section:~~

~~(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.~~

~~(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.]~~ **(Deleted by amendment.)**

Sec. 20. Notwithstanding the amendatory provisions of this act:

1. The renewal date of a license issued by the State Board of Osteopathic Medicine pursuant to the provisions of chapter 633 of NRS, as those provisions existed before January 1, 2026, except a license as a physician assistant, a license as an anesthesiologist assistant, a temporary license or a special license, and which is held by a person on December 31, 2025, remains January 1, 2026. Such a license may be renewed in accordance with the applicable provisions of chapter 633 of NRS, as those provisions existed before January 1, 2026, and

the regulations adopted pursuant thereto. Thereafter, a licensee who wishes to renew such a license must renew the license in accordance with the applicable provisions of chapter 633 of NRS, as amended by this act, and the regulations adopted pursuant thereto.

2. The renewal date of a license as a physician assistant or anesthesiologist assistant issued by the State Board of Osteopathic Medicine which is held by a licensee on December 31, 2025, remains the date set forth on the license. Such a license may be renewed in accordance with the applicable provisions of chapter 633 of NRS, as amended by this act, and the regulations adopted pursuant thereto. The Board shall prorate the biennial fee to renew the license for such a renewal.

Sec. 21. ~~[NRS 630.2535 and 633.473 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

~~[TEXT OF REPEALED SECTIONS~~

~~630.2535 Training required for certain physicians and physician assistants relating to persons with substance use and other addictive disorders and prescribing of opioids; exemption for one licensure period for certain registration; regulations.~~

~~1. The Board shall, by regulation, require each physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. Except as otherwise provided in subsection 2, such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder. Any licensee may use training required by the regulations adopted pursuant to this section to satisfy 2 hours of any continuing education requirement established by the Board.~~

~~2. A physician may not use continuing education in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 for a licensure period during which the licensee also uses such continuing education to satisfy a requirement for continuing education in ethics pursuant to subsection 9 of NRS 630.253.~~

~~3. A physician or physician assistant who obtains a registration to treat opioid dependency with narcotic medications in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et seq., is exempt from the training required by subsection 1 for one period of licensure. A physician or physician assistant may use such registration to satisfy 4 hours of the total~~

~~number of hours of continuing education required by the Board pursuant to NRS 630.253 during one period of licensure.~~

~~— 633.473 Training relating to persons with substance use and other addictive disorders and prescribing of opioids; exemption for one licensure period for certain registration; regulations.~~

~~— 1. The Board shall, by regulation, require each osteopathic physician or physician assistant who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to persons with substance use and other addictive disorders and the prescribing of opioids during each period of licensure. Except as otherwise provided by subsection 2, such training may include, without limitation, training in the screening, brief intervention and referral to treatment approach to substance use disorder. Any licensee may use training required by the regulations adopted pursuant to this section to satisfy 2 hours of any continuing education requirement established by the Board.~~

~~— 2. An osteopathic physician may not use continuing education in the screening, brief intervention and referral to treatment approach to substance use disorder to satisfy the requirements of subsection 1 for a licensure period during which the licensee also uses such continuing education for the purposes of satisfying the requirements of subsection 7 of NRS 633.471.~~

~~— 3. An osteopathic physician or physician assistant who obtains a registration to treat opioid dependency with narcotic medications in accordance with the Drug Addiction Treatment Act of 2000, 21 U.S.C. §§ 823 et seq., is exempt from the training required by subsection 1 for one period of licensure. An osteopathic physician or physician assistant may use such registration to satisfy 4 hours of the total number of hours of continuing education required by the Board pursuant to NRS 633.471 during one period of licensure.~~]

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

AN ACT relating to guardianship; revising provisions relating to certain investigative services provided during a guardianship proceeding; prohibiting a governmental entity from charging a fee for providing a copy of certain documents relating to a guardianship proceeding; revising provisions relating to service of process of a citation and petition in a guardianship proceeding; changing the name of the State Guardianship Compliance Office to the State Guardianship Office; changing the title of the State Guardianship Compliance Officer to the State Guardianship Officer; revising the powers of the Officer; authorizing a court to appoint or extend the appointment of a guardian for a

protected minor or proposed protected minor seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security under certain circumstances; **revising certain notice requirements for minor guardianship proceedings;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Guardianship Compliance Office to provide certain services relating to guardianship proceedings. Existing law also: (1) creates the position of State Guardianship Compliance Officer within the Office; and (2) authorizes the Officer to hire two accountants and two investigators to provide certain services to district courts. (NRS 159.341) **Section 3** of this bill changes the: (1) name of the State Guardianship Compliance Office to the State Guardianship Office; and (2) title of the State Guardianship Compliance Officer to the State Guardianship Officer. **Section 3** also expands the authority of the Officer to hire accountants and investigators by authorizing the Officer, within the limits of legislative appropriation, to hire such accountants and investigators as the Officer deems necessary.

Existing law authorizes the court, after the filing of a petition in a guardianship proceeding, to appoint one or more investigators to perform certain duties related to the proceeding. (NRS 159.046, 159A.046) Existing law likewise authorizes an investigator employed by the Office to provide investigative services to the district courts during the administration of guardianship proceedings. (NRS 159.341) ~~[Sections 1, 3 and 6 of this bill expand the authority of an investigator appointed by the court or employed by the Office, as applicable, by authorizing any such investigator to: (1) obtain a complete set of the fingerprints of certain persons and written permission for the investigator to obtain certain information concerning the criminal history of the person; and (2) forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report.]~~ **Sections 1, 3 and 6** ~~[also:]~~ **of this bill:** (1) prohibit a governmental entity, including a court, from charging a fee for providing a copy of any document requested by an investigator in connection with an investigation; and (2) make various other changes relating to an investigation.

Existing law: (1) authorizes the court in an adult guardianship proceeding to appoint or extend the appointment of a guardian for a protected person or proposed protected person seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security under certain circumstances; and (2) provides for the termination of any such guardianship on or before the date on which the protected person reaches 21 years of age. (NRS 159.191, 159.343) **Sections 4 and 8** of this bill likewise: (1) authorize the court in a minor guardianship proceeding to appoint or extend the appointment of a guardian for a protected minor or proposed protected minor seeking status as a special immigrant

juvenile; and (2) provide for the termination of any such guardianship on or before the date on which the protected minor reaches 21 years of age. **Section 5** of this bill makes a conforming change to the relevant definition of "minor."

Existing law requires a person who files a petition in a minor guardianship proceeding to notify the Director of the Department of Health and Human Services of the time and place of the hearing on the petition if the protected minor has received or is receiving benefits from Medicaid. (NRS 159A.034) Section 5.5 of this bill eliminates this requirement.

Existing law: (1) requires service of a copy of a petition for the appointment of a guardian and the citation issued pursuant to any such petition on certain persons; and (2) prescribes the procedure for the service of process on such persons. (NRS 159.0475, 159A.0475) **Sections 2 and 7** of this bill revise the procedure for such service of process by authorizing: (1) service by certain methods set forth in the Nevada Rules of Civil Procedure under certain circumstances; and (2) the court to waive a requirement that service of the citation be made by publication under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 159.046 is hereby amended to read as follows:

159.046 1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:

(a) Locate persons who perform services needed by the proposed protected person and other public and private resources available to the proposed protected person.

(b) Determine any competing interests in the appointment of a guardian.

(c) Investigate allegations or claims which affect a protected person or proposed protected person.

(d) Investigate the ~~[suitability]~~ ability of a proposed guardian to provide for the basic needs of a proposed protected person, including, without limitation, food, clothing, shelter and medical care.

(e) Locate relatives of the proposed protected person who are within the second degree of consanguinity.

(f) Obtain a copy of the birth certificate of a protected person or proposed protected person.

(g) Obtain a copy of the death certificate of any interested person.

2. An investigator may be an employee of a social service agency, family service officer of the court, public guardian, physician or other qualified person.

3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected person.

4. An investigator who is appointed pursuant to this section is entitled to reasonable compensation from the estate of the proposed protected person. If

the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the estate of the proposed protected person all or part of the expenses associated with the investigation.

5. [In conducting an investigation pursuant to subsection 1, an investigator may:

(a) Obtain a complete set of the fingerprints of a proposed guardian, guardian, temporary guardian or any other interested person along with the person's written permission to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report; and

(b) Forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report.

6. A report obtained pursuant to subsection 5 must not be disclosed except to the investigator who made the request or the court.

7.] A governmental entity shall not charge a fee for providing a copy of any document requested by an investigator in connection with an investigation conducted pursuant to subsection 1.

[8.] 6. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005.

Sec. 2. NRS 159.0475 is hereby amended to read as follows:

159.0475 1. [A] ***Except as otherwise ordered by the court, a*** copy of the citation issued pursuant to NRS 159.047, together with a copy of the petition filed under NRS 159.044, must be served:

(a) [Except as otherwise ordered by the court, on] ***On*** a proposed protected person by ***:***

(1) Except as otherwise provided in subparagraph (2), personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing . [; and]

(2) An alternative method of service [set forth in] , other than publication, authorized by the court for good cause shown pursuant to the Nevada Rules of Civil Procedure , [other than publication] at least 20 days before the date set for the hearing . [, if authorized by the court for good cause shown.]

(b) On each person required to be served pursuant to NRS 159.047 other than a proposed protected person by:

(1) ***Except as otherwise provided in subparagraph (2):***

(I) Certified mail, with a return receipt requested, at least 20 days before ***the date set for*** the hearing; or

[(2)] ***(II)*** Personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing.

(2) An alternative method of service ~~[set forth in]~~ , other than publication, authorized by the court for good cause shown pursuant to the Nevada Rules of Civil Procedure , ~~[other than publication]~~ at least 20 days before the date set for the hearing . ~~[, if authorized by the court for good cause shown.]~~

2. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** none of the persons on whom the citation and petition is to be served can, after due diligence, be served by certified mail ***,*** ~~[or]~~ personal service ~~[,]~~ ***or an alternative method of service,*** as applicable, and this fact is proven by affidavit to the satisfaction of the court, service of the citation must be made by publication in the manner provided by the Nevada Rules of Civil Procedure ~~[. In all such cases, the citation must be published]~~ at least 20 days before the date set for the hearing. ***The court may waive the service by publication required by this subsection for good cause shown.***

3. A citation and petition need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of the citation and petition or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation and petition have been served by personal service on the proposed protected person ***or by an alternative method of service ~~[set forth in the Nevada Rules of Civil Procedure]~~*** and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159.047;

(b) The citation and petition have been served by certified mail, with a return receipt requested, ~~[or]~~ by personal service ***or by an alternative method of service ~~[set forth in the Nevada Rules of Civil Procedure]~~*** on the care provider or public guardian required to be served pursuant to NRS 159.047; and

(c) At least one relative of the proposed protected person who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected person has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2 ~~[.]~~ ***or waive the requirement in accordance with subsection 2.***

~~[5. Except as otherwise ordered by the court, at least 7 days before the date set for the hearing, the petitioner shall file with the court proof of service to each person entitled to notice pursuant to this section. Such proof must include, for each person, the date and manner of service.]~~

Sec. 3. NRS 159.341 is hereby amended to read as follows:

159.341 1. The State Guardianship ~~[Compliance]~~ Office is hereby created.

2. The State Guardianship ~~[Compliance]~~ Officer is:

(a) Appointed by the Supreme Court and serves at the pleasure of the Court; and

(b) Entitled to receive an annual salary set by the Supreme Court within the limits of legislative appropriations.

3. The State Guardianship ~~[~~Compliance~~]~~ Officer may ***, within the limits of legislative appropriation,*** hire ~~[~~two~~]~~ ***such*** accountants and ~~[~~two~~]~~ investigators ***as the Officer deems necessary*** to provide auditing and investigative services to the district courts during the administration of guardianship proceedings pursuant to chapters 159 and 159A of NRS.

4. The State Guardianship ~~[~~Compliance~~]~~ Officer shall not act as a guardian for any protected person or protected minor.

5. ~~[In providing investigative services to a district court, an investigator employed by the State Guardianship Office may:~~

~~(a) Obtain a complete set of the fingerprints of a proposed guardian, guardian, temporary guardian or any other interested person along with the person's written permission to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report; and~~

~~(b) Forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report.~~

~~6. A report obtained pursuant to subsection 5 must not be disclosed except to the investigator who made the request or the court.~~

~~7.]~~ A governmental entity shall not charge a fee for providing a copy of any document requested by an investigator employed by the State Guardianship Office in connection with any investigative services provided to a district court.

~~[8.]~~ 6. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005.

Sec. 4. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person includes a request that the court make the findings set forth in subsection 3 of NRS 3.2203 in a petition filed or motion made pursuant to this chapter, the court may appoint or extend the appointment of a guardian of the person for a protected minor or proposed protected minor seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security if the protected minor or proposed protected minor:

(a) Is unmarried; and

(b) Consents to the appointment or the extension of the appointment.

2. The appointment or the extension of the appointment of a guardian of the person pursuant to subsection 1 does not authorize the guardian to abrogate any rights that the protected minor or proposed protected minor may have pursuant to the laws of this State, including, without limitation, the right to make decisions regarding his or her medical treatment, education or residence, without the express consent of the protected minor or proposed protected minor.

Sec. 5. NRS 159A.023 is hereby amended to read as follows:

159A.023 "Minor" means any person who is:

1. Less than ~~[18]~~ ***eighteen*** years of age; or

2. Less than ~~[19]~~ ***:***

(a) Nineteen years of age if the guardianship of the person is continued until the person reaches the age of 19 years pursuant to NRS 159A.191.

(b) Twenty-one years of age if the person is seeking status as a special immigrant juvenile with the United States Citizenship and Immigration Services of the Department of Homeland Security in accordance with section 4 of this act.

Sec. 5.5. **NRS 159A.034 is hereby amended to read as follows:**

159A.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any protected minor who is 14 years of age or older, regardless of whether the protected minor is considered to have the capacity to understand or appreciate the contents of the petition.

(b) The parent or legal guardian of any protected minor who is less than 14 years of age.

(c) All known relatives of the protected minor who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.

(e) The guardian, if the petitioner is not the guardian.

(f) Any person or care provider who is providing care for the protected minor, except that if the person or care provider is not related to the protected minor, such person or care provider must not receive copies of any inventory or accounting.

(g) ~~[The Director of the Department of Health and Human Services if the protected minor has received or is receiving benefits from Medicaid.~~

~~(h)]~~ Those persons entitled to notice if a proceeding were brought in the protected minor's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after

due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice must be made by publication in the manner provided by the Nevada Rules of Civil Procedure. In all such cases, the notice must be published not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the protected minor listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice by publication required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

Sec. 6. NRS 159A.046 is hereby amended to read as follows:

159A.046 1. Upon filing of the petition, or any time thereafter, the court may appoint one or more investigators to:

(a) Locate persons who perform services needed by the proposed protected minor and other public and private resources available to the proposed protected minor.

(b) Determine any competing interests in the appointment of a guardian.

(c) Investigate allegations or claims which affect a proposed protected minor.

(d) Investigate the ~~[suitability]~~ ***ability*** of a proposed guardian to provide for the basic needs of a proposed protected minor, including, without limitation, food, clothing, shelter, medical care and education.

(e) Locate relatives of the proposed protected minor who are within the second degree of consanguinity.

(f) Obtain a copy of the birth certificate of a protected minor or proposed protected minor.

(g) Obtain a copy of the death certificate of any interested person.

2. An investigator may be an employee of the court or a person retained under contract with the court.

3. An investigator shall file with the court and parties a report concerning the scope of the appointment of the guardian and any special powers which a guardian would need to assist the proposed protected minor.

4. If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the court all or part of the expenses associated with the investigation.

5. ~~[In conducting an investigation pursuant to subsection 1, an investigator may:~~

~~(a) Obtain a complete set of the fingerprints of a proposed guardian, guardian, temporary guardian or any other interested person along with the person's written permission to forward those fingerprints to the Central~~

~~*Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report; and*~~

~~*(b) Forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for submission to the Federal Bureau of Investigation for its report.*~~

~~*6. A report obtained pursuant to subsection 5 must not be disclosed except to the investigator who made the request or the court.*~~

~~*7.]*~~ ***A governmental entity shall not charge a fee for providing a copy of any document requested by an investigator in connection with an investigation conducted pursuant to subsection 1.***

~~*[8.]*~~ ***6. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005.***

Sec. 7. NRS 159A.0475 is hereby amended to read as follows:

159A.0475 1. ~~[A]~~ ***Except as otherwise ordered by the court, a*** copy of the citation issued pursuant to NRS 159A.047, together with a copy of the petition filed under NRS 159A.044, must be served:

(a) ~~[Except as otherwise ordered by the court, on]~~ ***On*** a proposed protected minor who is 14 years of age or older by ***:***

(1) Except as otherwise provided in subparagraph (2), personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing ***.*** ~~[; and]~~

(2) An alternative method of service ~~*[set forth in]*~~ ***, other than publication, authorized by the court for good cause shown pursuant to the Nevada Rules of Civil Procedure , [other than publication] at least 20 days before the date set for the hearing . [, if authorized by the court for good cause shown.]***

(b) On each person required to be served pursuant to NRS 159A.047 other than a proposed protected minor by:

(1) ***Except as otherwise provided in subparagraph (2):***

(I) Certified mail, with a return receipt requested, at least 20 days before ***the date set for*** the hearing; or

~~[(2)]~~ ***(II)*** Personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing.

(2) An alternative method of service ~~*[set forth in]*~~ ***, other than publication, authorized by the court for good cause shown pursuant to the Nevada Rules of Civil Procedure , [other than publication] at least 20 days before the date set for the hearing . [, if authorized by the court for good cause shown.]***

2. ~~[If]~~ ***Except as otherwise provided in this subsection, if*** none of the persons on whom the citation and petition is to be served can, after due diligence, be served by certified mail ***,*** ~~[or]~~ personal service ~~[,]~~ ***or an alternative method of service,*** as applicable, and this fact is proven by affidavit to the satisfaction of the court, service of the citation must be made by

publication in the manner provided by the Nevada Rules of Civil Procedure ~~[. In all such cases, the citation must be published]~~ at least 20 days before the date set for the hearing. ***The court may waive the service by publication required by this subsection for good cause shown.***

3. A citation and petition need not be served on a person or an officer of the care provider who has signed the petition or a written waiver of service of the citation and petition or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation and petition have been served by personal service on the proposed protected minor ***or by an alternative method for service*** ~~***[set forth in the Nevada Rules of Civil Procedure]***~~ and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159A.047;

(b) The citation and petition have been served by certified mail, with a return receipt requested, ~~[or]~~ by personal service ***or by an alternative method of service*** ~~***[set forth in the Nevada Rules of Civil Procedure]***~~ on the care provider or guardian required to be served pursuant to NRS 159A.047; and

(c) At least one relative of the proposed protected minor who is required to be served pursuant to NRS 159A.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected minor has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2 ~~[.]~~ ***or waive the requirement in accordance with subsection 2.***

~~***[5. Except as otherwise ordered by the court, at least 7 days before the date set for the hearing, the petitioner shall file with the court proof of service to each person entitled to notice pursuant to this section. Such proof must include, for each person, the date and manner of service.]***~~

Sec. 8. NRS 159A.191 is hereby amended to read as follows:

159A.191 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** guardianship of the person, of the estate, or of the person and estate is terminated:

(a) By the death of the protected minor;

(b) Upon the protected minor's change of domicile to a place outside this State and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary;

(d) On the date on which the protected minor reaches 18 years of age; or

(e) On the date on which the protected minor graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(1) The protected minor will be older than 18 years of age upon graduation from high school; and

(2) The protected minor and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the protected minor will become 18 years of age.

2. ***If the court appoints or extends the appointment of a guardian of the minor pursuant to section 4 of this act, the guardianship is terminated on the date on which the protected minor reaches 21 years of age unless the protected minor petitions the court to terminate the guardianship before he or she reaches 21 years of age pursuant to NRS 159A.1905 and the court grants the petition.***

3. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the protected minor, subject to the provisions of NRS 159A.193.

~~[3.]~~ ***4.*** If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

~~[4.]~~ ***5.*** The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

~~[5.]~~ ***6.*** Immediately upon the death or emancipation of the protected minor:

(a) The guardian of the estate shall have no authority to act for the protected minor except to wind up the affairs of the guardianship pursuant to NRS 159A.193, and to distribute the property of the protected minor as provided in NRS 159A.195 and 159A.197; and

(b) No person has standing to file a petition pursuant to NRS 159A.078.

~~[6.]~~ ***7.*** A hearing may be held not later than 90 days before a protected minor reaches the age of majority to determine whether:

(a) Guardianship is needed beyond the age of majority;

(b) The protected minor desires an additional year of guardianship beyond the age of majority; and

(c) The guardian should be notified of any requirements of the guardianship which require compliance before termination of the guardianship.

~~[7.]~~ ***8.*** If, at a hearing conducted pursuant to subsection ~~[6,]~~ ***7,*** a court makes a determination that, upon reaching the age of majority, a protected minor would be deemed incapacitated, as defined in NRS 159.019, a petition may be filed in accordance with the provisions of chapter 159 of NRS to seek guardianship for the protected minor pursuant to that chapter to take effect when the protected minor reaches the age of majority. The protected minor has the right to be represented by counsel if guardianship is sought pursuant to this subsection.

Sec. 9. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities

are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 10. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 11. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 229.

AN ACT relating to public affairs; authorizing the Secretary of State to adopt a code of professional responsibility for notaries public; ~~[prohibiting a notary public from performing a notarial act under certain circumstances;]~~ **authorizing a notarial officer to refuse to perform a notarial act under certain circumstances;** revising the procedure for filing cash bonds or surety bonds covering document preparation services; prohibiting a registrant to engage in the business of a document preparation service from engaging in such business for **or under** an entity that is not covered by such a bond; providing that certain information and documents obtained during an investigation of a document preparation service is confidential; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Secretary of State to adopt regulations: (1) prescribing the procedure for the appointment and mandatory training of a notary public; and (2) establishing procedures for the notarization of digital

and electronic signatures. (NRS 240.017) **Section 2** of this bill additionally authorizes the Secretary of State to adopt regulations establishing a code of professional responsibility for notaries public. **Section 4** of this bill authorizes the Secretary of State to impose certain sanctions against a notary public who violates any regulation adopted pursuant to the provisions of existing law governing notaries public, including, without limitation, any code of professional responsibility adopted pursuant to **section 2**. In addition, under existing law, a person who willfully violates such a code would be guilty of a category D felony if irreparable harm results. (NRS 240.175)

Existing law prohibits certain acts by a notary public. (NRS 240.075) **Section 3** of this bill ~~[additionally prohibits]~~ **authorizes** a ~~[notary public from performing]~~ **notarial officer to refuse to perform** a notarial act if the notary ~~[public has reason to believe that the person whose signature is to be acknowledged, sworn to or witnessed or attested does not know or understand the act he or she is performing or the effect of that act. Under existing law, a person who violates that prohibition would be subject to administrative sanctions. Under existing law, if a person willfully violates that prohibition and irreparable harm results, the person would be guilty of a category D felony. (NRS 240.175)]~~ **officer is not satisfied that: (1) the person executing the document is competent or has capacity to execute the document; or (2) the persons signature is not knowingly and voluntarily made. Section 3 further authorizes a notarial officer to refuse to perform a notarial act under other circumstances where such refusal is not prohibited.**

Existing law authorizes an electronic notary public to perform electronic notarial acts using audio-video communication if the electronic notary public is physically present in the State. (NRS 240.198, 240.1993) **Section 5** of this bill clarifies that an electronic notary public is prohibited from performing an electronic notarial act unless he or she is present in the State. Under existing law, the Secretary of State would be authorized to impose sanctions against a notary public who violates the provisions of **section 5**. (NRS 240.150)

Existing law generally requires a person who is registered to provide document preparation services to file with the Secretary of State a cash bond or surety bond to indemnify persons injured by certain acts or omissions by the registrant. (NRS 240A.120) However, existing law: (1) authorizes a business entity that has one or more employees who perform document preparation services to file such a bond on behalf of all such employees; and (2) exempts the employees of a business entity that files such a bond from the requirement to file their own bonds. (NRS 240A.123) **Section 5.3-5.7 of this bill authorize a registrant who performs document preparation services under more than one business entity to file one bond for each such business entity and establish the amount of such a bond on the number of business entities under which the registrant performs document preparation services. Section 8** of this bill ~~[requires each registrant who files a bond on behalf of himself or herself to file a separate bond for each entity under which he or she performs document preparation services, thereby~~

~~prohibiting such~~ **makes a conforming change to allow** a registrant ~~from performing~~ **to perform** document preparation services ~~for~~ **under** multiple entities under one bond. ~~Section~~ **Sections 9 and 9.5** of this bill ~~removes the discretion for a business entity that employs one or more persons who provide document preparation services to not file a cash or surety bond on behalf of such employees if each employee instead files such a bond on his or her own behalf. Section 9 thereby requires each such~~ **authorize a** business entity to file such a bond on behalf of its ~~employees,~~ **independent contractors** who provide document preparation services.

Sections 6 and 7 of this bill require an applicant for the issuance or renewal of registration as a document preparation service to provide ~~: (1)~~ a list of each entity under which the applicant intends to ~~provide~~ **perform** document preparation services ~~; and (2) for each such entity, proof that the required bond has been filed.~~ **during the following calendar year. Section 10** of this bill prohibits a registrant from engaging in the business of a document preparation service for **or under** any entity for which a bond has not been filed. Under existing law, a registrant who violates that prohibition would be subject to certain administrative sanctions. (NRS 240A.270) Additionally, a registrant who willfully violates that prohibition ~~or a business entity that willfully fails to file a bond where required by section 9~~ is subject to certain criminal penalties. (NRS 240A.290)

Existing law authorizes the Secretary of State to conduct or cause to be conducted an investigation if the Secretary of State obtains information that a provision of law, regulation or order relating to document preparation services has been violated. (NRS 240A.260) **Sections 1 and 11** of this bill make information and documents obtained by or filed with the Secretary of State in connection with an investigation confidential.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925,

209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, ***240A.260,*** 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427,

633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. NRS 240.017 is hereby amended to read as follows:

240.017 The Secretary of State:

1. May adopt regulations:

(a) Prescribing the procedure for the appointment and mandatory training of a notary public.

(b) Establishing procedures for the notarization of digital or electronic signatures.

(c) Establishing a code of professional responsibility for notaries public.

2. Shall adopt regulations prescribing the form of each affidavit required pursuant to subsection 2 of NRS 240.030.

Sec. 3. NRS 240.075 is hereby amended to read as follows:

240.075 ***1.*** A notary public shall not:

~~[1.]~~ ***(a)*** Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

~~[2.]~~ ***(b)*** Certify an instrument containing a statement known by the notary public to be false.

~~[3.]~~ ***(c)*** Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

~~[4.]~~ ***(d)*** Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

~~[5.]~~ ***(e)*** Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

~~[6.]~~ ***(f)*** Allow any other person to use his or her notary's stamp.

~~[7.]~~ ***(g)*** Allow any other person to sign the notary's name in a notarial capacity.

~~[8.]~~ ***(h)*** Perform a notarial act on a document that contains only a signature.

~~[9.]~~ ***(i)*** Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

~~[10.]~~ ***(j)*** Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

~~[11.]~~ ***(k)*** Affix his or her stamp to any document which does not contain a notarial certificate.

~~*[12. Perform a notarial act if the notary public has reason to believe that the person whose signature is to be acknowledged, sworn to or witnessed or attested does not know or understand the act that he or she is performing or the effect thereof, even after the notary public has explained the notarial act, the process for performing the notarial act and the effect of the notarial act.]*~~

2. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that:

(a) The person executing the record is competent or has the capacity to execute the record; or

(b) The persons signature is knowingly and voluntarily made.

3. A notarial officer may refuse to perform a notarial act unless a refusal to perform the notarial act is otherwise prohibited by law.

4. As used in this section, "competent" means the principal reasonably appears in possession of the mental capacity to understand the nature and consequences of the notarial act.

Sec. 4. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter ~~[,]~~ ***or any regulation***

adopted pursuant thereto, or upon proof that a notary public has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than $2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension;

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State; and

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 5. NRS 240.1993 is hereby amended to read as follows:

240.1993 1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State for a person who is physically located:

(a) In this State;

(b) Outside this State but within the United States; or

(c) Outside the United States if:

(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

(II) Relate to property located in the United States; or

(III) Relate to a transaction substantially connected to the United States.

2. An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 ~~[may]~~ ***shall not*** perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State ~~[if]~~ ***unless*** the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State.

Sec. 5.3. **Chapter 240A of NRS is hereby amended by adding thereto the provisions set forth as sections 5.5 and 5.7 of this act.**

Sec. 5.5. ***1. A registrant who performs document preparation services under a sole proprietorship or more than one business entity may file with the Secretary of State a cash bond or surety bond on behalf of the sole proprietorship or each business entity under which the registrant performs document preparation services. Any such bond must be for the applicable amount set forth in section 5.7 of this act.***

2. A cash or surety bond filed pursuant to subsection 1 must be approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant or the sole proprietorship or business entity which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant or the sole proprietorship or business entity to provide services in accordance with a contract entered into pursuant to NRS 240A.190;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or the sole proprietorship or business entity; or

(4) An act or omission of the registrant or the sole proprietorship or business entity in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant or the sole proprietorship or business entity to the Secretary of State pursuant to this chapter.

3. No part of a bond filed pursuant to this section may be withdrawn while the registration of the registrant who performs document preparation services under the sole proprietorship or business entity remains in effect, or while a proceeding to suspend or revoke the registration is pending.

4. If a surety bond is filed pursuant to subsection 1:

(a) Except as otherwise provided in subsection 5, the bond must be executed by the registrant and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

5. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business under the sole proprietorship or each business covered under the bond, or 3 years after the date of the expiration or revocation of the registration of the registrant, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

6. The registration of a registrant who performs document preparation services under a sole proprietorship or more than one business entity is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant covered under the bond in writing that their registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

7. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 6 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section or the registrant files with the Secretary of State a new bond meeting the requirements of NRS 240A.120 or NRS 240A.123 and 240.125.

8. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 5.7. A bond filed by a registrant pursuant to section 5.5 of this act must be in the penal sum of:

1. If the registrant performs document preparation services under a sole proprietorship or one business entity, $25,000;

2. If the registrant performs document preparation services under at least 2 but not more than 4 business entities, $50,000;

3. If the registrant performs document preparation services under at least 5 but not more than 10 business entities, $100,000;

4. If the registrant performs document preparation services under more than 10 business entities, $200,000.

Sec. 6. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be:

(a) A natural person;

(b) A citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; and

(c) At least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;

(c) Whose appointment or registration as a notary public in this State or another state has been previously revoked or suspended for cause;

(d) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor or a category D felony pursuant to NRS 240A.290; or

(e) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;

(2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A nonrefundable application fee of $100; ~~[and]~~

(b) A ***list of each business entity or sole proprietorship under which the applicant intends to perform document preparation services*** ~~***[;]***~~ ***during the following calendar year; and***

(c) ~~***[For each business entity or sole proprietorship listed pursuant to paragraph (b), a]***~~ ***A*** cash bond or surety bond meeting the requirements of NRS 240A.120 or ***section 5.3 of this act, as applicable, or*** proof that the applicant is covered by a bond filed by a business entity pursuant to NRS 240A.123.

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within 120 days after the date on which the application was submitted must be denied. If an application is denied pursuant to this subsection, the applicant may submit a new application.

Sec. 7. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of $50; ~~[and]~~

(b) A ***list of each business entity or sole proprietorship under which the applicant*** ~~***[performs]***~~ ***intends to perform document preparation services*** ~~***[;]***~~ ***during the following calendar year; and***

(c) ~~***[For each entity listed pursuant to paragraph (b), a]***~~ ***A*** cash bond or surety bond meeting the requirements of NRS 240A.120 or ***section 5.5 of this act, as applicable,*** proof that the applicant is covered by a bond filed by a business entity pursuant to NRS 240A.123, unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 8. NRS 240A.120 is hereby amended to read as follows:

240A.120 1. Except as otherwise provided in NRS 240A.123 and 240A.125, a registrant shall file with the Secretary of State ~~***[for each business entity or sole proprietorship under which he or she performs or intends to perform document preparation services]***~~ a cash bond or surety bond ***. Except as otherwise provided in section 5.7 of this act, the cash bond or surety bond must be*** in the penal sum of $25,000 which is approved as to form by the Attorney General ~~***[,]***~~ and ~~***[Each cash bond or surety bond must be]***~~ conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to NRS 240A.190;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section.

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 9. NRS 240A.123 is hereby amended to read as follows:

240A.123 1. A business entity that has one or more employees ***or contracts with one or more independent contractors*** who perform document preparation services ~~[may]~~ ***or advertise document preparation services pursuant to NRS 240A.150 shall*** file with the Secretary of State a cash bond or surety bond on behalf of all employees ***and independent contractors*** of the business entity who are registered as a document preparation service and

provide document preparation services for the business entity. Any such bond must be for the applicable amount set forth in NRS 240A.125.

2. If a business entity files a cash bond or surety bond pursuant to subsection 1, the employees ***and independent contractors*** of the business entity who are covered by the bond are not required to file a cash bond or surety bond pursuant to NRS 240A.120 ~~[.]~~ ***with respect to documentation preparation services provided for that business entity.***

3. A cash or surety bond filed pursuant to subsection 1 must be approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of a registrant employed ***or contracted*** by the business entity which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by a registrant employed ***or contracted*** by the business entity to provide services in accordance with a contract entered into pursuant to NRS 240A.190;

(3) The fraud, dishonesty, negligence or other wrongful conduct of a registrant employed ***or contracted*** by the business entity; or

(4) An act or omission of a registrant employed ***or contracted*** by the business entity in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by a registrant employed ***or contracted*** by the business entity to the Secretary of State pursuant to this chapter.

4. No part of a bond filed pursuant to this section may be withdrawn while the registration of a registrant employed ***or contracted*** by the business entity remains in effect, or while a proceeding to suspend or revoke the registration is pending.

5. If a surety bond is filed pursuant to subsection 1:

(a) Except as otherwise provided in subsection 6, the bond must be executed by the business entity as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of registration of each employee ***and independent contractor*** of the business entity who is registered as a document preparation service and performs document preparation services for the business entity, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the business entity within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the business entity, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

6. If a business entity employs ***or contracts with*** only one registrant to perform document preparation services, the registrant must be named as principal in the bond filed pursuant to this section.

7. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the business entity has ceased to do business, or 3 years after the date of the expiration or revocation of the registration of each employee ***and independent contractor*** of the business entity who is registered as a document preparation service and performs document preparation services for the business entity, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

8. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 5 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the business entity and each registrant covered under the bond in writing that their registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

9. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 8 if, before the current term of the registration expires, the business entity files with the Secretary of State a new bond meeting the requirements of this section or the registrant files with the Secretary of State a new bond meeting the requirements of NRS 240A.120 ~~,~~ ***or section 5.5 of this act. A registrant who files a new bond pursuant to NRS 240A.120 or section 5.5 of this act shall not provide document preparation services for a business entity that is subject to the requirements of this section but has not filed a bond pursuant to subsection 1.***

10. Except as specifically authorized or required by this chapter, a business entity or registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 9.5. **NRS 240A.125 is hereby amended to read as follows:**

240A.125 1. A bond filed by a business entity pursuant to NRS 240A.123 on behalf of the employees ***and independent contractors*** of the business entity who are registered as a document preparation service must be in the penal sum of:

(a) If the business entity employs ***or contracts with*** 1 registrant to perform document preparation services, $25,000;

(b) If the business entity employs ***or contracts with*** at least 2 but not more than 25 registrants to perform document preparation services, $50,000;

(c) If the business entity employs ***or contracts with*** at least 26 but not more than 75 registrants to perform document preparation services, $75,000;

(d) If the business entity employs ***or contracts with*** at least 76 but not more than 125 registrants to perform document preparation services, $100,000;

(e) If the business entity employs ***or contracts with*** at least 126 but not more than 200 registrants to perform document preparation services, $150,000; and

(f) If the business entity employs ***or contracts with*** more than 200 registrants to perform document preparation services, $200,000.

2. For purposes of determining the amount of the bond required pursuant to subsection 1, the number of registrants employed ***or contracted*** by a business entity to perform document preparation services is the greatest number of registrants who will perform document preparation services for the business entity at any time during the year, including, without limitation, on a temporary or seasonal basis.

Sec. 9.7. **NRS 240A.127 is hereby amended to read as follows:**

240A.127 1. A claim against a bond filed pursuant to NRS 240A.120 or 240A.123 ***or section 5.5 of this act*** may be filed in a court of competent jurisdiction for damages to the extent covered by the bond. A claim may not be brought against a bond after 3 years from the date of the act on which the action is based.

2. If a person commences an action pursuant to subsection 1, he or she must notify the Secretary of State in writing upon filing the action. Upon receiving such notification, the Secretary of State shall notify the person:

(a) Whether the bond is in effect;

(b) The amount of the bond; and

(c) If there is any other claim against the bond, the title, court and case number of the action and the amount sought by the plaintiff in the other action.

3. If a surety wishes to make payment without awaiting action by a court:

(a) The amount of the bond must be reduced to the extent of any payment made by the surety in good faith under the bond; and

(b) Any payment must be based on written claims received by the surety before any action is taken by a court.

4. A surety may bring an action for interpleader against all claimants upon the bond. If such an action for interpleader is brought, the surety:

(a) Shall publish notice of the action at least once each week for 2 weeks in every issue of a newspaper of general circulation in the county of the principal place of business of the registrant or business entity, as applicable; and

(b) May deduct its costs of the action, including, without limitation, costs for attorney's fees and publication, from its liability under the bond.

5. Claims against a bond have equal priority. If a bond is insufficient to pay all claims in full, the claims must be paid on a pro rata basis. Any claimant may bring action against the registrant or business entity, as applicable, for the unpaid balance of a claim.

Sec. 10. NRS 240A.240 is hereby amended to read as follows:

240A.240 1. A registrant shall not:

(a) After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

(b) Make, orally or in writing:

(1) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

(2) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

(3) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

(c) Except as otherwise provided in subsection 3, in any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term "legal aid," "legal services," "law office," "notario," "notario publico," "notary public," "notary," "paralegal," "legal assistant," "licensed," "licenciado," "attorney," "lawyer" or any similar term, in English, Spanish or any other language, which implies that the registrant:

(1) Offers services without charge if the registrant does not do so;

(2) Is an attorney authorized to practice law in this State; or

(3) Is acting under the direction and supervision of an attorney.

(d) Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.

(e) Except as otherwise provided in subsection 2, negotiate with another person concerning the rights or responsibilities of a client, communicate the position of a client to another person or convey the position of another person to a client.

(f) Except as otherwise provided in subsection 2, appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

(g) Except as otherwise provided in subsection 2, provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

(h) ***Engage in the business of a document preparation service as an employee or independent contractor for an entity that is not covered by a cash bond or surety bond filed pursuant to NRS ~~[240A.120 or]~~ 240A.123 ~~.]~~ or under a sole proprietorship or business entity unless the registrant is covered by a cash bond or surety bond filed pursuant to section 5.5 of this act.***

(i) Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.

2. The provisions of paragraphs (e), (f) and (g) of subsection 1 do not apply to a registrant to the extent that compliance with such provisions would violate federal law.

3. A registrant who is also a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State may, in any advertisement or written description of the registrant or the services provided by the registrant, use the term "notary public."

4. If the Secretary of State finds a registrant in violation of the provisions of subsection 1, the Secretary of State may:

(a) Suspend the registration of the registrant for not less than 1 year.

(b) Revoke the registration of the registrant for a third or subsequent offense.

(c) Assess a penalty of not more than $1,000 for each violation.

Sec. 11. NRS 240A.260 is hereby amended to read as follows:

240A.260 1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.

2. If, within a reasonable period of time, a registrant fails to provide the Secretary of State with any information requested by the Secretary of State during an investigation of an alleged violation by the registrant, the Secretary of State may suspend or refuse to renew the registration of the registrant.

3. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:

(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation. The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to NRS 240A.290 and penalties pursuant to this section and NRS 240A.280.

(b) If a registrant has committed the violation:

(1) Revoke or suspend the registration of the registrant; or

(2) Impose a penalty of not more than $1,000 for each violation. The authority of the Secretary of State to impose a penalty applies regardless of whether the person is still a registrant at the time that the penalty is imposed so long as the person was a registrant at the time that he or she committed the

violation. The Secretary of State shall afford any person upon whom such a penalty is imposed an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

(c) If a person engaged in the business of a document preparation service and was not a registrant at the time of the violation, after a hearing on the matter, impose a penalty for each violation of not more than $5,000 or the amount of economic benefit derived from the violation, whichever is greater.

(d) Refer the alleged violation to the Attorney General or a district attorney for commencement of a civil action against the person pursuant to NRS 240A.280.

(e) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to NRS 240A.290.

(f) Take any combination of the actions described in this subsection.

4. Any person who is aware of a violation of this chapter by a document preparation service, a person applying for registration as a document preparation service or a person who is engaging in the business of a document preparation service and is not registered by the Secretary of State pursuant to this chapter may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.

5. If the Secretary of State receives a complaint alleging a violation of this chapter, the Secretary of State shall notify the document preparation service or other person who is the subject of the complaint. The notice:

(a) Must be sent by certified mail;

(b) Is deemed to have been received 3 days after the notice is mailed;

(c) Must include, without limitation:

(1) A description of each allegation contained in the complaint;

(2) A statement of each statutory provision which the document preparation service or other person is alleged to have violated;

(3) An explanation of any disciplinary action that may be taken against the document preparation service or other person if the Secretary of State determines that the alleged violation occurred;

(4) A statement that the document preparation service or other person must respond to the notice not later than 15 days after the notice is received; and

(5) Instructions on the manner in which the document preparation service or other person may respond to the notice.

6. Any determination by the Secretary of State that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person and the imposition of any penalty by the Secretary of State pursuant to this section is a public record.

7. Except as otherwise necessary to refer an alleged violation for the commencement of a civil action or prosecution pursuant to paragraph (d) or (e), respectively, of subsection 3, information and documents obtained by or filed with the Secretary of State in connection with an investigation

concerning a possible violation of this chapter are not public information and are confidential.

Sec. 12. 1. If, pursuant to NRS 240A.123, as amended by section 9 of this act, a business entity files with the Secretary of State a cash bond or surety bond on behalf of an ~~[employee]~~ **independent contractor** of the business entity and the ~~[employee]~~ **independent contractor** is not required to file any other cash bond or surety bond with the Secretary of State pursuant to NRS 240A.120, as amended by section 8 of this act, ~~[or]~~ 240A.123, as amended by section 9 of this act, **or section 5.5 of this act,** the Secretary of State shall:

(a) Return a cash bond filed by the ~~[employee]~~ **independent contractor** pursuant to NRS 240A.120, as that section existed before the effective date of section 8 of this act.

(b) Allow the release of a surety bond filed by the ~~[employee]~~ **independent contractor** pursuant to NRS 240A.120, as that section existed before the effective date of section 8 of this act.

2. As used in this section, "business entity" has the meaning ascribed to it in NRS 240A.015.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1, 3, 5 and 11 of this act become effective on October 1, 2025.

3. Sections 2, 4, ~~[6]~~ **5.3** to 10, inclusive, and 12 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 523.

AN ACT relating to water; requiring the State Engineer to retire certain ~~[water]~~ **groundwater** rights; revising provisions relating to temporary permits to appropriate groundwater; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program**;** ~~[and the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program;]~~ requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights with money from the Account for the purpose of retiring those water rights; revising provisions relating to the program to provide grants of money to pay certain costs related to water conservation and capital improvements to water systems; revising provisions

relating to a program to pay the costs for property owners to connect to a community sewerage disposal system under certain circumstances; revising certain legislative declarations relating to clean water and water pollution; authorizing the State Environmental Commission to establish a water quality standard variance; **authorizing the Southern Nevada Water Authority or member agency thereof to use the proceeds of certain fees for certain programs for customers; revising provisions relating to an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority; revising provisions relating to membership on the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Department of Conservation and Natural Resources to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of Assembly Bill No. 84, chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations establish the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) **Section 8** of this bill creates the Program in statute. **Section 8** further provides that the Program consists of a grant program to make such grants and the Nevada Voluntary Water Rights Retirement Program. **Section 14** of this bill provides that the Program ~~[and the Advisory Committee are]~~ **is** within the Department. **Section 13** of this bill applies the definitions in existing law relating to the Department to the provisions of **sections ~~[8-12.]~~ 8-10 of this bill.**

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) **Section 9** ~~[of this bill]~~ creates the Account for Retiring Water Rights, to be administered by the Director of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be used for the purchase of ~~[water]~~ **vested or certificated groundwater** rights for certain purposes. **Section 10** ~~[of this bill]~~ establishes the Nevada Voluntary Water Rights Retirement Program in the Nevada Conservation and Recreation Program, to be administered by the Director, and establishes requirements for**: (1)** the purchase and retirement of ~~[water]~~ **vested or certificated groundwater** rights ~~[.]~~ **; and (2) the acceptance of donations of groundwater rights.** **Section 10** also prohibits the Director from accepting **donations and** applications for the purchase and retirement of ~~[water]~~ **such groundwater**

rights after June 30, 2035. **Section 21 of this bill makes conforming changes to reflect that the Director may not accept applications or donations after that date.**

Section 4 of this bill: (1) requires the State Engineer to retire **all vested or certificated** water rights purchased by **or donated to** the Nevada Voluntary Water Rights Retirement Program; and (2) prohibits the State Engineer from retiring any ~~[water]~~ **groundwater** rights from the Program ~~[after]~~ **unless the purchase or donation of the groundwater right was approved by the Director on or before** June 30, 2035.

~~[Section 11 of this bill establishes the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program within the Department and requires the Advisory Committee to consult with the Director regarding the provisions of sections 10 and 12 of this bill.~~

~~Section 12 requires the Director to adopt regulations necessary to carry out the provisions of sections 8-12. Section 24 of this bill requires the Director to adopt these regulations by July 1, 2026.]~~

Sections 1-3 of this bill prohibit the appropriation of water for which the rights have been retired pursuant to the Nevada Voluntary Water Rights Retirement Program.

Section 25 of this bill provides for the provisions relating to the Account ~~[, Advisory Committee and regulations]~~ set forth in ~~[sections]~~ **section 9 [**~~, 11, 12 and 14~~**]** to expire on June 30, 2035. ~~[Sections 15 and]~~ **Section 21** of this bill ~~[make]~~ **makes a** conforming ~~[changes]~~ **change** to reflect the expiration of these provisions.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked under certain circumstances. In areas where these temporary permits have been issued, the State Engineer is required to prohibit the drilling of wells for domestic use if water can be furnished by a public entity presently engaged in furnishing water to the inhabitants of the area. (NRS 534.120) **Sections 5, 6, 16 and 22** of this bill revise references to these temporary permits to revocable permits.

Section 23 of this bill deems any such existing and valid temporary permit issued by the State Engineer pursuant to existing law before July 1, 2025, to be a revocable permit. **Section 5** also requires the State Engineer to prohibit the drilling of wells for domestic use if a property is within 1,250 feet of a service line of a public entity presently engaged in furnishing water to the inhabitants of the area.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay for certain costs related to water conservation and capital improvements to water systems. Under this program, eligible recipients may receive grants of money to pay the cost of improvements to conserve water. (NRS 349.981) **Section 16** includes in the types of improvements for which an eligible recipient could receive a grant: (1) the removal and replacement of grass with water-efficient landscaping,

under certain circumstances; and (2) the permanent retirement of groundwater rights for certain purposes.

Existing law requires certain recipients of a grant of money from this program to provide an amount of money determined by the Board for Financing Water Projects that will be used for the same purpose as the grant **[.] and which must be based upon the average household income of the customers of the recipient.** (NRS 349.983) **Section 17** of this bill **instead** requires ~~[all recipients of a grant of money from this program to provide an]~~ **the** amount of money ~~[determined by the Board that will be used for the same purpose as the grant.]~~ **provided by a recipient to be based upon the median household income of the customers of the recipient.**

Existing law authorizes a district board of health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system. (NRS 439.3672) **Section 18** of this bill establishes certain requirements for a property owner to be eligible to receive financial assistance from this program.

Existing law sets forth a legislative declaration relating to the right of the people of this State to clean water and certain policies of this State related to this right to clean water. (NRS 445A.305) **Section 19** of this bill sets forth the policy of this State to encourage and promote water reuse in an appropriate manner that is consistent with public health.

Existing state law requires the State Environmental Commission to establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses for the stream segment or other body of surface water that have been determined applicable by the Commission. (NRS 445A.520) Existing federal law authorizes a state to establish a variance in the water quality standard from the water quality standard determined to protect and ensure a continuation of the designated beneficial use or uses if the state determines that compliance with this standard is not feasible for certain reasons. (40 C.F.R. § 131.14) **Section 20** of this bill authorizes the Commission to establish a water quality standard variance in accordance with federal law.

The Conservation of Colorado River Water Act establishes certain provisions relating to conserving the waters of the Colorado River, including requiring certain parcels of property which use such waters to participate in an irrigation water efficiency monitoring program. (Chapter 364, Statutes of Nevada 2021, at page 2179) The Act requires the Board of Directors of the Southern Nevada Water Authority to: (1) establish deadlines for an owner of such a parcel of property to begin participating in the program; and (2) notify the owner that he or she is required to participate by not later than January 1, 2025. (Section 30 of chapter 210, Statutes of Nevada 2023, at page 1283) Section 21.5 of this bill instead requires the Board of Directors to notify the owner not less than 1 year before the program is established.

Section 21.3 of this bill authorizes the Southern Nevada Water Authority or a member agency thereof that charges an excessive use fee to residential customers to use the proceeds of the fee for certain programs to assist customers of the Authority or member agency.

Existing law authorizes the Southern Nevada Water Authority to create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If a member appointed to the Committee resigns or is unable to serve, the Board of Directors is required to appoint a person to fill the vacancy not later than 90 days after the vacancy occurs. (Section 8 of chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507) Section 21.7 of this bill removes the requirement for the Board of Directors to fill the vacancy not later than 90 days after the vacancy occurs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, ***and section 4 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, ***and section 4 of this act,*** the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~[where there]~~ ***the State Engineer shall reject an application and refuse to issue the requested permit if:***

(a) There is no unappropriated water in the proposed source of supply ~~[, where the]~~ ***;***

(b) The groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ***;***

(c) The groundwater rights have been retired pursuant to section 4 of this act; or ~~[where its]~~

(d) The proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024 ~~[,]~~ or threatens to prove detrimental to the public interest **.** ~~[, the State Engineer shall reject the application and refuse to issue the requested permit.]~~

➥ If a previous application for a similar use of water within the same basin has been rejected on those grounds, ~~***[any such ground,]***~~ the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the

applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the

republication must be paid by the applicant. After such republication and reposting, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;

5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;

6. ***The groundwater rights have been retired pursuant to section 4 of this act;***

7. The proposed use conflicts with existing rights; or

~~[7.]~~ ***8.*** The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall retire all ~~[water]~~ vested or certificated groundwater rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program pursuant to section 10 of this act using any appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. ~~[Groundwater]~~ Any vested or certificated groundwater right that has been retired pursuant to this section is not available for any use and shall be deemed to be retired in the source in perpetuity.

2. The State Engineer shall not retire any ~~[water rights]~~ vested or certificated groundwater right pursuant to subsection 1 ~~[after]~~ unless the purchase of the groundwater right or the donation of the groundwater right was approved by the Director of the State Department of Conservation and Natural Resources pursuant to section 10 of this act on or before June 30, 2035.

Sec. 5. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. The State Engineer may only issue ~~[temporary]~~ ***revocable*** permits to appropriate groundwater if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such ~~[temporary]~~ ***revocable*** permits can be limited as to time and may be revoked if and when:

(a) Water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof; and

(b) The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).

➥ The holder of a ~~[temporary]~~ ***revocable*** permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.

(b) Limit the depth of domestic wells.

(c) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(d) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

5. In an area in which ***revocable permits*** have been issued ~~[temporary permits]~~ pursuant to subsection 3, the State Engineer:

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well; or

(3) Prohibit the drilling of wells for domestic use ~~[in areas where water can be furnished by]~~ ***if a property is within 1,250 feet of a service line of*** a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a domestic well, and may require the person proposing to deepen or repair the domestic well to obtain water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(1) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(2) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a ~~[temporary]~~ ***revocable*** permit issued pursuant to this section if any parcel served by a well pursuant to the ~~[temporary]~~ ***revocable*** permit is currently obtaining water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 6. NRS 534.125 is hereby amended to read as follows:

534.125 If the State Engineer issues a ~~[temporary]~~ ***revocable*** permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a ~~[temporary]~~ ***revocable*** permit, the State Engineer shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A ~~[temporary]~~ ***revocable*** permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

Sec. 7. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.***

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Voluntary Water Rights Retirement Program established by section 10 of this act.

3. The Director may adopt regulations to carry out the provisions of this section.

Sec. 9. ***1. The Account for Retiring Water Rights is hereby created in the State General Fund.***

2. The Account for Retiring Water Rights must be administered by the Director in accordance with the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act. In addition to any direct legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Retiring Water Rights.

3. The money in the Account for Retiring Water Rights must only be used for administering the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act, to purchase ~~[water]~~ vested or certificated groundwater rights for retirement pursuant to section 10 of this act and to

provide matching money required as a condition of accepting any source of money that would result in the retirement of ~~[water]~~ groundwater rights pursuant to sections 4 and 10 of this act.

4. The money in the Account for Retiring Water Rights or any portion of the money in the Account for Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Retiring Water Rights.

5. Any money remaining in the Account for Retiring Water Rights at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account for Retiring Water Rights must be carried forward to the next fiscal year.

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Retiring Water Rights.

Sec. 10. *1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire ~~[water]~~ vested or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:*

(a) Protect the natural resources of this State;

(b) ~~[Bring groundwater basins that have been overpumped back in hydrographic balance;]~~ Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells . ~~[; and~~

~~(d) Prevent overappropriated basins from becoming overpumped.]~~

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase ~~[water]~~ vested or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those ~~[water]~~ groundwater rights ~~[according to the following order of priority:]~~ in groundwater basins where:

(a) ~~[Groundwater basins where groundwater withdrawals currently exceed the available supply]~~ An order issued by the State Engineer precludes the issuance of permits for new appropriations of ~~[water.]~~ groundwater in the groundwater basin; and

(b) ~~[Groundwater basins where the]~~ The retirement of ~~[water]~~ groundwater rights in the groundwater basin meets ~~[the purposes]~~ any purpose set forth in subsection 1.

3. The Director shall document in writing the purpose of each vested or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.

4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of [water] vested or certificated groundwater rights. [in accordance with the regulations adopted by the Director pursuant to section 12 of this act.

4.] 5. The Director [may] shall not accept donations or applications for the purchase and retirement of [water] vested or certificated groundwater rights after June 30, 2035.

Sec. 11. *[1. The Advisory Committee for the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act is hereby created within the Department. The Advisory Committee consists of:*

(a) The following voting members appointed by the Director:

(1) Two members who represent agricultural interests;

(2) Two members who represent a political subdivision of the State of Nevada that manages a regional water authority in a county whose population is 100,000 or more;

(3) One member who represents a regional water authority that serves a county whose population is less than 100,000;

(4) One member who represents a nonprofit conservation organization; and

(5) One member who represents mining interests; and

(b) The following ex officio nonvoting members:

(1) The State Engineer or his or her designee; and

(2) The State Land Registrar or his or her designee.

2. The Advisory Committee shall consult with the Director on:

(a) The adoption of the regulations required by section 12 of this act; and

(b) The administration of the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act.

3. The voting members of the Advisory Committee serve without compensation and are not entitled to receive the per diem allowance or travel expenses provided for state officers and employees generally.] **(Deleted by amendment.)**

Sec. 12. *[1. The Director shall adopt such regulations as are necessary to carry out the provisions of sections 8 to 12, inclusive, of this act, which must include, without limitation:*

(a) The process for accepting applications for the purchase and retirement of water rights pursuant to section 10 of this act;

(b) The manner in which the valuation of water rights will be conducted for the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act;

(c) Provisions to ensure that the purchase and retirement of water rights is consistent with the purposes of the Nevada Voluntary Water Rights

~~*Retirement Program, including, without limitation, the purposes set forth in section 10 of this act;*~~

~~*(d) Provisions to ensure compliance with any requirements or conditions of any gift, donation, bequest, grant, federal money or other source of money in administering the Account for Retiring Water Rights created by section 9 of this act; and*~~

~~*(e) The methods of identifying and purchasing water rights by the Nevada Voluntary Water Rights Retirement Program pursuant to section 10 of this act which must be consistent with the mechanisms by which the water rights will be retired by the State Engineer in accordance with section 4 of this act.*~~

~~*2. The Director shall consult with the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program created by section 11 of this act in adopting regulations pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[:]~~ ***, and sections 8 to 12, inclusive, of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 14. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) The Division of Outdoor Recreation.

(h) The Division of Natural Heritage.

(i) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council ***, the Nevada Conservation and Recreation Program*** ~~*[, the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program]*~~ and the Board to Review Claims are within the Department.

Sec. 15. ~~[NRS 232.090 is hereby amended to read as follows:~~

~~232.090 1. The Department consists of the Director and the following:~~

~~(a) The Division of Water Resources.~~

~~(b) The Division of State Lands.~~

~~(c) The Division of Forestry.~~

~~(d) The Division of State Parks.~~

~~(e) The Division of Environmental Protection.~~
~~(f) The Office of Historic Preservation.~~
~~(g) The Division of Outdoor Recreation.~~
~~(h) The Division of Natural Heritage.~~
~~(i) Such other divisions as the Director may from time to time establish.~~

~~2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council, the Nevada Conservation and Recreation Program [, the Advisory Committee for the Nevada Voluntary Water Rights Retirement Program] and the Board to Review Claims are within the Department.]~~ **(Deleted by amendment.)**

Sec. 16. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) ~~[Recovery]~~ ***Recovering*** or recycling ~~[of]~~ wastewater or tailwater;

(3) Scheduling of irrigation;

(4) ~~[Measurement]~~ ***Measuring*** or metering ~~[of]~~ the use of water;

(5) Improving the efficiency of irrigation operations; ~~[and]~~

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility ~~[.]~~ ***;***

(7) Removing grass and replacing grass with water-efficient landscaping, if the removal of the grass is secured by a conservation easement; and

(8) Permanently retiring groundwater rights pursuant to section 4 of this act to:

(I) Protect the natural resources of this State;

(II) ~~[Bring]~~ Address declining levels of groundwater ~~[basins that have been overpumped back in hydrographic balance;]~~ ; or

(III) Address conflicts with existing rights or with protectable interests in existing domestic wells. ~~[; or~~

~~*(IV) Prevent overappropriated basins from becoming overpumped.]*~~

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a ~~[temporary]~~ ***revocable*** permit to a municipal water system, if the well was in existence on or before October 1,

1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection approves a program or project for the protection of groundwater quality developed by the State or a local government that provides for the abandonment of an individual sewage disposal system and the connection of the property upon which the individual sewage disposal system was located to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(f) An eligible recipient to pay the following costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system, if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(g) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 17. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the ~~[average]~~ ***median*** household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 18. NRS 439.3672 is hereby amended to read as follows:

439.3672 1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for ~~[a]~~ ***an eligible*** property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary ***annual*** fee ~~[.]~~ ***in accordance with the provisions of paragraph (b) of subsection 4.***

4. ***A property owner is eligible to receive financial assistance from the program if the property owner:***

(a) Has an existing septic system whose property is served by a municipal water system; and

(b) Pays the voluntary annual fee:

(1) Every year that the fee is imposed by the district board of health pursuant to subsection 3; or

(2) If a property owner has not paid the fee in every year that the fee was imposed, pays the balance for all previously imposed fees and the fee for the current year, if imposed by the district board of health.

5. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a

subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 19. NRS 445A.305 is hereby amended to read as follows:

445A.305 1. The Legislature finds that pollution of water in this State:

(a) Adversely affects public health and welfare;

(b) Is harmful to wildlife, fish and other aquatic life; and

(c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that the people of this State have a right to clean water and it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive:

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State;

(b) To mitigate the degradation of the waters of the State; ~~[and]~~

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources) ~~[.]~~ ***; and***

(d) To encourage and promote traditional and emerging methods of water reuse, including, without limitation, credits for water that is returned to the source, known as "return-flow credits," agriculture and other irrigation, direct potable reuse and indirect potable reuse in an appropriate manner that is consistent with the public health.

Sec. 20. NRS 445A.520 is hereby amended to read as follows:

445A.520 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.

3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.

4. The Commission may establish a water quality standard variance subject to the review and approval or disapproval of the United States

Environmental Protection Agency in accordance with 40 C.F.R. § 131.14. A water quality standard variance ~~[adopted]~~ established pursuant to this subsection must:

(a) Reflect the highest attainable condition of the stream segment or other body of surface water that is achievable during the term of the water quality standard variance; and

(b) Establish a time-limited designated use and criteria for specific pollutants or water quality parameters during the term of the water quality standard variance.

5. As used in this section, "water quality standards variance" has the meaning ascribed to it in 40 C.F.R. § 131.3(o).

Sec. 21. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire vested or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. ~~[In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase vested or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those groundwater rights in groundwater basins where:~~

~~(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; and~~

~~(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.]~~

3. ~~[The Director shall document in writing the purpose of each vested or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.~~

~~4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of vested or certificated groundwater rights.~~

~~5.]~~ The Director shall not accept donations or applications for the purchase and retirement of vested or certificated groundwater rights after June 30, 2035.

Sec. 21.3. **The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 42, immediately following section 41, to read as follows:**

If the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority charges an excessive use fee to a residential customer who exceeds thresholds on water usage, the Southern Nevada Water Authority or member agency, as applicable, may use the proceeds of the fee for programs to assist the customer, including, without limitation, programs:

1. To repair water leaks on or appurtenant to the property of the residential customer;

2. To pay 100 percent of the cost for a residential customer with an existing septic system to abandon the septic system and connect to a municipal water system;

3. To plant trees in the community to combat urban heat island effects;

4. To provide financial assistance to low-income residential customers for the payment of water bills; or

5. For any other purpose to protect the water supply of the community, as determined by the Southern Nevada Water Authority or member agency, as applicable.

Sec. 21.5. **Section 39.5 of the Conservation of Colorado River Water Act, being chapter 210, Statutes of Nevada 2023, at page 1283, is hereby amended to read as follows:**

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not ~~[later]~~ ***less*** than ~~[January 1, 2025,]~~ ***1 year before the irrigation water efficiency monitoring program is established pursuant to subsection 1,*** notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 21.7. **Section 8 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507, is hereby amended to read as follows:**

Sec. 8. 1. The Southern Nevada Water Authority may create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If created, the Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation.

3. The term of each appointed member is 2 years. Members may be reappointed. ~~[If a member resigns or is otherwise unable to serve, the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.]~~

4. In appointing the members described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 22. Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 113, Statutes of Nevada 2003, at page 624, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of groundwater in the Basin.

2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.

3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.

4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.

5. Develop and implement a program to provide financial assistance to pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, to owners of real property served by:

(a) Domestic wells; or

(b) Wells that are operated pursuant to ~~[temporary]~~ ***revocable*** permits,

➥ who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

6. Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.

Sec. 23. Any existing and valid temporary permit issued by the State Engineer pursuant to NRS 534.120 before July 1, 2025, shall be deemed a revocable permit issued by the State Engineer.

Sec. 24. ~~[The Director of the State Department of Conservation and Natural Resources shall, on or before July 1, 2026, adopt the regulations which are required by section 12 of this act.]~~ **(Deleted by amendment.)**

Sec. 25. 1. This section, sections 1 to 20, inclusive, and sections ~~[22, 23 and]~~ **21.3 to** 24 **, inclusive,** of this act become effective on July 1, 2025.

2. Sections 9, 11, 12 and 14 of this act expire by limitation on June 30, 2035.

3. Section 21 of this act becomes effective on July 1, 2035.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 236.

AN ACT relating to trade practices; prohibiting a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment ~~[unless the operator of the food dispensing establishment]~~ **who** has **not** obtained ~~[the]~~ **certain** required ~~[permit to operate the food dispensing establishment issued by the health authority;]~~ **licenses; prohibiting such a food dispensing establishment from accepting an online food order; requiring a food delivery service platform provider to remove such a food dispensing establishment from the food delivery service platform of the provider under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements and restrictions concerning food delivery service platforms, which existing law defines to mean an Internet website, online service or mobile application which allows users to purchase food from multiple food dispensing establishments and arrange for the same-day delivery or same-day pickup of such food. (NRS 597.7625-597.7642) Existing law designates a person who operates such a platform as a food delivery service platform provider. (NRS 597.7628) Existing law defines "food dispensing establishment" to mean, in general, a food establishment that prepares and serves food intended for immediate consumption. (NRS 597.7629) ~~[Existing law prohibits, with certain exceptions, a person from operating a food establishment unless the person possesses a valid permit issued to the person by the health authority. (NRS 446.870)]~~

Under existing law, a food delivery service platform provider is prohibited from facilitating an online food order involving a food dispensing establishment, including, without limitation, arranging for the same-day delivery or same-day pickup of food prepared by a food dispensing establishment, unless the food delivery service platform provider has entered into a written agreement with the food dispensing establishment authorizing such activities. (NRS 597.7635) ~~[Although no penalty is specifically provided for violating that prohibition, existing law provides that whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, a person who commits that act is guilty of a misdemeanor. (NRS 193.151)]~~

This bill prohibits a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless ~~[the operator of]~~ the food dispensing establishment has obtained ~~[the required permit to operate]~~ **any business license required by the local government in which** the food dispensing establishment ~~[issued by the health authority.]~~ **is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order.**

This bill also prohibits a food dispensing establishment from accepting an online food order facilitated by a food delivery service platform provider unless the food dispensing establishment has obtained any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order. Under this bill, a food dispensing establishment who violates this prohibition or provides to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment is subject to a civil penalty not to exceed $100 for each online food order which the food dispensing establishment fills in violation of the prohibition.

Finally, this bill requires a food delivery service platform provider to remove a food dispensing establishment from the platform of the food delivery service platform provider if the food delivery service platform provider receives specific, verifiable information that the food dispensing establishment has accepted an online food order in violation of the provisions of this bill or has provided to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment. This bill ~~[specifically]~~ provides that a food delivery service platform provider who ~~[violates that prohibition or the prohibition against facilitating an online food order without the written agreement with the food dispensing establishment required under existing law is guilty of a misdemeanor.]~~ **fails to remove the food dispensing establishment from the platform of the food delivery service platform provider is subject to a civil penalty not to exceed $500 for each day that the food dispensing establishment remains on the platform after the 10th day after the food delivery service platform provider receives the information.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.7635 is hereby amended to read as follows:

597.7635 ***1.*** A food delivery service platform provider shall not facilitate an online food order involving a food dispensing establishment, including, without limitation, arranging for the same-day delivery or same-day pickup of food prepared by a food dispensing establishment, unless ~~[the]~~ ***:***

(a) The ~~[operator of the]~~ food dispensing establishment has obtained ~~[a permit to operate]~~ any business license required by the local government in which the food dispensing establishment ~~[issued pursuant to NRS 446.875;]~~ is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order; and

(b) The food delivery service platform provider has entered into a written agreement with the food dispensing establishment that expressly authorizes the food delivery service platform provider to engage in such activities.

2. A food dispensing establishment shall not accept an online food order facilitated by a food delivery service platform provider unless the food dispensing establishment has obtained any business license required by the local government in which the food dispensing establishment is located which authorizes the food dispensing establishment to conduct business at the address at which the food dispensing establishment prepares the online food order. A food dispensing establishment who violates this subsection or provides to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment is subject to a civil penalty not to exceed $100 for each online food order which the food dispensing establishment fills in violation of this subsection.

3. A food delivery service platform provider who receives specific, verifiable information that a food dispensing establishment has violated subsection 2 or has provided to the food delivery service platform provider false or misleading information regarding the business license of the food dispensing establishment shall, not later than 10 days after receiving that information, remove the food dispensing establishment from the food delivery service platform of the food delivery service platform provider. A food delivery service platform provider who violates the provisions of this subsection [1] is [guilty of a misdemeanor.] subject to a civil penalty not to exceed $500 for each day that the food dispensing establishment remains on the food delivery service platform of the food delivery service platform provider after the 10th day after the food delivery service platform provider receives the information described in subsection 3.

Sec. 2. **This act becomes effective on January 1, 2026.**

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 201.

AN ACT relating to domestic violence; establishing the Hope Card Program for applicants who have been granted an extended order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to file an application for a temporary or extended order for protection against domestic violence. (NRS 33.017-33.100) **Section 1** of this bill establishes the Hope Card Program, which will be

developed and administered by the Office of the Attorney General, after consultation and in coordination with the district courts and justice courts, to provide to an applicant who has been granted an extended order for protection against domestic violence, upon request, a Hope Card that provides proof of the granting of such an extended order. **Section 1** also prohibits a person from knowingly presenting a fraudulent or expired Hope Card to another person with the specific intent to falsely represent that the person is protected by an extended order.

Section 2 of this bill makes a conforming change to apply the definitions in existing law to **section 1**.

Section 3 of this bill requires an applicant for an extended order for protection against domestic violence to indicate in the application whether the applicant is requesting a Hope Card.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Hope Card Program, which is intended to provide to an applicant who has been granted an extended order, upon request, a Hope Card that provides proof of the granting of the extended order, is hereby established. The Office of the Attorney General shall, after consultation and in coordination with the district courts and justice courts, develop and administer the Hope Card Program.

2. The Hope Card Program must ensure than an applicant who has been granted an extended order and who has requested a Hope Card pursuant to NRS 33.020 is provided with the Hope Card as soon as practicable, but not more than 10 business days after the extended order is granted.

3. The Office of the Attorney General shall not charge any fee for providing a Hope Card pursuant to this section.

4. A Hope Card that is provided to an applicant for an extended order pursuant to this section:

(a) Is valid until the date on which the extended order expires;

(b) May be issued in the form of a tangible, wallet-sized card or a digital card, or both;

(c) Must be in a format established by the Office of the Attorney General that contains substantially the following information:

(1) The name and date of birth of the applicant;

(2) Information relating to the extended order, including, without limitation, the court that granted the extended order, the case number, the date on which the extended order was granted and the date on which the extended order expires;

(3) The date on which the Hope Card is issued and the date on which the Hope Card expires; and

(4) Any other information that the Office of the Attorney General deems appropriate ~~.~~ , which may include, without limitation:

(I) The name and description of each additional person or animal protected by the extended order;

(II) The name and date of birth of the adverse party;

(III) A physical description of the adverse party, including, without limitation, height, weight, hair color and eye color;

(IV) A photograph of the adverse party, if available; and

(V) The telephone number for the United States National Domestic Violence Hotline.

5. A person who knowingly presents a fraudulent or expired Hope Card to another person with the specific intent to falsely represent that the person is protected by an extended order is guilty of a misdemeanor.

Sec. 2. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 3. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. ***An applicant for an extended order shall indicate in the application whether the applicant is requesting the Office of the Attorney General to provide a Hope Card to the applicant in accordance with the provisions of section 1 of this act if the court grants the extended order.*** If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by electronic means to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and

holidays, to receive electronic communications and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive electronic communications and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of developing the Hope Card Program established pursuant to section 1 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 398.

AN ACT relating to juvenile justice; ~~[reducing]~~ **revising provisions related to** the ~~[number]~~ **review** of ~~[consecutive hours]~~ **corrective room restriction status for** a child detained in a state, local or regional facility for the detention of children**;** ~~[may be subjected to corrective room restriction; requiring certain actions be taken with respect to a child who is subjected to corrective room restriction for more than 15 hours; authorizing a child to petition an administrator or superintendent for a review of the reason or reasons the child was subjected to corrective room restriction under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children; and (2) specifies certain actions that must be taken with respect to a child who is subjected to corrective room restriction. Under existing law, a child who is subjected to corrective room restriction for more than 24 hours must be provided ~~[: (1) certain out-of-room exercise each day; (2) access to the same meals, medical and mental health treatment, legal assistance, educational services and contact with parents and legal guardians as is provided to children~~

~~in the general population of the facility; and (3)]~~ a review of the corrective room restriction status at least once every 24 hours. (NRS 62B.215, 63.505) **Sections 1 and 2** of this bill ~~[reduce, from 24 hours to 15 hours, the number of hours after which these requirements apply. Sections 1 and 2 also: (1) reduce, from 72 hours to 24 hours, the number of consecutive hours a child may be subjected to corrective room restriction; and (2) make conforming changes relating to this reduction. Finally, sections 1 and 2: (1) authorize a child who is subjected to corrective room restriction more than seven times during any month to petition the administrator or superintendent of the facility, as applicable, for a]~~ **require that the** review ~~[of the reason or reasons the child was subjected to corrective room restriction during that month for the purpose of ensuring that any such restriction was fair and appropriate; and (2) prohibit a facility from retaliating against a child for filing such a petition.]~~ **be conducted by a member of the staff of the facility and include an assessment of whether a referral for a mental health screening, evaluation or treatment is appropriate.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local facility for the detention of children or committed to a regional facility for the treatment and rehabilitation of children may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local facility for the detention of children or regional facility for the treatment and rehabilitation of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. ~~*[A child who is subjected to corrective room restriction must be provided a review of the corrective room restriction status within 15 hours after the child is subjected to corrective room restriction. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.*~~

~~6.~~ A child who is subjected to corrective room restriction for more than 24 ~~15~~ hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits . ~~; and~~

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility . ~~, and~~

(c) A review of the corrective room restriction status ***by a member of the staff of the facility*** at least once every 24 hours. ***Any such review must include, without limitation, an assessment of whether a referral for a mental health screening, evaluation or treatment is appropriate.*** If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. ~~7.~~ A local facility for the detention of children or regional facility for the treatment and rehabilitation of children shall not subject a child to corrective room restriction for more than 72 ~~24~~ consecutive hours.

7. ~~8. A child who is subjected to corrective room restriction more than seven times during any month:~~

~~(a) May petition the administrator of the local facility for the detention of children or regional facility for the treatment and rehabilitation of children for a review of the reason or reasons the child was subjected to corrective room restriction during that month for the purpose of ensuring that any such restriction was fair and appropriate; and~~

~~(b) Must not be retaliated against for any such petition.~~

~~9.~~ Each local facility for the detention of children and regional facility for the treatment and rehabilitation of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 ~~24~~ consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. ~~10.~~ As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 2. NRS 63.505 is hereby amended to read as follows:

63.505 1. A child who is detained in a facility may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. ~~*[A child who is subjected to corrective room restriction must be provided a review of the corrective room restriction status within 15 hours after the child is subjected to corrective room restriction. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.*~~

~~*6.]*~~ A child who is subjected to corrective room restriction for more than 24 ~~*[15]*~~ hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits **.** ~~*[; and]*~~

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility **.** ~~[, and]~~

(c) A review of the corrective room restriction status **by a member of the staff of the facility** at least once every 24 hours. **Any such review must include, without limitation, an assessment of whether a referral for a mental health screening, evaluation or treatment is appropriate.** If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. ~~*[7.]*~~ A facility shall not subject a child to corrective room restriction for more than 72 ~~*[24]*~~ consecutive hours.

7. ~~*[8. A child who is subjected to corrective room restriction more than seven times during any month:*~~

~~*(a) May petition the superintendent of the facility for a review of the reason or reasons the child was subjected to corrective room restriction*~~

~~*during that month for the purpose of ensuring that any such restriction was fair and appropriate; and*~~

~~*— (b) Must not be retaliated against for any such petition.*~~

~~*— 9.]*~~ A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than 72 ~~*[24]*~~ consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. ~~*[10.]*~~ As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 67.

AN ACT relating to optometry; providing that a license to practice optometry issued by the Nevada State Board of Optometry is a revocable privilege; establishing procedures by which the Board may summarily suspend a license to practice optometry; ~~[prohibiting a court from staying certain orders of the Board;]~~ specifying the substances which may be prescribed by an optometrist who holds a certificate to administer and prescribe pharmaceutical agents; increasing the number of members which constitute the Board; revising the requirements for the issuance of a license by endorsement; revising provisions governing the issuance of certain certificates by the Board; **revising the circumstances under which certain optometrists are authorized to prescribe controlled substances;** revising provisions relating to investigations conducted by the Board; clarifying that the practice of optometry includes optometric telemedicine; establishing certain circumstances under which a licensee is not required to report certain events to the Board; establishing certain provisions governing the temporary ownership of an optometry practice of a licensee who is permanently incapacitated; revising provisions governing the issuance of citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the practice of optometry, including, without limitation, the licensing of optometrists by the Nevada State Board of Optometry. (Chapter 636 of NRS) **Section 2** of this bill provides that: (1) the purpose of licensing optometrists is to protect the public health and safety and general welfare of the people of this State; and (2) any license issued by the Board is a revocable privilege.

Section 3 of this bill establishes procedures by which the Board may summarily suspend the license of a licensee to practice optometry under certain circumstances.

~~[Section 4 of this bill prohibits a court from staying an order of the Board suspending the license of a licensee pending proceedings for disciplinary action.]~~

Section 5 of this bill revises the definition of the term "pharmaceutical agent" for the purposes of provisions governing the practice of optometry to specify that the term includes ~~[certain non-analgesic drugs.]~~ **any drug subject to certain provisions restricting the prescription of controlled substances or added to schedule III, schedule IV or schedule V by the State Board of Pharmacy by regulation.**

Section 6 of this bill increases the number of members of the **Nevada State** Board **of Optometry** from four members to five.

Existing law requires the Governor to appoint to the Board: (1) three members who are licensed to practice optometry in this State and are actually engaged in that practice; and (2) one member who is a representative of the general public. (NRS 636.035) **Section 7** of this bill increases the number of members who are licensees who the Governor must appoint from three members to four members.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid, active and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) **Section 8** of this bill requires an applicant for a license by endorsement to submit to the Board with his or her application proof satisfactory to the Board that the applicant has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor as a prerequisite to the issuance of the applicant's corresponding, valid, active and unrestricted license from the other jurisdiction.

Existing law requires the Board to adopt regulations which prescribe the requirements for certification to administer and prescribe certain pharmaceutical agents and sets forth certain requirements for inclusion in those regulations. (NRS 636.287) **Section 9** of this bill eliminates the requirement that an applicant for certification have successfully completed not fewer than 40 hours of clinical training in administering and prescribing pharmaceutical

agents in a training program which is conducted by an ophthalmologist and approved by the Board.

Existing law prohibits an optometrist who is certified to administer and prescribe certain pharmaceutical agents from prescribing a controlled substance unless certain conditions are satisfied, including, without limitation, the requirement that the optometrist prescribes the controlled substance in an amount that does not exceed 90 morphine milligram equivalents per day and will not last more than 72 hours. (NRS 636.2882) Section 9.5 of this bill specifies that this requirement is applicable only to the prescription of a narcotic opioid analgesic.

Existing law requires the Board to adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma. Existing law requires those requirements to include, among other requirements, proof that each optometrist who applies for such a certificate has treated at least 15 persons who were diagnosed with glaucoma by an ophthalmologist licensed in this State. (NRS 636.2893) **Section 10** of this bill revises that requirement to specify that such persons diagnosed with glaucoma must have been diagnosed by an ophthalmologist licensed in this State, the District of Columbia or any other state or territory of the United States.

Existing law requires the Board to cause any complaint filed with the Board to be investigated if the Executive Director of the Board determines the complaint is not frivolous and alleges on or more grounds for disciplinary action. (NRS 636.305) **Section 11** of this bill authorizes the Board to issue orders to aid such an investigation, including, without limitation, an order compelling a licensee to appear before the Board or an investigative committee of the Board.

Existing law provides that a person who is licensed to practice optometry pursuant to chapter 636 of NRS is authorized and entitled to practice optometry in this State subject to the provisions of that chapter. (NRS 636.345) **Section 12** of this bill clarifies that the practice of optometry includes optometric telemedicine.

Existing law authorizes an assistant in any setting where optometry is practiced to perform certain activities if the assistant acts under the direct supervision of a licensed optometrist. (NRS 636.346) **Section 13** of this bill clarifies that an assistant is authorized to perform those same activities under the direct supervision of a licensed optometrist in any setting where optometric telemedicine is practiced.

Existing law requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction. (NRS 636.371) **Section 14** of this bill provides an exception to this duty, providing that a licensee is not required to report to the Board an administrative fine imposed by a regulatory board or other equivalent administrative body of any other jurisdiction if: (1) the National Practitioner Data Bank contains no corresponding report of the

administrative fine; and (2) the regulatory board or other administrative body that imposed the fine did not issue an order of formal disciplinary action relating to the act or acts which served as the basis for the fine.

Existing law authorizes a surviving family member of a licensed optometrist who died and was the sole owner of an optometry practice to own the practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist. (NRS 636.398) **Section 15** of this bill authorizes a guardian or guardian ad litem who is appointed for a licensed optometrist who is permanently incapacitated and was the sole owner of an optometry practice to own the practice without holding a license to practice optometry in this State for not more than 1 year after the appointment of guardianship.

Existing law authorizes the Board to issue a citation to a licensee or other person who violates certain provisions of law governing the practice of optometry. (NRS 636.420) **Section 16** of this bill authorizes the issuance of a citation only for violations not involving: (1) the care of a patient; or (2) unethical or unprofessional conduct. **Section 16** also provides that the issuance of a citation and the imposition of an administrative fine against a licensee for certain violations: (1) do not constitute formal disciplinary action by the Board; and (2) must not be reported to the National Practitioner Data Bank.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The purpose of licensing optometrists is to protect the public health and safety and the general welfare of the people of this State.***

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 3. ***1. If , after an investigation by the Board or an investigative committee convened by the Board, the Board reasonably determines ~~[from an investigation of a licensee]~~ that the health, safety or welfare of the public or any patient served by ~~[the]~~ a licensee is at risk of imminent or continued harm because of the manner in which the licensee practices optometry, including, without limitation, optometric telemedicine, the Board may summarily suspend the license of the licensee pending a determination upon the conclusion of a hearing to consider a formal complaint against the licensee. An order of summary suspension may be issued only by the Board, the President of the Board, the presiding officer of an investigative committee convened by the Board to conduct the investigation or the member of the Board who conducted the investigation.***

2. If an order to summarily suspend the license of a licensee is issued pursuant to subsection 1 by the President of the Board, the presiding officer of an investigative committee of the Board or a member of the Board, that person shall not participate in any further proceedings of the Board relating to the order.

3. If the Board, the President of the Board, the presiding officer of an investigative committee of the Board or a member of the Board issues an order summarily suspending the license of a licensee, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board must reinstate the license of the licensee.

Sec. 4. ~~***[If the Board issues an order suspending the license of a licensee pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 636.0215 is hereby amended to read as follows:

636.0215 "Pharmaceutical agent" means any topical or oral drug used or prescribed by a licensee for the examination, management or treatment of an abnormality, disease or condition of the eye or its appendages, including, without limitation, any ~~***[analgesic or non-analgesic]***~~ drug subject to the requirements of NRS 636.2882 or added to schedule III, schedule IV or schedule V by the State Board of Pharmacy by regulation pursuant to NRS 453.146. The term does not include any drug or other substance added to schedule I or schedule II by the State Board of Pharmacy pursuant to that section.

Sec. 6. NRS 636.030 is hereby amended to read as follows:

636.030 The Nevada State Board of Optometry, consisting of ~~[four]~~ ***five*** members appointed by the Governor, is hereby created.

Sec. 7. NRS 636.035 is hereby amended to read as follows:

636.035 1. The Governor shall appoint:

(a) ~~[Three]~~ ***Four*** members who are licensed to practice optometry in the State of Nevada and are actually engaged in the practice of optometry.

(b) One member who is a representative of the general public. This member must not be:

(1) Licensed to practice optometry; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a person licensed to practice optometry.

2. A person shall not be appointed if he or she:

(a) Is the owner or co-owner of, a stockholder in, or a member of the faculty or board of directors or trustees of, any school of optometry;

(b) Is financially interested, directly or indirectly, in the manufacture or wholesaling of optical supplies; or

(c) Has been convicted of a felony or a gross misdemeanor involving moral turpitude.

Sec. 8. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid, active and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ***Has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor as a prerequisite to the issuance of the corresponding valid, active and unrestricted license described in subsection 1;***

(3) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

~~[(3)]~~ ***(4)*** Has been continuously and actively engaged in the practice of optometry for the past 5 years;

~~[(4)]~~ ***(5)*** Has not held a license to practice optometry in this State in the immediately preceding year;

~~[(5)]~~ ***(6)*** Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(6)]~~ ***(7)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 9. NRS 636.287 is hereby amended to read as follows:

636.287 The Board shall adopt regulations which prescribe the requirements for certification to administer and prescribe pharmaceutical agents pursuant to NRS 636.288. The requirements must include:

1. A license to practice optometry in this State; ***and***

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry or an equivalent examination approved by the Board**.** ~~[~~; and

~~3. The successful completion of not fewer than 40 hours of clinical training in administering and prescribing pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the Board.]~~

Sec. 9.5. **NRS 636.2882 is hereby amended to read as follows:**

636.2882 An optometrist who is certified to administer and prescribe a pharmaceutical agent pursuant to NRS 636.288 shall not prescribe a controlled substance unless the optometrist:

1. Has completed an optometric examination of the patient for whom the controlled substance is prescribed;

2. ~~[Prescribes]~~ ***If prescribing a controlled substance that is narcotic opioid analgesic, prescribes*** the controlled substance in an amount that does not exceed 90 morphine milligram equivalents per day and will not last more than 72 hours; and

3. Sets forth in the prescription for the controlled substance that the prescription may not be refilled without a subsequent examination of the patient by the optometrist.

Sec. 10. NRS 636.2893 is hereby amended to read as follows:

636.2893 The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895. The requirements must include, without limitation:

1. A license to practice optometry in this State;

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry or an equivalent examination approved by the Board;

3. Proof that each optometrist who applies for a certificate has treated at least 15 persons who were:

(a) Diagnosed with glaucoma by an ophthalmologist licensed in this State ~~[;]~~ ***, the District of Columbia or any other state or territory of the United States;*** and

(b) Treated by the optometrist, in consultation with that ophthalmologist, for at least 12 consecutive months; and

4. A certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.

Sec. 11. NRS 636.305 is hereby amended to read as follows:

636.305 1. A complaint may be made against a licensee by:

(a) An employee or contractor of the Board; or

(b) Any licensee or other person,

➥ alleging one or more grounds for disciplinary action set forth in NRS 636.295.

2. As soon as practicable after a complaint is filed with the Board, the Executive Director or his or her designee shall review the complaint. If the Executive Director determines that the complaint is not frivolous and alleges one or more of the grounds for disciplinary action set forth in NRS 636.295, the Board, through the Executive Director, shall cause the complaint to be investigated.

3. ***The Board may issue orders to aid an investigation conducted pursuant to subsection 2, including, without limitation, an order compelling a licensee to appear before the Board or an investigative committee of the Board.***

4. The Board shall retain each complaint received pursuant to this section for not less than 10 years, including, without limitation, any complaint which is not acted upon.

Sec. 12. NRS 636.345 is hereby amended to read as follows:

636.345 A licensee shall be authorized and entitled to practice optometry***, including, without limitation, optometric telemedicine,*** in this State subject to the provisions of this chapter.

Sec. 13. NRS 636.346 is hereby amended to read as follows:

636.346 1. In any setting where optometry ***, including, without limitation, optometric telemedicine,*** is practiced, an assistant may fit ophthalmic lenses or spectacle lenses if the assistant acts under the direct supervision of a licensed optometrist.

2. In addition to the provisions of subsection 1, an assistant in any setting where optometry ***, including, without limitation, optometric telemedicine,*** is practiced may perform any of the following activities under the direct supervision of a licensed optometrist:

(a) Prepare a patient for examination.

(b) Collect preliminary data concerning a patient, including taking the medical history of the patient.

(c) Perform simple and noninvasive testing of a patient in preparation for any subjective refraction, testing, evaluation, interpretation, diagnosis or treatment of the patient by the licensed optometrist.

(d) For an ophthalmic purpose, administer any cycloplegic or mydriatic agent or topical anesthetic that is not a controlled substance.

(e) Use an ophthalmic device or oversee ocular exercises, visual training, visual therapy or visual rehabilitation as directed by a licensed optometrist.

3. If an assistant conducts any activities pursuant to subsection 2, the licensed optometrist must conduct the final eye examination of the patient.

4. As used in this section, "assistant" means a person employed by an optometrist or any medical provider or medical facility at which the optometrist provides or offers to provide his or her services as an optometrist.

Sec. 14. NRS 636.371 is hereby amended to read as follows:

636.371 ~~[A]~~ ***1. Except as otherwise provided in subsection 2, a*** licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.

2. A licensee is not required to report to the Board an administrative fine imposed against the licensee by a regulatory board or other equivalent administrative body of another state or territory of the United States, the District of Columbia or a foreign country if:

(a) The National Practitioner Data Bank contains no corresponding report of the administrative fine; and

(b) The regulatory board or administrative body that imposed the administrative fine did not issue an order of formal disciplinary action relating to the act or acts which served as the basis for the fine.

Sec. 15. NRS 636.398 is hereby amended to read as follows:

636.398 1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee, the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.

2. ***For not more than 1 year after a guardian or guardian ad litem is appointed in accordance with the laws of this State for a licensee who is the sole owner of an optometry practice on the basis that the licensee is permanently incapacitated, the guardian or guardian ad litem, as applicable, may own the optometry practice without being licensed pursuant to this chapter. The guardian or guardian ad litem shall:***

(a) As soon as practicable after his or her appointment, submit to the Board a written opinion of a physician who is board-certified in the area of neurology, neurological surgery, critical care medicine or intensive care medicine expressing that, to a reasonable degree of medical probability, the licensee is permanently incapacitated.

(b) Not later than 1 year after his or her appointment, transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.

3. The provisions of this section do not:

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

~~[3.]~~ ***4.*** As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 16. NRS 636.420 is hereby amended to read as follows:

636.420 1. After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. If the Board determines that a person has violated any provision of this chapter, the Board may ***, except as otherwise provided pursuant to subsection 3,*** issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

3. A citation may be issued to a licensee pursuant to subsection 2 only for violations not involving:

(a) The care of a patient; or

(b) Unethical or unprofessional conduct.

4. The issuance of a citation to and the imposition of an administrative fine against a licensee pursuant to subsection 2:

(a) Does not constitute formal disciplinary action by the Board; and

(b) Must not be reported to the National Practitioner Data Bank.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 445.

AN ACT relating to pharmacy; authorizing a registered pharmacist to prescribe drugs and devices to treat certain health conditions ~~[;]~~ **and dispense a refill without the authorization of a practitioner, other than a pharmacist, under certain circumstances;** authorizing a registered pharmacist to administer drugs; authorizing a registered pharmacist to engage in certain activity relating to laboratories and laboratory testing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain conditions, a pharmacist to dispense a self-administered hormonal contraceptive without a prescription and prescribe and dispense a drug for the medication-assisted treatment of opioid use disorder. (NRS 639.28078, 639.28079) **Section 1** of this bill authorizes a registered pharmacist to prescribe and dispense drugs and devices for the treatment of health conditions that: (1) have been previously diagnosed; (2) are self-limiting; **or** (3) are **acute conditions** diagnosed after the performance of certain tests **.** ~~[, or (4)]~~ **Section 1 additionally authorizes a registered pharmacist to dispense a one-time refill of a prescription without the authorization of a practitioner, other than a pharmacist, if the drug was previously prescribed to the patient and losing access to the drug would** threaten the health of the patient. **Section 1** additionally prohibits a registered pharmacist from ~~[prescribing:]~~ **taking such action with regard to: (1)** drugs and devices not approved by the United States Food and Drug Administration ~~[.]~~ **; (2) controlled substances that are not opioids, except in certain clinical settings; and (3) controlled substances that are an opioid except in accordance with the protocols for prescribing and dispensing a drug for medication-assisted treatment. (NRS 639.28079) Section 1** also authorizes the State Board of Pharmacy to adopt regulations establishing: (1) the scope of the ability of a registered pharmacist to prescribe drugs and devices ~~[.]~~ **and dispense refills without the authorization of another type of practitioner;** (2) the standard of care required of a registered pharmacist who ~~[prescribes drugs and devices;]~~ **engages in such activities;** and (3) the requirements for adequate liability insurance for registered pharmacists who engage in such activities. **Section 2** of this bill provides that prescribing and dispensing drugs and devices **and dispensing refills** pursuant to **section 1** constitutes the practice of pharmacy. **Sections 3, 10-13 and 15** of this bill make additional changes necessary to authorize a registered pharmacist to prescribe and dispense drugs and devices **and dispense refills without the authorization of another type of practitioner** pursuant to **section 1**. The Board would be authorized to suspend or revoke the registration of a pharmacist who prescribes or dispenses a drug or device **or dispenses a refill** without ~~[complying]~~ **the authorization of another type of practitioner and fails to comply** with the provisions of **section 1** or the regulations adopted pursuant thereto. (NRS 639.210)

Existing law includes within the practice of pharmacy the performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing a drug. (NRS 629.0124) **Section 2** additionally includes the performance or supervision of activities associated with administering a drug, thereby authorizing a registered pharmacist to perform or supervise such activities. **Sections 14, 16 and 17** of this bill accordingly provide general authorization for a registered pharmacist to possess and administer controlled substances and dangerous drugs.

Existing law requires the Board to adopt regulations governing the manipulation of a person for the collection of specimens by a registered pharmacist that: (1) require the pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens; and (2) set forth the procedures and requirements the pharmacist is required to follow when manipulating a person for the collection of a specimen. (NRS 639.0747) **Section 4** of this bill removes the requirement that a pharmacist use only a fingerstick or oral or nasal swab to collect a specimen, thereby authorizing a pharmacist to collect a specimen using any method available for the collection of the specimen.

Existing law authorizes a registered pharmacist or a registered intern pharmacist to: (1) perform a home blood glucose test; and (2) order and perform laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus. (NRS 639.2808, 639.28085) **Section 5** of this bill additionally authorizes a registered pharmacist to: (1) order laboratory tests that are necessary for any drug therapy or that otherwise facilitate the care of a patient within the authorized scope of practice of the pharmacist; and (2) perform certain other laboratory tests determined by the Federal Government to be simple laboratory examinations and procedures that have an insignificant risk of an erroneous result. (42 U.S.C. 263a(d)(3); 42 C.F.R. Part 493, Subpart A) **Section 5** also authorizes the State Board of Pharmacy to adopt regulations to authorize registered intern pharmacists to order and perform such laboratory tests. **Section 2** provides that ordering and performing such laboratory tests constitutes the practice of pharmacy. **Sections 2 and 6** of this bill remove duplicative provisions from existing law. **Sections 8, 9 and 18-24** of this bill make conforming changes so that requirements for insurance coverage of certain services performed by registered pharmacists are not changed by this bill.

Existing law requires the State Board of Health to adopt regulations for the certification and licensure of laboratory directors. (NRS 652.125) Existing regulations define an exempt laboratory to be a laboratory that: (1) conducts only certain microscopy tests and tests determined by the Federal Government to be simple laboratory examinations and procedures that have an insignificant risk of an erroneous result; and (2) does not perform only tests for human immunodeficiency virus. (42 U.S.C. ~~[263a(d)(3);]~~ **493.19;** 42 C.F.R. Part 493, Subpart A; NAC 652.072) **Section 7** of this bill requires regulations of the Board to authorize a registered pharmacist to serve as the laboratory director of an exempt laboratory.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations set forth in subsection 2, a registered pharmacist may, in accordance with any requirements prescribed pursuant to subsection 3 ~~[, prescribe]~~ :

(a) Prescribe drugs or devices that are used for the treatment of health conditions, other than opioid use disorder, that:

~~[(a)]~~ (1) Have been previously diagnosed;

~~[(b)]~~ (2) Are self-limiting; or

~~[(c)]~~ (3) Are acute conditions diagnosed after performing a test that is classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; ~~[or

(d) In]~~ and

(b) Dispense a one-time refill of an existing prescription without authorization from a practitioner, other than a pharmacist, if, in the professional judgment of the pharmacist, ~~[are emergencies that threaten]~~ the health of the patient ~~[,]~~ will be harmed without the patient continuing to have access to the prescribed drug.

2. A registered pharmacist shall not ~~[prescribe]~~ take any action described in subsection 1 with regard to a ~~[drug]~~ :

(a) Drug or device that is not approved by the United States Food and Drug Administration.

(b) Controlled substance that is not an opioid, except if the registered pharmacist is prescribing such a controlled substance in:

(1) An inpatient medical facility in accordance with the policies of the facility;

(2) An outpatient medical facility or clinic, only if the registered pharmacist is acting within a multidisciplinary team;

(3) A program for hospice care or palliative care; or

(4) A program for treatment for substance use disorder.

(c) Controlled substance that is an opioid.

3. The Board may adopt regulations:

(a) Requiring a registered pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board;

(b) Establishing the scope of the ability for a registered pharmacist to prescribe drugs and devices and dispense refills as authorized by subsection 1; and

(c) Establishing the standard of care required of a registered pharmacist who prescribes drugs and devices and dispenses refills as authorized by subsection 1.

4. As used in this section ~~[, "self-limiting"]~~ :

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Program of hospice care" means a program of hospice care described in NRS 449.196.

(c) "Self-limiting" means that a health condition ~~[that]~~ generally persists for a limited period of time.

Sec. 2. NRS 639.0124 is hereby amended to read as follows:

639.0124 1. "Practice of pharmacy" includes, but is not limited to, the:

(a) Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing ***,*** ~~[and]~~ distributing ~~[of]~~ ***and administering*** a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

(b) Interpretation and evaluation of prescriptions or orders for medicine.

(c) Participation in drug evaluation and drug research.

(d) Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

(e) Selection of the source, storage and distribution of a drug.

(f) Maintenance of proper documentation of the source, storage and distribution of a drug.

(g) Interpretation of clinical data contained in a person's record of medication.

(h) Development of written guidelines and protocols in collaboration with a practitioner which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

(i) Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing, dispensing and administering of drugs for preventing the acquisition of human immunodeficiency virus and ~~[ordering and]~~ conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to NRS 639.28085.

(k) Dispensing a self-administered hormonal contraceptive pursuant to NRS 639.28078.

(l) Assessing a patient and prescribing and dispensing a drug for medication-assisted treatment in accordance with NRS 639.28079.

(m) Ordering and performing laboratory tests in accordance with NRS 639.2808.

(n) Prescribing and dispensing drugs and devices and dispensing refills without the authorization of a practitioner, other than a pharmacist, in accordance with section 1 of this act.

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583, 639.28078 and 639.28085.

Sec. 3. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS;

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification;

7. A dental hygienist who:

(a) Holds a valid license to practice dental hygiene in this State;

(b) Is authorized to prescribe and dispense the dangerous drugs and devices listed in NRS 631.3105 in accordance with the provisions of that section and the regulations adopted pursuant thereto; and

(c) Holds a certificate issued pursuant to NRS 639.1374 by the State Board of Pharmacy authorizing him or her to so prescribe;

8. A pharmacist who ~~[is]~~ **:**

(a) Is registered pursuant to NRS 639.28079 to prescribe and dispense drugs for medication-assisted treatment ; ***or*** ~~***[who prescribes]***~~

(b) Prescribes drugs or devices or dispenses refills without the authorization of a practitioner, other than a pharmacist, in accordance with section 1 of this act; or

9. A certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances, poisons, dangerous drugs or devices in accordance with NRS 632.2397.

Sec. 4. NRS 639.0747 is hereby amended to read as follows:

639.0747 ~~[1.]~~ The Board shall adopt such regulations as are necessary to carry out the provisions of NRS 652.210 with regard to a registered pharmacist, including, without limitation, regulations that ~~[:~~

~~(a) Require a registered pharmacist to use only a fingerstick or oral or nasal swab to collect the specimens pursuant to NRS 652.210; and~~

~~(b) Set~~] ***set*** forth the procedures and requirements with which a registered pharmacist shall comply when manipulating a person for the collection of specimens or performing any laboratory test pursuant to NRS 652.210.

~~[2. As used in this section, "fingerstick" means a procedure in which a finger is pricked with a lancet, small blade or other instrument to obtain a small quantity of blood for any laboratory test pursuant to NRS 652.210.]~~

Sec. 5. NRS 639.2808 is hereby amended to read as follows:

639.2808 ***1.*** A registered pharmacist ~~[or a]~~ ***may:***

(a) Order laboratory tests that are necessary for therapy that uses a drug approved by the Food and Drug Administration or to otherwise facilitate the care of a patient within the authorized scope of practice of the registered pharmacist; and

(b) Perform any laboratory test that is classified as a waived test under 42 C.F.R. Part 493, Subpart A, including, without limitation, a blood glucose test using devices for monitoring approved by the Food and Drug Administration for use in the home if such a test is performed in compliance with standards of practice recommended by the Association of Diabetes Care and Education Specialists.

2. ***A*** registered intern pharmacist may perform a blood glucose test using devices for monitoring approved by the Food and Drug Administration for use in the home. The performance of such a test must be in compliance with standards of practice recommended by the ~~[American]~~ Association of Diabetes ~~[Educators]~~ ***Care and Education Specialists*** or its successor organization. ***The Board may adopt regulations authorizing a registered intern pharmacist to perform other activities described in subsection 1.***

Sec. 6. NRS 639.28085 is hereby amended to read as follows:

639.28085 1. To the extent authorized by federal law, a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 may, in accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) ~~[Order and perform]~~ ***Perform*** laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Prescribe, dispense and administer any drug described in paragraph (a) to a patient.

2. The Board shall adopt regulations:

(a) Requiring a pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board; and

(b) Establishing a protocol for the actions authorized by this section.

Sec. 7. NRS 652.125 is hereby amended to read as follows:

652.125 1. The Board shall adopt regulations for the certification and licensure of laboratory directors and laboratory personnel who perform technical duties other than the collection of blood. ***The regulations must authorize a registered pharmacist to serve as the laboratory director of an exempt laboratory, regardless of whether the registered pharmacist has entered into a collaborative practice agreement.***

2. The Division shall, as a prerequisite for the renewal of a certificate or license, require the laboratory director and any laboratory personnel certified by the Division pursuant to this chapter to comply with the requirements for continuing education adopted by the Board.

3. As used in this section:

(a) "Collaborative practice agreement" has the meaning ascribed to it in NRS 639.0052.

(b) "Exempt laboratory" means a laboratory:

(1) That is licensed pursuant to this chapter and the regulations adopted pursuant thereto;

(2) That does not only perform testing for human immunodeficiency virus; and

(3) In which each test performed is:

(I) Classified as a waived test pursuant to 42 C.F.R. Part 493, Subpart A; or

(II) Categorized as a provider-performed microscopy procedure pursuant to 42 C.F.R. § 493.19.

Sec. 8. NRS 287.0271 is hereby amended to read as follows:

287.0271 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in ~~[NRS 639.28085]~~ ***paragraph (c) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

5. A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 422.27235 is hereby amended to read as follows:

422.27235 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus.

(b) The ***ordering of a laboratory test described in paragraph (a) by a pharmacist and the*** services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 10. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification.

8. A certified registered nurse anesthetist who orders, prescribes, possesses or administers controlled substances in accordance with NRS 632.2397.

9. A pharmacist who ~~[is]~~ **:**

(a) Is registered pursuant to NRS 639.28079 to prescribe and dispense drugs for medication-assisted treatment ~~[.]~~ ***; or*** ~~*[who prescribes]*~~

(b) Prescribes and dispenses drugs or devices or dispenses refills without the authorization of a practitioner, other than a pharmacist, in accordance with section 1 of this act.

Sec. 11. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered

nurse, certified registered nurse anesthetist, pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** or veterinarian, or his or her agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he or she is to take home upon his or her discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

Sec. 12. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations. A person must present proof that he or she is authorized to access the database of the program established pursuant to NRS 453.162 before the Board may issue or renew a registration.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he or she is acting in the usual course of his or her business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician, pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 13. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse, certified registered nurse anesthetist, pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.3387 or 453.339, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished for a category C felony as provided in NRS 193.130.

(d) If the controlled substance is listed in schedule I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison

for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 1 of NRS 484C.350,

➥ or any combination thereof.

5. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of more than 1 ounce, but less than 50 pounds, of marijuana or more than one-eighth of an ounce, but less than one pound, of concentrated cannabis is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

7. The court may grant probation to or suspend the sentence of a person convicted of violating this section.

8. If a person fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 14. NRS 453.375 is hereby amended to read as follows:

453.375 1. A controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) An anesthesiologist assistant, at the direction of a supervising anesthesiologist or supervising osteopathic anesthesiologist.

(f) A medical student, student in training to become a physician assistant or anesthesiologist assistant, student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the

circumstances are such that the registered nurse would be authorized to administer it personally.

(g) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(h) Any person designated by the head of a correctional institution.

(i) A veterinary technician at the direction of his or her supervising veterinarian.

(j) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(k) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(l) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(m) A registered pharmacist **.** ~~[pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.]~~

2. As used in this section:

(a) "Accredited college of medicine" means:

(1) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(2) A school of osteopathic medicine, as defined in NRS 633.121.

(b) "Anesthesiologist assistant" means a person who holds a license issued pursuant to NRS 630.2683 or 633.4254 or a temporary license issued pursuant to NRS 630.2685 or 633.4262.

Sec. 15. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician or pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled

substances, and the veterinarian may cause them to be administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician, pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** or veterinarian.

5. Any person who has obtained from a physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician, pharmacist registered pursuant to NRS 639.28079 ***or acting in accordance with section 1 of this act*** or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, certified registered nurse anesthetist, podiatric physician, pharmacist or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 16. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A dental hygienist who holds a valid license to practice dental hygiene in this State and:

(a) Is authorized to prescribe and dispense the dangerous drugs listed in NRS 631.3105 in accordance with the provisions of that section and the regulations adopted pursuant thereto; and

(b) Holds a certificate issued by the State Board of Pharmacy pursuant to NRS 639.1374 authorizing him or her to so prescribe.

6. A certified registered nurse anesthetist who orders, prescribes, possesses or administers poisons, dangerous drugs or devices in accordance with NRS 632.2397.

7. A pharmacist who ~~[is]~~ **:**

(a) Is registered pursuant to NRS 639.28079 to prescribe and dispense drugs for medication-assisted treatment **:** ~~[.]~~ ***or*** ~~*[who prescribes]*~~

(b) Prescribes and dispenses drugs or devices or dispenses refills without the authorization of a practitioner, other than a pharmacist, in accordance with section 1 of this act.

Sec. 17. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS or an anesthesiologist assistant, at the direction of his or her supervising physician or supervising anesthesiologist or supervising osteopathic anesthesiologist, as applicable, or a licensed dental hygienist or expanded function dental assistant acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) ~~[In accordance with applicable regulations of the Board, a registered pharmacist who:~~

~~(1) Is trained in and certified to carry out standards and practices for immunization programs;~~

~~(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and~~

~~(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.~~

~~(s)]~~ A registered pharmacist ***.*** ~~[pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.~~

~~(t)]~~ ***(s)*** A person who is enrolled in a training program to become a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant or anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~[(u)]~~ ***(t)*** A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 18. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse:

(a) A pharmacist who participates in the network plan of the insurer for the services described in ~~[NRS 639.28085]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse:

(a) A pharmacist who participates in the network plan of the insurer for the services described in ~~[NRS 639.28085]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse:

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in ~~[NRS 639.28085]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse:

(a) A pharmacist who participates in the network plan of the society for the services described in ~~[NRS 639.28085]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 22. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;

(b) Laboratory testing that is necessary for therapy using a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse:

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in ~~[~~NRS 639.28085~~]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the health maintenance organization;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse:

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in ~~[NRS 639.28085]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A health maintenance organization shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider

of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) All drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;

(b) Laboratory testing that is necessary for therapy that uses a drug to prevent the acquisition of human immunodeficiency virus;

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

(d) ~~[The]~~ ***Ordering laboratory testing described in paragraph (b) and the*** services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse:

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in ~~[~~NRS 639.28085~~]~~ ***paragraph (d) of subsection 1*** at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A managed care organization shall not:

(a) Subject the benefits required by subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 24, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 134.

AN ACT relating to real property; enacting the Uniform Easement Relocation Act; enacting the Uniform Mortgage Modification Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-32 of this bill enact the Uniform Easement Relocation Act promulgated by the Uniform Law Commission in 2020. **Sections 34-50** of this bill enact the Uniform Mortgage Modification Act promulgated by the Uniform Law Commission in 2024.

Generally, the Uniform Easement Relocation Act allows the owner of real property burdened by certain types of easements to seek judicial approval to relocate an easement if the relocation does not materially impair the utility of the easement to the easement holder or the physical condition, use or value of the benefitted property. **Sections 4-21** define certain terms for the purposes of the Act. **Section 22** prohibits relocation under the Act of an easement: (1) where the holder is a publicly regulated or publicly owned utility ~~[,]~~ **or a public entity;** (2) which has been set aside for certain conservation purposes; (3) **which is associated with a public road; (4)** which is a negative easement that imposes a duty not to engage in a specified use of the property; ~~[or (4)]~~ **(5)** if the proposed location encroaches on certain land or interferes with the use or enjoyment or certain other easements ~~[.]~~ **; or (6) which is created by a declaration of a common-interest community.**

Section 24: (1) requires a property owner who wishes to relocate an easement under the Act to file a civil action and serve a summons and complaint on the easement holder and certain other interested persons; and (2) sets forth the required contents of such a complaint. **Sections 23 and 25** set forth: (1) the factors a court must consider before approving the relocation of an easement under the Act; and (2) the required contents of a court order approving such a relocation. If the court approves the relocation of an easement, **section 27** requires all parties to the civil action to act in good faith to facilitate relocation. **Section 26** requires the property owner seeking to relocate an easement to bear all reasonable expenses of the relocation.

Before proceeding with the relocation of an easement which has been approved by a court, **section 25** requires the property owner to record **: (1)** a

certified copy of the court order approving the relocation in the land records of each jurisdiction where the property is located **[.] ; and (2) if the easement was established by the recording of certain recorded maps, a certificate of amendment to any such map. Section 28** deems such an easement relocated upon recording of the certified court order **[.] and any certificate of amendment which is required.**

If the relocation requires the construction of an improvement as a condition for relocation, **section 28** authorizes the easement holder to continue to use the existing easement according to the terms of the court order until the property owner sends certain required notice that the easement holder is able to enter, use and enjoy the easement in the new location. Specifically, once the relocation is substantially complete and the easement holder is able to enter, use and enjoy the easement in the new location, **section 28** requires the property owner relocating the easement to: (1) execute an affidavit certifying that the easement has been relocated **[,] in accordance with the order;** (2) record the affidavit in the land records of each jurisdiction in which the property is located; and (3) send a copy of the recorded affidavit by certified mail to the easement holder and **all** parties to the civil action.

Sections 29 and 30 provide that: (1) the Act does not affect any other method of relocating an easement which is permitted under existing law; and (2) the right of a property owner to relocate an easement under the Act with court approval may not be waived, excluded or restricted by agreement even in circumstances where the instrument which created the easement contains certain restrictions. **Section 29** also provides that a relocation under the Act does not constitute a new transfer or grant of an interest in property, and thus is not a breach or default of certain existing agreements.

Generally, the Uniform Mortgage Modification Act establishes safe harbor provisions for several common categories of modifications which are not prejudicial to junior interest holders and which do not affect the priority of the mortgage. Modifications which are outside the scope of the Act remain governed by existing law applicable to those modifications. **Sections 36-46** define certain terms for the purposes of the Act. **Sections 47 and 48** establish the types of modifications to which the Act does and does not apply. **Section 48** provides that, for a modification to which the Act applies: (1) the mortgage continues to secure the obligation as modified; (2) the priority of the mortgage is not affected by the modification; (3) the mortgage retains its priority even if the modification is not recorded in the land records of a jurisdiction in which the property is located; and (4) the modification is not a novation.

Section 48 also establishes the categories of modifications to which the Act applies, which include: (1) an extension of the maturity date of the obligation; (2) a decrease in the interest rate; (3) certain changes in the methods of calculating interest which do not result in an increase as calculated on the date the modification becomes effective; (4) a capitalization of interest or other unpaid monetary obligations; (5) a forgiveness, forbearance or other reduction of a secured debt or other monetary obligation; (6) a modification of a

requirement for maintaining certain escrow or reserve accounts; (7) a modification of a requirement for acquiring or maintaining insurance; (8) a modification of an existing condition to advance funds; (9) a modification of a financial covenant; and (10) a modification of the payment amount or schedule resulting from another modification to which the Act applies.

Section 47 provides that the Act does not affect existing law governing the required content of a mortgage, statutes of limitation, recording, priority of certain liens, certain electronic transactions or the priority of certain future advances. **Section 47** also excludes certain modifications from the Act.

Sections 31 and 49 require a court to consider the uniformity of law among jurisdictions that enact the Uniform Easement Relocation Act or the Uniform Mortgage Modification Act in applying and construing the provisions of those Acts. **Sections 32 and 50** clarify the relation of the Uniform Easement Relocation Act and the Uniform Mortgage Modification Act to the federal Electronic Signatures in Global and National Commerce Act. (15 U.S.C. §§ 7001 et seq.)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Uniform Easement Relocation Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 21, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 4. ***"Appurtenant easement" means an easement tied to or dependent on ownership or occupancy of ~~[a unit or a parcel of]~~ real property.***

Sec. 5. ***"Conservation easement" ~~[means a nonpossessory property interest created for one or more of]~~ has the ~~[following conservation purposes:~~***

~~1. Retaining or protecting the natural, scenic, wildlife, wildlife habitat, biological, ecological or open space values of real property;~~

~~2. Ensuring the availability of real property for agricultural, forest, outdoor recreational or open space uses;~~

~~3. Protecting natural resources, including wetlands, grasslands and riparian areas;~~

~~4. Maintaining or enhancing air or water quality;~~

~~5. Preserving the historical, architectural, archeological, paleontological or cultural aspects of real property; or~~

~~6. Any other purpose under]~~ meaning ascribed to the term "easement for conservation" in NRS ~~[111.390 to 111.440, inclusive.]~~ 111.410.

Sec. 6. ***"Dominant estate" means an estate or interest in real property benefitted by an appurtenant easement.***

Sec. 7. *"Easement" ~~[means]~~ :*

1. Means a nonpossessory property interest that:

~~[1.]~~ (a) Provides a right to enter, use or enjoy real property owned by or in the possession of another; and

~~[2.]~~ (b) Imposes on the owner or possessor a duty not to interfere with the entry, use or enjoyment permitted by the instrument creating the easement or, in the case of an easement not established by express grant or reservation, the entry, use or enjoyment authorized by law ~~[.]~~ or prescriptive rights.

2. Includes, without limitation, a right-of-way.

Sec. 8. *"Easement holder" means:*

1. In the case of an appurtenant easement, the dominant estate owner; or

2. In the case of an easement in gross, public-utility easement, conservation easement or negative easement, the grantee of the easement or a successor.

Sec. 9. *"Easement in gross" means an easement not tied to or dependent on ownership or occupancy of ~~[a unit or a parcel of]~~ real property.*

Sec. 10. *"Lessee of record" means a person holding a lessee's interest under a recorded lease or memorandum of lease.*

Sec. 11. *"Negative easement" means a nonpossessory property interest whose primary purpose is to impose on a servient estate owner a duty not to engage in a specified use of the estate.*

Sec. 12. *"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.*

Sec. 12.3. "Public entity" means:

1. The United States or an agency of the United States;

2. This State, a political subdivision of this State, an agency of this State or a municipal corporation of this State;

3. A general improvement district, as defined in NRS 318.020;or

4. A special assessment district formed in accordance with the provisions of chapter 271 of NRS.

Sec. 12.7. "Public-entity easement" means a nonpossessory property interest in which the easement holder is a public entity.

Sec. 13. *"Public-utility easement" ~~[means]~~ :*

1. Means a nonpossessory property interest in which the easement holder is ~~[a]~~ :

(a) A publicly regulated or publicly owned utility under federal law or law of this State or a municipality ~~[. The term includes]~~ ; or

(b) A video service provider, as defined in NRS 711.151.

2. Includes an easement benefiting an intrastate utility, an interstate utility or a utility cooperative.

Sec. 14. *"Real property" means an estate or interest in, over or under land, including structures, fixtures and other things that by custom, usage or law pass with a conveyance of land whether or not described or mentioned*

in the contract of sale or instrument of conveyance. The term includes the interest of a lessor and lessee . ~~*[and, unless the interest is personal property under law of this State other than this chapter, an interest in a common-interest community.]*~~

Sec. 15. *"Record" means, when used as a noun, information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *"Security instrument" means a mortgage, deed of trust, security deed, contract for deed, lease or other record that creates or provides for an interest in real property to secure payment or performance of an obligation, whether by acquisition or retention of a lien, a lessor's interest under a lease or title to the real property. The term includes:*

1. A security instrument that also creates or provides for a security interest in personal property;

2. A modification or amendment of a security instrument; and

3. A record creating a lien on real property to secure an obligation under a covenant running with the real property . ~~*[or owed by a unit owner to a common-interest community association.]*~~

Sec. 17. *"Security-interest holder of record" means a person holding an interest in real property created by a recorded security instrument.*

Sec. 18. *"Servient estate" means an estate or interest in real property that is burdened by an easement.*

Sec. 19. *"Title evidence" means a title insurance policy, preliminary title report or binder, title insurance commitment, abstract of title, attorney's opinion of title based on examination of public records or an abstract of title or any other means of reporting the state of title to real property which is customary in the locality.*

Sec. 20. ~~*["Unit" means a physical portion of a common-interest community designated for separate ownership or occupancy with boundaries described in a declaration establishing the common-interest community.]*~~ **(Deleted by amendment.)**

Sec. 21. *"Utility cooperative" means a nonprofit entity whose purpose is to deliver a utility service, such as electricity, oil, natural gas, water, sanitary sewer, storm water or telecommunications, to its customers or members and includes an electric cooperative, rural electric cooperative, rural water district and rural water association.*

Sec. 22. *1. Except as otherwise provided in subsection 2, this chapter applies to an easement established by express grant or reservation or by prescription, implication, necessity, estoppel or other method.*

2. This chapter may not be used to relocate:

(a) A public-utility easement, ***public-entity easement,*** *conservation easement* ***,*** ~~*[or]*~~ *negative easement* ***[,]*** ~~*[,]*~~ *or* ***easement associated with a public road;***

(b) An easement if the proposed location would encroach on an area of an estate burdened by a conservation easement or would interfere with the

use or enjoyment of a public-utility easement , public-entity easement or an easement appurtenant to a conservation easement ~~.~~ or a public road; or

(c) An easement created by a declaration in accordance with the provisions of chapter 116 of NRS.

3. This chapter does not apply to relocation of an easement by consent.

4. As used in this section, "public road" has the meaning ascribed to it in NRS 405.191.

Sec. 23. *A servient estate owner may relocate an easement under this chapter only if the relocation does not materially:*

1. Lessen the utility of the easement;

2. After the relocation, increase the burden on the easement holder in its reasonable use and enjoyment of the easement;

3. Impair an affirmative, easement-related purpose for which the easement was created;

4. During or after the relocation, impair the safety of the easement holder or another entitled to use and enjoy the easement;

5. During the relocation, disrupt the use and enjoyment of the easement by the easement holder or another entitled to use and enjoy the easement, unless the servient estate owner substantially mitigates the duration and nature of the disruption;

6. Impair the physical condition, use or value of the dominant estate or improvements on the dominant estate; or

7. Impair the value of the collateral of a security-interest holder of record in the servient estate or dominant estate, impair a real-property interest of a lessee of record in the dominant estate or impair a recorded real-property interest of any other person in the servient estate or dominant estate.

Sec. 24. *1. To obtain an order to relocate an easement under this chapter, a servient estate owner must commence a civil action.*

2. A servient estate owner that commences a civil action under subsection 1:

(a) Shall serve a summons and complaint on:

(1) The easement holder whose easement is the subject of the relocation;

(2) A security-interest holder of record of an interest in the servient estate or dominant estate;

(3) A lessee of record of an interest in the dominant estate; and

(4) Except as otherwise provided in paragraph (b), any other owner of a recorded real-property interest if the relocation would encroach on an area of the servient estate or dominant estate burdened by the interest; and

(b) Is not required to serve a summons and complaint on the owner of a recorded real-property interest in oil, gas or minerals unless the interest includes an easement to facilitate oil, gas or mineral development.

3. A complaint under this section must state:

(a) The intent of the servient estate owner to seek the relocation;

(b) The nature, extent and anticipated dates of commencement and completion of the proposed relocation;

(c) The current and proposed locations of the easement ~~[;]~~ and any improvements to be included in the relocated easement;

(d) The reason the easement is eligible for relocation under section 22 of this act;

(e) The reason the proposed relocation satisfies the conditions for relocation under section 23 of this act; and

(f) That the servient estate owner has made a reasonable attempt to notify the holders of any public-utility easement, public-entity easement, conservation easement or negative easement on the servient estate or dominant estate of the proposed relocation.

4. At any time before the court renders a final order in an action under subsection 1, a person served under subparagraph (2), (3) or (4) of paragraph (a) of subsection 2 may file a document, in recordable form, that waives its rights to contest or obtain relief in connection with the relocation or subordinates its interests to the relocation. On filing of the document, the court may order that the person is not required to answer or participate further in the action.

Sec. 25. *1. The court may not approve relocation of an easement under this chapter unless the servient estate owner:*

(a) Establishes that the easement is eligible for relocation under section 22 of this act; and

(b) Satisfies the conditions for relocation under section 23 of this act.

2. An order under this chapter approving relocation of an easement must:

(a) State that the order is issued in accordance with this chapter;

(b) Recite the recording data of the instrument creating the easement, if any, and any amendments;

(c) Identify the immediately preceding location of the easement;

(d) Describe in a legally sufficient manner the new location of the easement;

(e) Describe mitigation required of the servient estate owner during relocation;

(f) Refer in detail to the plans and specifications of improvements necessary for the easement holder to enter, use and enjoy the easement in the new location;

(g) Specify conditions to be satisfied by the servient estate owner to relocate the easement and construct improvements necessary for the easement holder to enter, use and enjoy the easement in the new location;

(h) Include a provision for payment by the servient estate owner of expenses under section 26 of this act;

(i) Include a provision for compliance by the parties with the obligation of good faith under section 27 of this act; and

(j) Instruct the servient estate owner to record an affidavit, if required under subsection 1 of section 28 of this act, when the servient estate owner substantially completes relocation.

3. An order under subsection 2 may include any other provision consistent with this chapter for the fair and equitable relocation of the easement.

4. Before a servient estate owner proceeds with relocation of an easement under this chapter, the owner must ~~[record,]~~ :

(a) Record, in the land records of each jurisdiction where the servient estate is located, a certified copy of the order under subsection 2 ~~[.]~~ ; and

(b) If the easement was established by the recording of a recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map, record a certificate of amendment to the recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map, as applicable. If a public entity is required to sign an amended map, the public entity shall sign the amendment in compliance with any order under subsection 2.

5. If a servient estate owner is required to record a certificate of amendment pursuant to paragraph (b) of subsection 4:

(a) The servient estate owner is not required to provide notice of the amendment or obtain signatures on the amendment of the other property owners within the mapped area; and

(b) The applicable land use authority is not required to hold a public hearing or consider the amendment in a public meeting, if relocation of the easement is the only amendment to the recorded subdivision map, record of survey, parcel map, map of division into large parcels or reversionary map.

Sec. 26. *A servient estate owner is responsible for reasonable expenses of relocation of an easement under this chapter, including the expense of:*

1. Constructing improvements on the servient estate or dominant estate in accordance with an order under section 25 of this act;

2. Removing and demolishing any existing improvements on the dominant estate in accordance with an order under section 25 of this act;

3. Any liability or damages incurred by the easement holder arising out of the relocation of the easement, including, without limitation, expenses relating to environmental investigation, remediation, restoration or reclamation and any reasonable attorney's fees associated with the liability or damages incurred by the easement holder;

4. Any cleanup, removal, repair, remediation, detoxification or restoration required by a public entity;

5. During the relocation, mitigating disruption in the use and enjoyment of the easement by the easement holder or another person entitled to use and enjoy the easement;

~~[3.]~~ 6. Obtaining a governmental approval or permit to relocate the easement and construct necessary improvements;

~~[4.]~~ 7. *Preparing and recording the certified copy required by subsection 4 of section 25 of this act and any other document required to be recorded;*

~~[5.]~~ 8. *Any title work required to complete the relocation or required by a party to the civil action as a result of the relocation;*

~~[6.]~~ 9. *Applicable premiums for title insurance related to the relocation;*

~~[7.]~~ 10. *Any expert necessary to review plans and specifications for an improvement to be constructed in the relocated easement or on the dominant estate and to confirm compliance with the plans and specifications referred to in the order under paragraph (f) of subsection 2 of section 25 of this act;*

~~[8.]~~ 11. *Payment of any maintenance cost associated with the relocated easement which is greater than the maintenance cost associated with the easement before relocation; and*

~~[9.]~~ 12. *Obtaining any third-party consent required to relocate the easement.*

Sec. 27. *After the court, under section 25 of this act, approves relocation of an easement and the servient estate owner commences the relocation, the servient estate owner, the easement holder and other parties in the civil action shall act in good faith to facilitate the relocation in compliance with this chapter.*

Sec. 28. *1. If an order under section 25 of this act requires the construction of an improvement as a condition for relocation of an easement, relocation is substantially complete and the easement holder is able to enter, use and enjoy the easement in the new location, the servient estate owner shall:*

(a) Record, in the land records of each jurisdiction where the servient estate is located, an affidavit certifying that the easement has been relocated ~~[in]~~ *in accordance with the order and any certificate of amendment required under subsection 4 of section 25 of this act; and*

(b) Send, by certified mail, a copy of the recorded affidavit to the easement holder and all parties to the civil action.

2. Until an affidavit under subsection 1 is recorded and sent, the easement holder may enter, use and enjoy the easement in the current location, subject to the court's order under section 25 of this act approving relocation.

3. If an order under section 25 of this act does not require an improvement to be constructed as a condition of the relocation, recording the order and any certificate of amendment required under subsection 4 of section 25 of this act constitutes relocation.

Sec. 29. *1. Relocation of an easement under this chapter:*

(a) Is not a new transfer or a new grant of an interest in the servient estate or the dominant estate;

(b) Is not a breach or default of, and does not trigger, a due-on-sale clause or other transfer-restriction clause under a security instrument, except as otherwise determined by a court under law other than this chapter;

(c) Is not a breach or default of a lease, except as otherwise determined by a court under law other than this chapter;

(d) Is not a breach or default by the servient estate owner of a recorded document affected by the relocation, except as otherwise determined by a court under law other than this chapter;

(e) Does not affect the priority of the easement with respect to other recorded real-property interests burdening the area of the servient estate where the easement was located before the relocation; and

(f) Is not a fraudulent conveyance or voidable transaction under law.

2. This chapter does not affect any other method of relocating an easement permitted under law of this state other than this chapter.

Sec. 30. *The right of a servient estate owner to relocate an easement under this chapter may not be waived, excluded or restricted by agreement even if:*

1. The instrument creating the easement prohibits relocation or contains a waiver, exclusion or restriction of this chapter;

2. The instrument creating the easement requires consent of the easement holder to amend the terms of the easement; or

3. The location of the easement is fixed by the instrument creating the easement, another agreement, previous conduct, acquiescence, estoppel or implication.

Sec. 31. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.*

Sec. 32. *This chapter modifies, limits or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 33. Title 9 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 34 to 50, inclusive, of this act.

Sec. 34. *This chapter may be cited as the Uniform Mortgage Modification Act.*

Sec. 35. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 36 to 46, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 36. *"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.*

Sec. 37. *"Financial covenant" means an undertaking to demonstrate an obligor's creditworthiness or the adequacy of security provided by an obligor.*

Sec. 38. *"Modification" includes change, amendment, revision, correction, addition, supplementation, elimination, waiver and restatement.*

Sec. 39. *1. "Mortgage" means an agreement that creates a consensual interest in real property to secure payment or performance of an obligation, regardless of:*

(a) How the agreement is denominated, including a mortgage, deed of trust, trust deed, security deed, indenture and deed to secure debt; and

(b) Whether the agreement also creates a security interest in personal property; and

2. The term does not include an agreement that creates a consensual interest to secure a liability owed by a unit owner to a condominium association, owners' association or cooperative housing association for association dues, fees or assessments.

Sec. 40. *"Mortgage modification" means modification of:*

1. A mortgage;

2. An agreement that creates an obligation, including a promissory note, loan agreement or credit agreement; or

3. An agreement that creates other security or credit enhancement for an obligation, including an assignment of leases or rents or a guaranty.

Sec. 41. *"Obligation" means a debt, duty or other liability, secured by a mortgage.*

Sec. 42. *"Obligor" means a person that:*

1. Owes payment or performance of an obligation;

2. Signs a mortgage; or

3. Is otherwise accountable, or whose property serves as collateral, for payment or performance of an obligation.

Sec. 43. *"Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality, or other legal entity.*

Sec. 44. *"Recognized index" means an index to which changes in the interest rate may be linked that is:*

1. Readily available to, and verifiable by, the obligor; and

2. Beyond the control of the person to whom the obligation is owed.

Sec. 45. *"Record" means, when used as a noun, information:*

1. Inscribed on a tangible medium; or

2. Stored in an electronic or other medium and retrievable in perceivable form.

Sec. 46. *"Sign" means, with present intent to authenticate or adopt a record:*

1. Execute or adopt a tangible symbol; or

2. Attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 47. *1. Except as provided in subsection 3, this chapter applies to a mortgage modification.*

2. This chapter does not affect:

(a) Law governing the required content of a mortgage;

(b) A statute of limitations or other law governing the expiration or termination of a right to enforce an obligation or a mortgage;

(c) A recording statute;

(d) A statute governing the priority of a tax lien or other governmental lien;

(e) A statute of frauds or the provisions of chapter 719 of NRS; or

(f) Except as provided in paragraph (h) of subsection 2 of section 48 of this act, law governing the priority of a future advance.

3. This chapter does not apply to any of the following modifications:

(a) A release of, or addition to, property encumbered by a mortgage;

(b) A release of, addition of, or other change in an obligor; or

(c) An assignment or other transfer of a mortgage or an obligation.

Sec. 48. *1. For a mortgage modification described in subsection 2:*

(a) The mortgage continues to secure the obligation as modified;

(b) The priority of the mortgage is not affected by the modification;

(c) The mortgage retains its priority regardless of whether a record of the mortgage modification is recorded in the land records of a jurisdiction in which the property is located; and

(d) The modification is not a novation.

2. Subsection 1 applies to one or more of the following mortgage modifications:

(a) An extension of the maturity date of an obligation;

(b) A decrease in the interest rate of an obligation;

(c) If the change does not result in an increase in the interest rate of an obligation as calculated on the date the modification becomes effective:

(1) A change to a different index that is a recognized index if the previous index to which changes in the interest rate were linked is no longer available;

(2) A change in the differential between the index and the interest rate;

(3) A change from a floating or adjustable rate to a fixed rate; or

(4) A change from a fixed rate to a floating or adjustable rate based on a recognized index;

(d) A capitalization of unpaid interest or other unpaid monetary obligation;

(e) A forgiveness, forbearance or other reduction of principal, accrued interest or other monetary obligation;

(f) A modification of a requirement for maintaining an escrow or reserve account for payment of an obligation, including taxes and insurance premiums;

(g) A modification of a requirement for acquiring or maintaining insurance;

(h) A modification of an existing condition to advance funds;

(i) A modification of a financial covenant; and

(j) A modification of the payment amount or schedule resulting from another modification described in this subsection.

3. The effect of a mortgage modification not described in subsection 2 is governed by other law.

Sec. 49. ***In applying and construing this uniform act, a court shall consider the promotion of uniformity of the law among jurisdictions that enact it.***

Sec. 50. ***This chapter modifies, limits or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).***

Sec. 51. 1. Sections 1 to 32, inclusive, of this act apply to an easement created before, on, or after October 1, 2025.

2. Sections 33 to 50, inclusive, of this act apply to a mortgage modification made on or after October 1, 2025, regardless of when the mortgage or the obligation was created.

3. As used in this section:

(a) "Easement" has the meaning ascribed to it in section 7 of this act.

(b) "Mortgage" has the meaning ascribed to it in section 39 of this act.

(c) "Mortgage modification" has the meaning ascribed to it in section 40 of this act.

(d) "Obligation" has the meaning ascribed to it in section 41 of this act.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 176.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** BACKUS **AND HAFEN**

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) Existing law also prohibits, with certain exceptions, a governmental agency from requiring a person to include certain personal information on any document submitted to the governmental agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain exceptions, a governmental entity to keep confidential any personal information in the records of the governmental entity that identifies a

person as a donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain exceptions, a governmental entity from: (1) requiring that any person or nonprofit organization provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization; (2) releasing, publicizing or otherwise publicly disclosing personal information that identifies a person as a donor, member or volunteer of a nonprofit organization; or (3) requesting or requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the contractor or grantee has provided support ~~[.]~~ **or in-kind services or goods.** **Section 2** provides that the personal information that identifies a person as a donor, member or volunteer of a nonprofit organization includes any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial ~~[or nonfinancial]~~ support ~~[,]~~ **or in-kind services or goods, a** member or **a** volunteer of any nonprofit organization.

Section 2 provides that a person who alleges that the person has been harmed by a governmental entity or an officer or employee of a governmental entity that has violated these provisions may bring a civil action to obtain certain relief. **To prevail, section 2 requires the person to prove that the governmental entity or officer or employee thereof caused the person harm as a result of actions the entity, officer or employee knew or should have known were a violation of these provisions.**

Section 1 of this bill provides that such personal information is not a public record.

Section 3 of this bill prohibits the Secretary of State, when carrying out certain requirements of existing law, from collecting or disclosing any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Section 4 of this bill provides that any information collected by the Attorney General in an audit, examination, review or investigation of a corporation for public benefit or a corporation holding assets in charitable trust may only be used in connection with the audit, examination, review or investigation and is otherwise subject to the requirements of **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,

119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,

598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 2 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the

governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 2. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governmental entity shall maintain in a confidential manner any personal information that identifies a person as a donor, member or volunteer of a nonprofit organization.

2. Except as otherwise provided in subsection 3, a governmental entity shall not:

(a) Require any person or nonprofit organization to provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization or otherwise compel the release of such personal information;

(b) Release, publicize or otherwise publicly disclose personal information in possession of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization; or

(c) Request or require a current or prospective contractor or grantee working with the governmental entity to provide a list of nonprofit organizations to which the contractor or grantee has provided financial ~~[or nonfinancial]~~ support ~~[.]~~ or in-kind services or goods.

3. The provisions of subsections 1 and 2 do not apply to personal information that identifies a person as a donor, member or volunteer of a

nonprofit organization that is requested, obtained, released or disclosed as a result of any of the following:

(a) Any personal information required to be disclosed by statute or regulation for the purpose of complying with federal law;

(b) Any information, report or disclosure required to be ~~[filed]~~ :

(1) Filed with the Secretary of State pursuant to title 7 of NRS provided that, except as otherwise provided in this subsection, any information that directly identifies a person as a donor of financial support to a nonprofit organization must not be collected or disclosed; or

(2) Disclosed pursuant to any statute, regulation or ordinance for a person or nonprofit organization to qualify for, operate or engage in a business activity in this State or in a city or county in this State;

(c) Any report or disclosure required to be filed pursuant to chapter 294A of NRS;

(d) Any confidential information shared pursuant to NRS 232.357;

(e) Any lawful warrant for personal information issued by a court of competent jurisdiction;

(f) Any lawful request for personal information in connection with discovery proceedings if:

(1) The relevant and probative value of the information requested outweighs its prejudicial effect; and

(2) The requester obtains a protective order from the court barring the disclosure of such information to any person not named in the proceedings;

(g) Any personal information voluntarily released by a person to the governmental entity or any personal information voluntarily released by a nonprofit organization to the public;

(h) Any personal information admitted as evidence before a court of competent jurisdiction, if the court finds there is good cause for the public release of such information;

(i) Any contract, resolution or agreement entered into by a nonprofit organization with a governmental entity, including for purposes of obtaining a governmental benefit or grant, whereby the governmental entity is authorized to or any statute which expressly authorizes a governmental entity to inspect the records of the nonprofit organization, including, without limitation, a contract, resolution or agreement entered into pursuant to NRS 427A.085, 433.354, 433B.220 or 439.155 or a request for a screening submitted pursuant to NRS 179A.325;

(j) Any report required to be filed by a nonprofit organization and posted by the Department of Health and Human Services on the Internet website maintained by the Department pursuant to NRS 439B.665 and 439B.670;

(k) Any information required to be filed by a nonprofit organization of surplus line brokers with the Commissioner of Insurance pursuant to NRS 685A.075;

(l) Any information submitted to a governmental entity by a national securities association that is registered pursuant to 15 U.S.C. § 78o-3 or any

regulation adopted pursuant thereto, including, without limitation, any information submitted to the Secretary of State pursuant to chapters 90 and 91 of NRS and any regulations adopted pursuant thereto for the purposes of licensing, registration, examination, investigation or enforcement;

(m) Any requirement to disclose the relationship between a public officer or employee and a nonprofit organization pursuant to NRS 281A.420, as a response to a lawful request or subpoena in an investigation or as part of or in response to a request for an advisory opinion submitted pursuant to NRS 281A.670 to 281A.690, inclusive, or an ethics complaint filed or initiated pursuant to NRS 281A.700 to 281A.790, inclusive;

(n) Any information submitted to or requested by the Nevada Gaming Control Board pursuant to NRS 462.160 for the purposes of the licensing or registration of a charitable lottery or charitable game, provided that any information collected is confidential as provided in NRS 463.120;

(o) A request for information:

(1) Required by the Attorney General for an audit, examination, review or investigation conducted pursuant to NRS 82.536, provided that:

(I) Such information must only be used in connection with the specific audit, examination, review or investigation to which the request is related and for any related proceedings; and

(II) Such information otherwise remains subject to the provisions of this section, unless expressly required by law to be publicly disclosed;

(2) Relating to the authority to exercise the power of the Secretary of State or the power of the Attorney General in the areas of consumer protection pursuant to NRS 228.380, including, without limitation, the provisions of NRS 90.615, 597.262, 597.8198, 598C.180, 599B.015, and 599B.213 to 599B.245, inclusive, and chapters 598, 598A and 711 of NRS, provided that such information is otherwise subject to the requirements of this section, unless expressly required by law to be publicly disclosed;

(3) Relating to a criminal investigation or prosecution by the Attorney General, a district attorney on behalf of a county or a city attorney on behalf of a city, where there is credible evidence that a crime has been or is being committed or for information relating to any authorized civil investigation or inquiry undertaken by the Attorney General, district attorney or city attorney, as applicable, provided that any personal information obtained in such an investigation or prosecution must remain confidential unless its disclosure is expressly required by law to be publicly disclosed or is necessary to publicize in a court pleading or submission of evidence to a court; or

(4) Connected with a constituent complaint submitted to the Attorney General; and

(p) The names of members of a labor organization and the amount of dues collected by a governmental entity that are provided to the labor organization for the purposes of collecting and reporting the remittance of dues to the labor organization from its members, in accordance with a valid authorization to withhold dues.

4. Any person who alleges that the person has been harmed by a governmental entity or an officer or employee of a governmental entity that has violated the provisions of subsection 1 or 2 may bring a civil action in a court of competent jurisdiction. To prevail, the person must prove to the court that the governmental entity or officer or employee of the governmental entity caused harm to the person by violating the provisions of subsection 1 or 2 where the governmental entity or officer or employee thereof knew or should have known such actions violated the provisions of subsection 1 or 2. If the person prevails, the person is entitled to receive any or all of the following relief:

(a) Injunctive relief as the court deems appropriate;

(b) Costs incurred in bringing the action, including, without limitation, reasonable attorney's fees;

(c) Except as otherwise provided in paragraph (d), the greater of actual damages or statutory damages equal to:

(1) For a first offense ~~[,]~~ committed against the person, $1,000;

(2) For a second offense ~~[,]~~ committed against the person, $5,000; and

(3) For a third or any subsequent offense ~~[,]~~ committed against the person, $10,000.

(d) If the court determines that a governmental entity or officer or employee of a governmental entity acted recklessly or willfully to violate the provisions of this section, the court may award treble the amount of the damages assessed pursuant to paragraph (c).

5. For the purposes of this section ~~[, "personal]~~ :

(a) "Personal information that identifies a person as a donor, member or volunteer of a nonprofit organization":

~~[(a)]~~ (1) Includes, without limitation, any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial ~~[or nonfinancial]~~ support ~~[,]~~ or in-kind services or goods, a member or a volunteer of any nonprofit organization; and

~~[(b)]~~ (2) Does not include information that identifies a person as a staff member, employee or contractor of a nonprofit organization.

(b) An entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c), meets the definition of "nonprofit organization" set forth in subsection 6 only if the governmental entity receives actual notice from the entity of the pending application.

6. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Labor organization" has the meaning ascribed to it in NRS 288.048.

(c) "Nonprofit organization" means:

(1) An organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c); and

(2) Any entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c).

Sec. 3. Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

Pursuant to section 2 of this act, in carrying out the requirements of this title, the Secretary of State shall not collect or disclose any information that directly identifies a person as a donor of financial support to a nonprofit organization.

Sec. 4. NRS 82.536 is hereby amended to read as follows:

82.536 1. A corporation for public benefit and a corporation holding assets in charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it fails to comply with trusts it has assumed or has departed from the purposes for which it is formed. In case of any such a failure or departure, the Attorney General may institute, in the name of the State, the proceeding necessary to correct the noncompliance or departure.

2. The Attorney General, or any person given the status of relator by the Attorney General, may bring an action to enjoin, correct, obtain damages for or otherwise to remedy a breach of a charitable trust or departure from the purposes for which it is formed.

3. Any information collected by the Attorney General pursuant to this section:

(a) Must only be used in connection with an audit, examination, review or investigation by the Attorney General and for any proceedings or action resulting from such an audit, examination, review or investigation; and

(b) Except as otherwise provided in this subsection and section 2 of this act, is subject to the requirements of section 2 of this act, unless expressly required by law to be publicly disclosed.

Sec. 5. This act becomes effective on July 1, 2027.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 198.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 41.

AN ACT relating to trade regulations; setting forth certain requirements and restrictions concerning certain inflatable devices; requiring certain businesses that operate such devices to meet certain requirements; setting forth requirements for certain inspections of and warnings relating to such devices; imposing certain restrictions on the use of such devices under certain

circumstances; **authorizing a county, city or town to enact certain ordinances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-13 of this bill set forth certain requirements and restrictions concerning inflatable devices and certain businesses that operate such devices. **Section 3** defines the term "inflatable device" to mean an air-filled device that: (1) incorporates certain structural and mechanical elements to achieve its strength, shape and stability by tensioning from internal air pressure; and (2) ~~[can be used]~~ **is intended for use** by a person to bounce, play, slide, climb or otherwise interact for **outdoor** recreation, including a constant air inflatable bounce house, inflatable waterslide or similar device. **Section 5** defines the term "operator business" to mean a business entity which is engaged in the business of making inflatable devices available for use in this State and which employs, controls, directs or hires as an independent contractor an operator to act on behalf of the business entity. **Section 4** defines the term "operator" to mean a person on-site at the location where an inflatable device is used who sets up, operates, maintains or supervises the use of the inflatable device on behalf of an operator business.

Section 6 prohibits a person from engaging in the business of an operator business unless the person: (1) holds all applicable state and local business licenses; and (2) has obtained certain insurance or a surety bond in an amount of not less than $1,000,000.

Section 7 requires an operator business to keep a logbook for any inflatable device that is made available for use by the operator business, which must be kept with the inflatable device and made available for inspection at the request of ~~[any person.]~~ **certain persons and any state or local agency.** **Sections** ~~[8-11]~~ **7-11** require an operator, before and during each use of an inflatable device, to conduct certain inspections of the device and the area in which it will be used and to record **and retain for not less than 2 years** the results of those inspections and certain other information in the logbook. **Section 8** prohibits an operator from allowing any person to use the inflatable device if an inspection reveals **or would have revealed** a hazard or potential hazard that would make use of the inflatable device unsafe, according to the requirements of this bill or the requirements or recommendations contained in any user manual provided by the manufacturer of the inflatable device ~~[.]~~ **, any update to such a user manual and any information relating to a recall of the inflatable device.** **Section 9** prohibits an operator from allowing a person to use an inflatable device if any label attached by the manufacturer of the device is missing. **Section 9** also prohibits an operator business from selling or transferring an inflatable device if any such label is missing or if any user manual provided by the manufacturer **, any update to such a user manual and any information relating to a recall of the inflatable device** is not provided to the seller or transferee. **Section 10** requires an operator to: (1) monitor wind speed at any location where an inflatable device will be used at all times while the device is in use; and (2) cease operation of the inflatable

device if the wind speed exceeds the recommendation of the manufacturer or ~~[~~10~~]~~ **15** miles per hour, whichever is ~~[~~less.~~]~~ **greater. Section 11** prescribes certain requirements for anchoring the inflatable device to the ground.

~~[Section 13 of this bill provides that a violation of the provisions of this bill creates a conclusive presumption in certain civil actions that the operator or operator business acted recklessly.]~~ **Section 13.5 of this bill authorizes a county, city or town to enact an ordinance which establishes requirements and restrictions which are the same as or in addition to those set forth in this bill and which provides for the imposition of criminal or civil penalties, or both, for violations of those requirements and restrictions.**

WHEREAS, Lizzy Hammond, a seventh-generation Nevadan, was born in Reno, Nevada, on November 2, 2009; and

WHEREAS, Lizzy Hammond lost her life on July 14, 2019, in Reno, Nevada, when an inflatable device in which she was playing unexpectedly took flight in a gust of wind; and

WHEREAS, Lizzy Hammond donated her organs to help protect the lives of others; and

WHEREAS, The Legislature intends to better protect the public safety by imposing requirements and restrictions concerning the operation of inflatable devices and the businesses that operate such devices; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[13,]~~ **13.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[13,]~~ 13.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Inflatable device" means an air-filled device that:***

1. Incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape and stability by tensioning from internal air pressure;

2. ~~[Can be used]~~ Is intended for use by a person to bounce, play, slide, climb or otherwise interact for outdoor recreation; and

3. Includes, without limitation, a constant air inflatable bounce house, inflatable slide or water slide, obstacle course, pool or enclosed inflatable trampoline.

Sec. 4. ***"Operator" means a person on-site at the location where an inflatable device is used who sets up, operates, maintains or supervises the use of the inflatable device on behalf of an operator business.***

Sec. 5. ***"Operator business" means a business entity, including, without limitation, a sole proprietorship that:***

1. Is engaged in the business of making inflatable devices available for use in this State; and

2. Employs, controls, directs or hires as an independent contractor an operator to act on behalf of the business entity.

Sec. 6. *A person shall not engage in the business of an operator business unless the person:*

1. Holds all applicable state and local business licenses; and

2. Has obtained a liability insurance policy, or a certificate of insurance thereof, or a bond of a surety company or other surety in an amount not less than $1,000,000.

Sec. 7. *1. An operator business shall keep a logbook for any inflatable device which is made available for use by the operator business. The logbook may be written or electronic, but must be available in a form that is kept with the inflatable device at all times and must be available for inspection at the request of any ~~[person.]~~ customer of the business, user of the inflatable device or any state or local agency.*

2. An operator shall record and retain for not less than 2 years the results of each inspection conducted pursuant to sections 8 to 11, inclusive, of this act in the logbook.

3. If an operator or operator business temporarily or permanently discontinues the operation or use of an inflatable device for any of the reasons described in sections 8 to 11, inclusive, of this act, or described in any user manual provided by the manufacturer of the inflatable device, the operator shall record that information in the logbook.

Sec. 8. *1. Before allowing any person to use an inflatable device, the operator shall conduct an inspection of the inflatable device and the location where the inflatable device will be used, in accordance with:*

(a) The requirements of sections 9, 10 and 11 of this act; and

(b) The requirements or recommendations contained in any ~~[user]~~ :

(1) User manual and any update to any user manual provided by the manufacturer of the inflatable device ~~[.]~~ ; and

(2) Information provided in connection with a recall of the inflatable device.

2. The operator shall not allow any person to use the inflatable device if the inspection reveals , or if a reasonable inspection would have revealed, a hazard or potential hazard that would make use of the inflatable device unsafe, according to the requirements of section 9, 10 or 11 of this act or the requirements or recommendations ~~[contained]~~ described in ~~[any user manual provided by the manufacturer of the inflatable device.]~~ paragraph (b) of subsection 1.

Sec. 9. *1. An operator shall inspect an inflatable device, before allowing any person to use the inflatable device, to ensure all original labels attached to the inflatable device by the manufacturer remain attached and are legible. If any label attached by the manufacturer is missing, use of the*

inflatable device must be permanently discontinued and the inflatable device must be destroyed.

2. An operator business shall not sell or transfer an inflatable device unless all labels attached by the manufacturer are attached to the inflatable device and ~~[any user manual provided by the manufacturer of the inflatable device]~~ the following is provided to the purchaser or transferee ~~[.]~~ :

(a) Any user manual and any update to any user manual provided by the manufacturer of the inflatable device; and

(b) Any information provided in connection with a recall of the inflatable device

Sec. 10. *1. An operator shall not allow any person to use an inflatable device at a location if the wind speed at the location exceeds the ~~[lesser]~~ greater of:*

(a) The recommendation of the manufacturer for the specific inflatable device in use; or

(b) Not more than ~~[10]~~ 15 miles per hour.

2. The operator shall use an anemometer to measure the wind speed, and record the wind speed in the logbook pursuant to section 7 of this act before allowing any person to use the inflatable device.

3. At all times while the inflatable device is in use, the operator shall continue to monitor the wind speed at the location by using an anemometer. If at any time during the use of the device the wind speed exceeds the limits described in subsection 1, the operator shall discontinue the use of and deflate the inflatable device. The operator shall not allow any person to use the inflatable device unless the wind speed falls back within the limits described in subsection 1.

Sec. 11. *1. The operator shall ensure an inflatable device is anchored to the ground before and at all times during the use of the device.*

2. To secure each point where the inflatable device is anchored to the ground, the operator : ~~[shall use:]~~

(a) ~~[Stakes]~~ Except as otherwise provided in paragraph (b), shall use:

(1) Stakes which are not less than 18 inches long and which are driven into the ground at not less than a 22 degree angle towards the center of the inflatable device, unless the recommendations of the manufacturer for the specific device require stakes which are longer; and

~~[(b)]~~ (2) Weights which are not less than ~~[100]~~ 75 pounds per anchor point, unless the recommendations of the manufacturer for the specific device require a heavier weight.

(b) If the surface on which the inflatable device is to be used is concrete, asphalt or another surface that cannot reasonably accommodate the use of stakes as described in paragraph (a), may, in lieu of stakes, use additional weights at each anchor point if:

(1) The amount of additional weight is reasonable under the circumstances;

(2) The total weight used at each anchor point is greater than the weight described in subparagraph (2) of paragraph (a); and

(3) The operator records the circumstances and weight of any additional weights so used in the logbook pursuant to section 7 of this act.

Sec. 12. *An operator shall display in a conspicuous place in front of an inflatable device at all times during the use of the device, a legible and typewritten sign which is labeled "OPERATOR'S WARNING" in red and in not less than 72-point boldface type. The sign must be not less than 2 feet in length and in width and must contain the following information, in a type and font that is easy to read and in substantially the following form:*

1. Use of an inflatable device can cause injury or death.

2. A logbook of safety inspections for this inflatable device is available for review upon the request of any [person,] customer of the business, user of the inflatable device or any state or local agency.

[2.] 3. The maximum allowable wind speed for the safe operation of an inflatable device is [10] the greater of:

(a) The recommendation of the manufacturer of the inflatable device; or

(b) 15 miles per hour.

4. The operator is required to use and keep available for use an anemometer to monitor wind speed before and at all times during use of this device. If the wind speed exceeds [10 miles per hour,] the maximum allowable wind speed for the safe operation of this device, the operator is required to discontinue use of the device.

[3.] 5. This inflatable device must be anchored to the ground during use. To secure each point where the device is anchored to the ground, the operator : [shall use:]

(a) [Stakes] Except as otherwise provided in paragraph (b), shall use:

(1) Stakes which are not less than 18 inches long and which are driven into the ground at not less than a 22 degree angle towards the center of the inflatable device, unless the recommendations of the manufacturer for this device require stakes which are longer; and

[(b)] (2) Weights which are not less than [100] 75 pounds per anchor point, unless the recommendations of the manufacturer for this device require a heavier weight.

(b) If the surface on which the inflatable device is to be used is concrete, asphalt or another surface that cannot reasonably accommodate the use of stakes as described in paragraph (a), may, in lieu of stakes, use additional weights at each anchor point if:

(1) The amount of additional weight is reasonable under the circumstances; and

(2) The total weight used at each anchor point is greater than the weight described in subparagraph (2) of paragraph (a).

[4.] 6. The maximum number of users of this inflatable device is determined by the recommendations of the manufacturer according to the warning labels attached to the device.

Sec. 13. ~~[*For the purposes of any civil action involving an injury to a user of an inflatable device made available for use by an operator business, any violation of the provisions of sections 2 to 13, inclusive, of this act creates a conclusive presumption that the operator or operator business, as applicable, acted recklessly.]~~ **(Deleted by amendment.)**

Sec. 13.5. ***The governing body of a county, city or town may:***

1. Enact an ordinance which:

(a) Establishes requirements and restrictions with respect to operators and operator businesses which are:

(1) The same as those set forth in sections 2 to 13.5, inclusive, of this act; or

(2) In addition to those set forth in sections 2 to 13.5, inclusive, of this act, as the governing body determines are necessary; and

(b) Provides for the imposition of criminal or civil penalties, or both, for any violation of an ordinance enacted pursuant to this subsection.

2. Use any portion of the fees which are collected for the issuance of any business license required by the county, city or town to enforce any ordinance enacted pursuant to subsection 1.

Sec. 14. This act becomes effective on ~~[July]~~ **January** 1, ~~[2025.]~~ **2026.**

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 276.

AN ACT relating to cannabis; ~~[creating the Social Equity Liaison within the Cannabis Compliance Board;]~~ revising certain requirements relating to the **packaging,** labeling and delivery of cannabis and cannabis products; authorizing certain persons to enter into a joint-venture agreement with certain cannabis establishments; revising provisions relating to cannabis consumption lounges; ~~[authorizing a cannabis production facility to produce and sell non-infused pre-rolls;]~~ prohibiting the **Cannabis Compliance** Board from imposing certain requirements on cannabis establishments; revising the definition of "usable cannabis"; revising provisions relating to the seizure and destruction of cannabis; revising provisions relating to certain taxes imposed on sales of cannabis and cannabis products; authorizing the Department of Taxation to impose an administrative fine upon a person who engages in the unlicensed sale of cannabis or cannabis products; revising the ~~[responsibilities]~~ **powers** of the Investigation Division of the Department of Public Safety; ~~[exempting an employee of a cannabis sales facility from certain training requirements;]~~ requiring the Board and the Nevada Gaming Control Board to prepare a report concerning certain issues relating to cannabis and gaming; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) ~~[Section 1 of this bill creates the Social Equity Liaison within the Board. Section 1 requires the Executive Director of the Board to appoint a person to serve in the position of Social Equity Liaison and sets forth the duties of that position.]~~

Existing law authorizes the Board to adopt regulations setting forth requirements relating to the packaging and labeling of cannabis and cannabis products. (NRS 678A.450) **Section 2** of this bill prohibits those requirements from requiring **: (1)** a package of cannabis or cannabis products which is sold at wholesale to contain any label **or tag** other than a label **or tag** necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis adopted by the Board ~~.~~ **; and (2) a cannabis establishment to include any information on the label for any cannabis or a cannabis product that is already included on the packaging for the cannabis or cannabis product. Section 9 of this bill revises requirements concerning the labeling of cannabis products for the purpose of allowing information required to be included on a label to instead be included on packaging. Sections 1.3 and 1.5 of this bill define the terms "label" and "packaging" for the purposes of the provisions of existing law governing the medical and adult use of cannabis. Section 1.7 of this bill makes a conforming change to apply the definitions set forth in sections 1.3 and 1.5 to the provisions of existing law governing the medical and adult use of cannabis.**

Existing law prohibits a person from engaging in the business of an adult-use or medical cannabis establishment unless the person holds an adult-use or medical cannabis establishment license, as applicable, issued by the Board. (NRS 678B.210, 678B.250) **Sections 5-7** of this bill provide an exception from that prohibition for certain cannabis-related businesses operated pursuant to a joint-venture agreement with a licensed cannabis cultivation facility or cannabis production facility. **Section 5** authorizes a person who does not hold a license issued by the Board and who has been adversely affected by provisions of previous laws which criminalized activities relating to cannabis to enter into such a joint-venture agreement with such a cannabis establishment to operate a cannabis-related business on the premises of the establishment. **Section 5**: (1) authorizes such a business to engage in any activity in which the cannabis cultivation facility or cannabis production facility that is a party to the joint-venture agreement is authorized to engage; and (2) sets forth various requirements for such a joint-venture agreement and the operation of such a business. **Sections 12 and 17** of this bill provide an exception from state prosecution for certain crimes relating to cannabis for a person who has entered into a joint-venture agreement that has been approved by the Board pursuant to **section 5**. **Section 16** of this bill provides that the fact that a person has entered into such an agreement does not, alone: (1) constitute probable cause

to search the person or the person's property; or (2) subject the person or the person's property to inspection.

~~[Existing law imposes certain excise taxes on certain wholesale and retail sales of cannabis and cannabis products. (NRS 372A.290) Section 23 of this bill exempts from those excise taxes any sale of cannabis or a cannabis product that was produced by a business operating pursuant to a joint venture agreement pursuant to section 5.]~~

Existing law requires an applicant for an adult-use cannabis establishment license to submit to the Board, among other things, evidence that the applicant controls certain liquid assets. (NRS 678B.250) **Section 7** exempts from that requirement a social equity applicant who is applying for the issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge. **Section 8** of this bill removes provisions requiring the Board to set forth certain restrictions on the transfer of an adult-use cannabis establishment license for an independent cannabis consumption lounge.

~~[Section 9 of this bill authorizes a cannabis production facility to produce and sell to a cannabis sales facility a non-infused pre-roll.]~~

Existing law requires the Board to adopt certain regulations to carry out the provisions of existing law governing the licensing and control of cannabis. (NRS 678B.650) **Section 10** of this bill prohibits those regulations from requiring: (1) a cannabis sales facility to maintain a visitor's log; and (2) a cannabis establishment to maintain records concerning sales transactions for more than 3 years. **Section 10** additionally requires those regulations to allow certain ~~[employees]~~ **agents** of a cannabis establishment to conduct a quarterly inventory, if such a quarterly inventory is required by the Board. **Sections 13-15** of this bill make conforming changes to refer to provisions that have been renumbered by **section 10**.

Section 11 of this bill revises the definition of "usable cannabis" to exclude the seeds of a plant of the genus *Cannabis*.

Existing law authorizes a cannabis sales facility to contract with a third party or intermediary business to deliver cannabis or cannabis products. (NRS 678C.440, 678D.430) **Section 4** of this bill authorizes a cannabis sales facility or a third party or intermediary business with whom the cannabis sales facility has contracted to deliver cannabis or cannabis products to a consumer at any location so long as the location is not ~~[within a certain distance from]~~ **on the property of** a school, community facility **or airport** or **, with certain exceptions, within a certain distance from a** gaming establishment. **Section 4** additionally prohibits the Board from requiring a vehicle used for such deliveries to be inspected by the Board before making such a delivery.

Existing law authorizes a law enforcement agency to destroy marijuana that has been seized from a defendant without prior court approval under certain circumstances. (NRS 52.400) **Section 18** of this bill specifies that the Board constitutes a law enforcement agency for the purposes of that authorization.

Existing law imposes upon each retailer a sales tax measured by the gross receipts of the retailer from the retail sale of tangible personal property in this

State. (NRS 372.105, 374.110, 374.111) **Sections 19 and 25** of this bill clarify that the provisions of existing law governing the imposition, collection and remittance of the sales taxes apply to a retailer who makes a retail sale of cannabis or cannabis products regardless of whether the retailer holds a license issued by the Board.

Section 20 of this bill authorizes the Department of Taxation to impose upon any person who does not hold a license issued by the Board and who sells cannabis or a cannabis product an administrative fine in the amount of the excise tax on cannabis for which the person would have been liable had the person engaged in the sale as an adult-use cannabis cultivation facility or adult-use cannabis retail store. **Sections 21, 22 and 24** of this bill make conforming changes to provide that the definitions in existing law apply to **section 20** and to clarify that certain provisions of existing law apply to **section 20**.

Existing law sets forth the primary functions and responsibilities of the Investigation Division of the Department of Public Safety. (NRS 480.140) **Section 26** of this bill ~~[makes]~~ **additionally authorizes** the Division ~~[primarily responsible]~~ **to collaborate with the Board and other state and local agencies** for the enforcement of criminal laws relating to unlicensed cannabis activities.

~~[Existing law requires employees of a cannabis establishment to complete certain training courses relating to occupational health and safety. (NRS 618.9940-618.9950) Section 27 of this bill excludes a cannabis sales facility from the definition of the term "cannabis establishment" for the purposes of the provisions of existing law governing those requirements, thereby exempting an employee of a cannabis sales facility from those requirements.]~~

Section 28 of this bill requires the Board and the Nevada Gaming Control Board, on or before December 31, 2026, to jointly prepare and submit a report concerning the relationship between the gaming industry and the cannabis industry in this State to the Governor and the Director of the Legislative Counsel Bureau.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto **the provisions set forth as sections 1.3 and 1.7 of this act.** ~~[a new section to read as follows:~~

~~*1. The Social Equity Liaison is hereby created within the Board.*~~

~~*2. The Executive Director shall appoint a person to serve in the position of Social Equity Liaison. The Social Equity Liaison is in the unclassified service of the State and serves at the pleasure of the Executive Director.*~~

~~*3. The person appointed pursuant to subsection 2 must be knowledgeable about issues concerning social equity in the cannabis industry.*~~

~~*4. The Social Equity Liaison shall:*~~

~~*(a) Conduct community outreach and provide information concerning social equity in the cannabis industry to members of the Board and the public;*~~

~~*(b) Respond to questions from members of the Board and the public concerning issues relating to social equity in the cannabis industry; and*~~

~~*(c) Perform any other duties specified by the Executive Director.*~~

~~*5. The Board shall post contact information for the Social Equity Liaison on the Internet website of the Board.]*~~

Sec. 1.3. ***"Label" means written or printed material affixed to or included with cannabis or a cannabis product to provide identification or other information.***

Sec. 1.5. ***"Packaging" means the immediate, consumer-facing wrapper or container in which cannabis or a cannabis product is packaged.***

Sec. 1.7. **NRS 678A.010 is hereby amended to read as follows:**

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 1.3 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products. ***Such requirements must not require*** ~~***[any]***~~ ***:***

(1) Any package of cannabis or cannabis products which is sold at wholesale to contain any label or tag other than a label or tag necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis adopted by the Board.

(2) A cannabis establishment to include any information on the label for cannabis or a cannabis product that is already included on the packaging of the cannabis or cannabis product.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 3. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. A cannabis sales facility or a third party or intermediary business with whom the cannabis sales facility has contracted pursuant to NRS 678C.440 or 678D.430 may, in accordance with procedures and requirements set forth in this title and the regulations adopted pursuant thereto, deliver cannabis or cannabis products to a consumer at any location, including, without limitation, a private residence, so long as the location is not:***

(a) ~~[Within 1,000 feet]~~ On the property of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12;

(b) ~~[Within 300 feet]~~ On the property of a community facility; ~~[or]~~

(c) ~~[Within 300]~~ On the property of an airport; or

(d) Except for a delivery conducted at an authorized private residence, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177.

2. The Board may not require any vehicle used by a cannabis sales facility or a third party or intermediary business with whom the cannabis sales facility has contracted pursuant to NRS 678C.440 or 678D.430 to deliver cannabis or cannabis products to a consumer to be inspected by the Board before the vehicle is used to make such a delivery.

3. For the purposes of paragraph (d) of subsection 1, the distance must be measured in a straight line from ~~[the location at which cannabis or a cannabis product is transferred to the consumer to]~~ the closest ~~[point]~~ points of the property line of ~~[a school, community facility or gaming]~~ the property at which the delivery of cannabis or cannabis products is completed and the property line of the establishment ~~[.]~~ that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177.

4. As used in this section:

(a) "Authorized private residence" means a residential unit that is not:

(1) Connected, rented, leased or adjacent to, leased by or otherwise located in the same building as an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177; or

(2) Owned, in whole or in part, operated, rented, leased or managed by, leased to or managed for:

(I) The holder of a nonrestricted restricted gaming license described in subsection 1 or 2 of NRS 463.0177 or the affiliate, as defined in NRS 78.412, of such a person; or

(II) A person who has been licensed, registered, found suitable or received a preliminary finding of suitability by the Nevada Gaming Commission.

(b) "Community facility" has the meaning ascribed to it in NRS 678B.250.

~~[(b)]~~ (c) "Private residence" includes, without limitation:

(1) A residential unit ~~[, as defined in NRS 244.353535,]~~ that is rented for the purposes of transient lodging, as defined in NRS 244.35354.

(2) A mobile home, as defined in NRS 40.215, that is located within a mobile home park, as defined in NRS 40.215.

(3) A recreational vehicle, as defined in NRS 40.215, that is located within a recreational vehicle park, as defined in NRS 40.215.

(4) A manufactured home, as defined in NRS 118B.015, that is located within a manufactured home park, as defined in NRS 118B.017.

(d) "Residential unit" has the meaning ascribed to it in NRS 244.353535.

Sec. 5. *1. A social equity operator may enter into a joint-venture agreement with a cannabis cultivation facility or cannabis production facility to allow the social equity operator to operate a joint-venture business on the premises of the cannabis cultivation facility or cannabis production facility.*

2. A joint-venture agreement entered into pursuant to subsection 1:

(a) Must be submitted to and approved by the Board before it may become effective;

(b) Must comply with the regulations adopted by the Board pursuant to this section; and

(c) May provide for the sharing of profits between the joint-venture business and the cannabis cultivation facility or cannabis production facility, as applicable.

3. If the Board approves a joint-venture agreement entered into pursuant to subsection 1, the cannabis cultivation facility or cannabis production facility shall notify the local governmental jurisdiction in which the facility is located of the approval.

4. Each owner, officer and board member of a joint-venture business and each person who volunteers or works at or contracts to provide labor for the joint-venture business must obtain and maintain a cannabis establishment agent registration card.

~~[4.]~~ 5. A joint-venture business may engage in any activity in which the cannabis cultivation facility or cannabis production facility that is a party to the joint-venture agreement is authorized to engage. A joint-venture business shall comply with all provisions of this title and the regulations adopted pursuant thereto applicable to a cannabis cultivation facility or cannabis production facility, as applicable.

~~[5.]~~ ***6. All operations of a joint-venture business must be conducted on the premises of the cannabis cultivation facility or cannabis production facility that is a party to the joint-venture agreement.***

~~[6. A cannabis cultivation facility or cannabis production facility that enters into a joint venture agreement pursuant to this section is subject to disciplinary action for any violation of the provisions of this title or the regulations adopted pursuant thereto committed by the joint-venture business.]~~

7. The Board shall adopt regulations governing joint-venture agreements and joint-venture businesses. The regulations must:

(a) Set forth requirements for the required content of a joint-venture agreement entered into pursuant to this section.

(b) Establish criteria to be used by the Board for determining whether a person qualifies as a social equity operator for the purposes of this section, including, without limitation, the minimum percentage of ownership in a proposed joint-venture business which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the person to qualify as a social equity operator.

8. As used in this section:

(a) "Board member" means a natural person who is proposed to sit on the board of a proposed joint-venture business and who may or may not be an owner of the joint-venture business.

(b) "Joint-venture business" means a cannabis-related business operated pursuant to a joint-venture agreement entered into pursuant to subsection 1.

(c) "Officer" means a natural person who:

(1) Is proposed to hold the title of, or be designated by a proposed joint-venture business as, a president, vice president, secretary, treasurer, manager, chief executive officer, chief operating officer or chief financial officer of the joint-venture business; and

(2) May or may not be an owner of the proposed joint-venture business.

(d) "Owner" means a natural person who is the holder of any ownership interest in a proposed joint-venture business.

(e) "Social equity operator" means a person who:

(1) Does not hold a license; and

(2) Has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to this section. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the proposed joint-venture business.

Sec. 6. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. ~~[A]~~ ***Except as otherwise provided in section 5 of this act, a*** person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.215 to 678B.240, inclusive, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 and NRS 678B.215, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 7. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. ~~[A]~~ ***Except as otherwise provided in section 5 of this act, a*** person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population

is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) ~~[Evidence]~~ ***Except for a social equity applicant applying for the issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge, evidence*** that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 8. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A cannabis establishment agent registration card for a cannabis receiver.

(d) A medical cannabis establishment license.

(e) An adult-use cannabis establishment license.

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of:

(a) A license may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter.

(b) An ownership interest in a cannabis establishment may transfer all or any portion of the ownership interest to another party who is qualified to hold an ownership interest in a cannabis establishment pursuant to the provisions of this chapter.

3. The regulations adopted pursuant to subsection 2 may give priority in the processing of transfers of licenses to a transfer in which the transferor is:

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

~~[4. The regulations adopted pursuant to subsection 2 must:~~

~~(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;~~

~~(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; and~~

~~(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future.]~~

Sec. 9. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words "THIS PRODUCT CONTAINS CANNABIS" in bold type ~~[; and]~~ ***. The provisions of this subparagraph do not apply if those words in bold type are included on the packaging of the cannabis product.***

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner ***or presented in packaging*** which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with ~~[,]~~ ***or presented in packaging that includes:***

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. ~~[A cannabis production facility may produce and sell to a cannabis sales facility a non-infused pre-roll.~~

~~11.]~~ In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. ~~[12.]~~ A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, ~~[13,]~~ the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. ~~[13.]~~ A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 ~~[12]~~ if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. ~~[14.]~~ Nothing in subsection 11 ~~[12]~~ shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting

an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 ~~[12]~~ relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

14. ~~[15.]~~ If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. ~~[16.]~~ To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. ~~[17.]~~ In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 ~~[12]~~ or 14 ~~[15]~~ as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

17. ~~[18.]~~ As used in this section , "motor ~~[:~~

~~(a) "Motor]~~ vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

~~[(b) "Non-infused pre-roll" means an individual cannabis cigarette or joint that has not been infused with concentrated cannabis.]~~

Sec. 10. NRS 678B.650 is hereby amended to read as follows:

678B.650 ***1.*** The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

~~[1.]~~ ***(a)*** Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

~~[2.]~~ ***(b)*** Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

~~[3.]~~ ***(c)*** Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

~~[(a)]~~ ***(1)*** The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

~~[(b)]~~ ***(2)*** Minimum requirements for the oversight of cannabis establishments;

~~[(c)]~~ ***(3)*** Minimum requirements for the keeping of records by cannabis establishments;

~~[(d)]~~ ***(4)*** Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

~~[(e)]~~ ***(5)*** Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

~~[4.]~~ ***(d)*** Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

~~[5.]~~ ***(e)*** Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and a cannabis establishment agent registration card for a cannabis receiver and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

~~[6.]~~ ***(f)*** As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

~~[7.]~~ ***(g)*** Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

~~[8.]~~ ***(h)*** Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable;

~~[9.]~~ ***(i)*** Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format;

~~[10.]~~ ***(j)*** Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to NRS 678B.325 and 678B.328;

~~[11.]~~ ***(k)*** Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

~~[(a)]~~ ***(1)*** Standards for the air quality in a cannabis consumption lounge;

~~[(b)]~~ ***(2)*** Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

~~[(c)]~~ ***(3)*** Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; and

~~[12.]~~ ***(l)*** Address such other matters as the Board deems necessary to carry out the provisions of this title.

2. The regulations adopted by the Board pursuant to subsection 1 must:

(a) Not require a cannabis sales facility to maintain a visitor's log.

(b) Not require a cannabis establishment to maintain records concerning sales transactions for more than 3 years.

(c) If the Board requires a cannabis establishment to conduct a quarterly inventory, allow any ~~[employee]~~ agent of the cannabis establishment who is not involved in the regular management of the inventory of the cannabis establishment to conduct the quarterly inventory.

3. For the purposes of paragraph (c) of subsection 2, an agent of a cannabis establishment is involved in the regular management of the inventory of the cannabis establishment if the agent satisfies all of the following:

(a) The agent is responsible for the oversight of inventory of the cannabis establishment;

(b) The agent has been designated as an inventory agent in any computer software used for the seed-to-sale tracking of cannabis and cannabis products adopted by the Board; and

(c) The agent performs daily or routine tasks related to the inventory of the cannabis establishment in the inventory control system of the cannabis establishment.

Sec. 11. NRS 678C.100 is hereby amended to read as follows:

678C.100 1. "Usable cannabis" means ~~[:~~

~~(a) The]~~ ***the*** dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis . ~~[; and~~

~~(b) The seeds of a plant of the genus Cannabis.]~~

2. The term does not include the ***seeds,*** stalks and roots of the plant.

Sec. 12. NRS 678C.200 is hereby amended to read as follows:

678C.200 1. Except as otherwise provided in this section and NRS 678C.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 678C.230 or 678C.270 is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 678C.230 and the designated primary caregiver, if any, of such a person:

(a) Engage in or assist in, as applicable, the medical use of cannabis in accordance with the provisions of this title as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and

(b) Do not, at any one time, collectively possess with another who is authorized to possess, deliver or produce more than:

(1) Two and one-half ounces of usable cannabis;

(2) Twelve cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(3) A maximum allowable quantity of cannabis products as established by regulation of the Board.

➥ The persons described in this subsection must ensure that the usable cannabis and cannabis plants described in this subsection are safeguarded in an enclosed, secure location.

4. If the persons described in subsection 3 possess, deliver or produce cannabis in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for the possession, delivery or production of cannabis.

(b) May establish an affirmative defense to charges of the possession, delivery or production of cannabis, or any combination of those acts, in the manner set forth in NRS 678C.310.

5. A person who holds a valid medical cannabis establishment license issued to the person pursuant to NRS 678B.210, a valid cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a valid cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350 or a valid cannabis establishment agent registration card for a cannabis receiver issued pursuant to NRS 678B.355 ***, or who has entered into a joint-venture agreement approved by the Board pursuant to section 5 of this act,*** and who confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical cannabis dispensary opens in the county of residence of a person who holds a registry identification card, including, without limitation, a designated primary caregiver, such a person is not authorized to cultivate, grow or produce cannabis. The provisions of this subsection do not apply if:

(a) The person who holds the registry identification card was cultivating, growing or producing cannabis in accordance with state law on or before July 1, 2013;

(b) All the medical cannabis dispensaries in the county of residence of the person who holds the registry identification card close or are unable to supply the quantity or strain of cannabis necessary for the medical use of the person to treat his or her specific medical condition;

(c) Because of illness or lack of transportation, the person who holds the registry identification card is unable reasonably to travel to a medical cannabis dispensary; or

(d) No medical cannabis dispensary was operating within 25 miles of the residence of the person who holds the registry identification card at the time the person first applied for his or her registry identification card.

7. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 13. NRS 678C.400 is hereby amended to read as follows:

678C.400 1. Each medical cannabis establishment must:

(a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

(b) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

(c) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. If a medical cannabis establishment is operated by a dual licensee, any provision of this section which is determined by the Board to be unreasonably impracticable pursuant to ***paragraph (h) of*** subsection ~~[8]~~ ***1*** of NRS 678B.650 does not apply to the medical cannabis establishment.

Sec. 14. NRS 678C.410 is hereby amended to read as follows:

678C.410 1. A medical cannabis establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing cannabis for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards;

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers; and

(c) Return for a refund cannabis, medical edible cannabis products or medical cannabis-infused products to the medical cannabis establishment from which the cannabis, medical edible cannabis products or medical cannabis-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 678C.470.

2. A medical cannabis dispensary and a medical cultivation facility may acquire usable cannabis or cannabis plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the cannabis. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable cannabis to a medical cannabis dispensary one time and may sell cannabis plants to a cultivation facility one time.

3. A medical cannabis production facility and a medical cannabis dispensary may acquire hemp, as defined in NRS 557.160, or a commodity or product made using such hemp from a grower or handler registered by the State Department of Agriculture pursuant to chapter 557 of NRS. A medical cannabis production facility may use hemp or a commodity or product made using such hemp to manufacture medical cannabis products. A medical cannabis dispensary may dispense hemp or a commodity or product made

using such hemp and medical edible cannabis products and medical cannabis-infused products manufactured using hemp or a commodity or product made using such hemp.

4. A dual licensee:

(a) Shall comply with the regulations adopted by the Board pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 678B.650 with respect to the medical cannabis establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical cannabis establishment operated by the dual licensee with the adult-use cannabis establishment operated by the dual licensee.

5. If a medical cannabis establishment is operated by a dual licensee, any provision of this section which is determined by the Board to be unreasonably impracticable pursuant to ***paragraph (h) of*** subsection ~~[8]~~ ***1*** of NRS 678B.650 does not apply to the medical cannabis establishment.

Sec. 15. NRS 678C.440 is hereby amended to read as follows:

678C.440 1. Each medical cannabis dispensary shall ensure all of the following:

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

(b) That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

(c) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

(d) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 678B.650, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of NRS 678C.450.

Sec. 16. NRS 678C.600 is hereby amended to read as follows:

678C.600 1. The fact that a person possesses a registry identification card or letter of approval issued to the person by the Division or its designee pursuant to NRS 678C.230 or 678C.270, a medical cannabis establishment license issued to the person by the Board or its designee pursuant to NRS 678B.210, a cannabis establishment agent registration card issued to the person by the Board or its designee pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person by the Board or its designee pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person by the Board pursuant to NRS 678B.355 ***or has entered into a joint-venture agreement approved by the Board pursuant to section 5 of this act*** does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize cannabis, paraphernalia or other related property from a person engaged in, facilitating or assisting in the medical use of cannabis:

(a) The law enforcement agency shall ensure that the cannabis, paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the cannabis, paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon:

(1) A decision not to prosecute;

(2) The dismissal of charges; or

(3) Acquittal,

➥ the law enforcement agency shall, to the extent permitted by law, return to that person any usable cannabis, cannabis plants, paraphernalia or other related property that was seized. The provisions of this subsection do not require a law enforcement agency to care for live cannabis plants.

Sec. 17. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) Two and one-half ounces of usable cannabis;

(2) One-fourth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers 2.5 ounces or less of usable cannabis or one-fourth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, ***or who has entered into a joint-venture agreement approved by the Board pursuant to section 5 of this act,*** and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 18. NRS 52.400 is hereby amended to read as follows:

52.400 ***1.*** Except as otherwise provided in NRS 678C.800:

~~[1.]~~ ***(a)*** At any time after a substance which is alleged to be marijuana is seized from a defendant by a peace officer, the law enforcement agency of which the officer is a member may, without the prior approval of the district court in the county in which the defendant is charged, destroy any amount of the substance that exceeds 10 pounds.

~~[2.]~~ ***(b)*** The law enforcement agency must, before destroying the substance pursuant to this section:

~~[(a)]~~ ***(1)*** Accurately weigh and record the weight of the substance.

~~[(b)]~~ ***(2)*** Take and retain, for evidentiary purposes, at least five random and representative samples of the substance in addition to the amount which is not authorized to be destroyed pursuant to ~~[subsection 1.]~~ ***paragraph (a).*** If the substance is alleged to consist of growing or harvested marijuana plants, the 10 pounds retained pursuant to ~~[subsection 1]~~ ***paragraph (a)*** may include stalks, branches, leaves and buds, but the five representative samples must consist of only leaves or buds.

~~[(c)]~~ ***(3)*** Take photographs that reasonably demonstrate the total amount of the substance. A sign which clearly and conspicuously shows the title or the case number of the matter, proceeding or action to which the substance relates must appear next to the substance in any photograph taken.

~~[3.]~~ ***(c)*** A law enforcement agency that destroys a substance pursuant to this section shall, not later than 30 days after the destruction of the substance, file an affidavit in the court which has jurisdiction over the pending criminal proceedings, if any, pertaining to that substance. The affidavit must establish that the law enforcement agency has complied with the requirements of ~~[subsection 2,]~~ ***paragraph (b),*** specify the date and time of the destruction of the substance and provide the publicly known address of the agency. If there are no criminal proceedings pending which pertain to the substance, the affidavit may be filed in any court within the county which would have jurisdiction over a person against whom such criminal charges might be filed.

~~[4.]~~ ***(d)*** If the substance is finally determined not to be marijuana, the owner may file a claim against the county to recover the reasonable value of the property destroyed pursuant to this section.

~~[5.]~~ ***(e)*** The law enforcement agency's finding as to the weight of any substance alleged to be marijuana and destroyed pursuant to this section is admissible in any subsequent proceeding arising out of the same transaction.

2. As used in this section, "law enforcement agency" includes, without limitation, the Cannabis Compliance Board.

Sec. 19. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to the imposition, collection and remittance of the sales tax apply to a retailer who makes a retail sale of cannabis or cannabis products regardless of whether the retailer holds a license issued pursuant to title 56 of NRS.

2. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

Sec. 20. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other penalty authorized by law, the Department may impose on any person who does not hold a license pursuant to title 56

of NRS and who sells cannabis or a cannabis product an administrative fine in the amount of the excise tax on cannabis for which the person who engaged in the sale of cannabis or a cannabis product would have been liable had the person engaged in the sale as an adult-use cannabis cultivation facility, for a sale for the purpose of resale, or adult-use cannabis retail store, for a sale for the purpose of use or consumption.

2. As used in this section, "cannabis product" has the meaning ascribed to it in NRS 678A.120.

Sec. 21. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 20 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 372A.260 is hereby amended to read as follows:

372A.260 The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax on cannabis to the extent that those provisions do not conflict with the provisions of NRS 372A.200 to 372A.380, inclusive ~~[.]~~ ***, and section 20 of this act.***

Sec. 23. ~~[NRS 372A.290 is hereby amended to read as follows:~~

~~372A.290 1. An excise tax is hereby imposed on the first wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of:~~

~~(a) The fair market value at wholesale of the cannabis, if the sale is made to an affiliate of the medical cannabis cultivation facility; or~~

~~(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the medical cannabis cultivation facility.~~

~~→ The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.~~

~~2. An excise tax is hereby imposed on the first wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of:~~

~~(a) The fair market value at wholesale of the cannabis, if the sale is made to an affiliate of the adult-use cannabis cultivation facility; or~~

~~(b) The sales price of the cannabis, if the sale is made to a cannabis establishment that is not an affiliate of the adult-use cannabis cultivation facility.~~

~~→ The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.~~

~~3. Except as otherwise provided in subsection 8, an excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate~~

~~of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:~~

~~(a) Is the obligation of the seller of the cannabis or cannabis product but may be recovered from the purchaser.~~

~~(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.~~

~~4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:~~

~~(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and~~

~~(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.~~

~~5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:~~

~~(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and~~

~~(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.~~

~~6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.~~

~~7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.~~

~~8. The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store that has been deemed to be a dual licensee pursuant to NRS 678D.490.~~

~~***9. The excise taxes imposed pursuant to this section do not apply to any sale of cannabis or a cannabis product that was produced by a joint-venture business operating pursuant to a joint-venture agreement approved by the Board pursuant to section 5 of this act.***~~

~~***10.*** As used in this section:~~

~~(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.~~

~~(b) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.~~

~~(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.~~

~~(d) "Letter of approval" has the meaning ascribed to it in NRS 678C.070.~~

~~(e) "Local government" has the meaning ascribed to it in NRS 360.640.~~

~~(f) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.~~

~~(g) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.~~

~~(h) "Medical cannabis product" has the meaning ascribed to it in NRS 678A.200.~~

~~(i) "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.~~

~~(j) "Registry identification card" has the meaning ascribed to it in NRS 678C.080.~~

~~(k) "Wholesale sale" means the first sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.~~] **(Deleted by amendment.)**

Sec. 24. NRS 372A.380 is hereby amended to read as follows:

372A.380 The remedies of the State provided for in NRS 372A.200 to 372A.380, inclusive, ***and section 20 of this act*** are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.

Sec. 25. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to the imposition, collection and remittance of the sales tax apply to a retailer who makes a retail sale of cannabis or a cannabis product regardless of whether the retailer holds a license issued pursuant to title 56 of NRS.

2. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

Sec. 26. NRS 480.140 is hereby amended to read as follows:

480.140 The primary functions and responsibilities of the divisions of the Department are as follows:

1. The Investigation Division shall:

(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;

(b) Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030;

(c) Provide investigative services to the divisions of the Department as determined by the Director;

(d) Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124;

(e) Upon request, assist:

(1) The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, ***and section 20 of this act*** and chapter 678A of NRS;

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; and

(3) The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS; and

(f) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.

2. ***In addition to the functions and responsibilities set forth in subsection 1, the Investigation Division shall*** ~~***[be primarily responsible]***~~ ***collaborate with the Cannabis Compliance Board and other state and local agencies, including, without limitation, law enforcement agencies, for the enforcement of criminal laws relating to unlicensed cannabis activities.***

3. The Nevada Highway Patrol Division shall, in conjunction with the Department of Motor Vehicles, execute, administer and enforce the provisions of chapters 484A to 484E, inclusive, of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.360 and any other specific statute.

~~[3.]~~ ***4.*** The State Fire Marshal Division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.

~~[4.]~~ ***5.*** The Division of Parole and Probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.

~~[5.]~~ ***6.*** The Capitol Police Division shall assist in the enforcement of subsection 1 of NRS 331.140.

~~[6.]~~ ***7.*** The Nevada Office of Cyber Defense Coordination shall:

(a) Serve as the strategic planning, facilitating and coordinating office for cybersecurity policy and planning in this State; and

(b) Execute, administer and enforce the provisions of NRS 480.900 to 480.950, inclusive, and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 480.900 to 480.950, inclusive, and any other specific statute.

~~[7.]~~ ***8.*** The Training Division shall provide training to the employees of the Department.

~~[8.]~~ ***9.*** The Records, Communications and Compliance Division shall:

(a) Execute, administer and enforce the provisions of chapter 179A of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 179A of NRS and any other specific statute;

(b) Provide dispatch services for the Department and other agencies as determined by the Director;

(c) Maintain records of the Department as determined by the Director; and

(d) Provide support services to the Director, the divisions of the Department and the Nevada Criminal Justice Information System as may be imposed by the Director.

Sec. 27. ~~[NRS 618.9941 is hereby amended to read as follows:~~

~~618.9941 "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095 [.] , except that the term does not include a cannabis sales facility, as defined in NRS 678A.130.]~~ **(Deleted by amendment.)**

Sec. 28. 1. On or before December 31, 2026, the Cannabis Compliance Board and the Nevada Gaming Control Board shall jointly prepare and submit a report concerning the relationship between the gaming industry and the cannabis industry in this State to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) An examination of the federal laws and regulations concerning cannabis;

(b) Recommendations as to whether and under what circumstances gaming licensees should be authorized to invest in cannabis establishments or otherwise work with the cannabis industry in this State;

(c) An identification of any specific changes to federal law that would be necessary or preferable in order to authorize gaming licensees to invest in cannabis establishments or otherwise work with the cannabis industry in this State; and

(d) An explanation of how the two boards will work together in the event that changes to federal law leads to a closer relationship between the gaming industry and the cannabis industry in this State.

3. In preparing the report required pursuant to subsection 1, the Cannabis Compliance Board and the Nevada Gaming Control Board shall consult with relevant research institutions and incorporate any relevant input received from such research institutions into the report.

4. The Cannabis Compliance Board and the Nevada Gaming Commission may accept gifts, grants, donations, bequests and other sources of money to carry out the provisions of this section.

5. As used in this section, "research institution" means a university, college or other organization which has as one of its principal purposes the conducting of medical, scientific or academic research.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 444.

AN ACT relating to medical debt; prohibiting collection agencies and certain entities that provide health care from reporting medical debt to a consumer reporting agency ~~[; requiring a contract for the purchase or collection of medical debt between certain entities that provide health care and a collection agency to include certain provisions;]~~ **in certain circumstances;** prohibiting certain actions by certain entities that provide health care and collection agencies to collect a medical debt; providing requirements for engaging in extraordinary collection actions to collect a medical debt; authorizing the ~~[Attorney General]~~ **Commissioner of Financial Institutions** to institute legal proceedings against violators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides requirements governing the collection of medical debt by a collection agency, including a requirement to provide certain notice to a medical debtor before taking action to collect and prohibiting certain actions to collect a medical debt. (NRS 649.366, 649.368) **Section 13** of this bill prohibits a health care entity, which includes a medical facility, provider of health care or provider of emergency medical services, or a collection agency from reporting a medical debt to a consumer reporting agency ~~[and renders any portion of a medical debt that is so reported void. Section 13 requires a health care entity to include in any contract entered into with a collection agency for the purchase or collection of a medical debt provisions prohibiting the reporting of medical debt to a consumer reporting agency, voiding any portion of a medical debt that is reported to a consumer reporting agency and prohibiting certain collection actions that are prohibited by section 14 of this bill.]~~ **unless the health care entity or collection agency issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. Section 13: (1) establishes a procedure for the issuance of such an offer; (2) prohibits a health care entity or collection agency from reporting medical debt to a consumer reporting agency if the consumer enters into a payment plan and complies with the terms and conditions of the plan; (3) provides that any portion of the medical debt that is reported to a consumer reporting agency in violation of section 13 shall be void; and (4)**

requires the Commissioner of Financial Institutions to adopt regulations to carry out the provisions of section 13. Sections 14 and 19 of this bill prohibit a health care entity or collection agency from engaging in certain actions, or threatening to engage in certain actions, to collect a medical debt, including: (1) causing the arrest of a consumer; (2) obtaining a lien or foreclosing on real property of a consumer that includes the consumer's primary residence; (3) garnishing the wages of a consumer or any refund of federal income taxes due to a consumer; or (4) garnishing, attaching or seizing the bank account of a consumer.

Section 15 of this bill prohibits a health care entity or collection agency from engaging in extraordinary collection actions until at least 180 days after the first bill for a medical debt is sent to a consumer and requires a notice that includes certain information to be sent to the consumer at least 30 days before any extraordinary collection action is taken. **Section 6** of this bill defines the term "extraordinary collection action" to mean: (1) selling a medical debt to a collection agency; (2) deferring, denying or requiring payment before providing medically necessary care; or (3) any action that requires a legal or judicial process **[.]** **except for placing a lien on third party settlements.** **Section 15** prohibits a health care entity or collection agency from engaging in extraordinary collection actions during a state of emergency, declaration of disaster or public health emergency or other health event with respect to the geographic area in which a consumer resides.

Section 16 of this bill provides additional requirements for the collection of medical debts incurred for **[**~~health care~~**]** **medical** services, products or devices provided by a medical facility, including: (1) a prohibition on engaging in extraordinary collection actions unless such actions are described in the billing and collection policy of the medical facility; (2) a requirement to reverse any extraordinary collection actions if it is determined that the consumer is eligible for financial assistance that eliminates or would have eliminated the debt; and (3) requiring a consumer to be refunded within 60 days if, after the application of any financial assistance, a consumer had paid an amount in excess of the amount of the medical debt.

Section 17 of this bill provides that the protections provided by **sections 13-16** cannot be waived.

Section 18 of this bill authorizes the **[**~~Attorney General~~**]** **Commissioner of Financial Institutions** to institute legal proceedings against a person who has **willfully** violated, is violating or is about to violate the provisions of **sections 2-18** of this bill. **Section 18** authorizes a district court to grant certain remedies in such a proceeding.

Sections 3-12 define terms related to the collection of medical debts and **section 2** makes those terms applicable to **sections 13-18**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Collection agency" includes:***

1. A collection agency, as defined in NRS 649.020.

2. A collection agent, as defined in NRS 649.025.

Sec. 4. ***"Consumer" means a natural person.***

Sec. 5. ***"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.***

Sec. 5.5. 1. "Cosmetic surgery" means a surgical procedure that:

(a) Does not meaningfully promote the proper function of the body;

(b) Does not prevent or treat illness or disease; and

(c) Is primarily directed at improving or preserving the appearance of a person.

2. This term does not include reconstructive surgery when such service is incidental to or follows surgery resulting from the diagnosis, prevention, treatment, cure or relief from a physical, dental, behavioral or substance use disorder, mental health condition, illness, injury or disease.

Sec. 6. ***"Extraordinary collection action" means:***

1. Selling or transferring, with or without compensation, the medical debt of a consumer to a collection agency;

2. Deferring, denying or requiring payment before providing medically necessary care; or

3. Any action that requires a legal or judicial process, including, without limitation, placing a lien , except for a lien on a third party settlement, or commencing a civil action.

Sec. 7. ***"Financial assistance policy" means a written financial assistance policy of a health care entity which includes:***

1. Eligibility criteria for financial assistance, including, without limitation, when such assistance includes free or discounted care.

2. The basis for calculating amounts charged to patients.

3. The method for applying for financial assistance.

4. The billing and collections policy, including, without limitation, the actions the health care entity may take in the event of nonpayment.

5. Measures to widely publicize the policy within the community to be served by the health care entity.

Sec. 8. ***"Health care entity" means:***

1. A medical facility;

2. A provider of emergency medical services; or

3. A provider of health care.

Sec. 9. ***1. "Medical debt" means ~~[any obligation for the payment of money arising out of any agreement or contract, express or implied, for the provision of health care services, products or devices.]~~ a debt owed by a***

consumer to a health care entity or its agent or assignee for the provision of medical services, products or devices. The term includes, without limitation, medical bills that are not past due or have been paid.

2. The term does not include:

(a) Debt charged to a credit card, as defined in NRS 97A.050, unless the credit card is issued for the sole purpose of purchasing ~~[health care]~~ medical services, products or devices; or

(b) An open-end or closed-end extension of credit made by a financial institution to a borrower, unless the open-end or closed-end extension of credit is for the sole purpose of purchasing ~~[health care]~~ medical services, products or devices.

Sec. 10. *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 10.5. "Medical services, products or devices" means any service, treatment, drug, medication, product or device, excluding cosmetic surgery, that is charged to a consumer by a health care entity.

Sec. 11. *"Provider of emergency medical services" has the meaning ascribed to it in NRS 649.041.*

Sec. 12. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 13. *1. A health care entity or collection agency shall not report any information to a consumer reporting agency regarding a medical debt ~~[. Any portion of a medical debt that is reported to a consumer reporting agency in violation of this section shall be void.]~~ unless the health care entity or collection agency has issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. For such a payment plan, a health care entity or collection agency must:*

(a) Not more than 30 days after the medical debt was incurred, provide to the consumer an itemized bill of all charges for medical services, products or devices at no additional cost to the consumer; and

(b) Not more than 90 days after the medical debt was incurred, provide to the consumer two written offers, provided at least 30 days apart, to enter into a payment plan for which the rate of interest during the payment period on the medical debt is fixed at 0 percent.

2. ~~[A]~~ If the consumer does not respond to the health care entity ~~[shall include in any contract entered into with a collection agency, whether located within or outside of this State, for the purchase or collection of medical debt a provision that:~~

~~(a) Prohibits the collection agency from reporting any portion of the medical debt to a consumer reporting agency.~~

~~(b) Provides that any portion of the medical debt reported to a consumer reporting agency is void.~~

~~(c) Prohibits the collection agency from engaging in any of the actions prohibited by section 14 of this act.~~

~~*3. Any contract for the purchase or collection of medical debt that does not comply with the provisions of this section is void and unenforceable.*~~ *or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, the health care entity or collection agency may, not earlier than 90 days after the medical debt was incurred, issue to the consumer a final notice informing the consumer that the medical debt will be reported to a consumer reporting agency not earlier than 180 days after the date on which the notice was issued if the debtor does not enter into a payment plan or otherwise satisfy the medical debt.*

3. If the consumer does not respond to the health care entity or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, within 180 days after the notice was issued pursuant to subsection 2, the health care entity or collection agency may report the medical debt to a consumer reporting agency.

4. If a consumer enters into a payment plan with a health care entity or collection agency:

(a) The terms and conditions of any payment plan between a consumer and a health care entity or collection agency must be specific, intelligible and unambiguous;

(b) The health care entity or collection agency shall fix the rate of interest on the medical debt at 0 percent so long as the consumer complies with the terms and conditions of the payment plan; and

(c) The health care entity or collection agency shall not report any information to a consumer reporting agency regarding the medical debt so long as the consumer complies with the terms and conditions of the payment plan.

5. Any portion of a medical debt that is reported to a consumer reporting agency in violation of this section shall be void.

6. The Commissioner of Financial Institutions shall adopt regulations to carry out the provisions of this section, including, without limitation, any additional procedures or requirements governing payment plans which the Commissioner determines are necessary or desirable.

Sec. 14. *A health care entity or collection agency shall not engage in any of the following actions to collect a medical debt:*

1. Causing or threatening the arrest of a consumer, including, without limitation, an arrest pursuant to NRS 31.470 to 31.730, inclusive;

2. Obtaining or threatening to obtain a lien against any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

3. Foreclosing or threatening to foreclose on any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

4. Garnishing or threatening to garnish the wages of a consumer or any refund of federal income taxes due to a consumer; or

5. Garnishing, attaching or seizing, or threatening to garnish, attach or seize, a bank account of a consumer.

Sec. 15. *1. A health care entity or collection agency shall not engage in any extraordinary collection action until at least 180 days after the first bill for a medical debt has been sent to a consumer.*

2. At least 30 days before taking any extraordinary collection action to collect a medical debt, a health care entity or collection agency shall provide to the consumer a notice:

(a) Identifying the extraordinary collection action that will be initiated in order to obtain payment;

(b) Providing a deadline after which such extraordinary collection action will be initiated, which must be not earlier than 30 days after the date of the notice; and

(c) If the medical debt was incurred for ~~[health care]~~ medical services, products or devices provided by a medical facility, stating whether the medical facility offers financial assistance to eligible consumers and providing a plain-language summary of any financial assistance policy of the medical facility.

3. A health care entity or collection agency shall not engage in any extraordinary collection action against a consumer for a medical debt during any period in which, with respect to the geographic area in which the consumer resides, there exists:

(a) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070;

(b) A public health emergency or other health event pursuant to NRS 439.970; or

(c) A state of emergency, declaration of disaster or public health emergency as declared pursuant to federal law or the laws of another state.

Sec. 16. *1. If a medical debt was incurred for ~~[health care]~~ medical services, products or devices provided by a medical facility, the medical facility or a collection agency shall not engage in any extraordinary collection action to recover the medical debt unless such extraordinary collection action is described in the billing and collections policy of the medical facility.*

2. If a medical facility, or a collection agency acting to collect a medical debt incurred for ~~[health care]~~ medical services, products or devices provided by a medical facility, initiates an extraordinary collection action against a consumer to collect a medical debt and the consumer is later found to be eligible under the financial assistance policy of the medical facility for financial assistance that eliminates or would have eliminated the medical debt, the medical facility or collection agency shall reverse any such extraordinary collection action, including, without limitation, ~~[dismissing or vacating any suit or other legal proceeding brought against the consumer~~

~~and~~ removing any lien, attachment or garnishment against the property of the consumer.

3. If, after the application of any financial assistance for which a consumer is eligible, the consumer has paid, to a medical facility, a collection agency or both, an amount in excess of the amount of the medical debt, the medical facility or collection agency shall refund any excess amount to the consumer within 60 days.

Sec. 17. ***The protections set forth in sections 13 to 16, inclusive, of this act are for the benefit of consumers and cannot be waived.***

Sec. 18. ***If the ~~[Attorney General]~~ Commissioner of Financial Institutions has reason to believe that a person has willfully violated, is violating or is about to violate any of the provisions of sections 2 to 18, inclusive, of this act, the ~~[Attorney General]~~ Commissioner may institute an appropriate legal proceeding against the person. The district court, upon a showing that the person has willfully violated, is violating or is about to violate any provision of sections 2 to 18, inclusive, of this act may grant any of the following remedies, as appropriate:***

1. Issue a temporary or permanent injunction.

2. Impose a civil penalty not to exceed:

(a) For a first violation, $10,000; and

(b) For any subsequent violation, $25,000.

3. Issue a declaratory judgment.

4. Order restitution for the consumer.

5. Order the payment of attorney's fees and costs.

6. Order such relief as the court deems just.

Sec. 19. NRS 649.368 is hereby amended to read as follows:

649.368 A collection agency, or its compliance manager, agents or employees, shall not, for any medical debt:

1. Take any confession of judgment or any power of attorney running to the collection agency or to any third person to confess judgment or to appear for the debtor in a judicial proceeding.

2. Commence a civil action to collect the medical debt if the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, is less than the maximum jurisdictional amount set forth in subsection 1 of NRS 73.010. Nothing in this subsection shall be construed to prohibit the commencement of a small claims action in justice court to collect the medical debt.

3. Charge or collect a fee of more than 5 percent of the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, as a collection fee or as an attorney's fee for the collection of the medical debt.

4. Perform an action prohibited by sections 2 to 18, inclusive, of this act.

Sec. 20. 1. The amendatory provisions of this act apply to:

(a) Any contract between a health care entity and a collection agency for the purchase **, transfer** or collection of medical debt entered into before, on or

after ~~[October 1, 2025,]~~ **January 1, 2026,** but do not apply to any action taken under such a contract before ~~[October 1, 2025.]~~ **January 1, 2026.**

(b) Medical debt incurred before, on or after ~~[October 1, 2025,]~~ **January 1, 2026,** but do not apply to any action taken to collect a medical debt before ~~[October 1, 2025.]~~ **January 1, 2026.**

2. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in section 3 of this act.

(b) "Health care entity" has the meaning ascribed to it in section 8 of this act.

(c) "Medical debt" has the meaning ascribed to it in section 9 of this act.

Sec. 21. **This act becomes effective on January 1, 2026.**

Assemblymember Marzola moved the adoption of the amendment.

Amendment not adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 525.

SUMMARY—Provides immunity from criminal liability for engaging in prostitution or ~~[committing certain acts while engaged in]~~ **solicitation for** prostitution. (BDR 15-781)

AN ACT relating to crimes; providing immunity from criminal liability for engaging in prostitution or ~~[committing certain acts while engaged in]~~ **solicitation for** prostitution under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a peace officer who detains, arrests or issues a citation to a prostitute for a violation of the prohibition against unlawfully engaging in prostitution or solicitation for prostitution to provide information relating to certain assistance for which the prostitute might be eligible. Existing law also requires a prosecuting attorney to dismiss the charge against a prostitute for such a violation if the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking. (NRS 201.353)

Section 2 of this bill declares that it is the public policy of this State to encourage the ability of victims ~~[and witnesses]~~ of serious violent crimes to report **such crimes** and **to** participate in the criminal justice system without fear of criminal prosecution for engaging in prostitution or ~~[committing certain acts while engaged in]~~ **solicitation for** prostitution. **Section 3** of this bill provides that a ~~[person]~~ **prostitute** who ~~[violates certain provisions of existing law relating to]~~ **engages in** prostitution ~~[, controlled substances or certain acts relating to vagrancy]~~ **or solicitation for prostitution** is immune from criminal liability if ~~[, during the course of allegedly engaging in prostitution, the person: (1) is a victim or witness to certain serious violent offenses; and (2)]~~ **the**

prostitute seeks ~~[certain]~~ **emergency or medical** assistance ~~[,]~~ **and the evidence for the alleged violation was obtained as a result thereof.** **Section 4** of this bill applies the definitions in existing law relating to prostitution to **sections 2 and 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby declares that the public policy of this State is to encourage victims ~~[and witnesses]~~ of serious violent crimes to report such crimes and to participate in the criminal justice system. Those persons who are working in sex industries that are criminalized by state law often do not report serious crimes committed against themselves ~~[, or committed against others in their presence,]~~ because of fear of arrest and prosecution for sex work ~~[, and low-level drug crimes.]~~ Providing immunity from criminal liability to ~~[persons]~~ prostitutes engaging in prostitution or ~~[committing certain acts while engaged in]~~ solicitation for prostitution ensures that victims ~~[and witnesses]~~ of serious violent crimes that occur during prostitution offenses may come forward to report the perpetrators without fear of arrest and prosecution.***

Sec. 3. ***~~[1.]~~ Notwithstanding any other provision of law, a ~~[person described in subsection 2]~~ prostitute is immune from criminal liability for committing ~~[:~~***

~~(a) A]~~ a violation of ~~[any provision of]~~ NRS 201.353 or paragraph (b) of subsection 1 of NRS 207.030 ~~[relating to prostitution;~~

~~(b) A violation of Chapter 453 of NRS relating to:~~

~~(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;~~

~~(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 or 453.3405; or~~

~~(3) Use of a controlled substance, including, without limitation, NRS 453.336; or~~

~~(c) Any of the following offenses:~~

~~(1) Obstructing a public officer pursuant to NRS 197.190;~~

~~(2) Breaching the peace pursuant to NRS 203.010;~~

~~(3) Loitering or any act of vagrancy pursuant to NRS 207.030;~~

~~(4) Trespass pursuant to NRS 207.200; or~~

~~(5) Any similar offense punishable by a county, city or town ordinance.~~

~~2. A person qualifies for the immunity provided pursuant to subsection 1 if the person commits any of the offenses described in subsection 1 during the course of allegedly engaging in prostitution and:~~

~~(a) Is a victim of or witness to any of the following offenses:~~

~~(1) Human trafficking as defined in NRS 49.25425;~~

~~(2) Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive;~~

~~(3) Kidnapping pursuant to NRS 200.310 to 200.340, inclusive;~~

~~(4) Sexual assault pursuant to NRS 200.366;~~

~~(5) False imprisonment pursuant to NRS 200.460;~~

~~(6) Assault pursuant to NRS 200.471;~~

~~(7) Harassment pursuant to NRS 200.571;~~

~~(8) Stalking or aggravated stalking pursuant to NRS 200.575;~~

~~(9) Open or gross lewdness pursuant to NRS 201.210;~~

~~(10) Lewdness with a child pursuant to NRS 201.230;~~

~~(11) An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395;~~

~~(12) Luring a child or person with mental illness pursuant to NRS 201.560;~~

~~(13) Extortion pursuant to NRS 205.320;~~

~~(14) Sending or delivering threatening or obscene letters or writings pursuant to NRS 207.180;~~

~~(15) Coercion pursuant to NRS 207.190;~~

~~(16) Vehicular manslaughter pursuant to NRS 484B.657; or~~

~~(17) Vehicular homicide pursuant to NRS 484C.130; and~~

~~(b) Seeks~~ *if:*

1. The prostitute seeks assistance from a ~~law enforcement agency,~~ 911 emergency service or medical provider ; and ~~the~~

2. The evidence for the ~~charges listed in paragraph (a)~~ alleged violation was obtained as a result of:

~~(1)~~ (a) The ~~person~~ prostitute seeking assistance;

~~(2)~~ (b) The immediate need for assistance; or

~~(3)~~ (c) The reporting of a need for assistance.

~~3. Nothing in this section prohibits the prosecution of a person for any offense other than those listed in subsection 1 or limits the ability of a district attorney or law enforcement officer to obtain or use evidence from a report or recording or any other statement provided pursuant to paragraph (b) of subsection 2 to prosecute an offense other than those listed in subsection 1.~~

Sec. 4. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. "Sexual conduct" means any of the acts enumerated in subsection 4.

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 5. The amendatory provisions of this act apply to any offense committed on or after October 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 216.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 224.

AN ACT relating to domestic violence; requiring a peace officer who investigates an act of domestic violence to conduct a lethality assessment under certain circumstances; requiring a peace officer who conducts a lethality assessment to take certain actions ~~[based upon the results of]~~ **if** the assessment ~~[,]~~ **indicates that the person assessed is in a potentially high-risk lethal situation;** requiring ~~[the Director of the Department of Public Safety]~~ **each law enforcement agency** to prescribe ~~[the]~~ **a written or electronic** form ~~[on which]~~ **for documenting** the results of a lethality assessment **;** ~~[must be reported to the Department; requiring the Department to provide certain supportive services and develop certain training relating to lethality assessments; requiring the Administrative Office of the Courts to make the training concerning lethality assessments available to certain persons;]~~ requiring ~~[certain written reports prepared by]~~ a peace officer who investigates an act of domestic violence to ~~[include]~~ **submit** the results of a lethality assessment ~~[,]~~ **to the district attorney of the jurisdiction in which the act occurred;** authorizing a court to consider the results of a lethality assessment in reviewing the custody status of certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a peace officer investigating an act of domestic violence to provide certain information to a person suspected of being a victim of an act of domestic violence. (NRS 171.1225) **Section 2** of this bill requires a peace officer investigating an act of domestic violence to complete a lethality assessment form for a person suspected of being a victim of an act of domestic violence if the peace officer has probable cause to believe that the person believed to have committed the act of domestic violence is: (1) his or her spouse or former spouse; (2) a person with whom he or she had or is having a dating relationship; or (3) a person with whom he or she has a child in common. ~~[Section 2 also requires a peace officer who completes a lethality~~

~~assessment form to submit the results of the lethality assessment to the Department of Public Safety while at the scene of the investigation or as soon as practicable after leaving the scene.]~~

Section 1 of this bill requires a peace officer who completes a lethality assessment form to take certain actions based upon the results of the lethality assessment. **Section 1** also ~~[: (1)]~~ requires ~~[the Director of the Department]~~ **each law enforcement agency** to prescribe ~~[the]~~ **a written or electronic** form on which the results of a lethality assessment conducted pursuant to **section 2** must be ~~[submitted; and (2) sets forth certain requirements for the form. Finally, section 1 requires the: (1) Department to provide certain supportive services and develop certain training relating to lethality assessments; and (2) Administrative Office of the Courts to make the training available to certain persons who have regular and routine contact with the results of lethality assessments.]~~ **reported.**

Existing law requires a peace officer who investigates an act of domestic violence to prepare and submit to certain persons a written report of the investigation. (NRS 171.1227) **Section 3** of this bill requires a peace officer who investigates an act of domestic violence to ~~[include in the written report of]~~ **submit** the ~~[investigation the]~~ results of a lethality assessment conducted pursuant to **section 2** ~~[.]~~ **to the district attorney of the jurisdiction in which the act occurred.**

Existing law requires a court to consider certain factors in reviewing the custody status of a person. (NRS 178.4853) **Section 4** of this bill authorizes the court to include the results of a lethality assessment when considering these factors.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The Director of the Department]~~ Each law enforcement agency shall prescribe ~~[the]~~ a written or electronic form on which the results of a lethality assessment conducted pursuant to NRS 171.1225 must be reported. ~~[The~~ form must include, without limitation, the following questions:

~~(a) Has the aggressor ever used a weapon against you or threatened to use a weapon against you?~~

~~(b) Has the aggressor ever threatened to kill you or your children?~~

~~(c) Do you believe that the aggressor will try to kill you?~~

~~(d) Has the aggressor ever tried to choke you?~~

~~(e) Does the aggressor have a gun or can the aggressor easily get a gun?~~

~~(f) Is the aggressor violently or constantly jealous or does the aggressor control most of your daily activities?~~

~~(g) Did you leave or separate from the aggressor after cohabitating with the aggressor or being married to the aggressor?~~

~~(h) Is the aggressor unemployed?~~

~~(i) Has the aggressor ever attempted suicide?~~

~~(j) Do you have a child in common with the aggressor that the aggressor believes is not the aggressor's biological child?~~

~~(k) Does the aggressor ever follow you, spy on you or send you threatening messages?~~

~~(l) Is there anything that I have not asked about that worries you about your safety, and, if so, what worries you?]~~

~~2. [A peace officer shall take the action described in subsection 3 if:~~

~~(a) A person for whom the peace officer completes a lethality assessment form responds in the affirmative to:~~

~~(1) Any of the questions set forth in paragraphs (a) to (d), inclusive, of subsection 1; or~~

~~(2) At least four of the questions set forth in paragraphs (e) to (k), inclusive, of subsection 1; or~~

~~(b) Based upon the response of the person to the question set forth in paragraph (l) of subsection 1, the peace officer believes]~~ If a lethality assessment conducted pursuant to NRS 171.1225 indicates that the person assessed is in a potentially high-risk lethal situation ~~.~~

~~3. Upon receiving a response to the lethality assessment described in subsection 2,]~~ , the peace officer ~~[completing the form]~~ shall:

(a) Advise the person that ~~[the results of the lethality assessment indicate that]~~ he or she is in a potentially high-risk lethal situation;

(b) Provide the person with a domestic violence card that contains information about appropriate counseling or other supportive services available in the community in which the person resides; and

(c) Refer the person to a victim's advocate who primarily provides services to victims of domestic violence.

~~[4.]~~ 3. If a person does not or is unable to provide information to a peace officer sufficient to allow the peace officer to complete the lethality assessment form or refuses to accept a domestic violence card provided pursuant to subsection ~~[3,]~~ 2, the peace officer shall document this information on the lethality assessment form.

~~[5. The Department shall:~~

~~(a) Provide prompt analytical support to a peace officer who submits the results of a lethality assessment pursuant to subsection 1 of NRS 171.1225;~~

~~(b) Create and maintain a database of information collected pursuant to paragraph (d) of subsection 1 of NRS 171.1225; and~~

~~(c) Develop training on the lethality assessment form and protocols described in this section.~~

~~6. The Administrative Office of the Courts shall make the training developed by the Department pursuant to subsection 5 available to any person who, during the scope of his or her employment, has regular and routine contact with the results of a lethality assessment.~~

~~7. The Director of the Department may adopt regulations as he or she deems necessary to carry out the provisions of this section.~~

~~8.~~ 4. *As used in this section ~~:~~*

~~(a) "Department" means the Department of Public Safety.~~

~~(b) "Victim's~~ , *"victim's advocate" means a person who has completed relevant training and who, with or without compensation, works for:*

~~(1)~~ *(a) A program of a university, state college or community college within the Nevada System of Higher Education which provides assistance to victims;*

~~(2)~~ *(b) A program of a tribal organization which provides assistance to victims;*

~~(3)~~ *(c) An organization which provides assistance to victims; or*

~~(4)~~ *(d) A nonprofit organization which provides assistance to victims.*

Sec. 2. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I had a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial incident or call for service, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not have a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial incident or call for service, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If

convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

(5) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

(6) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

(I) Stop threatening, harassing or injuring you or your children;

(II) Move out of your residence;

(III) Stay away from your place of employment;

(IV) Stay away from the school attended by your children;

(V) Stay away from any place you or your children regularly go;

(VI) Avoid or limit all communication with you or your children;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(7) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

(I) Pay the rent or mortgage due on the place in which you live;

(II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(8) To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

(9) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ the person will not be admitted to bail sooner than 12 hours after arrest.

(10) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

(c) Complete a lethality assessment form for a person suspected of being the victim of domestic violence if the peace officer has probable cause to believe that the person believed to have committed the act of domestic violence is:

(1) His or her spouse or former spouse;

(2) A person with whom he or she had or is having a dating relationship; or

(3) A person with whom he or she has a child in common.

~~[(d) Except as otherwise provided in this paragraph, submit the results of the lethality assessment to the Department of Public Safety while at the scene of the investigation. If a peace officer is not reasonably able to submit the results of the lethality assessment while at the scene of an investigation, the peace officer shall submit the results of the lethality assessment to the Department as soon as practicable after leaving the scene.]~~

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

(c) "Lethality assessment form" means ~~[the]~~ a written or electronic form prescribed by ~~[the Director of the Department of Public Safety]~~ a law enforcement agency pursuant to section 1 of this act.

Sec. 3. NRS 171.1227 is hereby amended to read as follows:

171.1227 1. If a peace officer investigates an act that constitutes domestic violence pursuant to NRS 33.018, the peace officer shall prepare and submit a written report of the investigation to the peace officer's supervisor or to another person designated by the peace officer's supervisor, regardless of whether the peace officer makes an arrest.

2. If the peace officer investigates a mutual battery that constitutes domestic violence pursuant to NRS 33.018 and finds that one of the persons involved was the primary physical aggressor, the peace officer shall include in the report:

(a) The name of the person who was the primary physical aggressor; and

(b) A description of the evidence which supports the peace officer's finding.

3. ***If the peace officer investigates an act that constitutes domestic violence pursuant to NRS 33.018, the peace officer shall ~~[include in the report]~~ submit the results of any lethality assessment conducted pursuant to NRS 171.1225 ~~[,]~~ to the district attorney of the jurisdiction in which the act occurred.***

4. If the peace officer does not make an arrest, the peace officer shall include in the report the reason the peace officer did not do so.

~~[4.]~~ ***5.*** The information contained in a report made pursuant to subsections 1 and ~~[,]~~ 2 ~~[and 3]~~ must be:

(a) Aggregated each month; and

(b) Forwarded by each jurisdiction to the Central Repository for Nevada Records of Criminal History not later than the 15th day of the following month.

~~[5.]~~ ***6.*** The Director of the Department of Public Safety shall prescribe the form on which the information described in subsection ~~[4]~~ ***5*** must be reported to the Central Repository. In addition to the information required pursuant to

subsections 1 ~~*[, 2]*~~ and 2. ~~*[3,]*~~ the form must also require the inclusion of the following information from each report:

(a) The gender, age and race of the persons involved;

(b) The relationship of the persons involved;

(c) The date and time of day of the offense;

(d) The number of children present, if any, at the time of the offense;

(e) Whether or not an order for protection against domestic violence was in effect at the time of the offense;

(f) Whether or not any weapons were used during the commission of the offense;

(g) Whether or not any person required medical attention;

(h) Whether or not any person was given a domestic violence card that contains information about appropriate counseling or other supportive services available in the community in which that person resides;

(i) Whether or not the primary physical aggressor, if identified, was arrested and, if not, any mitigating circumstances explaining why an arrest was not made; and

(j) Whether or not any other person was arrested.

Sec. 4. NRS 178.4853 is hereby amended to read as follows:

178.4853 In reviewing the custody status of a person, the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;

2. The status and history of employment;

3. Relationships with the person's spouse and children, parents or other family members and with close friends;

4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release ~~*[;]*~~ ***, the consideration of which may include a review of the results of a lethality assessment conducted pursuant to NRS 171.1225;***

9. The likelihood of more criminal activity by the person after release; and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective upon passage and approval for the purposes of adopting any regulations and performing any other preparatory

administrative tasks that are necessary to carry out the provisions of this act and on October 1, 2025, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 227.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 225.

~~[CONTAINS UNFUNDED MANDATE (§ 53)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to adoption; repealing, reenacting, revising**,** ~~[and]~~ reorganizing **and establishing** certain provisions relating to the adoption of children**.** ~~[, the execution, modification and termination of agreements for postadoptive contact and the placement of children for adoption and permanent free care; establishing provisions relating to]~~ **through agency adoptions, identified adoptions, close-family adoptions,** confirmatory adoptions**,** ~~[and]~~ readoptions ~~[; revising and establishing provisions relating to the collection, maintenance and distribution of certain publications and information relating to the adoption of children;]~~ **and adoptions of children placed in the custody of agencies which provide child welfare services under certain circumstances;** revising various provisions relating to the adoption of adults; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; directing the Legislative Counsel to make various organizational changes concerning the placement of certain compacts for adoption in the Nevada Revised Statutes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various procedures relating to the adoption of children. (Chapter 127 of NRS) **Sections 48-153, 155-215 and 239 of this bill remove, repeal, reenact, revise, reorganize and establish provisions related to the adoption of children. Specifically, sections 1-153 and 155-215 of this bill make various changes to provide: (1) general provisions applicable to the adoption of children, regardless of the type of adoption; (2) provisions governing the adoption of children in the custody of agencies which provide child welfare services; (3) provisions governing confirmatory adoptions and readoptions; (4) provisions governing close-family adoptions; and (5) provisions governing agency adoptions, identified adoptions and adult adoptions.**

Sections 2-46 encompass the general provisions applicable to all types of adoptions. Sections 3-29 establish various definitions applicable to adoption proceedings. Section 239 repeals various provisions of general applicability, including certain provisions related to the State Register of Adoptions, provisions governing adoption procedures, provisions

concerning the licensing of child-placing agencies and provisions related to certain prohibited conduct. Sections 33-46 reenact similar or revised provisions for the purpose of placement in the general applicability provisions.

Sections ~~[~~106-149, 153-168~~]~~ 171-173, 175-177, 183, 185-188, 190, 192, 194, 196-199, 208-212 and ~~[~~193 of this bill~~]~~ 239 generally remove and repeal various provisions related to the adoption of children in the custody of agencies which provide child welfare services **~~[~~, and sections 2- 75 and 77-98~~]~~ and close-family adoptions, thereby retaining the procedures related to agency adoptions and identified adoptions in chapter 127 of NRS.**

Sections 2-46 ~~[~~of this bill~~]~~ reenact similar, revised or new provisions for the purpose of establishing provisions that independently govern adoptions facilitated by agencies which provide child welfare services.

~~[Specifically, existing law establishes the State Register for Adoptions and the Register of Children with Special Needs and requires the Division of Child and Family Services of the Department of Health and Human Services to collect, maintain and distribute certain information and publications related to adoptions. (NRS 127.007-127.009) Sections 19-21 of this bill establish similar registry and publication requirements related to adoptions of children in the custody of agencies which provide child welfare services, and sections 107-109 of this bill make various changes to distinguish the existing requirements from such newly established provisions.~~

~~Additionally, existing law establishes various procedures which govern the adoption of children. (NRS 127.010-127.1869) Sections 22-58 of this bill reenact and revise procedures governing the adoption of children in the custody of agencies which provide child welfare services, and sections 101-106, 110-143 and 193 of this bill remove and repeal various provisions for the purpose of facilitating the separation of the provisions governing agencies which provide child welfare services, and additionally make certain other changes related to procedures for adoption under existing law.~~

~~Existing law establishes certain requirements related to the execution, enforcement, modification and termination of agreements for postadoptive contact. (NRS 127.187-127.1895) Sections 59-64 of this bill reenact and revise such procedures related to agreements for postadoptive contacts in adoption procedures related to agencies which provide child welfare services. Sections 144-149 and 193 of this bill remove and repeal various provisions related to agreements for postadoptive contact to facilitate the separation of the provisions related to agencies which provide child welfare services, and make various other changes related to the provisions governing agreements for postadoptive contact under existing law.~~

~~Existing law also authorizes child-placing agencies and agencies which provide child welfare services to place, arrange the placement of, or assist in placing or in arranging the placement of, children for adoption or permanent free care and establishes certain requirements related to the placements and assistance. (NRS 127.220-127.310) Sections 65-75 of this bill reenact and~~

~~revise such provisions relating to placements and assistance provided by agencies which provide child welfare services. Sections 153-168 of this bill remove the placement and assistance provisions related to agencies which provide child welfare services and make certain other changes related to placing and assisting in the placement children for adoption and permanent free care.~~

~~Section 99 of this bill establishes~~] **Additionally, sections 116-153 reenact similar, revised or new provisions for the purpose of establishing independent procedures governing close-family adoptions.**

Sections 108-111 establish procedures for confirmatory adoptions for the purpose of authorizing a petitioner to confirm the parentage of a child under certain circumstances.

~~[Section 100 of this bill establishes~~] **Sections 112 and 113 establish** procedures for readoption which authorize certain persons who adopt a child through intercountry adoption to petition the court to readopt the child.

Existing law establishes the Interstate Compact on the Placement of Children and the Interstate Compact on Adoption and Medical Assistance. (NRS 127.330, 127.410) **Section ~~[189]~~ 236** of this bill directs the Legislative Counsel, in the next reprint of the Nevada Revised Statutes, to cause the transfer of each Compact to a new chapter of NRS, respectively.

Finally, existing law authorizes an adult to adopt another adult under certain circumstances and establishes various procedural requirements related to such adoptions. (NRS 127.005, 127.190-127.210) **Sections ~~[150-152]~~ 201-203** of this bill make various changes relating to the adoption of adults.

Sections ~~[76]~~ 154 and ~~[169-188]~~ 216-235 of this bill make conforming changes ~~[.]~~ **related to the reorganization of the provisions governing adoption.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 194 of this bill and replace with the following new sections 1 through 241:

Section 1. **Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 46, inclusive, of this act.**

Sec. 2. ***As used in this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, unless the context otherwise requires, the words and terms defined in section 3 to 29, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adoption" means a legally recognized procedure that creates a parent-child relationship.***

Sec. 4. "Adoption services" means services provided by an agency which provides child welfare services or a child-placing agency, including, without limitation:

1. Identifying a child for adoption and arranging an adoption;

2. Securing a specific consent to adoption, relinquishment or termination of parental rights;

3. Performing a home study on a prospective adoptive parent and reporting on the home study;

4. Making a determination of the best interest of the child and the appropriateness of an adoptive placement for the child;

5. Conducting post-placement monitoring of a case until final adoption; or

6. Assuming custody and providing child care or any other social services pending an alternative placement, if made necessary by a disruption before final adoption.

Sec. 5. "Adult" means a person who is at least 18 years of age.

Sec. 6. "Adult adoption" means a type of adoption where the person being adopted is an adult.

Sec. 7. "Agency adoption" means a type of adoption performed by an agency which provides child welfare services or a child-placing agency, where the agency which provides child welfare services or the child-placing agency:

1. Accepts temporary custody of a child until final adoption; and

2. Assists in and arranges the placement of a child for adoption by matching birth parents with adoptive parents and providing adoption services.

Sec. 8. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 9. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.

Sec. 10. "Best interest of the child" means the legal standard used to ensure every decision made in the adoption process prioritizes stability, safety and permanency of the child to be adopted.

Sec. 11. "Blind" has the meaning ascribed to it in NRS 426.082.

Sec. 12. "Child" has the meaning ascribed to it in NRS 128.0124.

Sec. 13. "Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS and licensed by the Division to place children for adoption.

Sec. 14. "Child with special needs" means a child for whom placement with an adoptive parent is, in the opinion of the Administrator of the Division or the designee of the Administrator, made more difficult because of the age, race or number of siblings of the child, or because the child suffers from a severe or chronic medical, physical, mental or emotional condition.

Sec. 15. "Close-family adoption" means a type of adoption where a petitioner or the spouse of a petitioner is related to the child to be adopted within the third degree of consanguinity.

Sec. 16. "Confirmatory adoption" means a type of adoption where the petitioner is already a parent of a child either through a court order or presumptively and is asking the court to confirm parentage through an adoption or readoption.

Sec. 17. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 18. "Domestic partner" has the meaning ascribed to it in NRS 122A.030.

Sec. 19. "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

1. Exempt from state prosecution for engaging in the medical use of cannabis; or

2. A designated primary caregiver as defined in NRS 678C.040.

Sec. 20. "Identified adoption" means an adoption where:

1. None of the prospective adoptive parents is related within the third degree of consanguinity to the child to be adopted; and

2. The prospective adoptive parents and at least one of the parents of the child to be adopted are known to each other and such knowledge was not caused by the actions of a child-placing agency.

Sec. 21. "Indian child" has the meaning ascribed to it in NRS 125E.080.

Sec. 22. "Marital partner" means two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, who are joined in marriage.

Sec. 23. "Person" means a natural person.

Sec. 24. "Putative parent" means a person who is alleged or reputed to be a parent of a child but whose parentage has not been legally established.

Sec. 25. "Readoption" means a type of adoption where the petitioner has previously obtained an order of adoption on the child at issue from a court of another country.

Sec. 26. "Recommend the placement of a child" means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, whether born or in utero.

Sec. 27. "Sibling" means each of two or more children having one or both parents in common.

Sec. 28. "Spouse" means a marital partner, domestic partner, civil partner, registered partner, reciprocal beneficiary or other partner who has the same rights, protections and benefits, and is subject to the same responsibilities, obligations and duties under law, whether derived from statute, regulation, court rule, administrative policy, common law or any

other provision or source of authority, as are granted to and imposed upon marital partners.

Sec. 29. "Third degree of consanguinity" means the familial relationship between two persons who share a common ancestor within three generations, including, without limitation, a parent, stepparent, sibling, grandparent, great-grandparent, aunt or uncle.

Sec. 30. The requirements prescribed by sections 31 to 46, inclusive, of this act are applicable to:

1. Agency adoptions, identified adoptions and, as applicable, adult adoptions governed by chapter 127 of NRS;

2. Adoptions of children who are placed with agencies which provide child welfare services governed by the chapter consisting of sections 48 to 105, inclusive, of this act;

3. Confirmatory adoptions and readoptions governed by the chapter consisting of sections 107 to 114, inclusive, of this act; and

4. Close-family adoptions governed by the chapter consisting of sections 116 to 153, inclusive, of this act.

Sec. 31. An adoptive placement occurs when:

1. A parent executes a specific consent for adoption or relinquishment; or

2. A child-placing agency grants physical custody of a child in its custody to a prospective adoptive parent or parents for adoption.

Sec. 32. An order of adoption and decree of adoption are both final judgments from judicial proceedings of a court granting a petition for adoption.

Sec. 33. 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have relinquished a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter

release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning the adopted person to one or more categories of relatives within the third degree of consanguinity.

Sec. 34. Except as otherwise provided in NRS 125E.270, the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 35. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children are siblings.

Sec. 36. All petitions, reports and orders in adoption proceedings shall be entitled only in the names of the adopting parties.

Sec. 37. 1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency which provides child welfare services or a child-placing agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a parent and the child are eligible to receive information from the State Register for Adoptions pursuant to section 33 of this act; or

(c) As provided pursuant to subsections 3 to 6, inclusive.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 or section 94, 96, 150 or 152 of this act, as applicable, to enforce, modify or terminate an agreement that provides for postadoptive

contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A parent who intends to file a petition pursuant to NRS 127.1885 or section 94 or 150 of this act, as applicable, to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce, modify or terminate an order for visitation included in an order of adoption pursuant to NRS 127.2827 or section 105 of this act, as applicable, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a parent if the identity of the parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

Sec. 38. Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of parents and child. By virtue of such adoption the child shall inherit from the adoptive parents or their relatives the same as though the child were the child of such parents and, in case of the death of the child intestate, the adoptive parents and their relatives shall inherit the child's estate as if they had been the child's parents and relatives in fact. After an order of adoption is entered, any parent who has signed a relinquishment or given specific consent to terminate parental rights is relieved of all parental responsibilities for the adopted child and shall not exercise or have any rights over the adopted child or the property of the adopted child. The child does not owe a parent whose parental rights have been terminated any legal duty and may not inherit from a parent whose parental rights have been terminated or the kindred of that parent. Notwithstanding any other provisions to the contrary in this section, the adoption of a child does not in any way change the status of the relationship between the child and any parent who is a petitioner and whose parental rights have not been terminated.

Sec. 39. Any person against whom any order or judgment is made or who is affected thereby may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from any order or judgment of the district court made under the provisions of this chapter, chapter 127, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter

consisting of sections 116 to 153, inclusive, of this act, in the same manner as in other civil proceedings.

Sec. 40. 1. Except as otherwise provided in this section, a person may not place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption without securing and having in full force a license to operate a child-placing agency issued by the Division. This subsection applies to agents, servants, physicians and attorneys of parents or guardians, as well as to other persons.

2. This section does not prohibit a parent or guardian from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption if the placement is made pursuant to NRS 127.280, 127.2805 or 127.2815 or section 100 of this act.

3. This section does not prohibit an agency which provides child welfare services from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption.

4. This section does not prohibit a person, including a person acting in the professional capacity of the person, from sharing information regarding an adoption if money or other valuable consideration is not paid:

(a) For such information; or

(b) For any other service related to the adoption that is performed after sharing the information.

Sec. 41. 1. The application for a license to operate a child-placing agency must be in a form prescribed by the Division. The license must state to whom it is issued and the fact that it is effective for 1 year from the date of its issuance.

2. The issuance by the Division of a license to operate a child-placing agency must be based upon reasonable and satisfactory assurance to the Division that the application for such license will conform to the standards established and the regulations adopted by the Division pursuant to NRS 127.230 and section 98 of this act.

3. When the Division is satisfied that a licensee is conforming to such standards and regulations, it shall renew the license, and the license so renewed continues in force for 1 year from the date of renewal.

Sec. 42. 1. After notice and a hearing, the Division may:

(a) Refuse to issue a license if the Division finds that the applicant does not meet the standards established and the rules prescribed by the Division for child-placing agencies.

(b) Refuse to renew a license or may revoke a license if the Division finds that the child-placing agency has refused or failed to meet any of the established standards or has violated any of the rules prescribed by the Division for child-placing agencies.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of the Division is appealed to the district court, the trial may be de novo.

Sec. 43. 1. Any attorney licensed to practice in this State or in any other state:

(a) May not receive compensation for:

(1) Taking part in finding children for adoption; or

(2) Finding parents to adopt children.

(b) May receive a reasonable compensation for legal services provided in relation to adoption proceedings.

2. A child-placing agency shall report any violation of subsection 1 to the State Bar of Nevada, if the alleged violator is licensed to practice in this State, or to the bar association of the state in which the alleged violator is licensed to practice.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 44. 1. Except as otherwise provided in section 43 of this act, a person who does not have in full force a license to operate a child-placing agency may not request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption.

2. A child-placing agency may accept fees for operational expenses.

Sec. 45. 1. Except as otherwise provided in NRS 200.463 to 200.465, inclusive, and sections 43 and 99 of this act, a person who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The parents and the adopting parents are not accomplices for the purpose of this section.

Sec. 46. 1. Except as otherwise provided in this section and sections 40 and 43 of this act, it is unlawful for any person or organization other than an agency which provides child welfare services to, without holding a valid unrevoked license to place children for adoption issued by the Division, place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption.

2. Except as otherwise provided in this section, it is unlawful for any person or organization to place an advertisement or offer to the public, by any medium, that a child is available for adoption or that a child is sought for adoption.

3. Subject to subsection 4, a child-placing agency may place an advertisement in this State that:

(a) A child is offered or wanted for adoption; or

(b) The child-placing agency is able to place, locate or receive a child for adoption.

4. A child-placing agency shall include in any advertisement concerning its services a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division;

(b) Indicates any license number issued to the child-placing agency by the Division; and

(c) Indicates that only child-placing agencies licensed in this State may legally provide adoption services under the laws of this State.

5. It is unlawful for any person who purchases advertising space or purchases broadcast time for the purpose of advertising adoption services to fail to include in any publication or fail to include in the broadcast for such advertisement the license number in this State of the child-placing agency or agency which provides child welfare services placing the advertisement. This section applies to paid and unpaid advertisements.

6. An agency which provides child welfare services and a child-placing agency may publish on an Internet website or in any newspaper published in this State or broadcast by television a photograph of and relevant personal information concerning any child for whom an adoptive resource is needed.

7. A person who violates the provisions of this section is guilty of a category E felony and shall be punished pursuant to NRS 193.130.

8. A periodical, newspaper, radio station, Internet website or other public medium is not subject to any criminal penalty or civil liability for disseminating an advertisement that violates the provisions of this section.

9. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, article, notice, magazine, telephone book listing, outdoor advertising, sign, radio, television or computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account, or any similar media.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 47. **Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 48 to 105, inclusive, of this act.**

Sec. 48. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 49 to 55, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 49. "Foster home" has the meaning ascribed to it in NRS 424.014.

Sec. 50. "Home study" means the investigation of a prospective adoptive parent or parents to determine the suitability of the prospective adoptive home pursuant to section 100 of this act.

Sec. 51. ***"Parent" means a person:***

1. Who is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 52. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 53. ***"Prospective adoptive parent" means a person who has been identified by an agency which provides child welfare services as an adoptive resource but whose adoption petition has not been granted by the court.***

Sec. 54. ***"Relinquishment" means a document executed by a person pursuant to this chapter which:***

1. Voluntarily terminates the parental rights of the person in the child to be adopted; and

2. Names an agency which provides child welfare services.

Sec. 55. ***"Specific consent to adoption" means a document executed pursuant to this chapter by a parent whose rights have not been relinquished or terminated, which authorizes the child to be adopted by a specifically named person or persons, and provides for the retention of the parental rights until the final adoption.***

Sec. 56. ***In addition to the requirements prescribed in the chapter consisting of sections 2 to 46, inclusive, of this act, the provisions of this chapter govern the adoption of children who are in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.***

Sec. 57. ***The Division shall establish a Register of Children with Special Needs. The Register must include descriptive information on every child with special needs for whom a prospective adoptive parent is not identified within 3 months after the child becomes available for adoption, but must not include any personal information which reveals the identity of the child or the child's parents. A copy of the Register must be made available for review by prospective adoptive parents at each office of the Division.***

Sec. 58. ***1. The Division shall prepare a booklet on adoption in this State which includes the following information:***

(a) The legal basis of adoption;

(b) The purpose of adoption;

(c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) The number of children with special needs who are waiting to be adopted; and

(4) The number of siblings who are waiting to be adopted;

(e) The name and location of agencies in this State that place children with adoptive parents;

(f) The number of prospective adoptive parents;

(g) A comparison of this State to the surrounding states regarding the placement of children with adoptive parents;

(h) A comparison of the Division to other agencies in this State regarding the placement of children with adoptive parents; and

(i) Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.

2. The Division shall:

(a) Revise the information in the booklet annually; and

(b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this State. The booklet must also be distributed to prospective adoptive parents and parents considering relinquishing for or consenting to adoption.

3. The Division may accept gifts or grants to assist in the production and distribution of the booklet.

Sec. 59. 1. Except as otherwise provided in chapter 125E of NRS and sections 64, 74, 80 and 86 to 95, inclusive, of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

↳ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 60. 1. Except as otherwise provided in subsection 2:

(a) A child in the custody of an agency which provides child welfare services may be adopted by one or more adults with whom the child is placed by the agency which provides child welfare services and subject to the rules prescribed by this chapter;

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and a prospective adoptive parent if:

(a) The prospective adoptive parent is related to the child within the third degree of consanguinity; and

(b) The court is satisfied that it is in the best interest of the child.

Sec. 61. Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.

Sec. 62. 1. One or more adults may petition the district court of any county in this State for leave to adopt a child.

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, specifically agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by a post-placement investigation pursuant to section 75 of this act and a home study investigation pursuant to 100 of this act.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 63. ***Except as otherwise provided in section 72 of this act, a specific consent to adoption proposed by a petition for adoption of a child is required from:***

1. Each parent of the child who is alive and whose parental rights have not been terminated or relinquished; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 64. ***1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.***

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing a written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 65. ***An agency which provides child welfare services may accept a specific consent for adoption or relinquishment.***

Sec. 66. ***An agency which provides child welfare services to which a child has been ordered or relinquished for adoption shall be responsible for the care of the child in its custody, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted.***

Sec. 67. ***1. Each agency which provides child welfare services that, pursuant to section 65 of this act, accepts a relinquishment shall make all necessary inquiries to determine whether the child is an Indian child. If it is determined that the child is an Indian child and that the child is a ward of a***

tribal court, resides on a reservation or is domiciled on a reservation, the agency which provides child welfare services shall so notify the child's tribe in writing.

2. The Division shall adopt regulations establishing reasonable and uniform standards for making the necessary inquiries to determine whether a child is an Indian child.

3. For the purposes of this section, the domicile of an Indian child must be determined in accordance with federal common law.

Sec. 68. 1. A specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:

(a) Identifies the child to be adopted by name, if any, sex and date of birth;

(b) Is in writing; and

(c) Is acknowledged by the person signing the specific consent to adoption or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the agency which provides child welfare services.

(e) Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to section 79 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Except as otherwise provided in subsection 2, is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment in the presence of or by remote appearance with the signing parent. One of the witnesses must be:

(1) If the signing is occurring in this State, an employee of the agency which provides child welfare services; or

(2) If the signing is occurring in another state, a person authorized in that state to witness or accept a specific consent to adoption or relinquishment.

2. A social worker employed by an agency which provides child welfare services may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 69. 1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper

attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the consent to adoption ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 70. 1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the person or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 71. 1. A minor parent may execute a specific consent to adoption or relinquishment with a requirement for notification to or consent by the parent or parents of the minor.

2. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon a minor parent becoming an adult.

3. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent unless the specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought within 30 days of execution.

Sec. 72. ***The execution of a specific consent to adoption by a parent shall not be necessary:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 73. ***1. A petition for adoption of a child may be filed at any time after a child is legally free for adoption and upon the agreement of the agency which provides child welfare services.***

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That the petitioners are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to termination of parental rights, specific consent to adoption or relinquishment as to all parents.

(h) That there has been a full compliance with sections 97 to 105, inclusive, of this act.

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(k) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(l) Whether there is an order for visitation of a child by a sibling or other relative.

3. An order of adoption may not be entered unless there has been full compliance with sections 97 to 105, inclusive, of this act.

Sec. 74. ***1. In addition to the requirements set forth in NRS 127A.110, a petition for adoption of a child must contain:***

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, of the petitioners' good faith efforts described in subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, showing that the proposed adoptive placement complies with the requirements under NRS 127E.350; or

(2) A statement that the petitioner is moving the court under subsection 3 of NRS 125E.350 for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of NRS 125E.350.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210;

(b) A finding of whether there is reason to know that the child is an Indian child; and

(c) If the court finds that the child is an Indian child:

(1) The determinations required under NRS 125E.250 regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220; and

(3) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if not, that upon the petitioner's motion under subsection 3 of NRS 125E.350, good cause exists for placement contrary to the placement preferences in NRS 125E.350.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of NRS 125E.220, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 75. 1. A petition for adoption of a child must be filed with the clerk of the court.

2. Unless waived by the court, the agency which provides child welfare services shall make a post-placement investigation and report as provided in this section.

3. The agency which provides child welfare services shall, not less than 14 days before the date of the hearing for adoption finalization, submit to the court a written report regarding the results of the condition of the child and suitability of the home of the prospective adoptive parent or parents, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of whether the child is a known Indian child, and shall furnish to the court any other information regarding the child or proposed home which is required by the court. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report. The agency which provides child welfare services may waive this report for a prospective adoptive parent who is related to the child within the third degree of consanguinity.

4. If the court is dissatisfied with the report submitted by the agency which provides child welfare services, the court may order an independent home study to be conducted and a report submitted by an agency selected by the court. The costs of the investigation and report may be assessed against the petitioner.

Sec. 76. Notice of the filing of a petition for adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.

Sec. 77. The report of the agency which provides child welfare services must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of the agency which provides child welfare services is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of the agency which provides child welfare services.

Sec. 78. 1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the agency which provides child welfare services and counsel for the parties may attend by telephone or video appearance, in lieu of attending in person, any hearings held by the court concerning a petition for adoption.

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 79. 1. If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. A copy of the order must be sent to the Division by the petitioners within 7 days after the order is issued. In the order, the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order of adoption may not be made until 6 months after the placement of child with the petitioners.

3. If the court is not satisfied that the proposed adoption is in the best interest of the child, the court shall deny the petition and custody of the child shall remain with the agency which provides child welfare services. The court shall not deny a petition solely because the petitioner:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the best interest of the child.

Sec. 80. 1. An order entered pursuant to section 79 of this act must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a postadoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 79 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 81. 1. Except as otherwise provided in subsection 3, the agency which provides child welfare services shall provide the prospective adoptive parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the agency which provides child welfare services.

(b) Any information obtained by the agency which provides child welfare services during interviews of the parent regarding:

(1) The medical and sociological history of the child and the parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by an agency which provides child welfare services pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to section 85 of this act that the child has any special needs.

2. The agency which provides child welfare services shall obtain from the prospective adoptive parents written confirmation that the prospective adoptive parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the prospective adoptive parents of the child may also obtain the information set forth in subsection 1.

Sec. 82. 1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report must:

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. The agency which provides child welfare services shall provide the petitioner or the attorney with any factual information which will assist in the preparation of the report required in subsection 1.

3. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

4. The petitioner or the attorney of the petitioner shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics or the equivalent office in the state in which the birth certificate was issued not later than the 30 days after the date in which the order was entered, or more frequently if requested by the State Registrar of Vital Statistics, together with any related material the State Registrar of Vital Statistics may require.

Sec. 83. 1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

Sec. 84. 1. Except as otherwise provided in sections 91 to 96, inclusive, of this act, in a proceeding for adoption of a child, the court may grant a reasonable right to visit to:

(a) A sibling of the child if the child is in the custody of the agency which provides child welfare services and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. The agency which provides child welfare services shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 85. 1. The agency which provides child welfare services may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services by proposed adoptive parents when, in the judgment of the agency which provides child welfare services, it would be in the best interest of the child to be placed in that adoptive home.

2. The agency which provides child welfare services shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or the designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the prospective adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or the designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the prospective adoptive parents in an adoption proceeding for a child with special needs if the agency which

provides child welfare services consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 86. 1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 87. 1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 86 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 88. 1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement preference under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

Sec. 89. 1. In a proceeding for the adoption of a child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 74 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's view of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirement under subsection 1 of NRS 125E.210 and, if applicable, the notice requirements under subsection 2 of NRS 125E.220. If the court finds that:

(a) Subject to the procedures under subsection 3 of NRS 125E.210, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under NRS 125E.350. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of NRS 125E.350 for authority to make the placement contrary to the placement preferences under NRS 125E.350.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of NRS 125E.210 or, if applicable, the notice requirements under subsection 2 of NRS 125E.220, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an

amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that the petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of NRS 125E.210 and the notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220 and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 74 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The court administrator may prepare and make available to the public forms and information to assists petitioners to comply with the requirements under this section and NRS 125E.210, 125E.220, 125E.350 and section 74 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 74 of this act, motions to request a deviation from the placement preferences under subsection 3 of NRS 125E.350 and notices required under subsection 3 of NRS 125E.220;

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of NRS 125E.210 and the notices required under subsection 1 of NRS 125E.220, and assessing whether proposed adoptive placements satisfy the preferences under NRS 125E.350.

6. The court administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding applications of chapter 125E of NRS, and sections 64, 74, 80 and 86 to 96, inclusive, of this act, to

adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice of the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.

Sec. 90. 1. If the court determines that tribal customary adoption is in the best interest, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and the proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is in the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including, child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purpose of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interest, as described in NRS 125E.230; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligations from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 79 of this act and enter an order of adoption. In addition to the requirements under section 80 of this act, the order of adoption must include a statement that any parental rights or obligations not specified in the order are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and the Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of an order of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the order of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary

adoptions as a permanency option. The Supreme Court may adopt rules necessary for the court process to implement the provisions of this section, and the court administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 91. 1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption;

(c) The agreement is signed by a parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment; and

(d) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:

(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or

(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 94 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the agency which provides child welfare services to provide the court with the contact

information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 94 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 92. 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 91 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.

2. Each:

(a) Director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 93. 1. Before a court may enter an order of adoption of a child, the court must address:

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act.

2. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 94. 1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may, for good cause shown:

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may:

(a) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 96 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 91 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 95. 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may not be used as a ground to:

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 96. 1. An agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 97. As used in sections 97 to 105, inclusive, of this act, unless the context otherwise requires, "person" includes a hospital.

Sec. 98. 1. The Division shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services in placing children for adoption, which must allow the parent or parents and the prospective adoptive parent or parents to determine, by mutual agreement, the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 99. 1. Except as otherwise provided in this section:

(a) In a county whose population is less than 100,000, the Division shall, in accordance with NRS 432.014; and

(b) In a county whose population is 100,000 or more, the board of the county commissioners of the county shall, by ordinance,

➥ charge reasonable fees for the services provided by an agency which provides child welfare services in placing, arranging the placement of or assisting in the placing or arranging the placement of any child for adoption and for conducting any investigation required by section 100 of this act.

2. The fees charged for those services must vary based on criteria developed by the Division and board of county commissioners but must not exceed the usual and customary fees that child-placing agencies in the area where the services provided, or in a similar geographic area, would charge for those services. The Division and board of county commissioners shall not discriminate between adoptions made through an agency and specific adoptions in setting their fees.

3. A fee must not be charged for services related to adoption of a child with special needs.

4. An agency which provides child welfare services may waive or reduce any fee charged pursuant to this section if the agency which provides child welfare services determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

5. Any money collected by an agency which provides child welfare services in a county whose population is less than 100,000 pursuant to this section must be accounted for in the appropriate account of the Division and may be used only to pay for the costs of any adoptive or postadoptive services

provided by any agency which provides child welfare services in a county whose population is less than 100,000.

6. Any money collected by an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to this section must be deposited in the county treasury for the credit of the agency which provides child welfare services and may be used only to pay for the costs of any adoption or postadoptive services provided by the agency which provides child welfare services.

Sec. 100. 1. The agency which provides child welfare services shall complete a home study that investigates the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parent or parents.

2. If the placement is to be made in a home outside of this State, the agency which provides child welfare services must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parent or parents to determine the suitability of the home for placement of the child for adoption.

Sec. 101. 1. A prospective adoptive parent who is subject to a home study by the agency which provides child welfare services must submit as part of the investigation a complete set of fingerprints and written permission authorizing the agency which provides child welfare services to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the agency which provides child welfare services that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent, except that:

(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or

(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.

Sec. 102. 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services for

determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of a home study conducted by an agency which provides child welfare services pursuant to section 100 of this act, the agency which provides child welfare services shall inform the prospective adoptive parent or parents of the results of the home study. If, pursuant to the home study, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the home study with the agency which provides child welfare services before the issuance of the results of the home study. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the home study must remain confidential.

3. An agency which provides child welfare services shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

Sec. 103. 1. Whenever the agency which provides child welfare services believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:

(a) The agency which provides child welfare services may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and

(b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter prohibit the placement if the child was about to be so placed, or order the removal of the child if the child was so placed within 6 months before the filing of the petition by the agency which provides child welfare services.

2. Whenever the agency which provides child welfare services believes that a person has received for the purpose of adoption a child not related by blood, and the required written notice has not been given, if the agency which provides child welfare services does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued pursuant to NRS 424.030 if the home meets the established standards. If, in the opinion of the agency which provides child welfare services, the placement is detrimental to the interest of the child, the agency which

provides child welfare services shall file an application with the district court for an order for the removal of the child from the home.

Sec. 104. An agency which provides child welfare services shall, to the extent practicable, give preference to the placement of a child for adoption together with the siblings of the child.

Sec. 105. 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the order of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to section 76 of this act, any interested party in the adoption, including, without limitation, the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services petitions the court to exclude the order of visitation with a sibling from the order of adoption or amend the order for visitation before including the order in the order of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on the same date as the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child and the agency which provides child welfare services. Upon the petition of a sibling requesting the inclusion of an order for visitation in the order of adoption, the court may require the agency which provides child welfare services to provide the clerk of the court with the contact information of the prospective adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter an order of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in an order of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce, modify or terminate the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation

withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services to provide such contact information to the court under seal.

Sec. 106. **Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 107 to 114, inclusive, of this act.**

Sec. 107. ***In addition to any requirement set forth in sections 2 to 46, inclusive, of this act, as applicable:***

(a) The provisions of sections 108 to 111, inclusive, of this act, and section 114 of this act govern confirmatory adoptions.

(b) The provisions of sections 112, 113 and 114 of this act govern readoptions.

Sec. 108. ***A petition for a confirmatory adoption must include:***

1. Any information required by NRS 127.110; and

2. A statement of how parentage has already been established.

Sec. 109. ***1. A copy of one of the following must be placed in the record of the confirmatory adoption:***

(a) The birth certificate of the child listing the prospective adoptive parent as a parent of the child;

(b) A court order establishing parentage of the child; or

(c) Any other evidence that is deemed sufficient by the court to establish parentage of the child.

2. A document or other evidence described in subsection 1 is confidential.

Sec. 110. ***An order of confirmatory adoption must confirm:***

1. Each legal parent of the child; and

2. The new name of the child, if requested in the petition pursuant to section 109 of this act.

Sec. 111. ***A confirmatory adoption may be sought in this State if the birth certificate of the child was issued in this State.***

Sec. 112. ***1. A petitioner and any spouse of the petitioner who adopts a child through an intercountry adoption may petition to re-adopt the child in this State.***

2. As used in this section, "intercountry adoption" means the process by which a person adopts a child in another country by permanent legal means and brings the child back to live permanently with the person.

Sec. 113. ***A petition for re-adoption must:***

1. Include any information required by NRS 127.110; and

2. Be supported by:

(a) A copy of any order or certificate of adoption that evidences finalization of the adoption in the foreign country;

(b) The birth certificate of the child; and

(c) A certified translation of any document described in paragraphs (a) and (b) that is not in English.

Sec. 114. ***1. After an order of confirmatory adoption or re-adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 115. **Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 116 to 153, inclusive, of this act.**

Sec. 116. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in section 117 to 121, inclusive, of this act, have the meanings ascribed to them in those section.***

Sec. 117. ***"Parent" means a person:***

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 118. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 119. ***"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.***

Sec. 120. ***"Relinquishment" means a document that is executed in an adoption which:***

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 121. ***"Specific consent to adoption" means a document that is executed in an identified adoption which:***

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 122. In addition to the requirements set forth in the chapter consisting of sections 2 to 46, inclusive, of this act, as applicable, this chapter governs close-family adoptions.

Sec. 123. 1. Except as otherwise provided in chapter 125E of NRS and sections 127, 140, 144, 145 and 146 of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 124. 1. Except as otherwise provided in subsection 2:

(a) A child may be adopted by one or more adults subject to the rules prescribed in this chapter.

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and the prospective adoptive parents if the court is satisfied that it is in the best interest of the child.

Sec. 125. 1. One or more adults may petition the district court of any county in this State for leave to adopt a child. Each prospective adoptive parent and each agreeing parent seeking to retain parental rights must be a joint petitioner and agree to the adoption.

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, specifically agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless the spouse has filed a writing with the court as described in paragraph (a) of subsection 3.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may waive the hearing on the petition.

7. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 126. Except as provided in section 135 of this act, a specific consent to adoption or a relinquishment is required from:

1. Each parent of the child who is alive; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 127. 1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 128. 1. The following agencies may accept relinquishments for adoption of children from parents and guardians in this State:

(a) An agency which provides child welfare services in its own capacity or on behalf of a child-placing agency authorized under the laws of another state to accept relinquishments and make placements; or

(b) A child-placing agency licensed by the Division.

2. The following agencies may consent to the adoption of children in this State:

(a) An agency which provides child welfare services to which the child has been relinquished for adoption;

(b) A child-placing agency licensed by the Division, to whom the child has been relinquished for adoption; or

(c) Any child-placing agency authorized under the laws of another state to accept relinquishments and make placements, to whom the child has been relinquished or otherwise approved for adoption in this State.

3. If an agency which provides child welfare services accepts a relinquishment on behalf of a child-placing agency pursuant to subsection 1, the child-placing agency shall reimburse the agency which provides child welfare services for any costs associated with the acceptance.

Sec. 129. 1. Except as otherwise provided in subsection 2, a specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:

(a) Identifies the child to be adopted by name, if any, sex, date of birth and time of birth.

(b) Is in writing and signed by the person consenting to the adoption or relinquishing for the adoption not sooner than 72 hours after the birth of the child.

(c) Is acknowledged by the person consenting and signing the specific consent to adoption or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the placing parent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to section 139 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment

in the presence of or by remote appearance the person consenting or relinquishing and a notary public.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 130. 1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the consent to adoption ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 131. 1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would

be required to testify to in court to prove the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the persons or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 132. If a person to whom a specific consent to adopt a child is given for an adoption pursuant to section 129 of this act has, at the time the specific consent is executed, legal custody over the child, the person is legally responsible for the child and shall provide for the care, support and maintenance of the child until a court holds a hearing to enter an order of adoption or to deny the petition pursuant to the laws of this State or another state.

Sec. 133. 1. If a prospective adoptive parent or parents determine that an adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to all parents of the child, the court of competent jurisdiction and the child-placing agency, if applicable.

3. If a prospective adoptive parent or parents makes a declaration surrendering an adoptive placement pursuant to subsection 1, the prospective adoptive parent or parents must return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child.

4. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 134. 1. All specific consents to adoption and relinquishments executed in this State by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.

2. A specific consent to adoption or relinquishment may be executed by a parent who does not give birth to the child before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A specific consent to adoption or relinquishment can become invalid if:

(a) Every parent of the child does not execute a specific consent to adoption of the child or relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;

(b) No petition for adoption of the child has been filed by the person or persons named in the specific consent to adoption within 18 months after the execution of the specific consent to adoption or relinquishment;

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 133 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 135. The execution of a specific consent to adoption or relinquishment by a parent shall not be necessary:

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 136. 1. A petition for adoption of a child may be filed at any time after placement with the petitioners.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) Whether the petitioners have reason to know that the child is an Indian child.

(i) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 137. Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.

Sec. 138. 1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the child-placing agency and counsel for the parties may attend by telephone or video appearance in lieu of attending in person, any hearings held by the court concerning the petition for adoption.

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 139. If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. In the order the court may change the name of the child, if desired.

Sec. 140. 1. An order entered pursuant to 139 of this act must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 139 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 141. 1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of

Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 142. 1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

Sec. 143. 1. The child-placing agency may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the child-placing agency by proposed adoptive parents when, in the judgment of the child-placing agency, it would be in the best interest of the child to be placed in that adoptive home.

2. The child-placing agency shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

4. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

5. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the child-placing agency consents to the adoption of such a child pursuant to this section.

6. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 144. 1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 145. 1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate child-placing agency.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to

the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 144 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 146. 1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement preference under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

Sec. 147. 1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption; and

(c) The agreement is signed by the parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 150 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than

certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the child-placing agency to provide the court with the contact information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 150 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 148. 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 147 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.

2. Each:

(a) Director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 149. 1. Before a court may enter an order of adoption of a child, the court must address:

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in section 138 of this act by telephone or video conference.

3. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 150. 1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may, for good cause shown:

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may:

(a) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 152 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by

alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 147 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 151. 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may not be used as a ground to:

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 152. 1. An agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 153. 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the parent of a child in return for the parent's placement of the child for adoption, for the execution of a specific consent to adoption or relinquishment or for the cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the parent's placement of the child for adoption, the execution of a specific consent to adoption or relinquishment or cooperation in the adoption of the child.

4. This section does not prohibit a parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

7. As used in this section, "person" includes a hospital.

Sec. 154. **NRS 125E.210 is hereby amended to read as follows:**

125E.210 1. Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. A court or person has reason to know that a child in a child custody proceeding is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in ~~[~~NRS 127.1867,~~]~~ ***section 89 of this act,*** whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to

identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 155. **Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 156 to 168, inclusive, of this act.**

Sec. 156. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 157 to 163, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 157. ***"Home study" means the investigation of a prospective adoptive parent or parents before an adoptive placement to determine the suitability of the prospective adoptive home pursuant to NRS 127.2805.***

Sec. 158. ***"Parent" means a person:***

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 159. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 160. ***"Post-placement investigation" means an investigation of the prospective adoptive home after an adoptive placement pursuant to NRS 127.120.***

Sec. 161. ***"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.***

Sec. 162. ***"Relinquishment" means a document that is executed in an agency adoption which:***

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 163. ***"Specific consent to adoption" means a document that is executed in an identified adoption which:***

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 164. ***Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350,***

inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.

Sec. 165. If a parent is considering consenting to an identified adoption, the child-placing agency shall:

1. Provide information relating to the adoption process, information concerning the State Register for Adoptions pursuant to section 33 of this act and information relating to counseling services, which must be provided before the parent signs the specific consent to adoption, for the purpose of ensuring that the decision to consent to the adoption of the child is made without coercion and not under duress or undue influence, and to make the placing parent aware of counseling services which can be made available after the execution of the specific consent to adoption to ensure that the placing parent is provided with emotional support;

2. Provide information to the placing parent regarding alternatives to adoption;

3. Obtain information regarding the background of the placing parent for two or three generations, including, without limitation:

(a) The occurrence of any childhood diseases;

(b) Psychiatric and psychological histories;

(c) Demographic information and social history;

(d) Any use of drugs or alcohol;

(e) Abuse of alcohol;

(f) Blood types;

(g) Any congenital deformities;

(h) Prenatal history, including, without limitation, information concerning the use of alcohol, drugs, tobacco and prescription medications during pregnancy; and

(i) Any other pertinent information;

4. Obtain, if the child to be placed for adoption has already been born, information regarding:

(a) The developmental and medical history of the child;

(b) The educational and social development of the child;

(c) The personal relationship between the child and the parent, including their attitudes towards one another; and

(d) Any religious affiliation of the child;

5. Advise the placing parent that the placing parent may read the home study of the prospective adoptive parent or parents identified in the specific consent to adoption before the execution of the specific consent to adoption;

6. Facilitate a request pursuant to the Interstate Compact on the Placement of Children, if required by NRS 127.330; and

7. Maintain a case file with a record of the information obtained and services provided by the child-placing agency.

Sec. 166. 1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer

oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the consent to adoption ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 167. 1. If a prospective adoptive parent or parents determine that an identified adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to all parents of the child, the court of competent jurisdiction and the child-placing agency, if applicable.

3. If a prospective adoptive parent or parents make a declaration surrendering an adoptive placement pursuant to subsection 1, the prospective adoptive parent or parents must:

(a) Return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child; or

(b) If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for other placement pursuant to NRS 127.051 and 127.2815.

4. A specific consent to adoption declared void is without legal effect and the parental rights are restored.

5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 168. 1. If a court of competent jurisdiction determines that a parent has legal rights to a child making the child ineligible for an agency adoption, the child-placing agency shall:

(a) Immediately declare the relinquishment executed by the placing parent null and void and without legal effect;

(b) Immediately withdraw the petition for termination of parental rights; and

(c) Provide the court with a declaration that is notarized and acknowledged by the child-placing agency that the relinquishment has been voided.

2. If a relinquishment is voided pursuant to subsection 1, all legal rights, privileges, responsibilities and obligations to a child are restored to the placing parent by operation of law.

Sec. 169. **NRS 127.005 is hereby amended to read as follows:**

127.005 The provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, govern ~~[the adoption of minor children,]~~ ***agency adoptions and identified adoptions,*** and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern ~~[the adoption of adults.]~~ ***adult adoptions.***

Sec. 170. **NRS 127.018 is hereby amended to read as follows:**

127.018 1. Except as otherwise provided in ~~[NRS 125E.010 to 125E.370, inclusive,]~~ ***chapter 125E of NRS and NRS*** 127.041, ~~[127.115,]~~ 127.151 and 127.1861 to 127.1869, inclusive, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, ***such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive,*** immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 171. **NRS 127.020 is hereby amended to read as follows:**

127.020 ~~[1. Except as otherwise provided in subsection 2:~~

~~(a)]~~ ***1.*** A ~~[minor]~~ child may be adopted by one or more adults subject to the rules prescribed in this chapter.

~~[(b)]~~ ***2.*** A person adopting a child must be at least 10 years older than the person adopted***.*** ~~[, and the consent of]~~

3. If the child ~~[, if]~~ ***is*** over the age of 14 years, ~~[is necessary]~~ ***the child must agree*** to ~~[its]~~ ***the*** adoption.

~~[2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:~~

~~(a) The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent; and~~

~~(b) The court is satisfied that it is in the best interest of the child and in the interest of the public.]~~

Sec. 172. **NRS 127.030 is hereby amended to read as follows:**

127.030 1. One or more adults may petition the district court of any county in this ~~[state]~~ ***State*** for leave to adopt a child. Each prospective ~~[adopting adult]~~ ***adoptive parent*** and each ~~[consenting legal]~~ ***agreeing*** parent seeking to retain ~~[his or her]~~ parental rights must be a joint petitioner ~~[.]~~ ***and agree to the adoption.***

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt a child without the ~~[consent]~~ ***agreement*** of ~~[his or her]~~ ***the*** spouse, if such spouse is capable of giving such ~~[consent.]~~ ***agreement to the adoption.***

3. If a spouse ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2, such ~~[consent]~~ ***agreement*** does not establish any parental rights or responsibilities on the part of the spouse unless ~~[he or she:]~~ ***the spouse:***

(a) Has, in a writing filed with the court, specifically ~~[consented]~~ ***agreed*** to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order ~~[or decree]~~ of adoption.

4. The court shall not name a spouse who ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2 as an adoptive parent in an order ~~[or decree]~~ of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by ~~[an]~~ ***a post-placement*** investigation ~~[conducted]~~ pursuant to NRS 127.120 ~~[or]~~ ***and a home study investigation pursuant to*** 127.2805.

5. The court may dispense with the requirement for the ~~[consent]~~ ***agreement*** of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to ~~[consent.]~~ ***agree.*** A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order ~~[or decree]~~ of adoption.

~~6. [If a person who petitions for the adoption of a child pursuant to this section is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the hearing on the petition.~~

~~7.]~~ The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 173. **NRS 127.040 is hereby amended to read as follows:**

127.040 ~~[1.]~~ Except as provided in NRS 127.090, ~~[written]~~ ***a specific*** consent to ~~[the specific]~~ adoption ~~[proposed by the petition]~~ or ~~[for]~~ ***a*** relinquishment ~~[to an agency authorized to accept relinquishments acknowledged by the person or persons consenting,]~~ is required from:

~~[(a)]~~ ***1.*** Each ~~[legal]~~ parent ***of the child*** who is alive; and

~~[(b)]~~ ***2.*** Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

~~[2. Consent is not required of a parent who has been adjudged insane for 2 years if the court is satisfied by proof that such insanity is incurable.]~~

Sec. 174. **NRS 127.041 is hereby amended to read as follows:**

127.041 1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order ~~[or decree]~~ of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption, an Indian child's parent may withdraw the parent's consent under this section.

The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws ~~[his or her]~~ consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 175. **NRS 127.043 is hereby amended to read as follows:**

127.043 ~~[1. Except as otherwise provided in subsection 2, a]~~ ***A*** child must not be placed in an adoptive home ***or in the care of prospective adoptive parents*** until ~~[a]~~ ***:***

1. An approved home study investigation pursuant to NRS 127.2805 is obtained; and

2. A valid ~~[release for or]~~ ***specific*** consent to adoption ***or relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070.~~

~~2. The provisions of this section do not apply if one or more of the existing legal parents is a petitioner or the petitioner is related to the child within the third degree of consanguinity.]~~ ***or a court order is obtained terminating the parental rights of the parents.***

Sec. 176. **NRS 127.045 is hereby amended to read as follows:**

127.045 1. ~~[Except as otherwise provided in subsection 2, until]~~ ***Until*** a ~~[valid release for or]~~ ***a specific*** consent to adoption ***or a relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070]~~ and ~~[the]~~ ***an approved home study placement*** investigation ~~[required by]~~ ***pursuant to*** NRS 127.2805 is ~~[completed,]~~ ***obtained,*** no person may:

(a) Petition any court for the appointment of a guardian; or

(b) Be appointed the temporary guardian,

➥ of the person of the child to be adopted.

2. ~~[The provisions of subsection 1 do not apply if one or more of the existing legal parents is a petitioner or if any petitioner or his or her spouse is related to the child within the third degree of consanguinity.]~~ ***A parent may sign a specific consent to adoption or relinquishment if the parent is in the custody of a law enforcement agency or the child is in the custody of an agency which provides child welfare services.***

Sec. 177. **NRS 127.053 is hereby amended to read as follows:**

127.053 ~~[No]~~

1. Except as otherwise provided in subsection 2, a specific consent to ~~[a specific]~~ adoption ***or relinquishment*** executed in this State, or executed outside this State for use in this State, is valid unless it:

~~[1.]~~ ***(a)*** Identifies the child to be adopted by name, if any, sex ***,*** ~~[and]~~ date of birth ~~[.~~

~~2.]~~ ***and time of birth.***

(b) Is in writing and signed by the person consenting to the adoption ~~[as required in this chapter.~~

~~3.]~~ ***or relinquishing for the adoption not sooner than 72 hours after the birth of the child.***

(c) Is acknowledged by the person consenting and signing the ***specific*** consent to adoption ~~[in the manner and form required for conveyances of real property.~~

~~4.]~~ ***or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.***

(d) Contains, at the time of execution, ~~[,]~~ ***:***

(1) For a specific consent to adoption, the name of the person or persons to whom ***specific*** consent to adopt the child is given ~~[.~~

~~5.]~~ ***; or***

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the ~~[person giving the consent]~~ ***placing parent*** has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order ~~[or decree]~~ of adoption pursuant to NRS 127.150, the person receives information that provides reason to know that the child is an Indian child.

~~[6.]~~ ***(f)*** Is attested by at least two competent, disinterested witnesses who subscribe their names to the ***specific*** consent ***to adoption or relinquishment*** in the presence of ***or by remote appearance of*** the person consenting ~~[. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one]~~ ***or relinquishing and a notary public. One*** of the witnesses must be a social worker employed by:

~~[(a)]~~ ***(1)*** An agency which provides child welfare services;

~~[(b) An]~~

(2) A child-placing agency ***:*** ~~[licensed in this state to place children for adoption;~~

~~(c)]~~ ***(3)*** A comparable state or county agency of another state; or

~~[(d)]~~ ***(4)*** An agency authorized under the laws of another state to place children for adoption, if the ~~[natural]~~ parent resides in that state.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adoption who resides in another state.

Sec. 178. **NRS 127.055 is hereby amended to read as follows:**

127.055 1. Any or all of the attesting witnesses to any ***specific*** consent to adoption may ~~[, at the request of the person or persons who executed the consent,]~~ make and sign an affidavit before any person authorized to administer oaths in this ~~[state,]~~ ***State,*** stating such facts as they would be required to testify to in court to prove the due execution of the ***specific*** consent to adoption. The affidavit must be written on the ***specific*** consent to adoption ~~[,]~~ or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action

or proceeding relating to the validity or due execution of the ***specific*** consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within ***specific*** consent to adoption by ..... (name of person or persons ~~[consenting);]~~ ***giving consent);*** that ~~[she, he or]~~ they subscribed the ***specific*** consent to adoption and declared the same to be a voluntary ***specific*** consent to adoption in their presence; that at the time the ***specific*** consent to adoption was executed it contained the names of the person or persons to whom ***specific*** consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons ~~[consenting)]~~ ***giving specific consent)*** and in the presence of each other and at the request of ..... (name of person or persons ~~[consenting);]~~ ***giving consent)*** that at the time of the execution of the ***specific*** consent to adoption ..... (name of person or persons ~~[consenting)]~~ ***giving consent)*** acknowledged to them that ~~[she, he or]~~ they ~~[was or]~~ were, and ~~[she, he or]~~ they appeared to them to be, in full possession of ~~[her, his or]~~ their faculties and not under the influence of any drug or sedative ***that could impact their reasoning or judgment*** or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at ~~[her, his or]~~ their request.

.....
.....
Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 179. **NRS 127.058 is hereby amended to read as follows:**

127.058 ~~[A]~~ ***In an identified adoption, if a*** person to whom ***a specific*** consent to adopt a child is given for ~~[a specific]~~ ***an*** adoption pursuant to NRS 127.053 has, at the time the ***specific*** consent is executed, legal custody over the child **,** ~~[and]~~ ***the person*** is legally responsible for the child ***and shall provide for the care, support and maintenance of the child*** until a court holds a hearing to enter an order ~~[or decree]~~ of adoption or to deny the petition pursuant to the laws of this State or another state.

Sec. 180. **NRS 127.070 is hereby amended to read as follows:**

127.070 1. All ~~releases for and~~ ***specific*** consents to adoption ***and relinquishments*** executed in this ~~state~~ ***State*** by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.

2. A ~~release for or~~ ***specific*** consent to adoption ***or relinquishment*** may be executed by a parent before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A ~~release executed under this subsection becomes~~ ***specific consent to adoption or relinquishment may become*** invalid if:

(a) ~~The parents of the child marry each other before the child is born;~~

~~(b) The parent who gave birth to the child does not execute a release for or~~ ***Every parent of the child does not execute a specific*** consent to adoption of the child ~~within 6 months after the birth of the child;~~ or ~~,~~

~~(c)~~ ***relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;***

(b) No petition for adoption of the child has been filed ***by the person or persons named in the specific consent to adoption*** within ~~2 years~~ ***18 months*** after the ~~birth of the child.~~ ***the execution of the specific consent to adoption or relinquishment;***

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 167 or 168 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 181. **NRS 127.090 is hereby amended to read as follows:**

127.090 ~~Consent of a parent~~ ***The execution of a specific consent*** to ~~an~~ adoption ***or relinquishment by a parent*** shall not be necessary ~~where~~ ***:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction ~~.~~ ***;***

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 182. **NRS 127.110 is hereby amended to read as follows:**

127.110 1. A petition for adoption of a child ~~[who currently resides in the home of the petitioners]~~ may be filed at any time after ~~[the child has lived in the home for 30 days.]~~ ***placement with the petitioners.***

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the ~~[period]~~ ***date*** that the child ~~[has lived in the home of]~~ ***was placed with the*** petitioners***.*** ~~[before the filing of the petition.]~~

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) ~~[Their]~~ ***If the petitioners*** desire ~~[that]~~ ***to change*** the name of the child***,*** ~~[be changed, together with]~~ the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) ~~[That there has been a full compliance with NRS 127.220 to 127.310, inclusive.~~

~~(i)]~~ Whether the petitioners have reason to know that the child is an Indian child.

~~[(j)]~~ ***(i)*** That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

~~[3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive, and the provisions of NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive.]~~

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 183. **NRS 127.120 is hereby amended to read as follows:**

127.120 1. A petition for adoption of a child must be filed ~~[in duplicate]~~ with the ~~[county]~~ clerk ~~[. The county clerk shall send one copy of the petition to the agency which provides child welfare services.]~~ ***of the court.***

2. ~~[The]~~ ***Unless waived by the court, the child-placing*** agency ~~[which provides child welfare services]~~ ***designated by the court*** shall make ~~[an]~~ ***a post-placement*** investigation and report as provided in this section. ~~[If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the agency which provides child welfare services. A copy of the order waiving the investigation must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order is issued.]~~

3. ~~[The agency which provides child welfare services or a licensed]~~ ***Unless waived by the court, the designated*** child-placing agency ~~[designated to do so by the court]~~ shall:

(a) Verify the allegations of the petition;

(b) Investigate the condition of the child, including, without limitation, whether the child is an Indian child; and

(c) Make proper inquiry to determine whether the proposed ~~[adopting]~~ ***adoptive*** parents are suitable for the child.

4. The ~~[agency which provides child welfare services or the]~~ designated child-placing agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings pursuant to subsection 3, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of whether the child is known to be an Indian child, and shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report.

5. If the court is dissatisfied with the report submitted by ~~[the agency which provides child welfare services or]~~ the designated child-placing agency, the court may order an independent investigation to be conducted and a report submitted by an agency or person selected by the court. The costs of the investigation and report may be assessed against the petitioner ***.*** ~~[or charged against the county in which the adoption proceeding is pending.]~~

Sec. 184. **NRS 127.123 is hereby amended to read as follows:**

127.123 Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a ~~[legal]~~ parent of the child.

Sec. 185. **NRS 127.127 is hereby amended to read as follows:**

127.127 The petitioners shall file with the court, within 15 days after the petition is filed or 5 months after the child ~~[begins to live]~~ ***is placed*** in their home, whichever is later, an affidavit executed by them and their attorney setting forth all fees, donations and expenses paid by them in furtherance of the adoption. A copy of the affidavit must be sent to the ***designated child-placing*** agency ***.*** ~~[which provides child welfare services. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may waive the filing of the affidavit.]~~

Sec. 186. **NRS 127.130 is hereby amended to read as follows:**

127.130 The ***post-placement investigation*** report of ~~[either the agency which provides child welfare services or]~~ the ~~[licensed]~~ child-placing agency designated by the court must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency is adverse, the district

judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency.

Sec. 187. **NRS 127.145 is hereby amended to read as follows:**

127.145 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** prospective adoptive ***parent or*** parents ***, child to be adopted, representative of the child-placing agency and counsel for the parties*** may attend by telephone ~~[,]~~ ***or video appearance*** in lieu of attending in person, any hearings held by the court concerning the petition for adoption ***.*** ~~[if:~~

~~(a) The prospective adoptive parents reside in another state or jurisdiction;~~

~~(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter; and~~

~~(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.~~

~~2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.~~

~~3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.]~~

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 188. **NRS 127.150 is hereby amended to read as follows:**

127.150 1. If the court finds that the best ~~[interests]~~ ***interest*** of the child warrant the granting of the petition, an order ~~[or decree]~~ of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best ~~[interests]~~ ***interest*** of the child warrant the granting of a petition that is filed by a ~~[foster]~~ ***prospective adoptive*** parent, the court shall give strong consideration to the emotional bond between the child and the ~~[foster]~~ ***prospective adoptive*** parent. ~~[A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued.]~~ In the ~~[decree]~~ ***order*** the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order ~~[or decree]~~ of adoption may not be made until ~~[after the child has lived for]~~ 6 months ~~[in the home of]~~ ***after the placement of child with*** the petitioners. ~~[This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.~~

~~3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. The court shall not deny a petition solely because the petitioner:~~

~~(a) Is deaf, is blind or has another physical disability; or~~

~~(b) Is the holder of a valid registry identification card.~~

~~4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.~~

~~5. As used in this section:~~

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 189. **NRS 127.151 is hereby amended to read as follows:**

127.151 1. An order ~~[or decree]~~ entered pursuant to NRS 127.150 must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order ~~[or decree]~~ must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the ~~[biological]~~ parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order ~~[or decree]~~ of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order ~~[or decree]~~ entered pursuant to NRS 127.150, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 190. **NRS 127.152 is hereby amended to read as follows:**

127.152 1. Except as otherwise provided in subsection 3, the ~~[agency which provides child welfare services or a licensed]~~ child-placing agency shall provide the ~~[adopting]~~ ***prospective adoptive*** parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the ~~[agency which provides child welfare services or licensed]~~ child-placing agency.

(b) Any information obtained by the ~~[agency which provides child welfare services or licensed]~~ child-placing agency during interviews of the ~~[natural]~~ parent regarding:

(1) The medical and sociological history of the child and the natural parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by ~~[an agency which provides child welfare services and]~~ a child-placing agency pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that the child has any special needs.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency shall obtain from the ~~[adopting]~~ ***prospective adoptive*** parents written confirmation that the ~~[adopting]~~ ***prospective adoptive*** parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the ~~[natural]~~ parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the ~~[adopting]~~ ***prospective adoptive*** parents of the child may also obtain the information set forth in subsection 1.

5. This section does not apply to identified adoptions.

Sec. 191. **NRS 127.155 is hereby amended to read as follows:**

127.155 Any order or decree of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, is hereby declared valid.

Sec. 192. **NRS 127.157 is hereby amended to read as follows:**

127.157 1. After an order ~~[or decree]~~ of adoption has been entered, the court shall direct the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics ~~[.]~~ ***or the equivalent office in the state that issued the birth certificate.*** The report ~~[must:]~~ ***may:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order ~~[or decree]~~ of adoption; and

(d) Be certified by the clerk of the court.

2. ~~[The agency which provides child welfare services shall provide the petitioner or his or her attorney with any factual information which will assist in the preparation of the report required in subsection 1.~~

~~3.]~~ If an order ~~[or decree]~~ of adoption is amended or annulled, the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order ~~[or decree]~~ of adoption and the provisions of that ~~[decree]~~ ***order*** which were amended or annulled.

~~[4. The petitioner or his or her attorney shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics not later than the 10th day of the month next following the month in which the order or decree was entered, or more frequently if requested by the State Registrar, together with any related material the State Registrar may require.]~~

Sec. 193. **NRS 127.165 is hereby amended to read as follows:**

127.165 1. A ~~[prior]~~ ***placing*** parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

(a) Set aside the ***specific*** consent to ~~[the]~~ adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the ***placing*** parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the ~~[adopting]~~ ***adoptive*** parents is in the ~~[child's]~~ best interest ~~[.]~~ ***of the child.***

Sec. 194. **NRS 127.186 is hereby amended to read as follows:**

127.186 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency ~~[licensed by the Division pursuant to this chapter]~~ may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of ~~[the agency which provides child welfare services or]~~ the ~~[licensed]~~ ***child-placing*** agency by ~~[proposed]~~ ***prospective*** adoptive parents when, in the judgment of the ~~[agency which provides child welfare services or]~~ the child-placing agency, it would be in the best ~~[interests]~~ ***interest*** of the child to be placed in that adoptive home.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency ~~[, whichever has custody of the child,]~~ shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the ~~[proposed]~~ ***prospective*** adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the ~~[proposed]~~ ***prospective*** adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. ~~[The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.~~

~~4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.~~

~~5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.~~

~~6.]~~ All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

~~[7.]~~ ***4.*** Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

~~[8.]~~ ***5.*** A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the ~~[agency which~~

~~provides child welfare services or~~ child-placing agency consents to the adoption of such a child pursuant to this section.

~~[9.]~~ ***6.*** The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 195. **NRS 127.1861 is hereby amended to read as follows:**

127.1861 1. A petition to vacate an order ~~[or decree]~~ of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order ~~[or decree]~~ of adoption if:

(a) The petition is filed not later than 2 years following the date of the order ~~[or decree;]~~ and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order ~~[or decree]~~ of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 196. **NRS 127.1863 is hereby amended to read as follows:**

127.1863 1. If an order ~~[or decree]~~ of adoption of an Indian child under this chapter is vacated, the court vacating the order ~~[or decree]~~ must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate ***child-placing*** agency**.** ~~[which provides child welfare services.]~~

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must

explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order ~~[or decree]~~ of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the

court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the ~~[legal]~~ parent of an Indian child subject to an order ~~[or decree]~~ of adoption under this chapter and whose parental rights have not been restored under NRS 127.1861.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order ~~[or decree]~~ of adoption of the child under this chapter.

Sec. 197. **NRS 127.187 is hereby amended to read as follows:**

127.187 1. The ~~[natural]~~ parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and ~~[his or her natural]~~ ***the*** parent or parents;

(b) The adoptive parent or parents and the ~~[natural]~~ parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order ~~[or decree]~~ of adoption; and

(c) ~~[In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:~~

~~(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or~~

~~(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.]~~ ***The agreement is signed by the parent or parents before:***

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a ~~[natural]~~ parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the ~~[natural]~~ parent must be provided in the agreement.

4. A ~~[natural]~~ parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the ~~[natural]~~ parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885 ~~[.]~~ ***, unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement.*** If a ~~[natural]~~ parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order ~~[or decree]~~ of adoption which incorporates the agreement, order the ***child-placing*** agency ~~[which provides child welfare services]~~ to provide the court with the contact information of the ~~[natural]~~ parent or adoptive parent

who refused or failed to include ~~[his or her]~~ ***the*** address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. If a ~~[natural]~~ parent or adoptive parent changes ~~[his or her]~~ ***the*** address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order ~~[or decree]~~ of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 198. **NRS 127.1875 is hereby amended to read as follows:**

127.1875 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to NRS 127.187 shall notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order ~~[or decree]~~ of adoption of the child.

2. Each:

(a) Director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child ~~[,]~~ ***and*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187, notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement.

Sec. 199. **NRS 127.188 is hereby amended to read as follows:**

127.188 1. Before a court may enter an order ~~[or decree]~~ of adoption of a child, the court must address ***:*** ~~[in person:]~~

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child ~~[,]~~ ***and*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in NRS 127.145 by telephone ~~[,]~~ ***or video conference.***

3. If the court determines that the prospective adoptive parent or parents and the ~~[natural]~~ parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order ~~[or decree]~~ of adoption.

Sec. 200. **NRS 127.1885 is hereby amended to read as follows:**

127.1885 1. A ~~[natural]~~ parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

(a) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order ~~[or decree]~~ of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the ~~[natural]~~ parent or adoptive parent who filed the petition using ***certified or*** registered mail ***with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service***

by alternate means through electronic mail, upon each other ~~[natural]~~ parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If ~~[he or she is]~~ available, the judge who issued the order ~~[or decree]~~ of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 201. **NRS 127.189 is hereby amended to read as follows:**

127.189 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may not be used as a ground to:

(a) Set aside an order ~~[or decree]~~ of adoption;

(b) Revoke, nullify or set aside a valid ~~[release for or]~~ ***specific*** consent to ~~[an]~~ adoption or ~~[a]~~ relinquishment ***;*** ~~[for adoption;]~~ or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 202. **NRS 127.1895 is hereby amended to read as follows:**

127.1895 1. An agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may only be modified or terminated by an adoptive parent petitioning the court that entered the order ~~[or decree]~~ which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best ~~[interests]~~ ***interest*** of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best ~~[interests]~~ ***interest*** of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 203. **NRS 127.190 is hereby amended to read as follows:**

127.190 1. Notwithstanding any other provision of law, any adult person may adopt any other adult person ***who is at least 10 years*** younger than ~~[himself or herself,]~~ ***the potential adopting person,*** except the spouse of the adopting person, by an agreement of adoption approved by ~~[a decree]~~ ***an order*** of adoption of the district court in the county in which either the person adopting or the person adopted resides.

2. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

3. Notwithstanding any other provision of law, the petitioner being adopted may change his or her name as part of the adoption petition, if so desired.

Sec. 204. **NRS 127.200 is hereby amended to read as follows:**

127.200 1. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt an adult person without the ~~[consent]~~ ***agreement*** of the spouse of the adopting person, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

2. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not be adopted without the ~~[consent]~~ ***agreement*** of the spouse of the person to be adopted, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

3. Neither the ~~[consent]~~ ***agreement*** of the ~~[natural]~~ parent or parents of the person to be adopted, nor of the Division, nor of any other person is required.

Sec. 205. **NRS 127.210 is hereby amended to read as follows:**

127.210 1. The adopting person ~~[and]~~ ***or*** the person to be adopted may file in the district court in the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of ~~[a decree]~~ ***an order*** of adoption.

2. ***The petition for adoption must state:***

(a) The full names of the petitioners and the ages of the petitioners;

(b) That it is the desire of the petitioners that the relationship of parent and child be established between the petitioners;

(c) Whether the petitioner being adopted desires a name change, together with the new name desired, and if the petitioner being adopted desires an amended birth certificate;

(d) If the petitioner being adopted desires to add the adopting person as an additional parent or replace a specific parent on the birth certificate of the person being adopted; and

(e) That there has been full compliance with the law.

3. The court shall fix a time and place for ***a*** hearing on the petition, ~~[and]~~ ***unless the hearing is waived by the court upon the request of the petitioners.***

4. Except as otherwise provided in subsection 3, both the person adopting and the person to be adopted shall appear at the hearing in person, but if such appearance is impossible or impractical, appearance may be made for either or both of such persons by counsel empowered in writing to make such appearance.

~~[3.]~~ ***5.*** The court may require notice of the time and place of the hearing to be served on other interested persons, and any such interested person may appear and object to the proposed adoption.

~~[4. No investigation or report to the court by any public officer is required, but the court may require the Division to investigate the circumstances and report thereon, with recommendations, to the court before the hearing.~~

~~5.]~~ ***6.*** At the hearing the court shall examine the parties, or the counsel of any party not present in person ~~[,]~~ ***or by video appearance.*** If the court is satisfied that the adoption will be for the best ~~[interests]~~ ***interest*** of the parties~~,~~ ~~[and in the public interest,]~~ and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and enter ~~[a decree]~~ ***an order*** of adoption declaring that the person adopted is the child of the person adopting him or her ~~[.]~~ ***and if requested, order a name change.*** Otherwise, the court shall withhold approval of the agreement and deny the prayer of the petition.

Sec. 206. **NRS 127.220 is hereby amended to read as follows:**

127.220 As used in NRS 127.220 to ~~[127.310,]~~ ***127.290,*** inclusive, unless the context otherwise requires ~~[:~~

~~1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~

~~2. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.~~

~~3. "Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.~~

~~4. "Person"]~~ ***, "person"*** includes a hospital.

~~[5. "Recommend the placement of a child" means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.]~~

Sec. 207. **NRS 127.230 is hereby amended to read as follows:**

127.230 1. The Division shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services and child-placing agencies.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services and a child-placing agency in placing children for adoption, which must allow the ~~[natural]~~ parent or parents and the prospective adoptive parent or parents to determine, by mutual ~~[consent,]~~ ***agreement,*** the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption or permanent free care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services and child-placing agency shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 208. **NRS 127.280 is hereby amended to read as follows:**

127.280 1. A child may not be placed in the home of prospective adoptive parents ~~[for the 30-day residence in that home which is required before the filing of a petition for adoption, except where a child and one of the prospective adoptive parents are related within the third degree of consanguinity,]~~ unless:

(a) The ~~[agency which provides child welfare services or a]~~ child-placing agency first receives written notice of the proposed placement from:

(1) The prospective adoptive parents of the child;

(2) The person recommending the placement; or

(3) A ~~[natural]~~ parent;

(b) The ~~[investigation]~~ ***home study*** required by the provisions of NRS 127.2805 has been completed; and

(c) In the case of ~~[a specific]~~ ***an identified*** adoption, the ~~[natural]~~ parent placing the child for adoption has had an opportunity to review ~~[the report on the investigation of the home,]~~ ***a redacted home study investigation of the prospective adoptive parent or parents,*** if possible.

2. Upon receipt of written notice from any person other than the ~~[natural]~~ parent, the ~~[agency which provides child welfare services or]~~ child-placing agency shall communicate with the ~~[natural]~~ parent to confirm the ~~[natural]~~ parent's intention to place the child for adoption with the prospective adoptive parents identified in the written notice.

Sec. 209. **NRS 127.2805 is hereby amended to read as follows:**

127.2805 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency shall, within 60 days after receipt of confirmation of the ~~[natural]~~ parents' intent to place the child for adoption and a completed application for adoption from the prospective adoptive ***parent or*** parents,

complete ~~[an investigation of]~~ ***a home study that investigates*** the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents and may be a substitute for the investigation required to be conducted by the ***child-placing*** agency ~~[which provides child welfare services]~~ on behalf of the court when a petition for adoption is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection. ~~[If a child-placing agency undertakes the investigation, it shall provide progress reports to the agency which provides child welfare services in such a format and at such times as the agency which provides child welfare services requires to ensure that the investigation will be completed within the 60-day period. If, at any time, the agency which provides child welfare services determines that it is unlikely that the investigation will be completed in a timely manner, the agency which provides child welfare services shall take over the investigation and complete it within the 60-day period or as soon thereafter as practicable.]~~

2. If the placement is to be made in a home outside of this ~~[state,]~~ ***State,*** the ***placing*** agency ~~[which provides child welfare services or child-placing agency]~~ must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption**.** ~~[, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.]~~

Sec. 210. **NRS 127.281 is hereby amended to read as follows:**

127.281 1. A prospective adoptive parent who is subject to an investigation by the ~~[agency which provides child welfare services or a]~~ child-placing agency must submit as part of the investigation a complete set of ~~[his or her]~~ fingerprints and written permission authorizing the ~~[agency which provides child welfare services or]~~ child-placing agency to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the ~~[agency which provides child welfare services or]~~ child-placing agency that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent**.** ~~[, except that:~~

~~(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or~~

~~(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.~~

Sec. 211. **NRS 127.2815 is hereby amended to read as follows:**

127.2815 1. Pending completion of the required investigation, the child must be:

(a) Retained by the ~~natural~~ parent; or

(b) Placed by the ~~natural~~ parent with the ~~agency which provides child welfare services or~~ child-placing agency and placed by the ~~agency which provides child welfare services or~~ child-placing agency in a foster home licensed pursuant to NRS 424.030,

➥ until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the ~~agency which provides child welfare services or~~ child-placing agency shall forthwith inform the ~~natural~~ parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

(a) Suitable, the ~~natural~~ parent may execute a ***specific*** consent to ~~a specific~~ adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

(b) Unsuitable or detrimental to the interest of the child, the ~~agency which provides child welfare services or~~ child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the ***specific*** consent ~~,~~ ***to adoption,*** but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the ~~agency which provides child welfare services or a~~ child-placing agency for adoption.

Sec. 212. **NRS 127.2817 is hereby amended to read as follows:**

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by ~~an agency which provides child welfare services or~~ a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of ~~an~~ ***a post-placement*** investigation ~~conducted by an agency which provides child welfare services or a child-placing agency~~ pursuant to NRS 127.120 or ***a home study investigation pursuant to*** 127.2805, the ~~agency which provides child welfare services or~~ child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a

prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the ~~[agency which provides child welfare services or]~~ child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the ~~[agency which provides child welfare services or]~~ child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. ~~[An agency which provides child welfare services or a]~~ ***A*** child placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

~~[4. As used in this section:~~

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 213. **NRS 127.2825 is hereby amended to read as follows:**

127.2825 A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption ~~[or permanent free care]~~ together with ~~[his or her]~~ ***the*** siblings ~~[.]~~ ***of the child.***

Sec. 214. **NRS 127.2827 is hereby amended to read as follows:**

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580. ~~[and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.]~~

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the ~~[decree]~~ ***order*** of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a ~~[licensed]~~ child-placing agency petitions the court to exclude the order of visitation with a sibling from the ~~[decree]~~ ***order*** of adoption or amend the order for visitation before including the order in the ~~[decree]~~ ***order*** of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on ~~[a different]~~ ***the same*** date ~~[than]~~ ***as*** the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a ~~[licensed]~~ child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the ~~[decree]~~ ***order*** of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the ***prospective*** adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter ~~[a decree]~~ ***an order*** of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in ~~[a decree]~~ ***an order*** of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce ***, modify or terminate*** the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

Sec. 215. **NRS 127.287 is hereby amended to read as follows:**

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the ~~[natural]~~ parent of a child in return for the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or ***for the*** cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or cooperation in the adoption of the child.

4. This section does not prohibit a ~~[natural]~~ parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

Sec. 216. **NRS 128.110 is hereby amended to read as follows:**

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. The termination of parental rights pursuant to this section does not terminate the right of the child to inherit from his or her parent or parents, except that the right to inherit terminates if the child is adopted as provided in ~~[NRS 127.160.]~~ ***section 38 of this act.***

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

➥ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Sec. 217. **NRS 3.223 is hereby amended to read as follows:**

3.223 1. Except as otherwise provided in NRS 125E.270, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act,*** except to the extent that a specific

statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 218. **NRS 19.034 is hereby amended to read as follows:**

19.034 1. If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to ~~[chapter 127 of NRS,]~~ ***the chapter consisting of sections 2 to 46, inclusive, of this act*** consents to the adoption of a child with special needs pursuant to NRS 127.186 ~~[,]~~ ***or section 85 or 143 of this act,*** the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

2. If a ~~[natural]~~ parent or adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** files a petition pursuant to subsection 1 or 2 of NRS 127.1885 ~~[,]~~ ***or subsection 1 or 2 of section 94 or subsection 1 or 2 of section 150 of this act,*** the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition.

Sec. 219. **NRS 19.050 is hereby amended to read as follows:**

19.050 Except as otherwise provided in subsection ~~[8]~~ ***5*** of NRS 127.186 ~~[,]~~ ***and subsection 8 of section 85 or subsection 5 of 143 of this act,*** when by law any publication is required to be made by a clerk of the court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or

other paper was granted before the clerk of the court shall be compelled to make publication thereof.

Sec. 220. **NRS 41.509 is hereby amended to read as follows:**

41.509 1. A ~~[natural]~~ parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** may bring a civil action against a person if:

(a) The person knowingly provided false information in response to a question asked by a court pursuant to NRS 127.188 ~~[,]~~ ***or section 92 or 149 of this act;*** and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to NRS 127.188 ~~[,]~~ ***or section 92 or 149 of this act.***

2. If a person is liable to a ~~[natural]~~ parent of an adopted child pursuant to subsection 1, the ~~[natural]~~ parent may recover ~~[his or her]~~ actual damages, costs, reasonable attorney's fees and any punitive damages that the facts may warrant.

3. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 221. **NRS 134.190 is hereby amended to read as follows:**

134.190 An adopted child and ~~[his or her]~~ ***the*** adoptive parents or their relatives shall inherit as provided in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 222. **NRS 200.465 is hereby amended to read as follows:**

200.465 A person who:

1. Assumes or attempts to assume rights of ownership over another person;

2. Sells or attempts to sell a person to another;

3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;

4. Buys or attempts to buy a person;

5. Except as otherwise provided in chapter 127 of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act,*** pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or

6. Knowingly aids or assists in any manner a person who violates any provision of this section,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 223. **NRS 200.4685 is hereby amended to read as follows:**

200.4685 1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159A.205 or 159A.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in ~~[NRS 127.310.]~~ ***section 46 of this act.***

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in ~~[NRS 127.220.]~~ ***section 13 of this act.***

Sec. 224. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to ~~[~~127.310,~~]~~ ***127.287,*** inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, ***and sections 40 to 46, inclusive, sections 97 to 105, inclusive, and section 153 of this act,*** and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 225. **NRS 239.010 is hereby amended to read as follows:**

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, ~~[127.007, 127.057,]~~ 127.130, ~~[127.140,]~~ 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560,

432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 33, 37, 77, 102 and 109 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or

memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 226. **NRS 424.047 is hereby amended to read as follows:**

424.047 1. A licensing authority shall, upon request, provide to a provider of foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in ~~[~~NRS 127.220,~~]~~ ***section 13 of this act,*** all information, except references, in the records maintained by the licensing authority

concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider.

Sec. 227. **NRS 424.070 is hereby amended to read as follows:**

424.070 No person other than the parents or guardian of a child and no agency or institution in this State or from outside this State may place any child in the control or care of any person without sending notice of the pending placement and receiving approval of the placement from the Division or its designee. No such person, parent, guardian, agency or institution may place a child for adoption except as otherwise provided in chapter 127 of NRS. ~~[.]~~ ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act.***

Sec. 228. **NRS 432.0125 is hereby amended to read as follows:**

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63, 424 and 433B of NRS, NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, and 432.010 to 432.085, inclusive, ***and sections 40 to 46, inclusive, sections 97 to 105, inclusive, and section 153 of this act,*** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 229. **NRS 432B.190 is hereby amended to read as follows:**

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection

apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for:

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of ~~[~~NRS 125E.010 to 125E.370, inclusive,~~]~~ ***chapter 127E of NRS*** and NRS 127.041, ~~[~~127.115,~~]~~ 127.151 ***,*** ~~[~~and~~]~~ 127.1861 ~~[~~to 127.1869, inclusive.~~]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80 and 86 to 90, inclusive, and sections 127, 140, 144, 145 and 146 of this act.***

Sec. 230. **NRS 432B.393 is hereby amended to read as follows:**

432B.393 1. Except as otherwise provided in this section, an agency which provides child welfare services shall make reasonable efforts to preserve and reunify the family of a child:

(a) Before the placement of the child in foster care, to prevent or eliminate the need to remove the child from the home; and

(b) To make it possible for the safe return of the child to the home.

2. In determining the reasonable efforts required by subsection 1, the health and safety of the child must be the paramount concern. The agency which provides child welfare services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required pursuant to subsection 1. If the court determines that continuation of the reasonable efforts required by subsection 1 is inconsistent with the plan for the permanent placement of the child, the agency which provides child welfare services shall make reasonable efforts to place the child in a timely manner in accordance with that plan and to complete whatever actions are necessary to finalize the permanent placement of the child.

3. An agency which provides child welfare services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

(a) A parent or other person responsible for the child's welfare has:

(1) Committed, aided or abetted in the commission of, or attempted, conspired or solicited to commit murder or voluntary manslaughter;

(2) Caused the abuse or neglect of the child, or of another child of the parent or other person responsible for the child's welfare, which resulted in substantial bodily harm to the abused or neglected child;

(3) Caused the abuse or neglect of the child, a sibling of the child or another child in the household, and the abuse or neglect was so extreme or repetitious as to indicate that any plan to return the child to the home would result in an unacceptable risk to the health or welfare of the child; or

(4) Abandoned the child for 60 or more days, and the identity of the parent of the child is unknown and cannot be ascertained through reasonable efforts;

(b) A parent of the child has, for the previous 6 months, had the ability to contact or communicate with the child and made no more than token efforts to do so;

(c) The parental rights of a parent to a sibling of the child have been terminated by a court order upon any basis other than the execution of a voluntary relinquishment of those rights by a natural parent, and the court order is not currently being appealed;

(d) The child or a sibling of the child was previously removed from the home, adjudicated to have been abused or neglected, returned to the home and subsequently removed from the home as a result of additional abuse or neglect;

(e) The child is less than 1 year of age, the father of the child is not married to the mother of the child and the father of the child:

(1) Has failed within 60 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child; or

(2) Is entitled to seek custody of the child but fails to do so within 60 days after learning that the child was placed in foster care;

(f) The child was delivered to a provider of emergency services pursuant to NRS 432B.630;

(g) The child, a sibling of the child or another child in the household has been sexually abused or has been subjected to neglect by pervasive instances of failure to protect the child from sexual abuse; or

(h) A parent of the child is required to register as a sex offender pursuant to the provisions of chapter 179D of NRS or the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006, 34 U.S.C. §§ 20901 et seq.

4. Except as otherwise provided in subsection 6, for the purposes of this section, unless the context otherwise requires, "reasonable efforts" have been made if an agency which provides child welfare services to children with legal custody of a child has exercised diligence and care in arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family, with the health and safety of the child as its paramount concerns. The exercise of such diligence and care includes, without limitation, obtaining necessary and

appropriate information concerning the child for the purposes of NRS 127.152, 127.410 and 424.038 ***, and section 81 of this act,*** and, if necessary, creating an in-home safety plan for the protection of the child.

5. In determining whether reasonable efforts have been made pursuant to subsection 4, the court shall:

(a) Evaluate the evidence and make findings based on whether a reasonable person would conclude that reasonable efforts were made;

(b) Consider any input from the child;

(c) Consider the efforts made and the evidence presented since the previous finding of the court concerning reasonable efforts;

(d) Consider the diligence and care that the agency is legally authorized and able to exercise, including, without limitation, the efforts to create an in-home safety plan;

(e) Recognize and take into consideration the legal obligations of the agency to comply with any applicable laws and regulations;

(f) Base its determination on the circumstances and facts concerning the particular family or plan for the permanent placement of the child at issue;

(g) Consider whether any of the efforts made were contrary to the health and safety of the child;

(h) Consider the efforts made, if any, to prevent the need to remove the child from the home and to finalize the plan for the permanent placement of the child;

(i) Consider whether the provisions of subsection 6 are applicable; and

(j) Consider any other matters the court deems relevant.

6. An agency which provides child welfare services may satisfy the requirement of making reasonable efforts pursuant to this section by taking no action concerning a child or making no effort to provide services to a child if it is reasonable, under the circumstances, to do so.

7. In determining whether reasonable efforts are not required pursuant to subsection 3 or whether reasonable efforts have been made pursuant to subsection 4, the court shall ensure that each determination is:

(a) Made by the court on a case-by-case basis;

(b) Based upon specific evidence; and

(c) Expressly stated by the court in its order.

8. As used in this section, "in-home safety plan" means a plan created by an agency which provides child welfare services to ensure the protection of a child in ~~[his or her]~~ ***the*** home, including, without limitation, determining any vulnerabilities of the child, managing any potential threats to the safety of the child and determining the capacity of the person responsible for the welfare of the child to care for the child.

Sec. 231. **NRS 432B.397 is hereby amended to read as follows:**

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries in accordance with subsection 1 of NRS 125E.210 to determine

whether there is reason to know that the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act, chapter 125E of NRS and NRS 127.041, ~~[127.115,]~~ 127.151~~ , [and]~~ 127.1861 ~~[to 127.1869, inclusive.]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80 and 86 to 90, inclusive, and sections 127, 140, 144, 145 and 146 of this act.***

Sec. 232. **NRS 432B.580 is hereby amended to read as follows:**

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or ~~[~~NRS 127.171~~]~~ ***section 84 of this act*** and his or her attorney, if any;

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of ~~[~~NRS 127.171;~~]~~ ***or section 84 of this act.***

(b) Must not include any confidential information described in ~~[~~NRS 127.140;~~]~~ ***section 37 of this act.***

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040 ~~[~~,~~]~~ ***and sections 63 and 126 of this act;*** and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without

limitation, a finding on each factor prescribed by subsection 4 of NRS 432B.575.

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

12. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 233. **NRS 440.310 is hereby amended to read as follows:**

440.310 1. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or sections 82, 114 or 141 of this act*** or the laws of another state or foreign country, or a certified copy of the adoption decree, concerning a person born in Nevada, the State Registrar shall prepare and file a supplementary certificate of birth in the new name of the adopted person which shows the adoptive parents as the parents and seal and file the report or decree and the original certificate of birth.

2. Whenever the State Registrar receives a certified report of adoption, amendment or annulment of an order or decree of adoption from a court concerning a person born in another state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or Canada, the report must be forwarded to the office responsible for vital statistics in the person's place of birth.

3. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or sections 82, 114 or 141 of this act*** concerning a person born in a foreign country other than Canada, the State Registrar shall, if the State Registrar receives evidence that:

(a) The person being adopted is a citizen of the United States; and

(b) The adoptive parents are residents of Nevada,

➥ prepare and file a supplementary certificate of birth as described in subsection 1 and seal and file the report.

4. Sealed documents may be opened only upon an order of the court issuing the adoption decree, expressly so permitting, pursuant to a petition setting forth the reasons therefor.

5. Except as otherwise provided in subsection 2, upon the receipt of a certified copy of a court order of annulment of adoption, the State Registrar shall seal and file the order and supplementary certificate of birth and, if the person was born in Nevada, restore the original certificate to its original place in the files.

Sec. 234. **NRS 442.400 is hereby amended to read as follows:**

442.400 The agency which provides child welfare services or a licensed child-placing agency shall inquire, during its initial contact with a natural parent of a child who is to be placed for adoption, about consumption of

alcohol by or any substance use disorder of the person who gave birth to the child during pregnancy. The information obtained from the inquiry must be:

1. Included in the report provided to the adopting parents of the child pursuant to NRS 127.152 ~~[.]~~ ***and section 81 of this act;*** and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 235. **NRS 449.245 is hereby amended to read as follows:**

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the person who gave birth to the child if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, ***or sections 40 to 46, inclusive, sections 97 to 105, inclusive, and section 153 of this act,*** governing placements for adoption ***.*** ~~[and permanent free care.]~~

6. A violation of any provision of this section is a misdemeanor.

Sec. 236. **1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall cause:**

(a) The provisions of NRS 127.230 to 127.350, inclusive, to be transferred to a new chapter established in Title 11 of NRS; and

(b) The provisions of NRS 127.400, 127.410 and 127.420 to be transferred to a new chapter established in Title 11 of NRS.

2. To avoid any excessive cost, references to the previously assigned numbers of NRS 127.230 to 127.350, inclusive, and 127.400, 127.410 and 127.420 in any legal document, publication, signage or in any other place must not be replaced to revise those references unless and until they would otherwise be replaced for some other reason.

Sec. 237. **The amendatory provisions of this act apply to offenses committed on or after October 1, 2025.**

Sec. 238. **The amendatory provisions of this act apply to petitions for adoption filed on or after October 1, 2025.**

Sec. 239. **NRS 127.003, 127.007, 127.008, 127.009, 127.010, 127.057, 127.060, 127.080, 127.100, 127.115, 127.140, 127.160, 127.171, 127.180, 127.1867, 127.1869, 127.240, 127.250, 127.270 127.275, 127.282, 127.283, 127.285, 127.288, 127.290, 127.300 and 127.310 are hereby repealed.**

Sec. 240. **1. This section becomes effective upon passage and approval.**

2. Sections 1 to 239, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

LEADLINES OF REPEALED SECTIONS

127.003 Definitions.

127.007 State Register for Adoptions: Establishment; contents; release of information.

127.008 State Register of Children with Special Needs.

127.009 Booklet on adoption: Preparation; contents; annual revision; distribution; acceptance of gifts and grants to assist production and distribution.

127.010 Jurisdiction of district courts.

127.057 Consent to adoption: Copy to be furnished to agency which provides child welfare services within 48 hours; recommendations; confidentiality of information; unlawful acts.

127.060 Adoption of two or more children.

127.080 Consent to specific adoption or relinquishment for adoption cannot be revoked or nullified; exceptions.

127.100 Entitlement of petitions, reports and orders.

127.115 Additional contents of petition relating to whether there is reason to know child is Indian child.

127.140 Confidentiality of hearings, files and records.

127.160 Rights and duties of adopted child and adoptive parents.

127.171 Right to visitation of child by sibling and other relatives; limitations.

127.180 Appeals from orders, judgments or decrees.

127.1867 ICWA compliance reports; adoption of regulations by Division; assistance and trainings by Court Administrator.
127.1869 Tribal customary adoptions; adoption of regulations by Division.
127.240 License: Requirement; exceptions.
127.250 License: Application; issuance; renewal.
127.270 License: Refusal to issue or renew; notice and hearing; appeals.
127.275 Fees for services provided by agency which provides child welfare services.
127.282 Petition for order to restrain and enjoin violation or threatened violation of chapter; investigation of unreported adoption or permanent free care of unrelated child.
127.283 Publication or broadcast of information concerning child.
127.285 Limitation on participation of attorneys in adoption proceedings; reporting of violation to bar association; criminal penalty.
127.288 Penalty for unlawful payment to or acceptance by natural parent of compensation.
127.290 Acceptance of fees or compensation for placing or arranging placement of child.
127.300 Penalty for receipt of compensation by unlicensed person for placing or arranging placement of child.
127.310 Unlawful placement or advertising; penalty.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 289.

AN ACT relating to business entities; revising provisions relating to notice or other communications by business entities; making a conforming change relating to fiduciary duties owed by directors and officers of a corporation; revising provisions governing voting relating to the approval of a reverse stock split of a corporation; removing certain provisions governing the issuance of shares of a corporation; making changes to certain approvals by a board of directors; clarifying provisions relating to voting agreements by stockholders; revising provisions governing the amendment of articles of incorporation after issuance of stock; revising certain terms relating to business entities; revising provisions relating to the last known address of members and managers of a limited-liability company and the dissolution of a limited-liability company; establishing a process by which a corporation may reorganize through the formation of a holding corporation; revising provisions relating to the approval of a plan of merger, conversion or exchange of a domestic corporation and the

conversion of a domestic entity into a foreign entity; revising provisions governing the right of a stockholder to dissent from certain corporate actions; **making various other changes relating to business entities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various provisions governing business entities, including private corporations and limited-liability companies. (Chapters 78 and 86 of NRS) This bill makes various changes to business entities.

Section 1 of this bill clarifies that the inclusion of certain materials provided with a notice or other communication by a business entity are deemed to be part of the notice or communication. **Section 1.5 of this bill authorizes the articles of incorporation of a corporation to require certain internal actions to be tried before a judge and not a jury.** **Section 2** of this bill makes a conforming change relating to the fiduciary duties of directors and officers of a private corporation for consistency within existing law.

Sections 3 and 4 of this bill require that votes relating to the approval of a reverse stock split be approved by the vote of the relevant stockholders of such a class or series of stock. **Sections 5 and 9** of this bill remove the phrase "share dividend" from provisions governing the issuance of shares of a private corporation. **Section 5.5 of this bill sets forth provisions relating to the fiduciary duties of certain stockholders of a corporation, limits the individual liability of a stockholder of a corporation under certain circumstances and defines certain terms for such purposes.**

Section 6 of this bill authorizes a board of directors of a private corporation to take certain actions in final form or such preliminary form as the directors deem appropriate in their business judgment.

Section 7 of this bill: (1) provides that voting agreements entered into by stockholders may include a private corporation; and (2) makes conforming changes authorizing the reference in such an agreement to facts or events outside of the agreement as provided in existing law. **Section 8** of this bill: (1) provides that a proposed amendment to the articles of incorporation of a private corporation after the issuance of stock that designates one or more new series of an existing class does not adversely alter or change the preferences or rights of the existing series; and (2) authorizes a publicly traded corporation to amend its articles of incorporation to increase or decrease the shares it is authorized to issue through a stockholder vote.

Section 11 of this bill clarifies the notice required if the approval of a dissolution of a corporation was obtained by written consent and replaces the phrase "certificate of dissolution" with "articles of dissolution" for purposes of provisions relating to the dissolution of a corporation. **Sections 10-12, 15 and 18-21** of this bill make conforming changes to reference "articles of dissolution" for purposes of provisions relating to the dissolution of a corporation or a limited-liability company, as applicable. **Section 13** of this bill makes a conforming change to replace "certificate of dissolution" with

"record of dissolution." **Section 16** of this bill provides an effective date and time for filing the articles of dissolution of a limited-liability company.

Sections 14 and 17 of this bill provide for either the residence or business address of members and managers of a limited-liability company to be listed for certain records.

Section 22 of this bill establishes a new process by which a corporation may: (1) reorganize through the formation of a holding corporation; and (2) issue stockholders shares in the new holding corporation in exchange for their previous shares. **Section 23** of this bill: (1) revises the steps required for a board of directors to approve a plan of merger, conversion or exchange; and (2) removes provisions of existing law which allowed for the board to cancel a proposed meeting to consider or remove a plan of merger, conversion or exchange. **Section 24** of this bill makes a conforming change relating to voting for purposes of the new process of reorganization into a holding corporation.

Section 25 of this bill makes a technical change relating to one domestic entity converting into one foreign entity.

Section 26 of this bill provides that the right to dissent is the exclusive remedy for stockholders who have the ability to dissent from a particular corporate action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 75.150 is hereby amended to read as follows:

75.150 1. Except as otherwise provided by specific statute:

(a) Any notice or other communication described in this title may be given or sent by any method of delivery ~~[;]~~ and ***each agreement, instrument, certificate or other document enclosed with, or annexed or appended to, such notice or other communication shall be deemed part of the notice or communication solely for purposes of determining whether notice was duly given under this title and the organic rules of the entity giving or sending the notice or other communication; and***

(b) An electronic transmission must be in accordance with this section.

2. A notice or other communication given or sent pursuant to the organic law or organic rules of an entity may be delivered by electronic transmission if:

(a) Consented to by the recipient or authorized by subsection 9; and

(b) The electronic transmission contains or is accompanied by information from which the recipient can determine the date of the transmission.

3. Any consent under subsection 2 may be revoked by the person who consented by written or electronic notice to the person to whom the consent was delivered. Any such consent is deemed revoked if:

(a) The person is unable to receive two consecutive electronic transmissions given by the entity or organization in accordance with such consent; and

(b) Such inability becomes known to the secretary of the entity sending the electronic transmissions or to the transfer agent or other person responsible for the giving of notice or other communications.

➥ The inadvertent failure to treat any such inability as a revocation does not invalidate any meeting or other action.

4. Unless otherwise agreed between sender and recipient, an electronic transmission is received when:

(a) It enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic transmissions or information of the type sent; and

(b) It is in a form ordinarily capable of being processed by that system.

5. Receipt of an electronic acknowledgment from an information processing system described in paragraph (a) of subsection 4 establishes that an electronic transmission was received but, by itself, does not establish that the content sent corresponds to the content received.

6. An electronic transmission is received under this section even if no natural person is aware of its receipt.

7. Except as otherwise provided by specific statute, any notice or other communication, if in a comprehensible form or manner, is effective at the earliest of the following:

(a) If in a physical form, when it is left at:

(1) The address of a stockholder, member, partner or other owner of an entity, whichever is applicable, as it appears upon the records of the entity;

(2) The residence or usual place of business of a director, manager or general partner, whichever is applicable;

(3) The entity's principal place of business; or

(4) If to a recipient other than a stockholder, director, member, partner or other owner of an entity or an entity, such person's residence or usual place of business;

(b) If mailed by United States mail postage prepaid and correctly addressed to a stockholder, member, partner or other owner of an entity, upon deposit in the United States mail;

(c) If mailed by United States mail postage prepaid and correctly addressed to a recipient other than a stockholder, member, partner or other owner of an entity, the earliest of:

(1) If sent by registered or certified mail, return receipt requested, the date shown on the return receipt signed by or on behalf of the addressee; or

(2) Five days after it is deposited in the United States mail;

(d) If an electronic transmission, when it is received as provided in subsection 4; and

(e) If oral, when communicated.

➥ In the absence of fraud, an affidavit of the secretary of the entity or the transfer agent or any other agent of the entity that the notice has been given by a form of electronic transmission is prima facie evidence of the facts stated in the affidavit.

8. A notice or other communication may be in the form of an electronic transmission that cannot be directly reproduced in paper form by the recipient

through an automated process used in conventional commercial practice only if:

(a) The electronic transmission is otherwise retrievable in perceivable form; and

(b) The sender and the recipient have consented in writing to the use of such form of electronic transmission.

9. If any provision of this title prescribes requirements for notices or other communication in particular circumstances, those requirements govern. If the organic rules of an entity prescribe requirements for notices or other communications, not inconsistent with this section or other provisions of this title, those requirements govern. The organic rules of an entity may authorize, require or prohibit delivery of notices of meetings of directors, managers, members, partners or other owners of the entity by electronic transmission.

10. In the event that any provisions of this section are deemed to modify, limit or supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., the provisions of this section shall be deemed to control to the maximum extent permitted by section 102(a)(2) of that Act, 15 U.S.C. § 7002(a)(2).

11. As used in this section:

(a) "Entity" has the meaning ascribed to it in NRS 77.060.

(b) "Organic law" has the meaning ascribed to it in NRS 77.170.

(c) "Organic rules" has the meaning ascribed to it in NRS 77.180.

Sec. 1.5. **NRS 78.046 is hereby amended to read as follows:**

78.046 1. The articles of incorporation or bylaws of a corporation may require, to the extent not inconsistent with any applicable jurisdictional requirements and the laws of the United States, that any, all or certain:

(a) Concurrent jurisdiction actions must be brought solely or exclusively in the court or courts specified in the requirement; and

(b) Internal actions must be brought solely or exclusively in the court or courts specified in the requirement, which must include at least one court in this State.

2. Unless otherwise expressly set forth in the articles of incorporation or bylaws, any requirement described in subsection 1 must not be interpreted as prohibiting any corporation from consenting, or requiring any corporation to consent, to any alternative forum in any instance.

3. The provisions of this section do not create or authorize any cause of action against a corporation**,** ~~[or]~~ its directors or officers~~.~~ ~~[.]~~ ***or any controlling stockholder.***

4. ***The articles of incorporation of a corporation may require, to the extent not inconsistent with any applicable laws of the United States, that any, all or certain internal actions to be tried in any court of this State must be tried before the presiding judge as the trier of fact and not before a jury. Upon and during its effectiveness, any such requirement must conclusively operate as a waiver of the right to trial by jury by each party to any internal action to which such requirement applies. Nothing in this section or any***

such requirement shall be construed as to limit or otherwise affect any right to a jury trial in any action, suit or proceeding that is not an internal action.

5. As used in this section:

(a) "Concurrent jurisdiction action" means any action, suit or proceeding against the corporation or any of its directors or officers, that:

(1) Asserts a cause of action under the laws of the United States;

(2) Could be properly commenced in either a federal forum or a forum of this State or any other state; and

(3) Is brought by or in the name or on behalf of:

(I) The corporation;

(II) Any stockholder of the corporation; or

(III) Any subscriber for, or purchaser or offeree of, any shares or other securities of the corporation.

(b) ***"Controlling stockholder" has the meaning ascribed to it in NRS 78.240.***

(c) "Court" means any court of:

(1) This State, including, without limitation, those courts in any county having a business court, as that term is defined in NRS 13.050;

(2) A state other than this State; or

(3) The United States.

~~[(c)]~~ ***(d)*** "Internal action" means any action, suit or proceeding:

(1) Brought in the name or right of the corporation or on its behalf, including, without limitation, any action subject to NRS 41.520;

(2) For or based upon any breach of any fiduciary duty owed by any director, officer ~~[, employee]~~ or ~~[agent]~~ ***controlling stockholder*** of the corporation in such capacity; or

(3) Arising pursuant to, or to interpret, apply, enforce or determine the validity of, any provision of this title, the articles of incorporation, the bylaws or any agreement entered into pursuant to NRS 78.365 to which the corporation is a party or a stated beneficiary thereof.

Sec. 2. NRS 78.138 is hereby amended to read as follows:

78.138 1. The fiduciary duties of directors and officers are to exercise their respective powers in good faith ***, on an informed basis*** and with a view to the interests of the corporation.

2. In exercising their respective powers, directors and officers may, and are entitled to, rely on information, opinions, reports, books of account or statements, including financial statements and other financial data, that are prepared or presented by:

(a) One or more directors, officers or employees of the corporation reasonably believed to be reliable and competent in the matters prepared or presented;

(b) Counsel, public accountants, financial advisers, valuation advisers, investment bankers or other persons as to matters reasonably believed to be within the preparer's or presenter's professional or expert competence; or

(c) A committee on which the director or officer relying thereon does not serve, established in accordance with NRS 78.125, as to matters within the committee's designated authority and matters on which the committee is reasonably believed to merit confidence,

➥ but a director or officer is not entitled to rely on such information, opinions, reports, books of account or statements if the director or officer has knowledge concerning the matter in question that would cause reliance thereon to be unwarranted.

3. Except as otherwise provided in subsection 1 of NRS 78.139, directors and officers, in deciding upon matters of business, are presumed to act in good faith, on an informed basis and with a view to the interests of the corporation. A director or officer is not individually liable for damages as a result of an act or failure to act in his or her capacity as a director or officer except as described in subsection 7.

4. Directors and officers, in exercising their respective powers with a view to the interests of the corporation, may:

(a) Consider all relevant facts, circumstances, contingencies or constituencies, which may include, without limitation, one or more of the following:

(1) The interests of the corporation's employees, suppliers, creditors or customers;

(2) The economy of the State or Nation;

(3) The interests of the community or of society;

(4) The long-term or short-term interests of the corporation, including the possibility that these interests may be best served by the continued independence of the corporation; or

(5) The long-term or short-term interests of the corporation's stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

(b) Consider or assign weight to the interests of any particular person or group, or to any other relevant facts, circumstances, contingencies or constituencies.

5. Directors and officers are not required to consider, as a dominant factor, the effect of a proposed corporate action upon any particular group or constituency having an interest in the corporation.

6. The provisions of subsections 4 and 5 do not create or authorize any causes of action against the corporation or its directors or officers.

7. Except as otherwise provided in NRS 35.230, 90.660, 91.250, 452.200, 452.270, 668.045 and 694A.030, or unless the articles of incorporation or an amendment thereto, in each case filed on or after October 1, 2003, provide for greater individual liability, a director or officer is not individually liable to the corporation or its stockholders or creditors for any damages as a result of any act or failure to act in his or her capacity as a director or officer unless:

(a) The presumption established by subsection 3 has been rebutted; and

(b) It is proven that:

(1) The director's or officer's act or failure to act constituted a breach of his or her fiduciary duties as a director or officer; and

(2) Such breach involved intentional misconduct, fraud or a knowing violation of law.

8. This section applies to all cases, circumstances and matters, including, without limitation, any change or potential change in control of the corporation unless otherwise provided in the articles of incorporation or an amendment thereto.

Sec. 3. NRS 78.2055 is hereby amended to read as follows:

78.2055 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to decrease the number of issued and outstanding shares of a class or series held by each stockholder of record at the effective date and time of the change without correspondingly decreasing the number of authorized shares of the same class or series may do so if:

(a) The board of directors adopts a resolution setting forth the proposal to decrease the number of issued and outstanding shares of a class or series; and

(b) If the corporation is:

(1) A publicly traded corporation, the proposal is approved by the stockholders of the affected class or series, regardless of limitations or restrictions on the voting power of the affected class or series; or

(2) Not a publicly traded corporation, the proposal is approved by the vote of stockholders holding a majority of the voting power of the affected class or series,

➥ or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the affected class or series.

2. If the proposal required by subsection 1 is approved by the stockholders entitled to vote, the corporation may reissue its stock in accordance with the proposal after the effective date and time of the change.

3. Except as otherwise provided in this subsection ~~[,]~~ ***and unless the articles of incorporation require a greater proportion,*** if a proposed decrease in the number of issued and outstanding shares of any class or series would adversely alter or change any preference, or any relative or other right given to any other class or series of outstanding shares, then the decrease must be approved **,** ~~[by the vote,]~~ in addition to any vote otherwise required ~~[, of]~~ ***:***

(a) If the corporation is a publicly traded corporation, by the vote of the stockholders of each class or series whose preference or rights are adversely affected by the decrease; or

(b) If the corporation is not a publicly traded corporation, by the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease,

➥ ~~[or such greater proportion as may be provided in the articles of incorporation,]~~ regardless of limitations or restrictions on the voting power of the adversely affected class or series. The decrease does not have to be approved by the vote of the holders of shares representing a majority of the

voting power of each class or series whose preference or rights are adversely affected by the decrease if the articles of incorporation specifically deny the right to vote on such a decrease.

4. If any proposed corporate action pursuant to this section would result in only money being paid or scrip being issued to stockholders who:

(a) Before the decrease in the number of shares becomes effective, in the aggregate hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

➥ any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

Sec. 4. NRS 78.207 is hereby amended to read as follows:

78.207 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to change the number of shares of a class or series, if any, of its authorized stock by increasing or decreasing the number of authorized shares of the class or series and correspondingly increasing or decreasing the number of issued and outstanding shares of the same class or series held by each stockholder of record at the effective date and time of the change, may, except as otherwise provided in subsections 2 and 3, do so by a resolution adopted by the board of directors, without obtaining the approval of the stockholders. The resolution may also provide for a change of the par value, if any, of the same class or series of the shares increased or decreased. After the effective date and time of the change, the corporation may issue its stock in accordance therewith.

2. A proposal to increase or decrease the number of authorized shares of any class or series, if any, that includes provisions pursuant to which only money will be paid or scrip will be issued to stockholders who:

(a) Before the increase or decrease in the number of shares becomes effective, in the aggregate hold 10 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

➥ must be approved by the vote of stockholders holding a majority of the voting power of the affected class or series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power thereof.

3. Except as otherwise provided in this subsection ~~[,]~~ ***and unless the articles of incorporation require a greater proportion,*** if a proposed increase or decrease in the number of authorized shares of any class or series would adversely alter or change any preference or any relative or other right given to

any other class or series of outstanding shares, then the increase or decrease must be approved ***,*** ~~[by the vote,]~~ in addition to any vote otherwise required ~~[, of]~~ ***:***

(a) If the corporation is a publicly traded corporation, by the vote of stockholders of each class or series whose preference or rights are adversely affected by the increase or decrease; and

(b) If the corporation is not a publicly traded corporation, by the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the increase or decrease,

➥ regardless of limitations or restrictions on the voting power thereof. The increase or decrease does not have to be approved by the vote of the holders of shares ~~[representing a majority of the voting power in each]~~ ***of any*** class or series whose preference or rights are adversely affected by the increase or decrease if the articles of incorporation specifically deny the ***holders of shares of such class or series the*** right to vote on such an increase or decrease.

4. If any proposed corporate action pursuant to this section would result in only money being paid or scrip being issued to stockholders who:

(a) Before the increase or decrease in the number of shares becomes effective, in the aggregate hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all of their outstanding shares,

➥ any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

Sec. 5. NRS 78.215 is hereby amended to read as follows:

78.215 1. A corporation may issue and dispose of its authorized shares for such consideration as may be prescribed in the articles of incorporation or, if no consideration is so prescribed, then for such consideration as may be fixed by the board of directors.

2. If a consideration is prescribed for shares without par value, that consideration must not be used to determine the fees required for filing articles of incorporation pursuant to NRS 78.760.

3. Unless the articles of incorporation provide otherwise ~~[,]~~ ***and except as otherwise provided by subsection 4,*** shares may be issued pro rata and without consideration to the corporation's stockholders or to the stockholders of one or more classes or series. ~~[An issuance of shares under this subsection is a share dividend.]~~

4. Shares of one class or series may not be issued ~~[as a share dividend]~~ ***pursuant to subsection 3*** in respect of shares of another class or series unless:

(a) The articles of incorporation so authorize;

(b) A majority of the votes entitled to be cast by the class or series to be issued approve the issue; or

(c) There are no outstanding shares of the class or series to be issued.

5. If the board of directors does not fix the record date for determining stockholders entitled to ~~[a share dividend,]~~ ***shares issued pursuant to subsection 3,*** it is the date the board of directors authorizes the ~~[share dividend.]~~ ***issuance.***

Sec. 5.5. **NRS 78.240 is hereby amended to read as follows:**

78.240 ***1.*** The shares of stock in every corporation shall be personal property and shall be transferable on the books of the corporation, in such manner and under such regulations as may be provided in the ***articles of incorporation or*** bylaws, and as provided in ***this title and*** chapters 104 to 104C, inclusive, of NRS.

2. Except to the extent set forth in subsection 3:

(a) The holder of any share of stock in a corporation, regardless of the holder's relative beneficial ownership of shares or relative voting power, may, and shall be entitled to, exercise or withhold the voting power of such share in the holder's personal interest and without regard to any other person or interest; and

(b) No stockholder of a corporation, in such person's capacity as a stockholder and regardless of the stockholder's relative beneficial ownership of share or relative voting power, shall have any fiduciary duty to the corporation or any other stockholder.

3. The only fiduciary duty of a controlling stockholder of a corporation, in such person's capacity as a stockholder, is to refrain from exerting undue influence over any director or officer of the corporation with the purpose and proximate effect of inducing a breach of fiduciary duty by such director or officer:

(a) For which breach the director or officer is liable pursuant to NRS 78.138; and

(b) Which breach:

(1) Directly relates to the initiation, evaluation, negotiation, authorization or approval by the board of directors, or a committee thereof, of a contract or transaction to which the controlling stockholder or any of its affiliates or associates is a party or in which the controlling stockholder or any of its affiliates or associates has a material and nonspeculative financial interest; and

(2) Results in material, nonspeculative and non-ratable financial benefit to the controlling stockholder, which benefit excludes, and results in a material and nonspeculative detriment to the other stockholders generally.

➥ The exercise or withholding of voting power by a controlling stockholder, or the indication or implication by a controlling stockholder as to whether or to what extent such voting power may be exercised or withheld, does not, by itself, constitute or indicate a breach of the fiduciary duty imposed by this subsection.

4. A controlling stockholder is presumed to have not breached the fiduciary duty imposed by subsection 3 with respect to a contract or other transaction if such contract or transaction has been authorized or approved by:

(a) A committee of the board of directors consisting of only disinterested directors; or

(b) The board of directors in reliance on the recommendation of a committee of the board of directors consisting of only disinterested directors.

5. A stockholder of a corporation is not individually liable to the corporation or its stockholders or creditors for any damages as a result of any act or failure to act in such person's capacity as a stockholder unless:

(a) The stockholder is a controlling stockholder;

(b) The presumption established by subsection 4 has been rebutted; and

(c) It is proven that the stockholder's act or failure to act constituted a breach of the stockholder's fiduciary duty imposed by subsection 3.

6. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 78.412.

(b) "Associate" has the meaning ascribed to it in NRS 78.413.

(c) "Beneficial ownership" means being the beneficial owner of shares. As used in this paragraph, "beneficial owner" has the meaning ascribed to it in NRS 78.414.

(d) "Controlling stockholder" means a stockholder of a corporation having the voting power, by virtue of such stockholder's relative beneficial ownership of shares or otherwise pursuant to the articles of incorporation, to elect at least a majority of the corporation's directors.

(e) "Disinterested director," when used with respect to a contract or transaction, includes, without limitation, a director of a corporation who:

(1) Individually, or with or through any of the director's affiliates or associates other than the corporation, neither has a material and nonspeculative financial interest in, nor is a party to, the contract or transaction; and

(2) Would satisfy the independence standards, without regard to any financial literacy of financial expert qualifications, required to serve on an audit committee of a board of directors of a non-investment company issuer pursuant to section 10A(m) of the Securities Exchange Act, 15 U.S.C. § 78j-1(m) and Rule 10A-3 thereunder, 17 C.F.R. § 240.10A-3 and the rules of the national securities exchange, if any, on which any shares of the corporation's stock are listed for trading.

Sec. 6. NRS 78.315 is hereby amended to read as follows:

78.315 1. Unless the articles of incorporation or the bylaws provide for a greater or lesser proportion, a majority of the board of directors of the corporation then in office, at a meeting duly assembled, is necessary to constitute a quorum for the transaction of business, and the act of directors holding a majority of the voting power of the directors, present at a meeting at which a quorum is present, is the act of the board of directors.

2. Unless otherwise restricted by the articles of incorporation or bylaws, any action required or permitted to be taken at a meeting of the board of directors or of a committee thereof may be taken without a meeting if, before or after the action, a written consent thereto is signed by all the members of the board or of the committee, except that such written consent is not required to be signed by:

(a) A common or interested director who abstains in writing from providing consent to the action. If a common or interested director abstains in writing from providing consent:

(1) The fact of the common directorship, office or financial interest must be known to the board of directors or committee before a written consent is signed by all the members of the board of the committee.

(2) Such fact must be described in the written consent.

(3) The board of directors or committee must approve, authorize or ratify the action in good faith by unanimous consent without counting the abstention of the common or interested director.

(b) A director who is a party to an action, suit or proceeding who abstains in writing from providing consent to the action of the board of directors or committee. If a director who is a party to an action, suit or proceeding abstains in writing from providing consent on the basis that he or she is a party to an action, suit or proceeding, the board of directors or committee must:

(1) Make a determination pursuant to NRS 78.7502 that indemnification of the director is proper under the circumstances.

(2) Approve, authorize or ratify the action of the board of directors or committee in good faith by unanimous consent without counting the abstention of the director who is a party to an action, suit or proceeding.

3. Unless otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or the governing body of any corporation, or of any committee designated by such board or body, may participate in a meeting of the board, body or committee through electronic communications, videoconferencing, teleconferencing or other available technology if the corporation has implemented reasonable measures to:

(a) Verify the identity of each person participating through such means as a director or member of the governing body or committee, as the case may be; and

(b) Provide the directors or members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the directors or members, as the case may be, including an opportunity to communicate and to read or hear the proceedings of the meeting in a substantially concurrent manner with such proceedings.

4. Participation in a meeting pursuant to subsection 3 constitutes presence in person at the meeting.

5. Whenever this title expressly requires the board of directors to approve or take other action with respect to any agreement, instrument, certificate or other document, including, without limitation, any agreement,

instrument, certificate or other document required to be filed with the Secretary of State, the directors may approve, adopt or otherwise act upon such agreement, instrument, certificate or other document in final form or such preliminary form as the directors deem appropriate in their business judgment.

Sec. 7. NRS 78.365 is hereby amended to read as follows:

78.365 1. A stockholder, by agreement in writing, may transfer his or her stock to a voting trustee or trustees for the purpose of conferring the right to vote the stock for a period not exceeding 15 years upon the terms and conditions therein stated. Any certificates of stock so transferred must be surrendered and cancelled and new certificates for the stock issued to the trustee or trustees in which it must appear that they are issued pursuant to the agreement, and in the entry of ownership in the proper books of the corporation that fact must also be noted, and thereupon the trustee or trustees may vote the stock so transferred during the terms of the agreement. A duplicate of every such agreement must be filed in the registered office of the corporation and at all times during its terms be open to inspection by any stockholder or his or her attorney.

2. At any time within the 2 years next preceding the expiration of an agreement entered into pursuant to the provisions of subsection 1, or the expiration of an extension of that agreement, any beneficiary of the trust may, by written agreement with the trustee or trustees, extend the duration of the trust for a time not to exceed 15 years after the scheduled expiration date of the original agreement or the latest extension. An extension is not effective unless the trustee, before the expiration date of the original agreement or the latest extension, files a duplicate of the agreement providing for the extension in the registered office of the corporation. An agreement providing for an extension does not affect the rights or obligations of any person not a party to that agreement. An agreement entered into pursuant to the provisions of subsection 1 is not invalidated by the fact that, by its terms, its duration is more than 15 years, but its duration shall be deemed amended to conform with the provisions of this section.

3. An agreement between two or more stockholders, ***or between the corporation and one or more stockholders,*** if in writing and signed by each ~~[stockholder]~~ ***party*** to be bound thereby, may provide that in exercising any voting rights, the stock held by each such stockholder must be voted:

(a) Pursuant to the provisions of the agreement;

(b) As ~~[they]~~ ***the parties to the agreement*** may subsequently agree; ~~[or]~~

(c) In accordance with a procedure ~~[agreed upon.]~~ ***specified in the agreement; or***

(d) In a manner dependent upon any fact or event which may be ascertained outside of the agreement if the manner in which a fact or event may operate upon the exercise of the voting rights is stated in the agreement. As used in this paragraph, "fact or event" includes, without limitation, the existence of a fact or an occurrence of an event, including, without

limitation, a determination or action by a person, the corporation itself or any government, governmental agency or political subdivision of a government.

4. An agreement pursuant to the provisions of subsection 3 is valid and enforceable against the transferee of a stockholder party to the agreement only:

(a) If and to the extent that the transferee agrees in writing to be bound by the agreement; or

(b) If the agreement expressly provides that it is enforceable against the transferee of a stockholder party to the agreement and:

(1) The transferee had actual knowledge of the existence of the agreement before the transfer; or

(2) The existence of the agreement is noted conspicuously on the front or back of the stock certificate or is contained in the written statement of information required by subsection 5 of NRS 78.235.

5. An agreement pursuant to the provisions of subsection 3, or an amendment thereto or an extension thereof, in each case entered into before October 1, 2021, is not:

(a) Effective for a term of more than 15 years, but at any time within the 2 years next preceding the expiration of the agreement the parties thereto may extend its duration for such period as is stated in the extension; and

(b) Invalidated by the fact that by its terms its duration is more than 15 years, but its duration shall be deemed amended to conform with the provisions of this section.

Sec. 8. NRS 78.390 is hereby amended to read as follows:

78.390 1. Except as otherwise provided in subsection 8 or in NRS 77.340 or 78.209 or chapter 92A of NRS, every amendment to the articles of incorporation must be made ***and approved*** in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and submit the proposed amendment to the stockholders for approval ~~[~~.

~~(b) If~~~~]~~ ***and if the corporation is:***

(1) A publicly traded corporation and the amendment proposed relates solely to an increase or decrease in the number of shares the corporation is authorized to issue, the stockholders of the affected class or series, regardless of limitations or restrictions on the voting power of the affected class or series, must approve the proposed amendment; or

(2) Not a publicly traded corporation, or is a publicly traded corporation but the amendment proposed does not relate solely to an increase or decrease in the number of shares the corporation is authorized to issue, the stockholders holding shares in the corporation representing at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, ~~[have approved]~~ ***must approve the proposed amendment.***

➥ ***Upon the approval of*** the ***proposed*** amendment ~~[.]~~ ***by the stockholders as provided in this subsection,*** an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

~~[(c)]~~ ***(b)*** The certificate so signed must be filed with the Secretary of State.

(c) An amendment adopted pursuant to this subsection that would have the effect of decreasing the number of shares of a class or series of shares the corporation is authorized to issue below the number of shares of such class or series then issued and outstanding shall be void and of no effect.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then, in addition to any approval otherwise required, the amendment must be approved by the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by the holders of shares ~~[representing a majority of the voting power]~~ of ~~[each]~~ ***any*** class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the ***holders of such class or series the*** right to vote on such an amendment. ***Except as otherwise provided in the articles of incorporation, a proposed amendment that designates one or more new series of an existing class as having any preference or any relative or other right that has higher or equal seniority to the corresponding preference or relative or other right of an existing series of the same class does not, solely by virtue of the higher or equal seniority of the preference or right of the proposed new series, constitute an amendment that would adversely alter or change the preference or rights of the existing series.***

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, approval by a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders if the resolution of the stockholders approving the proposed amendment authorizes the board of directors to do so. The board of directors may, by resolution, abandon a proposed amendment pursuant to subsection 8 without any action by the stockholders.

6. A certificate filed pursuant to subsection 1 is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to

subsection 1 specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

7. If a certificate filed pursuant to subsection 1 specifies a later effective date or time and if the board of directors is authorized to abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective time of the certificate filed with the Secretary of State pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of $175.

8. No action by the stockholders is required if the proposed amendment to the articles of incorporation consists only of a change in the name of the corporation. The articles of incorporation may forbid a corporation from amending the articles of incorporation pursuant to this subsection without stockholder approval.

Sec. 9. NRS 78.416 is hereby amended to read as follows:

78.416 "Combination," when used in reference to any resident domestic corporation and any interested stockholder of the resident domestic corporation, means any of the following:

1. Any merger or consolidation of the resident domestic corporation or any subsidiary of the resident domestic corporation with:

(a) The interested stockholder; or

(b) Any other entity, whether or not itself an interested stockholder of the resident domestic corporation, which is, or after and as a result of the merger or consolidation would be, an affiliate or associate of the interested stockholder.

2. Any sale, lease, exchange, mortgage, pledge, transfer or other disposition, in one transaction or a series of transactions, to or with the interested stockholder or any affiliate or associate of the interested stockholder of assets of the resident domestic corporation or any subsidiary of the resident domestic corporation:

(a) Having an aggregate market value equal to more than 5 percent of the aggregate market value of all the assets, determined on a consolidated basis, of the resident domestic corporation;

(b) Having an aggregate market value equal to more than 5 percent of the aggregate market value of all the outstanding voting shares of the resident domestic corporation; or

(c) Representing more than 10 percent of the earning power or net income, determined on a consolidated basis, of the resident domestic corporation.

3. The issuance or transfer by the resident domestic corporation or any subsidiary of the resident domestic corporation, in one transaction or a series of transactions, of any shares of the resident domestic corporation or any subsidiary of the resident domestic corporation that have an aggregate market value equal to 5 percent or more of the aggregate market value of all the outstanding voting shares of the resident domestic corporation to the interested stockholder or any affiliate or associate of the interested stockholder except under the exercise of warrants or rights to purchase shares offered, or a dividend or distribution paid or made, pro rata to all stockholders of the resident domestic corporation.

4. The adoption of any plan or proposal for the liquidation or dissolution of the resident domestic corporation under any agreement, arrangement or understanding, whether or not in writing, with the interested stockholder or any affiliate or associate of the interested stockholder.

5. Except for any transaction or series of transactions that would not constitute a combination pursuant to subsection 3, any:

(a) Reclassification of securities, including, without limitation, any splitting of shares ~~[, share dividend,]~~ or other ~~[distribution]~~ ***issuance*** of shares with respect to other shares, or any issuance of new shares in exchange for a proportionately greater number of old shares;

(b) Recapitalization of the resident domestic corporation;

(c) Merger or consolidation of the resident domestic corporation with any subsidiary of the resident domestic corporation; or

(d) Other transaction, whether or not with or into or otherwise involving the interested stockholder,

➥ under any agreement, arrangement or understanding, whether or not in writing, with the interested stockholder or any affiliate or associate of the interested stockholder, which has the immediate and proximate effect of increasing the proportionate share of the outstanding shares of any class or series of voting shares or securities convertible into voting shares of the resident domestic corporation or any subsidiary of the resident domestic corporation which is beneficially owned by the interested stockholder or any affiliate or associate of the interested stockholder, except as a result of immaterial changes because of adjustments of fractional shares.

6. Any receipt by the interested stockholder or any affiliate or associate of the interested stockholder of the benefit, directly or indirectly, except proportionately as a stockholder of the resident domestic corporation, of any loan, advance, guarantee, pledge or other financial assistance or any tax credit or other tax advantage provided by or through the resident domestic corporation.

Sec. 10. NRS 78.573 is hereby amended to read as follows:

78.573 1. The Secretary of State shall authorize a corporation whose charter has been revoked to dissolve without paying additional fees and penalties, other than the fee for filing ~~[a certificate]~~ ***articles*** of dissolution required by NRS 78.780, if the corporation provides evidence satisfactory to

the Secretary of State that the corporation did not transact business in this State or as a corporation organized pursuant to the laws of this State:

(a) During the entire period for which its charter was revoked; or

(b) During a portion of the period for which its charter was revoked and the corporation paid the fees and penalties for the portion of that period in which the corporation transacted business in this State or as a corporation organized pursuant to the laws of this State.

2. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 11. NRS 78.580 is hereby amended to read as follows:

78.580 1. If the board of directors of any corporation organized under this chapter decides that the corporation should be dissolved, the board may adopt a resolution to that effect.

2. If the corporation has issued no stock, only the directors need to approve the dissolution.

3. If the corporation has issued stock, the directors must recommend the dissolution to the stockholders. The board of directors may condition its submission of the proposal for dissolution on any lawful basis. Unless the dissolution is to be approved by written consent pursuant to ***subsection 2 of*** NRS 78.320, the corporation shall notify each stockholder, whether or not entitled to vote on dissolution, of the proposed dissolution and the stockholders entitled to vote must approve the dissolution. If the dissolution is approved by written consent pursuant to subsection 2 of NRS 78.320, the corporation shall notify ***,*** ~~[each stockholder whose written consent was not solicited of the dissolution,]~~ in writing, not later than 10 days after the effective date of the dissolution ~~[.]~~ ***, each stockholder whose written consent was not solicited to approve the dissolution.***

4. If the dissolution is approved by the directors or both the directors and stockholders, as respectively provided in subsections 2 and 3, the corporation shall file with the Secretary of State ~~[a certificate]~~ ***articles of dissolution*** signed by an officer of the corporation setting forth ***the name of the corporation,*** that the dissolution has been approved by the directors, or by the directors and the stockholders, ~~[and]~~ a list of the names and addresses, either residence or business, of the corporation's president, secretary and treasurer, or the equivalent thereof, and all of its directors ~~[.]~~ ***, and the effective date and time of the dissolution.***

5. The dissolution takes effect at the time of the filing of the ~~[certificate]~~ ***articles*** of dissolution with the Secretary of State or upon a later date and time as specified in the ~~[certificate,]~~ ***articles of dissolution,*** which date must be not more than 90 days after the date on which the ~~[certificate is]~~ ***articles of dissolution are*** filed. If ~~[a certificate]~~ ***the articles*** of dissolution ~~[specifies]~~ ***specify*** a later effective date but ~~[does]~~ ***do*** not specify an effective time, the ~~[certificate]~~ ***dissolution*** is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

Sec. 12. NRS 78.780 is hereby amended to read as follows:

78.780 The fee for filing ~~[a certificate]~~ ***articles*** of dissolution, whether it occurs before or after payment of capital and beginning of business, is $100.

Sec. 13. NRS 82.442 is hereby amended to read as follows:

82.442 1. The Secretary of State shall authorize a nonprofit corporation whose charter has been revoked to dissolve without paying additional fees and penalties, other than the fee for filing a ~~[certificate]~~ ***record*** of dissolution required by NRS 82.531, if the nonprofit corporation provides evidence satisfactory to the Secretary of State that the nonprofit corporation did not transact business in this State or as a nonprofit corporation organized pursuant to the laws of this State:

(a) During the entire period for which its charter was revoked; or

(b) During a portion of the period for which its charter was revoked and the nonprofit corporation paid the fees and penalties for the portion of that period in which the nonprofit corporation transacted business in this State or as a nonprofit corporation organized pursuant to the laws of this State.

2. The Secretary of State may adopt regulations to administer the provisions of this section.

Sec. 14. NRS 86.241 is hereby amended to read as follows:

86.241 1. Each limited-liability company shall continuously keep at its principal office in this State or with its custodian of records whose name and street address are available at its registered office, unless otherwise provided by an operating agreement, the following:

(a) A current list of the full name and last known ~~[business]~~ address ***, either residence or business,*** of each member and manager, separately identifying the members in alphabetical order and the managers, if any, in alphabetical order;

(b) A copy of the filed articles of organization and all amendments thereto, together with signed copies of any powers of attorney pursuant to which any record has been signed; and

(c) Copies of any then effective operating agreement of the company.

2. Each member of a limited-liability company is entitled to obtain from the company, from time to time upon reasonable demand, for any purpose reasonably related to the interest of the member as a member of the company:

(a) The records required to be maintained pursuant to subsection 1;

(b) True and, in light of the member's stated purpose, complete records regarding the activities and the status of the business and financial condition of the company;

(c) Promptly after becoming available, a copy of the company's federal, state and local income tax returns for each year;

(d) True and complete records regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and

(e) Other records regarding the affairs of the company as is just and reasonable under the circumstances and in light of the member's stated purpose for demanding such records.

➥ The right to obtain records under this subsection includes, if reasonable, the right to make copies or abstracts by photographic, xerographic, electronic or other means.

3. Each manager of a limited-liability company managed by a manager or managers is entitled to examine from time to time upon reasonable demand, for a purpose reasonably related to the manager's rights, powers and duties as such, the records described in subsection 2.

4. Any demand by a member or manager under subsection 2 or 3 is subject to such reasonable standards regarding at what time and location and at whose expense records are to be furnished as may be set forth in the articles of organization or in an operating agreement adopted or amended as provided in subsection 8, or, if no such standards are set forth in the articles of organization or operating agreement, the records must be provided or made available for examination, as the case may be, during ordinary business hours, at the expense of the demanding member or manager.

5. If the records subject to a demand pursuant to subsection 2 or 3 are not available to obtain or made available for examination, as applicable, at a location within this State upon a reasonable demand made pursuant to subsection 2 or 3, the manager or member may serve a demand upon the limited-liability company's registered agent that the records to be obtained or examined be sent to the demanding manager or member. Upon such a demand, the limited-liability company shall send copies of the requested records described in subsection 2 either in paper or electronic form to the manager or member within 10 business days after the demand is served upon the registered agent.

6. Any demand by a member or manager under this section must be in writing and must state the purpose of such demand. When a demanding member seeks to obtain or a manager seeks to examine the records described in subsection 2, the demanding member or manager must first establish that:

(a) The demanding member or manager has complied with the provisions of this section respecting the form and manner of making a demand for obtaining or examining such records; and

(b) The records sought by the demanding member or manager are reasonably related to the member's interest as a member or the manager's rights, powers and duties as a manager, as the case may be.

7. In every instance where an attorney or other agent of a member or manager seeks to exercise any right arising under this section on behalf of such member or manager, the demand must be accompanied by a power of attorney signed by the member or manager authorizing the attorney or other agent to exercise such rights on behalf of the member or manager.

8. The rights of a member to obtain or a manager to examine records as provided in this section may be restricted or denied entirely in the articles of

organization or in an operating agreement adopted by all of the members or by the sole member or in any subsequent amendment adopted by all of the members at the time of amendment.

Sec. 15. NRS 86.490 is hereby amended to read as follows:

86.490 1. Before the commencement of business by any limited-liability company where management is vested in one or more managers and where no member's interest in the limited-liability company has been issued, at least two-thirds of the organizers or the managers of the limited-liability company may dissolve the limited-liability company by filing with the Secretary of State ~~[a certificate]~~ ***articles*** of dissolution to dissolve the limited-liability company.

2. ~~[A certificate]~~ ***Any articles*** of dissolution filed with the Secretary of State pursuant to subsection 1 must state that:

(a) The management of the limited-liability company is vested in one or more managers;

(b) The limited-liability company has not commenced business; and

(c) No member's interest in the limited-liability company has been issued.

Sec. 16. NRS 86.531 is hereby amended to read as follows:

86.531 1. Except in the case of a dissolution pursuant to NRS 86.490, as soon as practicable after the ~~[dissolution of]~~ ***determination that*** a limited-liability company ~~[,]~~ ***should be dissolved,*** articles of dissolution must be prepared and signed setting forth:

(a) The name of the limited-liability company;

(b) That the ~~[company has been dissolved;]~~ ***dissolution has been approved or is otherwise required pursuant to NRS 86.491, or has been decreed by the district court pursuant to NRS 86.495;*** and

(c) The effective date and time of the dissolution, which ~~[may not]~~ ***must*** be ~~[later than]~~ ***at*** the ~~[effective date and]~~ time ***of the filing*** of the articles of dissolution ~~[.]~~ ***with the Secretary of State or upon a later date and time as specified in the articles of dissolution, which date must not be more than 90 days after the date on which the articles of dissolution are filed. If the articles of dissolution specify a later effective date but do not specify an effective time, the dissolution is effective at 12:01 a.m. in the Pacific time zone on the specified later date.***

2. The articles of dissolution must be signed by:

(a) A manager of the company, if management of the company is vested in a manager;

(b) A member of the company, if management of the company is not vested in a manager; or

(c) The personal representative of the last remaining member, if there is no remaining manager or member, unless otherwise provided in the articles of organization or operating agreement.

Sec. 17. NRS 86.544 is hereby amended to read as follows:

86.544 1. Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. A person shall not register a foreign limited-liability company with the Secretary of State for any

illegal purpose or with the fraudulent intent to conceal any business activity, or lack thereof, from another person or a governmental agency.

2. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company, or by some other person specifically authorized by the foreign limited-liability company to sign the application. The application for registration must set forth:

(a) The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;

(b) The jurisdiction and date of its formation;

(c) A declaration of the existence of the foreign limited-liability company and that the foreign limited-liability company is in good standing in the jurisdiction in which it was formed;

(d) The information required pursuant to NRS 77.310;

(e) A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the registered agent has been revoked, or if the registered agent has resigned or cannot be found or served with the exercise of reasonable diligence;

(f) The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

(g) The name and ~~[business]~~ address ***, either residence or business,*** of each manager or, if management is not vested in a manager, each member;

(h) The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

(i) If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 18. NRS 87.4343 is hereby amended to read as follows:

87.4343 A partner is dissociated from a partnership upon the occurrence of any of the following events:

1. The partnership's having notice of the partner's express will to withdraw as a partner or on a later date specified by the partner;

2. An event agreed to in the partnership agreement as causing the partner's dissociation;

3. The partner's expulsion pursuant to the partnership agreement;

4. The partner's expulsion by the unanimous vote of the other partners if:

(a) It is unlawful to carry on the partnership business with that partner;

(b) There has been a transfer of all or substantially all of that partner's transferable interest in the partnership, other than a transfer for security

purposes, or a court order charging the partner's interest, which has not been foreclosed;

(c) Within 90 days after the partnership notifies a corporate partner that it will be expelled because it has filed ~~[a certificate]~~ ***articles*** of dissolution or the equivalent, its charter has been revoked or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the ~~[certificate]~~ ***articles*** of dissolution or no reinstatement of its charter or its right to conduct business; or

(d) A partnership that is a partner has been dissolved and its business is being wound up;

5. On application by the partnership or another partner, the partner's expulsion by judicial determination because:

(a) The partner engaged in wrongful conduct that adversely and materially affected the partnership business;

(b) The partner willfully or persistently committed a material breach of the partnership agreement or of a duty owed to the partnership or the other partners under NRS 87.4336; or

(c) The partner engaged in conduct relating to the partnership business which makes it not reasonably practicable to carry on the business in partnership with the partner;

6. The partner's:

(a) Becoming a debtor in bankruptcy;

(b) Executing an assignment for the benefit of creditors;

(c) Seeking, consenting to or acquiescing in the appointment of a trustee, receiver or liquidator of that partner or of all or substantially all of that partner's property; or

(d) Failing, within 90 days after the appointment, to have vacated or stayed the appointment of a trustee, receiver or liquidator of the partner or of all or substantially all of the partner's property obtained without the partner's consent or acquiescence, or failing within 90 days after the expiration of a stay to have the appointment vacated;

7. In the case of a partner who is a natural person:

(a) The partner's death;

(b) The appointment of a guardian or general conservator for the partner; or

(c) A judicial determination that the partner has otherwise become incapable of performing the partner's duties under the partnership agreement;

8. In the case of a partner that is a trust or is acting as a partner by virtue of being a trustee of a trust, distribution of the trust's entire transferable interest in the partnership, but not merely by reason of the substitution of a successor trustee;

9. In the case of a partner that is an estate or is acting as a partner by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the partnership, but not merely by reason of the substitution of a successor personal representative; or

10. Termination of a partner who is not a natural person, partnership, corporation, trust or estate.

Sec. 19. NRS 87A.435 is hereby amended to read as follows:

87A.435 1. A person does not have a right to withdraw as a limited partner before the termination of the limited partnership.

2. A person is withdrawn from a limited partnership as a limited partner upon the occurrence of any of the following events:

(a) The limited partnership's having notice of the person's express will to withdraw as a limited partner or on a later date specified by the person;

(b) An event agreed to in the partnership agreement as causing the person's withdrawal as a limited partner;

(c) The person's expulsion as a limited partner pursuant to the partnership agreement;

(d) The person's expulsion as a limited partner by the unanimous consent of the other partners if:

(1) It is unlawful to carry on the limited partnership's activities with the person as a limited partner;

(2) There has been a transfer of all of the person's transferable interest in the limited partnership, other than a transfer for security purposes, or a court order charging the person's interest, which has not been foreclosed;

(3) The person is a corporation and, within 90 days after the limited partnership notifies the person that it will be expelled as a limited partner because it has filed ~~[a certificate]~~ ***articles*** of dissolution or the equivalent, its charter has been revoked or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the ~~[certificate]~~ ***articles*** of dissolution or no reinstatement of its charter or its right to conduct business; or

(4) The person is a limited-liability company or partnership that has been dissolved and whose business is being wound up;

(e) On application by the limited partnership, the person's expulsion as a limited partner by judicial order because:

(1) The person engaged in wrongful conduct that adversely and materially affected the limited partnership's activities;

(2) The person willfully or persistently committed a material breach of the partnership agreement or of the obligation of good faith and fair dealing under subsection 2 of NRS 87A.340; or

(3) The person engaged in conduct relating to the limited partnership's activities which makes it not reasonably practicable to carry on the activities with the person as limited partner;

(f) In the case of a person who is a natural person, the person's death;

(g) In the case of a person that is a trust or is acting as a limited partner by virtue of being a trustee of a trust, distribution of the trust's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor trustee;

(h) In the case of a person that is an estate or is acting as a limited partner by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor personal representative;

(i) Termination of a limited partner that is not a natural person, partnership, limited-liability company, corporation, trust or estate; or

(j) The limited partnership's participation in a conversion or merger if the limited partnership:

(1) Is not the converted or surviving entity; or

(2) Is the converted or surviving entity but, as a result of the conversion or merger, the person ceases to be a limited partner.

Sec. 20. NRS 87A.445 is hereby amended to read as follows:

87A.445 A person is withdrawn from a limited partnership as a general partner upon the occurrence of any of the following events:

1. The limited partnership's having notice of the person's express will to withdraw as a general partner or on a later date specified by the person;

2. An event agreed to in the partnership agreement as causing the person's withdrawal as a general partner;

3. The person's expulsion as a general partner pursuant to the partnership agreement;

4. The person's expulsion as a general partner by the unanimous consent of the other partners if:

(a) It is unlawful to carry on the limited partnership's activities with the person as a general partner;

(b) There has been a transfer of all or substantially all of the person's transferable interest in the limited partnership, other than a transfer for security purposes, or a court order charging the person's interest, which has not been foreclosed;

(c) The person is a corporation and, within 90 days after the limited partnership notifies the person that it will be expelled as a general partner because it has filed ~~[a certificate]~~ ***articles*** of dissolution or the equivalent, its charter has been revoked or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the ~~[certificate]~~ ***articles*** of dissolution or no reinstatement of its charter or its right to conduct business; or

(d) The person is a limited-liability company or partnership that has been dissolved and whose business is being wound up;

5. On application by the limited partnership, the person's expulsion as a general partner by judicial determination because:

(a) The person engaged in wrongful conduct that adversely and materially affected the limited partnership activities;

(b) The person willfully or persistently committed a material breach of the partnership agreement or of a duty owed to the partnership or the other partners under NRS 87A.385; or

(c) The person engaged in conduct relating to the limited partnership's activities which makes it not reasonably practicable to carry on the activities of the limited partnership with the person as a general partner;

6. The person's:

(a) Becoming a debtor in bankruptcy;

(b) Execution of an assignment for the benefit of creditors;

(c) Seeking, consenting to or acquiescing in the appointment of a trustee, receiver or liquidator of the person or of all or substantially all of the person's property; or

(d) Failure, within 90 days after the appointment, to have vacated or stayed the appointment of a trustee, receiver or liquidator of the general partner or of all or substantially all of the person's property obtained without the person's consent or acquiescence, or failing within 90 days after the expiration of a stay to have the appointment vacated;

7. In the case of a person who is a natural person:

(a) The person's death;

(b) The appointment of a guardian or general conservator for the person; or

(c) A judicial determination that the person has otherwise become incapable of performing the person's duties as a general partner under the partnership agreement;

8. In the case of a person that is a trust or is acting as a general partner by virtue of being a trustee of a trust, distribution of the trust's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor trustee;

9. In the case of a person that is an estate or is acting as a general partner by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the limited partnership, but not merely by reason of the substitution of a successor personal representative;

10. Termination of a general partner that is not a natural person, partnership, limited-liability company, corporation, trust or estate; or

11. The limited partnership's participation in a conversion or merger under chapter 92A of NRS, if the limited partnership:

(a) Is not the converted or surviving entity; or

(b) Is the converted or surviving entity but, as a result of the conversion or merger, the person ceases to be a general partner.

Sec. 21. NRS 88.450 is hereby amended to read as follows:

88.450 Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

1. The general partner withdraws from the limited partnership as provided in NRS 88.495;

2. The general partner ceases to be a member of the limited partnership as provided in NRS 88.530;

3. The general partner is removed as a general partner in accordance with the partnership agreement;

4. Unless otherwise provided in writing in the partnership agreement, the general partner:

(a) Makes an assignment for the benefit of creditors;

(b) Files a voluntary petition in bankruptcy;

(c) Is adjudicated a bankrupt or insolvent;

(d) Files a petition or answer seeking for the general partner any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation;

(e) Files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the general partner in any proceeding of this nature; or

(f) Seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the general partner or of all or any substantial part of the general partner's properties;

5. Unless otherwise provided in writing in the partnership agreement, 120 days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation, the proceeding has not been dismissed, or if within 90 days after the appointment without the general partner's consent or acquiescence of a trustee, receiver or liquidator of the general partner or of all or any substantial part of the general partner's properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the appointment is not vacated;

6. In the case of a general partner who is a natural person:

(a) The general partner's death; or

(b) The entry by a court of competent jurisdiction adjudicating the general partner to be incapacitated;

7. In the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust, but not merely the substitution of a new trustee;

8. In the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

9. In the case of a general partner that is a corporation, the filing of ~~[a certificate]~~ ***articles*** of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

10. In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

Sec. 22. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless otherwise expressly required by the articles of incorporation of a constituent corporation, no submission to and no vote of the stockholders of the constituent corporation are necessary to authorize a restructuring merger if the plan of merger expressly permits or requires the merger to be effected under this section and:

(a) The constituent corporation and the merger subsidiary are the only constituent entities in the restructuring merger;

(b) Each share or fraction of a share of the capital stock of the constituent corporation outstanding immediately before the effective time of the restructuring merger is converted in the restructuring merger into a share or equal fraction of a share of a class or series of capital stock of the holding corporation that, in comparison to the class or series of capital stock of the constituent corporation being converted:

(1) Has the same voting powers, designations, preferences, limitations, restrictions and relative rights;

(2) Is likewise registered under applicable securities laws, if the class or series of such converted share or fraction of a share was so registered immediately before the effective time of the restructuring merger; and

(3) Is likewise eligible or approved for trading on each exchange and in each market, if any, as the class or series of the converted share or fraction of a share was so eligible or approved immediately before the effective time of the restructuring merger;

(c) The organizational documents of the holding corporation immediately following the effective time of the restructuring merger contain only provisions identical to the organizational documents of the constituent corporation immediately before the effective time of the restructuring merger, other than:

(1) The name of the holding corporation, if different from the constituent corporation;

(2) Any provision that could be omitted from restated articles of incorporation in accordance with NRS 78.403; and

(3) The provisions required by paragraph (f);

(d) As a result of the restructuring merger, the surviving company becomes a direct or indirect wholly owned subsidiary of the holding corporation;

(e) The plan of merger for the restructuring merger requires that the directors and officers of the constituent corporation are the only directors and officers, respectively, of the holding corporation at the effective time of the restructuring merger;

(f) The organizational documents of the holding corporation and the surviving company, in each case for a period of not less than 2 years after the effective time of the restructuring merger, contain provisions requiring, by specific reference to this section, that:

(1) At least a majority of the voting power of the governing body of the surviving company will be comprised of individuals then serving as a director of the holding corporation, unless the surviving company is a limited-liability company managed by its members and the holding corporation then holds at least a majority of the voting power of the owner's interests of the surviving company;

(2) If the surviving company is a limited-liability company, either:

(I) The surviving company will be managed by its members and the holding corporation then holds at least a majority of the voting power of the owner's interests of the surviving company; or

(II) The surviving company will be managed by one or more managers and the organizational documents of the surviving company expressly provide that each such ~~[a]~~ manager shall be subject to non-waivable fiduciary duties identical to those of a director of a domestic corporation and the benefit of the entitlements, presumptions and protections afforded to such directors under chapter 78 of NRS;

(3) The approval of at least a majority of the voting power of the stockholders of the holding corporation or owners of any successor entity thereto will be required, in addition to any vote or other approval required by this chapter or the organizational documents of the holding corporation or the surviving company, for:

(I) Any other merger in which the surviving company is a constituent entity, other than a merger of the surviving company with another entity that is wholly owned by the holding corporation immediately before the effective time of such other merger, that requires the approval of the owners of the surviving company;

(II) Any sale of the assets of the surviving company that would require the approval of the stockholders pursuant to NRS 78.565 if the surviving company were a domestic corporation, regardless of whether the surviving corporation is then a domestic corporation, provided that no approval pursuant to this sub-subparagraph will be required in connection with the mortgage or pledge of such assets made in good faith and not in circumvention of any other approval required pursuant to this subparagraph;

(III) Any sale, exchange, transfer or other disposition of the owner's interests of the surviving company holding greater than a majority of the voting power of such owner's interests with respect to the election of the governing body of the surviving company, provided that no approval pursuant to this sub-subparagraph will be required in connection with the mortgage or pledge of such owner's interests made in good faith and not in circumvention of any other approval required pursuant to this subparagraph; or

(IV) Dissolution or other termination of the existence of the surviving company; and

(4) The provisions of subparagraph (3) shall not be construed to require the approval of the stockholders of the holding corporation to elect or remove any member of the governing body of the surviving entity; and

(g) The board of directors of the constituent corporation determines in good faith that the stockholders of the constituent corporation would not reasonably be expected to recognize gain or loss for United States federal income tax purposes by reason of giving effect to the restructuring merger.

2. The articles of incorporation of a domestic corporation may forbid the corporation from entering into a merger pursuant to this section.

3. Nothing in this section shall revive, extinguish or otherwise affect the standing of any person under NRS 41.520 with respect to the constituent corporation as of immediately before the effective time of the restructuring merger.

4. This section does not apply to circumvent or contravene the provisions of NRS 78.378 to 78.3793, inclusive, or 78.411 to 78.444, inclusive. If and to the extent the provisions of NRS 78.378 to 78.3793, inclusive, or 78.411 to 78.444, inclusive, applied to the constituent corporation, any class or series of its capital stock or any of its stockholders immediately before the effective time of the restructuring merger, such provisions apply correspondingly to the holding corporation, its capital stock and its stockholders immediately after the effective time of the restructuring merger. Nothing in this section shall be construed to:

(a) Affect the status of any stockholder as an interested stockholder, as defined in NRS 78.3787 or 78.423; or

(b) Lengthen or shorten the duration of any time period under the provisions of NRS 78.378 to 78.3793, inclusive, or 78.411 to 78.444, inclusive, applicable to the constituent corporation, any class or series of its capital stock or any of its stockholders immediately before the effective time of the restructuring merger, and the duration of each such time period as applicable to the holding corporation, its capital stock and its stockholders after the effective time of the restructuring merger, will be determined with reference to the constituent corporation, its capital stock and its stockholders before the effective time of the restructuring merger.

5. As used in this section:

(a) "Constituent corporation" means a domestic corporation that is a constituent entity in a restructuring merger.

(b) "Holding corporation" means a domestic corporation which, from the date of its incorporation through and until the effective time of a restructuring merger, is at all times a direct or indirect wholly owned subsidiary of the constituent corporation and whose shares will be issued to the former stockholders of the constituent corporation in the restructuring merger.

(c) "Merger subsidiary" means a domestic corporation or domestic limited-liability company in each case that is a direct or indirect wholly owned subsidiary of the constituent corporation.

(d) "Organizational documents" means, when used in reference to:

(1) A corporation, the articles of incorporation and bylaws of the corporation; and

(2) A limited-liability company, the articles of organization and operating agreement of the limited-liability company.

(e) "Restructuring merger" means the merger of a constituent corporation with a merger subsidiary effected pursuant to this section.

(f) "Surviving company" means the surviving entity of the merger of the constituent corporation and the merger subsidiary.

Sec. 23. NRS 92A.120 is hereby amended to read as follows:

92A.120 1. ~~[After adopting]~~ ***For*** a plan of merger, ~~[exchange or]~~ conversion ~~[,]~~ ***or exchange to be approved,*** the board of directors of each domestic corporation that is a constituent entity ~~[in the merger or conversion, or the board of directors of the domestic corporation whose shares will be acquired in the exchange,]~~ must ~~[submit]~~ ***adopt*** the plan ***.*** ~~[of merger, except]~~

2. Except as otherwise provided in NRS 92A.130, 92A.133 and 92A.180 ~~[, the plan of conversion or the plan of exchange for approval by its stockholders who are entitled to vote on the plan in accordance with the provisions of this section.~~

~~2. For a plan of merger, conversion or exchange to be approved:]~~ ***and section 22 of this act:***

(a) The board of directors ***of each domestic corporation that is a constituent entity*** must recommend the plan ~~[of merger, conversion or exchange]~~ to the stockholders ~~[,]~~ ***of such a domestic corporation who are entitled to vote on the plan,*** unless the board of directors determines that because of a conflict of interest ***,*** or ***because of*** other special circumstances ***relating to the composition of the board of directors at the time of its consideration of the plan,*** it should make no recommendation and it communicates the basis for its determination to the stockholders ~~[with]~~ ***in its submission of*** the plan ~~[; and]~~ ***pursuant to paragraph (b);***

(b) The ***board of directors of each domestic corporation that is a constituent entity must submit the plan for approval by the stockholders of such a domestic corporation who are entitled to vote on the plan in accordance with the provisions of this section; and***

(c) The stockholders ***of each domestic corporation that is a constituent entity who are*** entitled to vote ***on the plan*** must approve the plan ~~[.]~~ ***in accordance with the provisions of this section.***

3. ***Without limiting the requirements of paragraph (a) of subsection 2:***

(a) The board of directors may condition its submission ***to the stockholders*** of the proposed merger, conversion or exchange on any basis ~~[. The provisions of this section or this chapter must not be construed to permit a board of directors to submit, or to agree to submit, a]~~ ***; and***

(b) If any provision of the plan of merger, conversion or exchange ~~[to the stockholders without the recommendation of the board required pursuant to paragraph (a) of subsection 2 unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan. Any]~~ ***or of any other*** agreement ~~[of]~~ ***requires*** the board of directors to submit ~~[a]~~ ***the*** plan ~~[of merger, conversion or exchange]~~ to the stockholders ***,*** notwithstanding an adverse recommendation of the board of directors ***made in accordance with the terms and conditions of the plan, such provision*** shall be ~~[deemed to be]~~ ***void and*** of no force or effect.

4. Unless the plan of merger, conversion or exchange is approved by the written consent of stockholders pursuant to subsection 7, the domestic corporation must notify each stockholder, whether or not the stockholder is entitled to vote, of the proposed stockholders' meeting in accordance with NRS 78.370. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, conversion or exchange and must contain or be accompanied by a copy or summary of the plan.

5. Unless this chapter, the articles of incorporation, the resolutions of the board of directors establishing the class or series of stock or the board of directors acting pursuant to ***paragraph (a) of*** subsection 3 require a greater vote or a vote by classes of stockholders, the plan of merger or conversion must be approved by a majority of the voting power of the stockholders.

6. Unless the articles of incorporation or the resolution of the board of directors establishing a class or series of stock provide otherwise, or unless the board of directors acting pursuant to ***paragraph (a) of*** subsection 3 requires a greater vote, the plan of exchange must be approved by a majority of the voting power of each class and each series to be exchanged pursuant to the plan of exchange.

7. Unless otherwise provided in the articles of incorporation or the bylaws of the domestic corporation, the plan of merger, conversion or exchange may be approved by written consent as provided in NRS 78.320.

8. If an officer, director or stockholder of a domestic corporation, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the officer, director or stockholder will be the owner of an owner's interest in the resulting entity, then that officer, director or stockholder must also approve the plan of conversion.

9. Unless otherwise provided in the articles of incorporation or bylaws of a domestic corporation, a plan of merger, conversion or exchange may contain a provision that permits amendment of the plan of merger, conversion or exchange at any time after the stockholders of the domestic corporation approve the plan of merger, conversion or exchange, but before the articles of merger, conversion or exchange become effective, without obtaining the approval of the stockholders of the domestic corporation for the amendment if the amendment does not:

(a) Alter or change the manner or basis of exchanging an owner's interest to be acquired for owner's interests, rights to purchase owner's interests, or other securities of the acquiring entity or any other entity, or for cash or other property in whole or in part; or

(b) Alter or change any of the terms and conditions of the plan of merger, conversion or exchange in a manner that adversely affects the stockholders of the domestic corporation.

~~[10. A board of directors shall cancel the proposed meeting or remove the plan of merger, conversion or exchange from consideration at the meeting if~~

~~the board of directors determines that it is not advisable to submit the plan of merger, conversion or exchange to the stockholders for approval.]~~

Sec. 24. NRS 92A.133 is hereby amended to read as follows:

92A.133 1. Unless otherwise expressly required by the articles of incorporation, no ***submission to, and no*** vote of ***,*** the stockholders of a domestic corporation is ~~*[are]*~~ necessary to authorize a merger in which the domestic corporation is a constituent entity if the plan of merger expressly permits or requires the merger to be effected under this section and:

(a) The ownership threshold requirement is satisfied without any offer, subject to the provisions of subsection 2; or

(b) The ownership threshold requirement is satisfied in whole or in part by way of an offer and:

(1) The domestic corporation has been a publicly traded corporation at all times during the period between:

(I) The date of the commencement of the offer or the date of the adoption of the plan of merger by the board of directors of the domestic corporation, whichever is earlier; and

(II) The effective date of the merger; and

(2) The plan of merger requires that:

(I) The merger must be effected as soon as practicable following the consummation of the offer if the merger is effected under this section; and

(II) Each outstanding share of each class or series of stock of the domestic corporation that is the subject of, and not irrevocably accepted for purchase or exchange in, the offer must be converted in such merger into, or into the right to receive, the same amount and kind of cash, property, rights or securities to be paid for shares of such class or series of stock of the domestic corporation irrevocably accepted for purchase or exchange in the offer. The plan of merger may expressly provide that the requirements of this sub-subparagraph must not apply to specified categories of excluded shares.

2. If a merger pursuant to this section is to be effectuated without any offer:

(a) The ownership threshold requirement must be satisfied without counting the voting power of any shares of the stock of the domestic corporation acquired from the domestic corporation, or any of the directors, officers, affiliates or associates thereof, within the 6 months immediately preceding the adoption of the plan of merger by the board of directors of the domestic corporation;

(b) The domestic corporation must provide notice of the merger to all of its stockholders not less than 30 days before the effective date of the merger; and

(c) The domestic corporation must have been a publicly traded corporation at all times during the period between the date of the adoption of the plan of merger by the board of directors of the domestic corporation and the effective date of the merger.

3. This section does not apply to circumvent or contravene the provisions of NRS 78.378 to 78.3793, inclusive, or NRS 78.411 to 78.444, inclusive.

4. As used in this section:

(a) "Affiliate" has the meaning ascribed to it in NRS 78.412.

(b) "Associate" has the meaning ascribed to it in NRS 78.413.

(c) "Consummation" means the irrevocable acceptance for purchase or exchange of shares tendered pursuant to an offer.

(d) "Excluded shares" means:

(1) Rollover shares; and

(2) Shares of the domestic corporation that are owned beneficially or of record at the commencement of an offer by:

(I) The domestic corporation;

(II) The constituent entity making the offer;

(III) Any person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity making the offer; or

(IV) Any direct or indirect wholly owned subsidiary of any of the foregoing.

(e) "Offer" means an offer made by the other constituent entity in the merger for all of the outstanding shares of each class or series of stock of the domestic corporation listed on a national securities exchange, on the terms provided in the plan of merger that, absent this section, would be entitled to vote on the approval of the plan of merger. The other constituent entity in the merger may, but is not required to, engage in the consummation of separate offers for separate classes or series of the stock of the domestic corporation. An offer may, but is not required to:

(1) Exclude any excluded shares; and

(2) Be conditioned on the tender of a minimum number or proportion of shares of any class or series of the stock of the domestic corporation.

(f) "Owned affiliate" means, with respect to a constituent entity, any other person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity, or any direct or indirect wholly owned subsidiary of the constituent entity or other person.

(g) "Ownership threshold requirement" means that the voting power of the stock of the domestic corporation otherwise owned beneficially or of record by the other constituent entity in the merger or any of the owned affiliates of the other constituent entity, together with the voting power of any rollover shares and any shares irrevocably accepted for purchase or exchange pursuant to any offer and received before the expiration of the offer by the agent or depositary appointed to facilitate the consummation of the offer, equals at least that proportion of the voting power of the stock, and of each class or series thereof, of the domestic corporation that, absent this section, would be required to approve the plan of merger under this chapter and the articles of incorporation and bylaws of the domestic corporation. For the purposes of this paragraph, shares are received:

(1) If the shares are certificated shares, upon physical receipt by the agent or depositary of a stock certificate with an executed letter of transmittal or other instrument of transfer;

(2) If the shares are uncertificated shares held of record by a clearing corporation as nominee, upon transfer into the account of the agent or depositary by way of an agent's message; and

(3) If the shares are uncertificated shares held of record by a person other than a clearing corporation as nominee, upon physical receipt by the agent or depositary of an executed letter of transmittal or other instrument of transfer.

(h) "Publicly traded corporation" means a domestic corporation that has a class or series of voting shares which is a covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended.

(i) "Rollover shares" means any shares of any class or series of the capital stock of the domestic corporation that are the subject of a written agreement requiring such shares to be contributed or otherwise transferred to the other constituent entity in the merger or any of the owned affiliates of the other constituent entity in exchange for shares or other equity interest in the other constituent entity or any of its owned affiliates. Shares must cease to be rollover shares if, as of the effective time of the merger, the shares have not been contributed or otherwise transferred pursuant to the written agreement.

Sec. 25. NRS 92A.195 is hereby amended to read as follows:

92A.195 1. One foreign entity or foreign general partnership may convert into one domestic entity if:

(a) The conversion is permitted by the law of the jurisdiction governing the foreign entity or foreign general partnership and the foreign entity or foreign general partnership complies with that law in effecting the conversion;

(b) The foreign entity or foreign general partnership complies with the applicable provisions of NRS 92A.205, 92A.207, 92A.210, 92A.230 and 92A.240; and

(c) The resulting domestic entity complies with the applicable provisions of NRS 92A.205 and 92A.220.

2. One domestic entity or domestic general partnership may convert into one foreign entity if:

(a) The conversion is permitted by the law of the jurisdiction governing the resulting foreign entity and the resulting foreign entity complies with that law in effecting the conversion; and

(b) The domestic entity complies with the applicable provisions of NRS 92A.105, 92A.120, 92A.135, 92A.140, ***92A.150,*** 92A.165, 92A.205, 92A.207, 92A.210, 92A.230 and 92A.240.

3. When a conversion pursuant to subsection 2 takes effect, the resulting foreign entity shall be deemed to have appointed the Secretary of State as its agent for service of process in a proceeding to enforce any obligation. Service of process must be made personally by delivering to and leaving with the Secretary of State duplicate copies of the process and the payment of a fee of $100 for accepting and transmitting the process. The Secretary of State shall send one of the copies of the process by registered or certified mail to the resulting entity at its specified address, unless the resulting entity has

designated in writing to the Secretary of State a different address for that purpose, in which case it must be mailed to the last address so designated.

Sec. 26. NRS 92A.380 is hereby amended to read as follows:

92A.380 1. Except as otherwise provided in NRS 92A.370 and 92A.390 and subject to the limitation in paragraph (f), any stockholder is entitled to dissent from, and obtain payment of the fair value of the stockholder's shares in the event of any of the following corporate actions:

(a) Consummation of a plan of merger to which the domestic corporation is a constituent entity:

(1) If approval by the stockholders is required for the merger by ~~[NRS 92A.120 to 92A.160, inclusive,]~~ ***this chapter*** or the articles of incorporation, regardless of whether the stockholder is entitled to vote on the plan of merger;

(2) If the domestic corporation is a subsidiary and is merged with its parent pursuant to NRS 92A.180; or

(3) If the domestic corporation is a constituent entity in a merger pursuant to NRS 92A.133.

(b) Consummation of a plan of conversion to which the domestic corporation is a constituent entity as the corporation whose subject owner's interests will be converted.

(c) Consummation of a plan of exchange to which the domestic corporation is a constituent entity as the corporation whose subject owner's interests will be acquired, if the stockholder's shares are to be acquired in the plan of exchange.

(d) Any corporate action taken pursuant to a vote of the stockholders to the extent that the articles of incorporation, bylaws or a resolution of the board of directors provides that voting or nonvoting stockholders are entitled to dissent and obtain payment for their shares.

(e) Accordance of full voting rights to control shares, as defined in NRS 78.3784, only to the extent provided for pursuant to NRS 78.3793.

(f) Any corporate action not described in this subsection pursuant to which the stockholder would be obligated, as a result of the corporate action, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, except where the stockholder would not be entitled to receive such payment pursuant to NRS 78.205, 78.2055 or 78.207. A dissent pursuant to this paragraph applies only to the fraction of a share, and the stockholder is entitled only to obtain payment of the fair value of the fraction of a share.

2. A stockholder who is entitled to dissent and obtain payment pursuant to NRS 92A.300 to 92A.500, inclusive, must not ***otherwise object to or*** challenge the corporate action creating the entitlement ~~[unless the action is unlawful or constitutes or]~} ***, except to the extent that:***

(a) The domestic corporation did not obtain the vote or consent of the requisite voting power of the stockholders to approve the action as prescribed under this chapter and the articles of incorporation and bylaws of the domestic corporation; or

(b) The corporate action is the ***proximate*** result of actual fraud against the stockholder or the domestic corporation.

3. Subject to the limitations in this subsection, from and after the effective date of any corporate action described in subsection 1, no stockholder who has exercised the right to dissent pursuant to NRS 92A.300 to 92A.500, inclusive, is entitled to vote his or her shares for any purpose or to receive payment of dividends or any other distributions on shares. This subsection does not apply to dividends or other distributions payable to stockholders on a date before the effective date of any corporate action from which the stockholder has dissented. If a stockholder exercises the right to dissent with respect to a corporate action described in paragraph (f) of subsection 1, the restrictions of this subsection apply only to the shares to be converted into a fraction of a share and the dividends and distributions to those shares.

Sec. 27. **This act becomes effective upon passage and approval.**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 524.

AN ACT relating to offenders; requiring **the Department of Corrections, to the extent money is available, to establish vocational farm programs; authorizing** the ~~[~~Director of the~~]~~ Department ~~[~~of Corrections~~]~~ to **engage the services of certain registered dietitians; authorizing the Department to** adopt regulations ~~[~~governing the diet of offenders in the custody of the Department;~~]~~ **relating to such dietitians; requiring the Department to issue a request for information and conduct a study on food services during the 2025-2026 interim; limiting the term of renewals of food service contracts during that period;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[~~requires the Chief Medical Officer to: (1) examine the nutritional adequacy of the diet of incarcerated offenders; and (2) submit a semiannual report to the Board of State Prison Commissioners concerning the operations of the Department of Corrections related to the dietary needs of incarcerated offenders. (NRS 209.382) Section 1 of this bill requires~~]~~ **authorizes** the Director of the Department of Corrections, with the approval of the Board of State Prison Commissioners, to ~~[~~adopt regulations to be instituted at each institution or facility which govern the food served at institutions or facilities operated by the Department. Under section 1, the regulations must: (1) require the Department and each institution or facility operated by the Department to adopt the Good Food Purchasing Program or its successor program; (2) prohibit the Department and any institution or facility operated by the Department from entering into a contract or other

~~agreement with a for-profit food vendor; and (3) require a licensed dietitian or registered dietitian to approve each meal or menu item provided to offenders in accordance with certain dietary guidelines.]~~ **allow offenders to participate in certain educational, civic and charitable programs deemed beneficial to the community. (NRS 209.471) Section ~~[1 also]~~ 1.1 of this bill** requires the ~~[Director,]~~ **Department,** to the extent money is available, to establish ~~[and carry out a prison]~~ **vocational** farm ~~[program to be instituted]~~ **programs** in ~~[each institution]~~ **such institutions** or ~~[facility]~~ **facilities** operated by the Department ~~[.]~~ **as the Director deems practical. Section 1.1 also prescribes certain requirements applicable to any such vocational farm program.**

Under existing law, each offender in an institution or facility of the Department must be provided a healthful diet. (NRS 209.381) Section 1.3 of this bill authorizes the Department to contract for the services of, or accept the volunteer services of, a registered dietitian who is not employed by the Department and is not affiliated with a food service vendor that has a contract with the Department. Section 1.3 also: (1) authorizes the Department to adopt regulations concerning the roles and responsibilities of any such registered dietitian; and (2) requires those regulations to be adopted in accordance with the Nevada Administrative Procedure Act. (Chapter 233B of NRS)

Section 1.7 of this bill requires the Department to issue a request for information regarding food service contracts during the 2025-2026 interim and outlines specific requirements that must be included in the request.

Section 1.9 of this bill: (1) requires the Department to conduct a comprehensive 1-year study during the 2025–2026 interim to evaluate the food services provided in institutions and facilities of the Department; (2) establishes specific requirements for the study; and (3) requires the Department to publish the results of the study on the Internet website of the Department. Additionally, section 1.9 provides that if the Department renews a contract with a food service provider during the period in which the study is conducted, the term of the renewal must not exceed 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 and 1.3 of this act.**

Sec. 1.1. 1. ~~[The Director shall, with the approval of the Board, adopt regulations to be instituted in each institution or facility which govern the food served in institutions or facilities operated by the Department. Such regulations must, without limitation:~~

~~(a) Require the Department and each institution or facility to adopt the Good Food Purchasing Program or its successor program;~~

~~(b) Prohibit the Department and any institution or facility from entering into a contract or other agreement with a for-profit food vendor; and~~

~~(c) Require a licensed dietitian or registered dietitian to approve each meal or menu item provided to offenders in accordance with the guidelines set forth in the most recent version of the Dietary Guidelines for Americans published by the United States Department of Agriculture and the United States Department of Health and Human Services.~~

~~2.~~ To the extent money is available for this purpose, the ~~[Director]~~ Department shall establish ~~[and carry out a prison]~~ vocational farm ~~[program to be instituted]~~ programs in ~~[each institution]~~ such institutions or ~~[facility.~~

~~3. As used in this section:~~

~~(a) "Licensed dietitian" has the meaning ascribed to it in NRS 640E.040.~~

~~(b) "Prison farm program" means an agricultural program for the vocational training or employment of offenders in farming or related activities.~~

~~(c) "Registered dietitian" has the meaning ascribed to it in NRS 640E.080.]~~ facilities as the Director deems practical.

2. If a vocational farm program is established pursuant to subsection 1:

(a) Participation in the program must be voluntary; and

(b) The program must:

(1) Comply with fair labor standards appropriate for voluntary programs within correctional institutions;

(2) Implement sustainable agricultural practices suited to the climate in this State; and

(3) Serve an educational and therapeutic purpose.

3. To the greatest extent practicable:

(a) Food produced through a vocational farm program established pursuant to subsection 1 must be used in meals served to offenders; and

(b) Any surplus of such food must be donated to charitable organizations in the surrounding community.

Sec. 1.3. 1. The Department may contract for the services of, or accept the volunteer services of, a registered dietitian who is not employed by the Department and is not affiliated with a food service vendor that has a contract with the Department.

2. The Department may adopt regulations concerning the roles and responsibilities of a registered dietitian authorized to provide services pursuant to subsection 1. Any such regulations must be adopted in accordance with the provisions of chapter 233B of NRS.

3. As used in this section, "registered dietitian" has the meaning ascribed to it in NRS 640E.080.

Sec. 1.5. **NRS 233B.039 is hereby amended to read as follows:**

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, ***and section 1.3 of this act,*** the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

Sec. 1.7. **1. The Department of Corrections shall issue a request for information during the 2025-2026 interim to gather data on food service contracts that meet the annual needs of the Department, for use in future contracting decisions.**

2. A request for information issued pursuant to subsection 1 must:

(a) Be sent to at least two food service providers, at least one of which must be a nonprofit organization; and

(b) Require the submission of:

(1) A proposal detailing the cost of providing food at the current level of quality; and

(2) A proposal detailing the cost of providing food with improved quality.

Sec. 1.9. **1. The Department of Corrections shall conduct a comprehensive study to evaluate the food services in institutions and facilities of the Department. The study must:**

(a) Provide actionable insights to inform future policy decisions on such food services; and

(b) Be completed within a 1-year period during the 2025-2026 interim.

2. In conducting the study required by subsection 1, the Department shall:

(a) Use various data collection methods, including, without limitation, surveys, interviews and focus groups, involving Department staff and offenders; and

(b) Collect quantitative data to ensure any findings are supported by a robust evidence base.

3. The study required by subsection 1 must include, without limitation:

(a) A comprehensive cost analysis of the:

(1) Actual food service expenditures during the period in which the study is conducted; and

(2) Projected costs for improving food quality, including any anticipated increases in expenditures;

(b) A comparison of the nutritional value of current food service offerings with a higher-quality alternative;

(c) An evaluation of food safety protocols and kitchen practices in institutions or facilities of the Department;

(d) Documentation of any deviations from the approved menu at each institution or facility of the Department, including both the originally planned menu items and the substitutions provided;

(e) An assessment of food waste across institutions and facilities of the Department during the period in which the study is conducted;

(f) A 90-day pilot program offering a "Pick Your Own Menu" option, measuring food waste levels before, during and after the test period;

(g) An evaluation of the impact of food services on the physical and mental health of offenders, including any correlations between dietary quality and overall well-being; and

(h) An analysis of the role of commissaries in complementing or supplementing the Department's meal offerings, including the extent to which offenders rely on commissary items to meet nutritional or caloric needs.

4. The Department shall post the results of the study required by subsection 1 on the Internet website of the Department.

5. If the Department renews a contract with a food service provider during the period of the study required by this section, the term of the renewal must not exceed 2 years.

Sec. 2. The amendatory provisions of ~~[section 1 of]~~ this act do not apply to a contract entered into before October 1, 2025, but do apply to any renewal or extension of such a contract.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 85.

AN ACT relating to food inspections; ~~[providing that a "mobile]~~ **revising provisions governing custom processing establishments and mobile** processing ~~[unit" is an official establishment]~~ **units** for certain purposes relating to the inspection of meat and poultry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "official establishment" to mean, with certain exceptions, an establishment in this State which on a commercial basis slaughters for hire any meat ~~[,]~~ animal, game mammal, poultry or game bird for human consumption and which has been inspected and approved by the State Quarantine Officer. (NRS 583.375) **Under existing law, a custom processing establishment and mobile processing unit slaughter or process livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry. (NRS 583.277, 583.357)** Existing law requires the State Quarantine Officer to adopt regulations, consistent with federal law, providing a process for a person to obtain a license to operate a custom processing establishment or a mobile processing unit in this State. When a person is issued a license to operate a custom processing facility or mobile processing unit pursuant to these regulations, existing law provides that the custom processing facility or mobile processing unit shall be deemed an official establishment for the purposes of certain provisions governing the inspection of meat and poultry. (NRS 583.454) ~~[Sections 1 and 2 of this bill revise the definitions of "mobile processing unit" and "official establishment" to provide that a mobile processing unit is an official establishment. As a result of this change, a mobile processing unit is subject to the same requirements as an official establishment.]~~ **Section 3** of this bill ~~[removes the requirement for]~~ **requires** the State Quarantine Officer to adopt regulations providing a process for a person to obtain a license to operate a mobile processing unit ~~[because]~~ **which must authorize** a mobile processing unit ~~[is subject to the same permitting requirements]~~ **to perform custom processing and operate** as an

official establishment ~~[as a result of the changes in sections 1 and 2.]~~ **and slaughter certain animals on a commercial basis for interstate commerce. Section 3 also requires the Officer to adopt regulations to authorize a custom processing establishment or mobile processing unit to slaughter certain animals on a commercial basis for intrastate sale.**

Section 1.5 of this bill revises the definition of "custom processing establishment" to: (1) remove the requirement that the facility be fixed; and (2) provide that a custom processing establishment is licensed in accordance with the regulations adopted by the Officer to perform custom processing or slaughter certain animals for human consumption on a commercial basis in intrastate commerce. Section 1.7 of this bill revises the definition of "mobile processing unit" to provide that a mobile processing unit is licensed in accordance with the regulations adopted by the Officer to perform custom processing or slaughter certain animals for human consumption on a commercial basis for interstate or intrastate commerce.

Section 1 of this bill defines "custom processing" as the slaughter, skinning and preparation of livestock and poultry upon request of the owner or person in lawful possession of the livestock or poultry and for consumption by the owner or person. Section 1.3 of this bill applies certain definitions in existing law and section 1 relating to the inspection of meat and poultry to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 583 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Custom processing" means the slaughter, skinning and preparation of livestock and poultry through humane means upon request of the owner or person in lawful possession of the livestock or poultry and for consumption by the owner or person, including, without limitation, immediate family members and nonpaying guests.

Sec. 1.3. **NRS 583.255 is hereby amended to read as follows:**

583.255 As used in NRS 583.255 to 583.555, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 1.5. **NRS 583.277 is hereby amended to read as follows:**

583.277 "Custom processing establishment" means a ~~[fixed]~~ facility that ~~[slaughters or processes livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry]~~ ***is licensed in accordance with the regulations adopted by the Officer pursuant to NRS 583.454 to:***

1. Perform custom processing at the facility; and

2. Slaughter for hire on a commercial basis any meat animal, game mammal, poultry or game bird for human consumption at the facility. ~~[The term does not include an official establishment.]~~

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 583.357 is hereby amended to read as follows:

583.357 "Mobile processing unit" means any truck, trailer, van or other vehicle that is ~~[used]~~ ***licensed in accordance with the regulations adopted by the Officer pursuant to NRS 583.454*** to ~~[slaughter or process livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry]~~ **:**

1. Perform custom processing; and

2. Slaughter for hire on a commercial basis any meat animal, game mammal, poultry or game bird for human consumption,

➥ at the owner's or person's farm or other facility or at a location approved by the Officer. ~~[The term does not include an official establishment.]~~

Sec. 2. NRS 583.375 is hereby amended to read as follows:

583.375 "Official establishment" means any establishment ***or mobile processing unit*** in this ~~[state,]~~ ***State, [including, without limitation, a mobile processing unit,]*** other than an establishment covered by subsection 1 of NRS 583.545, which on a commercial basis slaughters for hire any meat animal, game mammal, poultry or game bird for human consumption, and which has been inspected and approved by the Officer.

Sec. 3. NRS 583.454 is hereby amended to read as follows:

583.454 1. The Officer shall adopt regulations providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State.

2. The regulations adopted pursuant to subsection 1:

(a) Must set forth, without limitation:

(1) The requirements for the issuance or renewal of the license;

(2) The fees, if any, for the issuance or renewal of the license;

(3) The requirements for operating the custom processing establishment ~~[,]~~ or mobile processing unit, including, without limitation, standard operating procedures, sanitation, equipment, conditions, reporting, recordkeeping, labeling and packaging;

(4) A requirement for an inspection of the custom processing establishment or mobile processing unit to be conducted at least annually and at such other times as deemed necessary by the Department; and

(5) Any other requirements the Officer determines are necessary to carry out the provisions of this section, including, without limitation, the issuance of a stop sale order for a violation of any provision of this chapter or regulations adopted pursuant to this chapter; ~~[and]~~

(b) ***Must authorize a mobile processing unit to perform custom processing and operate as an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive, and section 1 of this act;***

(c) Must authorize a custom processing establishment and mobile processing unit to slaughter for hire on a commercial basis for intrastate sale any meat animal, game mammal, poultry or game bird for human consumption; and

(d) Must be consistent with any regulations adopted by the United States Department of Agriculture.

3. When a person is issued a license to operate a custom processing facility ~~[or mobile processing unit]~~ pursuant to the regulations adopted pursuant to subsection 1, the custom processing facility ~~[or mobile processing unit]~~ for which the license is issued shall be deemed to be an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. 1. This section becomes effective upon passage and approval.

2. ~~[Sections]~~ **If, and only if, Decision Unit E-905 in Budget Account 3194 is enacted by the Legislature and approved by the Governor, sections** 1 ~~[, 2 and]~~ **to** 3 **, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 474.

ASSEMBLYMEMBERS NGUYEN, CONSIDINE, NADEEM ~~[, AND]~~ **, YUREK, BROWN-MAY; ANDERSON, COLE, D'SILVA,** EDGEWORTH **, GONZÁLEZ, GOULDING, KARRIS, KOENIG, KASAMA AND MOSCA**

JOINT SPONSORS: SENATORS FLORES [AND] **, NEAL,** NGUYEN **AND TAYLOR**

AN ACT relating to insurance; imposing requirements governing prior authorization for medical or dental care; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services; requiring an insurer to publish certain information relating to requests for prior authorization on the Internet; requiring an insurer and the Commissioner of Insurance to compile certain reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require prior authorization before an insured may receive coverage for health and dental care in certain circumstances. If an insurer requires prior authorization, existing law requires the insurer to: (1) file its procedure for obtaining prior authorization with the

Commissioner of Insurance for approval; and (2) respond to a request for prior authorization within 20 days after receiving the request. (NRS 687B.225) This bill establishes additional requirements relating to the use of prior authorization for health and dental care by health insurers, including ~~[Medicaid, the Children's Health Insurance Program and]~~ insurance for public employees~~ [.]~~ **as well as specific requirements relating to prior authorization under Medicaid and the Children's Health Insurance Program (CHIP).**

Specifically, **sections 19 and 34** of this bill require that a procedure for obtaining prior authorization includes: (1) a list of the ~~[specific goods]~~ **items** and services for which the insurer requires prior authorization; and (2) the clinical review criteria used by the insurer to evaluate requests for prior authorization. **Sections 19 and 34** also require an insurer to publish its procedure for obtaining prior authorization on its Internet website**.** ~~[and update that website as necessary to account for any changes in the procedure.]~~ **Sections 19 and 34** prohibit an insurer from denying a claim for payment for medical or dental care because of the failure to obtain prior authorization if the insurer's procedures for obtaining prior authorization in effect on the date that the care was provided did not require prior authorization for that care.

~~[Sections]~~ **Section 12.5 of this bill requires insurers, other than those covering recipients of Medicaid and CHIP, which employ or utilize an artificial intelligence system or automated decision tool to process requests for prior authorization to transmit a notice to each insured that: (1) discloses the insurer's use of the system or tool to process requests for prior authorization; and (2) describes certain aspects of the system or tool. Section 12.5 also prohibits an insurer from using an artificial intelligence system or automated decision tool to made an adverse determination on a request for prior authorization, or to terminate, reduce or modify a previously approved request for prior authorization, unless that action is independently reviewed by a physician or dentist, as applicable, who possesses certain qualifications.**

Section 19 ~~[and 35 of this bill revise the period for insurers to take action on a request for prior authorization by requiring]~~ **requires** an insurer **, other than an insurer covering recipients of Medicaid or CHIP,** to approve or make an adverse determination on ~~[such]~~ a request~~ [,]~~ **for prior authorization,** or request additional, medically relevant information within: (1) ~~[five]~~ **7** days after receiving the request, for medical or dental care that is not urgent; or (2) ~~[twenty-four]~~ **48** hours after receiving the request, for care that is urgent. **Section 35 of this bill requires entities providing coverage under Medicaid or CHIP, including Medicaid managed care organizations, to approve, make an adverse determination on or request additional, medically relevant information for any request for prior authorization, except for requests for prescription drugs and certain other services, within 7 days after receiving the request. Sections 13 and 36** of this bill require any adverse determination on a request for prior authorization to be made by ~~[a]~~

~~licensed physician or, for a request relating to dental care, a dentist, who has certain qualifications. Sections~~ **certain authorized providers of health care. Section 13** ~~[and 36 require]~~ **requires** an insurer ~~[, in]~~ **, other than those covering recipients of Medicaid or CHIP, to, in** certain circumstances, ~~[to]~~ allow the provider of health care who requested the prior authorization **, or certain colleagues of the provider,** to discuss the issues involved in the request with the physician or dentist who is responsible for making a determination on the request. **Sections 13 and 36** require an insurer, upon making an adverse determination on a request for prior authorization, to transmit certain information to the insured to whom the request pertains, including information relating to the right of the insured to appeal the adverse determination. ~~[Sections]~~ **Section 13** ~~[and 36 further require:]~~ **requires:** (1) an insurer **, other than those covering recipients of Medicaid or CHIP,** to establish a process for appeals that provides for the timely resolution of appeals submitted by insureds; and (2) a decision upholding an adverse determination on an appeal submitted by an insured to be made by a physician or dentist who has qualifications beyond those required of a physician or dentist who evaluates initial requests for prior authorization.

~~[Sections]~~ **Section 36 establishes certain other requirements for appeals of adverse determinations pertaining to recipients of Medicaid and CHIP.**

Section 14 ~~[and 37]~~ of this bill: (1) ~~[provide]~~ **provides** that a request for prior authorization that has been approved by ~~[the]~~ **an** insurer **, other than an insurer covering recipients of Medicaid or CHIP,** remains valid for 12 **months, if the approval is for a continuous course of care relating to a chronic or long-term condition, or 6** months ~~[,]~~ **for other medical or dental care;** and (2) ~~[require]~~ **requires such** an insurer, for the first 90 days of the coverage period for a new insured, to honor a request for prior authorization that has been approved by the previous insurer of the new insured, under certain circumstances. ~~[Sections 14 and]~~ **Section 37** ~~[prohibit an insurer from denying or imposing additional limits on a request for prior authorization that the insurer has previously approved if the care at issue in the request is provided within 90 business days after the date on which the insurer receives the request and certain other requirements are met.]~~ **of this bill provides that a request for prior authorization approved for recipients of Medicaid and CHIP remains valid for 12 months after approval, unless federal law provides for a different amount of time.**

Sections 15 and 38 of this bill prohibit an insurer from requiring prior authorization for covered emergency services. **Sections 15 and 38** also prohibit an insurer from requiring that an insured or provider of health care notify the insurer earlier than the end of the business day following the date of admission or the date on which the emergency services are provided. ~~[Finally, sections 15 and]~~ **Additionally, section 38**: (1) ~~[prohibit an insurer]~~ **prohibits an insurer covering recipients of Medicaid and CHIP** from denying coverage for covered medically necessary emergency services; and (2)

~~[~~establish~~]~~ **establishes** a presumption of **such** medical necessity under certain conditions.

Sections 3-12 and ~~[~~27-33~~]~~ **27-32** of this bill define certain terms relating to the process of obtaining and processing requests for prior authorization, and **sections 2 and 26** of this bill establish the applicability of those definitions. ~~[~~Sections~~]~~ **Section 16** ~~[~~and 39~~]~~ of this bill provide that if an insurer **, other than an insurer covering recipients of Medicaid or CHIP,** violates any provision of section ~~[~~13-15,~~]~~ **12.5-15 or 19** ~~[~~or 34-38~~]~~ with respect to a particular request for prior authorization, that the request is deemed approved. **Sections 16 and 39** ~~[~~also~~]~~ **of this bill** clarify that nothing in any provision of **section** ~~[~~13-15,~~]~~ **12.5-15, 19 or 34-38** require an insurer to provide coverage: (1) for care that the insurer does not cover, regardless of the medical necessity of the care; or (2) to persons to whom the insured is not obligated to provide coverage.

~~[~~Sections~~]~~ **Section 17** ~~[~~and 40~~]~~ of this bill ~~[~~require~~]~~ **requires** an insurer **, other than an insurer covering recipients of Medicaid or CHIP,** to annually publish on its Internet website **and submit to the Commissioner of Insurance** certain information relating to requests for prior authorization that have been processed by the insurer during the immediately preceding year. ~~[~~Sections 18 and 41 of this bill additionally require an insurer to publish an annual report of certain information relating to requests for prior authorization processed by the insurer during the immediately preceding year.~~]~~ **Section 17 additionally requires the Commissioner to biennially transmit to the Legislature the data collected from insurers for the biennium and a report summarizing the data. Sections 40 and 41 of this bill impose similar reporting requirements on entities providing coverage for recipients and CHIP relating to requests for prior authorization received by those entities.**

Section 20 of this bill requires a nonprofit hospital and medical or dental service corporation to comply with **sections** ~~[~~2-18.~~]~~ **2-17. Section 21** of this bill requires the Director of the Department of Health and Human Services to administer the provisions of **sections** ~~[~~25-41~~]~~ **26-41** of this bill in the same manner as other provisions governing Medicaid. **Sections 22, 23 and 44** of this bill require plans of self-insurance for employees of local governments, the Public Employees' Benefits Program and plans of self-insurance for private employers, respectively, to comply with the requirements of **sections 2-19** of this bill to the extent applicable. ~~[~~Section 25 provides~~]~~ **Sections 12.2 and 34 of this bill provide** that a managed care organization that provides services to recipients of Medicaid or the Children's Health Insurance Program is ~~[~~not~~]~~ subject to **the requirements of sections 26-41**, ~~[~~but must~~]~~ **and is not required to** comply with **sections 2-19**. **Section 42** of this bill requires the policies and procedures for coverage for prescription drugs under Medicaid to comply with **sections 26-41**. **Section 47.5 of this bill repeals provisions establishing certain requirements relating to prior authorization for dental care which sections 2-19 make redundant.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in NRS 687B.225 and sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Adverse determination" means a determination by a health carrier that an admission* ~~*[, availability of care, continued stay]*~~ *or other medical care or dental care that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the requested care or service or payment for the care or service is therefore denied* ~~*. [, reduced or terminated.]*~~

Sec. 4. *"Emergency services" means health care services that are provided by a provider of health care to screen and to stabilize an insured after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent person would believe that the absence of immediate medical attention could result in:*

1. Serious jeopardy to the health of the insured;

2. Serious jeopardy to the health of ~~*[an unborn child]*~~ *a fetus of the insured;*

3. Serious impairment of a bodily function of the insured; or

4. Serious dysfunction of any bodily organ or part of the insured.

Sec. 5. *"Health carrier" has the meaning ascribed to it in NRS 695G.024, and includes, without limitation, an organization for dental care. The term additionally includes a utilization review organization, as defined in NRS 695G.085.*

Sec. 6. ~~*["Individually identifiable health information" means information relating to the provision of health care to an insured:*~~

~~*1. That specifically identifies the insured; or*~~

~~*2. For which there is a reasonable basis to believe that the information can be used to identify the insured.]*~~ **(Deleted by amendment.)**

Sec. 7. *"Insured" means a policyholder, subscriber, enrollee or other person covered by a policy or contract of health insurance issued by a health carrier.*

Sec. 8. *"Medically necessary" has the meaning ascribed to it in NRS 695G.055.*

Sec. 9. ~~*[*~~*"Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Network plan" means a contract or policy of insurance offered by a health carrier under which the financing and delivery of medical or dental care is provided, in whole or in part, through a defined set of providers under contract with the health carrier.*]~~ **(Deleted by amendment.)**

Sec. 11. *"Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 12. *"Urgent health care":*

1. Means health care that, in the opinion of a provider of health care with knowledge of an insured's medical condition, if not rendered to the insured within 48 hours could:

(a) Seriously jeopardize the life or health of the insured or the ability of the insured to regain maximum function; or

(b) Subject the insured to severe pain that cannot be adequately managed without receiving such care.

2. Does not include emergency services.

Sec. 12.2. *NRS 687B.225 and sections 2 to 17, inclusive, of this act, do not apply to a health maintenance organization or other managed care organization that enters into a contract with the Department of Health and Human Services or the Division of Health Care Financing and Policy of the Department pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or insurance under the Children's Health Insurance Program to the extent that the organization is providing such services.*

Sec. 12.5. *1. If a health carrier utilizes an artificial intelligence system or automated decision tool to process requests for prior authorization, the health carrier shall make available, in a place that is readily accessible and conspicuous to insureds and the public:*

(a) A statement that the health carrier utilizes an artificial intelligence system or automated decision tool to process requests for prior authorization;

(b) A general description of how the artificial intelligence system or automated decision tool works; and

(c) A description of the specific types of information or data utilized by the artificial intelligence system or automated decision tool to generate an outcome.

2. Except as otherwise provided in subsection 3, a health carrier shall not utilize or employ an artificial intelligence system or automated decision tool to:

(a) Make an adverse determination on a request for prior authorization; or

(b) Terminate, reduce or modify coverage for medical or dental care that was previously approved by the health carrier.

3. A health carrier may utilize or employ an artificial intelligence system or automated decision tool for a purpose described in subsection 2 if, when

the artificial intelligence system or automated decision tool generates an outcome on a request for prior authorization, the request is independently reviewed by a physician or, for a request involving dental care, a dentist, who meets the requirements set forth in paragraph (a) of subsection 1 of section 13 of this act.

4. As used in this section:

(a) "Artificial intelligence system" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.

(b) "Automated decision tool" means an automated or computerized system that is specifically developed or modified to make, or be a controlling factor in making, consequential decisions.

Sec. 13. *1. A health carrier shall not make an adverse determination on a request for prior authorization unless:*

(a) The adverse determination is made by a physician or, for dental care, a dentist, who:

(1) Holds an unrestricted license to practice medicine or dentistry, as applicable, in any state or territory of the United States; and

(2) ~~[Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the health or dental care involved in the request; and~~

~~(3)]~~ Has knowledge or training regarding the treatment of the medical or dental condition involved in the request or has experience treating or managing the medical or dental condition involved in the request; and

(b) The adverse determination is reviewed and affirmed by:

(1) ~~[The]~~ A medical director of the health carrier or a similar employee who is in charge of the medical operations of the health carrier; or

(2) A physician or, for dental care, a dentist, who:

(I) Has been designated by the medical director or similar employee to review the adverse determination; and

(II) Is employed by or contracted with the health carrier specifically to perform reviews or appeals of adverse determinations.

2. If a physician or dentist described in paragraph (a) of subsection 1 is considering making an adverse determination on a request for prior authorization on the basis that the medical or dental care involved in the request is not medically necessary, the health carrier that received the request shall:

(a) ~~[Immediately notify]~~ Notify the provider of health care who submitted the request , or the person designated by the provider of health care to manage requests for prior authorization, that the medical necessity of the requested care is being questioned by the health carrier; and

(b) Offer the provider of health care who submitted the request, or a colleague of that provider of health care who has the knowledge and ability to provide additional information with respect to the request, an opportunity to speak with the physician or dentist, as applicable, over the telephone or by

videoconference to discuss the clinical issues involved in the request before the physician or dentist renders an initial determination on the request.

3. Upon rendering an adverse determination on a request for prior authorization, a health carrier shall immediately transmit to the insured to whom the request pertains a written notice that contains:

(a) A specific description of all reasons that the health carrier made the adverse determination;

(b) A description of any documentation that the health carrier requested from the insured or a provider of health care of the insured and did not receive or deemed insufficient, if the failure to receive sufficient documentation contributed to the adverse determination;

(c) A statement that the insured has the right to appeal the adverse determination;

(d) Instructions, written in clear language that is understandable to an ordinary layperson, describing how the insured can appeal the adverse determination through the process established pursuant to subsection 4; and

(e) A description of any documentation that may be necessary or pertinent to a potential appeal.

4. A health carrier shall establish a process that allows an insured to appeal an adverse determination on a request for prior authorization. The process must allow for the clear resolution of each appeal within a reasonable time.

5. A health carrier shall not uphold on appeal an adverse determination pertaining to a request for prior authorization unless the decision on the appeal is made by a physician or, for dental care, a dentist, who:

(a) Holds an unrestricted license to practice medicine or dentistry, as applicable, in any state or territory of the United States;

(b) ~~[Evaluates and treats patients in his or her capacity as an actively practicing physician or dentist, as applicable;~~

~~(c) Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request;~~

~~(d)]~~ Has knowledge or training regarding the treatment of the medical or dental condition involved in the request or has experience treating or managing the medical or dental condition involved in the request;

~~[(e)]~~ (c) Was not involved in making the adverse determination that is the subject of the appeal;

~~[(f)]~~ (d) Considers all known clinical aspects of the medical or dental care involved in the request; and

~~[(g)]~~ (e) Is employed by or contracted with the health carrier : ~~[to:]~~

(1) ~~[Participate]~~ To participate in the network of the health carrier in his or her capacity as a practicing physician or dentist, as applicable; or

(2) ~~[Solely]~~ Primarily to make determinations on reviews or appeals of adverse determinations.

6. As used in this section:

(a) "Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.

(b) "Network plan" means a contract or policy of insurance offered by a health carrier under which the financing and delivery of medical or dental care is provided, in whole or in part, through a defined set of providers under contract with the health carrier.

Sec. 14. *1. ~~[If]~~ Except as otherwise provided in subsection 2, if a health carrier approves a request for prior authorization ~~[,]~~ and the process to provide the approved medical or dental care has been initiated, the approval remains valid until ~~[12]~~ 6 months after the date on which the request is approved.*

2. Except as otherwise provided in this this subsection, if a health carrier approves a request for prior authorization for a continuous course of treatment that relates to a chronic or long-term condition which is specifically identified in the request for prior authorization, the approval remains valid until 12 months after the date on which the health carrier approved the request. A health carrier may require additional prior authorization for medical or dental care that represents a substantial deviation from the course of treatment indicated in the previous request for prior authorization that was approved by the health carrier.

3. A health carrier shall not revoke or impose an additional limit, condition or restriction on a request for prior authorization that the health carrier has previously approved unless:

(a) ~~[The care at issue in the request was not provided to the insured within 90 business days after the health carrier received the request;~~

~~(b)]~~ The health carrier determines that an insured or a provider of health care procured the approval by fraud or material misrepresentation; ~~[or~~

~~(c)]~~ (b) The health carrier determines that the care at issue in the request was not covered by the health carrier at the time the care was provided ~~[.]~~; or

(c) The coverage period of the policy or contract of insurance under which the insured was covered at the time of the approval has ended and the insured is currently covered under a different policy or contract of insurance which imposes a lower cost-sharing obligation for the relevant medical or dental care.

~~[3.]~~ 4. A health carrier that has approved a request for prior authorization shall not deny or refuse to promptly pay a claim for the approved medical or dental care unless the health carrier determines that the insured or provider of health care procured the prior authorization by fraud or material misrepresentation. ~~[The claim must be paid at the same rate that the health carrier is contractually obligated to or would ordinarily pay a provider of health care for providing the specific type of care that was approved and provided to the insured.~~

~~4.]~~ 5. Within the first 90 days of the coverage period for an insured, a health carrier shall honor a request for prior authorization that has been

approved by a health carrier or other entity that previously provided the insured with coverage for medical or dental care if:

(a) The approval was issued within the ~~[12]~~ 6 months immediately preceding the first day of the coverage period under the current contract or policy of insurance; ~~[and]~~

(b) The insured or his or her provider of health care furnishes the health carrier with complete documentation with respect to the prior approval in a timely manner, if the health carrier requests such documentation; and

(c) The specific medical or dental care included within the request is not affirmatively excluded under the terms and conditions of the contract or policy of insurance issued by the health carrier.

~~[5.]~~ 6. Nothing in this section shall be construed to prohibit a health carrier from subsequently reducing or eliminating a cost-sharing obligation imposed against an insured for medical or dental care for which the health carrier has previously granted prior authorization.

7. As used in this section, "coverage period" means the current term of a contract or policy of insurance issued by a health carrier.

Sec. 15. *1. A health carrier shall not require prior authorization for emergency services covered by the health carrier, including, where applicable, transportation by ambulance to a hospital or other medical facility.*

2. If a health carrier requires an insured or his or her provider of health care to notify the health carrier that the insured has been admitted to a hospital to receive emergency services or has received emergency services, the health carrier shall not require an insured or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the day after the date on which the insured was admitted or the emergency services were provided, as applicable.

~~[3. A health carrier shall not deny coverage for emergency services covered by the health carrier that are medically necessary. Emergency services are presumed to be medically necessary if, within 72 hours after an insured is admitted to receive emergency services, the insured's provider of health care transmits to the health carrier a certification, in writing, that the condition of the insured required emergency services. The health carrier may rebut that presumption by establishing, by clear and convincing evidence, that the emergency services were not medically necessary.~~

~~4. A health carrier shall make all determinations for whether emergency services are medically necessary without regard to whether a provider of health care that provided or billed for those services participates in the network of the health carrier.]~~

Sec. 16. *1. If a health carrier violates NRS 687B.225 or section 12.5, 13, 14 or 15 of this act with respect to a particular request for prior authorization, the request shall be deemed approved.*

2. Nothing in NRS 687B.225 or ~~[section 13, 14 or]~~ sections 12.5 to 15, inclusive, of this act shall be construed to require a health carrier to provide coverage:

(a) For medical or dental care that, regardless of whether such care is medically necessary, would not be a covered benefit under the terms and conditions of the contract or policy of insurance;

(b) To a person who is not insured by the health carrier on the date on which medical or dental care is provided to the person; or

(c) To an insured who, as a result of his or her failure to pay the applicable premiums required under the terms and conditions of a contract or policy of insurance, has no coverage under the contract or policy on the date on which medical or dental care is provided to the insured.

Sec. 17. *1. On or before March 1 of each calendar year, a health carrier that requires insureds to obtain prior authorization for medical or dental care shall compile and transmit to the Commissioner, in a form prescribed by the Commissioner, and publish on an Internet website maintained by the health carrier in an easily accessible format the following information for the immediately preceding ~~[calendar]~~ plan year, in aggregated form for all requests for prior authorization received by the health carrier during the immediately preceding plan year for urgent and non-urgent care and disaggregated in accordance with subsection 2:*

(a) The ~~[percentage]~~ number of initial requests for prior authorization for medical or dental care in this State that were approved upon initial review;

(b) The ~~[percentage]~~ number of initial requests for prior authorization for medical or dental care in this State that resulted in an adverse determination upon initial review;

(c) The ~~[percentage]~~ number of the adverse determinations described in paragraph (b) that were appealed;

(d) The ~~[percentage]~~ number of appeals of adverse determinations described in paragraph (c) that resulted in a reversal of the adverse determination;

(e) The five most common reasons for the adverse determinations described in paragraph (b); and

(f) The average time between ~~[(1)]~~ :

(1) The submission of an initial request for prior authorization for medical or dental care in this State and the ~~[resolution of]~~ response to the request ~~[.]~~ ; and

(2) The submission of an appeal of an adverse determination on a request for prior authorization for medical or dental care in this State and the resolution of the appeal.

2. The information described in subsection 1 must be disaggregated for the following categories:

(a) Requests for urgent health care and non-urgent health care;

(b) The specialty of the provider of health care who submitted a request for prior authorization; and

~~[(b)]~~ *(c) The types of medical or dental care at issue in the request for prior authorization, including the specific types of prescription drugs, procedures or diagnostic tests involved in the requests.*

3. A health carrier shall not include individually identifiable health information in the information published pursuant to subsection 1.

4. On or before May 1 of each even-numbered year, the Commissioner shall:

(a) Compile a report summarizing the information submitted to the Commissioner pursuant to subsection 1 during the immediately preceding biennium and providing recommendations for legislation to improve the process for obtaining prior authorization; and

(b) Submit the report and all information provided to the Commissioner pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

5. As used in this section, "individually identifiable health information" means information relating to the provision of medical or dental care to an insured:

(a) That specifically identifies the insured; or

(b) For which there is a reasonable basis to believe that the information can be used to identify the insured.

Sec. 18. ~~[*1. On or before March 1 of each calendar year, a health carrier shall compile and transmit to the Commissioner, in a form prescribed by the Commissioner, and publish on an Internet website maintained by the health carrier a report containing the following information:*~~

~~*(a) The specific goods and services for which the health carrier requires prior authorization and, for each good or service:*~~

~~*(1) The date on which prior authorization for that good or service became required for contracts or policies issued or delivered in this State and the date on which that requirement was listed on the Internet website of the health carrier pursuant to subsection 6 of NRS 687B.225;*~~

~~*(2) The number of requests for prior authorization received by the health carrier during the immediately preceding calendar year for the provision of the good or service to insureds in this State;*~~

~~*(3) The number and percentage of the requests listed pursuant to subparagraph (2) that were approved;*~~

~~*(4) The number and percentage of the requests listed pursuant to subparagraph (2) that resulted in adverse determinations; and*~~

~~*(5) The number of appeals from adverse determinations during the immediately preceding calendar year and the percentage of those appeals that were reversed on appeal by the health carrier.*~~

~~*(b) For all requests for prior authorization for non-urgent health or dental care received by the health carrier during the immediately preceding calendar year, the average and median time between:*~~

~~*(1) The health carrier receiving a request for prior authorization and the health carrier approving or making an adverse determination on the request; and*~~

~~*(2) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal.*~~

~~*(c) For all requests for prior authorization for urgent health care received by the health carrier during the immediately preceding calendar year, the average and median time between:*~~

~~*(1) The health carrier receiving a request for prior authorization and the health carrier approving or making an adverse determination on the request; and*~~

~~*(2) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal.*~~

~~*2. On or before May 1 of each even-numbered year, the Commissioner shall:*~~

~~*(a) Compile a report summarizing the information submitted to the Commissioner pursuant to subsection 1 during the immediately preceding biennium and providing recommendations for legislation to improve the process for obtaining prior authorization; and*~~

~~*(b) Submit the report and all information provided to the Commissioner pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.*~~

~~*3. A health carrier shall not include individually identifiable health information in a report published pursuant to subsection 1.*~~] **(Deleted by amendment.)**

Sec. 19. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, ***and section 15 of this act,*** any contract ~~[for group, blanket or individual health]~~ ***or policy of*** insurance ~~[or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care]~~ ***issued by a health carrier*** which provides for payment of a certain part of medical or dental care may require the insured ~~[or member]~~ to obtain prior authorization for that care from the ~~[insurer or organization. The insurer or organization]~~ ***health carrier in a manner consistent with this section and sections 2 to 18, inclusive, of this act.***

2. A health carrier that requires an insured to obtain prior authorization shall:

(a) File its procedure for obtaining ~~[approval of care]~~ ***prior authorization*** pursuant to this section ***, including, without limitation, a list of the ~~[specific goods]~~ items and services for which the health carrier requires prior authorization and the clinical review criteria used by the health carrier to evaluate requests for prior authorization,*** for approval by the Commissioner***.*** ~~[; and]~~

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, ~~[respond to]~~ ***and except as otherwise provided by paragraph (c), approve or make an adverse determination on*** any request for ~~[approval by the insured or member]~~ ***prior authorization submitted by or on behalf of the insured*** pursuant to this section ~~[within 20 days after it receives the request.]~~ ***and notify the insured and his or her provider of health care , or the person designated by the provider of health care to manage requests for prior authorization, of the approval or adverse determination:***

(1) For non-urgent medical or dental care, within ~~[5]~~ 7 days after receiving the request.

(2) For urgent health care, within ~~[24]~~ 48 hours after receiving the request.

(c) If the health carrier requires additional, medically relevant information or documentation in order to adequately evaluate a request for prior authorization:

(1) Notify the insured and the provider of health care who submitted the request , or the person designated by the provider of health care to manage requests for prior authorization, within the applicable amount of time described in paragraph (b) that additional information is required to evaluate the request;

(2) Include within the notification sent pursuant to subparagraph (1) a description, with reasonable specificity, of the information that the health carrier requires to make a determination on the request for prior authorization; and

(3) Approve or make an adverse determination on the request:

(I) For non-urgent medical or dental care, within ~~[5]~~ 7 days after receiving the information.

(II) For urgent health care, within ~~[24]~~ 48 hours after receiving the information.

~~[2.]~~ ***3.*** The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

4. ~~If a health carrier seeks to amend its procedure for obtaining prior authorization, including, without limitation, changing the goods and services for which the health carrier requires prior authorization or~~

~~*changing the clinical review criteria used by the health carrier, the health carrier:*~~

~~*(a) Must file a request to amend the procedure for approval by the Commissioner.*~~

~~*(b) May not allow the amended procedure to take effect until:*~~

~~*(1) The Commissioner notifies the health carrier that the request is approved; and*~~

~~*(2) The health carrier satisfies the requirements of subsection 5 after the health carrier receives a notice of approval from the Commissioner.*~~

~~*5. A change to a health carrier's procedure for obtaining prior authorization may not take effect until:*~~

~~*(a) The health carrier transmits a notice that contains a summary of the changes to the procedure to each of its insureds and providers of health care who participate in the network of the health carrier;*~~

~~*(b) The health carrier updates the information published on its Internet website pursuant to subsection 6 to reflect the amended procedure for obtaining prior authorization and the date on which the amended procedure takes effect; and*~~

~~*(c) At least 60 days have passed after the later of:*~~

~~*(1) The date on which the health carrier transmitted the notice to its insureds and providers of health care who participate in the network of the health carrier pursuant to paragraph (a); or*~~

~~*(2) The date on which the health carrier updated the information published on its Internet website pursuant to paragraph (b).*~~

~~*6.]*~~ ***A health carrier shall publish its procedures for obtaining prior authorization, including, without limitation, the clinical review criteria*** ~~*,]*~~ ***and the list of items and services for which the health carrier requires prior authorization and the dates on which the health carrier began requiring prior authorization in this State for each item or service,*** ***on its Internet website:***

(a) Using clear language that is understandable to an ordinary layperson, where practicable; and

(b) In a place that is readily accessible and conspicuous to insureds and the public.

~~*[7.]*~~ ***5. A health carrier shall not deny a claim based on the failure of an insured to obtain prior authorization for medical or dental care if the procedure for obtaining prior authorization established by the health carrier did not require the insured to obtain prior authorization for that medical or dental care on the date that the medical or dental care was provided to the insured.***

~~*[8.]*~~ ***6. As used in this section, "clinical review criteria" means any written screening procedure, decision abstract, clinical protocol or practice guideline used by the health carrier to determine the necessity and appropriateness of medical or dental care.***

Sec. 20. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 17, 18 and 30 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, ***and sections 2 to 18, inclusive, of this act,*** 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 21. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 25 to 41, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 22. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the

deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, ***paragraphs (b) and (c) of subsection 2 and subsections 1, 3, 4 and 5 ~~[, 6 and 7]~~ of NRS 687B.225,*** 687B.352, 687B.408, 687B.692, ~~[687B.723,]~~ 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 ***and sections 2 to 18, inclusive, of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 23. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, ***paragraphs (b) and (c) of subsection 2 and subsections 1, 3, 4 and 5 ~~[, 6 and 7]~~ of NRS 687B.225,*** 687B.352, 687B.409, 687B.692, ~~[687B.723,]~~ 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, ***and sections 2 to 18, inclusive, of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 24. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 to 41, inclusive, of this act.

Sec. 25. ~~***[1. The provisions of sections 26 to 41, inclusive, of this act and any policies developed pursuant thereto do not apply to the delivery of services to recipients of Medicaid or the Children's Health Insurance Program through managed care in accordance with NRS 422.273.***~~

~~***2. A health maintenance organization or other managed care organization that enters into a contract with the Department or the Division pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall comply with NRS 687B.225 and sections 2 to 18, inclusive, of this act.]***~~ **(Deleted by amendment.)**

Sec. 26. ***As used in sections 26 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 27 to 33, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 27. *"Adverse determination" means a determination by the Department or a Medicaid managed care entity that an admission ~~[, availability of care, continued stay]~~ or other medical care or dental care that is a covered benefit has been reviewed and, based upon the information provided, does not meet the ~~[Department's]~~ relevant requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the requested care or service or payment for the care or service is therefore denied . ~~[, reduced or terminated.]~~*

Sec. 28. ~~[*"Emergency services" means health care services that are provided by a provider of health care to screen and to stabilize a recipient after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent person would believe that the absence of immediate medical attention could result in:*~~

~~*1. Serious jeopardy to the health of the recipient;*~~

~~*2. Serious jeopardy to the health of an unborn child of the recipient;*~~

~~*3. Serious impairment of a bodily function of the recipient; or*~~

~~*4. Serious dysfunction of any bodily organ or part of the recipient.]~~~~

(Deleted by amendment.)

Sec. 29. *"Individually identifiable health information" means information relating to the provision of health care to a recipient:*

1. That specifically identifies the recipient; or

2. For which there is a reasonable basis to believe that the information can be used to identify the recipient.

Sec. 29.5. "Medicaid managed care entity" means:

1. A health maintenance organization or other managed care organization that enters into a contract with the Department or the Division pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program; or

2. A utilization review organization, as defined in NRS 695G.085, that conducts utilization reviews for the Department or a health maintenance organization or managed care organization described in subsection 1 with respect to Medicaid or the Children's Health Insurance Program.

Sec. 30. *~~[~~"~~Medically~~]~~ 1. Except as otherwise provided in subsection 2 or where otherwise required by federal law, "medically necessary" has the meaning ascribed to it in NRS 695G.055.*

2. If federal law or regulations define "medically necessary" for purposes related to Medicaid or the Children's Health Insurance Program differently from the manner in which that term is defined in subsection 1, the Department may, by regulation, adopt the definition established by federal law or regulations. Any such definition supersedes the definition established in subsection 1.

Sec. 31. *"Provider of health care" ~~[has the meaning ascribed to it in NRS 695G.070.]~~ means a person who participates in the State Plan for*

Medicaid or the Children's Health Insurance Program as a provider of items or services.

Sec. 32. *"Recipient" means a natural person who receives benefits through Medicaid or the Children's Health Insurance Program, as applicable.*

Sec. 33. *~~[~~"Urgent health care"~~:~~*

~~1. Means health care that, in the opinion of a provider of health care with knowledge of a recipient's medical condition, if not rendered to the recipient within 48 hours could:~~

~~(a) Seriously jeopardize the life or health of the recipient or the ability of the recipient to regain maximum function; or~~

~~(b) Subject the recipient to severe pain that cannot be adequately managed without receiving such care.~~

~~2. Does not include emergency services.]~~ **(Deleted by amendment.)**

Sec. 34. *1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall establish written procedures for obtaining prior authorization for medical or dental care which ~~[must]~~ :*

(a) Apply to the delivery of medical or dental care to recipients of Medicaid or the Children's Health Insurance Program:

(1) Directly by the Department; and

(2) Through managed care in accordance with NRS 422.273; and

(b) Must include, without limitation:

~~[(a)]~~ (1) A list of the ~~[specific goods]~~ items and services for which the Department requires prior authorization; and

~~[(b)]~~ (2) A description of the clinical review criteria used by the Department.

2. The Department and each Medicaid managed care entity shall publish the written procedures for obtaining prior authorization established by the Department pursuant to subsection 1, including, without limitation, the clinical review criteria, on an Internet website maintained by the Department ~~[:]~~ or the Medicaid managed care entity, as applicable:

(a) Using clear language that is understandable to an ordinary layperson, where practicable; and

(b) In a place that is readily accessible and conspicuous to recipients and the public.

3. If the Department amends the procedure for obtaining prior authorization adopted pursuant to subsection 1, including, without limitation, changing the ~~[goods]~~ items and services for which the Department requires prior authorization or changing the clinical review criteria used by the Department, the Department and each Medicaid managed care entity shall ~~[:~~

~~(a) Transmit a notice containing a summary of the changes made to the procedure to each recipient and each provider of goods or services under Medicaid or the Children's Health Insurance Program, as applicable; and~~

~~(b) Update~~ update the information published on its Internet website pursuant to subsection 2 to reflect the amended procedure for obtaining prior authorization and the date on which the amended procedure takes effect.

4. A change to the Department's procedure for obtaining prior authorization may not take effect until ~~[60 days have passed after the later of:~~

~~(a) The date on which the Department transmitted the notice to recipients and providers of goods or services under Medicaid or the Children's Health Insurance Program, as applicable, pursuant to paragraph (a) of subsection 3; or~~

~~(b) The]~~ the date on which the Department updated the information published on its Internet website pursuant to ~~[paragraph (b) of]~~ subsection 3.

5. The Department or a Medicaid managed care entity shall not deny a claim based on the failure of a recipient to obtain prior authorization for medical or dental care if the procedure for obtaining prior authorization established by the Department pursuant to this section did not require the recipient to obtain prior authorization for that medical or dental care on the date that the medical or dental care was provided to the recipient.

6. As used in this section, "clinical review criteria" means any written screening procedure, decision abstract, clinical protocol or practice guideline used by the Department to determine the necessity and appropriateness of medical or dental care.

Sec. 35. 1. Unless a shorter time period is prescribed by a specific statute, and except as otherwise provided in ~~[subsection]~~ subsections 2 ~~,~~ and 3, the Department ~~,~~ or a Medicaid managed care entity, with respect to Medicaid and the Children's Health Insurance Program, shall approve or make an adverse determination on a request for prior authorization submitted by or on behalf of a recipient and notify the recipient and his or her provider of health care , or the person designated by the provider of health care to manage requests for prior authorization, of the approval or adverse determination ~~:~~

~~(a) For non-urgent medical or dental care,]~~ within ~~[5]~~ 7 days after receiving the request.

~~[(b) For urgent health care, within 24 hours after receiving the request.]~~

2. If the Department or Medicaid managed care entity requires additional, medically relevant information or documentation in order to adequately evaluate a request for prior authorization, the Department or Medicaid managed care entity, as applicable, shall:

(a) Notify the recipient and the provider of health care who submitted the request , or the person designated by the provider of health care to manage requests for prior authorization, within ~~[the applicable amount of time described in subsection 1]~~ 7 days after receiving the request that additional information is required to evaluate the request;

(b) Include within the notification sent pursuant to paragraph (a) a description, with reasonable specificity, of the information that the Department or Medicaid managed care entity, as applicable, requires to make a determination on the request for prior authorization; and

(c) Approve or make an adverse determination on the request ~~[:~~

~~(1) For non-urgent medical or dental care, within 5 days after receiving the information.~~

~~(2) For urgent health care,]~~ within ~~[24 hours]~~ 7 days after receiving the information.

3. The provisions of this section do not apply to requests for prior authorization for prescription drugs, for personal care services or for services which are provided under Medicaid pursuant to 42 U.S.C. § 1396n(i) or a waiver granted pursuant to 42 U.S.C. § 1396n(c) by the Secretary of Health and Human Services.

Sec. 36. *1. The Department ~~[,]~~ or a Medicaid managed care entity, with respect to Medicaid and the Children's Health Insurance Program, shall not make an adverse determination on a request for prior authorization unless the adverse determination is made by a physician , a pharmacist or, for a request relating to dental care, a dentist, who:*

(a) Holds an unrestricted license to practice medicine , pharmacy or dentistry, as applicable, in any state or territory of the United States; and

(b) Is acting within the scope of his or her practice with respect to evaluating the particular medical or dental care involved in the request and, to the extent practicable, is of the same or similar specialty as a physician , pharmacist or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request . ~~[; and~~

~~(c) Has experience treating or managing the medical or dental condition involved in the request.]~~

2. ~~[If a physician or dentist described in subsection 1 is considering making an adverse determination on a request for prior authorization on the basis that the medical or dental care involved in the request is not medically necessary, the Department shall:~~

~~(a) Immediately notify the provider of health care who submitted the request that the medical necessity of the requested care is being questioned by the Department; and~~

~~(b) Offer the provider of health care an opportunity to speak with the physician or dentist, as applicable, over the telephone or by videoconference to discuss the clinical issues involved in the request before the physician or dentist renders an initial determination on the request.~~

~~3.]~~ Upon rendering an adverse determination on a request for prior authorization, the Department or a Medicaid managed care entity, as applicable, shall immediately transmit to the recipient to whom the request pertains a written notice that contains:

(a) A specific description of all reasons that the Department or Medicaid managed care entity, as applicable, made the adverse determination;

(b) A description of any documentation that the Department or Medicaid managed care entity, as applicable, requested from the recipient or a provider of health care of the recipient and did not receive or deemed insufficient, if the failure to receive sufficient documentation contributed to the adverse determination;

(c) A statement that the recipient has the right to appeal the adverse determination;

(d) Instructions, written in clear language that is understandable to an ordinary layperson, describing how the recipient can appeal the adverse determination through the process for appeals established pursuant to subsection ~~[4,]~~ 3; and

(e) A description of any documentation that may be necessary or pertinent to a potential appeal.

~~[4.]~~ 3. The Department shall establish a process that allows a recipient to appeal an adverse determination on a request for prior authorization. ~~[The process must allow for the clear resolution of each appeal within a reasonable time.~~

~~5. The Department shall not uphold on appeal an adverse determination pertaining to a request for prior authorization unless the decision on the appeal is made by a physician, or, for an appeal relating to dental care, a dentist, who:~~

~~(a) Holds an unrestricted license to practice medicine or dentistry, as applicable, in any state or territory of the United States;~~

~~(b) Evaluates and treats patients in his or her capacity as an actively practicing physician or dentist, as applicable;~~

~~(c) Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request;~~

~~(d) Has experience treating or managing the medical or dental condition involved in the request;~~

~~(e) Was not involved in making the adverse determination that is the subject of the appeal;~~

~~(f) Considers all known clinical aspects of the medical or dental care involved in the request; and~~

~~(g) Is employed by or contracted with the Department solely to make determinations on appeals of adverse determinations.]~~ The Department may elect to utilize the procedures for hearings established for appeals of denials of claims of benefits under Medicaid pursuant to NRS 422.275 to 422.280, inclusive, to satisfy that requirement. If the Department utilizes such procedures for that purpose, the Department shall, upon the request of a hearing officer, make available to the hearing officer a licensed medical professional, which may include the Medical Director for Medicaid, as

available, to provide clinical input and expertise which may be necessary to evaluate the appeal of an adverse determination.

4. Notwithstanding the provisions of subsection 3, a Medicaid managed care entity may establish a separate process that allows a recipient to appeal an adverse determination on a request for prior authorization. If the Medicaid managed care entity does not reverse the adverse determination after the exhaustion of that process, the recipient my appeal to the Department pursuant to subsection 3.

Sec. 37. *1. If the Department or a Medicaid managed care entity approves a request for prior authorization, the approval remains valid until 12 months after the date on which the request is approved ~~.~~ or, if federal law establishes a different amount of time for which a request for prior authorization is required to remain valid, the amount of time established by the federal law.*

2. The Department or a Medicaid managed care entity shall not revoke or impose an additional limit, condition or restriction on a request for prior authorization that the Department or Medicaid managed care entity, as applicable, has previously approved unless:

(a) The care at issue in the request was not provided to the recipient within 90 business days after the Department or Medicaid managed care entity, as applicable, received the request;

(b) The Department or Medicaid managed care entity, as applicable, determines that a recipient or a provider of health care procured the approval by fraud or material misrepresentation; or

(c) The Department or Medicaid managed care entity, as applicable, determines that the care at issue in the request was not covered by Medicaid or the Children's Health Insurance Program, as applicable, at the time the care was provided.

3. If the Department or a Medicaid managed care entity has approved a request for prior authorization, the Department or Medicaid managed care entity, as applicable, shall not deny or refuse to promptly pay a clean claim for the approved medical or dental care unless ~~[the]~~ :

(a) The claim is not timely submitted;

(b) The claim is not submitted in accordance with the requirements of the Department or the Federal Government; or

(c) The Department or Medicaid managed care entity, as applicable, determines that the recipient or provider of health care procured the prior authorization by fraud or material misrepresentation. ~~[The]~~

4. If the Department or a Medicaid managed care entity does not deny a clean claim for approved medical or dental care pursuant to subsection 3, the Department or Medicaid managed care entity, as applicable, shall pay the claim ~~[must be paid]~~ at the same rate that the Department or Medicaid managed care entity, as applicable, is contractually obligated to or would ordinarily pay a provider of health care for providing the specific type of care that was approved and provided to the recipient.

~~*4. [Within the first 90 days that a recipient is enrolled in Medicaid or the Children's Health Insurance Program, as applicable, the Department shall honor a request for prior authorization that has been approved by a health carrier or other entity that previously provided the recipient with coverage for medical or dental care if:*~~

~~*(a) The approval was issued within the 12 months immediately preceding the first day of the enrollment of the recipient; and*~~

~~*(b) The specific medical or dental care included within the request is not affirmatively excluded under the terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable.*~~

~~*5.]*~~ *As used in this section, ~~[~~"health carrier" has the meaning ascribed to it in NRS 695G.024 and includes, without limitation, an organization for dental care.~~]~~ "clean claim" has the meaning ascribed to it in 42 C.F.R. § 447.45.*

Sec. 38. *1. The Department ~~,~~ or a Medicaid managed care entity, with respect to Medicaid and the Children's Health Insurance Program, shall not require prior authorization for covered emergency services, including, where applicable, transportation by ambulance to a hospital or other medical facility.*

2. If the Department or a Medicaid managed care entity requires a recipient or his or her provider of health care to notify the Department or Medicaid managed care entity, as applicable, that the recipient has been admitted to a hospital to receive emergency services or has received emergency services, the Department or Medicaid managed care entity, as applicable, shall not require a recipient or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the day after the date on which the recipient was admitted or the emergency services were provided, as applicable.

3. The Department or a Medicaid managed care entity shall not deny coverage for emergency services covered by Medicaid or the Children's Health Insurance Program that are medically necessary. Emergency services are presumed to be medically necessary if, within 72 hours after a recipient is admitted to receive emergency services, the recipient's provider of health care transmits to the Department or Medicaid managed care entity, as applicable, a certification, in writing, that the condition of the recipient required emergency services. The Department or Medicaid managed care entity may rebut that presumption by establishing, by clear and convincing evidence, that the emergency services were not medically necessary.

4. As used in this section, "emergency services" means health care services that are provided by a provider of health care to screen and to stabilize a recipient after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent person would believe that the absence of immediate medical attention could result in:

(a) Serious jeopardy to the health of the recipient;

(b) Serious jeopardy to the health of a fetus of the recipient;

(c) Serious impairment of a bodily function of the recipient; or

(d) Serious dysfunction of any bodily organ or part of the recipient.

Sec. 39. *~~1. If the Department violates sections 34 to 38, inclusive, of this act with respect to a particular request for prior authorization, the request shall be deemed approved.~~*

~~2.~~ Nothing in sections 34 to 38, inclusive, of this act shall be construed to require the Department or a Medicaid managed care entity to provide coverage:

~~(a)~~ 1. For medical or dental care that, regardless of whether such care is medically necessary, would not be a covered benefit under the terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable; or

~~(b)~~ 2. To a person who is not a recipient or is not otherwise eligible to receive coverage under Medicaid or the Children's Health Insurance Program, as applicable, on the date on which medical or dental care is provided to the person.

Sec. 40. *1. On or before March 1 of each calendar year, the Department and each Medicaid managed care entity shall publish on an Internet website maintained by the Department or Medicaid managed care entity, as applicable, in an easily accessible format the following information for the immediately preceding calendar year, in aggregated form for all requests for prior authorization received by the ~~[insurer]~~ Department or Medicaid managed care entity, as applicable, during the immediately preceding year and disaggregated in accordance with subsection 2:*

(a) The ~~[percentage]~~ number of initial requests for prior authorization for medical or dental care that were approved upon initial review;

(b) The ~~[percentage]~~ number of initial requests for prior authorization for medical or dental care that resulted in an adverse determination upon initial review;

(c) The ~~[percentage]~~ number of the adverse determinations described in paragraph (b) that were appealed;

(d) The ~~[percentage]~~ number of appeals of adverse determinations described in paragraph (c) that resulted in a reversal of the adverse determination;

(e) The five most common reasons for the adverse determinations described in paragraph (b); and

(f) The average time between ~~(a)~~ :

(1) The submission of an initial request for prior authorization for medical or dental care in this State and the ~~[resolution of]~~ response to the request ~~.~~ ; and

(2) The submission of an appeal of an adverse determination on a request for prior authorization for medical or dental care and the resolution of the appeal.

2. The information described in subsection 1 must be disaggregated for the following categories:

(a) The specialty of the provider of health care who submitted a request for prior authorization; and

(b) The types of medical or dental care at issue in the request for prior authorization, including the specific types of prescription drugs, procedures or diagnostic tests involved in the requests.

3. The Department or a Medicaid managed care entity shall not include individually identifiable health information in the information published pursuant to subsection 1.

Sec. 41. *1. On or before March 1 of each calendar year, the Department and each Medicaid managed care entity shall:*

(a) Compile a report containing the following information for Medicaid and the Children's Health Insurance Program:

(1) The [specific goods] items and services for which the Department or Medicaid managed care entity requires prior authorization and, for each [good] item or service:

(I) The date on which the Department or Medicaid managed care entity began requiring prior authorization for that [good] item or service ; [and the date on which that requirement was listed on the Internet website of the Department pursuant to section 34 of this act;]

(II) The number of requests for prior authorization received by the Department or Medicaid managed care entity during the immediately preceding calendar year for the provision of the [good] item or service;

(III) The number and percentage of the requests listed pursuant to sub-subparagraph (II) that were approved;

(IV) The number and percentage of the requests listed pursuant to sub-subparagraph (II) that resulted in adverse determinations; and

(V) The number of appeals from adverse determinations during the immediately preceding calendar year and the percentage of those appeals that were reversed on appeal by the Department [;] or Medicaid managed care entity;

(2) For all requests for prior authorization [for non-urgent health or dental care] received by the Department or Medicaid managed care entity during the immediately preceding calendar year, the average and median time between:

(I) The Department or Medicaid managed care entity receiving a request for prior authorization and the Department or Medicaid managed care entity approving or making an adverse determination on the request; and

(II) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal; [and

(3) For all requests for prior authorization for urgent health care received by the Department during the immediately preceding calendar year, the average and median time between:

~~*(I) The Department receiving a request for prior authorization and the Department approving or making an adverse determination on the request; and*~~

~~*(II) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal;]*~~

(b) Post the report on the Internet website maintained by the Department ~~*[;]*~~ ***or Medicaid managed care entity; and***

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

2. The Department or a Medicaid managed care entity shall not include individually identifiable health information in a report published pursuant to subsection 1.

Sec. 42. NRS 422.403 is hereby amended to read as follows:

422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. The Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures ***that comply with the provisions of sections 26 to 41, inclusive, of this act*** for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The step therapy protocol established pursuant to this section must not apply to a drug approved by the Food and Drug Administration that is prescribed to treat a psychiatric condition of a recipient of Medicaid, if:

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in Medicaid is located 60 miles or more from the residence of the recipient; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the recipient, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition.

4. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.

5. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

6. As used in this section:

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) "Step therapy protocol" means a procedure that requires a recipient of Medicaid to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the recipient before Medicaid provides coverage for the recommended drug.

Sec. 43. ~~[NRS 439B.736 is hereby amended to read as follows:~~

~~439B.736 1. "Third party" includes, without limitation:~~

~~(a) The issuer of a health benefit plan, as defined in NRS 695G.019 ; [, which provides coverage for medically necessary emergency services;]~~

~~(b) The Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043;~~

~~(c) The Public Option established pursuant to NRS 695K.200; and~~

~~(d) Any other entity or organization that elects pursuant to NRS 439B.757 for the provisions of NRS 439B.700 to 439B.760, inclusive, to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons.~~

~~2. The term does not include the State Plan for Medicaid, the Children's Health Insurance Program or a health maintenance organization, as defined in NRS 695C.030, or managed care organization, as defined in NRS 695G.050, when providing health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.]~~ **(Deleted by amendment.)**

Sec. 44. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS, including, without limitation, as required by ***paragraphs (b) and (c) of subsection 2 and subsections 1, 3, 4 and 5 ~~[, 6 and 7]~~ of NRS 687B.225,***

NRS 687B.409 ~~[, 687B.723]~~ and 687B.725 ~~[.]~~ ***and sections 2 to 18, inclusive, of this act.***

Sec. 45. 1. The amendatory provisions of this act do not apply to a request for prior authorization submitted:

(a) Under a contract or policy of health insurance issued before January 1, 2026, but apply to any request for prior authorization submitted under any renewal of such a contract or policy.

(b) To the Department of Health and Human Services **or a Medicaid managed care entity, as defined in section 29.5 of this act,** before January 1, 2026, for medical or dental care provided to a recipient of Medicaid~~[.]~~ **or insurance under the Children's Health Insurance Program.**

2. A health carrier must, in order to continue requiring prior authorization in contracts or policies of health insurance issued or renewed after January 1, 2026:

(a) Develop a procedure for obtaining prior authorization that complies with NRS 687B.225, as amended by section 19 of this act, and sections 2 to 18, inclusive, of this act; and

(b) Obtain the approval of the Commissioner of Insurance pursuant to NRS 687B.225, as amended by section 19 of this act, for the procedure developed pursuant to paragraph (a).

3. As used in this section, "health carrier" has the meaning ascribed to it in section 5 of this act.

Sec. 46. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 47. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 47.5. **NRS 687B.723 and 695D.2153 are hereby repealed.**

Sec. 48. 1. This section and section 45 of this act become effective upon passage and approval.

2. Sections 1 to 44, inclusive, 46 **,** ~~[and]~~ 47 **and 47.5** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations, performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and approving procedures for obtaining prior authorization pursuant to NRS 687B.225, as amended by section 19 of this act, and section 45 of this act; and

(b) On January 1, 2026, for all other purposes.

TEXT OF REPEALED SECTIONS

687B.723 Claim for dental care: Health carrier or administrator of health benefit plan prohibited from denying claim for which prior authorization has been granted; exceptions.

1. A health carrier which provides dental coverage or an administrator of a health benefit plan that includes dental coverage shall

not refuse to pay a claim for dental care for which the health carrier or administrator, as applicable, has granted prior authorization unless:

(a) A limitation on coverage provided under the applicable health benefit plan, including, without limitation, a limitation on total costs or frequency of services:

(1) Did not apply at the time the prior authorization was granted; and

(2) Applied at the time of the provision of the dental care for which the prior authorization was granted because additional covered dental care was provided to the insured after the prior authorization was granted and before the provision of the dental care for which prior authorization was granted;

(b) The documentation provided by the person submitting the claim clearly fails to support the claim for which prior authorization was originally granted;

(c) After the prior authorization was granted, additional dental care was provided to the insured or the condition of the insured otherwise changed such that:

(1) The dental care for which prior authorization was granted is no longer medically necessary; or

(2) The health carrier or administrator, as applicable, would be required to deny prior authorization under the terms and conditions of the applicable health benefit plan that were in effect at the time of the provision of the dental care for which prior authorization was granted;

(d) Another person or entity is responsible for the payment;

(e) The dentist has previously been paid for the procedures covered by the claim;

(f) The claim was fraudulent or the prior authorization was based, in whole or in part, on materially false information provided by the dentist or insured or another person who is not affiliated with the health carrier or administrator, as applicable; or

(g) The insured was not eligible to receive the dental care for which the claim was made on the date that the dental care was provided.

2. Any provision of a contract that conflicts with this section is against public policy, void and unenforceable.

3. As used in this section:

(a) "Medically necessary" means dental care that a prudent dentist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that is necessary and:

(1) Provided in accordance with generally accepted standards of dental practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or dentist;

(4) Required to improve a specific dental condition of a patient or to preserve the existing state of oral health of the patient; and

(5) The most clinically appropriate level of dental care that may be safely provided to the patient.

(b) "Prior authorization" means any communication issued by a health carrier which provides dental coverage or an administrator of a health benefit plan that includes dental coverage in response to a request by a dentist in the form prescribed by the health carrier or administrator, as applicable, which indicates that specific dental care provided to an insured is:

(1) Covered under the health benefit plan issued to the insured; and

(2) Reimbursable in a specific amount, subject to applicable deductibles, copayments and coinsurance.

695D.2153 Claims: Organization for dental care or administrator prohibited from denying claim for which prior authorization has been granted; exceptions.

1. An organization for dental care or an administrator of a dental plan shall not refuse to pay a claim for dental care for which the organization for dental care or administrator, as applicable, has granted prior authorization unless:

(a) A limitation on coverage provided under the applicable plan for dental care, including, without limitation, a limitation on total costs or frequency of services:

(1) Did not apply at the time the prior authorization was granted; and

(2) Applied at the time of the provision of the dental care for which the prior authorization was granted because additional covered dental care was provided to the member after the prior authorization was granted and before the provision of the dental care for which prior authorization was granted;

(b) The documentation provided by the person submitting the claim clearly fails to support the claim for which prior authorization was originally granted;

(c) After the prior authorization was granted, additional dental care was provided to the member or the condition of the member otherwise changed such that:

(1) The dental care for which prior authorization was granted is no longer medically necessary; or

(2) The organization for dental care or administrator, as applicable, would be required to deny prior authorization under the terms and conditions of the applicable plan for dental care that were in effect at the time of the provision of the dental care for which prior authorization was granted;

(d) Another person or entity is responsible for the payment;

(e) The dentist has previously been paid for the procedures covered by the claim;

(f) The claim was fraudulent or the prior authorization was based, in whole or in part, on materially false information provided by the dentist or member or another person who is not affiliated with the organization for dental care or administrator, as applicable; or

(g) The member was not eligible to receive the dental care for which the claim was made on the date that the dental care was provided.

2. Any provision of a contract that conflicts with this section is against public policy, void and unenforceable.

3. As used in this section:

(a) "Medically necessary" means dental care that a prudent dentist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that is necessary and:

(1) Provided in accordance with generally accepted standards of dental practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or dentist;

(4) Required to improve a specific dental condition of a patient or to preserve the existing state of oral health of the patient; and

(5) The most clinically appropriate level of dental care that may be safely provided to the patient.

(b) "Prior authorization" means any communication issued by an organization for dental care or the administrator of a dental plan in response to a request by a dentist in the form prescribed by the organization for dental care or administrator, as applicable, which indicates that specific dental care provided to a patient is:

(1) Covered under the plan for dental care issued to the member; and

(2) Reimbursable in a specific amount, subject to applicable deductibles, copayments and coinsurance.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 396.

SUMMARY— ~~[Revises provisions relating to criminal procedure.]~~ **Establishes provisions relating to facility dogs.** (BDR 4-489)

AN ACT relating to ~~[criminal procedure; requiring]~~ **facility dogs; authorizing** a court to allow a witness to use a facility dog to provide support while the witness is testifying under certain circumstances; requiring ~~[a place~~

~~of public accommodation or common carrier;~~ **a county or municipality** to ~~[~~admit a person accompanied by~~]~~ **permit** a facility dog ~~[~~or facility dog in training; providing penalties;~~]~~ **to enter certain buildings or structures owned or leased by the county or municipality under certain circumstances; providing immunity from liability to a county or municipality for any injury or loss caused by the presence or conduct of a facility dog;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a minor who is a witness in certain criminal cases to designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness's testimony to provide support. (NRS 178.571) **Section ~~[~~1.~~]~~ 1.2** of this bill ~~[~~requires~~]~~ **authorizes** the court in a criminal proceeding or proceeding relating to abuse or neglect to allow a witness who is a minor or vulnerable person to use a facility dog ~~[~~, if available,~~]~~ to provide support during the witness's testimony ~~[~~, unless the court finds that doing so will unduly prejudice the defendant or interfere with a constitutional right of the defendant.~~]~~ **Section ~~[~~1.~~]~~ 1.2** also prescribes ~~[~~certain requirements relating to~~]~~ **the: (1) procedure governing a request to use a** facility ~~[~~dogs.

~~In general, existing law requires a place of public accommodation, common carrier or other means of public conveyance or transportation to admit a person accompanied by a service animal or service animal in training. (NRS 651.075, 704.145, 706.366) Sections 2-4 of this bill likewise generally require a place of public accommodation, common carrier or other means of public conveyance or transportation to admit a person accompanied by a facility dog or facility dog in training.~~]~~ **dog; (2) findings the court must make before approving the use of a facility dog; and (3) measures the court must take to ensure that the use of a facility dog does not prejudice the defendant or disrupt the proceedings.**

Under section 1.4 of this bill, upon the issuance of an order pursuant to section 1.2, a facility dog must be permitted to enter a courthouse or similar facility to assist a witness who is a minor or vulnerable person during a legal proceeding and any other building or structure owned or leased by the county or municipality that the court deems appropriate for purposes of preparing the witness. Section 1.4 further: (1) authorizes a county or municipality to exclude a facility dog and its handler from such a building or structure if the conduct of the facility dog or its handler after entry warrants exclusion; and (2) provides immunity from liability for any injury or loss resulting from the presence or conduct of a facility dog on property owned or leased by the county or municipality.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 50 of NRS is hereby amended by adding thereto ~~[~~a new section to read as follows:~~]~~ **the provisions set forth as sections 1.2 and 1.4 of this act.**

Sec. 1.2. 1. In a criminal proceeding or proceeding relating to abuse or neglect, the court ~~[shall]~~ may allow a witness who is a minor or vulnerable person to use a facility dog ~~[, if available, to provide support during the witness's]~~ for support during testimony ~~[, unless the court finds that doing so will unduly prejudice the defendant or interfere]~~ in accordance with ~~[a constitutional right of]~~ the ~~[defendant.]~~ procedure provided in this section.

2. ~~[If a court authorizes the]~~ A party seeking to use ~~[of]~~ a facility dog ~~[pursuant to subsection 1,]~~ must file a motion with the court ~~[,]~~ which includes:

(a) ~~[Shall, if]~~ Information concerning the ~~[witness requests, allow]~~ qualifications and training of the facility dog ~~[to sit next to the witness while the witness is testifying; or]~~ and its handler; and

(b) ~~[May, if the witness requests that]~~ A statement explaining how the presence of the facility dog ~~[be in another location in the courtroom while]~~ may reduce the ~~[witness is testifying, allow the facility dog to be in that location while]~~ anxiety of the witness or otherwise assist in obtaining the ~~[witness is testifying.]~~ testimony of the witness.

3. A motion made pursuant to subsection 2:

(a) Must be made outside the presence of the jury;

(b) May be made orally or in writing; and

(c) Must be accompanied by satisfactory proof that:

(1) The facility dog ~~[must be]~~ and its handler are certified by an organization that is a member of Assistance Dogs International or its successor organization or any other nationally or internationally recognized organization ~~[, the primary purpose of which is to accredit organizations]~~ that ~~[certify]~~ :

(I) Specializes in the acquisition, training and placement of assistance dogs ~~[for the uses described in subsection 1.]~~ ; and

(II) Adheres to established standards of excellence in training assistance dogs, certifying their handlers and ensuring their suitability for use in legal proceedings; and

(2) The facility dog is covered by adequate liability insurance.

4. The court may grant a motion made pursuant to subsection 2 if the court finds that:

(a) The facility dog and its handler are suitably qualified;

(b) The facility dog is covered by sufficient liability insurance;

(c) The presence of the facility dog is warranted under the circumstances because it is reasonably likely to assist the witness in providing testimony; and

(d) The use of the facility dog will not:

(1) Unduly prejudice the defendant;

(2) Infringe on the constitutional rights of the defendant; or

(3) Disrupt the proceedings.

5. With the approval of the court, counsel for the parties may question prospective jurors during voir dire to determine whether the presence of the

facility dog may cause undue sympathy for the witness or otherwise prejudice the proceedings.

6. If the court approves the use of a facility dog, the court must:

(a) Issue an order that states the basis for its decision on the record;

(b) Ensure, to the greatest extent practicable, that the facility dog remains out of the view of the jury before, during and after testimony; and

(c) Take appropriate measures to ensure the presence of the facility dog is as unobtrusive and non-disruptive as possible.

7. Upon request of either party, the court shall provide cautionary instructions to the jury to mitigate any potential prejudice resulting from the presence of the facility dog. The instructions may be given before the testimony of the witness, at the conclusion of the trial, or both.

8. A suitably qualified handler must be present in the courtroom or other location approved by the court for the use of a facility dog.

9. Nothing in this section shall be construed to prohibit the court from removing or excluding a facility dog from the courtroom or other location approved for its use if necessary to maintain order or to ensure the fair presentation of evidence.

10. As used in this section:

(a) "Criminal proceeding" means:

(1) A trial or hearing before a court in a prosecution of a person charged with ~~[violating a criminal law of this State;]~~ a violent or sexual offense; or

(2) A delinquency proceeding which is conducted pursuant to title 5 of NRS ~~[.]~~ in which a child is alleged to have committed an unlawful act which would have been a violent or sexual offense if committed by an adult.

(b) "Facility dog" means a dog that ~~[:~~

~~(1) Is trained to assist a witness by providing emotional support during a legal proceeding; and~~

~~(2) Meets]~~ meets the qualifications ~~[prescribed by]~~ described in paragraph (c) of subsection 3.

(c) "Proceeding relating to abuse or neglect" means a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive.

(d) "Violent or sexual offense" means the commission of an act described in NRS 202.876.

(e) "Vulnerable person" means a person whose ability to testify in a legal proceeding would be significantly affected without the support of a facility dog for various reasons, including, without limitation, the age of the person or the fact that the person has one or more physical or mental limitations that restrict the ability of the person to testify in a legal proceeding.

Sec. 1.4. 1. Except as otherwise provided in subsection 2, upon the issuance of an order made pursuant to subsection 6 of section 1.2 of this act, a facility dog must be permitted to enter:

(a) A courthouse or similar facility for the purpose of assisting a witness who is a minor or vulnerable person during a legal proceeding; and

(b) Any other building or structure owned or leased by the county or municipality that is deemed appropriate by the court for the purpose of preparing the witness for the legal proceeding, including, without limitation, the office of the district attorney or public defender in the county in which the court is located.

2. A county or municipality may, in its sole discretion, exclude a facility dog and its handler from a building or structure owned or leased by the county or municipality if, after entry, the conduct of the facility dog or its handler while in the building or structure warrants such exclusion.

3. A county or municipality that owns or leases a building or structure is immune from liability in any action to recover damages for any injury or loss caused, in whole or in part, by the presence or conduct of a facility dog while on property owned or leased by the county or municipality, including, without limitation, actions for personal injury, wrongful death or property damage.

4. Nothing in this section shall be construed to limit or otherwise affect any immunity from or defense to civil liability to which a county or municipality is otherwise entitled under specific statute or common law.

Sec. 2. ~~[~~NRS 651.075 is hereby amended to read as follows:

651.075 1. Except as otherwise provided in subsection 5 and NRS 644A.940, it is unlawful for a place of public accommodation to:

(a) Refuse admittance or service to a person with a disability because the person is accompanied by a service animal.

(b) Refuse admittance or service to a person who is training a service animal ***or facility dog*** because the person is accompanied by a service animal in training ~~[.]~~ ***or facility dog in training.***

(c) Refuse to permit an employee of the place of public accommodation who is training a service animal ***or facility dog*** to bring the service animal in training ***or facility dog in training*** into:

(1) The place of public accommodation; or

(2) Any area within the place of public accommodation to which employees of the place of public accommodation have access, regardless of whether the area is open to the public.

(d) Refuse admittance or service to a person because the person is accompanied by a ***facility dog or*** police dog.

(e) Charge an additional fee or deposit for a service animal, service animal in training ***, facility dog, facility dog in training*** or ~~[~~a~~]~~ police dog as a condition of access to the place of public accommodation.

(f) Require proof that an animal is a service animal ***,*** ~~[~~or~~]~~ service animal in training ~~[.]~~ ***, facility dog or facility dog in training.***

2. A place of public accommodation may:

(a) Ask a person accompanied by an animal:

(1) If the animal is a service animal ***,*** ~~[~~or~~]~~ service animal in training ~~[;]~~ ***, facility dog or facility dog in training;*** and

~~(2) What tasks the animal is trained to perform or is being trained to perform.~~

~~(b) Ask a person to remove a service animal **,** [or] service animal in training ***, facility dog or facility dog in training*** if the animal:~~

~~(1) Is out of control and the person accompanying the animal fails to take effective action to control it; or~~

~~(2) Poses a direct threat to the health or safety of others.~~

~~3. A service animal ***or facility dog*** may not be presumed dangerous by reason of the fact it is not muzzled.~~

~~4. This section does not relieve:~~

~~(a) A person with a disability who is accompanied by a service animal or a person who is accompanied by a service animal in training ***, facility dog or facility dog in training*** from liability for damage caused by the service animal **,** [or] service animal in training [.] ***, facility dog or facility dog in training.***~~

~~(b) A person who is accompanied by a police dog from liability for damage caused by the police dog.~~

~~5. A place of public accommodation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if the place of public accommodation determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.~~

~~6. Persons with disabilities who are accompanied by service animals are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.~~

~~7. Persons who are accompanied by ***facility dogs or*** police dogs are subject to the same conditions and limitations that apply to persons who are not so accompanied.~~

~~8. A person who violates paragraph (c) of subsection 1 is civilly liable to the person against whom the violation was committed for:~~

~~(a) Actual damages;~~

~~(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and~~

~~(c) Reasonable attorney's fees as determined by the court.~~

~~9. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.~~

~~10. As used in this section:~~

~~(a) ***"Facility dog" has the meaning ascribed to it in section 1 of this act.***~~

~~***(b) "Facility dog in training" means a dog that is being trained as a facility dog.***~~

~~*(c)* "Police dog" means a dog which is owned by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.~~

~~[(b)]~~ ~~*(d)* "Service animal" has the meaning ascribed to it in NRS 426.097.~~

~~[(c)]~~ ~~*(e)* "Service animal in training" has the meaning ascribed to it in NRS 426.099.~~] **(Deleted by amendment.)**

Sec. 3. ~~[NRS 704.145 is hereby amended to read as follows:~~

~~704.145 1. Except as otherwise provided in subsection 2, it is unlawful for a common carrier or other means of public conveyance or transportation operating in this State to:~~

~~(a) Refuse service to a person with a disability because the person is accompanied by a service animal;~~

~~(b) *Refuse service to a person because the person is accompanied by a facility dog;*~~

~~*(c)* Refuse service to a person who is training a service animal *or facility dog* because the person is accompanied by the service animal in training [;] *or facility dog in training;* or~~

~~[(c)]~~ ~~*(d)* Charge an additional fee or a deposit for a service animal~~ **,** ~~[or]~~ service animal in training **[.] ,** ~~*facility dog or facility dog in training.*~~

~~2. A common carrier or other means of public conveyance or transportation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if it determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.~~

~~3. This section does not relieve a person with a disability who is accompanied by a service animal or a person who is accompanied by a service animal in training *, facility dog or facility dog in training* from liability for damage which may be caused by the service animal~~ **,** ~~[or]~~ service animal in training **[.] ,** ~~*facility dog or facility dog in training.*~~

~~4. Persons with disabilities accompanied by service animals on common carriers or other means of public conveyance or transportation operating in this State are subject to the same conditions and limitations that apply to persons without disabilities who are not so accompanied.~~

~~*5. Persons who are accompanied by facility dogs or facility dogs in training on common carriers or other means of public conveyance or transportation operating in this State are subject to the same conditions and limitations that apply to persons who are not so accompanied.*~~

~~*6.* A common carrier or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 is civilly liable to the person against whom the violation was committed for:~~

~~(a) Actual damages;~~

~~(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of~~

~~actual damages, except that in no case may the punitive damages be less than $750; and~~

~~(c) Reasonable attorney's fees as determined by the court.~~

~~[6.] 7. The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.~~

~~[7.] 8. As used in this section:~~

~~(a) "Facility dog" has the meaning ascribed to it in section 1 of this act.~~

~~(b) "Facility dog in training" means a dog that is being trained as a facility dog.~~

~~(c)~~ "Service animal" ~~has the meaning ascribed to it in NRS 426.097.~~

~~[(b)]~~ ~~(d)~~ "Service animal in training" ~~has the meaning ascribed to it in NRS 426.099.~~ **(Deleted by amendment.)**

Sec. 4. ~~NRS 706.366 is hereby amended to read as follows:~~

~~706.366 1. Except as otherwise provided in subsection 2, it is unlawful for a common motor carrier of passengers or other means of public conveyance or transportation operating in this State to:~~

~~(a) Refuse service to a person with a disability because the person is accompanied by a service animal;~~

~~(b)~~ ~~Refuse service to a person because the person is accompanied by a facility dog;~~

~~(c)~~ Refuse service to a person who is training a service animal ~~or facility dog~~ because the person is accompanied by the service animal in training ~~[;] or facility dog in training;~~ ~~or~~

~~[(c)]~~ ~~(d)~~ Charge an additional fee or a deposit for a service animal ~~, [or]~~ service animal in training ~~[.] , facility dog or facility dog in training.~~

~~2. A common motor carrier of passengers or other means of public conveyance or transportation is not required to comply with the provisions of subsection 1 with regard to a service animal or service animal in training that is a miniature horse if it determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.~~

~~3. This section does not relieve a person with a disability who is accompanied by a service animal or a person who is accompanied by a service animal in training , facility dog or facility dog in training from liability for damage which may be caused by the service animal , [or] service animal in training [.] , facility dog or facility dog in training.~~

~~4. Persons with disabilities accompanied by service animals on common motor carriers of passengers or other means of public conveyance or transportation operating in this State are subject to the same conditions and limitations that apply to persons without disabilities who are not so accompanied.~~

~~5. Persons who are accompanied by facility dogs or facility dogs in training on common motor carriers of passengers or other means of public~~

~~*conveyance or transportation operating in this State are subject to the same conditions and limitations that apply to persons who are not so accompanied.*~~

~~*6.* A common motor carrier of passengers or other means of public conveyance or transportation operating in this State that violates any of the provisions of subsection 1 is civilly liable to the person against whom the violation was committed for:~~

~~(a) Actual damages;~~

~~(b) Such punitive damages as may be determined by a jury, or by a court sitting without a jury, which must not be more than three times the amount of actual damages, except that in no case may the punitive damages be less than $750; and~~

~~(c) Reasonable attorney's fees as determined by the court.~~

~~[6.] *7.* The remedies provided in this section are nonexclusive and are in addition to any other remedy provided by law, including, without limitation, any action for injunctive or other equitable relief available to the aggrieved person or brought in the name of the people of this State or the United States.~~

~~[7.] *8.* As used in this section:~~

~~(a) *"Facility dog" has the meaning ascribed to it in section 1 of this act.*~~

~~*(b) "Facility dog in training" means a dog that is being trained as a facility dog.*~~

~~*(c)* "Service animal" has the meaning ascribed to it in NRS 426.097.~~

~~[(b)] *(d)* "Service animal in training" has the meaning ascribed to it in NRS 426.099.~~ **(Deleted by amendment.)**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 401.

AN ACT relating to orders for protection; requiring certain temporary orders for protection against domestic violence to include certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a court to grant a temporary order for protection against domestic violence with or without notice to the adverse party; and (2) provides that an extended order for protection against domestic violence may only be granted after notice to the adverse party and a hearing on the application. Under existing law, if a court grants a temporary order for protection against domestic violence against an alleged perpetrator of domestic violence who is in custody at the time the court grants the order: (1) upon approval of the court, the signed order may be transmitted to the facility holding the alleged perpetrator; and (2) if such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in

custody, the order must be served upon the alleged perpetrator before the alleged perpetrator is released from the facility. (NRS 33.020)

Section 1 of this bill requires that certain temporary orders for protection against domestic violence served upon an alleged perpetrator who is in custody advise the person that if the person is still in custody on the date of the hearing on the application for an extended order for protection against domestic violence, the person may contest the application by filing ~~[an affidavit]~~ **a written response** with the court which ~~[states the reasons why]~~ **consists solely of a statement indicating whether** the ~~[court should not grant the]~~ **person contests the issuance of an** extended order. **Section 1** also requires that such temporary orders notify the person that if the person does not file ~~[an affidavit]~~ **a written response** within the time specified in the temporary order and the person is still in custody on the date of the hearing on the application for an extended order for protection against domestic violence, the court may: (1) hold the hearing in the absence of the incarcerated person; and (2) grant the extended order without further input from the incarcerated person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

6. In addition to the requirements prescribed by subsection 5, if an application for an extended order is filed at the same time as a temporary order issued pursuant to subsection 8 of NRS 33.020, the temporary order must:

(a) Advise the incarcerated adverse party that if the incarcerated adverse party is still in custody on the date of the hearing on the application for an extended order, the incarcerated adverse party may contest the application by filing ~~[an affidavit]~~ a written response with the court. The ~~[affidavit]~~ written response must:

(1) Be filed with the court not later than 14 calendar days after the date on which the incarcerated adverse party receives service of the temporary order for protection at the facility where the incarcerated adverse party is in custody; ~~[and]~~

(2) ~~[State the reasons why the court should not grant the]~~ Consist solely of a statement indicating whether the incarcerated adverse party contests the issuance of an extended order ~~[.]~~ ; and

(3) Be filed with the court in accordance with the procedures established by the facility where the incarcerated adverse party is in custody.

(b) Notify the incarcerated adverse party that if the incarcerated adverse party does not file the ~~[affidavit]~~ written response described in paragraph (a) within 14 calendar days after the date on which the incarcerated adverse party receives service of the temporary order for protection, the court may:

(1) Hold a hearing on the extended order in the absence of the incarcerated adverse party; and

(2) Grant an extended order without further input from the incarcerated adverse party.

Sec. 2. The amendatory provisions of this act apply to an order for protection against domestic violence that is issued on or after October 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 263.

CONTAINS UNFUNDED MANDATE (§ 3.7)
(Not Requested by Affected Local Government)

AN ACT relating to economic development; requiring the State Treasurer to ~~[establish by regulation a]~~ **include in an existing tuition reimbursement program a** program to provide reimbursement for certain fees related to the education ~~[and licensure]~~ of persons who are preparing for certain careers ~~[and to award grants to certain hospitals to provide work-based learning opportunities; creating the Nevada Education and Health Care Pathways Account; making an appropriation;]~~ **in health care; revising certain provisions governing that tuition reimbursement program; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to include health care in the Career Pathways Demonstration Program; requiring large school districts and authorizing other school districts to offer a Health Care Workforce Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements related to the Health Care Workforce Pathway Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth the duties of the State Treasurer, including establishing, by regulation, a program to provide reimbursement for tuition charges, registration fees, laboratory fees and other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who: (1) completed a Teacher Academy College Pathway Program; and (2) has, with certain exceptions, worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years. (NRS 226.420)~~

~~Section 2 of this bill requires the State Treasurer to also establish by regulation a program to provide: (1) reimbursement for tuition charges, registration fees, laboratory fees, examination fees, licensure fees or certification fees and any other fees paid to an institution within the Nevada System of Higher Education or to a professional or occupational licensing board or regulatory body of this State by a person who is in financial need and preparing for employment in professions in K-12 education or health care; and (2) grants to certain hospitals to create, expand or fund programs where the hospital coordinates with a secondary school to provide work-based learning opportunities for students. Section 3 of this bill creates the Nevada Education and Health Care Pathways Account and requires money in the Account to be used to carry out the program established pursuant to section 2. Section 4 of this bill makes an appropriation of $10,000,000 to the Account.]~~

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975) Under existing law, the Governor's Office of Workforce Innovation is required to establish and administer a Career Pathways Demonstration Program. Pursuant to the Program, the Office is required to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. (NRS 232.985) Section 3.5 of this bill requires one of the priority industries for the purposes of the Program to be health care.

Existing law: (1) requires each large school district in this State, meaning any school district which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment in professions in K-12 education; (2) authorizes a large school district to offer the Program at high schools with fewer than 250 pupils; and (3) authorizes a school

district which is not a large school district to offer the Program at high schools in the school district. (NRS 388.223) Section 3.7 of this bill enacts similar provisions to establish a Health Care Workforce Pathway Program.

Existing law requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. Under existing law, the State Treasurer is authorized to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. (NRS 226.420) Section 3.1 of this bill authorizes the State Treasurer to provide similar reimbursements to persons who complete the Health Care Workforce Pathway Program and who work in this State in the field of health care for a certain period. Section 3.3 of this bill renames the Nevada Grown Educator Account as the Nevada Grown Educator and Health Care Workforce Account to reflect that the Account will be used to carry out the Teacher Academy College Pathway Program and the Health Care Workforce Pathway Program established pursuant to section 3.7.

Existing law authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission. (NRS 396.1219) Section 3.9 of this bill extends similar authority to the Board of Regents to enter into an agreement with a school district to assist in the implementation of the Health Care Workforce Pathway Program established pursuant to section 3.7.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. The State Treasurer shall establish by regulation a program to provide:*~~

~~*(a) Reimbursement for tuition charges, registration fees, laboratory fees, examination fees, licensure fees or certification fees and any other fees paid*~~

~~*to an institution within the Nevada System of Higher Education or to a professional or occupational licensing board or regulatory body of this State by a person who is in financial need and preparing for employment in professions in K-12 education or health care.*~~

~~*(b) Grants to hospitals to create, expand or fund programs in which a hospital coordinates with a secondary school to provide work-based learning opportunities for students.*~~

~~*2. The program must include a process for a person to apply for reimbursement or a grant described in subsection 1.*~~

~~*3. The State Treasurer shall consult with the State Board of Education before approving any application for a grant.*~~

~~*4. The regulations adopted pursuant to this section must prescribe, without limitation:*~~

~~*(a) The criteria for eligibility to receive money from the program; and*~~

~~*(b) Procedures for the submission and review of applications to receive money from the program.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. The Nevada Education and Health Care Pathways Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.*~~

~~*2. The money in the Account must be used to carry out the program established pursuant to section 2 of this act.*~~

~~*3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.*~~

~~*4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.*~~

~~*5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.]*~~ **(Deleted by amendment.)**

Sec. 3.1. **NRS 226.420 is hereby amended to read as follows:**

226.420 1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) ~~[~~Completed~~]~~ ***Except as otherwise provided in subsection 5, completed*** a ***:***

(1) Teacher Academy College Pathway Program offered pursuant to NRS 388.223 ~~[,]~~ and ~~[~~

~~(b) Except]~~ ***, except*** as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years ~~[.]~~ ***; or***

(2) Completed a Health Care Workforce Pathway Program offered pursuant to section 3.7 of this act and, except as otherwise provided in subsection 3, has worked in this State for at least 3 consecutive years as a full-time employee in the field of providing, or directly assisting with the provision of, health care;

(b) Has completed a Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; and

(c) Has successfully completed a program at an institution within the Nevada System of Higher Education for the preparation of a person to work in the field of providing health care, or directly assisting with the provision of health care.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance. ***For the purposes of this subsection, a student education loan, as defined in NRS 226.510, must not be considered financial aid or financial assistance.***

3. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who ~~[completed]~~ ***:***

(a) Completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223 and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years ~~[in an]~~ ***; or***

(b) Completed a Health Care Workforce Pathway Program offered pursuant to section 3.7 of this act and who has worked in this State for 1 year or 2 consecutive years as a full-time employee in the field of providing, or directly assisting with the provision of, health care.

4. The amount ***of any partial reimbursement provided pursuant to subsection 3 must*** not ~~[to]~~ exceed, for each year of service at a public school in this State ~~[,]~~ ***or for each year of service in the health care field in this State,*** one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

5. If a person has not completed a Health Care Workforce Pathway Program offered pursuant to 3.7 of this act because of circumstances beyond the control of that person, including, without limitation, because the person attended a high school that did not offer a Program, but the person satisfies the criteria set forth in paragraphs (c) and (d) of subsection 1, the State Treasurer may, upon the submission of an application by that person, provide:

(a) Reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by the person if the person has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive years.

(b) Partial reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System Education, in the amount described in subsection 3, if

the person has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years.

Sec. 3.3. **NRS 226.425 is hereby amended to read as follows:**

226.425 1. The Nevada Grown Educator ***and Health Care Workforce*** Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The money in the Account must be used to carry out the program established pursuant to NRS 226.420.

3. The State Treasurer may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 3.5. **NRS 232.985 is hereby amended to read as follows:**

232.985 1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education ~~[.]~~ ***and health care,*** for the development and implementation of career pathways as part of the Program.

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs ***in the priority industries identified by the Office, including, without limitation, K-12 education and health care,*** that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities;

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry; and

(5) Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the

inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to NRS 388.223. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 3.7. **Chapter 388 of NRS is hereby amended by adding thereto:**

1. Except as otherwise provided in subsection 2, each large school district shall offer a Health Care Workforce Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in the field of health care. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district is not required to offer a Program at a specialty school.

3. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure that at least one licensed teacher is assigned full-time to implement and teach the Program at each high school in the school district which offers the Program and at which more than two class periods of the Program are offered, except that such a teacher may also serve as the person designated to coordinate career pathway programs at the high school.

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program and, to the extent that money is available, the provision of such courses and internships at no cost or reduced cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(e) Except as otherwise provided in subsection 3, offer dual credit courses that align with the goals of the Program at each high school in the school district which offers the Program.

(f) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

4. A school district may apply to the State Board for an exemption from the provisions of paragraph (d) of subsection 2 with respect to a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes compliance with those provisions impracticable.

5. A large school district, and a school district that is not a large school district which elects to offer the Program, may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

6. To complete the Program a pupil must:

(a) Successfully complete at least 2 academic years in a program of career and technical education established pursuant to NRS 388.380 in the area of health care; and

(b) Participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of health care and may include, without limitation, an internship offered pursuant to paragraph (e) of subsection 3 or a work-based learning opportunity provided pursuant to NRS 232.990.

7. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

8. A pupil who is enrolled in a high school within a school district, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision

regarding the implementation of the Program made by an administrator of the high school or the board of trustees may, within 30 days after the decision is rendered, make a written request to the board of trustees for a hearing for reconsideration of the decision. The board shall schedule the hearing within 30 days after receiving the request. The decision of the board of trustees after its reconsideration hearing is a final decision subject to judicial review as provided by law.

9. As used in this section:

(a) "Career Pathway Program" means a career pathway offered as part of the Career Pathways Demonstration Program pursuant to NRS 232.985.

(b) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(c) "Program" means the Health Care Workforce Pathway Program created pursuant to this section.

Sec. 3.9. **NRS 396.1219 is hereby amended to read as follows:**

396.1219 1. The Board of Regents may enter into an agreement with a school district pursuant to NRS 388.223 to assist in the implementation of a Teacher Academy College Pathway Program ~~[.]~~ ***and pursuant to section 3.7 of this act to assist in the implementation of a Health Care Workforce Pathway Program.***

2. The Board of Regents may, by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section, "Program" ~~[has the meaning ascribed to it in]~~ ***means the Teacher Academy College Pathway Program and the Health Care Workforce Pathway Program created pursuant to*** NRS 388.223 ~~[.]~~ ***and section 3.7 of this act, respectively.***

Sec. 4. ~~[There is hereby appropriated from the State General Fund to the Nevada Education and Health Care Pathways Account created by section 3 of this act the sum of $10,000,000 to carry out the provisions of section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 4.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections ~~[2, 3 and 4]~~ **1 to 4.5, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 248.

AN ACT relating to health care; making various revisions governing the qualifications and procedure for licensure as a physician, physician assistant, practitioner of respiratory care or perfusionist; requiring screening of youth for certain health conditions when certain physical examinations are conducted; revising the authority of a practitioner of respiratory care to perform certain laboratory tests; requiring certain sharing of information between the Board of Medical Examiners and the State Board of Osteopathic Medicine; authorizing the Board of Medical Examiners to require certain competency demonstrations; eliminating certain special licenses; revising provisions related to fees owed to the Board of Medical Examiners or the State Board of Osteopathic Medicine; eliminating certain fees; revising investigation procedures and grounds for discipline against a licensee of the Board of Medical Examiners; revising requirements governing certain medical procedures; authorizing a medical assistant to perform tasks under the supervision of a registered nurse; authorizing discipline against a registered nurse who fails to adequately supervise a medical assistant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists by the Board of Medical Examiners. (Chapter 630 of NRS) **Sections 11 and 14** of this bill revise provisions governing examinations that are necessary for licensure as a physician. **Section 14** also increases the amount of the fine that the Board may impose on an applicant for a license as a physician who submits false information in connection with the application.

Section 21 of this bill requires each licensee of the Board to maintain a permanent electronic mail address for communication with the Board.

Existing law prescribes separate qualifications for licensure for: (1) persons who received their medical education in the United States or Canada; and (2) persons who received their medical education in other foreign countries. (NRS 630.160, 630.170, 630.195, 630.263, 630.264, 630.265) Existing law also requires a physician to have completed certain residencies in ophthalmology in the United States or Canada in order to perform laser surgery or intense pulsed light therapy on the globe of the eye. (NRS 630.371) **Sections 4, 5, 8, 14, 19, 26-28 and 64** of this bill make various changes so that persons who received their medical education in the United Kingdom, Australia or

New Zealand, and other foreign countries whose standards for medical education are determined to be equivalent by the Board, are treated identically to persons who received their medical education in the United States or Canada for those purposes.

Existing law requires: (1) an applicant for a license to practice medicine to hold certain certifications or have completed or be enrolled in certain progressive postgraduate education; and (2) a physician who performs certain procedures on the eye to have completed certain progressive postgraduate education in ophthalmology. (NRS 630.160, 630.371) **Section 6** of this bill prescribes the manner in which the Board must determine whether postgraduate education is progressive for those purposes. **Section 14** revises the amount of progressive postgraduate education that a resident physician must have completed in order to be eligible for a license.

Existing law authorizes a practitioner of respiratory care to perform certain laboratory tests without obtaining certification as an assistant in a medical laboratory. (NRS 652.210) **Sections 9 and 82** of this bill authorize a practitioner of respiratory care to perform certain moderate complexity tests without obtaining such certification if: (1) the practitioner of respiratory care has been trained to perform the test; and (2) the test is within the scope of practice of a practitioner of respiratory care.

Sections 15, 16 and 84 of this bill revise and simplify provisions governing licensure by endorsement as a physician by: (1) eliminating expedited licensure by endorsement, except for certain persons affiliated with the Armed Forces of the United States; and (2) making certain revisions relating to the qualifications for licensure by endorsement. **Sections 17, 18, 20, 23 and 30** of this bill eliminate references to a section repealed by **section 84**.

Existing law authorizes the Board to require a licensee who has not practiced in more than 24 consecutive months to take the same examination to test competency as that given to applicants for a license. (NRS 630.257) **Section 22** of this bill revises this provision to apply to inactive licensees and applicants for a license who have not actively practiced in more than 24 consecutive months. **Section 22** also authorizes the Board to require such a person to demonstrate his or her competency in a manner other than by taking an examination. **Sections 16, 28, 36, 40 and 41** of this bill make conforming changes to add references to those requirements where appropriate.

Existing law provides for the issuance of various special licenses to practice medicine. (NRS 630.258-630.266) **Section 23** removes the requirement that the Board automatically issue a special volunteer license, which authorizes certain retired physicians to continue practicing on a volunteer basis, to a person who possesses the required qualifications for such a license. **Section 24** of this bill eliminates the specific statutory requirements for licensure from which a person applying for licensure as an administrative physician is exempt and instead requires the Board to adopt regulations prescribing the requirements from which such an applicant is exempt. **Section 25** of this bill eliminates a special license that allows a licensed physician of another state to

come into this State to care for a specific patient in association with a physician licensed in this State. **Sections 1 and 25** of this bill revise the name of a special purpose license, which allows an out-of-state physician to provide certain medical services to patients in this State electronically, telephonically or by fiber optics, to instead be called a telemedicine license.

Existing law establishes fees for the issuance and renewal of a license as a physician assistant or anesthesiologist assistant who is simultaneously licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine that are one-half of the amount of the standard fees for the issuance and renewal of such a license, meaning that such a person is required to pay one-half of the standard licensure fees to each of those boards. (NRS 630.268, 633.501) If a person who pays such a reduced fee to one of those boards fails to also pay the required fee to the other board within 12 months, **sections 29, 31-33, 38, 42 and 76-81** of this bill require the person to pay to the board to whom the person has paid a fee the difference between the reduced fee and the standard fee. **Sections 12, 13 and 73-75** of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to share information as necessary to enforce that requirement. **Section 30** eliminates certain fees charged by the Board of Medical Examiners.

Section 10 of this bill exempts certain students who engage in the supervised practice of perfusion from the requirement to be licensed by the Board of Medical Examiners. **Sections 34-37 and 84** of this bill remove a requirement that an applicant for a license as a perfusionist pass an examination given by the American Board of Cardiovascular Perfusion, or its successor organization, and instead require such an applicant to be certified by that organization. **Section 39** of this bill eliminates a provision prohibiting the Board from requiring a physician assistant to be certified by a nationally recognized organization for the accreditation of physician assistants to satisfy applicable continuing education requirements. **Sections 40 and 41** revise the conditions under which the Board may deny an application for licensure by endorsement as a physician assistant. **Section 43** of this bill eliminates certain educational qualifications for licensure as a practitioner of respiratory care.

Sections 44 and 45 of this bill clarify certain grounds for discipline against a licensee of the Board. **Section 45** also authorizes the Board to discipline a licensee who fails to cooperate with an investigation of the Board. **Sections 46-49, 52 and 62** of this bill revise certain provisions regarding the provision to the Board of information relating to certain licensees, the examination to determine the fitness of certain licensees and the removal of limitations or suspensions of licenses to be applicable to all licensees of the Board. **Section 46** provides that certain reports filed by an insurer relating to malpractice actions are public records. **Section 51** of this bill provides that the Board is not required to review a complaint that is not within the jurisdiction of the Board.

Existing law refers to the document that the Board files to initiate a formal disciplinary proceeding as a formal complaint. (NRS 630.311) However, existing law regarding the procedure of licensing boards generally refers to

such a document as a charging document. (NRS 622A.300) **Sections 3, 50, 51, 54, 56, 57 and 59** of this bill standardize terminology so that such a document is referred to as a charging document. **Section 50** also requires that a charging document for charges against a physician assistant, anesthesiologist assistant, perfusionist or practitioner of respiratory care be filed by the Board.

Section 57 removes a requirement that the Board hold a hearing on a report from the Attorney General that a licensee has violated certain laws prohibiting industrial insurance fraud. **Section 49** instead requires the Board to treat such a report like a complaint, meaning that the Board would conduct an initial investigation before deciding whether to proceed with disciplinary proceedings. (NRS 630.311)

In certain circumstances that create doubt about the fitness of a physician, physician assistant, practitioner of respiratory care or perfusionist to practice, existing law authorizes the Board to require such a licensee to undergo certain examinations to determine his or her fitness to practice. (NRS 630.318) **Section 52**: (1) makes this provision additionally applicable to anesthesiologist assistants; and (2) provides that the failure to submit to such an examination is grounds for the summary suspension of a license pending further disciplinary proceedings.

Existing law authorizes the Board to summarily suspend a license pending further disciplinary proceedings if the Board determines that the health, safety or welfare of the public or any patient is at risk of imminent or continued harm. (NRS 630.326) **Section 54**: (1) additionally authorizes the Board to restrict the practice of a licensee without suspending his or her license under such circumstances; and (2) removes a requirement that the Board hold a hearing on the summary suspension of a license within 60 days after the summary suspension. **Sections 55 and 61** of this bill authorize a court to stay an order of the Board suspending a license if the suspension is not a summary suspension. **Section 55** also prohibits a court from staying an order of the Board summarily restricting the practice of a licensee. **Section 84** eliminates a duplicative provision authorizing the summary suspension of a licensee's authority to prescribe and dispense controlled substances for certain violations related to such prescribing and dispensing, and **section 53** of this bill eliminates a reference to that provision.

Section 56: (1) makes revisions relating to collaboration between the Board and other governmental entities investigating a person; and (2) authorizes the Board, with authorization from a licensee, to cooperate with the employer of a licensee or any other person or entity responsible for credentialing a licensee. **Section 57** removes certain procedural requirements governing hearings conducted by the Board. **Section 58** of this bill revises requirements governing service of process in proceedings before the Board. **Section 59** removes a requirement that the Board allow a complainant to participate in disciplinary proceedings. **Section 60** of this bill removes the ability for any person other than the respondent or a witness to be held in contempt for certain conduct in a disciplinary proceeding. **Section 62** removes authorization for a person

whose license has been revoked by the Board to reinstate his or her license without applying for a new license.

Existing law prohibits the Board from investigating or disciplining a physician for: (1) disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice medicine or a physician; or (2) cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation. (NRS 630.364) **Section 63** of this bill: (1) makes this provision applicable to all licensees of the Board; and (2) requires the disclosure or cooperation to be in good faith for the immunity from investigation or discipline to apply.

Existing law prohibits a physician from administering or supervising the administration of general anesthesia, moderate sedation or deep sedation: (1) in an office or facility that does not hold certain permits; or (2) outside of this State. (NRS 630.373) **Section 65** of this bill makes this prohibition also applicable to: (1) physician assistants and anesthesiologist assistants; and (2) administering or supervising the administration of tumescent anesthesia, except where authorized by regulation of the Board. **Sections 7, 68 and 72** of this bill require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who performs a physical examination of a person who is ~~[19]~~ **at least 12** years of age ~~[or younger]~~ **but not more than 18 years of age** to screen the person for certain health conditions.

Existing law authorizes: (1) an unlicensed medical assistant to perform clinical tasks under the supervision of a physician, osteopathic physician or physician assistant in accordance with regulations adopted by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate; and (2) those boards to discipline a physician, osteopathic physician or physician assistant who fails to adequately supervise a medical assistant. (NRS 630.0129, 630.138, 630.306, 633.075, 633.293, 633.511) **Sections 67, 70 and 71** of this bill similarly authorize: (1) an unlicensed medical assistant to perform clinical tasks under the supervision of a registered nurse in accordance with regulations of the State Board of Nursing; and (2) the State Board of Nursing to discipline a registered nurse who fails to adequately supervise a medical assistant. **Section 69** of this bill establishes the applicability of the definition of "medical assistant" set forth in **section 67**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.515 is hereby amended to read as follows:

629.515 1. Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a ~~[special purpose]~~ ***telemedicine*** license issued pursuant to NRS 630.261. The

requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.

2. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of a provider of health care; or

(b) Authorize a provider of health care to provide services in a setting that is not authorized by law or in a manner that violates the standard of care required of the provider of health care.

3. A provider of health care who is located at a distant site and uses telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient:

(a) Is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by an occupational licensing board in this State, regardless of the location from which the provider of health care provides services through telehealth.

(b) Shall comply with all federal and state laws that would apply if the provider were located at a distant site in this State.

4. A provider of health care may establish a relationship with a patient using telehealth when it is clinically appropriate to establish a relationship with a patient in that manner. The State Board of Health may adopt regulations governing the process by which a provider of health care may establish a relationship with a patient using telehealth.

5. A provider of health care who is located at an originating site and is conducting a forensic medical examination of an apparent victim of sexual assault or strangulation may use telehealth to connect to an appropriately trained physician, physician assistant or registered nurse who is located at a distant site for the purpose of obtaining instructions and guidance on conducting the examination. The provisions of this subsection must not be construed to prohibit the use of telehealth for communication between providers of health care in other circumstances authorized by law.

6. As used in this section:

(a) "Distant site" means the location of the site where a telehealth provider of health care is providing telehealth services to a patient located at an originating site.

(b) "Originating site" means the location of the site where a patient is receiving telehealth services from a provider of health care located at a distant site.

(c) "Sexual assault" means a violation of NRS 200.366 or 200.368.

(d) "Strangulation" has the meaning ascribed to it in NRS 200.481.

(e) "Telehealth" means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic

mail. The term includes, without limitation, communication between a provider of health care who is providing in-person services to a patient and a provider of health care at a different location and the delivery of services from a provider of health care to a patient at a different location through the use of:

(1) Synchronous interaction or an asynchronous system of storing and forwarding information; and

(2) Audio-only interaction, whether synchronous or asynchronous.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. ***"Charging document" means a charging document filed with the Board in accordance with NRS 622A.300.***

Sec. 4. ***"Equivalent foreign country" means:***

1. Canada, the United Kingdom, Australia and New Zealand; and

2. Any other country designated by regulation of the Board based upon a determination that the standards for medical education and licensing in that country are substantially similar to the standards for medical education and licensing in the United States.

Sec. 5. ***"Foreign medical school" means a medical school that is not located in the United States or an equivalent foreign country.***

Sec. 6. ***1. For the purposes of this chapter:***

(a) Except as otherwise provided in this section, a program of postgraduate education or training is progressive if each year of the program progresses in a continuous manner and the person who completes the program does so in sequence without any breaks of ~~[1 school year]~~ 12 weeks or longer.

(b) The Board shall deem a program of postgraduate education or training approved by the Accreditation Council for Graduate Medical Education, including, without limitation, such a program that includes 1 year or more of scientific or clinical research, to be progressive if the person who completes the program does so in the format that was approved by the Accreditation Council for Graduate Medical Education.

2. Notwithstanding the provisions of subsection 1, the Executive Director of the Board or a designee thereof may, in his or her discretion upon review of the program, determine that a person has completed a progressive program of postgraduate education or training if the person:

(a) Completed 1 or more years in a program that meets the requirements of subsection 1; and

(b) Enrolled in a program that is closely related to the program described in paragraph (a) and completed that program without any breaks of ~~[1 school year]~~ 12 weeks or longer.

Sec. 7. ***Each time a physician or physician assistant performs a routine physical examination of a person who is ~~[19]~~ at least 12 years of age but not more than 18 years of age ~~, [or younger,]~~ the physician or physician assistant shall ask the person the questions prescribed in:***

1. The Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form; and

2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.

Sec. 8. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, anesthesiologist assistant, certified registered nurse anesthetist or an advanced practice registered nurse relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions ***, performance of laboratory testing authorized by NRS 652.210*** and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 10. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to NRS 630.2665 and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(f) The practice of respiratory care ***or perfusion*** by a student as part of a program of study in respiratory care ***or perfusion, as applicable,*** that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care ***or perfusion, as applicable,*** only under the supervision of a practitioner of respiratory care ~~[.]~~ ***or a perfusionist, as applicable;***

(g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient;

(k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice;

(l) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program; and

(m) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 11. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) ~~[Conduct examinations for licensure and establish a system of scoring for those examinations;~~

~~(d)]~~ Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

~~[(e)]~~ ***(d)*** Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against any licensee for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6 of NRS 630.307 and NRS 690B.250; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter. ***Such regulations may include, without limitation, regulations requiring, as a condition for licensure, that an applicant pass one or more examinations in addition to those required by this chapter and regulations concerning the scoring of any such examination.***

Sec. 12. NRS 630.131 is hereby amended to read as follows:

630.131 ***1.*** On or before the last day of each quarter, the Board shall provide the State Board of Osteopathic Medicine a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the State Board of Osteopathic Medicine shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845, 633.4256, 633.4258 and 633.426.

Sec. 13. NRS 630.132 is hereby amended to read as follows:

630.132 ***1.*** On or before the last day of each quarter, the Board shall provide to the State Board of Osteopathic Medicine a list of all physician assistants licensed by the Board.

2. The Board and the State Board of Osteopathic Medicine shall share information as necessary to enforce the provisions of NRS 630.2677, 630.2735, 630.2755, 633.4332, 633.438 and 633.4718.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605 to 630.161, inclusive, and 630.258 to 630.2665, inclusive, a license may be issued to any person who:

(a) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(b) ~~[Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has]~~ ***Has*** passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the ***most commonly administered*** examination ~~[to become a licentiate of the Medical Council of Canada;]~~ ***for medical licensure in an equivalent foreign country;*** or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient; ***and***

(c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive

medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, ***a governmental entity that regulates medical education in an equivalent foreign country,*** the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their]~~ ***or its*** successor ~~[organizations;]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;*** or

(II) Fellowship training in the United States or ~~[Canada]~~ ***an equivalent foreign country*** approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or ~~[Canada]~~ ***an equivalent foreign country*** approved by the Board, the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their]~~ ***its*** successor ~~[organizations,]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country,*** has ~~[completed at least 24]~~ ***less than 12*** months ~~[of]~~ ***remaining before he or she completes*** the program and has committed, in writing, to the Board that he or she will complete the program ***.*** ~~[; and~~

~~(d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (a).]~~

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. ***If the Board requires an applicant for a license to practice medicine to pass an examination required pursuant to paragraph (b) of subsection 2 within a prescribed number of attempts, the Board may, by regulation, allow an applicant who is currently certified by a specialty board of the American***

Board of Medical Specialties more attempts to pass such an examination than the Board allows to an applicant who does not hold such a certification, if the applicant agrees to maintain his or her certification for the duration of the licensure.

5. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed ~~[$5,000;]~~ ***$10,000;***

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~[5.]~~ ***6.*** If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.1605 is hereby amended to read as follows:

630.1605 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the applicant files an application with the Board, the license is ***active and*** in ~~[effect;]~~ ***good standing;***

(b) The applicant:

(1) Submits to the Board proof of passage of an examination ***listed in paragraph (b) of subsection 2 of NRS 630.160 or another examination*** approved by ***regulation of*** the Board;

(2) Submits to the Board any documentation and other proof of qualifications required by the Board;

(3) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for ~~[the]~~ ***:***

(I) The requirements set forth in ***paragraph (c) of subsection 2 of*** NRS 630.160; ***or***

(II) Any other requirements specified by regulation of the Board; and

(4) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and

(c) Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 16. NRS 630.1607 is hereby amended to read as follows:

630.1607 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant ***who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran and*** who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ***.*** ~~[or the American Osteopathic Association.]~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; ~~[or]~~

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints ~~[.]~~ ***; or***

(c) Ten days after receiving proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 17. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~[, 630.1606]~~ or 630.1607 must submit to the Board, on a

form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 18. NRS 630.167 is hereby amended to read as follows:

630.167 1. In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, including, without limitation, an expedited license pursuant to NRS ~~[630.1606 or]~~ 630.1607 or chapter 629A of NRS, and each applicant for a license to practice as a perfusionist, to practice as a physician assistant, to practice as an anesthesiologist assistant or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 19. NRS 630.170 is hereby amended to read as follows:

630.170 In addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a medical school located in the United States or ~~[Canada]~~ ***an equivalent foreign country*** shall submit to the Board proof that the applicant has received the degree of doctor of medicine from a medical school which, at the time of graduation, was accredited by the Liaison Committee on Medical Education or ~~[the Committee for the Accreditation of Canadian Medical Schools.]~~ ***an organization that accredits medical schools in an equivalent foreign country and is nationally recognized in that country.*** The proof of the degree of doctor of medicine must be submitted directly to the Board by the medical school that granted the

degree. If proof of the degree is unavailable from the medical school, the Board may accept proof from any other source specified by the Board.

Sec. 20. NRS 630.195 is hereby amended to read as follows:

630.195 1. Except as otherwise provided in NRS ~~[~~630.1606 and~~]~~ 630.1607, in addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 21. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address ***and electronic mail address*** with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address ***or electronic mail address*** shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) May impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

~~[~~4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.~~]~~

Sec. 22. NRS 630.257 is hereby amended to read as follows:

630.257 If ~~[~~a~~]~~ ***an inactive*** licensee does not engage in the practice of medicine ***or practice as a physician assistant, as applicable,*** for a period of

more than 24 consecutive months, ***or if an applicant for a license has not engaged in the practice of medicine, perfusion or respiratory therapy, practiced as a physician assistant or assisted in the practice of medicine, as applicable, for more than 24 consecutive months before the date of the application,*** the Board may require the licensee ***or applicant, as applicable,*** to ~~[take]~~ ***:***

1. Take the same examination to test ~~[medical]~~ competency as that given to applicants for a license ~~[.]~~ ***, or a comparable examination; or***

2. Otherwise demonstrate his or her competency to practice medicine, perfusion or respiratory therapy, practice as a physician assistant or assist in the practice of medicine, as applicable.

Sec. 23. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[, 630.1606]~~ or 630.1607;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[must]~~ ***may*** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance of the renewed license.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 24. NRS 630.259 is hereby amended to read as follows:

630.259 1. A person may apply to the Board to be licensed as an administrative physician if the person meets all of the statutory requirements for licensure in effect at the time of application except ~~[the]~~ ***for such*** requirements ~~[of paragraph (c) of subsection 2 of NRS 630.160.]~~ ***as are specified by regulation of the Board.***

2. A person who is licensed as an administrative physician pursuant to this section:

(a) May not engage in the practice of clinical medicine;

(b) Shall comply with all of the statutory requirements for continued licensure pursuant to this chapter; and

(c) Shall be deemed to hold a license to practice medicine in an administrative capacity only.

Sec. 25. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) ~~[A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.~~

~~(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.~~

~~(d)]~~ A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

~~[(e)]~~ ***(c)*** A ~~[special purpose]~~ ***telemedicine*** license to a physician who is licensed in another state to perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States. A physician who holds a ~~[special purpose]~~ ***telemedicine*** license issued pursuant to this paragraph:

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph ~~[(e)]~~ ***(c)*** of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 26. NRS 630.263 is hereby amended to read as follows:

630.263 1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this State, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this State.

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this State or any geographic area within this State.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph (c) of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in the declaration and, if the Governor has limited the declaration to one or more geographic areas within this State, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada,]~~ or ~~[their]~~ ***its*** successor ~~[organizations, respectively;]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;***

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this State only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (c) of subsection 2 of NRS 630.160.

Sec. 27. NRS 630.264 is hereby amended to read as follows:

630.264 1. A board of county commissioners may petition the Board of Medical Examiners to waive the requirements of paragraph (c) of subsection 2

of NRS 630.160 for any applicant intending to practice medicine in a medically underserved area of that county as that term is defined by regulation by the Board of Medical Examiners. The Board of Medical Examiners may waive that requirement and issue a license if the applicant:

(a) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada,]~~ or ~~[their]~~ ***its*** successor ~~[organizations, respectively;]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;***

(b) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(c) Meets all other conditions and requirements for a license to practice medicine.

2. Any person licensed pursuant to subsection 1 must be issued a license to practice medicine in this State restricted to practice in the medically underserved area of the county which petitioned for the waiver only. A person may apply to the Board of Medical Examiners for renewal of that restricted license every 2 years after being licensed.

3. Any person holding a restricted license pursuant to subsection 1 who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (c) of subsection 2 of NRS 630.160.

Sec. 28. NRS 630.265 is hereby amended to read as follows:

630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 ***for failure to comply with any requirement imposed pursuant to NRS 630.257*** or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or ~~[Canada;]~~ ***an equivalent foreign country;*** or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program. A limited license remains valid only

while the licensee is actively practicing medicine in the residency program **.** ~~[and is legally entitled to work and remain in the United States.]~~

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 29. NRS 630.2677 is hereby amended to read as follows:

630.2677 ***1.*** A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If an applicant to renew a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268 but does not pay the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the physician assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of a physician assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268; and

(b) The physician assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 30. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license 400
For renewal of a limited, restricted, authorized facility or special license 400
For application for and issuance of a license as a physician assistant, including a license by endorsement 400
For application for and issuance of a simultaneous license as a physician assistant 200
For biennial registration of a physician assistant $800
For biennial simultaneous registration of a physician assistant 400
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For application for and issuance of a license or temporary license to practice as an anesthesiologist assistant 400
For application for and initial issuance of a simultaneous license as an anesthesiologist assistant 200
For biennial registration of an anesthesiologist assistant 800
For biennial simultaneous registration of an anesthesiologist assistant 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
~~**[**For a duplicate identification card ..... 25**]**~~
For a duplicate license 50
~~**[**For computer printouts or labels ..... 500~~
~~For verification of a listing of physicians, per hour ..... 20**]**~~

For furnishing a list of new physicians..... 100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees ~~[~~prescribed in~~]~~ ***established pursuant to*** subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to ~~[~~:

~~(a)~~~~]~~ NRS 630.1607 ~~[~~, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

~~(b) NRS~~~~]~~ ***or*** 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS ~~[~~630.1606 or~~]~~ 630.2751, ~~[~~as applicable,~~]~~ the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 31. NRS 630.26835 is hereby amended to read as follows:

630.26835 ***1.*** A person applying for an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS must:

~~[~~1.~~]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

~~[~~2.~~]~~ ***(b)*** Apply for a license to practice as an anesthesiologist assistant to:

~~[~~(a)~~]~~ ***(1)*** The Board pursuant to this chapter; and

~~[~~(b)~~]~~ ***(2)*** The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[~~3.~~]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[~~(a)~~]~~ ***(1)*** The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[~~(b)~~]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If a person who applies for an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to

hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for application for and issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268 and the person does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for application for and issuance of a license to practice as an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for application for and initial issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 32. NRS 630.2684 is hereby amended to read as follows:

630.2684 ***1.*** A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If an applicant to renew an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The anesthesiologist assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 33. NRS 630.26845 is hereby amended to read as follows:

630.26845 ***1.*** If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The anesthesiologist assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 34. NRS 630.269 is hereby amended to read as follows:

630.269 The Board shall adopt regulations regarding the licensure of perfusionists, including, without limitation:

1. The criteria for licensure as a perfusionist and the standards of professional conduct for holders of such a license;

2. The qualifications and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

3. ~~[The requirements for any practical, oral or written examination for a license that the Board may require pursuant to NRS 630.2692, including, without limitation, the passing grade for such an examination;~~

~~4.]~~ The ~~[fees]~~ ***fee*** for ~~[examination and for]~~ ***the*** reinstatement of expired licenses;

~~[5.]~~ ***4.*** The requirements for continuing education for the renewal of a license;

~~[6.]~~ ***5.*** A code of ethics for perfusionists; and

~~[7.]~~ ***6.*** The procedures for the revocation, suspension or denial of a license for a violation of this chapter or the regulations of the Board.

Sec. 35. NRS 630.2691 is hereby amended to read as follows:

630.2691 To be eligible for licensing by the Board as a perfusionist, an applicant must:

1. Be a natural person of good moral character;

2. Submit a completed application as required by the Board ***;*** ~~[by the date established by the Board;]~~

3. Submit any required fees ***;*** ~~[by the date established by the Board;]~~

4. Have successfully completed a perfusion education program approved by the Board, which must:

(a) Have been approved by the Committee on Allied Health Education and Accreditation of the American Medical Association before June 1, 1994; or

(b) Be a program that has educational standards that are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor;

5. ~~[Pass an examination required pursuant to NRS 630.2692;]~~ ***Hold a current, valid certification issued by the American Board of Cardiovascular Perfusion, or its successor organization;*** and

6. Comply with any other requirements set by the Board.

Sec. 36. NRS 630.2695 is hereby amended to read as follows:

630.2695 1. Each license issued pursuant to NRS 630.2694 expires on June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of every odd-numbered year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(c) The applicable fee for renewal of the license prescribed by the Board pursuant to NRS 630.2691.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made may be reinstated only if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees:

(1) For the reinstatement of an expired license, prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(2) For each biennium that the license was expired, for the renewal of the license.

3. If a license has been expired for more than 2 years, a person may not renew or reinstate the license but must apply for a new license and ~~[submit to the examination required]~~ ***comply with any requirement imposed by the Board*** pursuant to NRS ~~[630.2692.]~~ ***630.257.***

4. The Board shall send a notice of renewal to each licensee not later than 60 days before his or her license expires. The notice must include the amount of the fee for renewal of the license.

Sec. 37. NRS 630.2696 is hereby amended to read as follows:

630.2696 1. The Board may issue a temporary license to practice perfusion in this State to a person who has not yet ~~[completed the examination]~~ ***obtained the certification*** required pursuant to NRS ~~[630.2692]~~ ***630.2691*** but who:

(a) Has completed an approved perfusion education program;

(b) Files an application; and

(c) Pays the required fee.

2. A perfusionist shall supervise and direct a temporarily licensed perfusionist at all times during which the temporarily licensed perfusionist performs perfusion.

3. A temporary license is valid for 1 year after the date it is issued and may be ~~[extended subject to regulation by the Board.]~~ ***renewed once.*** The application for renewal must be signed by a supervising licensed perfusionist.

~~[4. If a temporarily licensed perfusionist fails any portion of the examination required pursuant to NRS 630.2692, he or she shall immediately surrender the temporary license to the Board.]~~

Sec. 38. NRS 630.2735 is hereby amended to read as follows:

630.2735 ***1.*** A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as a physician assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If a person who applies for a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 but does not pay the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for application for and issuance of a license as a physician assistant established pursuant to NRS 630.268; and

(2) The fee for application for and initial issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 39. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.
5. The tests or examinations of applicants required by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractic physicians, naprapaths, podiatric physicians and optometrists under chapters 631, 634, 634B, 635 and 636, respectively, of NRS, or as hearing aid specialists.
7. The duration, renewal and termination of licenses, including licenses by endorsement. ~~[The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses.]~~
8. The grounds and procedures respecting disciplinary actions against physician assistants.

9. The supervision of medical services of a physician assistant by a supervising physician.

10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 40. NRS 630.2751 is hereby amended to read as follows:

630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1; ***and***

(2) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; ~~[and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; ~~[or]~~

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints ~~[.]~~ ***; or***

(c) Ten days after the Board receives proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 41. NRS 630.2752 is hereby amended to read as follows:

630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1; ***and***

(2) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; ~~[and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; ~~[or]~~

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints ~~[.]~~ ***; or***

(c) Ten days after the Board receives proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 42. NRS 630.2755 is hereby amended to read as follows:

630.2755 ***1.*** If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If a person licensed as a physician assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of a physician assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 43. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) ~~[Have:~~

~~(1) A high school diploma; or~~

~~(2) A general equivalency diploma or an equivalent document;~~

~~(b)]~~ Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Commission on Accreditation for Respiratory Care or its successor organization;

~~[(c)]~~ ***(b)*** Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

~~[(d)]~~ ***(c)*** Be certified by the National Board for Respiratory Care or its successor organization; and

~~[(e)]~~ ***(d)*** Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,

➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 44. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. Any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by ***another agency of this State or*** another state, the Federal Government, a foreign country or any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if the malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner. ***For the purposes of this***

subsection, a practitioner shall be deemed to be currently treating a patient if the practitioner:

(a) Has treated the patient within the immediately preceding 3 years; and

(b) Has not discharged the patient in writing.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when the failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 45. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any ***arrest or*** criminal ~~[action taken or]~~ conviction ~~[obtained against]~~ ***of*** the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

(x) Failure to respond to the Board or an investigative committee of the Board during an investigation or otherwise cooperate with an investigation pursuant to this chapter.

2. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 46. NRS 630.3067 is hereby amended to read as follows:

630.3067 1. The insurer of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist not later than 45 days after the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that

is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. Except where otherwise required by law, a report made by an insurer pursuant to this section is a public record.

Sec. 47. NRS 630.3068 is hereby amended to read as follows:

630.3068 1. A physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist shall report to the Board:

(a) Any action for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist not later than 45 days after the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition, including, without limitation, any amount paid to resolve the claim; and

(d) Any sanctions imposed against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist pursuant to this section are public records.

Sec. 48. NRS 630.3069 is hereby amended to read as follows:

630.3069 If the Board receives a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding an action or claim for malpractice or that such an action or claim against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has been resolved by settlement, the Board shall conduct an investigation to determine whether to impose disciplinary action against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 49. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care ***or assisting in the practice of medicine*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. ***If the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must proceed as if a complaint had been filed against the licensee who is the subject of the report.***

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 50. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care, a written ~~[complaint,]~~ ***charging document,*** specifying the charges, must be filed with the Board by ~~[:~~

~~1. The]~~ ***the*** Board or a committee designated by the Board to investigate a complaint **.** ~~[;~~

~~2. Any member of the Board; or~~

~~3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.]~~

Sec. 51. NRS 630.311 is hereby amended to read as follows:

630.311 1. Except as otherwise provided in NRS 630.323, a committee designated by the Board and consisting of members of the Board shall review each complaint ***received by the Board that is within the jurisdiction of the Board*** and conduct an investigation to determine if there is a reasonable basis for the complaint. The committee must be composed of at least three members of the Board, at least one of whom is not a physician. The committee may issue orders to aid its investigation including, but not limited to, compelling a physician to appear before the committee.

2. If, after conducting an investigation, the committee determines that there is a reasonable basis for the complaint and that a violation of any provision of this chapter has occurred, the committee may file a formal ~~[complaint]~~ ***charging document*** with the Board.

3. The proceedings of the committee are confidential and are not subject to the requirements of NRS 241.020. Within 20 days after the conclusion of each meeting of the committee, the Board shall publish a summary setting forth the proceedings and determinations of the committee. The summary must not identify any person involved in the complaint that is the subject of the proceedings.

Sec. 52. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has raised a reasonable question as to his or her competence to practice medicine, respiratory care or perfusion ***,*** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding an action or claim for malpractice or that such an action or claim against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has been resolved by settlement, the Board or committee may order that the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist undergo a mental or physical examination, an examination testing his or her competence to practice medicine, respiratory care or perfusion ***,*** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, or any other examination designated by the Board to assist the Board or committee in determining the fitness of the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist to practice medicine, respiratory care or perfusion ***,*** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable.

2. For the purposes of this section:

(a) Every physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice medicine, respiratory care or perfusion ***,*** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of a person who conducts an examination of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist on behalf of the Board or an investigative committee of the Board pursuant to this section are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist licensed under this chapter to submit to an examination when directed as provided in this section constitutes ~~[an]~~ ***:***

(a) Grounds for the immediate suspension of the license of the physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist pending further disciplinary proceedings; and

(b) An admission of the charges against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist.

Sec. 53. NRS 630.323 is hereby amended to read as follows:

630.323 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; and

(b) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall:

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those physicians and physician assistants of the requirements of this section and NRS ~~[630.324,]~~ 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 54. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the

public or any patient served by the licensee is at risk of imminent or continued harm, the Board may ***:***

(a) Summarily restrict the practice of the licensee, including, without limitation, restricting or suspending the ability of the licensee to prescribe and dispense controlled substances, practice in a specialty area, perform specific tasks or procedures or treat a specific population of patients pending the conclusion of a hearing to consider a formal charging document filed against the licensee; or

(b) In accordance with subsection 3 of NRS 233B.127, summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal ~~[complaint]~~ ***charging document*** against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. ~~[If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.~~

~~3.]~~ If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee ***or restricting the practice of a licensee*** pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 55. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order ***summarily*** suspending the license of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care ***or summarily restricting the practice of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care*** pending proceedings for disciplinary action, ~~[including, without limitation, a summary suspension pursuant to NRS 233B.127,]~~ the court shall not stay that order.

Sec. 56. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant, anesthesiologist

assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal ~~[complaint or other]~~ ***charging*** document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a person, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, ~~[transcripts of oral examinations and]~~ the results of ~~[oral examinations.]~~ ***any examination conducted pursuant to NRS 630.318, a copy of any such examination or any documents or transcripts relating to such an examination.***

7. To the extent practicable and authorized by a licensee, the Board may communicate with, cooperate with or provide any documents to the employer of a licensee or any other person or entity responsible for credentialing a licensee to provide health care on behalf of the person or entity.

Sec. 57. NRS 630.339 is hereby amended to read as follows:

630.339 1. If a committee designated by the Board to conduct an investigation of a complaint decides to proceed with disciplinary action, it shall bring charges against the licensee by filing a formal ~~[complaint.]~~ ***charging document.*** The formal ~~[complaint]~~ ***charging document*** must include a written statement setting forth the charges alleged and setting forth in concise and plain language each act or omission of the respondent upon which the charges are based. The formal ~~[complaint]~~ ***charging document*** must be prepared with

sufficient clarity to ensure that the respondent is able to prepare a defense. The formal ~~[complaint]~~ ***charging document*** must specify any applicable law or regulation that the respondent is alleged to have violated. The formal ~~[complaint]~~ ***charging document*** may be signed by the chair of the investigative committee or the legal counsel for the Board.

2. The respondent may file an answer to the formal ~~[complaint within 20 days after service of the complaint upon the respondent.]~~ ***charging document pursuant to NRS 622A.320.*** An answer must state in concise and plain language the respondent's defenses to each charge set forth in the ~~[complaint]~~ ***charging document*** and must admit or deny the averments stated in the ~~[complaint.]~~ ***charging document.*** If a party fails to file an answer within the time prescribed, the party shall be deemed to have denied generally the allegations of the formal ~~[complaint]~~ ***charging document*** and the Board or an investigative committee of the Board may proceed pursuant to this section in the same manner as if the answer were timely filed.

3. Within 20 days after the filing of an answer or 20 days after the date on which an answer is due, whichever is earlier, the parties shall hold an early case conference at which the parties and a hearing officer appointed by the Board or a member of the Board must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or the Board, including the estimated duration of the hearing;

(b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

(3) On which to hold the prehearing conference; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

4. ~~[If the Board receives a report pursuant to subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the report. The Board shall notify the licensee of the charges brought against him or her, the time and place set for the hearing, and the possible sanctions authorized in NRS 630.352.~~

~~5.]~~ A formal hearing must be held at the time and date set at the early case conference by:

(a) The Board;

(b) A hearing officer;

(c) A member of the Board designated by the Board or an investigative committee of the Board;

(d) A panel of members of the Board designated by an investigative committee of the Board or the Board;

(e) A hearing officer together with not more than one member of the Board designated by an investigative committee of the Board or the Board; or

(f) A hearing officer together with a panel of members of the Board designated by an investigative committee of the Board or the Board. If the hearing is before a panel, at least one member of the panel must not be a physician.

~~[6. At any hearing at which at least one member of the Board presides, whether in combination with a hearing officer or other members of the Board, the final determinations regarding credibility, weight of evidence and whether the charges have been proven must be made by the members of the Board. If a hearing officer presides together with one or more members of the Board, the hearing officer shall:~~

~~(a) Conduct the hearing;~~

~~(b) In consultation with each member of the Board, make rulings upon any objections raised at the hearing;~~

~~(c) In consultation with each member of the Board, make rulings concerning any motions made during or after the hearing; and~~

~~(d) Within 30 days after the conclusion of the hearing, prepare and file with the Board written findings of fact and conclusions of law in accordance with the determinations made by each member of the Board.]~~

Sec. 58. NRS 630.344 is hereby amended to read as follows:

630.344 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and chapter 622A of NRS,*** service of process under this chapter ~~[must]~~ ***:***

(a) Must be made on a licensee personally, or by ~~[registered or]~~ certified mail ~~[with return receipt requested]~~ addressed to the licensee at his or her last known ***mailing*** address ~~[. If personal service cannot be made and if notice by mail is returned undelivered, the President or Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.]~~ ***, as indicated in the records of the Board.***

(b) Shall be deemed complete:

(1) For personal service, on the date on which the process is delivered to the person; or

(2) For service by certified mail, on the date on which the process is mailed.

2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the licensee, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent. ***A licensee with a mailing address outside of the United States must consent to service of process by electronic mail.***

3. Proof of service of process ~~[or publication of notice made]~~ ***in connection with a contested case*** under this chapter must be filed with the Board and may be recorded in the minutes of the Board ~~[.]~~ ***, if applicable.***

4. As used in this section, "contested case" has the meaning ascribed to it in NRS 622A.020.

Sec. 59. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a ***complaint or the filing of a*** formal ~~[complaint]~~ ***charging document*** in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210; ***and***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation**.** ~~[; and~~

~~(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.]~~

➥ The Board may limit the time within which the parties ~~[and the complainant]~~ may make their arguments and statements.

2. At the conclusion of the presentations of the parties **,** ~~[and the complainant,]~~ the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties **.** ~~[and the complainant.]~~

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct an alcohol or other substance use disorder or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $10,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 60. NRS 630.355 is hereby amended to read as follows:

630.355 1. If ***the respondent or*** a ~~[person,]~~ ***witness*** in a proceeding before the Board, a hearing officer or a panel of the Board:

(a) Disobeys or resists a lawful order;

(b) Refuses to take an oath or affirmation as a witness;

(c) Refuses to be examined; or

(d) Engages in conduct during a hearing or so near the place thereof as to obstruct the proceeding,

➥ the Board, hearing officer or panel may certify the facts to the district court of the county in which the proceeding is being conducted. Such a certification operates as a stay of all related disciplinary proceedings. The court shall issue an order directing the ~~[person]~~ ***respondent or witness, as applicable,*** to appear before the court and show cause why he or she should not be held in contempt.

2. A copy of the statement of the Board, hearing officer or panel, and the order of the district court issued pursuant to subsection 1, must be served on the ~~[person.]~~ ***respondent or witness, as applicable.*** Thereafter, the court has jurisdiction of the matter.

3. The same proceedings must be had, the same penalties may be imposed and the ~~[person]~~ ***respondent or witness, as applicable,*** may purge himself or herself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action.

Sec. 61. NRS 630.356 is hereby amended to read as follows:

630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.

2. Every order that imposes a sanction against a licensee pursuant to subsection 4 or 5 of NRS 630.352 or any regulation of the Board is effective from the date the Secretary-Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. ~~[The court shall not stay the order of the Board pending a final determination by the court.]~~

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 62. NRS 630.358 is hereby amended to read as follows:

630.358 1. Any person:

(a) Whose practice of medicine, perfusion or respiratory care has been limited; or

(b) Whose license to practice medicine, perfusion or respiratory care has been ~~[~~:

~~(1) Suspended]~~ ***suspended*** until further order ~~[~~; or

~~(2) Revoked,~~

➥ ~~by an order]~~ of the Board,

➥ may ~~[apply to]~~ ***petition*** the Board for removal of the limitation or ~~[restoration of the license.]~~ ***suspension.***

2. In hearing ~~[the application,]~~ ***a petition received pursuant to subsection 1,*** the Board:

(a) May require the person to submit to a mental or physical examination or an examination testing his or her competence to practice ~~[medicine, perfusion or respiratory care by physicians, perfusionists or practitioners]~~ ***as a physician, physician assistant, anesthesiologist assistant, perfusionist or practitioner*** of respiratory care, as appropriate, or other examinations it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the ~~[application]~~ ***petition*** is reasonable; and

(c) May deny the ~~[application]~~ ***petition*** or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The licensee has the burden of proving by clear and convincing evidence that the requirements for ~~[restoration of the license or]~~ removal of the limitation ***or suspension*** have been met.

4. The Board shall not ~~[restore a license]~~ ***remove a limitation or suspension*** unless it is satisfied that the person has complied with all of the terms and conditions set forth in the final order of the Board and that the person is capable of practicing ~~[medicine, perfusion or respiratory care]~~ ***as a physician, physician assistant, anesthesiologist assistant, perfusionist or practitioner of respiratory care, as appropriate,*** in a safe manner.

5. To restore a license that has been revoked by the Board, ~~[the applicant]~~ ***a person*** must apply for a license and ~~[take an examination]~~ ***meet all of the requirements for the issuance of the license at the time of the application*** as though the applicant had never been licensed under this chapter.

Sec. 63. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and the employees or volunteers of a diversion program are immune from any civil liability for:

(a) Any decision or action taken in good faith in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. Except as otherwise provided in subsection 4, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a ~~[~~physician~]~~ ***licensee*** for:

(a) Disclosing to a governmental entity ***in good faith*** a violation of any law, rule or regulation by an applicant for a license ~~[~~to practice medicine~]~~ or by a ~~[~~physician;~]~~ ***licensee;*** or

(b) Cooperating ***in good faith*** with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

4. A ~~[~~physician~]~~ ***licensee*** who discloses information to or cooperates with a governmental entity pursuant to subsection 3 with respect to the violation of any law, rule or regulation by the ~~[~~physician~]~~ ***licensee*** is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

5. As used in this section:

(a) "Diversion program" means a program approved by the Board to correct a licensee's alcohol or other substance use disorder or any other impairment.

(b) "Governmental entity" includes, without limitation:

(1) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(2) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(3) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(4) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(5) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 64. NRS 630.371 is hereby amended to read as follows:

630.371 Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** or ~~[the Council on Medical Education of the Canadian Medical Association.]~~ ***its successor organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country.***

Sec. 65. NRS 630.373 is hereby amended to read as follows:

630.373 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** physician ***, physician assistant or anesthesiologist assistant*** shall not administer or supervise directly the administration of general anesthesia, ***tumescent anesthesia,*** conscious sedation or deep sedation to patients unless the general anesthesia, ***tumescent anesthesia,*** conscious sedation or deep sedation is administered:

(a) In an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

(b) In a facility which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

(c) In a medical facility as that term is defined in NRS 449.0151; or

(d) Outside of this State.

2. ***The Board may adopt regulations that authorize a physician, physician assistant or anesthesiologist assistant to administer or supervise directly the administration of tumescent anesthesia in a location that does not meet the requirements of subsection 1.***

3. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Tumescent anesthesia" means local anesthesia caused by the subcutaneous injection of a dilute mixture that includes, without limitation, local anesthetic and epinephrine.

Sec. 66. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 67 and 68 of this act.

Sec. 67. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of a registered nurse ~~[,]~~ ***, including, without limitation, an advanced practice registered nurse; and***

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 68. ***Each time an advanced practice registered nurse performs a routine physical examination of a person who is ~~[19]~~ at least 12 years of age but not more than 18 years of age , ~~for younger,~~ the advanced practice registered nurse shall ask the person the questions prescribed in:***

1. The Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form; and

2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.

Sec. 69. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, ***and section 67 of this act*** have the meanings ascribed to them in those sections.

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350, inclusive, the certifications described in NRS 432B.6075, 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

(c) Requirements governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 71. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.

(v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Has failed to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 72. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

Each time an osteopathic physician or physician assistant performs a routine physical examination of a person who is ~~[19]~~ at least 12 years of age

but not more than 18 years of age , ~~[or younger,]~~ the physician or physician assistant shall ask the person the questions prescribed in:

1. The Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form; and

2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.

Sec. 73. NRS 633.2815 is hereby amended to read as follows:

633.2815 ***1.*** On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845 and 633.4256.

Sec. 74. NRS 633.2815 is hereby amended to read as follows:

633.2815 ***1.*** On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845, 633.4256, 633.4258 and 633.426.

Sec. 75. NRS 633.282 is hereby amended to read as follows:

633.282 ***1.*** On or before the last day of each quarter, the Board shall provide to the Board of Medical Examiners a list of all physician assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.2677, 630.2735, 630.2755, 633.4332, 633.438, 633.4718.

Sec. 76. NRS 633.4256 is hereby amended to read as follows:

633.4256 ***1.*** A person applying for a license to practice as an anesthesiologist assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as an anesthesiologist assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If a person who applies for an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS and pays the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 and the person does not pay the fee for application for and issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The application and initial license fee for an anesthesiologist assistant established pursuant to NRS 633.501; and

(2) The application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 77. NRS 633.4258 is hereby amended to read as follows:

633.4258 ***1.*** A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for ~~[initial]~~ ***biennial*** simultaneous ***renewal of an anesthesiologist assistant*** license ~~[as an anesthesiologist assistant]~~ ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If an applicant to renew an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS and pays the fee for biennial simultaneous

renewal of an anesthesiologist assistant license established pursuant to NRS 633.501 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(2) The fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(b) The anesthesiologist assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 78. NRS 633.426 is hereby amended to read as follows:

633.426 ***1.*** If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous ~~[registration]~~ ***renewal*** of an anesthesiologist assistant ***license established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(2) The fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(b) The anesthesiologist assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 79. NRS 633.4332 is hereby amended to read as follows:

633.4332 ***1.*** A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as a physician assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If a person who applies for a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS and pays the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The application and initial license fee for a physician assistant established pursuant to NRS 633.501; and

(2) The application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 80. NRS 633.438 is hereby amended to read as follows:

633.438 ***1.*** If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The annual simultaneous registration fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If a person licensed as a physician assistant pursuant to the provisions of this chapter pays the annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The annual registration fee for a physician assistant established pursuant to NRS 633.501; and

(2) The annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 81. NRS 633.4718 is hereby amended to read as follows:

633.4718 ***1.*** A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The annual simultaneous registration fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If an applicant to renew a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS and pays the annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the physician assistant that he or she is required to pay to the Board the difference between:

(1) The annual registration fee for a physician assistant established pursuant to NRS 633.501; and

(2) The annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501; and

(b) The physician assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 82. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ***and 3*** and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed anesthesiologist assistant, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. ***In addition to the laboratory tests authorized by subsection 1, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127 if:***

(a) The practitioner of respiratory care has been properly trained to perform the test; and

(b) Performing the test is within the scope of practice of a practitioner of respiratory care.

3. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 83. 1. A special purpose license issued pursuant to NRS 630.261 expires on January 1, 2026.

2. A special purpose license issued pursuant to NRS 630.261 before January 1, 2026, shall be deemed equivalent to a telemedicine license issued pursuant to NRS 630.261, as amended by section 25 of this act, on or after January 1, 2026.

3. The amendatory provisions of sections 29, 31, 32, 33, 38 and 42 of this act apply to any person who has indicated to the Board of Medical Examiners

that he or she intends to apply to the State Board of Osteopathic Medicine for a simultaneous license as a physician assistant or anesthesiologist assistant, as applicable, before, on or after January 1, 2026.

4. The amendatory provisions of sections 76, 79, 80 and 81 of this act apply to any person who has indicated to the State Board of Osteopathic Medicine that he or she intends to apply to the Board of Medical Examiners for a simultaneous license as a physician assistant or anesthesiologist assistant, as applicable, before, on or after January 1, 2026.

5. Notwithstanding the amendatory provisions of section 65 of this act, a physician, physician assistant or anesthesiologist assistant who is administering or supervising directly the administration of tumescent anesthesia in a location not authorized by NRS 630.373, as amended by section 65 of this act, on January 1, 2026, may continue to administer or supervise directly the administration of tumescent anesthesia in such a location until July 1, 2026.

Sec. 84. NRS 630.1606, 630.2692, 630.2693 and 630.324 are hereby repealed.

Sec. 85. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 72, inclusive, 75, 76 and 79 to 84, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Section 73 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if no bill is enacted by the Legislature and approved by the Governor this session to authorize the State Board of Osteopathic Medicine to charge fees for the renewal and simultaneous renewal of a license as an anesthesiologist assistant.

4. Sections 74, 77 and 78 of this bill become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if a bill is enacted by the Legislature and approved by the Governor this session to authorize the State Board of Osteopathic Medicine to charge fees for the renewal and simultaneous renewal of a license as an anesthesiologist assistant.

LEADLINES OF REPEALED SECTIONS

630.1606 Expedited license by endorsement to practice medicine: Requirements; procedure for issuance.

630.2692 Examinations.

630.2693 Waiver of examination for certain applicants.

630.324 Summary suspension of licensee's authority to prescribe, administer or dispense certain controlled substances; issuance of order; formal hearing and decision.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 309.

ASSEMBLYMEMBERS JACKSON**, ~~[~~; AND~~]~~** D'SILVA **, GONZÁLEZ, O'NEILL; DALIA, NADEEM, ORENTLICHER AND ROTH**

SUMMARY—Revises provisions relating to offenders. (BDR ~~[~~14-1015~~)]~~ **16-1015)**

AN ACT relating to offenders; ~~[~~requiring a court to set aside a judgment of conviction and grant a certificate of second chance under certain circumstances;~~]~~ **authorizing the Director of the Department of Corrections to establish a transitional housing program for certain offenders to develop skills and training relating to forestry management and conservation;** requiring the State Forester Firewarden to establish a hiring program to appoint certain former offenders to firefighting positions; ~~[~~requiring a regulatory body to recognize a certificate of second chance as removing any disqualification of a person with a criminal history from obtaining a professional or occupational license;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[~~a court is authorized to defer proceedings for certain defendants and place the defendant on probation upon certain terms and conditions that must include the attendance and successful completion of certain programs. Upon fulfillment of the terms and conditions, with certain exceptions, the court is required, in certain circumstances, and authorized, under other circumstances, to set aside the judgment of conviction. (NRS 176A.240, 176A.260, 176A.290) Section 2 of this bill authorizes a person convicted of certain criminal offenses to apply to the court to have the judgment of conviction set aside and receive a certificate of second chance. If the court grants the application to have the judgment set aside, section 2 provides that the person must, with certain exceptions, be released from all penalties imposed from the conviction.

~~Section 3 of this bill provides that if the court grants the application to have the judgment of conviction set aside and the person was convicted of certain offenses, the court must include a certificate of second chance which: (1) removes any disqualification from obtaining a professional or occupational license on the basis of the criminal history of the person; and (2) prohibits the criminal conviction from being introduced as evidence in certain negligent hiring actions or housing actions. Section 6 of this bill requires a regulatory body to recognize a certificate of second chance as removing any disqualification for a person with a criminal history from obtaining a license from the regulatory body.]~~ **the Director of the Department of Corrections is authorized to enter into one or more contracts with one or more public or private entities to provide certain services to offenders, including transitional housing. (NRS 209.4889) Section 4.5 of this bill authorizes the Director to establish, in coordination with the Division of Forestry of the State Department of Conservation and Natural Resources, a transitional housing program for certain offenders who are not more than 18 months from eligibility for parole to receive training in forestry management and conservation.**

Under existing law, the State Forester Firewarden, in cooperation with the Department of Corrections, is required to establish and carry out a program for operating conservation camps in this State which may use offenders who meet certain requirements to perform certain work, including firefighting. (NRS 209.457) **Section 5** of this bill requires the State Forester Firewarden to establish a hiring program to appoint ~~[without competition]~~ former offenders who performed firefighting work in such conservation camps to firefighting positions in the Division of Forestry of the State Department of Conservation and Natural Resources.

~~[Under existing law, a position in the classified service of the Executive Department of the State Government may be filled without competition only under certain circumstances. (NRS 284.305) Section 4 of this bill provides that the hiring program established by the State Forester Firewarden pursuant to section 5 is an exception to this requirement.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 176A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. Except as otherwise provided in subsection 7, upon fulfillment of the terms and conditions of probation or sentence and discharge by the court, every person convicted of a criminal offense may apply to the court to have the judgment of conviction set aside and receive a certificate of second chance pursuant to section 3 of this act, if applicable. A person must not be required to pay a fee to file such an application with the court.*~~

~~2. At the time of the sentencing of any defendant, the court shall inform the defendant of the provisions of subsection 1.~~

~~3. In determining whether to set aside a judgment of conviction pursuant to this section, the court shall consider:~~

~~(a) The nature and circumstances of the offense on which the conviction is based;~~

~~(b) The compliance of the applicant with the conditions of probation, the sentence imposed and any rules or regulations of the Department of Corrections, if applicable;~~

~~(c) Any prior or subsequent convictions;~~

~~(d) The input of the victim and the status of any restitution due to the victim;~~

~~(e) The amount of time that has passed since the sentence of the applicant was completed;~~

~~(f) The age of the applicant at the time of the conviction; and~~

~~(g) Any other factor that is relevant to the application, as determined by the court.~~

~~4. At any proceeding to have a judgment of conviction set aside, the court shall afford the victim the opportunity to:~~

~~(a) Appear personally, by counsel or by personal representative; and~~

~~(b) Reasonably express any views concerning the crime, the person responsible and the impact of the crime on the victim.~~

~~5. Notwithstanding any other provision of law, if the court grants the application, the court shall set aside the judgment of conviction and, except as otherwise provided in subsection 6, order that:~~

~~(a) The person be released from all penalties imposed from the conviction except any penalty imposed pursuant to NRS 62E.660, 483.460, 484C.220 or 501.388; and~~

~~(b) The right of the person to vote, hold office and serve as a juror in a criminal action be restored.~~

~~6. A judgment of conviction set aside pursuant to this section may be:~~

~~(a) Alleged as an element of an offense;~~

~~(b) Used as a prior conviction;~~

~~(c) Pleaded and proved in any subsequent prosecution of the person by this State or any political subdivision of this State for any offense;~~

~~(d) Used by the Department of Motor Vehicles to enforce NRS 483.460 or 484C.220 as if the judgment of conviction had not been set aside; and~~

~~(e) Used by the Department of Wildlife to enforce NRS 62E.660 or 501.388 as if the judgment of conviction had not been set aside.~~

~~7. The provisions of this section do not:~~

~~(a) Require a law enforcement agency to redact or remove a record or information from the records of criminal history of a person whose conviction is set aside; or~~

~~(b) Prohibit any state agency from considering the conviction when conducting a background investigation of applicants for employment, if authorized under existing law.~~

~~8. A person convicted of a violent or sexual offense or a crime against a child may not apply to have a judgment of conviction set aside pursuant to this section.~~

~~9. As used in this section:~~

~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~

~~(b) "Law enforcement agency" has the meaning ascribed to it in NRS 202.873.~~

~~(c) "Violent or sexual offense" has the meaning ascribed to it in NRS 202.876.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[1. Except as otherwise provided in subsection 2, if a court grants an application to have a judgment of conviction set aside pursuant to section 2 of this act, the order of the court shall include a certificate of second chance if the person was convicted of:~~

~~(a) A misdemeanor or gross misdemeanor;~~

~~(b) A category C, D or E felony and at least 2 years have passed since the person fulfilled the conditions of probation or the sentence imposed; or~~

~~(c) A category B felony and at least 5 years have passed since the person fulfilled the conditions of probation or the sentence imposed.~~

~~2. A person is not eligible to receive a certificate of second chance pursuant to this section if the person has previously received a certificate of second chance and had a judgment of conviction set aside for a felony conviction.~~

~~3. If a person is granted a certificate of second chance pursuant to this section:~~

~~(a) The person may not be disqualified from obtaining a license from a regulatory body pursuant to title 54 of NRS on the basis of the criminal conviction for which he or she received the certificate of second chance; and~~

~~(b) The criminal conviction for which he or she received a certificate of second chance may not be introduced as evidence:~~

~~(1) In a negligent hiring action filed against an employer for the acts of an employee or independent contractor based on a theory of liability other than the prior offense of the employee; or~~

~~(2) In a housing action filed against a landlord for the acts of a tenant based on a theory of liability other than that of the prior offense of the tenant.~~

~~4. A certificate of second chance issued pursuant to this section is not a recommendation, sponsorship or promotion of the person who possesses the certificate when applying for a professional or occupational license, employment or housing.~~

~~5. If a person does not meet the requirements set forth in subsection 1 at the time his or her judgment of conviction is set aside, the person may apply for a certificate of second chance from the court once he or she meets the~~

~~*requirements. A person may not be required to pay a fee to file such an application with the court.*~~

~~*6. At any proceeding to have a certificate of second chance granted pursuant to subsection 5, the court shall afford the victim the opportunity to:*~~

~~*(a) Appear personally, by counsel or by personal representative; and*~~

~~*(b) Reasonably express any views concerning the crime, the person responsible and the impact of the crime on the victim.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 284.305 is hereby amended to read as follows:~~

~~284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled by an appointing authority without competitive evaluation only as provided in NRS 284.155, 284.300, 284.307, 284.308, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775~~ ~~[.]~~ ~~*and section 5 of this act.*~~

~~2. The Commission may adopt regulations which provide for filling positions in the classified service without competitive evaluation in cases involving:~~

~~(a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;~~

~~(b) The demotion of a current employee;~~

~~(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or~~

~~(d) The reappointment of a current employee.]~~ **(Deleted by amendment.)**

Sec. 4.5. **Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Director may establish, in coordination with the Division of Forestry of the State Department of Conservation and Natural Resources, a transitional housing program for offenders who are:

1. Not more than 18 months from eligibility for parole to receive training in forestry management and conservation; and

2. Committed to the custody of the Department and eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481.

Sec. 5. Chapter 472 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Forester Firewarden shall establish a hiring program to provide a pathway to hire for firefighting positions within this State. Under the hiring program, the State Forester Firewarden may appoint a person ~~*[without competition]*~~ ***to fill a position in the classified service as a firefighter with the Division of Forestry of the State Department of Conservation and Natural Resources if the person:***

(a) Was a former offender assigned to work in a program for operating conservation camps established pursuant to NRS 209.457 and performed work relating to firefighting;

(b) Successfully completed the training necessary to prepare the offenders assigned to the conservation camp to assist in firefighting pursuant to NRS 209.457;

(c) Has obtained any certifications required for employment as a firefighter with the Division of Forestry; and

(d) Meets any other qualifications established by the State Forester Firewarden.

2. The State Forester Firewarden may adopt regulations to carry out the provisions of this section.

Sec. 6. ~~[Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*Each regulatory body shall recognize a certificate of second chance issued pursuant to section 3 of this act as removing any disqualification for a person with a criminal history from obtaining a license from the regulatory body.*~~ **]** **(Deleted by amendment.)**

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 387.

ASSEMBLYMEMBERS D'SILVA AND JACKSON

JOINT SPONSOR: SENATOR NEAL

SUMMARY—~~[Establishes the Commission on Racial Equity and Social Justice.]~~ **Creates the Subcommittee to Study and Develop Policy Recommendations for African Americans of the Joint Interim Standing Committee on Education to conduct a study during the 2025-2026 interim.** (BDR S-619)

AN ACT relating to education; ~~[establishing the Commission on Racial Equity and Social Justice;]~~ **creating the Subcommittee to Study and Develop Policy Recommendations for African Americans of the Joint Interim Standing Committee on Education to conduct a study during the 2025-2026 interim;** prescribing the membership **, powers** and duties of the ~~[Commission; requiring the Board of Regents of the University of Nevada to provide certain support to the Commission;]~~ **Subcommittee;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Article 11 of the Nevada Constitution requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4)]~~

Existing law ~~[establishes the Nevada System of Higher Education, which consists of the State University and certain other educational institutions, programs and operations. (NRS 396.020)~~

~~This]~~ **creates the Joint Interim Standing Committee on Education and authorizes the Committee to: (1) evaluate, review and comment upon issues related to education in this State; (2) conduct investigations and hold hearings in connection with such duties; and (3) make recommendations to the Legislature relating to the improvement of public education. (NRS 218E.320, 218E.615) Existing law requires the Joint Interim Standing Committee on Education to prepare and submit to the Legislature a comprehensive report of its activities in the interim and its findings and any recommendations for proposed legislation. (NRS 218E.330) Section 1 of this** bill creates the ~~[Commission on Racial Equity and Social Justice for the purposes of studying issues and making recommendations to the 84th Session of the Nevada Legislature relating to certain matters of racial discrimination in this State. Section 2 of this bill creates the Commission and]~~ **Subcommittee to Study and Develop Policy Recommendations for African Americans of the Joint Interim Standing Committee on Education to conduct the study set forth in section 2 of this bill during the 2025-2026 interim. Section 1** prescribes the membership **and officers** of the ~~[Commission, consisting of nine members appointed on or before August 1, 2025, as follows: (1) three members appointed by the President of the University of Nevada, Las Vegas; (2) three members appointed by the President of the University of Nevada, Reno; (3) one member appointed by the Governor; (4) one member appointed by the Senate Majority Leader; and (5) one member appointed by the Speaker of the Assembly.]~~ **Subcommittee and the compensation of the members. Section 1 also provides for the filling of vacancies and requirements for meetings.**

Section 2 ~~[of this bill establishes the duties of the Commission and, among other duties,]~~ requires the ~~[Commission]~~ **Subcommittee** to: (1) study certain matters relating to historical discrimination in this State and the related economic effects of the discrimination to present day society in this State; and (2) **present its findings and** make recommendations relating to its findings to ~~[the 84th Session of the Nevada Legislature]~~ **the Joint Interim Standing Committee on Education, for inclusion in its 2026-2026 interim report,** for methods to educate the general public about the findings and recommendations of the ~~[Commission,]~~ **Subcommittee,** advancement of racial healing, understanding and transformation and the form and scope of rehabilitation or restitution to the descendants of formerly enslaved Africans, if warranted, based on the findings of the ~~[Commission.]~~ **Subcommittee. Section 2** ~~[also]~~ authorizes the ~~[Commission]~~ **Subcommittee** to collaborate and consult with and invite participation by historians, scholars and other interested parties and requires state agencies to provide any information requested by the ~~[Commission]~~ **Subcommittee** relating to its duties. **Section 2** also authorizes the ~~[Commission]~~ **Subcommittee** to **: (1)** request assistance from the Division

of State Library, Archives and Public Records of the Department of Administration, which is required to provide assistance to the extent that resources are available ~~[.]~~ **; and (2) direct the Legislative Counsel Bureau to assist in its research investigations, review and analysis.**

Section ~~[3 of this bill requires the Board of Regents of the University of Nevada to provide certain administrative support to the Commission and be prepared to provide the support not later than August 1, 2025. Section 3 also authorizes the Board of Regents]~~ **2 further authorizes the Subcommittee** to **apply for and** accept certain funds for the ~~[Commission]~~ **Subcommittee** in carrying out its duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The ~~[Commission on Racial Equity and Social Justice]~~ **Subcommittee to Study and Develop Policy Recommendations for African Americans of the Joint Interim Standing Committee on Education** is hereby created ~~[for the purposes of studying issues and making recommendations to the 84th Session of the Nevada Legislature relating to racial discrimination in this State.]~~ **to conduct the study described in section 2 of this act during the 2025-2026 interim.**

2. The ~~[Commission]~~ **Subcommittee** consists of the following ~~[nine]~~ **ten** members ~~[:]~~ **appointed by the Chair of the Joint Interim Standing Committee on Education:**

(a) ~~[Three]~~ **Two** members ~~[appointed]~~ **of the general public from a list of at least three persons recommended** by the President of the University of Nevada, Las Vegas, or his or her designee;

(b) ~~[Three]~~ **Two** members ~~[appointed]~~ **of the general public from a list of at least three persons recommended** by the President of the University of Nevada, Reno, or his or her designee;

~~(c) [One member appointed by the Governor;~~

~~(d) One member appointed]~~ **Two members of the Senate recommended** by the ~~[Senate]~~ Majority ~~[Leader; and~~

~~(e) One member appointed]~~ **Leader of the Senate;**

(d) Two members of the Assembly recommended by the Speaker of the Assembly ~~[.~~

~~➥ In making appointments to the Commission, the appointing authorities shall appoint members of the Commission]~~ **;**

(e) One member of the Senate recommended by the Minority Leader of the Senate; and

(f) One member of the Assembly recommended by the Minority Leader of the Assembly.

3. Members of the Subcommittee must be recommended and appointed on the basis of their education, training and experience in the fields of African American studies ~~[and]~~ **or** reparatory justice ~~[. The appointing~~

~~authorities shall appoint members of the Commission on or before August 1, 2025.~~

~~3. An elected official of any governmental entity is not eligible to be appointed to the Commission.]~~ **or any interrelated disciplines or subject matter areas or any other relevant policy or professional experience.**

4. Any vacancy occurring in the membership of the ~~[Commission shall not affect the powers and duties of the Commission and shall]~~ **Subcommittee must** be filled in the same manner as the original appointment.

5. ~~[The]~~ **For each day or portion of a day during which a member of the Subcommittee who is a Legislator attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member is entitled to receive:**

(a) The compensation ~~[each member of the Commission is entitled to receive, if any, shall be established by the Board of Regents.]~~ **provided for a majority of the Legislators during the first 60 days of the preceding regular session;**

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

6. **While engaged in the business of the Subcommittee, the members of the Subcommittee who are not Legislators are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.**

7. All compensation, per diem allowances and travel expenses provided pursuant to subsections 5 and 6 must be paid from the Legislative Fund.

8. The ~~[President of the University of Nevada, Las Vegas, and the President of the University of Nevada, Reno,]~~ **Chair of the Joint Interim Standing Committee on Education** shall ~~[jointly]~~ appoint a Chair and Vice Chair of the ~~[Commission, who serve in such positions until the Commission expires by limitation.~~

~~7. The Commission]~~ **Subcommittee from among the members of the Subcommittee appointed pursuant to paragraphs (c) to (f), inclusive, of subsection 2. The Chair of the Subcommittee must be appointed from one House and the Vice Chair of the Subcommittee from the other House. If a vacancy occurs in the office of the Chair or Vice Chair of the Subcommittee, the vacancy must be filled in the same manner as the original appointment.**

9. Except as otherwise ordered by the Legislative Commission, the Subcommittee shall ~~[:~~

~~(a) Hold its first meeting not later than 30 days after all the appointments are made pursuant to subsection 2;~~

~~(b) Meet as a whole at least four times before the Commission expires by limitation and may]~~ meet **not earlier than November 1, 2025, and not later**

than August 31, 2026, at ~~[such further]~~ **the** times and places specified by a call of the Chair.

~~[8. The Chair of the Commission may establish subcommittees to assist the Commission in the performance of its duties. The subcommittees shall meet at the times and places specified by a call of the Chair.]~~

10. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the powers and authority conferred on the Subcommittee.

~~[Section 1.]~~ **Sec. 2.** 1. The ~~[Commission]~~ **Subcommittee created by section 1 of this act** shall study:

(a) The economic, political, social, educational and historical impacts of slavery, Jim Crow laws, de jure and de facto racial segregation and other forms of racial discrimination in the State of Nevada, as well as the prior organized and unorganized territories that constitute a part of the current state boundaries of the State;

(b) Discriminatory habits or practices, including, without limitation, forced slavery, chattel slavery, indentured servitude, redlining, segregated school systems and segregated public goods and spaces, that may have caused significant economic or societal disparities of formerly enslaved Africans or their descendants; and

(c) The related economic effects to present day society in the State of Nevada as a result of the matters studied pursuant to this subsection.

2. ~~[The Commission]~~ **On or before August 31, 2026, the Subcommittee** shall present its findings and make recommendations **, including specific policy recommendations,** relating to its findings to the ~~[84th Session of the Nevada Legislature]~~ **Joint Interim Standing Committee on Education** for:

(a) Methods to educate the general public of the State of Nevada of the ~~[Commission's]~~ **Subcommittee's** findings and recommendations;

(b) Advancement of racial healing, understanding and transformation; **and**

(c) Forms of rehabilitation or restitution to the descendants of formerly enslaved Africans, if warranted, based on the findings of the ~~[Commission.]~~ **Subcommittee.** If the ~~[Commission]~~ **Subcommittee** finds that any form of rehabilitation or restitution is warranted, then the form and scope of such measures.

3. **The Joint Interim Standing Committee on Education shall include the findings and recommendations of the Subcommittee presented pursuant to subsection 2 in the report for the 2025-2026 interim submitted by the Joint Interim Standing Committee on Education pursuant to NRS 218E.330.**

4. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

5. The ~~[Commission]~~ **Subcommittee** may collaborate and consult with and invite participation by historians, scholars and any other interested parties.

~~[4.]~~ **6.** Each state agency, as defined in NRS 277.186, shall cooperate with the ~~[Commission]~~ **Subcommittee** and timely provide any information that may be requested by the ~~[Commission]~~ **Subcommittee** relating to its duties.

~~[5.]~~ **7.** The ~~[Commission]~~ **Subcommittee** may ~~[request]~~ **:**

(a) Request assistance from the Division of State Library, Archives and Public Records of the Department of Administration. Upon such a request, the Division shall provide to the ~~[Commission]~~ **Subcommittee** such assistance to the extent that resources are available.

(b) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

8. The Subcommittee may apply for any available grants and accept any gifts, grants or donations to assist the Subcommittee in carrying out its duties.

Sec. 3. ~~[1. The Board of Regents shall provide administrative support to the Commission, including, without limitation, providing meeting spaces, technical assistance, organizational support, assistance with public communications and media relations and any other necessary tasks required by the Commission in the furtherance of its duties. The Board of Regents must be prepared to provide such support not later than August 1, 2025.~~

~~2. The Board of Regents may accept gifts, grants and donations to fund the Commission in carrying out its duties.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[1. On or before January 31, 2027, the Commission on Racial Equity and Social Justice created by section 2 of this act shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature on the work of the Commission relating to the duties of the Commission set forth in section 2 of this act.~~

~~2. On or before the adjournment of the 84th Legislative Session sine die, the Commission shall present in person its findings and recommendations to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2025 ~~[.]~~ **and expires by limitation on December 31, 2026.**

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 475.

AN ACT relating to health care; revising provisions governing the qualifications of applicants for a license by endorsement as a dental hygienist; ~~[revising the scope of practice of expanded function dental assistants and~~

~~dental hygienists who have a special endorsement to practice restorative dental hygiene;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of dental hygienists and expanded function dental assistants in this State by the Board of Dental Examiners of Nevada. (Chapter 631 of NRS) Existing law further: (1) requires a regulatory body to adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person who is licensed to practice that profession in another state; and (2) sets forth certain minimum requirements for obtaining a license by endorsement. Existing law authorizes a regulatory body to require an applicant for such a license by endorsement to submit proof that the applicant has engaged in the occupation or profession for which the applicant is seeking a license by endorsement for a period of time specified by the regulatory body. (NRS 622.530)

Under existing regulations, a person applying for licensure by endorsement as a dental hygienist, in addition to certain other requirements, is required to have actively practiced dental hygiene for the 5 years immediately preceding the date of submission of the application. (NAC 631.030) **Section 4** of this bill declares this provision of regulation void, and **sections 1 and 2** of this bill prohibit the Board from adopting regulations that require an applicant for licensure by endorsement to practice dental hygiene to have practiced dental hygiene in another state for a specified period of time immediately preceding submission of the application for licensure by endorsement. Thus, **sections 1, 2 and 4** have the effect of removing the requirement that an applicant for licensure by endorsement to practice dental hygiene have practiced in another state for 5 years immediately preceding the date of submission of an application for such licensure.

~~[Existing law authorizes an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene to use an ultrasonic scaling unit only for the removal of bonding agents. (NRS 631.3129) Section 3 of this bill removes the limitation on the use of an ultrasonic scaling unit by an expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene, thereby authorizing such a person to use an ultrasonic scaling unit without limitation. Section 3 also authorizes such a person to perform coronal scaling.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 622.530 is hereby amended to read as follows:

622.530 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

(b) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

(c) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

(d) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

(e) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

(g) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(h) Submits to the regulatory body the statement required by NRS 425.520.

3. ~~[A]~~ ***Except as otherwise provided in NRS 631.190, a*** regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (g) of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 2. NRS 631.190 is hereby amended to read as follows:

631.190 ***1.*** In addition to the powers and duties provided in this chapter, the Board shall:

~~[1.]~~ ***(a)*** Adopt rules and regulations necessary to carry out the provisions of this chapter.

~~[2.]~~ ***(b)*** Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

~~[3.]~~ ***(c)*** Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental hygiene, dental therapy and expanded function dental assistance.

~~[4.]~~ ***(d)*** Examine applicants for licenses to practice dentistry, dental hygiene, dental therapy and expanded function dental assistance.

~~[5.]~~ ***(e)*** Collect and apply fees as provided in this chapter.

~~[6.]~~ ***(f)*** Keep a register of all dentists, dental hygienists, dental therapists and expanded function dental assistants licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

~~[7.]~~ ***(g)*** Have and use a common seal.

~~[8.]~~ ***(h)*** Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

~~[9.]~~ ***(i)*** Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[10.]~~ ***(j)*** Have discretion to examine work authorizations in dental offices or dental laboratories.

2. The Board may not adopt regulations pursuant to NRS 622.530 that require an applicant for the issuance of a license by endorsement as a dental hygienist to have practiced dental hygiene in another state for a specified period of time immediately preceding the submission of the application.

Sec. 3. ~~[NRS 631.3129 is hereby amended to read as follows:~~

~~631.3129 An expanded function dental assistant or dental hygienist with a special endorsement to practice restorative dental hygiene may perform the following acts under the conditions prescribed by NRS 631.288 and 631.31288:~~

~~1. Any service that a dental assistant or dental hygienist, as applicable, is authorized to perform pursuant to this chapter or any regulation adopted pursuant thereto.~~

~~2. Placing, condensing, contouring, adjusting, curing and finishing restorations that are made of a direct restorative material, including, without limitation, amalgam, resin-based composite and glass ionomer.~~

~~3. Placing and removing matrices and interproximal wedge devices.~~

~~4. Placing desensitizers, liners and bases.~~

~~5. Taking final impressions for:~~

~~(a) Indirect restorations, including, without limitation, crowns, bridges and veneers; and~~

~~(b) Removable prostheses, including, without limitation, dentures.~~

~~6. Adjusting a removable prostheses extraorally.~~

~~7. Cementation of permanent restorations, including, without limitation, crowns, bridges and veneers, if the authorizing dentist:~~

~~(a) Evaluates and approves each permanent restoration before the cementation is final; and~~

~~(b) Inspects each permanent restoration before the patient leaves the premises where the cementation occurred.~~

~~8. Placing topical fluoride.~~

~~9. Administering a hemostatic agent.~~

~~10. Applying agents for bleaching teeth.~~

~~11. Using an ultrasonic scaling unit.~~ ~~[only for the removal of bonding agents. This subsection does not authorize an expanded function dental assistant to use an ultrasonic scaling unit on any natural tooth.]~~

~~*12. Coronal scaling.]~~ **(Deleted by amendment.)**

Sec. 4. Any provision of a regulation adopted by the Board of Dental Examiners of Nevada which conflicts with the provisions of subsection 2 of NRS 631.190, as amended by section 2 of this act, ~~[are]~~ **is** hereby declared void.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 402.

AN ACT relating to juvenile justice; granting the juvenile court limited jurisdiction over certain persons who are 21 years of age or older; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the juvenile court limited jurisdiction over a person who is 21 years of age or older if: (1) the person is charged with the commission of a delinquent act that occurred when the person was at least 16 years of age but less than 18 years of age; (2) the delinquent act would have been a category A or B felony if committed by an adult; and (3) certain other requirements are

met. (NRS 62B.335) The Nevada Supreme Court has held that existing law does not grant any court in this State jurisdiction over a person who is 21 years of age or older who is charged with the commission of certain delinquent acts that occurred when the person was less than 16 years of age. (*Zalyaul v. State*, 138 Nev. 760 (2022)) **Section 1** of this bill addresses this jurisdictional gap by granting the juvenile court limited jurisdiction over a person who is 21 years of age or older if ~~[: (1)]~~ **a petition charging** the person ~~[is charged]~~ with the commission of ~~[a]~~ **certain** delinquent ~~[act]~~ **acts** that occurred when the person was ~~[less than 16 years of age; (2) the delinquent act would have been a category A or B felony if committed by an adult;]~~ **at least 13 years of age but less than 18 years of age is filed** and ~~[(3)]~~ certain other requirements are met. ~~[Section 1 also grants the juvenile court limited jurisdiction over a person who is 21 years of age or older if: (1) the person is charged with the commission of a delinquent act that occurred when the person was at least 16 years of age but less than 18 years of age; (2) the delinquent act would have been a category A or B felony if committed by an adult; and (3) certain other requirements are met.]~~

In general, existing law requires the juvenile court to hold a hearing to determine whether the case of a person over whom the juvenile court has limited jurisdiction should be: (1) dismissed; or (2) transferred from the juvenile court to the district court for criminal proceedings. (NRS 62B.335) By granting the juvenile court limited jurisdiction over a person who is 21 years of age or older who is charged with the commission of a delinquent act that occurred when the person was less than 18 years of age, **section 1** requires the juvenile court to hold a hearing to determine whether the case of any such person should be dismissed or transferred to the district court for criminal proceedings.

Section 2 of this bill makes the amendatory provisions of **section 1** applicable to offenses committed ~~[before,]~~ on or after ~~[the effective date of this bill.]~~ **October 1, 2013.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.335 is hereby amended to read as follows:

62B.335 1. ~~[If:~~

~~(a) A]~~ ***The juvenile court shall conduct a hearing to determine whether there is probable cause to believe that a*** person ~~[is charged with the commission of]~~ ***committed*** a delinquent act ~~[that occurred when the person was at least 16 years of age but less than 18 years of age;~~

~~(b) The *if the* delinquent act would have been a category A or B felony if committed by an adult;~~

~~(c) *and the act]*~~ ***that occurred when the person was:***

(a) At least 16 years of age but less than 18 years of age if:

(1) A petition is filed charging the person with a category A or B felony and a writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(2) The writ is not served before the date on which the person reaches 21 years of age.

(b) [Less] At least 14 years of age but less than 16 years of age if:

(1) A petition is filed [,] charging the person with a category A or B felony involving the use or threatened use of a deadly weapon; and

(I) A writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(II) The writ is not served before the date on which the person reaches 21 years of age; or

(2) The person is ***not*** identified by law enforcement as having committed the delinquent act before the ***date on which the*** person reaches 21 years of age***.*** [; and

(d) The person is apprehended by law enforcement after the person reaches 21 years of age,

➥ the juvenile court has jurisdiction over the person to conduct a hearing and make the determinations required by this section in accordance with the provisions of this section.]

(c) Except as otherwise provided in NRS 62B.330, at least 13 years of age if:

(1) A petition is filed charging the person with murder or attempted murder; and

(I) A writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(II) The writ is not served before the date on which the person reaches 21 years of age; or

(2) The person is not identified by law enforcement as having committed the delinquent act before the date on which the person reaches 21 years of age.

2. [The juvenile court shall conduct a hearing to determine whether there is probable cause to believe that the person committed the delinquent act.

3.] If the juvenile court determines that there is not probable cause to believe that the person committed the delinquent act, the juvenile court shall dismiss the charges and discharge the person.

[4.] ***3.*** If the juvenile court determines that there is probable cause to believe that the person committed the delinquent act, the juvenile court shall determine whether, based upon ***clear and convincing evidence and considering*** the interests of justice and the need for protection of the public, to:

(a) Dismiss the charges; or

(b) Transfer the case for proper criminal proceedings to any court that would have jurisdiction over the delinquent act if the delinquent act were committed by an adult.

~~[5.]~~ ***4.*** In determining the interests of justice and the need for protection of the public, the juvenile court shall consider:

(a) The number, date, nature and gravity of the delinquent acts committed by the person.

(b) Whether the delinquent acts involved the use of a weapon, violence or infliction of serious bodily injury.

(c) The impact to any victim of the person.

(d) The extent to which the person has already received punishment, counseling, therapy or treatment after the commission of the delinquent acts, and the response of the person to any such punishment, counseling, therapy or treatment.

(e) The behavior of the person since the date on which the person committed the delinquent acts, including, without limitation, the character, maturity, educational progress and work history of the person.

(f) Any evidence that the person engaged in recent threats against any person or expressed the intent to commit a crime in the future.

(g) Psychological or psychiatric evidence that indicates a risk of recidivism.

(h) Any emotional or mental health condition that existed at the time of the commission of the delinquent act.

(i) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(j) Any other factor the juvenile court finds relevant.

~~[6.]~~ ***5.*** If the case is transferred for criminal proceedings pursuant to this section, the court shall also transfer any other related offense arising out of the same facts as the delinquent act, regardless of the nature of the related offense.

~~[7.]~~ ***6.*** The court to which the case is transferred has original jurisdiction over the person.

~~[8.]~~ ***7.*** A person held in custody pursuant to this section must be held in the state prison, a county or city jail or detention facility for adults and is entitled to bail as established in criminal proceedings.

Sec. 2. The amendatory provisions of this act apply to offenses committed ~~[before,]~~ on or after ~~[the effective date of this act.]~~ **October 1, 2013.**

Sec. 3. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 441.

AN ACT relating to intoxicating liquor; authorizing **the board of county commissioners of a county and the governing body of an incorporated city to enact an ordinance authorizing** certain **food** establishments to sell or

deliver ~~[mixed drinks]~~ **alcoholic beverages** for consumption off the premises of the establishment under certain circumstances; ~~[revising the required curriculum for an alcoholic beverage awareness program which is required for certain employees;]~~ **requiring the Department of Taxation to adopt regulations imposing a surcharge on such sales;** designating the Picon Punch as the official state drink of the State of Nevada; **expanding the functions of the Ignition Interlock Program established by the Director of the Department of Public Safety;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain establishments to sell alcoholic beverages by the drink for consumption on the premises of the establishment. (NRS 369.090, 369.620) Existing law also authorizes a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, to deliver liquor, in its original package, to a consumer in connection with a retail sale of such liquor under certain circumstances. (NRS 369.489)

Section 1 of this bill **defines "covered food establishment" to mean, in general, a food establishment that prepares and serves food on the premises and which is licensed to sell at retail alcoholic beverages for consumption on the premises. Section 1** authorizes ~~[an establishment that sells alcoholic beverages by the drink for consumption on the premises to sell certain mixed drinks,]~~ **the board of county commissioners of a county or the governing body of an incorporated city to enact an ordinance authorizing, under such conditions as may be imposed by the ordinance, a covered food establishment to sell at retail an alcoholic beverage** in a ~~[sealed]~~ container ~~[,]~~ **sealed by the manufacturer or the establishment** for consumption off the premises of the establishment. **Section 1** also authorizes ~~[such an]~~ **the ordinance to authorize a covered food** establishment, or a delivery support service acting on behalf of such an establishment, to deliver ~~[certain mixed drinks,]~~ **alcoholic beverages** in a ~~[sealed]~~ container ~~[,]~~ **sealed by the manufacturer or the establishment** to a consumer in connection with the retail sale of such ~~[a mixed drink. Section 1 requires such a delivery to take place in a jurisdiction where the establishment is licensed to sell liquor at retail. Section 3 of this bill revises the term "establishment" to include a business that sells such a mixed drink in compliance with the requirements of section 1.]~~ **an alcoholic beverage. Sections 1 and 2** of this bill exempt such deliveries from certain provisions of law governing the transport of liquor. ~~[Section 1 requires the Department of Taxation to adopt certain regulations governing such deliveries. Section 1 authorizes the city council or other governing body of each incorporated city in this State to enact an ordinance: (1) which establishes additional reasonable requirements, permits or fees relating to the activities described in section 1; or (2) to opt out of and prohibit the activities described in section 1.]~~

Existing law ~~[establishes the Account for the]~~ **requires the Director of the Department of Public Safety to establish the** Ignition Interlock Program.

Existing law creates the Account for the Ignition Interlock Program. Permissible uses of money in the Account include treatment assistance, outreach programs, educational programs and training and enforcement activities relating to driving under the influence of alcohol or a prohibited substance. (NRS 484C.454) **Section 5.5 of this bill changes the name of the Program to the Ignition Interlock and DUI Reduction Program and expands the purposes for which money in the Account may be used. Section 1** requires ~~[~~, as part of the regulations which~~]~~ the Department ~~[~~is required~~]~~ **of Taxation** to adopt ~~[~~,~~]~~ **regulations that provide for** the imposition and collection of a surcharge, not to exceed 50 cents for each retail sale of ~~[~~a mixed drink~~]~~ **an alcoholic beverage** pursuant to **section 1**, which must be used for the purposes for which the money in the Account is used.

~~[~~Existing law requires certain employees to successfully complete an alcoholic beverage awareness program and prescribes the requirements for such a program. (NRS 369.625, 369.630) Section 4 of this bill requires the curriculum of such a program to include instruction on packaging and delivery of mixed drinks pursuant to section 1.~~]~~

Existing law establishes various symbols of the State of Nevada. (NRS 235.020-235.140) **Section 5** of this bill designates the traditional Basque drink known as the Picon Punch as the official state drink of the State of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 5 and subject to such regulations as the Department may prescribe pursuant to subsection 3:]~~ The board of county commissioners of a county and the governing body of an incorporated city may enact an ordinance authorizing, under such conditions as may be imposed by the ordinance:

(a) ~~[An]~~ A covered food establishment ~~[may]~~ to sell at retail ~~[a mixed drink,]~~ an alcoholic beverage in a ~~[sealed]~~ container ~~[pursuant to subsection 2,]~~ sealed by the manufacturer of the alcoholic beverage or by the covered food establishment for consumption off the premises; and

(b) ~~[An]~~ A covered food establishment, or a delivery support service acting on behalf of an establishment, ~~[may]~~ to deliver ~~[a mixed drink,]~~ an alcoholic beverage in a ~~[sealed]~~ container ~~[pursuant to subsection 2,]~~ sealed by the manufacturer of the alcoholic beverage or by the covered food establishment to a consumer in this State in connection with a retail sale of such ~~[a mixed drink if the delivery takes place in a jurisdiction in this State in which the establishment is licensed to sell mixed drinks at retail.]~~ an alcoholic beverage.

2. ~~[The cap or lid, and any seal, of the sealed container which contains a mixed drink pursuant to subsection 1 must be affixed to the container in a~~

~~manner that makes it obvious when the cap or lid, and any seal, has been removed or broken. The cap or lid, and any seal, may be affixed with the use of tape or other adhesive.~~

~~3.~~ The Department shall adopt regulations ~~governing sales and deliveries made pursuant to this section, which must include, without limitation:~~

~~(a) A requirement that a person who makes a delivery pursuant to this section successfully completes a certified program and obtains a valid alcohol education card.~~

~~(b) A requirement for the establishment or its delivery support service, as applicable, to the greatest extent possible by performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify the age of a person, to:~~

~~(1) Obtain and maintain a record of proof that the retail purchase was made by a person who is at least 21 years of age; and~~

~~(2) For an order for delivery, obtain and maintain a record of proof, which must contain timestamps of delivery, that the delivery was accepted on behalf of the consumer by a person who is at least 21 years of age.~~

~~(c) A requirement that any such delivery originate only from the premises of the establishment during the operating hours of the establishment.~~

~~(d) Provisions necessary to encourage local governments to coordinate their ordinances with the regulations of the Department pursuant to this section to provide for more uniform implementation, supervision and enforcement of the regulations of the Department and the ordinances of local governments concerning such deliveries.~~

~~(e) The~~ that provide for the imposition and collection of a surcharge, not to exceed 50 cents for each retail sale of ~~[a mixed drink]~~ an alcoholic beverage pursuant to subsection 1, which must be used for the purposes specified in NRS 484C.454.

~~[(f) Procedures for conducting regular audits for compliance with packaging, delivery and licensing requirements.~~

~~4.~~ 3. Except as otherwise provided in ~~[this section,]~~ an ordinance enacted pursuant to subsection 1, the provisions of this chapter governing the transport of liquor, including, without limitation, the provisions which authorize the transport of liquor for delivery only by a person who holds a license issued under this chapter, do not apply to a delivery made pursuant to ~~[this section.~~

~~5. The city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance:~~

~~(a) Which establishes additional reasonable requirements, permits or fees relating to the activities described in subsection 1; or~~

~~(b) To opt out of the provisions of this section and prohibit the activities described in subsection 1.~~

~~*6. In addition to any other penalty authorized by law, for any violation of this section the Department may:*~~

~~*(a) Assess a civil fine which must be at least $500 but not more than $5,000; and*~~

~~*(b) Suspend or revoke the privilege of an establishment, or a delivery support service acting on behalf of an establishment, to engage in the activities described in]*~~ *an ordinance enacted pursuant to* subsection 1.

~~*[7.]*~~ *4. As used in this section:*

(a) ~~*["Certified program" has the meaning ascribed to it in NRS 369.630.]*~~ *"Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.*

(b) ~~*["Establishment" has the meaning ascribed to it in NRS 369.620.*~~

~~*(c) "Mixed drink" means a beverage that is a combination of wine or distilled liquor and one or more mixers that is combined on the premises of an establishment and sold in a sealed container for consumption off the premises of the establishment.*~~

~~*(d) "Sealed container" means a container with a secure cap or lid:*~~

~~*(1) That is designed to prevent consumption of the contents of the container without removal of the cap or lid; or*~~

~~*(2) That has a seal covering the holes or opening, if the cap or lid has sipping holes or an opening for a straw to allow consumption of the contents of the container without removal of the cap or lid.*~~

~~*(e) "Valid alcohol education card" has the meaning ascribed to it in NRS 369.630.]*~~ *"Covered food establishment" means a food establishment, as defined in NRS 446.020, that:*

(1) Prepares and serves food on the premises for consumption on or off the premises; and

(2) Is licensed to sell at retail alcoholic beverages for consumption on the premises.

Sec. 2. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176 and 369.489, ***and section 1 of this act,*** a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter;

(b) Holds an appropriate, valid license, permit or certificate issued by the Department; and

(c) Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) Entering this State with 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts wine shipped into this State pursuant to paragraph (c) of subsection 2 must be 21 years of age or older.

Sec. 3. ~~[NRS 369.620 is hereby amended to read as follows:~~

~~369.620 1. "Establishment" includes:~~

~~(a) A business that sells alcoholic beverages by the drink for consumption on the premises~~ **~~[;]~~** ***~~, or off the premises in compliance with the requirements of section 1 of this act;~~*** ~~and~~

~~(b) In a county whose population is 700,000 or more, a business that sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.~~

~~2. The term includes, without limitation, a retail liquor store.~~

~~3. The term does not include:~~

~~(a) A wholesale dealer; or~~

~~(b) A private club or other facility not in fact open to the public.~~**~~]~~** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 369.625 is hereby amended to read as follows:~~

~~369.625 1. The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.~~

~~2. The curriculum described in subsection 1:~~

~~(a) Must consist of not fewer than 2 hours of instruction; and~~

~~(b) Must include, without limitation, instruction on the following topics:~~

~~(1) The clinical effects of alcohol on the human body;~~

~~(2) Methods of identifying intoxicated persons;~~

~~(3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages~~ **~~[;]~~** ***~~, including, without limitation, packaging and delivery of mixed drinks pursuant to section 1 of this act;~~***

~~(4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and~~

~~(5) Methods of preventing:~~

~~(I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;~~

~~(II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and~~

~~(III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.~~

~~3. The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:~~

~~(a) The program meets the curricular requirements set forth in subsection 2; and~~

~~(b) The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.~~

~~4. An alcoholic beverage awareness program certified by the Commission:~~

~~(a) Must not cost a person more than $40 to complete; and~~

~~(b) May be presented through the use of audiovisual technology. As used in this paragraph, "audiovisual technology" includes, without limitation, the use of closed-circuit video, videoconferencing, videotapes, computers, television, the Internet or any other electronic means of communication, or any combination thereof.~~

~~5. The Commission shall adopt such regulations:~~

~~(a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and~~

~~(b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to subsection 3 receives a card which verifies that the person has successfully completed that program. The regulations must provide additionally that a card described in this paragraph:~~

~~(1) Is valid for a period of 4 years from the date of issuance and may be renewed for like consecutive periods upon successful completion by the holder of the card of an alcoholic beverage awareness program certified by the Commission; and~~

~~(2) Must be honored, in any jurisdiction in which the provisions of NRS 369.630 apply, as indicia of the successful completion of an alcoholic beverage awareness program certified by the Commission.~~

~~6. As used in this section, "minor" means a person who is under 21 years of age.~~] **(Deleted by amendment.)**

Sec. 5. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

The traditional Basque drink known as the Picon Punch is hereby designated as the official state drink of the State of Nevada.

Sec. 5.5. **NRS 484C.454 is hereby amended to read as follows:**

484C.454 1. The Director of the Department of Public Safety shall:

(a) Establish the Ignition Interlock ***and DUI Reduction*** Program; and

(b) Adopt rules and regulations which are necessary to carry out the Program.

2. The Director may contract for the provision of services necessary for the Program.

3. The Account for the Ignition Interlock ***and DUI Reduction*** Program is hereby created as a special account in the State Highway Fund. The Director, or his or her designee, shall administer the Account.

4. The Account must be funded through the fees established by regulation pursuant to subsection 7. The money in the Account may only be used to pay the expenses of the Program, including, without limitation:

(a) Enforcement activities relating to driving under the influence of alcohol or a prohibited substance ~~[;]~~ ***, including, without limitation, the conducting of any testing necessary to determine whether a person is driving under the influence of alcohol or a prohibited substance;***

(b) The creation ~~[and maintenance of a case management statistical tracking system;]~~ ***and support of information systems and systems for the collection of data relating to driving under the influence of alcohol or a prohibited substance;***

(c) An on-site audit program ~~[;]~~ ***for those aspects of the Program relating to ignition interlock devices;***

(d) Treatment assistance;

(e) Educational programs and training for law enforcement officers; and

(f) Outreach programs.

5. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

6. Any money remaining in the Account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year.

7. The Department of Public Safety shall adopt regulations to establish a fee schedule that includes reasonable fees for:

(a) The certification of manufacturers and vendors of ignition interlock devices;

(b) The annual recertification of manufacturers and vendors of ignition interlock devices;

(c) The reinstatement of the certification of manufacturers and vendors of ignition interlock devices;

(d) The installation of an ignition interlock device by manufacturers and vendors of ignition interlock devices; and

(e) Repeat violations relating to an ignition interlock device.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ **5.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 250.

AN ACT relating to housing; requiring the governing body of certain counties and cities to adopt an ordinance to authorize the owner of certain residential properties to add accessory dwelling units to the property; setting forth certain requirements for the ordinance; providing that if the governing body of certain counties and cities does not adopt such an ordinance by January 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction; revising provisions relating to the amendment of a declaration or the termination of a common-interest community; requiring proof of certain insurance policies be furnished in a resale package to a purchaser of a unit in a common-interest community; increasing the fine that may be imposed by the Commission for Common-Interest Communities and Condominium Hotels for certain violations; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties) and each governing body of a city whose population is 60,000 or more (currently the Cities of Las Vegas, Henderson, North Las Vegas, Reno and Sparks) to adopt an ordinance that authorizes the owner of a residential property to apply to add an accessory dwelling unit to the residential property. **Section 1 provides that any such ordinance does not apply in a region in a county or city for which there has been created by interstate compact a regional planning agency and the regional plan adopted by the regional planning agency calls for the regulation of housing.** **Section 1** further requires the ordinance to authorize, under certain circumstances, an additional accessory dwelling unit to the residential property. **Section 1** also sets forth various requirements for the ordinance, including that the ordinance set forth an expedited process for the approval of the application and any appeal of the denial of such an application. **Section 1** further limits provisions of the ordinance, including by prohibiting the ordinance from placing certain conditions on the approval of the accessory dwelling unit.

Section 11 of this bill provides that **: (1) if, before January 1, 2026, the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more has adopted an ordinance that is consistent with section 1, the governing body is not**

required to adopt another ordinance relating to accessory dwelling units pursuant to section 1; and (2) if the governing body of a county whose population is 100,000 or more ~~[(currently Clark and Washoe Counties)]~~ or the governing body of a city whose population is 60,000 or more ~~[(currently the Cities of Las Vegas, Henderson, North Las Vegas, Reno and Sparks)]~~ does not adopt an ordinance that ~~[meets the requirements of]~~ **is consistent with section 1** before January 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction.

~~[Section 12 of this bill provides that any ordinance adopted by the governing body of a county or city before, on or after January 1, 2026, that conflicts with section 1 is void and unenforceable.]~~

Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body is authorized to regulate and restrict the erection, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill creates an exception to account for the requirement that the governing body of certain counties and cities adopt an ordinance to allow the addition of an accessory dwelling unit pursuant to **section 1**.

Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to **section 1**.

Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to **section 1**.

Existing law sets forth certain requirements for the amendment of a declaration of a common-interest community, including that every amendment to the declaration must, with certain exceptions, be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment. (NRS 116.2117) **Section 5** of this bill eliminates the exception for an amendment for the relocation of boundaries between adjoining units. (NRS 116.2112)

Section 5 also authorizes an association to amend a declaration to restrict the leasing of residential units to the extent that the restriction is reasonably designed to meet certain underwriting requirements.

Existing law sets forth the requirements for terminating a common-interest community. (NRS 116.2118) **Section 6** of this bill amends the voting requirements for terminating a common-interest community.

Sections 7 and 8 of this bill revise provisions relating to prohibiting or restricting a unit owner from renting or leasing his or her unit.

Existing law requires a unit's owner or his or her authorized agent, at the expense of the unit's owner, to furnish to a purchaser a resale package containing certain information. (NRS 116.4109) **Section 9** of this bill requires that a resale package also contain proof of the insurance policies that an association is required to carry.

Existing law authorizes, under certain circumstances, the Commission for Common-Interest Communities and Condominium Hotels to impose an administrative fine of not more than $1,000 for certain violations. (NRS 116.785) **Section 10** of this bill increases the administrative fine to not more than $5,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Each]~~ Except as otherwise provided in this section, each governing body of a county whose population is 100,000 or more and each governing body of a city whose population is 60,000 or more shall adopt an ordinance that authorizes the owner of a residential property to apply to add an accessory dwelling unit to the residential property. In addition, the ordinance must authorize an owner of a residential property to add a second accessory dwelling unit to the residential property if the owner agrees in writing to add an affordability restriction to the residential property such that one of the accessory dwelling units is limited to be used as housing for a household which has a total monthly gross income that is equal to not more than 80 percent of the median monthly gross household income for the county in which the housing is located.

2. ~~[Any accessory dwelling unit that is added to a residential property pursuant to an ordinance adopted pursuant to subsection 1 must not be more than 75 percent of the gross floor area ratio of the primary residence or 1,000 square feet, whichever is less.~~

~~3.]~~ The ordinance adopted pursuant to subsection 1:

(a) Must set forth an expedited process for:

(1) The appropriate staff of the planning department of the county or city to process and determine whether to approve an application from an owner to add an accessory dwelling unit; and

(2) An owner of a residential property to appeal to the governing body any denial of an application to add an accessory dwelling unit to the residential property;

(b) Must not as a condition of approval of an accessory dwelling unit:

(1) Require or prohibit separate kitchen facilities for the accessory dwelling unit;

(2) Require separate parking for the accessory dwelling unit or charge the owner an additional fee for approval of the accessory dwelling unit if the accessory dwelling unit will not have separate parking;

(3) Require the exterior design, roof pitch or finishing materials of the accessory dwelling unit match the primary residence;

(4) Require any side or rear setback for the accessory dwelling unit that is more than 5 feet from the property line;

(5) Require any regulations that are more restrictive than the regulations for the primary residence with regard to height, setback, lot size or lot coverage; or

(6) Require any improvement or repair to a public street unless such improvement or repair is necessary to reconstruct or repair a public street that is disturbed during the construction of the accessory dwelling unit;

(c) Must authorize the owner of the residential property to use the accessory dwelling unit as long-term rental housing;

(d) Must not prohibit the owner of the residential property from using or advertising the single-family residence or accessory dwelling unit as long-term rental housing; and

(e) Must not require that the owner of the residential property use the accessory dwelling unit for family members or other persons with whom the owner has a personal or employment relationship.

~~[4.]~~ 3. Except as otherwise provided in ~~[subsections]~~ subsection 1 ~~[and 2,]~~ the governing body shall not require, as a condition for the approval of an accessory dwelling unit pursuant to the ordinance adopted pursuant to this section, any restrictive covenant.

~~[5.]~~ 4. Any zoning regulation adopted by the governing body pursuant to NRS 278.250 must allow the addition of an accessory dwelling unit pursuant to the provisions of an ordinance adopted pursuant to this section.

~~[6.]~~ 5. Any accessory dwelling unit approved pursuant to an ordinance adopted pursuant to subsection 1:

(a) Must meet all applicable building codes, housing codes and any other codes regulating the health and safety of residential property.

(b) Is not required to meet any building code or other code regulating the health and safety of commercial buildings, including, without limitation, any code that requires a fire sprinkler system in a commercial building.

6. Nothing in this section shall be construed to:

(a) Prohibit the governing body of a county or a city from implementing a process that sets forth more favorable conditions for adding an accessory dwelling unit to residential property, including, without limitation, providing for the approval of the construction of an additional dwelling unit by building permit in lieu of approval by the planning department of the county or city;

(b) Authorize more than two accessory dwelling units on any residential property.

7. Any ordinance adopted pursuant to this section does not apply in a region in a county or city in this State for which there has been created by interstate compact a regional planning agency and the regional plan adopted by the regional planning agency calls for the regulation of housing.

~~[7.]~~ ***8.*** ***As used in this section:***

(a) "Accessory dwelling unit" means an independent living space that is built on the same lot as the primary residence on a residential property, regardless of whether the independent living space is attached, detached or built within the primary residence.

(b) "Affordability restriction" means a limit on the rent that owner may charge for occupancy of the accessory dwelling unit or a limit on the income for tenants for persons or families seeking to qualify as tenants in the accessory dwelling unit.

(c) "Kitchen facilities" includes, without limitation, a sink, refrigerator and a significant cooking appliance such as a range, stove, oven or microwave.

(d) "Long-term rental" means a rental period of 90 days or more.

(e) "Residential property" means a property that is located in an area of the county or city, as applicable, zoned for single-family residential use.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.

3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.

4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.

5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

7. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 4. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[. Within]~~ ***, and section 1 of this act. Except as otherwise provided in section 1 of this act, within*** the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and

encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 5. NRS 116.2117 is hereby amended to read as follows:

116.2117 1. Except as otherwise provided in NRS 116.21175, and except in cases of amendments that may be executed by a declarant under subsection 5 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as otherwise limited by subsections 4, 6, 7 and 8, the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, unless the declaration specifies a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than 1 year after the amendment is recorded.

3. Every amendment to the declaration must be recorded in every county in which any portion of the common-interest community is located and is effective only upon recordation. An amendment ~~[, except an amendment pursuant to NRS 116.2112,]~~ must be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment.

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit or change the allocated interests of a unit in the absence of unanimous consent of only those units' owners whose units are affected and the consent of a majority of the owners of the remaining units ~~[.]~~ ***, including a majority of the votes allocated to units not owned by the declarant.***

5. Amendments to the declaration required by this chapter to be recorded by the association must be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

6. ~~[An]~~ ***Except as otherwise provided in subsection 9, an*** amendment to the declaration which prohibits or materially restricts the permitted uses of a unit or the number or other qualifications of persons who may occupy units may not be enforced against a unit's owner who was the owner of the unit on the date of the recordation of the amendment as long as the unit's owner remains the owner of that unit.

7. A provision in the declaration creating special declarant's rights that have not expired may not be amended without the consent of the declarant.

8. If any provision of this chapter or of the declaration requires the consent of a holder of a security interest in a unit, or an insurer or guarantor of such interest, as a condition to the effectiveness of an amendment to the declaration, that consent is deemed granted if:

(a) The holder, insurer or guarantor has not requested, in writing, notice of any proposed amendment; or

(b) Notice of any proposed amendment is required or has been requested and a written refusal to consent is not received by the association within 60 days after the association delivers notice of the proposed amendment to the holder, insurer or guarantor, by certified mail, return receipt requested, to the address for notice provided by the holder, insurer or guarantor in a prior written request for notice.

9. An association may amend a declaration to restrict the leasing of residential units to the extent that the restriction is reasonably designed to meet underwriting requirements of:

(a) Institutional lenders that regularly make loans secured by first mortgages on units in common-interest communities or regularly purchase such mortgages; or

(b) Insurance companies that issue insurance policies to associations or units in a common-interest community.

Sec. 6. NRS 116.2118 is hereby amended to read as follows:

116.2118 1. Except in the case of a taking of all the units by eminent domain, in the case of foreclosure against an entire cooperative of a security interest that has priority over the declaration, or in the circumstances described in NRS 116.2124, a common-interest community may be terminated only by agreement of units' owners to whom at least 80 percent of the votes in the association are allocated, ~~[or any larger percentage the declaration specifies,]~~

including at least 80 percent of the votes allocated to units that are not owned by the declarant, and with any other approvals required by the declaration. ***The declaration may require a larger percentage of the total votes in the association for approval, but termination requires approval by at least 80 percent of the votes allocated to units not owned by the declarant.*** The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

2. An agreement to terminate must be evidenced by the execution of an agreement to terminate, or ratifications thereof, in the same manner as a deed, by the requisite number of units' owners. The agreement must specify a date after which the agreement will be void unless it is recorded before that date. An agreement to terminate and all ratifications thereof must be recorded in every county in which a portion of the common-interest community is situated and is effective only upon recordation.

3. In the case of a condominium or planned community containing only units having horizontal boundaries described in the declaration, an agreement to terminate may provide that all of the common elements and units of the common-interest community must be sold following termination. If, pursuant to the agreement, any real estate in the common-interest community is to be sold following termination, the agreement must set forth the minimum terms of the sale.

4. In the case of a condominium or planned community containing any units not having horizontal boundaries described in the declaration, an agreement to terminate may provide for sale of the common elements, but it may not require that the units be sold following termination, unless the declaration as originally recorded provided otherwise or all the units' owners consent to the sale.

5. The association, on behalf of the units' owners, may contract for the sale of real estate in a common-interest community, but the contract is not binding on the units' owners until approved pursuant to subsections 1 and 2. If any real estate is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to units' owners and lienholders as their interests may appear, in accordance with NRS 116.21183 and 116.21185. Unless otherwise specified in the agreement to terminate, as long as the association holds title to the real estate, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit's owner and his or her successors in interest remain liable for all assessments and other obligations imposed on units' owners by this chapter or the declaration.

6. In a condominium or planned community, if the real estate constituting the common-interest community is not to be sold following termination, title to the common elements and, in a common-interest community containing only units having horizontal boundaries described in the declaration, title to all the real estate in the common-interest community, vests in the units' owners upon termination as tenants in common in proportion to their respective interests as provided in NRS 116.21185, and liens on the units shift accordingly. While the tenancy in common exists, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.

7. Following termination of the common-interest community, the proceeds of a sale of real estate, together with the assets of the association, are held by the association as trustee for units' owners and holders of liens on the units as their interests may appear.

Sec. 7. NRS 116.31065 is hereby amended to read as follows:

116.31065 The rules adopted by an association:

1. Must be reasonably related to the purpose for which they are adopted.

2. Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.

3. Must not be adopted to evade any obligation of the association.

4. ~~[~~Must~~]~~ ***Except as otherwise provided in subsection 1 of NRS 116.335, must*** be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.

5. Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.

6. May be enforced by the association through the imposition of a fine only if the association complies with the requirements set forth in NRS 116.31031.

Sec. 8. NRS 116.335 is hereby amended to read as follows:

116.335 1. ~~[~~Unless, at the time a unit's owner purchased his or her unit,~~]~~ ***If*** the declaration ~~[~~prohibited the unit's owner from renting or leasing his or her unit,~~]~~ ***authorizes*** the association ~~[~~may not~~]~~ ***to*** prohibit ***or restrict*** the unit's owner from renting or leasing his or her unit ~~[~~.~~]~~ ***, or contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, the association may adopt rules and regulations to prohibit or restrict the renting or leasing of residential units to the extent that the restriction is reasonably related to meet underwriting requirements of:***

(a) Institutional lenders that regularly make loans secured by first mortgages on units in common-interest communities or regularly purchase such mortgages; or

(b) Insurance companies that issue insurance policies to associations or units in a common-interest community.

2. ~~[Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.~~

~~3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.~~

~~4. If the governing documents of an association require a unit's owner who leases or rents his or her unit, or the tenant of a unit's owner, to register with the association or its agent or otherwise submit to the association or its agent information concerning the lease or rental agreement or the tenant, the association or its agent:~~

~~(a) Must conduct such activities in accordance with the governing documents;~~

~~(b) May not require the unit's owner or tenant of the unit's owner to provide information which the association or its agent does not require to be provided to the association or its agent by a unit's owner who occupies his or her unit, except that the association or its agent may require the unit's owner to provide a copy of the lease or rental agreement; and~~

~~(c) May not charge a fee to the unit's owner for the registration or submission of information.~~

~~5.]~~ The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations ~~[~~.

~~6.]~~ ***, including, without limitation, any restriction on the rental of units as transient lodging pursuant to NRS 244.35351 to 244.35359, inclusive, or 268.09791 to 268.09799, inclusive.***

3. Notwithstanding any other provision of law or the declaration to the contrary:

(a) If a unit's owner is prohibited from renting or leasing a unit because the maximum number or percentage of units which may be rented or leased in the common-interest community have already been rented or leased, the unit's owner may seek a waiver of the prohibition from the executive board based upon a showing of economic hardship, and the executive board may grant such a waiver and approve the renting or leasing of the unit.

(b) If the declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, in determining the maximum number or percentage of units in the

common-interest community which may be rented or leased, the number of units owned by the declarant must not be counted or considered.

Sec. 9. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

(g) Proof of the insurance policies that an association is required to carry pursuant to NRS 116.3113.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation

must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 calendar days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) ***,*** ~~[and]~~ (f) ***and (g)*** of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate and must not exceed $185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee, which must not exceed $100, to expedite the preparation of the certificate. The amount of the fee may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish

the documents and certificate within the 10 calendar days allowed by this section, the purchaser is not liable for the delinquent assessment. A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 calendar days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement and provide a copy of the statement to any other interested party. The association may charge a fee of not more than $165 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 business days after receipt of a written request for a statement of demand. The amount of the fees for preparing and furnishing a statement of demand and the additional fee for furnishing a statement of demand within 3 business days may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

➥ As used in this subsection, "interested party" includes the unit's owner selling the unit and the prospective purchaser of the unit.

8. In preparing, copying, furnishing or expediting or otherwise providing any document or other item pursuant to this section, an association, or entity related to or acting on behalf of an association, shall not charge a unit's owner,

the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7, the holder of a security interest on a unit, any fee:

(a) Not authorized in this section; or

(b) In an amount which exceeds any limit set forth in this section.

9. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 10. NRS 116.785 is hereby amended to read as follows:

116.785 1. If the Commission or the hearing panel, after notice and hearing, finds that the respondent has committed a violation, the Commission or the hearing panel may take any or all of the following actions:

(a) Issue an order directing the respondent to cease and desist from continuing to engage in the unlawful conduct that resulted in the violation.

(b) Issue an order directing the respondent to take affirmative action to correct any conditions resulting from the violation.

(c) Impose an administrative fine of not more than ~~[$1,000]~~ ***$5,000*** for each violation.

2. If the respondent is a member of an executive board or an officer of an association, the Commission or the hearing panel may order the respondent removed from his or her office or position if the Commission or the hearing panel, after notice and hearing, finds that:

(a) The respondent has knowingly and willfully committed a violation; and

(b) The removal is in the best interest of the association.

3. If the respondent violates any order issued by the Commission or the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not more than ~~[$1,000]~~ ***$5,000*** for each violation.

4. If the Commission or the hearing panel takes any disciplinary action pursuant to this section, the Commission or the hearing panel may order the respondent to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.

5. Notwithstanding any other provision of this section, unless the respondent has knowingly and willfully committed a violation, if the respondent is a member of an executive board or an officer of an association:

(a) The association is liable for all fines and costs imposed against the respondent pursuant to this section; and

(b) The respondent may not be held personally liable for those fines and costs.

Sec. 11. **1. If, before January 1, 2026, the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more has adopted an ordinance that is consistent with the provisions of section 1 of this act, the governing body is not required to adopt another ordinance relating to accessory dwelling units pursuant to section 1 of this act.**

2. If the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more does not adopt an ordinance that ~~[meets the requirements]~~ **is consistent with the provisions** of section 1 of this act before January 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction.

Sec. 12. ~~[Any ordinance adopted by the governing body of a county or city that conflicts with the provisions of section 1 of this act before, on or after January 1, 2026, is void and unenforceable.]~~ **(Deleted by amendment.)**

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. 1. This section and section 13 of this act become effective upon passage and approval.

2. The provisions of sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 476.

AN ACT relating to alcoholic beverages; ~~[revising the definition of "special event" for the purposes of certain provisions governing brew pubs;]~~ authorizing a person who operates a brew pub to engage in certain activities concerning the ~~[transport, storage and]~~ sale of ~~[malt]~~ **alcoholic** beverages; ~~[revising provisions governing the possession, sale and transportation of liquor;]~~ **requiring payment from a retail liquor store to a wholesale dealer for delivery of certain alcoholic beverages to be made by electronic funds transfer; requiring certain persons manufacturing liquor to preserve certain records for inspection and audit by the Department of Taxation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and operation of brew pubs in this State. (NRS 369.180, 597.230) Existing law authorizes a person who operates one or more brew pubs to sell at retail malt beverages that are: (1) manufactured on or off the premises of any of the brew pubs for consumption on the premises; and (2) manufactured and sealed in packages on the premises of any of the brew pubs for consumption off the premises. (NRS 597.230) **Section 2** of this bill additionally authorizes a person who operates one or more brew pubs to sell at retail ~~[malt]~~ **any other alcoholic** beverages ~~[that are: (1) manufactured on or off the premises of any of the brew pubs for consumption at not more than three other locations operated by the person; and (2) manufactured on the premises of any of the brew pubs and which are sealed in packages at not more than three other locations operated by the person for consumption off the premises.]~~ **if the person who operates such a brew pub has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the brew pub is located and purchases all such alcoholic beverages from a licensed wholesaler. Section 2** also authorizes such a person to ~~[transport]~~ **sell alcoholic beverages, including, without limitation,** malt beverages ~~[to and store malt beverages]~~ **manufactured on or off the premises of one or more of the brew pubs** at ~~[any other location operated by the person for the purpose of conducting such sales.]~~ **, with certain exceptions, not more than two retail liquor store locations under the common control of the person if: (1) the person has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the retail liquor store location is located; (2) the person purchases all such alcoholic beverages from a licensed wholesaler; (3) the retail liquor store is not located closer than 1,000 feet to a gaming establishment; and (4) the retail liquor store location is located within the same county as the brew pub, with certain exceptions. As an exception to the limit of two retail liquor store locations set forth in section 2, section 6 provides that a person who, on March 31, 2025, holds a license to operate a brew pub and any license or permit to operate three retail liquor store locations under the common control of the person is authorized to engage in the activities authorized by section 2 at the third location so long as the license for that location is not transferred to another person or location.**

Existing law **: (1) prohibits a person who operates one or more brew pubs from manufacturing more than 40,000 barrels of malt beverages for all the brew pubs the person operates in this State in a calendar year; and (2)** authorizes ~~[a]~~ **the** person ~~[who operates a brew pub]~~ to ~~[transport]~~ **manufacture and sell 20,000 barrels of** malt beverages **for all the brew pubs the person operates in this State provided such barrels are sold** to a ~~[licensed retailer, other than a person who operates a brew pub, for the purpose of selling the malt beverages at a special event in]~~ **wholesaler located outside of** this State. (NRS 597.230) **Section 2 instead** authorizes ~~[a]~~ **the** person ~~[who~~

~~operates a brew pub]~~ to ~~[transport]~~ **sell the 20,000 barrels of** malt beverages **either** to ~~[another person who operates a brew pub for the purpose of selling the malt beverages at a special event in]~~ **a wholesaler located outside of** this State~~.~~ **.**

~~Existing law defines a special event as an event that lasts not longer than 1 calendar day and occurs at a farmers' market or at an event designated as a county fair. (NRS 597.200) Section 1 of this bill revises that definition to instead define a special event as an event that lasts not longer than 3 calendar days and for which a permit has been issued by the local government where the event is conducted.~~

~~Existing law prohibits, with certain exceptions, a person from offering, keeping or possessing for sale, furnishing or selling, or soliciting the purchase or sale of any liquor in this State, or transporting or importing or causing to be transported or imported any liquor in or into this State for delivery, storage, use or sale unless the person complies with the relevant provisions of law, holds the appropriate license, permit or certificate and meets certain other requirements. Existing law provides certain exceptions from that prohibition, including, among others, for a person who enters this State with 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use. (NRS 369.490) Section 3 of this bill revises that exception to instead exempt a person who causes to be shipped in or into this State 1 gallon or less of alcoholic beverage per month for his or her own household or personal use.~~ **or, where allowable pursuant to applicable law, to persons residing in states outside of this State. Finally, section 2 requires a person who operates a brew pub and one or more commonly controlled retail liquor store locations to comply with certain requirements of the Department of Taxation relating to the recordkeeping and reporting of manufacturing, purchases and receipts of liquor with respect to the brew pub and each retail liquor store location.**

Existing law requires all persons obtaining liquor under any license or permit and all retail liquor dealers to preserve for inspection and audit by the Department of Taxation and its agents, for a period of 4 years, all invoices and lists of liquors purchased or received, specifying certain information relating to those purchases and receipts. (NRS 369.520) Section 5 of this bill additionally imposes such recordkeeping requirements on all persons manufacturing liquor.

Existing law prohibits a wholesale dealer from selling liquor to a retail liquor store under certain circumstances relating to the timing of payments for the delivery of that liquor. (NRS 369.485) Section 4 of this bill: (1) requires payment from a retail liquor store to a wholesale dealer for the delivery of beer, wine or distilled spirits to be made by electronic funds transfer; (2) requires the wholesale dealer to initiate the electronic funds transfer by initiating the withdrawal of funds from the bank account of the retail liquor store; (3) requires the electronic funds transfer to be completed not later than the expiration of the 30th day after the date

of delivery of the beer, wine or distilled spirits; and (4) prohibits a wholesale dealer from paying or being required to pay, directly or indirectly, any fees incurred by the retail liquor store for such an electronic funds transfer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 597.200 is hereby amended to read as follows:~~

~~597.200 As used in NRS 597.190 to 597.255, inclusive, unless the context otherwise requires:~~

~~1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.~~

~~2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.~~

~~3. "Case of spirits" means 12 bottles, each containing 750 milliliters of distilled spirits.~~

~~4. "Craft distillery" means an establishment which:~~

~~(a) Manufactures distilled spirits from agricultural raw materials through distillation; and~~

~~(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.~~

~~5. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.~~

~~6. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.~~

~~7. "Estate distillery" means an establishment which:~~

~~(a) Manufactures distilled spirits from agricultural raw materials through distillation, provided that 85 percent of such agricultural raw materials, in the aggregate, were grown on land within this State which is owned or controlled by the owner of the distillery; and~~

~~(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.~~

~~8. "Instructional wine making facility" means an instructional wine making facility operated pursuant to NRS 597.245.~~

~~9. "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.~~

~~10. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.~~

~~11. "Special event" means an event : [that:]~~

~~(a) [Lasts] *That lasts* not longer than [1] *3* calendar [day;] *days;* and~~

~~(b) [Occurs at:~~

~~(1) A farmers' market, as defined in NRS 244.336; or~~

~~(2) An event designated as a county fair by a county fair and recreation board appointed pursuant to NRS 244A.599, 244A.601 or 244A.603.~~ ***~~For which a permit has been issued by the local government where the event is conducted.~~***

~~12. "Supplier" has the meaning ascribed to it in NRS 597.140.~~

~~13. "Wine" has the meaning ascribed to it in NRS 369.140.~~ **(Deleted by amendment.)**

Sec. 2. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ Except as otherwise provided in paragraph (e) of subsection 3, a person who operates one or more brew pubs may not manufacture more than 40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises:

(I) To a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

[(4) Transport the malt beverages manufactured on the premises to and store the malt beverages at any other location that is operated by the person for the purpose of selling the malt beverages at retail pursuant to paragraph (c) or (d).]

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than ***[including, without limitation,]*** a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises ***[, or at not more than three other locations operated by the person.]***

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs ***[, or at not more than three other locations operated by the person,]*** malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(e) ***Sell at retail alcoholic beverages other than those described in paragraph (c) if the person:***

(1) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the brew pub is located; and

(2) Purchases all such alcoholic beverages from a licensed wholesaler in compliance with the provisions of NRS 369.487 and 369.488.

(f) Sell alcoholic beverages, including, without limitation, malt beverages manufactured on or off the premises of one or more of the brew pubs, at not more than two retail liquor store locations under the common control of the person if:

(1) The person has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the retail liquor store location is located;

(2) The person purchases all such alcoholic beverages from a licensed wholesaler in compliance with the provisions of NRS 369.487 and 369.488;

(3) The retail liquor store location is not located closer than 1,000 feet to an establishment licensed pursuant to chapter 463 of NRS; and

(4) The retail liquor store location is located within the same county as the brew pub, unless the brew pub is located in a county whose population is less than 100,000.

(g) In a calendar year, in addition to the amount of malt beverages which may be manufactured pursuant to subsection 1, manufacture and sell 20,000 barrels of malt beverages for all the brew pubs he or she operates in this State provided such barrels are sold ***either*** to a wholesaler located outside of this State ~~,~~ ***or, where allowable pursuant to applicable law, to persons residing in states outside of this State,*** subject to such periodic auditing as the Department of Taxation shall require by regulation.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

5. A person who operates a brew pub and one or more commonly controlled retail liquor store locations shall:

(a) Comply with the provisions of NRS 369.520 with respect to the brew pub and each commonly controlled retail liquor store location; and

(b) In addition to making any reports required pursuant to rules made by the Department of Taxation pursuant to NRS 369.360, submit to the Department of Taxation each month a report of sales of malt beverages manufactured at each brew pub and commonly controlled retail liquor store location for the immediately preceding month.

Sec. 3. ~~[NRS 369.490 is hereby amended to read as follows:~~

~~369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176 and 369.489, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:~~

~~(a) Has complied fully with the provisions of this chapter;~~

~~(b) Holds an appropriate, valid license, permit or certificate issued by the Department; and~~

~~(c) Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.~~

~~2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:~~

~~(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;~~

~~(b) [Entering this State with] *Who causes to be shipped in or into this State* 1 gallon or less of alcoholic beverage per month [from another state] for his or her own household or personal use;~~

~~(c) Who:~~

~~(1) Is a resident of this State;~~

~~(2) Is 21 years of age or older; and~~

~~(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or~~

~~(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.~~

~~3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.~~

~~4. A person who accepts~~ **[**wine**]** ***any alcoholic beverage*** shipped ***in or*** into ~~this State pursuant to paragraph~~ ***(b) or*** (c) of subsection 2 ~~must be 21 years of age or older.~~**]** **(Deleted by amendment.)**

Sec. 4. **NRS 369.485 is hereby amended to read as follows:**

369.485 1. The Legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the Legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) ***"Electronic funds transfer" means the electronic transfer of money from one bank account to another, either within a single financial institution or across multiple financial institutions through computer-based systems.***

(c) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

~~[(c)]~~ ***(d)*** "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, including through a subsidiary or agent, in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. ***Except as otherwise provided in paragraph (f) of subsection 3, payment from a retail liquor store to a wholesale dealer for the delivery of beer, wine or distilled spirits must be made by electronic funds transfer. The wholesale dealer shall initiate the electronic funds transfer by initiating the withdrawal of funds from the bank account of the retail liquor store. The electronic funds transfer must be completed not later than the expiration of the 30th day after the date of delivery of the beer, wine or distilled spirits for which the electronic funds transfer constitutes payment. A wholesale dealer shall not pay or be required to pay, directly or indirectly, any fees incurred by the retail liquor store for an electronic funds transfer made pursuant to this section.***

5. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

~~[5.]~~ ***6.*** The Department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than $500.

(b) For the second violation a penalty of not more than $1,000.

(c) For the third and any subsequent violation a penalty of not more than $5,000 or by a license suspension, or by both such penalty and suspension.

~~[6.]~~ ***7.*** The Department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer.

Sec. 5. **NRS 369.520 is hereby amended to read as follows:**

369.520 All persons obtaining ***or manufacturing*** liquor under any license or permit and all retail liquor dealers shall preserve for inspection and audit by the Department and its agents, for a period of 4 years, all invoices and lists of liquors purchased ***, manufactured*** or received, specifying:

1. Kind and quantity of liquor.

2. ~~[Names]~~ ***For liquors purchased or received, names*** of persons from whom received.

3. Place and date.

Sec. 6. **Notwithstanding the provisions of paragraph (f) of subsection 3 of NRS 597.230 as amended by section 2 of this act, a person who, on March 31, 2025, holds a license issued pursuant to chapter 369 of NRS to operate one or more brew pubs and any license or permit required to operate three retail liquor store locations under the common control of the**

person may engage in the activities authorized by paragraph (f) of subsection 3 of NRS 597.230 as amended by section 2 of this act at the third retail liquor store location so long as the license or permit to operate that location is not transferred to another person or location.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 110.

AN ACT relating to trade practices; requiring an original equipment manufacturer of certain ~~[digital electronic]~~ equipment ~~[or a powered wheelchair]~~ **designed for a person with a physical disability** to make available certain documentation, parts and tools for the diagnosis, maintenance or repair of the equipment **;** ~~[or wheelchair; setting forth various exceptions from that requirement; requiring an independent repair provider to post, publish and provide certain information;]~~ prohibiting an original equipment manufacturer from engaging in certain acts; exempting an original equipment manufacturer from liability for certain damage or injuries under certain circumstances; providing ~~[for the enforcement of the provisions governing original equipment manufacturers and independent repair providers by the Attorney General;]~~ **penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates trade practices and other commercial activities. (Title 52 of NRS) **Section 26** of this bill: (1) requires an original equipment manufacturer of ~~[a covered product,]~~ **equipment,** which is defined by **section** ~~[4]~~ **7.5** of this bill to mean ~~[digital electronic equipment or]~~ **a mobility device designed for a person with a physical disability, including, without limitation,** a powered wheelchair, **manual wheelchair, mobility scooter or power assist device for a manual wheelchair,** to make available to any independent repair provider or owner of ~~[a covered product,]~~ **the equipment,** on fair and reasonable terms, certain documentation, parts and tools required for the diagnosis, maintenance or repair of the ~~[covered product;]~~ **equipment; and** (2) sets forth the circumstances under which documentation, parts and tools are made available on fair and reasonable terms **.** ~~[; and (3) provides that the requirements do not apply to an original equipment manufacturer who provides to the owner of a covered product, at no cost to that owner, a readily available product that is equivalent to or better than the covered product as a replacement for that covered product. Section 6 of this bill defines "digital electronic equipment" to mean any product in the form of hardware that: (1) is manufactured for the first time on or after January 1, 2026; (2) is first sold or~~

~~used in this State on or after January 1, 2026; and (3) depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product. The term does not include products which are: (1) sold under a specific business-to-government or business-to-business contract; and (2) not otherwise offered for sale directly by a retail seller. Section 24 of this bill sets forth a list of persons to whom, and products to which, the provisions of this bill do not apply.~~

~~Section 27 of this bill requires an independent repair provider to post, publish and, before repairing a covered product, provide to a customer a written notice that: (1) states that the independent repair provider is not an authorized repair provider for the covered product; and (2) contains certain information relating to warranties that may be applicable to the covered product.]~~ **Section 3** of this bill defines "authorized repair provider" to mean a person operating in this State who **is not affiliated with an original equipment manufacturer and who** has an arrangement with an original equipment manufacturer to use a proprietary identifier of the original equipment manufacturer to offer the services of diagnosis, maintenance or repair of the manufacturer's ~~[covered product.]~~ **equipment. Section 8** of this bill defines "independent repair provider" to mean **: (1)** a person operating in this State who is engaged in the services of diagnosis, maintenance or repair of ~~[a covered product]~~ **equipment** and who does not have an arrangement with an original equipment manufacturer as an authorized repair provider ~~[.]~~ **; or (2) an original equipment manufacturer or an authorized repair provider of such a manufacturer who engages in the services of diagnosis, maintenance or repair of equipment that is not manufactured, sold or supplied by the manufacturer.**

Section 25 of this bill provides that an original equipment manufacturer is considered an authorized repair provider if, in the regular course of business, the original equipment manufacturer offers to an owner the services of diagnosis, maintenance or repair of its own ~~[covered products and does not have an arrangement with an unaffiliated person as an authorized repair provider.]~~ **equipment.**

Section 28 of this bill prohibits an original equipment manufacturer from: (1) retaliating against an authorized repair provider for providing or selling, or hindering the ability of an authorized repair provider to provide or sell, documentation, parts or tools pursuant to the provisions of this bill; or (2) conditioning or imposing an obligation or restriction that is not reasonably necessary to enable an independent repair provider or owner of ~~[a covered product]~~ **equipment** to diagnose, maintain or repair ~~[a covered product.~~

~~Section 29 of this bill provides that, except in a dispute arising between an original equipment manufacturer and an authorized repair provider related to the compliance of either party with an arrangement between those parties, the authorized repair provider has all the rights and remedies provided in the provisions of this bill.]~~ **equipment. Section 28 also prohibits an original equipment manufacturer from using certain mechanisms to: (1) prevent**

an independent repair provider or an owner from installing or enabling the function of an otherwise functional replacement part or component of equipment; (2) reduce the functionality or performance of equipment; or (3) cause equipment to display misleading alerts or warnings about unidentified parts which the owner cannot immediately dismiss.

Section 30 of this bill sets forth certain limitations on the construction of the provisions of this bill. **Section 31** of this bill exempts an original equipment manufacturer and authorized repair provider from liability for damage or injury caused to any ~~[covered product,]~~ **equipment,** person or property which occurs as a result of the diagnosis, maintenance, repair or modification of ~~[a covered product]~~ **equipment** performed by an owner or independent repair provider.

~~[Section 32 of this bill sets forth certain provisions governing the enforcement of the provisions of this bill by the Attorney General and provides for a civil penalty of not more than $500 for each violation.]~~

Section 32.5 of this bill provides that a violation of the provisions of this bill constitutes a deceptive trade practice, thereby subjecting a person who commits such a violation to certain civil and criminal penalties.

Sections ~~[4, 5, 7 and 9–23]~~ **3-22** of this bill define various terms for the purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[32,]~~ **32.5,** inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[32,]~~ 32.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[23,]~~ 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Authorized repair provider" means:***

1. A person operating in this State who is not affiliated with an original equipment manufacturer and who has an arrangement with an original equipment manufacturer under which the original equipment manufacturer grants to the person a license to use a trade name, service mark or other proprietary identifier for the purposes of offering the services of diagnosis, maintenance or repair of ~~[a covered product]~~ equipment under the name of the original equipment manufacturer or other arrangement with the original equipment manufacturer to offer such services on behalf of the original equipment manufacturer; or

2. An original equipment manufacturer who is considered an authorized repair provider pursuant to section 25 of this act.

Sec. 4. ***~~[**"Covered product" means digital electronic equipment or a powered wheelchair.]~~ "Authorized third-party provider" means a person who is not affiliated with an original equipment manufacturer and who has an arrangement with an original equipment manufacturer under which the***

original equipment manufacturer grants to the person a license to use a trade name, service mark or other proprietary identifier for the purposes of distributing documentation, parts, embedded software, firmware or tools.

Sec. 5. *"Diagnosis" means the process of attempting to identify the issue or issues that cause ~~[a covered product]~~ equipment not to be in fully working order.*

Sec. 6. *~~[1. "Digital electronic equipment" or "equipment" means any product in the form of hardware that:~~*

~~(a) Is manufactured for the first time on or after January 1, 2026;~~

~~(b) Is first sold or used in this State on or after January 1, 2026; and~~

~~(c) Depends for its functioning, in whole or in part, on digital electronics embedded in or attached to the product for which the original equipment manufacturer makes available documentation, parts and tools either through its own employees, authorized repair providers or authorized third-party providers.~~

~~2. The term does not include any product which is:~~

~~(a) Sold under a specific business-to-government or business-to-business contract; and~~

~~(b) Not otherwise offered for sale directly by a retail seller.]~~ **(Deleted by amendment.)**

Sec. 7. *"Documentation" means any manual, diagram, procedure for the performance of maintenance, functional diagram, wiring diagram, reporting of output, description of a code for required service , schematic for a circuit board, security code, password, training material, information for troubleshooting, list of parts, list of tools or ~~[similar type of]~~ other guidance or information that ~~[is required to effectuate the diagnosis, maintenance or]~~ enables a person to diagnose, maintain, repair ~~[of a covered product.]~~ or update equipment.*

Sec. 7.2. "Embedded software" means programmable instructions provided on firmware delivered with an electronic component of equipment or with any part for the purpose of restoring or improving the operation of the equipment or

part and includes, without limitation, all relevant patches and fixes that the original equipment manufacturer makes to equipment or to any part for the purpose of restoring or improving the equipment or part.

Sec. 7.5. "Equipment" means a mobility device designed for a person with a physical disability, including, without limitation, a powered wheelchair, manual wheelchair, mobility scooter or power assist device for a manual wheelchair.

Sec. 7.8. "Firmware" means a software program or set of instructions programmed on equipment or a part to allow the equipment or part to communicate with itself or with other computer hardware.

Sec. 8. *"Independent repair provider" means ~~[a]~~ :*

1. A person operating in this State who:

~~[1.]~~ *(a) Is engaged in the business of providing the services of diagnosis, maintenance or repair of ~~[a covered product; and]~~ equipment;*

~~[2.]~~ *(b) Does not have an arrangement described in subsection 1 of section 3 of this act ~~.]~~ and;*

(c) Is not affiliated with an authorized repair provider.

2. An original equipment manufacturer or an authorized repair provider who has an arrangement described in subsection 1 of section 3 of this act with an original equipment manufacturer who engages in the services of diagnosis, maintenance or repair of equipment that is not manufactured by or on behalf of or sold or supplied by the original equipment manufacturer.

Sec. 9. *"Maintenance" means any act necessary to keep ~~[a covered product]~~ equipment that is currently working in fully working order.*

Sec. 10. *~~["Manufacturer of motor vehicle equipment" means a business engaged in the business of manufacturing or supplying components that are used in the manufacture, maintenance or repair of a motor vehicle.]~~ "Manual wheelchair" means a wheeled mobility device that is a chair than can either be propelled by the user or pushed by another person.*

Sec. 11. *~~["Medical device" means an instrument, apparatus, implement, machine, contrivance, implant or other similar or related article, including, without limitation, a component, part or accessory which is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment or prevention of disease, in humans or other animals.]~~ "Mobility scooter" means an electric personal transporter that is used as a mobility aid for a person who needs assistance with walking or moving from one place to another.*

Sec. 12. *"Modification" or "modify" means any alteration to ~~[a covered product]~~ equipment that is not maintenance or a repair.*

Sec. 13. ~~*["Motor vehicle" means a vehicle that is:*~~

~~*1. Designed for transporting persons or property on a street or highway; and*~~

~~*2. Certified by the manufacturer pursuant to all applicable federal:*~~

~~*(a) Standards governing safety and emissions; and*~~

~~*(b) Requirements for distribution and sale in the United States.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[*"Motor vehicle dealer" means a person who:*~~

~~*1. Has obtained a dealer's license pursuant to NRS 482.325; and*~~

~~*2. In the ordinary course of business, is engaged in:*~~

~~*(a) The selling or leasing of motor vehicles pursuant to a franchise agreement; and*~~

~~*(b) The diagnosis, maintenance or repair of motor vehicles or engines of motor vehicles pursuant to the franchise agreement.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[*"Motor vehicle manufacturer" means a business engaged in the manufacturing or assembling of motor vehicles.]*~~ **(Deleted by amendment.)**

Sec. 16. *"Original equipment manufacturer" means a person who, in the normal course of business, is engaged in the selling or leasing of ~~[a covered product]~~ equipment manufactured by or on behalf of the person to any other person in this State.*

Sec. 17. *"Owner" means a person who owns or leases ~~[a covered product]~~ equipment purchased or used in this State.*

Sec. 17.5. "Pair a part" or "parts pairing" means the practice by a manufacturer of using software to identify component parts through a unique identifier.

Sec. 18. *~~[1.]~~ "Part" means any replacement part or assembly of parts, either new or used, made available by an original equipment manufacturer for the purposes of effecting the diagnosis, maintenance or repair of ~~[a covered product]~~ equipment manufactured or sold by the original equipment manufacturer.*

~~[2. The term does not include an assembly of a printed circuit board that may allow the cloning of a device in violation of 18 U.S.C. § 1029 or other applicable law.]~~

Sec. 18.5. "Power assist device" means a device which is attached to a manual wheelchair to enable the user to propel the wheelchair with the expenditure of less effort.

Sec. 19. *"Powered wheelchair" means a self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with a disability ~~[, that is incapable of a speed in excess of 8 miles per hour on level ground.]~~ or a barrier to personal mobility.*

Sec. 20. *"Repair" means any act necessary to restore ~~[a covered product]~~ equipment to fully working order.*

Sec. 21. *"Tool" means any software program, hardware implement or other apparatus used for the diagnosis, maintenance or repair of ~~[a covered product,]~~ equipment, including, without limitation, software or other mechanism that provides or calibrates functionality, program, pair a part or perform any other function required to diagnose, maintain, repair or update the original equipment or part to keep the equipment or part in, or return the equipment or part to, fully functional condition.*

Sec. 22. *"Trade secret" has the meaning ascribed to it in NRS 600A.030.*

Sec. 23. *~~[1. "Video game console" means a computing device and its components and peripherals that is intended primarily for interactive video games.~~*

~~2. The term does not include a personal computer that primarily serves the purpose of computing, generally, but also has the capability to run video games in addition to other computing functions.]~~ **(Deleted by amendment.)**

Sec. 24. *~~[The provisions of sections 2 to 32, inclusive, of this act do not apply to:~~*

~~1. A motor vehicle manufacturer, manufacturer of motor vehicle equipment, motor vehicle dealer acting in the capacity of a motor vehicle~~

~~*manufacturer or manufacturer of motor vehicle equipment, or any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, motor vehicle dealer acting in the capacity of a motor vehicle manufacturer or manufacturer of motor vehicle equipment.*~~

~~*2. A medical device or a covered product found in a medical setting, including, without limitation, diagnostic equipment, monitoring equipment, control equipment or any other product or service offered in a medical setting.*~~

~~*3. A manufacturer, distributor, importer or dealer of any off road equipment, including, without limitation:*~~

~~*(a) Farm and utility tractors;*~~

~~*(b) Farm implements;*~~

~~*(c) Farm machinery;*~~

~~*(d) Forestry equipment;*~~

~~*(e) Industrial equipment;*~~

~~*(f) Utility equipment;*~~

~~*(g) Construction equipment and compact construction equipment;*~~

~~*(h) Mining equipment;*~~

~~*(i) Turf, yard and garden equipment;*~~

~~*(j) Outdoor power equipment, including, without limitation, portable generators;*~~

~~*(k) Marine, all-terrain sports and recreational vehicles, including, without limitation, racing vehicles;*~~

~~*(l) Stand alone or integrated stationary or mobile internal combustion engines;*~~

~~*(m) Other power sources, including, without limitation:*~~

~~*(1) Generator sets; and*~~

~~*(2) Electric, battery and fuel cells;*~~

~~*(n) Power tools;*~~

~~*(o) Any tools, technology, attachments, accessories and components for any item described in paragraphs (a) to (n), inclusive; and*~~

~~*(p) Parts to repair any item described in paragraphs (a) to (n), inclusive.*~~

~~*4. Commercial and industrial electrical equipment, including, without limitation:*~~

~~*(a) Power distribution equipment, including, without limitation, medium or low voltage switchgear and transformers;*~~

~~*(b) Power control equipment, including, without limitation, medium or low voltage motor control and drives;*~~

~~*(c) Power quality equipment, including, without limitation, uninterruptible power supplies, remote power panels, power distribution units and static or transfer switches;*~~

~~*(d) Any tools, technology, attachments, accessories and components for any item described in paragraphs (a), (b) and (c); and*~~

~~*(e) Parts to repair any item described in paragraphs (a), (b) and (c).*~~

~~*5. A manufacturer, distributor, importer, retailer or dealer of electronic bicycles.*~~

~~*6. A video game console.]*~~ **(Deleted by amendment.)**

Sec. 25. *For the purposes of sections 2 to ~~[32,]~~ 32.5, inclusive, of this act, an original equipment manufacturer who, in the regular course of business, offers to an owner the services of diagnosis, maintenance or repair of its own ~~[covered products, and who does not have an arrangement described in subsection 1 of section 3 of this act with an unaffiliated person,]~~ equipment shall be considered an authorized repair provider with respect to such ~~[covered products.]~~ equipment.*

Sec. 26. *1. ~~[Except as otherwise provided in subsection 3, an]~~ An original equipment manufacturer shall make available to any independent repair provider or owner of ~~[a covered product]~~ equipment manufactured by ~~[or on behalf of or sold by]~~ the original equipment manufacturer, on fair and reasonable terms:*

(a) Any documentation, parts and tools ~~[required]~~ that are intended for ~~[the diagnosis, maintenance or repair of such a covered product that the original equipment manufacturer makes available to authorized repair providers.]~~ use with the equipment or any part, including, without limitation, updates to embedded software, firmware or other documentation, parts and tools. The documentation, parts and tools described in this paragraph must be made available:

(1) To an independent repair provider or owner of ~~[a covered product,]~~ equipment manufactured by the original equipment manufacturer, either:

(I) Directly by the original equipment manufacturer; or

(II) Indirectly, through an authorized repair provider ~~[that is contractually and practically authorized by the original equipment manufacturer to provide or sell, as applicable, such documentation, parts or tools to an independent repair provider or owner.~~

~~*(2) Not later than 60 days after the first sale of a covered product in this State.*~~

~~*(b) For a powered wheelchair that requires deactivating a lock for the purposes of repair and only with the express permission of the owner, any special documentation, parts and tools needed to access and reset the lock or function when disabled in the course of diagnosis, maintenance or repair of the powered wheelchair. Such documentation, parts and tools may be made available through an appropriate system for secure release.]~~ or authorized third-party provider.*

2. For the purposes of subsection 1 ~~[:]~~ , with respect to an original equipment manufacturer who has an arrangement with an authorized repair provider described in subsection 1 of section 3 of this act:

(a) Documentation is made available by the original equipment manufacturer on fair and reasonable terms if the documentation , including, without limitation, any relevant updates, is made available free of charge, except that, if the documentation is requested in physical printed form, a

charge may be imposed for the reasonable, actual costs of preparing and sending the documentation.

(b) A part is made available by the original equipment manufacturer on fair and reasonable terms if ~~[the]~~ :

(1) The part is made available at a cost and on terms that are equivalent to the most fair and reasonable costs and terms under which the original equipment manufacturer offers the part to an authorized repair provider, accounting for any discount, rebate, convenient and timely means of delivery, means of enabling fully restored and updated functionality, rights of use or any other incentive or preference the original equipment manufacturer offers to an authorized repair provider; and ~~[which are]~~

(2) The availability of the part is not ~~[:~~

~~(1) Conditioned]~~ conditioned on ~~[or imposing an]~~ and does not impose a substantial obligation ~~[or restriction that is not reasonably necessary to enable the independent repair provider or owner]~~ to use or restrict the use of the part to diagnose, maintain or repair the ~~[covered product made by or on behalf of]~~ equipment sold, leased or otherwise supplied by the original equipment manufacturer . ~~[; and~~

~~(2) Conditioned on an arrangement described in subsection 1 of section 3 of this act.]~~

(c) A tool is made available by the original equipment manufacturer on fair and reasonable terms if the tool is made available ~~[free]~~ :

(1) Without imposing impediments to access to or the use of the tools to diagnose, maintain or repair the equipment and enable full functionality of the equipment;

(2) In a manner that does not impair the efficient and cost-effective performance of diagnosis, maintenance or repair of the equipment; and

(3) Free of charge , ~~[and in a reasonably timely manner,]~~ except that, if the tool is requested in physical form, a charge may be imposed for the reasonable, actual costs of ~~[procuring,]~~ preparing and ~~[delivering]~~ sending the tool.

3. ~~[The provisions of this section do not apply to]~~ For the purposes of subsection 1, with respect to an original equipment manufacturer who ~~[provides to the owner of a covered product, at no cost to that owner, a readily available product that is equivalent to or better than the covered product as a replacement for that covered product.]~~ does not have an arrangement with an authorized repair provider described in subsection 1 of section 3 of this act, documentation, a part or a tool is made available by the original equipment manufacturer on fair and reasonable terms if the documentation, part or a tool is made available at a price that reflects the actual cost incurred by the original equipment manufacturer to prepare and deliver the documentation, part or tool, not including any research or development costs.

Sec. 27. ~~*[1. An independent repair provider shall:*~~

~~*(a) Post in a prominent location at his or her place of business;*~~

~~(b) Publish on his or her Internet website, if any; and~~

~~(c) Before repairing a covered product, provide to a customer, a written notice, which contains the information specified in subsection 2.~~

~~2. A written notice required by subsection 1 must contain the following information:~~

~~(a) The independent repair provider is not an authorized repair provider for the covered product.~~

~~(b) The customer should review the terms and conditions of any warranty for the covered product, as repairs not performed by an authorized repair provider may affect the warranty.~~

~~(c) Warranties for consumer products are governed by the federal Magnuson Moss Warranty Act, 15 U.S.C. §§ 2301, et seq., which gives a consumer rights and protections that apply over conflicting provisions in a warranty.~~

~~(d) Under the Magnuson Moss Warranty Act:~~

~~(1) A warranty cannot require that maintenance and repairs be performed only by an authorized repair provider.~~

~~(2) If damage to the product is shown to be caused by equipment not offered or sold by the original equipment manufacturer or by faulty repair performed by a person other than an authorized repair provider, that damage may not be covered by the warranty, but the warranty may otherwise remain in effect.]~~ **(Deleted by amendment.)**

Sec. 28. *An original equipment manufacturer shall not:*

1. Retaliate against an authorized repair provider for providing or selling, or hinder the ability of an authorized repair provider to provide or sell, as applicable, documentation, parts or tools pursuant to sections 2 to ~~[32,]~~ 32.5, inclusive, of this act through any means, including, without limitation, by imposing a restriction on advertising or a limitation on an allocation of a product that is not related to a legitimate shortage of that product; ~~[or]~~

2. Condition or impose an obligation or restriction that is not reasonably necessary to enable an independent repair provider or owner to diagnose, maintain or repair ~~[a covered product]~~ equipment made by or on behalf of the original equipment manufacturer ~~.]~~ ; or

3. Use parts pairing or any other mechanism to:

(a) Prevent or inhibit an independent repair provider or an owner from installing or enabling the function of an otherwise functional replacement part or a component of equipment, including, without limitation, a replacement part or a component that the original equipment manufacturer has not approved;

(b) Reduce the functionality or performance of equipment; or

(c) Cause equipment to display misleading alerts or warnings about unidentified parts which the owner cannot immediately dismiss.

Sec. 29. ~~*[Except in a dispute arising between an original equipment manufacturer and an authorized repair provider related to the compliance*~~

~~*of either party with an existing arrangement as described in subsection 1 of section 3 of this act, an authorized repair provider has all the rights and remedies provided in sections 2 to 32, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 30. *Nothing in sections 2 to ~~[32,]~~ 32.5, inclusive, of this act shall be construed to:*

1. Require an original equipment manufacturer to divulge any trade secret ~~[or license or any intellectual property]~~ to any independent repair provider or owner ~~.]~~ except as necessary to provide documentation, parts or tools on fair and reasonable terms and costs.

2. Alter the terms of any arrangement described in subsection 1 of section 3 of this act in force between an original equipment manufacturer and an authorized repair provider, including, without limitation, the performance or provision of work in the form of repairs pursuant to warranty or recall by an authorized repair provider on behalf of an original equipment manufacturer pursuant to the arrangement, except that any provision in such terms that purports to waive, avoid, restrict or limit the obligations of the original equipment manufacturer to comply with sections 2 to ~~[32,]~~ 32.5, inclusive, of this act is void and unenforceable.

3. Require an original equipment manufacturer or an authorized repair provider to provide to an independent repair provider or owner access to information, other than documentation, that is provided by the original equipment manufacturer to an authorized repair provider pursuant to the terms of an arrangement described in subsection 1 of section 3 of this act.

4. ~~[Require an original equipment manufacturer or authorized repair provider to make available any documentation, parts or tools:~~

~~(a) For the purposes of modifying any covered product.~~

~~(b) Required for the diagnosis, maintenance or repair of:~~

~~(1) Communication equipment for public safety, the intended use of which is for the purposes of responding to or preventing emergencies by:~~

~~(I) A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;~~

~~(II) A law enforcement agency as defined in NRS 277.035; or~~

~~(III) An emergency medical service.~~

~~(2) A covered product, including, without limitation, a console for entertainment, or related software or component, in a manner that is inconsistent with or in violation of any federal law.~~

~~(3) A home appliance that has a covered product embedded within it. As used in this subparagraph, "home appliance" includes, without limitation, a refrigerator, oven, microwave oven, air conditioner, heating unit, security device, alarm system and any software and component related to an appliance.~~

~~5. Require an original equipment manufacturer to make available any special documentation, parts or tools that would disable or override anti-~~

~~theft security measures set by the owner of the covered product without the authorization of the owner.~~

~~6.]~~ Require an original equipment manufacturer to sell a part that is required or used to service ~~[a covered product]~~ equipment if the part is no longer ~~[provided by the original equipment manufacturer or]~~ made available to an authorized service provider ~~.~~

~~7. Require the distribution of the source code of a covered product.~~

~~8.]~~ by the original equipment manufacturer.

5. Prevent an original equipment manufacturer from establishing reasonable programs for the training or certification of independent repair providers, except that an original equipment manufacturer shall not require an independent repair provider to complete any such program for training or certification as a condition to be entitled to any of the rights granted under sections 2 to ~~[32,]~~ 32.5, inclusive, of this act.

~~[9. Prevent an original equipment manufacturer from offering to an independent repair provider or owner parts, including, without limitation, integrated batteries, pre-assembled with other parts rather than as individual components, if the individual components may pose a heightened safety risk if installed improperly.]~~

Sec. 31. An original equipment manufacturer or authorized repair provider is not liable for any damage or injury caused to any ~~[covered product,]~~ equipment, person or property, including, without limitation, any:

1. Indirect, incidental, special or consequential damages;
2. Loss of data, privacy or profits; or
3. Inability to use or reduced functionality of ~~[a covered product,]~~ equipment,

➥ which occurs as a result of the diagnosis, maintenance, repair or modification of ~~[a covered product]~~ equipment performed by an independent repair provider or owner.

Sec. 32. ~~[1. The Attorney General shall enforce the provisions of sections 2 to 32, inclusive, of this act.~~

~~2. If the Attorney General believes, from evidence satisfactory to the Attorney General, that any person has engaged in or is about to engage in any act or practice in violation of the provisions of sections 2 to 32, inclusive, of this act, the Attorney General may bring an action in the name and on behalf of the people of this State to enjoin the act or practice and to obtain restitution of any money or property obtained, directly or indirectly, by the act or practice.~~

~~3. In a proceeding brought pursuant to subsection 2, a temporary restraining order, preliminary injunction, or both, may be obtained in accordance with Rule 65 of the Nevada Rules of Civil Procedure.~~

~~4. Except as otherwise provided in this subsection, before any violation of the provisions of sections 2 to 32, inclusive, of this act is sought to be enjoined, the Attorney General shall give the person against whom such proceeding is contemplated notice and an opportunity to show in writing,~~

~~*within 5 business days after the delivery of such notice, why proceedings should not be instituted against the person. The notice by the Attorney General must be delivered by certified mail and by first-class mail with proof of mailing. In any proceeding in which the Attorney General seeks a temporary restraining order or a preliminary injunction, or both, the notice is not required upon a finding by the Attorney General that such notice and opportunity is not in the public interest.*~~

~~*5. In connection with any proceeding brought pursuant to subsection 2, the Attorney General may take proof and make a determination of the relevant facts, and issue subpoenas.*~~

~~*6. This section applies to all acts and practices declared to be in violation of the provisions of sections 2 to 32, inclusive, of this act, whether or not subject to any other law of this State, and does not supersede, amend or repeal any other law of this State under which the Attorney General is authorized to take any action or conduct any inquiry.*~~

~~*7. Any person who engages in any act or practice in violation of the provisions of sections 2 to 32, inclusive, of this act is liable for a civil penalty of not more than $500 for each violation, which shall accrue to the state of Nevada and may be recovered in a civil action brought by the Attorney General.*~~ **(Deleted by amendment.)**

Sec. 32.5. ***A violation of the provisions of sections 2 to 32.5, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

Sec. 33. This act becomes effective ~~[on January 1, 2026.]~~ **upon passage and approval.**

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 477.

ASSEMBLYMEMBERS MOORE, CARTER; **ANDERSON,** D'SILVA**,** ~~[AND]~~ KARRIS **AND LA RUE HATCH**

AN ACT relating to occupational safety; revising the requirements of written safety programs in certain workplaces to include programs related to mitigation of ~~[heat illness and]~~ certain air quality issues; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to provide for the establishment and supervision of programs for the education and training of employers and employees on certain unsafe or unhealthful working conditions. (NRS 618.353) Existing law

requires certain employers to establish a written safety program and implement the safety program within 90 days after it is established. (NRS 618.383)

If an employer has **more than 15** employees who work at a large hybrid environment facility, **sections 3 and 5** of this bill require **, with certain exceptions,** such a written safety program to include the establishment of a program to mitigate occupational exposure to ~~[heat illness and exposure to]~~ greenhouse gases, other gases ~~[or fumes]~~ and poor air quality. **Section 2** of this bill defines the term "large hybrid environment facility" to mean, in general, a facility where employees work: (1) that is at least 10,000 square feet; and (2) at which workers are exposed to outdoor elements for a majority of each shift worked, including, without limitation, through open loading docks or bay doors. **Section 4** of this bill makes a conforming change so that the definition of "large hybrid environment facility" applies to the provisions of existing law governing occupational safety and health.

Section 3 requires a written safety ~~[plan]~~ **program** relating to a large hybrid environment facility to include provisions that require the establishment of: (1) ~~[systems for monitoring employees for signs of heat illness; (2) procedures for responding to a medical emergency related to heat illness; (3)]~~ a system to mitigate exposure to certain air quality issues in accordance with occupational safety and health standards; and ~~[(4)]~~ **(2)** a system for monitoring employees for signs of health effects resulting from exposure to certain air quality issues. **Section 3** also requires such a ~~[plan]~~ **program** to contain provisions which: (1) require any vehicle which is loading or unloading at the facility to have the engine of the vehicle turned off; (2) require a designated person at the facility, not less than every 4 hours when employees are working, to monitor and record ~~[the temperature and]~~ certain air quality information in ~~[any]~~ **each** area of the facility where employees are working; and (3) take certain actions if the ~~[recorded temperature or]~~ air quality information exceeds ~~[103 degrees Fahrenheit or]~~ any relevant occupational safety and health standards. **Section 3 exempts from those requirements certain employers who are engaged in: (1) law enforcement, firefighting or otherwise responding to emergencies; (2) solid waste management or the management of hazardous waste; or (3) towing services.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Large hybrid environment facility" means any facility in which employees work, including, without limitation, a distribution center or convention center:***

1. That is at least 10,000 square feet; and

2. At which employees are exposed to outdoor elements for a majority of each shift worked, including, without limitation, through open loading docks or bay doors.

Sec. 3. ~~[An]~~

1. Except as otherwise provided in subsection 2, an employer who has more than 15 employees who work at a large hybrid environment facility and who is required to establish a written safety program pursuant to NRS 618.383 shall include in the written safety program provisions that:

~~[1.]~~ (a) Require the establishment of:

~~[(a) A system for monitoring employees for signs of heat illness;~~

~~(b) Procedures for responding to a medical emergency related to heat illness;~~

~~(c)~~ (1) A system to mitigate exposure to greenhouse gases, other gases ~~[or fumes]~~ or poor air quality that complies with all applicable occupational safety and health standards established pursuant to NRS 618.295; and

~~[(d)]~~ (2) A system for monitoring employees for signs of health effects resulting from exposure to greenhouses gases, other gases ~~[or fumes]~~ or poor air quality.

~~[2.]~~ (b) Require any vehicle which is loading or unloading at the facility to have the engine of the vehicle turned off, except that a refrigerated vehicle or trailer with a motor that is independent of the engine of the vehicle may continue to operate the motor for refrigeration.

~~[3.]~~ (c) Require a designated person at the facility, not less than every 4 hours when employees are working, to:

~~[(a)]~~ (1) Monitor the ~~[temperature and]~~ level of greenhouse gases, other gases ~~[or fumes]~~ and air quality in each area of the facility where employees are working, including, without limitation, any area in which employees are working in an elevated position above ground level; and

~~[(b)]~~ (2) Record the ~~[temperature and]~~ level of greenhouse gases, other gases ~~[or fumes]~~ and air quality in each area described in ~~[paragraph (a)]~~ subparagraph (1) in a logbook, which must be kept at the facility and available for review upon request.

~~[4.]~~ (d) On any day when, according to the monitoring described in ~~[subsection 3:~~

~~(a) The temperature is 103 degrees Fahrenheit or greater in any area of the facility where employees are working:~~

~~(1) Require a cooling station or stations be made accessible to employees during the workday, as needed, which must include, without limitation:~~

~~(I) Not less than one quart of potable drinking water per employee for each hour the employee is required to work; and~~

~~(II) Access by an employee to a fan or other ventilation or cooling device; and~~

~~(2) Require additional fans or other forced ventilation systems be used to increase the flow of air out of the facility, including, without limitation, through open loading docks or bay doors.~~

~~(b) The]~~ paragraph (c), the level of greenhouse gases, other gases ~~[or fumes]~~ or air quality in any area of the facility where employees are working

exceeds the level set forth in any applicable occupational safety and health standard established pursuant to NRS 618.295, require additional fans or other forced ventilation systems be used to increase the flow of air out of the facility, including, without limitation, through open loading docks or bay doors.

2. The provisions of this section do not apply to an employer who:

(a) Is a law enforcement agency, a fire-fighting agency or whose employees are otherwise engaged as emergency response employees;

(b) Operates a disposal site or a recycling center or whose employees are otherwise engaged in a solid waste management system or the management of hazardous waste; or

(c) Is a tow company, operates a tow car or whose employees are otherwise engaged in towing services.

~~[5.]~~ 3. As used in this section ~~[, "heat illness" means a medical condition resulting from]~~ :

(a) "Disposal site" has the meaning ascribed to it in NRS 444.460.

(b) "Emergency response employee" has the meaning ascribed to it in NRS 450B.0703.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.

(d) "Greenhouse gas" has the ~~[inability of the body to cope with a particular heat load and includes, without limitation, heat cramps, heat rash, heat exhaustion, fainting and heat stroke,]~~ meaning ascribed to it in NRS 445B.137.

(e) "Law enforcement agency" has the meaning ascribed to it in NRS 289.010.

(f) "Management of hazardous waste" has the meaning ascribed to it in NRS 459.435.

(g) "Recycling center" has the meaning ascribed to it in NRS 444A.014.

(h) "Solid waste management system" has the meaning ascribed to it in NRS 444.500.

(i) "Tow car" has the meaning ascribed to it in NRS 706.131.

(j) "Towing services" has the meaning ascribed to it in NRS 706.132.

Sec. 4. NRS 618.025 is hereby amended to read as follows:

618.025 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 618.029 to 618.165, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in such sections.

Sec. 5. NRS 618.383 is hereby amended to read as follows:

618.383 1. Except as otherwise provided in subsections 8 and 9, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries or where explosives are manufactured.

(b) ~~If~~ ***Except as otherwise provided in section 3 of this act, if the employer has more than 15 employees who work at a large hybrid environment facility, the provisions required by section 3 of this act.***

(c) If an employer has more than 25 employees, or if an employer's employees are engaged in the manufacture of explosives, the establishment of a safety committee. The safety committee must include representatives of employees. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, authorized inspections or any other activity of the committee, must be paid by his or her employer as if that employee were engaged in the employee's usual work activities.

4. The written safety program and all training programs required pursuant to this section must be conducted and made available in a language and format that is understandable to each employee.

5. The Administrator of the Division shall adopt regulations establishing the minimum requirements for a written safety program.

6. The Administrator of the Division shall develop and provide each employer with a written guide for establishing a written safety program.

7. An employer who contracts with a temporary employment service shall provide specialized training concerning safety for the employees of the service before they begin work at each site or as soon as possible thereafter.

8. An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer has employees engaged in the manufacture of explosives.

9. For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.

10. Except as otherwise provided in subsection 11, as used in this section, "explosives" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device or any part thereof may cause an explosion.

11. For the purposes of this section, an explosive does not include:

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 404.

SUMMARY—Revises provisions concerning access to certain library materials. ~~[in public schools.]~~ (BDR 34-925)

AN ACT relating to education; prohibiting the board of trustees of a school district, the governing body of a charter school , ~~[or]~~ a school employee **or a volunteer and certain persons affiliated with a public library** from limiting access to library materials ~~[by pupils]~~ under certain circumstances; **authorizing the Board of Regents of the University of Nevada to adopt a policy containing such a prohibition;** prohibiting certain actions against ~~[the members of the board of trustees of a school district, the members of the governing body of a charter school, school employees, pupils and]~~ certain ~~[other]~~ persons which are intended to limit access to library materials ; ~~[by pupils;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district attorney or city attorney to file a complaint in the district court to have an item or material declared obscene and to enjoin owner and possessor of the item or material from selling, renting, exhibiting, reproducing, manufacturing or distributing it. (NRS 201.241) For these purposes, "obscenity" is defined in existing law as any item, material or performance which: (1) an average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest; (2) taken as a whole, lacks serious literary artistic, political or scientific value; and (3) depicts or describes in a patently offensive way certain sexual acts, excretory functions, sadism or masochism or lewdly exhibits the genitals. (NRS 201.235) **Section 2** of this bill: (1) prohibits the board of trustees of a school district, the governing body of a charter school , ~~[or]~~ a school employee **or a volunteer** from taking certain actions which limit the access of pupils to

library materials of a school library; and (2) sets forth certain circumstances in which access to library materials may be restricted for reasons unrelated to the content of such materials. **Section 2** additionally authorizes a person **who meets certain requirements and** who objects to the inclusion of any library material in the collection of a school library to petition a court for the removal of the material and authorizes a court to order the removal of such material if the court determines that the material is obscene, based on a definition of obscenity which is substantially similar to the definition of obscenity in existing law. **Section 3.7 of this bill creates similar provisions governing access to materials in a public library.**

The Nevada Constitution requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) Section 3.2 of this bill authorizes the Board of Regents to adopt a policy that prohibits an institution within the Nevada System of Higher Education or an employee of such an institution from limiting the access of students and employees to any library materials of a library at such an institution. Section 3.2 additionally provides requirements that are similar to those set forth in section 2 with which such a policy must comply.

Section 3 of this bill makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to: (1) prevent a pupil from using or accessing library materials; or (2) induce or compel the board of trustees of a school district, the governing body of a charter school **,** ~~[or]~~ a school employee **or a volunteer** to violate the provisions of **section 2**. **Section 3** further makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of a member of the board of trustees of a school district, a member of the governing body of a charter school, a school employee **, a volunteer** or a pupil without consent, knowing that the member, employee **, volunteer** or pupil could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information in retaliation for the victim accessing or allowing a pupil to access library materials from a school library with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the member, school employee **, volunteer** or pupil and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the victim whose information was disseminated or a close relation of the victim. **Sections 3.3 and 3.8 of this bill create similar protections for a member of the Board of Regents, an employee of an institution within the System or a student and**

a member of a governing body of a public library or a library employee, respectively.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, the board of trustees of a school district, the governing body of a charter school , ~~[or]~~ a school employee or a volunteer shall not limit the access of pupils to any library materials of a school library by:***

(a) Removing library materials from the collection of a school library or from circulation;

(b) Moving library materials to other sections of the library or school premises for the purpose of concealing the presence of the materials;

(c) Labeling library materials in a manner that indicates that the board of trustees of a school district, the governing body of a charter school , ~~[or]~~ a school employee or a volunteer finds the content of the library materials to be objectionable; or

(d) Defacing library materials to obscure the contents of the library materials or cause the library materials to be removed from circulation.

2. The provisions of subsection 1 do not prohibit a person from checking library materials out of a school library pursuant to the circulation policies of the school library.

3. The board of trustees of a school district, the governing body of a charter school or an administrator or school library media specialist of a school may adopt a rule or policy which has the effect of limiting access to library materials by a pupil if:

(a) The rule or policy:

(1) Imposes a reasonable restriction as to the time, place and manner of accessing library materials;

(2) Is adopted to preserve the safety and security of library materials; or

(3) Is a maintenance or deaccession policy for the removal of library materials which are damaged, duplicative, unused or rarely used, in a format which is inaccessible due to obsolescence or which are otherwise inconsistent with the collections policy of the school library for reasons unrelated to the content of the library material; and

(b) The rule or policy is not based on the content of the library materials or the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:

(1) The subject of the library materials;

(2) The author of the library materials; or

(3) The perceived or intended audience for the library materials.

4. A person who objects to the inclusion of any library material in the collection of a school library may petition a court of competent jurisdiction to order the removal of the library material from circulation. A court may order the library material to be removed from circulation pursuant to this subsection only if the court determines that the material is obscene. A person may only petition a court pursuant to this subsection if the person:

(a) Resides in the school district in which the school library which contains the contested library materials is located; and

(b) Is the parent or legal guardian of a pupil enrolled in the school in which the school library which contains the contested library materials is located.

5. The board of trustees of a school district and the governing body of a charter school shall maintain a list of all of the library materials which have been ordered to be removed from circulation from a school library within the school district or charter school pursuant to subsection 4 and make the list available to any school employee who is involved in the selection and purchase of materials for the collection of a school library within the school district or charter school.

6. A school employee or a volunteer shall not be dismissed, disciplined, demoted, involuntarily transferred, retaliated against, investigated, fined or imprisoned for the selection, display or circulation of library materials in accordance with the provisions of this section [.] , including, without limitation, in a library, classroom or other instructional setting.

7. As used in this section:

(a) "Community" means the area from which a jury is or would be selected for the court in which an action is brought pursuant to subsection 4.

(b) "Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records , [and] photographs [.] and any materials used for instruction.

(c) "Obscene" means any material which:

(1) An average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest;

(2) Taken as a whole, lacks serious literary, artistic, political or scientific value; and

(3) Does one of the following:

(I) Depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated.

(II) Depicts or describes in a patently offensive way masturbation, excretory functions, sadism or masochism.

(III) Lewdly exhibits the genitals.

(d) "School employee" means a licensed or unlicensed person , including, without limitation, a teacher, administrator or school library media specialist, employed by a school, including, without limitation, a charter school.

(e) "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours, including, without limitation, a person who works in or oversees a school library.

Sec. 3. *1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:*

(a) Prevent a pupil from using or accessing library materials; or

(b) Induce or compel the board of trustees of a school district, the governing body of a charter school , ~~[or]~~ a school employee or a volunteer to violate the provisions of section 2 of this act.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use force, intimidation, coercion, violence, restraint or undue influence on school property or at a location other than on school property.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of a member of the board of trustees of a school district, a member of the governing body of a charter school, a school employee , a volunteer or a pupil without the consent of the member, school employee , volunteer or the parent or legal guardian of the pupil, as applicable, knowing that the member, school employee , volunteer or pupil could be identified by such information, if:

(a) The person disseminates such personal identifying information in retaliation for the victim accessing or allowing a pupil to access library materials from a school library and:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the member, school employee , volunteer or pupil and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the member, school employee , volunteer or pupil whose information was disseminated or a close relation of the member, school employee , volunteer or pupil.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who

regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(c) "School employee" means a licensed or unlicensed person , including, without limitation, a teacher, administrator or school library media specialist, employed by a school, including, without limitation, a charter school.

(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(e) "Stalking" means a violation of NRS 200.575.

(f) "Volunteer" has the meaning ascribed to it in section 1 of this act.

Sec. 3.1. **Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.2 and 3.3 of this act.**

Sec. 3.2. *1. The Board of Regents may adopt a policy that prohibits an institution within the System or an employee of such an institution from limiting the access of students and employees to any library materials of a library at an institution within the System. A policy adopted pursuant to this section:*

(a) Shall, except as otherwise provided in this section, provide that such access may not be limited by:

(1) Removing library materials from the collection of a library or from circulation;

(2) Moving library materials to other sections of the library or premises for the purpose of concealing the presence of the materials;

(3) Labeling library materials in a manner that indicates that the Board of Regents, the administration of the institution or an employee of the institution finds the content of the library materials to be objectionable; or

(4) Defacing library materials to obscure the contents of the library materials or cause the library materials to be removed from circulation.

(b) Shall not prohibit a person from checking library materials out of a library pursuant to the circulation policies of the library.

(c) Shall include provisions that allow an institution within the System or an employee of such an institution to limit the access of students to library materials of a library at an institution within the System if:

(1) The limitation on access is:

(I) A reasonable restriction as to the time, place and manner of accessing library materials;

(II) Adopted to preserve the safety and security of library materials; or

(III) Pursuant to a maintenance and deaccession policy for the removal of library materials which are damaged, duplicative, unused or rarely used, in a format which is inaccessible due to obsolescence or which are otherwise inconsistent with the collections policy of the library for reasons unrelated to the content of the library material; and

(2) The limitation on access is not based on the content of the library materials or the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:

(I) The subject of the library materials;

(II) The author of the library materials; or

(III) The perceived or intended audience for the library materials.

(d) Shall provide that the only method for a person who objects to the inclusion of any library material in the collection of a library to obtain the removal of the library material is to follow the procedure set forth in subsection 2.

(e) Shall require the Board of Regents to maintain a list of all the library materials which have been removed from circulation from a library of an institution within the System pursuant to subsection 2 and make the list available to any employee of such an institution who is involved in the selection and purchase of materials for the collection of a library of an institution within the System.

(f) Shall include provisions that prohibit the dismissal, disciplining, involuntary transfer or reassignment of an employee of an institution within the System for the selection, display or circulation of library materials in accordance with the provisions of the policy adopted pursuant to this section.

2. A person who objects to the inclusion of any library material in the collection of a library of an institution within the System may petition a court of competent jurisdiction to order the removal of the library material from circulation. A court may order the library material to be removed from circulation pursuant to this subsection only if the court determines that the material is obscene. A person may only petition a court pursuant to this subsection if the person is enrolled in the institution or is an employee of the institution.

3. An employee of an institution within the System shall not be fined or imprisoned for the selection, display or circulation of library materials in accordance with any policy adopted by the Board of Regents pursuant to this section.

4. As used in this section:

(a) "Community" means the area from which a jury is or would be selected for the court in which an action is brought pursuant to subsection 2.

(b) "Library employee" means an employee of an institution within the System whose primary duties relate to the management and function of a library of an institution within the System.

(c) "Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.

(d) "Obscene" means any material which:

(1) An average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest;

(2) Taken as a whole, lacks serious literary, artistic, political or scientific value; and

(3) Does one of the following:

(I) Depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated.

(II) Depicts or describes in a patently offensive way masturbation, excretory functions, sadism or masochism.

(III) Lewdly exhibits the genitals.

Sec. 3.3. 1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:

(a) Prevent a student or employee of an institution within the System from using or accessing library materials; or

(b) Induce or compel the Board of Regents or an employee of an institution within the System to violate the provisions of a policy adopted pursuant to section 3.2 of this act.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use force, intimidation, coercion, violence, restraint or undue influence on property owned or used by the System or at another location.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of a member of the Board of Regents, an employee of an institution within the System or a student without the consent of the member, employee or student, as applicable, knowing that the member, employee or student could be identified by such information if:

(a) The person disseminates such personal identifying information in retaliation for the victim accessing or allowing a student or employee to access library materials from the library of an institution within the System and:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the member, employee or student and with knowledge or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the member, employee or student whose information was disseminated or a close relation of the member, employee or student.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(c) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(d) "Stalking" means a violation of NRS 200.575.

Sec. 3.6. **Chapter 379 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.7 and 3.8 of this act.**

Sec. 3.7. *1. Except as otherwise provided in this section, the governing body of a public library, a library employee or a municipality shall not limit the access of a person to any library materials of a public library by:*

(a) Removing library materials from the collection of a library or from circulation;

(b) Moving library materials to other sections of the library for the purpose of concealing the presence of the materials;

(c) Labeling library materials in a manner that indicates that the governing body of the public library, a library employee or a municipality finds the content of the library materials to be objectionable; or

(d) Defacing library materials to obscure the contents of the library materials or cause the library materials to be removed from circulation.

2. The provisions of subsection 1 do not prohibit a person from checking library materials out of a public library pursuant to the circulation policies of the public library.

3. The governing body of a public library may adopt a rule or policy which has the effect of limiting access to library materials by a person if:

(a) The rule or policy:

(1) Imposes a reasonable restriction as to the time, place and manner of accessing library materials;

(2) Is adopted to preserve the safety and security of library materials; or

(3) Is a maintenance or deaccession policy for the removal of library materials which are damaged, duplicative, unused or rarely used, in a format which is inaccessible due to obsolescence or which are otherwise inconsistent with the collections policy of the public library for reasons unrelated to the content of the library material; and

(b) The rule or policy is not based on the content of the library materials or the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political affiliation or any other distinguishing characteristic or background of:

(1) The subject of the library materials;

(2) The author of the library materials; or

(3) The perceived or intended audience for the library materials.

4. A person who objects to the inclusion of any library material in the collection of a public library may petition a court of competent jurisdiction to order the removal of the library material from circulation. A court may order the library material to be removed from circulation pursuant to this subsection only if the court determines that the material is obscene. A person may only petition a court pursuant to this subsection if the person is a resident of the municipality served by the public library.

5. The governing body of a public library shall maintain a list of all the library materials which have been removed from circulation from the public library pursuant to subsection 4 and make the list available to any library employee who is involved in the selection and purchase of materials for the collection of a public library.

6. A library employee shall not be dismissed, disciplined, demoted, involuntarily transferred, retaliated against, investigated, fined or imprisoned for the selection, display or circulation of library materials in accordance with the provisions of this section.

7. As used in this section:

(a) "Community" means the area from which a jury is or would be selected for the court in which an action is brought pursuant to subsection 4.

(b) "Governing body" means the trustees of a consolidated, county or district library, the governing authority of a city library, the regional library board of a regional library or any other executive body which governs the operations of a public library.

(c) "Library employee" means a librarian employed by the public library or a staff member employed by a public library who is not a librarian.

(d) "Library materials" includes, without limitation, books, periodicals, pamphlets, journals, newspapers, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records and photographs.

(e) "Municipality" means a county, district, city, town or other political subdivision served by a public library.

(f) "Obscene" means any material which:

(1) An average person applying contemporary community standards would find, taken as a whole, appeals to prurient interest;

(2) Taken as a whole, lacks serious literary, artistic, political or scientific value; and

(3) Does one of the following:

(I) Depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated.

(II) Depicts or describes in a patently offensive way masturbation, excretory functions, sadism or masochism.

(III) Lewdly exhibits the genitals.

Sec. 3.8. 1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:

(a) Prevent a person from using or accessing library materials; or

(b) Induce or compel the governing body of a public library or a library employee to violate the provisions of section 3.7 of this act.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use force, intimidation, coercion, violence, restraint or undue influence on property owned or used by the public library or at another location.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of a member of the governing body of a public library or a library employee without the consent of the member or employee, as applicable, knowing that the member or employee could be identified by such information if:

(a) The person disseminates such personal identifying information in retaliation for the victim accessing or allowing a person to access library materials from the public library and:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the member or employee and with knowledge or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the member or employee whose information was disseminated or a close relation of the member or employee.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Governing body" has the meaning ascribed to it in section 3.7 of this act.

(c) "Library employee" means a librarian employed by the public library or a staff member employed by a public library who is not a librarian.

(d) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(e) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 482.

SUMMARY—Revises provisions relating to ~~[applications concerning]~~ water. (BDR 48-736)

AN ACT relating to water; **requiring the State Engineer to prepare and submit a biennial report to the Legislature relating to certain applications pending a final decision by the State Engineer;** requiring the State Engineer to adopt **certain** regulations **relating to hearings and** to establish a pre-application review process **to meet** ~~[for certain applications; requiring the State Engineer to issue a preliminary determination on certain applications and protests to such applications to appropriate water and for permits to operate projects for the recharge, storage and recovery of water; setting forth procedures to file an objection to a preliminary determination and requiring, with certain exceptions, a hearing to be held regarding a filed objection; requiring the State Engineer to prepare and submit a biennial report to the Legislature relating to certain applications pending approval by the State Engineer; revising provisions relating to applications for a temporary change to certain uses of water already appropriated; revising provisions relating to judicial review of certain orders and decisions of the State Engineer; revising provisions relating to the approval or rejection of certain applications for the appropriation of public water and certain permits to operate projects for the recharge, storage and recovery of water;]~~ **with prospective applicants;** making the State Engineer subject to the Nevada Administrative Procedure Act for purposes of adopting regulations and certain provisions governing the adjudication of contested cases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Engineer, an appointee of the Director of the State Department of Conservation and Natural Resources, manages the appropriation of water in this State. (Title 48 of NRS) Section 1 of this bill requires the State Engineer to prepare and submit a biennial report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission relating to certain applications to appropriate

water that have been pending a final decision by the State Engineer for 2 or more years.

Under existing law, the State Engineer is authorized to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred upon him or her by law, including regulations governing the practice and procedure in all contests before the Office of the State Engineer. (NRS 532.120) **Section ~~[1]~~ 1.5** of this bill requires the State Engineer to adopt regulations: (1) governing hearings before the Office **~~[,]~~ , which must include rules governing expert testimony;** and (2) to establish a pre-application ~~[review]~~ process for purposes of the provisions governing underground water and wells, the adjudication of vested water rights and the appropriation of public water, which must include procedures ~~[to submit an application for review for potential issues prior to the filing of the application and]~~ **for a prospective applicant** to meet with the State Engineer or his or her designee at the request of ~~[a]~~ **the** potential applicant ~~[.]~~ **to review the prospective application and identify any potential barriers to approval of the application.** (Chapters 533 and 534 of NRS)

~~[Under existing law, any person who wishes to appropriate water for beneficial use in Nevada, or change the place of diversion, manner of use or place of use of water already appropriated, is required to first apply for a permit to do so. (NRS 533.325) Existing law requires the State Engineer to publish notice of such an application in certain newspapers of general publication and on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources. (NRS 533.360) Any interested person may file a written protest against the granting of such an application with the State Engineer and the State Engineer may hold a hearing regarding such a protest. (NRS 533.365) The State Engineer is generally required to approve or reject the application within 2 years, unless authorized to postpone taking action for certain reasons specified by law. (NRS 533.370) Section 3 of this bill: (1) requires, with certain exceptions, the State Engineer to issue a preliminary determination on an application and any protest to the application within 150 days after the last publication of the notice of the application, and to provide notice of the preliminary determination to the applicant and each protestant, if any; (2) provides for an applicant or any protestant to file an objection to the preliminary determination within 30 days after issuance; (3) requires the State Engineer to give an applicant and any protestants notice of a filed objection within 15 days after filing; (4) requires, with certain exceptions, the State Engineer to hold a hearing regarding an objection within 120 days after receipt of the objection and to provide notice of the hearing; and (5) authorizes the State Engineer to postpone issuing a preliminary determination under certain conditions.~~

~~Section 5 of this bill applies the definition of "water already appropriated" to the provisions of section 3. Section 8 of this bill applies the requirements of section 3 to applications for reservoir permits, as applicable.~~

~~Section 4 of this bill requires the State Engineer to prepare and submit a biennial report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission relating to certain applications to appropriate water that have been pending before the State Engineer for 2 or more years.~~

~~Under existing law, the State Engineer must notify an applicant by certified mail of any written protest filed against the application and give notice of any hearing to be held on such a protest by certified mail to both the applicant and protestant. If the State Engineer holds a hearing regarding any filed protest, he or she must render a decision on the protested application not later than 240 days after: (1) the transcripts of the hearing become available; or (2) a date specified by the State Engineer for the filing of additional information. (NRS 533.365) Section 6 of this bill requires such notice to be provided by registered or certified mail. Section 6 also limits the deadline for the State Engineer to render a decision on a protest after a hearing to only those hearings on a protest to an application that seeks a temporary change of place of diversion, manner of use or place of use of water already appropriated.~~

~~Existing law sets forth the conditions of and manner in which the State Engineer shall approve or reject an application to appropriate water for beneficial use in Nevada, including requiring the State Engineer, with certain exceptions, to approve or reject each application within 2 years after the final date for filing a protest and to postpone taking action on an application in specific instances. Existing law requires the State Engineer to issue a written decision if a hearing is held regarding an application and that the decision include certain findings of fact and conclusions of law. (NRS 533.370) Section 7 of this bill requires the State Engineer, with certain exceptions, to approve or reject each application within 1 year after the issuance of a preliminary determination pursuant to section 3, if there was no objection filed to the preliminary determination, or within 240 days after a hearing is held on an objection to a preliminary determination or a protest. Section 7 also authorizes the State Engineer to postpone taking action on an application under certain circumstances. Section 7 further requires that if a hearing is held regarding an application, only the final decision by the State Engineer must be in writing.~~

~~Existing law sets forth the procedures for judicial review of certain orders and decisions of the State Engineer, including that a decision of the State Engineer is deemed prima facie correct and that the burden of proof is on the party appealing the decision. (NRS 533.450) Section 9 of this bill removes the presumption that the decision of the State Engineer is prima facie correct and sets forth the standard of review for a court to review the decision.~~

~~Under existing law, any person, including a governmental entity who may be adversely affected by a project for the recharge, storage and recovery of water, is authorized to file a written protest with the State Engineer against the granting of an application for a permit to operate such project. Existing law also requires the State Engineer, with certain exceptions, to approve or deny an application for such a permit within 1 year after the final date for filing a~~

~~protest. (NRS 534.270) Section 10 of this bill: (1) requires the State Engineer to issue a preliminary determination on such an application and any protest within 120 days after the last publication of the notice of the application and to provide notice of the preliminary determination to the applicant and protestant, if any; (2) provides for an applicant or any protestant to file an objection to the preliminary determination within 30 days after the issuance of the preliminary determination; (3) requires the State Engineer to give an applicant and any protestant notice of a filed objection within 15 days after filing; (4) requires, with certain exceptions, the State Engineer to hold a hearing regarding an objection within 120 days after receipt of the objection and to provide notice of the hearing; and (5) authorizes the State Engineer to postpone issuing a preliminary determination under certain circumstances. Section 10 further requires the State Engineer, with certain exceptions, to either approve or deny each application within 1 year after the issuance of a preliminary determination that is not objected to, or within 1 year after the date of the hearing held regarding an objection to a preliminary determination.]~~

Under existing law the State Engineer is exempt from the Nevada Administrative Procedure Act, which establishes procedural requirements for the adoption of regulations and the adjudication of contested cases. (Chapter 233B of NRS) **Section 11** of this bill makes the State Engineer subject to the Nevada Administrative Procedure Act for purposes of adopting regulations and certain provisions governing the adjudication of contested cases.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 532 of NRS is hereby amended by adding thereto a new section to read as follows:**

On or before September 15 of each even-numbered year, the State Engineer shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report of all applications submitted pursuant to chapters 533 and 534 of NRS that are pending a final decision by the State Engineer as of the date of the report. The report must include, without limitation:

1. The number of applications pending a final decision that have been pending for 2 or more years; and

2. The name of the applicant for each application pending a final decision that has been pending for 2 or more years, the primary reason the application is pending a final decision and the anticipated date a final decision will be made on the application, if any.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer may adopt regulations, not in conflict with law, governing the practice and procedure in all contests ***and hearings*** before the Office of the State Engineer, to ensure the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of chapters 533, 534, 535 and 536 of NRS. Such rules of practice and procedure must be furnished to any person upon application therefor. ~~[.]~~ ***and must include, without limitation, rules:***

(a) Limiting the evidence presented in a hearing to the subject matter contained in an application or a protest, as applicable; and

(b) Requiring expert testimony presented in a hearing to comply with the provisions of NRS 50.275 and 50.285.

3. The State Engineer shall adopt regulations to establish a pre-application review process for the purposes of chapters 533 and 534 of NRS, which must , ~~[include,]~~ without limitation ~~[, procedures to submit an application, prior to filing, for review by the State Engineer or his or her designee to identify potential issues with the application, if any, and]~~ :

(a) Include a process for a prospective applicant to request to meet with the State Engineer or his or her designee ~~[at the]~~ ; and

(b) Require the State Engineer or his or her designee to, not later than 15 days after receiving a request ~~[of]~~ pursuant to paragraph (a), meet with the prospective applicant ~~[.]~~ and review the prospective application to identify any potential barriers to approval of the application.

Sec. 2. ~~[Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~***[1. Except as otherwise provided in subsections 5 and 6, the State Engineer shall, within 150 days after the date of last publication of the notice of the application, issue a preliminary determination on the application and each protest to the application filed pursuant to NRS 533.365, if any. The preliminary determination must state the preliminary position of the State Engineer on the application, does not convey any rights and is not deemed to be an approval or denial of the application. The State Engineer shall send a copy of the preliminary determination to the applicant and any protestant by registered or certified mail and post a copy on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.***~~

~~***2. An applicant and any protestant may, within 30 days after the issuance of a preliminary determination, file with the State Engineer a written objection against the preliminary determination. The objection must set forth with reasonable certainty the grounds of the objection and must be verified by an affidavit of the objector, or an agent or attorney thereof. Within 15 days after receipt of an objection, the State Engineer shall notify the applicant and each protestant of the objection by registered or certified mail and post a copy of the objection on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.***~~

~~3. Except as otherwise provided in subsection 4, the State Engineer shall, within 120 days after receipt of an objection filed pursuant to subsection 2, hold a hearing regarding the objection and on any protests filed. The State Engineer shall give notice of the hearing to the applicant and each objector and protestant by registered or certified mail and post a copy of the notice on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources. The notice must:~~

~~(a) State the time and place at which the hearing is to be held;~~

~~(b) List any evidence relating to the objection which the State Engineer requires to be filed; and~~

~~(c) Be mailed and posted on the Internet website of the Division of Water Resources at least 30 days before the date set for the hearing.~~

~~4. The State Engineer may waive a hearing required pursuant to subsection 3 upon the request of the applicant and each objector and protestant. Such a request must be filed with the State Engineer within 15 days after receipt of a notice of hearing given pursuant to subsection 3.~~

~~5. The State Engineer shall not issue a preliminary determination for any application submitted pursuant to NRS 533.345 that is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated.~~

~~6. The State Engineer may postpone the issuance of a preliminary determination pursuant to subsection 1:~~

~~(a) Upon written authorization to do so by the applicant if the application is not protested.~~

~~(b) Upon written authorization to do so from the applicant and all protestants if an application is protested.~~

~~(c) If the purpose for which the application was made is municipal use.~~

~~(d) In areas where the State Engineer has determined a study is necessary pursuant to NRS 533.368.~~

~~(e) Where court actions or adjudications are pending, which may affect the outcome of the application.~~

~~(f) On an application for a permit to change a vested water right in a basin where vested water rights have been adjudicated.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[On or before September 15 of each even-numbered year, the State Engineer shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report of all applications submitted pursuant to this chapter that are pending approval by the State Engineer as of the date of the report. The report must include, without limitation:~~

~~1. The number of applications pending approval that have been pending for 2 or more years; and~~

~~2. The name of the applicant for each application pending approval that has been pending for 2 or more years, the primary reason the application is~~

~~***pending approval and the anticipated date a final determination will be made on the application, if any.***~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 533.324 is hereby amended to read as follows:~~

~~533.324 As used in NRS 533.325, 533.345 and 533.425, ***and section 3 of this act,*** "water already appropriated" includes water for whose appropriation the State Engineer has issued a permit but which has not been applied to the intended use before an application to change the place of diversion, manner of use or place of use is made.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 533.365 is hereby amended to read as follows:~~

~~533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.~~

~~2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:~~

~~(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:~~

~~(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(6) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall [advise] ***notify*** the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which [advice] ***notice*** must be sent by ***registered or*** certified mail.~~

~~4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings ***in accordance with this section or section 3 of this act if objections have been filed to the preliminary determination of the State***~~

~~***Engineer*** and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing ***held pursuant to this section*** by ***registered or*** certified mail to **[**both**]** the applicant and **[**the**]** ***each*** protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least **[**15**]** ***30*** days before the date set for the hearing.~~

~~5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.~~

~~6. If the State Engineer holds a hearing pursuant to subsection 4 **[**,**]** ***for any application submitted pursuant to NRS 533.345 that is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated,*** the State Engineer shall render a decision on each application not later than 240 days after the later of:~~

~~(a) The date all transcripts of the hearing become available to the State Engineer; or~~

~~(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer.~~

~~The State Engineer may, for good cause shown, extend any applicable period.~~

~~**[**7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.**]**~~ **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 533.370 is hereby amended to read as follows:~~

~~533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:~~

~~(a) The application is accompanied by the prescribed fees;~~

~~(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and~~

~~(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:~~

~~(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and~~

~~(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.~~

~~2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or~~

~~with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.~~

~~3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:~~

~~(a) Whether the applicant has justified the need to import the water from another basin;~~

~~(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;~~

~~(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;~~

~~(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and~~

~~(e) Any other factor the State Engineer determines to be relevant.~~

~~4. Except as otherwise provided in this subsection and subsections 6 and 10 and~~ ***subsection 6 of*** NRS 533.365, the State Engineer shall approve or reject each application within ~~[~~2 years~~]~~ ***1 year after the issuance of a preliminary determination pursuant to section 3 of this act, if an objection has not been filed, or within 240 days*** after ~~[~~the final date for filing a protest.~~]~~ ***a hearing is held pursuant to subsection 3 of section 3 of this act or NRS 533.365.*** ~~The State Engineer may postpone action:~~

~~(a) Upon written authorization to do so by the applicant~~ ~~[.]~~ ***if the application is not protested.***

~~(b) [If an]~~ ***Upon written authorization to do so by the applicant and all protestants if the*** application is protested.

~~(c) If the purpose for which the application was made is municipal use.~~

~~(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.~~

~~(e) Where court actions or adjudications are pending, which may affect the outcome of the application.~~

~~(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.~~

~~(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.~~

~~(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.~~

~~(i) On an application for which the State Engineer has [required]~~ ***not received*** additional information ***requested*** pursuant to NRS 533.375.

~~5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.~~

~~6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.~~

~~7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication and reposting, a protest may be filed in accordance with NRS 533.365.~~

~~8. If a hearing is held regarding an application, the~~ ***final*** ~~decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.~~

~~9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.~~

~~10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.~~

~~11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.~~

~~12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.~~] **(Deleted by amendment.)**

Sec. 8. [~~NRS 533.440 is hereby amended to read as follows:~~

~~533.440 1. All applications for reservoir permits shall be subject to the provisions of NRS 533.324 to 533.435, inclusive,~~ ***and section 3 of this act,*** ~~except those sections wherein proof of beneficial use is required to be filed. The person or persons proposing to apply to a beneficial use the water stored in any such reservoir shall file an application for a permit, to be known herein as the secondary permit, in compliance with the provisions of NRS 533.324 to 533.435, inclusive,~~ ***and section 3 of this act,*** ~~except that no notice of such application shall be published.~~

~~2. The application shall refer to the reservoir for a supply of water and shall show by documentary evidence that an agreement has been entered into with the owner of the reservoir for a permanent and sufficient interest in such reservoir to impound enough water for the purpose set forth in the application.~~

~~3. Effluent discharged from the point of the final treatment from within a sewage collection and treatment system shall be considered water as referred to in this chapter, and shall be subject to appropriation for beneficial use under the reservoir secondary permit procedure described in this section. Nothing in this section shall preclude appropriation in accordance with and subject to the provisions of NRS 533.324 to 533.435, inclusive~~ [~~.~~] ***, and section 3 of this act.***

~~4. When beneficial use has been completed and perfected under the secondary permit, and after the holder thereof shall have made proofs of the commencement and completion of his or her work, and of the application of water to beneficial use, as in the case of other permits, as provided in this chapter, a final certificate of appropriation shall issue as other certificates are issued, except that the certificate shall refer to both the works described in the secondary permit and the reservoir described in the primary permit.~~] **(Deleted by amendment.)**

Sec. 9. [~~NRS 533.450 is hereby amended to read as follows:~~

~~533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive,~~ ***and section 3 of this act*** ~~or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has~~

~~been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.~~

~~2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.~~

~~3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.~~

~~4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.~~

~~5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:~~

~~(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;~~

~~(b) Whether the petitioner may incur any irreparable harm if the stay is denied;~~

~~(c) The likelihood of success of the petitioner on the merits; and~~

~~(d) Any potential harm to the members of the public if the stay is granted.~~

~~6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.~~

~~7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.~~

~~8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.~~

~~9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.~~

~~10. The [decision of the State Engineer is prima facie correct, and the] burden of proof *in any proceeding initiated pursuant to subsection 1* is upon the party attacking the same.~~

~~11. *The court shall not substitute its judgment for that of the State Engineer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the State Engineer is:*~~

~~*(a) In violation of constitutional or statutory provisions;*~~

~~*(b) In excess of the statutory authority of the agency;*~~

~~*(c) Made upon unlawful procedure;*~~

~~*(d) Affected by other error of law;*~~

~~*(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*~~

~~*(f) Arbitrary or capricious or characterized by abuse of discretion.*~~

~~*12.* Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.~~

~~*13. As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.]~~*

(Deleted by amendment.)

Sec. 10. ~~[NRS 534.270 is hereby amended to read as follows:~~

~~534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.~~

~~2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if~~

~~requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:~~

~~(a) The legal description of the location of the proposed project;~~

~~(b) A brief description of the proposed project including its capacity;~~

~~(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;~~

~~(d) The date of the last publication;~~

~~(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;~~

~~(f) The name of the applicant; and~~

~~(g) That a protest must:~~

~~(1) State the name and mailing address of the protester;~~

~~(2) Clearly set forth the reason why the permit should not be issued; and~~

~~(3) Be signed by the protester or the protester's agent or attorney or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.~~

~~3. A protest to a proposed project:~~

~~(a) May be made by any person who may be adversely affected by the project;~~

~~(b) Must be in writing;~~

~~(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;~~

~~(d) Must be upon a ground listed in subsection 2 of NRS 534.250;~~

~~(e) Must state the name and mailing address of the protester;~~

~~(f) Must clearly set forth the reason why the permit should not be issued; and~~

~~(g) Except as otherwise provided in this paragraph, must be signed by the protester or the protester's agent or attorney. If the protester is a government, governmental agency or political subdivision of a government, the protest must be:~~

~~(1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:~~

~~(I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(VI) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.~~

~~5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.~~

~~6. Within 120 days after the date of last publication of the notice of the application pursuant to subsection 2, the State Engineer shall issue a preliminary determination on the application and each protest, if any. The preliminary determination must state the preliminary position of the State Engineer on the application and is not deemed to be an approval or denial of the application. The State Engineer shall send a copy of the preliminary determination to the applicant and any protestant by certified mail and post a copy on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.~~

~~7. An objection to a preliminary determination:~~

~~(a) May be made by an applicant and any protestant to the application;~~

~~(b) Must be in writing;~~

~~(c) Must be filed with the State Engineer within 30 days after the issuance of a preliminary determination;~~

~~(d) Must set forth with reasonable certainty the grounds of the objection; and~~

~~(e) Must be signed by the objector or the objector's agent or attorney.~~

~~8. Within 15 days after receipt of an objection, the State Engineer shall notify the applicant and each protestant of the objection by registered or certified mail and post a copy of the objection on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.~~

~~9. Except as otherwise provided in subsection 10, the State Engineer shall, within 120 days after receipt of an objection filed pursuant to subsection 7, hold a hearing regarding the objection and on any protests filed. The State Engineer shall give notice of the hearing to the applicant and each objector and protestant by registered or certified mail and post a copy of the notice on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources. The notice must:~~

~~(a) State the time and place at which the hearing is to be held;~~

~~*(b) List any evidence relating to the objection which the State Engineer requires to be filed; and*~~

~~*(c) Be mailed and posted on the Internet website of the Division of Water Resources at least 30 days before the date set for the hearing.*~~

~~*10. The State Engineer may waive a hearing required pursuant to subsection 9 upon the request of the applicant and each objector and protestant. Such a request must be filed with the State Engineer within 15 days after receipt of a notice of hearing given pursuant to subsection 9.*~~

~~*11.* The State Engineer shall either approve or deny each application within 1 year after the [final date for filing a protest,] *issuance of a preliminary determination if an objection to the preliminary determination was not filed,* unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a [protested application,] *preliminary determination to which an objection has been filed, within 1 year after the date of the hearing regarding the objection to the preliminary determination, unless the State Engineer has received a written request to postpone the decision* from [both the protester] *all objectors, protestants* and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of NRS 533.370.~~

~~[7.] *12.* Any person aggrieved by any decision of the State Engineer made pursuant to subsection [6] *11* may appeal that decision to the district court pursuant to NRS 533.450.]~~ **(Deleted by amendment.)**

Sec. 11. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) ~~[Except as otherwise provided in NRS 533.365, the Office of the State Engineer.~~

~~(j)]~~ The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

~~[(k)]~~ *(j)* The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

~~[(l)]~~ ***(k)*** The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

~~[(m)]~~ ***(l)*** The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

8. The provisions of subsections 1, 2 and 6 of NRS 233B.121 and the provisions of NRS 233B.124 and 233B.126 to 233B.135, inclusive, do not apply to the Office of the State Engineer in the adjudication of contested cases.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 439.

AN ACT relating to insurance; requiring certain health plans to include coverage for certain procedures or services for the preservation of fertility of insureds who have been diagnosed with breast or ovarian cancer; providing certain exceptions for insurers affiliated with religious organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.272428, 689A.04033-689A.0465, 689B.030-689B.0379, 689C.1652-689C.169,

689C.425, 695A.184-695A.1875, 695A.255-695A.265, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3-9, 11 and 13-15** of this bill require public and private health plans, including Medicaid and insurance for state and local government employees, to provide coverage for certain procedures or services that are medically necessary to preserve fertility for an insured who has been diagnosed with breast or ovarian cancer if: (1) the cancer may directly or indirectly cause infertility; or (2) the insured is expected to receive medical treatment for the cancer and the treatment could directly or indirectly cause infertility. An insurer that is affiliated with a religious organization is not required to provide the coverage required by **sections 1, 3-8 and 11** if the insurer: (1) objects to providing the coverage on religious grounds; and (2) provides a written notice to insureds or prospective insureds disclosing that the insurer refuses to provide such coverage.

Section 2 of this bill authorizes the Commissioner of Insurance to require a policy of individual health insurance issued by a domestic insurer to a person residing in another state to contain the coverage required by **section 1** in certain circumstances. **Section 12** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 15** in the same manner as other provisions relating to Medicaid.

Section 10 of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to provide the coverage required by **section 8**. The Commissioner is also authorized to take such action against other health insurers who fail to provide the coverage required by **sections 1, 3-8 and 11**. (NRS 680A.200)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

4. An insurer that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the insured or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

5. A policy of health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[4,]~~ 3, an insurer that issues a policy of group health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

~~3. [An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.~~

~~4.]~~ 3. An insurer that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~[5.]~~ 4. A policy of group health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

~~[6. As used in this section:~~

~~(a) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.~~

~~(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.]~~

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

4. A carrier that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the insured or prospective insured, as applicable, written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

5. A health benefit plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a society that issues a benefit contract shall include in the contract coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

4. A society that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract that is subject to the requirements of subsection 1 and before the renewal of such a contract, provide to the insured or prospective insured, as applicable, written notice of the coverage that the society refuses to provide pursuant to this subsection.

5. A benefit contract that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a hospital or medical services corporation that issues a policy of health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

4. A hospital or medical services corporation that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the hospital or medical services corporation objects on religious grounds. Such a hospital or medical services corporation shall, before the issuance of a policy of health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the insured or prospective insured, as applicable, written notice of the coverage that the hospital or medical services corporation refuses to provide pursuant to this subsection.

5. A policy of health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the enrollee has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The enrollee is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

4. A health maintenance organization that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such a health maintenance organization shall, before the issuance of a health care plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the enrollee or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

5. A health care plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 8 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140,

unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 8 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or

solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

4. A managed care organization that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such a managed care organization shall, before the issuance of a health care plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the insured or prospective insured, as applicable, written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

5. A health care plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the

managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to

689B.0317, inclusive, ***and section 3 of this act,*** paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 11 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because a recipient of Medicaid has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The recipient is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 438.

AN ACT relating to employment practices; ~~[prohibiting]~~ **making it unlawful for** an employer, with certain exceptions, ~~[from taking]~~ **to take or threaten to take** certain adverse employment actions against an employee who declines to attend certain meetings or participate in certain communications where the purpose of the meeting or communication is to communicate the opinion of the employer regarding religious matters or political matters; providing a ~~[penalty.]~~ **remedy for a violation committed by an employer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) This bill ~~[prohibits]~~ **makes it unlawful for** an employer ~~[from taking or threatening]~~ to take **or threaten to take** certain adverse employment actions against an employee because the employee declines to attend a meeting sponsored by the employer or declines to participate in, receive or listen to any communication by the employer or an agent or representative thereof where the purpose of the meeting or communication is to communicate the opinion of the employer regarding religious or political matters. This bill provides an exception from existing provisions concerning religious matters for a religious corporation, association or society. (NRS 613.320) **This bill also provides an exception if the declination by the employee substantially or materially interferes with the bona fide job performance of the employee or the working relationship between the employee and the employer.** Under this bill, an employer who violates the provisions of this bill is ~~[guilty of a misdemeanor.]~~ **liable for: (1) damages caused by the adverse employment action; (2) any punitive damages that the facts may warrant; (3) the gross loss of wages or compensation of the employee; and (4) costs and reasonable attorney's fees as may be allowed by the court. This bill also provides that if the court determines that an action brought by an employee under this bill was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, it is unlawful for any employer in this State to discharge, discipline, discriminate, retaliate or take any other adverse employment action against, or threaten to take any such action against, an employee because the employee declines to attend a meeting sponsored by the employer or declines to participate in, receive or listen to any communication by the employer or an agent or representative thereof where the purpose of the meeting or communication is to communicate the opinion of the employer regarding:

(a) Religious matters; or

(b) Political matters.

2. The provisions of paragraph (a) of subsection 1 do not apply ~~[to an]~~ :

(a) To an employer described in paragraph (b) of subsection 1 of NRS 613.320 ~~[.]~~ ; or

(b) If the declination by the employee substantially or materially interferes with the bona fide job performance of the employee or the working relationship between the employee and the employer.

3. An employer who violates the provisions of subsection 1 ~~[is guilty of a misdemeanor.]~~ is liable to the employee against whom the violation is committed for:

(a) Damages caused by the adverse employment action;

(b) Any punitive damages that the facts may warrant;

(c) The full amount of gross loss of wages or compensation; and

(d) Costs and reasonable attorney's fees as may be allowed by the court.

4. If the court determines that an action brought by an employee pursuant to subsection 3 was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

~~[4.]~~ 5. As used in this section:

(a) "Political matters" means matters relating to elections for political office, political parties, proposals to change legislation or regulations or the decision to join or support any political party or political, civic, community, fraternal or labor organization.

(b) "Religious matters" means matters relating to religious affiliation or practice or the decision to join or support any religious organization or association.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 249.

AN ACT relating to property insurance; creating the Fair Access to Insurance Requirements Plan Association; requiring the membership of certain authorized insurers in the Association; creating the Board of Directors of the Association and prescribing the duties of the Board; requiring the Board to establish the Fair Access to Insurance Requirements (FAIR) Plan; establishing the requirements of the FAIR Plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-18 of this bill provide for the establishment of the Fair Access to Insurance Requirements (FAIR) Plan to provide property insurance coverage and commercial property insurance coverage which results from the perils of fire or certain other perils when such coverage is not otherwise available from an authorized insurer in this State. **Sections 2-8** define certain terms relating to the FAIR Plan. **Section 9** creates the Fair Access to Insurance Requirements Plan Association to establish, offer and maintain the FAIR Plan. **Section 9** requires any authorized insurer that offers or sells certain property insurance or commercial property insurance in this State to be a member of the Association. **Sections 10-12** create the Board of Directors for the Association and prescribe the duties of the Board, which include establishing the FAIR Plan, developing a plan of operation for the FAIR Plan and making amendments to the plan of operation, subject to approval of the Commissioner of Insurance. **Section 12** establishes the required contents of the plan of operation for the FAIR Plan. **Sections 12 and 17** authorize the Commissioner to adopt regulations relating to the FAIR Plan. **Section 13** authorizes the Commissioner to revoke approval of all or part of the plan of operation and make changes to the plan of operation if the plan of operation is insufficient. **Sections 14 and 15** establish provisions governing the issuance of policies and collecting certain fees from Association members. **Section 16** authorizes the Commissioner to take certain actions against an Association member who fails to pay certain fees or otherwise comply with the plan of operation for the FAIR Plan. **Section 18** makes a final action or order of the Commissioner relating to the FAIR Plan subject to judicial review.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 691A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Association" means the Fair Access to Insurance Requirements Plan Association created by section 9 of this act.***

Sec. 4. *"Association member" means any authorized insurer that offers or sells any property insurance or commercial property insurance in this State.*

Sec. 5. *"Board" means the Board of Directors of the Association created by section 10 of this act.*

Sec. 6. *"Commercial property insurance" means insurance against direct loss to commercial property, including, without limitation, buildings and the contents of buildings, which results from the perils of fire or perils covered under extended coverage insurance, vandalism or malicious mischief. The term does not include commercial vehicle insurance or farm insurance.*

Sec. 7. *"FAIR Plan" means the Fair Access to Insurance Requirements Plan established by the Board pursuant to section 11 of this act.*

Sec. 8. *"Property insurance" means insurance against direct loss to residential property, including, without limitation, buildings and the contents of buildings, which results from the perils of fire or perils covered under extended coverage insurance, vandalism or malicious mischief. The term does not include vehicle insurance or farm insurance.*

Sec. 9. *1. There is hereby created the Fair Access to Insurance Requirements Plan Association, which is a nonprofit unincorporated public entity. All Association members are and remain members of the Association as a condition of the authority of each Association member to transact insurance or reinsurance in this State.*

2. The Association shall:

(a) Exercise its powers through the Board; and

(b) Perform its functions under a plan of operation established and approved pursuant to section 12 of this act.

3. The Association is established to provide property insurance coverage and commercial property insurance coverage when such coverage is not otherwise available from an authorized insurer. The Association:

(a) Shall establish, offer and maintain a policy of property insurance and a policy of commercial property insurance in accordance with the requirements of the FAIR Plan.

(b) Shall assess and share among Association members, on a fair and equitable basis, all expenses, income and losses based on the written premium of each Association member for property insurance and commercial property insurance consistent with sections 2 to 18, inclusive, of this act.

(c) May issue policies of property insurance and commercial property insurance, reinsure any such policies in whole or in part, cede any such reinsurance or transfer risk to other capital markets.

(d) Shall establish an Internet website available to the public which includes information about the FAIR Plan. The Internet website must include a toll-free telephone number that a person may use to obtain information about the FAIR Plan.

Sec. 10. *1. There is hereby created the Board of Directors of the Association, as the governing body of the Association and to administer the FAIR Plan, consisting of the following ~~[nine]~~ 12 members appointed by the Governor:*

(a) Two members representing mutual insurers that write property insurance in this State;

(b) Two members representing stock insurers that write property insurance in this State;

(c) One member representing a trade association based in this State that represents insurers of various property interests;

(d) One member representing a trade association based in this State that represents independent agents who are licensed to write property and casualty insurance in this State;

(e) One member who is a producer of insurance licensed to write property and casualty insurance in this State; ~~[and]~~

(f) Two members, one of whom resides in Northern Nevada and one of which resides in Southern Nevada, representing the interests of consumers and, to the extent practicable, representing consumer advocacy organizations ~~[.]~~ ; and

(g) Three members, one of whom is a fire chief in Eastern Nevada, one of whom is a fire chief in Northern Nevada and one of whom is a fire chief in Southern Nevada.

2. The term of each member of the Board appointed pursuant to paragraphs (a) to ~~[(f),]~~ (g), inclusive, of subsection 1 is 3 years. A member may be reappointed for up to three additional terms of 3 years in the same manner as the original appointment. A vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment.

3. The Board shall annually elect a Chair from among its members.

4. The Board shall meet at least annually and may meet at such further times as deemed necessary by the Chair. The Board shall adopt rules for its own management and governance.

5. The Board may, on its own initiative or at the request of the Commissioner, and subject to the approval of the Commissioner, amend the FAIR Plan.

6. On or before April 1, 2027, and on or before each April 1 thereafter, the Board shall submit to the Commissioner, in the form and manner determined by the Commissioner, a report concerning the FAIR Plan during the preceding calendar year. The report must include information concerning:

(a) The financial condition of the FAIR Plan;

(b) The number of policies and the coverage available through the FAIR Plan;

(c) The number and types of claims made under the FAIR Plan; and

(d) A description of the sufficiency of coverage under the FAIR Plan and the sufficiency of finances of the FAIR Plan.

7. In addition to the requirements of subsection 6, the Commissioner may require the Board to submit quarterly reports or may examine the affairs of the Association if the Commissioner determines that such action is necessary to ensure the continued solvency of the FAIR Plan.

Sec. 11. *1. The Board shall establish the Fair Access to Insurance Requirements Plan, in accordance with the requirements of sections 2 to 18, inclusive, of this act, and any regulations adopted pursuant thereto.*

2. Rates for the FAIR Plan must:

(a) Not be excessive, inadequate or unfairly discriminatory;

(b) Be actuarially sound so that revenue generated from premiums is adequate to pay for expected losses, expenses and taxes;

(c) Reflect the investment income of the FAIR Plan; and

(d) Reflect the cost of reinsurance or other capital risk transfer markets.

3. All rate filing documentation and review requirements set forth in this title apply to the FAIR Plan.

Sec. 12. *1. On or before July 1, 2026, the Board shall establish and submit to the Commissioner a plan of operation for the FAIR Plan which satisfies the requirements of sections 2 to 18, inclusive, of this act. The plan of operation and any amendments to the plan of operation become effective upon written approval of the Commissioner.*

2. The plan of operation for the FAIR Plan must provide for:

(a) The lines of insurance coverage which are to be written.

(b) Coverage limits for:

(1) Property insurance, in an amount which must be $750,000 or less; and

(2) Commercial property insurance, in an amount which must be $5,000,000 or less.

(c) The policy forms which are to be used.

(d) The perils which are to be covered.

(e) The establishment of reasonable standards for underwriting to determine the eligibility of a risk, ~~[including requirements for mitigation and inspection of]~~ , which must include the requirement that coverage under the FAIR Plan is only available if:

(1) A fire risk assessment is conducted on the property ~~[,]~~ to be covered and the property owner implements the findings and recommendations for mitigation set forth in the assessment.

(2) During the 2 years immediately preceding the date on which the coverage begins, not less than three authorized insurers have declined to issue a policy of property insurance or commercial property insurance, as applicable, which covers the property; and

(3) During each 2-year period in which the property is covered by the FAIR Plan, the owner of the property applies to not less than three authorized insurers for a policy of property insurance or commercial property insurance, as applicable, to cover the property and each authorized insurer to which the owner applies declines to issue such a policy.

(f) Any compensation or commission which is to be paid to a producer of insurance who offers the FAIR Plan.

(g) Procedures for the collection of fees, including the times at which fees will be collected, from Association members.

(h) Assessments against Association members, which must be in the proportion that the premiums received by each assessed Association member bear to premiums received for all assessed Association members, for the 3 most recent calendar years for which such information is available. As used in this paragraph, "premiums received" means premiums received on property insurance lines and commercial property insurance lines in this State.

(i) Administration of the FAIR Plan by the Board, including any servicing agreements into which the Board may enter to support the operations of the Association.

(j) Any other matter necessary or convenient for the purpose of assuring fair access to the FAIR Plan.

3. If the Board fails to submit a plan of operation in compliance with the requirements of this section, or fails to timely submit suitable amendments to the plan of operation, the Commissioner shall adopt regulations that are necessary to effectuate the provisions of sections 2 to 18, inclusive, of this act. Any regulation adopted pursuant to this subsection must, if the Board subsequently submits a suitable plan of operation or suitable amendments, allow the subsequent plan of operation or amendments, if approved by the Commissioner, to supersede regulations adopted by the Commissioner pursuant to this subsection.

Sec. 13. *1. The Commissioner may revoke approval of all or part of an approved plan of operation for the FAIR Plan, in compliance with the requirements of this section, if the Commissioner determines that the approved plan of operation is insufficient to satisfy the requirements of sections 2 to 18, inclusive, of this act.*

2. The Commissioner shall give notice to the Board not less than 30 days before the date on which the Commissioner intends to revoke all or part of the plan of operation. Not later than 30 days after the date on which the Board receives notice from the Commissioner, the Board may submit a revised plan of operation or a revised part of a plan for operation to the Commissioner for review and approval.

3. If the Board fails to timely submit a revised plan of operation pursuant to subsection 2, the Commissioner may make changes to the existing plan of operation to ensure the plan of operation satisfies the requirements of sections 2 to 18, inclusive, of this act. Any changes made pursuant to this subsection do not affect the validity of a policy executed before the date on which the changes are effective.

4. If the Board subsequently submits a suitable plan of operation which satisfies the requirements of sections 2 to 18, inclusive, of this act and is

approved by the Commissioner, that subsequent plan of operation must supersede any changes made by the Commissioner pursuant to subsection 3.

Sec. 14. *The Association shall not sell a policy subject to sections 2 to 18, inclusive, of this act directly to any person or entity. A policy of the Association may only be issued through a producer of insurance, who shall, on behalf of a person or entity and as part of the submittal of an application for a policy, include evidence of not less than three declinations of coverage for the property at issue.*

Sec. 15. *1. The Association may collect fees from Association members to ensure sufficient revenue to start the Association. An Association member:*

(a) Who pays a fee pursuant to this subsection may recoup the amount of the fee directly from policyholders; and

(b) Shall not increase premiums based on a fee which is assessed pursuant to this subsection.

2. The Association may collect fees from Association members as needed, subject to the approval of the Commissioner, to meet the financial obligations of the Association. An Association member:

(a) Who pays a fee pursuant to this subsection may recoup the amount of the fee over a reasonable amount of time in the form of a surcharge on policyholders; and

(b) Shall not increase premiums based on a fee which is assessed pursuant to this subsection.

3. A fee collected pursuant to subsection 1 or 2 must not be considered a premium for any purpose, including, without limitation, for the computation of any tax on gross premium income or any commission of a producer of insurance.

4. If the Commissioner determines at any time that the Association is or may become unable to meet the financial obligations of the Association, the Commissioner shall direct the Board to assess and collect fees pursuant to subsection 2 in an amount which is sufficient to restore the ability of the Association to meet its obligations.

5. The Association may abate or defer, in whole or in part, a fee assessed to an Association member if, in the opinion of the Board, payment of the fee would endanger the solvency of the Association member. The Association may assess the amount of any fee or part of a fee which is abated or deferred pursuant to this subsection against other Association members.

Sec. 16. *If an Association member fails to timely pay a fee or comply with the plan of operation pursuant to sections 2 to 18, inclusive, of this act, the Commissioner may:*

1. After notice and a hearing, suspend or revoke the certificate of authority to transact insurance or reinsurance in this State of the Association member.

2. Impose a fine on the Association member, in an amount which must be the greater of $5,000 or the amount of the fee plus interest and the costs of enforcement by the Commissioner.

Sec. 17. ***The Commissioner may adopt regulations to carry out the provisions of sections 2 to 18, inclusive, of this act.***

Sec. 18. ***A final action or order of the Commissioner issued pursuant to sections 2 to 18, inclusive, of this act is subject to judicial review in a court of competent jurisdiction pursuant to the procedure provided in chapter 233B of NRS for contested cases.***

Sec. 19. Notwithstanding the provisions of section 10 of this act, as soon as practicable on or after October 1, 2025, the Governor shall appoint the members of the Board of Directors of the Fair Access to Insurance Requirements Plan Association as follows:

1. For the members identified in paragraph (a) of subsection 1 of section 10 of this act, one member to an initial term of 1 year and one member to an initial term of 3 years;

2. For the members identified in paragraph (b) of subsection 1 of section 10 of this act, one member to an initial term of 1 year and one member to an initial term of 3 years;

3. For the member identified in paragraph (c) of subsection 1 of section 10 of this act, to an initial term of 2 years;

4. For the members identified in paragraphs (d) and (e) of subsection 1 of section 10 of this act, to initial terms of 1 year; ~~[and]~~

5. For the members identified in paragraph (f) of subsection 1 of section 10 of this act, one member to an initial term of 2 years and one member to an initial term of 3 years~~.[.]~~ **; and**

6. For the members identified in paragraph (g) of subsection 1 of section 10 of this act, to an initial term of 3 years.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 369.

AN ACT relating to taxation; **revising provisions governing the applications for a tax credit under the Nevada Educational Choice Scholarship Program;** requiring a scholarship organization to use a donation for which a tax credit was received under the ~~[Nevada Educational Choice Scholarship]~~ Program within a certain time after the application for the tax credit was approved; **requiring a scholarship organization to be a domestic nonprofit corporation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a payroll tax on: (1) financial institutions and on mining companies subject to the tax on the net proceeds of minerals, with the rate of the payroll tax set at 2 percent of the amount of the wages, as defined under existing law, paid by the financial institution or mining company during each calendar quarter in connection with its business activities; and (2) other business entities, with the rate of the payroll tax set at 1.475 percent of the amount of the wages, as defined under existing law but excluding the first $50,000 thereof, paid by the business entity during each calendar quarter in connection with business activities. (NRS 363A.030, 363A.130, 363B.110, 612.190) Existing law provides a credit against the payroll tax equal to an amount which must not exceed the amount of any donation of money which is made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income below a certain level to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils. (NRS 363A.130, 363B.110, 388D.270) Existing law requires a scholarship organization, before accepting a donation on behalf of a taxpayer, to apply to the Department of Taxation for approval of the tax credit for the donation. **Existing law requires the Department to approve or deny applications in the order in which the applications are received.** (NRS 363A.139, 363B.119) **Sections 1 and 2 of this bill require applications for approval of the tax credits to be made between May 1 and June 1 of each year and require the Department to review and approve applications on or before July 1 of each year. Sections 1 and 2 require each application to include certain information, including information about the number of pupils meeting certain criteria who have applied to the scholarship organization for a grant for the upcoming school year and the cost to provide a grant to each such pupil. Sections 1 and 2 require the Department to approve applications for the tax credit: (1) first, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and received a grant for the immediately preceding school year; (2) second, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and is the sibling of a pupil who received a grant for the immediately preceding school year; and (3) finally, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and is not in one of the previous two categories. If sufficient tax credits are not available to provide a grant to every pupil in a particular category, sections 1 and 2 require the tax credits to be allocated among the scholarship organizations on a pro rata basis according to the number of pupils in that category who applied to the scholarship organization.**

Sections 1 and 2 ~~[of this bill]~~ require a scholarship organization to expend the entire amount of any donation for which a taxpayer receives a tax credit not later than 18 months after the date on which the application for the tax

credit was approved by the Department. **Sections 1 and 2** require a scholarship organization that does not expend the entire amount of a donation within this time period to repay to the Department the tax credit that was allowed for the donation in an amount equal to the amount of the donation that was not expended.

Existing law authorizes one or more natural persons to associate to establish a nonprofit corporation under the laws of this State. (Chapter 82 of NRS) Section 2.5 of this bill requires a scholarship organization to be a domestic nonprofit corporation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. ~~[The]~~

3. Not earlier than May 1 and not later than June 1 of each year, a scholarship organization must submit to the Department of Taxation ~~[shall, within 20 days after receiving the application, approve or deny the application and]~~ ***any applications for approval of the credits authorized by subsection 1 for the subsequent fiscal year. Each application must include, without limitation:***

(a) The number of pupils who have applied for a grant from the scholarship organization for the upcoming school year:

(1) On whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(2) Who are the siblings of a pupil on whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(3) Who are not a pupil described by subparagraph (1) or (2).

(b) The total amount of money which would be required for the scholarship organization to award a grant on behalf of all the pupils who applied to the scholarship organization for a grant for the upcoming school year, stated separately for each category of pupil listed in subparagraphs (1), (2) and (3) of paragraph (a).

(c) Such other information as the Department may require.

4. On or before July 1 of each year, the Department shall review all the applications submitted pursuant to subsection 3 and provide to ~~[the]~~ ***each*** scholarship organization ***which submitted an application*** notice of ~~[the decision]~~ ***whether the application was approved or denied*** and, if the application is approved, the amount of the credit authorized. ***If the total amount of credits for which approval is requested by all the applications submitted to the Department during the application period exceeds the amount of credits available for the fiscal year pursuant to this section and NRS 363B.119, applications must be approved according to the following order of priority:***

(a) Applications must be approved up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(b) If, after approving applications pursuant to paragraph (a), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by scholarship organizations up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(c) If, after approving applications pursuant to paragraphs (a) and (b), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by each scholarship organization up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis

according to the number of pupils in this category who applied to the scholarship organization for a grant.

5. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

~~[3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4.~~] ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***7,*** the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[4]~~ ***6*** of NRS 363B.119 is $6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection ~~[4]~~ ***6*** for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[5]~~ *7* of NRS 363B.119 is $4,745,000. The provisions of subsection ~~[4]~~ ***6*** do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection ~~[4.]~~ ***6.*** If, in Fiscal Year 2019-2020, 2020-2021 or 2021-2022, the amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~[5]~~ *7* of NRS 363B.119 is less than $4,745,000, the remaining amount of credits pursuant to this subsection and subsection ~~[5]~~ *7* of NRS 363B.119 must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~[5]~~ *7* of NRS 363B.119 is equal to $14,235,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

~~[6.]~~ ***8.*** If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount

of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

~~[7.]~~ ***9.*** If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

~~[8.]~~ ***10. A scholarship organization shall expend the entire amount of any donation for which a taxpayer received a tax credit pursuant to this section not later than 18 months after the date on which the application for the tax credit was approved pursuant to subsection 2. A scholarship organization shall repay to the Department of Taxation the amount of any tax credit which was authorized and approved pursuant to this section and for which the underlying donation was not expended within the time required by this subsection. The amount of the credit which the scholarship organization is required to repay pursuant to this subsection shall be equal to the amount of the donation that was not expended within the time required.***

~~*[9.]*~~ ***11.*** As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 2. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. ~~[The]~~

3. Not earlier than May 1 and not later than June 1 of each year, a scholarship organization must submit to the Department of Taxation ~~[shall, within 20 days after receiving the application, approve or deny the application and]~~ ***any applications for approval of the credits authorized by subsection 1 for the subsequent fiscal year. Each application must include, without limitation:***

(a) The number of pupils who have applied for a grant from the scholarship organization for the upcoming school year:

(1) On whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(2) Who are the siblings of a pupil on whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(3) Who are not a pupil described by subparagraph (1) or (2).

(b) The total amount of money which would be required for the scholarship organization to award a grant on behalf of all the pupils who applied to the scholarship organization for a grant for the upcoming school year, stated separately for each category of pupil listed in subparagraphs (1), (2) and (3) of paragraph (a).

(c) Such other information as the Department may require.

4. On or before July 1 of each year, the Department shall review all the applications submitted pursuant to subsection 3 and provide to ~~[the]~~ ***each*** scholarship organization ***which submitted an application*** notice of ~~[the decision]~~ ***whether the application was approved or denied*** and, if the application is approved, the amount of the credit authorized. ***If the total amount of credits for which approval is requested by all the applications submitted to the Department during the application period exceeds the amount of credits available for the fiscal year pursuant to this section and NRS 363B.139, applications must be approved according to the following order of priority:***

(a) Applications must be approved up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(b) If, after approving applications pursuant to paragraph (a), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by scholarship organizations up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(c) If, after approving applications pursuant to paragraphs (a) and (b), the Department has not authorized the full amount of the credits available

for the fiscal year, the Department shall approve applications submitted by each scholarship organization up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

5. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

~~[3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4.~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***7,*** the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[4]~~ ***6*** of NRS 363A.139 is $6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~[5.]~~ ***7.*** In addition to the amount of credits authorized by subsection ~~[4]~~ ***6*** for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363A.139 is $4,745,000. The provisions of subsection ~~[4]~~ ***6*** do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection ~~[4.]~~ ***6.*** If, in Fiscal Year 2019-2020, 2020-2021 or 2021-2022, the amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363A.139 is less than $4,745,000, the remaining amount of credits pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363A.139 must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this

subsection and subsection ~~[5]~~ *7* of NRS 363A.139 is equal to $14,235,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

~~[6.]~~ ***8.*** If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

~~[7.]~~ ***9.*** If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

~~[8.]~~ ***10. A scholarship organization shall expend the entire amount of any donation for which a taxpayer received a tax credit pursuant to this section not later than 18 months after the date on which the application for the tax credit was approved pursuant to subsection 2. A scholarship organization shall repay to the Department of Taxation the amount of any tax credit which was authorized and approved pursuant to this section and for which the underlying donation was not expended within the time required by this subsection. The amount of the credit which the scholarship organization is required to repay pursuant to this subsection shall be equal to the amount of the donation that was not expended within the time required.***

~~*[9.]*~~ ***11.*** As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 2.5. **NRS 388D.270 is hereby amended to read as follows:**

388D.270 1. A scholarship organization must:

(a) Be ***a domestic nonprofit corporation organized pursuant to chapter 82 of NRS and*** exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in

this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed $7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

7. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 3. ~~[This act becomes effective on July 1, 2025.]~~ **(Deleted by amendment.)**

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 480.

AN ACT relating to insurance; imposing requirements governing prior authorization for medical or dental care; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services; prohibiting an insurer from requiring prior authorization for certain other medical care; ~~[requiring an insurer to publish certain information on the Internet website of the insurer; requiring an insurer and the Commissioner of Insurance to compile and submit certain reports;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require prior authorization before an insured may receive coverage for medical and dental care in certain circumstances. If an insurer requires prior authorization, existing law requires the insurer to: (1) file its procedure for obtaining prior authorization with the Commissioner of Insurance for approval; and (2) respond to a request for prior authorization within 20 days after receiving the request. (NRS 687B.225) This bill establishes additional requirements relating to the use of prior authorization for medical and dental care by health insurers, including Medicaid, the Children's Health Insurance Program and insurance for public employees.

~~[Specifically, sections 27 and]~~ **Section 44** of this bill ~~[require]~~ **requires** that ~~[a]~~ **the** procedure for obtaining prior authorization **for services reimbursable through Medicaid or the Children's Health Insurance Program on a fee-for-service basis** includes: (1) a list of the specific goods and services for which the ~~[insurer]~~ **Department of Health and Human Services** requires prior authorization; and (2) the clinical review criteria used by the ~~[insurer]~~ **Department** to evaluate requests for prior authorization. ~~[Sections 27 and]~~ **Section 44** also ~~[require an insurer]~~ **requires the Department** to publish its procedure for obtaining prior authorization on its Internet website and update that website as necessary to account for any changes in the procedure. ~~[Sections 27 and]~~ **Section 44** ~~[prohibit an insurer]~~ **prohibits the Department** from denying a claim for payment for medical or dental care because of the failure to obtain prior authorization if the ~~[insurer's]~~ **Department's** procedures for obtaining prior authorization in effect on the date on which the care was provided did not require prior authorization for that care.

~~[Sections 27 and]~~ **Section 45** of this bill ~~[revise the period for insurers to take action on a request for prior authorization by requiring an insurer]~~

requires the Department to approve or deny such a request, or request additional, medically relevant information within **[: (1)]** 48 hours after receiving the request**, [, for medical or dental care that is not urgent; or (2) 24 hours after receiving the request, for care that is urgent. Sections 17 and]** **Section 46** of this bill **[require]** **requires** any adverse determination on a request for prior authorization **for services reimbursable through Medicaid or the Children's Health Insurance Program on a fee-for-service basis** to be made by a physician or, for a request relating to dental care, a dentist, who is licensed in this State and possesses certain other qualifications. **[Sections 17 and]** **Section 46** **[require an insurer,]** **requires the Department,** in certain circumstances, to allow the provider of health care who requested the prior authorization to discuss the issues involved in the request with the physician or dentist who is responsible for making a determination on the request. **[Sections 17 and]** **Section 46** **[require an insurer,]** **requires the Department,** upon making an adverse determination on a request for prior authorization, to transmit certain information to the **[insured]** **recipient of benefits under Medicaid or the Children's Health Insurance Program** to whom the request pertains, including information relating to the right of the **[insured]** **recipient** to appeal the adverse determination. **[Sections 17 and]** **Section 46** further **[require:]** **requires:** (1) **[an insurer]** **the Department** to establish a process for appeals that provides for the timely resolution of appeals submitted by **[insureds;]** **recipients;** and (2) a decision upholding an adverse determination on an appeal submitted by an **[insured]** **recipient** to be made by a physician or dentist who has qualifications beyond those required of a physician or dentist who evaluates initial requests for prior authorization. **If the Department approves a request for prior authorization, section 47 of this bill requires the Department to pay the provider of health care the full applicable rate for the relevant care, except in certain circumstances.**

Sections 18 and 47 of this bill provide that a request for prior authorization that has been approved by **[the]** **a public or private** insurer **, including Medicaid and the Children's Health Insurance Program,** remains valid for: (1) 12 months; or (2) treatment related to a chronic condition, until the standard of treatment for that condition changes. **[Sections 18 and 47 prohibit an insurer from requiring an insured to obtain additional prior authorization for a course of treatment or regimen of medication previously approved by the insurer. Section 18 requires an insurer to honor an approval of a request for prior authorization so long as the approval remains valid, even if the insured obtains coverage under a different policy issued by the insurer. Sections 18 and 47 also prohibit an insurer from denying or imposing additional limits on a request for prior authorization that the insurer has previously approved if the care at issue in the request is provided within 45 business days after the date on which the insurer receives the request and certain other requirements are met. Sections 18 and 47 require an insurer that approves a request for prior authorization to pay the provider of health care the full applicable rate for the relevant care, except in certain circumstances. Finally, Sections 18 and 47 require an insurer,**

~~for the first 90 days of the coverage period for a new insured, to honor a request for prior authorization that has been approved by the previous insurer of the new insured, under certain circumstances.]~~

Sections 19 ~~[,]~~ and 48 ~~[and 55]~~ of this bill prohibit an insurer from requiring an insured to obtain prior authorization for certain medical care, including certain preventive care services. **Sections 20 and 49** of this bill prohibit an insurer from requiring prior authorization for covered emergency services. **Sections 20 and 49** prohibit an insurer from requiring that an insured or provider of health care notify the insurer earlier than the end of the business day immediately following the date of admission or the date on which the emergency services are provided. **Sections 20 and 49** also require an insurer to respond to a request for prior authorization for certain follow-up care relating to the emergency care received by an insured within 60 minutes after receiving the request. Finally, **Sections 20 and 49**: (1) prohibit an insurer from denying coverage for covered medically necessary emergency services; and (2) establish a presumption of medical necessity under certain conditions.

~~[Sections 24 and 55 of this bill require insurers to receive and respond to requests for prior authorization for prescription drugs through a secure transmission that complies with a standard established by the National Council for Prescription Drug Programs for the electronic transmission of pharmaceutical records.~~

~~Sections]~~ **Section 18 prohibits an insurer other than Medicaid from denying or imposing additional limits on a request for prior authorization that the insurer has previously approved if the care at issue in the request is provided within 45 business days after the date on which the insurer receives the request and certain other requirements are met. Section 21** ~~[and 50]~~ of this bill ~~[require insurers]~~ **requires such an insurer** to exempt providers of health care from the requirement to obtain prior authorization for specific goods and services if the insurer has granted requests for prior authorization for those goods or services submitted by the provider at a rate of 80 percent or more during the previous year. ~~[Sections]~~ **Section 21** ~~[and 50 require insurers]~~ **requires such an insurer** to annually conduct reviews of each provider of health care in the network of the insurer ~~[or who has submitted a request for prior authorization to Medicaid in the immediately preceding 12 months, as applicable,]~~ to determine whether each such provider qualifies for an exemption. If the provider qualifies for an exemption, ~~[sections]~~ **section 21** ~~[and 50 require]~~ **requires** the insurer to automatically grant the exemption for the applicable goods and services, without requiring the provider to affirmatively request an exemption. ~~[Sections]~~ **Section 22** ~~[and 51]~~ of this bill ~~[prescribe]~~ **prescribes** the requirements and procedure for ~~[an]~~ **such an** insurer to revoke an exemption granted to a provider of health care. ~~[Sections]~~ **Section 22** ~~[and 51]~~ also ~~[require an]~~ **requires such an** insurer to establish a procedure by which a provider of health care may appeal a revocation of an exemption. **Section 27 of this bill makes conforming changes to clarify that an insurer may not require prior authorization where prohibited by sections 19-21.**

Sections ~~[3-16]~~ **4-15 and** ~~[35-43]~~ **35-42** of this bill define certain terms relating to the process of obtaining and processing requests for prior authorization, and **sections 2 and 34** of this bill establish the applicability of those definitions. **Sections 23 and 52** of this bill provide that if ~~[an]~~ **a private** insurer **or the Department** violates any provision of **section** ~~[17-20, 27]~~ **18-20 or 44-49** with respect to a particular request for prior authorization, that the request is deemed approved. ~~[Sections 23 and 52 also clarify that nothing in any provision of section 17-22, 27 or 44-51 require an insurer to provide coverage: (1) for care that the insurer does not cover, regardless of the medical necessity of the care; or (2) to persons to whom the insured is not obligated to provide coverage.~~

~~Sections 25 and 53 of this bill require an insurer to annually publish on its Internet website certain information relating to requests for prior authorization that have been processed by the insurer during the immediately preceding year. Sections 26 and 54 of this bill additionally require an insurer to publish an annual report of certain information relating to requests for prior authorization processed by the insurer during the immediately preceding year.]~~

Section 28 of this bill requires a nonprofit hospital and medical or dental service corporation to comply with **sections** ~~[2-26.]~~ **2-23. Section 29** of this bill requires the Director of the Department ~~[of Health and Human Services]~~ to administer the provisions of **sections** ~~[33-54]~~ **33-52** of this bill in the same manner as other provisions governing Medicaid. **Sections 30, 31 and 56** of this bill require plans of self-insurance for employees of local governments, the Public Employees' Benefits Program and plans of self-insurance for private employers, respectively, to comply with the requirements of **sections** ~~[2-26]~~ **2-27** to the extent applicable. **Section 33** provides that a managed care organization that provides services to recipients of Medicaid or the Children's Health Insurance Program is not subject to **sections** ~~[34-54,]~~ **34-52,** but must comply with **sections** ~~[2-26.]~~ **2-27. Section 55** requires the policies and procedures for coverage for prescription drugs under Medicaid to comply with **sections** ~~[34-54.]~~ **34-52.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in NRS 687B.225 and sections 2 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~[***"Adverse determination":***~~

~~***1. Means a determination by a health carrier or a utilization review organization that the medical care or dental care furnished or proposed to be furnished to an insured is not medically necessary, or is experimental or***~~

~~*investigational, and the requested care or payment for the care is therefore denied, reduced or terminated.*~~

~~*— 2. Does not include the denial, reduction or termination of coverage or payment for medical care or dental care for a reason other than the medical necessity or experimental or investigational nature of the medical care or dental care at issue in a request for prior authorization, including, without limitation, the denial of coverage for medical care or dental care that is not a covered benefit.]*~~ **(Deleted by amendment.)**

Sec. 4. ***"Approval" means a determination by a health carrier or a utilization review organization that the medical care or dental care furnished or proposed to be furnished to an insured has been reviewed and, based on the information provided to the health carrier, satisfies the health carrier's criteria for medical necessity or appropriateness and the requested care or payment for the care is therefore approved.***

Sec. 5. ~~*["Coverage period" means the current term of a contract or policy of insurance issued by a health carrier.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*["Emergency medical services" means health care services that are provided in a medical facility by a provider of health care to screen and to stabilize an insured after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson, who possesses average knowledge of health and medicine, would believe that the absence of immediate medical attention could result in:*~~

~~*— 1. Placing the health of the insured in serious jeopardy;*~~

~~*— 2. Placing the health of an unborn child of the insured in serious jeopardy;*~~

~~*— 3. A serious impairment of a bodily function of the insured; or*~~

~~*— 4. A serious dysfunction of any bodily organ or part of the insured.]*~~ **(Deleted by amendment.)**

Sec. 7. ***"Health carrier" has the meaning ascribed to it in NRS 695G.024, and includes, without limitation, an organization for dental care. The term additionally includes a utilization review organization, as defined in NRS 695G.085.***

Sec. 8. ~~*["Individually identifiable health information" means information relating to the provision of medical or dental care to an insured:*~~

~~*— 1. That specifically identifies the insured; or*~~

~~*— 2. For which there is a reasonable basis to believe that the information can be used to identify the insured.]*~~ **(Deleted by amendment.)**

Sec. 9. ***"Insured" means a policyholder, subscriber, enrollee or other person covered by a health carrier.***

Sec. 10. ~~*["Medical facility" has the meaning ascribed to it in NRS 449.0151.]*~~ **(Deleted by amendment.)**

Sec. 11. ***"Medically necessary" has the meaning ascribed to it in NRS 695G.055.***

Sec. 12. *"Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.*

Sec. 13. *"Network plan" means a contract or policy of insurance offered by a health carrier under which the financing and delivery of medical or dental care is provided, in whole or in part, through a defined set of providers under contract with the health carrier.*

Sec. 14. *"Prior authorization" means:*

1. Any process by which a health carrier determines, before medical care or dental care that is otherwise covered by the health carrier is provided to an insured, that the medical care or dental care is medically necessary or medically appropriate with respect to the particular insured; or

2. Any requirement that an insured or a provider of health care of the insured notify the health carrier before medical or dental care is provided to the insured.

Sec. 15. *"Provider of health care" has the meaning ascribed to it in NRS 695G.070.*

Sec. 16. ~~[*"Urgent health care":*~~

~~*1. Means health care, including, without limitation, mental and behavioral care that, in the opinion of a provider of health care with knowledge of an insured's medical condition, if not rendered to the insured within 48 hours could:*~~

~~*(a) Seriously jeopardize the life or health of the insured or the ability of the insured to regain maximum function; or*~~

~~*(b) Subject the insured to severe pain that cannot be adequately managed without receiving such care.*~~

~~*2. Does not include emergency medical services.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~[*1. A health carrier shall not make an adverse determination on a request for prior authorization unless:*~~

~~*(a) The adverse determination is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State who:*~~

~~*(1) Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request; and*~~

~~*(2) Has experience treating or managing the medical or dental condition involved in the request; and*~~

~~*(b) The adverse determination is made under the clinical direction or supervision of a medical director employed by the health carrier who is a physician licensed pursuant to chapter 630 or 633 of NRS.*~~

~~*2. If a physician or dentist described in paragraph (a) of subsection 1 is considering making an adverse determination on a request for prior authorization on the basis that the medical or dental care involved in the*~~

~~*request is not medically necessary, the health carrier that received the request shall:*~~

~~*(a) Immediately notify the provider of health care who submitted the request that the medical necessity of the requested care is being questioned by the health carrier; and*~~

~~*(b) Offer the provider of health care an opportunity to speak with the physician or dentist, as applicable, over the telephone or by videoconference to discuss the clinical issues involved in the request before the physician or dentist renders an initial determination on the request.*~~

~~*3. Upon rendering an adverse determination on a request for prior authorization, a health carrier shall immediately transmit to the insured to whom the request pertains a written notice that contains:*~~

~~*(a) A specific description of all reasons that the health carrier made the adverse determination;*~~

~~*(b) A description of any documentation that the health carrier requested from the insured or a provider of health care of the insured and did not receive or deemed insufficient, if the failure to receive sufficient documentation contributed to the adverse determination;*~~

~~*(c) A statement that the insured has the right to appeal the adverse determination;*~~

~~*(d) Instructions, written in clear language that is understandable to an ordinary layperson, describing how the insured can appeal the adverse determination through the process established pursuant to subsection 4; and*~~

~~*(e) A description of any documentation that may be necessary or pertinent to a potential appeal.*~~

~~*4. A health carrier shall establish a process that allows an insured to appeal an adverse determination on a request for prior authorization. The process must allow for the clear resolution of each appeal within a reasonable time.*~~

~~*5. A health carrier shall not uphold on appeal an adverse determination pertaining to a request for prior authorization unless the decision on the appeal is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State who:*~~

~~*(a) Is actively practicing medicine or dentistry, as applicable, within the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request and has been actively practicing in that specialty for at least 5 consecutive years preceding the date on which the physician or dentist, as applicable, makes the determination on the appeal;*~~

~~*(b) Is knowledgeable of and has experience treating or managing the medical or dental condition involved in the request;*~~

~~*(c) Was not involved in making the adverse determination that is the subject of the appeal;*~~

~~(d) Has no financial interest in the outcome of the request for prior authorization that is the subject of the appeal;~~

~~(e) Is not employed by or contracted with the health carrier except:~~

~~(1) To participate in the network of the health carrier in his or her capacity as a practicing physician or dentist, as applicable;~~

~~(2) To make determinations on reviews or appeals of adverse determinations; or~~

~~(3) For the purposes described in both subparagraphs (1) and (2); and~~

~~(f) Considers all known clinical aspects of the medical or dental care involved in the request, including, without limitation:~~

~~(1) The medical records of the insured that are provided or accessible to the health carrier, including those records provided to the health carrier by the insured or a provider of health care of the insured;~~

~~(2) The clinical review criteria adopted by the health carrier pursuant to subsection 2 of NRS 687B.225; and~~

~~(3) Medical or scientific evidence provided to the health carrier by the provider of health care who requested prior authorization for the care at issue.~~

~~6. As used in this section, "medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.]~~ **(Deleted by amendment.)**

Sec. 18. *1. ~~[Except as otherwise provided in subsection 3, if]~~ If a health carrier approves a request for prior authorization, the approval remains valid until:*

(a) Twelve months after the date on which the request is approved; or

(b) If the approval relates to the treatment of a chronic condition, until the standard of treatment for that condition changes.

2. ~~[If an insured to whom a request for prior authorization has been approved by a health carrier obtains coverage under a different policy or contract of health insurance issued by the same health carrier, the health carrier shall honor the approval to the same extent as if the insured were still covered under the policy or contract of health insurance under which the insured was covered when the health carrier approved the request.~~

~~3. If a health carrier has previously granted prior authorization for a course of care or regimen of medication ordered or prescribed for an insured, the health carrier shall not require the insured to obtain additional prior authorization for the course of care or regimen for prescription drugs previously approved by the health carrier.~~

~~4.]~~ A health carrier shall not revoke or impose an additional limit, condition or restriction on a request for prior authorization that the health carrier has previously approved unless:

(a) The care at issue in the request is not provided to the insured within 45 business days after the date on which the health carrier received the request; or

(b) The health carrier determines that an insured or provider of health care procured the approval by fraud or material misrepresentation . ~~[; or~~

~~*(c) The health carrier determines that the care at issue in the request was not a covered benefit.*~~

~~*5. A health carrier that has approved a request for prior authorization shall promptly pay a provider of health care for a claim for the approved medical or dental care at the full contracted payment rate between the provider of health care and health carrier unless:*~~

~~*(a) The provider of health care knowingly and materially misrepresented the medical care or dental care contained in the request with the specific intent to deceive and obtain a payment from the health carrier to which the provider of health care was not entitled;*~~

~~*(b) The provider of health care was not participating in the network of the health carrier on the date that the care was provided;*~~

~~*(c) The claim for the medical or dental care was not timely submitted in accordance with the applicable terms and conditions of the policy or contract of health insurance issued by the health carrier; or*~~

~~*(d) The health carrier is not required to provide coverage for any reason listed in subsection 2 of section 23 of this act.*~~

~~*6. Within the first 90 days of the coverage period for an insured, a health carrier shall honor a request for prior authorization that has been approved by a health carrier or other entity that previously provided the insured with coverage for medical or dental care if:*~~

~~*(a) The approval was issued within the 12 months immediately preceding the first day of the coverage period under the current contract or policy of insurance; and*~~

~~*(b) The specific medical or dental care included within the request is not affirmatively excluded under the terms and conditions of the contract or policy of insurance issued by the health carrier.*~~

~~*7. A health carrier may undertake an independent review of the care approved by the previous health carrier of an insured which is subject to the requirements of subsection 6 for the purpose of granting its own approval of the care. A health carrier shall not deny approval in violation of subsection 6 as the result of such a review.*~~

~~*8.]*~~ *3. As used in this section, "chronic condition" means a condition that is expected to last 1 year or more and:*

(a) Requires ongoing medical attention to effectively manage the condition or prevent an event that adversely affects the health of the person; or

(b) Limits one or more activities of daily living.

Sec. 19. *1. A health carrier shall not require prior authorization for:*

(a) Outpatient services for the treatment of a ~~[mental health condition or]~~ substance use disorder.

(b) Antineoplastic treatment for cancer, other than prescription drugs, that is consistent with the guidelines established by the National Comprehensive Cancer Network, or its successor organization.

(c) Evidence-based goods or services for preventive care that have in effect a grade of "A" or "B" identified by the United States Preventive Services Task Force.

(d) Preventive care for women described in 45 C.F.R. § ~~[147.130(a)(iv).]~~ 147.130(a)(1)(iv).

(e) Hospice care provided to pediatric patients in a facility for hospice care licensed pursuant to chapter 449 of NRS.

(f) Care provided to treat neonatal abstinence syndrome provided by a provider of health care who specializes in pain management for pediatric patients or palliative care provided to pediatric patients.

(g) The prescription of test strips for measuring blood glucose in persons with diabetes.

(h) Psychiatric care provided by a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.

2. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Hospice care" has the meaning ascribed to it in NRS 449.0115.

Sec. 20. *1. A health carrier shall not require prior authorization for emergency medical services covered by the health carrier, including, where applicable, transportation by ambulance to a hospital or other medical facility.*

2. If a health carrier requires an insured or his or her provider of health care to notify the health carrier that the insured has been admitted to a hospital to receive emergency medical services or has received emergency medical services, the health carrier shall not require an insured or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the date on which the insured was admitted or the emergency medical services were provided, as applicable.

3. A health carrier shall not deny coverage for emergency medical services covered by the health carrier that are medically necessary. Emergency medical services are presumed to be medically necessary if, within 72 hours after an insured is admitted to receive emergency medical services, the provider of health care of the insured transmits to the health carrier a certification, in writing, that the condition of the insured required emergency medical services. The health carrier may rebut that presumption by establishing, by clear and convincing evidence, that the emergency medical services were not medically necessary.

4. If an insured receives emergency medical services and must additionally receive post-evaluation or post-stabilization medical care, and a health carrier requires prior authorization for the post-evaluation or post-stabilization care, the health carrier shall approve or deny a request for prior authorization for such care within 60 minutes after receiving the request.

5. A health carrier shall make all determinations for whether emergency medical services are medically necessary without regard to whether a provider of health care that provided or billed for those services participates in the network of the health carrier.

6. As used in this section:

(a) "Emergency medical services" means health care services that are provided in a medical facility by a provider of health care to screen and to stabilize an insured after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson who possesses average knowledge of health and medicine would believe that the absence of immediate medical attention could result in:

(1) Placing the health of the insured in serious jeopardy;

(2) Placing the health of an unborn child of the insured in serious jeopardy;

(3) A serious impairment of a bodily function of the insured; or

(4) A serious dysfunction of any bodily organ or part of the insured.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 21. ***1. A health carrier shall exempt a provider of health care who participates in the network of the health carrier from the requirement to obtain prior authorization for a specific good or service if, within the immediately preceding 12 months, the health carrier approved 80 percent or more of the requests for prior authorization for that specific good or service submitted by the provider of health care. If a provider of health care qualifies for an exemption pursuant to this section, a health carrier shall:***

(a) Automatically grant the exemption without requiring the provider of health care to submit a request for the exemption; and

(b) Transmit to the provider of health care after granting the exemption a notice that includes:

(1) A statement that the provider of health care has been granted an exemption from the requirement to obtain prior authorization from the health carrier for the specific goods and services listed pursuant to subparagraph (2);

(2) A list of goods and services to which the exemption applies; and

(3) The date on which the exemption expires, which must not be earlier than 12 months after the date on which the health carrier granted the exemption.

2. A health carrier shall provide for an annual review of the requests for prior authorization submitted by providers of health care who participate in the network of the health carrier to determine whether those providers meet the criteria prescribed by subsection 1 for an exemption from the requirement to obtain prior authorization. If a provider of health care is initially determined to be ineligible for an exemption based on such a review, the eligibility of the provider of health care to receive an exemption must be independently determined by a provider of health care who:

(a) Is licensed in this State;

(b) Is of the same or similar specialty as the provider of health care who is being evaluated for an exemption; and

(c) Has experience providing the good or service for which the exemption has been initially denied.

3. A provider of health care who is not granted an exemption from the requirement to obtain prior authorization for a particular good or service may, for that specific good or service, request from the health carrier any evidence that supported the decision of the health carrier to not grant the exemption for that good or service. A provider of health care may submit a request for supporting evidence pursuant to this subsection not more than once during a single 12-month period for each good or service for which the provider of health care has not been granted an exemption.

4. An exemption from the requirement to obtain prior authorization pursuant to this section applies to the provision of any good or service covered by the exemption which is provided or ordered by the provider of health care to whom the exception applies.

5. A health carrier shall not deny a claim or reduce the amount of payment paid under a claim for a good or service that is subject to an exemption pursuant to this section unless:

(a) The provider of health care who submitted the claim knowingly and materially misrepresented the goods or services actually provided to an insured, and the provider of health care made the misrepresentation with the specific intent to obtain a payment from the health carrier to which the provider of health care is not legally or contractually entitled; or

(b) The service or good for which payment is sought was not substantially performed or provided, as applicable.

Sec. 22. *1. Not more than once during a single 12-month period, a health carrier may reevaluate the eligibility of a provider of health care to receive an exemption from the requirement to obtain prior authorization pursuant to section 21 of this act.*

2. A health carrier may, pursuant to subsection 1, revoke an exemption from the requirement to obtain prior authorization granted to a provider of health care only if the health carrier determines that the provider of health care would not have met the criteria prescribed in subsection 1 of section 21 of this act for the good or service to which the exemption applies based on:

(a) A retrospective review of claims submitted by the provider of health care for that good or service during the immediately preceding 3 months; or

(b) If the provider of health care did not submit at least 10 claims for that good or service during the immediately preceding 3 months, a retrospective review of at least the last 10 claims submitted by the provider of health care for that good or service.

3. If it is initially determined that a provider of health care meets the criteria prescribed in subsection 2 for the revocation of an exemption based on a review conducted pursuant to that subsection, the satisfaction of those criteria must be independently determined by a provider of health care

described in subsection 2 of section 21 of this act before the health carrier may revoke the exemption.

4. A health carrier that revokes an exemption from the requirement to obtain prior authorization pursuant to subsection 2 shall transmit to the provider of health care to which the revocation pertains a notice that includes:

(a) The information that the health carrier relied upon when making the determination described in subsection 2;

(b) An identification of each good or service to which the revoked exemption applies;

(c) The date on which the revocation takes effect, which must not be earlier than 30 days after the date on which the health carrier transmits the notice; and

(d) A description, written in easily comprehensible language, of how the provider of health care may appeal the revocation pursuant to subsection 5.

5. A health carrier shall adopt a procedure by which a provider of health care may appeal the revocation of an exemption from the requirement to obtain prior authorization. If a provider of health care appeals a revocation of such exemption, the exemption must remain in effect:

(a) If the revocation is reversed on appeal, until the next reevaluation pursuant to subsection 1 of the eligibility of the provider of health care to continue receiving the exemption.

(b) If the revocation is upheld on appeal, until the later of the 5th calendar day after the revocation is upheld or the date contained within the notice sent to the provider of health care pursuant to subsection 4.

Sec. 23. ~~***[1.]***~~ ***If a health carrier violates NRS 687B.225 or sections 17 to 20, inclusive, of this act with respect to a particular request for prior authorization, the request shall be deemed approved.***

~~***[2. Nothing in NRS 687B.225 or sections 17 to 22, inclusive, of this act shall be construed to require a health carrier to provide coverage:***~~

~~***(a) For medical or dental care that, regardless of whether such care is medically necessary, would not be a covered benefit under the terms and conditions of the contract or policy of insurance;***~~

~~***(b) To a person who is not insured by the health carrier on the date on which medical or dental care is provided to the person; or***~~

~~***(c) To an insured who, as a result of his or her failure to pay the applicable premiums required under the terms and conditions of a contract or policy of insurance, has no coverage under the contract or policy on the date on which medical or dental care is provided to the insured.]***~~

Sec. 24. ~~***[A health carrier that requires prior authorization for prescription drugs shall accept and respond to any request for prior authorization for a prescription drug through a secure electronic transmission using the National Council for Prescription Drug Programs SCRIPT standard described in 42 C.F.R. § 423.160(b).]***~~ **(Deleted by amendment.)**

Sec. 25. ~~[*1. On or before March 1 of each calendar year, a health carrier shall publish on an Internet website maintained by the health carrier in an easily accessible format the following information for the immediately preceding calendar year, in aggregated form for all requests for prior authorization received by the health carrier during the immediately preceding year and disaggregated in accordance with subsection 2:*~~

~~*(a) The percentage of requests for prior authorization for medical or dental care in this State that were approved upon initial review;*~~

~~*(b) The percentage of requests for prior authorization for medical or dental care in this State that resulted in an adverse determination upon initial review;*~~

~~*(c) The percentage of the adverse determinations described in paragraph (b) that were appealed;*~~

~~*(d) The percentage of appeals of adverse determinations described in paragraph (c) that resulted in a reversal of the adverse determination;*~~

~~*(e) The five most common reasons for the adverse determinations described in paragraph (b); and*~~

~~*(f) The average time between a request for prior authorization for medical or dental care in this State and the resolution of the request.*~~

~~*2. The information described in subsection 1 must be disaggregated for the following categories:*~~

~~*(a) The specialty of the provider of health care who submitted a request for prior authorization; and*~~

~~*(b) The types of medical or dental care at issue in the request for prior authorization, including the specific types of prescription drugs, procedures or diagnostic tests involved in the requests.*~~

~~*3. A health carrier shall not include individually identifiable health information in the information published pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~[*1. On or before March 1 of each calendar year, a health carrier shall compile and transmit to the Commissioner, in a form prescribed by the Commissioner, and publish on an Internet website maintained by the health carrier a report containing the following information:*~~

~~*(a) The specific goods and services for which the health carrier requires prior authorization and, for each good or service:*~~

~~*(1) The date on which prior authorization for that good or service became required for contracts or policies issued or delivered in this State and the date on which that requirement was listed on the Internet website of the health carrier pursuant to subsection 6 of NRS 687B.225;*~~

~~*(2) The number of requests for prior authorization received by the health carrier during the immediately preceding calendar year for the provision of the good or service to insureds in this State;*~~

~~*(3) The number and percentage of the requests listed pursuant to subparagraph (2) that were approved;*~~

~~(4) The number and percentage of the requests listed pursuant to subparagraph (2) that resulted in adverse determinations; and~~

~~(5) The number of appeals from adverse determinations during the immediately preceding calendar year and the number and percentage of those appeals that were reversed on appeal by the health carrier.~~

~~(b) The information described in subparagraphs (2) to (5), inclusive, aggregated for all requests for prior authorization received by the health carrier during the immediately preceding calendar year.~~

~~(c) A list of each reason that the health carrier issued an adverse determination on a request for prior authorization during the immediately preceding calendar year, and the percentage for which each reason listed accounts for all adverse determinations issued by the health carrier during the immediately preceding calendar year.~~

~~(d) For all requests for prior authorization for non-urgent medical or dental care received by the health carrier during the immediately preceding calendar year, the average and median time between:~~

~~(1) The health carrier receiving a request for prior authorization and the health carrier approving or making an adverse determination on the request; and~~

~~(2) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal.~~

~~(e) For all requests for prior authorization for urgent health care received by the health carrier during the immediately preceding calendar year, the average and median time between:~~

~~(1) The health carrier receiving a request for prior authorization and the health carrier approving or making an adverse determination on the request; and~~

~~(2) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal.~~

~~(f) Such additional information as the Commissioner may prescribe by regulation.~~

~~2. On or before May 1 of each even-numbered year, the Commissioner shall:~~

~~(a) Compile a report:~~

~~(1) Summarizing the information submitted to the Commissioner pursuant to subsection 1 during the immediately preceding biennium;~~

~~(2) Listing the specific goods and services for which health carriers approved requests for prior authorization for insureds in this State at a combined rate of 80 percent or more during the immediately preceding biennium; and~~

~~(3) Recommending legislation to prohibit health carriers from requiring prior authorization for the specific goods and services listed pursuant to subparagraph (2); and~~

~~(b) Submit the report and all information provided to the Commissioner pursuant to subsection 1 to the Director of the Legislative Counsel Bureau~~

~~*for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.*~~

~~*3. A health carrier shall not include individually identifiable health information in a report published pursuant to subsection 1.*~~] **(Deleted by amendment.)**

Sec. 27. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, ***and sections*** ~~*[118 to]*~~ ***19, 20 and 21*** ~~*, inclusive,]*~~ ***of this act,*** any contract ~~[for group, blanket or individual health]~~ ***or policy of*** insurance ~~[or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care]~~ ***issued by a health carrier*** which provides for payment of a certain part of medical or dental care may require the insured ~~[or member]~~ to obtain prior authorization for that care from the ~~[insurer or organization. The insurer or organization]~~ ***health carrier .*** ~~*[in a manner consistent with this section and sections 2 to 26, inclusive, of this act.*~~

~~*2. A]*~~ ***The*** ***health carrier*** ~~*[that requires an insured to obtain prior authorization]*~~ shall:

(a) File its procedure for obtaining ~~[approval of care]~~ ***prior authorization*** pursuant to this section ~~*[, including, without limitation, a list of the specific goods and services for which the health carrier requires prior authorization and the clinical review criteria used by the health carrier to evaluate requests for prior authorization,]*~~ for approval by the Commissioner ~~*[.]*~~ ; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to ~~*[and except as otherwise provided by paragraph (c), approve or deny]*~~ any request for approval by the insured ~~[or member~~ ~~*prior authorization submitted by or on behalf of the insured]*~~ pursuant to this section within 20 days after it receives the request. ~~*[and notify the insured and his or her provider of health care of the approval or denial:*~~

~~*(1) For non-urgent medical or dental care, within 48 hours after receiving the request.*~~

~~*(2) For urgent health care, within 24 hours after receiving the request.*~~

~~*(c) If the health carrier requires additional, medically relevant information or documentation, including, without limitation, an in-person clinical evaluation of the insured or a second opinion from a different*~~

~~*provider of health care, in order to adequately evaluate a request for prior authorization:*~~

~~*(1) Notify the insured and the provider of health care who submitted the request within the applicable amount of time described in paragraph (b) that additional information is required to evaluate the request;*~~

~~*(2) Include within the notification sent pursuant to subparagraph (1) a description, with reasonable specificity, of the information that the health carrier requires to make a determination on the request for prior authorization; and*~~

~~*(3) Approve or deny the request:*~~

~~*(I) For non-urgent medical or dental care, within 48 hours after receiving the information.*~~

~~*(II) For urgent health care, within 24 hours after receiving the information.]*~~

2. ~~*[3.]*~~ The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

~~*[4. If a health carrier seeks to amend its procedure for obtaining prior authorization, including, without limitation, changing the goods and services for which the health carrier requires prior authorization or changing the clinical review criteria used by the health carrier, the health carrier:*~~

~~*(a) Must file a request to amend the procedure for approval by the Commissioner.*~~

~~*(b) May not allow the amended procedure to take effect until:*~~

~~*(1) The Commissioner notifies the health carrier that the request is approved; and*~~

~~*(2) The requirements of subsection 5 are satisfied.*~~

~~*5. Except as otherwise provided in subsection 8, a change to a health carrier's procedure for obtaining prior authorization may not take effect until:*~~

~~*(a) The health carrier transmits a notice that contains a summary of the changes to the procedure to each of its insureds and providers of health care who participate in the network of the health carrier;*~~

~~*(b) The health carrier updates the information published on its Internet website pursuant to subsection 6 to reflect the amended procedure for obtaining prior authorization and the date on which the amended procedure takes effect; and*~~

~~*(c) At least 60 days have passed after the later of:*~~

~~*(1) The date on which the health carrier transmitted the notice to its insureds and providers of health care who participate in the network of the health carrier pursuant to paragraph (a); or*~~

~~*(2) The date on which the health carrier updated the information published on its Internet website pursuant to paragraph (b).*~~

~~*6. A health carrier shall publish its procedures for obtaining prior authorization, including, without limitation, the clinical review criteria, on its Internet website:*~~

~~*(a) Using clear language that is understandable to an ordinary layperson, where practicable; and*~~

~~*(b) In a place that is readily accessible and conspicuous to insureds and the public.*~~

~~*7. A health carrier shall not deny a claim based on the failure of an insured to obtain prior authorization for medical or dental care if the procedure for obtaining prior authorization established by the health carrier did not require the insured to obtain prior authorization for that medical or dental care on the date on which the medical or dental care was provided to the insured.*~~

~~*8. A change in the health carrier's procedure for obtaining prior authorization or a new exclusion or limitation of coverage adopted by a health carrier may not take effect until the next coverage period with respect to:*~~

~~*(a) An insured for whom the health carrier has, within the current coverage period, approved a request for prior authorization; and*~~

~~*(b) Medical or dental care that is identical to the care for which the health carrier had previously approved a request for prior authorization within the current coverage period.*~~

~~*9. As used in this section, "clinical review criteria" means any written screening procedure, formulary, decision abstract, clinical protocol, practice guideline or other criteria used by the health carrier to determine the necessity and appropriateness of medical or dental care.]*~~

Sec. 28. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 17, 18 and 30 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, ***and sections 2 to 26, inclusive, of this act,*** 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 29. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 33 to 54, inclusive, of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their

budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 30. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, ~~*[paragraphs]*~~ ***paragraph (b)*** ~~*[and (c)]*~~ ***of subsection 1 of NRS 687B.225, subsection 2 of NRS 687B.225,*** ~~*[subsections 1, 3 and 5 to 8, inclusive, of NRS 687B.225,]*~~ 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 ***and sections 2 to 26, inclusive, of this act*** apply to coverage provided pursuant to this paragraph, except that the

provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 31. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597,

inclusive, 686A.135, ~~*[paragraphs]*~~ ***paragraph*** ***(b)*** ~~*[and (c)]*~~ ***of subsection 1 of NRS 687B.225, subsection 2 of NRS 687B.225,*** ~~*[subsections 1, 3 and 5 to 8, inclusive, of NRS 687B.225,]*~~ 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, ***and sections 2 to 26, inclusive, of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 32. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 54, inclusive, of this act.

Sec. 33. ***1. The provisions of sections 34 to 54, inclusive, of this act and any policies developed pursuant thereto do not apply to the delivery of services to recipients of Medicaid or the Children's Health Insurance Program through managed care in accordance with NRS 422.273.***

2. A health maintenance organization or other managed care organization that enters into a contract with the Department or the Division pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall comply with NRS 687B.225 and sections 2 to 26, inclusive, of this act.

Sec. 34. ***As used in sections 34 to 54, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35 to 43, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 35. ***"Adverse determination":***

1. Means a determination by the Department that the medical care or dental care furnished or proposed to be furnished to a recipient is not medically necessary, or is experimental or investigational, and the requested care or payment for the care is therefore denied, reduced or terminated.

2. Does not include the denial, reduction or termination of coverage or payment for medical care or dental care for a reason other than the medical necessity or experimental or investigational nature of the medical care or dental care at issue in a request for prior authorization, including, without limitation, the denial of coverage for medical care or dental care that is not covered under Medicaid or the Children's Health Insurance Program.

Sec. 36. ***"Approval" means a determination by the Department that the medical care or dental care furnished or proposed to be furnished to a recipient has been reviewed and, based on the information provided to the Department, satisfies the Department's criteria for medical necessity or appropriateness and the requested care or payment for the care is therefore approved.***

Sec. 37. ~~*["Emergency services" means health care services that are provided in a medical facility by a provider of health care to screen and to*~~

~~*stabilize a recipient after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson, who possesses average knowledge of health and medicine, would believe that the absence of immediate medical attention could result in:*~~

~~*1. Placing the health of the recipient in serious jeopardy;*~~

~~*2. Placing the health of an unborn child of the recipient in serious jeopardy;*~~

~~*3. A serious impairment of a bodily function of the recipient; or*~~

~~*4. A serious dysfunction of any bodily organ or part of the recipient.]*~~ **(Deleted by amendment.)**

Sec. 38. ~~*[“Individually identifiable health information” means information relating to the provision of medical or dental care to a recipient:*~~

~~*1. That specifically identifies the recipient; or*~~

~~*2. For which there is a reasonable basis to believe that the information can be used to identify the recipient.]*~~ **(Deleted by amendment.)**

Sec. 39. ~~*[“Medical facility” has the meaning ascribed to it in NRS 449.0151.]*~~ **(Deleted by amendment.)**

Sec. 40. *“Medically necessary” has the meaning ascribed to it in NRS 695G.055.*

Sec. 41. *“Provider of health care”* ~~*[has the meaning ascribed to it in NRS 695G.070.]*~~ *means a person who participates in the State Plan for Medicaid or the Children’s Health Insurance Program as a provider of goods or services.*

Sec. 42. *“Recipient” means a natural person who receives benefits through Medicaid or the Children’s Health Insurance Program, as applicable.*

Sec. 43. ~~*[“Urgent health care”:*~~

~~*1. Means health care, including, without limitation, mental and behavioral health care that, in the opinion of a provider of health care with knowledge of a recipient’s medical condition, if not rendered to the recipient within 48 hours could:*~~

~~*(a) Seriously jeopardize the life or health of the recipient or the ability of the recipient to regain maximum function; or*~~

~~*(b) Subject the recipient to severe pain that cannot be adequately managed without receiving such care.*~~

~~*2. Does not include emergency services.]*~~ **(Deleted by amendment.)**

Sec. 44. *1. The Department, with respect to Medicaid and the Children’s Health Insurance Program, shall establish written procedures for obtaining prior authorization for medical or dental care which must include, without limitation:*

(a) Specific goods and services for which the Department requires prior authorization; and

(b) Clinical review criteria used by the Department.

2. The Department shall publish the written procedures for obtaining prior authorization established by the Department pursuant to subsection 1,

including, without limitation, the clinical review criteria, on an Internet website maintained by the Department:

(a) Using clear language that is understandable to an ordinary layperson, where practicable; and

(b) In a place that is readily accessible and conspicuous to recipients and the public.

3. If the Department amends the procedure for obtaining prior authorization established pursuant to subsection 1, including, without limitation, changing the goods and services for which the Department requires prior authorization or changing the clinical review criteria used by the Department, the Department shall:

(a) Transmit a notice containing a summary of the changes made to the procedure to each recipient and each provider of goods or services under Medicaid or the Children's Health Insurance Program, as applicable; and

(b) Update the information published on its Internet website pursuant to subsection 2 to reflect the amended procedure for obtaining prior authorization and the date on which the amended procedure takes effect.

4. A change to the Department's procedure for obtaining prior authorization may not take effect until 60 days have passed after the later of:

(a) The date on which the Department transmitted the notice to recipients and providers of goods or services under Medicaid or the Children's Health Insurance Program, as applicable, pursuant to paragraph (a) of subsection 3; or

(b) The date on which the Department updated the information published on its Internet website pursuant to paragraph (b) of subsection 3.

5. The Department shall not deny a claim based on the failure of a recipient to obtain prior authorization for medical or dental care if the procedure for obtaining prior authorization established by the Department pursuant to this section did not require the recipient to obtain prior authorization for that medical or dental care on the date on which the medical or dental care was provided to the recipient.

6. As used in this section, "clinical review criteria" means any written screening procedure, formulary decision abstract, clinical protocol, practice guideline or other criteria used by the Department to determine the necessity and appropriateness of medical or dental care.

Sec. 45. *1. Unless a shorter time period is prescribed by a specific statute, and except as otherwise provided in subsection 2, the Department, with respect to Medicaid and the Children's Health Insurance Program, shall approve or deny a request for prior authorization submitted by or on behalf of a recipient and notify the recipient and his or her provider of health care of the approval or denial* ~~[:~~

~~(a) For non-urgent medical or dental care,]~~ *within 48 hours after receiving the request.*

~~[(b) For urgent health care, within 24 hours after receiving the request.]~~

2. If the Department requires additional, medically relevant information or documentation in order to adequately evaluate a request for prior authorization, the Department shall:

(a) Notify the recipient and the provider of health care who submitted the request within the applicable amount of time described in subsection 1 that additional information is required to evaluate the request;

(b) Include within the notification sent pursuant to paragraph (a) a description, with reasonable specificity, of the information that the Department requires to make a determination on the request for prior authorization; and

(c) Approve or deny the request ~~*[:*~~

~~*(1) For non-urgent medical or dental care,]*~~ *within 48 hours after receiving the information.*

~~*[(2) For urgent health care, within 24 hours after receiving the information.]*~~

Sec. 46. *1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall not make an adverse determination on a request for prior authorization unless the adverse determination is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State who:*

(a) Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request; and

(b) Has experience treating or managing the medical or dental condition involved in the request.

2. If a physician or dentist described in subsection 1 is considering making an adverse determination on a request for prior authorization on the basis that the medical or dental care involved in the request is not medically necessary, the Department shall:

(a) Immediately notify the provider of health care who submitted the request that the medical necessity of the requested care is being questioned by the Department; and

(b) Offer the provider of health care an opportunity to speak with the physician or dentist, as applicable, over the telephone or by videoconference to discuss the clinical issues involved in the request before the physician or dentist renders an initial determination on the request.

3. Upon rendering an adverse determination on a request for prior authorization, the Department shall immediately transmit to the recipient to whom the request pertains a written notice that contains:

(a) A specific description of all reasons that the Department made the adverse determination;

(b) A description of any documentation that the Department requested from the recipient or a provider of health care of the recipient and did not receive or deemed insufficient, if the failure to receive sufficient documentation contributed to the adverse determination;

(c) A statement that the recipient has the right to appeal the adverse determination;

(d) Instructions, written in clear language that is understandable to an ordinary layperson, describing how the recipient can appeal the adverse determination through the process established pursuant to subsection 4; and

(e) A description of any documentation that may be necessary or pertinent to a potential appeal.

4. The Department shall establish a process that allows a recipient to appeal an adverse determination on a request for prior authorization. The process must allow for the clear resolution of each appeal within a reasonable time.

5. The Department shall not uphold on appeal an adverse determination pertaining to a request for prior authorization unless the decision on the appeal is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State , who:

(a) Is actively practicing medicine or dentistry, as applicable, within the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request and has been actively practicing in that specialty for at least 5 consecutive years preceding the date on which the physician or dentist, as applicable, makes the determination on the appeal;

(b) Is knowledgeable of and has experience treating or managing the medical or dental condition involved in the request;

(c) Was not involved in making the adverse determination that is the subject of the appeal;

(d) Has no financial interest in the outcome of the request for prior authorization that is the subject of the appeal;

(e) Is not employed by or contracted with the Department or any administrator contracted by the Department except:

(1) To participate in Medicaid or the Children's Health Insurance Program as a provider of services;

(2) To make determinations on appeals of adverse determinations; or

(3) For the purposes described in both subparagraphs (1) and (2); and

(f) Considers all known clinical aspects of the medical or dental care involved in the request, including, without limitation:

(1) The medical records of the recipient that are provided or accessible to the Department, including those records provided to the Department by the recipient or a provider of health care of the recipient;

(2) The clinical review criteria adopted by the Department pursuant to section 44 of this act; and

(3) Medical or scientific evidence provided to the Department by the provider of health care who requested prior authorization for the care at issue.

6. As used in this section:

(a) "Administrator" has the meaning ascribed to it in NRS 683A.025.

(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

Sec. 47. *1. ~~[Except as otherwise provided in subsection 2, if]~~ If the Department approves a request for prior authorization, the approval remains valid until the later of:*

(a) Twelve months after the date on which the request is approved; or

(b) If the approval relates to the treatment of a chronic condition, until the standard of treatment for that condition changes.

2. ~~If the Department has previously granted prior authorization for a course of care or regimen for prescription drugs ordered or prescribed for a recipient, the Department shall not require the recipient to obtain additional prior authorization for the course of care or regimen for prescription drugs previously approved by the Department.~~

~~3. The Department shall not revoke or impose an additional limit, condition or restriction on a request for prior authorization that the Department has previously approved unless:~~

~~(a) The care at issue in the request was not provided to the recipient within 45 business days after the date on which the Department received the request;~~

~~(b) The Department determines that a recipient or a provider of health care procured the approval by fraud or material misrepresentation; or~~

~~(c) The Department determines that the care at issue in the request was not covered by Medicaid or the Children's Health Insurance Program, as applicable, at the time the care was provided.~~

~~4.]~~ If the Department approves a request for prior authorization, the Department shall promptly pay a provider of health care for a claim for the approved medical or dental care at the full rate of reimbursement provided under Medicaid or the Children's Health Insurance Program, as applicable, unless:

(a) The provider of health care knowingly and materially misrepresented the medical care or dental care contained in the request with the specific intent to deceive and obtain a payment from the ~~[health carrier]~~ Department to which the provider of health care was not entitled; or

(b) The provider of health care was not a participating provider of services under Medicaid or the Children's Health Insurance Program, as applicable, on the date that the care was provided . ~~[;~~

~~(c) The claim for the medical or dental care was not timely submitted in accordance with the applicable terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable; or~~

~~(d) Any of the criteria described in subsection 2 of section 52 of this act is applicable to the particular claim.~~

~~5. Within the first 90 days that a recipient is enrolled in Medicaid or the Children's Health Insurance Program, as applicable, the Department shall honor a request for prior authorization that has been approved by a health~~

~~*carrier or other entity that previously provided the recipient with coverage for medical or dental care if:*~~

~~*— (a) The approval was issued within the 12 months immediately preceding the first day of the enrollment of the recipient; and*~~

~~*— (b) The specific medical or dental care included within the request is not affirmatively excluded under the terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable.*~~

~~*— 6. The Department may undertake an independent review of the care approved by the previous health carrier of a recipient which is subject to the requirements of subsection 5 for the purpose of granting its own approval of the care. The Department may not deny approval in violation of subsection 5 as the result of such a review.*~~

~~*— 7.]*~~ *3. As used in this section ~~[:~~*

~~*— (a) "Chronic]*~~ *, "chronic condition" means a condition that is expected to last 1 year or more and:*

~~*[(1)]*~~ *(a) Requires ongoing medical attention to effectively manage the condition or prevent an event that adversely affects the health of the person; or*

~~*[(2)]*~~ *(b) Limits one or more activities of daily living.*

~~*[(b) "Health carrier" has the meaning ascribed to it in NRS 695G.024 and includes, without limitation, an organization for dental care.]*~~

Sec. 48. *1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall not require prior authorization for:*

(a) Outpatient services for the treatment of a mental health condition or substance use disorder.

(b) Antineoplastic treatment for cancer, other than prescription drugs, that is consistent with the guidelines established by the National Comprehensive Cancer Network, or its successor organization.

(c) Evidence-based goods or services for preventive care that have in effect a grade of "A" or "B" identified by the United States Preventive Services Task Force.

(d) Preventive care for women described in 45 C.F.R. § 147.130(a)(iv).

(e) Hospice care provided to pediatric patients in a facility for hospice care licensed pursuant to chapter 449 of NRS.

(f) Care provided to treat neonatal abstinence syndrome provided by a provider of health care who specializes in pain management for pediatric patients or palliative care provided to pediatric patients.

(g) The prescription of test strips for measuring blood glucose in persons with diabetes.

(h) Psychiatric care provided by a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.

2. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Hospice care" has the meaning ascribed to it in NRS 449.0115.

Sec. 49. *1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall not require prior authorization for covered emergency services, including, where applicable, transportation by ambulance to a hospital or other medical facility.*

2. If the Department requires a recipient or his or her provider of health care to notify the Department that the recipient has been admitted to a hospital to receive emergency services or has received emergency services, the Department shall not require a recipient or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the date on which the recipient was admitted or the emergency services were provided, as applicable.

3. The Department shall not deny coverage for emergency services covered by Medicaid or the Children's Health Insurance Program that are medically necessary. Emergency services are presumed to be medically necessary if, within 72 hours after a recipient is admitted to receive emergency services, the provider of health care of the recipient transmits to the Department a certification, in writing, that the condition of the recipient required emergency services. The Department may rebut that presumption by establishing, by clear and convincing evidence, that the emergency services were not medically necessary.

4. If a recipient receives emergency services and must additionally receive post-evaluation or post-stabilization medical care, and the Department requires prior authorization for the post-evaluation or post-stabilization care, the Department shall approve or deny a request for prior authorization for such care within 60 minutes after receiving the request.

5. As used in this section:

(a) "Emergency services" means health care services that are provided in a medical facility by a provider of health care to screen and to stabilize a recipient after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson who possesses average knowledge of health and medicine would believe that the absence of immediate medical attention could result in:

(1) Placing the health of the recipient in serious jeopardy;

(2) Placing the health of an unborn child of the recipient in serious jeopardy;

(3) A serious impairment of a bodily function of the recipient; or

(4) A serious dysfunction of any bodily organ or part of the recipient.

(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 50. ~~*1. The Department shall exempt a provider of health care from the requirement to obtain prior authorization for a specific good or service if, within the immediately preceding 12 months, the Department approved 80 percent or more of the requests for prior authorization for that*~~

~~*specific good or service submitted by the provider of health care. If a provider of health care qualifies for an exemption pursuant to this section, the Department shall:*~~

~~*(a) Automatically grant the exemption without requiring the provider of health care to submit a request for the exemption; and*~~

~~*(b) Transmit to the provider of health care after granting the exemption a notice that includes:*~~

~~*(1) A statement that the provider of health care has been granted an exemption from the requirement to obtain prior authorization from the Department for the specific goods and services listed pursuant to subparagraph (2);*~~

~~*(2) A list of goods and services to which the exemption applies; and*~~

~~*(3) The date on which the exemption expires, which must not be earlier than 12 months after the date on which the Department granted the exemption.*~~

~~*2. The Department shall provide for an annual review of all of the requests for prior authorization submitted by providers of health care during the immediately preceding year to determine whether those providers meet the criteria prescribed by subsection 1 for an exemption from the requirement to obtain prior authorization. If a provider of health care is initially determined to be ineligible for an exemption based on such a review, the eligibility of the provider of health care to receive an exemption must be independently determined by a provider of health care who:*~~

~~*(a) Is licensed in this State;*~~

~~*(b) Is of the same or similar specialty as the provider of health care who is being evaluated for an exemption; and*~~

~~*(c) Has experience providing the good or service for which the exemption has been initially denied.*~~

~~*3. A provider of health care who is not granted an exemption from the requirement to obtain prior authorization for a particular good or service may, for that specific good or service, request from the Department any evidence that supported the decision of the Department to not grant the exemption for that good or service. A provider of health care may submit a request for supporting evidence pursuant to this subsection not more than once during a single 12-month period for each good or service for which the provider of health care has not been granted an exemption.*~~

~~*4. An exemption from the requirement to obtain prior authorization pursuant to this section applies to the provision of any good or service covered by the exemption which is provided or ordered by the provider of health care to whom the exception applies.*~~

~~*5. The Department shall not deny a claim or reduce the amount of payment paid under a claim for a good or service that is subject to an exemption pursuant to this section unless:*~~

~~*(a) The provider of health care who submitted the claim knowingly and materially misrepresented the goods or services actually provided to a*~~

~~*recipient, and the provider of health care made the misrepresentation with the specific intent to obtain a payment from the Department to which the provider of health care is not legally or contractually entitled; or*~~

~~*(b) The service or good for which payment is sought was not substantially performed or provided, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 51. ~~*[1. Not more than once during a single 12-month period, the Department may reevaluate the eligibility of a provider of health care to receive an exemption from the requirement to obtain prior authorization pursuant to section 50 of this act.*~~

~~*2. The Department may, pursuant to subsection 1, revoke an exemption from the requirement to obtain prior authorization granted to a provider of health care only if the Department determines that the provider of health care would not have met the criteria prescribed in subsection 1 of section 50 of this act for the good or service to which the exemption applies based on:*~~

~~*(a) A retrospective review of claims submitted by the provider of health care for that good or service during the immediately preceding 3 months; or*~~

~~*(b) If the provider of health care did not submit at least 10 claims for that good or service during the immediately preceding 3 months, a retrospective review of at least the last 10 claims submitted by the provider of health care for that good or service.*~~

~~*3. If it is initially determined that a provider of health care meets the criteria prescribed in subsection 2 for the revocation of an exemption based on a review conducted pursuant to that subsection, the satisfaction of those criteria must be independently determined by a provider of health care described in subsection 2 of section 50 of this act before the Department may revoke the exemption.*~~

~~*4. If the Department revokes an exemption from the requirement to obtain prior authorization pursuant to subsection 2, the Department shall transmit to the provider of health care to which the revocation pertains a notice to that includes:*~~

~~*(a) The information that the Department relied upon when making the determination described in subsection 2;*~~

~~*(b) An identification of each good or service to which the revoked exemption applies;*~~

~~*(c) The date on which the revocation takes effect, which must not be earlier than 30 days after the date on which the Department transmits the notice; and*~~

~~*(d) A description, written in easily comprehensible language, of how the provider of health care may appeal the revocation pursuant to subsection 5.*~~

~~*5. The Department shall adopt a procedure by which a provider of health care may appeal the revocation of an exemption from the requirement to obtain prior authorization. If a provider of health care appeals a revocation of such exemption, the exemption must remain in effect:*~~

~~(a) If the revocation is reversed on appeal, until the next reevaluation pursuant to subsection 1 of the eligibility of the provider of health care to continue receiving the exemption.~~

~~(b) If the revocation is upheld on appeal, until the later of the 5th calendar day after the revocation is upheld or the date contained within the notice sent to the provider of health care pursuant to subsection 4.~~] (Deleted by amendment.)

Sec. 52. *1. If the Department violates sections 44 to 51, inclusive, of this act with respect to a particular request for prior authorization, the request shall be deemed approved.*

2. Nothing in sections 44 to 51, inclusive, of this act shall be construed to require the Department to provide coverage:

(a) For medical or dental care that, regardless of whether such care is medically necessary, would not be a covered benefit under the terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable; or

(b) To a person who is not a recipient or is not otherwise eligible to receive coverage under Medicaid or the Children's Health Insurance Program, as applicable, on the date on which medical or dental care is provided to the person.

Sec. 53. [~~1. On or before March 1 of each calendar year, the Department shall publish on an Internet website maintained by the Department in an easily accessible format the following information for the immediately preceding calendar year, in aggregated form for all requests for prior authorization received by the Department during the immediately preceding year and disaggregated in accordance with subsection 2:~~

~~(a) The percentage of requests for prior authorization for medical or dental care that were approved upon initial review;~~

~~(b) The percentage of requests for prior authorization for medical or dental care that resulted in an adverse determination upon initial review;~~

~~(c) The percentage of the adverse determinations described in paragraph (b) that were appealed;~~

~~(d) The percentage of appeals of adverse determinations described in paragraph (c) that resulted in a reversal of the adverse determination;~~

~~(e) The five most common reasons for the adverse determinations described in paragraph (b); and~~

~~(f) The average time between a request for prior authorization for medical or dental care in this State and the resolution of the request.~~

~~2. The information described in subsection 1 must be disaggregated for the following categories:~~

~~(a) The specialty of the provider of health care who submitted a request for prior authorization; and~~

~~(b) The types of medical or dental care at issue in the request for prior authorization, including the specific types of prescription drugs, procedures or diagnostic tests involved in the requests.~~

~~*3. The Department shall not include individually identifiable health information in the information published pursuant to subsection 1.*~~]

(Deleted by amendment.)

Sec. 54. ~~[*1. On or before March 1 of each calendar year, the Department shall:*~~

~~*(a) Compile a report containing the following information for Medicaid and the Children's Health Insurance Program:*~~

~~*(1) The specific goods and services for which the Department requires prior authorization and, for each good or service:*~~

~~*(I) The date on which the Department began requiring prior authorization for that good or service and the date on which that requirement was listed on the Internet website of the Department pursuant to section 44 of this act;*~~

~~*(II) The number of requests for prior authorization received by the Department during the immediately preceding calendar year for the provision of the good or service;*~~

~~*(III) The number and percentage of the requests listed pursuant to sub-subparagraph (II) that were approved;*~~

~~*(IV) The number and percentage of the requests listed pursuant to sub-subparagraph (II) that resulted in adverse determinations; and*~~

~~*(V) The number of appeals from adverse determinations during the immediately preceding calendar year and the percentage of those appeals that were reversed on appeal by the Department;*~~

~~*(2) The information described in sub-subparagraphs (II) to (V), inclusive, aggregated for all requests for prior authorization received by the Department during the immediately preceding calendar year;*~~

~~*(3) A list of each reason that the Department issued an adverse determination on a request for prior authorization during the immediately preceding calendar year, and the percentage for which each reason listed accounts for all adverse determinations issued by the Department during the immediately preceding calendar year;*~~

~~*(4) For all requests for prior authorization for non-urgent health or dental care received by the Department during the immediately preceding calendar year, the average and median time between:*~~

~~*(I) The Department receiving a request for prior authorization and the Department approving or making an adverse determination on the request; and*~~

~~*(II) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal; and*~~

~~*(5) For all requests for prior authorization for urgent health care received by the Department during the immediately preceding calendar year, the average and median time between:*~~

~~*(I) The Department receiving a request for prior authorization and the Department approving or making an adverse determination on the request; and*~~

~~*(II) The submission of an appeal of an adverse determination on a request for prior authorization and the resolution of the appeal;*~~

~~*(b) Post the report on the Internet website maintained by the Department; and*~~

~~*(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.*~~

~~*2. The Department shall not include individually identifiable health information in a report published pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 55. NRS 422.403 is hereby amended to read as follows:

422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. The Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures ***that comply with the provisions of sections 34 to 54, inclusive, of this act*** for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The step therapy protocol established pursuant to this section must not apply to a drug approved by the Food and Drug Administration that is prescribed to treat a psychiatric condition of a recipient of Medicaid, if:

(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;

(b) The drug is prescribed by:

(1) A psychiatrist;

(2) A physician assistant under the supervision of a psychiatrist;

(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or

(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in Medicaid is located 60 miles or more from the residence of the recipient; and

(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the recipient, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition.

4. ~~*[The Department shall accept and respond to any request for prior authorization for a prescription drug through a secure electronic transmission using the National Council for Prescription Drug Programs SCRIPT standard described in 42 C.F.R. § 423.160(b).*~~

~~*5. The procedures for prior authorization established pursuant to this section must not apply to prescription drugs ordered as a part of a course of medication-assisted treatment for opioid use disorder.*~~

~~*6.]*~~ The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.

5. ~~*[7.]*~~ The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

6. ~~*[8.]*~~ As used in this section:

(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

(b) ~~*["Prior authorization" includes any requirement that requires a recipient of Medicaid to notify the Department before receiving medical care.*~~

~~*(c)]*~~ "Step therapy protocol" means a procedure that requires a recipient of Medicaid to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the recipient before Medicaid provides coverage for the recommended drug.

Sec. 56. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS, including, without limitation, as required by ~~*[paragraphs]*~~ ***paragraph (b)*** ~~*[and (c)]*~~ ***of subsection 1 of NRS 687B.225, subsection 2 of NRS 687B.225,*** ~~*[subsections 1, 3 and 5 to 8, inclusive, of NRS 687B.225,]*~~ NRS 687B.409, 687B.723 and 687B.725 ~~[.]~~ ***and sections 2 to 26, inclusive, of this act.***

Sec. 57. 1. The amendatory provisions of this act do not apply to a request for prior authorization submitted:

(a) Under a contract or policy of health insurance issued before January 1, 2026, but apply to any request for prior authorization submitted under any renewal of such a contract or policy.

(b) To the Department of Health and Human Services before January 1, 2026, for medical or dental care provided to a recipient of Medicaid.

2. A health carrier must, in order to continue requiring prior authorization in contracts or policies of health insurance issued or renewed after January 1, 2026:

(a) Develop a procedure for obtaining prior authorization that complies with NRS 687B.225, as amended by section 27 of this act, and sections 2 to 26, inclusive, of this act; and

(b) Obtain the approval of the Commissioner of Insurance pursuant to NRS 687B.225, as amended by section 27 of this act, for the procedure developed pursuant to paragraph (a).

3. As used in this section, "health carrier" has the meaning ascribed to it in section 7 of this act.

Sec. 58. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 59. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 60. 1. This section and section 57 of this act become effective upon passage and approval.

2. Sections 1 to 56, inclusive, 58 and 59 of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations, performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and approving procedures for obtaining prior authorization pursuant to NRS 687B.225, as amended by section 27 of this act, and section 57 of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 430.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to ~~[education; imposing requirements governing]~~ **governmental administration; revising requirements relating to** the standards of content and performance for certain courses; **prohibiting the State Board of Education from taking certain actions relating to certain courses of study; prohibiting certain persons and entities from refusing to enforce or taking certain other actions with respect to certain courses of study and standards of content and performance;** prohibiting the ~~[board of trustees of a school district or the]~~ governing body of ~~[a charter school]~~ **certain governmental entities or certain public employees in direct supervisory roles** from ~~[suspending or terminating]~~ **taking adverse employment actions against** certain employees based on certain characteristics or activities; prohibiting certain actions against such employees based on certain

characteristics and activities or the performance of certain duties; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for certain courses of study, including: (1) English language arts; (2) science; (3) social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education; (4) the arts; and (5) health. ~~[Section 1 of this bill requires the standards for history to require factual instruction in: (1)]~~ **Existing law requires the Council to forward the standards of content and performance to the State Board of Education for adoption by the State Board. (NRS 389.520) Existing law requires the State Board to prescribe and cause to be enforced the courses of study for all public schools in this State, which must comply with the standards of content and performance established by the Council. (NRS 385.114) Section 1 of this bill prohibits the State Board from repealing, abrogating or refusing to enforce any course of study or any part of a course of study relating to certain topics, such as** genocides and other atrocities experienced by people from various racial and ethnic backgrounds ~~[;]~~ and ~~[(2)]~~ the history of different ethnicities and cultures ~~[. Section 1 requires the standards for English language arts and the arts to require instruction on literary works or artistic works, as applicable, created by men and women from various racial and ethnic backgrounds. Section 1 additionally requires all instruction in science and health to be evidence-based.]~~ **, which were established by the State Board and in existence as of the effective date of this bill. Similarly, section 1.7 of this bill prohibits the Council from repealing, abrogating, reducing the priority assigned to or otherwise revising to substantially weaken any standard of content and performance relating to certain topics which were established by the Council, adopted by the State Board and in existence on the effective date of this bill.**

Existing law requires the boards of trustees of school districts to enforce in schools: (1) the standards of content and performance established by the Council; and (2) the courses of study prescribed by the State Board. (NRS 389.003) Existing law also requires each teacher in a public school to enforce the courses of study prescribed by law. (NRS 391.260) Section 1.3 of this bill prohibits the board of trustees of a school district, the governing body of a charter school or university for profoundly gifted pupils, in certain circumstances, and a principal or administrator of a public school from prohibiting the offering or teaching of or refusing to enforce a course of study established by the State Board or standards of content and performance established by the Council if that course or standard existed on the effective date of this bill and relates to certain topics. Section 1.3 also prohibits a teacher at a public school from refusing to teach or enforce a course of study or any material that complies with a standard of content and performance if the teacher would have been

required to teach or enforce the course or standard as of the effective date of this bill and the course or standard existed as of the effective date of this bill and relates to certain topics.

Section 2 of this bill ~~[makes it a crime, punishable as a category E felony, for]~~ **prohibits** the ~~[board of trustees of a school district or]~~ **Board of Regents of the Nevada System of Higher Education,** the governing body of a ~~[charter school to suspend or terminate the employment of an]~~ **school district, county or city, a member of such a governing body or a person with direct supervisory authority over an administrator or teacher or certain other public employees from taking any adverse employment action against an** administrator, teacher or ~~[other staff member]~~ **certain other public employees** based on certain characteristics or activities of the employee, including, without limitation, his or her political **, religious or social** affiliation or independent political **, religious or social** participation. ~~[Section 2 further makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to harm or harass an administrator, teacher or other staff member: (1) based on such characteristics or activities of the employee; or (2) because the employee provides instruction required by law.]~~ **Section 2 provides that a member of the Board of Regents or governing body who takes such a prohibited adverse employment action is guilty of a misdemeanor. Section 2 also requires the governmental entity to terminate a direct supervisory employee who takes such a prohibited adverse employment action in violation of section 2.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 385.114 is hereby amended to read as follows:**

385.114 1. Except as otherwise provided in subsections 2 and 3, the State Board shall prescribe and cause to be enforced the courses of study for the public schools of this State. The courses of study prescribed and enforced by the State Board must comply with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. For those courses of study prescribed by the State Board:

(a) High schools may have modified courses of study, subject to the approval of the State Board; and

(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the State Board.

3. A charter school is not required to offer the courses of study prescribed by the State Board except for those courses of study which are required for promotion to the next grade or graduation from high school.

4. The State Board shall not repeal, abrogate or refuse to enforce any course of study or any unit of a course of study which was prescribed by the

State Board and in existence on the effective date of this act and which relates to:

(a) The history of genocides and other atrocities experienced by people from various racial and ethnic backgrounds;

(b) The history, language and art of different ethnicities, countries, communities and cultures;

(c) National and global current events;

(d) The origin, history and essentials of The United States Constitution;

(e) Civic engagement;

(f) Socialization, communication and sensitivity to other persons, groups and communities; and

(g) The physical and emotional development of persons, including, without limitation, the development of the human reproductive system.

Sec. 1.3. **Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of trustees of a school district shall not prohibit, take action to prevent the offering of or refuse to enforce any course of study prescribed and adopted by the State Board or any material complying with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 relating to those courses of study which:

(a) Existed on the effective date of this act; and

(b) Relate to:

(1) The history of genocides and other atrocities experienced by people from various racial and ethnic backgrounds;

(2) The history, language and art of different ethnicities, countries, communities and cultures;

(3) National and global current events;

(4) The origin, history and essentials of the United States Constitution;

(5) Civic engagement;

(6) Socialization, communication and sensitivity to other persons, groups and communities; and

(7) The physical and emotional development of persons, including, without limitation, the development of the human reproductive system.

2. The governing body of a charter school or university school for profoundly gifted pupils shall not prohibit, take action to prevent the offering of or refuse to enforce any course of study prescribed and adopted by the State Board or any material complying with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 relating to those courses of study which:

(a) Existed on the effective date of this act;

(b) Relate to the subjects listed in paragraph (b) of subsection 1; and

(c) The charter school or university school for profoundly gifted pupils, as applicable, was required by law or regulation to enforce or offer to pupils

enrolled in the charter school or university school for profoundly gifted pupils, as applicable, on the effective date of this act.

3. A principal or administrator of a public school shall not prohibit, take action to prevent the offering of or refuse to enforce any course of study prescribed and adopted by the State Board or any material complying with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 relating to those courses of study which:

(a) Existed on the effective date of this act;

(b) Relate to the subjects listed in paragraph (b) of subsection 1; and

(c) Were required to be offered at the public school at which the principal or administrator is employed on the effective of this act.

4. A teacher shall not refuse to enforce or teach any course of study prescribed and adopted by the State Board or any material complying with the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 relating to those courses of study which:

(a) Existed on the effective date of this act;

(b) Relate to the subjects listed in paragraph (b) of subsection 1; and

(c) The teacher would have been required to teach or enforce on the effective date of this act.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, ~~[7,]~~ based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include <u>multicultural</u> ~~*[:*~~ ~~*(a) Multicultural]*~~ education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

~~*[(b) History, including, without limitation, factual information relating to:*~~

~~*(1) Genocides and other atrocities experienced by people from various racial and ethnic backgrounds; and*~~

~~*(2) The history of different ethnicities and cultures.]*~~

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. ~~*[The standards for English language arts and the arts must include, without limitation, instruction on literary works or artistic works, as applicable, created by men and women from various racial and ethnic backgrounds.*~~

~~*6. The standards for science and health must require all instruction in those subjects to be evidence-based.*~~

~~*7.]*~~ The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. ~~*[8.]*~~ The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. ~~*[9.]*~~ If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. ~~*[10.]*~~ ***The Council shall not repeal, abrogate, reduce the priority assigned to or otherwise revise for the purpose of substantially weakening any standard of content and performance which was established by the Council and in existence on the effective date of this act and which relates to:***

(a) The history of genocides and other atrocities experienced by people from various racial and ethnic backgrounds;

(b) The history, language and art of different ethnicities, countries, communities and cultures;

(c) National and global current events;

(d) The origin, history and essentials of The United States Constitution;

(e) Civic engagement;

(f) Socialization, communication and sensitivity to other persons, groups and communities; and

(g) The physical and emotional development of persons, including, without limitation, the development of the human reproductive system.

9. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

~~[9. 11.]~~ ***10.*** As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 2. Chapter ~~[391]~~ **237** of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[It is unlawful for the board of trustees of a school district or the governing body of a charter school to suspend or terminate the employment of any]~~ A governing body, a member of a governing body or the direct supervisor of an administrator or a school, teacher or other applicable public employee shall not take any adverse employment action against an administrator ~~[,]~~ of a school, teacher or other ~~[staff member]~~ applicable public employee, including, without limitation, investigating, denying the professional requests of, refusing to pay any applicable merit-based pay to, transferring, disciplining, demoting, suspending, dismissing or terminating the administrator, teacher or other applicable public employee, based on the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political , religious or social affiliation or independent political , religious or social participation of the administrator, teacher or other ~~[staff member.]~~ applicable public employee.

2. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to harm or harass an administrator ~~[,]~~ of a school teacher or other ~~[staff member:]~~ applicable public employee:

(a) Based on the sex, race, national origin, religion, gender identity or expression, sexual orientation, physical or mental disability, political , religious or social affiliation or independent political , religious or social participation of the administrator, teacher or other ~~[staff member.]~~ applicable public employee.

(b) Because the administrator, teacher or other ~~[staff member]~~ applicable public employee provides any instruction required pursuant to chapter 389 of NRS, including, without limitation, NRS 389.018, 389.036, 389.054, 389.057 and 389.061.

3. The provisions of subsection 2 apply regardless of whether a person uses or threatens or attempts to use force, intimidation, coercion, violence, restraint or undue influence on ~~[school]~~ government property or at a location other than on ~~[school]~~ government property.

4. ~~[A person who violates the provisions of subsection 1 or 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ A member of a governing body who violates the provisions of subsection 1 is guilty of a misdemeanor punishable by a fine of not more than $1,000.

5. Notwithstanding any collective bargaining agreement or contract of employment to the contrary, a governing body or other governmental entity that employs a person who is found to have violated subsection 1 or 2 shall terminate the employment of the person.

6. As used in this section:

(a) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff members or teachers, or both, including, without limitation, a principal or vice principal of a school.

(b) "Applicable public employee" means any employee of the Nevada System of Higher Education, a school district, a charter school, a university school for profoundly gifted pupils, a county or a city.

(c) "Governing body" means the Board of Regents of the Nevada System of Higher Education, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils, a board of county commissioners or a city council.

(d) "Independent political , religious or social participation" means engaging in political , religious or social activity outside of working hours.

~~***[(e) "Other staff member" means any person who is not reported as an administrator or teacher, including, without limitation:***~~

~~***(1) A school counselor, school nurse or other employee who spends at least 50 percent of his or her work year providing emotional support, noninstructional guidance and medical support to pupils; and***~~

~~***(2) A member of the noninstructional support staff of a school or school district, including, without limitation, a janitor, school police officer and member of the maintenance staff.***~~

~~***(d)]***~~ ***(e) "Teacher" means a person licensed pursuant to this chapter who is employed by the:***

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 3. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

Assemblymember D'Silva moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 227.

AN ACT relating to mental health; ~~[authorizing a court to order involuntary court-ordered admission of a defendant to a mental health facility in certain circumstances; authorizing certain entities to request the records of such a defendant;]~~ authorizing the creation of a facility for the treatment of incompetent defendants within certain county jails or detention facilities; **authorizing the establishment of a program to provide certain services to an incompetent defendant outside of a forensic facility;** requiring the Division of Child and Family Services of the Department of Health and Human Services to immediately accept placement of a child in a division facility when a juvenile court orders such acceptance of the child; ~~[exempting certain providers of health care from compliance with an advance directive for psychiatric care under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a defendant from being tried or judgment pronounced for a public offense while the defendant is incompetent. (NRS 178.400) Existing law also requires a court to suspend criminal proceedings against a defendant if doubt arises as to the competence of the defendant until the question of competence is determined. (NRS 178.405) After a court determines that a defendant is incompetent, existing law requires a judge to order the defendant into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or the Administrator's designee for treatment at a secure mental health facility of the Division. (NRS 178.425)

~~[Section 5 of this bill authorizes a court to order the involuntary court-ordered admission of a defendant to a public or private mental health facility if the court: (1) finds that the defendant is a danger to himself or herself or to society; (2) finds that commitment is required for a determination of the defendant's ability to receive treatment to competence and to attain competence; (3) explores other alternative courses of treatment; and (4) receives an affirmation from the public or private mental health facility that the facility will admit the defendant. Sections 2, 11 and 15 of this bill provide that a court that orders the involuntary admission of a defendant to a mental health facility under those circumstances is not required to follow the procedures established by existing law for the civil commitment of a person to a public or private mental health facility. (NRS 433A.200-433A.330) Section 2 prescribes certain required contents of an order for the involuntary admission of a defendant to a public or private mental health facility. Section 6 of this bill requires the county or city from which a defendant is sent to pay the cost of transporting the defendant to the public or private mental health facility while authorizing such a city or county to seek reimbursement from certain persons and entities.~~

~~Section 7 of this bill requires the Administrator or the Administrator's designee to provide periodic evaluations and reports to the court if the defendant is involuntarily admitted to a mental health facility. Sections 2 and~~

~~16 of this bill require a mental health facility to provide clinical records of the defendant to the court upon request. Sections 8 and 12 of this bill authorize certain entities involved in the treatment of a defendant who is involuntarily admitted to a mental health facility to request the records of the defendant from other such entities to assist in the evaluation and treatment of the defendant. Section 2 prohibits the transfer of a defendant who has been involuntarily admitted to a mental health facility without the consent of the court that ordered the involuntary admission. Section 10 of this bill updates an internal reference changed by section 5. Section 14 of this bill requires each regional behavioral health policy board to track and compile data on defendants who are involuntarily admitted to mental health facilities in the behavioral health region. Sections 18 and 19 of this bill provide for the compensation of a mental health facility to which a defendant is involuntarily admitted pursuant to section 5 in the same manner as other persons who are involuntarily admitted to mental health facilities. Section 17 of this bill requires a peace officer, under certain circumstances, to apprehend a defendant who is involuntarily admitted to, and later escapes from, a public or private mental health facility. Section 21 of this bill provides that an attending provider of health care at a mental health facility is not required to comply with the advance directive for psychiatric care of a defendant who is involuntarily admitted to the facility.~~

Under certain circumstances, **section 3** of this bill ~~[requires]~~ **authorizes** the Administrator to ~~[seek to]~~ enter into a contract with an organization that provides mental health services to the community to operate a facility for the treatment of defendants **to competency** in a county jail or detention facility in a county whose population is 100,000 or more (currently Clark and Washoe Counties). **Section 3 additionally authorizes the Administrator to establish a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility. Sections 3 and 5 of this bill** authorize a court to commit an incompetent defendant to such a facility **or program** under the same circumstances where the court is authorized to commit an incompetent defendant to a division facility. **Section 9** of this bill requires a defendant who has attained competence after being committed to a facility for the treatment of defendants **to competency** established in a county jail or detention facility **or through a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility** to be discharged from the treatment facility within the jail or detention facility ~~[.]~~ **or to have his or her services through the program terminated, as applicable.** **Section 13** of this bill applies the provisions of ~~[sections 2 and]~~ **section 3** to persons who have been court-martialed for violations of the Nevada Code of Military Justice. (NRS 412.196-412.584) **Section 4** of this bill applies certain definitions to ~~[sections 2 and]~~ **section 3**. **Section 7 of this bill revises certain terminology to more accurately reflect the required contents of certain**

periodic reports of the Administrator or the Administrator's designee concerning an incompetent defendant.

Existing law authorizes a juvenile court that determines that a child in a case before the court is incompetent to require a treatment facility of the Division of Child and Family Services of the Department to accept and provide services to the child. (NRS 62D.180, 62D.185) If the administrative officer of the facility or the administrative officer's designee has determined that the treatment available at the facility is not appropriate or necessary for the child, existing law requires the administrative officer or the administrative officer's designee to assist the court with identifying a facility that has the appropriate or necessary treatment. (NRS 433B.320) If a court orders a treatment facility to accept and provide services to a child, **section 20** of this bill requires the administrative officer of the facility or the administrative officer's designee to: (1) accept placement of the child in the facility; and (2) if the facility is not best situated to treat the child, to ensure that the child receives treatment at the facility, within the capabilities of the facility, while a more suitable facility is found.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[1. An order for the involuntary court-ordered admission of a defendant to a public or private mental health facility may be issued pursuant to paragraph (b) of subsection 1 of NRS 178.425 without:*~~

~~*(a) The filing of a petition pursuant to NRS 433A.200; or*~~

~~*(b) Any other procedure described in NRS 433A.200 to 433A.330, inclusive.*~~

~~*2. If a court orders a defendant involuntarily admitted to a public or private mental health facility pursuant to paragraph (b) of subsection 1 of NRS 178.425, the court shall order the sheriff to convey the defendant forthwith into the custody of the Administrator or the Administrator's designee for transportation to the public or private mental health facility.*~~

~~*3. An order for involuntary court-ordered admission issued pursuant to paragraph (b) of subsection 1 of NRS 178.425 must include, without limitation:*~~

~~*(a) The date on which the order expires, which must be not more than 6 months after the date of the issuance of the order;*~~

~~*(b) A statement of the criminal charges against the defendant; and*~~

~~*(c) Any procedure necessary to carry out the provisions of this section and NRS 178.3981 to 178.4715, inclusive, and section 3 of this act with respect to the defendant.*~~

~~*4. A public or private mental health facility shall not transfer a defendant ordered involuntarily admitted to the facility pursuant to*~~

~~*paragraph (b) of subsection 1 of NRS 178.425 to another facility without the consent of the court that ordered the involuntary admission of the defendant.*~~

~~*5. An order for the involuntary admission of a defendant to a public or private mental health facility issued pursuant to paragraph (b) of subsection 1 of NRS 178.425 may be renewed under the circumstances prescribed in paragraph (b) of subsection 4 of NRS 178.460.*~~

~~*6. The provisions of NRS 433A.350 and 433A.380 to 433A.440, inclusive, do not apply to a defendant who is involuntarily admitted to a public or private mental health facility pursuant to paragraph (b) of subsection 1 of NRS 178.425 until such time as the defendant is readmitted to the facility in accordance with paragraph (d) of subsection 4 of NRS 178.460.*~~

~~*7. A public or private mental health facility to which a defendant is involuntarily admitted pursuant to paragraph (b) of subsection 1 of NRS 178.425 shall, upon the order of the court, provide the clinical records of the defendant to the court.]*~~ **(Deleted by amendment.)**

Sec. 3. *1. The Administrator ~~[shall seek to]~~ may enter into a contract with an organization that provides mental health services to the community to establish and operate a facility for the treatment of defendants to competency within the county jail or detention facility in a county whose population is 100,000 or more if:*

(a) Money is available to support the facility for the treatment of defendants;

(b) There is a qualified organization that is willing and able to operate the facility for the treatment of defendants; and

(c) The sheriff who is responsible for the county jail or detention facility ~~[determines that the county jail or detention facility is capable of hosting]~~ consents to the establishment of the facility for the treatment of defendants ~~[without undue hardship.]~~ within the county jail or detention facility.

2. An organization that enters into a contract pursuant to subsection 1 may serve as an Administrator's designee for the purpose of this section and NRS 178.3981 to 178.4715, inclusive . ~~[, and section 2 of this act.]~~ The Administrator retains oversight over the facility for the treatment of defendants to competency and services provided at the facility.

3. The Administrator may establish a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility. The services provided through such a program must be developed based on considerations of public safety, the needs of the defendant and the resources available to the defendant.

4. As used in this section, "forensic facility" has the meaning ascribed to it in NRS 175.539.

Sec. 4. NRS 178.3981 is hereby amended to read as follows:

178.3981 As used in NRS 178.3981 to 178.4715, inclusive, ***and ~~[sections 2 and]~~ section 3 of this act,*** unless the context otherwise requires, the words

and terms defined in NRS 178.3982 to 178.399, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order ~~*[:*~~ ~~*(a) Order]*~~ the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure ~~[.]~~ ***, [or] a facility for the treatment of defendants to competency established within a county jail or detention facility pursuant to subsection 1 of section 3 of this act*** ~~*[; or*~~

~~*(b) Order the involuntary court-ordered admission of a defendant to a public or private mental health facility in accordance with section 2 of this act, if the court additionally:*~~

~~*(1) Explores alternative courses of treatment and determines that involuntary admission is in the best interests of the defendant; and*~~

~~*(2) Receives confirmation from the public or private mental health facility that the facility will admit the defendant.*~~

~~*2.]*~~ ***or another location to receive services through a program established pursuant to subsection 3 of section 3 of this act.*** The order ~~*[issued pursuant to subsection 1]*~~ may include the involuntary administration of medication if appropriate for treatment to competency.

2. ~~*[3.]*~~ The defendant must be held in such ~~*[the]*~~ custody ~~*[of the Administrator or the Administrator's designee or a public or private mental health facility, as applicable, pursuant to subsection 1]*~~ until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. ~~*[4.]*~~ If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. ~~*[5.]*~~ Except as otherwise provided in subsection 5, ~~*[6,]*~~ proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. ~~*[6.]*~~ Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and

released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court where:

(a) The State has a good faith belief, based on articulable facts, that the defendant has attained competency;

(b) The State has a compelling interest in bringing charges again; and

(c) The period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has not lapsed since the date of the alleged offense.

➥ The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.

6. ~~*[7.]*~~ If a defendant is found incompetent pursuant to this section, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. ~~*[8.]*~~ As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 6. ~~[NRS 178.435 is hereby amended to read as follows:~~

~~178.435 The expenses of the examination and of the transportation of the defendant to and from the custody of the Administrator or the Administrator's designee *, or a public or private mental health facility,* are in the first instance chargeable to the county or city from which the defendant has been sent. But the county or city may recover the money from the estate of the defendant, from a relative legally bound to care for the defendant or from the county or city of which the defendant is a resident.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 178.450 is hereby amended to read as follows:

178.450 1. The Administrator or the Administrator's designee shall keep each defendant committed to ~~*[the]*~~ custody ~~*[of the Administrator, the Administrator's designee or a public or private mental health facility]*~~ under NRS 178.425 or 178.460 under observation and shall have each defendant who has been ordered to report to the Administrator as an outpatient under those sections evaluated periodically.

2. The Administrator or the Administrator's designee shall report in writing to a judge of the court which committed the person and the prosecuting attorney of the county or city to which the person may be returned for further court action whether, in his or her opinion, upon medical consultation, the defendant is of sufficient mentality to be able to understand the nature of the criminal charge against the defendant and, by reason thereof, is able to aid and

assist counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter. The Administrator or the Administrator's designee shall submit such a report, in the case of a person charged or convicted of a misdemeanor, within 3 months after the order for commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 4 of NRS 178.460, and at monthly intervals thereafter. In all other cases, the initial report must be submitted within 6 months after the order and at 6-month intervals thereafter. If the opinion of the Administrator or the Administrator's designee is that the defendant is not of sufficient mentality to understand the nature of the charge against the defendant and assist in the defendant's own defense, the Administrator or the Administrator's designee shall also include in the report his or her opinion whether:

(a) There is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) The defendant is at that time a danger to himself or herself or to society.

3. The report must contain:

(a) The name of the defendant and the county or city to which the defendant may be returned for further court action.

(b) The circumstances under which the defendant was committed to the custody of the Administrator ~~*[,]*~~ or the Administrator's designee ~~*[or a public or private mental health facility]*~~ and the duration of the defendant's ~~[hospitalization,]~~ ***treatment to competency*** or the circumstances under which the defendant was ordered to report to the Administrator or the Administrator's designee as an outpatient.

Sec. 8. ~~[NRS 178.453 is hereby amended to read as follows:~~

~~178.453 1. The Administrator or the Administrator's designee *or a public or private mental health facility* may request from the Department of Corrections access to any records in its possession which contain information that may assist in evaluating and treating a defendant who previously has served a term of imprisonment under the supervision of the Department of Corrections and who is committed to the custody of or ordered to report to the Administrator, [or] the Administrator's designee *or the mental health facility* pursuant to NRS 178.425, 178.460, 178.461 or 178.464.~~

~~2. Unless otherwise ordered by a court, upon request of the Administrator, [or] the Administrator's designee *or a public or private mental health facility* for access to records of a defendant pursuant to subsection 1, the Department of Corrections, through the Medical Director, shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Administrator, [or] the Administrator's designee *or the mental health facility, as applicable,* to evaluate and treat the defendant.~~

~~3. No oral or written consent of the defendant is required for the Administrator, [or] the Administrator's designee *or a public or private mental*~~

~~***health facility*** to obtain access to records from the Department of Corrections pursuant to this section.~~

~~4. As used in this section, "Medical Director" has the meaning ascribed to it in NRS 209.077.~~] **(Deleted by amendment.)**

Sec. 9. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or herself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility ***, if applicable,*** for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be. ***If the defendant is receiving treatment to competency through a facility located within the county jail or detention facility pursuant to subsection ~~[2]~~ 1 of NRS 178.425, the judge shall order the defendant discharged from the facility for treatment to competency within the jail or detention facility. A defendant so discharged may continue to reside in a designated mental health unit of a jail or detention facility to continue mental health treatment not related to treatment to competency. If the defendant is receiving treatment through a program established pursuant to subsection 3 of section 3 of this act, the judge shall order the termination of such treatment.***

(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed for the involuntary court-ordered admission of the person to a mental health facility pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily admitted to a mental health facility pursuant to chapter 433A of NRS.

5. Except as otherwise provided in subsections 4 and 7 of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection 4 or 7 of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 10. ~~[NRS 178.461 is hereby amended to read as follows:~~

~~"178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection [5] 6 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3.~~

~~2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall, except as otherwise provided in this subsection, complete the comprehensive risk assessment within 40 calendar days after receipt of the request and provide the comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person. The court may grant the Division an extension to complete the comprehensive risk assessment upon a showing of good cause. Within 10 judicial days after receipt of the comprehensive risk assessment, the~~

~~court shall hold a hearing on the motion. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.~~

~~3. At a hearing held pursuant to subsection 2, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:~~

~~(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and~~

~~(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.~~

~~4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.~~

~~5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.~~

~~6. The provisions of subsection 1 apply to any of the following category B felonies:~~

~~(a) Voluntary manslaughter pursuant to NRS 200.050;~~

~~(b) Mayhem pursuant to NRS 200.280;~~

~~(c) Kidnapping in the second degree pursuant to NRS 200.330;~~

~~(d) Assault with a deadly weapon pursuant to NRS 200.471;~~

~~(e) Battery with a deadly weapon pursuant to NRS 200.481;~~

~~(f) Aggravated stalking pursuant to NRS 200.575;~~

~~(g) First degree arson pursuant to NRS 205.010;~~

~~(h) Residential burglary with a deadly weapon pursuant to NRS 205.060;~~

~~(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;~~

~~(j) Any category B felony involving the use of a firearm; and~~

~~(k) Any attempt to commit a category A felony.~~

~~7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:~~

~~(a) Was charged with murder or sexual assault; and~~

~~(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,~~

~~the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.~~

~~8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to~~

~~himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.~~

~~— 9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.~~] **(Deleted by amendment.)**

Sec. 11. ~~[NRS 160.160 is hereby amended to read as follows:~~

~~— 160.160 1. In any proceeding under the laws of this State for involuntary court-ordered admission of a person alleged to be mentally ill or otherwise in need of confinement in a hospital or other institution for his or her care, the court may order the admission of that person to the Department of Veterans Affairs or another agency of the Federal Government, whenever:~~

~~— (a) It is determined, after such adjudication of the status of that person as may be required by chapter 433A of NRS, that involuntary court-ordered admission to a hospital for mental disease or another institution is necessary for safekeeping or treatment; and~~

~~— (b) It appears that the person is eligible for care or treatment by the Department of Veterans Affairs or any other agency that has facilities available and that the person is eligible for care or treatment therein.~~

~~— 2. [The]~~ ***Except where involuntary admission is ordered pursuant to NRS 178.425, the*** ~~person whose involuntary court-ordered admission is sought must be personally served with notice of the pending proceeding in the manner provided by chapter 433A of NRS. This chapter does not affect that person's right to appear and be heard in the proceedings.~~] **(Deleted by amendment.)**

Sec. 12. ~~[NRS 209.3515 is hereby amended to read as follows:~~

~~— 209.3515 1. The Director, through the Medical Director, may request from the Division of Public and Behavioral Health of the Department of Health and Human Services access to any records in its possession which contain information that may assist in evaluating, caring for and providing treatment to an offender who previously was committed to the custody of [or ordered to report to] the Administrator or the Administrator's designee~~ ***or a public or private mental health facility or ordered to report to the Administrator or the Administrator's designee*** ~~pursuant to NRS 178.425 or 178.460.~~

~~— 2. Unless otherwise ordered by a court, upon a request for access to records of an offender pursuant to subsection 1, the Division of Public and Behavioral Health of the Department of Health and Human Services shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Director or the Medical Director to evaluate, care for and provide treatment to the offender.~~

~~— 3. The Director, through the Medical Director, may provide to the Division of Public and Behavioral Health of the Department of Health and Human Services or to other community medical or mental health care providers, relevant medical and mental health records of an offender serving a term of imprisonment under the custody of the Department of Corrections, for the~~

~~purposes of planning the discharge of the offender and assuring the continuity of evaluation, care and treatment of the offender in the community after release from incarceration.~~

~~4. No oral or written consent of the offender is required to obtain access to records from the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Corrections pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 412.4485 is hereby amended to read as follows:

412.4485 1. Unless otherwise stated in this section, in the case of a person determined pursuant to NRS 412.2645 to be incompetent, the provisions of NRS 178.3981 to 178.4715, inclusive, ***and ~~[sections 2 and]~~ section 3 of this act*** are applicable. References to the court in NRS 178.3981 to 178.4715, inclusive, ***and ~~[sections 2 and]~~ section 3 of this act,*** and to the judge of such court, shall be deemed to refer to the convening authority having authority to convene a general court-martial for that person. However, if the person is no longer subject to this Code at a time relevant to the application to the person of the relevant provisions of NRS 178.3981 to 178.4715, inclusive, ***and ~~[sections 2 and]~~ section 3 of this act,*** the state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found retains the powers specified in NRS 178.3981 to 178.4715, inclusive, ***and ~~[sections 2 and]~~ section 3 of this act*** as if it were the court that ordered the commitment of the person.

2. When the director of a facility in which a person is hospitalized pursuant to the actions taken by the convening authority having authority to convene a general court-martial for that person determines that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the convening authority having authority to convene a general court-martial for the person, the person's counsel and the authority having custody of the person. The authority having custody of the person may retain custody of the person for not more than 30 days after receiving notification that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case.

3. Upon receipt of a notification pursuant to subsection 2, the convening authority having authority to convene a general court-martial for the person shall promptly take custody of the person unless the person to which the notification applies is no longer subject to this Code. If the person is no longer subject to this Code, the state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found may take any action within the authority of that court that the court considers appropriate regarding the person.

Sec. 14. ~~[NRS 433.4295 is hereby amended to read as follows:~~

~~433.4295 1. Each policy board shall:~~

~~(a) Advise the Department, Division and Commission regarding:~~

~~(1) The behavioral health needs of adults and children in the behavioral health region;~~

~~(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;~~

~~(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;~~

~~(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and~~

~~(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.~~

~~(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.~~

~~(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.~~

~~(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.~~

~~(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community based organization to establish the repository.~~

~~(f) To the extent feasible, track and compile data concerning persons placed on a mental health crisis hold pursuant to NRS 433A.160, persons admitted to mental health facilities and hospitals under an emergency admission pursuant to NRS 433A.162, persons admitted to mental health facilities under an involuntary court ordered admission pursuant to NRS~~ ***178.425 or*** ~~433A.200 to 433A.330, inclusive, and persons ordered to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, in the behavioral health region, including, without limitation:~~

~~(1) The outcomes of treatment provided to such persons; and~~

~~(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future mental health crisis holds and admissions.~~

~~(g) If a data dashboard is established pursuant to NRS 439.245, use the data dashboard to review access by different groups and populations in this State to behavioral health services provided through telehealth, as defined in NRS 629.515, and evaluate policies to make such access more equitable.~~

~~(h) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.~~

~~(i) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation:~~

~~(1) The specific behavioral health needs of the behavioral health region;~~

~~(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;~~

~~(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (e) and (h) and the results of those activities; and~~

~~(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.~~

~~2. A report described in paragraph (i) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.~~**]**

(Deleted by amendment.)

Sec. 15. ~~**[**NRS 433A.200 is hereby amended to read as follows:~~

~~433A.200 1. Except as otherwise provided in NRS 432B.6075 and 432B.60814~~ **[,]** ***and section 2 of this act,*** ~~a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility with the clerk of the district court of the county where the person who is to be treated resides or the county where a mental health facility that is willing to admit the person is located. The petition may be filed by any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:~~

~~(a) By a certificate of a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or~~

~~(b) By a sworn written statement by the petitioner that:~~

~~(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis and the person alleged to be a person in a mental health crisis has refused to submit to~~

~~examination or treatment by a physician, psychiatrist, psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or~~

~~(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.~~

~~2. Except as otherwise provided in NRS 432B.6075 and 432B.60814, if the person to be treated is an unemancipated minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.~~] **(Deleted by amendment.)**

Sec. 16. [~~NRS 433A.360 is hereby amended to read as follows:~~

~~433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility, private institution, facility offering mental health services or person professionally qualified in the field of psychiatric mental health responsible for providing assisted outpatient treatment. The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except as otherwise provided in subsection 2 or except:~~

~~(a) If the release is authorized or required pursuant to NRS *209.3515 or* 439.597.~~

~~(b) The record must be released to physicians, advanced practice registered nurses, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.~~

~~(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.~~

~~(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.~~

~~(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.~~

~~(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to~~

~~which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.~~

~~(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:~~

~~(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or~~

~~(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:~~

~~(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and~~

~~(II) Does not have a guardian or other legal representative or is a ward of the State.~~

~~(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.~~

~~2. A division facility, private institution, facility offering mental health services or person professionally qualified in the field of psychiatric mental health responsible for providing assisted outpatient treatment and any other person or entity having information concerning a consumer, including, without limitation, a clinical record, any part thereof or any information contained therein, may disclose such information to a provider of health care to assist with treatment provided to the consumer.~~

~~3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.~~] **(Deleted by amendment.)**

Sec. 17. ~~[NRS 433A.370 is hereby amended to read as follows:~~

~~433A.370 1. When a consumer committed by a court to a division facility on or before June 30, 1975, or a consumer who is judicially admitted on or after July 1, 1975, or a person who is involuntarily detained pursuant to NRS *178.425 or* 433A.145 to 433A.300, inclusive, escapes from any division facility, or when a judicially admitted consumer has not returned to a division facility from conditional release after the administrative officer of the facility has ordered the consumer to do so, any peace officer shall, upon written request of the administrative officer or the administrative officer's designee and without the necessity of a warrant or court order, apprehend, take into custody and deliver the person to such division facility or another state facility.~~

~~2. Any person appointed or designated by the Director of the Department to take into custody and transport to a division facility persons who have escaped or failed to return as described in subsection 1 may participate in the apprehension and delivery of any such person, but may not take the person into custody without a warrant.~~] **(Deleted by amendment.)**

Sec. 18. ~~[NRS 433A.580 is hereby amended to read as follows:~~

~~433A.580 No person may be admitted or transferred to a private hospital or a division mental health facility, ordered to receive assisted outpatient treatment or transferred to a different person professionally qualified in the field of psychiatric mental health to provide assisted outpatient treatment pursuant to the provisions of this chapter~~ ***or NRS 178.425*** ~~unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital, division facility or person professionally qualified in the field of psychiatric mental health responsible for providing assisted outpatient treatment and the consumer or person requesting his or her admission.~~**]** **(Deleted by amendment.)**

Sec. 19. ~~[NRS 433A.610 is hereby amended to read as follows:~~

~~433A.610 1. When a person is admitted to a division facility or hospital under one of the various forms of admission prescribed by law, the parent or legal guardian of a person in a mental health crisis who is a minor or the spouse of a person in a mental health crisis, if of sufficient ability, and the estate of the person in a mental health crisis, if the estate is sufficient for the purpose, shall pay the cost of the maintenance for the person in a mental health crisis, including treatment and surgical operations, in any hospital in which the person is hospitalized under the provisions of this chapter~~ **[**:**]** ***or NRS 178.425:***

~~(a) To the administrative officer if the person is admitted to a division facility; or~~

~~(b) In all other cases, to the hospital rendering the service.~~

~~2. If a person or an estate liable for the care, maintenance and support of a committed person neglects or refuses to pay the administrative officer or the hospital rendering the service, the State is entitled to recover, by appropriate legal action, all money owed to a division facility or which the State has paid to a hospital for the care of a committed person, plus interest at the rate established pursuant to NRS 99.040.~~**]** **(Deleted by amendment.)**

Sec. 20. NRS 433B.320 is hereby amended to read as follows:

433B.320 1. In any case involving commitment by court order, except a case where commitment was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, admission to a treatment facility may be only after consultation with and approval by the administrative officer of the facility or the administrative officer's designee, who shall determine whether the treatment available at the facility is appropriate or necessary for the child's health and welfare.

2. In a case where commitment to a treatment facility was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, ~~[if]~~ ***the administrative officer or the administrative officer's designee shall immediately accept placement of the child at the treatment facility. If*** the administrative officer of the facility or the administrative officer's designee has determined that the treatment available at the facility is not ~~[appropriate or necessary for the child's health and welfare and for the protection of the community,]~~ ***best situated to***

treat the child, the administrative officer or the administrative officer's designee shall ~~[~~assist~~]~~ ***:***

(a) Assist the court with identifying a facility that ~~[~~has the appropriate or necessary~~]~~ ***is better situated to provide the necessary*** treatment ~~[.]~~ ***; and***

(b) Ensure that the child receives treatment at the treatment facility, within the capabilities of the treatment facility, until a more suitable facility is found.

3. Except in a case where commitment was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, a child committed by court order must not be released from a treatment facility until the administrative officer determines that treatment in the facility is no longer beneficial to the child.

Sec. 21. ~~[NRS 449A.636 is hereby amended to read as follows:~~

~~449A.636 1. When acting under the authority of an advance directive for psychiatric care, an attending physician or other provider of health care shall comply with the advance directive unless:~~

~~(a) Compliance, in the opinion of the attending physician or other provider, is not consistent with generally accepted standards of care for the provision of psychiatric care for the benefit of the principal;~~

~~(b) Compliance is not consistent with the availability of psychiatric care requested;~~

~~(c) Compliance is not consistent with applicable law;~~

~~(d) The principal is admitted to a mental health facility or hospital pursuant to NRS *178A.425 or* 433A.145 to 433A.330, inclusive, or required to receive assisted outpatient treatment pursuant to NRS 433A.335 to 433A.345, inclusive, and a course of treatment is required pursuant to those provisions; or~~

~~(e) Compliance, in the opinion of the attending physician or other provider, is not consistent with appropriate psychiatric care in case of an emergency endangering the life or health of the principal or another person.~~

~~2. In the event that one part of the advance directive is unable to be followed because of any of the circumstances set forth in subsection 1, all other parts of the advance directive must be followed.~~] **(Deleted by amendment.)**

Sec. 22. 1. This section and section 20 of this act become effective upon passage and approval.

2. Sections 1 to 19, inclusive, and 21 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 370.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** HIBBETTS **; AND NGUYEN**

AN ACT relating to taxation; revising provisions governing the taxation of remote sales of cigars and pipe tobacco; revising provisions governing the licensing of remote retail sellers of cigars and pipe tobacco; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax on the receipt, purchase or sale in this State of cigarettes and other tobacco products, including, without limitation, cigars and pipe tobacco. (NRS 370.0318, 370.165, 370.350, 370.440, 370.450) Under existing law, the tax on tobacco products, other than cigarettes, is required to be paid by the wholesale dealer who purchased the products from the manufacturer and who distributes the products to a retail dealer in this State. If any tobacco products, other than cigarettes, are authorized by law to be sold directly to a consumer in this State by a person located outside this State, the tax is imposed on the person making the sale and the tax is based on the established price for which the products are sold to the consumer. (NRS 370.440, 370.450)

This bill enacts provisions to provide for the taxation of the remote sale of cigars and pipe tobacco by persons who make sales of cigars and pipe tobacco through any means by which the cigars or pipe tobacco are delivered to the consumer through ~~[the mail or another delivery service.]~~ **remote sales. Sections 2 and 3 of this bill, respectively, define the sales that constitute a remote retail sale and the sellers who are remote retail sellers for the purposes of taxing such remote retail sales of cigars and pipe tobacco.** **Section ~~[8]~~ 3.3** of this bill requires the tax for a remote sale of cigars or pipe tobacco to be based on the actual cost of the cigars or pipe tobacco to the remote retail seller, as defined in **section ~~[6]~~ 1.3** of this bill. **Section ~~[9]~~ 3.4** of this bill provides for the filing of a monthly report of the sales of cigars and pipe tobacco by a remote retail seller in a manner similar to the monthly report for a wholesale dealer of such products, and **section ~~[10]~~ 3.5** of this bill imposes recordkeeping requirements on a remote retail seller of cigars and pipe tobacco that are similar to the recordkeeping requirements for a wholesale dealer of such products. ~~[Section 11 of this bill excludes remote retail sellers of cigars and pipe tobacco from obtaining the credit provided under existing law for the cost of collecting taxes on tobacco products.]~~ **Sections ~~[2, 3 and 12-19]~~ 3.6-3.9** of this bill provide for the licensing of remote retail sellers of cigars and pipe tobacco in the same manner as wholesale dealers of such products, including, without limitation, imposing the same fees for a license, which are set forth in **section ~~[18,]~~ 3.8** and imposing the same bonding requirements, which are set forth in **section ~~[19]~~ 3.9. Section 7** of this bill clarifies requirements for wholesale dealers of tobacco products, other than cigarettes, to maintain an inventory of such products by providing that such inventory must be maintained at each location in this State at which the wholesaler maintains a place of business. **Section 20** of this bill makes a

conforming change to align with existing requirements for the use of an independent, third-party age verification service by remote retail sellers of certain tobacco products.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **1.1 to 3.9, inclusive,** of this act.

Sec. 1.1. ***As used in sections 1.1 to 3.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 3.2, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***"Actual cost" means the actual price paid by a remote retail seller for an individual stock keeping unit of cigars or pipe tobacco.***

Sec. 1.5. ***"Actual cost list price" means the average of the price paid by a remote retail seller for a stock keeping unit over the 12 calendar months immediately preceding January 1 of the year in which a remote retail sale is made by a remote retail seller.***

Sec. 1.7. ***"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than a cigarette, as defined in NRS 370.010.***

Sec. 1.9. ***"Pipe tobacco" means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to, or purchased by, ultimate consumers as tobacco to be smoked in a pipe.***

Sec. 2. ***"Remote retail sale"*** ~~***[has the meaning ascribed to it in NRS 370.440.]***~~ ***means a sale of a cigar or pipe tobacco to an ultimate consumer in this State for which:***

1. The ultimate consumer submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or the Internet or any other on-line service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

2. The cigar or pipe tobacco is delivered by common carrier, private delivery service or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigars or pipe tobacco.

Sec. 3. ***"Remote retail seller"*** ~~***[has the meaning ascribed to it in NRS 370.440.]***~~ ***means a person located within or outside the borders of this State who makes a remote retail sale of a cigar or pipe tobacco to ultimate consumers in this State.***

Sec. 3.1. ***"Sale" means any transfer, exchange, barter, gift, offer for sale or distribution for consideration of other tobacco products.***

Sec. 3.15. ***"Stock keeping unit" means the unique identifier assigned by the distributor or remote retail seller to an item for the purpose of tracking inventory.***

Sec. 3.2. ***"Ultimate consumer" has the meaning ascribed to it in NRS 370.440.***

Sec. 3.25. ***The provisions of sections 1.1 to 3.9 of this act apply to a remote retail seller during a calendar year in which or immediately following any calendar year in which:***

1. The cumulative gross receipts from remote retail sales by the remote retail seller to ultimate consumers in this State exceed $100,000; or

2. The remote retail seller makes 200 or more separate remote retail sales transactions to ultimate consumers in this State.

Sec. 3.3. ***1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of cigars and pipe tobacco sold by a remote retail seller to an ultimate consumer in this State:***

(a) For cigars and pipe tobacco that are not premium cigars, a tax of 30 percent of the actual cost of those products; and

(b) For cigars and pipe tobacco that are premium cigars, a tax of 30 percent of the actual cost of those products except that, if 30 percent of the actual cost of those products is:

(1) Greater than 50 cents for each premium cigar, the tax imposed shall be 50 cents for each premium cigar.

(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.

2. The tax is imposed at the time the remote retail seller makes a remote retail sale to an ultimate consumer in this State. The tax must be paid by the remote retail seller to the Department in accordance with the provisions of section 3.4 of this act. It is the intent and purpose of this section to impose the tax once and only once on cigars and pipe tobacco sold in this State.

3. Any remote retail seller who sells or distributes cigars and pipe tobacco without paying the tax provided for by this section is guilty of a misdemeanor.

4. As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.

Sec. 3.4. ***1. A remote retail seller shall, not later than 20 days after the end of each month, submit to the Department a report setting forth such information as the Department may prescribe concerning cigars and pipe tobacco on which the tax provided by section 3.3 of this act was imposed during the preceding calendar month. The report must include, without limitation, information concerning:***

(a) All cigars and pipe tobacco brought into this State from outside this State, or caused to be brought into this State from outside this State, by the remote retail seller, or shipped or transported from outside this State to ultimate consumers in this State by the remote retail seller, during the preceding calendar month; and

(b) The actual cost and actual cost list price for each stock keeping unit for the preceding calendar month.

2. Each report submitted pursuant to this section must be accompanied by the tax owed pursuant to section 3.3 of this act for cigars and pipe tobacco on which that tax was imposed during the previous month.

Sec. 3.5. 1. *Every remote retail seller shall keep at the principal place of business identified on the license issued to the remote retail seller pursuant to section 3.6 of this act complete and accurate records relating to remote retail sales to ultimate consumers in this State, including invoices indicating the actual cost or actual cost list price paid by the remote retail seller for each stock keeping unit. The invoices required by this subsection must contain:*

(a) The name and address of the remote retail seller who sold the cigars or pipe tobacco;

(b) The name and address of the ultimate consumer in this State who purchased the cigars or pipe tobacco;

(c) The date of the sale;

(d) The invoice number;

(e) The method of delivery; and

(f) The itemized quantity of each brand, type, quantity and price of cigar and pipe tobacco sold.

2. Every remote retail seller shall preserve for at least 5 years after the date of the sale to the ultimate consumer in this State or the date of the last entry made on the record, whichever is later.

Sec. 3.6. 1. A person shall not engage in business as a remote retail seller unless the person first secures a license to engage in that activity from the Department.

2. An application for a license must:

(a) Be made to the Department on forms prescribed by the Department.

(b) Include the name and address of the applicant. If the applicant is a firm, association or partnership, the application must include the name and address of each of its members. If the applicant is a corporation, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(c) Specify the location, by street and number, of the principal place of business of the applicant.

(d) Specify the location, by street and number, of any place used by the applicant to distribute, ship, warehouse or store cigars and pipe tobacco and for which the license is sought.

(e) Specify any other information the Department may require to carry out the provisions of this chapter.

(f) Be accompanied by the required license fee.

(g) Be accompanied by a certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

(h) Provide information concerning the independent, third-party age verification service through which the applicant will perform an age verification to comply with NRS 202.24935.

3. A license as a remote retail seller authorizes the holder thereof to make remote retail sales of cigars and pipe tobacco from the premises for which the license was issued to any ultimate consumer in this State.

Sec. 3.7. 1. Each holder of a license issued pursuant to section 3.6 of this act shall include the license information on the Internet website of the licensee.

2. Licenses issued under section 3.6 of this act are nontransferable, except that upon prior written notice to the Department the location of the premises for which the license was issued may be changed.

Sec. 3.8. 1. Each license issued by the Department pursuant to section 3.6 of this act is valid only for the calendar year for which it is issued and must be renewed annually.

2. The Department shall charge an annual license fee of $650 for a license as a remote retail seller of cigars and pipe tobacco.

3. If a license is issued pursuant to section 3.6 of this act at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 5, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.

4. The fees for a license are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.

5. A license which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5 percent penalty thereon.

Sec. 3.9. 1. Except as otherwise provided in this section, each licensed remote retail seller shall furnish a bond executed by the remote retail seller as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada and conditioned upon the payment of all excise taxes required to be precollected by the remote retail seller pursuant to the provisions of sections 1.1 to 3.9, inclusive, of this act. Each bond must be in a principal sum equal to the largest amount of tax precollected by the remote retail seller in any quarter of the preceding year. If the information to establish that amount is not available, then the bond must be in a sum required from a licensee operating under conditions deemed comparable by the Department. No bond may be for less than $1,000. When cash is used, the amount must be rounded up to the next larger integral multiple of $100.

2. Upon application and a satisfactory showing, the Department may increase or decrease the amount of a bond required by subsection 1, based on the record of taxes remitted by the remote retail seller.

3. The Department may waive the requirement of the bond required by subsection 1 whenever a licensed remote retail seller has maintained a satisfactory record of payment of excise taxes or deferred payments, respectively, for a period of 5 consecutive years.

4. A remote retail seller is not entitled to a refund of any portion of money paid as a bond pursuant to this section if the remote retail seller has failed to file a report required by this chapter or owes the Department any fee, payment or penalty.

Sec. 4. NRS 370.0318 is hereby amended to read as follows:

370.0318 "Other tobacco product" ~~[means any tobacco of any description, any vapor product, any alternative nicotine product or any product made from tobacco, other than cigarettes.]~~ ***has the meaning ascribed to it in NRS 370.440.***

Sec. 5. NRS 370.054 is hereby amended to read as follows:

370.054 "Vapor product":

1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution **,** ~~[or other form,]~~ the use or inhalation of which simulates smoking.

2. Includes, without limitation:

(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and

(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers, tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, "component" means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.

3. Does not include any product:

(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.

(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.

Sec. 6. NRS 370.440 is hereby amended to read as follows:

370.440 As used in NRS 370.440 to 370.503, inclusive, unless the context otherwise requires:

1. ~~***["Actual cost" means the price paid by a remote retail seller for a stock keeping unit assigned to cigars or pipe tobacco.***~~

~~***2. "Actual cost list" means the average of the actual cost for the calendar year immediately preceding the calendar year in which a remote retail sale is made by a remote retail seller.***~~

~~*3.]*~~ "Alternative nicotine product" has the meaning ascribed to it in NRS 370.008.

2. ~~*[4. "Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than a cigarette.*~~

~~*5.]*~~ "Other tobacco product" ~~[has the meaning ascribed to it in NRS 370.0318.~~

~~3.]~~ ***means any tobacco of any description, any vapor product, any alternative nicotine product or any product made from tobacco, other than cigarettes.***

~~*[6. "Pipe tobacco" means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to, or purchased by, ultimate consumers as tobacco to be smoked in a pipe.*~~

~~*7. "Remote retail sale" means a sale of a cigar or pipe tobacco by a remote retail seller to an ultimate consumer in this State for which:*~~

~~*(a) The ultimate consumer submits the order for the sale by means of a telephonic or other method of voice communication, the mail or any other delivery service, or the Internet or any other on-line service; or*~~

~~*(b) The cigar or pipe tobacco is delivered by mail or the use of another delivery service.*~~

~~*8. "Remote retail seller" means a person who makes a remote retail sale of a cigar or pipe tobacco to ultimate consumers in this State, whether the person is located within or outside the borders of this State, if in the immediately preceding calendar year or the current calendar year:*~~

~~*(a) The gross revenue of the person from the sale of cigars or pipe tobacco, or both, to ultimate consumers in this State is greater than $100,000; or*~~

~~*(b) The person made 200 or more sales of cigars or pipe tobacco, or both, for delivery to ultimate consumers in this State.*~~

~~*9.]*~~ ***3.*** "Retail dealer" means any person who is engaged in selling other tobacco products to ultimate consumers. ***The term does not include a remote retail seller*** ~~*[.]*~~ ***, as defined in section 3 of this act.***

4. ~~*[10.]*~~ "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of other tobacco products.

5. ~~*[11. "Stock-keeping unit" means a unique identifier assigned by a distributor or remote retail seller to a cigar or pipe tobacco for the purpose of tracking the inventory of cigars and pipe tobacco acquired by the remote retail seller.*~~

~~*12.]*~~ "Ultimate consumer" means a person who purchases one or more other tobacco products for his or her household or personal use and not for resale.

6. ~~*[13.]*~~ ***"Vapor product" has the meaning ascribed to it in NRS 370.054.***

~~*[14.]*~~ ***7.*** "Wholesale dealer of other tobacco products" ~~[means]~~ ***:***

1. Means any person who:

(a) Maintains a place of business in this State, purchases other tobacco products from the manufacturer or a wholesale dealer and possesses, receives,

sells or otherwise disposes of such other tobacco products to wholesale dealers or retail dealers within this State;

(b) Does not maintain a place of business in this State and sells or otherwise disposes of other tobacco products by any means ~~[, including, without limitation, through an Internet website,]~~ to wholesale dealers ~~[,]~~ ***or*** retail dealers ~~[or ultimate consumers]~~ within this State; or

(c) Manufactures, produces, fabricates, assembles, processes, labels or finishes other tobacco products within this State.

2. Does not include a remote retail seller, as defined in section 3 of this act.

~~[~~7. ~~*15.]*~~ ***8.*** "Wholesale price" means:

(a) Except as otherwise provided in paragraph (b), the price for which other tobacco products are sold to a wholesale dealer of other tobacco products, valued in money, whether paid in money or otherwise, without any discount or other reduction on account of any of the following:

(1) Trade discounts, cash discounts, special discounts or deals, cash rebates or any other reduction from the regular sales price;

(2) The cost of materials used, labor or service cost, interest charged, losses or any other expenses;

(3) The cost of transportation of the other tobacco products before its purchase by the wholesale dealer of other tobacco products;

(4) Any services that are a part of the sale, including, without limitation, shipping, freight, warehousing, customer service, advertising or any other service related to the sale; or

(5) The amount of any tax, not including any excise tax, imposed by the United States upon or with respect to the other tobacco product.

(b) For other tobacco products sold to a retail dealer ~~[or an ultimate consumer]~~ by a wholesale dealer of other tobacco products described in paragraph (c) of subsection ~~[~~6, ~~*14]*~~ ***7,*** the established price for which the other tobacco product is sold to the retail dealer ~~[or ultimate consumer]~~ before any discount or other reduction is made.

Sec. 7. NRS 370.447 is hereby amended to read as follows:

370.447 Each person licensed as a wholesale dealer of other tobacco products shall keep on hand at all times other tobacco products of a wholesale value of at least $5,000 ~~[.]~~ ***at each location in this State at which the wholesale dealer maintains a place of business.***

Sec. 8. ~~[NRS 370.450 is hereby amended to read as follows:~~

~~370.450 1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of other tobacco products in this State:~~

~~(a) [If the other tobacco products are not premium cigars, a] *A* tax of 30 percent of the wholesale price of [those] *other tobacco* products [; and] *, other than premium cigars, or a tax of 30 percent of the actual cost of cigars, other than premium cigars, or pipe tobacco purchased by an ultimate consumer in this State from a remote retail seller.*~~

~~(b) [If the other tobacco products are premium cigars, a] *Except as otherwise provided in this paragraph, a* tax of 30 percent of the wholesale price of [those products except that, if] *premium cigars or a tax of 30 percent of the actual cost of premium cigars purchased by an ultimate consumer in this State from a remote retail seller. If* 30 percent of the wholesale price *or actual cost* of those products *, as applicable,* is:~~

~~(1) Greater than 50 cents for each premium cigar, the tax imposed shall be 50 cents for each premium cigar.~~

~~(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.~~

~~2. The provisions of subsection 1 do not apply to those products which are:~~

~~(a) Displayed or exhibited at a trade show, convention or other exhibition in this State by a manufacturer or wholesale dealer of other tobacco products who is not licensed in this State; or~~

~~(b) Distributed free of charge at a trade show, convention or other exhibition or public event in this State, if the distributor has obtained a license to distribute other tobacco products free of charge for the trade show, convention or other exhibition or public event.~~

~~3. This tax:~~

~~(a) Is imposed:~~

~~(1) At the time the other tobacco products are first possessed or received by a wholesale dealer of other tobacco products who maintains a place of business in this State for sale or disposition in this State;~~

~~(2) At the time the other tobacco products are sold by a wholesale dealer of other tobacco products who does not maintain a place of business in this State to a retail dealer [or] ;~~

~~*(3) At the time a remote retail seller makes a remote retail sale to an* ultimate consumer [, or~~

~~*(3)] in this State; or*~~

~~*(4)* For other tobacco products manufactured, produced, fabricated, assembled, processed, labeled or finished in this State, at the time the other tobacco products are sold in this State to a wholesale dealer of other tobacco products, retail dealer or ultimate consumer.~~

~~(b) [Must] *If the tax is imposed on a wholesale dealer of other tobacco products, must* be paid by the wholesale dealer [of other tobacco products] to the Department, in accordance with the provisions of NRS 370.465. The wholesale dealer [of other tobacco products] is entitled to retain 0.25 percent of the taxes due to cover the costs of collecting and administering the taxes if the taxes are paid in accordance with the provisions of NRS 370.465.~~

~~*(c) If the tax is imposed on a remote retail seller, must be paid by the remote retail seller to the Department, in accordance with the provisions of NRS 370.465.*~~

~~4. Any wholesale dealer of other tobacco products *or remote retail seller* who sells or distributes other tobacco products without paying the tax provided for by this section is guilty of a misdemeanor.~~

~~5. As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.~~] **(Deleted by amendment.)**

Sec. 9. NRS 370.465 is hereby amended to read as follows:

370.465 1. A wholesale dealer of other tobacco products shall, not later than 20 days after the end of each month, submit to the Department a report on a form prescribed by the Department setting forth such information as the Department may prescribe concerning other tobacco products on which the tax provided by NRS 370.450 was imposed during the [~~previous~~] ***preceding calendar*** month.

2. ***[A remote retail seller shall, not later than 20 days after the end of each month, submit to the Department a report setting forth such information as the Department may prescribe concerning cigars and pipe tobacco on which the tax provided by NRS 370.450 was imposed during the preceding calendar month. The report must include, without limitation, information concerning:***

(a) All cigars and pipe tobacco brought into this State, or caused to be brought into this State, by the remote retail seller, or shipped or transported to ultimate consumers in this State by the remote retail seller, during the preceding calendar month; and

(b) The actual cost and actual cost list price for each stock keeping unit for the preceding calendar month.

~~*3.*~~] Each report submitted pursuant to this section [~~on or after August 20, 2001,~~] must be accompanied by the tax owed pursuant to NRS 370.450 for other tobacco products on which that tax was imposed during the previous month.

Sec. 10. [~~NRS 370.480 is hereby amended to read as follows:~~

~~370.480 1. Every wholesale dealer of other tobacco products must keep at its place of business complete and accurate records for that place of business, including copies of all invoices of other tobacco products which the wholesale dealer of other tobacco products holds, purchases and delivers, distributes or sells in this State. All records must be preserved for at least 5 years after the date of purchase or after the date of the last entry made on the record.~~

~~2. Every retail dealer shall keep at its place of business complete and accurate records for that place of business, including copies of all itemized invoices or purchases of other tobacco products purchased and delivered from wholesale dealers of other tobacco products. The invoices must show the name and address of the wholesale dealer of other tobacco products and the date of the purchase. All records must be preserved for at least 5 years after the date of the purchase.~~

3. Every remote retail seller shall keep at the principal place of business identified on the license issued to the remote retail seller pursuant to NRS

~~*370.567 complete and accurate records related to remote retail sales to ultimate consumers in this State, including itemized invoices indicating the actual cost or actual cost list price paid by the remote retail seller for each store keeping unit assigned to cigars and pipe tobacco sold to ultimate consumers in this State. All records must be preserved for at least 5 years after the date of the sale to the ultimate consumer in this State or the date of the last entry made on the record, whichever is later.]*~~ **(Deleted by amendment.)**

Sec. 11. NRS 370.490 is hereby amended to read as follows:

370.490 1. The Department shall allow ***to a wholesale dealer of other tobacco products*** a credit of the amount of the tax paid pursuant to NRS 370.450, not including any amount of the tax retained by the wholesale dealer ~~[of other tobacco products]~~ to cover the costs of collecting and administering the tax, for other tobacco products that may no longer be sold. If the other tobacco products have been purchased and delivered, a credit memo of the manufacturer is required for proof of returned merchandise.

2. A credit must also be granted for any other tobacco products shipped from this State and destined for retail sale and consumption outside the State on which the tax has previously been paid. A duplicate or copy of the invoice is required for proof of the sale outside the State.

3. A wholesale dealer of other tobacco products may claim a credit by filing with the Department the proof required by this section. The claim must be made on a form prescribed by the Department.

Sec. 12. ~~[NRS 370.531 is hereby amended to read as follows:~~

~~370.531 As used in NRS 370.531 to 370.597, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 370.533 to 370.565, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 13. NRS 370.551 is hereby amended to read as follows:

370.551 "Other tobacco product" has the meaning ascribed to it in NRS ~~[370.0318.]~~ ***370.440.***

Sec. 14. ~~[NRS 370.567 is hereby amended to read as follows:~~

~~370.567 1. A person shall not engage in business as a wholesale dealer of cigarettes, a wholesale dealer of other tobacco products or a tobacco retail dealer in this State unless that person first secures a license to engage in that activity from the Department.~~

~~2. A person shall not engage in business as a cigarette vending machine operator in this State unless that person first secures a license to engage in that activity from the Department.~~

~~3. A person shall not engage in business as a logistics company unless that person first secures a license to engage in that activity from the Department.~~

~~4. A person shall not operate a warehouse or distribution center unless that person first secures a license to engage in that activity from the Department.~~

~~5. *A person shall not engage in business as a remote retail seller unless the person first secures a license to engage in that activity from the Department.*~~

~~*6.* A manufacturer shall not:~~

~~(a) Sell any cigarettes to a wholesale dealer of cigarettes in this State;~~

~~(b) Temporarily store, fulfill orders for or coordinate the transport or delivery of cigarettes by using a logistics company; or~~

~~(c) Operate or permit any person other than the manufacturer to operate a cigarette rolling machine for the purpose of producing, filling, rolling, dispensing or otherwise manufacturing cigarettes,~~

~~" unless that manufacturer first secures a license to engage in that activity from the Department.~~

~~[6.] *7.* A separate license is required to engage in each of the activities described in this section.~~

~~[7.] *8.* A person may be licensed as a wholesale dealer of cigarettes, a wholesale dealer of other tobacco products, a tobacco retail dealer and as an operator of a warehouse or distribution center.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 370.575 is hereby amended to read as follows:~~

~~370.575 *1.* An application for a license must:~~

~~[1.] *(a)* Be made to the Department on forms prescribed by the Department.~~

~~[2.] *(b)* Include the name and address of the applicant. If the applicant is a firm, association or partnership, the application must include the name and address of each of its members. If the applicant is a corporation, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.~~

~~[3.] *(c)* Specify the location, by street and number, of the principal place of business of the applicant. In addition to specifying the principal place of business of the applicant pursuant to this subsection, an application for a license as a cigarette vending machine operator must list all cigarette vending machine locations for which the license is sought.~~

~~[4. Specify]~~

~~*(d) Except as otherwise required by this paragraph, specify* the location, by street and number, of any place used by the applicant to distribute, ship, affix stamps to, warehouse or store cigarettes or other tobacco products and for which the license is sought. *The provisions of this paragraph do not apply to an application for a license as a remote retail seller.*~~

~~[5.] *(e)* Specify any other information the Department may require to carry out the provisions of this chapter.~~

~~[6.] *(f)* Except as otherwise provided in NRS 370.007 to 370.430, inclusive, and 370.531 to 370.597, inclusive, be accompanied by the required license fee.~~

~~[7.] *(g)* Be accompanied by a certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.~~

~~*2. In addition to the requirements of subsection 1, an application for a license as a remote retail seller must provide information concerning the*~~

~~*independent, third-party age verification service through which the applicant will perform an age verification to comply with NRS 202.24935.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 370.583 is hereby amended to read as follows:~~

~~370.583 Each holder of a license~~ **, *other than a license as a remote retail seller,*** ~~shall:~~

~~1. Sign the license or cause an authorized representative to sign it.~~

~~2. Post the license in a conspicuous place in the premises for which it was issued.~~

~~➥ Licenses issued under the provisions of this chapter are nontransferable, except that upon prior written notice to the Department the location of the premises for which it was issued may be changed.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 370.585 is hereby amended to read as follows:~~

~~370.585 A current license as a:~~

~~1. Manufacturer authorizes the holder thereof to:~~

~~(a) Sell cigarettes from the premises for which the license was issued to a licensed wholesale dealer of cigarettes in this State;~~

~~(b) Ship cigarettes to a licensed logistics company; and~~

~~(c) Temporarily store, fulfill orders for or coordinate the transport or delivery of cigarettes by using a licensed warehouse or distribution center.~~

~~2. Wholesale dealer of cigarettes authorizes the holder thereof to:~~

~~(a) Purchase unstamped cigarettes from any manufacturer who holds a current license;~~

~~(b) Purchase stamped cigarettes from a licensed wholesale dealer of cigarettes;~~

~~(c) Sell stamped cigarettes from the premises for which the license was issued to any Indian tribe or colony listed by the Department pursuant to NRS 370.571, to any licensed wholesale dealer of cigarettes or to any licensed tobacco retail dealer; and~~

~~(d) Temporarily store and fulfill orders for stamped cigarettes at a licensed warehouse or distribution center or through a licensed logistics company.~~

~~3. Wholesale dealer of other tobacco products authorizes the holder thereof to:~~

~~(a) Purchase other tobacco products from any manufacturer of other tobacco products or wholesale dealer of other tobacco products;~~

~~(b) Sell other tobacco products from the premises for which the license was issued to any Indian tribe or colony listed by the Department pursuant to NRS 370.571, to any wholesale dealer of other tobacco products who holds a current license or to any tobacco retail dealer who holds a current license; and~~

~~(c) Temporarily store and fulfill orders for other tobacco products at a licensed warehouse or distribution center or through a licensed logistics company.~~

~~4. Tobacco retail dealer authorizes the holder thereof to:~~

~~(a) Purchase stamped cigarettes from any wholesale dealer of cigarettes who holds a current license;~~

~~(b) Sell cigarettes from the premises for which the license was issued to any consumer in this State;~~

~~(c) Purchase other tobacco products from a wholesale dealer of other tobacco products who holds a current license;~~

~~(d) Sell other tobacco products to any consumer in this State; and~~

~~(e) Temporarily store and fulfill orders for cigarettes or other tobacco products at a licensed warehouse or distribution center.~~

~~5. *Remote retail seller authorizes the holder thereof to make retail sales of cigars and pipe tobacco from the premises for which the license was issued to any ultimate consumer in this State.*~~

~~*6.* Cigarette vending machine operator authorizes the holder thereof to sell Nevada stamped cigarettes by means of coin operated machines within the borders of this State.~~**] (Deleted by amendment.)**

Sec. 18. ~~[~~NRS 370.587 is hereby amended to read as follows:

~~370.587 1. Each license issued by the Department is valid only for the calendar year for which it is issued, and must be renewed annually.~~

~~2. The Department shall not charge any license fees to operate a warehouse or distribution center or for a license as a logistics company. Except as otherwise provided in subsections 3 and 5, the Department shall charge:~~

~~(a) For a license as a manufacturer, an annual license fee of $1,000.~~

~~(b) For a license as a wholesale dealer of cigarettes, an annual license fee of $650.~~

~~(c) For a license as a wholesale dealer of other tobacco products, an annual license fee of $650.~~

~~(d) *For a license as a remote retail seller, an annual license fee of $650.*~~

~~*(e)* For a license as a tobacco retail dealer, $50.~~

~~3. If a license is issued at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 5, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.~~

~~4. The fees for a license are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.~~

~~5. A license which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5 percent penalty thereon.~~**] (Deleted by amendment.)**

Sec. 19. ~~[~~NRS 370.589 is hereby amended to read as follows:

~~370.589 1. Except as otherwise provided in this section, each licensed wholesale dealer of cigarettes~~ **,** ~~[and]~~ licensed wholesale dealer of other tobacco products ***and remote retail seller*** shall furnish a bond executed by the ~~[wholesale dealer]~~ ***licensee*** as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada and conditioned upon the payment of all excise taxes required to be precollected ***or paid*** by the wholesale dealer ***or remote retail seller, as applicable,*** under the provisions of this chapter. Each bond must be in a principal sum equal to:

~~(a) For a wholesale dealer of cigarettes, the largest amount of tax precollected by the wholesale dealer in any quarter of the preceding year; [or]~~

~~(b) For a wholesale dealer of other tobacco products, the largest amount of tax paid by the wholesale dealer in any quarter of the preceding year [.] ; or~~

~~*(c) For a remote retail seller, the largest amount of tax paid by the remote retail seller in any quarter of the preceding year.*~~

~~➥ If the information to establish that amount is not available, then in a sum required from a licensee operating under conditions deemed comparable by the Department. No bond may be for less than $1,000. When cash is used, the amount must be rounded up to the next larger integral multiple of $100.~~

~~2. Except as otherwise provided in this section, each licensed wholesale dealer of cigarettes who wishes to defer payment on the purchase of revenue stamps shall furnish a bond executed by the wholesale dealer of cigarettes as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada and conditioned upon the payment of all deferred payments for revenue stamps. Each bond must be in a principal sum equal to the maximum amount of revenue stamps which the wholesale dealer of cigarettes may have unpaid at any time. No bond may be for less than $1,000. When cash is used, the amount must be rounded up to the next larger integral multiple of $100.~~

~~3. Upon application and a satisfactory showing, the Department may increase or decrease the amount of a bond required by subsection 1 or 2, based on the record of taxes remitted by the wholesale dealer of cigarettes , [or] wholesale dealer of other tobacco products [.] *or remote retail seller.*~~

~~4. The Department may waive the requirement of the bond required by subsection 1 or 2, whenever a licensed wholesale dealer of cigarettes , [or] wholesale dealer of other tobacco products *or remote retail seller* has maintained a satisfactory record of payment of excise taxes or deferred payments, respectively, for a period of 5 consecutive years.~~

~~5. A wholesale dealer of cigarettes , [and] a wholesale dealer of other tobacco products [are] *or a remote retail seller is* not entitled to a refund of any portion of money paid as a bond pursuant to this section if the wholesale dealer of cigarettes , [or] wholesale dealer of other tobacco products *or remote retail seller* has failed to file a report required by this chapter or owes the Department any fee, payment or penalty.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 202.24935 is hereby amended to read as follows:

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to a person under the age of 21 years through the use of a computer network, telephonic network or other electronic network.

2. Every person who sells or distributes cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to an

ultimate consumer in this State through the use of a computer network, telephonic network or electronic network shall:

(a) Ensure that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or, if the items being shipped are not cigarettes, the words "tobacco products," "vapor products" or "nicotine products," as applicable.

(b) Obtain the full name, date of birth and residential address of the purchaser and perform an age verification through an independent, third-party age verification service that compares information available from ~~[public records]~~ ***a commercially available database, or aggregate of such databases, that are regularly used by governmental agencies and businesses to verify age and identity,*** to the personal information entered by the person during the ordering process ~~[that establishes]~~ ***to establish*** that the person is over the age of 21 years.

3. Every person who makes sales as described in subsection 2 must certify annually to the Attorney General that the person uses an independent, third-party age verification service as described in paragraph (b) of subsection 2.

4. In addition to or in lieu of any other civil or criminal remedy provided by law, a person who violates this section is subject to:

(a) A civil penalty in an amount not more than $1,000 for each violation; and

(b) The suspension or revocation of the license of the person by the Department of Taxation, if the person is licensed pursuant to chapter 370 of NRS.

5. Any violation of subsection 2 constitutes a deceptive trade practice for the purpose of NRS 598.0903 to 598.0999, inclusive.

6. For the purposes of this section, any sale of cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to a natural person in this State who does not intend to resell the item constitutes a sale to an ultimate consumer.

Sec. 20.5. **Section 3.3 of this act is hereby amended as follows:**

1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of cigars and pipe tobacco sold by a remote retail seller to an ultimate consumer in this State ~~***[:***~~

~~***(a) For cigars and pipe tobacco that are not premium cigars,]***~~ ***a tax of 30 percent of the actual cost of those products*** ~~***. [; and***~~

~~***(b) For cigars and pipe tobacco that are premium cigars, a tax of 30 percent of the actual cost of those products except that, if 30 percent of the actual cost of those products is:***~~

~~***(1) Greater than 50 cents for each premium cigar, the tax imposed shall be 50 cents for each premium cigar.***~~

~~***(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.]***~~

2. The tax is imposed at the time the remote retail seller makes a remote sale to an ultimate consumer in this State. The tax must be paid by the remote retail seller to the Department ~~,~~ in accordance with the provisions of section 3.4 of this act. It is the intent and purpose of this section to impose the tax once ~~,~~ and only once on cigars and pipe tobacco sold in this State.

4. Any wholesale dealer of other tobacco products who sells or distributes other tobacco products without paying the tax provided for by this section is guilty of a misdemeanor.

~~*[5. As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.]*~~

Sec. 21. 1. This ~~[act]~~ **section** becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

2. Sections 1 to 20, inclusive, of this act, become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Section 20.5 of this act becomes effective July 1, 2027.

4. Section 3.3 of this act expires by limitation on June 30, 2027.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 479.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 151.

AN ACT relating to taxation of property; revising provisions relating to the taxation of the agricultural use of real property to include agrivoltaic purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of Article 10 of the Nevada Constitution authorizes the Legislature to constitute agricultural and open-space real property as a separate class for taxation purposes and provide a separate plan for the appraisal and valuation of such property for assessment purposes. Existing law constitutes such property as a separate class and provides for the partial deferred taxation of such property. (NRS 361A.090, 361A.280, 361A.283) Under existing law, an owner of real property may file an application for agricultural use assessment with the county assessor or the Department of Taxation, in certain circumstances, who, upon receipt of the application, is required to make an independent determination of the use of the owner's property. (NRS 361A.100, 361A.110, 361A.120) Further, under existing law, if the property is found to be agricultural real property, the county assessor is required to determine the value for agricultural use and assess it for taxes to be collected in the ensuing

fiscal year at 35 percent of that value, utilizing certain classifications of agricultural real property defined by the Nevada Tax Commission determined on certain bases each year. (NRS 361A.130, 361A.140) ~~[This]~~ **Section 3 of this** bill establishes that agrivoltaic purposes is an agricultural use for the purposes of determining the taxation of agricultural real property**.** ~~[and]~~ **Section 2 of this bill** defines the term "agrivoltaic purposes" to mean a system under which solar energy production and agricultural ~~[production, including crop or animal production,]~~ **use** occurs in an integrated manner on the same piece of land ~~[.]~~ **and which incorporates designs, technologies or configurations conducive to integrating agricultural activities. Section 4 provides that land used for agrivoltaic purposes may be the current employment of real property in agricultural use only if, before July 1, 2025, the land was found to be agricultural real property and qualified for agricultural use assessment.**

Section 5 of this bill prohibits an owner of real property from applying to the county assessor for agricultural use assessment if the current employment of the real property in agricultural use includes land used for agrivoltaic purposes and the solar energy production use occurring on the land is receiving an abatement of taxes for certain purposes.

Section 6 of this bill provides that if the agricultural real property includes land used for agrivoltaic purposes, the value of the land for agricultural use in a fiscal year for taxation purposes must be determined by considering the integrated use of the land for agricultural purposes and solar energy production.

Section 3 of this bill applies the definitions in existing law and section 2 relating to taxes on agricultural real property and open space to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 361A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***"Agrivoltaic purposes" means a system:***

1. Under which solar energy production and agricultural use occurs in an integrated manner on the same piece of land; and

2. Which incorporates designs, technologies or configurations conducive to integrating agricultural activities with solar energy production on the same piece of land.

Sec. 3. **NRS 361A.010 is hereby amended to read as follows:**

361A.010 As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections except where the context otherwise requires.

~~[Section 1.]~~ ***Sec. 4.*** NRS 361A.030 is hereby amended to read as follows:

361A.030 ~~[1.]~~ "Agricultural use" means the current employment of real property as a business venture for profit, which business produced a minimum gross income of $5,000 from agricultural pursuits during the immediately preceding calendar year by:

~~[(a)]~~ ***1.*** Raising, harvesting and selling crops, fruit, flowers, timber and other products of the soil;

~~[(b)]~~ ***2.*** Feeding, breeding, management and sale of livestock, poultry, or the produce thereof, if the real property used therefor is owned or leased by the operator and is of sufficient size and capacity to produce more than one-half of the feed required during that year for the agricultural pursuit;

~~[(c)]~~ ***3.*** Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;

~~[(d)]~~ ***4.*** Raising furbearing animals or bees;

~~[(e)]~~ ***5.*** Dairying and the sale of dairy products; or

~~[(f)]~~ ***6.*** Any other use determined by the Department to constitute agricultural use if such use is verified by the Department.

➥ The term includes every process and step necessary and incident to the preparation and storage of the products raised on such property for human or animal consumption or for marketing except actual market locations.

2. As used in this section , "current ~~/:~~

~~***(a) "Agrivoltaic purposes" means a system under which solar energy production and agricultural production, including crop or animal production, occurs in an integrated manner on the same piece of land.***~~

~~***(b) "Current/***~~ employment" of real property in agricultural use includes:

~~[(a)]~~ ***(1)*** Land lying fallow for 1 year as a normal and regular requirement of good agricultural husbandry;

~~[(b)]~~ ***(2)*** Land planted in orchards or other perennials prior to maturity; ~~[and~~

~~(c)]~~ ***(3)*** Land leased or otherwise made available for use by an agricultural association formed pursuant to chapter 547 of NRS~~[.]~~ ***; and***

(4) Land used for agrivoltaic purposes ~~[.]~~ if, before July 1, 2025, the land was found to be agricultural real property and qualified for agricultural use assessment pursuant to NRS 361A.120.

Sec. 5. **NRS 361A.100 is hereby amended to read as follows:**

361A.100 Any owner of real property ***:***

1. Except as otherwise provided in subsection 2, may apply to the county assessor for agricultural use assessment and the payment of taxes on such property as provided in this chapter.

2. May not apply to the county assessor for agricultural use assessment and the payment of taxes on such property as provided in this chapter if the real property includes land used for agrivoltaic purposes and the solar energy production use occurring on the land is receiving an abatement of taxes pursuant to chapter 701A of NRS.

Sec. 6. **NRS 361A.130 is hereby amended to read as follows:**

361A.130 1. If the property is found to be agricultural real property, the county assessor shall determine its value for agricultural use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. ***For the purposes of subsection 1, if the property found to be agricultural real property includes land used for agrivoltaic purposes, the county assessor shall determine its value by considering the integrated use of land for agricultural purposes and for solar energy production.***

3. The agricultural use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the agricultural use assessment in the manner provided for notification of taxable value assessments. The notice must contain the following statement: Deferred taxes will become due on this parcel if it is converted to a higher use.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 399.

AN ACT relating to criminal procedure; revising provisions relating to vacating a judgment of conviction and sealing certain records of certain victims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain victims convicted of certain offenses to petition the court to vacate a judgment of conviction against the victim and seal all documents relating to the case. Under existing law, such offenses include: (1) any crime under the laws of this State, other than a crime of violence; or (2) a violation of a county, city or town ordinance for loitering for the purposes of solicitation or prostitution. (NRS 179.247) **Section 1** of this bill **: (1)** expands the list of offenses under which a victim of human trafficking may petition the court to vacate a judgment of conviction and seal all documents relating to the case to include any crime under the laws of this State and any violation of a county, city or town ordinance ~~[. Section 1 also]~~ **; and (2)** revises the applicable criminal procedure ~~. [, including, without limitation, by requiring the court to appoint counsel for an indigent petitioner. Finally, section 1 requires the Administrative Office of the Courts to report to each regular session of the Legislature certain information relating to such petitions.]~~ **Section 3** of this bill provides that the changes in **section 1** apply **: (1)** retroactively to any conviction obtained before ~~[,]~~ **the effective date of this bill; (2) to any conviction obtained** on or after the effective date of this bill ~~[.]~~ **; and (3) to a petition filed on or after the effective date of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person ***who is a victim of human trafficking*** has been convicted of ~~[~~any offense listed in subsection 2,~~]~~ ***a crime under the laws of this State or a violation of a county, city or town ordinance,*** the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order ~~[:~~

~~(a) Vacating]~~ ***vacating*** the judgment ~~[;]~~ and

~~[(b) Sealing]~~ ***sealing*** all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. ***The petitioner may include official documentation in support of the petition.***

2. A person ~~[may file]~~ ***who files*** a petition pursuant to subsection 1 ~~[if the person was convicted of:~~

~~(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;~~

~~(b) A crime under the laws of this State, other than a crime of violence; or~~

~~(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.~~

~~***(a) Must]***~~ ***must not be required to pay a filing fee to file the petition.***

~~***[(b) Shall serve notice and a copy of the petition upon the prosecuting agency.]***~~

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245 ~~[.]~~ ***and include ~~[:~~***

~~***(a) A]*** ***a statement from the petitioner certifying that the petitioner is a victim of human trafficking ~~. [; and~~***

~~***(b) Facts which support the petitioner's grounds for relief.]***~~

4. ~~[The court may grant a petition filed pursuant to subsection 1 if:~~

~~(a) The petitioner was convicted of a violation of an offense described in subsection 2;~~

~~(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:~~

~~(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or~~

~~(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and~~

~~(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.~~

~~5. Before the court decides whether to grant~~ ***Upon receipt of*** a petition filed pursuant to subsection 1, the court shall ~~:~~ ***:***

~~(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow~~ ***notify*** the prosecuting ~~attorney who~~ ***agency that*** prosecuted the petitioner for the crime ~~and any person to testify and present evidence on behalf of any such entity; and~~ .

~~(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.~~

~~6.~~ ***5. If the petitioner includes official documentation in support of the relief requested pursuant to subsection 1, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case.***

6. If the prosecuting agency ~~that prosecuted the petitioner for the crime~~ stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case.

7. If the ***petitioner does not include official documentation pursuant to subsection 1, and the*** prosecuting agency does not stipulate to vacating the judgment ~~of the petitioner~~ and sealing ~~all documents, papers and exhibits related to~~ the ~~case~~ ***records pursuant to subsection 6*** or does not file a written objection within 30 days after receiving notification pursuant to subsection ~~5~~ ***4*** and the court makes the findings set forth in subsection ~~4,~~ ***8,*** the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection ~~7~~ ***8*** without a hearing. ~~***(Official documentation may be attached to a petition filed pursuant to subsection 1.)***~~

8. If ~~***such documentation is attached to)***~~ ***the*** ~~***petition, there is a rebuttable)***~~ ***presumption*** ~~***that the petitioner is a victim of human trafficking.***~~

~~***5. Upon)***~~ ***set forth in subsection 5 or 6 does not apply, the court shall, upon receipt of a petition filed pursuant to subsection 1,*** ~~***the court shall)***~~ ***determine whether the petition sets forth a prima facie case for granting the relief requested.*** If the court ~~does not order the sealing of the records or the prosecuting agency files a written objection,~~ ***determines that the petitioner has demonstrated with prima facie evidence that grounds exist for granting the relief requested,*** a hearing on the petition must be conducted. ~~***If the court grants a hearing, the court shall appoint counsel for the petitioner in accordance with NRS 34.750.)***~~ At the hearing ~~, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.~~

~~7.~~ ***, the petitioner has the burden of proving by a preponderance of the evidence that:***

(a) At the time the offense for which the relief is requested was committed, the petitioner was a victim of human trafficking; and

(b) The participation of the petitioner in the offense was the direct or indirect result of the petitioner having been a victim of human trafficking.

[6.] 9. If the court [grants a petition filed pursuant to subsection 1,] ***determines based on the evidence presented at the hearing that the petitioner has met the burden prescribed by subsection [5,] 8,*** the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

[8. ~~7.~~] ***10.*** If a petition filed pursuant to subsection 1 does not satisfy the requirements [of NRS 179.245] ***prescribed by subsection 3*** or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

[9. ~~8.~~] ***11.*** If the court enters an order pursuant to subsection [8, ~~7,~~] ***10,*** the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection [7, ~~6,~~] ***9,*** regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

[9.] 12. A person or governmental entity shall not discipline, penalize or otherwise retaliate against the petitioner for filing a petition pursuant to subsection 1.

~~***[10. The Administrative Office of the Courts shall report to each regular session of the Legislature:***~~

~~***(a) The number of petitions filed during the immediately preceding 2 years; and***~~

~~***(b) The outcomes of any such petitions.***~~

11.] 13. As used in this section:

(a) "Governmental entity" means:

(1) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.

(2) The United States and any of its incorporated or unincorporated agencies and instrumentalities.

(b) "Official documentation" includes:

(1) A certified record from a governmental entity documenting the petitioner's status as a victim of human trafficking at the time the offense for which the relief is requested was committed.

(2) A written affidavit signed by a qualified third party acting in his or her official capacity or a sworn testimony by a qualified third party stating that the petitioner:

(I) Sought assistance from the qualified third party relating to the victimization experienced by the petitioner from human trafficking; or

(II) Was a victim of human trafficking at the time the offense for which the relief is requested was committed; or

(3) Any evidence, reports, statements or other material which the court determines is legally sufficient to establish that the petitioner is a victim of human trafficking.

(c) "Qualified third party" means:

(1) A physician, physician assistant, psychologist, social worker, marriage and family therapist or clinical professional counselor licensed pursuant to the provisions of title 54 of NRS;

(2) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(3) Any person who is employed by an agency or service which advises persons regarding human trafficking or refers such persons to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which ~~[advises persons regarding]~~ provides services to victims of human trafficking ; ~~[or refers such persons to persons or agencies where their request and needs can be met;]~~ or

(4) Any member of the clergy of a church, religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination.

(d) "Victim of human trafficking" means a ~~[person]~~ :

(1) Person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300, 201.320 or 201.395 or 18 U.S.C. §§ 1589, 1590, ~~[or]~~ 1591 ~~[has]~~ , 1952, 1957, 2241, 2242, 2244, 2251, 2251A, 2421, 2422, 2423 or 2425 is alleged to have been committed ~~[.]~~ , regardless of whether any person is charged with or convicted of the violation; or

(2) Victim of trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.

Sec. 2. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ **(Deleted by amendment.)**

Sec. 3. The amendatory provisions of this act apply to ~~[any]~~ **:**

1. Any conviction obtained before, on or after the effective date of this act ~~[.]~~ **; and**

2. A petition for an order to vacate a judgment and seal records pursuant to NRS 179.247, as amended by section 1 of this act, that is filed on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 290.

AN ACT relating to deceptive trade practices; requiring a person who does not hold a cannabis establishment license and who sells or offers to sell certain hemp products to display ~~[a sign]~~ **signs** containing certain information; prohibiting such a person from making certain false, misleading or deceptive statements in advertising; making it a deceptive trade practice to violate those requirements or prohibitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) This bill requires a person who does not hold a cannabis establishment license and who sells or offers to sell a hemp product which is intended for human consumption to display at all times at the location at which the sale or offer is made ~~[a sign]~~ **certain signs** notifying customers that the ~~[person does not hold a cannabis establishment license and the]~~ location is not ~~[the premises of a]~~ **licensed to sell** cannabis ~~[establishment.]~~ **and that all hemp products contain less than the legal limit of THC.** This bill additionally prohibits such a person from advertising or permitting to be advertised in any manner any false, misleading or deceptive statement or representation with regard to: (1) whether the person holds a cannabis establishment license or the location at which the sale or offer is made is the premises of a cannabis establishment; or (2) the nature of any hemp product which is intended for human consumption that is sold or offered for sale by the person. Under this bill, any violation of the requirements or prohibitions set forth in this bill constitutes a deceptive trade practice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who does not hold a cannabis establishment license and who sells or offers to sell a hemp product which is intended for human consumption:

(a) Shall prominently display at all times in a conspicuous place at the location at which the sale or offer is made , a sign at each:

(1) Entrance used by a ~~[legible and typewritten sign, in a type and font that is easy to read,]~~ customer which ~~[notifies customers that the person

~~*does]*~~ *states "THIS LOCATION IS NOT LICENSED TO SELL CANNABIS." Each sign displayed pursuant to this subparagraph must use letters not* ~~*[hold a cannabis establishment license]*~~ *less than 1 inch high and must be adequately illuminated to be visible from a distance of 30 feet from the* ~~*[location is not the premises of a cannabis establishment; and]*~~ *sign by a person whose visual acuity is 20/20.*

(2) Station where sales are made which states "ALL HEMP PRODUCTS CONTAIN LESS THAN THE LEGAL LIMIT OF THC." Each sign displayed pursuant to this subparagraph must use letters not less than three-eighths of an inch high, in non-italicized type, and be displayed at a height of not less than 3 feet and not more than 7 feet.

(b) Shall not advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to:

(1) Whether the person holds a cannabis establishment license or the location at which the sale or offer is made is the premises of a cannabis establishment; or

(2) The nature of any hemp product which is intended for human consumption that is sold or offered for sale by the person ~~*[.]*~~ *, including, without limitation, any claim that the hemp product is cannabis or that the hemp product produces an intoxicating effect.*

2. The remedies, penalties, duties and prohibitions set forth in this section are not exclusive and are in addition to any other remedies, penalties, duties and prohibitions provided by law.

3. Any violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

4. As used in this section:

(a) "Approved hemp component" has the meaning ascribed to it in NRS 446.844.

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

(c) "Cannabis establishment license" has the meaning ascribed to "license" in NRS 678A.160.

(d) "Hemp" has the meaning ascribed to it in NRS 557.160.

(e) "Hemp product" means a commodity or product containing hemp or any other commodity or product that purports to contain cannabidiol. The term does not include a commodity or product that contains only an approved hemp component and no other hemp.

(f) "Intended for human consumption" has the meaning ascribed to it in NRS 439.532.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 509.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 437.

SUMMARY—Revises provisions relating to ~~[public utilities and similar entities.]~~ **the access of public rights-of-way by broadband providers.** (BDR 58-664)

AN ACT relating to utilities; requiring ~~[the Public Utilities Commission of Nevada to annually review whether certain persons that hold a certificate of public convenience and necessity continue to operate as a public utility; exempting certain persons that provide telecommunication service from regulation by the Commission; authorizing]~~ **broadband providers to enter into agreements with** local governments to ~~[grant franchises and impose certain fees for the use and occupation of]~~ **access** the public right-of-way ~~[or highway by broadband service providers and broadband infrastructure providers;]~~ **managed by the local government; requiring such agreements to be performed in a nondiscriminatory matter; establishing certain compensation requirements under agreements between broadband providers and local governments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. (Chapter 704 of NRS) Existing law requires any person who owns, controls, operates, maintains or has any contemplation of owning, controlling or operating a public utility to obtain a certificate of public convenience and necessity from the Commission before beginning operation or construction of any line, plant or system or any extension thereof. (NRS 704.330) Section 2 of this bill provides that a person is not a public utility that is required to be regulated by the Commission if the person: (1) is engaged in the business of furnishing a telecommunication service for compensation; (2) serves 25 persons or less; and (3) earned $50,000 or less from the gross sales of intrastate telecommunications services during the immediately preceding 12 months. Sections 6 and 19 of this bill make conforming changes to reflect the renumbering of certain subsections by section 2.~~

~~Section 1 of this bill requires the Commission to annually review each person who holds a certificate of public convenience and necessity to provide telecommunication service to determine whether the person continues to operate as a public utility in this State. Section 1 requires the Commission to revoke a certificate of public convenience and necessity granted to such a person if, after a reasonable investigation and hearing, the Commission determines that the person: (1) no longer owns, controls, maintains or operates as a public utility; (2) the person does not plan to start, continue or resume operating as a public utility in this State by a definite date; and (3) the person~~

~~has no definite plan to own, control or operate a public utility that is otherwise required to obtain a certificate of public convenience and necessity. Sections 4 and 5 of this bill require the Commission to conduct hearings and issue orders under section 1 in the same manner as the Commission conducts hearings and issues orders for other matters relating to certificates of public convenience and necessity.]~~

Existing law authorizes a board of county commissioners to grant certain public utilities the franchise, right and privilege to construct, install, operate and maintain lines, mains and other utility equipment in any unincorporated town in the county and along the public roads and highways of the county. (NRS 709.050) Existing law also authorizes a local government to: (1) manage the use of any public right-of-way or highway by video service providers; and (2) require a video service provider to pay a franchise fee for the privilege of providing video service through a network that occupies or uses any public right-of-way or highway within the jurisdiction of the local government. (NRS 711.640, 711.670) **Section ~~[14]~~ 17.5** of this bill ~~[authorizes a local government to adopt an ordinance to grant a broadband service provider or broadband infrastructure provider the franchise, right and privilege to construct, install, operate and maintain broadband equipment and broadband service lines in the public right-of-way and along the highways in the jurisdiction of the local government. Section 14 requires a broadband service provider or broadband infrastructure provider to obtain a franchise from a local government that has adopted such an ordinance before constructing or installing any broadband equipment or broadband service lines within the jurisdiction of the local government. If a local government has not adopted an ordinance, section 14 requires a broadband service provider or broadband infrastructure provider to enter into an agreement with the local government concerning the use and occupation of the public right-of-way or highway. Section 15 of this bill: (1) prescribes the requirements of such an ordinance, agreement or franchise; and (2) authorizes a local government to impose a fee against a broadband service provider or broadband infrastructure provider for the privilege of using and occupying the public right-of-way or highway of the local government. Section 16 of this bill requires that such a fee: (1) be assessed equally and uniformly; and (2) reflect a reasonable charge for the use and occupation of the public right-of-way or highway, which may not exceed 5 percent of the gross revenue of the broadband service provider or broadband infrastructure provider earned by providing services within the jurisdiction of the local government. Section 17 of this bill authorizes a local government to take certain regulatory actions with respect to its management of the use and occupation of its public right-of-way or highway by broadband service providers and broadband infrastructure providers. Section 18 of this bill excludes a fee imposed by a local government pursuant to section 16 from certain prohibitions on the ability of a local government to adopt or increase certain other fees for business licenses.~~

~~Sections 10 and 12 of this bill exclude persons who are regulated by the Commission as public utilities and persons who are authorized to construct and operate a video service network from the definition of broadband infrastructure provider and broadband service provider, respectively. Sections 9, 11 and 13 of this bill define certain other terms, and section 8 of this bill establishes the applicability of those definitions to the provisions of sections 8-17. Section 3 of this bill establishes the applicability of the existing definition of "electric utility" for purposes of section 1.~~**] provides that a broadband provider may not access the public right-of-way of a local government responsible for the management of the public right-of-way on or after July 1, 2026, unless the broadband provider has entered into an agreement with the local government with respect to access to the right-of-way. Section 17.5 requires a local government to execute and perform agreements with broadband providers in a nondiscriminatory manner. Section 17.5 requires an agreement between a broadband provider and local government to provide for compensation to be paid to the local government, which must not exceed 2 percent of the annual gross revenue derived by the broadband provider from providing broadband service, broadband infrastructure access or both broadband service and broadband infrastructure access within the jurisdiction of the local government that manages the right-of-way. Section 19.5 of this bill prohibits a local government from suspending or revoking a broadband provider's access to the public right-of-way managed by the local government on the basis that the broadband provider has not entered into an agreement with the local government pursuant to section 17.5, unless such suspension or revocation occurs after July 1, 2026.**

Section 17.5 excludes from the definition of "broadband provider" certain persons who are: (1) authorized to act as a video service provider or to construct and operate a video service network; (2) providers of basic network service; and (3) providers of commercial mobile radio service. Section 18 of this bill excludes any fee imposed by a local government pursuant to an agreement with a broadband provider in accordance with section 17.5 from certain prohibitions on the ability of the local government to adopt or increase certain other fees for business licenses.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Commission shall:*~~

~~*1. Not less than once per calendar year, review each person that has been issued a certificate of public convenience and necessity pursuant to this chapter to provide telecommunication service to the public to determine whether the person continues to operate as a public utility as that term is defined in NRS 704.020 and 704.021. In making such a determination, the*~~

~~*Commission may use any report submitted to the Commission by the person, including, without limitation, a report submitted pursuant to NRS 703.191.*~~

~~*2. Revoke a certificate of public convenience and necessity issued to a person pursuant to this chapter to provide telecommunication service to the public if the Commission determines, after a reasonable investigation and a hearing, subject to the requirements of NRS 704.360, that:*~~

~~*(a) The person does not own, control, maintain or operate as a public utility as that term is defined in NRS 704.020 and 704.021;*~~

~~*(b) The person does not plan to start, continue or resume operating as a public utility in this State by a definite date; and*~~

~~*(c) The person does not have any definite plan to own, control or operate a public utility that is otherwise required to hold a certificate of public convenience and necessity pursuant to NRS 704.330.*~~

~~*3. Adopt such regulations as are necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 704.021 is hereby amended to read as follows:~~

~~704.021 "Public utility" or "utility" does not include:~~

~~1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.~~

~~2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:~~

~~(a) They serve 25 persons or less; and~~

~~(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.~~

~~*3. Persons engaged in the business of furnishing, for compensation, a telecommunication service to persons within this State if:*~~

~~*(a) They serve 25 persons or less; and*~~

~~*(b) Their gross sales for intrastate telecommunications services for which the Commission has jurisdiction amounted to $50,000 or less during the immediately preceding 12 months.*~~

~~*4.* Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.~~

~~[4.] *5.* Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.~~

~~[5.] *6.* Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.~~

~~[6.] 7. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.~~

~~[7.] 8. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.~~

~~[8.] 9. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.~~

~~[9.] 10. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.~~

~~[10.] 11. Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:~~

~~(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;~~

~~(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and~~

~~(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.~~

~~[11.] 12. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:~~

~~(a) Located on the premises of another person;~~

~~(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and~~

~~(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.~~

~~As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.~~

~~[12.] 13. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.~~

~~[13.] 14. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 704.3296 is hereby amended to read as follows:~~

~~704.3296 As used in NRS 704.3296 to 704.410, inclusive, *and section 1 of this act,* unless the context otherwise requires, "electric utility" has the meaning ascribed to it in NRS 704.7571.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 704.360 is hereby amended to read as follows:~~

~~704.360 All hearings and investigations under NRS 704.3296 to 704.410, inclusive, *and section 1 of this act* shall be conducted substantially as is provided for hearings and investigations of tolls, charges and service.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 704.635 is hereby amended to read as follows:~~

~~704.635 When a complaint has been filed with the Commission alleging that a person is providing a service which requires a certificate of public convenience and necessity, or when the Commission has reason to believe that any provision of NRS 704.005 to 704.754, inclusive, *section 1 of this act* or 704.9901 is being violated, the Commission shall investigate the operation and may, after a hearing, issue an order requiring that the person cease and desist from any operation in violation of NRS 704.005 to 704.754, inclusive, *section 1 of this act* or 704.9901. The Commission shall enforce the order under the powers vested in the Commission by NRS 704.005 to 704.754, inclusive, *section 1 of this act* or 704.9901 or other law.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 704.669 is hereby amended to read as follows:~~

~~704.669 1. Except as otherwise provided in subsection 2, every corporation or other person who sells geothermal energy to the public is affected with a public interest, is a public utility and is subject to the jurisdiction and control of the Commission. The authority of the Commission to regulate such persons is limited to the authority granted by this section and NRS 704.033 and 704.035.~~

~~2. This section does not apply to any corporation or other person described in subsection [4] *5* of NRS 704.021 or to any political subdivision of the State authorized to sell energy to the public.~~

~~3. The Commission shall adopt just and reasonable regulations governing the sale of energy from geothermal resources to the public. The regulations must provide for a system of operating permits which:~~

~~(a) May not be denied because the area which the applicant proposes to serve is already being served by a gas or electric utility.~~

~~(b) May not convey an exclusive right to supply geothermal energy in the area which the applicant proposes to serve.~~

~~(c) Specify in each case the geographic area in which the applicant reasonably can provide the services authorized in the permit.~~

~~(d) Require the applicant to enter into a contract with each customer served by the utility. The form and scope of the contract must be subject to review and approval of the Commission. The contract must specify at least:~~

~~(1) The period of time during which service will be provided. The contract must provide for a period of at least 3 years unless such a provision is expressly waived by the customer.~~

~~(2) The rates or the formula for determining rates to be charged during the term of the contract.~~

~~(3) That the utility will submit to binding arbitration, pursuant to chapter 38 of NRS, matters relating to damages suffered by the customer as a result of a disruption in service and that in any such arbitration, the utility is liable for damages unless it establishes that the disruption was caused by circumstances beyond its control, or another affirmative defense, or establishes that it was not negligent.~~

~~4. Before issuing an operating permit the Commission must find that:~~

~~(a) The applicant is fit, willing and able to provide the services authorized in the permit.~~

~~(b) The applicant has tested the geothermal reservoir to determine whether it appears to be capable of providing sufficient energy to supply the intended uses.~~

~~(c) The system which the applicant intends to use to produce and distribute the heat meets appropriate standards.~~

~~5. The Commission has continuing authority to regulate the utilities described in this section to ensure that each utility adheres to the conditions set forth in its operating permit and that the utility provides adequate services.~~] **(Deleted by amendment.)**

Sec. 7. ~~[Chapter 709 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 17, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[*As used in sections 8 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 to 13, inclusive, of this act have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[*"Local government" means any city or county and includes, without limitation:*~~

~~*1. Any entity or agency that is directly or indirectly controlled by any city or county; and*~~

~~*2. Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Broadband infrastructure provider" means any person that:*~~

~~*1. Provides or offers to provide open access network wholesale signal transmission service for broadband service providers;*~~

~~*2. Does not hold a certificate of authority to provide video service and construct and operate a video service network pursuant to chapter 711 of NRS; and*~~

~~*3. Is not a public utility as that term is defined in NRS 704.020 and 704.021.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*"Broadband service" means a service that, by wire, radio or any other technology, provides a person with the capability to transmit data to and receive data from all or substantially all Internet endpoints at a rate that is generally not less than 200 kilobits per second in at least one direction.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*"Broadband service provider" means a person or entity that:*~~

~~*1. Provides broadband service to end users in this State for compensation;*~~

~~*2. Does not hold a certificate of authority to provide video service and construct and operate a video service network pursuant to chapter 711 of NRS; and*~~

~~*3. Is not a public utility as that term is defined in NRS 704.020 and 704.021.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[*"End user" means a person that purchases or receives broadband service from a broadband service provider.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~[*1. A local government may adopt an ordinance that conforms with the requirements of section 15 of this act to grant a broadband service provider or broadband infrastructure provider the franchise, right and privilege to construct, install, operate and maintain broadband equipment and broadband service lines in the public right-of-way and along the highways within the jurisdiction of the local government.*~~

~~*2. Before constructing or installing broadband equipment or broadband service lines in the public right-of way and along the highways of a local government that has adopted a franchising ordinance pursuant to subsection 1, a broadband service provider or broadband infrastructure provider shall apply for a franchise. If the local government has no such ordinance, the broadband service provider or broadband infrastructure provider shall enter into an agreement with the local government that complies with the requirements of section 15 of this act.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~[*An ordinance, franchise or agreement authorized pursuant to section 14 of this act:*~~

~~*1. May not impose any terms or conditions on the provision of broadband service within the jurisdiction of the local government other than:*~~

~~*(a) Terms and conditions concerning the placement and location of the broadband equipment and broadband service lines; and*~~

~~*(b) Fees imposed for a business license or, subject to the provisions of section 16 of this act, fees for the franchise, right or privilege to construct, install, operate or maintain such broadband equipment and broadband service lines in the public right-of-way and along the public highways within the jurisdiction of the local government.*~~

~~*2. Must not require a broadband service provider or broadband infrastructure provider to place its broadband equipment or broadband*~~

~~*service lines in ducts or conduits or on poles owned or leased by the local government.*~~

~~*3. Must be consistent with federal and state law and the lawful police powers of the local government.*~~

~~*4. Must be carried out in a competitively neutral manner and may not:*~~

~~*(a) Discriminate among broadband service providers or broadband infrastructure providers; or*~~

~~*(b) Discriminate among broadband service providers or broadband infrastructure providers and any other users of the public right-of-way or highway.*~~

~~*5. May include a fee imposed against the broadband service provider or broadband infrastructure provider, as applicable, for the privilege of using or occupying the public right-of-way or highway located within the jurisdiction of the local government, if the fee imposed conforms with the requirements of section 16 of this act.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. For the privilege of constructing, installing, operating and maintaining broadband equipment or broadband service lines that occupy or use, in whole or in part, any public right of way or highway within the jurisdiction of a local government, the local government may require a broadband service provider or broadband infrastructure provider to pay a fee to the local government. The fee must:*~~

~~*(a) Be assessed equally and uniformly for all broadband service providers and broadband infrastructure providers operating within the jurisdiction of the local government; and*~~

~~*(b) Reflect a reasonable charge for the use and occupation of the public right-of-way or highway, which in any event may not exceed 5 percent of the gross revenue of a broadband service provider or broadband infrastructure provider attributable to the services provided during that year by the broadband service provider or broadband infrastructure provider, as applicable, within the jurisdiction of the local government.*~~

~~*2. The entire amount of any fee must be paid by a broadband service provider or broadband infrastructure provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.*~~

~~*3. Except as otherwise provided in subsection 4, the fee authorized by this section:*~~

~~*(a) Is the only fee, tax, assessment or other charge that a local government may impose on a broadband service provider or broadband infrastructure provider for the privilege of constructing, installing, operating and maintaining broadband equipment or broadband service lines that occupy or use a public right-of-way or highway within the jurisdiction of the local government; and*~~

~~*(b) Is in lieu of any other fee, tax, assessment or charge that may be imposed by a local government on a broadband service provider or*~~

~~*broadband infrastructure provider for its occupation or use of any public right-of-way or highway.*~~

~~*4. This section does not restrict the right of a local government to impose on a broadband service provider or broadband infrastructure provider:*~~

~~*(a) The fees authorized by subsection 3 of section 17 of this act; and*~~

~~*(b) Any generally applicable and nondiscriminatory fees, ad valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within the jurisdiction of the local government.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. In managing any public right-of-way or highway, a local government may:*~~

~~*(a) Require a broadband service provider or broadband infrastructure provider that is constructing, installing, working within, maintaining or repairing broadband equipment or broadband service lines in, on, under or over any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work; and*~~

~~*(b) Inspect the construction, installation, maintenance or repair work performed on such broadband equipment or broadband service lines.*~~

~~*2. If a broadband service provider or broadband infrastructure provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.*~~

~~*3. A local government may charge a broadband service provider or broadband infrastructure provider a fee to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.*~~

~~*4. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a broadband service provider or broadband infrastructure provider may begin such work or repair without prior approval from a local government if the applicable provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.]*~~ **(Deleted by amendment.)**

Sec. 17.5. **Chapter 709 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A broadband provider engaged in the business of providing, for compensation, broadband service or broadband infrastructure access may not access the public right-of-way managed by a local government unless the broadband provider has entered into an agreement with the local government responsible for managing the right-of-way pursuant to this section.

2. A local government shall execute and perform agreements with broadband providers pursuant to subsection 1 in a nondiscriminatory manner.

3. An agreement entered into pursuant to subsection 1 must provide for compensation to be paid by the broadband provider to the local government that manages the public right-of-way to which the broadband provider is seeking access. Such compensation:

(a) Must not exceed 2 percent of the annual gross revenue derived from providing broadband service, broadband infrastructure access or both broadband service and broadband infrastructure access within the jurisdiction of the local government that manages the right-of-way; and

(b) May take the form of a franchise fee, license fee or such other compensation as the local government may require.

4. The requirements of subsection 1 apply to any broadband provider attempting to access the public right-of-way maintained by a local government, regardless of whether the broadband provider has been issued a certificate of public convenience and necessity by the Public Utilities Commission of Nevada pursuant to chapter 704 of NRS.

5. The provisions of this section shall not be construed as prohibiting any person or entity from providing an interstate or intrastate telecommunications service for the purposes of 47 U.S.C. § 253.

6. As used in this section:

(a) "Broadband infrastructure access" means the provision of open access network or other wholesale signal transmission service for the provision of broadband service.

(b) "Broadband provider" means any person that:

(1) Provides or offers to provide broadband service, broadband infrastructure access or both broadband service and broadband infrastructure access;

(2) Does not hold a certificate of authority to act as a video service provider or to construct or operate a video service network pursuant to chapter 711 of NRS;

(3) Is not a provider of basic network service, as that term is defined in NRS 704.006; and

(4) Is not licensed by the Public Utilities Commission of Nevada as a provider of commercial mobile radio service pursuant to NRS 704.033.

(c) "Broadband service" means a service that, by wire, radio or any other technology, provides a person with the capability to transmit data to and receive data from all or substantially all Internet endpoints at a rate that is generally not less than 20 megabits per second in at least one direction.

(d) "Local government" means any city or county and includes, without limitation:

(1) Any entity or agency that is directly or indirectly controlled by any city or county; and

(2) Any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

Sec. 18. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise;

(c) ***Imposed on broadband ~~[service]~~ providers ~~[and broadband infrastructure providers]~~ in accordance with an agreement entered into pursuant to section ~~[16]~~ 17.5 of this act;***

(d) Imposed in compliance with the provisions of NRS 711.670 on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;

~~[(d)]~~ ***(e)*** For business licenses which are calculated as a fraction or percentage of the gross revenue of the business;

~~[(e)]~~ ***(f)*** Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182; or

~~[(f)]~~ ***(g)*** Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except:

(a) The fees excluded by subsection 1, for the fiscal year ended on June 30, 1991; and

(b) The fees collected for a particular type of business during the immediately preceding fiscal year ending on June 30 that a local government will not collect in the next subsequent fiscal year,

➥ is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent fiscal year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the population of the local government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated. The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year. The provisions of this subsection do not apply to a fee:

(a) Imposed in compliance with the provisions of NRS 711.670 on video service providers for the privilege of doing business pursuant to chapter 711 of NRS;

(b) Imposed pursuant to NRS 244.348, 268.0973, 268.821 or 269.182; or

(c) Regulated pursuant to NRS 354.59881 to 354.59889, inclusive.

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable pursuant to this section to the Nevada Tax Commission, which may grant the application only if it finds that the rate of a business license of the local government is substantially below that of other local governments in the State.

5. The provisions of this section apply to a business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 19. ~~[NRS 459A.010 is hereby amended to read as follows:~~

~~459A.010 As used in this chapter, "public utility" means any person who furnishes electricity to other persons. The term includes municipal utilities but does not include persons who furnish electricity only in emergencies or persons described in subsection [4] 5 of NRS 704.021.]~~ **(Deleted by amendment.)**

Sec. 19.5. **1. Upon passage and approval of this act, a local government may negotiate and enter into agreements with broadband providers pursuant to section 17.5 of this act.**

2. A local government shall not, before July 1, 2026, suspend, revoke or deny the access of a broadband provider to the public right-of-way managed by the local government on the basis that the broadband provider has not executed an agreement with the local government pursuant to section 17.5 of this act.

3. As used in this section:

(a) "Broadband provider" has the meaning ascribed to it in section 17.5 of this act.

(b) "Local government" has the meaning ascribed to it in section 17.5 of this act.

Sec. 20. 1. This section ~~[becomes]~~ **and section 19.5 of this act become** effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **July** 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 192.

AN ACT relating to insurance; **establishing the policies of insurance to which certain requirements relating to coverage for legal defense costs are applicable;** including certain insurance that provides for certain payments for certain legal services and certain expenses in the definition of "casualty insurance"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an insurer from issuing or renewing a policy of liability insurance that contains a provision that: (1) reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims; or (2) otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims. (NRS 679A.210) Existing regulations provide that these prohibitions apply to a policy of casualty insurance that: (1) provides insurance against legal liability arising from the ownership or operation of a motor vehicle; (2) provides insurance against legal liability arising from the ownership of housing occupied by the owner of the housing; (3) is a policy of commercial general liability insurance; (4) is a policy of commercial automobile insurance; or (5) provides insurance covering the professional liability of certain providers of health care. Existing regulations also exempt from the applicability of the prohibitions: (1) a risk retention group; (2) captive insurance that does not cover third-party liability; and (3) a nonadmitted insurer. (Sections 2 and 3 of Adopted Reg. of Comm'r of Insurance, LCB File No. R029-23) Section 1 of this bill codifies those provisions of existing regulations into statute.

Existing law provides for the regulation of insurance and insurers in this State by the Commissioner of Insurance. (Title 57 of NRS) Existing law establishes various kinds of insurance and prohibits the Commissioner from authorizing an insurer to transact in this State any kind of insurance other than the kinds of insurance established under existing law. (NRS 680A.080, 681A.010-681A.080) Among the various kinds of insurance established under existing law is casualty insurance, which existing law defines to include vehicle insurance, liability insurance, workers' compensation and employer's liability insurance and various other particular types of casualty insurance. (NRS 681A.020) ~~[This]~~ **Section 2 of this** bill expands the definition of casualty insurance to include legal expenses insurance, which, under ~~[this bill,]~~ **section 2,** means insurance against any liability ~~[to pay or reimburse]~~ **of a person or entity for** the costs of any specific legal services or specific legal expenses ~~[, other than the cost of any fee paid to an attorney for the overhead and administrative costs of the attorney.]~~ **and which pays or reimburses the person for the costs of the services or expenses. Section 2 excludes certain**

arrangements for prepaid legal services from the definition of legal expenses insurance. As such, under ~~[this bill,]~~ **section 2,** legal expenses insurance is included among the various types of insurance that a casualty insurer may be authorized to transact and subject to any applicable provision of existing law governing casualty insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 679A.210 is hereby amended to read as follows:**

679A.210 ***1.*** Notwithstanding any other provision of law, an insurer, including, without limitation, an insurer listed in NRS 679A.160, shall not issue or renew a policy of liability insurance that contains a provision that:

~~[1.]~~ ***(a)*** Reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims; or

~~[2.]~~ ***(b)*** Otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims.

2. The provisions of this section do not apply to:

(a) A risk retention group, as defined in NRS 695E.110.

(b) Captive insurance that does not cover third-party liability.

(c) A nonadmitted insurer, as defined in NRS 685A.0375.

3. As used in this section, "policy of liability insurance" includes only a policy of casualty insurance that:

(a) Provides insurance against legal liability arising from the ownership or operation of a motor vehicle, as defined in NRS 485.050;

(b) Provides insurance against legal liability arising from the ownership of housing that is occupied by the owner as the primary residence of the owner;

(c) Is a policy of commercial general liability insurance;

(d) Is a policy of commercial automobile insurance; or

(e) Provides insurance covering the professional liability of a provider of health care, as defined in NRS 41A.017.

~~[Section 1.]~~ ***Sec. 2.*** NRS 681A.020 is hereby amended to read as follows:

681A.020 1. "Casualty insurance" includes:

(a) Vehicle insurance. Insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incidental to ownership, maintenance or use of any such vehicle, aircraft or animal, together with insurance against accidental injury to natural persons, irrespective of legal liability of the insured, including the named insured, while in, entering, alighting from, adjusting, repairing, cranking, or caused by being struck by a vehicle, aircraft or draft or riding animal, if such insurance is issued as an incidental part of insurance on the vehicle, aircraft or draft or riding animal.

(b) Liability insurance. Insurance against legal liability for the death, injury or disability of any human being, or for damage to property, including liability resulting from negligence in rendering expert, fiduciary or professional services, and provisions of medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance.

(c) Workers' compensation and employer's liability. Insurance of the obligations accepted by, imposed upon or assumed by employers under law for death, disablement or injury of employees.

(d) Burglary and theft. Insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal or concealment, or from any attempt at any of the foregoing, including supplemental coverage for medical, hospital, surgical and funeral expense incurred by the named insured or any other person as a result of bodily injury during the commission of a burglary, robbery or theft by another, and, also, insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances or any other valuable papers and documents, resulting from any cause.

(e) Personal property floater. Insurance upon personal effects against loss or damage from any cause.

(f) Glass. Insurance against loss or damage to glass, including its lettering, ornamentation and fittings.

(g) Boiler and machinery. Insurance against any liability and loss or damage to property or interest resulting from accidents to or explosions of boilers, pipes, pressure containers, machinery or apparatus, and to make inspection of and issue certificates of inspection upon boilers, machinery and apparatus of any kind, whether or not insured.

(h) Leakage and fire extinguishing equipment. Insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps and other fire-extinguishing equipment or apparatus, water pipes or containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps and other fire-extinguishing equipment or apparatus.

(i) Credit and mortgage guaranty. Insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured, and insurance of real property mortgage lenders against loss by reason of nonpayment of the mortgage indebtedness.

(j) Elevator. Insurance against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire, and to make inspection of and issue certificates of inspection upon, elevators.

(k) Congenital defects. Insurance against congenital defects in human beings.

(l) Livestock. Insurance against loss or damage to livestock, and services of a veterinary for such animals.

(m) Entertainments. Insurance indemnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment, or similar production, event or exhibition against loss from interruption, postponement or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors or other principals.

(n) ***Legal expenses. Insurance against any liability*** ~~***[to pay or reimburse]***~~ ***of a person or entity for the costs of any specific legal services or specific legal expenses*** ~~***[, other than the cost of any fee paid to an attorney for the overhead and administrative costs of the attorney.]***~~ ***and which pays or reimburses the person or entity for the costs of such services or expenses. Legal expenses insurance does not include an arrangement through which:***

(1) A member of an organization prepays for specific legal services;

(2) The organization of which the person is a member contracts directly with attorneys for the provision of the specific legal services and makes the specific legal services available to the members of the organization or the dependents of the members; and

(3) The organization pays the attorneys with whom the organization has contracted fixed, prearranged payments and the attorneys receive no additional payment or reimbursement for the specific legal services.

(o) Miscellaneous. Insurance against any other kind of loss, damage or liability properly a subject of insurance and not within any other kind of insurance as defined in this chapter, if such insurance is not disapproved by the Commissioner as being contrary to law or public policy, including insurance for home protection issued pursuant to NRS 690B.100 to 690B.180, inclusive.

2. Provision of medical, hospital, surgical and funeral benefits, and of coverage against accidental death or injury, as incidental to and part of other insurance as stated under paragraphs (a) (vehicle), (b) (liability), (d) (burglary), (g) (boiler and machinery) and (j) (elevator) of subsection 1 shall for all purposes be deemed to be the same kind of insurance to which it is so incidental, and is not subject to provisions of this Code applicable to life and health insurances.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 322.

AN ACT relating to traffic laws; authorizing a school district to install and use a school bus infraction detection system on school buses to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency

having jurisdiction over the location in which such school buses operate to review certain evidence detected by the school bus infraction detection system before a civil infraction citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by a school bus infraction detection system; ~~[creating a rebuttable presumption that the driver of a vehicle at the time of a violation recorded by a school bus infraction detection system is the registered owner of the vehicle;]~~ **establishes certain requirements for a hearing relating to a civil infraction citation issued for a violation detected by a school bus infraction detection system;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a governmental entity or its agents from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation unless the equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) **Sections 2 and 3** of this bill create an exception to this prohibition, authorizing the board of trustees of a school district to allow for the installation and use of a school bus infraction detection system in school buses owned by the school district to enforce existing provisions of law prohibiting a driver of any vehicle from overtaking or passing a school bus which: (1) has stopped to receive or discharge any pupil; and (2) is displaying a flashing red light signal visible from the front and rear. (NRS 484B.353) **Section 2** requires a peace officer of a traffic enforcement agency with jurisdiction over the location in which any school bus equipped with such a system operates to review the evidence of such a violation recorded by the system before a civil infraction citation is issued. **Section 2** further ~~[creates a rebuttable presumption that the driver of the vehicle at the time of a violation detected by a school bus infraction detection system is the registered owner of the vehicle and provides a method for rebutting this presumption.]~~ **: (1) requires a school district that has not previously installed and used a school bus infraction detection system to conduct a public awareness campaign for not less than 30 days after the system is placed into use; (2) establishes certain requirements for a hearing for a citation issued pursuant to section 2; (3) applies an existing fine structure to a citation issued pursuant to section 2; (4) requires a school district to use any fines collected pursuant to section 2 for certain purposes; and (5) requires each school district that installs such a system to prepare and submit an annual report to the Legislature relating to the school bus infraction detection system.** **Sections 1 and 2** of this bill provide that a violation detected by a school bus infraction detection system is not a moving traffic violation.

Sections 1 and 4-6 of this bill make conforming changes to: (1) exclude traffic violations detected by a school bus infraction detection system from the assessment of demerit points; and (2) provide for the issuance of civil

infraction citations for violations detected by a school bus infraction detection system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~[a]~~ ***:***

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 ~~[.]~~ ***; or***

(b) A citation issued for a violation detected by a school bus infraction detection system pursuant to section 2 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees of a school district may authorize the installation and use of a school bus infraction detection system in school buses owned by the school district to enforce the provisions of NRS 484B.353.

2. The board of trustees of a school district that authorizes the installation and use of a school bus infraction detection system ~~[shall]~~ :

(a) May enter into a contractual agreement with a third party vendor to install and administer such a school bus infraction detection system; and

(b) Shall enter into an agreement with a traffic enforcement agency with jurisdiction over the location in which any school bus equipped with a school bus infraction detection system operates to review the evidence of any alleged infraction of NRS 484B.353 recorded by the school bus infraction detection system.

3. If a school district has not previously installed and used a school bus infraction detection system the school district shall, for not less than 30 days after a school bus infraction detection system is placed into use by the school district:

(a) Conduct a public awareness campaign regarding the use of school bus infraction detection systems within the school district; and

(b) Notify the public of the specific date on which a violation detected by the school bus infraction detection system will become enforceable.

4. If, during the period the public awareness campaign described in subsection 3 is conducted, a peace officer of a traffic enforcement agency determines from evidence recorded by a school bus infraction detection system that a person has violated NRS 484B.353, the peace officer may issue only a warning.

5. If, after reviewing the evidence recorded by a school bus infraction detection system, a peace officer of a traffic enforcement agency determines that a violation of NRS 484B.353 occurred in a location over which the traffic enforcement agency has jurisdiction, the peace officer shall cause a civil infraction citation to be issued pursuant to NRS 484A.7033 for the violation to be sent by the traffic enforcement agency or its designee by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the school bus infraction detection system. A manual or automated record prepared by the law enforcement agency or its designee evidencing that the citation was mailed is prima facie evidence of service and shall be admissible in any hearing as to the facts contained in the civil infraction citation.

~~[4.]~~ 6. In addition to the information required by subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection ~~[3]~~ 5 must include:

(a) The date and time of the violation;

(b) ~~[An image taken]~~ A photograph or other recorded image produced by the school bus infraction detection system , or the address of the Internet website on which such an image may be viewed, showing ~~[the]~~ :

(1) The vehicle involved in the violation ; ~~[or the address of the Internet website on which such an image may be viewed; and]~~

(2) If a stop arm was installed on the school bus, that the stop arm was extended at the time of the violation; and

(3) An electronic indicator evidencing that the flashing red light signals of the bus were activated at the time of the violation; and

(c) A statement summarizing the provisions of subsection ~~[5.~~ ~~5.]~~ 8.

7. To the extent practicable, a school bus infraction detection system shall not record images of the occupants of a motor vehicle at the time in which the images are recorded by the system. A civil infraction citation issued pursuant to this section may not be dismissed because a recorded video or digital image includes images of the occupants of the motor vehicle.

8. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of NRS 484B.353 which was recorded by a school bus infraction detection system. This presumption may be rebutted if the registered owner of the vehicle submits an affidavit to the traffic enforcement agency or its designee or presents an affidavit as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704 stating ~~[:]~~ under penalty of perjury:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or

(b) That the vehicle was, at the time of the violation, stolen.

9. An affidavit presented as evidence pursuant to paragraph (b) of subsection ~~[5]~~ 8 must contain evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

~~[6.]~~ 10. Photographs or other recorded images produced by a school bus infraction detection system shall be deemed prima facie evidence of a violation of NRS 484B.353 and are admissible at any hearing for a citation issued for a violation detected by a school bus infraction detection system pursuant to this section without further authentication. In any hearing for a citation issued for a violation detected by a school bus infraction detection system, there is a rebuttable presumption that:

(a) At the time in which a violation of NRS 484B.353 was detected by a school bus infraction detection system, the school bus was marked and equipped with signs and signals as required by law; and

(b) Where recorded images from a school bus infraction detection system show the activation of a stop arm or flashing red light signals, the school bus was stopped to receive or discharge a pupil and was displaying a flashing red light signal visible from the front and rear of the school bus.

~~[7.]~~ 11. The provisions of this section do not prohibit a peace officer from issuing a traffic citation for a violation of any law of this State for which evidence is recorded by a school bus infraction detection system if the peace officer personally witnesses a violation. A person who is issued a traffic citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence recorded by the school bus infraction detection system for the same violation for which the peace officer issued the person the traffic citation.

~~[8.]~~ 12. Except as otherwise provided in this section, a hearing on a civil infraction citation issued pursuant to this section shall be conducted in accordance with NRS 484A.7041.

13. A violation of NRS 484B.353 for which a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation described in subsection ~~[3,]~~ 5:

(a) Is not a moving traffic violation under NRS 483.473; and

(b) Is punishable by an administrative fine in an amount set by the local authority, but not less than ~~[$50.~~

~~9.]~~ the fine imposed pursuant to NRS 484B.353.

14. Notwithstanding any other provision of law, all administrative fines assessed and collected for a violation of NRS 484B.353 through the use of a school bus infraction detection system must be collected and remitted to the school district in which the violation occurred. The school district shall use the fines collected by this section to:

(a) Install, maintain or operate the school bus infraction detection systems on school buses;

(b) Compensate a third party vendor to install, operate or maintain the school bus infraction detection systems on school buses;

(c) Support any other infrastructure or program that increases the safety of transportation services for students; or

(d) Pay costs associated with the enforcement of violations detected by a school bus infraction detection system.

15. On or before January 31 of each year, each school district which uses a school bus infraction detection system shall prepare and submit a report to the Legislature for the immediately preceding year which includes, without limitation:

(a) The number of citations issued through the use of school bus infraction detection systems;

(b) The total amount of revenue collected as a result of such citations; and

(c) Any data related to the effectiveness of the use of school bus infraction detection systems in reducing the number of violations of NRS 434B.353.

16. As used in this section, "school bus infraction detection system" means ~~[a stationary]~~ an electronic or digital system which ~~[creates]~~ produces a photograph or other recorded image of a vehicle which is used as evidence of a violation of NRS 484B.353 by the driver of the vehicle.

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~[A]~~ ***Except as otherwise provided in section 2 of this act, a*** governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 ~~[,]~~ ***or section 2 of this act,*** whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 4.5. **NRS 484A.703 is hereby amended to read as follows:**

484A.703 1. ~~[Every]~~ ***Except for a citation issued for a violation detected by a school bus infraction detection system pursuant to section 2 of this act, every*** traffic enforcement agency in this State shall provide in appropriate form civil infraction citations containing notice of the civil infraction which must meet the requirements of NRS 484A.703 to 484A.705, inclusive, and be:

(a) Issued in books; or

(b) Available through an electronic device used to prepare such citations.

2. The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each civil infraction citation issued to individual members of the traffic enforcement agency. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 ***or section 2 of this act*** shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. NRS 484B.353 is hereby amended to read as follows:

484B.353 1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and

shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.

2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.

3. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** person who violates any of the provisions of this section is guilty of a misdemeanor and:

(a) For a third or any subsequent offense within 2 years after the most recent offense, shall be punished by a fine of not more than $1,000 and the driver's license of the person must be suspended for not more than 1 year.

(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than $250 nor more than $500 and the driver's license of the person must be suspended for 6 months.

(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than $250 nor more than $500.

4. A police officer may issue a civil infraction citation to any person who violates any of the provisions of this section detected by a school bus infraction detection system pursuant to section 2 of this act.

Sec. 6.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 472.

AN ACT relating to taxation; revising provisions governing the administration of the exemption from sales and use taxes for organizations created for religious, charitable or educational purposes; **requiring the Department of Taxation to report to the Legislature certain information concerning applications for such an exemption;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes upon each retailer a sales tax measured by the gross receipts of the retailer from the retail sale of tangible personal property in this State, and requires the retailer to collect the sales tax from the purchaser in a transaction to which the sales tax applies. (NRS 372.105, 372.110, 374.110, 374.111, 374.115) Existing law also imposes a use tax on the storage, use or other consumption in this State of tangible personal property purchased outside

of this State from a retailer in a transaction that would have been subject to the sales tax in this State if it had occurred within this State. (NRS 372.185, 374.190, 374.191)

Existing law exempts from such taxes the gross receipts from the sale of any tangible personal property sold by or to a nonprofit organization created for religious, charitable or educational purposes. (NRS 372.326, 374.3306) Under existing law, among other requirements, an organization that claims this exemption is required to establish that the sole or primary purpose of the organization is to further certain specified purposes deemed to be religious, charitable or educational. (NRS 372.3261, 374.3306) ~~[This]~~ **Sections 1 and 2 of this** bill ~~[authorizes]~~ **establish criteria for the Department of Taxation and the Nevada Tax Commission to use to determine whether** an organization ~~[to satisfy]~~ **satisfies** that requirement **, including, without limitation,** by **the organization** establishing that it **: (1)** operates exclusively for a purpose exempt under section 501(c)(3) of the Internal Revenue Code and is recognized as exempt by the Internal Revenue Service under the provision of that section ~~[.]~~ **; or (2) furthers at least one of certain specified purposes. Sections 1.5 and 2.3 of this bill require the Department to: (1) provide to an organization that does not qualify for the exemption a full explanation outlining the reasons why the organization does not qualify and the procedure to appeal such a determination; and (2) submit to the Legislature every odd-numbered year a report concerning applications for the tax exemption.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 372.3261 is hereby amended to read as follows:

372.3261 1. For the purposes of NRS 372.326 ~~[,]~~ ***and 372.348,*** an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection ~~[5;]~~ ***6;*** and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection ~~[5;]~~ ***6;***

(b) The sole or primary purpose of the organization **, *considering the factors set forth in subsection 5,*** is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the

subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection ~~[5;]~~ ***6;*** and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. ~~*[An]*~~ ***In determining whether, for the purposes of subsection 3, an organization is created for religious, charitable or educational purposes*** ~~*[if]*~~***, the Department and Commission shall consider whether the organization:***

(a) ~~*[Complies with the requirements of subsection 6;*~~

~~*(b)]*~~ ***Operates exclusively for any exempt purpose under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and the organization is recognized as exempt by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);*** ~~*[and*~~

~~*(c) Is operating in this State.]*~~

(b) Provides relief to the poor, distressed or underprivileged;

(c) Supports the advancement of religion;

(d) Provides for the advancement of education or science;

(e) Helps lessen the burden of government;

(f) Helps lessen neighborhood tensions;

(g) Supports efforts to eliminate prejudice and discrimination;

(h) Aids in defending human and civil rights secured by law; or

(i) Combats community deterioration and juvenile delinquency.

6. In addition to the requirements set forth in ~~[subsection]~~ ***subsections*** 2 ~~[, 3 or 4,]~~ ***to 5, inclusive,*** an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 1.5. **NRS 372.348 is hereby amended to read as follows:**

372.348 1. Any nonprofit organization created for religious, charitable or educational purposes that wishes to claim an exemption pursuant to NRS 372.326, must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that the organization is created for religious, charitable or educational purposes, it shall issue a letter of exemption to the organization. The letter of exemption expires 5 years after the date on which it is issued by the Department. At least 90 days before the expiration of the letter of exemption, the Department shall notify the organization to whom the letter was issued of the date on which the letter will expire. The organization may renew its letter of exemption for an additional 5 years by filing an application for renewal with the Department. The application for renewal must be on a form and contain such information as is required by the Department.

3. ***If the Department determines that the organization is not created for religious, charitable or educational purposes, or otherwise does not meet the requirements to receive the exemption, the Department shall provide the organization with a full explanation outlining the reasons why the organization does not qualify for the exemption and the procedure to appeal the determination.***

4. The Department shall, on or before January 15 of each odd-numbered year, submit to Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature a report which must include, for the immediately preceding biennium:

(a) Any processes and techniques for reviewing applications for an exemption submitted pursuant to this section;

(b) The number of applications submitted pursuant to this section;

(c) The number of applications approved;

(d) The number of application denied;

(e) The total number of organizations that received an exemption pursuant to NRS 372.326; and

(f) Any other relevant information.

5. To claim an exemption pursuant to NRS 372.326 for the sale of tangible personal property to such an organization:

(a) The organization must give a copy of its letter of exemption to the retailer from whom the organization purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption.

~~[4.]~~ ***6.*** The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. NRS 374.3306 is hereby amended to read as follows:

374.3306 1. For the purposes of NRS 374.3305 ~~[,]~~ ***and 374.353,*** an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; ~~*[6;]*~~ and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5; ~~*[6;]*~~

(b) The sole or primary purpose of the organization ***, considering the factors set forth in subsection 5,*** is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; ~~*[6;]*~~ and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission

on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. ~~***[An]***~~ ***In determining whether, for the purposes of subsection 3, an organization is created for religious, charitable or educational purposes*** ~~***[if],***~~ ***the Department and Commission shall consider whether*** ***the organization:***

(a) ~~***[Complies with the requirements of subsection 6;***~~

~~***(b)]***~~ ***Operates exclusively for any exempt purpose under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and the organization is recognized as exempt by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);*** ~~***[and***~~

~~***(c) Is operating in this State.]***~~

(b) Provides relief to the poor, distressed or underprivileged;

(c) Supports the advancement of religion;

(d) Provides for the advancement of education or science;

(e) Helps lessen the burden of government;

(f) Helps lessen neighborhood tensions;

(g) Supports efforts to eliminate prejudice and discrimination;

(h) Aids in defending human and civil rights secured by law; or

(i) Combats community deterioration and juvenile delinquency.

6. In addition to the requirements set forth in ~~[~~subsection~~]~~ ***subsections*** 2 ~~[~~, 3 or 4,~~]~~ ***to 5, inclusive,*** an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 2.3. **NRS 374.353 is hereby amended to read as follows:**

374.353 1. Any nonprofit organization created for religious, charitable or educational purposes that wishes to claim an exemption pursuant to NRS 374.3305 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that the organization is created for religious, charitable or educational purposes, it shall issue a letter of exemption

to the organization. The letter of exemption expires 5 years after the date on which it is issued by the Department. At least 90 days before the expiration of the letter of exemption, the Department shall notify the organization to whom the letter was issued of the date on which the letter will expire. The organization may renew its letter of exemption for an additional 5 years by filing an application for renewal with the Department. The application for renewal must be on a form and contain such information as is required by the Department.

3. ***If the Department determines that the organization is not created for religious, charitable or educational purposes, or otherwise does not meet the requirements to receive the exemption, the Department shall provide the organization with a full explanation outlining the reasons why the organization does not qualify for the exemption and the procedure to appeal the determination.***

4. The Department shall, on or before January 15 of each odd-numbered year, submit to Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature a report which must include, for the immediately preceding biennium:

(a) Any processes and techniques for reviewing applications for an exemption submitted pursuant to this section;

(b) The number of applications submitted pursuant to this section;

(c) The number of applications approved;

(d) The number of application denied;

(e) The total number of organizations that received an exemption pursuant to NRS 372.326; and

(f) Any other relevant information.

5. To claim an exemption pursuant to NRS 374.3305 for the sale of tangible personal property to such an organization:

(a) The organization must give a copy of its letter of exemption to the retailer from whom the organization purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption.

~~[4.]~~ ***6.*** The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2.7. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 486 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 89 be taken from its place on the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 486.

Bill read third time.

The following amendment was proposed by Assemblymember Anderson:

Amendment No. 540.

SUMMARY—Makes various changes related to ~~[wildlife.]~~ **transportation.** (BDR 35-678)

AN ACT relating to ~~[wildlife;]~~ **transportation; requiring the Department of Transportation to report certain information on the progress and need for certain transportation projects relating to wildlife;** revising provisions relating to the proposal for certain highway projects the Department of Transportation must submit to the Board of Directors of the Department; ~~[revising provisions relating to the Wildlife Crossings Account; increasing the fee collected from a purchaser of new tires and requiring a certain amount of the proceeds to be credited to the Account;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Transportation to **develop an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features will support certain purposes relating to wildlife. (NRS 408.661) Existing law also requires the Department to adopt a plan for measuring the performance of the Department and prepare a report based upon certain performance measures on the level of achievement of each division of the Department and the Department as a whole which must include, among other requirements, the scheduling, scope, cost and progress of any current or proposed highway projects. (408.133) Section 1 of this bill requires that the information in the report prepared by the Department relating to current and proposed highway projects include the progress of any current or proposed project identified in the inventory of connectivity and the need for such a project.**

Existing law further requires the Department to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost $25 million or more. (NRS 408.3195) **Section** ~~[1]~~ **1.3** of this bill instead requires that the Department prepare such an analysis of each proposal for a highway project that will cost $50 million or more. **Section** ~~[1]~~ **1.3**

additionally requires the Department to include in the analysis for a highway project proposal a discussion of the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings.

~~[Existing law creates the Wildlife Crossings Account in the State General Fund, which is administered by the Director of the Department of Transportation. Existing law requires the money in the Account to be used by the Department for certain purposes relating to wildlife crossings. (NRS 408.656)~~

~~Existing law requires a person who sells a new tire for a vehicle to a customer for certain purposes to collect from the purchaser a fee of $1 per tire to be held in trust for the State. The seller then must: (1) transmit 95 percent of the money held in trust to the Department of Taxation for deposit with the State Treasurer for credit to the Solid Waste Management Account in the State General Fund; and (2) retain the remaining 5 percent to cover related administrative costs. (NRS 444A.090) Section 2 of this bill increases the fee collected by the seller to $2 per tire and, once the 95 percent of the money is transmitted to the Department of Taxation for deposit with the State Treasurer, requires the State Treasurer to credit half of the money to the Wildlife Crossings Account in the State General Fund and the other half of the money to the Solid Waste Management Account in the State General Fund.~~

~~Section 1.5 of this bill requires that any money credited to the Wildlife Crossings Account from the fee imposed pursuant to section 2 be deposited in the State Treasury for credit to the Account.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 408.133 is hereby amended to read as follows:**

408.133 1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects ~~[;]~~ ***, including, without limitation, the progress of any current or proposed project identified in the inventory of connectivity pursuant to NRS 408.661 and the need for any such project;***

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects; and

(6) Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 408.3195 is hereby amended to read as follows:

408.3195 1. Before the Department submits a proposal for a highway project to the Board for approval, the Department shall prepare a written analysis of the costs and benefits of the project. The analysis must state, for each highway district in which the project is proposed:

(a) The limits of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The initial costs of the Department for the project, including any costs for design, engineering, the acquisition of land and construction;

(e) The future costs of the Department to preserve and maintain the project, discounted to present value;

(f) Any other costs of the Department for any other construction or any mitigation associated with the project;

(g) The costs to highway users for any loss of safety, delays in the time of travel and costs for the operation of vehicles that are associated with the project;

(h) The costs of any environmental impacts, including vehicle emissions and noise, that are associated with the project; and

(i) The value of the benefits of the project, including the value of any:

(1) Savings in the time of travel;

(2) Improvements to safety; and

(3) Savings in the cost of operating vehicles.

2. The analysis required by this section:

(a) Must include a discussion of ~~[any]~~ ***:***

(1) Any additional increases in costs that would result from any delays in the performance of any routine maintenance scheduled under the maintenance program of the Department; ***and***

(2) The number of wildlife-vehicle collisions in the highway district and the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings;

(b) May include a discussion of:

(1) The costs of the project for any other persons and governmental agencies;

(2) The value of any other social, economic or environmental benefits or costs of the project; and

(3) Any costs or benefits which may result from the use of any alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed highway projects.

3. The analysis required by this section must be made available to the Board and the public when the agenda is posted for the meeting at which the proposal will be submitted to the Board for its approval.

4. As used in this section, "highway project" means a project that is expected to increase the capacity of the state highway system and cost at least ~~[~~$25 million.~~]~~ ***$50,000,000.***

Sec. 1.5. ~~[~~NRS 408.656 is hereby amended to read as follows:~~]~~

~~408.656 1. The Wildlife Crossings Account is hereby created in the State General Fund. The Director shall administer the Account. The Account is a continuing account without reversion.~~

~~2. [Any]~~ ***All money credited to the Account from the fee imposed pursuant to NRS 444A.090 and any*** ~~proceeds from the issuance of bonds or other securities for the Account must be deposited in the State Treasury for credit to the Account.~~

~~3. The Director may accept gifts, grants and bequests of money from any public or private source. The money must be deposited in the State Treasury for credit to the Account.~~

~~4. Money in the Account must be used by the Department for the design, construction, identification, restoration and protection of wildlife crossings and other related highway features to improve wildlife permeability in this State, which may include, without limitation:~~

~~(a) Matching any federal money for a project to design, construct, identify, restore or protect wildlife crossings and other related highway features;~~

~~(b) Conducting studies on wildlife crossings and other related highway features;~~

~~(c) Designing or constructing wildlife crossings and other related highway features;~~

~~(d) Planning related to wildlife crossings and other related highway features;~~

~~(e) Staffing needs related to the design, construction, identification, restoration and protection of wildlife crossings and other related highway features; and~~

~~(f) Carrying out the provisions of NRS 408.651 to 408.676, inclusive, in cooperation with the Department of Wildlife.~~

~~5. In administering the Account, the Department shall consult with the Department of Wildlife to:~~

~~(a) Identify locations where key wildlife habitat, wildlife migration corridors and highways intersect;~~

~~(b) Identify and implement strategies to avoid, minimize and mitigate wildlife-vehicle collisions; and~~

~~(c) Prioritize areas to implement projects for wildlife crossings or other related highway features to improve permeability for wildlife while maintaining highway user safety.~~

~~6. All claims against the Account must be paid as other claims against the State are paid.~~**]** **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 444A.090 is hereby amended to read as follows:~~

~~444A.090 1. A person who sells a new tire for a vehicle to a customer for any purpose other than for resale by the customer in the ordinary course of business shall collect from the purchaser at the time the person collects the applicable sales taxes for the sale a fee of~~ **[**~~$1~~**]** ***$2*** ~~per tire. A person who did not pay the fee imposed by this section at the time of purchase because he or she purchased the new tire for resale and who then makes any use of that tire other than to resell it in the ordinary course of business, shall pay the fee imposed by this section to the Department of Taxation at the time of the first use of that tire for a purpose other than holding it for resale.~~

~~2. The seller shall account separately for all money received pursuant to subsection 1 as a deposit to be held in trust for the State. In accordance with the regulations adopted pursuant to subsection 3, the seller shall transmit 95 percent of the money held in trust pursuant to this section to the Department of Taxation for deposit with the State Treasurer.~~ **[**~~for~~**]** ***The State Treasurer shall*** ~~credit~~ ***half of the money transmitted pursuant to this subsection to the Wildlife Crossings Account created by NRS 408.656 in the State General Fund and half of the money*** ~~to the Solid Waste Management Account in the State General Fund. The remaining 5 percent and all interest and income which accrued on the money while in trust with the seller become the property of the seller on the day the balance for the month is transmitted to the Department of Taxation and may be retained by the seller to cover his or her related administrative costs.~~

~~3. The Director of the Department of Taxation shall adopt regulations establishing acceptable methods for accounting for and transmitting to the Department money collected or required to be paid by retailers pursuant to subsection 1. The regulations must include a designation of the persons responsible for payment. The regulations must, in appropriate situations, allow for the transmission of that money together with the payment of the applicable sales and use taxes.~~

~~4. In collecting the fee, the Department of Taxation may employ any administrative and legal powers conferred upon it for the collection of the sales and use taxes by chapters 360 and 372 of NRS.~~

~~5. The fee imposed pursuant to subsection 1 does not apply to any tire included in the sale of a new or used vehicle unless the tire is sold in a separate transaction.~~**]** **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 89.

Bill read third time.

The following amendment was proposed by Assemblymember González:

Amendment No. 522.

AN ACT relating to juvenile justice; requiring certain facilities to which a juvenile court commits a child to adopt and implement certain policies and procedures relating to unclothed searches of children who are detained in or committed to the facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides certain rights to children who are detained in a detention facility, including, without limitation, the right to be: (1) treated with basic human dignity and respect, without intentional infliction of humiliation; and (2) free from searches conducted for the purpose of harassment, punishment or discipline. (NRS 62B.510) **Section 1** of this bill requires each regional facility for the treatment and rehabilitation of children and local facility for the detention of children to adopt and implement policies and procedures concerning unclothed searches of children who are detained in or committed to the facility. **Section 1** requires any such policy or procedure to: (1) prohibit unclothed searches of children who are detained in or committed to such a facility, except under ~~[extraordinary]~~ **certain** circumstances; and (2) include certain requirements governing any unclothed search of a child who is detained in or committed to such a facility. **Section 2** of this bill imposes the same requirements on each state facility for the detention of children.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each facility shall adopt and implement policies and procedures concerning unclothed searches of children who are detained in or committed to the facility. The policies and procedures must:

(a) ~~[Be consistent with any other applicable laws or regulations;~~

~~(b)]~~ Prohibit an employee from conducting an unclothed ~~[searches]~~ search of ~~[children who are detained in or committed to the facility, except under extraordinary circumstances;~~

~~(c)]~~ a child unless the employee reasonably suspects that the child possesses or has immediate access to a weapon or contraband and the employee has exhausted all available, less intrusive methods of identifying any such item, including, without limitation, search techniques that allow the child to remain fully clothed;

(b) Require the physical presence of at least two employees of the facility for the entire duration of any unclothed search of a child ~~[who is detained in or committed to the facility;]~~ and , to the greatest extent practicable, that the employees be of the same gender as the child; and

~~[(d)]~~ (c) Include, without limitation, a requirement that the employee who has primary responsibility for an unclothed search of a child who is detained in or committed to the facility submit to the administrator or director of the facility a written report concerning the search.

2. A written report submitted pursuant to subsection 1 must:

(a) Be submitted not later than 72 hours after the search occurs; and

(b) Include a description of the search and any other information requested by the administrator or director, as applicable.

3. As used in this section:

(a) "Facility" means a regional facility for the treatment and rehabilitation of children or a local facility for the detention of children.

(b) "Unclothed search" means a search that requires a person to remove or arrange some clothing so as to permit a visual inspection of the person's breasts, buttocks or genitalia.

Sec. 2. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The superintendent of a facility shall adopt and implement policies and procedures concerning unclothed searches of children who are detained in the facility. The policies and procedures must:

(a) ~~[Be consistent with any other applicable laws or regulations;~~

~~(b)]~~ Prohibit an employee from conducting an unclothed ~~[searches]~~ search of ~~[children who are detained in or committed to the facility, except under extraordinary circumstances;~~

~~(c)]~~ a child unless the employee reasonably suspects that the child possesses or has immediate access to a weapon or contraband and the employee has exhausted all available, less intrusive methods of identifying any such item, including, without limitation, search techniques that allow the child to remain fully clothed;

(b) Require the physical presence of at least two employees of the facility for the entire duration of any unclothed search of a child ~~[who is detained in or committed to the facility;]~~ and , to the greatest extent practicable, that the employees be of the same gender as the child; and

~~[(d)]~~ (c) Include, without limitation, a requirement that the employee who has primary responsibility for an unclothed search of a child who is detained in or committed to the facility submit to the superintendent of the facility a written report concerning the search.

2. A written report submitted pursuant to subsection 1 must:

(a) Be submitted not later than 72 hours after the search occurs; and

(b) Include a description of the search and any other information requested by the superintendent.

3. As used in this section, "unclothed search" means a search that requires a person to remove or arrange some clothing so as to permit a visual inspection of the person's breasts, buttocks or genitalia.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember González moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 49, 52, 159, 186, 203, 204, 216, 246, 251, 290, 314, 328, 375, 404, 414, 416, 419, 428, 463, 467, 471, 479, and 504 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 40, 60, 64, 69, 111, 114, 132, 164, 176, 177, 189, 223, 248, 270, 277, 280, 283, 333, 380, 384, 418, 448, 451, 466, 480, 486, and 513 be placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Emley and Sarah Meaders.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Nielsen and Steve Cohen.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Tiffany Moehring.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Alida Ceballos and Laura Chavez.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Deveron Eriksen, Jennifer Eriksen, and Ray Galan.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Bourns.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Robertson.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Logan Forster, Patrik Renteria, and Wes Browne.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Jolcover.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Tamara Shear.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Green, Chris Luke, and Della Washington.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Milton and Eric Smith.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to John Karakoulakis and Marisol Collons.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Madeline Jorgenson, Vanessa Vause, and Victoria Jorgenson.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, April 22, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 6:10 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 3

THE SEVENTY-NINTH—THE ONE HUNDRED THIRTEENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

Page

ASSEMBLY PROCEEDINGS 3609

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 22, 2025

Assembly called to order at 11:48 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Reverend Dan Mosley.

Creator, Heavenly Father, I acknowledge Your presence in our lives and in this place. You ask us to pray for our leaders in high positions that we may lead peaceful and quiet lives. I speak blessings over every member of this State Legislature and pray for the spirit of wisdom and understanding, knowledge and counsel as they make decisions for the benefit of all people in this great state of Nevada. We pray in the name of the Father, the Son, and the Holy Spirit.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 299.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Tuesday, April 22, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

LAS VEGAS REVIEW JOURNAL: Olivia (Liv) Paggiarino

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 299.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 176 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 321 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by Assemblymember Jackson:

Amendment No. 541.

AN ACT relating to offenders; authorizing the Director of the Department of Corrections to establish a transitional housing program for certain offenders to develop skills and training relating to forestry management and conservation; requiring the State Forester Firewarden to establish a hiring program to appoint certain former offenders to firefighting positions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Director of the Department of Corrections is authorized to enter into one or more contracts with one or more public or private entities to provide certain services to offenders, including transitional housing. (NRS 209.4889) **Section 4.5** of this bill authorizes the Director to establish, in coordination with the Division of Forestry of the State Department of Conservation and Natural Resources, a transitional housing program **to provide training in forestry management and conservation** for certain offenders who ~~[are not more than 18 months from eligibility for parole to receive training in forestry management and conservation.]~~ **: (1) are committed to the custody of the Department and eligible for assignment to an institution or facility of minimum security; and (2) have previously been denied parole solely due to a lack of other available transitional housing.**

Under existing law, the State Forester Firewarden, in cooperation with the Department of Corrections, is required to establish and carry out a program for operating conservation camps in this State which may use offenders who meet certain requirements to perform certain work, including firefighting. (NRS 209.457) **Section 5** of this bill requires the State Forester Firewarden to establish a hiring program to appoint former offenders who performed firefighting work in such conservation camps to firefighting positions in the Division of Forestry of the State Department of Conservation and Natural Resources.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director may establish, in coordination with the Division of Forestry of the State Department of Conservation and Natural Resources, a transitional housing program to provide training in forestry management and conservation for offenders who ~~[are:~~

~~1. Not more than 18 months from eligibility for parole to receive training in forestry management and conservation; and~~

~~2. Committed]~~ :

1. Are committed to the custody of the Department and eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 ~~.]~~ ; and

2. Have previously been denied parole solely due to a lack of other available transitional housing.

Sec. 5. Chapter 472 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Forester Firewarden shall establish a hiring program to provide a pathway to hire for firefighting positions within this State. Under the hiring program, the State Forester Firewarden may appoint a person to fill a position in the classified service as a firefighter with the Division of Forestry of the State Department of Conservation and Natural Resources if the person:

(a) Was a former offender assigned to work in a program for operating conservation camps established pursuant to NRS 209.457 and performed work relating to firefighting;

(b) Successfully completed the training necessary to prepare the offenders assigned to the conservation camp to assist in firefighting pursuant to NRS 209.457;

(c) Has obtained any certifications required for employment as a firefighter with the Division of Forestry; and

(d) Meets any other qualifications established by the State Forester Firewarden.

2. The State Forester Firewarden may adopt regulations to carry out the provisions of this section.

Sec. 6. (Deleted by amendment.)

Assemblymember Jackson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 176.
Bill read third time.
Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:
Assembly Bill 176, generally prohibits certain governmental entities from enacting or implementing any limitation or requirement that singles out contraception or family planning services.

Roll call on Assembly Bill No. 176:
YEAS—42.
NAYS—None.
Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblymember Jauregui moved that the Assembly recess until 1 p.m.
Motion carried.

Assembly in recess at 12:02 p.m.

ASSEMBLY IN SESSION

At 2:13 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assembly Joint Resolution No. 1.
Resolution read.
Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:
Assembly Joint Resolution 1 proposes to amend the *Nevada Constitution* to provide that for the first fiscal year after the real property is sold or transferred, the real property is ineligible for any adjustment to the value of improvements on the real property, which is based on the age of the improvements and is also ineligible for certain partial abatements.

Roll call on Assembly Joint Resolution No. 1:
YEAS—26.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Miller, O'Neill, Yurek—16.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblymember Jauregui moved that Assembly Bills Nos. 64, 362, 437 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 177, 248, 480, and 499 be taken from their place on the General File and be moved to the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill 177 makes various changes relating to audiology, fitting and dispensing of hearing aids, and speech-language pathology board.

Roll call on Assembly Bill No. 177:

YEAS—40.

NAYS—Dickman, Kasama—2.

Assembly Bill No. 177 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblymember Marzola.

ASSEMBLYMEMBER MARZOLA:

Assembly Bill 248 enacts and enters into the Physical Therapy Licensure Compact. The interstate compact allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the compact, to practice as a PT [physical therapist] or PTA [physical therapist assistant] in other compact-member state.

Roll call on Assembly Bill No. 248:

YEAS—41.

NAYS—Kasama.

Assembly Bill No. 248 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblymember Nadeem.

ASSEMBLYMEMBER NADEEM:
Assembly Bill 480 adopts the disparate impact standard for the Nevada Fair Housing Law. The bill authorizes liability to be established for housing practices that result in discriminatory effects that are motivated by discriminatory intent or that actually or predictably result in a discriminatory effect on certain protected groups, even without discriminatory intent.

Roll call on Assembly Bill No. 480:
YEAS—30.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, O'Neill—12.
Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 499.
Bill read third time.
Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:
Assembly Bill 499 requires county clerks to establish and maintain an online voter services portal.

Roll call on Assembly Bill No. 499:
YEAS—30.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Hafen, Hansen, Hardy, Kasama, Koenig, O'Neill—12.
Assembly Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 3.
Bill read third time.
Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:
Assembly Bill 3 makes changes to civil arbitration.

Roll call on Assembly Bill No. 3:
YEAS—41.
NAYS—Backus.
Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 37.
Bill read third time.
Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:
Assembly Bill 37 makes several changes relating to housing. It revises certain data to be included in the statewide low-income housing database and outlines requirements for the analysis and reporting of that data.

Roll call on Assembly Bill No. 37:
YEAS—42.
NAYS—None.
Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 38.
Bill read third time.
Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:
Assembly Bill 38 makes various changes to manufactured homes, mobile homes, manufactured buildings, commercial coaches, and factory-built housing.

Roll call on Assembly Bill No. 38:
YEAS—40.
NAYS—Dickman, Kasama—2.
Assembly Bill No. 38 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 40.
Bill read third time.
Remarks by Assemblymember DeLong.

ASSEMBLYMEMBER DELONG:
Assembly Bill 40 revises provisions related to the reclamation of land subject to mining operations or exploration projects, solid waste management, and the management of hazardous waste.

Roll call on Assembly Bill No. 40:
YEAS—41.
NAYS—Kasama.
Assembly Bill No. 40 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 43.
Bill read third time.
Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:
This bill [Assembly Bill No. 43] establishes a permanent program to gather data.

Roll call on Assembly Bill No. 43:
YEAS—42.
NAYS—None.
Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 44 includes the manipulation of the price of an essential good or service, as defined in the bill, among activities that constitute unlawful contract, combination, or conspiracy in restraint of trade.

Roll call on Assembly Bill No. 44:

YEAS—24.

NAYS—Cole, Dalia, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Karris, Kasama, Koenig, Nguyen, O'Neill, Yurek—18.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblymember Flanagan.

ASSEMBLYMEMBER FLANAGAN:

Assembly Bill 48 authorizes the school board of trustees of a school district to reassign a student to another school upon request of that student's parents or legal guardian if the student has been found a victim or perpetrator of bullying of any kind. The perpetrator and the victim of the bullying are both assigned to a new school. The perpetrator may not be assigned to the same school as the victim.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblymember Jackson.

ASSEMBLYMEMBER JACKSON:

Assembly Bill 50 authorizes a board of county commissioners to establish and maintain an electronic database containing information concerning mass casualty incident victims to coordinate identification, reunification, and long-term support services.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.
Bill read third time.
Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:
Assembly Bill 56 makes various changes to the Board of Medical Examiners and the State Board of Osteopathic Medicine.

Roll call on Assembly Bill No. 56:
YEAS—40.
NAYS—Dickman, Kasama—2.
Assembly Bill No. 56 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 60.
Bill read third time.
Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:
Assembly Bill 60 requires the certification of prevention specialists who address substance use and other behavioral health disorders.

Roll call on Assembly Bill No. 60:
YEAS—41.
NAYS—Kasama.
Assembly Bill No. 60 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 65.
Bill read third time.
Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:
Assembly Bill 65 revises provisions governing guardianship and expands the duties of court appointed investigators to include investigating the ability of a proposed guardian.

Roll call on Assembly Bill No. 65:
YEAS—42.
NAYS—None.
Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 69.
Bill read third time.
Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:
Assembly Bill 69 removes the prospective expiration date of September 30, 2027, for the Nye County Sales and Use Tax Act of 2007; allowing the optional sales and use tax rate of up to .50 for the funding public safety.

Roll call on Assembly Bill No. 69:
YEAS—40.
NAYS—Dickman, Kasama—2.
Assembly Bill No. 69 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 70.
Bill read third time.
Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:
Assembly Bill 70 allows counties to be reimbursed for certain related environmental review costs associated with an application for partial tax abatements for certain renewable energy projects located on federal land.

Roll call on Assembly Bill No. 70:
YEAS—42.
NAYS—None.
Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 72.
Bill read third time.
Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:
Assembly Bill 72 outlines various provisions related to notaries public.

Roll call on Assembly Bill No. 72:
YEAS—42.
NAYS—None.
Assembly Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 73.
Bill read third time.
Remarks by Assemblymember Hibbetts.

ASSEMBLYMEMBER HIBBETTS:
Assembly Bill 73 requires any communication that includes synthetic media and is made in support or opposition to a candidate, group of candidates, or political party to disclose that the image, video, or audio has been manipulated.

Roll call on Assembly Bill No. 73:
YEAS—42.
NAYS—None.
Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 79.
Bill read third time.
Remarks by Assemblymember Nadeem.

ASSEMBLYMEMBER NADEEM:
Assembly Bill 79 makes various changes related to campaign finance.

Roll call on Assembly Bill No. 79:
YEAS—28.
NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 88.
Bill read third time.
Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:
Assembly Bill 88 makes changes to juvenile supervision.

Roll call on Assembly Bill No. 88:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 89.
Bill read third time.
Remarks by Assemblymember González.

ASSEMBLYMEMBER GONZÁLEZ:
Assembly Bill 89 requires local, regional, and state facilities used for the detention of children, to adopt and implement policies and procedures related to the unclothed searches of children.

Roll call on Assembly Bill No. 89:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 103.
Bill read third time.
Remarks by Assemblymember O'Neill.

ASSEMBLYMEMBER O'NEILL:
Assembly Bill 103 makes multiple changes related to housing authorities.

Roll call on Assembly Bill No. 103:

YEAS—42.

NAYS—None.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 104 statutorily establishes the Nevada Voluntary Water Rights Retirement Program within the Nevada Conservation [and] Recreation Program and revises other provisions related to water.

Roll call on Assembly Bill No. 104:

YEAS—42.

NAYS—None.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblymember Hibbetts.

ASSEMBLYMEMBER HIBBETTS:

Assembly Bill 111 increases the penalties for a driver who violates certain provisions involving driving a vehicle on a divided highway. Instead of a civil infraction, a person who violates these provisions is guilty of a misdemeanor.

Roll call on Assembly Bill No. 111:

YEAS—42.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:

Assembly Bill 112 removes an exemption for employees covered under a valid collective bargaining agreement from provisions requiring a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment, or other authorized medical need of a member of the employee's immediate family.

Roll call on Assembly Bill No. 112:

YEAS—29.

NAYS—Cole, DeLong, Dickman, Gallant, Gray, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—13.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblymember DeLong.

ASSEMBLYMEMBER DELONG:

Assembly Bill 114 changes provisions concerning appointment of members to a county fair and recreation board.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 116.

Bill read third time.

Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:

Assembly Bill 116 prohibits a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless the operator of the food dispensing establishment has obtained any business license required by the local government in which the food dispensing establishment is located that authorizes the establishment to conduct business at the address where it prepares the online food order.

Roll call on Assembly Bill No. 116:

YEAS—42.

NAYS—None.

Assembly Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 121.

Bill read third time.

Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:

Assembly Bill 121 requires that in each place where a landlord lists the amount of rent due, the rent must be denoted as a single figure representing the total amount of periodic rent that includes the amount of any mandatory fees.

Roll call on Assembly Bill No. 121:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblymember Yurek.

ASSEMBLYMEMBER YUREK:

Assembly Bill 132 increases the maximum capacity and pipe length of a guzzler.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblymember Gurr.

ASSEMBLYMEMBER GURR:

Assembly Bill 133 makes several changes related to delinquent property taxes. [It] provides that 5 percent of the amount of money remaining from certain excess proceeds generated from the sale of property held in trust, due to delinquent taxes, must be accounted for separately in the county general fund.

Roll call on Assembly Bill No. 133:

YEAS—42.

NAYS—None.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblymember Mosca.

ASSEMBLYMEMBER MOSCA:

The bill [Assembly Bill No. 156] revises the annual salary for members of the board of trustees of a school district elected for terms beginning after January 1, 2027, in a county with a population of 700,000 or more, to match the salary of county commissioners in those counties. The bill provides voting rights for appointed Clark County School District trustees in conjunction with creating term limits for appointed trustees.

Roll call on Assembly Bill No. 156:
YEAS—24.
NAYS—Cole, DeLong, Dickman, D'Silva, Edgeworth, Flanagan, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Miller, O'Neill, Yurek—18.
Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 164.
Bill read third time.
Remarks by Assemblymember O'Neill.

ASSEMBLYMEMBER O'NEILL:
Assembly Bill 164 increases the Account for Student Indemnification balance.

Roll call on Assembly Bill No. 164:
YEAS—42.
NAYS—None.
Assembly Bill No. 164 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 167.
Bill read third time.
Remarks by Assemblymember Hansen.

ASSEMBLYMEMBER HANSEN:
Assembly Bill 167 requires a facility staff member to review the corrective room restriction status of a child detained in a state, local, or regional facility, at least once every 24 hours. Any such review must include an assessment of whether a referral to a mental health screening, evaluation, or treatment is appropriate.

Roll call on Assembly Bill No. 167:
YEAS—42.
NAYS—None.
Assembly Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 183.
Bill read third time.
Remarks by Assemblymember Koenig.

ASSEMBLYMEMBER KOENIG:
Assembly Bill 183 makes various changes to the practice of optometry.

Roll call on Assembly Bill No. 183:
YEAS—42.
NAYS—None.
Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 184.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 184 revises certain provisions and processes related to interscholastic activity participation, including the waiver process, the procedures for asking for appeals, as well as, prohibiting the NIAA [Nevada Interscholastic Activities Association] from taking any adverse action against a school or person for advocating in support or opposition of any policy in a public space.

Roll call on Assembly Bill No. 184:

YEAS—42.

NAYS—None.

Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblymember Koenig.

ASSEMBLYMEMBER KOENIG:

Assembly Bill 189 specifies the circumstances under which a notarial officer may administer an oath or affirmation and provides that if an oath or affirmation is required, a person may provide either and both have the same legal effect.

Roll call on Assembly Bill No. 189:

YEAS—42.

NAYS—None.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 192 enacts the Uniform Easement Relocation Act and the Uniform Mortgage Modification Act, establishing procedures and standards for easement relocations and mortgage modifications.

Roll call on Assembly Bill No. 192:

YEAS—42.

NAYS—None.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 197 strengthens protections for the confidentiality of personal information related to nonprofit organizations.

Roll call on Assembly Bill No. 197:

YEAS—41.

NAYS—Considine.

Assembly Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 198 prohibits a person from engaging in the business of an operator business unless the person holds all applicable state and local business licenses and requires an operator to conduct certain inspections, as well as other measures.

I rise today in support of Assembly Bill 198. This measure memorializes the life of Lizzy Hammond and enacts life-saving measures. Each year, thousands of children sustain severe injuries or lose their lives due to incidents involving inflatable bounce houses. These tragic events are not isolated freak accidents, but rather a recurring issue that demands immediate attention and action to prevent further harm. Lizzy was a seventh-generation Nevadan who was born on November 2, 2009, and left this world on July 16, 2019. It was due to blunt force trauma suffered two days earlier, when an improperly installed, non-weighted bounce house—without manufacturer's tags—went into the wind. It attached itself to an electric line with four children inside.

The Lizzy Hammond Foundation has since dedicated itself to raising awareness, educating the public, and promoting safety standards for the operation of bounce houses to safeguard our children. This measure, Assembly Bill 198, is critical for the safety of children, and others, and ensures that bounce house operators follow nationally recognized guidelines to ensure proper functioning, regular maintenance, and supervision during bounce house use—to reduce the risk of injury and death for our children, our grandchildren, and all those kiddos in Nevada and their families. I urge your support of this important measure.

Roll call on Assembly Bill No. 198:

YEAS—42.

NAYS—None.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:

Assembly Bill 201 expands the circumstances under which a summary eviction case court file is sealed automatically.

Roll call on Assembly Bill No. 201:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 202 revises the applicability of certain provisions requiring certain insurers to establish a system of procedures for resolving complaints. The measure authorizes a dentist to provide a written certification and a request for an expedited external review.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblymember Goulding and Hansen.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 205 revises provisions governing the instruction of sexual education.

ASSEMBLYMEMBER HANSEN:

I rise in opposition to AB [Assembly Bill] 205. AB 205 is a dramatic power shift in the state of Nevada. It is a state mandate from an opt in, to now, an opt out. As a parent, you are the final arbiter. You are the person who wants to give the permission to your children to participate in certain activities. Certainly, this big power shift dynamic now says that we must ask the state for permission to opt our children out.

Now, the good news is for looking at data, 93 percent of children in the state of Nevada participate in the comprehensive sex education programs in the state. There is a 95 percent response rate. To highlight, Washoe County has 1 percent that do not respond. As compared to our high school graduates that 81 percent of graduation rates, English language arts proficiency is 45 percent and math is 19 percent. So, with the current status, the way things have worked, with the way that things have been in the opt in, things are working. So, I hope my colleagues will support the fundamental right of parents not to have to ask the state to opt their children out and oppose AB 205.

Roll call on Assembly Bill No. 205:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

Assembly Bill 209 provides immunity from prostitution charges for a person who seeks emergency assistance or medical care and the evidence for the alleged prostitution was obtained as a result of seeking care.

Roll call on Assembly Bill No. 209:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:

Assembly Bill 223 revises provisions relating to the habitability of a rental property by a landlord.

Roll call on Assembly Bill No. 223:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblymember Miller:

ASSEMBLYMEMBER MILLER:

Assembly Bill 227 repeals, revises, and reenacts provisions governing the adoption of children and requires the Division of Child and Family Services to adopt various regulations.

Roll call on Assembly Bill No. 227:

YEAS—41.

NAYS—Backus.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill 231 requires a home warranty service contract to specify that the duties of a provider must include the duty to ensure that any goods—air conditioner, furnace, or heater in a home or dwelling, covered under the home warranty service contract, are restored to sound working conditions.

Roll call on Assembly Bill No. 231:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

Assembly Bill 239 revises various provisions relating to business entities.

Roll call on Assembly Bill No. 239:

YEAS—40.

NAYS—Anderson, Considine—2.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 245 prohibits a person who is less than 21 years of age from handling, possessing, or controlling any semiautomatic shotgun or semiautomatic centerfire rifle; except for those engaged in certain shooting activities, or who are law enforcement officers or members, honorably discharged members of the United States Armed Forces or a reserve component thereof the National Guard.

Roll call on Assembly Bill No. 245:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblymembers Goulding and O'Neill.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 250 establishes that in a civil action to collect a consumer debt, coerced debt may be used as an affirmative defense.

ASSEMBLYMEMBER O'NEILL:

I stand in support of Assembly Bill 250 today. A lot of work has been done on this and I congratulate my fellow Assemblymember from Assembly District 27 on the work she has done. I will be supporting it, but I will ask my colleagues to also. I understand that there is still work to be done, though, as it transfers over to the Senate side. I offer any assistance I can give.

Roll call on Assembly Bill No. 250:

YEAS—33.

NAYS—Cole, DeLong, Dickman, Gallant, Gurr, Hafen, Hibbetts, Kasama, Miller—9.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 269.

Bill read third time.

Remarks by Assemblymember D'Silva.

ASSEMBLYMEMBER D'SILVA:

This bill [Assembly Bill No. 269] makes several changes to eligibility for student loan repayment.

Roll call on Assembly Bill No. 269:

YEAS—40.

NAYS—DeLong, Hafen—2.

Assembly Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblymember Hafen.

ASSEMBLYMEMBER HAFEN:

Assembly Bill 270 revises the years of experience required to waive the fundamentals of engineering examination from 15 years of experience to 10 years.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblymember DeLong.

ASSEMBLYMEMBER DELONG:

Assembly Bill 277 amends the confidentiality provisions in Chapter 360 of the *Nevada Revised Statutes* to authorize the disclosure of information related to the Department of Taxation's computation of the gross yield and net proceeds of all minerals extracted in Nevada.

Roll call on Assembly Bill No. 277:

YEAS—42.

NAYS—None.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 280 requires a landlord, who collects any fee from a prospective tenant who applies to rent a dwelling unit, to refund the fee if the landlord rents the dwelling unit to a different prospective tenant and does not conduct the activity for which the fee was collected. Further, the bill provides that during the period beginning July 1, 2025, and ending on December 31, 2026, a landlord must not renew a rental agreement, or enter into a new rental agreement, for a dwelling unit with the existing tenant that increases the rent payable in an amount that is more than 5 percent.

Roll call on Assembly Bill No. 280:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

Assembly Bill 282 requires a medical facility or health care professional to address billing concerns of patients and to refund any overpayments by a patient.

Roll call on Assembly Bill No. 282:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Nguyen, O'Neill, Yurek—16.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 283 repeals, reenacts, reorganizes, and revises procedures for the summary eviction of tenants.

Roll call on Assembly Bill No. 283:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 302.
Bill read third time.
Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:
Assembly Bill 302 authorizes courts to permit a child alleged to have committed a delinquent act, a witness who is a minor, or a vulnerable person to use a certified facility dog for support during testimony in certain criminal proceedings.

Roll call on Assembly Bill No. 302:
YEAS—42.
NAYS—None.
Assembly Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 309.
Bill read third time.
Remarks by Assemblymember Hardy.

ASSEMBLYMEMBER HARDY:
Assembly Bill 309 makes changes to the process for certain temporary orders for protection against domestic violence.

Roll call on Assembly Bill No. 309:
YEAS—42.
NAYS—None.
Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 315.
Bill read third time.
Remarks by Assemblymember Edgeworth.

ASSEMBLYMEMBER EDGEWORTH:
Assembly Bill 315 requires an application to participate in Medicaid, as a provider, to be accompanied by a verification of the identity and signature of the applicant.

Roll call on Assembly Bill No. 315:
YEAS—42.
NAYS—None.
Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 319.
Bill read third time.
Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:
Assembly Bill 319 makes various changes governing physicians, physician assistants, practitioners of respiratory care, perfusionists, and medical assistants.

Roll call on Assembly Bill No. 319:

YEAS—42.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblymember Gray.

ASSEMBLYMEMBER GRAY:

Assembly Bill 333 terminates the lease of Washoe County for certain real property owned by the state. It further requires the Administrator of the Division of State Lands to enter into an agreement to lease the real property. That property shall be referred to as the Nevada State Fairgrounds.

Roll call on Assembly Bill No. 333:

YEAS—42.

NAYS—None.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblymember Kasama.

ASSEMBLYMEMBER KASAMA:

Assembly Bill 334 prohibits the Board of Dental Examiners of Nevada from adopting regulations that require an applicant for licensure by endorsement to practice dental hygiene to have practiced dental hygiene in another state for a specified period of time immediately preceding submission of an application.

Roll call on Assembly Bill No. 334:

YEAS—42.

NAYS—None.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblymember Nguyen.

ASSEMBLYMEMBER NGUYEN:

Assembly Bill 343 codifies federal hospital price transparency regulations, among other provisions. Specifically, this bill requires hospitals to compile, publish, and annually update a list of standard charges for all items and services provided by the hospital.

Roll call on Assembly Bill No. 343:

YEAS—28.

NAYS—Cole, DeLong, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill 350 provides that a cemetery authority shall not disinter or remove certain human remains, in all or any part of a cemetery owned, leased, or operated by the authority without a court order.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351.

Bill read third time.

Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:

Assembly Bill 351 grants juvenile courts limited jurisdiction to hear cases involving individuals 21 years of age or older, whom law enforcement did not identify for prosecution before they turned 21 years of age in certain circumstances.

Roll call on Assembly Bill No. 351:

YEAS—42.

NAYS—None.

Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 3:25 p.m.

ASSEMBLY IN SESSION

At 4:01 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 360.

Bill read third time.

Remarks by Assemblymember Goulding.

ASSEMBLYMEMBER GOULDING:

Assembly Bill 360 requires certain medical facilities to test pregnant people for syphilis under certain conditions.

Roll call on Assembly Bill No. 360:

YEAS—42.

NAYS—None.

Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 368.

Bill read third time.

Remarks by Assemblymember Carter:

ASSEMBLYMEMBER CARTER:

Assembly Bill 368 authorizes a patient in an assisted living facility, a resident in a living community for people with disabilities, or their representative to request the installation of an electronic communication device.

Roll call on Assembly Bill No. 368:

YEAS—42.

NAYS—None.

Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblymember Gallant.

ASSEMBLYMEMBER GALLANT:

Assembly Bill 377 requires the property value declaration form for each deed that transfers title of real property, or records a land sale installment contract with the county recorder, to include a section for claiming partial property tax abatements for primary single-family residences and certain qualified rental properties.

Roll call on Assembly Bill No. 377:

YEAS—42.

NAYS—None.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380.

Bill read third time.

Remarks by Assemblymember Edgeworth.

ASSEMBLYMEMBER EDGEWORTH:

Assembly Bill 380 revises the composition of mobile crisis teams and removes requirements concerning the location of such teams and who may establish one.

Roll call on Assembly Bill No. 380:
YEAS—42.
NAYS—None.
Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 383.
Bill read third time.
Remarks by Assemblymember Hansen.

ASSEMBLYMEMBER HANSEN:
Assembly Bill 383 authorizes the State Board of Education to establish rules and regulations setting the criteria that a high-impact tutoring vendor must meet in order for a school district or governing body of a charter school to contract with the vendor.

Roll call on Assembly Bill No. 383:
YEAS—42.
NAYS—None.
Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 384.
Bill read third time.
Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:
Assembly Bill 384 requires the Chair of the Juvenile Justice Oversight Commission to solicit input from persons and organizations with knowledge and experience in wrap-around services for children involved in the JJ [juvenile justice] system.

Roll call on Assembly Bill No. 384:
YEAS—42.
NAYS—None.
Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 396.
Bill read third time.
Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:
Assembly Bill 396 requires each governing body of certain county and cities to adopt an ordinance authorizing the owner of a residential property to apply to add an accessory dwelling unit to the property.

Roll call on Assembly Bill No. 396:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Flanagan, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblymember Jackson.

ASSEMBLYMEMBER JACKSON:

Assembly Bill 406 prohibits public schools from using artificial intelligence [AI] to perform the functions and duties of a school counselor, psychologist, or social worker. School counselors, psychologists, or social workers may use AI to perform other duties, such as administrative tasks, analyzing data, and managing notes and records. Additionally, the bill prohibits unlicensed individuals and AI systems from representing themselves as capable of providing professional mental or behavioral health care.

Roll call on Assembly Bill No. 406:

YEAS—42.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 407 requires an original equipment manufacturer of a mobility device designed for a person with a physical disability to make available certain documentation, parts, and tools for the diagnosis, maintenance, or repair of the equipment.

Roll call on Assembly Bill No. 407:

YEAS—42.

NAYS—None.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblymember Hunt.

ASSEMBLYMEMBER HUNT:

Assembly Bill 417 requires peace officers to inspect vehicles suspected of involvement in unauthorized speed contests or trick driving displays, for equipment violations or unsafe conditions. This bill requires certain reporting.

Roll call on Assembly Bill No. 417:

YEAS—42.

NAYS—None.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418.

Bill read third time.

Remarks by Assemblymember Hibbetts.

ASSEMBLYMEMBER HIBBETTS:

Assembly Bill 418 requires each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, animal rescue organization that handles pets, or commercial establishment engaged in the business of handling pets to complete a training course on handling pets. This course will be prescribed by the governing body.

Roll call on Assembly Bill No. 418:

YEAS—42.

NAYS—None.

Assembly Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblymembers González, Cole, and Hansen.

ASSEMBLYMEMBER GONZÁLEZ:

Assembly Bill 420 requires school districts and charter schools that employ, or enter into a contract, to provide school police officers to prepare and publish data on the use of force by school police officers on their website.

ASSEMBLYMEMBER COLE:

I rise today in support of this bill, thank you very much. I am working with the sponsor on some amendments on the Senate side to include the context as well in the reporting.

ASSEMBLYMEMBER HANSEN:

I rise in support of AB 420. I want to give my thanks to the sponsor for working really hard on this bill. We had to really work through this one a lot. That I can say that I stand in support of the bill called '420' is really kind of amusing. So, I am glad to say that I can and that she has put a lot of work into this. With her saying that she will be able to work a little bit more on the Senate side to add that context for use of force will be very helpful. So, I am glad to stand in support at this time.

Roll call on Assembly Bill No. 420:

YEAS—36.

NAYS—Gray, Gurr, Hafen, Hibbetts, Kasama, O'Neill—6.

Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 434 makes it unlawful for an employer to take, or threaten to take, certain adverse employment action against an employee because the employee declines to attend a meeting sponsored by the employer or declines to participate in, receive, or listen to any communication by the employer or an agent representative where the purpose of the meeting or communication is to communicate the opinion of the employer regarding religious or political matters.

Roll call on Assembly Bill No. 434:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:

Assembly Bill 439 authorizes a public agency, or law enforcement agency, to purchase or acquire unmanned aerial vehicles or related equipment and services from certain businesses or entities, et cetera.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Assembly Bill 441 replaces the rolling application process for tax credits with a fixed 30-day window, after which the Department of Taxation approves credits based on set priorities. It also requires scholarship organizations to report applicant categories, prioritize funding accordingly, and to be registered as a domestic nonprofit corporation in the state of Nevada.

Roll call on Assembly Bill No. 441:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblymember Koenig.

ASSEMBLYMEMBER KOENIG:

Assembly Bill 448 establishes various requirements relating to vision benefit managers and providers of vision care.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblymember Gurr.

Conflict of interest declared by Assemblymember Hafen.

ASSEMBLYMEMBER GURR:

Assembly Bill 449 revises provisions requiring the Public Utilities Commission of Nevada to adopt regulations provided for simplified procedures or methodologies for rate changes for public utilities that furnish water or sewer disposal services, or both, and meet certain requirements.

ASSEMBLYMEMBER HAFEN:

I would like to disclose that the water utility that I operate is governed by the provisions of NRS 704.100, and section 1 of Assembly Bill 449 would revise such provisions regulating these utilities. Because of the very small number of utilities that are governed by this provision of law, I am hereby making this disclosure for the purpose of Assembly Standing Rule No. 23 and I will abstain from voting on Assembly Bill 449.

Roll call on Assembly Bill No. 449:

YEAS—41.

NAYS—None.

NOT VOTING—Hafen.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblymember O'Neill.

ASSEMBLYMEMBER O'NEILL:

Assembly Bill 451 extends immunity from civil liability to licensed firearm dealers and local law enforcement agencies who voluntarily take possession of a firearm through a hold agreement from the owner during certain times of stress and or suicidal thoughts.

I ask my colleagues, all of you, to give strong support to this bill. It is a suicide prevention bill—one of the number one issues we are facing in mental health here in Nevada. My colleague from Assembly District 41 and I have often—over several years—been on opposite sides of various bills. We promise to you, this bill may not be perfect today, but our pledge to you with your support today, we will continue to work on it, to refine it, and make it a bill that addresses the issues that we need in Nevada to reduce suicides.

Roll call on Assembly Bill No. 451:

YEAS—41.

NAYS—Dickman.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 452 requires the Public Utilities Commission of Nevada to open one or more investigatory dockets to examine certain matters relating to a potential cost-sharing.

Roll call on Assembly Bill No. 452:

YEAS—35.

NAYS—Dickman, Edgeworth, Gallant, Gray, Hafen, Hibbetts, Kasama—7.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblymember Nadeem.

ASSEMBLYMEMBER NADEEM:

Assembly Bill 454 revises provisions relating to emergency response plans.

Roll call on Assembly Bill No. 454:

YEAS—42.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblymember Considine.

ASSEMBLYMEMBER CONSIDINE:

Assembly Bill 457 requires the Joint Interim Standing Committee on Revenue to conduct a study during the 2025-2026 Interim on the advisability and feasibility of treating certain business entities as a single entity for the purposes of the Commerce Tax.

Roll call on Assembly Bill No. 457:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:

Assembly Bill 458 revises provisions relating to solar-powered affordable housing systems in Nevada.

Roll call on Assembly Bill No. 458:

YEAS—36.

NAYS—Cole, DeLong, Gray, Hafen, Hansen, O'Neill—6.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

Assembly Bill 461 facilitates health care decision making for patients who are not able to make their own decisions.

Roll call on Assembly Bill No. 461:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 464 prohibits weakening any existing standards of content for such subjects taught in schools. It also prohibits taking any adverse employment actions against an administrator, teacher, or any applicable public employee based on certain characteristics or affiliations of religious or political activity outside of work hours.

Roll call on Assembly Bill No. 464:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 465 provides immunity from civil liability to a school district, charter school, or institution of higher learning that develops, implements, and enforces a comprehensive policy regarding disclosures of harassment by students or staff.

Roll call on Assembly Bill No. 465:

YEAS—42.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblymember Kasama.

ASSEMBLYMEMBER KASAMA:

Assembly Bill 466 applies to delivery of notices for portable electronics insurance policies.

Roll call on Assembly Bill No. 466:

YEAS—42.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Bill 478 provides that if a board of county commissioners, or the governing body of a city or county, adopts an ordinance restricting the hours in which construction work may begin, the construction work hours for projects must not be allowed to begin, but not earlier than 5 a.m. between April 1 and September 30.

Roll call on Assembly Bill No. 478:

YEAS—42.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblymember Anderson.

ASSEMBLYMEMBER ANDERSON:

Assembly Bill 486 requires NDOT [Nevada Department of Transportation] to prepare a written cost-benefit analysis for a variety of items, including wildlife-vehicle collisions and the progress and needs for wildlife mitigation projects.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

Assembly Bill 488 expands the list of offenses under which victims of human trafficking may petition the court to vacate a judgment of conviction and seal all related records, to include any crime under state law or local ordinances.

Roll call on Assembly Bill No. 488:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Remarks by Assemblymember Torres-Fossett.

ASSEMBLYMEMBER TORRES-FOSSETT:

Assembly Bill 495 revises provisions relating to charter school closures, stating that if a charter school receives the lowest annual rating under the statewide system of accountability for public schools in any three consecutive school years, the sponsor of the charter school must terminate the contract or restart the charter school with certain exceptions. Additionally, the bill requires NDE [Nevada Department of Education] to establish a committee to evaluate and recommend revisions, within certain parameters, to the statewide system of accountability for public schools and to submit a report.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Assembly Bill 497 authorizes a Political Action Committee [PAC] to use contributions for certain purposes and excludes nonprofit organizations and corporations from the definition of a PAC.

Roll call on Assembly Bill No. 497:

YEAS—42.

NAYS—None.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblymember Cole.

ASSEMBLYMEMBER COLE:

Assembly Bill 509 provides a broadband provider may not access the public right-of-way of a local government without an agreement with the local government to access the right-of-way. That agreement must not exceed 2 percent of the annual gross revenue derived by the broadband provider.

Roll call on Assembly Bill No. 509:

YEAS—42.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblymember Carter.

ASSEMBLYMEMBER CARTER:

Assembly Bill 512 expands the definition of casualty insurance to include legal expenses.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513.

Bill read third time.

Remarks by Assemblymember Roth.

ASSEMBLYMEMBER ROTH:

Assembly Bill 513 makes various changes relating to chiropractic physicians and chiropractic assistants.

Roll call on Assembly Bill No. 513:

YEAS—41.

NAYS—Kasama.

Assembly Bill No. 513 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblymember Hibbetts.

ASSEMBLYMEMBER HIBBETTS:

Assembly Bill 519 creates a new chapter in the *Nevada Revised Statutes* consisting of existing provisions for the licensure and regulation of agencies to provide personal care services in the

home, employment agencies that contract to provide nonmedical services related to personal care to elderly people or people with disabilities in the home, and intermediary service organizations.

Roll call on Assembly Bill No. 519:
YEAS—42.
NAYS—None.
Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 520.
Bill read third time.
Remarks by Assemblymember Gray.

ASSEMBLYMEMBER GRAY:
Assembly Bill 520 does three things. First, it codifies regulations that are already in place. Second, it authorizes the Division to release certain information in extenuating circumstances. Finally, it authorizes prospective adoptive parents and representatives of an agency responsible for the supervision of a child to attend a court hearing via remote technology.

Roll call on Assembly Bill No. 520:
YEAS—41.
NAYS—Kasama.
Assembly Bill No. 520 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 523.
Bill read third time.
Remarks by Assemblymember Watts.

ASSEMBLYMEMBER WATTS:
Assembly Bill 523 reduces the minimum amount of transportation network company insurance that must be maintained under certain circumstances from $1.5 million to $1 million. The bill provides that a transportation network company or delivery network company is not vicariously liable for any act or omission of a driver that harms a person or property under any theory of liability or duty of care. Additionally, the bill limits for any driver who uses a personal vehicle the applicability of the bill's provisions to a delivery network company that maintained a motor vehicle insurance policy in an amount of not less than $1 million at the time of the incident.

Roll call on Assembly Bill No. 523:
YEAS—42.
NAYS—None.
Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 527.
Bill read third time.
Remarks by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

Assembly Bill 527 authorizes a board of trustees of a school district to authorize the installation and use of an infraction detection system in school buses to enforce laws against overtaking or passing a stopped school bus.

Roll call on Assembly Bill No. 527:

YEAS—39.

NAYS—Dickman, Hafen, Hibbetts—3.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblymember Dickman.

ASSEMBLYMEMBER DICKMAN:

Assembly Bill 529 establishes certain requirements for a wholesale generation facility in Nevada that becomes operational on or after January 1, 2026, and is located within the service territory of a rural electric or municipal utility. Such a wholesale generation facility must purchase its station power from the rural electric or municipal utility, unless a written agreement states otherwise; adhere to all rules, rates, and policies relating to the delivery of and payment for station power; and authorize a rural electric or municipal utility to install or certify the proper operation of a meter that measures the use of the station power.

Roll call on Assembly Bill No. 529:

YEAS—42.

NAYS—None.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblymember Backus.

ASSEMBLYMEMBER BACKUS:

Assembly Bill 535 amends the provisions governing the sales and use tax exemption for religious, charitable, or educational organizations.

Roll call on Assembly Bill No. 535:

YEAS—42.

NAYS—None.

Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblymembers Jackson and Hansen.

ASSEMBLYMEMBER JACKSON:

Assembly Bill 321 requires the State Forester Firewarden to establish a competitive hiring program for former offenders who worked in conservation fire camps. The bill also authorizes the

Nevada Department of Corrections, in partnership with the Division of Forestry, to establish a transitional housing program.

ASSEMBLYMEMBER HANSEN:
I rise in support of Assembly Bill 321. I appreciate the sponsor; he has worked so hard getting this bill to where we can get to a really comfortable support position. I appreciate the intent and am so grateful to stand in support the bill today.

Roll call on Assembly Bill No. 321:
YEAS—42.
NAYS—None.
Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 376.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bill No. 376 be taken from its place on the General File and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 473 be withdrawn from the Committee on Ways and Means and rereferred to the Committee on Judiciary.
Motion carried.

Assembly in recess at 4:50 p.m.

ASSEMBLY IN SESSION

At 4:52 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 96.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Blaire Zika.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, April 23, 2025, at 4:15 p.m.

Motion carried.

Assembly adjourned at 4:53 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 23, 2025

Assembly called to order at 4:42 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Dickman, Edgeworth, Gallant, Gray, and Hansen, who were excused.

Prayer by Mr. George Whalen.

In the midst of this sacred Chamber, divinity resides. This is your sanctuary. This is where goodness and new life abounds. Dreams become a reality because of you. You are the sacred public ministers blessing all Nevadans with your passion, hard work, wisdom, vigilance, but above all else, your caring hearts. You listen each day—morning, noon, and night—as the multitude of folks sit before you and testify and share their heartfelt wishes and concerns. Your attention and graciousness to all is divine love in action.

Now it is your turn—on this, the 80th day of our 83rd Session, let us pause for a moment and allow divine love to listen and take care of you. In this sacred Chamber, in the silence of your heart, what is it that you wish to ask your compassionate and loving creator to do for you today?

May you be lifted up and strengthened by the loving embrace of the One who truly loves and watches over you now and forever more.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Considine and Gurr as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Dina Titus.

The President of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:03 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Cannizzaro, Dondero Loop, Ellison, Hansen, Krasner, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymember Dickman, Gallant, Gray, and Hansen, who were excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Ohrenschall and Assemblymember Mosca to wait upon United States Representative Dina Titus and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Dina Titus, United States Representative from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted Representative Titus to the rostrum.

The Speaker of the Assembly welcomed Representative Titus and invited her to deliver her message.

Representative Titus delivered her speech as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-THIRD SESSION, 2025

Well, thank you, Mr. Speaker, honored elected officials, legislative colleagues, and special guests. It is very nice to be here with you. I am always a little sentimental when I come in this building. I have spent 20 years here and it is nice to be back. So, thank you for allowing me to come and speak with you today. You know, never though, in those 20 years when I was here, did I face the challenges that you all are facing today—never. I am not going to sugarcoat it, I am going to tell you what it is like; and you are facing a tsunami that is coming, and I do not envy your task, but I know you are up to it. I know you will do what is in the best interest of Nevadans but let us just get ready because it is coming fast.

I want to talk to you a little bit about what is happening in Washington [D.C.]. I do not want to be too pessimistic, but I want to be realistic because in the time when I was here and in all the time that I have been in politics, I can tell you that there has never been a president like we have today; who has so cavalierly, and thoughtlessly, cut services the way Donald Trump has in just the short time that he has been there—services that people here in Nevada depend on very heavily. Never has there been a president who threatened to tank the U.S. economy with tariffs like we have seen recently, which are tantamount to taxes on our residents and consumers. Never has there been a president who has threatened to round up thousands of Nevadans and deport them without any kind of due process. Yet, that is where we are. As I said, you and the Legislature are on the front lines and are forced to deal with the consequences. As your Speaker put it—and he put it well—he has said, and I would like to quote him, "These cuts are being instituted to fund tax cuts for the wealthy. This is not a pandemic out of our control. This is not a worldwide economic event. These are intentional decisions being made at the federal level that are hurting Nevada. That is why I am not sleeping well at night." Well, neither am I, and I doubt if you are either.

So, let us just take a minute to look at the damage that has been done just to Nevada—not to the whole country, but just to Nevada—who depends, as you all know because you are living it every day, on federal funding for 27.7 percent of the state budget. Now, that is not my number, the nonpartisan Nevada research organization called the Guinn Center for Policy Priorities found that from 2023 to 2025, federal funding accounted for $14.8 billion of the $53.4 billion in state spending. That is a big chunk of what we have to offer and to deal with. Now, if you go back and look at what has happened in these last three months or so, you will know that the federal budget

that was put forth by the Republican Congress at the behest of Donald Trump, has made tremendous cuts in many, many areas. So, let us just start with the big one in the room, which is Medicaid. I know you all have been holding hearings on it and know how drastic this could be. This is probably the cruelest cut of all. More than a fifth of our population—812,000 people—rely on Medicaid for their health coverage here in Nevada. Three in eight children are covered by Medicaid in Nevada. Four of seven seniors in nursing homes rely on Medicaid in Nevada to pay for those monthly nursing home costs. Overall, the federal government covers 60 percent of the billion dollars cost to Nevada of Medicaid alone. Over $3 billion per year that the state might have to spend to continue that kind of cost. Now, last year your Treasurer Zach Conine, who saw more investment returns than all the other treasurers combined in the history of Nevada, was talking to me about the Rainy Day Fund. He tells me that even with the $1.24 billion that you have saved, which is a record, you still could only cover that Medicaid loss for about a year. That is the kind of thing that we are looking at. Now, in addition to that, Medicaid is not the only health care program that is under attack. Obamacare is also back in the picture. Now, it covers 24 million people and federal support totaled $125 billion last year in subsidies for 19 million people—that is nationally—but if the subsidies are not extended this year, the people who are in the program will see their premiums skyrocket—that is in Nevada. In fact, in District 1, premiums could increase by as much as 179 percent. That means that they do not have help paying for insurance; they are not going to have insurance. That puts them back in the emergency room and that puts the cost of premiums for people who do have it, skyrocketing. So, in short, we will be facing a health insurance crisis like we have never seen before.

Now, the loss of these funds is not the only crisis that we are facing; that is the health care crisis, but there are other cuts to the Department of Health and Human Services that DOGE [Department of Government Efficiency] has recommended. The state receives, from the federal government, $46 million of the $64 million it spends on [a] supplemental program for women and children that has always been popular and helpful in Nevada—the WIC [Women, Infants, and Children] program—that provides healthy food and breastfeeding support for little babies—gone. The federal government provides $111 million for a supplemental nutrition and assistance program and TANF [Temporary Assistance for Needy Families], which supplies support for Nevadans to be able to afford groceries and childcare—could be gone. Now, these are numbers; you all know them, you sit on the money committees, but they are not just statistics; they are hungry children in Nevada, not some national statistic that does not affect us.

Now, in addition to the medical and health services, you can also figure that our children are going to suffer from the dismantlement of the Department of Education. Nearly $150 million in Federal Title I funds flow through the Department of Education to the state to support schools with high percentages of low-income students and help to bridge that achievement gap. In addition, $187 million for individuals with disabilities come to the state from the federal level. That is something that will be gone and you will have to make up for. In addition to the Department of Education, let us look at some of the other kind of miscellaneous cuts that are in these budgets. Federal cuts for grants for foster care, heating and cooling assistance for low-income Nevadans, funding for substance abuse prevention and treatment, they are even waging a war on arts and culture, and eliminating the National Endowment for the Humanities. So, if you want to save the story of Nevada, if you want to continue the Elko Cowboy Poetry Festival [National Cowboy Poetry Gathering-Elko], do not count on the National Endowment for giving state grants because that is over. So, you are going to have to look at picking that up. Now in addition to that, they have frozen some specific grant to UNLV [University of Nevada, Las Vegas] to study PTSD [Post-Traumatic Stress Disorder] on veterans, grant to NDOT [Nevada Department of Transportation] to construct EV [electric vehicle] charging stations, Nevada Clean Energy Fund to facilitate solar panel installation, and you know, we were out front on solar energy in this state. In addition, they have cut mental health services for youth in rural Nevada. Those programs have been cut. They have fired a lot of federal employees throughout the country, including park employees here in Nevada, National Park employees, and General Services Administration employees here in Nevada, and closed IRS [Internal Revenue Service] offices here in Nevada. They have even cut hearing aids for children and cancer research. So, if you think I am talking about political things, I do not think anybody in this room thinks hearing aids for children or cancer research is partisan.

Now, that is on the cutting side; let us talk about the revenue side. The picture is not too much better there. I have concerns because, as you all have to deal with every day, Nevada requires a balanced budget. So, you are going to have to deal with what is coming, May 1. When you get the economic forecast, May 1, you will be hearing how much funds will be there, what is going to be cut, and how much you can spend. Well, I am not too optimistic here either. The tariffs that have been imposed by the President, here today, gone tomorrow, 40 percent, 10 percent, 20 percent, 140 percent on China. Who knows? But it is a trade war and it is tariffs. In Nevada, we rely heavily on sales and gaming tax. So, what do tariffs do? They increase the cost of consumer goods; whether it is groceries, or clothing, or telephones, or housing, utilities, all of that will go up. Now, if you do not have disposable income, you are not going to go on vacation; you are not going to go on holiday. If you do go, you will not stay very long, and you will not spend nearly as much. That is going to impact gaming and sales tax and the tourism industry here in Nevada. I can tell you that is especially acute for international travel. I sit on the Foreign Affairs Committee and I hear every day, from people from around the world, about the hateful rhetoric that is coming out of Washington [D.C.], directed towards our longtime allies, whether it is Canada or Mexico, or the European Union. These are our friends, and we have insulted them. Now, they do not like us, they do not trust us, and they do not want to come here for a vacation. Again, these are not my ideas; these are in the numbers. We are seeing airplane flights going down, gaming revenues going down, room occupancy going down, and airport travel going down. In fact, nationally, the National Travel and Tourism Office looked at visits to the United States, just in March, fell almost 10 percent. We are feeling it here in Nevada. So, that does not bode well for the other side of the equation.

Now, speaking of tariffs, it is not just the price of consumer goods; it is the price of housing. You all talk every day about the need for more affordable housing. Well, if you are going to put tariffs on construction materials like steel, lumber, and aluminum, and you are going to try to build affordable housing, those prices are going to go up. So again, that is going to hurt Nevadans and make it harder, not easier, at a time when we need more housing for people to get into a house. So, what is it that we can do? What is it that you all are doing? What are we doing? People want us to do more. Sometimes, you can only do so much with the structural limitations that you have. We know that the tariffs are coming; they are going to restrict the revenue. We know that the cuts are coming; they are going to restrict the assistance. We know that the demands will be even higher. So, what can we do? I have cosponsored legislation to eliminate these tariffs without congressional approval; provide employment protections for our career federal employees who are on the front lines providing service, often putting themselves in harm's way to help the people of this state and this country, protect them whether it is collective bargaining or just keeping their job; protecting taxpayers from having their personal information accessed by the DOGE gang, that goes around invading federal buildings and looking at your personal records; legislation to prevent the cuts to the VA [Veteran Affairs], reining in the DOGE activities to ensure congressional oversight because right now seems whatever we do just kind of gets ignored. In addition to legislation, there are a lot of letters going around, calling on the administration to do certain things: put back in place critical education programs, ensure adequate labor standards, condemn the dismissal of those public employees I was talking about, requesting information on the Elon Musk activities and databases, and clearance or security clearances—all of that we send, but it pretty much goes ignored. There are amicus briefs in the courts. A lot of court cases, you win one, one day; you lose one the next. You have one handed down by the Supreme Court, which gets ignored, but you keep trying, but that takes money and that takes time and it continues to go on. I have had five town halls in my district. I am sure some of you have gone back and had town halls to talk to constituents and hear what they are saying. They are going on all around the country. As people face the notion of losing Medicaid, or losing Social Security, or losing their job; people just said, "Well, you know, I voted for more efficiency. I thought we could do better, but I did not know that meant my job. I thought that meant your job." There is a little buyer's remorse, and you see that in the turnout. I do not know if that is making any difference, but at least it is making some noise. In addition, there have been rallies in Washington [D.C.] with some of the different agencies in front of the Capitol and in front of the White House. Again, just making noise. That is what we are trying to do. Again, you all will face the hardest burden right here. I think everybody kind of agrees, it is likely you will be back in special session when you figure out just how much it is you are going to have to

cut, or pay for, or eliminate, or whatever, because you have got to deal with this firestorm, somehow. You are faced with tough choices. I know it, I respect it, I appreciate it, and I believe you will make decisions in this body, like you always have, that are based on some of the common values that we hold as Nevadans. You know, those values say that no Nevada child should go hungry or receive less than a quality education. All our children are entitled to achieve their potential with a quality education, and we should shield our elderly from federal cuts that they earned. It is not some kind of entitlement. It is something that they worked for, paid into, and earned. So, we need to shield the elderly. Every family should have access to quality health care. Health care is a right, not a privilege. Every veteran should be cared for when they return home. We always take pride in the fact that we leave no soldier on the field, and when they get back, we should not leave any veteran behind.

Finally, we need to protect the environment for future generations. I think we all agree on that; it is kind of a contract for America. Well, I want you to know that I am your partner in this. I will continue to speak out against these cuts that harm our state on every front. They will be deciding in the next couple of months exactly where these cuts are going to be, but they have already agreed to a figure that will be $1.5 trillion. I am going to try to remind them, as they look for the places to cut this $1.5 trillion, that some of these cuts will impact every Nevadan, regardless of party ID or where they live—north, south, rural, urban—every Nevadan. So, we have our work cut out for us, and you all know it as well as I do. Now, as we are partners and we move forward, we are not going to agree on everything. I realize that, like daylight savings. I do not know why you all want to get rid of daylight savings when we are so tied to California, but okay, you are deciding on that. Also, you are supporting a lands bill. I think that is the silver bullet for affordable housing. That bill does not do anything about affordable housing, and it certainly does not require anybody to help pay for the infrastructure that is going to be needed for that growth, but you all are going through it. So anyway, we will have a few differences, but the basic values are the same. We will agree that all Nevadans will need to be taken care of and that should be our priority, and I pledge to work with you on all those things.

I appreciate you letting me come and see you. Like I said, I always like to be here. I hope some of you will come and see me in Washington [D.C.]. It is always good to have visitors from home, but let me caution you, do not be measuring for new drapes quite yet because I am not going anywhere. Thank you very much.

Assemblymember Backus moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Titus for her timely, able, and constructive message.

Seconded by Senator Pazina.

Motion carried.

The Committee on Escort escorted United States Representative Dina Titus to the bar of the Assembly.

Senator Nguyen moved that the Joint Session be dissolved.

Seconded by Assemblymember DeLong.

Motion carried.

Joint Session dissolved at 5:30 p.m.

ASSEMBLY IN SESSION

At 5:31 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Olimpia Romero.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Nielsen and Raymund May.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Karina Grafton and Kathy Solan.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Dorsey, Jacqeline Bertot, and Terra Carter.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Latasha Hill Burrell and Lisa DeHart.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Gabrielle Constantino.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Jillian Meuse and Lidija Savic.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Ebony Reade and Michelle Quijano.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Harris.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Cinda Tejeras, Jennifer Pierce, and Timothy Hunsaker.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Benita Lopez.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Lynn Charles.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Miller, Joshua Spyrow, and Richard Zemke.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Cassie Charles and Stephanie Butler.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Cederic Williams and Jana Pavini.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Blaine Harper and Kevin Karch.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Miller, Lalo Macias, and Michael Logan.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Wright.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Easton Alexander, Nalani Page, and Shelly Alexander.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Branden Murphy, Lynee Anderson, Mardia Lira, Nyle Usher, Olivia Tanager, and Teresa Shafer.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Arie VanZee, Jason Jorjorian, and Rosina Barrientos.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Joy-Cornejo, Michael Almeyer, and Stacey Whittaker.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Magnus-Marquart, Cynthia Hunter, and Mateo Beers.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Johnson, Callie Johnson, David Lee, Diogo Pineda, Donovan Reifer, Emilia Cevallos, Leah Brown, London Ryba, Mattilyn Lee, Preston Reed, Reese Wade, Reid Ragonese, Rowan Flynn, Savanna Jones, Stacy Mendoza, and Tristen Burau.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Aderienne Williams, Adrienne Williams, Shannon Keys, and Shawn Binn.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Raymond Aikens.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Deborah Hinds and Emilie Reafs.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, April 24, 2025, at 11 a.m.

Motion carried.

Assembly adjourned at 5:32 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 24, 2025

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Mr. George Whalen.

May we now take a moment from our very busy day to be one with divinity—the One who resides in each one of us. Let us be still and celebrate this precious moment of peace and quiet with the One who truly loves and cares for you—your Creator—the One who calls you by name.

Creator God, You have called each of our Assembly members to be agents of change; to bring hope and new life for all Nevadans; to bring light where there was once darkness; to be a voice for the voiceless. Yes, You have called them to make a difference—no small task—but a most blessed and divinely inspired calling.

We ask this day for the strength and guidance that only You can give so that this 83rd Session will bring honor and glory to You through our dedicated Assembly members—true agents of change—who make future possibilities a reality today for so many. As always, we humbly ask this in Your Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 15, 20, 169, 188, 273, 303, 325, 348, 350, 375, 386, 416, 442, 445, 447.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 22, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 24, 125, 171, 372; Senate Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 80, 113, 179, 202, 213, 235, 305, 319, 347, 371, 443; Senate Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 48, 49, 87, 91, 115, 121, 155, 181, 183, 194, 201, 279, 287, 315, 320, 324; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 130, 208, 210, 215, 276, 311, 440.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Joint Resolution No. 1.

Assemblymember Mosca moved that the resolution be referred to the Committee on Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 9.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 10.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 7.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 15.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 20.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 24.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 48.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 49.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 80.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 87.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 91.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 113.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 115.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 121.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 130.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 155.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 169.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 171.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 179.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 181.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 183.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 188.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 194.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 201.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 202.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 208.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 210.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 213.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 215.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 235.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 273.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 276.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 279.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 287.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 303.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 305.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 311.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 315.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 319.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 320.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 324.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 325.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 347.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 348.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 350.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 371.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 372.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 375.
Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 386.
Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 416.
Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 440.
Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 442.
Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Senate Bill No. 443.
Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 445.
Assemblymember Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 447.
Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Genie Ohrenschall.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Everleigh Brown, Mila Brown, and Wally Swenson.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Rusk.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to April Mastroluca and Sawyer Silberkraus.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Adolfo Sigala Munoz, Alejandra Ponce Estrada, Alondra Lopez Ayala, Amestoy Karasue, Angel Torres, Annabelle Jenkins, Archer Harding, Ashlyn James, Atticus Edwards, Axel Morris, Beau Lombardi, Bellini Hane, Blake Christensen, Bode Reichert, Brayan Perez Zarate, Caleb Anderson, Caleb Carsman, Callie Pearson, Carl Nilsson, Cinco Keyser, Crystal Manchuca Escobar, Destin Dougherty, Diego Garcia Valdes, DJ Galloway, Ezra Allred, Finn Hadden, Finn Zikas, Francisco Jones, Gabe Watkins, Gunnar Derr, Haddie Rudd, Harper Rudd, Heath Spiker, Isabella Bascunan Fernandez, Isaias Aldana Alonso, Jack Acebo, Jacob Florez Salazar, John Perez Avelar, Jolie Becce, Josue Velazquez Denilson, JP Hrindo, Justine Daniels, Kahea Bartlett, Katie Nelson, Kenia Vasquez Mendoza, Leo Duran Noriega, Lilly Meinnert, Lincoln Benton, Lizzy Hansen, Lyric Glenney, Mack Gitchell, Madelaine Hansen, Marcos Suarez-Cuellar, Maria Gomez Aguirre, Mark Scozzafava, Mason Hurt, Melanie Martinez Garcia, Mya Miller, Nick Pannone, Nicolas Herrera Modesto, Nicole Salas, Roberto Guillen Silva, Ryder Heinrich, Ryker Romo, Salomon Mcmahan, Sofia Groza, Steven Ponce Estrada, Theo Becce, Tonalli Boyce, Trevor Thorne-Trujillo, Tucker Skidmore, Valerie Alonso Enriquez, and Yaretzi Nicolas Duran.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Ecker and Sharon Angle.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Osorio-Hernandez, Lahana Pearce, and Stephanie Flores.

On request of Assemblymember Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Glen Leavitt.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Wheeler.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Gurries, Sawyer Gurries, Wilder Gurries, and Winter Gurries.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Tolles.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to William Horne.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Grady.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Cafferata.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Fairchild and Jerry Fairchild.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Benkovich.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Amber Joiner and Brooks Holcomb.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Nelson Araujo.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Ashley Roberts.

On request of Assemblymember Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to John Oceguera.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, April 28, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 28, 2025

Assembly called to order at 11:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Hansen, who was excused.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Holy Lord, we thank You for gathering us together today on this beautiful spring day and for the wonderful people we have here in attendance. As we prepare ourselves to work together for the betterment of this great state, we know You are with us. All of our journeys have led us to this place in time. At some point, we will be gone, but while we are here, allow us to be diligent in what we do, mindful of how we do it, and content when the job is done. In Your Holy Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 44, 69, 71, 100, 116, 124, 128, 166, 167, 168, 177, 180, 189, 191, 198, 218, 251, 258, 268, 278, 284, 285, 294, 295, 306, 313, 326, 330, 334, 336, 338, 340, 346, 379, 382, 404, 408, 410, 417, 426, 428, 437.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the persons set forth on the Nevada Legislature's Press Accreditation List of Monday, April 28, 2025, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber, that they be allowed the use of appropriate broadcasting facilities, and the list be included in this day's Journal:

REYNOLDS SCHOOL OF JOURNALISM: Josie McIntosh; UNIVERSITY OF NEVADA, RENO NEWSPAPER: Gavin Fanchar.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 41.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 44.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 69.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

Senate Bill No. 71.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 100.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 116.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 124.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 128.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 166.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 167.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 168.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 177.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 180.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 189.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 191.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 198.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 218.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 251.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 258.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 268.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 278.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 284.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 285.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 294.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 295.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 306.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 313.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 326.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 330.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 334.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 336.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 338.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 340.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 346.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 379.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 382.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 404.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 408.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 410.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 417.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 426.

Assemblymember Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 428.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 437.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aidan Nguyen, Alyanna Winkleman, Amdyn Owen, Anaya Thiele, Ashley Stockton, Beau Biggs, Benjamin Fontano, Brady Talbot, Brenda Medina Caldera, Carolyn Pebbles, Cecilia Izquierdo Robles, Charlyce Evans, Daniel Hernandez, Drake Polak, Dylan Simpson, Elizabeth Wegg, Esmeralda Capalad-Machuca, Gary Smith IV, Giovanni Miscione, Gonzalo Ruiz Graciano, Ian Sanchez, Isabella Garcia-Mena, Isabella Weaver, Jade Misner, Jaden Nguyen, Jeremiah Rivera, Jolena Dao, Jueliana Castaneda, Kaesyn Baldridge-Neufeld, Kayla Karsten, Kielee Jones-Keller, Madilynn Lovell, Marlo McElroy, Matteo Verdi, Michael Riddle, Miguel Rivera Hagler, Naliyah Moore, Pablo Martinez Avila, Raegan Teixeira, Richard Demuth, Saihajleen Chahal, Samantha Diehl, Samantha Tyree, Sarah Ansari, Shane Aguilar, Sonia Kretschmer, Vincent Avendano, Xye Wilke, Zaya Fleck, and Zoe Lopez.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Ava Schaub, Kimberly Bauer-Schaub, and William Schaub.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Darrin Brown, David Comer, and Jennifer Leyshon.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Jaime Vitale.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Josiah Zavala and Tim Smalley.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Alina Duncan, Danielle Garcia, and Tatianna Joseph.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Samantha D'Ambrosio-Garcia, Sean Mulholland, and Shelly Freed.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Harrington, Miracle Gamage, and Terran Vandiver.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Darla Thompson and Karen McPherson.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Arynn Parker, Bryanna Smith, and Imani Conway.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Adamo, Deanna Gay, and Joseph Adamo.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Quiles and Sara Sain-Jurgens.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Hice, Gino Velazquez, and Kenneth Sical-Iboy.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Lois Arrigo and Ruth Jensen.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Amaziah Caldwell, Divine Nyalukala, and Treena Smith.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Reyes, Madisyn Fowler, and Sky Feldmeir.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Pearsall, James MacDonald, and Robin Crtalic.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Noah Session, Sarah Shemess, and Wayne Wedlow.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Joel Prudhomme and MaJeritza Valdez.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Emilio Reyes and Jace Spencer.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Angel Hood, Jose Velazquez, and Rae Henson.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Yurek.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, April 29, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 29, 2025

Assembly called to order at 11:35 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Chaplain Craig Swope.

Father, in the book of Ecclesiastes, Solomon suggests that no time is ever certain, and we may even fool ourselves when we believe there is certainty. But uncertainty is something anyone involved in public policy understands today. We also know that in those obvious times of uncertainty, those who have put their faith in action and use their gifts to help bring understanding perspective are the examples You would have for us. Help us to bring faith and help us to bring light in times when there are dark clouds. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Tuesday, April 29, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

REYNOLDS SCHOOL OF JOURNALISM: Alexandra Psak

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 458.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER GRAY:

Today, we commemorate a solemn milestone in our nation's history—the 50th anniversary of the end of the Vietnam War. This conflict, which concluded on April 30, 1975, left an indelible mark on our country and its people.

Fifty years ago, on the rooftops of Saigon, the final helicopters lifted off, carrying with them not only soldiers and civilians but the heavy burden of a long and painful war. For many, the images of that day symbolize an end to an era marked by sacrifice, division, courage, and loss. But for those who served, and for the families who waited for them, the Vietnam War is not just history—it is lived experience. It is a sacrifice paid in youth, in hope, and far too often in blood.

Nearly 3 million American troops served in Vietnam. For comparison's sake, only about 1.5 million American troops served in Iraq. Of the 3 million who served in Vietnam, more than

58,000 never came home. Their names are etched into the black granite of the Vietnam Veterans Memorial, a silent testament to their service, bravery, and dedication. Yet, beyond these names lie countless stories of courage, sacrifice, and unfulfilled dreams.

We must also remember the more than 1,500 service members who remain missing and unaccounted for. Their absence is a poignant reminder of the war's enduring impact on families and communities across our nation. The Defense Department continues its steadfast commitment to finding, recovering, identifying, and repatriating the remains of these heroes who are unaccounted for.

The Vietnam War era was marked by division and turmoil at home. Many veterans returned to a country struggling to reconcile the costs of a protracted and controversial conflict. Despite this, they carried on with resilience, contributing to our society in myriad ways.

Today, we affirm what should have been clear all along: those who served were not the cause of division but its victims. They fought for each other, for the ideals of freedom and democracy, and because their country asked them to. Whether in the sweltering jungles, the skies overhead, or the waters offshore, they displayed a kind of grit, honor, and loyalty that words cannot fully capture.

We say now—clearly and with full heart—welcome home. Thank you. We remember. We recognize today not only as an end to a conflict, but the enduring legacy of a generation that endured hardships most of us cannot imagine. We honor the courage it took to fight and the courage it took to come home and rebuild lives in the face of a country struggling to find its way.

Let us also remember our duty as leaders. It is our solemn responsibility to ensure that the lessons of Vietnam—the sacrifice, the mistakes, and the bonds of brotherhood—are never forgotten. It is our absolute duty to make sure that no generation of American warriors is ever again left to feel abandoned or unappreciated.

In their honor, let us commit ourselves to building a nation worthy of their sacrifice—a nation that, even in disagreement, remains grateful, strong, and united.

May God bless our Vietnam veterans. May God bless all who serve, and may God bless the United States of America.

Mr. Speaker, I would like to now ask for a minute of silence in honor of those who never returned home.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Aaron Hill and Blaine Harper.

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne Hooper, Dick Bartholet, and Rochanne Downs.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Phinney and Dr. Betsy Neighbors.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Lauf, Carrie Busha, and Lori Allshouse.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Lattin and Lukas Kolodzeizki.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Brendon Bray, Kathleen Takaishi, and Trake Carpenter.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Lea Weeks, Christine Moran, and Julie McMillin.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Grace McAndrew, Katie Senft, and Vince Catalano.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Jennie Weizel, Stephanie McCurry, and Tami Brancamp.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Aguilar, Lilah Haye, and Piper Overstreet-White.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Anne S. Leonard, Dennis Mathew, and Elena V. Pravosudova.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Amire Robinson, Bil Duany, and Kyle Guy.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Arliene Allen, Chris Pristos, and Jake DeDecker.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Daina Esi Darlington and Pam Payne.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to America Brena, Melanie Duckworth, and Nonso Muoneke.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Gi Yun, Makayla Mirth, and Wolfie.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Mosier.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Csank, Donald Easton Brooks, and Scott Bassett.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Payne, Shannon Richard, and Stacy Demitropolous.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Maribel Hudson, Mary Ingram-Waters, and Nathan Chavez.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Aguayo, Jeff Thompson, and Winnie Dowling.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Mueller, Carla Aleman, and Robert Leitko.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Yang.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Kelli Kelly, Priscilla Banda, and Ron Lembke.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Carrico and Tom Simpkins.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Hintz, Gautami Yerabati, and Louisa Hope Weeks.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Carmina Aglubat, Heather Speed, and Kennedy Taylor.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Daimond and Osvaldo Jimenez-Estipuan.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Nora Luna and Sudeep Chandra.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, May 1, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), May 1, 2025

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Pastor Gavin Jarvis.

Lord God, You have made us all in Your image and all of humanity has been tasked to cultivate and steward the culture and civilization that You have placed us in. You have appointed these elected Assembly members and their staff for the tasks at hand every day. I pray that this Assembly would show the hard work and labor of their efforts, and that Your guiding hand would be with each member here to strengthen the work of their hands. Happy are those whom You show Your grace, O God. I pray this in Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Mosca moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 458.

Bill read third time.

Roll call on Senate Bill No. 458:

YEAS—28.

NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblymember Nguyen requested that the following remarks be entered in the Journal.

ASSEMBLYMEMBER NGUYEN:

As chair of the Asian American Native Hawaiian Pacific Islander [AANHPI] Nevada Legislative Caucus, it is my honor to rise today in recognition of May as Asian American Native Hawaiian and Pacific Islander Heritage Month. I would also like to take a moment to recognize my fellow caucus members, Assembly Members from Districts 3, 5, 14,16, 28, and 34, and in the other chamber, the Senator from District 3. May is the time to celebrate the beauty, resilience, and rich cultures across the AANHPI communities—communities that helped build this country from the ground up.

May was chosen for this month of celebration for key moments in history; the arrival of the first Japanese immigrant to the United States on May 7, 1843, and to mark the completion of the Transcontinental Railroad on May 10, 1869—a feat made possible by thousands of Chinese laborers who risked their lives to lay the tracks, often under inhumane conditions. From migrant laborers to trailblazing scientists; from nurses and small business owners to artists, educators, and legislators; the AANHPI story is the American story, but celebration must also come with action.

Last month, we marked Language Access Month, a reminder that millions of AANHPI individuals, particularly our elders and recent immigrants, continue to face barriers to fully participate in our democracy. When public health information, legal documents, or emergency services are not accessible in the languages our communities speak, it is not just a service gap, but it is a civil rights issue. Our communities are not asking for special treatment. We are demanding to be seen, to be heard, and to be served equitably. That is exactly why we celebrate this month, but while we celebrate, we must also be honest. Our federal partners need to do more. Our communities deserve real investment in language access, protection against hate, leadership pipelines that reflect the diversity of this great nation, and so much more. State legislatures like ours are doing the work, but we cannot do it alone. This month, and every month, we recommit ourselves to the fight for equity and dignity for all AANHPI communities, not just in words, but also in real action. Please join us in celebrating, uplifting, and standing in solidarity with the AANHPI communities across our state and nation.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Evans.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Abigail Jory, Adalyn Canfield, Ahna Garzona, Aiden Hambleton, Alexa Escamilla, Andriana Robinson, Aviana Navarro, Benjamin Abrego, Carter Urbina, Carter Wood, Christian Manukyan, Dash DeMaio, Desiree O'Shea, Diego Hansen, Dylan Arant, Elin Franco, Ella Rae Simo, Ellie Grozenski, Finn Savarin, Gabriella Jaquez, Gwynneth Pettingil, Jackson Walsh, Julieta DeLeon, Keaton Caviglia, Leah Davis, Lincoln Pettingill, Logan Kim, Lukas Comegys, Lyric Allen, Mackenzie Walsh, Madelyn Brooks, McCartney Madsen, Mia Grippe, Mikyla Polier, Milo Cressman, Olivia Kessler, Peter Gorup, Piper Kelley, Savannah Arnett, Sophia Delgado, Tatum Gigliotti, Teagan Diaz, Vivian Hays, and Willow Johnson.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Pauline Lee.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Hess and Erik Carlson.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Sutton.

On request of Assemblymember Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Tuntland.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and educators from Edith W. Fritsch Elementary School: Abigail DeLeon, Adam Wooldridge, Andrew Warner, Andrew Minor, Annabelle Lyons Avendano, Annalis Porter, Asher Gragg, Audrey Graves, Autumn Kaecker, Braxton McGee, Briella Harrison, Brooklyn Bell, Callie Wallace, Dakota Wilson Soria, Darryl Shepherd, Derrick Manley, Devonna Dove, Edgar Munoz, Elijah Pinedo, Emmett Rodriguez, Evelyn Bueltel, Hannah Ghiglieri, Hunter McGee, Hunter Fedosky, Jasper Pyer, Jayden Acosta-Bruno, Jazmin Flores, Jillian Jesse, Kainen Kaylor, Kaydence Gomez, Keoni Calandra, Kimberly Tovar, Kyle Feser, Mark Lobsinger, Marley Coclich, Maximillion Cortes, Maximus Martinez, Neil Porterfield, Robert Haney, Ruari Cornmesser, Scarlett Richmond, Sir Gieke, Skyler England, Sophia Wilson, Tamia Julian, Tristyn Ardinger, and Velia Reeves.

Assemblymember Mosca moved that the Assembly adjourn until Monday, May 5, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 5, 2025

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Moore and Torres-Fossett, who were excused.

Prayer by Ms. Michele Chebahtah.

Father in Heaven, we are thankful to gather as citizens of the great state of Nevada. We are grateful for the men and women who serve in the Nevada Legislature and dedicate their time on behalf of their constituents. We pray for guidance and acumen for our elected officials to make balanced and impartial decisions. Bless each of us with compassion and charity for those who are suffering or disadvantaged. We pray for harmony and cooperation regardless of differences, that we may foster peace and common values. We pray for these things in the sacred name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 549—AN ACT relating to state financial administration; extending the date of reversion of the appropriations made by the 82nd Session of the Nevada Legislature to the Nevada Gaming Control Board and the Interim Finance Committee for the continuation of the replacement of the Board's information technology system and for certain computer hardware, software, subscriptions, licenses and equipment and related employee training; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 550—AN ACT relating to criminal procedure; revising provisions governing the commitment and release of incompetent criminal defendants; and providing other matters properly relating thereto.

Assemblymember Miller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 551—AN ACT relating to welfare services; requiring a background investigation of employees, prospective employees, contractors and prospective contractors of the Division of Welfare and Supportive Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblymember Brown-May moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 552—AN ACT relating to child welfare; revising provisions relating to deductions from the separate account of a child in the Trust Fund for Child Welfare; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 553—AN ACT relating to emergency management; transferring the Division of Emergency Management and its powers and duties from the Office of the Military to the Office of the Governor; renaming the Division of Emergency Management to the Office of Emergency Management; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Leonard, Baker Perry, and Micaela Imsdahl.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Madyson Gagliardo, Melody Ferris, and Nathan Garcia.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Reegan Milligan, Sam Showley, and Zachary Schober.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Aiden Alcantar, Charles 'CJ' Harper, and Grant Girdner.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Eli VanderMay and Mirabelle Detsch.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina Schofield, Leila Nelson, and Martin Reyes.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Gonzalez.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Aiden Alcantar, Alex Pina, Annie Brown, Charlie Garrison, Edwin Zumpft, Eli Vandermay, Gianni Vecchairelli, Grant Girdner, Hayden Stroner, Ivie Gurule, Jacob Luce, John (Carter) Labate, Joshua Slight, Julianna Navarro, Madyson Gagliardo, Melody Ferris, Mirabelle Detsch, Nathan Garcia, Piper Everett, Reegan Milligan, Sam Showley, Tori Anderson, and Zachary Schober.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Jacob Luce, Jennifer Worthington, and Julianna Navarro.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Annie Brown, Hayden Stroner, and Tori Anderson.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Baguley, Jennifer Hollander, and Pradeep Manezes.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to JD Klippenstein.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Lorenz, Todd Mandeville, and Veronica Campana.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Jenny Ouyang and Sean Casey.

On request of Assemblymember Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Gianni Vecchairelli, John Labate, and Piper Everett.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Ariane Prichard, Terolyn Thompson, and Vicki Kreidel.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Montana.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Pina and Joshua Slight.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Iris Ibarra Montes and Frank Sakelarios and the following students from Carson High School: Alayna Limon-Gonzalez, Alexander Lance, Andrew Feuling, Angel Vega, Ashley Waiksnoris, Samuel Baker, Bebe Kiel, Brooke Castillo, Caiden Wilcox, Camryn Peachay, Dahlia Keating, Daniel Davis, Dulce Gomez, El Loos, Elayna Quintero, Emily Houle, Emma Chacon, Emma Spears, Ethan Sanchez, Eva Lindbloom, Gavin Green, Genoah Squillante, Giovani Romo, Jasmin Avalos-Jimenez, Jessica Barry, Jett Rupert, Josh Lopez, Josiah Clark, Juan Barajas, Kaylee Singh, Keani Rizo, Kennli Fassett, Kiele Franco, Kimberly Lopez, Kylah Trotter, Lanay Thompson, Landon Hoff, Landon Martin, Lucas Vazquez, Luis Cervantes, Madison Lauderbaugh, Maria Benshoof, Maria Del Rosario Montes Del La Torre, Mazzy Root-Ferguson, Moira Bloom, Morgan Malen, Olivia Vanreese Roering, Pebble Wiggins, Ruby Santacruz, Sergio Villanueva, Spencer Fitzpatrick, Sydney Ingram, Tavin Miller, Victoria Defilippi, Waylon Parr, William Raggett, and Yazhini Arunprakash.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica John.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, May 7, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 7, 2025

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Ms. Margo Leatham.

Our Father, which art in Heaven, hallowed be Thy name. We thank Thee this day for the opportunity to be here in Nevada during this beautiful time of year and for all the blessings Thou gives us daily.

We thank Thee for all the people here in the Legislature—both elected officials and those who make possible the work that gets done here. We ask a blessing, Father, on the proceedings of this day, that they may be accomplished with humility and concern for all. Help all of us find ways today to lift our fellowman. We say these things in the sacred name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 106, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymembers Yeager, Jauregui, and Hafen:

Assembly Resolution No. 5—Adding former Assemblymember Odis "Tyrone" Thompson to the Assembly Wall of Distinction.

The Assembly of the Legislature of the State of Nevada has established a Wall of Distinction for those past members of the Assembly selected by leadership who served with great distinction and made exemplary contributions to the State of Nevada; and

WHEREAS, Assemblymember Odis "Tyrone" Thompson was born on September 30, 1967, in Las Vegas, Nevada, to Odis and Vertis Thompson; and

WHEREAS, After graduating from Valley High School in Las Vegas in 1985, he earned a bachelor's degree in criminal justice from Northern Arizona University in 1989 and a master's degree in organizational management from the University of Phoenix in 2010; and

WHEREAS, Spanning three decades, Tyrone's career in Nevada was dedicated to public service and included work in various positions in local and state government and service on boards and as a volunteer for many important causes, including as a Court Appointed Special Advocate for abused and neglected children in foster care for over 17 years; and

WHEREAS, When Tyrone was appointed to the Nevada Assembly to fill a vacancy during the 2013 Legislative Session, he took the opportunity to study the issues and discovered a passion for representing his constituents, especially underrepresented persons, including homeless and vulnerable persons; and

WHEREAS, Tyrone's hard work was rewarded when he was subsequently elected to serve three more terms representing Assembly District 17; and

WHEREAS, During his tenure at the Nevada Legislature, Tyrone championed many significant legislative measures, including legislation strengthening and expanding mentoring programs, seeking educational opportunities for pupils, addressing issues faced by homeless youth, dealing with important health care issues, addressing the reintegration of criminal offenders and designating Peace Week in the State of Nevada; and

WHEREAS, Tyrone served on various committees and held many positions at the Legislature, including being selected to serve during the 2019 Legislative Session as Assembly Majority Whip and Chair of the Assembly Committee on Education; and

WHEREAS, Tyrone was a leader in his community, a role model and a selfless, hardworking public servant; and

WHEREAS, After his passing in 2019, Tyrone's commitment to youth development and educational opportunities has been memorialized through the establishment of Ty's Place, a safe and enriching after-school hub in North Las Vegas for teens; and

WHEREAS, The Board of Regents of the University of Nevada fittingly honored Tyrone's dedication to higher education by naming the new student union building at the North Las Vegas Campus of the College of Southern Nevada as the Tyrone Thompson Student Union; and

WHEREAS, The Clark County School District has also honored Tyrone's legacy by establishing the Tyrone Thompson Elementary School in Las Vegas, Nevada; and

WHEREAS, In honor of its alumnus, the University of Phoenix has established a full-tuition scholarship in Tyrone's name that is awarded annually to a Nevada resident who is pursuing an undergraduate degree; and

WHEREAS, Known for his distinctive style and vibrant personality, Tyrone held a special affection for the color purple, often incorporating the color into his wardrobe and surroundings as a symbol of his creativity, wisdom and unwavering commitment to bringing beauty and inspiration to the lives of those around him; and

WHEREAS, Above all else, Tyrone loved his family and made certain his mother knew he held her dear, sending her flowers every Monday that he could not be with her while he was serving in the Legislature; and

WHEREAS, Tyrone's famous, heartwarming smile will be long remembered as the embodiment of his character, and his tireless advocacy, compassion for others, leadership, dedication and work ethic will continue to serve as an inspiration; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That for his outstanding service in the Assembly and his dedication to the people of this State, Odis "Tyrone" Thompson is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Assemblymember Tyrone Thompson; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Monroe-Moreno moved the adoption of the resolution.

Remarks by Assemblymembers Monroe-Moreno, Hafen, and Speaker Yeager.

ASSEMBLYMEMBER MONROE-MORENO:

It is my distinct pleasure to rise in strong support of the resolution to induct former Assemblymember Odis "Tyrone" Thompson into the Assembly Wall of Distinction. The Assembly Wall of Distinction honors past members and staff of the Assembly who have made significant

contributions to the state, not only as a representative of the Assembly, but as a citizen of Nevada. I can think of no other person more deserving than the late Tyrone Thompson to receive this honor.

As stated during the reading of the resolution, he was appointed to the Nevada Assembly in 2013 and, subsequently, was elected to another three terms to represent Assembly District 17. Tyrone quickly distinguished himself as an advocate for those whose voices too often go unheard: our homeless youth, vulnerable families, and the underrepresented communities. He championed legislation to improve educational opportunities for all students. He supported homeless youth, improved health care access, prevented employment discrimination against those with criminal convictions, and ended the school-to-prison pipeline. His leadership as our Chief Deputy, Majority Whip, and Chair of the Assembly Committee on Education reflected both his expertise and deep commitment to Nevada's future.

Tyrone's impact on the community extended beyond the Assembly Chamber doors. His tireless work earned him many honors, including President Obama's Volunteer Service Award, the NAACP's [National Association for the Advancement of Colored People] Freedom Fund Banquet Award, the Outstanding Court Appointed Special Advocate Award, and the Distinguished Gentleman of Southern Nevada. He believed the power of education would transform lives; a belief that lives on, as you heard, in the buildings that have been named after him and in the community center called Ty's Place.

Above all, Tyrone was a devoted son, a brother, an uncle, and a friend. He never missed a Monday, as you heard, sending his mom flowers while he was here. His heartwarming smile that you see on the screen, his compassion, his work ethic—left an indelible mark on this Body and our state. Today, we celebrate not only a legislative career of distinction but a legacy of service, kindness, and hope. Assemblymember Thompson was an inspiration to so many and should continue to inspire all of us who serve in this chamber. I am honored to support the induction of Tyrone Thompson into the Assembly Wall of Distinction, and I urge my colleagues to support it, as well.

I met Tyrone Thompson long before either one of us ever thought about running for office, at a community event. I often joke that we were at an event and this guy showed up in a pink suit and I said, "Well that is a man who knows who he is, right?" He was a force to be reckoned with. He became my mentor and one of the reasons I ran for office, but he became so much more than that. He became one of my best friends, and if you ask my granddaughter, he is her cousin. He became family, and the Thompson family welcomed the Monroe-Moreno family into theirs. So, I gained a mom, a sister, an auntie, and a ton of cousins. But Tyrone was the mentor in the community. There is no one—I do not care what race you are, what religion you are, where you live—in southern Nevada and throughout our state, that does not know Tyrone. What is really surprising is that when I go to Arizona, there are so many people who know the impact of Tyrone Thompson and what he did while he was at Northern [Arizona] University, in that community. I hope and I pray that we all take a little bit of who Tyrone was in working on our legislation and dealing with each other. He understood the power of communication, talking across aisles, and building relationships because that is where we get to good policy. That is what he taught me, and I hope you all take that in your careers in this building and outside.

ASSEMBLYMEMBER HAFEN:

Today, I rise in the spirit of service, and remembrance, and honor of a legacy of our former colleague and friend, Assemblyman Tyrone Thompson. I had a speech written, and I apologize, Mr. Speaker, I think that the Chair of Ways and Means and the Chief Clerk have said most of it and I want to speak from the heart. As the Chair of Ways and Means said, Tyrone would embrace you across the aisle. I will never forget the time I went into the Democratic Caucus Room and was politely told by the former chair to please leave. Tyrone, in his nature, would give me a big old bear hug and escort me out—or carry me. I will never forget, as stated, he was an appointee and for those who do not know, I was actually appointed. So, Tyrone and I would discuss the difficulties of coming into this building; not knowing what to expect, not running for office, and he really helped guide me. He was a true friend and a mentor. We may not have agreed on all policies, but we always saw the good in everybody. I just wanted to take a moment in remembrance of him. I want to thank you Mr. Speaker, for this resolution today because it is well deserved for a great man.

SPEAKER YEAGER:

I was in this building in 2015, not as an elected official, but as a lobbyist and there was a vacancy that occurred. I read, with interest, in the paper that this gentleman, Tyrone Thompson, had been appointed to fill the vacancy. I did not know him at that time, but he was coming in after session had already started and I remember reading a couple of things; number one, he was going to serve on four committees after not being here at the beginning of session; and he came in after the bill request deadline, so he did not have any bills. As luck would have it, I was at the back of the building the first day that he walked into this building for his first day of service. I do not think he had been sworn in yet—he was going to be sworn in that day—and I saw him. I recognized him from the newspaper, and I quickly introduced myself, as any good lobbyist would do, and I said, "Welcome to the building." I remember he said, "I am just so honored to be able to serve." That was his remark coming in. I think, when you think about Tyrone, that typifies Tyrone. He was just honored to serve and to do the work.

Once I became elected, one thing I remember about him distinctly, and many of you will remember this, when you are a first-time candidate or when you first get elected, you get invited to a lot of events and some of them you go to, and you do not really feel like you belong there. You are in the room, and you are trying to figure out who everyone is, and you are trying to size up the room. Tyrone had a way of walking into a room like that and he would scan the back walls to see who was not feeling included, who was hesitant to be there. He would reach out, he would put his arm around you, give you a big bear hug, and he would say, "Come on, let me introduce you to some people." I feel like that was one of his supreme talents—walking into a room and figuring out who did not feel like they belonged, whose voice was not being heard in that room, and he just had a way with that big smile and that gregarious personality, to make you feel happy that you went to that event no matter what you might have been feeling as you parked your car and as you walked into the event. When Tyrone was there, you knew things were going to get done. That is what I remember most about him, above and beyond all, the great policies that he enacted.

So, my request, of all of us, is to be that person. When you walk into a room and you see one of your colleagues who maybe does not feel comfortable, to make that effort to introduce, to connect people. I am obviously supportive of this resolution but just wanted to put those remarks on the record.

Resolution adopted.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12 noon.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Assemblymember Yeager.
For: Assembly Bill No. 64.
To Waive:
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: April 29, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

SECOND READING AND AMENDMENT

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 552.

AN ACT relating to health care; prohibiting certain health insurers and providers of health care from engaging in certain discriminatory actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits certain health care entities from discriminating on the basis of race, color, national origin, sex, age or disability. (45 C.F.R. §§ 92.101, 92.206, 92.208, 92.209) Existing law prohibits certain public and private policies of health insurance from discriminating against any person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. (NRS 287.010, 287.04335, 422.2701, 608.1555, 689A.033, 689B.0675, 689C.1975, 689C.425, 695A.198, 695B.3167, 695C.050, 695C.204, 695G.415) **Sections 1-8** of this bill additionally prohibit public and private policies of health insurance, including Medicaid, from discriminating against any person on the basis of actual or perceived race, color, national origin, sex, age, sexual orientation or disability. **Section 9** of this bill similarly prohibits a provider of health care from discriminating against a person on the basis of those same characteristics, as well as gender identity or expression. **Section 9** also authorizes a board, agency or other entity in this State that licenses, certifies or regulates providers of health care to: (1) adopt regulations prescribing the specific types of discrimination prohibited; and (2) discipline a provider of health care who violates **section 9**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 689A.033 is hereby amended to read as follows:

689A.033 ***1.*** An insurer that issues a policy of health insurance shall

not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit an insurer from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 2. NRS 689B.0675 is hereby amended to read as follows:

689B.0675 ***1.*** An insurer that issues a policy of group health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of group health insurance on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or~~

~~expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit an insurer from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 3. NRS 689C.1975 is hereby amended to read as follows:

689C.1975 ***1.*** A carrier that issues a health benefit plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health benefit plan on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a carrier from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 4. NRS 695A.198 is hereby amended to read as follows:

695A.198 ***1.*** A society that issues a benefit contract shall not discriminate against any person with respect to participation or coverage under the contract on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a benefit contract on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the contract for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a society from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 5. NRS 695B.3167 is hereby amended to read as follows:

695B.3167 ***1.*** A hospital or medical services corporation that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a hospital or medical services corporation from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 6. NRS 695C.204 is hereby amended to read as follows:

695C.204 ***1.*** A health maintenance organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or~~

~~expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an enrollee or a family member of the enrollee;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[4.]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[gender identity or expression,]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[(a)]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[(b)]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a health maintenance organization from taking the age of an enrollee into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 7. NRS 695G.415 is hereby amended to read as follows:

695G.415 ***1.*** A managed care organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived ~~[gender identity or expression.]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[1.]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person;

~~[2. Imposing]~~

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of an insured or a family member of the insured;

~~[3.]~~ ***(c)*** Designating ~~[the]~~ ***an*** actual or perceived ~~[gender identity or expression]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[~~4.~~]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[~~gender identity or expression,~~]~~ ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

~~[~~(a)~~]~~ ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

~~[~~(b)~~]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a managed care organization from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 8. NRS 422.2701 is hereby amended to read as follows:

422.2701 ***1.*** The Department shall not discriminate against any person with respect to participation or coverage under Medicaid on the basis of ***an*** actual or perceived ~~[~~gender identity or expression.~~]~~ ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

~~[~~1.~~]~~ ***(a)*** Denying, cancelling, limiting or refusing to issue a payment or coverage on the basis of ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person;

~~[~~2.~~]~~ ***(b)*** Imposing a payment that is based on ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a recipient of Medicaid or a family member of the recipient;

~~[~~3.~~]~~ ***(c)*** Designating ~~[~~the~~]~~ ***an*** actual or perceived ~~[~~gender identity or expression~~]~~ ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

~~[~~4.~~]~~ ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived ~~[~~gender identity or expression,~~]~~ ***protected characteristic,*** including, without limitation, by limiting or denying payment or coverage for health care services that are:

~~[~~(a)~~]~~ ***(1)*** Related to gender transition, provided that there is coverage under Medicaid for the services when the services are not related to gender transition; or

~~[~~(b)~~]~~ ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit the Department from determining the eligibility of a person for participation or coverage under Medicaid in a manner that is otherwise authorized by state or federal law.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 9. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall not discriminate in the provision of services to a person seeking to receive or receiving services from the provider of health care based wholly or partially on the actual or perceived:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression of the person, family member of the person or a person with whom the person associates; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions of the person, a family member of the person or a person with whom the person associates.

2. A health care licensing board may adopt regulations prescribing the specific types of discrimination prohibited by subsection 1.

3. A provider of health care who violates any provision of this section or any regulation adopted pursuant thereto is guilty of unprofessional conduct and is subject to disciplinary action by the health care licensing board by which he or she is licensed, certified or regulated.

4. The provisions of this section shall not be construed to:

(a) Require a provider of health care to take or refrain from taking any action in violation of reasonable medical standards;

(b) Require a provider of health care to engage in any diagnosis, treatment or other conduct which the provider of health care is not qualified to perform; or

(c) Prohibit a provider of health care from adopting a policy that is applied uniformly and in a nondiscriminatory manner.

5. As used in this section, "health care licensing board" means:

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 641, 641A, 641B, 641C or 641D of NRS.

(b) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(c) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 458.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Shaneika Cooper.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Randi May.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Gordon Prouty and Tyre Gray.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Asha Clark, James Allen, and Torrence Douglas.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Dion Johnson, Jagada Chambers, and Tarra Simmons.

On request of Assemblymember Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Oxsen.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Montana.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Beth Martino and Chelsey Wininger.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Bea Soares and Sonja Mason.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Nixie Sosa.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Ashaki Hardy, Robin Franklin, and Sara Evans.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to A'Esha Goins, Dr. Abby Howenstein and Dr. Erik Kubiak.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, May 8, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), May 8, 2025

Assembly called to order at 11:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymember Goulding, who was excused.

Prayer by Ms. Laurel Crossman.

Our dear Father in heaven, we are grateful for today, for the beautiful sunshine and the Nevada blue skies. We are grateful for the rain and snow we have received, and we are grateful for the signs of spring that remind us of new beginnings. We are grateful to be assembled here today in this house, where representatives elected by the people of Nevada strive to enact laws to govern and benefit Nevada's citizens. We are grateful for these public servants, and we recognize the sacrifices they make—both professionally and personally—to serve in this capacity. We pray that Thou will bless them and their families, that all will be well with their families while they are about this important work.

We ask Thee to bless these public servants—bless them with strength, courage, and integrity. Bless them that their hearts may be softened, that their minds may be enlightened, and that they may work together to find solutions and compromises and to make decisions that protect and benefit all Nevadans. Bless them to remember the commandment to love one another. Bless them to seek after truth and right. Bless them to be good stewards of the resources of this state.

Our Father, we are grateful for all the blessings that Thou hast bestowed upon us. We pray that Thou will bless those here today with all other blessings they may stand in need of. Again, we are grateful for their dedication and service, and we are reminded of the scripture "When ye are in the service of your fellow man, ye are only in the service of your God." This we pray, in the Name of Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 11, 16, 44, 97, 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Joint Resolutions Nos. 1, 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 10, 19, 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 554—AN ACT relating to financial administration; providing that any money remaining in the Grant Matching Account at the end of the fiscal year does not revert to the State General Fund; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Yeager:

Assembly Bill No. 555—AN ACT relating to insurance; establishing a maximum cost-sharing amount that certain health insurers may impose for a 30-day supply of prescription insulin drugs; and providing other matters properly relating thereto.

Assemblymember Marzola moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Bill No. 225.

Bill read second time and ordered to third reading.

Senate Bill No. 405.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Senate Bill No. 106 be taken from its place on the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 352.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Senate Bill 352 prohibits the public and private policies of health insurance, including Medicaid, from discriminating against any person on the basis of actual or perceived race, color,

national origin, sex, age, or disability. The bill also prohibits a health care provider from discriminating against a person on the basis of those same protected characteristics, as well as gender identity or expression.

Roll call on Senate Bill No. 352:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

EXCUSED—Goulding.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Mierke, Bandy Lewis, and Sue Ann Cornwell.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Mallory Carvalho and Wendy Linares.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Keener.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and educators from Vassiliadis Elementary School: Alexander Wilson, Alexandra Stana, Alma Shalom, Arya Frost, Ashton Christie, Ava Prestileo, Bo Ewing, Bradley Poulemanos, Brielle Straub, Bringham Gavin, Bristol Cook, Callister Sorenson, Carter Morgan, Charlotte Moewe, Chelsea Ho, Chiara Kalpokdjian, Colton Sullivan, Dean Runyan, Deborah Wang, Devyn Call, Dylan Hauk, Easton Huseman, Ellie Hong, Emma Brajovic, Emma Key, Emmett Downing, Emmy Peterson, Ethan Brody, Ethan King, Everett Wall, Eytan Raiff, Faith Kang, Gini Moore, Harper McCallum, Hudsynn Touchstone, Hunter Ortiz, Jack Giordani, Jack Pruitt, Jacob Johnson, Jaiden Desai, Jay Park, Jungeun Park, Kameron Brown, Kathryn Arnold, Lachlan Hoskins, Landon Stilley, Levi Griffith, Lila Hull, Lima Hacham, Lincoln Oberg, Logan Birckett, Logan Poulemanos, Lucy Peterson, Luke Cassity, Mason Frei, Milan Perez, Naomi Oghigian, Nathan Andreasen, Nathanael Hunterton, Oliver Smith, Olivia Tobin, Olivia Piscusa, Paige Nguyen, Paxton Sills, Penelope Mast, Phoenix Sheikhan, Quinn Cimini, Quintas Shi, Reece Benjamin, Reed Cohen, Riley Leftwich, Sadie Ault, Santiago Loaiza, Savannah Ault, Sean Baldwin, Seth Erlanger, Shaan Patel, Sofia Robledo, Sybil Garcia, Teche Bergeron, and Yuxi Huang.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Sola, Jackie Harris, and Lorea Arostegui.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Eddie Martinez and Haddee Martinez.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Athar Haseebullah, Kaylah Maese, and Tia Smith.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Isabella Valdivieso.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Anerson and Thomas Welch.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, May 12, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 12, 2025

Assembly called to order at 11:53 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymembers Mosca and Torres-Fossett, who were excused.

Prayer by Reverend Dawn Blundell.

Spirit of Life, God of many names, we are thankful for every person gathered here, each one a work of art. Help us to honor and celebrate each other, to hear and understand each other, to break down the walls that separate us. Free us from any impulse to speak without listening, to demand or dismiss rather than cooperate, to disrespect rather than appreciate. Open the borders of our hearts and minds, guide us in the way of peace and abundance, and unite us in the bonds of true community, which is a sacred, holy thing.

Give us wisdom, creativity, and perseverance as we make decisions and do our work together, today and in the days to come, to love and serve all Your people. All these many things and more we pray with thanksgiving. Shalom. Salaam. Namaste. Blessed be.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 38, 45, 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 416, 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 8, 9, 24, 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 453.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Joint Resolution No. 1.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 553.

SENATORS KRASNER AND STONE

JOINT SPONSOR: ASSEMBLYMEMBER MOSCA

WHEREAS, Certain veterans who serve in the Armed Forces of the United States for a period of at least 20 years or who qualify to retire medically are eligible to receive military retirement pay for their military service; and

WHEREAS, Military retirement pay, however, terminates upon the death of the veteran, so many veterans enroll in the Survivor Benefit Plan, which was enacted by Congress in 1972 and which provides a monetary benefit in the form of a lifetime annuity to the surviving spouse or other beneficiary of the veteran upon the veteran's death; and

WHEREAS, A portion of the cost of this annuity is paid from reductions to the veteran's retirement pay, and the maximum survivor benefit is 55 percent of the retirement pay of the veteran at the time of the veteran's death; and

WHEREAS, The spouses of veterans hold unique and important roles in upholding the strength of the United States as they provide crucial support to their veteran spouses during the veteran's military service and retirement; and

WHEREAS, Allowing an eligible spouse who opted to receive the surviving spouse benefit through the Survivor Benefit Plan to receive an amount equal to the retirement pay of the veteran after the veteran's death recognizes the many sacrifices that a military spouse also makes in service of this country, including delaying or relinquishing personal and professional aspirations; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 83rd Session of the Nevada Legislature hereby urge Congress to enact legislation allowing an eligible spouse who opted to receive the surviving spouse benefit through the Survivor Benefit Plan to receive an amount equal to the retirement pay of the veteran after the veteran's death; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember González moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

Senate Joint Resolution No. 8.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 554.

SENATOR OHRENSCHALL

JOINT SPONSORS: ASSEMBLYMEMBERS MOSCA; CARTER, COLE, CONSIDINE, MONROE-MORENO AND MOORE

SENATE JOINT RESOLUTION—Urges Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and the Rainbow Gardens Area.

WHEREAS, The public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and the Rainbow Gardens Area are undeveloped natural treasures located near the Las Vegas Valley; and

WHEREAS, These public lands contain colorful mountain ranges rising up from the desert lowlands; and

WHEREAS, Gypsum Cave, which holds some of the earliest evidence of human inhabitance in the western United States and is significant to Indian tribes, is located on these public lands; and

WHEREAS, These public lands contain evidence of the Great Unconformity, which consists of exposed surface rock that represents more than one quarter of the history (1.2 billion years) of the Earth's crust and tectonic plates; and

WHEREAS, Several plant species that have received special status designation by the Bureau of Land Management are found on these public lands; and

WHEREAS, Many Nevada residents enjoy the natural desert landscape and the outdoor recreational opportunities of Sunrise Mountain, Frenchman Mountain and the Rainbow Gardens Area; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 83rd Session of the Nevada Legislature hereby urge Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and the Rainbow Gardens Area by designating them for federal protection, which may include, without limitation, designating all or portions of the area as a national conservation area, national recreation area or national monument, or applying other federal protections that Congress deems appropriate for these important and scenic lands; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember González moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

SECOND READING AND AMENDMENT

Senate Bill No. 10.

Bill read second time and ordered to third reading.

Senate Bill No. 11.

Bill read second time and ordered to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time and ordered to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 44.

Bill read second time and ordered to third reading.

Senate Bill No. 97.

Bill read second time and ordered to third reading.

Senate Bill No. 439.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 225 and 405 be taken from their place on the General File and moved to the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 453.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 5.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER BROWN-MAY:

Today, I am really honored to be here to recognize a distinguished public servant. Thank you all for rising as we honor Administrator Phinney. This is quite a day. First, I want to recognize this proclamation that all 42 members of this body have signed on to, which is pretty unusual. There are so many signatures recognizing Administrator Phinney's good work in our state that they could not actually type our names, which is just an honor in and of itself. So today, we are here to recognize a public servant and a lifetime of care. In this building and in our community, we do hard things. I am honored to present this proclamation from all 42 of us to recognize the hard and heartfelt work of Administrator Phinney.

Following a lifetime of dedicated service—27 years—Cody Phinney is retiring from the Department of Health and Human Services. Here to help us celebrate and honor her services is Cody's mom, Dr. Neighbors, who has her own legacy in our community. Cody is a Nevada native and has been in state service since 1998. She grew up in Tonopah, has a master's degree in public health from San Diego State with a concentration in health services administration, and a Bachelor of Arts in International Relations from UC Davis. Cody started her career working as a quality assurance specialist with the Nevada Division of Mental Health and Developmental Services. She has been here so long that the Division does not exist anymore. She has been an agency manager and managed the Federal Community Mental Health Service's Block Grants. She has an extensive background working in health and human services programs, including program and division oversight at an executive level as a clinical program manager, a deputy administrator, and an administrator at various points in her career. Cody's accomplishments are many and she will be sincerely missed. Cody will retire from her post as the Administrator of the Division of Public and Behavioral Health Services in June.

To our colleague from Assembly District 30, Administrator Phinney will always be known as Cody Knight. They entered Reed High School together as freshmen, so many years ago. I hear it told that Cody's confidence, wisdom, ability to see the big picture, and sense of humor has been evident since the beginning of their friendship. Cody's work ethic, dedication to problem solving, and continued efforts to ensure care for the state's most vulnerable residents has benefited us all. It is this strong commitment to protecting the health of our communities that has benefited all of Nevada. Cody will be sincerely missed, both professionally and personally, by all those who had the pleasure and good fortune to know and work with her. I respectfully request that today's comments be added into the Daily Journal as we, together, congratulate Cody on a lifetime of service.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Lora Templeton.

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Phinney and Dr. Betsy Neighbors.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Delgadillo.

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Clark.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Abby Iancu, Anastasia Birta, Dixon Heslop, Eric Iancu, Evan Lewis, Finn Conway, Hawken Schuessler, Kora Ostertag, Levi Englander, Lily Bonner, Makana Ross, Mavrik Martin, Mila Palleschi, Miya Lefrancois, Noah Bowie, Owen Leahy, Porter Smith, Robert (RB) Bruce, Ryann McDonald, Scarlett McCarthy, and Sophia Nordby.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Beckerman.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Sanada.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Chi, Dale Davis, Dorothy McDonald, Gay Jardine, Jim Cunha, Maureen Cunha, Maureen Dudley, Ron McDonald, and Vickie York.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Alice Chi, Gay Jardine, and Maureen Dudley.

On request of Assemblymember Karris, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Mello.

On request of Assemblymember Kasama, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Humason and Harris Liu.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Kneer.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Preston.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Marty McGarry.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Cisco Aguilar, Lisa Cano Burkhead, and Sandy Tsutahara.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Humason, Chris Kassidy, and Ed Skudlarek.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Ruiz and Mayita Sanchez.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Alyson Villasenor, Daniella Tapia, and Diego Del Angel.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, May 14, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 14, 2025

Assembly called to order at 11:48 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymembers Hardy, Nadeem, and Speaker Yeager, who was excused.

Prayer by Pastor Joseph Lent.

Tammi Naa'a, nummi goova gwei woitsami gatudu; bija mmi matuguna, meikoosabba numu yaa bija sooduhei; mumomoko'ni, munaana, mutunihannidu, po'ina'idu noko; yeishi koo tiipu duwaz, no'o'yoona nummi tiipu-goova mommo'o, bija oo sooduhei, ika novi duwaz; tammi sonahapi, tammi numudooimu, meikoosabba bija sooduheishi; On'o yeishi tammi bija tunihannikwu, pija nannapua'a'gaana, pija nasookwamakwu, yaahoo mani-punina

Heavenly Father, Creator of all, let Your goodness and mercy rest upon us this day, upon every man and woman and youth in and around this building. We thank You for life and health, we thank You for loving us and for giving us the opportunity to serve Your people and to be a blessing to one another. We thank You for this earth that we exist upon, and we thank You for this House. Let Your love, peace, and divine essence guide us today in every decision we make. Let Your highest laws of moral integrity be exalted and allowed to bring harmony to this city, this state, and to this nation.

PIHWA [AMEN].

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 49, 114, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 278, 322, 444, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was rereferred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 25, 28, 72, 93, 99, 117, 162, 266, 279, 297, 301, 325, 343, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 15, 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 181, 290, 315, 320, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was rereferred Assembly Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bill No. 381; Senate Bills Nos. 7, 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 4, 13, 17, 26, 30, 66, 203, 241, 406, 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 102, 274, 414, 419, 421; Senate Joint Resolutions Nos. 7, 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 306, 523, 530.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Assemblymember Jauregui moved that Senate Joint Resolutions Nos. 1 and 8 be taken from their place on the Resolution File and be placed on the Resolution File for the next legislative day.

Motion carried.

Senate Concurrent Resolution No. 2.

Resolution read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 571.

SENATORS DOÑATE, SCHEIBLE, OHRENSCHALL, FLORES; DALY AND NGUYEN

JOINT SPONSORS: ASSEMBLYMEMBERS GONZÁLEZ**,** ~~[AND]~~ WATTS**; CONSIDINE, D'SILVA AND NGUYEN**

WHEREAS, The State of Nevada consists of various diverse communities, including, without limitation, the LGBTQ+ community, which have made significant cultural, civic, economic and political contributions to the State; and

WHEREAS, The area where East Naples Drive meets South Paradise Road and South University Center Drive in Las Vegas, Nevada, is commonly known as the "Fruit Loop;" and

WHEREAS, Since the 1950s, numerous LGBTQ+ businesses, entertainment venues and gathering spaces located in the Fruit Loop have served the LGBTQ+ community as a culturally and historically significant hub for activism, community-building, celebrations, pride events and fundraisers; and

WHEREAS, The Fruit Loop has provided a safe space for the LGBTQ+ community for self-expression, socialization and advocacy and has contributed to the diverse social, cultural and economic vitality of Las Vegas, Nevada, by fostering inclusivity, acceptance, understanding and respect; and

WHEREAS, Recognizing historical LGBTQ+ landmarks is essential to understanding the struggles, resilience and triumphs of the LGBTQ+ community; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 83rd Session of the Nevada Legislature hereby recognize the Fruit Loop as a historical LGBTQ+ landmark; and be it further

RESOLVED, That the recognition of the Fruit Loop as a historical LGBTQ+ landmark will encourage continued support for the preservation of its legacy and the promotion of LGBTQ+ history in Nevada; and be it further

RESOLVED, That the members of the 83rd Session of the Nevada Legislature hereby urge the Director of the Department of Transportation to install directional signs to direct tourists and members of the public to the location of the Fruit Loop; and be it further

RESOLVED, That the members of the 83rd Session of the Nevada Legislature hereby urge the Las Vegas Convention and Visitors Authority and the Division

of Tourism of the Department of Tourism and Cultural Affairs to produce materials concerning the cultural and historical significance of the Fruit Loop for the inclusion on maps and other marketing materials; and be it further

RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the Board of County Commissioners of Clark County, Nevada, the Las Vegas City Council, the Director of the Department of Transportation, the Las Vegas Convention and Visitors Authority, the Division of Tourism of the Department of Tourism and Cultural Affairs and the LGBTQ+ Center of Southern Nevada; and be it further

RESOLVED, That this resolution becomes effective upon adoption.

Assemblymember Considine moved the adoption of the amendment.

Remarks by Assemblymember Considine.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

NOTICE OF EXEMPTION

May 11, 2025

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 249, Assembly Bill No. 256, Assembly Bill No. 348 and Assembly Bill No. 506 are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

ASHER A. KILLIAN
Legislative Counsel

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager
For: Assembly Bill No. 499
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: May 13, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 556—AN ACT relating to Medicaid; creating and prescribing the duties of the Beneficiary Advisory Council of the Division of Health Care Financing and Policy of the Department of Health and Human Services; prescribing requirements governing the membership and procedures of the Council; revising the name of the Medical Care Advisory Committee of the Division to the Medicaid Advisory Committee; adding certain members to the Committee; revising certain requirements governing the operations of the Committee; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 557—AN ACT relating to taxation; requiring the Department of Taxation to develop and operate with financial institutions a system for matching data for the collection of certain debts owed to the State; authorizing the Department to disclose certain confidential information to certain financial institutions for certain purposes; revising certain provisions relating to certain information held by financial institutions; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Revenue.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 558—AN ACT making appropriations to restore the balances in the Stale Claims Account, the Emergency Account and the Contingency Account; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 559—AN ACT making a supplemental appropriation to the Office of the Extradition Coordinator within the Office of the Attorney General for an unanticipated shortfall related to extradition costs; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 560—AN ACT making a supplemental appropriation to the Division of Child and Family Services of the Department of Health and Human Services for an unanticipated shortfall related to the Rural Child Welfare budget account; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 561—AN ACT making a supplemental appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for an unanticipated shortfall related to firefighting costs; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 562—AN ACT making appropriations to the Office of the Secretary of State for costs associated with the voter registration and elections management system and connectivity of automatic voter registration agencies; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 563—AN ACT making an appropriation to the Office of the State Controller for the costs of certain consulting services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 564—AN ACT making an appropriation to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 565—AN ACT making an appropriation to the Supreme Court of Nevada for the costs of the implementation of a statewide trial court electronic filing system; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 566—AN ACT making appropriations to and authorizing the expenditure of money by the Division of Museums and History of the Department of Tourism and Cultural Affairs for certain vehicles, tools and repairs; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 567—AN ACT making an appropriation to the Nevada System of Higher Education for safety and security equipment and enhancements; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 568—AN ACT making appropriations to the Nevada System of Higher Education for cost-of-living adjustments for certain personnel; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 569—AN ACT making appropriations to the Department of Veterans Services for certain vehicles and equipment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 570—AN ACT making appropriations to the Department of Corrections for various purposes relating to Internet connectivity, computer hardware and software, vehicles, training, furniture and other equipment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 571—AN ACT making appropriations to the Department of Education for certain surveys, professional development costs, information technology projects, programs, grants and studies; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 572—AN ACT making appropriations to the Department of Corrections for the replacement and purchase of certain equipment and furniture; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 573—AN ACT making an appropriation to the Department of Education to carry out the Incentivizing Pathways to Teaching Grant Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 574—AN ACT making appropriations to the Department of Corrections for the purchase and replacement of equipment and furniture at High Desert State Prison; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 575—AN ACT making appropriations to the Department of Public Safety for the replacement of computer hardware and associated software, vehicles and furniture and for information technology projects and a recruiting campaign; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 576—AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the purchase and replacement of motorcycles, vehicles and equipment; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 577—AN ACT making appropriations to the State Department of Conservation and Natural Resources for a certain new website and database and for the replacement of vehicles and computer hardware and associated software; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 578—AN ACT making appropriations to the State Department of Conservation and Natural Resources for the replacement of

computer and information technology equipment, vehicles and other equipment and for certain projects; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 579—AN ACT making an appropriation to the Department of Education for the replacement of the information technology system for educator licensure; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 580—AN ACT making an appropriation to the Department of Indigent Defense Services for certain costs related to the provision of indigent defense services; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 581—AN ACT making a supplemental appropriation to the Department of Corrections for an unanticipated shortfall related to operating, travel, information services, maintenance, utilities and inmate-driven expenses; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 582—AN ACT relating to state financial administration; revising provisions relating to the Governor Guinn Millennium Scholarship Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 583—AN ACT relating to programs for public personnel; establishing for the 2025-2027 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and

retired public officers and employees; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 584—AN ACT relating to education; providing for the waiver of certain requirements to report data and information concerning public schools; establishing a statewide system of accountability for school districts; establishing certain measures to be taken for school districts and public schools designated as low-performing or underperforming; establishing the Nevada Integrity in Academic Funding Program to assist pupils attending certain low-performing or underperforming public schools in accessing alternative educational settings; creating the Excellence in Education Account to provide grants to pay nonrecurring incentives to certain school administrators, teachers and other educational personnel; revising provisions governing the Education Stabilization Account; authorizing a charter school to receive certain funding to provide transportation services to pupils; providing for the establishment of a system of open enrollment for public schools; establishing a program to pay expenses for certain literacy interventions, tutoring and other related services for certain pupils eligible for services in the subject of reading; revising provisions governing charter schools sponsored by cities or counties; revising provisions governing instruction in English language arts in kindergarten and grades 1, 2 and 3; providing that certain public school and private school employees are immune from civil and criminal liability for certain actions related to intervening in altercations, fights or other incidents; revising provisions governing the performance of teachers and school administrators; authorizing school districts and charter schools to establish programs to pay nonrecurring incentives to high-performing teachers and school administrators; creating the Education Service Center; making appropriations; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 585—AN ACT relating to legislative affairs; revising provisions relating to requests for the drafting of legislative measures; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 8.
Bill read second time and ordered to third reading.

Senate Bill No. 9.
Bill read second time and ordered to third reading.

Senate Bill No. 24.
Bill read second time and ordered to third reading.

Senate Bill No. 38.
Bill read second time and ordered to third reading.

Senate Bill No. 43.
Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 566.

SUMMARY—Revises provisions relating to ~~[environmental protection.]~~ **public health and safety.** (BDR 40-264)

AN ACT relating to ~~[environmental protection;]~~ **public health;** authorizing certain district boards of health to be designated to act as a solid waste management authority or exercise certain powers of a solid waste management authority under certain circumstances; **revising provisions relating to public swimming pools;** removing the authority of certain district boards of health to administer the collection and disposal of solid waste; requiring the State Environmental Commission to adopt regulations establishing certain criteria for a district board of health to demonstrate capability for certain purposes; authorizing certain district boards of health to issue certain permits and administer and enforce certain provisions relating to public water systems under certain circumstances; removing the authority of certain district boards of health to administer certain provisions relating to public water systems; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the collection and disposal of solid waste. (NRS 444.440-444.645) For the purposes of such provisions, existing law defines a "solid waste management authority" to mean: (1) the district board of health in any area in which a health district has been created and, under certain circumstances, certain other areas under the jurisdiction of the board, if the board has adopted certain regulations; and (2) the Division of Environmental Protection of the State Department of Conservation and Natural Resources, in all other areas of the State and at any site previously used for the production of electricity from a coal-fired electric generating plant. (NRS 444.495) **Section 4** of this bill authorizes the Administrator of the Division to designate a district board of health to act as a solid waste management authority or to carry out limited duties of a solid waste

management authority if the district board of health: (1) applies to the Administrator for such a designation; (2) demonstrates that the district board of health is capable of carrying out the provisions of existing law relating to solid waste management, as determined by the Administrator; and (3) has adopted certain regulations relating to solid waste management.

Section 13.5 of this bill requires the State Environmental Commission to adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator.

Section 34 of this bill provides that any district board of health that is currently acting as a solid waste management authority shall be deemed to have been determined capable by the Administrator and may continue to act as a solid waste management authority.

Section 7 of this bill revises the definition of "solid waste management authority" to mean: (1) a district board of health if the board is designated under **section 4**; and (2) the Division, in all other areas of the State and at any site previously used for the production of electricity from a coal-fired electric generating plant. As a result of this change, a district board of health that is not designated by the Administrator is not authorized to act as a solid waste management authority.

Consistent with these changes, **sections 8, 13 and 16** of this bill provide that only a designated district board of health of a health district is required to adopt certain regulations relating to the collection and disposal of solid waste. **Sections 8.5, 9, 14, 18 and 19** of this bill make conforming changes to reflect the divestment of the authority of a district board of health of a health district that is not designated to act as a solid waste management authority.

Existing law authorizes any district board of health and any governing body of a municipality to adopt certain standards and regulations relating to solid waste disposal sites and solid waste management systems that are more restrictive than those adopted by the Commission and authorizes the district board of health to issue permits thereunder. Existing law also authorizes any district board of health to adopt such other regulations as are necessary to carry out provisions relating to the collection and disposal of solid waste. (NRS 444.580) **Section 15** of this bill provides that certain standards and regulations adopted by a district board of health or governing body must be consistent with an approved plan to provide for a solid waste management system. **Section 15** also provides that if a district board of health adopts regulations other than standards and regulations for the location, design, construction, operation and maintenance of a solid waste management system or solid waste disposal system that are more restrictive than those adopted by the Commission, the district board of health must provide reasonable notification of the proposed regulations to the Division.

Section 2 of this bill defines "health district" for the purposes of existing law governing the collection and disposal of solid waste. **Section 10** of this bill makes conforming changes to a reference to this term.

Section 3 of this bill defines the "Resource Conservation and Recovery Act" and, consistent with this definition, **sections 6, 11-13 and 16** of this bill revise references to that Act in existing law governing the collection and disposal of solid waste.

Section 5 of this bill applies the definitions in existing law and **sections 2 and 3** to the provisions of existing law and **section 4** that govern the collection and disposal of solid waste.

Sections 17 and 18 of this bill make provisions of existing law establishing the powers of a solid waste management authority to enforce existing law, recover civil penalties or damages, obtain injunctive relief or issue subpoenas apply to the provisions of **sections 2-4**.

Existing law sets forth certain provisions governing public water systems and authorizes the Division and a district board of health to administer and enforce these provisions. (NRS 445A.800-445A.955) Existing law also authorizes the State Environmental Commission to designate a district board of health to issue permits to an owner of a public water system to operate the system. (NRS 445A.860, 445A.885) **Section 20** of this bill authorizes the Administrator of the Division to designate the district board of health of the health district to issue permits or administer and enforce the provisions or limited provisions governing public water systems if the district board of health: (1) applies for such a designation; and (2) demonstrates to the Administrator that the district board is capable of performing such actions. **Section 23** of this bill requires the Commission to adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator.

Section 34 provides that any district board of health that is currently administering and enforcing the provisions governing public water systems shall be deemed to have been designated by the Administrator and may continue to administer and enforce those provisions.

Consistent with these changes, **sections 23 and 24-28** of this bill limit the authority of a district board of health to issue permits or administer and enforce the provisions governing public water systems to only a district board of health designated by the Administrator.

Section 22 of this bill revises the definition of the term "district board of health" to clarify that a health district is created pursuant to certain provisions of existing law. **Section 21** of this bill applies the definitions in existing law governing public water systems to **section 20**.

Sections 29-33 of this bill make certain provisions of existing law governing the enforcement powers of the Division, the imposition of civil penalties, administrative fines and criminal penalties and obtaining injunctive relief apply to **section 20**.

Section 23.5 of this bill makes a conforming change to revise an internal reference to a provision of the Nevada Revised Statutes.

Existing law defines the term "public swimming pool" for the purposes of provisions governing the sanitation of such structures and provides that

the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private club or invited guests of the members. (NRS 444.065) Section 4.5 of this bill instead provides that the term does not include any such structure at any location if the structure is a privately owned pool used by members of a private organization that is recognized as a social club exempt from taxation pursuant to certain provisions of the Internal Revenue Code or invited guests of members of such an organization.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Health district" means a health district created pursuant to NRS 439.362 or 439.370.***

Sec. 3. ***"Resource Conservation and Recovery Act" means subchapter IV of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., as amended, and the regulations adopted pursuant thereto.***

Sec. 4. ***1. The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources may, in accordance with the regulations adopted by the State Environmental Commission pursuant to NRS 444.560, designate a district board of health of a health district to act as a solid waste management authority or to act as a solid waste management authority for the purposes of carrying out limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto, if the district board of health:***

(a) Applies to the Administrator for such a designation;

(b) Demonstrates that the district board of health is capable of carrying out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto, as determined by the Administrator; and

(c) Adopts all regulations that are necessary to carry out the provisions or limited provisions, as applicable, of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.

2. If the Administrator designates a district board of health pursuant to subsection 1, the Division of Environmental Protection shall periodically review the activities of the district board of health to evaluate the continued capability of the district board of health to carry out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.

3. If, following a review of the capability of a district board of health by the Division of Environmental Protection pursuant to subsection 2, the Administrator determines that the district board of health is not capable, the Administrator shall provide written notice of a deficiency by certified mail to

the district board of health of this determination. If the deficiency identified in the written notice:

(a) Does not present an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the written notice must set forth a date by which the district board of health must correct the deficiency, which must be not less than 60 days after the date the notice was mailed to the district board of health and may be extended by mutual agreement of the Administrator and the district board of health. If the district board of health fails to correct the deficiency, the Administrator may issue an order revoking the designation of the district board of health.

(b) Presents an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the Administrator may issue an order revoking the designation of the district board of health. A revocation issued pursuant to this paragraph is effective immediately. Notice of the order revoking the designation must be provided to the district board of health by certified mail and must set forth the date on which the designation is revoked. The district board of health may petition the State Environmental Commission for a hearing on the revocation. Such a petition must be received not more than 30 days after the date on which the designation was revoked. If the district board of health does not petition the Commission for a hearing, the decision to revoke the designation is not subject to additional review.

Sec. 4.5. **NRS 444.065 is hereby amended to read as follows:**

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS 441A.030, furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately owned pool used by members of a private ~~[club]~~ ***organization that is recognized as a social club exempt from taxation pursuant to section 501(c)(7) of the Internal Revenue Code, 26 U.S.C. § 501(c)(7)*** or invited guests of the members ~~[.]~~ ***of such an organization.***

Sec. 5. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 444.465 is hereby amended to read as follows:

444.465 "Municipal solid waste landfill" has the meaning ascribed to it in the Resource Conservation and Recovery Act of 1976 **.** ~~[, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~

Sec. 7. NRS 444.495 is hereby amended to read as follows:

444.495 "Solid waste management authority" means:

1. Except as otherwise provided in subsection 2, the district board of health ~~[in any area in which]~~ ***of*** a health district ~~[has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement,]~~ if the ***district*** board ~~[has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.]~~ ***of health is designated pursuant to section 4 of this act to carry out the provisions or limited provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act, and any regulations adopted pursuant thereto.***

2. In all other areas of the State and pursuant to NRS 704.7318, at any site previously used for the production of electricity from a coal-fired electric generating plant in this State, the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 8. NRS 444.505 is hereby amended to read as follows:

444.505 1. The district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***, if designated pursuant to section 4 of this act,*** shall, in a timely manner, adopt regulations:

(a) For the issuance of a permit to operate a facility for the management of waste tires in the health district and in any area over which the board has authority pursuant to an interlocal agreement;

(b) If the district board of health issues a permit to operate a facility for the management of waste tires, prohibiting the disposal of waste tires in any municipal solid waste landfill in the health district and in any area over which the board has authority pursuant to an interlocal agreement by a retail seller of new motor vehicles tires or a wholesale seller of new motor vehicle tires; and

(c) To establish and carry out a program for the recycling and reuse of waste tires in the health district and in any area over which the board has authority pursuant to an interlocal agreement.

2. The regulations adopted pursuant to subsection 1 must:

(a) Provide for acceptable alternatives to the disposal of a waste tire in a municipal solid waste landfill;

(b) Provide for the inspection of a facility for the management of waste tires to ensure that the operator of the facility complies with those regulations;

(c) Prohibit a facility for the management of waste tires from refusing to accept a waste tire offered for disposal, except in accordance with the provisions of the permit issued to the operator of the facility;

(d) Establish requirements concerning the transportation and storage of waste tires prior to disposal;

(e) Establish a procedure for applications for exemptions or waivers from any of those regulations;

(f) Provide for an exemption from any penalty imposed pursuant to those regulations for any person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill in violation of those regulations;

(g) Not prohibit the lawful disposal of a waste tire outside of the health district; and

(h) In addition to the penalties described in NRS 444.507 and 444.509, provide for a penalty for a violation of any of those regulations.

3. In ~~[a county]~~ ***any area*** in which a health district has not been ~~[created pursuant to NRS 439.362 or 439.370,]~~ ***designated pursuant to section 4 of this act,*** the State Environmental Commission may adopt regulations:

(a) Authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue a permit for the operation of a facility for the management of waste tires in the ~~[county;]~~ ***area;***

(b) If a facility for the management of waste tires has been issued a permit in the county, prohibiting the disposal of waste tires in a municipal solid waste landfill in the ~~[county;]~~ ***area;*** and

(c) To establish and carry out a program for the recycling and reuse of waste tires in the ~~[county.]~~ ***area.***

4. Any regulation adopted pursuant to this section which prohibits the disposal of a waste tire in a municipal solid waste landfill does not apply to the disposal of a waste tire if the unavailability of a facility for the management of waste tires makes disposal at such a facility impracticable. The provisions of this subsection do not exempt a person from any other regulation adopted pursuant to this section.

5. The regulations adopted by a district board of health pursuant to this section must not conflict with regulations adopted by the State Environmental Commission.

Sec. 8.5. NRS 444.507 is hereby amended to read as follows:

444.507 1. A person shall not operate a facility for the management of waste tires unless the operator:

(a) Holds a permit to operate the facility for the management of waste tires issued by the district board of health ***, if designated pursuant to section 4 of this act,*** or the Division of Environmental Protection of the State Department of Conservation and Natural Resources in accordance with the regulations adopted pursuant to NRS 444.505; and

(b) Complies with the terms and conditions of the permit.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. Each day or part of a day during which the violation is continued or repeated constitutes a separate offense.

4. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive:

(a) A person convicted of violating subsection 1 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction; and

(b) A court before whom a defendant is convicted of a violation of subsection 1 shall, for each violation, order the defendant to pay a civil penalty of at least $500 but not more than $5,000.

Sec. 9. NRS 444.509 is hereby amended to read as follows:

444.509 1. Except as otherwise provided in subsection 2, in any ***area with a district board of health of a*** health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***designated pursuant to section 4 of this act*** and any area over which the district board of health ***of the health district*** has authority pursuant to an interlocal agreement or any county in which a permit for the operation of a facility for the management of waste tires has been issued pursuant to NRS 444.505, a person who willfully disposes of a waste tire generated in that health district or county in any municipal solid waste landfill in this State is guilty of a misdemeanor and, except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation. Each waste tire disposed of in violation of the provisions of this section constitutes a separate violation.

2. The provisions of subsection 1 do not apply:

(a) To a person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill in violation of the provisions of subsection 1; or

(b) If the unavailability of a facility for the management of waste tires makes disposal of a waste tire at a site other than a municipal solid waste landfill impracticable.

Sec. 10. NRS 444.510 is hereby amended to read as follows:

444.510 1. The governing body of every municipality or district board of health ~~[created pursuant to NRS 439.362 or 439.370]~~ ***of a health district*** shall develop a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste within the boundaries of the municipality or within the area to be served by the ***solid waste management*** system, whether generated within or outside of the boundaries of the area.

2. The plan may include ordinances adopted pursuant to NRS 444.520 and 444.530.

3. Such a governing body may enter into agreements with governing bodies of other municipalities, or with any person, or with a combination thereof, to carry out or develop portions of the plan provided for in subsection 1, or both, and to provide a solid waste management system, or any part thereof.

4. Any plan developed by the governing body of a municipality or district board of health ~~[created]~~ pursuant to ~~[NRS 439.362 or 439.370]~~ ***this section*** must be submitted to the State Department of Conservation and Natural Resources for approval according to a schedule established by the State Environmental Commission. No action may be taken by that governing body or district board of health until the plan has been approved. The Department shall determine the adequacy of the plan within 90 days after receiving the plan. If the Department does not respond to the plan within 90 days, the plan shall be deemed approved and becomes effective immediately.

5. An approved plan remains in effect until the plan is revised and the revised plan is approved. A plan must not conflict with the statewide plan adopted by the State Environmental Commission pursuant to NRS 444.570. Plans must be revised to reflect proposed changes in the solid waste management system, and changes in applicable regulations.

Sec. 11. NRS 444.556 is hereby amended to read as follows:

444.556 1. Before constructing or operating a municipal solid waste landfill, the owner or operator of the landfill shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill is subject to the general conditions of the Resource Conservation and Recovery Act . ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. A permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto,]~~ which describe:

(1) General standards for a municipal solid waste landfill;

(2) Restrictions on the location of such a landfill;

(3) Criteria for the operation of such a landfill;

(4) Criteria for the design of such a landfill;

(5) Requirements for monitoring groundwater and standards for corrective actions related thereto;

(6) Standards of care related to the closure of such a landfill; and

(7) Financial requirements for the owners or operators of such landfills;

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act ***;*** ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;]~~

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill are kept in order to inspect those records.

Sec. 12. NRS 444.557 is hereby amended to read as follows:

444.557 1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill with the terms and conditions of the permit issued for that landfill, the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act **.** ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.]~~ The program must include procedures to:

(a) Verify the accuracy of any information submitted by the owner or operator of the landfill to the authority;

(b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the landfill; and

(c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the authority.

Sec. 13. NRS 444.558 is hereby amended to read as follows:

444.558 1. The State Environmental Commission and ~~[the]~~ ***any*** district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370]~~ ***seeking to apply for designation pursuant to section 4 of this act*** shall, in a timely manner, adopt all regulations that are necessary to establish and carry out a program of issuing permits for municipal solid waste landfills. The program must ensure compliance with the Resource Conservation and Recovery Act ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto,]~~ and carry out the purpose and intent of this section.

2. The regulations adopted by a district board of health pursuant to ~~[this section]~~ ***subsection 1*** must not conflict with regulations adopted by the State Environmental Commission.

Sec. 13.5. NRS 444.560 is hereby amended to read as follows:

444.560 1. The State Environmental Commission shall adopt regulations ~~[concerning]~~ ***:***

(a) Concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a disposal site ~~[.]~~ ***; and***

(b) Establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to section 4 of this act.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with NRS 444.495 or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a municipality or person may operate or permit an operation in violation of the regulation.

Sec. 14. NRS 444.570 is hereby amended to read as follows:

444.570 1. The State Department of Conservation and Natural Resources shall:

(a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of NRS 444.440 to 444.560, inclusive, ***and sections 2, 3 and 4 of this act*** and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) ~~[Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to NRS 444.505, 444.553 and 444.556 and ensuring compliance with the terms and conditions of such~~

~~permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for disposal sites and enforce the laws of this State regarding solid waste management systems.~~

~~(e)~~ Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, ***and sections 2, 3 and 4 of this act*** and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

~~(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.~~

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** enter and inspect areas of the facility where:

(a) Solid waste may have been generated, stored, transported, treated or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 15. NRS 444.580 is hereby amended to read as follows:

444.580 Except as otherwise provided in NRS 444.559:

1. Any district board of health ~~created pursuant to NRS 439.362 or 439.370~~ ***of a health district*** and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste ***management systems, including, without limitation, solid waste*** disposal sites ~~and solid waste management systems~~ or any part thereof ***,*** more restrictive than those adopted by the State Environmental Commission ***.*** ~~, and any district board of health may issue~~

~~permits thereunder.]~~ ***Any regulations adopted pursuant to this subsection must be consistent with the plan to provide for a solid waste management system approved by the State Department of Conservation and Natural Resources pursuant to NRS 444.510.***

2. Any district board of health ~~[created pursuant to NRS 439.362 or 439.370]~~ ***of a health district*** may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission. ***If a district board of health adopts regulations pursuant to this subsection that are more restrictive than those adopted by the State Environmental Commission, the district board of health shall provide reasonable notification of the proposed adoption of the regulations to the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

3. Any district board of health of a health district:

(a) May issue permits under the standards and regulations adopted pursuant to subsection 1; and

(b) If designated pursuant to section 4 of this act, may issue permits for other purposes relating to a solid waste management system in accordance with the provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3 and 4 of this act.

Sec. 16. NRS 444.590 is hereby amended to read as follows:

444.590 1. The State Department of Conservation and Natural Resources is hereby designated the state agency for such purposes as are required by the Resource Conservation and Recovery Act ***,*** ~~[of 1976, 42 U.S.C. §§ 6941 et seq.,]~~ except that:

(a) The State Environmental Commission has the exclusive authority to adopt regulations pursuant to NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act;*** and

(b) The district ~~[boards]~~ ***board*** of health of ***a*** health ~~[districts created pursuant to NRS 439.362 or 439.370 retain]~~ ***district, if designated pursuant to section 4 of this act, retains*** the authority to issue permits and adopt regulations pursuant to NRS 444.580.

2. The State Department of Conservation and Natural Resources may take any action necessary and appropriate to secure the benefits of any federal law relating to solid waste.

Sec. 17. NRS 444.592 is hereby amended to read as follows:

444.592 If the solid waste management authority receives information that the handling, storage, recycling, transportation, treatment or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, a statute, a regulation or an order issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

1. Issue an order directing the owner or operator of the disposal site or any other site where the handling, storage, recycling, transportation, treatment or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS 444.600.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 18. NRS 444.605 is hereby amended to read as follows:

444.605 1. In carrying out the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 2, 3 and 4 of this act,*** the State Environmental Commission, a district board of health of a health district ~~[created pursuant to NRS 439.362 or 439.370,]~~ ***, if designated pursuant to section 4 of this act,*** and a solid waste management authority may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.

2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:

(a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;

(b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable the person to comply with its provisions; and

(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena,

➥ and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.

3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the date of the order, and show cause why the person should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.

4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, the person may be punished as for a contempt of court.

Sec. 19. NRS 444.629 is hereby amended to read as follows:

444.629 1. The solid waste management authority ~~[in each county]~~ may establish a program for the control of unlawful dumping and administer the program within its jurisdiction unless superseded.

2. The program established pursuant to subsection 1 must:

(a) Include standards and procedures for the control of unlawful dumping which are equivalent to or stricter than those established by statute or state regulation; and

(b) Provide for adequate administration and enforcement.

3. The solid waste management authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties for violations of the provisions of NRS 444.440 to 444.645, inclusive, ***and sections 2, 3 and 4 of this act*** or any regulation adopted pursuant to those sections.

Sec. 20. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division may, in accordance with the regulations adopted by the Commission pursuant to NRS 445A.860, designate a district board of health of a health district to issue permits pursuant to NRS 445A.860 or 445A.885 or administer and enforce any of the provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, or to administer and enforce limited provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, if the district board of health:

(a) Applies to the Administrator for such a designation; and

(b) Demonstrates that the district board is capable of issuing permits or administering and enforcing the provisions or limited provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, as applicable, as determined by the Administrator.

2. If the Administrator designates a district board of health pursuant to subsection 1, the Division shall periodically review the activities of the district board of health to evaluate the continued capability of the district board of health to issue permits pursuant to NRS 445A.860 or 445A.885, administer and enforce any of the provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, or to administer and enforce limited provisions of this section and NRS 445A.800 to 445A.955, inclusive, and any regulations adopted pursuant thereto, as applicable.

3. If, following a review of the capability of a district board of health by the Division pursuant to subsection 2, the Administrator determines that the district board of health is not capable, the Administrator shall provide written notice of a deficiency by certified mail to the district board of health of this determination. If the deficiency identified in the written notice:

(a) Does not present an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the written

notice must set forth a date by which the district board of health must correct the deficiency, which must be not less than 60 days after the date the notice was mailed to the district board of health and may be extended by mutual agreement of the Administrator and the district board of health. If the district board of health fails to correct the deficiency, the Administrator may issue an order revoking the designation of the district board of health.

(b) Presents an imminent or substantial hazard to public health, safety or the environment, as determined by the Administrator, the Administrator may issue an order revoking the designation of the district board of health. A revocation issued pursuant to this paragraph is effective immediately. Notice of the order revoking the designation must be provided to the district board of health by certified mail and must set forth the date on which the designation is revoked. The district board of health may petition the State Environmental Commission for a hearing on the revocation. Such a petition must be received not more than 30 days after the date on which the designation was revoked. If the district board of health does not petition the Commission for a hearing, the decision to revoke the designation is not subject to additional review.

Sec. 21. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 445A.812 is hereby amended to read as follows:

445A.812 "District board of health" means a district board of health ***of a health district*** created pursuant to NRS 439.362 or 439.370.

Sec. 23. NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the Commission:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. ***Shall adopt regulations establishing the criteria for a district board of health to demonstrate capability to be designated by the Administrator of the Division pursuant to section 20 of this act.***

3. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada.

~~[3.]~~ ***4.*** May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by the Division or ***, if designated pursuant to section 20 of this act,*** the ~~[appropriate]~~ district board of health.

~~[4.]~~ ***5.*** May adopt such other regulations as may be necessary to ensure that a community water system or nontransient water system that commences

operation on or after October 1, 1999, demonstrates the technical capability, managerial capability and financial capability to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

~~[5.]~~ ***6.*** May adopt such other regulations as may be necessary to evaluate the technical capability, managerial capability and financial capability of a community water system or nontransient water system that commenced operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

~~[6.]~~ ***7.*** May establish by regulation reasonable fees as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.*** All fees collected pursuant to this subsection must be deposited in the account created pursuant to NRS 445A.861.

~~[7.]~~ ***8.*** May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.***

Sec. 23.5. NRS 445A.861 is hereby amended to read as follows:

445A.861 1. All fees collected pursuant to NRS 278.3295 and subsection ~~[6]~~ *7* of NRS 445A.860 must be deposited in a separate account created in the State General Fund. The State Department of Conservation and Natural Resources shall administer the account.

2. The money in the account must be expended only to pay for the costs to carry out the provisions of NRS 278.3295, 278.335, 278.377 and 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or for any other purpose authorized by the Legislature.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

Sec. 24. NRS 445A.885 is hereby amended to read as follows:

445A.885 1. Except as otherwise provided in subsection 2, no water system which is constructed on or after July 1, 1991, may operate unless the owner of the water system receives a permit to operate the water system from the Division or the district board of health ***, if*** designated ~~[by the Commission.]~~ ***pursuant to section 20 of this act.*** The owner of such a water system is entitled to a permit to operate the water system upon satisfaction of the requirements set forth in NRS 445A.885 to 445A.915, inclusive, and the requirements set forth in the regulations adopted by the Commission pursuant to NRS 445A.860.

2. Subsection 1 does not apply to the expansion of a public utility.

Sec. 25. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health ***, if*** designated ~~[by the Commission]~~ ***pursuant to section 20 of this act,*** documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body agrees:

(a) That, except as otherwise provided in paragraph (b), in the event of a default by the builder, developer or owner of the water system, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system for the continued operation and maintenance of the water system.

(b) To assume the duty of assessing the lands served as provided in subsection 6 in the event of default by the builder, developer or owner of the water system.

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system:

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide:

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the continued operation and maintenance of the water system if there is a default by the builder, developer or owner of the water system;

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation,

any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The owners of the lands to be served by the water system record a declaration of covenants, conditions and restrictions, which is an equitable servitude running with the land, and provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body shall, in a county whose population is 700,000 or more, and may, in all other counties, pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 26. NRS 445A.920 is hereby amended to read as follows:

445A.920 1. Except as otherwise provided in subsection 2, plans and specifications for any substantial addition to or alteration of a public water system subject to a regulation of the Commission must be submitted ***for review and approval*** to ~~[the]~~ ***:***

(a) The Division ***;*** or ~~[the appropriate]~~

(b) The district board of health ~~[for review and approval.]~~ ***, if designated pursuant to section 20 of this act.***

2. A public water system is not required to submit any plans and specifications if the addition or alteration complies with standards previously approved by the Division or the ~~[appropriate]~~ district board of health ~~[.]~~ ***, if designated pursuant to section 20 of this act.***

3. In approving the plans and specifications, the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may require such modifications or impose such conditions as are

necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[.]~~ ***, and section 20 of this act.***

Sec. 27. NRS 445A.925 is hereby amended to read as follows:

445A.925 1. The Division ~~[and]~~ ***or*** the district ~~[boards]~~ ***board*** of health ***, if designated pursuant to section 20 of this act,*** shall:

(a) Enforce the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** and regulations adopted pursuant thereto; and

(b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.

2. Any representative of the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may enter the property of any public water system at any reasonable time for the purpose of inspecting and investigating the adequacy and sanitary condition of the system and the quality of its water.

3. Except in an emergency, the Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** shall notify and permit the supplier of water to be present when an inspection or investigation is being conducted.

Sec. 28. NRS 445A.940 is hereby amended to read as follows:

445A.940 1. A supplier of water shall immediately notify the Division or ***, if designated pursuant to section 20 of this act,*** the ~~[appropriate]~~ district board of health and the users of the supplier's public water system whenever:

(a) The system is not in compliance with the primary drinking water standards;

(b) The supplier fails to perform any required monitoring of water quality;

(c) The supplier has been granted a variance or exemption by the Commission; or

(d) The supplier fails to comply with the conditions imposed by the Commission in granting the variance or exemption.

2. The notification must be in the form and manner prescribed by the Division.

Sec. 29. NRS 445A.943 is hereby amended to read as follows:

445A.943 1. If the Division has reason to believe that a person is engaging or has engaged in any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, in addition to any other action authorized or required by NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act,*** issue an order:

(a) Specifying the provision or provisions which the Division believes or has reason to believe the person is violating or has violated;

(b) Setting forth the facts alleged to constitute the violation;

(c) Prescribing the actions the person must take to correct the violation and the period during which the violation must be corrected; and

(d) Requiring the person to appear before the Administrator of the Division or a hearing officer appointed by the Administrator to show cause why the Division should not commence an action against the person in district court for appropriate relief.

2. If the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person is about to violate the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute a violation. The summary order to cease and desist must specify the provision of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit or certification which the Division reasonably believes is about to be violated.

3. An order issued by the Division pursuant to subsection 1 or 2 is effective immediately and is not subject to review unless the person to whom the order is directed, not later than 30 days after the order is issued, submits a written petition to the Commission for a hearing.

Sec. 30. NRS 445A.945 is hereby amended to read as follows:

445A.945 1. The Division or the ~~[appropriate]~~ district board of health ***, if designated pursuant to section 20 of this act,*** may apply to a court of competent jurisdiction to enjoin the continuance or occurrence of any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any regulation adopted or order issued pursuant thereto.

2. On a showing by the Division or the district board of health that such a violation has occurred or will occur, the court may issue, without bond, such prohibitory or mandatory injunction as the facts may warrant.

Sec. 31. NRS 445A.950 is hereby amended to read as follows:

445A.950 1. Any supplier of water who:

(a) Violates any standard established pursuant to NRS 445A.855;

(b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;

(c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;

(d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or

(e) Fails to give a notice as required by NRS 445A.940,

➥ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than $25,000 for each day of the violation.

2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than $5,000 per day for each such violation.

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive ~~,~~ ***, and section 20 of this act.***

4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 32. NRS 445A.952 is hereby amended to read as follows:

445A.952 1. A laboratory for the analysis of water that:

(a) Violates any regulation adopted by the Commission pursuant to NRS 445A.863; or

(b) Violates or fails to comply with an order issued pursuant to subsection 1 or 2 of NRS 445A.943,

➥ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than $5,000 for each day of the violation.

2. In addition to the civil penalty described in subsection 1, the Division may impose an administrative fine of not more than $2,500 per day for each violation described in subsection 1.

3. The civil penalty and administrative fine authorized by this section are in addition to any other penalties or relief prescribed by NRS 445A.800 to 445A.955, inclusive ~~,~~ ***, and section 20 of this act.***

4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 33. NRS 445A.955 is hereby amended to read as follows:

445A.955 Any person who violates the provisions of NRS 445A.800 to 445A.955, inclusive, ***and section 20 of this act*** or any regulation adopted by the Commission pursuant to those provisions is guilty of a misdemeanor. Each day of violation constitutes a separate offense.

Sec. 34. 1. Notwithstanding the amendatory provisions of section 4 of this act requiring the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources to determine that a district board of health of a health district is capable of acting as a solid waste management authority, any district board of health which on the effective date of this act is acting as a solid waste management authority for the purposes of NRS 444.440 to 444.645, inclusive, as amended by

sections 2 to 19, inclusive, of this act, shall be deemed to have been determined capable of acting as a solid waste management authority by the Administrator and may continue to act as a solid waste management authority.

2. Notwithstanding the amendatory provisions of section 20 of this act authorizing the Administrator to designate a district board of health of a health district to administer and enforce the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act, any district board of health which on the effective date of this act is administering and enforcing the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act, shall be deemed to have been so designated by the Administrator and may continue to administer and enforce the provisions of NRS 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of this act.

Sec. 35. This act becomes effective upon passage and approval.

Assemblymember Anderson moved the adoption of the amendment.

Remarks by Assemblymember Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 561.

SENATOR PAZINA

JOINT SPONSORS: ASSEMBLYMEMBERS DALIA, EDGEWORTH, GONZÁLEZ, GRAY, JACKSON AND NGUYEN

AN ACT relating to anatomical gifts; authorizing a procurement organization to transport or arrange for the transportation of the body or part of a deceased donor under certain circumstances; authorizing a coroner to require a procurement organization to provide notice of such transportation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Revised Uniform Anatomical Gift Act establishes the rights of donors and other persons to affirmatively make anatomical gifts of human bodies and parts for the purpose of transplantation, therapy, research or education. (NRS 451.500-451.598) The Uniform Act also sets forth the rights and duties of

organizations that procure anatomical gifts. (NRS 451.579) This bill authorizes a procurement organization to transport, or arrange for the transportation of, the body or part of a deceased donor if medical equipment is necessary to ensure the medical suitability of the body or part. This bill also authorizes a coroner to require a procurement organization to notify the coroner if the procurement organization provides or arranges for such transportation within the jurisdiction of the coroner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 451.579 is hereby amended to read as follows:

451.579 1. When a hospital refers a natural person at or near death to a procurement organization, the organization shall make a reasonable search of the records of any donor registry that it knows exists for the geographical area in which the natural person resides to ascertain whether the natural person has made an anatomical gift.

2. When a hospital refers a natural person at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the natural person expressed a contrary intent.

3. Unless prohibited by law other than NRS 451.500 to 451.598, inclusive, at any time after a donor's death, the person to which a part passes under NRS 451.571 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

4. Unless prohibited by law other than NRS 451.500 to 451.598, inclusive, an examination under subsection 2 or 3 may include an examination of all medical and dental records of the donor or prospective donor.

5. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

6. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in NRS 451.566 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

7. Subject to subsection 10 of NRS 451.571 and 451.597, the rights of the person to which a part passes under NRS 451.571 are superior to the rights of all others with respect to the part. The person may accept or reject an

anatomical gift in whole or in part. Subject to the terms of the document of gift and NRS 451.500 to 451.598, inclusive, a person that accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under NRS 451.571, upon the death of the donor and before embalming, burial or cremation, shall cause the part to be removed without unnecessary mutilation.

8. Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

9. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

10. In the absence of an express, contrary indication by the donor or other person authorized to make an anatomical gift, if an anatomical gift of a part has been made for the purpose of transplantation or therapy and the part is medically suitable for that purpose, the appropriate procurement organization shall discuss with a person authorized to make an anatomical gift under NRS 451.556 the person's willingness to make an anatomical gift of any other part for the purpose of research or education.

11. A procurement organization may transport within this State, or arrange for the transportation within this State of, the body or part of a deceased donor if medical equipment is necessary to ensure the medical suitability of the body or part.

12. A county coroner may require a procurement organization to notify the coroner, in such manner as the coroner may prescribe, if the procurement organization transports or arranges for the transportation of a body or part of a deceased donor pursuant to subsection 11 within the jurisdiction of the coroner.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved the adoption of the amendment.

Remarks by Assemblymember Brown-May.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 416.

Bill read second time and ordered to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Backus moved that Senate Bill No. 442 be taken from its place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 10, 11, 16, 19, 21, 44, 97, 225, 405, and 439 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Wilkerson, Alice Yu, Allie Munoz, Amelie Brownell, Anna Ohlweiler, Arden Straubel, Ben Johannaber, Camila Munoz, Edith Hardie, Emily Joyer, Emmy Bracha, Hailey Bogen, Hailey Brown, Hana Sloyan, Ike Ramont, Indy Straubel, Izzy Gaudet, Leah Weber, Mannut Jhaj, Reagan Cornell, and Victoria Lancaster.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, May 15, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 15, 2025

Assembly called to order at 12:09 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Rabbi Levi Sputz.

Almighty G-d, as the members of the Nevada State Assembly gather today in service of the people of this great state, we turn to You for blessing and guidance. Grant them wisdom and integrity as they work to build a just and compassionate society for all.

We find ourselves now in a special period on the Jewish calendar, the days of Sefirat HaOmer, the counting between Passover and Shavuot. It is a time of introspection and personal growth, when we reflect on our character and strive to refine ourselves, day by day.

May the spirit of this season inspire us all, especially those entrusted with leadership, to grow in humility, responsibility, and moral clarity. To listen more deeply, to act more wisely, and to always seek the greater good.

Almighty G-d, bless the work of this Assembly. May it uplift every Nevadan and contribute to a great society rooted in Your seven universal laws, promoting respect, integrity, and shared purpose.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 551; Senate Bills Nos. 137, 183, 284, 299, 330, 372, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 20, 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Assemblymember Jauregui moved that Senate Joint Resolutions Nos. 1, 7, 8, and 9 and Senate Concurrent Resolution No. 2 be taken from their place on the Resolution File and be placed on the Resolution File for the next legislative day.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 8, 9, 10, 11, 16, 19, 21, 24, 38, 43, 44, 45, 52, 84, 97, 225, 349, 405, 416, and 439 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

Senate Joint Resolution No. 10.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 555.

WHEREAS, Mental health conditions, including post-traumatic stress disorder (PTSD), treatment-resistant depression, anxiety disorders and substance use disorders, affect millions of Americans, including veterans, first responders and other residents of Nevada; and

WHEREAS, Conventional treatments for these mental health conditions often prove inadequate for many patients, leaving such patients without effective therapeutic options; and

WHEREAS, Preliminary research has indicated that certain psychedelic compounds, including psilocybin, psilocin, N,N-dimethyltryptamine (DMT), ibogaine, mescaline and 3,4-methylenedioxymethamphetamine (MDMA), when administered in controlled clinical settings, show promising therapeutic potential for treating various mental health conditions; and

WHEREAS, The United States Food and Drug Administration has granted, in 2017, 2018 and 2019, respectively, MDMA-assisted therapy for PTSD, psilocybin therapy for treatment-resistant depression and psilocybin therapy for major depressive disorder Breakthrough Therapy designation, thereby acknowledging the potential of those treatments to offer substantial improvement over existing treatments and expediting their development and review; and

WHEREAS, Multiple Phase 2 and Phase 3 clinical trials have demonstrated the safety and efficacy of certain psychedelic-assisted therapy, with trials showing that MDMA-assisted therapy led to 67 percent of patients with severe PTSD no longer meeting diagnostic criteria after treatment, and psilocybin-assisted therapy demonstrated a 75 percent response rate and a 58 percent remission rate in patients with major depressive disorder at 12 months; and

WHEREAS, Researchers at Stanford University demonstrated that ibogaine treatment led to significant improvements in veterans with traumatic brain

injury and PTSD, with participants experiencing average reductions of 88 percent in symptoms of PTSD, of 87 percent in symptoms of depression and of 81 percent in symptoms of anxiety at their 1-month follow-up; and

WHEREAS, Multiple studies focused on veterans conducted at leading institutions have shown promising results for treating PTSD related to combat and traumatic brain injury with psychedelic compounds, including recent breakthrough findings published in *Nature Medicine* regarding magnesium-stabilized ibogaine for the treatment of traumatic brain injury; and

WHEREAS, Clinical research has demonstrated significant potential for psychedelic compounds to address chronic pain conditions, with studies showing that the pulse administration of psilocybin reduced the frequency of cluster headache attacks by approximately 50 percent from baseline, from an average of 18.4 attacks to 9.8 attacks per week, and MDMA-assisted therapy produced significant reductions in the pain intensity, disability and overall pain severity of patients with PTSD with high baseline pain levels; and

WHEREAS, The National Defense Authorization Act for Fiscal Year 2024, Public Law 118-31, directed the Department of Defense to establish a process for service members to participate in clinical trials studying psychedelic compounds, including psilocybin and MDMA, for treating PTSD and traumatic brain injury, allocated $10,000,000 in funding and authorized partnerships with other agencies and academic institutions, thereby demonstrating growing federal recognition of the potential of these treatments; and

WHEREAS, The Department of Veterans Affairs has partnered with researchers at Brown University and Yale University to conduct a 5-year study, at the cost of $1,500,000, at the Providence VA Medical Center and West Haven VA Medical Center evaluating MDMA-assisted therapy for veterans with co-occurring PTSD and alcohol use disorder, representing the first research initiative involving psychedelic-assisted therapy funded by the Department since the 1960s, and which was part of a broader effort announced in January 2025 to investigate the safety and efficacy of psychedelic compounds for treating veterans with mental health conditions; and

WHEREAS, Extensive research has demonstrated that classic psychedelics have low abuse potential, with studies showing no physical dependence or withdrawal symptoms and clinical evidence indicating that psychedelic compounds can effectively treat substance use disorders; and

WHEREAS, Clinical research demonstrates that psychedelic compounds like psilocybin and MDMA have a favorable safety profile when administered in controlled clinical settings with appropriate medical screening and supervision, with studies showing no lasting neuropsychological deficits, organ damage or serious adverse reactions and a significantly lower rate of adverse medical events compared to many current standard treatments; and

WHEREAS, Schedule I classification under the Controlled Substances Act, 21 U.S.C. §§ 801 et seq., designates a substance as having no currently accepted medical use and a high potential for abuse; and

WHEREAS, Controlled substances classified in schedule I are subject to significant barriers to research, including more burdensome regulatory and bureaucratic hurdles than research of other controlled substances; and

WHEREAS, Physicians cannot access controlled substances classified in schedule I to treat patients who have terminal or life-threatening conditions under the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017 ("Right to Try Act"), Public Law 115-176, even if the controlled substance is otherwise an eligible investigational drug under the Act; and

WHEREAS, The low potential for abuse of psychedelic compounds and evidence of their medical utility, particularly the designation of Breakthrough Therapies by the United States Food and Drug Administration, contradicts their classification as schedule I controlled substances; and

WHEREAS, Leading medical research institutions have established dedicated centers for psychedelic research, including the Johns Hopkins Center for Psychedelic and Consciousness Research, the Project on Psychedelics Law and Regulation at the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, the University of California Berkeley Center for the Science of Psychedelics, the New York University Langone Health's Center for Psychedelic Medicine, the Parsons Research Center for Psychedelic Healing at the Icahn School of Medicine at Mount Sinai, the Yale Program for Psychedelic Science, the University of Wisconsin-Madison Transdisciplinary Center for Research in Psychoactive Substances, the Stanford Psychedelic Science Group, the Massachusetts General Hospital Center for the Neuroscience of Psychedelics, the Charmaine and Gordon McGill Center for Psychedelic Research and Therapy at Dell Medical School at the University of Texas at Austin and the Washington University Program in Psychedelics Research; and

WHEREAS, The State of Nevada recognizes the urgent need to address the mental health crisis and expand treatment options for those in need; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature hereby urges the Congress of the United States and the appropriate federal agencies to:

1. Increase federal funding for research into the therapeutic applications of psychedelic compounds, particularly for treating mental health conditions, substance use disorders and chronic pain;

2. Establish a streamlined process for approving and conducting research with psychedelic compounds, while maintaining appropriate safety protocols and oversight;

3. Establish a process to allow for compassionate medical use of psychedelic eligible investigational drugs under the Right to Try Act, while maintaining appropriate safety protocols and oversight;

4. Reschedule psilocybin, psilocin, DMT, ibogaine, mescaline and MDMA to a schedule that better reflects the therapeutic value, low potential

for abuse and safety for use under medical supervision of those compounds, giving priority to the rescheduling of compounds that have received Breakthrough Therapy designation from the United States Food and Drug Administration; and

5. Establish legal protection against federal prosecution for individuals and entities complying with state and local law concerning the **supervised** adult use of psychedelic compounds and require states to enter research partnerships with the Attorney General under the Controlled Substances Act to study the public health outcomes of such state programs; and be it further

RESOLVED, That the Nevada Legislature supports expanded research into the therapeutic potential of psychedelic compounds at qualified research institutions within this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Administrator of the United States Drug Enforcement Administration and the Director of the National Institutes of Health; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the Resolution File.

NOTICE OF EXEMPTION

May 15, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Assembly Bill No. 584.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 442.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 586—AN ACT making supplemental appropriations to the Aging and Disability Services Division of the Department of Health and Human Services for an unanticipated shortfall related to costs associated with certain provider payments; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 567.

AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Public Employees' Benefits Program to report certain information relating to the costs of health insurance for certain retirees; revising provisions relating to the subsidy paid for certain health and welfare benefits for certain state employees who have retired with state service; revising requirements for certain retired public officers and employees to reinstate insurance under the Program; **requiring the Joint Interim Standing Committee on Government Affairs to conduct an interim study on the Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Office of Finance to establish an assessment to pay for a portion of the costs of the premiums or contributions for the Public Employees' Benefits Program on behalf of persons who were initially hired before January 1, 2012, and have retired with state service, which must be: (1) deposited in the State Retirees' Health and Welfare Benefits Fund to pay a portion of the current and future health and welfare benefits of those retirees; and (2) based upon a base amount approved by the Legislature each session. Existing law also requires that, for retirees who receive health coverage through Medicare, the portion paid to the Program from the Retirees' Fund on behalf of these retirees must be: (1) for persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15; and (2) for persons who retired on or after January 1, 1994, the base funding level multiplied by the years of service of the person, excluding service purchased, up to a maximum of 20 years. (NRS 287.046) **Section 1** of this bill requires the Board of the Program to report, before August 31 of every even-numbered year, to the Governor and the Interim Retirement and Benefits Committee of the Legislature the typical full cost for such retirees to obtain actuarially comparable health insurance as state retirees enrolled in the plan offered by the Program.

Section 3 of this bill requires that, for retirees who receive health coverage through the federal TRICARE program or Medicare and who were initially hired on or after January 1, 2012, the portion paid to the Program must be the base funding level multiplied by years of state service of the person, excluding service purchased and any years of local governmental service, up to a maximum of 20 years.

If the Board pays the subsidy for retirees enrolled in the federal TRICARE program or Medicare into a health reimbursement arrangement, **section 3 ~~[of this bill]~~** prohibits the Board, unless otherwise required by federal law, from: (1) establishing limits on the yearly balance of ~~[such]~~ **a** health reimbursement ~~[arrangements;]~~ **arrangement for a person who is enrolled in Medicare that is less than the total amount of the subsidy paid by the Board in the immediately preceding 5 fiscal years;** and (2) reverting money in a health

reimbursement arrangement to the Retirees' Fund unless the retiree has died or, for more than 2 consecutive years, elected coverage other than coverage provided through TRICARE, Medicare or the plan offered by the Program.

Under existing law, persons hired on or after January 1, 2012, are ineligible to receive a subsidy to pay a portion of their current and future health and welfare benefits upon retirement. (NRS 287.046) **Section 3** provides that persons hired on and after January 1, 2012, are eligible to receive the subsidy from the Fund ~~[, subject to the same adjustments and limitations as retirees who were initially hired on or after January 1, 2010, which require, with certain exceptions, that]~~ **if** the retiree ~~[must have:]~~ **has:** (1) participated in the Program on a continuous basis since retirement; and (2) 15 years of **state** service ~~[, which must include state service and may include local governmental service.]~~

Under existing law, the subsidy for persons who retire on or after January 1, 1994, who are not enrolled in the federal TRICARE program or Medicare and who have more than 15 years of service must be increased by 7.5 percent of the base funding level for each year of service greater than 15 years. (NRS 287.046) Section 3 requires that, for persons who were initially hired by the State on or after January 1, 2012, the amount by which the subsidy is increased must be based on each year of state service and may not include any years of local governmental service.

Section 3 authorizes a participating local governmental agency to pay an additional subsidy on behalf of persons who were initially hired by the State on or after January 1, 2012, who have at least 15 years of state service and have continuously participated in the Program since retirement and who also have any number of years of local governmental service.

Under existing law, a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, if the public officer or employee did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after the later of October 1, 2011, or the date of retirement of the public officer or employee, and the officer or employee retired from: (1) a participating state or local governmental agency under certain circumstances or was enrolled in the retirement program established by the Board of Regents of the University of Nevada for professional staff of the Nevada System of Higher Education; or (2) a nonparticipating local ~~[government]~~ **governmental** agency, under certain circumstances. (NRS 287.046) To reinstate insurance, the public officer or employee or surviving spouse must provide written notice to the Program not later than 31 days before the commencement of the plan year. (NRS 287.0475) **Section 4** of this bill: (1) removes the prohibition that the retired public officer or employee not have more than one period during which he or she was not covered by insurance under the Program to reinstate insurance; **and** (2) **instead provides that if a person has more than one**

period during which he or she was not covered by insurance under the Program, the Board may require the person to provide evidence of continuous coverage provided under another health insurance plan during any period other than the first period in which he or she was not covered to reinstate insurance under the Program.

Section 4 also: (1) authorizes the public officer or employee or surviving spouse to reinstate coverage during any open enrollment period for the plan of insurance; and ~~[(3)]~~ **(2)** provides that the retired public officer or employee is eligible, upon reinstatement, to receive the subsidy provided for certain retired employees.

Section 4.5 of this bill requires the Joint Interim Standing Committee on Government Affairs to conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.

Section 2 of this bill applies certain definitions in existing law relating to the Program to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before August 31 of each even-numbered year, the Board shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Retirement and Benefits Committee of the Legislature a report setting forth the typical full cost in this State to obtain a plan of health insurance for persons who retired with state service and are provided coverage through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., that is actuarially comparable to the plan of health insurance offered by the Program to retirees who do not obtain coverage pursuant to the Health Insurance for the Aged Act, which must include, without limitation:

1. The minimum cost of the premium charged for coverage pursuant to Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq.;

2. The average cost in this State to obtain coverage through a Medicare supplemental policy, as defined in 42 U.S.C. § 1395ss, that provides comparable benefits to the plan offered to other retirees by the Program;

3. The average cost in this State to obtain prescription drug coverage through Medicare Part D, 42 U.S.C. §§ 1395w et seq.; and

4. The average cost to obtain dental and vision coverage, other than the limited coverage provided through a Medicare Advantage plan under Medicare Part C, 42 U.S.C. §§ 1395w-21 et seq.

Sec. 2. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined

in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Office of Finance shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who ~~[were initially hired before January 1, 2012, and]~~ have retired with state service.

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.

3. Except as otherwise provided in subsections ~~[7]~~ ***8*** and ~~[9,]~~ ***10,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

(b) ~~[For]~~ ***Except as otherwise provided in paragraph (c), for*** each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

(c) For persons who were initially hired by the State on or after January 1, 2012, must be calculated pursuant to paragraph (b) only on the basis of each year of state service and may not include any years of local governmental service.

6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through

the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

(c) For persons who were initially hired by the State on or after January 1, 2012, the base funding level defined by the Legislature multiplied by the number of years of state service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300 and any years of local governmental service, up to a maximum of 20 years of state service.

➥ The Board may approve the payment of an additional amount to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) ***,*** ~~[or]~~ (b) ~~[.]~~ ***or (c),*** or ~~[both,]~~ ***a combination thereof,*** for those persons from any money that is available for that purpose.

7. ***Unless otherwise required by federal law, if the money paid pursuant to subsection 6 is deposited by the Board into a health reimbursement arrangement:***

(a) The Board shall not establish yearly balance limits in an amount that is less than the total amount of money paid pursuant to subsection 6 in the immediately preceding 5 fiscal years for any account established for ~~[such]~~ a retired ~~[persons;]~~ person who is provided coverage through an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.; and

(b) Any money deposited into the health reimbursement arrangement must remain in the account and may not revert to the Retirees' Fund until:

(1) The death of the retired person; or

(2) For a period of more than 2 consecutive years, the retired person elects to obtain coverage other than coverage provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or the plan offered by the Program.

8. Except as otherwise provided in subsection ~~[8,]~~ ***9,*** no money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State :

(a) On ~~[or]~~ or after January 1, 2010, but before January 1, 2012, and who:

(1) ~~[(a)]~~ Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) ~~[(b)]~~ Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which disability benefits are received under the Public Employees' Retirement

System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.

(b) On or after January 1, 2012, ~~[. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.~~

~~8.]~~ ***and who:***

(1) Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) Does not have at least 15 years of state service.

9. The provisions of subsection ~~[7]~~ ***8*** do not apply to a person who was employed by the State on or before January 1, 2012, who has a break in service and returns to work for the State at the same or another participating state agency after that date, regardless of the length of the break in service, so long as the person did not withdraw from and was eligible to participate in the Public Employees' Retirement System before or during the break in service.

~~[9.]~~ ***10.*** If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~[10.]~~ ***11.*** For the purposes of this section:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

~~[11.]~~ ***12.*** The Office of Finance shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

13. A participating local governmental agency may approve the payment of an amount in addition to the amount paid pursuant to subsections 5 or 6 for any person who:

(a) Was initially hired by the State on or after January 1, 2012;

(b) Has at least 15 years of state service and has participated in the Program on a continuous basis since retirement from such employment; and

(c) Has any number of years of local governmental service, as determined by the participating local governmental agency.

Sec. 4. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. Except as otherwise provided in subsection ~~[3.]~~ ***4,*** a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program,

except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee ~~[:]~~ ***retired:***

(a) ~~[Retired:~~

~~(1)]~~ Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802;

~~[(2)]~~ ***(b)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement; or

~~[(3)]~~ ***(c)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is not a participating local governmental agency at the time of the request for reinstatement and:

~~[(I)]~~ ***(1)*** Was enrolled in the Program as a retired public officer or employee on November 30, 2008; and

~~[(II)]~~ ***(2)*** Is enrolled in Medicare Part A provided pursuant to Part A of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395c et seq., and Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq., at the time of the request for reinstatement**.** ~~[; and~~

~~(b) Did]~~

2. Except as otherwise provided in this subsection, the Board may require a retired public officer or employee or the surviving spouse of a retired public officer or employee requesting reinstatement pursuant to subsection 1 to provide evidence to the Board of continuous coverage under a health insurance plan, other than the insurance provided by the Program for any period of time, except the first period, in which the person was not covered under the insurance provided by the Program. The Board may not require that a retired public officer or employee or surviving spouse provide such evidence if the public officer, employee or surviving spouse did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after October 1, 2011, or on or after the date of retirement of the public officer or employee, whichever is later.

~~[2.]~~ ***3.*** Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse to reinstate the insurance ~~[not later than 31 days before the commencement of]~~ ***during any open enrollment period for*** the plan ~~[year;]~~ ***of insurance;***

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; ~~[and]~~

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer ~~[.]~~ ***; and***

(d) Providing evidence of continuous coverage under a health insurance plan other than the insurance provided by the Program, if applicable and required by the Board pursuant to subsection 2.

~~[3.]~~ ***4.*** If a retired public officer or employee retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency, the retired public officer or employee, or the surviving spouse of such a retired public officer or employee who is deceased, may not reinstate health insurance pursuant to subsection 1 if he or she is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

~~[4.]~~ 5. If a retired public officer or employee reinstates the plan of insurance provided by the Program pursuant to this section, the retired officer or employee is eligible, upon reinstatement, to receive any portion of the premium or contributions paid to the Program on behalf of a retired person pursuant to NRS 287.023 or 287.046.

Sec. 4.5. **1. The Joint Interim Standing Committee on Government Affairs shall conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.**

2. The study must include, without limitation:

(a) An examination of the quality and accessibility of services provided by the Program to participants;

(b) A consideration of whether the position of ombudsman should be created to assist participants in the Program in navigating the benefits offered by the Program;

(c) Recommendations to improve educational outreach to retirees who obtain coverage through Medicare;

(d) An examination of the option for a retiree who obtains coverage through Medicare to opt out of automatic reimbursements from his or her health reimbursement arrangement;

(e) An examination of debit cards for a health reimbursement arrangement provided to retirees who obtain coverage through Medicare; and

(f) An examination of limits on hospital or other provider claims which are based on Medicare rates.

3. The Committee may require the Board of the Public Employees' Benefits Program to submit reports or provide information relating to any issue included in the study conducted pursuant to this section.

4. The Committee shall include its findings and recommendations for legislation relating to this study in the report required by subsection 4 of

NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

5. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 5. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 526.

ASSEMBLYMEMBERS HARDY, HIBBETTS ~~[,]~~**, MARZOLA, MILLER; DALIA,** GONZÁLEZ ~~[AND]~~**, JAUREGUI, LA RUE HATCH, MOORE, NADEEM,** NGUYEN**, ORENTLICHER, ROTH AND YEAGER**

AN ACT relating to animals; **revising provisions governing the seizure of animals under certain circumstances;** revising provisions governing acts constituting torture or cruelty to animals; revising certain penalties **and remedies** for acts of animal cruelty; **authorizing a court to issue a temporary restraining order against a person who commits certain acts of animal cruelty;** revising certain provisions governing the ownership and care of animals treated cruelly; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, "torture" of or "cruelty" to an animal includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. (NRS 574.050) **Section 2** of this bill ~~[revises]~~ **separates** the definition of "torture" of ~~[or]~~ **and** "cruelty" to animals to ~~[include]~~ **provide that: (1) "cruelty" includes** every act, omission or neglect **,** whereby unjustifiable physical pain, suffering or death **of an animal** is caused ~~[, allowed]~~ or permitted ~~[. Section 1 of this bill provides that, for the purposes of determining whether a person committed an]~~ **; and (2) "torture" means every** act ~~[of torture or cruelty]~~ **taken to inflict on or prolong pain, suffering or death** to an animal **.** ~~[by allowing or permitting the act to occur, the person: (1) allows the torture of or cruelty to occur if the person does nothing to prevent or stop the torture or cruelty; and (2) permits the torture or cruelty to occur if the person unreasonably approves, grants approval or allows an act, omission~~

~~or neglect to occur and which act, omission, or neglect constitutes the torture of or cruelty to the animal.]~~

Section 1.6 of this bill authorizes a court to issue a temporary restraining order against a person charged with committing certain unlawful acts of animal cruelty.

Existing law requires certain officers to: (1) take possession of an animal which is being treated cruelly; and (2) give to the owner a notice containing certain information. Upon proof that proper notice has been given, existing law authorizes a court of competent jurisdiction to order the animal sold at auction, humanely destroyed or continued in the care of the officer. (NRS 574.055) **Sections 1.2 and 3 of this bill reorganize these provisions. Section 1.2 further requires that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), if an officer takes possession of an animal being treated cruelly and determines that immediate humane euthanasia of the animal may be necessary, a licensed veterinarian must examine the animal and recommend the humane euthanasia of the animal before the humane euthanasia may proceed. Section 14 of this bill makes a conforming change to provide that a pet removed from a motor vehicle under certain circumstances is an animal being treated cruelly for the purposes of taking possession of the animal under section 1.2.**

Section 3 ~~[of this bill]~~ removes the authorization for a court to order the animal sold at auction.

Existing law provides that, with certain exceptions, the seizure and disposition of an animal which an officer discovers is being treated cruelly does not apply to any animal which is located on land being employed for an agricultural use. (NRS 574.055) **Section 3** removes this exception.

Existing law provides that a person who engages in certain acts of torture or cruelty to animals is guilty of a misdemeanor for a first offense, except if the person: (1) willfully and maliciously engages in such an act, the person is guilty of a category D felony; or (2) commits the act to threaten, intimidate or terrorize another person, the person is guilty of a category C felony. (NRS 574.100) **Section** ~~[4]~~ **1.4** of this bill provides instead that ~~[,]~~ **certain acts related to torture or the unjustifiable maiming, mutilating or killing of certain animals is subject to enhanced penalties as follows:** (1) a **knowing or reckless violation is a category D felony; (2) a** willful and malicious violation is a category ~~[B]~~ **C** felony ~~[if the act causes the death of the animal; (2)]~~ **; (3)** committing the act to threaten, intimidate or terrorize another person is a category B felony ~~[; and (3) a knowing or reckless violation]~~ **, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years. Additionally, section 1.4 provides that the following willful and malicious violations are subject to enhanced penalties: (1) restraining a dog in certain manners** is **, with certain exceptions, a gross misdemeanor; (2) abandoning an animal in certain circumstances is a category C felony; and (3) committing certain acts of animal cruelty to an animal which causes the death of the animal is** a

category ~~[D violation.]~~ **B felony, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years and a fine of not more than $10,000.**

Sections 10, 12, 13 and 15, respectively, of this bill provide that a person who has received an enhanced sentence for such acts of animal cruelty: (1) may not receive a deferred judgment from the court; (2) is subject to a maximum period of probation or suspension of a sentence of 60 months; (3) is not eligible for the Division of Parole and Probation of the Department of Public Safety to petition a court to recommend the early discharge of the person from probation; and (4) is not eligible to have certain credits deducted from the minimum term or minimum aggregate term imposed by his or her sentence of judgment.

Section 4 of this bill provides that it is an affirmative defense to a violation of certain acts of animal cruelty if the person reasonably believes that the person was engaging in the reasonable discipline of the animal.

Existing law provides that a person who engages in certain acts of torture of or cruelty to a police animal is guilty of: (1) a category D felony if the police animal is not totally disabled or killed; and (2) a category C felony if the police animal is totally disabled or killed. (NRS 574.105) **Section 5** of this bill increases these penalties to a category C felony if the police animal is not totally disabled or killed and a category B felony if the police animal is totally disabled or killed.

Existing law prohibits the owner, possessor or person in charge or custody of a maimed, diseased, disabled or infirm animal from abandoning the animal, leaving the animal to die in certain public places or allowing the animal to lie in certain public places for more than 3 hours after the person receives notice that the animal is left disabled. A violation of this prohibition is a misdemeanor. (NRS 574.110) Section 5.5 of this bill instead prohibits the intentional abandonment or leaving to die of any animal, including a maimed, diseased, disabled or infirm animal, by such a person and makes a violation of this prohibition a gross misdemeanor.

Existing law sets forth the applicability of certain provisions relating to cruelty to animals. (NRS 574.200) Section 6 of this bill provides that these provisions do not prohibit the humane euthanasia of an animal by a veterinarian, veterinarian technician or euthanasia technician if such a person determines that humane euthanasia is necessary to end the intractable suffering of an animal.

Existing law requires that if a person is lawfully arrested for certain crimes against animals and an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified of his or her right to request a hearing within 5 days. If the person does not request a hearing, or if the owner of the animal has not been identified within 5 days after the arrest, the county, city or other local government which impounded the animal is required to transfer ownership of the animal to an animal rescue organization, animal shelter or another person

who is able to provide adequate care and shelter to the animal. (NRS **574.055,** 574.203) ~~[Section]~~ **Sections 3 and 7 of this bill require the owner to be notified of his or her right to request a hearing within 5 business days after receiving the notice. Sections 3 and 7** ~~[of this bill provides instead]~~ **also provide** that, if the arrested and detained person does not request a hearing, or the owner of the animal has not been identified within 5 **business** days after the arrest, the animal must be forfeited to the county, city or other local government which took possession of the animal, who must then ~~[transfer ownership]~~ **dispose** of the animal ~~[to certain entities which are able to provide adequate care and shelter to the animal.]~~ **as the county, city or other local government sees fit.**

Section 1.8 of this bill requires a court to order a person convicted of certain unlawful acts of animal cruelty to pay restitution for all costs associated with the care, impoundment and disposition of the animal of which a county, city or other local government takes possession.

Existing law provides that the knowing, purposeful or reckless killing or injuring of an animal may be an act that constitutes domestic violence. (NRS 33.018) Existing law authorizes a court, by a temporary order, to enjoin the adverse party named in an application for an order for protection against domestic violence from: (1) physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant for the order or a minor child and any animal that is owned or kept by the adverse party; and (2) physically injuring or threatening to injure any animal that is owned or kept by the adverse party. Existing law further authorizes the court, by extended order, to specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child. (NRS 33.030) Section 8 of this bill authorizes the court, by temporary order, to enjoin the adverse party from taking possession of an animal that is owned or kept by the adverse party.

Existing law requires, if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court to order the child to participate in counseling or other psychological treatment. (NRS 62E.680) Sections 1.9 and 9 of this bill require the juvenile court to order such a child to also undergo a psychological evaluation.

Existing law provides that if a person is convicted for an unlawful act involving animal cruelty, a court may order, as a condition of probation, the person to submit to a psychiatric evaluation and participate in counseling or therapy. (NRS 176A.416) Sections 1.9 and 11 of this bill authorize a court to also order such a person to participate in a rehabilitative or educational program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto ~~[a new section to lead as follows:~~

~~*For the purposes of NRS 574.050 to 574.200, inclusive, a person:*~~

~~*1. Allows the torture of or cruelty to an animal to occur if the person does nothing to prevent or stop the torture of or cruelty to an animal in circumstances in which the person knows or has reason to know that the torture or cruelty is occurring.*~~

~~*2. Permits the torture of or cruelty to an animal to occur if the person approves, grants approval or allows an act, omission or neglect to occur in circumstances in which a reasonable person would not approve, grant approval or allow such an act, omission or neglect to occur and which act, omission, or neglect constitutes the torture of or cruelty to an animal.]~~ **the provisions set forth as sections 1.2 to 1.9, inclusive, of this act.**

Sec. 1.2. 1. Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of the animal on behalf of the county, city or other local government that employs the officer. The county, city or local government:

(a) Shall provide the animal with shelter and care, which may include, without limitation, providing shelter or care at a facility owned or operated by the county, city or other local government or arranging for an animal rescue organization, animal shelter or another person to provide temporary care and shelter to the animal; or

(b) May, upon obtaining written permission from the owner of the animal, arrange for the humane euthanasia of the animal.

2. In a county whose population is 100,000 or more, if a peace officer or animal control officer takes possession of an animal which is being treated cruelly and the peace officer or animal control officer determines the immediate humane euthanasia of the animal may be necessary because the animal is injured or diseased to such an extent that it is probable the animal cannot recover, a licensed veterinarian must examine the animal and recommend the humane euthanasia of the animal before the humane euthanasia may proceed.

3. A county, city or other local government that takes possession of an animal from an officer pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for the humane euthanasia of the animal. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. An officer who takes possession of an animal pursuant to this section is not liable for any action arising out of the taking or humane euthanasia of the animal.

Sec. 1.4. Unless a greater penalty is provided by law, the penalty for the following violations of NRS 574.100 and 574.110 shall be enhanced as follows:

1. A person who violates the provisions of paragraph (a) of subsection 1 of NRS 574.100:

(a) Knowingly or recklessly, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Willfully and maliciously, except as otherwise provided in paragraph (c) of subsection 2, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) And commits the act to threaten, intimidate or terrorize another person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

2. A person who willfully and maliciously violates the provisions of:

(a) Subsection 2 of NRS 574.100 is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(b) NRS 574.110 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) NRS 574.100 or 574.110 and the act causes the death of the animal is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

Sec. 1.6. 1. If a criminal action for a violation of any provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act is filed with the court, the court may, upon application therefor, issue a temporary restraining order against the person who has been charged with violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, pending proceedings on the violation to restrain the person from contacting, harassing, molesting, intimidating, retaliating against or tampering with any:

(a) Animal which was the subject of the violation;

(b) Guardian of the animal, other than the person charged; or

(c) Witness to the act.

➥ Failure to establish a threat to the animal, guardian or witness, as applicable, is not grounds for denying a request for a temporary restraining order pursuant to this section.

2. A person against whom a restraining order is issued pursuant to this section must be notified of the restraining order before it may take effect.

Sec. 1.8. In addition to any other fine or penalty provided in NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, a court:

1. Shall order a person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act to pay restitution for all costs associated with the care, impoundment and disposition of any mistreated animal of which a county, city or other local government takes possession pursuant to section 1.2 of this act, including, without limitation, money expended for veterinary treatment, food, housing and the humane euthanasia of the animal, if applicable.

2. May order the person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act:

(a) To surrender ownership or possession of the mistreated animal; and

(b) If the person was convicted of a:

(1) Category D felony for the violation, ban the person from owning an animal for not more than 7 years;

(2) Category C felony, ban the person from owning an animal for not more than 15 years; and

(3) Category B felony, ban the person from owning an animal for the remainder of his or her life.

Sec. 1.9. In addition to any other penalty or remedy imposed pursuant to NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act:

1. A court may, pursuant to NRS 176A.416, order a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, as a condition of probation, to:

(a) Submit to a psychiatric evaluation;

(b) Participate in counseling or therapy; or

(c) Participate in a rehabilitative or educational program.

2. If a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act is a child adjudicated delinquent for an act that involves cruelty to or torture of an animal, the juvenile court shall, pursuant to NRS 62E.680, order the child to undergo a psychological evaluation and participate in counseling or other psychological treatment.

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ ***, and ~~[section 1]~~ sections 1.2 to 1.9, inclusive, of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. ***"Cruelty" includes every act, omission or neglect, whereby the unjustifiable physical pain, suffering or death of an animal is caused or permitted.***

3. "First responder" means a person who has successfully completed the national standard course for first responders.

~~[3.]~~ ***4. "Humane euthanasia" means the administration of a lethal action to an animal to cause a quick and painless death of the animal where***

such action is necessary to end the intractable suffering or pain of the animal.

5. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

~~[4.]~~ ***6.*** "Torture" ~~[or "cruelty" includes]~~ ***means*** every act ~~[, omission or neglect, whereby unjustifiable physical]~~ ***taken to inflict on or prolong*** pain, suffering or death ~~[is caused~~ ***, allowed*** ~~or permitted.]~~ ***to an animal.***

Sec. 3. NRS 574.055 is hereby amended to read as follows:

574.055 Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

1. ~~[Any]~~ ***If a*** peace officer or animal control officer ~~[shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.~~

~~2. If an officer]~~ takes possession of an animal ~~[,]~~ ***pursuant to section 1.2 of this act,*** the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and ***, if applicable,*** notice of the right of the owner to request a hearing pursuant to NRS 574.203 ~~[within]~~ ***not later than*** 5 ***business*** days after receipt of the notice. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

~~[3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.~~

~~4. Upon proof that]~~

2. If the owner ***of an animal*** has been notified in accordance with the provisions of subsection ~~[2]~~ ***1 and the owner does not request a hearing pursuant to NRS 574.203*** or ~~[, if]~~ the owner has not been found ~~[or identified, that]~~ ***not later than 5 business days after*** the required notice has been posted on the property where the animal was found, ~~[a court of competent jurisdiction may, after providing an opportunity for a hearing, order]~~ the animal ~~[sold at auction, humanely destroyed or continued in the care of]~~ ***must be forfeited to*** the ~~[officer]~~ ***county, city or other local government which took possession of the animal*** for such disposition as the ~~[officer]~~ ***county, city or other local government*** sees fit ~~[.~~

~~5. An officer who seizes an]~~ ***, which may include, without limitation, transferring ownership of the*** animal ~~[pursuant]~~ to ~~[this section]~~ ***an animal rescue organization, animal shelter or another person who*** is ~~[not liable for~~

~~any action arising out of the taking or humane destruction of~~] ***able to provide adequate care and shelter to*** the animal.

~~[6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.~~

~~7.~~] The owner of an animal ~~[impounded in accordance with the provisions of subsection 6 must, before the animal]~~ is ~~[released to the owner's custody, pay the charges approved by the sheriff as]~~ ***, if applicable, liable for paying all costs*** reasonably related to the ~~[impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell]~~ ***humane euthanasia of*** the animal. ~~[The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.]~~

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 10 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being processed into an animal shelter;

(f) Temporarily for a period of less than 1 month:

(1) Being cared for as part of a rescue operation in conjunction with an animal rescue organization; or

(2) Staying in a camping area;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry;

(h) Under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour; or

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. ~~[A person who willfully:~~

~~*(a) Willfully* and maliciously violates paragraph (a) of subsection 1:~~

~~(a) *(1)* Except as otherwise provided in paragraph (b), *subparagraph (2),* is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~*(2) If the act caused the death of the animal, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10] years, and may be further punished by a fine of not more than $10,000.*~~

~~(b) If *Violates paragraph (a) of subsection 1 and commits* the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C *B* felony and shall be punished *by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.*~~

~~*(c) Knowingly or recklessly violates paragraph (a) of subsection 1 is guilty of a category D felony and shall be punished* as provided in NRS 193.130.~~

~~7.]~~ Except as otherwise provided in ~~[subsection 6,]~~ ***section 1.4 of this act,*** a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any~~

~~mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.~~

~~9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.~~

~~10.~~ ***7. It is an affirmative defense to a violation charged pursuant to this section if the person reasonably believes that the person was engaging in the reasonable discipline of the animal.***

8. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

~~11.~~ ***9.*** As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Sec. 5. NRS 574.105 is hereby amended to read as follows:

574.105 1. A person shall not willfully and maliciously:

(a) Taunt, torment, tease, beat, strike or administer a desensitizing drug, chemical or substance to a police animal;

(b) Interfere with a police animal or a handler thereof in the performance of duties assigned to the police animal or handler; or

(c) Torture, mutilate, injure, poison, disable or kill a police animal.

2. A person who violates:

(a) Paragraph (a) or (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (c) of subsection 1 is guilty of:

(1) If the police animal is not totally disabled or killed, a category ~~D~~ ***C*** felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

(2) If the police animal is totally disabled or killed, a category ~~C~~ ***B*** felony and shall be punished ~~as provided in NRS 193.130.~~ ***by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~10~~ 6 years, and may be further punished by a fine of not more than $10,000.*** In addition to the punishment imposed pursuant to this subparagraph, the court may require a person who is punished pursuant to this subparagraph to pay restitution to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from

euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

Sec. 5.5. **NRS 574.110 is hereby amended to read as follows:**

574.110 1. A person being the owner or possessor, or having charge or custody, of ***an animal, including, without limitation,*** a maimed, diseased, disabled or infirm animal, ~~[who abandons such]~~ ***shall not intentionally:***

(a) Abandon the animal ~~[or leaves it]~~ ***;***

(b) Leave the animal to die in a public street, road or public place ~~[, or who allows it]~~ ***; or***

(c) Leave the animal to lie in a public street, road or public place ***for*** more than 3 hours after the person receives notice that ~~[it]~~ ***the animal*** is left disabled. ~~[, is guilty of a misdemeanor.]~~

2. ***Except as otherwise provided in section 1.4 of this act, a person who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.***

3. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

~~[3.]~~ ***4.*** When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

Sec. 6. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, ***and*** ~~***[section 1]***~~ ***sections 1.2 to 1.9, inclusive, of this act*** do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

(g) Prohibit the humane euthanasia of an animal by a veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS if the veterinarian, veterinarian technician or euthanasia technician determines that humane euthanasia is necessary to end the intractable suffering of an animal.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 7. NRS 574.203 is hereby amended to read as follows:

574.203 1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified in accordance with the provisions of subsection ~~[2]~~ ***1*** of NRS 574.055 and be notified of his or her right to request a hearing within 5 ***business*** days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within 5 ***business*** days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within 5 ***business*** days ~~[of]~~ ***after the*** arrest, the ***animal must be forfeited to the*** county, city or other local government ***which took possession of the animal ~~[. After the forfeiture,]~~ for such disposition as the county, city or other local government*** ~~[shall transfer]~~ ***sees fit, which may include, without limitation, transferring*** ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal ~~[.]~~ ***or the humane euthanasia of the animal.***

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and

(f) Any other evidence which the court determines is relevant.

Sec. 8. **NRS 33.030 is hereby amended to read as follows:**

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure ***or taking possession of*** any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in

question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

Sec. 9. **NRS 62E.680 is hereby amended to read as follows:**

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to ***undergo a psychological evaluation and*** participate in counseling or other psychological treatment.

2. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay the cost of the child to ***undergo a psychological evaluation and*** participate in the counseling or other psychological treatment. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such ***psychological evaluation and*** counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such ***psychological evaluation and*** counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such ***psychological evaluation and*** counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such ***psychological evaluation and*** counseling or treatment unless the child receives such ***psychological evaluation and*** counseling or treatment from a provider that is not approved or the child seeks additional ***psychological evaluation and*** counseling or treatment beyond that recommended for the

child, in which case the parent or guardian of the child shall pay the costs of such ***psychological evaluation and*** counseling or treatment.

3. As used in this section:

(a) "Animal" does not include the human race, but includes every other living creature.

(b) "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 10. **NRS 176.211 is hereby amended to read as follows:**

176.211 1. Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

(a) Payment of restitution;

(b) Payment of court costs;

(c) Payment of an assessment in lieu of any fine authorized by law for the offense;

(d) Payment of any other assessment or cost authorized by law;

(e) Completion of a term of community service;

(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or

(g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant:

(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

(b) Shall not defer judgment for any defendant who has been convicted of a violent or sexual offense as defined in NRS 202.876, a crime against a child as defined in NRS 179D.0357, a violation of NRS 200.508 or a violation of NRS 574.100 ***or 574.110*** that is punishable pursuant to ~~[subsection 6 of that]~~ section ~~.[1]~~ ***1.4 of this act.***

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.

6. The court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

8. As used in this section:

(a) "Court" means a district court of the State of Nevada.

(b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065.

Sec. 11. **NRS 176A.416 is hereby amended to read as follows:**

176A.416 1. As a condition of probation, the court may order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony**,** ~~[or]~~ gross misdemeanor ***or misdemeanor*** to:

(a) Submit to a psychiatric evaluation; and

(b) Participate in any counseling**,** ~~[or]~~ therapy ***, rehabilitative program or educational program*** recommended in the evaluation.

2. The court shall order a defendant, to the extent of the defendant's financial ability, to pay the cost for an evaluation and any counseling **,** ~~[or]~~ therapy ***, rehabilitative program or educational program ordered*** pursuant to this section.

Sec. 12. **NRS 176A.500 is hereby amended to read as follows:**

176A.500 1. Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Twelve months for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.240, 176A.260, 176A.290 or 453.3363;

(b) Eighteen months for a category E felony;

(c) Twenty-four months for a category C or D felony;

(d) Thirty-six months for a category B felony; or

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or a violation of NRS 574.100 ***or 574.110*** that is punishable pursuant to ~~[subsection 6 of that]~~ section ~~[.]~~ ***1.4 of this act.***

2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

4. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 5, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

6. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.

(b) Except as otherwise provided in subsection 8, 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

7. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 6 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 6 if the person has satisfied the requirements of both paragraphs of that subsection.

8. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

Sec. 13. **NRS 176A.840 is hereby amended to read as follows:**

176A.840 1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:

(a) Has not violated any condition of probation during the immediately preceding 12 months;

(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(c) Has paid restitution ordered by the court in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court;

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and

(e) Has not been convicted of a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or 205.067 or a violation of NRS 574.100 ***or 574.110*** that is punishable pursuant to ~~[subsection 6 of that]~~ section ~~[.]~~ ***1.4 of this act.***

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1.

Sec. 14. **NRS 202.487 is hereby amended to read as follows:**

202.487 1. Except as otherwise provided in subsection 3, a person shall not allow a pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the pet.

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or

(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ who reasonably believes that a violation of this section has occurred may, without incurring civil liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

4. A pet that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of ~~[NRS 574.055.]~~ ***section 1.2 of this act.*** A person required by ~~[NRS 574.055]~~ ***section 1.2 of this act*** to take possession of a pet removed pursuant to this section may take any action relating to the pet specified in ***section 1.2 of this act or*** NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to ~~[that section.]~~ ***those sections.***

5. The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a pet in the motor vehicle.

6. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

7. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Pet" means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 15. **NRS 209.4465 is hereby amended to read as follows:**

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit

pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony;

(d) A category A or B felony; or

(e) A violation of NRS 574.100 ***or 574.110*** that is punishable pursuant to ~~[subsection 6 of that]~~ section ~~[,]~~ ***1.4 of this act,***

➥ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 16. **This act becomes effective upon passage and approval.**

Assemblymember Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 4.
Bill read second time and ordered to third reading.

Senate Bill No. 7.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 572.

AN ACT relating to criminal procedure; authorizing a court to waive the requirement that the Division of Parole and Probation of the Department of Public Safety make a presentence investigation and report under certain circumstances; providing that a failure by the Chief Parole and Probation Officer to submit a presentence investigation and report before a sentencing hearing is not grounds for an order of contempt under certain circumstances; revising requirements relating to the disclosure of a presentence investigation and report to a defendant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to make a presentence investigation and report to the court on certain defendants. (NRS 176.135) **Section 1** of this bill authorizes the court to waive this requirement if the defendant and the prosecuting attorney stipulate to waive the requirement and the court approves the stipulation. **Section 3** of this bill makes a conforming change to clarify that if the court waives the requirement, the court may grant probation without receiving the presentence investigation and report.

Existing law requires the Division to: (1) include a psychosexual evaluation as part of a presentence investigation and report under certain circumstances; and (2) arrange for a psychosexual evaluation of each defendant to whom this requirement applies. (NRS 176.135, 176.139) Existing law requires a person who conducts a psychosexual evaluation of a defendant to provide a copy of the written report of the results of the evaluation to the Division. (NRS 176.139) **Section 1** provides that if the Division does not receive a copy of the written report of the results of the evaluation at least 3 days before the sentencing hearing, a failure by the Chief Parole and Probation Officer to submit the presentence investigation and report before the sentencing hearing is not grounds for an order of contempt.

In general, existing law requires the Division to disclose the factual content of the report of any presentence investigation made by the Division to the prosecuting attorney, the counsel for the defendant, the defendant and the court

not later than 14 calendar days before the defendant who is the subject of the report will be sentenced. (NRS 176.153) **Section 2** of this bill reduces that period to 7 calendar days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony ~~.~~ ***unless:***

(a) The defendant and the prosecuting attorney stipulate to waive the requirement; and

(b) The court approves the stipulation.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. Except as otherwise provided in subsection 5, if a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

5. If a defendant is convicted of a felony other than a sexual offense or of a gross misdemeanor and the conviction is of an offense for which the suspension of sentence or the granting of probation is permitted, the Division shall, before the imposition of sentence or the granting of probation, make a presentence investigation and report to the court that includes a psychosexual evaluation of the defendant if the defendant and the prosecuting attorney submit to the court a joint request for a presentence investigation and report that includes a psychosexual evaluation of the defendant. The provisions of this subsection apply only to a conviction where the original charge in the complaint, information or indictment was for a sexual offense, as defined in NRS 176.133 or 179D.097.

6. Each court in which a report of a presentence investigation can be made must ensure that each judge of the court receives training concerning the manner in which to use the information included in a report of a presentence investigation for the purpose of imposing a sentence. Such training must include, without limitation, education concerning behavioral health needs and intellectual or developmental disabilities.

7. If the Division does not receive the written report of the results of a psychosexual evaluation required by NRS 176.139 at least 3 days before the sentencing hearing, a failure by the Chief Parole and Probation Officer to submit the presentence investigation and report before the sentencing hearing does not constitute an act or omission that may serve as the basis for an order of contempt pursuant to NRS 22.010 or 199.340.

Sec. 2. NRS 176.153 is hereby amended to read as follows:

176.153 1. Except as otherwise provided in subsection 3, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than ~~[14]~~ *7* calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135.

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member of a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such information in the report, including, without limitation, any field interview cards.

3. The defendant may waive the minimum period required by subsection 1.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 3. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation

to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person had previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Enhanced Supervision established pursuant to NRS 176A.440.

4. Except as otherwise provided in this subsection, ***and unless the court approves a stipulation waiving the requirement for the Division to make a presentence investigation and report to the court pursuant to subsection 1 of NRS 176.135,*** if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the ***sentencing court or*** county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

5. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 4. The amendatory provisions of this act apply to any request for a presentence investigation received by the Division of Parole and Probation of the Department of Public Safety from a **sentencing court or** county clerk in this State on or after July 1, 2025.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 568.

AN ACT relating to governmental administration; revising provisions relating to the timing of when an annual meeting of a debt management commission must occur; revising the hours the office of the county treasurer is required to be kept open; revising the contents of a notice of delinquent taxes; revising provisions relating to certain property held in trust by the county treasurer; eliminating the requirement that a school associate superintendent provide a quarterly report to the governing body of a county within a local school precinct; revising the notice requirements relating to applications for certain franchises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a debt management commission in each county of this State and requires a commission to review and vote on proposals of a municipality to incur certain debts, levy a special elective tax, issue certain bonds or enter into an installment-purchase agreement with a term of more than 10 years. Existing law also requires a commission to review and vote on proposals by general improvement districts to issue medium-term obligations, borrow money or issue certain securities, among certain other duties and responsibilities. (NRS 350.0115, 350.014) Existing law requires a debt management commission to meet annually in August and at the call of the chair for certain purposes, in addition to certain other meetings. (NRS 350.012) **Section 2** of this bill eliminates the requirement that the annual meeting be held in August. **Sections 1 and 3** of this bill make conforming changes to remove references to the annual meeting being held in August.

Existing law requires, subject to certain exceptions, sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers to keep open the county office and branch offices, if any, on all days except Sundays and nonjudicial days from 9 a.m. to 12 p.m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. Existing law also authorizes the board of county commissioners of any county to designate or authorize deviation from the days and hours, but requires each office to be kept open for not less than 40 hours during each week. (NRS 245.040) Existing law establishes that the county treasurers are tax

receivers for the county. (NRS 361.475) **Section 3.5** of this bill provides that the county office and branch offices, if any, of the county treasurer may not close earlier than 5 p.m. **on any business day** but may close later than 5 p.m.

Existing law requires the tax receiver of the county to mail notice of delinquent taxes to certain persons. The notice of delinquency must state certain information including that if the amount of delinquent taxes is not paid, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property. (NRS 361.5648) **Section 4** of this bill provides instead that the notice of delinquency must state that if the amount of delinquent taxes is not paid, the tax receiver will, at the close of business of the tax receiver of the county on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property.

Existing law requires the tax receiver to make out a trustee's certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The trustee's certificate authorizes the county treasurer to hold each property for a certain period of time. (NRS 361.570) When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate is required to execute and deliver to the county treasurer a deed of the property. Upon obtaining such a deed, the county treasurer is required to hold the property in trust until it is sold or otherwise disposed of. Existing law provides that during certain periods or not later than 5 p.m. on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs. (NRS 361.585) **Section 5** of this bill provides instead that during certain periods or not later than the close of business of the county treasurer on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs.

Existing law authorizes, under certain circumstances, the county treasurer to sell property held in trust because of delinquent taxes. Upon payment, the county treasurer is required, with certain exceptions, to issue a quitclaim deed to the purchaser. Existing law provides an exception to this requirement to issue a quitclaim deed under certain circumstances, if, not later than 5 p.m. on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements. (NRS 361.595) **Section 6** of this bill provides instead that, under certain circumstances, the county treasurer may not issue the quitclaim deed if, not later than the close of business of the county treasurer on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements.

Existing law requires the superintendent of schools in a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) to assign a school associate superintendent to oversee one or more local school precincts. (NRS 388G.620) Existing law prescribes the duties of a school associate superintendent, including requiring a school associate superintendent to provide a report in person, not less than quarterly, to the governing body of each city and county within which a local school precinct to which he or she is assigned to oversee is located. (NRS 388G.630) **Section 7** of this bill eliminates the requirement to report to a county.

Exiting law authorizes a board of county commissioners to grant a franchise to construct, install, operate, and maintain street railways, electric light, heat and power lines, gas and water mains and telephone lines, among certain other things. (NRS 709.050) Any person or entity desiring a franchise is required to file an application in writing with the board of county commissioners wherein the franchise is to be exercised. (NRS 709.060) Notice of such an application is required to be given at the next regular meeting of the board and is required to be: (1) published once each week for 4 consecutive weeks in a newspaper of general circulation published in the county, subject to certain exceptions; and (2) posted in three public places nearest where the application will take effect, and if more than one unincorporated town is affected, posted in three public places in each of the unincorporated towns. (NRS 709.070) **Section 8** of this bill revises such requirements to post the notice from three places to one place if more than one unincorporated town is affected by reducing the postings required in public places in each of the unincorporated towns.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 350.0115 is hereby amended to read as follows:

350.0115 1. There is hereby created in each county whose population is 700,000 or more a debt management commission, to be composed of:

(a) Three representatives of the board of county commissioners from its membership;

(b) One representative of each governing body of the five largest incorporated cities in the county from its membership;

(c) One representative of the board of trustees of the county school district from its membership; and

(d) Two representatives of the public at large.

2. There is hereby created in each county whose population is less than 700,000 a debt management commission, to be composed of one representative of the county, one representative of the school district and the following additional representatives:

(a) In each such county which contains more than one incorporated city:

(1) One representative of the city in which the county seat is located;

(2) One representative of the other incorporated cities jointly; and

(3) One representative of the public at large.

(b) In each such county which contains one incorporated city:

(1) One representative of the incorporated city; and

(2) Two representatives of the public at large.

(c) In each such county which contains no incorporated city, one representative of the public at large.

(d) In each such county which contains one or more general improvement districts, one representative of the district or districts jointly and one additional representative of the public at large.

3. In Carson City, there is hereby created a debt management commission, to be composed of one representative of the Board of Supervisors, one representative of the school district and three representatives of the public at large. The representative of the Board of Supervisors and the representative of the school district shall select the representatives of the public at large and, for that purpose only, constitute a quorum of the debt management commission. Members of the commission serve for a term of 2 years beginning on January 1, or until their successors are chosen.

4. Except as otherwise provided in subsection 1, each representative of a single local government must be chosen by its governing body. Each representative of two or more local governments must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the general improvement districts must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the public at large must be chosen by the other members of the commission from residents of the county, or Carson City, as the case may be, who have a knowledge of its financial structure. A tie vote must be resolved by lot.

5. A person appointed as a member of the commission in a county whose population is 100,000 or more who is not an elected officer or a person appointed to
an elective office for an unexpired term must have at least 5 years of experience in the field of public administration, public accounting or banking.

6. A person appointed as a member of the commission shall not have a substantial financial interest in the ownership or negotiation of securities issued by this State or any of its political subdivisions.

7. Except as otherwise provided in this subsection, members of the commission or their successors must be chosen in January of each odd-numbered year and hold office for a term of 2 years beginning January 1. The representatives of incorporated cities must be chosen after elections are held in the cities, but before the annual meeting of the commission ~~[in August.]~~ ***required by subsection 2 of NRS 350.012.*** The term of a representative who serves pursuant to paragraph (a), (b) or (c) of subsection 1 is coterminous with the term of his or her elected office, unless the public entity that appointed the representative revokes his or her appointment.

8. Any vacancy must be filled in the same manner as the original choice was made for the remainder of the unexpired term.

Sec. 2. NRS 350.012 is hereby amended to read as follows:

350.012 1. The commission shall meet during the month of February of each year to organize by selecting a chair and vice chair. In a county whose population is 700,000 or more, the chair must be one of the representatives of the board of county commissioners. The county clerk is ex officio the secretary of the commission.

2. In addition to the organizational meeting, each commission shall meet annually ~~[in August of each year]~~ and at the call of the chair whenever business is presented, as provided in NRS 350.014 and 350.0145.

3. In conjunction with the meetings required by subsections 1 and 2, the commission in a county whose population:

(a) Is 100,000 or more but less than 700,000, shall meet each calendar quarter.

(b) Is 700,000 or more, shall meet each month.

➥ The meetings required by this subsection must be scheduled at each annual meeting ~~[in August.]~~ ***required by subsection 2.***

4. The appointing authority may remove a member of a commission in a county whose population:

(a) Is 700,000 or more if the member fails to attend three consecutive meetings or five meetings during a calendar year.

(b) Is 100,000 or more but less than 700,000 if the member fails to attend two consecutive meetings or three meetings during a calendar year.

(c) Is less than 100,000 if the member fails to attend at least one meeting during a calendar year.

5. Except as otherwise provided in subsection 3 of NRS 350.0115, a majority of the members constitutes a quorum for all purposes.

6. The governing body of the county may provide for the payment to members of the commission who serve as representatives of the public at large:

(a) Compensation of not more than $40, as fixed by the governing body, for each day or portion of a day of attendance at a meeting of the commission, not to exceed $400 paid to each such member per month.

(b) While engaged in the business of the commission, the per diem allowance and travel expenses generally provided for officers and employees of the county, if any.

Sec. 3. NRS 350.0155 is hereby amended to read as follows:

350.0155 At the annual meeting ~~[in August]~~ required by ***subsection 2 of*** NRS 350.012, the commission shall:

1. Specify a percentage, which must not be less than 75 percent, for the purposes of paragraph (d) of subsection 1 of NRS 350.015; and

2. Establish priorities among essential and nonessential facilities and services for the purposes of paragraph (d) of subsection 1 of NRS 350.015. Facilities and services relating to public safety, education and health must be

considered essential facilities and services, and all other facilities and services must be considered nonessential facilities and services.

Sec. 3.5. NRS 245.040 is hereby amended to read as follows:

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which, except as otherwise provided in subsections 3 and 4, must be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained in this subsection interferes with a duty now required of a public officer under the election laws of this State. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the primary or general election is held.

2. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 5 and notwithstanding*** the provisions of subsection 1, the board of county commissioners of any county may, by an order regularly made and entered in the records of its proceedings, designate the days and hours during which the offices of the sheriff, county recorder and county auditor, county clerk, county assessor and county treasurer must be kept open for the transaction of public business. An order so made and entered must require each office to be kept open for not less than 40 hours during each week, and must not prevent the county clerk from closing his or her office for all purposes except election business and the issuance of marriage licenses on primary and general election days as provided in subsection 1.

3. The board of county commissioners may authorize a county officer to rent, equip and operate, at public expense, one or more branch offices in the county. The branch office may be kept open for the transaction of public business on the days and during the hours specified in subsections 1 and 2 or on such days and during such hours as determined by the board. The provisions of this subsection do not preempt any other statutory provisions which require certain duties to be performed at the county seat.

4. Any county office may deviate from the hours of operation required pursuant to this section if the board of county commissioners approves the plan for the deviation submitted by the office, except that no such deviation may conflict with the election laws of this State. Such a plan must be fiscally neutral or result in cost savings.

5. ***The board of county commissioners of any county shall not designate or approve the county office or branch office, if any, of the county treasurer to close earlier than 5 p.m. for the transaction of business on*** ~~***[all days except Sundays, nonjudicial days and Saturdays.]***~~ ***any business day. Nothing in this subsection shall be construed to prohibit the offices from closing later than 5 p.m.***

6. A county officer who violates the provisions of this section is guilty of a misdemeanor, and if an officer mentioned in subsection 1 absents himself or herself from office, except:

(a) When called away from his or her office by official duties;

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When he or she makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed by this section and in charge of a deputy qualified to act in the county officer's absence,

➥ there must be withheld from the county officer's monthly salary that proportion thereof as the number of days of absence bears to the number of days of the month in which the absence occurs. The money must be withheld from payment of salary to the officer for the next succeeding month by order of the board of county commissioners, but such an order must not be made without first giving the officer affected reasonable notice and an opportunity to appear before the board and defend the charge against him or her.

Sec. 4. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at ~~[5 p.m.]~~ ***the close of business of the tax receiver of the county*** on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years, or within 1 year if the property is determined to be abandoned pursuant to NRS 361.567, after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise

provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 5. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his or her successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his or her successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day before the day of the sale by a county treasurer, as specified in the notice required by NRS 361.595, of any property held in trust by him or her by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon the receipt by the county treasurer of payment by or on behalf of that person of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a note and deed of trust.

(c) The mortgagee under a mortgage.

(d) The creditor under a judgment.

(e) The person to whom the property was assessed.

(f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

(g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.

(h) The successor in interest of any person specified in this subsection.

(i) A municipality that holds a lien against the property.

5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 6. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Except as otherwise provided in subsection 4, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. If, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property and the requirements of NRS 361.567 were met, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a

week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 45 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

5. Except as otherwise provided in subsection 6, the county treasurer shall make, execute and deliver to any purchaser, upon payment to the county treasurer, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

6. If, not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit signed by the treasurer of the municipality stating that:

(a) The municipality sold the property or the property was stricken off to the municipality pursuant to NRS 271.560; and

(b) A certificate of sale for the property was issued to the purchaser pursuant to NRS 271.570 or to the municipality pursuant to NRS 271.560,

➥ the county treasurer may not issue the quitclaim deed described in subsection 5 unless the person who purchased the property from the county pays to the municipality any amount owed pursuant to the certificate of sale issued pursuant to NRS 271.560 and 271.570 and the municipality provides an affidavit signed by the treasurer of the municipality stating that such amounts have been paid. If the purchaser does not pay the amount owed to the municipality within 20 days after the sale of the property by the county, the sale of the property by the county is void and the county treasurer may retain for administrative costs not more than 10 percent of the purchase amount paid by the purchaser.

7. Before delivering a deed, the county treasurer shall record the deed at the expense of the purchaser.

8. All deeds issued pursuant to this section, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property;

(b) That if, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property, the property is abandoned; and

(c) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

9. No deed may be executed and delivered by the county treasurer until he or she files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of

sale, as the case may be, together with his or her return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

10. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his or her own conveyance is first recorded.

11. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 7. NRS 388G.630 is hereby amended to read as follows:

388G.630 1. A school associate superintendent shall, with respect to each local school precinct to which he or she is assigned to oversee:

(a) Provide training to and supervise the principal of the local school precinct;

(b) Review and approve the plan of operation for the local school precinct and assist the principal of the local school precinct in making any necessary revisions to the plan;

(c) Ensure that each local school precinct to which he or she is assigned to oversee remains in compliance with all applicable federal, state and local laws;

(d) Provide a report in person, not less than quarterly, to the governing body of each city ~~[and county]~~ within which a local school precinct to which he or she is assigned to oversee is located and, if created pursuant to NRS 388G.760, to the Community Education Advisory Board; and

(e) Carry out any other duties assigned by the superintendent at his or her discretion or after approval by the superintendent of a request made by the local school precinct.

2. The school associate superintendent must be held accountable for all aspects of the performance of each local school precinct to which he or she is assigned to oversee. As used in this subsection, "performance" means the overall operation of each such local school precinct as measured by:

(a) The satisfaction of the parents and legal guardians of pupils and the teachers, administrators and other staff of the local school precinct as determined by the surveys administered pursuant to NRS 388G.800; and

(b) The progress made by the local school precinct to satisfy the goals and objectives set forth in the statewide system of accountability for public schools.

Sec. 8. NRS 709.070 is hereby amended to read as follows:

709.070 1. Upon the filing of the application, the board of county commissioners shall, at its next regular meeting, cause notice of the application to be given. Before notice is given, the applicant must deposit with the clerk

of the board the cost of publication of the notice, the amount to be fixed by the board of county commissioners.

2. The notice must contain:

(a) The name of the person or persons making the application.

(b) The nature, in general terms, of the franchise, right or privilege applied for.

(c) The day when the hearing upon the application will be held.

(d) A statement that all persons who have any objections to the granting of the franchise, right or privilege must file their objections, in writing, with the clerk of the board before the date of the hearing, or must appear at the meeting and present their objections at that time.

3. The notice must be published once each week for 4 consecutive weeks in a newspaper of general circulation published in the county. If no newspaper is published in the county, notice must be given by the posting of notices as provided in this section.

4. The clerk shall also cause three copies of the notice to be posted in three public places nearest where the application will take effect, and if more than one unincorporated town is affected, the notice must be posted in ~~[three]~~ ***one*** public ~~[places]~~ ***place*** in each of the unincorporated towns.

5. The publication or posting of the notice must be completed:

(a) Before the next regular meeting of the board of county commissioners at which the application is considered; or

(b) At least 10 days before a hearing on the application is held.

6. Proof of the notice must be made by the clerk of the board before the hearing in the matter proceeds, and the proof must become a part of the record of the proceedings.

Sec. 9. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 17.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time and ordered to third reading.

Senate Bill No. 26.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 569.

AN ACT relating to museums; ~~[revising]~~ **changing** the ~~[names of certain institutions]~~ **name** of the ~~[Division of Museums and History of the Department of Tourism and Cultural Affairs;]~~ **Nevada State Museum to the Nevada State Museum Carson City;** revising the powers and duties of the Board of Museums and History; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain museums and historical societies as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs. (NRS 381.004) **Section 1** of this bill revises the name of ~~[two]~~ **one** such ~~[museums]~~ **museum** by changing the name of the ~~[: (1)]~~ Nevada State Museum to the Nevada State Museum ~~[in]~~ Carson City **.** ~~[; and (2) the Nevada State Museum Las Vegas to the Nevada State Museum in Las Vegas.]~~ **Sections 4-11** of this bill make conforming changes to reflect the ~~[changes]~~ **change** in name **.** ~~[to both museums.]~~

Existing law creates the Board of Museums and History and prescribes certain powers and duties of the Board relating to the functions of the Division. (NRS 381.002, 381.0045) ~~[Sections]~~ **Section 2** ~~[and 3]~~ of this bill ~~[revise the powers and duties of the Board by: (1) requiring]~~ **requires** the Board to establish policies and charges for certain services provided by the Division and its institutions **.** ~~[; and (2) eliminating language which authorizes]~~ **Existing law requires the Administrator of the Division to authorize or require a museum director to: (1) establish certain programs deemed proper and necessary by the Administrator and** the Board **~~[, at its]~~ ; and (2) house, preserve, care for and display or exhibit property received by an institution administered by the museum director. (NRS 381.0063) Section 3 of this bill removes the authority of the Board to make determinations regarding such programs and eliminates the requirement that actions related to property received by an institution be subject to the** sole discretion **~~[, to take certain actions concerning property received by an institution]~~** of the ~~[Division.]~~ **Board.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 381.004 is hereby amended to read as follows:

381.004 1. The Division of Museums and History is hereby created in the Department.

2. The Division consists of the Office of the Administrator and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the Division:

(a) The Nevada State Museum ~~[;]~~ ~~*[in]*~~ ***Carson City;***

(b) The Lost City Museum;

(c) The Nevada State Museum ~~*[in]*~~ Las Vegas;

(d) The Nevada Historical Society;

(e) The East Ely Depot Museum;

(f) The Nevada State Railroad Museum in Carson City; and

(g) The Nevada State Railroad Museum in Boulder City.

3. Each institution shall, in accordance with the duties assigned to it by the Administrator, collect, preserve and interpret the history, prehistory and natural history of this State.

Sec. 2. NRS 381.0045 is hereby amended to read as follows:

381.0045 The Board shall establish:

1. Categories of memberships in the institutions and the fees to be charged for the memberships.

2. Fees for admission to the institutions. Children under the age of 18 years must be admitted free of charge.

3. Fees for train rides provided by an institution.

4. Policies and charges for the incidental use, rental and lease of the buildings, equipment, fixtures and other property of the Division and its institutions.

5. Policies and charges for services provided by the Division and its institutions, including, without limitation, storage, curation, repair and conducting studies.

Sec. 3. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, document, interpret, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs, paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in history, archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other programs as in the judgment of the ~~[Board and]~~ Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State . ~~[at the sole discretion of the Board.]~~

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, documentation, interpretation, display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

(o) Establish procedures that enable the accessibility of the exhibits in an institution administered by the museum director for persons who are blind or visually impaired, including, without limitation, by providing audio guides, audio descriptive displays, tactile displays and experiences, dedicated tours for persons who are blind or visually impaired, Braille signage and descriptions, temporary lighting and adapted educational classes.

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 4. NRS 381.0068 is hereby amended to read as follows:

381.0068 Notwithstanding any provision of this chapter to the contrary:

1. A person is not required to obtain a permit pursuant to NRS 381.196 if the person has obtained a permit pursuant to federal law for the same purpose; and

2. The Administrator, Museum Director of the Nevada State Museum ~~[in]~~ ***Carson City*** or the museum director of an institution are not required to provide notice to, consult with or return items to an Indian tribe as required pursuant to this chapter if the Administrator, Museum Director of the Nevada State Museum ~~[in]~~ ***Carson City*** or the museum director ~~[,]~~ of the institution, as applicable, provides such notice to, consults with or returns items to the

Indian tribe in accordance with the repatriation process required pursuant to federal law.

Sec. 5. NRS 381.0069 is hereby amended to read as follows:

381.0069 1. The Museum Director of the Nevada State Museum ~~*in*~~ ***Carson City*** shall adopt regulations as necessary to carry out the provisions of NRS 381.0066 to 381.0069, inclusive, and 381.195 to 381.227, inclusive, including, without limitation, regulations which set forth the process for repatriation of prehistoric native Indian human remains and funerary objects.

2. Any regulations adopted pursuant to this section must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Museum Director.

Sec. 6. NRS 381.195 is hereby amended to read as follows:

381.195 As used in NRS 381.195 to 381.227, inclusive:

1. "Historic" means from the middle of the 18th century until 50 years before the current year.

2. "Historic site" means a site, landmark or monument of historical significance pertaining to the history of the settlement of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.

3. "Museum Director" means the Museum Director of the Nevada State Museum ~~[~~*. in]* ***Carson City.***

4. "Prehistoric" means before the middle of the 18th century.

5. "Prehistoric site" means any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

Sec. 7. NRS 381.207 is hereby amended to read as follows:

381.207 1. The holder of a permit described in NRS 381.197, except as otherwise provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, deposits of fossil bones or other archeological and vertebrate paleontological features within the State shall give to the State 50 percent of all articles, implements and materials found or discovered of which the holder retained possession after completion of the process set forth in subsection 4, to be deposited with the Nevada State Museum ~~[~~*, in]* ***Carson City,*** for exhibition or other use within the State as determined by the Museum Director. The Museum Director may accept less than 50 percent of such items. Upon receipt of items pursuant to this subsection, the Museum Director shall notify the Office of Historic Preservation.

2. The holder of a permit described in NRS 381.197 who does any such work within the State under the authority and direction of the Nevada Historical Society, the Nevada State Museum ~~*in]*~~ Las Vegas, or an institution or political subdivision of the State shall give 50 percent of all articles, implements and materials found or discovered of which the holder retained possession after completion of the process set forth in subsection 4, to the

Society, institution or political subdivision. The holder of the permit may retain the other 50 percent.

3. If the Nevada Historical Society, the Nevada State Museum ~~[in]~~ Las Vegas, or an institution or political subdivision of the State is the holder of the permit, it may retain all articles, implements and materials found or discovered of which it retained possession after completion of the process set forth in subsection 4.

4. If any of the articles, implements or materials found or discovered are prehistoric native Indian human remains or funerary objects, the Museum Director shall:

(a) Provide notice to and consult with each applicable Indian tribe in accordance with NRS 381.0066;

(b) Determine which Indian tribe has the closest cultural affiliation to the prehistoric native Indian human remains or funerary objects in accordance with NRS 381.0067; and

(c) Return any prehistoric native Indian human remains or funerary objects discovered to the closest culturally affiliated Indian tribe in accordance with the repatriation process adopted pursuant to NRS 381.0069, if a request for repatriation is made.

5. Whenever the Office of Historic Preservation acquires articles, implements and materials under the provisions of this section, they must be transferred to the Museum Director for exhibition or other use within the State as determined by the Museum Director.

Sec. 8. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 5 to 9, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. At least 21 days before a sale held under this section, the Administrator shall provide notice to the public of the sale by posting notice of the sale:

(a) At the principal office of the Administrator;

(b) At not less than three other prominent places within this State;

(c) On the website of the Administrator; and

(d) By press release.

3. The Administrator may provide additional notice of a sale held under this section at any time and in any manner that the Administrator selects.

4. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

5. Except as otherwise provided in subsection 6, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum ~~[in]~~ Las Vegas, the Nevada State Museum ~~[in]~~ ***Carson City*** or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum ~~[in]~~ Las Vegas, the Nevada State Museum ~~[in]~~ ***Carson City*** or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

6. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

7. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

8. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

9. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the State Education Fund.

Sec. 9. NRS 331.130 is hereby amended to read as follows:

331.130 1. At all times the maintenance of the Capitol Building is under the supervision of the Administrator, and it must be kept clean, orderly and presentable as befitting public property.

2. The former Assembly, Senate and Supreme Court chambers on the second floor of the Capitol Building are under the management of the Museum

Director of the Nevada State Museum ~~*[in]*~~ ***Carson City*** for the purpose of establishing and maintaining a Government Museum. The remainder of the second floor of the Capitol Building is under the management of the Administrator.

Sec. 10. NRS 331.133 is hereby amended to read as follows:

331.133 The Museum Director of the Nevada State Museum ~~*[in]*~~ ***Carson City*** shall:

1. Prepare and present exhibits in the Government Museum.
2. Conduct, in an appropriate manner, tours of the Government Museum.
3. In cooperation with other state agencies and departments, provide for the security of the Government Museum.

Sec. 11. NRS 417.090 is hereby amended to read as follows:

417.090 1. The Director shall:

(a) Assist veterans, and those presently serving in the Armed Forces of the United States who are residents of the State of Nevada, their spouses, domestic partners, widows, widowers, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which they may be entitled under the laws of the United States or of any of the states, and assist them in obtaining any aid or benefit to which they may be entitled under the laws of the United States or of any of the states.

(b) Aid, assist, encourage and cooperate with every service organization recognized nationally or in this State insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen and the spouses, domestic partners, widows, widowers, children, dependents, administrators, executors or personal representatives of such veterans, servicemen and servicewomen.

(c) Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

(d) Coordinate activities of veterans' organizations.

(e) Serve as a clearinghouse and disseminate information relating to veterans' benefits.

(f) Conduct any studies which will assist veterans to obtain compensation, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

(g) Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

(h) Take possession of any abandoned or unclaimed artifacts or other property that has military or historical value for safekeeping. The Director may:

(1) Transfer such an artifact or other property to:

(I) The Nevada State Museum ~~[in]~~ ***Carson City*** or the Nevada Historical Society, upon its written request, if the artifact or other property has, in the opinion of the requesting institution, historical value and is worthy of preservation; or

(II) Any other governmental agency or nonprofit entity, including, without limitation, a veterans' organization and the United States Department of Veterans Affairs, upon its written request, if the artifact or other property was not requested by the Nevada State Museum ~~[in]~~ ***Carson City*** or the Nevada Historical Society; or

(2) Destroy or otherwise dispose of the artifact or other property.

➥ An action may not be maintained by any person against the holder or former holder of an artifact or other property because of the transfer, destruction or other disposal of the artifact or other property pursuant to this paragraph.

(i) Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

(j) Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible.

(k) Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department.

(l) Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgment.

(m) Establish, operate and maintain veterans' cemeteries in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries.

(n) Establish, manage, maintain and operate veterans' homes in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of veterans' homes.

(o) If the board of county commissioners of any county makes the request required pursuant to subsection 2 of NRS 244.401, provide to the coordinator of services for veterans in the county training and certification as a veterans service officer.

(p) If training and certification is requested pursuant to paragraph (o), submit an application, on behalf of the coordinator of services for veterans, to the United States Department of Veterans Affairs for accreditation or official recognition as a veterans service officer.

(q) Serve as the primary public advocate for Nevada veterans.

(r) Ensure that each person who participates as an advocate for veterans in this State in a volunteer program sponsored by the Department is:

(1) Offered the opportunity to participate in annual training; and

(2) If requested by the volunteer, provided mentorship.

(s) Provide quarterly training to each veterans service officer employed by the Department regarding the benefits, services, programs and assistance available to veterans.

(t) Additionally offer the quarterly training described in paragraph (s) to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs.

(u) Connect veterans experiencing homelessness to housing and organizations that provide support in housing and other related areas to decrease homelessness among veterans.

(v) Create, coordinate and support programs and resources for the prevention of suicide among veterans, including, without limitation, programs and resources to increase knowledge of how to recognize the signs of a potentially suicidal veteran and resources to which veterans who are potentially suicidal may be referred.

2. The Director shall:

(a) Establish an internal policy for guidance to employees of the Department regarding the transfer, destruction or other disposal of artifacts and other property pursuant to paragraph (h) of subsection 1; and

(b) Post the policy on the Internet website maintained by the Department.

Sec. 12. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 13. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 14. This act becomes effective on July 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 28.

Bill read second time and ordered to third reading.

Senate Bill No. 30.

Bill read second time and ordered to third reading.

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 562.

AN ACT relating to consumer protection; clarifying the authority of the Attorney General with respect to bringing certain actions relating to deceptive trade practices; revising certain civil penalties relating to deceptive trade practices; revising the authorized uses of money in the Consumer Protection Legal Account in the Office of the Attorney General; clarifying when the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General has custody or control of certain records; making certain records, files and communications of the Consumer's Advocate confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other relief, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages by bringing an action in the name of the State against a person the Attorney General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) **Section 3** of this bill provides that such relief includes any available remedy relating to certain activities that constitute deceptive trade practices. **Section 3** also clarifies that such an action may be brought by the Attorney General on behalf of: (1) the State or its agencies, political subdivisions, districts or municipal corporations; or (2) the people of the State.

Existing law authorizes the Director of the Department of Business and Industry to impose certain penalties, including an administrative fine, upon a person who has engaged in a deceptive trade practice after a hearing that is initiated by the Commissioner of Consumer Affairs or Attorney General serving an order upon such person. (NRS 598.0971) **Section 4** of this bill: (1) increases the administrative fine from $1,000 or treble the amount of restitution ordered, whichever is greater, to not more than $15,000 for each

violation or treble the amount of restitution ordered, whichever is greater; and (2) revises the authorized methods of service of the order imposing certain civil penalties.

Existing law creates the Consumer Protection Legal Account in the Office of the Attorney General and provides that the money remains in the Legal Account at the end of the fiscal year and does not revert to the State General Fund. (NRS 228.333) Existing law: (1) creates the Bureau of Consumer Protection within the Office of the Attorney General; and (2) provides that the executive head of the Bureau of Consumer Protection is the Consumer's Advocate, who may generally exercise the power of the Attorney General in areas of consumer protection and enforcement. (NRS 228.310, 228.380) Existing law also creates the Consumer Protection Administrative Account in the Bureau of Consumer Protection and: (1) requires the deposit of certain money from settlements and litigation into the Administrative Account; and (2) provides that any balance in excess of $500,000 in the Administrative Account on June 30 and December 31 of each year, and at any other time in the discretion of the Consumer's Advocate, reverts to the Legal Account. (NRS 228.332) Existing law requires the Attorney General to allocate, in certain percentages, the money in the Legal Account to: (1) the Office of the Attorney General or the Consumer's Advocate to be used for consumer protection and efforts to prevent fraud, including, without limitation, education, investigation, enforcement and litigation; and (2) certain legal aid organizations to be used for consumer protection and efforts to prevent fraud. (NRS 228.334) **Section 11** of this bill provides that the percentage of money allocated from the Legal Account to the Office of the Attorney General or the Consumer's Advocate may be used to pay for: (1) necessary staff employed for the Consumer's Advocate to carry out consumer protection and efforts to prevent fraud; (2) necessary staff for the Office of the Attorney General to carry out consumer protection and efforts to prevent fraud; and (3) any other additional purpose relating to consumer protection and efforts to prevent fraud.

Section 11 also eliminates the limitation that the money in the Legal Account must exceed 120 days of operating costs for certain staff before the Office of the Attorney General or Consumer's Advocate may use money in the Legal Account for additional purposes relating to consumer protection and efforts to prevent fraud.

Existing law authorizes the Consumer's Advocate to have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary to exercise his or her powers relating to consumer protection. (NRS 228.380) **Section 12** of this bill clarifies that the Consumer's Advocate does not have possession of such records until he or she receives the record from the agency, board or commission. **Sections 12 and 12.5** of this bill provide that ~~[any records, files and communications of]~~ **if a record that is received by** the Consumer's Advocate ~~[made or received pursuant to section 12 are]~~ **is** confidential and not a public record ~~[.]~~ **when in the custody or control of the agency, board or commission, the record is**

confidential and not a public record when in the custody or control of the Consumer's Advocate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief, including, without limitation, the recovery of a civil penalty, disgorgement, restitution ***,*** ~~[or]~~ the recovery of damages ~~[:]~~ ***or any other available remedy pursuant to NRS 598.0903 to 598.0999, inclusive, on behalf of:***

(a) The State, its agencies, political subdivisions, districts or municipal corporations; or

(b) The persons residing in this State:

~~[(a)]~~ ***(1)*** As parens patriae of the persons residing ***in*** this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

~~[(b)]~~ ***(2)*** As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 4. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner or Attorney General has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, the Commissioner or Attorney General may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly, by certified or registered mail, return receipt requested, or in any other manner permitted by the Nevada Rules of Civil Procedure for the service of process in civil actions.

2. An administrative hearing on any action brought by the Commissioner or Attorney General must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive;

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of ~~[~~$1,000~~]~~ ***not more than $15,000 for each violation*** or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly ***,*** ~~[~~or~~]~~ by certified or registered mail, return receipt requested ~~[.]~~ ***or any other manner permitted by the Nevada Rules of Civil Procedure for the service of process in civil actions.*** The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B

of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued by the Director or his or her designee pursuant to subsection 3, the Attorney General, or the Commissioner or ***the*** Director through the Attorney General, may, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that the person has failed to comply with an order issued by the Director or his or her designee pursuant to subsection 3, the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Unit of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 228.334 is hereby amended to read as follows:

228.334 1. After any reversion of money from the Consumer Protection Administrative Account to the Consumer Protection Legal Account in accordance with subsection 3 of NRS 228.332, the Attorney General shall allocate the money in the Consumer Protection Legal Account as follows:

(a) Fifty percent to the Office of the Attorney General or the Consumer's Advocate, to be used for consumer protection and efforts to prevent fraud, including, without limitation, education, investigation, enforcement and litigation. ~~[Beginning on July 1, 2023, the]~~ ***The*** Office of the Attorney General or the Consumer's Advocate, as applicable ~~[:~~

~~(1) May]~~ ***, may*** use money allocated pursuant to this paragraph to pay for ~~[necessary:]~~ ***:***

(1) Necessary staff ***employed*** pursuant to NRS 228.330 ***for the Consumer's Advocate*** to carry out such consumer protection and efforts to prevent fraud; ~~[and]~~

(2) ~~[If the amount of money in the Account that is allocated pursuant to this paragraph exceeds the amount required to pay for 120 days of operating costs for necessary]~~ ***Necessary*** staff ***for the Office of the Attorney General*** to carry out such consumer protection and efforts to prevent fraud ~~[, may use any such excess amount of money for additional purposes]~~ ***; and***

(3) Any other additional purpose relating to consumer protection and efforts to prevent fraud.

(b) Fifty percent to the following legal aid organizations, or their successors, in the following percentages:

(1) Seventy percent to the organization operating the program for legal services in a county whose population is 700,000 or more that receives the fees charged pursuant to NRS 19.031 for programs for the indigent, to be used to provide legal services in a county whose population is 700,000 or more;

(2) Nineteen percent to the organization operating the program for legal services in counties whose population is less than 100,000 that receive the fees charged pursuant to NRS 19.031 for programs for the indigent, to be used to provide legal services in those counties; and

(3) Eleven percent to the organization operating the program for legal services in a county whose population is 100,000 or more but less than 700,000 that receives the fees charged pursuant to NRS 19.031 for programs for the indigent, to be used to provide legal services in a county whose population is 100,000 or more but less than 700,000.

2. Each legal aid organization listed in paragraph (b) of subsection 1 shall:

(a) Use the money received from the Account for consumer protection and efforts to prevent fraud, including, without limitation, education and litigation; and

(b) On or before January 1 and July 1 of each year, submit a report to the Office of the Attorney General that includes a detailed summary of all activities undertaken by the legal aid organization during the previous 6-month period with the money received from the Account, including, without limitation:

(1) Activities relating to consumer protection and the prevention of fraud;

(2) Litigation;

(3) Educational activities;

(4) Statistical information on the number of persons served; and

(5) An accounting of the use of the money, including, without limitation, the specific amount of money used for salaries, costs and expenses.

3. On or before July 1 of each year, each legal aid organization listed in paragraph (b) of subsection 1 shall submit to the Office of the Attorney General an audited statement regarding the use of money received from the Account during the previous calendar year.

4. The Office of the Attorney General is entitled to audit, examine or inspect the books and records of each legal aid organization listed in paragraph (b) of subsection 1 at any time regarding the use of money received from the Account.

Sec. 12. NRS 228.380 is hereby amended to read as follows:

228.380 1. Except as otherwise provided in this section, the Consumer's Advocate may exercise the power of the Attorney General in areas of consumer protection, including, but not limited to, enforcement of chapters 90, 597, 598, 598A, 598B, 598C, 599B and 711 of NRS.

2. The Consumer's Advocate may not exercise any powers to enforce any criminal statute set forth in:

(a) Chapter 90, 597, 598, 598A, 598B, 598C or 599B of NRS for any transaction or activity that involves a proceeding before the Public Utilities Commission of Nevada if the Consumer's Advocate is participating in that proceeding as a real party in interest on behalf of the customers or a class of customers of utilities; or

(b) Chapter 711 of NRS.

3. The Consumer's Advocate may have access to all records in the possession of any agency, board or commission of this State that he or she determines are necessary for the exercise of the powers set forth in subsection 1. ***The Consumer's Advocate does not have custody or control of any record until the Consumer's Advocate receives the record from the agency, board or commission of this State.*** ~~***[Any records, files and communications made or]***~~ ***If a record that is*** ***received*** ***by the Consumer's Advocate pursuant to this subsection*** ~~***[are]***~~ ***is confidential and not a public record*** ~~***[.]***~~ ***when in the custody or control of the agency, board or commission, the record is confidential and not a public record when in the custody or control of the Consumer's Advocate.***

4. The Consumer's Advocate may expend revenues derived from NRS 704.033 only for activities directly related to the protection of customers of public utilities.

5. The powers of the Consumer's Advocate do not extend to proceedings before the Public Utilities Commission of Nevada directly relating to discretionary or competitive telecommunication services.

Sec. 12.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,

164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, ***228.380,*** 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,

624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 13. This act becomes effective on July 1, 2025.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time and ordered to third reading.

Senate Bill No. 93.

Bill read second time and ordered to third reading.

Senate Bill No. 99.

Bill read second time and ordered to third reading.

Senate Bill No. 102.

Bill read second time and ordered to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 563.

SENATORS PAZINA; CRUZ-CRAWFORD, DALY, DONATE, FLORES, KRASNER, NGUYEN, OHRENSCHALL, SCHEIBLE, STEINBECK, STONE AND TAYLOR

JOINT SPONSOR: ASSEMBLYMEMBER O'NEILL

AN ACT relating to property; requiring ~~[a landlord of a premises comprising more than 100 dwelling units]~~ **certain landlords** to establish a policy requiring certain applicants for employment to undergo a criminal background check as a condition of employment; requiring such ~~[a landlord]~~ **landlords** to take certain actions relating to dwelling unit keys; requiring such ~~[a landlord]~~ **landlords** to maintain a log of certain information and actions on the premises; **authorizing the filing of a civil action under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who work for a landlord of dwelling units intended and operated exclusively for certain older persons to undergo a criminal background check as a condition of employment with the landlord. (NRS 118A.335) **Section 1** of this bill requires a landlord of a **covered** premises ~~[comprising more than 100 dwelling units]~~ to establish: (1) a policy requiring certain applicants for employment to undergo a criminal background check as a condition of employment; and (2) certain written policies and procedures relating to dwelling unit keys. **Section 1** also requires any such landlord to maintain on the premises: (1) a log that accounts for the issuance and return of each dwelling unit key; and (2) the written policies and procedures relating to dwelling unit keys established pursuant to **section 1**. **Section 1 defines the term "covered premises" to mean a premises comprising more than: (1) 50 dwelling units attached to a single parcel of property in a county whose population is 100,000 or more (currently Clark and Washoe Counties); or (2) 10 dwelling units attached to a single parcel of property in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). Section 1 also authorizes a civil action to be brought against a landlord that violates the provisions of section 1 by a person aggrieved by the violation or a district attorney.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord of a covered premises ~~[comprising more than 100 dwelling units attached to a single parcel of property]~~ shall establish:

(a) A policy requiring an applicant for employment with the landlord to undergo a criminal background check as a condition of employment if the position for which the applicant is applying entails access to any dwelling unit key; and

(b) Written policies and procedures regarding the:

(1) Storage, issuance, return and security of dwelling unit keys; and

(2) If applicable, the usage and deactivation of dwelling unit keys.

2. A landlord of a covered premises shall maintain on the premises a log that accounts for the issuance and return of each dwelling unit key and the written policies and procedures established pursuant to paragraph (b) of subsection 1.

3. In addition to any other remedies, if a landlord of a covered premises violates this section, a person aggrieved by the violation or a district attorney may bring a civil action in a court of competent jurisdiction against the landlord to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

4. As used in this section:

(a) "Covered premises" means:

(1) In a county whose population is 100,000 or more, a premises comprising more than 50 dwelling units attached to a single parcel of property; or

(2) In a county whose population is less than 100,000, a premises comprising more than 10 dwelling units attached to a single parcel of property.

(b) "Dwelling unit key" means any physical or electronic mechanism used to gain access to a dwelling unit, including, without limitation, a combination or access code.

~~[(b)]~~ (c) "Financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or financial institution that is licensed, registered or otherwise authorized to do business in this State.

~~[(c)]~~ (d) "Landlord" ~~[means a landlord of a premises comprising more than 100 dwelling units attached to a single parcel of property. The term]~~ does not include a financial institution, real estate broker, real estate broker-salesperson or real estate salesperson.

~~[(d)]~~ (e) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

~~[(e)]~~ (f) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

~~[(f)]~~ (g) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 117.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 573.

AN ACT relating to common-interest communities; prohibiting a unit-owners' association for a common-interest community from requiring landscaping under certain circumstances; revising provisions governing the collection of past due obligations by a unit-owners' association; revising provisions governing damages to real property in a unit-owners' association; prohibiting a unit-owners' association from restricting the parking of certain vehicles; requiring certain notice of termination or assignment of an agreement for the management of a common-interest community under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a unit-owners' association for a common-interest community to adopt bylaws and authorizes an association to amend the bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) **Section 1** of this bill prohibits the executive board and governing documents of an association from requiring a unit's owner to install landscaping in the back yard of his or her unit sooner than ~~[36]~~ **24** months after the close of escrow for the initial purchase of the unit ~~[.]~~ **from a declarant.** **Section 1** further authorizes the executive board and governing documents of an association to require a unit's owner to install a thin layer of rock in the back yard of his or her unit not sooner than ~~[18]~~ **12** months after the close of escrow for the initial purchase of the unit ~~[.]~~ **from a declarant.**

Existing law authorizes a unit-owners' association to charge reasonable fees for costs associated with collecting any past due obligation. (NRS 116.310313) **Section 2** of this bill prohibits an association from: (1) charging any late fee sooner than 30 days after an obligation becomes past due; and (2) reporting any past due obligation to a reporting agency that assembles or evaluates information concerning credit.

Existing law authorizes a unit-owners' association to assess a unit's owner for certain damages or common expenses. (NRS 116.3115) **Section 3** of this bill prohibits an association from assessing a unit's owner for an oil stain that is located entirely on the driveway of the unit's owner.

Existing law authorizes the governing documents of a unit-owners' association to set forth rules that reasonably restrict parking in the common-interest community and authorizes an association to impose fines for a violation of the governing documents. Existing law also prohibits an association from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles under certain circumstances. (NRS 116.31031, 116.350) **Section 4** of this bill prohibits an association from restricting the parking of certain vehicles displaying a commercial advertisement, other than vehicles displaying a commercial advertisement containing a sexual portrayal or depicting an image relating to

the sale of a controlled substance. An association may require such images to be obscured by a magnet.

Existing law imposes certain requirements relating to agreements for the management of a common-interest community and requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations regarding the transfer of all books, records and other papers of a client upon the termination or assignment of such an agreement. (NRS 116A.620) **Section 5** of this bill requires, with certain exceptions, the association to provide notice of the termination of an agreement to be posted within the common elements of an association and provided by electronic mail to all units' owners who have provided the association with an electronic mail address.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the executive board of an association and the governing documents of that association may not require a unit's owner to install landscaping in the back yard of his or her unit sooner than ~~[36]~~ 24 months after the close of escrow for the initial purchase of the unit ~~.~~ from a declarant.

2. The executive board of an association and the governing documents of that association may require a unit's owner to install a thin layer of rock in the back yard of his or her unit not sooner than ~~[18]~~ 12 months after the close of escrow for the initial purchase of the unit ~~.~~ from a declarant.

Sec. 2. NRS 116.310313 is hereby amended to read as follows:

116.310313 1. ~~[~~An~~]~~ ***Except as otherwise provided in subsection 2, an*** association may charge a unit's owner reasonable fees to cover the costs of collecting any past due obligation. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.

2. ***An association may not:***

(a) Charge a unit's owner a late fee sooner than 30 days after any obligation becomes past due.

(b) Report any past due obligation to a reporting agency that assembles or evaluates information concerning credit.

3. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

~~[~~3.~~]~~ ***4.*** As used in this section:

(a) "Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording

fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any
costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.

(b) "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

Sec. 3. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive, or as otherwise provided in this chapter:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against

the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.

4. Except as otherwise provided in the governing documents:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense benefiting fewer than all of the units or their owners, including, without limitation, common expenses consisting of the payment, on behalf of a unit's owner, of delinquent property taxes or utility charges owed by the unit's owner, may be assessed exclusively against the units or units' owners benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If damage to a unit or other part of the common-interest community, or if any other common expense is caused by the willful misconduct or gross negligence of any unit's owner, tenant or invitee of a unit's owner or tenant, the association may assess that expense exclusively against his or her unit, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is ~~[~~~~committed~~~~]~~ ***:***

(a) Committed by a person who is delivering goods to, or performing services for, the unit's owner, tenant or invitee of the unit's owner or tenant ~~[.]~~***; or***

(b) An oil stain that is located entirely on the driveway of the unit's owner.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered

or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 4. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law. The governing documents of an association may authorize the executive board of the association to impose a fine pursuant to NRS 116.31031 for any violation of the rules authorized pursuant to this subsection.

3. In any common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a subscriber or consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to emergency requests for public utility services; ~~[or]~~

(b) Parking a law enforcement vehicle or emergency services vehicle:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a person to whom law enforcement or emergency services are being provided, while the person is engaged in his or her official duties; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of

responding to requests for law enforcement services or emergency services ~~.~~*; or*

(c) Except as otherwise provided in this paragraph, parking a vehicle having a gross vehicle weight of less than 10,000 pounds that contains a commercial advertisement in an area designated for parking for visitors, in a designated parking area or common parking area or on the driveway of his or her unit. An association may not require the owner of such a vehicle to cover any commercial advertisement, other than an advertisement containing a sexual portrayal or an image relating to the sale of a controlled substance. An association may require the owner to use a magnet to obscure any commercial advertisement containing such images.

4. An association may require that a person parking a utility service vehicle, law enforcement vehicle or emergency services vehicle as set forth in ***paragraph (a) or (b) of*** subsection 3 provide written confirmation from his or her employer that the person is qualified to park his or her vehicle in the manner set forth in subsection 3.

5. As used in this section:

(a) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(b) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(c) ***"Sexual portrayal" has the meaning ascribed to it in NRS 200.700.***

(d) "Utility service vehicle" means any motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service; and

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the motor vehicle is owned, leased or rented by the utility.

Sec. 5. NRS 116A.620 is hereby amended to read as follows:

116A.620 1. Any management agreement must:

(a) Be in writing and signed by all parties;

(b) Be entered into between the client and the community manager or the employer of the community manager if the community manager is acting on behalf of a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company or other entity;

(c) State the term of the management agreement;

(d) State the basic consideration for the services to be provided and the payment schedule;

(e) Include a complete schedule of all fees, costs, expenses and charges to be imposed by the community manager, whether direct or indirect, including, without limitation:

(1) The costs for any new client or start-up costs;

(2) The fees for special or nonroutine services, such as the mailing of collection letters, the recording of liens and foreclosing of property;

(3) Reimbursable expenses;

(4) The fees for the sale or resale of a unit or for setting up the account of a new member; and

(5) The portion of fees that are to be retained by the client and the portion to be retained by the community manager;

(f) State the identity and the legal status of the contracting parties;

(g) State any limitations on the liability of each contracting party;

(h) Include a statement of the scope of work of the community manager;

(i) State the spending limits of the community manager;

(j) Include provisions relating to the grounds and procedures for termination of the community manager;

(k) Identify the types and amounts of insurance coverage to be carried by each contracting party, including, without limitation:

(1) A requirement that the community manager or his or her employer shall maintain insurance covering liability for errors or omissions, professional liability or a surety bond to compensate for losses actionable pursuant to this chapter in an amount of $1,000,000 or more;

(2) An indication of which contracting party will maintain fidelity bond coverage; and

(3) A statement as to whether the client will maintain directors and officers liability coverage for the executive board;

(l) Include provisions for dispute resolution;

(m) Acknowledge that all records and books of the client are the property of the client, except any proprietary information and software belonging to the community manager;

(n) State the physical location, including the street address, of the records of the client, which must be within 60 miles from the physical location of the common-interest community;

(o) State the frequency and extent of regular inspections of the common-interest community; and

(p) State the extent, if any, of the authority of the community manager to sign checks on behalf of the client in an operating account.

2. In addition to any other requirements under this section, a management agreement may:

(a) Provide for mandatory binding arbitration; or

(b) Allow the provisions of the management agreement to apply month to month following the end of the term of the management agreement, but the management agreement may not contain an automatic renewal provision.

3. Not later than 10 days after the effective date of a management agreement, the community manager shall provide each member of the executive board evidence of the existence of the required insurance, including, without limitation:

(a) The names and addresses of all insurance companies;

(b) The total amount of coverage; and

(c) The amount of any deductible.

4. After signing a management agreement, the community manager shall provide a copy of the management agreement to each member of the executive board. Within 30 days after an election or appointment of a new member to the executive board, the community manager shall provide the new member with a copy of the management agreement.

5. Any changes to a management agreement must be initialed by the contracting parties. If there are any changes after the execution of a management agreement, those changes must be in writing and signed by the contracting parties.

6. ***Except as otherwise provided in subsection 8, not less than 40 days before any termination or assignment of a management agreement, the secretary or other officer specified in the bylaws of the association shall:***

(a) In a common-interest community with 100 units or more, post notice of the pending termination or assignment in one or more prominent places within the common elements of the association; and

(b) Provide electronic notice of the pending termination or assignment to all units' owners who have provided the association with an electronic mail address.

7. Until the regulations adopted by the Commission pursuant to subsection ~~[8]~~ ***9*** become effective, and except as otherwise provided in the management agreement, upon the termination or assignment of a management agreement, the community manager shall, within 30 days after the termination or assignment, transfer possession of all books, records and other papers of the client to the succeeding community manager, or to the client if there is no succeeding community manager, regardless of any unpaid fees or charges to the community manager or management company.

~~[7.]~~ ***8.*** Notwithstanding any provision in a management agreement to the contrary, a management agreement may be terminated by the client without penalty upon 30 days' notice following a violation by the community manager of any provision of this chapter or chapter 116 of NRS. ***Upon termination of the agreement, the secretary or other officer specified in the bylaws of the association shall:***

(a) In a common-interest community with 100 or more units, post notice of the termination in one or more prominent places within the common elements of the association; and

(b) Provide electronic notice of the termination to all units' owners who have provided the association with an electronic mail address.

~~[8.]~~ ***9.*** The Commission shall adopt regulations establishing the requirements relating to the transfer of all books, records and other papers of the client upon the termination or assignment of a management agreement.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 162.

Bill read second time and ordered to third reading.

Senate Bill No. 181.

Bill read second time and ordered to third reading.

Senate Bill No. 203.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time and ordered to third reading.

Senate Bill No. 241.

Bill read second time and ordered to third reading.

Senate Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 565.

AN ACT relating to industrial insurance; revising provisions governing certain civil actions involving injured employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under industrial insurance if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law defines the term "compensation" to mean the money which is payable to an employee or to the dependents of the employee as provided in existing law governing industrial insurance, including benefits for funerals, accident benefits or medical benefits and money for rehabilitative services. (NRS 616A.090, 617.050)

If the injury of an injured employee was caused under circumstances creating legal liability in a person other than the employer or a person in the same employ, existing law authorizes an injured employee or the dependents of the employee, under certain circumstances, to take proceedings to recover damages from that third party. Existing law also authorizes the industrial insurer or Administrator ~~[,]~~ **of the Division of Industrial Relations of the**

Department of Business and Industry, under certain circumstances, to recover damages from that third party. Additionally, under existing law, the industrial insurer or Administrator has a lien against the total proceeds of any recovery by the injured employee or the dependents of the employee. Existing law requires the amount of compensation to which the injured employee or the dependents of the employee are entitled, including any future compensation, to be reduced by the amount of damages or proceeds recovered. (NRS 616C.215)

This bill provides that the maximum amount that the industrial insurer or Administrator may recover for such a lien must be the lesser of: (1) the ~~[full]~~ amount of the lien ~~[;]~~ **, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery;** or (2) one-third of the total amount of any recovery, inclusive of any attorney's fees or costs ~~[.]~~ **and the monetary value of any other property which is recovered, minus an amount equal to one-half of the reasonable costs incurred by the injured employee or the dependents of the employee in procuring the recovery.**

~~[Except where the full amount of the lien may be recovered, this]~~ **This** bill requires ~~[the lien amount to be reduced by an amount equal to one-half of the]~~ **an itemized memorandum of any such** reasonable ~~[expenses]~~ **costs** incurred by the injured employee or the dependents of the employee in procuring the recovery ~~[, which must]~~ **to** be verified by ~~[a certified public accountant]~~ **the injured employee, the dependents of the employee or the attorney or representative of the injured employee or the dependents of the employee, provided to the industrial insurer or Administrator** and ~~[is]~~ subject to judicial review under certain circumstances. This bill also limits any offset to the amount of future compensation received by the injured employee or dependents of the employee to: (1) an offset against payments of compensation that are not accident benefits; and (2) a reduction in each such payment which does not exceed one-third of the amount of the payment until the total amount of all such reductions equals the ~~[total]~~ **net** amount recovered ~~[, less any applicable reductions.]~~ **by the injured employee or dependents of the employee.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616C.215 is hereby amended to read as follows:

616C.215 1. If an injured employee or, in the event of his or her death, the dependents of the employee, bring an action in tort against his or her employer to recover payment for an injury which is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and, notwithstanding the provisions of NRS 616A.020, receive payment from the employer for that injury:

(a) The amount of compensation the injured employee or the dependents of the employee are entitled to receive pursuant to the provisions of chapters

616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount paid by the employer.

(b) The insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, has a lien upon the total amount paid by the employer if the injured employee or the dependents of the employee receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

➥ This subsection is applicable whether the money paid to the employee or the dependents of the employee by the employer is classified as a gift, a settlement or otherwise. The provisions of this subsection do not grant to an injured employee any right of action in tort to recover damages from the employer for the injury.

2. When an employee receives an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances creating a legal liability in some person, other than the employer or a person in the same employ, to pay damages in respect thereof:

(a) The injured employee, or in case of death the dependents of the employee, may take proceedings against that person to recover damages, but the amount of the compensation the injured employee or the dependents of the employee are entitled

to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of the damages recovered, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

(b) If the injured employee, or in case of death the dependents of the employee, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, has a right of action against the person so liable to pay damages and is subrogated to the rights of the injured employee or of the employee's dependents to recover therefor.

3. When an injured employee incurs an injury for which compensation is payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS and which was caused under circumstances entitling the employee, or in the case of death the dependents of the employee, to receive proceeds under his or her employer's policy of uninsured or underinsured vehicle coverage:

(a) The injured employee, or in the case of death the dependents of the employee, may take proceedings to recover those proceeds, but the amount of compensation the injured employee or the dependents of the employee are entitled to receive pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, including any future compensation, must be reduced by the amount of proceeds received.

(b) If an injured employee, or in the case of death the dependents of the employee, receive compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS, the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, is subrogated to the rights of the injured employee or the dependents of the employee to recover proceeds under the employer's policy of uninsured or underinsured vehicle coverage. The insurer and the Administrator are not subrogated to the rights of an injured employee or the dependents of the employee under a policy of uninsured or underinsured vehicle coverage purchased by the employee.

(c) Any provision in the employer's policy of uninsured or underinsured vehicle coverage which has the effect of:

(1) Limiting the rights of the injured employee or the dependents of the employee to recover proceeds under the policy because of the receipt of any compensation pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(2) Limiting the rights of subrogation of the insurer or Administrator provided by paragraph (b); or

(3) Excluding coverage which inures to the direct or indirect benefit of the insurer or Administrator,

➥ is void.

4. In any action or proceedings taken by the insurer or the Administrator pursuant to this section, evidence of the amount of compensation, accident benefits and other expenditures which the insurer, the Uninsured Employers' Claim Account or a subsequent injury account have paid or become obligated to pay by reason of the injury or death of the employee is admissible.

If in such action or proceedings the insurer or the Administrator recovers more than those amounts, the excess must be paid to the injured employee or the dependents of the employee.

5. ~~[In]~~ ***Except as otherwise provided in subsection 7, in*** any case where the insurer or the Administrator is subrogated to the rights of the injured employee or of the employee's dependents as provided in subsection 2 or 3, the insurer or the Administrator has a lien upon the total proceeds of any recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his or her death the dependents of the employee, are not entitled to double recovery for the same injury, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

6. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** lien provided for pursuant to subsection 1 or 5 includes the total compensation expenditure incurred by the insurer, the Uninsured Employers' Claim Account or a subsequent injury account for the injured employee and the dependents of the employee.

7. ***For a lien provided for pursuant to subsection 5:***

(a) The maximum amount which the insurer or Administrator may recover must be the lesser of:

(1) The ~~[full]~~ amount of the lien ~~[;]~~ , as reduced pursuant to paragraph (b); or

(2) One-third of the total amount recovered from the person other than the employer or person in the same employ ~~[.]~~ , as reduced pursuant to paragraph (b). As used in this subparagraph, "total amount recovered" means the total proceeds described in subsection 5, including, without limitation, any attorney's fees or costs ~~[.]~~ and the monetary value of any virtual currency, securities, real property, personal property or intellectual property which is part of the judgment, settlement or other means of recovery, as applicable, as calculated on the date on which the judgment, settlement or other document providing for the other means of recovery, as applicable, is executed.

(b) ~~[Except under circumstances in which the full]~~ The maximum amount ~~[of]~~ which the ~~[lien is recoverable]~~ insurer or Administrator may recover pursuant to ~~[subparagraph (1) of]~~ paragraph (a) ~~[, the lien]~~ must be reduced by an amount equal to one-half of the reasonable ~~[expenses]~~ costs incurred by the injured employee, or in the case of death the dependents of the employee, in prosecuting or settling the claim against a person other than the employer or person in the same employ. ~~[The accounting]~~ An itemized memorandum of any such reasonable ~~[expenses:]~~ costs:

(1) Must be verified by ~~[a certified public accountant certified or licensed to practice in this State or in any other state. The]~~ the injured employee, the dependents of the employee or the attorney or representative of the injured employee or the dependents of the employee ~~[shall provide the verified accounting]~~ and provided to the insurer or Administrator.

(2) Is subject to judicial review in a court of competent jurisdiction, if a petition is filed within 30 days after the date on which the insurer or Administrator receives a verified ~~[accounting]~~ itemized memorandum provided pursuant to subparagraph (1).

(c) If the insurer or Administrator imposes an offset to the amount of future compensation that the injured employee, or in the case of death the dependents of the employee, is entitled to receive:

(1) Such an offset may be applied only against payments of compensation that are not accident benefits; and

(2) Each individual payment to which the offset applied must be reduced by not more than one-third of the amount otherwise owed until the total amount of all such reductions equals the ~~[total]~~ net amount recovered ~~[, as defined in subparagraph (1) of paragraph (a), less any reductions imposed]~~ by the injured employee, or in the case of death the dependents of the employee, from the person other than the employer or person in the same employ. As used in this subparagraph, "net amount recovered" means an amount equal to the monetary value of the total amount recovered, as defined in subparagraph (2) of paragraph (a), minus:

(I) The maximum amount which the insurer or Administrator may recover pursuant to ~~[paragraphs]~~ paragraph (a) ; and ~~[(b),]~~

(II) The amount of any attorney's fees.

8. An injured employee, or in the case of death the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee, shall notify the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, in writing before initiating a proceeding or action pursuant to this section.

~~[8.]~~ ***9.*** Within 15 days after the date of recovery by way of actual receipt of the proceeds of the judgment, settlement or otherwise:

(a) The injured employee or the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee; and

(b) The third-party insurer,

➥ shall notify the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, of the recovery and pay to the insurer or the Administrator, respectively, the amount due pursuant to this section together with an itemized statement showing the distribution of the total recovery. The attorney or representative of the injured employee or the dependents of the employee and the third-party insurer are jointly and severally liable for any amount to which an insurer is entitled pursuant to this section if the attorney, representative or third-party insurer has knowledge of the lien provided for in this section.

~~[9.]~~ ***10.*** An insurer shall not sell its lien to a third-party insurer unless the injured employee or the dependents of the employee, or the attorney or representative of the injured employee or the dependents of the employee, refuses to provide to the insurer information concerning the action against the third party.

~~[10.]~~ ***11.*** In any trial of an action by the injured employee, or in the case of his or her death by the dependents of the employee, against a person other than the employer or a person in the same employ, the jury must receive proof of the amount of all payments made or to be made by the insurer or the Administrator. The court shall instruct the jury substantially as follows:

Payment of workmen's compensation benefits by the insurer, or in the case of claims involving the Uninsured Employers' Claim Account or a subsequent injury account the Administrator, is based upon the fact that a compensable industrial accident occurred, and does not depend upon blame or fault. If the plaintiff does not obtain a judgment in his or her favor in this case, the plaintiff is not required to repay his or her employer, the insurer or the Administrator any amount paid to the plaintiff or paid on the behalf of the plaintiff by the plaintiff's employer, the insurer or the Administrator.

If you decide that the plaintiff is entitled to judgment against the defendant, you shall find damages for the plaintiff in accordance with the court's instructions on damages and return your verdict in the plaintiff's favor in the

amount so found without deducting the amount of any compensation benefits paid to or for the plaintiff. The law provides a means by which any compensation benefits will be repaid from your award.

~~[11.]~~ ***12.*** To calculate an employer's premium, the employer's account with the private carrier must be credited with an amount equal to that recovered by the private carrier from a third party pursuant to this section, less the private carrier's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of compensation actually paid or reserved by the private carrier on the injured employee's claim.

~~[12.]~~ ***13.*** As used in this section, "third-party insurer" means an insurer that issued to a third party who is liable for damages pursuant to subsection 2, a policy of liability insurance the proceeds of which are recoverable pursuant to this section. The term includes an insurer that issued to an employer a policy of uninsured or underinsured vehicle coverage.

Sec. 2. 1. The amendatory provisions of this act apply to any:

(a) Action or proceeding initiated pursuant to or which is subject to the provisions of NRS 616C.215, as that section existed before the effective date of this act, or as amended by section 1 of this act, in which a final judgment, settlement or other disposition has not been entered by the effective date of this act.

(b) Claim for compensation pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, which is open on or filed on or after the effective date of this act.

2. As used in this section, "compensation" has the meaning ascribed to it in NRS 616A.090 or 617.050, as applicable.

Sec. 3. This act becomes effective upon passage and approval.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 266.

Bill read second time and ordered to third reading.

Senate Bill No. 274.

Bill read second time and ordered to third reading.

Senate Bill No. 278.

Bill read second time and ordered to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

Senate Bill No. 290.

Bill read second time and ordered to third reading.

Senate Bill No. 297.

Bill read second time and ordered to third reading.

Senate Bill No. 301.
Bill read second time and ordered to third reading.

Senate Bill No. 315.
Bill read second time and ordered to third reading.

Senate Bill No. 320.
Bill read second time and ordered to third reading.

Senate Bill No. 321.
Bill read second time and ordered to third reading.

Senate Bill No. 322.
Bill read second time and ordered to third reading.

Senate Bill No. 325.
Bill read second time and ordered to third reading.

Senate Bill No. 343.
Bill read second time and ordered to third reading.

Senate Bill No. 358.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 570.

AN ACT relating to governmental entities; requiring certain units of government of this State to accept certain forms of payment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill **: (1)** requires, with certain exceptions, each officer, agency, branch, board, commission, department, division, bureau, district, city, county or other political subdivision or unit of government of this State to accept from a business entity as payment for any fee, tax or other debt, payment by debit card, credit card, check or electronic transfer of money ~~.~~ **;** ~~1~~ **and (2) authorizes such a governmental agency, at its discretion, to accept payment by other methods, including, without limitation, cash or money order.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~*(2)*~~ ***3, each governmental agency shall accept from a business entity as payment for any fee, tax or other debt to the governmental agency payment by debit card, credit card, check or electronic transfer of money.***

2. In addition to the methods of payment which a governmental agency is required by subsection 1 to accept from a business entity as payment for

any fee, tax or other debt to the governmental agency, a governmental agency may, at its discretion, accept payment by other methods, including, without limitation, cash or money order.

3. The provisions of subsection 1 do not apply to payments made:

(a) Pursuant to NRS 353.1467;

(b) To the Department of Taxation pursuant to paragraph (b) of subsection 1 of NRS 360A.040;

(c) To the Cannabis Compliance Board;

(d) To the Division of Insurance of the Department of Business and Industry; or

(e) To any court of the Judicial Department of State Government.

~~[3.]~~ 4. As used in this section:

(a) "Electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

(b) "Governmental agency" means an officer, agency, branch, board, commission, department, division, bureau, district, city, county or any other political subdivision or unit of government of this State.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 406.

Bill read second time and ordered to third reading.

Senate Bill No. 409.

Bill read second time and ordered to third reading.

Senate Bill No. 414.

Bill read second time and ordered to third reading.

Senate Bill No. 418.

Bill read second time and ordered to third reading.

Senate Bill No. 419.

Bill read second time and ordered to third reading.

Senate Bill No. 421.

Bill read second time and ordered to third reading.

Senate Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 576.

AN ACT relating to public safety; creating the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone; authorizing certain entities to establish certain parking restrictions and prohibitions and enter into

agreements with other governmental entities to provide parking enforcement and collect parking fees within the Safety Zone; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) The Tahoe Regional Planning Compact provides for the creation of the Tahoe transportation district as a special purpose district managed by a board of directors which develops and implements transportation plans and programs for the Lake Tahoe Basin.

Existing law also establishes the State Route 159 Safety Speed Zone and authorizes **: (1)** the Director of the Department of Transportation to set the maximum speed in the Speed Zone **;** and **(2)** the Department to ensure that adequate signage and **other forms of** notice are installed. (NRS 484B.621) **Section 1** of this bill creates the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone, consisting of any portion of U.S. Highway 50, Nevada State Route 28, Nevada State Route 431 and Nevada State Route 207 that is located in the Lake Tahoe Region and directly connected to a recreational destination or that has otherwise been designated as a scenic byway. **Section 1** authorizes the Department and **certain** local law enforcement agencies to: (1) establish certain traffic control measures and parking restrictions and prohibitions within the Safety Zone; and (2) enter into an agreement with one or more state agencies, local governments, local governmental agencies in the Region or the Tahoe transportation district to develop public parking, provide parking enforcement and issue parking citations or notices of noncompliance within the Safety Zone. **Section 1** further authorizes the Department to: (1) establish and collect fees for public parking on certain land within the Safety Zone; and (2) enter into agreements with certain governmental entities to enforce and collect fees for parking within the Safety Zone. The proceeds of: (1) such fees must be used to manage parking in the ~~[Safety Zone;]~~ **Lake Tahoe Region;** and (2) any fines imposed ~~[by]~~ **for violations of** a parking restriction or prohibition, with certain exceptions, must be used for parking enforcement within the Safety Zone.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone is hereby created in the Lake Tahoe Region, consisting of any portion of U.S. Highway 50, Nevada State Route 28, Nevada State Route 431 and Nevada State Route 207 that is located in the Lake Tahoe Region and directly

connected to a recreational destination or that has otherwise been designated as a Scenic Byway.

2. Within the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone, the Department of Transportation and any local law enforcement agency with jurisdiction in the Region may:

(a) Place traffic control devices on any portion of highway in the Safety Zone and implement measures of traffic calming;

(b) Prohibit or restrict parking on the shoulder of any highway in the Safety Zone; and

(c) Prohibit or restrict a person from stopping, leaving standing or parking a vehicle anywhere the Department of Transportation or the local law enforcement agency determines such activities are dangerous to other persons operating a vehicle on a highway in the Safety Zone or would duly interfere with the free movement of traffic on such highway.

➥ A person shall not stop, park or leave standing any vehicle in violation of a traffic control device, prohibition or restriction established pursuant to this subsection.

3. In addition to the provisions of subsection 2:

(a) The Department of Transportation may, on any land owned or held by the Department of Transportation:

(1) Establish and collect fees for public parking; and

(2) Enter into an agreement with one or more state agencies, local governments, local governmental agencies or the Tahoe transportation district, as applicable, to enforce and collect any fee established pursuant to this paragraph for public parking; and

(b) The Department of Transportation or a law enforcement agency may enter into agreements with one or more state agencies, local governments with jurisdiction in the Region, local governmental agencies or the Tahoe transportation district relating to parking in the Safety Zone, including, without limitation:

(1) The development of public parking in any right-of-way or land owned by the State and pedestrian pathways for residents and visitors who use such public parking to move from the public parking to a recreational destination; and

(2) The enforcement of parking restrictions and prohibitions established pursuant to subsection 2.

4. Any agreement entered into pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), may authorize the state agency, local government, local governmental agency or the Tahoe transportation district to appoint employees, who must be directly employed by the state agency, local government, local governmental agency or Tahoe transportation district, as applicable, to issue citations or notices of noncompliance, manually or electronically, for a violation of any parking restriction or prohibition established pursuant to subsection 2 or a requirement to pay a fee established pursuant to subsection 3. A citation or

notice of noncompliance authorized by this paragraph and issued pursuant to the agreement has the same force and effect as a citation or notice issued by a peace officer. The employee must file the original or a copy of the citation or notice of compliance in the manner required pursuant to NRS 484A.680.

(b) Must prohibit the issuance of citations or notices of noncompliance in any area within the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone where there is no access to a recreation destination from the public parking using public transit or pedestrian pathways.

(c) Must require the state agency, local government, local governmental agency or Tahoe transportation district, as applicable, for any employee appointed pursuant to paragraph (a), to:

(1) Establish minimum qualifications;

(2) Provide training to the employee before the employee may issue citations or notices of noncompliance; and

(3) Provide appropriate equipment to the employee, including, without limitation, uniforms or identifying attire and books or electronic devices for issuing citations or notices of noncompliance; and

(d) If the agreement is made with the Tahoe transportation district, must require that any fees or fines collected by the Tahoe transportation district be used in the Lake Tahoe Region to manage parking in the Region.

5. A state agency, local government or local governmental agency that appoints an employee to issue citations or notices of noncompliance pursuant to subsection 4 is not liable for the negligent acts or omissions of such an employee unless:

(a) The employee made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or

(b) The conduct of the employee affirmatively caused the harm.

➥ The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.

6. Any fee established by the Department of Transportation pursuant to subsection 3 and collected by the Department of Transportation, a state agency, a local government or a local governmental agency must be used to manage parking in the Lake Tahoe Region, including, without limitation:

(a) The operation and maintenance of public parking and pedestrian pathways;

(b) The enforcement of parking restrictions and prohibitions and fees for public parking;

(c) The installation of adequate signage to support safety and provide information to any person using the public parking; and

(d) The development, operation and maintenance of amenities for any person using the public parking, including, without limitation, restrooms and trash cans.

7. Any fine collected by the Department of Transportation, a law enforcement agency, a state agency, a local government or a local governmental agency pursuant to this section must be used in the Lake Tahoe Region for enforcing parking restrictions and prohibitions in the Safety Zone.

8. As used in this section:

(a) "Lake Tahoe Region" or "Region" includes Lake Tahoe and the adjacent parts of Douglas and Washoe Counties and Carson City lying within the Tahoe Basin in the State of Nevada.

(b) "Public parking" means a parking space or parking facility, including, without limitation, a parking deck, parking garage, parking structure or paved or unpaved parking lot, that members of the public are invited or permitted to enter and use.

(c) "Scenic Byway" has the meaning ascribed to it in the National Scenic Byways Program, as issued by the United States Federal Highway Administration in 60 Federal Register 26,759 on May 18, 1995.

(d) "Tahoe transportation district" means the Tahoe transportation district established by Article IX of the Tahoe Regional Planning Compact.

(e) "Traffic calming" ~~[means]~~ :

(1) Means a combination of measures and techniques intended to:

~~[(1)]~~ (I) Reduce vehicular speeds;

~~[(2)]~~ (II) Promote safe and pleasant conditions for motorists, bicyclists, pedestrians and residents;

~~[(3)]~~ (III) Improve the environment and usability of roadways;

~~[(4)]~~ (IV) Improve real and perceived safety for nonmotorized traffic; or

~~[(5) Any]~~

(V) Achieve any combination of ~~[subparagraphs (1) to (4),]~~ the purposes set forth in sub-subparagraphs (I) to (IV), inclusive.

(2) Does not include any combination of measures and techniques that reduces the number of lanes for traveling on any portion of U.S. Highway 50 that is part of the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone created by subsection 1.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time and ordered to third reading.

Senate Bill No. 451.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bills Nos. 188 and 473 and Senate Bills Nos. 258 and 418 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 306, 523, 530.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER YUREK:

Colleagues, this week, May 11 through May 17, 2025, we join the nation in commemorating National Police Week and observing Police Officers Memorial Day, which is today, May 15. It is a time when we pause the bustle of policy and partisanship to honor the women and men who wear the badge, to remember the fallen who can no longer answer the roll call, and to recommit ourselves to the safety of those who still stand watch.

Since Nevada's statehood in 1864, peace officers from every corner of our state—state troopers, county deputies, municipal police, tribal officers, correctional and patrol personnel, and yes, even the dedicated Nevada Legislative Police who protect this very building—have stepped into danger so that the rest of us might live, work, and assemble in peace. Many have paid the ultimate price. Their names are etched on the Nevada Law Enforcement [Officers] Memorial, right here, on our Capitol grounds and on the National Law Enforcement Officers Memorial in Washington D.C. At the close of our floor session today, I would encourage each of you to step outside and pay your respects at our own memorial. Let us show with our presence that their sacrifice is remembered.

To the families of the fallen, we recognize that every loss echoes far beyond the last radio call. Your loved ones' courage sustains the liberties debated on this floor, and Nevada stands with you in enduring gratitude. To those still serving, patrolling our highways in the predawn-dark, responding to calls no one else can answer, and standing silent posts here in our Chamber, we thank you. The thin blue line is more than a symbol. It is a living promise that order, justice, and community will prevail over chaos. We acknowledge the long hours, the split-second decisions, and the unseen stresses of the job. We pledge, as legislators, to craft policies that support officer safety, wellness, and transparency, strengthening the partnership between law enforcement and the Nevadans they serve. Allow me one brief word of faith, "Blessed are the peacemakers, for they are the children of God." May that promise guide our hearts and sustain those who keep vigil, while others sleep.

Finally, let us remember that public safety is a shared covenant. We ask much of our peace officers. We owe them clear laws, adequate resources, and heartfelt respect. May this week's tributes inspire us to act, not only in ceremony, but in policy, in ways that honor their service every day of the year. Mr. Speaker, I ask that we might pause for a brief moment of silence; first, for the Nevadans who will never again answer roll call, and then for the men and women who will suit up this evening and drive out into the dark on our behalf.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Rea and Lena Minetto.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Amos Madariaga-Vazquez, Josalyne Messina, and Stenson Perisho.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Badolato.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Dickman.

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Alisa Nikolaeva and Kendon Le.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Emma McNamara.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Peebles.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Giovanny Rios, Guadalupe Torres-Cruz, and Samantha Lampo.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Isabel Villicana, John Hamilton, and Timothy Lee.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Eve Harding, Nadine Mascarenhas, and Peter Park-Li.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa Ronilo, Jimena De Arcos-Padilla, Justin Roberts, Kenneth Dorsey, and Sendoa Lore.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth De Lira Lopez and Patrick Hayes.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Brianna Danielson, Jazz Barrientos, and Madeline Baeckel.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Angelo Giammona Wilber, Janelly Espinoza-Peregrina, and Olin Deweese.

Assemblymember Jauregui moved that the Assembly adjourn until Friday, May 16, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:48 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 16, 2025

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Pastor Paul Larson.

O Spirit of Wisdom, present in all traditions that seek You, we gather in humility and hope. You who whisper truth in every human heart, remind us today that good governance begins not with shouting, but with listening. Bend our ears towards one another, especially when disagreement feels easier than dialogue. Soften our hearts and give us the holy courage to ask, what does our neighbor need? Bind us together, not in uniformity, but in the bold, messy, necessary work of providing for the common good. Grant every legislator here today the gift of humble leadership and a heart big enough for all Nevadans.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 553; Senate Bills Nos. 116, 155, 208, 210, 273, 285, 313, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Joint Resolutions Nos. 1, 7, 8, 9, 10 and Senate Concurrent Resolution No. 2 be taken from their place on the Resolution File and be placed on the Resolution File for the next legislative day.

Motion carried.

NOTICE OF EXEMPTION

May 15, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 258 and 418.

SARAH COFFMAN
Fiscal Analysis Division

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Friday, May 16, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KOLO 8 NEWS: Emily Benito

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 587—AN ACT relating to state financial administration; requiring the transfer of certain money from the Account to Stabilize the Operation of the State Government to the State General Fund; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 551.

Bill read second time and ordered to third reading.

Senate Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 578.

SUMMARY—Revises provisions relating to ~~[criminal procedure.]~~ **judicial administration.** (BDR 14-476)

AN ACT relating to ~~[criminal procedure;]~~ **judicial administration;** revising requirements relating to certain proceedings in justice court; **revising provisions governing the selection of jurors;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain proceedings in a justice court to be recorded by the use of sound recording equipment. (NRS 4.390) Existing law also specifies that if a case is tried by jury in a justice court, a certified court reporter must be present and report on the trial under certain circumstances. (NRS 175.011) **Section 4** of this bill eliminates this requirement, thereby authorizing a justice court to record a proceeding before a jury using sound recording equipment under certain circumstances.

Existing law provides that sound recordings of certain proceedings in justice court must be preserved for certain periods. (NRS 4.420) **Section 5.5** of this bill provides that with respect to certain criminal proceedings in a justice court, sound recordings must be preserved for a period of at least 5 years.

Existing law authorizes a district court to assign a jury commissioner to select trial jurors. Existing law requires a jury commissioner so assigned to select trial jurors from among the qualified electors of the county or city, as applicable, who are not exempt from jury duty. As part of the jury selection process, existing law requires a jury commissioner to compile and maintain a list of qualified electors from information provided to the jury commissioner, including information provided by the Department of Health and Human Services concerning persons who receive public assistance. (NRS 6.045) Section 5.7 of this bill creates an exception to this requirement if the inclusion of such information is prohibited by federal law or regulation.

Existing law also requires the Department, upon the request of a district judge or jury commissioner, to provide a list of the names and addresses of persons who receive public assistance for use in jury selection. (NRS 422A.343) Section 5.9 of this bill creates an exception to this requirement if the provision of such information is prohibited by federal law or regulation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 175.011 is hereby amended to read as follows:

175.011 1. Cases required to be tried by jury must be so tried unless the defendant waives a jury trial in writing with the approval of the court and the consent of the prosecuting attorney. A defendant who pleads not guilty to the charge of a capital offense must be tried by jury.

2. Except as otherwise provided in subsection 1, in a justice court, a case must be tried by jury only if the defendant so demands in writing not less than 30 days before trial. ~~[Except as otherwise provided in NRS 4.390 and 4.400, if a case is tried by jury, a reporter must be present who is a certified court reporter and shall report the trial.]~~

3. Any proceeding before a jury in justice court may be recorded using sound recording equipment in accordance with NRS 4.390 and 4.400.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 4.420 is hereby amended to read as follows:

4.420 1. Except as otherwise provided in this section:

(a) The sound recording of each proceeding in justice court must be preserved until at least 1 year after the time for filing an appeal expires.

(b) With respect to a proceeding in justice court that involves a misdemeanor for which enhanced penalties may be imposed, a gross misdemeanor or a felony, the sound recording of the proceeding must be preserved for at least 8 years after the time for filing an appeal expires.

(c) With respect to a preliminary hearing conducted pursuant to NRS 171.178, the sound recording of the proceeding must be preserved for at least 5 years after the date of the preliminary hearing.

2. If no appeal is taken, the justice of the peace may order the destruction of the recording at any time after the date specified in subsection 1.

3. If there is an appeal to the district court, the sound recording must be preserved until at least 30 days after final disposition of the case on appeal, but the justice of the peace may order the destruction of the recording at any time after that date.

Sec. 5.7. **NRS 6.045 is hereby amended to read as follows:**

6.045 1. A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the designated court and shall select that number from the qualified electors of:

(a) The county; or

(b) The city whose population is 220,000 or more, for a municipal court,

➥ not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

(a) A list of persons who are registered to vote in the county or city, as applicable;

(b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;

(c) The Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.265;

(d) A public utility pursuant to NRS 704.206; and

(e) ~~[The]~~ ***Except as otherwise prohibited by federal law or regulation, the*** Department of Health and Human Services pursuant to NRS 422A.343.

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county or city to do the required jury duty.

7. A court may contract with another court for the purpose of procuring any administrative duties performed by a jury commissioner pursuant to this chapter.

Sec. 5.9. **NRS 422A.343 is hereby amended to read as follows:**

422A.343 1. ~~[Upon]~~ ***Except as otherwise prohibited by federal law or regulation, upon*** the request of a district judge or jury commissioner, the Department shall provide to the district judge or jury commissioner a list of the names and addresses of persons who receive public assistance for use in the selection of jurors pursuant to NRS 6.045.

2. A district judge or jury commissioner who requests the list of recipients pursuant to subsection 1 shall reimburse the Department for the reasonable cost of compiling the list.

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 137.

Bill read second time and ordered to third reading.

Senate Bill No. 183.

Bill read second time and ordered to third reading.

Senate Bill No. 284.

Bill read second time and ordered to third reading.

Senate Bill No. 299.

Bill read second time and ordered to third reading.

Senate Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 586.

AN ACT relating to county fire protection districts; requiring the Washoe County Board of County Commissioners, Reno City Council and Sparks City Council to establish a board to conduct a study relating to the creation of a county fire protection district within certain territory; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes contiguous unincorporated territory lying within one or more counties or incorporated territory lying within a consolidated municipality and not included in any other fire protection district to, by petition and election, be formed into a county fire protection district. (NRS 474.010-474.125) Existing law also authorizes a board of county commissioners to, by ordinance, organize unincorporated territory within the county into a county fire protection district. (NRS 474.460) Existing law further authorizes a board of county commissioners in a county whose population is less than 700,000 (currently all counties other than Clark County) to consolidate two or more county fire protection districts within the county under certain circumstances. (NRS 474.533)

Section 15 of this bill requires: (1) the Washoe County Board of County Commissioners, the Reno City Council and the Sparks City Council to establish, by interlocal agreement, a board to study the creation of a county fire protection district to consolidate fire protection services within certain territory within Washoe County, Reno and Sparks; and (2) the board to prepare a written report of the results and any recommendations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. 1. The Washoe County Board of County Commissioners shall, by interlocal agreement adopted in accordance with the provisions of NRS 277.080 to 277.180, inclusive, establish a board to study the creation of a county fire protection district to consolidate fire protection services within

territory within Washoe County and the Cities of Reno and Sparks. Washoe County and the Cities of Reno and Sparks shall share the costs of the study, the costs of any additional consultants and experts and any other cost necessary to conduct the study.

2. The board established pursuant to subsection 1 must be composed of:

(a) Two members of the Washoe County Board of County Commissioners, appointed by the Washoe County Board of County Commissioners;

(b) Two members of the Reno City Council, appointed by the Reno City Council; and

(c) Two members of the Sparks City Council, appointed by the Sparks City Council.

3. The board shall:

(a) Evaluate the impact a consolidated county fire protection district will have on the response times, preparation and costs of providing fire protection services in Washoe County and the Cities of Reno and Sparks;

(b) Determine any legal mechanisms necessary to consolidate fire service between the County and the Cities;

(c) Determine any assessments necessary to support the district;

(d) Determine and review the amount of any debt and liabilities of each former fire protection district or fire department consolidated into a county fire protection district for the purposes of determining how any such debt and liabilities may be settled or paid;

(e) Evaluate any potential impacts on policies of insurance for fire;

(f) Perform any other acts necessary, proper and convenient to accomplish the purposes of this section; and

(g) Not later than ~~[July 1,]~~ **December 31,** 2026, prepare a written report for transmission to the Washoe County Board of County Commissioners, Reno City Council and Sparks City Council with the results and recommendations of the board and any recommendations for legislation.

4. A majority of members constitutes a quorum at any meeting. Any action of the board must be approved by a majority of members and at least one member appointed by each participating governing body.

5. The board may contract with other entities to assist the board in carrying out the requirements of this section.

6. The board established pursuant to subsection 1 is a public body and is subject to the requirements set forth in chapter 241 of NRS.

Sec. 15.5. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section and sections 15.5 and 17 of this act become effective upon passage and approval.

2. Section 15 of this act becomes effective upon passage and approval and expires by limitation on July 1, 2027.

3. Sections 1 to 14, inclusive, and 16 of this act become effective on July 1, 2027.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 579.

AN ACT relating to public safety; establishing procedures governing the confiscation and return of firearms involving persons placed on a mental health crisis hold; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an officer authorized to make arrests in this State and certain providers of health care who, based on personal observation of a person, have probable cause to believe that the person is in a mental health crisis, may place the person on a mental health crisis hold. (NRS 433A.160) Under existing law, a mental health crisis hold is the detention of a person alleged to be a person in a mental health crisis for transport, assessment, evaluation, intervention and treatment, which generally may last not more than 72 hours. (NRS 433A.0175, 433A.150)

Existing law also authorizes an officer who has probable cause to believe that a person poses a risk of causing a self-inflicted injury or a personal injury to another person by possessing or purchasing a firearm to file an application for an order for protection against high-risk behavior. (NRS 33.560) Under existing law, an order for protection against high-risk behavior, among other things, requires the person to surrender any firearm possessed or controlled by the person and prohibits the person from possessing or controlling a firearm while the order is in effect. (NRS 33.590)

This bill authorizes an officer to immediately confiscate a firearm **that is on the person or** in the ~~[custody or control or]~~ immediate vicinity of a person placed on a mental health crisis hold and requires the officer, at the time that the firearm is confiscated, to provide the person with a receipt which describes the firearm and a notice which sets forth the procedures governing the return of the firearm.

This bill requires the law enforcement agency retaining custody of the confiscated firearm to, upon the release of the person from treatment, return the firearm to the person unless: (1) an officer of the law enforcement agency files a verified application for an order for protection against high-risk behavior; or (2) the person is prohibited by law from owning, possessing or having custody or control of the firearm.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer authorized to make arrests in the State of Nevada may immediately confiscate any firearm found to be on the person or in the ~~[custody or control or]~~ immediate vicinity of a person placed on a mental health crisis hold pursuant to NRS 433A.160.

2. If an officer confiscates a firearm from a person placed on a mental health crisis hold pursuant to subsection 1, the officer shall immediately provide the person with:

(a) A receipt which includes a description of the firearm; and

(b) A notice describing the procedures set forth in this section for the return of the firearm.

3. Upon the release of the person from treatment, the law enforcement agency retaining custody of the confiscated firearm shall make the firearm available for return to the person unless:

(a) An officer of the law enforcement agency files a verified application for an order for protection against high-risk behavior pursuant to NRS 33.560; or

(b) The person is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 372.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 451 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 114 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 114.

Bill read third time.

The following amendment was proposed by Assemblymember Marzola:

Amendment No. 620.

AN ACT relating to property; requiring certain landlords to establish a policy requiring certain applicants for employment to undergo a criminal background check as a condition of employment; requiring such landlords to take certain actions relating to dwelling unit keys; requiring such landlords to maintain a log of certain information and actions on the premises; authorizing the filing of a civil action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who work for a landlord of dwelling units intended and operated exclusively for certain older persons to undergo a criminal background check as a condition of employment with the landlord. (NRS 118A.335) **Section 1** of this bill requires a landlord of a covered premises to establish: (1) a policy requiring certain applicants for employment to undergo a criminal background check as a condition of employment; and (2) certain written policies and procedures relating to dwelling unit keys. **Section 1** also requires any such landlord to maintain on the premises: (1) a log that accounts for the issuance and return of each dwelling unit key; and (2) the written policies and procedures relating to dwelling unit keys established pursuant to **section 1**. **Section 1** defines the term "covered premises" to mean a premises comprising more than: (1) 50 dwelling units attached to a single parcel of property in a county whose population is 100,000 or more (currently Clark and Washoe Counties); or (2) ~~[10]~~ **30** dwelling units attached to a single parcel of property in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). **Section 1** also authorizes a civil action to be brought against a landlord that violates the provisions of **section 1** by a person aggrieved by the violation or a district attorney.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A landlord of a covered premises shall establish:

(a) A policy requiring an applicant for employment with the landlord to undergo a criminal background check as a condition of employment if the position for which the applicant is applying entails access to any dwelling unit key; and

(b) Written policies and procedures regarding the:

(1) Storage, issuance, return and security of dwelling unit keys; and

(2) If applicable, the usage and deactivation of dwelling unit keys.

2. A landlord of a covered premises shall maintain on the premises a log that accounts for the issuance and return of each dwelling unit key and the written policies and procedures established pursuant to paragraph (b) of subsection 1.

3. In addition to any other remedies, if a landlord of a covered premises violates this section, a person aggrieved by the violation or a district attorney may bring a civil action in a court of competent jurisdiction against the landlord to seek any or all of the following relief:

(a) Declaratory and injunctive relief.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

4. As used in this section:

(a) "Covered premises" means:

(1) In a county whose population is 100,000 or more, a premises comprising more than 50 dwelling units attached to a single parcel of property; or

(2) In a county whose population is less than 100,000, a premises comprising more than ~~[10]~~ 30 dwelling units attached to a single parcel of property.

(b) "Dwelling unit key" means any physical or electronic mechanism used to gain access to a dwelling unit, including, without limitation, a combination or access code.

(c) "Financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or financial institution that is licensed, registered or otherwise authorized to do business in this State.

(d) "Landlord" does not include a financial institution, real estate broker, real estate broker-salesperson or real estate salesperson.

(e) "Real estate broker" has the meaning ascribed to it in NRS 645.030.

(f) "Real estate broker-salesperson" has the meaning ascribed to it in NRS 645.035.

(g) "Real estate salesperson" has the meaning ascribed to it in NRS 645.040.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblymembers Backus, Dickman, Gallant, and Marzola.

ASSEMBLYMEMBER BACKUS:

Senate Bill 451 provides for the continued imposition, use, apportionment, and administration of a property tax rate of 20 cents on each $100 of assessed value in unincorporated areas of Clark County and the City of Las Vegas, which was originally approved by the voters at the November 1996 General Election to be imposed for a period of 30 years, for the employment of police officers with the Las Vegas Metropolitan Police Department, beginning July 1, 2027, and ending June 30, 2057.

Supporting S.B. 451 is about making sure we do not fall behind on public safety. It is about giving our officers the stability they need to do their jobs well and giving our families the peace

of mind they deserve. This funding allows the Las Vegas Metropolitan Police Department to deliver the vital services our community has come to expect, and to reduce crime, increase services, and keep our community safe. Nevada's families are worth it. I urge your full support of S.B. 451.

ASSEMBLYMEMBER DICKMAN:

I rise in opposition to Senate 451. This is really difficult for me because I have been told that my "no" vote is going to be interpreted as wanting to defund the police, which could not be further from the truth. We all want officers protecting us, and no one supports peace officers more than I do. However, this tax was implemented by a vote of the people, and it should be extended by a vote of the people. I was told that it would cost $170 million to keep the 800 officers. From Clark County's own budget, here are a couple of examples of wants rather than needs: [$]271 million for new park upgrades and splash pads, [$]634 million for county building remodels and office construction, [$]215 million in technology upgrades, not for public safety, but for internal departments. There is plenty of money to fund our police if spending is properly prioritized. I urge a "no" vote.

ASSEMBLYMEMBER GALLANT:

I rise in support of Senate Bill 451. I dug into this bill and looked at the history. When we take a look at the Clark County and the Las Vegas ballot initiative, there was no language about sunsetting. The more revenue from our property taxes, it was this body that enacted the 30-year sunset. For that reason, I do believe that it is in our purview to choose to extend it. I do hope that our cops have our support from this body.

ASSEMBLYMEMBER MARZOLA:

I rise in support of Senate Bill 451. I proudly support Senate Bill 451 because it represents a clear and necessary investment in public safety and the well-being of our communities. This funding allows the Las Vegas Metro Police Department to deliver the vital services our community has come to expect. By passing this measure, we ensure that our neighborhoods and families remain safe and well protected, not just today, but for future generations to come. As a mother, I believe our families deserve to feel safe in their homes, their schools, and their neighborhoods. By supporting this legislation, we are taking action to ensure that law enforcement can meet the growing needs of our communities while maintaining high standards of service. Senate Bill No. 451 keeps our families safe; it is smart policy and necessary for Nevada.

Roll call on Senate Bill No. 451:

YEAS—41.

NAYS—Dickman.

Senate Bill No. 451 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 381.

Bill read third time.

Remarks by Assemblymember Hardy.

ASSEMBLYMEMBER HARDY:

Assembly Bill 381 requires peace officers and animal control officers to seize animals found to be treated cruelly and ensures that local governments provide the animal with shelter and care or arrange humane euthanasia with the owner's written permission. If the owner does not request a hearing within five days or cannot be identified, the animal is forfeited to the local government. The bill enhances penalties for animal cruelty and related offenses, including: torturing, maiming, mutilating, or killing an animal; willful and malicious treatment in certain circumstances; abandonment of an animal; certain animal cruelty which causes the animal's death; and harming a police animal.

In addition, courts may ban convicted offenders from owning an animal for periods of time and can order restitution for associated costs and require counseling or treatment. Juvenile offenders must receive psychological evaluation and counseling. It also authorizes courts to issue restraining orders and provides an affirmative defense in certain circumstances.

I rise in support of Assembly Bill 381. "Justice for Reba," that was the message so many of us heard loudly and clearly in July of 2024 after a bulldog was trapped in a plastic bin with the lid taped shut and left behind in a grocery store dumpster. Since the moment I first heard this tragic story, I vowed to carry legislation for Reba and for all those like her that suffer unspeakable cruelty, and to ensure Reba's death was not in vain. Today, I rise to speak not just for our constituents, but for the voiceless; the animals who suffer in silence at the hands of abusers. Reba's law was born from tragedy, but it carries a message of hope and accountability. It tells the people of Nevada that we will not tolerate cruelty, and we will not allow innocent lives to be harmed without consequence. Reba's life mattered. With this law, we make it clear that all animals deserve protection, dignity, and justice. Let Nevada lead the way in saying no more leniency for abusers, no more silence in the face of suffering. Let this be our stand for compassion, for justice, and for Reba.

Roll call on Assembly Bill No. 381:

YEAS—42.

NAYS—None.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved Senate Bills Nos. 4, 7, 8, 9, 10, 11, 13, 15, 16, 17, 19, 21, 24, 25, 26, 27, 28, 30, 38, 43, 44, 45, 49, 52, 66, 72, 84, 93, 97, 99, 102, 117, 121, 162, 181, 203, 215, 225, 241, 266, 274, 278, 279, 290, 297, 301, 315, 320, 321, 322, 325, 343, 349, 358, 405, 406, 409, 414, 416, 419, 421, 426, 439, 444, and 445 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 258 be withdrawn from the Committee on Ways and Means and be placed on the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 258 be taken from its place on the General File and be placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Florence Drake Elementary School: Aaron Tienda, Adahir Arechiga Avila, Afton Smith, Alexa Garcia, Alison Caine, Allan Palacios-Rosales, Alyssa Johnson, Amy Banda-Barrera, Anthony Garcia Hernandez, Anya Guansing, Ashley Hernandez, Brendan McDonald, Brynn Foust, Camden Sprague,

Camila Vasquez Izquierdo, Cecelia Rubio, Charlotte Jaquette, Christian Recinos, Damian Lesmes-Molina, Dean Buyungan, Dominic Aguilar, Easton Steelman, Edward Marble, Elajae Santos, Emma Velazquez, Gavin Roscom, Hayzlee James, Itzel Ceja, James Frost, Jameson Fischer, Jameson Conley, Jayla Rodriguez, Kayla Melton, Keith Sombrano, Kharisma Rayon Barbosa, Lilly Payton, Madison Butters, Michelle Dantzler, Naya Duenez Calzada, Nicole Gbenjo, Rosalie Price, Ruth Manabat, Simone Sloan, Victoria Barreras, Violet Castro, Yago Saldana, Yaritzell Rivera Claudio, and Yusuf Azizi.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Darra Marcus.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Madeline Kelley.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Trumble and to the following students from Mark Twain Elementary School: Abigail Ambriz, Ahlanee Grajeda, Alan Alvarez Pacheco, Alessandro Valencia-Noriega, Alexander Gomez, Alexia Rivera, Alyna Reyes-Pacheco, Amilli Lomeli Matthews, Angel Garcia Almaraz, Angelique Avila Lopez, Antonio Moreno Castro, Aracely Cruz, Arel Miranda, Ayden Carrillo Escobar, Ayline Mendoza Alcantar, Cali Salgado-Ibarra, Cashton Arsenault, Christina Campos Gutierrez, Dakota Reese, Dalexa Dominguez Ortega, David Chambers, Declan Reese, Donovan Perkins, Draven Hoxie, Dylan Hernandez Guzman, Eliana Espino, Elias O'Neal, Emanuel Fausto, Emilio Garcia, Endevour Madsen, Fernando Tafolla, Grecia Arreola Gomez, Hernan Garcia, Iralyn Martinez, Isabella Gomez, Jason Jaques-Canas , Kai Torres-Brown, Kayden Reese, Kyra Lopez, Laylany Izquierdo, Leilani Cook, Lyrik Hermo-Jones, Marcus Piazza, Matthew Ramirez Prieto, Moises Pena Terrazas, Noah Perez-Downs, Olivia Cruz, Samantha Garcia, Sophia Patton, Valentina Escobar Rivas, Ximena Ayala Herrera, and Zoeana Chapman.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, May 19, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:34 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 19, 2025

Assembly called to order at 12:21 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Pastor Bob Sundquist.

"For National Integrity," from the Lutheran Book of Prayer.

Lord God, Ruler of all [peoples]:
We confess
the unruliness of our nature,
the disorderly inclinations of our minds,
the rebellious whims of our hearts.
We recognize
our need to be guided,
our need to be ruled,
our need to be disciplined.
We ask You
to guide us by just laws,
to rule us with love,
to govern us through responsible men,
to give us judges who are wise,
to raise up legislators with integrity,
to appoint executives who are honest.
We pray You,
help us to exercise our freedoms,
help us to discharge our obligations,
help us to hold the law in high regard; through the love of our Lord Jesus, who was made under the Law to become obedient for our sakes.
In His name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 12:53 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 124, 166, 167, 171, 189, 198, 251, 268, 327, 338, 370, 375, 386, 387, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 130, 169, 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 113, 194, 291, 326, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 138, 187, 295, 306, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 46, 120, 125, 141, 142, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 101, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Senate Bills Nos. 41, 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHEA M. BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved Senate Joint Resolutions Nos. 1, 7, 8, 9, 10 and Senate Concurrent Resolution No. 2 be taken from their place on the Resolution File and be placed on the Resolution File of the next legislative day.

Motion carried.

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Monday, May 19, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

NEVADA PUBLIC RADIO-KNPR RADIO: Jimmy Romo-Buenrostro.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 258 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 588—AN ACT relating to legislators; revising the title of a member of the Assembly to "Assemblymember" in conformance with the Assembly Standing Rules and the Joint Standing Rules of the Senate and Assembly; and providing other matters properly relating thereto.

Assemblymember Mosca moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymember Yeager (emergency request of the Speaker of the Assembly):

Assembly Bill No. 589—AN ACT relating to privacy; prohibiting a state agency, a local government or a contractor or grantee of a state agency or local government from collecting or disclosing autism-related data under certain circumstances; requiring the Office of the Governor to biennially review compliance with those prohibitions; authorizing the establishment of advisory groups to evaluate and make recommendations concerning the implementation of those prohibitions; prohibiting the obtaining, retention, sale or transfer of certain genetic information or a DNA sample except in certain circumstances; prohibiting the disclosure of certain genetic information or related information except in certain circumstances; prohibiting certain genetic testing except in certain circumstances; creating a cause of action for certain unauthorized

disclosures of genetic information and certain unauthorized genetic testing; providing penalties; and providing other matters properly relating thereto.

Assemblymember Considine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 590—AN ACT making appropriations to and authorizing the expenditure of money by the Office of the Military for certain projects, programs, equipment and contractual costs; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 553.

Bill read second time and ordered to third reading.

Senate Bill No. 116.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time and ordered to third reading.

Senate Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 560.

AN ACT relating to health care; requiring certain health facilities and providers of health care to take reasonable steps to provide a person with limited English proficiency with language assistance under certain circumstances; prescribing requirements governing the use of interpreters and translators to comply with that requirement; authorizing the discipline of certain health facilities and providers of health care for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require certain health care entities to take reasonable steps to provide meaningful access to persons with limited English proficiency who are eligible to be served or likely to be directly affected by a health program or activity of the entity. (45 C.F.R. § 92.201(a)) The Director of the Office for Civil Rights of the United States Department of Health and Human Services has provided additional guidance by defining meaningful access to mean ensuring that language barriers do not prevent a person from obtaining necessary health services and care. (Melanie Fontes Rainer, Director, Office for Civil Rights U.S. Dep't. of Health and Human Services

(Dec. 5, 2024), Dear Colleague Letter Regarding Language Access Provisions of the Final Rule Implementing Section 1557 of the Affordable Care Act, retrieved from http://www.hhs.gov/sites/default/files/ocr-dcl-section-1557-language-access.pdf) Existing federal regulations prescribe various requirements and procedures governing the use of interpreters and translators to comply with those requirements. (45 C.F.R. § 92.201)

Sections 5-8 and 16-20 of this bill codify similar provisions into state law, thereby requiring certain health facilities and providers of health care to take reasonable steps to ensure that language barriers do not prevent a person with limited English proficiency from obtaining necessary access to health care. **Sections 5, 16 and 20** prescribe certain factors for determining whether an action is necessary for a health facility or provider of health care to be in compliance with that requirement. **Sections 5 and 16** require that a service to provide language assistance be available free of charge, be accurate in translation or interpretation, be provided in a timely manner and protect the ability of the person with limited English proficiency to make independent decisions. **Sections 5 and 16** require that a qualified translator review a machine-translated document under certain circumstances.

Sections 5 and 16 require a health facility or provider of health care to use a qualified interpreter or translator to provide interpreting or translating services, and **sections 8 and 19** establish the qualifications to serve as an interpreter or translator. **Sections 6 and 17** prohibit the use of an unqualified interpreter, except in certain circumstances. **Sections 6 and 17** also prohibit a health facility or provider of health care from requiring a person with limited English proficiency to provide his or her own interpreter or pay the cost of an interpreter. **Sections 7 and 18** prescribe requirements governing the use of a remote interpreter. **Sections 3, 4 and 15** of this bill define certain terms, and **section 2** of this bill establishes the applicability of the definitions set forth in **sections 3 and 4**. **Sections 9 and 10** of this bill make conforming changes to establish the applicability of certain provisions. **Sections 11-13, 20 and 21** of this bill prescribe various mechanisms for the enforcement of **sections 5-8 and 16-19**, including the imposition of administrative sanctions against a health facility that fails to comply with those provisions and professional discipline against a provider of health care who fails to comply with those provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the definitions ascribed to them in those sections.***

Sec. 3. ***"Health facility" means a medical facility, a facility for the dependent that is a provider of services under Medicaid or a facility which is***

required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed.

Sec. 4. *"Person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.*

Sec. 5. *1. A health facility shall take reasonable steps to ensure that language barriers do not prevent a person with limited English proficiency from obtaining necessary health care.*

2. In determining whether a particular action is necessary to comply with subsection 1, a health facility shall, and in determining whether a health facility is in compliance with subsection 1, the Division shall:

(a) Evaluate, and give substantial weight to, the nature and importance of the services or programs provided by the health facility and the relevant communications to the person with limited English proficiency; and

(b) Consider any other relevant factors, including, without limitation, the effectiveness of any procedure for providing language access through written documents.

3. A service to provide language assistance to ensure compliance with subsection 1 must:

(a) Be provided free of charge to the person with limited English proficiency;

(b) Be accurate in translation or interpretation and provided in a timely manner; and

(c) Protect the privacy and ability of the person with limited English proficiency to make independent decisions.

4. Except as otherwise provided in section 6 of this act, if a health facility determines pursuant to subsection 2 that interpretation services or translation services are necessary to ensure compliance with subsection 1, the health facility shall utilize an interpreter or translator who is qualified pursuant to section 8 of this act to provide those services.

5. A health facility shall ensure that a translator who is qualified pursuant to section 8 of this act reviews a machine-translated document if the document:

(a) Relates to the rights of a person with limited English proficiency, the goods or services provided by the health facility or the ability of a person with limited English proficiency to obtain necessary health care;

(b) Must be accurately translated to ensure compliance with subsection 1 or protect the health and well-being of a person with limited English proficiency; or

(c) Is complex, nonliteral or technical.

Sec. 6. *1. A health facility shall not:*

(a) Require a person with limited English proficiency to provide his or her own interpreter or pay the cost of an interpreter;

(b) Utilize an adult who is not qualified as an interpreter pursuant to section 8 of this act to interpret or facilitate communication for a person with

limited English proficiency except where authorized pursuant to subsection 2 or 3;

(c) Utilize a child who is less than 18 years of age to interpret or facilitate communication for a person with limited English proficiency except where authorized pursuant to subsection 2; or

(d) Utilize an employee, a contractor or a volunteer of the health facility who is not an interpreter or a translator qualified pursuant to section 8 of this act to interpret or facilitate communication for a person with limited English proficiency.

2. A health facility may utilize an adult who is not qualified as an interpreter pursuant to section 8 of this act or a child who is less than 18 years of age to interpret or facilitate communication for a person with limited English proficiency on a temporary, emergency basis if:

(a) There is an imminent threat to the safety or welfare of any person or the public;

(b) An interpreter who is qualified pursuant to section 8 of this act is not immediately available;

(c) The health facility is attempting to find an interpreter who is qualified pursuant to section 8 of this act; and

(d) An interpreter who is qualified pursuant to section 8 of this act later confirms or supplements the initial communications with the interpreter utilized pursuant to this section.

3. A health facility may utilize an adult who is not qualified as an interpreter pursuant to section 8 of this act to interpret or facilitate communication for a person with limited English proficiency if the person with limited English proficiency requests for the adult to interpret or facilitate communication for him or her. Such a request must be:

(a) Made without the adult present to an interpreter who is qualified pursuant to section 8 of this act;

(b) Agreed to by the adult;

(c) Documented in the record of the person with limited English proficiency; and

(d) Deemed appropriate under the circumstances by the person providing the program or service on behalf of the health facility.

Sec. 7. *1. A health facility may use a remote interpreter to provide interpreting services necessary to comply with section 5 of this act if the health facility utilizes audio-visual communication technology or audio communication technology that includes, without limitation, synchronous interaction with audio and, if applicable, video over a high-speed, wide-bandwidth connection or wireless connection that, to the extent possible:*

(a) Does not produce a lag or irregular pauses in communication or, if applicable, images;

(b) Provides transmission of voice that is clear and audible; and

(c) If applicable, produces a high-quality video image that is not blurry or grainy and is large enough to display the face of the interpreter and person with limited English proficiency, regardless of body position.

2. A health facility shall provide training to an employee, a contractor or a volunteer who is involved in using audio-visual communication technology or audio communication technology to facilitate the use of a remote interpreter. Such training must be adequate to ensure that the employee, contractor or volunteer operates the technology efficiently and effectively.

Sec. 8. ***An interpreter or translator is qualified to provide interpretation or translation services pursuant to sections 2 to 8, inclusive, of this act if the interpreter or translator:***

1. Has demonstrated proficiency in and understanding of spoken or written, as applicable:

(a) English and at least one other language; or

(b) At least two languages that are not English if he or she is a relay interpreter or translator; and

2. Has demonstrated proficiency in interpreting or translating, as applicable, effectively, accurately and impartially, including, without limitation, using specialized vocabulary or terms without change, omission or addition.

Sec. 9. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and sections 2 to 8, inclusive, of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 10. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 2 to 8, inclusive, of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 11. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 2 to 8, inclusive, of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ***and sections 2 to 8, inclusive, of this act,*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and sections 2 to 8, inclusive, of this act*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 12. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and sections 2 to 8, inclusive, of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and sections 2 to 8, inclusive, of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and sections 2 to 8, inclusive, of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 13. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~.~~ ***, and sections 2 to 8, inclusive, of this act.***

Sec. 14. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 20, inclusive, of this act.

Sec. 15. ***As used in sections 15 to 20, inclusive, of this act, unless the context otherwise requires, "person with limited English proficiency" has the meaning ascribed to it in section 4 of this act.***

Sec. 16. ***1. A provider of health care shall take reasonable steps to ensure that language barriers do not prevent a person with limited English proficiency from obtaining necessary health care.***

2. In determining whether a particular action is necessary to comply with subsection 1, a provider of health care shall:

(a) Evaluate, and give substantial weight to, the nature and importance of the services or programs provided by the provider of health care and the relevant communications to the person with limited English proficiency; and

(b) Consider any other relevant factors, including, without limitation, the effectiveness of any procedure for providing language access through written documents.

3. A service to provide language assistance to ensure compliance with subsection 1 must:

(a) Be provided free of charge to the person with limited English proficiency;

(b) Be accurate in translation or interpretation and provided in a timely manner; and

(c) Protect the privacy and ability of the person with limited English proficiency to make independent decisions.

4. Except as otherwise provided in section 17 of this act, if a provider of health care determines pursuant to subsection 2 that interpretation services or translation services are necessary to ensure compliance with subsection 1,

the provider of health care shall use an interpreter or translator who is qualified pursuant to section 19 of this act.

5. A provider of health care shall ensure that a machine-translated document is reviewed by a translator who is qualified pursuant to section 19 of this act if the document:

(a) Relates to the rights of a person with limited English proficiency, the goods or services provided by the provider of health care or the ability of a person with limited English proficiency to obtain necessary health care;

(b) Must be accurately translated to ensure compliance with subsection 1 or protect the health and well-being of a person with limited English proficiency; or

(c) Is complex, nonliteral or technical.

Sec. 17. *1. A provider of health care shall not:*

(a) Require a person with limited English proficiency to provide his or her own interpreter or pay the cost of an interpreter;

(b) Utilize an adult who is not qualified as an interpreter pursuant to section 19 of this act to interpret or facilitate communication for a person with limited English proficiency except where authorized pursuant to subsection 2 or 3;

(c) Utilize a child who is less than 18 years of age to interpret or facilitate communication for a person with limited English proficiency except where authorized pursuant to subsection 2; or

(d) Utilize a person under the supervision of the provider of health care who is not an interpreter or a translator qualified pursuant to section 19 of this act to interpret or facilitate communication for a person with limited English proficiency.

2. A provider of health care may utilize an adult who is not qualified as an interpreter pursuant to section 19 of this act or a child who is less than 18 years of age to interpret or facilitate communication for a person with limited English proficiency on a temporary, emergency basis if:

(a) There is an imminent threat to the safety or welfare of any person or the public;

(b) An interpreter who is qualified pursuant to section 19 of this act is not immediately available;

(c) The provider of health care is attempting to find an interpreter who is qualified pursuant to section 19 of this act; and

(d) An interpreter who is qualified pursuant to section 19 of this act later confirms or supplements the initial communications with the interpreter utilized pursuant to this section.

3. A provider of health care may utilize an adult who is not qualified as an interpreter pursuant to section 19 of this act to interpret or facilitate communication for a person with limited English proficiency if the person with limited English proficiency requests for the adult to interpret or facilitate communication for him or her. Such a request must be:

(a) Made without the adult present to an interpreter who is qualified pursuant to section 19 of this act;

(b) Agreed to by the adult;

(c) Documented in the record of the person with limited English proficiency; and

(d) Deemed appropriate under the circumstances by the provider of health care.

Sec. 18. *1. A provider of health care may use a remote interpreter to provide interpreting services necessary to comply with section 16 of this act if the provider of health care utilizes audio-visual communication technology or audio communication technology that includes, without limitation, synchronous interaction with audio and, if applicable, video over a high-speed, wide-bandwidth connection or wireless connection that, to the extent possible:*

(a) Does not produce a lag or irregular pauses in communication or, if applicable, images;

(b) Provides transmission of voice that is clear and audible; and

(c) If applicable, produces a high-quality video image that is not blurry or grainy and is large enough to display the face of the interpreter and person with limited English proficiency, regardless of body position.

2. A provider of health care shall provide training to a person he or she supervises who is involved in using audio-visual communication technology or audio communication technology to facilitate the use of a remote interpreter. Such training must be adequate to ensure that the person operates the technology efficiently and effectively.

Sec. 19. *An interpreter or translator is qualified to provide interpretation or translation services pursuant to sections 15 to 20, inclusive, of this act if the interpreter or translator:*

1. Has demonstrated proficiency in and understanding of spoken or written, as applicable:

(a) English and at least one other language; or

(b) At least two languages that are not English if he or she is a relay interpreter or translator;

2. Has demonstrated proficiency in interpreting or translating, as applicable, effectively, accurately and impartially, including, without limitation, using specialized vocabulary or terms without change, omission or addition.

Sec. 20. *1. A provider of health care who violates any provision of sections 15 to 20, inclusive, of this act ~~[is guilty of unprofessional conduct and is subject to disciplinary action]~~ may be disciplined by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.*

2. The board, agency or other entity in this State by which a provider of health care is licensed, certified or regulated shall determine if the provider

of health care is in compliance with sections 15 to 20, inclusive, of this act using the factors listed in subsection 2 of section 16 of this act.

Sec. 21. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a facility for skilled nursing or facility for intermediate care or residential facility for groups or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 2 to 8, inclusive, of this act*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.0333. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 22. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Brown-May moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 208.
Bill read second time and ordered to third reading.

Senate Bill No. 210.
Bill read second time and ordered to third reading.

Senate Bill No. 273.
Bill read second time and ordered to third reading.

Senate Bill No. 285.
Bill read second time and ordered to third reading.

Senate Bill No. 313.
Bill read second time and ordered to third reading.

Senate Bill No. 410.
Bill read second time and ordered to third reading.

Senate Bill No. 428.
Bill read second time.
The following amendment was proposed by the Committee on Legislative Operations and Elections:
Amendment No. 587.
AN ACT relating to public office; revising provisions relating to the eligibility of a public officer to remain in office; requiring a public officer to take additional oaths of office; authorizing an elector to file a challenge to the eligibility of an incumbent of a public office; revising provisions relating to vacancies in nomination for a public office; providing that, with certain exceptions, the proof of identity and residency provided with a declaration of candidacy is a public record; revising provisions relating to a challenge to the qualifications of a candidate for public office; revising the information that must be included on a certified list of candidates for public office; providing a penalty; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law provides that, for the purpose of determining a person's eligibility for public office, the residence of a person is the person's actual residence within the State, county, district, ward, subdistrict or other unit prescribed by law. (NRS 281.050) **Section 1** of this bill provides that it is the public policy of this State to ensure that a person continues to reside in the area prescribed by law for the office during the entire term of the office.
Existing law requires members of the Legislature and all public officers, executive, judicial and ministerial, to take an oath of office before entering upon their duties of office. (NRS 282.020) **Section 2** of this bill requires all members of the Legislature and public officers to swear additional oaths under

penalty of perjury, including that they will relinquish office under certain circumstances. **Sections 1.5 and 3** of this bill make conforming changes to provide that public officers must take and subscribe to more than one oath.

Under existing law, with certain exceptions, a public office becomes vacant upon certain events, including the ceasing of the incumbent to be an actual, as opposed to constructive, resident of the State, district, county, city, ward or other unit prescribed by law in which the duties of the incumbent are to be exercised, or from which the incumbent was elected or appointed, or in which the incumbent was required to reside to be a candidate for office or appointed to office. If, upon the happening of such an event, the incumbent fails or refuses to relinquish the office, existing law requires the Attorney General or district attorney to commence and prosecute proceedings to declare the office vacant. (NRS 283.040) **Section 3** authorizes an elector with knowledge or evidence of the happening of such an event to file with the Attorney General or district attorney a challenge to the incumbent on the grounds that a vacancy has occurred because the event has occurred.

Under existing law, if a vacancy occurs in a major or minor political party nomination for a partisan office before a certain date in July of the year in which the general election is held because the nominee dies or is adjudicated insane or mentally incompetent, the party central committee or executive committee may designate a candidate to fill the nomination and the board of county commissioners in certain legislative districts comprising more than one county may vote to appoint a candidate to fill the vacancy and in all other cases, the nominee's name must remain on the ballot and, if elected, a vacancy exists. (NRS 293.165, 293.166) **Sections 4 and 5** of this bill provide that if a vacancy occurs before a certain date in July in the year in which the general election is held because the nominee no longer actually resides in the State, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, the party central committee or executive committee may designate a candidate to fill the vacancy and the board of county commissioners in certain legislative districts comprising more than one county may vote to appoint a candidate to fill the vacancy.

Section 11 of this bill provides that if a vacancy in nomination occurs for a city office after a certain date in July because the nominee no longer actually resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

Under existing law, with certain exceptions, a name may not be printed on a ballot for primary election unless the candidate, including a candidate appointed to fill a vacancy in a nomination, has filed a declaration of candidacy which must be accompanied by proof of identity and residency of the candidate. The filing officer is required to retain a copy of the proof of identity and residency which, except for certain confidential information, may not be withheld from the public. (NRS 293.177, 293C.185) **Sections 6 and 9** of this

bill provide that, except for certain confidential information, such proof of identity and residency is a public record.

Existing law authorizes an elector to file with the filing officer for an office a written challenge to a person on the grounds that the person fails to meet a qualification for office. If probable cause exists to support the challenge, existing law requires the Attorney General, district attorney or city attorney to petition a court of competent jurisdiction regarding the issue. (NRS 293.182, 293C.186) **Sections 7 and 10** of this bill require the Attorney General or district attorney **or city attorney** to notify the elector who filed the challenge of the time and place of a hearing scheduled on the challenge.

Existing law requires the Secretary of State and county clerk to forward to each other a certified list containing the name and mailing address of each person for whom candidacy papers have been filed. (NRS 293.187) **Section 8** of this bill requires the certified list to contain the residential address where the person actually resides and the mailing address, if different than the residential address.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office ***and actually continues to reside in the area prescribed by law for the office during the entire term of the office*** so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card, as defined in NRS 293.1205, issued to the person.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.

Sec. 1.5. NRS 282.010 is hereby amended to read as follows:

282.010 1. Members of the Legislature and all officers, executive, judicial and ministerial, shall, before entering upon the duties of their respective offices, provide the official bond required by law, when such bond shall be required, and take and subscribe to the official ~~[oath.]~~ ***oaths.***

2. All officers elected, except Senators and members of the Assembly, shall qualify, and execute and deliver their official bonds when required, as provided in this section, prior to the Tuesday after the first Monday in January ensuing their election.

3. All officers appointed to fill vacancies, in the cases provided by law, shall qualify and give bond when required, within 30 days from the time of their appointment.

4. The term of office of all officers, elected or appointed, shall begin from the time of their qualification, unless some other express provision is made by law.

Sec. 2. NRS 282.020 is hereby amended to read as follows:

282.020 ***1.*** Members of the Legislature and all officers, executive, judicial ***, municipal*** and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following ***constitutional*** oath:

> I, ..., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States, and the Constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of ....., on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

2. In addition to the constitutional oath required pursuant to subsection 1, members of the Legislature and all officers, executive, judicial, municipal and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oaths:

(a) I, ..., do solemnly swear (or affirm) that I am not under any direct or indirect obligation to vote for, appoint, elect or rule in favor of any person with respect to any office, position, employment or judicial

action; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

(b) I, ..., do solemnly swear (or affirm) that I actually reside at ....., which is in the area prescribed by law in which I am required to reside, that I will ~~[immediately]~~ notify the filing officer or appointing authority ~~[upon]~~ not later than 30 days after a change of address, and I will relinquish the office of ....., upon the occurrence of an event causing a vacancy set forth in NRS 283.040; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

3. As used in this section:

(a) "Appointing authority" means a public official, board, commission, committee, council or similar body that has the legal authority to appoint any member of the Legislature or executive, judicial, municipal or ministerial officer.

(b) "Filing officer" has the meaning ascribed to it in NRS 293.057.

Sec. 3. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of the incumbent's official ~~[oath]~~ ***oaths*** or bond or a violation of NRS 241.040, 293.1755 or 293C.200.

(e) A refusal or neglect of the person elected or appointed to take the ~~[oath]~~ ***oaths*** of office, as prescribed in NRS 282.010, or, when a bond is required by law, a refusal or neglect of the person to give the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be an actual, as opposed to constructive, resident of the State, district, county, city, ward or other unit prescribed by law in which the duties of the incumbent's office are to be exercised, or from which the incumbent was elected or appointed, or in which the incumbent was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of the incumbent's office for a period of 30 days, except when prevented by sickness or absence from the State or county, as provided by law. In a county whose population is less than 15,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of the incumbent's office for at least 6 months, the district attorney, either on the district attorney's own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the Attorney General, either on the Attorney General's own volition or at the request of another person, may petition the district court to declare

the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

(1) The medical condition of the incumbent;

(2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of the incumbent's office; and

(3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.

(h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

(i) A determination pursuant to NRS 293.182 or 293C.186 that the incumbent fails to meet any qualification required for the office.

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish the incumbent's office, the Attorney General shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office is a county office or concerns territory within one county, ***upon his or her own recognizance or a determination that probable cause exists to support a challenge filed pursuant to subsection 3,*** commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring that office vacant.

3. ***An elector with knowledge or evidence of the happening of an event described in subsection 1 may file with the Attorney General, if the office is a state office or concerns more than one county, or the district attorney, if the office is a county office or concerns territory within one county, a written challenge of the officer on the grounds that a vacancy has occurred due to an event described in subsection 1. A challenge filed pursuant to this subsection must:***

(a) Set forth the event described in subsection 1 which has occurred;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

4. The provisions of this section do not apply to the extent that they conflict or are otherwise inconsistent with any provision of the Constitution of the State of Nevada regarding the power to judge of the qualifications, elections and returns of or to punish, impeach, expel or remove from office the Governor, other state and judicial officers or State Legislators.

Sec. 4. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee required by NRS 293.193 after 8 a.m. on the third Monday in June, or if the third Monday in June is a legal holiday, on the day immediately following the third Monday in June, and before 5 p.m. on the fourth Friday in July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies **,** ~~[or]~~ is adjudicated insane or mentally incompetent ~~[,]~~ ***or no longer actually, as opposed to constructively, resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, as determined pursuant to NRS 281.050, 283.040 or 293.182, as applicable,*** the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; ~~[or]~~

(b) ***A nominee no longer actually, as opposed to constructively, resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, as determined pursuant to NRS 281.050, 283.040 or 293.182, as applicable; or***

(c) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. Each designation of a candidate provided for in this section must be filed with the appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 before 5 p.m. on the date the designation is filed.

Sec. 5. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies **,** ~~[or]~~ is adjudicated insane or mentally incompetent ~~[,]~~ ***or no longer actually, as opposed to constructively, resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, as determined pursuant to NRS 281.050, 283.040 or 293.182, as applicable,*** the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; ~~[or]~~

(b) ***A nominee no longer actually, as opposed to constructively, resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, as determined pursuant to NRS 281.050, 283.040 or 293.182, as applicable; or***

(c) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. Each designation of a candidate provided for in this section must be filed with the appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 before 5 p.m. on the date the designation is filed.

Sec. 6. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if

nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the

Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) ~~[May]~~ ***Except as otherwise provided in paragraph (b), is a public record and may*** not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may

file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. ***The Attorney General or district attorney shall notify the elector who filed the challenge of the time and place of the hearing.*** The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 8. NRS 293.187 is hereby amended to read as follows:

293.187 1. Not later than 5 working days after the last day on which a candidate for nonjudicial office may withdraw his or her candidacy pursuant to NRS 293.202:

(a) The Secretary of State shall forward to each county clerk a certified list containing the name ***, residential address where the person actually resides*** and mailing address ***, if different than the residential address,*** of each person

for whom candidacy papers for judicial and nonjudicial office have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents; and

(b) Each county clerk shall forward to the Secretary of State a certified list containing the name ***, residential address where the person actually resides*** and mailing address ***, if different than the residential address,*** of each person for whom candidacy papers for judicial and nonjudicial office have been filed in the office of the county clerk, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents.

2. There must be a party designation only for candidates for partisan offices.

Sec. 9. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary or general city election unless the person named has, in accordance with NRS 293C.145 or 293C.175, as applicable, timely filed a declaration of candidacy with the appropriate filing officer and paid the filing fee established by the governing body of the city.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto,

including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) ~~[May]~~ ***Except as otherwise provided in paragraph (b), is a public record and may*** not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 10. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the

elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. ***The city attorney shall notify the elector who filed the challenge of the time and place of the hearing.*** The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 11. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. A vacancy occurring in a nomination for a city office before 5 p.m. of the fourth Friday in July of the year in which the general city election is held must be filled by the person who received the next highest vote for the nomination in the primary city election if a primary city election was held for that city office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee established by the governing body of the city before 5 p.m. on the fourth Friday in July.

2. No change may be made on the ballot for the general city election after 5 p.m. on the fourth Friday in July of the year in which the general city election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; ~~[or]~~

(b) ***A nominee no longer actually, as opposed to constructively, resides in the State, district, county, city, ward or other unit prescribed by law in which the nominee is required to reside to be a candidate for office, as determined pursuant to NRS 281.050, 283.040 or 293C.186, as applicable; or***

(c) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

Sec. 11.5. The Legislative Counsel shall, in preparing the Nevada Revised Statutes and Nevada Administrative Code, substitute appropriately the term "oaths of office" for the term "oath of office."

Sec. 12. The provisions of NRS 282.010, 282.020 and subsection 1 of NRS 283.040, as amended by sections 1.5, 2 and 3 of this act, respectively, requiring all public officers to take and subscribe additional oaths of office and providing for a vacancy if a public officer is convicted of violating an oath or refuses or neglects to take an oath do not apply to any member of the Legislature or executive, judicial, municipal or ministerial officer who holds office on or before the effective date of this act.

Sec. 13. This act becomes effective upon passage and approval.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bill No. 553 be taken from its place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 258.

Bill read third time.

Roll call on Senate Bill No. 258:

YEAS—42.

NAYS—None.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 551.

Bill read third time.

Roll call on Assembly Bill No. 551:

YEAS—42.

NAYS—None.

Assembly Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 4.
Bill read third time.
Roll call on Senate Bill No. 4:
YEAS—42.
NAYS—None.
Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 7.
Bill read third time.
Roll call on Senate Bill No. 7:
YEAS—42.
NAYS—None.
Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 8.
Bill read third time.
Roll call on Senate Bill No. 8:
YEAS—42.
NAYS—None.
Senate Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 9.
Bill read third time.
Roll call on Senate Bill No. 9:
YEAS—42.
NAYS—None.
Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 10.
Bill read third time.
Roll call on Senate Bill No. 10:
YEAS—42.
NAYS—None.
Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 11.
Bill read third time.

Roll call on Senate Bill No. 11:
YEAS—42.
NAYS—None.
Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 13.
Bill read third time.
Roll call on Senate Bill No. 13:
YEAS—42.
NAYS—None.
Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 15.
Bill read third time.
Roll call on Senate Bill No. 15:
YEAS—42.
NAYS—None.
Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 16.
Bill read third time.
Roll call on Senate Bill No. 16:
YEAS—41.
NAYS—Gallant.
Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 17.
Bill read third time.
Roll call on Senate Bill No. 17:
YEAS—42.
NAYS—None.
Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 19.
Bill read third time.
Roll call on Senate Bill No. 19:
YEAS—42.
NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Roll call on Senate Bill No. 20:

YEAS—42.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Roll call on Senate Bill No. 21:

YEAS—42.

NAYS—None.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 24.

Bill read third time.

Roll call on Senate Bill No. 24:

YEAS—42.

NAYS—None.

Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 25.

Bill read third time.

Roll call on Senate Bill No. 25:

YEAS—40.

NAYS—Gray, Kasama—2.

Senate Bill No. 25 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 26.

Bill read third time.

Roll call on Senate Bill No. 26:

YEAS—42.

NAYS—None.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.
Bill read third time.
Roll call on Senate Bill No. 27:
YEAS—39.
NAYS—Dickman, Gray, Kasama—3.
Senate Bill No. 27 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 28.
Bill read third time.
Roll call on Senate Bill No. 28:
YEAS—36.
NAYS—Dickman, Gray, Gurr, Hafen, Hansen, O'Neill—6.
Senate Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 30.
Bill read third time.
Roll call on Senate Bill No. 30:
YEAS—42.
NAYS—None.
Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 38.
Bill read third time.
Roll call on Senate Bill No. 38:
YEAS—42.
NAYS—None.
Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 43.
Bill read third time.
Roll call on Senate Bill No. 43:
YEAS—42.
NAYS—None.
Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 44.
Bill read third time.
Roll call on Senate Bill No. 44:

YEAS—42.
NAYS—None.
Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 45.
Bill read third time.
Roll call on Senate Bill No. 45:
YEAS—42.
NAYS—None.
Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 49.
Bill read third time.
Roll call on Senate Bill No. 49:
YEAS—37.
NAYS—DeLong, Dickman, Gallant, Gray, Hafen—5.
Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 52.
Bill read third time.
Roll call on Senate Bill No. 52:
YEAS—42.
NAYS—None.
Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 66.
Bill read third time.
Roll call on Senate Bill No. 66:
YEAS—42.
NAYS—None.
Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 72.
Bill read third time.
Roll call on Senate Bill No. 72:
YEAS—42.
NAYS—None.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Roll call on Senate Bill No. 84:

YEAS—42.

NAYS—None.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 64 be taken from its place on the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 64.

Bill read third time.

The following amendment was proposed by Assemblymember Considine:

Amendment No. 593.

AN ACT relating to public meetings; revising the definition of "meeting" for purposes of the Open Meeting Law; ~~[authorizing, under certain circumstances, a public body to refuse to accept certain public comment relating to a contested case;]~~ revising provisions relating to requirements for meetings conducted by means of a remote technology system; revising provisions relating to privilege for certain statements and testimony made at a public meeting; revising provisions relating to the applicability of certain provisions of the Open Meeting Law to certain proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Existing law defines the term "meeting" for purposes of the Open Meeting Law and provides that the term does not include certain gatherings by members of a public body to receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both. (NRS 241.015) **Section 1** of this bill provides instead that a "meeting" does not include certain gatherings by members of a public body to: (1) receive legal advice from the attorney employed or retained by the public body regarding a matter over which the public body has supervision, control,

jurisdiction or advisory power; and (2) deliberate on the matter, provided such deliberation is limited to the legal advice.

~~[Existing law requires a public body to take comments by the general public at certain times during a meeting. (NRS 241.021) Existing law further requires a public body to provide notice of all meetings at least 3 working days before the meeting which must include certain information, including any restrictions on comments by the general public. (NRS 241.020) Section 3 of this bill authorizes a public body to refuse to accept public comment relating to issues of fact or law in a contested case which is before the public body until after that case has reached a final decision and any petition for judicial review is concluded. Section 2 of this bill makes a conforming change to provide that any restriction relating to public comment must be consistent with section 3.]~~

With certain exceptions, existing law authorizes a public body to conduct a meeting by means of a remote technology system but prohibits a public body from holding a meeting to consider a contested case or a regulation by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate. (NRS 241.023) **Section 4** of this bill prohibits instead a public body from holding a meeting by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate if, at the meeting, the public body will adjudicate certain contested cases or hold a workshop or a hearing on a regulation.

Existing law further requires that if a meeting is conducted using a remote technology system, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment must be read verbally before the first period of the day devoted to public comment. (NRS 241.023) **Section 4** provides instead that such a requirement applies if the meeting is conducted using a remote technology system and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate.

Existing law provides certain privileges for statements and testimony made at a public meeting, including an authorization, subject to a qualified privilege, for a witness who is testifying before a public body to publish defamatory matter as a part of a public meeting. (NRS 241.0353) **Section 5** of this bill provides instead that: (1) a witness who, subject to certain penalties relating to perjury, testifies under oath before a public body may publish defamatory matter as part of a public meeting; and (2) in general, no provision of the Open Meeting Law shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Existing law provides that: (1) certain requirements of the Open Meeting Law do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee unless

the licensee requests that the proceedings be conducted in such a manner; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to such provisions of the Open Meeting Law. (NRS 622.320) A "licensee" is a person who holds any license, certificate, registration, permit or similar type of authorization issued by a regulatory body which has authority to regulate certain occupations or professions. (NRS 622.040, 622.060) **Section 6** of this bill provides instead that: (1) the provisions of the Open Meeting Law which require a meeting to be noticed and open to the public do not apply to such proceedings unless the licensee requests that such proceedings be conducted pursuant to those provisions; and (2) if the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to all provisions of the Open Meeting Law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

4. "Meeting":

(a) Except as otherwise provided in paragraphs (b) and (c), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means

of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(c) Does not include a gathering or series of gatherings of members of a public body at which a quorum is actually or collectively present, whether in person, by use of a remote technology system or by means of electronic communication, to receive ~~[~~information~]~~ ***legal advice*** from the attorney employed or retained by the public body regarding ~~[~~potential or existing litigation involving~]~~ a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate ~~[~~toward a decision~]~~ on the matter, ~~[~~or both.~]~~ ***provided such deliberation is limited to the legal advice.***

5. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 and an educational foundation as defined in subsection 3 of NRS 388.750, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201;

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action; and

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the voting membership of a public body or another proportion established by law.

7. "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

8. "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

9. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 2. ~~[NRS 241.020 is hereby amended to read as follows:~~

~~— 241.020 — 1. — Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and~~

~~public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.~~

~~2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.~~

~~3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:~~

~~(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:~~

~~(1) Use the remote technology system to hear and observe the meeting;~~

~~(2) Participate in the meeting by telephone; and~~

~~(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.~~

~~(b) A list of the locations where the notice has been posted.~~

~~(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:~~

~~(1) A list of the locations where the supporting material is available to the public; or~~

~~(2) Information about how the supporting material may be found on the Internet website of the public body.~~

~~(d) An agenda consisting of:~~

~~(1) A clear and complete statement of the topics scheduled to be considered during the meeting.~~

~~(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.~~

~~(3) Periods devoted to comments by the general public, if any, and discussion of those comments.~~

~~(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the~~

~~person whose character, alleged misconduct or professional competence will be considered.~~

~~(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.~~

~~(6) Notification that:~~

~~(I) Items on the agenda may be taken out of order;~~

~~(II) The public body may combine two or more agenda items for consideration; and~~

~~(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.~~

~~(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable ***and consistent with NRS 241.021*** and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.~~

~~(8) If the meeting is being held using a remote technology system pursuant to NRS 241.023 and does not have a physical location designated for the meeting where members of the general public are permitted to attend and participate, clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number and any necessary identification number of the meeting or other access code.~~

~~4. Minimum public notice is:~~

~~(a) Posting a copy of the notice at the principal office of the public body or, if the meeting has a physical location, at the building in which the meeting is to be held. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.~~

~~(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.~~

~~(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:~~

~~(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or~~

~~(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.~~

~~5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:~~

~~(a) The date and time when the person posted the copy of the public notice;~~

~~(b) The address of the location where the person posted the copy of the public notice; and~~

~~(c) The name, title and signature of the person who posted the copy of the notice.~~

~~6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.~~

~~7. Upon any request, a public body shall provide, at no charge, at least one copy of:~~

~~(a) An agenda for a public meeting;~~

~~(b) A proposed ordinance or regulation which will be discussed at the public meeting; and~~

~~(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:~~

~~(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;~~

~~(2) Pertaining to the closed portion of such a meeting of the public body; or~~

~~(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.~~

~~➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.~~

~~8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:~~

~~(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or~~

~~(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.~~

~~➥ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.~~

~~9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 52,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.~~

~~10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.~~

~~11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:~~

~~(a) Have an Internet website; and~~

~~(b) Post to its Internet website:~~

~~(1) The public notice required by this section; and~~

~~(2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.~~

~~→ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.~~

~~12. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:~~

~~(a) Disasters caused by fire, flood, earthquake or other natural causes; or~~

~~(b) Any impairment of the health and safety of the public.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 241.021 is hereby amended to read as follows:~~

~~241.021 1. Except as otherwise provided in this section, comments by the general public must be taken by a public body:~~

~~(a) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or~~

~~(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.~~

~~2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of paragraph (d) of subsection 3 of NRS 241.020.~~

~~3. The provisions of subsections 1 and 2 do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to subsection 1 or 2.~~

~~4. If the agenda for a meeting authorizes the continuation of the meeting of a public body to one or more other calendar days, the public body must have a period devoted to comments by the general public:~~

~~(a) At the beginning of each day that the meeting is held before any item on which action may be taken is heard by the public body and again before the meeting recesses for the day or the adjournment of the meeting; or~~

~~(b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.~~

~~*5. A public body may refuse to accept public comment relating to issues of fact or law in a contested case, as defined in NRS 233B.032, which is before the public body until after that case has reached a final decision and any pending petition for judicial review is concluded.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 241.023 is hereby amended to read as follows:

241.023 1. Except as otherwise provided in subsection 2, a public body may conduct a meeting by means of a remote technology system if:

(a) A quorum is actually or collectively present, whether in person, by using the remote technology system or by means of electronic communication.

(b) Members of the public are permitted to:

(1) Attend and participate at a physical location designated for the meeting where members of the public are permitted to attend and participate; or

(2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system. A public body may also allow public comment by means of prerecorded messages.

(c) The public body reasonably ensures that any person who is not a member of the public body or a member of the public but is otherwise required or allowed to participate in the meeting is able to participate in the portion of the meeting that pertains to the person using the remote technology system. The public body shall be deemed to have complied with the requirements of this paragraph if the public body provides the person with a web-based link and a telephone number, in case of technical difficulties, that allows the person in real time to attend and participate in the meeting. Nothing in this paragraph requires a public body to provide a person with technical support to address the person's individual hardware, software or other technical issues.

2. If all members of a public body:

(a) Are required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

(b) Are not required to be elected officials, the public body shall not conduct a meeting by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate unless the public body complies with the provisions of subsection 11 of NRS 241.020.

3. If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by a remote technology system; and

(b) Each member of the public body in attendance can participate in the meeting.

4. Notwithstanding the provisions of subsections 1, 2 and 3, a public body may not hold a meeting ~~[to consider]~~ ***by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate if, at the meeting, the public body will:***

(a) Adjudicate a contested case ~~[, as defined in NRS 233B.032]~~ ***for which notice is required pursuant to NRS 233B.121;*** or

(b) Hold a workshop or a hearing on a regulation ~~[as defined in NRS 233B.038 by means of a remote technology system unless there is a physical location for the meeting where members of the general public are permitted to attend and participate.]~~ ***pursuant to NRS 233B.040 to 233B.120, inclusive.***

5. If a meeting is conducted pursuant to this section using a remote technology system ~~[,]~~ ***and a physical location is not designated for the meeting where members of the general public are permitted to attend and participate,*** before the first period of the day devoted to public comment, the clear and complete instructions for a member of the general public to be able to call in to the meeting to provide public comment, including, without limitation, a telephone number or any necessary identification number of the meeting or other access code, must be read verbally.

Sec. 5. NRS 241.0353 is hereby amended to read as follows:

241.0353 1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. ~~[Subject to a qualified privilege, a]~~ ***A*** witness who ~~[is testifying]~~ ***testifies under oath, subject to the penalties set forth in NRS 199.120,*** before a public body may publish defamatory matter as part of a public meeting. It is unlawful to misrepresent any fact knowingly when testifying before a public body.

3. Except as otherwise provided by law, nothing in this chapter shall be construed to affect any civil cause of action for defamation, libel, slander or any similar cause of action arising from defamatory statements made by a member of the public while he or she provides public comment to a public body.

Sec. 6. NRS 622.320 is hereby amended to read as follows:

622.320 1. The provisions of ***chapter 241 of*** NRS ~~[241.020]~~ ***requiring a meeting to be noticed and open to members of the public*** do not apply to proceedings relating to an investigation conducted to determine whether to proceed with disciplinary action against a licensee, unless the licensee requests that the proceedings be conducted pursuant to those provisions.

2. If the regulatory body decides to proceed with disciplinary action against the licensee, all proceedings that are conducted after that decision and are related to that disciplinary action are subject to the provisions of ***chapter 241 of*** NRS ***.*** ~~[241.020.]~~

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:24 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 93, 97, 99, 102, 114, 117, 121, 137, 162, 181, 183, 203, 215, 225, 241, 266, 274, 278, 279, 284, 290, 297, 299, 301, 315, 319, 320, 321, 322, 325, 330, 343, 347, 349, 358, 372, 405, 406, 408, 409, 414, 416, 419, 421, 426, 439, 444, and 445 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:25 p.m.

ASSEMBLY IN SESSION

At 7:55 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 48, 71, 179, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 591—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2025-2027 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 592—AN ACT relating to public employees; establishing the maximum allowed salaries for certain state employees; revising provisions relating to the compensation of employees of the Senate and Assembly; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Anila Sabir, Dr. Ali Haq, and Dr. Saeed Sabir.

On request of Assemblymember Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Gilda Blanco and Susana Franco.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Ashok Mirchandani, Jaswinder Singh Dhami, and Kuldeep Singh.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Bishan Singh, Rayan Muneer, and Zinat Namira.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Althoff, Adysen Lean, Alyssa Janiga, Andras Alfaro, Andrew Barth, Andrew Bradeson, Andrew Weigel, Anne Craeford, Anthony Llamas, Ariana MArtinez, Ashton McCaffery, Ava Heaphy, Bracciano Olsen, Brayden Bender, Brody Buck, Brooklyn Crawford, Cade Patten, Cadian Leslie, Carlos Lujan, Carmen Olaciregui, Cassidi Glenn, Cavan Burriss, Caylex Leslie, Chartruese Millare, Chloe Peet, Cody Sayo, Colin Dyson, Cooper Trudeau, Crystal Pautler, Dallas LAne, Damanpreet Singh, Danica LeBleu, Daniel Horgan, Dulin Hukari, Dylan Cornell, Eamonn Nagra, Eden Machabee, Elijah Kirwan, Ella Hallert, Ella Seeliger, Emery Smith, Emma Bailey, Eshaan Nagra, Ethan Conners, Ethan Schmelzer, Evan Cooley, Evan Miller, Gabriel PAscua, Gael Rosales-Lugo, Gavin Caron, Gavin Smith, Giana Brunetti, Gianna Barsanti, Gil Dexter, Gino Koch, Girogia DeCota, Grady Montoya, Hailey Fuzfa, Hannah Gifford, Hannah Tomas, Helena DePaoli, Henry Rossiter, Hope Crumley, Huesten Kolvet, Isabella Vazeen, Isabelle Sehgal, Isela Iniguez, Izaac Mez, Jackson Ramsey, Jacob Thoreson, Jaquelyn Buenting, Jazmin Mabunda, Jessica Resong, John Fredericks, John Gladys, Jordan Marshe, Joshua Gordon-Basterrecha, Joshua Juarez, Joshua Zarcone, Justin Vu, Kaden Rowe, Kaelyn Hill, Kailani Garcia, Kaili Spuhler, Kate Pelfrey, Kathryn MacRae, Kayla Cao, Kenedie Keever, Krysten Aguiree, Kyley Quigley, Lily Cardenas, Lucas Fyda, Luis Reyna-Qiroz, Macie Mead, Madeline Liddi, Madeline McCall, Madison Tucker, Manuel Lopez, Mariah Gunn, Maris Bender, Matteo Macias, Matthew Harrington, Megan McAbery, Megan Monaghan, Mia Oetjen, Molly Sullivan, Namanpreet Singh, Nathan Day, Nathan Luke, Nathaniel Bray, Nikita Hsueh, Olivia Baker, Pablo Guerrero, Pamela Jonovic, Parker Faulstich, Providence

Pouono, Quinn Dyson, Quintin Mandichak, Romel Collins, Ryder Kiel, Samuel Hall, Sienna Lamb, Sierra Jonovic, Simar Brar, Sofie McLean, Sophia Duckett, Sophia Daoust, Sophia Jones, Sophia Rauenhorst, Tanner Ines, Taygen Cox, Thomas Rossiter, Tiera Alonso, Trey Quatmann, Tristan Francis, Uma LAchenauer, Vince Clark, and Zane Woods.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Adisak Orachorn, Pornthip Buntha, and Sasithorn Weninger.

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Chang, Lorelani Riley Marquez Ladislao, and Raina Marquez Ladislao.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Fatima Tialini, Sabreen Sumaiya, and Talib Hakeem.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Houchin and Robert Houchin.

On request of Assemblymember Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Rozinski.

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Graves.

On request of Assemblymember Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Francis Allen-Palenske, Pauline Ng Lee, and Tracy Hibbetts.

On request of Assemblymember Jackson, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Echeverria, Francis Garcia, and Hector Garcia.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Eleazar Castellanos and Isaac Umana.

On request of Assemblymember Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Asma Ahmad, Maui Sanadiki, Miriam Sanadiki, and Rahmeh Abutarboush.

On request of Assemblymember Moore, the privilege of the floor of the Assembly Chamber for this day was extended to Elizeth Pelaez, Juan Gonzalez, and Rosario Ortiz.

On request of Assemblymember Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Persaud-Zamora, Evan Louie, and Jose Lopez.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Aury Nagy, Dr. Nadeem Tariq, and Faiza Qadeer.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Chen, Jan-le Low, and Vida Lin.

On request of Assemblymember Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Asra Nayab, Momin Qadeer, and Muhammad Qadeer.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Johny Garcia de la Cruz.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Arya Lindsley, Athena Lindsley, and Sydney Rose.

On request of Assemblymember Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Boontarik Potts and Suchada Brown.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Angelyn Tabalba and Craig Valdez.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, May 20, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:56 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 20, 2025

Assembly called to order at 11:58 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Craig Swope.

Father, the nature of our labors continually reminds us of our limitations. We regularly find the sky is not the only limit. From Ecclesiastes, "Solomon, for with much wisdom comes much sorrow; the more knowledge, the more grief." As we become more aware, the imperfections of life are always there. We pray that today's limitations be transformed to the seeds of a better day. We pray for Your guidance as we navigate the path that is rarely straight. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 87, 140, 213, 256, 334, 346, 350, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 168, 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 583, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 559, 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 17, 18, 20, 21, 30, 38, 46, 48, 50, 55, 56, 70, 89, 90, 97.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 116, 202, 258, 305, 361, 430, 493, 498, 510, 512, 521.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 289, Amendment No. 556; Assembly Bill No. 394, Amendment No. 558, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 89.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 161.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that for the remainder of the 83rd Session all necessary rules be suspended, and all bills and resolutions reported out of committee be immediately placed on the appropriate reading file.

Motion carried.

Assemblymember Jauregui moved that Senate Joint Resolutions Nos. 1, 7, 8, 9, and 10 and Senate Concurrent Resolution No. 2 be taken from their place on the Resolution File and be placed on the Resolution File of the next legislative day.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 97, 99, 225, 241, 273, 274, 290, 343, 405, 406, 408, 409, 410, 416, 419, 421, 426, 428, 439, 444, and 445 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 89.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 161.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 586.

Bill read second time and ordered to third reading.

Senate Bill No. 41.

Bill read second time and ordered to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 645.

AN ACT relating to land use planning; revising the date by which local planning commissions in certain counties are required to submit an annual report to the regional planning commission and the governing board for regional planning; revising provisions governing the terms of members of certain planning commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain provisions governing regional planning in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County). (NRS 278.026-278.029) Existing law also requires each local planning commission responsible for the preparation of a city or county master plan and certain other entities to prepare and submit to the regional planning commission and the governing board for regional planning, an annual report concerning any action taken within the previous calendar year related to the comprehensive regional plan. (NRS 278.0286) **Section 13** of this bill revises the date on which the annual report is required to be submitted to October 1 and requires the report to indicate certain actions taken within the previous fiscal year.

Existing law sets forth certain conditions for the creation of a planning commission by certain cities and counties and provides for the appointment of

the members of a planning commission. (NRS 278.030, 278.040) Further, existing law provides the term of each member of a planning commission: (1) is 4 years or until his or her successor takes office; or (2) in a county whose population is 700,000 or more (currently only Clark County), is coterminous with the term of the member of the governing body of the county or city who recommended the appointment to the appointing authority. (NRS 278.040) **Section 14** of this bill authorizes the governing body of a county or city in a county whose population is less than 700,000 (currently all counties other than Clark County), to provide by ordinance that the term of each member of a county or city planning commission is coterminous with the term of the member of the governing body who recommended the appointment to the appointing authority.

~~[Existing law provides that: (1) members of a county or city planning commission may be removed for just cause, after a public hearing, by a majority vote of the governing body of the county or city; and (2) in a county whose population is 700,000 or more (currently only Clark County), the members of a county or city planning commission serve at the pleasure of their appointing authority. (NRS 278.040) Section 14 authorizes the governing body of a county or city in a county whose population is less than 700,000 (currently all counties other than Clark County), to provide by ordinance that the members of a county or city planning commission serve at the pleasure of their appointing authority.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 278.0286 is hereby amended to read as follows:

278.0286 1. Each local planning commission responsible for the preparation of a city or county master plan and each affected entity shall prepare and submit to the regional planning commission and the governing board a complete report by ~~[April]~~ ***October*** 1 of each year indicating any action taken within the previous ~~[calendar]~~ ***fiscal*** year which furthers or assists in carrying out the policies or programs contained in the comprehensive regional

plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year.

2. Before submitting a recommendation for proposed legislation or beginning any program or project relating to the mandatory provisions of the comprehensive regional plan, a unit of local government or an affected entity shall file all relevant information relating to that request, program or project with the governing board.

Sec. 14. NRS 278.040 is hereby amended to read as follows:

278.040 1. The members of the planning commission are appointed by the chief executive officer of the city, or in the case of a county by the chair of the board of county commissioners, with the approval of the governing body. The members must not be members of the governing body of the city or county. The majority of the members of the county planning commission in any county whose population is 700,000 or more must reside within the unincorporated area of the county.

2. In Carson City, the members of the planning commission established as provided in NRS 278.030 are appointed by the Mayor from the city at large, with the approval of the Board of Supervisors.

3. The governing body may provide for compensation to its planning commission in an amount of not more than $80 per meeting of the commission, with a total of not more than $400 per month, and may provide travel expenses and subsistence allowances for the members in the same amounts as are allowed for other officers and employees of the county or city.

4. Except as otherwise provided in this subsection, the term of each member is 4 years, or until his or her successor takes office. If applicable, the term of each member of a county or city planning commission in any county whose population is 700,000 or more is coterminous with the term of the member of the governing body who recommended the appointment to the appointing authority. ***In a county whose population is less than 700,000, the governing body may provide by ordinance that the term of each member of a county or city planning commission is coterminous with the term of the member of the governing body who recommended the appointment to the appointing authority.*** If the recommending member resigns his or her office before the expiration of his or her term, the corresponding member of the planning commission may continue to serve until the office is next filled by election. If the office of the recommending member becomes vacant before the expiration of the term for any other reason, the corresponding member of the planning commission may continue to serve for the duration of the original term.

5. Except as otherwise provided in this subsection, members of a county or city planning commission may be removed, after public hearing, by a majority vote of the governing body for just cause. In a county whose population is 700,000 or more, members of a county or city planning commission serve at the pleasure of their appointing authority. ~~***[In a county whose population is less than 700,000, the governing body may provide by***~~

~~*ordinance that the members of a county or city planning commission serve at the pleasure of their appointing authority.]*~~

6. Vacancies occurring otherwise than through the expiration of term must be filled for the unexpired term.

Sec. 15. 1. This section ~~[,]~~ **and** sections 1 to 12, inclusive, ~~[and section 14]~~ of this act become effective upon passage and approval.

2. Section 13 of this act becomes effective on January 1, ~~[2027.]~~ **2026.**

3. Section 14 of this act becomes effective on July 1, 2029.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 646.

SUMMARY—Revises provisions relating to ~~[purchasing.]~~ **governmental administration.** (BDR 27-366)

AN ACT relating to ~~[purchasing;]~~ **governmental administration;** requiring certain public entities to post certain information relating to purchasing on their Internet websites; revising the duties of the Commission to Study Governmental Purchasing; abolishing the Regional Business Development Advisory Council for Clark County; **eliminating a requirement that institutions of the Nevada System of Higher Education provide certain mentoring to certain businesses participating in the NV Grow Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, the Local Government Purchasing Act governs the purchasing of supplies, materials, equipment and services by local governments. (Chapter 332 of NRS) The State Purchasing Act, which is administered by the Purchasing Division of the Department of Administration, governs the purchasing of supplies, materials, equipment and services by agencies of the Executive Department of the State Government, with certain exceptions. (Chapter 333 of NRS) **Sections 1.2 and 2** of this bill require the governing body of a local government and the Administrator of the Purchasing Division, respectively, to post prominently on their Internet websites: (1) information relating to the types of supplies, materials, equipment and services which are purchased by the local government or for state agencies, as applicable; and (2) procedures by which a person may request notice of solicitations or other methods of obtaining contracts for such purchases.

Existing law requires the Commission to Study Governmental Purchasing to study practices in governmental purchasing and laws relating thereto and make recommendations with respect to those laws to the next regular session of the Legislature. (NRS 332.215) **Section 1.8** of this bill provides instead that

the Commission is required to: (1) review practices in governmental purchasing; and (2) make recommendations to improve efficiency and equity in governmental purchasing contracts.

Section 1.4 of this bill requires the Commission to: (1) recommend policies, programs and procedures to encourage and promote purchasing from local businesses by local governments in this State; (2) create a supplier training program to educate local businesses on the public procurement process; and (3) create a support and outreach program that includes, without limitation, networking events and mentorship opportunities for local businesses.

Section 1.6 of this bill requires each local government in a county that has a voting member on the Commission to prepare and deliver an annual written report to the Commission regarding their employees, purchasing expenditures and activities undertaken relating to specified businesses during a fiscal year.

Existing law creates the Regional Business Development Advisory Council for Clark County and requires the Council to propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County. (Sections 15 and 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, at pages 268 and 269) **Section 15** of this bill abolishes the Regional Business Development Advisory Council for Clark County.

Section 12 of this bill makes a conforming change as a result of the abolishment of the Regional Business Development Advisory Council for Clark County and the expansion of the duties of the Commission to Study Governmental Purchasing.

Existing law requires Centers, which is defined to mean all institutions of the Nevada System of Higher Education, to mentor businesses participating in the NV Grow Program as to the optimum use of certain data relative to the making of business decisions. (Section 3 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3668) Section 12 eliminates this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.

Sec. 1.2. ***Each governing body shall post prominently on its Internet website:***

1. Information relating to the types of supplies, materials, equipment and services which are purchased by the governing body or its authorized representative pursuant to this chapter.

2. Procedures by which a person may request notice of solicitations or other methods of obtaining contracts for such purchases by the governing body or its authorized representative.

Sec. 1.4. *The Commission to Study Governmental Purchasing shall:*

1. Recommend policies, programs and procedures to encourage and promote purchasing from local businesses by local governments in this State.

2. Create a supplier training program to educate local businesses on the public procurement process.

3. Create a support and outreach program that includes, without limitation, networking events and mentorship opportunities for local businesses.

Sec. 1.6. *1. On or before November 1 of each year, each local government in a county that has a voting member on the Commission to Study Governmental Purchasing shall prepare and deliver a written report to the Commission, in a form prescribed by the Commission, for the immediately preceding fiscal year which contains, without limitation:*

(a) Except as otherwise provided in this paragraph, the number of persons employed by the local government, disaggregated by the categories of diverse persons. The provisions of this paragraph do not apply if the persons employed by the local government do not voluntarily provide such information to the local government.

(b) Purchasing expenditures made by the local government during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The amount and percentage of purchasing expenditures paid by the local government to diverse businesses, disaggregated by the categories of diverse businesses.

(d) The amount and percentage of purchasing expenditures paid by the local government to businesses that have a physical location and employees within this State.

(e) The amount and percentage of purchasing expenditures paid by the local government to businesses that do not have a physical location and employees within this State.

(f) A summary of the efforts and programs used by the local government to encourage and increase the involvement of diverse businesses in the public purchasing process and any efforts or programs used by the local government to encourage the economic development of diverse businesses.

(g) Such other information as the Commission determines is necessary to achieve its goals.

2. As used in this section:

(a) "Diverse business" means a business that:

(1) Is owned by a diverse person; or

(2) Has at least 51 percent of its ownership interest held by one or more diverse persons.

(b) "Diverse person" means a person who:

(1) Is a member of a racial or ethnic minority, female or a veteran or has a physical disability; or

(2) Identifies as lesbian, gay, bisexual, transgender, queer or intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.

Sec. 1.8. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to ~~[study]~~ ***review*** practices in governmental purchasing ~~[and laws relating thereto]~~ and ~~[shall]~~ make recommendations ~~[with respect]~~ to ~~[those laws to the next regular session of the Legislature.]~~ ***improve efficiency and equity in governmental purchasing contracts.***

3. On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on Legislative Operations and Elections that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

The Administrator shall post prominently on the Internet website of the Purchasing Division:

1. Information relating to the types of supplies, materials, equipment and services which are purchased pursuant to this chapter.

2. Procedures by which a person may request notice of solicitations or other methods of obtaining contracts for such purchases.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. Section 3 of the NV Grow Act, being chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3668, is hereby amended to read as follows:

Sec. 3. In assisting and carrying out the program described in section 2 of this act, the Centers, as defined in section 2 of this act, shall, without limitation, perform the following services:

1. Analyze data;

2. Ensure that businesses participating in the program understand the manner in which the data so analyzed will be applied to those businesses so

that the businesses may make better business decisions and understand the current business market in which they exist; ***and***

~~3. [Mentor the businesses as to the optimum use of data received under the program relative to the making of business decisions; and~~

~~4.]~~ With respect to the businesses participating in the program:

(a) Track the business decisions and growth of each business over the entire period of the program;

(b) Report the data tracked pursuant to paragraph (a), at least once each 6 months, to the Division; and

(c) Ensure the development of contacts with the Office of Economic Development and, if appropriate, the ~~[Regional Business Development Advisory Council for Clark County]~~ ***Commission to Study Governmental Purchasing described in NRS 332.215*** to facilitate participation in procurement programs and to further enhance the growth of each business.

Sec. 13. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 15. Sections 11 to 20, inclusive, of the Regional Business Development Advisory Council for Clark County Act are hereby repealed.

Sec. 16. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

Sections 11 to 20, inclusive, of the Regional Business Development Advisory Council for Clark County Act:

Sec. 11. Definitions. As used in sections 11 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 and 13 of this act have the meaning ascribed to them in those sections.

Sec. 12. "Council" defined. "Council" means the Regional Business Development Advisory Council for Clark County created by section 15 of this act.

Sec. 13. "Disadvantaged person" defined. "Disadvantaged person" means a person who:

1. Is a member of a racial or ethnic minority, female or physically disabled; or

2. Identifies as lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

Sec. 14. Legislative findings and declaration. The Legislature hereby finds and declares that a general law cannot be made applicable for the provisions of this act because of the economic diversity of Clark County, the unique growth in population experienced in Clark County, particularly in the minority population, and the special conditions experienced in Clark County related to the documented statistical disparities between the availability and

utilization of firms owned by minorities and women for the procurement and contracting by public agencies in Clark County.

Sec. 15. Council: Creation; membership.

1. The Regional Business Development Advisory Council for Clark County is hereby created. Except as otherwise provided in subsection 2, the Council consists of a single representative from each of the following entities:

(a) City of Henderson.
(b) Henderson Library District.
(c) City of Las Vegas.
(d) City of North Las Vegas.
(e) Clark County.
(f) Clark County Regional Flood Control District.
(g) Clark County Water Reclamation District.
(h) Clark County School District.
(i) College of Southern Nevada.
(j) Las Vegas-Clark County Library District.
(k) Las Vegas Convention and Visitors Authority.
(l) Las Vegas Valley Water District.
(m) Regional Transportation Commission of Southern Nevada.
(n) Southern Nevada Health District.
(o) Southern Nevada Regional Housing Authority.
(p) Southern Nevada Water Authority.
(q) University Medical Center of Southern Nevada.
(r) University of Nevada, Las Vegas.
(s) Department of Transportation.

2. The Board of County Commissioners of Clark County, in consultation with the Council, shall solicit and encourage participation in the Council by other governmental entities, private nonprofit entities organized to promote business or encourage participation in government, and private entities that employ 500 or more persons. Any such entity that requests to participate in the Council must be included as a nonvoting member of the Council.

Sec. 16. Council: Officers; terms; vacancies. The Council shall elect from among its members a Chair, Vice Chair, Secretary and such other officers as the Council determines are necessary. The term of each officer is 2 years. Any vacancy occurring in an office must be filled by majority vote of the members of the Council for the remainder of the unexpired term.

Sec. 17. Council: Compensation of members; administrative assistance; expenses.

1. The members of the Council shall serve without compensation.

2. The governmental entities who have a representative on the Council shall jointly provide the Council with administrative assistance and provide for the payment of the expenses of the Council.

Sec. 18. Council: Frequency of meetings. The Council shall meet at least once every 3 months, at such times as are determined by the Council.

Sec. 19. Council: Duties of Secretary. The Secretary of the Council shall:

1. Record the minutes of each meeting of the Council;

2. Record the attendance at each meeting of the Council; and

3. Maintain the records, minutes and audio recordings or transcripts of the Council.

Sec. 20. Council: Duties; information to be provided to certain local businesses; reports.

1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council pursuant to subsection 1 of section 15 of this act shall prepare and deliver a written report to the Council for the immediately preceding fiscal year which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Expenditures made by the public entity during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of expenditures paid by the public entity to local businesses owned and operated by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by local businesses owned and operated by disadvantaged persons and any efforts or programs used by the public entity to encourage the economic development of local businesses owned and operated by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public and private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. The Council shall provide to local businesses owned and operated by disadvantaged persons information, in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:

(a) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(b) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(c) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(d) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(e) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(f) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(g) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(h) Any other private lending opportunity for small businesses with which the Council has a working relationship.

5. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 709.

AN ACT relating to governmental records; authorizing records of the State Registrar of Vital Statistics, each county health officer and the Department of Motor Vehicles to include a diacritical mark used in the name of a person; authorizing licenses, identification cards and driver authorization cards issued by the Department of Motor Vehicles to display a diacritical mark used in the full legal name of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the State Registrar of Vital Statistics with maintaining and preserving and each county health officer with collecting certain vital statistics, which is defined as records of births, deaths, fetal deaths, marriages, annulments, divorce and related information. (NRS 440.080, 440.110-440.260) **Section 1** of this bill authorizes the State Registrar and each county health officer to record a diacritical mark used in the name of a person in the vital statistics of the State Registrar and county health officer.

Existing law requires the Department of Motor Vehicles to issue: (1) licenses to operate a motor vehicle or motorcycle, including, without limitation, instruction permits, commercial driver's licenses and motorcycle driver's licenses; (2) identification cards; and (3) driver authorization cards upon

application, which must include, among other requirements, the full legal name of the applicant. (NRS 483.2521, 483.270, 483.280, 483.290, 483.291, 483.340, 483.360, 483.375, 483.830, 483.850, 483.860, 483.8605, 483.908, 486.081) **Sections 2 and 5** of this bill provide that if the full legal name of an applicant for such a license, identification card or driver authorization card includes a diacritical mark, the Department may record the diacritical mark in the records of the Department and display the mark on any license, identification card or driver authorization card issued by the Department.

Sections 1, 2 and 5 define "diacritical mark" as a mark in Latin script that is added or attached to a letter to indicate the pronunciation of the letter or word.

Section 3 of this bill provides that the provisions of **section 2** apply to commercial driver's licenses. **Sections 4 and 6** of this bill apply the existing definitions in existing law to the provisions of **sections 1, 2 and 5**.

Section 8 of this bill makes **sections 2-7.5** of this bill effective upon the date on which the United States Social Security Administration authorizes the recording and display of diacritical marks on documents of the Social Security Administration or upon the date on which the Director of the Department notifies the Governor and the Director of the Legislative Counsel Bureau that the Department has sufficient funding **from the Federal Government** to carry out the provisions of this bill, whichever is later. **Section 8** also makes the provisions of **section 1** effective 6 months after **sections 2-7.5** become effective.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the name of a person includes a diacritical mark, the State Registrar and each county health officer may record the diacritical mark in the vital statistics of the State Registrar or county health officer, as applicable.

2. As used in this section, "diacritical mark" means a mark in Latin script that is added or attached to a letter to indicate the pronunciation of the letter or word. The term includes, without limitation, accents, tildes, graves, umlauts and cedillas.

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the full legal name of an applicant for a license, a commercial driver's license, an identification card or a driver authorization card includes a diacritical mark, the Department may record the diacritical mark in the records of the Department and display the mark on any license, identification card or driver authorization card issued by the Department.

2. As used in this section, "diacritical mark" means a mark in Latin script that is added or attached to a letter to indicate the pronunciation of the

letter or word. The term includes, without limitation, accents, tildes, graves, umlauts and cedillas.

Sec. 3. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330 ~~[,]~~ ***and section 2 of this act,*** the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** apply only with respect to noncommercial drivers' licenses.

Sec. 4. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the full legal name of an applicant for a motorcycle driver's license includes a diacritical mark, the Department may record the diacritical mark in the records of the Department and display the mark on any motorcycle driver's license issued by the Department.

2. As used in this section, "diacritical mark" means a mark in Latin script that is added or attached to a letter to indicate the pronunciation of the letter or word. The term includes, without limitation, accents, tildes, graves, umlauts and cedillas.

Sec. 6. NRS 486.011 is hereby amended to read as follows:

486.011 As used in NRS 486.011 to 486.381, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 486.015 to 486.057, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. As soon as practicable after determining that the Department of Motor Vehicles has sufficient ~~[resources]~~ **funding from the Federal Government** to carry out the provisions of sections 2 and 5 of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of the fact and shall publish notice to the public of the fact on the Internet website of the Department.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 2 to 7.5, inclusive, of this act become effective on the later of:

(a) The date on which the United States Social Security Administration authorizes the recording and display of diacritical marks on documents of the Social Security Administration; or

(b) The date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that the Department has sufficient funding **from the Federal Government** to carry out the provisions of sections 2 and 5 of this act.

3. Section 1 of this act becomes effective 6 months after the date on which sections 2 to 7.5, inclusive, of this act become effective pursuant to subsection 2.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 662.

AN ACT relating to elections; establishing provisions governing the performance of certain election duties in a timely manner; ~~[providing a penalty for certain persons charged with duties relating to an election for failing to carry out such duties in a timely manner;]~~ requiring the approval of the Secretary of State relating to certain vendors of mechanical voting systems and mechanical recording devices used in an election; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public officer or other person, upon whom any duty is imposed under the provisions governing the election laws of this State, who willfully neglects his or her duty or willfully performs the duty in such a way as to hinder the objects and purposes of the election laws is guilty of a category E felony, which is punishable by a minimum term of imprisonment of 1 year and a maximum term of not more than 4 years and may be subject to a fine of not more than $5,000. If the person is a public officer and is convicted of this offense, his or her office is forfeited. (NRS 293.800) ~~[Section 2 of this bill provides that a public officer or other person who is charged with certain duties relating to an election who willfully fails to perform his or her duties in a timely manner by the applicable deadline set forth in statute or regulation is also guilty of a category E felony and subject to these penalties.]~~

Section 1 of this bill requires the Secretary of State to adopt regulations to ensure certain duties relating to an election are completed and carried out in a timely manner. **Section 1** requires a public officer or other person to notify the Secretary of State and the Attorney General whether he or she will be able to perform such a duty by the deadline. **Section 1** also provides that if a public officer or other person who represents or is employed by a county or city, upon whom a duty set forth in the regulations adopted by the Secretary of State, fails to perform his or her duty in a timely manner by the deadline, the Secretary of State must: (1) notify the governing body of the county or city that employs or oversees the public officer or other person or the public officer, if the public officer is not employed or overseen by the governing body of the county or city; and (2) offer to assist the public officer or other person in carrying out the duty. **Section 1** further provides that after providing notice: (1) if the governing body or public officer fails to initiate action, the Secretary of State is required to refer a complaint for prosecution to the Attorney General; and (2) the Secretary of State may seek a writ of mandamus to compel the public officer

or other person to perform the duty if the public officer or other person fails to initiate action to perform the duty not more than 72 hours after receiving notice from the Secretary of State.

Existing law requires: (1) all mechanical voting systems and mechanical recording devices purchased or leased in or used in any election of this State to be approved by the Secretary of State; and (2) a city or county that wishes to change or improve a mechanical voting system or mechanical recording device that has been approved by the Secretary of State to obtain the approval of the Secretary of State. (NRS 293B.1045) **Section 3** of this bill requires: (1) a vendor of a mechanical voting system or mechanical recording device to also be approved by the Secretary of State; and (2) a city or county that wishes to change the vendor of the mechanical voting system or mechanical recording device to obtain the approval of the Secretary of State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall adopt regulations to ensure that election duties are completed and carried out in a timely manner in accordance with any deadline set forth in this title or a regulation adopted pursuant to this title. The regulations adopted by the Secretary of State must, without limitation:

(a) Set forth the types of election duties that must be carried out in a timely manner;

(b) Set forth any procedural steps necessary to carry out an election duty set forth pursuant to paragraph (a) in a timely manner;

(c) Establish the timelines for carrying out the election duties and procedural steps set forth pursuant to paragraphs (a) and (b);

(d) Establish the circumstances that constitute performing an election duty set forth pursuant to paragraph (a) in a timely manner;

(e) Establish the circumstances or events that may cause an unforeseen delay, through no fault of a public officer or other person who represents or is employed by a county or city or agency thereof, including, without limitation, a county or city clerk, in performing an election duty set forth pursuant to paragraph (a) resulting in a failure to carry out the election duty in a timely manner;

(f) Establish an electronic method for a public officer or other person who represents or is employed by a county or city or agency thereof, to provide the notice required pursuant to subsection 2 to the Secretary of State and the Attorney General; and

(g) Set forth any other duties relating to the policy of elections in this State that must be completed in accordance with the provisions of this title or any regulation adopted pursuant to this title but are not subject to the timelines established pursuant to paragraph (c).

2. A public officer or other person who represents or is employed by a county or city or agency thereof, including, without limitation, a county or city clerk, shall notify the Secretary of State and the Attorney General whether the public officer or other person will be able to perform an election duty set forth in the regulations adopted by the Secretary of State pursuant to subsection 1 by the deadline established by this title or any regulation adopted pursuant to this title.

3. If a public officer or other person who represents or is employed by a county or city or agency thereof and upon whom any election duty set forth in the regulations adopted by the Secretary of State pursuant to subsection 1 is imposed fails to carry out that election duty in a timely manner in accordance with the applicable deadlines set forth in this title or any regulation adopted pursuant to this title for the performance of such duties, the Secretary of State shall immediately provide notice to:

(a) In the case of a public officer or other person that is employed or overseen by a governing body of a county or city, the governing body of the county or city that employs or oversees the public officer or other person; and

(b) In the case of an elected public officer that is not employed or overseen by a governing body of a county or city, the public officer.

4. The notice provided pursuant to subsection 3 must:

(a) Request:

(1) If the governing body of a county or city employs or oversees the public officer or other person, that the governing body compel the public officer or other person to carry out the election duty; or

(2) If a governing body of a county or city does not employ or oversee the public officer, that the public officer carry out the election duty.

(b) Include, without limitation:

(1) Sufficient detail regarding the election duty that is not being performed by the applicable deadline; and

(2) An offer from the Secretary of State to assist the public officer or other person in carrying out the election duty.

5. If, not more than 48 hours after sending the notice required:

(a) Pursuant to paragraph (a) of subsection 3, the governing body of the county or city fails to initiate action to compel the public officer or other person to carry out an election duty, the Secretary of State shall refer a complaint against the members of the governing body to the Attorney General for prosecution pursuant to NRS 283.440 and 293.800.

(b) Pursuant to paragraph (b) of subsection 3, the public officer fails to initiate action to carry out the election duty, the Secretary of State shall immediately refer a complaint against the public officer to the Attorney General for prosecution pursuant to NRS 283.440 and 293.800.

6. The Attorney General shall initiate proceedings not more than 30 days after a complaint is referred to the Attorney General by the Secretary of State pursuant to subsection 5.

7. In addition to the remedies set forth in subsection 5, if, not more than 72 hours after receiving notice pursuant to subsection 3, a public officer or other person fails to initiate action to perform an election duty set forth in the regulations adopted by the Secretary of State pursuant to subsection 1 in a timely manner in accordance with the deadlines set forth in statute or regulation for the performance of such duties, the Secretary of State may seek a writ of mandamus to compel the public officer or other person to perform the election duty.

8. As used in this section, "election duty" means a ministerial duty relating to an election that is required to be carried out pursuant to this title or a regulation adopted pursuant thereto.

Sec. 2. ~~[NRS 293.800 is hereby amended to read as follows:~~

~~293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~2. A public officer or other person, upon whom any duty is imposed by this title, who [willfully] :~~

~~*(a) Willfully* neglects his or her duty [or willfully] ;~~

~~*(b) Willfully* performs [it] *his or her duty* in such a way as to hinder the objects and purposes of the election laws of this State [, *; or*~~

~~*(c) Willfully fails to perform a duty set forth in the regulations adopted by the Secretary of State pursuant to section 1 of this act in a timely manner in accordance with the applicable deadlines for the performance of that duty set forth in this title or a regulation adopted pursuant to this title.*~~

~~↳ except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.~~

~~4. Except as otherwise provided in this subsection, a person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. The provisions of this subsection do not apply to a person who preregisters to vote.~~

~~5. A field registrar or other person who provides to an elector an application to register to vote and who:~~

~~(a) Knowingly falsifies the application or knowingly causes an application to be falsified;~~

~~(b) Knowingly provides money or other compensation to another for a falsified application; or~~

~~(c) Intentionally fails to submit to the county clerk a completed application,~~ ~~is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~ **(Deleted by amendment.)**

Sec. 3. NRS 293B.1045 is hereby amended to read as follows:

293B.1045 1. No mechanical voting system or mechanical recording device may be purchased or leased in or used in any election of this State unless the ***mechanical voting*** system or ***mechanical recording*** device ***and the vendor of the mechanical voting system or mechanical recording device*** is approved by the Secretary of State.

2. A ~~[person who owns or has an interest in]~~ ***vendor of*** a mechanical voting system or mechanical recording device may submit an application to the Secretary of State ***for approval of the vendor and*** to have the system or device examined for approval for use during the elections of this State. The Secretary of State shall approve or disapprove the ***vendor and*** use of such a system or device not later than 120 days after the application is submitted.

3. As a condition to approval, the ~~[person]~~ ***vendor*** shall have the mechanical voting system or mechanical recording device independently examined by a person approved by the Secretary of State. The examiner shall:

(a) Review and analyze any electronic or computerized features of the system or device; and

(b) Prepare and submit to the Secretary of State a report of the results of the examination which includes a statement of the opinion of the examiner regarding the feasibility of using such a system or device during the elections of this State, with consideration for the safe and proper operation of the system or device under the conditions prescribed by the applicable election laws.

4. Any cost for the independent examination of a mechanical voting system or mechanical recording device conducted pursuant to subsection 3 must be paid by the ~~[person]~~ ***vendor*** who submits an application ~~[to have the system or device approved]~~ ***for approval*** by the Secretary of State.

5. The Secretary of State shall approve a mechanical voting system or mechanical recording device for use during the elections of this State if:

(a) The report prepared pursuant to subsection 3 states that the system or device can be used safely and properly in this State; and

(b) The Secretary of State determines after independently examining the system or device that it can be used safely and properly in this State.

6. Before a city or county may change ***a vendor or otherwise change*** or improve a mechanical voting system or mechanical recording device that has been approved by the Secretary of State pursuant to this section, the city or county must obtain approval from the Secretary of State. If any such change or improvement does not comply with the requirements of this section, the Secretary of State shall not approve the ***vendor or the*** use or sale of any system or device that incorporates the change or improvement in this State.

7. The Secretary of State may reexamine a mechanical voting system or mechanical recording device or any part thereof at any time for the purpose of approving a change or improvement pursuant to subsection 6 or to ensure that the system or device continues to comply with the election laws of this State.

8. The Secretary of State and any examiner of a mechanical voting system or mechanical recording device must not have any pecuniary interest in the system or device examined.

9. The Secretary of State may establish regulations to carry out the provisions of this section.

10. As used in this section, "vendor" means a person who owns or has an interest in a mechanical voting system or mechanical recording device.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Section 3 of this act becomes effective on July 1, 2025.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 101.

Bill read second time and ordered to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

Senate Bill No. 120.

Bill read second time and ordered to third reading.

Senate Bill No. 124.

Bill read second time and ordered to third reading.

Senate Bill No. 125.

Bill read second time and ordered to third reading.

Senate Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 701.

SENATORS DOÑATE, FLORES ~~[,]~~ AND STEINBECK ~~[AND KRASNER]~~

AN ACT relating to contractors; providing for issuance by the State Contractors' Board of a restricted license; setting forth various requirements relating to restricted licenses; requiring the Board to adopt regulations

governing restricted licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of contractors by the State Contractors' Board. (Chapter 624 of NRS) **Section 2** of this bill authorizes the Board to issue a restricted license that authorizes a person to perform certain work of a type for which a contractor's license is required, within the scope and monetary limit of the restricted license, to a person who satisfies certain requirements, which include, without limitation, the requirement to have obtained certain experience ~~[, to have passed an entry-level examination required by the Board]~~ and, within the year immediately preceding the application, to have completed a course in business counseling or a similar curriculum.

Existing regulations establish a classification B license in the branch of general building and the subclassification B-7, which authorizes a person who holds such a license to perform the remodeling and improvement of an existing, detached, stand-alone single-family residence or single-family residential unit within a structure that does not extend more than three stories above the ground and one story below the ground. (NAC 624.160, 624.170) Existing regulations provide that a subclassification B-7 license does not authorize a person to increase the existing enclosed space of the residential structure. (NAC 624.170) Section 2 provides that a restricted license may only be issued in a classification or subclassification which authorizes the holder to perform the type of work for which the holder of a subclassification B-7 license is authorized to perform under existing regulations. Section 2 additionally authorizes the holder of a restricted license to enter into a contract for a construction project that involves one or more building trades or crafts, subject to certain limitations.

Section 2 sets forth certain bonding requirements for applicants for a restricted license and authorizes a person who has held such a license for not less than 2 years to apply for a contractor's license that is not a restricted license under certain circumstances. Under **section 2**, the requirements generally applicable to the issuance and renewal of a contractor's license do not apply to the issuance and renewal of a restricted license, with certain exceptions. Rather, **sections 2 and 3** of this bill require the Board, on or before January 1, 2027, to adopt regulations necessary to provide for the issuance and renewal of a restricted license. The regulations are required to, among other things: (1) ~~[set forth the type of work in which the holder of a restricted license may engage, which must not be of a type performed by a plumbing, electrical, refrigeration or air conditioning contractor; and (2)]~~ **establish** the monetary limit of a restricted license, which must be $7,000, including labor and materials, or ~~[such]~~ **a** greater amount that the Board determines to be appropriate ~~[.]~~ **; (2) set forth certain application requirements and procedures for the issuance and renewal of a restricted license; and (3)**

establish reasonable fees associated with the issuance and renewal of a restricted license.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a restricted license that authorizes the holder to perform certain work for which a contractor's license is required, within the scope and monetary limit of the restricted license, to a person who submits to the Board:

(a) An application containing any information required by the Board by regulation;

(b) Any fees required for the issuance of the license established by the Board by regulation; and

(c) Proof satisfactory to the Board that the person:

(1) Has not less than 2 years of experience in a trade, which may include, without limitation:

(I) Work experience of a particular type or within a particular classification;

(II) Alternative training in a program which is offered at an accredited college or university, apprenticeship or equivalent program accepted by the Board; or

(III) Completion of any other program or obtaining any other qualification acceptable to the Board; and

(2) Completed, within the year immediately preceding the date on which the application is submitted, a course in business counseling or a similar curriculum which consists of a minimum number of hours and any other requirements established by the Board. [; and

(3) Passed an entry-level examination required by the Board.]

2. Before issuing a restricted license to an applicant, the Board shall require the applicant to file with the Board a surety bond or cash deposit in an amount determined by the Board by regulation, which must be not less than $2,000.

3. A restricted license issued pursuant to this section is valid for 2 years and may be renewed in accordance with the procedures for the renewal of a restricted license established by the Board by regulation. A person who has held a restricted license for a period of 2 years or more may, in accordance with the provisions of this chapter and the regulations adopted pursuant thereto governing the issuance of a contractor's license that is not a restricted license, apply for a contractor's
license that is not a restricted license if the person is not the subject of any open or unresolved complaints.

4. Except for the provisions of NRS 624.268 and except as otherwise provided by the regulations adopted by the Board pursuant to subsection ~~[5,]~~ 7, the provisions of NRS 624.240 to 624.288, inclusive, that apply to a contractor's license that is not a restricted license do not apply to a restricted license issued pursuant to this section.

5. A restricted license issued pursuant to this section may only be issued in a classification and subclassification prescribed by the Board which:

(a) Authorizes the holder of the restricted license to perform the remodeling and improvement of an existing, detached, stand-alone single-family residence or single-family residential unit within a structure that does not extend more than three stories above the ground and one story below the ground; and

(b) Does not authorize the holder of the restricted license to increase the existing enclosed space of the residential structure.

6. Notwithstanding any other provision of law, the holder of a restricted license issued pursuant to this section may enter into a contract for a construction project that involves one or more building trades or crafts that the Board may determine to be appropriate, which must not include any building trade or craft involving the performance of any work of a type described in paragraph (b) or (c) of subsection 6 of NRS 624.031.

7. The Board shall adopt regulations necessary to provide for the issuance and renewal of a restricted license pursuant to this section. The regulations must:

(a) ~~[Set forth the type of work in which the holder of a restricted license may engage, including, without limitation, each classification or subclassification for which a restricted license may be issued. The regulations must not authorize the holder of a restricted license to engage in any work which is of a type described in paragraph (b) or (c) of subsection 6 of NRS 624.031.~~

~~(b)]~~ Establish the monetary limit for a restricted license, which must be $7,000, including labor and materials, or ~~[such]~~ a greater amount that the Board determines to be appropriate.

~~[(c)]~~ (b) Set forth the required contents of an application for the issuance or renewal of a restricted license and any additional procedures for the issuance and renewal of a restricted license that the Board determines to be necessary. The regulations must not require an applicant for the issuance or renewal of a restricted license to submit a financial statement prepared by a certified public accountant pursuant to NRS 624.263 or 624.264.

~~[(d) Establish requirements for the examination required for an applicant for a restricted license and any other qualifications necessary for a person to obtain a restricted license.~~

~~(e)]~~ (c) Establish reasonable fees for an application ~~[, for an examination]~~ and for a restricted license to be paid by applicants for the issuance or renewal of a restricted license, which must not exceed the amount of the fees set forth in NRS 624.280.

~~[(9)]~~ (d) Set forth any additional requirements, restrictions or conditions governing restricted licenses that the Board determines to be necessary.

Sec. 3. The Board shall adopt the regulations necessary to provide for the issuance and renewal of restricted licenses required by section 2 of this act on or before January 1, 2027.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 559.

SENATOR CANNIZZARO

JOINT SPONSORS: ASSEMBLYMEMBERS BROWN-MAY, GONZÁLEZ, GRAY, NADEEM, NGUYEN, AND ORENTLICHER

AN ACT relating to Medicaid; requiring certain hospitals to enroll as a qualified provider for determining whether a pregnant woman is presumptively eligible for Medicaid **~~[;]~~ or contract with certain entities to make such determinations;** requiring such hospitals **and contractors** to provide notices relating to Medicaid to certain persons; prescribing certain rights for parents and legal guardians of newborn children who are patients in a neonatal intensive care unit of a hospital; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain hospitals to enter into agreements with the United States Secretary of Health and Human Services to accept payment through Medicare. (NRS 449.1821) Existing law also requires the Director of the Department of Health and Human Services to authorize a pregnant woman who is determined to be presumptively eligible for Medicaid to enroll in Medicaid for a specified period of time without submitting an application for enrollment in Medicaid which includes additional proof of eligibility. (NRS 422.27171) **Section 2.4** of this bill requires a hospital that provides birthing services to **~~[: (1)]~~** enroll as a qualified provider to determine whether a pregnant woman is presumptively eligible for Medicaid **~~[; (2)]~~ or contract with an entity that is qualified to make such determinations under federal law. Section 2.4 requires the hospital or qualified entity to: (1)** determine whether each pregnant woman seeking services from the hospital is presumptively eligible for Medicaid; and **~~[(3)]~~ (2)** notify a pregnant woman and the parent or legal guardian of certain newborn children of federal benefits that the woman or child, as applicable, may be eligible to receive.

Existing law establishes certain rights for patients of medical facilities and facilities for the dependent. (NRS 449A.100-449A.124) **Section 2.6** of this bill establishes certain rights of a parent or legal guardian of a newborn child who

is receiving care in a neonatal intensive care unit of a hospital. **Section 2.2** of this bill authorizes the suspension or revocation of the license of a hospital that fails to honor such rights.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.2. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, ***and section 2.6 of this act,*** and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2.4. NRS 449.1821 is hereby amended to read as follows:

449.1821 ***1.*** A hospital, other than a psychiatric hospital, critical access hospital or rural hospital, shall enter into an agreement with the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395cc to accept payment through Medicare.

2. A hospital that provides birthing services shall:

(a) Enroll as a qualified provider to determine whether a pregnant woman is presumptively eligible for Medicaid pursuant to NRS 422.27171 ~~[,~~

~~(b) Determine]~~ and:

(1) Determine whether each pregnant woman seeking services from the hospital is presumptively eligible for Medicaid; and

~~[(c)]~~ (2) If a child is born prematurely, with a low birth weight or with any other condition that qualifies the child for benefits under the Supplemental Security Income Program, ensure that the parent or legal guardian of the child receives written notice that the child may be eligible to receive benefits under the Supplemental Security Income Program and Medicaid ~~[.]~~ ; or

(b) Contract with a qualified entity to perform the functions described in subparagraphs (1) and (2) of paragraph (a) and subsections 3 and 4 on behalf of the hospital.

3. Except as otherwise provided in this subsection, the written notice provided to a parent or legal guardian pursuant to subparagraph (2) of paragraph (a) of subsection 2 must be in the primary language of the parent or legal guardian. If such written notice is not available in that language,

the hospital or the qualified entity with which the hospital has contracted shall ensure that:

(a) The parent or legal guardian of the child receives verbal notice in the primary language of the parent or legal guardian of the information contained in the written notice; and

(b) The provision of such verbal notice is documented in the medical record of the child.

4. If a qualified member of the staff of a hospital or a qualified entity with which a hospital has contracted determines that a pregnant woman is not currently enrolled in Medicaid and is:

(a) Presumptively eligible for Medicaid, the hospital or qualified entity, as applicable, shall provide the pregnant woman with written information concerning Medicaid. The written information must include, without limitation:

(1) The dates on which the presumptive eligibility period begins and ends;

(2) A summary of the benefits provided by Medicaid; and

(3) Details on the process to apply for enrollment in Medicaid beyond the presumptive eligibility period.

(b) Not presumptively eligible for Medicaid, the hospital or qualified entity, as applicable, shall provide the pregnant woman with an explanation of the reason she is not eligible and information on submitting an application to enroll in Medicaid.

~~[4.]~~ 5. As used in this section:

(a) "Presumptive eligibility period" has the meaning ascribed to it in 42 U.S.C. § 1396r-1(b)(1).

(b) "Qualified entity" has the meaning ascribed to it in 42 U.S.C. § 1396r-1a(b)(3).

(c) "Qualified provider" has the meaning ascribed to it in 42 U.S.C. § 1396r-1(b)(2).

~~[(c)]~~ (d) "Supplemental Security Income Program" has the meaning ascribed to it in NRS 422A.075.

Sec. 2.6. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

The parent or legal guardian of a newborn child who is receiving care in a neonatal intensive care unit of a hospital has the right to:

1. Receive clear, honest and timely updates concerning the condition, treatment plan and prognosis of the newborn child in a language that the parent or legal guardian understands.

2. Be near the newborn child, except in emergency situations or if other safety concerns exist, and participate in the daily rounds and decision making relating to the child.

3. Be informed of and provide consent to all treatments for and procedures performed on the newborn child, except in emergency situations.

4. As medically appropriate, hold and touch the newborn child.

5. Access lactation support, receive information on breastfeeding and the expression of breast milk and access options for the safe storage of breast milk that are within the existing capabilities of the hospital, if the parent or legal guardian chooses to breastfeed the newborn child.

6. Receive information concerning resources relating to the mental health of the parent or legal guardian, including, without limitation, support groups, counseling services or peer networks.

7. Ask questions and voice concerns to the medical staff of the hospital.

8. Request and, when feasible, receive accommodations for religious or cultural needs, including, without limitation, spiritual support or dietary needs.

9. Be informed concerning the process for discharge from the hospital and any potential long-term needs of the newborn child.

10. Receive guidance on applying for and receiving benefits under private insurance, the Supplemental Security Income Program, as defined in NRS 422A.075, and Medicaid, where applicable.

11. An environment in the hospital that acknowledges the role of the parent or legal guardian as a caregiver, including, without limitation, reasonable accommodations for the comfort and privacy of the parent or legal guardian and the ability of the parent or legal guardian to communicate with the medical staff and others.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 2.6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

Senate Bill No. 142.

Bill read second time and ordered to third reading.

Senate Bill No. 166.

Bill read second time and ordered to third reading.

Senate Bill No. 167.

Bill read second time and ordered to third reading.

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 702.

AN ACT relating to trade practices; prohibiting a third-party reservation service platform provider from engaging in certain activities; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill enacts certain provisions relating to a third-party reservation service platform, which **section 1** defines to mean, with certain exceptions, an Internet website, online service or mobile application which offers or arranges for a reservation, appointment or booking for a customer at an establishment and which is owned and operated by a person other than the person who owns the establishment. **Section 1** also defines "third-party reservation service platform provider" to mean a person who operates a third-party reservation service platform.

Section 1 prohibits a third-party reservation service platform provider from listing, advertising, promoting or selling a reservation, appointment or booking for a customer at any establishment through the third-party reservation service platform of the provider unless the provider has entered into a written agreement with the establishment or a designee of the establishment that expressly authorizes the provider to engage in such activities. **Section 1** makes it a deceptive trade practice for a third-party reservation service platform provider to violate that prohibition. **Sections 1 and 2** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. **Section 1 also exempts a document preparation service from the provisions of section 1.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 4, a third-party reservation service platform provider shall not list, advertise, promote or sell a reservation, appointment or booking for a customer at any establishment through the third-party reservation service platform of the provider unless the provider has entered into a written agreement with either the establishment or a designee of the establishment that expressly authorizes the provider to engage in such activities.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive, and each day's continuance of the violation constitutes a separate and distinct violation.

3. A person who violates the provisions of subsection 1 is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

4. The provisions of this section do not apply to a document preparation service as defined in NRS 240A.030.

5. As used in this section:

(a) "Establishment" means a person or entity that offers goods or services, whether public or private, and relies on scheduled reservations, appointments or bookings in the provision of such goods or services.

(b) "Third-party reservation service platform":

(1) Means an Internet website, online service or mobile application which offers or arranges a reservation, appointment or booking for a customer at an establishment and which is owned and operated by a person other than the person who owns the establishment.

(2) Does not include a person or entity which arranges, at the request of a customer and at no charge to the customer, a reservation, appointment or booking for the customer at an establishment if the reservation, appointment or booking is personal to the customer and nontransferable, and the person or entity:

(I) Shares the contact information of the customer with the establishment;

(II) Authorizes the establishment to confirm the reservation, appointment or booking with the customer; and

(III) Honors any request from an establishment to opt out of any future reservations, appointments or bookings arranged by the person or entity.

(c) "Third-party reservation service platform provider" or "provider" means a person who operates a third-party reservation service platform.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $15,000 for each violation. The court in any such action may, in

addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a

provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 171.

Bill read second time and ordered to third reading.

Senate Bill No. 179.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 647.

AN ACT relating to discrimination; revising provisions relating to certain investigations conducted by the Nevada Equal Rights Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits various practices of discrimination based upon race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. (*See, e.g.*, NRS 118.100, 613.330, 651.070) Existing law also authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person or group based on race, color, creed, sex, age, disability, sexual

orientation, gender identity or expression, national origin or ancestry. (NRS 233.150) This bill requires the Commission, when conducting an investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, to consider whether the practice was motivated by antisemitism. This bill also defines the term "antisemitism" for the purpose of this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When conducting an investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission shall, for the purpose of determining whether the alleged unlawful discriminatory practice was based on the religious creed of a person or group, consider whether the alleged unlawful discriminatory practice was motivated by antisemitism.

2. As used in this section, "antisemitism" ~~[means a perception of Jewish people which may be expressed as hatred toward Jewish people. The term includes, without limitation, rhetorical and physical manifestations of antisemitism directed toward:~~

~~(a) A Jewish person or non-Jewish person;~~

~~(b) A Jewish community institution or religious facility; or~~

~~(c) The property of a Jewish person or non-Jewish person.]~~ has the meaning ascribed to the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance on May 26, 2016, and includes, without limitation, the contemporary examples of antisemitism published by the Alliance as guidance in connection with that definition on that date.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 594.

AN ACT relating to child welfare; prescribing a time period within which an agency which provides child welfare services is required to take certain action relating to **certain** medical or mental health treatment for a child in the custody of the agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services to place a child in protective custody: (1) with the consent of the parent or legal guardian of the child; or (2) under certain circumstances indicating that the child is in need of protection from injury, abuse or neglect. (NRS 432B.390) Under existing law, within 72 hours after the placement of a child in protective custody, a court is required to hold a hearing to determine whether the child should remain in protective custody and, if so, where the child will be temporarily placed. (NRS 432B.470, 432B.480) If the court orders that the child remain in protective custody, existing law requires the agency which provides child welfare services to file a petition alleging that the child is in need of protection, unless good cause exists not to file such a petition. (NRS 432B.490) Within 30 days after the filing of such a petition, existing law requires the court to hold a hearing to determine the custody and placement of the child. (NRS 432B.530, 432B.550) Existing law requires the court to review such a placement at least semiannually and within 90 days after a request by a party to any of the prior proceedings. (NRS 432B.580)

Section 2 of this bill requires an agency which provides child welfare services to provide or deny consent to **non-emergency** medical ~~[or mental health treatment]~~ **care that is recommended by a provider of health care** for a child who is in the custody of the agency within 14 days after ~~[such consent is requested.]~~ **the caseworker assigned to the child receives written notice of the recommendation or referral for such care.** If the consent of any other person or entity ~~[or a court order]~~ is required before such a child may receive medical or mental health treatment, **section 2** requires the agency which provides child welfare services to ~~[: (1)]~~ make reasonable efforts to ~~[initiate]~~ **obtain** such consent ~~[or a court order]~~ within 14 days after the ~~[agency which provides child welfare services becomes aware]~~ **caseworker assigned to the child receives written notice** of the need for treatment ~~[; and (2)]~~ **. If a court order is required before such a child may receive non-emergency medical care recommended by a provider of health care, section 2 requires the agency which provides child welfare services to make reasonable efforts to initiate such an order not later than 14 days after the caseworker assigned to the child receives written notice of the recommendation or referral for such care. Section 2 requires the agency which provides child welfare services to** notify the person or entity with whom the child is placed ~~[within 3 business days]~~ **as soon as practicable and without delay** after obtaining ~~[the consent or]~~ **such an** order or the denial of ~~[the consent or]~~ **a request for such an** order, as applicable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. If an agency which provides child welfare services is required to provide consent before a child who is in the custody of the agency may receive non-emergency medical ~~[or mental health treatment,]~~ care that is recommended by a provider of health care, the agency which provides child welfare services shall provide or deny such consent not later than 14 days after ~~[such consent is requested.]~~ the caseworker assigned to the child receives written notice of the recommendation or referral for such care.***

2. If any person or entity, including, without limitation, a person legally responsible for the psychiatric care of a child appointed pursuant to NRS 432B.4685, is required to provide consent before a child who is in the custody of an agency which provides child welfare services may receive medical or mental health treatment, the agency which provides child welfare services shall:

(a) Make reasonable efforts to obtain such consent not later than 14 days after the ~~[agency which provides child welfare services becomes aware]~~ caseworker assigned to the child receives written notice of the need for the treatment, which may be demonstrated by, without limitation, a referral for the treatment; and

(b) Notify the person or entity with whom the child is placed ~~[within 3 business days]~~ as soon as practicable and without delay after obtaining such consent or the denial of such consent.

3. If an order of the court is required before a child who is in the custody of an agency which provides child welfare services may receive non-emergency medical ~~[or mental health treatment,]~~ care that is recommended by a provider of health care, the agency which provides child welfare services shall:

(a) Make reasonable efforts to initiate such an order not later than 14 days after the ~~[agency which provides child welfare services becomes aware]~~ caseworker assigned to the child receives written notice of the ~~[need for the treatment;]~~ recommendation or referral for such care; and

(b) Notify the person or entity with whom the child is placed ~~[within 3 business days]~~ as soon as practicable and without delay after obtaining such an order or the denial of a request for such an order.

4. Nothing in this section shall be construed to prohibit a party with proper standing from seeking a court order for the medical treatment of a child in the custody of a child welfare agency.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 189.

Bill read second time and ordered to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 196.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 564.

CONTAINS UNFUNDED MANDATE (§ 1.7 & NRS 287.010)
(Not Requested by Affected Local Government)

AN ACT relating to insurance; requiring certain health plans to authorize a woman covered by such a plan to obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician; **requiring such health plans to authorize a woman covered by such a plan to designate an obstetrician or gynecologist as her primary care physician under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private health insurance plans to include a provision authorizing a woman covered by such a plan to obtain covered gynecological or obstetrical services without first receiving authorization from the insurer or a referral from her primary care physician. (NRS 287.010, 687B.225, 689A.0413, 689B.031, 695B.1914, 695C.1713)

Sections 1-6, 8 and 9 of this bill apply this requirement to: (1) health plans that provide medical care to certain private-sector employees of small employers and their dependents; (2) benefit contracts issued by fraternal benefit societies; (3) managed care organizations; (4) the Public Employees' Benefits Program; and (5) Medicaid. **Sections 1.3-6, 8 and 9 require all public and private health insurance plans which are subject to this requirement to additionally authorize a woman covered by the plan to designate as her primary care physician an obstetrician or gynecologist who meets certain criteria.**

Section 7 of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 9** in the same manner as other requirements governing Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, ***and sections 2, 4 and 6 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 1.3. **NRS 689A.0413 is hereby amended to read as follows:**

689A.0413 1. A policy of health insurance must include a provision authorizing a woman covered by the policy to ~~[obtain]~~ ***:***

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the insurer;

(2) Satisfies the criteria established by the insurer for designation as a primary care provider under the policy of health insurance; and

(3) Agrees to abide by all terms and conditions imposed by the insurer on other primary care physicians generally.

2. ~~[The provisions of this section do not authorize a woman covered by a policy of health insurance to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4.]~~ ***3.*** As used in this section ~~[, "primary]~~ ***:***

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 1.7. **NRS 689B.031 is hereby amended to read as follows:**

689B.031 1. A policy of group health insurance must include a provision authorizing a woman covered by the policy to ~~[obtain]~~ ***:***

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the insurer;

(2) Satisfies the criteria established by the insurer for designation as a primary care provider under the policy of group health insurance; and

(3) Agrees to abide by all terms and conditions imposed by the insurer on other primary care physicians generally.

2. ~~[The provisions of this section do not authorize a woman covered by a policy of group health insurance to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[4.]~~ ***3.*** As used in this section ~~[, "primary]~~ ***:***

(a) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 2. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan a provision authorizing a woman covered by the plan to ~~[obtain]~~ :

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the carrier;

(2) Satisfies the criteria established by the carrier for designation as a primary care provider under the health benefit plan; and

(3) Agrees to abide by all terms and conditions imposed by the carrier on other primary care physicians generally.

2. ~~[The provisions of this section do not authorize a woman covered by a health care plan to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal of the plan which is in conflict with this section is void.

~~[4.]~~ 3. As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 3. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 2 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 4. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the contract a provision authorizing a woman covered by the plan to ~~[obtain]~~ :

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the society;

(2) Satisfies the criteria established by the society for designation as a primary care provider under the benefit contract; and

(3) Agrees to abide by all terms and conditions imposed by the society on other primary care physicians generally.

2. [The provisions of this section do not authorize a woman covered by a benefit contract to designate an obstetrician or gynecologist as her primary care physician.

3.] A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal of the benefit contract which is in conflict with this section is void.

[4.] 3. As used in this section [, "primary] :

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 4.5. **NRS 695B.1914 is hereby amended to read as follows:**

695B.1914 1. A contract for hospital or medical service must include a provision authorizing a woman covered by the contract to [obtain] ***:***

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the hospital or medical services corporation;

(2) Satisfies the criteria established by the hospital or medical services corporation for designation as a primary care provider under the contract; and

(3) Agrees to abide by all terms and conditions imposed by the hospital or medical services corporation on other primary care physicians generally.

2. [The provisions of this section do not authorize a woman covered by a contract for hospital or medical service to designate an obstetrician or gynecologist as her primary care physician.

3.] A contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [October] ***January*** 1, [1999,] ***2026,*** has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

[4.] ***3.*** As used in this section [, "primary] ***:***

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and

delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 5. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to ***695C.1712, inclusive, 695C.1717 to*** 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, ***695C.1713,*** 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 5.5. **NRS 695C.1713 is hereby amended to read as follows:**

695C.1713 1. A health care plan must include a provision authorizing a woman covered by the plan to ~~[obtain]~~ ***:***

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the health maintenance organization;

(2) Satisfies the criteria established by the health maintenance organization for designation as a primary care provider under the health care plan; and

(3) Agrees to abide by all terms and conditions imposed by the health maintenance organization on other primary care physicians generally.

2. ~~[The provisions of this section do not authorize a woman covered by a health care plan to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

~~[4.]~~ ***3.*** As used in this section ~~[, "primary]~~ ***:***

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 6. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan a provision authorizing a woman covered by the plan to ~~[obtain]~~ :

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Participates in the network plan of the managed care organization;

(2) Satisfies the criteria established by the managed care organization for designation as a primary care provider under the health care plan; and

(3) Agrees to abide by all terms and conditions imposed by the managed care organization on other primary care physicians generally.

2. ~~[The provisions of this section do not authorize a woman covered by a health care plan to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal of the plan which is in conflict with this section is void.

3. As used in this section, "network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

Sec. 7. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 9 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 8. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 6 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall include under Medicaid a provision authorizing a woman who is a recipient of Medicaid to ~~[obtain]~~ :

(a) Obtain covered gynecological or obstetrical services without first receiving authorization or a referral from her primary care physician.

(b) Designate as her primary care physician an obstetrician or gynecologist who:

(1) Satisfies the criteria established by the Department for designation as a primary care provider under Medicaid; and

(2) Agrees to abide by all terms and conditions imposed by the Department on other primary care physicians generally.

2. ~~[The provisions of this section do not require the Department to authorize a woman who is a recipient of Medicaid to designate an obstetrician or gynecologist as her primary care physician.~~

~~3.]~~ As used in this section, "primary care physician" has the meaning ascribed to it in NRS 695G.060.

Sec. 9.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[9,]~~ **9.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 251.

Bill read second time and ordered to third reading.

Senate Bill No. 268.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 291.

Bill read second time and ordered to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 613.

AN ACT relating to education; revising provisions relating to the compensation of student athletes for the use of their name, image or likeness; revising provisions relating to contracts for compensation for the use of the name, image or likeness of student athletes; making confidential certain information and contracts relating to the compensation of student athletes for the use of their name, image or likeness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a public or private institution that offers educational services beyond the secondary level from: (1) upholding or enforcing certain rules that prevent student athletes from being compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or a national collegiate association; (2) compensating a current student athlete of the institution for the use of the name, image or likeness of the student athlete; or (3) altering, withholding or otherwise reducing the amount of a scholarship awarded to a student athlete because the student athlete is compensated for the use of the name, image or likeness of the student athlete by an organization other than the institution or a national collegiate athletic association. (NRS 398.045, 398.300) **Section 1** of this bill eliminates these prohibitions.

Existing law authorizes a student athlete to enter into a contract with an organization other than an institution or a national collegiate athletic association that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete. (NRS 398.310) **Section 2** of this bill authorizes a student athlete to enter into such a contract with an institution or a national collegiate athletic association. ~~[Section 2 also provides that any gift, donation, bequest, grant or other source of money received by a university foundation which is specifically designated for supporting any aspect of the name, image or likeness of a student athlete must only be used for the purpose specified by the donor.]~~ **Sections 2 and 2.5** of this bill provide that such contracts entered into by a student athlete and materials relating to such contracts are confidential and are not public records.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 398.300 is hereby amended to read as follows:

398.300 1. An institution shall not:

(a) Uphold or enforce any rule of a national collegiate athletic association that prevents a student athlete enrolled in the institution from being compensated for the use of the name, image or likeness of the student athlete by an organization **,** ~~[other than]~~ the institution or a national collegiate athletic association;

(b) Except as otherwise provided by subsection 2, prevent a student athlete from being compensated for the use of the name, image or likeness of the student athlete;

(c) Compensate a prospective ~~[or current]~~ student athlete of the institution for the use of the name, image or likeness of the student athlete;

(d) Prevent a student athlete from obtaining professional services; or

(e) Alter, withhold or otherwise reduce the amount of a scholarship awarded to a student athlete solely because a student athlete is compensated for the use of the name, image or likeness of the student athlete by an organization **,** ~~[other than]~~ the institution or a national collegiate athletic association or because the student athlete obtains professional services.

2. An institution may:

(a) Adopt a policy that imposes reasonable restrictions on a student athlete entering into a contract pursuant to NRS 398.310 that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete with an organization or person whose goods, services or mission are contrary to the mission of the institution; and

(b) Prohibit a student athlete from being compensated for the use of the name, image or likeness of the student athlete if the use of the name, image or likeness is related to official activities of the institution or intercollegiate sports at the institution.

3. A national collegiate athletic association shall not:

(a) Prevent a student athlete enrolled at an institution from participating in intercollegiate sports solely because the student athlete is compensated for the use of the name, image or likeness of the student athlete by an organization **,** ~~[other than]~~ the institution or the national collegiate athletic association;

(b) Prevent an institution from being a member of or participating in the activities of the national collegiate athletic association solely because a student athlete who is enrolled at the institution is compensated for the use of the name, image or likeness of the student athlete by an organization **,** ~~[other than]~~ the institution or the national collegiate athletic association;

(c) Compensate a prospective ~~[or current]~~ student athlete of an institution for the use of the name, image or likeness of the student athlete; or

(d) Prevent a student athlete from obtaining professional services.

4. As used in this section, "professional services" includes, without limitation, representation regarding contracts or other legal matters, including, without limitation, representation provided by an attorney or an athlete agent registered pursuant to chapter 398A of NRS.

Sec. 2. NRS 398.310 is hereby amended to read as follows:

398.310 1. A student athlete may enter into a contract with an organization **,** ~~[other than]~~ an institution or a national collegiate athletic association that provides for the student athlete to be compensated for the use of the name, image or likeness of the student athlete. A contract entered into pursuant to this subsection may not conflict with any provision of a contract between the student athlete and the institution in which the student athlete is enrolled.

2. A student athlete who enters into a contract pursuant to subsection 1 must disclose the contract to the institution in which the student athlete is enrolled.

3. If the institution in which the student athlete is enrolled alleges that a provision of a contract entered into pursuant to subsection 1 conflicts with a provision of a contract between the student athlete and the institution, the institution shall inform the student athlete and, if the student athlete has legal representation, the attorney of the student athlete of the alleged conflict.

4. The following records are confidential and are not public records pursuant to NRS 239.010:

(a) A contract entered into by a student athlete with an institution pursuant to subsection 1;

(b) A contract disclosed by a student athlete to an institution pursuant to subsection 2; and

(c) Any communications and materials relating to a contract:

(1) Entered into by a student athlete with an institution pursuant to subsection 1; and

(2) Disclosed by a student athlete to an institution pursuant to subsection 2.

~~***[5. Any gift, donation, bequest, grant or other source of money received by a university foundation which is specifically designated for supporting any aspect of the name, image or likeness of a student athlete must only be used for the purpose specified by the donor, within the scope of the powers and duties of the university foundation.***~~

~~***6. As used in this section, "university foundation" has the meaning ascribed to it in NRS 396.405.]***~~

Sec. 2.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369,

233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, ***398.310,*** 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,

640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 595.

AN ACT relating to food establishments; requiring certain local boards of health to provide certain information relating to sidewalk vendors ~~[.]~~ **and compact food cart vendors; establishing requirements for a compact food cart vendor; authorizing a registered compact food cart vendor to sell certain food items;** setting forth certain requirements for the regulation of sidewalk vendors **and compact food cart vendors** by certain local boards of health and certain local zoning boards, planning commissions and local governments; exempting an establishment that sells or offers or displays for sale certain foods **and a compact food cart vendor** from the definition of "food establishment"; revising certain requirements which certain local boards of health are required to adopt relating to sidewalk vendors who sell food; prohibiting certain governmental bodies from limiting the types of food that may be sold by a sidewalk vendor ~~[.]~~ **or compact food cart vendor;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a local board of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) or a city in a county whose population is 100,000 or more to adopt regulations governing sidewalk vendors of food. (NRS 446.861) **Sections 3 and 5** of this bill define certain terms relating to sidewalk vendors.

Section 7 of this bill requires a local board of health to: (1) develop and update certain guidance documents explaining the requirements of existing regulations adopted by the local board of health governing sidewalk vendors ~~[;]~~ **and compact food cart vendors;** and (2) make certain documents available on the Internet website of the local board of health in more than one language.

Section 6 of this bill limits the applicability of **sections** ~~[7 and 9]~~ **6-11.5** of this bill to a local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more.

Section 13 of this bill requires a local board of health to adopt regulations governing sidewalk vendors of food, including requirements relating to: (1) the plans for the design of a nonstationary conveyance and the use of modular conveyances by a sidewalk vendor; (2) the use of certain sinks by a sidewalk vendor; and (3) the storage of a conveyance in a private home.

Section 9.5 requires a person who wishes to operate as a compact food cart vendor to register with the local board of health and pay a fee established by regulation of the local board of health. Section 2.5 of this bill defines "compact food cart vendor" to mean a person who sells certain food items from a nonstationary conveyance. Section 9.5 also requires a compact food cart vendor to comply with certain ordinances and regulations adopted by the governing body of a county, city or unincorporated town that regulates sidewalk vendors. Section 9.5 prohibits a compact food cart vendor from operating at a special event unless the compact food cart vendor complies with certain requirements. Section 9.5 further: (1) provides that a registration as a compact food cart vendor is valid for a period of 1 year; (2) sets forth a process for the renewal of such registration; and (3) requires the payment of a renewal fee established by regulation of the local board of health.

Section 10 ~~[of this bill prohibits, with certain exceptions,]~~ **authorizes** a ~~[local board of health from requiring a sidewalk vendor]~~ **compact food cart vendor** to ~~[prepare]~~ **sell** certain food items **, which must be purchased prepackaged or prepared** in a commercial grade kitchen ~~[.]~~ **or on the conveyance.**

Section 11.5 ~~[of this bill]~~ provides, with certain exceptions, that the provisions of existing law and **sections 2-11.5** of this bill do not prohibit a local zoning board, planning commission or governing body of a county, city or unincorporated town from adopting certain ordinances and regulations that: (1) prescribe the locations where sidewalk vendors **and compact food cart vendors** are allowed to operate; (2) authorize the seizure of food items, a ~~[conveyances or]~~ **conveyance, any cooking** apparatus ~~[;]~~ **or other products;** and (3) authorize the destruction of certain food items. **Sections 11.5, 14.3 and 14.7** of this bill further prohibit, with certain exceptions, such governmental entities from limiting the types of food items a sidewalk vendor **or compact food cart vendor** may sell if such food items comply with the regulations of a local board of health ~~[.]~~ **or are authorized by section 10.**

Section 9 requires a local board of health to: (1) prepare, maintain and make publicly available on the Internet website of the local board of health a list of ~~[nonstationary conveyances]~~ **food items** that ~~[comply with the plans]~~ **have been** approved by the local board of health and a model menu of preapproved food items that may be sold by a sidewalk vendor; and (2) establish a process to ~~[preapprove a person who purchases a nonstationary conveyance on the list and]~~ preapprove certain food items sold from ~~[such]~~ a conveyance.

Existing law defines the term "food establishment" for the purposes of existing law relating to food establishments and sets forth certain exceptions from the definition. (NRS 446.020) **Section 12** of this bill exempts from the definition of "food establishment" **: (1)** any establishment in which only whole produce or commercially prepackaged food which is not a potentially hazardous food is sold or offered or displayed for sale **;** and ~~[, as]~~ **(2) a compact food cart vendor. As** a result of this change, such an establishment ~~[is]~~ **and a compact food cart vendor are** not subject to the existing requirements governing food establishments.

Section 2 applies the definitions in **sections 2.5, 3 and 5** to the provisions of existing law relating to food establishments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11.5, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 446.0145 to 446.069, inclusive, and sections 2.5, 3 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Compact food cart vendor" means a person who sells the food items described in section 10 of this act from a nonstationary conveyance.***

Sec. 3. ***"Conveyance" includes, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack.***

Sec. 4. (Deleted by amendment.)

Sec. 5. ***"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 6. ***The provisions of NRS 446.861 and sections ~~[7 and 9]~~ 6 to 11.5 of this act apply only to a local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more.***

Sec. 7. ***A local board of health shall:***

1. Develop and update guidance documents which explain any requirements adopted in accordance with NRS 446.861 and sections 9.5 and 10 of this act governing sidewalk vendors ~~[.]~~ and compact food cart vendors, including, without limitation, the process for a person to apply to the local board of health for a permit, license or other authorization ~~[.]~~ or register with the local board of health, as applicable.

2. Make available on the Internet website of the local board of health all guidance documents developed pursuant to subsection 1 and all documents necessary to apply to the local board of health for a permit, license or other authorization ~~[.]~~ or register with the local board of health, as applicable. All such documents must be clearly visible, easily accessible and available on the Internet website of the local board of health in more than one language.

Sec. 8. (Deleted by amendment.)

Sec. 9. ***1. A local board of health shall prepare, maintain and make publicly available on the Internet website of the local board of health:***

(a) A list of ~~[nonstationary conveyances that comply with the plans approved by the local board of health pursuant to paragraph (d) of subsection 1 of NRS 446.861 by a person seeking to operate as a sidewalk vendor and which includes, without limitation,]~~ food items that have been preapproved by the local board of health pursuant to subsection 2 for sale on ~~[the]~~ a conveyance; and

(b) A model menu of preapproved food items that may be sold by a sidewalk vendor.

➥ The documents required to be maintained pursuant to this subsection must be clearly visible, easily accessible and available in more than one language.

2. The local board of health shall establish a process to ~~[preapprove any person seeking to operate as a sidewalk vendor who purchases a nonstationary conveyance included on the list of nonstationary conveyances required by subsection 1 and]~~ preapprove food items that may be sold by a sidewalk vendor.

Sec. 9.5. 1. A person who wishes to operate as a compact food cart vendor must:

(a) Register with the local board of health by submitting such information required by the local board of health, which must include, without limitation:

(1) The name, address and contact information of the person operating as a compact food cart vendor;

(2) A list of food items set forth in section 10 of this act that will be sold by the compact food cart vendor;

(3) A description of the general area in which the compact food cart vendor will operate;

(4) The business name of the compact food cart vendor; and

(5) The plans for the design of the nonstationary conveyance from which the compact food cart vendor will operate; and

(b) Pay a fee prescribed by regulation of the local board of health in an amount established by the local board of health.

2. A compact food cart vendor shall comply with NRS 244.35484 and 268.097994 and any ordinance or regulation adopted by the governing body of a county, city or unincorporated town that regulates sidewalk vendors,

including, without limitation, any requirements concerning the size of a conveyance.

3. A compact food cart vendor must display a sign on the conveyance that is at least 8 inches by 12 inches in size and that states in English and Spanish in at least 36-point font that all food items offered for sale are "MADE BY A COMPACT FOOD CART VENDOR THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION."

4. A local board of health may authorize the use of a stand-alone sink or a sink in a nearby facility by a compact food cart vendor to satisfy any requirements adopted by the local board of health for handwashing and warewashing, provided that such a sink is not more than 10 feet away from the conveyance and there is not a physical barrier between such a sink and the conveyance.

5. A compact food cart vendor shall not operate at a special event unless the compact food cart vendor has obtained a permit, license or authorization from the local board of health pursuant to NRS 446.861 to operate as a sidewalk vendor and has complied with all other requirements of the local board of health and the relevant local governments for operating at the special event.

6. The registration of a compact food cart operation is valid for a period of 1 year. A compact food cart vendor may renew his or her registration if there have been no changes to the food items, conveyance or areas which the compact food cart vendor serves by submitting to the local board of health:

(a) A letter certifying that there have been no changes to the food items, conveyance or areas which the compact food cart vendor serves; and

(b) A fee for renewing the registration prescribed by regulation of the local board of health in an amount established by the local board of health.

7. The regulations adopted by a local board of health in accordance with NRS 446.861 do not apply to a compact food cart vendor that registers pursuant to this section to sell any food items set forth in section 10 of this act.

Sec. 10. *1. Except as otherwise provided by federal law or regulation and notwithstanding any other provision of state law, a ~~[local board of health shall not require a sidewalk vendor to prepare]~~ compact food cart vendor that registers with a local board of health pursuant to section 9.5 of this act may sell the following food items , which must be purchased, prepackaged or prepared by the compact food cart vendor in a commercial grade kitchen ~~[:]~~ or on the conveyance of the compact food cart vendor:*

(a) Subject to any requirements of NRS 584.099 to 584.107, inclusive, shaved ice which may include a supplemental fruit-based or artificially-flavored syrup added to the shaved ice on the conveyance;

(b) Aguas frescas that are not alcoholic;

(c) Corn chips or potato chips which may include, without limitation, any supplemental seasonings, flavorings or food additives;

(d) Corn on the cob which may be garnished on the conveyance with crumbled parmesan cheese or with mayonnaise or margarine spread that contains shelf-stable ingredients and was purchased from a grocery store within the previous 7 days;

(e) Any wheat based snack that is deep-fried or baked and made from wheat flour, cornstarch, baking soda and salt;

(f) ~~[Paletas;]~~ Tea that is prepared on the conveyance by steeping in water cured or fresh leaves, herbs, flowers, fruits or any other plant material and may include any additive that is shelf-stable and prepackaged and purchased from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers and that does not contain dairy products;

(g) Coffee that is non-alcoholic and which may include, without limitation, sweeteners, powdered milk, flavorings or spices;

(h) Juice that is non-alcoholic and prepared mechanically or manually by pressing, squeezing, blending or juicing and may include, without limitation, sweeteners, spices and natural flavorings;

(i) Candy lollipops which may include, without limitation, flavorings, color additives or other ingredients, including, without limitation, chocolate, fruit extracts, dairy or gelatin;

(j) Subject to any requirements of NRS 584.099 to 584.107, inclusive, frozen or semi-frozen ice treats that do not contain dairy products and which may be garnished on the conveyance with seasonings and shelf-stable vinegar-based sauces;

(k) Nachos consisting of corn-based tortilla chips and topped with ingredients which may include, without limitation, shelf-stable pickled vegetables or shelf-stable nacho cheese purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and melted on the conveyance and may not include meat;

(l) Fresh-cut fruit which may be garnished on the conveyance with ground chili peppers, salt, lime citric acid or shelf-stable vinegar-based sauces or any other food items marketed for use with fruit that are shelf-stable and purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport;

(m) Dry snack foods, including, without limitation, potato chips, corn chips or peanuts, which are purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and to which liquid condiments primarily made using chili peppers may be added to the snack food on the conveyance;

(n) Baked goods which are shelf-stable and prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; ~~[and]~~

(o) Any other food item that does not require time or food controls for food safety ~~[.]~~ ; and

(p) Any other food item, including, without limitation, a non-alcoholic beverage, that the local board of health deems appropriate.

2. ~~[Nothing in this section shall be construed to prohibit a]~~ A local board of health ~~[from requiring a sidewalk]~~ may require a compact food cart vendor to dispose of food items at the end of a business day or provide disposable utensils to customers.

3. As used in this section, "shelf-stable" means food items that can be safely stored at room temperature.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. ***1. Except as otherwise provided in this section and NRS 244.35484 and 268.097994, nothing in NRS 446.861 and sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of a county, city or unincorporated town from adopting any ordinance or other regulation that protects public health and safety or regulates the time, place or manner in which sidewalk vendors and compact food cart vendors operate, including, without limitation:***

(a) Prescribing the locations where sidewalk vendors and compact food cart vendors are allowed to operate;

(b) Authorizing the seizure of food items, including, without limitation, beverages, a conveyance ~~[or]~~ , any cooking apparatus or any other product being sold or offered for sale in violation of state or local law for the purpose of protecting public health and safety; or

(c) Authorizing the destruction of food items that are not safe for human consumption.

2. A local zoning board, planning commission or governing body of a county, city or unincorporated town shall not adopt an ordinance or regulation limiting the types of food items that a sidewalk vendor or compact food cart vendor may sell, if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 ~~[.]~~ or section 10 of this act, as applicable.

Sec. 12. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of NRS;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;

(i) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in ~~[that section;]~~ ***NRS 446.866;***

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; ~~[or]~~

(k) A farm for purposes of holding a farm-to-fork event ~~[.]~~ ***; [or]***

(l) Any establishment in which only whole produce or a commercially prepackaged food item which is not a potentially hazardous food item is sold or offered or displayed for sale ~~***[.]***~~ ***, provided that the space in which such food items are displayed or stored is not more than 150 square feet; or***

(m) A compact food cart vendor that meets the requirements of section 9.5 of this act with respect to the food items set forth in section 10 of this act.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 13. NRS 446.861 is hereby amended to read as follows:

446.861 1. ~~[A]~~ ***Except as otherwise provided in sections*** ~~***[10]***~~ ***9.5 and 11.5 of this act, a*** local board of health ~~[in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more]~~ shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor ***.*** ~~[;]~~

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan ***.*** ~~[;]~~

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler ***.*** ~~[; and]~~

(d) ~~*[For a conveyance:*~~

~~*(1) Approve plans for the design of a nonstationary conveyance and establish an expedited process for a person seeking to operate as a sidewalk vendor who uses such a nonstationary conveyance to skip any requirements in the process established pursuant to paragraph (a) that requires the review of the plans for the design of the nonstationary conveyance; and*~~

~~*(2)]*~~ ***Authorize the use of modular conveyances, conveyances that can be ~~[dissembled]~~ disassembled for transportation and cleaning and conveyances that include equipment fastened to a cart that is not permanently welded to the conveyance.***

(e) Authorize the use of a stand-alone sink or a sink in a nearby facility by a sidewalk vendor to satisfy requirements adopted by the local board of health for handwashing and warewashing, provided that such a sink is not more than 10 feet away from the conveyance ~~.]~~ and there is not a physical barrier between such a sink and the conveyance.

(f) Authorize the storage of not more than two conveyances in a private home. Such regulations may impose reasonable restrictions, including, without limitation, requiring that conveyances be stored in accordance with any other law or ordinance governing storage, health and safety in a private home.

(g) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to NRS 225.610.

2. ~~[As used in this section, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal driven cart, wagon, showcase or rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.]~~ ***A local board of health may adopt regulations pursuant to NRS 446.940 ~~[requiring]~~ :***

(a) Requiring that a sidewalk vendor possess a certificate as a food handler or as a food manager ~~.]~~ ; or

(b) Establishing an expedited process for a person seeking to operate as a sidewalk vendor.

3. The terms used in any regulations adopted pursuant to this section must be the same as those used in this section and must be consistent with those used in any other regulation adopted by a local board of health relating to sidewalk vendors.

Sec. 14. (Deleted by amendment.)

Sec. 14.3. NRS 244.35483 is hereby amended to read as follows:

244.35483 1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 244.35481 to 244.35488, inclusive.

2. Except as otherwise provided in NRS 244.35481 to 244.35488, inclusive, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 ~~.~~ or section 10 of this act for a compact food cart vendor, as that term is defined in section 2.5 of this act.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with NRS 244.35481 to 244.35488, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 244.35481 to 244.35488, inclusive.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 14.7. NRS 268.097993 is hereby amended to read as follows:

268.097993 1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 268.097991 to 268.097998, inclusive.

2. Except as otherwise provided in NRS 268.097991 to 268.097998, inclusive, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 ~~.~~ or section 10 of this act for a compact food cart vendor, as that term is defined in section 2.5 of this act.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with NRS 268.097991 to 268.097998, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 268.097991 to 268.097998, inclusive.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 15. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 619.

AN ACT relating to interscholastic activities; requiring the Nevada Interscholastic Activities Association to adopt regulations that set forth the process for the Association to designate a sanctioned sport; providing certain requirements for such regulations; requiring the Association to publish such regulations on the Internet website maintained by the Association; **providing for the designation of lacrosse as a sanctioned sport; requiring the Joint Interim Standing Committee on Education to conduct an interim study of the Association;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association to control, supervise and regulate all interscholastic athletic events and other interscholastic events in public schools in this State. (NRS 385B.050) Under existing law, the Association is required to adopt rules and regulations as is necessary to govern such interscholastic activities and events. (NRS 385B.060) **Section 2** of this bill requires the Association to adopt regulations that: (1) set forth the process for the Association to designate a sanctioned sport; (2) set forth standards for determining, without limitation, the rules governing such sanctioned sports; and (3) prioritize the designation of club sports as a sanctioned sport. **Section 2** additionally requires such regulations to be published on the Internet website maintained by the Association. **Section 5** of this bill requires the Association to adopt such regulations not later than October 1, 2025. **If such regulations are not adopted on or before October 1, 2025, section 2 transfers the authority to adopt such regulations to the Nevada Association of School Superintendents.**

Under section 2, such regulations must authorize a person to submit a request for the Association to designate a sanctioned sport and require the Association to approve or deny the request for designation of the sanctioned sport not later than 1 year after the Association receives the request. If the Association fails to act on such a request and adopt any necessary regulations within 1 year after the Association receives the request, section 2 transfers the authority to act on such a request and adopt any necessary regulations to the Nevada Association of School Superintendents.

Section 5.3 of this bill requires the Nevada Interscholastic Activities Association to adopt: (1) regulations designating lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning with the 2026-2027 school year; and (2) the rules and regulations necessary to allow pupils to participate in lacrosse as a sanctioned sport beginning with the 2026-2027 school year. Under section 2, if the Nevada Interscholastic Activities Association does not adopt such rules and regulations, the

authority to adopt such rules and regulations transfers to the Nevada Association of School Superintendents and lacrosse must be conducted as a sanctioned sport under the rules prescribed by the Nevada Association of School Superintendents until such time as the Nevada Interscholastic Activities Association adopts regulations to amend such rules. Finally, section 5.3 requires the Nevada Interscholastic Activities Association to provide to the Joint Interim Standing Committee on Education quarterly reports of the progress of the Nevada Interscholastic Activities Association in implementing lacrosse as a sanctioned sport.

Section 5.7 of this bill requires the Joint Interim Standing Committee on Education to conduct an interim study of the Nevada Interscholastic Activities Association during the 2025-2026 interim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Nevada Interscholastic Activities Association shall adopt regulations that set forth the process for the Association to designate a sanctioned sport. The regulations adopted pursuant to this section must include, without limitation, provisions:***

(a) That establish the process for:

(1) Determining the rules governing the eligibility and participation of pupils in a sanctioned sport;

(2) Prescribing the rules used in competition;

(3) Establishing the length of a season of a sanctioned sport and the date upon which a school may begin practicing for a season of a sanctioned sport;

(4) Establishing guidelines for the safety of pupils that comply with any regulations adopted pursuant to NRS 385B.080; and

(5) Prescribing any other guidelines necessary to govern participation in a sanctioned sport; [and]

(b) That authorize any person or entity to submit a request for the Association to designate a sanctioned sport and require the Association to approve or deny such a request not later than 1 year after the Association receives the request; and

(c) That prioritize the designation of club sports that have been established at schools as a sanctioned sport.

2. The Nevada Interscholastic Activities Association shall publish any regulations adopted pursuant to this section on the Internet website maintained by the Association.

3. If the Nevada Interscholastic Activities Association does not adopt the regulations required by this section on or before October 1, 2025, or does not approve or deny a request received pursuant to paragraph (b) of subsection 1

and adopt any necessary regulations within 1 year after receipt of such a request:

(a) The authority, power and duty to approve or deny a request received pursuant to paragraph (b) of subsection 1 and adopt any rules or regulations required by this section that have not been adopted by the Nevada Interscholastic

Activities Association transfers to the Nevada Association of School Superintendents; and

(b) Any rules or regulations adopted by the Nevada Association of School Superintendents pursuant to paragraph (a) shall be effective until such time as the Nevada Interscholastic Activities Association amends such rules or regulations. The provisions of chapter 233B of NRS governing the adoption of regulations apply to any regulations adopted by the Nevada Association of School Superintendents pursuant to this subsection.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. The Nevada Interscholastic Activities Association shall adopt the regulations required by **subsection 1 of** section 2 of this act not later than October 1, 2025.

Sec. 5.3. **1. The Nevada Interscholastic Activities Association shall adopt:**

(a) Regulations designating lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning with the 2026-2027 school year; and

(b) All rules and regulations necessary for pupils to participate in lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning with the 2026-2027 school year, including, without limitation, any rules and regulations necessary to:

(1) Determine the eligibility and participation of pupils in lacrosse as a sanctioned sport;

(2) Prescribe the rules used in competition;

(3) Establish the length of a season and the date upon which a school may begin practicing for a season;

(4) Establish guidelines for the safety of pupils that comply with any regulations adopted pursuant to NRS 385B.080; and

(5) Prescribe any other guidelines necessary to govern participation in lacrosse as a sanctioned sport.

2. Not later than the 20 business days after the end of each calendar quarter ending before January 1, 2027, the Nevada Interscholastic Activities Association shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education a report on the progress of the Association in the implementation of lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls, including, without limitation, a summary of the

actions taken by the Association during the calendar quarter with regard to the implementation of lacrosse as a sanctioned sport.

3. If the Nevada Interscholastic Activities Association does not adopt the regulations required by this section on or before May 1, 2026:

(a) The authority, power and duty to adopt any rules or regulations required by this section that have not been adopted by the Nevada Interscholastic Activities Association transfers to the Nevada Association of School Superintendents; and

(b) Any rules or regulations adopted by the Nevada Association of School Superintendents pursuant to paragraph (a) shall be effective until such time as the Nevada Interscholastic Activities Association amends such rules or regulations. The provisions of chapter 233B of NRS governing the adoption of regulations apply to any regulations adopted by the Nevada Association of School Superintendents pursuant to this subsection.

Sec. 5.7. **1. During the 2025-2026 interim, the Joint Interim Standing Committee on Education shall conduct an interim study concerning the Nevada Interscholastic Activities Association. The study must include, without limitation, a comprehensive evaluation of the processes, duties and powers of the Association.**

2. The Committee shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective upon passage and approval.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 596.

AN ACT relating to mental health; ~~[revising provisions relating to the duties of the Administrator of the Division of Child and Family Services of the Department of Health and Human Services;]~~ establishing provisions related to the discharge of a child with an emotional disturbance from certain inpatient psychiatric treatment facilities; **establishing a task force to develop recommendations for the creation of a program that provides housing and other services to certain children who are discharged from a treatment facility or certain other facilities or released on parole;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to perform certain duties relating to the mental health of children. Among other things, the Administrator is required to accept and provide services to a child who has been determined to be incompetent by a juvenile court. (NRS 433B.130) Section 3.5 of this bill additionally requires the Administrator to accept and provide services to a child who is subject to certain orders pursuant to chapter 62E or 432B of NRS. If the order requires the child to be committed to a treatment facility, section 3.5 also requires the Administrator to place the child in the treatment facility not later than 30 days after receipt of the order under certain circumstances.~~

~~Existing law authorizes the Administrator to receive a child with an emotional disturbance for treatment in certain treatment facilities if the child is a resident of this State and: (1) the child is committed by a court order; or (2) a parent or legal guardian makes application for treatment for the child. (NRS 433B.310) Section 4 of this bill makes various changes to provide that any such child with an emotional disturbance may be admitted to a treatment facility.]~~

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) **Section 3** of this bill requires a public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance to establish discharge procedures which ~~[must: (1) require a court to approve the discharge plan of the child if each parent or legal guardian of the child does not approve of the discharge plan; (2)]~~ prohibit a child from being discharged to a temporary facility ~~[; and (3) require approval by an agency which provides child welfare services before receiving the child after discharge.]~~ **unless the temporary facility is the only facility that is available to receive the child for treatment.**

Section 2.6 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish a task force to develop recommendations for the creation of a program that provides housing and other services to certain children: (1) who are discharged from a treatment facility or other division facility or who are released on parole or discharged from a state facility for the detention of children; and (2) whose parents or guardians are unable to accept the child back into the home after the discharge or release because of a health or safety risk. Section 2.6 requires the Administrator of the Division to appoint representatives of the child welfare, juvenile justice and mental health systems to the task force. Section 2.8 of this bill establishes certain criteria for the recommendations and requires the recommendations to be submitted to the Joint Interim Standing Committee on Health and Human Services.

Existing law defines certain terms, including, "child with an emotional disturbance" for the purposes of chapter 433B of NRS related to the mental health of children. (NRS 433B.020-433B.100) Section 6 of this bill revises the definition of "child with an emotional disturbance" to provide that the term includes, without limitation, a child with a severe emotional disturbance. (NRS 433B.045)

Sections 7 and 9 of this bill remove and repeal certain provisions that contain a definition of "agency which provides child welfare services" for the purpose of consolidating the provisions into a single definition under section 2.4 of this bill. Section 5 of this bill makes a conforming change to indicate that the consolidated definition of "agency which provides child welfare services" applies to the provisions of chapter 433B of NRS. Section 8 of this bill makes a conforming change related to the consolidated definition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.2. **Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.4 to 3, inclusive, of this act.**

Sec. 2.4. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 2.6. 1. The Division shall establish a task force to develop recommendations for the creation of a program that provides housing and other services to children, including, without limitation, children with an emotional disturbance:

(a) Who are:

(1) Discharged from a treatment facility or division facility; or

(2) Released on parole or discharged from a state facility for the detention of children; and

(b) Who do not have access to housing because of the inability of a parent or guardian to accept the child back into the home of the parent or guardian because of a health or safety risk.

2. The Administrator shall appoint representatives of the child welfare, juvenile justice and mental health systems to the task force.

3. The members of the task force shall serve without compensation.

4. As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.

Sec. 2.8. 1. The recommendations for the program described in section 2.6 of this act must:

(a) Determine the financial responsibility of a parent or guardian for services provided to a child by the program;

(b) Establish guidelines to ensure that a parent or guardian of a child who receives services from the program is not reported to an agency which

provides child welfare services or a law enforcement agency for abuse or neglect of the child solely because the child receives services from the program;

(c) Require a parent or guardian of a child who receives services from the program to also participate in services to assist in the reunification of the child with the parent or guardian and other members of the family; and

(d) Prescribe the services to be provided by the program, including, without limitation, the provision of housing, mental health services, educational services, financial literacy services and other services that are necessary to ensure that a child is prepared to live independently.

2. The task force shall submit the recommendations to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.

Sec. 3. ~~[Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:]~~

A public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance shall establish discharge procedures which ~~***[must:***~~

~~***1. Require a court to approve the discharge plan of the child if each parent or legal guardian of the child does not approve of the discharge plan;***~~

~~***2. Prohibit]***~~ ***prohibit the discharge of the child to a temporary facility*** ~~***[; and***~~

~~***3. Require approval by an agency which provides child welfare services before receiving the child after discharge.]***~~ ***unless the temporary facility is the only treatment facility that is available to receive the child.***

Sec. 3.5. ~~[NRS 433B.130 is hereby amended to read as follows:~~

~~433B.130 1. The Administrator shall:~~

~~(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.~~

~~(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.~~

~~(c) Upon an order of a juvenile court pursuant to~~ ~~***chapter 62E or 432B or***~~ ~~NRS 62D.180 or 62D.185, accept and provide services to a child who [has been determined to be incompetent by the juvenile court.]~~ ~~***is subject to the order.***~~

~~***(d) Subject to NRS 433B.320, if an order described in paragraph (c) requires the child to be committed to a treatment facility, place the child in the treatment facility not later than 30 days after receipt of the order.***~~

~~2. The Administrator may:~~

~~(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.~~

~~(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.~~

~~3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.~~

~~4. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.~~] **(Deleted by amendment.)**

Sec. 4. ~~[NRS 433B.310 is hereby amended to read as follows:~~

~~433B.310 [The Administrator may receive any~~] ***Subject to NRS 433B.320 and 433B.330, a*** child with an emotional disturbance ***may be admitted*** for treatment ~~[in]~~ ***at*** a treatment facility or ~~[any other]~~ division facility if the child is a resident of this State and if:

~~1. The child is committed by court order to the custody of the Administrator or to a division facility; or~~

~~2. The child's parent, parents or legal guardian makes application for treatment for the child.~~] **(Deleted by amendment.)**

Sec. 5. **NRS 433B.010 is hereby amended to read as follows:**

433B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433B.020 to 433B.100, inclusive, ***and section 2.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. **NRS 433B.045 is hereby amended to read as follows:**

433B.045 ***1.*** "Child with an emotional disturbance" means a child whose progressive development of personality is interfered with or arrested by mental disorder so that the child shows impairment in the capacity expected of the child for his or her age and endowment for:

~~[1.]~~ ***(a)*** A reasonably accurate perception of the world around him or her;

~~[2.]~~ ***(b)*** Control of his or her impulses;

~~[3.]~~ ***(c)*** Satisfying and satisfactory relationships with others;

~~[4.]~~ ***(d)*** Learning; or

~~[5.]~~ ***(e)*** Any combination of these factors.

2. The term includes, without limitation, a child with a severe emotional disturbance.

Sec. 7. **NRS 433B.325 is hereby amended to read as follows:**

433B.325 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities and receiving centers or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.

4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) ~~[~~"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

~~(b)]~~ "Child care facility" has the meaning ascribed to it in NRS 432A.024.

~~[(c)]~~ ***(b)*** "Foster home" has the meaning ascribed to it in NRS 424.014.

~~[(d)]~~ ***(c)*** "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

~~[(e)]~~ ***(d)*** "Receiving center" has the meaning ascribed to it in NRS 424.0175.

Sec. 8. **NRS 433B.3394 is hereby amended to read as follows:**

433B.3394 1. The task force shall:

(a) Prescribe procedures for conducting the review by a clinical team appointed pursuant to NRS 433B.3396 and the arrangement of the provision of services pursuant to that section;

(b) Develop and carry out procedures to increase the availability of the services described in subsection 3 of NRS 433B.3396 throughout this State to allow children to receive those services in or near their homes;

(c) Provide for outreach to and the education of parents and providers of mental health services concerning the services available through the program developed pursuant to NRS 433B.3393; and

(d) Make recommendations to the Department concerning the adoption of any regulations necessary to carry out the provisions of NRS ~~[433B.3392]~~ ***433B.3393*** to 433B.3398, inclusive.

2. The Department of Health and Human Services shall adopt any regulations necessary to carry out the provisions of NRS ~~[433B.3392]~~ ***433B.3393*** to 433B.3398, inclusive, including, without limitation, regulations that set forth the manner in which the cost of providing services pursuant to NRS 433B.3396 will be paid. Those regulations must require the parent or guardian of a child to whom services are provided to use any insurance and otherwise contribute to the cost of such services to the extent of his or her ability.

Sec. 9. **NRS 433B.3392 is hereby repealed.**

TEXT OF REPEALED SECTION

433B.3392 "Agency which provides child welfare services" defined. As used in NRS 433B.3392 to 433B.3398, inclusive, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 326.

Bill read second time and ordered to third reading.

Senate Bill No. 327.

Bill read second time and ordered to third reading.

Senate Bill No. 338.

Bill read second time and ordered to third reading.

Senate Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 597.

CONTAINS UNFUNDED MANDATE (§**§** [3)**] 3, 68.7)**

(Not Requested by Affected Local Government)

AN ACT relating to health care; establishing a fee ~~[to be charged by]~~ the State Public Health Laboratory **is authorized to charge** for certain examinations and tests **~~[;]~~ for the discovery of certain diseases in infants; requiring Medicaid to reimburse such examinations and tests separately from reimbursement for other labor and delivery services and newborn**

care; requiring the Director of the Department of Health and Human Services to request the establishment of a certain rate of reimbursement for such examinations and tests; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Public Health Laboratory to make available, at such charges as may be established, to health officials, the Director of the State Department of Agriculture and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases. (NRS 439.240) Existing law requires the State Board of Health to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders. Existing law further requires any physician, midwife, nurse, freestanding birthing center or hospital of any nature attending or assisting any infant, or the person who gave birth to any infant, at childbirth to: (1) examine the infant in accordance with those regulations; and (2) collect and send to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory. (NRS 442.008) **Section 3** of this bill ~~[requires]~~ **authorizes** the State Public Health Laboratory **, on or after January 1, 2026,** to charge a fee of **not more than** $150 **or the rate of reimbursement paid by Medicaid, whichever is less,** for the required examinations and tests for the discovery in infants of preventable or inheritable disorders. **Section 1** of this bill makes a conforming change to clarify that the State Public Health Laboratory ~~[is not authorized to establish a fee for the services for which a]~~ **establishes the** fee ~~[is fixed by]~~ **for such examinations and tests pursuant to section 3**. **Section 68.7 of this bill authorizes the State Public Health Laboratory, on or after July 1, 2025 and before January 1, 2026, to charge a fee of not more than $122 for the required examinations and tests for the discovery in infants of preventable or inheritable disorders.**

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) Section 3.7 of this bill requires the Director of the Department to provide reimbursement under Medicaid for the required examinations and tests for the discovery in infants of preventable or inheritable disorders separately from the reimbursement provided for other labor and delivery services and newborn care. Section 3.4 of this bill makes a conforming change to indicate that the provisions of section 3.7 will be administered in the same manner as the provisions of existing law governing Medicaid. Section 68.3 of this bill requires the Director to submit to the United States Secretary of Health and Human Services, to the extent that money is available and as soon as practicable, a request to include under Medicaid a rate of reimbursement of not more than $122 for such examinations and tests. Sections 3.7 and 68.3 authorize the Director to increase that rate of reimbursement to not more than $150 on or after January 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State Public Health Laboratory, and may designate, establish or maintain such branch laboratories as may be necessary.

2. The purpose of the State Public Health Laboratory is:

(a) To make available, at such charges as may be established ~~[,]~~ ***or are prescribed by NRS 442.008,*** to health officials, the Director of the State Department of Agriculture and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State Public Health Laboratory, or the person's designee, must be a skilled bacteriologist.

4. The person in charge of the State Public Health Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State Public Health Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell disease and its variants and sickle cell trait.

2. Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The

State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:

(a) Insufficient funding to conduct testing for the disorder; or

(b) Insufficient resources to address the results of the examination and test.

3. Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. ***The State Public Health Laboratory may charge a fee of not more than $150 or the rate of reimbursement paid by Medicaid pursuant to section 3.7 of this act, whichever is less, for all such examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to this section.*** If the State Public Health Laboratory increases the amount charged for performing such an examination or test ~~, [pursuant to NRS 439.240,]~~ the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a written and verbal fiscal analysis of the reasons for the increased charges. ~~***[The State Public Health Laboratory shall charge a fee of $150 for all such examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to this section.]***~~

4. Except as otherwise provided in subsection 7, the regulations adopted pursuant to subsection 1 concerning tests for the presence of sickle cell disease and its variants and sickle cell trait must require the screening for sickle cell disease and its variants and sickle cell trait of:

(a) Each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

5. Any physician, midwife, nurse, freestanding birthing center or hospital of any nature attending or assisting in any way any infant, or the person who gave birth to any infant, at childbirth shall:

(a) Make or cause to be made an examination of the infant, including standard tests that do not require laboratory services, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such preventable or inheritable disorders.

(b) Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.

6. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, freestanding birthing center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the person who gave birth to the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

7. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

8. As used in this section, "sickle cell disease and its variants" has the meaning ascribed to it in NRS 439.4927.

Sec. 3.4. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 3.7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3.7. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. To the extent that federal financial participation is available, the Director shall include under Medicaid reimbursement at a rate not to exceed $150 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008. Such reimbursement must be provided separately from the reimbursement provided for other labor and delivery services provided to a person or newborn care provided to an infant, as applicable.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the reimbursement described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)
Sec. 30. (Deleted by amendment.)
Sec. 31. (Deleted by amendment.)
Sec. 32. (Deleted by amendment.)
Sec. 33. (Deleted by amendment.)
Sec. 34. (Deleted by amendment.)
Sec. 35. (Deleted by amendment.)
Sec. 36. (Deleted by amendment.)
Sec. 37. (Deleted by amendment.)
Sec. 38. (Deleted by amendment.)
Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
Sec. 43. (Deleted by amendment.)
Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. (Deleted by amendment.)
Sec. 48. (Deleted by amendment.)
Sec. 49. (Deleted by amendment.)
Sec. 50. (Deleted by amendment.)
Sec. 51. (Deleted by amendment.)
Sec. 52. (Deleted by amendment.)
Sec. 53. (Deleted by amendment.)
Sec. 54. (Deleted by amendment.)
Sec. 55. (Deleted by amendment.)
Sec. 56. (Deleted by amendment.)
Sec. 57. (Deleted by amendment.)
Sec. 58. (Deleted by amendment.)
Sec. 59. (Deleted by amendment.)
Sec. 60. (Deleted by amendment.)

Sec. 61. (Deleted by amendment.)
Sec. 62. (Deleted by amendment.)
Sec. 63. (Deleted by amendment.)
Sec. 64. (Deleted by amendment.)
Sec. 65. (Deleted by amendment.)
Sec. 66. (Deleted by amendment.)
Sec. 67. (Deleted by amendment.)
Sec. 68. (Deleted by amendment.)

Sec. 68.3. **1. As soon as practicable after the effective date of this section and to the extent that money is available, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to include under Medicaid a rate of reimbursement of not more than $122 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008. That rate of reimbursement must not become effective before July 1, 2025. Notwithstanding the provisions of section 3.7 of this act, any additional increase to that rate of reimbursement must not become effective until January 1, 2026.**

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 68.7. **Notwithstanding the amendatory provisions of section 3 of this act, the State Public Health Laboratory may not, before January 1, 2026, charge a fee in excess of $122 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008.**

Sec. 69. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 70. 1. This section ~~[becomes]~~ **and section 68.3 of this act become** effective upon passage and approval.

2. Sections 1, 3, **3.4, 3.7,** 64, 65, 66 **, 68.7** and 69 of this act become effective on July 1, 2025.

3. Sections 2, 4 to 63, inclusive, 67 and 68 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 370.

Bill read second time and ordered to third reading.

Senate Bill No. 371.
Bill read second time and ordered to third reading.

Senate Bill No. 375.
Bill read second time and ordered to third reading.

Senate Bill No. 382.
Bill read second time and ordered to third reading.

Senate Bill No. 386.
Bill read second time and ordered to third reading.

Senate Bill No. 387.
Bill read second time and ordered to third reading.

Senate Bill No. 437.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 649.

AN ACT relating to public works; providing a declaration of legislative intent regarding the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on certain projects awarded by a public utility; requiring, with certain exceptions, ~~[that]~~ a contractor or subcontractor who is awarded a contract for construction work on certain projects by a public utility to comply with prevailing wage provisions applicable to public works ~~[, even if]~~ **when** the construction work does not qualify as a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects. (NRS 338.013-338.090) **Section 2** of this bill makes certain declarations of legislative intent relating to the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on a significant operational or capital requirement project awarded by a public utility. **Section 3** of this bill requires, with certain exceptions, ~~[that]~~ a contractor or subcontractor who is awarded a contract for construction work on a significant operational or capital requirement project by a public utility to comply with prevailing wage provisions applicable to public works ~~[, even if]~~ **when** the construction work does not qualify as a public work. **Section 3** also defines "public utility" and "significant operational or capital requirement project" for the purposes of that section.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on a significant operational or capital requirement project awarded by a public utility is essential to:***

1. Increasing the number of skilled construction workers in this State;

2. Ensuring the highest quality of work on such projects;

3. Ensuring the safe and timely completion of such projects; ~~[and]~~

4. Ensuring that the residents of this State have access to safe, reliable and affordable energy resources ~~[.]~~ ; and

5. Enhancing public safety.

Sec. 3. ***1. Except as otherwise provided in subsection 2, the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work awarded by a public utility to a contractor or subcontractor on a significant operational or capital requirement project ~~[, even if]~~ when the construction work does not qualify as a public work ~~[,]~~ as defined in NRS 338.010.***

2. The provisions of subsection 1 do not apply to a contract awarded by a public utility where the primary construction work will be performed by a contractor with:

(a) A collective bargaining agreement;

(b) A project labor agreement; or

(c) A worksite agreement that provides for the construction of a significant operational or capital requirement project, or for the maintenance of, or other ~~[going]~~ ongoing work to be performed upon completion of, a significant operational or capital requirement project.

3. As used in this section:

(a) "Public utility" means a utility that purchases natural gas for retail . ~~[and an electric utility as defined in NRS 704.7571.]~~

(b) "Significant operational or capital requirement project" means ~~[:

(1) The construction or]~~ the replacement of a natural gas pipeline approved in a plan submitted pursuant to NRS 704.991 . ~~[; or

(2) The construction of a new generation electric utility facility of not less than 50 megawatts and that is approved in a plan submitted pursuant to NRS 704.741.]~~

Sec. 4. The provisions of section 3 of this act do not apply to any contract entered into before October 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 706.

AN ACT relating to governmental administration; creating the Nevada Attainable Housing Account and setting forth the allowable uses of money in the Account; requiring ~~[, with certain exceptions,]~~ an eligible entity to provide or secure certain matching funds as a condition of receiving money from the Account; ~~[exempting any attainable housing project from provisions of law relating to public works and the payment of prevailing wages;]~~ requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt **annually** an allocation plan for attainable housing; **requiring the Division to submit a report to the Interim Finance Committee relating to the Account;** creating and setting forth the duties of the Nevada Attainable Housing Council; authorizing the Division to establish programs for the reporting of rental payments to credit reporting agencies; ~~[providing that attainable housing projects that receive financial assistance from the Nevada State Infrastructure Bank are not subject to prevailing wage requirements;]~~ revising provisions governing the sale, lease or conveyance of certain real property by the governing body of a county or city; requiring the governing body of a county or city to adopt certain expedited processes relating to attainable housing; revising **provisions relating to** the ~~[definitions of certain]~~ tiers of affordable housing; requiring, under certain circumstances, the State Contractors' Board to issue licenses by endorsement or provisional licenses ~~[,]~~ **to certain persons to perform work on attainable housing projects in certain rural areas;** requiring, under certain circumstances, the State Contractors' Board to waive certain fees relating to contractor's licenses in **certain** rural areas; making various other changes relating to housing; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing. (Chapter 319 of NRS) **Section 9** of this bill creates the Nevada Attainable Housing Account in the State General Fund, to be administered by the Division. **Section 10** of this bill authorizes the Division to distribute money in the Account to eligible entities for **certain** expenditures relating to attainable housing. **Section 50** of this bill appropriates ~~[$200,000,000]~~ **$150,000,000** to the Account **.** ~~[for the purposes of section 10.]~~

Section 11 of this bill requires the Administrator of the Division to adopt an annual allocation plan for disbursing money from the Account. **Section 50.5 of this bill requires the Division to include in the initial allocation plan adopted pursuant to section 11 certain allocations of money from the Account for certain purposes authorized by section 10.**

Section 22 of this bill exempts the Division from complying with the provisions of the Administrative Procedures Act in adopting the annual allocation plan.

Section 12 of this bill requires ~~[, with certain exceptions,]~~ that an eligible entity provide or secure matching funds in an amount not less than the amount of the money awarded to the eligible entity from the Account.

~~[Section 13 of this bill provides, with certain exceptions, that any attainable housing project that receives money from the Account is not a public work and is exempt from the requirements to pay prevailing wages.~~

~~Section 14 of this bill authorizes the Division to adopt regulations setting forth standards and requirements for any program for rental assistance or eviction diversion that receives funding from the Account.]~~

Section 14.5 of this bill requires the Division to submit a report of certain information to the Interim Finance Committee at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Account.

Section 15 of this bill: (1) creates the Nevada Attainable Housing Council to provide oversight and strategic guidance for the administration and allocation of the Account; and (2) sets forth the membership of the Council.

Section 16 of this bill ~~[: (1) prohibits a member of the Council from having a direct financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Account; and (2)]~~ requires the Division to establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Account.

Section 17 of this bill requires the Council to: (1) review and comment on certain housing reports; and (2) provide recommendations to the Division regarding the allocation and use of money from the Account.

Existing law authorizes, with certain exceptions, the Division to: (1) establish certain funds or accounts; and (2) invest or deposit its money, but does not require the Division to keep any of its money in the State Treasury. (NRS 319.170) **Section 18** of this bill creates an additional exception to these provisions for the Account created by **section 9**.

Sections 2-8 of this bill define certain terms relating to the provisions of **sections 2-17**.

Sections 19 and 20 of this bill authorize the Division to establish a program for the reporting of rental payments to a credit reporting agency.

~~[Existing law creates the Nevada State Infrastructure Bank within the Office of the State Treasurer, the purpose of which is to provide loans and other financial assistance to qualified borrowers for the development, construction, repair, improvement, operation, maintenance decommissioning and ownership of certain transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facilities, social infrastructure and other infrastructure related to economic development as~~

~~necessary for public purposes. (NRS 226.778) Existing law further provides that provisions of law that require the payment of prevailing wages to skilled labor apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. (NRS 226.826) Section 21 of this bill provides an exception so that the requirement to pay prevailing wages do not apply to any contract for construction work on a qualified project relating to attainable housing if the qualified borrower demonstrates that the qualified project addresses a need for critical infrastructure in an area with a shortage of attainable housing. Section 21 also authorizes the Bank to give a preference for approval to such a qualified project if the qualified borrower, contractor and subcontractors agree to pay prevailing wages.~~**]**

Existing law sets forth certain procedures for a board of county commissioners or governing body of a city to sell or lease real property. (NRS 244.281, 268.061) **Sections 23 and 26** of this bill require, before approving the sale or lease of real property for the development of attainable housing, in addition to other procedures, the board or governing body to evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. **Sections 23 and 26** also require the developer to submit certain information to the board or governing body.

Existing law authorizes a nonprofit organization to submit to a board of county commissioners or governing body of a city an application for conveyance of certain property that is owned by the county. The board or governing body may approve such an application if the nonprofit organization demonstrates that the organization or its assignee will use the property to develop affordable housing. (NRS 244.287, 268.058) **Sections 24 and 25** of this bill: (1) instead authorize the board or governing body to approve such an application for attainable housing; and (2) require an application to include certain information.

[~~Existing law makes the prevailing wage requirements applicable to certain construction projects that are not public works, including certain projects in a local improvement district that are funded by the issuance of bonds or otherwise financed through the levy of assessments on property within the district. (NRS 271.710) Section 27 of this bill provides that if more than 85 percent of the cost of the project is funded from assessments generated within the district, the prevailing wage requirements do not apply to the project.~~**]**

Existing law establishes three tiers of affordable housing for various purposes in existing law and defines "affordable housing" as housing that falls within any of the three tiers. (NRS 232.860, 244.189, 244.287, 268.058, 268.190, 278.0105, 279.385, 279A.020, 279B.020, 315.9625, 319.042) **Section 33** of this bill revises the term "affordable housing" to be "attainable housing."

Under existing law, the tiers are based on both household income and the costs of housing as a percentage of that income. With respect to household

income: (1) "tier one affordable housing" is housing for a household which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located, which is commonly known as the area median household income; (2) "tier two affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the area median household income; and (3) "tier three affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the area median household income. In addition, with respect to the costs of housing, affordable housing under existing law is housing that costs not more than 30 percent of the total monthly gross household income of the household with an income at the maximum percentage of the area median household income for the tier. (NRS 278.01902, 278.01904, 278,01906) **Section 29** of this bill creates a new tier of affordable housing, to be known as "tier four affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 120 percent but not more than 150 percent of the area median household income.

Existing law sets forth an approval process for the subdivision of land that requires a subdivider to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review. (NRS 278.335) **Section 31** of this bill requires each reviewing agency to adopt a process for the expedited review of and comment on a tentative map that includes attainable housing.

Existing law requires the governing body of each county and city, on or before July 1, 2024, to enact by ordinance an expedited process for the consideration and approval of projects for affordable housing. (Section 12 of Assembly Bill No. 213, chapter 200, Statutes of Nevada 2023, at p. 1171) **Section 30** of this bill requires the governing body of each county and the governing body of each city to adopt an expedited process for the consideration and approval of projects for attainable housing.

Section 32 of this bill applies the definitions of certain terms relating to planning and zoning to **sections 29-31**.

Sections 34-36 of this bill, respectively, revise the definitions of "tier one affordable housing," "tier three affordable housing" and "tier two affordable housing" to provide that the costs of such housing may be offset by certain energy cost savings.

Existing law requires the governing body of certain cities and counties to adopt at least 6 of 12 specified measures in implementing a plan for maintaining and developing affordable housing, which may include a measure to reduce or subsidize impact fees, fees for the issuance of building permits and fees imposed for the purpose for which an enterprise fund was created. (NRS 278.235) **Section 37** of this bill authorizes that the governing body of such a county or city include a measure to also reimburse such fees.

Existing law sets forth the requirements for obtaining a contractor's license from the State Contractors' Board. (Chapter 624 of NRS) **Section 39** of this bill requires, under certain circumstances, the Board to issue a contractor's license by endorsement to certain applicants who will perform work **on an attainable housing project** in ~~[a]~~ **certain** rural ~~[area.]~~ **areas.**

Section 40 of this bill provides that, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area that is adversely impacting the availability of attainable housing for essential workers who are employed in the area, the Director may issue a declaration of such shortage for not more than 3 years. Upon such a declaration, the Board is required to implement a process to issue provisional contractors' licenses to certain applicants ~~[.]~~ **who will perform work on an attainable housing project in certain rural areas.**

Sections 41 and 42 of this bill ~~[make conforming changes to]~~ exempt the license by endorsement issued pursuant to **section 39** or a provisional license issued pursuant to **section 40** from certain licensing requirements and the expiration date that generally apply to contractors' licenses. **Sections** ~~[40 and]~~ **42-46** of this bill exempt applicants for a new contractor's license and existing licensed contractors in rural areas from any application, license or renewal fee or certain other fees relating to a contractor's license under circumstances where the Director of the Department of Business and Industry has issued a declaration of shortage pursuant to **section 40**.

Sections 48 and 49 of this bill require the Board to: (1) adopt regulations to carry out the provisions of **sections 39 and 40** before January 1, 2026; and (2) submit a report to the Governor and Director of the Legislative Counsel Bureau that includes a recommendation as to whether the requirements to issue such licenses by endorsement and provisional licenses, as required by **sections 39 and 40**, should be continued, modified or terminated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Attainable housing" has the meaning ascribed to it in NRS 278.0105.***

Sec. 4. ***"Attainable housing project" means any project or program that receives a grant of money from the Nevada Attainable Housing Account pursuant to section 10 of this act.***

Sec. 5. ***"Council" means the Nevada Attainable Housing Council created by section 15 of this act.***

Sec. 6. ***"Eligible entity" means a person or entity that is eligible to receive money from the Nevada Attainable Housing Account in accordance***

with the allocation plan for attainable housing adopted by the Administrator pursuant to section 11 of this act. The term includes, without limitation:

1. A state agency.

2. A local government.

3. A nonprofit organization.

4. A housing authority, as defined in NRS 315.021.

5. A tribal government or agency.

6. A housing counseling agency that is certified by the United States Department of Housing and Urban Development.

7. Any private entity that enters into a public-private partnership with the State or a local government to ~~[~~:

~~(a) Provide or administer a homebuyer assistance program that provides down payment assistance, interest rate buydowns or other forms of direct financial support to residents of this State for purchasing a home;~~

~~(b) Administer a program for rental assistance or eviction diversion for residents of this State;~~

~~(c) Distribute housing assistance to residents of this State; or~~

~~(d) Manage casework services for eligible residents of this State.~~

~~8. Any owner or manager of rental properties that enters into an agreement with the State or a local government to participate in a program for rental assistance or eviction diversion that has specific affordability requirements for residents in this State.~~

~~9. Any other entity determined by the Administrator of the Division to be eligible to provide rental assistance or eviction diversion to residents in this State.]~~ offer any of the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing.

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863.

(c) The acquisition of land for the development of attainable housing projects.

Sec. 7. *"Essential worker" means a person employed in:*

1. Health care;

2. Education;

3. Public safety;

4. Construction labor; or

5. Any other industry that is a critical sector of employment in this State, as determined by executive order of the Governor.

Sec. 8. *"Nevada Attainable Housing Account" or "Account" means the Nevada Attainable Housing Account created by section 9 of this act.*

Sec. 9. *1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.*

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 10. *1. ~~[Money]~~ Except as otherwise provided in this section, money in the Account may be distributed by the Division, in consultation with the Council, to eligible entities for expenditures relating to attainable housing, including, without limitation, for:*

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863;

(c) Financial assistance for supportive housing;

(d) Programs for rental assistance or eviction diversion ; ~~[that meet any requirements prescribed by regulation by the Division pursuant to section 14 of this act;]~~

(e) The acquisition of land for the development of attainable housing projects ; ~~[especially in areas of high demand and limited availability of attainable housing, as determined by the Division;]~~

(f) Programs that assist essential workers to purchase homes ~~[; and~~ ~~(g)]~~ , including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(g) Programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support for purchasing homes to households that have a total monthly gross household income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(h) Incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. Any eligible entity that is a private entity that enters into a public-private partnership with the State or a local government may only receive money from the Account for the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; or

(c) The acquisition of land for the development of attainable housing projects.

3. In awarding money from the Account, the Division, in consultation with the Council:

(a) Shall prioritize projects that demonstrate the highest potential impact on addressing the attainable housing needs of the State; and

(b) ~~[In addition to any preference granted pursuant to subsection 2 of section 13 of this act, may]~~ May prioritize projects that:

(1) Request to purchase land owned by ~~[the]~~ :

(I) The Federal Government at a discounted price for the creation of affordable housing pursuant to federal law, including, without limitation, the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263; or

(II) The State or a local government at a discounted rate for the creation of attainable housing;

(2) Utilize innovative strategies for expanding the supply of attainable housing; or

(3) Utilize cost-effective methods and efficient use of allocated resources.

4. Any eligible entity that receives any money from the Nevada Attainable Housing Account for an attainable housing project shall ensure that:

(a) Only households that meet the applicable income requirements for the attainable housing project rent or purchase, as applicable, the units of attainable housing;

(b) Each unit of attainable housing in the attainable housing project is used as the primary residence of the household that rents or purchases, as applicable, the unit; and

(c) No for-profit business entity purchases a unit of the attainable housing in the attainable housing project.

Sec. 11. *1. For each calendar year, the Administrator shall adopt an allocation plan for disbursing money from the Nevada Attainable Housing Account for attainable housing. A disbursement of money from the Account must comply with the allocation plan for the calendar year in which the disbursement is made.*

2. The allocation plan adopted pursuant to subsection 1 must, without limitation set forth:

(a) The application and eligibility requirements for an eligible entity to apply for and receive money from the Nevada Attainable Housing Account, including, without limitation, requirements for an eligible entity to demonstrate:

(1) The necessary expertise and capacity to properly carry out the proposed attainable housing project for which the eligible entity receives money from the Account;

(2) The extent to which the proposed attainable housing project maximizes the use of money from the Account by obtaining additional financial support from federal, local, private or other sources; and

(3) The long-term sustainability of the proposed attainable housing project and its potential to contribute to community stability, foster economic development and increase access to attainable housing.

(b) Any requirements for an eligible entity that receives money from the Nevada Attainable Housing Account to demonstrate compliance with any condition upon the receipt of money from the Account.

3. Before adopting a proposed allocation plan pursuant to subsection 1, the Administrator must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Division at least 14 days before the first public hearing held pursuant to paragraph (a).

Sec. 12. ~~***[1. Except as otherwise provided in subsection 2, an]***~~ ***An eligible entity must provide or secure matching funds in an amount that is not less than the amount of money awarded to the eligible entity from the Account. Such matching funds may come from, without limitation, private investment, contributions from local governments or federal money.***

~~***[2. If the Division, in consultation with the Council, determines that it is in the best interests of the residents of the State, an eligible entity is not required to provide or secure matching funds for a program for rental assistance or eviction diversion.]***~~

Sec. 13. ~~***[1. Except as otherwise provided in subsection 2, any attainable housing project that receives money from the Nevada Attainable Housing Account:***~~

~~***(a) Is not a public work, as defined in NRS 338.010; and***~~

~~***(b) Is exempt from the provisions of chapter 338 of NRS.***~~

~~***2. If the owner or developer of an attainable housing project agrees to comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract, the Division shall give a preference for awarding money from the Account to that attainable housing project over any substantially similar project where the owner or developer of an attainable housing project does***~~

~~*not agree to comply with the provisions of NRS 338.013 to 338.090, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[1. The Division may adopt regulations setting forth standards and requirements for any program for rental assistance or eviction diversion that receives funding from the Nevada Attainable Housing Account.*~~

~~*2. The regulations adopted pursuant to subsection 1 may, without limitation, set forth:*~~

~~*(a) Uniform standards for eligibility for rental assistance or eviction diversion that ensure equitable access to rental assistance or eviction diversion;*~~

~~*(b) Requirements to apply for rental assistance or eviction diversion that are clear and streamlined to reduce administrative delay of processing applications and disbursement of funds for rental assistance or eviction diversion; and*~~

~~*(c) Measures that allow programs for rental assistance or eviction diversion to proactively identify tenants who are at risk of eviction for not paying rent before eviction proceedings are initiated.*~~

~~*3. The provisions of this section and any regulation adopted pursuant thereto does not affect any right or remedy of a landlord or tenant, including, without limitation, any right or remedy set forth in chapter 40, 118A or 118B of NRS.*~~

~~*4. On or before November 15 of each even-numbered year, the Division shall prepare and submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature that includes, without limitation:*~~

~~*(a) The number of households and demographic information of recipients of rental assistance from programs for rental assistance or eviction diversion that receive funding from the Account;*~~

~~*(b) The average amount of time for processing an application for rental assistance from a program for rental assistance or eviction diversion that received funding from the Account;*~~

~~*(c) A description of the outcomes resulting from early intervention efforts, including, without limitation, whether eviction proceedings were reduced as a result of the program for rental assistance or eviction diversion; and*~~

~~*(d) Recommendations for improvements or adjustments to programs for rental assistance or eviction diversion, based on the performance data of the programs.]*~~ **(Deleted by amendment.)**

Sec. 14.5. ***1. The Division shall submit a report to the Interim Finance Committee for consideration at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Nevada Attainable Housing Account.***

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The amount and purpose of all money awarded from the Account during the reporting period broken down by eligible entity and authorized use, as described in section 10 of this act;

(b) The number and the income levels of all households that were assisted by money awarded from the Account during the reporting period;

(c) The number of new attainable housing units that were built in part with money from the Account during the reporting period;

(d) The number of parcels purchased in part with money from the Account for the purposes of attainable housing projects, broken down by geographic area of the State;

(e) The number of households and demographic information of recipients of rental assistance from programs for rental assistance or eviction diversion that receive money from the Account;

(f) The average amount of time for processing an application for rental assistance from a program for rental assistance or eviction diversion that received money from the Account;

(g) A description of the outcomes resulting from early intervention efforts, including, without limitation, whether eviction proceedings were reduced as a result of the program for rental assistance or eviction diversion;

(h) Recommendations for improvements or adjustments to programs for rental assistance or eviction diversion, based on the performance data of the programs;

(i) Any other information that the Division determines is necessary to include in the report; and

(j) Any other information requested by the Interim Finance Committee.

Sec. 15. *1. The Nevada Attainable Housing Council is hereby created to provide oversight and strategic guidance for the administration and allocation of the Nevada Attainable Housing Account.*

2. The Nevada Attainable Housing Council consists of:

(a) The Director of the Department of Business and Industry or his or her designee, who is chair of the Council;

(b) The Administrator of the Division or his or her designee;

(c) One member appointed by the Majority Leader of the Senate ; ~~[who has expertise in banking and the financing of housing projects;]~~

(d) One member appointed by the Minority Leader of the Senate; ~~[who represents the builders and developers of housing projects;]~~

(e) One member appointed by the Minority Leader of the Assembly ; ~~[who has expertise in the multifamily housing industry;]~~

(f) One member appointed by the Speaker of the Assembly; ~~[who represents a low-income housing organization;]~~ and

(g) One member appointed by the Governor . ~~[who represents the general public.]~~

3. Of the members appointed pursuant to paragraphs (c) to (g), inclusive, of subsection 2:

(a) One member must have expertise in banking and the financing of housing projects;

(b) One member must represent the builders and developers of housing projects;

(c) One member must have expertise in the multifamily housing industry;

(d) One member must represent a low-income housing organization; and

(e) One member must represent the general public.

4. Each person who is required to appoint a member pursuant to subsection 2 must make his or her appointment from a list of persons recommended by the Division. To the extent practicable, the membership of the Council must represent the geographic diversity of this State.

5. Each appointed member of the Council serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointments.

~~[4.]~~ 6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

~~[5.]~~ 7. Each appointed member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ 8. The Department of Business and Industry shall provide the Council with administrative support.

Sec. 16. *~~[1. A member of the Council shall not have any direct financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Nevada Attainable Housing Account.~~*

~~2.]~~ The Division shall establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in an attainable housing project or eligible entity. Such procedures must be consistent with the provisions of chapter 281A of NRS and any regulation adopted by the Nevada Commission on Ethics pursuant to that chapter.

Sec. 17. *The Nevada Attainable Housing Council shall:*

1. Review and comment on:

(a) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(b) The reports compiled by the Division pursuant to NRS 278.237; and

(c) The report concerning housing prepared by the Advisory Committee on Housing pursuant to NRS 319.174; and

2. Provide recommendations to the Division regarding the allocation and use of money from the Nevada Attainable Housing Account pursuant to the allocation plan adopted pursuant to section 11 of this act.

Sec. 18. NRS 319.170 is hereby amended to read as follows:

319.170 Except as otherwise provided in NRS 319.169 and 319.500 ~~[,]~~ ***and section 9 of this act,*** the Division may:

1. Establish such funds or accounts as may be necessary or desirable for furtherance of the purposes of this chapter.

2. Invest or deposit its money, subject to any agreement with bondholders or noteholders, and is not required to keep any of its money in the State Treasury. The provisions of chapters 355 and 356 of NRS do not apply to such investments or deposits.

Sec. 19. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Housing Division of the Department of Business and Industry may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulation necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 20. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the

program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulations necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 21. ~~[NRS 226.826 is hereby amended to read as follows:~~

~~226.826 1. To the extent possible, the provisions of NRS 226.700 to 226.832, inclusive, are intended to supplement other statutory provisions governing the development, construction, repair, improvement, maintenance, decommissioning, operation and ownership of transportation facilities, utility infrastructure, water and wastewater infrastructure, renewable energy infrastructure, recycling and sustainability infrastructure, digital infrastructure, K-12 school facilities, social infrastructure or other infrastructure related to economic development and the issuance of bonds and other securities by this State or a political subdivision thereof, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of NRS 226.700 to 226.832, inclusive. If there is a conflict between such other provisions and the provisions of NRS 226.700 to 226.832, inclusive, the provisions of NRS 226.700 to 226.832, inclusive, control.~~

~~2. [The] ***Except as otherwise provided in subsection 3, the*** provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work on a qualified project if all or part of the costs of the qualified project are paid for using a loan or other financial assistance from the Bank. [The] ***Except as otherwise provided in subsection 3, the*** Bank, the qualified borrower, any contractor who is awarded a contract or enters into an agreement to perform construction work on the qualified project, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.~~

~~*3. Except as otherwise provided in this subsection, the provisions of NRS 338.013 to 338.090, inclusive, do not apply to any contract for construction work on a qualified project relating to attainable housing, as defined in NRS 278.0105, if the qualified borrower demonstrates that the qualified project addresses a need for critical infrastructure in an area with a shortage of attainable housing.*~~

~~*4. Notwithstanding the provisions of subsection 3, the Bank may give a preference for providing a loan or other financial assistance to a qualified project relating to attainable housing, as defined in NRS 278.0105, if the qualified borrower, contractor and subcontractors agree to comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the qualified project or had awarded the contract.]*~~ **(Deleted by amendment.)**

Sec. 22. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Administrator of the Housing Division of the Department of Business and Industry in adopting the allocation plan pursuant to section 11 of this act.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are

subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

Sec. 23. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the county for the development of attainable housing, in addition to complying with the provisions of subsection 1, the board of county commissioners shall evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the board of county commissioners:***

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

~~[3.]~~ ***4.*** As used in this section ~~[, "flood]~~ ***:***

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 24. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to

develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A board of county commissioners that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the county.

~~[9.]~~ ***10.*** A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 25. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop

~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the governing body may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A governing body that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the city.

~~[9.]~~ ***10.*** A governing body may subordinate the interest of the city in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 26. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. The governing body must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the governing body must obtain one new appraisal of the real property pursuant to the provisions of NRS 268.059 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the city for the development of attainable housing, as defined in NRS 278.0105, in addition to complying with the provisions of subsection 1, the governing body shall evaluate the capacity and commitment of the developer to provide long-***

term benefits to the city in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the governing body:

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 27. ~~[NRS 271.710 is hereby amended to read as follows:~~

~~271.710 1. A governing body may adopt an ordinance pursuant to NRS 271.325 creating a district and ordering a project to be acquired or improved and may contract with a person to construct or improve a project, issue bonds or otherwise finance the cost of the project and levy assessments, without complying with the provisions of NRS 271.305 to 271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and, except as otherwise provided in this section, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body has entered into a written agreement with the owners of all of the assessable property within the district which states that:~~

~~(a) The governing body agrees to enter into a contract for the acquisition, construction or improvement of the project or projects in the district which includes:~~

~~(1) [A] *Except as otherwise provided in subsection 5, a* provision stating that the requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under the contract; and~~

~~(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the project if the project meets all requirements and specifications in the contract.~~

~~(b) The owners of the assessable property agree that if the rate of interest on any assessment levied for the district is determined from time to time as provided in NRS 271.487, the owners will provide written notice to the governing body in a timely manner when a parcel of the assessable property in the district is sold to a person who intends to occupy a dwelling unit on the parcel as his or her residence.~~

~~(c) The owners of the assessable property agree that the governing body may create the district, levy the assessments and for all other purposes relating to the district proceed pursuant to the provisions of this section.~~

~~2. If an ordinance is adopted and the agreement entered into pursuant to subsection 1 so states:~~

~~(a) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to add additional property to the district. The assessments may be redistributed between the assessable property originally in the district and the additional assessable property if:~~

~~(1) The owners of additional assessable property also consent in writing to inclusion of their property in the district and to the amount of the assessment against their property; and~~

~~(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.~~

~~(b) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to remove assessable property from the district. The assessments may be redistributed among the assessable property remaining in the district if:~~

~~(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and~~

~~(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.~~

~~(c) The governing body may adopt any ordinance pertaining to the district including the ordinance creating the district required by NRS 271.325, the ordinance authorizing interim warrants required by NRS 271.355, the ordinance levying assessments required by NRS 271.390, the ordinance authorizing bonds required by NRS 271.475 or any ordinance amending those ordinances after a single reading and without holding a hearing thereon, as if an emergency exists, upon an affirmative vote of not less than two-thirds of all voting members of the governing body, excluding from any computation any vacancy on the governing body and any members thereon who may vote to break a tie vote, and provide that the ordinances become effective at the time an emergency ordinance would have become effective. The provisions of NRS 271.308 do not apply to any such ordinance.~~

~~(d) The governing body may provide for a reserve fund, letter of credit, surety bond or other collateral for payment of any interim warrants or bonds issued for the district and include all or any portion of the costs thereof in the amounts assessed against the property in the district and in the amount of bonds issued for the district. The governing body may provide for the disposition of interest earned on the reserve fund and other bond proceeds, for the disposition of unexpended bond proceeds after completion of the project and for the disposition of the unexpended balance in the reserve fund after payment in full of the bonds for the district.~~

~~3. If the governing body of a municipality forms a district pursuant to the provisions of this section, the governing body:~~

~~(a) Is not required to adopt the resolutions required pursuant to the provisions of NRS 271.280, 271.310, 271.360 and 271.390.~~

~~(b) Shall be deemed to have adopted the resolution required pursuant to the provisions of NRS 271.325 if the plans and specifications are sufficiently specific to allow a competent contractor with the assistance of a competent engineer to estimate the cost of constructing the project and to construct the project.~~

~~4. [The]~~ ***Except as otherwise provided in subsection 5, the*** ~~governing body, the owners of the assessable property, any contractor who is awarded a contract or enters into an agreement to perform the construction work on a project pursuant to this section, and any subcontractor who performs any portion of the construction work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or had awarded the contract.~~

~~***5. If more than 85 percent of the cost of the project is funded from assessments generated within the district, the requirements of NRS 338.013 to 338.090, inclusive, do not apply to any construction work to be performed under the contract.]***~~ **(Deleted by amendment.)**

Sec. 28. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 29, 30 and 31 of this act.

Sec. 29. ***1. "Tier four affordable housing" means housing for a household:***

(a) Which has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 150 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 30. *1. Each governing body of a county or city shall enact by ordinance:*

(a) An expedited process for the consideration and approval of projects for attainable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for attainable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for attainable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to attainable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for attainable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "attainable housing" has the meaning ascribed to it in NRS 278.0105.

Sec. 31. *1. Each reviewing agency shall adopt a process for the expedited review of and comment on a tentative map pursuant to NRS 278.330 to 278.3485, inclusive, that prioritizes the review of and comment on tentative maps that include attainable housing.*

2. The expedited process adopted pursuant to subsection 1 must, without limitation, comply with the applicable provisions of NRS 278.330 to 278.3485, inclusive.

3. If the reviewing agency is not able to use the expedited process adopted pursuant to subsection 1 for the expedited review of and comment on a tentative map, the reviewing agency must:

(a) Document the specific reasons why the use of the expedited process is not possible, including, without limitation, any deficiency with the tentative map;

(b) Notify the subdivider of the specific reasons documented pursuant to paragraph (a) and provide the subdivider with an estimated date on which the reviewing agency will complete its review of and comment on the tentative map; and

(c) Complete the review of and comment on a tentative map as soon as possible and not later than any deadline set forth in NRS 278.330 to 278.3485, inclusive, for the reviewing agency to review and comment on a tentative map not subject to the expedited process.

4. As used in this section, "reviewing agency" means any state agency, local government or quasi-governmental entity that is required to review tentative maps pursuant to NRS 278.330 to 278.3485, inclusive. The term includes, without limitation:

(a) The Division of Water Resources of the State Department of Conservation and Natural Resources;

(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(c) The Public Utilities Commission of Nevada and any utility, person or other entity that is regulated by the Commission;

(d) The Department of Wildlife;

(e) The Board of Wildlife Commissioners;

(f) A district board of health;

(g) A public water system;

(h) A planning commission;

(i) An irrigation district;

(j) The governing body of a county;

(k) The governing body of a city;

(l) The board of trustees of a school district; and

(m) The board of trustees of a general improvement district.

Sec. 32. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 29, 30 and 31 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, ***and section 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 278.0105 is hereby amended to read as follows:

278.0105 ~~[~~"Affordable~~]~~ ***"Attainable*** housing" means tier one affordable housing, tier two affordable housing ***,*** ~~[~~or~~]~~ tier three affordable housing ~~[~~.~~]~~ ***or tier four affordable housing.***

Sec. 34. NRS 278.01902 is hereby amended to read as follows:

278.01902 1. "Tier one affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 60 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[~~, median~~]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[~~.~~]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 35. NRS 278.01904 is hereby amended to read as follows:

278.01904 1. "Tier three affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 120 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 36. NRS 278.01906 is hereby amended to read as follows:

278.01906 1. "Tier two affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 80 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 37. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing **,** ~~[or]~~ subsidizing ***or reimbursing,*** in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of ~~[affordable]~~ ***attainable*** housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for ~~[affordable]~~ ***attainable*** housing.

(d) Leasing land by the city or county to be used for ~~[affordable]~~ ***attainable*** housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of ~~[affordable]~~ ***attainable*** housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for ~~[affordable]~~ ***attainable*** housing that must be used for the acquisition, construction or rehabilitation of ~~[affordable]~~ ***attainable*** housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing ~~[affordable]~~ ***attainable*** housing.

(h) Providing money, support or density bonuses for ~~[affordable]~~ ***attainable*** housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for ~~[affordable]~~ ***attainable*** housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an ~~[affordable]~~ ***attainable*** housing component.

(j) Offering density bonuses or other incentives to encourage the development of ~~[affordable]~~ ***attainable*** housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of ~~[affordable]~~ ***attainable*** housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in ~~[affordable]~~ ***attainable*** housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce **,** ~~[or]~~ subsidize ***or reimburse*** impact fees, fees for the issuance of building permits or fees imposed for the purpose for

which an enterprise fund was created to assist in maintaining or developing a project for ~~[affordable]~~ ***attainable*** housing, pursuant to paragraph (a) of subsection 1, only if:

(a) ~~[When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.~~

~~(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.~~

~~(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).~~

~~(d)]~~ The governing body makes a determination that reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing*** such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

~~[(e)]~~ ***(b)*** The governing body holds a public hearing concerning the effect of the reduction ***,*** ~~[or]~~ subsidization ***or reimbursement*** of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before July 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for ~~[affordable]~~ ***attainable*** housing within the city or county that exists at the end of the reporting period. The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before August 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 38. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***1. The Board shall issue a contractor's license by endorsement to an applicant who:***

(a) Submits to the Board proof of ~~[employment in a rural area, a business presence in a rural area or] a contractual agreement to perform work <u>on an</u>

attainable housing project in a rural area for which a contractor's license is required;

(b) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(c) Has held the contractor's license described in paragraph (a) for at least 4 consecutive years;

(d) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(e) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(f) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(g) Submits to the Board the statement required by NRS 425.520.

2. The Board shall approve or deny an application for a contractor's license by endorsement submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 1.

3. The Board shall not charge any fee in connection with a contractor's license by endorsement issued pursuant to this section.

4. Before issuing a contractor's license by endorsement pursuant to this section, the Board shall require that the applicant comply with the requirements set forth in NRS 624.256 and 624.270.

~~[4.]~~ 5. A person who obtains a contractor's license by endorsement pursuant to this section ~~[shall]~~ :

(a) May only perform work relating to an attainable housing project in a rural area of the State; and

(b) Shall not perform any other work ~~[that is not]~~ in ~~[a rural area of]~~ this State unless the person obtains a contractor's license in this State.

~~[5.]~~ 6. A contractor's license by endorsement issued pursuant to this section expires on December 31, 2029.

~~[6.]~~ 7. The Board shall adopt any regulation necessary to carry out the provisions of this section.

~~[7.]~~ 8. As used in this section ~~[, "rural]~~ :

(a) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(b) "Rural area" means:

~~[(a)]~~ (1) Any county whose population is less than 100,000;

~~[(b)]~~ (2) Any city in a county whose population is less than 100,000; or

~~[(c)]~~ (3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 40. *1. Notwithstanding any provision of law to the contrary, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area of this State that is adversely impacting the availability of attainable housing for essential workers who are employed in the rural area, the Director may issue a declaration of such shortage. No declaration of shortage may be in effect for more than 3 years.*

2. Upon the issuance of a declaration pursuant to subsection 1, the Board shall implement a process to issue provisional contractors' licenses to any applicant who:

(a) Submits to the Board proof of ~~[employment in a rural area, a business presence in a rural area or]~~ a contractual agreement to perform work ~~[relating to]~~ on an attainable housing project in a rural area for which a contractor's license is required;

(b) Successfully passes an examination prescribed by the Board relating to Nevada-specific construction standards or otherwise demonstrates knowledge and experience of Nevada-specific construction standards;

(c) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(d) Has held the contractor's license described in paragraph (a) for at least 3 consecutive years;

(e) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(f) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(g) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(h) Submits to the Board the statement required by NRS 425.520.

3. The Board shall not charge any fee in connection with a provisional contractor's license issued pursuant to this section.

4. The Board shall approve or deny an application for a provisional contractor's license submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 2.

5. Before issuing a provisional contractor's license pursuant to this section, the Board shall require that the applicant complies with the requirements set forth in NRS 624.256 and 624.270.

6. A person who obtains a provisional contractor's license pursuant to this section:

(a) May only perform work relating to an attainable housing project in [an] the rural area of the State described in the declaration issued by the Director of the Department of Business and Industry pursuant to subsection 1; and

(b) Shall not perform [in] any [area of the State] other work in this State for which a contractor's license is required unless the person obtains a contractor's license in this State.

7. A provisional contractor's license issued pursuant to this section expires [3 years after the date of issuance.] on December 31, 2029.

8. The Board shall adopt any regulation necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Essential worker" has the meaning ascribed to it in section 7 of this act.

[(c)] (d) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 41. NRS 624.240 is hereby amended to read as follows:

624.240 1. [Under] ***Except as otherwise provided in section 39 or 40 of this act, under*** reasonable regulations adopted by the Board, the Board may investigate, classify and qualify applicants for contractors' licenses by written or oral examinations, or both, and may issue contractors' licenses to qualified applicants. The examinations may, in the discretion of the Board, be given in specific classifications only.

2. If a natural person passes the technical examination given by the Board on or after July 1, 1985, to qualify for a classification established pursuant to this chapter, demonstrates to the Board the degree of experience and knowledge required in the regulations of the Board, and is granted a license, the person is qualified for a master's license, if issued by any political subdivision, in the classification for which the examination was given, if the

examination required the person to demonstrate his or her knowledge and ability to:

(a) Utilize and understand;

(b) Direct and supervise work in compliance with; and

(c) Perform and apply any calculations required to ensure that work performed is in compliance with,

➥ the applicable codes, standards and regulations.

3. If a natural person qualified for a license before July 1, 1985, in accordance with NRS 624.260 in a trade for which a master's license is required by any political subdivision, and if the license is active on or after July 1, 1985, and if the person so qualified wishes to obtain a master's license, the person must pass either the appropriate examination given by the Board on or after July 1, 1985, in accordance with NRS 624.260 and the regulations of the Board, or the examination given by the political subdivision in the trade for which a master's license is required.

Sec. 42. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain or renew a license, an applicant must submit to the Board an application in writing containing:

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this State for service of process on the applicant.

(d) The street address or other physical location in this State and, if different, the mailing address, for service of process on the applicant.

(e) Except as otherwise provided in paragraph (f) or (g), the names and physical and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) If the applicant is a corporation, the names and physical and mailing addresses of the president, secretary, treasurer, any officers responsible for contracting activities in this State, any officers responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(g) If the applicant is a limited-liability company, the names and physical and mailing addresses of any managers or members with managing authority, any managers or members responsible for contracting activities in this State, any managers or members responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(h) Any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

(i) All information required to complete the application.

2. The application must be:

(a) Made on a form prescribed by the Board in accordance with the rules and regulations adopted by the Board.

(b) ~~[Accompanied]~~ ***Except as otherwise provided in this paragraph, accompanied*** by the application fee fixed by this chapter. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any application fee in connection with obtaining or renewing any contractor's license in a rural area until the declaration of shortage is no longer in effect.***

3. The Board shall include on an application form for the issuance or renewal of a license, a method for allowing an applicant to make a monetary contribution to the Construction Education Account created pursuant to NRS 624.580. The application form must state in a clear and conspicuous manner that a contribution to the Construction Education Account is voluntary and is in addition to any fees required for licensure. If the Board receives a contribution from an applicant, the Board shall deposit the contribution with the State Treasurer for credit to the Construction Education Account.

4. ~~[Before]~~ ***Except as otherwise provided in this subsection, before*** issuing a license to any applicant, the Board shall require the applicant to pay the license fee fixed by this chapter and, if applicable, any assessment required pursuant to NRS 624.470. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any license fee to an applicant in a rural area until the declaration of shortage is no longer in effect.***

5. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 43. NRS 624.253 is hereby amended to read as follows:

624.253 1. A licensee may make application for classification and be classified in one or more classifications if the licensee meets the qualifications prescribed by the Board for such additional classification or classifications.

2. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** additional application and license fee may be charged for qualifying or classifying a licensee in additional classifications. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any additional application and license fee for qualifying or classifying a licensee in additional classifications in a rural area until the declaration of shortage is no longer in effect.***

3. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 44. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, each officer, director, partner and associate thereof, and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, any officer,

director, partner or associate thereof, or any person who qualifies on behalf of the applicant has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, any officer, director, partner or associate of the applicant and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge a fee for processing the fingerprints of an applicant for a contractor's license in a rural area or any officer, director, partner or associate of the applicant or any person who qualifies on behalf of the applicant until the declaration of shortage is no longer in effect.***

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 45. NRS 624.281 is hereby amended to read as follows:

624.281 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** an applicant wishes to have a license issued in an expedited manner, the applicant must pay a fee for an application equal to two times the amount of the fee regularly paid for an application pursuant to subsection 1 of NRS 624.280.

2. ~~[The]~~ ***Except as otherwise provided in this section, the*** applicant must pay one-half of the fee required pursuant to subsection 1 when submitting the application and the other one-half of the fee when the Board issues the license.

3. ~~[In]~~ ***Except as otherwise provided in this section, in*** addition to the fee required pursuant to subsection 1, the applicant shall reimburse the Board for the actual costs and expenses incurred by the Board in processing the application.

4. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant in a rural area any fee pursuant to subsection 1 or for the costs and expenses incurred by the Board, as described in subsection 3, in processing the application until the declaration of shortage is no longer in effect.***

5. The Board shall adopt regulations prescribing the procedures for making an application pursuant to this section.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 46. NRS 624.283 is hereby amended to read as follows:

624.283 1. ~~[Each]~~ ***Except as otherwise provided in sections 39 and 40 of this act, each*** license issued under the provisions of this chapter expires 2 years after the date on which it is issued, except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered biennial renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. Except as otherwise provided in subsection 5, a license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. Except as otherwise provided in subsection 5, if a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

5. If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, the licensee may submit an application to the Board requesting the reinstatement of his or her license without the imposition of any penalty, punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:

(a) The application for reinstatement is submitted while the licensee is serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) Except as otherwise provided in subsection 6, the application for reinstatement is accompanied by an affidavit setting forth the dates of service of the licensee and the fee for renewal fixed by the Board pursuant to subsection 2.

6. The Board may waive the fee for renewal of a license for a licensee specified in subsection 5 if:

(a) The license was valid at the time the licensee was called to active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) The licensee provides written documentation satisfactory to the Board substantiating his or her claim of service on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard.

7. If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant for renewal in a rural area or an applicant for

reinstatement in a rural area whose license was automatically suspended pursuant to subsection 1 any fee for renewal or reinstatement until the declaration of shortage is no longer in effect.

8. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 47. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. ~~[Any]~~ ***Except as otherwise provided in subsection 6, any*** money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. At the end of each fiscal year, any money in the Account that exceeds ~~[$200,000,000]~~ $150,000,000 must be transferred to the State General Fund.

Sec. 48. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 39 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on workforce mobility, local businesses and economic development that can be attributed to the issuance of contractor's licenses by endorsement pursuant to section 39 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue contractor's licenses by endorsement pursuant to section 39 of this act should be continued, modified or terminated.

Sec. 49. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 40 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on attainable housing, local businesses and economic development that can be attributed to the issuance of **provisional** contractor's licenses ~~[by endorsement]~~ pursuant to section 40 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue provisional contractor's licenses pursuant to section 40 of this act should be continued, modified or terminated.

Sec. 50. There is hereby appropriated from the State General Fund to the Nevada Attainable Housing Account created ~~[pursuant to]~~ **by** section 9 of this act the sum of ~~[$200,000,000.]~~ **$150,000,000.**

Sec. 50.5. **1. Notwithstanding any other provision of this act, the Housing Division of the Department of Business and Industry shall include in the initial allocation plan adopted pursuant to section 11 of this act the following allocations of money from the Nevada Attainable Housing Account:**

(a) The amount of $100,000,000 to be distributed to eligible entities for any combination of the following:

(1) Competitive loans, grants or rebates to support the development of attainable housing;

(2) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; and

(3) The acquisition of land for the development of attainable housing projects;

(b) The amount of $25,000,000 to be distributed to eligible entities for programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(c) The amount of $25,000,000 to be distributed to eligible entities for incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. The provisions of section 12 of this act apply to any eligible entity that receives a disbursement of money from the Nevada Attainable Housing Account pursuant to this section.

3. The Division shall include in the reports required pursuant to section 14.5 of this act information about the disbursements of money from the Nevada Attainable Housing Account required pursuant to this section.

4. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Eligible entity" has the meaning ascribed to it in section 6 of this act.

(d) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(e) "Nevada Attainable Housing Account" means the Account created by section 9 of this act.

Sec. 51. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 52. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 53. 1. This section and sections 51 and 52 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, 48**, [**~~and~~**]** 49 **and 50.5** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. Section 50 of this act becomes effective on July 1, 2025.

4. Sections 39 to 46, inclusive, of this act expire by limitation on December 31, 2029.

5. Section 47 of this act becomes effective on January 1, 2030.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 559.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 712.

AN ACT making a supplemental appropriation to the Office of the Extradition Coordinator within the Office of the Attorney General for an unanticipated shortfall related to extradition costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Office of the Extradition Coordinator within the Office of the Attorney General the sum of ~~[$1,250,690]~~ **$1,518,208** for an unanticipated shortfall related to extradition costs. This appropriation is supplemental to that made by section 4 of chapter 209, Statutes of Nevada 2023, at page 1235.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 561.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 713.

AN ACT making a supplemental appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for an unanticipated shortfall related to firefighting costs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[$18,589,145]~~ **$20,733,824** for an unanticipated shortfall related to firefighting costs. This appropriation is supplemental to that made by section 23 of chapter 209, Statutes of Nevada 2023, at page 1242.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 583.

Bill read second time and ordered to third reading.

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

AN ACT relating to forensic medical examinations; ~~[eliminating the authority of a compensation officer appointed by the Director of the Department of Health and Human Services to order the payment of compensation to reimburse a county for the costs of certain forensic medical examinations; requiring the State to pay, with certain limitations,]~~ **revising provisions relating to payment of** the costs of a forensic medical examination

of a victim of a sexual assault or domestic violence battery by strangulation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay any costs incurred by a hospital for the forensic medical examination of the victim; and (2) authorizes a compensation officer appointed by the Director of the Department of Health and Human Services to order the payment of compensation to reimburse a county for the costs of the forensic medical examination. (NRS 217.160, 217.300) **Section** ~~[2 of this bill instead requires the State to pay, with certain limitations, the costs for such a forensic medical examination. Section]~~ **1** of this bill ~~[eliminates the authority of]~~ **authorizes** a compensation officer to order the payment of compensation to ~~[reimburse a county]~~ **a medical provider** for the costs of such a forensic medical examination. **Section 2 of this bill provides that the costs of such a forensic medical examination must be paid out of the Fund for the Compensation of Victims of Crime, unless there is not sufficient money in the Fund to pay such costs. If there is not sufficient money in the Fund to pay such costs, section 2 requires the county in whose jurisdiction the sexual assault was committed to pay any remaining costs. Section 2 also: (1) requires the Department of Health and Human Services to review and establish a maximum annual reimbursement rate that may be paid to a medical provider for each forensic medical examination performed on a victim; and (2) provides that the amount of reimbursement paid to a medical provider for the costs of such a forensic medical examination must not exceed that maximum annual reimbursement rate.**

Existing law requires a county in whose jurisdiction a domestic violence battery by strangulation is committed to pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim. (NRS 217.405) ~~[Section]~~ **Sections 1 and 3** of this bill ~~[instead requires the State to pay, with certain limitations, the costs for such]~~ **enact provisions relating to the payment of costs to a medical provider for a strangulation forensic medical examination performed on a victim of a domestic battery by strangulation that are similar to the provisions in this bill for payment of the costs of** a forensic medical examination ~~[.]~~ **performed on a victim of sexual assault.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 217.160 is hereby amended to read as follows:

217.160 1. The compensation officer may order the payment of compensation:

(a) To or for the benefit of the victim.

(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.

(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.

(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.

(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.

(f) To a ~~[county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.]~~ ***medical provider for:***

(1) A forensic medical examination pursuant to NRS 217.300.

(2) A strangulation forensic medical examination pursuant to NRS 217.405.

2. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(c) "Household" means an association of persons who live in the same home or dwelling and who:

(1) Have significant personal ties to the victim; or

(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

(d) ~~*[(c)]*~~ "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

(e) ***"Strangulation forensic medical examination" has the meaning ascribed to it in NRS 217.405.***

(f) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 2. NRS 217.300 is hereby amended to read as follows:

217.300 1. The county in whose jurisdiction a sexual assault is committed shall ~~[:~~

~~(a) Pay]~~ ***pay*** any costs incurred for medical care for any physical injuries resulting from the sexual assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.

~~[(b) Pay]~~

2. Except as otherwise provided in subsection 4, ~~[the State shall pay]~~ any costs incurred by a ~~[hospital]~~ ***medical ~~[facility]~~ provider*** for the forensic medical examination of the victim ~~[.~~

~~2.~~ ***must be paid out of the Fund for the Compensation of Victims of Crime, unless there is not sufficient money in the Fund to pay such costs. If there is not sufficient money in the Fund to pay such costs, the county in whose jurisdiction the offense was committed shall pay any remaining costs.***

3. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim of sexual assault.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

~~3.~~ ***4. Any costs incurred pursuant to subsection 2 ~~:~~***

~~(a) Must~~ ***must not be charged directly to the victim of sexual assault.***

~~***(b) To the extent of legislative appropriation and except as otherwise limited pursuant to this paragraph, must be charged to and paid by the State. The State shall not pay more than $1,000 for each forensic medical examination. After the State has paid any costs for a forensic medical examination in accordance with the provisions of this paragraph, the county in whose jurisdiction the offense was committed shall pay any remaining costs.***~~ ***The amount of reimbursement paid to a medical provider from the Fund or by a county for the costs of a forensic medical examination must not exceed the maximum annual reimbursement rate for a forensic medical examination established by the Department of Health and Human Services pursuant to subsection 7.***

5. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.

~~4.~~ ***6.*** The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.

~~5.~~ ***7. Each year, the Department of Health and Human Services shall review and establish the maximum annual reimbursement rate that may be paid to a medical provider for each forensic medical examination performed on a victim.***

8. Nothing in this section shall be construed to prohibit the use of evidence during the investigation or prosecution of a person for sexual assault which was obtained from a forensic medical examination that was paid for by a nongovernmental, nonprofit organization directly or through a grant to a governmental agency.

~~***6.***~~ ***9.*** As used in this section ~~, "forensic~~ ***:***

(a) "Forensic medical examination" means an examination by a ~~health care~~ ***medical*** provider to obtain evidence from a victim of sexual assault.

(b) "Medical ~~facility"~~ provider" means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility ~~at which~~ or other facility conducting a forensic medical examination of a victim . ~~is performed.~~

Sec. 3. NRS 217.405 is hereby amended to read as follows:

217.405 1. ~~The county in whose jurisdiction a domestic violence battery by strangulation is committed~~ ***~~Except as otherwise provided in~~***

~~*subsection 2, the State* shall pay~~ ***Except as otherwise provided in subsection 2,*** any costs incurred by a ~~hospital~~ ***medical ~~facility~~ provider*** for a strangulation forensic medical examination of the victim ***:*** ~~.~~

~~2. Any costs incurred pursuant to subsection 1:~~

(a) Must not be charged directly to the victim.

(b) Must ~~*To the extent of legislative appropriation and except as otherwise limited pursuant to this paragraph, must*~~ be ~~charged to~~ ***paid out of the Fund for the Compensation of Victims of Crime, unless there is not sufficient money in the Fund to pay such costs. If there is not sufficient money in the Fund to pay such costs,*** the county in whose jurisdiction the offense was committed ~~.~~ ***and paid by the State. The State shall not pay more than $1,500 for each strangulation forensic medical examination. After the State has paid any costs for a strangulation forensic medical examination in accordance with the provisions of this paragraph, the county in whose jurisdiction the offense was committed shall pay any remaining costs.***

~~3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.~~

~~4.~~ ***shall pay any remaining costs.***

2. The amount of reimbursement paid to a medical provider from the Fund or by a county for the costs of a strangulation forensic medical examination must not exceed the maximum annual reimbursement rate for a strangulation forensic medical examination established by the Department of Health and Human Services pursuant to subsection 4.

3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.

4. Each year, the Department of Health and Human Services shall review and establish the maximum annual reimbursement rate that may be paid to a medical provider for each strangulation forensic medical examination performed on a victim.

5. ~~*[4.]*~~ Nothing in this section shall be construed to prohibit the use of evidence ***during the investigation or prosecution of a person for domestic violence battery by strangulation which was*** obtained from a strangulation forensic medical examination ~~during the investigation or prosecution of a person for domestic violence battery by strangulation.~~

~~6.~~ ***that was paid for by a nongovernmental, nonprofit organization directly or through a grant to a governmental agency.***

~~*[5.]*~~ ***6.*** As used in this section:

(a) "Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.

(b) ***"Medical ~~facility"~~ provider" means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility ~~at which~~ or***

other facility conducting a strangulation forensic medical examination of a victim . ~~[is performed.]~~

(c) "Strangulation forensic medical examination" means an examination conducted by a ~~[health care]~~ ***medical*** provider for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation and coordinating the treatment of any injuries of the victim.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

SENATOR OHRENSCHALL

JOINT SPONSOR: ASSEMBLYMEMBER HANSEN

AN ACT relating to juvenile justice; expanding the scope of a program established by the juvenile court for the treatment of children diagnosed with or suspected to have autism spectrum disorders to include children diagnosed with or suspected to have certain other neurobehavioral disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the juvenile court to establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum disorders and prescribes the criteria for eligibility to participate in such a program. (NRS 62B.700) This bill: (1) expands the scope of the program to include children diagnosed with or suspected to have neurobehavioral disorders associated with prenatal exposure to alcohol or a controlled substance; and (2) authorizes the juvenile court to assign a child who is diagnosed with or suspected to have any such neurobehavioral disorder to the program under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.700 is hereby amended to read as follows:

62B.700 1. The juvenile court may establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum disorders ***or neurobehavioral disorders associated with prenatal exposure to alcohol or a controlled substance*** to which it may assign a child who is alleged or adjudicated to have committed a delinquent act if the child:

(a) Is diagnosed with, including, without limitation, through the use of a standardized assessment, or suspected to have an autism spectrum disorder ~~[;]~~

or neurobehavioral disorder associated with prenatal exposure to alcohol or a controlled substance;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to any other provision of law.

2. The assignment of a child who is alleged or adjudicated to have committed a delinquent act to a program pursuant to this section must:

(a) Include:

(1) The terms and conditions for successful completion of the program; and

(2) The terms and conditions of the informal supervision or probation of the child, if applicable.

(b) Provide for progress reports at intervals set by the juvenile court to ensure that the child is making satisfactory progress towards completion of the program.

3. As used in this section ~~[~~, "autism~~]~~ ***:***

(a) "Autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

(b) "Neurobehavioral disorder associated with prenatal exposure to alcohol or a controlled substance" means a condition that meets the diagnostic criteria for a neurobehavioral disorder associated with prenatal exposure to alcohol or controlled substances published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined. The term includes, without limitation, fetal alcohol spectrum disorders and neonatal abstinence syndrome.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 4:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 591 and 592 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 651.

AN ACT relating to crimes; expanding the crime of unlawful dissemination of an intimate image to include certain acts relating to the distribution of certain photorealistic images, digital images, computer images and computer-generated images; ~~[expanding]~~ **providing an exception to the crime of unlawful dissemination of an intimate image for persons who are less than 18 years of age; revising** the definition of "intimate image"; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of unlawful dissemination of an intimate image and provides that a person who unlawfully disseminates an intimate image of a person is guilty of a category D felony. (NRS 200.780) Under existing law, a person is also guilty of a category D felony if the person makes certain demands from a person in exchange for removing an intimate image from public view. (NRS 200.785) **Section 1** of this bill expands the definition of "intimate image" for the purpose of these provisions to include certain photorealistic images, digital images, computer images and computer-generated images. (NRS 200.770) **Section 1 also eliminates an exception under existing law that excludes from the definition of "intimate image" an image depicting a public figure.**

Under existing law, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person electronically disseminates or sells an intimate image which depicts the other person and the other person: (1) did not give prior consent to the electronic dissemination or sale; (2) had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and (3) was at least 18 years of age when the intimate image was created. (NRS 200.780) **Section 2** of this bill ~~[additionally]~~ **expands the scope of the crime to also include the distribution of certain photorealistic images, digital images, computer images and computer-generated images.**

Specifically, section 2 provides that a person ~~[who is 18 years of age or older]~~ commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person knowingly distributes or causes to be distributed an intimate image if: (1) the image ~~[or representation]~~ is created in a way that would lead a reasonable person to believe it is an actual depiction of the person depicted; and (2) the other person did not give prior consent to the distribution of the image. **Section 2 further provides that the prohibition against disseminating an intimate image, both under existing law and as expanded by section 2, does not apply if the person who commits the violation is less than 18 years of age.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.770 is hereby amended to read as follows:

200.770 "Intimate image":

1. Except as otherwise provided in subsection 2, includes, without limitation ~~[, a]~~ ***:***

(a) A photograph, film, videotape or other recorded image which depicts:

~~[(a)]~~ ***(1)*** The ***genitals, anus or*** fully exposed nipple of the female breast of another person, including through transparent clothing; or

~~[(b)]~~ ***(2)*** One or more persons engaged in sexual conduct ~~[.]~~ ***; or***

(b) A photorealistic image, digital image, computer image or computer-generated image that a reasonable person would believe depicts:

(1) The genitals, anus or fully exposed nipple of the female breast of another identifiable person; or

(2) One or more identifiable persons engaged in sexual conduct.

2. Does not include an image which would otherwise constitute an intimate image pursuant to subsection 1, but in which the person depicted in the image:

(a) Is not clearly identifiable; ***or***

(b) Voluntarily exposed himself or herself in a public or commercial setting ~~[, or~~

~~(c) Is a public figure.]~~

Sec. 2. NRS 200.780 is hereby amended to read as follows:

200.780 1. Except as otherwise provided in subsection 3, a person commits the crime of unlawful dissemination of an intimate image when, with the intent to harass, harm or terrorize another person, the person ~~[electronically]~~ ***:***

(a) Electronically disseminates or sells an intimate image which depicts the other person and the other person:

~~[(a)]~~ ***(1)*** Did not give prior consent to the electronic dissemination or the sale of the intimate image;

~~[(b)]~~ ***(2)*** Had a reasonable expectation that the intimate image would be kept private and would not be made visible to the public; and

~~[(c)]~~ ***(3)*** Was at least 18 years of age when the intimate image was created ~~[.]~~ ***; or***

(b) Knowingly distributes or causes to be distributed an intimate image described in paragraph (b) of subsection 1 of NRS 200.770 which depicts the other person if:

(1) The intimate image is created in a way that would lead a reasonable person to believe it is an actual depiction of the other person; and

(2) The other person did not give prior consent to the distribution of the image.

2. A person who commits the crime of unlawful dissemination of an intimate image is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The provisions of this section do not apply to ~~[the electronic]~~ ***:***

(a) The dissemination ***or distribution*** of an intimate image for the purpose of:

~~[(a)]~~ ***(1)*** A legitimate public interest;

~~[(b)]~~ ***(2)*** Reporting unlawful conduct;

~~[(c)]~~ ***(3)*** Any lawful law enforcement or correctional activity;

~~[(d)]~~ ***(4)*** Investigation or prosecution of a violation of this section; or

~~[(e)]~~ ***(5)*** Preparation for or use in any legal proceeding.

(b) A person who is less than 18 years of age ***.*** ~~***[and who commits an act described in paragraph (b) of subsection 1.]***~~

4. A person who commits the crime of unlawful dissemination of an intimate image is not considered a sex offender and is not subject to registration or community notification as a sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 657.

SENATOR NGUYEN

JOINT SPONSOR: ASSEMBLYMEMBER MILLER

AN ACT relating to gaming; requiring the disgorgement of any profit, gain, gross receipt or other benefit related to certain illegal gaming activities; increasing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits: (1) a person from engaging in certain activities relating to gaming without procuring a state gaming license; (2) a person from engaging in a fraudulent act or otherwise manipulating or cheating at a

gambling game; and (3) a person from accepting, receiving or allowing certain other persons to accept or receive certain wagers through any medium of communication from another person physically present within this State. (NRS 463.160, 465.070, 465.092) **Sections 1-3** of this bill require, in addition to any existing penalty, a person to disgorge any profit, gain, gross receipt or other benefit resulting from certain illegal gaming activities and pay that amount to the State Treasurer for deposit in the State General Fund. **Section 3** also increases the penalty for accepting, receiving or allowing certain persons to accept or receive certain wagers under certain circumstances from a misdemeanor to a gross misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.360 is hereby amended to read as follows:

463.360 1. Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this chapter or of chapter 463B, 464 or 465 of NRS may act as an immediate revocation of all licenses which have been issued to the violator, and, in addition, the court may, upon application of the district attorney of the county or of the Commission, order that no new or additional license under this chapter be issued to
the violator, or be issued to any person for the room or premises in which the violation occurred, for 1 year after the date of the revocation.

2. A person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof is guilty of a category C felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. Except as otherwise provided in subsection 4, a person who willfully violates, attempts to violate, or conspires to violate any of the provisions of subsection 1 of NRS 463.160 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, by a fine of not more than $50,000, or by both fine and imprisonment. ***The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General fund.***

4. A licensee who puts additional games or slot machines into play or displays additional games or slot machines in a public area without first obtaining all required licenses and approval is subject only to the penalties provided in NRS 463.270 and 463.310 and in any applicable ordinance of the county, city or town.

5. A person who willfully violates any provision of a regulation adopted pursuant to NRS 463.125 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. The violation of any of the provisions of this chapter, the penalty for which is not specifically fixed in this chapter, is a gross misdemeanor.

Sec. 2. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.086, inclusive:

(a) For the first offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. ***The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General Fund.***

(b) For a second or subsequent violation of any of these provisions, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000. ***The court shall also order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General fund.***

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.086, inclusive, each is guilty of a category C felony and shall be punished by imposing the penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Sec. 3. NRS 465.092 is hereby amended to read as follows:

465.092 1. Except as otherwise provided in NRS 465.094, a person, alone or with others, shall not knowingly, within or outside of this state:

(a) Accept or receive, directly or indirectly, through any medium of communication a wager from another person who is physically present within this state; or

(b) Allow a lessee, agent or employee to accept or receive, directly or indirectly, through any medium of communication a wager from another person who is physically present within this state.

2. If a person engages in conduct in violation of subsection 1 and the person is outside of this state at the time of the offense:

(a) The offense shall be deemed to commence outside of this state;

(b) The offense shall be deemed to be consummated within this state; and

(c) The person may be prosecuted within this state pursuant to the provisions of NRS 171.015.

3. A person who violates the provisions of this section is guilty of a ***gross*** misdemeanor ~~,~~ ***and the court shall order any profits, gain, gross receipts or other benefit from the violation to be disgorged and paid to the State Treasurer for deposit in the State General fund.***

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 575.

AN ACT relating to civil liability; revising provisions relating to civil liability to persons using certain premises for recreational activity under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to: (1) keep the premises safe for entry or use by others for participating in any recreational activity; or (2) give warning of any hazardous condition, activity or use of any structure on the premises to persons entering to participate in recreational activity. Existing law also provides that if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises: (1) the owner, lessee or occupant does not assure that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted; and (2) the person using the premises does not acquire any property rights in or rights of easement to the premises. (NRS 41.510)

This bill: (1) provides that the law regarding this limitation on liability may be known and cited as the Recreational Use of Land Statute; and (2) provides a declaration of legislative intent regarding the purpose of the Recreational Use of Land Statute. This bill also ~~[revises the applicability of this limitation on liability by specifically providing that the limitation on liability does not limit the liability which would otherwise exist for: (1) injury caused by any act of an occupant of the premises who receives compensation from the owner or lessee of the premises to maintain, develop or improve the premises or any portion thereof; (2) injury caused by acts or omissions of a private entity or person occupying or leasing premises from the State of Nevada, or any political subdivision thereof; or (3) injury caused by acts or omissions of a private owner, lessee or occupant of a residential common area, urban premises or public infrastructure. This bill also provides that the limitation on liability does not apply to: (1) residential common areas; (2) public infrastructure; or (3) the State of Nevada, or any political subdivision thereof, for any premises it owns, leases or occupies which are not intended to be used solely for the purposes of recreational activity.]~~ **limits the liability of the State of Nevada, and any political subdivision thereof, for any injury to a person engaging in recreational activity if the premises: (1) are included in any recreational plan or other similar land use plan; (2) are designated to be used for**

recreational activity by the governing body of a public entity or a designee of the governing body of a public entity; or (3) consist of any portion of a public road, highway, street, alley or sidewalk forming part of a trail, equestrian path, shared-use path or other similar trail or path. Additionally, this bill limits the liability of a nonprofit entity that owns certain land for any injury to a person engaging in recreational activity on the premises if such premises remain open to the public for free and consist of: (1) a trail or interconnected trail system of 100 miles or more which is entirely owned by the nonprofit entity and which is designated for recreational purposes; (2) a park which is 10 acres or more in area and which is designated for recreational purposes; or (3) a wash that is preserved pursuant to a federal permit. Furthermore, this bill limits the liability of an owner, lessee or occupant of rural or semi-rural non-residential land for any injury to a person who enters or uses the premises to engage in recreational activity. Finally, this bill provides that if any court order grants or denies immunity from liability to the State of Nevada, or any political subdivision thereof, an interlocutory appeal lies to the Supreme Court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 41.510 is hereby amended to read as follows:

41.510 1. ***This section may be known and cited as the Recreational Use of Land Statute. The Legislature hereby finds and declares that the purpose of this section is to encourage:***

(a) ~~[Owners of rural or semi-rural land to make their land available for free to members of the public to engage in recreational activity by limiting the liability of the owners of such land to members of the public who enter onto the land to engage in such recreational activity; and~~

~~(b)]~~ The State of Nevada, ~~[or]~~ and any political subdivision thereof, to develop and maintain land throughout the State to be used by the public, for free, primarily for recreational activity ~~[.]~~ ;

(b) Nonprofit entities that own large parcels of recreational land to develop and maintain trail systems and parks and to preserve washes to be used by the public, for free, for recreational activity; and

(c) Private owners of rural or semi-rural nonresidential land to make land and water areas available to be used by the public, for free, for recreational activity,

➥ by limiting liability to a member of the public who enters onto such land to engage in such recreational activity.

2. Except as otherwise provided in ***this*** subsection ~~[~~3, ~~*4, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes]*~~ ***, the State of Nevada, and any political subdivision thereof, are not liable for any injury to a person engaging in recreational activity on any premises which the State or public subdivision owns, leases or occupies that***

is intended to be used for recreational activity. For purposes of this subsection, premises are intended to be used for recreational activity if the premises:

(a) Are included in any recreational plan or other similar land use plan adopted by a public entity pursuant to paragraph (f) of subsection 1 of NRS 278.160;

(b) Are designated to be used for recreational activity by the governing body of a public entity, or a designee of the governing body of the public entity, including, without limitation, through the issuance of a permit for the temporary or incidental use of the premises for the purpose of recreational activity; or

(c) Consist of portions of a public road, highway, street, alley or sidewalk forming part of a trail, equestrian path, shared-use path or other similar trail or path.

➥ The immunity from liability provided pursuant to this subsection applies only to the State of Nevada and any political subdivision thereof, and not to any other person or entity that leases, occupies or uses the premises.

3. Except as otherwise provided in this subsection, a nonprofit entity that owns land is not liable for any injury to a person engaging in recreational activity on any portion of the premises described in paragraph (a), (b) or (c) if such premises remain open to the public for free, as set forth in the deed to the land, and consist of:

(a) A trail or interconnected trail system that is 100 miles or more in length which is entirely owned by the nonprofit entity and which is designated for recreational purposes in a recreational plan or other similar plan pursuant to paragraph (f) of subsection 1 of NRS 278.160;

(b) A park which is 10 acres or more in area and which is designated for recreational purposes in a recreational plan or other similar plan pursuant to paragraph (f) of subsection 1 of NRS 278.160, except for any portion of the premises upon which play equipment, playground structures or outdoor play systems are installed; or

(c) A wash that is preserved pursuant to a federal permit.

➥ The immunity from liability provided pursuant to this subsection does not apply to any portion of the premises for which a fee is charged for admission or use of the premises or to any portion of the premises that is leased to any other person or entity during the term of the lease.

4. Except as otherwise provided in subsection 7, an owner, lessee or occupant of any rural or semi-rural non-residential land is not liable for any injury to a person who enters or uses the premises to engage in recreational activity. This subsection shall not be construed to limit the liability of any other private owner of land.

5. Except as otherwise provided in subsection 7, with respect to the premises described in subsection 2, 3 or 4, as applicable, the State of Nevada, or any political subdivision thereof, a nonprofit entity or an owner, lessee or occupant, as applicable:

(a) Owes no duty to keep ~~[the]~~ ***such*** premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on ~~[the]~~ ***such*** premises to persons entering for those purposes.

~~[2.~~ ***3.*** ~~Except as otherwise provided in subsection 3,~~ ***4,*** ~~if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises:~~

~~(a) The owner, lessee or occupant does]~~

(b) Does not thereby extend any assurance that ~~[the]~~ ***such*** premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons ~~[to whom the permission is granted.~~

~~(b) That]~~ ***who enter or use such premises to engage in recreational activity.***

(c) Does not create a duty of care or ground of liability for any injury to person or property.

6. A person ***who enters or uses the premises described in subsection 2, 3 or 4 to engage in recreational activity*** does not thereby acquire any property rights in or rights of easement to ~~[the]~~ ***such*** premises.

~~[3.~~ ~~*4.]*~~ *7.* This section does not ~~[:~~

~~(a) Limit]~~ ***limit*** the liability which would otherwise exist for:

~~[(1)]~~ ***(a)*** Willful or ~~*[and]*~~ malicious ~~*[or grossly negligent]*~~ failure ~~*[by the owner, lessee or occupant]*~~ to guard, or to warn against, a dangerous condition, use, structure or activity.

~~[(2)]~~ ***(b)*** Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this ~~[subparagraph,]~~ ***paragraph,*** the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.

~~*[(3)]*~~ ***(c)*** Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

~~*[(4) Injury caused by any act of an occupant of the premises who receives compensation from the owner or lessee of the premises to maintain, develop or improve the premises or any portion thereof.*~~

~~*(5) Injury caused by acts or omissions of a private entity or person occupying or leasing premises from the State of Nevada, or any political subdivision thereof.*~~

~~*(6) Injury caused by acts or omissions of a private owner, lessee or occupant of a residential common area, urban premises or public infrastructure.*~~

~~*(b) Create a duty of care or ground of liability for injury to person or property.*~~

~~*(c) Apply to:*~~

~~*(1) Residential common areas;*~~

~~*(2) Public infrastructure; or*~~

~~*(3) The State of Nevada, or any political subdivision thereof, for any premises it owns, leases or occupies which are not intended to be used solely for the purposes of recreational activity.*~~

~~4.~~ ~~*5.]*~~

8. If any court order grants or denies immunity from liability to the State of Nevada, or any political subdivision thereof, pursuant to this section, an interlocutory appeal lies to the Supreme Court.

9. As used in this section , "recreational ~~*[:*~~

~~*(a) "Public infrastructure" means a building or structure owned, leased or occupied by the State of Nevada, or any political subdivision thereof, for the primary purpose of administration or providing administrative services to the public.*~~

~~*(b) "Recreational]*~~ activity" includes, but is not limited to:

(a) ~~*[(1)]*~~ Hunting, fishing or trapping;

(b) ~~*[(2)]*~~ Camping, hiking or picnicking;

(c) ~~*[(3)]*~~ Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

(d) ~~*[(4)]*~~ Hang gliding or paragliding;

(e) ~~*[(5)]*~~ Spelunking;

(f) ~~*[(6)]*~~ Collecting rocks;

(g) ~~*[(7)]*~~ Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;

(h) ~~*[(8)]*~~ Riding animals, riding in vehicles or riding a road, mountain or electric bicycle;

(i) ~~*[(9)]*~~ Studying nature;

(j) ~~*[(10)]*~~ Gleaning;

(k) ~~*[(11)]*~~ Recreational gardening; and

(l) ~~*[(12)]*~~ Crossing over to public land or land dedicated for public use.

"Recreational activity" does not include utilitarian activities ~~[in which]~~ that a person performs or engages ~~[primarily]~~ in for ~~[the]~~ a purpose other than recreation, such as the purpose of transportation, ~~[such as]~~ including walking, cycling or using other physical or mechanical means of transportation , ~~[on public roads, highways, sidewalks, alleys or shared paths for]~~ the purpose of daily living or ~~[for]~~ the purpose of employment or carrying out work-related activities, such as the delivery of food or other items.

~~*[(c) "Residential common areas" means premises which are located within an urban private community, such as a common-interest community or another private residential neighborhood, and which are primarily intended for the general use of residents of the urban private community.*~~

~~*The term includes, without limitation, sidewalks, paths, crosswalks, walkways, parks, exercise areas, playgrounds and play areas.]*~~

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 656.

AN ACT relating to correctional institutions; requiring the Director of the Department of Corrections to submit an annual report to the Director of the Legislative Counsel Bureau relating to the employment of offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Corrections to submit a report relating to the employment of offenders on or before March 1 of each year to the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or the Interim Finance Committee when the Legislature is not in session. The report must include, without limitation, the following information relating to the previous year: (1) the number of offenders who were eligible for employment; (2) the number of offenders who were employed; (3) the number of offenders who refused employment; (4) the pay of the offenders who were employed; (5) **the educational attainments of the offenders who were employed; (6)** the amount of the deductions from the accounts of offenders who were employed; and ~~[(6)]~~ **(7)** of the offenders who were employed and who were subsequently released, the percentage of offenders who found employment following release with the industries in which they were employed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before March 1 of each year, the Director shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means during a regular or special session of the Legislature, or

the Interim Finance Committee when the Legislature is not in session, relating to the employment of offenders that includes, without limitation, the following information relating to the previous year:

1. The number of offenders who were eligible for employment;

2. The number of offenders who were employed;

3. The number of offenders who refused employment;

4. The pay of the offenders who were employed;

5. The educational attainments of the offenders who were employed, including, without limitation:

(a) The number of such offenders who successfully completed a program of general education, a vocational education and training program or any other educational program approved by the Director; and

(b) Any certificates, diplomas, degrees or other credentials earned in connection with such programs;

6. The amount of the deductions from the accounts of offenders who were employed; and

~~[6.]~~ 7. Of the offenders who were employed and who were subsequently released, the percentage of offenders who found employment following release with the industries in which they were employed.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 654.

SENATORS SCHEIBLE, CRUZ-CRAWFORD, KRASNER; DONDERO-LOOP, NGUYEN, OHRENSCHALL, PAZINA, STEINBECK, AND STONE

JOINT SPONSOR: ASSEMBLYMEMBER HANSEN

AN ACT relating to guardianship; making various changes relating to guardianship; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the procedures and requirements relating to the appointment of a guardian for a proposed protected person who is an adult. (Chapter 159 of NRS) **Section 1.3** of this bill defines the term "less restrictive alternatives to guardianship" and **section 1.7** of this bill defines the term "power of attorney" for the purposes of the provisions of law governing guardianship of adults.

Existing law: (1) authorizes a proposed protected person, a governmental agency, a nonprofit organization or an interested person to petition the court for the appointment of a guardian; (2) requires such a petition to include certain information; and (3) requires that the petitioner provide the court with an assessment of the needs of the proposed protected person, which must be completed by a licensed physician. (NRS 159.044) **Section 4** of this bill

requires a petition for the appointment of a guardian to contain an attestation that information on less restrictive alternatives to guardianship has been provided to the proposed protected person. **Section 4** also requires that a licensed physician completing such an assessment include a determination of whether less restrictive alternatives to guardianship are available and sufficient to support the needs of the proposed protected person.

Existing law requires a guardian of the person to make a written report containing certain information, file the report with the court and serve the report on the protected person and any attorney for the protected person. (NRS 159.081) **Section 5** of this bill requires that such a report include an explanation as to why less restrictive alternatives to guardianship in lieu of the guardianship are not being considered.

Existing law authorizes a protected person, the guardian or another person to petition the court for the termination or modification of a guardianship. Existing law provides that for such a petition to be granted, the petitioner must prove that the termination or modification of the guardianship is in the best interests of the protected person. (NRS 159.1905) **Section 6** of this bill provides that such a petition may also be granted if the petitioner shows that the protected person has entered into a less restrictive alternative to a guardianship in lieu of the guardianship.

Existing law: (1) sets forth certain procedures for a court to transfer a guardianship or conservatorship order from another state to this State; (2) requires that a petition to transfer include certain information; (3) with certain exceptions, requires a court to issue a provisional order and final order granting a petition to transfer in certain circumstances; and (4) requires a court to recognize a guardianship or conservatorship order from another state in certain circumstances. (NRS 159.2024) **Section 6.5** of this bill requires that a petition to transfer must also include: (1) proof that less restrictive alternatives to guardianship were considered; and (2) an explanation as to why less restrictive alternatives to guardianship are not reasonable alternatives to guardianship. **Section 6.5** provides that a court may deny a petition to transfer if the court has previously denied a petition to transfer the guardianship or conservatorship because less restrictive alternatives to guardianship for the protected person were not considered, either in this State or in the state from which the petition seeks to transfer the order. **Section 6.5** also provides that if a court finds that less restrictive alternatives to guardianship have not been considered for the protected person either in this State or in the state from which the petition seeks to transfer the order, the court: (1) is not required to recognize a guardianship or conservatorship order from the other state; and (2) may deny a petition to transfer.

Existing law establishes the Protected Persons' Bill of Rights, which sets forth certain specific rights of each protected person. (NRS 159.327, 159.328) **Section 7** of this bill provides that a protected person has the right to be educated about less restrictive alternatives to guardianship.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***"Less restrictive alternatives to guardianship" includes, without limitation:***

1. A durable power of attorney for financial matters;

2. A durable power of attorney for health care; and

3. A supported decision-making agreement.

Sec. 1.7. ***"Power of attorney" has the meaning ascribed to it in NRS 162A.090.***

Sec. 2. NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.014 to 159.0265, inclusive, ***and sections 1.3 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 159.044 is hereby amended to read as follows:

159.044 1. A proposed protected person, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed protected person.

(c) A copy of one of the following forms of identification of the proposed protected person which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) Whether the proposed protected person is a resident or nonresident of this State.

(e) The names and addresses of the spouse of the proposed protected person and the relatives of the proposed protected person who are within the second degree of consanguinity.

(f) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595 or 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage. As used in this paragraph, "protected person" includes a protected minor.

(g) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

(h) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(i) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation must include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, a letter signed by any governmental agency in this State which conducts investigations or a certificate signed by any other person whom the court finds qualified to execute a certificate, stating:

(I) The need for a guardian;

(II) Whether the proposed protected person presents a danger to himself or herself or others;

(III) Whether the attendance of the proposed protected person at a hearing would be detrimental to the proposed protected person;

(IV) Whether the proposed protected person would comprehend the reason for a hearing or contribute to the proceeding; and

(V) Whether the proposed protected person is capable of living independently with or without assistance; and

(2) If the proposed protected person is determined to have the limited capacity to consent to the appointment of a special guardian, a written consent to the appointment of a special guardian from the protected person.

(j) Whether the appointment of a general or a special guardian is sought.

(k) A general description and the probable value of the property of the proposed protected person and any income to which the proposed protected person is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed protected person by the United States through the Department of Veterans Affairs, the petition must so state.

(l) The name and address of any person or care provider having the care, custody or control of the proposed protected person.

(m) If the petitioner is not the spouse or natural child of the proposed protected person, a declaration explaining the relationship of the petitioner to the proposed protected person or to the family or friends of the proposed protected person, if any, and the interest, if any, of the petitioner in the appointment.

(n) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(o) If the guardianship is sought as the result of an investigation of a report of abuse, neglect, exploitation, isolation or abandonment of the proposed protected person, whether the referral was from a law enforcement agency or a state or county agency.

(p) Whether the proposed protected person or the proposed guardian is a party to any pending criminal or civil litigation.

(q) Whether the guardianship is sought for the purpose of initiating litigation.

(r) Whether the proposed protected person has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

(s) Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

(t) An attestation that information on less restrictive alternatives to guardianship has been provided to the proposed protected person.

3. Before the court makes a finding pursuant to NRS 159.054, a petitioner seeking a guardian for a proposed protected person must provide the court with an assessment of the needs of the proposed protected person completed by a licensed physician which identifies the limitations of capacity of the proposed protected person and how such limitations affect the ability of the proposed protected person to maintain his or her safety and basic needs ~~.~~ ***and which includes a determination of whether less restrictive alternatives to guardianship are available and sufficient to support the needs of the***

proposed protected person. The court may prescribe the form in which the assessment of the needs of the proposed protected person must be filed.

Sec. 5. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected person and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a protected person to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Except as otherwise provided in subsection 6, be served, without limitation, on the protected person and any attorney for the protected person.

3. The court may prescribe the form for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, home in which supported living arrangement services are provided, assisted living facility or other facility for long-term care; ~~[and]~~

(d) ***An explanation as to why less restrictive alternatives to guardianship in lieu of the guardianship are not being considered; and***

(e) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. The court may waive the requirement set forth in paragraph (b) of subsection 2 that a report filed pursuant to paragraph (b) of subsection 1 must be served on a protected person upon a showing that such service is detrimental to the physical or mental health of the protected person.

7. As used in this section:

(a) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(b) "Supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 6. NRS 159.1905 is hereby amended to read as follows:

159.1905 1. A protected person, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected person.

(c) The name, age and address of the protected person, if the protected person is not the petitioner, or the date of death of the protected person if the protected person is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected person and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the protected person if:

(a) The protected person is unable to retain an attorney; or

(b) The court determines that the appointment is necessary to protect the interests of the protected person.

3. The petitioner has the burden of proof to show by clear and convincing evidence that ~~[the]~~ ***:***

(a) The termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected person ~~[.]~~ ***; or***

(b) The protected person has entered into a less restrictive alternative to guardianship in lieu of the guardianship of the person, of the estate, or of the person and estate, which is to be terminated.

4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the protected person, the court may:

(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected person; and

(b) Impose sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected person for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected person and associated with the petition.

Sec. 6.5. NRS 159.2024 is hereby amended to read as follows:

159.2024 1. To transfer jurisdiction of a guardianship or conservatorship to this State, the guardian, conservator or other interested party must petition

the court of this State for guardianship pursuant to NRS 159.1991 to 159.2029, inclusive, to accept guardianship in this State. The petition must include ~~[a]~~ *:*

(a) A certified copy of the other state's provisional order of transfer ~~[and proof]~~ *;*

(b) Proof that the protected person is physically present in, or is reasonably expected to move permanently to, this State ~~[.]~~ *;*

(c) Proof that shows less restrictive alternatives to guardianship were considered; and

(d) An explanation as to why less restrictive alternatives to guardianship are not reasonable alternatives to the guardianship.

2. The court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the protected person; ~~[or]~~

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159.0613 ~~[.]~~ *; or*

(c) The court has previously denied a petition to transfer the guardianship or the conservatorship pursuant to subsection 6.

3. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State.

4. Not later than 90 days after the issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the laws of this State ~~[.]~~ ***, including, without limitation, chapter 162C of NRS.***

5. In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacity of the protected person and the appointment of the guardian or conservator ~~[.]~~ ***unless less restrictive alternatives to guardianship for the protected person were not considered, either in this State or the other state.***

6. The court may deny a petition under this section if the court determines that less restrictive alternatives to guardianship were not considered either in this State or in the other state. If a petition under this section is denied pursuant to this subsection, such denial does not preclude the petitioner from filing a petition pursuant to NRS 159.044.

Sec. 7. NRS 159.328 is hereby amended to read as follows:

159.328 1. The Legislature hereby declares that, except as otherwise specifically provided by law, each proposed protected person has the right to have an attorney before a guardianship is imposed to ask the court for relief, and each protected person has the right to:

(a) Have an attorney at any time during a guardianship to ask the court for relief.

(b) Receive notice of all guardianship proceedings and all proceedings relating to a determination of capacity unless the court determines that the protected person lacks the capacity to comprehend such notice.

(c) Receive a copy of all documents filed in a guardianship proceeding.

(d) Have a family member, an interested party, a person of natural affection, an advocate for the protected person or a medical provider speak or raise any issues of concern on behalf of the protected person during a court hearing, either orally or in writing, including, without limitation, issues relating to a conflict with a guardian.

(e) Be educated about guardianships and ask questions and express concerns and complaints about a guardian and the actions of a guardian, either orally or in writing.

(f) Participate in developing a plan for his or her care, including, without limitation, managing his or her assets and personal property and determining his or her residence and the manner in which he or she will receive services.

(g) Have due consideration given to his or her current and previously stated personal desires, preferences for health care and medical treatment and religious and moral beliefs.

(h) Remain as independent as possible, including, without limitation, to have his or her preference honored regarding his or her residence and standard of living, either as expressed or demonstrated before a determination was made relating to capacity or as currently expressed, if the preference is reasonable under the circumstances.

(i) Be granted the greatest degree of freedom possible, consistent with the reasons for a guardianship, and exercise control of all aspects of his or her life that are not delegated to a guardian specifically by a court order.

(j) Engage in any activity that the court has not expressly reserved for a guardian, including, without limitation, voting, marrying or entering into a domestic partnership, traveling, working and having a driver's license.

(k) Be treated with respect and dignity.

(l) Be treated fairly by his or her guardian.

(m) Maintain privacy and confidentiality in personal matters.

(n) Receive telephone calls and personal mail and have visitors, unless his or her guardian and the court determine that particular correspondence or a particular visitor will cause harm to the protected person.

(o) Receive timely, effective and appropriate health care and medical treatment that does not violate his or her rights.

(p) Have all services provided by a guardian at a reasonable rate of compensation and have a court review any requests for payment to avoid excessive or unnecessary fees or duplicative billing.

(q) Receive prudent financial management of his or her property and regular detailed reports of financial accounting, including, without limitation, reports on any investments or trusts that are held for his or her benefit and any expenditures or fees charged to his or her estate.

(r) Receive and control his or her salary, maintain a bank account and manage his or her personal money.

(s) Ask the court to:

(1) Review the management activity of a guardian if a dispute cannot be resolved.

(2) Continually review the need for a guardianship or modify or terminate a guardianship.

(3) Replace the guardian.

(4) Enter an order restoring his or her capacity at the earliest possible time.

(t) Be educated about less restrictive alternatives to guardianship.

2. The rights of a protected person set forth in subsection 1 do not abrogate any remedies provided by law. All such rights may be addressed in a guardianship proceeding or be enforced through a private right of action.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 350.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 653.

AN ACT relating to criminal procedure; extending the time for which a judgment of death must be executed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when a judgment of death is pronounced, a judge is required to issue a warrant that appoints the week in which the judgment is to be executed. Existing law requires the appointed week to be not less than 60 days and not more than 90 days from the time the judgment was pronounced. (NRS 176.345) **Section 1** of this bill instead requires the appointed week: (1) to be not less than ~~[180]~~ **120** days nor more than ~~[270]~~ **180** days from the time of judgment; or (2) if there is any warrant in any case appointing a week within which the judgment is to be executed in force at the time a new warrant is issued, to be not less than ~~[180]~~ **120** days nor more than ~~[270]~~ **180** days from the latest date appointed for execution of the judgment.

Under existing law, if for any reason a judgment of death has not been executed and it remains in force, the court which rendered the judgment of death ~~[may]~~ **must** draw a new warrant. Existing law requires the new warrant to appoint a week in which the judgment is to be executed that is not less than 15 days nor more than 30 days after the date of the warrant. (NRS 176.495) **Section 2** of this bill instead requires the appointed week to be not less than ~~[180]~~ **120** days nor more than ~~[270]~~ **180** days after the date of the warrant, and in any event, not less than ~~[180]~~ **120** days nor more than ~~[270]~~ **180** days from

the latest date appointed by any warrant in any case for execution of the judgment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.345 is hereby amended to read as follows:

176.345 1. When a judgment of death has been pronounced, a certified copy of the judgment of conviction must be forthwith executed and attested in triplicate
by the clerk under the seal of the court. There must be attached to the triplicate copies a warrant signed by the judge, attested by the clerk, under the seal of the court, which:

(a) Recites the fact of the conviction and judgment;

(b) Appoints a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed, which must ~~[not]~~ ***:***

(1) Except as otherwise provided in subparagraph (2), be ***not*** less than ~~[60 *180]*~~ ***120*** days nor more than ~~[90 *270]*~~ ***180*** days from the time of judgment; ***or***

(2) If there is any warrant in any case appointing a week within which the judgment is to be executed in force at the time a new warrant is issued pursuant to this section, be not less than ~~[180]~~ 120 days nor more than ~~[270]~~ 180 days from the latest date appointed for the judgment to be executed; and

(c) Directs the sheriff to deliver the prisoner to such authorized person as the Director of the Department of Corrections designates to receive the prisoner, for execution. The prison must be designated in the warrant.

2. The original of the triplicate copies of the judgment of conviction and warrant must be filed in the office of the county clerk, and two of the triplicate copies must be immediately delivered by the clerk to the sheriff of the county. One of the triplicate copies must be delivered by the sheriff, with the prisoner, to such authorized person as the Director of the Department of Corrections designates, and is the warrant and authority of the Director for the imprisonment and execution of the prisoner, as therein provided and commanded. The Director shall return the certified copy of the judgment of conviction to the county clerk of the county in which it was issued. The other triplicate copy is the warrant and authority of the sheriff to deliver the prisoner to the authorized person designated by the Director. The final triplicate copy must be returned to the county clerk by the sheriff with the sheriff's proceedings endorsed thereon.

Sec. 2. NRS 176.495 is hereby amended to read as follows:

176.495 1. If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had must, upon the application of the Attorney General or the district attorney of the county in which the conviction was had, cause another warrant to be drawn, signed by the judge and attested by the clerk under the seal of the court, and delivered to the Director of the Department of Corrections.

2. The warrant must state the conviction and judgment and appoint a week, the first day being Monday and the last day being Sunday, within which the judgment is to be executed. The first day of that week must be not less than ~~[~~15 ~~*180]*~~ ***120*** days nor more than ~~[~~30 ~~*270]*~~ ***180*** days after the date of the warrant ~~[.]~~ ***and, in any event, be not less than ~~[180]~~ 120 days nor more than ~~[270]~~ 180 days from the latest date appointed by any warrant in any case for the judgment to be executed.***

3. The Director shall execute a sentence of death within the week the judgment is to be executed, as designated by the district court. The Director may execute the judgment at any time during that week if a stay of execution is not entered by a court of appropriate jurisdiction.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 395.

Bill read second time and ordered to third reading.

Senate Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 652.

AN ACT relating to personal financial administration; revising certain terms and provisions relating to the administration of trusts and estates; making certain technical corrections relating to the administration of trusts and estates; revising provisions governing the appointment of an administrator of an intestate estate of a decedent; requiring certain personal representatives to submit certain information under the Independent Administration of Estates Act; requiring a court to give certain preferences when determining whether to revoke the authority of a personal representative; increasing certain monetary amounts relating to the administration of estates; revising certain periods of limitation for commencing certain civil actions; ~~[revising certain provisions relating to the exemption of a homestead; establishing an alternative form to create an advance health-care directive;]~~ authorizing a trustee to make certain distributions under certain circumstances; repealing certain provisions relating to the administration of estates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the administration of trusts and estates. (Titles 12 and 13 of NRS) **Sections 1, 1.1, 1.3, 1.6, 4, 5, 11 and 17** of this bill revise certain terms and make technical corrections relating to the administration of trusts and estates.

Existing law sets forth an order of priority for the appointment of an administrator to administrate the intestate estate of a decedent and authorizes any person legally qualified to serve as the administrator. (NRS 139.040)

Section 1.2 of this bill: (1) revises the order of priority for the appointment of an administrator to administrate the intestate estate of a decedent; (2) provides that a person may be legally qualified to serve as an administrator upon a finding of good cause based on certain evidence; and (3) authorizes the court to appoint certain persons under certain circumstances. **Section 1.5** of this bill makes a conforming change to an internal reference caused by the revisions relating to the order of priority and appointment in **section 1.2**. **Section 1.4** of this bill authorizes a court to appoint one or more persons **to serve as personal representative** or **appoint** an independent ~~[personal]~~ representative under certain circumstances.

Existing law establishes the Independent Administration of Estates Act, which allows a personal representative to administer most aspects of the estate of a decedent without court supervision. (NRS 143.300-143.815) **Section 2** of this bill provides that only a personal representative who is named in the will or certain other persons who meet the criteria to be legally qualified as an administrator of an intestate estate may administer an estate. Existing law authorizes any interested person to petition for modification or revocation of the authority of a personal representative. (NRS 143.360) **Section 3** of this bill requires the court, when determining whether to revoke the authority of a personal representative, to give preference to any interested person based on the order of priority set forth for the appointment of an administrator for an intestate estate.

Under existing law, a court is authorized to enter an order for the summary administration of an estate if the court deems summary administration advisable and the gross value of the estate does not exceed $300,000, after deducting any encumbrances. (NRS 145.040) **Sections 6 and 7** of this bill increase that amount to $500,000.

Sections 8 and 9 of this bill increase the monetary amount for an estate to be set aside without administration from $100,000 to $150,000. **Section 10** of this bill makes a conforming change to similarly increase the affidavit of entitlement limit for a surviving spouse.

Existing law requires certain civil actions to recover damages from another person to be commenced within certain periods. (NRS 11.190) **Section 12** of this bill provides that an action against certain persons based on a breach of fiduciary duty, not involving fraud or intentional misrepresentation, must be commenced within 2 years.

~~[Existing law exempts certain property from a writ of execution to enforce a judgment, including certain property known as a homestead. (NRS 21.090) Section 13 of this bill removes the monetary dollar amounts relating to a homestead from NRS 21.090 and instead refers to the amount of the value of such exemptions set forth in chapter 115 of NRS.~~

~~Existing law sets forth various provisions governing durable powers of attorney for health care decisions, including a form to create an advance health-care directive. (NRS 162A.700-162A.870) Section 14 of this bill establishes an alternative form to create an advance health care directive. Sections 15, 16~~

~~and 24.30 of this bill make conforming changes to reference the alternative form.]~~

Section 18 of this bill authorizes a trustee to make an outright distribution to a beneficiary without requiring the trustee to first create a new trust under certain circumstances. **Section 19** of this bill makes a conforming change to indicate that certain terms apply to the outright distribution.

Section 20 of this bill grants a trustee the power to reimburse a settlor for tax payments. **Section 21** of this bill requires certain documentation to be provided to beneficiaries of a trust. **Section 22** of this bill specifies the circumstances under which the laws of this State govern the administration of a trust. **Section 23** of this bill provides for the circumstances under which an account must be deemed approved and final by a trust adviser or trust protector.

Section 32 of this bill repeals the provisions of existing law which set forth a preference for relatives of the whole blood over relatives of the half blood for certain purposes relating to the administration of an estate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 132.115 is hereby amended to read as follows:

132.115 "Distributee" means a person who has received ***, or has the right to receive,*** property of a decedent from the decedent's personal representative other than as a creditor or purchaser. A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in his or her hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. As used in this section, "testamentary trustee" includes a trustee to whom assets are transferred by will to the extent of the devised assets.

Sec. 1.1. NRS 136.150 is hereby amended to read as follows:

136.150 1. If no person appears to contest the probate of a will, the court may admit it to probate on the testimony of only one of the subscribing witnesses, if that testimony shows that the will was executed in all particulars as required by law, and that the testator was of sound mind and had attained the age of 18 years at the time of its execution.

2. ~~[An ex parte]~~ ***A filed*** affidavit of the witness, showing that the will was executed in all particulars as required by law, and that the testator was of sound mind and had attained the age of 18 years at the time of its execution, must be received in evidence and has the same force and effect as if the witness were present and testified orally.

Sec. 1.2. NRS 139.040 is hereby amended to read as follows:

139.040 1. ~~[Administration]~~ ***Except as otherwise provided in subsection 5, administration*** of the intestate estate of a decedent must be granted to one or more of the persons mentioned in this section, and they are respectively entitled to priority for appointment in the following order:

(a) The surviving spouse.

(b) The children.

(c) ***The grandchildren.***

(d) Other issue.

(e) A parent.

~~[(d) The brother or the sister.~~

~~(e) The grandchildren.]~~

(f) ***A sibling.***

(g) Any other of the kindred entitled to share in the distribution of the estate.

~~[(g)]~~ ***(h)*** The public administrator or a person employed or contracted with pursuant to NRS 253.125, as applicable.

~~[(h)]~~ ***(i)*** Creditors who have become such during the lifetime of the decedent.

~~[(i)]~~ ***(j)*** Any of the kindred not above enumerated, within the fourth degree of consanguinity.

~~[(j)]~~ ***(k)*** Any person ~~[or persons]~~ ***who is*** legally qualified ~~[.]~~ ***upon a finding of good cause. Such a finding must be based on evidence, including, without limitation:***

(1) An affidavit of due diligence to find any living heir, including, without limitation:

(I) A report from an heir finder, as defined in NRS 139.135; and

(II) Proof of service via certified mail to all potential heirs identified pursuant to sub-subparagraph (I); and

(2) A statement of the qualifications of the person seeking appointment.

2. ***If any heir who is otherwise entitled to appointment is a minor, the court may appoint the custodial parent or legal guardian of the minor as administrator. The custodial parent or legal guardian has the same priority for appointment as the minor.***

3. If any heir who is otherwise entitled to appointment is an incapacitated person, the court may appoint the guardian or equivalent fiduciary as administrator. The guardian or equivalent fiduciary has the same priority for appointment as the incapacitated person.

4. A person in each of the foregoing classes is entitled:

(a) To appointment, if the person is:

(1) A resident of the State of Nevada or the person:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment; or

(2) A banking corporation which is authorized to do business in this State or which:

(I) Associates as coadministrator a resident of the State of Nevada or a banking corporation authorized to do business in this State; or

(II) Is named as personal representative in the will if the will is the subject of a pending petition for probate, and the court in its discretion believes it would be appropriate to make such an appointment.

(b) To nominate a resident of the State of Nevada or a qualified banking corporation for appointment, whether or not the nominator is a resident of the State of Nevada or a qualified banking corporation. The nominee has the same priority as the nominator. That priority is independent of the residence or corporate qualification of the nominator.

~~[3. If any heir who is otherwise entitled to appointment is a minor or an incapacitated person for whom a guardian has been appointed, the court may appoint the guardian of the minor or incapacitated person as administrator.]~~

5. If there is no surviving spouse, the court may, in its discretion:

(a) Disregard the order of priority set forth in subsection 1 to favor the appointment of an heir or the nominee of an heir, or group of heirs, who have an equal or larger interest in the estate than the heir entitled to priority for appointment; or

(b) Appoint an independent personal representative.

Sec. 1.3. NRS 139.050 is hereby amended to read as follows:

139.050 Administration may be granted upon petition to one or more qualified persons, although not otherwise entitled to serve, at the written request of the person entitled, filed in the court. The qualified person making the written request must provide his or her current address ~~[and telephone number]~~ in the written request ~~[.]~~ ***and be given notice of the hearing.*** Failure to provide such information voids the written request.

Sec. 1.4. NRS 139.070 is hereby amended to read as follows:

139.070 When there are several persons equally entitled to ~~[the administration,]~~ ***appointment as personal representative,*** the court may, in its discretion, ~~[grant letters to]~~ ***appoint*** one or more of them ~~[.]~~ ***to serve as personal representative or appoint an independent representative.***

Sec. 1.5. NRS 139.090 is hereby amended to read as follows:

139.090 1. A petition for letters of administration must be in writing, signed by the petitioner or the attorney for the petitioner and filed with the clerk of the court, and must state:

(a) The jurisdictional facts;

(b) The names and addresses of the heirs of the decedent and their relationship to the decedent, so far as known to the petitioner, and the age of any who is a minor;

(c) The character and estimated value of the property of the estate;

(d) The names and personal addresses of the proposed appointed administrators and the name and personal address of any associated coadministrator under paragraph (a) of subsection ~~[2]~~ ***4*** of NRS 139.040 or, if the coadministrator is an attorney who is licensed in this State or a banking corporation authorized to do business in this State, the business address of the coadministrator; and

(e) Whether the person to be appointed as administrator has been convicted of a felony.

2. No defect of form or in the statement of jurisdictional facts actually existing voids an order appointing an administrator or any of the subsequent proceedings.

Sec. 1.6. NRS 139.110 is hereby amended to read as follows:

139.110 An interested person may contest the petition by filing a written opposition on the ground that the petitioner is not qualified or may assert the contestant's own right to ~~[the administration]~~ ***appointment*** and request that letters be issued to the contestant ~~[.]~~ ***or nominee.*** In the latter case, the contestant ***or nominee*** must file a petition and give the notice required for the original petition, and the court must hear the ~~[two]~~ ***competing*** petitions together.

Sec. 2. NRS 143.340 is hereby amended to read as follows:

143.340 1. To obtain authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, the personal representative must petition the court for that authority in a petition for appointment of the personal representative or in a separate petition filed in the estate proceedings.

2. ***Only a personal representative who is named in the will or a person described in paragraphs (a) to (g) inclusive, of subsection 1 of NRS 139.040 may be granted authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive. All other persons who are legally qualified to serve as the personal representative may not be granted authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive.***

3. The personal representative may request either of the following:

(a) Full authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive; or

(b) Limited authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive.

Sec. 3. NRS 143.360 is hereby amended to read as follows:

143.360 1. Any interested person may file a petition requesting that the court make either of the following orders:

(a) An order revoking the authority of the personal representative to continue administration of the estate pursuant to NRS 143.300 to 143.815, inclusive; or

(b) An order revoking the full authority of the personal representative to administer the estate pursuant to NRS 143.300 to 143.815, inclusive, and granting the personal representative limited authority to administer the estate pursuant to NRS 143.300 to 143.815, inclusive.

2. The petition must set forth the basis for the requested order.

3. The petitioner shall give notice for the period and in the manner provided in NRS 155.010.

4. ***In determining whether to revoke the authority of the personal representative as described in subsection 1, the court shall give preference***

to any interested person based on the order of priority set forth in subsection 1 of NRS 139.040.

5. If the court determines that good cause has been shown, the court shall make an order revoking the authority of the personal representative to continue administration of the estate pursuant to NRS 143.300 to 143.815, inclusive. Upon the making of the order, new letters must be issued without the authority to act pursuant to NRS 143.300 to 143.815, inclusive.

~~[5.]~~ ***6.*** If the personal representative was granted full authority and the court determines that good cause has been shown, the court shall make an order revoking the full authority and granting the personal representative limited authority. Upon the making of the order, new letters must be issued indicating whether the personal representative is authorized to act pursuant to NRS 143.300 to 143.815, inclusive, and, if so authorized, whether the independent administration authority includes or excludes the power to do any of the following:

(a) Sell real property;

(b) Exchange real property;

(c) Grant an option to purchase real property; or

(d) Borrow money with the loan secured by an encumbrance upon real property.

Sec. 4. NRS 144.010 is hereby amended to read as follows:

144.010 1. Except as otherwise provided in this section, every personal representative shall prepare and file with the clerk a true inventory and appraisement or record of value of all the assets of the decedent that have come to the possession or knowledge of the personal representative, within 120 days after the issuance of letters ~~[of administration,]~~ unless the court extends the time for good cause shown. The requirement of preparing and filing an inventory or an appraisement or a verified record of value, or both, may be waived by the unanimous written consent of all interested persons.

2. Notwithstanding the provisions of this section, an interested person may provide a written request to the personal representative at any time 60 days or more after the issuance of letters ~~[of administration]~~ which seeks a list of the assets of the estate known to the personal representative. The personal representative shall provide such information to the requesting interested party within 10 days after receipt of the written request.

3. Unless an interested heir requested and was provided a list of assets pursuant to subsection 2, the personal representative, within 10 days after filing the inventory with the clerk, shall mail a copy to all the interested heirs of an intestate estate, or to the devisees of a testate estate, or to both interested heirs and devisees, if a contest of the will of the decedent is pending. Proof of the mailing of the copies must be made and filed in the proceeding.

4. Notwithstanding the requirements set forth in this section, a personal representative may file a redacted inventory to protect the decedent or his or her estate or an interested person. Such an inventory may redact any account numbers, social security numbers and values. Upon request by the court or an

interested person, the personal representative shall make the full inventory without redaction available for inspection.

5. This section must not be construed to interfere with the authority of a court to order a personal representative to provide the court with information sufficient to identify the assets of an estate and the value thereof that is subject to probate administration, including, without limitation, requiring the personal representative to submit an inventory to the court in camera, as the court deems necessary and appropriate.

Sec. 5. NRS 145.030 is hereby amended to read as follows:

145.030 Notice of a petition for ~~[~~the~~]~~ probate ~~[~~of a will~~]~~ and the issuance of letters must be given as provided in NRS ~~[~~155.010.~~]~~ ***155.020.***

Sec. 6. NRS 145.040 is hereby amended to read as follows:

145.040 If it is made to appear to the court that the gross value of the estate, after deducting any encumbrances, does not exceed ~~[~~$300,000,~~]~~ ***$500,000,*** the court may, if deemed advisable considering the nature, character and obligations of the estate, enter an order for a summary administration of the estate.

Sec. 7. NRS 145.110 is hereby amended to read as follows:

145.110 If at any time after the entry of an order for the summary administration of an estate it appears that the gross value of the estate, after deducting any encumbrances, exceeds ~~[~~$300,000~~]~~ ***$500,000*** as of the death of the decedent, the personal representative shall petition the court for an order revoking summary administration. The court may, if deemed advisable considering the nature, character and obligations of the estate, provide in its order revoking summary administration that regular administration of the estate may proceed unabated upon providing such portions of the regular proceedings and notices as were dispensed with by the order for summary administration.

Sec. 8. NRS 146.020 is hereby amended to read as follows:

146.020 1. The court, on its own motion or upon petition by an interested person, may, if deemed advisable considering the needs and resources of the surviving spouse, minor child or minor children, set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution, and shall, in accordance with NRS 146.050, set apart the homestead, as designated by the general homestead law then in force, whether the homestead has theretofore previously been selected as required by law or not, and the property thus set apart is not subject to administration.

2. If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate do not exceed ~~[~~$100,000~~]~~ ***$150,000*** and may be set aside without administration pursuant to NRS 146.070, the court shall set aside the remaining assets of the estate without administration pursuant to the procedure set forth in NRS 146.070. The court may consider at the same time a petition made pursuant to subsection 1 and a petition to set aside the remaining assets of the estate without administration pursuant to NRS 146.070.

3. If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate exceed ~~[$100,000]~~ ***$150,000*** and may not be set aside without administration pursuant to NRS 146.070, the court shall administer the remaining assets of the estate pursuant to this title as if the remaining assets of the estate are the only assets of the estate. If the petition to set apart property pursuant to subsection 1 is made in the initial petition, the court shall consider only the value of the remaining assets of the estate not set apart pursuant to subsection 1 for the purpose of ordering summary administration pursuant to chapter 145 of NRS.

Sec. 9. NRS 146.070 is hereby amended to read as follows:

146.070 1. All or part of the estate of a decedent may be set aside without administration by the order of the court as follows:

(a) If the value of a decedent's estate does not exceed ~~[$100,000,]~~ ***$150,000,*** the estate may be set aside without administration by the order of the court; or

(b) If a decedent's will directs that all or part of the decedent's estate is to be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, the portion of the estate subject to such direction may be set aside without administration. Any portion of a decedent's estate set aside to the nontestamentary trust pursuant to this paragraph is subject to creditors of the estate unless the petitioner provides proof to the court that the trustee has published or mailed the requisite notice to such creditors on behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.

2. Except as otherwise provided in subsection 3, the whole estate set aside pursuant to paragraph (a) of subsection 1 must be assigned and set apart in the following order:

(a) To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;

(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;

(c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If the value of the estate does not exceed ~~[$100,000]~~ ***$150,000*** and the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the

court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds ~~[$100,000.]~~ ***$150,000.***

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all property in the decedent's estate;

(b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;

(c) ~~[An]~~ ***In the case of a petition brought pursuant to paragraph (a) of subsection 1, an*** estimate of the value of the property, together with an explanation of how the estimated value was determined;

(d) A statement of the debts of the decedent so far as known to the petitioner;

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and

(f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

(a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or

(b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section, is less than ~~[$100,000.]~~ ***$150,000.***

10. When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.

13. At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.

14. The order granting the petition shall include:

(a) The court's finding as to the validity of any will presented;

(b) ~~[The]~~ ***In the case of a petition brought pursuant to paragraph (a) of subsection 1, the*** court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;

(c) The court's determination of any property set aside under subsection 2;

(d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and

(e) The name of each distributee and the property to be distributed to the distributee.

15. As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:

(a) A parent of such minor child, with or without the filing of any bond;

(b) A custodian under chapter 167 of NRS; or

(c) A court-appointed guardian of the estate, with or without bond.

16. The court, upon request of a petitioner under this section and upon such terms and conditions the court deems advisable to protect any interested person of the estate:

(a) May order that any asset assigned and set apart pursuant to subsection 2 be distributed first to a designated person who resides in this State and is otherwise qualified pursuant to NRS 139.010;

(b) May order the designated person to distribute the assets to the person or persons entitled thereto; and

(c) Shall retain jurisdiction to enforce its orders until the designated person demonstrates to the court, by the production of satisfactory receipts, that all sums of money due and all the property of the estate has been distributed to the persons entitled thereto and all acts lawfully required have been performed.

17. For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.

Sec. 10. NRS 146.080 is hereby amended to read as follows:

146.080 1. If a decedent leaves no real property, nor interest therein, nor mortgage or lien thereon, in this State, and the gross value of the decedent's property in this State, over and above any amounts due to the decedent for services in the Armed Forces of the United States and the value of any motor vehicles registered to the decedent, does not exceed the applicable amount, a person who has a right to succeed to the property of the decedent pursuant to the laws of succession for a decedent who died intestate or pursuant to the valid will of a decedent who died testate, on behalf of all persons entitled to succeed to the property claimed, or the Director of the Department of Health and Human Services or, as applicable, the public administrator or a person employed or contracted with pursuant to NRS 253.125, on behalf of the State or others entitled to the property, may, 40 days after the death of the decedent, without procuring letters of administration or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to the claimant upon furnishing the person, representative, corporation, officer or body owing the money, having custody of the property or acting as registrar or transfer agent of the evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive the money or property or to have the evidence transferred.

2. An affidavit made pursuant to this section must state:

(a) The affiant's name and address, and that the affiant is entitled by law to succeed to the property claimed;

(b) The date and place of death of the decedent;

(c) That the gross value of the decedent's property in this State, except amounts due the decedent for services in the Armed Forces of the United States or the value of any motor vehicles registered to the decedent, does not exceed the applicable amount, and that the property does not include any real property nor interest therein, nor mortgage or lien thereon;

(d) That at least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the certificate of death of the decedent attached to the affidavit;

(e) That no petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(f) That all debts of the decedent, including funeral and burial expenses, and money owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid, have been paid or provided for;

(g) A description of the personal property and the portion claimed;

(h) That the affiant has given written notice, by personal service or by certified mail, identifying the affiant's claim and describing the property claimed, to every person whose right to succeed to the decedent's property is equal or superior to that of the affiant, and that at least 14 days have elapsed since the notice was served or mailed;

(i) That the affiant is personally entitled, or the Department of Health and Human Services is entitled, to full payment or delivery of the property claimed or is entitled to payment or delivery on behalf of and with the written authority of all other successors who have an interest in the property;

(j) That the affiant has no knowledge of any existing claims for personal injury or tort damages against the decedent; and

(k) That the affiant acknowledges an understanding that filing a false affidavit constitutes a felony in this State.

3. If the affiant:

(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives is subject to all debts of the decedent.

(b) Fails to give notice to other successors as required by subsection 2, any money or property the affiant receives is held by the affiant in trust for all other successors who have an interest in the property.

4. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon that information, and if the person relies in good faith, the person is immune from civil liability for actions based on that reliance.

5. Upon receiving proof of the death of the decedent and an affidavit containing the information required by this section:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property. The governmental agency may not refuse to accept an affidavit containing the information required by this section, regardless of the form of the affidavit.

6. If any property of the estate not exceeding the applicable amount is located in a state which requires an order of a court for the transfer of the property, or if the estate consists of stocks or bonds which must be transferred by an agent outside this State, any person qualified pursuant to the provisions of subsection 1 to have the stocks or bonds or other property transferred may

do so by obtaining a court order directing the transfer. The person desiring the transfer must file a petition, which may be ex parte, containing:

(a) A specific description of all the property of the decedent.

(b) A list of all the liens and mortgages of record at the date of the decedent's death.

(c) An estimate of the value of the property of the decedent.

(d) The names, ages of any minors and residences of the decedent's heirs and devisees.

(e) A request for the court to issue an order directing the transfer of the stocks or bonds or other property if the court finds the gross value of the estate does not exceed the applicable amount.

(f) An attached copy of the executed affidavit made pursuant to subsection 2.

➥ If the court finds that the gross value of the estate does not exceed the applicable amount and the person requesting the transfer is entitled to it, the court may enter an order directing the transfer.

7. As used in this section, "applicable amount" means:

(a) If the claimant is the surviving spouse of the decedent, ~~[~~$100,000. ***~~$150,000.]~~*** ***$150,000.***

(b) For any other claimant, $25,000.

Sec. 11. NRS 155.020 is hereby amended to read as follows:

155.020 1. Notice of a petition for ~~[~~the~~]~~ probate ~~[~~of a will~~]~~ and the issuance of letters and the notice to creditors must be given to:

(a) The persons respectively entitled thereto, including the Director of the Department of Health and Human Services, as provided in NRS 155.010; and

(b) The public, including creditors whose names and addresses are not readily ascertainable, by publication on three dates of publication before the hearing, and if the newspaper is published more than once each week, there must be at least 10 days from the first to last dates of publication, including both the first and last days.

2. Every publication required by this section must be made in a newspaper published in the county where the proceedings are pending, but if there is not such a newspaper, then in one having general circulation in that county.

3. The notice of the hearing upon the petition to administer the estate must be in substantially the following form:

NOTICE OF THE HEARING UPON THE PETITION TO ADMINISTER THE ESTATE

Notice is hereby given that ..... has filed in this court a petition for ~~[~~the~~]~~ probate ~~[~~of a will~~]~~ and for letters testamentary, or for letters of administration, of the estate of ....., deceased, and a hearing has been set for the ..... day of the month of....., of the year....., at ..... (a.m. or p.m.) at the courthouse of the above-entitled court. All persons interested in the estate are notified to appear and show cause why the petition should not be granted.

Dated

4. As soon as practicable after appointment, a personal representative shall, in addition to publishing the notice to creditors, mail a copy of the notice to those creditors whose names and addresses are readily ascertainable as of the date of first publication of the notice and who have not already filed a claim. The notice must be in substantially the following form:

NOTICE TO CREDITORS

Notice is hereby given that the undersigned has been appointed and qualified by the (giving the title of the court and the date of appointment) as personal representative of the estate of ....., deceased. All creditors having claims against the estate are required to file the claims with the clerk of the court within ..... (60 or 90) days after the mailing or the first publication (as the case may be) of this notice.

Dated

5. If before the last day for the filing of a creditor's claim under NRS 147.040, the personal representative discovers the existence of a creditor who was not readily ascertainable at the time of first publication of the notice to creditors, the personal representative shall immediately mail a copy of the notice to the creditor.

Sec. 12. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to NRS 41.1335, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of NRS 200.975, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215 or 11.217, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

(g) Except as otherwise provided in NRS 165.1214, absent fraud or intentional misrepresentation, an action to recover for breach of fiduciary duty against a fiduciary, as defined in NRS 163.554, who resides in this State or a trust company as described in chapter 669 or 669A of NRS that has its principal place of business in this State. The cause of action shall be deemed to accrue when the aggrieved party discovers or should have discovered through the use of reasonable diligence the material facts that constitute the cause of action, whichever occurs earlier.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 13. ~~[NRS 21.090 is hereby amended to read as follows:~~

~~21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:~~

~~(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.~~

~~(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.~~

~~(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.~~

~~(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.~~

~~(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.~~

~~(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.~~

~~(g) For any workweek, 82 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued was $770 or less, 75 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued exceeded $770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:~~

~~(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.~~

~~(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.~~

~~(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.~~

~~(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.~~

~~(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.~~

~~(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.~~

~~(l) The homestead as provided for by law, including:~~

~~(1) Subject to the provisions of NRS 115.055, the sum [of $605,000] that is paid to the defendant in execution pursuant to subsection 2 of NRS 115.050 or to a spouse pursuant to subsection 3 of NRS 115.050; and~~

~~(2) A homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.~~

~~(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed [$605,000] *the amount* in value *of the exemption set forth in NRS 115.010* and the dwelling is situated upon lands not owned by the judgment debtor.~~

~~(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.~~

~~(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.~~

~~(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.~~

~~(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.~~

~~(r) Money, not to exceed $1,000,000 in present value, held in:~~

~~(1) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;~~

~~(2) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;~~

~~(3) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;~~

~~(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and~~

~~(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.~~

~~(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.~~

~~(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.~~

~~(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.~~

~~(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.~~

~~(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.~~

~~(x) Payments received as restitution for a criminal act.~~

~~(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.~~

~~(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $10,000 in total value, to be selected by the judgment debtor.~~

~~(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.~~

~~(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.~~

~~(cc) Regardless of whether a trust contains a spendthrift provision:~~

~~(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;~~

~~(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;~~

~~(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;~~

~~(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and~~

~~(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.~~

~~(dd) If a trust contains a spendthrift provision:~~

~~(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and~~

~~(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.~~

~~(ee) Proceeds received from a private disability insurance plan.~~

~~(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.~~

~~(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.~~

~~(hh) Unemployment compensation benefits received pursuant to NRS 612.710.~~

~~(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.~~

~~(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.~~

~~(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.~~

~~(ll) Child welfare assistance provided pursuant to NRS 432.036.~~

~~2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.~~

~~3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.~~] **(Deleted by amendment.)**

Sec. 14. ~~[~~Chapter 162A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~Except as otherwise provided in NRS 162A.865 and 162A.870, an alternative form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:~~

~~DURABLE POWER OF ATTORNEY FOR HEALTH CARE ADVANCE HEALTH CARE DIRECTIVE~~

~~(State Bar of Nevada approved form)~~

~~THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:~~

~~*1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.*~~

~~*2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.*~~

~~*3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.*~~

~~*4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.*~~

~~*5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.*~~

~~*6. YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE, EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT, WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE ARE MOVED TO FACILITIES WITH LOCKED DOORS TO PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH DECLINES. YOU HAVE*~~

~~*THE RIGHT TO DETERMINE WHETHER TO AUTHORIZE THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT PROVIDE SUCH AUTHORIZATION TO THE PERSON DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.*~~

~~*7. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.*~~

~~*8. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.*~~

~~*9. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.*~~

~~*10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.*~~

~~*11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.*~~

~~*12. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF STATE ELECTRONICALLY STORE WITH THE NEVADA LOCKBOX A COPY OF THIS DOCUMENT TO ALLOW ACCESS BY AN AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN NRS 629.031.*~~

~~*PART 1*~~

~~*1. DESIGNATION OF HEALTH CARE AGENT*~~

~~*I,..... (name of person signing), do hereby designate and appoint:*~~

~~*Name:.....*~~
~~*Address:.....*~~
~~*Phone number:..... Email:.....*~~
~~*as my agent to make health care decisions for me as authorized in this document.*~~

~~*— (Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, your legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)*~~

~~*— 2. NAMING AN ALTERNATE AGENT*~~

~~*— I want the following persons in the order listed to make health care decisions for me if I cannot do so and my agent is not willing, able or reasonably available to make them for me:*~~

~~*1st Alternate Agent:*~~

~~*Name:.....*~~
~~*Address:.....*~~
~~*Phone number:..... Email:.....*~~

~~*2nd Alternate Agent:*~~

~~*Name:.....*~~
~~*Address:.....*~~
~~*Phone number:..... Email:.....*~~

~~*— 3. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE*~~

~~*— By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity. My goal is to reduce the intervention of a court in my affairs by allowing for care without the need for guardianship.*~~

~~*— By signing this document, I revoke any prior durable power of attorney for health care that I may have made.*~~

~~*— If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.*~~

~~*— 4. GENERAL STATEMENT OF AUTHORITY GRANTED*~~

~~*— In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care*~~

~~*and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility, including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth below.*~~

~~*PART 2: HEALTH CARE INSTRUCTION*~~

~~*This part lets you state your limitations and priorities for health care and the types of health care you do or do not want.*~~

~~*I give my agent the power to make all health care decisions for me if I cannot make those decisions for myself, except for the following: ..... or as set forth below.*~~

~~*INSTRUCTIONS ABOUT LIFE-SUSTAINING TREATMENT. This section gives you the opportunity to say how you want your agent to act while making decisions for you. You may mark or initial each item or leave any item blank.*~~

~~*Prolonging life vs. dying a natural death*~~

1. ~~*( ) I desire that my life be prolonged to the greatest extent possible without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. In other words, keep my body alive even if my doctors have reasonably concluded that there is no reasonable hope for long-term recovery or survival or that my coma (if I am in one) is irreversible. If you select this choice, do not initial choices 2, 3, 4 or 5, as those are inconsistent with this choice.*~~
2. ~~*( ) If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used.*~~
3. ~~*( ) If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used.*~~
4. ~~*( ) I have reviewed the Nevada POLST form (sample attached hereto as Exhibit 1). If in the future I have not executed a POLST form and my physician determines, or my agent suspects, that execution of a POLST is appropriate, then my agent is authorized to execute a POLST on my behalf in accordance with my wishes stated in this, my Durable Power of Attorney for Health Care.*~~

~~*GI feeding tube or IV. I understand that withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. For some people this may be a tenet of their religion. For some people it may not make sense to continue this when all other treatment (machines) is terminated.*~~

~~*5. (__) I do not want continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) after all other treatment is terminated.*~~

~~*6. (__) I do want continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) after all other treatment is terminated. If I initial this section, you are asked to continue to give me the artificial nutrition and hydration.*~~

~~*7. (__) I understand that continued artificial nutrition and hydration (e.g. gastrointestinal feeding tube or intravenous liquids) will likely occur if my physician reasonably believes that providing such will lead to my recovery. However, I do not want to continue to receive artificial nutrition and hydration if it is expected to continue for the rest of my life.*~~

~~*Experimental procedures, treatments and drugs. I understand that it can take a long time to obtain FDA approval for new medical procedures, treatments and drugs. As a result, many are categorized as "experimental." I also understand that some of such procedures, treatments or drugs have a good record of success and that some contain risks. I also understand that experimental procedures, treatments and drugs can only be given to me if I authorize them.*~~

~~*8. (__) I authorize my agent to enroll me in experimental procedures or treatments if said procedures or treatments are recommended by my physician and my agent consents. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life in making that decision. My agent is to consider whether the expected benefits outweigh the burdens of the treatment or drug.*~~

~~*9. (__) I do not want any experimental procedures, treatments or drugs.*~~

~~*Palliative care (Dying with dignity/Use of pain relieving drugs)*~~

~~*10. (__) When I die, I wish to do so with dignity and grace and without pain and suffering. If I have an incurable or terminal condition, including but not limited to late stage dementia, and no reasonable hope of long term recovery or survival, I desire my attending physician to administer any medication to alleviate suffering without regard to the fact that the medication may be addictive or may reduce the extension of my life.*~~

~~*11. (__) I do not wish to have any medication that may be addictive or reduce the extension of my life.*~~

~~*Assisted living or other facility*~~

~~*12. (__) I desire to live in my home for as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community-based services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily*~~

~~*living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me, and allow me to participate in the choice of said facility or home. If I am married, placement shall be done in a manner that considers my spouse's support needs.*~~

~~*13. (__) I refuse to be placed in any assisted living or other care facility. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me, which means that a court action would be needed to remove me from my home.*~~

~~*(__) Other (write what you want or do not want):*~~

~~*.....*~~

~~*INSTRUCTIONS ABOUT PRIORITIES*~~

~~*You can use this section to provide any other information about your goals, values and preferences for treatment, including care you want or do not want. To the extent that you make entries in this section, this information is for your agent and is not intended to limit or impair the physician's determination of a course of treatment, nor to subject the physician to legal claims. You can also use this section to name anyone whom you do not want to make decisions for you under any conditions. (Insert such priorities, if any.)*~~

~~*.....*~~

~~*.....*~~

~~*PART 3: OPTIONAL SPECIAL POWERS AND GUIDANCE*~~

~~*This part allows you to give your agent additional powers and to provide your agent with more guidance about your wishes. You may mark or initial each item. You also may leave any item blank.*~~

~~*Mental health care or cognitive rehabilitation*~~

~~*14. (__) I authorize my agent to admit me as a voluntary patient to a facility for mental health or place me in rehabilitative care if my agent determines such treatment is best for my health and safety, or if it is recommended by a physician.*~~

~~*15. (__) I do not authorize my agent to admit me as a voluntary patient to a facility for mental health or place me in rehabilitative care even if my agent determines such treatment is best for my health and safety, or even if it is recommended by a physician.*~~

~~*ACCESS TO MY HEALTH INFORMATION (HIPAA). I give my agent permission to examine and share information about my health needs and health care if I am not able to make decisions for myself. By signing this form, I give the authorization and full release of information by any government agency, medical provider, business, creditor or third party who*~~

~~*may have information pertaining to my health care to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.*~~

~~*— GUIDANCE FOR MY AGENT. The instructions I have stated in this document should guide my agent in making decisions for me. (Initial or mark one of the items below to tell your agent more about how to use these instructions.):*~~

~~*16. (__) I give my agent permission to be flexible in applying these instructions if he or she thinks it would be in my best interest based on what they know about me and the recommendations of the attending physician.*~~

~~*17. (__) I want my agent to follow these instructions exactly as written if possible, even if he or she thinks something else is better.*~~

~~*— GOOD FAITH CARE. My wish is that the provider of health care work cooperatively with me and my agent for my care. To that end, a provider of health care who relies in good faith on the provisions of this advance health care directive shall be immune from criminal and civil liability applicable to the withholding or withdrawal of life sustaining treatment. As such, the liability protection provisions already in law in NRS 449A.727 shall apply whether or not this advance health care directive is retrieved from the Registry established by the Nevada Secretary of State.*~~

~~*— NOMINATION OF GUARDIAN. A guardian is a person appointed by a court to make decisions for someone who cannot make decisions. Filling this out does NOT mean you want or need a guardian right now.*~~
~~*If a court appoints a guardian to make personal decisions for me, I want the court to choose my agent named in this form. If my agent cannot be a guardian, I want my alternate agent(s) in the order named in this form. If I prefer someone other than the agent(s) named in this form, their name and contact information is:*~~

~~*.....*~~
~~*.....*~~

~~*— AMENDMENT; RIGHT TO TERMINATE. This durable power of attorney may be amended. This document shall not be terminated by anyone other than me and it shall not be terminated by a governmental entity, including a court.*~~

~~*— PART 4: ORGAN DONATION*~~

~~*— This part allows you to donate your organs when you die. You may mark or initial each item. You also may leave any item blank.*~~
~~*— Even if it requires maintaining treatments that could prolong my dying process and might be in conflict with other instructions I have put in this form, upon my death:*~~

~~*18. (__) I donate my organs, tissues and other body parts except for those listed below (list any body parts you do not want to donate): .....*~~

~~*19. (__) I do not want my organs, tissues or body parts donated to anybody for any reason.*~~

~~*20. Organs, tissues or body parts that I donate may be used for:*~~

~~*(__) transplant*~~

~~*(__) therapy*~~

~~*(__) research*~~

~~*(__) education*~~

~~*(__) all of the above*~~

~~*You may also designate organ donation on your driver license. If there is a conflict between this form and your driver license, the most recent shall control.*~~

~~*PART 5: CHALLENGES*~~

~~*If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my advanced practice registered nurse, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.*~~

~~*PART 6: YOUR SIGNATURE WITH NOTARY OR WITH WITNESSES*~~

~~*Either process is permitted under NRS 162A.790. You only need to use one of these methods.*~~

~~*Sign your name: .....Today's date:.....*~~

~~*State of Nevada)*~~
~~*)ss.*~~
~~*County of)*~~

~~*On this ..... day of ....., 20....., before me, the undersigned, a Notary Public, personally appeared ....., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.*~~

~~*.....*~~
~~*(SEAL) NOTARY PUBLIC*~~

~~*COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney may also be given to your primary medical care provider or any other provider of your health care.*~~

~~*USE THIS SECTION OF PART 6 IF YOU ARE USING WITNESSES INSTEAD OF A NOTARY.*~~

~~*If you are using witnesses, you need two witnesses. The witnesses must be adults and cannot be a person you are naming as an agent. If you live in an assisted living facility or a nursing home, the witness cannot be an employee of the facility or home or someone who owns or runs the facility or home.*~~

~~*Witness #1 printed name:.....*~~

~~*Witness signature: .....*~~

~~*Date witness signed: ..... (Only sign as a witness if you think that the person signing this form is doing it voluntarily.)*~~

~~*Witness #2 printed name:*~~

~~*Witness signature:*~~

~~*Date witness signed: ..... (Only sign as a witness if you think that the person signing this form is doing it voluntarily.)*~~

~~*PART 7: INFORMATION FOR AGENTS*~~

~~*(1) If this form names you as an agent, you can make decisions about health care for the person who named you when they cannot make their own.*~~

~~*(2) If you make a decision for the person, follow any instructions the person gave, including any in this form.*~~

~~*(3) If you make a decision for the person and you do not know what the person would want, make the decision that you think is in the person's best interest. To figure out what is in the person's best interest, consider the person's values, preferences and goals if you know them or can learn them. Some of those preferences might be in this form. You should also consider any behaviors or communications from the person that indicate what they currently want.*~~

~~*(4) If this form names you as an agent, you can also get and share the individual's health information. But you can only get or share this information to assist in their health care, or when the person cannot make their own decisions about their health care.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 162A.700 is hereby amended to read as follows:~~

~~162A.700 NRS 162A.700 to 162A.870, inclusive, *and section 14 of this act* apply to any power of attorney containing the authority to make health care decisions.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 162A.710 is hereby amended to read as follows:~~

~~162A.710 As used in NRS 162A.700 to 162A.870, inclusive, *and section 14 of this act,* unless the context otherwise requires, the words and terms defined in NRS 162A.715 to 162A.780, inclusive, *and section 14 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 162B.510 is hereby amended to read as follows:

162B.510 1. Appointive property subject to a general power of appointment created by a person other than the powerholder is not subject to a claim of any creditor, unless the power of appointment was ***held by a decedent who*** actually exercised ***the power*** in favor of the decedent or the decedent's estate pursuant to subparagraph (1) of paragraph (a) of subsection 12 of NRS 111.779.

2. Subject to subsection 3 of NRS 162B.530, a power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support or maintenance within the meaning of 26 U.S.C. § 2041(b)(1)(A) or 26 U.S.C. § 2514(c)(1), as those provisions existed on October 1, 2017, is treated for purposes of NRS 162B.500 to 162B.530, inclusive, as a nongeneral power.

Sec. 18. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless specifically prohibited by the terms of a will or trust instrument and except as provided in subsection 2, if an instrument creating a separate trust requires the assets of the separate trust to be distributed to the beneficiary or beneficiaries of the trust immediately after the establishment of the separate trust as a result of the circumstances existing at the time the separate trust is to be established, the executor, trustee or any other party having possession of the property with which the separate trust will be funded may exercise discretion to make a distribution directly to the beneficiary or the beneficiaries of the separate trust.

2. An executor, trustee or any other party described in subsection 1 may exercise discretion rather than distributing the trust assets to the trustee of the separate trust if the transferring executor, trustee or any other party described in subsection 1 and the trustee of the separate trust are the same person.

3. The receipts of distribution provided to any beneficiary or beneficiaries in the manner described in this section shall be deemed to protect the executor, trustee or other person having possession of the property to the same extent that a receipt of distribution would have protected the executor, trustee or other person had the property been distributed by the trustee from the separate trust.

Sec. 19. NRS 163.020 is hereby amended to read as follows:

163.020 As used in NRS 163.010 to 163.200, inclusive, ***and section 18 of this act,*** unless the context or subject matter otherwise requires:

1. "Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly, except a broker or stock exchange.

2. "Relative" means a spouse, ancestor, descendant, brother or sister.

3. "Trust" means an express trust only.

4. "Trustee" means the person holding property in trust and includes trustees, a corporate as well as a natural person and a successor or substitute trustee.

Sec. 20. NRS 163.557 is hereby amended to read as follows:

163.557 1. A governing trust instrument may authorize the trustee, in the sole discretion of the trustee or at the direction or with the consent of a directing trust adviser, to reimburse a settlor for all or a portion of tax on trust income or principal that is payable by the settlor under the law imposing such tax. In the sole discretion of the trustee, the trustee may pay such amount to the settlor directly or to an appropriate taxing authority on behalf of the settlor.

2. ~~[A trustee or directing trust adviser]~~ ***Except as expressly prohibited or otherwise provided under the trust instrument, if all or any portion of the trust is treated as being owned by a person under section 671 of the Internal Revenue Code or any similar federal, state or other tax law, in addition to any such discretion conferred under the terms of a trust instrument, the trustee may, in the trustee's sole discretion, reimburse the person being treated as the owner for any amount of the person's federal, state or other income tax liability that is attributable to the inclusion of the trust's income, capital gains, deductions or credits in the calculation of the person's taxable income. In the trustee's sole discretion, the trustee may pay such tax reimbursement amount, determined without regard to any other distribution or payment made from trust assets, to the person directly or to the appropriate taxing authority. A life insurance policy held in the trust, the cash value of any such policy or the proceeds of any loan secured by an interest in the policy may not be used for such reimbursement or payment if the person is an insured.***

3. Except as otherwise provided under the trust instrument, a trustee who exercises discretion to make, consent to or direct the decision to reimburse the settlor under subsection 1 or 2 is not liable to any person in exercising such discretion to reimburse or not reimburse a settlor for tax payable by the settlor on trust income or principal pursuant to subsection 1.

~~[3.]~~ ***4. A trustee may not exercise or participate in the exercise of the powers granted by this section with respect to any trust if the trustee is:***

(a) Treated as the owner of all or part of the trust under section 671 of the Internal Revenue Code or any similar federal, state or other tax law;

(b) A beneficiary of the trust; or

(c) A related or subordinate party, as defined in section 672(c) of the Internal Revenue Code, with respect to:

(1) A person treated as the owner of all or part of the trust under section 671 of the Internal Revenue Code or any similar federal, state or other tax law; or

(2) A beneficiary of the trust.

5. If the trust instrument requires the trustee to act at the direction or with the consent of a trust adviser, trust protector or any other person, or that the reimbursement decisions permitted by this section be made directly

by a trust adviser, trust protector or any other person, the powers granted by subsection 1 and the provisions of subsection 2 applicable to the trustee are instead also granted or apply, subject to the trust instrument, to the trust adviser, trust protector or other person subject to the limitations set forth in subsection 3, which must be applied as if the trust adviser, trust protector or other person were a trustee.

6. The power of a trustee ***, trust adviser, trust protector or any other person*** to make a payment to or for the benefit of a settlor ***or other person*** in accordance with subsection 1 or ***2 or*** the decision of a trustee ***, trust adviser, trust protector or any other person*** to exercise such power in favor of the settlor must not cause the settlor ***or other person*** to be treated as a beneficiary for purposes of the laws of this State ~~[.]~~ ***solely by reason of the application of this section.*** As used in this subsection, "beneficiary" has the meaning ascribed to it in NRS 163.4147.

7. This section applies to all trusts described in subsection 2 that are governed by the laws of this State or have a principal place of administration within this State whether created before, on or after October 1, 2025, unless:

(a) At least 60 days before the effective date of such election, the trustee provides written notice that the trustee intends to irrevocably elect out of the application of this section to:

(1) The person treated as the owner of all or a portion of the trust under section 671 of the Internal Revenue Code or any similar federal, state or other tax law; and

(2) All persons who have the ability to remove and replace the trustee under the terms of the trust instrument.

(b) Applying the discretion conferred under subsection ~~***1***~~ ***2 will prevent a contribution to the trust from qualifying for or reducing a federal tax benefit, including a federal tax exclusion or deduction, that was originally claimed or could have been claimed for the contribution, including:***

(1) An exclusion under section 2503(b) or 2503(c) of the Internal Revenue Code;

(2) A marital deduction under section 2056, 2056A or 2523 of the Internal Revenue Code;

(3) A charitable deduction under section 170(a), 642(c), 2055(a) or 2522(a) of the Internal Revenue Code; or

(4) Direct skip treatment under section 2642(c) of the Internal Revenue Code.

Sec. 21. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument ***.*** ~~[;]~~

(b) The name, mailing address and telephone number of any trustee of the trust**.** ~~[.]~~

(c) The dispositive provisions of the trust instrument which pertain to the beneficiary, a complete copy of the trust instrument or notice that the heir or interested person is not a beneficiary under the trust**.** ~~[.]~~ ***As used in this paragraph, "trust instrument" means only those amendments, restatements and instruments the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.***

(d) Any information required to be included in the notice expressly provided by the trust instrument**.** ~~[; and]~~

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is provided to you."

3. The trustee shall cause notice pursuant to this section to be provided in accordance with the provisions of NRS 155.010.

4. Except as otherwise provided in this subsection, no person upon whom notice is provided pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice is served upon the person, unless the person proves that he or she did not receive actual notice. A person upon whom notice is provided pursuant to this section may provide consent in writing to a period of less than 120 days in which the person may bring an action to contest the validity of the trust.

5. ~~[For the purposes of paragraph (c) of subsection 2, a copy of the trust instrument shall be considered complete if it includes all amendments and restatements to the trust instrument the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.~~

~~6.]~~ A trustee is not liable in providing information pursuant to paragraph (c) of subsection 2 to any person whom the trustee has determined, after the exercise of due diligence, to be a beneficiary, heir or interested person.

6. A person may waive the right to notice contemplated by this section by delivering to the trustee a waiver signed by the person, which shall be deemed irrevocable. Upon delivery of such a waiver to the trustee, the person who waived the right to notice is precluded from bringing any action to contest the validity of the trust.

Sec. 22. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and

construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

2. A person not domiciled in this State may have the right to designate the laws that govern the ***administration,*** validity and construction of a trust if properly designated under the trust instrument.

3. A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

4. The laws of this State govern the administration of a trust if:

(a) The trust instrument so provides; or

(b) Designated by a person who, under the terms of the trust instrument or applicable law, has the right to designate the laws that govern the administration of the trust, at the time the designation is made.

5. Notwithstanding a general choice of law provision in the governing instrument of a trust, such as a provision in the governing instrument to the effect that the laws of a jurisdiction other than this State govern the trust or the administration of the trust, the laws of this State govern the administration of the trust while the trust is administered in this State, as provided in subsection 7 or as otherwise provided, unless:

(a) The governing instrument expressly provides that the laws of another jurisdiction govern the administration of the trust and that the laws governing the administration of the trust must not change on account of a change in the place of administration of the trust; or

(b) Otherwise provided by a court order.

6. Notwithstanding the provisions of subsection 5, if a fiduciary takes or fails to take action, based on a good faith belief that the laws of a foreign jurisdiction govern the administration of a trust while the trust is administered in this State, the fiduciary's liability under the governing instrument for the action or inaction must be determined in accordance with the laws of the foreign jurisdiction.

7. For purposes of this section and without limiting any other way in which a trust may be considered to be administered in this State, a trust is considered to be administered in this State if all or part of the administration occurs in this State and if:

(a) The sole trustee is an individual residing in this State or a corporation or other entity having an office in this State for the conduct of business;

(b) The trust has more than one trustee, at least one of which is a corporation or other entity and that corporation or other entity has an office in this State for the conduct of trust business;

(c) The trust has more than one trustee, all of whom are persons and more than half of the trustees reside in this State;

(d) A trust created pursuant to chapter 166 of NRS meets the requirements set forth in NRS 166.015; or

(e) During any such period when the trust is revocable by the settlor who is a resident of this State and there is at least one trustee that is:

(1) A resident of this State; or

(2) A corporation or other entity having an office in this State for the conduct of trust business.

Sec. 23. NRS 165.1214 is hereby amended to read as follows:

165.1214 1. Except as may otherwise be required pursuant to the terms of the trust instrument or by order of the court, the trustee shall deliver a required account within 90 days after the end of the period of account, which may be extended by consent of the beneficiary, or by order of the court for good cause shown.

2. The trustee shall be deemed to have provided an account to any person on whom the trustee delivers a copy of the account as directed by order of the court or, if not so ordered, pursuant to the following:

(a) By mailing a copy of the account by certified, registered or ordinary first-class mail, or by overnight delivery through a recognized delivery service company, addressed to the person being served at the post office address or physical address given in the person's demand for account, if any, or at the person's last place of residence on file with the trustee, if known, or by personally delivering a copy thereof to the person; or

(b) By electronic mail or through a secure website on the Internet. For purposes of this paragraph, a person shall be deemed to have received a copy of an account provided by the trustee to the beneficiary by electronic mail or through a secure website on the Internet if the trustee:

(1) Sent the beneficiary an electronic mail in a manner that complies with subsection 1 of NRS 719.320 and the beneficiary received the electronic mail in a manner that complies with subsection 2 of NRS 719.320; and

(2) Attached the account to the electronic mail as an electronic record or included in the electronic mail a notice to the beneficiary indicating the availability of the account on the secure website.

3. Except as otherwise required by the trust instrument, a trustee is not required to provide an account more than once in any calendar year unless ordered by a court upon good cause shown.

4. An account must be deemed approved and final as follows:

(a) By a beneficiary who received a copy of the account if no written objection is delivered to the trustee in accordance with subsection 2 within 90 days after the date on which the trustee provided the account to that beneficiary . ~~[; or]~~

(b) By all beneficiaries who are not required to receive an account, such as nonvested and contingent beneficiaries, remote beneficiaries, minor beneficiaries, and unborn or unknown beneficiaries if the account is deemed approved and final by a beneficiary who has a similar, but preceding interest, in the trust estate, in conformance with NRS 164.038, or as to any beneficiary who has waived an account pursuant to NRS 165.121.

(c) By a trust adviser or trust protector if:

(1) Notice or information to the beneficiaries has been waived or modified in accordance with NRS 163.004; or

(2) It is authorized under the terms of the trust instrument.

(d) By all parties to a nonjudicial settlement agreement under paragraph (f) of subsection 3 of NRS 164.940 and regardless of whether the court approves such a nonjudicial settlement agreement under subsection 4 of NRS 164.942.

➥ Notwithstanding the foregoing, if an account is submitted to the court for approval under a petition pursuant to chapter 164 of NRS, the account must be deemed final and approved upon by order of the court, subject only to the right of an interested person to appeal.

5. ***The trustee, absent fraud or intentional misrepresentation, is released and discharged from any and all liability to any and all beneficiaries of the trust for whom an account is deemed approved and final under subsection 4 as to all matters set forth in such an account.***

6. Except as otherwise ordered by the court, the cost of preparing an account must be paid from the trust estate, and allocated to income and principal as provided in the trust instrument, and if the trust instrument is otherwise silent, in accordance with NRS 164.780 to 164.925, inclusive.

~~[6.]~~ ***7.*** As used in this section:

(a) "Electronic mail" has the meaning ascribed to it in NRS 41.715.

(b) "Electronic record" has the meaning ascribed to it in NRS 132.117.

Sec. 24. ~~[NRS 433A.190 is hereby amended to read as follows:~~

~~433A.190 1. The administrative officer of a public or private mental health facility or hospital shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.~~

~~2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:~~

~~(a) The permission is recorded in the medical record of the person; and~~

~~(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.~~

~~3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.~~

~~4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative~~

~~officer of the mental health facility or hospital may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.~~

~~5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive, *and section 14 of this act,* or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility or hospital must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.~~] **(Deleted by amendment.)**

Sec. 25. [~~NRS 449A.309 is hereby amended to read as follows:~~

~~449A.309 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive~~ [~~.~~] ***, and section 14 of this act,*** **(Deleted by amendment.)**

Sec. 26. [~~NRS 449A.545 is hereby amended to read as follows:~~

~~449A.545 "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive~~ [~~.~~] ***, and section 14 of this act,*** **(Deleted by amendment.)**

Sec. 27. [~~NRS 449A.621 is hereby amended to read as follows:~~

~~449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:~~

~~NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE~~

~~THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:~~

~~THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN~~

~~ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS 162A.700 TO 162A.870, INCLUSIVE, *and section 14 of this act,* YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.~~

~~NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE~~

~~Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive, *and section 14 of this act,* the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom~~

~~must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in NRS 449A.636. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.~~

~~ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE~~

~~I, ..., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:~~

PSYCHOACTIVE MEDICATIONS

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)

I consent to the administration of the following medications: .....

.....

I do not consent to the administration of the following medications: .....

.....

Conditions or limitations:

.....

ADMISSION TO AND RETENTION IN FACILITY

If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)

I consent to being admitted to a medical facility for psychiatric care. .....

My facility preference is:

.....

I do not consent to being admitted to a medical facility for psychiatric care. .....

This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.

Conditions or limitations:

.....

ADDITIONAL INSTRUCTIONS

These instructions shall apply during the entire length of my incapacity.

In case of a mental health crisis, please contact:

1.

Name: .....

Address: .....

Home Telephone Number: .....

Work Telephone Number: .....

Relationship to Me: .....

2.

Name: .....

Address: .....

Home Telephone Number: .....

Work Telephone Number: .....

~~Relationship to Me: .....~~

~~3. My physician:~~

~~Name: .....~~

~~Work Telephone Number: .....~~

~~4. My therapist or counselor:~~

~~Name: .....~~

~~Work Telephone Number: .....~~

~~The following may cause me to experience a mental health crisis:~~

~~.....~~

~~The following may help me avoid a hospitalization:~~

~~.....~~

~~I generally react to being hospitalized as follows:~~

~~.....~~

~~Staff of the hospital or crisis unit can help me by doing the following:~~

~~.....~~

~~I give permission for the following person or people to visit me:~~

~~.....~~

~~Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as "shock treatment"):~~

~~.....~~

~~Other instructions:~~

~~.....~~

~~I have attached an additional sheet of instructions to be followed and considered part of this advance directive.~~

~~SHARING OF INFORMATION BY PROVIDERS~~

~~I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.~~

~~Other instructions about sharing of information:~~

~~.....~~

~~SIGNATURE OF PRINCIPAL~~

~~By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.~~

~~..... .....~~

~~Signature of Principal Date~~

~~AFFIRMATION OF WITNESSES~~

~~We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:~~

~~1. A person appointed as an attorney in fact by this document;~~

~~2. The principal's attending physician or provider of health care or an employee of the physician or provider; or~~

~~3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.~~

~~Witnessed by:~~

~~Witness: ....~~

~~Signature Date~~

~~Witness: ....~~

~~Signature Date~~

~~CERTIFICATION OF NOTARY PUBLIC~~

~~STATE OF NEVADA~~

~~COUNTY OF .....~~

~~I, ..., a Notary Public for the County cited above in the State of Nevada, hereby certify that ..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.~~

~~I further certify that ..... and ....., witnesses, appeared before me and swore or affirmed that each witnessed ..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney in fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.~~

~~This is the ..... day of ....., ...~~

~~.....~~

~~Notary Public~~

~~My Commission expires: .....~~ **(Deleted by amendment.)**

Sec. 28. ~~NRS 449A.703 is hereby amended to read as follows:~~

~~449A.703 "Advance directive" means an advance directive for health care. The term includes:~~

~~1. A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449A.400 to 449A.481, inclusive;~~

~~2. A durable power of attorney for health care as set forth in NRS 162A.700 to 162A.870, inclusive [;] *, and section 14 of this act;*~~

~~3. An advance directive for psychiatric care as set forth in NRS 449A.600 to 449A.645, inclusive;~~

~~4. A do-not-resuscitate order as defined in NRS 450B.420; and~~

~~5. A Provider Order for Life-Sustaining Treatment form as defined in NRS 449A.542.]~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 449A.727 is hereby amended to read as follows:~~

~~449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.~~

~~2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:~~

~~(a) NRS 449A.460, if the advance directive is a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449A.400 to 449A.481, inclusive, or a durable power of attorney for health care executed pursuant to NRS 162A.700 to 162A.870, inclusive [;] , *and section 14 of this act;*~~

~~(b) NRS 449A.642, if the advance directive is an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;~~

~~(c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a Provider Order for Life-Sustaining Treatment form; or~~

~~(d) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.]~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 450B.520 is hereby amended to read as follows:~~

~~450B.520 Except as otherwise provided in NRS 450B.525:~~

~~1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.~~

~~2. An application must include, without limitation:~~

~~(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;~~

~~(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed~~

~~decision or, when the patient was capable of making an informed decision, that the patient:~~

~~(1) Executed:~~

~~(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;~~

~~(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive [;] *, and section 14 of this act;* or~~

~~(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or~~

~~(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;~~

~~(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;~~

~~(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and~~

~~(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[1. The provisions of this act apply to an advance health care directive created before, on or after October 1, 2025.~~

~~2. An advance health care directive created before October 1, 2025, is valid if it complies with the provisions of this act or complied at the time of creation with the law of the state in which it was created.~~

~~3. The provisions of this act do not affect the validity or effect of an act done before October 1, 2025.~~

~~4. An advance health care directive created before, on or after October 1, 2025, must be interpreted in accordance with the law of this State, excluding the State's choice-of-law rules, at the time the directive is implemented.]~~ **(Deleted by amendment.)**

Sec. 32. NRS 139.060 is hereby repealed.

TEXT OF REPEALED SECTION

139.060 Relatives of whole blood preferred to those of half blood. When there shall be several persons claiming and equally entitled to the administration, relatives of the whole blood are preferred to those of the half blood.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 707.

SUMMARY—Revises provisions relating to ~~[natural gas]~~ **public** utilities. (BDR 58-1106)

AN ACT relating to ~~[natural gas]~~ **public** utilities; requiring the Public Utilities Commission of Nevada to adopt regulations governing the filing of an application for the establishment of an alternative rate-making plan by a natural gas utility; setting forth certain requirements for the submission and approval of such an alternative rate-making plan; **revising certain provisions relating to the application and approval for an alternative rate-making plan by an electric utility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures for a public utility to make changes to a general rate schedule by applying to Public Utilities Commission of Nevada. (NRS 704.100, 704.110) **Section 11** of this bill requires the Commission to adopt regulations establishing procedures for a natural gas utility to apply to the Commission for the approval of an alternative rate-making plan, which establishes the alternative rate-making mechanisms that the natural gas utility is authorized to use to set rates during the time period of the plan. The regulations adopted by the Commission must: (1) establish the alternative rate-making mechanisms that may be included in a plan and any limitations on such alternative rate-making mechanisms; (2) prescribe the information that must be included in an alternative rate-making plan and an application for the approval of such a plan; (3) specify the circumstances under which a natural gas utility for which an alternative rate-making plan has been approved must file a general rate application; (4) provide a process to educate customers of a natural gas utility regarding alternative rate-making mechanisms; (5) require a natural gas utility for which an alternative rate-making plan has been approved to keep certain records; and (6) establish criteria for the evaluation of an alternative rate-making plan. Additionally, **section 11** ~~[authorizes the Commission to adopt regulations to establish one or more methods to establish a formula for a]~~ **requires that, if a natural gas utility files an application for an alternative rate-making plan that includes** formula ~~[rate.]~~ **rates or a multi-year rate plan, the alternative rate-making plan must include: (1) an earnings-sharing mechanism; and (2) certain information and calculations relating to changes in risk to the natural gas utility.**

Section 12 of this bill authorizes a natural gas utility to submit an application to establish an alternative rate-making plan pursuant to the regulations adopted by the Commission, establishes time limits for the Commission to approve or deny such an application and requires the Commission to conduct a consumer session **in each major geographic area in which the natural gas utility provides services** before taking action on such an application. **Section 12** requires an application for the approval of an alternative rate-making plan to include a plan to educate the customers of the natural gas utility regarding the

alternative rate-making mechanisms in the plan proposed by the utility. **Section 12** prohibits the Commission from approving an alternative rate-making plan unless the Commission determines that the plan meets certain requirements. **Section 12** also authorizes an alternative rate-making plan to include certain provisions, including, without limitation, a mechanism for earnings-sharing with the customers of the utility. Additionally, **section 12** authorizes a natural gas utility to reject an application for an alternative rate-making plan with modifications approved by the Commission. Finally, **section 12** authorizes the Commission to investigate and change rates, tolls, charges, rules, regulations, practices and services relating to an alternative rate-making plan under certain circumstances. **Section 13** of this bill provides that the provisions of this bill do not limit the existing rate-making authority of the Commission.

Sections 3-10 of this bill define certain terms relating to alternative rate-making plans.

Sections 14 and 15 of this bill create exceptions from the procedure set forth in existing law to change a general rate schedule to authorize a natural gas utility to file an application to establish an alternative rate-making plan pursuant to **section 12**.

Existing law requires the Commission to adopt regulations to establish procedures for an electric utility to apply to the Commission for the approval of an alternative rate-making plan. (NRS 704.762) Section 16 of this bill requires that, if an electric utility files an application for an alternative rate-making plan that includes formula rates or a multi-year rate plan, the alternative rate-making plan must include: (1) an earnings-sharing mechanism; and (2) certain information and calculations relating to changes in risk to the electric utility.

Existing law authorizes an electric utility to apply to the Commission to establish an alternative rate-making plan and sets forth certain requirements relating to the approval of the plan by the Commission. (NRS 704.7621) Section 17 of this bill requires that, if the Commission approves an application for an alternative rate-making plan that authorizes the recovery of the costs of a capital expenditure: (1) the electric utility must prove the capital expenditure was prudent; and (2) if the Commission determines that the electric utility did not prove the capital expenditure was prudent, the Commission shall require the electric utility to refund the costs of the capital expenditure charged to the customers of the electric utility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Alternative rate-making mechanism" means a rate-making mechanism in an alternative rate-making plan and includes, without limitation, performance-based rates, formula rates, multi-year rate plans, an earnings-sharing mechanism, decoupling mechanism or any other rate-making mechanism authorized by the Commission by regulation.***

Sec. 4. ***"Alternative rate-making plan" means a plan that would implement one or more alternative rate-making mechanisms to be used in addition to or in place of the rate-making process established by NRS 704.110.***

Sec. 5. ***"Decoupling mechanism" means a mechanism that disassociates a natural gas utility's financial performance and results from the sales of natural gas by the natural gas utility.***

Sec. 6. ***"Earnings-sharing mechanism" means a mechanism designed by the Commission that requires a natural gas utility to share earnings with its customers.***

Sec. 7. ***"Formula rates" means rates that are periodically adjusted based on a predetermined formula approved by the Commission without the need for a natural gas utility to file a general rate application pursuant to NRS 704.110.***

Sec. 8. ***"Multi-year rate plan" means a rate mechanism under which the Commission sets rates and revenue requirements for a multi-year plan period of more than 36 months, including, without limitation, a plan which authorizes periodic changes in rates, including, without limitation, adjustments to account for inflation or capital investments, without a general rate application.***

Sec. 9. ***"Natural gas utility" means a public utility which purchases natural gas for resale.***

Sec. 10. ***"Performance-based rates" means rates that are set or adjusted based on the performance of a natural gas utility, as determined by such performance metrics as the Commission may establish.***

Sec. 11. ***1. The Commission shall adopt regulations to establish procedures for a natural gas utility to apply to the Commission for the approval of an alternative rate-making plan. The regulations must:***

(a) Establish the alternative rate-making mechanisms that may be included in such a plan and any limitations on such alternative rate-making mechanisms as the Commission deems appropriate, including, without limitation, any restrictions on the types of alternative rate-making

mechanisms that may be used in concert within the same alternative rate-making plan.

(b) Prescribe the information that must be included in an alternative rate-making plan and an application submitted in accordance with the regulations adopted pursuant to this section.

(c) Specify the circumstances under which a natural gas utility for which the Commission has approved an alternative rate-making plan is required to file a general rate application pursuant to NRS 704.110, including, without limitation, if the alternative rate-making plan ceases to meet the criteria established by the Commission pursuant to paragraph (g) or after any period of time established by regulation of the Commission.

(d) Provide a process to educate customers of a natural gas utility regarding the available alternative rate-making mechanisms that may be included in an alternative rate-making plan.

(e) Establish requirements for a natural gas utility for which the Commission has approved an alternative rate-making plan to keep or cause to be kept any information and records which the natural gas utility would have been required to submit to the Commission as part of an application filed pursuant to NRS 704.110 or 704.185, if the filing of any such application is delayed or excused pursuant to the alternative rate-making plan.

(f) If the Commission determines that it is practicable, require a natural gas utility to include in its application for the approval of an alternative rate-making plan:

(1) One or more cost-of-service studies; and

(2) An analysis estimating and comparing:

(I) The rates that would be charged and the revenue that would be collected under the alternative rate-making plan proposed in the application; and

(II) The rates that would be charged and the revenue that would be collected pursuant to the rate-making process established by NRS 704.110.

(g) Establish the criteria for the evaluation of an alternative rate-making plan for a natural gas utility which may include, without limitation, whether the plan:

(1) Provides for just and reasonable rates that are comparable to rates established pursuant to NRS 704.110; ~~***[and]***~~

(2) Ensures that customers of a natural gas utility benefit from lower regulatory administrative costs where appropriate ~~***[.]***~~ ***;***

(3) Aligns an economically viable utility model with state public policy goals;

(4) Enables the delivery of natural gas service and options for service and pricing that customers of a natural gas utility value, including, without limitation, the development and use of low carbon fuels by customers that prioritize such an option over other factors, including price;

(5) Fosters statewide improvements to the economic and operational efficiency of the natural gas infrastructure system;

(6) Furthers the public interest, including, without limitation, the promotion of safe, economic, efficient and reliable service to all customers of the natural gas utility;

(7) Enhances the resilience and security of the natural gas infrastructure system while addressing concerns relating to customer privacy;

(8) Facilitates the research and development of innovative natural gas services and options to benefit customers; and

(9) Balances the interests of customers and shareholders by providing services customers want while preserving reasonable shareholder value.

2. ~~[The]~~ In addition to any requirement adopted by regulation of the Commission ~~[may adopt regulations to establish one or more methods to establish a formula for a]~~ pursuant to subsection 1, if a natural gas utility files an application for an alternative rate-making plan that includes formula ~~[rate. Such methods may]~~ rates or a multi-year rate plan, the alternative rate-making plan must include, without limitation:

(a) ~~[The recovery of the costs of a capital expenditure incurred by the natural gas utility, as adjusted for any accumulated depreciation, deferred taxes, property taxes and any other costs established by the Commission; or]~~ An earnings-sharing mechanism; and

(b) ~~[An annual attrition adjustment based on the Consumer Price Index published by the United States Department of Labor and approved by the Commission for the purposes of the alternative rate-making plan.]~~ A discussion identifying any changes in risk to the natural gas utility and a calculation to adjust the rate of return of the natural gas utility based on the changes in risk to the natural gas utility, which must demonstrate the impact of the changes on the rates charged to customers of the natural gas utility.

3. The Commission is not required to accept applications to establish an alternative rate-making plan if the Commission determines, after a reasonable investigation, that the use of an alternative rate-making plan is not consistent with the criteria established by the Commission pursuant to paragraph (g) of subsection 1.

Sec. 12. *1. Except as otherwise provided in subsection 3 of section 11 of this act and in accordance with the regulations adopted by the Commission pursuant to section 11 of this act, not earlier than the date on which the Commission first adopts regulations pursuant to section 11 of this act, a natural gas utility may apply to the Commission to establish an alternative rate-making plan which sets forth the alternative rate-making mechanisms to be used to establish rates during the time period covered by the plan.*

2. A natural gas utility may file an application pursuant to subsection 1:

(a) At the same time the natural gas utility files a general rate application pursuant to NRS 704.110; or

(b) Not later than 6 months after the date on which the Commission issues an order approving a general rate application filed by the natural gas utility pursuant to NRS 704.110.

3. The Commission shall approve, with or without modifications, or deny an application submitted pursuant to subsection 1 not later than 210 days after the Commission receives a copy of the application unless the Commission, upon good cause, extends by not more than 90 days the time to act upon the application. If the Commission fails to act upon an application within the time provided by this subsection, the application shall be deemed to be denied.

4. ~~[Except as otherwise provided in this subsection, the]~~ The Commission shall conduct ~~[at least one]~~ a consumer session pursuant to NRS 704.069 in each major geographic area in which the natural gas utility provides services to solicit comments from the public before taking action on an application submitted pursuant to subsection 1. ~~[If a natural gas utility provides services in more than one major geographic area in this State, the Commission shall conduct at least one consumer session in the county with the largest population for each major geographic area in which the natural gas utility provides services before taking action on an application. As used in this subsection, "major geographic area" means any geographic area in this State that includes a county whose population is 52,000 or more.]~~

5. The Commission shall not approve an application submitted pursuant to subsection 1 unless the Commission determines that the plan:

(a) Is in the public interest;

(b) Results in just and reasonable rates, as determined by the Commission;

(c) Protects the interests of the customers of the natural gas utility;

(d) Satisfies the criteria established by the Commission pursuant to paragraph (g) of subsection 1 of section 11 of this act;

(e) Specifies the time period to which the plan applies; and

(f) Includes a plan for educating the customers of the natural gas utility regarding the alternative rate-making mechanisms included in the plan.

6. An alternative rate-making plan may include, without limitation:

(a) An earnings-sharing mechanism that balances the interests of customers that purchase natural gas for consumption in this State and the shareholders of the natural gas utility; and

(b) Any other term or condition proposed by a natural gas utility or any party participating in the proceeding or that the Commission finds is reasonable and serves the public interest.

7. If the Commission approves an application for an alternative rate-making plan that authorizes the recovery of the costs of a capital expenditure ~~[pursuant to the regulations adopted pursuant to subsection 2 of section 11 of this act, the]~~ :

(a) The natural gas utility must prove that the capital expenditure was prudent at the time the natural gas utility files a general rate application

pursuant to NRS 704.110 or at any time established by regulation of the Commission ~~.~~ ; and

(b) If the Commission determines during a general rate case proceeding conducted pursuant to NRS 704.110 that the natural gas utility did not prove that the capital expenditure was prudent, the Commission shall require the natural gas utility to refund the customers of the natural gas utility the amount previously recovered through charges to customers of the natural gas utility for the costs of the capital expenditure.

8. If the Commission approves an application for an alternative rate-making plan with modifications pursuant to subsection 3, the natural gas utility may accept or reject the modified alternative rate-making plan by filing a notice with the Commission not later than 30 days after the date on which the Commission issues an order approving the application. If a natural gas utility files a notice to reject the modified alternative rate-making plan, the alternative rate-making plan shall be deemed withdrawn and:

(a) If a general rate application was filed at the same time as the application for the alternative rate-making plan and the general rate application or any portion thereof was approved, the rates approved in the general rate application shall be deemed in effect. To the extent that a portion of a general rate application is approved, the rates that were in effect before the portion of the general rate application was approved by the Commission remain in effect for any portion of the general rate application not approved by the Commission until changed or modified by the Commission.

(b) If a general rate application was not filed at the same time as the application for the alternative rate-making plan, the rates that were in effect before the modified alternative rate-making plan was approved remain in effect until changed or modified by the Commission.

9. The Commission may at any time, upon its own motion or after receiving a complaint from any customer, the Consumer's Advocate or the Regulatory Operations Staff of the Commission, investigate any of the rates, tolls, charges, rules, regulations, practices and services relating to the alternative rate-making plan, and, after a full hearing as provided in NRS 704.120, by order, make such changes as may be just and reasonable to the same extent as authorized by NRS 704.120.

Sec. 13. ***The provisions of sections 2 to 12, inclusive, of this act must not be construed to limit the existing rate-making authority of the Commission.***

Sec. 14. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, 704.7865 and 704.7867, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621 ~~.~~ ***or section 12 of this act:***

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds $15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized

representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds $50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 15. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621 ~~[.]~~ ***or section 12 of this act:***

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this

chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the

date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility, or a public utility affiliated with the public utility through common ownership, shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility or its affiliate is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit a public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used

to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 16. **NRS 704.762 is hereby amended to read as follows:**

704.762 1. The Commission shall adopt regulations to establish procedures for an electric utility to apply to the Commission for the approval of an alternative rate-making plan. The regulations must:

(a) Establish the alternative rate-making mechanisms that may be included in such a plan and any limitations on such alternative rate-making mechanisms as the Commission deems appropriate, including, without limitation, any restrictions on the types of alternative rate-making mechanisms that may be used in concert within the same alternative rate-making plan.

(b) Provide the information that must be included in an alternative rate-making plan and an application submitted pursuant to the regulations adopted pursuant to this section.

(c) Specify the circumstances under which an electric utility for which the Commission has approved an alternative rate-making plan is required to file a general rate application pursuant to NRS 704.110 including, without limitation, if the alternative rate-making plan ceases to meet the criteria established by the Commission pursuant to paragraph (g).

(d) Provide a process to educate customers of an electric utility regarding the available alternative rate-making mechanisms that may be included in an alternative rate-making plan.

(e) Establish requirements for an electric utility for which the Commission has approved an alternative rate-making plan to keep or cause to be kept any information and records which the utility would have been required to submit to the Commission as part of an application pursuant to NRS 704.110 or 704.187, if the filing of any such application is delayed or excused pursuant to the alternative rate-making plan.

(f) If the Commission determines that it is practicable, require an electric utility to include in its application for the approval of an alternative rate-making plan:

(1) One or more cost of service studies.

(2) An analysis estimating and comparing:

(I) The rates that would be charged and the revenue that would be collected under the alternative rate-making plan proposed in the application; and

(II) The rates that would be charged and the revenue that would be collected pursuant to the rate-making process established by NRS 704.110.

(g) Establish criteria for the evaluation of an alternative rate-making plan which may include, without limitation, whether the plan:

(1) Aligns an economically viable utility model with state public policy goals.

(2) Provides for just and reasonable rates that are comparable to rates established pursuant to NRS 704.110.

(3) Enables the delivery of electric service and options for services and pricing that customers value including, without limitation, the development and the use of renewable resources by customers that prioritize such resources above other factors, including price.

(4) Fosters statewide improvements to the economic and operational efficiency of the electrical grid.

(5) Furthers the public interest including, without limitation, the promotion of safe, economic, efficient and reliable electric service to all customers of the electric utility.

(6) Enhances the resilience and security of the electrical grid while addressing concerns regarding customer privacy.

(7) Ensures that customers of an electric utility benefit from lower regulatory administrative costs where appropriate.

(8) Facilitates the research and development of innovative electric utility services and options to benefit customers.

(9) Balances the interests of customers and shareholders by providing for services that customers want while preserving reasonable shareholder value.

2. ***In addition to any requirement adopted by regulation of the Commission pursuant to subsection 1, if an electric utility files an application for an alternative rate-making plan that includes formula rates or a multi-year rate plan, the alternative rate-making plan must include, without limitation:***

(a) An earnings-sharing mechanism; and

(b) A discussion identifying any changes in risk to the electric utility and a calculation to adjust the rate of return of the electric utility based on the changes in risk to the electric utility, which must demonstrate the impact of the changes on the rates charged to customers of the electric utility.

3. The Commission is not required to accept applications to establish an alternative rate-making plan if the Commission determines, after a reasonable investigation, that the use of an alternative rate-making plan is not consistent with the criteria established by the Commission pursuant to paragraph (g) of subsection 1.

Sec. 17. **NRS 704.7621 is hereby amended to read as follows:**

704.7621 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** of NRS 704.762, and in accordance with the regulations adopted by the Commission pursuant to NRS 704.762:

(a) Not sooner than the first Monday in January 2020, an electric utility that primarily serves less densely populated counties may apply to the Commission to establish an alternative rate-making plan which sets forth the alternative rate-making mechanisms to be used to establish rates during the time period covered by the plan.

(b) Not sooner than the first Monday in January 2021, an electric utility that primarily serves densely populated counties may apply to the Commission to establish an alternative rate-making plan which sets forth the alternative rate-making mechanisms to be used to establish rates during the time period covered by the plan.

2. The Commission shall approve, with or without modifications, or deny an application submitted pursuant to subsection 1 not later than 210 days after the Commission receives a copy of the application unless the Commission, upon good cause, extends by not more than 90 days the time to act upon the application. If the Commission fails to act upon an application within the time provided by this subsection, the application shall be deemed to be denied.

3. The Commission shall conduct at least one consumer session pursuant to NRS 704.069 to solicit comments from the public before taking action on an application submitted pursuant to subsection 1.

4. The Commission shall not approve an application submitted pursuant to subsection 1 unless the Commission determines that the plan:

(a) Is in the public interest;

(b) Results in just and reasonable rates, as determined by the Commission;

(c) Protects the interests of the customers of the electric utility;

(d) Satisfies the criteria established by the Commission pursuant to paragraph (g) of subsection 1 of NRS 704.762;

(e) Specifies the time period to which the plan applies; and

(f) Includes a plan for educating the customers of the electric utility regarding the alternative rate-making mechanisms included in the plan.

5. An alternative rate-making plan may include, without limitation:

(a) An earnings-sharing mechanism that balances the interests of customers that purchase electricity for consumption in this State and the shareholders of the electric utility.

(b) A term or condition waiving the requirement that the electric utility file a general rate application every 36 months pursuant to subsection 3 of NRS 704.110 or extending beyond 36 months the time between required general rate application filings.

(c) Any other term or condition proposed by an electric utility or any party participating in the proceeding or that the Commission finds is reasonable and serves the public interest.

6. ***If the Commission approves an application for an alternative rate-making plan that authorizes the recovery of the costs of a capital expenditure:***

(a) The electric utility must prove that the capital expenditure was prudent at the time the electric utility files a general rate application pursuant to NRS 704.110 or at any time established by regulation of the Commission; and

(b) If the Commission determines during a general rate case proceeding conducted pursuant to NRS 704.110 that the electric utility did not prove that the capital expenditure was prudent, the Commission shall require the electric utility to refund the customers of the electric utility the amount previously recovered through charges to customers of the electric utility for the costs of the capital expenditure.

7. The Commission may at any time, upon its own motion or after receiving a complaint from any customer, the Consumer's Advocate or the Regulatory Operations Staff of the Commission, investigate any of the rates, tolls, charges, rules, regulations, practices and service relating to an alternative rate-making plan, and, after a full hearing as provided in NRS 704.120, by order, make such changes as may be just and reasonable to the same extent as authorized by NRS 704.120.

~~[7.]~~ ***8.*** As used in this section:

(a) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(b) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

Assemblymember Jauregui moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly in recess at 4:48 p.m.

ASSEMBLY IN SESSION

At 4:52 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 168.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 658.

AN ACT relating to cannabis; revising requirements for the packaging and labeling of cannabis and cannabis products; revising the definition of "usable cannabis"; authorizing an agent of the Cannabis Compliance Board to issue a hold order for cannabis or a cannabis product only under certain circumstances; requiring the Board to adopt regulations governing hold orders; authorizing a **cannabis cultivation facility and a** cannabis production facility to engage in certain activities; requiring the Board to develop and maintain certain checklists; requiring the Board to post certain information on its Internet website; revising requirements concerning the amount of usable cannabis and THC that may be contained in a single package of cannabis or cannabis products; imposing requirements concerning a single package of an infused pre-roll; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) **Section 6** of this bill authorizes an agent of the Board to issue a hold order for cannabis or a cannabis product to prohibit a person from transferring or moving the cannabis or cannabis product without the approval of the Board or an agent of the Board only in accordance with regulations adopted by the Board. **Section 6** requires the Board to adopt such regulations governing hold orders and sets forth certain requirements for the content of those regulations.

Existing law defines "adult-use cannabis production facility" and "medical cannabis production facility" to mean a business that acquires, possesses, manufactures, delivers, transfers, supplies or sells adult-use cannabis products to adult-use cannabis retail stores or medical cannabis products to medical cannabis dispensaries, as applicable. (NRS 678A.060, 678A.205) **Sections 8 and 9** of this bill revise those definitions to allow an adult-use cannabis production facility and medical cannabis production facility to engage in the acquisition, possession, packaging, supplying or selling of usable cannabis to

adult-use cannabis retail stores or medical cannabis dispensaries, as applicable. **Sections 5 and 17** of this bill revise the definition of "usable cannabis" set forth under existing law to exclude the seeds of a plant of the genus Cannabis and apply this definition throughout the provisions of existing law governing the medical and adult use of cannabis. **Section 15** of this bill makes a conforming change to eliminate a reference to a provision that was repealed in **section 17**. **Section 13.5 of this bill authorizes a cannabis cultivation facility and a cannabis production facility to acquire, possess, deliver, transfer, supply or sell the seeds of a plant of the genus Cannabis, branded merchandise and supplies related to cannabis to persons located within and outside this State, subject to certain requirements and restrictions.**

Existing law authorizes the Board to adopt regulations setting forth requirements relating to the packaging and labeling of cannabis and cannabis products. (NRS 678A.450) **Section 10** of this bill prohibits those requirements from requiring: (1) a package of cannabis or cannabis products which is sold at wholesale to contain any label or tag other than a label or tag necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis adopted by the Board; and (2) a cannabis establishment to include any information on the label for any cannabis or a cannabis product that is already included on the packaging for the cannabis or cannabis product. **Section 14** of this bill revises requirements concerning the labeling of cannabis products for the purpose of allowing information required to be included on a label to instead be included on packaging. **Sections 3 and 4** of this bill define the terms "label" and "packaging" for the purposes of the provisions of existing law governing the medical and adult use of cannabis.

Section 12 of this bill requires the Board to develop and maintain standardized checklists for any item for which the Board requires a licensee to obtain the approval of the Board before it is used by the licensee. **Section 13** of this bill requires the Board to post on its Internet website a list of frequently asked questions pertaining to the operations of licensees.

Existing law requires an adult-use cannabis product to be sold in a single package. (NRS 678D.420) **Section 16** of this bill provides that cannabis, as well as adult-use cannabis products, sold to a consumer must be sold in a single package and revises requirements concerning the amount of usable cannabis and THC that a single package may contain. **Section 16** requires a single package containing an infused pre-roll, as defined in **section 2** of this bill, to contain a net weight of not more than 7 grams.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Infused pre-roll" means an individual cannabis cigarette or joint that has been infused with concentrated cannabis.***

Sec. 3. *"Label" means written or printed material affixed to or included with cannabis or a cannabis product to provide identification or other information.*

Sec. 4. *"Packaging" means the immediate, consumer-facing wrapper or container in which cannabis or a cannabis product is packaged.*

Sec. 5. *1. "Usable cannabis" means the dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis.*

2. The term does not include the seeds, stalks and roots of the plant.

Sec. 6. *1. An agent of the Board may issue a hold order for cannabis or a cannabis product to prohibit a person from transferring or moving the cannabis or cannabis product subject to the order without the approval of the Board or an agent of the Board only in accordance with the regulations adopted by the Board pursuant to this section.*

2. The Board shall adopt regulations setting forth procedures and requirements for the issuance of a hold order for cannabis or a cannabis product. The regulations must:

(a) Authorize an agent of the Board to issue a hold order only under circumstances in which cannabis or a cannabis product fails to satisfy a requirement set forth in this title or the regulations adopted pursuant thereto and constitutes a substantial hazard to the public health.

(b) ~~[Prohibit an agent of the Board who issues a hold order pursuant to this section for any cannabis flower from subjecting to the hold order any concentrated cannabis, infused pre-roll or cannabis product produced from the cannabis flower which has passed all required testing conducted by a cannabis independent testing laboratory unless the particular concentrated cannabis, infused pre-roll or cannabis product fails to satisfy a requirement set forth in this title or the regulations adopted pursuant thereto and constitutes a substantial hazard to the public health.~~

~~(c)~~ Require that at or before the time of issuance of a hold order notice be provided to the cannabis establishment whose cannabis or cannabis product is subject to the hold order stating the reasons for the hold order.

~~[(d)]~~ (c) Require a hold order to be automatically terminated not later than 30 days after its issuance unless the Board, after notice and a hearing and for good cause shown, extends the duration of the hold order.

~~[(e)]~~ (d) Set forth the circumstances under which a hold order may be terminated. Such circumstances must include, without limitation, for cannabis or a cannabis product subject to a hold order because of the failure of any test conducted by a cannabis independent testing laboratory, the passing of that test upon retesting of the cannabis or cannabis product.

~~[(f)]~~ (e) Require the Board to publish guidelines concerning hold orders which are based on investigations conducted by the Board relating to such hold orders.

3. A person shall not transfer or move any cannabis or cannabis product for which a hold order has been issued pursuant to the regulations adopted

pursuant to this section without the approval of the Board or an agent of the Board.

Sec. 7. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 678A.060 is hereby amended to read as follows:

678A.060 "Adult-use cannabis production facility" means a business that:

1. Is licensed by the Board pursuant to NRS 678B.250; ~~[and]~~

2. Acquires, possesses, manufactures, delivers, transfers, supplies or sells adult-use cannabis products to adult-use cannabis retail stores ~~[.]~~ ***; and***

3. Acquires, possesses, packages, supplies or sells usable cannabis to adult-use cannabis retail stores.

Sec. 9. NRS 678A.205 is hereby amended to read as follows:

678A.205 "Medical cannabis production facility" means a business that:

1. Is licensed by the Board pursuant to NRS 678B.210; ~~[and]~~

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells medical cannabis products to medical cannabis dispensaries ~~[.]~~ ***; and***

3. Acquires, possesses, packages, supplies or sells usable cannabis to medical cannabis dispensaries.

Sec. 10. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products. ***Such requirements must not require:***

(1) Any package of cannabis or cannabis products which is sold at wholesale to contain any label or tag other than a label or tag necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis adopted by the Board; or

(2) A cannabis establishment to include any information on the label for cannabis or a cannabis product that is already included on the packaging for the cannabis or cannabis product.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 11. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 12 **,** ~~[and]~~ 13 **and 13.5** of this act.

Sec. 12. ***The Board shall develop and maintain standardized checklists for any item, including, without limitation, a menu item, packaging or equipment, for which the Board requires a licensee to obtain the approval of the Board before it is used by the licensee. Each checklist must set forth guidelines for obtaining the approval of the Board for the item and be designed to ensure fair and consistent oversight by the Board.***

Sec. 13. ***The Board shall post on its Internet website a list of frequently asked questions pertaining to the operations of licensees. The list must be updated:***

1. Each calendar quarter with relevant questions received by the Board during the immediately preceding calendar quarter; and

2. Not more than 30 days after the date on which the Board provides any training to licensees relating to the operation of licensees with relevant questions relating to the training provided.

Sec. 13.5. 1. Except as otherwise provided in subsection 2, a cannabis cultivation facility and a cannabis production facility may:

(a) Acquire, possess, deliver, transfer, supply or sell cannabis seeds, branded merchandise and supplies related to cannabis, including, without limitation, paraphernalia and other items related to the cultivation and production of cannabis, to persons located within and outside this State.

(b) For a cannabis cultivation facility, cultivate cannabis seeds for the purpose of engaging in the activities authorized by paragraph (a).

2. Any activity authorized by subsection 1 must be conducted:

(a) In compliance with any applicable requirements and restrictions set forth in this title or established by the Board by regulation; and

(b) If the activity is directed toward a person who is located outside this State, in compliance with all applicable state and local laws governing the activity in the jurisdiction in which the person is located. A cannabis cultivation facility or cannabis production facility shall not engage in any activity authorized by subsection 1 that is directed toward a person who is

located outside this State if any state or local law prohibits the activity in the jurisdiction in which the person is located.

3. As used in this section:

(a) "Branded merchandise" means any item which is not cannabis or a cannabis product and which contains the logo or other branding of a cannabis cultivation facility or cannabis production facility, including, without limitation, an article of clothing, pen, bag or other similar item that contains such a logo or such branding.

(b) "Cannabis seed" means a seed of a plant of the genus Cannabis.

Sec. 14. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words "THIS PRODUCT CONTAINS CANNABIS" in bold type **.** ~~[; and]~~ ***The provisions of this subparagraph do not apply if those words in bold type are included on the packaging of the cannabis product.***

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner ***or presented in packaging*** which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with ~~[:]~~ ***or presented in packaging that includes:***

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

14. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 14 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

17. As used in this section, "motor vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 15. NRS 678D.005 is hereby amended to read as follows:

678D.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678D.010 ~~[to 678D.040, inclusive,]~~ ***, 678D.020 and 678D.030*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. ~~[An]~~ ***Cannabis intended for the*** adult-use ***of*** cannabis ***and an adult-use cannabis*** product must be sold ***to a consumer*** in a single package. A single package must not contain:

(a) More than ~~[1 ounce]~~ ***2.5 ounces*** of usable cannabis ***.*** ~~[or one eighth of an ounce of]~~

(b) For concentrated cannabis ~~[.]~~ ***, more than 3,500 milligrams of THC.***

~~[(b)]~~ ***(c)*** For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

~~[(c)]~~ ***(d)*** For an adult-use cannabis product sold as a tincture, more than ~~[800]~~ ***1,000*** milligrams of THC.

~~[(d)]~~ ***(e)*** For an adult-use edible cannabis product, more than 100 milligrams of THC.

~~[(e)]~~ ***(f)*** For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than ~~[800]~~ ***2,500*** milligrams of THC per package.

~~[(f)]~~ ***(g)*** For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

~~[(g)]~~ ***(h)*** For any other adult-use cannabis product, more than ~~[800]~~ ***1,000*** milligrams of THC.

(i) For an infused pre-roll, a net weight of more than 7 grams.

3. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.

Sec. 17. NRS 678C.100 and 678D.040 are hereby repealed.

Sec. 18. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED SECTIONS

678C.100 "Usable cannabis" defined.

1. "Usable cannabis" means:

(a) The dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis; and

(b) The seeds of a plant of the genus Cannabis.

2. The term does not include the stalks and roots of the plant.

678D.040 "Usable cannabis" defined. "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 591.

Bill read second time and ordered to third reading.

Assembly Bill No. 592.

Bill read second time and ordered to third reading.

Senate Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 684.

AN ACT relating to wildlife; authorizing under certain circumstances a person to ~~[gather]~~ **take** shed antlers or a skull, head or bones of a wildlife species without a tag for non-commercial purposes; ~~[revising the authority of the Board of Wildlife Commissioners to adopt regulations relating to shed antlers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In addition to regular licenses or permits to hunt, fish or trap, existing law provides for additional licenses, known as tags, to hunt, trap or fish designated species of wildlife. (NRS 502.130) Under existing law, whenever tags are required for any species of wildlife, it is unlawful to possess any of that species without the correct tag. (NRS 502.150) **Section 3** of this bill authorizes a person, for non-commercial purposes and without the required tag, to ~~[gather]~~ **take** shed antlers or a skull or head, with or without antlers or horns attached, or bones from the carcass of any wildlife species for which a tag is required under certain circumstances.

~~[Existing law requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers which have been naturally shed by any big game mammal in this State. (NRS 503.655) Section 4 of this bill instead requires the Commission to adopt regulations for the gathering of shed antlers which must only apply to the gathering of shed antlers for commercial purposes.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 502.150 is hereby amended to read as follows:

502.150 1. ~~[Whenever]~~ ***Except as otherwise provided in subsection 4, whenever*** tags are required for any species of wildlife, it is unlawful to have any of that species in possession without the correct tag. Before transporting any species of wildlife, or parts thereof, for which a tag is required, the holder of:

(a) A paper tag must attach the tag to the animal; or

(b) An electronic tag must validate the tag in accordance with the regulations adopted by the Commission pursuant to NRS 502.160.

➥ Possession of any species of wildlife, or parts thereof, for which a tag is required without an attached or validated tag, as applicable, is prima facie evidence that the game is illegally taken and possessed.

2. It is unlawful to remove any tag from any wildlife for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing mammal, possession of a pelt of that species without the tag attached thereto or validated, as applicable, is prima facie evidence that such pelt is illegally taken and possessed.

4. A person may, for non-commercial purposes and without obtaining the required tag, ~~[gather]~~ take shed antlers or a skull or head, with or without antlers or horns attached, or bones from the carcass of any species of wildlife for which a tag is required if such a part of the carcass is exposed, dry bone resulting from natural processes, including, without limitation, scavenging, decomposition or weathering.

Sec. 4. ~~[NRS 503.655 is hereby amended to read as follows:~~

~~503.655 1. The Commission shall adopt regulations for the [taking]~~ ***gathering*** ~~of shed antlers.~~ ***The regulations adopted by the Commission pursuant to this section must only apply to the gathering of shed antlers for commercial purposes.***

~~2. As used in this section, "shed antlers" means antlers which have been naturally shed by any big game mammal in this State.]~~ **(Deleted by amendment.)**

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Assembly Bill No. 540 and Senate Bills Nos. 87, 91, 348, 382, and 417 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 64 and Senate Bills Nos. 93, 97, 99, 102, 114, 116, 117, 121, 137, 155, 162, 181, 183, 188, 203, 208, 210, 215, 225, 241, 266, 273, 274, 278, 279, 284, 285, 290, 297, 299, 301, 313, 315, 319, 320, 321, 322, 325, 330, 343, 347, 349, 358, 372, 405, 406, 408, 409, 410, 414, 416, 419, 421, 426, 428, 439, 444, and 445 be taken from their place on the General File and be moved to the General File of the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Homer Tuazon, Jeff Reinwald, and Judy Barlow.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Guatami Yerabati, Kelly Fink, and Sigrid Barrett.

On request of Assemblymember Edgeworth, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Lanier, Rachel Wood Tilkens, and Theodore Wells.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Desaray Fortune, Jana Ailes, and Veronica Long.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Clint Wright, Mary Headley, and Samantha Reed.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Bernadette Longo, Evette Wilson, and Stephanie Bryson.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Akal Jaswal, Aria Rangel, Arianna Aceves Castillo, Arjun Shanmugam, Ashley Palacio-Quiroz, Aurora Schwegel, Austin Hammond, Ava Rangle, Avalyn Ablahani, Avery Grayson, Avery Richardson, Bear Light, Bryan Garcia Zetino, Claire Valine, Covee McClelland, Dixon Krug, Emmanuel Jaime, Ena Price, Fiona Duffy, Gabe Coyne, Gabriella Lopez, Garrett Mendoza, Georgia Hodges, Greg McDermott, Hazel Webster, Iker Padilla-Navarro, Isaac Gonzalez-Valencia, Isaac Ruiz Ortega, Ishaan Desai, Jax Rangle, Jimena Valenzuela-Hernandez, Jonas Termini, Judah Joyner, Keaton Hobbs, Lauren Blair, Layla Munns, Lincoln Scholl, Maddy Hersch, Madelynn Tiscareno, Madison Di Loreto, Max Hernandez, Maya Ciciovan, Michael Celaya, Moira Tefora, Ody Pena-Garcia, Paris Stegmann, Parker Yates, Parker Martin, Paul Garcia Zetino, Payten Burden, Rebekah Odoh, Remi Espino, Sam Harjer, Samuel Martinez, Savannah Vicks, Serena Curiel, Trace Kirby, Wyatt Weber, Yuvi Singh, and Zack Zuro.

On request of Assemblymember Torres-Fossett, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Flores.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, May 21, 2025, at 12:30 p.m.

Motion carried.

Assembly adjourned at 4:55 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 21, 2025

Assembly called to order at 12:56 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Craig Swope.

Father, help us cultivate a heart of gratitude. One that is grateful for a good winter that has produced a gorgeous spring. Grateful for family, colleagues, staff and others who help gears mesh. Grateful for constituents who care, volunteer and raise our awareness. Proverbs says, "as iron sharpens iron, one person sharpens another." May we be grateful for that process. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was rereferred Senate Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that through May 23, 2025, all necessary rules be suspended; the reprinting of bills and resolutions amended on the Second Reading File, the General File, or the Resolution File be dispensed with, including all bills and resolutions on those files from this legislative day; the Chief Clerk be authorized to insert all amendments adopted by the

Assembly; and the bill or resolution be placed on the appropriate reading file for further action.

Motion carried.

Assemblymember Jauregui moved that Senate Joint Resolutions Nos. 1, 7, 8, 9, and 10 and Senate Concurrent Resolution No. 2 be taken from their place on the Resolution File and be placed on the Resolution File of the next legislative day.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 416 be withdrawn from the Committee on Ways and Means and be placed on the General File.

Motion carried.

NOTICE OF EXEMPTION

May 21, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of Senate Bills Nos. 87, 91, and 348.

SARAH COFFMAN
Fiscal Analysis Division

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 593—AN ACT making appropriations to the Interim Finance Committee for costs associated with the implementation of the Enterprise Resource Planning System; and providing other matters properly relating thereto.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 594—AN ACT relating to governmental administration; authorizing the Department of Taxation to deliver by electronic means notices, decisions and other written communications under certain circumstances; revising the manner in which the Department determines the industry in which a business is engaged for the purposes of the commerce tax; revising the due date for the payment of sales and use taxes; authorizing certain employees of the Department to electronically notarize electronic documents created by the Department; authorizing the recording with a county recorder of a paper copy of electronic documents created by the Department under certain circumstances; and providing other matters properly relating thereto.

Assemblymember Backus moved that the bill be referred to the Committee on Revenue.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 711.

SUMMARY—Makes ~~[a]~~ supplemental ~~[appropriation]~~ **appropriations** to the Department of Corrections for an unanticipated shortfall related to operating, travel, information services, **personnel services, training, transportation,** maintenance, utilities and inmate-driven expenses. (BDR S-1224)

AN ACT making ~~[a]~~ supplemental ~~[appropriation]~~ **appropriations** to the Department of Corrections for an unanticipated shortfall related to operating, travel, information services, **personnel services, training, transportation,** maintenance, utilities and inmate-driven expenses; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[$6,636,672]~~ **$2,929,232 for the Northern Nevada Correctional Center budget account** for an unanticipated shortfall related to ~~[operating, travel, information services, maintenance,]~~ utilities and ~~[inmate-driven]~~ **personnel** expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.

Sec. 2. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $261,455 for the Stewart Conservation Camp budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 3. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $250,794 for the Pioche Conservation Camp budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 4. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $222,749 for the Northern Nevada Transitional Housing budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 5. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $876,707 for the Three Lakes Valley Conservation Camp budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 6. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $5,133,305 for the Southern Desert Correctional Center budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 7. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $213,574 for the Jean Conservation Camp budget account for an unanticipated shortfall related to personnel services and utilities expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 8. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $3,896,945 for the Ely State Prison budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 9. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $53,139 for the Carlin Conservation Camp budget account for an unanticipated shortfall related to personnel services, maintenance contracts, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 10. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $3,217,122 for the Lovelock Correctional Center budget account for an unanticipated shortfall related to personnel services and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 11. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $3,164,040 for the Florence McClure Women's Correctional Center budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 12. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $15,780,715 for the High Desert State Prison budget account for an unanticipated shortfall related**

to operating, personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.

Sec. 13. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $6,378,786 for the Prison Medical Care budget account for an unanticipated shortfall related to personnel services, utilities and inmate-driven expenses. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

Sec. 14. **There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $2,363,002 for the Office of the Director budget account for an unanticipated shortfall related to personnel services, operating, in-state travel, information services, training and inmate transportation. This appropriation is supplemental to that made by section 20 of chapter 209, Statutes of Nevada 2023, at page 1241.**

~~[Sec. 2.]~~ ***Sec. 15.*** This act becomes effective upon passage and approval.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 703.

AN ACT relating to insurance; requiring certain insurers to allow certain persons who are less than 65 years of age to purchase a Medicare supplemental policy that the insurer makes available for purchase to new insureds who are 65 years of age or older; imposing certain restrictions on the limitations, terms and conditions such an insurer may impose and the premiums such an insurer may charge for such policies to persons who are less than 65 years of age; requiring such an insurer to establish certain open enrollment periods for the purchase of a Medicare supplemental policy; prohibiting an insurer from imposing an exclusion of certain benefits with respect to a Medicare supplemental policy issued during an open enrollment period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age or older and specified persons with disabilities or end-stage renal disease who are less than 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law defines the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare

because of certain limitations under Medicare. Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances but does not require a private insurer to sell or issue a Medicare supplemental policy to a person who is less than 65 years of age and enrolled in Medicare on the basis of a disability or end-stage renal disease. (42 U.S.C. § 1395ss)

Section 4 of this bill requires an insurer that offers a Medicare supplemental policy in this State, including an insurer that provides coverage to state and local government employees, to allow a person who is less than 65 years of age and enrolled in Medicare on the basis of a disability or end-stage renal disease to purchase any Medicare supplemental policy that the insurer offers to new insureds in this State who are 65 years of age or older. **Section 4** ~~[requires]~~ **imposes certain limitations on the premium rate that** such an insurer ~~[to offer]~~ **may charge such persons for** a Medicare supplemental policy ~~[to such persons at the same premium rate as is charged when the Medicare supplemental policy is offered to a person who is 65 years of age without]~~ **and prohibits insurers from imposing** additional limitations, terms or conditions ~~[.]~~ **on such persons with respect to the policy that the insurer would not impose on persons who are 65 years of age or older.**

Existing law requires an insurer offering a Medicare supplemental policy to annually offer an open enrollment period for persons currently covered by a Medicare supplemental policy, during which the insurer is prohibited from taking certain actions with respect to the issuance or effectiveness of, or price charged for, a policy offered to a person during the open enrollment period. (NRS 687B.352) **Section 4** requires an insurer to establish a similar open enrollment period which allows an eligible person who is less than 65 years of age to purchase a Medicare supplemental policy during a 6-month period commencing on the first day of the first month during which the person enrolled in coverage under Part B of Medicare, which provides coverage for certain medically necessary services provided outside of a hospital. During that open enrollment period, **section 4** prohibits an insurer from taking certain actions with respect to the issuance or effectiveness of ~~[, or price charged for,]~~ a policy offered to the person. **Section 4** also prohibits an insurer from imposing an exclusion of benefits under a Medicare supplemental policy during that open enrollment period based on a preexisting condition. **Section 6** of this bill adds a similar prohibition with regard to the open enrollment period established under existing law which will apply to both persons who are 65 years of age or older and persons who are less than 65 years of age and suffering from a disability or end-stage renal disease. **Section 10** of this bill requires an insurer to establish a similar open enrollment period, which commences on October 1, 2025, and remains open through April 1, 2026, for persons who are: (1) less than 65 years of age; (2) suffering from a disability or end-stage renal disease; and (3) enrolled in coverage under Part B of Medicare as of October 1, 2025, on the basis of the disability or end-stage renal disease.

Sections 7-9 of this bill establish the applicability of **section 4** to: (1) a hospital or medical services corporation; and (2) state and local governments that offer insurance to employees. **Section 3** of this bill defines the term "Medicare supplemental policy" to have the same meaning as is ascribed to it in federal regulations, and **section 2** of this bill establishes the applicability of that definition. **Sections 5 and 6** of this bill make conforming changes to remove duplicative language from other existing provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 687B.015 and section 3 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205.***

Sec. 4. ***1. An insurer that offers any Medicare supplemental policy for delivery in this State shall allow a person who is less than 65 years of age and eligible for and enrolled in Medicare on the basis of a disability or end-stage renal disease to purchase any Medicare supplemental policy that the insurer offers to new insureds in this State who are 65 years of age or older.***

2. An insurer shall not impose any limitation, term or condition relating to coverage, benefits, protections, policies or procedures with respect to a Medicare supplemental policy issued to a person who is less than 65 years of age pursuant to subsection 1 if the limitation, term or condition is not imposed with respect to a
Medicare supplemental policy offered by the insurer to a person who is 65 years of age or older.

3. An insurer ~~***[must offer a Medicare supplemental policy to a person eligible to purchase the policy pursuant to subsection 1 at the same]***~~ ***shall not charge a person described in subsection 1:***

(a) For a Standardized Benefit Plan A, Plan B or Plan D Medicare supplemental policy, a premium rate that exceeds the premium rate that the insurer would charge ~~***[for the Medicare supplemental policy to]***~~ ***a person who is exactly 65 years of age*** ~~***.]***~~ ***for the same Medicare supplemental policy.***

(b) For a standardized benefit plan not described in paragraph (a), a premium rate that exceeds 200 percent of the premium rate that the insurer would charge a person who is exactly 65 years of age for the same Medicare supplemental policy.

4. An insurer shall offer to a person who is less than 65 years of age and eligible to purchase a Medicare supplemental policy pursuant to subsection 1 an open enrollment period commencing on the first day of the first month that the person enrolled in coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., and remaining open for at least 6 months thereafter, during

which the person may purchase any Medicare supplemental policy made available by the insurer to new insureds in this State.

5. During the open enrollment period offered pursuant to subsection 4, an insurer shall not:

(a) Deny or condition the issuance or effectiveness ~~[, or discriminate in the price of coverage,]~~ of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 4; or

(b) Impose an exclusion of benefits provided under the Medicare supplemental policy based on a preexisting medical condition of a person described in subsection 4.

6. As used in this section, "standardized benefit plan":

(a) Means a Medicare supplemental policy with a particular package of benefits as required by federal law; and

(b) Includes, without limitation, any Medicare supplemental policy designated as Standardized Benefit Plan A to N, inclusive, any high deductible version of any such plan and any other standardized package of benefits for Medicare supplemental policies that may be established by federal law.

Sec. 5. NRS 687B.015 is hereby amended to read as follows:

687B.015 ~~[As used in this chapter, unless the context otherwise requires, "binder"]~~ ***"Binder"*** means an oral or written contract for temporary insurance which is used when a policy is not immediately issued to evidence that the coverage attaches at a specified time and continues until the policy is issued or the risk is declined.

Sec. 6. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not ~~[deny]~~ ***:***

(a) Deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1 ~~[.]~~ ***; or***

(b) Impose an exclusion of benefits provided under the Medicare supplemental policy based on a preexisting medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. An insurer or other person or entity shall not vary the commission associated with the purchase of Medicare supplemental policies during the open enrollment period offered pursuant to subsection 1, pay differential commissions associated with the purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:

(a) Because the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the health status, claims experience, receipt of health care or medical condition of the insured.

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

~~[6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.]~~

Sec. 7. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 17, 18 and 30 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, ***and section 4 of this act,*** 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 8. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 ***and section 4 of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 9. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, ***and section 4 of this act,*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 10. 1. In addition to the open enrollment period described in subsection 4 of section 4 of this act, an insurer that offers any Medicare supplemental policy for delivery in this State as of October 1, 2025, shall offer to a person who is less than 65 years of age and is eligible for and enrolled in coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., on October 1, 2025, on the basis of a disability or end-stage renal disease, an open enrollment period commencing on October 1, 2025, and remaining open through April 1, 2026.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not:

(a) Deny or condition the issuance or effectiveness ~~[, or discriminate in the price of coverage,]~~ of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1; or

(b) Impose an exclusion of benefits provided under the Medicare supplemental policy based on a preexisting medical condition of a person described in subsection 1.

3. As used in this section:

(a) "Insurer" has the meaning ascribed to it in NRS 679A.100 and additionally includes:

(1) A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides Medicare supplemental policies through a self-insurance reserve fund pursuant to NRS 287.010; and

(2) The Public Employees' Benefits Program.

(b) "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 359.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 574.

AN ACT relating to vehicles; revising provisions governing a hearing to contest the determination set forth in a civil infraction citation; ~~[requiring]~~ **authorizing a court to consolidate a criminal complaint for** a misdemeanor offense and a civil infraction ~~[to be included in the same criminal complaint]~~ under certain circumstances; **prescribing requirements for a consolidated hearing; clarifying that certain traffic and related offenses may be charged as misdemeanors if committed in conjunction with driving under**

the influence of alcohol or a controlled substance; requiring those offenses to be reduced to civil infractions if the charge of driving under the influence is dismissed unless an exception applies; revising provisions governing the reduction of certain moving traffic violations to nonmoving violations; authorizing a board of county commissioners to impose a civil penalty in lieu of a criminal penalty for the violation of a county ordinance under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation. (NRS 484A.7041) **Section 1 of this bill makes certain rules of evidence applicable to the adjudication of contested cases under the Nevada Administrative Procedure Act applicable to any such hearing.** **Section 4** of this bill replaces a requirement that, before any such hearing, the person must post a bond equal to the amount of the full payment of the monetary penalty, administrative assessment and any fees specified in the civil infraction citation with a requirement that the person must post a bond of not more than that amount. **Section 4** also: (1) authorizes counsel to appear on behalf of a person who requests a hearing; and (2) provides that if counsel appears **,** ~~[at the hearing,]~~ the person ~~[who requested the hearing]~~ is not required to attend ~~[. Section 1 of this bill makes certain rules of evidence applicable to]~~ the ~~[adjudication of contested cases under the Nevada Administrative Procedure Act applicable to any such]~~ hearing ~~[.]~~ **and is deemed to have stipulated to his or her identity as the recipient of the civil infraction citation. Finally, section 4 requires a court to dismiss a civil infraction citation if the peace officer who issued the citation does not appear at the hearing or submit a written statement, unless sufficient evidence is otherwise presented to establish the infraction.**

Under existing law, if a person is arrested for a misdemeanor offense arising out of the same facts and circumstances as certain violations of law that are punishable as civil infractions, the offense and the civil infraction may be included in the same criminal complaint. (NRS 484A.7033) **Section 2** of this bill ~~[revises this provision to]~~ instead ~~[require the inclusion of both the]~~ **authorizes a court, under certain circumstances, to consolidate a criminal complaint for a misdemeanor** offense and ~~[the]~~ **a** civil infraction **.** ~~[in the same criminal complaint.]~~ **Section 2 also prescribes procedures for holding a single, consolidated hearing and sets forth specific requirements for such a hearing.**

Existing law requires that civil penalties imposed for civil infractions be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) Section 4.5 of this bill instead requires that civil penalties collected by a: (1) municipal court be paid to the treasurer of the city in which the court is

located; and (2) justice court be paid to the treasurer of the county in which the court is located. Section 4.5 also prohibits a court from awarding attorney's fees or costs to any party in a hearing to contest a civil infraction citation, regardless of the outcome.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 5** of this bill eliminates this requirement and certain related procedural requirements. **Section 3** of this bill makes a conforming change to remove a reference to provisions eliminated by **section 5**.

Under existing law, if a person commits a traffic or related offense punishable as a civil infraction while under the influence of alcohol or a controlled substance, the person may instead be charged with a misdemeanor for the traffic or related offense. (NRS 484A.705) Section 6 of this bill clarifies that this provision applies when a person commits a traffic or related offense and is also charged with driving under the influence of alcohol or a controlled substance. Section 6 further requires the misdemeanor charge to be reduced to a civil infraction if the charge of driving under the influence of alcohol or a controlled substance, is dismissed, unless the dismissal occurs pursuant to a plea agreement.

Existing law makes it unlawful to drive a vehicle at certain speeds. Existing law also: (1) authorizes a court, in its discretion, to reduce a violation of this prohibition to a nonmoving violation; and (2) establishes a presumption in favor of such a reduction if the person cited for the violation pays all applicable fines and fees before the date on which the person is first required to appear in court relating to the citation. (NRS 484B.600) Section 7 of this bill eliminates this presumption. Section 7 instead authorizes a court, in its discretion, to reduce a moving traffic violation for speeding to a nonmoving violation if the person cited: (1) admits to committing the violation and pays all applicable fines and fees on or before the date on which the person is first required to appear in court relating to the citation; and (2) provides the court with a copy of his or her driving record. Section 7 further prohibits a court from granting such a reduction if the driving record of the person indicates a pattern of moving traffic violations.

Existing law also authorizes a board of county commissioners to provide a civil penalty in lieu of a criminal penalty for the violation of certain types of ordinances. (NRS 244.189, 244.3575, 244.359) Section 8 of this bill authorizes a board of county commissioners to impose a civil penalty instead of a criminal penalty for the violation of a county ordinance unless state law expressly prohibits the imposition of a civil penalty or prescribes a criminal penalty for the same act or omission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hearing conducted pursuant to NRS 484A.7041 must be conducted ~~[in accordance with the provisions of this section]~~ by a ~~[qualified magistrate]~~ court having jurisdiction of the offense, as specified in NRS 484A.750 ~~[.]~~ , in accordance with the provisions of this section and any rules adopted by the Nevada Supreme Court.

2. ~~[Subpoenas may be issued by:~~

~~(a) The magistrate.~~

~~(b) The parties.~~

~~(c) The attorney of record for a party.~~

~~➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS.~~

~~3.]~~ At a hearing conducted pursuant to NRS 484A.7041:

(a) The court, the defendant, the attorney for the defendant, if any, and the prosecuting attorney, if any, have the right to subpoena witnesses in accordance with applicable court rules.

(b) Oral evidence may be taken only upon oath or affirmation . ~~[administered by the magistrate.~~

~~(b)]~~ (c) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

~~[(c) The]~~

3. A hearing ~~[need not be]~~ conducted ~~[according to technical]~~ pursuant to NRS 484A.7041 is an informal proceeding. The court:

(a) Shall liberally construe the rules relating to evidence at any such hearing; and ~~[witnesses, except that those prescribed in NRS 233B.123 apply. Any relevant evidence that is not immaterial or unduly repetitious may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.~~

~~(d) The parties or their counsel may by written stipulation agree that certain specified]~~

(b) May admit ***evidence*** ~~***[may be admitted even though such]***~~ ***if the court determines that the evidence*** ~~***[might otherwise be subject]***~~ ***has probative value to*** ~~***[objection.]***~~ ***a fact at issue in the case.***

4. The ~~***[magistrate]***~~ ***court may:***

(a) Conduct a hearing by telephone, audiovisual means or other electronic means ***.*** ~~***[outside of the judicial district in which the magistrate is appointed.]***~~

(b) Permit a party or witness residing outside of the judicial district ~~***[to be deposed or]***~~ ***in which the court is located to testify by telephone, audiovisual means or other electronic means.***

Sec. 2. NRS 484A.7033 is hereby amended to read as follows:

484A.7033 1. Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:

(a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;

(b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and

(c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.

2. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** a person is arrested ~~[pursuant to paragraph (c) of subsection 1]~~ ***or cited*** for ~~[an]~~ ***a misdemeanor*** offense ~~[that arises out of]~~ ***arising from*** the same facts and circumstances as ~~[the]~~ ***a violation for which a*** civil infraction ~~[and]~~ ***citation*** is ~~[punishable as a misdemeanor,]~~ ***issued,*** the ~~[offense]~~ ***court may, upon motion of either party or on its own motion, consolidate the criminal complaint*** and the civil infraction ~~[may]~~ ~~***[must***~~ ~~be included in]~~ ***at any stage of*** the ~~[same]~~ ***proceedings. In a consolidated hearing:***

(a) The rules governing the criminal complaint ~~[,]~~ ***apply, except that the court must determine whether a civil infraction was committed based on a preponderance of the evidence, as provided in subsection 5 of NRS 484A.7041.***

(b) If the defendant is represented by an attorney appointed to provide indigent defense services for the criminal complaint, the hearing must be bifurcated, and the attorney for the defendant must not be required to represent the defendant during the portion of the hearing addressing the civil infraction.

3. If a misdemeanor offense and a civil infraction are included in the same criminal complaint or are consolidated pursuant to subsection 2, the

court must consider the evidence and render judgment for both the misdemeanor offense and the civil infraction at the same hearing.

4. The provisions of subsection 2 that authorize the court to consolidate a misdemeanor offense and a civil infraction do not apply if the court has entered an order finding that the person committed the civil infraction pursuant to subsection 4 of NRS 484A.704.

5. A consolidated hearing conducted pursuant to this section must be conducted by the court without a jury.

Sec. 3. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~[, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the person's vehicle, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation and the address and phone number of the agency which employs the peace officer or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation and the address and phone number of the agency which employs the peace officer or volunteer, preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses,

including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days.

2. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

3. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section . ~~[or NRS 484A.7049.]~~ The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 4. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond ~~[, equal to]~~ ***or deposit cash with the court. The court shall fix the amount of the bond or cash deposit at not more than*** the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. ~~[In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection.]~~ Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel . ~~[, and a city attorney or district attorney,]~~ ***A prosecuting attorney may,*** in his or her discretion ~~[and as applicable,]~~ ***, represent the plaintiff. If counsel appears ~~[at the hearing,]~~ on behalf of the person who requested the hearing , that person is not required to attend ~~[. A prosecuting attorney~~*** may represent~~]~~ ***the hearing and is deemed to have***

stipulated to his or her identity as the ~~[plaintiff.]~~ ***person who received the civil infraction citation.***

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. ~~[The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.]~~

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. ***If the peace officer who issued the civil infraction citation fails to appear in person or submit a written statement as described in subsection 4, the court must dismiss the citation unless other evidence, including, without limitation, the information in the citation or testimony from other witnesses, sufficiently establishes that the civil infraction was committed by the person named in the citation.*** If ~~[it has]~~ ***the court does*** not ~~[been established]~~ ***find*** by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If ~~[it has been established]~~ ***the court finds*** by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 4.5. **NRS 484A.7043 is hereby amended to read as follows:**

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, ***by a:***

(a) Municipal court must be paid to ~~[~~:

~~(a) The~~] ***the*** treasurer of the city in which the ~~[civil infraction occurred; or~~

~~(b) If the civil infraction did not occur in a city,~~] ***court is located.***

(b) Justice court must be paid to the treasurer of the county in which the ~~[civil infraction occurred.~~] ***court is located.***

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. A court shall not award attorney's fees or costs to any party in a hearing conducted pursuant to NRS 484A.7041, regardless of the outcome.

Sec. 5. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 ~~[1.]~~ A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

~~[2. The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~

Sec. 6. **NRS 484A.705 is hereby amended to read as follows:**

484A.705 ***1.*** Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction ~~[while]~~ ***and*** the person is ***also charged with driving*** under the influence of alcohol or a controlled substance, the ~~[person]~~ ***civil infraction*** may instead be charged ~~[with]~~ ***as*** a misdemeanor.

2. Except as otherwise provided in this subsection, if a civil infraction is charged as a misdemeanor pursuant to subsection 1, the charge must be reduced to a civil infraction if the charge of driving under the influence of alcohol or a controlled substance is dismissed. The provisions of this subsection do not apply if the dismissal occurs pursuant to a plea agreement.

Sec. 7. **NRS 484B.600 is hereby amended to read as follows:**

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed that results in the injury of another person or of any property.

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding

a bicycle, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1, the court may, in its discretion, reduce the violation from a moving traffic violation to a violation that is not a moving traffic violation ~~[. There is a presumption in favor of reducing the violation]~~ if the person ***:***

(a) Admits to committing the violation and pays the entire amount of the fine and all fees due ***on or*** before the date on which the person is first required to make an appearance relating to the citation ~~[, whether by personal appearance or through]~~ ***; and***

(b) Provides the court with a copy of his or her ~~[counsel, but such a presumption may be overcome]~~ ***driving record.***

5. The court shall not reduce a violation pursuant to subsection 4 if the driving record of the person demonstrates a pattern of moving traffic violations.

~~[5.]~~ ***6.*** Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed $20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine and all fees due in accordance with subsection 4.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than $1,000.

~~[7.]~~ ***8.*** A person who commits a violation of any provision of this section and, at the time the violation was committed, was operating a vehicle at a rate of speed that was 30 miles per hour or more over that posted by a public authority is guilty of a misdemeanor.

9. As used in this section, "driving record" means a record of:

(a) Each conviction for a traffic offense that occurred within the immediately preceding 10 years;

(b) Each finding that a person committed a civil infraction within the immediately preceding 10 years; and

(c) Each citation issued to a person for a moving traffic violation that was subsequently reduced to a nonmoving violation within the immediately preceding 10 years.

Sec. 8. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

In addition to any other authority granted pursuant to this chapter, the board of county commissioners may, by ordinance, impose a civil penalty in lieu of a criminal penalty for a violation of a county ordinance, unless state

law expressly prohibits the imposition of a civil penalty or prescribes a criminal penalty for the same act or omission.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 64.

Bill read third time.

Roll call on Assembly Bill No. 64:

YEAS—39.

NAYS—Gallant, Gray, Gurr—3.

Assembly Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 416.

Bill read third time.

Roll call on Assembly Bill No. 416:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—13.

Assembly Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 583.

Bill read third time.

Roll call on Assembly Bill No. 583:

YEAS—42.

NAYS—None.

Assembly Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 586.

Bill read third time.

Remarks by Assemblymember Brown-May.

Conflict of interest declared by Assemblymember Brown-May.

ASSEMBLYMEMBER BROWN-MAY:

For the purpose of acknowledging Assembly Standing Rule No. 23, I would like to disclose that my employer is a job and day training provider and contracts to provide services for people with intellectual or developmental disabilities through the Nevada Division of Aging and Disability Services. It is not clear if my organization will receive funding through this measure. After conferring with legal counsel and out of an abundance of caution, I want to make sure this information is disclosed on the record. I will abstain from voting on Assembly Bill No. 586.

Roll call on Assembly Bill No. 586:
YEAS—41.
NAYS—None.
NOT VOTING—Brown-May.
Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 591.
Bill read third time.
Roll call on Assembly Bill No. 591:
YEAS—42.
NAYS—None.
Assembly Bill No. 591 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 592.
Bill read third time.
Roll call on Assembly Bill No. 592:
YEAS—42.
NAYS—None.
Assembly Bill No. 592 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 41.
Bill read third time.
Roll call on Senate Bill No. 41:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 46.
Bill read third time.
Roll call on Senate Bill No. 46:
YEAS—42.
NAYS—None.
Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 97, 99, 225, 241, 273, 274, 290, 343, 406, 408, 409, 410, 416, 419, 421, 428, 437, 439, 444, and

445 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 97.

Bill read third time.

Roll call on Senate Bill No. 97:

YEAS—42.

NAYS—None.

Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 99.

Bill read third time.

Roll call on Senate Bill No. 99:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Roll call on Senate Bill No. 225:

YEAS—40.

NAYS—Dickman, Kasama—2.

Senate Bill No. 225 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 241.

Bill read third time.

Roll call on Senate Bill No. 241:

YEAS—42.

NAYS—None.

Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 273.

Bill read third time.

Roll call on Senate Bill No. 273:

YEAS—42.

NAYS—None.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Roll call on Senate Bill No. 274:

YEAS—42.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 290.

Bill read third time.

Roll call on Senate Bill No. 290:

YEAS—42.

NAYS—None.

Senate Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Roll call on Senate Bill No. 343:

YEAS—42.

NAYS—None.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Roll call on Senate Bill No. 406:

YEAS—35.

NAYS—Gallant, Gray, Gurr, Hafen, Hibbetts, Kasama, O'Neill—7.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Roll call on Senate Bill No. 408:

YEAS—42.

NAYS—None.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.
Bill read third time.
Roll call on Senate Bill No. 409:
YEAS—42.
NAYS—None.
Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 410.
Bill read third time.
Roll call on Senate Bill No. 410:
YEAS—35.
NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, O'Neill—7.
Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 416.
Bill read third time.
Roll call on Senate Bill No. 416:
YEAS—42.
NAYS—None.
Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 419.
Bill read third time.
Roll call on Senate Bill No. 419:
YEAS—42.
NAYS—None.
Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 421.
Bill read third time.
Roll call on Senate Bill No. 421:
YEAS—42.
NAYS—None.
Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Roll call on Senate Bill No. 428:

YEAS—42.
NAYS—None.
Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 437.
Bill read third time.
Roll call on Senate Bill No. 437:
YEAS—42.
NAYS—None.
Senate Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 439.
Bill read third time.
Roll call on Senate Bill No. 439:
YEAS—42.
NAYS—None.
Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 444.
Bill read third time.
Roll call on Senate Bill No. 444:
YEAS—42.
NAYS—None.
Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 445.
Bill read third time.
Roll call on Senate Bill No. 445:
YEAS—42.
NAYS—None.
Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 2:16 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 500, 501, 502.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 500.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 501.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 502.

Assemblymember Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 93, 101, 102, 113, 114, 116, 117, 120, 121, 124, 125, 137, 141, 142, 155, 162, 166, 167, 171, 181, 183, 188, 189, 194, 196, 198, 203, 208, 210, 215, 251, 266, 268, 276, 278, 279, 284, 285, 291, 297, 299, 301, 313, 315, 319, 320, 321, 322, 325, 326, 327, 330, 338, 347, 349, 358, 370, 371, 372, 375, 386, 387, 395, 405, 414, and 426 be taken from their place on the General File and be placed on the General File of the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 451.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Nielsen, Rebecca Ortiz, and Steven Cohen.

On request of Assemblymember Dalia, the privilege of the floor of the Assembly Chamber for this day was extended to Eve Eriksson Woodruff.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Ron McMillan.

On request of Assemblymember Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Binder and Marisol Rivas.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Eagle Valley Middle School: Alakai Simpson, Amelia Schnaible, Andrik Topete, Ava Claridge, Ayden O'Connor, Ayomide Fadina, Chloe Snyder, Corbin Steger, David Carrasco, Elodie Paslov, Fen MacDougall, Fifi Maiello, Griffin Shaw, Hawkeye Syndergaard, Hazel Ruthenbeck, Izzy Granados, Jose Albilla, Joselyn Delallana, Kaiya Querin-Fuller, Kalina Hudson, Leina Bourbon Brown, Lesly Sarantes Duarte, Levi Davis, Lily Hamtak, Lily Uttinger, Mackenzie Gelbaum, Maddie Camper, Madelyn Romeo, Michaela Cooper, Neko Bowers, Paigelyn Miles, Poppy Hebb, Queren Andrade, Sadie Parr, Samuel Papez, Savanah Meznarich, Sean Reed, Seth Donnelly, Tristin Sandoval, and Will Cooper.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Martin Sanchez and Shannon Burress.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, May 22, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:19 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 22, 2025

Assembly called to order at 12:28 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Chaplain Ron McMillin.

Dear Heavenly Father, with reverence and humility, we come before You, seeking Your wisdom for these members as they carry out the responsibilities entrusted to them. Grant them discernment and steadfastness as they govern with integrity and honor. Strengthen them to persevere through long days and demanding challenges.

May their hearts be guided by humility and compassion, striving always to serve all people impartially. In moments of difficulty, may they find strength; in times of division, may they pursue unity and extend grace to one another. May they faithfully honor the trust placed in them by those they represent, working to build a future founded upon Liberty and Justice for all.

Guide their deliberations today. May Your Word be a lamp to their feet and a light to their path-Psalm 119:105. May Your grace sustain their work, and may "Your will be done, on earth as it is in heaven," -Matthew 6:10.

In the name of Christ Jesus, my Lord and Savior, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 191, 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 8, 10, 11, 14, 25, 26, 28, 36, 41, 42, 45, 65, 69, 72, 86, 98, 125, 136, 140,

142, 144, 150, 174, 177, 197, 201, 205, 223, 232, 235, 236, 237, 239, 244, 245, 248, 256, 266, 278, 280, 281, 321, 325, 329, 342, 347, 348, 354, 355, 360, 365, 367, 407, 417, 422, 429, 477, 480, 484, 490, 506, 507, 509, 513, 519, 547.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 12, Amendment No. 591; Assembly Bill No. 19, Amendment No. 637; Assembly Bill No. 82, Amendment No. 691; Assembly Bill No. 83, Amendment No. 692; Assembly Bill No. 176, Amendment No. 636; Assembly Bill No. 184, Amendment No. 615; Assembly Bill No. 198, Amendment No. 581; Assembly Bill No. 301, Amendment No. 696; Assembly Bill No. 350, Amendment No. 679; Assembly Bill No. 368, Amendment No. 635; Assembly Bill No. 387, Amendment No. 577; Assembly Bill No. 406, Amendment No. 664; Assembly Bill No. 411, Amendment No. 585; Assembly Bill No. 420, Amendment No. 616; Assembly Bill No. 450, Amendment No. 584; Assembly Bill No. 454, Amendment No. 614; Assembly Bill No. 486, Amendment No. 598, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 108, 452, 454, 455, 456, 462, 464.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 83, 88, 262, 373, 374, 432, 459.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 240.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 562 to Senate Bill No. 49.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 500, 501, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Joint Resolution No. 1.

Resolution read third time.

Roll call on Senate Joint Resolution No. 1:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Roll call on Senate Joint Resolution No. 7:

YEAS—35.

NAYS—DeLong, Gray, Gurr, Hafen, Hansen, Koenig, O'Neill—7.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 8.
Resolution read third time.
Roll call on Senate Joint Resolution No. 8:
YEAS—39.
NAYS—DeLong, Gray, Gurr—3.
Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 9.
Resolution read third time.
Roll call on Senate Joint Resolution No. 9:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.
Resolution read third time.
Roll call on Senate Joint Resolution No. 10:
YEAS—36.
NAYS—Goulding, Gurr, Hafen, Hardy, Miller, O'Neill—6.
Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 2.
Assemblymember Jauregui moved the adoption of the resolution.
Resolution adopted.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 12.
Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 83.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 88.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 108.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 240.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 262.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 373.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 374.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 432.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 452.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 454.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 455.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 456.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 459.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 462.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 555.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time and ordered to third reading.

Senate Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 693.

AN ACT relating to taxation; requiring an applicant for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that is located in an economic diversification district to enter into an agreement with certain local governments to defray the cost of services provided by the local governments under certain circumstances; revising provisions governing applications for the issuance of transferable tax credits and the partial abatement of certain taxes for a project that satisfies certain capital investment and other requirements; authorizing a fire protection district to abate certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve applications for an abatement or partial abatement of certain taxes and the issuance of transferable tax credits submitted by the lead participant in a qualified project that will make a capital investment in this State of at least $1 billion. (NRS 360.880-360.980) Additionally, existing law authorizes the governing body of a county or city in which a qualified project is or is expected to be located to: (1) create an economic diversification district that includes within its boundaries the qualified project; and (2) pledge for certain purposes the proceeds of all sales and use taxes imposed in the county or city on each participant in the qualified project, other than any sales and use taxes for which an abatement is received. (Chapter 271B of NRS) **Sections 2 and 6** of this bill

require, as a condition of eligibility for the transferable tax credits or the abatement or partial abatement of taxes for a project that is or will be located in an economic diversification district, the lead participant to enter into an agreement with the governing body of the city, county or fire protection district in which the project is located, if the governing body so requires, to require the lead participant to make payments to defray the cost of local governmental services and infrastructure to service the project. **Sections 2 and 6: (1) provide that the city or county in which a project is located is the lead negotiator for all such agreements; and (2) authorize a city, county or fire protection district that is not the lead negotiator to enter into an interlocal agreement with the lead negotiator.** **Sections 2, 3, 6 and 7** make records, files and communications exchanged between the lead participant and a county, city or fire protection district for the purpose of entering into certain agreements confidential and prohibit the disclosure of such records, files and communications except with the consent of the lead participant. **Section 10** of this bill provides that these records, files and communications are not public records. **Section 11** of this bill makes a conforming change to reflect that the governing body of a county or city is authorized to enter into agreements with owners of any interest in property for the payment of amounts to defray the costs of local government services, in addition to the agreement which the governing body of the county or city is required to enter into with the lead participant pursuant to **sections 2 and 6**.

Existing law prohibits the Office from approving an application for a partial abatement for a qualified project whose participants intend to make a capital investment in this State of at least $1 billion unless the lead participant of the project has entered into an agreement with the Office establishing certain terms for the abatement, including the date on which the abatement becomes effective, which must not be earlier than the date on which the Office receives the application and not later than 1 year after the date on which the Office approves the application. (NRS 360.889) **Section 2** limits the requirement to state the effective date of the partial abatement in the agreement to partial abatements of property taxes and requires the effective date of such an abatement, as established by the agreement, to be not earlier than July 1 of the fiscal year in which the Office executes the agreement. **Section 6** adds a similar requirement regarding the effective date of an abatement to applications for an abatement for a qualified project whose participants intend to make a capital investment in this State of at least $3.5 billion.

Sections 3 and 7 of this bill require the Office, within 15 days after receipt of an application for transferable tax credits or an abatement or partial abatement of taxes for a project with a capital investment of at least $1 billion in this State, to send a notification containing certain information to each city, county and fire protection district in which the project will be located. **Sections 3 and 7** authorize the disclosure of certain confidential information in an application to an officer or employee of a county, city or fire protection district who is subject to an agreement prohibiting further disclosure of the

information. **Sections 3 and 7** require the Office to receive a letter of acknowledgment of an application from certain local governments before considering the application, unless such a letter is not received within 30 days of a request for the letter.

Finally, **sections 3 and 7** require the governing body of the county, city or fire protection district to state in the letter of acknowledgment whether the governing body will require the lead participant to enter into an agreement to defray the cost of local government services and infrastructure.

Existing law authorizes the governing body of a county or city to grant an abatement of all or part of any permitting fee or licensing fee which the local government is authorized to impose, for the purpose of encouraging local economic development. (NRS 360.896, 360.980) **Sections 5 and 9** of this bill similarly authorize a fire protection district to grant an abatement of any permitting fee or licensing fee which the fire protection district is authorized to impose.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 360.889 is hereby amended to read as follows:

360.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 5;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements

required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds issued pursuant to NRS 360.991; ~~[and]~~

(o) ***If the qualified project is or will be located in an economic diversification district created pursuant to NRS 271B.070 and the governing body of the county, city or fire protection district in which the project is located so requires, enter into an agreement with the governing body that requires the lead participant to make payments:***

(1) In a specified amount or according to an agreed upon formula; and

(2) Which do not exceed ~~[:]~~ the lesser of:

(I) In total for all such agreements, 10 percent of the amount of the partial abatement of property taxes and local sales and use taxes approved for the project; or

(II) The amount necessary to defray, in whole or in part, the cost of local government services and infrastructure necessary to serve the qualified project during the term of the use of any money pledged pursuant to NRS 271B.070; and

(p) Meet any other requirements prescribed by the Office.

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

(a) The initial project will have a total of 500 or more full-time employees employed at the site of the initial project and the average hourly wage that will be paid to employees of the initial project in this State is at least 120 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(b) Each participant in the project must be a subsidiary or affiliate of the lead participant; and

(c) Each participant offers primary jobs and:

(1) Except as otherwise provided in subparagraph (2), satisfies the requirements of paragraph (f) or (g) of subsection 2 of NRS 360.750, regardless of whether the business is a new business or an existing business; and

(2) If a participant owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft, that the participant satisfies the applicable requirements of paragraph (f) or (g) of subsection 2 of NRS 360.753.

➥ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the

participants in the project collectively will make a total new capital investment of at least $1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

4. In addition to meeting the requirements set forth in subsection 2, a project is eligible for the transferable tax credits described in paragraph (a) of subsection 1 only if the Interim Finance Committee approves a written request for the issuance of the transferable tax credits. Such a request may only be submitted by the Office and only after the Office has approved the application submitted for the project pursuant to subsection 2. The Interim Finance Committee may approve a request submitted pursuant to this subsection only if the Interim Finance Committee determines that approval of the request:

(a) Will not impede the ability of the Legislature to carry out its duty to provide for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year as set forth in Article 9, Section 2 of the Nevada Constitution; and

(b) Will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053.

5. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site or sites;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $1 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which ~~[the]~~ ***any*** partial abatement ***of property taxes*** becomes effective, as agreed to by the applicant and the Office, which must not be earlier than ~~[the date on]~~ ***July 1 of the fiscal year in*** which the ***agreement is executed by the*** Office ~~[received the application]~~ and not later than 1 year after the date on which the Office approves the application;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

(4) Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A copy of each agreement, if any, required by paragraph (o) of subsection 2; and***

(g) Any other information required by the Office.

6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

(1) Current and valid Nevada driver's license of the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee or a current and valid identification card for the employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or

(2) If the employee is a veteran of the Armed Forces of the United States, a current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director

of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

11. If an applicant for one or more partial abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 5 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

12. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into an agreement required pursuant to paragraph (o) of subsection 2 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement required pursuant to paragraph (o) of subsection 2 must be conducted in accordance with the provisions of chapter 241 of NRS.

13. The incorporated city in which a project is located, or the county in which a project is located if the project is not located in an incorporated city, shall serve as the lead negotiator for the purpose of negotiating and entering into any agreement required pursuant to paragraph (o) of subsection 2. The governing body of a county, city or fire protection district which requires an agreement pursuant to paragraph (o) of subsection 2 but which is not the lead negotiator pursuant to this subsection may enter into an interlocal agreement with the lead negotiator concerning the representation of the county, city or fire protection district, as applicable, by the lead negotiator. An interlocal agreement entered into pursuant to this subsection must not require a county, city or fire protection district to compensate the lead negotiator or otherwise impose any monetary obligation on the parties to the interlocal agreement.

14. As used in this section, "local government services and infrastructure" includes, without limitation:

(a) Fire suppression;

(b) Emergency medical services;

(c) Law enforcement;

(d) Emergency management, hazardous materials incident response and emergency mitigation and planning;

(e) ~~[Emergency dispatch and communications;~~

~~(f)]~~ Specialized life-safety response and prevention training;

~~[(g) Court services;~~

~~(h) General government services, including, without limitation, services provided by the county assessor, recorder, clerk or treasurer and services related to permits, plans and inspections;~~

~~(i)~~ *(f) Solid waste management;*

~~(j)~~ *(g) Roads;*

~~(k)~~ *(h) Stormwater management;*

~~(l)~~ *(i) Water and sewer; and*

~~(m)~~ *(j) Any other services or infrastructure agreed upon by the lead participant of a project and the county, city or fire protection district.*

Sec. 3. NRS 360.890 is hereby amended to read as follows:

360.890 1. If the Office of Economic Development receives an application pursuant to NRS 360.889, the Office:

(a) Shall ***, not later than 15 days after receiving the application, provide notice of the application to the governing body of each county in which the project will be located, the governing body of any city in which the project will be located and the governing body of any fire protection district in which the project will be located. Not later than 15 days before any public meeting at which the Office will take action on the application, the governing body of each county, city and fire protection district that received notice of the application pursuant to this paragraph may designate a representative of the governing body, who may be a member of the governing body or an employee of the county, city or fire protection district, as applicable, to engage directly with the Office on matters concerning the application and to provide comment to the Office on the application. Notwithstanding the provisions of subsections 5 and 7 and except as otherwise provided in this paragraph, upon the request of a representative designated pursuant to this paragraph, the Office shall disclose to the representative the information contained in the application. Before receiving any information contained in the application, the representative designated pursuant to this paragraph who requested the information must sign a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person other than a person to whom disclosure of the information contained in the application is authorized pursuant to subsection 5 or 7.***

(b) Except as otherwise provided in this paragraph, shall not consider the application unless the Office has requested ***and received*** a letter of acknowledgment of the request for a partial abatement from any county, school district, ***fire protection district,*** city or town which the Office determines may experience a direct economic effect as a result of the partial abatement. ***If, within 30 days of sending a request for a letter of acknowledgment from an entity from which the Office is required to request such a letter, the Office has not received the letter of acknowledgment, the Office may consider the application without receiving the letter of acknowledgment. If the governing body of the county, city or fire protection district wishes to require the lead participant in the project to enter into an agreement pursuant to paragraph (o) of subsection 2 of NRS 360.889, the county, city or fire protection district must state in the letter of acknowledgment that such an agreement will be required and that the cost of local government services and infrastructure***

necessary to serve the qualified project cannot be recovered through a special use permit or other cost-sharing mechanism available under chapter 278 of NRS.

~~[(b)]~~ ***(c)*** Shall not take any action on the application unless the Office takes that action at a public meeting conducted for that purpose.

~~[(c)]~~ ***(d)*** Shall, at least 30 days before any public meeting conducted for the purpose of taking any action on the application, provide notice of the application and the date, time and location of the public meeting at which the Office will consider the application to:

(1) Each participant in the project;

(2) The Department;

(3) The Nevada Gaming Control Board;

(4) The governing body of the county, the board of trustees of the school district ***, the governing body of the fire protection district*** and the governing body of the city or town, if any, in which the project will be located;

(5) The governing body of any other political subdivision that the Office determines could experience a direct economic effect as a result of the abatement; and

(6) The general public.

2. The date of the public meeting to consider an application submitted pursuant to NRS 360.889 must be not later than 60 days after the date on which the Office receives the completed application.

3. The Office shall approve an application submitted pursuant to NRS 360.889 if the Office finds that the project is a qualified project. The Office shall issue a decision on the application not later than 30 days after the conclusion of the public meeting on the application. Not later than 30 days after the Office issues a decision approving an application submitted pursuant to NRS 360.889 in which the lead participant applies for a certificate of eligibility for the transferable tax credits described in paragraph (a) of subsection 1 of NRS 360.889, the Office must submit a written request to the Interim Finance Committee for approval of the issuance of the transferable tax credits.

4. The lead participant in a qualified project shall submit all accountings and other required information to the Office and the Department not later than 30 days after a date specified in the decision issued by the Office. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the lead participant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

5. Until the Office of Economic Development provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the information contained in the application provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

6. After the Office provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1:

(a) The application is a public record; and

(b) Upon request by any person, the Executive Director of the Office shall disclose the application to the person who made the request, except for any information in the application that is protected from disclosure pursuant to subsection 7.

7. Before the Executive Director of the Office discloses the application to the public, the lead participant may submit a request to the Executive Director of the Office to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial review. If the Executive Director of the Office determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director of the Office from any copy of the application that is disclosed to the public; and

(d) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the

representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

8. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into a nondisclosure agreement pursuant to subsection 1, 5 or 7 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement pursuant to subsection 1, 5 or 7 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 360.896 is hereby amended to read as follows:

360.896 1. For the purpose of encouraging local economic development, the governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 ***,*** ~~[or]~~ 268 ***or 474*** of NRS.

2. Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance ***and a fire protection district must provide by regulation*** for a pilot project for granting abatements to participants in a qualified project.

3. A governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** that grants an abatement pursuant to subsection 1 shall, on or before October 1 of each year in which such an abatement is granted, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

(a) The number of qualified projects located within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;

(b) If applicable, the number and dollar amount of the abatements granted by the governing body pursuant to subsection 1; and

(c) The number of persons within the jurisdiction of the governing body that were employed by each participant in a qualified project and the amount of wages paid to those persons.

Sec. 6. NRS 360.945 is hereby amended to read as follows:

360.945 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for:

(a) A certificate of eligibility for transferable tax credits which may be applied to:

(1) Any tax imposed by chapters 363A and 363B of NRS;

(2) The gaming license fees imposed by the provisions of NRS 463.370;

(3) Any tax imposed by chapter 680B of NRS; or

(4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) An abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

2. For a project to be eligible for the transferable tax credits described in paragraph (a) of subsection 1 and abatement of the taxes described in paragraph (b) of subsection 1, the lead participant in the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;

(c) Provide documentation satisfactory to the Office that the participants in the project collectively will make a total new capital investment of at least $3.5 billion in this State within the 10-year period immediately following approval of the application;

(d) Provide documentation satisfactory to the Office that the participants in the project are engaged in a common business purpose or industry;

(e) Provide documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site;

(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;

(g) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;

(h) Provide documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(i) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(j) Provide documentation satisfactory to the Office that each participant in the project provides a plan of health insurance and that each employee

employed at the project by each participant is offered coverage under the plan of health insurance provided by his or her employer;

(k) Provide documentation satisfactory to the Office that at least 50 percent of the employees engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of Nevada residents available and qualified for such employment;

(l) Agree to provide the Office with a full compliance audit of the participants in the project at the end of each fiscal year which:

(1) Shows the amount of money invested in this State by each participant in the project;

(2) Shows the number of employees engaged in the construction of the project and the number of those employees who are residents of Nevada;

(3) Shows the number of employees employed at the project by each participant and the number of those employees who are residents of Nevada; and

(4) Is certified by an independent certified public accountant in this State who is approved by the Office;

(m) Pay the cost of the audit required by paragraph (l);

(n) Enter into an agreement with the governing body of the city or county in which the qualified project is located that:

(1) Requires the lead participant to pay the cost of any engineering or design work necessary to determine the cost of infrastructure improvements required to be made by the governing body pursuant to an economic development financing proposal approved pursuant to NRS 360.990; and

(2) Requires the lead participant to seek reimbursement for any costs paid by the lead participant pursuant to subparagraph (1) from the proceeds of bonds of the State of Nevada issued pursuant to NRS 360.991; ~~[and]~~

(o) ***If the qualified project is or will be located in an economic diversification district created pursuant to NRS 271B.070 and the governing body of the county, city or fire protection district in which the project is located so requires, enter into an agreement with the governing body that requires the lead participant to make payments:***

(1) In a specified amount or according to an agreed upon formula; and

(2) Which do not exceed ~~[:]~~ the lesser of:

(I) In total for all such agreements, ~~[20]~~ 10 percent of the amount of the partial abatement of property taxes and local sales and use taxes approved for the project; or

(II) The amount necessary to defray, in whole or in part, the cost of local government services and infrastructure necessary to serve the qualified project during the term of the use of any money pledged pursuant to NRS 271B.070; and

(p) Meet any other requirements prescribed by the Office.

3. An application submitted pursuant to subsection 2 must include:

(a) A detailed description of the project, including a description of the common purpose or business endeavor in which the participants in the project are engaged;

(b) A detailed description of the location of the project, including a precise description of the geographic boundaries of the project site;

(c) The name and business address of each participant in the project, which must be an address in this State;

(d) A detailed description of the plan by which the participants in the project intend to comply with the requirement that the participants collectively make a total new capital investment of at least $3.5 billion in this State in the 10-year period immediately following approval of the application;

(e) If the application includes one or more abatements, an agreement executed by the Office with the lead participant in the project not later than 1 year after the date on which the application was received by the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) ***States the date on which any abatement of property taxes becomes effective, as agreed to by the applicant and the Office, which must not be earlier than July 1 of the fiscal year in which the agreement is executed by the Office and not later than 1 year after the date on which the Office approves the application;***

(3) States that the project will, after the date on which a certificate of eligibility for the abatement is approved pursuant to NRS 360.965, continue in operation in this State for a period specified by the Office; and

~~[(3)]~~ ***(4)*** Binds successors in interest of the lead participant for the specified period; ~~[and]~~

(f) ***A copy of each agreement, if any, required pursuant to paragraph (o) of subsection 2; and***

(g) Any other information required by the Office.

4. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is employed full-time and scheduled to work for an average minimum of 30 hours per week; and

(d) Proof that the employee is offered coverage under a plan of health insurance provided by his or her employer.

5. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and

documented proof that an insufficient number of Nevada residents is available and qualified for employment.

6. The Executive Director of the Office shall make available to the public and post on the Internet website for the Office:

(a) Any request for a waiver of the requirements set forth in paragraph (k) of subsection 2; and

(b) Any approval of such a request for a waiver that is granted by the Executive Director of the Office.

7. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

8. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.

9. If an applicant for one or more abatements pursuant to this section fails to execute the agreement described in paragraph (e) of subsection 3 within 1 year after the date on which the application was received by the Office, the applicant shall not be approved for an abatement pursuant to this section unless the applicant submits a new application.

10. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into an agreement required pursuant to paragraph (o) of subsection 2 are confidential, not a public record and must not be disclosed to any person who is not a party to the negotiations, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement required pursuant to paragraph (o) of subsection 2 must be conducted in accordance with the provisions of chapter 241 of NRS.

11. The incorporated city in which a project is located, or the county in which a project is located if the project is not located in an incorporated city, shall serve as the lead negotiator for the purpose of negotiating and entering into any agreement required pursuant to paragraph (o) of subsection 2. The governing body of a county, city or fire protection district which requires an agreement pursuant to paragraph (o) of subsection 2 but which is not the lead negotiator pursuant to this subsection may enter into an interlocal agreement with the lead negotiator concerning the representation of the

county, city or fire protection district, as applicable, by the lead negotiator. An interlocal agreement entered into pursuant to this subsection must not require a county, city or fire protection district to compensate the lead negotiator or otherwise impose any monetary obligation on the parties to the interlocal agreement.

12. As used in this section, "local government services and infrastructure" includes, without limitation:

(a) Fire suppression;

(b) Emergency medical services;

(c) Law enforcement;

(d) Emergency management, hazardous materials incident response and emergency mitigation and planning;

(e) [Emergency dispatch and communications;

(f)] Specialized life-safety response and prevention training;

[(g) Court services;

(h) General government services, including, without limitation, services provided by the county assessor, recorder, clerk or treasurer and services related to permits, plans and inspections;

(i)] (f) Solid waste management;

[(j)] (g) Roads;

[(k)] (h) Stormwater management;

[(l)] (i) Water and sewer; and

[(m)] (j) Any other services or infrastructure agreed upon by the lead participant of a project and the county, city or fire protection district.

Sec. 7. NRS 360.950 is hereby amended to read as follows:

360.950 1. If the Office of Economic Development receives an application pursuant to NRS 360.945, the Office:

(a) Shall ***, not later than 15 days after receiving the application, provide notice of the application to the governing body of each county in which the project will be located, the governing body of any city in which the project will be located and the governing body of any fire protection district in which the project will be located. Not later than 15 days before any public meeting at which the Office will take action on the application, the governing body of each county, city and fire protection district that received notice of the application pursuant to this paragraph may designate a representative of the governing body, who may be a member of the governing body or an employee of the county, city or fire protection district, as applicable, to engage directly with the Office on matters concerning the application and to provide comment to the Office on the application. Notwithstanding the provisions of subsections 5 and 7 and except as otherwise provided in this paragraph, upon the request of a representative designated pursuant to this paragraph, the Office shall disclose to the representative the information contained in the application. Before receiving any information contained in the application, the representative designated pursuant to this paragraph who requested the information must sign a nondisclosure agreement prohibiting***

the representative from disclosing any information contained in the application to any person other than a person to whom disclosure of the information contained in the application is authorized pursuant to subsection 5 or 7.

(b) Except as otherwise provided in this paragraph, shall not consider the application unless the Office has requested ***and received*** a letter of acknowledgment of the request for an abatement from any county, school district, ***fire protection district,*** city or town which the Office determines may experience a direct economic effect as a result of the abatement. ***If, within 30 days of sending a request for a letter of acknowledgment from an entity from which the Office is required to request such a letter, the Office has not received the letter of acknowledgment, the Office may consider the application without receiving the letter of acknowledgment. If the governing body of the county, city or fire protection district wishes to require the lead participant in the project to enter into an agreement pursuant to paragraph (o) of subsection 2 of NRS 360.945, the county, city or fire protection district must state in the letter of acknowledgment that such an agreement will be required and that the cost of local government services and infrastructure necessary to serve the qualified project cannot be recovered through a special use permit or other cost-sharing mechanism available under chapter 278 of NRS.***

~~[(b)]~~ ***(c)*** Shall not take any action on the application unless the Office takes that action at a public meeting conducted for that purpose.

~~[(c)]~~ ***(d)*** Shall, at least 30 days before any public meeting conducted for the purpose of taking any action on the application, provide notice of the application and the date, time and location of the public meeting at which the Office will consider the application to:

(1) Each participant in the project;

(2) The Department;

(3) The Nevada Gaming Control Board;

(4) The governing body of the county, the board of trustees of the school district ***, the governing body of the fire protection district*** and the governing body of the city or town, if any, in which the project will be located;

(5) The governing body of any other political subdivision that the Office determines could experience a direct economic effect as a result of the abatement; and

(6) The general public.

2. The date of the public meeting to consider an application submitted pursuant to NRS 360.945 must be not later than 60 days after the date on which the Office receives the completed application.

3. The Office shall approve an application submitted pursuant to NRS 360.945 if the Office finds that the project is a qualified project. The Office shall issue a decision on the application not later than 30 days after the conclusion of the public meeting on the application.

4. The lead participant in a qualified project shall submit all accountings and other required information to the Office and the Department not later than 30 days after a date specified in the decision issued by the Office. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the lead participant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

5. Until the Office of Economic Development provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the information contained in the application provided to the Office of Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

6. After the Office provides notice of the application and the public meeting pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1:

(a) The application is a public record; and

(b) Upon request by any person, the Executive Director of the Office shall disclose the application to the person who made the request, except for any information in the application that is protected from disclosure pursuant to subsection 7.

7. Before the Executive Director of the Office discloses the application to the public, the lead participant may submit a request to the Executive Director of the Office to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial

review. If the Executive Director of the Office determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director of the Office from any copy of the application that is disclosed to the public; and

(d) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure. ***The information contained in the application provided to the Office of Economic Development may be disclosed to any of the following persons:***

(1) A representative of the governing body of a county, city or fire protection district who was designated pursuant to paragraph (a) of subsection 1 and has signed a nondisclosure agreement prohibiting the representative from disclosing any information contained in the application to any person, except as authorized by this subsection.

(2) An officer or employee of a county, city or fire protection district that has designated a representative pursuant to paragraph (a) of subsection 1 if the officer or employee has signed a nondisclosure agreement prohibiting the officer or employee from disclosing any information contained in the application, except as authorized by this subsection.

8. The records, files and communications exchanged between the lead participant in a project and a county, city or fire protection district for the purpose of negotiating and entering into a nondisclosure agreement pursuant to subsection 1, 5 or 7 are confidential, not a public record and must not be disclosed to any person who is not an officer or employee of the county, city or fire protection district, unless the lead participant consents to the disclosure. Notwithstanding the provisions of this subsection, a meeting of the governing body of a city, county or fire protection district to approve an agreement pursuant to subsection 1, 5 or 7 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 360.980 is hereby amended to read as follows:

360.980 1. For the purpose of encouraging local economic development, the governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 ***,*** ~~[or]~~ 268 ***or 474*** of NRS.

2. Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance ***and a fire protection district must provide by regulation*** for a pilot project for granting abatements to participants in a qualified project.

3. A governing body of a city ***,*** ~~[or]~~ county ***or fire protection district*** that grants an abatement pursuant to subsection 1 shall, on or before October 1 of

each year in which such an abatement is granted, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

(a) The number of qualified projects located within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;

(b) If applicable, the number and dollar amount of the abatements granted by the governing body pursuant to subsection 1; and

(c) The number of persons within the jurisdiction of the governing body that were employed by each participant in a qualified project and the amount of wages paid to those persons.

Sec. 10. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, ***360.889, 360.890, 360.945, 360.950,*** 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,

379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 11. NRS 271B.110 is hereby amended to read as follows:

271B.110 ~~[The]~~ ***In addition to any agreement required pursuant to NRS 360.889 or 360.945, the*** governing body of a municipality may enter into an agreement with one or more of the owners of any interest in property within a district, pursuant to which that owner would agree to make payments to the municipality or to another local government that provides services in the district, or to both, to defray, in whole or in part, the cost of local governmental services during the term of the use of any money pledged pursuant to NRS 271B.070. Such an agreement must specify the amount to be paid by the owner of the property interest, which may be stated as a specified amount per year or as an amount based upon any formula upon which the municipality and owner agree.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. 1. The amendatory provisions of sections 2 and 3 of this act apply only to an application submitted to the Office of Economic Development pursuant to NRS 360.889 on or after October 1, 2025.

2. The amendatory provisions of sections 6 and 7 of this act apply only to an application submitted to the Office of Economic Development pursuant to NRS 360.945 on or after October 1, 2025.

Sec. 14. 1. This section and sections 1, 10, 12 and 13 of this act become effective on October 1, 2025.

2. Sections 2 to 5, inclusive, of this act become effective on October 1, 2025, and expire by limitation on June 30, 2032.

3. Sections 6 to 9, inclusive, and 11 of this act become effective on October 1, 2025, and expire by limitation on June 30, 2036.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 710.

AN ACT relating to motor vehicles; expanding to certain employees of the Department of Motor Vehicles the authority to inspect vehicles to determine rightful ownership or possession; ~~[requiring businesses that repair certain motortrucks to comply with provisions regulating garages, garage operators and body shops;]~~ authorizing certain employees of the Department to apply for certain court orders and complete necessary affidavits for such orders; ~~[revising provisions]~~ prohibiting a person from tampering with a device for the control of emissions of a motor vehicle or removing such a device from a motor vehicle; **prohibiting a person from possessing an electronic device**

capable of tampering with a device for the control of emissions of a motor vehicle; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an employee of the Department of Public Safety or a local law enforcement agency whose primary responsibility is to conduct investigations involving the theft of motor vehicles to inspect, under certain circumstances, the identification numbers of a vehicle and the title or registration of a vehicle or a part of the vehicle for the purpose of locating stolen vehicles. (NRS 480.610) **Section 1** of this bill additionally authorizes an employee of the Department of Motor Vehicles whose primary responsibility is to conduct investigations involving the theft of motor vehicles to conduct such an inspection.

~~[Existing law exempts a business that only performs services on motortrucks with a gross weight of more than 10,000 pounds from: (1) the requirement to be registered as a garage or licensed as a body shop; and (2) other requirements governing the operation of garages and body shops. (NRS 487.532, 487.540, 487.550, 487.560 487.687) Section 4 of this bill removes that exemption, thereby requiring such a business to comply with those requirements.]~~

Existing law requires a person to obtain an order from a court before installing or using a pen register or trap and trace device, except as otherwise authorized by federal law. Existing law authorizes a peace officer to apply for such an order if an application is supported by an affidavit by a peace officer that complies with federal law. (NRS 179.530) **Section 6** of this bill additionally authorizes personnel of the Department of Motor Vehicles who have the powers of a peace officer to apply for such an order from a court and complete the required supporting affidavits.

Existing law makes it unlawful for a person to: (1) possess or issue fraudulent or unauthorized evidence that a motor vehicle complies with the required equipment for the control of emissions from engines; or (2) willfully and knowingly fail to comply with any provision relating to the control of emissions from engines. (NRS 445B.840) **Section 7** of this bill **prohibits a person from tampering with a device for the control of emissions of a motor vehicle or removing such a device from a motor vehicle. Section 7** establishes circumstances under which exchanging the engine of a motor vehicle for a different engine ~~[is not unlawful.]~~ **does not violate this prohibition. Section 7 additionally prohibits a person from possessing an electronic device capable of tampering with a device for the control of emissions of a motor vehicle.** A violation of the prohibitions imposed by **section 7** would be a misdemeanor. (NRS 445B.845)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 480.610 is hereby amended to read as follows:

480.610 1. For the purpose of locating stolen vehicles, except as otherwise provided in subsection 3, an employee of the Department ***of Public Safety, the Department of Motor Vehicles*** or a local law enforcement agency whose primary responsibility is to conduct investigations involving the theft of motor vehicles, may inspect:

(a) The identification numbers of a vehicle that is on the highway or in any garage, repair shop, terminal, parking facility, establishment where new or used vehicles or equipment for vehicles are sold, leased or rented, vehicle salvage pool or any other similar establishment, or any commercial location where agricultural or construction work is being actively performed; and

(b) The title or registration of a vehicle described in paragraph (a) to determine the rightful ownership or possession of the vehicle or an identifiable component part.

2. Whenever possible, a person who conducts an inspection pursuant to this section shall conduct the inspection during normal business hours and in such a manner as to minimize any interference with or delay of the business operations of the establishment where the inspection takes place.

3. A person may not conduct an inspection pursuant to this section of a terminal that is privately owned or a parking facility that is privately owned unless, before conducting the inspection, the person obtains permission to conduct the inspection from:

(a) The owner of the terminal or parking facility; or

(b) An agent or representative of the owner who has been authorized by the owner to grant permission to a person seeking to conduct an inspection pursuant to this section.

4. As used in this section:

(a) "Garage" has the meaning ascribed to it in NRS 487.540.

(b) "Identifiable component part" means a component of a motor vehicle that may be distinguished from other similar components by a serial number or other distinguishing number, sign or mark.

(c) "Local law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(d) "Parking facility" means a parking deck, parking garage, parking structure or paved or unpaved parking lot that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.

(e) "Terminal" means a terminal that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.

(f) "Vehicle" has the meaning ascribed to it in NRS 482.135.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[NRS 487.550 is hereby amended to read as follows:~~

~~487.550 "Motor vehicle" means:~~

~~1. A passenger car as defined in NRS 482.087;~~

~~2. A mini motor home as defined in NRS 482.066;~~

~~3. A motor home as defined in NRS 482.071;~~

~~4. A recreational vehicle as defined in NRS 482.101;~~

~~5. A motortruck as defined in NRS 482.073 ; [if the gross weight of the vehicle is 10,000 pounds or less;]~~

~~6. A motorcycle as defined in NRS 482.070; and~~

~~7. A trimobile as defined in NRS 482.129.]~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 179.530 is hereby amended to read as follows:

179.530 1. Except as otherwise provided in 18 U.S.C. §§ 3121-3127, a person shall not install or use a pen register or trap and trace device without first obtaining an order from a district court of this State.

2. District courts of this State may issue orders authorizing the installation and use of a pen register or trap and trace device upon the application of a district attorney, the Attorney General or their deputies or of a peace officer, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. §§ 3121-3127.

3. The district court may accept a facsimile or electronic copy of the signature of any person required to give an oath or affirmation as part of an application submitted pursuant to subsection 2 as an original signature to the application.

4. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 2 and for the issuance of an order authorizing the installation and use of a pen register or trap and trace device. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

5. A public utility that relies, in good faith, upon an order of a district court authorizing the installation and use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the installation and use of the pen register or trap and trace device in accordance with the order of the court.

6. As used in this section:

(a) "Peace officer" means:

(1) Sheriffs of counties and metropolitan police departments and their deputies;

(2) Personnel of the Department of Public Safety ***and the Department of Motor Vehicles*** who have the powers of peace officers pursuant to NRS 289.270;

(3) Police officers of cities and towns;

(4) Agents of the Nevada Gaming Control Board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

(5) Special investigators employed by the Attorney General who have the powers of peace officers pursuant to NRS 289.170;

(6) Investigators employed by a district attorney who have the powers of peace officers pursuant to NRS 289.170;

(7) The Inspector General of the Department of Corrections and the criminal investigators employed by the Department who have the powers of peace officers pursuant to NRS 289.220; and

(8) Federal law enforcement officers who are members of a task force composed of federal and state or local law enforcement agencies.

(b) "Pen register" has the meaning ascribed to it in 18 U.S.C. § 3127(3).

(c) "Secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(1) No person other than the intended recipient receives the information;

(2) The identity and signature of the sender of the information can be authenticated; and

(3) The information which is received by the intended recipient is identical to the information that was sent.

(d) "Trap and trace device" has the meaning ascribed to it in 18 U.S.C. § 3127(4).

Sec. 7. NRS 445B.840 is hereby amended to read as follows:

445B.840 ***1.*** It is unlawful for any person to:

~~[1.]~~ ***(a)*** Possess any unauthorized evidence of compliance;

~~[2.]~~ ***(b)*** Make, issue or use any imitation or counterfeit evidence of compliance;

~~[3.]~~ ***(c)*** Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, or any regulation adopted by the Department of Motor Vehicles; ~~[or~~

~~4.]~~ ***(d)*** Issue evidence of compliance if he or she is not a licensed inspector of an authorized inspection station, authorized station or fleet station ~~[.]~~ ***; ~~[or]~~***

(e) Except as otherwise provided in subsection 2, tamper with a device for the control of emissions of a motor vehicle or remove such a device from a motor vehicle, including, without limitation, exchanging the engine of a motor vehicle for a different engine ~~[.]~~ ; or

(f) Possess an electronic device capable of tampering with a device for the control of emissions of a motor vehicle.

2. A person does not violate paragraph (e) of subsection 1 by exchanging the engine of a motor vehicle for ~~[a]~~ :

(a) An electric motor; or

(b) A different engine if ~~[:~~

~~(a) The engine being inserted into the motor vehicle is of the same classification as the engine being removed from the motor vehicle;~~

~~(b) The engine being inserted into the motor vehicle is of the same model year as or newer than the engine being removed from the motor vehicle;~~

~~*(c) Any]*~~ ***any*** ***device for the control of emissions of a motor vehicle that is included with the engine being inserted into the motor vehicle is*** ~~*[:*~~

~~*(1) Operational;*~~

~~*(2) Certified by the United States Environmental Protection Agency; and*~~

~~*(3) Maintained in the configuration for which the device was certified pursuant to subparagraph (2); and*~~

~~*(d) The motor vehicle and any necessary documentation for the engine being inserted into the motor vehicle is submitted to the Department of Motor Vehicles for inspection and approved by the Department of Motor Vehicles.]*~~ ***operational.***

Sec. 8. (Deleted by amendment.)

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 612.

AN ACT relating to education; authorizing the board of trustees of a school district or governing body of a charter school to provide a stipend to **certain** teachers who teach pupils enrolled in a program of bilingual education; requiring information concerning such stipends to be included in certain reports prepared by the board of trustees of each school district and the governing body of each charter school; requiring the Commission on Professional Standards in Education to adopt regulations requiring teachers to hold an endorsement to teach pupils enrolled in a program of bilingual education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.011, 391.019) Under existing law, such regulations must include a requirement that to be eligible to teach in a field of specialization, a teacher is required to obtain from the Department of Education an endorsement in that field of specialization, unless the Superintendent of Public Instruction approves a request submitted by the board of trustees of a school district to employ licensed teachers who do not hold an endorsement to teach in a subject area for which there is a shortage of teachers at a public school within the district. (NRS 391.019, 391.125) Existing regulations: (1) require that to teach pupils enrolled in a program of bilingual education, a person must hold an

endorsement issued by the Department to teach pupils in a program of bilingual education and pass an examination or assessment to demonstrate language proficiency; and (2) establish the requirements for a person to obtain such an endorsement. (NAC 391.059, 391.242) **Section 4** of this bill specifically requires the regulations adopted by the Commission to include a requirement that to teach pupils enrolled in a program of bilingual education, a person must hold an endorsement issued by the Department to teach pupils in a program of bilingual education. **Section 3** of this bill authorizes the board of trustees of a school district or the governing body of a charter school to provide a stipend of $2,500 each school year to each teacher who is assigned to teach pupils enrolled in a program of bilingual education and who **: (1)** holds an endorsement to teach pupils enrolled in a program of bilingual education~~.~~**; or (2) is currently enrolled in a course of study or program of preparation that will satisfy the educational requirements to obtain an endorsement to teach pupils enrolled in a program of bilingual education and is authorized by law to teach pupils enrolled in such a program.** If such a stipend is provided by a school district which has more than 100,000 pupils enrolled in its public schools (currently Clark County School District) or a charter school, **section 3** requires such a stipend to be paid out of the budget of the local school precinct or charter school at which the teacher receiving the stipend is employed. For the purposes of **sections 3 and 4**, a "program of bilingual education" is defined as a program of instruction for English learners in which pupils are taught the English language and the content of other courses of study is taught in the pupil's primary language.

Existing law requires the board of trustees of each school district and the governing body of each charter school to submit an annual report to certain entities that includes certain information on budgets and expenditures. (NRS 387.303, 388A.345) **Sections 1 and 2** of this bill require such a report to additionally include information on the number of employees who received the stipend described in **section 3** in the preceding and then-current fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 1 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current

school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to NRS 391.161, 391.162 or 391.163 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to NRS 391.161, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The number of employees who received a stipend pursuant to section 3 of this act in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Education Fund for submission to the Office of Finance, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2; and

(b) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether

those enhancements or new programs are included in the adjusted base per pupil funding for inclusion in the biennial budget request to the Office of Finance.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Education Fund for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 2. NRS 388A.345 is hereby amended to read as follows:

388A.345 1. On or before November 1 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

(i) The number of employees who received a stipend pursuant to section 3 of this act in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Education Fund for the preceding year.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school year, the board of trustees of a school district or the governing body of a charter school may provide a stipend in the amount of $2,500 to each teacher who ~~***[:***~~

~~***(a) Is]***~~ ***is assigned to teach pupils enrolled in a program of bilingual education*** ~~***[;]***~~ ***and*** ***:***

~~***[(b)]***~~ ***(a) Holds an endorsement to teach pupils enrolled in a program of bilingual education*** ~~***[.]***~~ ***; or***

(b) Is currently enrolled in a course of study or program of preparation to teach pupils enrolled in a program of bilingual education, the completion of which will satisfy the educational requirements to obtain an endorsement to teach pupils enrolled in a program of bilingual education established by the Commission pursuant to NRS 391.019, and is authorized by law to teach pupils enrolled in a program of bilingual education notwithstanding the regulations adopted by the Commission pursuant to paragraph (n) of subsection 1 of NRS 391.019.

2. A teacher may not receive a stipend pursuant to this section more than once per school year.

3. Any stipend provided to a teacher who is employed at a local school precinct in a large school district or a charter school must be paid from the budget of the local school precinct or charter school, as applicable.

4. As used in this section:

(a) "Large school district" has the meaning ascribed to it in NRS 388G.530.

(b) "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

(c) "Program of bilingual education" means a program of instruction for English learners in which pupils are taught the English language and the content of other courses of study is taught using the pupil's primary language.

Sec. 4. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program

of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

(n) ***Requiring that, to teach pupils enrolled in a program of bilingual education, a teacher obtain an endorsement to teach pupils enrolled in a program of bilingual education. As used in this paragraph, "program of bilingual education" has the meaning ascribed to it in section 3 of this act.***

(o) To carry out the provisions of NRS 391B.010.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 700.

AN ACT relating to health care; prescribing requirements governing the denial of requests for prior authorization; requiring, in certain circumstances, licensed physicians, physician assistants, advanced practice registered nurses

and osteopathic physicians to discuss with patients certain information relating to stem cell treatment, storage and donation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require an insured to obtain prior authorization from the insurer before receiving certain care. (NRS 687B.225) **Sections 1, 4 and 5** of this bill prohibit certain health insurers, including insurance for public employees, from **solely** using, employing or relying upon an artificial intelligence system or an automated decision tool to: (1) deny a request for prior authorization for medical or dental care; (2) modify a request for prior authorization for such care submitted by a provider of health care; (3) reduce the scope of services or amount of coverage for such care that is included within a request for prior authorization; or (4) terminate, reduce or modify coverage for previously approved medical or dental care. **Sections 1, 4 and 5** also require such health insurers to approve a request for prior authorization for medical or dental care that is covered by the insurer, unless a licensed health care professional with the education, training and expertise necessary to evaluate the condition at issue determines that the care requested is not medically necessary or is experimental or investigational. **Sections 6 and 7** of this bill make conforming changes to clarify that certain provisions generally applicable to members of plans of self-insurance for employees of local governments and are applicable to the provisions of **sections 4 and 5**, respectively.

Existing law requires a physician, physician assistant, advanced practice registered nurse or an osteopathic physician to counsel and provide certain information to a patient who is diagnosed with certain conditions. (NRS 630.3737, 632.2383, 633.6947) **Sections 9-11** of this bill require a physician, physician assistant, advanced practice registered nurse or an osteopathic physician to: (1) discuss with a patient, upon diagnosing the patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, the potential use of stem cell therapy to treat the condition; and (2) when acting as a provider of primary care during the first encounter with a new patient, inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925,

695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization ~~[. The]~~ ***in a manner consistent with the provisions of this section.***

2. An insurer or organization ***that requires an insured or member to obtain prior authorization for medical or dental care*** shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

~~[2.]~~ ***3.*** The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

4. Except as otherwise provided in subsection 6, an insurer or organization that requires an insured or member to obtain prior authorization for medical or dental care:

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured or member, or by a provider of health care acting within the scope of his or her practice on behalf of an insured or member, for medical or dental care that is covered by the insurer or organization, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's or member's provider of health care, test results and other relevant medical records of the insured or member.

5. The provisions of subsection 4 do not ~~[prohibit]~~ :

(a) Prohibit an insurer or organization from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of any entity to which the requirements of NRS 695G.150 apply to comply with such requirements.

6. The requirements of subsection 4 do not apply to a managed care organization when providing coverage for recipients of Medicaid or pursuant to the Children's Health Insurance Program pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.273.

7. As used in this section:

(a) "Artificial intelligence system" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.

(b) "Automated decision tool" means a computational process derived from machine learning, statistical modeling, data analytics or artificial intelligence that, for any number of inputs, is designed to produce a simple output or recommendation, including, without limitation, a score, classification or recommendation, that is used to assist or replace human decision-making.

(c) "Healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual and physical nature are required.

(d) "Licensed health care professional" means a person who is licensed in any state or territory of the United States to perform any healing art.

(e) "Medical or dental care" includes, without limitation, the provision of prescription drugs.

(f) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(g) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance:***

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not prohibit a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 5. *1. If the Board provides health insurance through a plan of self-insurance, the Board:*

(a) Shall not <u>solely</u> utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not ~~[prohibit]~~ :

(a) Prohibit the Board from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of the Board to comply with the requirements of NRS 695G.150.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 6. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 4 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of

this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, a physician or physician assistant shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means a physician, physician assistant or group of providers of health care that includes a physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, an advanced practice registered nurse shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means an advanced practice registered nurse or a group of providers of health care that includes an advanced practice registered nurse which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 11. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, an osteopathic physician or physician assistant shall discuss with the patient the potential use of stem cell therapy to treat the condition.

2. During the first encounter with a new patient, a provider of primary care shall inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

3. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means an osteopathic physician, physician assistant or group of providers of health care that includes an osteopathic physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 161.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 618.

AN ACT relating to education; authorizing a principal to assign a homeless pupil or a pupil in foster care to a temporary alternative placement under certain circumstances; revising the requirement for the principal of a school to

consult with certain persons before determining that a homeless pupil or a pupil in foster care is a habitual disciplinary problem; revising the procedure for the suspension of homeless pupils or pupils in foster care and the procedure for determining whether homelessness or placement in foster care is a factor in the behavior of certain pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the process for the principal of a school to determine that a pupil who is 11 years of age or older and enrolled in the school is a habitual disciplinary problem. (NRS 392.4655) Under existing law, if a pupil who is 11 years of age or older is deemed a habitual disciplinary problem and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the principal is generally authorized to suspend the pupil, or under extraordinary circumstances, expel the pupil from the school. (NRS 392.466) Existing law provides that before a pupil who is homeless or in foster care may be determined to be a habitual disciplinary problem, the principal is required to consult with certain persons. (NRS 392.4655) **Section 1.5** of this bill requires the principal to conduct a meeting with those persons rather than consult with those persons. **Section 1.5** also requires such a meeting concerning a pupil who is in foster care to additionally include the educational decision maker appointed for the pupil by a court under existing law. (NRS 432B.462)

Existing law requires that, to suspend from school a pupil who is homeless or has been placed in foster care for not more than 5 days, a determination must be made, after consultation with certain persons, that homelessness or being in foster care was not a factor in the behavior of the pupil. Under existing law, the person responsible for making such a determination is required to presume that homelessness or being in foster care was not a factor in the behavior and make the determination in consultation with certain persons. (NRS 392.466, 392.467) **Sections 2 and 3** of this bill authorize a principal to suspend a homeless pupil or a pupil in foster care for 5 days or less without consideration of whether being homeless or being in foster care was a factor in the behavior of the pupil and to consider such factors when the pupil is suspended for more than 5 days. ~~[On the 6th school day of a]~~ **As soon as practicable and not later than the 10th school day after the** pupil ~~[being]~~ **is** suspended, **sections 2 and 3** require the principal to consider whether the behavior was caused by or had a substantial relationship to the pupil being in foster care or being homeless during a meeting with certain persons who have an interest in the education of the pupil. If during such a meeting it is determined that the conduct was caused by or had a substantial relationship to the pupil being in foster care or being homeless, **sections 2 and 3** additionally require the principal to ~~[end]~~ **either: (1) end** the period of suspension and provide the pupil with behavioral and academic support ~~[.~~

~~Existing law authorizes the temporary removal of a pupil from a classroom or other premises of a public school under certain circumstances. Existing law~~

~~prohibits a principal from temporarily removing a pupil if the pupil is required to be suspended. (NRS 392.4645)]~~ **; or (2) assign the pupil to a temporary alternative placement for not more than 45 school days if the pupil is a habitual disciplinary problem or the behavior that led to the suspension consisted of, while at school or a school activity, possessing a dangerous weapon or firearm, engaging in certain actions relating to controlled substances or committing a battery intended to cause bodily injury.**

Section 1 of this bill authorizes a principal to ~~[temporarily remove a homeless pupil or a pupil in foster care]~~ **continue the temporary alternative placement of such a pupil** for ~~[not]~~ more than 45 days if the ~~[pupil is a habitual disciplinary problem or at school or a school activity possesses a dangerous weapon or firearm, engages in certain actions relating to controlled substances or commits a battery intended to cause bodily injury. If such a pupil is temporarily removed, section 1 additionally requires the]~~ principal ~~[to then review all relevant information to determine whether the behavior was caused by or substantially related to the pupil being homeless or in foster care.]~~ **determines that the continued temporary placement is necessary for the safety of the pupil or others. Section 1 requires the principal to make such a determination after holding a meeting with the local educational agency liaison for homeless pupils or educational decision maker of the pupil and a contact person at the school.** If the principal makes such a determination, **section 1** additionally requires the principal to ~~[hold a meeting with certain persons interested in the education of the pupil to review the pupil's academic plan for application to the temporary removal and make revisions to the plan.]~~ **provide targeted intervention to the pupil and notify the educational decision maker appointed for the pupil concerning the right to an evaluation to determine if the pupil is eligible for special education and related services. Additionally, section 1 requires the principal to hold a meeting to create a plan for the transition of the pupil from the temporary alternative placement if the pupil is assigned to a temporary alternative placement for more than 21 days.**

Sections 1.5-3 additionally require that the school have been given notice that the pupil is homeless or in foster care before the school is required to perform the tasks set forth in those sections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. A pupil may be temporarily removed from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. Upon the removal of a pupil from a classroom or any other premises

of a public school pursuant to this section, the principal of the school shall provide a written explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. ~~[The]~~ ***Except as otherwise provided in subsection ~~8,~~ subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, the*** principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must, on or before August 1 of each year, develop or review and revise a plan to offer a pupil, including, without limitation, a pupil who is less than 11 years of age, who is removed from a classroom or any other premises of the public school pursuant to this section or NRS 392.466 for more than 2 school days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. A plan developed by a public school pursuant to subsection 4 must include:

(a) An option to provide such education and support services to a pupil in an in-person setting;

(b) The location where such services will be provided to the pupil; and

(c) A plan for the pupil to complete any assignments or course work missed during his or her removal.

6. Each public school shall, on or before August 1 of each year, submit the plan that is developed or reviewed and revised pursuant to subsection 4 to:

(a) The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable;

(b) The State Board; and

(c) The Joint Interim Standing Committee on Education.

7. Upon removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

8. ~~*[Without considering whether homelessness or being in foster care was a factor in the behavior of the pupil, a]*~~ ***After a pupil has been assigned to a temporary alternative placement pursuant to subsection 15 of NRS 392.466 or subsection 9 of NRS 392.467, a principal may*** ~~*[assign a homeless pupil or pupil in foster care to a temporary alternative placement pursuant to this section for not]*~~ ***continue the assignment for more than 45 school days if*** ~~*[the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the assignment consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:*~~

~~*(a) Possessing a dangerous weapon or firearm;*~~

~~*(b) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or*~~

~~*(c) Committing a battery with intend to cause bodily injury.*~~

~~*9. After a pupil is assigned to a temporary alternative placement pursuant to subsection 8, the principal shall review all relevant information to consider whether the behavior which lead to the assignment was caused by or had a direct and substantial relationship to the pupil being homeless or being in foster care. The relevant information to be reviewed must include, without limitation:*~~

~~*(a) The pupil's cumulative record;*~~

~~*(b) The pupil's academic plan, if one exists;*~~

~~*(c) Observations by staff of the conduct leading to the assignment and the pupil generally; and*~~

~~*(d) Any other information the principal determines relevant.*~~

~~*10. If]*~~ ***the principal determines*** ~~*[pursuant to subsection 9 that the pupil being homeless or in foster care caused or had a direct and substantial relationship to the behavior of the]*~~ ***that the continued temporary alternative placement is necessary for the safety of the pupil or others. The principal shall make such a determination before the pupil has been in a temporary alternative placement for more than 45 days.***

9. The principal shall make the determination required by subsection 8 after holding a meeting with the local educational agency liaison for

homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker, to discuss whether the pupil is a risk to the safety of himself or herself or others if not in the temporary alternative placement.

10. If the principal determines that the temporary alternative placement is to be continued for more than 45 days pursuant to subsection 8, the principal shall provide:

(a) Targeted interventions to the pupil during the temporary alternative placement; and

(b) If an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, notification to the educational decision maker appointed to the pupil concerning the right to an evaluation to determine whether the pupil is eligible for special education and related services.

11. If a pupil [1] is assigned to a temporary alternative placement for more than 21 days, the principal shall [hold a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary to review the pupil's academic plan and apply it to] develop a plan to assist the pupil in the transition out of the temporary alternative placement [, to the extent possible, and develop or make revisions to the plan, as necessary,] before the termination of the temporary alternative placement. The plan must include, without limitation:

(a) The school that the pupil will attend after the temporary alternative placement; and

(b) Appropriate targeted scientific, research-based interventions and behavioral supports for the pupil at the school pursuant to an intervention plan to remediate any academic or behavioral difficulty of the pupil.

12. The principal shall hold a meeting to develop the plan required by subsection 11 with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or the educational decision maker appointed to the pupil pursuant to NRS 432B.462, as applicable, and a contact person from the school, including, without limitation, a school counselor or social worker.

13. If the principal provides three written notices on 3 separate days requesting a person to attend a meeting required by subsection 9 or 12 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.

[11.] 14. Each school district shall, on or before August 1 of each year, collect a representative sample of the plans developed pursuant to subsection 4 and submit a copy of the sampled plans to:

(a) The Joint Interim Standing Committee on Education;

(b) The Department; and

(c) The State Board.

~~[9. 12.]~~ ***15.*** The sample of plans that is collected pursuant to subsection ~~[8 11]~~ ***14*** must correspond with the proportion of pupils within the school district who are:

(a) Economically disadvantaged;

(b) From major racial and ethnic groups;

(c) Pupils with disabilities;

(d) English learners;

(e) Migratory children;

(f) Of each gender;

(g) Homeless;

(h) In foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

~~[10. 13.]~~ ***16.*** As used in this section , "homeless ~~*[:*~~

~~*(a) "Battery" has the meaning ascribed to it in NRS 392.466.*~~

~~*(b) "Bodily injury" has the meaning ascribed to it in NRS 392.466.*~~

~~*(c) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.*~~

~~*(d) "Firearm" has the meaning ascribed to it in NRS 392.466.*~~

~~*(e) "Foster care" has the meaning ascribed to it in NRS 392.466.*~~

~~*(f) "Homeless]*~~ pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 1.5. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil who is at least 11 years of age and enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five significant suspensions from the school for any reason;

(b) The school has made reasonable efforts to develop a plan of behavior pursuant to subsection ~~[5]~~ ***6*** and the pupil has not made efforts to enter into or participate in such a plan of behavior;

(c) The homelessness of the pupil was not a factor in his or her behavior, as determined ~~[in consultation]~~ ***after conducting a meeting*** with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker; ~~[and]~~

(d) The placement in foster care of the pupil was not a factor in his or her behavior, as determined ~~[in consultation]~~ ***after conducting a meeting*** with a contact person at the school, including, without limitation, a school counselor

or school social worker ~~[.]~~ ***, and the educational decision maker appointed for the pupil pursuant to NRS 432B.462*** ~~[.]~~ ***;*** ***and***

(e) The school has been notified that the pupil is homeless or in foster care.

2. ***If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 1 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.***

3. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable. Upon receipt of such a request, the superintendent or administrative head shall review the initial request and determination pursuant to the procedure established by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters.

~~[3.]~~ ***4.*** If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five significant suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection ~~[5.]~~ ***6,*** the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 8 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil is a pupil with a disability, an explanation of the effect of subsection 12 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection ~~[5.]~~ ***6.***

~~[4.]~~ ***5.*** A school shall provide the notice required by subsection ~~[3]~~ ***4*** for each suspension on the record of a pupil during a school year. Such notice must

be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

~~[5.]~~ ***6.*** If a pupil, including, without limitation, a pupil who is less than 11 years of age, is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil or the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian or the pupil of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian to attend counseling, programs or services available in the school, school district or community.

(e) A voluntary agreement by the pupil and, if the pupil is not an unaccompanied pupil, the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school or school district.

~~[6.]~~ ***7.*** If a pupil commits the same act for which notice was provided pursuant to subsection ~~[3]~~ ***4*** after he or she enters into a plan of behavior pursuant to subsection ~~[5,]~~ ***6,*** the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

~~[7.]~~ ***8.*** A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

~~[8.]~~ ***9.*** The parent or legal guardian of a pupil or, if the pupil is an unaccompanied pupil, a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, shall

review the determination in accordance with the procedure established by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters.

~~[9.]~~ ***10.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Significant suspension" means the school in which the pupil is enrolled:

(1) Prohibits the pupil from attending school for 3 or more consecutive days; and

(2) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 2. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

2. Except as otherwise provided in this section, any pupil who commits a battery against an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil may be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

3. Except as otherwise provided in this section, any pupil who commits a battery which is intended to result in the bodily injury of an employee of the school while on the premises of any public school, at an activity sponsored by a public school or on any school bus shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil or, if the pupil is an unaccompanied pupil, the pupil. The pupil must be suspended, expelled or permanently expelled from the school, except that:

(a) A pupil who is less than 8 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection, and the suspension must be reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

4. An employee who is a victim of a battery which is intended to result in the bodily injury of an employee of the school may appeal to the school a plan of action provided pursuant to subsection 3 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil with a disability who committed the battery, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, or its designee has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is found in possession of a dangerous weapon other than a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus may be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion, except that:

(a) A pupil who is less than 11 years of age may not be expelled or permanently expelled pursuant to this subsection.

(b) A pupil who is less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(c) For a pupil with a disability who has been suspended or expelled pursuant to this subsection, the public school in which the pupil is enrolled shall make available to the pupil a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., for each school day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

6. Except as otherwise provided in this section, any pupil, including, without limitation, a pupil with a disability, who is found in possession of a firearm while on the premises of any public school, at an activity sponsored by a public school or on any school bus must be removed from the public school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension, expulsion or permanent expulsion. A pupil who is:

(a) Eleven years of age or older shall be suspended, expelled or permanently expelled pursuant to this section.

(b) At least 8 but less than 11 years of age shall be suspended or expelled pursuant to this subsection.

(c) At least 6 but less than 8 years of age may be suspended pursuant to this subsection.

(d) Less than 6 years of age may be suspended pursuant to this subsection only after the suspension is reviewed and approved by the superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable, or his or her designee.

(e) A pupil with a disability who has been suspended or expelled pursuant to this subsection must be provided with a free appropriate public education in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., by the public school in which the pupil is enrolled for each school

day the pupil is suspended or expelled after the pupil has been removed for 10 cumulative days.

7. If a school is unable to retain a pupil in the school pursuant to subsections 1 to 6, inclusive, for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil, including, without limitation, a pupil who is less than 11 years of age, is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The current school of the pupil shall coordinate with the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

8. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655 and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, based on the seriousness of the acts which were the basis for the discipline, the pupil may be:

(a) Suspended from the school; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

9. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled;

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program; or

(c) Enroll in a program of alternative education provided by the school district in which the pupil resides. Each school district shall, alone or through a partnership with another school district, provide a program of alternative education pursuant to this paragraph in an in-person setting that allows each pupil enrolled in the program to receive educational services in the least restrictive educational environment.

10. The superintendent of schools of a school district or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable, may, for good cause shown in a particular case in that school district or public school, as applicable, allow a modification to a suspension or expulsion pursuant to subsections 1 to 8, inclusive, if such modification is set forth in writing. The superintendent or the administrative head of a charter school or university school for profoundly gifted pupils, as applicable, shall allow such a modification if he or she determines that a plan of action based on restorative justice may be used successfully.

11. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable.

12. Except as otherwise provided in subsection 5 or 6, a pupil with a disability who is at least 11 years of age may, in accordance with the procedural policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after the board of trustees of the school district or governing body, as applicable, or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

13. ~~[A]~~ ***If a school has notice that the pupil is homeless or in foster care, a*** homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[,]~~ ***and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,*** the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.]~~

14. ~~***[On the 6th school day]***~~ ***As soon as possible and not later than the 10th school day after the pupil was suspended from school pursuant to subsection 13, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a***

direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant information to be reviewed during the meeting must include, without limitation:

(a) The pupil's cumulative record;

(b) The pupil's academic plan, if one exists;

(c) Observations by staff of the conduct leading to suspension and the pupil generally; and

(d) Any other information provided by a person at the meeting.

15. If during the meeting held pursuant to subsection 14, the principal determines that the behavior leading to suspension was caused by or had a substantial relationship to the pupil being in foster care or being homeless, the principal shall:

(a) Eliminate the period of suspension ~~[pursuant to subsection 16;]~~ and ~~[(b) Provide] ***provide the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan ~~[.]~~ ; or***

(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

(1) Possessing a dangerous weapon or firearm;

(2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or

(3) Committing a battery with the intent to cause bodily injury.

16. If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 13 or 14 and does not receive a response from the person within 24 hours after sending the third notice, the principal may hold the meeting without that person.

17. The principal of a public school may, at his or her discretion, reduce or eliminate the period of suspension, convert an expulsion to a suspension or otherwise reduce, eliminate or alter a disciplinary action imposed upon a pupil who commits a battery which results in the bodily injury of an employee of the school.

~~[15. 17.]~~ ***18.*** The principal of a public school may reduce the period of suspension or convert an expulsion to a suspension for a pupil who distributes a controlled substance while on the premises of a public school, at an activity sponsored by a public school or on a school bus if:

(a) The pupil is less than 11 years of age;

(b) The pupil has not engaged in such proscribed conduct before; and

(c) After a thorough review of the facts and circumstances, the principal determines that the pupil did not know that the substance being distributed was a controlled substance.

~~[16. 18.]~~ ***19.*** The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

~~[17. 19.]~~ ***20.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Bodily injury" means any actual damage or injury to a person that interferes with or is detrimental to the health of the person and is more than merely accidental, transient or trifling in nature.

(c) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(d) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(f) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(g) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(h) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(i) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

~~[18. 20.]~~ ***21.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law

before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 3. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable, or its designee may authorize the suspension or expulsion of any pupil who is at least 11 years of age from a public school. Except as otherwise provided in this subsection and subsections 5 and 6 of NRS 392.466, a pupil who is at least 6 years of age but less than 11 years of age must not be expelled or permanently expelled from school. In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against expelling or permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district or the governing body of the charter school or university school, as applicable.

2. A pupil who is less than 6 years of age must not be permanently expelled from school.

3. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity to schedule a hearing, except that a pupil who:

(a) Poses a continuing danger to persons or property;

(b) Is an ongoing threat of disrupting the academic process;

(c) Is selling or distributing any controlled substance; or

(d) Is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466,

➥ may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

4. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.

5. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable, or its designee shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil with a disability may, in accordance with the procedural policy adopted by the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, for such matters and only after an administrative review of the circumstances and a determination that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 10 days for each occurrence of proscribed conduct.

(b) Expelled from school pursuant to this section.

(c) Permanently expelled from school pursuant to this section.

7. ~~[A]~~ ***If the school is on notice that a pupil is homeless or in foster care, a*** homeless pupil or a pupil in foster care may be suspended from school pursuant to this section for ~~[not]~~ more than 5 days if, following a review of all available information ~~[,]~~ ***and, if an educational decision maker has been appointed for the pupil pursuant to NRS 432B.462, a meeting with the educational decision maker for the pupil,*** the principal determines that the conduct of the pupil poses an ongoing threat to the pupil or other persons at the school and if a determination is made that homelessness or being in foster care was not a factor in the behavior that led to the consideration for suspension or expulsion. ~~[The person responsible for making a determination of whether or not homelessness or being in foster care was a factor in the behavior shall presume that homelessness or being in foster care was not a factor in the behavior unless the person determines otherwise pursuant to this subsection. A determination that homelessness was not a factor in the behavior must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that being in foster care was not a factor in the behavior must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is enrolled or the school counselor of the pupil.]~~

8. ~~***[On the 6th school day]***~~ ***As soon as practicable and not later than the 10th school day after the pupil was suspended from school pursuant to subsection 7, the principal shall review all relevant information to consider whether the behavior which led to the suspension was caused by or had a direct and substantial relationship to the pupil being in foster care or being homeless in a meeting with the educational decision maker for the pupil or surrogate parent, if one has been appointed pursuant to NRS 432B.462 or 34 C.F.R. § 300.519, as applicable, an advocate for pupils in foster care at the school and any other person the principal determines necessary. The relevant information to be reviewed during the meeting must include, without limitation:***

(a) The pupil's cumulative record;

(b) The pupil's academic plan, if one exists;

(c) Observations by staff of the conduct leading to suspension and the pupil generally; and

(d) Any other information provided by a person at the meeting.

9. If during the meeting held pursuant to subsection 8, the principal determines that the behavior leading to suspension was caused by or had a

substantial relationship to the pupil being in foster care or being homeless, the principal shall:

(a) Eliminate the period of suspension ~~.~~ and

~~(b) Provide~~ provide the pupil with behavioral and academic support, including, without limitation, the development of or revisions to an academic plan ~~.~~ ; or

(b) Assign the pupil to a temporary alternative placement for not more than 45 school days pursuant to NRS 392.4645, if the pupil is a habitual disciplinary problem pursuant to NRS 392.4655 or the behavior that led to the suspension consisted of, while on the premises of any public school, at an activity sponsored by a public school or on any school bus:

(1) Possessing a dangerous weapon or firearm;

(2) Knowingly possessing, using, selling, distributing or soliciting for sale a controlled substance; or

(3) Committing a battery with intend to cause bodily injury.

10. If the principal provides three written notices on 3 separate days requesting a person attend a meeting required by subsection 7 or 8 and does not receive a response from the person, the principal may hold the meeting without that person.

11. As used in this section:

(a) ***"Battery" has the meaning ascribed to it in NRS 392.466.***

(b) "Bodily injury" has the meaning ascribed to it in NRS 392.466.

(c) "Dangerous weapon" has the meaning ascribed to it in NRS 392.466.

(d) "Firearm" has the meaning ascribed to it in NRS 392.466.

(e) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

~~(b)~~ ***(f)*** "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~(c)~~ ***(g)*** "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 3.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 705.

AN ACT relating to professions; ~~[exempting certain persons from provisions of existing law governing certified court reporters and court reporting firms; providing for the certification, licensing and regulation of certified legal recorders and legal recording firms by]~~ **requiring** the Certified Court Reporters' Board of Nevada ~~[, requiring court reporters, legal recorders, court reporting firms and legal recording firms]~~ to ~~[provide]~~ **prescribe by regulation** certain ~~[transcripts and recordings to third-party requesters under certain circumstances; defining certain terms and revising certain terms relating to certified court reporters, certified legal recorders, court reporting firms and legal recording firms; revising the membership of the Board; authorizing the Board to refer certain violations to a district attorney or the Attorney General;]~~ **fees; authorizing a municipal court to designate a person who is not required to be a certified court reporter to operate certain sound recording equipment;** increasing the compensation for certain services provided by a court reporter in district court; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Nevada Certified Court Reporters' and Licensed Court Reporting Firms' Law, which provides for the certification and regulation of certified court reporters and the licensure and regulation of court reporting firms by the Certified Court Reporters' Board of Nevada. (Chapter 656 of NRS) ~~[Existing law prohibits a person from engaging in the practice of court reporting without a valid certificate of registration as a certified court reporter. (NRS 656.145, 656.300) Sections 3.5, 4.7-10 and 11.5-15 of this bill provide for the certification and regulation by the Board of persons engaged in the "practice of legal recording," which section 5 defines to mean, in general, the recording of certain proceedings by the use of audio equipment, video cameras or any system of recording simultaneous audio and video. Section 5 designates a person certified by the Board to engage in the practice of legal recording as a "certified legal recorder." Section 3.5 requires the Board to adopt regulations governing certified legal video recorders that include, without limitation, the establishment of a provisional, basic and advanced certificate as a legal recorder.~~

~~Existing law prohibits a person from conducting business as a court reporting firm without a license issued by the Board. (NRS 656.185) Sections 3.5, 5.7, 11-12.6, 14 and 15 of this bill provide for the licensure and regulation by the Board of a "legal recording firm," which section 5 defines to mean, in general, a business entity that provides or arranges for certain services relating to certified legal recorders.~~

~~Sections 11.7-12.1 set forth certain fees and certain circumstances under which the Board is authorized to take certain disciplinary actions, including for engaging in certain activities involving legal recording without a certificate~~

~~or license. Section 12.6 authorizes the Board to refer matters involving certain violations to a district attorney or the Attorney General. Section 4.3 of this bill changes the name of the Nevada Certified Court Reporters' and Licensed Court Reporting Firms' Law to the Nevada Court Reporting and Legal Recording Law. Section 4.7 sets forth certain legislative declarations with respect to the certification and regulation of certified legal recorders.]~~

Existing law sets forth certain fees applicable to certified court reporters and court reporting firms. (NRS 656.220) Section 11.7 of this bill removes the amounts for such fees and instead requires the Board to prescribe by regulation initial reasonable fees for certified court reporters and court reporting firms. Section 11.7 requires those fees to be equal to the fees set forth in existing law as of December 31, 2025. Section 11.7 authorizes the Board, after prescribing such initial fees, to increase or decrease a fee by regulation to an amount that is not less than 90 percent and not more than 125 percent of the current fee. Section 17.5 of this bill provides that the existing fees remain in effect until the Board has established such fees by regulation. Sections 7 and 9 of this bill make conforming changes to reflect the requirement imposed in section 11.7 that the Board prescribe fees for certified court reporters by regulation.

Existing law authorizes certain courts and magistrates to designate a person who is not **required to be** a certified court reporter to operate sound recording equipment to record certain proceedings. (NRS 3.380, 4.400, 171.198) **Section 16.3** of this bill similarly authorizes a municipal court to make such a designation. ~~[Section 2 of this bill exempts a person so designated from the provisions of the Nevada Court Reporting and Legal Recording Law.~~

~~Section 5.3 of this bill replaces one member of the Board who is a certified court reporter with a member who is a certified legal recorder, who is required to have been actively engaged as a certified legal recorder for at least 5 years. Section 16.7 of this bill sets forth certain exceptions to those requirements for such a member who is appointed before January 1, 2031. Section 13 authorizes a person who holds a certificate of registration as a legal video recorder to use the title of "certified legal recorder" and the abbreviation "C.L.R." and prohibits any other person from using that title or abbreviation in connection with his or her profession or business.~~

~~Section 4 of this bill authorizes a person who is not a party to certain civil proceedings to request a copy of a transcript or legal record media of the proceeding from a court reporter, legal recorder, court reporting firm or legal recording firm with possession of the transcript or legal record media. Upon receipt of such a request, section 4 requires the court reporter, legal recorder or firm to notify the parties to the proceeding or their attorneys of: (1) the request; and (2) the name of the third-party requester. If the request is for a transcript or legal record media of the testimony of an expert witness, unless a court order prohibits provision of the transcript or record, section 4 requires the court reporter, legal recorder or firm to provide the transcript or legal record media to the third-party requester not later than 60 days after providing notice~~

~~of the request and upon receipt of a reasonable fee prescribed by the court reporter, legal recorder or firm. If the request is for a transcript or legal record media of the proceeding other than the testimony of an expert witness, section 4 authorizes any party to the proceeding to object to the provision of the transcript or video record media by providing written notice to the court reporter, legal recorder or firm, the parties to the proceeding or their attorneys and the third-party requester. If a party so objects, section 4 prohibits the court reporter, legal recorder or firm from providing the requested transcript or legal record media unless: (1) a court order authorizes provision of the transcript or legal record media; and (2) the third-party requester pays a reasonable fee prescribed by the court reporter, legal recorder or firm.~~

~~Existing law requires an applicant for a certificate of registration as a certified court reporter to take an examination administered by the Board. (NRS 656.160) Sections 7 and 8: (1) require, with certain exceptions, an applicant for a certificate of registration as a legal recorder to pass an examination administered by the Board and pay certain fees; and (2) establish certain requirements relating to such an examination. Section 9 revises the requirements for a person to be admitted to take an examination. Section 10 sets forth the circumstances under which an applicant is entitled to a certificate of registration as a legal recorder.~~

~~Section 12 sets forth circumstances under which the Board is authorized to refuse to issue, suspend or revoke a certificate of registration as a legal recorder.~~

~~Sections 14 and 15 set forth certain requirements and restrictions relating to the retention and alteration of legal record media by a person who holds a certificate as a legal recorder.~~**]**

Existing law sets forth the compensation that must be paid for various services provided by the official reporter or reporter pro tempore in a state district court. (NRS 3.370) **Section 16** of this bill increases the compensation that must be paid to such court reporters for certain transcription and reporting services.

[~~Section 17 of this bill authorizes a person or business who, on or before December 31, 2025, is engaged in the legal recording of certain proceedings by the use of audio equipment, video cameras or any system of recording simultaneous audio and video or is providing certain referral services relating to such recording without obtaining a certificate of registration or license, as applicable, to continue to engage in such activities until July 1, 2026, or such other date as the Board may prescribe by regulation.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~Chapter 656 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~[*The provisions of this chapter do not apply to a person who has been designated by a court or magistrate pursuant to NRS 3.380, 4.400, 5.015 or 171.198 to operate sound recording equipment to record a proceeding and who confines his or her activities to those authorized by those sections.*]~~ **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~[*1. The Board shall, in consultation with representatives who are engaged in legal recording in this State, adopt regulations delineating the authorized scope of practice and specifying any additional training, education, experience, continuing education requirements and proficiency necessary for a certified legal recorder or legal recording firm in accordance with the requirements of this chapter.*~~

~~*2. The regulations adopted pursuant to this section must establish a provisional, basic and advanced certificate for a legal recorder. In addition to any other requirement established by the Board, the requirements for:*~~

~~*(a) A basic certificate must include certification by a nationally recognized certification agency. The holder of a basic certificate must be limited to audio and video recording, only while in the presence of another person who is a certified court reporter, and must not produce any transcripts.*~~

~~*(b) An advanced certificate must include certification by a nationally recognized certification agency and passage of any examinations or other requirements established by the Board. The holder of an advanced certificate may conduct audio and video recording without the presence of another person who is a certified court reporter, and may be authorized by the Board to produce transcripts, including certified transcripts, as determined by the Board.*~~

~~*(c) A provisional certificate must authorize a person to perform the functions of a person who holds a basic certificate, for a period of not more than 2 years, during which time the person may pursue the education or credentials required for a basic or advanced certificate.*~~

~~*3. The regulations adopted pursuant to this section must not prohibit, if a person is otherwise qualified:*~~

~~*(a) A certified court reporter from also holding a certificate as a certified legal recorder; or*~~

~~*(b) A certified legal recorder from also holding a certificate as a certified court reporter.*~~

~~*4. The regulations adopted pursuant to this section may include administrative fines and penalties, including, without limitation, the authority for the Board to issue and enforce cease and desist orders for violations.*~~] **(Deleted by amendment.)**

Sec. 4. ~~[*1. Each party to a proceeding is entitled, upon payment of a reasonable fee, to a copy of a transcript or legal record media of the proceeding.*~~

~~2. Any person who is not a party to a proceeding may request a copy of a transcript or legal record media of the proceeding from the certified court reporter, certified legal recorder, court reporting firm or legal recording firm with possession of the transcript or legal record media.~~

~~3. Upon receipt of a request described in subsection 1, the certified court reporter, certified legal recorder, court reporting firm or legal recording firm shall notify each party to the proceeding or the attorney of each party to the proceeding of the following:~~

~~(a) That a copy of the transcript or legal record media of the proceeding is being sought by a third-party requester; and~~

~~(b) The name of the third-party requester.~~

~~4. If the request is for a copy of the transcript or legal record media:~~

~~(a) Of the testimony of an expert witness, whether or not the expert was required to produce a written report pursuant to Nevada Rule of Civil Procedure 16, unless a court order prohibiting the provision of the transcript or legal record media to the third-party requester is served on the certified court reporter, certified legal reporter, court reporting firm or legal reporting firm, not later than 60 days after providing the notification described in subsection 2 the certified court reporter, certified legal reporter, court reporting firm or legal recording firm shall, upon receipt of a reasonable fee prescribed pursuant to subsection 5, provide a copy of the requested transcript or legal record media to the third-party requester.~~

~~(b) Other than of the testimony of an expert witness, any party to the proceeding may object to the provision of the transcript or legal record media, not later than 60 days after receipt of the notification described in subsection 3, by providing written notice to the certified court reporter, certified legal recorder, court reporting firm or legal recording firm, each party to the proceeding or the attorney of each party and the third-party requester. If a party objects pursuant to this paragraph, the certified court reporter, certified legal recorder, court reporting firm or legal recording firm shall not provide a copy of the requested transcript or legal record media to the third-party requester unless a court order authorizing the provision of the transcript or legal record media to the third-party requester is served on the certified court reporter, certified legal recorder, court reporting firm or legal recording firm and the third-party requester pays a reasonable fee prescribed pursuant to subsection 5.~~

~~5. The third-party requester must pay to the certified court reporter, certified legal recorder, court reporting firm or legal recording firm a reasonable fee prescribed by the certified court reporter, certified legal recorder, court reporting firm or legal recording firm before the furnishing of any copy of a transcript or legal record media which is authorized pursuant to this section.~~

~~6. The Board shall adopt regulations which address the redaction of confidential information from any transcript or legal record media before a copy is provided to a third-party requester.~~

~~*7. Before issuing any order pursuant to subsection 4, a court must consider the existence of any non-disclosure agreement, confidential settlement agreement or similar agreement of confidentiality between the parties.*~~

~~*8. The provisions of this section do not apply to any portion of a transcript or legal record media of a proceeding which is part of a public court record and not sealed, redacted or otherwise confidential.*~~

~~*9. As used in this section:*~~

~~*(a) "Litigation" means:*~~

~~*(1) Any suit at law or in equity; or*~~

~~*(2) Any arbitration that is subject to judicial review.*~~

~~*(b) "Proceeding" means any hearing or other matter that is conducted or considered during litigation, including, without limitation:*~~

~~*(1) Any final decision of an agency that is subject to judicial review pursuant to chapter 233B of NRS;*~~

~~*(2) Any examination, deposition or other hearing relating to discovery as provided by statute or the Nevada Rules of Civil Procedure; and*~~

~~*(3) Any other matters subject to judicial review.]*~~ **(Deleted by amendment.)**

Sec. 4.3. ~~[NRS 656.010 is hereby amended to read as follows:~~

~~656.010 This chapter is known and may be cited as the Nevada [Certified] Court [Reporters'] *Reporting* and [Licensed Court Reporting Firms'] *Legal Recording* Law.]~~ **(Deleted by amendment.)**

Sec. 4.7. ~~[NRS 656.020 is hereby amended to read as follows:~~

~~656.020 1. It is hereby declared to be the policy of the Legislature to:~~

~~(a) Encourage proficiency in the practice of court reporting *and the practice of legal recording* as [a profession;] *professions;*~~

~~(b) Promote efficiency in court *reporting, legal recording* and general reporting; and~~

~~(c) Extend to the courts and public the protection afforded by a standardized profession by establishing [a standard] *standards* of competency for those engaged in [it.] *the practice of court reporting and legal recording.*~~

~~2. The practice of court reporting *and the practice of legal recording* in the State of Nevada [is] *are* declared to affect the public health, safety and welfare and [is] *are* subject to regulation and control in the public interest.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 656.030 is hereby amended to read as follows:~~

~~656.030 As used in this chapter, unless the context otherwise requires:~~

~~1. "Board" means the Certified Court Reporters' Board of Nevada.~~

~~2. "Business entity" means any form of business organization, including, without limitation, a corporation, partnership, sole proprietorship, limited-liability company or limited-liability partnership. The term does not include a natural person or governmental entity.~~

~~3. "Certificate" means a [certified] *certificate of registration as a* court [reporter's] *reporter or a* certificate *of registration as a legal recorder,*~~

~~***including, without limitation, a provisional, basic and advanced certificate established by the Board pursuant to section 3.5 of this act,*** issued under the provisions of this chapter.~~

~~4. "Certified court reporter" means a natural person who is [technically qualified and registered] ***certified by the Board*** under this chapter to practice court reporting.~~

~~***5. "Certified legal recorder" means a natural person who is certified by the Board under this chapter to practice legal recording.***~~

~~***6.*** "Court reporting firm" means a business entity that, for compensation, provides or arranges for the services of a certified court reporter or provides referral services for certified court reporters in this State.~~

~~[6.] ***7.*** "Designated representative of a court reporting firm" means the natural person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.~~

~~***8. "Designated representative of a legal recording firm" means the natural person designated to act as the representative of a legal recording firm pursuant to NRS 656.186.***~~

~~[7.] ***9.*** "Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the natural person supervising or providing the instruction and the natural person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.~~

~~***10. "Legal record media" means the audio or video record or digital recording taken of a proceeding described in paragraphs (a) to (d), inclusive, of subsection 13.***~~

~~***11. "Legal recording firm" means a business entity that, for compensation, provides or arranges for the services of a certified legal recorder or provides referral services for certified legal recorders in this State.***~~

~~[8.] ***12.*** "License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm [.] ***or a legal recording firm.***~~

~~[9.] ***13.*** "Licensee" means a business entity to which a license has been issued.~~

~~[10.] ***14.*** "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:~~

~~(a) Grand jury proceedings;~~

~~(b) Court proceedings, with the exception of proceedings before a federal court;~~

~~(c) Pretrial examinations, depositions, motions and related proceedings of like character; or~~

~~(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.~~

~~*15. "Practice of legal recording" means recording in this State by the use of audio equipment, video cameras or any system of recording simultaneous audio and video, a proceeding described in paragraphs (a) to (d), inclusive, of subsection 14.*~~

~~[11.]~~ ***16.*** ~~"Stenographic notes" means:~~

~~(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a certified court reporter while in attendance at a proceeding to report the proceeding; or~~

~~(b) The record produced by the use of voice writing by a certified court reporter while in attendance at a proceeding.~~

~~[12.]~~ ***17.*** ~~"Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:~~

~~(a) Digitally translating the words into text; or~~

~~(b) Making a tape or digital recording of those words.~~

~~The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.]~~ **(Deleted by amendment.)**

Sec. 5.3. ~~[NRS 656.050 is hereby amended to read as follows:~~

~~656.050 The members of the Board must be appointed by the Governor as follows:~~

~~1. One member of the Board must be an active member of the State Bar of Nevada.~~

~~2. [Three]~~ ***Two*** ~~members of the Board must be holders of certificates~~ ***of registration as a court reporter*** ~~and must have been actively engaged as certified court reporters within this State for at least 5 years immediately preceding their appointment.~~

~~3.~~ ***One member of the Board must be a holder of a certificate of registration as a legal recorder and must have been actively engaged as a certified legal recorder for at least 5 years immediately preceding his or her appointment.***

~~4. One member of the Board must be a representative of the general public. This member must not be:~~

~~(a) A certified court reporter; [or]~~

~~(b)~~ ***A certified legal recorder; or***

~~(c)~~ ***The spouse or the parent or child, by blood, marriage or adoption, of a certified court reporter [.] or certified legal recorder.]*** **(Deleted by amendment.)**

Sec. 5.7. ~~[NRS 656.140 is hereby amended to read as follows:~~

~~656.140 The Board may aid in all matters pertaining to the advancement of the practice of court reporting [,]~~ ***and the practice of legal recording,*** ~~including but not limited to all matters that may advance the professional interests of certified court reporters~~ ***, certified legal recorders*** ~~and licensees and such matters as concern their relations with the public.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 656.145 is hereby amended to read as follows:~~

~~656.145 *1.* It is unlawful for any natural person to practice court reporting or to advertise or use any identifying term that may indicate to the public that the natural person is entitled to practice as a *certified* court reporter unless the natural person holds a certificate of registration as a certified court reporter issued by the Board.~~

~~*2. It is unlawful for any natural person to practice legal recording or to advertise or use any identifying term that may indicate to the public that the natural person is entitled to practice as a certified legal recorder unless the natural person holds a certificate of registration as a legal recorder issued by the Board.]~~ **(Deleted by amendment.)**

Sec. 7. NRS 656.150 is hereby amended to read as follows:

656.150 1. Each applicant for a certificate must file an application with the Executive Secretary of the Board at least 30 days before the date fixed for examination. The application must be accompanied by the required fee and all information required to complete the application.

2. No ~~*[A]*~~ certificate ~~*[of registration as a court reporter]*~~ may ~~*[not]*~~ be issued until the applicant has:

(a) Passed the examination prescribed by the Board;

(b) Passed one of the examinations described in paragraph (b) of subsection 2 of NRS 656.170; and

(c) Paid the fee ~~[as provided in]~~ ***prescribed by the Board pursuant to*** NRS 656.220.

~~*[3. Except as otherwise provided in the regulations adopted by the Board pursuant to section 3.5 of this act concerning a provisional certificate, a certificate of registration as a legal recorder may not be issued until the applicant has:*~~

~~*(a) Passed an examination prescribed by the Board; and*~~

~~*(b) Paid the fee as provided in NRS 656.220.]*~~

Sec. 8. ~~[NRS 656.160 is hereby amended to read as follows:~~

~~656.160 1. Every person who files an application for an original certificate must personally appear before the Board for an examination and the answering of such questions as may be prepared by the Board to enable it to determine the trustworthiness of the applicant and his or her competency to engage in the practice of court reporting *or the practice of legal recording* in such a manner as to safeguard the interests of the public.~~

~~2. In determining competency, the Board shall administer an examination to determine whether the applicant has:~~

~~(a) *For a certificate of registration as a court reporter:*~~

~~*(1)* A good understanding of the English language, including reading, spelling, vocabulary, and medical and legal terminology; and~~

~~[(b)] *(2)* A clear understanding of the obligations owed by a court reporter to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted pursuant to this chapter.~~

~~*(b) For a certificate of registration as a legal recorder:*~~

~~*(1) A good understanding of taking and producing legal record media of proceedings; and*~~

~~*(2) A clear understanding of the obligations owed by a legal recorder to the parties in any recorded proceeding and the obligations created by the provisions of this chapter and any regulation adopted pursuant thereto.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations ~~*[of applicants for a certificate of registration as a court reporter]*~~ must be held not less than twice a year at such times and places as the Board may designate.

2. No natural person may be admitted to the examination unless the natural person first applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that the applicant has, at the time of filing his or her application:

(a) Satisfied the requirements set forth in subsections 1 to 4, inclusive, of NRS 656.180;

(b) Received a passing grade on:

(1) The National Court Reporters Association's examination for registered professional reporters; or

(2) The National Verbatim Reporters Association's examination for certified verbatim reporters;

(c) Received one of the following:

(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or

(4) A valid certificate or license to practice court reporting issued to the applicant by another state if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;

(d) Either:

(1) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination ~~[set forth in]~~ ***prescribed by the Board pursuant to*** NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 10. ~~[NRS 656.180 is hereby amended to read as follows:~~

~~656.180 [An] *Except as otherwise provided by the regulations adopted by the Board pursuant to section 3.5 of this act concerning a provisional certificate, an* applicant for a certificate of registration as a certified court reporter *or a certified legal recorder* is entitled to a certificate if the applicant:~~

~~1. Is at least 18 years of age;~~

~~2. Is of good moral character;~~

~~3. Has not been convicted of a felony relating to the practice of court reporting [;] *or the practice of legal recording;*~~

~~4. Has a high school education or its equivalent;~~

~~5. Satisfactorily passes:~~

~~(a) An examination administered by the Board pursuant to NRS 656.160; and~~

~~(b) [One] *For an applicant for a certificate of registration as a court reporter, one* of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;~~

~~6. Pays the requisite fees; and~~

~~7. Submits all information required to complete an application for a certificate of registration.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 656.185 is hereby amended to read as follows:~~

~~656.185 1. It is unlawful for any business entity to conduct business as a court reporting firm *or legal recording firm* or to *act in the capacity of,* advertise or use any identifying term that may indicate to members of the public that the business entity is entitled to conduct [such a] business *as a court reporting firm or legal recording firm* without first obtaining a license from the Board.~~

~~2. Each applicant for a license as a court reporting firm *or a legal recording firm* must file an application with the Executive Secretary of the Board on a form prescribed by the Board.~~

~~3. The application must:~~

~~(a) Include the federal identification number of the applicant;~~

~~(b) Include the name of the natural person who will be appointed as the designated representative of the court reporting firm *or legal recording firm* and such other identifying information about that natural person as required by the Board;~~

~~(c) Be accompanied by the required fee; and~~

~~(d) Include all information required to complete the application.~~

~~4. To obtain a license pursuant to this section, an applicant need not hold a certificate of registration as a certified court reporter *or certified legal recorder.]*~~ **(Deleted by amendment.)**

Sec. 11.1. ~~[NRS 656.186 is hereby amended to read as follows:~~

~~656.186 1. Each court reporting firm *or legal recording firm* shall appoint one natural person affiliated with the court reporting firm to act as the designated representative for the firm. The natural person so appointed must:~~

~~(a) Hold [a] *an appropriate* certificate; or~~

~~(b) Pass an examination administered by the Board pursuant to subsection 2.~~

~~2. The Board shall administer an examination to determine whether a designated representative of a court reporting firm *or legal recording firm* understands:~~

~~(a) The ethics and professionalism required for the practice of court reporting [;] *or the practice of legal recording;* and~~

~~(b) The obligations owed by a certified court reporter *or a certified legal recorder* to the parties in any reported proceedings and the obligations created by the provisions of this chapter and any regulation adopted thereto.~~

~~3. The Board may adopt regulations to carry out the provisions of this section and to establish additional subject areas to be included in [the] *an* examination administered by the Board pursuant to this section.]~~ **(Deleted by amendment.)**

Sec. 11.3. ~~[NRS 656.187 is hereby amended to read as follows:~~

~~656.187 1. A license as a court reporting firm *or legal recording firm* expires on June 30 of each year and may be renewed if, before that date, the licensee submits to the Board:~~

~~(a) An application for renewal on a form prescribed by the Board;~~

~~(b) If *the licensee is a court reporting firm and* the designated representative of [a] *the* court reporting firm does not hold a certificate, evidence that the designated representative of the court reporting firm has completed the requirements for continuing education established by the Board;~~

~~(c) The required fee for renewal; and~~

~~(d) All information required to complete the renewal.~~

~~2. The Board shall adopt regulations requiring a designated representative of a court reporting firm who does not hold a certificate to participate in continuing education or training as a condition to the renewal or reinstatement of a license of a licensee. If a designated representative of a court reporting firm fails to comply with such requirements, the Board may suspend or revoke the license of the licensee.~~

~~3. A license that expires pursuant to the provisions of this section may be reinstated if the applicant:~~

~~(a) Complies with the provisions of subsection 1; and~~

~~(b) Submits to the Board the required fee for reinstatement.]~~ **(Deleted by amendment.)**

Sec. 11.5. NRS 656.200 is hereby amended to read as follows:

656.200 1. To renew a certificate of registration a certified court reporter must:

(a) Apply to the Board for renewal;

(b) Pay the annual renewal fee prescribed by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education established by the Board; and

(d) Submit all information required to complete the renewal.

2. ~~[To renew a certificate of registration, a legal recorder must:~~

~~(a) Apply to the Board for renewal;~~

~~(b) Pay the annual renewal fee prescribed by the Board; and~~

~~(c) Submit all information required to complete the renewal.~~

~~3.]~~ The Board shall adopt regulations requiring certified court reporters ~~[and certified legal recorders]~~ to participate in continuing education or training as a prerequisite to the renewal or restoration of a certificate. If a certified court reporter ~~[or certified legal recorder]~~ fails to comply with the requirements, the Board may suspend or revoke his or her certificate.

3. ~~[4.]~~ The failure of any certified court reporter ~~[or certified legal recorder]~~ to submit all information required to complete the renewal or pay in advance the annual renewal fee which may be fixed by the Board as necessary to defray the expense of administering the provisions of this chapter results in the suspension of the reporter's right to engage in the practice of court reporting . ~~[or the recorder's right to engage in the practice of legal recording.]~~ The suspension must not be terminated until all required information has been submitted and all delinquent fees have been paid.

4. ~~[5.]~~ A certified court reporter ~~[or certified legal recorder]~~ whose certificate of registration has been suspended because of failure to submit all required information or pay the renewal fee:

(a) May within 2 years thereafter have the certificate reinstated without examination upon submission of all required information and payment of the fees ~~[set forth in]~~ *prescribed by the Board pursuant to* paragraph ~~[(c)]~~ *(d)* of subsection 1 of NRS 656.220.

(b) While he or she was on active military duty or in training before induction, may have the certificate renewed without payment of any fee if he or she files an application for renewal, an affidavit of such service with the Board within 2 years after the termination of the service and all information required to complete the renewal.

Sec. 11.7. NRS 656.220 is hereby amended to read as follows:

656.220 1. The *Board shall, in accordance with subsection 3, prescribe by regulation reasonable initial* fees ~~[applicable to certified court reporters, court reporting firms, certified legal recorders and legal recording firms~~ required by this chapter are fixed by~~]~~ *for* the following *:* ~~[schedule:]~~

(a) The fee for filing an application for an examination . ~~[must be fixed by the Board annually at not more than $250 and not less than $90.]~~

(b) The fee for the original issuance of a certificate . ~~[must be fixed by the Board annually at not more than $250 and not less than $150.]~~

(c) ~~[For a certificate issued after July 1, 1973, the fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that if the certificate will expire less than~~

~~1 year after its issuance, then the fee is 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The Board may by regulation provide for the waiver or refund of the initial certificate fee if the certificate is issued less than 45 days before the date on which it will expire.~~

~~(d)~~ The annual renewal fee for a certificate . ~~[must be fixed by the Board annually at not more than $250 and not less than $150.]~~ Every holder of a certificate desiring renewal must pay the annual renewal fee to the Board on or before May 15 of each year.

~~[(c) For~~

(d) The fee for the renewal of a certificate which was suspended for failure to renew, ~~[the fee is~~ ***which must be*** an amount equal to all unpaid renewal fees accrued plus a reinstatement fee . ~~[that must be fixed by the Board annually at not more than $125 and not less than $75.~~

~~(f)~~ ***(e)*** The fee for the original issuance of a license as a court reporting firm . ~~***for legal recording firm*** is $250.~~

~~(g)~~ ***(f)*** The fee for the annual renewal of a license as a court reporting firm . ~~***for legal recording firm*** is $175.~~

~~(h)~~ ***(g)*** The fee for the reinstatement of a license as a court reporting firm . ~~***for legal recording firm*** is $175.]~~

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost incurred by the Board to provide the service.

3. The initial fees prescribed by the Board pursuant to subsection 1 must be equal to the fees established in this section or prescribed by regulation, as applicable, as such fees existed on December 31, 2025.

4. After the Board prescribes the initial fees pursuant to subsection 1, the Board may by regulation increase or decrease a fee to an amount that is not less than 90 percent and not more than 125 percent of the current fee.

Sec. 11.9. ~~[NRS 656.240 is hereby amended to read as follows:~~

~~656.240 The Board may refuse to issue or to renew or may suspend or revoke any certificate or license for any one or a combination of the following causes:~~

~~1. If the applicant, certified court reporter~~ ***, certified legal recorder*** ~~or licensee has by false representation obtained or sought to obtain a certificate or license for himself, herself or itself or any other natural person or business entity.~~

~~2. If the applicant, certified court reporter [or]~~ ***, certified legal recorder,*** ~~designated representative of a court reporting firm~~ ***or designated representative of a legal recording firm*** ~~has been found in contempt of court, arising out of the conduct of the applicant, court reporter~~ ***, legal recorder*** ~~or designated representative in performing or attempting to perform any act as a certified court reporter.~~

~~3. If the applicant, certified court reporter or designated representative of a court reporting firm has been convicted of a crime related to the qualifications, functions and responsibilities of a certified court reporter or licensee.~~

~~4. If the applicant, certified court reporter [or] , *certified legal recorder,* designated representative of a court reporting firm *or designated representative of a legal recording firm* has been convicted of any offense involving moral turpitude.~~

~~➥ The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[~~NRS 656.250 is hereby amended to read as follows:

~~656.250 The Board may refuse to issue or renew or may suspend or revoke any certificate or license if the certified court reporter [,] *or certified legal recorder,* including a designated representative of a court reporting firm *or a designated representative of a legal recording firm* if he or she holds a certificate, in performing or attempting to perform or pretending to perform any act as a certified court reporter *or certified legal recorder* has:~~

~~1. Willfully failed to [take] :~~

~~*(a) Take* full and accurate stenographic notes of any proceedings; *or*~~

~~*(b) Provide full and accurate legal record media of any proceedings;*~~

~~2. Willfully altered any stenographic notes *or legal record media* taken at any proceedings;~~

~~3. Willfully failed accurately to transcribe verbatim any stenographic notes taken at any proceedings;~~

~~4. Willfully altered a transcript of stenographic notes taken at any proceedings;~~

~~5. Affixed his or her signature to any transcript of his or her stenographic notes or certified to the correctness of such a transcript unless the transcript was prepared by the certified court reporter or was prepared under the certified court reporter's immediate supervision;~~

~~6. Demonstrated unworthiness or incompetency to act as a certified court reporter *or a certified legal recorder* in such a manner as to safeguard the interests of the public;~~

~~7. Professionally associated with or loaned his or her name to another for the illegal practice by another of court reporting [,] *or legal recording,* or professionally associated with any natural person or business entity holding itself out in any manner contrary to the provisions of this chapter;~~

~~8. Habitually been intemperate in the use of intoxicating liquor or controlled substances;~~

~~9. Except as otherwise provided in subsection 10, willfully violated any of the provisions of this chapter or the regulations adopted by the Board to enforce this chapter;~~

~~10. Violated any regulation adopted by the Board relating to:~~

~~(a) Unprofessional conduct;~~

~~(b) Agreements for the provision of ongoing services as a certified court reporter *or certified legal recorder* or ongoing services which relate to the practice of court reporting [;] *or the practice of legal recording;*~~

~~(c) The avoidance of a conflict of interest; or~~

~~(d) The performance of the practice of court reporting *or the performance of the practice of legal recording* in a uniform, fair and impartial manner and avoiding the appearance of impropriety;~~

~~11. Failed within a reasonable time to provide information requested by the Board as the result of a formal or informal complaint to the Board, which would indicate a violation of this chapter; or~~

~~12. Failed without excuse to transcribe stenographic notes *or provide legal record media* of a proceeding and file or deliver to an ordering party a transcript of the stenographic notes [:] *or legal record media:*~~

~~(a) Within the time required by law or agreed to by verbal or written contract;~~

~~(b) Within a reasonable time required for filing the transcript [;] or *providing the legal record media; or*~~

~~(c) Within a reasonable time required for delivery of the transcript [.] *or the legal record media.]*~~ **(Deleted by amendment.)**

Sec. 12.1. ~~[NRS 656.253 is hereby amended to read as follows:~~

~~656.253 The Board may refuse to issue or renew or may suspend or revoke a certificate or license if, after notice and a hearing as required by law, the Board determines that the certified court reporter *, certified legal recorder* or licensee has committed any of the acts set forth in NRS 656.240 or 656.250.]~~ **(Deleted by amendment.)**

Sec. 12.2. ~~[NRS 656.257 is hereby amended to read as follows:~~

~~656.257 In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a certified court reporter *or a certified legal recorder* or the license of a court reporting firm *or a legal recording firm* pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:~~

~~1. Place the certified court reporter *, certified legal recorder* or licensee on probation for a period not to exceed 1 year; or~~

~~2. Impose an administrative fine against the certified court reporter *, certified legal recorder* or licensee as provided in NRS 656.360.]~~ **(Deleted by amendment.)**

Sec. 12.3. ~~[NRS 656.260 is hereby amended to read as follows:~~

~~656.260 1. A licensee *, [or]* certified court reporter *or certified legal recorder* shall notify the Chair or Executive Secretary of the Board in writing within 30 days after a change in name or address.~~

~~2. A licensee shall report any change of:~~

~~(a) Ownership or corporate officers of a court reporting firm [;] *or legal recording firm;* and~~

~~(b) The designated representative of the court reporting firm~~ ***or designated representative of the legal recording firm*** ~~must be reported to the Chair or Executive Secretary within 30 days after the change.~~

~~3. The Board may suspend or revoke a license or certificate if the licensee,~~ ~~[or]~~ ~~certified court reporter~~ ***or certified legal recorder*** ~~fails so to notify the Board.]~~ **(Deleted by amendment.)**

Sec. 12.4. ~~[NRS 656.270 is hereby amended to read as follows:~~

~~656.270 The entry of a decree by a court of competent jurisdiction establishing the mental illness of any natural person who is a certified court reporter [or]~~ ***, a certified legal recorder,*** ~~a designated representative of a court reporting firm~~ ***or a designated representative of a legal recording firm*** ~~licensed under this chapter operates as a suspension of the certificate or license. Such a natural person may resume his or her business or practice only upon a finding by the Board that the natural person has been determined to be recovered from mental illness by a court of competent jurisdiction and upon the Board's recommendation that the certified court reporter~~ ***, certified legal recorder*** ~~or licensee be permitted to resume his or her business or practice.]~~ **(Deleted by amendment.)**

Sec. 12.5. ~~[NRS 656.280 is hereby amended to read as follows:~~

~~656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any natural person or business entity setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of a certificate or license or other disciplinary action as set forth in NRS 656.240 to 656.300, inclusive, investigate the actions of a current or former certified court reporter~~ ***, certified legal recorder*** ~~or licensee, including a natural person who or business entity that applies for, or holds or represents that he or she or the business entity holds a license or certificate.~~

~~2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.~~

~~3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.~~

~~4. The Board may continue the hearing from time to time.]~~ **(Deleted by amendment.)**

Sec. 12.6. ~~[NRS 656.300 is hereby amended to read as follows:~~

~~656.300 1. A natural person who has not been issued a certificate or whose certificate has been suspended or revoked shall not engage in the practice of court reporting~~ **~~[.]~~** ***or the practice of legal recording.***

~~2. A business entity that has not been issued a license or whose license has been suspended or revoked shall not conduct business as a court reporting firm~~ **~~[.]~~** ***or a legal recording firm.***

~~3. In addition to any other penalty prescribed by law, if the Board determines that a natural person or business entity has committed any act described in this section or NRS 656.145 or 656.185, the Board may:~~

~~— (a) Issue and serve on the natural person or business entity an order to cease and desist until the natural person or business entity obtains from the Board the proper certificate or license or otherwise demonstrates that the natural person or business entity is no longer in violation of this section. An order to cease and desist must include a telephone number with which to contact the Board.~~

~~— (b) Issue a citation to a natural person or business entity. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the natural person or business entity of the provisions of this paragraph. Each activity in which the natural person or business entity is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the natural person or business entity must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~— (c) Assess against the natural person or business entity an administrative fine as provided in NRS 656.360.~~

~~— (d)~~ ***Refer the matter to the appropriate district attorney or the Attorney General, as applicable, for possible criminal prosecution pursuant to subsection 4.***

~~— *(e)*~~ Impose any combination of the penalties set forth in paragraphs (a) ~~[~~, (b) and (c).~~]~~ ***to (d), inclusive.***

~~— *4. The district attorney of each county shall prosecute all violations of this section and NRS 656.145 and 656.185 in their respective counties in which violations occur, unless prosecuted by the Attorney General. Upon request of the Executive Secretary of the Board, the Attorney General shall prosecute any violation of this section or NRS 656.145 or 656.185 in lieu of the district attorney.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 656.310 is hereby amended to read as follows:~~

~~— 656.310 1. Except as otherwise provided in subsection 2, each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter:~~

~~— (a) Must be designated as a certified court reporter;~~

~~— (b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and~~

~~— (c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V."],]~~

~~— 2. Each natural person to whom a valid existing certificate of registration as a certified court reporter has been issued under this chapter and who has only passed the portion of the examination required pursuant to paragraph (b) of subsection 2 of NRS 656.170 through the use of voice writing:~~

~~— (a) Must be designated as a certified court reporter-voice writer;~~

~~— (b) May, in connection with his or her practice of court reporting, use the abbreviation "C.C.R.-V.";~~

~~— (c) Shall not, in connection with his or her practice of court reporting, use the abbreviation "C.C.R."; and~~

~~(d) Shall engage in the practice of court reporting only through the use of voice writing.~~

~~3.~~ ***Each natural person to whom a valid existing certificate of registration as a certified legal recorder has been issued under this chapter:***

(a) Must be designated as a certified legal recorder;

(b) May, in connection with his or her practice of legal recording, use the abbreviation "C.L.R."

~~4.~~ No natural person other than the holder of a valid existing certificate of registration under this chapter may use the title or designation of "certified court reporter," "certified court reporter-voice writer," ***"certified legal recorder,"*** "C.C.R." ~~[~~or "C.C.R. V.,"~~]~~ ***, "C.C.R. V." or "C.L.R.,"*** either directly or indirectly, in connection with his or her profession or business.

~~[4.]~~ ***5.*** Every certified court reporter ***and certified legal recorder*** shall place the number of the certificate:

(a) On the cover page and certificate page of all transcripts of proceedings ~~[;]~~ ***or label placed on any legal record media;*** and

(b) On all business cards.~~]~~ **(Deleted by amendment.)**

Sec. 14. ~~[~~NRS 656.335 is hereby amended to read as follows:

656.335 A certified court reporter shall retain his or her notes, whether or not transcribed, ***and a certified legal recorder shall retain his or her legal record media, whether or not ordered by any party to the proceeding in which the legal record media was made,*** for 8 years if they concern any matter subject to judicial review. These notes ***or legal record media*** must be kept in a manner which is reasonably secure against theft, tampering or accidental destruction.~~]~~ **(Deleted by amendment.)**

Sec. 15. ~~[~~NRS 656.345 is hereby amended to read as follows:

656.345 1. Except as otherwise provided in subsection 2, a certified court reporter ***, certified legal recorder*** or licensee shall not alter the record of a proceeding after the transcript of the proceeding has been certified ***, or alter the original legal record media of a proceeding after the legal record media has been certified,*** unless:

(a) Each party to the proceeding stipulates to the alteration; or

(b) The judge or arbiter presiding over the proceeding orders the alteration.

2. A licensee may, upon receiving a transcript from a certified court reporter for the purposes of reproducing and distributing the transcript, make typographical, clerical or other similar nonsubstantive alterations to the transcript if the licensee notifies the certified court reporter who certified the transcript of the proposed alterations and receives the approval of the certified court reporter for each alteration.~~]~~ **(Deleted by amendment.)**

Sec. 16. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his or her services the official reporter or reporter pro tempore is entitled to the following compensation:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any

day except Saturday or Sunday, ~~[$250]~~ ***$395*** per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Saturday or Sunday:

(1) If the reporter has been available to report for at least 4 hours, ~~[$35]~~ ***$75*** per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),

➥ to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, ~~[$8.03]~~ ***$10*** per page for the original draft and one copy, and ~~[$3.62]~~ ***$3.75*** per page for each additional copy;

(II) Within 48 hours after it is requested, ~~[$6.01]~~ ***$8*** per page for the original draft and one copy, and ~~[$2.72]~~ ***$2.80*** per page for each additional copy;

(III) Within 4 days after it is requested, ~~[$5.01]~~ ***$7*** per page for the original draft and one copy, and ~~[$2.26]~~ ***$2.30*** per page for each additional copy; or

(IV) More than 4 days after it is requested, ~~[$3.80]~~ ***$5.50*** per page for the original draft and one copy, and ~~[$1.00]~~ ***$1.50*** per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, ~~[$5.50]~~ ***$7*** per page and $1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, ~~[$4.13]~~ ***$5*** per page and ~~[83 cents]~~ ***$1*** per page for each additional copy;

(III) Within 4 days after it is requested, ~~[$3.44]~~ ***$4*** per page and ~~[69 cents]~~ ***$1*** per page for each additional copy; or

(IV) More than 4 days after it is requested, ~~[$2.75]~~ ***$3.50*** per page and ~~[55 cents]~~ ***$1*** per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, ~~[$1.10]~~ ***$1.50*** per page;

(II) Within 48 hours after it is requested, ~~[83 cents]~~ ***$1*** per page;

(III) Within 4 days after it is requested, ~~[69 cents]~~ ***$1*** per page; or

(IV) More than 4 days after it is requested, ~~[55 cents]~~ ***$1*** per page.

(d) For reporting all civil matters, in addition to the compensation provided in paragraphs (a) and (b), $40 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a) and (b), ~~[~~$140~~]~~ ***$300*** for the first day and ~~[~~$90~~]~~ ***$200*** per day for each subsequent day from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a), (b) and (d), ~~[~~$140~~]~~ ***$300*** for the first day and ~~[~~$90~~]~~ ***$200*** per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b) and (e), $1.50 per page of the translation contained on the diskette from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b), (d) and (e), $1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches and does not include a condensed transcript. The left margin must not be more than 1 ~~[~~1/2~~]~~ ***3/4*** inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least ~~[~~24~~]~~ ***25*** lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must ~~[~~not~~]~~ be ~~[~~larger~~]~~ ***at least 9 characters per inch and not more*** than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the court determines that the services of more than one reporter are necessary to deliver transcripts on a daily basis in a criminal proceeding, each reporter is entitled to receive:

(a) The compensation set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) Compensation of ~~[$7.50]~~ ***$10*** per page for the original draft and one copy, and ~~[$2]~~ ***$3*** per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The compensation specified in paragraphs (a) and (b) of subsection 1, the compensation for transcripts in criminal cases ordered by the court to be made, the compensation for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the compensation for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to NRS 432B.459, the compensation in criminal cases that is ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of subsection 1 and the compensation specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his or her reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. Except as otherwise provided in subsection 4, in civil cases, the compensation prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at the party's option, pay the entire compensation. In either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The compensation for transcripts and copies ordered by the parties must be paid by the party ordering them. No reporter may be required to perform any service in a civil case until his or her compensation has been paid to him or her.

6. Where a transcript is ordered by the court or by any party, the compensation for the transcript must be paid to the reporter before the furnishing of the transcript.

Sec. 16.3. NRS 5.015 is hereby amended to read as follows:

5.015 ***1.*** If a municipal court has been designated as a court of record pursuant to NRS 5.010, any proceeding before a jury in the municipal court may be recorded by using sound recording equipment.

2. Each municipal court judge may, with the approval of the city council or other governing body of the city, appoint and fix the compensation of a person, who need not be a certified court reporter and may have other responsibilities in the court, to operate the sound recording equipment. The

person so appointed shall subscribe to an oath that the person will so operate it as to record all of the proceedings.

3. The municipal court judge may designate the same or another person to transcribe the recording into a written transcript. The person so designated shall subscribe to an oath that the person has correctly transcribed it. The transcript may be used for all purposes for which transcripts are used and is subject to correction in the same manner as other transcripts.

Sec. 16.7. ~~[1. The amendatory provisions of NRS 656.050, as amended by section 5.3 of this act, do not affect the current term of appointment of any person who, on December 31, 2025, is a member of the Board, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. Except as otherwise provided in subsections 2 and 3, on and after January 1, 2026, the Governor shall make appointments to the Board in accordance with NRS 656.050, as amended by section 5.3 of this act.~~

~~2. Notwithstanding the amendatory provisions of NRS 656.050, as amended by section 5.3 of this act, the member initially appointed to the Board pursuant to subsection 3 of NRS 656.050, as amended by section 5.3 of this act, is not required to satisfy the requirements of that subsection, but must:~~

~~(a) Be eligible for a certificate of registration as a legal recorder; and~~

~~(b) Have been actively engaged in the practice of legal recording within this State for at least 5 years immediately preceding his or her appointment.~~

~~3. Notwithstanding the amendatory provisions of section 5.3 of this act, after the initial term of the member described in subsection 2, each member who is appointed to the Board pursuant to subsection 3 of NRS 616.050, as amended by section 5.3 of this act, before January 1, 2031, is not required to have been actively engaged as a certified legal recorder within this State for at least 5 years immediately preceding his or her appointment, but must have been actively engaged in the practice of legal recording within this State for at least 5 years immediately preceding his or her appointment.~~

~~4. As used in this section:~~

~~(a) "Board" means the Certified Court Reporters' Board of Nevada.~~

~~(b) "Certified legal recorder" has the meaning ascribed to it in NRS 656.030, as amended by section 5 of this act.~~

~~(c) "Practice of legal recording" has the meaning ascribed to it in NRS 656.030, as amended by section 5 of this act.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[1. Notwithstanding the amendatory provisions of this act:~~

~~(a) A natural person who, on or before December 31, 2025, is engaged in legal recording, as described in subsection 15 of NRS 656.030, as amended by section 5 of this act, may continue to engage in such legal recording without obtaining a certificate of registration as a legal recorder issued pursuant to chapter 656 of NRS and any regulations adopted pursuant thereto until July 1, 2026, or such other date as the Board may prescribe by regulation.~~

~~(b) A business entity that, on or before December 31, 2025, provides or arranges for the services of a person engaged in legal recording, as described in subsection 15 of NRS 656.030, as amended by section 5 of this act, or provides referral services for persons engaged in such legal recording may continue to engage in those activities without a license issued pursuant to chapter 656 of NRS and any regulations adopted pursuant thereto until July 1, 2026, or such other date as the Board may prescribe by regulation.~~

~~2. As used in this section, "Board" means the Certified Court Reporters' Board of Nevada.~~] **(Deleted by amendment.)**

Sec. 17.5. **Notwithstanding the amendatory provisions of this act, the fees set forth in NRS 656.220, as that section existed on December 31, 2025, remain in effect until the regulations establishing fees pursuant to NRS 656.220, as amended by section 11.7 of this act, are adopted by the Certified Court Reporters' Board of Nevada and filed with the Secretary of State.**

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[17,]~~ **17.5,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

SUMMARY—Prohibits certain restrictions on the display of religious **or cultural** items under certain circumstances. (BDR 10-122)

AN ACT relating to religious ~~[freedom;]~~ **and cultural expression;** prohibiting a unit-owners' association, a unit's owner who rents or leases his or her unit or a landlord from imposing certain restrictions on the display of religious **or cultural** items; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend bylaws and adopt rules and regulations concerning the community. (NRS 116.3102) **Section 1** of this bill restricts, with certain exceptions, an association or unit's owner who rents or leases his or her unit from prohibiting a unit's owner or occupant of a unit from engaging in the display of religious **or cultural** items. **Sections 1.3 and 1.7** of this bill impose a similar restriction on landlords.

For the purposes of these restrictions, **sections 1 and 1.3** define "display of religious **or cultural** items" to mean, in general, an item ~~[or combination of items made from certain materials and]~~ displayed or affixed **in or** on ~~[an entry door or doorframe of]~~ a unit or dwelling, as applicable, because of sincerely held religious **or cultural** beliefs ~~[.]~~ **, practices or traditions.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 or 3, the executive board of an association or a unit's owner who rents or leases his or her unit shall not and the governing documents of an association or rental agreement must not prohibit a unit's owner or an occupant of a unit from engaging in the display of religious or cultural items within such physical portion of the common-interest community as that owner or occupant has a right to occupy and use exclusively.

2. The provisions of this section do not:

(a) Apply to a display of religious or cultural items that:

(1) Has a total size that is greater than 36 by 12 square inches or that exceeds the size of the door on which or whose frame on which the display of religious or cultural items is displayed or affixed;

(2) Has a total size that is greater than 36 by 12 square inches that is immediately adjacent or affixed to the entry of a unit;

(3) Threatens the health, safety or welfare of the public;

~~[(3)]~~ (4) Hinders the opening or closing of any entry door;

~~[(4)]~~ (5) Violates any federal, state or local law;

~~[(5)]~~ (6) Promotes ~~[discrimination or]~~ discriminatory ~~[beliefs;]~~ behavior; or

~~[(6)]~~ (7) Contains graphics, language or any display that is obscene or otherwise illegal.

(b) Preclude an association or a unit's owner who rents or leases his or her unit from adopting, and do not preclude the governing documents of an association or a rental agreement from setting forth, rules that reasonably restrict the placement and manner of the display of religious or cultural items by a unit's owner or an occupant of a unit.

3. An association or a unit's owner who is performing or causing to be performed any maintenance, repair or replacement of an entry door or doorframe of a unit may:

(a) Remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. An association or unit's owner shall, before temporarily removing a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the affected unit's owner or occupant

of the unit. If, following receipt of such written notice, the unit's owner or occupant consents to the removal of the display of religious or cultural items or fails, within a reasonable period, to respond to the written notice, then the association or unit's owner may temporarily remove the display of religious or cultural items. The association or unit's owner shall store the item or items with respect and in accordance with the appropriate religious or cultural practice, tradition or custom and document compliance with this paragraph. After the work is completed, the association or unit's owner shall return the display of religious or cultural items to the entry door or doorframe ~~.~~ within 72 hours after the work is completed.

(b) Require the unit's owner or an occupant of the unit to remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. An association or unit's owner shall, before requiring a unit's owner or occupant of a unit to temporarily remove a display of religious or cultural items pursuant to this paragraph, provide written notice of at least 7 days before the work is performed, except in an emergency, to the affected unit's owner or occupant. After the work is completed, the unit's owner or occupant must be permitted to return the display of religious or cultural items to the entry door or doorframe ~~.~~ within 72 hours after the work is completed.

4. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

5. As used in this section:

(a) "Display of religious or cultural items" means an item ~~[or combination of items:~~

~~(1) Made of wood, metal, glass, plastic, cloth, fabric or paper; and~~

~~(2) Displayed]~~ displayed or affixed in or on ~~[any entry door or doorframe of]~~ a unit because of sincerely held religious or cultural beliefs ~~[.]~~ , practices or traditions.

(b) "Rental agreement" means an oral or written agreement between a unit's owner and another person for the use and occupancy of a unit.

Sec. 1.3. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 or 3, a landlord or an agent or employee of a landlord shall not, and the rental agreement must not, prohibit a tenant from engaging in the display of religious or cultural items on the entry door or doorframe of the dwelling ~~.~~ or otherwise in or on the dwelling.

2. The provisions of this section do not:

(a) Apply to a display of religious or cultural items that:

(1) Has a total size that is greater than 36 by 12 square inches or that exceeds the size of the door on which or whose frame on which the display of religious or cultural items is displayed or affixed;

(2) Has a total size that is greater than 36 by 12 square inches that is immediately adjacent or affixed to the entry of a dwelling;

(3) Threatens the health, safety or welfare of the public;

~~[(3)]~~ (4) Hinders the opening or closing of any entry door;

~~[(4)]~~ (5) Violates any federal, state or local law;

~~[(5)]~~ (6) Promotes ~~[discrimination or]~~ discriminatory ~~[beliefs;]~~ behavior; or

~~[(6)]~~ (7) Contains graphics, language or any display that is obscene or otherwise illegal.

(b) Preclude a landlord or an agent or employee of a landlord from adopting policies that reasonably restrict the placement and manner of the display of religious or cultural items by a tenant.

3. A landlord or an agent or employee of a landlord who is performing or causing to be performed any maintenance, repair or replacement of an entry door or doorframe of the dwelling may:

(a) Remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. A landlord or an agent or employee of a landlord shall, before temporarily removing a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the tenant. If, following receipt of such written notice, the tenant consents to the removal of the display of religious or cultural items or fails, within a reasonable period, to respond to the written notice, then the landlord or the agent or employee of the landlord may temporarily remove the display of religious or cultural items. A landlord or an agent or employee of a landlord shall store the item or items with respect and in accordance with the appropriate religious or cultural practice, tradition or custom and document compliance with this paragraph. After the work is completed, the landlord or the agent or employee of the landlord shall return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

(b) Require the tenant to remove a display of religious or cultural items on the entry door or doorframe during the time the work is being performed in accordance with the provisions of this paragraph. A landlord or an agent or employee of a landlord shall, before requiring a tenant to temporarily remove a display of religious or cultural items pursuant to this paragraph, provide written notice at least 7 days before the work is performed, except in an emergency, to the tenant. After the work is completed, the tenant must be permitted to return the display of religious or cultural items to the entry door or doorframe ~~[.]~~ within 72 hours after the work is completed.

4. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

5. As used in this section, "display of religious or cultural items" means an item ~~[or combination of items:~~

~~*(a) Made of wood, metal, glass, plastic, cloth, fabric or paper; and*~~

~~*(b) Displayed]*~~ *displayed or affixed in or on* ~~*[any entry door or doorframe off]*~~ *the dwelling because of sincerely held religious or cultural beliefs* ~~*[.]*~~ *, practices or traditions.*

Sec. 1.7. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(o) Information regarding the right of the tenant to engage in the display of religious or cultural items, as set forth in section 1.3 of this act.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 2. 1. Any provision contained in the governing documents of an association or in a rental agreement or policy of a unit's owner who rents or leases his or her unit or in a rental agreement or policy of a landlord which is in effect on July 1, 2025, and which is contrary to the provisions of this act is void and unenforceable.

2. Any provision contained in the governing documents of an association which is contrary to the provisions of this act shall be deemed, as provided in subsection 1 of NRS 116.1206, to conform with the provisions of this act by operation of law, and an association is not required to amend the governing documents to conform to the provisions of this act.

3. On or before October 1, 2025, each unit's owner who rents or leases his or her unit and each landlord shall review and amend the policies of the unit's owner or landlord, as applicable, as necessary to ensure compliance with the provisions of this act.

4. A unit's owner who rents or leases his or her unit or a landlord shall review any rental agreement that is in effect on July 1, 2025, to ensure compliance with the provisions of this act. On or before the date for renewal of such a rental agreement, the unit's owner or landlord shall remove any provision of the agreement that is void and unenforceable pursuant to subsection 1.

5. As used in this section:

(a) "Association" has the meaning ascribed to it in NRS 116.011.

(b) "Executive board" has the meaning ascribed to it in NRS 116.045.

(c) "Governing documents" has the meaning ascribed to it in NRS 116.049.

(d) "Landlord" has the meaning ascribed to it in NRS 118A.100.

(e) "Rental agreement" means an oral or written agreement between a unit's owner and another person for the use and occupancy of a unit or between a landlord and a tenant for the use and occupancy of a dwelling as defined in NRS 118A.080, as applicable.

(f) "Unit" has the meaning ascribed to it in NRS 116.093.

(g) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 733.

AN ACT relating to peace officers; revising the definition of "punitive action" as the term relates to certain peace officers; **prohibiting a law enforcement agency from denying an increase in seniority or compensation to a peace officer under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a law enforcement agency from taking certain types of punitive action against a peace officer; and (2) provides certain protections to peace officers when punitive action may be imposed against them. (NRS 289.020, 289.057, 289.060, 289.080, 289.085, 289.092, 289.820, 289.824) Existing law defines "punitive action" as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment. (NRS 289.010) **Section 2** of this bill revises the definition to include any action which may lead to denial of an increase, either in seniority or compensation, for purposes of punishment.

Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer has engaged in activities which could result in

punitive action and, subject to certain exceptions, including any investigation which concerns alleged criminal activities, prohibits a law enforcement agency from suspending a peace officer without pay during or pursuant to an investigation until all investigations relating to the matter have concluded. (NRS 289.057, 289.090) Section 3 of this bill adds to this prohibition the denial of an increase in seniority or compensation, subject to certain exceptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.

3. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

4. "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

6. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand ***,*** ~~[or]~~ transfer ***or denial of an increase, either in seniority or compensation,*** of a peace officer for purposes of punishment.

7. "Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.

Sec. 3. **NRS 289.057 is hereby amended to read as follows:**

289.057 1. Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. Any such investigation of a peace officer must be commenced by the law enforcement agency within a reasonable period of time after the date of the filing of the complaint or allegation with the law enforcement agency. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the complaint or allegation is filed with the law enforcement agency more than 5 years after the activities of the peace officer occurred.

2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not ~~[suspend]~~ ***:***

(a) Suspend a peace officer without pay ***; or***

(b) Deny an increase in seniority or compensation, unless an investigation may lead to dismissal or demotion,

➥ during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

4. A law enforcement agency may reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 704.

AN ACT relating to commerce; ~~[requiring certain persons to obtain a license as an installment lender;]~~ imposing various requirements upon a distributed generation system financier who finances the purchase of or leases a distributed generation system or contracts for a power purchase agreement; revising requirements for solar installation companies that sell and install distributed generation systems; imposing certain requirements and restrictions upon persons who generate leads or referrals to perform work concerning a distributed generation system; establishing and revising certain requirements for the contents of an agreement for the provision of a distributed generation

system loan, an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of installment lenders by the Commissioner of Financial Institutions. (Chapter 675 of NRS) ~~[With certain exceptions, existing law prohibits a person from engaging in the business of lending without being licensed by the Commissioner as an installment lender. (NRS 675.060) Section 20 of this bill additionally prohibits a person from engaging in the business of a distributed generation system financier or a manufactured home financier without being licensed by the Commissioner as an installment lender. Section 18 of this bill defines: (1) "distributed generation system financier," in general, to mean a person who provides a loan to finance the purchase of a distributed generation system, which section 18 designates as a "distributed generation system loan," leases a distributed generation system or contracts for a power purchase agreement; and (2) "manufactured home financier" to mean, in general, a person who provides a loan to finance the purchase of or leases a manufactured home that is not permanently attached to land.]~~ **Section 1 of this bill prohibits an installment lender from engaging in any deceptive trade practice.**

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Sections** ~~[2-17]~~ **23.1-23.3** of this bill impose various requirements on distributed generation system financiers and contractual requirements for an agreement for the provision of a distributed generation system loan ~~[or]~~**, an agreement for the** lease ~~[for]~~ **of** a distributed generation system ~~[.]~~ **and a power purchase agreement. Section 23.11 defines "distributed generation system financier" to mean, in general, a person who provides a distributed generation system loan, leases a distributed generation system or enters into a contract for a power purchase agreement. Section 23.12 defines "distributed generation system loan" to mean a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.**

Section ~~[6]~~ **23.13** prohibits a distributed generation system financier from charging a borrower, lessee, host customer or prospective borrower, lessee or host customer certain fees that are attributable to a fee imposed on the financier by a third party in an amount that exceeds the actual amount of the fee charged to the financier by the third party. **Section** ~~[7]~~ **23.14** sets forth certain requirements for the contents of an agreement for the provision of a distributed generation system loan. **Section** ~~[10]~~ **23.16** requires a distributed generation system financier to provide to a borrower**,** ~~[or]~~ lessee **or host customer** a copy of an agreement for the provision of the distributed generation system loan ~~[or]~~**, an agreement for the** lease of a distributed generation system **or a**

power purchase agreement immediately after it is signed by the borrower**,** ~~[or]~~ lessee ~~[.]~~ **or host customer.**

Section ~~[11]~~ **23.17** sets forth certain requirements for a distributed generation system financier with respect to a distributed generation system that will be installed on the roof of a manufactured home.

Section ~~[12]~~ **23.18** requires a distributed generation system financier to ensure that any solar installation company that will install a distributed generation system that is leased by ~~[or]~~ **the financier or** for which a **power purchase agreement or agreement for the provision of a** distributed generation system loan has been ~~[issued]~~ **executed** by the financier holds the proper contractor's license and is acting within the monetary limit of that license. If a distributed generation system financier fails to do so, the loan ~~[or]~~ **agreement,** lease agreement **or power purchase agreement** is voidable by the borrower**,** ~~[or]~~ lessee **or host customer** for a certain period. Additionally, **section** ~~[12 provides that]~~ **23.18 prohibits** a distributed generation system financier ~~[commits a deceptive trade practice if the financier pays]~~ **from providing** any money pursuant to a loan ~~[or]~~ **agreement,** lease agreement **or power purchase agreement** to a solar installation company that does not have the proper contractor's license or who is acting outside the monetary limit of such a license. **Section** ~~[14]~~ **23.21** additionally prohibits such a financier from making certain payments to a solar installation company before the distributed generation system has received permission from the appropriate public utility to connect to the power grid or, if the system will not be connected to the power grid, has passed a final inspection and become operational.

Section ~~[13]~~ **23.19** requires a distributed generation system financier to make and retain certain recordings with a borrower or lessee. **Section 31** of this bill **: (1) removes the duty of a solar installation company to make certain recordings concerning a lessee which is imposed in section 23.19 on a distributed generation system financier; and (2)** increases, from 4 years to 5 years, the amount of time a solar installation company is required to maintain certain recordings.

Section ~~[15]~~ **23.22** prohibits a distributed generation system financier from causing a distributed generation system to be disconnected or otherwise unusable for **the** failure of a borrower, lessee or host customer to make any payment required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower, lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.

Section ~~[17]~~ **23.3** requires a distributed generation system financier to comply with all applicable federal laws and regulations.

Section ~~[16]~~ **23.23** provides that the assignee of an agreement for the provision of a distributed generation system loan**,** ~~[or]~~ an agreement for the lease of a distributed generation system **or a power purchase agreement** is subject to all claims and defenses of the borrower **,** ~~[or]~~ lessee **or host**

customer against the distributed generation system financier who provided the loan or entered into the lease ~~[.]~~ **or power purchase agreement.** Under **section** ~~[16,]~~ **23.23,** the liability of the assignee is limited to the amount owed to the assignee at the time the claim or defense is asserted against assignee.

Section ~~[21 of this bill revises provisions of existing law prohibiting a licensed installment lender from advertising certain false, misleading or deceptive statements or representations to specify that the prohibition also applies to applicable leases and specifically includes such statements made by]~~ **23.24 prohibits** a distributed generation system financier ~~[with]~~ **from advertising any false, misleading or deceptive statement with** regard to any rate that may be charged by a public utility for electricity. ~~[(NRS 675.280)~~

~~— Section 22 of this bill revises provisions of existing law relating to retail installment sales so that such provisions continue to apply to distributed generation system financiers and manufactured home financiers who engage in certain activities. (NRS 97.125)]~~

Under existing law, a lessee or purchaser of a distributed generation system **or a host customer** has the right to rescind the lease or purchase agreement 3 business days after the agreement is signed. (NRS 598.98216) **Sections** ~~[7, 9,]~~ **23.14, 23.15,** ~~[26-29]~~ **26-30 and 32** of this bill provide a borrower, lessee **,** ~~[or]~~ purchaser **or host customer** the right to rescind an agreement for the provision of a distributed generation system loan **,** ~~[or]~~ a lease or purchase agreement ~~[.]~~ **or a power purchase agreement:** (1) 3 business days after signing, if the person is ~~[under]~~ **less than** 60 years of age; and (2) 10 business days after signing, if the person is 60 years of age or older. **Sections** ~~[8, 9,]~~ **23.15, 23.2 , 26-30 and 32** of this bill also provide a borrower, lessee **,** ~~[or]~~ purchaser **or host customer** the right to rescind such an agreement if the results of a required on-site physical survey of the premises conducted after the execution of the agreement would require the alteration of the terms of the agreement to increase the price of the distributed generation system or **, with certain exceptions,** change the type of equipment used for the distributed generation system.

Section 23.4 of this bill imposes certain requirements and restrictions upon a person who generates leads or referrals to perform work concerning a distributed generation system. **Section 23.6** of this bill prohibits a solar installation company from accepting any payment as an initial down payment or deposit to be paid for the installation of a distributed generation system that exceeds a certain amount. **Section 23.8** of this bill prohibits a solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier from engaging in certain conduct, including, without limitation, certain specified deceptive or fraudulent conduct in connection with the lease or purchase of a distributed generation system or the contracting for a power purchase agreement.

Section 24 of this bill makes a conforming change so that the definitions applicable to the provisions of existing law governing distributed generation

systems apply to **sections** ~~[23.2-23.8,]~~ **23.1-23.8. Section 33** of this bill provides that a violation of **sections** ~~[23.2-23.8]~~ **23.1-23.8** constitutes a deceptive trade practice and consumer fraud.

Sections ~~[7,]~~ **23.6, 27, ~~[and]~~ 29 and 30** also provide that a borrower, lessee**,** ~~[or]~~ purchaser **or host customer** is not required to pay any money to a distributed generation system financier or solar installation company **, except for an initial deposit or down payment that does not exceed a certain amount,** before the distributed generation system has received permission from the appropriate public utility to connect to the power grid or, if the system will not be connected to the power grid, has passed a final inspection and become operational.

Sections 27 and 29 additionally impose certain duties on a solar installation company if a distributed generation system fails to meet the estimated amount of production in the first year of operation of the system. **Sections ~~[7,]~~ 23.14, 29 and 30** of this bill require an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement to contain information concerning whether a borrower, lessee or host customer may transfer the agreement in the event of a sale of the property to which the distributed generation system is affixed and the process to complete a payoff of any amount owed under the agreement. **Sections 27, 29 and 30** additionally require certain other provisions and disclosures to be included in an agreement for the purchase or lease of a distributed generation system and a power purchase agreement.

Existing law excludes from the definition of "solar installation company" a person who generates leads or referrals to perform work concerning a distributed generation system, if the person's activities are limited to certain specified activities. (NRS 598.9808) **Section 25** of this bill requires such a person to collect only the name, contact information and information concerning the power bill of a prospective purchaser or lessee. **Section 25** additionally prohibits such a person from engaging in advertising through any media other than print media.

Section 23.7 of this bill authorizes the State Contractors' Board to adopt regulations that require any employee of a solar installation company to submit to a background check and which set forth requirements for such background checks.

Sections ~~[7 and]~~ 23.14, 26 and 29.5 of this bill require an agreement for the provision of a distributed generation system loan and the cover page for an agreement for the lease of a distributed generation system **or power purchase agreement** to prominently display at the top of the agreement or cover page the length of the term of the ~~[loan or lease]~~ **agreement** and a description of the consequences if the borrower**,** ~~[or]~~ lessee **or host customer** dies during the term of the ~~[loan or lease.]~~ **agreement.**

Sections 26, 28 and 29.5 of this bill require the cover page of an agreement for the lease or purchase of a distributed generation system or a power purchase agreement to contain certain information relating to the amount paid by the

company for certain leads and referrals and certain notice relating to the terms of the agreement. **Sections 26, 28 and 29.5** ~~[of this bill]~~ also require such a cover page to contain a statement providing certain information concerning financial covenants and restrictions that may affect the future sale or transferability of the property of the purchaser, lessee or host customer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 675 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 17, inclusive, of this act.]~~ **a new section to read as follows:**

A licensee shall not engage in any deceptive trade practice as defined in chapter 598 of NRS.

Sec. 2. ~~*[As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 5, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[“Borrower” means a person who receives a distributed generation system loan from a distributed generation system financier.]*~~ **(Deleted by amendment.)**

Sec. 3.5. ~~*[“Host customer” has the meaning ascribed to it in NRS 598.9805.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Lessee” means a person who leases a distributed generation system or any part thereof from a distributed generation system financier.]*~~ **(Deleted by amendment.)**

Sec. 4.5. ~~*[“Power purchase agreement” has the meaning ascribed to it in NRS 598.9807.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[“Solar installation company” has the meaning ascribed to it in NRS 598.9808.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[A distributed generation system financier shall not charge a borrower, lessee, host customer or prospective borrower, lessee or host customer any fee in connection with the provision of a distributed generation system loan, the lease of a distributed generation system or the contracting for a power purchase agreement that is attributable to a fee imposed on the distributed generation system financier by a third party, including, without limitation, a fee imposed for the performance of a credit check, in an amount that exceeds the actual amount of the fee charged to the distributed generation system financier by the third party.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[In addition to any other applicable requirements, an agreement between a distributed generation system financier and a borrower for the provision of a distributed generation system loan must include, without limitation:*~~

~~*1. The following information prominently displayed at the top of the first page of the agreement in at least a 16-point font:*~~

~~*(a) Notice of the term of the loan; and*~~

~~(b) A description of the consequences if the borrower dies before the loan is repaid.~~

~~2. The following information in at least a 10-point font:~~

~~(a) The name, mailing address, electronic mail address and telephone number of the distributed generation system financier.~~

~~(b) A provision that provides that the borrower is not required to pay any money to the distributed generation system financier under the agreement until:~~

~~(1) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.~~

~~(2) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.~~

~~(c) The granting to the borrower of the right to rescind the agreement for a period of:~~

~~(1) For a borrower who is under 60 years of age, 3 business days after the agreement is signed.~~

~~(2) For a borrower who is 60 years of age or older, 10 business days after the agreement is signed.~~

~~(d) The granting to the borrower of the right to rescind the agreement pursuant to section 8 of this act.~~

~~(e) A description of all the options available to the borrower in the event of a sale or transfer of the property to which the distributed generation system is affixed, including, without limitation, whether the borrower may transfer the agreement to the purchaser or transferee of the property, the conditions of any such transfer and the process to complete a payoff of the amount owed under the agreement.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[A borrower who is entitled to rescind an agreement for the purchase of a distributed generation system pursuant to section 23.2 of this act is also entitled to rescind an agreement for the provision of a distributed generation system loan for that system within 3 business days after the receipt of the results of the physical survey.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[1. Any borrower who enters into or signs an agreement for the provision of a distributed generation system loan may rescind or cancel the agreement without any penalty or obligation by giving notice in writing to the distributed generation system financier either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the:~~

~~(a) For a borrower who is less than 60 years of age, third business day after the date the agreement was entered into or signed.~~

~~(b) For a borrower who is 60 years of age or older, the 10th business day after the date the agreement was entered into or signed.~~

~~(c) Third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.~~

~~*2. The notice must be addressed to the distributed generation system financier at the financier's place of business, another place designated in the agreement or sent to the electronic mail address set forth in the agreement and must contain words indicating the intent of the borrower to rescind or cancel the transaction previously entered into.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[A distributed generation system financier shall provide to a borrower or lessee a copy of an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system, as applicable, immediately after it is signed by the borrower or lessee.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[If a distributed generation system will be installed on the roof of a manufactured home, the distributed generation system financier must not execute an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system unless the distributed generation system financier has:*~~

~~*1. Verified that the solar installation company that will install the distributed generation system, in addition to being properly licensed pursuant to chapter 624 of NRS, holds a license issued pursuant to NRS 489.311; and*~~

~~*2. Obtained from the solar installation company that will install the distributed generation system an inspection report indicating that the roof of the manufactured home is able to safely withstand the weight of the distributed generation system.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[1. A distributed generation system financier shall ensure that any solar installation company that installs a distributed generation system for which the distributed generation system financier has executed an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system is properly licensed pursuant to chapter 624 of NRS and acting within the monetary limit of the license.*~~

~~*2. If a distributed generation system financier fails to comply with the provisions of subsection 1, the agreement for the provision of the distributed generation system loan or the lease of the distributed generation system is voidable by the borrower or lessee for 3 years after the date on which:*~~

~~*(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.*~~

~~*(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.*~~

~~*3. A distributed generation system financier who, pursuant to an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system, provides any money for the installation of a distributed generation system to a solar installation company that is not properly licensed pursuant to chapter 624 of NRS or that*~~

~~*is acting outside the monetary limit of the license commits a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.*~~ **(Deleted by amendment.)**

Sec. 13. ~~*1. A distributed generation system financier shall, in person or by telephone or videoconference:*~~

~~*(a) Confirm the identity of a borrower under an agreement for the provision of a distributed generation system loan;*~~

~~*(b) Communicate to the borrower the terms and conditions of the agreement for the provision of a distributed generation system loan, including, without limitation, any fees charged by the distributed generation system financier; and*~~

~~*(c) Confirm that the borrower understands the information communicated pursuant to paragraph (b).*~~

~~*2. The verbal communication required by subsection 1 must be:*~~

~~*(a) Recorded by the distributed generation system financier; and*~~

~~*(b) Conducted before the commencement of the installation of the distributed generation system.*~~

~~*3. A distributed generation system financier shall maintain the recording required by subsection 2 for not less than 5 years after the date of the final inspection of the distributed generation system.*~~ **(Deleted by amendment.)**

Sec. 14. ~~*1. A distributed generation system financier shall not pay to a solar installation company pursuant to an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system an amount that exceeds the amount set forth in paragraph (g) of subsection 2 of NRS 624.875 before the date on which:*~~

~~*(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.*~~

~~*(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.*~~

~~*2. If a distributed generation system financier violates the provisions of subsection 1, the distributed generation system financier becomes responsible for ensuring that the distributed generation system receives permission from the appropriate public utility to connect the distributed generation system to the power grid or passes a final inspection and becomes operational, as applicable.*~~ **(Deleted by amendment.)**

Sec. 15. ~~*A distributed generation system financier shall not cause a distributed generation system to be disconnected or otherwise prevent a borrower, lessee or host customer from using the distributed generation system because the borrower, lessee or host customer failed to make a payment as required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower,*~~

~~*lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[The assignee of an agreement for the provision of a distributed generation system loan or the lease of a distributed generation system is subject to all claims and defenses of the borrower or lessee against the distributed generation system financier who provided the loan or entered into the lease, except that the liability of the assignee pursuant to this section must not exceed the amount owed to the assignee at the time the claim or defense is asserted against the assignee.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[A distributed generation system financier shall comply with all applicable federal laws and regulations, including, without limitation, as applicable, 12 C.F.R. Part 1002, 12 C.F.R. Part 1013, 12 C.F.R. Part 1026 and 16 C.F.R. Part 433 and any applicable requirements set forth under federal law and regulations relating to the disclosure of information.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 675.020 is hereby amended to read as follows:~~

~~675.020 As used in this chapter, unless the context otherwise requires:~~

~~1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.~~

~~2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.~~

~~3. "Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.~~

~~4. "Business of lending in this State" means that a person:~~

~~(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.~~

~~5. "Commissioner" means the Commissioner of Financial Institutions.~~

~~6. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.~~

~~7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:~~

~~(a) Is owned, leased or licensed by a licensee;~~

~~(b) Is located at the place of business of the licensee or hosted remotely; and~~

~~(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.~~

~~8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.~~

~~9. "Covered service member" has the meaning ascribed to it in NRS 604A.038.~~

~~10. "Dependent" has the meaning ascribed to it in NRS 604A.057.~~

~~11. *"Distributed generation system" has the meaning ascribed to it in NRS 598.9804.*~~

~~*12. "Distributed generation system financier" means a person who:*~~

~~*(a) Provides a distributed generation system loan to a borrower, as defined in section 3 of this act, in this State;*~~

~~*(b) Leases a distributed generation system or any part thereof to a lessee, as defined in section 4 of this act, in this State; or*~~

~~*(c) Contracts for a power purchase agreement with a host customer, as defined in NRS 598.9805, in this State,*~~

~~*→ The term does not include a third party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to a distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.*~~

~~*13. "Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.*~~

~~*14.* "Internet business lender" means a person who makes business loans exclusively through the Internet.~~

~~[12.]~~ *15.* ~~"License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.~~

~~[13.]~~ *16.* ~~"Licensee" means a person to whom one or more licenses have been issued.~~

~~[14.]~~ *17. "Manufactured home" has the meaning ascribed to it in NRS 489.113.*

~~*18. "Manufactured home financier" means a person who:*~~

~~*(a) Provides a loan in this State for the express purpose of financing the purchase of a manufactured home that is not permanently attached to land; or*~~

~~*(b) Leases to another person a manufactured home in this State that is not permanently attached to land.*~~

~~*19.* "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.~~

~~[15.]~~ *20.* ~~"Personal information" has the meaning ascribed to it in NRS 603A.040.~~

~~[16.]~~ ***21.*** ~~"Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which an employee of a licensee engages in the business of lending in this State pursuant to NRS 675.2965 to 675.299, inclusive.]~~ **(Deleted by amendment.)**

Sec. 19. (Deleted by amendment.)

Sec. 20. ~~[NRS 675.060 is hereby amended to read as follows:~~

~~675.060 No person may engage in the business of lending~~ ***, the business of a manufactured home financier or the business of a distributed generation system financier*** ~~in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that:~~

~~1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.~~

~~2. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with NRS 675.2965 to 675.299, inclusive.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 675.280 is hereby amended to read as follows:~~

~~675.280 A licensee shall not advertise or permit to be advertised in any manner whatsoever any false, misleading or deceptive statement or representation with regard to the rates, terms or conditions for loans~~ ***[.] or applicable leases, including, without limitation, for a distributed generation system financier, any false, misleading or deceptive statement or representation with regard to any rate that may be charged by a public utility for electricity.]*** **(Deleted by amendment.)**

Sec. 22. ~~[NRS 97.125 is hereby amended to read as follows:~~

~~97.125 1. "Retail seller" or "seller" means:~~

~~(a) A person engaged in the business of selling or leasing goods or services to retail buyers or a licensee, franchisee, assignee or corporate affiliate or subsidiary of such a person;~~

~~(b) A person, other than a financial institution, who enters into agreements prescribing the terms for the extension of credit pursuant to which the person may, with the buyer's consent, purchase or acquire one or more obligations of the buyer to a retail seller if the purchase, lease, loan or other obligation to be paid in accordance with the agreement is evidenced by a sales slip or memorandum; or~~

~~(c) A person, other than a financial institution, who regularly extends, whether in connection with sales or leases of goods or services, credit which is payable by agreement in more than four installments or for which the payment of a finance charge may be required.~~

~~2. As used in this section, "financial institution" means:~~

~~(a) A bank, credit union, savings institution or trust company organized under, or supervised pursuant to, the laws of the United States or of any state, or any affiliate or subsidiary thereof; or~~

~~(b) A person licensed pursuant to chapter 675 of NRS [.] *other than a distributed generation system financier or a manufactured home financier, as those terms are defined in NRS 675.020.]*~~ **(Deleted by amendment.)**

Sec. 23. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[23.2]~~ **23.1** to 23.8, inclusive, of this act.

Sec. 23.1. "Borrower" means a person who receives a distributed generation system loan from a distributed generation system financier.

Sec. 23.11. 1. "Distributed generation system financier" means a person who:

(a) Provides a distributed generation system loan to a borrower in this State;

(b) Leases a distributed generation system or any part thereof to a lessee in this State; or

(c) Enters into a contract for a power purchase agreement with a host customer in this State.

2. The term does not include a third party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to a distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.

Sec. 23.12. "Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.

Sec. 23.13. A distributed generation system financier shall not charge a borrower, lessee, host customer or prospective borrower, lessee or host customer any fee in connection with the provision of a distributed generation system loan, the lease of a distributed generation system or the contracting for a power purchase agreement that is attributable to a fee imposed on the distributed generation system financier by a third party, including, without limitation, a fee imposed for the performance of a credit check, in an amount that exceeds the actual amount of the fee charged to the distributed generation system financier by the third party.

Sec. 23.14. In addition to any other applicable requirements, an agreement between a distributed generation system financier and a borrower for the provision of a distributed generation system loan must include, without limitation:

1. The following information prominently displayed at the top of the first page of the agreement in at least 16-point font:

(a) Notice of the term of the loan; and

(b) A description of the consequences if the borrower dies before the loan is repaid.

2. The following information in at least 10-point font:

(a) The name, mailing address, electronic mail address and telephone number of the distributed generation system financier.

(b) A provision that provides that the borrower is not required to pay any money to the distributed generation system financier under the agreement, other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, if the borrower has not paid that amount to the solar installation company under the agreement for the purchase of the distributed generation system, until:

(1) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(2) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

(c) The granting to the borrower of the right to rescind the agreement for a period of:

(1) For a borrower who is less than 60 years of age, 3 business days after the agreement is signed.

(2) For a borrower who is 60 years of age or older, 10 business days after the agreement is signed.

(d) The granting to the borrower of the right to rescind the agreement pursuant to section 23.2 of this act.

(e) A description of all the options available to the borrower in the event of a sale or transfer of the property to which the distributed generation system is affixed, including, without limitation, whether the borrower may transfer the agreement to the purchaser or transferee of the property, the conditions of any such transfer and the process to complete a payoff of the amount owed under the agreement.

Sec. 23.15. 1. Any borrower who enters into or signs an agreement for the provision of a distributed generation system loan may rescind or cancel the agreement without any penalty or obligation by giving notice in writing to the distributed generation system financier either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the:

(a) For a borrower who is less than 60 years of age, third business day after the date the agreement was entered into or signed.

(b) For a borrower who is 60 years of age or older, tenth business day after the date the agreement was entered into or signed.

(c) For a rescission pursuant to section 23.2 of this act, third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.

2. The notice required by subsection 1 must be addressed to the distributed generation system financier at the financier's place of business, or another place designated in the agreement, or sent to the electronic mail

address set forth in the agreement and must contain words indicating the intent of the borrower to rescind or cancel the transaction previously entered into.

Sec. 23.16. A distributed generation system financier shall provide to a borrower, lessee or host customer a copy of an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement, as applicable, immediately after it is signed by the borrower, lessee or host customer.

Sec. 23.17. 1. If a distributed generation system will be installed on the roof of a manufactured home, the distributed generation system financier must not execute an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the distributed generation system financier has:

(a) Verified that the solar installation company that will install the distributed generation system, in addition to being properly licensed pursuant to chapter 624 of NRS, holds a license issued pursuant to NRS 489.311; and

(b) Obtained from the solar installation company that will install the distributed generation system an inspection report indicating that the roof of the manufactured home is able to safely withstand the weight of the distributed generation system.

2. As used in this section, "manufactured home" has the meaning ascribed to it in NRS 489.113.

Sec. 23.18. 1. A distributed generation system financier shall ensure that any solar installation company that installs a distributed generation system for which the distributed generation system financier has executed an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement is properly licensed pursuant to chapter 624 of NRS and acting within the monetary limit of the license.

2. If a distributed generation system financier fails to comply with the provisions of subsection 1, the agreement for the provision of the distributed generation system loan, the agreement for the lease of the distributed generation system or the power purchase agreement is voidable by the borrower, lessee or host customer for 3 years after the date on which:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

3. A distributed generation system financier shall not provide any money for the installation of a distributed generation system pursuant to an agreement for the provision of a distributed generation system loan, an

agreement for the lease of a distributed generation system or a power purchase agreement to a solar installation company that is not properly licensed pursuant to chapter 624 of NRS or that is acting outside the monetary limit of the license.

Sec. 23.19. 1. A distributed generation system financier shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a borrower under an agreement for the provision of a distributed generation system loan or a lessee under an agreement for the lease of a distributed generation system;

(b) For a borrower, communicate to the borrower the terms and conditions of the agreement for the provision of a distributed generation system loan, including, without limitation, any fees charged by the distributed generation system financier;

(c) For a lessee, communicate to the lessee the information required to be included in a cover page pursuant to NRS 598.9809; and

(d) Confirm that the borrower or lessee understands the information communicated pursuant to paragraphs (b) and (c).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the distributed generation system financier; and

(b) Conducted before the commencement of the installation of the distributed generation system.

3. A distributed generation system financier shall maintain the recording required by subsection 2 for not less than 5 years after the date of the final inspection of the distributed generation system.

Sec. 23.2. *1. Before or after an agreement for the lease or purchase of a distributed generation system or a power purchase agreement has been executed, the solar installation company shall perform an on-site physical survey of the premises at which the distributed generation system will be installed and provide the results of the physical survey to the lessee , ~~[or]~~ purchaser ~~[.]~~ or host customer.*

2. ~~[If]~~ Except as otherwise provided in subsection 3, if the results of the physical survey performed pursuant to subsection 1 after an agreement for the lease or purchase of a distributed generation system or power purchase agreement has been executed reveal any condition that would necessitate the alteration of the provisions of the agreement to increase the price of the distributed generation system or change the type of equipment used for the distributed generation system, the lessee , ~~[or]~~ purchaser or host customer may , ~~[rescind the agreement]~~ within 3 business days after the receipt of the results of the on-site physical survey ~~[.]~~ , rescind:

(a) The agreement for the lease or purchase of the distributed generation system or the power purchase agreement, as applicable; and

(b) For a purchaser who has entered into an agreement for the provision of a distributed generation system loan for the purchase of the distributed generation system, the agreement for the provision of the distributed generation system loan.

3. The provisions of subsection 2 do not apply to a substitution of any equipment used for the distributed generation system if:

(a) The substituted equipment is of equal or superior quality to that of the equipment being substituted;

(b) The substitution does not require the lessee, purchaser or host customer to incur any additional costs as a result of the substitution; and

(c) The substitution does not cause the estimated amount of production in the first year of operation to be reduced by more than 5 percent.

Sec. 23.21. 1. A distributed generation system financier shall not pay to a solar installation company pursuant to an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement an amount that exceeds the amount set forth in paragraph (g) of subsection 2 of NRS 624.875 before the date on which:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

2. If a distributed generation system financier violates the provisions of subsection 1, the distributed generation system financier becomes responsible for ensuring that the distributed generation system receives permission from the appropriate public utility to connect the distributed generation system to the power grid or passes a final inspection and becomes operational, as applicable.

Sec. 23.22. A distributed generation system financier shall not cause a distributed generation system to be disconnected or otherwise prevent a borrower, lessee or host customer from using the distributed generation system because the borrower, lessee or host customer failed to make a payment as required under an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement unless the borrower, lessee or host customer, as applicable, has failed to make three consecutive monthly payments required under the agreement.

Sec. 23.23. The assignee of an agreement for the provision of a distributed generation system loan, an agreement for the lease of a distributed generation system or a power purchase agreement is subject to all claims and defenses of the borrower, lessee or host customer against the distributed generation system financier who provided the loan or entered into the lease agreement or power purchase agreement, except that the liability of the assignee pursuant to this section must not exceed the amount owed to the assignee at the time the claim or defense is asserted against the assignee.

Sec. 23.24. ***A distributed generation system financier shall not advertise or permit to be advertised in any manner whatsoever any false, misleading or deceptive statement or representation with regard to any rate that may be charged by a public utility for electricity.***

Sec. 23.3. ***A distributed generation system financier shall comply with all applicable federal laws and regulations, including, without limitation, as applicable, 12 C.F.R. Part 1002, 12 C.F.R. Part 1013, 12 C.F.R. Part 1026 and 16 C.F.R. Part 433 and any applicable requirements set forth under federal law and regulations relating to the disclosure of information.***

Sec. 23.4. ***1. A person who generates leads or referrals to perform work concerning a distributed generation system shall not:***

(a) Accept any compensation for such a lead or referral in amount that exceeds $2,000.

(b) Sell any such lead or referral to a person who does not hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work.

2. A person who generates leads or referrals to perform work concerning a distributed generation system shall include with any commercial communication relating to such a lead or referral a statement which provides that:

"This is a commercial solicitation that is not affiliated with any government agency or electric utility."

3. For a written or electronic communication, the statement required by subsection 2 must be made in a clear and conspicuous manner preceding any other text of the written or electronic communication. For an oral communication, the disclosure must be made orally at the beginning of the communication.

Sec. 23.6. ~~***[4]***~~ ***1. Except as otherwise provided in subsection 2, a solar installation company shall not accept any payment*** ~~***[as an initial down payment or deposit to be paid]***~~ ***for the installation of a distributed generation system from a purchaser, lessee, host customer, distributed generation system financier*** ~~***[, as defined in NRS 675.020,]***~~ ***or any other person*** ~~***[in an amount]***~~ ***before the date on which:***

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

2. A solar installation company may, before the date specified in subsection 1, accept as an initial down payment or deposit to be paid for the installation of the distributed generation system a payment in an amount that ~~***[exceeds]***~~ ***does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less.***

Sec. 23.7. ***The State Contractors' Board may adopt regulations that:***

1. Require any employee of a solar installation company to submit to a background check; and

2. Set forth requirements for such background checks.

Sec. 23.8. ***1. A solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier, as applicable, shall not:***

(a) Include in any written or electronic marketing materials any material term for the lease or purchase of a distributed generation system or a power purchase agreement that is not included in the agreement itself.

(b) Engage in any deceptive or fraudulent conduct in connection with the lease or purchase of a distributed generation system or the contracting for a power purchase agreement, including, without limitation:

(1) Making any false statement or representation, either expressly or by implication, concerning a lead or referral for work concerning a distributed generation system.

(2) Using any official logo, seal, insignia, branding or uniform of this State or a political subdivision of this State or any logo, seal, insignia, branding or uniform that tends to mislead a person into believing that it is official.

(3) Making any statement or representation that the person is an employee, representative or agent of this State or a political subdivision of this State.

(4) Using any official logo, seal, insignia, branding or uniform of a public utility or any logo, seal, insignia, branding or uniform that tends to mislead a person into believing that it is official.

(5) Making any statement or representation that the person is an employee, representative or agent of a public utility.

(6) Making any statement or representation ~~[concerning]~~ or including in any written or electronic marketing material any statement or representation concerning any incentives, legislation, rebates or tax credits relating to a distributed generation system without including the statement required by subsection 2.

(7) Making any statement or representation that indicates or implies that the person is a participant in a governmental program related to incentives, tax credits or financial assistance for a distributed generation system unless the person has been expressly authorized in writing by the governmental entity administering the program to make such a statement or representation.

(c) Accept any compensation for a lead or referral for work concerning a distributed generation system from a person other than a person who holds a license issued pursuant to chapter 624 of NRS authorizing the performance of such work.

2. A solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier shall include in any commercial

communication, including, without limitation, any marketing materials, that provides information concerning any incentive, legislation, rebate or tax credit relating to a distributed generation system a statement indicating that it is recommended that the recipient of the communication consult with an independent tax professional.

~~***[3. As used in this section, "distributed generation system financier" has the meaning ascribed to it in NRS 675.020.]***~~

Sec. 24. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections*** ~~***[23.2]***~~ ***23.1 to 23.8, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 23.1, 23.11 and 23.12 of this act*** have the meanings ascribed to them in those sections.

Sec. 25. NRS 598.9808 is hereby amended to read as follows:

598.9808 1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that holds a license issued pursuant to chapter 624 of NRS which authorizes the performance of work concerning a distributed generation system and, directly or indirectly, on its own behalf or on behalf of another:

(a) Performs or offers to perform any work concerning a distributed generation system;

(b) Advertises, solicits or offers to enter into an agreement ~~[described in NRS 598.9801 to 598.9822, inclusive ;~~ ***, and sections 23.2 to 23.8, inclusive, of this act;]*** ***for the purchase or lease of a distributed generation system or a power purchase agreement*** or

(c) Transacts business to:

(1) Sell and install a distributed generation system; or

(2) Install a distributed generation system owned by a third party from whom the customer:

(I) Leases a distributed generation system; or

(II) Purchases electricity generated by a distributed generation system.

2. The term does not include a person who generates leads or referrals to perform work concerning a distributed generation system for persons who hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work, if such activity is limited to:

(a) ***Collecting only the name, contact information and information concerning the power bill of a prospective purchaser or lessee;***

(b) Serving as the source of a referral;

~~[(b)]~~ ***(c)*** Providing the contact information of a person who holds a license issued pursuant to chapter 624 of NRS to a prospective purchaser or lessee;

~~[(c)]~~ ***(d)*** Setting up appointments on behalf of a person who holds a license issued pursuant to chapter 624 of NRS; or

~~[(d)]~~ ***(e)*** Advertising ***only*** through print media ~~[.]~~ ***and not through any electronic means, including, without limitation, through a mobile***

application, Internet website, online service, electronic mail or any other form of electronic media.

Sec. 26. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 ***or 10*** business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to ~~[NRS 598.98213.]~~ ***section 23.19 of this act.***

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

(e) The length of the term of the lease.

(f) A description of the consequences if the lessee dies during the term of the lease.

(g) A statement indicating that certain financial covenants and restrictions for distributed generation systems affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the lessee seek the advice of a real estate professional, attorney or financial adviser before entering into the lease.

2. Provides the following information in at least 10-point font:

(a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

(d) ~~[The length of the term of the lease.~~

~~(e)]~~ A description of any warranties.

~~[(f)]~~ ***(e)*** The rate of any payment increases.

~~[(g)]~~ ***(f)*** The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~[(h)]~~ ***(g)*** The estimated production of the distributed generation system in the first year of operation **.** ~~[and an explanation that:~~

~~(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;~~

~~(2) The estimated production or offset is based on available data on prior consumption; and~~

~~(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.~~

~~(i)~~ ***(h)*** A description of the terms for renewal or any other options available at the end of the term of the lease.

~~(j)~~ ***(i)*** A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~(k)~~ ***(j)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~(l)~~ ***(k)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~(m)~~ ***(l)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~(n)~~ ***(m)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

~~(o)~~ ***(n)*** Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(o) If the solar installation company paid any amount for a lead or referral that resulted in the lease being provided to the lessee, the amount paid for the lead or referral.

(p) If the solar installation company included any material term of a lease in any written or electronic marketing materials provided to the lessee before or contemporaneously with the lease, notice that the material term used in the marketing materials is the same as the corresponding term included in the lease.

Sec. 27. NRS 598.9811 is hereby amended to read as follows:

598.9811 An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of ~~[the warranty]~~ ***all warranties*** for the distributed generation system ~~[.]~~ ***, each of which must be acknowledged by the initials of the lessee.***

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the ~~[host customer]~~ ***lessee,*** in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale ***or transfer*** of the property to which the distributed generation system is affixed ~~[.]~~ ***, including, without limitation, whether the lessee may transfer the obligations under the lease to the purchaser of transferee of the property, the conditions of any such transfer and the process to complete a payoff of any amount owed under the lease;*** or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than ***:***

(a) For a lessee who is ~~***[under]***~~ ***less than 60 years of age,*** 3 business days after the lease is signed.

(b) For a lessee who is 60 years of age or older, 10 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

23. The granting to the lessee of the right to rescind the lease pursuant to section 23.2 of this act.

24. A provision indicating that the provisions of the agreement are binding and inure to the benefit of the successors and assigns of the parties to the agreement.

25. A provision that provides that the lessee is not required to make any payments under the lease , other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, until:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

26. The duties of the solar installation company if the distributed generation system fails to meet the estimated amount of production in the first year of operation, as set forth pursuant to paragraph (g) of subsection 2 of NRS 598.9809. Such duties must include, without limitation, the duty to, if the distributed generation system has not met that amount of production 1 year after the date on which the distributed generation system received permission from the appropriate public utility to connect to the power grid or, if the distributed generation system is not connected to the power grid, 1 year after the date on which the distributed generation system passes a final inspection and becomes operational:

(a) Take any actions necessary to ensure that the distributed generation system will meet that amount of production in the following year, including, without limitation, by the installation of additional equipment or repair to any existing equipment; or

(b) Take both of the following actions:

(1) Provide notice to the lessee acknowledging that the distributed generation system has not met the estimated amount of production in the first year of operation; and

(2) If the distributed generation system has not met that estimated amount of production 1 year after the notice is sent, take the actions described in paragraph (a).

27. On a separate page, a thorough explanation of the estimated production of the distributed generation system and offset, which must include, without limitation, an explanation:

(a) Of how the estimated production of the distributed generation system and offset are calculated, including, without limitation, the fact that such calculations are based on available data on prior consumption;

(b) Of the effects of the behavior of the lessee with respect to the amount of the offset, including, without limitation, the fact that any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production and the possibility that the power bill of the lessee may increase based on his or her consumption; and

(c) That the lessee will always receive a power bill if the premises of the lessee is connected to the power grid.

~~[23.]~~ ***28.*** A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 28. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 ***or 10*** business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

(e) A statement indicating that certain financial covenants and restrictions for a distributed generation system affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the purchaser seek the advice of a real estate professional, attorney or financial adviser before entering into the agreement.

2. Provide the following information in at least 10-point font:

(a) The size of the distributed generation system.

(b) The length of the term of the warranty for the distributed generation system.

(c) An estimated timeline for the installation of the distributed generation system.

(d) A description of any warranties.

(e) The total cost of the distributed generation system.

(f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

(g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.

(h) The estimated production of the distributed generation system in the first year of operation **.** ~~[and an explanation that:~~

~~(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;~~

~~(2) The estimated production or offset is based on available data on prior consumption; and~~

~~(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.]~~

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(n) If the solar installation company paid any amount for a lead or referral that resulted in the agreement being provided to the purchaser, the amount paid for the lead or referral.

(o) If the solar installation company included any material term of an agreement for the purchase of a distributed generation system in any written or electronic marketing materials provided to the purchaser before or contemporaneously with the agreement, notice that the material term used in the marketing materials is the same as the corresponding term included in the agreement.

Sec. 29. NRS 598.9814 is hereby amended to read as follows:

598.9814 An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. A description, which includes, without limitation, any assumptions, concerning the design and installation of the distributed generation system. Such a description must include, without limitation:

(a) The size of the distributed generation system;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

4. The total cost of the distributed generation system.

5. An estimated timeline for the installation of the distributed generation system.

6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to NRS 598.9813.

7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 ***or 10*** business days ***, as applicable,*** after the agreement is signed.

8. A copy of ~~[the warranty]~~ ***all warranties*** for the distributed generation system ~~[.]~~ ***, each of which must be acknowledged by the initials of the purchaser.***

9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

10. The identification of any incentives included in the calculation of the total cost of the distributed generation system.

11. A description of any guarantee of the performance of the distributed generation system.

12. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

13. A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

14. A disclosure concerning the retention of any portfolio energy credits, if applicable.

15. The granting to the purchaser of the right to rescind the agreement pursuant to section 23.2 of this act.

16. A provision that provides that the purchaser is not required to pay any money to the solar installation company, other than an initial down payment or deposit that may be charged in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, if the purchaser has not paid that amount to a distributed generation system financier under an agreement for the provision of a distributed generation system loan for the distributed generation system, until:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

17. If the purchaser is financing the purchase of the distributed generation system or has provided financial information to the solar installation company to obtain approval for the financing of the purchase of the distributed generation system, the cash price of the system and the financed price of the system.

~~[17.]~~ 18. The duties of the solar installation company if the distributed generation system fails to meet the estimated amount of production in the first year of operation, as set forth pursuant to paragraph (h) of subsection 2 of NRS 598.9813. Such duties must include, without limitation, the duty to, if the distributed generation system has not met that amount of production 1 year after the date on which the distributed generation system received permission from the appropriate public utility to connect to the power grid or, if the distributed generation system is not connected to the power grid, 1 year after the date on which the distributed generation system received a final inspection:

(a) Take any actions necessary to ensure that the distributed generation system will meet that amount of production in the following year, including, without limitation, by the installation of additional equipment or repair to any existing equipment; or

(b) Take both of the following actions:

(1) Provide notice to the purchaser acknowledging that the distributed generation system has not met the estimated amount of production in the first year of operation; and

(2) If the distributed generation system has not met that estimated amount of production 1 year after the notice is sent, take the actions described in paragraph (a).

~~[18.]~~ 19. On a separate page, a thorough explanation of the estimated production of the distributed generation system and offset, which must include, without limitation, an explanation:

(a) Of how the estimated production of the distributed generation system and offset are calculated, including, without limitation, the fact that such calculations are based on available data on prior consumption;

(b) Of the effects of the behavior of the purchaser with respect to the amount of the offset, including, without limitation, the fact that any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production and the possibility that the power bill of the purchaser may increase based on his or her consumption; and

(c) That the purchaser will always receive a power bill if the premises of the purchaser is connected to the power grid.

Sec. 29.5. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days ***, as applicable,*** after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

(e) The length of the term of the agreement.

(f) A description of the consequences if the host customer dies during the term of the agreement.

(g) A statement indicating that certain financial covenants and restrictions for a distributed generation system affixed to a property may have an impact or effect on the future sale or transferability of the property and that it is recommended that the host customer seek the advice of a real estate professional, attorney or financial adviser before entering into the agreement.

2. Provides the following information in at least 10-point font:

(a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

(d) ~~[The length of the term of the agreement.~~

~~(e)]~~ The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[(f)]~~ ***(e)*** The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

~~[(g)]~~ ***(f)*** A description of the options available at the end of the term of the agreement.

~~[(h)]~~ ***(g)*** A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~[(i)]~~ ***(h)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[(j)]~~ ***(i)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[(k)]~~ ***(j)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[(l)]~~ ***(k)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

~~[(m)]~~ ***(l)*** Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

~~[(n)]~~ (m) If the solar installation company paid any amount for a lead or referral that resulted in the power purchase agreement being provided to the host customer, the amount paid for the lead or referral.

~~[(o)]~~ (n) If the solar installation company included any material term of a power purchase agreement in any written or electronic marketing materials provided to the host customer before or contemporaneously with the agreement, notice that the material term used in the marketing materials is the same as the corresponding term included in the agreement.

Sec. 30. NRS 598.9817 is hereby amended to read as follows:

598.9817 A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The payments made during the first year of the agreement for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes known to be applicable during the term of the agreement, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale ***or transfer*** of the property to which the distributed generation system is affixed ~~[;]~~ ***, including, without limitation, whether the host customer may transfer the obligations under the agreement to the purchaser or transferee of the property, the conditions for any such transfer and the process to complete a payoff of any amount owed under the agreement;*** or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than ***:***

(a) For a host customer who is less than 60 years of age, 3 business days after the agreement is signed.

(b) For a host customer who is 60 years of age or older, 10 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. ***The granting to the host customer of the right to rescind the agreement pursuant to section 23.2 of this act.***

21. A provision that provides that the host customer is not required to pay any money under the agreement, other than an initial down payment or

deposit in an amount that does not exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, until:

(a) If the distributed generation system will be connected to the power grid, the distributed generation system receives permission from the appropriate public utility to connect to the power grid.

(b) If the distributed generation system will not be connected to the power grid, the distributed generation system passes a final inspection and becomes operational.

22. A signature block that is signed and dated by the purchaser and the solar installation company.

~~[21.]~~ ***23.*** A statement describing the due dates of any payments.

Sec. 31. NRS 598.98213 is hereby amended to read as follows:

598.98213 1. A solar installation company shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a purchaser ~~[or lessee]~~ under an agreement for the purchase ~~[or lease]~~ of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to the purchaser ~~[, lessee]~~ or host customer the information required to be included in a cover page pursuant to NRS ~~[598.9809,]~~ 598.9813 or 598.9816, as applicable; and

(c) Confirm that the purchaser ~~[, lessee]~~ or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement.

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording required pursuant to this section for not less than ~~[4]~~ ***5*** years after the date of the final inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located.

Sec. 32. NRS 598.98216 is hereby amended to read as follows:

598.98216 ***1.*** Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind or cancel the agreement, without any penalty or obligation, by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the ***:***

(a) For a ~~[power purchase agreement,]~~ purchaser, lessee or host customer who is less than 60 years of age, third business day after the date the agreement was entered into or signed ~~[.]~~ ***;***

(b) For ~~[an agreement for the purchase or lease of a distributed generation system, third business day or, for]~~ a purchaser , ~~[or]~~ lessee or host customer who is 60 years of age or older, tenth business day ~~[.]~~ after the date the agreement was entered into or signed; or

(c) For a rescission pursuant to section 23.2 of this act, third business day after the receipt of the results of an on-site physical survey described in section 23.2 of this act.

2. The notice ***required by subsection 1*** must be addressed to the solar installation company at the solar installation company's place of business, or another place designated in the agreement, or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind or cancel the transaction previously entered into.

Sec. 33. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act,*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[23.2]~~ 23.1 to 23.8, inclusive, of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 34. ~~[1. A person who, on October 1, 2025, is engaged in the business of a distributed generation system financier or manufactured home financier and who is not otherwise required to be licensed pursuant to NRS 675.060, as that section existed before October 1, 2025, may continue to engage in the business of a distributed generation system financier or manufactured home financier without any license required by NRS 675.060, as amended by section 20 of this act, until January 1, 2026.~~

~~2. As used in this section:~~

~~(a) "Distributed generation system financier" has the meaning ascribed to it in NRS 675.020, as amended by section 18 of this act.~~

~~(b) "Manufactured home financier" has the meaning ascribed to it in NRS 675.020, as amended by section 18 of this act.]~~ **(Deleted by amendment.)**

Sec. 35. 1. The amendatory provisions of this act apply to an agreement for the provision of a distributed generation system loan, an agreement for the purchase of a distributed generation system, an agreement for the lease of a distributed generation system or a power purchase agreement entered into on or after October 1, 2025.

2. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 598.9804.

(b) "Distributed generation system loan" has the meaning ascribed to it in ~~[NRS 675.020, as amended by]~~ section ~~[18]~~ **23.12** of this act.

(c) "Power purchase agreement" has the meaning ascribed to it in NRS 598.9807.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 708.

AN ACT relating to electricity; establishing a process by which a unit's owner in certain unit-owners' associations may submit a request to install a distributed generation system; establishing certain powers and duties of certain unit-owners' associations with respect to the installation of distributed generation systems; establishing and revising certain requirements for the contents of an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; **imposing certain requirements upon a solar installation company;** revising provisions relating to net metering systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Sections 14.1-14.3 and 14.5 of this bill define certain terms for the purposes of these provisions governing such agreements.** **Section** ~~[14]~~ **14.4** of this bill makes a power purchase agreement voidable by the host customer for a certain period if the solar installation company that is a party to the agreement does not hold the proper contractor's license or is not acting within the monetary limit of that license. **Section 21.5 of this bill makes a conforming change so that the provisions of sections 14.1-14.4 are enforced in the same manner as other provisions governing solar installation companies and distributed generation systems.**

Sections 15-20 of this bill require an agreement for the lease or purchase of a distributed generation system, a power purchase agreement and the cover page for such agreements to: (1) contain certain disclosures concerning the solar installation company; (2) provide certain information about the parts of the distributed generation system; and (3) impose certain duties and liabilities on lessees, purchasers and host customers.

Existing law requires a solar installation company to maintain a recording of certain communications with a purchaser, lessee or host customer for not less than 4 years after the final inspection of the distributed generation system of the purchaser, lessee or host customer. (NRS 598.98213) **Section 21** of this bill requires the solar installation company to provide a copy of that recording within ~~[5]~~ **10 business** days after receipt of a request from the purchaser, lessee**,** ~~[or]~~ host customer ~~[or a governmental entity.]~~ **, distributed generation system financier, Attorney General, Division of Financial Institutions of the Department of Business and Industry, State Contractors' Board, Housing Division of the Department of Business and Industry or a law enforcement agency.** If the solar installation company fails to do so, the lease or purchase agreement or power purchase agreement is voidable by the purchaser, lessee or host customer. **Section 21 also requires a solar**

installation company to submit proof to the purchaser, lessee or host customer that the solar installation company is properly licensed before the commencement of the installation of a distributed generation system.

Existing law sets forth a prohibition against covenants, restrictions or conditions contained in deeds, contracts or other legal instruments which prohibit or unreasonably restrict an owner of a property from using a system for obtaining solar energy on his or her property. (NRS 111.239, 278.0208) **Section 13.3** of this bill sets forth a process by which a unit's owner in a unit-owners' association whose governing documents authorize the association to impose restrictions on architectural improvements may submit a request to install a distributed generation system. **Section 13.3** prohibits such a unit's owner from installing a distributed generation system unless the association approves the request.

Section 13.7 of this bill authorizes an association whose governing documents authorize the association to impose restrictions on architectural improvements to adopt rules and regulations concerning the installation of a distributed generation system and sets forth the required and authorized contents of such rules and regulations. Under **section 13.3**, if such an association has not adopted such rules and regulations, the association is prohibited from denying the request of a unit's owner to install a distributed generation system or imposing conditions upon the installation. **Section 13.7** additionally prohibits certain activities of an association with respect to certain accessories for a distributed generation system.

Existing law sets forth various requirements for: (1) net metering, which is defined under existing law to mean the measure of the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator that is fed back to the utility; and (2) a net metering system, which is defined under existing law to mean, in general, certain facilities or systems for the generation of electricity, including a facility or energy system installed on the premises of a customer-generator that uses solar energy to generate electricity and meets certain other requirements. (NRS 704.766-704.776) **Section 25** of this bill imposes certain timing requirements upon a public utility for the carrying out of certain requests relating to a net metering system submitted by a customer-generator. **Section 28** of this bill requires the regulations adopted by the Public Utilities Commission of Nevada relating to net metering tariffs and standard net metering contracts to set forth procedures and requirements concerning the process for applying for and installing a net metering system, which must include: (1) reasonable and appropriate timelines for the process; and (2) the requirement for a utility that denies the application of a net metering applicant to provide to the net metering applicant a notice detailing the reasons for the denial.

Existing law: (1) requires a net metering system to meet certain safety and quality standards; and (2) if the net metering system meets those standards, prohibits a utility from requiring the customer-generator to comply with additional standards or requirements or take certain other actions solely

because of his or her status as a customer-generator. (NRS 704.774) **Section 29** of this bill additionally requires a customer-generator to obtain all necessary permits and approvals required by any governmental entity for the installation of his or her net metering system and install the net metering system in compliance with the permits and approvals. Under **section 29**, a utility is prohibited from imposing various additional requirements if the customer-generator satisfies such requirements and the net metering system complies with the safety standards set forth under existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 13.3 and 13.7 of this act.

Sec. 13.3. ***1. A unit's owner in an association whose governing documents authorize the association to impose restrictions on architectural improvements who wishes to install a distributed generation system within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively may submit a request to the association in accordance with any applicable procedures set forth in the governing documents of the association. The unit's owner shall not install the distributed generation system unless the association has approved the request.***

2. An association that has adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act shall approve or deny the request within 35 days after the receipt of the request. If the association denies the request, the association shall provide the unit's owner a notice that details the reasons for the denial, which must be based on the rules and regulations adopted by the association pursuant to section 13.7 of this act. If the association fails to approve or deny the request within 35 days after the receipt of the request, the request shall be deemed to be approved.

3. If a unit's owner whose request to install a distributed generation system was denied pursuant to subsection 2 subsequently resubmits the

request and addresses the reasons for the denial of the initial request, the association shall approve or deny the request within 15 days after the receipt of the request. If the association denies the request, the association shall provide the unit's owner notice that details the reasons for the denial, which must be based on the rules and regulations adopted by the association pursuant to section 13.7 of this act. If the association fails to approve or deny the request within 15 days after the receipt of the request, the request shall be deemed to be approved.

4. An association that has not adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act that receives a request submitted pursuant to subsection 1 shall approve the request within 15 days after the receipt of the request. The association shall not deny the request or impose any conditions upon the installation of the distributed generation system. ~~[If the association fails to approve the request within 15 days after the receipt of the request, the request shall be deemed to be approved.]~~

5. If an association has adopted rules and regulations governing the installation of a distributed generation system pursuant to section 13.7 of this act, the association and each unit's owner shall comply with the rules and regulations.

6. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 598.9804.

Sec. 13.7. *1. An association whose governing documents authorize the association to impose restrictions on architectural improvements may adopt rules and regulations governing the installation of distributed generation systems that comply with the provisions of this section.*

2. If an association adopts rules and regulations governing the installation of distributed generation systems pursuant to subsection 1, the rules and regulations must:

(a) Not conflict with the provisions of the National Electric Code, any local ordinance or any state law or regulation. The provisions of the rules and regulations do not apply to the extent of any such conflict.

(b) ~~[Require a unit's owner to submit to the association a plan for the distributed generation system before installation.~~

~~(c) Require a structural analysis to be conducted concerning snow load and wind resistance, where applicable.~~

~~(d)]~~ Require ~~[a unit's owner to submit to the association proof that]~~ the solar installation company that will install the distributed generation system ~~[is]~~ to be properly licensed ~~. [, is in compliance with all requirements relating to insurance and bonding and has established a plan to ensure the safety of the installation.~~

~~(e)]~~ (c) Not require a unit's owner to comply with any provision of the rules and regulations adopted pursuant to paragraphs (a) ~~[to (d), inclusive,]~~ and (b) of subsection 3 if the costs of complying with the provision exceeds 3 percent of the cash cost of the installation of the distributed generation

system. A unit's owner may demonstrate that the costs of complying with the provision exceed 3 percent of the cash cost of the installation of the distributed generation system by delivering to the association a written estimate that:

(1) Is prepared by a solar installation company that is properly licensed pursuant to chapter 624 of NRS and is not affiliated with either the unit's owner or the association;

(2) Is dated not more than 60 days before delivery of the written estimate to the association;

(3) Itemizes all costs of complying with the provision, including, without limitation, labor, materials, professional fees, permit fees, inspection fees, financing charges and the costs of change orders; and

(4) Shows that the costs of complying with the provision exceed 3 percent of the contract price for the installation of the distributed generation system.

3. Except as otherwise provided in paragraphs (a) and ~~(c)~~ (c) of subsection 2, in addition to the requirements set forth in subsection 2, if an association adopts rules and regulations governing the installation of a distributed generation system pursuant to subsection 1, the rules and regulations may require a unit's owner to:

(a) Install the solar panels of the distributed generation system in a manner so that they do not face a street, so long as complying with this requirement does not result in a decrease in the production of the distributed generation system of more than 10 percent, as determined using the PVWatts Calculator maintained by the National Renewable Energy Laboratory of the United States Department of Energy.

(b) Paint all conduits of the distributed generation system to match the exterior of the unit to which the system is affixed.

(c) Store all batteries for the distributed generation system in a garage.

(d) Place all inverters of the distributed generation system outside of any street and reasonably out of view of other unit's owners.

(e) If the distributed generation system will be installed on a roof or other exterior portion of a unit for which the association is responsible for the maintenance, repair or replacement, enter into an agreement with the association setting forth the respective rights and obligations of the unit's owner and the association with respect to the distributed generation system. The association may require the agreement to be recorded and to include provisions in the agreement which:

(1) Provide that the unit's owner is solely responsible for any damage caused to the roof or exterior portion that is caused by the installation, maintenance, repair or replacement of the distributed generation system.

(2) Require the unit's owner, at his or her expense, to remove the distributed generation system from the roof or exterior portion if the association determines such action to be necessary for the maintenance, repair or replacement of the roof or exterior portion.

(3) Authorize the association to cause the distributed generation system to be removed from the roof or exterior portion if, after reasonable notice has been provided to the unit's owner, the unit's owner fails to remove the distributed generation system as required pursuant to subparagraph (2) and assess the costs of the removal, relocation, storage and replacement against the unit's owner.

(4) Require the unit's owner to install the distributed generation system in accordance with the terms of the request submitted by the unit's owner to the association and approved by the association.

(5) Require the unit's owner to maintain a policy of insurance that names the association as an additional insured and provides coverage for any losses or damages caused by the installation, maintenance, repair or replacement of the distributed generation system.

(6) Require the unit's owner to indemnify the association and its agents from any and all liability, claims, damages and costs, including, without limitation, attorney's fees, resulting from the installation, maintenance, repair or replacement of the distributed generation system.

(7) Provide the association the right to inspect the condition of the distributed generation system.

(8) Require the unit's owner to disclose to potential purchasers of the unit all rights and responsibilities concerning the distributed generation system.

4. An association may not:

(a) Unreasonably restrict, prohibit or withhold approval for a unit's owner to install any type of physical barrier around the distributed generation system to deter the intrusion of animals or to hide components of the system for aesthetic purposes; or

(b) Except as otherwise provided in this paragraph, require the installation of a particular type of physical barrier described in paragraph (a). The association may require such a physical barrier to be ~~[painted]~~ a particular color if the ~~[paint of that]~~ color is commercially available as a stock item, rather than an item requiring specialization or customization. If the ~~[paint]~~ color is not so available, the association may require the physical barrier to be ~~[painted]~~ black or a color complementary to the solar panels or racking system of the distributed generation system.

5. As used in this section, "distributed generation system" has the meaning ascribed to it in NRS 598.9804.

Sec. 14. Chapter 598 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 14.1 to 14.4, inclusive, of this act.**

Sec. 14.1. "Borrower" means a person who receives a distributed generation system loan from a distributed generation system financier.

Sec. 14.2. "Distributed generation system financier" means a person who:

1. Provides a distributed generation system loan to a borrower in this State;

2. Leases a distributed generation system or any part thereof to a lessee in this State; or

3. Contracts for a power purchase agreement with a host customer in this State.

➥ The term does not include a third party who is a passive investor or a tax equity partner of a distributed generation system financier that provides money to the distributed generation system financier and who is not directly involved in the sale or lease of or the contracting for a distributed generation system.

Sec. 14.3. "Distributed generation system loan" means a loan made for the express purpose of financing the purchase of a distributed generation system or any part thereof.

Sec. 14.4. If a host customer enters into a power purchase agreement and, at the time the agreement is signed, the solar installation company that is a party to the agreement is not properly licensed pursuant to chapter 624 of NRS or acting within the monetary limit of the license, the power purchase agreement is voidable by the host customer for 3 years after the date on which the power purchase agreement is signed.

Sec. 14.5. **NRS 598.9801 is hereby amended to read as follows:**

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 14.1, 14.2 and 14.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 15. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

(a) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

(d) The length of the term of the lease.

(e) A description of any warranties.

(f) The rate of any payment increases.

(g) The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

(h) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.

(i) A description of the terms for renewal or any other options available at the end of the term of the lease.

(j) A description of any option to purchase the distributed generation system before the end of the term of the lease.

(k) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(l) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(m) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(n) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(p) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the lessee with the lease agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 16. NRS 598.9811 is hereby amended to read as follows:

598.9811 An agreement for the lease of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number and number of the contractor's license of the solar installation company.

2. The name, mailing address and telephone number of:

(a) The lessor of the distributed generation system; and

(b) The name, mailing address and telephone number of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. An estimated timeline for the installation of the distributed generation system.

4. The length of the term of the lease.

5. A general description of the distributed generation system.

6. The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

7. A description of any warranties.

8. The amount of the:

(a) Monthly payments due under the lease; and

(b) Total payments due under the lease, excluding taxes.

9. A description of any other one-time or recurring charges, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any obligation the lessor has regarding the installation, repair or removal of the distributed generation system.

11. A description of any obligation the lessor has regarding construction of and insurance for the distributed generation system.

12. A description of any:

(a) Taxes due at the commencement of the lease; and

(b) Estimation of taxes known to be applicable during the term of the lease, subject to any change in the state or local tax rate or tax structure.

13. A copy of the warranty for the distributed generation system.

14. A disclosure notifying the lessee of the transferability of the obligations under the warranty to a subsequent lessee.

15. The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

16. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

17. Any terms for renewal of the lease.

18. A description of any option to purchase the distributed generation system before the end of the term of the lease.

19. A description of all options available to the host customer in connection with the continuation, termination or transfer of the lease in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the lessee.

20. A description of any restrictions that the lease imposes on the modification or transfer of the property to which the distributed generation system is affixed.

21. The granting to the lessee of the right to rescind the lease for a period ending not less than 3 business days after the lease is signed.

22. An estimate of the amount of electricity that could be generated by the distributed generation system in the first year of operation.

23. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of all solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system.

24. A provision requiring the lessee to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

25. A provision requiring the lessee to promptly execute any agreements with a public utility that are necessary and provide to the solar installation company any information that is necessary for the completion of the installation of the distributed generation system.

26. A provision that provides that the lessee is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 25.

27. A signature block that is signed and dated by the lessor and the lessee of the distributed generation system.

Sec. 17. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

2. Provide the following information in at least 10-point font:

(a) The size of the distributed generation system.

(b) The length of the term of the warranty for the distributed generation system.

(c) An estimated timeline for the installation of the distributed generation system.

(d) A description of any warranties.

(e) The total cost of the distributed generation system.

(f) The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

(g) The amounts due at the signing for and at the completion of the installation of the distributed generation system.

(h) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

(n) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the purchaser with the purchase agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 18. NRS 598.9814 is hereby amended to read as follows:

598.9814 An agreement for the purchase of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The purchaser of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. A description, which includes, without limitation, any assumptions, concerning the design and installation of the distributed generation system. Such a description must include, without limitation:

(a) The size of the distributed generation system;

(b) The estimated amount of production for the distributed generation system in the first year of operation; and

(c) The estimated annual degradation to the distributed generation system.

4. The total cost of the distributed generation system.

5. An estimated timeline for the installation of the distributed generation system.

6. A payment schedule, including, without limitation:

(a) The due dates for any deposit; and

(b) Any subsequent payments that are not to exceed the total system cost stated on the cover page pursuant to NRS 598.9813.

7. The granting to the purchaser the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

8. A copy of the warranty for the distributed generation system.

9. A disclosure notifying the purchaser of the transferability of the obligations under the warranty to a subsequent purchaser.

10. The identification of any incentives included in the calculation of the total cost of the distributed generation system.

11. A description of any guarantee of the performance of the distributed generation system.

12. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of the solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system . ~~; and~~

~~(d) Whether the parts described in paragraphs (a), (b) and (c) satisfy any guidelines set forth by the Internal Revenue Service to qualify for a domestic content bonus credit under the Inflation Reduction Act of 2022, Public Law 117-169.~~

13. A provision requiring the purchaser to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

14. A provision requiring the purchaser to promptly execute any agreements with a public utility that are necessary and provide to the solar installation company any information that is necessary for the completion of the installation of the distributed generation system.

15. A provision that provides that the purchaser is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 14.

16. A signature block that is signed and dated by the purchaser of the distributed generation system and the solar installation company.

~~[13.]~~ ***17.*** A description of the basis for any estimates of savings that were provided to the purchaser, if applicable.

~~[14.]~~ ***18.*** A disclosure concerning the retention of any portfolio energy credits, if applicable.

Sec. 19. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that:

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement, without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in NRS 598.98216.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to NRS 598.98216 and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to NRS 598.98213.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations,

offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

(a) The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

(b) An estimated timeline for the installation of the distributed generation system.

(c) The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

(d) The length of the term of the agreement.

(e) The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

(f) The estimated production of the distributed generation system in the first year of operation and an explanation that:

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

(g) A description of the options available at the end of the term of the agreement.

(h) A description of any option to purchase the distributed generation system before the end of the term of the agreement.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

(j) Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

(k) Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

(l) Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

(n) The following disclosures:

(1) Whether the solar installation company:

(I) Maintains a physical office in this State at which employees, as defined in subsection 6 of NRS 624.020, of the solar installation company conduct business; and

(II) Has at least one motor vehicle registered in this State;

(2) Whether the solar installation company is in compliance with all applicable federal, state and local laws and regulations; and

(3) Whether the person who initially presented the host customer with the power purchase agreement is an employee, as defined in subsection 6 of NRS 624.020, of the solar installation company.

Sec. 20. NRS 598.9817 is hereby amended to read as follows:

598.9817 A power purchase agreement for the sale of the output of a distributed generation system must include, without limitation, the following information in at least 10-point font:

1. The name, mailing address, telephone number, electronic mail address and number of the contractor's license of the solar installation company.

2. The name, mailing address, telephone number and electronic mail address of:

(a) The provider of the distributed generation system; and

(b) The name, mailing address, telephone number and electronic mail address of the person responsible for all maintenance of the distributed generation system, if different from the solar installation company.

3. The length of the term of the agreement.

4. An estimated timeline for the installation of the distributed generation system.

5. The payments made during the first year of the agreement for the price of electricity, which includes, without limitation, the price per kilowatt-hour of electricity and the price per monthly system electrical output.

6. The estimated annual electrical output of the distributed generation system.

7. The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

8. A description of any obligation the solar installation company has regarding construction and repair of and insurance for the distributed generation system.

9. A description of any one-time or recurring fees, including, without limitation, a description of the circumstances that trigger any late fees.

10. A description of any:

(a) Taxes due at the commencement of the agreement; and

(b) Estimation of taxes known to be applicable during the term of the agreement, subject to a change in the state or local tax rate or tax structure.

11. A copy of the warranty for the distributed generation system.

12. A description of the ownership of any tax credits, tax rebates, tax incentives or portfolio energy credits in connection with the distributed generation system.

13. Any terms for renewal of the agreement.

14. A description of any option to purchase the distributed generation system before the end of the term of the agreement.

15. A description of all options available to the host customer in connection with the continuation, termination or transfer of the agreement in the event of the:

(a) Sale of the property to which the distributed generation system is affixed; or

(b) Death of the purchaser.

16. The granting to the purchaser of the right to rescind the agreement for a period ending not less than 3 business days after the agreement is signed.

17. A description of any restrictions that the agreement imposes on the modification or transfer of the property to which the distributed generation system is affixed.

18. A description of any guarantees of the performance of the distributed generation system.

19. A disclosure notifying the host customer of the transferability of the obligations under the warranty to a subsequent purchaser.

20. ***The following information concerning the parts of the distributed generation system:***

(a) The make and model of all inverters of the distributed generation system;

(b) The make, model and power class of the solar modules of the distributed generation system; and

(c) The manufacturer of any racking system of the distributed generation system . ~~; and~~

~~(d) Whether the parts described in paragraphs (a), (b) and (c) satisfy any guidelines set forth by the Internal Revenue Service to qualify for a domestic content bonus credit under the Inflation Reduction Act of 2022, Public Law 117-169.~~

21. A provision requiring the host customer to fully and accurately disclose all material information relating to the property to which the distributed generation system will be affixed that may affect the installation of the distributed generation system, including, without limitation, any relevant modifications to the electrical service of the property.

22. A provision requiring the host customer to promptly execute any agreements with a public utility that are necessary and provide to the solar installation company any information that is necessary for the completion of the installation of the distributed generation system.

23. A provision that provides that the host customer is liable for any damages caused by the failure of the purchaser to comply with the provisions of any agreement set forth in subsection 22.

24. A signature block that is signed and dated by the purchaser and the solar installation company.

~~[21.]~~ ***25.*** A statement describing the due dates of any payments.

Sec. 21. NRS 598.98213 is hereby amended to read as follows:

598.98213 1. A solar installation company shall, in person or by telephone or videoconference, verbally:

(a) Confirm the identity of a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to the purchaser, lessee or host customer the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable; and

(c) Confirm that the purchaser, lessee or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement.

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording required pursuant to this section for not less than 4 years after the date of the final inspection of the distributed generation system within the jurisdiction in which the distributed generation system is located. ***If, at any time during that period*** ~~***[, a]***~~ ***:***

(a) A purchaser, lessee , [or] host customer or [any governmental entity] distributed generation system financier requests , in an electronic communication or in writing pursuant to the terms of the power purchase agreement, as applicable; or

(b) The Attorney General, the Division of Financial Institutions of the Department of Business and Industry, the State Contractors' Board, the Housing Division of the Department of Business and Industry or a law enforcement agency requests, in any manner,

that a copy of the recording be provided to the requesting person or entity, as applicable, the solar installation company shall provide the copy within [5] 10 business days after receipt of the request. If a solar installation company fails to provide the copy within that time, the purchase or lease agreement or power purchase agreement is voidable by the purchaser, lessee or host customer, as applicable.

5. A solar installation company shall, before the commencement of the installation of a distributed generation system, submit proof to the purchaser, lessee or host customer that the solar installation company is properly licensed.

Sec. 21.5. **NRS 598.9822 is hereby amended to read as follows:**

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** constitutes a

deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act,*** or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections 14.1 to 14.4, inclusive, of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 22. (Deleted by amendment.)

Sec. 23. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 and 25 of this act.

Sec. 24. (Deleted by amendment.)

Sec. 25. ***1. If a customer-generator has received all the necessary inspections from any governmental entity required for the installation of a net metering system and submits to a utility a request for the completion of a final inspection by the utility, the utility shall complete the final inspection***

within a reasonable time after receipt of the request in accordance with the regulations adopted pursuant to NRS 704.773.

2. If a customer-generator submits to a utility a request to temporarily disconnect and subsequently reconnect electric service in relation to the installation of a net metering system, the utility shall schedule the temporary disconnection and subsequent reconnection within a reasonable time after receiving the request in accordance with the regulations adopted pursuant to NRS 704.773.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and section 25 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, have the meanings ascribed to them in those sections.

Sec. 28. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and section 25 of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, at the location at which the net metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) ~~[A timeline for processing applications and contracts for net metering applicants.]~~ ***Procedures and requirements concerning the process for applying for and installing a net metering system, which must include, without limitation:***

(1) Reasonable and appropriate timelines for the process, including, without limitation, timelines for:

(I) The review of an application of a net metering applicant;

(II) Obtaining a final inspection of a net metering system;

(III) The processing of a request to temporarily disconnect and subsequently reconnect electric service in relation to the installation of a net metering system; and

(IV) Obtaining the permission of the utility to operate the net metering system.

(2) The requirement that a utility that denies the application of a net metering applicant provide to the net metering applicant a notice detailing the reasons for the denial.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~[.]~~ ***, and section 25 of this act.***

Sec. 29. NRS 704.774 is hereby amended to read as follows:

704.774 1. ***A customer-generator must obtain all necessary permits and approvals required by any governmental entity for the installation of his or her net metering system and install the net metering system in compliance with the permits and approvals.***

2. A net metering system used by a customer-generator must meet all applicable safety and power quality standards established by:

(a) The National Electrical Code;

(b) Underwriters Laboratories Inc.; and

(c) The Institute of Electrical and Electronic Engineers.

~~[2.]~~ ***3.*** A customer-generator ***who satisfies the requirements in subsection 1 and*** whose net metering system meets ~~[such]~~ ***the*** safety and quality standards ***specified in subsection 2*** must not be required by the utility to:

(a) Comply with additional standards or requirements;

(b) Perform additional tests;

(c) Install additional controls; or

(d) Purchase additional liability insurance,

➥ arising solely from the status as a customer-generator.

Sec. 30. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 29, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 737.

AN ACT relating to public works; ~~[authorizing a court to award attorney's fees and costs to a party that prevails on a writ of mandamus to enforce certain provisions relating to public works; revising certain provisions relating to an alternate writ of mandamus filed by a contractor on a public work to compel performance of certain required duties of a public body;]~~ **authorizing an action seeking an alternate writ of mandamus to require a public body to award certain contracts and authorizing a court to award attorney's fees and costs to a party that prevails on such an alternate writ of mandamus;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures and requirements for contracts for a public work. (Chapter 338 of NRS) ~~[Section 1 of this bill authorizes a court to award reasonable attorney's fees and costs to a party that prevails on a writ of mandamus filed to enforce the provisions of chapter 338 of NRS.~~

~~Under existing law, a contractor on a public work who believes the public body has failed to perform certain required duties may apply to the district court of the county in which the public work is located for an alternate writ of mandamus to require the public body to perform the required duty. Existing law also provides that a public body is authorized to include certain provisions governing the payment of attorney's fees in a contract with a contractor for a public work. (NRS 338.630) Section 1.5 of this bill provides that the court is authorized to award reasonable attorney's fees and costs to the prevailing party on an alternate writ of mandamus, regardless of whether there is a provision in the contract governing the payment of such fees and costs.]~~ **Section 2 of this bill authorizes a party found by a court of competent jurisdiction to have legal standing to bring an action in district court against a public body to obtain an alternate writ of mandamus requiring the public body to award a contract pursuant to the provisions of chapter 338 of NRS if: (1) the**

public body attempts to award certain contracts in compliance with certain provisions of law relating to public procurement; and (2) the work to be performed pursuant to the contract is not directly related to the normal operation of the public body or the normal maintenance of its property. Section 2 also authorizes a district court to award reasonable attorney's fees and costs to a party that prevails on such an alternate writ of mandamus.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A court may award reasonable attorney's fees and costs to the prevailing party on a writ of mandamus filed in a court of competent jurisdiction to enforce the provisions of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 1.5. ~~[NRS 338.630 is hereby amended to read as follows:~~

~~338.630 1. A contractor who believes that the public body has failed to perform a duty to:~~

~~(a) Make a payment;~~

~~(b) Provide written notice of any withholding; or~~

~~(c) Provide information upon request relating to any payment with respect to a contract which has not been fully performed,~~

~~" pursuant to one or more of the provisions of NRS 338.515 to 338.535, inclusive, in a timely manner may apply to the district court of the county in which the public work or a part thereof is located for an alternate writ of mandamus pursuant to NRS 34.150 to 34.310, inclusive, to require the public body to perform the duty required pursuant to such a provision.~~

~~2. The provisions of this section do not prevent a public body from including a provision governing the payment of attorney's fees *and costs* in a contract into which it enters with a contractor for a public work. *The court may award reasonable attorney's fees and costs to the prevailing party on an alternate writ of mandamus filed pursuant to subsection 1, regardless of whether there is a provision in the contract governing the payment of such fees and costs.]*~~ **(Deleted by amendment.)**

Sec. 2. **Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A party found by a court of competent jurisdiction to have legal standing may bring an action against a public body in district court to obtain an alternate writ of mandamus requiring the public body to award a contract pursuant to the applicable provisions of this chapter if:

(a) The public body attempts to award a contract in compliance with chapter 332 or 333 of NRS, as described in subsection 1 of NRS 338.011; and

(b) The work to be performed pursuant to the contract is not directly related to the normal operation of the public body or the normal maintenance of its property.

2. The district court may award reasonable attorney's fees and costs to the prevailing party in an action filed pursuant to subsection 1.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 500.

Bill read second time and ordered to third reading.

Senate Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 502.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 305, 306, 414, and 443 be taken from their place on the General File and be moved to the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 101, 116, 124, 130, 179, 181, 189, 196, 210, 251, 295, 370, 371, 386, 395, and 426 be taken from their place on the General File and moved to the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 559.

Bill read third time.

Roll call on Assembly Bill No. 559:

YEAS—42.

NAYS—None.

Assembly Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 561.

Bill read third time.

Roll call on Assembly Bill No. 561:

YEAS—42.

NAYS—None.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.
Bill read third time.
Roll call on Assembly Bill No. 581:
YEAS—42.
NAYS—None.
Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 48.
Bill read third time.
Roll call on Senate Bill No. 48:
YEAS—42.
NAYS—None.
Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 71.
Bill read third time.
Roll call on Senate Bill No. 71:
YEAS—33.
NAYS—DeLong, Gray, Gurr, Hansen, Hardy, Hibbetts, Kasama, Koenig, Yurek—9.
Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 93.
Bill read third time.
Roll call on Senate Bill No. 93:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 100.
Bill read third time.
Roll call on Senate Bill No. 100:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 102.
Bill read third time.

Remarks by Assemblymembers Mosca and Gray.

ASSEMBLYMEMBER MOSCA:

Senate Bill 102 prohibits a person from creating or serving in a false slate of presidential electors or conspiring to commit such acts. A person who violates these provisions is guilty of a category D felony, may be subject to a fine, and may be liable for the costs of investigation and prosecution. If a court grants probation to a person convicted of such an offense, the court must require, as a condition of probation that the person serve at least six months in the county jail. Additionally, a person convicted of such an offense may not be elected or appointed to public office. The measure authorizes a person who believes that such an offense has occurred to notify the Secretary of State, who then must investigate or refer the alleged violation to the Attorney General or a district attorney for investigation and prosecution.

ASSEMBLYMEMBER GRAY:

I believe on behalf of all of us, I rise in opposition to S.B. 102. When there is a pending legal challenge to the outcome of a federal election, state electors are still required to cast their votes on the federally mandated date or risk having those votes excluded when Congress counts the electoral votes. This is not a partisan tactic. It is a constitutional safeguard that has been used by both parties. For example, in 1960, Hawaii's Democratic electors cast their votes for John [F.] Kennedy, even though Richard Nixon had been initially declared the winner. While awaiting the results of a recount, both Republican and Democratic electors submitted their respective electoral votes to Congress. When Congress met to count the votes, Vice President Nixon, presiding over the session, chose to count the Democratic electors' votes in alignment with the final certified results. Had the Democratic electors not submitted their votes, Hawaii's electoral votes would have gone to Nixon—even after the recount and court ruling confirmed Kennedy was the actual winner. Their action preserved the rightful outcome and the will of the voters. Senate Bill 102 seeks to criminalize what is, in fact, a lawful and sometimes necessary function of presidential electors, creating a precarious situation that may, in fact, disregard the will of the people. Contingent or provisional electors have played a recognized and accepted role in our electoral system since, at least, the election of 1876. By ignoring this legal and historical precedent, S.B. 102 amounts to a dangerous political overreach, an attempt to punish legitimate, and arguably, required conduct.

Roll call on Senate Bill No. 102:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 113.

Bill read third time.

Roll call on Senate Bill No. 113:

YEAS—42.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Roll call on Senate Bill No. 114:

YEAS—42.
NAYS—None.
Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Roll call on Senate Bill No. 117:
YEAS—42.
NAYS—None.
Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 120.
Bill read third time.
Roll call on Senate Bill No. 120:
YEAS—42.
NAYS—None.
Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 121.
Bill read third time.
Roll call on Senate Bill No. 121:
YEAS—29.
NAYS—DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—13.
Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 125.
Bill read third time.
Roll call on Senate Bill No. 125:
YEAS—42.
NAYS—None.
Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 137.
Bill read third time.
Roll call on Senate Bill No. 137:
YEAS—42.
NAYS—None.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 138.

Bill read third time.

Roll call on Senate Bill No. 138:

YEAS—37.

NAYS—Dickman, Gallant, Gurr, Hafen, O'Neill—5.

Senate Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Roll call on Senate Bill No. 140:

YEAS—42.

NAYS—None.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Roll call on Senate Bill No. 141:

YEAS—42.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Roll call on Senate Bill No. 142:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 155.

Bill read third time.

Roll call on Senate Bill No. 155:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Miller, O'Neill, Yurek—15.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 162.

Bill read third time.

Roll call on Senate Bill No. 162:

YEAS—42.

NAYS—None.

Senate Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 166.

Bill read third time.

Roll call on Senate Bill No. 166:

YEAS—30.

NAYS—Cole, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, Koenig, Yurek—12.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Roll call on Senate Bill No. 167:

YEAS—34.

NAYS—Cole, DeLong, Dickman, Gurr, Hafen, Hansen, Koenig, Yurek—8.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Roll call on Senate Bill No. 168:

YEAS—42.

NAYS—None.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Roll call on Senate Bill No. 169:

YEAS—42.

NAYS—None.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 171.

Bill read third time.

Roll call on Senate Bill No. 171:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 183.

Bill read third time.

Roll call on Senate Bill No. 183:

YEAS—33.

NAYS—DeLong, Gallant, Gray, Gurr, Hafen, Hardy, Kasama, O'Neill, Yurek—9.

Senate Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—42.

NAYS—None.

Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 188.

Bill read third time.

Roll call on Senate Bill No. 188:

YEAS—35.

NAYS—DeLong, Dickman, Gurr, Hafen, Hansen, Hibbetts, O'Neill—7.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—38.

NAYS—Anderson, Brown-May, Considine, Mosca—4.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Roll call on Senate Bill No. 198:

YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Roll call on Senate Bill No. 203:

YEAS—42.
NAYS—None.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Roll call on Senate Bill No. 208:

YEAS—42.
NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 213.

Bill read third time.

Roll call on Senate Bill No. 213:

YEAS—42.
NAYS—None.

Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Roll call on Senate Bill No. 215:

YEAS—42.
NAYS—None.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Roll call on Senate Bill No. 235:

YEAS—42.
NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Roll call on Senate Bill No. 246:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 256.

Bill read third time.

Roll call on Senate Bill No. 256:

YEAS—42.

NAYS—None.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Roll call on Senate Bill No. 266:

YEAS—42.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Roll call on Senate Bill No. 268:

YEAS—42.

NAYS—None.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—42.

NAYS—None.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.
Bill read third time.
Roll call on Senate Bill No. 278:
YEAS—42.
NAYS—None.
Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 279.
Bill read third time.
Roll call on Senate Bill No. 279:
YEAS—42.
NAYS—None.
Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 284.
Bill read third time.
Roll call on Senate Bill No. 284:
YEAS—40.
NAYS—Dickman, Gallant—2.
Senate Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 285.
Bill read third time.
Roll call on Senate Bill No. 285:
YEAS—28.
NAYS—Cole, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Roll call on Senate Bill No. 291:
YEAS—42.
NAYS—None.
Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 292.
Bill read third time.
Roll call on Senate Bill No. 292:

YEAS—37.
NAYS—Dickman, Gallant, Hansen—3.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—42.
NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 297.

Bill read third time.

Roll call on Senate Bill No. 297:

YEAS—29.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, O'Neill, Yurek—13.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 299.

Bill read third time.

Roll call on Senate Bill No. 299:

YEAS—42.
NAYS—None.

Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblymember Miller.

ASSEMBLYMEMBER MILLER:

Subsection 8 allows the state or local government, or a party suing the state or local government, to seek an interlocutory appeal of a court's decision to grant or deny a motion brought under this section. The intent of this provision is to allow for appellate review right after a court rules on the government's motion to dismiss a motion for summary judgment, or any other similar motion, even at the onset of the case, or if the case is ongoing. This is an important piece of the bill because the recreational immunity statute is designed to encourage the government to provide the public with spaces for recreation by shielding the government from lawsuits. Denying immediate appellate review of a trial court's decision can undermine this purpose by forcing the government to endure protracted and costly litigation, even when immunity should apply. Alternatively, an [erroneous] grant of immunity can unjustly bar an injured person from seeking redress from the government. This right to the appeal permits our appellate courts to quickly correct such errors early in the process, which will promote judicial efficiency, save all of our parties the cost of unnecessary litigation, and preserve the intent of the recreational immunity statute.

Roll call on Senate Bill No. 303:

YEAS—34.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, O'Neill—8.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Roll call on Senate Bill No. 313:

YEAS—40.

NAYS—Dickman, Hansen—2.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Roll call on Senate Bill No. 315:

YEAS—42.

NAYS—None.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Roll call on Senate Bill No. 319:

YEAS—34.

NAYS—DeLong, Dickman, Gallant, Gurr, Hafen, Hansen, Hibbetts, O'Neill—8.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.
Roll call on Senate Bill No. 320:
YEAS—42.
NAYS—None.
Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 321.
Bill read third time.
Roll call on Senate Bill No. 321:
YEAS—42.
NAYS—None.
Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 322.
Bill read third time.
Roll call on Senate Bill No. 322:
YEAS—42.
NAYS—None.
Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 325.
Bill read third time.
Roll call on Senate Bill No. 325:
YEAS—42.
NAYS—None.
Senate Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 326.
Bill read third time.
Roll call on Senate Bill No. 326:
YEAS—42.
NAYS—None.
Senate Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 327.
Bill read third time.
Roll call on Senate Bill No. 327:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 330.

Bill read third time.

Roll call on Senate Bill No. 330:

YEAS—37.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen—5.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 334.

Bill read third time.

Roll call on Senate Bill No. 334:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Roll call on Senate Bill No. 338:

YEAS—42.

NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

Roll call on Senate Bill No. 346:

YEAS—42.

NAYS—None.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 347.

Bill read third time.

Roll call on Senate Bill No. 347:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Roll call on Senate Bill No. 349:

YEAS—42.

NAYS—None.

Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Roll call on Senate Bill No. 350:

YEAS—28.

NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 358.

Bill read third time.

Roll call on Senate Bill No. 358:

YEAS—42.

NAYS—None.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 359.

Bill read third time.

The following amendment was proposed by Assemblymember Miller:

Amendment No. 640.

SUMMARY—Makes various changes relating to ~~[traffic offenses.]~~ **drivers.** (BDR 43-900)

AN ACT relating to vehicles; revising provisions governing a hearing to contest the determination set forth in a civil infraction citation; requiring a misdemeanor offense and a civil infraction to be included in the same criminal complaint under certain circumstances; **clarifying the locations to which certain statutory duties of a driver involved in a crash apply;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation. (NRS 484A.7041) **Section 4** of this bill replaces a requirement that,

before any such hearing, the person must post a bond equal to the amount of the full payment of the monetary penalty, administrative assessment and any fees specified in the civil infraction citation with a requirement that the person must post a bond of not more than that amount. **Section 4** also: (1) authorizes counsel to appear on behalf of a person who requests a hearing; and (2) provides that if counsel appears at the hearing, the person who requested the hearing is not required to attend. **Section 1** of this bill makes certain rules of evidence applicable to the adjudication of contested cases under the Nevada Administrative Procedure Act applicable to any such hearing.

Under existing law, if a person is arrested for a misdemeanor offense arising out of the same facts and circumstances as certain violations of law that are punishable as civil infractions, the offense and the civil infraction may be included in the same criminal complaint. (NRS 484A.7033) **Section 2** of this bill revises this provision to instead require the inclusion of both the offense and the civil infraction in the same criminal complaint.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 5** of this bill eliminates this requirement and certain related procedural requirements. **Section 3** of this bill makes a conforming change to remove a reference to provisions eliminated by **section 5**.

Existing law requires the driver of a vehicle involved in a crash to take certain actions, which vary depending on whether the crash involves injury or death or attended or unattended property and whether a police officer is present. (NRS 484E.020-484E.050) Sections 6-9 of this bill clarify the location-based requirements for the responsibilities of a driver following a crash on a highway or premises to which the public has access. Specifically, section 6 requires the driver of a vehicle involved in such a crash that results only in damage to a vehicle or other property driven or attended by a person to stop and, if the vehicle is obstructing traffic and can be moved safely, move it to a safe location. (NRS 484E.020) Section 7 requires the driver of a vehicle involved in such a crash that results in injury, death or damage to attended property to stop, provide certain information, render aid if needed and report the crash to law enforcement under certain circumstances. (NRS 484E.030) Section 8 clarifies that the duties of a driver who is involved in a crash with unattended property apply when the crash occurs on a highway or premises to which the public has access. (NRS 484E.040) Section 9 provides that the duty to report a crash involving unattended property applies when the crash occurs on a highway. (NRS 484E.050)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hearing conducted pursuant to NRS 484A.7041 must be conducted in accordance with the provisions of this section by a qualified magistrate as specified in NRS 484A.750.

2. Subpoenas may be issued by:

(a) The magistrate.

(b) The parties.

(c) The attorney of record for a party.

➥ Obedience to the subpoena may be compelled in the same manner as provided in chapter 22 of NRS.

3. At a hearing conducted pursuant to NRS 484A.7041:

(a) Oral evidence may be taken only upon oath or affirmation administered by the magistrate.

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except that those prescribed in NRS 233B.123 apply. Any relevant evidence that is not immaterial or unduly repetitious may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(d) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

4. The magistrate may:

(a) Conduct a hearing by telephone, audiovisual means or other electronic means outside of the judicial district in which the magistrate is appointed.

(b) Permit a party or witness residing outside of the judicial district to be deposed or to testify by telephone, audiovisual means or other electronic means.

Sec. 2. NRS 484A.7033 is hereby amended to read as follows:

484A.7033 1. Except as otherwise provided by law, a peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and issue a civil infraction citation for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also:

(a) Detain the person in accordance with NRS 171.123 if circumstances exist that warrant such a detention;

(b) Search the person to ascertain the presence of a weapon in accordance with NRS 171.1232 and take any other action authorized pursuant to that section or any other provision of law; and

(c) Arrest the person in accordance with NRS 171.1231 if probable cause for the arrest exists.

2. If a person is arrested pursuant to paragraph (c) of subsection 1 for an offense that arises out of the same facts and circumstances as the civil infraction and is punishable as a misdemeanor, the offense and the civil infraction ~~[may]~~ ***must*** be included in the same criminal complaint.

Sec. 3. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~[, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the person's vehicle, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation and the address and phone number of the agency which employs the peace officer or, if a prosecuting attorney is issuing

the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation and the address and phone number of the agency which employs the peace officer or volunteer, preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days.

2. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

3. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 4. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond **.** ~~[equal to]~~ ***The court shall fix the amount of the bond at not more than*** the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is

unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel **.** ~~[, and a city attorney or district attorney, in his or her discretion and as applicable,]~~ ***If counsel appears at the hearing, the person who requested the hearing is not required to attend. A prosecuting attorney*** may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 5. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 ~~[1.]~~ A prosecuting attorney may elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

~~[2. The prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~

Sec. 6. **NRS 484E.020 is hereby amended to read as follows:**

484E.020 1. The driver of any vehicle involved in a crash ***on a highway or premises to which the public has access*** resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

(a) Immediately stop his or her vehicle at the scene of the crash; and

(b) If the driver's vehicle is creating a hazard or obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and, if applicable, safely fulfill the requirements of NRS 484E.030.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 7. **NRS 484E.030 is hereby amended to read as follows:**

484E.030 1. The driver of any vehicle involved in a crash ***on a highway or premises to which the public has access*** resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:

(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in such crash;

(b) Give such information and upon request manually surrender such license to any police officer at the scene of the crash or who is investigating the crash; and

(c) Render to any person injured in such crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if

it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

2. If no police officer is present, the driver of any vehicle involved in ~~[such]~~ ***a*** crash ***described in subsection 1,*** after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall ***, if the crash resulted in injury to or death of any person or occurred on a highway,*** forthwith report ~~[such]~~ ***the*** crash to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 8. **NRS 484E.040 is hereby amended to read as follows:**

484E.040 1. Except as otherwise provided in subsection 2, the driver of any vehicle which is involved in a crash ***on a highway or premises to which the public has access*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.

2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is creating a hazard or obstructing traffic and can be moved safely, the driver shall, before meeting the requirements of subsection 1, move the vehicle or cause the vehicle to be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic and minimizes interference with the free movement of traffic.

3. A person who violates this section is guilty of a misdemeanor.

Sec. 9. **NRS 484E.050 is hereby amended to read as follows:**

484E.050 1. The driver of a vehicle which is involved in a crash ***on a highway*** with any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such crash to the nearest office of a police authority or of the Nevada Highway Patrol.

2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of a crash as required in subsection 1 and there was another occupant in the vehicle at the time of the crash capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

3. A person who violates this section is guilty of a misdemeanor.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 372.
Bill read third time.
Roll call on Senate Bill No. 372:
YEAS—42.
NAYS—None.
Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 375.
Bill read third time.
Roll call on Senate Bill No. 375:
YEAS—42.
NAYS—None.
Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 387.
Bill read third time.
Roll call on Senate Bill No. 387:
YEAS—42.
NAYS—None.
Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 404.
Bill read third time.
Roll call on Senate Bill No. 404:
YEAS—42.
NAYS—None.
Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 405.
Bill read third time.
Roll call on Senate Bill No. 405:
YEAS—40.
NAYS—Gallant, Hafen—2.
Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 101, 116, 124, 130, 179, 181, 189, 196, 210, 251, 295, 370, 371, 386, 395, and 426 be taken from

their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 17, 18, 20, 21, 30, 38, 46, 48, 50, 55, 56, 70, 89, 90, 97, 116, 202, 258, 305, 361, 430, 493, 498, 510, 512, 521; Senate Bills Nos. 4, 8, 9, 10, 11, 13, 16, 17, 19, 21, 24, 25, 26, 28, 30, 38, 44, 45, 49, 52, 66, 72, 84.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to James Shorey.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Jackson.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Stieber, Autumn Nash, Carter Donato, Charlotte Smith, Connor Leftwich, Daniel Lee, Demi Fuchs, Dylan Ellis, Ellis Wilkerson, Emme Favaro, Geraldine Ramos-Montes, Hannah Urroz, Jay Malone, Lincoln Rudelbach, Luke Etchison, Mady Avalos, Mia Kabor, Olivia Spurlock, Patton Miguel, Peter Capizzi-Gay, Phoenix Torres, Rion Flynn, Ruth Tryesniewski, Sophie Hodach, Taos Williams, and Thomas Roth.

Assemblymember Jauregui moved that the Assembly adjourn until Friday, May 23, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 23, 2025

Assembly called to order at 12:41 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Chaplain Craig Swope.

Father, we again are dealing with deadlines, a reminder of the importance of structure in the cycles around us. The sun deals with a deadline every day; there is a final day of spring; students are enjoying their final days of school.

Help us remember that deadlines are a part of order and structure, and without them there could be disruption and even chaos. So, let us be thankful for all things, including the structures that allow our efforts to live. We ask this in Your Son's Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 585, 588, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ERICA MOSCA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 445, 501, 518; Senate Bill No. 257.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 3, Amendment No. 668; Assembly Bill No. 44, Amendment No. 667; Assembly Bill No. 73, Amendment No. 632; Assembly Bill No. 88, Amendment No. 669; Assembly Bill No. 96, Amendment No. 601; Assembly Bill No. 128, Amendment No. 606; Assembly Bill No. 137, Amendment No. 625; Assembly Bill No. 209,

Amendment No. 626; Assembly Bill No. 215, Amendment No. 582, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 29, Amendment No. 631; Assembly Bill No. 40, Amendment No. 630; Assembly Bill No. 59, Amendment No. 629; Assembly Bill No. 104, Amendment No. 628; Assembly Bill No. 211, Amendment No. 694, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 241, Amendments Nos. 687, 688; Assembly Bill No. 351, Amendment No. 672; Assembly Bill No. 487, Amendment No. 627, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 6, 9, 11, 13, 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 469, 470, 474, 476, 478, 479, 484, 485, 488, 489, 490, 491, 492, 493, 497, 499.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 35, 182, 329.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 39, 160, 376.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblymember Jauregui moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

May 22, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bill No. 213.

WAYNE THORLEY
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Speaker Yeager
For: Senate Bill No. 157
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 22, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

A Waiver requested by: Speaker Yeager
For: Senate Bill No. 179
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 23, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

Assemblymember Jauregui moved that Senate Bills Nos. 305, 306, 414, and 443 be taken from their place on the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 101, 128, 179, and 395 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 161 taken from its place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 83 be withdrawn from the Committee on Judiciary and rereferred to the Committee on Ways and Means.

Motion carried.

Assembly in recess at 12:51 p.m.

ASSEMBLY IN SESSION

At 12:52 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 35.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 39.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 160.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 182.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 257.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 329.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 376.
Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Senate Bill No. 469.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 470.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 474.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 476.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 478.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 479.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 484.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 485.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 488.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 489.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 490.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 491.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 492.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 493.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 497.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 499.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 585.

Bill read second time and ordered to third reading.

Assembly Bill No. 588.

Bill read second time and ordered to third reading.

Senate Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 741.

SUMMARY—Revises provisions relating to ~~[the testing of]~~ cannabis and cannabis products. (BDR 56-962)

AN ACT relating to cannabis; requiring the Cannabis Compliance Board to adopt regulations setting forth requirements for licensees or registrants relating to the testing of cannabis and cannabis products; setting forth various requirements for the contents of those regulations; **requiring the Board to develop and implement a process by which a licensee may submit a petition for an exception from certain requirements; requiring the Board to develop, maintain and make available on the Internet website of the Board an electronic portal for certain purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Cannabis Compliance Board to adopt regulations to carry out the provisions of existing law governing the cannabis industry in this State. Under existing law, such regulations may include requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products. (NRS 678A.450) **Sections 1 and ~~[2]~~ 3** of this bill require, rather than authorize, the Board to adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products. **Section ~~[2]~~ 3** requires the regulations to set forth certain requirements, including the requirement that representative samples of each lot of cannabis be tested by a cannabis independent testing laboratory and various requirements concerning the collection of such representative samples. **Section 3 defines the term "lot" to mean: (1) the flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs 7.5 pounds or less; (2) the leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs 20 pounds or less; or (3) the wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs 135 pounds or less within 2 hours of harvest. Section 5 of this bill increases the weight limit for a lot of cannabis flower to 10 pounds or less, effective October 1, 2026. Section 3 sets forth procedures by which the Board may adjust any of the weight limits for lots. Section 3 additionally requires the Board to develop and implement a process by which a licensee may petition the Board for an exception from any downward adjustment in the weight limit of a lot.**

Section 4 of this bill requires the Board to develop, maintain and make available on the Internet website of the Board an electronic portal that is publicly accessible and through which: (1) a person may file certain complaints with the Board; and (2) the Board is required to provide certain notices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, ~~[~~testing,~~]~~ study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 2. Chapter 678B of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. 1. The Board shall adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products.

2. The regulations adopted pursuant to subsection 1 must require:

(a) Representative samples of each lot to be tested by a cannabis independent testing laboratory;

(b) The collection of representative samples of a lot to be conducted in accordance with standards established by the Board, which must align with the most recent version of the ASTM International Standard ASTM ~~[D8334/8334M-20,]~~ D8334/8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses"; and

(c) ~~[Representative samples of a lot of cannabis flower to be:~~

~~(1) Of roughly equal weight; and~~

~~(2) Not less than 1 gram each; and~~

~~(d) The following number of]~~ For each lot weighing less than 20 pounds, the total aggregate weight of all representative samples to be collected for testing from ~~[each]~~ the lot ~~[of cannabis flower:]~~ to be:

(1) For a lot weighing less than ~~[10]~~ 5 pounds, ~~[at least 8 samples;]~~ not less than 10 grams;

(2) For a lot weighing ~~[10]~~ 5 pounds or more but less than ~~[20]~~ 7.5 pounds, ~~[at least 12 samples;]~~ not less than 15 grams;

(3) For a lot weighing ~~[20]~~ 7.5 pounds or more but less than ~~[30]~~ 10 pounds, ~~[at least 15 samples;]~~ not less than 20 grams;

(4) For a lot weighing ~~[30]~~ 10 pounds or more but less than ~~[40]~~ 15 pounds, ~~[at least 18 samples;]~~ not less than 30 grams; and

(5) For a lot weighing ~~[40]~~ 15 pounds or more but ~~[not more]~~ less than ~~[50]~~ 20 pounds, ~~[at least 19 samples.]~~ not less than 40 grams.

3. As often as the Board determines to be necessary, the Board may conduct an evaluation of the weight limits for the lots described in paragraph (c) of subsection 2. After the evaluation, the Board may, by regulation, adjust any of the weight limits for a lot if:

(a) The evaluation reveals that:

(1) New scientific data has emerged that supports the adjustment of the weight limit; or

(2) In the period since the last evaluation was conducted or, for the initial evaluation conducted, in the year immediately preceding the evaluation, the rate at which lots have failed the testing required by the Board has increased or decreased annually by at least 1.5 percent;

(b) The Board determines that making the adjustment and the amount of the adjustment satisfies the criteria established by the Board pursuant to subsection 4; and

(c) Except as otherwise provided in this paragraph, the weight limit is increased or decreased by not more than 2.5 pounds. The Board may not adjust the weight limit for any lot to an amount that is less than 5 pounds.

4. The Board shall adopt regulations establishing criteria to be used by the Board in evaluating whether to adjust a weight limit for a lot pursuant to subsection 3 and for determining the amount of any such adjustment, subject to the restrictions set forth in subsection 3.

5. The Board shall develop and implement a process by which a licensee may petition the Board for an exception from the applicability of any downward adjustment in the weight limit of a lot established by the Board

pursuant to subsection 3. The Board may approve or deny such a petition based on criteria established by the Board. If the Board approves such a petition, the weight limit for any lots of the petitioner for the purpose of any requirements relating to the testing of cannabis shall be deemed to be the applicable weight limit in effect immediately before the downward adjustment that the petition relates to becomes effective, notwithstanding any provision of the regulations establishing the adjustment to the contrary.

6. Nothing in the provisions of this section shall be construed to prohibit a licensee that produces less than 5 pounds of cannabis from obtaining all required testing on that cannabis.

7. As used in this section:

(a) "Harvest batch" means the useable flower and trim contained within one or more specific lots of cannabis grown by a cannabis cultivation facility from one or more seeds or cuttings of the same strain of cannabis and harvested on or before a specified final date of harvest.

(b) "Lot" means:

(1) The flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs ~~[50]~~ 7.5 pounds or less ~~[;]~~ , as adjusted pursuant to subsection 3;

(2) The leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs ~~[150]~~ 20 pounds or less ~~[;]~~ , as adjusted pursuant to subsection 3; or

(3) The wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs ~~[1,250]~~ 135 pounds or less , as adjusted pursuant to subsection 3, within 2 hours of harvest.

Sec. 4. The Board shall develop, maintain and make available on the Internet website of the Board an electronic portal that is publicly accessible and through which:

1. A person may file with the Board a complaint concerning any matter within the jurisdiction of the Board;

2. The Board shall provide notice to members of the public of any recall concerning cannabis or cannabis products; and

3. The Board shall provide notice to members of the public of any cannabis or cannabis product that has failed any testing required by the Board.

Sec. 5. **Section 3 of this act is hereby amended to read as follows:**

Sec. 3. 1. The Board shall adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products.

2. The regulations adopted pursuant to subsection 1 must require:

(a) Representative samples of each lot to be tested by a cannabis independent testing laboratory;

(b) The collection of representative samples of a lot to be conducted in accordance with standards established by the Board, which must align with the

most recent version of the ASTM International Standard ASTM D8334/8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses"; and

(c) For each lot weighing less than 20 pounds, the total aggregate weight of all representative samples to be collected for testing from the lot to be:

(1) For a lot weighing less than 5 pounds, not less than 10 grams;

(2) For a lot weighing 5 pounds or more but less than 7.5 pounds, not less than 15 grams;

(3) For a lot weighing 7.5 pounds or more but less than 10 pounds, not less than 20 grams;

(4) For a lot weighing 10 pounds or more but less than 15 pounds, not less than 30 grams; and

(5) For a lot weighing 15 pounds or more but less than 20 pounds, not less than 40 grams.

3. As often as the Board determines to be necessary, the Board may conduct an evaluation of the weight limits for the lots described in paragraph (c) of subsection 2. After the evaluation, the Board may, by regulation, adjust any of the weight limits for a lot if:

(a) The evaluation reveals that:

(1) New scientific data has emerged that supports the adjustment of the weight limit; or

(2) In the period since the last evaluation was conducted or, for the initial evaluation conducted, in the year immediately preceding the evaluation, the rate at which lots have failed the testing required by the Board has increased or decreased annually by at least 1.5 percent;

(b) The Board determines that making the adjustment and the amount of the adjustment satisfies the criteria established by the Board pursuant to subsection 4; and

(c) Except as otherwise provided in this paragraph, the weight limit is increased or decreased by not more than 2.5 pounds. The Board may not adjust the weight limit for any lot to an amount that is less than 5 pounds.

4. The Board shall adopt regulations establishing criteria to be used by the Board in evaluating whether to adjust a weight limit for a lot pursuant to subsection 3 and for determining the amount of any such adjustment, subject to the restrictions set forth in subsection 3.

5. The Board shall develop and implement a process by which a licensee may petition the Board for an exception from the applicability of any downward adjustment in the weight limit of a lot established by the Board pursuant to subsection 3. The Board may approve or deny such a petition based on criteria established by the Board. If the Board approves such a petition, the weight limit for any lots of the petitioner for the purpose of any requirements relating to the testing of cannabis shall be deemed to be the applicable weight limit in effect immediately before the downward adjustment that the petition relates to becomes effective, notwithstanding any provision of the regulations establishing the adjustment to the contrary.

6. Nothing in the provisions of this section shall be construed to prohibit a licensee that produces less than 5 pounds of cannabis from obtaining all required testing on that cannabis.

7. As used in this section:

(a) "Harvest batch" means the useable flower and trim contained within one or more specific lots of cannabis grown by a cannabis cultivation facility from one or more seeds or cuttings of the same strain of cannabis and harvested on or before a specified final date of harvest.

(b) "Lot" means:

(1) The flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs ~~[7.5]~~ ***10*** pounds or less, as adjusted pursuant to subsection 3;

(2) The leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs 20 pounds or less, as adjusted pursuant to subsection 3; or

(3) The wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs 135 pounds or less, as adjusted pursuant to subsection 3, within 2 hours of harvest.

Sec. 6. **1. This section and sections 1 to 4, inclusive, of this act become effective on October 1, 2025.**

2. Section 5 of this act becomes effective on October 1, 2026.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 459.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 157 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 161.

Bill read third time.

Roll call on Senate Bill No. 161:

YEAS—33.

NAYS—Anderson, Cole, DeLong, Dickman, Gray, Gurr, Hafen, Hansen, O'Neill—9.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 295 and 426 be taken from their place on the General File and be moved to the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 500, 501, and 502 be taken from their place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 295.

Bill read third time.

The following amendment was proposed by Assemblymember Brown-May:

Amendment No. 773.

AN ACT relating to food establishments; requiring certain local boards of health to provide certain information relating to sidewalk vendors and compact food cart vendors; establishing requirements for a compact food cart vendor; authorizing a registered compact food cart vendor to sell certain food items; setting forth certain requirements for the regulation of sidewalk vendors and compact food cart vendors by certain local boards of health and certain local zoning boards, planning commissions and local governments; exempting an establishment that sells or offers or displays for sale certain foods and a compact food cart vendor from the definition of "food establishment"; revising certain requirements which certain local boards of health are required to adopt relating to sidewalk vendors who sell food; prohibiting certain governmental bodies from limiting the types of food that may be sold by a sidewalk vendor or compact food cart vendor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a local board of health in a county whose population is 100,000 or more (currently Clark and Washoe Counties) or a city in a county whose population is 100,000 or more to adopt regulations governing sidewalk vendors of food. (NRS 446.861) **Sections 3 and 5** of this bill define certain terms relating to sidewalk vendors.

Section 7 of this bill requires a local board of health to: (1) develop and update certain guidance documents explaining the requirements of existing

regulations adopted by the local board of health governing sidewalk vendors and compact food cart vendors; and (2) make certain documents available on the Internet website of the local board of health in more than one language.

Section 6 of this bill limits the applicability of **sections 6-11.5** of this bill to a local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more.

Section 13 of this bill requires a local board of health to adopt regulations governing sidewalk vendors of food, including requirements relating to: (1) the plans for the design of a nonstationary conveyance and the use of modular conveyances by a sidewalk vendor; (2) the use of certain sinks by a sidewalk vendor; and (3) the storage of a conveyance in a private home.

Section 9.5 requires a person who wishes to operate as a compact food cart vendor to register with the local board of health and pay ~~[a]~~ **the** fee established by regulation of the local board of health ~~[,]~~ **, if such a fee has been established.** **Section 2.5** of this bill defines "compact food cart vendor" to mean a person who sells certain food items from a nonstationary conveyance. **Section 9.5** also requires a compact food cart vendor to comply with certain ordinances and regulations adopted by the governing body of a county, city or unincorporated town that regulates sidewalk vendors. **Section 9.5** prohibits a compact food cart vendor from operating at a special event unless the compact food cart vendor complies with certain requirements. **Section 9.5** further: (1) provides that a registration as a compact food cart vendor is valid for a period of 1 year; (2) sets forth a process for the renewal of such registration; and (3) requires the payment of a renewal fee established by regulation of the local board of health ~~[,]~~ **, if such a fee has been established.**

Section 10 authorizes a compact food cart vendor to sell certain food items, which must be purchased prepackaged or prepared in a commercial grade kitchen or on the conveyance.

Section 11.5 provides, with certain exceptions, that the provisions of existing law and **sections 2-11.5** of this bill do not prohibit a local zoning board, planning commission or governing body of a county, city or unincorporated town from adopting certain ordinances and regulations that: (1) prescribe the locations where sidewalk vendors and compact food cart vendors are allowed to operate; (2) authorize the seizure of food items, a conveyance, any cooking apparatus or other products; and (3) authorize the destruction of certain food items. **Sections 11.5, 14.3 and 14.7** of this bill further prohibit, with certain exceptions, such governmental entities from limiting the types of food items a sidewalk vendor or compact food cart vendor may sell if such food items comply with the regulations of a local board of health or are authorized by **section 10**.

Section 9 requires a local board of health to: (1) prepare, maintain and make publicly available on the Internet website of the local board of health a list of food items that have been approved by the local board of health and a model menu of preapproved food items that may be sold by a sidewalk vendor; and

(2) establish a process to preapprove certain food items sold from a conveyance.

Existing law defines the term "food establishment" for the purposes of existing law relating to food establishments and sets forth certain exceptions from the definition. (NRS 446.020) **Section 12** of this bill exempts from the definition of "food establishment": (1) any establishment in which only whole produce or commercially prepackaged food which is not a potentially hazardous food is sold or offered or displayed for sale; and (2) a compact food cart vendor. As a result of this change, such an establishment and a compact food cart vendor are not subject to the existing requirements governing food establishments.

Section 2 applies the definitions in **sections 2.5, 3 and 5** to the provisions of existing law relating to food establishments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 446 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11.5, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 446.0145 to 446.069, inclusive, and sections 2.5, 3 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Compact food cart vendor" means a person who sells the food items described in section 10 of this act from a nonstationary conveyance.***

Sec. 3. ***"Conveyance" includes, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack.***

Sec. 4. (Deleted by amendment.)

Sec. 5. ***"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 6. ***The provisions of NRS 446.861 and sections 6 to 11.5 of this act apply only to a local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more.***

Sec. 7. ***A local board of health shall:***

1. Develop and update guidance documents which explain any requirements adopted in accordance with NRS 446.861 and sections 9.5 and 10 of this act governing sidewalk vendors and compact food cart vendors, including, without limitation, the process for a person to apply to the local board of health for a permit, license or other authorization or register with the local board of health, as applicable.

2. Make available on the Internet website of the local board of health all guidance documents developed pursuant to subsection 1 and all documents necessary to apply to the local board of health for a permit, license or other authorization or register with the local board of health, as applicable. All

such documents must be clearly visible, easily accessible and available on the Internet website of the local board of health in more than one language.

Sec. 8. (Deleted by amendment.)

Sec. 9. ***1. A local board of health shall prepare, maintain and make publicly available on the Internet website of the local board of health:***

(a) A list of food items that have been preapproved by the local board of health pursuant to subsection 2 for sale on a conveyance; and

(b) A model menu of preapproved food items that may be sold by a sidewalk vendor.

➥ The documents required to be maintained pursuant to this subsection must be clearly visible, easily accessible and available in more than one language.

2. The local board of health shall establish a process to preapprove food items that may be sold by a sidewalk vendor.

Sec. 9.5. ***1. A person who wishes to operate as a compact food cart vendor must:***

(a) Register with the local board of health by submitting such information required by the local board of health, which must include, without limitation:

(1) The name, address and contact information of the person operating as a compact food cart vendor;

(2) A list of food items set forth in section 10 of this act that will be sold by the compact food cart vendor;

(3) A description of the general area in which the compact food cart vendor will operate;

(4) The business name of the compact food cart vendor; and

(5) The plans for the design of the nonstationary conveyance from which the compact food cart vendor will operate; and

(b) ~~[Pay]~~ If the local board of health prescribed by regulation a fee ~~[prescribed by regulation of the local board of health]~~ for registration, pay the fee in ~~[an]~~ the amount established by the local board of health.

2. A compact food cart vendor shall comply with NRS 244.35484 and 268.097994 and any ordinance or regulation adopted by the governing body of a county, city or unincorporated town that regulates sidewalk vendors, including, without limitation, any requirements concerning the size of a conveyance.

3. A compact food cart vendor must display a sign on the conveyance that is at least 8 inches by 12 inches in size and that states in English and Spanish in at least 36-point font that all food items offered for sale are "MADE BY A COMPACT FOOD CART VENDOR THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION."

4. A local board of health may authorize the use of a stand-alone sink or a sink in a nearby facility by a compact food cart vendor to satisfy any requirements adopted by the local board of health for handwashing and warewashing, provided that such a sink is not more than 10 feet away from

the conveyance and there is not a physical barrier between such a sink and the conveyance.

5. A compact food cart vendor shall not operate at a special event unless the compact food cart vendor has obtained a permit, license or authorization from the local board of health pursuant to NRS 446.861 to operate as a sidewalk vendor and has complied with all other requirements of the local board of health and the relevant local governments for operating at the special event.

6. The registration of a compact food cart operation is valid for a period of 1 year. A compact food cart vendor may renew his or her registration if there have been no changes to the food items, conveyance or areas which the compact food cart vendor serves by submitting to the local board of health:

(a) A letter certifying that there have been no changes to the food items, conveyance or areas which the compact food cart vendor serves; and

(b) ~~[A]~~ If the local board of health prescribed by regulation a fee for renewing the registration ~~[prescribed by regulation of the local board of health]~~ , the fee in ~~[an]~~ the amount established by the local board of health.

7. The regulations adopted by a local board of health in accordance with NRS 446.861 do not apply to a compact food cart vendor that registers pursuant to this section to sell any food items set forth in section 10 of this act.

Sec. 10. *1. Except as otherwise provided by federal law or regulation and notwithstanding any other provision of state law, a compact food cart vendor that registers with a local board of health pursuant to section 9.5 of this act may sell the following food items, which must be purchased, prepackaged or prepared by the compact food cart vendor in a commercial grade kitchen or on the conveyance of the compact food cart vendor:*

(a) Subject to any requirements of NRS 584.099 to 584.107, inclusive, shaved ice which may include a supplemental fruit-based or artificially-flavored syrup added to the shaved ice on the conveyance;

(b) Aguas frescas that are not alcoholic;

(c) Corn chips or potato chips which may include, without limitation, any supplemental seasonings, flavorings or food additives;

(d) Corn on the cob which may be garnished on the conveyance with crumbled parmesan cheese or with mayonnaise or margarine spread that contains shelf-stable ingredients and was purchased from a grocery store within the previous 7 days;

(e) Any wheat based snack that is deep-fried or baked and made from wheat flour, cornstarch, baking soda and salt;

(f) Tea that is prepared on the conveyance by steeping in water cured or fresh leaves, herbs, flowers, fruits or any other plant material and may include any additive that is shelf-stable and prepackaged and purchased from a grocery store or other food establishment in a manner that protects

the food item from contamination during transport, display, sale and acquisition by consumers and that does not contain dairy products;

(g) Coffee that is non-alcoholic and which may include, without limitation, sweeteners, powdered milk, flavorings or spices;

(h) Juice that is non-alcoholic and prepared mechanically or manually by pressing, squeezing, blending or juicing and may include, without limitation, sweeteners, spices and natural flavorings;

(i) Candy lollipops which may include, without limitation, flavorings, color additives or other ingredients, including, without limitation, chocolate, fruit extracts, dairy or gelatin;

(j) Subject to any requirements of NRS 584.099 to 584.107, inclusive, frozen or semi-frozen ice treats that do not contain dairy products and which may be garnished on the conveyance with seasonings and shelf-stable vinegar-based sauces;

(k) Nachos consisting of corn-based tortilla chips and topped with ingredients which may include, without limitation, shelf-stable pickled vegetables or shelf-stable nacho cheese purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and melted on the conveyance and may not include meat;

(l) Fresh-cut fruit which may be garnished on the conveyance with ground chili peppers, salt, lime citric acid or shelf-stable vinegar-based sauces or any other food items marketed for use with fruit that are shelf-stable and purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport;

(m) Dry snack foods, including, without limitation, potato chips, corn chips or peanuts, which are purchased prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport and to which liquid condiments primarily made using chili peppers may be added to the snack food on the conveyance;

(n) Baked goods which are shelf-stable and prepackaged from a grocery store or other food establishment in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers;

(o) Any other food item that does not require time or food controls for food safety; and

(p) Any other food item, including, without limitation, a non-alcoholic beverage, that the local board of health deems appropriate.

2. A local board of health may require a compact food cart vendor to dispose of food items at the end of a business day or provide disposable utensils to customers.

3. As used in this section, "shelf-stable" means food items that can be safely stored at room temperature.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. ***1. Except as otherwise provided in this section and NRS 244.35484 and 268.097994, nothing in NRS 446.861 and sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of a county, city or unincorporated town from adopting any ordinance or other regulation that protects public health and safety or regulates the time, place or manner in which sidewalk vendors and compact food cart vendors operate, including, without limitation:***

(a) Prescribing the locations where sidewalk vendors and compact food cart vendors are allowed to operate;

(b) Authorizing the seizure of food items, including, without limitation, beverages, a conveyance, any cooking apparatus or any other product being sold or offered for sale in violation of state or local law for the purpose of protecting public health and safety; or

(c) Authorizing the destruction of food items that are not safe for human consumption.

2. A local zoning board, planning commission or governing body of a county, city or unincorporated town shall not adopt an ordinance or regulation limiting the types of food items that a sidewalk vendor or compact food cart vendor may sell, if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 or section 10 of this act, as applicable.

Sec. 12. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of NRS;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;

(i) A cottage food operation that meets the requirements of NRS 446.866 with respect to food items as defined in ~~[that section;]~~ ***NRS 446.866;***

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; ~~[or]~~

(k) A farm for purposes of holding a farm-to-fork event ~~[.]~~ ***;***

(l) Any establishment in which only whole produce or a commercially prepackaged food item which is not a potentially hazardous food item is sold or offered or displayed for sale, provided that the space in which such food items are displayed or stored is not more than 150 square feet; or

(m) A compact food cart vendor that meets the requirements of section 9.5 of this act with respect to the food items set forth in section 10 of this act.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 13. NRS 446.861 is hereby amended to read as follows:

446.861 1. ~~[A]~~ ***Except as otherwise provided in sections 9.5 and 11.5 of this act, a*** local board of health ~~[in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more]~~ shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor **.** ~~[;]~~

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan **.** ~~[;]~~

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler **.** ~~[; and]~~

(d) ***Authorize the use of modular conveyances, conveyances that can be disassembled for transportation and cleaning and conveyances that include equipment fastened to a cart that is not permanently welded to the conveyance.***

(e) Authorize the use of a stand-alone sink or a sink in a nearby facility by a sidewalk vendor to satisfy requirements adopted by the local board of health for handwashing and warewashing, provided that such a sink is not more than 10 feet away from the conveyance and there is not a physical barrier between such a sink and the conveyance.

(f) Authorize the storage of not more than two conveyances in a private home. Such regulations may impose reasonable restrictions, including,

without limitation, requiring that conveyances be stored in accordance with any other law or ordinance governing storage, health and safety in a private home.

(g) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to NRS 225.610.

2. ~~[As used in this section, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal driven cart, wagon, showcase or rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.]~~ ***A local board of health may adopt regulations pursuant to NRS 446.940:***

(a) Requiring that a sidewalk vendor possess a certificate as a food handler or as a food manager; or

(b) Establishing an expedited process for a person seeking to operate as a sidewalk vendor.

3. The terms used in any regulations adopted pursuant to this section must be the same as those used in this section and must be consistent with those used in any other regulation adopted by a local board of health relating to sidewalk vendors.

Sec. 14. (Deleted by amendment.)

Sec. 14.3. NRS 244.35483 is hereby amended to read as follows:

244.35483 1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 244.35481 to 244.35488, inclusive.

2. Except as otherwise provided in NRS 244.35481 to 244.35488, inclusive, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 or section 10 of this act for a compact food cart vendor, as that term is defined in section 2.5 of this act.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with NRS 244.35481 to 244.35488, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 244.35481 to 244.35488, inclusive.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 14.7. NRS 268.097993 is hereby amended to read as follows:

268.097993 1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of NRS 268.097991 to 268.097998, inclusive.

2. Except as otherwise provided in NRS 268.097991 to 268.097998, inclusive, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

(c) Limit the types of food that a sidewalk vendor may sell if such food items comply with the regulations established by a local board of health pursuant to NRS 446.861 and 446.940 or section 10 of this act for a compact food cart vendor, as that term is defined in section 2.5 of this act.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with NRS 268.097991 to 268.097998, inclusive, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of NRS 268.097991 to 268.097998, inclusive.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 15. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 426.

Bill read third time.

The following amendment was proposed by Assemblymember Gray:

Amendment No. 742.

AN ACT relating to public safety; creating the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone; authorizing certain entities to establish certain parking restrictions and prohibitions and enter into agreements with other governmental entities to provide parking enforcement and collect parking fees within the Safety Zone; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) The Tahoe Regional Planning Compact provides for the creation of the Tahoe transportation district as a special purpose district managed by a board of

directors which develops and implements transportation plans and programs for the Lake Tahoe Basin.

Existing law also establishes the State Route 159 Safety Speed Zone and authorizes: (1) the Director of the Department of Transportation to set the maximum speed in the Speed Zone; and (2) the Department to ensure that adequate signage and other forms of notice are installed. (NRS 484B.621) **Section 1** of this bill creates the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone, consisting of any portion of U.S. Highway 50, Nevada State Route 28, Nevada State Route 431 and Nevada State Route 207 that is located in the Lake Tahoe Region and directly connected to a recreational destination or that has otherwise been designated as a scenic byway. **Section 1** authorizes the Department and certain local law enforcement agencies to: (1) establish certain traffic control measures and parking restrictions and prohibitions within the Safety Zone; and (2) enter into an agreement with one or more state agencies, local governments, local governmental agencies in the Region or the Tahoe transportation district to develop public parking, provide parking enforcement and issue parking citations or notices of noncompliance within the Safety Zone. **Section 1** further authorizes the Department to: (1) establish and collect fees for public parking on certain land within the Safety Zone; and (2) enter into agreements with certain governmental entities to enforce and collect fees for parking within the Safety Zone. The proceeds of: (1) such fees must be used to manage parking in the Lake Tahoe Region; and (2) any fines imposed for violations of a parking restriction or prohibition, with certain exceptions, must be used for parking enforcement within the Safety Zone.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone is hereby created in the Lake Tahoe Region, consisting of any portion of U.S. Highway 50, Nevada State Route 28, Nevada State Route 431 and Nevada State Route 207 that is located in the Lake Tahoe Region and directly connected to a recreational destination or that has otherwise been designated as a Scenic Byway.

2. Within the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone, the Department of Transportation and any local law enforcement agency with jurisdiction in the Region may:

(a) Place traffic control devices on any portion of highway in the Safety Zone and implement measures of traffic calming;

(b) Prohibit or restrict parking on the shoulder of any highway in the Safety Zone; and

(c) Prohibit or restrict a person from stopping, leaving standing or parking a vehicle anywhere the Department of Transportation or the local

law enforcement agency determines such activities are dangerous to other persons operating a vehicle on a highway in the Safety Zone or would duly interfere with the free movement of traffic on such highway.

➥ A person shall not stop, park or leave standing any vehicle in violation of a traffic control device, prohibition or restriction established pursuant to this subsection.

3. In addition to the provisions of subsection 2:

(a) The Department of Transportation may, on any land owned or held by the Department of Transportation:

(1) Establish and collect fees for public parking; and

(2) Enter into an agreement with one or more state agencies, local governments, local governmental agencies or the Tahoe transportation district, as applicable, to enforce and collect any fee established pursuant to this paragraph for public parking; and

(b) The Department of Transportation or a law enforcement agency may enter into agreements with one or more state agencies, local governments with jurisdiction in the Region, local governmental agencies or the Tahoe transportation district relating to parking in the Safety Zone, including, without limitation:

(1) The development of public parking in any right-of-way or land owned by the State and pedestrian pathways for residents and visitors who use such public parking to move from the public parking to a recreational destination; and

(2) The enforcement of parking restrictions and prohibitions established pursuant to subsection 2.

4. Any agreement entered into pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), may authorize the state agency, local government, local governmental agency or the Tahoe transportation district to appoint employees, who must be directly employed by the state agency, local government, local governmental agency or Tahoe transportation district, as applicable, to issue citations or notices of noncompliance, manually or electronically, for a violation of any parking restriction or prohibition established pursuant to subsection 2 or a requirement to pay a fee established pursuant to subsection 3. A citation or notice of noncompliance authorized by this paragraph and issued pursuant to the agreement has the same force and effect as a citation or notice issued by a peace officer. The employee must file the original or a copy of the citation or notice of compliance in the manner required pursuant to NRS 484A.680.

(b) Must prohibit the issuance of citations or notices of noncompliance in any area within the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone where there is no access to a recreation destination from the public parking using public transit or pedestrian pathways.

(c) Must require the state agency, local government, local governmental agency or Tahoe transportation district, as applicable, for any employee appointed pursuant to paragraph (a), to:

(1) Establish minimum qualifications;

(2) Provide training to the employee before the employee may issue citations or notices of noncompliance; and

(3) Provide appropriate equipment to the employee, including, without limitation, uniforms or identifying attire and books or electronic devices for issuing citations or notices of noncompliance; and

(d) If the agreement is made with the Tahoe transportation district, must require that any fees or fines collected by the Tahoe transportation district be used in the Lake Tahoe Region to manage parking in the Region.

5. A state agency, local government or local governmental agency that appoints an employee to issue citations or notices of noncompliance pursuant to subsection 4 is not liable for the negligent acts or omissions of such an employee unless:

(a) The employee made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or

(b) The conduct of the employee affirmatively caused the harm.

➥ The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.

6. Any fee established by the Department of Transportation pursuant to subsection 3 and collected by the Department of Transportation, a state agency, a local government or a local governmental agency must be used to manage parking in the Lake Tahoe Region, including, without limitation:

(a) The operation and maintenance of public parking and pedestrian pathways;

(b) The enforcement of parking restrictions and prohibitions and fees for public parking;

(c) The installation of adequate signage to support safety and provide information to any person using the public parking; and

(d) The development, operation and maintenance of amenities for any person using the public parking, including, without limitation, restrooms and trash cans.

7. Any fine collected by the Department of Transportation, a law enforcement agency, a state agency, a local government or a local governmental agency pursuant to this section must be used in the Lake Tahoe Region for enforcing parking restrictions and prohibitions in the Safety Zone.

8. As used in this section:

(a) "Lake Tahoe Region" or "Region" includes Lake Tahoe and the adjacent parts of Douglas and Washoe Counties and Carson City lying within the Tahoe Basin in the State of Nevada.

(b) "Public parking" means a parking space or parking facility, including, without limitation, a parking deck, parking garage, parking structure or paved or unpaved parking lot, that members of the public are invited or permitted to enter and use.

(c) "Scenic Byway" has the meaning ascribed to it in the National Scenic Byways Program, as issued by the United States Federal Highway Administration in 60 Federal Register 26,759 on May 18, 1995.

(d) "Tahoe transportation district" means the Tahoe transportation district established by Article IX of the Tahoe Regional Planning Compact.

(e) "Traffic calming":

(1) Means a combination of measures and techniques intended to:

(I) Reduce vehicular speeds;

(II) Promote safe and pleasant conditions for motorists, bicyclists, pedestrians and residents;

(III) Improve the environment and usability of roadways;

(IV) Improve real and perceived safety for nonmotorized traffic; or

(V) Achieve any combination of the purposes set forth in sub-subparagraphs (I) to (IV), inclusive.

(2) Does not include any combination of measures and techniques that reduces the number of lanes for traveling on any portion of U.S. Highway 50 , Nevada State Route 28, Nevada State Route 431 or Nevada State Route 207 that is part of the Lake Tahoe Basin Scenic Byway Corridor Recreation Safety Zone created by subsection 1.

Assemblymember Gray moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 305.

Bill read third time.

The following amendment was proposed by Assemblymember Torres-Fossett:

Amendment No. 745.

AN ACT relating to interscholastic activities; requiring the Nevada Interscholastic Activities Association to adopt regulations that set forth the process for the Association to designate a sanctioned sport; providing certain requirements for such regulations; requiring the Association to publish such regulations on the Internet website maintained by the Association; providing for the designation of lacrosse as a sanctioned sport; ~~[requiring]~~ **establishing the Subcommittee on Interscholastic Activities of** the Joint Interim Standing Committee on Education **; requiring the Subcommittee** to conduct an interim study of the Association; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of the Nevada Interscholastic Activities Association to control, supervise and regulate all interscholastic athletic events and other interscholastic events in public schools in this State.

(NRS 385B.050) Under existing law, the Association is required to adopt rules and regulations as is necessary to govern such interscholastic activities and events. (NRS 385B.060) **Section 2** of this bill requires the Association to adopt regulations that: (1) set forth the process for the Association to designate a sanctioned sport; (2) set forth standards for determining, without limitation, the rules governing such sanctioned sports; and (3) prioritize the designation of club sports as a sanctioned sport. **Section 2** additionally requires such regulations to be published on the Internet website maintained by the Association. **Section 5** of this bill requires the Association to adopt such regulations not later than October 1, 2025. If such regulations are not adopted on or before October 1, 2025, **section 2** transfers the authority to adopt such regulations to the Nevada Association of School Superintendents. **Finally, section 2 provides that a school that is a member of the Nevada Interscholastic Activities Association is not required to take certain actions, including, without limitation, establishing an athletic program, for any sport that is sanctioned as a result of such regulations.**

Under **section 2**, such regulations must authorize a person to submit a request for the Association to designate a sanctioned sport and require the Association to approve or deny the request for designation of the sanctioned sport not later than 1 year after the Association receives the request. If the Association fails to act on such a request and adopt any necessary regulations within 1 year after the Association receives the request, **section 2** transfers the authority to act on such a request and adopt any necessary regulations to the Nevada Association of School Superintendents.

Existing law establishes the Joint Interim Standing Committee on Education and prescribes the duties of the Committee. (NRS 218E.320, 218E.330, 218E.615) Section 2.3 of this bill: (1) establishes the Subcommittee on Interscholastic Activities of the Joint Interim Standing Committee on Education; and (2) sets forth the membership of the Subcommittee. Section 2.5 of this bill sets forth requirements governing: (1) meetings of the Subcommittee; and (2) compensation and pier diem allowance and travel expenses for members of the Subcommittee. Finally, section 2.7 of this bill authorizes the Subcommittee to, without limitation: (1) review and comment on any action, activity or administrative policy, rule or regulation of the Nevada Interscholastic Activities Association; (2) conduct related investigations and hold hearings; and (3) review interscholastic activities and events and competitions in this State to ensure compliance with certain federal laws.

Section 5.3 of this bill requires the Nevada Interscholastic Activities Association to adopt: (1) regulations designating lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning with the 2026-2027 school year; and (2) the rules and regulations necessary to allow pupils to participate in lacrosse as a sanctioned sport beginning with the 2026-2027 school year. Under **section 2**, if the Nevada Interscholastic Activities Association does not adopt such rules and regulations ~~[,]~~ **: (1)** the authority to

adopt such rules and regulations transfers to the Nevada Association of School Superintendents ~~[and]~~ **; (2)** lacrosse must be conducted as a sanctioned sport under the rules prescribed by the Nevada Association of School Superintendents until such time as the Nevada Interscholastic Activities Association adopts regulations to amend such rules ~~[.]~~ **; and (3) the Nevada Interscholastic Activities Association is required to transfer a payment in the amount of $25,000 to the Nevada Association of School Superintendents to defray costs associated with adopting such regulations.** Finally, **section 5.3** requires the Nevada Interscholastic Activities Association to provide to the Joint Interim Standing Committee on Education quarterly reports of the progress of the Nevada Interscholastic Activities Association in implementing lacrosse as a sanctioned sport.

Section 5.7 of this bill requires the **Subcommittee on Interscholastic Activities of the** Joint Interim Standing Committee on Education to conduct an interim study of the Nevada Interscholastic Activities Association during the 2025-2026 interim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and]~~ **to** 3 **, inclusive,** of this act.

Sec. 2. ***1. The Nevada Interscholastic Activities Association shall adopt regulations that set forth the process for the Association to designate a sanctioned sport. The regulations adopted pursuant to this section must include, without limitation, provisions:***

(a) That establish the process for:

(1) Determining the rules governing the eligibility and participation of pupils in a sanctioned sport;

(2) Prescribing the rules used in competition;

(3) Establishing the length of a season of a sanctioned sport and the date upon which a school may begin practicing for a season of a sanctioned sport;

(4) Establishing guidelines for the safety of pupils that comply with any regulations adopted pursuant to NRS 385B.080; and

(5) Prescribing any other guidelines necessary to govern participation in a sanctioned sport;

(b) That authorize any person or entity to submit a request for the Association to designate a sanctioned sport and require the Association to approve or deny such a request not later than 1 year after the Association receives the request; and

(c) That prioritize the designation of club sports that have been established at schools as a sanctioned sport.

2. The Nevada Interscholastic Activities Association shall publish any regulations adopted pursuant to this section on the Internet website maintained by the Association.

3. If the Nevada Interscholastic Activities Association does not adopt the regulations required by this section on or before October 1, 2025, or does not approve or deny a request received pursuant to paragraph (b) of subsection 1 and adopt any necessary regulations within 1 year after receipt of such a request:

(a) The authority, power and duty to approve or deny a request received pursuant to paragraph (b) of subsection 1 and adopt any rules or regulations required by this section that have not been adopted by the Nevada Interscholastic Activities Association transfers to the Nevada Association of School Superintendents; and

(b) Any rules or regulations adopted by the Nevada Association of School Superintendents pursuant to paragraph (a) shall be effective until such time as the Nevada Interscholastic Activities Association amends such rules or regulations. The provisions of chapter 233B of NRS governing the adoption of regulations apply to any regulations adopted by the Nevada Association of School Superintendents pursuant to this subsection.

4. A school is not required to establish athletic programs, host athletic competitions or other interscholastic activities or events or otherwise support the formation of any teams, clubs or organizations for any sport that is sanctioned pursuant to any regulations adopted pursuant to this section.

Sec. 2.1. As used in sections 2.1 to 2.7, inclusive, of this act, unless the context otherwise requires, "Subcommittee" means the Subcommittee on Interscholastic Activities of the Joint Interim Standing Committee on Education established by section 2.3 of this act.

Sec. 2.3. 1. There is hereby established the Subcommittee on Interscholastic Activities of the Joint Interim Standing Committee on Education, consisting of members appointed by the Chair of the Joint Interim Standing Committee on Education, who must include:

(a) Two members of the Senate who are members of the Joint Interim Standing Committee on Education;

(b) Two members of the Assembly who are members of the Joint Interim Standing Committee on Education;

(c) One member who is an elected member of the board of trustees of a school district, appointed with appropriate regard for his or her experience with and knowledge of matters relating to interscholastic activities;

(d) One member who is the superintendent of schools of a school district, who is recommended by the Nevada Association of School Superintendents or its successor organization; and

(e) One member who is the parent or legal guardian of a pupil who participates in interscholastic activities or events in this State.

2. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

3. The Chair of the Joint Interim Standing Committee on Education shall appoint a Chair of the Subcommittee from one House and a Vice Chair of the Subcommittee from the other House. Each Chair and Vice Chair holds

office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Any member of the Subcommittee described in paragraph (a), (b) or (c) of subsection 1 who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. Vacancies on the Subcommittee must be filled in the same manner as original appointments.

6. The Chair of the Joint Interim Standing Committee on Education may appoint alternates for members of the Subcommittee. The Chair of the Subcommittee:

(a) May designate an alternate appointed by the Chair of the Joint Interim Standing Committee on Education to serve in place of a regular member who is unable to attend a meeting; and

(b) Shall, for a member who is a Legislator, designate an alternate appointed by the Chair of the Joint Interim Standing Committee on Education who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

Sec. 2.5. 1. Except as otherwise ordered by the Legislative Commission, the members of the Subcommittee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.

2. The Research Director of the Research Division of the Legislative Counsel Bureau, or his or her designee, shall act as the nonvoting recording Secretary for the Subcommittee.

3. The Subcommittee shall prescribe rules for its own management and government.

4. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Subcommittee.

5. Except during a regular or special session, for each day or portion of a day during which members of the Subcommittee who are Legislators attend a meeting of the Subcommittee or are otherwise engaged in the business of the Subcommittee, the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

6. All such compensation, per diem allowances and travel expenses of the members of the Subcommittee who are Legislators must be paid from the Legislative Fund.

7. Each member of the Subcommittee appointed pursuant to paragraphs (c) and (d) of subsection 1 of section 2.3 of this act is entitled to receive the subsistence allowances and travel expenses provided by law for his or her position for each day of attendance at a meeting of the Subcommittee and while engaged in the business of the Subcommittee, to be paid by the appropriate school district.

Sec. 2.7. The Subcommittee may:

1. Review and comment on any action, activity or administrative policy, rule or regulation of the Nevada Interscholastic Activities Association established pursuant to NRS 385B.050;

2. Conduct investigations and hold hearings in connection with its review, including, without limitation, investigating the effect on the State, its citizens and political subdivisions of those policies, rules, regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

3. Review interscholastic activities and events and competitions in this State to ensure compliance with Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

4. Consult with and advise the Department, the State Public Charter School Authority, the Nevada Interscholastic Activities Association and any school district on matters concerning interscholastic activities and events;

5. Direct the Legislative Counsel Bureau to assist the Subcommittee in its research, investigations, review and comment;

6. Submit any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature;

7. Advise the Attorney General if the Subcommittee believes that any policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting the ability of the State to govern interscholastic activities and events;

8. Apply for any available grants and accept any gifts, grants or donations to assist the Subcommittee in carrying out its duties; and

9. Review and comment on any other matter relating to interscholastic activities and events deemed appropriate by the Chair of the Subcommittee or by a majority of the members of the Subcommittee.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. The Nevada Interscholastic Activities Association shall adopt the regulations required by subsection 1 of section 2 of this act not later than October 1, 2025.

Sec. 5.3. 1. The Nevada Interscholastic Activities Association shall adopt:

(a) Regulations designating lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning with the 2026-2027 school year; and

(b) All rules and regulations necessary for pupils to participate in lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls beginning

with the 2026-2027 school year, including, without limitation, any rules and regulations necessary to:

(1) Determine the eligibility and participation of pupils in lacrosse as a sanctioned sport;

(2) Prescribe the rules used in competition;

(3) Establish the length of a season and the date upon which a school may begin practicing for a season;

(4) Establish guidelines for the safety of pupils that comply with any regulations adopted pursuant to NRS 385B.080; and

(5) Prescribe any other guidelines necessary to govern participation in lacrosse as a sanctioned sport.

2. Not later than the 20 business days after the end of each calendar quarter ending before January 1, 2027, the Nevada Interscholastic Activities Association shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education a report on the progress of the Association in the implementation of lacrosse as a sanctioned sport for boys and as a sanctioned sport for girls, including, without limitation, a summary of the actions taken by the Association during the calendar quarter with regard to the implementation of lacrosse as a sanctioned sport.

3. If the Nevada Interscholastic Activities Association does not adopt the regulations required by this section on or before May 1, 2026:

(a) The authority, power and duty to adopt any rules or regulations required by this section that have not been adopted by the Nevada Interscholastic Activities Association transfers to the Nevada Association of School Superintendents; and

(b) Any rules or regulations adopted by the Nevada Association of School Superintendents pursuant to paragraph (a) shall be effective until such time as the Nevada Interscholastic Activities Association amends such rules or regulations. The provisions of chapter 233B of NRS governing the adoption of regulations apply to any regulations adopted by the Nevada Association of School Superintendents pursuant to this subsection.

(c) The Nevada Interscholastic Activities Association shall transfer to the Nevada Association of School Superintendents a payment in the amount of $25,000 for the purpose of defraying any costs associated with adopting any regulations pursuant to this subsection.

Sec. 5.7. 1. During the 2025-2026 interim, the **Subcommittee on Interscholastic Activities of the** Joint Interim Standing Committee on Education shall conduct an interim study concerning the Nevada Interscholastic Activities Association. The study must include, without limitation, a comprehensive evaluation of the **finances, governing structure,** processes, duties and powers of the Association.

2. The ~~[Committee]~~ **Subcommittee** shall include its finding and recommendations for legislation relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of

the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 7. This act becomes effective upon passage and approval.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by Assemblymember Mosca:

Amendment No. 732.

AN ACT relating to mental health; establishing provisions related to the discharge of a child with an emotional disturbance from certain inpatient psychiatric treatment facilities; establishing a task force to develop recommendations for the creation of a program that provides housing and other services to certain children who are discharged from a treatment facility or certain other facilities or released on parole; **revising provisions related to the designation of certain facilities of the Division of Child and Family Services of the Department of Health and Human Services; expanding the applicability of enhanced penalties for assault or battery against certain persons who provide child welfare services or child protective services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) **Section 3** of this bill requires a public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance to establish discharge procedures which prohibit a child from being discharged to a temporary facility **.** ~~[unless the temporary facility is the only facility that is available to receive the child for treatment.]~~

Section 2.6 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish a task force to develop recommendations for the creation of a program that provides housing and other services to certain children: (1) who are discharged from a treatment facility or other division facility or who are released on parole or discharged from a state facility for the detention of children; and (2) whose parents or guardians are unable to accept the child back into the home after the discharge or release because of a health or safety risk. **Section 2.6** **also** requires **: (1)** the Administrator of the Division to appoint representatives of the child welfare, juvenile justice and mental health systems to the task force ~~[. Section 2.8 of this bill establishes certain criteria for the recommendations and requires]~~ **;**

and (2) the **task force to submit its** recommendations to ~~[be submitted to]~~ the Joint Interim Standing Committee on Health and Human Services.

Existing law defines ~~[certain terms, including,]~~ "child with an emotional disturbance" for the purposes of chapter 433B of NRS related to the mental health of children. (NRS ~~[433B.020-433B.100)]~~ **433B.045) Section 6** of this bill revises the definition of "child with an emotional disturbance" to provide that the term includes, without limitation, a child with a severe emotional disturbance. ~~[(NRS 433B.045)~~

~~— Sections 7 and 9 of this bill remove and repeal certain provisions that contain a definition of "agency which provides child welfare services" for the purpose of consolidating the provisions into a single definition under section 2.4 of this bill. Section 5 of this bill makes a conforming change to indicate that the consolidated definition of "agency which provides child welfare services" applies to the provisions of chapter 433B of NRS. Section 8 of this bill makes a conforming change related to the consolidated definition.]~~

Existing law designates certain facilities of the Division which provide services for the mental health of children for the purposes of chapter 433B of NRS. Section 10 of this bill makes various changes to designate the facilities of the Division that currently provide these mental health services to children.

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer, and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) Sections 11 and 12 of this bill revise the definition of "officer" to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to child welfare services or child protective services or other tasks that expose the person to comparable danger.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.2. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.4 to 3, inclusive, of this act.

Sec. 2.4. ~~[*"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*]~~ **(Deleted by amendment.)**

Sec. 2.6. ***1. The Division shall establish a task force to develop recommendations for the creation of a program that provides housing and other services to children, including, without limitation, children with an emotional disturbance:***

(a) Who are:

(1) Discharged from a treatment facility or division facility; or

(2) Released on parole or discharged from a state facility for the detention of children; and

(b) Who do not have access to housing because of the inability of a parent or guardian to accept the child back into the home of the parent or guardian because of a health or safety risk.

2. The task force shall submit the recommendations developed pursuant to subsection 1 to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.

3. The Administrator shall appoint representatives of the child welfare, juvenile justice and mental health systems to the task force.

~~[3.]~~ 4. The members of the task force shall serve without compensation.

~~[4.]~~ 5. As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.

Sec. 2.8. ~~[*1. The recommendations for the program described in section 2.6 of this act must:*~~

~~*(a) Determine the financial responsibility of a parent or guardian for services provided to a child by the program;*~~

~~*(b) Establish guidelines to ensure that a parent or guardian of a child who receives services from the program is not reported to an agency which provides child welfare services or a law enforcement agency for abuse or neglect of the child solely because the child receives services from the program;*~~

~~*(c) Require a parent or guardian of a child who receives services from the program to also participate in services to assist in the reunification of the child with the parent or guardian and other members of the family; and*~~

~~*(d) Prescribe the services to be provided by the program, including, without limitation, the provision of housing, mental health services, educational services, financial literacy services and other services that are necessary to ensure that a child is prepared to live independently.*~~

~~*2. The task force shall submit the recommendations to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.*~~] **(Deleted by amendment.)**

Sec. 3. ***A public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance shall establish discharge procedures which prohibit the discharge of the child to a temporary facility .***

~~*[unless the temporary facility is the only treatment facility that is available to receive the child.]*~~

Sec. 3.5. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 433B.010 is hereby amended to read as follows:~~

~~433B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433B.020 to 433B.100, inclusive, *and section 2.4 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 6. NRS 433B.045 is hereby amended to read as follows:

433B.045 ***1.*** "Child with an emotional disturbance" means a child whose progressive development of personality is interfered with or arrested by mental disorder so that the child shows impairment in the capacity expected of the child for his or her age and endowment for:

~~[1.]~~ ***(a)*** A reasonably accurate perception of the world around him or her;

~~[2.]~~ ***(b)*** Control of his or her impulses;

~~[3.]~~ ***(c)*** Satisfying and satisfactory relationships with others;

~~[4.]~~ ***(d)*** Learning; or

~~[5.]~~ ***(e)*** Any combination of these factors.

2. The term includes, without limitation, a child with a severe emotional disturbance.

Sec. 7. ~~[NRS 433B.325 is hereby amended to read as follows:~~

~~433B.325 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.~~

~~2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:~~

~~(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities and receiving centers or who have resided in such settings;~~

~~(b) Representatives of each agency which provides child welfare services in this State;~~

~~(c) Representatives of state and local facilities for the detention of children;~~

~~(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;~~

~~(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;~~

~~(f) Representatives of juvenile courts and family courts;~~

~~(g) Advocates of children; and~~

~~(h) Any other person deemed appropriate by the Division.~~

~~3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.~~

~~4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.~~

~~5. As used in this section:~~

~~(a) [“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.~~

~~(b)] “Child care facility” has the meaning ascribed to it in NRS 432A.024.~~

~~[(c)] *(b)* “Foster home” has the meaning ascribed to it in NRS 424.014.~~

~~[(d)] *(c)* “Gender identity or expression” has the meaning ascribed to it in NRS 424.0145.~~

~~[(e)] *(d)* “Receiving center” has the meaning ascribed to it in NRS 424.0175.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 433B.3394 is hereby amended to read as follows:~~

~~433B.3394 1. The task force shall:~~

~~(a) Prescribe procedures for conducting the review by a clinical team appointed pursuant to NRS 433B.3396 and the arrangement of the provision of services pursuant to that section;~~

~~(b) Develop and carry out procedures to increase the availability of the services described in subsection 3 of NRS 433B.3396 throughout this State to allow children to receive those services in or near their homes;~~

~~(c) Provide for outreach to and the education of parents and providers of mental health services concerning the services available through the program developed pursuant to NRS 433B.3393; and~~

~~(d) Make recommendations to the Department concerning the adoption of any regulations necessary to carry out the provisions of NRS [433B.3392]~~ ~~*433B.3393*~~ ~~to 433B.3398, inclusive.~~

~~2. The Department of Health and Human Services shall adopt any regulations necessary to carry out the provisions of NRS [433B.3392]~~ ~~*433B.3393*~~ ~~to 433B.3398, inclusive, including, without limitation, regulations that set forth the manner in which the cost of providing services pursuant to NRS 433B.3396 will be paid. Those regulations must require the parent or guardian of a child to whom services are provided to use any insurance and otherwise contribute to the cost of such services to the extent of his or her ability.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 433B.3392 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 10. **NRS 433B.110 is hereby amended to read as follows:**

433B.110 1. The division facilities providing services for the mental health of children are designated as:

(a) ~~[The Nevada Youth Hospital;~~

~~(b) The Adolescent Treatment Center;~~

~~(c)]~~ Northern Nevada ~~[Children's Behavioral]~~ ***Child and Adolescent*** Services;

(b) Psychiatric Residential Treatment Facility North; and

~~[(d)]~~ ***(c)*** Southern Nevada ~~[Children's Behavioral]~~ ***Child and Adolescent*** Services.

2. Division facilities established after July 1, 1993, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 11. **NRS 200.471 is hereby amended to read as follows:**

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(d) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(c)]~~ ***(e)*** "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

~~[(d)]~~ ***(f)*** "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(g)*** "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(j)]~~ ***(l)*** "Taxicab driver" means a person who operates a taxicab.

~~[(k)]~~ ***(m)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(l)]~~ ***(n)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 12. **NRS 200.481 is hereby amended to read as follows:**

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(d) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(e) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(d)]~~ ***(f)*** "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(g)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~[(j)]~~ ***(l)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(m)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(n)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(m)]~~ ***(o)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery:

(1) Is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 13. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

~~[TEXT OF REPEALED SECTION~~

~~433B.3392 "Agency which provides child welfare services" defined. As used in NRS 433B.3392 to 433B.3398, inclusive, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.]~~

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 414.

Bill read third time.

The following amendment was proposed by Assemblymember Mosca:

Amendment No. 777.

SUMMARY—Revises provisions relating to ~~[public office.]~~ **governmental administration.** (BDR 23-1111)

AN ACT relating to ~~[public office;]~~ **governmental administration; requiring certain state employees to file financial disclosure statements;** revising provisions governing financial disclosure statements filed by certain public officers and candidates for public office; defining the term "inaugural committee"; requiring an inaugural committee to report certain contributions and expenditures; requiring a candidate who is elected to a constitutional office to report certain contributions and expenditures for a certain period preceding the election and preceding the next regular legislative session; prohibiting a foreign national from making a contribution or commitment to make a contribution to an inaugural committee; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Financial Disclosure Act requires certain public officers and candidates for public office to disclose certain information in financial disclosure statements filed with the Secretary of State. (NRS 281.005, 281.5555-281.581) ~~[In part, existing law.]~~ **Section 1.4 of this bill requires a state employee to file a financial disclosure statement with the Secretary of State if the state employee: (1) is appointed to a position of employment by a constitutional officer; (2) is in neither the classified or unclassified service of this State; (3) serves at the pleasure of the constitutional officer; and (4) is not otherwise a public officer. Section 1.9 of this bill applies certain existing civil penalties to such a state employee who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner.**

Section 1.7 of this bill provides that, for a state employee who serves more than 1 year in the same position of employment or more than one position of employment for which a financial disclosure statement is required, the date of filing of the last financial statement is the date which begins the period in which such statements must be retained by the Secretary of State.

Section 1.8 of this bill requires each constitutional officer who appoints a state employee who is required to file a financial disclosure statement to submit to the Secretary of State a list of each such state employee appointed by the constitutional officer. Sections 1-1.35, 1.5 and 13 of this bill make additional conforming changes to incorporate such public employees into the existing provisions of the Act.

The Act requires the disclosure of **: (1) the specific location and use of certain real estate, other than a personal residence, located in this State or an adjacent state in which the public officer, candidate or member of the public officer's or candidate's household has a legal or beneficial interest and whose fair market value is $2,500 or more; and (2)** each business entity with which the public officer or candidate or member of the public officer's or candidate's household is involved as a holder of a class of stock or security

representing 1 percent or more of the total outstanding stock or securities issued by the business entity. (NRS 281.571) **Section ~~[1]~~ 1.5** of this bill **removes the requirement that only real estate located in this State or an adjacent State be disclosed. Section 1.5** additionally requires the disclosure of each **: (1)** business entity with which the public officer **, state employee** or candidate or a member of the public officer's **, state employee's** or candidate's household is involved as a holder of a class of stock or security issued by the business entity that is valued at $5,000 or more **~~[.]~~ ; and (2) investment security, with certain exceptions, held by the public officer, state employee or candidate that is valued at more than $5,000.**

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receive certain contributions or make certain expenditures to report such contributions and expenditures. (NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.230) **Section 5** of this bill requires an inaugural committee to report certain contributions and expenditures. **Section 4** of this bill defines the term "inaugural committee."

Existing law requires a candidate for office at a primary election or general election to report certain contributions made during the election year. (NRS 294A.120) **Section 6** of this bill requires a candidate who has been elected to a constitutional office to report certain contributions and expenditures in relation to the transition to the constitutional office. **Section 3** of this bill defines the terms "constitutional office" and "constitutional officer."

Section 7 of this bill makes a conforming change to apply the terms defined in **sections 3 and 4** to certain provisions of law governing campaign practices.

Section 8 of this bill prohibits a foreign national from making a contribution or a commitment to make a contribution to an inaugural committee.

Sections 9-12 of this bill make conforming changes to incorporate the requirements of **sections 5 and 6** into existing law governing campaign practices.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 281.5583 is hereby amended to read as follows:**

281.5583 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a public officer ***, state employee*** or candidate if, in connection with the meeting, event or trip:

(a) The public officer ***, state employee*** or candidate or a member of the public officer's ***, state employee's*** or candidate's household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

(b) The public officer ***, state employee*** or candidate provides or receives any education or information on matters relating to the legislative, administrative or political action of the public officer ***, state employee*** or the candidate if elected.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include:

(a) A meeting, event or trip undertaken or attended by a public officer**, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household for personal reasons or for reasons relating to any professional or occupational license held by the public officer**, *state employee*** or candidate or the member of the public officer's**, *state employee's*** or candidate's household, unless the public officer**, *state employee*** or candidate or the member of the public officer's**, *state employee's*** or candidate's household participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a public officer**, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the public officer**, *state employee*** or candidate or the member of the public officer's**, *state employee's*** or candidate's household for the meeting, event or trip or otherwise paid for or reimbursed to the public officer**, *state employee*** or candidate or the member of the public officer's**, *state employee's*** or candidate's household as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A meeting, event or trip excluded from the term "educational or informational meeting, event or trip" as defined in NRS 218H.045.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer**, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household or reimbursement for any such actual expenses paid by the public officer**, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household, if the expenses are incurred on a day during which the public officer**, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household undertakes or attends the meeting, event or trip or during which the public officer or candidate or a member of the public officer's**, *state employee's*** or candidate's household travels to or from the meeting, event or trip.

Sec. 1.1. **NRS 281.5585 is hereby amended to read as follows:**

281.5585 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) Anything of value excluded from the term "gift" as defined in NRS 218H.060.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not an interested person.

(f) Anything of value received from a person who is:

(1) Related to the public officer ***, state employee*** or candidate, or to the spouse or domestic partner of the public officer ***, state employee*** or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the public officer's ***, state employee's*** or candidate's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 1.2. **NRS 281.5586 is hereby amended to read as follows:**

281.5586 1. "Interested person" means a person who has a substantial interest in the legislative, administrative or political action of a public officer ***, state employee*** or a candidate if elected.

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 1.3. **NRS 281.5587 is hereby amended to read as follows:**

281.5587 1. "Member of the public officer's ***, state employee's*** or candidate's household" means:

(a) The spouse or domestic partner of the public officer ***, state employee*** or candidate;

(b) A relative who lives in the same home or dwelling as the public officer ***, state employee*** or candidate; or

(c) A person, whether or not a relative, who:

(1) Lives in the same home or dwelling as the public officer ***, state employee*** or candidate and who is dependent on and receiving substantial support from the public officer ***, state employee*** or candidate;

(2) Does not live in the same home or dwelling as the public officer ***, state employee*** or candidate but who is dependent on and receiving substantial support from the public officer ***, state employee*** or candidate; or

(3) Lived in the same home or dwelling as the public officer **, *state employee*** or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer **, *state employee*** or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer **, *state employee*** or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer **, *state employee*** or candidate, or to the spouse or domestic partner of the public officer **, *state employee*** or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 1.35. **NRS 281.5588 is hereby amended to read as follows:**

281.5588 1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer **, *state employee*** or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.5555 to 281.581, inclusive.

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 1.4. **NRS 281.559 is hereby amended to read as follows:**

281.559 1. Except as otherwise provided in this section and NRS 281.572, ~~[if a]~~ ***each*** public officer who was appointed to the office for which the public officer is serving ***who*** is entitled to receive annual compensation of $6,000 or more for serving in that office **,** ~~[or if the]~~ ***each*** public officer ***who*** was appointed to the office of Legislator ~~[, the public officer]~~ ***and each state employee who was appointed to a position of employment by a constitutional officer, who is not in the classified or unclassified service of the State, who serves at the pleasure of the constitutional officer and who is not otherwise a public officer*** shall file electronically with the Secretary of State a financial disclosure statement, as follows:

(a) A public officer ***or state employee*** appointed to fill the unexpired term ***or position*** of an elected or appointed public officer ***or state employee*** shall file a financial disclosure statement within 30 days after the public officer's ***or state employee's*** appointment.

(b) Each public officer ***or state employee*** appointed to fill an office shall file a financial disclosure statement on or before January 15 of:

(1) Each year of the term, including the year in which the public officer ***or state employee*** leaves office ~~[.]~~ ***or his or her position of employment, as applicable;*** and

(2) The year immediately following the year in which the public officer ***or state employee*** leaves office ~~[.]~~ ***or his or her position of employment, as applicable,*** unless the public officer ***or state employee*** leaves office ***or his or her position of employment, as applicable,*** before January 15 in the prior year.

2. Except as otherwise provided in subsection 3, the financial disclosure statement that a public officer ***or state employee*** is required to file pursuant to subsection 1 must disclose the required information for the full calendar year immediately preceding the date of filing.

3. If:

(a) A public officer ***or state employee*** is required to file a financial disclosure statement within 30 days after his or her appointment pursuant to paragraph (a) of subsection 1; and

(b) During the calendar year in which the public officer ***or state employee*** was appointed, he or she did not serve in a public office ***or position of employment*** that required the filing of a financial disclosure statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.561,

➥ the public officer ***or state employee*** shall file a statement which discloses the information required by subsections 5 and 6 of NRS 281.571 for the 30 days immediately preceding the date of his or her appointment and which discloses the other information required by NRS 281.571 for the full calendar year immediately preceding the date of filing.

4. If a person is serving in a public office ***or is appointed by a constitutional officer to a position of employment*** for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office ***or position of employment, as applicable,*** to satisfy the requirements of subsection 1 for every other public office ***or position of employment, as applicable,*** to which the person is appointed and in which the person is also serving ~~[.]~~ ***or employed, as applicable.***

5. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a financial disclosure statement pursuant to the requirements of the Revised Nevada Code of Judicial Conduct. To the extent practicable, such a statement must include, without limitation, all information required to be included in a financial disclosure statement pursuant to NRS 281.571.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 281.571 is hereby amended to read as follows:

281.571 Each financial disclosure statement must contain the following information concerning the public officer ***, state employee*** or candidate:

1. The public officer's ***, state employee's*** or candidate's length of residence in the State of Nevada and the district in which the public officer ***, state employee*** or candidate is registered to vote.

2. Each source of the public officer's ***, state employee's*** or candidate's income, or that of any member of the public officer's ***, state employee's*** or candidate's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

3. A list of the specific location and particular use of real estate, other than a personal residence:

(a) In which the public officer **, *state employee*** or candidate or a member of the public officer's **, *state employee's*** or candidate's household has a legal or beneficial interest; ***and***

(b) Whose fair market value is $2,500 or more**. ~~[~~; and**

~~(c) That is located in this State or an adjacent state.]~~

4. The name of each creditor to whom the public officer **, *state employee*** or candidate or a member of the public officer's **, *state employee's*** or candidate's household owes $5,000 or more, except for:

(a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to subsection 3; and

(b) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

5. If the public officer **, *state employee*** or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding calendar year or other period for which the public officer**, *state employee*** or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:

(a) The purpose and location of the meeting, event or trip and the name of the organization conducting, sponsoring, hosting or requesting the meeting, event or trip;

(b) The identity of each interested person providing anything of value to the public officer **, *state employee*** or candidate or a member of the public officer's **, *state employee's*** or candidate's household to undertake or attend the meeting, event or trip; and

(c) The aggregate value of everything provided by those interested persons to the public officer **, *state employee*** or candidate or a member of the public officer's**, *state employee's*** or candidate's household to undertake or attend the meeting, event or trip.

6. If the public officer **, *state employee*** or candidate has received any gifts in excess of an aggregate value of $200 from a donor during the immediately preceding calendar year or other period for which the public officer **, *state employee*** or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift.

7. A list of each business entity with which the public officer **, *state employee*** or candidate or a member of the public officer's **, *state employee's*** or candidate's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security ~~[representing]~~ ***issued by the business entity that:***

(a) Represents 1 percent or more of the total outstanding stock or securities issued by the business entity ~~[.]~~ ***; or***

(b) Is valued at $5,000 or more.

8. ***A list which includes the name, a brief description and amount of each investment security held by the public officer, state employee or candidate or the spouse or domestic partner of the public officer, state employee or candidate that is valued at more than $5,000, excluding any variable***

annuities or life insurance product, including, without limitation, variable life insurance, variable universal life insurance, whole life insurance, mutual funds, exchange traded funds, education investment accounts, retirement investment accounts, government bonds and cash or cash equivalent investments. No listing of individual holdings within an investment security is required. The provisions of this subsection shall not be deemed to require the disclosure of any investment security held and administered under a trust, tutorship, curatorship or other custodial instrument for any person other than the public officer, state employee or candidate or the spouse or domestic partner of the public officer, state employee or candidate.

9. A list of all public offices ***or positions of employment*** presently held by the public officer ***, state employee*** or candidate for which this financial disclosure statement is required.

Sec. 1.6. **NRS 281.572 is hereby amended to read as follows:**

281.572 1. A public officer ***, state employee*** or candidate who is required to file a financial disclosure statement with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the public officer ***, state employee*** or candidate has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The public officer ***, state employee*** or candidate does not own or have the ability to access the technology necessary to file electronically the financial disclosure statement; and

(b) The public officer ***, state employee*** or candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the financial disclosure statement.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A public officer ***, state employee*** or candidate who signs the affidavit under an oath to God is subject to the same penalties as if the public officer ***, state employee*** or candidate had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the financial disclosure statement is required to be filed.

3. A public officer ***, state employee*** or candidate who is not required to file the financial disclosure statement electronically may file the financial disclosure statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A financial disclosure statement transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a financial disclosure statement electronically.

Sec. 1.7. **NRS 281.573 is hereby amended to read as follows:**

281.573 1. Except as otherwise provided in subsection 2, each financial disclosure statement required by the provisions of NRS 281.5555 to 281.581, inclusive, must be retained by the Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last public office held.

3. For state employees who serve more than 1 year in the same position of employment or more than one position of employment for which a financial disclosure statement is required pursuant to NRS 281.559, the period prescribed in subsection 1 begins on the date of the filing of the last financial disclosure statement for the last position of employment held.

Sec. 1.8. **NRS 281.574 is hereby amended to read as follows:**

281.574 1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Director of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate who filed a declaration of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

3. Each constitutional officer who appoints a state employee who is required to file a financial disclosure pursuant to NRS 281.559 shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year, a list of each state employee who was appointed by the constitutional officer and is required to file a financial disclosure statement pursuant to NRS 281.559.

Sec. 1.9. **NRS 281.581 is hereby amended to read as follows:**

281.581 1. If the Secretary of State receives information that a public officer***, state employee*** or candidate willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to the public officer***, state employee*** or candidate,

cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a public officer ***, state employee*** or candidate who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***"Constitutional office" or "constitutional officer" means:***

1. The Governor;

2. The Lieutenant Governor;

3. The Secretary of State;

4. The State Treasurer;

5. The State Controller; and

6. The Attorney General.

Sec. 4. ***"Inaugural committee" means any organization, person or group of persons that anticipates receiving contributions or making expenditures for the inauguration of a constitutional officer.***

Sec. 5. ***1. An inaugural committee shall report for each period required pursuant to subsection 2:***

(a) Each contribution received relating to the inauguration in excess of $1,000;

(b) Contributions received during the period relating to the inauguration from a contributor which cumulatively exceed $1,000;

(c) The total of all contributions received during the period relating to the inauguration which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure relating to the inauguration made during the period in excess of $1,000; and

(e) Expenditures made relating to the inauguration during the period to one recipient which cumulatively exceed $1,000.

2. The report required to subsection 1 must be filed:

(a) Not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the date of the organization of the committee and ending on the 75th day of such regular session;

(b) Not later than 15 days after the end of such regular session, for the period beginning on the 76th day of such regular session and ending on the last day of such regular session; and

(c) Not later than January 15, for the period beginning on January 1 of any year other than the year immediately following the year of the general election in which the constitutional officer was elected and ending on December 31 of the previous year.

3. An inaugural committee that disbands shall:

(a) Notify the Secretary of State; and

(b) File a final report that sets forth:

(1) Each contribution and expenditure required to be reported pursuant to subsection 1 that has not previously been reported; and

(2) The disposition of any contributions made to the inaugural committee that are not spent or committed for expenditure by the inaugural committee.

➥ Nothing in this subsection requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to this section.

4. An inaugural committee is not subject to the provisions of NRS 294A.100 or 294A.300.

5. Except as otherwise provided in NRS 294A.3737, the reports required by this section must be filed electronically with the Secretary of State.

6. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State. Every inaugural committee shall file a report as required by this section even if the committee receives no contributions.

Sec. 6. ***1. A candidate for a constitutional office who is elected shall report, not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the day following the general election in which the constitutional officer was elected and ending on the day immediately preceding the beginning of the period set forth in NRS 294A.300:***

(a) Each contribution in excess of $100 received in relation to the transition to holding the constitutional office during the period;

(b) Contributions received in relation to the transition to holding the constitutional office during the period from a contributor which cumulatively exceed $100;

(c) The total of all contributions received in relation to the transition to holding the constitutional office during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b);

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period; and

(e) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would otherwise have been paid.

2. Nothing in this section requires the candidate to report information that has previously been reported in a timely manner pursuant to this chapter.

3. Except as otherwise provided in NRS 294A.3733, the reports required by this section must be filed electronically with the Secretary of State.

4. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 7. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, ***and sections 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who makes an independent expenditure;

(e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; ~~[or]~~

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225 ~~[.]~~ ***; or***

(i) An inaugural committee.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in ~~[2 U.S.C. § 441e.]~~ ***52 U.S.C. § 30121.***

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 9. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 6 of this act,*** even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 ***and section 6 of this act*** that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, 5 and 6 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set

forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 6 of this act,*** beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 10. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 and 294A.200, ***and section 6 of this act,*** each candidate who is required to file a report pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ***or section 6 of this act*** shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such contribution in excess of $100 received during the reporting period;

(b) Each such contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such campaign expense in excess of $100 incurred during the reporting period;

(d) The total of all such contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such campaign expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State shall not require a candidate to list the contributions and campaign expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ~~[.]~~ ***or section 6 of this act.***

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 ***or sections 5 and 6 of this act*** relating to the making, accepting or reporting of contributions, campaign expenses or expenditures

and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 ***or sections 5 and 6 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than $10,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 13. **NRS 218H.210 is hereby amended to read as follows:**

218H.210 The registration statement of a lobbyist must contain the following information:

1. The registrant's full name, a recent photograph of the registrant and:

(a) The name of the registrant's business or employer, if any, and the permanent business address, telephone number and electronic mail address of the business or employer;

(b) If different from paragraph (a), the registrant's permanent business address, telephone number and electronic mail address; and

(c) The registrant's temporary address, if any, while lobbying.

2. The full name and complete address of each client of the registrant, if any. If the registrant's business or employer has more than one client, the registrant must identify each specific client that the registrant represents from among those clients.

3. A listing of any direct business associations or partnerships involving any current Legislator and the registrant or any client of the registrant. The listing must include any such association or partnership constituting a source of income or involving a debt or interest in real estate required to be disclosed in a financial disclosure statement made by a public officer ***, state employee*** or candidate pursuant to NRS 281.571.

4. The name of any current Legislator for whom:

(a) The registrant; or

(b) Any client of the registrant,

➥ has, in connection with a political campaign of the Legislator, provided consulting, advertising or other professional services since the beginning of the preceding regular session.

5. A description of the principal areas of interest on which the registrant expects to lobby.

6. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

7. A declaration under penalty of perjury that none of the registrant's compensation or reimbursement is contingent, in whole or in part, upon the production of any legislative action.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 443.

Bill read third time.

The following amendment was proposed by Assemblymember Jauregui:

Amendment No. 774.

AN ACT relating to public works; providing a declaration of legislative intent regarding the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on certain projects awarded by a public utility; requiring, with certain exceptions, a contractor or subcontractor who is awarded a contract for construction work on certain projects by a public utility to comply with prevailing wage provisions applicable to public works when the construction work does not qualify as a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects. (NRS 338.013-338.090) **Section 2** of this bill makes certain declarations of legislative intent relating to the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on a significant operational or capital requirement project awarded by a public utility. **Section 3** of this bill requires, with certain exceptions, a contractor or subcontractor who is awarded a contract for construction work on a significant operational or capital

requirement project by a public utility to comply with prevailing wage provisions applicable to public works when the construction work does not qualify as a public work. **Section 3** also defines **"electric utility,"** "public utility" and "significant operational or capital requirement project" for the purposes of that section.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that the payment of prevailing wages to workers employed by a contractor or subcontractor to perform construction work on a significant operational or capital requirement project awarded by a public utility is essential to:***

1. Increasing the number of skilled construction workers in this State;

2. Ensuring the highest quality of work on such projects;

3. Ensuring the safe and timely completion of such projects;

4. Ensuring that the residents of this State have access to safe, reliable and affordable energy resources; and

5. Enhancing public safety.

Sec. 3. ***1. Except as otherwise provided in subsection 2, the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for construction work awarded by a public utility to a contractor or subcontractor on a significant operational or capital requirement project when the construction work does not qualify as a public work as defined in NRS 338.010.***

2. The provisions of subsection 1 do not apply to a contract awarded by ~~[a public]~~ an electric utility where the primary construction work will be performed by a contractor with:

(a) A collective bargaining agreement;

(b) A project labor agreement; or

(c) A worksite agreement that provides for the construction of a significant operational or capital requirement project, or for the maintenance of, or other ongoing work to be performed upon completion of, a significant operational or capital requirement project.

3. As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.7571.

(b) "Public utility" means a utility that purchases natural gas for retail ~~[.~~ ~~(b)]~~ or an electric utility.

(c) "Significant operational or capital requirement project" means ~~[the]~~ :

(1) The replacement of a natural gas pipeline approved in a plan submitted pursuant to NRS 704.991 ~~[.]~~ ; or

(2) The construction of a new generation electric utility facility of not less than 50 megawatts and that is approved in a plan submitted pursuant to NRS 704.741.

Sec. 4. The provisions of section 3 of this act do not apply to any contract entered into before October 1, 2025.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 555.

Bill read third time.

Roll call on Assembly Bill No. 555:

YEAS—42.

NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556.

Bill read third time.

Roll call on Assembly Bill No. 556:

YEAS—42.

NAYS—None.

Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 69.

Bill read third time.

Roll call on Senate Bill No. 69:

YEAS—39.

NAYS—Dickman, Gallant, Gurr—3.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Roll call on Senate Bill No. 80:

YEAS—42.

NAYS—None.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Roll call on Senate Bill No. 89:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Roll call on Senate Bill No. 115:

YEAS—38.

NAYS—Dickman, Gallant, Gray, Hafen—4.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Roll call on Senate Bill No. 116:

YEAS—32.

NAYS—Dickman, Gallant, González, Gray, Hafen, La Rue Hatch, Miller, Nguyen, O'Neill—9.

EXCUSED—Flanagan.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

Roll call on Senate Bill No. 124:

YEAS—41.

NAYS—None.

EXCUSED—Flanagan.

Senate Bill No. 124 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Roll call on Senate Bill No. 130:

YEAS—36.

NAYS—Dickman, Gallant, Gray, Gurr, Hafen, Hansen—6.

Senate Bill No. 130 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Roll call on Senate Bill No. 177:

YEAS—42.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Roll call on Senate Bill No. 181:

YEAS—42.

NAYS—None.

Senate Bill No. 181 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Roll call on Senate Bill No. 189:

YEAS—40.

NAYS—Gray, Hafen—2.

Senate Bill No. 189 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—39.

NAYS—Dickman, Kasama, O'Neill—3.

Senate Bill No. 191 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—33.

NAYS—Cole, Considine, Flanagan, Jackson, La Rue Hatch, Miller, Monroe-Moreno, Mosca, Watts—9.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Roll call on Senate Bill No. 201:

YEAS—38.

NAYS—DeLong, Gurr, Hibbetts, Yurek—4.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—38.

NAYS—Dickman, Gray, Kasama, Miller—4.

Senate Bill No. 210 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 251.

Bill read third time.

Roll call on Senate Bill No. 251:

YEAS—42.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Roll call on Senate Bill No. 298:

YEAS—28.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 359.

Bill read third time.

Roll call on Senate Bill No. 359:

YEAS—42.

NAYS—None.

Senate Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Roll call on Senate Bill No. 370:

YEAS—37.

NAYS—Dickman, Gray, Hafen, Kasama, O'Neill—5.

Senate Bill No. 370 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Roll call on Senate Bill No. 371:

YEAS—35.
NAYS—González, Goulding, Jackson, La Rue Hatch, Moore, Orentlicher, Roth—7.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 379.
Bill read third time.
Roll call on Senate Bill No. 379:
YEAS—39.
NAYS—Dickman, Gray, Hafen—3.

Senate Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.
Bill read third time.
Roll call on Senate Bill No. 386:
YEAS—42.
NAYS—None.

Senate Bill No. 386 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.
Bill read third time.
Roll call on Senate Bill No. 440:
YEAS—40.
NAYS—Cole, Hafen—2.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Roll call on Senate Bill No. 447:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.
Bill read third time.
Roll call on Senate Bill No. 295:
YEAS—34.
NAYS—Cole, DeLong, Gurr, Hafen, Hardy, Hibbetts, Orentlicher, Yurek—8.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 1:42 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 426.

Bill read third time.

Roll call on Senate Bill No. 426:

YEAS—42.

NAYS—None.

Senate Bill No. 426 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Roll call on Senate Bill No. 305:

YEAS—42.

NAYS—None.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Roll call on Senate Bill No. 306:

YEAS—38.

NAYS—DeLong, Gallant, Gray, Gurr—4.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 414.

Bill read third time.

Roll call on Senate Bill No. 414:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Roll call on Senate Bill No. 443:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 486, 498.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 486.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 498.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:55 p.m.

ASSEMBLY IN SESSION

At 8:22 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 179 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 179.

Bill read third time.

Roll call on Senate Bill No. 179:

YEAS—28.

NAYS—Brown-May, Goulding, Jackson, Roth—4.

EXCUSED—Considine, Flanagan, González, La Rue Hatch, Marzola, Miller, Monroe-Moreno, Moore, Mosca, Nadeem—10.

Senate Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 8:24 p.m.

ASSEMBLY IN SESSION

At 8:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 541, 545, 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 565 to Senate Bill No. 258.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 23, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 43, Amendments Nos. 689, 768; Assembly Bill No. 79, Amendments Nos. 681, 776; Assembly Bill No. 250, Amendments Nos. 592, 734; Assembly Bill No. 262, Amendment No. 743, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

NOTICE OF EXEMPTION

May 23, 2025

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 306.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Speaker Yeager
For: Senate Bill No. 128
To Waive:
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: May 23, 2025.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMEMBER STEVE YEAGER
Speaker of the Assembly

Assemblymember Jauregui moved that the vote whereby Senate Bill No. 306 was passed be reconsidered.

Motion carried.

Assemblymember Jauregui moved Senate Bill No. 306 be taken from its place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Assembly Bill No. 398 declared an emergency under the *Constitution* and placed on Third Reading and Final Passage.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 595—AN ACT relating to fiscal notes; revising provisions governing the information concerning fiscal effect that must be included in the summary of each bill or joint resolution introduced in the Legislature; revising provisions governing the preparation of fiscal notes; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 541.

Bill read second time and ordered to third reading.

Assembly Bill No. 545.

Bill read second time and ordered to third reading.

Assembly Bill No. 548.

Bill read second time and ordered to third reading.

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 750.

AN ACT relating to criminal procedure; revising provisions governing the commitment and release of incompetent criminal defendants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a court dismisses the proceedings against a defendant who is charged with any category A felony or certain category B felonies because the court finds that the defendant is incompetent with no substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 178.461) **Section ~~1~~ 1.5** of this bill limits this authority by allowing the prosecuting attorney to file such a motion only if the person ~~[received]~~ **was previously ordered to receive** treatment to competency ~~[.]~~ **in an attempt to cause the person to attain competency to stand trial or receive pronouncement of judgment for a felony charge that was dismissed.** **Section ~~1~~ 1.5** also requires the prosecuting attorney to ~~[notify the court and]~~ **serve the motion upon** the Division **.** ~~[, within a prescribed period, of his or her intent to seek an order committing the person to the custody of the Administrator.]~~

Existing law requires a prosecuting attorney who files a motion for a hearing to determine whether to commit a person to the custody of the Administrator to request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. (NRS 178.461) **Section ~~1~~ 1.5** instead requires the prosecuting attorney to ~~[petition the court]~~ **include a request** for an order ~~[requiring]~~ **directing** the Division to complete a comprehensive risk assessment **~~[.]~~ in the motion for a hearing.** **Section ~~1~~ 1.5** also ~~[provides that if the comprehensive risk assessment indicates that the person assessed does not require the level of security provided by a forensic facility, there is a rebuttable presumption]~~ **: (1) requires the court to hold a hearing to determine whether to issue such an order; and (2) provides** that **if** the ~~[person does not require placement at a forensic facility.]~~ **court determines such an order should be issued, the court must file the order not later than 5 judicial days after the date of the hearing. Section 1 of this bill makes a conforming change to refer to provisions that have been renumbered by section 1.5.**

Existing law authorizes the Division or a person committed to the custody of the Administrator of the Division to petition the committing court for

conditional release. If a person is granted conditional release, the court is required to: (1) periodically review the eligibility of the person for discharge from conditional release; and (2) discharge the person from conditional release if, upon review, the court finds by clear and convincing evidence that the person no longer poses a danger to himself or herself or others. (NRS 178.463) **Section 2** of this bill provides that when a person is discharged from conditional release, the ~~[facility from which the person is discharged]~~ **State** and any **of its** agents or employees ~~[of the facility]~~ are not liable for: (1) any debts, contractual obligations or medical expenses incurred by the person; or (2) any damages caused by the actions of the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 178.460 is hereby amended to read as follows:**

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or herself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed for the involuntary court-ordered admission of the person to a mental health facility pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily admitted to a mental health facility pursuant to chapter 433A of NRS.

5. Except as otherwise provided in subsections ~~[4]~~ ***5*** and ~~[7]~~ ***8*** of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection ~~[4]~~ ***5*** or ~~[7]~~ ***8*** of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection ~~[6]~~ ***7*** are dismissed pursuant to subsection 5 of NRS 178.425 , ***and the defendant*** ~~***[received]***~~ ***was previously ordered, pursuant to NRS 178.425, to receive treatment to competency*** ~~***[,]***~~ ***in an attempt to cause the defendant to attain competency to stand trial or receive pronouncement of judgment for any such felony charge that was dismissed,*** the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator . ~~[~~pursuant to subsection ***3. The prosecuting attorney must, within 10 judicial days after receipt of the report set forth in NRS 178.450, notify the court and***~~]~~ ***A motion filed pursuant to this subsection must:***

(a) Include a request for an order directing ***the Division*** ~~***[of his or her intent to seek an order committing the person to the custody of the Administrator pursuant]***~~ ***to*** ~~***[subsection 3.]***~~ ***complete a comprehensive risk assessment; and***

(b) Be served upon the Division.

2. If the prosecuting attorney files a motion pursuant to subsection 1, ~~[the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from *petition]* the court *[for]*~~ ***shall hold a hearing to determine whether to issue an order*** ~~*[requiring]*~~ ***directing*** the Division ***to complete*** a comprehensive risk assessment ***.*** ~~[which indicates whether the person requires the level of security provided by a forensic facility. The]~~ ***If the court determines that an order directing the Division to complete a comprehensive risk assessment should be issued, the court must file the order not later than 5 judicial days after the date of the hearing.***

3. If the court issues an order directing the Division to complete a comprehensive risk assessment pursuant to subsection 2, the Division shall, except as otherwise provided in this subsection, complete the comprehensive risk assessment within 40 calendar days after ~~[receipt of]~~ the ~~[request]~~ ***court issues the order*** and provide the comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person. The court may grant the Division an extension to complete the comprehensive risk assessment upon a showing of good cause. Within 10 judicial days after receipt of the comprehensive risk assessment, the court shall hold a hearing on the motion. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection ~~[6]~~ *7* and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss ~~*[there is a rebuttable presumption that]*~~ the motion. ~~*[person does not require placement at a forensic facility.*~~

~~3.]~~ ***4.*** At a hearing held pursuant to subsection ~~[2.]~~ ***3,*** if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection ~~[4]~~ *5* or ~~[7]~~ *8* has expired.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[7.]~~ ***8,*** the length of commitment of a person pursuant to subsection ~~[3]~~ *4* must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

~~[5.]~~ ***6.*** At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

~~[6.]~~ ***7.*** The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;
(c) Kidnapping in the second degree pursuant to NRS 200.330;
(d) Assault with a deadly weapon pursuant to NRS 200.471;
(e) Battery with a deadly weapon pursuant to NRS 200.481;
(f) Aggravated stalking pursuant to NRS 200.575;
(g) First degree arson pursuant to NRS 205.010;
(h) Residential burglary with a deadly weapon pursuant to NRS 205.060;
(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
(j) Any category B felony involving the use of a firearm; and
(k) Any attempt to commit a category A felony.

~~[7.]~~ ***8.*** If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection ~~[4,]~~ ***5,*** as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection ~~[3,]~~ ***4,***

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

~~[8.]~~ ***9.*** The court may grant a motion for an extension of the length of commitment pursuant to subsection ~~[7]~~ ***8,*** if, at a hearing conducted ~~[on the motion,]~~ ***pursuant to subsection 3,*** the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

~~[9.]~~ ***10.*** At a hearing conducted pursuant to subsection ~~[8,]~~ ***9,*** a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 2. NRS 178.463 is hereby amended to read as follows:

178.463 1. The Division or a person who is committed to the custody of the Administrator pursuant to NRS 178.461 may petition the court which committed the person for conditional release.

2. A person who is committed to the custody of the Administrator pursuant to NRS 178.461 is eligible for conditional release only after:

(a) The Division has completed a comprehensive risk assessment concerning the person;

(b) A decision to release the person from commitment with conditions imposed by the court in consultation with the Division has been made based on input from the person's treatment team, the prosecuting attorney, the counsel for the person and the team that will supervise the person in the community; and

(c) The court which committed the person has approved the conditional release.

3. If a person is serving a period of conditional release pursuant to this section, the court must, at least once every 12 months, review the eligibility of the defendant for discharge from conditional release. If, at the conclusion of the review required by this subsection, the court finds by clear and convincing

evidence that the person is not a danger to himself or herself or others, the court must discharge the person from conditional release. ***When a person is discharged from conditional release pursuant to this subsection, the ~~[facility from which the person is discharged]~~ State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.***

4. The length of the period of conditional release must not exceed 10 years, including any time that the person has been committed to the custody of the Administrator pursuant to NRS 178.461 and 178.464, except that the length of the period of conditional release may be extended for not more than 5 additional years if the length of the period of commitment has been extended pursuant to subsection ~~[7]~~ ***8*** of NRS 178.461.

Sec. 3. The amendatory provisions of section ~~[11]~~ **1.5** of this act apply to offenses committed on or after July 1, 2025.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 589.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 770.

SUMMARY—Establishes requirements to protect the privacy of certain information and genetic material. (BDR ~~[18-1241)]~~ **19-1241)**

AN ACT relating to privacy; prohibiting a state agency, a local government or a contractor or grantee of a state agency or local government from collecting or disclosing autism-related data under certain circumstances; requiring the Office of the Governor to biennially review compliance with those prohibitions; authorizing the establishment of advisory groups to evaluate and make recommendations concerning the implementation of those prohibitions; prohibiting the obtaining, retention, sale or transfer of certain genetic information or a DNA sample except in certain circumstances; prohibiting the disclosure of certain genetic information or related information except in certain circumstances; prohibiting certain genetic testing except in certain circumstances; creating a cause of action for certain unauthorized disclosures of genetic information and certain unauthorized genetic testing; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various programs to provide benefits and services to persons with autism spectrum disorders. (NRS 62B.700, 388.449, 391A.250-391A.270, 422.27497, 427A.871-427A.8803, chapter 435 of NRS) **Sections 2-9** of this bill establish protections for the privacy of autism-related data maintained by state agencies, local governments and contractors and

grantees thereof. **Sections 3-5** define certain terms, and **section 2** establishes the applicability of those definitions. **Section 6** prohibits a state agency, local government or contractor or grantee thereof acting within the scope of the contract or grant from collecting autism-related data except for certain purposes relating to: (1) the provision of benefits or services to persons who have or are suspected of having autism spectrum disorders; and (2) compliance with **, or ensuring compliance with,** applicable law. **Section 7** prohibits a state agency or local government from disclosing autism-related data to outside persons or entities except: (1) with the informed consent of the person to whom the autism-related data pertains or his or her legal guardian; (2) to comply with certain legal requirements; or (3) where necessary to provide services or supports to the person to whom the autism-related data pertains. **Section 7** prohibits a contractor or grantee of a state agency or local government from disclosing autism-related data obtained from the state agency or local government or obtained within the scope of the contract or grant except in those authorized circumstances. **Section 9** makes a conforming change to indicate that autism-related data in the possession of a state agency, local government or contractor or grantee thereof is not a public record. **Section 8** requires the Office of the Governor to perform a biennial review of compliance by the Executive Department of State Government and the contractors and grantees thereof with the requirements of **sections 6 and 7**. **Section 8** also authorizes the Director of the Department of Health and Human Services to appoint time-limited advisory groups to evaluate and provide recommendations concerning the implementation of **sections 2-8**.

Except where the person to whom genetic information pertains or his or her legal guardian provides informed consent or in certain other circumstances, existing law makes it a misdemeanor to obtain, retain or disclose genetic information obtained from a genetic test conducted to determine the presence of certain abnormalities or deficiencies. (NRS 629.101-629.201) **Section 14** of this bill broadens the information to which those provisions apply to include information obtained from any test to derive and interpret data related to the genetic characteristics of a person. **Sections 16 and 17** of this bill additionally make it a misdemeanor to obtain or retain a DNA sample under circumstances where it is currently a misdemeanor to obtain or retain genetic information. **Sections 18 and 20** of this bill make the unauthorized disclosure of the identity of a person who was the subject of a genetic test or of genetic information a category E felony. **Section 18** additionally makes it a category E felony to intentionally submit the DNA sample of another person for a genetic test or perform or cause the performance of a genetic test on the DNA sample of another person without the informed consent of that person or his or her legal guardian, except in certain circumstances. **Section 21** of this bill authorizes a person injured by such unauthorized genetic testing to bring a civil action. **Section 12** of this bill newly establishes a category D felony for intentionally selling or otherwise transferring the DNA sample or genetic information of a person to another person or entity without the informed consent of the person

from whom the sample was taken or to whom the genetic information pertains, as applicable, or his or her legal guardian, except in certain circumstances. **Section 11** of this bill defines the term "DNA sample," and **section 13** of this bill establishes the applicability of that definition and certain existing definitions. **Section 15** of this bill makes a conforming change to indicate the applicability of **sections 11 and 12**. **Section 19** of this bill requires the State Board of Health to adopt regulations establishing procedures for obtaining informed consent where required by **sections 12 and 16-18**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 237 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Autism-related data" means personally identifiable information which reveals that a person has been diagnosed with or otherwise determined to have an autism spectrum disorder or is suspected to have an autism spectrum disorder.***

Sec. 4. ***"Local government" means a political subdivision of this State or a quasi-municipal agency and includes, without limitation, a city, county, local health district, school district or charter school.***

Sec. 5. ***"State agency" means every public agency, bureau, board, commission, department or division of the Executive or Legislative Department of State Government.***

Sec. 6. ***1. Except as authorized by this section, a state agency or local government, or a contractor or grantee of a state agency or local government acting within the scope of the contract or grant, shall not collect autism-related data.***

2. A state agency or local government, or a contractor or grantee of a state agency or local government acting within the scope of the contract or grant, may collect autism-related data if the collection is necessary for:

(a) The administration of a state or federal program to provide benefits to persons who have or are suspected of having autism spectrum disorders, including, without limitation:

(1) The payment of providers of care or services to persons who have or are suspected of having autism spectrum disorders pursuant to such a program;

(2) The provision of benefits under such a program; or

(3) Ensuring access to or the opportunity to participate in such a program;

(b) The provision of medical or specialized care or services to persons who have or are suspected of having autism spectrum disorders;

(c) The audit or evaluation of a program of education supported by federal or state money or other measures to ensure compliance with federal or state law concerning such a program; or

(d) Compliance with , or ensuring compliance with, state or federal law.

3. Any collection of autism-related data pursuant to subsection 2 must be performed in accordance with all applicable state and federal laws, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto.

Sec. 7. *1. Except as authorized by this section:*

(a) A state agency or local government shall not disclose autism-related data to any person or entity outside of the state agency or local government except for a contractor or grantee of the state agency or local government.

(b) A contractor or grantee of a state agency or local government shall not disclose autism-related data obtained from the state agency or local government or obtained within the scope of the contract or grant to any person or entity other than the state agency or local government.

2. Except as otherwise provided in subsection 3, a state agency or local government, or a contractor or grantee of a state agency or local government, may disclose autism-related data under the circumstances described in subsection 1 if:

(a) The state agency, local government, contractor or grantee, as applicable, obtains the informed written consent of the person to whom the autism-related data pertains or his or her legal guardian for the specific disclosure;

(b) The disclosure is required by an order or subpoena issued by a court of competent jurisdiction;

(c) The disclosure is necessary to provide services or supports to the person to whom the autism-related data pertains, including, without limitation, services or supports related to education, medical care or housing; or

(d) The disclosure is required to comply with state or federal law.

3. Any disclosure made pursuant to subsection 2 must involve the minimum amount of autism-related data necessary for the purpose for which the autism-related data is being disclosed. A state agency or local government, or a contractor or grantee of a state agency or local government, shall not disclose autism-related data pursuant to subsection 2 that reveals the name of the person to whom the autism-related data pertains if the disclosure of de-identified data will achieve the purpose for which the data is being disclosed.

4. As used in this section, "informed written consent" means the voluntary, written authorization by a person to whom autism-related data pertains, or his or her legal guardian, for a state agency or local government, or a contractor or grantee of a state agency or local government, to disclose

the autism-related data after being clearly informed of the nature, scope, purpose, risks and potential consequences of the disclosure.

Sec. 8. ***1. On or before July 1 of each even-numbered year, the Office of the Governor shall:***

(a) Review compliance by the Executive Department of State Government and the grantees and contractors thereof with the requirements of sections 6 and 7 of this act; and

(b) Make recommendations to agencies of the Executive Department and the Legislature as necessary to protect autism-related data and support the use of de-identified information for research relating to autism spectrum disorders.

2. The Director of the Department of Health and Human Services may appoint time-limited advisory groups of at least 5 and not more than 13 persons to evaluate and provide recommendations concerning the implementation of sections 2 to 8, inclusive, of this act. Each member of such an advisory group must be:

(a) An officer or employee of a state agency or local government;

(b) A person with an autism spectrum disorder or a family member of such a person;

(c) An expert in data privacy; or

(d) An attorney who advocates for the rights of persons with disabilities.

3. Members of an advisory group appointed pursuant to subsection 2 serve without compensation.

4. A member of an advisory group appointed pursuant to subsection 2 who is an officer or employee of a state agency or local government must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the advisory group and perform any work necessary to carry out the duties of the advisory group in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the advisory group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the advisory group; or

(b) Take annual leave or compensatory time for the absence.

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625,

176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043,

629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 7 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 10. Chapter 629 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. ***"DNA sample" means any human biological specimen from which deoxyribonucleic acid is capable of being extracted or any deoxyribonucleic acid extracted from such a specimen.***

Sec. 12. ***1. Except as otherwise provided in subsection 2, it is unlawful to intentionally sell or otherwise transfer the DNA sample or genetic information of a person without first obtaining the informed consent of the person or his or her legal guardian pursuant to NRS 629.181, regardless of whether the DNA sample or genetic information was originally collected, retained or analyzed with such informed consent.***

2. A person or entity may transfer the DNA sample or genetic information of a person to another person or entity without first obtaining the informed consent of the person or his or her legal guardian pursuant to NRS 629.181:

(a) To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(b) To determine the parentage or identity of a person pursuant to NRS 56.020;

(c) To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

(d) Pursuant to an order of a court of competent jurisdiction;

(e) If the transfer is made by a physician and is of the DNA sample or genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

(f) To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

(g) To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

(h) To carry out the provisions of NRS 442.300 to 442.330, inclusive;

(i) If the transfer is made by an agency of criminal justice pursuant to NRS 179A.075;

(j) Pursuant to NRS 176.0911 to 176.0919, inclusive; or

(k) As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

3. A person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 13. NRS 629.101 is hereby amended to read as follows:

629.101 As used in NRS 629.101 to 629.201, inclusive, ***and sections 11 and 12 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 629.111 and 629.121 ***and section 11 of this act*** have the meanings ascribed to them in those sections.

Sec. 14. NRS 629.121 is hereby amended to read as follows:

629.121 "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, ***to derive and interpret data related to the genetic characteristics of a person, including, without limitation,*** to determine the presence of abnormalities or deficiencies, including carrier status, that:

1. Are linked to physical or mental disorders or impairments; or
2. Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 15. NRS 629.131 is hereby amended to read as follows:

629.131 1. The provisions of NRS 629.101 to 629.201, inclusive, ***and sections 11 and 12 of this act*** do not apply to any action taken by an insurer or a third-party administrator relating to a policy that provides coverage for long-term care or disability income.

2. As used in this section, "third-party administrator" has the meaning ascribed to it in NRS 616A.335.

Sec. 16. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any ***DNA sample or*** genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the ***sample or*** information ***, as applicable,*** is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

4. For use in a study where the identities of the persons from whom the ***DNA sample or*** genetic information ***, as applicable,*** is obtained are not disclosed to the person conducting the study;

5. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; ~~[or]~~

6. Pursuant to an order of a court of competent jurisdiction ~~[.]~~ ***; or***

7. Pursuant to NRS 176.0911 to 176.0919, inclusive.

Sec. 17. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain ***the DNA sample of a person or*** genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the ***DNA sample or*** genetic information is:

(a) Authorized or required pursuant to NRS 439.597;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized pursuant to an order of a court of competent jurisdiction; ~~[or]~~

(d) Necessary for a medical facility to maintain a medical record of the person ~~[.]~~ ***; or***

(e) Authorized or required pursuant to NRS 176.0911 to 176.0919, inclusive.

2. A person who has authorized another person to retain his or her ***DNA sample or*** genetic information may request that person to destroy the ***DNA sample or*** genetic information ~~[.]~~ ***, as applicable.*** If so requested, the person who retains that ***DNA sample or*** genetic information shall destroy the ***sample or*** information, ***as applicable,*** unless retention of that ***sample or*** information is:

(a) Authorized or required pursuant to NRS 439.597;

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

(c) Authorized by an order of a court of competent jurisdiction;

(d) Necessary for a medical facility to maintain a medical record of the person; or

(e) Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the ***DNA sample or*** genetic information of a person for use in a study shall destroy that ***sample or*** information upon:

(a) The completion of the study; or

(b) The withdrawal of the person from the study,

➥ whichever occurs first.

4. A person whose ***DNA sample or*** genetic information is used in a study may authorize the person who conducts the study to retain that ***DNA sample or*** genetic information ***, as applicable,*** after the study is completed or upon his or her withdrawal from the study.

Sec. 18. NRS 629.171 is hereby amended to read as follows:

629.171 ***1.*** It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test ***,*** ~~[or]~~ to disclose genetic information of that person in a manner that allows identification of the person, ***to intentionally submit the DNA sample of another person for a genetic test or to intentionally perform or cause the performance of a genetic test on the DNA sample of another person*** without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed ~~[~~:

~~1.]~~ ***or the genetic test is performed:***

(a) To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[2.]~~ ***(b)*** To determine the parentage or identity of a person pursuant to NRS 56.020;

~~[3.]~~ ***(c)*** To determine the paternity of a person pursuant to NRS 126.121 or 425.384;

~~[4.]~~ ***(d)*** Pursuant to an order of a court of competent jurisdiction;

~~[5.]~~ ***(e)*** By a physician and is the genetic information ***or a genetic test of the DNA sample*** of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~[6.]~~ ***(f)*** To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~[7.]~~ ***(g)*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~[8.]~~ ***(h)*** To carry out the provisions of NRS 442.300 to 442.330, inclusive;

~~[9.]~~ ***(i)*** By an agency of criminal justice pursuant to NRS 179A.075; ~~[or]~~

(j) Pursuant to NRS 176.0911 to 176.0919, inclusive; or

~~[10.]~~ ***(k)*** As permitted by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.

2. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 19. NRS 629.181 is hereby amended to read as follows:

629.181 1. Except as otherwise provided in subsection 2, the State Board of Health shall by regulation:

(a) Establish a procedure for obtaining the informed consent of a person pursuant to NRS 629.101 to 629.201, inclusive ~~[,]~~ ***, and sections 11 and 12 of this act;*** and

(b) Prescribe a form for use in obtaining the informed consent of a person. The form must include:

(1) Information relating to the use and confidentiality of the ***DNA sample or*** genetic information of the person set forth in NRS 629.101 to 629.201, inclusive ~~[,]~~ ***, and sections 11 and 12 of this act;*** and

(2) Any other information the State Board of Health may prescribe.

2. The State Board of Health is not required to adopt regulations establishing a procedure for obtaining the informed consent of a person pursuant to NRS 629.101 to 629.201, inclusive, ***and sections 11 and 12 of this act,*** if the procedure for obtaining that consent is required by federal law or regulation.

Sec. 20. NRS 629.191 is hereby amended to read as follows:

629.191 A person who violates any of the provisions of NRS 629.151 ~~[,]~~ ***or*** 629.161 ~~[or 629.171]~~ is guilty of a misdemeanor.

Sec. 21. NRS 629.201 is hereby amended to read as follows:

629.201 Any person who suffers an injury as a result of ~~[the disclosure of his or her genetic information by another person in]~~ ***a*** violation of NRS 629.171 may bring a civil action for the recovery of his or her actual damages, including costs and attorney's fees.

Sec. 22. 1. The provisions of sections 2 to 9, inclusive, of this act apply to any autism-related data in the possession of a state agency, a local government or a contractor or grantee of a state agency or local government on or after the effective date of this section, regardless of when the autism-related data was obtained.

2. As used in this section:

(a) "Autism-related data" has the meaning ascribed to it in section 3 of this act.

(b) "Local government" has the meaning ascribed to it in section 4 of this act.

(c) "State agency" has the meaning ascribed to it in section 5 of this act.

Sec. 23. 1. The provisions of sections 11 to 21, inclusive, of this act apply to any genetic information or DNA sample in existence on or after October 1, 2025, regardless of when the genetic information or DNA sample, as applicable, was obtained.

2. As used in this section:

(a) "DNA sample" has the meaning ascribed to it in section 11 of this act.

(b) "Genetic information" means any information that is obtained from a genetic test.

(c) "Genetic test" has the meaning ascribed to it in NRS 629.121, as amended by section 14 of this act.

Sec. 24. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 15, 2025.

Sec. 25. 1. This section and sections 1 to 9, inclusive, 22 and 24 of this act become effective upon passage and approval.

2. Sections 10 to 21, inclusive, and 23 of this act become effective on October 1, 2025.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 398.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 805.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** YEAGER **AND HAFEN**

SUMMARY— ~~[Provides for additional]~~ **Revises provisions governing** compensation for certain ~~[hard-to-fill positions at]~~ **employees of** public schools. (BDR 34-189)

AN ACT relating to education; ~~[requiring additional support for the State Education Fund]~~ **requiring the Department of Education to award money to school districts** to provide compensation in addition to base pay for hard-to-fill positions in public schools; requiring ~~[the Superintendent of Public Instruction to apportion the amount allocated to provide such compensation among]~~ school districts ~~[on a monthly basis;]~~ **to report certain information relating to hard-to-fill positions;** eliminating the authority **in certain large school districts** to use weighted funding provided to a school for certain pupils to pay certain hiring and retention incentives; **revising the powers of the Subcommittee on Education Accountability of the Interim Finance Committee; making an appropriation to the Interim Finance Committee for allocation to the Department to fund compensation in addition to base pay for hard-to-fill positions in public schools; making an appropriation to provide money to charter schools for salary increases for teachers and education support professionals;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the State Education Fund for the support of the operation of the public schools in this State and requires that certain revenues of the State be deposited in the Fund. In addition to these revenues, existing law requires support for the State Education Fund to be provided by direct legislative appropriation in an amount determined by the Legislature to be sufficient to fund the operation of public schools in this State for the next ensuing biennium. (NRS 387.1212) After this direct legislative appropriation is made, existing law directs the Legislature to determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money on a per pupil basis for the projected enrollment of the public schools in this State which the Legislature determines is sufficient to fund the~~

~~cost of all public schools in this State to operate and provide general education to all pupils, with the exception of certain expenses for which specific funding is otherwise provided. (NRS 387.1214)]~~ **Section 2** of this bill ~~[requires that additional support for the State Education Fund be provided in an amount determined by the Legislature to be sufficient to ameliorate high teacher vacancy rates by providing]~~ **requires the Department of Education, to the extent that money has been appropriated for that purpose, to make awards to school districts to provide** compensation, in addition to base pay, for hard-to-fill positions in the public schools of this State. ~~[Sections 2 and 6 of this bill exclude this amount from the calculation of the base per pupil funding amount.]~~ **Section 2** defines "hard-to-fill position" as including: (1) teacher positions at certain Title I schools; and (2) teacher positions and other positions filled by licensed educational personnel whose duties include actively teaching pupils in certain subjects which are suffering from a critical labor shortage. ~~[Sections 2 and 5 of this bill authorize the money for this amount to be appropriated to the State Education Fund from the State General Fund or transferred, at the direction of the Legislature, from the Education Stabilization Account.~~

~~Section 3 of this bill requires the Superintendent of Public Instruction to apportion the money appropriated or transferred to the State Education Fund pursuant to section 2 among the school districts in this State, on a monthly basis, according to the yearly apportionment for each school district as specified by the Legislature. Section 3 provides for the reversion of any such money which is not committed for expenditure at the end of each fiscal year.~~

~~Sections 4, 6 and 7 of this bill exclude certain amounts appropriated or transferred to the State Education Fund pursuant to section 2 from: (1) the money upon which interest is earned for the State Education Fund; and (2) money in the State Education Fund which must be used for certain purposes.]~~ **Section 2 requires each school district to submit a biennial report to the Office of Finance in the Office of the Governor and the Interim Finance Committee regarding the number of teachers receiving such additional compensation, the total amount of such additional compensation being provided in the school district and the number of hard-to-fill positions in the public schools in the school district. Section 8.9 of this bill imposes certain requirements for the contents of this report which are applicable only to the report that is required to be submitted on or before December 1, 2026.**

Existing law requires the Governor, to the extent practicable, to include in the proposed executive budget certain recommendations concerning education funding, including recommendations for the statewide base per pupil funding amount and the multiplier for each category of pupils. (NRS 387.12455) Section 8.1 of this bill additionally requires the Governor, to the extent practicable, to include in the proposed executive budget recommendations for the amount of money to appropriate to the Department to make awards to school districts pursuant to section 2.

Section 8.5 of this bill appropriates $45,000,000 in both Fiscal Year 2025-2026 and Fiscal Year 2026-2027 to the Interim Finance Committee for allocation to the Department to distribute to school districts to provide compensation, in addition to base pay, for hard-to-fill positions in public schools. Section 8.5 establishes certain requirements which must be satisfied before the money is allocated by the Interim Finance Committee.

Under the Pupil-Centered Funding Plan, existing law requires a public school that receives weighted funding for one or more at-risk pupils or pupils who are English learners to use such funding only to provide services to such pupils, which are referred to as "Victory services" and "Zoom services," respectively. (NRS 387.121, 387.12445) Existing law authorizes the use of this weighted funding to provide incentives for hiring and retaining teachers and other licensed educational personnel who provide such services. (NRS 387.12445) **Section 8** of this bill eliminates the authority to use weighted funding to pay for such incentives ~~.~~ **in a school district located in a county whose population is 700,000 or more (currently the Clark County School District).**

Existing law creates the Subcommittee on Educational Accountability of the Interim Finance Committee and authorizes the Subcommittee to study various matters related to accountability in public education. (NRS 218E.415) Section 8.3 of this bill additionally authorizes the Subcommittee to study the compensation paid to teachers at public schools to determine whether such compensation is sufficient to ensure competitiveness with other states and optimal educational achievements and outcomes for pupils.

Section 8.7 of this bill appropriates $19,314,297 in both Fiscal Year 2025-2026 and Fiscal Year 2026-2027 to the Interim Finance Committee for allocation to the State Public Charter School Authority to provide money to charter schools for salary increases for teachers and education support professionals. Section 8.7 requires each charter school in this State to submit certain information to the State Public Charter School Authority, including the number of teachers and education support professionals employed by the charter school on October 1, 2024, and October 1, 2025, and a plan to provide such salary increases in each fiscal year. Section 8.7 requires the State Public Charter School Authority to compile and submit such information to the Interim Finance Committee as a condition for receiving an allocation by the Interim Finance Committee from the appropriation made by section 8.7. Section 8.7 provides the method for calculating the amount of money from the appropriation which the State Public Charter School Authority may distribute to each charter school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. ~~[In addition to money from any other source provided by law, support for the State Education Fund must be provided by:~~*

~~(a) Direct legislative appropriation from the State General Fund; or~~

~~(b) A transfer from the Education Stabilization Account as directed by the Legislature,~~

~~→ in an amount determined by the Legislature to be sufficient to ameliorate high teacher vacancy rates by providing:]~~ To the extent that money has been appropriated for that purpose, the Department shall award money to school districts to provide compensation, in addition to base pay, for hard-to-fill positions in the public schools of this State.

2. It is the intent of the Legislature that the additional compensation for hard-to-fill positions funded pursuant to subsection 1 is a temporary solution to ameliorate the urgent problem of high teacher vacancy rates, which are detrimental to student outcomes. ~~[To the extent that the reporting on hard-to-fill positions pursuant to subsection 4 demonstrates that such positions no longer exist at a school district, the Legislature may determine that such funding should not be provided to the school district during a given biennium. It is the intent of the Legislature, when making the appropriation or transfer pursuant to subsection 1, to specify the apportionment for each school district for each fiscal year of the biennium.]~~

3. An application by a school district applying for an award of money pursuant to subsection 1 must include:

(a) The total amount of money which the school district is requesting;

(b) The total number of hard-to-fill positions in public schools for which the school district intends to provide additional compensation using the money requested;

(c) Documentation sufficient to demonstrate that each hard-to-fill position for which the school district intends to provide additional compensation using the money requested was filled during the immediately preceding calendar quarter; and

(d) Such other information or documentation as the Department may require.

4. Money ~~[received by]~~ awarded to a school district ~~[from an appropriation or transfer made]~~ pursuant to subsection 1 is subject to collective bargaining, but may only be used to provide additional compensation for hard-to-fill positions ~~.~~:

~~4. It is the intent of the Legislature that money appropriated or transferred to the State Education Fund pursuant to subsection 1 not be included when calculating the statewide base per pupil funding amount for a fiscal year pursuant to NRS 387.1214.]~~ in public schools.

5. Not later than ~~[August]~~ December 1 of each even-numbered year, each school district shall submit a report to the Office of Finance and the Interim Finance Committee that states ~~[the]~~ :

(a) The total number of teachers in the school district receiving additional compensation funded pursuant to this section during the then-current school year;

(b) The total amount of the additional compensation funded from an award made pursuant to this section that is being provided to teachers during the then-current school year; and

(c) The total number of hard-to-fill positions in public schools in the school district . ~~[and the number of such positions which were vacant at the end of the immediately preceding school year.]~~

6. As used in this section ~~[, "hard-to-fill]~~ :

(a) "Hard-to-fill position" means:

~~[(a)]~~ (1) A teacher position at a Title I school which has:

~~[(1)]~~ (I) A vacancy rate for teacher positions of 15 percent or more, if the school is a high school;

~~[(2)]~~ (II) A vacancy rate for teacher positions of 12 percent or more, if the school is a middle school or junior high school; or

~~[(3)]~~ (III) A vacancy rate for teacher positions of 10 percent or more, if the school is an elementary school.

~~[(b)]~~ (2) A teacher position or other position staffed by a person licensed pursuant to chapter 391 of NRS:

~~[(1)]~~ (I) Who is the teacher of record assigned to a classroom of pupils; and

~~[(2)]~~ (II) Whose duties include actively teaching pupils during a class period, for the majority of class periods during the school day, in English language arts, mathematics, science or special education, if such subjects are suffering from a critical labor shortage, as determined by the board of trustees of the school district.

(b) "Public school" does not include a public school that is formed pursuant to the provisions of chapter 388A of NRS.

Sec. 3. ~~[1. On or before the first day of each month, the Superintendent of Public Instruction shall apportion the money appropriated or transferred by the Legislature to the State Education Fund pursuant to section 2 of this act among the several county school districts in amounts approximating one-twelfth of their respective yearly apportionments, as specified by the Legislature.~~

~~2. A school district shall use the money apportioned to it to provide compensation, in addition to base salary, for hard-to-fill positions, in accordance with the provisions of section 2 of this act and any applicable collective bargaining agreement.~~

~~3. To the extent that the money apportioned to a school district includes both money appropriated from the State General Fund and money transferred from the Education Stabilization Account, a school district shall be deemed to have spent any amount transferred from the Education Stabilization Account before any amount appropriated from the State General Fund.~~

~~*4. Any balance of the amount apportioned to a school district pursuant to this section which is not committed for expenditure on or before June 30 of the fiscal year in which the apportionment is made reverts to the fund or account from which it was appropriated or transferred.*~~

~~*5. As used in this section, "hard to fill position" has the meaning ascribed to it in section 2 of this act.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 387.1212 is hereby amended to read as follows:~~

~~387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3 [,] *or any direct legislative appropriation made pursuant to section 2 of this act,* must, after deducting any applicable charges, be credited to the Fund.~~

~~2. Money which must be deposited for credit to the State Education Fund includes, without limitation:~~

~~(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;~~

~~(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;~~

~~(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;~~

~~(d) The money identified in subsection 9 of NRS 120A.610;~~

~~(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;~~

~~(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;~~

~~(g) The money identified in subsection 1 of NRS 328.450;~~

~~(h) The money identified in subsection 1 of NRS 328.460;~~

~~(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;~~

~~(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;~~

~~(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;~~

~~(l) The money required to be deposited to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;~~

~~(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;~~

~~(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;~~

~~(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;~~

~~(p) The money identified in subsection 5 of NRS 445B.640;~~

~~(q) The money identified in paragraph (b) of subsection 7 of NRS 678B.390;~~

~~(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;~~

~~(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;~~

~~(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;~~

~~(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;~~

~~(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;~~

~~(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;~~

~~(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290;~~

~~(y) The amount of any fines required to be remitted to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 1 of NRS 555.470;~~

~~(z) The amount of any claim, together with any dividend, interest or other increment required to be transferred to the State Education Fund pursuant to subsection 2 of NRS 120A.645;~~

~~(aa) The portion of the proceeds of the tax imposed pursuant to subsection 2 of NRS 372A.290 identified in paragraph (b) of subsection 5 of NRS 372A.290; and~~

~~(bb) The direct legislative appropriation from the State General Fund required by subsection 3.~~

~~3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.~~

~~4. Money in the Fund must be paid out on claims as other claims against the State are paid.~~] **(Deleted by amendment.)**

Sec. 5. [~~NRS 387.1213 is hereby amended to read as follows:~~

~~387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in this section, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any~~

~~amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section~~ **[.]** ***and section 2 of this act.***

~~3. The balance in the Education Stabilization Account must not exceed 20 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.~~

~~4. If the Interim Finance Committee finds that:~~

~~(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment;~~

~~(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving less money than authorized for expenditure from the State Education Fund;~~

~~(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or~~

~~(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund,~~

~~↠ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.~~

~~5. When determining the actual ending fund balance for the purposes of subsection 1, each county school district shall exclude:~~

~~(a) Any money deposited in the county school district fund on or before June 30, 2020;~~

~~(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and~~

~~(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.~~

~~6. If the Superintendent of Public Instruction determines that the money due from the State Education Fund to a county school district, charter school~~

~~or university school for profoundly gifted pupils pursuant to NRS 387.185 exceeds the amount of money available in the State Education Fund because of a delay in expected receipts, he or she may request from the Director of the Office of Finance a temporary advance from the Education Stabilization Account for the payment of such money due. Upon receipt of such a request, the Director of the Office of Finance shall make a recommendation to the Interim Finance Committee to approve the temporary advance in whole or in part or to deny the request. If the Interim Finance Committee approves the request in whole or in part, the Director of the Office of Finance shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of the amount approved by the Interim Finance Committee, and the State Controller shall draw his or her warrant upon receipt of such a notice of approval. Any money which is temporarily advanced from the Education Stabilization Account pursuant to this subsection must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.~~

~~7. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.~~ **(Deleted by amendment.)**

Sec. 6. ~~[~~NRS 387.1214 is hereby amended to read as follows:

~~387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (c) of subsection 2 or NRS 387.122~~ **[**.**]** ***or section 2 of this act.*** ~~It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year, to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by the rate of inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (c) of subsection 2.~~

~~2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account [,] *or money appropriated or transferred pursuant to section 2 of this act,* must be appropriated as established by law for each fiscal year of the biennium for the following purposes:~~

~~(a) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services and transportation for pupils and any other similar service that the Legislature deems appropriate.~~

~~(b) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide local funding to support pupils with disabilities.~~

~~(c) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.~~

~~(d) To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide:~~

~~(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and~~

~~(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1).~~

~~(e) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:~~

~~(1) An English learner;~~

~~(2) At-risk pupil; or~~

~~(3) A gifted and talented pupil.~~

~~3. The adjusted base per pupil funding appropriated pursuant to paragraph (e) of subsection 2 for each school district must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the school district and the attendance area adjustment established pursuant to NRS 387.1218 which applies to each applicable area of the school district to the statewide base per pupil funding amount.~~

~~4. The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph (d) of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying~~

~~the cost adjustment factor established pursuant to NRS 387.1215 which applies to the charter school or university school and, if applicable, the attendance area adjustment established pursuant to NRS 387.1218 to the statewide base per pupil funding amount.~~

~~5. The weighted funding appropriated pursuant to paragraph (c) of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils or for whom a school district, charter school or university school for profoundly gifted pupils is eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:~~

~~(a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:~~

~~(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (c) of subsection 2; or~~

~~(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to (d), inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;~~

~~(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and~~

~~(c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.~~

~~6. For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund:~~

~~(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district and~~

~~the first money spent by that county school district from the county school district fund during the applicable fiscal year.~~

~~— (b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.~~

~~— 7. The weighted funding appropriated pursuant to paragraph (e) of subsection 2:~~

~~— (a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and~~

~~— (b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.~~

~~— 8. As used in this section, "rate of inflation" has the meaning ascribed to it in NRS 387.12455.~~] **(Deleted by amendment.)**

Sec. 7. ~~[NRS 387.124 is hereby amended to read as follows:~~

~~— 387.124 Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:~~

~~— 1. On or before the first day of each month, the Superintendent of Public Instruction shall apportion the State Education Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one twelfth of their respective yearly apportionments less any amount set aside as a reserve~~ ***, appropriated or transferred pursuant to section 2 of this act*** ~~or contained in the Education Stabilization Account. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the amounts established by law for each school year pursuant to paragraphs (a), (b), (c) and (e) of subsection 2 of NRS 387.1214 for all pupils who attend a public school operated by the school district located in the county.~~

~~— 2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:~~

~~— (a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.~~

~~— (b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled~~

~~shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.~~

~~3. The Director of the State Department of Agriculture shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 387.12445 is hereby amended to read as follows:

387.12445 1. Except as otherwise provided in subsection 2, each school district shall ensure that all adjusted base per pupil funding received by the school district pursuant to paragraph (c) of subsection 2 of NRS 387.1214 is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the Department by regulation for each school district, be distributed and used as described in this subsection. The adjusted base per pupil funding provided to each school district must:

(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.

(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (e) of subsection 2 of NRS 387.1214 or NRS 387.122.

2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the adjusted base per pupil funding received by the school district for that purpose.

3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph (e) of subsection 2 of NRS 387.1214 is accounted for separately and distributed directly to each school in which the relevant pupils are estimated to be enrolled.

4. Each public school shall account separately for the local funding for pupils with disabilities received by the public school pursuant to paragraph (b) of subsection 2 of NRS 387.1214, for the adjusted base per pupil funding received by the public school pursuant to paragraph (c) of subsection 2 of NRS 387.1214, for each category of weighted funding received by the public school

pursuant to paragraph (e) of subsection 2 of NRS 387.1214 and for money received from the statewide multiplier pursuant to NRS 387.122. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil:

(a) As a supplement to the adjusted base per pupil funding received for the pupil; and

(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.

5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:

(a) The amount of money provided to the public school for special education; and

(b) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;

(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.

7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide Victory services and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.

8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide Zoom services and, if one or more English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.

9. The Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the adjusted base per pupil funding received by the school district. When adopting such regulations, the Department may express the

maximum amount of money that may be deducted as a percentage of the adjusted base per pupil funding received by the school district.

10. As used in this section:

(a) "Victory services" means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

(2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.

(3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.

(4) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of at-risk pupils.

(5) ~~[~~Incentives~~]~~ ***In a school district located in a county whose population is less than 700,000, incentives*** for hiring and retaining teachers and other licensed educational personnel who provide Victory services.

(6) Employment of paraprofessionals, other educational personnel and other persons who provide Victory services.

(7) ~~*[(6)]*~~ A reading skills center.

(8) ~~*[(7)]*~~ Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of at-risk pupils.

(9) ~~*[(8)]*~~ Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Victory service by the Superintendent of Public Instruction.

(b) "Zoom services" means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

(2) A reading skills center.

(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.

(4) ~~[~~Incentives~~]~~ ***In a school district located in a county whose population is less than 700,000, incentives*** for hiring and retaining teachers and other licensed educational personnel who provide Zoom services.

(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils.

(6) ~~*[(5)]*~~ A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.

(7) ~~*[(6)]*~~ An extended school day.

(8) ~~*[(7)]*~~ Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has

been reviewed and approved as a Zoom service by the Superintendent of Public Instruction.

Sec. 8.1. **NRS 387.12455 is hereby amended to read as follows:**

387.12455 1. Except as otherwise provided in subsection 5, for the purpose of establishing budgetary estimates for expenditures and revenues for the State Education Fund as prescribed by the State Budget Act, the Governor shall, to the extent practicable, ensure that an amount of money in the State General Fund is reserved in the proposed executive budget for transfer to the State Education Fund which is sufficient to fully fund:

(a) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the rate of increase for the revenue collected by the State as projected by the Economic Forum.

(b) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is not greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State.

(c) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will decrease, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium decreased by an amount not greater than the rate of decrease for the revenue collected by the State as projected by the Economic Forum.

2. Except as otherwise provided in subsection 5, as part of the proposed executive budget, the Governor shall, to the extent practicable, include recommendations for:

(a) The statewide base per pupil funding amount, which must be equal to the statewide base per pupil funding amount for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional

reduction to both the statewide base per pupil funding amount and the multiplier for each category of pupils pursuant to paragraph (b); ~~[and]~~

(b) The multiplier for each category of pupils, which must not be less than the multiplier for the immediately preceding biennium unless:

(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount pursuant to paragraph (a) and the multiplier for each category of pupils; or

(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after recommending the statewide base per pupil funding amount pursuant to paragraph (a), is insufficient to fund the multiplier for each category of pupils, in which event the Governor must recommend the remaining money in the State Education Fund, excluding the Education Stabilization Account, be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year ~~[.]~~ ***; and***

(c) The amount of money to appropriate to the Department to make awards to school districts pursuant to section 2 of this act.

3. When determining the amount of money to reserve for transfer from the State General Fund to the State Education Fund pursuant to subsection 1, the Governor shall consider the recommendations of the Commission, as revised by the Joint Interim Standing Committee on Education, if applicable, for an optimal level of funding for education and may reserve an additional amount of money for transfer to the State Education Fund that the Governor determines to be sufficient to fund any recommendation or any portion of a recommendation that the Governor includes in the proposed executive budget.

4. As part of the proposed executive budget, the Governor may recommend to the Legislature a revision to any appropriation made by law pursuant to NRS 387.1214, including, without limitation, the statewide base per pupil funding amount, the adjusted base per pupil funding for any school district, the multiplier for weighted funding for any category of pupils or the creation or elimination of a category of pupils to receive additional weighted funding. The Governor may recommend additional funding for any recommendation made pursuant to this subsection.

5. If the Governor determines that it would be impracticable to prepare the proposed executive budget as described in subsection 1 or 2, the Governor may instead include in the proposed executive budget a recommendation for such funding for the public schools in this State as he or she determines to be appropriate. If the Governor includes in the proposed executive budget recommendations pursuant to this subsection, the recommendations must be accompanied by such recommendations for legislation as the Governor

determines to be appropriate to improve the method by which funding for the public schools in this State is determined.

6. As used in this section, "rate of inflation" means the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding 3 calendar years or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Governor.

Sec. 8.3. **NRS 218E.415 is hereby amended to read as follows:**

218E.415 1. The members of the Subcommittee on Education Accountability of the Interim Finance Committee shall meet at least twice annually at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.

2. A meeting held jointly by the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during a regular session that has agenda items similar to subsection 4 constitutes a meeting of the Subcommittee.

3. A majority of the members of the Subcommittee constitutes a quorum.

4. The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievements and outcomes for pupils. The Subcommittee may study, without limitation:

(a) Fiscal policy, school finance or similar or related financial activities;

(b) The sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils;

(c) Administrative support and policies;

(d) Corrective action plans for public schools to improve educational achievements and outcomes; ~~[and]~~

(e) The rules, regulations and policies of individual school districts or public schools ~~[.]~~ ***; and***

(f) The compensation paid to teachers at public schools to determine whether such compensation is sufficient to ensure competitiveness with other states and optimal educational achievements and outcomes for pupils.

5. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, including, without limitation, compelling the attendance at any meeting of the Subcommittee of:

(a) The Superintendent of Public Instruction;

(b) Any member of the State Board of Education;

(c) Any member of a board of trustees of a school district in this State;

(d) Any superintendent or chief financial officer of a school district in this State; or

(e) The Executive Director of the State Public Charter School Authority.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Subcommittee or appointed alternate attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member or appointed alternate, as applicable, is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

7. All such compensation, per diem allowances and travel expenses of a member or appointed alternate of the Subcommittee must be paid from the Contingency Fund in the State Treasury.

Sec. 8.5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Education to distribute to school districts pursuant to subsection 3 the following sums:**

For the Fiscal Year 2025-2026..... $45,000,000

For the Fiscal Year 2026-2027.....$45,000,000

2. Money appropriated pursuant to subsection 1 may only be allocated to the Department by the Interim Finance Committee upon:

(a) Submittal of a plan by the Department to distribute the money to school districts to provide compensation, in addition to base pay, for hard-to-fill positions in the public schools of this State; and

(b) The determination of the Interim Finance Committee that the plan submitted by the Department is consistent with the requirements of this section and is reasonably calculated to ameliorate the urgent problem of high teacher vacancy rates.

3. The Department shall distribute the money allocated to the Department from the appropriation made by subsection 1 to school districts in accordance with the plan submitted to the Interim Finance Committee pursuant to subsection 2.

4. On or before June 9, 2025, and June 8, 2026, each school district in this State shall report to the Department and the Interim Finance Committee for Fiscal Year 2025-2026 and Fiscal Year 2026-2027, respectively:

(a) The total amount of money which the school district is requesting from the appropriation made by subsection 1; and

(b) The total number of hard-to-fill positions in public schools in the school district for which the school district intends to provide additional compensation using money appropriated by subsection 1.

5. Money distributed to a school district pursuant to subsection 3 is subject to collective bargaining, but may only be used to provide additional compensation for hard-to-fill positions in public schools.

6. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

7. As used in this section:

(a) "Hard-to-fill position" means:

(1) A teacher position at a Title I school which has:

(I) A vacancy rate for teacher positions of 15 percent or more, if the school is a high school;

(II) A vacancy rate for teacher positions of 12 percent or more, if the school is a middle school or junior high school; or

(III) A vacancy rate for teacher positions of 10 percent or more, if the school is an elementary school.

(2) A teacher position or other position staffed by a person licensed pursuant to chapter 391 of NRS:

(I) Who is the teacher of record assigned to a classroom of pupils; and

(II) Whose duties include actively teaching pupils during a class period, for the majority of class periods during the school day, in English language arts, mathematics, science or special education, if such subjects are suffering from a critical labor shortage, as determined by the board of trustees of the school district.

(b) "Public school" does not include a public school that is formed pursuant to the provisions of chapter 388A of NRS.

Sec. 8.7. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Public Charter School Authority to provide money to charter schools for salary increases for teachers and education support professionals the following sums:**

For the Fiscal Year 2025-2026.....$19,314,297

For the Fiscal Year 2026-2027.....$19,314,297

2. On or before June 15, 2025, each charter school in this State shall submit to the State Public Charter School Authority a statement of the number of teachers and education support professionals employed by the charter school on October 1, 2024. The State Public Charter School Authority shall compile this information and, not later than July 15, 2025:

(a) Submit the compiled information to the Interim Finance Committee.

(b) Estimate the total amount of money which the Authority will be authorized to distribute to each charter school for Fiscal Year 2025-2026 pursuant to subsection 7 and provide this information to each charter school.

3. On or before June 15, 2026, each charter school in this State shall submit to the State Public Charter School Authority a statement of the number of teachers and education support professionals employed by the charter school on October 1, 2025. The State Public Charter School Authority shall compile this information and, not later than July 15, 2026:

(a) Submit the compiled information to the Interim Finance Committee.

(b) Estimate the total amount of money which the Authority will be authorized to distribute to each charter school for Fiscal Year 2026-2027 pursuant to subsection 7 and provide this information to each charter school.

4. On or before August 15, 2025, and August 15, 2026, each charter school in this State shall submit to the State Public Charter School Authority a plan by the charter school to increase salaries for teachers and education support professionals during the then-current fiscal year which:

(a) Describes the manner in which money distributed to the charter school will be allocated among the teachers and education support professionals employed by the charter school; and

(b) Provides for an increase in salary for teachers and education support professionals which does not replace or supplant any other form of compensation which was provided to teachers or education support professionals of the charter school before Fiscal Year 2025-2026 or which was bargained for or planned for Fiscal Year 2025-2026 or any succeeding fiscal year before the effective date of this section.

5. On or before September 15, 2025, and September 15, 2026, the State Public Charter School Authority shall compile and submit to the Interim Finance Committee the plans submitted by each charter school for the then-current fiscal year pursuant to subsection 4.

6. Money appropriated by subsection 1 may only be allocated to the State Public Charter School Authority by the Interim Finance Committee upon request by the Authority after the Authority has complied with the requirements of subsection 2 or 3, as applicable, and subsection 5.

7. The amount of money distributed by the State Public Charter School Authority to a charter school pursuant to this section must not exceed an amount which is equal to:

(a) For Fiscal Year 2025-2026, $19,314,297 multiplied by a percentage which is the number of teachers and education support professionals employed by the charter school on October 1, 2024, expressed as a percentage of the total number of teachers and education support

professionals employed in all of the charter schools in this State on October 1, 2024.

(b) For Fiscal Year 2026-2027, $19,314,297 multiplied by a percentage which is the number of teachers and education support professionals employed by the charter school on October 1, 2025, expressed as a percentage of the total number of teachers and education support professionals employed in all of the charter schools in this State on October 1, 2025.

8. Money appropriated by subsection 1 may only be distributed by the Authority to a charter school which has complied with the requirements of subsection 2 or 3, as applicable, and subsection 4.

9. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the support of charter schools or for the salary and compensation of teachers or education support professionals employed by any charter school.

10. On or before August 1, 2026, and August 1, 2027, each charter school in this State that received a distribution from the money appropriated by subsection 1 during Fiscal Year 2025-2026 and Fiscal Year 2026-2027, respectively, shall submit a report to the State Public Charter School Authority which includes, without limitation:

(a) Detailed information on how all the money received pursuant to this section was spent by the charter school during the immediately preceding fiscal year; and

(b) The actual increase to the salary of teachers and education support professionals employed by the charter school during the immediately preceding fiscal year and the amount of such an increase for which the money received pursuant to this section was spent.

11. On or before October 1, 2026, and October 1, 2027, the State Public Charter School Authority shall compile and submit to the Interim Finance Committee the reports received by the Authority pursuant to subsection 10 with respect to the immediately preceding fiscal year.

12. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

13. As used in this section:

(a) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the governing body of a charter school as a professional-technical employee.

(b) "Education support professional" means a person, other than a teacher or administrator, who is employed to work at a charter school, including, without limitation:

(1) Paraprofessionals;

(2) School police officers, school resource officers and other providers of security services at a school;

(3) School nurses;

(4) School counselors;

(5) School psychologists;

(6) School social workers;

(7) Drivers of school buses;

(8) Secretaries;

(9) Members of the custodial or maintenance staff; and

(10) Workers in food services.

(c) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the governing body of a charter school:

(1) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(2) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

Sec. 8.9. **Notwithstanding the provisions of section 2 of this act, for the report required to be submitted on or before December 1, 2026, pursuant to subsection 5 of section 2 of this act, each school district is not required to submit the information described in paragraph (a) or (b) of subsection 5 of section 2 of this act and shall instead include in the report:**

1. The total number of teachers in the school district receiving additional compensation funded pursuant to section 8.5 of this act during the then-current school year; and

2. The total amount of the additional compensation funded from an award made pursuant to section 8.5 of this act that is being provided to teachers during the then-current school year.

Sec. 9. 1. This **section and sections 8.5, 8.7 and 8.9 of this act become effective upon passage and approval.**

2. Sections 8 and 8.3 of this act ~~[becomes]~~ **become** effective on July 1, 2025.

3. Sections 1, 2 and 8.1 of this act become effective on October 1, 2026.

Assemblymember Jauregui moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 398.
Bill read third time.
Remarks by Assemblymember Jauregui, Hafen, Backus, and Anderson.

ASSEMBLYMEMBER JAUREGUI:
I rise in support of Assembly Bill 398. At its core, Assembly Bill 398 is about putting our students first by providing funding for hard-to-fill positions and funding charter school teachers' pay raises. This bill helps ensure that every child in Nevada, no matter what kind of public school they attend, has access to high-quality, committed educators. Students thrive when they are taught by experienced, passionate teachers who feel respected and supported. But when educators are underpaid and overworked, it leads to burnout, high turnover, and instability in the classroom. Assembly Bill 398 helps break that cycle by making teaching in all public schools a more sustainable and rewarding career. This bill is a win for teachers, but more importantly, it is a win for our kids. Investing in our educators is investing in our students' success, their futures, and the promise of public education in Nevada. I urge all of my colleagues to vote yes on Assembly Bill 398.

ASSEMBLYMEMBER HAFEN:
I rise today in support of this bill [Assembly Bill No. 398]—of what has been years of long, hard debate. I want to first thank you, Mr. Speaker, the Majority Leader, the Chair of Ways and Means, and everyone in this building who's rolled up their sleeves to put our children first and to put our teachers back to where they need to be. This might just be a small token of our appreciation, but this is something that is going to improve our education systems, not just now, but for our future generations. We are not going to save our education with slogans, flashy campaigns, we are not going to fix education with partisan division, and we certainly will not be helping our children with finger-pointing. So, what we are going to do today is, we are going to pass this bill. We are going to make it happen. We are going to let Nevadans know that we are putting our children first today.

ASSEMBLYMEMBER BACKUS:
I rise in support of Assembly Bill 398. Assembly Bill 398 provides additional compensation for hard-to-fill positions for Title I schools and special education teachers, while providing funding for charter school teacher pay raises. This bill ensures that we invest in all educators, not just some. It supports the professional shaping our future and it directly addresses the teacher shortage crisis that is threatening the quality of education in our state. Assembly Bill 398 also puts in accountability and transparency measures, making sure our public dollars are spent on our educators. If we truly value education, we must value educators. Assembly Bill 398 is how we show what commitment in action. Let us stand together for the future of our Nevada students, teachers, and families. I urge all of my colleagues to vote "yes" on A.B. 398.

ASSEMBLYMEMBER ANDERSON:
The comments that have been made today, the comments they have made during the presentation, I agree with so much. There are so many parts of what has been stated that are 100 percent what I believe, and I know the constituents I have been elected to represent believe, as well. But this bill does not recognize some of the very important individuals who, as educators, should also be recognized. When I take a look at a special education classroom, the aide does so much work, and also should be recognized. A counselor, as well as other education licensed personnel, whether that is a speech pathologist, or again, the counselors that I just mentioned, they also should be recognized. I greatly appreciate the work that you have put into this, as well as everyone else, but I will be voting "no" because I believe that all members of a school should be recognized.

Roll call on Assembly Bill No. 398:

YEAS—41.

NAYS—Anderson.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 500 and 501 be taken from the Chief Clerk's Desk and be moved to the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

Senate Bill 500 provides funding for K-12 public education for the 2025–2027 Biennium. The total public support for school districts, charter schools, and university schools of profoundly gifted pupils is estimated to average $13,889 per pupil, in FY [Fiscal Year] 2026; and $13,963 per pupil, in FY 2027.

Roll call on Senate Bill No. 500:

YEAS—42.

NAYS—None.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblymembers Monroe-Moreno and Backus.

Conflict of interest declared by Assemblymember Backus.

ASSEMBLYMEMBER MONROE-MORENO:

Senate Bill 501 provides funding and authorizes the expenditure of funding, other than the State General Fund appropriations or State Highway Fund appropriations. The funding sources include federal funds, self-funded budget accounts—receiving money through fees or other means, and revenue sources such as licensing fees, gifts, grants, interagency transfers, and other funds, which total $33.034 billion, over the 2025-2027 Biennium.

ASSEMBLYMEMBER BACKUS:

Because Senate Bill 501 involves the Windsor Park Environmental Justice Act, I would like to advise the body that, as an attorney, one of my clients is the Community Development Program Center of Nevada, which is the developer who was awarded the project under this act. Since the independence of judgment of a reasonable person in my position, with respect to this item, could be materially affected by my legal employment, I am making this disclosure pursuant to Assembly Standing Rule No. 23, and will abstain from voting on Senate Bill 501.

Roll call on Senate Bill No. 501:

YEAS—41.

NAYS—None.

NOT VOTING—Backus.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 306 of the 83rd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 22, 2025

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 306 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 306 ("AB 306"), which is titled as follows:

> AN ACT relating to elections; requiring a county clerk in certain counties to establish a certain number of locations for a voter to return his or her mail ballot in a mail ballot drop box during the period between the last day for early voting and the day of a general election; authorizing the county clerk in certain counties to establish such locations; authorizing a person, under certain circumstances, to return a mail ballot to a mail ballot drop box established at such a location on behalf of a voter; requiring mail ballot drop boxes to be monitored and secured; requiring the Secretary of State to establish requirements for monitoring and securing mail ballot drop boxes; and providing other matters properly relating thereto.

Nevada is already among the easiest states in the nation to cast a vote.

AB 306 appears to be well-intentioned but falls short of its stated goals while failing to guarantee appropriate oversight of the proposed ballot boxes or the ballots cast. I believe additional election reforms should be considered as part of a larger effort to improve election security, integrity and allow Nevada to declare winners more quickly.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
Joe Lombardo
Governor of Nevada

Bill read.

Assemblymember Jauregui moved that Assembly Bill No. 306 be placed on the Chief Clerk's Desk.

Motion carried.

Assembly in recess at 9 p.m.

ASSEMBLY IN SESSION

At 9:06 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 8, 10, 11, 14, 25, 26, 28, 36, 41, 42, 45, 65, 69, 72, 86, 98, 125, 136, 140, 142, 144, 150, 174, 177, 197, 201, 205, 223, 232, 235, 236, 237, 239, 244, 245, 248, 256, 266, 278, 280, 281, 321, 325, 329, 342, 347, 348, 354, 355, 360, 365, 367, 407, 417, 422, 429, 477, 480, 484, 490, 506, 507, 509, 513, 519, and 547; Senate Bills Nos. 41, 46, 97, 99, 225, 241, 273, 274, 290, 343, 406, 408, 409, 410, 416, 419, 421, 437, 439, 444, and 445.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Jones.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Aiden Cervantez, Alliyah Aquino, Aria Snedden, Arianna Arrelllano, Autummarie Cassidy, Benjy Fragosa, Blake Morrison, Brodi Knight, Cianna Hill, Daleyza Silva, Daniel Equite, Dilnoor Kaur, Dominic Jones, Dominik Curtis, Dreyson Laabs, Emma Murphy, Emmanuel Camarena-Suarez, Emmanuel Underwood, Erika Koubek, Evolet Alvarez, Ezekiel Kuli, Gabriella Fuerte, Genesis Gallegos, Geremy Carpio, Graciela Benitez, Hank Derringer, Holten Baber, Hope Magallanes, Imarat Al Mohamed, Imarat Al-Mohamed, Indie Boes, Jacob Bellentyne, Jemmah Garcia-Toussant, Joahua Rivera-Polanco, Jocey Thomson, Jonathan Ferrin, Joseph Grospe, July Nunez, Kari Berrera, Khaner Teninty, Kimberly Godwin, Konnor Elkins, Laneiah Pulalasi, Laurence Ihorihoze, Lazarus Torres, Leighla Bradley Greenwood, Lindsay Marquez-Rojas, Malahni Moses, Mateo Gomez, Mauricio Diaz, Mia Avalos, Mia Moran, Michael Gilkey, Omar Drumm, Paisley Gibson, Rhydian Jaime, Ryder Meek, Sabah Khan, Samantha Galindo, Samia Esmati, Santos Valencia, Savannah Benedetto, Serenity Vaimasanuu-Euini, Spirit Cortez-Moreno, Uinise Fusimalohi, Vinie Murchison, and Yilber Davila Torres.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, May 26, 2025, at 11:30 a.m.
Motion carried.

Assembly adjourned at 9:08 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 26, 2025

Assembly called to order at 12:50 p.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblymember Hansen, who was excused.
Prayer by Mr. Rajan Zed.

Om,
bhur bhuvah svah, tat savitur varenyam,
bhargo devasya Dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
tamaso ma jyotir gamaya
mrityor mamrtam gamaya.

Lead us from the unreal to the Real. Lead us from darkness to Light. Lead us from death to immortality.

Tasmadasaktah satatam karyam karma samacara
asakto hyacarankarma paramapnoti purusah.
Karmanaiva hi samsiddhimasthita janakadayah
lokasangrahamevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu,saha nau bhunaktu,
saha viiryan karavaavahai, tejasvi naavadhiitamastu,
maa vidhvishhaavahai.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 552, 563, 565, 566, 569, 572, 574, 576, 577, 578, 579, 582, 590; Senate Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 567, 593, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bill No. 230; Senate Bill No. 106 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bill No. 553; Senate Bill No. 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 58, 92, 105, 160, 226, 320, 335, 345, 352, 503; Senate Bill No. 87 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 344, 415, 474, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 558, 564, 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 170, 229, 231, 245.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 23, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 155.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 57, 103, 107, 110, 111, 114, 132, 153, 164, 183, 192, 193, 194, 196, 277, 309, 333, 334, 377, 380, 384, 449, 466.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15, Amendment No. 690; Assembly Bill No. 60, Amendment No. 588; Assembly Bill No. 112, Amendment No. 583; Assembly Bill No. 121, Amendment No. 740; Assembly Bill No. 133, Amendment No. 621; Assembly Bill No. 161, Amendment No. 633; Assembly Bill No. 167, Amendment No. 670; Assembly Bill No. 207,

Amendment No. 666; Assembly Bill No. 270, Amendment No. 590; Assembly Bill No. 315, Amendment No. 634; Assembly Bill No. 343, Amendment No. 749; Assembly Bill No. 383, Amendment No. 663; Assembly Bill No. 396, Amendment No. 697; Assembly Bill No. 418, Amendment No. 698; Assembly Bill No. 439, Amendment No. 599; Assembly Bill No. 448, Amendment No. 680; Assembly Bill No. 488, Amendment No. 739; Assembly Bill No. 497, Amendment No. 642; Assembly Bill No. 520, Amendment No. 675, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 39, Amendment No. 772; Assembly Bill No. 148, Amendments Nos. 683, 747; Assembly Bill No. 217, Amendment No. 767; Assembly Bill No. 452, Amendment No. 778, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 185, Amendment No. 677; Assembly Bill No. 227, Amendment No. 671; Assembly Bill No. 263, Amendment No. 602; Assembly Bill No. 269, Amendment No. 695; Assembly Bill No. 283, Amendment No. 609; Assembly Bill No. 319, Amendment No. 682; Assembly Bill No. 369, Amendment No. 607; Assembly Bill No. 392, Amendment No. 603; Assembly Bill No. 433, Amendment No. 604; Assembly Bill No. 434, Amendment No. 665; Assembly Bill No. 441, Amendment No. 622; Assembly Bill No. 451, Amendment No. 608; Assembly Bill No. 457, Amendment No. 623; Assembly Bill No. 458, Amendment No. 686; Assembly Bill No. 461, Amendment No. 685; Assembly Bill No. 478, Amendments Nos. 605, 736; Assembly Bill No. 491, Amendment No. 639; Assembly Bill No. 496, Amendment No. 641; Assembly Bill No. 511, Amendment No. 589; Assembly Bill No. 527, Amendment No. 600; Assembly Bill No. 535, Amendment No. 624; Assembly Joint Resolution No. 8, Amendment No. 643, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 182 be taken from the Committee on Health and Human Services and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 585 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 596—AN ACT relating to public employees; making appropriations for the implementation of certain collective bargaining agreements; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymember Yeager (emergency request of Speaker of the Assembly):

Assembly Bill No. 597—AN ACT relating to elections; authorizing a nonpartisan voter to vote for the partisan offices of a major political party in a primary election or presidential preference primary election; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 36.

Assemblymember Jauregui moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 170.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 229.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 231.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 245.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 544.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 795.

AN ACT relating to health care; revising the expiration date of certain licenses issued by the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a medical facility or a facility for the dependent to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 449.030) Under existing law, each such license expires on December 31 of each year and may be renewed annually. (NRS 449.089) **Section 1** of this bill instead provides that any such license: (1) expires 1 year after the date on which the license is issued, rather than on December 31; and (2) may be renewed annually. ~~[Section 2 of this bill provides that a license which is valid on December 30, 2025, remains valid until the anniversary date in 2026 of the initial issuance of the license, at which time the license may be renewed in accordance with section 1. Section 2 also requires the Division, upon the request of a licensee, to assist the licensee in determining the anniversary date in 2026 of the initial issuance of the license issued by the Division.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires ***1 year after the date*** on ~~[December 31 following its issuance and is renewable for 1 year]~~ ***which it was issued. Such a license may be renewed annually*** upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 or 439A.102; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility,

hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 2. ~~[1. Any valid license issued pursuant to NRS 449.029 to 449.2428, inclusive, which is held by a licensee on December 30, 2025, remains valid until the anniversary date in 2026 of the initial issuance of the license. Such a license may be renewed in 2026 in accordance with NRS 449.089, as amended by section 1 of this act.~~

~~2. Upon request, the Division of Public and Behavioral Health of the Department of Health and Human Services shall assist a medical facility or a facility for the dependent in determining the anniversary date in 2026 on which the license issued to the medical facility or facility for the dependent expires pursuant to subsection 1.~~

~~3. As used in this section:~~

~~(a) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.~~

~~(b) "Medical facility" has the meaning ascribed to it in NRS 449.029.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on ~~[December 30, 2025.]~~ **January 1, 2026.**

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 552.

Bill read second time and ordered to third reading.

Assembly Bill No. 558.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 814.

AN ACT making appropriations to restore the balances in the Stale Claims Account, the Emergency Account and the Contingency Account; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to restore the balance in the Stale Claims Account created by NRS 353.097 the sum of $4,616,752.

Sec. 2. There is hereby appropriated from the State General Fund to restore the balance in the Emergency Account created by NRS 353.263 the sum of $17,000.

Sec. 3. There is hereby appropriated from the State General Fund to restore the balance in the Contingency Account created by NRS 353.266 the sum of ~~[$17,530,726.]~~ **$25,730,726.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 563.

Bill read second time and ordered to third reading.

Assembly Bill No. 564.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 816.

AN ACT making an appropriation to the Fleet Services Division of the Department of Administration for the replacement and purchase of vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Fleet Services Division of the Department of Administration the sum of ~~[$11,749,091]~~ **$13,131,324** for the replacement and purchase of vehicles.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 565.

Bill read second time and ordered to third reading.

Assembly Bill No. 566.

Bill read second time and ordered to third reading.

Assembly Bill No. 567.

Bill read second time and ordered to third reading.

Assembly Bill No. 569.

Bill read second time and ordered to third reading.

Assembly Bill No. 570.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 812.

AN ACT making appropriations to the Department of Corrections for various purposes relating to Internet connectivity, computer hardware and software, vehicles, training, furniture and other equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Prison Medical Care budget account for the replacement of medical and dental equipment the following sums:

For the Fiscal Year 2025-2026.....$324,664

For the Fiscal Year 2026-2027.....$39,939

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account for the replacement of vehicles the following sums:

For the Fiscal Year 2025-2026.....$5,154,386

For the Fiscal Year 2026-2027.....$43,446

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account for the replacement of equipment related to information technology networks and systems the following sums:

For the Fiscal Year 2025-2026.....$161,526

For the Fiscal Year 2026-2027.....$133,153

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. ~~[1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account for Internet connectivity and services related to the installation of equipment necessary for Internet connectivity at Ely State Prison and Carlin Conservation Camp the following sums:~~

~~For the Fiscal Year 2025-2026.....$176,440~~

~~For the Fiscal Year 2026-2027.....$28,440~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money~~

~~was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.~~] **(Deleted by amendment.)**

Sec. 5. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of ~~[$801,320]~~ **$225,750** for the replacement of refrigerator trucks, a garbage truck and a dump truck.

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $123,308 for the replacement of office chairs and furniture for an executive office.

Sec. 7. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $2,861,657 for the replacement of passenger buses and purchase of transport vans.

Sec. 8. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $103,347 for the replacement of computer hardware and associated software.

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $1,313,733 for equipment and training for correctional officers.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Corrections for the Correctional Programs budget account the sum of $71,604 for the replacement of office chairs.

Sec. 11. Any remaining balance of an appropriation made by sections 5 to 10, inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $341,630 for the replacement of hardware, software and equipment for information technology servers.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 13. 1. This section and sections 1 to 11, inclusive, of this act become effective on July 1, 2025.

2. Section 12 of this act becomes effective on July 1, 2026.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 572.

Bill read second time and ordered to third reading.

Assembly Bill No. 574.

Bill read second time and ordered to third reading.

Assembly Bill No. 576.

Bill read second time and ordered to third reading.

Assembly Bill No. 577.

Bill read second time and ordered to third reading.

Assembly Bill No. 578.

Bill read second time and ordered to third reading.

Assembly Bill No. 579.

Bill read second time and ordered to third reading.

Assembly Bill No. 582.

Bill read second time and ordered to third reading.

Assembly Bill No. 590.

Bill read second time and ordered to third reading.

Assembly Bill No. 593.

Bill read second time and ordered to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 541.

Bill read third time.

Roll call on Assembly Bill No. 541:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545.

Bill read third time.

Roll call on Assembly Bill No. 545:

YEAS—33.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Kasama, O'Neill—8.

EXCUSED—Hansen.

Assembly Bill No. 545 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Roll call on Assembly Bill No. 548:

YEAS—33.

NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Kasama—8.

EXCUSED—Hansen.

Assembly Bill No. 548 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Roll call on Assembly Bill No. 550:

YEAS—40.

NAYS—DeLong.

EXCUSED—Hansen.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 588.

Bill read third time.

Roll call on Assembly Bill No. 588:

YEAS—28.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, O'Neill—13.

EXCUSED—Hansen.

Assembly Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 589.

Bill read third time.

Roll call on Assembly Bill No. 589:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

EXCUSED—Hansen.

Assembly Bill No. 589 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 459.

Bill read third time.

Roll call on Senate Bill No. 459:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 58.

Bill read third time.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Roll call on Assembly Bill No. 92:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Roll call on Assembly Bill No. 105:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

EXCUSED—Hansen.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Roll call on Assembly Bill No. 160:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Roll call on Assembly Bill No. 226:

YEAS—34.
NAYS—Dickman, Gallant, Gray, Gurr, Hafen, O'Neill, Yurek—7.
EXCUSED—Hansen.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Roll call on Assembly Bill No. 230:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 230 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Roll call on Assembly Bill No. 320:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Roll call on Assembly Bill No. 335:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Roll call on Assembly Bill No. 344:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 1:33 p.m.

ASSEMBLY IN SESSION

At 1:43 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 345.
Bill read third time.
Roll call on Assembly Bill No. 345:
YEAS—40.
NAYS—None.
EXCUSED—Flanagan, Hansen—2.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.
Bill read third time.
Roll call on Assembly Bill No. 352:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 352 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.
Bill read third time.
Roll call on Assembly Bill No. 415:
YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Roll call on Assembly Bill No. 474:
YEAS—40.
NAYS—Considine.
EXCUSED—Hansen.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Roll call on Assembly Bill No. 502:

YEAS—39.

NAYS—Gray, Gurr—2.

EXCUSED—Hansen.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by Assemblymember Torres-Fossett:

Amendment No. 809.

AN ACT relating to governmental administration; prohibiting certain acts related to critical infrastructure or used utility wire; establishing requirements relating to transactions involving used utility wire; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a gross misdemeanor to knowingly burn stolen metallic wire to remove insulation. (NRS 202.180) **Section 1** of this bill sets forth penalties for a person who willfully tampers with or willfully removes, damages or destroys any critical infrastructure.

Section 3 of this bill provides that it is unlawful for a person to possess used utility wire unless the person is a certain type of business that may reasonably generate, possess or sell used utility wire or the person possesses documentation proving lawful ownership or possession. **Section 4** of this bill prohibits a person from purchasing used utility wire for any purpose unless the seller is a business that may reasonably generate, possess or sell used utility wire or the seller establishes lawful ownership or possession of the used utility wire by providing certain documentation. **Section 5** of this bill provides that a person who commits the offense created by **section 3** or who violates the provisions of **section 4** is guilty of a degree of felonious conduct consistent with the weight of used utility wire involved in the crime.

Existing law provides that, under certain circumstances, a person may not sue any political subdivisions for any injury, wrongful death or other damage incurred by the person while committing certain crimes. (NRS 41.0334) **Section 5.5** of this bill revises the list of crimes to include the new crime created by **section 1**.

Existing law provides certain restrictions on the purchase or receipt by a junk dealer of metallic wire that has been burned in whole or in part to remove

insulation. (NRS 647.035) **Sections 14 and 15** of this bill make these restrictions apply instead to the purchase or receipt by a junk dealer of used utility wire.

Existing law provides certain restrictions on the sale and purchase of scrap metal and used catalytic converters in this State. (NRS 647.092-647.099) **Sections 12 and 13** of this bill exclude used utility wire from the definition of "scrap metal" but include persons who purchase, trade, barter or otherwise receive used utility wire in the definition of "scrap metal processor." **Section 8** of this bill prohibits a scrap metal processor from purchasing or receiving used utility wire from any person other than certain businesses that may reasonably generate, possess or sell used utility wire and persons who provide documentation to establish lawful ownership or possession of used utility wire. **Section 10** of this bill provides certain restrictions on the manner by which a scrap metal processor may purchase used utility wire that are substantially similar to the restrictions under existing law on the manner by which a scrap metal processor may purchase a used catalytic converter.

Existing law requires a scrap metal processor to maintain certain records of purchases of scrap metal and used catalytic converters. (NRS 647.094, 647.0943) **Section 9** of this bill requires a scrap metal processor to maintain records of purchases of used utility wire that are substantially similar to the records that it must maintain under existing law for purchases of used catalytic converters. **Section 9** requires a scrap metal processor to maintain these records for a period of not less than 3 years. **Section 9** also requires a scrap metal processor to make available to a local law enforcement agency on demand all the used utility wire that it purchases and the records of those purchases.

Existing law authorizes a local law enforcement agency to establish an electronic reporting system or to utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal or used catalytic converters by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. If a law enforcement agency establishes or uses such a system, existing law requires each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency to submit electronically to the local law enforcement agency certain information relating to each purchase of scrap metal and catalytic converters from certain persons. (NRS 647.0945) **Section 16** of this bill requires each scrap metal processor to submit electronically to the local law enforcement agency certain additional information if the scrap metal processor purchases used utility wire.

Section 17 of this bill provides that a person who violates any provision of **section 8, 9 or 10** is guilty of a misdemeanor.

Section 7 of this bill defines "used utility wire" for the purposes of **sections 8-16**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who willfully tampers with or willfully removes, damages or destroys any critical infrastructure shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property tampered with or removed, damaged or destroyed, as described in subsection 1, is:

(a) Less than $1,200, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) At least $1,200 but less than $5,000, a person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

(c) Five thousand dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the tampering with or the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any critical infrastructure, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. A prosecuting attorney shall not seek, and a court shall not impose, any penalty pursuant to NRS 205.0821 to 205.0835, inclusive or NRS 206.310 against a person for the same conduct that is a violation of the provisions of subsection 1.

5. In determining the value of the property tampered with or removed, damaged or destroyed, as described in subsection 1, the cost of replacing or repairing the property or critical infrastructure, if necessary, must be added to the value of the property.

6. As used in this section, "critical infrastructure" means any building, facility, structure, fixture, equipment or other property owned, maintained or used by a company or a county, city or other political subdivision of this State to store, use, transform, deliver, transport or transmit electricity or furnish video service, broadband service, telecommunication service, telephone service, wireless service, natural gas service, water service, sewer service or stormwater collection or disposal service for the benefit of the public, including, without limitation, power lines, telephone lines, streetlights, traffic lights, electrical transformers, electrical substations, cellular towers and telecommunication or fiber optic cables.

Sec. 2. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***1. It is unlawful for a person to possess used utility wire unless the person:***

(a) Holds a permit issued pursuant to NRS 444.553 to operate a disposal site, as defined in NRS 444.460;

(b) Holds a contractor's license issued pursuant to chapter 624 of NRS ; ~~*[in the specialty of electrical contracting;]*~~

(c) Is a scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions set forth in sections 8 and 9 of this act;

(d) Is a junk dealer and has obtained the used utility wire in accordance with the provisions set forth in NRS 647.030 and 647.035;

(e) Possesses documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the seller, bailor or deliverer from whom the person received the used utility wire concerning the lawfulness of the acquisition and possession of the used utility wire by the seller, bailor or deliverer; or

(f) Any other business that may reasonably generate, possess or sell the used utility wire.

2. As used in this section, "used utility wire" means:

(a) Seven-strand metallic wire;

(b) Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

(c) Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 4. *1. A person shall not purchase used utility wire for any purpose, including, without limitation, to recycle or smelt, unless the person purchases the used utility wire from:*

(a) A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions of sections 8 and 9 of this act;

(b) Any other business that may reasonably generate, possess or sell used utility wire; or

(c) A person providing documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the person concerning the lawfulness of the acquisition and possession of the used utility wire by the person.

2. As used in this section, "used utility wire" means:

(a) Seven-strand metallic wire;

(b) Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

(c) Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 5. *A person who violates the provisions of section 3 or 4 of this act is guilty of:*

1. If the violation involves used utility wire with a weight of less than 100 pounds, a misdemeanor.

2. If the violation involves used utility wire with a weight of at least 100 pounds but less than 400 pounds, a gross misdemeanor.

3. If the violation involves used utility wire with a weight of 400 pounds or more, a category D felony and shall be punished as provided in NRS 193.130.

Sec. 5.5. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in ***section 1 of this act,*** NRS 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 206.335, 207.210, 331.200 or 393.410 at the time of the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➥ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 6. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. ***"Used utility wire" means:***

1. Seven-strand metallic wire;

2. Metallic wire that has been permanently marked with a name, badge, symbol or other mark indicating ownership; or

3. Metallic wire that has been burned, in whole or in part, to remove insulation.

Sec. 8. ***A person described in subsection 1 of NRS 647.0172 shall not purchase or otherwise receive used utility wire for any purpose, including, without limitation, to recycle or smelt, unless the person purchases or receives the used utility wire from:***

1. A scrap metal processor licensed pursuant to NRS 647.092 who maintains a fixed place of business and has obtained the used utility wire in accordance with the provisions of section 9 or 10 of this act;

2. A person providing documentation that proves the person is the lawful owner or possessor of the used utility wire, including, without limitation, an affidavit or declaration under penalty of perjury from the person concerning the lawfulness of the acquisition and possession of the used utility wire by the person; or

3. Any other business that may reasonably generate, possess or sell used utility wire.

Sec. 9. *1. Except as otherwise provided in subsections 2 and 3, every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of used utility wire, a record of the purchase that contains:*

(a) The place and date of the purchase.

(b) The name of the seller and the seller's valid driver's license number or valid identification card number and the state of issue.

(c) A general description of the vehicle delivering the used utility wire, including, without limitation, the state of the registration of the vehicle.

(d) A description of the used utility wire purchased, including, without limitation, the item type and quantity.

(e) A statement written by the seller indicating:

(1) That the seller is the lawful owner or possessor of the used utility wire; or

(2) The name of the person from which the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document.

(f) The price paid by the scrap metal processor for the used utility wire.

(g) If the seller is a business entity other than a scrap metal processor, the seller's:

(1) Physical business address;

(2) Business telephone number; and

(3) Business license number or tax identification number.

2. A scrap metal processor who purchases used utility wire from a business entity that holds a written agreement with another business that sells used utility wire for recycling purposes is required to maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase, a record of the purchase that contains:

(a) The name of the seller or agent acting on behalf of the seller.

(b) The seller's physical business address and business telephone number.

(c) The seller's business license number or tax identification number.

(d) The date and place of the transaction.

(e) The number of units of used utility wire received in the course of the transaction.

(f) The amount of money that was paid for each unit of used utility wire in the course of the transaction.

(g) A copy of the written agreement.

3. A scrap metal processor who sells used utility wire to another scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each sale, a record of the sale that contains:

(a) The name and address of each person to whom each unit of used utility wire is sold.

(b) The number of units of used utility wire being sold.

(c) The amount of money that was received for each unit of used utility wire sold in the transaction.

(d) The date and place of the transaction.

4. All records kept pursuant to subsections 1, 2 and 3 must be kept and maintained for not less than 3 years.

5. All used utility wire purchased by a scrap metal processor and the records made and maintained in accordance with subsections 1 to 4, inclusive, must be made available at all times to a local law enforcement agency upon demand.

Sec. 10. *1. Except as otherwise provided in subsection 2, a scrap metal processor shall not provide payment for used utility wire unless:*

(a) The payment is made by check or through an electronic transfer of money cleared through an automated clearinghouse;

(b) The seller is a person described in section 8 of this act; and

(c) The scrap metal processor obtains:

(1) A clear photograph or video of the:

(I) Seller at the time of the sale; and

(II) Used utility wire being sold;

(2) A copy of the seller's valid driver's license containing the photograph and address of the seller, or a copy of a state or federal government-issued identification card containing the photograph and address of the seller; and

(3) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used utility wire; or

(II) The name of the person from whom the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document.

2. The provisions of subsection 1 do not apply to a scrap metal processor who buys used utility wire if the scrap metal processor and the seller have a written agreement for the transaction which includes:

(a) A log or other regularly updated record of all used utility wire received pursuant to the agreement; and

(b) A description of each unit of used utility wire with enough particularity so that each of the units of used utility wire in the scrap metal

processor's inventory can reasonably be matched to its description in the agreement.

Sec. 11. NRS 647.010 is hereby amended to read as follows:

647.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 647.011 to 647.0185, inclusive, ***and section 7 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 647.017 is hereby amended to read as follows:

647.017 1. "Scrap metal" means nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government, including, without limitation, street lights, traffic-control devices, park lights or ballpark lights.

2. The term does not include waste generated by a household, aluminum beverage containers, used construction scrap iron, materials consisting of a metal product in its original manufactured form which contains not more than 20 percent by weight nonferrous metal ***, used utility wire*** or used catalytic converters.

Sec. 13. NRS 647.0172 is hereby amended to read as follows:

647.0172 "Scrap metal processor" means any person who:

1. Engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal ***, used utility wire*** or used catalytic converters; or

2. Uses machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

Sec. 14. NRS 647.030 is hereby amended to read as follows:

647.030 1. Every junk dealer shall keep a book in which must be written in ink at the time of purchase a full and accurate description of each article purchased, together with the full name, residence, driver's license number, vehicle license number and general description of the person selling the article.

2. In addition to the information required to be included in the book pursuant to subsection 1, a junk dealer must include in writing in ink in the book each time he or she purchases or otherwise receives ~~[metallic]~~ ***used utility*** wire that has been burned in whole or in part to remove insulation:

(a) The name of the person who delivered the ~~[metallic]~~ ***used utility*** wire; and

(b) A description of the written evidence obtained by the junk dealer pursuant to NRS 647.035 identifying the person who delivered the ~~[metallic]~~ ***used utility*** wire.

3. No entry in the book may be erased, mutilated or changed.

4. The book must be open at all times to inspection by the sheriff of the county or any of his or her deputies, any member of the police department in

the city or town, and any constable or other county or municipal officer in the county in which the junk dealer does business.

Sec. 15. NRS 647.035 is hereby amended to read as follows:

647.035 1. A junk dealer shall not purchase or otherwise receive ~~[metallic]~~ ***used utility*** wire ~~[that has been burned in whole or in part to remove insulation]~~ unless, at the time that the ~~[metallic]~~ ***used utility*** wire is purchased or otherwise received, the junk dealer obtains:

(a) Written evidence identifying the person who delivered the ~~[metallic]~~ ***used utility*** wire; and

(b) A statement signed by the person who delivered the ~~[metallic]~~ ***used utility*** wire in which the person attests that the ~~[metallic]~~ ***used utility*** wire was lawfully acquired and ***, if applicable,*** burned.

2. A junk dealer shall retain the written evidence and the statement obtained pursuant to subsection 1 for not less than 3 years.

Sec. 16. NRS 647.0945 is hereby amended to read as follows:

647.0945 1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal ***, used utility wire*** or used catalytic converters by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding:

(a) Each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(1) The name of the seller;

(2) The date of the purchase;

(3) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(4) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(5) The license number and general description of any vehicle that delivered the scrap metal;

(6) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094;

(7) The amount, in weight, of scrap metal purchased; and

(b) ***Each purchase of used utility wire conducted on the preceding day from a person who sold the used utility wire in his or her individual capacity:***

(1) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used utility wire; or

(II) The name of the person from whom the seller obtained the used utility wire, including, if applicable, the name of the business as shown on a signed transfer document; and

(2) A description of the used utility wire purchased or sold, including, without limitation, the item type and quantity.

(c) Each purchase of a used catalytic converter conducted on the preceding day from a person who sold the used catalytic converter in his or her individual capacity:

(1) A statement written by the seller indicating:

(I) That the seller is the lawful owner or possessor of the used catalytic converter; or

(II) The name of the person from whom the seller obtained the used catalytic converter, including, if applicable, the name of the business as shown on a signed transfer document;

(2) If applicable, a copy of the title of the vehicle from which the used catalytic converter was removed which includes a vehicle identification number that matches the vehicle identification number permanently marked on the used catalytic converter;

(3) The year, make, model and vehicle identification number of the vehicle from which the used catalytic converter was removed; and

(4) A description of the used catalytic converter purchased or sold, including, without limitation, the item type, quantity and vehicle identification number permanently marked on the used catalytic converter.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094 or 647.0943.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive

information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal or used catalytic converters within the jurisdiction of the law enforcement agency.

6. Except as otherwise provided in paragraph ~~[(b)]~~ ***(c)*** of subsection 2, the provisions of this section do not apply to the purchase of scrap metal ***, used utility wire*** or a used catalytic converter from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 17. NRS 647.143 is hereby amended to read as follows:

647.143 1. Except as otherwise provided in subsection 3 and unless a greater penalty is provided pursuant to specific statute, a person who violates any provision of NRS 647.093, 647.094, 647.0943, 647.096, 647.098 or 647.099 ***or section 8, 9 or 10 of this act*** is guilty of a misdemeanor.

2. In addition to the provisions of subsections 1 and 3, the court may issue an injunction prohibiting a person from engaging in the business of a scrap metal processor:

(a) For the first or second offense, for a period of not less than 30 days.

(b) For a third or subsequent offense, for a period of 1 year.

3. Any scrap metal processor who is a natural person and who knowingly violates NRS 647.093 or who sells any used catalytic converter that the scrap

metal processor knows or should know is a stolen catalytic converter, is guilty of:

(a) If the violation involves one used catalytic converter, a category E felony and shall be punished as provided in NRS 193.130.

(b) If the violation involves 2 or more, but less than 10, used catalytic converters, a category D felony and shall be punished as provided in NRS 193.130.

(c) If the violation involves 10 or more used catalytic converters, a category C felony and shall be punished as provided in NRS 193.130.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 553.

Bill read third time.

Roll call on Assembly Bill No. 553:

YEAS—40.

NAYS—Jackson.

EXCUSED—Hansen.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Roll call on Senate Bill No. 87:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Roll call on Senate Bill No. 418:

YEAS—41.
NAYS—None.
EXCUSED—Hansen.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:53 p.m.

ASSEMBLY IN SESSION

At 6:42 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 554, 560, 571, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 249, Amendment No. 807, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 172, 175, 226, 263, 275, 312, 323, 344, 353, 422.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 60.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 172.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 175.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 226.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 263.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 275.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 312.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 323.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 344.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 353.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 422.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 818.

AN ACT relating to financial administration; providing that any money remaining in the Grant Matching Account at the end of the fiscal year does not revert to the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Grant Matching Program within the Office of Federal Assistance in the Office of the Governor to provide funds as grants to state agencies, local agencies, tribal governments and nonprofit organizations for the purpose of satisfying the matching funds requirement for a federal grant. (NRS 223.490) Existing law also: (1) creates the Grant Matching Account as part of the Program; and (2) requires money in the Account, except for money received from a grant, gift or donation to the Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year to revert to the State General Fund. (NRS 223.492) This bill provides that any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and requires the balance in the Account to be carried forward to the next fiscal year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 223.492 is hereby amended to read as follows:

223.492 1. The Grant Matching Account is hereby created in the State General Fund. The Office shall administer the Grant Matching Account.

2. Money received from:

(a) A direct legislative appropriation to the Grant Matching Account;

(b) A transfer from the Abandoned Property Trust Account pursuant to NRS 120A.620; and

(c) A grant, gift or donation to the Grant Matching Account,

➥ must be deposited in the Grant Matching Account. The interest and income earned on the money in the Grant Matching Account must be credited to the Grant Matching Account.

3. ~~[Except as otherwise provided in subsection 4, the balance]~~ ***Any money*** remaining in the Grant Matching Account ~~[that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts]~~ ***at the end of a fiscal year does not revert*** to the State General Fund ~~[.]~~ ***, and the balance in the Account must be carried forward to the next fiscal year.***

4. All money received from a grant, gift or donation to the Grant Matching Account:

(a) Must be accounted for separately in the Account; ***and***

(b) Must be expended in accordance with the terms of the gift, grant or donation ***.*** ~~[; and~~

~~— (c) Does not revert to the State General Fund and must be carried over into the next fiscal year.]~~

Sec. 2. This act becomes effective ~~[on July 1, 2025.]~~ **upon passage and approval.**

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 817.

AN ACT making a supplemental appropriation to the Division of Child and Family Services of the Department of Health and Human Services for an unanticipated shortfall related to the Rural Child Welfare budget account; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services the sum of ~~[$413,325]~~ **$444,325** for an unanticipated shortfall in personnel, travel, transportation and utilities expenses in the Rural Child Welfare budget account. This appropriation is supplemental to that made by section 17 of chapter 209, Statutes of Nevada 2023, at page 1240.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 562.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 813.

AN ACT making appropriations to the Office of the Secretary of State for costs associated with the voter registration and elections management system and connectivity of automatic voter registration agencies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of ~~[$22,504,162]~~ **$27,004,162** for the HAVA Election Reform budget account for the costs of the continued replacement of the voter registration and elections management system.

Sec. 2. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $748,800 for the HAVA Election Reform budget account for the costs of consulting services to support the continued implementation of the voter registration and elections management system.

Sec. 3. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $3,487,364 for the HAVA Election Reform budget account for the costs of connectivity of automatic voter registration agencies.

Sec. 4. Any remaining balance of an appropriation made by sections 1, 2 and 3 of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 571.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 811.

SUMMARY—Makes appropriations to the Department of Education for certain surveys, **offsets to decreases in federal grant funding,** professional development costs, information technology projects, programs, grants and studies. (BDR S-1194)

AN ACT making appropriations to the Department of Education for certain surveys, **offsets to decreases in federal grant funding,** professional development costs, information technology projects, programs, grants and studies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Educator Effectiveness budget account for administration of the statewide surveys of educators on exit or transfer and regarding working conditions the following sums:

For the Fiscal Year 2025-2026.....$1,100,000

For the Fiscal Year 2026-2027.....$900,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Educator Effectiveness budget account for ~~[the repayment to the Federal Government of money from the]~~ **transfer to the State Public Charter School Authority created by NRS 388A.150 to offset a decrease in** federal ~~[Every Student Succeeds Act of 2015]~~ **grant funding** the following sums:

For the Fiscal Year 2025-2026.....$1,307,938

For the Fiscal Year 2026-2027.....$1,307,938

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Standards and Instructional Support budget account for additional **software** licenses for the **Canvas** learning management system ~~[and for creating a micro-credential program]~~ the following sums:

For the Fiscal Year 2025-2026.....$560,370

For the Fiscal Year 2026-2027.....$495,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or

otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Safe and Respectful Learning budget account for development of custom reports from the student information management system the following sums:

For the Fiscal Year 2025-2026.....$50,000

For the Fiscal Year 2026-2027.....$50,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Safe and Respectful Learning budget account for the implementation of the multi-tiered system of supports framework and related training the following sums:

For the Fiscal Year 2025-2026.....$3,000,000

For the Fiscal Year 2026-2027.....$3,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Education the sum of $35,000 for the Office of the Superintendent budget account for a study of the effectiveness of the Pupil-Centered Funding Plan.

Sec. 7. There is hereby appropriated from the State General Fund to the Department of Education the sum of $35,200 for the Standards and

Instructional Support budget account for the State Seal of Biliteracy Program established pursuant to NRS 388.591.

Sec. 8. There is hereby appropriated from the State General Fund to the Department of Education the sum of $10,843 for the Standards and Instructional Support budget account for the State Seal of STEM Program established pursuant to NRS 388.594 and the State Seal of STEAM Program established pursuant to NRS 388.597.

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Education the sum of $12,765 for the Standards and Instructional Support budget account for the State Seal of Civics Program established pursuant to NRS 388.5933 and the civic excellence designation program set forth in NRS 388.5937.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Education the sum of $218,948 for the Assessments and Accountability budget account for the development and implementation of a new Nevada School Performance Framework.

Sec. 11. There is hereby appropriated from the State General Fund to the Department of Education the sum of $348,000 for the District Support Services budget account for grants to local education agencies for financial and operational efficiency.

Sec. 12. There is hereby appropriated from the State General Fund to the Department of Education the sum of $30,000 for the District Support Services budget account for the costs of a contract to review and analyze the programs and policies of the Department.

Sec. 13. There is hereby appropriated from the State General Fund to the Department of Education the sum of $500,000 for the Educator Effectiveness budget account for the costs of a contract to conduct the gap analysis study described in subsection 1 of NRS 385.920.

Sec. 14. Any remaining balance of the appropriations made by sections 6 to 13, inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 15. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 573.
Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 815.

AN ACT making an appropriation to the Department of Education to carry out the Incentivizing Pathways to Teaching Grant Program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of ~~[$13,583,954]~~ **$8,710,708** to carry out the Incentivizing Pathways to Teaching Grant Program created by NRS 391A.705.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

AN ACT relating to insurance; requiring the Commissioner of Insurance to establish and administer the Regulatory Experimentation Program for Insurance Product Innovation; setting forth requirements for the operation of the Program; authorizing ~~[an insurer to implement]~~ **certain property insurers to file** a proposed increase in a rate for certain ~~[kinds and]~~ lines of insurance ~~[while the proposal is pending approval or disapproval by the Commissioner; setting forth certain requirements applicable in the event that such a proposal is ultimately disapproved;]~~ **through a program of flex-rated filing; revising requirements relating to insurance coverage for the peril of wildfire; revising certain requirements for reciprocal insurers; revising provisions relating to captive insurers; revising requirements relating to insurance**

coverage for common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to regulate insurance in this State and enforce the provisions of the Nevada Insurance Code. (NRS 679B.120) **Section 9** of this bill requires the Commissioner to establish and administer the Regulatory Experimentation Program for Insurance Product Innovation, which is a 4-year program to enable an authorized insurer who offers at least one insurance product **that provides property insurance coverage for real or personal property located** in this State outside of the Program to test a qualified insurance product in this State without ~~[obtaining any authorization or]~~ complying with ~~[any of the]~~ **certain** provisions of the Nevada Insurance Code or ~~[the]~~ **certain** regulations adopted pursuant thereto that would otherwise be required outside of the Program. **Section 7** of this bill defines "qualified insurance product" to mean an insurance product that provides **property insurance** coverage for real **or personal** property located in this State**.** ~~[that is valued at $250,000 or more.]~~

Section 12 of this bill sets forth the process by which an authorized insurer may apply to participate in the Program. **Section 12 requires the application of the applicant to include, among other information, an explanation of any exemption from the provisions of the Nevada Insurance Code or the regulations adopted pursuant thereto that the applicant is requesting.** **Section 13** of this bill requires the Commissioner to approve or deny an application within 90 days after the completed application is received. **Section 14** of this bill requires the Commissioner to provide written notice of the approval or denial of an application**.** ~~[and authorizes an applicant to appeal a denial of an application to the Director of the Department of Business and Industry.]~~ Under **section 15** of this bill, if an application is approved, the qualified insurance product offered or provided through the Program, with certain exceptions, is exempt from the provisions of the Nevada Insurance Code and ~~[any]~~ **the** regulations adopted pursuant thereto**.** ~~[.]~~ **for which an exemption was requested in the application to participate in the Program. Section 15 also limits the period of testing for a qualified insurance product under the Program to 36 months, with one extension of not more than 12 months if approved by the Commissioner.**

Section 10 of this bill requires the Commissioner to adopt ~~[regulations establishing protections for consumers of qualified insurance products provided through the Program and authorizes the Commissioner to adopt any other]~~ regulations to carry out the Program.

Section 11 of this bill requires certain disclosures to be provided before providing a consumer a qualified insurance product through the Program.

Section 16 of this bill sets forth certain requirements relating to the retention of records and reporting by a participant in the Program. **Sections 17 and 26** of this bill set forth certain requirements concerning the confidentiality and disclosure of records relating to the Program.

Section 18 of this bill requires the Commissioner to submit a report to the Legislature concerning the Program on or before January 1, 2029.

Sections 19 and 20 of this bill authorize the Commissioner to take certain actions against a participant in the Program who commits certain violations or engages in any act or omission that the Commissioner determines is inconsistent with the health, safety or welfare of consumers or the public generally.

Sections 3-8 of this bill define certain words and terms relating to the Program.

Under existing law, with certain exceptions, insurers and certain rate service organizations are required to file with the Commissioner all rates and proposed increases thereto, as well as the forms of policies to which the rates apply, supplementary rate information and any changes or amendments to the rates. Existing law requires that such a filing be filed not less than 30 days before the proposed effective date of the filing, with certain exceptions. (NRS 686B.070) Existing law sets forth procedures by which the Commissioner is required to approve or disapprove a proposed increase or decrease in a rate for any kind or line of insurance, other than certain health plans. (NRS 686B.110) ~~[Sections 21-25 of this bill revise those provisions to allow an insurer to implement a proposed increase or decrease in certain rates while the process for the approval or disapproval proceeds.~~

~~Section 21 requires a filing for a proposed increase or decrease in a rate for any kind or line of insurance for which the filing of rates is required, other than certain health plans, to be filed on or before the proposed effective date included in the filing. Section 21 authorizes an insurer to implement such a proposed increase or decrease while the proposal is pending approval or disapproval by the Commissioner.~~

~~Section 23 provides that if the Commissioner disapproves such a proposed increase or decrease and the insurer has implemented the proposed increase or decrease, the Commissioner is required to issue a written order that includes, among other things, the date on which the disapproved increased or decreased rate must no longer be used for the issuance of new policies or contracts or the renewal of existing policies or contracts. Under section 23, the order does not affect any policy or contract made before the effective date of the order, except that the Commissioner is authorized to require that the premiums be adjusted after the effective date of the order for those policies or contracts in effect on the effective date of the order.~~

~~Under existing law, if a filing for a proposed increase in a rate is not accompanied by certain information, the Commissioner is authorized to inform the insurer and the filing is deemed to be made when the information is furnished. (NRS 686B.100) Section 22 deems a filing for a proposed increase in a rate for any kind or line of insurance, other than certain health plans, for the purpose of implementing the proposed increase pending the approval or disapproval of the Commissioner to be filed on the date on which it is filed with the Commissioner, regardless of whether the filing is accompanied by~~

~~such information. Similarly, existing law provides that if the Commissioner determines that a proposal to increase or decrease a rate is incomplete, the Commissioner must notify the insurer or rate service organization of that determination and, if the insurer does not provide the necessary documents or other information within 30 days after the receipt of that notice, the Commissioner is authorized to disapprove the proposal. (NRS 686B.110) Section 23 provides that a determination that a proposal to increase or decrease a rate for any kind or line of insurance, other than certain health plans, is incomplete does not prohibit an insurer from implementing the proposed increase or decrease pending approval or disapproval.]~~

Sections ~~[24 and 25 make conforming changes to refer to provisions that have been renumbered by section]~~ 20.3 and 21 ~~[,]~~ of this bill provide an alternative method by which certain insurers may make a filing for a proposed increase in a rate for certain types of insurance. Section 20.3 requires the Commissioner to establish a program of flex-rated filing to allow an insurer that issues certain lines of property insurance to make a filing for that line of insurance if the proposed increase does not exceed certain thresholds established by the Commissioner and certain other requirements are met. Section 20.3 sets forth certain requirements for making a filing for a proposed increase in a rate to qualify to be filed under the program of flex-rated filing. If the Commissioner finds, within 15 days after the filing is made, that the filing fails to meet such requirements, section 20.3 authorizes the Commissioner to treat the filing in the same manner as other proposed increases in a rate filed outside the program of flex-rated filing. If the Commissioner does not make such a determination within that time, the filing is deemed to be approved. Section 20.5 of this bill applies the definitions set forth under existing law governing rate filings to the provisions of section 20.3. Section 20.7 of this bill excludes property insurance for business and commercial risks from the provisions of section 20.3.

Section 25.1 of this bill authorizes an insurer that issues a policy of property insurance to exclude the peril of wildfire from the coverage provided under the policy. Section 25.1 additionally authorizes an insurer to issue a policy of property insurance that solely covers the peril of wildfire.

Existing law sets forth various requirements and restrictions for the operation of a reciprocal insurer. (Chapter 694B of NRS) Existing law sets forth certain rules that the Commissioner is required to apply in determining the financial condition of a reciprocal insurer, including rules concerning the computation of reserves. (NRS 694B.150) Section 25.3 of this bill revises those rules concerning reserves to require instead that the reserves of a reciprocal insurer be maintained as required by section 25.2 of this bill. Section 25.2 requires a reciprocal insurer at all times to maintain an unearned premium reserve in a certain amount and sets forth the manner in which that amount must be calculated. If, at any time, the

amount of the unearned premium reserve maintained by a reciprocal insurer is less than $100,000, section 25.2 requires the reciprocal insurer to maintain cash or securities acceptable to the Commissioner in an amount that, when added to the amount of the unearned premium reserve maintained, equals not less than $100,000.

Existing law provides for the licensure and regulation of captive insurers. (Chapter 694C of NRS) Section 25.5 of this bill removes provisions prohibiting a captive insurer from directly providing homeowners' insurance coverage. Section 25.5 authorizes an association captive insurer to insure the risks of individual homeowners who combine into an association for the purpose of procuring homeowners' insurance or the risks of individual units' owners in a common-interest community so long as the association captive insurer is owned by the association created by the homeowners or the unit-owners' association, as applicable. Sections 25.4 and 25.5 of this bill authorize a sponsored captive insurer to insure the risks of individual homeowners who elect to become a participant of a protected cell of a sponsored captive insurer.

Existing law requires a unit-owners' association in a common-interest community to maintain certain insurance coverage, including property insurance on the common elements of the community. (NRS 116.3113) Section 25.6 of this bill removes provisions which require such property insurance for buildings with units divided by certain boundaries to include the units to the extent reasonably available. Section 25.7 of this bill makes a conforming change to eliminate a reference to provisions removed in section 25.6.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Consumer" means any person who purchases a qualified insurance product.***

Sec. 4. ~~***["Director" means the Director of the Department of Business and Industry.]***~~ **(Deleted by amendment.)**

Sec. 5. ***"Participant" means an authorized insurer whose application to participate in the Program has been approved by the Commissioner pursuant to section 14 of this act.***

Sec. 6. ***"Program" means the Regulatory Experimentation Program for Insurance Product Innovation established and administered by the Commissioner pursuant to sections 2 to 20, inclusive, of this act.***

Sec. 7. ***"Qualified insurance product" means an insurance product that provides property insurance coverage for real or personal property located***

in this State, including, without limitation, any residential or commercial property . ~~[, that is valued at $250,000 or more.]~~

Sec. 8. *"Test" means to offer or provide a qualified insurance product through the Program.*

Sec. 9. *The Commissioner shall establish and administer the Regulatory Experimentation Program for Insurance Product Innovation to enable an authorized insurer who offers at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program to test a qualified insurance product in this State , identified in an application to participate in the Program pursuant to section 12 of this act, without ~~[:~~*

~~1. Obtaining authorization otherwise required by this title or any regulations adopted pursuant thereto to provide the qualified insurance product in this State; or~~

~~2. Otherwise]~~ complying with any provision of this title or any regulation adopted pursuant thereto ~~[,]~~ except as otherwise required by the Commissioner pursuant to section 15 or 20 of this act.

Sec. 10. *~~[1.]~~ The Commissioner shall adopt ~~[regulations that establish protections for consumers of qualified insurance products provided through the Program.~~*

~~2. The Commissioner may adopt]~~ such ~~[other]~~ regulations as he or she deems necessary to carry out the provisions of sections 2 to 20, inclusive, of this act.

Sec. 11. *1. Before providing any qualified insurance product to a consumer, a participant or a producer of insurance providing the qualified insurance product shall disclose to the consumer:*

(a) The name and contact information of the participant;

(b) The registration number applicable to the qualified insurance product, as issued by the Commissioner pursuant to section 15 of this act;

(c) The fact that the qualified insurance product ~~[is generally]~~ may be exempt from ~~[any provision]~~ certain provisions of this title and ~~[any regulation]~~ certain regulations adopted pursuant thereto, except as otherwise required by the Commissioner pursuant to section 15 or 20 of this act;

(d) The fact that the participant has been approved to provide the qualified insurance product pursuant to sections 2 to 20, inclusive, of this act but that the qualified insurance product is not endorsed or recommended by the Commissioner or any governmental agency; and

(e) The fact that the qualified insurance product is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end.

2. The Commissioner may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a qualified insurance product in addition to the disclosures required by subsection 1. The

Commissioner shall give written notice to the participant of any additional disclosures required pursuant to this subsection.

3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If the qualified insurance product is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.

Sec. 12. *1. An authorized insurer who desires to participate in the Program to test a qualified insurance product must submit a written application in accordance with this section, in the form prescribed by the Commissioner. A separate application must be filed for each qualified insurance product proposed for testing.*

2. The application must show that the applicant offers at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program and will at all times during the test continue to offer at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program.

3. The application must include:

(a) A description of the qualified insurance product proposed for testing and an explanation of:

(1) ~~[The regulatory scheme otherwise applicable to the qualified insurance product outside of the Program;]~~ Any exemption from the provisions of this title or the regulations adopted pursuant thereto that the applicant is requesting, which must not include any provision of this chapter or chapter 686A of NRS, and a justification for each such exemption;

(2) Any benefit of the qualified insurance product;

(3) Any risk of harm to consumers associated with the qualified insurance product; and

(4) The manner in which participation in the Program will facilitate a successful test of the qualified insurance product.

(b) A statement of the proposed plan for testing the qualified insurance product. The plan:

(1) Must include, without limitation:

(I) An estimate of the dates or periods anticipated for the test;

(II) The regions and populations of this State that the applicant will target during the test, including, without limitation, any high-risk areas of this State and any underserved regions or populations;

(III) Measures to protect consumers from harm caused by a failure of the test; and

~~[(III)]~~ (IV) The plan to wind up and terminate the test; and

(2) May provide for the provision of the qualified insurance product through producers of insurance acting as agents and brokers.

(c) A description of each insurance product the applicant offers in this State outside of the Program.

(d) Any other information deemed necessary by the Commissioner.

Sec. 13. *1. The Commissioner may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Commissioner. The applicant shall provide, within the period directed by the Commissioner, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Commissioner as incomplete.*

2. Unless the Commissioner and the applicant mutually agree to extend this period, the Commissioner shall approve or deny an application within 90 days after the completed application is received.

Sec. 14. *1. ~~[Except as otherwise provided in this section, the]~~ The Commissioner may approve or deny any application submitted pursuant to section 12 of this act.*

2. The Commissioner shall give the applicant written notice of the approval or denial of the application within 5 business days after the date of approval or denial.

~~[3. If the Commissioner denies an application, the applicant may appeal to the Director. The Director may approve or deny the application upon appeal. The decision of the Director is final and not subject to administrative or judicial review.]~~

Sec. 15. *1. If an application to participate in the Program is approved pursuant to section 14 of this act:*

(a) The applicant shall be deemed to be a participant.

(b) The Commissioner shall issue a registration number unique to the approval.

(c) Except as otherwise required by the Commissioner pursuant to subsection 2 or section 20 of this act, a qualified insurance product offered or provided within the scope of the Program is exempt from any provision of this title or any regulation adopted pursuant thereto ~~[.]~~ for which an exemption was requested in the application pursuant to subparagraph (1) of paragraph (a) of subsection 3 of section 12 of this act. The qualified insurance product may be offered or provided by producers of insurance acting as agents and brokers, in accordance with the proposed plan for testing the qualified insurance product provided pursuant to paragraph (b) of subsection 3 of section 12 of this act.

2. The Commissioner may condition approval of an application upon compliance by the participant with one or more provisions of this title or any regulation adopted pursuant thereto ~~[.]~~ for which an exemption was requested in the application pursuant to subparagraph (1) of paragraph (a) of subsection 3 of section 12 of this act.

3. A notice of approval of an application given pursuant to section 14 of this act must ~~[be accompanied by a copy of the provisions of sections 2 to 20,~~

~~*inclusive, of this act, and any applicable regulations of the Commissioner governing the Program then in effect, and]*~~ *set forth:*

(a) The registration number applicable to the approval;

(b) Any conditions imposed pursuant to subsection 2 or section 20 of this act; and

(c) Any additional information required by the ~~[Director]~~ Commissioner to be disclosed to consumers pursuant to subsection 2 of section 11 of this act.

4. Unless a timely request for an extension is made and approved pursuant to subsection 5, the period of testing for a qualified insurance product under the Program ends on a date determined by the Commissioner which must be not more than 36 months after the notice given pursuant to subsection 3.

5. On or before the date on which the period of testing a qualified insurance product ends, a participant may submit a request to extend the period of testing for the qualified insurance product for not more than 12 months. The Commissioner may approve or deny the request, except that only one extension of the period of testing of a qualified insurance product may be approved. In determining whether to approve or deny the request, the Commissioner shall review the request using the same criteria used to determine whether to approve an application to participate in the Program, except that the Commissioner shall consider any data produced by the testing of the product which has already been completed.

Sec. 16. *1. The Commissioner may establish by regulation periodic reporting requirements for participants in the Program.*

2. On request by the Commissioner, a participant shall make any requested record, information or data available for inspection and copying by the Commissioner.

3. Each participant shall retain, for such time as the Commissioner requires by order or regulation, all records and data produced in the ordinary course of business relating to a qualified insurance product tested in the Program.

4. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the ~~[Director]~~ Commissioner of any unauthorized acquisition of computerized data constituting a breach of the security of the system data, as that term is defined in NRS 603A.020.

Sec. 17. *1. Any record or information in a record submitted to or obtained by the Commissioner pursuant to sections 2 to 20, inclusive, of this act:*

(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.

(b) May be disclosed by the Commissioner to:

(1) Any governmental agency or official; or

(2) A federal, state or county grand jury in response to a lawful subpoena.

2. Any disclosure pursuant to subsection 1 of a complaint relating to a qualified insurance product or the results of an examination, inquiry or investigation relating to a participant or qualified insurance product does not make the relevant record or information in a record a public record within the meaning of NRS 239.010 and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.

3. The Commissioner is immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 20, inclusive, of this act.

4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.

Sec. 18. *1. The Commissioner shall, on or before January 1, 2029, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and results of the Program.*

2. The report must include:

(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;

(b) With respect to the applications that were denied, a description of the reasons for the denial; and

(c) With respect to the applications that were approved:

(1) A description of each qualified insurance product provided by each participant in the Program;

(2) A statement of the number of participants providing each qualified insurance product; and

(3) The number of consumers provided a qualified insurance product . ~~[; and~~

~~*(d) An analysis of the effect of the Program on insurance rates and the insurance market in this State.]*~~

3. The report may include ~~[any recommendations for legislation relating to the Program and]~~ any other information that the Commissioner deems relevant.

Sec. 19. *~~[1.]~~ If the Commissioner has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 20, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Commissioner may remove the participant from the Program or order the participant to exit the Program.*

~~*[2. If the Commissioner removes a participant from the Program or orders the participant to exit the Program, the participant may appeal to the Director. The Director may affirm or reverse the action of the Commissioner upon appeal. The decision of the Director is final and not subject to administrative or judicial review.]*~~

Sec. 20. ~~*[1.]*~~ *If the Commissioner has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Commissioner determines is inconsistent with the health, safety or welfare of consumers or the public generally, the Commissioner may:*

~~*[(a)]*~~ *1. Proceed to adopt a regulation to address the issue pursuant to section 10 of this act;*

~~*[(b)]*~~ *2. Require the participant to comply with one or more provisions of this title or any regulation adopted pursuant thereto;*

~~*[(c)]*~~ *3. Remove the participant from the Program or order the participant to exit the Program; or*

~~*[(d)]*~~ *4. Take any combination of those actions.*

~~*[2. If the Commissioner takes any action pursuant subsection 1, the participant may appeal to the Director. The Director may affirm or reverse the action of the Commissioner upon appeal. The decision of the Director is final and not subject to administrative or judicial review.]*~~

Sec. 20.3. **Chapter 686B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Commissioner shall establish a program of flex-rated filing to allow an insurer that issues a line of property insurance that provides coverage for real property to make a filing for a proposed increase in a rate for that line of insurance under the program, in lieu of making a filing pursuant to NRS 686B.070, if the proposed increase does not exceed either of the flex-rated filing thresholds established by the Commissioner and all other requirements of this section are met.

2. To qualify for filing under the program of flex-rated filing established pursuant to this section:

(a) The filing must be limited solely to a proposed increase in a rate and must not contain changes to any supplementary rate information;

(b) The proposed increase in the rate must not exceed either of the flex-rated filing thresholds which are in effect at the time the filing is made;

(c) The proposed increase must not take effect for any existing policyholder that will be affected by the proposed increase until the date on which the policy of the policyholder is renewed; and

(d) The date on which the first existing policyholder will be affected by the proposed increase must be not earlier than 45 days after the date on which the filing is made.

3. An insurer may not make a filing for a proposed increase in a rate under the program of flex-rated filing established pursuant to this section if:

(a) The cumulative effect of the filing and all other filings filed by the insurer on the same line of insurance within the 12 months immediately preceding the proposed effective date of the proposed increase exceeds either of the flex-rated filing thresholds which are in effect on the date the filing is made; and

(b) Any policyholder that will be affected by the proposed increase has been affected by an increase filed under the program of flex-rated filing within the 12 months immediately preceding the proposed effective date of the proposed increase.

4. The Commissioner shall review each proposed increase in a rate filed under the program of flex-rated filing established pursuant to this section. If the Commissioner, within 15 days after the date on which the filing is made, finds that a proposed increase does not comply with the provisions of subsection 2 or 3 or subsection 1 of NRS 686B.050, the Commissioner shall provide notice to the insurer and subsequently treat the filing as if it were filed pursuant to NRS 686B.070. If the Commissioner has not provided the notice to the insurer within 15 days after the date on which the filing is made, the filing shall be deemed to be approved.

5. On or before June 1, 2026, the Commissioner shall establish the maximum percentage of overall rate impact and the maximum percentage of individual rate disruption for a filing for a proposed increase in a rate to qualify for filing under the program of flex-rated filing established pursuant to this section. Thereafter, on or before June 1 of any year, the Commissioner may adjust the flex-rated filing thresholds to take effect on June 1 of that year. In establishing the initial and adjusted flex-rated filing thresholds pursuant to this subsection, the Commissioner shall:

(a) Before establishing the flex-rated filing thresholds, solicit public input and hold a public hearing on the matter to consider past and future economic conditions; and

(b) Establish the maximum percentage of overall rate impact to be a percentage that is not less than 3 percent.

6. For the purposes of this section, the filing of a proposed increase in a rate under the program of flex-rated filing established pursuant to this section shall be deemed to be made on the date on which it is submitted to the Commissioner using the System for Electronic Rates and Forms Filing developed and implemented by the National Association of Insurance Commissioners or any successor system.

7. The Commissioner may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Flex-rated filing threshold" means the maximum percentage of:

(1) Overall rate impact; and

(2) Individual rate disruption,

➥ that the Commissioner has established pursuant to subsection 5 for a filing for a proposed increase in a rate to qualify for filing under the program of flex-rated filing established pursuant to this section.

(b) "Individual rate disruption" means the largest percentage increase in the amount of the premiums of any single policyholder affected by a filing for a proposed increase in a rate that will occur if the proposed increase becomes effective.

(c) "Overall rate impact" means the amount, expressed as a percentage, obtained by dividing the total aggregate amount by which all premiums for all policyholders affected by a filing for a proposed increase in a rate will be increased if the proposed increase becomes effective by the total aggregate amount of all premiums for those policyholders on the day immediately preceding the proposed effective date of the proposed increase.

Sec. 20.5. **NRS 686B.020 is hereby amended to read as follows:**

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and section 20.3 of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 20.7. **NRS 686B.030 is hereby amended to read as follows:**

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and section 20.3 of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 21. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner ***, either pursuant to this section or, if applicable, pursuant to section 20.3 of this act,*** all:

(a) Rates and proposed increases thereto;

(b) Forms of policies to which the rates apply;

(c) Supplementary rate information; and

(d) Changes and amendments thereof,

➥ made by it for use in this state.

2. A ~~*[Except as otherwise provided in subsection 3, a]*~~ filing made pursuant to this section must include a proposed effective date and must be filed not less than 30 days before that proposed effective date, except that a filing for a proposed increase or decrease in a rate ~~*[for a health plan described in NRS 686B.112]*~~ may include a request that the Commissioner authorize an effective date that is earlier than the proposed effective date.

3. ~~*[A filing made pursuant to this section for a proposed increase or decrease in a rate for any kind or line of insurance or subdivision thereof, other than a health plan described in NRS 686B.112, must be filed on or before the proposed effective date included in the filing. An insurer may implement the proposed increase or decrease on the proposed effective date included in the filing while the proposed increase or decrease is pending approval or disapproval by the Commissioner pursuant to NRS 686B.110.*~~

~~*4.]*~~ If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

4. ~~*[5.]*~~ If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in NRS 687B.470, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.

5. ~~*[6.]*~~ As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. § 154.215.

Sec. 22. ~~[NRS 686B.100 is hereby amended to read as follows:~~

~~686B.100 1. By rule, the Commissioner may require the filing of supporting data as to any or all kinds or lines of insurance or subdivisions thereof or classes of risks or combinations thereof as the Commissioner deems necessary for the proper functioning of the process for monitoring and regulating rates. The supporting data must include:~~

~~(a) The experience and judgment of the filer, and, to the extent it wishes or the Commissioner requires, of other insurers or rate service organizations;~~

~~(b) Its interpretation of any statistical data relied upon;~~

~~(c) Descriptions of the actuarial and statistical methods employed in setting the rates; and~~

~~(d) Any other relevant matters required by the Commissioner.~~

~~2. [Whenever]~~ ***Except as otherwise provided in this subsection, whenever*** ~~a filing of a proposed increase in a rate is not accompanied by such information as the Commissioner has required under subsection 1, the Commissioner may so inform the insurer and the filing shall be deemed to be made when the information is furnished.~~ ***For the purposes of implementing a proposed increase in a rate for any kind or line of insurance or subdivision thereof, other than a health plan described in NRS 686B.112, pursuant to subsection 3 of NRS 686B.070, the filing of such a proposed increase shall be deemed to be made on the date on which it is filed with the Commissioner, regardless of whether the filing is accompanied by any information required by the Commissioner pursuant to subsection 1.]*** **(Deleted by amendment.)**

Sec. 23. ~~[NRS 686B.110 is hereby amended to read as follows:~~

~~686B.110 1. Except as otherwise provided in NRS 686B.112, the Commissioner shall consider each proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the~~

~~Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection [3] 4 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal no later than 30 days after it is determined by the Commissioner to be complete pursuant to subsection 6. If the Commissioner fails to approve or disapprove the proposal within that period, the proposal shall be deemed approved.~~

~~2. If the Commissioner disapproves a proposed increase or decrease in any rate pursuant to subsection 1, the Commissioner shall send a written notice of disapproval to the insurer or the rate service organization that filed the proposal. The notice must set forth the reasons the proposal is not in compliance with NRS 686B.050 or subsection [3] 4 of NRS 686B.070 and must be sent to the insurer or the rate service organization not more than 30 days after the Commissioner determines that the proposal is complete pursuant to subsection 6.~~

~~3. Upon receipt of a written notice of disapproval from the Commissioner pursuant to subsection 2 or 6, the insurer or rate service organization may request that the Commissioner reconsider the proposed increase or decrease. The request for reconsideration must be received by the Commissioner not more than 30 days after the insurer or rate service organization receives the written notice of disapproval from the Commissioner, except that if the insurer or rate service organization requests, in writing, an extension of 30 additional days in which to request a reconsideration, the Commissioner shall grant the extension. A request for reconsideration submitted pursuant to this subsection may include, without limitation, any documents or other information for review by the Commissioner in reconsidering the proposal. The Commissioner shall approve or disapprove the proposal upon reconsideration not later than 30 days after receipt of the request for reconsideration and shall notify the insurer or rate service organization of his or her approval or disapproval.~~

~~4. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.~~

~~5. If the Commissioner disapproves a proposed rate pursuant to subsection 1 or subsection 6 or upon reconsideration pursuant to subsection 3 and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:~~

~~(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or~~

~~(b) Within a period agreed upon by the insurer and the Commissioner.~~

~~➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the proposed rate for which the hearing is held within 45 days after the hearing, the proposed rate shall be deemed approved.~~

~~6. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal to increase or decrease a rate submitted to the Commissioner pursuant to subsection 1. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.~~ ***~~The determination of the Commissioner that a proposal is incomplete does not prohibit an insurer from implementing a proposed increase or decrease in a rate pursuant to subsection 3 of NRS 686B.070.~~*** ~~The Commissioner shall notify the insurer or rate service organization if the Commissioner determines that the proposal is incomplete. The notice must be sent within 15 business days after the proposal is filed with the Commissioner and must set forth the documents or other information that is required to complete the proposal. The Commissioner may disapprove the proposal if the insurer or rate service organization fails to provide the documents or other information to the Commissioner within 30 days after the insurer or rate service organization receives the notice that the proposal is incomplete. If the Commissioner disapproves the proposal pursuant to this subsection, the Commissioner shall notify the insurer or rate service organization of that fact in writing.~~

~~7. If the Commissioner disapproves a proposed increase or decrease in a rate pursuant to subsection 1 or 6, upon reconsideration pursuant to subsection 3 or after a hearing conducted pursuant to subsection 5 and the insurer has implemented the proposed increase or decrease pending approval or disapproval by the Commissioner pursuant to subsection 3 of NRS 686B.070, the Commissioner shall issue a written order that includes, without limitation, the specific reasons for the disapproval, with citations to relevant statutes, and the date on which the disapproved increased or decreased rate must no longer be used for the issuance of new policies or contracts or the renewal of existing policies or contracts. The date established by the Commissioner must be not less than 90 days after the written order is issued. Except as otherwise provided in this subsection, the order does not affect any policy or contract made before the effective date of the order. The Commissioner may require that the premiums be adjusted after the effective date of the order for those policies or contracts in effect on the effective date of the order.~~ **(Deleted by amendment.)**

Sec. 24. ~~[~~NRS 686B.112 is hereby amended to read as follows:

~~686B.112 1. The Commissioner shall perform an actuarial review of and consider each rate filing of a health plan issued pursuant to the provisions of~~

~~chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed rate which is contained in a rate filing will result in a rate which is not in compliance with NRS 686B.050 or subsection [3] 4 of NRS 686B.070, the Commissioner shall disapprove the rate filing. The Commissioner shall approve or disapprove each rate filing not later than 60 days after the rate filing is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the rate filing within that period, the rate filing shall be deemed approved.~~

~~2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.~~

~~3. If the Commissioner disapproves a rate filing pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:~~

~~(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or~~

~~(b) Within a period agreed upon by the insurer and the Commissioner.~~

~~→ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the rate filing for which the hearing is held within 45 days after the hearing, the rate filing shall be deemed approved.~~

~~4. The Commissioner shall by regulation specify the documents or any other information which must be included in a rate filing submitted to the Commissioner pursuant to subsection 1. Each such rate filing shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the rate filing is filed with the Commissioner, determines that the rate filing is incomplete because the rate filing does not comply with the regulations adopted by the Commissioner pursuant to this subsection.~~

~~5. The Commissioner may assess against an insurer the actual cost for the external actuarial review of a rate filing submitted pursuant to subsection 1.]~~ **(Deleted by amendment.)**

Sec. 25. ~~[NRS 686B.117 is hereby amended to read as follows:~~

~~686B.117 If a filing made with the Commissioner pursuant to paragraph (a) of subsection 1 of NRS 686B.070 pertains to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of~~

~~NRS for a breach of the practitioner's professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:~~

~~1. Complies with the standards set forth in NRS 686B.050 and subsection [3] 4 of NRS 686B.070.~~

~~2. Should be approved or disapproved.]~~ **(Deleted by amendment.)**

Sec. 25.1. **Chapter 691A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An insurer that issues a policy of property insurance may exclude the peril of wildfire from the coverage provided under the policy.

2. An insurer may, subject to any other applicable provisions of this title, issue a policy of property insurance that solely covers the peril of wildfire. Such a policy may be offered:

(a) On a standalone basis; or

(b) In coordination with a policy that excludes the peril of wildfire pursuant to subsection 1.

3. An insurer may use a definition of "wildfire" in the policy that varies from the definition set forth in subsection 4 if the Commissioner has approved the variance.

4. As used in this section, "wildfire" means an unplanned and uncontrolled fire in an area of combustible vegetation that originated from outside any residential or commercial property.

Sec. 25.2. **Chapter 694B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 2, a reciprocal insurer shall at all times maintain an unearned premium reserve equal to not less than 50 percent of the net written premiums of the subscribers on policies that have 1 year or less to run and pro rata on those for longer periods, except that, as to marine and transportation insurance, the entire amount of premiums on trip risks not terminated shall be deemed unearned.

2. If, at any time, the amount of the unearned premium reserve maintained by a reciprocal insurer pursuant to subsection 1 is less than $100,000, the reciprocal insurer shall maintain cash or securities acceptable to the Commissioner in an amount that, when added to the amount of the unearned premium reserve maintained pursuant to subsection 1, equals not less than $100,000.

3. The amount of the bond filed with the Commissioner pursuant to NRS 694B.100 must be included as part of the unearned premium reserve maintained by a reciprocal insurer pursuant to subsection 1.

4. For the purposes of subsection 1, net written premiums is determined by subtracting from the sum of the amount of all premium payments made by the subscribers and the premiums due from subscribers:

(a) Any amount specifically provided for in the agreements of the subscribers for expenses, including, without limitation, reinsurance costs; and

(b) The amount of any fees paid to the attorney of the reciprocal insurer, only if the power of attorney agreement with the attorney of the reciprocal insurer contains an explicit provision requiring the attorney to refund any unearned subscribers' fees on a pro-rata basis for any policy that is cancelled.

Sec. 25.3. **NRS 694B.150 is hereby amended to read as follows:**

694B.150 In determining the financial condition of a reciprocal insurer the Commissioner shall apply the following rules:

1. The Commissioner shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

2. The surplus deposits of subscribers shall be allowed as assets, except that any premium deposits delinquent for 90 days shall first be charged against such surplus deposit.

3. The surplus deposits of subscribers shall not be charged as a liability.

4. All premium deposits delinquent less than 90 days shall be allowed as assets.

5. An assessment levied upon subscribers, and not collected, shall not be allowed as an asset.

6. The contingent liability of subscribers shall not be allowed as an asset.

7. ~~[The computation of reserves shall be based upon premium deposits other than membership fees and without any deduction for expenses and the compensation of the attorney.]~~ ***Reserves must be maintained as required by section 25.2 of this act.***

Sec. 25.4. **NRS 694C.113 is hereby amended to read as follows:**

694C.113 "Participant" means a corporation, association, limited-liability company, partnership, trust, sponsor or other business organization, ~~[and]~~ any affiliate thereof, ***and a homeowner or a unit-owners' association, as defined in NRS 116.011,*** that is insured by a sponsored captive insurer, where the losses of the participant are limited by a participant contract to the participant's pro rata share of the assets of one or more protected cells identified in such participant contract.

Sec. 25.5. **NRS 694C.300 is hereby amended to read as follows:**

694C.300 1. Except as otherwise provided in this section, a captive insurer licensed pursuant to this chapter may transact any form of insurance described in NRS 681A.020 to 681A.080, inclusive.

2. A captive insurer licensed pursuant to this chapter:

(a) Shall not directly provide personal motor vehicle ~~[or homeowners']~~ insurance coverage, or any component thereof.

(b) Shall not accept or cede reinsurance, except as otherwise provided in NRS 694C.350.

(c) May provide excess workers' compensation insurance to its parent and affiliated companies, unless otherwise prohibited by the laws of the state in which the insurance is transacted.

(d) May reinsure workers' compensation insurance provided pursuant to a program of self-funded insurance of its parent and affiliated companies if:

(1) The parent or affiliated company which is providing the self-funded insurance is certified as a self-insured employer by the Commissioner, if the insurance is being transacted in this State; or

(2) The program of self-funded insurance is otherwise qualified pursuant to, or in compliance with, the laws of the state in which the insurance is transacted.

3. A pure captive insurer shall not insure any risks other than those of its parent and affiliated companies or controlled unaffiliated businesses.

4. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** association captive insurer shall not insure any risks other than those of the member organizations of its association and the affiliated companies of the member organizations. ***An association captive insurer may insure the risks of individual homeowners who combine into an association for the purpose of procuring homeowners' insurance or the risks of individual units' owners in a common-interest community so long as the association captive insurer is owned by the association created by the homeowners or the unit-owners' association of the common-interest community, as applicable.***

5. A state-chartered risk retention group shall not insure any risks other than those of the members of its association.

6. An agency captive insurer shall not insure any risks other than those of the policies that are placed by or through the insurance agency or brokerage that owns the captive insurer.

7. A rental captive insurer shall not insure any risks other than those of the policyholders or associations that have entered into agreements with the rental captive insurer for the insurance of those risks. Such agreements must be in a form which has been approved by the Commissioner.

8. A sponsored captive insurer shall not insure any risks other than those of its participants. ***A sponsored captive insurer may insure the risks of individual homeowners, including, without limitation, units' owners in a common-interest community, who elect to become a participant of a protected cell of a sponsored captive insurer.***

9. As used in this section ~~[, "excess]~~ ***:***

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Excess workers' compensation insurance" means insurance in excess of the specified per-incident or aggregate limit, if any, established by:

~~[(a)]~~ ***(1)*** The Commissioner, if the insurance is being transacted in this State; or

~~[(b)]~~ ***(2)*** The chief regulatory officer for insurance in the state in which the insurance is being transacted.

(c) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

(d) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 25.6. **NRS 116.3113 is hereby amended to read as follows:**

116.3113 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available and subject to reasonable deductibles, all of the following:

(a) Property insurance on the common elements and, in a planned community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which insurance, after application of any deductibles, must be not less than 80 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies.

(b) Commercial general liability insurance, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, also of all units.

(c) Crime insurance which includes coverage for dishonest acts by members of the executive board and the officers, employees, agents, directors and volunteers of the association and which extends coverage to any business entity that acts as the community manager of the association and the employees of that entity. Such insurance may not contain a conviction requirement, and the minimum amount of the policy must be not less than an amount equal to 3 months of aggregate assessments on all units plus reserve funds or $5,000,000, whichever is less.

(d) Directors and officers insurance that is a nonprofit organization errors and omissions policy in a minimum aggregate amount of not less than $1,000,000 naming the association as the owner and the named insured. The coverage must extend to the members of the executive board and the officers, employees, agents, directors and volunteers of the association and to the community manager of the association and any employees thereof while acting as agents as insured persons under the policy terms. Coverage must be subject to the terms listed in the declaration.

2. ~~[In the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under paragraph (a) of subsection 1, to the extent reasonably available, must include the units, but need not include improvements and betterments installed by units' owners.~~

~~3.]~~ If the insurance described in ~~[subsections]~~ ***subsection*** 1 ~~[and 2]~~ is not reasonably available, the association promptly shall cause notice of that fact to be given to all units' owners. The declaration may require the association to

carry any other insurance, and the association may carry any other insurance it considers appropriate to protect the association or the units' owners.

~~[4.]~~ ***3.*** An insurance policy issued to the association does not prevent a unit's owner from obtaining insurance for the unit's owner's own benefit.

Sec. 25.7. **NRS 116.31133 is hereby amended to read as follows:**

116.31133 1. Insurance policies carried pursuant to NRS 116.3113 must provide that:

(a) Each unit's owner is an insured person under the policy with respect to liability arising out of the unit's owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit's owner or member of his or her household;

(c) No act or omission by any unit's owner, unless acting within the scope of his or her authority on behalf of the association, voids the policy or is a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy provides primary insurance.

2. Any loss covered by the property policy under ~~[subsections]~~ ***subsection*** 1 ~~[and 2]~~ of NRS 116.3113 must be adjusted with the association, but the proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a security interest. The insurance trustee or the association shall hold any insurance proceeds in trust for the association, units' owners and lienholders as their interests may appear. Subject to NRS 116.31135, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, units' owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored, or the common-interest community is terminated.

3. An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit's owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each unit's owner and each holder of a security interest to whom a certificate or memorandum of insurance has been issued at their respective last known addresses.

Sec. 26. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,

116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,

534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 17 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested

public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. **Sections 25.4 to 25.7, inclusive, of this act become effective on July 1, 2025.**

3. Sections 1 to **25.3, inclusive, and** 26 ~~[, inclusive,]~~ of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

~~[3.]~~ **4.** Sections 2 to 20, inclusive, and section 26 of this act expire by limitation on January 1, 2030.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 3.

The following Senate amendment was read:

Amendment No. 668.

AN ACT relating to civil actions; revising provisions relating to alternate dispute resolution for certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, civil actions for damages that do not exceed $50,000 per plaintiff to be submitted to nonbinding arbitration. (NRS 38.250, 38.255) **Section 1.5** of this bill increases the monetary threshold for mandatory nonbinding arbitration in civil actions to $100,000 per plaintiff. **Section 2** of this bill makes a conforming change to reflect that the monetary threshold for mandatory nonbinding arbitration is increased to $100,000 per plaintiff by **section 1.5**.

Existing law requires the Supreme Court to adopt rules to provide for the establishment of a program of arbitration, and such rules must include, for example: (1) provisions for the payment of fees to an arbitrator who is appointed to hear a case and who must be compensated at a rate of $100 per hour, to a maximum of $1,000 per case, unless otherwise authorized by the arbitration commissioner for good cause shown; (2) guidelines for the award of attorney's fees; and (3) exclusion of certain types of actions from the program, such as class actions, probate actions and actions involving domestic relations. (NRS 38.255) **Section 2** revises the requirements for the rules adopted by the Supreme Court to: (1) ~~[increase the rate of]~~ **remove the existing limitations on the amount of** compensation for an arbitrator ~~[to $150 per hour, to a maximum of $2,000 per case;]~~ **and instead require the payment of both fees and costs to an arbitrator, which are generally subject to certain maximum limitations on compensation required to be established by the rules;** (2) authorize an arbitrator to award to a prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule, and ~~[fees,]~~ costs and interest ~~[in an amount not to exceed $15,000,]~~ as provided by specific statute or court rule; **and** (3) exclude additional types of actions from the program **.** ~~[; and (4) provide that, based upon the amount of the arbitration award, a trial anew after an arbitration must be conducted either in district court or as a short trial.]~~

Existing law provides that the Supreme Court may authorize the use of settlement conferences and other alternative methods of resolving disputes, including, without limitation, a short trial. If the Supreme Court authorizes the use of an alternative method of resolving disputes, the Supreme Court is required to adopt rules and procedures to govern the use of any such method. (NRS 38.258) **Section 3** of this bill provides that if the Supreme Court authorizes the use of a short trial, in addition to any other appropriate provisions, the rules and procedures governing a short trial must authorize the short trial judge to award to the prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule.

~~[Existing law provides that if an action is submitted to arbitration and, after arbitration, a party requests a trial anew before a jury: (1) the written findings~~

~~made by the arbitrator or the panel of arbitrators must be admitted at trial; and (2) the court is required to give a specific instruction to the jury. (NRS 38.259) Section 4 of this bill removes such requirements.]~~

Sections 1, 1.5 and 3 make a conforming change to apply the definition of the term "short trial" to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 38.250 to 38.259, inclusive, unless the context otherwise requires, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than eight persons and a specified limit on the amount of time each party may use to present the party's case.

Sec. 1.5. NRS 38.250 is hereby amended to read as follows:

38.250 1. Except as otherwise provided in NRS 38.310:

(a) All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed ~~[~~$50,000~~]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs, must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, unless the parties have agreed or are otherwise required to submit the action to an alternative method of resolving disputes established by the Supreme Court pursuant to NRS 38.258, including, without limitation, a settlement conference, mediation or a short trial.

(b) A civil action for damages filed in justice court may be submitted to binding arbitration or to an alternative method of resolving disputes, including, without limitation, a settlement conference or mediation, if the parties agree to the submission.

2. An agreement entered into pursuant to this section must be:

(a) Entered into at the time of the dispute and not be a part of any previous agreement between the parties;

(b) In writing; and

(c) Entered into knowingly and voluntarily.

➥ An agreement entered into pursuant to this section that does not comply with the requirements set forth in this subsection is void.

~~[3. As used in this section, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than eight persons and a specified limit on the amount of time each party may use to present the party's case.]~~

Sec. 2. NRS 38.255 is hereby amended to read as follows:

38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253 to provide guidelines for the establishment by a district court of a program must include provisions for a:

(a) Mandatory program for the arbitration of civil actions pursuant to NRS 38.250.

(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds ~~[$50,000]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs.

(c) Voluntary program for the use of binding arbitration in all civil actions.

2. The rules must provide that the district court of any judicial district whose population is 100,000 or more:

(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.

(b) May set fees and charge parties for arbitration if the amount in issue exceeds ~~[$50,000]~~ ***$100,000*** per plaintiff, exclusive of attorney's fees, interest and court costs.

➥ The rules may provide for similar programs for the other judicial districts.

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than ~~[$50,000]~~ ***$100,000*** or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

(e) Probate actions;

(f) Appeals from courts of limited jurisdiction;

(g) Actions for declaratory relief;

(h) Actions involving divorce or problems of domestic relations;

(i) Actions brought for relief based on any extraordinary writs;

(j) Actions for the judicial review of an administrative decision;

(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to rules adopted by the Supreme Court, have submitted the controversy to arbitration or any other alternative method for resolving a dispute;

(l) Actions that present unusual circumstances that constitute good cause for removal from the program;

(m) Actions in which any of the parties is incarcerated; ~~[and]~~

(n) Actions submitted to mediation pursuant to rules adopted by the Supreme Court ~~[.]~~ ***;***

(o) Actions in which an insurer is alleged to have acted in bad faith regarding its obligations to provide insurance coverage and punitive damages are sought;

(p) Actions involving sexual assault or sexual battery; and

(q) Actions for product liability.

4. The rules must include:

(a) Provisions for the payment of fees ***and costs*** to an arbitrator who is appointed to hear a case pursuant to the rules. The rules must ~~[provide that]~~ ***set maximum limitations on the compensation of*** an arbitrator ~~[must be compensated at a rate of~~ $100 ***$150*** ~~per hour, to a maximum of~~ $1,000 ***$2,000*** ~~per case, unless otherwise authorized]~~ ***, except that the limitations may be waived*** by the arbitration ***judge or arbitration*** commissioner for good cause shown.

(b) Guidelines ~~[for the]~~ ***authorizing an arbitrator to*** award ~~[of attorney's]~~ ***to the prevailing party:***

(1) Attorney's fees ~~[and]~~ ***in an amount not to exceed $15,000, as provided by specific statute or court rule; and***

(2) ~~[Fees, costs]~~ Costs and interest ~~[in an amount not to exceed $15,000,]~~ as provided by specific statute or court rule.

(c) Guidelines setting maximum limitations on the costs to the parties of the arbitration.

~~[(c)]~~ ***(d)*** Disincentives to appeal.

~~[(d)]~~ ***(e)*** Provisions for trial upon the exercise by either party of the party's right to a trial anew after the arbitration. ~~***[The rules must provide that if the arbitration award:***~~

~~***(1) Exceeds $50,000, exclusive of attorney's fees, costs and interest, the trial anew must be conducted in the district court.***~~

~~***(2) Is $50,000 or less, exclusive of attorney's fees, costs and interest, the trial anew must be conducted as a short trial.]***~~

Sec. 3. NRS 38.258 is hereby amended to read as follows:

38.258 1. The Supreme Court may authorize the use of settlement conferences and other alternative methods of resolving disputes, including, without limitation, mediation and a short trial, that are available in the county in which a district court is located:

(a) In lieu of submitting an action to nonbinding arbitration pursuant to NRS 38.250; or

(b) During or following such nonbinding arbitration if the parties agree that the use of any such alternative methods of resolving disputes would assist in the resolution of the dispute.

2. If the Supreme Court authorizes the use of an alternative method of resolving disputes pursuant to subsection 1, the Supreme Court shall adopt rules and procedures to govern the use of any such method.

3. ~~[As used in this section, "short trial" has the meaning ascribed to it in NRS 38.250.]~~ ***If the Supreme Court authorizes the use of a short trial pursuant to this section, in addition to any other appropriate provisions, the rules and procedures governing a short trial must authorize the short trial judge to award to the prevailing party attorney's fees in an amount not to exceed $15,000, as provided by specific statute or court rule.***

Sec. 4. ~~[NRS 38.259 is hereby amended to read as follows:~~

~~38.259 1. If an action is submitted to arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, the arbitrator or panel of arbitrators shall, in addition to any other written findings of fact or conclusions of law, make written findings in accordance with this subsection concerning each cause of action. The written findings must be in substantially the following form, with "panel of arbitrators" being substituted for "arbitrator" when appropriate:~~

~~Based upon the evidence presented at the arbitration hearing concerning the cause of action for ....., the arbitrator finds in favor of .....(name of the party) and .....("awards damages in the amount of $....." or "does not award any damages on that cause of action").~~

~~2. If an action is submitted to arbitration in accordance with the provisions of NRS 38.250 to 38.259, inclusive, and, after arbitration, a party requests a trial anew before a jury [:~~

~~(a) The written findings made by the arbitrator or the panel of arbitrators pursuant to subsection 1 must be admitted at trial. The] , *the* testimony of the arbitrator or arbitrators, whenever taken, must not be admitted at trial, and the arbitrator or arbitrators must not be deposed or called to testify concerning the arbitration. Any other evidence concerning the arbitration must not be admitted at trial, unless the admission of such evidence is required by the Constitution of this State or the Constitution of the United States.~~

~~[(b) The court shall give the following instruction to the jury concerning the action, substituting "panel of arbitrators" for "arbitrator" when appropriate:~~

~~During the course of this trial, certain evidence was admitted concerning the findings of an arbitrator. On the cause of action for ....., the arbitrator found in favor of .....(name of the party) and .....("awarded damages in the amount of $....." or "did not award any damages on that cause of action"). The findings of the arbitrator may be given the same weight as other evidence or may be disregarded. However, you must not give those findings undue weight because they were made by an arbitrator, and you must not use the findings of the arbitrator as a substitute for your independent judgment. You must weigh all the evidence that was presented at trial and arrive at a conclusion based upon your own determination of the cause of action.~~

~~3. The court shall give a separate instruction pursuant to paragraph (b) of subsection 2 for each such cause of action that is tried before a jury.]~~ **(Deleted by amendment.)**

Sec. 5. The amendatory provisions of this act apply to civil actions filed on or after January 1, 2026.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 668 to Assembly Bill No. 3.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 137.

The following Senate amendment was read:

Amendment No. 625.

AN ACT relating to liens; revising certain requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, in general, that if the occupant of a storage space at a facility for storage defaults on the payment of rent or other charges that are due to the owner of the facility pursuant to a rental agreement, the owner has a lien on the personal property of the occupant contained in the storage space. (NRS 108.4753) Existing law authorizes an owner to sell certain personal property of the occupant to satisfy the lien after the owner has provided certain notices to the occupant. (NRS 108.476, 108.4763, 108.477) Existing law: (1) requires the owner to advertise a sale to satisfy a lien once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper of general circulation in the judicial district where the sale is to be held; and (2) sets forth the requirements for the contents of such an advertisement. **If there is no newspaper of general circulation in the judicial district where the sale is to be held, existing law requires the advertisement to be posted 10 days before the sale in at least six conspicuous places near the place of the sale.** (NRS 108.477) This bill **revises those requirements concerning the advertising of sales of personal property to satisfy the lien of an owner of a facility for storage to** instead ~~[requires that the advertisement appear in a newspaper of general circulation in the county, rather than the judicial district, where the sale is to be held. This bill also authorizes]~~ **require** an owner ~~[, in lieu of advertising]~~ **to advertise the sale** in a newspaper of general circulation ~~[, to advertise the sale for a period of 10 consecutive days]~~ **at least one time in the week** immediately preceding the date of the sale**. If there is no newspaper of general circulation in the judicial district where the sale is to be held, this bill authorizes an owner, as an alternative to posting the advertisement in at least six conspicuous places near the place of the sale, to post the advertisement** on an Internet website which is publicly accessible ~~[and which customarily advertises or conducts sales of property.]~~ **10 days before the sale.** This bill also revises the required contents of an advertisement for such a sale to eliminate the requirement that the advertisement contain a general description of the personal property to be sold.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. The owner shall ***, at least one time in the week immediately preceding the date of the sale,*** advertise the sale ~~[once:~~

~~(a) Once a week for 2 consecutive weeks immediately preceding the date of the sale]~~ in a newspaper of general circulation in the judicial district ~~*[county]*~~ where the sale is to be held ***.*** ~~*[; or*~~

~~*(b) For a period of 10 consecutive days immediately preceding the date of the sale on an Internet website which is publicly accessible and which customarily advertises or conducts sales of property.]*~~

3. The advertisement ***required pursuant to subsection 2*** must contain:

(a) ~~[A general description of the personal property to be sold;~~

~~(b)]~~ The name of the occupant;

~~[(c)]~~ ***(b)*** The number of the individual storage space at the facility where the personal property was stored; and

~~[(d)]~~ ***(c)*** The name and address of the facility.

~~[3.]~~ ***4.*** If there is no newspaper of general circulation in the judicial district ~~*[county]*~~ where the sale is to be held ***,*** ~~*[and the owner does not advertise the sale in the manner specified in paragraph (b) of subsection 2,]*~~ the advertisement must be posted 10 days before the sale ~~[in]~~ ***:***

(a) In at least six conspicuous places near the place of the sale ~~[.~~

~~4.]~~ ***; or***

(b) On an Internet website which is publicly accessible.

5. The sale must be conducted in a commercially reasonable manner.

~~[5.]~~ ***6.*** After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

~~[6.]~~ ***7.*** The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 625 to Assembly Bill No. 137.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 209.

The following Senate amendment was read:

Amendment No. 626.

AN ACT relating to crimes; providing immunity from criminal liability for engaging in prostitution or solicitation for prostitution under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a peace officer who detains, arrests or issues a citation to a prostitute for a violation of the prohibition against unlawfully engaging in prostitution or solicitation for prostitution to provide information relating to certain assistance for which the prostitute might be eligible. Existing law also requires a prosecuting attorney to dismiss the charge against a prostitute for such a violation if the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking. (NRS 201.353)

Section 2 of this bill declares that it is the public policy of this State to encourage the ability of victims of serious violent crimes to report such crimes and to participate in the criminal justice system without fear of criminal prosecution for engaging in prostitution or solicitation for prostitution. **Section 3** of this bill provides that a prostitute who engages in prostitution or solicitation for prostitution is immune from criminal liability if the prostitute seeks ~~[emergency or]~~ medical assistance **from a 911 emergency service or medical provider** and the evidence for the alleged violation was obtained as a result thereof. **Section 4** of this bill applies the definitions in existing law relating to prostitution to **sections 2 and 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby declares that the public policy of this State is to encourage victims of serious violent crimes to report such crimes and to participate in the criminal justice system. Those persons who are working in sex industries that are criminalized by state law often do not report serious crimes committed against themselves because of fear of arrest and prosecution for sex work. Providing immunity from criminal liability to prostitutes engaging in prostitution or solicitation for prostitution ensures that victims of serious violent***

crimes that occur during prostitution offenses may come forward to report the perpetrators without fear of arrest and prosecution.

Sec. 3. ***Notwithstanding any other provision of law, a prostitute is immune from criminal liability for committing a violation of NRS 201.353 or paragraph (b) of subsection 1 of NRS 207.030 if:***

1. The prostitute seeks medical assistance from a 911 emergency service or medical provider; and

2. The evidence for the alleged violation was obtained as a result of:

(a) The prostitute seeking medical assistance;

(b) The immediate need for medical assistance; or

(c) The reporting of a need for medical assistance.

Sec. 4. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 5. The amendatory provisions of this act apply to any offense committed on or after October 1, 2025.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 626 to Assembly Bill No. 209.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 351.

The following Senate amendment was read:

Amendment No. 672.

AN ACT relating to juvenile justice; granting the juvenile court limited jurisdiction over certain persons who are 21 years of age or older; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the juvenile court limited jurisdiction over a person who is 21 years of age or older if: (1) the person is charged with the commission of a delinquent act that occurred when the person was at least 16 years of age but less than 18 years of age; (2) the delinquent act would have been a category A or B felony if committed by an adult; and (3) certain other requirements are met. (NRS 62B.335) The Nevada Supreme Court has held that existing law does not grant any court in this State jurisdiction over a person who is 21 years of age or older who is charged with the commission of certain delinquent acts that occurred when the person was less than 16 years of age. (*Zalyaul v. State*, 138 Nev. 760 (2022)) **Section 1** of this bill addresses this jurisdictional gap by granting the juvenile court limited jurisdiction over a person who is 21 years of age or older if a petition charging the person with the commission of certain delinquent acts that occurred when the person was at least 13 years of age but less than 18 years of age is filed and certain other requirements are met.

In general, existing law requires the juvenile court to hold a hearing to determine whether the case of a person over whom the juvenile court has limited jurisdiction should be: (1) dismissed; or (2) transferred from the juvenile court to the district court for criminal proceedings. (NRS 62B.335) By granting the juvenile court limited jurisdiction over a person who is 21 years of age or older who is charged with the commission of a delinquent act that occurred when the person was less than 18 years of age, **section 1** requires the juvenile court to hold a hearing **and consider certain factors relating to the interests of justice and need for protection of the public** to determine whether the case of any such person should be dismissed or transferred to the district court for criminal proceedings.

Section 2 of this bill makes the amendatory provisions of **section 1** applicable to offenses committed on or after October 1, 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.335 is hereby amended to read as follows:

62B.335 1. ~~If:~~

~~(a) A~~ ***The juvenile court shall conduct a hearing to determine whether there is probable cause to believe that a*** person ~~is charged with the commission of~~ ***committed*** a delinquent act ~~that occurred when the person was at least 16 years of age but less than 18 years of age;~~

~~(b) The delinquent act would have been a category A or B felony if committed by an adult;~~

~~(c)~~ ***that occurred when the person was:***

(a) At least 16 years of age but less than 18 years of age if:

(1) A petition is filed charging the person with a category A or B felony and a writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(2) The writ is not served before the date on which the person reaches 21 years of age.

(b) At least 14 years of age but less than 16 years of age if:

(1) A petition is filed charging the person with a category A or B felony involving the use or threatened use of a deadly weapon ~~[; and]~~ and:

(I) A writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(II) The writ is not served before the date on which the person reaches 21 years of age; or

(2) The person is ***not*** identified by law enforcement as having committed the delinquent act before the ***date on which the*** person reaches 21 years of age**.** ~~; and~~

~~(d) The person is apprehended by law enforcement after the person reaches 21 years of age,~~

~~➥ the juvenile court has jurisdiction over the person to conduct a hearing and make the determinations required by this section in accordance with the provisions of this section.]~~

(c) Except as otherwise provided in NRS 62B.330, at least 13 years of age if:

(1) A petition is filed charging the person with murder or attempted murder ~~[; and]~~ and:

(I) A writ of attachment is issued pursuant to NRS 62C.320 before the date on which the person reaches 21 years of age; and

(II) The writ is not served before the date on which the person reaches 21 years of age; or

(2) The person is not identified by law enforcement as having committed the delinquent act before the date on which the person reaches 21 years of age.

2. ~~[The juvenile court shall conduct a hearing to determine whether there is probable cause to believe that the person committed the delinquent act.~~

~~3.]~~ If the juvenile court determines that there is not probable cause to believe that the person committed the delinquent act, the juvenile court shall dismiss the charges and discharge the person.

~~[4.]~~ ***3.*** If the juvenile court determines that there is probable cause to believe that the person committed the delinquent act, the juvenile court shall determine whether, based upon ***clear and convincing evidence and considering*** the interests of justice and the need for protection of the public, to:

(a) Dismiss the charges; or

(b) Transfer the case for proper criminal proceedings to any court that would have jurisdiction over the delinquent act if the delinquent act were committed by an adult.

~~[5.]~~ ***4.*** In determining the interests of justice and the need for protection of the public, the juvenile court shall consider:

(a) The number, date, nature and gravity of the delinquent acts committed by the person.

(b) Whether the delinquent acts involved the use of a weapon, violence or infliction of serious bodily injury.

(c) The impact to any victim of the person.

(d) The extent to which the person has already received punishment, counseling, therapy or treatment after the commission of the delinquent acts, and the response of the person to any such punishment, counseling, therapy or treatment.

(e) The behavior of the person since the date on which the person committed the delinquent acts, including, without limitation, the character, maturity, educational progress and work history of the person.

(f) Any evidence that the person engaged in recent threats against any person or expressed the intent to commit a crime in the future.

(g) Psychological or psychiatric evidence that indicates a risk of recidivism.

(h) Any emotional or mental health condition that existed at the time of the commission of the delinquent act.

(i) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness.

(j) ***Any reason for delay between the alleged delinquent act and arrest.***

(k) The effect of time on the reliability of any witness and evidence.

(l) Any other factor the juvenile court finds relevant.

~~[6.]~~ ***5.*** If the case is transferred for criminal proceedings pursuant to this section, the court shall also transfer any other related offense arising out of the same facts as the delinquent act, regardless of the nature of the related offense.

~~[7.]~~ ***6.*** The court to which the case is transferred has original jurisdiction over the person.

~~[8.]~~ ***7.*** A person held in custody pursuant to this section must be held in the state prison, a county or city jail or detention facility for adults and is entitled to bail as established in criminal proceedings.

Sec. 2. The amendatory provisions of this act apply to offenses committed on or after October 1, 2013.

Sec. 3. This act becomes effective upon passage and approval.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 672 to Assembly Bill No. 351.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 387.

The following Senate amendment was read:

Amendment No. 577.

AN ACT relating to guardianship; revising provisions relating to service of certain notices, petitions and citations relating to guardianships of minors; revising provisions relating to the appointment, modification, removal or termination of guardianships of minors; revising provisions relating to the powers and duties of guardians of minors; revising provisions relating to the management of the estates, property and other assets of protected minors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures relating to the appointment of guardians of minors and prescribes the powers and duties of the guardians. (Chapter 159A of NRS) Specifically, existing law requires a notice of a petition in a guardianship proceeding for a minor, the petition and a citation relating to the time and place of the hearing on the petition to be served on certain persons. (NRS 159A.034, 159A.047, 159A.0475) **Sections 3, 8 and 9** of this bill make various changes related to the persons who are required to be served with the notice, petition or citation.

Existing law prescribes the method of service related to certain petitions and citations required to be served in guardianship proceedings for minors. (NRS

159A.034, 159A.0475, 159A.052, 159A.053) **Sections 3, 9, 13 and 14** of this bill make various changes related to the method of service.

Existing law requires a petition for the appointment of a guardian for a minor to include certain information. (NRS 159A.044) Similarly, existing law sets forth the information that must be contained in a petition for the appointment of a temporary guardian of a minor. (NRS 159A.053) **Sections 4 and 14** of this bill revise the information that is required to be contained in the petition for the appointment of a guardian and a petition for the appointment of a temporary guardian, respectively.

Existing law requires a proposed guardian to file a proposed preliminary care plan and budget under certain circumstances. (NRS 159A.0445) **Section 5** of this bill: (1) expands the circumstances under which a proposed guardian may be required to file a proposed preliminary care plan and budget; and (2) requires the annual review and revision of the budget under certain circumstances.

Existing law authorizes a court to appoint an attorney to represent a protected minor or proposed protected minor in guardianship proceedings. (NRS 159A.045) **Section 6** of this bill provides that if a court appoints an attorney to represent a protected minor or proposed protected minor in a jurisdiction where there are certain established programs for legal services, the court must appoint an attorney from that program in those circumstances. **Section 6** also establishes provisions that address the scenario under which the program for legal services has insufficient funding to support the representation of each child who would otherwise qualify for the appointment of an attorney under the new procedures and requires such attorneys to comply with the Nevada Rules of Professional Conduct. **Sections 7 and 10** of this bill make certain changes to reflect the procedures for the appointment of an attorney under **section 6**.

Section 11 of this bill deems a protected minor or proposed protected minor who is the subject of guardianship proceedings to be a party to the proceedings.

Existing law authorizes a court to determine that a petitioner is a vexatious litigant under certain circumstances. (NRS 159A.0486) **Section 12** of this bill expands the circumstances under which a court may find that a petitioner is a vexatious litigant to include certain acts involving a parent of a protected minor or proposed protected minor.

Existing law authorizes a person to petition the court for the appointment of a temporary guardian under certain circumstances. (NRS 159A.052, 159A.053) **Sections 13 and 14** make various changes to these procedures for the purpose of providing that a court may require a hearing on the petition before determining the need to appoint a temporary guardian.

Existing law requires a proposed protected minor to attend a hearing for the appointment of a guardian unless certain evidence is shown to the court. (NRS 159A.0535) **Section 15** of this bill removes this requirement related to the evidence and instead authorizes the court to waive the requirement for physical attendance or remote appearance for good cause shown.

Existing law establishes various procedures related to the issuance of orders for the appointment of a guardian and the burden of proof for the petitioner and certain other persons. (NRS 159A.055, 159A.0565, 159A.061) **Section 16** of this bill requires the petitioner to prove by clear and convincing evidence that the appointment of a guardian is in the best interests of the proposed protected minor. **Sections 16-18** of this bill also make various changes related to the issuance of such orders.

Existing law requires a guardian of a protected minor to perform certain duties that are necessary for the proper care, maintenance, education and support of the protected minor. (NRS 159A.079) **Section 20** of this bill additionally requires a guardian to facilitate appropriate contact between a protected minor and each parent of the protected minor under certain circumstances.

Existing law establishes certain requirements relating to the placement of a protected minor in a secured residential long-term care facility. (NRS 159A.079, 159A.0807) **Sections 20 and 21** of this bill make these requirements applicable to the placement of a protected minor in a facility that provides residential treatment.

Sections 20 and 22 of this bill also remove certain unnecessary references to the employment of certain providers of health care by the Department of Veterans Affairs.

Existing law requires a guardian of a protected minor to file an annual report and prescribes the required contents of the report. (NRS 159A.081) **Section 23** of this bill requires the report to include the frequency of visitation between the protected minor and any parent of the protected minor.

Existing law establishes the duties of a guardian of the estate of a protected minor. (NRS 159A.083) **Section 24** of this bill revises and expands the duties of a guardian of the estate related to investing, financial accounting, the expenditure of money and the management of certain other property. **Section 27** of this bill makes similar changes concerning the expenditure of money related to a guardian of a protected minor who is not a guardian of the estate of a protected minor. (NRS 159A.112) **Sections 19, 25-31, 36 and 39** of this bill make various other changes related to the estate of a protected minor.

Existing law requires a guardian to notify the court if the guardian is subject to certain disqualifying events. (NRS 159A.1852) **Section 32** of this bill removes certain circumstances under which a guardian is required to provide such notice.

Existing law authorizes certain persons to petition the court to remove a guardian. (NRS 159A.1853) **Section 33** of this bill revises the persons who may file such a petition by removing the authority of a public guardian to file the petition and additionally authorizing an attorney of a protected minor or agency which provides child welfare services to file the petition. **Section 37** of this bill requires a court to consider certain factors related to petitions filed by the parent of a protected minor. (NRS 159A.1915)

Sections 33, 35, 38 and 40 of this bill revise the remedial actions that can be taken by a court under certain circumstances.

Existing law authorizes a court to appoint another guardian when a guardian dies or is removed by an order of the court. (NRS 159A.187) **Section 34** of this bill requires the court to provide notice of the matter to an agency which provides child welfare services if a guardian dies or is removed and there is not a qualified guardian or temporary substitute guardian willing to serve.

Section 1 of this bill defines the term "agency which provides child welfare services" for the purposes of the provisions of law governing guardianships of minors. **Section 2** of this bill makes a conforming change to indicate that the definition applies to the existing provisions of law.

Section 42 of this bill repeals various provisions of law related to the guardianship of minors. **Sections 2-4, 8 and 9** of this bill make conforming changes relating to the repeal of such provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 2. NRS 159A.013 is hereby amended to read as follows:

159A.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[159A.014]~~ ***159A.0145*** to 159A.0265, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 159A.034 is hereby amended to read as follows:

159A.034 1. Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on any petition filed in the guardianship proceeding to:

(a) Any protected minor who is 14 years of age or older, regardless of whether the protected minor is considered to have the capacity to understand or appreciate the contents of the petition.

(b) The parent or legal guardian of any protected minor **.** ~~[who is less than 14 years of age.]~~

(c) All known relatives of the protected minor who are within the second degree of consanguinity.

(d) Any other interested person or the person's attorney who has filed a request for notice in the guardianship proceedings and has served a copy of the request upon the ***guardian or the proposed*** guardian. ~~[The request for notice must state the interest of the person filing the request and the person's name and address, or that of his or her attorney.]~~

(e) The guardian, if the petitioner is not the guardian.

(f) Any person ~~[or care provider]~~ who is providing care for the protected minor, except that if the person ~~[or care provider]~~ is not related to the protected minor, such person ~~[or care provider]~~ must not receive copies of any inventory or accounting.

(g) ~~[The Director of the Department of Health and Human Services if the protected minor has received or is receiving benefits from Medicaid.]~~ ***An agency which provides child welfare services, if the proposed protected minor is in the care, custody or control of the agency which provides child welfare services.***

(h) Those persons entitled to notice if a proceeding were brought in the protected minor's home state.

2. The petitioner shall give notice not later than 10 days before the date set for the hearing:

(a) By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;

(b) By personal service; or

(c) In any other manner ordered by the court, upon a showing of good cause.

3. Except as otherwise provided in this subsection, if none of the persons entitled to notice of a hearing on a petition pursuant to this section can, after due diligence, be served by certified mail or personal service and this fact is proven by affidavit to the satisfaction of the court, service of the notice ~~[must]~~ ***may*** be made ~~[by publication]~~ in ~~[the]~~ ***any*** manner ~~[provided]~~ ***prescribed*** by the Nevada Rules of Civil Procedure. In all such cases, the notice must be ~~[published]~~ ***served*** not later than 10 days before the date set for the hearing. If, after the appointment of a guardian, a search for relatives of the protected minor listed in paragraph (c) of subsection 1 fails to find any such relative, the court may waive the notice ~~[by publication]~~ required by this subsection.

4. For good cause shown, the court may waive the requirement of giving notice.

5. A person entitled to notice pursuant to this section may waive such notice. Such a waiver must be in writing and filed with the court.

6. On or before the date set for the hearing, the petitioner shall file with the court proof of giving notice to each person entitled to notice pursuant to this section.

7. A request for notice filed pursuant to paragraph (d) of subsection 1:

(a) Must state the interest of the person filing the request and the name and address of the person or the attorney of the person; and

(b) Does not make the interested person a party to the guardianship proceeding.

Sec. 4. NRS 159A.044 is hereby amended to read as follows:

159A.044 1. Except as otherwise provided in NRS 127.045, a proposed protected minor, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.

(b) The name, date of birth and current address of the proposed protected minor.

(c) A copy of one of the following forms of identification of the proposed protected minor which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

➥ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 120 days after the appointment of a guardian or as otherwise ordered by the court.

(d) The date on which the proposed protected minor will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed protected minor will need guardianship after attaining the age of majority.

(e) Whether the proposed protected minor is a resident or nonresident of this State.

(f) The names and addresses of the relatives of the proposed protected minor who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159A.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the ***proposed*** guardian currently is not receiving compensation for services as a guardian to more than one protected person who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise provided in NRS 239.0115 or as otherwise required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A birth certificate;

(3) A valid driver's license number;

(4) A valid identification card number;

(5) A valid passport number;

(6) A valid permanent resident card number; or

(7) A valid tribal identification card number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which the proposed guardian was convicted and whether the proposed guardian was placed on probation or parole.

(j) ***Whether the proposed guardian or any person who resides with the proposed guardian:***

(1) Has ever been the subject of a report that has been assigned a disposition of substantiated pursuant to NRS 432B.305 or an equivalent disposition in another jurisdiction; or

(2) Is being investigated for child abuse or neglect by an agency which provides child welfare services.

(k) A summary of the reasons why a guardian is needed and any available documentation demonstrating the need for a guardianship, including, without limitation, any orders or other information from a court concerning the custody of the proposed protected minor.

~~[(k)]~~ ***(l) A statement concerning the suitability of the proposed guardian to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing, medical care and education.***

(m) A general description and the probable value of the property of the proposed protected minor and any income to which the proposed protected minor is or will be entitled, if the petition is for the appointment of a guardian of the estate.

~~[(l)]~~ ***(n)*** The name and address of any person ~~[or care provider]~~ having the care, custody or control of the proposed protected minor.

~~[(m)]~~ ***(o) A description of the relationship between the proposed guardian and the proposed protected minor.***

(p) The name of each person who resides with the proposed guardian and a description of the relationship between any such person and:

(1) The proposed guardian; and

(2) The proposed protected minor.

(q) If a petitioner is not a parent of the proposed protected minor ~~[, a]~~ ***:***

(1) A declaration explaining the relationship of the petitioner to the proposed protected minor or to the proposed protected minor's parents and the interest, if any, of that petitioner in the appointment ~~[.~~

~~(n)]~~ ***; and***

(2) The expected amount of parental involvement in the life of the proposed protected minor, if any.

(r) Requests for any of the specific powers set forth in NRS 159A.165 to 159A.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

~~[(o)]~~ ***(s)*** If the guardianship is sought as the result of an investigation of a report of abuse or neglect of the proposed protected minor, whether the referral was from a law enforcement agency or a state or county agency.

~~[(p)]~~ ***(t)*** Whether the proposed protected minor or the proposed guardian is a party to any pending criminal or civil ~~[litigation.~~

~~(q)]~~ ***proceeding, including, without limitation:***

(1) A proceeding for dependency; or

(2) A delinquency proceeding which is conducted pursuant to title 5 of NRS.

(u) Whether the guardianship is sought for the purpose of initiating litigation.

~~[(r)]~~ ***(v)*** Whether the proposed guardian has filed for or received protection under the federal bankruptcy laws within the immediately preceding 7 years.

Sec. 5. NRS 159A.0445 is hereby amended to read as follows:

159A.0445 ~~[Upon the filing of a petition for the appointment of a guardian, the]~~

1. A court may require a proposed guardian to file a proposed preliminary care plan and budget ~~[.]~~ ***upon:***

(a) The filing of a petition for the appointment of a guardian of the estate;

(b) The filing of a petition for the appointment of a guardian of the person and estate; or

(c) A finding of good cause shown.

2. The format of ~~[such]~~ a proposed preliminary care plan and budget ~~[and the timing of the filing thereof]~~ ***described in this section*** must be specified by a rule approved by the Supreme Court.

3. If a budget submitted pursuant to this section is approved, a court shall annually review the budget in conjunction with the annual accounting filed pursuant to NRS 159A.176 to 159A.184, inclusive.

4. If at any time the court determines that a budget is not reasonably calculated to meet the needs of a protected minor, the court may order the guardian to submit a revised proposed budget for review and approval by the court.

5. Nothing in this section shall be deemed to alleviate the duty of a parent to financially provide for the basic needs of a protected minor, including, without limitation, food, shelter, clothing and medical care.

Sec. 6. NRS 159A.045 is hereby amended to read as follows:

159A.045 1. On or after the date of the filing of a petition to appoint a guardian:

(a) ~~[The]~~ ***Subject to subsection 2, the*** court may appoint an attorney to represent the protected minor or proposed protected minor; and

(b) The attorney must represent the protected minor or proposed protected minor until relieved of that duty by court order.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, if a petition to appoint a guardian is filed in a jurisdiction where there is a program for legal services that receives the fees charged pursuant to NRS 19.031 for the***

operation of programs for the indigent and the protected minor or proposed protected minor would qualify for representation from the program in the guardianship proceeding, the court shall appoint an attorney from the program to represent the protected minor or proposed protected minor.

3. If a program for legal services described in subsection 2 has insufficient funds to support the representation of each child who would qualify for the appointment of an attorney pursuant to subsection 2, the program shall determine the number of protected minors or proposed protected minors supported from the available funds.

4. If an attorney appointed pursuant to subsection 1 is not compensated by any public money for the representation and the protected minor or proposed protected minor has an estate, the court may authorize an attorney ~~[is entitled]~~ to ***receive*** reasonable compensation from the estate ***.*** ~~[of the protected minor or proposed protected minor.]~~

5. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the attorney.

~~[3.]~~ ***6.*** An attorney who is appointed pursuant to subsection 1 may not serve as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor.

7. An attorney appointed to represent a protected minor or proposed protected minor shall comply with the Nevada Rules of Professional Conduct.

8. The provisions of this section do not prohibit:

(a) A protected minor or proposed protected minor from retaining counsel; or

(b) An attorney from providing legal services on a pro bono basis to a protected minor or a proposed protected minor.

Sec. 7. NRS 159A.0455 is hereby amended to read as follows:

159A.0455 1. The court may appoint a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is the subject of guardianship proceedings conducted pursuant to this chapter if the court believes that the minor could benefit from that appointment.

2. The court may not appoint an attorney as a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor unless:

(a) ~~[The]~~ ***If an attorney has been appointed pursuant to subsection 1 of NRS 159A.045 or has otherwise been retained to represent the protected minor or proposed protected minor, the*** court believes that ~~[an]~~ ***the*** attorney ~~[who represents the protected minor or proposed protected minor]~~ is unable to provide information which is required by the court to make a determination on the best interests of the minor;

(b) ~~[No]~~ ***A*** volunteer is ***not*** available to serve as an advocate; or

(c) Extraordinary circumstances exist in which an attorney may assist the court as an advocate.

3. A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor who is appointed pursuant to subsection 1:

(a) Is an officer of the court;

(b) Does not represent the protected minor or proposed protected minor;

(c) Shall not offer legal advice;

(d) Is not a party to the case;

(e) Shall advocate for the best interests of the protected minor or proposed protected minor;

(f) Shall provide information to the court in accordance with applicable court rule; and

(g) Shall serve until relieved of that duty by court order.

4. A guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor is entitled to reasonable compensation from the estate of the protected minor or proposed protected minor. If the protected minor or proposed protected minor is indigent, the court may order such compensation to be paid by the county.

5. If the court finds that a person has unnecessarily or unreasonably caused the appointment of a guardian ad litem or an advocate for the best interests of a protected minor or proposed protected minor, the court may order the person to pay to the estate of the protected minor or proposed protected minor all or part of the expenses associated with the appointment of the guardian ad litem or advocate for the best interests of the protected minor or proposed protected minor.

Sec. 8. NRS 159A.047 is hereby amended to read as follows:

159A.047 1. Except as otherwise provided in NRS 159A.0475, ~~[159A.049,]~~ 159A.052 and 159A.053, upon the filing of a petition under NRS 159A.044, the clerk shall issue a citation setting forth a time and place for the hearing and directing the persons ~~[or care provider]~~ referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed protected minor.

2. A citation issued under subsection 1, together with a copy of the petition filed under NRS 159A.044, must be served upon:

(a) A proposed protected minor who is 14 years of age or older, regardless of whether the proposed protected minor is considered to have the capacity to understand or appreciate the contents of the citation and petition;

(b) All known relatives of the proposed protected minor who are:

(1) Fourteen years of age or older; and

(2) Within the second degree of consanguinity;

(c) The parents and custodian of the proposed protected minor;

(d) Any person ~~[or officer of a care provider]~~ having the care, custody or control of the proposed protected minor; ***and***

(e) The proposed guardian, if the petitioner is not the proposed guardian **.** ~~[; and~~

~~(f) The Director of the Department of Health and Human Services if the proposed protected minor has received or is receiving any benefits from Medicaid.]~~

3. A person who serves notice upon a proposed protected minor pursuant to paragraph (a) of subsection 2 shall file with the court an affidavit stating that he or she served notice upon the proposed protected minor in accordance with the provisions of NRS 159A.0475.

Sec. 9. NRS 159A.0475 is hereby amended to read as follows:

159A.0475 1. A copy of the citation issued pursuant to NRS 159A.047, together with a copy of the petition filed under NRS 159A.044, must be served ~~[~~:

~~(a) Except as otherwise ordered by the court, on a proposed protected minor who is 14 years of age or older by personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing; and~~

~~(b) On]~~ ***on*** each person required to be served pursuant to NRS 159A.047 ~~[other than a proposed protected minor]~~ by:

~~[(1)]~~ ***(a)*** Certified mail, with a return receipt requested, at least 20 days before the hearing; or

~~[(2)]~~ ***(b)*** Personal service in the manner provided pursuant to the Nevada Rules of Civil Procedure at least 10 days before the date set for the hearing.

2. If none of the persons on whom the citation and petition is to be served can, after due diligence, be served by certified mail or personal service, as applicable, and this fact is proven by affidavit to the satisfaction of the court, service of the citation ~~[must]~~ ***may*** be made ~~[by publication]~~ in ~~[the]~~ ***any*** manner ~~[provided]~~ ***prescribed*** by the Nevada Rules of Civil Procedure. In all such cases, the citation must be ~~[published]~~ ***served*** at least ~~[20]~~ ***10*** days before the date set for the hearing.

3. A citation and petition need not be served on a person ~~[or an officer of the care provider]~~ who has signed the petition or a written waiver of service of the citation and petition or who makes a general appearance.

4. The court may find that notice is sufficient if:

(a) The citation and petition have been served by personal service on the proposed protected minor and an affidavit of such service has been filed with the court pursuant to subsection 3 of NRS 159A.047;

(b) The citation and petition have been served by certified mail, with a return receipt requested, or by personal service on the ~~[care provider or]~~ guardian required to be served pursuant to NRS 159A.047; and

(c) At least one relative of the proposed protected minor who is required to be served pursuant to NRS 159A.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed protected minor has not received notice that is sufficient, the court will require ***service of*** the citation ~~[to be published]~~ pursuant to subsection 2.

Sec. 10. NRS 159A.048 is hereby amended to read as follows:

159A.048 The citation issued pursuant to NRS 159A.047 must state that:

1. A guardian may be appointed for the proposed protected minor;

2. The rights of the proposed protected minor and of any person having legal or physical custody of the proposed protected minor may be affected as specified in the petition;

3. The proposed protected minor has the right to appear at the hearing and to oppose the petition;

4. The proposed protected minor has the right to be represented by an attorney; and

5. At any time during proceedings on the citation, the court may appoint for the proposed protected minor:

(a) An attorney ~~[.]~~ ***pursuant to NRS 159A.045.***

(b) A guardian ad litem or an advocate for the best interests of the proposed protected minor pursuant to NRS 159A.0455 ~~[.]~~ ***if an attorney has been appointed pursuant to NRS 159A.045*** ~~***[.]***~~ ***or for good cause shown.***

Sec. 11. NRS 159A.0483 is hereby amended to read as follows:

159A.0483 ***1.*** A protected minor or proposed protected minor who is the subject of proceedings held pursuant to this chapter ***shall be deemed a party to the proceedings.***

2. The protected minor or proposed protected minor may be represented by an attorney at all stages of the proceedings.

3. If the protected minor or proposed protected minor is represented by an attorney, the attorney has the same authority and rights as an attorney representing ~~[a]~~ ***another*** party to the proceedings.

Sec. 12. NRS 159A.0486 is hereby amended to read as follows:

159A.0486 1. A court may find that a petitioner is a vexatious litigant if a person, other than the protected minor ~~[.]~~ ***or proposed protected minor:***

(a) Files a petition which is without merit or intended to harass or annoy the guardian ~~[.]~~ ***or a parent of the protected minor or proposed protected minor;*** and

(b) Has previously filed pleadings in a guardianship proceeding that were without merit or intended to harass or annoy the guardian ~~[.]~~ ***or a parent of the protected minor or proposed protected minor.***

2. If a court finds a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the petitioner **.** ~~[in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor to defend the petition, to respond to the petition and for any other pecuniary losses which are associated with the petition.]~~

Sec. 13. NRS 159A.052 is hereby amended to read as follows:

159A.052 1. A petitioner may request the court to appoint a temporary guardian for a proposed protected minor who is in need of immediate medical attention which he or she cannot obtain without the appointment of a

temporary guardian. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Documentation which shows that the proposed protected minor needs immediate medical attention and, without the appointment of a temporary guardian, cannot obtain that medical attention. ~~[Such documentation must include, without limitation, a copy of the birth certificate of the proposed protected minor or other documentation verifying the age of the proposed protected minor.]~~

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

(2) The proposed protected minor would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

2. The court may appoint a temporary guardian to serve for 10 days if the court:

(a) Finds reasonable cause to believe that the proposed protected minor is in need of immediate medical attention which he or she cannot obtain without the appointment of a temporary guardian; and

(b) ~~[Is]~~ ***Except as otherwise provided in subsection 3, is*** satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. ***The court may require a hearing on the petition for the purpose of receiving additional evidence, including, without limitation, testimony, to determine the need for the appointment of a temporary guardian pursuant to this section and shall establish requirements for the provision of notice for any such hearing.***

4. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 3 and 5,*** after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

~~[4. If,]~~

5. Except as otherwise provided in subsection 3, if, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner

shall notify the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

~~[5.]~~ ***6.*** Not later than 10 days after the date of the appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** if the court finds by clear and convincing evidence that the protected minor continues to be in need of immediate medical attention which he or she cannot obtain without the extension of the temporary guardianship, the court may, pursuant to subsection ~~[8,]~~ ***9,*** extend the temporary guardianship until a general guardian is appointed.

~~[6.]~~ ***7.*** If the court appoints a temporary guardian or extends a temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the need for immediate medical attention.

~~[7.]~~ ***8.*** The court may not extend a temporary guardianship pursuant to subsection ~~[5]~~ ***6*** beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice ~~[by publication pursuant to]~~ ***in any manner prescribed by*** the Nevada Rules of Civil Procedure is currently being undertaken.

~~[8.]~~ ***9.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods.

Sec. 14. NRS 159A.053 is hereby amended to read as follows:

159A.053 1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.

2. ~~[The petition]~~ ***To support the request, the petitioner*** must ~~[state]~~ ***set forth in the petition and present under oath*** facts which ***:***

(a) Establish that the proposed protected minor would be exposed to an immediate risk of physical, emotional, educational or financial harm if the court did not appoint a temporary guardian or otherwise establish good cause for the appointment of a temporary guardian ***;*** and ~~[which show that:~~

~~(a)]~~ ***(b) Show that:***

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

~~[(b)]~~ ***(2)*** The proposed protected minor would be exposed to an immediate risk of physical, emotional ***, educational*** or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

~~[(c)]~~ ***(3)*** Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition, temporary guardianship of the person of the minor is presumed to be in the best interest of the minor.

5. ***The court may require a hearing on the petition for the purpose of receiving additional evidence, including, without limitation, testimony, to determine the need for the appointment of a temporary guardian pursuant to this section and shall establish requirements for the provision of notice for any such hearing.***

6. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

~~[6.]~~ ***7.*** Except as otherwise provided in ~~[subsection 7,]~~ ***subsections 5 and 8,*** after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

~~[7. If,]~~

8. Except as otherwise provided in subsection 5, if, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to ***subparagraph (2) or (3) of*** paragraph (b) ~~[or (c)]~~ of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

~~[8.]~~ ***9.*** Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection ~~[5,]~~ ***6,*** the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection ~~[9,]~~ ***10,*** if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection ~~[10,]~~ ***11,*** extend the temporary guardianship until a general guardian is appointed.

~~[9.]~~ ***10.*** The court may not extend a temporary guardianship pursuant to subsection ~~[8]~~ ***9*** beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice ~~[by publication pursuant to]~~ ***in any manner prescribed by*** the Nevada Rules of Civil Procedure is currently being undertaken.

~~[10.]~~ ***11.*** The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

~~[11.]~~ ***12.*** If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 15. NRS 159A.0535 is hereby amended to read as follows:

159A.0535 1. ~~[A]~~ ***Unless waived by the court for good cause shown, a*** proposed protected minor who is found in this State must ***physically*** attend the hearing for the appointment of a guardian ~~[unless:~~

~~(a) A certificate signed by a physician or psychiatrist who is licensed to practice in this State specifically states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor; or~~

~~(b) A certificate signed by any other person the court finds qualified to execute a certificate states the condition of the proposed protected minor, the reasons why the proposed protected minor is unable to appear in court and whether the proposed protected minor's attendance at the hearing would be detrimental to the physical or mental health of the proposed protected minor.~~

~~2. A proposed protected minor found in this State who cannot attend the hearing for the appointment of a guardian as set forth in a certificate pursuant to subsection 1 may]~~ ***or*** appear ***at the hearing*** by telephone or by videoconference or any other means that uses audio-video communication ~~[.~~

~~3. The court may prescribe the form in which a certificate required by this section must be filed. If the certificate consists of separate parts, each part must be signed by the person who is required to sign the certificate.~~

~~4.]~~ ***, if so authorized by the court.***

2. If the proposed protected minor is not in this State, the proposed protected minor must attend ***or appear at*** the hearing ***as described in subsection 1*** only if the court determines that the attendance of the proposed protected minor is necessary in the interests of justice.

~~[5.]~~ ***3.*** As used in this section, "audio-video communication" means communication by which a person is able to see, hear and communicate with another person in real time using electronic means.

Sec. 16. NRS 159A.055 is hereby amended to read as follows:

159A.055 1. The petitioner has the burden of proving by clear and convincing evidence that the appointment of a guardian of the person, of the

estate, or of the person and estate is necessary ~~[.]~~ ***and in the best interests of the proposed protected minor.***

2. ***In determining the best interests of the proposed protected minor pursuant to subsection 1, the court shall consider:***

(a) The wishes of the proposed protected minor;

(b) The extent to which the parent poses a safety risk of either physical or emotional danger to the proposed protected minor;

(c) The nature and quality of the parent-child relationship;

(d) The length of time that the proposed protected minor has been out of the care, custody and control of either parent;

(e) The ability of the parent to meet the needs of the proposed protected minor;

(f) The recommendation of the guardian ad litem, if applicable; and

(g) Any other factor deemed relevant by the court.

3. If ~~[it appears to]~~ the court ~~[that the allegations of the petition are sufficient and]~~ ***finds by clear and convincing evidence*** that ***the appointment of*** a guardian ~~[should be appointed for]~~ ***is necessary and in the best interests of*** the proposed protected minor, the court shall enter an order appointing a guardian. ~~[The]~~

4. An order ***appointing a guardian*** must:

(a) ***Set forth with specificity the findings of fact upon which the order is based;***

(b) Specify whether the guardian appointed is guardian of the person, of the estate, or of the person and estate;

~~[(b)]~~ ***(c)*** Specify whether the proposed protected minor is a resident or nonresident of this State;

~~[(c)]~~ ***(d)*** Specify the amount of the bond to be executed and filed by the guardian; ***and***

~~[(d)]~~ ***(e)*** Designate the names and addresses, so far as may be determined, of ~~[:~~

~~(1) The]~~ ***the*** relatives of the proposed protected minor upon whom notice must be served pursuant to NRS 159A.047 **.** ~~[; and~~

~~(2) Any other interested person; and~~

~~(e) Specify whether the proposed protected minor will require a guardianship after reaching 18 years of age.~~

~~3.]~~ ***5.*** A notice of entry of the court order must be sent to ~~[:~~

~~(a) The]~~ ***the*** relatives of the proposed protected minor upon whom notice must be served pursuant to NRS 159A.047 **.** ~~[; and~~

~~(b) Any other interested person.]~~

Sec. 17. NRS 159A.0565 is hereby amended to read as follows:

159A.0565 ~~[In]~~

1. Subject to subsection 2, in an order appointing a guardian or in any order thereafter, the court may award rights of visitation between a protected minor and his or her parents **,** ~~[or]~~ relatives who are within the fourth degree of consanguinity ~~[.]~~ ***or fictive kin.***

2. If an order described in subsection 1 limits the visitation between the protected minor and a parent, the order must set forth with specificity findings of fact as to why the limitation is necessary to protect the physical and emotional well-being of the child.

3. As used in this section, "fictive kin" means a person who is not related by blood to a protected minor but who has a significant emotional and positive relationship with the protected minor.

Sec. 18. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, ~~[~~if qualified and~~]~~ ***are presumed*** suitable ~~[~~, are preferred over all others for appointment as guardian~~]~~ ***to care*** for ~~[~~the person or estate or person and estate of~~]~~ the proposed protected minor ~~[~~. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.~~]~~ ***and it is presumed to be in the best interest of the proposed protected minor to be cared for by a qualified and suitable parent.***

2. Except as otherwise provided in subsection ~~[~~4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the~~]~~ ***3, a*** parent is presumed to be suitable to serve as guardian for the proposed protected minor ~~[~~.~~]~~ ***unless:***

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition.

3. ~~[~~In determining whether the parents of a proposed protected minor, or either~~]~~ ***If a proposed protected minor has been in the care, custody and control of a person who is not a parent for the 6 months immediately preceding the filing of a petition for the appointment of a guardian, a parent must prove that the provisions of paragraph (a) or (b) of subsection 2 do not apply to the parent.***

4. In evaluating a petition for the appointment of a guardian, the court shall determine the suitability of each parent ~~[~~, or any other person who seeks appointment as~~]~~ ***of the proposed protected minor and the proposed*** guardian for the proposed protected minor ~~[~~is qualified and suitable, the court shall consider,~~]~~ ***by considering,*** if applicable and without limitation:

(a) ~~[Which parent has physical custody of the proposed protected minor;]~~ ***With whom the proposed protected minor lives and how long the proposed protected minor has lived with that person;***

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of cannabis in accordance with the provisions of chapter 678C of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

~~[4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:~~

~~(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:~~

~~(1) Food;~~

~~(2) Shelter;~~

~~(3) Clothing;~~

~~(4) Medical care; and~~

~~(5) Education;~~

~~(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or~~

~~(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.]~~

5. Subject to the ~~[preference]~~ ***presumptions*** set forth in subsection 1 and except as otherwise provided in subsection ~~[7,]~~ ***9,*** the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. ***Except as otherwise provided in subsection 7, the court may not appoint a guardian for a proposed protected minor without the consent of the proposed protected minor if the proposed protected minor is 14 years of age or older.***

7. If the minor will not consent to the appointment of a guardian and the proposed guardian is otherwise found qualified and suitable pursuant to this

section, the petitioner must show by clear and convincing evidence that the award of the guardianship to the person who is the most suitable and willing to serve is necessary and in the best interests of the proposed protected minor.

8. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2 ~~[, 3]~~ and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) ~~[Any]~~ ***Subject to subsections 6 and 7, any*** request made by the proposed protected minor ***.*** ~~[, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.]~~

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. ~~[In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:~~

~~(1) Parent.~~

~~(2) Adult sibling.~~

~~(3) Grandparent.~~

~~(4) Uncle or aunt.]~~

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) ~~*[(d)]*~~ Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) ~~*[(e)]*~~ Any request for the appointment of any other interested person that the court deems appropriate.

~~[7.]~~ ***9.*** The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

~~[8.]~~ ***10.*** Notwithstanding the presumption set forth in subsection ~~[4,]~~ ***2,*** in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

~~[9.]~~ ***11.*** In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

~~[10.]~~ ***12.*** A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

~~[11.]~~ ***13.*** As used in this section:

(a) ~~["Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~

~~(b)]~~ "Blind" has the meaning ascribed to it in NRS 426.082.

~~[(c)]~~ ***(b)*** "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 19. NRS 159A.076 is hereby amended to read as follows:

159A.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the protected minor's property does not exceed $10,000.

2. If the court grants a summary administration, the court may:

(a) Authorize the guardian of the estate who is authorized to manage the protected minor's property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall ~~[deposit the money in savings accounts or]~~ invest the money as provided in NRS 159A.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the protected minor. The court may dispense with annual accountings and all other proceedings required by this chapter.

(b) Terminate the guardianship of the estate and direct the guardian to deliver the protected minor's property to the custodial parent or parents, guardian or custodian of the protected minor to hold, invest or use as the court may order.

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the protected minor exceeds $10,000:

(a) The guardian shall file an amended inventory and accounting with the court;

(b) The guardian shall file annual accountings; and

(c) The court ~~[may]~~ ***shall*** require the guardian to ***place the entire value of the estate in a blocked account, unless the guardian is a private professional guardian or a public guardian, in which case the court may require the guardian to*** post a bond.

5. As used in this section, "blocked account" means a restricted account that requires a court order before a distribution or transfer is made from the account.

Sec. 20. NRS 159A.079 is hereby amended to read as follows:

159A.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor,

and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the protected minor, including, without limitation, the following:

(a) Supplying the protected minor with food, clothing, shelter and all incidental necessaries, including locating an appropriate residence for the protected minor based on the financial situation and needs of the protected minor, including, without limitation, any medical needs or needs relating to his or her care.

(b) Taking reasonable care of any clothing, furniture, vehicles and other personal effects of the protected minor and commencing a proceeding if any property of the protected minor is in need of protection.

(c) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the protected minor.

(d) Seeing that the protected minor is properly trained and educated and that the protected minor has the opportunity to learn a trade, occupation or profession.

(e) Facilitating appropriate contact between the protected minor and each parent of the protected minor if the contact:

(1) Is in the best interest of the protected minor; and

(2) Complies with an order for visitation, if applicable.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the protected minor. A guardian of the person may be required to incur expenses on behalf of the protected minor if the estate of the protected minor is insufficient to reimburse the guardian.

3. A guardian of the person is the protected minor's personal representative for purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations. The guardian of the person has authority to obtain information from any government agency, medical provider, business, creditor or third party who may have information pertaining to the protected minor's health care or health insurance.

4. A guardian of the person may, subject to the provisions of subsection 6 and NRS 159A.0807, establish and change the residence of the protected minor at any place within this State. The guardian shall select the least restrictive appropriate residence which is available and necessary to meet the needs of the protected minor and which is financially feasible.

5. A guardian of the person shall petition the court for an order authorizing the guardian to change the residence of the protected minor to a location outside of this State. The guardian must show that changing the residence of the protected minor to a location outside of this State is in the best interest of the protected minor or that there is no appropriate residence available for the protected minor in this State. The court shall retain jurisdiction over the guardianship unless the guardian files for termination of the guardianship pursuant to NRS 159A.1905 or 159A.191 or the jurisdiction of the

guardianship is transferred to the other state. Not later than 6 months after changing the residence of a protected minor to a location outside of this State, the guardian shall file a petition for guardianship in the state of the protected minor's residence.

6. A guardian of the person must file a notice with the court of his or her intent to move a protected minor to or place a protected minor in a ***facility that provides residential treatment, including, without limitation, a*** secured residential long-term care facility **,** pursuant to subsection 4 of NRS 159A.0807 unless ***:*** ~~[the secured residential long-term care facility is in this State and:]~~

(a) An emergency condition exists pursuant to subsection 5 of NRS 159A.0807;

(b) The court has previously granted the guardian authority to move the protected minor to or place the protected minor in such a facility based on findings made when the court appointed the guardian; or

(c) The move or placement is made pursuant to a written recommendation by a licensed physician, ~~[a physician employed by the Department of Veterans Affairs,]~~ a licensed social worker or an employee of a county or state office for protective services.

7. This section does not relieve a parent or other person of any duty required by law to provide for the care, support and maintenance of any dependent.

Sec. 21. NRS 159A.0807 is hereby amended to read as follows:

159A.0807 1. Every protected minor has the right, if possible, to:

(a) Have his or her preferences followed; and

(b) Age in his or her own surroundings or, if not possible, in the least restrictive environment suitable to his or her unique needs and abilities.

2. Except as otherwise provided in subsection 5, a proposed protected minor must not be moved until a guardian is appointed.

3. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159A.079, the guardian shall notify all interested persons in accordance with subsection 4 before the protected minor:

(a) Is admitted to a ***facility that provides residential treatment, including, without limitation, a*** secured residential long-term care facility;

(b) Changes his or her residence, including, without limitation, to or from one ~~[secured]~~ ***facility that provides*** residential ~~[long-term care facility]~~ ***treatment*** to another; or

(c) Will reside at a location other than his or her residence for more than 3 days.

4. Except as otherwise provided in this section and subsections 5 and 6 of NRS 159A.079, a guardian shall file with the court a notice of his or her intent to move the protected minor and shall serve notice upon all interested persons not less than 10 days before moving the protected minor. If no objection to the move is received from any interested person within 10 days after receiving the notice, the guardian may move the protected minor without court permission.

5. If an emergency condition exists, including, without limitation, the health or safety of the protected minor is at risk of imminent harm or the protected minor has been hospitalized and will be unable to return to his or her residence for a period of more than 24 hours, the guardian may take any temporary action needed without the permission of the court and shall file notice with the court and serve notice upon all interested persons as soon as practicable after taking such action.

6. Except as otherwise provided in this subsection, any notice provided to a court, an interested person or person of natural affection pursuant to this section or NRS 159A.0809 must include the current location of the protected minor. The guardian shall not provide any contact information to an interested person or person of natural affection if an order of protection has been issued against the interested person or person of natural affection on behalf of the protected minor.

7. A guardian is not required to provide notice to an interested person or person of natural affection in accordance with this section or NRS 159A.0809 if:

(a) The interested person or person of natural affection informs the guardian in writing that the person does not wish to receive such notice; or

(b) The protected minor or a court order has expressly prohibited the guardian from providing notice to the interested person or person of natural affection.

Sec. 22. NRS 159A.0809 is hereby amended to read as follows:

159A.0809 1. Except as otherwise provided in NRS 159A.0807, a guardian shall immediately notify all interested persons and persons of natural affection:

(a) If the guardian reasonably believes that the death of the protected minor is likely to occur within the next 30 days and such belief is based on information from a psychologist, physician or other health care provider of the protected minor or a person otherwise qualified to provide such a medical opinion, including, without limitation, a health care provider employed by a hospice or by a hospital **.** ~~[of the Department of Veterans Affairs.]~~

(b) Upon the death of the protected minor.

(c) Upon obtaining any information relating to the burial or cremation of the protected minor.

2. The guardian shall provide notification pursuant to paragraph (b) of subsection 1:

(a) In person or by telephone to the family members of the protected minor or, if the protected minor does not have any family members or does not have a relationship with any family members, the person of natural affection designated to receive such notification;

(b) By electronic communication to any family member of the protected minor or person of natural affection who has opted to receive notification by electronic communication; and

(c) In writing to all other interested persons and persons of natural affection not given notice pursuant to paragraph (a) or (b).

Sec. 23. NRS 159A.081 is hereby amended to read as follows:

159A.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected minor and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days after changing the residence of a protected minor; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Be served, without limitation, on the protected minor and any attorney for the protected minor.

3. The court may prescribe the form and contents for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected minor;

(b) The place of residence of the protected minor;

(c) The name of all other persons living with the protected minor unless the protected minor is residing at a secured residential long-term care facility, group home, supportive living facility, assisted living facility or other facility for long-term care; ~~[and]~~

(d) ***The frequency of visitation between the protected minor and any parent of the protected minor; and***

(e) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. As used in this section, "facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

Sec. 24. NRS 159A.083 is hereby amended to read as follows:

159A.083 ***1.*** A guardian of the estate shall:

~~[1.]~~ ***(a)*** Protect, preserve, manage and dispose of the estate of the protected minor according to law and for the best interests of the protected minor ~~[.]~~ ***;***

(b) Responsibly invest the property of the protected minor pursuant to NRS 159A.117;

(c) File an annual accounting pursuant to NRS 159A.176 to 159A.184, inclusive; and

(d) Take any other action authorized or required by law.

2. ~~[Apply]~~ ***Upon approval of the court, a guardian of the estate may:***

(a) Expend money from the estate of the protected minor ~~[for the proper care, maintenance, education and support of the protected minor having due regard for other income or property available to support]~~ ***if it is necessary to meet any extraordinary needs of*** the protected minor ~~[.~~

~~3. Have such other authority and perform such other duties as are provided by law.]~~ ***, considering the routines and needs of the protected minor before the establishment of the guardianship of the estate and the expenditures prescribed in an annual budget approved by the court pursuant to NRS 159A.0445;***

(b) Manage any property right on behalf of the protected minor;

(c) Establish:

(1) A special needs trust;

(2) A trust for the benefit of the protected minor which is payable over the lifetime of the minor or over a reasonable shorter period; and

(3) A structured settlement which is payable over the lifetime of the protected minor or over a reasonable shorter period of time; and

(d) Invest money, including, without limitation, with the assistance of a financial advisor, for the purposes of growing the estate of the protected minor, as appropriate given the age and needs of the minor and the size of the estate.

3. As used in this section:

(a) "Estate of the protected minor" does not include any payment assigned to a guardian for the support of the protected minor, including, without limitation, child support payments that are processed pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and any supplemental security income benefit.

(b) "Special needs trust" has the meaning ascribed to it in NRS 163.556.

(c) "Structured settlement" has the meaning ascribed to it in NRS 42.275.

Sec. 25. NRS 159A.085 is hereby amended to read as follows:

159A.085 1. Not later than 60 days after the date of the appointment of a guardian of the estate or, if necessary, such further time as the court may allow, the guardian shall make and file in the guardianship proceeding a verified inventory of all of the property of the protected minor which comes to the possession or knowledge of the guardian, including, without limitation, the existence of any trust of which the protected minor is currently a beneficiary who is receiving or is entitled to receive distributions.

2. A temporary guardian of the estate shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159A.177.

3. The guardian shall take and subscribe an oath, which must be endorsed or attached to the inventory, before any person authorized to administer oaths, that the inventory contains a true statement of:

(a) All of the estate of the protected minor which has come into the possession of the guardian;

(b) All of the money that belongs to the protected minor; and

(c) All of the just claims of the protected minor against the guardian.

4. A copy of the inventory filed with the court and a notice of the filing must be served on the protected minor, his or her attorney and any guardian ad litem representing the protected minor.

5. Whenever any property of the protected minor not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, the guardian shall:

(a) Make and file in the proceeding a verified supplemental inventory not later than 30 days after the date the property comes to the possession or knowledge of the guardian; or

(b) Include the property in the next accounting.

6. The court may order which of the two methods described in subsection 5 the guardian shall follow.

7. ~~[The court may order all or any part of the property of the protected minor appraised as provided in NRS 159A.0865 and 159A.305.~~

~~8.]~~ If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:

(a) Revoke the letters of guardianship and the guardian is liable ~~[on the bond]~~ for any loss or injury to the estate caused by the neglect of the guardian; or

(b) Enter a judgment for any loss or injury to the estate caused by the neglect of the guardian.

Sec. 26. NRS 159A.103 is hereby amended to read as follows:

159A.103 A guardian of the estate shall pay from the guardianship estate ~~[pursuant to NRS 159A.105, 159A.107 and 159A.109]~~ all just claims against the protected minor, the estate or the guardian as such, ~~[whether accruing before or after the appointment of the guardian and whether arising in contract, in tort or otherwise.]~~ ***in the same manner as prescribed by chapter 159 of NRS for the payment of claims by the guardian of the estate of a protected person.***

Sec. 27. NRS 159A.112 is hereby amended to read as follows:

159A.112 1. If a guardian of the estate has not been appointed, a guardian of the person may:

(a) Institute proceedings to compel any person under a duty to support the protected minor or to pay for the welfare of the protected minor to perform that duty; and

(b) Receive money and tangible property deliverable to the protected minor. ~~[and apply such money and property for the support, care and education of the protected minor. The]~~

2. ***A*** guardian shall not use any money from the estate of the protected minor to cover the cost of any ~~[room]~~ ***:***

(a) Room and board that the guardian or the spouse, parent or child of the guardian furnishes to the protected minor ~~[unless a charge for the service is approved by a court order, after notice to at least one adult relative in the~~

~~nearest degree of consanguinity to the protected minor in which there is an adult.]~~ ***; or***

(b) Any care, maintenance, education or support for the protected minor, unless approved by the court upon a showing that the expenditure is necessary to meet an extraordinary need of the protected minor.

3. The guardian shall exercise care to conserve any ~~[excess]~~ money ~~[for the needs]~~ of the protected minor.

~~[2. If a guardian of the estate has been appointed, any money received by the guardian of the person that is in excess of the money expended to pay for the support, care and education of the protected minor must be paid to the guardian of the estate for management of the estate. The guardian of the person shall account to the guardian of the estate for any money expended.~~

~~3. A guardian of the person of a protected minor for whom a guardian of the estate also has been appointed may receive reasonable sums for any room and board furnished to the protected minor if the guardian of the person presents a claim to the guardian of the estate pursuant to NRS 159A.107 and 159A.109.~~

~~4. A guardian of the person may request the guardian of the estate to make a payment from the estate of the protected minor to another person or entity for the care and maintenance of the protected minor in accordance with NRS 159A.107 and 159A.109.]~~

Sec. 28. NRS 159A.113 is hereby amended to read as follows:

159A.113 1. Before taking any of the following actions, the guardian of the estate shall petition the court for an order authorizing the guardian to:

(a) Invest the property of the protected minor pursuant to NRS 159A.117.

(b) ~~[Borrow money for the protected minor pursuant to NRS 159A.121.~~

~~(c) Except as otherwise provided in NRS 159A.079, enter into contracts for the protected minor or complete the performance of contracts of the protected minor pursuant to NRS 159A.123.~~

~~(d) Make gifts from the protected minor's estate pursuant to NRS 159A.125.~~

~~(e)]~~ Sell, lease or place in trust any property of the protected minor pursuant to NRS 159A.127.

~~[(f)]~~ ***(c)*** Exchange or partition the protected minor's property pursuant to NRS 159A.175.

~~[(g)]~~ ***(d)*** Exercise or release the power of the protected minor as a donee of a power of appointment.

~~[(h)]~~ ***(e)*** Exercise the right of the protected minor to take under or against a will.

~~[(i)]~~ ***(f)*** Transfer to a trust created by the protected minor any property unintentionally omitted from the trust.

~~[(j)]~~ ***(g)*** Submit a revocable trust or an irrevocable trust to the jurisdiction of the court if:

(1) The protected minor is the grantor and sole beneficiary of the income of the trust; or

(2) The trust was created by the court.

~~[(k)]~~ ***(h)*** Pay any claim by the Department of Health and Human Services to recover benefits for Medicaid correctly paid to or on behalf of the protected minor.

~~[(l)]~~ ***(i)*** Transfer money in a protected minor's blocked account to the Nevada Higher Education Prepaid Tuition Trust Fund created pursuant to NRS 353B.140.

2. Before taking any of the following actions, unless the guardian has been otherwise ordered by the court to petition the court for permission to take specified actions or make specified decisions in addition to those described in subsection 1, the guardian may petition the court for an order authorizing the guardian to:

(a) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the protected minor's property.

(b) Take any other action which the guardian deems would be in the best interests of the protected minor.

3. The petition must be signed by the guardian and contain:

(a) The name, age, residence and address of the protected minor.

(b) A concise statement as to the condition of the protected minor's estate.

(c) A concise statement as to the advantage to the protected minor of or the necessity for the proposed action.

(d) The terms and conditions of any proposed sale, lease, partition, trust, exchange or investment, and a specific description of any property involved.

4. Any of the matters set forth in subsection 1 may be consolidated in one petition, and the court may enter one order authorizing or directing the guardian to do one or more of those acts.

~~[5. A petition filed pursuant to paragraph (c) of subsection 1 may be consolidated in and filed with the petition for the appointment of the guardian, and if the guardian is appointed, the court may enter additional orders authorizing the guardian to enter contracts for the protected minor or complete contracts of the protected minor.]~~

Sec. 29. NRS 159A.117 is hereby amended to read as follows:

159A.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the protected minor, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the protected minor to purchase or exchange securities or other property.

2. ~~[A guardian of the estate may, without securing the prior approval of the court, invest the property of the protected minor in the following:~~

~~(a) Savings accounts in any bank, credit union, savings and loan association or savings bank in this State, to the extent that the deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.~~

~~(b) Interest-bearing obligations of or fully guaranteed by the United States.~~

~~(c) Interest-bearing obligations of the United States Postal Service.~~

~~(d) Interest-bearing obligations of the Federal National Mortgage Association.~~

~~(e) Interest-bearing general obligations of this State.~~

~~(f) Interest-bearing general obligations of any county, city or school district of this State.~~

~~(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.~~

~~3. A guardian of the estate for two or more protected persons may invest the property of two or more of the protected persons in property in which each protected person whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each protected person in the investment and in the income, profits or proceeds therefrom.~~

~~4.~~] A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.

Sec. 30. NRS 159A.127 is hereby amended to read as follows:

159A.127 A guardian of the estate, with prior approval of the court by order, may sell, lease or place in trust any of the property of the protected minor:

1. For the purpose of paying claims against the protected minor ~~[,]~~ ***or*** the ~~[~~guardianship~~]~~ estate **.** ~~[~~or the guardian of the estate.~~]~~

2. For the purpose of providing for the proper care, maintenance, education and support of the protected minor.

3. For the purpose of investing the proceeds.

4. To obtain income through rentals or royalties.

5. For any other purpose that is in the best interests of the protected minor.

Sec. 31. NRS 159A.183 is hereby amended to read as follows:

159A.183 ~~[1.]~~ Subject to the discretion and approval of the court **,** ~~[~~and except as otherwise provided in subsection 5,~~]~~ a guardian must be allowed:

~~[~~(a) Reasonable~~]~~

1. If the guardian is a private professional guardian of the estate, reasonable compensation for the guardian's services; ***and***

~~[~~(b) Necessary and reasonable expenses~~]~~

2. Reimbursement for:

(a) Expenses incurred in exercising the authority and performing the duties of a guardian; and

~~[~~(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

~~2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:~~

~~(a) The nature of the guardianship;~~

~~(b) The type, duration and complexity of the services required; and~~

~~(c) Any other relevant factors.~~

~~3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the protected minor. In evaluating the ability of a protected minor to pay such compensation and expenses, the court may consider:~~

~~(a) The nature, extent and liquidity of the protected minor's assets;~~

~~(b) The disposable net income of the protected minor;~~

~~(c) Any foreseeable expenses; and~~

~~(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159A.079 or 159A.083.~~

~~4. Any compensation or expenses, including, without limitation, attorney's fees, must not be paid from the estate of the protected minor unless and until the payment of such fees is approved by the court pursuant to this section or NRS 159A.344, as applicable.~~

~~5. A guardian is not allowed compensation or expenses, including, without limitation, attorney's fees, for services incurred by the guardian as a result of a petition to have him or her removed as guardian if the court removes the guardian.~~]

(b) Other actual costs of preserving and growing the estate if the expenses are necessary to meet an extraordinary need of the protected minor.

Sec. 32. NRS 159A.1852 is hereby amended to read as follows:

159A.1852 A guardian who, after appointment:

1. Is convicted of a gross misdemeanor or felony in any state;

2. Files for or receives protection as an individual or as a principal of any entity under the federal bankruptcy laws [~~,~~] ***, if appointed guardian of the estate or guardian of the person and estate;***

3. [~~Has a driver's license suspended, revoked or cancelled for nonpayment of child support;~~

~~4.~~] Is suspended for misconduct or disbarred from [~~:~~

~~(a) The practice of law;~~

~~(b) The practice of accounting; or~~

~~(c) Any other profession~~] ***any professional practice*** which [~~:~~

~~(1) Involves or~~] may involve the management or sale of money, investments, securities or real property [~~; or~~

~~(2) Requires licensure in this State or any other state; or~~

~~5. Has a judgment entered against him or her for misappropriation of funds or assets from any person or entity in any state,~~] ***, if appointed guardian of the estate or guardian of the person and estate; or***

4. Is being investigated for child abuse or neglect by an agency which provides child welfare services,

➥ shall immediately inform the court of the circumstances of those events. The court may remove the guardian and appoint a successor guardian, unless the court finds that it is in the best interest of the protected minor to allow the guardian to continue in his or her appointment.

Sec. 33. NRS 159A.1853 is hereby amended to read as follows:

159A.1853 1. The following persons may petition the court to have a guardian removed:

(a) The protected minor;

(b) Any relative who is within the second degree of consanguinity to the protected minor;

(c) ~~[~~A public guardian; or~~]~~ ***Any attorney of the protected minor;***

(d) ***An agency which provides child welfare services; or***

(e) Any other interested person.

2. The petition must:

(a) State with particularity the reasons for removing the guardian; and

(b) Show cause for the removal.

3. If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.

4. If the court finds that the petitioner did not file a petition for removal in good faith or in furtherance of the best interests of the protected minor, the court may ~~[~~:

~~(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and~~

~~(b) Impose~~] ***impose*** sanctions on the petitioner **.** ~~[in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor in responding to the petition and for any other pecuniary losses which are associated with the petition.]~~

Sec. 34. NRS 159A.187 is hereby amended to read as follows:

159A.187 1. When a guardian dies or is removed by order of the court, the court, upon the court's own motion or upon a petition filed by any interested person, may appoint another guardian in the same manner and subject to the same requirements as are provided by law for an original appointment of a guardian.

2. If a guardian of the person is appointed for a protected minor pursuant to this section, the protected minor must be served with the petition. If the protected minor does not object to the appointment, the protected minor is not required to attend the hearing.

3. If a guardian dies or is removed by order of the court and there is not a legally qualified guardian or temporary substitute guardian who is willing to serve, the court shall notify an agency which provides child welfare services concerning the matter.

Sec. 35. NRS 159A.1905 is hereby amended to read as follows:

159A.1905 1. A protected minor, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

(a) The name and address of the petitioner.

(b) The relationship of the petitioner to the protected minor.

(c) The name, age and address of the protected minor, if the protected minor is not the petitioner, or the date of death of the protected minor if the protected minor is deceased.

(d) The name and address of the guardian, if the guardian is not the petitioner.

(e) The reason for termination or modification.

(f) Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.

(g) A general description and the value of the remaining property of the protected minor and the proposed disposition of that property.

2. Upon the filing of the petition, the court shall appoint an attorney to represent the protected minor if ~~[~~:

~~(a) The protected minor is unable to retain an attorney; or~~

~~(b) The]~~ ***the*** court determines that the appointment is necessary to protect the interests of the protected minor.

3. ~~[The]~~ ***Except as otherwise provided in NRS 159A.1915, the*** petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the protected minor.

4. The court shall issue a citation requiring all interested persons to appear and show cause why termination or modification of the guardianship should not be granted. The court shall serve the citation on the guardian and the petitioner. The petitioner shall serve the citation on all interested persons.

5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the protected minor, the court may ~~[~~:

~~(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and~~

~~(b) Impose]~~ ***impose*** sanctions on the petitioner in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses and for any other pecuniary losses which are incurred by the estate of the protected minor and associated with the petition.

Sec. 36. NRS 159A.191 is hereby amended to read as follows:

159A.191 1. A guardianship of the person, of the estate, or of the person and estate is terminated:

(a) By the death of the protected minor;

(b) Upon the protected minor's change of domicile to a place outside this State and the transfer of jurisdiction to the court having jurisdiction in the new domicile;

(c) Upon order of the court, if the court determines that the guardianship no longer is necessary;

(d) On the date on which the protected minor reaches 18 years of age; or

(e) On the date on which the protected minor graduates from high school or becomes 19 years of age, whichever occurs sooner, if:

(1) The protected minor will be older than 18 years of age upon graduation from high school; and

(2) The protected minor and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the protected minor will become 18 years of age.

2. A guardianship of the estate is terminated:

(a) If the court removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian;

(b) If the court determines that the guardianship is not necessary and orders the guardianship terminated; or

(c) By the death of the protected minor, subject to the provisions of NRS 159A.193.

3. If the guardianship is of the person and estate, the court may order the guardianship terminated as to the person, the estate, or the person and estate.

4. The guardian shall notify the court, all interested parties, the trustee, and the named executor or appointed personal representative of the estate of the protected minor of the death of the protected minor within 30 days after the death.

5. Immediately upon the death or emancipation of the protected minor:

(a) The guardian of the estate shall have no authority to act for the protected minor except to wind up the affairs of the guardianship pursuant to NRS 159A.193 ***;*** ~~[, and to distribute the property of the protected minor as provided in NRS 159A.195 and 159A.197;]~~ and

(b) No person has standing to file a petition pursuant to NRS 159A.078.

6. A hearing may be held not later than 90 days before a protected minor reaches the age of majority to determine whether:

(a) Guardianship is needed beyond the age of majority;

(b) The protected minor desires an additional year of guardianship beyond the age of majority; and

(c) The guardian should be notified of any requirements of the guardianship which require compliance before termination of the guardianship.

7. If, at a hearing conducted pursuant to subsection 6, a court makes a determination that, upon reaching the age of majority, a protected minor would be deemed incapacitated, as defined in NRS 159.019, a petition may be filed in accordance with the provisions of chapter 159 of NRS to seek guardianship for the protected minor pursuant to that chapter to take effect when the protected minor reaches the age of majority. The protected minor has the right to be represented by counsel if guardianship is sought pursuant to this subsection.

Sec. 37. NRS 159A.1915 is hereby amended to read as follows:

159A.1915 1. If, before a protected minor is emancipated, a parent of the protected minor petitions the court for the termination of a guardianship of the protected minor, the ~~[parent has the burden of proof to show by clear and convincing evidence that:]~~ ***court shall consider whether:***

(a) There has been a material change of circumstances since the time the guardianship was created ~~[. The parent must show that, as part of the change of circumstances, the]~~ ***;***

(b) The parent has been restored to suitability as described in NRS 159A.061 ~~[.~~

~~(b) Except as otherwise provided in subsection 2, the welfare of the protected minor would be substantially enhanced by the]~~ ***; and***

(c) The termination of the guardianship ~~[and the placement of]~~ ***is in the best interests of*** the protected minor ***.*** ~~[with the parent.]~~

2. ~~[If the parent consented to the guardianship when it was created, the parent is required to make only that showing set forth in paragraph (a) of subsection 1.]~~ ***In determining the best interests of the protected minor, the court shall consider:***

(a) Whether the parent has abandoned or persistently neglected the protected minor;

(b) Whether the parent has demonstrated continued neglect or abdication of parental responsibilities;

(c) The likelihood of physical or emotional harm to the protected minor if the protected minor is placed in the custody of the parent;

(d) The level and nature of parental involvement since the appointment of the guardian;

(e) The quality of commitment demonstrated by the parent to raising the protected minor;

(f) The likelihood that the parent could provide stability and security for the protected minor;

(g) The age of the protected minor during the guardianship;

(h) The length of time that the protected minor has been in the care of the person appointed as guardian, including any time before the appointment;

(i) Whether the protected minor and the guardian have a bonded relationship such that significant emotional harm to the protected minor would result from the termination of the guardianship;

(j) The impact that terminating the guardianship would have on the right of the protected minor to education, including, without limitation, receiving special education;

(k) The wishes of the protected minor relating to the termination of the guardianship, including, without limitation, any request for a graduated visitation schedule or therapeutic reunification; and

(l) Any other circumstance that would substantially and adversely impact the welfare of the protected minor.

Sec. 38. NRS 159A.315 is hereby amended to read as follows:

159A.315 1. If the court finds, after examination of a person cited pursuant to NRS 159A.305, that the person has committed an act:

(a) Set forth in paragraph (a) of subsection 1 of NRS 159A.305, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or

(b) Set forth in paragraph (b) of subsection 1 of NRS 159A.305, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.

2. The court may hold a person who is cited pursuant to NRS 159A.305 in contempt of court and deal with the person accordingly if the person:

(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or

(b) Fails to comply with an order of the court issued pursuant to subsection 1.

3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed protected minor or the estate of the protected minor to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.

4. If the person who is cited pursuant to NRS 159A.305 appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the proposed protected minor or the estate of the protected minor, the court may order ~~[~~:

~~(a) The proposed protected minor or the estate of the protected minor to pay the attorney's fees and costs of the respondent; or~~

~~(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition,]~~ the petitioner personally to pay the attorney's fees and costs of the respondent.

Sec. 39. NRS 159A.344 is hereby amended to read as follows:

159A.344 1. Any person, including, without limitation, a guardian or proposed guardian, who retains an attorney for the purposes of representing a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

2. Notwithstanding the provisions of subsection 1 **,** ~~[and except as otherwise provided in subsection 5 of NRS 159A.183,]~~ a person who is personally liable for attorney's fees and costs may petition the court for an order authorizing such attorney's fees and costs to be paid from the estate of the protected minor in accordance with this section. Any such attorney's fees and costs must not be paid from the guardianship estate unless and until the court authorizes the payment pursuant to this section.

3. When a person who intends to petition the court for payment of attorney's fees and costs from the guardianship estate first appears in the guardianship proceeding, the person must file written notice of his or her intent to seek payment of attorney's fees and costs from the guardianship estate. The written notice:

(a) Must provide a general explanation of the compensation arrangement and how compensation will be computed;

(b) Must include the hourly billing rates of all timekeepers, including, without limitation, attorneys, law clerks and paralegals;

(c) Must provide a general explanation of the reasons why the services of the attorney are necessary to further the best interests of the protected minor;

(d) Must be served by the person on all persons entitled to notice pursuant to NRS 159A.034 and 159A.047; and

(e) Is subject to approval by the court after a hearing.

4. If written notice was filed and approved by the court pursuant to subsection 3, a person may file with the court a petition requesting payment of attorney's fees and costs from the guardianship estate. Such a petition must include the following information:

(a) A detailed statement as to the nature and extent of the services performed by the attorney;

(b) An itemization of each task performed by the attorney, with reference to the time spent on each task in an increment to the nearest one-tenth of an hour and with no minimum billing unit in excess of one-tenth of an hour;

(c) An indication of whether any time billed, including, without limitation, any time spent traveling or waiting, benefited any clients of the attorney other than the protected minor and, if so, how many other clients benefited from such time; and

(d) Any other information considered relevant to a determination of whether attorney's fees are just, reasonable and necessary.

➥ Absent approval from all parties who have appeared in the proceeding, any supplemental requests for the payment of attorney's fees and costs cannot be augmented in open court and must be properly noticed in the same manner as the underlying petition requesting payment.

5. In determining whether attorney's fees are just, reasonable and necessary, the court may consider all the following factors:

(a) The written notice approved by the court pursuant to subsection 3.

(b) Whether the services conferred any actual benefit upon the protected minor or attempted to advance the best interests of the protected minor.

(c) The qualities of the attorney, including, without limitation, his or her ability, training, education, experience, professional standing and skill.

(d) The character of the work performed, including, without limitation, the difficulty, intricacy and importance of the work, the time and skill required to complete the work, the responsibility imposed and the nature of the proceedings.

(e) The work actually performed by the attorney, including, without limitation, the skill, time and attention given to the work.

(f) The result of the work, including, without limitation, whether the attorney was successful and any benefits that were derived.

(g) The usual and customary fees charged in the relevant professional communities for each task performed, regardless of who actually performed the task. The court may only award:

(1) Compensation at an attorney rate for time spent performing services that require an attorney;

(2) Compensation at a paralegal rate for time spent performing paralegal services;

(3) Compensation at a fiduciary rate for time spent performing fiduciary services; and

(4) No compensation for time spent performing secretarial or clerical services.

(h) The appropriate apportionment among multiple clients of any billed time that benefited multiple clients of the attorney.

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others.

(j) The ability of the estate of the protected minor to pay, including, without limitation:

(1) The value of the estate;

(2) The nature, extent and liquidity of the assets of the estate;

(3) The disposable net income of the estate;

(4) The anticipated future needs of the protected minor; and

(5) Any other foreseeable expenses.

(k) The efforts made by the person and attorney to reduce and minimize any issues.

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate.

(m) Whether any actions taken by the person or attorney were taken for the purpose of advancing or protecting the interests of the person as opposed to the interests of the protected minor.

(n) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including, without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the protected minor.

6. The court shall not approve compensation for an attorney for:

(a) Time spent on internal business activities of the attorney, including, without limitation, clerical or secretarial support; or

(b) Time reported as a total amount of time spent on multiple tasks, rather than an itemization of the time spent on each task.

7. Any fees paid by a third party, including, without limitation, a trust of which the estate is a beneficiary, must be disclosed to and approved by the court.

8. In addition to any payment provided to a person pursuant to this section for the services of an attorney, a person may receive payment for ordinary costs and expenses incurred in the scope of the attorney's representation.

9. If two or more parties in a guardianship proceeding file competing petitions for the appointment of a guardian or otherwise litigate any contested issue in the guardianship proceeding, only the prevailing party may petition the court for payment of attorney's fees and costs from the guardianship estate pursuant to this section. If the court determines that there is no prevailing party,

the court may authorize a portion of each party's attorney's fees and costs to be paid from the guardianship estate if the court determines that such fees and costs are just, reasonable and necessary given the nature of any issues in dispute.

10. If an attorney is appointed by the court in a guardianship proceeding, he or she may petition the court for compensation for his or her services from the guardianship estate in accordance with the procedure set forth in this section.

Sec. 40. NRS 159A.346 is hereby amended to read as follows:

159A.346 1. If a guardian violates any right of a protected minor that is set forth in this chapter, a court may take any appropriate action, including, without limitation:

(a) Issuing an order that certain actions be taken or discontinued;

(b) ~~[~~Disallowing any fees payable to the guardian;

~~(c)]~~ After notice and a hearing, issuing an order compensating a protected minor or the estate of a protected minor for any injury, death or loss of money or property caused by the actions of the guardian or the failure of the guardian to take appropriate action;

~~[(d)]~~ *(c)* Removing the guardian pursuant to NRS 159A.185; or

~~[(e)]~~ *(d)* Taking any other action that is proper under the circumstances.

2. If any action by a guardian is deemed to be deliberately harmful or fraudulent or to have been committed with malice, the court may also impose:

(a) Twice the actual damages incurred by the protected minor; and

(b) Attorney's fees and costs.

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 159A.014, 159A.0345, 159A.049 ~~[, 159A.0615, 159A.0617]~~ and 159A.0755 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

159A.014 "Care provider" defined.

159A.0345 Court authorized to alter requirements concerning publication of notice or citation.

159A.049 Appointment without issuance of citation.

~~[159A.0615 Appointment of master of court or special master to identify person most qualified and suitable to serve as guardian; hearing; recommendation.~~

~~159A.0617 Court or master of court or special master authorized to allow certain persons to testify at hearing to determine person most qualified and suitable to serve as guardian.]~~

159A.0755 Disposition of estate having value not exceeding by more than $10,000 aggregate amount of unpaid expenses of and claims against estate.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 577 to Assembly Bill No. 387.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 44.

The following Senate amendment was read:

Amendment No. 667.

AN ACT relating to unfair trade practices; revising the list of activities that constitute an unlawful contract, combination or conspiracy in restraint of trade to include manipulating the price of an essential good or service in this State; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Unfair Trade Practice Act sets forth various activities that constitute an unlawful contract, combination or conspiracy in restraint of trade and authorizes the Attorney General to investigate and take certain actions against persons who engage in such activities, which may include, without limitation, criminal prosecution and the imposition of civil penalties. (Chapter 598A of NRS) Existing law makes it a category D felony to engage in such activities. (NRS 598A.280) This bill includes among the activities that constitute an unlawful contract, combination or conspiracy in restraint of trade manipulating the price of an essential good or service in this State. This bill defines "essential good or service" to mean any good or service which is needed on a daily or recurring basis for the livelihood of a person and which falls within certain specified categories of goods and services. **Section 1** of this bill provides that a person manipulates the price of an essential good or service when the person, alone or in concert with others, knowingly engages in any deceptive trade practice which **: (1) involves conduct engaged in by the person either with the intent to mislead consumers or for the purpose of manipulating the market for an essential good or service; and (2)** is intended to and does cause the price of an essential good or service in this State to increase in a manner that ~~[: (1)]~~ does not reflect the basic forces of supply and demand ~~[;]~~ and ~~[(2)]~~ results in a person paying, over a 1-year period, an amount for the good or service which represents a percentage increase over the amount paid by the person over the immediately preceding year that is equal to or greater than the average percentage increase for the most recent 5-year average annual percentage change for the category of good or service, as set forth in the Personal Consumption Expenditures by State (SAPCE3) for the State of Nevada as published by the Bureau of Economic Analysis of the United States Department of Commerce. **Section 1** sets forth certain exceptions from the prohibition against manipulating the price of an essential good or service.

Existing law, with certain exceptions, authorizes a person who is injured or damaged, or threatened with injury or damage, by a violation of the Nevada Unfair Trade Practice Act to bring an action to obtain certain relief. (NRS

598A.210) **Sections 1 and 2** of this bill provide that the provisions relating to the manipulation of an essential good or service do not establish a private right of action against any person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 598A.060 is hereby amended to read as follows:

598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity in this State:

(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:

(1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.

(2) Agreements to establish prices for commodities or services.

(3) Agreements to establish uniform discounts, or to eliminate discounts.

(4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.

(5) Agreements not to sell below cost.

(6) Agreements to establish uniform trade-in allowances.

(7) Establishment of uniform cost surveys.

(8) Establishment of minimum markup percentages.

(9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.

(10) Agreements not to advertise prices.

(11) Agreements among competitors to fix uniform list prices as a place to start bargaining.

(12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.

(13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.

(14) Agreements to restrict volume of production.

(b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.

(c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.

(d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.

(e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.

(f) ~~[Manipulating]~~ ***Except as otherwise provided in subsection 2, manipulating the price of an essential good or service in this State. For the purposes of this paragraph, a person manipulates the price of an essential good or service in this State when the person, alone or in concert with others, knowingly engages in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, which*** ~~[is]~~ ***:***

(1) Involves conduct engaged in by the person either with the intent to mislead consumers or for the purpose of manipulating the market for an essential good or service in this State to the detriment of the public; and

(2) Is intended to and does cause the price of an essential good or service in this State to increase in a manner that:

~~[(1)]~~ ***(I) Does not reflect basic forces of supply and demand; and***

~~[(2)]~~ ***(II) Results in a person paying, over a 1-year period, an amount for the good or service which represents a percentage increase over the amount paid by the person over the immediately preceding year that is equal to or greater than the average percentage increase for the most recent 5-year average annual percentage change for the category of good or service, as set forth in the Personal Consumption Expenditures by State (SAPCE3) for the State of Nevada, as published by the Bureau of Economic Analysis of the United States Department of Commerce.***

(g) Except as otherwise provided in subsection ~~[2, 4,]~~ ***5,*** consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:

(1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or

(2) Substantially lessen competition or be in restraint of trade.

2. ***The provisions of paragraph (f) of subsection 1 do not apply to:***

(a) Conduct which is expressly authorized, regulated or approved by an administrative agency of:

(1) This State;

(2) The United States; or

(3) A city or county of this State,

↪ having jurisdiction over the prices of goods or services;

(b) Conduct relating to rates, fares, allowances or charges of a transportation network company pursuant to chapter 706A of NRS; or

(c) Conduct relating to prices charged by a resort hotel.

3. The provisions of paragraph (f) of subsection 1 do not establish a private right of action against any person.

4. Nothing in the provisions of paragraph (f) of subsection 1 shall be construed to prohibit a person from reducing the price charged by the person

for an essential good or service in this State for a limited period as part of a time-limited sale or promotion that has been advertised as such or from engaging in any other conduct that does not constitute a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

5. The provisions of paragraph ~~[(f)]~~ ***(g)*** of subsection 1 do not:

(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his or her acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.

(b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.

~~[5.]~~ ***6. As used in this section:***

(a) "Essential good or service" means any good or service which is needed on a daily or recurring basis for the livelihood of a person and which falls within one of the following categories:

(1) Food and beverages purchased for off-premises consumption;

(2) Clothing and footwear;

(3) Gasoline and other energy goods;

(4) Pharmaceutical and other medical products;

(5) Housing;

(6) Household utilities;

(7) Ground transportation;

(8) Telecommunication services; or

(9) Internet access.

(b) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.

(c) "Transportation network company" has the meaning ascribed to it in NRS 706A.050.

Sec. 2. NRS 598A.210 is hereby amended to read as follows:

598A.210 Except as otherwise provided in NRS 598A.430 ~~[.]~~ ***and subsection 3 of NRS 598A.060:***

1. Any person threatened with injury or damage to his or her business or property by reason of a violation of any provision of this chapter may institute a civil action or proceeding for injunctive or other equitable relief, including, without limitation, a temporary restraining order, a preliminary or permanent injunction, restitution or disgorgement. If the court issues a permanent injunction, the plaintiff shall recover reasonable attorney fees, together with costs, as determined by the court.

2. Any person injured or damaged directly or indirectly in his or her business or property by reason of a violation of the provisions of this chapter may institute a civil action and shall recover treble damages, together with reasonable attorney fees and costs.

3. Any person commencing an action for any violation of the provisions of this chapter shall, simultaneously with the filing of the complaint with the court, mail a copy of the complaint to the Attorney General.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 667 to Assembly Bill No. 44.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 581.

AN ACT relating to trade regulations; setting forth certain requirements and restrictions concerning certain inflatable devices; requiring certain businesses that operate such devices to meet certain requirements; setting forth requirements for certain inspections of and warnings relating to such devices; imposing certain restrictions on the use of such devices under certain circumstances; authorizing a county, city or town to enact certain ordinances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections ~~[2-13]~~ 2-12 of this bill set forth certain requirements and restrictions concerning inflatable devices and certain businesses that operate such devices. **Section 3** defines the term "inflatable device" to mean an air-filled device that: (1) incorporates certain structural and mechanical elements to achieve its strength, shape and stability by tensioning from internal air pressure; ~~[and]~~ (2) is intended for use by a person to bounce, play, slide, climb or otherwise interact for outdoor recreation **~~[, including]~~ ; and (3) includes** a constant air inflatable bounce house, inflatable ~~[waterslide]~~ **water slide** or similar device. **Section 5** defines the term "operator business" to mean a business entity which is engaged in the business of making inflatable devices available for use in this State and which employs, controls, directs or hires as an independent contractor an operator to act on behalf of the business entity. **Section 4** defines the term "operator" to mean a person on-site at the location where an inflatable device is used who sets up, operates, maintains or supervises the use of the inflatable device on behalf of an operator business.

Section 6 prohibits a person from engaging in the business of an operator business unless the person: (1) holds all applicable state and local business licenses; and (2) has obtained certain insurance or a surety bond in an amount of not less than $1,000,000.

Section 7 requires an operator business to keep a logbook for any inflatable device that is made available for use by the operator business, which must be kept with the inflatable device and made available for inspection at the request of certain persons and any state or local agency. **Sections ~~[7-11]~~ 7 and 8** require an operator, before and during each use of an inflatable device, to conduct certain inspections of the device and the area in which it will be used and to record and retain for not less than 2 years the results of those inspections

and certain other information in the logbook. **Section 8** prohibits an operator from allowing any person to use the inflatable device if an inspection reveals or would have revealed a hazard or potential hazard that would make use of the inflatable device unsafe ~~[,]~~ according to the requirements of this bill or the requirements or recommendations contained in any user manual provided by the manufacturer of the inflatable device, any update to such a user manual and any information relating to a recall of the inflatable device. **Section 9** prohibits an operator from allowing a person to use an inflatable device if any label attached by the manufacturer of the device is missing ~~[,]~~ **or illegible.** **Section 9** also prohibits an operator business from selling or transferring an inflatable device if any such label is missing or **illegible** if any user manual provided by the manufacturer, any update to such a user manual and any information relating to a recall of the inflatable device is not provided to the ~~[seller]~~ **purchaser** or transferee. **Section 10** requires an operator to: (1) monitor wind speed at any location where an inflatable device will be used at all times while the device is in use; and (2) cease operation of the inflatable device if the wind speed exceeds the recommendation of the manufacturer or 15 miles per hour, whichever is greater. **Section 11** prescribes certain requirements for anchoring the inflatable device to the ground. **Section 12 requires an operator to display a sign containing certain information at all times during the use of an inflatable device.**

Section 13.5 of this bill authorizes a county, city or town to enact an ordinance which establishes requirements and restrictions which are the same as or in addition to those set forth in this bill and which provides for the imposition of criminal or civil penalties, or both, for violations of those requirements and restrictions.

WHEREAS, Lizzy Hammond, a seventh-generation Nevadan, was born in Reno, Nevada, on November 2, 2009; and

WHEREAS, Lizzy Hammond lost her life on July 14, 2019, in Reno, Nevada, when an inflatable device in which she was playing unexpectedly took flight in a gust of wind; and

WHEREAS, Lizzy Hammond donated her organs to help protect the lives of others; and

WHEREAS, The Legislature intends to better protect the public safety by imposing requirements and restrictions concerning the operation of inflatable devices and the businesses that operate such devices; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13.5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 13.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. *"Inflatable device" means an air-filled device that:*

1. Incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape and stability by tensioning from internal air pressure;

2. Is intended for use by a person to bounce, play, slide, climb or otherwise interact for outdoor recreation; and

3. Includes, without limitation, a constant air inflatable bounce house, inflatable slide or water slide, obstacle course, pool or enclosed inflatable trampoline.

Sec. 4. *"Operator" means a person on-site at the location where an inflatable device is used who sets up, operates, maintains or supervises the use of the inflatable device on behalf of an operator business.*

Sec. 5. *"Operator business" means a business entity, including, without limitation, a sole proprietorship , that:*

1. Is engaged in the business of making inflatable devices available for use in this State; and

2. Employs, controls, directs or hires as an independent contractor an operator to act on behalf of the business entity.

Sec. 6. *A person shall not engage in the business of an operator business unless the person:*

1. Holds all applicable state and local business licenses; and

2. Has obtained a liability insurance policy, or a certificate of insurance thereof, or a bond of a surety company or other surety in an amount not less than $1,000,000.

Sec. 7. *1. An operator business shall keep a logbook for any inflatable device which is made available for use by the operator business. The logbook may be written or electronic, but must be available in a form that is kept with the inflatable device at all times and must be available for inspection at the request of any customer of the business, user of the inflatable device or any state or local agency.*

2. An operator shall record and retain for not less than 2 years the results of each inspection conducted pursuant to ~~[sections]~~ section 8 ~~[to 11, inclusive,]~~ of this act in the logbook.

3. If an operator or operator business temporarily or permanently discontinues the operation or use of an inflatable device for any of the reasons described in sections 8 to 11, inclusive, of this act, or described in any user manual provided by the manufacturer of the inflatable device, the operator shall record that information in the logbook.

Sec. 8. *1. Before allowing any person to use an inflatable device, the operator shall conduct an inspection of the inflatable device and the location where the inflatable device will be used, in accordance with:*

(a) The requirements of sections 9, 10 and 11 of this act; and

(b) The requirements or recommendations contained in any:

(1) User manual and any update to any user manual provided by the manufacturer of the inflatable device; and

(2) Information provided in connection with a recall of the inflatable device.

2. The operator shall not allow any person to use the inflatable device if the inspection reveals, or if a reasonable inspection would have revealed, a hazard or potential hazard that would make use of the inflatable device unsafe ~~[.]~~ according to the requirements of section 9, 10 or 11 of this act or the requirements or recommendations described in paragraph (b) of subsection 1.

Sec. 9. *1. An operator shall inspect an inflatable device ~~[.]~~ before allowing any person to use the inflatable device ~~[.]~~ to ensure all original labels attached to the inflatable device by the manufacturer remain attached and are legible. If any label attached by the manufacturer is missing ~~[.]~~ or illegible, use of the inflatable device must be permanently discontinued and the inflatable device must be destroyed.*

2. An operator business shall not sell or transfer an inflatable device unless all labels attached by the manufacturer are attached to the inflatable device and legible and the following is provided to the purchaser or transferee:

(a) Any user manual and any update to any user manual provided by the manufacturer of the inflatable device; and

(b) Any information provided in connection with a recall of the inflatable device .

Sec. 10. *1. An operator shall not allow any person to use an inflatable device at a location if the wind speed at the location exceeds the greater of:*

(a) The recommendation of the manufacturer for the specific inflatable device in use; or

(b) ~~[Not more than]~~ 15 miles per hour.

2. The operator shall use an anemometer to measure the wind speed ~~[.]~~ and shall record the wind speed in the logbook maintained pursuant to section 7 of this act before allowing any person to use the inflatable device.

3. At all times while the inflatable device is in use, the operator shall continue to monitor the wind speed at the location by using an anemometer. If at any time during the use of the device the wind speed exceeds the limits described in subsection 1, the operator shall discontinue the use of and deflate the inflatable device. The operator shall not allow any person to use the inflatable device unless the wind speed falls back within the limits described in subsection 1.

Sec. 11. *1. The operator shall ensure an inflatable device is anchored to the ground before and at all times during the use of the device.*

2. To secure each point where the inflatable device is anchored to the ground, the operator ~~[.]~~ shall use:

(a) ~~[Except as otherwise provided in paragraph (b), shall use:~~

~~(1)]~~ Stakes which are ~~[not]~~ :

(1) Made of noncorrosive metal;

(2) Designed for use as ground anchors and appropriate for anchoring the inflatable device under the circumstances; and

(3) Not less than 18 inches long and [which are] driven into the ground at not less than a 22-degree angle towards the center of the inflatable device, unless the recommendations of the manufacturer for the specific device require stakes which are longer; [and] or

[(2)] (b) Weights which are not less than 75 pounds per anchor point, unless the recommendations of the manufacturer for the specific device require a heavier weight.

[(b) If the surface on which the inflatable device is to be used is concrete, asphalt or another surface that cannot reasonably accommodate the use of stakes as described in paragraph (a), may, in lieu of stakes, use additional weights at each anchor point if:

(1) The amount of additional weight is reasonable under the circumstances;

(2) The total weight used at each anchor point is greater than the weight described in subparagraph (2) of paragraph (a); and

(3) The operator records the circumstances and weight of any additional weights so used in the logbook pursuant to section 7 of this act.]

Sec. 12. *An operator shall display in a conspicuous place in front of an inflatable device at all times during the use of the device [,] a legible and typewritten sign which is labeled "OPERATOR'S WARNING" in red and in not less than 72-point boldface type. The sign must be not less than 2 feet in length and in width and must contain the following information [,] in a type and font that is easy to read and in substantially the following form:*

1. Use of an inflatable device can cause injury or death.

2. A logbook of safety inspections for this inflatable device is available for review upon the request of any customer of the business, user of the inflatable device or any state or local agency.

3. The maximum allowable wind speed for the safe operation of an inflatable device is the greater of:

(a) The recommendation of the manufacturer of the inflatable device; or

(b) 15 miles per hour.

4. The operator is required to use and keep available for use an anemometer to monitor wind speed before and at all times during use of this device. If the wind speed exceeds the maximum allowable wind speed for the safe operation of this device, the operator is required to discontinue use of the device.

5. This inflatable device must be anchored to the ground during use. To secure each point where the device is anchored to the ground, the operator [:] shall use:

(a) [Except as otherwise provided in paragraph (b), shall use:

(1)] Stakes which are [not] :

(1) Made of noncorrosive metal;

(2) Designed for use as ground anchors and appropriate for anchoring the inflatable device under the circumstances; and

(3) Not less than 18 inches long and ~~[which are]~~ driven into the ground at not less than a 22-degree angle towards the center of the inflatable device, unless the recommendations of the manufacturer for this device require stakes which are longer; ~~[and]~~ or

~~[(2)]~~ (b) Weights which are not less than 75 pounds per anchor point, unless the recommendations of the manufacturer for this device require a heavier weight.

~~[(b) If the surface on which the inflatable device is to be used is concrete, asphalt or another surface that cannot reasonably accommodate the use of stakes as described in paragraph (a), may, in lieu of stakes, use additional weights at each anchor point if:~~

~~(1) The amount of additional weight is reasonable under the circumstances; and~~

~~(2) The total weight used at each anchor point is greater than the weight described in subparagraph (2) of paragraph (a).]~~

6. The maximum number of users of this inflatable device is determined by the recommendations of the manufacturer according to the warning labels attached to the device.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. ***The governing body of a county, city or town may:***

1. Enact an ordinance which:

(a) Establishes requirements and restrictions with respect to operators and operator businesses which are:

(1) The same as those set forth in sections 2 to 13.5, inclusive, of this act; or

(2) In addition to those set forth in sections 2 to 13.5, inclusive, of this act, as the governing body determines are necessary; and

(b) Provides for the imposition of criminal or civil penalties, or both, for any violation of an ordinance enacted pursuant to this subsection.

2. Use any portion of the fees which are collected for the issuance of any business license required by the county, city or town to enforce any ordinance enacted pursuant to subsection 1.

Sec. 14. This act becomes effective on January 1, 2026.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 581 to Assembly Bill No. 198.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 211.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to property; ~~[authorizing]~~ **requiring** a county or city to require a property owner to repair or rehabilitate or abate certain conditions on

a residential **multifamily rental** property under certain circumstances; establishing procedures relating to a property owner's failure to repair or rehabilitate or abate certain conditions on the residential **multifamily rental** property; authorizing certain local governments and persons to bring an action to require the repair or rehabilitation or abatement or appoint a receiver for substandard property in certain circumstances; establishing the powers and duties of a receiver appointed for substandard property; making various other changes relating to substandard properties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a landlord to maintain a dwelling unit in a habitable condition at all times during the tenancy; and (2) provides that a dwelling unit is not habitable if it violates provisions of housing or health codes concerning the health, safety, sanitation or fitness for habitation. (NRS 118A.290)

Sections 8 and 27 of this bill provide that: (1) if a residential **multifamily rental** property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and (2) as a result of the violation or violations, the condition of the residential **multifamily rental** property is of such a nature that the health and safety of residents or the public are substantially endangered, the appropriate department of the county or city, as applicable, ~~[may]~~ **is required to** notify the owner and order that the owner repair or rehabilitate the property or abate the condition. **Sections 8 and 27** also set forth certain requirements for the notice.

Sections 9 and 28 of this bill provide that if the owner of the residential **multifamily rental** property fails to comply with the terms of the notice and summary order ~~[,]~~ **issued by** the county or city, as applicable, certain actions may be brought to have the residential **multifamily rental** property declared to be a substandard property, including an action to have a receiver appointed to manage the repair or rehabilitation of the substandard property.

Sections 10 and 29 of this bill: (1) set forth certain findings and considerations that must be made by the district court in order to declare a residential **multifamily rental** property to be a substandard property; and (2) require an order issued by the district court declaring a residential **multifamily rental** property to be a substandard property to set forth the conditions that make the residential **multifamily rental** property a substandard property and the repairs, rehabilitations and abatements that are necessary to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

Sections 11 and 30 of this bill provide that if the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents, the district court must: (1) order the owner of the substandard property to pay all reasonable and actual costs of the board of county commissioners or governing body of the city, as applicable;

(2) order that the board of county commissioners or governing body of the city provide each tenant with notice of the judgment and court order; (3) under certain circumstances, **order** the owner to provide or pay certain relocation benefits and compensation to the tenants; (4) determine the date when a tenant has to relocate; and (5) make certain other orders.

Sections 12 and 31 of this bill set forth certain duties for a receiver appointed for a substandard property.

Sections 13 and 32 of this bill provide that a receiver appointed for a substandard property is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.

Sections 14 and 33 of this bill require a receiver appointed for a substandard property to prepare and submit monthly reports to the board of county commissioners or governing body of a city ~~.~~ **and the board of county commissioners or governing body of a city to submit the reports annually to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or Legislative Commission.**

Sections 15 and 34 of this bill: (1) require the district court to discharge the receiver for a substandard property under certain circumstances; and (2) authorize the district court to retain jurisdiction over the substandard property for a period of time not to exceed 18 consecutive months.

Sections 16 and 35 of this bill authorize the district court to require the owner of a substandard property to pay all unrecovered costs associated with the receivership.

Sections 17 and 36 of this bill provide that the remedies and penalties set forth in **sections 2-18 and 21-37** of this bill are cumulative, may not be abrogated and are in addition to any other remedies or penalties that may exist in law or equity.

Sections 18 and 37 provide that nothing in **sections 2-18 and 21-37** is intended to deprive any owner of a residential **multifamily rental** property or substandard property any right guaranteed by the United States Constitution or Nevada Constitution, including, without limitation, the right to due process.

Existing law authorizes a receiver to be appointed in certain actions ~~.~~ **and the Uniform Commercial Real Estate Receivership Act establishes provisions governing the appointment and powers of a receiver for real property.** (NRS 32.010 **, 32.100-32.370**) **Section 19** of this bill authorizes a receiver to be appointed in an action to have a residential **multifamily rental** property declared to be a substandard property that is brought pursuant to **section 10 or 29** to manage the repair or rehabilitation of the substandard property. **Sections 10 and 29 also clarify that the Uniform Commercial Real Estate Receivership Act and any rules adopted pursuant thereto by the Nevada Supreme Court apply to a receiver appointed pursuant to sections 10 or 29, as applicable.**

Sections 2-7 and 21-26 define certain terms used in the provisions of **sections 2-18 and 21-37**, respectively.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Dwelling unit" means a structure or the part of the structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

Sec. 4. ***"Habitability standard" includes, without limitation:***

1. Any provision of an applicable housing or health code concerning the health, safety, sanitation or fitness for habitation of a dwelling unit; or

2. The requirements of chapter 118A of NRS relating to the habitability of a dwelling unit, including, without limitation, the provisions of subsection 1 of NRS 118A.290.

Sec. 5. ***"Receiver" means a receiver appointed by a district court as the court's agent, and subject to the court's direction, to take possession of, manage and, if authorized by court order, transfer, sell, lease, license, exchange, collect or otherwise dispose of receivership property in an action to declare a residential multifamily rental property to be a substandard property pursuant to section 10 of this act.***

Sec. 6. ***"Residential multifamily rental property" means a parcel of land in the unincorporated area of the county which is primarily used for personal, family or household purposes to which is affixed ~~[one]~~ two or more dwelling units ~~[.]~~ for occupancy by tenants on a rental basis.***

Sec. 7. ***"Substandard property" means a residential multifamily rental property that has been declared to be a substandard property by a district court pursuant to section 10 of this act.***

Sec. 8. ***1. If the appropriate department of a county finds that:***

(a) A residential multifamily rental property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) As a result of the violation or violations described in paragraph (a), the condition of the residential multifamily rental property is of such a nature that the health and safety of residents or the public is substantially endangered,

↪ the county ~~[may]~~ shall notify the owner of the residential multifamily rental property and order that the owner repair or rehabilitate the residential multifamily rental property or otherwise abate the condition.

2. Any notice and order issued pursuant to subsection 1:

(a) Must include, without limitation:

(1) The name, address and telephone number of the county department that issued the notice and summary order;

(2) The date, time and location of any public hearing or proceeding concerning the notice and summary order;

(3) A description of each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety, as applicable;

(4) Any deadline by which the owner must repair or rehabilitate the residential multifamily rental property or otherwise abate the condition; [and]

(5) A description of:

(I) The remedies authorized pursuant to section 9 of this act if the owner fails to comply with the terms of the notice and summary order;

(II) The judicial relief required and authorized to be granted pursuant to section 11 of this act; and

(III) The powers and duties of any appointed receiver pursuant to sections 12 to 16, inclusive, of this act; and

(6) A statement that the owner or lessor, if applicable, is prohibited from retaliating against any tenant pursuant to NRS 118A.510; and

(b) Must be posted in a conspicuous place on the residential multifamily rental property and mailed by [first class] certified mail to the owner and each affected resident of a dwelling unit on the residential multifamily rental property.

Sec. 9. *1. If the owner of a residential multifamily rental property fails to comply with the terms of the notice and summary order issued pursuant to section 8 of this act:*

(a) The county may bring an action to:

(1) Have the residential multifamily rental property declared by the district court to be a substandard property;

(2) Obtain a court order requiring the owner to repair or rehabilitate the residential multifamily rental property or otherwise abate the condition; and

(3) Have the district court impose a civil penalty against the owner of the residential multifamily rental property, as provided by ordinance; or

(b) The county or [a tenant, a tenant association or] a nonprofit organization representing any tenant or tenant association may bring an action to:

(1) Have the residential multifamily rental property declared to be a substandard property; and

(2) Have a receiver appointed pursuant to NRS 32.010.

2. A party who intends to bring an action for the appointment of a receiver pursuant to paragraph (b) of subsection 1 shall:

(a) Not later than 30 days before filing such an action, provide notice of intent to bring the action by:

(1) Posting a notice in a conspicuous place on the residential multifamily rental property; and

(2) Mailing the notice to each person with a recorded interest in the residential multifamily rental property; and

(b) Provide with the court filing:

(1) Proof that the party provided the notice of intent to bring the action as required pursuant to paragraph (a); and

(2) If the party is a ~~[tenant, a tenant association or a]~~ nonprofit organization representing a tenant or tenant association, an affidavit provided by the department of the county that issued the notice and summary order pursuant to section 8 of this act in support of the court filing which must include, without limitation, a history of communications and any documentation relating to the provisions of section 8 of this act. The department of the county shall cooperate and timely provide the affidavit upon request of a nonprofit organization representing a tenant or tenant association.

3. A party who brings an action pursuant to subsection 1 must serve each owner of the residential multifamily rental property in the manner provided by Rule 4 of the Nevada Rules of Civil Procedure.

4. The district court may award reasonable attorney's fees and costs to the prevailing party in an action brought pursuant to this section.

Sec. 10. *1. To declare a residential multifamily rental property to be a substandard property, the district court must find:*

(a) The residential multifamily rental property is maintained in a way that violates one or more applicable habitability standards, housing codes or building codes, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) The condition of the residential multifamily rental property that is caused by the violation or violations described in paragraph (a) is so extensive and of such a nature that the health and safety of the residents of the building or the public is substantially endangered. ~~[; and~~

~~(c) Any other factor that the district court finds relevant.]~~

2. In determining whether to appoint a receiver for a substandard property, the district court shall consider ~~[:~~

~~(a) Whether]~~ whether the owner of the substandard property has been afforded a reasonable opportunity to repair or rehabilitate the property or otherwise abate the condition. ~~[; and~~

~~(b) Any other factor that the district court finds relevant.]~~

3. The district court:

(a) Except as otherwise provided in paragraph (b), may appoint a nonprofit organization, community development corporation or other person as a receiver.

(b) Shall not appoint any nonprofit organization, community development corporation or person as a receiver unless the nonprofit organization, community development corporation or person has

demonstrated to the district court the necessary capacity and expertise to develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the substandard property.

4. An order issued by a district court declaring a residential multifamily rental property to be a substandard property must, without limitation, set forth:

(a) The conditions found by the district court that make the residential multifamily rental property a substandard property; and

(b) The repairs, rehabilitations and abatements that the district court finds to be necessary in order to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

5. The provisions of NRS 32.100 to 32.370, inclusive, and any rules adopted by the Supreme Court pursuant to NRS 32.270 apply to any receiver appointed pursuant to this section for a substandard property.

Sec. 11. ***1. If the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents of the substandard property, upon the entry of any order or judgment pursuant to section 10 of this act, the district court shall:***

(a) Order the owner of the substandard property to pay all reasonable and actual costs of the board of county commissioners or its designee, including, without limitation, inspection costs, investigation costs, enforcement costs, attorney's fees and costs and all costs of prosecution.

(b) Order that the board of county commissioners or its designee shall provide each tenant of the substandard property with the notice of the district court order or judgment.

(c) ~~If~~ Except as otherwise provided in subsection 4, if the conditions of the substandard property or the repair, rehabilitation or abatement thereof significantly affect the safe and sanitary use of the substandard property by any lawful tenant, such that the tenant cannot safely reside in the premises, order the owner to provide or pay relocation benefits to each lawful tenant. These benefits must consist of actual reasonable moving and storage costs and relocation compensation, including, without limitation, the costs and compensation for the following:

(1) Transportation of the personal property of the tenant to the new location. The new location must be in close proximity to the substandard property, except where relocation to a new location beyond a close proximity is determined by the district court to be justified.

(2) Packing, crating, unpacking and uncrating all personal property of the tenant.

(3) Insurance of the property of the tenant while in transit.

(4) The reasonable replacement value of any personal property lost, stolen or damaged, other than any personal property that was lost, stolen or damaged through the fault or negligence of the displaced tenant, or his or

her agent or employee, in the process of moving, where insurance covering the loss, theft or damage is not reasonably available.

(5) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(6) Relocation compensation in an amount equal to the differential between the contract rent and the fair market rental value determined by the United States Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired or rehabilitated, for not more than 120 days.

(d) Determine the date when the tenant is to relocate, and order the tenant to notify the board of county commissioners or its designee and the owner of the dwelling unit of the address to which the tenant has relocated not more than 5 days after the relocation.

(e) Order that the owner of the substandard property offer the first right of occupancy of a dwelling unit to each tenant who received benefits pursuant to this section, before letting the dwelling unit for rent to a third party. Except as otherwise provided in this paragraph, the offer for first right of occupancy to the tenant must be in writing and sent by certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the address of the tenant by the tenant as required by this section, the owner is not required to offer the tenant the first right of occupancy. The tenant may accept the offer by giving the owner notice in writing by certified mail not later than 10 days after the owner mailed the offer.

(f) Order that if the owner fails to comply with any order issued pursuant to sections 2 to 18, inclusive, of this act, the court may:

(1) Sanction the person for civil contempt;

(2) Impose any penalty authorized pursuant to NRS 244.3603 as if the substandard property were a chronic nuisance; or

(3) Any other penalty provided by law.

2. If the district court finds that a tenant has been substantially responsible for causing or substantially contributing to the conditions found by the district court that make the residential <u>multifamily rental</u> property a substandard property, the court shall not grant to the tenant any relocation compensation or benefits.

3. Any tenant of the substandard property who has been ordered to relocate due to the conditions found by the district court that make the residential <u>multifamily rental</u> property a substandard property and who is not substantially responsible for causing or contributing to the condition must be paid these benefits and moving costs at the time that the tenant actually relocates.

4. If the district court finds that it is not possible to provide a tenant with the benefits described in paragraph (c) of subsection 1, the district court may award such other equitable or declaratory relief as the court finds necessary.

Sec. 12. *1. If the district court appoints a receiver for a substandard property pursuant to section 10 of this act, the owner of the substandard property, and any agent or employee of the owner, shall not collect rent from any tenant, interfere with the receiver in the operation of the substandard property or encumber or transfer any interest in the substandard property.*

2. Unless otherwise ordered by the district court, a receiver for a substandard property shall:

(a) Take full and complete control of the substandard property.

(b) Manage the substandard property and pay any expenses of the operation of the substandard property, including, without limitation, paying the taxes, insurance, utilities, general maintenance and debt secured by an interest in the substandard property.

(c) Secure a cost estimate and construction plan from a licensed contractor for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 10 of this act.

(d) ~~[Enter]~~ Upon securing a cost estimate and construction plan pursuant to paragraph (c) and submitting to and obtaining the authorization of the district court, enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the order issued pursuant to section 10 of this act. The district court may modify the cost estimate and construction plan as the court finds necessary.

(e) Collect all rents and income generated by the substandard property.

(f) Use all rents and income generated by the substandard property to pay for the cost of the repairs, rehabilitation or abatement determined by the district court to be necessary to correct the conditions cited in the order issued pursuant to section 10 of this act.

(g) Borrow money to pay for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 10 of this act , ~~[and to]~~ borrow money to pay for any relocation benefits for tenants that are authorized pursuant to section 11 of this act and, with district court approval, secure that debt and any money owed to the receiver for services performed pursuant to this section with a lien on the residential multifamily rental property upon which the substandard property is situated. The lien shall be recorded in the county recorder's office in the county wherein the substandard property is situated.

(h) To exercise any other power granted to a receiver pursuant to chapter 32 of NRS.

(i) Provide any relocation benefits to a tenant that are ordered by the court pursuant to section 11 of this act.

3. If the district court appoints as a receiver a nonprofit organization or community development corporation, in addition to the powers and duties that are granted pursuant to subsection 2, the nonprofit organization or

community development corporation may apply for grants to assist in the rehabilitation of the substandard property.

Sec. 13. *A receiver appointed pursuant to section 10 of this act is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.*

Sec. 14. *1. In addition to any periodic reporting required by the district court, the receiver shall prepare and submit monthly reports relating to a substandard property to the board of county commissioners or its designee. The report to the board of county commissioners must include, without limitation:*

~~[1.]~~ (a) The total amount of rent payments received from tenants of the substandard property;

~~[2.]~~ (b) The nature and amount of any contract that is negotiated or entered into by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

~~[3.]~~ (c) A record of payments made by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

~~[4.]~~ (d) Information relating to the progress of the repair or rehabilitation of the substandard property or abatement of a condition at the substandard property; and

~~[5.]~~ (e) A record of any amount paid to a tenant pursuant to section 12 of this act for relocation benefits.

2. On or before February 1 of each year, the board of county commissioners shall submit any report required by subsection 1 and received during the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

Sec. 15. *1. A district court must discharge the receiver appointed pursuant to section 10 of this act when the district court finds that:*

(a) The conditions set forth in the court order issued pursuant to section 10 of this act that made the residential multifamily rental property a substandard property have been properly repaired or abated; and

(b) A complete accounting of all costs relating to the operation, repair or rehabilitation of or abatement of a condition at the substandard property has been delivered to the district court.

2. Upon correction of the conditions that made the residential multifamily rental property a substandard property, the owner, the mortgagee or any lienholder may apply for the discharge of all money not used by the receiver for removal of the condition and all other costs.

3. After discharging the receiver, the district court may:

(a) Retain jurisdiction over the substandard property for a period of time not to exceed than 18 consecutive months; and

(b) Require the owner of the substandard property and the board of county commissioners or its designee to report to the district court on the

substandard property in accordance with a schedule determined by the district court.

Sec. 16. ***Upon the request of a receiver, the district court may require the owner of the substandard property to pay all unrecovered costs associated with the receivership.***

Sec. 17. ***1. The remedies and penalties provided in sections 2 to 18, inclusive, of this act are cumulative, may not be abrogated and are in addition to any other remedies or penalties that may exist in law or equity, including, without limitation, any remedy or penalty that may be available pursuant to NRS 244.360 to 244.3607, inclusive.***

2. The provisions of sections 2 to 18, inclusive, of this act shall not be construed to limit those rights available to a landlord or tenant pursuant to any other provision of law.

Sec. 18. ***Nothing in the provisions of sections 2 to 18, inclusive, of this act is intended to deprive any owner of a residential multifamily rental property or substandard property any right guaranteed by the United States Constitution or the Nevada Constitution, including, without limitation, the right to due process.***

Sec. 19. NRS 32.010 is hereby amended to read as follows:

32.010 A receiver may be appointed by the court in which an action is pending, or by the judge thereof:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed or materially injured.

2. In an action by a mortgagee for the foreclosure of the mortgage and sale of the mortgaged property, where it appears that the mortgaged property is in danger of being lost, removed or materially injured, or that the condition of the mortgage has not been performed, and that the property is probably insufficient to discharge the mortgage debt.

3. ***In an action to have a residential multifamily rental property declared to be a substandard property that is brought pursuant to section 10 or 29 of this act to manage the repair or rehabilitation of the substandard property.***

4. After judgment, to carry the judgment into effect.

~~[4.]~~ ***5.*** After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or in proceedings in aid of execution, when an execution has been returned unsatisfied, or when the judgment debtor refuses to apply the judgment debtor's property in satisfaction of the judgment.

~~[5.]~~ ***6.*** In the cases when a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

~~[6.]~~ *7.* In all other cases where receivers have heretofore been appointed by the usages of the courts of equity.

Sec. 20. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 21 to 37, inclusive, of this act.

Sec. 21. ***As used in sections 21 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 22 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. ***"Dwelling unit" means a structure or the part of the structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.***

Sec. 23. ***"Habitability standard" includes, without limitation:***

1. Any provision of an applicable housing or health code concerning the health, safety, sanitation or fitness for habitation of a dwelling unit; or

2. The requirements of chapter 118A of NRS relating to the habitability of a dwelling unit, including, without limitation, the provisions of subsection 1 of NRS 118A.290.

Sec. 24. ***"Receiver" means a receiver appointed by a district court as the court's agent, and subject to the court's direction, to take possession of, manage and, if authorized by court order, transfer, sell, lease, license, exchange, collect or otherwise dispose of receivership property in an action to declare a residential multifamily rental property to be a substandard property pursuant to section 29 of this act.***

Sec. 25. ***"Residential multifamily rental property" means a parcel of land in the incorporated area of the city which is primarily used for personal, family or household purposes to which is affixed ~~[one]~~ two or more dwelling units ~~[,]~~ for occupancy by tenants on a rental basis.***

Sec. 26. ***"Substandard property" means a residential multifamily rental property that has been declared to be a substandard property by a district court pursuant to section 29 of this act.***

Sec. 27. ***1. If the appropriate department of a city finds that:***

(a) A residential multifamily rental property is maintained in a way that violates any applicable habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) As a result of the violation or violations described in paragraph (a), the condition of the residential multifamily rental property is of such a nature that the health and safety of residents or the public is substantially endangered,

➥ the city ~~[may]~~ shall notify the owner of the residential multifamily rental property and order that the owner repair or rehabilitate the residential multifamily rental property or otherwise abate the condition.

2. Any notice and order issued pursuant to subsection 1:

(a) Must include, without limitation:

(1) The name, address and telephone number of the city department that issued the notice and summary order;

(2) The date, time and location of any public hearing or proceeding concerning the notice and summary order;

(3) A description of each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety, as applicable;

(4) Any deadline by which the owner must repair or rehabilitate the residential multifamily rental property or otherwise abate the condition; ~~[and]~~

(5) A description of:

(I) The remedies authorized pursuant to section 28 of this act if the owner fails to comply with the terms of the notice and summary order;

(II) The judicial relief required and authorized to be granted pursuant to section 30 of this act; and

(II) The powers and duties of any appointed receiver pursuant to sections 31 to 35, inclusive, of this act; and

(6) A statement that the owner or lessor, if applicable, is prohibited from retaliating against any tenant pursuant to NRS 118A.510; and

(b) Must be posted in a conspicuous place on the residential multifamily rental property and mailed by ~~[first class]~~ certified mail to the owner and each affected resident of a dwelling unit on the residential multifamily rental property.

Sec. 28. *1. If the owner of a residential multifamily rental property fails to comply with the terms of the notice and summary order issued pursuant to section 27 of this act:*

(a) The city may bring an action to:

(1) Have the residential multifamily rental property declared by the district court to be a substandard property;

(2) Obtain a court order requiring the owner to repair or rehabilitate the residential multifamily rental property or otherwise abate the condition; and

(3) Have the district court impose a civil penalty against the owner of the residential multifamily rental property, as provided by ordinance; or

(b) The city or a ~~[tenant, a tenant association or a]~~ nonprofit organization representing any tenant or tenant association may bring an action to:

(1) Have the residential multifamily rental property declared to be a substandard property; and

(2) Have a receiver appointed pursuant to NRS 32.010.

2. A party who intends to bring an action for the appointment of a receiver pursuant to paragraph (b) of subsection 1 shall:

(a) Not later than 30 days before filing such an action, provide notice of intent to bring the action by:

(1) Posting a notice in a conspicuous place on the residential multifamily rental property; and

(2) Mailing the notice to each person with a recorded interest in the residential multifamily rental property; and

(b) Provide with the court filing:

(1) Proof that the party provided the notice of intent to bring the action as required pursuant to paragraph (a); and

(2) If the party is a [tenant, a tenant association or a] nonprofit organization representing a tenant or tenant association, an affidavit provided by the department of the city that issued the notice and summary order pursuant to section 27 of this act in support of the court filing which must include, without limitation, a history of communications and any documentation relating to the provisions of section 27 of this act. The department of the city shall cooperate and timely provide the affidavit upon request of a nonprofit organization representing a tenant or tenant association.

3. A party who brings an action pursuant to subsection 1 must serve each owner of the residential multifamily rental property in the manner provided by Rule 4 of the Nevada Rules of Civil Procedure.

4. The district court may award reasonable attorney's fees and costs to the prevailing party in an action brought pursuant to this section.

Sec. 29. *1. To declare a residential multifamily rental property to be a substandard property, the district court must find:*

(a) The residential multifamily rental property is maintained in a way that violates one or more applicable habitability standards, housing codes or building codes, or any statute or ordinance relating to habitability, building safety or fire safety; and

(b) The condition of the residential multifamily rental property that is caused by the violation or violations described in paragraph (a) is so extensive and of such a nature that the health and safety of the residents of the building or the public is substantially endangered. [; and

(c) Any other factor that the district court finds relevant.]

2. In determining whether to appoint a receiver for a substandard property, the district court shall consider [:

(a) Whether] whether the owner of the substandard property has been afforded a reasonable opportunity to repair or rehabilitate the property or otherwise abate the condition. [; and

(b) Any other factor that the district court finds relevant.]

3. The district court:

(a) Except as otherwise provided in paragraph (b), may appoint a nonprofit organization, community development corporation or other person as a receiver.

(b) Shall not appoint any nonprofit organization, community development corporation or person as a receiver unless the nonprofit organization, community development corporation or person has demonstrated to the district court the necessary capacity and expertise to

develop and supervise a viable financial and construction plan for the satisfactory rehabilitation of the substandard property.

4. An order issued by a district court declaring a residential multifamily rental property to be a substandard property must, without limitation, set forth:

(a) The conditions found by the district court that make the residential multifamily rental property a substandard property; and

(b) The repairs, rehabilitations and abatements that the district court finds to be necessary in order to correct each violation of a habitability standard, housing code or building code, or any statute or ordinance relating to habitability, building safety or fire safety.

5. The provisions of NRS 32.100 to 32.370, inclusive, and any rules adopted by the Supreme Court pursuant to NRS 32.270 apply to any receiver appointed pursuant to this section for a substandard property.

Sec. 30. *1. If the district court finds that there is a condition of the substandard property which substantially endangers the health and safety of the residents of the substandard property, upon the entry of any order or judgment pursuant to section 29 of this act, the district court shall:*

(a) Order the owner of the substandard property to pay all reasonable and actual costs of the governing body of the city or its designee, including, without limitation, inspection costs, investigation costs, enforcement costs, attorney's fees and costs and all costs of prosecution.

(b) Order that the governing body of the city or its designee shall provide each tenant of the substandard property with the notice of the district court order or judgment.

(c) ~~If~~ Except as otherwise provided in subsection 4, if the conditions of the substandard property or the repair, rehabilitation or abatement thereof significantly affect the safe and sanitary use of the substandard property by any lawful tenant, such that the tenant cannot safely reside in the premises, order the owner to provide or pay relocation benefits to each lawful tenant. These benefits must consist of actual reasonable moving and storage costs and relocation compensation, including, without limitation, the costs and compensation for the following:

(1) Transportation of the personal property of the tenant to the new location. The new location must be in close proximity to the substandard property, except where relocation to a new location beyond a close proximity is determined by the district court to be justified.

(2) Packing, crating, unpacking and uncrating all personal property of the tenant.

(3) Insurance of the property of the tenant while in transit.

(4) The reasonable replacement value of personal property lost, stolen or damaged, other than any personal property that was lost, stolen or damaged through the fault or negligence of the displaced tenant, or his or her agent or employee, in the process of moving, where insurance covering the loss, theft or damage is not reasonably available.

(5) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property of the tenant, including connection charges imposed by utility companies for starting utility service.

(6) Relocation compensation in an amount equal to the differential between the contract rent and the fair market rental value determined by the United States Department of Housing and Urban Development for a unit of comparable size within the area for the period that the unit is being repaired or rehabilitated, for not more than 120 days.

(d) Determine the date when the tenant is to relocate, and order the tenant to notify the governing body of the city or its designee and the owner of the dwelling unit of the address to which the tenant has relocated not more than 5 days after the relocation.

(e) Order that the owner of the substandard property offer the first right of occupancy of a dwelling unit to each tenant who received benefits pursuant to this section, before letting the dwelling unit for rent to a third party. Except as otherwise provided in this paragraph, the offer for first right of occupancy to the tenant must be in writing and sent by certified mail to the address given by the tenant at the time of relocation. If the owner has not been provided the address of the tenant by the tenant as required by this section, the owner is not required to offer the tenant the first right of occupancy. The tenant may accept the offer by giving the owner notice in writing by certified mail not later than 10 days after the owner mailed the offer.

(f) Order that if the owner fails to comply with any order issued pursuant to sections 21 to 37, inclusive, of this act, the court may:

(1) Sanction the person for civil contempt;

(2) Impose any penalty authorized pursuant to NRS 268.4124 as if the substandard property were a chronic nuisance; or

(3) Any other penalty provided by law.

2. If the district court finds that a tenant has been substantially responsible for causing or substantially contributing to the conditions found by the district court that make the residential multifamily rental property a substandard property, the court shall not grant to the tenant any relocation compensation or benefits.

3. Any tenant of the substandard property who has been ordered to relocate due to the conditions found by the district court that make the residential multifamily rental property a substandard property and who is not substantially responsible for causing or contributing to the condition must be paid these benefits and moving costs at the time that the tenant actually relocates.

4. If the district court finds that it is not possible to provide a tenant with the benefits described in paragraph (c) of subsection 1, the district court may award such other equitable or declaratory relief as the court finds necessary.

Sec. 31. *1. If the district court appoints a receiver for a substandard property pursuant to section 29 of this act, the owner of the substandard property, and any agent or employee of the owner, shall not collect rent from any tenant, interfere with the receiver in the operation of the substandard property or encumber or transfer any interest in the substandard property.*

2. Unless otherwise ordered by the district court, a receiver for a substandard property shall:

(a) Take full and complete control of the substandard property.

(b) Manage the substandard property and pay any expenses of the operation of the substandard property, including, without limitation, paying the taxes, insurance, utilities, general maintenance and debt secured by an interest in the substandard property.

(c) Secure a cost estimate and construction plan from a licensed contractor for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 29 of this act.

(d) ~~[Enter]~~ Upon securing a cost estimate and construction plan pursuant to paragraph (c) and submitting to and obtaining the authorization of the district court, enter into contracts and employ a licensed contractor as necessary to correct the conditions cited in the order issued pursuant to section 29 of this act. The district court may modify the cost estimate and construction plan as the court finds necessary.

(e) Collect all rents and income generated by the substandard property.

(f) Use all rents and income generated by the substandard property to pay for the cost of the repairs, rehabilitation or abatement determined by the district court to be necessary to correct the conditions cited in the order issued pursuant to section 29 of this act.

(g) Borrow money to pay for the repairs, rehabilitation or abatement necessary to correct the conditions cited in the order issued pursuant to section 29 of this act , ~~[and to]~~ borrow money to pay for any relocation benefits for tenants that are authorized pursuant to section 30 of this act and, with district court approval, secure that debt and any money owed to the receiver for services performed pursuant to this section with a lien on the residential multifamily rental property upon which the substandard property is situated. The lien shall be recorded in the county recorder's office in the county wherein the substandard property is situated.

(h) To exercise any other power granted to a receiver pursuant to chapter 32 of NRS.

(i) Provide any relocation benefits to a tenant that are ordered by the court pursuant to section 30 of this act.

3. If the district court appoints as a receiver a nonprofit organization or community development corporation, in addition to the powers and duties that are granted pursuant to subsection 2, the nonprofit organization or community development corporation may apply for grants to assist in the rehabilitation of the substandard property.

Sec. 32. *A receiver appointed pursuant to section 29 of this act is entitled to the same fees, commissions and necessary expenses as a receiver in an action to foreclose a mortgage.*

Sec. 33. *1. In addition to any periodic reporting required by the district court, the receiver shall prepare and submit monthly reports relating to a substandard property to the governing body of the city or its designee. The report to the governing body of the city must include, without limitation:*

~~[1.]~~ (a) The total amount of rent payments received from tenants of the substandard property;

~~[2.]~~ (b) The nature and amount of any contract that is negotiated or entered into by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

~~[3.]~~ (c) A record of payments made by the receiver relating to the operation, repair or rehabilitation of or the abatement of a condition at the substandard property;

~~[4.]~~ (d) Information relating to the progress of the repair or rehabilitation of the substandard property or abatement of a condition at the substandard property; and

~~[5.]~~ (e) A record of any amount paid to a tenant pursuant to section 31 of this act for relocation benefits.

2. On or before February 1 of each year, the governing body of the city shall submit any report required by subsection 1 and received during the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

Sec. 34. *1. A district court must discharge the receiver appointed pursuant to section 29 of this act when the district court finds that:*

(a) The conditions set forth in the court order issued pursuant to section 29 of this act that made the residential multifamily rental property a substandard property have been properly repaired or abated; and

(b) A complete accounting of all costs relating to the operation, repair or rehabilitation of or abatement of a condition at the substandard property has been delivered to the district court.

2. Upon correction of the conditions that made the residential multifamily rental property a substandard property, the owner, the mortgagee or any lienholder may apply for the discharge of all money not used by the receiver for removal of the condition and all other costs.

3. After discharging the receiver, the district court may:

(a) Retain jurisdiction over the substandard property for a period of time not to exceed than 18 consecutive months; and

(b) Require the owner of the substandard property and the governing body of the city or its designee to report to the district court on the substandard property in accordance with a schedule determined by the district court.

Sec. 35. ***Upon the request of a receiver, the district court may require the owner of the substandard property to pay all unrecovered costs associated with the receivership.***

Sec. 36. ***1. The remedies and penalties provided in sections 21 to 37, inclusive, of this act are cumulative, may not be abrogated and are in addition to any other remedies or penalties that may exist in law or equity, including, without limitation, any remedy or penalty that may be available pursuant to NRS 268.4122, 268.4124 and 268.4126.***

2. The provisions of sections 21 to 37, inclusive, of this act shall not be construed to limit those rights available to a landlord or tenant pursuant to any other provision of law.

Sec. 37. ***Nothing in the provisions of sections 21 to 37, inclusive, of this act is intended to deprive any owner of a residential multifamily rental property or substandard property any right guaranteed by the United States Constitution or the Nevada Constitution, including, without limitation, the right to due process.***

Sec. 38. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 694 to Assembly Bill No. 211.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 582.

AN ACT relating to employment; revising provisions relating to the employment of children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Fair Labor Standards Act and existing state law establish certain standards relating to the employment of children. (29 U.S.C. § 212, 29 C.F.R. Part 570; chapter 609 of NRS) When such federal and state standards are different, the standards that provide the most protection to children apply. (29 U.S.C. § 218) With certain exceptions, both existing federal and state law restrict the daily and weekly number of hours worked in authorized employment by children who are 14 and 15 years of age. (29 C.F.R. § 570.35; NRS 609.240) In part, existing state law prohibits children who are 14 and 15 years of age from being employed, subject to certain exceptions, more than 48 hours in any 1 week. (NRS 609.240) **Section 2** of this bill reduces the maximum allowable number of weekly work hours under this prohibition to 40 hours in any 1 week. With the exception of working as certain messengers, existing state law does not place restrictions on the times of day worked in authorized employment by children who are 14 years of age and older and

under 18 years of age. (NRS 609.230, 609.240) However, existing federal law limits the times of day worked in authorized employment by children who are 14 and 15 years of age to 7 a.m. to 7 p.m., except between June 1 and Labor Day when the evening hours are extended to 9 p.m. (29 C.F.R. § 570.35) **Section 2** prohibits, with certain exceptions, work between 11 p.m. and 6 a.m. on any night immediately preceding a school day by a child who is: (1) enrolled in high school at a public or private school; (2) 16 years of age or older and under 19 years of age; and (3) not emancipated. **Section 2** exempts from this time restriction the employment of a child as a lifeguard, employee of an arcade or stage or theatrical performer. **Section 2** authorizes a school district or other governing body of the high school or juvenile court to grant an exemption from this time restriction in certain circumstances.

A person who violates the prohibitions relating to the employment of children: (1) is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine or imprisonment; and (2) may be liable for certain civil penalties. (NRS 193.150, 609.650, 609.652) These penalties apply to persons who violate the maximum allowable number of weekly work hours or time restrictions in **section 2**.

Section 1.7 of this bill provides that a person who violates any provision of the federal Fair Labor Standards Act, or any regulation adopted pursuant thereto, relating to the hours of work and conditions of employment permitted for a child under 16 years of age is subject to these penalties.

Existing law requires every employer in this State to conspicuously post on the premises where any person is employed a printed abstract, furnished by the Labor Commissioner, of the provisions relating to compensation, wages and hours of employment. (NRS 608.013) **Section ~~[1]~~ 1.3** of this bill requires the Labor Commissioner to prepare an abstract of the provisions relating to the employment of children and post the abstract to the Internet website maintained by the Office of Labor Commissioner. **Section ~~[1]~~ 1.3** also requires the Labor Commissioner to include the abstract relating to the employment of children in a two-dimensional bar code, commonly known as a QR code, or other machine-readable bar code used for storing an Internet address, in the abstract relating to compensation, wages and hours of employment that the Labor Commissioner is required to furnish to every employer in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 609 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 1.3 and 1.7 of this act.**

Sec. 1.3. The Labor Commissioner shall:

1. Prepare an abstract of this chapter;

2. Post the abstract on the Internet website maintained by the Office of Labor Commissioner; and

3. Include the abstract in a two-dimensional bar code, commonly known as a QR code, or other machine-readable barcode used for storing an Internet address, in any abstract furnished to an employer pursuant to NRS 608.013.

Sec. 1.7. A violation of any provision of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., or any regulation adopted pursuant thereto, including, without limitation, 29 C.F.R. Part 570, relating to the hours of work and conditions of employment permitted for a child under 16 years of age shall be deemed to be a violation of this chapter.

Sec. 2. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than employment as a performer in the production of a motion picture or work on a farm, more than ~~[48]~~ ***40*** hours in any 1 week, or more than 8 hours in any 1 day.

2. ***Except as otherwise provided in this subsection and NRS 609.230, no child may be employed, permitted or suffered to work at any gainful occupation, other than employment as a lifeguard, employee of an arcade, stage or theatrical performer or performer in the production of a motion picture or work on a farm, between 11 p.m. and 6 a.m. on any night immediately preceding a school day if the child:***

(a) Is enrolled in high school at a public or private school;

(b) Is 16 years of age or older and under 19 years of age; and

(c) Is not declared emancipated pursuant to NRS 129.080 to 129.140, inclusive.

➥ A school district or other governing body of the high school or juvenile court may grant an exemption from the restrictions of this subsection if the school district, governing body or juvenile court, as applicable, determines the exemption is in the best interest of the child.

3. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

4. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 582 to Assembly Bill No. 215.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 241.

The following Senate amendment was read:

Amendment No. 687.

AN ACT relating to housing; requiring the governing body of each county and city to adopt an ordinance to authorize by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use; declaring void certain county or city ordinances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each governing body of a county or city to adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use. **Section 1 also authorizes such an ordinance to establish certain standards and requirements to qualify for such a by-right development. Section 1 further provides that any such ordinance does not apply to any property: (1) that is zoned for or in relation to an airport; or (2) within the region defined in the Tahoe Regional Planning Compact. (NRS 277.200) Section 1** further provides that property zoned for commercial use does not include property zoned for industrial use. **Section 5** of this bill declares void any ordinance, regulation or rule of a county or city which conflicts with the provisions of this bill.

Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill creates an exception to account for the requirement that the governing body of a county or city adopt an ordinance to authorize by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use pursuant to **section 1**.

Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to **section 1**.

Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Not]~~ Except as otherwise provided in subsection 2, not later than ~~[October]~~ March 1, 2026, each governing body shall adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for

commercial use. The ordinance may establish standards and requirements to qualify for by-right a multifamily housing development or mixed-use development.

2. Any ordinance adopted pursuant to this section does not apply to any property:

(a) That is zoned for or in relation to an airport; or

(b) Within the region defined by NRS 277.200, the Tahoe Regional Planning Compact.

3. As used in this section, "property zoned for commercial use" does not include property zoned for industrial use.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.

3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.

4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.

5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

7. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 4. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[. Within]~~ ***, and***

section 1 of this act. Except as otherwise provided in section 1 of this act, within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing

body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 5. On and after ~~[October]~~ **March** 1, 2026, any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 687 to Assembly Bill No. 241.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 688.

AN ACT relating to housing; requiring the governing body of each county and city to adopt an ordinance to authorize by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use; declaring void certain county or city ordinances; **authorizing the State Land Registrar to transfer, under certain circumstances, certain real property owned by the State of Nevada to certain entities without consideration;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each governing body of a county or city to adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use. **Section 1** further provides that property zoned for commercial use does not include property zoned for industrial use. **Section 5** of this bill declares void any ordinance, regulation or rule of a county or city which conflicts with the provisions of this bill.

Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill creates an exception to account for the requirement that the governing body of a county or city adopt an ordinance to authorize by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use pursuant to **section 1**.

Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to **section 1**.

Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to **section 1**.

Existing law requires the State Land Registrar to execute on behalf of the State of Nevada any lease, deed or other document by which any land or interest therein owned by the State is conveyed. (NRS 321.003) Section 5.3 of this bill authorizes the State Land Registrar to transfer title to certain real property owned by the State, with certain restrictions, to Catholic Charities of Northern Nevada and the Reno-Sparks Gospel Mission. Section 5.3 provides that such a transfer is conditioned upon the Reno Redevelopment Agency entering into certain agreements with Catholic Charities of Northern Nevada or the Reno-Sparks Gospel Mission. Section 5.3 further provides that such agreements must require the Reno Redevelopment Agency to: (1) survey and generate a legal description for the portions of real property that the State Land Registrar is authorized to transfer to each entity; and (2) pay the costs relating to the transfer of the real properties. Section 5.5 of this bill requires the deed for the real properties to include certain restrictions and provide for the reversion of the title to the real properties under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not later than October 1, 2026, each governing body shall adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use.

2. As used in this section, "property zoned for commercial use" does not include property zoned for industrial use.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.

3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.

4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.

5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

7. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 4. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[. Within]~~ ***, and section 1 of this act. Except as otherwise provided in section 1 of this act, within*** the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 5. On and after October 1, 2026, any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 5.3. **1. If the Reno Redevelopment Agency enters into an agreement with Catholic Charities of Northern Nevada or the Reno-Sparks Gospel Mission, as applicable, pursuant to subsection 2, the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may transfer, without consideration, to:**

(a) Catholic Charities of Northern Nevada, all interest of the State of Nevada in the real property located on the western portion of the property commonly known as the Northern Nevada Adult Mental Health Services Campus, containing approximately 4 acres, and further described in the legal description generated by the Reno Redevelopment Agency pursuant to subsection 2; and

(b) The Reno-Sparks Gospel Mission, all interest of the State of Nevada in the real property located on the western portion of the property commonly known as the Northern Nevada Adult Mental Health Services Campus, containing approximately 1.3 acres, and further described in the legal description generated by the Reno Redevelopment Agency pursuant to subsection 2,

↪ to provide community and social services to at-risk and underserved populations, including, without limitation, affordable housing, workforce housing, supportive housing, food services, supportive services and any other service for at-risk and underserved communities.

2. The Reno Redevelopment Agency shall enter into an agreement with Catholic Charities of Northern Nevada or the Reno-Sparks Gospel Mission, as applicable, relating to the transfer of the property described in subsection 1. The agreement must require the Reno Redevelopment Agency to:

(a) Survey and generate a legal description for the real properties described in paragraphs (a) and (b) of subsection 1; and

(b) Pay the costs relating to the transfer of the real property.

Sec. 5.5. **If real property is transferred pursuant to section 5.3 of this act, the deed from the State of Nevada to Catholic Charities of Northern Nevada or the Reno-Sparks Gospel Mission, as applicable, must, subject to any easement, condition or other encumbrance of record:**

1. Include restrictions:

(a) Requiring that the real property be used to provide community and social services to at-risk and underserved communities, which may include, without limitation, affordable housing, workforce housing, supportive housing, food services and any other services provided for at-risk and underserved communities; and

(b) Prohibit Catholic Charities of Northern Nevada or the Reno-Sparks Gospel Mission, as applicable, or any successors in title from transferring, leasing, encumbering or otherwise disposing of the property except pursuant to the express authority of the Legislature.

2. Provide for the reversion of the title to the property to the State of Nevada upon the breach of any restriction specified in subsection 1.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 688 to Assembly Bill No. 241.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 592.

ASSEMBLYMEMBERS GOULDING; ANDERSON, FLANAGAN, HUNT, LA RUE HATCH, AND NGUYEN

JOINT SPONSORS: SENATORS KRASNER AND STEINBECK

AN ACT relating to debt; establishing coerced debt as an affirmative defense in certain civil actions to collect ~~[a]~~ **an unsecured** consumer debt; **setting forth requirements for asserting the affirmative defense of coerced debt; requiring a court to take certain actions upon finding that a debt is a coerced debt; authorizing certain claims and remedies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the collection of debt by certain persons in this State, including, without limitation, collection agencies and private debt collectors. (*See, e.g.*, chapters 353C and 649 of NRS) **Section 1** of this bill establishes that **,** in any civil action to collect ~~[a]~~ **an unsecured** consumer debt, **a debtor may assert as an affirmative defense that the debt is** a coerced debt**.** ~~[may be used as an affirmative defense.]~~ **Section 1** also: (1) sets forth the requirements for ~~[establishing a prima facie]~~ **asserting the** affirmative defense of coerced debt; and (2) ~~[defines "coerced debt" to mean a consumer debt or any part thereof which is the proximate result of a person having been a victim of domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct intended to induce the person to incur debt against his or her own will.]~~ **requires a court, upon finding that a debt is a coerced debt, to order the creditor to cease collection efforts and, if applicable, correct certain records. In addition,**

section 1 authorizes: (1) the creditor to join a third party who may be liable for the coerced debt or amend its complaint to assert a claim against any such person; and (2) the debtor to recover attorney's fees and costs from the person who coerced the debt.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any civil action to collect ~~[a]~~ an unsecured consumer debt, it is an affirmative defense under applicable court rules that the debt is a coerced debt.

2. ~~[A debtor establishes a prima facie]~~ To assert the affirmative defense ~~[that a debt is a]~~ of coerced debt ~~[by proving that:]~~ , a debtor must submit to the court:

(a) ~~[The debt is a consumer debt accrued in his or her name;~~

~~(b) The debt was accrued as the proximate result of the debtor having been a victim of domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct; and~~

~~(c) Being a victim of domestic violence, human trafficking, abuse, coercion, fraud, duress, threats, intimidation, manipulation or other unlawful conduct caused the debtor to incur the debt against the debtor's will.]~~ A written attestation that includes, without limitation:

(1) A statement that clearly identifies the specific debt the debtor asserts is a coerced debt;

(2) A description of the circumstances under which the alleged coerced debt was incurred, including specific facts supporting the allegation;

(3) Except as otherwise provided in subsection 4, any information known to the debtor regarding the identity and contact information of the person alleged to have coerced the debtor into incurring the debt; and

(4) A statement indicating the number of times the debtor has previously asserted the affirmative defense of coerced debt in any action or proceeding before a court in this State or any other state, including whether each such assertion was successful or unsuccessful; and

(b) A copy of at least one of the following documents:

(1) A police report, investigative report or complaint which the debtor filed with a law enforcement agency that is relevant to establishing that the debt is a coerced debt;

(2) A report filed with the Federal Trade Commission indicating that the debtor is a victim of identity theft; or

(3) A temporary or extended order for protection against domestic violence issued by a court of competent jurisdiction or other court record that is relevant to establishing that the debt is a coerced debt.

3. If the court determines that the debt identified by the debtor pursuant to subparagraph (1) of paragraph (a) of subsection 2 constitutes a coerced debt:

(a) The court shall order the creditor to immediately cease all collection efforts related to the coerced debt and, if applicable, to take reasonable steps to correct any consumer credit report or similar record to reflect that the debt is a coerced debt;

(b) The creditor may join any third party who is or may be liable for the coerced debt or amend its complaint to assert a claim against any such person; and

(c) The debtor is entitled to recover from the person who coerced the debtor into incurring the coerced debt reasonable attorney's fees and costs, but may not recover such fees and costs from the creditor.

4. If the debtor believes that providing the information required by subparagraph (3) of paragraph (a) of subsection 2 is likely to result in abuse to the debtor or an immediate family member of the debtor, the debtor may, in lieu of providing the information, submit to the court a statement, signed and sworn to or affirmed by the debtor, that such disclosure is likely to result in abuse to the debtor or an immediate family member of the debtor.

5. As used in this section ~~[, "coerced]~~ :

(a) "Coerced debt" means ~~[a]~~ an unsecured consumer debt or any part thereof ~~[which is the proximate]~~ incurred for personal, family or household purposes as a result of ~~[a person having been a victim of domestic violence, human trafficking, abuse, coercion,]~~ fraud, duress, ~~[threats,]~~ intimidation, ~~[manipulation]~~ threat of force or ~~[other unlawful conduct intended to induce]~~ undue influence in the ~~[person to incur debt against his or her own will.]~~ name of a debtor who is a victim of:

(1) Sex trafficking as defined in NRS 201.300; or

(2) Domestic violence, if the alleged perpetrator is a:

(I) Spouse or former spouse of the debtor;

(II) Person who has a child in common with the debtor;

(III) Person related by blood or marriage to the debtor;

(IV) Person who is living with or has lived with the debtor; or

(V) Person who was in a dating relationship with the debtor at the time the debt was incurred.

(b) "Unsecured consumer debt" does not include a credit instrument, as defined in NRS 463.01467.

(c) "Victim" includes a person who alleges that he or she is a victim of an act, regardless of whether or not the alleged perpetrator of the act has been charged with or convicted of the act.

Sec. 2. (Deleted by amendment.)

Sec. 3. The provisions of this act apply to any action filed on or after October 1, 2025.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 592 to Assembly Bill No. 250.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 734.

AN ACT relating to debt; establishing coerced debt as an affirmative defense in certain civil actions to collect an unsecured consumer debt; setting forth requirements for asserting the affirmative defense of coerced debt; requiring a court to take certain actions upon finding that a debt is a coerced debt; authorizing certain claims and remedies; **revising provisions governing the presumption of intent to defraud in the issuance of certain instruments;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the collection of debt by certain persons in this State, including, without limitation, collection agencies and private debt collectors. (*See, e.g.*, chapters 353C and 649 of NRS) **Section 1** of this bill establishes that, in any civil action to collect an unsecured consumer debt, a debtor may assert as an affirmative defense that the debt is a coerced debt. **Section 1** also: (1) sets forth the requirements for asserting the affirmative defense of coerced debt; and (2) requires a court, upon finding that a debt is a coerced debt, to order the creditor to cease collection efforts and, if applicable, correct certain records. In addition, **section 1** authorizes: (1) the creditor to join a third party who may be liable for the coerced debt or amend its complaint to assert a claim against any such person; and (2) the debtor to recover attorney's fees and costs from the person who coerced the debt.

Existing law makes it a crime to issue a check or draft against insufficient or no funds with intent to defraud. (NRS 205.130) Under existing law, intent to defraud and knowledge of insufficient funds are presumed to exist if payment of the instrument is refused by the drawee when presented in the usual course of business, unless the drawer pays the full amount due within 5 days after receiving notice from the drawee or the holder. (NRS 205.132) Section 1.5 of this bill provides that, for the purpose of determining whether a check or draft is presented in the usual course of business, a check or draft that constitutes a credit instrument is deemed to be presented in the usual course of business if it is presented not more than 2 years after the date on which the credit instrument is issued.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any civil action to collect an unsecured consumer debt, it is an affirmative defense under applicable court rules that the debt is a coerced debt.

2. To assert the affirmative defense of coerced debt, a debtor must submit to the court:

(a) A written attestation that includes, without limitation:

(1) A statement that clearly identifies the specific debt the debtor asserts is a coerced debt;

(2) A description of the circumstances under which the alleged coerced debt was incurred, including specific facts supporting the allegation;

(3) Except as otherwise provided in subsection 4, any information known to the debtor regarding the identity and contact information of the person alleged to have coerced the debtor into incurring the debt; and

(4) A statement indicating the number of times the debtor has previously asserted the affirmative defense of coerced debt in any action or proceeding before a court in this State or any other state, including whether each such assertion was successful or unsuccessful; and

(b) A copy of at least one of the following documents:

(1) A police report, investigative report or complaint which the debtor filed with a law enforcement agency that is relevant to establishing that the debt is a coerced debt;

(2) A report filed with the Federal Trade Commission indicating that the debtor is a victim of identity theft; or

(3) A temporary or extended order for protection against domestic violence issued by a court of competent jurisdiction or other court record that is relevant to establishing that the debt is a coerced debt.

3. If the court determines that the debt identified by the debtor pursuant to subparagraph (1) of paragraph (a) of subsection 2 constitutes a coerced debt:

(a) The court shall order the creditor to immediately cease all collection efforts related to the coerced debt and, if applicable, to take reasonable steps to correct any consumer credit report or similar record to reflect that the debt is a coerced debt;

(b) The creditor may join any third party who is or may be liable for the coerced debt or amend its complaint to assert a claim against any such person; and

(c) The debtor is entitled to recover from the person who coerced the debtor into incurring the coerced debt reasonable attorney's fees and costs, but may not recover such fees and costs from the creditor.

4. If the debtor believes that providing the information required by subparagraph (3) of paragraph (a) of subsection 2 is likely to result in abuse to the debtor or an immediate family member of the debtor, the debtor may, in lieu of providing the information, submit to the court a statement, signed and sworn to or affirmed by the debtor, that such disclosure is likely to result in abuse to the debtor or an immediate family member of the debtor.

5. As used in this section:

(a) "Coerced debt" means an unsecured consumer debt or any part thereof incurred for personal, family or household purposes as a result of

fraud, duress, intimidation, threat of force or undue influence in the name of a debtor who is a victim of:

(1) Sex trafficking as defined in NRS 201.300; or

(2) Domestic violence, if the alleged perpetrator is a:

(I) Spouse or former spouse of the debtor;

(II) Person who has a child in common with the debtor;

(III) Person related by blood or marriage to the debtor;

(IV) Person who is living with or has lived with the debtor; or

(V) Person who was in a dating relationship with the debtor at the time the debt was incurred.

(b) "Unsecured consumer debt" does not include a credit instrument, as defined in NRS 463.01467.

(c) "Victim" includes a person who alleges that he or she is a victim of an act, regardless of whether or not the alleged perpetrator of the act has been charged with or convicted of the act.

Sec. 1.5. **NRS 205.132 is hereby amended to read as follows:**

205.132 1. In a criminal action for issuing a check or draft against insufficient or no funds with intent to defraud, that intent and the knowledge that the drawer has insufficient money, property or credit with the drawee is presumed to exist if:

(a) The instrument is drawn on a purported account which does not exist.

(b) Payment of the instrument is refused by the drawee when it is presented in the usual course of business, unless within 5 days after receiving notice of this fact from the drawee or the holder, the drawer pays the holder of the instrument the full amount due plus any handling charges. ***For the purposes of this paragraph, presentation of a check or draft that constitutes a credit instrument, as defined in NRS 463.01467, occurs in the usual course of business if the presentation occurs not more than 2 years after the date on which the credit instrument is issued.***

(c) Notice of refusal of payment, sent to the drawer by registered or certified mail at an address printed or written on the instrument, is returned because of nondelivery.

2. If a complainant causes a criminal action to be commenced for issuing a check or draft with intent to defraud and refuses to testify in the action, the complainant is presumed to have acted maliciously and without probable cause.

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~[The provisions]~~ **1. This section becomes effective upon passage and approval.**

2. Section 1.5 of this act becomes effective upon passage and approval, and applies to any credit instrument, as defined in NRS 463.01467, signed by a drawer before, on or after the effective date of section 1.5 of this act.

3. Section 1 of this act ~~[apply]~~ **becomes effective on October 1, 2025, and applies** to any action filed on or after October 1, 2025.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 734 to Assembly Bill No. 250.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 450.

The following Senate amendment was read:

Amendment No. 584.

AN ACT relating to professions; revising requirements to obtain a license as a marriage and family therapist or clinical professional counselor by endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of marriage and family therapists and clinical professional counselors by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors. (Chapter 641A of NRS) Existing law sets forth procedures by which a marriage and family therapist or clinical professional counselor who is licensed in the District of Columbia or any state or territory of the United States may obtain a license by endorsement to practice in this State. Under existing law, the Board is authorized to issue such a license by endorsement to an applicant who submits to the Board, among other things **.** ~~[: (1)]~~ proof satisfactory to the Board that the applicant has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable **.** ~~[; and (2) any other information required by the Board.]~~ (NRS 641A.242) This bill instead requires, rather than authorizes, the Board to issue such a license by endorsement to an applicant who meets the applicable requirements **.** ~~[and]~~ **This bill additionally** eliminates the ~~[requirements]~~ **requirement** that an applicant submit ~~[: (1)]~~ proof to the Board that the applicant has not been investigated by the corresponding regulatory authority, thereby making a person who has been investigated by the corresponding regulatory authority, but who has not been disciplined by the authority, eligible to obtain a license by endorsement **.** ~~[; and (2) any other information required by the Board.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board ~~[may]~~ ***shall*** issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined ~~[or investigated]~~ by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; ~~*[and]*~~

(d) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for an initial license and for the initial issuance of a license ~~*[.]*~~ ; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may, for any reason, grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 584 to Assembly Bill No. 450.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 19.

The following Senate amendment was read:

Amendment No. 637.

AN ACT relating to substance use disorders; revising the membership of the Statewide Substance Use Response Working Group; **revising the date by which the Working Group must submit a certain report;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Statewide Substance Use Response Working Group in the Office of the Attorney General to leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders. ~~[(NRS 458.460, 458.480)]~~ Existing law further **: (1)** provides that the membership of the Working Group consists of 18 members, 12 of whom are appointed by the Attorney General ~~[.]~~ **; and (2) requires the Working Group to submit to the Governor, the Attorney General and the Legislature on or before January 31 of each year a report which includes recommendations for programs to address substance misuse and substance use disorders.** (NRS 458.460 ~~[) This]~~ **, 458.480) Section 1 of this** bill provides that, for purposes of membership of the Working Group, the designee of the Director of the Department of Health and Human Services must be a person from within the Division of Public and Behavioral Health of the Department. ~~[This bill]~~ **Section 1** also adds to the membership of the Working Group: (1) the Executive Director of the Department of Indigent Defense Services, or his or her designee; and (2) four members appointed by the Attorney General. **Section 1.5 of this bill requires the Working Group to submit the report on or before August 1 of each year, rather than on or before January 31 of each year.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 458.460 is hereby amended to read as follows:

458.460 1. The Statewide Substance Use Response Working Group is hereby created in the Office of the Attorney General.

2. The Working Group consists of the following members:

(a) The Attorney General or his or her designee;

(b) The Director of the Department of Health and Human Services, or his or her designee ~~[,]~~ ***from within the Division;***

(c) ***The Executive Director of the Department of Indigent Defense Services, or his or her designee;***

(d) One member of the Senate who is appointed by the Senate Majority Leader;

~~[(d)]~~ ***(e)*** One member of the Senate who is appointed by the Senate Minority Leader;

~~[(e)]~~ ***(f)*** One member of the Assembly who is appointed by the Speaker of the Assembly;

~~[(f)]~~ ***(g)*** One member of the Assembly who is appointed by the Assembly Minority Leader; and

~~[(g)]~~ ***(h)*** The following members, appointed by the Attorney General:

(1) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 700,000 or more;

(2) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is 100,000 or more but less than 700,000;

(3) One representative of a local governmental entity that provides or oversees the provision of human services in a county whose population is less than 100,000;

(4) One provider of health care with expertise in medicine for the treatment of substance use disorders;

(5) One representative of the Nevada Sheriffs' and Chiefs' Association, or its successor organization;

(6) One advocate for persons who have substance use disorders and family members of such persons;

(7) One person who is in recovery from a substance use disorder;

(8) One person who provides services relating to the treatment of substance use disorders;

(9) One representative of a substance use disorder prevention coalition;

(10) One representative of a program to reduce the harm caused by substance misuse;

(11) One representative of a hospital; ~~[and]~~

(12) One representative of a school district ~~[.]~~ ***;***

(13) One member of the general public, with preference given to a person who is fluent in more than one language and resides in a household where more than one language is spoken;

(14) One person who is an emergency response employee;

(15) One representative of the Division of Child and Family Services of the Department of Health and Human Services; and

(16) One representative of the Nevada District Attorneys Association, or its successor organization.

3. After the initial terms, members of the Working Group serve terms of 2 years and serve at the pleasure of the appointing authority. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments.

4. If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

5. Members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

7. As used in this section ~~[~~, "substance~~]~~ ***:***

(a) "Attendant" has the meaning ascribed to it in NRS 450B.050.

(b) "Emergency response employee" means a firefighter, attendant, volunteer attendant, emergency medical technician, advanced emergency medical technician, emergency medical dispatcher, paramedic, law enforcement officer, correctional officer, other peace officer or person who is employed by an agency of criminal justice, including, without limitation, a law enforcement dispatcher, county coroner or medical examiner or any of their employees, or any other person who, in the course of his or her professional duties, responds to emergencies in this State.

(c) "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 1.5. **NRS 458.480 is hereby amended to read as follows:**

458.480 1. The Working Group shall:

(a) Leverage and expand efforts by state and local governmental entities to reduce the use of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants, and identify ways to enhance those efforts through coordination and collaboration.

(b) Assess evidence-based strategies for preventing substance use and intervening to stop substance use, including, without limitation, the use of heroin, other synthetic and non-synthetic opioids and stimulants. Such strategies must include, without limitation, strategies to:

(1) Help persons at risk of a substance use disorder avoid developing a substance use disorder;

(2) Discover potentially problematic substance use in a person and intervene before the person develops a substance use disorder;

(3) Treat the medical consequences of a substance use disorder in a person and facilitate the treatment of the substance use disorder to minimize further harm; and

(4) Reduce the harm caused by substance use, including, without limitation, by preventing overdoses.

(c) Assess and evaluate existing pathways to treatment and recovery for persons with substance use disorders, including, without limitation, such persons who are members of special populations.

(d) Work to understand how residents of this State who are involved in the criminal justice system access supports for treatment of and recovery from substance use disorders at various points, including, without limitation, by reviewing existing diversion, deflection and reentry programs for such persons.

(e) Evaluate ways to improve and expand evidence-based or evidence-informed programs, procedures and strategies to treat and support recovery from opioid use disorder and any co-occurring substance use disorder, including, without limitation, among members of special populations.

(f) Examine support systems and programs for persons who are in recovery from opioid use disorder and any co-occurring substance use disorder.

(g) Make recommendations to entities including, without limitation, the State Board of Pharmacy, professional licensing boards that license practitioners, other than veterinarians, the State Board of Health, the Division, the Governor and the Legislature, to ensure that controlled substances are appropriately prescribed in accordance with the provisions of NRS 639.2391 to 639.23916, inclusive.

(h) Examine qualitative and quantitative data to understand the risk factors that contribute to substance use and the rates of substance use and substance use disorders, focusing on special populations.

(i) Develop strategies for local, state and federal law enforcement and public health agencies to respond to and prevent overdoses and plans for implementing those strategies.

(j) Study the efficacy and expand the implementation of programs to:

(1) Educate youth and families about the effects of substance use and substance use disorders; and

(2) Reduce the harms associated with substance use and substance use disorders while referring persons with substance use disorders to evidence-based treatment.

(k) Recommend strategies to improve coordination between local, state and federal law enforcement and public health agencies to enhance the communication of timely and relevant information relating to substance use and reduce duplicative data collection and research.

(l) Evaluate current systems for sharing information between agencies regarding the trafficking and distribution of legal and illegal substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(m) Study the effects of substance use disorders on the criminal justice system, including, without limitation, law enforcement agencies and correctional institutions.

(n) Study the sources and manufacturers of substances which are associated with substance use disorders, including, without limitation, heroin, other

synthetic and non-synthetic opioids and stimulants, and methods and resources for preventing the manufacture, trafficking and sale of such substances.

(o) Study the effectiveness of criminal and civil penalties at preventing the misuse of substances and substance use disorders and the manufacture, trafficking and sale of substances which are associated with substance use disorders, including, without limitation, heroin, other synthetic and non-synthetic opioids and stimulants.

(p) Evaluate the effects of substance use disorders on the economy of this State.

(q) Study, evaluate and make recommendations to the Department of Health and Human Services concerning the use of the money described in NRS 458.490 to address substance use disorders, with a focus on:

(1) The use of the money described in subsections 1, 2 and 3 of NRS 458.490 to supplement rather than supplant existing state or local spending;

(2) The use of the money described in NRS 458.490 to support programs that use evidence-based interventions;

(3) The use of the money described in NRS 458.490 to support programs for the prevention of substance use disorders in youth;

(4) The use of the money described in NRS 458.490 to improve racial equity; and

(5) Reporting by state and local agencies to the public concerning the funding of programs to address substance misuse and substance use disorders.

2. On or before ~~[January 31]~~ ***August 1*** of each year, the Working Group shall:

(a) Compile a report which includes, without limitation, recommendations for the establishment, maintenance, expansion or improvement of programs to address substance misuse and substance use disorders based on the evaluations conducted pursuant to subsection 1; and

(b) Submit the report to the Governor, the Attorney General, any other entities deemed appropriate by the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:

(1) During an even-numbered year, the Joint Interim Standing Committee on Health and Human Services, the Joint Interim Standing Committee on the Judiciary and the Interim Finance Committee; or

(2) During an odd-numbered year, the next regular session of the Legislature.

3. As used in this section:

(a) "Practitioner" has the meaning ascribed to it in NRS 639.0125.

(b) "Special populations" includes, without limitation:

(1) Veterans, elderly persons and youth;

(2) Persons who are incarcerated, persons who have committed nonviolent crimes primarily driven by a substance use disorder and other persons involved in the criminal justice or juvenile justice systems;

(3) Pregnant women and the parents of dependent children;

(4) Lesbian, gay, bisexual, transgender and questioning persons;

(5) Intravenous drug users;

(6) Children who are involved with the child welfare system; and

(7) Other populations disproportionately impacted by substance use disorders.

(c) "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 2. As soon as practicable after October 1, 2025, the Attorney General shall appoint to the Statewide Substance Use Response Working Group:

1. The members described in subparagraphs (13) and (14) of paragraph (h) of subsection 2 of NRS 458.460, as amended by section 1 of this act, to initial terms that expire on January 1, 2027; and

2. The members described in subparagraphs (15) and (16) of paragraph (h) of subsection 2 of NRS 458.460, as amended by section 1 of this act, to initial terms that expire on January 1, 2028.

Sec. 3. **1. This section and sections 1 and 2 of this act become effective on October 1, 2025.**

2. Section 1.5 of this act becomes effective on July 1, 2026.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 637 to Assembly Bill No. 19.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 636.

SUMMARY—Revises provisions relating to ~~[reproductive health care.]~~ **contraception and family planning services.** (BDR 40-177)

AN ACT relating to health care; prohibiting certain governmental entities from substantially burdening certain activity relating to ~~[reproductive health care]~~ **contraception and family planning services** under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-8** of this bill establish the Right to Contraception and Family Planning Services Act. **Sections** ~~[4-6]~~ **3.5-5** define certain terms for purposes of the Act. **Section 3** establishes the applicability of those definitions. **Section 7** applies the provisions of the Act to certain state laws and local laws and ordinances and the implementation of those laws and ordinances, regardless of when those

laws or ordinances were enacted. **Section 7** also ensures that the provisions of the Act do not apply to: (1) state and local laws and ordinances relating to abortion; and (2) certain regulations and policies of certain entities that regulate education and activities that take place at or are sponsored by a public school. **Section 8** generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out ~~[reproductive health care]~~ **contraception and family planning services** and substantially burdens: (1) the access of a person to ~~[reproductive health care,]~~ **contraception and family planning services,** drugs or devices related to ~~[reproductive health care]~~ **contraception and family planning services** or information related to ~~[reproductive health care;]~~ **contraception and family planning services;** or (2) the ability of a provider of health care to provide ~~[reproductive health care,]~~ **contraception and family planning services,** drugs or devices related to ~~[reproductive health care]~~ **contraception and family planning services** or information related to ~~[reproductive health care]~~ **contraception and family planning services** within his or her scope of practice, training and experience. **Section 8** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 8** authorizes a person whose ability to obtain or provide ~~[reproductive health care,]~~ **contraception and family planning services,** drugs or devices related to ~~[reproductive health care]~~ **contraception and family planning services** or information related to ~~[reproductive health care]~~ **contraception and family planning services** is burdened to bring or defend an action in court and obtain appropriate relief. **Section 8** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***Sections 2 to 8, inclusive, of this act may be cited as the Right to Contraception and Family Planning Services Act.***

Sec. 3. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3.5, 4 ~~[,]~~ and 5 ~~[and 6]~~ of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. "Contraception and family planning services" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.

Sec. 4. *"Governmental entity" means the State of Nevada or any of its agencies or political subdivisions.*

Sec. 5. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 6. ~~*["Reproductive health care" means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.]*~~ **(Deleted by amendment.)**

Sec. 7. *1. Except as otherwise provided in this section, the provisions of sections 2 to 8, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2026.*

2. The provisions of sections 2 to 8, inclusive, of this act do not apply to:

(a) State and local laws and ordinances and the implementation of those laws and ordinances relating to abortion, the provision of medication to induce an abortion and any medical, surgical, counseling or referral services associated with an abortion, including, without limitation NRS 442.250, whether statutory or otherwise, and whether enacted before, on or after January 1, 2026;

(b) Regulations and policies approved, enacted or administered, on or after January 1, 2026, by:

(1) The State Board of Education;

(2) The Department of Education;

(3) The board of trustees of a school district;

(4) The governing body of a charter school or university school for profoundly gifted pupils; or

(5) A public school; and

(c) Activities that occur at a public school or are sponsored by a public school, school district or governing body of a charter school or university school for profoundly gifted pupils.

3. Except as otherwise provided in subsection 2, state laws that are enacted on or after January 1, 2026, are subject to the provisions of sections 2 to 8, inclusive, of this act unless the law explicitly excludes such application by reference to this section.

4. Except as otherwise provided in subsection 2, the provisions of sections 2 to 8, inclusive, of this act do not:

(a) Authorize a governmental entity to burden:

(1) The access of any person to ~~*[reproductive health care,]*~~ *contraception and family planning services, information related to* ~~*[reproductive health care]*~~ *contraception and family planning services or any*

drug or device related to ~~[reproductive health care;]~~ contraception and family planning services; or

(2) The ability of a provider of health care to provide ~~[reproductive health care]~~ contraception and family planning services or information related to ~~[reproductive health care]~~ contraception and family planning services or to provide, administer, dispense or prescribe any drug or device related to ~~[reproductive health care]~~ contraception and family planning services within the scope of practice, training and experience of the provider of health care.

(b) Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.

5. As used in this section, "public school" means any school described in NRS 388.020.

Sec. 8. *1. Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) Expressly, effectively, implicitly or, as implemented, singles out ~~[reproductive health care,]~~ contraception and family planning services, drugs or devices related to ~~[reproductive health care]~~ contraception and family planning services or information related to ~~[reproductive health care]~~ contraception and family planning services or any providers of health care or facilities that provide ~~[reproductive health care,]~~ contraception and family planning services, drugs or devices related to ~~[reproductive health care]~~ contraception and family planning services or information related to ~~[reproductive health care;]~~ contraception and family planning services; and

(b) Substantially burdens:

(1) The access of a person to ~~[reproductive health care,]~~ contraception and family planning services, drugs or devices related to ~~[reproductive health care]~~ contraception and family planning services or information related to ~~[reproductive health care;]~~ contraception and family planning services; or

(2) The ability of a provider of health care to provide ~~[reproductive health care,]~~ contraception and family planning services, drugs or devices related to ~~[reproductive health care]~~ contraception and family planning services or information related to ~~[reproductive health care]~~ contraception and family planning services within the scope of practice, training and experience of the provider of health care.

2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:

(a) Furthers a compelling interest; and

(b) Is the least restrictive means of furthering that interest.

3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when

applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.

4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 8, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 636 to Assembly Bill No. 176.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 350.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to cemeteries; revising provisions relating to the disinterment and removal of human remains from certain cemeteries; revising certain requirements applicable to certain cemetery owners; **expanding eligibility for interment in a veterans' cemetery to include certain additional veterans; requiring the Director of the Department of Veterans Services to charge certain fees relating to the interment of such veterans;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a cemetery authority to order the disinterment and removal of all human remains interred in all or any part of a cemetery if: (1) a governmental authority other than the cemetery authority makes certain determinations relating to the maintenance of the cemetery in accordance with the health, safety and comfort of the public; or (2) the cemetery authority determines that a financial provision must be made for the future care of certain gravesites. (NRS 451.070) **Section 1** of this bill instead provides that, before a cemetery authority may disinter or remove human remains interred in all or any part of a cemetery: (1) the cemetery authority must petition the district court of the county in which a cemetery is located for an order authorizing the disinterment and removal; and (2) the court must issue an order authorizing the disinterment and removal. **Sections 2-4** of this bill make conforming

changes relating to the issuance by the court, rather than the cemetery authority, of an order for the disinterment and removal of human remains interred in a cemetery.

Existing law: (1) requires the owner of a cemetery to keep the cemetery in an orderly condition; and (2) authorizes a board of county commissioners to make rules relating to this requirement. (NRS 452.030) **Section 5** of this bill removes the authority of a board of county commissioners to make such rules. Instead, **section 5** requires the owner of a cemetery to take certain specific actions to ensure that a cemetery is kept in an orderly condition.

Existing law provides for the establishment, operation and maintenance of veterans' cemeteries and sets forth the eligibility requirements for the interment of veterans in such cemeteries. (NRS 417.210) Section 6 of this bill expands the eligibility requirements to include certain veterans who were members of a reserve component of the National Guard or who received a commemorative plaque or urn furnished by the United States Department of Veterans Affairs. Section 6 also requires the Director of the Department of Veterans Services to charge a fee for: (1) the interment of a veteran made eligible under the expanded criteria set forth in section 6; and (2) a headstone or marker provided by the Department for certain veterans made eligible for interment under the expanded criteria set forth in section 6.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 451.070 is hereby amended to read as follows:

451.070 ***1.*** Except as otherwise provided in ~~[~~NRS 451.075,~~]~~ ***subsection 7,*** a cemetery authority ***shall not disinter or remove human remains interred in all or any part of a cemetery owned, leased or operated by the cemetery authority without a court order authorizing the cemetery authority to do so.***

2. A cemetery authority may ***petition the district court of the county in which a cemetery is located for an*** order ***authorizing*** the disinterment and removal of ~~[~~all~~]~~ human remains interred in all or any part of ~~[~~any~~]~~ ***a*** cemetery ~~[~~if:

~~1. A governmental authority other than the cemetery authority determines that:~~] ***owned, leased or operated by the cemetery authority. The petition must:***

(a) Contain a concise statement as to the necessity of the proposed action; and

(b) Be accompanied by adequate documentation to justify a hearing on the petition.

3. Upon the filing of a petition pursuant to subsection 2, the court shall fix a time for a hearing on the matter. The petitioner shall provide notice and a copy of the petition to every person who owns, holds or has the right of interment in any plot of the cemetery or part affected whose name appears on the records of the cemetery or upon the real property assessment roll of the county in which the cemetery is located. If a person who receives such

notice wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

4. After the hearing described in subsection 3, the court may issue an order authorizing the disinterment and removal of human remains from all or any part of the cemetery if:

(a) ***The court finds by clear and convincing evidence that:***

(1) The maintenance of all or any part of the cemetery ***that is the subject of the petition*** as a burial place for the human dead is not in accordance with the health, safety, comfort or welfare of the public;

~~[(b)]~~ ***(2)*** The cemetery authority is unable to restore the cemetery or part of the cemetery ***that is the subject of the petition*** to a condition where the maintenance of the cemetery as a burial place for the human dead is in accordance with the health, safety, comfort and welfare of the public; and

~~[(c)]~~ ***(3)*** The cemetery authority is unable, at current market rates, to sell or lease the cemetery ***that is the subject of the petition*** to or enter into a contract with another cemetery authority that will maintain the cemetery ***that is the subject of the petition*** as a burial place for the human dead in accordance with the health, safety, comfort and welfare of the public; or

~~[2.]~~ ***(b)*** The ~~[cemetery authority determines]~~ ***court finds by clear and convincing evidence*** that ***such disinterment and removal is necessary because of the*** financial ~~[provision must be made]~~ ***obligations of the cemetery authority*** for future care of gravesites within a specified area.

5. Upon the issuance of an order pursuant to subsection 4, a cemetery authority may proceed to disinter and remove the remains in accordance with the provisions of NRS 451.069 to 451.330, inclusive.

6. The cemetery authority shall:

(a) Maintain a written record for each person whose remains are disinterred and removed, which must include, without limitation:

(1) The name of the person;

(2) A description of the plot from which the remains were removed; and

(3) The location where the remains are reinterred, if known; and

(b) Provide a copy of any such record described in paragraph (a) to a local health officer, county coroner or the Nevada Funeral and Cemetery Services Board upon request.

7. The provisions of this section do not apply to ~~[the]~~ :

(a) The disinterment and removal of human remains:

~~[(a)]~~ (1) Interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or

~~[(b)]~~ (2) By a cemetery authority if the cemetery authority is acting at the direction of a:

~~[(1)]~~ (I) Person to whom a permit for disinterment has been issued pursuant to NRS 451.045;

~~[(2)]~~ (II) County coroner, in the performance of his or her official duties; or

~~[(3)]~~ (III) Person who is authorized to order the burial or cremation of human remains pursuant to NRS 451.024 ~~[.]~~ ;

(b) Any area within a cemetery that contains a historical marker or is designated as a historical site, including, without limitation, any tomb, monument, gravestone or other structure marked as historical or located on land designated as part of a historical site; or

(c) A historic cemetery owned or operated by a county.

8. As used in this section, "historic" has the meaning ascribed to it in NRS 381.195.

Sec. 2. NRS 451.075 is hereby amended to read as follows:

451.075 Notwithstanding any other provision of law, including, without limitation, any provision of NRS 451.069 to 451.330, inclusive, a cemetery authority shall not ~~[~~:

~~1. Order the disinterment and removal of human remains interred in a burial plot that is owned in fee simple by a person other than the cemetery authority; or~~

~~2. Sell,~~] ***sell,*** mortgage or encumber or require the sale, mortgage or encumbrance of ~~[such]~~ a burial plot ~~[.]~~ ***owned in fee simple by a person other than the cemetery authority.***

Sec. 3. NRS 451.080 is hereby amended to read as follows:

451.080 1. The cemetery authority may prescribe reasonable regulations governing the manner of making disinterments and removals and providing for reinterment in a portion of the existing cemetery or in any other cemetery or for deposit of the remains in any memorial mausoleum or columbarium or for providing appropriate future care.

2. The cemetery authority must prescribe a reasonable time of not less than 1 year after the date on which ~~[it]~~ ***a court*** orders the disinterment and removal of remains pursuant to NRS 451.070, after which the cemetery authority may proceed to disinter and remove the remains and reinter them in a portion of the existing cemetery or another cemetery or deposit them in a memorial mausoleum or columbarium.

Sec. 4. NRS 451.310 is hereby amended to read as follows:

451.310 If, before receiving ~~[notice of any determination made by a governmental authority]~~ ***an order authorizing the disinterment and removal of human remains interred in all or any part of a cemetery*** pursuant to NRS 451.070, ~~[any]~~ ***a*** cemetery authority has in good faith entered into ~~[any]~~ ***an*** agreement to sell or has granted ~~[any]~~ ***an*** option to buy all or any portion of its cemetery lands for a price reasonable at the time the agreement to sell was made, or the option granted, the district court shall confirm the sale at the price stipulated in the agreement to sell or the option to buy.

Sec. 5. NRS 452.030 is hereby amended to read as follows:

452.030 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** owner of a cemetery shall keep the same in an orderly condition, ~~[and authority is conferred on the board of county commissioners of each county to make such rules as will carry out the intent of this section.~~

~~2.~~ *including, without limitation, by:*

(a) Mowing any grass within the limits of the cemetery at least once per month during the growing season, based on the climate of the area ~~;~~ *, unless:*

(1) Grass growth is dormant due to temperature conditions; or

(2) Mowing is impracticable due to irrigation restrictions imposed during a drought by a governmental entity with authority over water resource management or distribution in the area, including, without limitation, a water district, water authority, water utility, water system or irrigation district;

(b) Regularly removing or treating weeds within the limits of the cemetery;

(c) Replenishing, pruning or replacing landscaping elements within the limits of the cemetery as necessary to preserve the appearance and dignity of the cemetery;

(d) Maintaining pathways and entryways that lead into or through the cemetery in safe condition for pedestrian traffic, including, without limitation, by ensuring that:

(1) Such pathways and entryways are free of debris and erosion; and

(2) Landscaping elements that encroach on such pathways and entryways within the limits of the cemetery are trimmed;

(e) Removing litter and garbage within the limits of the cemetery without undue delay; ~~*[and]*~~

(f) ~~*[Ensuring]*~~ *Except as otherwise provided in paragraph (g), ensuring that any tomb, monument, gravestone or other structure within the limits of the cemetery is properly placed* ~~[.]~~ *in accordance with any sales or interment records maintained by the owner of the cemetery or available to the owner; and*

(g) Permitting the temporary removal and subsequent replacement of a tomb, monument, gravestone or other structure within the limits of the cemetery as necessary to allow access for equipment, the installation of a memorial or the performance of any other activity required for the normal operation of the cemetery.

2. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** ~~[in addition to any action that may be taken pursuant to the rules described in subsection 1,]~~ the district attorney of the county in which a cemetery is located or a relative of any person interred in a cemetery may bring an action in a court of competent jurisdiction to enforce the ~~[provisions of]~~ ***requirements set forth in*** subsection 1. If the court finds that the owner of the cemetery has failed to keep the cemetery in an orderly condition, the court may ~~[:~~

~~(a) Order]~~ ***order*** the owner of the cemetery to take any action necessary to bring the cemetery into such a condition ***.*** ~~[; or~~

~~(b)]~~ If the ~~[court also determines that continued ownership of the cemetery by the]~~ owner ~~[is not in accordance with the health, safety, comfort or welfare]~~ of the ~~[public, transfer title to the cemetery to the city or, if the]~~ cemetery ~~[is~~

~~located in an unincorporated area of a county, the county in which the cemetery is located, if~~] ***fails to comply with any such order,*** the city or county [~~accepts such a transfer of title.~~] ***in which the cemetery is located may, at the expense of the owner, take any action necessary to comply with the order and restore the cemetery to the required condition.***

3. [~~A city or county to which title~~] ***An owner*** of a cemetery [~~is transferred pursuant to this section~~] ***who conducts an annual weed treatment*** shall [~~:~~

~~(a) Operate the cemetery;~~

~~(b) Lease the cemetery to a cemetery authority to operate the cemetery;~~

~~(c) Enter into a contract with a cemetery authority to operate the cemetery; or~~

~~(d) Transfer title of the cemetery~~] ***be deemed*** to [~~a nonprofit organization acting as~~] ***have complied with*** the [~~cemetery authority~~] ***requirements prescribed by paragraph (b)*** of [~~the cemetery.~~] ***subsection 1.***

4. ***The provisions of subsection 1 do not apply to [~~any~~] :***

(a) Any area within a cemetery that contains a historical marker or is designated as a historical site, including, without limitation, any tomb, monument, gravestone or other structure marked as historical or located on land designated as part of a historical site [~~.~~] ; or

(b) A historic cemetery owned or operated by a county.

5. The provisions of subsection 2 do not apply to [~~a~~] ***:***

(a) A cemetery owned by a city or county [~~.~~] ***;***

(b) A veterans' cemetery; or

(c) A cemetery that is funded, in whole or in part, by the Federal Government.

6. As used in this section:

(a) "Historic" has the meaning ascribed to it in NRS 381.195.

(b) "Landscaping element" includes, without limitation, any tree, shrub or plant within the limits of a cemetery.

[~~(b)~~] (c) "Orderly condition" means the comprehensive upkeep and preservation of a cemetery in a manner that honors the deceased, promotes public safety and ensures accessibility upon request.

Sec. 6. **NRS 417.210 is hereby amended to read as follows:**

417.210 1. A ***person is eligible for interment in a veterans' cemetery in this State if the person:***

(a) Is a veteran who is eligible for interment in a national cemetery pursuant to the provisions of 38 U.S.C. § 2402 [~~is eligible for interment in a veterans' cemetery in this State.~~] ***; or***

(b) Does not meet the criteria set forth in paragraph (a), but otherwise meets the definition of "veteran" set forth in NRS 417.005 and:

(1) Was a member of a reserve component of the National Guard; or

(2) Received a commemorative plaque or urn furnished by the United States Department of Veterans Affairs pursuant to 38 U.S.C. § 2306(h).

2. An eligible veteran, or a member of his or her immediate family, or a veterans' organization recognized by the Director may apply for a plot in a

cemetery for veterans in this State by submitting a request to the cemetery superintendent on a form to be supplied by the cemetery superintendent. The application for interment must provide for a selection to have the area immediately above and surrounding the interred remains of the applicant landscaped with natural grass or xeriscaping. The cemetery superintendent shall assign available plots in the order in which applications are received. A specific plot may not be reserved before it is needed for burial. No charge may be made for a plot or for the interment of a veteran [.] ***described in paragraph (a) of subsection 1.***

3. One plot is allowed for the interment of each eligible veteran and for each member of his or her immediate family, except where the conditions of the soil or the number of the decedents of the family requires more than one plot.

4. The Director shall charge a fee for [the] ***:***

(a) The interment of a [family] ***:***

(1) Family member [.] ***of an eligible veteran,*** but the fee may not exceed the actual cost of interment.

(2) Veteran described in paragraph (b) of subsection 1, but the fee must not exceed the burial allowance established by the United States Department of Veterans Affairs for the interment of veterans in a national cemetery.

(b) A headstone or marker provided by the Department for a veteran described in paragraph (b) of subsection 1 for placement on a plot where the veteran is interred, but the fee must not exceed the actual cost of the headstone or marker.

5. As used in this section [, "immediate] ***:***

(a) "Eligible veteran" means a person who is eligible for interment in a veterans' cemetery in this State pursuant to subsection 1.

(b) "Immediate family" means the spouse, minor child or, when the Director deems appropriate, the unmarried adult child of an eligible veteran.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 679 to Assembly Bill No. 350.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 368.

The following Senate amendment was read:

Amendment No. 635.

AN ACT relating to health care; authorizing a patient in [any of] certain facilities [for assisted living] or a resident of a living community for persons with disabilities or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient or [person;] **the bedroom of the resident;** prohibiting such a facility or living community or an employee of such a facility or living community from taking certain additional actions; prohibiting a provider of supported living arrangement services from taking certain actions with regard to the installation

and use of an electronic communication device in the home of a recipient of such services; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient in a facility for skilled nursing or the representative of the patient to request the installation and use of an electronic communication device in the living quarters of the patient. Existing law requires any roommate of the patient to consent before such a device may be installed. However, if the roommate of a patient refuses to consent, existing law requires the facility for skilled nursing to make reasonable attempts to accommodate the patient, including by moving either the patient or the roommate with the consent of the person being moved. (NRS 449A.182) If a facility for skilled nursing approves a request to install an electronic communication device, existing law provides that the patient or the representative of the patient who submitted the request is responsible for choosing the device and paying certain costs associated with the device. (NRS 449A.184) Existing law limits the persons who are authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device or temporarily disable or turn off an electronic communication device. Existing law also prohibits a facility for skilled nursing from discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. (NRS 449A.186) Existing law establishes civil and criminal penalties that may be imposed against: (1) a facility for skilled nursing which violates that prohibition; (2) a person, other than the patient or the representative of the patient, who obstructs, tampers with or destroys an electronic communication device or any recording made by an electronic communication device; or (3) a person who views or listens to images or sounds which are displayed, broadcast or recorded by an electronic communication device without authorization. (NRS 449A.189, 449A.188) Existing law requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in that living quarters. Existing law prohibits an employee of a facility for skilled nursing from refusing to enter into the living quarters of a patient which contains an electronic communication device or failing to perform his or her duties because such a device is in use. (NRS 449A.190) Existing law: (1) authorizes the State Board of Health to adopt regulations governing electronic communication devices in facilities for skilled nursing; and (2) provides that the provisions governing such electronic communication devices do not apply to certain devices installed by a law enforcement agency. (NRS 449A.192)

Sections 8-14 of this bill broaden the applicability of those provisions to authorize a patient in ~~[any facility for assisted living]~~ **certain facilities, referred to as covered facilities,** to install an electronic communication device under the same conditions as existing law establishes for a patient in a

facility for skilled nursing. **Section 3** of this bill defines the term ~~[“facility for assisted living”]~~ **“covered facility”** to mean: (1) a facility for intermediate care; (2) a facility for skilled nursing; (3) a home for individual residential care; (4) a unit for the provision of long-term care in a hospital; (5) a residential facility for groups; **or** (6) assisted living services provided in a senior living community **.** ~~[; or (7) a secure unit in a medical facility for the provision of care to persons with dementia.]~~ **Sections 4-6** of this bill define the terms “facility for intermediate care,” “home for individual residential care” and “senior living community,” respectively, to have the meanings ascribed to them in existing law. **Section 7** of this bill establishes the applicability of those definitions. **Section 1.5** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to deny an application for a license for or suspend or revoke the license of a **covered** facility ~~[for assisted living]~~ that fails to comply with provisions governing the installation and use of electronic communication devices.

Sections 24-31 of this bill enact provisions governing the installation of electronic communication devices by residents of living communities for persons with disabilities. **Sections 24-30** authorize a resident of such a living community or the representative of the resident to request the installation and use of an electronic communication device in the ~~[living quarters]~~ **bedroom** of the resident under similar conditions to those that currently apply to a patient in a facility for skilled nursing. **Section 24** of this bill prescribes the requirements for a person to serve as the representative of a resident. **Section 28** establishes civil and criminal penalties that may be imposed against a living community or person who engages in certain prohibited conduct relating to electronic communication devices in living communities. **Section 31** prohibits a person from posting or otherwise uploading onto an Internet website an image or a sound of an employee or independent contractor of a living community displayed, broadcasted or recorded on an electronic commination device. **Section 32** of this bill prohibits a provider of supported living arrangement services in the home of a recipient of such services from: (1) entering into a contract that prohibits the recipient from installing and using an electronic communication device in his or her home; or (2) taking certain actions against a recipient because the recipient has installed or used an electronic communication device in his or her home. **Sections** ~~[19-23]~~ **20-23** of this bill define certain terms, and **section 18** of this bill establishes the applicability of those definitions. **Section 30** authorizes the Administrator of the Aging and Disability Services Division of the Department to adopt regulations as necessary to carry out **sections 18-32**. **Section 33** of this bill makes the definition of “supported living arrangement services” applicable to **sections 18-32**. **Sections 1, 15, 16 and 34-36** of this bill update references to that definition and make other technical updates related to the change made in **section 33**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 449.0185 is hereby amended to read as follows:

449.0185 "Supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

Sec. 1.5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***~~["Facility for assisted living"]~~ "Covered facility" means:***

1. A facility for intermediate care;

2. A facility for skilled nursing;

3. A home for individual residential care;

4. A unit for the provision of long-term care in a hospital;

5. A residential facility for groups; or

6. A unit in a senior living community for the provision of assisted living services or a senior living community that provides only assisted living services. ~~[; or~~

~~7. A secure unit in a medical facility for the provision of care to persons with dementia.]~~

Sec. 4. ***"Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.***

Sec. 5. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 6. ***"Senior living community" has the meaning ascribed to it in NRS 449.0179.***

Sec. 7. NRS 449A.170 is hereby amended to read as follows:

449A.170 As used in NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449A.172 to 449A.178, inclusive, ***and sections 3 to 6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 449A.180 is hereby amended to read as follows:

449A.180 A person may serve as the representative of a patient in a ***covered*** facility ***.*** ***~~[~~***~~for skilled nursing,~~ ***~~assisted living,]~~*** including, without limitation, a patient who is the roommate of a patient who wishes to submit or

has submitted a request pursuant to NRS 449A.182, for the purposes of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** if the person:

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act*** is specifically delegated to the person in the power of attorney.

Sec. 9. NRS 449A.182 is hereby amended to read as follows:

449A.182 1. A patient in a ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the ***covered*** facility ***:*** ~~[for skilled nursing: ***assisted living:***]~~

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of NRS 449A.186;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by NRS 449A.186:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to the installation and use of an electronic communication device in the living quarters of the patient; and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in NRS 449A.186:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the use of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of NRS 449A.180.

3. A ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of NRS 449A.170 to 449A.192, inclusive ~~[.]~~ ***, and sections 3 to 6, inclusive, of this act;*** and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the ***covered*** facility ***.*** ~~[for skilled nursing. ***assisted living.]***~~ Not later than 24 hours after the submission of such a written revocation, the ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ shall cause the removal of any electronic communication device that has been installed.

Sec. 10. NRS 449A.184 is hereby amended to read as follows:

449A.184 1. If a ***covered*** facility ~~[for skilled nursing ***assisted living]***~~ approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to NRS 449A.182, the patient or the representative of the patient is solely responsible for:

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. NRS 449A.186 is hereby amended to read as follows:

449A.186 1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 shall not intentionally:

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to NRS 449A.182 or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to NRS 449A.182 may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or

recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to NRS 449A.182.

Sec. 12. NRS 449A.188 is hereby amended to read as follows:

449A.188 1. A natural person who violates subsection 1 of NRS 449A.186:

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ or any person, partnership, association or corporation establishing, conducting, managing or operating a ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ who violates subsection 1 or 5 of NRS 449A.186:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. NRS 449A.190 is hereby amended to read as follows:

449A.190 1. A ***covered*** facility ~~[for skilled nursing ***assisted living***]~~ shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.

2. An employee of a ***covered*** facility ~~[of skilled nursing ***assisted living***]~~ shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to NRS 449A.182 or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. NRS 449A.192 is hereby amended to read as follows:

449A.192 1. The State Board of Health may adopt regulations necessary to carry out the provisions of NRS 449A.170 to 449A.192, inclusive ~~[.]~~ ***, and sections 3 to 6, inclusive, of this act.***

2. The provisions of NRS 449A.170 to 449A.192, inclusive, ***and sections 3 to 6, inclusive, of this act,*** do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding for review of the court a written report on the condition of the protected person and the exercise of authority and performance of duties by the guardian:

(a) Annually, not later than 60 days after the anniversary date of the appointment of the guardian;

(b) Within 10 days of moving a protected person to a secured residential long-term care facility; and

(c) At such other times as the court may order.

2. A report filed pursuant to paragraph (b) of subsection 1 must:

(a) Include a copy of the written recommendation upon which the transfer was made; and

(b) Except as otherwise provided in subsection 6, be served, without limitation, on the protected person and any attorney for the protected person.

3. The court may prescribe the form for filing a report described in subsection 1. Such a report must include, without limitation:

(a) The physical condition of the protected person;

(b) The place of residence of the protected person;

(c) The name of all other persons living with the protected person unless the protected person is residing at a secured residential long-term care facility, group home, supportive living facility, home in which supported living arrangement services are provided, assisted living facility or other facility for long-term care; and

(d) Any other information required by the court.

4. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report not later than 30 days after the date the report is filed with the court.

5. The court is not required to hold a hearing or enter an order regarding the report.

6. The court may waive the requirement set forth in paragraph (b) of subsection 2 that a report filed pursuant to paragraph (b) of subsection 1 must be served on a protected person upon a showing that such service is detrimental to the physical or mental health of the protected person.

7. As used in this section:

(a) "Facility for long-term care" has the meaning ascribed to it in NRS 427A.028.

(b) "Supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

Sec. 16. NRS 427A.0292 is hereby amended to read as follows:

427A.0292 "Living arrangement services" means:

1. Community-based living arrangement services, as defined in NRS 449.0026, that include:

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; and

2. Supported living arrangement services, as defined in NRS ~~[435.3315,]~~ ***435.007*** that include 24-hour care.

Sec. 17. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 32, inclusive, of this act.

Sec. 18. ***As used in sections 18 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[19]~~ 20 to ~~[33,]~~ 23, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 19. ~~[***"Facility for supported living arrangement services" means a facility or other residential setting that is owned, operated or otherwise controlled by a provider of supported living arrangement services.***]~~ **(Deleted by amendment.)**

Sec. 20. "***Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 21. ***"Living community for persons with disabilities" or "living community" means:***

1. A ~~[facility for]~~ provider-operated residential supported living arrangement ~~;~~ ~~[services;]~~ and

2. Any other housing arrangement that provides assistance, food, shelter or limited supervision to persons with intellectual disabilities or physical disabilities for compensation and is not a covered facility , ~~[for assisted living]~~ as defined in section 3 of this act.

Sec. 21.5. "Provider-operated residential supported living arrangement" means a residential setting that is owned, operated or otherwise controlled by a provider of supported living arrangement services.

Sec. 22. ***"Representative" means a person who is authorized to serve as the representative of a resident pursuant to section 24 of this act.***

Sec. 23. ***"Resident" means a person who resides in a living community for persons with disabilities.***

Sec. 24. ***A person may serve as the representative of a resident, including, without limitation, a resident who is the roommate of a resident who wishes to submit or has submitted a request pursuant to section 25 of this act, for the purposes of sections 24 to 29, inclusive, of this act, if the person:***

1. Is the guardian of the resident whom he or she is representing and:

(a) The power to make decisions on behalf of the resident pursuant to sections 24 to 29, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the resident pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the resident pursuant to sections 24 to 29, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 25. *1. A resident or the representative of a resident may request the installation and use of an electronic communication device in the ~~[living quarters]~~ bedroom of the resident by submitting to the living community in which he or she resides:*

(a) A completed form prescribed by the living community pursuant to subsection 3; or

(b) If the living community has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the resident or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 27 of this act;

(c) An agreement by the resident or the representative of the resident to, except as otherwise provided by section 27 of this act:

(1) Waive the resident's right to privacy in connection with use of the electronic communication device; and

(2) Release the living community and any employee of the living community from any administrative, civil or criminal liability for a violation of the resident's right to privacy in connection with use of the electronic communication device;

(d) If the resident has a roommate:

(1) The written consent of the roommate or the representative of the roommate to the installation and use of an electronic communication device in the ~~[living quarters]~~ bedroom of the resident; and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 27 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the living community and any employee of the living community from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the use of the electronic communication device; and

(e) If the request is submitted by the representative of the resident, proof that the representative of the resident meets the requirements of section 24 of this act.

3. A living community may prescribe a form for use by a resident or the representative of a resident to request to install and use an electronic communication device in the ~~[living quarters]~~ bedroom of the resident. To the extent practicable, such a form must be provided in a language chosen by the resident or the representative of the resident. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 24 to 29, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A living community shall approve a request by a resident or the representative of a resident pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a resident who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the living community shall make reasonable attempts to accommodate the resident. Such reasonable attempts may include, without limitation, moving either the resident or his or her roommate to a different ~~[living quarters]~~ bedroom within the living community with the consent of the resident being moved or his or her representative.

6. A resident or the representative of a resident who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the living community. Not later than 24 hours after the submission of such a written revocation, the living community shall cause the removal of any electronic communication device that has been installed.

Sec. 26. *1. If a living community approves a request to install and use an electronic communication device in the ~~[living quarters]~~ bedroom of a resident pursuant to section 25 of this act, the resident or the representative of the resident is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device if the resident does not pay for electricity for his or her ~~[living quarters;]~~ bedroom; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A resident who ceases to reside in a living community or the representative of such a resident remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the person leaves the living community.

3. An electronic communication device chosen by a resident or the representative of a resident pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 27. *1. Except as otherwise provided in this section, a person, other than the resident or the representative of the resident who has requested the installation and use of an electronic communication device pursuant to section 25 of this act, shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 25 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Division who is conducting an investigation; or

(c) An attorney who is representing the resident or a roommate of the resident and acting within the scope of that representation.

3. A resident or the representative of the resident who has requested the installation and use of an electronic communication device pursuant to section 25 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The resident or representative, as applicable, may provide a copy of the authorization to the living community and the roommate of the resident or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the ~~[living quarters]~~ bedroom of the resident.

5. A living community shall not evict a resident, refuse to renew a contract with a resident or otherwise require a resident to leave the living community or discriminate or retaliate against a resident because of a decision to request the installation and use of an electronic communication device in the ~~[living quarters]~~ bedroom of the resident pursuant to section 25 of this act.

6. A person shall not use an electronic communication device to control the actions of a resident or otherwise violate any right that a resident has pursuant to 42 C.F.R. § 441.301(c)(4), where applicable.

Sec. 28. *1. A natural person who violates subsection 1 of section 27 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to regulations adopted pursuant to NRS 435.333, where applicable, a living community that violates subsection 1 or 5 of section 27 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 29. *1. A living community shall post a notice in a conspicuous place at the entrance to the ~~[living quarters]~~ bedroom of a resident which contains an electronic communication device stating that such a device is in use in the ~~[living quarters.]~~ bedroom.*

2. An employee of a living community shall not refuse to enter the ~~[living quarters]~~ bedroom of a resident which contains an electronic communication device installed pursuant to section 25 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 30. *1. The Administrator may adopt regulations necessary to carry out the provisions of section 18 to 32, inclusive, of this act.*

2. The provisions of sections 18 to 31, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 31. ***1. A resident of a living community or any other person who has authority to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 27 of this act may not post, upload or otherwise share any images or sounds displayed, broadcasted or recorded by the electronic communication device of an employee or independent contractor of a living community on an Internet website or technology application, including, without limitation, a social media, image sharing or open communication Internet website.***

2. For a first violation of this section, a living community shall notify the resident and his or her representative, if applicable, that a second violation will authorize the living community to take the actions authorized by subsection 3.

3. For a second or subsequent violation of this section, a living community may:

(a) Refuse to provide services to the resident when the electronic communication device is on; or

(b) Revoke the authority of the resident to have an electronic communication device in his or her ~~[living quarters.]~~ bedroom.

Sec. 32. ***1. A provider of supported living arrangement services that provides such services in the home of a person receiving such services shall not enter into a contract or agreement that prohibits the installation or use of an electronic communication device in the home of the person. Any contract or agreement that is entered into in violation of this subsection is void.***

2. A provider of supported living arrangement services or an employee or independent contractor of such a provider shall not:

(a) Refuse to enter the home of a person who is receiving supported living arrangement services;

(b) Refuse to provide supported living arrangement services to a person; or

(c) Otherwise discriminate or retaliate against a person,

➥ because an electronic communication device has been installed or is in use in the home of the person.

3. As used in this section, "home" does not include a ~~[facility for]~~ provider-operated residential supported living arrangement . ~~[services.]~~

Sec. 33. NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. "Administrative officer" means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. "Administrator" means the Administrator of the Division.

3. "Child" means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. "Department" means the Department of Health and Human Services.

5. "Developmental disability" means autism, cerebral palsy, epilepsy, a fetal alcohol spectrum disorder or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. "Director of the Department" means the administrative head of the Department.

7. "Division" means the Aging and Disability Services Division of the Department.

8. "Division facility" means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

10. "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

11. "Intellectual and developmental disability center" means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

12. "Medical director" means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

13. "Mental illness" has the meaning ascribed to it in NRS 433.164.

14. "Parent" means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

15. "Person" includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

16. "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.

17. "Residential facility for groups" means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

18. ***"Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.***

19. "Training" means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~[19.]~~ ***20.*** "Treatment" means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

Sec. 34. NRS 435.3305 is hereby amended to read as follows:

435.3305 As used in NRS 435.3305 to 435.339, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NRS 435.331 and 435.3315 have the meanings ascribed to them in those sections.]~~ ***"certificate" means a certificate to provide supported living arrangement services that is issued pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.***

Sec. 35. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or

nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of nursing by any person who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS ~~[435.3315.]~~ ***435.007.***

11. A natural person from providing jobs and day training services if:

(a) That person has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or

agency thereof that has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive.

➥ As used in this subsection, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

Sec. 36. NRS 435.331 and 435.3315 are hereby repealed.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On or before October 1, 2025, for all other purposes.

TEXT OF REPEALED SECTIONS

435.331 "Certificate" defined. "Certificate" means a certificate to provide supported living arrangement services that is issued pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

435.3315 "Supported living arrangement services" defined. "Supported living arrangement services" means flexible, individualized services provided in the home, for compensation, to a person with an intellectual disability or a person with a developmental disability who is served by the Division that are designed and coordinated to assist the person in maximizing the person's independence, including, without limitation, training and habilitation services.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 635 to Assembly Bill No. 368.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 411.

The following Senate amendment was read:

Amendment No. 585.

AN ACT relating to prescription drugs; revising provisions relating to the labeling of certain prescription drugs under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the labeling for a prescription drug to include the name of the prescribing practitioner. (NRS 639.2801) This bill provides that upon request from the prescribing practitioner, the labeling for a prescription for mifepristone, misoprostol or their generic alternatives ~~[must]~~ **may** instead include the name of the prescribing health care practice instead of the name of the prescribing practitioner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.

2. The name, address and prescription serial number of the practitioner who filled the prescription.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** names of the prescribing practitioner and of the person for whom prescribed. ***Upon request from the prescribing practitioner, an affixed label or device for a prescription for mifepristone, misoprostol or their generic alternatives*** ~~***[must]***~~ ***may include the name of the prescribing health care practice instead of the name of the prescribing practitioner.***

4. The number of dosage units.

5. The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352.

6. Specific directions for use given by the prescribing practitioner.

7. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.

8. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.

9. The strength of the drug or medicine.

➥ The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 585 to Assembly Bill No. 411.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 631.

AN ACT relating to motor vehicle fuel; establishing certain requirements for the **display and** labeling of pumps and dispensers for motor vehicle fuel at a motor vehicle fuel dispensing site; requiring certain types of motor vehicle fuel to be identified and labeled in a certain manner; revising requirements relating to the advertisement of prices of motor vehicle fuel; revising certain

requirements relating to the letters, words, figures and numerals used on an advertising medium for motor vehicle fuel; repealing requirements for certain letters and numerals used on advertising mediums; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the advertisement of motor vehicle fuel and petroleum products. (NRS 590.160-590.330) **Section 2** of this bill requires the owner or operator of a motor vehicle fuel dispensing site to ensure that each pump or dispenser **displays or** is labeled with certain information. **Section 2** also requires the owner or operator to post a sign or label containing certain information at a motor vehicle fuel dispensing site that is unattended.

Section 3 of this bill requires, with certain exceptions, an advertising medium, pump or dispenser for ethanol flex fuel, biodiesel or a biodiesel blend to: (1) identify the fuels in a certain manner; and (2) be labeled with the automotive fuel rating in accordance with the requirements of federal law. **Section 3 also authorizes the State Board of Agriculture to adopt regulations to establish alternative identifications for ethanol flex fuel, biodiesel or a biodiesel blend to be used on an advertising medium, pump or dispenser.**

Section 4 of this bill applies the definitions in existing law governing motor vehicle fuel to the provisions of **sections 2 and 3**.

Existing law requires advertising mediums for motor vehicle fuel to display the actual price per unit of measure of motor vehicle fuel, including taxes, together with the brand name and the individual grade or grades of **the** motor vehicle fuel being advertised. (NRS 590.170) **Section 5** of this bill requires an advertising medium that advertises motor vehicle fuel prices using gallons to display the same total price per gallon on the advertising medium and the pump or dispenser. **Section 5** requires that, if the price of the fuel: (1) increases from the advertised price, the price on the advertising medium must be changed before or at the same time the price is changed on the pump or dispenser; and (2) decreases from the advertised price, the price on the pump or dispenser must be changed before or at the same time the price is changed on the advertising medium.

Section 5 also requires any roadside sign that advertises or displays the price of motor vehicle fuel but is not connected to a pump or dispenser for motor vehicle fuel to state certain information relating to the price and unit of measure of the fuel.

Existing law authorizes the advertisement of the price of diesel fuel excluding state tax if the sign contains certain wording in a size not less than 4 inches in height. (NRS 590.170) **Section 5** instead requires that the wording be not less than one-third of the height of the numerals used to indicate the price of the diesel fuel.

Existing law requires that all letters, words, figures or numerals used on an advertising medium to indicate the price of motor vehicle fuel be uniform in

size, at least 6 inches in height and the height **must** not **be** more than twice the width. (NRS 590.180, 590.200) **Section 6** of this bill removes a reference to this requirement, but does not eliminate the requirement. **Section 7** of this bill clarifies that if a fraction is used on a price sign to indicate the price of motor vehicle fuel, the combined height of the numerator and denominator must be of the same height and design as the other numerals indicating price.

Existing law requires that if the price of a brand name or grade of motor vehicle fuel is advertised by means of a price sign and is sold at different prices, the sign or signs advertising the prices must include notice of the conditions under which the brand name or grade is sold. (NRS 590.230) **Section 8** of this bill requires that if a brand or grade of motor vehicle fuel is sold at different prices based on whether a customer meets a condition, the price must be available to all customers who meet the condition. **Section 8** also provides that if a sign or signs ~~[advertises]~~ **advertise** different prices based on: (1) whether the fuel is purchased with cash or credit, the sign or signs must state both the cash and credit price or the highest of either the cash or credit price; (2) whether the grade of fuel is alcohol-free, the sign or signs may state the lowest of the two prices; and (3) a customer loyalty program or similar program, the sign or signs must state both the highest price that may be charged if a customer does not qualify and the discounted price or may state only the highest price.

Existing law requires that all letters, words, figures or numerals used on an advertising medium be plainly visible and of such colors or tints to contrast with the remaining parts of the advertising medium. (NRS 590.260) **Section 9** of this bill additionally requires that the letters, words, figures or numerals appearing on an electronic sign meet such requirements and be clearly visible during the day and at night.

Section 10 of this bill reorganizes requirements that certain words, letters, figures or numerals on **an** advertising medium be of like color or tint.

Sections 11 and 12 of this bill make the civil and criminal penalties of the existing law governing the advertisement of motor vehicle fuel and petroleum products apply to a person who violates the provisions of **sections 2 and 3**.

Section 13 of this bill repeals an exemption for the numeral "1" and the letter "l" from certain advertising requirements for motor vehicle fuel and petroleum products.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 590 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The owner or operator of a motor vehicle fuel dispensing site shall ensure that each pump or dispenser at a motor vehicle fuel dispensing site is labeled in accordance with the requirements of this section.***

2. Each pump or dispenser at a motor vehicle fuel dispensing site must:

(a) ~~[Include a label with]~~ Display the price, grade and octane rating , if applicable, of each motor vehicle fuel available at the pump or dispenser;

(b) Include a label that complies with the applicable requirements of 16 C.F.R. Part 306 for each motor vehicle fuel available at the pump or dispenser;

(c) If a reduced price is available for a motor vehicle fuel, including, without limitation, a difference in price based on the method of payment or a discount conditioned upon the sale of another product or service, display a sign or label explaining the conditions of the reduced price;

(d) If the pump or dispenser is capable of dispensing and computing the price of motor vehicle fuel at more than one price, display the highest price of each grade of motor vehicle fuel available at the pump or dispenser before a customer takes any deliberate action that results in a reduced price being shown; and

(e) If the pump or dispenser dispenses gasoline:

(1) With an ethanol content that is:

(I) Less than or equal to 10 percent by volume, include a label with the statement "May contain up to 10% ethanol," which must be printed in block letters that are not less than one-fourth of an inch in height on a background that contrasts with the color of the letters; or

(II) More than 10 percent by volume but not more than 15 percent by volume, include a label that complies with the requirements of 40 C.F.R. § 1090.1510.

(2) Containing an oxygenate other than ethanol, include a label that:

(I) Indicates the type and maximum percent by volume of oxygenate contained in the gasoline; and

(II) Includes a statement in substantially the following form: "May contain up to (number)% (type of oxygenate)."

3. If a pump or dispenser at a motor vehicle fuel dispensing site is unattended, the owner or operator shall post for public viewing at the site a sign or label that in a clear and conspicuous manner lists the name, address and telephone number of the owner or operator.

4. If a motor vehicle fuel dispensing site has a separate pump or dispenser for credit and cash transactions, each pump or dispenser must clearly indicate which form of payment is required to use the pump or dispenser.

5. If a pump or dispenser at a motor vehicle fuel dispensing site may be used for both credit and cash transactions, each pump or dispenser must:

(a) Be labeled to indicate whether debit transactions are treated as a credit or cash transaction. Such a label may include, without limitation, "cash/debit," "debit=cash," "credit/debit" or "debit=credit."

(b) If the pump or dispenser is capable of computing:

(1) Only one price, display the highest unit price and per unit discount rate.

(2) Both a credit and cash price, display the credit surcharge rate or the cash discount rate.

6. Any label or information that is required by this section to be displayed on a pump or dispenser must be:

(a) Posted on the top half of the front panel of each pump or dispenser; and

(b) Clean, legible and visible to the public at all times.

Sec. 3. ***1. Except as otherwise provided in ~~[subsection 3,]~~ subsections 2 and 4, any advertising medium, pump or dispenser that advertises or dispenses ethanol flex fuel, biodiesel or a biodiesel blend must identify on the advertising medium, pump or dispenser, as applicable:***

(a) Ethanol flex fuel as "Ethanol Flex Fuel" or "EXX Flex Fuel."

(b) Biodiesel as "Biodiesel" with the designation "B100" or "B99."

(c) A biodiesel blend as "Biodiesel Blend."

2. The State Board of Agriculture may adopt regulations to establish alternative identifications for ethanol flex fuel, biodiesel or a biodiesel blend to be used on an advertising medium, pump or dispenser. Such identifications may be used in lieu of the identifications set forth in subsection 1.

3. Each pump or dispenser for ethanol flex fuel, biodiesel or a biodiesel blend must post the automotive fuel rating of the ethanol flex fuel, biodiesel or biodiesel blend in accordance with the requirements of 16 C.F.R. Part 306.

~~[3.]~~ 4. The provisions of this section do not apply to a biodiesel blend that contains less than or equal to 5 percent by volume of biodiesel that is sold or offered for sale as diesel fuel.

Sec. 4. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires:

1. "Additives" means a substance to be added to a motor vehicle fuel, petroleum heating product, motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. "Advertising medium" means any sign, printed or written matter, or device for oral or visual communication.

3. "Alternative fuel" includes, without limitation:

(a) Any M-85 or M-100 fuel methanol that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070;

(b) Any E-85 or E-100 fuel ethanol that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070;

(c) Liquefied petroleum gas;

(d) Natural gas;

(e) Any hydrogen that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070;

(f) Electricity;

(g) Any biodiesel fuel that contains:

(1) Diesel that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070; and

(2) At least 5 percent by volume biodiesel fuel blend stock for distillate fuels;

(h) Any blend of ethanol and diesel fuel:

(1) That contains:

(I) Any amount of diesel fuel that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070; and

(II) At least 5 percent by volume ethanol; and

(2) That may contain a proprietary additive; and

(i) Any renewable diesel fuel that:

(1) Contains at least 20 percent by volume renewable diesel blend stock for distillate fuels; and

(2) If a part of a blend stock, contains diesel that meets the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070.

➥ The term does not include a fuel that is required for use in this State pursuant to a state implementation plan adopted by this State pursuant to 42 U.S.C. § 7410.

4. "Brand name" means a name or logo that is used to identify a business or company.

5. "Diesel exhaust fluid" means an aqueous urea solution that:

(a) Contains, by mass, 32.5 percent technically pure urea and 67.5 percent pure water;

(b) Is used in selective catalytic reduction to lower oxides of nitrogen concentration in the exhaust emissions of diesel engines; and

(c) Meets the standards set forth in the latest version of ISO 22241, "Diesel engines — NOx reduction agent AUS 32" of the International Organization for Standardization.

6. "Grade" means:

(a) "Regular," "midgrade," "plus," "super," "premium" or words of similar meaning when describing a grade designation for gasoline.

(b) "Diesel" or words of similar meaning, including, without limitation, any specific type of diesel, when describing a grade designation for diesel motor fuel.

(c) "M-85," "M-100," "E-85," "E-100" or words of similar meaning when describing a grade designation for alternative fuel.

(d) "Propane," "liquefied petroleum gas," "compressed natural gas," "liquefied natural gas" or words of similar meaning when describing pressurized gases.

7. "Motor vehicle fuel" means a petroleum product or alternative fuel used for internal combustion engines in motor vehicles. The term does not include motor vehicle fuel additives.

8. "Performance rating" means the system adopted by the American Petroleum Institute for the classification of uses for which an oil is designed.

9. "Petroleum heating product" means a petroleum product that is used for heating purposes. The term does not include petroleum heating product additives.

10. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene, lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

11. "Pure water" means water that is:

(a) Very low in inorganic, organic or colloidal contaminants; and

(b) Produced by a process such as:

(1) Single distillation;

(2) Deionization;

(3) Ultra-filtration; or

(4) Reverse osmosis.

12. "Recycled oil" means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

13. "Rerefined oil" means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

14. "Technically pure urea" means urea that is:

(a) An industrially produced grade of urea with traces of biuret, ammonia and water only;

(b) Free of aldehydes or other substances, including, without limitation, anticaking agents; and

(c) Free of contaminants, including, without limitation, sulphur and its compounds, chloride and nitrate.

15. "Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable for its original purpose because of a loss of its original properties or the presence of impurities, but which may be suitable for another use or economically recycled.

16. "Viscosity grade classification" means the measure of an oil's resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 5. NRS 590.170 is hereby amended to read as follows:

590.170 1. Except as otherwise provided in this section, a person shall not keep, maintain or display in this State any advertising medium which indicates, shows or advertises the price of motor vehicle fuel sold, offered for sale or advertised for sale from the premises, unless the ~~[actual]~~ ***total*** price per unit of measure of motor vehicle fuel, including taxes, is also shown on the advertising medium, together with the brand name and the individual grade or grades of the motor vehicle fuel being advertised. If motor vehicle fuel prices are advertised in units of measure ~~[other]~~ ***:***

(a) Of the gallon, the same total price per gallon displayed on the advertising medium must also be displayed on the face of the pump or dispenser; or

(b) Other than the gallon, the ~~[actual]~~ ***total*** price per unit of measure along with the equivalent price per gallon and the word designating the unit of measure must be displayed on the face of the pump or dispenser.

2. The price of diesel fuel may be advertised excluding state tax, but only by a sign which clearly and conspicuously contains the wording "With Permit," "With State Permit" or words of similar meaning in letters of uniform size not less than ~~[4 inches in]~~ ***one-third the*** height ~~[.]~~ ***of the numerals used to indicate the price of the diesel fuel.*** Diesel fuel dispensers displaying unit price without state tax must be labeled in letters not less than 1 inch in height with the words "Permit Price," "With State Permit" or words of similar meaning.

3. ***If the price of motor vehicle fuel indicated, shown or advertised on an advertising medium:***

(a) Increases, the price must be changed on the advertising medium before or at the same time that the price is changed on the face of the pump or dispenser; or

(b) Decreases, the price must be changed on the pump or dispenser before or at the same time that the price is changed on the advertising medium.

4. Any roadside sign, including, without limitation, a sign on a pole, monument, canopy, A-frame sign or sign on a similar structure that indicates, shows or advertises prices for motor vehicle fuel and is not connected to a pump or dispenser for motor vehicle fuel must state:

(a) The total price per unit of measure of motor vehicle fuel for self-service and the total price for full-service, if such prices are different;

(b) The unit of measure of the price if such unit of measure is not per gallon, in accordance with the requirements of subsection 2;

(c) The fractions of a cent, if the price is not charged at whole cent; and

(d) A decimal point in the displayed price when a dollar sign is included in the displayed price.

5. Except as otherwise provided in subsection 2, retail devices displaying the unit price to compute or record deliveries must not be considered an advertising medium.

Sec. 6. NRS 590.180 is hereby amended to read as follows:

590.180 ~~[1.]~~ No person offering for sale or selling any motor vehicle fuel in the State of Nevada may post or display a sign or statement or other advertising medium reading, in substance, "save" a designated amount, or a designated amount per unit of measure, such as "save 5 cents" or "save 5 cents per gallon," or using the expression "off" a designated amount, such as "5 cents off" or "5 cents less," or "discount" of a given amount, such as "5-cent discount," or otherwise using the words "save," "off," "discount," "wholesale," "below," or any of them, or a word or words of similar meaning or other phraseology indicating a reduced price, unless there is posted and displayed in letters of equal size and as part of the same sign, statement or other advertising medium the total price, including all taxes, at which motor vehicle fuel is being sold or offered for sale, designating the price for each brand name or grade of motor vehicle fuel being sold or offered for sale.

~~[2. The size of the letters, words, figures or numerals used to indicate the total price per unit of measure, including all taxes, must be of a size as provided under the provisions of NRS 590.200.]~~

Sec. 7. NRS 590.220 is hereby amended to read as follows:

590.220 All letters, words, figures or numerals used on the advertising medium referred to in NRS 590.160 to 590.330, inclusive, ***and sections 2 and 3 of this act*** to indicate ~~[prices]~~ ***the total price per unit of measure, including taxes,*** of motor vehicle fuel sold or advertised for sale must be uniform in size and must be at least 6 inches in height, and the height must not be more than twice the width. If a fraction ~~[displaying a numerator and a denominator]~~ is used ~~[in lieu of a full-size numeral]~~ on a price sign, the ~~[fraction]~~ ***combined height of the numerator and denominator*** must be of the same height and design as the other numerals indicating price. Numerators without denominators must not be used for fractions. ~~[The advertising medium must indicate the price of the fuel per gallon.]~~

Sec. 8. NRS 590.230 is hereby amended to read as follows:

590.230 1. The advertising medium referred to in NRS 590.160 to 590.330, inclusive, ***and sections 2 and 3 of this act*** must not contain any other advertising matter except words of description of the product sold or offered for sale, and method of sale, such as "self-serve," "full serve" or words of similar meaning. If words of description or method of sale of the product offered or advertised by any such sign are used, the letters, figures or numerals which form any words must not be larger than the words, marks, letters, figures or numerals used in forming or designating the price per unit of measure.

2. If the price of a brand name or grade of motor vehicle fuel is advertised by means of a price sign and is sold at different prices ~~[from the dispensing devices on the premises,]~~ ***based on whether a customer meets a condition,*** the sign or signs advertising the price must include notice of the conditions under which the brand name or grade is sold ~~[.]~~ ***and the price must be available to all customers who meet the condition.*** If ~~[the]~~ ***:***

(a) The same grade of motor vehicle fuel is sold at different prices based on whether credit or cash is used as the method of payment, the sign or signs must state:

(1) Both the credit and cash price, which must be uniform in size; or

(2) The highest of either the credit or cash price.

(b) The sign ***or signs*** advertises only the cash price ~~[.]~~ ***as the highest price in accordance with paragraph (a)*** as a condition of sale for the motor vehicle fuel offered for sale on the premises, the sign must clearly state "cash" in letters a minimum of 6 inches in height or one-third the size of the numerals in announcing the price, whichever is larger. ~~[If]~~

(c) The terms stating the condition of sale, including "self-serve," "full serve," or words of similar meaning, appear on a price sign, there must be signs designating "self-serve" and "full serve" islands, pumps or dispensing devices in letters of 4 inches in height or more, conspicuously posted, showing the pumps or dispensing devices where the product is sold at each price.

(d) A grade of an alcohol-free product is offered at a price higher than a blend of the same grade containing alcohol, the sign or signs may state the lowest price of the two products.

(e) A discount is offered to a customer through a customer loyalty program or similar program, the sign or signs must state:

(1) Both the highest price that may be charged to a customer who does not qualify for the discount and the discounted price, which must be uniform in size; or

(2) The highest price that may be charged to a customer who does not qualify for the discount.

Sec. 9. NRS 590.260 is hereby amended to read as follows:

590.260 ***1.*** All letters, words, figures or numerals appearing on any advertising medium referred to in NRS 590.160 to 590.330, inclusive, ***and sections 2 and 3 of this act*** shall be plainly visible and of such colors or tints as will contrast such letters, words, figures or numerals with the remaining parts of the advertising medium.

2. All letters, words, figures or numerals appearing on any electronic sign must comply with the requirements of subsection 1 and be clearly visible during the day and at night.

Sec. 10. NRS 590.270 is hereby amended to read as follows:

590.270 All words, letters, figures or numerals on the advertising medium referred to in NRS 590.160 to 590.330, inclusive, ~~[which form or]~~ ***and sections 2 and 3 of this act must be:***

1. For words and letters used to designate the brand name or the words "no ~~[brand" must be]~~ ***brand,"*** of like color or tint ~~[, and all words, letters,]~~ ***;***

2. For figures or numerals designating or indicating the price of motor vehicle fuel so offered for sale ***,*** ~~[must be]~~ of like color or tint ***;*** ~~[,]~~ and ~~[all]~~

3. For all words, letters, figures or numerals used in designating the grades and conditions of sale of motor vehicle fuel being advertised ***,*** ~~[must be]~~ of like color or tint.

Sec. 11. NRS 590.322 is hereby amended to read as follows:

590.322 1. The State Sealer of Measurement Standards shall adopt regulations establishing a schedule of civil penalties for any violation of NRS 590.160 to 590.330, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. In addition to any criminal penalty that may be imposed, a person who violates any provision of NRS 590.160 to 590.330, inclusive, ***and sections 2 and 3 of this act*** is subject to a civil penalty in accordance with the schedule of civil penalties established by the State Sealer of Measurement Standards pursuant to subsection 1.

Sec. 12. NRS 590.330 is hereby amended to read as follows:

590.330 1. Except as otherwise provided in subsection 2, a person, or any officer, agent or employee thereof, who willfully violates the provisions of NRS 590.160 to 590.330, inclusive, ***and sections 2 and 3 of this act,*** or any regulation adopted pursuant thereto:

(a) For the first offense, shall be given a warning.

(b) For the second offense, is guilty of a misdemeanor and shall be punished by a fine of not less than $1,000 or more than $5,000.

(c) For the third or subsequent offense, is guilty of a gross misdemeanor.

2. A person, or any officer, agent or employee thereof, who is convicted pursuant to subsection 1 more than three times in a 2-year period is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 13. NRS 590.250 is hereby repealed.

TEXT OF REPEALED SECTION

590.250 Numeral "1" and letter "l": Uniformity of type and design. The numeral "1" or the letter "l" need not conform to specifications prescribed for other letters, words, figures or numerals by NRS 590.160 to 590.330, inclusive, but all letters, words, figures or numerals shall be the same type and design and shall be uniform with other letters, words, figures or numerals with which they are used.

Assemblymember Anderson moved that the Assembly concur in Senate Amendment No. 631 to Assembly Bill No. 29.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 40.

The following Senate amendment was read:

Amendment No. 630.

AN ACT relating to environmental hazards; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to issue an order for certain violations relating to mining reclamation; providing the Division, solid waste management authority and Department with a lien on certain property under certain circumstances; revising provisions governing mining reclamation to include the stabilization of process fluids; revising certain requirements for a permit to engage in a mining operation or exploration project; authorizing the State Environmental Commission to adopt regulations relating to solid waste management facilities; requiring the Commission to adopt regulations relating to the requirements for the owner or operator of a municipal solid waste landfill or solid waste management facility to provide certain evidence of financial responsibility; requiring a permit to construct or operate a solid waste management facility; making requirements for disposal sites applicable to solid waste management facilities; prohibiting a municipal solid waste landfill from accepting certain types of hazardous waste; revising provisions relating to the management of hazardous waste; revising requirements governing a permit to operate a facility for the management of hazardous waste; revising requirements relating to evidence of financial responsibility provided by an owner or operator of certain facilities for the management of hazardous waste; revising certain

prohibitions relating to hazardous waste; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing the reclamation of land subject to mining operations or exploration projects. (Chapter 519A of NRS) **Section 13** of this bill revises the definition of the term "reclamation" to include actions performed during or after an exploration project or mining operation to stabilize process fluids. **Sections 2-9** of this bill define certain terms relating to reclamation. **Section 14** of this bill revises the definition of the term "surety" to include an account held by or for the benefit of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Section 10 of this bill authorizes the Division to issue an order if the Division has reasonable cause to believe that a holder of a permit is violating or is about to violate certain provisions of existing law relating to the reclamation of land.

Section 11 of this bill provides that the Division may lien all real and personal property associated with a facility of a holder of a permit for an exploration project or mining operation.

Section 12 of this bill applies the definitions in existing law and **sections 2-9** governing reclamation to the provisions of **sections 10 and 11**.

Section 15 of this bill authorizes certain fees collected by the Division that are used to administer the provisions of existing law relating to reclamation to also be used to administer the provisions of **sections 2-11**.

Existing law requires an applicant for a permit to engage in a mining operation to, amongst other requirements, complete a checklist developed by the Division and file a plan for reclamation with the application. (NRS 519A.210, 519A.220) **Section 16** of this bill requires that the information requested by the checklist include a manual for the operation and maintenance of the fluid management system for the mining operation. **Section 17** of this bill requires a plan for reclamation to provide for the stabilization of process fluids.

Existing law provides that if an exploration project or a mining operation is conducted on: (1) land administered by a federal agency, an approved federal plan of operations and surety that are consistent with certain requirements supersede certain requirements for a permit and bond or other surety; or (2) both public land and privately owned land, compliance with the approved federal plan of operations is sufficient if that plan substantially provides for the reclamation and bond or other surety required by existing law. (NRS 519A.240) **Section 18** of this bill provides that a federal plan of operations and surety approved by a federal agency for an exploration project or a mining operation supersede, if wholly conducted on land administered by a federal agency, or substitute, if partly conducted on land administered by a federal agency, requirements in state law for a permit and bond or other surety if the applicant: (1) submits to the Division the federal plan of operations and an

estimate of the costs of reclamation; and (2) remedies any inconsistencies identified by the Division between the federal plan of operations and the requirements of state law.

Sections 19 and 20 of this bill apply certain disciplinary actions and criminal penalties to the provisions of **sections 2-11**.

Existing law requires the governing body of every municipality or district board of health of a health district to develop a plan to provide for a solid waste management system which provides for the management and disposal of solid waste. (NRS 444.510) Existing law defines the term "solid waste management system" as the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. (NRS 444.500) **Section 28.3** of this bill revises the definition of "solid waste management system" to mean the entire process of storage, collection, transportation, processing, recycling or disposal of solid waste.

Existing law requires a solid waste management authority to issue permits to operate disposal sites. (NRS 444.553) **Section 28.7** of this bill requires a solid waste management authority to also issue permits to operate solid waste management facilities. **Section 28.7 also authorizes a solid waste management authority to take certain actions to determine whether the owner or operator of a solid waste management facility is in compliance with certain requirements.** **Section 32.1** of this bill requires the State Environmental Commission to adopt regulations concerning standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a solid waste management facility. **Sections 32.1-32.4 and 32.8** of this bill make certain provisions of existing law relating to disposal sites applicable to solid waste management facilities.

Section 22 of this bill defines the term "solid waste management facility" to mean any place that engages in any activity related to a solid waste management system. **Section 23.5** of this bill authorizes the State Environmental Commission to adopt regulations establishing activities that are related to a solid waste management system and the places which constitute a solid waste management facility based on the activities performed at the place.

Existing law requires the owner or operator of a municipal solid waste landfill to obtain a permit from a solid waste management authority before constructing or operating the municipal solid waste landfill. The permit must be conditioned upon all requirements necessary to ensure compliance with certain federal laws governing solid waste, including financial requirements for the owners and operators of municipal solid waste landfills. (NRS 444.465, 444.556) **Section 30** of this bill revises certain references to the term "municipal solid waste landfill." **Section 32.6** of this bill revises a reference to a sanitary landfill with a reference to a municipal solid waste landfill. **Section 32** of this bill prohibits a municipal solid waste landfill from accepting hazardous waste from a very small quantity generator.

Section 24 of this bill requires the Commission to adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility **engaged in certain activities** to demonstrate financial responsibility.

Section 29 of this bill provides that certain requirements for a permit relating to standards of care and financial responsibility may be satisfied by a plan for reclamation under certain circumstances.

Section 25 of this bill provides that the Division or solid waste management authority may lien all real and personal property associated with a municipal solid waste landfill or solid waste management facility of an owner or operator of the municipal solid waste landfill or solid waste management facility.

Section 26 of this bill applies the definitions in existing law and **section 22** governing the collection and disposal of solid waste to the provisions of **sections 22-25**.

Existing law establishes provisions governing the disposal of hazardous waste through the management of hazardous waste, which is defined as the systematic control of the generation, collection, storage, transportation, processing, treatment, recovery and disposal of hazardous waste. (NRS 459.400-459.600) **Section 39** of this bill revises: (1) the definition of the management of hazardous waste to mean the systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of hazardous waste; and as a result: (2) expands the applicability of these requirements governing hazardous waste to include recycling as a method for the disposal of hazardous waste and any systematic control of the generation, collection, storage, transportation, recycling, processing, treatment, recovery or disposal of hazardous waste.

Sections 36, 40, 44, 46-51, 52 and 53 of this bill remove references to specific activities constituting the management of hazardous waste. **Sections 37.5, 38.5 and 40-41** of this bill revise certain definitions relating to the disposal of hazardous waste.

Sections 46, 53 and 54 of this bill apply certain existing criminal and civil penalties and disciplinary actions to the management of hazardous waste.

Section 34 of this bill defines the term "recycling" to mean the processing of hazardous waste to recover materials or produce a usable product. **Section 36** establishes that an additional purpose of the provisions of existing law governing the disposal of hazardous waste includes conserving resources of material and energy through the recycling or recovery of hazardous waste.

Section 35 of this bill provides that the Department may lien all real and personal property associated with a facility for the management of hazardous waste of the owner, operator or holder of a permit of the facility.

Section 37 of this bill applies the definitions in existing law and **section 34** governing the disposal of hazardous waste to the provisions of **sections 34 and 35**.

Existing law requires the Commission, through the Department, to develop a program to encourage the minimization of hazardous waste and the recycling

or reuse of hazardous waste. (NRS 459.485) **Section 43** of this bill removes the requirement that the program include the reuse of hazardous waste.

Existing law prohibits a person from constructing, substantially altering or operating a facility for the treatment, storage or disposal of hazardous waste or treating, storing or disposing of hazardous waste unless the person has first obtained a permit from the Department. (NRS 459.515) **Section 46** provides that the person must only obtain a permit if the Commission has required by regulation that type of facility to obtain a permit. **Section 47** requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must obtain a permit.

Existing law requires the Commission to adopt regulations requiring the owner or operator of any facility for the treatment, storage or disposal of hazardous waste to show his or her financial responsibility for the undertaking. (NRS 459.525) **Section 48** requires the Commission to adopt regulations establishing the types of facilities for the management of hazardous waste which must show financial responsibility.

Existing law provides that certain provisions of existing law authorizing any authorized representative or employee of the Commission or Department to conduct certain inspections relating to hazardous substances and authorizing the Department to issue certain orders relating to hazardous substances do not apply in a county whose population is less than 55,000 (currently all counties except Clark County, Washoe County, Lyon County and Carson City). (NRS 459.558) **Section 51.5** of this bill removes this exemption.

Existing law prohibits a person from transporting hazardous waste to a facility that has not been issued a permit to treat, store or dispose of hazardous waste. (NRS 459.590) **Section 54.5** of this bill instead prohibits a person from transporting hazardous waste to a facility that has not been authorized to accept hazardous waste in accordance with certain regulations adopted by the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Beneficiation" means the dressing or processing of ores to:***

1. Regulate the size of a desired product;

2. Remove unwanted constituents; and

3. Improve the quality, purity or assay grade of a desired product.

Sec. 3. ***"Discharge" has the meaning ascribed to it in NRS 445A.345.***

Sec. 4. ***"Facility" means all portions of a mining operation, including, without limitation, the mine, waste rock piles, ore piles, process components for beneficiation, processed ore disposal sites, and all associated buildings and structures. The term does not include any process component or non-process component that is not used for mining or mineral production and has not been used in the past for mining or mineral production.***

Sec. 5. *"Fluid management system" means the portion of a facility constructed to contain or transport process fluids.*

Sec. 6. *"Point source" means any discernible, confined and discrete conveyance from which pollutants are or may be discharged, including, without limitation, any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, wheeled, track, stationary or floating equipment used for earth-moving activities or vessel or other floating craft. The term does not include return flows from irrigated agriculture.*

Sec. 7. *"Process component" means the distinct portion of a constructed facility which is a point source.*

Sec. 8. *"Process fluid" means any liquid, including, without limitation, meteoric waters, which are intentionally or unintentionally introduced into any part of a process component for beneficiation.*

Sec. 9. *"Stabilize" means the condition in which a contaminant in a material or process fluid is bound, contained or treated so that the contaminant does not exhibit a potential to adversely impact human health, public safety or the environment.*

Sec. 10. *1. If the Division has reasonable cause to believe, based on evidence satisfactory to the Division, that a holder of a permit is violating or is about to violate the provisions of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act, or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 pertaining to the stabilization of process fluids, and that the violation will pose imminent danger to human health, public safety or the environment, the Division may, without prior hearing, issue an order against the holder of the permit, which:*

(a) Temporarily suspends all or part of the permit issued under NRS 519A.180 or 519A.200;

(b) Requires the holder of the permit to ensure all equipment necessary to stabilize process fluids remain at the facility; and

(c) Authorizes the Division to enter the facility and stabilize the process fluids at the facility.

2. The order issued pursuant to subsection 1 must specify:

(a) The provision of NRS 519A.010 to 519A.280, inclusive, and sections 2 to 11, inclusive, of this act or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit issued pursuant to NRS 519A.180 or 519A.200 which the Division reasonably believes is being or is about to be violated and any facts supporting this belief;

(b) The parts of the permit that are being suspended, if only parts of the permit are suspended; and

(c) The actions the holder of the permit must take to correct the violation.

3. An order issued by the Division pursuant to this section is effective immediately and remains in effect until the Division issues a decision pursuant to subsection 5.

4. The Division shall serve an order issued pursuant to subsection 1 personally or by mail with delivery on the next business day to the holder of the permit at his or her address as shown on the records of the Division.

5. Unless otherwise agreed upon by the holder of the permit and the Division, the Division shall hold a hearing not later than 10 business days after issuing the order. The Division shall issue a decision not later than 5 business days after the hearing.

6. Unless otherwise authorized in writing by the Division, the permit or parts thereof must remain suspended until the violation is corrected and any costs of the Division for the stabilization of the process fluids while the permit is suspended pursuant to subsection 1 are compensated from the bond or other surety required pursuant to NRS 519A.190 or 519A.210, as applicable, or otherwise repaid to the Division.

Sec. 11. ***1. The Division may lien all real and personal property, tangible and intangible, associated with a facility of a holder of a permit under NRS 519A.180 or 519A.200 for:***

(a) The costs incurred by the Division pursuant to section 10 of this act to stabilize process fluids that pose an imminent danger to human health, public safety or the environment; and

(b) The amount of any deficiency in a bond or surety required by NRS 519A.190 or 519A.210 and identified in a notice of noncompliance issued pursuant to NRS 519A.270.

2. To perfect a lien held pursuant to subsection 1, the Division shall:

(a) Provide notice of intent to lien to the holder of the permit by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the holder of the permit by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Division for reclamation and any deficiency in a bond or other surety; or

(b) The proceeds from the sale of the real or personal property associated with the facility of the holder of the permit after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a bond or other surety required by NRS 519A.190 or 519A.210; or

(b) Increase in the fair market value of the real or personal property associated with the facility that is attributable to reclamation performed by the Division, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Division shall release the lien pursuant to subsection 7 if:

(a) The costs of reclamation incurred by the Division are repaid or reimbursed;

(b) The holder of the permit resolves the deficiency in the bond or other surety identified in a notice of noncompliance issued pursuant to NRS 519A.270; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General may, on behalf of the Division, foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Division to bring an action to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 12. NRS 519A.020 is hereby amended to read as follows:

519A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 519A.030 to 519A.130, inclusive, ***and sections 2 to 9, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 519A.100 is hereby amended to read as follows:

519A.100 "Reclamation" means actions performed during or after an exploration project or mining operation to ~~[~~shape,~~]~~ ***:***

1. Shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects ~~[.]~~ ***; or***

2. Stabilize process fluids.

Sec. 14. NRS 519A.130 is hereby amended to read as follows:

519A.130 "Surety" means, but is not limited to, a trust fund, surety bonds that guarantee performance or payment into a trust fund ~~[,]~~ ***or an account held by or for the benefit of the Division,*** letters of credit, insurance ~~[, corporate or other guarantees of performance,]~~ or any combination of these or other forms of security approved by the Director of the State Department of Conservation and Natural Resources and used to ensure that reclamation will be completed.

Sec. 15. NRS 519A.170 is hereby amended to read as follows:

519A.170 All fees collected by the Division pursuant to this chapter, including, without limitation, the fees for an application for and the issuance of a permit, must be deposited with the State Treasurer for credit to the appropriate account of the Division and must be used in the administration of NRS 519A.010 to 519A.280, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.*** All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

Sec. 16. NRS 519A.220 is hereby amended to read as follows:

519A.220 The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:

(a) The proposed subsequent use of the land after the mining operation is completed;

(b) The proposed schedule of reclamation that will be followed;

(c) The proposed topography of the land after the mining operation is completed;

(d) The treatment of slopes created or affected by the mining operation;

(e) The proposed use of impoundments;

(f) The kinds of access roads to be built and the manner of reclamation of road sites;

(g) The methods of drainage that will be used during the mining operation and reclamation;

(h) The revegetation of the land;

(i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;

(j) The reclamation that will be necessary as a result of instream mining;

(k) The effect that reclamation will have on future mining in that area; ~~[and]~~

(l) The effect of the reclamation on public safety ~~.~~ ***; and***

(m) A manual for the operation and maintenance of the fluid management system.

2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

Sec. 17. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.

(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the stabilization of process fluids.

2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:

(a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;

(b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and

(c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.

4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes

no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.

5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.

6. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

8. As used in this section:

(a) "Pit lake" means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) "Protected person" means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

Sec. 18. NRS 519A.240 is hereby amended to read as follows:

519A.240 ***1.*** If a mining operation or exploration project is conducted ***, in whole or in part,*** on land administered by a federal agency, ~~[an approved]~~ ***a*** federal plan of operations and a surety ***approved by the federal agency*** that are consistent with the requirements of this chapter supersede ***, if wholly conducted on land administered by the federal agency, or substitute, if partly conducted on land administered by the federal agency,*** the requirements for a permit and bond or other surety otherwise required by this chapter ~~[. If the mining operation or exploration project is conducted on a site which includes both public land and privately owned land, compliance with the federal plan suffices if that plan substantially provides for the reclamation and bond or other surety required by this chapter.]~~ ***if the applicant:***

(a) Submits to the Division the federal plan of operations determined by the federal agency to be administratively complete and an estimate of the costs of reclamation of the mining operation or exploration project, and any modifications thereto; and

(b) Remedies any inconsistencies between the federal plan of operations and the requirements of this chapter and any regulations adopted pursuant thereto that are identified by the Division.

2. Nothing in this section affects the requirement ~~[for]~~ ***to obtain*** a permit set forth in NRS 519A.180 or 519A.200 or the required payment of fees set forth in NRS 519A.160 or 519A.260.

Sec. 19. NRS 519A.270 is hereby amended to read as follows:

519A.270 If the Division has reason to believe that any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to NRS 519A.160, has been violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;
2. Specify each violation; and
3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

Sec. 20. NRS 519A.280 is hereby amended to read as follows:

519A.280 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or any regulation adopted by the Commission pursuant to NRS 519A.160, is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to NRS 519A.160.

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

3. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 519A.010 to 519A.280, inclusive, ***and sections 2 to 11, inclusive, of this act,*** or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 21. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 22 to 25, inclusive, of this act.

Sec. 22. ***"Solid waste management facility" means any place that engages in any activity related to a solid waste management system. The term includes, without limitation, a disposal site.***

Sec. 23. (Deleted by amendment.)

Sec. 23.5. ***The State Environmental Commission may adopt regulations establishing activities that are related to a solid waste management system. Such regulations may, without limitation, establish places that constitute solid waste management facilities because, as determined by the Commission, the activities performed at the place present a significant hazard to human health, public safety or the environment if solid waste at the place*** ~~***[is]***~~ ***were to be managed improperly. The determination of the Commission may be based upon, without limitation, the size of the activity, throughput of the activity, location of the place or any other relevant factor determined by the State Environmental Commission.***

Sec. 24. ***1. The State Environmental Commission shall adopt regulations prescribing the requirements for an owner or operator of a municipal solid waste landfill or solid waste management facility that is engaged in an activity established by regulations adopted pursuant to section 23.5 of this act, to demonstrate that the owner or operator is financially responsible for the municipal solid waste landfill or solid waste management facility in accordance with subsection 4 of NRS 444.556. Such regulations must require the owner or operator to provide:***

(a) Evidence that the owner or operator has a policy of liability insurance in an amount which the State Department of Conservation and Natural Resources has determined is necessary for the protection of human health, public safety and the environment;

(b) Evidence of security, in a form and amount which the State Department of Conservation and Natural Resources deems necessary, to ensure that at the time of any abandonment, cessation or interruption of the service provided by the municipal solid waste landfill or solid waste management facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

(c) Any other evidence of financial responsibility which the State Environmental Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any courts of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 25. *1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources or the solid waste management authority may lien all real and personal property, tangible and intangible, associated with a municipal solid waste landfill or solid waste management facility of the owner or operator of a municipal solid waste landfill or solid waste management facility for:*

(a) The costs incurred by the Division of Environmental Protection or solid waste management authority to reduce or eliminate an imminent threat to human health, public safety or the environment relating to the management of ~~[~~hazardous~~]~~ waste at a ~~[~~municipal solid waste landfill or~~]~~ solid waste management facility ~~[~~of the owner or operator pursuant to subsection 1 of NRS 459.537;~~]~~ , including, without limitation, a disposal site; and

(b) The amount of any deficiency in a security or other type of financial responsibility required in accordance with the regulations adopted pursuant to section 24 of this act or the Resource Conservation and Recovery Act of 1976, Subtitle D, §§ 42 U.S.C. 6941 et seq., and any regulations adopted pursuant thereto and identified in an order issued pursuant to NRS 444.592.

2. To perfect a lien held pursuant to subsection 1, the Division of Environmental Protection or solid waste management authority shall:

(a) Provide notice of intent to lien to the owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner or operator of the municipal solid waste landfill or solid waste management facility by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS

104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Division of Environmental Protection or solid waste management authority shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 444.592.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Division of Environmental Protection or solid waste management authority for performing remediation and any deficiency in a security or other type of financial responsibility; or

(b) The proceeds from the sale of the real or personal property associated with the municipal solid waste landfill or solid waste management facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a security or other type of financial responsibility required in accordance with the requirements prescribed pursuant to section 24 of this act or the Resource Conservation and Recovery Act of 1976, Subtitle D, §§ 42 U.S.C. 6941 et seq., and any regulations adopted pursuant thereto; or

(b) Increase in the fair market value of the real or personal property associated with the municipal solid waste landfill or solid waste management facility that is attributable to remediation performed by the Division of Environmental Protection or solid waste management authority, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Division of Environmental Protection or solid waste management authority shall release the lien pursuant to subsection 7 if:

(a) The costs of remediation of the Division of Environmental Protection or solid waste management authority are repaid or reimbursed;

(b) The owner or operator of the municipal solid waste landfill or solid waste management authority resolves the deficiency in the security or other type of financial responsibility identified in an order issued pursuant to NRS 444.592; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division of Environmental Protection or solid waste management authority shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General or district attorney may, on behalf of the Division of Environmental Protection or solid waste management authority, foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Division of Environmental Protection or solid waste management authority to recover any costs and damages incurred by the Division of Environmental Protection or solid waste management authority for which the person, owner or operator is liable under NRS 444.598.

Sec. 26. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, ***and sections 22 to 25, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.501, inclusive, ***and section 22 of this act*** have the meanings ascribed to them in those sections.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 28.3. NRS 444.500 is hereby amended to read as follows:

444.500 "Solid waste management system" means the entire process of ***the*** storage, collection, transportation, processing, recycling ~~[and]~~ ***or*** disposal of solid waste. The term includes plans and programs for the reduction of waste and public education.

Sec. 28.7. NRS 444.553 is hereby amended to read as follows:

444.553 1. The solid waste management authority shall, in accordance with the regulations of the State Environmental Commission adopted pursuant to NRS 444.560 ~~[,]~~ ***and section 24 of this act,*** issue permits to operate ***solid waste management facilities, including, without limitation,*** disposal sites.

2. A person shall not operate or authorize the operation of a ***solid waste management facility, including, without limitation, a*** disposal site ***,*** unless the operator:

(a) Holds a permit to operate the ***solid waste management facility, including without limitation, a*** disposal site ***,*** issued by the solid waste management authority; and

(b) Complies with the terms and conditions of the permit.

3. A solid waste management authority may:

(a) Obtain, and the owner or operator of a solid waste management facility, including, without limitation, a disposal site, shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the

permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, at which records relevant to the solid waste management facility, including, without limitation, a disposal site, are kept in order to inspect those records.

Sec. 29. NRS 444.556 is hereby amended to read as follows:

444.556 1. Before constructing or operating a municipal solid waste landfill, the owner or operator of the ***municipal solid waste*** landfill shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill is subject to the general conditions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. ~~[~~A~~]~~ ***Except as otherwise provided in subsection 5, a*** permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, which describe:

(1) General standards for a municipal solid waste landfill;

(2) Restrictions on the location of such a ***municipal solid waste*** landfill;

(3) Criteria for the operation of such a ***municipal solid waste*** landfill;

(4) Criteria for the design of such a ***municipal solid waste*** landfill;

(5) Requirements for monitoring groundwater and standards for corrective actions related thereto;

(6) Standards of care related to the closure of such a ***municipal solid waste*** landfill; and

(7) Financial ***responsibility*** requirements for the owners or operators of such ***municipal solid waste*** landfills ~~[~~;~~]~~ ***pursuant to section 24 of this act;***

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. ***The requirements of subparagraphs (6) and (7) of paragraph (a) of subsection 4 may be satisfied by a plan for reclamation:***

(a) Which has been approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(b) Complies with NRS 519A.230 and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

6. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill are kept in order to inspect those records.

Sec. 30. NRS 444.557 is hereby amended to read as follows:

444.557 1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill with the terms and conditions of the permit issued for that ***municipal solid waste*** landfill, the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The program must include procedures to:

(a) Verify the accuracy of any information submitted by the owner or operator of the ***municipal solid waste*** landfill to the authority;

(b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the ***municipal solid waste*** landfill; and

(c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the ***solid waste management*** authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the ***solid waste management*** authority.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 444.559 is hereby amended to read as follows:

444.559 ***1.*** A municipal solid waste landfill shall accept a recreational vehicle for disposal if:

~~[1.]~~ ***(a)*** The person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle, indicating that he or she is the owner.

~~[2.]~~ ***(b)*** Accepting the recreational vehicle for disposal does not violate any applicable federal or state law or regulation relating to the operation of the municipal solid waste landfill.

2. A municipal solid waste landfill shall not accept hazardous waste from a very small quantity generator for disposal.

3. As used in this section, "very small quantity generator" has the meaning ascribed to it in 40 C.F.R. § 260.10.

Sec. 32.1. NRS 444.560 is hereby amended to read as follows:

444.560 1. The State Environmental Commission shall adopt regulations concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a ***solid waste management facility, including, without limitation, a*** disposal site.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with NRS 444.495 or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a municipality or person may operate or permit an operation in violation of the regulation.

Sec. 32.2. NRS 444.570 is hereby amended to read as follows:

444.570 1. The State Department of Conservation and Natural Resources shall:

(a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of NRS 444.440 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to NRS 444.505, 444.553 and 444.556 and ensuring compliance with the terms and conditions of such permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for ***solid waste management facilities, including, without limitation,*** disposal sites **,** and enforce the laws of this State regarding solid waste management systems.

(e) Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of NRS 444.440 to 444.620, inclusive, ***and sections 22 to 25, inclusive, of this act,*** enter and inspect areas of the facility where:

(a) Solid waste may have been generated, stored, ***collected,*** transported, ~~[treated]~~ ***processed, recycled*** or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 32.4. NRS 444.580 is hereby amended to read as follows:

444.580 Except as otherwise provided in NRS 444.559:

1. Any district board of health created pursuant to NRS 439.362 or 439.370 and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of ***solid waste management facilities,*** solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to NRS 439.362 or 439.370 may adopt such other regulations as are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive ~~[.]~~ ***, and sections 22 to 25, inclusive, of this act.*** Such regulations must not conflict with regulations adopted by the State Environmental Commission.

Sec. 32.6. NRS 444.583 is hereby amended to read as follows:

444.583 1. Except as otherwise provided in subsection 5 and NRS 444.509, it is unlawful willfully to:

(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the solid waste management authority;

(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a ~~[sanitary]~~ ***municipal solid waste*** landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the solid waste management authority; or

(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the solid waste management authority for the recovery of energy or other appropriate use.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than $100 per violation.

3. The State Department of Conservation and Natural Resources shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may include education of the public regarding the necessity of disposing of these items properly and recycling them.

4. The State Department of Conservation and Natural Resources shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.

5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the solid waste management authority makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the solid waste

management authority concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.

Sec. 32.8. NRS 444.592 is hereby amended to read as follows:

444.592 If the solid waste management authority receives information that the ~~[~~handling,~~]~~ storage, ~~[~~recycling,~~]~~ ***collection,*** transportation, ~~[~~treatment~~]~~ ***processing, recycling*** or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.505, 444.553 or 444.556, a statute, a regulation or an order issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[~~.~~]~~ ***, and sections 22 to 25, inclusive, of this act:***

1. Issue an order directing the owner or operator of the ***solid waste management facility, including, without limitation, a*** disposal site or any other site where the ~~[~~handling,~~]~~ storage, ~~[~~recycling,~~]~~ ***collection,*** transportation, ~~[~~treatment~~]~~ ***processing, recycling*** or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS 444.600.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 33. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 34 and 35 of this act.

Sec. 34. ***"Recycling" means the processing of hazardous waste to recover materials or produce a usable product. The term does not include the treatment or disposal of hazardous waste.***

Sec. 35. ***1. The Department may lien all real and personal property, tangible and intangible, associated with a facility for the management of hazardous waste of the owner, operator or holder of a permit for:***

(a) The costs incurred by the Department to remediate an imminent and substantial hazard to human health, public safety or the environment pursuant to subsection 1 of NRS 459.537; and

(b) The amount of any deficiency in a security or other type of financial responsibility required pursuant to NRS 459.525 and identified in an order issued pursuant to NRS 459.570.

2. To perfect a lien held pursuant to subsection 1, the Department shall:

(a) Provide notice of intent to lien to the owner, operator or holder of the permit by certified or registered mail;

(b) Not later than 30 days after providing notice of intent to lien pursuant to paragraph (a), provide notice of the lien to the owner, operator or holder of the permit by certified or registered mail; and

(c) File notice of the lien, which must set forth, without limitation, the amount of the lien:

(1) If on real property, in the office of the county recorder of the county where the real property is located.

(2) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

3. The Department shall file an amended notice of the lien which must set forth, without limitation, the amount of the lien:

(a) Not later than 30 days after the amount of the lien decreases due to payment, reimbursement or any other partial lien satisfaction; and

(b) Not later than 90 days after the first day of any month in which the amount of the lien increases due to the accrual of unrecovered costs or a deficiency in a security or other type of financial responsibility identified in an order issued pursuant to NRS 459.570.

4. The amount of the lien held pursuant to subsection 1 must not exceed:

(a) The costs of the Department for performing remediation and any deficiency in a security or other type of financial responsibility; or

(b) The proceeds from the sale of the real or personal property associated with the facility after any previously perfected security interests or judgment liens are satisfied.

5. A security interest or judgment lien that is perfected before notice of the lien is filed pursuant to subsection 2 has priority over a lien perfected pursuant to this section. A perfected lien held pursuant to this section has priority over all other liens and encumbrances that have an interest in the:

(a) Proceeds of a security or other type of financial responsibility required pursuant to NRS 459.525; or

(b) Increase in the fair market value of the real or personal property associated with the facility that is attributable to remediation performed by the Department, which must be measured at the time of the sale or other disposition of the real or personal property.

6. The Department shall release the lien pursuant to subsection 7 if:

(a) The costs of remediation of the Department are repaid or reimbursed;

(b) The owner, operator or holder of the permit resolves the deficiency in the security or other type of financial responsibility identified in an order issued pursuant to NRS 459.570; or

(c) The lien is satisfied by sale or other means.

7. As soon as practicable but not more than 30 days after a lien is satisfied pursuant to subsection 6, the Division shall file a notice of lien release:

(a) If on real property, in the office of the county recorder of the county where the real property is located.

(b) If on personal property, in the Office of the Secretary of State. If the notice is filed in the Office of the Secretary of State, the notice must be marked, held and indexed in accordance with the provisions of NRS

104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

8. The Attorney General, on behalf of the Department, may foreclose on a perfected lien in a suit brought in district court in the same manner as a suit for the foreclosure of any other lien.

9. Nothing in this section shall be construed to limit the right of the Department to recover any costs and damages for which a person is liable under the provisions of this chapter.

Sec. 36. NRS 459.400 is hereby amended to read as follows:

459.400 The purposes of NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act*** are to:

1. Protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste;

2. Establish a program for regulation of the ~~[storage, generation, transportation, treatment and disposal]~~ ***management*** of hazardous waste; ~~[and]~~

3. Ensure safe and adequate management of hazardous waste ~~[.]~~ ***; and***

4. Conserve resources of material and energy through the recycling or recovery of hazardous waste.

Sec. 37. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, ***and section 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 37.5. NRS 459.425 is hereby amended to read as follows:

459.425 "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water in a manner which might allow the hazardous waste or any ~~[part of it]~~ ***constituent thereof*** to enter the environment, be emitted into the air or be discharged into any ~~[water, including any groundwater.]~~ ***waters of this State, as defined in NRS 445A.415.***

Sec. 38. (Deleted by amendment.)

Sec. 38.5. NRS 459.432 is hereby amended to read as follows:

459.432 "Household waste" means waste material, including, without limitation, garbage, trash and sanitary wastes in septic tanks that is generated by a household, including, without limitation, a single-family or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground and day-use recreational area. The term does not include nickel, cadmium, mercuric oxide, manganese, zinc-carbon ***,*** ~~[or]~~ lead ***or high-density energy*** batteries, toxic art supplies, used motor oil, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted or any other waste generated by a household that would otherwise be defined as hazardous waste pursuant to subsection 2 of NRS 459.430.

Sec. 39. NRS 459.435 is hereby amended to read as follows:

459.435 "Management of hazardous waste" means the systematic control of the generation, collection, storage, transportation, ***recycling,*** processing, treatment, recovery ~~[and]~~ ***or*** disposal of hazardous waste.

Sec. 40. NRS 459.440 is hereby amended to read as follows:

459.440 "Manifest" means a document used to identify hazardous waste during its transportation from between any two of the points of ~~[generation, storage, treatment and disposal,]~~ ***management*** and specifying the quantity, composition, origin, route and destination of the waste.

Sec. 40.5. NRS 459.450 is hereby amended to read as follows:

459.450 "Storage" means the containment of hazardous waste, ~~[temporarily or]~~ for a ***temporary*** period of ~~[years, in a manner which does not constitute disposal.]~~ ***time, at the end of which the hazardous waste is transported, processed, treated, recovered, disposed of or stored elsewhere.***

Sec. 41. NRS 459.455 is hereby amended to read as follows:

459.455 "Treatment" means ~~[a]~~ ***any method, technique or*** process, including neutralization, which is designed to change the physical, chemical or biological character or composition of hazardous waste so as to neutralize it or render it less hazardous, nonhazardous, safer for transportation, storage and disposal, amenable to recovery of resources ***of material or energy*** from it, or reduce its volume.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 459.485 is hereby amended to read as follows:

459.485 The Commission shall:

1. Adopt regulations ~~[governing systems of hazardous waste management,]~~ ***to carry out the provisions of NRS 459.400 to 459.600, inclusive, and sections 34 and 35 of this act,*** including the plan for management of hazardous waste in the entire State; and

2. Through the Department:

(a) Advise, consult and cooperate with other agencies of the State, other states, the Federal Government, municipalities and other persons on matters relating to formulation of plans for managing hazardous waste.

(b) Develop a plan for management of hazardous waste in the entire State.

(c) Develop a program to encourage the minimization of hazardous waste and the recycling ~~[or reuse]~~ of hazardous waste by persons who generate hazardous waste within Nevada. The program may include grants or other financial incentives.

Sec. 44. NRS 459.490 is hereby amended to read as follows:

459.490 Regulations adopted by the Commission pursuant to NRS 459.485 must be based upon studies, guidelines and regulations of the Federal Government and must:

1. Set out mechanisms for determining whether any waste is hazardous;

2. Govern combinations of wastes which are not compatible and may not be ~~[stored, treated or disposed of]~~ ***managed*** together;

3. Govern ~~[generation, storage, treatment and disposal]~~ ***the management*** of hazardous waste;

4. Govern operation and maintenance of facilities for the ~~[treatment, storage and disposal]~~ ***management*** of hazardous waste, including the qualifications and requirements for ownership, continuity of operation, closure and care after closing;

5. Provide standards for location, design and construction of facilities for ~~[treatment, storage and disposal]~~ ***the management*** of hazardous waste;

6. Except as otherwise provided in NRS 459.700 to 459.780, inclusive, govern the transportation, packing and labeling of hazardous waste in a manner consistent with regulations issued by the United States Department of Transportation relating to hazardous waste;

7. Provide procedures and requirements for the use of a manifest for each shipment of hazardous waste. The procedures and requirements must be applied equally to those persons who transport hazardous waste generated by others and those who transport hazardous waste which they have generated themselves; and

8. Take into account climatic and geologic variations and other factors relevant to the management of hazardous waste.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 459.515 is hereby amended to read as follows:

459.515 1. It is unlawful for any person to:

(a) Construct, substantially alter or operate any facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste; or

(b) ~~[Treat, store or dispose of]~~ ***Manage*** any hazardous waste,

➥ unless the person has first obtained a permit from the Department to do so ~~[.]~~ ***, if a permit is required for that type of facility for the management of hazardous waste by the regulations adopted by the Commission pursuant to NRS 459.520.***

2. A person who:

(a) Conducts an activity for which a permit is required pursuant to this section, and is doing so on the effective date of the regulations establishing procedures for the system of permits; and

(b) Has made an application for a permit,

➥ shall be deemed to have been issued a permit until his or her application has been acted upon, unless a delay in that action was caused by the person's failure to furnish information which was reasonably requested or required for the processing of the application.

3. The Commission may require a person who is conducting an activity pursuant to subsection 2 to comply with requirements which it has specified by regulation before a permit is issued.

Sec. 47. NRS 459.520 is hereby amended to read as follows:

459.520 1. The Commission shall adopt regulations ~~[for]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste which must obtain a permit; and

(b) For the granting, renewal, modification, suspension, revocation and denial of ***such*** permits.

2. If the local government within whose territory a facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste is to be located requires that a special use permit or other authorization be obtained for such a facility or activity, the application to the Department for a permit to operate such a facility must show that local authorization has been obtained. This requirement does not apply to an application for a permit to construct a utility facility that is subject to the provisions of NRS 704.820 to 704.900, inclusive.

3. Permits may contain terms and conditions which the Department considers necessary and which conform to the provisions of regulations adopted by the Commission.

4. Permits may be issued for any period of not more than 10 years.

5. A permit may not be granted or renewed if the Director determines that granting or renewing the permit is inconsistent with any regulation of the Commission relating to hazardous waste or with the plan for management of hazardous waste developed pursuant to NRS 459.485. The provisions of this subsection do not apply to a permit granted or under review before July 1, 1987.

6. The Department may suspend or revoke a permit pursuant to the Commission's regulations if the holder of the permit fails or refuses to comply with the terms of the permit or a regulation of the Commission relating to hazardous waste.

7. A permit may not be granted, renewed or modified for a facility for the disposal of hazardous waste that proposes to construct or operate a landfill unless the Director determines that the landfill is or will be constructed to include at least one liner and a leachate collection and removal system designed to prevent the migration of waste or leachate to the adjacent subsurface soils, groundwater and surface water.

8. As used in this section:

(a) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land-treatment facility, a surface impoundment, an underground-injection well, a salt-dome formation, a salt-bed formation, an underground mine or a cave.

(b) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from a landfill.

(c) "Leachate collection and removal system" means a layer of granular or synthetic materials installed above a liner and operated in conjunction with drains, pipes, sumps and pumps or other means designed to collect and remove leachate from a landfill.

(d) "Liner" means a continuous layer of artificially created material installed beneath and on the sides of a landfill which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate,

and prevents the migration of waste to the adjacent subsurface soils, groundwater and surface water.

Sec. 48. NRS 459.525 is hereby amended to read as follows:

459.525 1. The Commission shall adopt regulations ~~[requiring that]~~ ***:***

(a) Establishing the types of facilities for the management of hazardous waste for which the owner or operator of ~~[any]~~ ***a*** facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste ***must*** show his or her financial responsibility for the undertaking ~~[by providing:]~~ ***; and***

(b) Requiring the owner or operator to provide:

~~[(a)]~~ ***(1)*** Evidence that the owner or operator has a policy of liability insurance in an amount which the Department has determined is necessary for the protection of human health, public safety and the environment;

~~[(b)]~~ ***(2)*** Evidence of security, in a form and amount which the Department deems necessary, to ensure that at the time of any abandonment, cessation or interruption of the service provided by the facility, and thereafter, all appropriate measures will be taken to prevent damage to human health, public safety and the environment; and

~~[(c)]~~ ***(3)*** Any other evidence of financial responsibility which the Commission finds necessary for those purposes.

2. Requirements established pursuant to this section may not exceed those requirements for financial responsibility established pursuant to the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.

3. Any claim arising from conduct for which evidence of financial responsibility is required may be asserted directly against the insurer, guarantor, surety or other person providing such evidence if the owner or operator:

(a) Has filed a petition in bankruptcy, or is the object of an involuntary petition;

(b) Cannot respond in damages in the event a judgment is entered against the owner or operator; or

(c) Is not subject to the personal jurisdiction of any court of this or any other state, or of the United States, or cannot, with due diligence, be served with process.

4. If a claim is asserted directly against a person providing evidence of financial responsibility, that person may assert any right or defense which:

(a) The person might have asserted in any action against him or her by the owner or operator; or

(b) The owner or operator might have asserted, had the claim been made against him or her.

Sec. 49. NRS 459.537 is hereby amended to read as follows:

459.537 1. If the person responsible for a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his or her inaction presents an imminent and substantial hazard to human health, public safety or the

environment, money from the Account for the Management of Hazardous Waste may be expended to pay the costs of:

(a) Responding to the leak, spill, accident or crash;

(b) Coordinating the efforts of state, local and federal agencies responding to the leak, spill, accident or crash;

(c) Managing the cleaning and decontamination of an area for the ~~[disposal]~~ ***management*** of hazardous waste or the site of the leak, spill, accident or crash;

(d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in responding to the leak, spill, accident or crash, by consultants certified pursuant to regulations adopted by the Commission.

2. Except as otherwise provided in this subsection or NRS 459.610 to 459.658, inclusive, the Director shall demand reimbursement of the Account for money expended pursuant to subsection 1 from any person who is responsible for the accident, crash, leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the ~~[disposal]~~ ***management*** of the waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the Director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident or motor vehicle crash involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.

3. At the request of the Director, the Attorney General shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) "Does not act promptly and appropriately" means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact the person;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his or her inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) "Responding" means any efforts to mitigate, attempt to mitigate or assist in the mitigation of the effects of a leak or spill of or an accident or motor vehicle crash involving hazardous waste, hazardous material or a regulated substance, including, without limitation, efforts to:

(1) Contain and dispose of the hazardous waste, hazardous material or regulated substance.

(2) Clean and decontaminate the area affected by the leak, spill, accident or crash.

(3) Investigate the occurrence of the leak, spill, accident or crash.

Sec. 50. NRS 459.546 is hereby amended to read as follows:

459.546 1. Except as otherwise provided in subsection 4, the owner or operator of a facility for the ~~[treatment, storage or disposal]~~ ***management*** of hazardous waste or a person who wishes to construct such a facility may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after a public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The facility or proposed facility, under the worst adverse conditions, does not or will not endanger or tend to endanger the environment and human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the environment or public.

2. The Commission shall not grant a variance unless it has considered in the following order of priority the interests of:

(a) The public;

(b) Other owners of property likely to be affected by the emissions or discharge; and

(c) The applicant.

3. The Commission may:

(a) Upon granting a variance, impose certain conditions upon the applicant;or

(b) Revoke the variance if the applicant fails to comply with those conditions.

4. The Commission shall not grant a variance from its applicable regulations that would allow a facility for the disposal of hazardous waste to construct or operate a landfill in a manner that fails to comply with the requirements of subsection 7 of NRS 459.520.

Sec. 51. NRS 459.550 is hereby amended to read as follows:

459.550 1. The Commission shall adopt regulations which require licensees to keep records and submit reports on hazardous waste and which prescribe procedures for:

(a) Installing, calibrating, using and maintaining monitoring equipment or other methods for obtaining data on hazardous wastes;

(b) Taking samples and performing tests and analyses;

(c) Establishing and maintaining suitable records; and

(d) Making reports to the Department.

2. It is unlawful for any person to ~~[generate, store, transport, treat or dispose of]~~ ***manage*** hazardous waste without reporting each activity to the Department in accordance with regulations adopted by the Commission.

Sec. 51.5. NRS 459.558 is hereby amended to read as follows:

459.558 1. The provisions of NRS 459.560 and 459.565 that concern hazardous substances do not apply:

(a) ~~[In a county whose population is less than 55,000;~~

~~(b)]~~ To mining or agricultural activities; or

~~[(c)]~~ ***(b)*** To other facilities or locations where the quantity of any one hazardous substance at any one facility or location does not exceed 1,000 kilograms at any time.

2. All other provisions of NRS 459.560 and 459.565, including the provisions concerning hazardous waste, apply to ~~[all counties and]~~ all industries without regard to volume.

Sec. 52. NRS 459.560 is hereby amended to read as follows:

459.560 Any authorized representative or employee of the Commission or the Department may, for the purpose of carrying out his or her duties pursuant to NRS 459.400 to 459.600, inclusive, ***and sections 34 and 35 of this act,*** or to enforce a regulation adopted pursuant to those sections:

1. Enter any place where waste or a substance which the Department has reason to believe may be hazardous waste or a hazardous substance is or may have been ~~[generated, stored, transported, treated, disposed of]~~ ***managed*** or otherwise handled;

2. Inspect and obtain samples of any waste or substance which the Department has reason to believe may be hazardous waste or a hazardous substance, including samples from any vehicle in which waste or substance is being transported, and samples of containers and labels; and

3. Inspect and copy any records, reports, information or test results relating to the management of hazardous wastes or hazardous substances.

Sec. 53. NRS 459.565 is hereby amended to read as follows:

459.565 1. If the Department receives information that the ~~[handling, storage, transportation, treatment or disposal~~ ~~*the]*~~ ***management*** of any waste or hazardous substance may present an imminent and substantial hazard to human health, public safety or the environment, it may:

(a) Issue an order directing the owner or operator of the facility for ~~[treatment, storage or disposal]~~ ***the management*** of the waste or the owner or operator of any site where the ~~[treatment, storage or disposal]~~ ***management*** of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take necessary steps to prevent the act or eliminate the practice which constitutes the hazard.

(b) Order a site assessment to be conducted and a remediation plan to be developed pursuant to regulations adopted by the Commission.

(c) Assess costs and expenses incurred by the Department in carrying out the provisions of this section or in removing, correcting or terminating any hazard to human health, public safety or the environment pursuant to regulations adopted by the Commission.

(d) Request that the Attorney General commence an action to enjoin the practices or acts which constitute the hazard.

(e) Take any other action designed to reduce or eliminate the hazard.

2. The Department may perform inspections pursuant to NRS 459.560 and issue an order directing the owner or operator of the facility for ~~[treatment,~~

~~storage or disposal~~] ***the management*** of waste or the owner or operator of any site where the [~~treatment, storage or disposal~~] ***management*** of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take any necessary steps to prevent any act or eliminate any practice or effect which could constitute a hazard to human health, public safety or the environment.

Sec. 54. NRS 459.585 is hereby amended to read as follows:

459.585 1. Any person who violates or contributes to a violation of any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act, NRS*** 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the Department for a civil penalty of not more than $25,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.400 to 459.600, inclusive [~~.~~] ***and sections 34 and 35 of this act.***

2. The Department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the Department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any fish, aquatic life or other wildlife destroyed as a result of the violation.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 459.400 to 459.560, inclusive, ***and section 34 of this act, NRS*** 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 54.5. NRS 459.590 is hereby amended to read as follows:

459.590 It is unlawful for any person to transport hazardous waste:

1. Without a manifest that complies with regulations adopted by the Commission;

2. That does not conform to the description of the waste specified in the manifest;

3. In a manner that does not conform to the manner of shipment described in the manifest; or

4. To a facility that has not been [~~issued a permit to treat, store or dispose of~~] ***authorized by the Commission to accept*** the hazardous waste described in the manifest [~~.~~] ***in accordance with the regulations adopted pursuant to NRS 459.485 and 459.490.***

Sec. 55. (Deleted by amendment.)

Sec. 56. This act becomes effective upon passage and approval.

Assemblymember Anderson moved that the Assembly concur in Senate Amendment No. 630 to Assembly Bill No. 40.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 59.

The following Senate amendment was read:

Amendment No. 629.

AN ACT relating to governmental administration; ~~[revising provisions relating to the authority of game wardens to enforce laws;]~~ revising provisions governing the prohibition against intentionally feeding certain animals; prohibiting, with certain exceptions, a person or any agent or employee of a person from knowingly bringing into or possessing in this State the excrement or bodily fluid of certain animals; revising provisions governing certain civil penalties for unlawfully killing or possessing certain big game mammals; revising provisions relating to the importation, possession and propagation of certain fallow deer or reindeer; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Department of Wildlife and requires the Department to administer the laws governing wildlife and the Nevada Boat Act under the guidance of and regulations adopted by the Board of Wildlife Commissioners. (NRS 488.015, 501.181, 501.331) Existing law requires the Director of the Department of Wildlife to designate a number of employees and, if the need exists, other persons outside of the Department as game wardens. (NRS 501.337, 501.339) Existing law provides such game wardens with the powers of a peace officer for the purposes of: (1) the service of such legal process as may be required in the enforcement of the laws governing wildlife and the Nevada Boat Act; and (2) the enforcement of all laws of the State of Nevada while they are performing their duties relating to the enforcement of laws governing wildlife and the Nevada Boat Act. (NRS 289.280) Under existing law, such game wardens have a duty to enforce laws governing wildlife and the Nevada Boat Act. (NRS 501.349) Section 4 of this bill makes enforcement of such laws a power instead of a duty. Sections 4 and 16 of this bill expand the scope of this enforcement authority and the peace officer powers of a game warden to include the enforcement of all laws of the State of Nevada regardless of whether the game wardens are enforcing the laws governing wildlife or the Nevada Boat Act. Section 16 also expands the peace officer powers of a game warden to apply to the service of any legal process. Sections 2 and 16 of this bill make conforming changes relating to the authority for designating game wardens.]~~

Under existing law, the Board of Wildlife Commissioners is required to classify all wildlife by regulation. (NRS 501.110) Existing law also, with certain exceptions, prohibits a person from intentionally feeding a big game mammal without written authorization from the Department. For the purpose

of this prohibition, "big game mammal" is defined to include a pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk and certain subspecies of bighorn sheep. The penalties for violating this prohibition are: (1) a written warning for a first offense; (2) a fine of not more than $250 for a second offense; and (3) a fine of not more than $500 for a third or subsequent offense. (NRS 501.382) **Section 7** of this bill ~~[:~~ ~~(1)]~~ expands this prohibition to apply to **: (1)** the intentional feeding of any wildlife that is classified as a wild mammal ~~[or game bird]~~ by regulations adopted by the Board of Wildlife Commissioners; and (2) ~~[provides that this prohibition does not apply to the incidental or unintentional feeding of such game birds associated with the use of a bird feeder located not more than 100 feet from a private residence.]~~ **the taking of any bird that is classified as a game bird by regulations adopted by the Board of Wildlife Commissioners by baiting such a game bird or on or above an area that was baited which the person knows or reasonably should have known was baited.** **Section 1** of this bill makes a conforming change as a result of the expansion of the prohibition to additional animals.

With certain exceptions, existing law prohibits a person or the person's agent or employee from knowingly bringing into or possessing in this State the carcass or part of the carcass of certain animals. (NRS 501.3845) A person who violates this prohibition is: (1) guilty of a misdemeanor, which is punished by a fine of not less than $50 nor more than $500, or by imprisonment in the county jail for not more than 6 months, or by both fine or imprisonment; and (2) liable for certain civil penalties. (NRS 501.385, 501.3855) **Section 8** of this bill also prohibits knowingly bringing into or possessing in this State the excrement or bodily fluid of such animals. **Section 8** authorizes the seizure, destruction or removal from this State of such excrement or bodily fluid in the same manner as a carcass or part of a carcass.

With certain exceptions and in addition to certain authorized penalties, existing law establishes a civil penalty of not less than $5,000 nor more than $30,000 for unlawfully killing or possessing a trophy big game mammal. For the purpose of this civil penalty, a trophy big game mammal is defined as a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. Also, with certain exceptions and in addition to certain authorized penalties, existing law establishes a civil penalty of not less than $250 and not more than $5,000 for unlawfully killing or possessing certain other animals, including a moose. (NRS 501.3855) **Section 9** of this bill makes unlawfully killing or possessing a moose subject to the higher civil penalty for trophy big game mammals of not less than $5,000 nor more than $30,000. For the purposes of identifying a trophy big game mammal for imposition of the higher civil penalty, existing law defines the term "antler point" to exclude the first point on the main beam, commonly known as the eye guard, on mule deer.

(NRS 501.3855) Existing regulations interpret the exclusion to apply only to mule deer. (NAC 502.1175) **Section 9** codifies this interpretation in the Nevada Revised Statutes.

Existing law: (1) prohibits any person without a permit from importing, possessing or propagating alternative livestock, which is defined as any species or subspecies of fallow deer or reindeer, if such animals are born and reared in captivity and raised on private property to produce meat or other by-products or for breeding stock; and (2) requires the State Board of Agriculture to adopt regulations governing the permit program for alternative livestock. In adopting such regulations, existing law requires the State Board of Agriculture to consult with the Department of Wildlife and the Board of Wildlife Commissioners concerning the provisions that are necessary to protect wildlife in this State and in certain areas of special concern. (NRS 501.003, 576.129; NAC 576.100-576.260) A person who violates this prohibition: (1) is guilty of a misdemeanor, which is punished by a fine of not more than $1,000 or imprisonment in the county jail for not more than 6 months, or by both a fine and imprisonment; and (2) may be liable for a civil penalty of not more than $5,000 for each violation. (NRS 193.150, 576.150) Existing law, with certain exceptions, authorizes a person to bring an animal that is not under special quarantine into this State in compliance with regulations adopted by the State Quarantine Officer. (NRS 571.210) **Section 25** of this bill eliminates the permit program for alternative livestock, thereby making it a misdemeanor to import, possess or propagate such fallow deer or reindeer in this State, unless pursuant to the regulations adopted by the State Quarantine Officer that authorize certain restricted entry of animals from outside this State. **Sections 3, 6, 11-15, 17, 18, 20, 22-24 and 27** of this bill make conforming changes as a result of the elimination of the permit program for alternative livestock by **section 25**. **Section 26** of this bill declares void the regulations adopted by the State Board of Agriculture governing the permit program for alternative livestock. **Sections 5 and 10** of this bill make conforming changes to refer to provisions that have been renumbered in **section 3**. **Sections 19 and 21** of this bill make conforming changes by removing references to sections defining "alternative livestock" that are repealed in **section 27**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.005 is hereby amended to read as follows:

501.005 ~~[Except as otherwise provided in NRS 501.382, "big]~~ ***"Big*** game mammal" means any game mammal so classified by Commission regulation.

Sec. 2. ~~[NRS 501.047 is hereby amended to read as follows:~~

~~501.047 "Game warden" means any person [authorized] *designated as such* by the Director [to enforce the provisions of this title and of chapter 488 of NRS.] *pursuant to NRS 501.337 or 501.339.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The management and control of predatory wildlife.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory board to manage wildlife with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife at the meeting an explanation of the Commission's decision to reject the recommendations and, as soon as practicable after the meeting, a written explanation of the Commission's decision to reject the recommendations. Any regulations

relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. ~~[Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129. —8.]~~ Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

~~[9.]~~ ***8.*** Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

~~[10.]~~ ***9.*** In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 4. ~~[NRS 501.349 is hereby amended to read as follows:~~

~~501.349 [Regular employees and others]~~ ***Persons*** ~~designated by the Director as game wardens [shall]~~ ***pursuant to NRS 501.337 or 501.339 may*** ~~enforce all [provisions of this title and of chapter 488 of NRS.]~~ ***laws of the State of Nevada.]*** **(Deleted by amendment.)**

Sec. 5. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep,

mountain goat, elk, deer, moose, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of a manned or unmanned aircraft or helicopter in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection ~~[9]~~ ***8*** of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life of any person, pet or livestock in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 561.025.

(b) "Pet" has the meaning ascribed to it in NRS 202.487.

Sec. 6. NRS 501.379 is hereby amended to read as follows:

501.379 1. ~~[Except as otherwise provided in this section:~~

~~(a)]~~ It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

~~[(b)]~~ ***2.*** The importation and sale of products made from the meat of game mammals, game birds or game amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

~~[2. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~

Sec. 7. NRS 501.382 is hereby amended to read as follows:

501.382 1. Except as otherwise provided in subsection 3, a person shall not ~~[intentionally]~~ ***:***

(a) Intentionally feed any ~~[big game mammal]~~ ***wildlife classified as a wild mammal ~~[or game bird]~~ by Commission regulation ; or***

(b) Take any bird classified as a game bird by Commission regulation:

(1) By baiting such a game bird; or

(2) On or above an area that has been baited which the person knows or reasonably should have known has been baited,

↪ without written authorization from the Department.

2. A person who violates subsection 1:

(a) For a first offense, must not be cited or charged criminally but must be informed, in writing, of the behavior that constitutes the violation and the penalties prescribed by this section for any subsequent violation of this section.

(b) For a second offense, shall be punished by a fine of not more than $250.

(c) For a third or subsequent offense, shall be punished by a fine of not more than $500.

3. The provisions of this section do not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture who, while carrying out his or her duties, intentionally feeds ~~[a big game mammal~~ ***~~such~~ wildlife classified as a wild mammal by Commission regulation or takes any bird classified as a game bird by Commission regulation in violation of subsection 1*** for any purpose.

4. As used in this section :

(a) ~~["Big game mammal" means:~~

~~(1) Any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion or Rocky Mountain elk; or~~

~~(2) Any of the following subspecies of bighorn sheep:~~

~~(I) Nelson bighorn sheep;~~

~~(II) California bighorn sheep; or~~

~~(III) Rocky Mountain bighorn sheep.]~~

"Baiting" means the intentional placing, exposing, depositing, distributing or scattering of salt, grain, minerals or any other form of nourishment, with the intent to attract, entice or lure a bird classified as a game bird by Commission regulation. The term does not include any incidental or unintentional feeding of such a game bird.

(b) "Intentionally ~~*[, "intentionally]*~~ feed" means to supply, provide or otherwise make available any salt, grain, meat or other form of nourishment with the intent to attract or feed ~~[a big game mammal.]~~ ***wildlife*** ~~*[described in subsection 1,]*~~ ***classified as a wild mammal by Commission regulation.*** The term does not include any incidental or unintentional feeding of ~~[a big game mammal,]~~ ***such wildlife,*** including, without limitation, any such feeding associated with:

(1) ~~*[(a)]*~~ Any accepted agricultural or livestock practice;

(2) ~~*[(b)]*~~ Any planting or maintenance of any shrub, tree or other landscaping for any residence, property or area; or

(3) ~~*[(c)]*~~ Any sporting event or outdoor activity at which food is served or consumed . ~~*[; or*~~

~~*(d) The use of a bird feeder located not more than 100 feet from a private residence.]*~~

Sec. 8. NRS 501.3845 is hereby amended to read as follows:

501.3845 1. Except as otherwise provided in this section, it is unlawful for a person or any agent or employee of a person to knowingly:

(a) Bring into this State the carcass or any part of the carcass ***or any excrement or bodily fluid*** of any of the following animals which were obtained in another state, territory or country:

(1) An elk (Cervus elaphus);

(2) A mule deer (Odocoileus hemionus);

(3) A white-tailed deer (Odocoileus virginianus);

(4) A moose (Alces alces);

(5) Any alternative livestock; or

(6) Any other animal which the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State; or

(b) Possess any carcass or part of the carcass ***or excrement or bodily fluid*** of any elk, deer, moose, alternative livestock or other animal brought into this State in violation of paragraph (a).

2. A person or any agent or employee of a person may bring into this State the following parts of the carcass of any elk, deer, moose, alternative livestock or other animal specified in subsection 1:

(a) The meat of the elk, deer, moose, alternative livestock or other animal with no part of the spinal column, brain tissue or head attached, except that one or more bones of the legs or shoulders may be attached.

(b) The hide or cape of the elk, deer, moose, alternative livestock or other animal with no part of the spinal column, brain tissue or head attached.

(c) The clean skull plate of the elk, deer, moose, alternative livestock or other animal with antlers attached and no part of the brain tissue attached.

(d) The antlers of the elk, deer, moose, alternative livestock or other animal with no meat or tissue other than antler velvet attached.

(e) The taxidermy mount of the elk, deer, moose, alternative livestock or other animal with no meat or tissue other than antler velvet attached.

(f) The upper canine teeth of the elk, deer, moose, alternative livestock or other animal, including, without limitation, the bugler, whistler and ivory teeth.

3. Any carcass or part of the carcass ***or excrement or bodily fluid*** of an elk, deer, moose, alternative livestock or other animal knowingly brought into this State or knowingly possessed in this State in violation of this section may be seized, destroyed or sent out of this State by a game warden or any other law enforcement officer within 48 hours. The expense of seizing, destroying or removing the carcass or part of the carcass ***or excrement or bodily fluid*** must be paid by the person or his or her agent or employee who knowingly brought the carcass or part of the carcass ***or excrement or bodily fluid*** into this State or knowingly possessed the carcass or part of the carcass ***or excrement or bodily fluid*** in this State.

Sec. 9. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than $5,000 nor more than $30,000; or

(b) Except as otherwise provided in paragraph (a) or NRS 503.610, unlawfully kills or possesses a big game mammal, ~~[moose,]~~ bobcat, swan or eagle is liable for a civil penalty of not less than $250 but less than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than $50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, ***a moose,*** a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base **.** ~~[, excluding]~~ ***The term does not include*** the first point on the main beam **,** commonly known as the eye guard**,** on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 10. NRS 502.140 is hereby amended to read as follows:

502.140 1. Tags may be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one management area, or that one tag may be used in several management areas, as designated by the Commission.

2. The Commission shall designate the number of tags for any species which may be obtained by any one person, and it is unlawful for any person to obtain tags for the person's use in excess of this number. Except as otherwise provided in NRS 502.145 and the regulations adopted by the Commission pursuant to subsection ~~[9]~~ ***8*** of NRS 501.181, it is unlawful for any person to use or possess tags issued to any other person, or to transfer or give tags issued to him or her to any other person.

Sec. 11. NRS 503.590 is hereby amended to read as follows:

503.590 1. ~~[Except as otherwise provided in this section, a]~~ ***A*** person may maintain a noncommercial collection of legally obtained live wildlife if:

(a) Such a collection is not maintained for public display nor as a part of or adjunct to any commercial establishment; and

(b) The wildlife contained in such a collection is of a species which may be possessed in accordance with regulations adopted by the Commission pursuant to subsection 2 of NRS 504.295.

2. The Commission may adopt reasonable regulations establishing minimum standards for the fencing or containment of any collection of wildlife.

~~[3. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~

Sec. 12. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at any time to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least $25,000 but not more than $250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to ~~[~~:

~~(a) Alternative livestock and products made therefrom; or~~

~~(b) The~~ ***the*** introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 13. NRS 504.185 is hereby amended to read as follows:

504.185 The provisions of this section and NRS 504.155 and 504.165 do not apply to ~~[~~:

~~1. Alternative livestock; or~~

~~2. Game~~] ***game*** mammals not native to this State ~~[~~,

➥~~]~~ that are held in captivity for purposes other than as required by the Department.

Sec. 14. NRS 504.245 is hereby amended to read as follows:

504.245 1. Any species of wildlife ~~[, including alternative livestock,]~~ that:

(a) Is released from confinement without the prior written authorization of the Department; or

(b) Escapes from the possessor's control,

➥ may be captured, seized or destroyed by the Department if the Department determines that such actions are necessary to protect wildlife and the habitat of wildlife in this State.

2. The owner or possessor of such wildlife:

(a) Shall report its escape immediately after receiving knowledge of the escape; and

(b) Is liable for the costs incurred by the Department to capture, maintain and dispose of the wildlife and for any damage caused by the wildlife.

3. The Department is not liable for any damage to wildlife, or caused by wildlife, in carrying out the provisions of this section.

Sec. 15. NRS 504.295 is hereby amended to read as follows:

504.295 1. Except as otherwise provided in ~~[this section and]~~ NRS 503.590, or unless otherwise specified by a regulation adopted by the Commission, no person may:

(a) Possess any live wildlife unless the person is licensed by the Department to do so.

(b) Capture live wildlife in this State to stock a commercial or noncommercial wildlife facility.

(c) Possess or release from confinement any mammal for the purposes of hunting.

2. The Commission shall adopt regulations for the possession of live wildlife. The regulations must set forth the species of wildlife which may be possessed and propagated, and provide for the inspection by the Department of any related facilities.

3. In accordance with the regulations of the Commission, the Department may issue commercial and noncommercial licenses for the possession of live wildlife upon receipt of the applicable fee.

~~[4. The provisions of this section do not apply to alternative livestock and products made therefrom.]~~

Sec. 16. ~~[NRS 289.280 is hereby amended to read as follows:~~

~~289.280 A person designated as a game warden pursuant to NRS [501.349] *501.337 or 501.339* is a peace officer for the purposes of:~~

~~1. The service of [such] legal process, including warrants and subpoenas . [, as may be required in the enforcement of title 45 of NRS and chapter 488 of NRS.]~~

~~2. The enforcement of all laws of the State of Nevada . [while they are performing their duties pursuant to title 45 of NRS and chapter 488 of NRS.]]~~

(Deleted by amendment.)

Sec. 17. NRS 564.010 is hereby amended to read as follows:

564.010 As used in this chapter:

1. "Animals" means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All sheep and goats.

~~[(e) Alternative livestock as defined in NRS 501.003.]~~

2. "Department" means the State Department of Agriculture.

3. "Director" means the Director of the Department.

Sec. 18. NRS 565.010 is hereby amended to read as follows:

565.010 As used in this chapter, unless the context otherwise requires:

1. "Agricultural police officer" means a person appointed by the Director pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290.

2. "Animals" means:

(a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

~~[(d) Alternative livestock as defined in NRS 501.003.]~~

3. "Brand inspection" means a careful visual examination of each animal offered for such inspection and a visual examination of any brands, marks or other characteristics thereon.

4. "Department" means the State Department of Agriculture.

5. "Director" means the Director of the Department.

Sec. 19. NRS 569.005 is hereby amended to read as follows:

569.005 As used in NRS 569.005 to 569.130, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[569.006]~~ ***569.0065*** to 569.0085, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 569.0085 is hereby amended to read as follows:

569.0085 "Livestock" means:

1. All cattle or animals of the bovine species;
2. All horses, mules, burros and asses or animals of the equine species;
3. All swine or animals of the porcine species;
4. All goats or animals of the caprine species;
5. All sheep or animals of the ovine species; ***and***
6. All poultry or domesticated fowl or birds **.** ~~[; and~~
~~7. All alternative livestock.]~~

Sec. 21. NRS 571.015 is hereby amended to read as follows:

571.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[571.016]~~ ***571.017*** to 571.023, inclusive, have the meanings ascribed to them in those sections.

Sec. 22. NRS 571.022 is hereby amended to read as follows:

571.022 "Livestock" means:

1. All cattle or animals of the bovine species.
2. All horses, mules, burros and asses or animals of the equine species.
3. All swine or animals of the porcine species.
4. All goats or animals of the caprine species.
5. All sheep or animals of the ovine species.
6. All poultry or domesticated fowl or birds.
7. All dogs, cats or other animals domesticated or under the restraint or control of humans.

~~[8. All alternative livestock.]~~

Sec. 23. NRS 571.210 is hereby amended to read as follows:

571.210 1. Except as otherwise provided in this section, a person, or the person's agent or employee may bring into this State any animal not under special quarantine by the State of Nevada, the Federal Government, or the state, territory or district of origin in compliance with regulations adopted by the State Quarantine Officer.

2. Notice that an animal is in transit is not required unless the animal remains in this State, or is to be unloaded in this State to feed and rest for longer than 48 hours.

3. A person, or the person's agent or employee shall not bring any animal into this State unless he or she has obtained a health certificate showing that the animal is free from contagious, infectious or parasitic diseases or exposure

thereto. This requirement does not apply to any animal whose accustomed range is on both sides of the Nevada state line and which is being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon. The State Quarantine Officer shall adopt regulations concerning the form of the certificate.

4. A person, or the person's agent or employee shall not:

(a) Alter a health certificate; or

(b) Divert any animal from the destination described on the health certificate without notifying the State Quarantine Officer within 72 hours after the diversion of the animal.

5. To protect this State from the effects of chronic wasting disease, a person, or the person's agent or employee shall not knowingly bring into this State any live:

(a) Elk (Cervus elaphus);

(b) Mule deer (Odocoileus hemionus);

(c) White-tailed deer (Odocoileus virginianus);

(d) Moose (Alces alces); ***or***

(e) ~~[Alternative livestock, unless in accordance with a permit obtained pursuant to NRS 576.129; or~~

~~(f)]~~ Other animal that the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State.

6. Any animal knowingly brought into this State in violation of this section may be seized, destroyed or sent out of this State by the State Quarantine Officer within 48 hours. The expense of seizing, destroying or removing the animal must be paid by the owner or the owner's agent in charge of the animal and the expense is a lien on the animal, unless it was destroyed, until paid.

Sec. 24. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. "Annual sale of livestock" means any sale of livestock:

(a) To which any member of the public may consign livestock for sale or exchange through public bidding at the sale of the livestock; and

(b) Which is conducted for not more than 2 consecutive days during a calendar year.

2. "Consignor" means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.

3. "Department" means the State Department of Agriculture.

4. "Director" means the Director of the Department.

5. "Livestock" means ~~[:~~

~~(a) Cattle,]~~ ***cattle,*** sheep, goats, horses, mules, asses, burros, swine or poultry**.** ~~[; and~~

~~(b) Alternative livestock as defined in NRS 501.003.]~~

6. "Operator of a public livestock auction" means any person holding, conducting or carrying on a public livestock auction.

7. "Public livestock auction" means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals. The term does not include an annual sale of livestock.

Sec. 25. NRS 576.129 is hereby amended to read as follows:

576.129 ~~[1. It]~~ ***Except as otherwise provided in NRS 571.210, it*** is unlawful for any person to import, possess or propagate any alternative livestock **.** ~~[unless the person first obtains from the State Board of Agriculture a permit that authorizes the person to do so.~~

~~2. The State Board of Agriculture shall adopt regulations for the importation, possession and propagation of alternative livestock. The regulations must set forth requirements for:~~

~~(a) Facilities used to confine alternative livestock, including minimum requirements for fencing to prevent the escape of alternative livestock.~~

~~(b) The genetic testing of alternative livestock.~~

~~(c) Keeping and maintaining records related to the importation, transfer, possession and propagation of alternative livestock.~~

~~(d) Identifying and marking alternative livestock.~~

~~(e) Marketing alternative livestock.~~

~~(f) The filing of any bonds which may be required by the State Board of Agriculture.~~

~~3. In adopting the regulations required by subsection 2, the State Board of Agriculture shall consult with the Department of Wildlife and the Board of Wildlife Commissioners concerning the provisions that are necessary to protect wildlife in this state and in the areas designated as areas of special concern by the Board of Wildlife Commissioners pursuant to NRS 501.181.~~

~~4. The State Board of Agriculture shall establish by regulation a schedule of fees required to be paid for a permit issued pursuant to this section. The fees established must not exceed the approximate cost to the Board of carrying out the provisions of this section.]~~

Sec. 26. Any regulations adopted by the State Board of Agriculture pursuant to NRS 576.129, as that section existed before the effective date of section 25 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

Sec. 27. NRS 503.242, 569.006, 571.016 and 576.131 are hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

503.242 Unlawful to hunt alternative livestock.
569.006 "Alternative livestock" defined.
571.016 "Alternative livestock" defined.

576.131 Alternative livestock: Recapture of escaped livestock; impoundment; liability of owner.

Assemblymember Anderson moved that the Assembly concur in Senate Amendment No. 629 to Assembly Bill No. 59.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 104.

The following Senate amendment was read:

Amendment No. 628.

AN ACT relating to water; requiring the State Engineer to retire certain groundwater rights; revising provisions relating to temporary permits to appropriate groundwater; creating the Nevada Conservation and Recreation Program; creating the Account for Retiring Water Rights; establishing the Nevada Voluntary Water Rights Retirement Program; requiring the Director of the State Department of Conservation and Natural Resources to purchase certain water rights with money from the Account for the purpose of retiring those water rights; revising provisions relating to the program to provide grants of money to pay certain costs related to water conservation and capital improvements to water systems; revising provisions relating to a program to pay the costs for property owners to connect to a community sewerage disposal system under certain circumstances; revising certain legislative declarations relating to clean water and water pollution; authorizing the State Environmental Commission to establish a water quality standard variance; ~~[authorizing the Southern Nevada Water Authority or member agency thereof to use the proceeds of certain fees for certain programs for customers;]~~ revising provisions relating to an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority; revising provisions relating to membership on the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Department of Conservation and Natural Resources to make grants to state agencies, local governments, water conservancy districts, conservation districts and certain nonprofit organizations to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State and requires the Director to adopt regulations to make such grants. (Section 2 of Assembly Bill No. 84, chapter 480, Statutes of Nevada 2019, at page 2861) Existing regulations establish the Nevada Conservation and Recreation Program to make such grants. (LCB File No. R025-22) **Section 8** of this bill creates the Program in statute. **Section 8** further provides that the Program consists of a grant program to make such grants and the Nevada Voluntary Water Rights Retirement Program. **Section 14** of this bill provides that the Program is within the Department.

Section 13 of this bill applies the definitions in existing law relating to the Department to the provisions of **sections 8-10** of this bill.

Under existing law, any person who wishes to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated, must apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law further provides that all underground waters within the boundaries of the State are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water. (NRS 534.020) **Section 9** creates the Account for Retiring Water Rights, to be administered by the Director of the State Department of Conservation and Natural Resources, and requires that the money in the Account only be used for the purchase of ~~[vested]~~ **decreed** or certificated groundwater rights for certain purposes. **Section 10** establishes the Nevada Voluntary Water Rights Retirement Program in the Nevada Conservation and Recreation Program, to be administered by the Director, and establishes requirements for: (1) the purchase and retirement of ~~[vested]~~ **decreed** or certificated groundwater rights; and (2) the acceptance of donations of groundwater rights. **Section 10** also prohibits the Director from accepting donations and applications for the purchase and retirement of such groundwater rights after June 30, 2035. **Section 21** of this bill makes conforming changes to reflect that the Director may not accept applications or donations after that date.

Section 4 of this bill: (1) requires the State Engineer to retire all ~~[vested]~~ **decreed** or certificated water rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program; and (2) prohibits the State Engineer from retiring any groundwater rights from the Program unless the purchase or donation of the groundwater right was approved by the Director on or before June 30, 2035.

Sections 1-3 of this bill prohibit the appropriation of water for which the rights have been retired pursuant to the Nevada Voluntary Water Rights Retirement Program.

Section 25 of this bill provides for the provisions relating to the Account set forth in **section 9** to expire on June 30, 2035. **Section 21** of this bill makes a conforming change to reflect the expiration of these provisions.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked under certain circumstances. In areas where these temporary permits have been issued, the State Engineer is required to prohibit the drilling of wells for domestic use if water can be furnished by a public entity presently engaged in furnishing water to the inhabitants of the area. (NRS 534.120) **Sections 5, 6, 16 and 22** of this bill revise references to these temporary permits to revocable permits.

Section 23 of this bill deems any such existing and valid temporary permit issued by the State Engineer pursuant to existing law before July 1, 2025, to be a revocable permit. **Section 5** also requires the State Engineer to prohibit the drilling of wells for domestic use if a property is within 1,250 feet of a

service line of a public entity presently engaged in furnishing water to the inhabitants of the area.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay for certain costs related to water conservation and capital improvements to water systems. Under this program, eligible recipients may receive grants of money to pay the cost of improvements to conserve water. (NRS 349.981) **Section 16** includes in the types of improvements for which an eligible recipient could receive a grant: (1) the removal and replacement of grass with water-efficient landscaping, under certain circumstances; and (2) the permanent retirement of groundwater rights for certain purposes.

Existing law requires certain recipients of a grant of money from this program to provide an amount of money determined by the Board for Financing Water Projects that will be used for the same purpose as the grant and which must be based upon the average household income of the customers of the recipient. (NRS 349.983) **Section 17** of this bill instead requires the amount of money provided by a recipient to be based upon the median household income of the customers of the recipient.

Existing law authorizes a district board of health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system. (NRS 439.3672) **Section 18** of this bill establishes certain requirements for a property owner to be eligible to receive financial assistance from this program.

Existing law sets forth a legislative declaration relating to the right of the people of this State to clean water and certain policies of this State related to this right to clean water. (NRS 445A.305) **Section 19** of this bill sets forth the policy of this State to encourage and promote water reuse in an appropriate manner that is consistent with public health.

Existing state law requires the State Environmental Commission to establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses for the stream segment or other body of surface water that have been determined applicable by the Commission. (NRS 445A.520) Existing federal law authorizes a state to establish a variance in the water quality standard from the water quality standard determined to protect and ensure a continuation of the designated beneficial use or uses if the state determines that compliance with this standard is not feasible for certain reasons. (40 C.F.R. § 131.14) **Section 20** of this bill authorizes the Commission to establish a water quality standard variance in accordance with federal law.

The Conservation of Colorado River Water Act establishes certain provisions relating to conserving the waters of the Colorado River, including requiring certain parcels of property which use such waters to participate in an irrigation water efficiency monitoring program. (Chapter 364, Statutes of Nevada 2021, at page 2179) The Act requires the Board of Directors of the Southern Nevada Water Authority to: (1) establish deadlines for an owner of

such a parcel of property to begin participating in the program; and (2) notify the owner that he or she is required to participate by not later than January 1, 2025. (Section 30 of chapter 210, Statutes of Nevada 2023, at page 1283) **Section 21.5** of this bill instead requires the Board of Directors to notify the owner not less than 1 year before the program is established.

~~[Section 21.3 of this bill authorizes the Southern Nevada Water Authority or a member agency thereof that charges an excessive use fee to residential customers to use the proceeds of the fee for certain programs to assist customers of the Authority or member agency.]~~

Existing law authorizes the Southern Nevada Water Authority to create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If a member appointed to the Committee resigns or is unable to serve, the Board of Directors is required to appoint a person to fill the vacancy not later than 90 days after the vacancy occurs. (Section 8 of chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507) **Section 21.7** of this bill removes the requirement for the Board of Directors to fill the vacancy not later than 90 days after the vacancy occurs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.030 is hereby amended to read as follows:

533.030 1. Subject to existing rights, and except as otherwise provided in this section and NRS 533.0241, 533.027 and 533.028, ***and section 4 of this act,*** all water may be appropriated for beneficial use as provided in this chapter and not otherwise.

2. The use of water, from any stream system as provided in this chapter and from underground water as provided in NRS 534.080, for any recreational purpose, or the use of water from the Muddy River or the Virgin River to create any developed shortage supply or intentionally created surplus, is hereby declared to be a beneficial use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

(b) "Intentionally created surplus" has the meaning ascribed to it in Volume 73 of the Federal Register at page 19884, April 11, 2008, and any subsequent amendment thereto.

3. Except as otherwise provided in subsection 4, in any county whose population is 700,000 or more:

(a) The board of county commissioners may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the unincorporated areas of the county.

(b) The governing body of a city may prohibit or restrict by ordinance the use of water and effluent for recreational purposes in any artificially created lake or stream located within the boundaries of the city.

4. In any county whose population is 700,000 or more, the provisions of subsection 1 and of any ordinance adopted pursuant to subsection 3 do not apply to:

(a) Water stored in an artificially created reservoir for use in flood control, in meeting peak water demands or for purposes relating to the treatment of sewage;

(b) Water used in a mining reclamation project; or

(c) A body of water located in a recreational facility that is open to the public and owned or operated by the United States or the State of Nevada.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, ***and section 4 of this act,*** the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, ~~[~~where there~~]~~ ***the State Engineer shall reject an application and refuse to issue the requested permit if:***

(a) There is no unappropriated water in the proposed source of supply ~~[~~, where the~~]~~ ***;***

(b) The groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 ***;***

(c) The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 4 of this act; or ~~[~~where its~~]~~

(d) The proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024 ~~[~~,~~]~~ or threatens to prove detrimental to the public interest **.** ~~[~~, the State Engineer shall reject the application and refuse to issue the requested permit.~~]~~

➥ If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of

use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished and reposted pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication and reposting, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. The groundwater that has not been committed for use from the proposed source of supply has been reserved pursuant to NRS 533.0241;
6. ***The application requests a change to or reinstatement of groundwater rights that have been retired pursuant to section 4 of this act;***
7. The proposed use conflicts with existing rights; or

~~[7.]~~ ***8.*** The proposed use threatens to prove detrimental to the public interest.

Sec. 4. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer shall retire all ~~[vested]~~ decreed or certificated groundwater rights purchased by or donated to the Nevada Voluntary Water Rights Retirement Program pursuant to section 10 of this act using any appropriate mechanism, as determined by the State Engineer, and preclude that groundwater from appropriation. Any ~~[vested]~~ decreed or certificated groundwater right that has been retired pursuant to this section is not available for any use and shall be deemed to be retired in the source in perpetuity.

2. The State Engineer shall not retire any ~~[vested]~~ decreed or certificated groundwater right pursuant to subsection 1 unless the purchase of the groundwater right or the donation of the groundwater right was approved by the Director of the State Department of Conservation and Natural Resources pursuant to section 10 of this act on or before June 30, 2035.

Sec. 5. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. The State Engineer may only issue ~~[temporary]~~ ***revocable*** permits to appropriate groundwater if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such ~~[temporary]~~ ***revocable*** permits can be limited as to time and may be revoked if and when:

(a) Water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof; and

(b) The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).

➥ The holder of a ~~[temporary]~~ ***revocable*** permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.

(b) Limit the depth of domestic wells.

(c) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(d) In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

5. In an area in which ***revocable permits*** have been issued ~~[temporary permits]~~ pursuant to subsection 3, the State Engineer:

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well; or

(3) Prohibit the drilling of wells for domestic use ~~[in areas where water can be furnished by]~~ ***if a property is within 1,250 feet of a service line of*** a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a domestic well, and may require the person proposing to deepen or repair the domestic well to obtain water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(1) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(2) The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a ~~[temporary]~~ ***revocable*** permit issued pursuant to this section if any parcel served by a well pursuant to the ~~[temporary]~~ ***revocable*** permit is currently obtaining water from a public entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 6. NRS 534.125 is hereby amended to read as follows:

534.125 If the State Engineer issues a ~~[temporary]~~ ***revocable*** permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which the State Engineer has issued such a ~~[temporary]~~ ***revocable*** permit, the State Engineer shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A ~~[temporary]~~ ***revocable*** permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

Sec. 7. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. ***1. The Nevada Conservation and Recreation Program is hereby created within the Department to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. The Director shall administer the Program.***

2. The Nevada Conservation and Recreation Program consists of:

(a) A grant program to make grants in accordance with subsections 8, 9 and 10 of section 2 of chapter 480, Statutes of Nevada 2019, at page 2861; and

(b) The Nevada Voluntary Water Rights Retirement Program established by section 10 of this act.

3. The Director may adopt regulations to carry out the provisions of this section.

Sec. 9. ***1. The Account for Retiring Water Rights is hereby created in the State General Fund.***

2. The Account for Retiring Water Rights must be administered by the Director in accordance with the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act. In addition to any direct

legislative appropriation, the Director may apply for and accept any gift, donation, bequest, grant, federal money or other source of money for deposit in the Account for Retiring Water Rights.

3. The money in the Account for Retiring Water Rights must only be used for administering the Nevada Voluntary Water Rights Retirement Program established by section 10 of this act, to purchase ~~[vested]~~ decreed or certificated groundwater rights for retirement pursuant to section 10 of this act and to provide matching money required as a condition of accepting any source of money that would result in the retirement of groundwater rights pursuant to sections 4 and 10 of this act.

4. The money in the Account for Retiring Water Rights or any portion of the money in the Account for Retiring Water Rights may be invested or reinvested in accordance with the provisions of chapter 355 of NRS. The proceeds of such investments and the interest and income earned on the money in the Account for Retiring Water Rights, after deducting any applicable charges, must be credited to the Account for Retiring Water Rights.

5. Any money remaining in the Account for Retiring Water Rights at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account for Retiring Water Rights must be carried forward to the next fiscal year.

6. The Director may enter into an agreement with a public or private entity to apply for, obtain or manage any money contributed to the Account for Retiring Water Rights.

Sec. 10. *1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire ~~[vested]~~ decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:*

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase ~~[vested]~~ decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those groundwater rights in groundwater basins where:

(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; ~~[and]~~ or

(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.

3. The Director shall document in writing the purpose of each ~~[vested]~~ decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.

4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of ~~[vested]~~ decreed or certificated groundwater rights.

5. The Director shall not accept donations or applications for the purchase and retirement of ~~[vested]~~ decreed or certificated groundwater rights after June 30, 2035.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[:]~~ ***, and sections 8 to 12, inclusive, of this act:***

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 14. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The Office of Historic Preservation.

(g) The Division of Outdoor Recreation.

(h) The Division of Natural Heritage.

(i) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Sagebrush Ecosystem Council ***, the Nevada Conservation and Recreation Program*** and the Board to Review Claims are within the Department.

Sec. 15. (Deleted by amendment.)

Sec. 16. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the

Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) ~~[Recovery]~~ ***Recovering*** or recycling ~~[of]~~ wastewater or tailwater;

(3) Scheduling of irrigation;

(4) ~~[Measurement]~~ ***Measuring*** or metering ~~[of]~~ the use of water;

(5) Improving the efficiency of irrigation operations; ~~[and]~~

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility ~~[.]~~ ***;***

(7) Removing grass and replacing grass with water-efficient landscaping, if the removal of the grass is secured by a conservation easement; and

(8) Permanently retiring groundwater rights pursuant to section 4 of this act to:

(I) Protect the natural resources of this State;

(II) Address declining levels of groundwater; or

(III) Address conflicts with existing rights or with protectable interests in existing domestic wells.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a ~~[temporary]~~ ***revocable*** permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection approves a program or project for the protection of groundwater quality developed by the State or a local government that provides for the abandonment of an individual sewage disposal system and the connection of the property upon which the individual sewage disposal system was located to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(f) An eligible recipient to pay the following costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system, if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(g) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 17. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the ~~[average]~~ ***median*** household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 18. NRS 439.3672 is hereby amended to read as follows:

439.3672 1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for ~~[a]~~ ***an eligible*** property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary ***annual*** fee ~~[.]~~ ***in accordance with the provisions of paragraph (b) of subsection 4.***

4. ***A property owner is eligible to receive financial assistance from the program if the property owner:***

(a) Has an existing septic system whose property is served by a municipal water system; and

(b) Pays the voluntary annual fee:

(1) Every year that the fee is imposed by the district board of health pursuant to subsection 3; or

(2) If a property owner has not paid the fee in every year that the fee was imposed, pays the balance for all previously imposed fees and the fee for the current year, if imposed by the district board of health.

5. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 19. NRS 445A.305 is hereby amended to read as follows:

445A.305 1. The Legislature finds that pollution of water in this State:

(a) Adversely affects public health and welfare;

(b) Is harmful to wildlife, fish and other aquatic life; and

(c) Impairs domestic, agricultural, industrial, recreational and other beneficial uses of water.

2. The Legislature declares that the people of this State have a right to clean water and it is the policy of this State and the purpose of NRS 445A.300 to 445A.730, inclusive:

(a) To maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State;

(b) To mitigate the degradation of the waters of the State; ~~[and]~~

(c) To encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources) ~~[.]~~ ***; and***

(d) To encourage and promote traditional and emerging methods of water reuse, including, without limitation, credits for water that is returned to the

source, known as "return-flow credits," agriculture and other irrigation, direct potable reuse and indirect potable reuse in an appropriate manner that is consistent with the public health.

Sec. 20. NRS 445A.520 is hereby amended to read as follows:

445A.520 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall establish water quality standards at a level designed to protect and ensure a continuation of the designated beneficial use or uses which the Commission has determined to be applicable to each stream segment or other body of surface water in the State.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Commission shall base its water quality standards on water quality criteria which numerically or descriptively define the conditions necessary to maintain the designated beneficial use or uses of the water. The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.

3. The Commission may establish water quality standards for individual segments of streams or for other bodies of surface water which vary from standards based on recognized criteria if such variations are justified by the circumstances pertaining to particular places, as determined by biological monitoring or other appropriate studies.

4. The Commission may establish a water quality standard variance subject to the review and approval or disapproval of the United States Environmental Protection Agency in accordance with 40 C.F.R. § 131.14. A water quality standard variance established pursuant to this subsection must:

(a) Reflect the highest attainable condition of the stream segment or other body of surface water that is achievable during the term of the water quality standard variance; and

(b) Establish a time-limited designated use and criteria for specific pollutants or water quality parameters during the term of the water quality standard variance.

5. As used in this section, "water quality standards variance" has the meaning ascribed to it in 40 C.F.R. § 131.3(o).

Sec. 21. Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. The Nevada Voluntary Water Rights Retirement Program is hereby established in the Nevada Conservation and Recreation Program created by section 8 of this act to purchase and retire decreed or certificated groundwater rights from willing sellers and to accept donations of groundwater rights for retirement in order to:

(a) Protect the natural resources of this State;

(b) Address declining levels of groundwater; or

(c) Address conflicts with existing rights or with protectable interests in existing domestic wells.

2. The Nevada Voluntary Water Rights Retirement Program must be administered by the Director. ~~[In administering the Program, the Director shall, to the extent money is available in the Account for Retiring Water Rights created by section 9 of this act, identify and purchase decreed or certificated groundwater rights for retirement by the State Engineer pursuant to section 4 of this act from persons willing to retire those groundwater rights in groundwater basins where:~~

~~(a) An order issued by the State Engineer precludes the issuance of permits for new appropriations of groundwater in the groundwater basin; or~~

~~(b) The retirement of groundwater rights in the groundwater basin meets any purpose set forth in subsection 1.]~~

3. ~~[The Director shall document in writing the purpose of each decreed or certificated groundwater right that is purchased by or donated to the Program and file the written document with the State Engineer.~~

~~4. When sufficient money is available in the Account for Retiring Water Rights created by section 9 of this act, the Director may accept applications for the purchase and retirement of decreed or certificated groundwater rights.~~

~~5.]~~ The Director shall not accept donations or applications for the purchase and retirement of decreed or certificated groundwater rights after June 30, 2035.

Sec. 21.3. ~~[The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 42, immediately following section 41, to read as follows:~~

~~*If the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority charges an excessive use fee to a residential customer who exceeds thresholds on water usage, the Southern Nevada Water Authority or member agency, as applicable, may use the proceeds of the fee for programs to assist the customer, including, without limitation, programs:*~~

~~*1. To repair water leaks on or appurtenant to the property of the residential customer;*~~

~~*2. To pay 100 percent of the cost for a residential customer with an existing septic system to abandon the septic system and connect to a municipal water system;*~~

~~*3. To plant trees in the community to combat urban heat island effects;*~~

~~*4. To provide financial assistance to low-income residential customers for the payment of water bills; or*~~

~~*5. For any other purpose to protect the water supply of the community, as determined by the Southern Nevada Water Authority or member agency, as applicable.]~~ **(Deleted by amendment.)**

Sec. 21.5. Section 39.5 of the Conservation of Colorado River Water Act, being chapter 210, Statutes of Nevada 2023, at page 1283, is hereby amended to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not ~~[later]~~ ***less*** than ~~[January 1, 2025,]~~ ***1 year before the irrigation water efficiency monitoring program is established pursuant to subsection 1,*** notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 21.7. Section 8 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 517, Statutes of Nevada 2017, at page 3507, is hereby amended to read as follows:

Sec. 8. 1. The Southern Nevada Water Authority may create an Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. If created, the Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation.

3. The term of each appointed member is 2 years. Members may be reappointed. ~~[If a member resigns or is otherwise unable to serve, the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.]~~

4. In appointing the members described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 22. Section 14 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as last amended by chapter 113, Statutes of Nevada 2003, at page 624, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of groundwater in the Basin.

2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.

3. Prepare, for use by the Advisory Committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the Basin as may be needed.

4. Develop recommendations for additional activities for the management of the Basin and the protection of the aquifer in which the Basin is located, and to conduct such activities if the activities have been approved by the Board of Directors.

5. Develop and implement a program to provide financial assistance to pay at least 50 percent but not more than 85 percent of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, to owners of real property served by:

(a) Domestic wells; or

(b) Wells that are operated pursuant to ~~[temporary]~~ ***revocable*** permits,

➥ who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

6. Pay the costs associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.

7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the Advisory Committee to carry out the provisions of this act.

Sec. 23. Any existing and valid temporary permit issued by the State Engineer pursuant to NRS 534.120 before July 1, 2025, shall be deemed a revocable permit issued by the State Engineer.

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. This section, sections 1 to 20, inclusive, and sections 21.3 to 24, inclusive, of this act become effective on July 1, 2025.

2. Sections 9, 11 ~~[,]~~ **and** 12 ~~[and 14]~~ of this act expire by limitation on June 30, 2035.

3. Section 21 of this act becomes effective on July 1, 2035.

Assemblymember Anderson moved that the Assembly concur in Senate Amendment No. 628 to Assembly Bill No. 104.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 43.

The following Senate amendment was read:

Amendment No. 689.

AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for minor construction performed on an existing public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) Senate Bill No. 67 of the 2021 Legislative Session established a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District and authorized those public bodies, as part of the pilot program, to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. (Chapter 523, Statutes of Nevada 2021, at page 3509) The pilot

program expires on June 30, 2025. (Section 15 of chapter 523, Statutes of Nevada 2021, at page 3514) **Sections 2-16** of this bill: (1) establish a similar, permanent program; (2) authorize certain public bodies to award job order contracts for certain public works; and (3) set forth various requirements and restrictions concerning the use of job order contracts by those public bodies. **Section 2** provides that the provisions of **sections 2-16** apply only to a public body that is: (1) a county whose population is 700,000 or more (currently only Clark County); (2) a city whose population is 150,000 or more located in such a county (currently the Cities of Henderson, Las Vegas and North Las Vegas); or (3) a general improvement district located in such a county which is granted certain powers relating to sanitary sewer systems. (NRS 318.140)

Section 3 establishes a program to gather data on the use of job order contracts for certain public works and directs each public body to gather and report data on the use of job order contracts. **Sections 5-8** define certain terms for the purposes of this bill. **Section 9** authorizes a public body to award job order contracts for minor construction performed on an existing public work. **Section 17** of this bill revises the list of procedures by which a local government may award a contract for a public work to include the use of job order contracts if the local government is a public body to which the provisions of **sections 2-16** apply pursuant to **section 2**.

Section 9 requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. **Section 9** provides that a job order contract: (1) must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) must require a contractor to prepare and submit a proposal for each job order. **Section 9** requires such a proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. **Section 9** also requires a public body, after holding a public hearing on the matter, to adopt a written policy for the assignment of job orders and limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 9.5 of this bill sets forth certain requirements for a job order contract with respect to workers who perform work under contract, including the requirement that at least 51 percent of such workers be enrolled in or graduates of an apprenticeship program. Section 14.5 authorizes a public body to waive that requirement under certain circumstances.

Section 10 prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. **Section 11** requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. **Section 11** also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. **Sections 12 and 18** of this bill make any document or other information submitted to a public body in response to a request for

proposals or similar solicitation document for a job order contract confidential and prohibit disclosure of any such document or information until notice of intent to award the contract is issued.

Section 13 prescribes the method for selecting a contractor for a job order contract. Specifically, **section 13** requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants.

Section 14 prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or professional. **Section 14** also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 9 requires a job order contract to provide for the use of job orders, which are defined in **section 7** as an order issued for a definite scope of work to be performed for a fixed price pursuant to a job order contract. **Section 15** requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before a public body issues a job order. **Section 16** requires a public body to submit a quarterly report that contains certain information relating to job order contracts to the governing body of the public body. **Section 16** also requires a governing body to annually submit to the Director of the Legislative Counsel Bureau a written report including the information reported to the governing body during the immediately preceding calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 16, inclusive, of this act apply only to a public body that is:***

1. A county whose population is 700,000 or more;

2. A city whose population is 150,000 or more located in a county whose population is 700,000 or more; or

3. A general improvement district established pursuant to chapter 318 of NRS in a county whose population is 700,000 or more which is granted the powers set forth in NRS 318.140.

Sec. 3. ***1. The Legislature hereby finds and declares that:***

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for minor construction performed on an existing public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous minor construction projects required for existing facilities.

(f) The provisions of sections 2 to 16, inclusive, of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to this chapter.

2. The Legislature therefore:

(a) Establishes a program to gather data on the use of job order contracts for minor construction performed on an existing public work; and

(b) Directs each public body in the program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 16 of this act.

Sec. 4. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Adjustment factor" means the adjustment that is multiplied by a contractor against the unit price listed in the unit price catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.*

Sec. 6. *"Construction task" means an item of work:*

1. That is included in a job order; and

2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 11 of this act.

Sec. 7. *"Job order" means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.*

Sec. 8. *"Job order contract" means a contract entered into pursuant to section 13 of this act.*

Sec. 9. *1. Except as otherwise provided in subsection 2, a public body may award a job order contract for minor construction performed on an existing public work. A job order contract must:*

(a) Be for a fixed period;

(b) Provide for indefinite times of delivery and indefinite types of quantities of work;

(c) Provide for the use of job orders;

(d) Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job

order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and

(e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.

2. Except as otherwise provided in subsection 3, a public body may not award more than $25,000,000 annually in job order contracts.

3. If the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year pursuant to subsection 2, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year.

4. A public body shall, after holding a public hearing on the matter, adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 9.5. 1. A job order contract must require:

(a) The contractor and each subcontractor to pay all workers performing work under the contract, other than apprentices, not less than the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

(b) All workers performing work under the contract, other than apprentices, to have:

(1) At least 3 years of relevant work experience; or

(2) Graduated from an apprentice program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS or approved by the United States Department of Labor.

(c) Except as otherwise provided in section 14.5 of this act, at least 51 percent of the workers performing work under the contract to be apprentices or to have graduated from an apprenticeship program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

2. Except as otherwise provided in this subsection, a job order contract must establish mechanisms in addition to those provided in this chapter by which the public body will monitor and ensure compliance with the provisions of subsection 1, which may include, without limitation, requirements relating to the maintenance and submission of records to the public body that are in addition to those set forth in subsections 5 and 6 of NRS 338.070. The provisions of this subsection do not apply if the work performed under the job order contract is subject to a project labor agreement, which includes requirements that are substantially similar to those set forth in subsection 1 and which provides for the resolution of disputes concerning compliance with those requirements through binding arbitration.

3. As used in this section:

(a) "Apprentice" means a person who is enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

(b) "Project labor agreement" means a prehire collective bargaining agreement described in 29 U.S.C. § 158(f) that establishes the terms and conditions of employment for a specific project or projects of construction.

Sec. 10. *To qualify to enter into a job order contract with a public body, a contractor:*

1. Must not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 11 of this act;

2. Must not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; ~~[and]~~

3. Must be licensed as a contractor pursuant to chapter 624 of NRS ~~.]~~ ;

4. Must demonstrate that he or she:

(a) Has the financial ability to provide any necessary labor, materials and equipment;

(b) Has the ability to obtain the necessary bonding;

(c) Has access to a qualified workforce to perform the necessary work;

(d) Is eligible to hire apprentices who are enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(e) Operates a program for the safety of workers that includes, without limitation, drug testing; and

5. Must agree to the requirements set forth in section 9.5 of this act.

Sec. 11. *1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.*

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) Construction tasks and any technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;

(c) A statement requiring that a proposal list an adjustment factor;

(d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;

(e) A description of the bonding requirements for a contractor;

(f) The minimum amount of work committed to the selected contractor under the job order contract;

(g) The proposed form of the job order contract;

(h) A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 9 of this act;

(i) A description of the method for pricing a renewal or extension of the job order contract;

(j) The date by which proposals must be submitted to the public body; ~~[and]~~

(k) A list of the factors and relative weight of the factors that will be used pursuant to section 13 of this act to rank proposals submitted by applicants ~~[.]~~ ; and

(l) A description of the requirements set forth in subsections 4 and 5 of section 10 of this act.

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

(a) The professional qualifications and experience of the applicant;

(b) An adjustment factor;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurances as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 12. *Except as otherwise provided in subsection 4 of section 11 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 11 of this act, including, without limitation, a proposal made pursuant to section 11 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.*

Sec. 13. *1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 11 of this act. At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.*

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of section 10 of this act; and

(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

Sec. 14. *1. A contractor who enters into a job order contract pursuant to section 13 of this act is responsible for:*

(a) Contracting for the services of any necessary subcontractor, supplier or professional necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or professional.

2. A contractor who enters into a job order contract pursuant to section 13 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.

3. Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.

Sec. 14.5. Upon application by a contractor who enters into a job order contract with a public body, the public body may waive the requirement set forth in paragraph (c) of subsection 1 of section 9.5 of this act if the contractor demonstrates to the satisfaction of the public body that the contractor has made efforts to satisfy the requirement but is unable to obtain the workers necessary to satisfy that requirement.

Sec. 15. *1. Before a public body issues a job order, a contractor must submit a list of each subcontractor whom the contractor intends to engage for work on the job order.*

2. A contractor shall not:

(a) Perform any work required by a job order unless the requirements of subsection 1 are met.

(b) Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.

Sec. 16. ***1. Each quarter, a public body shall provide to the governing body of the public body a written report containing, for each job order contract, if any:***

(a) A list of each job order issued;

(b) The cost of each job order issued;

(c) A list of each subcontractor hired to perform work for each job order;

(d) A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business;

(e) A list of each job order that the public body expects to issue in the following quarter; and

(f) Any other information requested by the governing body.

2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, "local emerging small business" has the meaning ascribed to it in NRS 231.1402.

Sec. 17. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; ~~[or]~~

(d) NRS 338.1711 to 338.173, inclusive ~~[.]~~ ***; or***

(e) If applicable, sections 2 to 16, inclusive, of this act.

2. A public body shall not use a reverse auction when awarding a contract for a public work.

3. Except as otherwise provided in this subsection, subsection 4 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

4. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145,

250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082,

645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. This act becomes effective on July 1, 2025.

Assemblymember Considine moved that the Assembly concur in Senate Amendments Nos. 689 to Assembly Bill No. 43.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 768.

AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for minor construction performed on an existing public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) Senate Bill No. 67 of the 2021 Legislative Session established a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District and authorized those public bodies, as part of the pilot program, to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. (Chapter 523, Statutes of Nevada 2021, at page 3509) The pilot program expires on June 30, 2025. (Section 15 of chapter 523, Statutes of Nevada 2021, at page 3514) **Sections 2-16** of this bill: (1) establish a similar, permanent program; (2) authorize certain public bodies to award job order contracts for certain public works; and (3) set forth various requirements and

restrictions concerning the use of job order contracts by those public bodies. **Section 2** provides that the provisions of **sections 2-16** apply only to a public body that is: (1) a county whose population is 700,000 or more (currently only Clark County); (2) a city whose population is 150,000 or more located in such a county (currently the Cities of Henderson, Las Vegas and North Las Vegas); or (3) a general improvement district located in such a county which is granted certain powers relating to sanitary sewer systems. (NRS 318.140)

Section 3 establishes a program to gather data on the use of job order contracts for certain public works and directs each public body to gather and report data on the use of job order contracts. **Sections 5-8** define certain terms for the purposes of this bill. **Section 9** authorizes a public body to award job order contracts for minor construction performed on an existing public work. **Section 17** of this bill revises the list of procedures by which a local government may award a contract for a public work to include the use of job order contracts if the local government is a public body to which the provisions of **sections 2-16** apply pursuant to **section 2**.

Section 9 requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. **Section 9** provides that a job order contract: (1) must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) must require a contractor to prepare and submit a proposal for each job order. **Section 9** requires such a proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. **Section 9** also requires a public body, after holding a public hearing on the matter, to adopt a written policy for the assignment of job orders and limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 9.5 of this bill sets forth certain requirements for a job order contract with respect to workers who perform work under contract, including the requirement that at least ~~[51]~~ **25** percent of such workers be enrolled in or graduates of an apprenticeship program. **Section 14.5** authorizes a public body to waive that requirement under certain circumstances.

Section 10 prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. **Section 11** requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. **Section 11** also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. **Sections 12 and 18** of this bill make any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and prohibit disclosure of any such document or information until notice of intent to award the contract is issued.

Section 13 prescribes the method for selecting a contractor for a job order contract. Specifically, **section 13** requires a public body or its authorized

representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants.

Section 14 prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or professional. **Section 14** also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 9 requires a job order contract to provide for the use of job orders, which are defined in **section 7** as an order issued for a definite scope of work to be performed for a fixed price pursuant to a job order contract. **Section 15** requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before a public body issues a job order. **Section 16** requires a public body to submit a quarterly report that contains certain information relating to job order contracts to the governing body of the public body. **Section 16** also requires a governing body to annually submit to the Director of the Legislative Counsel Bureau a written report including the information reported to the governing body during the immediately preceding calendar year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 16, inclusive, of this act apply only to a public body that is:***

1. A county whose population is 700,000 or more;

2. A city whose population is 150,000 or more located in a county whose population is 700,000 or more; or

3. A general improvement district established pursuant to chapter 318 of NRS in a county whose population is 700,000 or more which is granted the powers set forth in NRS 318.140.

Sec. 3. ***1. The Legislature hereby finds and declares that:***

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for minor construction performed on an existing public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous minor construction projects required for existing facilities.

(f) The provisions of sections 2 to 16, inclusive, of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to this chapter.

2. The Legislature therefore:

(a) Establishes a program to gather data on the use of job order contracts for minor construction performed on an existing public work; and

(b) Directs each public body in the program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 16 of this act.

Sec. 4. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Adjustment factor" means the adjustment that is multiplied by a contractor against the unit price listed in the unit price catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.*

Sec. 6. *"Construction task" means an item of work:*

1. That is included in a job order; and

2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 11 of this act.

Sec. 7. *"Job order" means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.*

Sec. 8. *"Job order contract" means a contract entered into pursuant to section 13 of this act.*

Sec. 9. *1. Except as otherwise provided in subsection 2, a public body may award a job order contract for minor construction performed on an existing public work. A job order contract must:*

(a) Be for a fixed period;

(b) Provide for indefinite times of delivery and indefinite types of quantities of work;

(c) Provide for the use of job orders;

(d) Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and

(e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.

2. Except as otherwise provided in subsection 3, a public body may not award more than $25,000,000 annually in job order contracts.

3. If the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year pursuant to subsection 2, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year.

4. A public body shall, after holding a public hearing on the matter, adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 9.5. *1. A job order contract must require:*

(a) The contractor and each subcontractor to pay all workers performing work under the contract, other than apprentices, not less than the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

(b) All workers performing work under the contract, other than apprentices, to have:

(1) At least 3 years of relevant work experience; or

(2) Graduated from an apprentice program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS or approved by the United States Department of Labor.

(c) Except as otherwise provided in section 14.5 of this act, at least ~~[51]~~ 25 percent of the workers performing work under the contract to be apprentices or to have graduated from an apprenticeship program registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

2. Except as otherwise provided in this subsection, a job order contract must establish mechanisms in addition to those provided in this chapter by which the public body will monitor and ensure compliance with the provisions of subsection 1, which may include, without limitation, requirements relating to the maintenance and submission of records to the public body that are in addition to those set forth in subsections 5 and 6 of NRS 338.070. The provisions of this subsection do not apply if the work performed under the job order contract is subject to a project labor agreement, which includes requirements that are substantially similar to those set forth in subsection 1 and which provides for the resolution of disputes concerning compliance with those requirements through binding arbitration.

3. As used in this section:

(a) "Apprentice" means a person who is enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS.

(b) "Project labor agreement" means a prehire collective bargaining agreement described in 29 U.S.C. § 158(f) that establishes the terms and conditions of employment for a specific project or projects of construction.

Sec. 10. *To qualify to enter into a job order contract with a public body, a contractor:*

1. Must not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 11 of this act;

2. Must not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333;

3. Must be licensed as a contractor pursuant to chapter 624 of NRS;

4. Must demonstrate that he or she:

(a) Has the financial ability to provide any necessary labor, materials and equipment;

(b) Has the ability to obtain the necessary bonding;

(c) Has access to a qualified workforce to perform the necessary work;

(d) Is eligible to hire apprentices who are enrolled in an apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS; and

(e) Operates a program for the safety of workers that includes, without limitation, drug testing; and

5. Must agree to the requirements set forth in section 9.5 of this act.

Sec. 11. *1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.*

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) Construction tasks and any technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;

(c) A statement requiring that a proposal list an adjustment factor;

(d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;

(e) A description of the bonding requirements for a contractor;

(f) The minimum amount of work committed to the selected contractor under the job order contract;

(g) The proposed form of the job order contract;

(h) A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 9 of this act;

(i) A description of the method for pricing a renewal or extension of the job order contract;

(j) The date by which proposals must be submitted to the public body;

(k) A list of the factors and relative weight of the factors that will be used pursuant to section 13 of this act to rank proposals submitted by applicants; and

(l) A description of the requirements set forth in subsections 4 and 5 of section 10 of this act.

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

(a) The professional qualifications and experience of the applicant;

(b) An adjustment factor;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurances as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 12. *Except as otherwise provided in subsection 4 of section 11 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 11 of this act, including, without limitation, a proposal made pursuant to section 11 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.*

Sec. 13. *1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 11 of this act. At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.*

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of section 10 of this act; and

(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

Sec. 14. *1. A contractor who enters into a job order contract pursuant to section 13 of this act is responsible for:*

(a) Contracting for the services of any necessary subcontractor, supplier or professional necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or professional.

2. A contractor who enters into a job order contract pursuant to section 13 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.

3. Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.

Sec. 14.5. *Upon application by a contractor who enters into a job order contract with a public body, the public body may waive the requirement set forth in paragraph (c) of subsection 1 of section 9.5 of this act if the contractor demonstrates to the satisfaction of the public body that the contractor has made efforts to satisfy the requirement but is unable to obtain the workers necessary to satisfy that requirement.*

Sec. 15. *1. Before a public body issues a job order, a contractor must submit a list of each subcontractor whom the contractor intends to engage for work on the job order.*

2. A contractor shall not:

(a) Perform any work required by a job order unless the requirements of subsection 1 are met.

(b) Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.

Sec. 16. ***1. Each quarter, a public body shall provide to the governing body of the public body a written report containing, for each job order contract, if any:***

(a) A list of each job order issued;

(b) The cost of each job order issued;

(c) A list of each subcontractor hired to perform work for each job order;

(d) A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business;

(e) A list of each job order that the public body expects to issue in the following quarter; and

(f) Any other information requested by the governing body.

2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, "local emerging small business" has the meaning ascribed to it in NRS 231.1402.

Sec. 17. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; ~~[or]~~

(d) NRS 338.1711 to 338.173, inclusive ~~[.]~~ ***; or***

(e) If applicable, sections 2 to 16, inclusive, of this act.

2. A public body shall not use a reverse auction when awarding a contract for a public work.

3. Except as otherwise provided in this subsection, subsection 4 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to

NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

4. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,

293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415,

673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 12 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. This act becomes effective on July 1, 2025.

Assemblymember Considine moved that the Assembly concur in Senate Amendments Nos. 768 to Assembly Bill No. 43.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 691.

ASSEMBLYMEMBERS D'SILVA; **COLE,** CONSIDINE, DALIA, **EDGEWORTH,** FLANAGAN, GONZÁLEZ, HUNT, KARRIS, **KASAMA, KOENIG,** MILLER, MOORE, MOSCA, NADEEM, NGUYEN, ORENTLICHER, TORRES-FOSSETT

JOINT SPONSORS: SENATORS FLORES **, NEAL** AND NGUYEN

AN ACT relating to days of observance; requiring the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day" and "Vesak Day" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.095) This bill requires the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day" and "Vesak Day" in the State of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Governor shall annually proclaim the fifteenth day of the eighth month of the Hindu calendar to be "Diwali Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Diwali in the State of Nevada and throughout the world.

Sec. 3. ***1. The Governor shall annually proclaim the first day of the tenth month of the Islamic calendar to be "Eid al-Fitr Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Eid al-Fitr in the State of Nevada and throughout the world.

Sec. 4. ***1. The Governor shall annually proclaim the first day of the month of Vaisakh of the Sikh calendar to be "Vaisakhi Day" in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Vaisakhi in the State of Nevada and throughout the world.

Sec. 5. ***1. The Governor shall annually proclaim the day of the first full moon in the month of May to be "Vesak Day," also known as "Buddha Day," in the State of Nevada.***

2. The proclamation may call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the diversity and inclusion of the cultures that celebrate Vesak in the State of Nevada and throughout the world.

Sec. 6. This act becomes effective upon passage and approval.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 691 to Assembly Bill No. 82.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 83.

The following Senate amendment was read:

Amendment No. 692.

ASSEMBLYMEMBERS MOSCA; D'SILVA, FLANAGAN, GONZÁLEZ, HUNT, JACKSON, ~~[KASAMA,]~~ MILLER, NADEEM, NGUYEN AND TORRES-FOSSETT

JOINT SPONSOR: SENATOR NGUYEN

AN ACT relating to days of observance; requiring the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.095) This bill requires the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada.

WHEREAS, October 25 is the anniversary of the birth of Modesto "Larry" Dulay Itliong in the Philippines; and

WHEREAS, After immigrating to the United States as a teenager in 1929, Larry Itliong began working as a farm laborer and in the canneries of Alaska, where he helped found the Alaska Cannery Workers Union; and

WHEREAS, After his service in the U.S. Army during World War II, Larry Itliong moved to Stockton, California, where he continued his labor organization work, becoming a leader in the Filipino-American community of respected elders in the farm labor movement known as the "Manongs"; and

WHEREAS, Larry Itliong founded the Filipino Farm Labor Union in 1956 and the Agricultural Workers Organizing Committee (AWOC) in 1959; and

WHEREAS, Larry Itliong played an instrumental role in leading the 1965-1970 Delano Grape Strike and related boycott, including convincing the National Farm Workers Association (NFWA), a primarily Mexican-American farmworkers union led by Cesar Chavez, to join forces with the AWOC; and

WHEREAS, Garnering national attention, the Delano Grape Strike resulted in the first union contracts for farmworkers, which included improved wages, benefits and working conditions, and transformed the farm labor movement in the United States through its use of boycotts, the groundbreaking collaboration between farmworkers of Filipino and Mexican heritage and the formation of the United Farm Workers labor union from the merger of the AWOC and the NFWA; and

WHEREAS, Known as a father of the West Coast labor movement, Larry Itliong was a tireless labor organizer, community leader and activist for social and economic justice; and

WHEREAS, Larry Itliong's legacy is a source of pride for Filipino-Americans, who constitute the largest segment of the Asian-American, Native Hawaiian and Pacific Islander population, which is the fastest growing demographic group in the State of Nevada and the United States; and

WHEREAS, The State of Nevada desires to recognize the many contributions Larry Itliong made to the State of Nevada and the United States; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada.

2. The proclamation must call upon the news media, educators, business and labor leaders and appropriate governmental officers to bring to the attention of the residents of Nevada the important contributions Larry Itliong made to the State of Nevada and the United States.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 692 to Assembly Bill No. 83.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 96.

The following Senate amendment was read:

Amendment No. 601.

AN ACT relating to land use planning; requiring the governing body of certain cities and counties to include a heat mitigation ~~[element]~~ **plan** in the **conservation element of the** master plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a planning commission to develop a master plan as a comprehensive, long-term general plan for the physical development of the city, county or region. A master plan may include certain elements as appropriate to the city, county or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170)

Sections 1 and 3 of this bill require that the master plan in a county whose population is 100,000 or more (currently Clark and Washoe Counties) includes a heat mitigation ~~[element.]~~ **plan. Section 2** of this bill sets forth the requirements for the heat mitigation ~~[element]~~ **plan, which is to be included as part of a conservation element** of a master plan, including a plan to develop heat mitigation strategies such as public cooling spaces, public drinking water and shade over paved surfaces.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.150 is hereby amended to read as follows:

278.150 1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation ~~[element,]~~ plan of the conservation element, as described in subparagraph (2) of paragraph ~~[(i)]~~ (a) of subsection 1 of NRS 278.160.

5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to (h), ~~***[(i),]***~~ inclusive, of subsection 1 of NRS 278.160.

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) ***A heat mitigation plan, including, without limitation, access to public cooling spaces, public drinking water, cool building practices, shade over paved surfaces and other mitigation measures to address heat in the community. Shade over paved surfaces may include, without limitation, shade structures and urban tree canopies, with preference for native tree or drought-tolerant species.***

(3) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank

strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) ~~*[A heat mitigation element, which must include a plan to develop heat mitigation strategies. The plan to develop heat mitigation strategies may include, without limitation, such factors as access to public cooling spaces, public drinking water, cool building practices, shade over paved surfaces and other mitigation measures to address heat in the community. Shade over paved surfaces may include, without limitation, shade structures and urban tree canopies, with preference for native tree or drought-tolerant species.*~~

~~*—(j)]*~~ An urban agricultural element, which must include a plan to inventory any vacant lands or other real property owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening. The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 3. NRS 278.170 is hereby amended to read as follows:

278.170 1. Except as otherwise provided in subsections 2, 3 and 4, the commission may prepare and adopt all or any part of the master plan or any element thereof for all or any part of the city, county or region. Master regional plans must be coordinated with similar plans of adjoining regions, and master county and city plans within each region must be coordinated so as to fit properly into the master plan for the region.

2. In counties whose population is less than 100,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption an aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160.

3. In counties whose population is 100,000 or more but less than 700,000, if the commission prepares and adopts less than all elements of the master plan, it shall include in its preparation and adoption:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; ~~[and]~~

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 ~~[.]~~ ***; and***

(e) A heat mitigation ~~[element,]~~ plan of the conservation element, as described in subparagraph (2) of paragraph ~~[(c)]~~ (a) of subsection 1 of NRS 278.160.

4. In counties whose population is 700,000 or more, the commission shall prepare and adopt a master plan for all of the city or county that must address each of the elements set forth in NRS 278.160.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective on July 1, 2026.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 601 to Assembly Bill No. 96.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 128.

The following Senate amendment was read:

Amendment No. 606.

AN ACT relating to public records; creating the Public Records Task Force; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, unless otherwise declared by law to be confidential, all public books and records of a state or local governmental entity are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public book or record in any medium in which the book or record is available. (NRS 239.010) This bill creates the Public Records Task Force to evaluate certain topics relating to requests for public records and make certain recommendations. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. The Public Records Task Force is hereby created. The Task Force consists of the following 10 members:

(a) One government representative and two transparency advocates appointed by the Majority Leader of the Senate;

(b) Two government representatives and one transparency advocate appointed by the Speaker of the Assembly;

(c) One government representative appointed by the Minority Leader of the Senate;

(d) One transparency advocate appointed by the Minority Leader of the Assembly; and

(e) One government representative and one transparency advocate appointed by the Governor.

2. The Task Force shall:

(a) Evaluate:

(1) Current exemptions to chapter 239 of NRS;

(2) **The policies relating to public records of any review board created pursuant to NRS 289.380 or 289.383;**

(3) The impact of broad requests for public records on governmental entities;

~~[(3)]~~ **(4)** The cost, burden and time constraint on governmental entities to redact confidential information;

~~[(4)]~~ **(5)** The financial burden on a person who requests a public record;

~~[(5)]~~ **(6)** Mechanisms to resolve disputes involving requests for public records, including, without limitation, mediation and other types of alternative dispute resolution; and

~~[(6)]~~ **(7)** Methods for collecting and sharing data related to requests for public records.

(b) Make recommendations, including, without limitation:

(1) To clarify the custodianship and control of public records;

(2) To protect sensitive information while promoting government transparency;

(3) To identify situations in which access to public records should be granted or denied;

(4) For penalties to impose against governmental entities for providing delayed or incomplete responses to a request for public records;

(5) For protocols to protect personal information and criminal investigations;

(6) For a standardized fee schedule; and

(7) For mechanisms to protect governmental entities from retaliatory litigation.

3. The members of the Task Force serve without compensation.

4. Each member of the Task Force who is an officer or employee of the State or local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual, vacation or compensatory time for the absence.

5. The Task Force shall, at its first meeting, elect a Chair from the members who are transparency advocates and a Vice Chair from the members who are government representatives.

6. The Task Force shall meet:

(a) Upon the call of the Chair or a majority of the members of the Task Force; and

(b) At least four times.

7. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

8. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

9. On or before October 31, 2026, the Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs and the Senate and Assembly Standing Committees on Government Affairs for

the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

10. As used in this section:

(a) "Governmental entity" has the meaning ascribed to it in NRS 239.005.

(b) "Government representative" includes, without limitation, a representative:

(1) From the Nevada Association of Counties or a county;

(2) From the Nevada League of Cities or a local government;

(3) Who is a district attorney or city attorney;

(4) From a law enforcement agency;

(5) From a school district;

(6) From the Office of the Attorney General;

(7) From a public utility that is not regulated by the Public Utilities Commission of Nevada; and

(8) From the Division of State Library, Archives and Public Records of the Department of Administration.

(c) "Transparency advocate" includes, without limitation, a representative:

(1) From the Nevada Broadcasters Association;

(2) From the Nevada Press Association;

(3) From the Nevada Open Government Coalition;

(4) From the American Civil Liberties Union;

(5) Who is an attorney that specializes in requests for public records;

(6) From the Legal Aid Center of Southern Nevada; and

(7) Who is a member of the public and has experience related to public records.

Sec. 8. The members of the **Public Records** Task Force must be appointed pursuant to section 7 of this act not later than October 31, 2025.

Sec. 9. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 606 to Assembly Bill No. 128.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 73.

The following Senate amendment was read:

Amendment No. 632.

AN ACT relating to campaign practices; requiring certain communications relating to an election that include synthetic media to contain a disclosure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that certain statements and communications relating to an election contain disclosures to provide the public with certain information relating to the source or purpose of the statement or communication. (NRS 294A.347-294A.3495) **Section 2** of this bill: (1)

requires that any communication made or paid for by a person, **organization,** candidate, personal campaign committee of a candidate, committee for political action or committee sponsored by a political party that is in support of or opposition to a candidate, group of candidates or political party **, that provides information about political or social issues with the intent to influence the outcome of an election** or that solicits contributions for a candidate, group of candidates or political party that includes any form of synthetic media in the communication must disclose that the image, video or audio has been manipulated; and (2) authorizes a candidate who is depicted in any such communication that fails to include such a disclosure to seek an injunction or equitable relief in a district court against certain parties that made or paid for the communication.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Any communication made or paid for by a person, organization, candidate, personal campaign committee of a candidate, committee for political action or committee sponsored by a political party that is made in support of or opposition to a candidate, group of candidates or political party , that provides information about political or social issues with the intent to influence the outcome of an election or that solicits contributions for a candidate, group of candidates or political party and includes any form of synthetic media in the communication must disclose on the communication in a clear and conspicuous manner:***

This (image/video/audio) has been manipulated.

2. The disclosure required pursuant to subsection 1 must be provided in accordance with the following requirements:

(a) For a communication made using visual media that is a video, the disclosure must appear for the entire duration of the video; and

(b) For a communication made using only audio, the disclosure must be read in a clearly spoken manner, in a pitch that can be easily heard by the average listener and in the same language as the rest of the audio:

(1) At the beginning of the audio;

(2) At the end of the audio; and

(3) If the audio is longer than 2 minutes in length, interspersed within the audio at intervals of not more than 2 minutes each.

3. Any candidate who is depicted in any communication that includes synthetic media and which communication fails to include the disclosure required pursuant to subsection 1 may seek an injunction or other equitable relief in district court against the person, candidate, personal campaign committee of a candidate, committee for political action or committee sponsored by a political party who made or paid for the communication.

4. Nothing in this section shall be construed to impose liability for a violation of subsection 1 upon:

(a) Any <u>streaming service,</u> interactive computer service provider, cloud service provider or internet service provider;

(b) A radio broadcasting station, television broadcasting station, telecommunications network or cable or satellite television operator;

(c) Any programmer or producer of radio or television broadcasting content; or

(d) Any person who publishes synthetic media as part of entertainment as a satire or parody.

5. As used in this section:

(a) "Artificial intelligence" means a machine-based system that, for explicit or implicit objectives, infers from the input it receives how to generate outputs such as predictions, content, recommendations or decisions that can influence physical or virtual environments.

(b) "Generative adversarial network" means a framework for machine learning that uses adversarial training towards the development of generative artificial intelligence.

(c) "Generative artificial intelligence" means a technology of artificial intelligence that is capable of creating content such as text, audio, image or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.

(d) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2).

(e) "Synthetic media" means an image, audio recording or video recording of the appearance, speech or conduct of a person that has been intentionally manipulated with the use of generative adversarial network techniques, artificial intelligence or generative artificial intelligence to create a realistic but false image, audio recording or video recording that produces:

(1) A depiction that to a reasonable natural person is of a real natural person in appearance, action or speech but that did not actually occur in reality or was not authentically captured or recorded; and

(2) A fundamentally different understanding or impression of the appearance, action or speech of a person than what a reasonable natural person would have from viewing or listening to the unaltered original version of the image, audio recording or video recording.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on January 1, 2026.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 632 to Assembly Bill No. 73.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 743.

AN ACT relating to elections; authorizing officers and trainees appointed for certain elections to choose to work as volunteers who receive no compensation; ~~[eliminating certain prohibitions relating to the appointment or employment of persons who have been convicted of a felony involving theft or fraud for a position involving the registration of voters;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the county clerk of each county and the city clerk of each city to appoint and notify registered voters to act as election board officers for: (1) the various polling places in the county and city, respectively; and (2) the mail ballot central counting board in such numbers determined to be required by the volume of mail ballots required to be sent to each active registered voter in the county or city, respectively. (NRS 293.217, 293.269929, 293C.220, 293C.26329) Existing law further requires the compensation of voting board officers, counting board officers, specially appointed deputy sheriffs, election board officers and other employees to be fixed by county or city ordinance, resolution or order. (NRS 293.460) Existing law further authorizes a county or city clerk to: (1) appoint certain pupils as trainees for the position of election board officer; and (2) compensate such trainees for service at the same rate fixed for election board officers generally. (NRS 293.2175, 293C.222) **Sections 1, 2 and 5** of this bill authorize a trainee, voting board officer, counting board officer or election board officer to choose to work as a volunteer who receives no compensation.

Sections 6-8 of this bill amend the Las Vegas City Charter, the Airport Authority Act for Battle Mountain and the Airport Authority Act for Carson City to similarly provide that an officer appointed for certain special elections may choose to work as a volunteer who receives no compensation. (Las Vegas City Charter § 5.130; Airport Authority Act for Battle Mountain § 21; Airport Authority Act for Carson City § 15)

~~[Existing law prohibits: (1) a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft or fraud; and (2) a county clerk from knowingly appointing as a field registrar a person who has been convicted of a felony involving theft or fraud. Existing law further authorizes the Secretary of State to bring an action against a voter registration agency or county clerk to collect a civil penalty of not more than $5,000 for each person employed or appointed in violation of these prohibitions. (NRS 293.5045,~~

~~293.505) Sections 3 and 4 of this bill remove these prohibitions thereby authorizing a person who has been convicted of a felony involving theft or fraud to be: (1) employed by a voter registration agency even if his or her duties will include the registration of voters; or (2) appointed as a field registrar.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier.

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally ~~[.]~~ ***unless the trainee chooses to perform the duties described in this section as a volunteer who receives no compensation.***

Sec. 2. NRS 293.460 is hereby amended to read as follows:

293.460 ***1.*** The compensation of voting board officers, counting board officers, specially appointed deputy sheriffs, election board officers and other employees must be fixed by county or city ordinance, resolution or order.

2. A voting board officer, counting board officer or election board officer who is eligible to receive compensation fixed pursuant to this section may choose to work in such a position as a volunteer who receives no compensation.

Sec. 3. ~~[NRS 293.5045 is hereby amended to read as follows:~~

~~293.5045 1. A person who works in a voter registration agency shall not:~~

~~(a) Seek to influence an applicant's political preference or party registration;~~

~~(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;~~

~~(c) Make any statement or take any action to discourage an applicant from registering to vote; or~~

~~(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.~~

~~2. A person who violates any of the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~[3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a voter registration agency to collect a civil penalty of not more than $5,000 for each person who is employed by the voter registration agency in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 293.505 is hereby amended to read as follows:~~

~~293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.~~

~~2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall preregister and register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. [The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud.] The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~3. A field registrar shall demand of any person who applies for preregistration or registration all information required by the application to preregister or register to vote, as applicable, and shall administer all oaths required by this chapter.~~

~~4. When a field registrar has in his or her possession five or more completed applications to preregister or register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.~~

~~5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the last day to register~~

~~to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. Within 5 days after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.~~

~~6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to preregister or register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.~~

~~7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.~~

~~8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to NRS 293.5235 shall not:~~

~~(a) Delegate any of his or her duties to another person; or~~

~~(b) Refuse to preregister or register a person on account of that person's political party affiliation.~~

~~9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.~~

~~10. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to NRS 293.5235 shall not:~~

~~(a) Solicit a vote for or against a particular question or candidate;~~

~~(b) Speak to a person on the subject of marking his or her ballot for or against a particular question or candidate; or~~

~~(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,~~

~~→ while preregistering or registering the person.~~

~~11. When the county clerk receives applications to preregister or register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:~~

~~(a) The number of persons preregistered or registered; and~~

~~(b) The political party of the persons preregistered or registered.~~

~~12. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to NRS 293.5235 shall not:~~

~~(a) Knowingly:~~

~~(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or~~

~~(2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or~~

~~(b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.~~

~~13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:~~

~~(a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and~~

~~(b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.~~

~~14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.~~

~~15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~ **(Deleted by amendment.)**

Sec. 5. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally ~~.~~ ***unless the trainee chooses to perform the duties described in this section as a volunteer who receives no compensation.***

Sec. 6. Section 5.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1417, is hereby amended to read as follows:

Sec. 5.130 Special elections: Consolidation of voting precincts; qualification of voters; costs.

1. The City Clerk may consolidate or otherwise modify voting precincts for any special municipal election and shall designate the polling places, appoint the officers of the election for each precinct in such number as he or she may determine, and fix the respective duties and compensation of those officers.

2. Any qualified elector who is properly registered is qualified to vote at the special election.

3. The costs of any special election must be paid by the City.

4. An officer of the election who is eligible to receive compensation fixed pursuant to subsection 1 may choose to work in such a position as a volunteer who receives no compensation.

Sec. 7. Section 21 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, at page 1214, is hereby amended to read as follows:

Sec. 21. 1. Subject to the provisions of NRS 350.011 to 350.0165, inclusive, whenever the Board determines, by resolution, that the interest of the Authority and the public interest or necessity demand the issue of general obligation bonds to purchase, construct, or otherwise acquire, maintain, improve or equip airports, the Board shall order the submission of the proposition of issuing such bonds to the registered voters of the Authority at an election held for that purpose in the manner provided by NRS 350.020 to 350.070, inclusive.

2. Any such election may be held separately, or may be consolidated or held concurrently with any other election authorized by law.

3. The declaration of public interest or necessity required by this section and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to the declaration of public interest or necessity, must:

(a) Recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the maximum amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness.

(b) Fix the date upon which the election will be held and the manner of holding it and the method of voting for or against the incurring of the proposed indebtedness.

(c) Fix the compensation to be paid the officers of the election, designate the polling place and appoint, for each polling place from the electors of the Authority, three officers of the election, one of whom shall act as clerk.

4. An officer of the election who is eligible to receive compensation fixed pursuant to paragraph (c) of subsection 3 may choose to work in such a position as a volunteer who receives no compensation.

Sec. 8. Section 15 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 345, Statutes of Nevada 1993, at page 1094, is hereby amended to read as follows:

Sec. 15. 1. Subject to the approval of the Board of Supervisors and the provisions of NRS 350.011 to 350.0165, inclusive, whenever the Board determines, by resolution, that the public interest or necessity requires the issuance of general obligation bonds to purchase, construct, acquire, maintain, improve or equip an airport, the Board shall submit the proposition to the voters at a special election or the next primary or general election held pursuant to NRS 350.020 to 350.070, inclusive.

2. A special election may be held only if the Board of Supervisors determines, by a unanimous vote, that an emergency exists. The determination made by the Board of Supervisors is conclusive unless it is shown that the Board of Supervisors acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the Board of Supervisors must be commenced within 15 days after the Board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the Board of Supervisors to prevent or mitigate a substantial financial loss to the Authority or Carson City or to enable the Board of Supervisors to provide an essential service to the residents of Carson City.

3. The declaration of public interest or necessity required by this section and the provision for holding the election may be included in one resolution which, in addition to the declaration of public interest or necessity, must:

(a) Recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, the maximum amount of principal of the indebtedness and the maximum rate of interest to be paid.

(b) Include the date upon which the election will be held and describe the method of voting for or against the proposed indebtedness.

(c) Fix the compensation to be paid the officers of the election, designate the polling place and appoint, for each polling place from the registered voters of Carson City, three officers of the election, one of whom shall act as clerk.

4. An officer of the election who is eligible to receive compensation fixed pursuant to paragraph (c) of subsection 3 may choose to work in such a position as a volunteer who receives no compensation.

Sec. 9. This act becomes effective on July 1, 2025.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 743 to Assembly Bill No. 262.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 394.

The following Senate amendment was read:

Amendment No. 558.

ASSEMBLYMEMBER BROWN-MAY

JOINT SPONSORS: SENATORS BUCK, ROGICH AND TITUS

AN ACT relating to higher education; authorizing the Board of Regents of the University of Nevada to require each institution within the Nevada System of Higher Education to adopt an emergency response plan to address opioid-related drug overdoses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the Board of Regents of the University of Nevada to require each institution within the Nevada System of Higher Education to adopt an emergency response plan to address opioid-related drug overdoses at the institution. This bill requires such an emergency response plan to include: (1) plans for providing education on opioid-related drug overdoses; and (2) procedures for the distribution and administration of opioid antagonists. This bill prohibits an institution from adopting a plan that requires a person to complete training in order to obtain or administer an opioid antagonist. This bill authorizes the Board of Regents to adopt a model emergency response plan to assist institutions in developing their own plans.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may require each institution within the System to, in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services, adopt an emergency response plan to address opioid-related drug overdoses at the institution. Such an emergency response plan must include, without limitation:

(a) Plans for providing education on opioid-related drug overdoses;

(b) Measures to respond compassionately to opioid-related drug overdoses, including, without limitation:

(1) Emphasizing rescue breathing techniques; and

(2) Utilizing naloxone hydrochloride in the lowest dosage effective to restore breathing;

(c) Procedures for the distribution and administration of opioid antagonists, including, without limitation, ensuring ease of access to opioid antagonists; and

(d) Provisions ensuring that a student will not be subject to disciplinary action by the institution for obtaining an opioid antagonist.

2. Each institution within the System may tailor the emergency response plan described in subsection 1 to meet the needs and capacity of the institution for implementing the plan. In tailoring an emergency response plan, an institution may determine:

(a) Whether training related to the plan will be provided in person or virtually and synchronously or asynchronously;

(b) The locations at the institution where opioid antagonists will be accessible; and

(c) The manner in which opioid antagonists will be distributed at the institution.

3. An emergency response plan described in subsection 1 may not require a person to complete any training in order to obtain or administer an opioid antagonist.

4. The Board of Regents may adopt a model emergency response plan that meets the requirements of this section to assist institutions in developing their emergency response plans pursuant to subsection 1. The Board of Regents may not require an institution to utilize the model emergency response plan.

5. As used in this section:

(a) "Opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

(b) "Opioid-related drug overdose" has the meaning ascribed to it in NRS 453C.050.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 558 to Assembly Bill No. 394.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 420.

The following Senate amendment was read:

Amendment No. 616.

AN ACT relating to education; requiring the board of trustees of certain school districts and the governing body of certain charter schools to prepare and publish an annual report relating to the use of force by school police officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) the board of trustees of a school district to employ, appoint or contract for the provision of school police officers; and (2) the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 388A.384, 391.281)

Section 1 of this bill requires, on or before the first day of each school year, the board of trustees of a school district that employs school police officers and the governing body of a charter school that has entered into a contract for the provision of school police officers to prepare and publish on the Internet website of the school district or charter school, as applicable, a report relating to the use of force by school police officers during the immediately preceding school year. **Section 1** also sets forth the requirements for such a report.

Section 5.5 of this bill provides that the first report required pursuant to **section 1**: (1) is due on or before the first day of the 2026-2027 school year; and (2) must contain the information required pursuant to **section 1** for the 2025-2026 school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before the first day of each school year, the board of trustees of a school district that employs school police officers and the governing body of a charter school that has entered into a contract pursuant to NRS 388A.384 for the
provision of school police officers must prepare and publish on the Internet website of the school district or charter school, as applicable, a report relating to the use of force by school police officers during the immediately preceding school year.

2. The report required pursuant to subsection 1 must set forth:

(a) The number of incidents involving the use of force involving the use of:

(1) A baton;

(2) A chemical agent; or

(3) An electronic stun device.

(b) For each incident described in paragraph (a):

(1) The location of the incident, including, without limitation, whether the incident occurred:

(I) On or in the grounds, property, buildings or any other facility of the school district or charter school; or

(II) A location other than the grounds, property, buildings or any other facility of the school district or charter school;

(2) Whether the incident occurred during the school day or at an activity or event sponsored by the school district or charter school; and

(3) Except as otherwise provided in this subparagraph, the rank of each school police officer who used such force and the number of years that each such school police officer has been employed. The provisions of this subparagraph only apply to the report required of the board of trustees of a school district that employs more than 75 school police officers.

(c) The demographic information, including, without limitation, age, race, gender and ethnicity, of the persons upon whom such force was used by school police. All information must be reported in the aggregate and must not include any personally identifiable information.

3. As used in this section:

(a) "Baton" means a cylindrical instrument that is designed to deliver a blunt force contact or a strike to a person in close proximity.

(b) "Chemical agent" means any chemical which can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. The term includes, without limitation, items commonly referred to as tear gas, pepper spray, pepper balls and oleoresin capsicum.

(c) "Electronic stun device" means a device that:

(1) Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and

(2) Is designed to disable a person or animal temporarily or permanently.

(d) "School police officer" ~~[includes]~~ means a peace officer who ~~[is employed]~~ :

(1) Is employed by ~~[a metropolitan police department created pursuant to chapter 280]~~ the board of ~~[NRS or a sheriff's office that has]~~ trustees of a school district; or

(2) Provides services to a charter school pursuant to a contract entered into ~~[a contract]~~ with the board of trustees of a school district ~~[to provide police services in public schools]~~ pursuant to NRS ~~[391.281.]~~ 388A.384.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. The first report required pursuant to section 1 of this act:

1. Is due on or before the first day of the 2026-2027 school year; and

2. Must contain the information required pursuant to section 1 of this act for the 2025-2026 school year.

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 616 to Assembly Bill No. 420.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 454.

The following Senate amendment was read:

Amendment No. 614.

CONTAINS UNFUNDED MANDATE (§1.5)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; requiring an emergency operations plan development committee for public and private schools to create a plan for responding to certain medical emergencies relating to the heart; authorizing the board of trustees of a school district, the governing body of a charter school or the governing body of a private school to include ~~[a physician or other medical professional]~~ **certain providers of health care** as ~~[a member]~~ **members** of such a committee; **requiring the governing body of a charter school to establish a plan for certain personnel to obtain training and**

certification in the administration of cardiopulmonary resuscitation; establishing requirements for certain training and certification for coaches, managers and athletic trainers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a plan for teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education to obtain training and certification in the administration of cardiopulmonary resuscitation. (NRS 391.092) **Section 1.5 of this bill additionally requires the governing body of a charter school to establish such a plan. Section 1.4 of this bill makes a conforming change to indicate the applicability of that requirement to charter schools.**

Existing regulations require coaches of a school team participating in an interscholastic activity or event governed by the Nevada Interscholastic Activities Association to be certified in cardiopulmonary resuscitation and to complete certain training in administering first aid. (NAC 385B.798) **Section 1.5** ~~[of this bill]~~ requires each coach, manager or athletic trainer in a school district **or at a charter school who is not a pupil** to obtain training and certification in the administration of cardiopulmonary resuscitation. **Section 5** of this bill applies this requirement to each coach, manager or athletic trainer at a private school ~~[.]~~ **who is not a pupil.**

Existing law requires the board of trustees of each school district, the governing body of each charter school and the governing body of each private school to establish an emergency operations plan development committee to develop a plan for responding to certain emergencies in each school. (NRS 388.241, 388.243, 394.1685, 394.1687) **Sections 1.3 and 8.7** of this bill require a plan developed by such a committee for a public school or private school, respectively, to include a plan for immediately responding to an emergency involving the heart, including, without limitation, a person in cardiac arrest. **Sections 1 and 8.3** of this bill provide that the membership of such a committee at a public school or private school, respectively, may include a ~~[physician or other medical professional.]~~ **provider of health care who has specific skills, training and experience in responding to medical emergencies involving the heart.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish an emergency operations plan development committee to develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. The governing body of each charter school shall establish an emergency operations

plan development committee to develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards.

2. The membership of an emergency operations plan development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school and who is not an employee of the school district or charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers;

(h) At least one representative of a state or local organization for emergency management;

(i) At least one representative of the county or district board of health in the county in which the school district or charter school is located, designated by the county or district board of health; and

(j) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of an emergency operations plan development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; ~~[and]~~

(b) An attorney or judge who resides or works in the county in which the school district or charter school is located ~~[.]~~ ***; and***

(c) A ~~[physician or other medical professional,]~~ provider of health care who has specific skills, training and experience in responding to medical emergencies involving the heart.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the emergency operations plan development committee that it establishes. Each emergency operations plan development committee may adopt rules for its own management and government.

5. As used in this section, "provider of health care" means:

(a) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS;

(b) A licensed nurse; or

(c) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

Sec. 1.3. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each emergency operations plan development committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is

operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide;

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide;

(i) If the school district has school police officers, a plan to coordinate with local law enforcement agencies to train school police officers in active assailant movement techniques;

(j) A plan to coordinate with local law enforcement agencies or public safety organizations to provide active assailant trainings to each employee of the school;

(k) A plan to provide support to:

(1) Pupils who have experienced a crisis or emergency by using trauma-informed and age-appropriate resources; and

(2) Members of the faculty and staff who have experienced a crisis or emergency by using trauma-informed resources;

(l) A plan to ensure that members of the faculty and staff and a pupil's parents or legal guardians are notified of the occurrence, development and conclusion of a crisis or an emergency through any communication method established by a school, including, without limitation, communicating through text message or electronic mail; ~~[and]~~

(m) A plan to inform, at least twice each academic year, a pupil's parent or legal guardian of any state requirement related to the storage of firearms, including, without limitation, the crimes and penalties described in subsection 5 of NRS 202.300 and 202.3623 ~~.~~ ***; and***

(n) A plan for immediately responding to a medical emergency involving the heart, including, without limitation, a person in cardiac arrest.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for review to the Division of Emergency Management of the Office of the Military the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

6. As used in this section:

(a) "Active assailant movement techniques" means any training in the technical and tactical skills necessary for school police officers to respond to a crisis or emergency concerning an active assailant.

(b) "Active assailant training" means any training in responding to a crisis or emergency concerning an active assailant that is necessary to evacuate or secure the school.

Sec. 1.4. **NRS 389.021 is hereby amended to read as follows:**

389.021 1. The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:

(a) The academic subjects set forth in NRS 389.018. A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, for pupils enrolled in middle school, junior high school or high school, including, without limitation, pupils enrolled in those grade levels at a charter school, include instruction in:

(1) The administration of hands-only or compression-only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association;

(2) The use of an automated external defibrillator; and

(3) Organ and tissue donation, including, without limitation:

(I) How to register as a donor and the rules governing donor gifts in this State pursuant to NRS 451.500 to 451.598, inclusive;

(II) The societal and individual benefits of organ and tissue donation; and

(III) Facts about organ and tissue donation.

(b) Citizenship and physical training for pupils enrolled in high school.

(c) Physiology, hygiene and, except as otherwise prescribed by paragraph (a), cardiopulmonary resuscitation.

(d) The prevention of suicide.
(e) Instruction relating to child abuse.
(f) The economics of the American system of free enterprise.
(g) American Sign Language.
(h) Environmental education.
(i) Adult roles and responsibilities.

➥ A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to (i), inclusive.

2. A teacher who provides instruction pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district ~~[pursuant to NRS 391.092]~~ or ~~[by]~~ the governing body of the charter school ~~[.]~~ ***pursuant to NRS 391.092.***

3. The board of trustees of the school district, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils may collaborate with entities to assist in the provision of the instruction required pursuant to paragraph (a) of subsection 1 and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.

4. A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction required pursuant to paragraph (a) of subsection 1 is not required to complete the instruction to pass the course of study in health.

Sec. 1.5. NRS 391.092 is hereby amended to read as follows:

391.092 1. The board of trustees of each school district ~~[:]~~ ***and the governing body of each charter school:***

(a) Shall establish a plan for the teachers and other licensed educational personnel in the school district ***or charter school, as applicable,*** who teach or supervise pupils in physical education ~~[;]~~ ***and each coach, manager or athletic trainer in the school district*** ~~***[,]***~~ ***or charter school who is not a pupil;*** and

(b) May establish a plan for the teachers and other licensed educational personnel in the school district ***or charter school, as applicable,*** who teach or supervise pupils in courses of study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity,

➥ to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the board of trustees pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation;

(b) Set forth the courses of study and activities offered at schools within the district ***or the charter school, as applicable,*** other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be

administered during the course of study or activity, including, without limitation, laboratory sciences, vocational education, special education, competitive sports and the transportation of pupils; and

(c) Set forth an estimation of the time and resources necessary for all personnel of the district ***or charter school, as applicable,*** to obtain certification in the administration of cardiopulmonary resuscitation.

3. The board of trustees of each school district ***and the governing body of each charter school*** shall submit to the State Board any plan that it establishes pursuant to subsection 1.

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board of trustees of the school district in which the person is employed ***or the charter school at which the person is employed*** has identified as involving a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity and for which the board of trustees ***or governing body, as applicable,*** has established a plan pursuant to subsection 1,

➥ shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees ~~[.]~~ ***or governing body, as applicable.***

5. ***A coach, manager or other person who is associated with a school athletic activity in the school district or charter school and who is not a pupil shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees ~~[.]~~ or governing body, as applicable.***

6. The board of trustees of a school district ***or the governing body of a charter school*** may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

7. As used in this section, "school athletic activity" means:

(a) An interscholastic activity or event governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS;

(b) Any other interscholastic athletic activity or event involving an organized athletic game or competition against another team ~~[, club]~~ or entity; or

(c) Any practice or preparation for an interscholastic activity or event described in paragraph (a) or (b).

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. ***1. The governing body of each private school that operates as a high school shall establish a plan for each coach, manager or athletic***

trainer of the private school who is not a pupil to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the governing body of a private school pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation; and

(b) Set forth an estimation of the time and resources necessary for coaches, managers and other persons associated with a school athletic activity of the private school who are not pupils to obtain certification in the administration of cardiopulmonary resuscitation.

3. A coach, manager or other person who is associated with a school athletic activity of the private school and who is not a pupil shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the governing body of the private school.

4. The governing body of a private school may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

5. As used in this section, "school athletic activity" means:

(a) An interscholastic activity or event governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B or NRS;

(b) Any other interscholastic athletic activity or event involving an organized athletic game or competition against another team [, club] or entity; or

(c) Any practice or preparation for an interscholastic activity or event described in paragraph (a) or (b).

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish an emergency operations plan development committee to develop a plan to be used by the private school in responding to a crisis, emergency or suicide and all other hazards.

2. The membership of an emergency operations plan development committee consists of:

(a) At least one member of the governing body;

(b) At least one administrator of the school;

(c) At least one teacher of the school;

(d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in the school and who is not an employee of the school;

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of an emergency operations plan development committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; ~~[and]~~

(e) An attorney or judge who resides or works in the county in which the school is located ~~[.]~~ ***; and***

(f) A ~~[physician or other medical professional.]~~ provider of health care who has specific skills, training and experience in responding to medical emergencies involving the heart.

4. The governing body of each private school shall determine the term of each member of the emergency operations plan development committee that it established. Each emergency operations plan development committee may adopt rules for its own management and government.

5. As used in this section, "provider of health care" means:

(a) A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS;

(b) A licensed nurse; or

(c) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

Sec. 8.7. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each emergency operations plan development committee shall develop a plan to be used by its school in responding to a crisis, emergency or suicide and all other hazards. Each emergency operations plan development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Office of the Military or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; ~~[and]~~

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency ~~[.]~~ ***; and***

(d) A plan for immediately responding to a medical emergency involving the heart, including, without limitation, a person in cardiac arrest.

3. Each emergency operations plan development committee shall provide for review a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 8.9. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 9. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 614 to Assembly Bill No. 454.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 598.

AN ACT relating to transportation; requiring the Department of Transportation to report certain information on the progress and need for certain transportation projects relating to wildlife; **revising the qualifications for a Deputy Director of the Department;** revising provisions relating to the proposal for certain highway projects the Department ~~[of Transportation]~~ must submit to the Board of Directors of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Transportation to develop an inventory of connectivity needs on the state highway system where the implementation of wildlife crossings and other related highway features will support certain purposes relating to wildlife. (NRS 408.661) Existing law also requires **: (1)** the **Board of Directors of the** Department to adopt a plan for measuring the performance of the Department **;** and **(2) the Director of the Department to** prepare a report **,** based upon certain performance ~~[measures]~~ **measurements,** on the level of achievement of each division of the

Department and the Department as a whole which must include, among other requirements, the scheduling, scope, cost and progress of any current or proposed highway projects. (NRS 408.133) **Section 1** of this bill requires that the information in the report prepared by the ~~[Department]~~ **Director** relating to current and proposed highway projects include the progress of any current or proposed project identified in the inventory of connectivity and the need for such a project.

Existing law requires each Deputy Director of the Department to: (1) hold a master's degree in public or business administration, or meet certain other educational requirements; and (2) have at least 15 years of progressively responsible experience in engineering or project management, or meet certain other experiential requirements. (NRS 408.178) Section 1.1 of this bill instead requires each Deputy Director to: (1) hold a bachelor's degree in business, economics or public or business administration, or meet certain other educational requirements; and (2) have at least 15 years of progressively responsible experience in engineering, project management, business or economics, or meet certain other experiential requirements.

Existing law further requires the Department to prepare a written analysis of the costs and benefits of each proposal for a highway project that will cost $25 million or more. (NRS 408.3195) **Section 1.3** of this bill instead requires that the Department prepare such an analysis of each proposal for a highway project that will cost $50 million or more. **Section 1.3** additionally requires the Department to include in the analysis for a highway project proposal a discussion of **the number of wildlife-vehicle collisions in the highway district and** the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 408.133 is hereby amended to read as follows:

408.133 1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects ~~[;]~~ ***, including, without limitation, the progress of any current or proposed project identified in the inventory of connectivity pursuant to NRS 408.661 and the need for any such project;***

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects; and

(6) Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board; and

(2) The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 1.1. **NRS 408.178 is hereby amended to read as follows:**

408.178 1. Each Deputy Director:

(a) Is in the unclassified service of the State.

(b) Must ~~[hold]~~ **:**

(1) Hold a ~~[master's]~~ ***bachelor's*** degree in ***business, economics or*** public or business administration ~~[, hold]~~ **;**

(2) Hold the degree of bachelor of science in civil, structural, mechanical or industrial engineering ~~[,]~~ **;** or ~~[be]~~

(3) Be a licensed professional engineer.

(c) Must have at least:

(1) Two years of administrative experience as an assistant director or the Chief Engineer; or

(2) Fifteen years of progressively responsible experience in engineering **,** ~~[or]~~ project management ~~[,]~~ ***, business or economics.***

2. The Chief Engineer:

(a) Is in the unclassified service of the State.

(b) Must be a licensed professional engineer.

(c) Except as otherwise provided in subsection 3, must have at least 3 years of experience as the final engineering authority for a state's agency which has duties similar to those of the Department.

3. If the Director or the Deputy Director appointed pursuant to paragraph (a) of subsection 1 of NRS 408.175 is a licensed professional engineer, he or she may also act as the Department's Chief Engineer.

Sec. 1.3. NRS 408.3195 is hereby amended to read as follows:

408.3195 1. Before the Department submits a proposal for a highway project to the Board for approval, the Department shall prepare a written analysis of the costs and benefits of the project. The analysis must state, for each highway district in which the project is proposed:

(a) The limits of the project;

(b) The period of analysis;

(c) The discount rate used in the analysis;

(d) The initial costs of the Department for the project, including any costs for design, engineering, the acquisition of land and construction;

(e) The future costs of the Department to preserve and maintain the project, discounted to present value;

(f) Any other costs of the Department for any other construction or any mitigation associated with the project;

(g) The costs to highway users for any loss of safety, delays in the time of travel and costs for the operation of vehicles that are associated with the project;

(h) The costs of any environmental impacts, including vehicle emissions and noise, that are associated with the project; and

(i) The value of the benefits of the project, including the value of any:

(1) Savings in the time of travel;

(2) Improvements to safety; and

(3) Savings in the cost of operating vehicles.

2. The analysis required by this section:

(a) Must include a discussion of ~~[any]~~ ***:***

(1) Any additional increases in costs that would result from any delays in the performance of any routine maintenance scheduled under the maintenance program of the Department; ***and***

(2) The number of wildlife-vehicle collisions in the highway district and the value of any mitigation of wildlife-vehicle collisions from the design, construction and use of wildlife crossings;

(b) May include a discussion of:

(1) The costs of the project for any other persons and governmental agencies;

(2) The value of any other social, economic or environmental benefits or costs of the project; and

(3) Any costs or benefits which may result from the use of any alternative design, construction or financing practices; and

(c) Must be prepared in a format that allows for the comparison of proposed highway projects.

3. The analysis required by this section must be made available to the Board and the public when the agenda is posted for the meeting at which the proposal will be submitted to the Board for its approval.

4. As used in this section, "highway project" means a project that is expected to increase the capacity of the state highway system and cost at least ~~[$25 million.]~~ ***$50,000,000.***

Sec. 1.5. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Watts moved that the Assembly concur in Senate Amendment No. 598 to Assembly Bill No. 486.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 583, 591, 592.

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 445, 501, 518; Assembly Joint Resolutions Nos. 6, 9, 11, 13, 14; Senate Bills Nos. 89, 93, 102, 113, 116, 117, 120, 124, 125, 137, 138, 141, 142, 155, 161, 162, 166, 167, 169, 171, 181, 183, 188, 189, 194, 196, 198, 203, 208, 210, 215, 251, 258, 266, 268, 276, 278, 279, 284, 285, 291, 297, 299, 301, 313, 315, 320, 321, 322, 325, 326, 327, 330, 338, 349, 370, 371, 372, 375, 386, 387, 405; Senate Joint Resolutions Nos. 7, 9.

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 500, 501.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Karri Hurwitz and Khloe Hurwitz.

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Diego Maximus Trujillo, Marcus Andres Trujillo, and Krishiv Bararia.

On request of Assemblymember DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Colton Brown.

On request of Assemblymember Dickman, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Player.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Freixas.

On request of Assemblymember Gurr, the privilege of the floor of the Assembly Chamber for this day was extended to Christopher Mayes.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Angelina Beers and Lorena Rosales.

Assemblymember Jauregui moved that the Assembly adjourn until Tuesday, May 27, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:15 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 4

THE ONE HUNDRED FOURTEENTH DAY—THE ONE HUNDRED FIFTEENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 4

Page

ASSEMBLY PROCEEDINGS 4807

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 27, 2025

Assembly called to order at 12:42 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Mr. Rajan Zed.

Om,
bhur bhuvah svah, tat savitur varenyam,
bhargo devasya Dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

samani va akutih, samana hrdayani vah
samanam astu vo mano, yatha vah susahasti.

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell, in unity and concord.

niyatam kuru karma tvam karma jyayo hyakarmanah,
sarirayatrapi ca te na prasiddhyedakarmanah.

yajnarthatkarmano'nyatra loko'yam karmabandhanah
tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

ya te tanur vaci pratisthita ya srotre ya ca caksusi
ya ca manasi santata sivam tam kuru motkramih.

Be kind to us with your invisible form, which dwells in the voice, the eye, and the ear, and pervades the mind. Abandon us not.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 12, 39, 160, 240, 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA M. BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 102, 131, 259, 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 117, 163, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 444, 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 559, 561, 586.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 54, 74, 76, 173, 192, 217, 277, 281, 380, 389, 424, 434.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 220 be taken from the Committee on Ways and Means and be placed on the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 157 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Yeager (emergency request of Speaker of the Assembly):

Assembly Bill No. 598—AN ACT relating to state land; exempting the development of state land for a certain qualified project or for certain cottages from certain provisions governing the oversight of certain buildings by the State Public Works Division of the Department of Administration and certain provisions governing public works; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 599—AN ACT relating to education; requiring a scholarship organization to register in order to participate in the Nevada Educational Choice Scholarship Program; limiting the period that a donation to a scholarship organization may be carried forward; requiring the Department of Education and scholarship organizations to report certain information; providing the procedure for applying for a grant; requiring a scholarship organization to establish certain procedures; establishing the order of priority in which grants must be awarded; requiring a school that receives a grant on behalf of a pupil under the Program to report certain information regarding the academic progress of such pupils; increasing the total amount of credits the Department of Taxation is authorized to approve each fiscal year under the Program; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 600—AN ACT relating to the Legislative Department; clarifying that proceeds of sales of certain items approved by the Director of the Legislative Counsel Bureau must be deposited in the Legislative Fund; clarifying that the organization of the Nevada Revised Statutes into titles by the Legislative Counsel does not constitute a legislative determination for certain constitutional purposes; placing a certain parcel of land under the exclusive supervision and control of the Legislature, contingent upon its purchase; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 54.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 74.

Assemblymember Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 76.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 173.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 192.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 217.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 277.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 281.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 380.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 389.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 424.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 434.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 840.

AN ACT relating to housing; ~~[changing the designation of]~~ **revising provisions relating to** the Nevada Supportive Housing Development Fund; making an appropriation; **requiring, under certain circumstances, the Governor to submit a statement to the Legislature relating to supportive housing;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Housing Division of the Department of Business and Industry, subject to the availability of funds appropriated for such a purpose, to develop and implement a grant program for the purpose of awarding grants for the development of subsidized housing and the provision of services to assist eligible persons by reducing barriers to their retention of

housing. The program is required to include a process for applying for a grant to: (1) procure and develop such supportive housing; (2) train and build the capacity of a supportive housing partnership; (3) fund the operation of a supportive housing partnership; and (4) analyze the progress of supportive housing in this State. (NRS 319.600) Additionally, existing law creates the Nevada Supportive Housing Development Fund in the State Treasury and requires that money in the Fund be used to carry out the supportive housing grant program. (NRS 319.610)

Section 1 of this bill removes the provision that the development and implementation of such a grant program by the Housing Division is subject to the availability of funds appropriated for such a purpose.

Section 2 of this bill changes the designation of the Nevada Supportive Housing Development Fund from a special revenue fund in the State Treasury to an account in the State General Fund. **Section 2** also provides that the money in the redesignated Nevada Supportive Housing Development Account does not revert to the State General Fund at the end of any fiscal year. **Section 1** ~~[of this bill]~~ makes a conforming change to reflect the change in designation of the Fund.

Section 3 of this bill makes an appropriation to the Nevada Supportive Housing Development Account to carry out the supportive housing grant program. **Section 3.5 of this bill requires, beginning with the executive budget for the 2027-2029 biennium, that if the Governor does not include a budgetary request for any amount of money for the Account to carry out the program, the Governor must submit a statement with the proposed executive budget outlining the reasons that the Governor has not included a budgetary request for that purpose.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 319.600 is hereby amended to read as follows:

319.600 1. The Division shall ~~[, subject to the availability of funds appropriated for such a purpose,]~~ develop and implement a supportive housing grant program for the purpose of awarding grants for the development of supportive housing and the provision of supportive housing services. The program must include a process for applying for a grant to:

(a) Procure and develop supportive housing;

(b) Train and build the capacity of a supportive housing partnership;

(c) Fund the operation of a supportive housing partnership; and

(d) Analyze the progress of supportive housing in this State.

2. Any recipient of a grant for supportive housing must agree in writing to comply with all applicable provisions of chapter 118A of NRS.

3. The Division shall consult with the Nevada Interagency Advisory Council on Homelessness to Housing created by NRS 232.4981 before approving any application for a grant pursuant to paragraph (a) of subsection 1.

4. The Division shall adopt regulations to carry out the provisions of this section. The regulations must prescribe, without limitation:

(a) The criteria for eligibility to receive money from the supportive housing grant program; and

(b) Procedures for the submission and review of applications to receive money from the supportive housing grant program.

5. On or before December 1 of each year that the supportive housing grant program is funded, the Division shall submit a report to the Chair of the Nevada Interagency Advisory Council on Homelessness to Housing, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or to the Legislative Commission, if the Legislature is not in session. The report must include:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant money and participation in the supportive housing grant program.

6. The Division may use a portion of the money in the Nevada Supportive Housing Development ~~[Fund]~~ ***Account*** created by NRS 319.610 to prepare the report required by subsection 5.

7. As used in this section:

(a) "Supportive housing" means subsidized housing that reduces barriers to retaining housing that are caused by a person's rental history, criminal history and income through the provision of onsite and offsite supportive services that are designed to assist a person who has:

(1) A disabling behavioral or physical health condition; and

(2) Experienced:

(I) Homelessness or been at imminent risk of homelessness; or

(II) Unnecessary institutionalization.

(b) "Supportive services" includes, without limitation, social services, community support services, case management services, employment services, health care and behavioral health treatment.

Sec. 2. NRS 319.610 is hereby amended to read as follows:

319.610 1. ~~[There is hereby created as a special revenue fund in the State Treasury the]~~ ***The*** Nevada Supportive Housing Development ~~[Fund.]~~ ***Account is hereby created in the State General Fund.***

2. The Division may accept gifts, bequests, grants, appropriations and donations from any sources for deposit in the ~~[Fund.]~~ ***Account.***

3. The money in the ~~[Fund]~~ ***Account*** must be invested as other state ~~[funds]~~ ***accounts*** are invested. All interest earned on the deposit or investment of money in the ~~[Fund,]~~ ***Account,*** after deducting any applicable charges, must be credited to the ~~[Fund.]~~ ***Account.*** Claims against the ~~[Fund]~~ ***Account*** must be paid as other claims against the State are paid.

4. The money in the ~~[Fund]~~ ***Account*** must be used to carry out the provisions of NRS 319.600.

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada Supportive Housing Development Account created by NRS 319.610, as amended by section 2 of this act, the sum of ~~[$20,000,000]~~ **$21,000,000** to carry out the supportive housing grant program developed pursuant to NRS 319.600, as amended by section 1 of this act.

Sec. 3.5. **Beginning with the executive budget for the 2027-2029 biennium, if the Governor does not include in the proposed executive budget a budgetary request for any amount of money for the Nevada Supportive Housing Development Account created by NRS 319.610, as amended by section 2 of this act, to carry out the supportive housing grant program developed pursuant to NRS 319.600, as amended by section 1 of this act, the Governor shall submit, with the proposed executive budget transmitted pursuant to NRS 353.230, a statement outlining the reasons that the Governor has not included a budgetary request for that purpose to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.**

Sec. 4. 1. The State Controller shall, if necessary to carry out the provisions of this act, cause the transfer of any money between funds and accounts whose designations are changed by the provisions of this act.

2. All rights and liabilities of a fund whose designation is changed by the provisions of this act are not affected by the change in designation and remain the rights and liabilities of the fund or account as newly designated.

Sec. 5. 1. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to a fund or account whose designation has been changed pursuant to the provisions of this act.

2. Any reference in a bill or resolution passed by the 83rd Session of the Nevada Legislature to a fund or account whose designation is changed pursuant to the provisions of this act shall be deemed to refer to the fund or account by its changed designation.

Sec. 6. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 379.

Bill read second time and ordered to third reading.

Assembly Bill No. 543.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 796.

SUMMARY—Revises provisions relating to ~~[certain fees for the use of]~~ **the lease of certain** state ~~[lands.]~~ **real property for certain purposes and the sale of agricultural products produced on such real property.** (BDR 26-1133)

AN ACT relating to state ~~[lands;]~~ **property;** revising certain provisions relating to the ~~[fees for the]~~ lease of **certain** state ~~[land]~~ **real property** for ~~[the]~~ grazing ~~[of livestock;]~~ **or pasturage rights and the sale of agricultural products produced on such real property;** requiring certain ~~[fees]~~ **money received** for the grazing of livestock **and the sale of agricultural products** be deposited in the Account for Maintenance of State Parks within the Division of State Parks of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources is authorized to lease certain land owned by the State of Nevada for certain purposes, including for the purpose of grazing livestock, and sets forth the manner in which the fee for the lease of land for the grazing of livestock is determined. (NRS 322.010, 322.075) **Section 3.5 of this bill repeals this provision.** ~~[Section 1 of this bill requires that fees for the lease of lands for grazing livestock on any land under the jurisdiction of the Division of State Parks of the Department must be deposited in the Account for Maintenance of State Parks within the Division of State Parks and used in the area or region in which the fee was collected.]~~ **Section 2.5 of this bill authorizes the Administrator of the Division of State Parks of the Department, for any real property owned by the State and assigned to the Division for administration, to: (1) lease grazing and pasturage rights in and to the real property; or (2) sell agricultural products produced on the real property. Section 2.5: (1) requires, with certain exceptions, the Administrator to advertise the lease or sale for bids; and (2) authorizes the Administrator to negotiate the lease or sale under certain circumstances after advertising for bids. Sections 1.3 and 1.7 of this bill provide that this authority granted to the Administrator of the Division of State Parks is an exception to the authority granted to the Administrator of the Division of State Lands to lease state lands.**

Existing law creates the Account for Maintenance of State Parks within the Division of State Parks and requires that money deposited in the Account must only be used to repair and maintain state parks, monuments and recreational areas. (NRS 407.0762) ~~[Section]~~ **Sections 2.5 and 3** of this bill ~~[requires]~~ **require** that any ~~[fee]~~ **money** collected for the lease of ~~[land]~~ **real property** owned by the State **and assigned to the Division for administration** for grazing ~~[livestock on any land under the jurisdiction of the Division of State Parks]~~ **or pasturage or the sale of agricultural products produced on such real property** must be deposited in the Account ~~[.]~~ **and used in the area or region in which the money was collected.**

Section 2 of this bill makes conforming changes to internal references.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 322.075 is hereby amended to read as follows:~~

~~322.075 Unless the fee for the term or any portion of the term of a lease of land for grazing livestock is determined pursuant to NRS 322.060:~~

~~1. The fee for the term or any portion of the term of the lease must be based on the fair market value of the interest leased, but must not be less than:~~

~~(a) The minimum grazing fee determined pursuant to subsection 2; or~~

~~(b) The base value specified in subsection 3,~~

~~↵ whichever is greater, for each animal unit month leased.~~

~~2. To determine the minimum grazing fee for the purposes of subsection 1, the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, shall:~~

~~(a) For each of the 3 years immediately preceding the year in which the land is leased:~~

~~(1) Divide the price of beef cattle as set forth in the beef price index for that year by the cost to produce livestock as set forth in the production price index for that year; and~~

~~(2) Multiply the quotient calculated pursuant to subparagraph (1) by the base value specified in subsection 3 for that year; and~~

~~(b) Upon determining an amount for each year pursuant to paragraph (a), add each of those amounts and divide the sum by 3.~~

~~3. For the purposes of this section, the base value is $1.94 for the period beginning on July 1, 1997, and ending on December 31, 2003. On January 1, 2004, and every 6 years thereafter, the Administrator shall revise the base value to adjust for inflation.~~

~~4.~~ ***Any fee determined pursuant to this section for the term or any portion of the term of a lease of land for grazing livestock on any land under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources must be deposited in the Account for Maintenance of State Parks within the Division of State Parks created by NRS 407.0762. The money deposited in the Account pursuant to this subsection must be accounted for separately for each area under the jurisdiction of the Division, or if the Administrator of the Division of State Parks has organized the areas under the jurisdiction of the Division into regions pursuant to NRS 407.065, for each region and must only be used in the area or region in which the money was collected.***

~~5.~~ ~~As used in this section:~~

~~(a) "Animal unit month" means the amount of forage required to sustain one cow for one month.~~

~~(b) "Beef price index" means the index that:~~

~~(1) Indicates the price of beef cattle in this State; and~~

~~(2) Is calculated by the Administrator from data published annually by the United States Department of Agriculture.~~

~~(c) "Production price index" means the index that:~~

~~(1) Indicates the cost to produce livestock, including the costs related to interest, taxes and wages; and~~

~~(2) Is published annually by the United States Department of Agriculture.~~] **(Deleted by amendment.)**

Sec. 1.3. **NRS 322.010 is hereby amended to read as follows:**

322.010 Except as provided in NRS 334.070 and 504.147 ~~[,]~~ ***and section 2.5 of this act,*** the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may lease any land except contract land now or hereafter owned by the State of Nevada, or which may hereafter be granted to it by the United States of America, upon terms as provided in NRS 322.020, 322.030 and 322.040.

Sec. 1.7. **NRS 322.050 is hereby amended to read as follows:**

322.050 Except as otherwise provided in NRS 334.070 and 504.147 ~~[,]~~ ***and section 2.5 of this act,*** the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may, in addition to the authority to lease provided in NRS 322.010, 322.020 and 322.030, lease or grant easements over or upon any land now or hereafter owned by the State of Nevada, or which may hereafter be granted it by the United States of America, upon terms as provided in NRS 322.060. Leases or grants of easements over or upon contract lands may be made only with the consent of the contracting party, who must be paid all money received from any such lease or grant. Leases or grants of easements over or upon any lands which are used by any office, department, board, commission, bureau, institution or other agency of the State of Nevada may be granted only with the concurrence of the agency.

Sec. 2. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353.3375, 353C.224, 353C.226, paragraph (b) of subsection ~~[4]~~ ***6*** of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the

Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 2.5. **Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 2, for any real property owned by the State and assigned to the Division for administration, the Administrator may, in accordance with the requirements of this section:

(a) Lease, for a term of not more than 5 years, grazing and pasturage rights in and to the real property; or

(b) Sell any agricultural product of any kind, including, without limitation, any crop, that is produced on the real property.

2. The Administrator may not lease rights in or to real property or sell agricultural products pursuant to subsection 1 if such a lease or sale would:

(a) Interfere with the use of the real property for the outstanding scenic, recreational, scientific or historical importance of such real property; or

(b) Conflict with the provisions of any special act relating to a particular area.

3. Except as otherwise provided in subsection 6, if the Administrator intends to carry out a lease or sale pursuant to subsection 1:

(a) The Administrator shall advertise for bids and reserve in such advertising the right to reject any or all bids received; and

(b) If the Administrator finds that the highest or best bid received pursuant to paragraph (a) is less than the amount that should be paid, the Administrator:

(1) May reject all bids and instead negotiate with any interested person for such lease or sale; and

(2) Shall not accept any price negotiated pursuant to subparagraph (1) if the price is less than the highest bid received by the Administrator for the same lease or sale.

5. If the deed to any real property assigned to the Division for administration contains a covenant or provision giving to the grantor an option to meet the highest bid for any lease offered by the Administrator for

grazing or pasturage rights in or to such real property or the sale of agricultural products produced on such real property, the Administrator shall comply with the terms of the covenant or provision in the deed.

6. The Administrator may enter into a lease with or sale to a state agency without advertising for bids if the rent agreed to be paid by the state agency for the lease or the sale price agreed to be paid for any agricultural products to be sold is, in the opinion of the Administrator, equal to the amount that would be obtained by the Administrator by advertising for bids.

7. Any money collected pursuant to this section for the lease of the grazing or pasturage rights in or to real property assigned to the Division for administration or the sale of agricultural products produced on such real property must be deposited in the Account for the Maintenance of State Parks within the Division created by NRS 407.0762. The money deposited in the Account pursuant to this section must be accounted for separately for each area assigned to the Division for administration, or if the Administrator has organized the areas into regions pursuant to NRS 407.065, for each region and must only be used in the area or region in which the money was collected.

Sec. 3. NRS 407.0762 is hereby amended to read as follows:

407.0762 1. The Account for Maintenance of State Parks within the Division of State Parks is hereby created in the State General Fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the Division's budget for the fiscal year beginning in that calendar year, must be deposited in the Account.

2. Any amount of the ~~[fees]~~ money collected pursuant to ~~[subsection 4 of NRS 322.075]~~ section 2.5 of this act must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

~~[2.]~~ ***4.*** The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

~~[3.]~~ ***5.*** The money deposited in the Account pursuant to ~~[subsection]~~ ***subsections*** 1 ***and 2*** must only be used to repair and maintain state parks, monuments and recreational areas.

~~[4.]~~ ***6.*** Before the Administrator may expend money pursuant to subsection ~~[3.]~~ ***5:***

(a) For emergency repairs and projects with a cost of less than $25,000, the Administrator must first receive the approval of the Director.

(b) For projects with a cost of $25,000 or more, other than emergency repairs, the Administrator must first receive the approval of the Director and of the Interim Finance Committee.

Sec. 3.5. **NRS 322.075 is hereby repealed.**

Sec. 4. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

322.075 Fees for leases of land for grazing livestock: Conditions; determination of minimum fee. Unless the fee for the term or any portion of the term of a lease of land for grazing livestock is determined pursuant to NRS 322.060:

1. The fee for the term or any portion of the term of the lease must be based on the fair market value of the interest leased, but must not be less than:

(a) The minimum grazing fee determined pursuant to subsection 2; or

(b) The base value specified in subsection 3,

➥ whichever is greater, for each animal unit month leased.

2. To determine the minimum grazing fee for the purposes of subsection 1, the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, shall:

(a) For each of the 3 years immediately preceding the year in which the land is leased:

(1) Divide the price of beef cattle as set forth in the beef price index for that year by the cost to produce livestock as set forth in the production price index for that year; and

(2) Multiply the quotient calculated pursuant to subparagraph (1) by the base value specified in subsection 3 for that year; and

(b) Upon determining an amount for each year pursuant to paragraph (a), add each of those amounts and divide the sum by 3.

3. For the purposes of this section, the base value is $1.94 for the period beginning on July 1, 1997, and ending on December 31, 2003. On January 1, 2004, and every 6 years thereafter, the Administrator shall revise the base value to adjust for inflation.

4. As used in this section:

(a) "Animal unit month" means the amount of forage required to sustain one cow for one month.

(b) "Beef price index" means the index that:

(1) Indicates the price of beef cattle in this State; and

(2) Is calculated by the Administrator from data published annually by the United States Department of Agriculture.

(c) "Production price index" means the index that:

(1) Indicates the cost to produce livestock, including the costs related to interest, taxes and wages; and

(2) Is published annually by the United States Department of Agriculture.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 575.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 834.

SUMMARY—Makes appropriations to the Department of Public Safety for the replacement of computer hardware **, equipment** and associated software, vehicles and furniture and for information technology projects and a recruiting campaign. (BDR S-1213)

AN ACT making appropriations to the Department of Public Safety for the replacement of computer hardware **, equipment** and associated software, vehicles and furniture and for information technology projects and a recruiting campaign; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety the sum of $1,886 for the replacement of computer hardware and associated software.

Sec. 2. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety the sum of $9,742 for the replacement of desk chairs.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety the sum of $2,598 for the replacement of desk chairs.

Sec. 4. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of $866,832 for the costs of consulting fees and change management services for the Nevada Criminal Justice Information System.

Sec. 5. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of $2,022,607 for the continuation of the modernization program for the Nevada Criminal Justice Information System.

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $840,926 for a recruitment campaign.

Sec. 6.3. **There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $462,748 for the replacement of computer network equipment and associated software.**

Sec. 6.7. **There is hereby appropriated from the State Highway Fund to the Department of Public Safety the sum of $283,620 for the replacement of computer network equipment and associated software.**

Sec. 7. Any remaining balance of an appropriation made by sections 1 to ~~[6,]~~ **6.7,** inclusive, of this act must not be committed for expenditure after June

30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for the costs of developing a new records management system the following sums:

For the Fiscal Year 2025-2026.....$151,450

For the Fiscal Year 2026-2027.....$151,450

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for the replacement of equipment and the renewal of software subscriptions the following sums:

For the Fiscal Year 2025-2026.....$1,351,429

For the Fiscal Year 2026-2027.....$2,380

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety for the replacement of vehicles the following sums:

For the Fiscal Year 2025-2026.....$133,339

For the Fiscal Year 2026-2027.....$228,715

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after

June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 11. 1. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety for the replacement of vehicles the following sums:

For the Fiscal Year 2025-2026.....$55,893

For the Fiscal Year 2026-2027.....$558

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety for the replacement of computer hardware and associated software the following sums:

For the Fiscal Year 2025-2026.....$50,692

For the Fiscal Year 2026-2027.....$46,920

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 13. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the costs of ~~[including the statewide registry of sex offenders and offenders convicted of a crime against a child in the modernization~~

~~program]~~ **additional positions to provide ongoing support** for the Nevada Criminal Justice Information System the following sums:

For the Fiscal Year 2025-2026.....~~[$4,872,073]~~ **$498,943**

For the Fiscal Year 2026-2027.....~~[$6,567,406]~~ **$623,345**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 14. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the costs of computer programming and related services for the modernization program for the Nevada Criminal Justice Information System the following sums:

For the Fiscal Year 2025-2026.....$1,355,000

For the Fiscal Year 2026-2027.....$300,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 15. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 594.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 832.

AN ACT relating to governmental administration; authorizing the Department of Taxation to deliver by electronic means notices, decisions and other written communications under certain circumstances; revising the manner in which the Department determines the industry in which a business

is engaged for the purposes of the commerce tax; revising the due date for the payment of sales and use taxes; ~~[authorizing certain employees of the Department to electronically notarize electronic documents created by the Department; authorizing the recording with a county recorder of a paper copy of electronic documents created by the Department under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Department of Taxation to deliver by electronic means any notice, decision or other written communication that the Department is required to provide to a person under existing law, unless: (1) the person has opted out of receiving such notices, decisions or written communications by electronic means; or (2) another provision of law specifies the means by which the Department is required to send such a notice, decision or written communication. Under **section 1**, the electronic means by which the Department may send notices, decisions and other written communications are: (1) delivery to a secure account of a person who has registered for an account with an electronic system maintained by the Department; (2) delivery to an electronic mail address at which a person has agreed to receive notices, decisions and other written communications from the Department; and (3) posting a notice, decision or other written communication on an electronic network or Internet website maintained by the Department that is accessible to a person via the Internet or a mobile application and delivering a separate notice of such posting to the electronic mail address of the person. **Sections 2 and 3** of this bill clarify that the Department is required to continue to provide notice by personal service or by mail of determinations of deficiency in the payment of taxes or the suspension or revocation of certain permits issued by the Department. (NRS 360.350, 360.5975)

Existing law imposes a commerce tax on the Nevada gross revenue of certain business entities whose Nevada gross revenue exceeds $4,000,000 in a taxable year, at a rate that is based on the industry in which a business entity is engaged. (Chapter 363C of NRS) **Section 13** of this bill repeals the provision of existing law that provides that for the purpose of determining the commerce tax rate of a business entity, the industry in which a business entity is engaged is determined based on the 2012 edition of the North American Industry Classification System ("NAICS") published by the Bureau of the Census of the United States Department of Commerce. (NRS 363C.060) **Section 4** of this bill instead provides that the industry in which a business entity is engaged is determined based on the most recent edition of the NAICS. **Section 5** of this bill updates certain NAICS codes in the publishing, software and data processing business categories to reflect the 2022 version of the NAICS, which is the most recent version published by the Bureau of the Census. (NRS 363C.430) **Section 14** of this bill provides that the changes made by **sections 4, 5 and 13** apply only to taxable years commencing on or after July 1, 2025, thereby prohibiting retroactive application of the changes made by those sections to previous taxable years.

Under existing law, with certain exceptions, a person required to pay sales or use tax is required to remit such taxes to the Department on or before the last day of the month after the tax was imposed. (NRS 372.355, 374.360) **Sections 6** and **7** of this bill revise the due date for remitting such taxes by requiring sales or use tax to be remitted to the Department on or before the 20th day of the month after the tax was imposed. ~~[Section]~~ **Sections 14 and 15** ~~[provides]~~ **provide** that the change to the due date for remitting sales and use taxes to the Department applies ~~[on]~~ only to **a** taxable period beginning on or after ~~[July 1, 2025,]~~ **January 1, 2026,** thereby prohibiting retroactive application of the change to such due date.~~]~~

~~Existing law establishes requirements for the filing with a county recorder of documents creating an interest in real property or otherwise affecting real property, including, without limitation, requirements for the document to contain the signature or electronic signature of each person executing the document and to be notarized by a notary public or other notarial officer. (NRS 111.010, 111.240, 111.265, 111.3685, 247.190) Under existing law, the Department files with county recorders for recording certain documents, including, without limitation, certificates creating liens on the real and personal property of a taxpayer for delinquent taxes, fees, penalties and interest, and certificates releasing or subordinating such liens. (NRS 360.473, 360.475) Section 8 of this bill establishes a manner in which such electronic documents may be electronically notarized by an employee of the Department who is a notary public and in good standing with the Secretary of State. Under sections 8 and 11 of this bill, such an employee of the Department is authorized to electronically notarize the electronic document without becoming registered as an electronic notary public under existing law. (NRS 240.192) Section 9 of this bill makes the definitions in existing law governing the electronic notarization of electronic documents applicable to section 8. Section 10 of this bill makes the provisions of existing law governing the notarization of documents applicable to the electronic notarization pursuant to section 8. Section 12 of this bill authorizes the Department to file for recording with a county recorder a paper copy of the electronic document containing the electronic signature of an employee of the Department and the electronic notarization authorized by section 8.~~]~~ **to taxable periods beginning before January 1, 2026.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute, the Department may deliver by electronic means any notice, decision or other written communication which the Department is required to provide to a person pursuant to this title if the notice, decision or other written communication delivered by the Department through electronic means contains or is

accompanied by information from which the person can determine the date on which the Department sent the notice, decision or other written communication.

2. The Department shall allow a person, at any time, to opt out of receiving notices, decisions and written communications from the Department through electronic means. Except as otherwise provided by specific statute, if a person opts out of receiving such notices, decisions and written communications through electronic means, the Department shall send such notices, decisions and written communications by mail addressed to the person at his or her address as it appears in the records of the Department.

3. As used in this section, "deliver by electronic means" means:

(a) To deliver to the secure account of a person who has registered for an account with an electronic system maintained by the Department;

(b) To deliver to an electronic mail address at which a person has agreed to receive notices, decisions and other written communications from the Department; or

(c) To post a notice, decision or other written communication on an electronic network or Internet website maintained by the Department that is accessible via the Internet or a mobile application or by using a computer, mobile device, tablet or any other electronic device and to deliver a separate notice of the posting of the notice, decision or other written communication to the electronic mail address of the person described in paragraph (b).

Sec. 2. NRS 360.350 is hereby amended to read as follows:

360.350 1. The Department shall give a person against whom a determination has been made written notice of its determination ~~.~~ ***in accordance with subsection 2.***

2. The notice may be served personally or by mail. If served by mail, the notice must be addressed to the person at his or her address as it appears in the records of the Department.

3. If notice is served by mail, service is complete at the time of deposit with the United States Postal Service.

4. Service of notice tolls any limitation for the determination of a further deficiency.

Sec. 3. NRS 360.5975 is hereby amended to read as follows:

360.5975 1. Whenever any person fails to comply with any provision of chapter 372, 374 or 377 of NRS relating to the taxes imposed by those chapters or any regulation of the Department relating to the taxes imposed by chapters 372, 374 and 377 of NRS, the Department, after a hearing of which the person was given prior notice of at least 10 days in writing specifying the time and place of the hearing and requiring the person to show cause as to why his or her permit or permits should not be revoked or suspended, may revoke or suspend any one or more of the permits held by the person.

2. The Department shall give to the person written notice of the suspension or revocation of any of his or her permits ~~.~~ ***in accordance with subsection 3.***

3. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

4. The Department shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of chapters 372, 374 and 377 of NRS relating to the taxes imposed by those chapters and the regulations of the Department.

Sec. 4. Chapter 363C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and unless the context otherwise requires, for the purposes of this chapter, references to the "North American Industry Classification System" or "NAICS" are to the most recent edition of the North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

2. The Department shall review each new edition of the North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce after July 1, 2025. If the Department determines that the adoption of the new edition would cause a business entity to be categorized in a different business category set forth in NRS 363C.310 to 363C.550, inclusive, or would cause a business entity categorized in the unclassified business category pursuant to NRS 363C.560 to be categorized in a business category set forth in NRS 363C.310 to 363C.550, inclusive:

(a) The Department shall notify the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(b) The new edition of the North American Industry Classification System must not become effective unless legislation adopting the new edition is enacted by the Legislature and approved by the Governor.

Sec. 5. NRS 363C.430 is hereby amended to read as follows:

363C.430 1. The publishing, software and data processing business category (NAICS ~~[511,]~~ 512, ~~[515]~~ ***513, 516*** and 518) includes all business entities primarily engaged in:

(a) ~~[Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;~~

~~(b)]~~ Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(b) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast ***or distribute*** the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 6. NRS 372.355 is hereby amended to read as follows:

372.355 Except as otherwise provided in NRS 372.380 or required by the Department pursuant to NRS 360B.200, the taxes imposed by this chapter are due and payable to the Department monthly on or before the ~~[~~last day~~]~~ ***20th day*** of the month next succeeding each month.

Sec. 7. NRS 374.360 is hereby amended to read as follows:

374.360 Except as otherwise provided in NRS 374.385 or required by the Department pursuant to NRS 360B.200, the taxes imposed by this chapter are due and payable to the Department monthly on or before the ~~[~~last day~~]~~ ***20th day*** of the month next succeeding each month.

Sec. 8. ~~[~~Chapter 240 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*1. Notwithstanding any other provision of law, an acknowledgment of any document filed by the Department of Taxation with a county recorder, including, without limitation, a certificate filed by the Department of Taxation with a county recorder pursuant to NRS 360.473 to create a lien for delinquent taxes or fees, or a certificate filed by the Department of Taxation with a county recorder pursuant to NRS 360.475 to release property from such a lien or subordinate such a lien to other liens or encumbrances, may be evidenced by:*~~

~~*(a) The electronic signature of an employee of the Department of the Taxation who:*~~

~~*(1) Is a notary public appointed by the Secretary of State pursuant to NRS 240.010 and in good standing with the Secretary of State; and*~~

~~*(2) Electronically notarizes the signature or electronic signature of another employee of the Department who is in the presence of the notary public and who is known to the notary public or, if unknown, provides a credible witness or documentary evidence of identification to the notary public;*~~

~~*(b) An electronic image of the mechanical stamp used pursuant to NRS 240.040 by the notary public described in subparagraph (1) of paragraph (a), which must be attached to or logically associated with the document being electronically notarized and which must be immediately perceptible and reproducible; and*~~

~~*(c) The wording of a notarial certificate that substantially complies with the requirements of NRS 240.166 for a notarial certificate of an acknowledgment.*~~

~~*2. An employee of the Department of Taxation who is a notary public appointed by the Secretary of State pursuant to NRS 240.010 and in good standing with the Secretary of State may take an acknowledgment pursuant*~~

~~*to subsection 1 without registering with the Secretary of State as an electronic notary public pursuant to NRS 240.192.*~~

~~*3. The taking of an acknowledgment pursuant to this section shall be deemed to be a notarial act governed by the provisions of NRS 240.001 to 240.169, inclusive, and the employee of the Department taking such an acknowledgment shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with this section. To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of this section, the provisions of this section control.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 240.182 is hereby amended to read as follows:~~

~~240.182 As used in NRS 240.181 to 240.206, inclusive, *and section 8 of this act,* unless the context otherwise requires, the words and terms defined in NRS 240.1821 to 240.1882, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 240.189 is hereby amended to read as follows:~~

~~240.189 An electronic notary public shall comply with those provisions of NRS 240.001 to 240.169, inclusive, which are not inconsistent with NRS 240.181 to 240.206, inclusive [.] *, and section 8 of this act.* To the extent that the provisions of NRS 240.001 to 240.169, inclusive, conflict with the provisions of NRS 240.181 to 240.206, inclusive, *and section 8 of this act,* the provisions of NRS 240.181 to 240.206, inclusive, *and section 8 of this act* control.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 240.191 is hereby amended to read as follows:~~

~~240.191 1. It is unlawful for a person to:~~

~~(a) [Represent] *Except as otherwise provided in section 8 of this act, represent* himself or herself as an electronic notary public if the person has not registered with the Secretary of State pursuant to NRS 240.192.~~

~~(b) Submit a registration as an electronic notary public that contains a substantial and material misstatement or omission of fact.~~

~~2. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 1.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*If a law requires, as a condition for recording, that a document submitted for recording by the Department of Taxation, including, without limitation, a certificate filed by the Department of Taxation with a county recorder pursuant to NRS 360.473 to create a lien for delinquent taxes or fees or a certificate filed by the Department of Taxation with a county recorder pursuant to NRS 360.475 to release property from such a lien or subordinate such a lien to other liens or encumbrances:*~~

~~*1. Be an original, be on paper or another tangible medium, or be in writing; or*~~

~~*2. Be signed,*~~

~~*→ the requirement is satisfied by a paper copy of an electronic document that satisfies the provisions of NRS 111.366 to 111.3697, inclusive, and is acknowledged in the manner set forth in section 8 of this act.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 363C.060 is hereby repealed.

Sec. 14. 1. The provisions of sections 4, 5 and 13 of this act apply only to a taxable year, as defined in NRS 363C.080, commencing on or after July 1, 2025.

2. The amendatory provisions of sections 6 and 7 of this act apply only to a taxable period commencing on or after ~~[July 1, 2025.]~~ **January 1, 2026.**

Sec. 15. **1.** This **section, sections 1 to 5, inclusive, and sections 8 to 13, inclusive, of this act and subsection 1 of section 14 of this** act becomes effective on July 1, 2025.

2. Sections 6 and 7 of this act and subsection 2 of section 14 of this act become effective on January 1, 2026.

TEXT OF REPEALED SECTION

363C.060 "North American Industry Classification System" and "NAICS" defined. "North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 160.

Bill read second time and ordered to third reading.

Senate Bill No. 240.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 791.

AN ACT relating to privacy; granting courts discretion to close family law proceedings **or portions thereof** under certain circumstances; revising

provisions concerning the accessibility of court records in family law proceedings; repealing an unconstitutional provision relating to the closure of certain divorce proceedings; prohibiting the public posting or display of the personal identifying information of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the court in any action for divorce to close a proceeding upon the demand of either party to the action. (NRS 125.080) In 2024, the Nevada Supreme Court held that such a statute is unconstitutional because it permits closed court proceedings without the exercise of judicial discretion. (*Falconi v. Eighth Judicial District Court in and for the County of Clark*, 140 Nev. Adv. Op. 8, 543 P.3d 92 (2024)) **Section 6** of this bill repeals this statute. **Section 2** of this bill defines the term "family law proceeding" to mean a proceeding conducted pursuant to the provisions of Title 11 of NRS. **Section 3** of this bill: (1) establishes that family law proceedings are presumptively open unless an exception applies; and (2) authorizes a court to exercise its discretion and close any such proceeding **or portion thereof** if the court determines that closure is necessary to serve a compelling interest. **Section 3** also requires the court to: (1) consider certain factors when making this determination; ~~[and]~~ (2) **make certain written findings; and (3)** exclude certain persons from the court or chambers if the proceeding is closed. Additionally, **section 3** provides **, with certain exceptions,** that ~~[an]~~ **a transcript, audio recording or** electronic or video record of a ~~[private]~~ **closed portion of a** hearing ~~[,]~~ **or trial:** (1) is confidential and not open to ~~[public]~~ inspection ~~[,]~~ **or copying,** except by the parties, their counsel and necessary staff or experts **;** ~~[, unless an exception applies;]~~ and (2) must not be distributed**.** ~~[, copied or made publicly available.]~~

Section 4 of this bill governs which court records are accessible to the public in family law proceedings. Under **section 4**, a court is authorized to seal or redact certain court records if the court determines that the sealing or redaction is justified by a compelling interest that outweighs the public interest in access to the court record. **Section 4** also: (1) authorizes the court to unseal a court record under certain circumstances; and (2) requires the court to consider certain factors in determining whether to unseal a court record. **Section 6** repeals an existing statute governing which court records are accessible to the public in a divorce action, which is being replaced by the provisions of **section 4**.

Section 5 of this bill prohibits a person from willfully and intentionally posting or displaying in any public manner certain personal identifying information of another person without the consent of the person. **Section 5** provides that a person who commits such an unlawful act is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this chapter, "family law proceeding" means a proceeding conducted pursuant to the provisions of this title.*

Sec. 3. *1. Except as otherwise provided by specific statute or court rule, family law proceedings are presumptively open.*

2. Upon oral or written motion of either party, upon its own motion or upon the filing of a request to provide electronic coverage of a proceeding, a court may exercise its discretion and close a proceeding or portion thereof only if the court determines that closure is necessary to serve a compelling interest.

3. In addition to any other factors the court considers relevant in determining whether closure serves a compelling interest, the court shall consider:

(a) The presumption set forth in subsection 1;

(b) The best interest of each child involved in the proceeding;

[(b)] (c) Whether permitting a third party to observe or record the proceeding creates a substantial risk of violating a federal or state law or regulation or court rule relating to the disclosure of personal identifying information [, including,] that cannot be mitigated by sealing court records. As used in this paragraph, "personal identifying information" includes, without limitation:

(1) Individually identifiable health information as defined in 45 C.F.R. § 160.103; or

(2) Educational records under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

[(c)] (d) Whether, in the absence of closure, there is a substantial risk that:

(1) A party to the proceeding or child involved in the proceeding may suffer harassment, indignity, undue embarrassment [, shame, financial loss, stigmatization, harm to reputation, anxiety, fear] or any other physical or emotional harm; or

(2) The fundamental right of privacy of any person will be violated.

4. [In addition to] After considering the factors set forth in subsection 3 and any other factors the court considers relevant in determining whether closure is necessary to serve a compelling interest, the court shall [consider:] make written findings regarding:

(a) Whether there is a substantial probability that, in the absence of closure, the compelling interest [could] will be harmed; [and]

(b) Whether there are alternatives to closure that would adequately protect the compelling interest [.] ; and

(c) Whether the closure is narrowly tailored to protect the compelling interest.

5. If the court determines that a proceeding or portion thereof should be closed pursuant to subsection 2:

(a) The court shall direct that the proceeding or portion thereof be ~~[private;]~~ closed; and

(b) Except as otherwise provided in subsections 6 and 7, all persons must be excluded from the court or chambers wherein the action is tried, except:

(1) The officers of the court;

(2) The parties;

(3) The counsel for the parties and any staff of such counsel;

(4) The witnesses for the parties, including, without limitation, expert witnesses;

(5) The ~~[parents or]~~ guardians of the parties; and

(6) ~~[The siblings]~~ Persons who are related within the third degree of consanguinity to the parties.

6. The court may, upon oral or written motion of either party or on its own motion, exclude ~~[the parents, guardians or siblings of either party,]~~ any person described in subparagraph (4), (5) or ~~[witnesses for either party,]~~ (6) of paragraph (b) of subsection 5 from the court or chambers wherein the action is tried.

7. If the court determines that the interests of justice or best interests of a child would be served, the court may permit a person to remain, observe and hear any relevant portion of a proceeding, notwithstanding any request by a party that the proceeding be ~~[private.]~~ closed.

8. Except as otherwise provided ~~[in this subsection or]~~ by specific statute, court rule or court order, ~~[an]~~ a transcript, audio recording or electronic or video record of a ~~[private]~~ closed portion of a hearing or trial is confidential and not open to inspection or copying by ~~[any person. The]~~ persons except the parties, the counsel for the parties and such staff and experts as the counsel for the parties deem necessary . ~~[may retain, view and copy an electronic or video record of a private proceeding solely for purposes related to the representation.]~~

9. ~~[Except as otherwise provided in subsection 8 or by specific statute, court rule or court order, a]~~ A person with such access shall not distribute ~~[, copy]~~ or facilitate the distribution ~~[or copying]~~ of ~~[an]~~ a transcript, audio recording or electronic or video record of ~~[a private]~~ any closed portion of a hearing ~~[,]~~ or trial, except as otherwise provided by specific statute, court rule or court order. A person who violates this subsection shall, upon receiving notice of the violation:

(a) Cease and desist from the conduct; and

(b) Immediately remove the transcript, audio recording or electronic or video record from public access.

10. As used in this section, the term "electronic coverage" includes broadcasting, televising, recording and photographing.

Sec. 4. *1. In a family law proceeding:*

(a) The following court records must be open to public inspection in the clerk's office:

(1) The summons and proof of service;

(2) If service is made by publication, the affidavit for publication;

(3) The pleadings;

(4) Any decree or other order, including, without limitation, an order directing the publication of a summons; and

(5) Any judgment, including, without limitation, a judgment of default.

(b) The following court records are not open to public inspection except by order of the court for good cause shown:

(1) Financial disclosure forms;

(2) Documents, records or evidence filed under seal;

(3) Documents sealed by a court pursuant to subsection 3;

(4) Confidential exhibits;

(5) Child custody evaluations;

(6) Medical records, including, without limitation, any medical, psychiatric or psychological evaluation or report; and

(7) Any documents, the copying or distribution of which is prohibited by federal or state law or regulation or court rule.

2. Except as otherwise provided in subsection 8 of section 3 of this act, all other court records, including, without limitation, exhibits and transcripts of testimony, are presumptively open to public inspection.

3. The court may, on its own motion or at the request of a party, seal or redact a court record described in subsection 2 if the court determines that the sealing or redaction is justified by a compelling interest that outweighs the public interest in access to the court record. For the purpose of this subsection, protecting personal identifying information concerning a party or child involved in the proceeding from disclosure shall be deemed to be a compelling interest that outweighs the public interest in access to the court record.

4. The court may unseal a court record sealed pursuant to subsection 3:

(a) Upon written stipulation of all parties;

(b) Upon its own motion for good cause shown; or

(c) Upon the motion of a party for good cause shown. A copy of any such motion must be served upon all parties to the proceeding.

5. In addition to any other factors the court considers relevant in determining whether good cause exists for unsealing a court record pursuant to subsection 4, the court shall consider:

(a) Whether the court record contains information made confidential by federal or state law or regulation or court rule;

(b) Whether federal or state law or regulation or court rule provides that any information in the court record is not a public record;

(c) ~~[Whether]~~ The interests of the party seeking to unseal the record ~~[has demonstrated a legitimate interest in unsealing the record for a purpose related to the representation;]~~ ; and

(d) ~~[Whether unsealing the record would gratify private spite or promote public scandal; and~~

~~(e)]~~ Whether unsealing the record would create a substantial risk that a party to the proceeding or child involved in the proceeding may suffer harassment, indignity, undue embarrassment ~~[, shame, financial loss, stigmatization, harm to reputation, anxiety, fear]~~ or any other physical or emotional harm.

6. As used in this section, "court record" includes, without limitation, any document, information or exhibit maintained by a court in connection with a family law proceeding.

Sec. 5. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not willfully and intentionally post or display in any public manner the personal identifying information of another person without the consent of the person if the information is required to be kept private pursuant to federal or state law or regulation or court rule.

2. Unless a greater penalty is provided by specific statute, a person who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(b) "Post or display in any public manner" means to communicate or otherwise make available to the general public.

Sec. 6. NRS 125.080 and 125.110 are hereby repealed.

TEXT OF REPEALED SECTIONS

125.080 Trial of divorce action may be private.

1. In any action for divorce, the court shall, upon demand of either party, direct that the trial and issue or issues of fact joined therein be private.

2. Except as otherwise provided in subsection 3, upon such demand of either party, all persons must be excluded from the court or chambers wherein the action is tried, except:

(a) The officers of the court;

(b) The parties;

(c) The counsel for the parties;

(d) The witnesses for the parties;

(e) The parents or guardians of the parties; and

(f) The siblings of the parties.

3. The court may, upon oral or written motion of either party, order a hearing to determine whether to exclude the parents, guardians or siblings of either party, or witnesses for either party, from the court or chambers wherein the action is tried. If good cause is shown for the exclusion of any such person, the court shall exclude any such person from the court or chambers wherein the action is tried.

125.110 What pleadings and papers open to public inspection; written request of party for sealing.

1. In any action for divorce, the following papers and pleadings in the action shall be open to public inspection in the clerk's office:

(a) In case the complaint is not answered by the defendant, the summons, with the affidavit or proof of service; the complaint with memorandum endorsed thereon that the default of the defendant in not answering was entered, and the judgment; and in case where service is made by publication, the affidavit for publication of summons and the order directing the publication of summons.

(b) In all other cases, the pleadings, the finding of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, and the judgment.

2. All other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, shall, upon the written request of either party to the action, filed with the clerk, be sealed and shall not be open to inspection except to the parties or their attorneys, or when required as evidence in another action or proceeding.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 502 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Monroe-Moreno moved that Senate Bill No. 240 be taken from the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 502.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 852.

AN ACT relating to projects of capital improvement; authorizing certain expenditures for certain projects of the Executive and Legislative Departments of the State Government; levying a property tax to support the Consolidated

Bond Interest and Redemption Fund; making appropriations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of $99,514,255 to support the Division in carrying out the program of capital improvements as summarized in this section. The amount is allocated to projects numbered and described in the Executive Budget for the 2025-2027 biennium or otherwise described as follows:

Description	Project No.	Amount
1. Capital Improvements for the Department of Administration:		
Intermediate-Care Facility Building Purchases, Las Vegas	25-C30	$7,500,000
Advance Planning, HVAC and Site Sanitary Sewer Piping, Arrowhead Building	25-P03	$977,919
Advance Planning, State Office Buildings, Capital Complex	25-P08	$6,234,392
Statewide ADA Program	25-S02	$6,723,478
Statewide Fire and Life Safety Program	25-S03	$4,068,049
Statewide Advance Planning Program	25-S04	$2,088,656
Statewide Paving Program	25-S05	$5,924,427
Statewide Indoor Air Quality, Environmental Program	25-S06	$201,838
Statewide Elevator Program	25-S07	$8,093,770
2. Capital Improvements for the State Department of Agriculture:		
HVAC System Renovation, Measurement Standards Building	25-M12	$1,359,582
Security Improvements, Interior Lighting and Power Distribution, Measurement Standards Building	25-M14	$951,046
3. Capital Improvements for the Governor's Technology Office:		
HVAC System Replacement and Arc Flash Study, Data Center	25-M13	$750,000
4. Capital Improvements for the Department of Corrections:		
Advance Planning, Culinary, Bakery and Laundry Building, Northern Nevada Correctional Center	25-P01	$2,596,565
Facility Maintenance, Department of Corrections	25-M04	$7,607,207

Replace Housing Units 9 and 10
Door Locks and Controls, High
Desert State Prison.....25-M15 $10,321,349

5. Capital Improvements for the Department of Human Services:
Facility Maintenance, Department of
Human Services.....25-M02 $21,944,899

6. Capital Improvements for the Office of the Military:
Advance Planning, Camp Washoe
Renovation, Nevada Army
National Guard 25-P05 $1,200,108
Advance Planning, Civil Service
Team Facility, Nevada Army
National Guard 25-P06 $310,810
Power Distribution and Lighting,
Office of Adjutant General
Building, Lawrence E. Jacobsen
Center 25-M09 $2,767,516
Re-roof Combined Support
Maintenance Shop 2, Nevada
Army National Guard 25-S01g $574,196
Pavement Maintenance and
Rehabilitation, Plumb Lane
Readiness Center 25-S05g $83,863

7. Capital Improvements for the Nevada System of Higher Education:
Deferred Maintenance, Nevada
System of Higher Education.....25-M01 $237,739

8. Capital Improvements for the Department of Tourism and Cultural Affairs:
HVAC System Replacement, Nevada
State Museum Las Vegas.....25-M22 $2,267,139

9. Capital Improvements for the Department of Veterans Services:
Chiller Water System Improvements,
Northern Nevada State Veterans
Home 25-M05 $2,845,654
Kitchen Ventilation Replacement,
Southern Nevada State Veterans
Home 25-M18 $1,315,815
Water Softener Replacement,
Southern Nevada Veterans Home.....25-M21 $274,054

10. Capital Improvements for the Department of Wildlife:
Residential Water Intrusion Repairs,
Key Pittman Wildlife
Management Area.....25-M23 $294,184

Sec. 2. Any remaining balance of any appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 3. There is hereby appropriated from the State Highway Fund to the State Public Works Division of the Department of Administration the sum of $9,878,338 to support the Division in carrying out the program of capital improvements summarized in this section. The amount is allocated to projects numbered and described in the Executive Budget for the 2025-2027 biennium or otherwise described as follows:

Description	Project No.	Amount
1. Capital Improvements for the Department of Administration:		
Facility Maintenance, Department of Administration, Highway Fund	25-M03h	$4,241,449
Statewide Paving Program, Highway Fund	25-S05h	$911,014
East Wing Elevator Modernization, Department of Motor Vehicles, Carson City	25-S07h	$607,760
2. Capital Improvements for the Department of Motor Vehicles:		
Upgrade Interior Lighting, Department of Motor Vehicles, Flamingo	25-M20	$745,652
Replace Surveillance Cameras, Department of Motor Vehicles, Sahara	25-M24	$1,600,751
ADA Site Concrete Replacement, Department of Motor Vehicles, Carson City	25-S02h	$594,765
3. Capital Improvements for the Department of Public Safety:		
Evidence Impound Lot Expansion, Department of Public Safety, Training	25-C20	$1,176,947

Sec. 4. Any remaining balance of any appropriation made by section 3 of this act must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State Highway Fund on or before September 21, 2029.

Sec. 5. The amounts appropriated by section 3 of this act from the State Highway Fund must be allocated by the State Controller as the money is required for the projects listed in section 3 of this act and must not be transferred to those projects until required to make contract payments.

Sec. 6. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $799,271,288 for capital improvements summarized in this section and use proceeds of general obligation bonds of the State of Nevada previously issued in the amount of $1,692,000 which are reallocated for capital improvements summarized in this section. The capital improvements summarized in this section are to be paid with proceeds of general obligation bonds of the State of Nevada in an amount not to exceed $800,963,288, provided that $1,692,000 of the proceeds of general obligation bonds of the State of Nevada issued pursuant to section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, shall be reallocated to the capital improvements summarized in this section and spent before the expenditure of the proceeds of general obligation bonds of the State of Nevada issued pursuant to this section. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this section. As used in this section, "proceeds of general obligation bonds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon. The amounts are allocated to projects numbered and identified in the Executive Budget for the 2025-2027 biennium or otherwise described as follows:

Description	Project No.	Amount
1. Capital Improvements for the Department of Administration:		
Hobart Dam Rehabilitation, Marlette Lake Water System	25-C05	$14,589,720
State Office Buildings Purchase and Improvements, Las Vegas	25-C26	$71,157,889
State Office Building Purchase, Reno	25-C27	$22,240,000
Facilities Maintenance, Department of Administration	25-M03	$18,354,424
Building Repairs and West Plaza Replacement, Nevada State Library and Archives	25-M08	$12,416,436
Statewide Roofing Program	25-S01	$11,655,718
Statewide Fire and Life Safety Program, Nevada National Guard	25-S03g	$4,736,183
2. Capital Improvements for the Governor's Technology Office:		
HVAC System Replacement and Arc Flash Study, Data Center	25-M13	$5,000,974

Raised Server Room Floor
Replacement, Data Center 25-M16 $1,698,753

3. Capital Improvements for the State Department of Conservation and Natural Resources:

Replacement of Emergency Spillway
Gate and Primary Outlet Gates,
South Fork Dam 25-M10 $1,956,419

4. Capital Improvements for the Department of Corrections:

Recreational Yards Upgrade, Ely
State Prison..... 25-C10 $2,814,398
Recreational Yard Enclosure
Replacement, High Desert State
Prison..... 25-C11 $6,148,299
Recreational Yard Enclosures,
Lovelock Correctional Center..... 25-C19 $5,724,454
Facilities Maintenance, Department
of Corrections 25-M04 $26,952,444
Evaporative Cooling Replacement for
Housing Units 1 – 12, High
Desert State Prison.....25-M06 $58,858,210
Underground Piping Replacement,
High Desert State Prison.....25-M07 $22,760,463
Culinary Renovation, Lovelock
Correctional Center.....25-M17 $10,799,516

5. Capital Improvements for the Department of Human Services:

Southern Nevada Forensic Facility,
Las Vegas 25-C01 $381,797,319
Desert Regional Center Facilities, Las
Vegas..... 25-C02 $38,023,299

6. Capital Improvements for the Office of the Military:

Parking Apron Expansion, Nevada
Air National Guard..... 25-C06 $235,660

7. Capital Improvements for the Department of Tourism and Cultural Affairs:

Humidifier Reverse Osmosis System,
Nevada State Museum, Las Vegas 25-M25 $309,152
Replace Fan Coil Units, Nevada State
Museum, Carson City.....25-M26 $1,483,713

8. Capital Improvements for the Department of Native American Affairs:

Exterior Quad Lighting, Stewart
Facility..... 25-C21 $427,880

9. Capital Improvements for the Department of Veterans Services:

North Las Vegas State Veterans
Home 25-C03 $78,113,447

Cemetery Committal Building Utility Extension Supplemental Funding, Northern Nevada Veterans Memorial Cemetery	25-C08	$2,708,518

Sec. 7. Any remaining balance of the allocated amounts authorized in section 6 of this act must not be committed for expenditure after June 30, 2029, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 21, 2029.

Sec. 8. 1. Except as otherwise provided in subsection 2, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $6,718,797, the proceeds of which must be used for projects identified in this subsection. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this subsection. As used in this subsection, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon. The amounts are allocated to projects numbered and identified in the Executive Budget for the 2025-2027 biennium or otherwise described as follows:

Description	Project No.	Amount
Capital Improvements for the Department of Motor Vehicles:		
Central Services and Records Division Renovation, Department of Motor Vehicles, Carson City	25-C17	$4,853,287
Renovate Customer Counter Casework, Department of Motor Vehicles, Decatur	25-C18	$1,865,510

2. The State Board of Finance shall not issue the bonds described in subsection 1 unless the Board determines that the money budgeted or to be budgeted pursuant to subsection 3 will be sufficient to pay the bond repayment costs of the bonds authorized by subsection 1. In making its determination under this subsection, the State Board of Finance shall be entitled to rely on a certification of the Director of the Office of Finance in the Office of the Governor that the money budgeted and to be budgeted pursuant to subsection 3 will be sufficient to pay the bond repayment costs of the bonds authorized by subsection 1. Any determination made by the State Board of Finance under this subsection shall be conclusive. As used in this subsection, "bond repayment costs" means the principal of and interest on the bonds and any other costs related to the payment of the bonds or compliance with covenants made in connection with those bonds, as estimated by the State Treasurer.

3. The Legislature intends that the annual bond repayment costs of the bonds authorized by subsection 1, and any bonds directly or indirectly, through

a series of refundings, refunding those bonds, will be paid from annually available money in the State Highway Fund. The Director of the Office of Finance in the Office of the Governor is hereby directed to budget for payment of such bond repayment costs from the State Highway Fund in each budget or other spending plan presented to the Legislature for the expenditure of amounts in the State Highway Fund after the effective date of this section until the bonds authorized by subsection 1 and any bonds directly or indirectly refunding those bonds are no longer outstanding. The money so budgeted to pay the annual bond repayment costs of the bonds authorized by subsection 1, and any bonds directly or indirectly, through a series of refundings, refunding those bonds, is hereby appropriated in each year to the Consolidated Bond Interest and Redemption Fund to pay such bond repayment costs. As used in this subsection, "annually available money in the State Highway Fund" means money remaining in the State Highway Fund in any year after all amounts required to pay bonds issued pursuant to NRS 408.273 in that year have been paid or provision for such payment has been made.

Sec. 9. Any remaining balance of the allocated amounts authorized in section 8 of this act must not be committed for expenditure after June 30, 2029, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 21, 2029.

Sec. 10. 1. The State Board of Finance may issue the bonds authorized pursuant to sections 6 and 8 of this act at the time deemed appropriate by the Board based on the schedule established for the completion of the projects described in those sections.

2. The State Controller may advance temporarily from the State General Fund, upon the approval of the Director of the Office of Finance in the Office of the Governor, to the State Public Works Division of the Department of Administration, until the date on which the bonds authorized by section 6 of this act are sold, amounts necessary to facilitate, as applicable, the purchase of buildings or the start of the projects enumerated in section 6 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects and must not be transferred to the projects from the State General Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State General Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

3. The State Controller may advance temporarily from the State Highway Fund, upon the approval of the Director of the Office of Finance in the Office of the Governor, to the State Public Works Division of the Department of Administration, until the date on which the bonds authorized by section 8 of this act are sold, amounts necessary to facilitate the start of the projects enumerated in section 8 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects

and must not be transferred to the projects from the State Highway Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State Highway Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

4. The Director of the Office of Finance in the Office of the Governor shall provide written notification to the State Controller, the State Treasurer and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the approval of any advance from the State General Fund or the State Highway Fund to the State Public Works Division of the Department of Administration pursuant to subsection 2 or 3. The Director of the Office of Finance in the Office of the Governor shall provide a reconciliation to the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of any advance authorized from the State General Fund or the State Highway Fund pursuant to subsection 2 or 3 and any repayment of such an advance to the State General Fund or the State Highway Fund made during any fiscal year during the 2025-2027 biennium. The reconciliation must be provided not later than the last business day in August immediately following the end of the fiscal year during which an advance is made.

Sec. 11. 1. The State Public Works Division of the Department of Administration shall transfer the sum of $11,762,261 from the amount appropriated by section 1 of chapter 1, Statutes of Nevada 2023, 34th Special Session, at page 1, for the project numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described as Project 23-P01, Advance Planning: Headquarters Building, Carson City, Department of Public Safety, to the project as authorized in subsection 2.

2. The State Public Works Division of the Department of Administration shall use the $11,762,261 transferred pursuant to subsection 1 to support the Division in carrying out the program of capital improvement for the project described in the Executive Budget for the 2025-2027 biennium or otherwise described as Project 25-M01, Deferred Maintenance, Nevada System of Higher Education.

Sec. 12. Any remaining balance of the amount transferred pursuant to section 11 of this act must not be committed for expenditure after June 30, 2029, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 13. 1. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following projects numbered and described in the Executive Budget for the 2025-2027 biennium or otherwise described as follows:

Description	Project No.	Amount
Capital Improvements for the Department of Administration:		

Statewide Fire and Life Safety Program, Nevada National Guard	25-S03g	$4,301,549
Statewide Indoor Air Quality, Environmental Program	25-S06	$100,000
Statewide Building Official Program	25-S09	$4,000,000
Capital Improvements for the Office of the Military:		
Parking Apron Expansion, Nevada Air National Guard	25-C06	$8,942,120
Advance Planning, Camp Washoe Renovation, Nevada Army National Guard	25-P05	$910,568
Advance Planning, Civil Service Team Facility, Nevada Army National Guard	25-P06	$590,000
Power Distribution and Lighting, Office of Adjutant General Building, Lawrence E. Jacobsen Center	25-M09	$908,229
Re-roof Combined Support Maintenance Shop 2, Nevada Army National Guard	25-S01g	$529,269
Pavement Maintenance and Rehabilitation, Plumb Lane Readiness Center	25-S05g	$191,641
Capital Improvements for the Department of Veterans Services:		
North Las Vegas State Veterans Home	25-C03	$145,067,830

2. The State Public Works Division of the Department of Administration shall not execute a contract for the construction of a project listed in subsection 1 until the Division has determined that the funding authorized in subsection 1 for the project has been awarded or received and is available for expenditure for the project.

Sec. 14. The State Public Works Division of the Department of Administration shall carry out the provisions of sections 1, 3, 6, 8, 13 and 25 of this act as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

Sec. 15. All state and local governmental agencies involved in the design and construction of the projects enumerated in sections 1, 3, 6, 8, 13 and 25 of this act shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the project.

Sec. 16. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $6,000,000 in the 2025-2027 biennium as provided in NRS 383.530, the proceeds of which must be used for the program for awarding financial assistance to pay the

actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 17. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $10,500,000 in the 2025-2027 biennium, the proceeds of which must be used for the purposes described in section 1 of Senate Bill No. 83 of this session.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 18. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $33,900,000 in the 2025-2027 biennium as provided in NRS 349.986, the proceeds of which must be used for the program for providing grants for water conservation and capital improvements to certain water systems.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 19. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $63,400,000 in the 2025-2027 biennium, the proceeds of which must be used for the purposes described in:

1. Subsection 1 of section 2;
2. Subsection 2 of section 2;
3. Subsection 3 of section 2;
4. Subsection 4 of section 2;
5. Subsection 5 of section 2;
6. Subsection 7 of section 2;
7. Subsection 8 of section 2;
8. Subsection 9 of section 2;
9. Subparagraph (1) of paragraph (a) of subsection 10 of section 2;
10. Subparagraph (2) of paragraph (a) of subsection 10 of section 2;
11. Subparagraph (3) of paragraph (a) of subsection 10 of section 2;
12. Subparagraph (4) of paragraph (a) of subsection 10 of section 2;
13. Subparagraph (5) of paragraph (a) of subsection 10 of section 2; and
14. Paragraph (b) of subsection 10 of section 2,

➥ of chapter 480, Statutes of Nevada 2019, at page 2861. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 20. The Legislature finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to sections 17, 18 and 19 of this act, except the use of the proceeds of those bonds pursuant to subsections 3, 5, 11 and 14 of section 19 of this act:

1. Are necessary for the protection and preservation of the property and natural resources of this State and for the purpose of obtaining the benefits thereof; and

2. Constitute an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Nevada Constitution.

Sec. 21. 1. An ad valorem tax of 16.18 cents on each $100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2025-2026, and an ad valorem tax of 16.18 cents on each $100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2026-2027. The taxes levied must be collected in the manner provided in chapter 361 of NRS on all taxable property in this State, including, without limitation, the net proceeds of minerals, and excluding such property as is by law exempt from taxation. Notwithstanding the provisions of NRS 361.453 to the contrary, 1.18 cents of the levies imposed pursuant to this subsection must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied for all public purposes.

2. An ad valorem tax of 0.82 cents on each $100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2025-2026, and an ad valorem tax of 0.82 cents on each $100 of assessed valuation of taxable property is hereby levied for Fiscal Year 2026-2027. The taxes levied must be collected in the manner provided in chapter 361 of NRS on all taxable property in this State, including, without limitation, the net proceeds of minerals, and excluding such property as is by law exempt from taxation. The proceeds of the taxes levied pursuant to this subsection must be used exclusively for the repayment of bonded indebtedness issued pursuant to the provisions of:

(a) Chapter 6, Statutes of Nevada 2001, 17th Special Session, at page 104; or

(b) Chapter 480, Statutes of Nevada 2019, at page 2860.

➥ Notwithstanding the provisions of NRS 361.453 to the contrary, the levies imposed pursuant to this subsection must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied for all public purposes.

3. The proceeds of the taxes levied by this section are hereby appropriated in each fiscal year to the Consolidated Bond Interest and Redemption Fund to discharge the obligations of the State of Nevada as they are respectively due in that fiscal year. Any balance of the money appropriated by this subsection remaining at the end of the respective fiscal years does not revert to the State General Fund.

Sec. 22. 1. On or before July 1, 2025, and July 1, 2026, respectively, the State Treasurer shall estimate the amount of proceeds of the taxes levied by section 21 of this act. If the sum of that estimate and the balance of ad valorem reserves in the Consolidated Bond Interest and Redemption Fund is less than the total obligation of the State of Nevada for payment of the interest on and principal of bonds which will become due in the fiscal year, the State Treasurer shall request the State Controller to reserve in the State General Fund an

amount which is sufficient to pay the remainder of the total obligation. The State Treasurer may revise the estimate and amount reserved.

2. If the money in the Consolidated Bond Interest and Redemption Fund is insufficient to pay those obligations as they become due, the State Controller shall cause the money in reserve to be transferred from the State General Fund to the Consolidated Bond Interest and Redemption Fund. The amount reserved is hereby contingently appropriated for that purpose. Any balance of the sums transferred pursuant to this subsection remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

3. The State Treasurer shall report to the Legislature or, if the Legislature is not in session, to the Interim Finance Committee:

(a) The amount of any estimate made pursuant to subsection 1 and the amount of money reserved in the State General Fund based upon the estimate;

(b) The amount of money transferred from the State General Fund pursuant to subsection 2; and

(c) The amount of money which reverts to the State General Fund pursuant to subsection 2.

Sec. 23. The State Board of Finance, in its capacity as the State General Obligation Bond Commission and to the extent that money is available, shall pay the expenses related to the issuance of general obligation bonds approved by the 83rd Session of the Nevada Legislature from the proceeds of those bonds.

Sec. 24. 1. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized from the Consolidated Bond Interest and Redemption Fund in the amount of $180,892,046 for Fiscal Year 2025-2026, and in the amount of $180,634,198 for Fiscal Year 2026-2027.

2. Notwithstanding the provisions of subsection 4 of NRS 353.220, the approval of the Interim Finance Committee is not required for any request for the revision of a work program for the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund for the bond repayment costs of the bonds approved pursuant to the provisions of this act. As used in this subsection, "bond repayment costs" means the principal, interest and related costs of issuance of the bonds and any other costs related to the payment of the bonds or compliance with covenants made in connection with those bonds, as estimated by the State Treasurer.

Sec. 25. 1. With the approval of the Interim Finance Committee, the State Public Works Division of the Department of Administration may transfer appropriated, allocated and authorized money from one project to another within the same agency for those projects listed in sections 1, 3, 6 and 8 of this act.

2. Transfers of money pursuant to subsection 1 to or from projects that are also authorized by section 13 of this act must maintain the overall ratio of

appropriated, allocated and authorized money in total for those projects unless such a transfer jeopardizes the receipts of the money from those other sources authorized by section 13 of this act.

Sec. 26. 1. The money collected pursuant to the annual tax on slot machines imposed pursuant to NRS 463.385 that is distributed to the Special Capital Construction Fund for Higher Education, except any amount of that money which is needed to pay the principal and interest on bonds, is appropriated to the State Public Works Division of the Department of Administration in the sum of $3,000,000 for the project numbered and described in the Executive Budget for the 2025-2027 biennium or otherwise described as project 25-M01, Deferred Maintenance, Nevada System of Higher Education.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the Special Capital Construction Fund for Higher Education on or before September 21, 2029.

Sec. 27. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of $33,859,402 for capital improvement projects for facilities.

Sec. 28. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $191,869,942 in the 2025-2027 biennium, the proceeds of which must be used for capital improvement projects for the Legislative Department. The provisions of the State Securities Law, NRS 349.150 to 349.364, inclusive, apply to the bonds authorized by this subsection. As used in this subsection, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

2. All state and local governmental agencies involved in the design and construction of the capital improvement projects for the Legislative Department described in this act shall cooperate with the Legislative Department to expedite completion of the projects.

3. Any remaining balance of the allocated amount authorized in subsection 1 must not be committed for expenditure after June 30, 2029, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 21, 2029.

Sec. 29. 1. The State Board of Finance may issue the bonds authorized pursuant to section 28 of this act at the time deemed appropriate by the Board based on the schedule established for the completion of the capital improvement projects described in that section.

2. The State Controller may advance temporarily from the State General Fund, upon the request of the Director of the Legislative Counsel Bureau, to the Legislative Fund until the date on which the bonds authorized by section 28 of this act are sold, amounts necessary to facilitate the start of the capital improvement projects described in section 28 of this act. The amounts temporarily advanced by the State Controller must be advanced as the money is required for the projects and must not be transferred to the Legislative Fund from the State General Fund until required to make contract payments. The advanced amounts must be repaid immediately to the State General Fund upon the issuance of the bonds or not later than the last business day in August immediately following the end of the fiscal year during which the advance is made.

3. The Director of the Legislative Counsel Bureau shall provide written notification to the State Controller, the State Treasurer and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the approval of any advance from the State General Fund to the Legislative Fund pursuant to subsection 2. The Director of the Legislative Counsel Bureau shall provide a reconciliation to the Legislative Commission and the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau of the advances authorized from the State General Fund pursuant to subsection 2 and repayments to the State General Fund of such an advance made during any fiscal year during the 2025-2027 biennium. The reconciliation must be provided not later than the last business day in August immediately following the end of the fiscal year during which an advance is made.

Sec. 30. If bonds for projects described in section 28 and either section 6 or 8 of this act are proposed for issuance at the same meeting of the State Board of Finance, the State Board of Finance shall approve ~~[a single issuance of]~~ bonds **in one or more series** for all such projects and may not vote separately upon ~~[or otherwise distinguish between]~~ projects described in such sections. Approval of the issuance of bonds for projects described in one such section shall be deemed approval for the issuance of bonds for projects described in the other such sections proposed at the same meeting.

Sec. 30.3. **1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $50,000,000 in the 2025-2027 biennium, the proceeds of which must be deposited with the State Treasurer for credit to the Nevada State Infrastructure Bank Fund created by NRS 226.787 and used by the Nevada State Infrastructure Bank to make loans for the development or construction of infrastructure:**

(a) That will serve attainable housing projects that are located in a special improvement district or special assessment district; and

(b) For which not less than 85 percent of the total cost of developing or constructing the infrastructure will be paid from a tax or assessment levied by the district.

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Sec. 31. Section 7 of chapter 542, Statutes of Nevada 2019, as amended by chapter 1, Statutes of Nevada 2023, 34th Special Session, at page 15, is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** any remaining balance of the allocated amounts authorized in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, must:

(a) Not be committed for expenditure after June 30, 2023, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 15, 2023; or

(b) Transferred for the projects numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18.

2. Any remaining balance of the allocated amounts authorized in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, for the following projects, must not be committed for expenditure after June 30, 2025, and must ~~[be]~~ ***:***

(a) Be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 19, 2025 ~~[.]~~ ***; or***

(b) Be transferred for the projects numbered and described in the Executive Budget for the 2025-2027 biennium or otherwise described in section 6 of this act.

Description	Project No.
~~[Marlette Lake Dam Rehabilitation, Marlette Lake Water System~~	~~19-C08]~~
Renovation of Collections Storage Building 19, Stewart Campus	19-C16
Replace Freezer, Purchasing Warehouse	19-M01
Emergency Generator and Service Entrance Upgrade, Reno Purchasing Warehouse	19-M07
Central Plant Renovation, Paul Laxalt State Office Building	19-M29
HVAC Systems Renovation, Washoe County Armory	19-M31

~~[Construct Water Wells and Water Systems, Wildlife Management Area Sites..... 19-M40]~~

Cemetery Expansion, Southern Nevada Veterans Memorial Cemetery..... 19-C03

Underground Piping and Boiler Replacement, Lovelock Correctional Center 19-M10

Statewide ADA Program..... 19-S02

3. Any remaining balance of the allocated amounts authorized in section 6 of chapter 542, Statutes of Nevada 2019, at page 3309, as amended by section 2 of chapter 3, Statutes of Nevada 2020, 31st Special Session, at page 18, for the following projects, must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027:

Description	***Project No.***
Marlette Lake Dam Rehabilitation, Marlette Lake Water System.....	***19-C08***
Construct Water Wells and Water Systems, Wildlife Management Area Sites.....	***19-M40***

Sec. 32. Section 5 of chapter 466, Statutes of Nevada 2021, as amended by chapter 1, Statutes of Nevada 2023, 34th Special Session, at page 16, is hereby amended to read as follows:

Sec. 5. 1. Except as otherwise provided in subsection 2, any remaining balance of the allocated amounts authorized in section 4 of chapter 466, Statutes of Nevada 2021, at page 2880, must not be committed for expenditure after June 30, 2025, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 19, 2025.

2. Any remaining balance of the allocated amounts authorized in section 4 of chapter 466, Statutes of Nevada 2021, at page 2880, for ~~[project 21-C03, Washoe County Training Center Addition, Nevada Army National Guard,]~~ ***the following projects*** must not be committed for expenditure after June 30, 2027, and must be reverted to the Bond Interest and Redemption Account in the Consolidated Bond Interest and Redemption Fund on or before September 17, 2027.

Description	***Project No.***
Heavy Equipment Repair Shop and Shop Renovation, Northern Region 2 Headquarters, Elko 21-C01	

Washoe County Training Center Addition, Nevada Army National Guard	*21-C03*
Hobart Reservoir Dam Rehabilitation, Marlette Lake Water System	*21-C06*
Aircraft Storage Hangar and Sitework, Harry Reid Training Center	*21-C10*
Loading Dock, North Las Vegas Readiness Center	*21-E01*
Deferred Maintenance, Department of Health and Human Services	*21-M02*
Construct Water Wells and Water Systems, Various Fish Hatchery Sites	*21-M08*
Uninterruptible Power Supply and Temperature Control System Upgrade, Bryan Building	*21-M11*
Elevator Modernization, EICON Building	*21-M12*
HVAC Systems Renovation, Carlin Readiness Center	*21-M19*
Replace Domestic Water Heaters, Carlin Readiness Center	*21-M27*
Housing Unit 4 HVAC System Renovation, Northern Nevada Correctional Center	*21-M30*
Domestic Hot Water System and Transformer Replacement, Office of the Adjutant General	*21-M43*
Exterior Renovation, State Capitol and Annex Building	*21-M46*
Safety Improvements, Miller Point Overlook	*21-M50*
Replace Locks and Controls Housing Unit 7, Northern Nevada Correctional Center	*21-M58*
Replace Cell Doors and Locks in Housing Units 4 - 6, Northern Nevada Correctional Center	*21-M60*
Advance Planning: General Instruction Building, Floyd Edsall Training Center	*21-P05*
Statewide Paving Program	*21-S05*

Sec. 33. The project numbered and described in the Executive Budget for the 2023-2025 biennium or otherwise described in section 6 of chapter 1, Statutes of Nevada 2023, 34th Special Session, at page 6, as Project 23-C33, Southern Nevada Small Arms Range, Nevada Army National Guard is hereby cancelled in accordance with paragraph (j) of subsection 1 of NRS 341.145.

Sec. 34. 1. This section and sections 1 to 16, inclusive, and 18 to 33, inclusive, of this act become effective upon passage and approval.

2. Section 17 of this act becomes effective on July 1, 2025, if and only if Senate Bill No. 83 of this session is enacted by the Legislature and approved by the Governor.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 157.
Bill read third time.
The following amendment was proposed by Assemblymember Jauregui:
Amendment No. 779.
SUMMARY—Revises provisions relating to **the testing of** cannabis and cannabis products. (BDR 56-962)
AN ACT relating to cannabis; requiring the Cannabis Compliance Board to adopt regulations setting forth requirements for licensees or registrants relating to the testing of cannabis and cannabis products; setting forth various requirements for the contents of those regulations; ~~[requiring the Board to develop and implement a process by which a licensee may submit a petition for an exception from certain requirements; requiring the Board to develop, maintain and make available on the Internet website of the Board an electronic portal for certain purposes;]~~ and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes the Cannabis Compliance Board to adopt regulations to carry out the provisions of existing law governing the cannabis industry in this State. Under existing law, such regulations may include requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products. (NRS 678A.450) **Sections 1 and 3** of this bill require, rather than authorize, the Board to adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products. **Section 3** requires the regulations to set forth certain requirements, including the requirement that representative samples of each lot of cannabis be tested by a cannabis independent testing laboratory and various requirements concerning the collection of such representative samples. **Section 3** defines the term "lot" to mean: (1) the flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs ~~[7.5]~~ **15** pounds or less; (2) the leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs ~~[20]~~ **45** pounds or less; or (3) the wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs ~~[135]~~ **150** pounds or less within 2 hours of harvest. ~~[Section 5 of this bill increases the weight limit for a lot of cannabis flower to 10 pounds or less, effective October 1, 2026. Section 3 sets forth procedures by which the Board may adjust any of the weight limits for lots. Section 3 additionally requires the Board to develop and implement a process by which a licensee may petition the Board for an exception from any downward adjustment in the weight limit of a lot.~~

~~Section 4 of this bill requires the Board to develop, maintain and make available on the Internet website of the Board an electronic portal that is publicly accessible and through which: (1) a person may file certain complaints with the Board; and (2) the Board is required to provide certain notices.~~]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, ~~[~~testing,~~]~~ study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

5. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 2. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The Board shall adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products.***

2. The regulations adopted pursuant to subsection 1 must require:

(a) Representative samples of each lot to be tested by a cannabis independent testing laboratory;

(b) The collection of representative samples of a lot to be conducted in accordance with standards established by the Board, which must align with

the most recent version of the ASTM International Standard ASTM D8334/8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses"; and

(c) For each lot ~~[weighing less than 20 pounds,]~~ of cannabis flower, the total aggregate weight of all representative samples to be collected for testing from the lot to be:

(1) For a lot weighing less than 5 pounds, not less than 10 grams;

(2) For a lot weighing 5 pounds or more but less than ~~[7.5 pounds, not less than 15 grams;~~

~~(3) For a lot weighing 7.5 pounds or more but less than]~~ 10 pounds, not less than ~~[20]~~ 15 grams; and

~~[(4)]~~ (3) For a lot weighing 10 pounds or more but ~~[less]~~ not more than 15 pounds, ~~[not less than 30 grams; and~~

~~(5) For a lot weighing 15 pounds or more but less than 20 pounds,]~~ not less than ~~[40]~~ 20 grams.

3. ~~[As often as the Board determines to be necessary, the Board may conduct an evaluation of the weight limits for the lots described in paragraph (c) of subsection 2. After the evaluation, the Board may, by regulation, adjust any of the weight limits for a lot if:~~

~~(a) The evaluation reveals that:~~

~~(1) New scientific data has emerged that supports the adjustment of the weight limit; or~~

~~(2) In the period since the last evaluation was conducted or, for the initial evaluation conducted, in the year immediately preceding the evaluation, the rate at which lots have failed the testing required by the Board has increased or decreased annually by at least 1.5 percent;~~

~~(b) The Board determines that making the adjustment and the amount of the adjustment satisfies the criteria established by the Board pursuant to subsection 4; and~~

~~(c) Except as otherwise provided in this paragraph, the weight limit is increased or decreased by not more than 2.5 pounds. The Board may not adjust the weight limit for any lot to an amount that is less than 5 pounds.~~

~~4. The Board shall adopt regulations establishing criteria to be used by the Board in evaluating whether to adjust a weight limit for a lot pursuant to subsection 3 and for determining the amount of any such adjustment, subject to the restrictions set forth in subsection 3.~~

~~5. The Board shall develop and implement a process by which a licensee may petition the Board for an exception from the applicability of any downward adjustment in the weight limit of a lot established by the Board pursuant to subsection 3. The Board may approve or deny such a petition based on criteria established by the Board. If the Board approves such a petition, the weight limit for any lots of the petitioner for the purpose of any requirements relating to the testing of cannabis shall be deemed to be the applicable weight limit in effect immediately before the downward~~

~~*adjustment that the petition relates to becomes effective, notwithstanding any provision of the regulations establishing the adjustment to the contrary.*~~

~~*— 6. Nothing in the provisions of this section shall be construed to prohibit a licensee that produces less than 5 pounds of cannabis from obtaining all required testing on that cannabis.*~~

~~*— 7.]*~~ *As used in this section:*

(a) "Harvest batch" means the useable flower and trim contained within one or more specific lots of cannabis grown by a cannabis cultivation facility from one or more seeds or cuttings of the same strain of cannabis and harvested on or before a specified final date of harvest.

(b) "Lot" means:

(1) The flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs ~~[7.5]~~ 15 pounds or less ~~; [, as adjusted pursuant to subsection 3;]~~

(2) The leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs ~~[20]~~ 45 pounds or less ~~; [, as adjusted pursuant to subsection 3;]~~ or

(3) The wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs ~~[135]~~ 150 pounds or less, ~~[as adjusted pursuant to subsection 3,]~~ within 2 hours of harvest.

Sec. 4. ~~*[The Board shall develop, maintain and make available on the Internet website of the Board an electronic portal that is publicly accessible and through which:*~~

~~*— 1. A person may file with the Board a complaint concerning any matter within the jurisdiction of the Board;*~~

~~*— 2. The Board shall provide notice to members of the public of any recall concerning cannabis or cannabis products; and*~~

~~*— 3. The Board shall provide notice to members of the public of any cannabis or cannabis product that has failed any testing required by the Board.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[Section 3 of this act is hereby amended to read as follows:~~

~~— Sec. 3. 1. The Board shall adopt regulations setting forth requirements for licensees and registrants relating to the testing of cannabis and cannabis products.~~

~~— 2. The regulations adopted pursuant to subsection 1 must require:~~

~~— (a) Representative samples of each lot to be tested by a cannabis independent testing laboratory;~~

~~— (b) The collection of representative samples of a lot to be conducted in accordance with standards established by the Board, which must align with the most recent version of the ASTM International Standard ASTM D8334/8334M, "Standard Practice for Sampling of Cannabis/Hemp Post-Harvest Batches for Laboratory Analyses"; and~~

~~— (c) For each lot weighing less than 20 pounds, the total aggregate weight of all representative samples to be collected for testing from the lot to be:~~

~~(1) For a lot weighing less than 5 pounds, not less than 10 grams;~~

~~(2) For a lot weighing 5 pounds or more but less than 7.5 pounds, not less than 15 grams;~~

~~(3) For a lot weighing 7.5 pounds or more but less than 10 pounds, not less than 20 grams;~~

~~(4) For a lot weighing 10 pounds or more but less than 15 pounds, not less than 30 grams; and~~

~~(5) For a lot weighing 15 pounds or more but less than 20 pounds, not less than 40 grams.~~

~~3. As often as the Board determines to be necessary, the Board may conduct an evaluation of the weight limits for the lots described in paragraph (c) of subsection 2. After the evaluation, the Board may, by regulation, adjust any of the weight limits for a lot if:~~

~~(a) The evaluation reveals that:~~

~~(1) New scientific data has emerged that supports the adjustment of the weight limit; or~~

~~(2) In the period since the last evaluation was conducted or, for the initial evaluation conducted, in the year immediately preceding the evaluation, the rate at which lots have failed the testing required by the Board has increased or decreased annually by at least 1.5 percent;~~

~~(b) The Board determines that making the adjustment and the amount of the adjustment satisfies the criteria established by the Board pursuant to subsection 4; and~~

~~(c) Except as otherwise provided in this paragraph, the weight limit is increased or decreased by not more than 2.5 pounds. The Board may not adjust the weight limit for any lot to an amount that is less than 5 pounds.~~

~~4. The Board shall adopt regulations establishing criteria to be used by the Board in evaluating whether to adjust a weight limit for a lot pursuant to subsection 3 and for determining the amount of any such adjustment, subject to the restrictions set forth in subsection 3.~~

~~5. The Board shall develop and implement a process by which a licensee may petition the Board for an exception from the applicability of any downward adjustment in the weight limit of a lot established by the Board pursuant to subsection 3. The Board may approve or deny such a petition based on criteria established by the Board. If the Board approves such a petition, the weight limit for any lots of the petitioner for the purpose of any requirements relating to the testing of cannabis shall be deemed to be the applicable weight limit in effect immediately before the downward adjustment that the petition relates to becomes effective, notwithstanding any provision of the regulations establishing the adjustment to the contrary.~~

~~6. Nothing in the provisions of this section shall be construed to prohibit a licensee that produces less than 5 pounds of cannabis from obtaining all required testing on that cannabis.~~

~~7. As used in this section:~~

~~(a) "Harvest batch" means the useable flower and trim contained within one or more specific lots of cannabis grown by a cannabis cultivation facility from one or more seeds or cuttings of the same strain of cannabis and harvested on or before a specified final date of harvest.~~

~~(b) "Lot" means:~~

~~(1) The flowers from one or more cannabis plants of the same harvest batch, in a quantity that weighs [7.5] *10* pounds or less, as adjusted pursuant to subsection 3;~~

~~(2) The leaves or other plant matter from one or more cannabis plants of the same harvest batch, other than full female flowers, in a quantity that weighs 20 pounds or less, as adjusted pursuant to subsection 3; or~~

~~(3) The wet flower, leaves or other plant matter from one or more cannabis plants of the same harvest batch used only for extraction, in a quantity that weighs 135 pounds or less, as adjusted pursuant to subsection 3, within 2 hours of harvest.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. This section and sections 1 to 4, inclusive, of this act become effective on October 1, 2025.~~

~~2. Section 5 of this act becomes effective on October 1, 2026.]~~ **(Deleted by amendment.)**

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 376.

Bill read third time.

Roll call on Assembly Bill No. 376:

YEAS—42.

NAYS—None.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 544.

Bill read third time.

Roll call on Assembly Bill No. 544:

YEAS—42.

NAYS—None.

Assembly Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

Roll call on Assembly Bill No. 552:

YEAS—42.

NAYS—None.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

Roll call on Assembly Bill No. 558:

YEAS—42.

NAYS—None.

Assembly Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560.

Bill read third time.

Roll call on Assembly Bill No. 560:

YEAS—42.

NAYS—None.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Roll call on Assembly Bill No. 562:

YEAS—41.

NAYS—DeLong.

Assembly Bill No. 562 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.
Bill read third time.
Roll call on Assembly Bill No. 563:
YEAS—42.
NAYS—None.
Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 564.
Bill read third time.
Roll call on Assembly Bill No. 564:
YEAS—42.
NAYS—None.
Assembly Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 565.
Bill read third time.
Roll call on Assembly Bill No. 565:
YEAS—42.
NAYS—None.
Assembly Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 566.
Bill read third time.
Roll call on Assembly Bill No. 566:
YEAS—42.
NAYS—None.
Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 567.
Bill read third time.
Roll call on Assembly Bill No. 567:
YEAS—42.
NAYS—None.
Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 569.
Bill read third time.
Roll call on Assembly Bill No. 569:

YEAS—42.
NAYS—None.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Roll call on Assembly Bill No. 570:

YEAS—42.
NAYS—None.

Assembly Bill No. 570 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571.

Bill read third time.

Roll call on Assembly Bill No. 571:

YEAS—42.
NAYS—None.

Assembly Bill No. 571 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 572.

Bill read third time.

Roll call on Assembly Bill No. 572:

YEAS—42.
NAYS—None.

Assembly Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 573.

Bill read third time.

Roll call on Assembly Bill No. 573:

YEAS—42.
NAYS—None.

Assembly Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

Roll call on Assembly Bill No. 574:

YEAS—42.
NAYS—None.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576.

Bill read third time.

Roll call on Assembly Bill No. 576:

YEAS—42.

NAYS—None.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 577.

Bill read third time.

Roll call on Assembly Bill No. 577:

YEAS—42.

NAYS—None.

Assembly Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Roll call on Assembly Bill No. 578:

YEAS—42.

NAYS—None.

Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 579.

Bill read third time.

Roll call on Assembly Bill No. 579:

YEAS—42.

NAYS—None.

Assembly Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 582.

Bill read third time.

Roll call on Assembly Bill No. 582:

YEAS—42.

NAYS—None.

Assembly Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 590.

Bill read third time.

Roll call on Assembly Bill No. 590:

YEAS—42.

NAYS—None.

Assembly Bill No. 590 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblymember Jauregui moved that the Assembly recess until 8 p.m.

Motion carried.

Assembly in recess at 1:26 p.m.

ASSEMBLY IN SESSION

At 9:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 36, 108, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NATHA C. ANDERSON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 221, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 212, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 6, 90.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 63, 233, 472, 473, 475, 477, 480, 481, 487, 496.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 563, 620 to Senate Bill No. 114; Assembly Amendment No. 658 to Senate Bill No. 168; Assembly Amendment No. 684 to Senate Bill No. 235; Assembly Amendments Nos. 595, 773 to Senate Bill No. 295.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 573 to Senate Bill No. 121; Assembly Amendment No. 618 to Senate Bill No. 177; Assembly Amendment No. 661 to Senate Bill No. 201; Assembly Amendment No. 651 to Senate Bill No. 213; Assembly Amendment No. 613 to Senate Bill No. 293; Assembly Amendment No. 575 to Senate Bill No. 303; Assembly Amendment No. 656 to Senate Bill No. 334; Assembly Amendment No. 654 to Senate Bill No. 346.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 552 to Senate Bill No. 352.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 6.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 63.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 90.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 233.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 472.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 473.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 475.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 477.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 480.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 481.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 487.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 496.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 837.

SUMMARY—Makes appropriations to Clark County**,** ~~[and]~~ the City of Reno **and the Nevada Rural Housing Authority** for eviction diversion programs. (BDR S-1094)

AN ACT making appropriations to Clark County**,** ~~[and]~~ the City of Reno **and the Nevada Rural Housing Authority** for eviction diversion programs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to Clark County the sum of ~~[$18,000,000]~~ ***$15,000,000*** for eviction diversion programs.

2. Money appropriated by subsection 1 may be:

(a) Awarded as a grant to another entity to carry out an eviction diversion program.

(b) Used for administrative costs to carry out an eviction diversion program, except not more than 10 percent of the money appropriated by subsection 1 may be used for such administrative costs by Clark County or any entity to which a grant is awarded pursuant to paragraph (a).

3. Upon acceptance of the money appropriated by subsection 1, the County Manager of Clark County agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through December 1, 2026;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through June 30, 2027; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Clark County, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the City of Reno the sum of ~~[$7,000,000]~~ ***$5,250,000*** for eviction diversion programs.

2. Money appropriated by subsection 1 may be:

(a) Awarded as a grant to another entity to carry out an eviction diversion program.

(b) Used for administrative costs to carry out an eviction diversion program, except not more than 10 percent of the money appropriated by subsection 1 may be used for such administrative costs by the City of Reno or any entity to which a grant is awarded pursuant to paragraph (a).

3. **Money appropriated by subsection 1 may not be used to fund or be awarded as a grant to another entity to carry out an eviction diversion program that:**

(a) Prohibits residents of unincorporated Washoe County or of the City of Sparks from participating in the program.

(b) Establishes program eligibility requirements for residents of unincorporated Washoe County or of the City of Sparks that are more restrictive than any requirements established for participants who are residents of the City of Reno.

4. Upon acceptance of the money appropriated by subsection 1, the City Manager of the City of Reno agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through December 1, 2026;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through June 30, 2027; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the City of Reno, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

~~[4.]~~ ***5.*** Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Nevada Rural Housing Authority the sum of $750,000 for eviction diversion programs.

2. Money appropriated by subsection 1 may be:

(a) Awarded as a grant to another entity to carry out an eviction diversion program.

(b) Used for administrative costs to carry out an eviction diversion program, except not more than 10 percent of the money appropriated by subsection 1 may be used for such administrative costs by the Nevada Rural Housing Authority or any entity to which a grant is awarded pursuant to paragraph (a).

3. Upon acceptance of the money appropriated by subsection 1, the Nevada Rural Housing Authority agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Rural Housing Authority through December 1, 2026;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Rural Housing Authority through June 30, 2027; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Rural Housing Authority, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 3. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 36.
Bill read second time and ordered to third reading.

Senate Bill No. 108.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 593.
Bill read third time.
Roll call on Assembly Bill No. 593:
YEAS—42.
NAYS—None.

Assembly Bill No. 593 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Roll call on Senate Bill No. 453:

YEAS—42.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Roll call on Assembly Bill No. 6:

YEAS—42.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to cannabis; revising provisions relating to the confidentiality of certain information relating to cannabis; revising provisions governing certain disciplinary proceedings; revising provisions relating to the operation of a cannabis establishment; **revising certain requirements relating to the packaging and labeling of cannabis and cannabis products;** authorizing the Cannabis Compliance Board to issue summonses and subpoenas and take certain other actions relating to unlicensed cannabis activities; revising provisions relating to the licensing of a cannabis establishment; revising provisions relating to cannabis independent testing laboratories; revising provisions relating to advertising engaged in and packaging used by a cannabis establishment; exempting certain persons from state prosecution for certain criminal offenses under certain circumstances; **requiring the Cannabis Advisory Commission to conduct certain studies;** making various other changes relating to the regulation of cannabis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law sets forth procedures by which the Board may take disciplinary action against a licensee or registrant.

(NRS 678A.500-678A.600) Under existing law, the Executive Director of the Board is authorized to transmit the details of any suspected violation of the provisions of existing law and regulations that govern the medical and adult use of cannabis to the Attorney General for an investigation. (NRS 678A.500) After the investigation, existing law requires the Board to determine whether to proceed with disciplinary action against a licensee or registrant. (NRS 678A.510) If the Board proceeds with disciplinary action, existing law: (1) requires the Board or the Executive Director to serve a complaint upon the respondent; and (2) sets forth procedures for the conduct of a disciplinary hearing before the Board. (NRS 678A.520-678A.590) If the Board determines that a licensee or registrant has violated a provision of existing law or regulations governing the medical and adult use of cannabis, existing law authorizes the Board to impose certain penalties against the licensee or registrant. (NRS 678A.600)

Sections 6 and 13-24 of this bill revise the procedures by which disciplinary action may be taken against a licensee or registrant. **Section 13** specifies that the Executive Director is authorized to transmit the details of a suspected violation to the Attorney General for further investigation. **Section 24** makes a conforming change to reflect the fact that an investigation of a violation is commenced by the Executive Director, rather than the Board. **Section 14** revises the actions the Board must take with respect to each complaint resulting in an investigation by the Attorney General. **Section 15** revises the required content of a complaint served by the Board or the Executive Director and the time in which the respondent may answer the complaint. Upon receipt of an answer demanding a hearing or the expiration of the time to answer the complaint, **section 15** requires the Board to assign the matter to a hearing officer. **Sections 15-23** require a disciplinary hearing to be heard before a hearing officer, rather than the Board, and revise procedures for the conduct of such a hearing. **Section 6**: (1) provides that the decision and order of a hearing officer is final unless a party aggrieved by the decision requests that the Board review the decision and order or the Board initiates such a review on its own motion; and (2) sets forth procedures for the conduct of a review by the Board. **Section 23** provides that any person aggrieved by a final decision or order of the Board after a review conducted pursuant to **section 6** is entitled to judicial review of the decision or order.

Section 5 of this bill requires the Board to appoint one or more hearing officers to conduct disciplinary hearings and render decisions.

Section 26 of this bill authorizes the Board, the Executive Director or a designee of the Executive Director to issue a letter of warning, a letter of concern or a nonpunitive admonishment under certain circumstances.

Existing law requires the Board to adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. (NRS 678A.450) **Section 11 of this bill** authorizes the Board to issue summonses and subpoenas and to take certain other actions in connection with such an investigation.

Sections 4, 12 and 54 of this bill revise provisions relating to the confidentiality of certain information obtained by the Board. Existing law authorizes the Governor or his or her designee to enter into one or more agreements with tribal governments concerning cannabis. (NRS 223.250) **Sections 52 and 53** of this bill provide that certain information received by a governmental entity from a tribal government or a facility engaged in cannabis activities operating on tribal land pursuant to the terms of such an agreement remains the property of the tribal government, does not constitute a public record and must be kept confidential by the governmental entity.

Sections 2, 7, 33, 34, 37 and 38 of this bill establish a standardized definition of the term "local governmental jurisdiction" for the purposes of provisions governing the medical and adult use of cannabis.

Existing law authorizes the Board to adopt regulations setting forth requirements relating to the packaging and labeling of cannabis and cannabis products. (NRS 678A.450) Section 11 prohibits those requirements from requiring: (1) a package of cannabis or cannabis products which is sold at wholesale to contain any label or tag other than a label or tag necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis; and (2) a cannabis establishment to include any information on the label for any cannabis or a cannabis product that is already included on the packaging of the cannabis or cannabis product. Sections 1.5 and 2.5 of this bill define the terms "label" and "packaging" for the purposes of provisions of existing law governing the medical and adult use of cannabis.

Existing law prohibits the production, distribution and sale of any synthetic cannabinoid. (NRS 453.572, 557.255, 678B.525) **Section 10** of this bill revises the definition of "synthetic cannabinoid" to: (1) specify that any cannabinoid that is either produced artificially or not obtained directly without the use of a chemical reagent from a plant of the genus *Cannabis* constitutes a synthetic cannabinoid; and (2) exclude THC produced using certain processes.

Existing law requires a cannabis establishment to use an inventory control system. (NRS 678B.210, 678B.250, 678C.430) Existing law sets forth certain requirements for the operation of such a system by a medical cannabis establishment. (NRS ~~[678B.430)]~~ **678C.430) Sections 27, 31, 32, 35 and 45** of this bill revise those requirements and additionally apply the requirements to the operation of such a system by an adult-use cannabis establishment. **Sections 45 and 49** of this bill revise requirements for a dual licensee concerning the reporting of inventory.

Existing law sets forth procedures by which a health authority, upon finding a condition in the operation of a food establishment constituting a substantial hazard to the public health, may issue an order to the holder of the permit to operate the food establishment that may require the immediate suspension of the permit and discontinuance of all food operations. (NRS 446.880) **Section 30** of this bill sets forth similar procedures by which an agent of the Board may issue such an order to the holder of a cannabis establishment license if the

agent finds a condition in the operation of the cannabis establishment which constitutes a substantial hazard to the public health. **Section 30** sets forth certain conditions under which such an order may not order the immediate suspension of the license and the immediate discontinuance of the operations of the cannabis establishment. **Section 29** of this bill defines "substantial hazard to the public health" to include certain specified conditions. **Section 29** additionally requires the Board to adopt certain regulations concerning substantial hazards to the public health which may exist at a cannabis establishment.

Existing law requires an applicant for a medical cannabis establishment license or adult-use cannabis establishment license to submit to the Board the physical address of the proposed cannabis establishment, which, among other requirements, must not be within a certain distance of a public or private school or community facility. (NRS 678B.210, 678B.250) **Sections 32 and 35** establish definitions of "public school" and "private school" and revise the definition of "community facility."

Section 36 of this bill revises certain requirements for cannabis independent testing laboratories.

Existing law deems the issuance of a license by the Board to be conditional in certain local governmental jurisdictions until the cannabis establishment is in compliance with applicable local governmental ordinances or rules and the local government has issued a business license for the operation of the establishment. (NRS 678B.320) **Section 37** additionally deems the issuance of such a license to be conditional until the cannabis establishment satisfies an inspection conducted by the Board.

~~[Existing law prohibits a cannabis establishment from dispensing or selling cannabis or cannabis products from a vending machine or allowing such a vending machine to be installed on the premises of the cannabis establishment. (NRS 678B.510)]~~ **Section 39** of this bill ~~[removes that prohibition. Section 39 additionally]~~ revises the procedures that the operating documents of a cannabis establishment are required to include ~~[.]~~ **to additionally include certain procedures relating to the training of cannabis establishment agents and other procedures established by the Board by regulation. (NRS 678B.510)**

Section 40 of this bill revises certain restrictions on advertising engaged in and packaging used by a cannabis establishment.

Existing law prohibits a person from selling, offering to sell, appearing to sell or advertising the sale of cannabis or cannabis products unless the person holds an adult-use cannabis establishment license or medical cannabis establishment license. (NRS 678B.530) **Section 41** of this bill prohibits those actions only if the person does not have the appropriate type of license and additionally prohibits a person from advertising as a cannabis sales facility or cannabis consumption lounge without the appropriate type of license.

Existing law exempts an employee of the State Department of Agriculture from state prosecution for certain offenses relating to cannabis under certain circumstances. (NRS 678B.600) **Section 42** of this bill expands that exemption

to also include an employee of the Board and an attorney who represents the Department or the Board.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. However, under existing law, that exemption is subject to certain limitations. For example, with respect to usable cannabis, the exemption applies only to the extent that a person does not, at any one time, possess, deliver or produce more than 2.5 ounces of usable cannabis. (NRS 678C.200, 678D.200) Existing law also prohibits a cannabis sales facility from selling to a person, in any one transaction, more than 2.5 ounces of usable cannabis. (NRS 678B.550) **Sections 3, 7 and 56** of this bill revise the definition of "usable cannabis" to exclude the seeds of a plant of the genus plant *Cannabis* and apply this definition throughout the provisions of existing law governing the medical and adult use of cannabis. **Section 47** of this bill makes a conforming change to eliminate a reference to a provision that has been repealed in **section 56**.

Existing law requires a medical cannabis establishment to maintain an electronic verification system. (NRS 678B.210, 678C.420) **Section 9** of this bill changes the name of such a system to an electronic verification and authentication system. **Section 44** of this bill revises requirements concerning the operation of such a system.

Existing law requires an adult-use cannabis product to be sold in a single package. (NRS 678D.420) **Section 48** of this bill revises requirements concerning the amount of usable cannabis, concentrated cannabis or THC that a single package may contain.

Existing law, with certain exceptions, prohibits smoking in any form within indoor places of employment. (NRS 202.2483) **Section 51** of this bill clarifies that the smoking of cannabis in a cannabis consumption lounge in accordance with the provisions of existing law governing the medical and adult-use of cannabis is not prohibited.

Section 54.3 of this bill requires the Cannabis Advisory Commission to create a subcommittee to conduct a study concerning certain matters relating to sales of consumable hemp products in this State. Section 54.7 of this bill additionally requires the Commission to create a subcommittee to conduct a study concerning the manner in which cannabis and cannabis products are taxed in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.5** to 6, inclusive, of this act.

Sec. 1.5. "Label" means written or printed material affixed to or included with cannabis or a cannabis product to provide identification or other information.

Sec. 2. *"Local governmental jurisdiction" means a city or unincorporated area within a county.*

Sec. 2.5. *"Packaging" means the immediate, consumer-facing wrapper or container in which cannabis or a cannabis product is packaged.*

Sec. 3. *1. "Usable cannabis" means the dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis.*

2. The term does not include the seeds, stalks and roots of the plant.

Sec. 4. *The Board or an agent of the Board may refuse to reveal, in any court or administrative proceeding, except a proceeding brought by the State of Nevada:*

1. The identity of any person who has furnished to the Board information purporting to reveal the commission of a violation of a provision of this title or the regulations adopted pursuant thereto, including, without limitation, information concerning unlicensed cannabis activities;

2. The information obtained by the Board from a person described in subsection 1; or

3. Both the identity of a person described in subsection 1 and the information obtained from the person.

Sec. 5. *The Board shall appoint one or more hearing officers to conduct hearings and render decisions as provided in NRS 678A.520 to 678A.600, inclusive, and section 6 of this act.*

Sec. 6. *1. Unless a review by the Board is requested by a party or initiated by the Board pursuant to subsection 2 or 3, the decision and order of a hearing officer issued pursuant to NRS 678A.590 are final and not subject to review by any court or the Board.*

2. A party who is aggrieved by the decision and order of a hearing officer issued pursuant to NRS 678A.590 may submit to the Board a written request for a review of the decision and order within 30 calendar days after the service of the decision and order.

3. The Board may, on its own motion, initiate a review of the decision and order of a hearing officer issued pursuant to NRS 678A.590 within 30 days after the service of the decision and order.

4. If requested or initiated in accordance with subsection 2 or 3, the Board shall conduct a review of the decision and order of the hearing officer. The review must be limited to the record of the proceedings before the hearing officer. The Board may not consider any additional evidence which was not presented to the hearing officer.

5. The Board may, at the request of a party or on its own motion, provide for oral argument as part of a review conducted pursuant to this section. The Chair of the Board shall determine the time, place and any other conditions and requirements for any such oral argument.

6. After the conclusion of a review conducted pursuant to this section, the Board may affirm, modify or reverse the decision and order of the hearing officer or remand the matter to the hearing officer for further

proceedings. The Board shall prepare a written decision and order on the matter as expeditiously as possible and serve the decision and order on the parties personally or by certified mail.

Sec. 7. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections ~~[2 and]~~ 1.5 to 3 , inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 678A.150 is hereby amended to read as follows:

678A.150 "Electronic verification ***and authentication*** system" means an electronic database that:

1. Keeps track of data in real time; and
2. Is accessible by the Board and by the cannabis establishment.

Sec. 10. NRS 678A.239 is hereby amended to read as follows:

678A.239 ***1.*** "Synthetic cannabinoid" means a cannabinoid that is:

~~[1.]~~ ***(a)*** Produced artificially, whether from chemicals or from recombinant biological agents, including, without limitation, yeast and algae; ~~[and~~

~~2. Is not derived]~~ ***or***

(b) Not obtained directly without the use of a chemical reagent from a plant of the genus Cannabis **.** ~~[, including,]~~

2. The term includes, without limitation, biosynthetic cannabinoids.

3. The term does not include THC produced through the decarboxylation of tetrahydrocannabinolic acid using a process approved by the Board.

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such education, outreach, investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title. Such mechanisms must include, without limitation:

(1) A system to educate, train and certify employees of the Board which:

(I) Each employee must complete before he or she may engage in inspections, investigations or audits; and

(II) At a minimum, includes training that is the same or substantially similar to any training that is required by the Board by regulation to be completed by a cannabis establishment agent before he or she may be employed by, volunteer at or provide labor to a cannabis establishment;

(2) A system to educate and advise licensees and registrants on compliance with the provisions of this title which may serve as an alternative to disciplinary action; and

(3) Establishing specific grounds for disciplinary action against a licensee or registrant who knowingly violates the law or engages in grossly negligent, unlawful or criminal conduct or an act or omission that poses an imminent threat to the health or safety of the public.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures relating to the disclosure of the identities of the shareholders and the annual report of a cannabis establishment that is a publicly traded company.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) Requirements relating to the packaging and labeling of cannabis and cannabis products. ***Such requirements must not require:***

(1) Any package of cannabis or cannabis products which is sold at wholesale to contain any label or tag other than a label or tag necessary for the functionality of any computer software used for the seed-to-sale tracking of cannabis adopted by the Board.

(2) A cannabis establishment to include any information on the label for cannabis or a cannabis product that is already included on the packaging of the cannabis or cannabis product.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall adopt regulations providing for the investigation of unlicensed cannabis activities and the imposition of penalties against persons who engage in such activities. Such regulations must, without limitation:

(a) Establish penalties to be imposed for unlicensed cannabis activities, which may include, without limitation, the issuance of a cease and desist order or citation, the imposition of an administrative fine or civil penalty and other similar penalties.

(b) Set forth the procedures by which the Board may impose a penalty against a person for engaging in unlicensed cannabis activities.

(c) Set forth the circumstances under which the Board is required to refer matters concerning unlicensed cannabis activities to an appropriate state or local law enforcement agency.

4. ***As part of an investigation of unlicensed cannabis activities conducted pursuant to the regulations adopted pursuant to subsection 3, if the Board has cause to believe that a person has engaged in or is engaging in unlicensed cannabis activities, the Board may issue a summons to require any person to appear before the Board at the time and place set forth in the summons and a subpoena to require the testimony of any person or the production of documents. The Board may administer an oath or affirmation to any person providing testimony pursuant to such a subpoena. A summons or subpoena issued pursuant to this subsection must be served upon a person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Board may personally serve such a summons or subpoena. The Board may use any documents, records or material produced pursuant to a subpoena issued pursuant to this subsection in the course of an action or proceeding brought pursuant to the regulations adopted pursuant to subsection 3.***

5. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

~~[5.]~~ ***6.*** The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. NRS 678A.470 is hereby amended to read as follows:

678A.470 1. The Board shall cause to be made and kept a record of all proceedings at regular and special meetings of the Board. These records are open to public inspection.

2. ~~[Any]~~ ***Except as otherwise provided in subsections 3, 4 and 6, any*** and all information and data prepared or obtained by the Board or by an agent or employee of the Board ~~[relating to a holder of or an applicant for a medical cannabis establishment license pursuant to NRS 678B.210, other than the name of a licensee and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action, are confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of competent jurisdiction. The Board may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or~~

~~the government of any foreign country. Notwithstanding any other provision of state law, such information and data may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.~~

~~3. Except as otherwise provided in this subsection, any information and data included in~~ ***:***

(a) Relating to an application for ~~[an adult use cannabis establishment]~~ ***a*** license or a registration card ***, a request for a transfer of ownership interest pursuant to the regulations adopted by the Board pursuant to NRS 678B.380 or a request to obtain the approval of the Board of any act, transaction, qualification, extension or exemption for which the approval of the Board is required pursuant to this title or the regulations adopted pursuant thereto and which is given at a meeting of the Board;***

(b) That is required by the Board to be provided to the Board pursuant to this title or any regulation adopted pursuant thereto or which may be otherwise obtained relative to the finances, earnings or revenue of any licensee, registrant or applicant for a license or registration card;

(c) Pertaining to the criminal record, antecedents and background of a natural person;

(d) For which an assurance that the information and data will be held in confidence and treated as confidential has been provided in writing by the Board or an agent or employee of the Board who has been authorized by the Board to provide such an assurance;

(e) Relating to the internal layout and structural elements of a cannabis establishment;

(f) Relating to the security of a cannabis establishment, including, without limitation, the security measures and emergency preparedness of a cannabis establishment and any assessment of threats to or vulnerabilities of a cannabis establishment;

(g) That constitutes a trade secret, as defined in NRS 600A.030, and for which the word "Confidential" or "Private" or another indication of secrecy was placed in a reasonably noticeable manner on any medium or container that describes or includes any portion of the trade secret at the time it was provided to the Board or an agent or employee of the Board;

(h) That contains the name or other personal information of a natural person who facilitates or delivers services in accordance with the provisions of this title and the regulations adopted pursuant thereto;

(i) Whose disclosure would likely prejudice the effectiveness of the operations of a law enforcement agency;

(j) Relating to the activities of a licensee or registrant involving the medical use of cannabis; or

(k) Relating to disciplinary action taken in accordance with NRS 678A.520 to 678A.600, inclusive, and section 6 of this act or an audit, inspection or investigation,

↪ is confidential and may be revealed in whole or in part only in the course of the necessary administration of this title or upon the lawful order of a court of

competent jurisdiction. ~~[The name of the holder of an adult use cannabis establishment license and each owner, officer and board member of the licensee and information relating to the scoring and ranking of applications and the imposition of disciplinary action are not confidential.]~~

3. The following information and data are not confidential:

(a) The name of a licensee.

(b) The name of each owner, officer and board member of a licensee.

(c) The name of the receiver for a cannabis establishment subject to receivership.

(d) The physical address of a cannabis sales facility or cannabis consumption lounge.

(e) The local governmental jurisdiction in which a cannabis establishment is located.

(f) Information and data relating to the scoring and ranking of applications for a license.

(g) A complaint ~~[or notice of violation]~~ served pursuant to NRS 678A.520.

(h) A decision and order issued pursuant to NRS 678A.590 or section 6 of this act ~~[.]~~ , including, without limitation, any information and data relating to any civil penalty imposed by such a decision and order.

(i) A consent or settlement agreement entered into pursuant to NRS 678A.645 ~~[.]~~ , including, without limitation, any information and data relating to any civil penalty imposed by such a consent or settlement agreement.

4. The Board may reveal ~~[such]~~ information and data ***declared confidential pursuant to subsection 2*** to an authorized agent of any ~~[agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country.]~~ ***governmental entity. If any confidential information and data is provided by the Board to a governmental entity pursuant to this section, the information and data remains confidential and may not be provided to any other person or governmental entity. To the extent practicable, any governmental entity that receives any confidential information and data from the Board pursuant to this section shall treat the information and data as confidential.*** Notwithstanding any other provision of state law, ~~[such]~~ information and data ***declared confidential pursuant to subsection 2*** may not be otherwise revealed without specific authorization by the Board pursuant to the regulations of the Board.

~~[4.]~~ ***5. A person seeking an order of a court of competent jurisdiction for the disclosure of information and data declared confidential pursuant to subsection 2 must submit a motion in writing to the court requesting the information. At least 14 days before submitting the motion, the person must provide notice to the Board, the Attorney General and all persons who may be affected by the disclosure of the information and data. The notice must:***

(a) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(b) Be delivered in person or by certified mail to the last known address of each person to whom notice must be provided.

6. The Board may reveal information and data declared confidential pursuant to subsection 2 to the extent necessary to establish a claim or defense in an action against the Board brought by a licensee, registrant or applicant for a license or registration card. The court may order the redaction or sealing of any court records containing confidential information and data revealed pursuant to this subsection to maintain the confidentiality of the information and data.

7. All files, records, reports and other information and data pertaining to matters related to cannabis in the possession of the Nevada Tax Commission or the Department of Taxation must be made available to the Board as is necessary to the administration of this title.

~~[5.]~~ ***8.*** As used in this section ~~[, "information]~~ ***:***

(a) "Governmental entity" means any agency of the United States Government, any state or political subdivision of a state or the government of any foreign country.

(b) "Information and data" means all information and data in any form, including, without limitation, any oral, written, audio, visual, digital or electronic form, and the term includes, without limitation, any account, book, correspondence, file, message, paper, record, report or other type of document***.*** ~~[, including, without limitation, any document containing self-evaluative assessments, self-critical analysis or self-appraisals of an applicant's or licensee's compliance with statutory or regulatory requirements.]~~

(c) "Personal information" means:

(1) The name, address, telephone number, electronic mail address or date of birth of a person; and

(2) Any other information that constitutes personal information as defined in NRS 603A.040.

Sec. 13. NRS 678A.500 is hereby amended to read as follows:

678A.500 1. If the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title or any regulation adopted pursuant thereto, the Executive Director may transmit the details of the suspected violation, along with any further facts or information related to the violation which are known to the Executive Director, to the Attorney General ~~[.]~~ ***for further investigation.***

2. If any person other than the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title or any regulation adopted pursuant thereto, the person may file a written complaint with the Executive Director specifying the relevant facts. The Executive Director shall review each such complaint and, if the Executive Director finds the complaint not to be frivolous, may transmit the details of the suspected violation, along with any further facts or information derived from the review of the complaint to the Attorney General ~~[.]~~ ***for further investigation.***

3. The employees of the Board who are certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 shall cooperate with the Attorney General in the performance of any criminal investigation.

Sec. 14. NRS 678A.510 is hereby amended to read as follows:

678A.510 1. If the Executive Director transmits the details of a suspected violation to the Attorney General ***for further investigation*** pursuant to NRS 678A.500, the Attorney General shall conduct an investigation of the suspected violation to determine whether it warrants proceedings for disciplinary action of the licensee or registrant. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Executive Director in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint. The Executive Director shall transmit the recommendation and other information received from the Attorney General to the Board.

2. The Board shall promptly make a determination with respect to each complaint resulting in an investigation by the Attorney General. The Board shall:

(a) ~~[~~Dismiss the complaint;~~]~~ ***Decline to proceed with disciplinary action;***

(b) ~~[~~Enter into~~]~~ ***Authorize the Attorney General to attempt to negotiate*** a consent or settlement agreement ~~[~~with~~]~~ ***to be entered into between*** the licensee or registrant ***and the Board*** pursuant to NRS 678A.645; or

(c) Proceed with appropriate disciplinary action in accordance with NRS 678A.520 to 678A.600, inclusive, ***and section 6 of this act,*** chapter 233B of NRS and the regulations adopted by the Board. In determining the disciplinary action to impose the Board shall consider mitigating factors pursuant to NRS 678A.647.

Sec. 15. NRS 678A.520 is hereby amended to read as follows:

678A.520 1. If the Board proceeds with disciplinary action pursuant to NRS 678A.510, the Board or the Executive Director shall serve a complaint upon the respondent **.** ~~[~~either personally, or by~~]~~

2. A complaint served pursuant to subsection 1 must be served upon the respondent:

(a) Personally;

(b) By registered or certified mail at the address of the respondent that is on file with the Board ~~[~~. Such~~]~~ ***; or***

(c) If the respondent has expressly agreed to service by electronic means, by electronic means.

3. A complaint ***served pursuant to subsection 1*** must:

(a) ~~[~~Be a written statement of charges;

~~(b) Set forth in ordinary and concise language the acts or omissions with which the respondent is charged;~~

~~(c)~~~~]~~ Specify the statutes and regulations which the respondent is alleged to have violated **.** ~~[~~;

~~(d) Not consist merely of charges raised in the language of the statutes or regulations which the respondent is alleged to have violated;~~

~~(e)~~ ***(b) Set forth a short and plain statement of the matters asserted, including, without limitation, the acts or omissions with which the respondent is charged.***

(c) If the respondent is alleged to have committed multiple violations consisting of the same or a similar act, omission or course of conduct, charge those violations as a single alleged violation if the violations:

(1) Are closely related in time, place and circumstance; and

(2) Were all discovered in the course of a single audit, inspection or investigation **.** ~~[~~**;**

~~(f)~~ ***(d)*** Specify the penalty being sought against the respondent **.** ~~[, and~~

~~(g)~~ ***(e)*** Provide notice of the right of the respondent to request a hearing.

~~[2.]~~ ***4.*** The Chair of the Board may grant an extension to respond to the complaint for good cause. Unless granted such an extension, the respondent must **,** ~~[answer]~~ within ~~[20]~~ ***21*** days after the service of the complaint ~~[.]~~ **,** ***answer the complaint in accordance with subsection 5.***

5. In the answer ***to a complaint,*** the respondent:

(a) Must state in short and plain terms the defenses to each claim asserted.

(b) Must admit or deny the facts alleged in the complaint.

(c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.

(d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.

(e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing ~~[and]~~ ***, the right*** to ~~[judicial]~~ ***request a*** review of ~~[any]~~ ***the*** decision or order of the ***hearing officer by the*** Board ~~[, but]~~ ***and the right to judicial review of any decision of*** the Board **.** ~~[may order a hearing even if the respondent so waives his or her right.~~

~~3.~~ ***6. Upon receipt of an answer demanding a hearing or the expiration of the time to answer the complaint, the Board shall assign the matter to a hearing officer.***

7. Failure to ~~[answer]~~ ***comply with subsection 4*** or ***, if the respondent has demanded a hearing pursuant to subsection 5,*** to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The ~~[Board]~~ ***hearing officer*** may take action based on such an admission and on other evidence without further notice to the respondent. If the ~~[Board]~~ ***hearing officer*** takes action based on such an admission, the ~~[Board]~~ ***hearing officer*** shall include in the record which evidence was the basis for the action.

~~[4.]~~ ***8.*** The ~~[Board]~~ ***hearing officer*** shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The ~~[Board]~~ ***hearing officer*** shall deliver or send by registered ~~[or]~~ ***mail,*** certified mail ***or, if the parties have expressly agreed to service by electronic means, by electronic means*** a notice of hearing ***that complies with***

NRS 233B.121 to all parties at least 10 days before the hearing. The hearing must be held within ~~[45]~~ ***120*** days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the ***Executive Director or the*** Board, in which event the hearing must be held as soon as practicable. The ~~[Chair of the Board]~~ ***hearing officer*** may grant one or more extensions to the ~~[45-day]~~ ***120-day*** requirement pursuant to a request of a party or an agreement by both parties.

Sec. 16. NRS 678A.530 is hereby amended to read as follows:

678A.530 Before a hearing ~~[, before the Board,]~~ and during a hearing upon reasonable cause shown, the ~~[Board]~~ ***hearing officer*** shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. ~~[The Board may award as costs the amount of all such expenses to the prevailing party.]~~

Sec. 17. NRS 678A.540 is hereby amended to read as follows:

678A.540 1. At all hearings before ~~[the Board:]~~ ***a hearing officer:***

(a) Oral evidence may be taken only upon oath or affirmation administered by the ~~[Board.]~~ ***hearing officer.***

(b) Every party has the right to:

(1) Call and examine witnesses;

(2) Introduce exhibits relevant to the issues of the case;

(3) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;

(4) Impeach any witness regardless of which party first called the witness to testify; and

(5) Offer rebuttal evidence.

(c) If the respondent does not testify in his or her own behalf, the respondent may be called and examined as if under cross-examination.

(d) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except that those prescribed in NRS 233B.123 apply. Any relevant evidence that is not immaterial or unduly repetitious may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory

rule which might make improper the admission of such evidence over objection in a civil action.

(e) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.

2. The ~~[Board]~~ ***hearing officer*** may take official notice of any generally accepted information or technical or scientific matter within the field of cannabis, and of any other fact which may be judicially noticed by the courts of this State. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the ~~[Board.]~~ ***hearing officer.***

3. Affidavits may be received in evidence at any hearing ~~[of the Board]~~ ***before a hearing officer*** in accordance with the following:

(a) The party wishing to use an affidavit must, not less than 10 days before the day set for hearing, serve upon the opposing party or counsel, either personally or by registered or certified mail, a copy of the affidavit which the party proposes to introduce in evidence together with a notice as provided in paragraph (c).

(b) Unless the opposing party, within 7 days after such service, mails or delivers to the proponent a request to cross-examine the affiant, the opposing party's right to cross-examine the affiant is waived and the affidavit, if introduced in evidence, must be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made in accordance with this paragraph, the affidavit may be introduced in evidence, but must be given only the same effect as other hearsay evidence.

(c) The notice referred to in paragraph (a) must be substantially in the following form:

> The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing set for the ..... day of the month of ……. of the year …… (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question (here insert name of affiant) unless you notify the undersigned that you wish to cross-examine (here insert name of affiant). To be effective your request must be mailed or delivered to the undersigned on or before 7 days from the date this notice and the enclosed affidavit are served upon you.
>
> .....
> (Party or Counsel)
> .....
> (Address)

Sec. 18. NRS 678A.550 is hereby amended to read as follows:

678A.550 ~~[The following procedures apply at]~~ ***At*** all hearings ~~[of the Board:~~

~~1. At least three members of the Board shall be present at every hearing, and they shall exercise all powers relating to the conduct of]~~ ***before a hearing officer,*** the hearing ~~[and shall enforce all decisions with respect thereto.~~

~~2. The proceedings]~~ ***officer shall cause an audio recording to be made of all oral proceedings*** at the hearing ***. The audio recording*** must be ~~[reported either stenographically or by a phonographic reporter.]~~ ***transcribed upon the request of any party. The party making the request shall pay all the costs for the transcription.***

Sec. 19. NRS 678A.570 is hereby amended to read as follows:

678A.570 ~~[The Board]~~ ***A hearing officer*** may, before submission of the case for decision, permit the filing of amended or supplemental pleadings and shall notify all parties thereof, and provide a reasonable opportunity for objections thereto.

Sec. 20. NRS 678A.580 is hereby amended to read as follows:

678A.580 If any person in proceedings before ***a hearing officer or*** the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during the hearing or so near the place thereof as to obstruct the proceeding, the ***hearing officer or the*** Board may certify the facts to the district court in and for the county where the proceedings are held. The court shall thereupon issue an order directing the person to appear before the court and show cause why the person should not be punished as for contempt. The court order and a copy of the statement of the ***hearing officer or the*** Board must be served on the person cited to appear. Thereafter the court has jurisdiction of the matter, and the same proceedings must be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before a district court.

Sec. 21. NRS 678A.590 is hereby amended to read as follows:

678A.590 1. Within 60 days after the hearing of a contested matter, the ~~[Board]~~ ***hearing officer*** shall render a written decision on the merits. Except as otherwise provided in subsection 5 of NRS 233B.121, the written decision must contain findings of fact and conclusions of law which are separately stated, a determination of the issues presented and the penalty to be imposed, if any. If the ~~[Board]~~ ***hearing officer*** determines that the licensee or registrant has violated any provision of this title or any regulation adopted pursuant thereto, the written decision must set forth the determination of the ~~[Board]~~ ***hearing officer*** as to whether any of the mitigating circumstances required to be considered by the ~~[Board]~~ ***hearing officer*** pursuant to NRS 678A.600 exist and, if so, the weight given to each mitigating circumstance in determining the appropriate action to be taken pursuant to that section. The ~~[Board]~~ ***hearing officer*** shall thereafter make and enter ~~[its]~~ ***a*** written order in conformity to

~~[its]~~ ***the*** decision. ~~[No member of the Board who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Board are required to impose any penalty.]~~ Copies of the decision and order must be served on the parties personally or sent to them by ~~[registered or]~~ certified mail. The decision is effective upon such service **.** ~~[, unless the Board orders otherwise.]~~

2. The ~~[Board]~~ ***hearing officer*** may, upon motion made within 15 days after service of a decision and order, order a rehearing before the ~~[Board]~~ ***hearing officer*** upon such terms and conditions as it may deem just and proper if a ~~[petition for judicial]~~ review of the decision ~~[and order]~~ has not been ~~[filed.]~~ ***initiated pursuant to section 6 of this act.*** The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the ~~[Board,]~~ ***hearing officer,*** and that sufficient reason existed for failure to present the evidence at the hearing ~~[of]~~ ***before*** the ~~[Board.]~~ ***hearing officer.*** The motion must be supported by an affidavit of the moving party or his or her counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. After rehearing, the ~~[Board]~~ ***hearing officer*** may modify ~~[its]~~ ***his or her*** decision and order as the additional evidence may warrant.

Sec. 22. NRS 678A.600 is hereby amended to read as follows:

678A.600 1. If the ~~[Board]~~ ***hearing officer*** finds that a licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the ~~[Board]~~ ***hearing officer*** may:

(a) Limit, condition, suspend or revoke the license or registration card of the licensee or registrant;

(b) Impose a civil penalty in an amount established by regulation, not to exceed $20,000 for a single violation;

(c) Take any combination of the actions authorized by paragraphs (a) and (b);

(d) Issue a warning to the licensee or registrant; or

(e) Take no action against the licensee or registrant.

2. In determining the appropriate action to be taken against a licensee or registrant pursuant to this section, including, without limitation, the amount of any civil penalty imposed, the ~~[Board]~~ ***hearing officer*** shall consider whether any of the mitigating circumstances set forth in NRS 678A.647 exist.

Sec. 23. NRS 678A.610 is hereby amended to read as follows:

678A.610 Any person aggrieved by a final decision or order of the Board made ~~[after hearing or rehearing by the Board pursuant to NRS 678A.520 to 678A.600, inclusive, and whether or not a motion for rehearing was filed,]~~ ***pursuant to section 6 of this act*** is entitled to judicial review of the decision or order in the manner provided by chapter 233B of NRS.

Sec. 24. NRS 678A.647 is hereby amended to read as follows:

678A.647 1. A violation of any provision of this title or any regulation adopted pursuant thereto may be mitigated by any of the following circumstances:

(a) The licensee or registrant self-reported the violation to the Board or an agent of the Board.

(b) For a violation committed by a licensee, the licensee has:

(1) Submitted to the Board a plan to correct the violation which has been approved by the Board or deemed approved pursuant to subsection 2; and

(2) Taken action to correct the violation.

(c) The licensee or registrant has made a good faith effort to prevent violations from occurring, including, without limitation, by:

(1) Providing regular training to the employees of the licensee or registrant which has been documented and which was provided before the commencement of an investigation by the ~~[~~Board~~]~~ ***Executive Director*** concerning the violation ~~[.]~~ ***pursuant to NRS 678A.500;*** or

(2) Establishing, before the commencement of an investigation by the ~~[~~Board~~]~~ ***Executive Director*** concerning the violation ~~[.]~~ ***pursuant to NRS 678A.500,*** standard operating procedures that include procedures which directly address the conduct constituting the violation.

(d) The licensee or registrant has cooperated in the investigation of the violation in such a manner as to demonstrate that the licensee or registrant accepts responsibility for the violation.

(e) Any other mitigating circumstance established by the Board by regulation exists.

2. For the purposes of subparagraph (1) of paragraph (b) of subsection 1, if a licensee has submitted a plan to correct a violation and the Board does not take action to approve or reject the plan within 30 days after the date on which the plan was submitted, the plan shall be deemed to be approved by the appropriate agent of the Board.

Sec. 25. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 30, inclusive, of this act.

Sec. 26. ***1. If the Board, the Executive Director or a designee of the Executive Director has reason to believe that a licensee or registrant has violated or is violating any provision of this title or the regulations adopted pursuant thereto, the Board, Executive Director or designee may issue to the person a letter of warning, a letter of concern or a nonpunitive admonishment at any time before the Board has initiated any disciplinary proceedings against the person.***

2. The issuance of such a letter or admonishment:

(a) Does not preclude the Board from initiating any disciplinary proceedings against the person or taking any disciplinary action against the person based on any conduct alleged or described in the letter or admonishment or any other conduct; and

(b) Does not constitute a final decision of the Board and is not subject to judicial review.

Sec. 27. ***1. Each cannabis establishment, in consultation with the Board, shall maintain an inventory control system.***

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point of acquisition at a cannabis cultivation facility until it is sold at a cannabis establishment;

(b) The name of each person or cannabis establishment, or both, to which the cannabis establishment sold cannabis;

(c) The date on which the cannabis was sold and the quantity of any cannabis products sold, measured both by weight and potency; and

(d) Such other information as the Board may require.

3. Nothing in this section prohibits more than one cannabis establishment from co-owning an inventory control system in cooperation with other cannabis establishments or sharing the information obtained therefrom.

4. A cannabis establishment shall exercise reasonable care to ensure that the personal identifying information of persons which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 28. (Deleted by amendment.)

Sec. 29. ***1. The Board shall adopt regulations establishing:***

(a) Procedures pursuant to which a cannabis establishment must immediately discontinue operations and notify the Board upon becoming aware that a condition constituting a substantial hazard to the public health exists at the cannabis establishment. Such procedures must not require a cannabis establishment at which a substantial hazard to the public health exists to discontinue operations if the hazard affects a discrete area of the cannabis establishment and the Board has approved a plan to allow the cannabis establishment to continue operations in the areas of the cannabis establishment unaffected by the hazard.

(b) Procedures and requirements for a cannabis establishment to resume operations after a substantial hazard to the public health has been found to exist at the cannabis establishment.

2. As used in this section, "substantial hazard to the public health" means any of the following:

(a) A fire or flood.

(b) Interruption of electrical service for more than 2 hours.

(c) Interruption of water service.

(d) Sewage backup.

(e) The misuse of poisonous or toxic materials.

(f) The onset of an apparent food-borne illness outbreak.

(g) A gross insanitary occurrence or condition.

(h) Any other occurrence or condition that may endanger the public health.

Sec. 30. ***1. Whenever an agent of the Board finds a condition in the operation of a cannabis establishment which constitutes a substantial hazard to the public health as defined in section 29 of this act, the agent may, without warning, notice or hearing, issue a written order to the licensee citing the condition, specifying the corrective action to be taken and specifying the time within which the action must be taken. Except as otherwise provided in subsection 3, the order may state that the license of the cannabis establishment is immediately suspended and all operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the Board, the person must be afforded a hearing before a hearing officer as soon as possible, but not later than 14 days after the date on which the order was issued unless the Board and the licensee agree in writing to a longer period.***

2. Any licensee whose license has been suspended pursuant to subsection 1 may, at any time, make an application for a reinspection for reinstatement of the license. As soon as practicable, but not more than 2 business days following receipt of a written request, including a statement signed by the applicant that in the opinion of the applicant the conditions causing the suspension of the license have been corrected, the Board shall make a reinspection. If the applicant is complying with all applicable requirements of this title and the regulations adopted pursuant thereto, the license must be reinstated.

3. An order issued by an agent of the Board pursuant to subsection 1 must not order the immediate suspension of the license for the cannabis establishment and the immediate discontinuance of the operations of the cannabis establishment if the Board has approved the continued operation of the cannabis establishment or, while the agent of the Board is on the premises of the cannabis establishment:

(a) The condition is immediately corrected; or

(b) The licensee presents to the agent of the Board a plan for the continued operation of the cannabis establishment and the agent of the Board approves the plan.

Sec. 31. NRS 678B.060 is hereby amended to read as follows:

678B.060 "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of ~~[~~cultivation~~]~~ ***acquisition*** to the end consumer.

Sec. 32. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.215 to 678B.240, inclusive, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification ***and authentication*** system and an inventory control system pursuant to NRS 678C.420 and ~~[678C.430;]~~ ***section 27 of this act;***

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 and NRS 678B.215, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section ~~[, "community]~~ ***:***

(a) "Community facility" means:

~~[(a)]~~ ***(1)*** A ~~[facility that provides day care to children.]~~ ***licensed child care facility, as defined in NRS 432A.024.***

~~[(b)]~~ ***(2)*** A public park.

~~[(c)]~~ ***(3)*** A playground ~~[.]~~ ***, as defined in NRS 453.3345.***

~~[(d)]~~ ***(4)*** A public swimming pool ~~[.]~~ ***, as defined in NRS 444.065.***

~~[(e)]~~ ***(5)*** A ~~[center or facility, the primary purpose of which is to provide]~~ recreational ~~[opportunities or services to children or adolescents.]~~ ***center for youths.***

~~[(f)]~~ ***(6)*** A ~~[church, synagogue or other building, structure or place used for]~~ ***video arcade, as defined in NRS 453.3345.***

(7) A place of religious worship ***.*** ~~[or other religious purpose.]~~

(b) "Place of religious worship" means a church, synagogue or other building or structure that is owned and operated by a church, an integrated auxiliary of a church or a convention or association of churches that is exempt for taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and exempt from filing an annual return pursuant to section 6033 of the Internal Revenue Code, 26 U.S.C. § 6033. The term does not include any building, structure or other place that is owned and operated by an organization that is listed on the most recent version of the Automatic Revocation of Exemption List published by the Internal Revenue Service, regardless of whether the organization identifies as a church, an integrated auxiliary of a church or a convention or association of churches.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" has the meaning ascribed to it in NRS 385.007.

(e) "Recreational center for youths" means a recreational facility or gymnasium which regularly provides athletic, civic or cultural activities in which more than 75 percent of the participants are persons who are less than 18 years of age.

Sec. 33. NRS 678B.215 is hereby amended to read as follows:

678B.215 1. Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.

2. The Board may, on or after January 1, 2024:

(a) Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.

(b) Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.

3. If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

4. An application submitted pursuant to subsection 3 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.

5. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

6. Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

7. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

8. As used in this section ~~[~~:

~~(a) "Covered]~~ ***, "covered*** jurisdiction" means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.

~~[(b) "Local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 34. NRS 678B.230 is hereby amended to read as follows:

678B.230 1. Except as otherwise provided in this subsection, in a county whose population is 100,000 or more, the Board shall ensure that not more than 25 percent of the total number of medical cannabis dispensaries that may be licensed in the county, as set forth in NRS 678B.220, are located in any one local governmental jurisdiction within the county. The Board may increase the

percentage described in this subsection upon the request of the board of county commissioners of the county. The Board shall adopt regulations setting forth the requirements for granting such a request.

2. To prevent monopolistic practices, the Board shall ensure, in a county whose population is 100,000 or more, that it does not issue, to any one person, group of persons or entity, the greater of:

(a) One medical cannabis establishment license; or

(b) More than 10 percent of the medical cannabis establishment licenses otherwise allocable in the county.

~~[3. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 35. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system ~~[;]~~ ***pursuant to section 27 of this act;***

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) Except as otherwise provided in NRS 678B.633, none of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section ~~[, "community]~~ ***:***

(a) "Community facility" ~~[means:~~

~~(a) A facility that provides day care to children.~~

~~(b) A public park.~~

~~(c) A playground.~~

~~(d) A public swimming pool.~~

~~(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.~~

~~(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.]~~ ***has the meaning ascribed to it in NRS 678B.210.***

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

(c) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 36. NRS 678B.290 is hereby amended to read as follows:

678B.290 1. The Board shall establish standards for ~~[and certify one or more]~~ cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment or a person described in NRS 446.844.

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungi.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(5) The presence of any other substance, chemical, material or organism required by the Board by regulation.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) ~~[Agree to]~~ ***Satisfy any other requirements established by the Board by regulation.***

4. A cannabis independent testing laboratory shall, not more than 1 year after the date on which the cannabis independent testing laboratory is issued a license by the Board pursuant to NRS 678B.210 or 678B.250, become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization ~~[within 1 year after licensure]~~ by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

5. The Board may adopt regulations establishing standards and procedures for the operation of a cannabis independent testing laboratory, including, without limitation, regulations setting forth requirements concerning:

(a) The construction or layout of a building used for testing cannabis and cannabis products;

(b) The procedures, process, equipment, instruments, materials or supplies used for testing cannabis and cannabis products;

(c) Safety procedures to ensure that cannabis and cannabis products are protected from contamination from physical, chemical or biological hazardous materials; and

(d) The creation and retention of records by a cannabis independent testing laboratory, including, without limitation, records related to the finances of the cannabis independent testing laboratory and testing performed by the cannabis independent testing laboratory.

Sec. 37. NRS 678B.320 is hereby amended to read as follows:

678B.320 1. In a local governmental jurisdiction that issues business licenses, the issuance by the Board of ***a*** license shall be deemed to be conditional until such time as:

(a) The cannabis establishment is in compliance with all applicable local governmental ordinances or rules; ~~[and]~~

(b) The local government has issued a business license for the operation of the ***cannabis*** establishment ~~[.]~~ ***; and***

(c) The cannabis establishment satisfies an inspection conducted by the Board.

2. The Board shall adopt regulations:

(a) Requiring the surrender of a conditional license if a cannabis establishment does not satisfy the requirements of subsection 1 within a period of time determined by the Board; and

(b) Authorizing a cannabis establishment to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the cannabis establishment that cause a delay in satisfying the requirements of subsection 1.

~~[3. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 38. NRS 678B.327 is hereby amended to read as follows:

678B.327 1. The Board shall, for each local governmental jurisdiction that limits the number of business licenses which may be issued to cannabis consumption lounges, determine the number of licenses allocated to the jurisdiction for retail cannabis consumption lounges and independent cannabis consumption lounges.

2. Not more than 50 percent of the licenses allocated by the Board pursuant to subsection 1 may be issued to retail cannabis consumption lounges.

3. Except as otherwise provided in this subsection, at least 50 percent of the licenses allocated to a local governmental jurisdiction pursuant to subsection 1 must be issued to independent cannabis consumption lounges. At least 50 percent of the licenses issued to independent cannabis consumption lounges must be issued to social equity applicants. If there are an insufficient number of social equity applicants to distribute licenses in that manner, the local governmental jurisdiction shall issue business licenses to all qualified social equity applicants and hold the remaining business licenses in reserve for future issuance to social equity applicants.

4. If the number of qualified applicants in a local governmental jurisdiction exceeds the number of licenses allocated to that jurisdiction pursuant to subsection 1, the Board shall issue adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges in the local governmental jurisdiction to qualified applicants who are not social equity applicants using a separate lottery system for each type of license.

~~[5. As used in this section, "local governmental jurisdiction" means a city or unincorporated area within a county.]~~

Sec. 39. NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

(a) For the oversight of the cannabis establishment; ~~[and]~~

(b) To ensure accurate recordkeeping ~~[.]~~ ***;***

(c) For the training of the cannabis establishment agents who volunteer or work at, contract to provide labor to or are employed by an independent contractor to provide labor to the cannabis establishment; and

(d) Any other procedures for the operation of the cannabis establishment established by the Board by regulation.

2. Except as otherwise provided in this subsection, a cannabis establishment may have more than one entrance so long as each entrance is secure and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis. The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to ~~[reasonable]~~ inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; ~~[and]~~

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request ~~[.]~~ ***; and***

(c) Satisfy any other requirements established by the Board by regulation.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine

to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, "vending machine" has the meaning ascribed to it in NRS 209.229.

Sec. 40. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words "THIS PRODUCT CONTAINS CANNABIS" in bold type; and

(2) As required by the provisions of this chapter **,** ~~[and]~~ chapters 678C and 678D of NRS ~~[.]~~ ***and the regulations adopted by the Board.***

(b) Are not presented in packaging that contains an ***anthropomorphic image or an*** image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) ***Contains an anthropomorphic image.***

(d) Is modeled after a brand of products primarily consumed by or marketed to children.

~~[(d)]~~ ***(e)*** Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an ***anthropomorphic image or an*** image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility, cannabis sales facility or cannabis consumption lounge

which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed ~~to~~ ***to the general public,*** excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

14. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 14 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

17. As used in this section ~~[, "motor]~~ ***:***

(a) "Anthropomorphic image" means any image, including, without limitation, a caricature, cartoon or artistic rendering, in which human characteristics are attributed to an animal, plant or other object or which uses similar anthropomorphic techniques.

(b) "Motor vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 41. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; ~~[or]~~

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products ~~[.]~~ ***; or***

(c) Advertise as a cannabis sales facility or cannabis consumption lounge, ➥ unless the person holds ~~[an adult use cannabis establishment license or a medical cannabis establishment]~~ ***the appropriate type of*** license ~~[.]~~ ***which authorizes the person to sell cannabis or cannabis products or engage in the business of a cannabis sales facility or cannabis consumption lounge, as applicable.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 42. NRS 678B.600 is hereby amended to read as follows:

678B.600 1. An employee of the State Department of Agriculture ***or the Board or an attorney who represents the Department or Board*** who, in the course of his or her duties:

(a) Possesses, delivers or produces cannabis;

(b) Aids and abets another in the possession, delivery or production of cannabis;

(c) Performs any combination of the acts described in paragraphs (a) and (b); or

(d) Performs any other criminal offense in which the possession, delivery or production of cannabis is an element,

➥ is exempt from state prosecution for the offense. The persons described in this subsection must ensure that the cannabis described in this subsection is safeguarded in an enclosed, secure location.

2. In addition to the provisions of subsection 1, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the cannabis in accordance with the provisions of this title.

3. As used in this section, "cannabis" includes, without limitation, cannabis products.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 678C.420 is hereby amended to read as follows:

678C.420 1. Each medical cannabis establishment, in consultation with the Board, shall maintain an electronic verification ***and authentication*** system.

2. The electronic verification ***and authentication*** system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) In the case of a medical cannabis dispensary, for each person who holds a valid registry identification card and who purchased cannabis from the dispensary in the immediately preceding 60-day period:

(1) The number of the card;

(2) The date on which the card was issued; and

(3) The date on which the card will expire.

(b) For each cannabis establishment agent who is employed by or volunteers at the medical cannabis establishment, the number of the person's cannabis establishment agent registration card.

(c) In the case of a medical cannabis dispensary, such information as may be required by the Board by regulation regarding persons who are not residents of this State and who have purchased cannabis from the dispensary ~~[.]~~ ***in the immediately preceding 120-day period. Such information may include, without limitation, any information relating to any document issued to a person who is not a resident of this State by the state in which the person is a resident which identifies the person as exempt from state prosecution for engaging in the medical use of cannabis in that state.***

(d) Verification of the identity of a person to whom cannabis or medical cannabis products are sold or otherwise distributed.

(e) Such other information as the Board may require.

3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an electronic verification ***and authentication*** system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.

4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification ***and authentication*** system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 45. NRS 678C.430 is hereby amended to read as follows:

678C.430 1. ~~[Each medical cannabis establishment, in consultation with the Board, shall maintain an inventory control system.~~

~~2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:~~

~~(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point that it is harvested at a cannabis cultivation facility until it is sold at a medical cannabis dispensary and, if applicable, medical cannabis production facility;~~

~~(b) The name of each person or other medical cannabis establishment, or both, to which the establishment sold cannabis;~~

~~(c) In the case of a medical cannabis dispensary, the date on which it sold cannabis to a person who holds a registry identification card and, if any, the quantity of medical cannabis products sold, measured both by weight and potency; and~~

~~(d) Such other information as the Board may require.~~

~~3. Nothing in this section prohibits more than one medical cannabis establishment from co-owning an inventory control system in cooperation with other medical cannabis establishments, or sharing the information obtained therefrom.~~

~~4. A medical cannabis establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.~~

~~5.]~~ If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment may:

(a) For the purpose of tracking cannabis for medical use, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the medical cannabis establishment operated by the dual licensee, maintain a combined inventory with an adult-use cannabis establishment operated by the dual licensee and report the combined inventory under ~~[a single medical cannabis establishment license or]~~ ***the*** adult-use cannabis establishment license.

~~[6.]~~ ***2.*** If a medical cannabis establishment is operated by a dual licensee, the medical cannabis establishment shall:

(a) For the purpose of reporting on the sales of any medical cannabis establishment or adult-use cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or chapter 678D of NRS in its inventory control system at the point of sale; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of this chapter holds a valid registry identification card.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 678D.005 is hereby amended to read as follows:

678D.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 678D.010 ~~[to 678D.040, inclusive,]~~ ***, 678D.020 and 678D.030*** have the meanings ascribed to them in those sections.

Sec. 48. NRS 678D.420 is hereby amended to read as follows:

678D.420 1. An adult-use edible cannabis product or an adult-use cannabis-infused product must be labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving.

2. An adult-use cannabis product must be sold in a single package. A single package must not contain:

(a) More than ~~[1 ounce]~~ ***2.5 ounces*** of usable cannabis ~~[or one-eighth of an ounce]~~ ***or 3,500 milligrams*** of concentrated cannabis.

(b) For an adult-use cannabis product sold as a capsule, more than 100 milligrams of THC per capsule or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

(c) For an adult-use cannabis product sold as a tincture, more than ~~[800]~~ ***1,000*** milligrams of THC.

(d) For an adult-use edible cannabis product, more than 100 milligrams of THC.

(e) For an adult-use cannabis product sold as a topical product, a concentration of more than 6 percent THC or more than ~~[800]~~ ***2,500*** milligrams of THC per package.

(f) For an adult-use cannabis product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than ~~[800]~~ ***1,000*** milligrams of THC per package.

(g) For any other adult-use cannabis product, more than ~~[800]~~ ***1,000*** milligrams of THC.

3. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section do not apply to a ready-to-consume cannabis product prepared and sold by a cannabis consumption lounge.

Sec. 49. NRS 678D.430 is hereby amended to read as follows:

678D.430 1. If an adult-use cannabis establishment is operated by a dual licensee, the adult-use cannabis establishment may:

(a) For the purpose of tracking cannabis, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee; and

(b) For the purpose of reporting on the inventory of the adult-use cannabis establishment, maintain a combined inventory with a medical cannabis establishment operated by the dual licensee and report the combined inventory under ~~[a single medical cannabis license or]~~ ***the*** adult-use cannabis license.

2. If a cannabis establishment is operated by a dual licensee, the cannabis establishment shall:

(a) For the purpose of reporting on the sales of any adult-use cannabis establishment or medical cannabis establishment operated by the dual licensee, designate each sale as a sale pursuant to the provisions of this chapter or chapter 678C of NRS; and

(b) Verify that each person who purchases cannabis or cannabis products in a sale designated as a sale pursuant to the provisions of chapter 678C of NRS holds a valid registry identification card.

3. An adult-use cannabis retail store shall not sell cannabis or cannabis products through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold an adult-use cannabis establishment license.

4. An adult-use cannabis retail store may contract with a third party or intermediary business to deliver cannabis or cannabis products only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the adult-use cannabis retail store or an Internet website, digital network or software application service of the adult-use cannabis retail store;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products;

(c) In addition to any other requirements imposed by the Board by regulation, the name of the adult-use cannabis retail store and all independent contractors who perform deliveries on behalf of the adult-use cannabis retail store has been published on the Internet website of the Board; and

(d) The delivery is made by a cannabis establishment agent who is authorized to make the delivery by the adult-use cannabis retail store by which he or she is employed.

Sec. 50. (Deleted by amendment.)

Sec. 51. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 3 ~~[,]~~ ***and 4,*** smoking in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking in any form is prohibited within school buildings and on school property.

3. Smoking is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. ***The smoking of cannabis in accordance with the provisions of title 56 of NRS and the regulations adopted pursuant thereto is not prohibited in a cannabis consumption lounge.***

5. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

~~[5.]~~ ***6.*** If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection ~~[4,]~~ ***5,*** the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, $1,000.

(b) For a second or subsequent offense, $2,000.

~~[6.]~~ ***7.*** In any prosecution or other proceeding for a violation of the provisions of subsection ~~[4 or]~~ 5 ~~[,]~~ ***or 6,*** it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

~~[7.]~~ ***8.*** In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

~~[8.]~~ ***9.*** Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local smoking control measures that meet or exceed the minimum applicable standards set forth in this section.

~~[9.]~~ ***10.*** "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

~~[10.]~~ ***11.*** Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

~~[11.]~~ ***12.*** No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

~~[12.]~~ ***13.*** For the purposes of this section, the following terms have the following definitions:

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) ***"Cannabis" has the meaning ascribed to it in NRS 678A.085.***

(c) "Cannabis consumption lounge" has the meaning ascribed to it in NRS 678A.087.

(d) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

~~[(c)]~~ ***(e)*** "Child care facility" has the meaning ascribed to it in NRS 441A.030.

~~[(d)]~~ ***(f)*** "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

~~[(e)]~~ ***(g)*** "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

~~[(f)]~~ ***(h)*** "Health authority" has the meaning ascribed to it in NRS 202.2485.

~~[(g)]~~ ***(i)*** "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

~~[(h)]~~ ***(j)*** "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

~~[(i)]~~ ***(k)*** "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

~~[(j)]~~ ***(l)*** "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

~~[(k)]~~ ***(m)*** "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

~~[(l)]~~ ***(n)*** "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(m)]~~ ***(o)*** "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(n)]~~ ***(p)*** "Smoking" means inhaling, exhaling, burning or carrying any liquid or heated cigar, cigarette or pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. The term includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, and the use of any oral smoking device. As used in this paragraph, "electronic smoking device":

(1) Means any product containing or delivering nicotine, a product made or derived from tobacco or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor or aerosol from the product.

(2) Includes any component part of a product described in subparagraph (1), regardless of whether the component part is sold separately.

(3) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 352 et seq.

~~[(o)]~~ ***(q)*** "Stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

~~[(p)]~~ ***(r)*** "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

~~[13.]~~ ***14.*** Any statute or regulation inconsistent with this section is null and void.

~~[14.]~~ ***15.*** The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 52. NRS 223.250 is hereby amended to read as follows:

223.250 1. The Governor or his or her designee may enter into one or more agreements with tribal governments in this State to efficiently coordinate the cross-jurisdictional administration of the laws of this State and the laws of tribal governments relating to the use of cannabis. Such an agreement may include, without limitation, provisions relating to:

(a) Criminal and civil law enforcement;

(b) Regulatory issues relating to the possession, delivery, production, processing or use of cannabis or cannabis products;

(c) Medical and pharmaceutical research involving cannabis;

(d) The administration of laws relating to taxation;

(e) Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing, transportation or use of cannabis or cannabis products; and

(f) The resolution of any disputes between a tribal government and this State, which may include, without limitation, the use of mediation or other nonjudicial processes.

2. An agreement entered into pursuant to this section must:

(a) Provide for the preservation of public health and safety;

(b) Ensure the security of cannabis establishments and the corresponding facilities on tribal land; and

(c) Establish provisions regulating business involving cannabis which passes between tribal land and non-tribal land in this State.

3. ***Any information received pursuant to the terms of an agreement entered into pursuant to this section by a governmental entity from a tribal government or a facility engaged in cannabis activities operating on tribal land which relates to cannabis or a cannabis product that is not sold or transferred to a cannabis establishment remains the property of the tribal government, is not a public record within the meaning of NRS 239.010 and must be kept confidential by the governmental entity.***

4. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.

(c) "Cannabis products" has the meaning ascribed to it in NRS 678A.120.

(d) ***"Governmental entity" has the meaning ascribed to it in NRS 239.005.***

(e) "Tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to ~~[83.13,]~~ ***83.12,*** inclusive.

Sec. 53. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, ***223.250,*** 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025,

289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105,

657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 54. NRS 239.0115 is hereby amended to read as follows:

239.0115 1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that the person seeks to inspect or copy.

3. The provisions of subsection 1 do not apply to any book or record:

(a) Declared confidential pursuant to NRS 463.120 ~~|-|~~ ***or 678A.470.***

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

Sec. 54.3. **1. The Cannabis Advisory Commission created by NRS 678A.300 shall create a subcommittee to conduct a study concerning the potential regulation by the Cannabis Compliance Board of consumable hemp products and the potential restriction of the conducting of sales of such products only to persons licensed by the Board and, for a consumable hemp product that is a beverage, persons who have obtained any license or permit required to sell alcoholic beverages. The study must include, without limitation:**

(a) A review of existing state laws and local ordinances governing consumable hemp products;

(b) A review of and recommendations concerning matters relating to the enforcement of restrictions against the sale of consumable hemp products with a THC concentration that exceeds the maximum THC concentration established by the State Department of Agriculture for hemp, including, without limitation:

(1) Recommendations for actions that may be taken by state and local agencies to enforce such restrictions, including, without limitation,

the issuance of cease and desist orders, the imposition of civil and criminal penalties and the use of other tools to enforce such restrictions; and

(2) An identification and recommendations for the closure of gaps in the enforcement of such restrictions, including, without limitation, gaps in the legal authority of state and local agencies to enforce such restrictions and gaps in the enforcement of such restrictions in the context of sales conducted in person and through the Internet and with respect to sales of consumable hemp products that contain delta-8-tetrahydrocannabinol, other derivatives of tetrahydrocannabinol or synthetic cannabinoids;

(c) Recommendations for requirements for the testing, packaging and labeling of consumable hemp products, including, without limitation, standardized warning labels concerning any psychoactive effects, impairment risks, allergens and drug interactions;

(d) A review of federal laws and regulations governing consumable hemp products and the distribution of such products in interstate commerce and recommendations for the implementation of safeguards to ensure that this State complies with any such laws and regulations;

(e) An examination of the adequacy of age restrictions and point-of-sale controls concerning the sale of consumable hemp products, including, without limitation, an examination of the effectiveness of practices for the verification of the age of a purchaser of such a product both for an in-person sale and for a sale through the Internet;

(f) Recommendations for requirements for the potency of a consumable hemp product and the serving size of a consumable hemp product, including, without limitation, the maximum allowable milligrams of cannabinoids for each such product or for each serving of such a product;

(g) Recommendations for the creation of a market surveillance and reporting system concerning consumable hemp products, which must include, without limitation:

(1) A centralized registry of consumable hemp products and manufacturers and retailers of such products; and

(2) A system for tracking complaints of consumers, recalls of consumer hemp products and adverse health events involving consumer hemp products;

(h) An examination of and recommendations concerning issues relating to the retail sale of consumable hemp products that are beverages, including, without limitation:

(1) The classification of such products under state law;

(2) Standards for the testing, packaging and labeling of such products;

(3) Restrictions on marketing and advertising for such products;

(4) Practices for the verification of the age of a purchaser of such a product, both for in-person sales and sales through the Internet;

(5) Practices for the effective coordination between state and local agencies who are responsible for matters relating to such products; and

(6) The taxation of such products; and

(i) An examination of any other issues relating to consumable hemp products that the Commission determines to be appropriate.

2. On or before November 9, 2026, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

3. As used in this section:

(a) "Consumable hemp product" means hemp, as defined in NRS 557.160, a commodity or product containing hemp or any other commodity or product that purports to contain cannabidiol that:

(1) Has a THC concentration that does not exceed the maximum THC concentration for hemp established by the State Department of Agriculture; and

(2) Is intended for human consumption by ingestion or inhalation or for topical application to the skin or hair of a human.

➥ The term does not include a commodity or product that contains only an approved hemp component, as defined in NRS 446.844, and no other hemp.

(b) "Hemp" has the meaning ascribed to it in NRS 557.160,

Sec. 54.7. **1. The Cannabis Advisory Commission created by NRS 678A.300 shall create a subcommittee to conduct a study concerning the taxation of cannabis and cannabis products in this State. The study must include, without limitation:**

(a) An assessment of the potential effects of:

(1) The elimination of the excise taxes imposed by subsections 1 and 2 of NRS 372A.290 coupled with an increase to the amount of the excise tax imposed by subsection 3 of NRS 372A.290.

(2) The imposition of an excise tax on retail sales of consumable hemp products, as defined in section 54.3 of this act.

(3) Other changes that may be made, in a manner that is at least revenue neutral to the State Education Fund, to the manner in which cannabis and cannabis products are taxed in this State.

(b) For each change for which an assessment is conducted pursuant to paragraph (a), consideration of:

(1) The potential impact of the change on the price of cannabis and cannabis products at retail;

(2) Changes to the manner in which the cannabis and cannabis products are regulated which may be necessary if the change were to be implemented;

(3) The financial impact of the change on persons who engage in the medical and adult use of cannabis and on holders of medical and adult-use cannabis establishment licenses;

(4) The impact of the change on the unlicensed cannabis market and the hemp market; and

(5) The projected long-term impact of the change on the State Education Fund.

2. On or before October 5, 2026, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on Revenue; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

Sec. 55. The amendatory provisions of sections 5, 6 and 13 to 23, inclusive, of this act apply to any judicial or administrative proceedings commenced on or after the effective date of this act.

Sec. 56. NRS 678C.060, 678C.100 and 678D.040 are hereby repealed.

Sec. 57. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

678C.060 "Inventory control system" defined. "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.

678C.100 "Usable cannabis" defined.

1. "Usable cannabis" means:

(a) The dried leaves and flowers of a plant of the genus *Cannabis*, and any mixture or preparation thereof, that are appropriate for the medical use of cannabis or the adult use of cannabis; and

(b) The seeds of a plant of the genus *Cannabis*.

2. The term does not include the stalks and roots of the plant.

678D.040 "Usable cannabis" defined. "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 102.

Bill read third time.

Roll call on Assembly Bill No. 102:

YEAS—42.

NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 825.

AN ACT relating to special license plates; providing for the issuance of special license plates indicating support for the Las Vegas Aces basketball team; exempting the special license plates indicating support for the Las Vegas Aces basketball team from certain provisions otherwise applicable to certain special license plates; **subjecting the Las Vegas Aces Foundation to certain reporting requirements and financial investigations;** imposing a fee for the issuance and renewal of the special license plates indicating support for the Las Vegas Aces basketball team; eliminating provisions prohibiting certain new vehicle dealers from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of various special license plates associated with military or public service, membership or affiliation with certain groups and recognition of or support for certain charitable causes or certain classes and types of vehicles. (NRS 482.3672-482.3823) **Section 1** of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates indicating support for the Las Vegas Aces, a franchise of the Women's National Basketball Association. A person wishing to obtain the special license plates must pay to the Department: (1) a fee for initial issuance of $35 and a fee for renewal of $10; (2) all applicable registration and license fees and governmental services taxes; and (3) an additional fee for initial issuance of $25 and an additional fee for renewal of $20, to be deposited with the State Treasurer who must, on a quarterly basis, distribute the fees to the Las Vegas Aces Foundation or its successor organization for its programs and activities within this State in support of health and fitness, disadvantaged children and families, education and women in sports. A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates. **Section 2** of this bill makes a conforming change to apply provisions relating to the issuance and renewal of a special license plate for certain trailers to include the Las Vegas Aces special license plate. **Section 5** of this bill prohibits the Department from issuing the Las Vegas Aces special license plate for a full trailer or semitrailer.

Under existing law, certain special license plates: (1) must be approved by the Department; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for such plates are received. (NRS 482.367002, 482.367008, 482.36705) **Sections 6-8** of this bill exempt the Las Vegas Aces special license plates from these provisions.

Section 9 of this bill ~~[excludes]~~ **includes** the Las Vegas Aces special license plates ~~[from]~~ **in** the definition of "special license plate" for purposes of existing provisions governing investigations relating to **the** finances of charitable organizations that receive additional fees from special license plates. (NRS 482.38272-482.38279)

Section 4 of this bill authorizes the Director of the Department to order the preparation of sample license plates that are of the same design and size as the Las Vegas Aces special license plates.

Section 10 of this bill makes a conforming change to authorize the holder of the original registration of any vehicle to transfer the registration and use of the Las Vegas Aces special license plates to another vehicle under certain circumstances.

Section 11 of this bill establishes a fee of $10 for the replacement of a Las Vegas Aces special license plate.

Existing law authorizes the Department to authorize a new vehicle dealer to: (1) accept applications for the registration of new motor vehicles he or she sells; and (2) issue certificates of registration to applicants who satisfy the legal requirements to be issued a certificate of registration. Existing law prohibits a new vehicle dealer who is authorized to issue certificates of registration from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) **Section 3** of this bill eliminates the prohibition against a new vehicle dealer accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates, thereby authorizing a new vehicle dealer to accept an application for registration from such applicants.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, in cooperation with the Las Vegas Aces, shall design, prepare and issue license plates that indicate support for the Las Vegas Aces using any colors and designs which the Department deems appropriate.

2. The Department shall issue license plates that indicate support for the Las Vegas Aces for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for the Las Vegas Aces if the person pays the fees for the personalized prestige license plates, in addition to the fees for the license plates that indicate support for the Las Vegas Aces set forth in subsections 3 and 4.

3. The fee for the license plates that indicate support for the Las Vegas Aces is $35, in addition to all other applicable registration and license fees

and governmental service taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates that indicate support for the Las Vegas Aces must pay for the initial issuance of the plates an additional fee of $25, and an additional fee of $20 for each renewal of the plates, to be deposited in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Las Vegas Aces Foundation or its successor organization for its programs and activities within this State in support of health and fitness, disadvantaged children and families, education and women in sports.

6. The provisions of NRS 482.36705 do not apply to license plates described in this section.

7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services taxes due pursuant to NRS 482.399; or

(b) Return the plates to the Department within 30 days after removing them from the vehicle.

8. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act,*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to ~~[~~:

~~(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive; or~~

~~(2) Claim~~] ***claim*** the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~,~~ ***, and section 1 of this act.*** The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than $15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~,~~ ***, and section 1 of this act.***

Sec. 6. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of $5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of $20,000;

(f) Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and

(g) Must be accompanied by suggestions for the design of and colors to be used in the special license plate. The suggestion must be made in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

➥ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a public meeting of the Department held pursuant to subsection 4, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department shall hold a public meeting before determining whether to approve or disapprove:

(a) An application for the design, preparation and issuance of a special license plate that is submitted to the Department pursuant to subsection 1; and

(b) Except as otherwise provided in subsection 6, an application for the design, preparation and issuance of a special license plate that has been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application, the Department shall consider, without limitation, whether it would be appropriate and feasible for the Department to design, prepare and issue the particular special license plate. The Department shall consider each application in the chronological order in which the application was received by the Department.

5. Before holding a public meeting pursuant to subsection 4, the Department shall:

(a) At least 30 days before the public meeting is held, notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(b) Post a notice of the public meeting that complies with chapter 241 of NRS.

6. The provisions of paragraph (b) of subsection 4 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.37907, 482.3791, 482.3794 or 482.3817 ~~.~~ ***or section 1 of this act.***

7. The Department may design and prepare a special license plate requested pursuant to subsection 1 if the Department:

(a) Determines that the application for that plate complies with subsection 2; and

(b) Approves the application for that plate after holding the public meeting required pursuant to subsection 4.

8. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to subsection 7; and

(b) Complies with the requirements of NRS 482.367003,

➥ for any motorcycle, passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

9. Upon making a determination to issue a special license plate pursuant to subsection 8, the Department shall notify:

(a) The person who requested the special license plate pursuant to subsection 1; and

(b) The charitable organization for which the special license plate is intended to generate financial support, if any.

10. After making a determination to issue a special license plate pursuant to this section, if the Department determines not to use the design or colors suggested pursuant to paragraph (g) of subsection 2, the Department shall notify the person who requested the special license plate pursuant to subsection 1. The notice must include, without limitation, the reasons the Department did not use the design or colors suggested pursuant to paragraph (g) of subsection 2.

11. Within 180 days after receiving the notice pursuant to subsection 10, the person who requested the special license plate pursuant to subsection 1 shall, in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any, submit a revised suggestion for the design of and colors to be used in the special license plate. If the person does not submit a revised suggestion within 180 days after receiving the notice pursuant to subsection 10, the Department must:

(a) Not issue the special license plate; and

(b) Notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any.

12. After receiving the suggested design of and colors to be used in the special license plate pursuant to paragraph (g) of subsection 2 or subsection 11 and upon determining the design of and the colors to be used in the special license plate, the Department shall submit the design of and the colors to be used in the special license plate to the person who requested the special license plate pursuant to subsection 1 and to the charitable organization for which the special license plate is intended to generate financial support, if any. The person and the charitable organization, if any, shall respond to the Department within 30 days after receiving the design of and the colors to be used in the special license plate and shall:

(a) Approve the design of and the colors to be used in the special license plate; or

(b) Submit suggestions to revise the design of or colors to be used in the special license plate.

➥ If the person who requested the special license plate pursuant to subsection 1 and the charitable organization for which the special license plate is intended to generate financial support, if any, fail to respond within 30 days after receiving the design of and the colors to be used in the special license plate, the person and charitable organization shall be deemed to approve the

design of and the colors to be used in the special license plate. The Department may adopt regulations to carry out this subsection.

13. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate;

(b) If the Department distributes the additional fees collected on behalf of a charitable organization to another charitable organization pursuant to subparagraph (2) of paragraph (c) of subsection 5 of NRS 482.38279 and the surety bond has not been released to the initial charitable organization; or

(c) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

14. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

15. On or before September 1 of each fiscal year, the Department shall compile a list of each special license plate the Department, during the immediately preceding fiscal year, designed and prepared pursuant to subsection 7 or issued pursuant to subsection 8. The list must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Department shall make that information available on its Internet website.

16. On or before January 31 of each year, the Department shall:

(a) Compile a report that contains information detailing:

(1) The requests submitted pursuant to subsection 1;

(2) The list compiled pursuant to subsection 15 for the immediately preceding fiscal year;

(3) Any special license plates that the Department will no longer issue pursuant to NRS 482.367008;

(4) The results of any activities conducted pursuant to NRS 482.38272 to 482.38279, inclusive; and

(5) Any actions taken by the Department pursuant to subsections 4 and 5 of NRS 482.38279; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Sec. 7. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.37907, 482.3791, 482.3794, 482.37941 or 482.3817, ***or section 1 of this act,*** a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Department pursuant to NRS 482.367002, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Department must approve the design, preparation and issuance of the special plates as described in NRS 482.367002; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total

number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the

Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department approves the application for the authorized plate pursuant to NRS 482.367002.

(d) In addition to the requirements set forth in paragraphs (a), (b) and (c), if a new special license plate is authorized by an act of the Legislature after July 1, 2021, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the organization meeting the requirements described in subsection 1 of NRS 482.367002 submits suggestions for the design of and colors to be used in the special license plate within 180 days after the authorization of the special license plate. The provisions of subsections 10, 11 and 12 of NRS 482.367002 apply to suggestions submitted pursuant to this paragraph.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.37907, 482.3791, 482.3794, 482.37941 or 482.3817 ~~[.]~~ ***or section 1 of this act.***

Sec. 9. NRS 482.38276 is hereby amended to read as follows:

482.38276 "Special license plate" means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37907, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~[.]~~ ***or section 1 of this act;*** and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.37941, ~~*[or section 1 of this act,]*~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 10. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act*** or ***NRS***

482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 8 and 9 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 11. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00

For every decal displaying a county name..... .50
For every other indicator, decal, license plate sticker or tab.....5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, ***and section 1 of this act,*** a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 131.

Bill read third time.

Roll call on Assembly Bill No. 131:

YEAS—42.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 826.

AN ACT relating to mental health; ratifying and entering into the Counseling Compact; authorizing the sharing of certain information with the coordinated database and reporting system created by the Compact; providing licensed professional counselors practicing in this State under the Compact with the same legal status as clinical professional counselors who are licensed in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the practice of licensed professional counselors, known as clinical professional counselors, in this State. (Chapter 641A of NRS) **Section 1** of this bill ratifies and enters into the Counseling Compact, which is an interstate compact that allows a person who is licensed as a licensed professional counselor in a state that is a member of the Compact to practice as a licensed professional counselor in other states that are members of the Compact. In order to practice as a licensed professional counselor under the Compact, the Compact requires a licensed professional counselor to: (1) hold a license in his or her home state; (2) have a valid social security number or National Practitioner Identifier; (3) notify the Counseling Compact Commission, a joint public agency established by the Compact, that he or she is seeking to practice under the Compact in another state; (4) have had no encumbrances or restrictions placed against any license or authority to practice under the Compact within the previous 2 years; (5) pay any applicable fees; (6) meet any requirements for continuing education established by his or her home state; (7) meet any requirement in the state in which he or she seeks to practice under the Compact to pass an assessment of his or her knowledge of the applicable laws and rules of that state; and (8) report any adverse action taken against him or her or any encumbrance or restriction placed upon him or her in a non-member state within 30 days after the date of the adverse action or the placement of the encumbrance or restriction, as applicable. The Compact also requires a member state to authorize a professional counselor who is licensed in a member state to provide counseling services via telehealth to a patient located in any member state under rules prescribed by the Commission. The Compact authorizes a member state to take certain adverse actions against a licensed professional counselor practicing within that member state under the Compact. The Compact requires the Commission, among other duties, to: (1) establish bylaws; (2) make rules that facilitate and coordinate implementation and administration of the Compact; (3) hold meetings, which may be closed to the public under certain conditions; (4) develop, maintain and use a coordinated database and reporting system; and (5) resolve disputes related to the Compact among states that are members of the Compact. The Commission is additionally authorized to levy and collect an annual assessment from each state that is a member of the Compact.

Section 2 of this bill authorizes the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to disclose certain investigatory information to the Commission and the coordinated database and reporting system when required by the Compact. **Sections 1 and 4** of this bill provide for the confidentiality of certain information disclosed to the Board from the coordinated database and reporting system.

Section 3 of this bill deems practicing as a licensed professional counselor under the Compact to be equivalent to practicing as a clinical professional counselor under a license issued by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

The Counseling Compact is hereby ratified and entered into with all other jurisdictions legally joining the Compact, in substantially the form set forth in this section:

COUNSELING COMPACT

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;

B. Enhance the States' ability to protect the public's health and safety;

C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;

D. Support spouses of relocating Active Duty Military personnel;

E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;

F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;

G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;

H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;

I. Eliminate the necessity for licenses in multiple States; and

J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National

Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

B. "Adverse Action" means any administrative, civil, equitable or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action.

C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners.

D. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

E. "Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact.

F. "Current Significant Investigative Information" means:

1. Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond.

G. "Data System" means a repository of information about Licensees, including, but not limited to, continuing education, examination, licensure, investigative, Privilege to Practice and Adverse Action information.

H. "Encumbered License" means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB).

I. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board.

J. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

K. "Home State" means the Member State that is the Licensee's primary State of residence.

L. "Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

M. "Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation.

N. "Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State.

O. "Licensed Professional Counselor" means a counselor licensed by a Member State, regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions.

P. "Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor.

Q. "Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors.

R. "Member State" means a State that has enacted the Compact.

S. "Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State.

T. "Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor.

U. "Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice.

V. "Rule" means a regulation promulgated by the Commission that has the force of law.

W. "Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling.

Y. "Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions.

Z. "Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To Participate in the Compact, a State must currently:

1. License and regulate Licensed Professional Counselors;

2. Require Licensees to pass a nationally recognized exam approved by the Commission;

3. Require Licensees to have a 60 semester-hour (or 90 quarter-hour) master's degree in counseling or 60 semester-hours (or 90 quarter-hours) of graduate course work including the following topic areas:

a. Professional Counseling Orientation and Ethical Practice;

b. Social and Cultural Diversity;

c. Human Growth and Development;

d. Career Development;

e. Counseling and Helping Relationships;

f. Group Counseling and Group Work;

g. Diagnosis and Treatment; Assessment and Testing;

h. Research and Program Evaluation; and

i. Other areas as determined by the Commission.

4. Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission; and

5. Have a mechanism in place for receiving and investigating complaints about Licensees.

B. A Member State shall:

1. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

2. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;

3. Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

a. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.

b. Communication between a Member State, the Commission and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Public Law 92-544.

4. Comply with the Rules of the Commission;

5. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;

6. Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and

7. Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.

C. Member States may charge a fee for granting the Privilege to Practice.

D. Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

F. A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.

SECTION 4. PRIVILEGE TO PRACTICE

A. To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:

1. Hold a license in the Home State;

2. Have a valid United States Social Security Number or National Practitioner Identifier;

3. Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);

4. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;

5. Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);

6. Pay any applicable fees, including any State fee, for the Privilege to Practice;

7. Meet any Continuing Competence/Education requirements established by the Home State;

8. Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and

9. Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within 30 days from the date the action is taken.

B. The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.

C. A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

D. A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.

E. If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:

1. The Home State license is no longer encumbered; and

2. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

F. Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.

G. If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:

1. The specific period of time for which the Privilege to Practice was removed has ended;

2. All fines have been paid; and

3. Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.

H. Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

A. A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one Member State at a time.

B. If a Licensed Professional Counselor changes primary State of residence by moving between two Member States:

1. The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:

a. A Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;

b. Other criminal background check as required by the new Home State; and

c. Completion of any requisite Jurisprudence Requirements of the new Home State.

3. The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.

5. The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.

C. If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States, however for the purposes of this Compact, a Licensee shall have only one Home State license.

E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

A. Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.

B. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.

SECTION 8. ADVERSE ACTIONS

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State, and

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

3. Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.

E. A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission.

1. The Commission is an instrumentality of the Compact States.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.

2. The delegate shall be either:

a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or

b. An administrator of the Licensing Board.

3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.

4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within 60 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Maintain its financial records in accordance with the bylaws;

4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;

6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Purchase and maintain insurance and bonds;

8. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

10. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

13. Establish a budget and make expenditures;

14. Borrow money;

15. Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

16. Provide and receive information from, and cooperate with, law enforcement agencies;

17. Establish and elect an Executive Committee; and

18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.

D. The Executive Committee

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission; and

b. Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations.

c. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or Member State statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 10. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.

B. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license or Privilege to Practice;

4. Non-confidential information related to Alternative Program participation;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

D. The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

E. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.

F. Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.

SECTION 11. RULEMAKING

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.

B. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.

C. If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.

F. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon;

2. The text of the proposed Rule or amendment and the reason for the proposed Rule;

3. A request for comments on the proposed Rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;

2. A State or federal governmental subdivision or agency; or

3. An association having at least twenty-five (25) members.

I. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public

hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or

4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is

challenged, the revision may not take effect without the approval of the Commission.

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:

a. Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

G. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

H. Dispute Resolution

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.

B. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

SECTION 14. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.

B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.

E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.

Sec. 2. NRS 641A.191 is hereby amended to read as follows:

641A.191 1. Except as otherwise provided in this section and NRS 239.0115, ***and section 1 of this act,*** any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. This section does not prohibit the Board from communicating or cooperating with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement agency.

Sec. 3. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, privilege to practice as a licensed professional counselor in this State under the Counseling Compact ratified and entered into in section 1 of this act shall be deemed to be equivalent to a license to practice as a clinical professional counselor issued by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to chapter 641A of NRS.

Sec. 4. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,

239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262,

641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 5. This act becomes effective on ~~[July 1, 2025.]~~ **January 1, 2026.**

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 204.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 798.

AN ACT relating to medical debt; prohibiting collection agencies and certain entities that provide health care from reporting medical debt to a consumer reporting agency in certain circumstances; prohibiting certain actions by certain entities that provide health care and collection agencies to collect a medical debt; providing requirements for engaging in extraordinary collection actions to collect a medical debt; ~~[authorizing the Commissioner of Financial Institutions to institute legal proceedings against violators;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides requirements governing the collection of medical debt by a collection agency, including a requirement to provide certain notice to a medical debtor before taking action to collect and prohibiting certain actions to collect a medical debt. (NRS 649.366, 649.368) **Section 13** of this bill prohibits a health care entity, which includes a medical facility, provider of health care or provider of emergency medical services, or a collection agency from reporting a medical debt to a consumer reporting agency unless the health care entity or collection agency issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. **Section 13**: (1) establishes a procedure for the issuance of such an offer; (2) prohibits a health care entity or collection agency from reporting medical debt to a consumer reporting agency if the consumer enters into a payment plan and complies with the terms and conditions of the plan; (3) provides that any portion of the medical debt that is reported to a consumer reporting agency in violation of **section 13** shall be void; ~~[and]~~ (4) requires ~~[the Commissioner of Financial Institutions to adopt~~

~~regulations to carry out the provisions of section 13.~~] **a health care entity or collection agency that enters into a payment plan with a consumer to provide to the consumer a written copy of the payment plan; and (5) prescribes requirements for a payment plan. Except in certain circumstances, section 13.7 of this bill prohibits a health care entity or collection agency from placing a payment plan into default, accelerating a payment plan or otherwise cancelling a payment plan unless certain requirements are met.**

Section 13.3 of this bill: (1) requires a health care entity or collection agency that receives a payment to furnish to the consumer a receipt for the payment; and (2) prescribes requirements for such receipts.

Sections 14 and 19 of this bill prohibit a health care entity or collection agency from engaging in certain actions, or threatening to engage in certain actions, to collect a medical debt, including: (1) causing the arrest of a consumer; (2) obtaining a lien or foreclosing on real property of a consumer that includes the consumer's primary residence; (3) garnishing ~~[the wages of a consumer or]~~ any refund of federal income taxes due to a consumer; or (4) garnishing, attaching or seizing the bank account of a consumer.

Section 15 of this bill prohibits a health care entity or collection agency from engaging in extraordinary collection actions until at least 180 days after the first bill for a medical debt is sent to a consumer and requires a notice that includes certain information to be sent to the consumer at least 30 days before any extraordinary collection action is taken. **Section 6** of this bill defines the term "extraordinary collection action" to mean: (1) selling a medical debt to a collection agency; (2) deferring, denying or requiring payment before providing medically necessary care; or (3) any action that requires a legal or judicial process except for placing a lien on third party settlements. **Section 15** prohibits a health care entity or collection agency from engaging in extraordinary collection actions during a state of emergency, declaration of disaster or public health emergency or other health event with respect to the geographic area in which a consumer resides.

Section 16 of this bill provides additional requirements for the collection of medical debts incurred for medical services, products or devices provided by a ~~[medical facility,]~~ **health care entity,** including: (1) a prohibition on engaging in extraordinary collection actions unless such actions are described in the billing and collection policy of the ~~[medical facility;]~~ **health care entity;** (2) a requirement to reverse any extraordinary collection actions if it is determined that the consumer is eligible for financial assistance that eliminates or would have eliminated the debt; and (3) requiring a consumer to be refunded within 60 days if, after the application of any financial assistance, a consumer had paid an amount in excess of the amount of the medical debt.

Section 17 of this bill provides that the protections provided by **sections 13-16** cannot be waived.

~~[Section 18 of this bill authorizes the Commissioner of Financial Institutions to institute legal proceedings against a person who has willfully violated, is~~

~~violating or is about to violate the provisions of sections 2-18 of this bill. Section 18 authorizes a district court to grant certain remedies in such a proceeding.~~]

Sections 3-12 define terms related to the collection of medical debts and **section 2** makes those terms applicable to **sections 13-18**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Collection agency" includes:***

1. A collection agency, as defined in NRS 649.020.

2. A collection agent, as defined in NRS 649.025.

Sec. 4. ***"Consumer" means a natural person.***

Sec. 5. ***"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.***

Sec. 5.5. ***1. "Cosmetic surgery" means a surgical procedure that:***

(a) Does not meaningfully promote the proper function of the body;

(b) Does not prevent or treat illness or disease; and

(c) Is primarily directed at improving or preserving the appearance of a person.

2. This term does not include reconstructive surgery when such service is incidental to or follows surgery resulting from the diagnosis, prevention, treatment, cure or relief from a physical, dental, behavioral or substance use disorder, mental health condition, illness, injury or disease.

Sec. 6. ***"Extraordinary collection action" means:***

1. Selling or transferring, with or without compensation, the medical debt of a consumer to a collection agency;

2. Deferring, denying or requiring payment before providing medically necessary care; or

3. Any action that requires a legal or judicial process, including, without limitation, placing a lien, except for a lien on a third party settlement, or commencing a civil action.

Sec. 7. ***"Financial assistance policy" means a written financial assistance policy of a health care entity which includes:***

1. Eligibility criteria for financial assistance, including, without limitation, when such assistance includes free or discounted care.

2. The basis for calculating amounts charged to patients.

3. The method for applying for financial assistance.

4. The billing and collections policy, including, without limitation, the actions the health care entity may take in the event of nonpayment.

5. Measures to widely publicize the policy within the community to be served by the health care entity.

Sec. 8. ***"Health care entity" means:***

1. A medical facility;

2. A provider of emergency medical services; or

3. A provider of health care.

Sec. 9. ***1. "Medical debt" means a debt owed by a consumer to a health care entity or its agent or assignee for the provision of medical services, products or devices. The term includes, without limitation, medical bills that are not past due or have been paid.***

2. The term does not include:

(a) Debt charged to a credit card, as defined in NRS 97A.050, unless the credit card is issued for the ~~[sole]~~ specific purpose of purchasing medical services, products or devices; or

(b) An open-end or closed-end ~~[extension of credit]~~ loan made by a financial institution to a borrower, unless the open-end or closed-end ~~[extension of credit]~~ loan is for the ~~[sole]~~ specific purpose of purchasing medical services, products or devices.

Sec. 10. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 10.5. ***"Medical services, products or devices" means any service, treatment, drug, medication, product or device, excluding cosmetic surgery, that is charged to a consumer by a health care entity.***

Sec. 11. ***"Provider of emergency medical services" has the meaning ascribed to it in NRS 649.041.***

Sec. 12. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 13. ***1. A health care entity or collection agency shall not report any information to a consumer reporting agency regarding a medical debt unless the health care entity or collection agency has issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. For such a payment plan, a health care entity or collection agency must:***

(a) Not more than 30 days after the medical debt was incurred, provide to the consumer an itemized bill of all charges for medical services, products or devices at no additional cost to the consumer; and

(b) Not more than 90 days after the medical debt was incurred, provide to the consumer at no charge two written offers, provided at least 30 days apart, to enter into a payment plan for which the rate of interest during the payment period on the medical debt is fixed at 0 percent ~~.~~ so long as the consumer complies with the terms and conditions of the payment plan.

2. If the consumer does not respond to the health care entity or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, the health care entity or collection agency may, not earlier than 90 days after the medical debt was incurred, issue to the consumer a final notice

informing the consumer that the medical debt will be reported to a consumer reporting agency not earlier than 180 days after the date on which the notice was issued if the debtor does not enter into a payment plan or otherwise satisfy the medical debt.

3. If the consumer does not respond to the health care entity or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, within 180 days after the notice was issued pursuant to subsection 2, the health care entity or collection agency may report the medical debt to a consumer reporting agency.

4. If a consumer enters into a payment plan with a health care entity or collection agency:

(a) The terms and conditions of any payment plan between a consumer and a health care entity or collection agency must be specific, intelligible and unambiguous;

(b) The health care entity or collection agency shall fix the rate of interest on the medical debt at 0 percent so long as the consumer complies with the terms and conditions of the payment plan; ~~[and]~~

(c) The health care entity or collection agency shall not report any information to a consumer reporting agency regarding the medical debt so long as the consumer complies with the terms and conditions of the payment plan ~~.]~~ ; and

(d) The payment plan must state:

(1) The rate of interest that will be applied to the medical debt if the consumer does not comply with the terms and conditions of the payment plan; and

(2) The date upon which the medical debt will be paid in full under the payment plan if the consumer complies with the terms and conditions of the payment plan without interruption.

5. Any health care entity or collection agency that enters into a payment plan with a consumer shall provide to the consumer a written copy of the payment plan within 5 business days after the date of entering into the payment plan with the consumer. Notwithstanding the terms and conditions of the payment plan, a consumer is not required to make a payment under the plan until the consumer has received a written copy of the payment plan from the health care entity or collection agency.

6. Any portion of a medical debt that is reported to a consumer reporting agency in violation of this section shall be void.

~~[6. The Commissioner of Financial Institutions shall adopt regulations to carry out the provisions of this section, including, without limitation, any additional procedures or requirements governing payment plans which the Commissioner determines are necessary or desirable.]~~

Sec. 13.3. A health care entity or collection agency, or any agent of the health care entity or collection agency, that receives a payment from a

consumer shall furnish to the consumer a receipt for the payment. Such a receipt must include:

1. The date or dates on which the health care entity provided medical services, products or devices to the consumer;

2. The amount paid toward the balance of the medical debt;

3. The date that the payment was received;

4. The balance of the medical debt before applying the payment to the balance of the medical debt;

5. The balance of the medical debt after applying the payment to the balance of the medical debt;

6. Any interest accrued, if applicable, since the last payment made toward the balance of the medical debt;

7. The account number for the consumer's account;

8. The name of the health care entity or collection agency that owns the medical debt; and

9. If, as a result of the payment, the medical debt has been paid in full or otherwise satisfied or discharged, a statement to that effect.

Sec. 13.7. 1. A health care entity or collection agency shall not place a payment plan into default, accelerate the amount due or cancel a payment plan unless a consumer fails to make a scheduled payment under the payment plan for at least 3 consecutive months. Before accelerating the amount due or cancelling a payment plan, a health care entity or collection agency must:

(a) Make at least three reasonable attempts to contact the consumer by telephone to the last known telephone number of the consumer or by written notice to the address of the consumer on file;

(b) Inform the consumer in writing that the amount due may be accelerated or the payment plan may be cancelled; and

(c) Inform the consumer in writing that the payment plan may be renegotiated and provide to the consumer an opportunity to renegotiate the terms and conditions of the payment plan upon request by the consumer.

2. A health care entity or collection agency shall not commence a civil action against a consumer for violating the terms and conditions of a payment plan until not less than 90 days after the date on which the health care entity or collection agency notified the consumer of the acceleration of the amount due or the cancellation of the payment plan as void pursuant to subsection 1.

Sec. 14. ***A health care entity or collection agency shall not engage in any of the following actions to collect a medical debt:***

1. Causing or threatening the arrest of a consumer, including, without limitation, an arrest pursuant to NRS 31.470 to 31.730, inclusive;

2. Obtaining or threatening to obtain a lien against any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

3. Foreclosing or threatening to foreclose on any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

4. Garnishing or threatening to garnish ~~[the wages of a consumer or]~~ any refund of federal income taxes due to a consumer; or

5. Garnishing, attaching or seizing, or threatening to garnish, attach or seize, a bank account of a consumer.

Sec. 15. *1. A health care entity or collection agency shall not engage in any extraordinary collection action until at least 180 days after the first bill for a medical debt has been sent to a consumer.*

2. At least 30 days before taking any extraordinary collection action to collect a medical debt, a health care entity or collection agency shall provide to the consumer a notice:

(a) Identifying the extraordinary collection action that will be initiated in order to obtain payment;

(b) Providing a deadline after which such extraordinary collection action will be initiated, which must be not earlier than 30 days after the date of the notice; and

(c) If the medical debt was incurred for medical services, products or devices provided by a medical facility, stating whether the medical facility offers financial assistance to eligible consumers and providing a plain-language summary of any financial assistance policy of the medical facility.

3. A health care entity or collection agency shall not engage in any extraordinary collection action against a consumer for a medical debt during any period in which, with respect to the geographic area in which the consumer resides, there exists:

(a) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070;

(b) A public health emergency or other health event pursuant to NRS 439.970; or

(c) A state of emergency, declaration of disaster or public health emergency as declared pursuant to federal law or the laws of another state.

Sec. 16. *1. If a medical debt was incurred for medical services, products or devices provided by a ~~[medical facility,]~~ health care entity, the ~~[medical facility]~~ health care entity or a collection agency shall not engage in any extraordinary collection action to recover the medical debt unless such extraordinary collection action is described in the billing and collections policy of the ~~[medical facility.]~~ health care entity.*

2. If a ~~[medical facility,]~~ health care entity, or a collection agency acting to collect a medical debt incurred for medical services, products or devices provided by a ~~[medical facility,]~~ health care entity, initiates an extraordinary collection action against a consumer to collect a medical debt and the consumer is later found to be eligible under the financial assistance policy of the ~~[medical facility]~~ health care entity for financial assistance that eliminates or would have eliminated the medical debt, the ~~[medical facility]~~

health care entity ***or collection agency shall reverse any such extraordinary collection action, including, without limitation, removing any lien, attachment or garnishment against the property of the consumer.***

3. If, after the application of any financial assistance for which a consumer is eligible, the consumer has paid, to a ~~[medical facility,]~~ health care entity, a collection agency or both, an amount in excess of the amount of the medical debt, the ~~[medical facility]~~ health care entity or collection agency shall refund any excess amount to the consumer within 60 days.

Sec. 17. ***The protections set forth in sections 13 to 16, inclusive, of this act are for the benefit of consumers and cannot be waived.***

Sec. 18. ~~*[If the Commissioner of Financial Institutions has reason to believe that a person has willfully violated, is violating or is about to violate any of the provisions of sections 2 to 18, inclusive, of this act, the Commissioner may institute an appropriate legal proceeding against the person. The district court, upon a showing that the person has willfully violated, is violating or is about to violate any provision of sections 2 to 18, inclusive, of this act may grant any of the following remedies, as appropriate:*~~

~~*1. Issue a temporary or permanent injunction.*~~

~~*2. Impose a civil penalty not to exceed:*~~

~~*(a) For a first violation, $10,000; and*~~

~~*(b) For any subsequent violation, $25,000.*~~

~~*3. Issue a declaratory judgment.*~~

~~*4. Order restitution for the consumer.*~~

~~*5. Order the payment of attorney's fees and costs.*~~

~~*6. Order such relief as the court deems just.]*~~ **(Deleted by amendment.)**

Sec. 19. NRS 649.368 is hereby amended to read as follows:

649.368 A collection agency, or its compliance manager, agents or employees, shall not, for any medical debt:

1. Take any confession of judgment or any power of attorney running to the collection agency or to any third person to confess judgment or to appear for the debtor in a judicial proceeding.

2. Commence a civil action to collect the medical debt if the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, is less than the maximum jurisdictional amount set forth in subsection 1 of NRS 73.010. Nothing in this subsection shall be construed to prohibit the commencement of a small claims action in justice court to collect the medical debt.

3. Charge or collect a fee of more than 5 percent of the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, as a collection fee or as an attorney's fee for the collection of the medical debt.

4. Perform an action prohibited by sections 2 to 18, inclusive, of this act.

Sec. 20. 1. The amendatory provisions of this act apply to:

(a) Any contract between a health care entity and a collection agency for the purchase, transfer or collection of medical debt entered into before, on or

after January 1, 2026, but do not apply to any action taken under such a contract before January 1, 2026.

(b) Medical debt incurred before, on or after January 1, 2026, but do not apply to any action taken to collect a medical debt before January 1, 2026.

2. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in section 3 of this act.

(b) "Health care entity" has the meaning ascribed to it in section 8 of this act.

(c) "Medical debt" has the meaning ascribed to it in section 9 of this act.

Sec. 21. This act becomes effective on January 1, 2026.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 259.

Bill read third time.

Roll call on Assembly Bill No. 259:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 828.

AN ACT relating to governmental administration; revising provisions relating to the adoption of regulations by certain agencies of the Executive Department of the State Government; revising provisions relating to the adoption by a governing body of a local government of certain ordinances or the taking of certain actions relating to fees paid by businesses; revising provisions relating to impact fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Administrative Procedure Act establishes procedural requirements for the adoption of administrative regulations by agencies, officers and employees of the Executive Department of the State Government, with certain exceptions. (NRS 233B.010-233B.120) Under the Act, such state agencies, officers and employees are required to take certain actions to determine the impact of a proposed regulation on for-profit businesses that employ less than 150 employees before adopting a regulation that is likely to impose a direct and significant economic burden upon such a small business

or that directly restricts the formation, operation or expansion of such a small business. (NRS 233B.0382, 233B.0608) The Act further requires that after such actions are taken, the state agency, officer or employee is required to prepare a small business impact statement and prescribes the information required to be included in the statement. (NRS 233B.0608, 233B.0609) The Act also requires that an agency, before holding an initial public hearing on a proposed regulation, conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. (NRS 233B.061) Existing law also establishes procedural requirements for the adoption by a local government of a rule, which is defined in existing law to mean an ordinance and, with certain exceptions, an action taken that imposes, increases or changes the basis for the calculation of a fee that is paid by a for-profit business. (NRS 237.030-237.150) One of the procedural prerequisites for the adoption by a local government of such a rule that is likely to impose a direct and significant economic burden upon a business or directly restricts the formation, operation or expansion of a business is the notification of chambers of commerce and trade associations of the proposed rule. (NRS 237.080) Existing law requires inclusion in the business impact statement prepared by the local government regarding such a proposed rule: (1) the number of businesses likely to be affected by the proposed rule; and (2) a list of the chambers of commerce and trade associations notified of the proposed rule. (NRS 237.090) **Section 1** of this bill imposes the same prerequisite of notifying chambers of commerce and trade associations on a state agency, officer or employee subject to the Nevada Administrative Procedure Act, in determining the impact of a proposed regulation on small businesses, insofar as is practicable. **Section 2** of this bill similarly requires the state agency, officer or employee to include in the small business impact statement for the proposed regulation the total number of small businesses likely to be affected by the proposed regulation and a list of any chambers of commerce and trade associations notified pursuant to **section 1**. **Section 2.5** of this bill requires an agency to notify by electronic mail chambers of commerce, trade associations or owners and officers of businesses which are likely be affected by a proposed regulation of the time and place set for a workshop to solicit comments from interested persons on one or more general topics to be addressed in the regulation. **Section 2.5** also requires an agency to maintain an electronic mailing list of local chambers of commerce, trade associations and owners and officers of businesses and to update the list not later than January 31 of each year.

Under existing law, a local government is not required to comply with the procedural requirements for adopting a rule if the local government is taking action that imposes, increases or changes the basis for the calculation of an impact fee or sales and use taxes. (NRS 237.060) **Section 3** of this bill eliminates these exemptions, thereby requiring a local government to comply with those procedural requirements with respect to a proposed rule that imposes, increases or changes the basis for the calculation of an impact fee or

sales and use taxes. ~~[Section 3 also clarifies that, for purposes of the procedural requirements for adopting a rule, a "rule" is either: (1) an ordinance by the adoption of which the governing body of a local government exercises legislative powers; or (2) an action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses. (See, e.g., Castellanos v. City of Reno, 629 F. Supp. 3d 1031, 1042 (D. Nev. 2022) (construing NRS 237.060 "as disjunctive because the alternative is contrary to common sense and the law's purpose"))]~~

Existing law further provides that any action of a local government to adopt a proposed rule in violation of the requirements for adopting such a rule is void. (NRS 237.140) **Section 4** of this bill clarifies that any such action is also unenforceable.

Existing law authorizes local governments to impose by ordinance impact fees to pay the cost of constructing a capital improvement or facility expansions necessitated or attributable to certain new development. (NRS 278B.160) Under existing law, a local government that wishes to impose an impact fee is required to set a public hearing to consider the land use assumptions and to provide certain notice of such a public hearing. (NRS 278B.180) **Section 5** of this bill requires copies of such notice be provided, insofar as is practicable, to chambers of commerce and trade associations whose members are owners or officers of businesses that are likely to be affected by the proposed impact fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall make a concerted effort to determine whether the proposed regulation is likely to:

(a) Impose a direct and significant economic burden upon a small business; or

(b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) ***Insofar as practicable, notify chambers of commerce and trade associations whose members are owners or officers of small businesses that are likely to be affected by the proposed regulation.***

(c) Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis

must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.

~~[(c)]~~ ***(d)*** Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

(1) Simplifying the proposed regulation;

(2) Establishing different standards of compliance for a small business; and

(3) Modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

~~[(d)]~~ ***(e)*** Prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061. A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) ***The total number of small businesses likely to be affected by the proposed regulation.***

(c) A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to paragraph (b) of subsection 2 of NRS 233B.0608.

(d) The manner in which the analysis ***required pursuant to paragraph (c) of subsection 2 of NRS 233B.0608*** was conducted.

~~[(c)]~~ ***(e)*** The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

(2) Both direct and indirect effects.

~~[(d)]~~ ***(f)*** A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

~~[(e)]~~ ***(g)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[(f)]~~ ***(h)*** If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

~~[(g)]~~ ***(i)*** If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

~~[(h)]~~ ***(j)*** The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

Sec. 2.5. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation, except that a workshop is not required if it is the second or subsequent hearing on the regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; ~~[and]~~

(b) ***By electronic mail to chambers of commerce, trade associations or owners and officers of businesses which are likely to be affected by the proposed regulation; and***

(c) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. With respect to substantive regulations, the agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency

shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The agency shall maintain an electronic mailing list of chambers of commerce, trade associations and owners and officers of businesses. The electronic mailing list must be updated on or before January 31 of each year. The agency must provide notification pursuant to this section to each chamber of commerce and trade association by electronic mail regardless of whether the chamber of commerce or trade association has requested that it be placed on the electronic mailing list. Nothing in this section prohibits the agency from also providing notification pursuant to this section by mail.

Sec. 3. NRS 237.060 is hereby amended to read as follows:

237.060 1. "Rule" means:

(a) An ordinance by the adoption of which the governing body of a local government exercises legislative powers; and ~~*[or]*~~

(b) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of a fee that is paid in whole or in substantial part by businesses ~~[.]~~ ***, including, without limitation, an impact fee.***

2. "Rule" does not include:

(a) An action taken by the governing body of a local government that imposes, increases or changes the basis for the calculation of:

(1) Special assessments imposed pursuant to chapter 271 of NRS;

(2) ~~[Impact fees imposed pursuant to chapter 278B of NRS;~~

~~(3)]~~ Fees for remediation imposed pursuant to chapter 540A of NRS;

~~[(4)]~~ ***(3)*** Taxes ad valorem; ***or***

~~[(5) Sales and use taxes; or~~

~~(6)]~~ ***(4)*** A fee that has been negotiated pursuant to a contract between a business and a local government.

(b) An action taken by the governing body of a local government that approves, amends or augments the annual budget of the local government.

(c) An ordinance adopted by the governing body of a local government pursuant to a provision of chapter 271, 271A, 278, 278A, 278B or 350 of NRS.

(d) An ordinance adopted by or action taken by the governing body of a local government that authorizes or relates to the issuance of bonds or other evidence of debt of the local government.

Sec. 4. NRS 237.140 is hereby amended to read as follows:

237.140 Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of NRS 237.030 to 237.150, inclusive, is void ~~[.]~~ ***and unenforceable,*** including, without limitation, if the

governing body does not comply with the provisions of subsection 3 of NRS 237.100.

Sec. 5. NRS 278B.180 is hereby amended to read as follows:

278B.180 1. A local government which wishes to impose an impact fee must set a time at least 20 days thereafter and place for a public hearing to consider the land use assumptions within the designated service area which will be used to develop the capital improvements plan.

2. The notice must be given:

(a) By publication of a copy of the notice at least once a week for 2 weeks in a newspaper of general circulation in the jurisdiction of the local government.

(b) By posting a copy of the notice at the principal office of the local government and at least three other separate, prominent places within the jurisdiction of the local government.

(c) Insofar as practicable, by providing copies of the notice to chambers of commerce and trade associations whose members are owners and officers of businesses that are likely to be affected by the proposed impact fee.

3. Proof of publication must be by affidavit of the publisher.

4. Proof of posting must be by affidavit of the clerk or any deputy posting the notice.

5. The notice must contain:

(a) The time, date and location of the hearing;

(b) A statement that the purpose of the hearing is to consider the land use assumptions which will be used to develop a capital improvements plan for which an impact fee may be imposed;

(c) A map of the service area to which the land assumptions apply; and

(d) A statement that any person may appear at the hearing and present evidence for or against the land use assumptions.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 479.

Bill read third time.

Roll call on Assembly Bill No. 479:

YEAS—39.

NAYS—Cole, Gray, Hansen—3.

Assembly Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 830.

AN ACT relating to health care; requiring certain agencies and licensing boards to establish a process for the priority review of certain applications for licensure to practice ~~[a]~~ **certain** health ~~[profession;]~~ **professions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of the licensure and certification of emergency medical services personnel, including ambulance attendants and firefighters, by: (1) in a county whose population is 700,000 or more (currently Clark County), the district board of health; and (2) in all other counties, the State Board of Health. (NRS 450B.060, 450B.160, 450B.180) Existing law also provides for the regulation of the licensure of: (1) naprapaths, music therapists, dieticians, medical laboratory personnel and persons who are engaged in radiation therapy and radiologic imaging by the State Board; and (2) various other health professions by professional licensing boards that are specific to those professions. (chapters 630-637B, 640-640B, 640D-641D, 652 and 653 of NRS) **Sections 3-5** of this bill require ~~[each agency or licensing board that regulates the licensure or certification of providers of health care]~~ **a district board of health in a county whose population is 700,000 or more (currently only Clark County), the State Board and professional licensing boards that regulate medical, dental or nursing professions** to establish a process for prioritizing the review of an application for **initial** licensure if the applicant demonstrates that he or she will provide health care primarily in a historically underserved community. **Section 1** of this bill defines the term "historically underserved community" for the purpose of provisions relating to emergency medical services, and **section 2** of this bill establishes the applicability of that definition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

"Historically underserved community" means:

1. A census tract:

(a) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(b) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language; or

2. Qualified tribal land, as defined in NRS 370.0325.

Sec. 2. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Proof that the applicant has completed the training required by subsection 4.

(e) Such other certificates for training and such other items as the board may specify.

4. In addition to the training required by subsection 3, each applicant for a license must complete training concerning identifying and interacting with persons with developmental disabilities.

5. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses. ***Those regulations must include, without limitation, a process for prioritizing the review of an application for initial licensure if the applicant demonstrates that he or she will provide emergency medical care primarily in a historically underserved community. Such regulations:***

(a) Must authorize an applicant to demonstrate that he or she will provide emergency medical care primarily in a historically underserved community by submitting a letter from an employer that is located in a historically underserved community which states:

(1) That the applicant has accepted an offer of employment from the employer; and

(2) The date on which the applicant intends to commence such employment; and

(b) May prescribe additional ways in which an applicant may demonstrate that he or she will provide emergency medical care primarily in a historically underserved community.

6. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

7. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

8. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 8 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 4. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards

established by the board pursuant to this chapter. The regulations and standards established by the board must provide for the completion of:

(a) A course of instruction, within 2 years after initial certification, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) Training before initial certification concerning identifying and interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 289.605 or 450B.160, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health.

7. The Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Division or a district board of health.

8. The board shall adopt such regulations as are necessary to carry out the provisions of this section. ***Those regulations must include, without limitation, a process for prioritizing the review of an application for initial certification if the applicant demonstrates that he or she will provide emergency medical care primarily in a historically underserved community. Such regulations:***

(a) Must authorize an applicant to demonstrate that he or she will provide emergency medical care primarily in a historically underserved community by submitting a letter from an employer that is located in a historically underserved community which states:

(1) That the applicant has accepted an offer of employment from the employer; and

(2) The date on which the applicant intends to commence such employment; and

(b) May prescribe additional ways in which an applicant may demonstrate that he or she will provide emergency medical care primarily in a historically underserved community.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 5. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care licensing board shall adopt regulations that establish a process for prioritizing the review of an application for ~~[a license]~~ initial licensure as a provider of health care under the jurisdiction of the health care licensing board if the applicant demonstrates that he or she will provide health care primarily in a historically underserved community. Such regulations:

(a) Must authorize an applicant to demonstrate that he or she will provide health care primarily in a historically underserved community by submitting a letter from an employer that is located in a historically underserved community which states:

(1) That the applicant has accepted an offer of employment from the employer; and

(2) The date on which the applicant intends to commence such employment; and

(b) May prescribe additional ways in which an applicant may demonstrate that he or she will provide health care primarily in a historically underserved community.

2. As used in this section:

(a) "Health care licensing board" means:

(1) A board created by chapter 630, ~~[630A,]~~ 631, 632 ~~[,]~~ or 633 ~~[, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D]~~ of NRS.

(2) The State Board of Health with respect to chapters 634B, 640D, 640E, 652 and 653 of NRS.

(b) "Historically underserved community" means:

(1) A census tract:

(I) Designated as a qualified census tract by the Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii); or

(II) In which, in the immediately preceding census, at least 20 percent of households were not proficient in the English language;

(2) A public school in this State:

(I) In which 75 percent or more of the enrolled pupils in the school are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.; or

(II) That participates in universal meal service in high poverty areas pursuant to Section 104 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296; or

(3) Qualified tribal land, as defined in NRS 370.0325.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 539.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 831.

SUMMARY—~~[Requires]~~ **Authorizes** the ~~[Governor's Office]~~ **Department** of ~~[Workforce Innovation]~~ **Employment, Training and Rehabilitation** to establish a career coaching program for certain pupils in certain circumstances. (BDR 18-418)

AN ACT relating to workforce development; ~~[requiring,]~~ **authorizing,** to the extent that money is available, the ~~[Governor's Office]~~ **Department** of ~~[Workforce Innovation]~~ **Employment, Training and Rehabilitation** to establish and carry out a program to place career coaches in middle schools and junior high schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the ~~[Governor's Office of Workforce Innovation in the]~~ Department of Employment, Training and Rehabilitation ~~[. (NRS 232.965) Under existing law,]~~ **and provides that** the ~~[Office]~~ **purpose of the Department** is ~~[required, in part,]~~ to ~~[establish]~~ **plan, coordinate** and

~~[administer programs]~~ **carry out various services and activities designed to achieve and support employment and economic independence** for ~~[pupils which support the development]~~ **certain residents** of ~~[the workforce in]~~ this State**.** ~~[, including: (1) a Career Pathways Demonstration Program; and (2) a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive. (NRS 232.985, 232.990)]~~ **(NRS 232.910) Section 1** of this bill ~~[requires,]~~ **authorizes,** to the extent that money is available, the ~~[Office]~~ **Department** to establish and carry out a program to place career coaches in middle schools and junior high schools. **Section 1** requires that the program be designed to provide pupils enrolled in middle school or junior high school with information and guidance, inside or outside the classroom, for the exploration of career pathways and the development of knowledge, training and skills required for career readiness. **Section 1** further: (1) requires the ~~[Office]~~ **Department** to collaborate with any appropriate persons or entities to establish and carry out ~~[this]~~ **the** program ~~[;]~~ **and, to the extent that money is available, prioritize the placement of such career coaches in middle schools and junior high schools that are located in zip codes with high levels of unemployment;** and (2) authorizes the ~~[Office]~~ **Department** to apply for and accept gifts, donations, grants or other sources of money and, within the limits of available money, to enter into contracts and award grants related to the program. **Section 2** of this bill makes certain definitions applicable to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the ~~[Governor's Office of Workforce Innovation shall]~~ Department may establish and carry out a program for the placement of career coaches in middle schools and junior high schools.

2. The program established pursuant to subsection 1 must be designed to provide pupils enrolled in middle school or junior high school with information and guidance, inside or outside the classroom, for:

(a) The exploration of career pathways; and

(b) The development of knowledge, training and skills required for career readiness, including, without limitation, financial literacy, and the opportunities available for such development in high school.

3. For the purpose of establishing and carrying out the program ~~[set forth]~~ described in subsection 1, the ~~[Office:]~~ Department:

(a) Shall ~~[collaborate]~~ :

(1) Collaborate with any appropriate persons or entities, including, without limitation, a state agency, school district or other local governmental agency, chamber of commerce, nonprofit organization, trade association and regional development authority, as defined in NRS 231.009 ~~[.]~~ ; and

(2) Prioritize the placement of career coaches in middle schools and junior high schools that are located in zip codes with high levels of unemployment; and

(b) May:

(1) Apply for and accept any gift, donation, grant or other source of money; and

(2) Within the limits of available money, enter into contracts with or award grants to persons or entities that have the appropriate expertise to provide any services or resources necessary to assist the ~~[Office]~~ Department in establishing or carrying out the program.

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.990, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 540.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 833.

AN ACT relating to governmental administration; creating the Nevada Attainable Housing Account and setting forth the allowable uses of money in the Account; requiring an eligible entity to provide or secure certain matching funds as a condition of receiving money from the Account; requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt annually an allocation plan for attainable housing; requiring the Division to submit a report to the Interim Finance Committee relating to the Account; creating and setting forth the duties of the Nevada Attainable Housing Council; authorizing the Division to establish programs for the reporting of rental payments to credit reporting agencies; revising provisions governing the sale, lease or conveyance of certain real property by the governing body of a county or city; requiring the governing body of a county or city to adopt certain expedited processes relating to attainable housing; revising provisions relating to the tiers of affordable housing; requiring, under certain circumstances, the State Contractors' Board to issue licenses by endorsement or provisional licenses to certain persons to perform work on attainable housing projects in certain rural areas; requiring, under certain circumstances, the State Contractors' Board to waive certain fees relating to contractor's licenses in certain rural areas; making various other changes

relating to housing; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing. (Chapter 319 of NRS) **Section 9** of this bill creates the Nevada Attainable Housing Account in the State General Fund, to be administered by the Division. **Section 10** of this bill authorizes the Division to distribute money in the Account to eligible entities for certain expenditures relating to attainable housing. **Section 50** of this bill appropriates ~~[$150,000,000]~~ **$133,000,000** to the Account.

Section 11 of this bill requires the Administrator of the Division to adopt an annual allocation plan for disbursing money from the Account. **Section 50.5** of this bill requires the Division to include in the initial allocation plan adopted pursuant to **section 11** certain allocations of money from the Account for certain purposes authorized by **section 10**.

Section 22 of this bill exempts the Division from complying with the provisions of the Administrative Procedures Act in adopting the annual allocation plan.

Section 12 of this bill requires that an eligible entity provide or secure matching funds in an amount not less than the amount of the money awarded to the eligible entity from the Account.

Section 14.5 of this bill requires the Division to submit a report of certain information to the Interim Finance Committee at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Account.

Section 15 of this bill: (1) creates the Nevada Attainable Housing Council to provide oversight and strategic guidance for the administration and allocation of the Account; and (2) sets forth the membership of the Council.

Section 16 of this bill requires the Division to establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Account.

Section 17 of this bill requires the Council to: (1) review and comment on certain housing reports; and (2) provide recommendations to the Division regarding the allocation and use of money from the Account.

Existing law authorizes, with certain exceptions, the Division to: (1) establish certain funds or accounts; and (2) invest or deposit its money, but does not require the Division to keep any of its money in the State Treasury. (NRS 319.170) **Section 18** of this bill creates an additional exception to these provisions for the Account created by **section 9**.

Sections 2-8 of this bill define certain terms relating to the provisions of **sections 2-17**.

Sections 19 and 20 of this bill authorize the Division to establish a program for the reporting of rental payments to a credit reporting agency.

Existing law sets forth certain procedures for a board of county commissioners or governing body of a city to sell or lease real property. (NRS 244.281, 268.061) **Sections 23 and 26** of this bill require, before approving the sale or lease of real property for the development of attainable housing, in addition to other procedures, the board or governing body to evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. **Sections 23 and 26** also require the developer to submit certain information to the board or governing body.

Existing law authorizes a nonprofit organization to submit to a board of county commissioners or governing body of a city an application for conveyance of certain property that is owned by the county or city, as applicable. The board or governing body may approve such an application if the nonprofit organization demonstrates that the organization or its assignee will use the property to develop affordable housing. (NRS 244.287, 268.058) **Sections 24 and 25** of this bill: (1) instead authorize the board or governing body to approve such an application for attainable housing; and (2) require an application to include certain information.

Existing law establishes three tiers of affordable housing for various purposes in existing law and defines "affordable housing" as housing that falls within any of the three tiers. (NRS 232.860, 244.189, 244.287, 268.058, 268.190, 278.0105, 279.385, 279A.020, 279B.020, 315.9625, 319.042) **Section 33** of this bill revises the term "affordable housing" to be "attainable housing."

Under existing law, the tiers are based on both household income and the costs of housing as a percentage of that income. With respect to household income: (1) "tier one affordable housing" is housing for a household which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located, which is commonly known as the area median household income; (2) "tier two affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the area median household income; and (3) "tier three affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the area median household income. In addition, with respect to the costs of housing, affordable housing under existing law is housing that costs not more than 30 percent of the total monthly gross household income of the household with an income at the maximum percentage of the area median household income for the tier. (NRS 278.01902, 278.01904, 278,01906) **Section 29** of this bill creates a new tier of affordable housing, to be known as "tier four affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 120 percent but not more than 150 percent of the area median household income.

Existing law sets forth an approval process for the subdivision of land that requires a subdivider to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review. (NRS 278.335) **Section 31** of this bill requires each reviewing agency to adopt a process for the expedited review of and comment on a tentative map that includes attainable housing.

Existing law requires the governing body of each county and city, on or before July 1, 2024, to enact by ordinance an expedited process for the consideration and approval of projects for affordable housing. (Section 12 of Assembly Bill No. 213, chapter 200, Statutes of Nevada 2023, at p. 1171) **Section 30** of this bill requires the governing body of each county and the governing body of each city to adopt an expedited process for the consideration and approval of projects for attainable housing.

Section 32 of this bill applies the definitions of certain terms relating to planning and zoning to **sections 29-31**.

Sections 34-36 of this bill, respectively, revise the definitions of "tier one affordable housing," "tier three affordable housing" and "tier two affordable housing" to provide that the costs of such housing may be offset by certain energy cost savings.

Existing law requires the governing body of certain cities and counties to adopt at least 6 of 12 specified measures in implementing a plan for maintaining and developing affordable housing, which may include a measure to reduce or subsidize impact fees, fees for the issuance of building permits and fees imposed for the purpose for which an enterprise fund was created. (NRS 278.235) **Section 37** of this bill authorizes that the governing body of such a county or city include a measure to also reimburse such fees.

Existing law sets forth the requirements for obtaining a contractor's license from the State Contractors' Board. (Chapter 624 of NRS) **Section 39** of this bill requires, under certain circumstances, the Board to issue a contractor's license by endorsement to certain applicants who will perform work on an attainable housing project in certain rural areas.

Section 40 of this bill provides that, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area that is adversely impacting the availability of attainable housing for essential workers who are employed in the area, the Director may issue a declaration of such shortage for not more than 3 years. Upon such a declaration, the Board is required to implement a process to issue provisional contractors' licenses to certain applicants who will perform work on an attainable housing project in certain rural areas.

Sections 41 and 42 of this bill exempt the license by endorsement issued pursuant to **section 39** or a provisional license issued pursuant to **section 40** from certain licensing requirements and the expiration date that generally apply to contractors' licenses. **Sections 42-46** of this bill exempt applicants for a new contractor's license and existing licensed contractors in rural areas from

any application, license or renewal fee or certain other fees relating to a contractor's license under circumstances where the Director of the Department of Business and Industry has issued a declaration of shortage pursuant to **section 40**.

Sections 48 and 49 of this bill require the Board to: (1) adopt regulations to carry out the provisions of **sections 39 and 40**, respectively, before January 1, 2026; and (2) submit a report to the Governor and Director of the Legislative Counsel Bureau that includes a recommendation as to whether the requirements to issue such licenses by endorsement and provisional licenses, as required by **sections 39 and 40**, should be continued, modified or terminated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Attainable housing" has the meaning ascribed to it in NRS 278.0105.***

Sec. 4. ***"Attainable housing project" means any project or program that receives a grant of money from the Nevada Attainable Housing Account pursuant to section 10 of this act.***

Sec. 5. ***"Council" means the Nevada Attainable Housing Council created by section 15 of this act.***

Sec. 6. ***"Eligible entity" means a person or entity that is eligible to receive money from the Nevada Attainable Housing Account in accordance with the allocation plan for attainable housing adopted by the Administrator pursuant to section 11 of this act. The term includes, without limitation:***

1. A state agency.

2. A local government.

3. A nonprofit organization.

4. A housing authority, as defined in NRS 315.021.

5. A tribal government or agency.

6. A housing counseling agency that is certified by the United States Department of Housing and Urban Development.

7. Any private entity that enters into a public-private partnership with the State or a local government to offer any of the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing.

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863.

(c) The acquisition of land for the development of attainable housing projects.

Sec. 7. *"Essential worker" means a person employed in:*

1. Health care;

2. Education;

3. Public safety;

4. Construction labor; or

5. Any other industry that is a critical sector of employment in this State, as determined by executive order of the Governor.

Sec. 8. *"Nevada Attainable Housing Account" or "Account" means the Nevada Attainable Housing Account created by section 9 of this act.*

Sec. 9. *1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.*

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 10. *1. Except as otherwise provided in this section, money in the Account may be distributed by the Division, in consultation with the Council, to eligible entities for expenditures relating to attainable housing, including, without limitation, for:*

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863;

(c) Financial assistance for supportive housing;

(d) Programs for rental assistance or eviction diversion;

(e) The acquisition of land for the development of attainable housing projects;

(f) Programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(g) Programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support for purchasing homes to households that have a total monthly gross household income that is not

more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(h) Incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. Any eligible entity that is a private entity that enters into a public-private partnership with the State or a local government may only receive money from the Account for the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; or

(c) The acquisition of land for the development of attainable housing projects.

3. In awarding money from the Account, the Division, in consultation with the Council:

(a) Shall prioritize projects that demonstrate the highest potential impact on addressing the attainable housing needs of the State; and

(b) May prioritize projects that:

(1) Request to purchase land owned by:

(I) The Federal Government at a discounted price for the creation of affordable housing pursuant to federal law, including, without limitation, the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263; or

(II) The State or a local government at a discounted rate for the creation of attainable housing;

(2) Utilize innovative strategies for expanding the supply of attainable housing; or

(3) Utilize cost-effective methods and efficient use of allocated resources.

4. Any eligible entity that receives any money from the Nevada Attainable Housing Account for an attainable housing project shall ensure that:

(a) Only households that meet the applicable income requirements for the attainable housing project rent or purchase, as applicable, the units of attainable housing;

(b) Each unit of attainable housing in the attainable housing project is used as the primary residence of the household that rents or purchases, as applicable, the unit; and

(c) No for-profit business entity purchases a unit of the attainable housing in the attainable housing project.

Sec. 11. *1. For each calendar year, the Administrator shall adopt an allocation plan for disbursing money from the Nevada Attainable Housing Account for attainable housing. A disbursement of money from the Account must comply with the allocation plan for the calendar year in which the disbursement is made.*

2. The allocation plan adopted pursuant to subsection 1 must, without limitation, set forth:

(a) The application and eligibility requirements for an eligible entity to apply for and receive money from the Nevada Attainable Housing Account, including, without limitation, requirements for an eligible entity to demonstrate:

(1) The necessary expertise and capacity to properly carry out the proposed attainable housing project for which the eligible entity receives money from the Account;

(2) The extent to which the proposed attainable housing project maximizes the use of money from the Account by obtaining additional financial support from federal, local, private or other sources; and

(3) The long-term sustainability of the proposed attainable housing project and its potential to contribute to community stability, foster economic development and increase access to attainable housing.

(b) Any requirements for an eligible entity that receives money from the Nevada Attainable Housing Account to demonstrate compliance with any condition upon the receipt of money from the Account.

3. Before adopting a proposed allocation plan pursuant to subsection 1, the Administrator must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Division at least 14 days before the first public hearing held pursuant to paragraph (a).

Sec. 12. *An eligible entity must provide or secure matching funds in an amount that is not less than the amount of money awarded to the eligible entity from the Account. Such matching funds may come from, without limitation, private investment, contributions from local governments or federal money.*

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. *1. The Division shall submit a report to the Interim Finance Committee for consideration at the last meeting of each fiscal year and the*

last meeting of each calendar year relating to the Nevada Attainable Housing Account.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The amount and purpose of all money awarded from the Account during the reporting period broken down by eligible entity and authorized use, as described in section 10 of this act;

(b) The number and the income levels of all households that were assisted by money awarded from the Account during the reporting period;

(c) The number of new attainable housing units that were built in part with money from the Account during the reporting period;

(d) The number of parcels purchased in part with money from the Account for the purposes of attainable housing projects, broken down by geographic area of the State;

(e) The number of households and demographic information of recipients of rental assistance from programs for rental assistance or eviction diversion that receive money from the Account;

(f) The average amount of time for processing an application for rental assistance from a program for rental assistance or eviction diversion that received money from the Account;

(g) A description of the outcomes resulting from early intervention efforts, including, without limitation, whether eviction proceedings were reduced as a result of the program for rental assistance or eviction diversion;

(h) Recommendations for improvements or adjustments to programs for rental assistance or eviction diversion, based on the performance data of the programs;

(i) Any other information that the Division determines is necessary to include in the report; and

(j) Any other information requested by the Interim Finance Committee.

Sec. 15. *1. The Nevada Attainable Housing Council is hereby created to provide oversight and strategic guidance for the administration and allocation of the Nevada Attainable Housing Account.*

2. The Nevada Attainable Housing Council consists of:

(a) The Director of the Department of Business and Industry or his or her designee, who is chair of the Council;

(b) The Administrator of the Division or his or her designee;

(c) One member appointed by the Majority Leader of the Senate;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) One member appointed by the Speaker of the Assembly; and

(g) One member appointed by the Governor.

3. Of the members appointed pursuant to paragraphs (c) to (g), inclusive, of subsection 2:

(a) One member must have expertise in banking and the financing of housing projects;

(b) One member must represent the builders and developers of housing projects;

(c) One member must have expertise in the multifamily housing industry;

(d) One member must represent a low-income housing organization; and

(e) One member must represent the general public.

4. Each person who is required to appoint a member pursuant to subsection 2 must make his or her appointment from a list of persons recommended by the Division. To the extent practicable, the membership of the Council must represent the geographic diversity of this State.

5. Each appointed member of the Council serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointments.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

7. Each appointed member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Department of Business and Industry shall provide the Council with administrative support.

Sec. 16. ***The Division shall establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in an attainable housing project or eligible entity. Such procedures must be consistent with the provisions of chapter 281A of NRS and any regulation adopted by the Nevada Commission on Ethics pursuant to that chapter.***

Sec. 17. ***The Nevada Attainable Housing Council shall:***

1. Review and comment on:

(a) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(b) The reports compiled by the Division pursuant to NRS 278.237; and

(c) The report concerning housing prepared by the Advisory Committee on Housing pursuant to NRS 319.174; and

2. Provide recommendations to the Division regarding the allocation and use of money from the Nevada Attainable Housing Account pursuant to the allocation plan adopted pursuant to section 11 of this act.

Sec. 18. NRS 319.170 is hereby amended to read as follows:

319.170 Except as otherwise provided in NRS 319.169 and 319.500 ~~[,]~~ ***and section 9 of this act,*** the Division may:

1. Establish such funds or accounts as may be necessary or desirable for furtherance of the purposes of this chapter.

2. Invest or deposit its money, subject to any agreement with bondholders or noteholders, and is not required to keep any of its money in the State

Treasury. The provisions of chapters 355 and 356 of NRS do not apply to such investments or deposits.

Sec. 19. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Housing Division of the Department of Business and Industry may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulation necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 20. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that

tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulations necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Administrator of the Housing Division of the Department of Business and Industry in adopting the allocation plan pursuant to section 11 of this act.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish

Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

Sec. 23. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the county for the development of attainable housing, in addition to complying with the provisions of subsection 1, the board of county commissioners shall evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not***

interfere with equitable competition. The developer shall submit to the board of county commissioners:

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

~~[3.]~~ ***4.*** As used in this section ~~[, "flood]~~ ***:***

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 24. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A board of county commissioners that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the county.

~~[9.]~~ ***10.*** A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 25. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the governing body may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A governing body that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the city.

~~[9.]~~ ***10.*** A governing body may subordinate the interest of the city in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 26. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it

may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. The governing body must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the governing body must obtain one new appraisal of the real property pursuant to the provisions of NRS 268.059 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the city for the development of attainable housing, as defined in NRS 278.0105, in addition to complying with the provisions of subsection 1, the governing body shall evaluate the capacity and commitment of the developer to provide long-***

term benefits to the city in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the governing body:

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 27. (Deleted by amendment.)

Sec. 28. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 29, 30 and 31 of this act.

Sec. 29. ***1. "Tier four affordable housing" means housing for a household:***

(a) Which has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 150 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 30. ***1. Each governing body of a county or city shall enact by ordinance:***

(a) An expedited process for the consideration and approval of projects for attainable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for attainable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for attainable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to attainable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for attainable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "attainable housing" has the meaning ascribed to it in NRS 278.0105.

Sec. 31. *1. Each reviewing agency shall adopt a process for the expedited review of and comment on a tentative map pursuant to NRS 278.330 to 278.3485, inclusive, that prioritizes the review of and comment on tentative maps that include attainable housing.*

2. The expedited process adopted pursuant to subsection 1 must, without limitation, comply with the applicable provisions of NRS 278.330 to 278.3485, inclusive.

3. If the reviewing agency is not able to use the expedited process adopted pursuant to subsection 1 for the expedited review of and comment on a tentative map, the reviewing agency must:

(a) Document the specific reasons why the use of the expedited process is not possible, including, without limitation, any deficiency with the tentative map;

(b) Notify the subdivider of the specific reasons documented pursuant to paragraph (a) and provide the subdivider with an estimated date on which the reviewing agency will complete its review of and comment on the tentative map; and

(c) Complete the review of and comment on a tentative map as soon as possible and not later than any deadline set forth in NRS 278.330 to 278.3485, inclusive, for the reviewing agency to review and comment on a tentative map not subject to the expedited process.

4. As used in this section, "reviewing agency" means any state agency, local government or quasi-governmental entity that is required to review tentative maps pursuant to NRS 278.330 to 278.3485, inclusive. The term includes, without limitation:

(a) The Division of Water Resources of the State Department of Conservation and Natural Resources;

(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(c) The Public Utilities Commission of Nevada and any utility, person or other entity that is regulated by the Commission;

(d) The Department of Wildlife;

(e) The Board of Wildlife Commissioners;

(f) A district board of health;

(g) A public water system;

(h) A planning commission;

(i) An irrigation district;

(j) The governing body of a county;

(k) The governing body of a city;

(l) The board of trustees of a school district; and

(m) The board of trustees of a general improvement district.

Sec. 32. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 29, 30 and 31 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, ***and section 29 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 278.0105 is hereby amended to read as follows:

278.0105 ~~[~~"Affordable~~]~~ ***"Attainable*** housing" means tier one affordable housing, tier two affordable housing***,*** ~~[~~or~~]~~ tier three affordable housing ~~[~~.~~]~~ ***or tier four affordable housing.***

Sec. 34. NRS 278.01902 is hereby amended to read as follows:

278.01902 1. "Tier one affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 60 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[~~, median~~]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[~~.~~]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 35. NRS 278.01904 is hereby amended to read as follows:

278.01904 1. "Tier three affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 120 percent of the

median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 36. NRS 278.01906 is hereby amended to read as follows:

278.01906 1. "Tier two affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 80 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 37. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing,*** in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of ~~[affordable]~~ ***attainable*** housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county

to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for ~~[affordable]~~ ***attainable*** housing.

(d) Leasing land by the city or county to be used for ~~[affordable]~~ ***attainable*** housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of ~~[affordable]~~ ***attainable*** housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for ~~[affordable]~~ ***attainable*** housing that must be used for the acquisition, construction or rehabilitation of ~~[affordable]~~ ***attainable*** housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing ~~[affordable]~~ ***attainable*** housing.

(h) Providing money, support or density bonuses for ~~[affordable]~~ ***attainable*** housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for ~~[affordable]~~ ***attainable*** housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an ~~[affordable]~~ ***attainable*** housing component.

(j) Offering density bonuses or other incentives to encourage the development of ~~[affordable]~~ ***attainable*** housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of ~~[affordable]~~ ***attainable*** housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in ~~[affordable]~~ ***attainable*** housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce ***,*** ~~[or]~~ subsidize ***or reimburse*** impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for ~~[affordable]~~ ***attainable*** housing, pursuant to paragraph (a) of subsection 1, only if:

(a) ~~[When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.~~

~~(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.~~

~~(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).~~

~~(d)~~ The governing body makes a determination that reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing*** such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

~~[(e)]~~ ***(b)*** The governing body holds a public hearing concerning the effect of the reduction ***,*** ~~[or]~~ subsidization ***or reimbursement*** of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before July 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for ~~[affordable]~~ ***attainable*** housing within the city or county that exists at the end of the reporting period. The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before August 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 38. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***1. The Board shall issue a contractor's license by endorsement to an applicant who:***

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(c) Has held the contractor's license described in paragraph (a) for at least 4 consecutive years;

(d) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(e) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(f) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(g) Submits to the Board the statement required by NRS 425.520.

2. The Board shall approve or deny an application for a contractor's license by endorsement submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 1.

3. The Board shall not charge any fee in connection with a contractor's license by endorsement issued pursuant to this section.

4. Before issuing a contractor's license by endorsement pursuant to this section, the Board shall require that the applicant comply with the requirements set forth in NRS 624.256 and 624.270.

5. A person who obtains a contractor's license by endorsement pursuant to this section:

(a) May only perform work relating to an attainable housing project in a rural area of the State; and

(b) Shall not perform any other work in this State unless the person obtains a contractor's license in this State.

6. A contractor's license by endorsement issued pursuant to this section expires on December 31, 2029.

7. The Board shall adopt any regulation necessary to carry out the provisions of this section.

8. As used in this section:

(a) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(b) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 40. *1. Notwithstanding any provision of law to the contrary, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area of this State that is adversely impacting the availability of attainable housing for*

essential workers who are employed in the rural area, the Director may issue a declaration of such shortage. No declaration of shortage may be in effect for more than 3 years.

2. Upon the issuance of a declaration pursuant to subsection 1, the Board shall implement a process to issue provisional contractors' licenses to any applicant who:

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Successfully passes an examination prescribed by the Board relating to Nevada-specific construction standards or otherwise demonstrates knowledge and experience of Nevada-specific construction standards;

(c) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(d) Has held the contractor's license described in paragraph (a) for at least 3 consecutive years;

(e) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(f) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(g) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(h) Submits to the Board the statement required by NRS 425.520.

3. The Board shall not charge any fee in connection with a provisional contractor's license issued pursuant to this section.

4. The Board shall approve or deny an application for a provisional contractor's license submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 2.

5. Before issuing a provisional contractor's license pursuant to this section, the Board shall require that the applicant complies with the requirements set forth in NRS 624.256 and 624.270.

6. A person who obtains a provisional contractor's license pursuant to this section:

(a) May only perform work relating to an attainable housing project in the rural area of the State described in the declaration issued by the Director of the Department of Business and Industry pursuant to subsection 1; and

(b) Shall not perform any other work in this State for which a contractor's license is required unless the person obtains a contractor's license in this State.

7. A provisional contractor's license issued pursuant to this section expires on December 31, 2029.

8. The Board shall adopt any regulation necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(d) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 41. NRS 624.240 is hereby amended to read as follows:

624.240 1. ~~[Under]~~ ***Except as otherwise provided in section 39 or 40 of this act, under*** reasonable regulations adopted by the Board, the Board may investigate, classify and qualify applicants for contractors' licenses by written or oral examinations, or both, and may issue contractors' licenses to qualified applicants. The examinations may, in the discretion of the Board, be given in specific classifications only.

2. If a natural person passes the technical examination given by the Board on or after July 1, 1985, to qualify for a classification established pursuant to this chapter, demonstrates to the Board the degree of experience and knowledge required in the regulations of the Board, and is granted a license, the person is qualified for a master's license, if issued by any political subdivision, in the classification for which the examination was given, if the examination required the person to demonstrate his or her knowledge and ability to:

(a) Utilize and understand;

(b) Direct and supervise work in compliance with; and

(c) Perform and apply any calculations required to ensure that work performed is in compliance with,

➥ the applicable codes, standards and regulations.

3. If a natural person qualified for a license before July 1, 1985, in accordance with NRS 624.260 in a trade for which a master's license is required by any political subdivision, and if the license is active on or after July 1, 1985, and if the person so qualified wishes to obtain a master's license,

the person must pass either the appropriate examination given by the Board on or after July 1, 1985, in accordance with NRS 624.260 and the regulations of the Board, or the examination given by the political subdivision in the trade for which a master's license is required.

Sec. 42. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain or renew a license, an applicant must submit to the Board an application in writing containing:

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this State for service of process on the applicant.

(d) The street address or other physical location in this State and, if different, the mailing address, for service of process on the applicant.

(e) Except as otherwise provided in paragraph (f) or (g), the names and physical and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) If the applicant is a corporation, the names and physical and mailing addresses of the president, secretary, treasurer, any officers responsible for contracting activities in this State, any officers responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(g) If the applicant is a limited-liability company, the names and physical and mailing addresses of any managers or members with managing authority, any managers or members responsible for contracting activities in this State, any managers or members responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(h) Any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

(i) All information required to complete the application.

2. The application must be:

(a) Made on a form prescribed by the Board in accordance with the rules and regulations adopted by the Board.

(b) ~~[Accompanied]~~ ***Except as otherwise provided in this paragraph, accompanied*** by the application fee fixed by this chapter. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any application fee in connection with obtaining or renewing any contractor's license in a rural area until the declaration of shortage is no longer in effect.***

3. The Board shall include on an application form for the issuance or renewal of a license, a method for allowing an applicant to make a monetary contribution to the Construction Education Account created pursuant to NRS

624.580. The application form must state in a clear and conspicuous manner that a contribution to the Construction Education Account is voluntary and is in addition to any fees required for licensure. If the Board receives a contribution from an applicant, the Board shall deposit the contribution with the State Treasurer for credit to the Construction Education Account.

4. ~~[Before]~~ ***Except as otherwise provided in this subsection, before*** issuing a license to any applicant, the Board shall require the applicant to pay the license fee fixed by this chapter and, if applicable, any assessment required pursuant to NRS 624.470. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any license fee to an applicant in a rural area until the declaration of shortage is no longer in effect.***

5. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 43. NRS 624.253 is hereby amended to read as follows:

624.253 1. A licensee may make application for classification and be classified in one or more classifications if the licensee meets the qualifications prescribed by the Board for such additional classification or classifications.

2. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** additional application and license fee may be charged for qualifying or classifying a licensee in additional classifications. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any additional application and license fee for qualifying or classifying a licensee in additional classifications in a rural area until the declaration of shortage is no longer in effect.***

3. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 44. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, each officer, director, partner and associate thereof, and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, any officer, director, partner or associate thereof, or any person who qualifies on behalf of the applicant has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, any officer, director, partner or associate of the applicant and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge a fee for processing the fingerprints of an applicant for a contractor's license in a rural area or any officer, director, partner or associate of the applicant or any person who qualifies on behalf of the applicant until the declaration of shortage is no longer in effect.***

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 45. NRS 624.281 is hereby amended to read as follows:

624.281 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** an applicant wishes to have a license issued in an expedited manner, the applicant must pay a fee for an application equal to two times the amount of the fee regularly paid for an application pursuant to subsection 1 of NRS 624.280.

2. ~~[The]~~ ***Except as otherwise provided in this section, the*** applicant must pay one-half of the fee required pursuant to subsection 1 when submitting the application and the other one-half of the fee when the Board issues the license.

3. ~~[In]~~ ***Except as otherwise provided in this section, in*** addition to the fee required pursuant to subsection 1, the applicant shall reimburse the Board for the actual costs and expenses incurred by the Board in processing the application.

4. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant in a rural area any fee pursuant to subsection 1 or for the costs and expenses incurred by the Board, as described in subsection 3, in processing the application until the declaration of shortage is no longer in effect.***

5. The Board shall adopt regulations prescribing the procedures for making an application pursuant to this section.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 46. NRS 624.283 is hereby amended to read as follows:

624.283 1. ~~[Each]~~ ***Except as otherwise provided in sections 39 and 40 of this act, each*** license issued under the provisions of this chapter expires 2 years after the date on which it is issued, except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered biennial renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. Except as otherwise provided in subsection 5, a license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. Except as otherwise provided in subsection 5, if a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing

and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

5. If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, the licensee may submit an application to the Board requesting the reinstatement of his or her license without the imposition of any penalty, punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:

(a) The application for reinstatement is submitted while the licensee is serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) Except as otherwise provided in subsection 6, the application for reinstatement is accompanied by an affidavit setting forth the dates of service of the licensee and the fee for renewal fixed by the Board pursuant to subsection 2.

6. The Board may waive the fee for renewal of a license for a licensee specified in subsection 5 if:

(a) The license was valid at the time the licensee was called to active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) The licensee provides written documentation satisfactory to the Board substantiating his or her claim of service on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard.

7. If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant for renewal in a rural area or an applicant for reinstatement in a rural area whose license was automatically suspended pursuant to subsection 1 any fee for renewal or reinstatement until the declaration of shortage is no longer in effect.

8. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 47. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. ~~[Any]~~ ***Except as otherwise provided in subsection 6, any*** money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. At the end of each fiscal year, any money in the Account that exceeds ~~[$150,000,000]~~ $133,000,000 must be transferred to the State General Fund.

Sec. 48. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 39 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on workforce mobility, local businesses and economic development that can be attributed to the issuance of contractor's licenses by endorsement pursuant to section 39 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue contractor's licenses by endorsement pursuant to section 39 of this act should be continued, modified or terminated.

Sec. 49. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 40 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on attainable housing, local businesses and economic development that can be attributed to the issuance of provisional contractor's licenses pursuant to section 40 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue provisional contractor's licenses pursuant to section 40 of this act should be continued, modified or terminated.

Sec. 50. There is hereby appropriated from the State General Fund to the Nevada Attainable Housing Account created by section 9 of this act the sum of ~~[$150,000,000.]~~ **$133,000,000.**

Sec. 50.5. 1. Notwithstanding any other provision of this act, the Housing Division of the Department of Business and Industry shall include in the initial allocation plan adopted pursuant to section 11 of this act the following allocations of money from the Nevada Attainable Housing Account:

(a) The amount of ~~[$100,000,000]~~ **$83,000,000** to be distributed to eligible entities for any combination of the following:

(1) Competitive loans, grants or rebates to support the development of attainable housing;

(2) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; and

(3) The acquisition of land for the development of attainable housing projects;

(b) The amount of $25,000,000 to be distributed to eligible entities for programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(c) The amount of $25,000,000 to be distributed to eligible entities for incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. The provisions of section 12 of this act apply to any eligible entity that receives a disbursement of money from the Nevada Attainable Housing Account pursuant to this section.

3. The Division shall include in the reports required pursuant to section 14.5 of this act information about the disbursements of money from the Nevada Attainable Housing Account required pursuant to this section.

4. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Eligible entity" has the meaning ascribed to it in section 6 of this act.

(d) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(e) "Nevada Attainable Housing Account" means the Account created by section 9 of this act.

Sec. 51. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 52. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 53. 1. This section and sections 51 and 52 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, 48, 49 and 50.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. Section 50 of this act becomes effective on July 1, 2025.

4. Sections 39 to 46, inclusive, of this act expire by limitation on December 31, 2029.

5. Section 47 of this act becomes effective on January 1, 2030.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 220.

Bill read third time.

Roll call on Assembly Bill No. 220:

YEAS—42.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 824.

AN ACT relating to insurance; requiring the Commissioner of Insurance to establish programs to inform providers of health care and insureds under health insurance policies of certain information relating to the payment of claims; revising provisions governing the payment of claims under policies of health insurance; establishing certain administrative penalties; requiring a health carrier to provide certain information to participating providers of health care and covered persons; requiring a health carrier to establish certain procedures for challenging the denial of a claim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In most cases, existing law requires the administrators of health insurance plans and certain health insurers ~~[~~, including the Public Employees' Benefits Program,~~]~~ to approve or deny a claim within 30 days after the insurer receives the claim. If the administrator or insurer approves the claim, existing law requires the administrator or insurer to pay the claim within 30 days after the claim is approved. If the administrator or insurer requires additional

information to determine whether to approve or deny the claim, existing law requires the administrator or insurer to notify the claimant of its request for additional information within 20 days after the administrator or insurer receives the claim. If the administrator or insurer approves the claim after receiving such additional information from the claimant, existing law requires the administrator or insurer to pay the claim within 30 days after receiving such information. Existing law requires an administrator or insurer that fails to pay a claim within the required time period to pay interest on the claim at a prescribed rate. (NRS 287.04335, 683A.0879, 689A.410, 689B.255, 689C.335, 695A.188, 695B.2505, 695C.185, 695D.215, 695F.090)

Sections 2, 5, 8-11, 14 and 16 of this bill replace those requirements with uniform requirements governing the time periods for the payment of health insurance claims that apply to administrators of health insurance plans and all private health insurers in this State. ~~[and the Public Employees' Benefits Program.]~~ Specifically, **sections 2, 5, 8-11, 14 and 16** require each such administrator or insurer to approve or deny a claim and, if the claim is approved, pay the claim within: (1) twenty-one days after receiving the claim, if the claim is submitted electronically; or (2) thirty days after receiving the claim, if the claim is not submitted electronically. **Sections 2, 5, 8-11, 14 and 16** require an administrator or insurer that needs additional information to determine whether to approve or deny a claim to request such information within 20 working days after receiving the claim. If, after receiving such additional information, the administrator or insurer approves the claim, **sections 2, 5, 8-11, 14 and 16** require the administrator or insurer, as applicable, to pay the claim within: (1) twenty-one days after receiving the additional information, if the additional information is submitted electronically; or (2) thirty days after receiving the additional information, if the additional information is not submitted electronically. **Sections 2, 5, 8-11, 14 and 16** prohibit an administrator or insurer from denying a claim without a reasonable basis for doing so. **Sections 2, 5, 8-11, 14 and 16** require an administrator or insurer to annually report to the Commissioner of Insurance certain information relating to compliance with those requirements. **Section 25** of this bill repeals certain provisions applicable to health maintenance organizations that are no longer necessary because existing law makes the provisions of **section 16** applicable to all managed care organizations, including health maintenance organizations. (NRS 695C.055) **Sections 13 and 18** of this bill update references to a section repealed by **section 25** with a reference to **section 16**.

Existing law authorizes the Commissioner to: (1) impose an administrative penalty upon determining that the administrator of a health insurance plan or certain health insurers are not in substantial compliance with the provisions of existing law governing the schedule for paying claims; and (2) suspend or revoke the certificate of registration or authority of such an administrator or insurer upon a second or subsequent determination that such an administrator or insurer is not in substantial compliance with those provisions. (NRS

287.04335, 683A.0879, 689A.410, 689B.255, 689C.335, 695B.2505, 695C.185, 695F.090) **Sections 10, 14 and 16** of this bill extend those penalties to apply to fraternal benefit societies, issuers of plans for dental care and managed care organizations. **Sections 2, 5, 8-11, 14 and 16** additionally authorize the Commissioner to: (1) impose an administrative penalty upon determining that the administrator of a health insurance plan or a health insurer has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim; and (2) suspend or revoke the certificate of registration or authority of an administrator or insurer upon a second or subsequent such determination.

Existing law requires certain health insurers to provide certain notice to an insured within 10 days after denying coverage. (NRS 689A.755, 689B.0295, 695B.400, 695G.230) **Sections 2, 6, 7, 9, 10, 12, 14, 15 and 18** of this bill require health insurers and administrators of health insurance plans to provide notice of the denial of a claim within 21 days after receiving all information necessary to make a determination concerning the claim if the information is submitted electronically, or if the information is not received electronically, within 30 days after receiving the necessary information. **Sections 2, 6, 7, 9, 10, 12, 14, 15 and 18** also require the inclusion of certain additional information in such a notice. **Sections 10, 14 and 16** make certain other provisions relating to the payment of claims that currently apply to most health insurers also apply to fraternal benefit societies, organizations for dental care and managed care organizations so that the requirements governing the payment of claims are uniform for all health insurers. **Sections 2, 12.5, 17.5 and 18.5 of this bill exempt coverage under Medicaid, the Children's Health Insurance Program and the Public Employees' Benefits Program from the requirements of sections 2, 8, 13, 16 and 18.**

Existing law requires a health carrier which offers or issues a network plan to notify each participating provider of health care in the network of the responsibilities of the provider of health care with respect to any applicable administrative policies and programs of the health carrier. (NRS 687B.730) **Section 3** of this bill additionally requires such a health carrier to provide to each participating provider of health care and each covered person at least annually an explanation of the process by which the health carrier will provide remittances to or pay claims submitted by participating providers of health care. **Section 3 exempts coverage by managed care organizations under Medicaid, the Children's Health Insurance Program and the Public Employees' Benefits Program from all such notification requirements.**

Existing law requires a health carrier which offers or issues a network plan to establish procedures for the resolution of disputes between the health carrier and a participating provider of health care. (NRS 687B.820) **Section 4** of this bill requires those procedures to include an efficient process by which a participating provider of health care may challenge the denial by a health carrier of a claim. **Section 4 exempts coverage by managed care organizations under Medicaid, the Children's Health Insurance Program**

and the Public Employees' Benefits Program from the requirement to establish such procedures. **Section 1** of this bill requires the Division of Insurance of the Department of Business and Industry to establish and carry out certain programs to facilitate public knowledge and use of the provisions of this bill.

WHEREAS, Ensuring timely reimbursement for providers of health care will enhance the business environment in this State for providers of health care and improve access to health care for residents of this State; and

WHEREAS, Prompt payment of claims by health insurers will create a more stable and attractive landscape for new medical practices, thereby improving the health care infrastructure of this State; and

WHEREAS, Delayed payments by insurers have a disproportionate negative effect on minority communities, whose residents are less likely to have the means to pay out of pocket for health care services; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.550 is hereby amended to read as follows:

679B.550 The Division shall:

1. Establish a toll-free telephone service for receiving inquiries and complaints from consumers of health care in this State concerning health care plans;

2. Provide answers to inquiries of consumers of health care concerning health care plans, or refer the consumers to the appropriate agency, department or other entity that is responsible for addressing the specific type of inquiry;

3. Refer consumers of health care to the appropriate agency, department or other entity that is responsible for addressing the specific type of complaint of the consumer;

4. Provide counseling and assistance to consumers of health care concerning health care plans;

5. Educate consumers of health care concerning health care plans in this State; ~~[and]~~

6. ***Establish and carry out:***

(a) A campaign to inform providers of health care and insureds of the provisions of NRS 683A.0879, 687B.730, 687B.820, 689A.410, 689A.755, 689B.0295, 689B.255, 689C.335, 695A.188, 695B.2505, 695B.400, 695D.215 and 695G.230 and sections 15 and 16 of this act; and

(b) A program to provide additional support and resources to assist providers of health care who operate small health care practices or are new to operating a health care practice in:

(1) Navigating the process for seeking reimbursement from insurers; and

(2) Ensuring that insurers comply with the requirements of NRS 683A.0879, 687B.730, 687B.820, 689A.410, 689A.755, 689B.0295,

689B.255, 689C.335, 695A.188, 695B.2505, 695B.400, 695D.215 and 695G.230 and sections 15 and 16 of this act; and

7. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Division pursuant to this section.

Sec. 2. NRS 683A.0879 is hereby amended to read as follows:

683A.0879 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 439B.754, an administrator shall approve or deny a claim relating to health insurance coverage ***and, if the administrator:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) Twenty-one days after the administrator receives the claim ~~[. If the claim is approved, the administrator shall pay the claim within 30 days after it is approved.]~~ ***, if the claim is submitted electronically; or***

(2) Thirty days after the administrator receives the claim, if the claim is not submitted electronically.

(b) Denies the claim, notify the claimant in writing of the denial within 21 days after the administrator receives the claim, if the claim is submitted electronically, or 30 days after the administrator receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:

(1) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the policy relied upon by the administrator as a basis to deny the claim;

(2) The criteria by which the administrator determines whether to approve or deny the claim and a description of the manner in which the administrator applied those criteria to the claim; and

(3) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[that]~~ ***the*** period ~~[,]~~ ***specified in subsection 1,*** the administrator shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which ***payment of*** the claim is ~~[approved]~~ ***due pursuant to subsection 1*** until the date on which the claim is paid.

~~[2.]~~ ***3.*** If the administrator requires additional information to determine whether to approve or deny the claim, the administrator shall notify the claimant of the administrator's request for the additional information within 20 ***working*** days after receiving the claim. The administrator shall notify the ~~[provider of health care]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The administrator shall approve or deny the claim ***and, if the administrator:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) Twenty-one days after receiving the additional information, if the information is submitted electronically; or

(2) Thirty days after receiving the additional information ~~[. If the claim is approved, the administrator shall pay the claim within 30 days after receiving the additional information.]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within 21 days after receiving the additional information, if the information is submitted electronically, or 30 days after receiving the additional information, if the information is not submitted electronically.

4. If ~~[the]~~ ***a claim*** approved ~~[claim]~~ ***pursuant to subsection 3*** is not paid within ~~[that]~~ ***the*** period ~~[,]~~ ***specified in that subsection,*** the administrator shall pay interest on the claim in the manner prescribed in subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***5.*** An administrator shall not ~~[request]~~ ***:***

(a) Deny a claim relating to health insurance coverage without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the administrator, unless the administrator provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[4.]~~ ***6.*** An administrator shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

~~[6.]~~ ***8.*** The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the administrator.

~~[7.]~~ ***9.*** The Commissioner may require an administrator to provide evidence which demonstrates that the administrator has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

~~[8.]~~ ***10.*** If the Commissioner determines that an administrator is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the administrator to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an administrator is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of registration of the administrator.

11. On or before February 1 of each year, an administrator that was responsible for the approval and denial of claims relating to health insurance coverage in this State during the immediately preceding calendar year shall submit to the Commissioner a report concerning the compliance of the administrator with the requirements of this section during that calendar year. The report must include, without limitation:

(a) The number of claims for which the administrator failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the administrator pursuant to subsections 2 and 4 during the immediately preceding calendar year.

12. The provisions of this section do not apply to a claim relating to health coverage under Medicaid, the Children's Health Insurance Program or the Public Employees' Benefits Program.

Sec. 3. NRS 687B.730 is hereby amended to read as follows:

687B.730 ***1.*** A health carrier which offers or issues a network plan shall ~~[notify]~~ ***:***

~~[1.~~ ***(a)*** ***Notify*** each participating provider of health care in the network of the responsibilities of the participating provider of health care with respect to any applicable administrative policies and programs of the health carrier including, without limitation, any applicable administrative policies and programs concerning:

~~[1.~~ ***(a)*** ***(1)*** Terms of payment;

~~[2.~~ ***(b)*** ***(2)*** Utilization review;

~~[3.~~ ***(c)*** ***(3)*** Quality assessment and improvement;

~~[4.~~ ***(d)*** ***(4)*** Credentialing;

~~[5.~~ ***(e)*** ***(5)*** Procedures for grievances and appeals;

~~[6.~~ ***(f)*** ***(6)*** Requirements for data reporting;

~~[7.~~ ***(g)*** ***(7)*** Requirements for timely notice to the health carrier of changes in the practices of the participating provider of health care, such as discontinuance of accepting new patients;

~~[8.~~ ***(h)*** ***(8)*** Requirements for confidentiality; and

~~[9.~~ ***(i)*** ***(9)*** Any applicable federal or state programs.

~~[2.~~ ***(b)*** ***Provide to each participating provider of health care in the network and each covered person at least annually a detailed explanation of the process by which the health carrier will pay claims submitted by participating providers of health care, including, without limitation, the contact information for the department of the health carrier that is responsible for reviewing claims that have been denied in accordance with the process established pursuant to NRS 687B.820.***

2. The provisions of this section do not apply to the provision of health care services by a managed care organization to:

(a) Recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant

to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services; or

(b) Members of the Public Employees' Benefits Program.

3. As used in this section, "managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 4. NRS 687B.820 is hereby amended to read as follows:

687B.820 ***1.*** A health carrier which offers or issues a network plan shall establish procedures for the resolution of administrative, payment or other disputes between a participating provider of health care in the network and the health carrier. ***Those procedures must include, without limitation, an efficient process by which a participating provider of health care may challenge the denial of a claim by the health carrier. The process must allow for the clear resolution of each challenge within a reasonable time.***

2. The provisions of this section do not apply to the provision of health care services by a managed care organization to:

(a) Recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services; or

(b) Members of the Public Employees' Benefits Program.

3. As used in this section, "managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 5. NRS 689A.410 is hereby amended to read as follows:

689A.410 1. Except as otherwise provided in subsection 2 and NRS 439B.754, an insurer shall approve or deny a claim relating to a policy of health insurance within ***21 days after the insurer receives the claim, if the claim is submitted electronically, or*** 30 days after the insurer receives the claim ~~[.]~~ ***, if the claim is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it is approved.]~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which ***payment of*** the claim is ~~[approved]~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The insurer shall notify the ~~[provider of health care]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 days after receiving the additional information ~~[.]~~ ***, if the additional***

information is not submitted electronically. If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or that the insurer has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the insurer.

9. On or before February 1 of each year, an insurer shall submit to the Commissioner a report concerning the compliance of the insurer with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the insurer failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the insurer pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 6. NRS 689A.755 is hereby amended to read as follows:

689A.755 1. Following approval by the Commissioner, each insurer that issues a policy of health insurance in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives his or her evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service to an insured, including, without limitation, denying a claim relating to a policy of health insurance pursuant to NRS 689A.410, it shall notify the insured ***and, if applicable, the provider of health care who submitted the claim,*** in writing within ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim, if the information was submitted electronically;

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information was not submitted electronically; or

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service ***.*** ~~[of.]~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the insurer as a basis to deny coverage of the service;***

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ and ***a description of the manner in which the insurer applied those criteria to the health care service;***

(c) ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and***

(d) The right of the insured to file a written complaint and the procedure for filing such a complaint.

~~[3.]~~ ***4.*** A written notice which is approved by the Commissioner ***pursuant to subsection 1*** shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 7. NRS 689B.0295 is hereby amended to read as follows:

689B.0295 1. Following approval by the Commissioner, each insurer that issues a policy of group health insurance in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service, including, without limitation, denying a claim relating to a policy of group health insurance or blanket insurance pursuant to NRS 689B.255, to an insured it shall notify the insured in writing within ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim, if the information is submitted electronically;

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically; or

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service ***.*** ~~[of:]~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the policy relied upon by the insurer as a basis to deny coverage of the service;***

(b) The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ and ***a description of the manner in which the insurer applied those criteria to the health care service;***

(c) ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and***

(d) The right of the insured to file a written complaint and the procedure for filing such a complaint.

~~[3.]~~ ***4.*** A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

5. If an insurer denies a claim submitted by a provider of health care, the insurer shall notify the provider of health care in writing of the denial within:

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim, if the information is submitted electronically; or

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

6. The notice required pursuant to subsection 5 must include, without limitation:

(a) All reasons for denying the claim;

(b) The criteria by which the insurer determines whether to approve or deny the claim and a description of the manner in which the insurer applied those criteria to the claim;

(c) Any other legal or factual basis for denying the claim; and

(d) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 8. NRS 689B.255 is hereby amended to read as follows:

689B.255 1. Except as otherwise provided in subsection 2 and NRS 439B.754, an insurer shall approve or deny a claim relating to a policy of group health insurance or blanket insurance within ***21 days after the insurer receives the claim, if the claim is submitted electronically, or*** 30 days after the insurer receives the claim ~~[.]~~ ***, if the claim is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it is approved.]~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be calculated from ~~[30 days after]~~ the date on which ***payment of*** the claim is ~~[approved]~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The insurer shall notify the ~~[provider of health care]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 days after receiving the additional information ~~[.]~~ ***, if the additional information is not submitted electronically.*** If the claim is approved, the insurer shall ***also*** pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the insurer.

9. On or before February 1 of each year, an insurer shall submit to the Commissioner a report concerning the compliance of the insurer with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the insurer failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the insurer pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 9. NRS 689C.335 is hereby amended to read as follows:

689C.335 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 439B.754, a carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall approve or deny a claim relating to a policy of health insurance ***and, if the carrier:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) Twenty-one days after the carrier receives the claim ~~[. If the claim is approved, the carrier shall pay the claim within 30 days after it is approved.]~~ ***, if the claim is submitted electronically; or***

(2) Thirty days after the carrier receives the claim, if the claim is not submitted electronically.

(b) Denies the claim, notify the claimant in writing of the denial within 21 days after the carrier receives the claim, if the claim is submitted electronically, or 30 days after the carrier receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:

(1) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the policy relied upon by the carrier as a basis to deny the claim;

(2) The criteria by which the carrier determines whether to approve or deny the claim and a description of the manner in which the carrier applied those criteria to the claim; and

(3) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in subsection 1,*** the carrier shall pay interest on the claim at a rate of ~~[~~interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6~~]~~ ***10*** percent ~~[~~.~~]~~ ***per annum.*** The interest must be calculated from ~~[~~30 days after~~]~~ the date on which ***payment of*** the claim is ~~[~~approved~~]~~ ***due pursuant to subsection 1*** until the date on which the claim is paid.

~~[~~2.~~]~~ ***3.*** If the carrier requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The carrier shall notify the ~~[~~provider of health care~~]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The carrier shall approve or deny the claim ***and, if the carrier:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) Twenty-one days after receiving the additional information, if the information is submitted electronically; or

(2) Thirty days after receiving the additional information ~~[~~. If the claim is approved, the carrier shall pay the claim within 30 days after it receives the additional information.~~]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within 21 days after receiving the additional information, if the information is submitted electronically, or 30 days after receiving the additional information, if the information is not submitted electronically.

4. If ~~[~~the approved~~]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in that subsection,*** the carrier shall pay interest on the claim in the manner prescribed in subsection ~~[~~1.~~]~~ ***2.***

~~[~~3.~~]~~ ***5.*** A carrier shall not ~~[~~request~~]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the carrier, unless the carrier provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[~~4.~~]~~ ***6.*** A carrier shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

~~[6.]~~ ***8.*** The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the carrier.

~~[7.]~~ ***9.*** The Commissioner may require a carrier to provide evidence which demonstrates that the carrier has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

~~[8.]~~ ***10.*** If the Commissioner determines that a carrier is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the carrier to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a carrier is not in substantial compliance with the requirements set forth in this section ~~[,]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the carrier.

11. On or before February 1 of each year, a carrier shall submit to the Commissioner a report concerning the compliance of the carrier with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the carrier failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the carrier pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 10. NRS 695A.188 is hereby amended to read as follows:

695A.188 1. Except as otherwise provided in subsection ~~[2]~~ ***3*** and NRS 439B.754, a society shall approve or deny a claim relating to a certificate of health insurance ***and, if the society:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) Twenty-one days after the society receives the claim ~~[. If the claim is approved, the society shall pay the claim within 30 days after it is approved. If]~~ ***, if the claim is submitted electronically; or***

(2) Thirty days after the society receives the claim, if the claim is not submitted electronically.

(b) Denies the claim, notify the claimant in writing of the denial within 21 days after the society receives the claim, if the claim is submitted electronically, or 30 days after the society receives the claim, if the claim is not submitted electronically. The notice must include, without limitation:

(1) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the certificate relied upon by the society as a basis to deny the claim;

(2) The criteria by which the society determines whether to approve or deny the claim and a description of the manner in which the society applied those criteria to the claim; and

(3) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified by subsection 1,*** the society shall pay interest on the claim at the rate of ~~[~~interest established pursuant to NRS 99.040 unless a different rate of interest is established pursuant to an express written contract between the society and the provider of health care.~~]~~ ***10 percent per annum.*** The interest must be calculated from ~~[~~30 days after~~]~~ the date on which ***payment of*** the claim is ~~[~~approved~~]~~ ***due pursuant to subsection 1*** until the claim is paid.

~~[~~2.~~]~~ ***3.*** If the society requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The society shall notify the ~~[~~provider of health care~~]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The society shall approve or deny the claim ***and, if the society:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) Twenty-one days after receiving the additional information, if the information is submitted electronically; or

(2) Thirty days after receiving the additional information ~~[~~. If the claim is approved, the society shall pay the claim within 30 days after it receives the additional information.~~]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within 21 days after receiving the additional information, if the information is submitted electronically, or 30 days after receiving the information, if the information is not submitted electronically.

4. If ~~[~~the approved~~]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in that subsection,*** the society shall pay interest on the claim in the manner prescribed in subsection ~~[~~1.~~]~~ ***2.***

~~[~~3.~~]~~ ***5.*** A society shall not ~~[~~request~~]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the society, unless the society provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

~~[~~4.~~]~~ ***6.*** A society shall not pay only part of a claim that has been approved and is fully payable.

~~[5.]~~ ***7.*** A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

8. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the society.

9. The Commissioner may require a society to provide evidence which demonstrates that the society has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

10. If the Commissioner determines that a society is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the society to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a society is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the society.

11. On or before February 1 of each year, a society shall submit to the Commissioner a report concerning the compliance of the society with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the society failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the society pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 11. NRS 695B.2505 is hereby amended to read as follows:

695B.2505 1. Except as otherwise provided in subsection 2 and NRS 439B.754, a corporation subject to the provisions of this chapter shall approve or deny a claim relating to a contract for dental, hospital or medical services within ***21 days after the corporation receives the claim, if the claim is submitted electronically, or*** 30 days after the corporation receives the claim ~~[.]~~ ***, if the claim is not submitted electronically.*** If the claim is approved, the corporation shall ***also*** pay the claim within ~~[30 days after it is approved.]~~ ***that period.*** Except as otherwise provided in this section, if the approved claim is not paid within ~~[that]~~ ***that*** period, the corporation shall pay interest on the claim at a rate of ~~[interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6]~~ ***10*** percent ~~[.]~~ ***per annum.*** The interest must be

calculated from ~~[30 days after]~~ the date on which the ***payment of the*** claim is ~~[approved]~~ ***due pursuant to this subsection*** until the date on which the claim is paid.

2. If the corporation requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The corporation shall notify the ~~[provider of dental, hospital or medical services]~~ ***claimant*** of all the specific reasons for the delay in approving or denying the claim. The corporation shall approve or deny the claim within ***21 days after receiving the additional information, if the additional information is submitted electronically, or*** 30 days after receiving the additional information ~~[.]~~ ***, if the information is not submitted electronically.*** If the claim is approved, the corporation shall pay the claim within ~~[30 days after it receives the additional information.]~~ ***that period.*** If the approved claim is not paid within that period, the corporation shall pay interest on the claim in the manner prescribed in subsection 1.

3. A corporation shall not ~~[request]~~ ***:***

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the corporation, unless the corporation provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A corporation shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the corporation.

7. The Commissioner may require a corporation to provide evidence which demonstrates that the corporation has substantially complied with the requirements set forth in this section, including, without limitation, payment within ~~[30 days]~~ ***the time periods specified by this section*** of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a corporation is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may require the corporation to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a corporation is not in substantial compliance with the requirements set forth in this section ~~[.]~~ ***or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim,*** the Commissioner may suspend or revoke the certificate of authority of the corporation.

9. On or before February 1 of each year, a corporation shall submit to the Commissioner a report concerning the compliance of the corporation with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the corporation failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the corporation pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 12. NRS 695B.400 is hereby amended to read as follows:

695B.400 1. Following approval by the Commissioner, each insurer that issues a contract for hospital or medical services in this State shall provide written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint. Such notice must be provided to an insured:

(a) At the time the insured receives a certificate of coverage or evidence of coverage;

(b) Any time that the insurer denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. Any time that an insurer denies coverage of a health care service to a beneficiary or subscriber, including, without limitation, denying a claim relating to a contract for dental, hospital or medical services pursuant to NRS 695B.2505, it shall notify the beneficiary or subscriber in writing within ***:***

(a) Twenty-one days after the insurer receives all information necessary to make a determination concerning the claim, if the information is submitted electronically;

(b) Thirty days after the insurer receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically; or

(c) If no claim is received, 10 working days after ~~[it]~~ ***the insurer*** denies coverage of the health care service of:

~~[(a) The reason]~~

(1) All reasons for denying coverage of the service ~~[;]~~ ***, including, without limitation, the specific facts and provisions of the contract relied upon by the insurer as a basis to deny coverage for the service;***

~~[(b)]~~ ***(2)*** The criteria by which the insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ ***and the manner in which the insurer applied those criteria to the health care service;***

(3) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim; and

~~[(c)]~~ ***(4)*** The right of the beneficiary or subscriber to file a written complaint and the procedure for filing such a complaint.

3. A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 12.5. **NRS 695C.050 is hereby amended to read as follows:**

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 ***and 695C.187*** do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 13. NRS 695C.187 is hereby amended to read as follows:

695C.187 1. A health maintenance organization shall not:

(a) Enter into any contract or agreement, or make any other arrangements, with a provider for the provision of health care; or

(b) Employ a provider pursuant to a contract, an agreement or any other arrangement to provide health care,

➥ unless the contract, agreement or other arrangement specifically provides that the health maintenance organization and provider agree to the schedule for the payment of claims set forth in ~~[NRS 695C.185.]~~ ***section 16 of this act.***

2. Any contract, agreement or other arrangement between a health maintenance organization and a provider that is entered into or renewed on or after ~~[October ***July***~~ ***January*** 1, ~~[2001, ***2025,***~~ ***2026,*** that does not specifically include a provision concerning the schedule for the payment of claims as required by subsection 1 shall be deemed to conform with the requirements of subsection 1 by operation of law.

Sec. 14. NRS 695D.215 is hereby amended to read as follows:

695D.215 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** an organization for dental care shall approve or deny a claim relating to a plan for dental care ***and, if the organization for dental care:***

(a) Approves the claim, pay the claim within ~~[30]~~ ***:***

(1) Twenty-one days after the organization for dental care receives the claim ~~[. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it is approved. If]~~ ***, if the claim is submitted electronically; or***

(2) Thirty days after the organization for dental care receives the claim, if the claim is not submitted electronically.

(b) Denies the claim, notify the claimant in writing of the denial within 21 days after the organization for dental care receives the claim, if the claim was submitted electronically, or 30 days after the organization for dental care receives the claim, if the claim was not submitted electronically. The notice must include, without limitation:

(1) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the plan relied upon by the organization for dental care as a basis to deny the claim;

(2) The criteria by which the organization for dental care determines whether to approve or deny the claim and a description of the manner in which the organization for dental care applied those criteria to the claim; and

(3) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

2. Except as otherwise provided in this section, if the approved claim is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified by subsection 1,*** the organization for dental care shall pay interest on the claim at the rate of ~~[~~interest established pursuant to NRS 99.040.~~]~~ ***10 percent per annum.*** The interest must be calculated from the date the payment ***of the claim*** is due ***pursuant to subsection 1*** until the claim is paid.

~~[~~2.~~]~~ ***3.*** If the organization for dental care requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 ***working*** days after it receives the claim. The organization for dental care shall notify the ~~[~~provider of dental care~~]~~ ***claimant*** of the reason for the delay in approving or denying the claim. The organization for dental care shall approve or deny the claim ***and, if the organization for dental care:***

(a) Approves the claim, pay the claim within ~~[~~30~~]~~ ***:***

(1) Twenty-one days after receiving the additional information, if the information is submitted electronically; or

(2) Thirty days after receiving the additional information ~~[~~. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it receives the additional information.~~]~~ ***, if the information is not submitted electronically.***

(b) Denies the claim, provide notice of the denial in the manner prescribed in paragraph (b) of subsection 1 within 21 days after receiving the additional information, if the information is submitted electronically, or 30 days after receiving the additional information, if the information is not received electronically.

4. If ~~[~~the approved~~]~~ ***a*** claim ***approved pursuant to subsection 3*** is not paid within ~~[~~that~~]~~ ***the*** period ~~[~~,~~]~~ ***specified in that subsection,*** the organization for dental care shall pay interest on the claim in the manner prescribed in subsection ~~[~~1.~~]~~ ***2.***

5. An organization for dental care shall not:

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the organization for dental care, unless the organization for dental care provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

6. An organization for dental care shall not pay only part of a claim that has been approved and is fully payable.

7. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

8. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the organization for dental care.

9. The Commissioner may require an organization for dental care to provide evidence which demonstrates that the organization for dental care has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

10. If the Commissioner determines that an organization for dental care is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the organization for dental care to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an organization for dental care is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the organization for dental care.

11. On or before February 1 of each year, an organization for dental care shall submit to the Commissioner a report concerning the compliance of the organization for dental care with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the organization for dental care failed to comply with the requirements of subsections 1 and 3 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the organization for dental care pursuant to subsections 2 and 4 during the immediately preceding calendar year.

Sec. 15. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a prepaid limited health service organization denies a claim, the prepaid limited health service organization shall notify the claimant in writing of the denial within:

(a) Twenty-one days after the prepaid limited health service organization receives all information necessary to make a determination concerning the claim, if the information is submitted electronically; or

(b) Thirty days after the prepaid limited health organization receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

2. The notice required pursuant to subsection 1 must include, without limitation:

(a) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the evidence of coverage relied upon by the prepaid limited health organization as a basis to deny the claim;

(b) The criteria by which the prepaid limited health service organization determines whether to approve or deny the claim and a description of the manner in which the prepaid limited health service organization applied those criteria to the claim; and

(c) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 16. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2 and NRS 439B.754, a managed care organization shall approve or deny a claim within 21 days after the managed care organization receives the claim, if the claim is submitted electronically, or 30 days after the managed care organization receives the claim, if the claim is not submitted electronically. If the claim is approved, the managed care organization shall also pay the claim within that period. Except as otherwise provided in this section, if the approved claim is not paid within that period, the managed care organization shall pay interest on the claim at a rate of 10 percent per annum. The interest must be calculated from the date on which payment of the claim is due pursuant to this subsection until the date on which the claim is paid.

2. If the managed care organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 working days after it receives the claim. The managed care organization shall notify the claimant of all the specific reasons for the delay in approving or denying the claim. The managed care organization shall approve or deny the claim within 21 days after receiving the additional information, if the additional information is submitted electronically, or 30 days after receiving the additional information, if the additional information is not submitted electronically. If the claim is approved, the managed care organization shall also pay the claim within that period. If the approved claim is not paid within that period, the managed care organization shall pay interest on the claim in the manner prescribed in subsection 1.

3. A managed care organization shall not:

(a) Deny a claim without a reasonable basis for the denial.

(b) Request a claimant to resubmit information that the claimant has already provided to the managed care organization, unless the managed care organization provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A managed care organization shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was

delayed because of an act of God or another cause beyond the control of the managed care organization.

7. The Commissioner may require a managed care organization to provide evidence which demonstrates that the managed care organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within the time periods specified by this section of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a managed care organization is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may require the managed care organization to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a managed care organization is not in substantial compliance with the requirements set forth in this section or has failed to approve or deny a claim or pay an approved claim within 60 working days after receiving the claim, the Commissioner may suspend or revoke the certificate of authority of the managed care organization.

9. On or before February 1 of each year, a managed care organization shall submit to the Commissioner a report concerning the compliance of the managed care organization with the requirements of this section during the immediately preceding calendar year. The report must include, without limitation:

(a) The number of claims for which the managed care organization failed to comply with the requirements of subsections 1 and 2 during the immediately preceding calendar year; and

(b) The total amount of interest paid by the managed care organization pursuant to subsections 1 and 2 during the immediately preceding calendar year.

Sec. 17. (Deleted by amendment.)

Sec. 17.5. **NRS 695G.090 is hereby amended to read as follows:**

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.1639, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, ***and section 16 of this act*** do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services.

4. The provisions of NRS 695C.1735 **,** ~~[and]~~ 695G.1639 ***and 695G.230 and section 16 of this act*** do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 18. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. After approval by the Commissioner, each health carrier shall provide a written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such a notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the health carrier denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. If a health carrier denies coverage of a health care service to an insured, including, without limitation, a ~~[health maintenance]~~ ***managed care*** organization that denies a claim related to a health care plan pursuant to ~~[NRS 695C.185,]~~ ***section 16 of this act,*** it shall notify the insured ***and, if applicable, the provider of health care who submitted the claim,*** in writing within ***:***

(a) Twenty-one days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is submitted electronically;

(b) Thirty days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically; or

(c) If no claim is received, within 10 working days after ~~[it]~~ ***the health carrier*** denies coverage of the health care service **.** ~~[of:]~~

3. The notice required pursuant to subsection 2 must include, without limitation:

(a) ~~[The reason]~~ ***All reasons*** for denying coverage of the service ~~[;]~~ **,** ***including, without limitation, the specific facts and provisions of the plan relied upon by the health carrier as a basis to deny coverage of the service;***

(b) The criteria by which the health carrier or insurer determines whether to authorize or deny coverage of the health care service ~~[;]~~ ***and a description of***

the manner in which the health carrier applied those criteria to the health care service;

(c) ***A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim;***

(d) The right of the insured to:

(1) File a written complaint and the procedure for filing such a complaint;

(2) Appeal an adverse determination pursuant to NRS 695G.241 to 695G.310, inclusive;

(3) Receive an expedited external review of an adverse determination if the health carrier receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including notification of the procedure for requesting the expedited external review; and

(4) Receive assistance from any person, including an attorney, for an external review of an adverse determination; and

~~[(d)]~~ ***(e)*** The telephone number of the Office for Consumer Health Assistance.

~~[3.]~~ ***4.*** A written notice which is approved by the Commissioner ***pursuant to subsection 1*** shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

5. If a health carrier denies a claim submitted by a provider of health care, the health carrier shall notify the provider of health care in writing of the denial within:

(a) Twenty-one days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is submitted electronically; or

(b) Thirty days after the health carrier receives all information necessary to make a determination concerning the claim, if the information is not submitted electronically.

6. The notice required pursuant to subsection 5 must include, without limitation:

(a) All reasons for denying the claim, including, without limitation, the specific facts and provisions of the plan relied upon by the health carrier as a basis to deny coverage of the service;

(b) The criteria by which the health carrier determines whether to approve or deny the claim and a description of the manner in which the health carrier applied those criteria to the claim; and

(c) A summary of any applicable process established pursuant to NRS 687B.820 for challenging the denial of the claim.

Sec. 18.5. **NRS 287.04335 is hereby amended to read as follows:**

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, ~~[689B.255,]~~ 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665,

695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 ~~[to 695G.230, inclusive,]~~ **, 695G.210, 695G.220,** 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. 1. The amendatory provisions of this act do not supersede the provisions of any contract entered into or policy issued before ~~[July 1, 2025,]~~ **January 1, 2026,** but apply to any renewal of such a contract or policy.

2. The amendatory provisions of this act do not apply to any claim under a policy of health insurance or other program that provides health coverage submitted before ~~[July 1, 2025,]~~ **January 1, 2026,** but, except as otherwise provided in subsection 1, apply to such claims submitted on or after that date.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 695C.128 are 695C.185 are hereby repealed.

Sec. 26. This act becomes effective on ~~[July 1, 2025.]~~ **January 1, 2026.**

TEXT OF REPEALED SECTIONS

695C.128 Contracts to provide services pursuant to certain state programs: Payment of interest on claims. Any contract or other agreement entered into or renewed by a health maintenance organization on or after October 1, 2001:

1. To provide health care services through managed care to recipients of Medicaid under the state plan for Medicaid; or

2. With the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide insurance pursuant to the Children's Health Insurance Program,

➥ must require the health maintenance organization to pay interest to a provider of health care services on a claim that is not paid within the time provided in the contract or agreement at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

695C.185 Approval or denial of claims; payment of claims and interest; requests for additional information; award of costs and attorney's fees; compliance with requirements; imposition of administrative fine or suspension or revocation of certificate of authority for failure to comply.

1. Except as otherwise provided in subsection 2 and NRS 439B.754, a health maintenance organization shall approve or deny a claim relating to a

health care plan within 30 days after the health maintenance organization receives the claim. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the health maintenance organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The health maintenance organization shall notify the provider of health care services of all the specific reasons for the delay in approving or denying the claim. The health maintenance organization shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim in the manner prescribed in subsection 1.

3. A health maintenance organization shall not request a claimant to resubmit information that the claimant has already provided to the health maintenance organization, unless the health maintenance organization provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A health maintenance organization shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the health maintenance organization.

7. The Commissioner may require a health maintenance organization to provide evidence which demonstrates that the health maintenance organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the health maintenance organization to pay an administrative fine in an amount to be determined by the Commissioner. Upon

a second or subsequent determination that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the health maintenance organization.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 165.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 838.

AN ACT relating to outdoor education; establishing the Outdoor Education Council within the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources; prescribing the membership and duties of the Council; requiring the Council to establish and administer a program to award designations relating to outdoor education; authorizing the Council to adopt certain regulations relating to the program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2023 Legislative Session, the Legislature enacted Assembly Bill No. 164, which required the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system of this State and authorized the Working Group to request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Working Group. (Section 1.7 of chapter 77, Statutes of Nevada 2023, at page 393)

Section 3 of this bill establishes the Outdoor Education Council within the Division and prescribes the membership of the Council. **Section 4** of this bill sets forth the duties of the Council, including a requirement for the Council to establish and administer a program to award a designation to: (1) schools in this State which provide to pupils outdoor education programs that meet certain standards developed by the Council pursuant to **section 5** of this bill; and (2) a teacher in this State as Outdoor Educator of the Year. **Section 5** requires the Council, in administering such a program, to provide a nonmonetary award to a teacher recognized as Outdoor Educator of the Year.

Section 4 requires the Division, to the extent possible, to provide the Council with such administrative support as is necessary to assist the Council in carrying out its duties and authorizes the Division to accept gifts, grants and donations from any source to support the work of the Council.

Section 6 of this bill authorizes the Council to adopt regulations necessary to carry out the provisions of **sections 4 and 5**. **Section 7** of this bill applies

definitions in existing law relating to the Division and the definition of "Council" set forth in **section 2** of this bill to the provisions of **sections 2-6**.

Section 8 of this bill makes an appropriation to the Division for travel expenses to provide administrative support to the Council.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 407A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Council" means the Outdoor Education Council created by section 3 of this act.***

Sec. 3. ***1. The Outdoor Education Council is hereby created in the Division. The Council consists of:***

(a) The following ten voting members:

(1) One member who is a representative of the Division appointed by the Administrator;

(2) One member who is a representative of the Department of Education appointed by the Superintendent of Public Instruction;

(3) One member who is a representative of the Department of Wildlife appointed by the Director of the Department of Wildlife;

(4) One superintendent of a school district appointed by the Nevada Association of School Superintendents;

(5) Two members who are licensed teachers appointed by the Governor;

(6) Two members who are providers of nature-based education, one of whom must primarily serve a historically underserved community, appointed by the Governor;

(7) One member of the Senate appointed by the Majority Leader of the Senate; and

(8) One member of the Assembly appointed by the Speaker of the Assembly; and

(b) One nonvoting member who is a pupil enrolled in a public school in this State appointed by the Governor.

2. Each member of the Council serves a term of 3 years. Members may be reappointed for an additional term of 3 years in the same manner as the original appointment. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

3. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Council.

4. At the first meeting of the Council and annually thereafter, the members of the Council shall elect a Chair and Vice Chair from among the members of the Council.

5. Each member of the Council serves without compensation.

6. Any member of the Council who is an officer or employee of the State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

7. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 704.78343.

Sec. 4. *1. The Council shall:*

(a) Establish and administer a program to award a designation to:

(1) Schools in this State which provide to pupils outdoor education programs that meet the standards developed pursuant to section 5 of this act; and

(2) A teacher in this State as Outdoor Educator of the Year.

(b) Provide opportunities for educators to receive training concerning outdoor education by developing such training or identifying and making available to schools information concerning opportunities for such training.

(c) Provide technical assistance to support schools and school districts interested in developing initiatives for outdoor education. In providing such assistance, the Council shall prioritize schools with the least access to nature.

(d) Identify sources of federal money and grants to support outdoor education in this State.

2. The Division:

(a) Shall, to the extent possible, provide the Council with such administrative support as is necessary to assist the Council in carrying out its duties; and

(b) May accept gifts, grants and donations from any source to support the work of the Council.

Sec. 5. *1. In administering the program established pursuant to section 4 of this act, the Council shall:*

(a) Develop voluntary standards for outdoor education programs provided to pupils by schools, including, without limitation, standards:

(1) Which provide for an interdisciplinary approach for a curriculum of outdoor education; and

(2) Concerning the development and use of living schoolyards which are climate-resilient; and

(b) Provide a nonmonetary award to a teacher recognized pursuant to section 4 of this act as Outdoor Educator of the Year.

2. For the purposes of this section, "living schoolyard" means an outdoor environment at a school that strengthens local ecological systems

and serves as a resource for hands-on education, including, without limitation, trees, gardens, outdoor meeting areas and other areas designed for such purposes.

Sec. 6. ***The Council may adopt such regulations as are necessary to carry out the provisions of sections 4 and 5 of this act.***

Sec. 7. NRS 407A.500 is hereby amended to read as follows:

407A.500 As used in NRS 407A.500 to 407A.620, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 407A.510, 407A.515 and 407A.525 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. **1. There is hereby appropriated from the State General Fund to the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources for travel expenses to provide administrative support to the Outdoor Education Council created by section 3 of this act the following sums:**

For the Fiscal Year 2025-2026.....$6,120

For the Fiscal Year 2026-2027.....$6,120

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 9. **1. This section becomes effective upon passage and approval.**

2. Section 8 of this act becomes effective on July 1, 2025.

3. Sections 1 to 7, inclusive, of this act become effective on October 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 212.

Bill read third time.

Roll call on Assembly Bill No. 212:

YEAS—38.

NAYS—Goulding, La Rue Hatch, Miller, Orentlicher—4.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Roll call on Assembly Bill No. 221:

YEAS—42.

NAYS—None.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 820.

AN ACT relating to economic development; enacting the Nevada Studio Infrastructure Jobs and Workforce Training Act; requiring the Office of Economic Development to enter into a development agreement to establish certain criteria for the development of infrastructure for the production of motion pictures and other qualified productions **~~[,]~~ and other new capital investment in this State; establishing certain penalties if the development does not meet certain requirements for new capital investment and expenditures for the production of motion pictures and other qualified productions;** establishing requirements for a production company located at such a development to be eligible for film infrastructure transferable tax credits for qualified productions produced at the development; providing for the calculation of the amount of film infrastructure transferable tax credits; **requiring the creation of a production studio entertainment district;** revising provisions governing noninfrastructure transferable tax credits for motion pictures and other qualified productions produced in this State; authorizing an additional amount of noninfrastructure transferable tax credits; establishing the Account for Nevada Film, Media and Related Technology Education and Vocational Training and a board to approve distributions from the Account; providing for the distribution of money from the Account to certain entities and organizations that provide education and vocational training to develop a workforce for the production of qualified productions in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a program for the issuance of transferable tax credits by the Office of Economic Development to the production company of a motion picture or other qualified production, based upon qualified direct production expenditures made for the purchase of personal property or services from a Nevada business. (NRS 360.758-360.7598) This bill revises provisions governing these transferable tax credits and enacts the Nevada Studio Infrastructure Jobs and Workforce Training Act to authorize film infrastructure

transferable tax credits for qualified productions produced at the site of the Summerlin Production Studios Project.

Sections 1-16 of this bill enact the Nevada Studio Jobs and Workforce Training Act, which provides film infrastructure transferable tax credits for production companies located within the Summerlin Production Studios Project, as defined in **section 8**. **Section 9** requires the Office of Economic Development to enter into a development agreement with the lead participant of the Project to establish **: (1)** certain criteria that the Project is required to satisfy in exchange for production companies located at the Project to be eligible for film infrastructure transferable tax credits **[.]** **; and (2) certain requirements for new capital investment in this State and the generation of qualified direct production expenditures in this State, which the Project must meet, with certain exceptions, to avoid penalties specified in section 9.** **Section 10** of this bill: (1) authorizes production companies located at the Project to apply, on or after **[**October 1, 2025,**]** **June 1, 2026,** to the Office for film infrastructure transferable tax credits for qualified productions produced, in whole or in part, at the Project; and (2) authorizes such credits to be used against the modified business tax, insurance premium tax or gaming license fee, or any combination of these taxes and fees. **Section 11** establishes the qualified production expenditures which are the basis for calculating the amount of film infrastructure transferable tax credits, including, without limitation **[.]** **: (1)** purchases and **[**rental**]** **rentals** of property or services from a Nevada business **[.]** **; (2)** wages and fringe benefits paid to employees who are Nevada residents **[**for**]** **or other personnel who perform** services **in this State** on the qualified production **[.]** **; (3)** certain **[**fees**]** **compensation** paid to producers **in their capacity as producers;** and **(4)** amounts paid to personal service corporations for the services of certain persons on the qualified production. **Section 12** of this bill provides that the base amount of film infrastructure transferable tax credits is 30 percent of the amount of qualified direct production expenditures calculated under **section 11**, with certain reductions if the production company does not satisfy certain criteria for employing Nevada residents as below-the-line personnel or employing or offering training or work opportunities to members of traditionally underrepresented groups. **Section 13**: (1) limits the total amount of film infrastructure transferable tax credits issued pursuant to **sections 1-16** to **[**$80,000,000**]** **$95,000,000** for each fiscal year beginning on or after July 1, 2028; and (2) prohibits the approval of an application for film infrastructure transferable tax credits if the application is submitted in a fiscal year that begins **[**more than 15 years after the Project satisfies the capital investment requirements set forth in the development agreement entered into pursuant to section 9.**]** **on or after July 1, 2043.** **Section 14** requires a production company to **: (1)** commence principal photography within a certain period of time after the Office **[**issues a decision on the**]** **approves an** application for a certificate of eligibility for film infrastructure transferable tax credits **[.]** **; (2)** complete the qualified production within 18 months after the date of commencement of

principal photography **, except that the Office may extend this period for not more than 6 months;** and **(3)** submit certain required information within the required period. **Section 15** requires a production company to repay film infrastructure transferable tax credits under certain circumstances. **Section 15.7 of this bill requires the lead participant in the Project to submit certain reports to the Governor, the Legislature and the Office, and requires the Office to post such reports on its Internet website.** **Section 16** requires certain reports to be made to the Legislature concerning film infrastructure transferable tax credits.

Sections 17-25 of this bill make various changes to the existing law governing the noninfrastructure transferable tax credits for motion picture and other qualified productions. (NRS 360.758-360.7598) **Section 17** changes references to "extras" in a qualification production to "background actors." **Section 18**: (1) provides that digital media productions are qualified productions for the purposes of eligibility for film infrastructure transferable tax credits and noninfrastructure transferable tax credits; and (2) clarifies that media productions solely produced for social media are not eligible for such transferable tax credits. **Section 19** revises the criteria to be eligible for noninfrastructure transferable tax credits to be the same as the criteria for film infrastructure transferable tax credits by: (1) **removing the requirement that a certain percentage of direct production expenditures be incurred in this State and, instead,** requiring **that** at least 50 percent of the total principal photography days ~~[to]~~ take place in this State ~~[rather than requiring a certain percentage of direct production expenditures to be incurred in this State;]~~ **or a certain amount of qualified direct production expenditures be incurred in this State;** and (2) requiring a production company to have a workforce plan that establishes certain goals and provide to the Office a final assessment of whether the production company met or made a good faith effort to meet those goals. **Section 20** revises the expenditures and costs that may serve as a basis for noninfrastructure transferable tax credits. **Section 21**: (1) increases the base amount of transferable tax credits from 15 percent of the qualified direct production expenditures to 30 percent of the qualified direct production expenditures, for an application submitted in each fiscal year beginning on or after July 1, 2028, and ending before July 1, 2043; and (2) provides for certain reductions to that base amount during that period. **Section 22** makes certain provisions of existing law relating to the calculation of noninfrastructure transferable tax credits inapplicable for period beginning on July 1, 2028, and ending on June 30, 2043. **Section 23** temporarily increases from $10,000,000 to $25,000,000 the total amount of noninfrastructure transferable tax credits for motion picture and other qualified productions that may be issued under the existing program for each fiscal year beginning on or after July 1, 2028, until June 30, 2043. **Sections 24 and 25** make conforming changes so that noninfrastructure transferable tax credits are administered and reported in the same manner as film infrastructure transferable tax credits.

Section 15.3 of this bill requires the Clark County Board of County Commissioners to create a production studio entertainment district for the purpose of enhancing early childhood education opportunities, including prekindergarten, for children in the Clark County School District. Under section 15.3, the boundaries of the district are required to be entirely within the unincorporated areas of Clark County and include only parcels of land that are located within the boundaries of the Summerlin Production Studios Project other than parcels on which a business holding a gaming license is located. Section 15.3 requires certain taxes on transient lodging, certain property taxes and certain sales and use taxes imposed in the district to be pledged and distributed to the Clark County School District and used by the Clark County School District solely for the purposes of prekindergarten programs in the Clark County School District. Finally, section 15.3 requires the Clark County School District to submit annual reports to the Office concerning the use of money distributed to Clark County School District under section 15.3.

Sections 26-33 of this bill establish a program to provide grants to certain organizations that provide education and vocational training for workforce development for the production of motion pictures and other qualified productions. **Section 31** establishes the Account for Nevada Film, Media and Related Technology Education and Vocational Training for the purpose of allocating money to certain entities and organizations that provide education and vocational training for such workforce development. **Sections 10 and 19** require a production company that is issued transferable tax credits for a qualified production to pay to the Office an amount of money equal to 1 percent of the amount of transferable tax credits issued to the qualified production, and requires the Office to deposit that money with the State Treasurer for credit to the Account. **Section 32** creates and provides for the composition of the Board for Nevada Film, Media and Related Technology Education and Vocational Training within the Office of Economic Development. **Section 33**: (1) requires the Board to establish the procedure for a person or entity to apply for a grant of money from the Account, the criteria to be used to determine whether to approve an application for a grant from the Account to an applicant and the requirements for reports by recipients of such grants concerning the use of the grants; (2) prohibits the making of a grant from the Account unless the Board approves the application for the grant; and (3) requires a recipient of a grant from the Account to adopt and implement a community benefits program that satisfies certain requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Sections 1 to 16, inclusive, of this act may be cited as the Nevada Studio Infrastructure Jobs and Workforce Training Act.

Sec. 2. 1. The Legislature hereby finds and declares that:

(a) The Las Vegas Metropolitan Area is the largest metropolitan area in this State and has a site available to be developed to create large-scale facilities for the location of companies that produce motion pictures **, television programs** and other qualified productions in this State**. ~~[~~, which~~]~~ The establishment of such a studio campus** will create jobs in ~~[~~that industry in this State~~]~~ **Nevada's creative industries** and diversify the economy of this State.

(b) ~~[~~Because the~~]~~ **The** Las Vegas Metropolitan Area ~~[~~is appropriate and suitable for the development of a large-scale project to develop large-scale facilities for the location of companies that produce motion pictures and other qualified productions and has all the special attributes, conditions and resources that are essential to support such facilities,~~]~~ **possesses unique geographic, economic and resource advantages that make it especially suitable for a project of this magnitude. Because of these unique local conditions,** it is necessary to enact a law of local and special application to promote**~~[~~, develop~~]~~** and secure the ~~[~~advantages of the local and special characteristics and circumstances within the Las Vegas Metropolitan Area, which are found nowhere else in this State, and to~~]~~ **benefits of a large-scale film and media production development in Southern Nevada for the** benefit ~~[~~the residents~~]~~ of the entire State.

(c) ~~[~~Therefore, given that~~]~~ **Because of these special characteristics and circumstances in Southern Nevada, a general law cannot be made applicable to achieve the purposes of this Act and** a law of local and special application is necessary to promote**~~[~~, develop~~]~~** and secure the advantages of the local and special characteristics and circumstances within the Las Vegas ~~[~~area, which are found nowhere else within this State, and given that such a law is necessary to benefit the residents of that local and special area, a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities set forth in this Act.~~]~~ **Metropolitan Area.**

2. **The Legislature further finds and declares that the content production industry has presented an ambitious and visionary plan for all of Southern Nevada, which leverages the region's unique geographic assets, economic capabilities and infrastructural advantages. The industry's vision will promote the generation of thousands of high-quality, high-paying jobs, billions of dollars in incremental capital investments and billions more in new economic output and ongoing spending. This plan transcends the development of a mere studio complex, proposing instead a dynamic production campus that is intended to serve as the nucleus for a robust, sustainable industrial cluster. The Legislature recognizes that realizing this vision depends fundamentally upon a collaborative public-private partnership, wherein the State's commitment, provided through transferable tax credits, creates leverage that significantly multiplies the benefits accruing to this State. In entering this partnership, the Legislature affirms its clear and unwavering expectation that if the industry benefits from the State's contribution of**

transferable tax credits, the industry's promises will be fulfilled, the outcomes articulated by the industry will be met or exceeded, and the anticipated economic, fiscal and social benefits driven by the industry will be fully realized.

3. The Legislature further finds and declares that ~~[, as a result of the construction of large-scale facilities for the production of motion pictures and other qualified productions in this State and the direct, indirect and induced economic benefits of such productions in this State,]~~ the enactment of this Act will achieve a bona fide **public** social ~~[or]~~ **and** economic purpose**.** ~~[and the economic benefits of the issuance of the transferable tax credits to encourage the location of large-scale facilities for the production of motion pictures and other qualified productions in this State are expected to exceed any adverse effect of the transferable tax credits on the revenue raised for the provision of services to the public by the State or a local government.]~~ **The public investment made through the film infrastructure transferable tax credits is intended to yield substantial benefits in employment, workforce development and economic growth, and the overall economic benefits expected to accrue from incremental investment and the ongoing operations of the project will exceed any adverse effect on public revenues from those tax incentives. This Act, therefore, serves the public interest by fostering significant new private investment, creating enduring jobs and educational opportunities, and positioning Nevada as a leader in the content creation industry while ensuring that the long-term gains to the economy more than outweigh the State's investment in the project.**

Sec. 2.5. **It is the intent of the Legislature, in enacting this Act, to:**

1. Promote the diversification of the economy of this State by cultivating a thriving hub for content creation and production in Nevada, which will establish Nevada as a nationally recognized center for film, television and digital media production, thereby broadening Nevada's economic base beyond its traditional industries and enhancing the State's prominence in the creative economy.

2. Provide an anchor for a new creative sector in Southern Nevada through partnerships with global film and media companies to develop and operate facilities for the production of film, television and digital media productions and the involvement of studio partners as anchor tenants to bring world-class expertise, innovative technologies and global market access that will accelerate the growth of a robust content creation industry in Southern Nevada.

3. Support and promote workforce development in this State by establishing and supporting education and vocational training programs to prepare Nevada's workforce for high-wage careers in film, television and digital media production, equip Nevada's residents with in-demand skills and create pathways into the industry, thereby generating thousands of new jobs for Nevadans and building a skilled talent pool that sustains the State's creative sector for the long term.

Sec. 3. As used in sections 1 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 360.7581 to 360.7586, inclusive, as amended by sections 17 and 18 of this act, have the meanings ascribed to them in those sections, and the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 4. "Capital investment" means all costs and expenses incurred by the participants in the Project only in connection with the acquisition of the land for the Project and the acquisition, construction, installation and equipping of the facilities, buildings, structures and other infrastructure at the Project for the production of qualified productions at the Project.

Sec. 5. "Lead participant" means the person designated by the participants in the Project as the lead participant for the Project.

Sec. 6. "Nevada Partners Vocational Training Studio" means a facility to provide vocational training and education for the development of a trained workforce for the production in this State of qualified productions that are film and television productions, which is constructed by the Summerlin Production Studios Project pursuant to subparagraph (2) of paragraph (a) of subsection 1 of section 9 of this act.

Sec. 7. "Office" means the Office of Economic Development within the Office of the Governor.

Sec. 8. "Summerlin Production Studios Project" or "Project" means a project for the construction of a development consisting of facilities, buildings, structures and other infrastructure for the production of qualified productions at the site of real property burdened by the following development agreements and owned by the master developer under such development agreements or such master developer's affiliated entities:

1. Development agreement between Clark County and Howard Hughes Properties, Limited Partnership dated February 7, 1996, as amended, and recorded on September 4, 1996, in Book 960904 as Instrument No. 01725 and re-recorded on September 10, 1996, in Book 960910 as Instrument No. 01379 in the official records of the Clark County, Nevada Recorder's Office.

2. Development agreement between the City of Las Vegas and Howard Hughes Properties, Limited Partnership, recorded on November 21, 1997, in Book 971121 as Instrument No. 00839, as amended, in the official records of the Clark County, Nevada Recorder's Office.

Sec. 9. 1. Not later than 120 days after the effective date of this act, the Office shall enter into a development agreement with the lead participant of the Summerlin Production Studios Project, unless the Office agrees to extend this period by not more than 60 days. The development agreement entered into pursuant to this section:

(a) ~~[Except as otherwise provided in subsection 2, must]~~ **Must** require the Project to:

(1) ~~[Not]~~ **Except as otherwise provided in subsections 2 and 6, not** later than **:**

(I) June 30, 2028, complete construction of a development consisting of facilities, buildings, structures and other infrastructure **, excluding any hotel,** for the production of qualified productions at the site of the Project, which must consist of a new capital investment in this State of at least $400,000,000**.** ~~[.]~~

(II) December 31, 2029, complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of an aggregate new capital investment in this State, including the capital investment described in sub-subparagraph (I), of at least $900,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2029, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and the intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(III) December 31, 2032, complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of an aggregate new capital investment in this State, including the capital investment described in sub-subparagraphs (I) and (II), of at least $1,400,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2032, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and the intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(IV) December 31, 2038, complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of an aggregate new capital investment in this State, including the capital investment described in sub-subparagraphs (I), (II) and (III), of at least $1,800,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any

new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2038, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and the finding and intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(2) ~~[Complete]~~ **Except as otherwise provided in subsection 2, complete** construction of the Nevada Partners Vocational Training Studio, which must:

(I) Be a facility to provide vocational training and education for the development of a trained workforce for the production in this State of qualified productions that are film and television productions;

(II) Consist of a new capital investment in this State of at least $8,000,000; and

(III) Be located at a site owned by Nevada Partners, Inc., or its successor organization, by June 30, 2030, or, if the lead participant has found a site owned by Nevada Partners, Inc. to be inviable or Nevada Partners, Inc. ceases to exist and has no successor organization, at a site approved by the Southern Nevada Enterprise Community Board, by June 30, 2031**.** ~~[.]~~

(3) ~~[Not]~~ **Except as otherwise provided in subparagraph (4) and subsections 2 and 6, guarantee that for the period beginning on:**

(I) July 1, 2028, and ending on June 30, 2034, the Project will generate, for each 2-year rolling period during that time, not less than $600,000,000 of qualified direct production expenditures through the production of qualified productions, in whole or in part, at the site of the Project.

(II) July 1, 2034, and ending on June 30, 2043, the Project will generate, for each 3-year rolling period during that time, not less than $900,000,000 of qualified direct production expenditures through the production of qualified productions, in whole or in part, at the site of the Project.

(4) Require that if, during any fiscal year described in subparagraph (3), the amount of qualified direct production expenditures generated through the production of qualified productions, in whole or in part, at the site of the Project exceeds $300,000,000, the amount in excess of $300,000,000, but not to exceed $200,000,000, must be carried forward and used to offset any shortage in satisfying any requirement set forth in subparagraph (3) in a subsequent fiscal year.

(5) Except as otherwise provided in subsection 2, not later than 5 years after the Office and the lead participant execute the development agreement, make a contribution of at least $6,000,000 to ~~[the]~~ Clark County ~~[Redevelopment Agency]~~ to support the arts, cultural programs and training for small businesses related to the production of qualified productions that are film or television productions **.** ~~[; and~~

~~(4)]~~ **(6)** Provide written notice to the Office within 30 days after **the applicable deadline for** completing ~~[the requirements]~~ **a requirement** set forth in subparagraphs (1) **~~[, (2) and (3),]~~ to (5), inclusive, which must state whether the requirement has been met.** Upon receipt of the written notice, the Office shall make a final determination of whether the requirement has been met. If the Office determines that the requirement has been met, the Office shall establish the date on which the requirement was met.

(b) Must establish the minimum amount of square feet of building space at the Project to be used for the various components of the production of qualified productions.

(c) Must establish the minimum number of acres of real property that will be a part of the Project.

(d) May include such other provisions, not inconsistent with law, concerning the development of the Project and the issuance of film infrastructure transferable tax credits pursuant to sections 3 to 16, inclusive, of this act, as agreed to by the Office and the lead participant.

2. As the Executive Director of the Office deems necessary or advisable, the Executive Director may modify any requirement set forth in paragraph (a) of subsection 1 by extending the date by which the capital investment, construction or contribution set forth in those provisions must be made or completed, as applicable.

3. **If the Office determines that the Project has not met a requirement for capital investment included in the development agreement pursuant to subparagraph (1) of paragraph (a) of subsection 1, the Project may cure the deficiency by making a new capital investment, not later than 2 years after the end of the period for which the requirement for capital investment was not met, in an amount necessary to satisfy the requirement for capital investment that was not met. If the deficiency is not cured within that cure period, the Office must impose a penalty on the Project, and record a lien on undeveloped land within the Project, to secure payment of such penalty, except that the amount of the penalty and lien must not exceed 100 percent of the appraised value of the remaining undeveloped land within the Project. A lien may not be recorded on any completed portion of the Project and has priority over all other liens other than liens for taxes and any lien securing a construction loan. Any penalty, and the lien securing the payment of such penalty, must be discharged as follows:**

(a) If the requirement for capital investment which was not met is satisfied not later than 1 year after the expiration of the cure period, 90

percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(b) If the requirement for capital investment which was not met is satisfied more than 1 year, but not later than 2 years, after the expiration of the cure period, 70 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(c) If the requirement for capital investment which was not met is satisfied more than 2 years, but not later than 3 years, after the expiration of the cure period, 50 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(d) If the requirement for capital investment which was not met is satisfied more than 3 years, but not later than 4 years, after the expiration of the cure period, 30 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(e) If the requirement for capital investment which was not met is satisfied more than 4 years, but not later than 5 years, after the expiration of the cure period, 10 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

4. If the Office determines that the qualified direct production expenditures generated through the production of qualified productions, in whole or in part, at the site of the Project is less than $150,000,000 in any fiscal year, the Project must pay to the Office a penalty in an amount equal to the lesser of $10,000,000 or the amount determined by:

(a) Calculating 50 percent of the sum of the film infrastructure transferable tax credits authorized for approval pursuant to section 13 of this act for that fiscal year and the immediately preceding fiscal year;

(b) Calculating a percentage by dividing the difference between the amount of qualified direct production expenditures guaranteed for that fiscal year pursuant to subparagraph (3) of paragraph (a) of subsection 1 and the actual amount, as determined by the Office, of qualified direct production expenditures generated through the production of qualified productions, in whole or in part, at the site of the Project, by $150,000,000; and

(c) Multiplying the percentage calculated pursuant to paragraph (b) by the amount calculated pursuant to paragraph (a).

➥ Any penalty paid pursuant to this subsection must be applied to reduce the amount of any penalty imposed pursuant to subsection 5.

5. If the Office determines that the Project has not met a requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, the Project must pay to the Office a penalty in an amount determined as follows:

(a) If the actual amount of qualified direct production expenditures is not more than 5 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement

pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $2,000,000.

(b) If the actual amount of qualified direct production expenditures is more than 5 percent and not more than 10 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $5,000,000.

(c) If the actual amount of qualified direct production expenditures is more than 10 percent and not more than 20 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $10,000,000.

(d) If the actual amount of qualified direct production expenditures is more than 20 percent and not more than 30 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $20,000,000.

(e) If the actual amount of qualified direct production expenditures is more than 30 percent and not more than 40 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $30,000,000.

(f) If the actual amount of qualified direct production expenditures is more than 40 percent and not more than 50 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $40,000,000.

(g) If the actual amount of qualified direct production expenditures is more than 50 percent less than the applicable requirement for qualified direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $50,000,000.

6. The Office may reduce, or waive, any penalty imposed pursuant to subsection 3, 4 or 5 if, upon written request of the lead participant, the Office determines that the failure to meet a requirement for which a penalty may be imposed was caused by extraordinary circumstances beyond the control of the Project and reasonable, documented and good-faith efforts were made to satisfy the requirement. For the purposes of this subsection, "extraordinary circumstances":

(a) Means natural disasters, labor strikes, significant disruptions in material supply chains, substantial economic or geopolitical shocks, government-mandated closures or other events in the nature of force majeure that materially impair the ability to carry out development and construction activities.

(b) Does not include ordinary market fluctuations, internal project scheduling decisions or changes in business strategy.

7. Any penalty paid to the Office pursuant to subsection 3, 4 or 5 must be deposited with the State Treasurer for credit to the State General Fund.

8. The Office shall not approve any abatement, partial abatement or exemption from taxes, or any other incentive for economic development, other than film infrastructure transferable tax credits pursuant to sections 3 to 16, inclusive, of this act or noninfrastructure transferable tax credits pursuant to NRS 360.758 to 360.7598, inclusive, for the Summerlin Production Studios Project if the Project has entered into a development agreement with the Office pursuant to this section.

~~[4.]~~ **9.** As used in this section ~~[,]~~ **:**

(a) "Hotel" means a building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. A hotel has an interior hall and lobby with access to each room from the interior hall or lobby.

(b) "Southern Nevada Enterprise Community Board" means the Southern Nevada Enterprise Community Board created by section 8 of the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Sec. 10. 1. A production company that is located at the Summerlin Production Studios Project and that produces, in whole or in part, a qualified production at the Project may, on or after ~~[October 1, 2025,]~~ **June 1, 2026,** apply to the Office for a certificate of eligibility for film infrastructure transferable tax credits for any qualified direct production expenditures. The film infrastructure transferable tax credits may be applied to:

(a) Any tax imposed by chapter 363A or 363B of NRS;

(b) The gaming license fee imposed by the provisions of NRS 463.370;

(c) Any tax imposed by chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. Except as otherwise provided in section 13 of this act, the Office shall approve an application for a certificate of eligibility for film infrastructure transferable tax credits if the Office finds that the production company is producing the qualified production, in whole or in part, at the Summerlin Production Studios Project and the production company qualifies for the film infrastructure transferable tax credits pursuant to subsection 3. If the Office approves the application, the Office shall:

(a) Calculate the estimated amount of film infrastructure transferable tax credits that may be issued for the qualified production pursuant to sections 11, 12 and 13 of this act; and

(b) Immediately forward a copy of the certificate of eligibility which identifies the estimated amount of tax credits ~~[available pursuant to section 12 of this act]~~ to:

(1) The applicant;

(2) The lead participant;

(3) The Department of Taxation; and

(4) The Nevada Gaming Control Board.

3. To be eligible for film infrastructure transferable tax credits pursuant to this section, the production company must:

(a) ~~[Submit]~~ **Before the beginning of principal photography, submit to the Office** an application **for a certificate of eligibility** that meets the requirements of subsection 4;

(b) Submit ~~[written]~~ **to the Office with the application for a certificate of eligibility:**

(1) Written documentation from the lead participant that affirms that the production company is located at the Summerlin Production Studios Project and is producing, in whole or in part, a qualified production at the Project;

~~[(c) Provide proof to the Office]~~

(2) Proof that 70 percent or more of the funding for the qualified production has been obtained;

~~[(d) Provide proof to the Office]~~ **and**

(3) Proof that ~~[at]~~ **:**

(I) At least 50 percent of the total principal photography days of the qualified production will take place in this State;

~~[(e)]~~ **or**

(II) The qualified production will incur qualified direct production expenditures in this State of at least $5,000,000;

(c) Provide to the Office:

(1) ~~[Proof]~~ **With the application for a certificate of eligibility, proof** that the applicant has in place a workforce plan for the qualified production that outlines specific goals for:

(I) Hiring a workforce that reflects the diversity of this State, including, without limitation, the age, gender, gender identity or expression, as defined in NRS 0.034, sexual orientation, ethnic and geographic diversity of this State;

(II) Using vendors that are minority-owned business enterprises or woman-owned business enterprises; and

(III) Achieving the requirements set forth in subsection 2 of section 12 of this act; and

(2) Not later than 365 days after the completion of principal photography of the qualified production, unless the Office agrees to extend this period by not more than 180 days, a final assessment of the workforce plan that includes documentation on whether the production met or made good faith efforts to achieve the goals set forth in the workforce plan;

~~[(f)]~~ **(d)** Not later than 365 days after the completion of principal photography of the qualified production or, if any direct production expenditures for postproduction will be incurred in this State, not later than 365 days after the completion of postproduction, unless the Office agrees to extend this period by not more than 180 days, provide the Office with an audit of the qualified production that includes:

(1) An itemized report of qualified direct production expenditures which:

(I) Shows that the qualified production incurred qualified direct production expenditures of $500,000 or more; ~~[and]~~

(II) **If the production company complied with the requirement of subparagraph (3) of paragraph (b) by providing to the Office with the application for a certificate of eligibility proof that the qualified production would incur qualified direct production expenditures in this State of at least $5,000,000, shows that the qualified production incurred qualified direct production expenditures in this State of at least $5,000,000; and**

(III) Is certified by an independent certified public accountant in this State who is approved by the Office;

(2) A list of each contractor, vendor, personal service corporation or loan-out company or other business engaged by the production company to provide goods or perform services in an aggregate amount of at least $10,000 or more in this State in connection with the qualified production and the amount paid to each contractor, vendor, personal service corporation or loan-out company or other business for such goods or services; and

(3) Proof that the production company secured all licenses and registrations required to do business in each location in this State at which the qualified production was produced;

~~[(g)]~~ **(e)** Pay the cost of the audit required by paragraph ~~[(f).~~ ~~(h)]~~ **(d);**

(f) Enter into a written agreement with the Office that requires the production company to include:

(1) In the end screen credits of the qualified production, a logo of this State provided by the Office which indicates that the qualified production was filmed or otherwise produced in Nevada; or

(2) If the qualified production does not have end screen credits, another acknowledgment in the final version of the qualified production that indicates that the qualified production was filmed or otherwise produced in Nevada ~~[.]~~ **or any alternative marketing promotion acceptable to the Office;** and

~~[(i)]~~ **(g)** Enter into a written agreement with the Office that requires the production company to transmit to each contractor, vendor, personal service corporation or loan-out company or other business engaged by the production company to provide goods or perform services in an aggregate amount of at least $10,000 or more in this State in connection with a qualified production, not later than 30 calendar days after the production company pays the contractor, vendor, personal service corporation or loan-out company or other business, a notification that includes:

(1) A statement that Nevada imposes:

(I) A tax on wages paid by certain employers pursuant to chapters 363A and 363B of NRS; and

(II) A commerce tax on certain business entities pursuant to chapter 363C of NRS; and

(2) Instructions for obtaining additional information from the Department of Taxation regarding the collection and remittance of taxes pursuant to chapters 363A, 363B and 363C of NRS.

4. An application **for a certificate of eligibility** submitted pursuant to subsection 3 must contain:

(a) A script, storyboard or synopsis of the qualified production;

(b) The names of the production company, producer, director and proposed cast;

(c) An estimated timeline to complete the qualified production;

(d) An estimate of the percentage of principal photography days of the qualified production that will take place in this State and outside this State;

(e) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;

(f) The business address of the production company;

(g) The written documentation from the lead participant that is required by **subparagraph (1) of** paragraph (b) of subsection 3;

(h) The workforce plan of the production company required by subparagraph (1) of paragraph ~~[(c)]~~ **(c)** of subsection 3; and

(i) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance.

5. Within 45 business days after receipt of a final assessment of the workforce plan provided by a production company pursuant to subparagraph (2) of paragraph ~~[(c)]~~ **(c)** of subsection 3, an audit provided by a production company pursuant to paragraph ~~[(f)]~~ **(d)** of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of film infrastructure transferable tax credits will be issued. If the Office certifies the audit, determines that all other requirements for the film infrastructure transferable tax credits have been met and determines that a certificate of film infrastructure transferable tax credits will be issued, the Office shall notify the production company and the lead participant that the film infrastructure transferable tax credits will be issued.

6. Within 90 days after the receipt of the notice, the production company shall make an irrevocable declaration of the amount of film infrastructure transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits that will be issued in relation to the qualified production.

7. Upon receipt of the declaration required by subsection 6, the Office shall issue to the production company a certificate of film infrastructure transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the production company. The film infrastructure transferable tax credits issued under the certificate may not be used before July 1, 2028. The production company shall notify the Office upon transferring any of the film infrastructure transferable tax credits. The Office shall notify the Department of Taxation and the Nevada Gaming Control Board

of all film infrastructure transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any film infrastructure transferable tax credits transferred.

8. Within 60 days after the production company uses any film infrastructure transferable tax credits issued pursuant to subsection 7 or notifies the Office of any transfer of film infrastructure transferable tax credits issued pursuant to subsection 7, the production company shall pay to the Office an amount of money equal to 1 percent of the amount of film infrastructure transferable tax credits issued to the production company pursuant to subsection 7. The Office shall deposit any money received pursuant to this subsection with the State Treasurer for credit to the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act. A payment made pursuant to this subsection shall be deemed to be a payment made from film infrastructure transferable tax credits which would have been authorized and approved for the production company if a payment pursuant to this section were not required.

9. An applicant for film infrastructure transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

10. The Office:

(a) Shall adopt regulations prescribing:

(1) Any additional qualified expenditures or production costs that may serve as the basis for film infrastructure transferable tax credits pursuant to section 11 of this act;

(2) The application review process;

(3) That a production for which records are required by 18 U.S.C. § 2257 to be maintained with respect to any performer in such production is not eligible for film infrastructure transferable tax credits; and

(4) Any necessary provisions to ensure compliance with the requirements of paragraph ~~[(c)]~~ **(c)** of subsection 3 relating to workforce plans; and

(b) May adopt any other regulations that are necessary to ensure that the provisions of sections 2 to 16, inclusive, of this act are carried out in a manner that is reasonable and customary in the industry for the production of qualified productions.

11. The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which film infrastructure transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary for the Department of Taxation and the Nevada Gaming Control Board, as applicable, to carry out the functions performed by each entity pursuant to the provisions of sections 2 to 16, inclusive, of this act.

Sec. 11. 1. Except as otherwise provided in subsection 3, qualified direct production expenditures that may serve as a basis for film infrastructure transferable tax credits issued pursuant to section 10 of this act must:

(a) Be expenditures made during the period in which a qualified production is produced;

(b) Be customary and reasonable;

(c) Relate to a category of qualified expenditures and costs listed in subsection 2; and

(d) Be:

(1) Purchases, rentals or leases of tangible personal property or services from a Nevada business.

(2) The payroll, including wages, salaries and fringe benefits, for Nevada residents or other personnel who provided services in this State.

(3) ~~[Fees]~~ **Compensation** paid to a producer, as included in the calculation of the amount of film infrastructure transferable tax credits in accordance with subsection 6.

(4) Payments made to a qualified entity for services performed in this State by a qualified individual.

2. Expenditures or costs that may serve as a basis for calculating film infrastructure transferable tax credits must relate to:

(a) Set construction and operation;

(b) Wardrobe and makeup;

(c) Photography, sound and lighting;

(d) Filming, film processing and film editing;

(e) The rental or leasing of facilities, equipment and vehicles;

(f) Food and lodging;

(g) Editing, sound mixing, special effects, visual effects and other postproduction services;

(h) Payment for goods or services provided by a Nevada business;

(i) The design, construction, improvement or repair of property, infrastructure, equipment or a production or postproduction facility;

(j) State and local government taxes to the extent not included as part of another cost reported pursuant to this section; or

(k) Any other transaction, service or activity authorized in regulations adopted by the Office pursuant to section 10 of this act.

3. Expenditures and costs:

(a) Related to:

(1) The acquisition, transfer or use of film infrastructure transferable tax credits;

(2) Marketing and distribution;

(3) Financing, depreciation and amortization;

(4) The payment of any profits as a result of the qualified production;

(5) The payment of the cost of the audit required by section 10 of this act; or

(6) The payment for any goods or services that are not directly attributable to the qualified production;

(b) For which reimbursement is received, or for which reimbursement is reasonably expected to be received;

(c) Which are paid to a joint venturer or a parent, subsidiary or other affiliate of the production company, unless the amount paid represents the fair market value, which may be represented by a rate sheet, of the purchase, rental or lease of the property or services for which payment is made;

(d) Which have been previously claimed as a basis for film infrastructure transferable tax credits issued pursuant to section 10 of this act or noninfrastructure transferable tax credits issued pursuant to NRS 360.759,

➥ are not qualified direct production expenditures and are not eligible to serve as a basis for film infrastructure transferable tax credits issued pursuant to section 10 of this act.

4. If any tangible personal property is acquired by a Nevada business from a vendor outside this State for immediate resale, rental or lease to a production company that produces a qualified production, expenditures incurred by the production company for the purchase, rental or lease of the property are qualified direct production expenditures only if:

(a) The Nevada business regularly deals in property of that kind; and

(b) The expenditures are otherwise qualified direct production expenditures under the provisions of this section.

5. If any tangible personal property is acquired by the production company as an asset, the calculation of the costs of the tangible personal property that constitute a qualified direct production expenditure must be performed in the manner prescribed by the Office by regulation.

6. For the purposes of calculating qualified direct production expenditures, the compensation payable to a producer **in his or her capacity as a producer** must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

7. As used in this section:

(a) "Fringe benefits" means employee expenses paid by an employer for the use of the employee's services, including, without limitation, payments made to a governmental entity, union dues, health insurance premiums, payments to a pension plan and payments for workers' compensation insurance.

(b) "Qualified entity" means an entity that is:

(1) A personal service corporation, as defined in 26 U.S.C. § 269A(b)(1), a payroll services corporation or any entity receiving payments for services performed in this State by a qualified individual; and

(2) Registered to conduct business pursuant to the laws of this State.

(c) "Qualified individual" means any natural person who performs services during the production period in an activity related to the production of a qualified production. The term does not include:

(1) Any natural person related to the production company or an employee as described in subparagraph (A), (B) or (C) of 26 U.S.C. § 51(i)(1).

(2) Any 5-percent owner, as defined in 26 U.S.C. § 416(i)(1)(B), of the production company.

Sec. 12. 1. Except as otherwise provided in subsections 2 and ~~[5]~~ **4** and section 13 of this act, the base amount of film infrastructure transferable tax credits issued to an eligible production company pursuant to section 10 of this act must equal 30 percent of the qualified direct production expenditures.

2. Except as otherwise provided in subsection 3 and section 13 of this act, if the production company submitted the application for the certificate of eligibility for film infrastructure transferable tax credits pursuant to section 10 of this act on or after a date that is more than 36 months after the date on which the development agreement was executed pursuant to section 9 of this act, the Office shall reduce the cumulative amount of film infrastructure transferable tax credits that are calculated pursuant to this section:

(a) By 5 percent if less than 50 percent of the ~~[total amount of salaries and wages paid to all]~~ below-the-line personnel of the qualified production ~~[is paid to below-the-line personnel of the qualified production who]~~ are Nevada residents. **For the purposes of this paragraph:**

(1) Except as otherwise provided in subparagraph (2), the percentage of the below-the-line personnel who are Nevada residents must be determined by dividing the number of workdays worked by Nevada residents who are below-the-line personnel by the number of workdays worked by all below-the-line personnel; and

(2) Any work performed by a background actor must not be considered in the determination of the percentage of the below-the-line personnel who are Nevada residents.

(b) By 5 percent if the final assessment of the workforce plan submitted by the production company for the qualified production pursuant to paragraph ~~[(c)]~~ **(c)** of subsection 3 of section 10 of this act does not include documentation that at least two of the following requirements were met:

(1) The production company, distribution company or financing company for the qualified production offered training or work opportunities to traditionally underrepresented groups for the development of skills required for employment as below-the-line personnel or above-the-line personnel.

(2) Two or more persons who are members of a traditionally underrepresented group are employed on the qualified production as a casting director, cinematographer, composer, costume designer, director, editor, hairstylist, makeup artist, producer, production designer, set decorator, visual effects supervisor, writer, sound editor, sound effects editor, sound mixer, Foley artist or other similar personnel.

(3) Six or more persons who are members of a traditionally underrepresented group are employed on the qualified production in a technical role, including, without limitation, ~~[production assistant,]~~ first assistant director, gaffer, script supervisor, digital imaging technician or other similar role.

(4) Not less than 20 percent of the below-the-line personnel employed on the qualified production, not including background actors, are members of a traditionally underrepresented group.

(5) One or more entities affiliated with the production company or distribution company has a program of substantive, ongoing paid apprenticeships or internships that include members of traditionally underrepresented groups in not less than three of the following departments:

(I) Production and development;

(II) Physical production;

(III) Postproduction:

(IV) Music;

(V) Visual effects;

(VI) Acquisitions;

(VII) Business affairs;

(VIII) Distribution; or

(IX) Marketing and publicity.

3. The Executive Director of the Office shall waive a reduction in the cumulative amount of film infrastructure transferable tax credits required pursuant to:

(a) Paragraph (a) of subsection 2 upon written proof to the Executive Director that the production company made a good faith effort to hire the required percentage of below-the-line personnel and there is an insufficient number of Nevada residents available and qualified for such employment.

(b) Paragraph (b) of subsection 2 upon written proof to the Executive Director that the production company made a good faith effort to meet the requirements of that paragraph and there is an insufficient number of persons available and qualified to meet the requirements.

4. ~~[A reduction in the cumulative amount of film infrastructure transferable tax credits required pursuant to subsection 2 must not reduce the amount of money paid by the production company and transferred pursuant to subsection 8 of section 10 of this act to the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act.~~

~~5.]~~ Except as otherwise provided in subsection ~~[6,]~~ **5,** the Executive Director of the Office may:

(a) Reduce the cumulative amount of film infrastructure transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of a qualified production that is produced in this State; or

(b) Withhold film infrastructure transferable tax credits, in whole or in part:

(1) Until any pending legal action in this State against a production company or involving a qualified production is resolved.

(2) If a production company violates any state or local law.

(3) If a production company is found to have knowingly submitted any false statement, representation or certification in any document submitted for the purpose of obtaining film infrastructure transferable tax credits.

~~[6.]~~ **5.** Before taking any action authorized by subsection ~~[5,]~~ **4,** the Executive Director of the Office shall:

(a) Consider any documentation submitted by the production company related to the action under consideration; and

(b) Make the following determinations:

(1) That good cause exists to take such action;

(2) That the action is reasonable based on the circumstances of the underlying incident on which the reduction or withholding of film infrastructure transferable tax credits authorized pursuant to subsection ~~[5]~~ **4** is based; and

(3) The amount of any reduction or withholding of film infrastructure transferable tax credits authorized pursuant to subsection ~~[5]~~ **4** is commensurate with the severity of the underlying incident on which the reduction or withholding is based.

~~[7.]~~ **6.** As used in this section:

(a) "Racial or ethnic minority" means persons who are:

(1) Asian;

(2) Hispanic or Latino;

(3) Black or African American;

(4) Indigenous, Native American or Alaskan Native;

(5) Middle Eastern or North African;

(6) Native Hawaiian;

(7) Pacific Islander; or

(8) A member of any other underrepresented racial or ethnic minority group.

(b) "Traditionally underrepresented group" means:

(1) Women;

(2) A racial or ethnic minority group;

(3) A group of persons who identify as LGBTQ, which means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression;

(4) A group of persons with disabilities, as defined in NRS 426.068;

(5) Veterans;

(6) Persons who are currently serving on active duty in the Armed Forces of the United States; or

(7) Persons who were previously incarcerated in a jail or prison.

(c) "Veteran" means a person who has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and was separated from such service under conditions other than dishonorable.

Sec. 13. 1. Except as otherwise provided in this section, the ~~[Executive Director of the]~~ Office shall not approve any application **for a certificate of eligibility** for film infrastructure transferable tax credits submitted pursuant to section 10 of this act if:

(a) Approval of the application would cause the total amount of film infrastructure transferable tax credits approved pursuant to section 10 of this act to exceed the sum of ~~[$80,000,000]~~ **$95,000,000** for each fiscal year beginning on or after July 1, 2028.

(b) The application is submitted by a production company in a fiscal year that begins ~~[more than 15 years after the date on which the Summerlin Production Studios Project satisfied the criteria set forth in subparagraph (1) of paragraph (a) of subsection 1 of section 9 of this act.]~~ **on or after July 1, 2043.**

2. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 3, the amount of film infrastructure transferable tax credits authorized for a fiscal year that are not approved for that fiscal year may be carried forward and made available for approval only during the next fiscal year, but the amount of film infrastructure transferable tax credits carried forward and made available for approval during the next fiscal year must not exceed ~~[50 percent of the amount of film infrastructure transferable tax credits authorized for the fiscal year from which the film infrastructure transferable tax credits are being carried forward.]~~ **$47,500,000.** For any fiscal year to which film infrastructure transferable tax credits are carried forward from the immediately preceding fiscal year pursuant to this subsection, the film infrastructure transferable tax credits that have been carried forward must be deemed to be the first film infrastructure transferable tax credits ~~[issued]~~ **approved** until the total amount of film infrastructure transferable tax credits carried forward from the immediately preceding fiscal year have been ~~[issued.]~~ **approved.**

3. If the Summerlin Production Studios Project does not satisfy the criteria set forth in subparagraph (1) of paragraph (a) of subsection 1 of section 9 of this act, the Office shall not ~~[approve any application for]~~ **issue a certificate of** film infrastructure transferable tax credits ~~[submitted on or after July 1, 2028, by]~~ **to** a production company ~~[located at the Project.]~~ **that produces a qualified production for which a certificate of eligibility has been issued pursuant to section 10 of this act.**

4. ~~[The amount of film infrastructure transferable tax credits authorized for a fiscal year pursuant to paragraph (a) of subsection 1 must be reduced by 50 percent if less than 50 percent of the film infrastructure transferable tax credits authorized for a fiscal year were approved in each of the immediately preceding 3 consecutive fiscal years.~~

~~5.]~~ **Except as otherwise provided in this section, if the Office approves an application for a certificate of eligibility pursuant to section 10 of this act:**

(a) Before July 1, 2028, the Office shall assign the amount of film infrastructure transferable tax credits identified under the certificate of eligibility to Fiscal Year 2028-2029.

(b) On or after July 1, 2028, the Office shall assign the amount of film infrastructure transferable tax credits identified under the certificate of eligibility to the fiscal year in which the application for the certificate of eligibility is approved.

5. Except as otherwise provided in subsection 2, an amount of film infrastructure transferable tax credits approved by the Office under a

certificate of eligibility issued to a production company pursuant to section 10 of this act that exceeds the amount of film infrastructure transferable tax credits approved by the Office under a certificate of film infrastructure transferable tax credits approved by the Office under a certificate of film infrastructure transferable tax credits issued to the production company pursuant to section 10 of this act may be added to the amount made available for approval during subsequent fiscal years.

6. The film infrastructure transferable tax credits issued to any production company for any qualified production pursuant to section 10 of this act expire at the end of the calendar year that is 6 years after the date on which the film infrastructure transferable tax credits are issued to the production company.

Sec. 14. 1. Except as otherwise provided in this subsection, if an application for ~~[film infrastructure transferable tax credits]~~ **a certificate of eligibility** is approved pursuant to section 10 of this act, principal photography of the qualified production must begin not more than 90 days after the date on which the decision on the application is issued. The Office:

(a) Shall prescribe by regulation the procedure for determining the date of commencement of qualified productions that do not include photography for the purposes of this section.

(b) May extend by not more than 90 days the period otherwise prescribed by this subsection, except that in the case of a force majeure, the Office may extend the period for more than 90 days.

2. A production company that produces a qualified production shall submit the final assessment of the workforce plan and audit required by section 10 of this act and all other required information to the Office and the Department of Taxation within the time required by paragraph ~~[(c)]~~ **(c)** or ~~[(f)]~~ **(d)** of subsection 3 of section 10 of this act, as applicable. Production of the qualified production must be completed within 18 months after the date of commencement of principal photography ~~[.]~~ **, except that the Office may extend this period for completion of the qualified production by not more than 6 months.** If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the production company shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

Sec. 15. 1. Except as otherwise provided in subsection 3, a production company that is found to have knowingly submitted any false statement, representation or certification in any document submitted for the purpose of obtaining film infrastructure transferable tax credits, or that otherwise becomes ineligible for film infrastructure transferable tax credits after receiving the film infrastructure transferable tax credits pursuant to section 10 of this act, shall repay to the Department of Taxation or the Nevada Gaming Control Board, as applicable, any portion of the film infrastructure transferable tax credits to which the production company is not entitled.

2. Film infrastructure transferable tax credits purchased in good faith are not subject to forfeiture or repayment by the transferee unless the transferee submitted fraudulent information in connection with the purchase.

3. A production company is not required to forfeit or repay any portion of the film infrastructure transferable tax credits to which the production company is otherwise entitled if the production company demonstrates that the production company became ineligible for the film infrastructure transferable tax credits as a result of unforeseen circumstances beyond the control of the production company, including, without limitation, an event in the nature of force majeure.

Sec. 15.3. **1. The Clark County Board of County Commissioners shall create a production studio entertainment district for the purpose of enhancing early childhood education opportunities, including public prekindergarten, for children in Clark County. The district must:**

(a) Be located entirely within the unincorporated areas of Clark County and outside the boundaries of any incorporated city; and

(b) Include only parcels of land that are located within the boundaries of the Summerlin Production Studios Project, excluding any parcels on which a business required to hold a gaming license issued pursuant to chapter 463 of NRS is located.

2. To make payments pursuant to subsection 3, the Clark County Board of County Commissioners shall pledge the proceeds of:

(a) The tax imposed pursuant to NRS 244.335 at the rate of 2 percent of the gross receipts from the rental of transient lodging within the production studio entertainment district;

(b) The taxes imposed pursuant to chapter 361 of NRS on property of any kind within the production studio entertainment district for the general operating expenses of Clark County;

(c) The taxes imposed pursuant to chapter 361 of NRS on property of any kind within the production studio entertainment district for the general operating expenses of Summerlin Town; and

(d) The basic city-county relief tax, as defined in NRS 377.020, with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the production studio entertainment district.

3. After the creation of the production studio entertainment district, the Department of Taxation, the Clark County Board of County Commissioners and the Board of Trustees of the Clark County School District shall enter into an agreement to transfer money secured by a pledge of, and payable from, any money pledged pursuant to subsection 2 and received with respect to the district. The agreement must provide for a transfer to the Clark County School District of money pledged pursuant to subsection 2 and received by the Department of Taxation or Clark County, including, without limitation, specifying the dates and procedure for the distribution of money pledged pursuant to subsection 2. An agreement entered into pursuant to this section is not subject to the

limitations of subsection 1 of NRS 354.626 and may, at the option of the Clark County Board of County Commissioners, be binding on Clark County beyond the fiscal year in which it was made, if the agreement pertains solely to the money pledged pursuant to subsection 2.

4. The Clark County School District shall:

(a) Deposit all money received pursuant to this section in a separate account established and administered by the Board of Trustees of the Clark County School District and use money in such account solely for the purposes of pre-kindergarten education programs in the Clark County School District.

(b) Submit a report on or before July 1 of each year on the use of all money received pursuant to this section to the Office of Economic Development within the Office of the Governor. The Office shall include the report received from the Clark County School District in the report required pursuant to section 16 of this act.

5. The Department of Taxation may adopt regulations regarding procedures for the identification and segmentation with respect to the production studio entertainment district of the taxes, fees and charges described in subsection 2.

6. The Clark County Board of County Commissioners may adopt, by ordinance, procedures for the identification and segmentation with respect to the production studio entertainment district of the taxes, fees and charges described in subsection 2.

7. The Department of Taxation and Clark County, and any other local government or public body to which the taxes, fees and charges described in subsection 2 are paid, shall provide commercially reasonable procedures by which such taxes, fees and charges paid by any business or other person operating in the production studio entertainment district are to be identified and segmented. All such businesses or other persons operating in the production studio entertainment district shall follow the established commercially reasonable procedures.

8. The provisions of this section must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any local government or the State, including, without limitation, bonds, notes, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.

Sec. 15.7. **1. The lead participant shall, on or before October 1 of each even-numbered year, prepare and submit to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Office a report on the performance of the project for the immediately preceding fiscal years. The report must include:**

(a) The following information concerning the development of the Project:

(1) The cumulative capital investment, by component, including the studio campus, vocational-training studio and supporting uses;

(2) Square footage delivered and acreage improved, by component;

(3) The status of capital investment requirements and requirements for qualified direct production expenditures included in the development agreement pursuant to paragraph (a) of subsection 1 of section 9 of this act;

(4) Any improvements to public infrastructure installed or financed by the Project;

(5) Any capital investment outside of the site of the Project credited toward meeting the capital investment requirements included in the development agreement pursuant to paragraph (a) of subsection 1 of section 9 of this act;

(6) The primary user or tenant of each completed building and space occupied and a brief business description; and

(7) The share of total occupied square footage used by firms whose principal business supports motion picture, television, digital media or related content-creation activities.

(b) The following information concerning the production of qualified productions, in whole or in part, at the site of the Project:

(1) The number of applications submitted for a certificate of eligibility for film infrastructure transferable tax credits pursuant to section 10 of this act;

(2) The number of qualified productions for which film infrastructure transferable tax credits were approved;

(3) The amount of film infrastructure transferable tax credits approved;

(4) The amount of film infrastructure transferable tax credits used;

(5) The amount of film infrastructure transferable tax credits transferred;

(6) The amount of film infrastructure transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;

(7) The aggregate amount of the qualified direct production expenditures incurred by qualified productions and the portion of those expenditures that were incurred in Nevada;

(8) The aggregate number of persons in Nevada employed by qualified productions, the aggregate amount of wages paid to those persons and aggregated demographic information concerning those persons;

(9) The period during which each qualified production was in Nevada and employed persons in Nevada;

(10) The number of qualified productions that were produced by persons or entities that are affiliated with the Summerlin Production Studios Project and the number of qualified productions that were

produced by persons or entities that are not affiliated with the Project; and

(11) Demographic information concerning persons who participate in a program of vocational training and education offered at the Nevada Partners Vocational Training Studio.

2. Not later than 10 days after receiving a report required by subsection 1, the Office shall post the report on the Internet website of the Office.

Sec. 16. The Office shall, on or before October 1 of each even-numbered year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report that includes, for the immediately preceding fiscal years:

1. The number of applications submitted for **a certificate of eligibility for** film infrastructure transferable tax credits pursuant to section 10 of this act;
2. The number of qualified productions for which film infrastructure transferable tax credits were approved;
3. The amount of film infrastructure transferable tax credits approved;
4. The amount of film infrastructure transferable tax credits used;
5. The amount of film infrastructure transferable tax credits transferred;
6. The amount of film infrastructure transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;
7. The aggregate amount of the qualified direct production expenditures incurred by qualified productions and the portion of those expenditures that were incurred in Nevada;
8. The aggregate number of persons in Nevada employed by qualified productions, the aggregate amount of wages paid to those persons and aggregated demographic information concerning those persons;
9. The period during which each qualified production was in Nevada and employed persons in Nevada;
10. The number of qualified productions that were produced by persons or entities that are affiliated with the Summerlin Production Studios Project and the number of qualified productions that were produced by persons or entities that are not affiliated with the Project;
11. Recommendations for strengthening the overall operation of the program for the issuance of film infrastructure transferable tax credits, including, without limitation, methods to promote and encourage the development and establishment of production companies in Nevada, including, without limitation, production companies that are not affiliated with the Summerlin Production Studios Project; ~~[and]~~
12. Demographic information concerning persons who participate in a program of vocational training and education offered at the Nevada Partners Vocational Training Studio ~~[.]~~ **; and**

13. The compilation of information provided in reports made by recipients of grants from the Account for Nevada Film, Media and Related

Technology Education and Vocational Training created by section 31 of this act, which is provided to the Office pursuant to section 33 of this act.

Sec. 17. NRS 360.7582 is hereby amended to read as follows:

360.7582 "Below-the-line personnel" means a person employed to work on a qualified production after production begins and before production is completed, including, without limitation, ~~[an extra,]~~ ***a background actor,*** best boy, boom operator, camera loader, camera operator, assistant camera operator, compositor, dialogue editor, film editor, assistant film editor, focus puller, Foley operator, Foley editor, gaffer, grip, key grip, lighting crew, lighting board operator, lighting technician, music editor, sound editor, sound effects editor, sound mixer, steadicam operator, first assistant camera operator, second assistant camera operator, digital imaging technician, camera operator working with a director of photography, electric best boy, grip best boy, dolly grip, rigging grip, assistant key for makeup, assistant key for hair, assistant script supervisor, set construction foreperson, lead set dresser, assistant key for wardrobe, scenic foreperson, assistant propmaster, assistant audio mixer, assistant boom person, assistant key for special effects and other similar personnel. The term does not include above-the-line personnel.

Sec. 18. NRS 360.7586 is hereby amended to read as follows:

360.7586 1. "Qualified production" includes preproduction, production and postproduction and means:

(a) A theatrical, direct-to-video or other media motion picture.

(b) A made-for-television motion picture.

(c) Visual effects or digital animation sequences.

(d) A television pilot program.

(e) A television, Internet or other media series, including, without limitation, a comedy, drama, miniseries, soap opera, talk show, game show or telenovela, or an episode of such a series.

(f) A reality show.

(g) A national or regional commercial or series of commercials.

(h) An infomercial.

(i) A music video.

(j) A documentary film or series.

(k) Other visual media productions, including, without limitation, video games ***, digital media*** and mobile applications.

2. The term does not include:

(a) A news, weather or current events program.

(b) A production that is primarily produced for industrial, corporate or institutional use.

(c) A telethon or any production that solicits money, other than a production which is produced for national distribution.

(d) A political advertisement.

(e) A sporting event, including, without limitation, a sportscast, preshow, postshow or sports newscast related to a sporting event. A qualified production

described by subsection 1 shall not be deemed a sporting event for the purposes of this paragraph for the sole reason that it features athletes or relates to sports.

(f) A gala, pageant or awards show.

(g) ***Any type of media production created solely for the purpose of posting the production on social media, as defined in NRS 232.003.***

(h) Any other type of production that is excluded by regulations adopted by the Office of Economic Development pursuant to NRS 360.759.

Sec. 19. NRS 360.759 is hereby amended to read as follows:

360.759 1. A production company that produces a qualified production in this State in whole or in part may apply to the Office of Economic Development for a certificate of eligibility for ***noninfrastructure*** transferable tax credits for any qualified direct production expenditures. The ***noninfrastructure*** transferable tax credits may be applied to:

(a) Any tax imposed by chapters 363A and 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed pursuant to chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. The Office ~~[may]~~ ***shall*** approve an application for a certificate of eligibility for ***noninfrastructure*** transferable tax credits if the Office finds that the production company producing the qualified production qualifies for the ***noninfrastructure*** transferable tax credits pursuant to subsection 3. If the Office approves the application, the Office shall ~~[calculate]~~ ***:***

(a) Calculate the estimated amount of the ***noninfrastructure*** transferable tax credits pursuant to NRS 360.7592, 360.7593 and 360.7594 ~~[.]~~ ***; and***

(b) Immediately forward a copy of the certificate of eligibility that identifies the estimated amount of the noninfrastructure transferable tax credits ~~[available pursuant to NRS 360.7592]~~ to:

(1) The applicant;

(2) The Department of Taxation; and

(3) The Nevada Gaming Control Board.

3. To be eligible for ***noninfrastructure*** transferable tax credits pursuant to this section, a production company must:

(a) ~~[Submit]~~ ***Before the beginning of principal photography, submit to the Office*** an application ***for a certificate of eligibility*** that meets the requirements of subsection 4;

(b) ~~[Provide proof satisfactory to the Office that the qualified production is in the economic interest of the State;~~

~~(c)]~~ Provide ~~[proof satisfactory]~~ ***with the application for a certificate of eligibility:***

(1) Proof to the Office that 70 percent or more of the funding for the qualified production has been obtained;

~~[(d) *(c)* Provide proof satisfactory]~~ ***and***

(2) Proof to the Office that ~~[at]~~ ***:***

(I) At least ~~[60]~~ ***50*** percent of the ~~[direct production expenditures for:~~

~~(1) Preproduction;~~

~~(2) Production; and~~

~~(3) If any direct production expenditures for postproduction will be incurred in this State, postproduction,~~

~~,~~ ***total principal photography days*** of the qualified production will ~~be incurred~~ ***take place*** in this State ~~as qualified direct production expenditures; (c)~~ ***;***

~~***(d)***~~ ***or***

(II) The qualified production will incur qualified direct production expenditures in this State of at least $5,000,000;

(c) Provide to the Office:

(1) ~~***Proof***~~ ***With the application for the certificate of eligibility, proof that the applicant has in place a workforce plan for the qualified production that outlines specific goals for:***

(I) Hiring a workforce that reflects the diversity of this State, including, without limitation, the age, gender, gender identity or expression, as defined in NRS 0.034, sexual orientation, ethnic and geographic diversity of this State;

(II) Using vendors that are minority-owned business enterprises or woman-owned business enterprises; and

(III) Achieving the requirements set forth in subsection 3 of 360.7592; and

(2) Not later than ~~***270***~~ ***365 days after the completion of principal photography of the qualified production, unless the Office agrees to extend this period by not more than*** ~~***90***~~ ***180 days, a final assessment of the workforce plan that includes documentation on whether the production met or made good faith efforts to achieve the goals set forth in the workforce plan;***

~~***(e)***~~ ***(d)*** Not later than ~~270~~ ***365*** days after the completion of principal photography of the qualified production or, if any direct production expenditures for postproduction will be incurred in this State, not later than ~~270~~ ***365*** days after the completion of postproduction, unless the Office agrees to extend this period by not more than ~~90~~ ***180*** days, provide the Office with an audit of the qualified production that includes ~~an~~ ***:***

(1) An itemized report of qualified direct production expenditures which:

~~(1)~~ ***(I)*** Shows that the qualified production incurred qualified direct production expenditures of $500,000 or more; ~~and~~

~~(2)~~ ***(II) If the production company complied with the requirement of subparagraph (2) of paragraph (b) by providing to the Office with the application for a certificate of eligibility proof that the qualified production would incur qualified direct production expenditures in this State of at least $5,000,000, shows that the qualified production incurred qualified direct production expenditures in this State of at least $5,000,000; and***

(III) Is certified by an independent certified public accountant in this State who is approved by the Office;

(2) A list of each contractor, vendor, personal service corporation or loan-out company or other business engaged by the production company to provide goods or perform services in an aggregate amount of at least $10,000 or more in this State in connection with the qualified production and the amount paid to each contractor, vendor, personal service corporation or loan-out company or other business for such goods or services; and

(3) Proof that the production company secured all licenses and registrations required to do business in each location in this State at which the qualified production was produced;

~~[(f)]~~ ***(e)*** Pay the cost of the audit required by paragraph ~~[(e);]~~ ***(d); and***

~~[(g)]~~ ***(f)*** Enter into a written agreement with the Office that requires the production company to include:

(1) In the end screen credits of the qualified production, a logo of this State provided by the Office which indicates that the qualified production was filmed or otherwise produced in Nevada; or

(2) If the qualified production does not have end screen credits, another acknowledgment in the final version of the qualified production which indicates that the qualified production was filmed or otherwise produced in Nevada ~~[.]~~ ***or any alternative marketing promotion acceptable to the Office;*** and

~~[(h) Meet any other requirements prescribed by regulation pursuant to this section.]~~

(g) Enter into a written agreement with the Office that requires the production company to transmit to each contractor, vendor, personal service corporation or loan-out company or other business engaged by the production company to provide goods or perform services in an aggregate amount of at least $10,000 or more in this State in connection with a qualified production, not later than 30 calendar days after the production company pays the contractor, vendor, personal service corporation or loan-out company or other business, a notification that includes:

(1) A statement that Nevada imposes:

(I) A tax on wages paid by certain employers pursuant to chapters 363A and 363B of NRS; and

(II) A commerce tax on certain business entities pursuant to chapter 363C of NRS; and

(2) Instructions for obtaining additional information from the Department of Taxation regarding the collection and remittance of taxes pursuant to chapters 363A, 363B and 363C of NRS.

4. An application ***for a certificate of eligibility*** submitted pursuant to subsection 3 must contain:

(a) A script, storyboard or synopsis of the qualified production;

(b) The names of the production company, producer, director and proposed cast;

(c) An estimated timeline to complete the qualified production;

(d) ~~[A summary of the budgeted expenditures for the entire production, including projected expenditures to be incurred outside of Nevada;]~~ ***An estimate of the percentage of principal photography days of the qualified production that will take place in this State and outside this State;***

(e) Details regarding the financing of the project, including, without limitation, any information relating to a binding financing commitment, loan application, commitment letter or investment letter;

(f) An insurance certificate, binder or quote for general liability insurance of $1,000,000 or more;

(g) The business address of the production company;

(h) Proof that the qualified production meets any applicable requirements relating to workers' compensation insurance; ***and***

(i) ~~[Proof that the production company has secured all licenses and registrations required to do business in each location in this State at which the qualified production will be produced; and~~

~~(j) Any other information required by regulations adopted by the Office pursuant to subsection 8.]~~ ***The workforce plan of the production company that is required by paragraph ~~[(d)]~~ (c) of subsection 3.***

5. ~~[If the Office approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to NRS 360.7592 to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The Nevada Gaming Control Board.~~

~~6.]~~ Within ~~[60]~~ ***45*** business days after receipt of ***a final assessment of the workforce plan provided by a production company pursuant to paragraph ~~[(d)]~~ (c) of subsection 3,*** an audit provided by a production company pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 3 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of ***noninfrastructure*** transferable tax credits will be issued. If the Office certifies the audit, determines that all other requirements for the ***noninfrastructure*** transferable tax credits have been met and determines that a certificate of ***noninfrastructure*** transferable tax credits will be issued, the Office shall notify the production company ~~***[and the lead participant]***~~ that the ***noninfrastructure*** transferable tax credits will be issued.

6. Within ~~[30]~~ ***90*** days after the receipt of the notice, the production company shall make an irrevocable declaration of the amount of ***noninfrastructure*** transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued ~~[.]~~ ***in relation to the qualified production.*** Upon receipt of the declaration, the Office shall issue to the production company a certificate of ***noninfrastructure*** transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration of the production

company. The production company shall notify the Office upon transferring any of the ***noninfrastructure*** transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all ***noninfrastructure*** transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and the amount of any ***noninfrastructure*** transferable tax credits transferred.

7. ***Within 60 days after the production company uses any noninfrastructure transferable tax credits issued pursuant to subsection 6 or notifies the Office of any transfer of noninfrastructure transferable tax credits issued pursuant to subsection 6, the production company shall pay to the Office an amount of money equal to 1 percent of the amount of noninfrastructure transferable tax credits issued to the production company pursuant to subsection 6. The Office shall deposit any money received pursuant to this subsection with the State Treasurer for credit to the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act. A payment made pursuant to this subsection shall be deemed to be a payment made from noninfrastructure transferable tax credits which would have been authorized and approved for the production company if a payment pursuant to this section were not required.***

8. An applicant for ***noninfrastructure*** transferable tax credits pursuant to this section shall, upon the request of the Executive Director of the Office, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

~~[8.]~~ ***9.*** The Office:

(a) Shall adopt regulations prescribing:

(1) ~~[Any additional requirements to receive transferable tax credits;~~

~~(2)]~~ Any additional qualified expenditures or production costs that may serve as the basis for ***noninfrastructure*** transferable tax credits pursuant to NRS 360.7591;

~~[(3) Any additional information that must be included with an application pursuant to subsection 4;~~

~~(4)]~~ ***(2)*** The application review process;

~~[(5) Any type of qualified]~~

(3) That a production ***for*** which ~~[, due to obscene or sexually explicit material,]~~ ***records are required by 18 U.S.C. § 2257 to be maintained with respect to any performer in such production*** is not eligible for ***noninfrastructure*** transferable tax credits; and

~~[(6) The requirements for notice pursuant to NRS 360.7595;]~~

(4) Any necessary provisions to ensure compliance with the requirements of paragraph ~~(d)~~ (c) of subsection 3 relating to workforce plans; and

(b) May adopt any other regulations that are necessary to ~~[carry out]~~ ***ensure that*** the provisions of NRS 360.758 to 360.7598, inclusive ~~[.]~~ ***, are carried out***

in a manner that is reasonable and customary within the industry for the production of qualified productions.

~~[9.]~~ ***10.*** The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which ***noninfrastructure*** transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary to carry out the ***functions performed by each entity pursuant to the*** provisions of NRS 360.758 to 360.7598, inclusive.

Sec. 20. NRS 360.7591 is hereby amended to read as follows:

360.7591 1. ~~[Qualified]~~ ***Except as otherwise provided in subsection 3, qualified*** direct production expenditures ***that may serve as a basis for noninfrastructure transferable tax credits issued pursuant to NRS 360.759*** must ~~[be for purchases,]~~ ***:***

(a) Be expenditures made during the period in which a qualified production is produced;

(b) Be customary and reasonable;

(c) Relate to a category of qualified expenditures and costs listed in subsection 2; and

(d) Be:

(1) Purchases, rentals or leases of tangible personal property or services from a Nevada business **.** ~~[during the period in which a qualified production is produced, must be customary and reasonable and]~~

(2) The payroll, including wages, salaries and fringe benefits, for Nevada residents or other personnel who provided services in this State, as included in the calculation of the amount of noninfrastructure transferable tax credits in accordance with subsection 6.

(3) Compensation paid to a producer, as included in the calculation of the amount of noninfrastructure transferable tax credits in accordance with subsection 6.

(4) Payments made to a qualified entity for services performed in this State by a qualified individual.

2. Expenditures or costs that may serve as a basis for calculating noninfrastructure transferable tax credits must relate to:

(a) Set construction and operation;

(b) Wardrobe and makeup;

(c) Photography, sound and lighting;

(d) Filming, film processing and film editing;

(e) The rental or leasing of facilities, equipment and vehicles;

(f) Food and lodging;

(g) Editing, sound mixing, special effects, visual effects and other postproduction services;

(h) ~~[The payroll for Nevada residents or other personnel who provided services in this State;~~

~~(i)]~~ Payment for goods or services provided by a Nevada business;

~~[(j)]~~ ***(i)*** The design, construction, improvement or repair of property, infrastructure, equipment or a production or postproduction facility;

~~[(k)]~~ ***(j)*** State and local government taxes to the extent not included as part of another cost reported pursuant to this section;

~~[(l) Fees paid to a producer who is a Nevada resident; and~~

~~(m)]~~ ***or***

(k) Any other transaction, service or activity authorized in regulations adopted by the Office of Economic Development pursuant to NRS 360.759.

~~[2.]~~ ***3.*** Expenditures and costs:

(a) Related to:

(1) The acquisition, transfer or use of ***noninfrastructure*** transferable tax credits;

(2) Marketing and distribution;

(3) Financing, depreciation and amortization;

(4) The payment of any profits as a result of the qualified production;

(5) The payment for the cost of the audit required by NRS 360.759; and

(6) The payment for any goods or services that are not directly attributable to the qualified production;

(b) For which reimbursement is received, or for which reimbursement is reasonably expected to be received;

(c) Which are paid to a joint venturer or a parent, subsidiary or other affiliate of the production company, unless the amount paid represents the fair market value ***, which may be represented by a rate sheet,*** of the purchase, rental or lease of the property or services for which payment is made;

(d) ~~[Which provide a pass-through benefit to a person who is not a Nevada resident; or~~

~~(e)]~~ Which have been previously claimed as a basis for ***noninfrastructure*** transferable tax credits ~~[,]~~ ***issued pursuant to NRS 360.759 or film infrastructure transferable tax credits issued pursuant to section 10 of this act,***

➥ are not qualified direct production expenditures and are not eligible to serve as a basis for transferable tax credits issued pursuant to NRS 360.759.

~~[3.]~~ ***4.*** If any tangible personal property is acquired by a Nevada business from a vendor outside this State for immediate resale, rental or lease to a production company that produces a qualified production, expenditures incurred by the production company for the purchase, rental or lease of the property are qualified direct production expenditures ***only*** if:

(a) The Nevada business regularly deals in property of that kind; ***and***

(b) The expenditures are otherwise qualified direct production expenditures under the provisions of this section ***.*** ~~[; and~~

~~(c) Not more than 50 percent of the property purchased, rented or leased by the production company for the qualified production is acquired and purchased, rented or leased in the manner described in this subsection. In making the calculation required by this paragraph, the cost of any property that remains an asset of the Nevada business after production of the qualified~~

~~production has ended must not be included in the calculation as property purchased, rented or leased in the manner described in this subsection.~~

~~4.~~ ***5.*** If any tangible personal property is acquired by the production company as an asset, the calculation of the costs of the tangible personal property that constitute a qualified direct production expenditure must be performed in the manner prescribed by the Office ~~[of Economic Development]~~ by regulation.

6. For the purposes of calculating qualified direct production expenditures:

(a) For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits before July 1, 2028, or on or after July 1, 2043:

(1) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

(2) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

(3) The compensation payable to any employee, any independent contractor or any other person who is below-the-line personnel and who is paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.

(b) For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits on or after July 1, 2028, and before July 1, 2043, the compensation payable to a producer in his or her capacity as a producer must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.

7. As used in this section:

(a) "Fringe benefits" means employee expenses paid by an employer for the use of the employee's services, including, without limitation, payments made to a governmental entity, union dues, health insurance premiums, payments to a pension plan and payments for workers' compensation insurance.

(b) "Qualified entity" means an entity that is:

(1) A personal service corporation, as defined in 26 U.S.C. § 269A(b)(1), a payroll services corporation or any entity receiving payments for services performed in this State by a qualified individual; and

(2) Registered to conduct business pursuant to the laws of this State.

(c) "Qualified individual" means any natural person who performs services during the production period in an activity related to the production of a qualified production. The term does not include:

(1) Any natural person related to the production company or an employee of the production company, as described in subparagraph (A), (B) or (C) of 26 U.S.C. § 51(i)(1).

(2) Any 5-percent owner, as defined in 26 U.S.C. § 416(i)(1)(B), of the production company.

Sec. 21. NRS 360.7592 is hereby amended to read as follows:

360.7592 1. Except as otherwise provided in subsection 4 and NRS 360.7593 and 360.7594, the base amount of ***noninfrastructure*** transferable tax credits issued to an eligible production company pursuant to NRS 360.759 ***:***

(a) For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits before July 1, 2028, or on or after July 1, 2043, must equal 15 percent of the qualified direct production expenditures.

(b) For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits on or after July 1, 2028, and before July 1, 2043, must equal 30 percent of the qualified direct production expenditures.

2. Except as otherwise provided in subsections ~~[3]~~ ***4*** and ~~[4]~~ ***5*** and NRS 360.7594, ***if an eligible production company submitted the application for the certificate of eligibility for noninfrastructure transferable tax credits pursuant to NRS 360.759 before July 1, 2028, or on or after July 1, 2043,*** in addition to the base amount calculated pursuant to ***paragraph (a) of*** subsection 1, ***the noninfrastructure*** transferable tax credits issued to ~~[an]~~ ***the*** eligible production company ~~[pursuant to NRS 360.759]~~ must include credits in an amount equal to:

(a) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the below-the-line personnel of the qualified production are Nevada residents; and

(b) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the filming days of the qualified production occurred in a county in this State in which, in each of the 2 years immediately preceding the date of application, qualified productions incurred less than $10,000,000 of qualified direct production expenditures.

3. ***Except as otherwise provided in subsections 5 and 6 and NRS 360.7594, if an eligible production company submitted the application for the certificate of eligibility for noninfrastructure transferable tax credits pursuant to NRS 360.759 on or after July 1, 2031, and before July 1, 2043, the Office shall reduce the cumulative amount of noninfrastructure transferable tax credits calculated pursuant to paragraph (b) of subsection 1:***

(a) By 5 percent if less than 50 percent of the below-the-line personnel of the qualified production are Nevada residents.

(b) By 5 percent if the final assessment of the workforce plan submitted by the production company for the qualified production pursuant to

paragraph ~~[(d)]~~ (c) of subsection 3 of NRS 360.759 does not include documentation that at least two of the following requirements were met:

(1) The production company, distribution company or financing company for the qualified production offered training or work opportunities to members of traditionally underrepresented groups for the development of skills required for employment as below-the-line personnel or above-the-line personnel.

(2) Two or more persons who are members of a traditionally underrepresented group are employed on the qualified production as a casting director, cinematographer, composer, costume designer, director, editor, hairstylist, makeup artist, producer, production designer, set decorator, visual effects supervisor, writer, sound editor, sound effects editor, sound mixer, Foley artist or other similar personnel.

(3) Six or more persons who are members of a traditionally underrepresented group are employed on the qualified production in a technical role, including, without limitation, ~~[production assistant,]~~ first assistant director, gaffer, script supervisor, digital imaging technician or other similar role.

(4) Not less than 20 percent of the below-the-line personnel employed on the qualified production, not including background actors, are members of a traditionally underrepresented group.

(5) One or more entities affiliated with the production company or distribution company has a program of substantive, ongoing paid apprenticeships or internships that includes members of traditionally underrepresented groups in not less than three of the following departments:

(I) Production and development;

(II) Physical production;

(III) Postproduction;

(IV) Music;

(V) Visual effects;

(VI) Acquisitions;

(VII) Business affairs;

(VIII) Distribution; or

(IX) Marketing and publicity.

4. ~~[A reduction in the cumulative amount of noninfrastructure transferable tax credits required pursuant to subsection 3 must not reduce the amount of money transferred pursuant to subsection 7 of NRS 360.759 to the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act.~~

~~5.]~~ The Executive Director of the Office shall waive a reduction in the cumulative amount of noninfrastructure transferable tax credits required pursuant to:

(a) Paragraph (a) of subsection 3 upon written proof to the Executive Director that the production company made a good faith effort to hire the

required percentage of below-the-line personnel and there is an insufficient number of Nevada residents available and qualified for such employment.

(b) Paragraph (b) of subsection 3 upon written proof to the Executive Director that the production company made a good faith effort to meet the requirements of that paragraph and there is an insufficient number of persons available and qualified to meet the requirements.

~~[6.]~~ 5. For the purposes of paragraph (a) of subsection 2 :

(a) Except as otherwise provided in paragraph (b) of this subsection, ***~~[and paragraph (a) of subsection 3,]~~*** the percentage of the below-the-line personnel who are Nevada residents must be determined by dividing the number of workdays worked by ***~~[total amount of wages and salaries paid to]~~*** Nevada residents ***who are below-the-line personnel*** by the number of workdays worked by ***~~[total amount of wages and salaries paid to]~~*** all below-the-line personnel.

(b) Any work performed by ~~[an extra]~~ ***a background actor*** must not be considered in determining the percentage of the below-the-line personnel who are Nevada residents.

~~[4. The]~~

~~[7.]~~ 6. Except as otherwise provided in subsection ~~[8,]~~ 7, the Executive Director of the Office may:

(a) Reduce the cumulative amount of ***noninfrastructure*** transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of a qualified production that is produced in this State; or

(b) Withhold the ***noninfrastructure*** transferable tax credits, in whole or in part:

(1) Until any pending legal action in this State against a production company or involving a qualified production is resolved.

(2) If a production company violates any state or local law.

(3) If a production company is found to have ***knowingly*** submitted any false statement, representation or certification in any document submitted for the purpose of obtaining ***noninfrastructure*** transferable tax credits.

~~[8.]~~ 7. Before taking any action authorized by subsection ~~[7,]~~ 6, the Executive Director of the Office shall:

(a) Consider any documentation submitted by the production company related to the action under consideration; and

(b) Make the following determinations:

(1) That good cause exists to take such action;

(2) That the action is reasonable based on the circumstances of the underlying incident on which the reduction or withholding of noninfrastructure transferable tax credits authorized pursuant to subsection ~~[7]~~ 6 is based; and

(3) The amount of any reduction or withholding of noninfrastructure transferable tax credits authorized pursuant to subsection ~~[7]~~ 6 is

commensurate with severity of the underlying incident on which the reduction or withholding is based.

~~[9.]~~ 8. As used in this section:

(a) "Racial or ethnic minority" means persons who are:

(1) Asian;

(2) Hispanic or Latino;

(3) Black or African American;

(4) Indigenous, Native American or Alaskan Native;

(5) Middle Eastern or North African;

(6) Native Hawaiian;

(7) Pacific Islander; or

(8) A member of any other underrepresented racial or ethnic minority group.

(b) "Traditionally underrepresented group" means:

(1) Women;

(2) A racial or ethnic minority group;

(3) A group of persons who identify as LGBTQ, which means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression;

(4) A group of persons with disabilities, as defined in NRS 426.068;

(5) Veterans;

(6) Persons who are currently serving on active duty in the Armed Forces of the United States; or

(7) Persons who were previously incarcerated in a jail or prison.

(c) "Veteran" means a person who has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and was separated from such service under conditions other than dishonorable.

Sec. 22. NRS 360.7593 is hereby amended to read as follows:

360.7593 1. ~~[In]~~ ***For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits before July 1, 2028, or on or after July 1, 2043, in*** calculating the base amount of ***noninfrastructure*** transferable tax credits pursuant to subsection 1 of NRS 360.7592:

(a) Wages and salaries, including fringe benefits, paid to above-the-line personnel who are not Nevada residents must be included in the calculation at a rate of 12 percent.

(b) Wages and salaries, including fringe benefits, paid to below-the-line personnel who are not Nevada residents ~~[:~~

~~(1) For the period beginning January 1, 2014, and ending December 31, 2014, must be included in the calculation at a rate of 12 percent.~~

~~(2) For the period beginning January 1, 2015, and ending December 31, 2015, must be included in the calculation at a rate of 10 percent.~~

~~(3) For the period beginning January 1, 2016, and ending December 31, 2016, must be included in the calculation at a rate of 8 percent.~~

~~(4) For the period beginning January 1, 2017,~~ must not be included in the calculation.

2. As used in this section, "fringe benefits" means employee expenses paid by an employer for the use of a person's services, including, without limitation, payments made to a governmental entity, union dues, health insurance premiums, payments to a pension plan and payments for workers' compensation insurance.

Sec. 23. NRS 360.7594 is hereby amended to read as follows:

360.7594 1. Except as otherwise provided in this subsection, the Office ~~of Economic Development~~ shall not approve any application for ***a certificate of eligibility for noninfrastructure*** transferable tax credits submitted pursuant to NRS 360.759 if approval of the application would cause the total amount of ***noninfrastructure*** transferable tax credits approved pursuant to NRS 360.759 for each ~~fiscal~~ ***:***

(a) Fiscal year ***commencing before July 1, 2028, or on or after July 1, 2043,*** to exceed the sum of $10,000,000. ~~Any~~ ***Except as otherwise provided in this paragraph, any*** portion of the $10,000,000 per fiscal year for which ***noninfrastructure*** transferable tax credits have not previously been approved ***by the Office under an application for a certificate of eligibility for noninfrastructure transferable tax credits submitted pursuant to NRS 360.759*** may be carried forward and made available for approval during the next or any future fiscal year. ***Noninfrastructure transferable tax credits that are available for approval for a fiscal year commencing before July 1, 2028, but have not been approved for a fiscal year commencing before July 1, 2028, must not be carried forward and made available for approval during any fiscal year commencing on or after July 1, 2028.***

(b) Fiscal year commencing on or after July 1, 2028, and before July 1, 2043, to exceed the sum of $25,000,000. An amount not to exceed 50 percent of the $25,000,000 per fiscal year for which noninfrastructure transferable tax credits have not previously been approved by the Office under an application for a certificate of eligibility for noninfrastructure transferable tax credits submitted pursuant to NRS 360.759 may be carried forward and made available for approval during the next or any future fiscal year.

2. ~~The~~ ***Except as otherwise provided in this section, if the Office approves an application for a certificate of eligibility pursuant to NRS 360.759, the Office shall assign the amount of noninfrastructure transferable tax credits identified under the certificate of eligibility to the fiscal year in which the application for the certificate of eligibility is approved.***

3. Except as otherwise provided in subsection 1, an amount of noninfrastructure transferable tax credits approved by the Office under a certificate of eligibility issued to a production company pursuant to NRS 360.759 that exceeds the amount of noninfrastructure transferable tax credits approved by the Office under a certificate of noninfrastructure

transferable tax credits approved by the Office under a certificate of noninfrastructure transferable tax credits issued to the production company pursuant NRS 360.759 may be added to the amount made available for approval during subsequent fiscal years.

4. For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits before July 1, 2028, or on or after July 1, 2043, the noninfrastructure transferable tax credits issued to any production company for any qualified production pursuant to NRS 360.759:

(a) Must not exceed a total amount of $6,000,000; and

(b) Expire ~~[4]~~ ***at the end of the calendar year that is 6*** years after the date on which the ***noninfrastructure*** transferable tax credits are issued to the production company.

~~[3.]~~ ***5.*** For ~~[the purposes of calculating qualified direct production expenditures:~~

~~(a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.]~~ ***an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits on or after July 1, 2028, and before July 1, 2043, the noninfrastructure transferable tax credits issued to the production company for a qualified production pursuant to NRS 360.759 ~~[expire]~~ :***

(a) Must not exceed a total of $7,000,000; and

(b) Expire at the end of the calendar year that is 6 years after the date on which the noninfrastructure transferable tax credits are issued to the production company.

Sec. 24. NRS 360.7595 is hereby amended to read as follows:

360.7595 1. ~~[If the Office of Economic Development receives an application for transferable tax credits pursuant to NRS 360.759, the Office shall, not later than 10 days before a hearing on the application, provide notice of the hearing to:~~

~~(a) The applicant;~~

~~(b) The Department; and~~

~~(c) The Nevada Gaming Control Board.~~

~~2. The notice required by this section must set forth the date, time and location of the hearing on the application. The date of the hearing must be not later than 60 days after the Office receives the completed application.~~

~~3. The Office shall issue a decision on the application not later than 30 days after the conclusion of the hearing on the application.~~

~~4.~~ Except as otherwise provided in this subsection, if ~~[the]~~ ***an*** application ***for a certificate of eligibility for noninfrastructure transferable tax credits*** is approved ~~[,]~~ ***pursuant to NRS 360.759,*** principal photography of the qualified production must begin not more than 90 days after the date on which the decision on the application is issued. The Office ***:*** ~~[of Economic Development:]~~

(a) Shall prescribe by regulation the procedure for determining the date of commencement of qualified productions that do not include photography for the purposes of this section.

(b) May extend by not more than 90 days the period otherwise prescribed by this subsection ~~[.]~~ ***, except that in the case of a force majeure, the Office may extend the period for more than 90 days.***

~~[5.]~~ ***2.*** A production company that produces a qualified production shall submit the ***final assessment of the workforce plan, the*** audit required by NRS 360.759 and all other required information to the Office and the Department within the time required by paragraph ~~***[(d)]***~~ ***(c) or*** ~~[(e)]~~ ***(d)*** of subsection 3 of NRS 360.759 ~~[.]~~ ***, as applicable.*** Production of the qualified production must be completed within 18 months after the date of commencement of principal photography ~~[.]~~ ***, except that the Office may extend this period for completion of the qualified production by not more than 6 months.*** If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the production company shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

~~[6.]~~ ***3.*** The Office shall give priority to the approval and processing of an application relating to a qualified production that promotes tourism in the State of Nevada.

Sec. 25. NRS 360.7598 is hereby amended to read as follows:

360.7598 The Office of Economic Development shall, on or before October 1 of each ***even-numbered*** year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

1. The number of applications submitted for ***a certificate of eligibility for noninfrastructure*** transferable tax credits pursuant to NRS 360.759;
2. The number of qualified productions for which ***noninfrastructure*** transferable tax credits were approved;
3. The amount of ***noninfrastructure*** transferable tax credits approved;
4. The amount of ***noninfrastructure*** transferable tax credits used;
5. The amount of ***noninfrastructure*** transferable tax credits transferred;

6. The amount of ***noninfrastructure*** transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;

7. The ~~[total]~~ ***aggregate*** amount of the qualified direct production expenditures incurred by ~~[each]~~ qualified ~~[production]~~ ***productions*** and the portion of those expenditures that were incurred in Nevada;

8. The ***aggregate*** number of persons in Nevada employed by ~~[each]~~ qualified ~~[production and]~~ ***productions***, the ***aggregate*** amount of wages paid to those persons ~~[,]~~ ***and aggregated demographic information concerning those persons;*** ~~[and]~~

9. The period during which each qualified production was in Nevada ~~[.]~~ ***; and***

10. The compilation of information provided in reports made by recipients of grants from the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act, which is provided to the Office pursuant to section 33 of this act.

Sec. 26. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 27 to 33, inclusive, of this act.

Sec. 27. ***As used in sections 27 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 28, 29 and 30 of this act have the meanings ascribed to them in those sections.***

Sec. 28. ***"Account" means the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act.***

Sec. 29. ***"Board" means the Board for Nevada Film, Media and Related Technology Education and Vocational Training created by section 32 of this act.***

Sec. 30. ***"Nevada Partners Vocational Training Studio" has the meaning ascribed to it in section 6 of this act.***

Sec. 31. ***1. The Account for Nevada Film, Media and Related Technology Education and Vocational Training is hereby created in the State General Fund. The Executive Director of the Office of Economic Development, at the direction of the Board, shall administer the Account.***

2. The Executive Director may apply for and accept gifts, grants, bequests and donations from any source for deposit in the Account.

3. The Account consists of:

(a) Money transferred to the Account pursuant to NRS 360.759 and section 10 of this act.

(b) Any direct legislative appropriations to the Account.

(c) Any gifts, grants, bequests and donations made to the Account.

(d) Interest and income earned on money in the Account.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. Money in the Account must be used by the Office to make grants to any institution within the Nevada System of Higher Education, a state or local agency, a school district, a charter school, a vocational trade school, a nonprofit organization, a labor organization or a private postsecondary educational institution that provides a program of workforce development for the production of qualified productions in this State. Thirty percent of the money which is distributed from the Account in the form of grants must be allocated to the Nevada Partners Vocational Training Studio for the operation and overhead costs of the Nevada Partners Vocational Training Studio. Seventy percent of the money which is distributed from the Account in the form of grants must be allocated to educational and vocational training organizations pursuant to section 33 of this act for the purpose of providing programs of workforce development for the production of qualified productions in this State.

7. As used in this section, "qualified production" has the meaning ascribed to it in NRS 360.7586.

Sec. 32. *1. There is hereby created the Board for Nevada Film, Media and Related Technology Education and Vocational Training within the Office of Economic Development in the Office of the Governor, consisting of the following voting members:*

(a) One member appointed by the Governor;

(b) One member, who must not be a Legislator, appointed by the Majority Leader of the Senate;

(c) One member, who must not be a Legislator, appointed by the Speaker of the Assembly;

(d) One member, who must not be a Legislator, appointed by the Minority Leader of the Senate;

(e) One member, who must not be a Legislator, appointed by the Minority Leader of the Assembly;

(f) ~~[One member]~~ Two members appointed by the Governor from ~~[a nominee]~~ nominees selected by the lead participant in the Summerlin Production Studios Project;

(g) One member appointed by the Governor from a nominee selected by the Southern Nevada Enterprise Community Board to represent the interests of the Nevada Partners Vocational Training Studio;

(h) One member appointed by the Board of Regents of the University of Nevada; ~~[and]~~

(i) The President of the University of Nevada, Las Vegas, or his or her designee ~~[.]~~ ; and

(j) The President of the University of Nevada, Reno, or his or her designee.

2. In appointing members to the Board pursuant to subsection 1, the appointing authorities set forth in that subsection shall coordinate to ensure that both the public and private sectors are represented on the Board.

3. The members appointed pursuant to paragraphs (a), (c), (e) and (g) of subsection 1 , and one member appointed pursuant to paragraph (f) of subsection 1, must be appointed to an initial term of 2 years commencing on January 1, 2028, and the members appointed pursuant to paragraphs (b), (d) ~~[, (f)]~~ and (h) of subsection 1 , and one member appointed pursuant to paragraph (f) of subsection 1, must be appointed to an initial term of 4 years commencing on January 1, 2028. After the initial terms, each appointed member shall serve a term of 4 years. Each appointed member serves at the pleasure of the person appointing that member pursuant to subsection 1. If, for any reason, a vacancy occurs during the term of an appointed member, the person who is responsible for making the appointment pursuant to subsection 1 shall appoint a replacement qualified pursuant to that subsection to serve for the remainder of the unexpired term. Each appointed member may serve not more than three consecutive full terms.

4. At the first meeting of each fiscal year, the Board shall elect from among its members a Chair and a Vice Chair. The Executive Director of the Office of Economic Development shall serve as the nonvoting Secretary of the Board.

5. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

6. The Board shall meet at least twice each calendar year but may meet more often at the call of the Chair or a majority of the voting members of the Board.

7. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

8. A member of the Board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board to make up the time the officer or employee is absent from work to carry out duties as a member of the Board or use annual vacation or compensatory time for the absence.

9. As used in this section:

(a) "Southern Nevada Enterprise Community Board" means the Southern Nevada Enterprise Community Board created by section 8 of the Southern Nevada Enterprise Community Infrastructure Improvement Act.

(b) "Summerlin Production Studios Project" has the meaning ascribed to it in section 8 of this act.

Sec. 33. ***1. The Board shall establish:***

(a) The procedures for a person or entity to apply for a grant of money from the Account;

(b) The criteria to be used to determine whether to approve an application for a grant from the Account to an applicant; and

(c) The requirements for reports by recipients of grants from the Account concerning the expenditures made from the grant, the outcomes of the programs supported by the grant, demographic data concerning the participants in the programs supported by the grant and any other information deemed necessary by the Board. The Board shall provide to the Office a compilation of the information provided in reports made by recipients pursuant to this paragraph.

2. The Executive Director of the Office of Economic Development may provide advice and recommendations regarding the procedures, criteria and requirements established by the Board pursuant to subsection 1.

3. The Office shall not make a grant of money from the Account unless the Board has approved the application for the grant.

4. A recipient of a grant must adopt and implement a community benefits program, which must include, without limitation:

(a) A commitment to workforce diversity, inclusiveness, access and equality, including, without limitation, for underserved communities, minority groups and veterans;

(b) An explanation of the actions that will be taken and strategies that will be implemented to promote workforce diversity; and

(c) The goals and performance measures which will be used to measure the success of the program in achieving those goals.

Sec. 34. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 35. The Office of Economic Development, the Nevada Gaming Commission and the Nevada Tax Commission shall each adopt such regulations as are respectively required to implement the provisions of this act on or before ~~[October 1, 2025.]~~ **June 1, 2026.**

Sec. 36. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "noninfrastructure transferable tax credits" in NRS 360.758 to 360.7598, inclusive, for the term "transferable tax credits" as previously used in those sections.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "noninfrastructure transferable tax credits" in NAC 360.800 to 360.865, inclusive, for the term "transferable tax credits" as previously used in those sections.

Sec. 36.5. **If any provision of this act, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.**

Sec. 37. This act becomes effective upon passage and approval, and expires by limitation on June 30, 2049.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 251.

Bill read third time.

Roll call on Assembly Bill No. 251:

YEAS—42.

NAYS—None.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Roll call on Assembly Bill No. 336:

YEAS—42.

NAYS—None.

Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 839.

AN ACT relating to public employees; requiring the Governor to include certain information relating to collective bargaining agreements in the biennial proposed executive budget; revising certain deadlines relating to the negotiation, mediation and arbitration of collective bargaining agreements with the Executive Department of the State Government; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Governor may, notwithstanding the provisions of any collective bargaining agreement, include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for salaries, wage rates or any other form of direct monetary compensation for employees. (NRS 288.510) **Section 1** of this bill requires the

Governor, to the extent practicable, to include in the biennial proposed executive budget, any amount of money to be paid as agreed upon in a collective bargaining agreement. **Section 1** also requires that if the Governor determines it is impracticable to include such money in the biennial proposed executive budget, he or she must submit a report stating the reason for such a determination to the Legislature on the same day the budget is submitted.

Under existing law, certain groups of employees in the classified service of the Executive Department of State Government are authorized to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) In general, a collective bargaining agreement for such a group of employees must begin on July 1 of an odd-numbered year and must end on June 30 of the next odd-numbered year. (NRS 288.550)

Under existing law, the Governor is required to designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department and negotiations between the representative of the Executive Department and the exclusive representative of a bargaining unit are required to begin within 60 days after one party notifies the other party of the desire to negotiate or on or before October 1 of each even-numbered year, whichever is earlier. (NRS 288.565) **Section 1.5** of this bill requires such negotiations to begin: (1) on or before April 1, rather than October 1, of each even-numbered year; and (2) within 60 days after an exclusive representative is designated for an unrepresented bargaining unit.

Under existing law, either the representative of the Executive Department or the exclusive representative of a bargaining unit are authorized to request a mediator if the parties do not reach a collective bargaining agreement within 120 days after beginning negotiations or on or before February 1 of an odd-numbered year, whichever is earlier, unless the parties agree to a later date. (NRS 288.570) **Section 2** of this bill authorizes parties who do not reach an agreement to request a mediator: (1) after at least six meetings of negotiations or on or before September 5 of an even-numbered year when one of the parties is a bargaining unit with an existing collective bargaining agreement; or (2) after at least eight meetings of negotiations or 90 days after the parties begin negotiating, whichever is earlier, when one of the parties is a bargaining unit negotiating to enter a collective bargaining agreement for the first time.

Under existing law, if the representative of the Executive Department and the exclusive representative of a bargaining unit do not reach a collective bargaining agreement through mediation within 10 days after the appointment of a mediator, mediation is required to cease and the parties are required to begin arbitration proceedings on or before February 15 unless the parties agree to a later date. The arbitrator is then required to render a decision on or before March 5. (NRS 288.575) **Section 3** of this bill: (1) requires arbitration proceedings to begin on or before September 15, rather than February 15; and (2) requires the arbitrator to render a decision on or before December 5, rather

than March 5. **Section 3** also eliminates the authority for the parties to agree to a later deadline for the decision of the arbitrator.

Under existing law, the Economic Forum, a panel of appointed economic and financial experts, prepares a written report of its projections of economic indicators and an estimate of future state revenue for the Governor and Legislature on or before December 3 of each even-numbered year. (NRS 353.228) **Section 4** of this bill requires that such a report instead be prepared by November 15 of each even-numbered year.

Section 4.3 of this bill makes an appropriation to the Division of Human Resource Management of the Department of Administration for certain personnel, travel, operating and information services costs.

Section 4.7 of this bill makes an appropriation to the Office of the Governor for certain personnel, operating, equipment and information services costs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.510 is hereby amended to read as follows:

288.510 ***1.*** Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Governor ~~[may]~~ ***:***

(a) Shall, to the extent practicable, include in the biennial proposed executive budget of the State any amount of money to be paid as agreed upon in a collective bargaining agreement; and

(b) May include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the salaries, wage rates or any other form of direct monetary compensation for employees.

2. If the Governor determines it is impracticable to include any amount of money to be paid as agreed upon in a collective bargaining agreement in the biennial proposed executive budget, he or she must submit a report to the Legislature stating the reason for such a determination. The report must be submitted on the same day the biennial proposed executive budget is submitted to the Legislature.

Sec. 1.5. NRS 288.565 is hereby amended to read as follows:

288.565 1. The Governor shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the Executive Department. The representative may, with the approval of the Governor, delegate the responsibility to conduct such negotiations to another person.

2. A representative designated pursuant to subsection 1 and an exclusive representative shall:

(a) Begin negotiations concerning a collective bargaining agreement ~~[within 60 days after one party notifies the other party of the desire to negotiate or]~~ on or before ~~[October]~~ ***April*** 1 of each even-numbered year ***;*** ~~[, whichever is earlier;]~~ and

(b) Before beginning negotiations concerning a collective bargaining agreement pursuant to paragraph (a), select a mediator and arbitrator for the purposes of mediation and arbitration pursuant to NRS 288.570 and 288.575, respectively, and, to the extent possible, determine and reserve with the mediator and arbitrator selected by the parties the calendar days when such mediation and arbitration would occur should the parties not reach a collective bargaining agreement.

3. ~~[As soon as practicable]~~ ***Within 60 days*** after the Board designates an exclusive representative of an unrepresented bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, the exclusive representative shall engage in collective bargaining with the representative designated pursuant to subsection 1 as required by NRS 288.540 to establish a collective bargaining agreement with a term ending on June 30 of the next odd-numbered year.

Sec. 2. NRS 288.570 is hereby amended to read as follows:

288.570 1. Either party may request a mediator selected pursuant to NRS 288.565 if the parties do not reach a collective bargaining agreement:

(a) ~~[Within 120 days after the date on which the parties began]~~ ***After at least six meetings of*** negotiations or on or before ~~[February 1]~~ ***September 5*** of an ~~[odd-numbered]~~ ***even-numbered*** year, whichever is earlier ~~[;]~~ ***, when one of the parties is a bargaining unit with an existing collective bargaining agreement;*** or

(b) ~~[On or before any later date set by agreement of the parties.]~~ ***After at least eight meetings of negotiations or 90 days after the date on which the parties begin negotiations, whichever is earlier, when one of the parties is a bargaining unit negotiating to enter a collective bargaining agreement for the first time.***

2. The mediator shall bring the parties together as soon as possible after a request is made pursuant to subsection 1 and shall attempt to settle each issue in dispute within 10 days after the request was made pursuant to subsection 1 or any later date set by agreement of the parties.

Sec. 3. NRS 288.575 is hereby amended to read as follows:

288.575 1. If a mediator requested pursuant to NRS 288.570 determines that his or her services are no longer helpful or if the parties do not reach a collective bargaining agreement through mediation within 10 days after a request made pursuant to NRS 288.570 or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall engage in arbitration. Any proposal that conflicts or is otherwise inconsistent with any provision of state law, other than the provisions of chapters 284 and 287 of NRS, shall be considered withdrawn by the proposing party when mediation is discontinued.

2. The arbitrator shall begin arbitration proceedings on or before ~~[February]~~ ***September*** 15 of an ~~[odd-numbered]~~ ***even-numbered*** year or any later date set by agreement of the parties.

3. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board pursuant to

NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

4. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 6, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

5. The arbitrator shall render a decision on or before ~~[March]~~ ***December*** 5 of an ~~[odd-numbered]~~ ***even-numbered*** year **.** ~~[or any later date set by agreement of the parties.]~~

6. The Executive Department and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 4. NRS 353.228 is hereby amended to read as follows:

353.228 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:

(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);

(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled;

(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;

(d) On or before ~~[December 3]~~ ***November 15*** of each even-numbered year, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature;

(e) On or before May 1 of each odd-numbered year, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the Governor and the Legislature; and

(f) Except as otherwise provided in subsection 2, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, hold a meeting to consider current economic indicators, including, without limitation, employment, unemployment, personal income and any other indicators deemed appropriate by the Economic Forum. Based on current economic indicators, the Economic Forum shall update the status of actual State General Fund revenue compared to the most recent forecast of the Economic Forum. The provisions of this paragraph are not intended to authorize the Economic Forum to make additional forecasts pursuant to paragraph (b). At the next appropriate meeting of the Interim Finance Committee, the Chair of the Economic Forum or a member of the staff of the Economic Forum shall present to the Interim Finance Committee such matters considered at the meeting of the Economic Forum held pursuant to this paragraph, as the Economic Forum determines appropriate. Any such

information presented to the Interim Finance Committee must be made available on the Internet website of the Legislature.

2. If the deadline for preparing a report or holding a meeting as required in subsection 1 falls on a Saturday, Sunday or legal holiday, the deadline is extended to the second business day following the deadline.

3. The Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief.

4. The Economic Forum may request information directly from any state agency, including, without limitation, the Nevada System of Higher Education. A state agency, including, without limitation, the Nevada System of Higher Education, that receives a reasonable request for information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.

5. The Economic Forum may request direct testimony from any state agency, including, without limitation, the Nevada System of Higher Education, at a meeting of the Economic Forum or the Technical Advisory Committee. The head, or a designee thereof, of a state agency, including, without limitation, the Nevada System of Higher Education, who receives a reasonable request for direct testimony at a meeting of the Economic Forum or the Technical Advisory Committee shall appear at the meeting and shall comply with the request.

6. To carry out its duties pursuant to this section, the Economic Forum may consider any information received from the Technical Advisory Committee and any other information received from independent sources.

7. Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material.

Sec. 4.3. **1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration for personnel, travel, operating and information services costs associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2025-2026.....$144,474

For the Fiscal Year 2026-2027.....$189,623

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4.7. **1. There is hereby appropriated from the State General Fund to the Office of the Governor for personnel, operating, equipment and information services costs associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2025-2026.....$142,566

For the Fiscal Year 2026-2027.....$183,920

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 5. The provisions of NRS 218D.380 do not apply to any provisions of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. **1. This section and sections 4.3 and 4.7 of this act become effective on July 1, 2025.**

2. Sections 1 to 4, inclusive, and 5 of this act become effective on October 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 599.

AN ACT relating to unmanned aerial vehicles; revising provisions concerning the purchase or acquisition of certain unmanned aerial vehicles or other related equipment or services under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law, in relevant part, requires the Department of Public Safety to adopt regulations to establish a list of countries, businesses and entities from which a public agency or law enforcement agency is prohibited from purchasing or acquiring any unmanned aerial vehicle or other equipment or

service relating to the operation of an unmanned aerial vehicle. (NRS 493.118) This bill provides that a public agency or law enforcement agency may purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle from a business or entity that would otherwise be contained on the list if: (1) any photograph, image, recording or other information collected by the business or entity is stored and maintained exclusively within the United States and is not accessible to certain third parties; (2) before the purchase or acquisition, the ~~[Department]~~ **public agency or law enforcement agency** determines that the business or entity complies with the information storage and access requirements; and (3) the purchase or acquisition complies with federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency ***, except as otherwise provided in subsection 8,*** shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include ***:*** ~~[, without limitation:]~~

(a) Any ~~[country,]~~ business or entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(c) Any hardware, software, vendor or service prohibited from being used by a state agency in Nevada by a regulation, guideline or policy adopted by the Office of the Chief Information Officer within the Office of the Governor pursuant to NRS 242.111 and 242.115; and

(d) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle, as determined by the Department.

8. A public agency or law enforcement agency may purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle from a business or entity that is identified on the list established pursuant to paragraph (a) of subsection 6 if:

(a) Any photograph, image, recording or other information collected by the business or entity from the purchase, acquisition or operation of the unmanned aerial vehicle or other equipment or service relating to the operation of the unmanned aerial vehicle:

(1) Is stored and maintained exclusively within the United States; and

(2) Is not accessible to any third party;

(b) Before the purchase or acquisition of the unmanned aerial vehicle or other equipment or service relating to the operation of the unmanned aerial vehicle, the ~~[Department]~~ public agency or law enforcement agency has determined that the policies of the business or entity comply with paragraph (a); and

(c) The purchase or acquisition complies with all requirements of federal law, including, without limitation, any restrictions on the use of federal funds.

9. The provisions of subsection 8 shall not be construed to discourage the purchase or acquisition of any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that is manufactured in the United States. To the extent authorized by chapter 332 or 333 of NRS, a public agency or law enforcement agency is encouraged to prioritize the purchase or acquisition of any unmanned aerial vehicle or other equipment or service related to the operation of an unmanned aerial vehicle that is manufactured in the United States.

10. As used in this section, "third party" includes, without limitation, a person that is domiciled in a foreign country or has its principal place of business in, or is organized under the laws of, a foreign country. The term does not include a governmental entity of the United States.

Sec. 2. **This act becomes effective on July 1, 2025.**

Assemblymember Watts moved that the Assembly concur in Senate Amendment No. 599 to Assembly Bill No. 439.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 778.

AN ACT relating to public utilities; requiring the Public Utilities Commission of Nevada to open one or more investigatory dockets to examine

certain matters relating to a potential cost-sharing adjustment mechanism; requiring a utility to refund certain overcharges; revising provisions governing certain applications filed by a public utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill requires the Public Utilities Commission of Nevada to open one or more investigatory dockets to examine certain matters relating to a potential cost-sharing adjustment mechanism for the recovery of costs for purchased fuel and purchased power and the sharing of such costs between an electric utility and its customers. **Section 1.3** requires the Commission to submit periodic reports to the Joint Interim Standing Committee on Growth and Infrastructure concerning the progress of each investigatory docket and, on or before July 1, 2026, submit a final report to the Legislative Commission on the outcomes of the investigatory dockets. Under **section 1.3**, the Commission is authorized to adopt regulations to establish a cost-sharing adjustment mechanism, if the Commission finds it is in the public interest as a result of the investigatory docket.

If the Commission determines that a utility has charged a customer more than any applicable rate or tariff allows, **section 1.7** of this bill requires a utility to refund to the customer, with interest, the full amount of any overcharge.

Existing law requires the Commission to issue a written order approving or disapproving an application filed by a public utility to make any change in a schedule not later than 210 days after the date on which the application is filed. (NRS 704.110) **Section 2** of this bill ~~[authorizes]~~ **requires** the Commission, ~~[under certain circumstances, to extend by not more than 90 days the time to act on such]~~ **for** an application filed by certain electric utilities ~~[.]~~ **, to issue such a written order not later than 300 days after the date on which the application is filed.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. The Commission shall open one or more investigatory dockets to:***

(a) Examine how costs for purchased fuel and purchased power are currently passed through to customers.

(b) Examine the use of carrying charges on deferred energy accounting and balances.

(c) Identify opportunities to mitigate the impact on customer rates which are associated with fluctuations in the market for purchased fuel and purchased power or other unpredictable events which affect customer rates.

(d) Consider elements of a potential cost-sharing adjustment mechanism for purchased fuel and purchased power which is designed to align the

financial incentives of an electric utility with the interest of the customers of the electric utility, including, without limitation:

(1) A cost-sharing percentage that is high enough to incentivize the electric utility to keep the costs of purchased fuel and purchased power low, but not low enough that the electric utility is exposed to unreasonable levels of risk and volatility.

(2) Whether a cost-sharing adjustment mechanism is symmetrical or asymmetrical.

(3) Whether to use a straight-sharing method or a sharing-band method.

(4) Whether to use a forecasted estimate of costs or historic information concerning costs.

(5) Options to improve the transparency of any forecasted estimate of costs, including the use of a forward price index and providing access to forecasted estimates to interveners in proceedings of the Commission who sign nondisclosure agreements.

(6) Implications of the inclusion of costs for purchased fuel and purchased power on the participation of an electric utility in real time and day-ahead markets.

(e) Examine existing practices ~~[for integrated resource planning]~~ and evaluate options that reduce load and mitigate volatility in the cost of natural gas, including, without limitation, demand-side management programs which are cost effective, demand response and load shifting.

2. Before the submission of the report required by subsection 3, the Commission shall submit periodic reports on the progress of each investigatory docket opened pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

3. On or before July 1, 2026, the Commission shall submit a report on the outcomes of each investigatory docket opened pursuant to subsection 1, including, without limitation, the status of any regulations adopted or considered as a result of the investigatory docket, to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.

4. If the Commission finds it is in the public interest, as a result of the investigatory docket opened pursuant to subsection 1, the Commission may adopt regulations to establish a cost-sharing adjustment mechanism.

5. As used in this section:

(a) "Cost-sharing adjustment mechanism" means a mechanism that shares the risk of purchased fuel and purchased power costs between an electric utility and its customers.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 1.7. *Notwithstanding any other provision of law, if the Commission determines that a utility has charged a customer more than any applicable rate or tariff allows, the utility shall refund to the customer, with interest, the full amount of any overcharge.*

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in ***this subsection and*** subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes. ***If the public utility is an electric utility, the Commission*** ~~***[may, upon good cause, extend by]***~~ ***shall, not*** ~~***[more]***~~ ***later than*** ~~***[90]***~~ ***300 days after the*** ~~***[time to act upon]***~~ ***date on which the application*** ~~***[.]***~~ ***is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.***

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this

chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) At least once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the

date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility, or a public utility affiliated with the public utility through common ownership, shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility or its affiliate is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit a public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used

to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember Watts moved that the Assembly concur in Senate Amendment No. 778 to Assembly Bill No. 452.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to energy; authorizing the users of a solar-powered affordable housing system to participate in net metering; exempting the owner or operator of a solar-powered affordable housing system from certain provisions of law; requiring the owner or landlord of a qualified multifamily affordable housing property to notify residents and new tenants of certain information relating to a solar-powered affordable housing system; making certain provisions governing public works applicable to contracts for construction work related to certain solar-powered affordable housing systems; establishing requirements for a tariff or contract relating to a solar-powered affordable housing system; revising provisions governing the administration of net metering; revising provisions relating to an expanded solar access program which certain electric utilities are required to offer; revising certain contractual requirements for an agreement for the purchase or lease of a solar-powered affordable housing system; imposing various requirements and restrictions on a contractor who performs work concerning a residential photovoltaic system used to produce electricity on a qualified multifamily affordable housing property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility. (NRS 704.773) Existing law defines "net metering" to mean measuring the difference between the electricity supplied by a utility and the electricity generated by certain customers which is fed back to the utility. (NRS 704.769) **Sections 13 and 14** of this bill authorize the users of a solar-powered affordable housing system to participate in net metering. **Sections 2-8** of this bill define certain terms related to solar-powered affordable housing systems. **Section 11** of this bill excludes persons who own or operate a solar-powered affordable housing system from the definition of "public utility." **Section 12** of this bill makes a conforming change to make the definitions set forth in **sections 2-8** applicable to the provisions of existing law governing net metering.

Sections 15 and 16 of this bill revise existing provisions governing net metering to provide for the administration of net metering with respect to solar-powered affordable housing systems, including the measuring of net electricity produced or consumed and the awarding of credit for excess electricity produced by a solar-powered affordable housing system. **Sections 9 and 10** of

this bill establish certain requirements for any tariff or contract which relates to a solar-powered affordable housing system. **Section 9.3** of this bill requires an application to qualify for the tariff submitted to the utility by an owner or operator of a solar-powered affordable housing system to include certain supporting documentation which shows that the system is part of a qualified multifamily affordable housing property. **Section 9.7** of this bill requires the owner of a solar-powered affordable housing system, in the initial application for the tariff which the owner submits to the utility, to inform the utility of the proper allocation of capacity and its associated production to customer-generators of the system. **Section 18** of this bill provides that, with certain exceptions, certain provisions governing the rates charged for the provision of electric service by the landlord of a manufactured home park or mobile home park or owner of a company town do not apply to the owner or operator of a solar-powered affordable housing system.

Section 10.3 of this bill requires the owner or landlord of a qualified multifamily affordable housing property to notify residents and new tenants of certain information relating to a solar-powered affordable housing system that is on the premises or to be installed on the premises.

Section 10.7 of this bill provides that certain provisions governing public works apply to any contract for construction work related to a solar-powered affordable housing system financed in whole or in part by a state or local government, even if the construction work does not qualify as a public work.

Existing law requires: (1) certain electric utilities in this State to offer an expanded solar access program to residential customers and to certain nonresidential customers who consume less than 10,000 kilowatt-hours of electricity per month; (2) the Public Utilities Commission of Nevada to adopt certain regulations for the implementation of the expanded solar access program; and (3) an electric utility to submit a plan for the implementation of the expanded solar access program. Under existing law, the customers who are eligible to participate in an expanded solar access program are: (1) low-income residential customers; (2) certain disadvantaged businesses and nonprofit organizations; and (3) certain residential customers who cannot install solar resources on the premises of the customer. In implementing the expanded solar access program, an electric utility is required to: (1) make use of at least a certain number of community-based solar resources; and (2) provide participating low-income residential customers with a lower rate. (NRS 704.7865)

Section 17 of this bill: (1) revises the criteria for eligibility so that only low-income residential customers are eligible to participate in an expanded solar access program; and (2) requires customers who are supported with certain funding from the Nevada Clean Energy Fund to comply with certain requirements. **Section 17** also authorizes such a participating customer to remain continuously enrolled in the program without having to reapply. For community-based solar resources, **section 17**: (1) increases the maximum nameplate capacity from not more than 1 megawatt to not more than 5

megawatts; (2) requires a process for open bidding or requests for proposals for the selection of sites; (3) requires prioritizing the selection of sites that provide resiliency for the electric grid and benefits for the community; and (4) requires construction of additional community-based solar resources in proportion to increased participation in the expanded solar access program.

Existing law: (1) imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State; (2) prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; and (3) provides that the violation of those provisions relating to distributed generation systems constitutes a deceptive trade practice. (NRS 598.9801-598.9822) **Sections 1 and 19-25** of this bill make these provisions applicable to solar-powered affordable housing systems.

Existing law: (1) prohibits a person from performing any work on, or providing a bid for or executing a contract to perform such work on, a residential photovoltaic system used to produce electricity on a single-family residence unless the person holds a license issued by the State Contractors' Board or is an employee of such a person; (2) imposes certain requirements on contractors who perform work on such systems; (3) establishes requirements for contracts for such work; (4) prohibits or limits certain practices related to such work and contracts; and (5) authorizes certain penalties and disciplinary action for violations of these provisions. (NRS 624.830-624.895) **Sections 23, 26 and 29-35** of this bill make these provisions applicable to a residential photovoltaic system, including a solar-powered affordable housing system, located on a qualified multifamily affordable housing property.

Section 28 of this bill requires a general building contractor, in the case of a contract for work concerning a residential photovoltaic system to produce electricity on a qualified multifamily affordable housing property, to provide to the owner of the property certain information relating to subcontractors on the project, certain persons who furnished material for the project and liens.

Existing law authorizes the State Contractors' Board to require a contractor who performs work concerning a residential photovoltaic system used to produce electricity to obtain performance and payment bonds if the contractor: (1) is determined by the Board to have committed certain violations; (2) enters into a contract that is later found to be void and unenforceable against an owner; or (3) has five valid complaints filed against him or her with the Board within a 15-day period. (NRS 624.270) **Sections 23 and 28** make this provision applicable to a contractor who performs work on a solar-powered affordable housing system located on a qualified multifamily affordable housing property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.540 is hereby amended to read as follows:

701.540 The Legislature hereby declares that each natural person who is a resident of this State has the right to:

1. Generate, consume and export renewable energy and reduce his or her use of electricity that is obtained from the grid.

2. Use technology to store energy at his or her residence.

3. If the person generates renewable energy pursuant to subsection 1, or stores energy pursuant to subsection 2, or any combination thereof, be allowed to connect his or her system that generates renewable energy or stores energy, or any combination thereof, with the electricity meter on the customer's side that is provided by an electric utility or any other person named and defined in chapters 704, 704A and 704B of NRS:

(a) In a timely manner;

(b) In accordance with requirements established by the electric utility to ensure the safety of utility workers; and

(c) After providing written notice to the electric utility providing service in the service territory and installing a nomenclature plate on the electrical meter panel indicating that a system that generates renewable energy or stores energy, or any combination thereof, is present if the system:

(1) Is not used for exporting renewable energy past the electric utility meter on the customer's side; and

(2) Meets all applicable state and local safety and electrical code requirements.

4. Fair credit for any energy exported to the grid.

5. Consumer protections in contracts for renewable energy pursuant to NRS 598.9801 to 598.9822, inclusive ~~.~~ ***, and sections 20 and 21 of this act.***

6. Have his or her generation of renewable energy given priority in planning and acquisition of energy resources by an electric utility.

7. Except as otherwise provided in NRS 704.7725 or 704.7732, remain within the existing broad rate class to which the resident would belong in the absence of a net metering system or a system that generates renewable energy or stores energy, or any combination thereof, without any fees or charges that are different than the fees and charges assessed to customers of the same rate class, regardless of the technologies on the customer's side of the electricity meter, including, without limitation, energy production, energy savings, energy consumption, energy storage or energy shifting technologies, provided that such technologies do not compromise the safety and reliability of the utility grid.

Sec. 1.5. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.7, inclusive, of this act.

Sec. 2. ***"Active affordability covenant" means a covenant, condition or restriction contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property, which:***

1. Establishes a period during which the covenant, condition or restriction is active; and

2. During the period described in subsection 1, limits the amount of any rent and utility charges that may be charged to a natural person or household:

(a) Who has an income of:

(1) Not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development; or

(2) Not more than 150 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services; or

(b) Which qualifies as a low-income family pursuant to 42 U.S.C. § 1437a(b)(2).

Sec. 3. *"Allocation" means* ~~*:*~~

~~*1. A portion of the capacity from or the electricity that is produced by a solar-powered affordable housing system that is; or*~~

~~*2. The*~~*] the net metering credits for each kilowatt-hour of excess electricity generated by the solar-powered affordable housing system that are* ~~*,*~~

~~*→*~~*] attributed to one of the users of the solar-powered affordable housing system.*

Sec. 4. *"Net metering credits" means the credit, expressed in terms of the number of kilowatt-hours, that the utility is required to allocate to a customer-generator for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator.*

Sec. 5. *"Qualified low-income residential building" means a residential rental building which participates in:*

1. A federal covered housing program, as defined in 34 U.S.C. § 12491(a)(3), and is wholly or partially financed by or otherwise connected to a grant or program under:

(a) Section 202 of the Housing Act of 1959, as amended, 12 U.S.C. § 1701q;

(b) Section 811 or sections 851 to 863, inclusive, of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. § 8013 or §§ 12901 et seq.;

(c) The McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. §§ 11360 et seq., including, without limitation, the Emergency Solutions Grants Program, Continuum of Care Program and Rural Housing Stability Assistance Program;

(d) The HOME Investment Partnerships Act, 42 U.S.C. §§ 12741 et seq.;

(e) Section 8 or 9 of the United States Housing Act of 1937, 42 U.S.C. § 1437f or 1437g, and any regulations adopted pursuant thereto, or pursuant to any successor program, including, without limitation, programs for

project-based rental assistance, moderate rehabilitation and moderate rehabilitation single-room occupancy;

(f) A low-income housing credit received pursuant to 26 U.S.C. § 42;

(g) Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, 12 U.S.C. § 4568; or

(h) The following programs administered by the Secretary of Veterans Affairs:

(1) The programs for comprehensive services to homeless veterans set forth in 38 U.S.C. §§ 2011-2016;

(2) The program to assist homeless veterans set forth in 38 U.S.C. § 2061; and

(3) The programs to provide financial assistance and supportive services for very low-income veteran families in permanent housing set forth in 38 U.S.C. §§ 2041 et seq.;

2. A housing assistance program administered by the United States Department of Agriculture under Title V of the federal Housing Act of 1949, Public Law 81-171, as amended, and is wholly or partially financed by or otherwise connected to a grant or program under section 514, 515, 516, 521, 533 or 538 of the Housing Act of 1949, 42 U.S.C. § 1484, 1485, 1486, 1490a, 1490m or 1490p-2, including, without limitation, programs for multifamily preservation and revitalization or multifamily housing rental assistance;

3. A housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22); or

4. Such other affordable housing programs as federal, state or local law may provide.

Sec. 6. *"Qualified low-income residential building project" means an energy facility that:*

1. Is installed on the premises of a qualified low-income residential building; and

2. For which the financial benefits of the electricity produced by the energy facility are allocated equitably among the occupants of the dwelling units of the qualified low-income residential building.

Sec. 7. *"Qualified multifamily affordable housing property":*

1. Means a multifamily residential property with at least five rental housing units or, for a housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22), two rental housing units, that:

(a) Contains one or more qualified low-income residential buildings:

(1) That are part of a single low-income housing development; and

(2) In which not less than 80 percent of the rental housing units have active affordability covenants; and

(b) Consists of tenant housing units, which may be individually metered and the occupants of which may maintain individual customer accounts with the utility, along with common areas served by one or more common meters under the customer account of the property owner.

2. In the case of a mixed-use property, does not include any independent commercial units on the premises that are not appurtenant to the housing use.

Sec. 8. *"Solar-powered affordable housing system" means an energy system for the generation of electricity that:*

1. Uses renewable energy as its primary source of energy to generate electricity;

2. Has a generating capacity of not more than 1 megawatt;

3. Is a qualified low-income residential building project that is located on a qualified multifamily affordable housing property;

4. Operates in parallel with the utility's transmission and distribution facilities;

5. Is owned by the landlord or another third party that equitably allocates the capacity and associated production of the energy system to each of the individually metered units or common areas within the qualified multifamily affordable housing property;

6. Is intended primarily to offset part or all of the qualified multifamily affordable housing property's requirements for electricity, subject to the following maximum allocations:

(a) In the case of common-area meters, a capacity that is sized to supply not more than 100 percent of the metered historic usage or reasonably expected future usage; and

(b) In the case of meters serving tenant units, a capacity of not more than 25 kilowatts per unit; and

7. Is net metered by the utility by allocating net metering credits either to common-area meters or to individually metered accounts, or both, that receive an allocation, according to the allocation schedule provided by the owner of the energy system, without requiring the energy system to be physically interconnected with the meter of each user.

Sec. 9. *Any tariff or contract which relates to a solar-powered affordable housing system must include, without limitation:*

1. The particular limitations and responsibilities of a customer-generator who is an owner of a solar-powered affordable housing system, a customer-generator who is a user of a solar-powered affordable housing system and the utility.

2. A provision authorizing the allocation by the owner of a solar-powered affordable housing system, in consultation with the owner of the qualified multifamily affordable housing property where the solar-powered affordable housing system is located, of the financial benefits of the electricity produced by the solar-powered affordable housing system in a manner which ensures net metering credits are equitably allocated among the tenant units:

(a) As a percentage of system production in proportion to the size of each tenant unit measured in square feet; or

(b) In equal proportion to all tenant units, regardless of the size of each tenant unit.

➥ *An equitable allocation of the financial benefits of the electricity produced by the solar-powered affordable housing system to the occupants does not preclude any allocation of the generation output to common-area accounts.*

3. The manner in which the owner of a solar-powered affordable housing system is required to inform and update the utility on the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system pursuant to section 9.7 of this act. The allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system must:

(a) Ensure that not less than 80 percent of the total allocation is reserved for tenant units. In the event a tenant unit is vacant, unallocated net metering credits for that unit that are designated for assignment to the account of the owner or a common-area account pursuant to paragraph (b) must not be considered for the purposes of this paragraph.

(b) Provide the owner with the option to designate the assignment of unallocated net metering credits to either the account of the owner or a common-area account.

4. The manner in which a utility is required to meter and bill customer-generators who are allocated shares of the capacity of a solar-powered affordable housing system by way of the provision of net metering credits on the bill of a customer-generator.

5. Provisions governing the interconnection of a solar-powered affordable housing system to the system of the utility without requiring the meters of individual users, common-area meters or owners of the solar-powered affordable housing system to be directly interconnected to the solar-powered affordable housing system, including, without limitation, fees for interconnections, procedures and timelines that are consistent with the procedures and timelines established for other net metering systems.

6. Provisions for the allocation of net metering credits for each kilowatt-hour of excess electricity, for a system that has a capacity of:

(a) Not more than 25 kilowatts, in accordance with NRS 704.7732; and

(b) More than 25 kilowatts but not more than 1 megawatt, in accordance with applicable requirements for a net metering tariff and a standard net metering contract established by the Commission pursuant to NRS 704.773.

7. Provisions governing fees or other charges which the utility may impose on an owner or user of a solar-powered affordable housing system, which:

(a) Must prohibit the utility from imposing any:

(1) Monthly fee or charge on an owner or user of a solar-powered affordable housing system for the provision of net metering credits.

(2) Fee or charge on a user of a solar-powered affordable housing system to initiate the allocation of net metering credits.

(3) Fee or charge on the owner of a qualified multifamily affordable housing property, if the person is not the owner of the solar-powered affordable housing system, for the application to install a net metering system or to initiate the allocation of net metering credits.

(4) Fee or charge for a change to the occupancy of a tenant unit, unless there are two or more such changes to the same tenant unit in a 12-month period for which a fee or charge may be imposed pursuant to subparagraph (1) of paragraph (b).

(b) May impose:

(1) For the second and any subsequent change to the occupancy of the same tenant unit in a 12-month period, a fee or charge for remote connection of the tenant unit to the system which is associated with establishing service, billed to the owner of the solar-powered affordable housing system.

(2) A one-time fee or charge on the owner of a solar-powered affordable housing system to initiate the allocation of net metering credits for the solar-powered affordable housing system, in an amount which represents the lesser of $25 for each user or $500 for each solar-powered affordable housing system.

8. Provisions governing the manner in which the utility will provide aggregated and anonymized data relating to net metering credits to the owner of the solar-powered affordable housing system, which must require the utility to provide such data on an annual basis and in a form which is sufficient to enable the owner to verify that users of the solar-powered affordable housing system are provided net metering credits accurately.

Sec. 9.3. *An application to qualify for a tariff which relates to a solar-powered affordable housing system described in section 9 of this act submitted to the utility by an owner or operator of a solar-powered affordable housing system must include supporting documentation which shows that the system is part of a qualified multifamily affordable housing property. The documentation must include, without limitation:*

1. A declaration of active affordability covenants and a statement regarding the portion of rental housing units that have active affordability covenants; or

2. A letter of verification from the appropriate entity with the authority and responsibility to grant federal, state or local funds pursuant to a program, law or regulation as described in section 5 of this act. The letter of verification must include, without limitation:

(a) A statement that the solar-powered affordable housing system is part of a qualified multifamily affordable housing property;

(b) A description of the type of funding which is granted;

(c) The date on which the funding was granted; and

(d) The number of rental housing units associated with the funding.

Sec. 9.7. *1. The owner of a solar-powered affordable housing system shall, in the initial application for a tariff which relates to a solar-powered affordable housing system described in section 9 of this act which the owner*

submits to the utility, inform the utility of the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system.

2. The utility shall allow the owner of a solar-powered affordable housing system to submit at least annually updates on the proper allocation of capacity and its associated production to customer-generators of the solar-powered affordable housing system to reflect changes in occupancy, square footage, number of tenant units and other relevant factors.

Sec. 10. ***For any tariff or tariffs which relate to a solar-powered affordable housing system described in section 9 of this act, eligibility must be limited to a total capacity of not more than 50 megawatts.***

Sec. 10.3. ***1. In whatever manner is typically used by the owner or landlord of a qualified multifamily affordable housing property to communicate with residents and new tenants, as applicable, on matters related to common areas and utilities for the property, the owner or landlord shall:***

(a) Not less than 30 days before a solar-powered affordable housing system is installed on an existing qualified multifamily affordable housing property, notify residents of occupied tenant units that a solar-powered affordable housing system will be installed on the premises of the qualified multifamily affordable housing property; and

(b) Notify each new tenant of the presence of the solar-powered affordable housing system on the premises.

2. A notification required by subsection 1 must include, without limitation:

(a) The nameplate capacity of the solar-powered affordable housing system, the expected energy production of the system and a summary of the manner of making the equitable allocations required by the provisions described in subsection 2 of section 9 of this act;

(b) The particular limitations and responsibilities of a user of a solar-powered affordable housing system;

(c) The contact information for the utility; and

(d) The contact information for the appropriate entity with the authority and responsibility to grant federal, state or local funds pursuant to a program, law or regulation as described in section 5 of this act.

Sec. 10.7. ***The provisions of NRS 338.01165 and 338.013 to 338.090, inclusive, apply to any contract for construction work related to a solar-powered affordable housing system financed in whole or in part by a state or local government, even if the construction work does not qualify as a public work, as defined in NRS 338.010.***

Sec. 11. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) ***or (d)*** of subsection 1 of NRS 704.771.

10. Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity

generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 12. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and sections 2 to 10.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, ***and sections 2 to 8, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 704.768 is hereby amended to read as follows:

704.768 "Customer-generator" means a user of a net metering system ~~.~~ ***, including, without limitation:***

1. The owner of a solar-powered affordable housing system; and

2. Any user of a solar-powered affordable housing system that includes, without limitation, tenant meters and common-area meters that receive an allocation of the capacity and associated production of the solar-powered affordable housing system, regardless of the legal ownership of the solar-powered affordable housing system.

Sec. 14. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means:

(a) A facility or energy system for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy to generate electricity;

(2) Has a generating capacity of not more than 1 megawatt;

(3) Is located on the customer-generator's premises;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; ~~[or]~~

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012 ~~[.]~~ ***; or***

(d) A solar-powered affordable housing system.

2. The term does not include a facility or energy system for the generation of electricity ***, other than a solar-powered affordable housing system,*** which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred percent of the customer-generator's annual requirements for electricity.

Sec. 15. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and sections 2 to 10.7, inclusive, of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts, the utility:

(a) May require the customer-generator ***or, if the net metering system is a solar-powered affordable housing system, the owner of the solar-powered affordable housing system*** to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator ***or owner of the solar-powered affordable housing system, if applicable,*** governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, ***and sections 2 to 10.7, inclusive, of this act*** at the location at which the net metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~[.]~~ ***, and sections 2 to 10, inclusive, of this act.***

Sec. 16. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period ~~[,]~~ ***:***

(1) For a net metering system that serves only one meter, in accordance with normal metering practices.

(2) For a solar-powered affordable housing system that serves multiple meters, by measuring the total generation output of the solar-powered affordable housing system using a production meter. The utility shall, for capacity allocations, calculate the total kilowatt-hour output associated with each user's allocated share of the solar-powered affordable housing system's production and deduct the allocated total kilowatt-hour output from each user's total measured consumption.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a solar-powered affordable housing system,*** which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) Except as otherwise provided in NRS 704.7732, if the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a solar-powered affordable housing system,*** which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or

acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator, ***including, without limitation, a customer-generator that is the owner of a solar-powered affordable housing system,*** the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 17. NRS 704.7865 is hereby amended to read as follows:

704.7865 1. An electric utility shall offer an expanded solar access program to ***low-income*** eligible customers within its service area in accordance with the provisions of this section. The size of the expanded solar access program shall not exceed:

(a) For an electric utility that primarily serves densely populated counties, a total capacity of 240,000 megawatt-hours; and

(b) For an electric utility that primarily serves less densely populated counties, a total capacity of 160,000 megawatt-hours.

2. The Commission shall adopt regulations establishing standards for the expanded solar access program. The regulations must:

(a) Advance the development of solar energy resources in this State, including, without limitation, utility scale and community-based solar resources;

(b) Provide for the expanded solar access program to include a reasonable mixture of community-based solar resources and utility scale solar resources;

(c) ~~[Provide a plan for community participation in the siting and naming of community-based solar resources;]~~ ***For community-based solar resources:***

(1) Require a process for open bidding or requests for proposals for the selection of sites for community-based solar resources;

(2) Prioritize the selection of sites for community-based solar resources that provide resiliency for the electric grid and benefits for the community; and

(3) Require construction of additional community-based solar resources in proportion to increased participation in the expanded solar access program;

(d) Provide for solar workforce innovations and opportunity programs related to the construction, maintenance and operation of solar resources, including opportunities for workforce training, apprenticeships or other job opportunities at community-based solar resources;

(e) Provide for equitably broadened access to solar energy;

(f) Provide for the creation of an expanded solar access program rate for participating ***low-income*** eligible customers that:

(1) Is based, among other factors, on a new utility scale solar resource accepted by the Commission in an order issued pursuant to NRS 704.751, as approved by the Commission;

(2) Is a fixed rate that replaces the base tariff energy rate and deferred accounting adjustment charged by the electric utility for participating ***low-income eligible*** customers and which is adjusted in accordance with the Commission's quarterly calculations;

(3) ~~[For low-income eligible customers, provides]~~ ***Provides*** for a lower rate, the cost of which must be allocated across all of the rate classes of the utility; ***and***

(4) ~~[For eligible customers who are not low-income eligible customers, provides stability and predictability and the opportunity for a lower rate; and~~

~~(5)]~~ Includes ~~[for all participating customers]~~ any other applicable charges including, without limitation, the universal energy charge, franchise fees, the renewable energy program rate and base tariff general rates, except that the Commission ~~[may]~~ ***:***

(I) May reduce one or more of these charges for ***participating*** low-income eligible customers to ensure that such customers receive a lower rate pursuant to subparagraph (3); ***and***

(II) For a participating low-income eligible customer who is supported with specific funding from the Nevada Clean Energy Fund established pursuant to NRS 701B.985 relating to a Solar for All program, shall require the participating low-income eligible customer to achieve the energy savings required for such funding;

(g) Establish a process for identifying noncontiguous geographic locations for community-based solar resources which, to the extent practicable, must be located in communities with higher levels of low-income eligible customers;

(h) Provide for the use of at least one utility scale solar resource and at least three but not more than ten community-based solar resources within the service territory of the electric utility;

(i) Require not less than 50 percent of the employees engaged or anticipated to be engaged in construction of community-based solar resources to be residents of this State, which residency may be demonstrated, without limitation, by a notarized statement of the employee that he or she is a resident of this State;

(j) Provide for a mechanism for the host sites of community-based solar resources to receive compensation from the utility for the use of such site;

(k) Provide for the use of a combination of new and other renewable energy facilities, which may be either utility scale or community-based solar resources, that were submitted to the Commission for approval after May 1, 2018, and that were not placed into operation before April 1, 2020;

(l) Provide for an application and selection process for ***low-income*** eligible customers to participate in the program;

(m) Ensure reasonable and equitable participation by ***low-income*** eligible customers within the service area of the electric utility;

(n) Ensure that ***low-income*** eligible customers are able to participate in the program regardless of whether the customer owns, rents or leases the customer's premises;

(o) ~~[~~Require that:

~~(1) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for low-income eligible customers;~~

~~(2) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for disadvantaged businesses and nonprofit organizations; and~~

~~(3) Fifty percent of the capacity of the program, as provided in subsection 1, be reserved for eligible customers who are fully bundled residential customers who own, rent or lease their residence and who certify in a statement which satisfies the requirements established by the Commission pursuant to paragraph (p) that they cannot install solar resources on their premises; and~~

~~(p)]~~ Establish the requirements for a fully bundled residential customer to certify that he or she cannot install solar resources on his or her premises; and

~~[(q)]~~ ***(p)*** Establish standards for the form, content and manner of submission of an electric utility's plan for implementing the expanded solar access program.

3. An electric utility shall file a plan for implementing the expanded solar access program in accordance with the regulations adopted by the Commission pursuant to subsection 2.

4. The Commission shall review the plan for the implementation of the expanded solar access program submitted pursuant to subsection 3 and issue an order approving, with or without modifications, or denying the plan within 210 days. The Commission may approve the plan if it finds that the proposed expanded solar access program complies with the regulations adopted by the Commission pursuant to subsection 2.

5. In administering the provisions of this section, the electric utility and the Commission shall establish as the preferred sites for utility scale development of solar energy resources pursuant to this section brownfield sites and land designated by the Secretary of the Interior as Solar Energy Zones and held by the Bureau of Land Management.

6. As used in this section:

(a) "Brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

(b) "Community-based solar resource" means a solar resource which has a nameplate capacity of not more than ~~[~~1 megawatt~~]~~ ***5 megawatts*** and is owned and operated by the electric utility and connected to and used as a component of the distribution system of the electric utility ~~[.]~~ ***, and may include resources for the storage of energy.***

(c) ~~[~~"Disadvantaged business" means a business for which:

~~(1) Fifty-one percent or more of the owners are women, veterans, members of a racial or ethnic minority group or otherwise part of a traditionally underrepresented group; and~~

~~(2) None of the owners has a net worth of more than $250,000, not including the equity held in the business or in a primary residence.~~

~~(d)~~] "Electric utility" has the meaning ascribed to it in NRS 704.187.

[~~(e)~~] ***(d)*** "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

[~~(f)~~] ***(e)*** "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

[~~(g) "Eligible customer" means:~~

~~(1) A fully bundled general service customer; or~~

~~(2) A fully bundled residential customer of a utility.~~

~~(h)~~] ***(f)*** "Fully bundled ***residential*** customer" means a customer of an electric utility who receives energy, transmission, distribution and ancillary services from an electric utility ~~[~~.

~~(i) "Fully bundled general service customer" means a fully bundled customer who is a nonresidential customer with a kilowatt hour consumption that does not exceed 10,000 kilowatt hours per month.~~

~~(j) "Fully bundled residential customer" means a fully bundled customer who~~] ***and*** is a single-family or a multifamily residential customer.

[~~(k)~~] ***(g)*** "Low-income eligible customer" means a natural person or household who is a fully bundled residential customer of a utility and has an income of not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development.

[~~(l)~~] ***(h)*** "Solar Energy Zone" means an area identified and designated by the Bureau of Land Management as an area well-suited for utility-scale production of solar energy, and where the Bureau of Land Management will prioritize solar energy and associated transmission infrastructure development.

[~~(m)~~] ***(i)*** "Solar resource" means a facility or energy system that uses a solar photovoltaic device to generate electricity.

[~~(n)~~] ***(j)*** "Solar workforce innovations and opportunity program" means a workforce education, training and job placement program developed by the Department of Employment, Training and Rehabilitation and its appropriate regional industry or sector partnership, if applicable, in conjunction with potential employers and community stakeholders.

[~~(o)~~] ***(k)*** "Utility scale solar resource" means a solar resource which has a nameplate capacity of at least 50 megawatts and is interconnected directly to a substation of the electric utility through a generation step-up transformer.

Sec. 18. NRS 704.940 is hereby amended to read as follows:

704.940 1. In a manufactured home park, mobile home park or company town where the landlord or owner is billed by a gas or electric utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller, and the park or town:

(a) Is equipped with individual meters for each lot, the landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.

(b) Is not equipped with individual meters for each lot, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

2. In a manufactured home park, mobile home park or company town that:

(a) Is equipped with individual water meters for each lot, the individual meters must be read and billed by the purveyor of the water.

(b) Is not equipped with individual water meters for each lot and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

➥ The landlord or owner of a manufactured home park or mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent increase to recover from the landlord's or owner's tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.

3. To the extent that the cost of providing a utility service to the common area of a manufactured home park, mobile home park or company town can be identified, the landlord or owner may not recover the cost of the utility service provided to the common area by directly charging a tenant or the occupant of a dwelling for those services.

4. The landlord of a manufactured home park or mobile home park or owner of a company town may assess and collect a charge to reimburse the landlord or owner for the actual cost of the service charge the landlord or owner is required to pay to a water utility serving the park or town. If the landlord or owner collects such a charge, the landlord or owner shall prorate the actual cost of the service charge to the tenants or occupants of dwellings who use the service. The landlord or owner shall not collect more than the aggregate cost of the service to the landlord or owner.

5. The landlord may assess and collect a service charge from the tenants of the park for the provision of gas and electric utility services, but the amount of the charge must not be more than the tenants would be required to pay the utility or alternative seller providing the service. The landlord shall:

(a) Keep the money from the service charges in a separate account and expend it only for federal income taxes which must be paid as a result of the collection of the service charge, for preventive maintenance or for repairing or replacing utility lines or equipment when ordered or granted permission to do so by the Commission; and

(b) Retain for at least 3 years a complete record of all deposits and withdrawals of money from the account and file the record with the Commission on or before March 30 of each year.

6. Money collected by the landlord or owner for service provided by a utility or an alternative seller to the tenants of a manufactured home park or mobile home park or occupants of the dwellings may not be used to maintain, repair or replace utility lines or equipment serving the common area of the manufactured home park, mobile home park or company town.

7. The owner of a company town who provides a utility service directly to the occupants of the town may charge the occupants their pro rata share of the owner's cost of providing that service. Where meters are available, the pro rata share must be based on meter readings. Where meters are not available, the owner shall determine a fair allocation which must be explained in detail to the Commission in the reports required by NRS 704.960. The Commission may modify the allocation in accordance with its regulations if it determines the owner's method not to be fair. The Commission shall adopt regulations governing the determination of the costs which an owner of a company town may recover for providing a utility service directly to the occupants of that town and the terms and conditions governing the provision of that service.

8. The landlord or owner shall itemize all charges for utility services on all bills for rent or occupancy. The landlord or owner may pass through to the tenant or occupant any increase in a rate for a utility service and shall pass through any decrease in a charge for a utility service as it becomes effective.

9. The landlord or owner shall retain for at least 3 years a copy of all billings for utility services made to the tenants or the occupants of the landlord's or owner's dwellings and shall make these records available upon request to the Commission for verification of charges made for utility services.

10. A landlord whose interest in a manufactured home park or mobile home park terminates for any reason shall transfer to the landlord's successor in interest any balance remaining in the account for service charges for utilities. Evidence of the transfer must be filed with the Commission.

11. The Commission may at any time examine all books and records which relate to the landlord's or owner's purchase of or billing for a service provided by a utility or an alternative seller if the landlord or owner is charging the tenants of the manufactured home park or mobile home park or occupants of the dwellings for that service.

12. The provisions of this section do not apply to a landlord or owner who is the owner or operator of a solar-powered affordable housing system, as defined in section 8 of this act, except that:

(a) If the owner of a solar-powered affordable housing system is the landlord of a qualified multifamily affordable housing property, as defined in section 7 of this act, in which the tenant units are equipped with individual meters, the owner of the solar-powered affordable housing system must follow any applicable federal laws or regulations to ensure that the owner of the solar-powered affordable housing system does not charge a tenant or

occupant for utility service at a rate that is higher than the rate paid by the owner of the solar-powered affordable housing system.

(b) A landlord who is the owner or operator of a solar-powered affordable housing system shall ensure that the financial benefits of the electricity produced by the solar-powered affordable housing system are allocated among the tenant units in a manner that is equitable as required by NRS 704.773 and section 9 of this act.

Sec. 19. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. ***"Customer-generator" has the meaning ascribed to it in NRS 704.768.***

Sec. 21. ***"Solar-powered affordable housing system" has the meaning ascribed to it in section 8 of this act.***

Sec. 22. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 20 and 21 of this act*** have the meanings ascribed to them in those sections.

Sec. 23. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the residential generation of electricity that uses solar energy to generate electricity. ***The term includes a solar-powered affordable housing system.***

Sec. 24. NRS 598.9805 is hereby amended to read as follows:

598.9805 "Host customer" means ***:*** ~~[either:]~~

1. The customer of record of an electric utility at the location where an energy system that uses photovoltaic cells and solar energy to generate electricity will be located; ~~[or]~~

2. A person who has been designated by the customer of record of an electric utility in a letter to the utility explaining the relationship between that person and the customer of record ~~[.]~~ ***; or***

3. A customer-generator of a solar-powered affordable housing system.

Sec. 25. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act,*** including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive,

and sections 20 and 21 of this act or knowingly failing to maintain a recording of a verbal communication as required by NRS 598.98213, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

5. Any document described in NRS 598.9809 to 598.9821, inclusive, must be provided in:

(a) English; or

(b) Any other language, if any person so requests before the execution of the relevant document.

6. If a solar installation company advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, ***and sections 20 and 21 of this act*** resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 26. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

"Qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

Sec. 27. NRS 624.270 is hereby amended to read as follows:

624.270 1. Before issuing a contractor's license to any applicant, the Board shall require that the applicant:

(a) File with the Board a surety bond in a form acceptable to the Board executed by the contractor as principal with a corporation authorized to transact surety business in the State of Nevada as surety; or

(b) In lieu of such a bond, establish with the Board a cash deposit as provided in this section.

2. Before granting renewal of a contractor's license to any applicant, the Board shall require that the applicant file with the Board satisfactory evidence that the applicant's surety bond or cash deposit is in full force, unless the applicant has been relieved of the requirement as provided in this section.

3. Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license.

4. Except as otherwise provided in subsection 6, the amount of each bond or cash deposit required by this section must be fixed by the Board with reference to the contractor's financial and professional responsibility and the magnitude of the contractor's operations, but must be not less than $1,000 or more than $500,000. The bond must be continuous in form and must be conditioned that the total aggregate liability of the surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force. A bond required by this section must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The Board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the Board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.2545 or 624.291. Unless released earlier pursuant to subsection 5, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established, or 2 years after completion of all work authorized by the Board after termination of the license, whichever occurs later, if there is no outstanding claim against it.

5. After a licensee has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the Board may relieve the licensee of the requirement of filing a bond or establishing a cash deposit if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the licensee to file a new bond or establish a new cash deposit as provided in subsection 4:

(a) If evidence is presented to the Board supporting this requirement;

(b) Pursuant to subsection 6, after notification of a final written decision by the Labor Commissioner; or

(c) Pursuant to subsection 7.

➥ If a licensee is relieved of the requirement of establishing a cash deposit, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.

6. If the Board is notified by the Labor Commissioner pursuant to NRS 607.165 or otherwise receives notification that three substantiated claims for wages have been filed against a contractor within a 2-year period, the Board shall require the contractor to file a bond or establish a cash deposit in an amount fixed by the Board. The contractor shall maintain the bond or cash deposit for the period required by the Board.

7. If a contractor who performs work concerning a residential pool or spa or work concerning a residential photovoltaic system used to produce electricity:

(a) Is determined by the Board to have violated one or more of the provisions of NRS 624.301 to 624.305, inclusive;

(b) Enters into a contract that is later found to be void and unenforceable against the owner pursuant to subsection 5 of NRS 624.940 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa;

(c) Enters into a contract on or after October 1, 2021, that is later voided by the owner of the single-family residence pursuant to subsection 6 of NRS 624.875 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; ~~[or]~~

(d) ***Enters into a contract on or after October 1, 2025, that is later voided by the owner of the qualified multifamily affordable housing property pursuant to subsection 6 of NRS 624.875 or pursuant to any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; or***

(e) Has five valid complaints filed against him or her with the Board within any 15-day period,

➥ the Board may require the contractor to comply with the provisions of subsection 8.

8. If the Board requires a contractor described in subsection 7 to comply with the provisions of this subsection, the contractor shall, before commencing work concerning a residential pool or spa or work concerning a residential photovoltaic system used to produce electricity, obtain:

(a) Except as otherwise provided in this subsection, a performance bond in an amount equal to not less than 50 percent of the amount of the contract, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions set forth in the contract. The performance bond must be solely for the protection of the owner of the property to be improved.

(b) Except as otherwise provided in this subsection, a payment bond in an amount equal to not less than 50 percent of the amount of the contract. The payment bond must be solely for the protection of persons supplying labor or materials to the contractor, or to any of his or her subcontractors, in carrying out the provisions of the contract.

➥ A bond required pursuant to this subsection must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The contractor shall maintain the bond for the period required by the Board. The contractor shall furnish to the building department of the city or county, as applicable, in which the work will be carried out, a copy of any bond. In lieu of a performance or payment bond, the contractor may obtain an equivalent form of security approved by the Board.

9. As used in this section ~~[, "substantiated]~~ ***:***

(a) "Qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

(b) "Substantiated claim for wages" has the meaning ascribed to it in NRS 607.165.

Sec. 28. NRS 624.600 is hereby amended to read as follows:

624.600 ***1.*** A general building contractor shall provide in writing to the owner of a single-family residence ***or, in the case of a contract for work concerning a residential photovoltaic system used to produce electricity on a qualified multifamily affordable housing property, the owner of the qualified multifamily affordable housing property*** with whom he or she has contracted:

~~[1.]~~ ***(a)*** The name, license number, business address and telephone number of:

~~[(a)]~~ ***(1)*** All subcontractors with whom he or she has contracted on the project; and

~~[(b)]~~ ***(2)*** All persons who furnish material of the value of $500 or more to be used in the project.

~~[2.]~~ ***(b)*** A notice that a person described in ~~[subsection 1]~~ ***paragraph (a)*** may record a notice of lien upon the residence of the owner and any building, structure and improvement thereon pursuant to the provisions of NRS 108.226.

~~[3.]~~ ***(c)*** An informational form, whose contents must be prescribed by the Board, regarding:

~~[(a)]~~ ***(1)*** Contractors pursuant to this chapter; and

~~[(b)]~~ ***(2)*** Mechanics' and materialmen's liens pursuant to chapter 108 of NRS.

2. As used in this section, "qualified multifamily affordable housing property" has the meaning ascribed to it in section 7 of this act.

Sec. 29. NRS 624.830 is hereby amended to read as follows:

624.830 As used in NRS 624.830 to 624.895, inclusive, ***and section 26 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 624.835 to 624.855, inclusive, ***and section 26 of this act*** have the meanings ascribed to them in those sections.

Sec. 30. NRS 624.855 is hereby amended to read as follows:

624.855 1. "Work concerning a residential photovoltaic system used to produce electricity" or "work" means any of the following acts:

(a) The construction, repair, maintenance, restoration, alteration or improvement of any photovoltaic system used to produce or store electricity on the customer's side of an electric meter on a single-family residence ~~[,]~~ ***or qualified multifamily affordable housing property,*** including, without limitation, the repair or replacement of existing equipment or the installation of new equipment, as necessary; or

(b) Any activity for the supervision concerning such work.

2. The scope of such work includes the installation, alteration and repair of photovoltaic cells, batteries, inverters and storage systems used in the conversion of solar energy into electricity and the storage of that electricity on the customer's side of an electric meter on a single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property.***

3. The term does not include:

(a) Education regarding solar photovoltaics;

(b) Energy audits; or

(c) The advertising or solicitation of such work.

Sec. 31. NRS 624.865 is hereby amended to read as follows:

624.865 1. Any contractor who performs work concerning a residential photovoltaic system used to produce electricity shall, regardless of whether the work is performed under the direction of a builder who is also the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed:

(a) Apply for and obtain all applicable permits for the work;

(b) Meet all applicable requirements imposed pursuant to this chapter and any regulations adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity; and

(c) Meet all applicable requirements imposed by the Public Utilities Commission of Nevada or any system for the distribution of electricity to which the work will interconnect.

2. If a contractor performs work concerning a residential photovoltaic system used to produce electricity and the work is performed under the direction of a builder who is also the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed, the owner shall comply with all state and local laws and ordinances for the submission of names, licenses and information concerning any required bonds and insurance with respect to the contractors working on the work.

3. If work concerning a residential photovoltaic system used to produce electricity is performed under the direction of a builder who is exempt from having to obtain a license as a contractor because the builder is also the owner of the single-family residence on which the work is being performed, a person shall not, directly or indirectly, perform or offer to perform any act as a consultant, adviser, assistant or aide to the builder for the purposes of the project, including, without limitation, any act associated with obtaining permits for the project, or otherwise hold himself or herself out as being able to perform such acts, unless the person holds:

(a) A license issued pursuant to this chapter which authorizes the person to perform such acts; or

(b) Any other license, certificate, registration or permit under state law which authorizes the person to perform such acts.

Sec. 32. NRS 624.870 is hereby amended to read as follows:

624.870 1. A contractor who receives an initial down payment or deposit of $1,000 or 10 percent of the aggregate contract price, whichever is less, for work concerning a residential photovoltaic system used to produce electricity shall start the work within 30 days after the date all necessary permits for the work and all necessary approvals from an electric utility into whose system the residential photovoltaic system used to produce electricity will interconnect, if any, are issued, unless the person who made the payment agrees in writing to a longer period.

2. A contractor who receives money for work concerning a residential photovoltaic system used to produce electricity shall complete the work diligently and shall not refuse to perform any work agreed to in the contract for any 30-day period.

3. Except as otherwise provided in subsection 4, if satisfactory payment is made for any portion of the work performed, the contractor shall, before any further payment is made, furnish to the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work was performed a full and unconditional release of the contractor's claim for a mechanic's lien for that portion of the work for which payment has been made.

4. The requirements of subsection 3 do not apply if the contract for the work provides for the contractor to furnish a bond for payment and performance or joint control covering full performance and completion of the contract and the bond or joint control is furnished by the contractor.

5. A contract for work concerning a residential photovoltaic system used to produce electricity must contain a written statement explaining the rights of the customer under NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and other relevant statutes, including, without limitation, NRS 598.9801 to 598.9822, inclusive ~~.~~ ***, and sections 20 and 21 of this act.***

6. A contractor may require final payment for the final stage or phase of the construction of a residential photovoltaic system used to produce electricity after the system is deemed complete and any required inspections are completed.

Sec. 33. NRS 624.875 is hereby amended to read as follows:

624.875 1. The Board may adopt by regulation mandatory elements to be included in all contracts to be used by contractors for work concerning a residential photovoltaic system used to produce electricity. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2021, any contract entered into between a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity must comply with the provisions of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and all applicable regulations adopted by the Board. ***On and after October 1, 2025, any contract entered into between a contractor and the owner of a qualified multifamily affordable housing property for work concerning a residential photovoltaic system used to produce electricity must comply with the provisions of NRS 624.830 to 624.895, inclusive, and section 26 of this act and all applicable regulations adopted by the Board.*** A contract that does not comply with the provisions of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** and all applicable regulations adopted by the Board is voidable by the owner of the single-family residence ~~.~~ ***or qualified multifamily affordable housing property, as applicable.***

2. Any contract for work concerning a residential photovoltaic system used to produce electricity must contain in writing at least the following information:

(a) The name of the contractor, his or her address and contractor's license number and the monetary limit on that license.

(b) The name and mailing address of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed and the address or legal description of the property.

(c) The date of execution of the contract.

(d) The estimated date of completion of all work to be performed under the contract.

(e) A description of the work to be performed under the contract.

(f) The total amount to be paid to the contractor by the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** for all work to be performed under the contract, including all applicable taxes.

(g) The amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the contractor by the owner before the start of construction.

(h) A statement that the contractor has provided the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** with the notice and informational form required by NRS 624.600.

(i) A statement that any change in the scope or price of the work to be performed under the contract must be agreed to in writing by the parties and incorporated into the original contract as a change order. A change order is not enforceable against the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** who is contracting for work concerning a residential photovoltaic system used to produce electricity unless the change order sets forth all changes in the scope and price of the work and is accepted by the owner of the single-family residence ~~[.]~~ ***or qualified multifamily affordable housing property, as applicable.***

(j) For a project of new work concerning a residential photovoltaic system used to produce electricity, a plan and scale drawing showing the shape, size and dimensions of and the specifications for the construction and equipment for the work specified in the contract, and a description of the work to be done, the materials to be used and the equipment to be installed, and the agreed consideration for the work. For projects which consist exclusively of repairs to existing work concerning a residential photovoltaic system used to produce electricity, plans, scale drawings, equipment specifications and lists of materials and equipment are not required to be contained in or included with the contract.

(k) Except as otherwise provided in this subsection and subsection 3, the dollar amount of any progress payment and the stage of construction at which

the contractor will be entitled to collect progress payments from the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** during the course of construction under a contract for the installation of a residential photovoltaic system used to produce electricity. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the contractor to receive, nor may the contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit.

(l) With respect to a contract ***with the owner of a single-family residence*** executed before October 1, 2021, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:

(1) The obligation of the owner of the single-family residence to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

~~[(l)]~~ ***(m) With respect to a contract with the owner of a qualified multifamily affordable housing property executed before October 1, 2025, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:***

(1) The obligation of the owner of the qualified multifamily affordable housing property to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

(n) If a contract with the owner of a single-family residence ***or qualified multifamily affordable housing property*** for the installation of a residential photovoltaic system used to produce electricity provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the contractor by the disbursing party in accordance with the provisions of paragraph (k).

~~[(m)]~~ ***(o)*** A disclosure of the retail price of a kilowatt-hour, any offsetting tariff and the identity of the electric utility that furnishes electric service to the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** at the time the contract is executed.

➥ Except as otherwise provided in subsection 6, the contract may contain such other conditions, stipulations or provisions as to which the parties may agree.

3. The provisions of ~~[paragraph]~~ ***paragraphs*** (k) ***, (l) and (m)*** of subsection 2 do not apply if:

(a) The contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project;

(b) The contractor builds a residential photovoltaic system used to produce electricity as part of the original building plan pursuant to which the contractor builds a single-family residence ***or qualified multifamily affordable housing property*** on the premises; or

(c) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** has:

(1) Purchased the residential photovoltaic system used to produce electricity pursuant to a power purchase agreement as defined in NRS 598.9807; or

(2) Leased the residential photovoltaic system used to produce electricity pursuant to a monthly lease contract.

4. The contract must contain:

(a) A method whereby the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** may initial provisions of the contract, thereby indicating that those provisions have been read and are understood.

(b) In close proximity to the signatures of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** and the contractor, a notice stating that the owner of the single-family residence ~~[:]~~ ***or qualified multifamily affordable housing property, as applicable:***

(1) May contact the Board or the Public Utilities Commission of Nevada if assistance is needed to clarify any of the provisions of the contract that the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** does not fully understand;

(2) Has the right to request a bond for payment and performance if such a bond is not otherwise required pursuant to NRS 624.270;

(3) May contact an attorney for an explanation of the rights of the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** under the contract; and

(4) May, if the contract was explained in a language other than the language in which the contract is written, ask for a contract that is written in the language in which the contract was explained.

5. At the time the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** signs the contract, the contractor shall furnish to the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** a legible copy of all documents signed and a written and signed receipt for any money paid to the contractor by the owner of the single-family residence ~~[:]~~ ***or qualified multifamily affordable housing property, as applicable.*** All written information provided in the contract must be printed in at least 10-point type.

The contract, receipt and other documents referenced in this subsection may be delivered by electronic means.

6. A condition, stipulation or provision in a contract that requires a person to waive any right provided by this chapter or any regulations adopted pursuant thereto or relieves a person of an obligation or liability imposed by this chapter or those regulations is void. Failure to comply with the requirements of this section renders a contract voidable by the owner of the single-family residence ~~,~~ ***or qualified multifamily affordable housing property, as applicable.***

7. The contractor shall apply for and obtain all necessary permits and approvals from an electric utility into whose system the residential photovoltaic system used to produce electricity will interconnect.

Sec. 34. NRS 624.885 is hereby amended to read as follows:

624.885 1. A contract for work concerning a residential photovoltaic system used to produce electricity is not enforceable against the owner of a single-family residence ***or qualified multifamily affordable housing property, as applicable,*** on which the work is being performed if the obtaining of a loan for all or a portion of the contract price is a condition precedent to the contract unless both of the following requirements are satisfied:

(a) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** agrees to accept the loan or financing.

(b) The owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** does not rescind the loan or financing transaction within the period prescribed for rescission pursuant to the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., or chapter 598 of NRS, if applicable.

2. Unless and until all applicable requirements of subsection 1 are satisfied, a contractor shall not:

(a) Perform or deliver any work, labor, material or services; or

(b) Represent in any manner that the contract is enforceable or that the owner of the single-family residence ***or qualified multifamily affordable housing property, as applicable,*** has any obligation under the contract.

Sec. 35. NRS 624.895 is hereby amended to read as follows:

624.895 1. A violation of any provision of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** or any regulation adopted by the Board with respect to contracts for work concerning a residential photovoltaic system used to produce electricity by a contractor:

(a) Constitutes cause for disciplinary action pursuant to NRS 624.300; and

(b) May be reported to the Office of the Attorney General as a potential deceptive trade practice pursuant to chapter 598 of NRS.

2. It is unlawful for a person to violate any provision of NRS 624.830 to 624.895, inclusive ~~,~~ ***, and section 26 of this act.***

3. Any person who violates any provision of NRS 624.830 to 624.895, inclusive, ***and section 26 of this act*** shall be penalized pursuant to the applicable provisions of NRS 624.700 and 624.750.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 36. 1. Not later than December 31, 2025, a utility shall file with the Public Utilities Commission of Nevada any amendments to its tariff or tariffs that are necessary to comply with the provisions of this act.

2. As used in this section, "utility" has the meaning ascribed to it in NRS 704.772.

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

3. Section 10 of this act expires by limitation on December 31, 2029.

Assemblymember Watts moved that the Assembly concur in Senate Amendment No. 686 to Assembly Bill No. 458.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 527.

The following Senate amendment was read:

Amendment No. 600.

AN ACT relating to traffic laws; authorizing a school district to install and use a school bus infraction detection system on school buses to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location in which such school buses operate to review certain evidence detected by the school bus infraction detection system before a civil infraction citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by a school bus infraction detection system; **requiring the destruction of any photograph or recorded image produced by a school bus infraction detection system after a certain period of time;** establishing certain requirements for a hearing relating to a civil infraction citation issued for a violation detected by a school bus infraction detection system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a governmental entity or its agents from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation unless the equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) **Sections 2 and 3** of this bill create an exception to this prohibition, authorizing the board of trustees of a school district to allow for the installation and use of a school bus infraction

detection system in school buses owned by the school district to enforce existing provisions of law prohibiting a driver of any vehicle from overtaking or passing a school bus which: (1) has stopped to receive or discharge any pupil; and (2) is displaying a flashing red light signal visible from the front and rear. (NRS 484B.353) **Section 2** requires a peace officer of a traffic enforcement agency with jurisdiction over the location in which any school bus equipped with such a system operates to review the evidence of such a violation recorded by the system before a civil infraction citation is issued. **Section 2** further: (1) requires a school district that has not previously installed and used a school bus infraction detection system to conduct a public awareness campaign for not less than 30 days after the system is placed into use; (2) **requires the destruction of any photograph or recorded image produced by a school bus infraction detection system after a certain period of time; (3)** establishes certain requirements for a hearing for a citation issued pursuant to **section 2**; ~~[(3)]~~ **(4)** applies an existing fine structure to a citation issued pursuant to **section 2**; ~~[(4)]~~ **(5)** requires a school district to use any fines collected pursuant to **section 2** for certain purposes; and ~~[(5)]~~ **(6)** requires each school district that installs such a system to prepare and submit an annual report to the Legislature relating to the school bus infraction detection system. **Sections 1 and 2** of this bill provide that a violation detected by a school bus infraction detection system is not a moving traffic violation.

Sections 1 and 4-6 of this bill make conforming changes to: (1) exclude traffic violations detected by a school bus infraction detection system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by a school bus infraction detection system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~[a]~~ ***:***

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 ~~[.]~~ ***; or***

(b) A citation issued for a violation detected by a school bus infraction detection system pursuant to section 2 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department

and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees of a school district may authorize the installation and use of a school bus infraction detection system in school buses owned by the school district to enforce the provisions of NRS 484B.353.

2. The board of trustees of a school district that authorizes the installation and use of a school bus infraction detection system:

(a) May enter into a contractual agreement with a third party vendor to install and administer such a school bus infraction detection system; and

(b) Shall enter into an agreement with a traffic enforcement agency with jurisdiction over the location in which any school bus equipped with a school bus infraction detection system operates to review the evidence of any alleged infraction of NRS 484B.353 recorded by the school bus infraction detection system.

3. If a school district has not previously installed and used a school bus infraction detection system the school district shall, for not less than 30 days after a school bus infraction detection system is placed into use by the school district:

(a) Conduct a public awareness campaign regarding the use of school bus infraction detection systems within the school district; and

(b) Notify the public of the specific date on which a violation detected by the school bus infraction detection system will become enforceable.

4. If, during the period the public awareness campaign described in subsection 3 is conducted, a peace officer of a traffic enforcement agency determines from evidence recorded by a school bus infraction detection system that a person has violated NRS 484B.353, the peace officer may issue only a warning.

5. If, after reviewing the evidence recorded by a school bus infraction detection system, a peace officer of a traffic enforcement agency determines that a violation of NRS 484B.353 occurred in a location over which the

traffic enforcement agency has jurisdiction, the peace officer shall cause a civil infraction citation to be issued pursuant to NRS 484A.7033 for the violation to be sent by the traffic enforcement agency or its designee by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the school bus infraction detection system. A manual or automated record prepared by the ~~[law]~~ traffic enforcement agency or its designee evidencing that the citation was mailed is prima facie evidence of service and shall be admissible in any hearing as to the facts contained in the civil infraction citation.

6. In addition to the information required by subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 5 must include:

(a) The date and time of the violation;

(b) A photograph or other recorded image produced by the school bus infraction detection system, or the address of the Internet website on which such an image may be viewed, showing:

(1) The vehicle involved in the violation;

(2) If a stop arm was installed on the school bus, that the stop arm was extended at the time of the violation; and

(3) An electronic indicator evidencing that the flashing red light signals of the bus were activated at the time of the violation; and

(c) A statement summarizing the provisions of subsection 8.

7. To the extent practicable, a school bus infraction detection system shall not record images of the occupants of a motor vehicle at the time in which the images are recorded by the system. A civil infraction citation issued pursuant to this section may not be dismissed because a recorded video or digital image includes images of the occupants of the motor vehicle.

8. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of NRS 484B.353 which was recorded by a school bus infraction detection system. This presumption may be rebutted if the registered owner of the vehicle submits an affidavit to the traffic enforcement agency or its designee or presents an affidavit as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704 stating under penalty of perjury:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or

(b) That the vehicle was, at the time of the violation, stolen.

9. An affidavit presented as evidence pursuant to paragraph (b) of subsection 8 must contain evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

10. Photographs or other recorded images produced by a school bus infraction detection system shall be deemed prima facie evidence of a violation of NRS 484B.353 and are admissible at any hearing for a citation issued for a violation detected by a school bus infraction detection system pursuant to this section without further authentication. In any hearing for a

citation issued for a violation detected by a school bus infraction detection system, there is a rebuttable presumption that:

(a) At the time in which a violation of NRS 484B.353 was detected by a school bus infraction detection system, the school bus was marked and equipped with signs and signals as required by law; and

(b) Where recorded images from a school bus infraction detection system show the activation of a stop arm or flashing red light signals, the school bus was stopped to receive or discharge a pupil and was displaying a flashing red light signal visible from the front and rear of the school bus.

11. Any photograph or recorded image produced by a school bus infraction detection system must be destroyed not later than 90 days after:

(a) If a peace officer of a traffic enforcement agency does not cause to be issued a civil infraction citation pursuant to subsection 5 in connection with the photograph or recorded image, the date on which the photograph or recorded image was produced; or

(b) If a peace officer of a traffic enforcement agency causes to be issued a civil infraction citation pursuant to subsection 5 in connection with the photograph or recorded image, the date on which:

(1) The person receiving the civil infraction citation submits, pursuant to subsection 2 of NRS 484A.704, full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation;

(2) The court enters an order dismissing the civil infraction citation in the court's records; or

(3) The court enters an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction.

12. The provisions of this section do not prohibit a peace officer from issuing a traffic citation for a violation of any law of this State for which evidence is recorded by a school bus infraction detection system if the peace officer personally witnesses a violation. A person who is issued a traffic citation by a peace officer pursuant to this subsection must not be issued a civil infraction citation based on evidence recorded by the school bus infraction detection system for the same violation for which the peace officer issued the person the traffic citation.

~~[12.]~~ 13. Except as otherwise provided in this section, a hearing on a civil infraction citation issued pursuant to this section shall be conducted in accordance with NRS 484A.7041.

~~[13.]~~ 14. A violation of NRS 484B.353 for which a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation described in subsection 5:

(a) Is not a moving traffic violation under NRS 483.473; and

(b) Is punishable by an administrative fine in an amount set by the local authority, but not less than the fine imposed pursuant to NRS 484B.353.

~~[14.]~~ 15. Notwithstanding any other provision of law, all administrative fines assessed and collected for a violation of NRS 484B.353 through the use

of a school bus infraction detection system must be collected and remitted to the school district in which the violation occurred. The school district shall use the fines collected by this section to:

(a) Install, maintain or operate the school bus infraction detection systems on school buses;

(b) Compensate a third party vendor to install, operate or maintain the school bus infraction detection systems on school buses;

(c) Support any other infrastructure or program that increases the safety of transportation services for students; or

(d) Pay costs associated with the enforcement of violations detected by a school bus infraction detection system.

~~[15.]~~ 16. On or before January 31 of each year, each school district which uses a school bus infraction detection system shall prepare and submit a report to the Legislature for the immediately preceding year which includes, without limitation:

(a) The number of citations issued through the use of school bus infraction detection systems;

(b) The total amount of revenue collected as a result of such citations; and

(c) Any data related to the effectiveness of the use of school bus infraction detection systems in reducing the number of violations of NRS ~~[484B.353.]~~ 484B.353.

16. 17. As used in this section, "school bus infraction detection system" means an electronic or digital system which produces a photograph or other recorded image of a vehicle which is used as evidence of a violation of NRS 484B.353 by the driver of the vehicle.

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~[A]~~ ***Except as otherwise provided in section 2 of this act, a*** governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 ~~[,]~~ ***or section 2 of this act,*** whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 4.5. NRS 484A.703 is hereby amended to read as follows:

484A.703 1. ~~[Every]~~ ***Except for a citation issued for a violation detected by a school bus infraction detection system pursuant to section 2 of this act, every*** traffic enforcement agency in this State shall provide in appropriate form civil infraction citations containing notice of the civil infraction which must meet the requirements of NRS 484A.703 to 484A.705, inclusive, and be:

(a) Issued in books; or

(b) Available through an electronic device used to prepare such citations.

2. The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each civil infraction citation issued to individual members of the traffic enforcement agency. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 ***or section 2 of this act*** shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. NRS 484B.353 is hereby amended to read as follows:

484B.353 1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.

2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.

3. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** person who violates any of the provisions of this section is guilty of a misdemeanor and:

(a) For a third or any subsequent offense within 2 years after the most recent offense, shall be punished by a fine of not more than $1,000 and the driver's license of the person must be suspended for not more than 1 year.

(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than $250 nor more than $500 and the driver's license of the person must be suspended for 6 months.

(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than $250 nor more than $500.

4. A police officer may issue a civil infraction citation to any person who violates any of the provisions of this section detected by a school bus infraction detection system pursuant to section 2 of this act.

Sec. 6.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2025.

Assemblymember Watts moved that the Assembly concur in Senate Amendment No. 600 to Assembly Bill No. 527.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 79.

The following Senate amendments were read:

Amendment No. 681.

AN ACT relating to governmental administration; establishing a limit on contributions to the campaign of a candidate in certain special elections; ~~[requiring certain candidates, public officers or former public officers to notify the Secretary of State when all unspent campaign contributions have been disposed of;]~~ requiring **, with certain exceptions,** a candidate to file a notice of intent to file for candidacy with the Secretary of State; revising provisions relating to the personal use of contributions or unspent contributions; revising provisions relating to the investigation and enforcement of provisions of law relating to campaign finance and financial disclosure statements; **providing that a labor union and certain corporations and business organizations are not a committee for political action for purposes of campaign finance requirements; requiring such entities to report certain expenditures;** making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth limitations on making, soliciting and accepting a campaign contribution for a primary election, a general election or a special election to recall a public officer. (Nev. Const. Art. 2, § 10; NRS 294A.100, 294A.115) **Section 6.5** of this bill clarifies that these limits apply regardless of the number of candidates for the office at the primary or general election.

Section 2.5 of this bill: (1) establishes a contribution limit of $5,000 for a special election that is not a special election to recall a public officer; and (2) sets forth the period during which such contributions may be made, solicited or accepted.

Existing law provides that, except in certain circumstances, certain corporations and business organizations as well as labor unions are excluded from the definition of a "committee for political action." (NRS 294A.0055) Section 6.3 of this bill revises the definition of a "committee for political action" to remove such exceptions, thereby excluding such entities from being considered a committee for political action under any circumstances.

Existing law requires certain persons, committees for political action and political parties to report certain independent expenditures or other expenditures. (NRS 249A.210) Section 10.3 of this bill requires any entity excluded from the definition of "committee for political action" pursuant to section 6.3 that makes certain expenditures in excess of $1,000 to report such expenditures.

Under existing law, it is unlawful for: (1) a candidate to spend money received as a contribution for the candidate's personal use; or (2) a public officer to spend unspent contributions for the public officer's personal use. (NRS 294A.160) **Section 8.5** of this bill clarifies that these provisions do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.

Existing law requires every candidate, not later than 1 week after receiving minimum contributions of $100, to open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. (NRS 294A.130) **Section 7** of this bill requires every candidate **, except a public officer running for reelection,** to also file with the Secretary of State a notice of intent to file for candidacy.

Under existing law, if it appears that the provisions of law relating to campaign finance have been violated, the Secretary of State may: (1) conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or (2) refer the alleged violation to the Attorney General for investigation. The Attorney General is required to investigate and institute and prosecute the appropriate proceedings in the First Judicial District Court. (NRS 294A.410) **Section 11** of this bill: (1) eliminates provisions relating to instituting any such proceedings in the First Judicial District Court; ~~[and]~~ (2) authorizes the Office of the Secretary of State to conduct an investigation ~~[.]~~ **; (3) requires a person who receives a notice of an alleged violation to submit a response to the Office of the Secretary of State within 15 calendar days after receiving the notice; and (4) authorizes the Office of the Secretary of State to bring the**

matter before a hearing officer upon the expiration of such a period of time if the person does not submit such a response.

Existing law authorizes a person who believes that any provisions of law relating to campaign finance have been violated to notify the Secretary of State, in writing, of the alleged violation. Under certain circumstances, the Secretary of State may conduct an investigation of the alleged violation. (NRS 294A.410) **Section 11** provides instead that the Office of the Secretary of State may conduct such an investigation.

Existing law authorizes, under certain circumstances, the Secretary of State to cause proceedings to be instituted in the First Judicial District Court to recover certain civil penalties for certain violations of provisions relating to campaign finance. (NRS 294A.420) **Section 12** of this bill provides instead that the Secretary of State may, after notice and a hearing, impose certain administrative fines for certain violations relating to campaign finance.

Section 4.5 of this bill sets forth certain powers and duties of the Secretary of State or certain officers or employees designated by the Secretary of State relating to investigations or proceedings relating to campaign finance. **Section 4.5 also requires the Secretary of State or certain officers or employees designated by the Secretary of State to provide certain notice by certified mail to a person to whom the Secretary of State or such an officer or employee intends to issue a subpoena for certain records.**

Sections 12 and 13.5 of this bill authorize the Secretary of State, for good cause, to reduce certain administrative fines and civil penalties relating to campaign finance and statements of financial disclosure. **Sections 12 and 13.5** also: (1) authorize the Secretary of State to enter into payment agreements relating to administrative fines and civil penalties; and (2) require the Secretary of State to maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any such administrative fine or civil penalty. **Section 10.5** of this bill makes a conforming change to provide that the Secretary of State may impose an administrative fine for certain violations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ***1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in a special election in an amount which exceeds $5,000, regardless of:***

(a) The number of candidates for the office; or

(b) Whether the special election is held on the same day as a primary election or general election.

2. No contribution to a candidate in a recall election may be given or received except during the period:

(a) Beginning on the date that the declaration of a special election is made; and

(b) Ending on the date of the special election.

3. No contribution made, committed to be made or accepted pursuant to this section for a special election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.100 for a primary election or general election.

4. A candidate shall not accept a contribution or commitment to make a contribution made in violation of this section.

5. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. The provisions of this section apply to any special election other than a special election to recall a public officer.

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~*[1. Every candidate, public officer or former public officer required to dispose of unspent contributions pursuant to NRS 294A.160 shall, in addition to complying with any other requirement set forth in this chapter, notify the Secretary of State, on a form prescribed by the Secretary of State, when the candidate, public officer or former public officer has disposed of all unspent contributions. Such notice must include, without limitation:*~~

~~*(a) A description of the manner in which unspent contributions were disposed of; and*~~

~~*(b) An affirmation that all unspent contributions have been properly disposed of pursuant to the applicable provisions of NRS 294A.160.*~~

~~*2. The Secretary of State shall adopt regulations to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 4.5. *1. For the purposes of an investigation or proceedings under this chapter, the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses, compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other records which the Secretary of State determines to be relevant or material to the investigation or proceeding.*

2. If the Secretary of State or any officer or employee designated by the Secretary of State plans to require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other records pursuant to subsection 1, the Secretary of State or designated officer or employee shall, at least 7 days before issuing the subpoena, provide to the person to whom the subpoena will be issued notice by certified mail of the intent of the Secretary of State or the designated officer or employee to issue the subpoena.

3. A person whom the Secretary of State does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of records which the person is required by subpoena to produce. The Secretary of State may require or permit a person to file a statement, under oath or otherwise as the Secretary of State determines, as to the facts and circumstances concerning the matter to be investigated.

~~[3.]~~ 4. If a person does not testify or produce the records required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to a court of competent jurisdiction for an order compelling compliance. The court shall give this matter priority over other civil matters to which priority is not given by other statutes.

~~[4.]~~ 5. Any decision of the Secretary of State or any officer or employee is a final decision for the purposes of judicial review.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) ***Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;***

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

~~[(k)]~~ ***(l)*** Fees for filing declarations of candidacy; and

~~[(l)]~~ ***(m)*** Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.117 or 294A.160.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. **NRS 294A.0055 is hereby amended to read as follows:**

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** business or social organization, corporation, partnership, association, trust ~~[,]~~ ***or*** unincorporated organization ***:*** ~~[or labor union:]~~

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes independent expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) ~~[Except as otherwise provided in paragraph (b) of subsection 1, an]~~ ***An*** individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) ~~[Except as otherwise provided in paragraph (b) of subsection 1, a]~~ ***A*** labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 6.5. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office ~~[,]~~ ***at the primary election,*** and $5,000 for the general election, regardless of the number of candidates for the office ~~[,]~~ ***at the general election,*** during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next

general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election or general election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer ~~[.]~~ ***or section 2.5 of this act for any other special election.***

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of $100, ~~[open]~~ ***do the following:***

(a) Open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

(b) ~~[File]~~ Unless the candidate is a public officer running for reelection, file with the Secretary of State a notice of intent to file for candidacy. A public officer running for reelection may, but is not required to, file a notice of intent to file for candidacy pursuant to this section.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

3. Every committee for political action, committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

➥ ***The provisions of this subsection do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.***

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the

election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

7. Except for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. Except as otherwise provided in subsection 9, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

9. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

10. Except as otherwise provided in subsection 11, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

12. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

13. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

14. The court shall, in addition to any ~~[penalty]~~ ***administrative fine*** which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

15. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. **NRS 294A.210 is hereby amended to read as follows:**

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; ~~[and]~~

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates ~~[.]~~ ***; and***

(c) Every person that makes expenditures in excess of $1,000 designed to affect the outcome of any primary election, general election or special election or question of the ballot and that is:

(1) An individual corporation or other business organization that has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS;

(2) A nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States; or

(3) A labor union.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to

determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(b) Insufficient pursuant to chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent

expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 10.5. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making independent expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the ~~[civil penalty]~~ ***administrative fine*** that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose ~~[a civil penalty]~~ ***an administrative fine.***

Sec. 11. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the ***Office of the*** Secretary of State may ~~[:~~

~~(a) Conduct]~~ ***conduct*** an investigation concerning the alleged violation **.** ~~[and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or~~

~~(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.]~~

2. A person who believes that any provision of this chapter has been violated may notify the ***Office of the*** Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the ***Office of the*** Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. ~~[Any]~~ ***A person who receives a copy of a notice pursuant to this subsection must, not later than 15 calendar days after receiving the copy, submit to the Office of the Secretary of State a*** response ~~[submitted]~~ to the notice ~~[must be]~~ accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the ***Office of the*** Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the ***Office of the*** Secretary of State may conduct an investigation of the alleged violation. ***The Office of the Secretary of State may bring the matter before a hearing officer:***

(a) If a timely response is submitted pursuant to subsection 3, if the Office of the Secretary of State deems it appropriate; or

(b) If a timely response is not submitted pursuant to subsection 3, upon the expiration of the period provided pursuant to subsection 3 to submit a response.

~~[5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:~~

~~(a) Any person alleged in the notice to have committed the violation; or~~

~~(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.~~

~~6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:~~

~~(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or~~

~~(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.~~]

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. ~~[If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~2.~~] Except as otherwise provided in this section, ***if*** a candidate, person, organization, committee, political party or nonprofit corporation ~~[that]~~ violates an applicable provision of this chapter ~~[is subject to a civil penalty]~~ ***, the Secretary of State may, after notice and a hearing, impose an administrative fine*** of not more than $10,000 for each violation ***.*** ~~[and payment of court costs and attorney's fees.]~~ ***The decision of the Secretary of State is a final decision for the purposes of judicial review.***

2. The ~~[civil penalty]~~ ***administrative fine*** must be ~~[recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and]~~ deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If ~~[a civil penalty]~~ ***an administrative fine*** is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the ~~[civil penalty]~~ ***administrative fine*** is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ ~~[A civil penalty]~~ ***An administrative fine*** imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive ~~[a civil penalty]~~ ***or reduce an administrative fine*** that would otherwise be imposed pursuant to this section.

5. When considering whether to waive ~~[,]~~ ***or reduce,*** pursuant to subsection 4, ~~[a civil penalty]~~ ***an administrative fine*** that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives ~~[a civil penalty]~~ ***or reduces an administrative fine*** pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the ~~[civil penalty]~~ ***administrative fine*** has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. ***The Secretary of State may enter into a payment agreement for any administrative fine imposed pursuant to this section.***

8. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any administrative fine imposed pursuant to this section.

9. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a public officer or candidate willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to the public officer or candidate, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a public officer or candidate who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive ***or reduce*** a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives ***or reduces*** a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. ***The Secretary of State may enter into a payment agreement for any civil penalty imposed pursuant to this section.***

6. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any civil penalty imposed pursuant to this section.

7. As used in this section, "willfully" means intentionally and knowingly.

Sec. 14. (Deleted by amendment.)

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 681 to Assembly Bill No. 79.

Motion carried by a constitutional majority.

Amendment No. 776.

AN ACT relating to governmental administration; establishing a limit on contributions to the campaign of a candidate in certain special elections; requiring, with certain exceptions, a candidate to file a notice of intent to file for candidacy with the Secretary of State; revising provisions relating to the personal use of contributions or unspent contributions; revising provisions relating to the investigation and enforcement of provisions of law relating to campaign finance and financial disclosure statements; providing that a labor union and certain corporations and business organizations are not a committee for political action for purposes of campaign finance requirements; requiring such entities to report certain expenditures; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth limitations on making, soliciting and accepting a campaign contribution for a primary election, a general election or a special election to recall a public officer. (Nev. Const. Art. 2, § 10; NRS 294A.100, 294A.115) **Section 6.5** of this bill clarifies that these limits apply regardless of the number of candidates for the office at the primary or general election.

Section 2.5 of this bill: (1) establishes a contribution limit of $5,000 for a special election that is not a special election to recall a public officer; and (2) sets forth the period during which such contributions may be made, solicited or accepted.

Existing law provides that, except in certain circumstances, certain corporations and business organizations as well as labor unions are excluded from the definition of a "committee for political action." (NRS 294A.0055)

Section 6.3 of this bill revises the definition of a "committee for political action" to remove such exceptions, thereby excluding such entities from being considered a committee for political action under any circumstances.

Existing law requires certain persons, committees for political action and political parties to report certain independent expenditures or other expenditures. (NRS 249A.210) **Section 10.3** of this bill requires any entity excluded from the definition of "committee for political action" pursuant to **section 6.3** that makes certain expenditures in excess of $1,000 to report such expenditures.

Under existing law, it is unlawful for: (1) a candidate to spend money received as a contribution for the candidate's personal use; or (2) a public officer to spend unspent contributions for the public officer's personal use. (NRS 294A.160) **Section 8.5** of this bill clarifies that these provisions do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.

Existing law requires every candidate, not later than 1 week after receiving minimum contributions of $100, to open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. (NRS 294A.130) **Section 7** of this bill requires every candidate, except a public officer running for reelection, to also file with the Secretary of State a notice of intent to file for candidacy.

Under existing law, if it appears that the provisions of law relating to campaign finance have been violated, the Secretary of State may: (1) conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or (2) refer the alleged violation to the Attorney General for investigation. The Attorney General is required to investigate and institute and prosecute the appropriate proceedings in the First Judicial District Court. (NRS 294A.410) **Section 11** of this bill: (1) eliminates provisions relating to instituting any such proceedings in the First Judicial District Court; (2) authorizes the Office of the Secretary of State to conduct an investigation; (3) requires a person who receives a notice of an alleged violation to submit a response to the Office of the Secretary of State within 15 calendar days after receiving the notice ~~[.]~~ **, subject to certain exceptions;** and (4) authorizes the Office of the Secretary of State to bring the matter before a hearing officer upon the expiration of such a period of time if the person does not submit such a response.

Existing law authorizes a person who believes that any provisions of law relating to campaign finance have been violated to notify the Secretary of State, in writing, of the alleged violation. Under certain circumstances, the Secretary of State may conduct an investigation of the alleged violation. (NRS 294A.410) **Section 11** provides instead that the Office of the Secretary of State may conduct such an investigation.

Existing law authorizes, under certain circumstances, the Secretary of State to cause proceedings to be instituted in the First Judicial District Court to recover certain civil penalties for certain violations of provisions relating to campaign finance. (NRS 294A.420) **Section 12** of this bill provides instead that the Secretary of State may, after notice and a hearing, impose certain administrative fines for certain violations relating to campaign finance.

Section 4.5 of this bill sets forth certain powers and duties of the Secretary of State or certain officers or employees designated by the Secretary of State relating to investigations or proceedings relating to campaign finance. **Section 4.5** also requires the Secretary of State or certain officers or employees designated by the Secretary of State to provide certain notice by certified mail to a person ~~[to whom]~~ **who is the subject of an investigation or proceeding if** the Secretary of State or such an officer or employee intends to issue a subpoena for certain records ~~[.]~~ **to permit such a person to object to and seek issuance of a protective order against the subpoena.**

Sections 12 and 13.5 of this bill authorize the Secretary of State, for good cause, to reduce certain administrative fines and civil penalties relating to campaign finance and statements of financial disclosure. **Sections 12 and 13.5** also: (1) authorize the Secretary of State to enter into payment agreements relating to administrative fines and civil penalties; and (2) require the Secretary of State to maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any such administrative fine or civil penalty. **Section 10.5** of this bill makes a conforming change to provide that the Secretary of State may impose an administrative fine for certain violations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. ***1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in a special election in an amount which exceeds $5,000, regardless of:***

(a) The number of candidates for the office; or

(b) Whether the special election is held on the same day as a primary election or general election.

2. No contribution to a candidate in a recall election may be given or received except during the period:

(a) Beginning on the date that the declaration of a special election is made; and

(b) Ending on the date of the special election.

3. No contribution made, committed to be made or accepted pursuant to this section for a special election affects the limitations on the amount of

contributions that may be committed, contributed or accepted pursuant to NRS 294A.100 for a primary election or general election.

4. A candidate shall not accept a contribution or commitment to make a contribution made in violation of this section.

5. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

6. The provisions of this section apply to any special election other than a special election to recall a public officer.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ***1. For the purposes of an investigation or ~~[proceedings]~~ proceeding under this chapter, the Secretary of State or any officer or employee designated by the Secretary of State by regulation, order or written direction may conduct hearings, administer oaths and affirmations, render findings of fact and conclusions of law, subpoena witnesses, compel their attendance, take evidence and require the production, by subpoena or otherwise, of books, papers, correspondence, memoranda, agreements or other records which the Secretary of State determines to be relevant or material to the investigation or proceeding.***

2. If the Secretary of State or any officer or employee designated by the Secretary of State plans to require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other records pursuant to subsection 1, the Secretary of State or designated officer or employee shall, at least 7 days before issuing the subpoena, provide to the person ~~[to whom the subpoena will be issued]~~ who is the subject of the investigation or proceeding notice by certified mail of the intent of the Secretary of State or the designated officer or employee to issue the subpoena ~~[.]~~ to permit such a person to object to and seek issuance of a protective order against the subpoena.

3. A person whom the Secretary of State does not consider to be the subject of an investigation is entitled to reimbursement at the rate of 25 cents per page for copies of records which the person is required by subpoena to produce. The Secretary of State may require or permit a person to file a statement, under oath or otherwise as the Secretary of State determines, as to the facts and circumstances concerning the matter to be investigated.

4. If a person does not testify or produce the records required by the Secretary of State or a designated officer or employee pursuant to subpoena, the Secretary of State or designated officer or employee may apply to a court of competent jurisdiction for an order compelling compliance. The court shall give this matter priority over other civil matters to which priority is not given by other statutes.

5. Any decision of the Secretary of State or any officer or employee is a final decision for the purposes of judicial review.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) ***Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;***

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

~~[(k)]~~ ***(l)*** Fees for filing declarations of candidacy; and

~~[(l)]~~ ***(m)*** Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.117 or 294A.160.

Sec. 6. (Deleted by amendment.)

Sec. 6.3. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** business or social organization, corporation, partnership, association, trust ~~[,]~~ ***or*** unincorporated organization ***:*** ~~[or labor union:]~~

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question

on the ballot receives contributions in excess of $5,000 in a calendar year or makes independent expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) ~~[Except as otherwise provided in paragraph (b) of subsection 1, an]~~ ***An*** individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) ~~[Except as otherwise provided in paragraph (b) of subsection 1, a]~~ ***A*** labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

Sec. 6.5. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office ~~[.]~~ ***at the primary election,*** and $5,000 for the general election, regardless of the number of candidates for the office ~~[.]~~ ***at the general election,*** during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election or general election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer ~~[.]~~ ***or section 2.5 of this act for any other special election.***

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate shall, not later than 1 week after receiving minimum contributions of $100, ~~[open]~~ ***do the following:***

(a) Open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The candidate shall not commingle the money in the account with money collected for other purposes.

(b) Unless the candidate is a public officer running for reelection, file with the Secretary of State a notice of intent to file for candidacy. A public officer running for reelection may, but is not required to, file a notice of intent to file for candidacy pursuant to this section.

2. The candidate may close the separate account if the candidate:

(a) Was a candidate in a special election, after that election;

(b) Lost in the primary election, after the primary election; or

(c) Won the primary election, after the general election,

➥ and as soon as all payments of money committed have been made.

3. Every committee for political action, committee sponsored by a political party and committee for the recall of a public officer shall, not later than 1 week after receiving contributions the sum of which, in the aggregate, is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. The committee for political action, committee sponsored by a political party or committee for the recall of a public officer shall not commingle the money in the account with money collected for other purposes.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

➥ ***The provisions of this subsection do not prohibit a candidate or public officer from using contributions or unspent contributions, as applicable, to pay for any ordinary and necessary expense that is incurred in connection with the duties of a campaign or public office, as applicable.***

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

7. Except for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. Except as otherwise provided in subsection 9, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

9. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

10. Except as otherwise provided in subsection 11, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

12. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

13. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

14. The court shall, in addition to any ~~[~~penalty~~]~~ ***administrative fine*** which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

15. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; ~~[~~and~~]~~

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates ~~[~~.~~]~~ ***; and***

(c) Every person that makes expenditures in excess of $1,000 designed to affect the outcome of any primary election, general election or special election or question of the ballot and that is:

(1) An individual corporation or other business organization that has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS;

(2) A nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States; or

(3) A labor union.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(b) Insufficient pursuant to chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and

ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 10.5. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $1,500 in a calendar year or making expenditures in excess of $1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of $5,000 in a calendar year or making independent expenditures in excess of $5,000 in a calendar year,

➥ shall, not later than 7 calendar days after the qualifying event, register with the Secretary of State on forms supplied by the Secretary of State. When reporting contributions as required by this chapter, a person who qualifies as a committee for political action in accordance with subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 is required to report only those contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot.

3. The form must require:

(a) The name of the committee for political action;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

4. A committee for political action shall file with the Secretary of State:

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

5. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 3.

6. For purposes of the ~~[civil penalty]~~ ***administrative fine*** that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1 or 2, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1 or 2, each time the committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 or 2 for which the Secretary of State may impose ~~[a civil penalty]~~ ***an administrative fine.***

Sec. 11. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the ***Office of the*** Secretary of State may ~~[:~~

~~(a) Conduct]~~ ***conduct*** an investigation concerning the alleged violation ~~[and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or~~

~~(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.]~~.

2. A person who believes that any provision of this chapter has been violated may notify the ***Office of the*** Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the ***Office of the*** Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. ~~[Any~~ ***~~4.~~]*** ***Except as otherwise provided in subsection 4, a person who receives a copy of a notice pursuant to this subsection must, not later than 15 calendar days after receiving the copy, submit to the Office of the Secretary of State a*** response ~~[submitted]~~ to the notice ~~[must be]~~ accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. ***For good cause shown, the Office of the Secretary of State may grant a reasonable extension of time for a person who receives a copy of a notice pursuant to subsection 3 to submit a response.***

5. If the ***Office of the*** Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the ***Office of the*** Secretary of State may conduct an investigation of the alleged violation. ***The Office of the Secretary of State may bring the matter before a hearing officer:***

(a) If a timely response is submitted pursuant to subsection ~~[3,]~~ 3 or 4, if the Office of the Secretary of State deems it appropriate; or

(b) If a timely response is not submitted pursuant to subsection ~~[3,]~~ 3 or 4, upon the expiration of the period provided pursuant to subsection ~~[3]~~ 3 or 4 to submit a response.

~~[5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:~~

~~(a) Any person alleged in the notice to have committed the violation; or~~

~~(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.~~

~~6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:~~

~~(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or~~

~~(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.~~

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. ~~If the Secretary of State receives information that a candidate, person, organization, committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.~~

~~2.~~ Except as otherwise provided in this section, ***if*** a candidate, person, organization, committee, political party or nonprofit corporation ~~that~~ violates an applicable provision of this chapter ~~is subject to a civil penalty~~ ***, the Secretary of State may, after notice and a hearing, impose an administrative fine*** of not more than $10,000 for each violation ***.*** ~~and payment of court costs and attorney's fees.~~ ***The decision of the Secretary of State is a final decision for the purposes of judicial review.***

2. The ~~civil penalty~~ ***administrative fine*** must be ~~recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and~~ deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If ~~a civil penalty~~ ***an administrative fine*** is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the ~~civil penalty~~ ***administrative fine*** is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ ~~A civil penalty~~ ***An administrative fine*** imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive ~~[a civil penalty]~~ ***or reduce an administrative fine*** that would otherwise be imposed pursuant to this section.

5. When considering whether to waive ~~[,]~~ ***or reduce,*** pursuant to subsection 4, ~~[a civil penalty]~~ ***an administrative fine*** that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the ~~[civil penalty]~~ ***administrative fine*** would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives ~~[a civil penalty]~~ ***or reduces an administrative fine*** pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the ~~[civil penalty]~~ ***administrative fine*** has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. ***The Secretary of State may enter into a payment agreement for any administrative fine imposed pursuant to this section.***

8. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any administrative fine imposed pursuant to this section.

9. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 13. (Deleted by amendment.)

Sec. 13.5. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a public officer or candidate willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner

pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to the public officer or candidate, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a public officer or candidate who willfully fails to file a financial disclosure statement or willfully fails to file a financial disclosure statement in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, $2,000.

4. For good cause shown, the Secretary of State may waive ***or reduce*** a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives ***or reduces*** a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived ***or reduced*** and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

5. ***The Secretary of State may enter into a payment agreement for any civil penalty imposed pursuant to this section.***

6. The Secretary of State shall maintain on the Internet website of the Office of the Secretary of State a list of persons who have not paid within 90 days any civil penalty imposed pursuant to this section.

7. As used in this section, "willfully" means intentionally and knowingly.

Sec. 14. (Deleted by amendment.)

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 776 to Assembly Bill No. 79.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 148.

The following Senate amendments were read:

Amendment No. 683.

AN ACT relating to elections; revising the deadline for a county or city clerk to distribute mail ballots to each active registered voter who resides within the State; revising the deadline for a county or city clerk to distribute sample ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exception, a county clerk or city clerk to distribute a sample ballot to each registered voter in the county or city, as applicable, before the period for early voting for any election begins. (NRS 293.565, 293C.530) Existing law further requires, with limited exception, the county clerk or city clerk to distribute a mail ballot for every election to: (1) each active registered voter; and (2) each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. With certain exceptions, the deadline for distributing a mail ballot to: (1) each active registered voter who resides within the State is not later than 20 days before the election; (2) each active registered voter who resides outside the State is not later than 40 days before the election; (3) each active registered voter who registers to vote after certain deadlines is not later than 13 days before the election; and (4) each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to certain provisions of federal and state law is not later than 45 days before the election. (NRS 293.269911, 293C.263, 293D.320) Further, in the case of a special election where no candidate for federal office will appear on the ballot, mail ballots must be distributed to each active registered voter not later than 15 days before the special election. (NRS 293.269911, 293C.263)

Sections 1 and 3 of this bill revise the deadline for distributing a mail ballot to each active registered voter who resides within the State from not later than 20 days before the election to instead on or after the fifth Monday before the election but not later than the fourth Monday before the election. **Sections 1 and 3 also require a county or city clerk to allow a voter to elect to receive a mail ballot before that deadline.** **Sections 2 and 4** of this bill require a county clerk or city clerk, as applicable, to distribute a sample ballot to each registered voter before the applicable deadline for the clerk to distribute a mail ballot to the registered voter. **Section 5** of this bill makes a conforming change

to require sample ballots for an election relating to incorporating a city to be distributed before the applicable deadline for the county clerk or registrar of voters to distribute a mail ballot to a registered voter for such an election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. ***The county clerk shall allow a voter to elect to receive a mail ballot pursuant to subparagraph (1) of paragraph (a) of subsection 6 before the fifth Monday before the election.***

5. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5.]~~ ***6.*** Except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ~~[,]~~ ***and 4,*** the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~[6.]~~ *7.* In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~[7.]~~ *8.* Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the ~~[period for early voting for any election begins,]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293.269911,*** the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate

materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. ***The city clerk shall allow a voter to elect to receive a mail ballot pursuant to subparagraph (1) of paragraph (a) of subsection 6 before the fifth Monday before the election.***

5. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5.]~~ ***6.*** Except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ~~[.]~~ ***and 4,*** the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~[6.]~~ *7.* In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~[7.]~~ *8.* Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the ~~[period for early voting for any election begins,]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293C.263,*** the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. ~~[At least 10 days before]~~ ***Before the applicable deadline for distributing mail ballots for*** an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall distribute to each qualified elector by

mail or electronic means, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be prepared in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 683 to Assembly Bill No. 148.

Motion carried by a constitutional majority.

Amendment No. 747.

AN ACT relating to elections; revising the deadline for a county or city clerk to distribute mail ballots to each active registered voter who resides within the State; revising the deadline for a county or city clerk to distribute sample ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exception, a county clerk or city clerk to distribute a sample ballot to each registered voter in the county or city, as applicable, before the period for early voting for any election begins. (NRS 293.565, 293C.530) Existing law further requires, with limited exception, the county clerk or city clerk to distribute a mail ballot for every election to: (1) each active registered voter; and (2) each person who registers to vote or updates his or her voter registration information not later than 14 days before the election. With certain exceptions, the deadline for distributing a mail ballot to: (1) each active registered voter who resides within the State is not later than 20 days before the election; (2) each active registered voter who resides outside the State is not later than 40 days before the election; (3) each active registered voter who registers to vote after certain deadlines is not later than 13 days before the election; and (4) each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to certain provisions of federal and state law is not later than 45 days before the election. (NRS 293.269911, 293C.263, 293D.320) Further, in the case of a special election where no candidate for federal office will appear on the ballot, mail ballots must be distributed to each active registered voter not later than 15 days before the special election. (NRS 293.269911, 293C.263)

Sections 1 and 3 of this bill revise the deadline for distributing a mail ballot to each active registered voter who resides within the State from not later than 20 days before the election to instead on or after the fifth Monday before the election but not later than the fourth Monday before the election. **Sections 1 and 3** also ~~[require]~~ **authorize** a county or city clerk to allow a voter to elect to receive a mail ballot before that deadline. **Sections 2 and 4** of this bill require a county clerk or city clerk, as applicable, to distribute a sample ballot to each registered voter before the applicable deadline for the clerk to distribute a mail ballot to the registered voter. **Section 5** of this bill makes a conforming change to require sample ballots for an election relating to incorporating a city to be distributed before the applicable deadline for the county clerk or registrar of voters to distribute a mail ballot to a registered voter for such an election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. ***The county clerk ~~[shall]~~ may allow a voter to elect to receive a mail ballot pursuant to subparagraph (1) of paragraph (a) of subsection 6 before the fifth Monday before the election. Nothing in this section shall be construed to require a county clerk to provide a mail ballot to any voter before mail ballots are available for distribution.***

5. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5.]~~ ***6.*** Except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ~~[,]~~ ***and 4,*** the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~[6.]~~ ***7.*** In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~[7.]~~ ***8.*** Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to

be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the ~~[period for early voting for any election begins,]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293.269911,*** the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. ***The city clerk ~~[shall]~~ may allow a voter to elect to receive a mail ballot pursuant to subparagraph (1) of paragraph (a) of subsection 6 before the fifth Monday before the election. Nothing in this section shall be construed to require a city clerk to provide a mail ballot to any voter before mail ballots are available for distribution.***

5. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5.]~~ ***6.*** Except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ~~[,]~~ ***and 4,*** the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~[6.]~~ ***7.*** In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~[7.]~~ ***8.*** Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 4. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the ~~[~~~~period for early voting for any election begins,~~~~]~~ ***applicable deadline for distributing a mail ballot to a registered voter established by NRS 293C.263,*** the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 5. NRS 266.0325 is hereby amended to read as follows:

266.0325 1. ~~[At least 10 days before]~~ ***Before the applicable deadline for distributing mail ballots for*** an election held pursuant to NRS 266.029, the county clerk or registrar of voters shall distribute to each qualified elector by mail or electronic means, as applicable, a sample ballot for the elector's precinct with a notice informing the elector of the location of the polling place for that precinct. A sample ballot may be distributed by electronic means to an elector only if the county clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 and the elector elects to receive a sample ballot by electronic means.

2. The sample ballot must:

(a) Be in the form required by NRS 266.032.

(b) Include the information required by NRS 266.032.

(c) Except as otherwise provided in subsection 3, be prepared in at least 12-point type.

(d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the State, a county, a city, a township, a section or any combination thereof.

(e) Contain a copy of the map or plat that was submitted with the petition pursuant to NRS 266.019 and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.

(f) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 747 to Assembly Bill No. 148.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 807.

AN ACT relating to fiscal notes; revising the information concerning fiscal effect that must be included in the summary of each bill or joint resolution introduced in the Legislature; revising provisions relating to the preparation of a fiscal note by a local government; ~~[revising provisions relating to the preparation of fiscal notes relating to petitions for initiative or referendum;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the summary of a bill or joint resolution introduced in the Legislature to include certain statements relating to the fiscal effect on the

State and local government. (NRS 218D.415) **Section 1** of this bill amends the summary of a bill or joint resolution relating to the fiscal effect on the State from "Effect on the State: Yes" to "Effect on the State: May have Fiscal Impact." **Section 1** further requires the summary of a bill or resolution to include certain statements relating to the fiscal effect of the bill or joint resolution on the State Highway Fund.

Existing law provides that, if a bill or joint resolution is submitted to a local government for a fiscal note and the local government determines the bill or joint resolution reduces the revenues or increases the expenditures of the local government, the local government is required to prepare a fiscal note and return it to the Fiscal Analysis Division of the Legislative Counsel Bureau within 8 working days. (NRS 218D.475) **Section 1.5** of this bill authorizes the Fiscal Analysis Division to extend the period of time to return the fiscal note by not more than 7 additional days if the matter requires extended research.

~~[Existing law requires the Secretary of State to consult with the Fiscal Analysis Division to determine whether a petition for initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the petition may have an anticipated financial effect on the State or local governments, the Fiscal Analysis Division is required to prepare a fiscal note regarding the petition that includes an explanation of any such effect. The Secretary of State is required to post on the Secretary of State's Internet website any fiscal note prepared by the Fiscal Analysis Division not later than 10 business days after the Secretary of State receives the petition. (NRS 295.015) Existing law also authorizes the description of effect of an initiative or referendum to be challenged by filing a complaint in the First Judicial District Court not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State. (NRS 295.061) Section 2 of this bill revises the deadline for posting the fiscal note prepared by the Fiscal Analysis Division on the Internet website of the Secretary of State to be: (1) if the description of effect of the petition is challenged in the First Judicial District, not later than 10 business days after the decision of the First Judicial District Court relating to the challenge is issued; or (2) if the description of effect is not challenged in the First Judicial District, not later than 10 business days after the last day to file a challenge.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.415 is hereby amended to read as follows:

218D.415 1. The summary of each bill or joint resolution introduced in the Legislature must include the statement:

(a) "Fiscal Note: Effect on Local Government: May have Fiscal Impact,"

"Fiscal Note: Effect on Local Government: No," or

"Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility,"

➥ whichever is appropriate . ~~[, and]~~

(b) "Effect on the State: ~~[Yes,"]~~ ***May have Fiscal Impact,"***

"Effect on the State: No,"

"Effect on the State: Contains Appropriation ***from the State General Fund*** included in Executive Budget,"

"Effect on the State: Executive Budget," or

"Effect on the State: Contains Appropriation ***from the State General Fund*** not included in Executive Budget,"

➥ whichever is appropriate.

(c) "Effect on the State Highway Fund: May have Fiscal Impact,"

"Effect on the State Highway Fund: No,"

"Effect on the State Highway Fund: Contains Appropriation from the State Highway Fund included in Executive Budget," or

"Effect on the State Highway Fund: Contains Appropriation from the State Highway Fund not included in Executive Budget,"

➥ whichever is appropriate.

2. The Legislative Counsel shall consult the Fiscal Analysis Division to secure the appropriate information for summaries of bills and joint resolutions.

3. If an amendment adds an appropriation to a bill that previously did not include an appropriation or removes all appropriations from a bill that previously included one or more appropriations, the Legislative Counsel shall change the summary of the bill to reflect the inclusion or removal.

Sec. 1.5. NRS 218D.475 is hereby amended to read as follows:

218D.475 1. Whenever a bill or joint resolution is submitted to an agency for a fiscal note, the agency shall prepare the fiscal note and return it to the Fiscal Analysis Division within 5 working days. The Fiscal Analysis Division may extend the period for not more than 10 additional working days if the matter requires extended research.

2. Whenever a bill or joint resolution is submitted to a local government for a fiscal note, the local government shall:

(a) Review the provisions of the bill or joint resolution to determine whether the bill or joint resolution reduces the revenues or increases the expenditures of the local government; and

(b) If the local government determines that the bill or joint resolution reduces the revenues or increases the expenditures of the local government, prepare a fiscal note for that bill or joint resolution and return it to the Fiscal Analysis Division within 8 working days. ***The Fiscal Analysis Division may extend the period for not more than 7 additional working days if the matter requires extended research.***

Sec. 2. ~~[NRS 295.015 is hereby amended to read as follows:~~

~~295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, the person who intends to circulate the petition must:~~

~~(a) File a copy of the petition for initiative or referendum, including the description of the effect of the initiative or referendum required pursuant to NRS 295.009, with the Secretary of State.~~

~~(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:~~

~~(1) The name and signature of the person.~~

~~(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.~~

~~(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.~~

~~2. If a petition for initiative or referendum or the description of the effect of the initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:~~

~~(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;~~

~~(b) Any signatures that were collected on the original petition before it was amended are not valid; and~~

~~(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.~~

~~3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:~~

~~(a) The Secretary of State shall assign to the petition for initiative or referendum a unique identifier that must:~~

~~(1) Consist of a serial number or letter, or both; and~~

~~(2) Distinguish among each different type of petition received.~~

~~(b) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine whether the petition for initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the petition for initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Fiscal Analysis Division must prepare a fiscal note regarding the petition that includes an explanation of any such effect.~~

~~(c) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.~~

~~4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post on the Secretary of State's Internet website a copy of the petition, including:~~

~~(a) The description of the effect of the initiative or referendum required pursuant to NRS 295.009;~~

~~(b) The unique identifier assigned to the petition by the Secretary of State pursuant to subsection 3;~~ ***and***

~~(c) [Any fiscal note regarding the petition prepared by the Fiscal Analysis Division pursuant to subsection 3; and~~

~~(d)]~~ Any suggestions regarding the petition made by the Legislative Counsel pursuant to subsection 3.

5. The Secretary of State shall post on the Secretary of State's Internet website any fiscal note regarding a petition prepared by the Fiscal Analysis Division pursuant to subsection 3:

(a) If the description of effect of the petition is challenged pursuant to subsection 1 of NRS 295.061, not later than 10 business days after the decision of the First Judicial District Court relating to the challenge is issued; or

(b) If the description of effect is not challenged pursuant to subsection 1 of NRS 295.061, not later than 10 business days after the last day to file a challenge pursuant to subsection 1 of NRS 295.061.] **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 807 to Assembly Bill No. 249.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 491.

The following Senate amendment was read:

Amendment No. 639.

AN ACT relating to elections; requiring a county or city clerk to provide certain information or data relating to ~~[an]~~ **the current** election **cycle** within a certain period of time; revising qualifications for certain elected public officers to require such officers to be registered to vote in this State; revising provisions governing a declaration of candidacy and declaration of residency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that if the Secretary of State requests any information or data relating to ~~[an]~~ **the current** election **cycle** from a county or city clerk, the clerk is required, not later than the end of the second ~~[calendar]~~ **working** day after receiving the request, to provide the Secretary of State with: (1) the information or data; **or** (2) a written explanation that **indicates when** the county or city clerk will ~~[not]~~ **reasonably** be able to provide the information or data**.** ~~[by the end of the second calendar day, along with an estimate of when the county or city clerk will provide the information or data; or (3) a written explanation that the county or city clerk does not have the information or data.]~~

Existing law requires a person to be a qualified elector to be eligible for a public office in this State. (Nev. Const. Art. 15, § 3) Existing law also requires, with certain exceptions, a candidate for any elected office to actually, as opposed to constructively, reside in the State, district, county, township or other area prescribed by law to which the office pertains. (NRS 293.1755) **Sections 2 and 7-77** of this bill include as a qualification for any elected public office other than federal office, including, without limitation, State Legislator, Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Controller, county commissioners, county clerk, sheriff, district attorney, public administrator, city council, mayor, the Board of Regents ~~[,]~~ **of the University of Nevada,** the board of directors of a general improvement district and the board of directors of a water district, that the officer be registered to vote in the State, district, county, township or other area prescribed by law to which the officer is required to reside. **Section 78** of this bill provides that the requirement for these officers to be registered to vote in this State does not apply to a person who, on October 1, 2025, holds such office.

Existing law requires a candidate for a primary election for a public office to file a declaration of candidacy and a candidate for the office of State Senator, Assemblyman or Assemblywoman to also file a declaration of residency. (NRS 293.177, 293.181, 293C.185) Existing law also requires a person nominated or applying to fill a vacancy in the office of Legislator to file a declaration of eligibility with the board of county commissioners. (NRS 218A.264) **Sections 3, 4, 6 and 13** of this bill provide that a declaration of candidacy, a declaration of residency and a declaration of eligibility are public records and the filing officer must make such declarations available to the public in an electronic format.

Sections 3, 6 and 13 also require a person filing a declaration of candidacy or declaration of eligibility to attest under penalty of perjury to the city or town and county of the State of Nevada where the person is registered to vote.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in this title, if the Secretary of State requests any information or data relating to ~~[an]~~ the current election cycle from a county clerk or city clerk, the county or city clerk shall, not later than the end of the second ~~[calendar]~~ working day after receiving the request, provide the Secretary of State with:

1. The information or data; or

2. A written explanation that indicates when the county or city clerk will ~~[not]~~ reasonably be able to provide the information or data . ~~[by the end of the second calendar day, along with an estimate of when the county or city clerk will provide the information or data; or

~~3. A written explanation that the county or city clerk does not have the information or data.]~~

Sec. 2. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy for the office which the person seeks, the person has ~~[, in]~~ ***:***

(a) In accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent ~~[.]~~ ***; and***

(b) Registered to vote in the State, district, county, township or other area prescribed by law in which the officer is required to reside and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for ~~[:~~

~~(a) Any]~~ ***any*** federal office.

~~[(b)]~~ ***4.*** The ***provisions of paragraph (a) of subsection 1 do not apply to candidates for the*** office of district attorney.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which

the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***if I am filing for a public office other than a federal office, I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of .....
For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my

actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***if I am filing for a public office other than a federal office, I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. ***A declaration of candidacy filed pursuant to this section is a public record and the filing officer shall make the declaration of candidacy available to the public in an electronic format.***

8. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

~~[8.]~~ ***9.*** The receipt of information by the Attorney General or district attorney pursuant to subsection ~~[7]~~ ***8*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

~~[9.]~~ ***10.*** Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file, with his or her declaration of candidacy, a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From..... To.....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From..... To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. ***A declaration of residency filed pursuant to this section is a public record and the filing officer shall make the declaration of residency available to the public in an electronic format.***

4. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary or general city election unless the person named has, in accordance with NRS 293C.145 or 293C.175, as applicable, timely filed a declaration of candidacy with the appropriate filing officer and paid the filing fee established by the governing body of the city.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; ***that I am registered to vote in the City or Town of ....., County of ....., State of Nevada;*** that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will

qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)
.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. ***A declaration of candidacy filed pursuant to this section is a public record and the filing officer shall make the declaration of candidacy available to the public in an electronic format.***

8. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

~~[8.]~~ ***9.*** The receipt of information by the city attorney pursuant to subsection ~~[7]~~ ***8*** must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

~~[9.]~~ ***10.*** Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 2.020 is hereby amended to read as follows:

2.020 1. A person may not be a candidate for or be eligible to the office of justice of the Supreme Court unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of justice of the Supreme Court if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 8. NRS 2A.020 is hereby amended to read as follows:

2A.020 1. A person may not be a candidate or be eligible for the office of judge of the Court of Appeals unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 15 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of judge of the Court of Appeals if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 9. NRS 3.060 is hereby amended to read as follows:

3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:

(a) Has attained the age of 25 years.

(b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.

(c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less

than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.

(d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.

(e) ***Is registered to vote in this State.***

(f) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 10. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector ***, is registered to vote in the township*** and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education.

3. In addition to any other requirement provided by law or a court rule, a justice of the peace who is not licensed or admitted to practice law in the courts of this State at the time of his or her election or appointment must pass an examination prescribed by the Nevada Supreme Court within 18 months after taking the official oath. The examination must test the competency of the examinee's knowledge on subject matters related to the duties of a justice of the peace, including, without limitation:

(a) Judicial decorum;

(b) Application of the Revised Nevada Code of Judicial Conduct;

(c) Criminal and civil actions and proceedings over which a justice court has jurisdiction, including, without limitation, the issuance of temporary or extended orders for protection; and

(d) The financial administration of a court, including, without limitation, the minimum accounting standards of a justice court.

4. In a county whose population is 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who:

(a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and

(b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

5. Subsections 2 and 4 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 11. NRS 5.020 is hereby amended to read as follows:

5.020 1. Except as provided in subsection 3 and NRS 266.405, each municipal judge must be chosen by the electors of the city within which the municipal court is established on a day to be fixed by the governing body of that city. The term of office of a municipal judge is the period fixed by:

(a) An ordinance adopted by the city if the city is organized under general law; or

(b) The charter of the city if the city is organized under a special charter.

➥ Before entering upon his or her duties, a municipal judge shall take the constitutional oath of office.

2. A municipal judge must:

(a) Be a citizen of the State;

(b) Except as otherwise provided in the charter of a city organized under a special charter, have been a bona fide resident of the city for not less than 1 year next preceding his or her election;

(c) Be a qualified elector in the city;

(d) Be registered to vote in the city; and

~~[(d)]~~ ***(e)*** Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. The governing body of a city, with the consent of the board of county commissioners and the justice of the peace, may provide that a justice of the peace of the township in which the city is located is ex officio the municipal judge of the city.

4. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

Sec. 12. NRS 218A.200 is hereby amended to read as follows:

218A.200 A person is not eligible to be elected or appointed to office as a Legislator unless the person:

1. Is a qualified elector;

2. Has been an actual, as opposed to constructive, citizen resident of this State for 1 year next preceding the person's election or appointment;

3. At the time of election or appointment, has attained the age of 21 years;

4. Is registered to vote in the district the office represents; and

~~[4.]~~ ***5.*** Meets all other qualifications for the office as required by the Constitution and laws of this State.

Sec. 13. NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person is nominated pursuant to NRS 218A.260 or 218A.262, or a person files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with the board of county

commissioners, a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ... (name of assembly or senatorial district), I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date of nomination pursuant to NRS 218A.262 or the date established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy, as applicable; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, ***I am registered to vote in the City or Town of ....., County of ....., State of Nevada and*** I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From..... To.....
Dates of Residency	Dates of Residency
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To	From..... To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

.....
(Name of applicant)

.....
(Signature of applicant)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. ***A declaration of eligibility filed pursuant to this section is a public record and the filing officer shall make the declaration of eligibility available to the public in an electronic format.***

4. Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.

~~[4.]~~ ***5.*** Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 14. NRS 223.010 is hereby amended to read as follows:

223.010 No person shall be eligible to the Office of Governor unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 15. NRS 224.010 is hereby amended to read as follows:

224.010 No person shall be eligible to the Office of Lieutenant Governor unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 16. NRS 225.010 is hereby amended to read as follows:

225.010 No person shall be eligible to the Office of Secretary of State unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 17. NRS 226.010 is hereby amended to read as follows:

226.010 No person shall be eligible to the Office of State Treasurer unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 18. NRS 227.010 is hereby amended to read as follows:

227.010 No person shall be eligible to the Office of State Controller unless the person:

1. Has attained the age of 25 years at the time of such election; ~~[and]~~

2. Is a qualified elector and has been a citizen resident of this State for 2 years next preceding the election ~~[.]~~ ***; and***

3. Is registered to vote in this State.

Sec. 19. NRS 228.010 is hereby amended to read as follows:

228.010 No person shall be eligible to the Office of Attorney General unless the person:

1. Has attained the age of 30 years at the time of such election;

2. Is a qualified elector and has been a citizen resident of this State for 3 years next preceding the election;

3. Is registered to vote in this State; and

~~[3.]~~ ***4.*** Is a member of the State Bar of Nevada in good standing.

Sec. 20. NRS 244.020 is hereby amended to read as follows:

244.020 1. County commissioners must ~~[be]~~ ***:***

(a) Be qualified electors of their respective counties ***;***

(b) Be registered to vote in the county; and ~~[have]~~

(c) Have such other qualifications as are provided in this chapter.

2. No county or township officer is eligible to the office of county commissioner.

Sec. 21. NRS 246.010 is hereby amended to read as follows:

246.010 1. County clerks shall be elected by the qualified electors of their respective counties.

2. ***County clerks must be registered to vote in the county.***

3. County clerks shall be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

Sec. 22. NRS 247.010 is hereby amended to read as follows:

247.010 1. Except as otherwise provided in subsection 3 or as altered pursuant to the mechanism set forth in NRS 244.1507, county recorders must be ~~[elected]~~ ***:***

(a) Elected by the qualified electors of their respective counties ~~[.]~~ ***; and***

(b) Registered to vote in the county.

2. County recorders must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The Clerk of Carson City is ex officio the Recorder of Carson City.

Sec. 23. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected;

(b) Is a qualified elector;

(c) Is registered to vote in the county which the office represents; and

~~[(c)]~~ ***(d)*** On or after January 1, 2010, meets the requirements set forth in subsection 2 or 3, as applicable.

2. If a person described in paragraph ~~[(c)]~~ ***(d)*** of subsection 1 is a candidate for the office of sheriff in a county whose population is 30,000 or more, the person must meet the following requirements at the time he or she files his or her declaration of candidacy for the office:

(a) He or she has a history of at least 5 consecutive years of employment or service:

(1) As a peace officer;

(2) As a law enforcement officer of an agency of the United States;

(3) As a law enforcement officer of another state or political subdivision thereof; or

(4) In any combination of the positions described in subparagraphs (1), (2) and (3); and

(b) He or she has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph ~~[(c)]~~ ***(d)*** of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 30,000, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office

of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) "Declaration of candidacy" has the meaning ascribed to it in NRS 293.0455.

(f) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 24. NRS 249.010 is hereby amended to read as follows:

249.010 1. Except as otherwise provided in subsection 3 or as altered pursuant to the mechanism set forth in NRS 244.1507, county treasurers must be ~~[elected]~~ ***:***

(a) Elected by the qualified electors of their respective counties ~~[.]~~ ***; and***

(b) Registered to vote in the county.

2. County treasurers must be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

3. The county clerks of Churchill, Douglas, Esmeralda, Eureka, Lyon, Mineral, Pershing and Storey Counties are ex officio county treasurers of their respective counties, unless such an arrangement is altered pursuant to the mechanism set forth in NRS 244.1507.

Sec. 25. NRS 250.010 is hereby amended to read as follows:

250.010 1. County assessors shall be elected by the qualified electors of their counties.

2. ***County assessors must be registered to vote in the county.***

3. County assessors shall be chosen by the electors of their respective counties at the general election in 1922, and at the general election every 4 years thereafter, and shall enter upon the duties of their offices on the first Monday of January subsequent to their election.

Sec. 26. NRS 252.010 is hereby amended to read as follows:

252.010 No person shall be a candidate for or be eligible to the office of district attorney unless the person is:

1. A bona fide resident of the State of Nevada.

2. ***Registered to vote in this State.***

3. An attorney duly licensed and admitted to practice law in all the courts of this state.

Sec. 27. NRS 253.010 is hereby amended to read as follows:

253.010 Except as otherwise provided in NRS 253.125:

1. Except as otherwise provided in subsections 4 and 5 or as altered pursuant to the mechanism set forth in NRS 244.1507, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

(a) Be a qualified elector of the county;

(b) ***Be registered to vote in the county;***

(c) Be at least 21 years of age on the date he or she will take office;

~~[(c)]~~ ***(d)*** Not have been convicted of a felony for which his or her civil rights have not been restored; and

~~[(d)]~~ ***(e)*** Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

4. The district attorneys of Humboldt, Lander, Lincoln, Storey and White Pine Counties are ex officio public administrators of Humboldt County, Lander County, Lincoln County, Storey County and White Pine County, respectively, unless such an arrangement is altered pursuant to the mechanism set forth in NRS 244.1507. The Clerk of Carson City shall serve as Public Administrator of Carson City.

5. In a county other than Carson City and Humboldt, Lander, Lincoln, Storey and White Pine Counties, if, for any reason, the office of public administrator becomes vacant, the board of county commissioners may appoint a public administrator for the remainder of the unexpired term.

Sec. 28. NRS 258.005 is hereby amended to read as follows:

258.005 1. No person is eligible to the office of constable unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected or appointed; ~~[and]~~

(b) Is a qualified elector ~~[.]~~ ***; and***

(c) Is registered to vote in the township which the office represents.

2. A person who has been convicted of a felony in this state or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether the person has been restored to his or her civil rights.

Sec. 29. NRS 266.170 is hereby amended to read as follows:

266.170 Mayors shall be ~~[qualified]~~ ***:***

1. Qualified electors within their respective cities and shall have been actually bona fide residents ~~[thereof]~~ for a period of at least 1 year next preceding their election ~~[.]~~ ***; and***

2. Registered to vote in their respective cities.

Sec. 30. NRS 266.215 is hereby amended to read as follows:

266.215 Council members must be:

1. Qualified electors within their respective cities and bona fide residents thereof for a period of at least 1 year next preceding their election.

2. Except as otherwise provided in NRS 266.220, qualified electors within their respective wards.

3. Registered to vote in their respective wards ~~[.]~~ or in the city, if elected by the voters of the city at large pursuant to NRS 266.020.

Sec. 31. NRS 267.030 is hereby amended to read as follows:

267.030 Whenever the qualified voters of any incorporated city desiring to adopt a commission form of government so declare their desire by filing with the governing body of that city a petition having the signatures of one-fourth of the qualified voters voting at the last city election, the governing body shall cause 15 qualified electors to be elected at the next primary or general municipal election or primary or general state election to frame a charter which provides for a commission form of government for the city. The persons elected must ~~[have]~~ ***:***

1. Have been residents of the city for at least 2 years preceding their election ~~[.]~~ ***; and***

2. Be registered to vote in the city.

Sec. 32. NRS 269.017 is hereby amended to read as follows:

269.017 1. If the board of county commissioners determines that the best interests of an unincorporated town would be served by adoption of a town board form of government it shall establish a town board for the town by appointing five persons who are residents and qualified electors in the town to serve as members of the town board until successors can be elected at the next general election.

2. At the next general election five persons who are residents ***,*** ~~[and]~~ qualified electors in the town ***and registered to vote in the town*** must be elected by the registered voters of the town to serve as members of the town board.

Sec. 33. NRS 269.0171 is hereby amended to read as follows:

269.0171 1. If the establishment of a town board form of government is proposed by initiative petition, and the proposal is submitted to the electors, the prospective members of the town board must be elected at the same general election in which the proposal is submitted to the electors.

2. Any person who is a resident, is a qualified elector ***, is registered to vote in the town*** and desires to become a candidate for the position of member of a town board must, within the time specified by subsection 3, file in the office of the county clerk a notice of intention to become a candidate. The notice of intention must show that the person possesses the qualifications required by this section. Each person filing the notice of intention as required by this section is entitled to have his or her name placed on the official ballot.

3. The notice of intention required by subsection 2 must be filed not later than 5 p.m. on the second Tuesday in May of the year in which the election is held.

4. If the proposal to establish a town board form of government is approved at the election, members of the town board elected pursuant to this section serve as members until the next general election.

Sec. 34. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563 or 269.567, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection 7, appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. Except as otherwise provided in subsection 7, the members of a town advisory board serve at the pleasure of the board of county commissioners.

3. If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

4. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

5. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

6. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

7. Except an unincorporated town established pursuant to NRS 269.567, if an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board. If there are fewer qualified electors who are residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

Sec. 35. NRS 269.577 is hereby amended to read as follows:

269.577 1. Except as appointment may be deferred pursuant to NRS 269.567, the board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five qualified electors who are residents of the unincorporated town ***and registered to vote in the unincorporated town*** to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

3. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 36. NRS 281.040 is hereby amended to read as follows:

281.040 ***1.*** No person who is not a qualified elector shall be eligible to any office of honor, profit or trust in and under the government and laws of this State.

2. No person who is not registered to vote in the State, district, county, township or other area prescribed by law in which the officer is required to reside shall be eligible to any elected office of the State or a local government.

Sec. 37. NRS 318.080 is hereby amended to read as follows:

318.080 1. After adopting an ordinance creating a district and before appointing the first board of trustees for the district, the board of county commissioners is, ex officio, the board of trustees for the district.

2. While acting as the board of trustees, the board of county commissioners shall establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

3. Except as otherwise provided in NRS 318.0953 and 318.09533, after the board of county commissioners has performed the duties required by subsection 2, it shall appoint five persons to serve as the first board of trustees of the district and shall specify therein the terms of office to the first Monday in January next following the respective election dates provided in NRS 318.095. Except as otherwise provided in subsection 5, these persons must be qualified electors of the district ~~[.]~~ ***and registered to vote in the district.***

4. The members of the board of trustees shall qualify by filing with the county clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of their duties as trustees. The board of county commissioners may from time to time, upon good cause shown, increase or decrease the amount of the bond.

5. The board of county commissioners may appoint as one of the five initial trustees as provided by subsection 1 the district attorney for the county or a deputy district attorney on his or her staff. Such appointee need not be a qualified elector of the district, but no such attorney is qualified for appointment to fill any vacancy on the board pursuant to NRS 318.090 or qualified as a candidate for election to the board at any biennial election pursuant to NRS 318.095 unless he or she is a qualified elector of the district.

6. The board of county commissioners of the county vested with jurisdiction pursuant to NRS 318.050 may remove any trustee serving on an appointed or elected board of trustees for cause shown, on petition, hearing and notice thereof by publication and by mail addressed to the trustee.

Sec. 38. NRS 318.083 is hereby amended to read as follows:

318.083 1. Notwithstanding any provision of law to the contrary, the board of trustees of a district organized or reorganized pursuant to this chapter that exists on July 1, 2009, that is authorized only to exercise the basic power of furnishing electric light and power pursuant to NRS 318.117 in a county whose population is 700,000 or more, and for which the board of county

commissioners of the county is not ex officio the board of trustees, shall consist of seven trustees. ***The members of the board of trustees must be registered to vote in the district.***

2. The members of the board of trustees described in subsection 1 must be selected as follows:

(a) One member who is elected by the qualified electors of the largest incorporated city in the district at the first biennial election following July 1, 2009. The term of office of a trustee who is elected pursuant to this paragraph is 4 years.

(b) One member who is elected by the qualified electors of the district at the first biennial election following July 1, 2009. The initial term of office of a trustee who is elected pursuant to this paragraph is 2 years. After the initial term, the term of office of a trustee who is elected pursuant to this paragraph is 4 years.

(c) Five members who are elected from the election areas in the district created pursuant to NRS 318.0952 that existed on July 1, 2009, each of whom serves for a term of 4 years.

3. Each member of the board of trustees must be a resident of the area which he or she seeks to represent.

4. A majority of the members of the board constitutes a quorum at any meeting.

Sec. 39. NRS 318.090 is hereby amended to read as follows:

318.090 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the county clerk or clerks of the county or counties wherein the district is located within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Except as otherwise provided in NRS 318.083, three members of the board constitute a quorum at any meeting.

5. A vacancy on the board must be filled by a qualified elector of the district ***who is registered to vote in the district and*** chosen by the remaining members of the board, the appointee to act until a successor in office qualifies as provided in NRS 318.080 on or after the first Monday in January next following the next biennial election, held in accordance with NRS 318.083 or 318.095, at which election the vacancy must be filled by election if the term

of office extends beyond that first Monday in January. Nominations of qualified electors of the district as candidates to fill unexpired terms of 2 years may be made the same as nominations for regular terms of 4 years, as provided in NRS 318.083 and 318.095. If the board fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs, the board of county commissioners shall fill that vacancy.

6. Each term of office of 4 years terminates on the first Monday in January next following the general election at which a successor in office is elected, as provided in NRS 318.083 or 318.095. The successor's term of office commences then or as soon thereafter as the successor qualifies as provided in NRS 318.080, subject to the provisions in this chapter for initial appointments to a board, for appointments to fill vacancies of unexpired terms and for the reorganizations of districts under this chapter which were organized under other chapters of NRS.

Sec. 40. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.

2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. The names of the candidates for trustee of a district may be placed on the ballot for the primary or general election. ***A candidate for the office of trustee must be a registered voter in the district.***

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 41. NRS 318.0952 is hereby amended to read as follows:

318.0952 Except as otherwise provided in NRS 318.0953:

1. Trustees may be elected in the alternate manner provided in this section from election areas within the district.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the qualified electors of the district voting at the next preceding biennial election of the district may file a written petition with the board of county commissioners of the county vested with jurisdiction under NRS 318.050 praying for the creation of election areas within the district in the manner provided in this section. The petition must specify with particularity the five areas proposed to be created. The description of the proposed election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular area. The signatures to the petition need not all be appended to one paper, but each signer must add to the signer's name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall take an oath, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a general circulation in the county. The costs of publication of that notice are a proper charge against the district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of election areas within the district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the district into the areas specified in the petition, designate them by number and define their boundaries. The territory comprising each election area must be contiguous. One trustee must be elected from each election area by a majority of the qualified electors voting on the candidates for any vacancy for that area as provided in subsection 7.

5. Before June 1 and immediately following the adoption of the resolution creating election areas within a district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the secretary of the district.

6. Upon the creation of election areas within a district, the terms of office of all trustees then in office expire on the first Monday of January thereafter next following a biennial election. At the biennial election held following the creation of election areas within a district, district trustees to represent the odd-numbered election areas must be elected for terms of 4 years and district trustees to represent the even-numbered election areas must be elected for terms of 2 years. Thereafter, at each biennial election, the offices of trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. Candidates for election as a trustee representing any election area must be elected only by those qualified electors of the district residing in that area. No qualified elector may vote in more than one election area at any one time.

8. A candidate for the office of trustee of a district in which election areas have been created must be ~~[a]~~ ***:***

(a) A qualified elector of the district ~~[and must be a]~~ ***;***

(b) A resident of the election area which the candidate seeks to represent ~~[.]~~***; and***

(c) Registered to vote in the district.

9. Election areas may be altered or abolished in the same manner as provided in this section for the creation of election areas and the election of trustees therefor.

Sec. 42. NRS 318.09535 is hereby amended to read as follows:

318.09535 1. Whenever a board of county commissioners is the board of trustees of any district organized or reorganized pursuant to this chapter or is exercising any powers pursuant to NRS 244.157, the board may by ordinance establish a local district managing board for the district.

2. Such a local district managing board must consist of not less than 5 members and not more than 12 members who are qualified electors of the district ~~[.]~~ ***and registered to vote in the district.*** The members must be:

(a) Appointed by the board of county commissioners; or

(b) Elected by the qualified electors of the district.

3. If the local district managing board is elective, the initial appointments and subsequent elections must be conducted in the manner provided in this chapter for trustees of a district.

4. An ordinance establishing a local district managing board must:

(a) Provide for the compensation which members of the board are to receive for their services;

(b) Provide for the terms of office for the members of the board;

(c) Contain a recital of the powers delegated and duties assigned by the board of county commissioners to the local district managing board; and

(d) Provide that the local district managing board does not have the power to tax, issue bonds or call for an election for the issuance of bonds. All taxes must be levied and bonds issued by the board of county commissioners as generally provided in this chapter.

5. Any vacancy on the board must be filled by a qualified elector of the district who is appointed by the board of county commissioners. If the local district managing board is appointive, the person appointed to fill the vacancy must be appointed to serve the remainder of the unexpired term. If the board is elective, the appointee must be appointed to serve until the first Monday in January when his or her successor in office, elected at the biennial election next following the vacancy, qualifies.

6. The local district managing board may be dissolved by the board of county commissioners after notice and hearing whenever the board of county commissioners determines:

(a) The local district managing board is no longer necessary; or

(b) The services of the district can be more effectively performed by another district.

Sec. 43. NRS 318A.180 is hereby amended to read as follows:

318A.180 1. Except as otherwise may be provided in an interlocal agreement entered into pursuant to NRS 318A.160, after adopting an ordinance creating a district, the governing body must establish:

(a) Accounting practices and procedures for the district;

(b) Auditing practices and procedures to be used by the district;

(c) A budget for the district; and

(d) Management standards for the district.

2. After the duties required by subsection 1 have been performed, the first board of trustees of the district, consisting of five members, must be appointed. Except as otherwise provided in this subsection, each governing body of a county or city with territory included within the district that has entered into an interlocal agreement pursuant to NRS 318A.160 must each appoint one member to the first board of trustees. If:

(a) More than five counties or cities have territory within the district, the interlocal agreement entered into pursuant to NRS 318A.160 must determine which governing bodies may appoint the five members of the first board of trustees of the district.

(b) Less than five counties or cities have territory within the district, the governing body of each county or city must appoint one member and the remaining members of the first board of trustees must be appointed as determined pursuant to the terms of the interlocal agreement entered into pursuant to NRS 318A.160.

3. The members of the first board of trustees must be qualified electors of the district ~~[.]~~ ***and registered to vote in the district.*** The trustees must determine by lot which three trustees serve 4-year terms and which two trustees serve 2-year terms.

4. The governing body may remove any member of the first board of trustees for cause shown unless an interlocal agreement entered into pursuant to NRS 318A.160 otherwise prohibits such removal.

5. All members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than $10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees. The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 44. NRS 318A.200 is hereby amended to read as follows:

318A.200 1. The board shall, by resolution, designate the place where the office or principal place of the district is to be located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5

days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Three members of the board constitute a quorum at any meeting.

5. Unless an interlocal agreement entered into pursuant to NRS 318A.160 provides otherwise, a vacancy on the board must be filled by a qualified elector of the district ***who is registered to vote in the district and*** chosen by the remaining members of the board.

Sec. 45. NRS 320.070 is hereby amended to read as follows:

320.070 1. After adopting a resolution creating a district, the board of county commissioners shall appoint five persons to serve as the initial members of the board. A member of the board appointed pursuant to this subsection:

(a) Must be a qualified elector of the district ~~[.]~~ and ***registered to vote in the district; and***

(b) Serves in that office until his or her successor is elected pursuant to NRS 320.080.

2. Each member of the board must qualify for appointment by filing in the office of the county clerk where the district is located:

(a) A written oath of office signed by the member; and

(b) A bond in an amount of not more than $10,000 as determined by the board of county commissioners. The bond must be filed in a form approved by the board of county commissioners and be conditioned upon the satisfactory performance of the duties of the member filing the bond. The board of county commissioners may, from time to time, increase or decrease the amount of the bond.

Sec. 46. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

(a) One member elected by the registered voters of each congressional district described in the shapefile adopted by NRS 304.095;

(b) One member appointed by the Governor;

(c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and

(d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

(a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;

(b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;

(c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and

(d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be ~~[a]~~ ***:***

(a) A qualified elector of the district from which that member is elected ~~[.]~~***; and***

(b) Registered to vote in the district.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

(a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.

(b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years, except that each member continues to serve until a successor

is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs ~~.~~ ***and registered to vote in the district.***

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 47. NRS 386.200 is hereby amended to read as follows:

386.200 1. In addition to the manner of election provided in NRS 386.205, 386.215 and 386.225, the trustees of a county school district may be elected from school trustee election areas in the alternate manner provided in this section.

2. Within 30 days before May 1 of any year in which a general election is to be held in the State, 10 percent or more of the registered voters of a county school district in which 25,000 or fewer pupils are enrolled may file a written petition with the board of county commissioners of the county praying for the creation of school trustee election areas within the county school district in the manner provided in this section. The petition must specify with particularity the school trustee election areas proposed to be created, the number of trustees to be elected from each area, and the manner of their nomination and election. The number of school trustee election areas proposed must not exceed the number of trustees authorized by law for the particular county school district. The description of the proposed school trustee election areas need not be given by metes and bounds or by legal subdivisions, but must be sufficient to enable a person to ascertain what territory is proposed to be included within a particular school trustee election area. The signatures to the petition need not all be appended to one paper, but each signer must add to his or her name his or her place of residence, giving the street and number whenever practicable. One of the signers of each paper shall swear or affirm, before a person competent to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Immediately after the receipt of the petition, the board of county commissioners shall fix a date for a public hearing to be held during the month of May, and shall give notice thereof by publication at least once in a newspaper published in the county, or if no such newspaper is published therein then in a newspaper published in the State of Nevada and having a

general circulation in the county. The costs of publication of the notice is a proper charge against the county school district fund.

4. If, as a result of the public hearing, the board of county commissioners finds that the creation of school trustee election areas within the county school district is desirable, the board of county commissioners shall, by resolution regularly adopted before June 1, divide the county school district into the number of school trustee election areas specified in the petition, designate them by number and define their boundaries. The territory comprising each school trustee election area must be contiguous. The resolution must further set forth the number of trustees to be elected from each school trustee election area and the manner of their nomination and election.

5. Before June 1 and immediately following the adoption of the resolution creating school trustee election areas within a county school district, the clerk of the board of county commissioners shall transmit a certified copy of the resolution to the Superintendent of Public Instruction.

6. Upon the creation of school trustee election areas within a county school district the terms of office of all trustees then in office expire on the 1st Monday of January thereafter next following a general election. At the general election held following the creation of school trustee election areas within a county school district, school trustees to represent the odd-numbered school trustee election areas must be elected for terms of 4 years and school trustees to represent the even-numbered school trustee election areas must be elected for terms of 2 years. Thereafter, at each general election, the offices of school trustees must be filled for terms of 4 years in the order in which the terms of office expire.

7. A candidate for the office of trustee of a county school district in which school trustee election areas have been created must be ~~[a]~~ ***:***

(a) A qualified elector ~~[and a]~~ ***;***

(b) A resident of the school trustee election area which he or she seeks to represent ~~[.]~~ ***; and***

(c) Registered to vote in the school trustee election area which he or she seeks to represent.

8. The board of county commissioners may by resolution change the boundaries of school trustee election areas or the manner of nomination or election of school trustees after:

(a) Holding a public hearing of which notice must be given as provided in subsection 3; and

(b) Receiving, at the hearing or by resolution, the consent of the board of trustees of the school district.

9. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was less than 1,000, or was 1,000 or more but less than 1,500 in a district in which the board of trustees has adopted a resolution in accordance with NRS 386.120 specifying that the board will consist of five members, and the board of trustees of the county school district is composed

of seven elected members based upon a previous enrollment of 1,000 or more, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for reduction of the membership of the board of trustees of the county school board from seven to five members, and only five school trustees may thereafter be nominated and elected at the forthcoming elections.

10. If the Superintendent of Public Instruction certifies to the county clerk that the enrollment of pupils during the preceding school year in a county school district was 1,000 or more, and the board of trustees of the county school district is composed of five elected members, the board of county commissioners shall alter the school trustee election areas or change the number of trustees to be elected from the areas, or the manner of their nomination and election, as may be necessary to provide for increasing the membership of the board of trustees of the county school district from five to seven members, and two additional school trustees must thereafter be nominated and elected at the forthcoming elections.

11. The provisions of subsection 10 do not apply in a school district in which the pupil enrollment during the preceding school year was 1,000 or more but less than 1,500, and in which the board of trustees of the school district has adopted a resolution specifying that the board will consist of five members.

Sec. 48. NRS 386.225 is hereby amended to read as follows:

386.225 1. Election districts created pursuant to NRS 386.205 may be constructed so that the:

(a) Voters in each election district elect a trustee to represent them; or

(b) Trustees are elected by all of the voters in the county school district.

➥ In either case, each trustee must be a resident of the election district which he or she represents throughout his or her term of office ~~,~~ ***and registered to vote in the election district.***

2. The board of trustees shall adopt a resolution, after a public hearing on the matter, determining whether each trustee will be elected solely by the voters in the election district of the trustee or all of the voters in the county school district.

Sec. 49. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for election to the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

3. Be registered to vote in the county school district required for the office for which he or she seeks election.

Sec. 50. NRS 396.040 is hereby amended to read as follows:

396.040 1. The Board of Regents consists of 13 members elected by the registered voters within the districts described in the shapefile adopted by NRS 396.047.

2. The members of the Board of Regents must be elected as follows:

(a) At the general election in 2002, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 2, 3, 5 and 10.

(b) At the general election in 2004, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 6, 7, 8, 11 and 13.

(c) At the general election in 2006, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 1, 4, 9 and 12.

3. Each member of the Board of Regents must be a resident of the district from which the member is elected ~~[.]~~ ***and registered to vote in the district.***

Sec. 51. NRS 450.070 is hereby amended to read as follows:

450.070 1. Except in counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees for the public hospital consists of five trustees, who must:

(a) Be residents of the county or counties concerned.

(b) ***Be registered to vote in the county or counties concerned.***

(c) Be elected as provided in subsection 2.

2. In any county:

(a) Whose population is less than 100,000, hospital trustees must be elected for terms of 4 years in the same manner as other county officers are elected.

(b) Whose population is 100,000 or more but less than 700,000, hospital trustees must be elected from the county at large for terms of 4 years.

Sec. 52. NRS 474.070 is hereby amended to read as follows:

474.070 1. Except as otherwise provided in subsection 2, when, pursuant to the provisions of NRS 474.040, 474.050 and 474.060, the boundaries of the proposed district are defined and established by the board, the board of county commissioners shall make an order dividing the proposed district into three or five divisions as nearly equal in size as practicable. The divisions must be numbered consecutively and constitute election precincts for the district.

2. When or after the boundaries of a district are established, the board of county commissioners may provide for the election of three or five directors at large, without precincts.

3. If precincts are created, each director must be ~~[a]~~ ***:***

(a) A resident of the election precinct for which the director is elected ***;***

(b) Registered to vote in the election precinct for which the director is elected; and ~~[must be elected]~~

(c) Elected at large by the district.

Sec. 53. NRS 474.145 is hereby amended to read as follows:

474.145 1. If a vacancy occurs on the board of directors of a county fire protection district, the remaining directors shall fill the vacancy by appointing a qualified elector ***who is registered to vote in the district*** to serve during the rest of the term and until his or her successor is elected and qualified.

2. If the remaining directors fail or refuse to appoint a new director within 30 days after the vacancy occurs, the board of county commissioners shall appoint a person to fill the vacancy.

Sec. 54. NRS 539.045 is hereby amended to read as follows:

539.045 1. Upon making an order granting the prayer of the petition as provided in NRS 539.043, the board of county commissioners shall by further order entered upon its record submit to the qualified electors of the proposed district at the next primary or general election the question of whether that district shall be organized pursuant to the provisions of this chapter, and by that order shall submit the names of one or more persons from each of the divisions of the district to be voted for as directors of the district.

2. One director must be elected from each division by the qualified electors of the district and be a qualified elector of the district and holder of title, or evidence of title as prescribed in NRS 539.020 and 539.023, to land within the division from which the director is elected.

3. A candidate for election to the office of director must be registered to vote in the district from which the director is elected.

Sec. 55. NRS 539.367 is hereby amended to read as follows:

539.367 1. One local director shall hold office until his or her successor is elected at the next biennial district election and qualifies, and the other local director shall hold office until his or her successor is elected at the second biennial district election after his or her appointment and qualifies.

2. The terms of such local directors shall be determined by lot, and their successors shall be elected for 4-year terms at the biennial elections.

3. The two local directors, with the director of the district from the division, shall constitute the local board of such division.

4. The directors of the district shall fill any vacancy in the office of local director of a division by the appointment of a qualified elector from the division in which the vacancy occurs ~~.~~ ***who is registered to vote in the division.***

Sec. 56. NRS 548.225 is hereby amended to read as follows:

548.225 1. If the Commission determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, the Commission shall appoint five supervisors to act as the governing body of the district until the time of the election of five supervisors by the qualified electors of the district, at which time such appointments shall be terminated. The number of supervisors elected to 2-year and 4-year terms shall correspond to the respective numbers so elected in all other districts at that particular election.

2. ***A candidate for the office of supervisor must be registered to vote in the district from which the supervisor is elected.***

3. The five supervisors appointed by the Commission shall be persons who are by training and experience qualified to perform the specialized, skilled services which will be required of them in the performance of their duties hereunder.

Sec. 57. Section 5 of the Charter of Boulder City is hereby amended to read as follows:

Section 5. Qualifications.

1. No person shall be eligible for the office of Council Member or Mayor unless he or she is a qualified elector of Boulder City **,** ~~[and]~~ has been a resident of the City for at least 2 years immediately prior to the election in which he or she is a candidate ~~[.]~~ ***and is registered to vote in the City.*** He or she shall hold no other elective public office, but he or she may hold a commission as a notary public or be a member of the Armed Forces reserve. No employee of the City or officer thereof, excluding City Council Members, receiving compensation under the provisions of this Charter or any City ordinance, shall be a candidate for or eligible for the office of Council Member or Mayor without first resigning from City employment or City office. (Add. 8; Amd. 1; 6-7-1977; Add. 17; Amd. 1; 11-5-1996)

2. If a Council Member or the Mayor ceases to possess any of the qualifications enumerated in subsection 1 or is convicted of a felony, or ceases to be a resident of the City, his or her office shall immediately become vacant. (1959 Charter) (Add. 17; Amd. 1; 11-5-1996)

Sec. 58. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3549, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member must be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as otherwise provided in sections 5.010 and 5.120.

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary must not be increased or diminished during the term of the recipient.

Sec. 59. Section 2.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 58, Statutes of Nevada 2007, at page 142, is hereby amended to read as follows:

Sec. 2.010 Board of Council Members: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a Board of Council Members consisting of four Council Members and a Mayor.

2. The Mayor and Council Members must be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The Mayor and Council Members first holding office under this Charter shall each receive a monthly salary of $35 during the terms for which they were elected, selected or appointed. Thereafter, subject to the provisions of subsection 5 of section 2.090, the Mayor and Council Members shall receive a salary in an amount fixed by the Board of Council Members.

Sec. 60. Section 2.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 52, Statutes of Nevada 2023, at page 239, is hereby amended to read as follows:

Sec. 2.010 Board of Supervisors: Qualifications; election; term of office.

1. The legislative power of Carson City is vested in a Board of Supervisors consisting of five Supervisors, including the Mayor.

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within Carson City.

(c) Registered to vote in Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents, except that changes effected in the boundaries of a ward pursuant to the provisions of section 1.060 do not affect the right of any elected Supervisor to continue in office for the term for which he or she was elected.

(d) Registered to vote in the ward which he or she represents.

4. All Supervisors, including the Mayor, must be voted upon by the registered voters of Carson City at large and shall serve for terms of 4 years. Each term of office:

(a) Begins at midnight on the first Monday in January following the general election; and

(b) Ends at 11:59 p.m. on the day immediately preceding the first Monday in January following the general election.

Sec. 61. Section 4.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 96, Statutes of Nevada 1997, at page 182, is hereby amended to read as follows:

Sec. 4.030 Municipal Court: Judges.

1. The justices of the peace of Carson City are ex officio judges of the Municipal Court of Carson City which consists of at least two departments.

2. The Board of Supervisors may by ordinance establish a third department of the Municipal Court. The judge of this department must be:

(a) A resident of Carson City for a continuous 6-month period immediately preceding his or her election.

(b) A qualified elector.

(c) Registered to vote in Carson City.

3. If a third department of the Municipal Court is established, the municipal judge elected for that department serves for a term of 6 years.

4. The Board may appoint a municipal judge for a part-time or temporary position. The Board shall establish the hours of service for this position.

5. The salary of the judges of the Municipal Court must be fixed by the Board and be paid in the same manner as provided for other elected officers.

Sec. 62. Section 2.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1002, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four members and the Mayor.

2. The members of the City Council must be:

(a) Bona fide residents of the City for at least 2 years before their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All members of the City Council must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The members of the City Council must receive a salary in an amount fixed by the City Council.

Sec. 63. Section 3.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 51, Statutes of Nevada 2001, at page 461, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the City for at least 2 years before his or her election.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. The Mayor shall:

(a) Serve as ex officio President of the City Council and preside over its meetings.

(b) Serve as the Chief Executive Officer of the City.

(c) Be recognized as the head of the City Government for all ceremonial purposes.

(d) Perform such emergency duties as may be necessary for the health, welfare and safety of the City.

(e) Perform such other duties, except administrative duties assigned by the City Council to the City Manager, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

3. The City Council shall elect one of its members to be the Mayor pro tempore who:

(a) Holds such office and title, without additional compensation, during the term for which he or she was elected.

(b) Must perform the duties of Mayor during the absence or disability of the Mayor.

(c) Must act as Mayor until the next municipal election if the office of Mayor becomes vacant.

Sec. 64. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3551, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of one Council Member from each ward and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

(d) Registered to vote in the ward which he or she represents.

4. All Council Members, including the Mayor, except as otherwise provided in sections 5.020 and 5.120, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 65. Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Council Members: Qualifications; terms of office; salary.

1. The Mayor must be ~~[a]~~ ***:***

(a) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days

immediately before the last day for filing a declaration of candidacy for that office ***;***

(b) Registered to vote in the City; and ~~[be elected]~~

(c) Elected by the registered voters of the City at large.

2. Each Council Member must be ~~[a]~~ ***:***

(a) A qualified elector who has resided within the ward which he or she represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his or her office ***;***

(b) Registered to vote in the ward which he or she represents; and ~~[be elected]~~

(c) Elected by the registered voters of that ward.

3. The Mayor or any Council Member automatically forfeits the remainder of his or her term of office and that office becomes vacant if he or she ceases to be a resident of the City or of the ward which he or she represents, as the case may be.

4. The respective salaries of the Mayor and Council Members must be fixed by ordinance.

Sec. 66. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3557, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) ***Registered to vote in the City.***

(d) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on:

(a) If the general municipal election is held in an odd-numbered year, July 1 of each year of a general municipal election.

(b) If the general municipal election is held in an even-numbered year, January 1 of the year following the general municipal election.

4. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

5. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

6. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 67. Section 2.010 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1869, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council members.

2. Each Council member must be elected at large and without respect to the location of his or her residence, as long as the residence is within the city limits of the City of Mesquite.

3. Each Council member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

4. All Council members must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.

5. The Council members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Council members and becomes effective during the term for which they have been elected or appointed.

Sec. 68. Section 3.010 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1880, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties; election; term of office; salary; Mayor pro tempore.

1. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. The Mayor:

(a) Shall preside over the meetings of the City Council, but may not vote except in the case of breaking a tie vote. While presiding over a meeting, the Mayor shall preserve order and decorum among the members and enforce the rules of the City Council and determine the order of business, subject to those rules and appeal to the City Council, or as provided by ordinance.

(b) Must be recognized as the official head of the City Government for all ceremonial purposes and for the performance of all duties lawfully delegated to the Mayor by this Charter, by action of the City Council or by any law.

(c) Has the authority to declare emergencies as necessary to protect the general health, welfare and safety of the City. Any such declaration of emergency:

(1) May include a provision authorizing the Mayor to act as the chief executive officer of all affairs of the City during the emergency; and

(2) Must be reviewed by the City Council at its next meeting.

(d) Shall provide an annual address to the City Council during the first quarter of each year relating to the state of the City, and recommend such measures as the Mayor may deem beneficial to the City.

(e) Shall take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose the Mayor may, if the City is not participating in a metropolitan police department, appoint extra police officers temporarily and use and command the police force. If the City is participating in a metropolitan police department, the Mayor may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, the Mayor shall call upon the Governor for military aid in the manner provided by law.

(f) Shall sign all licenses and warrants and claims against the City.

(g) May, subject to ratification by the City Council:

(1) Appoint himself or herself or any member of the City Council to, or remove himself or herself or any member of the City Council from, any board, commission or advisory agency if the Mayor or Council member is granted a seat on the board, commission or advisory agency because of his or her elective office; or

(2) Appoint a person whom the City Council determines to be qualified to fill the seat of any person granted a seat pursuant to subparagraph (1) or remove such a qualified person from that seat.

(h) Shall, with the advice and consent of the City Council, appoint the City Manager and City Attorney.

(i) May propose ordinances, resolutions and proclamations that the City Council shall consider.

(j) Shall perform such other duties as the City Council prescribes by ordinance.

3. The Mayor may exercise the right of veto upon all matters passed by the City Council, but has no power to exercise a line-item veto. To pass any matter receiving the Mayor's veto requires a four-fifths vote of the City Council.

4. No resolution or contract requiring the payment of money approved by the City Council or any ordinance may go into force or have any effect until approved in writing by the Mayor or his or her authorized designee, unless passed over the Mayor's veto. If the Mayor does not approve the resolution, contract or ordinance so submitted, the Mayor shall, within 5 days after the receipt thereof, return it to the City Clerk with his or her reasons in writing for not approving it. If the Mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the Mayor.

5. Any of the duties set forth in:

(a) Subsection 2 or 4, other than the duties set forth in paragraph (c) or (f) of subsection 2, may be delegated to the Mayor pro tempore by the Mayor administratively or in instances of abstention during an official meeting.

(b) Paragraph (c) or (f) of subsection 2 may be delegated to the City Manager by the Mayor administratively.

6. The Mayor:

(a) Must be voted upon by the registered voters of the City at large and shall serve for a term of 4 years.

(b) Is entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor during the term for which he or she has been elected.

7. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he or she was elected.

(b) Perform the duties of Mayor during the absence or disability of the Mayor.

(c) Act as Mayor until the City Council appoints a Mayor, if the office of Mayor becomes vacant.

Sec. 69. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3561, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

(c) Must be registered to vote in the ward which he or she represents.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 70. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 584, Statutes of Nevada 2017, at page 4198, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Council Members and a Mayor.

2. The Mayor and Council Members must be qualified electors within the City ~~,~~ ***and registered to vote in the City or ward which he or she represent, as applicable.*** Each Council Member elected from a ward must continue to live in that ward for as long as he or she represents the ward.

3. The Mayor represents the City at large and one Council Member represents each ward. The Mayor and Council Members serve for terms of 4 years.

4. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 71. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 163, Statutes of Nevada 2015, at page 772, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada ***,*** ~~[and]~~ a qualified elector within the City ~~[.]~~ ***and registered to vote in the City.*** Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as are designated by ordinance;

(b) Be present at all meetings of the City Council;

(c) Be counsel for the Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

3. The City Attorney is entitled to receive a salary as fixed by resolution of the City Council.

4. As he or she requires in the discharge of the duties of his or her office, the City Attorney may:

(a) Appoint and remove any professional and paraprofessional legal staff, including, without limitation, attorneys, paralegals, investigators, an office administrator and an executive assistant. Professional and paraprofessional legal staff must not be Civil Service employees.

(b) Appoint and remove clerical staff, including, without limitation, management assistants, legal secretaries and advocates. Clerical staff must not be Civil Service employees.

5. The Council may appropriate such an amount of money as it deems proper to compensate the professional and paraprofessional legal staff and clerical staff appointed by the City Attorney pursuant to subsection 4.

6. Any attorney or paralegal who is employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 72. Section 4.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1828, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

(a) An attorney licensed to practice law in the State.

(b) A qualified elector within the City.

(c) Registered to vote in the City.

2. A Municipal Judge shall not engage in the private practice of law.

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

(b) Uniform for all judges in the Municipal Court.

Sec. 73. Section 2.010 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 59, Statutes of Nevada 2007, at page 144, is hereby amended to read as follows:

Sec. 2.010 Board of Council Members: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a Board of Council Members consisting of four Council Members and a Mayor.

2. The Mayor and Council Members must be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

(c) Registered to vote in the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.010, shall serve for terms of 4 years.

4. The Mayor and Council Members shall receive a salary in an amount fixed by the Board of Council Members.

Sec. 74. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3564, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members must be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

(c) Registered to vote in the City.

3. All Council Members must be voted upon by the registered voters of the City at large and, except as otherwise provided in sections 5.010 and 5.110, shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 75. Section 3.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties.

1. The Mayor shall be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector in the City.

(c) Registered to vote in the City.

2. The Mayor shall:

(a) Serve as the Chief Executive and Administrative Officer of the City.

(b) Preside over the meetings of the City Council. He or she shall not be entitled to vote on any matter before the Council except in case of a tie.

(c) Have the right of veto on any matter passed by the City Council. A three-fourths vote of the Council is necessary to override such veto.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 76. Section 6 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2001, at page 991 is hereby amended to read as follows:

Sec. 6. 1. Each member of the Board must:

(a) Actually, as opposed to constructively, reside in the election area represented for at least 30 days immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;

(b) Be a qualified elector of the election area represented;

(c) Be registered to vote in the election area represented; and

~~[(c)]~~ ***(d)*** Take office upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy on the Board must be filled by an appointment made by the remaining members of the Board. The person so appointed must be, for the 30 days immediately preceding the date of appointment, a resident and elector of the election area represented, and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve until the first Monday in January following the next general district election. If that general district election precedes the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general district election in the same manner as prescribed for the election of other members of the Board. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 77. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 353, Statutes of Nevada 2013, at page 1849 is hereby amended to read as follows:

Sec. 7. 1. Each member of the Board must:

(a) Reside in the geographical area represented, or if the Board has established various election areas, the election area represented, for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the geographical area represented or the election area represented;

(c) Be registered to vote in the geographical area represented or the election area represented; and

~~[(c)]~~ ***(d)*** Take office upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than $10,000, which bond must guarantee the faithful performance of the duties of the member.

3. A vacancy in the office of a member of the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the geographical area represented, or if the Board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

Sec. 78. 1. The amendatory provisions of this act do not apply to a person who, on October 1, 2025, holds an elected office in this State.

2. Notwithstanding the provisions of subsection 1, the amendatory provisions of this act apply to every person who, after October 1, 2025, files a declaration of candidacy for any elected office in this State other than federal office.

Sec. 79. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 639 to Assembly Bill No. 491.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 497.

The following Senate amendment was read:

Amendment No. 642.

AN ACT relating to campaign finance; authorizing a committee for political action to use money in its campaign finance account for certain purposes; ~~[clarifying]~~ **providing** that ~~[nonprofit]~~ **a labor union and certain business** organizations ~~[or]~~ **and** corporations are not a committee for political action for purposes of campaign finance requirements; revising provisions relating to the

disposal of unspent campaign contributions; **requiring certain persons that are not committees for political action to report certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every committee for political action to, not later than 1 week after receiving contributions the sum of which, in the aggregate is $1,000 or more, open and maintain a separate account in a financial institution located in the United States for the deposit of any contributions received. (NRS 294A.130) **Section 1** of this bill authorizes a committee for political action to use money in the account for certain purposes.

Existing law provides that, except in certain circumstances, certain corporations and other business organizations as well as labor unions are excluded from the definition of a "committee for political action." (NRS 294A.0055) Section 2 of this bill revises the definition of a "committee for political action" to exclude from the definition **: (1)** any nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States ~~[.]~~ **; (2) all individual corporations and business organizations that have filed certain organizational information with the Secretary of State; and (3) all labor unions.**

Existing law requires certain persons, committees and political parties to report certain independent expenditures or other expenditures. (NRS 294A.210) Section 3.5 of this bill requires any entity excluded from the definition of "committee for political action" pursuant to section 2 that makes certain expenditures in excess of $1,000 to report such expenditures.

Existing law governs the disposition of unspent campaign contributions by a candidate or former public officer. Under existing law, a candidate who is elected to office may use unspent contributions in the candidate's next election, but a candidate who is defeated is required to dispose of unspent contributions. (NRS 294A.160) **Section 3** of this bill authorizes a candidate who is defeated to use unspent contributions in the candidate's next election. If, within 4 years, such a candidate doesn't file a declaration of candidacy or appear on an official ballot at any election, **section 3** requires the defeated candidate to dispose of unspent contributions.

Existing law authorizes certain former public officers who resigned or did not run for reelection to use unspent contributions in a future election. In such a circumstance, existing law requires such unspent contributions to be disposed of within 4 years if the former public officer does not file a declaration of candidacy or appear on the ballot. (NRS 294A.160) **Section 3** of this bill instead requires any former public officer to dispose of unspent contributions not later than 15 days after the 4-year period immediately following leaving office.

Section 4 of this bill requires any candidate who was defeated and any former officer who resigned or did not run for reelection who have unspent

contributions, and for whom the time period in which he or she is required to dispose of such contributions has yet to expire, to dispose of such contributions not later than ~~[4 years from the effective date of this bill.]~~ **October 1, 2029.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

A committee for political action may use money in the separate account opened and maintained pursuant to subsection 3 of NRS 294A.130 to:

1. Subject to the limitations set forth in NRS 294A.100, make a contribution to a candidate;

2. Make a contribution to a legal defense fund;

3. Make a contribution to a nonprofit corporation;

4. Make a contribution to another committee for political action;

5. Make a contribution to a committee for the recall of a public officer;

6. Make a contribution to a political party or a committee sponsored by a political party; or

7. Make any expenditure, including, without limitation, an independent expenditure.

Sec. 2. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means:

(a) Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(1) Makes or intends to make contributions to candidates or other persons; or

(2) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary election, general election, special election or question on the ballot.

(b) ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** business or social organization, corporation, partnership, association, trust ~~[,]~~ ***or*** unincorporated organization ***:*** ~~[or labor union.]~~

(1) Which has as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot and for that purpose receives contributions in excess of $1,500 in a calendar year or makes expenditures in excess of $1,500 in a calendar year; or

(2) Which does not have as its primary purpose affecting the outcome of any primary election, general election, special election or any question on the ballot, but for the purpose of affecting the outcome of any election or question on the ballot receives contributions in excess of $5,000 in a calendar year or makes independent expenditures in excess of $5,000 in a calendar year.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) ~~[Except as otherwise provided in paragraph (b) of subsection 1, an]~~ ***An*** individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) ~~[Except as otherwise provided in paragraph (b) of subsection 1, a]~~ ***A*** labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

(h) A major or minor political party or any committee sponsored by a major or minor political party.

(i) Any nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States.

Sec. 3. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Except as otherwise provided in ~~[subsection 5,]~~ ***this section,*** every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of

whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) If the candidate was elected to the office of a Legislator, another member of the Legislature who is authorized to solicit or accept contributions pursuant to NRS 294A.117;

(3) A political party; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy ~~[,]~~ ***or*** is removed from the ballot by court order ~~[or is defeated for or otherwise not elected to that office]~~ and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to NRS 294A.115.

6. Every candidate for office who withdraws after filing a declaration of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than

the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

7. Except ~~[for a former public officer who is subject to the provisions of subsection 11, every person who qualifies as a]~~ ***as otherwise provided in this subsection, every*** candidate ~~[by receiving one or more qualifying contributions in excess of $100 but who,]~~ ***who appears on the ballot but is defeated at a primary election or general election may use unspent contributions in the candidate's next election. Such a candidate is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the candidate has unspent contributions. If,*** within 4 years ~~[after the date of receiving the first of those qualifying contributions,]~~***,*** ***the candidate*** does not:

(a) File a declaration of candidacy; or

(b) Appear on an official ballot at any election,

➥ ***the candidate*** shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

8. ~~[Except as otherwise provided in subsection 9, every]~~ ***Every former*** public officer who ~~[~~:

~~(a) Does not run for reelection to the office which he or she holds;~~

~~(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has]~~ ***has*** contributions that are not spent or committed for expenditure remaining from a previous election ~~[~~,

➥~~]~~ shall, not later than ~~[the 15th day of the second month]~~ ***15 days*** after ~~[the expiration of the public officer's term of]~~ ***the 4-year period immediately following leaving*** office, dispose of those contributions in the manner provided in subsection 4.

9. ~~[Every public officer who:~~

~~(a) Resigns from his or her office;~~

~~(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,~~

~~➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.~~

~~10. Except as otherwise provided in subsection 11, every public officer who:~~

~~(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;~~

~~(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and~~

~~(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,~~

~~➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.~~

~~11. Every former public officer described in subsection 10 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:~~

~~(a) File a declaration of candidacy; or~~

~~(b) Appear on an official ballot at any election,~~

~~➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.~~

~~12.~~] In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

[~~13.~~] ***10.*** Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

[~~14.~~] ***11.*** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

[~~15.~~] ***12.*** As used in this section [~~:~~

~~(a) "Contribution"~~] ***, "contribution"*** includes, without limitation, any interest and other income earned on a contribution.

[~~(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 3 of NRS 294A.005.~~]

Sec. 3.5. **NRS 294A.210 is hereby amended to read as follows:**

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of $1,000; [~~and~~]

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of $1,000 or makes an expenditure for or against a candidate for office or a group of such candidates [~~.~~] ***; and***

(c) Every person that makes expenditures in excess of $1,000 designed to affect the outcome of any primary election, general election or special election or question on the ballot and that is:

(1) An individual corporation or other business organization that has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS;

(2) A nonprofit organization or nonprofit corporation duly organized under federal law or under the laws of this State, any other state, the District of Columbia or any territory of the United States; or

(3) A labor union.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or

other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

➥ report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(b) Insufficient pursuant to chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of $1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000.

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in

excess of $1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed $1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 4. Any former public officer who on October 1, 2025, has unspent contributions pursuant to the former provisions of subsections 7 to 11, inclusive, of NRS 294A.160 as that section existed on September 30, 2025, shall dispose of such unspent contributions pursuant to NRS 294A.160, as amended by section 3 of this act, not later than October 1, 2029.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 642 to Assembly Bill No. 497.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 496.

The following Senate amendment was read:

Amendment No. 641.

AN ACT relating to elections; requiring county and city clerks and the Secretary of State to post on the Internet certain information relating to mail ballots and provisional ballots; requiring each county clerk to post monthly on the Internet an alphabetical listing of all registered voters in the county; requiring certain information to be included on the return envelopes for mail ballots; revising provisions relating to access to information concerning provisional ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county clerk to cause to be published in a newspaper circulated in the county an alphabetical listing of all registered

voters. (NRS 293.557) **Section 3** of this bill requires, on the first business day of each month, each county clerk to publish on the Internet website of the county clerk an alphabetical listing of all registered voters in the county. **Section 3** further requires that the county clerk ensure that the alphabetical listing may be downloaded by any person free of charge. **Section 6** of this bill makes a conforming change to require the county clerk to include the identification number of a registered voter on the list required by **section 3**, similar to the inclusion of the identification number on other lists of registered voters made available for public inspection.

Existing law requires, with certain exceptions, the county or city clerk to send to each active registered voter certain information relating to voting by mail, including a mail ballot and a return envelope. (NRS 293.269913, 293C.26312) **Sections 4 and 9** of this bill require that the return envelope include ~~[: (1) the initials of the voter in print; and (2)]~~ a space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification.

Sections 2 and 8 of this bill require each county and city clerk, respectively, to post on the Internet website of the county or city clerk, as applicable, certain information relating to mail ballots and provisional ballots starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed. **Sections 2 and 8** also require the Secretary of State to post on the Internet website of the Secretary of State**: (1)** a compilation of such information ~~[.]~~ **; and (2) an estimate of the total number of mail ballots that are in the custody of the United States Postal Service. Sections 2 and 8 further require the Secretary of State to adopt by regulation the: (1) specific categories of defects in signatures that require curing by registered voters; and (2) process for reporting the information relating to provisional ballots that is required to be reported by the county and city clerks.**

Existing federal law requires that access to information about an individual provisional ballot be restricted to the individual who cast the ballot. (52 U.S.C. § 21082) Existing state law requires that access to information concerning a provisional ballot be restricted to the person who cast the ballot. (NRS 293.3086, 293.5882) **Sections 5 and 7** of this bill revise these provisions to specify that access to information concerning an individual provisional ballot must be restricted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed, not later than*** ~~***[5 p.m.]***~~ ***11 a.m. on each day:***

(a) ~~[Each]~~ Except as otherwise provided in subsection 3, each county clerk shall post on the Internet website of the county clerk ~~[:]~~ the following information for the previous day:

(1) The total number of mail ballots for the county that have been returned to a ballot drop box;

(2) The total number of mail ballots for the county that have been returned by the United States Postal Service or other delivery service;

(3) The total number of mail ballots for the county that require registered voters to cure signature defects;

(4) For each mail ballot that requires the curing of a signature defect:

(I) The name of the registered voter; and

(II) The specific category of defect with the signature;

(5) The total number of mail ballots for the county for which registered voters have cured signature defects;

(6) The total number of provisional ballots for the county cast pursuant to NRS 293.3078 to 293.3086, inclusive ; ~~[, that:~~

~~(I) Have been counted; and~~

~~(II) Have not been counted;]~~ and

(7) The total number of provisional ballots for the county cast pursuant to NRS 293.5772 to 293.5887, inclusive ; ~~[, that:~~

~~(I) Have been counted; and~~

~~(II) Have not been counted;]~~ and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the counties.

2. Starting on the day after election day and ending on the day after the election results are canvassed, not later than ~~[5 p.m.]~~ 11 a.m. on each day:

(a) ~~[Each]~~ Except as otherwise provided in subsection 3, each county clerk shall post on the Internet website of the county clerk ~~[:]~~ the following information for the previous day:

(1) ~~[The total number of mail ballots for the county that are in the custody of the United States Postal Service;~~

~~(2)]~~ The total number of mail ballots for the county that are in the custody of the county clerk;

~~[(3)]~~ (2) The total number of mail ballots for the county that have been counted by the county clerk but have not been tabulated;

~~[(4)]~~ (3) The total number of mail ballots for the county that have been counted and tabulated by the county clerk;

~~[(5)]~~ (4) The total number of mail ballots for the county that were treated as provisional ballots pursuant to NRS 293.269915 and for which the voter has subsequently provided the required identification to the county clerk; and

~~[(6)]~~ (5) The total number of provisional ballots for the county that were cast pursuant to subsection 2 of NRS 293.3081 and for which the voter

has subsequently provided the required identification to the county clerk; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State ~~[, a]~~ :

(1) A compilation of the information required pursuant to paragraph (a) for all the counties ~~[.]~~ ; and

(2) An estimate of the total number of mail ballots for each county that are in the custody of the United States Postal Service.

3. If extenuating circumstances prevent a county clerk from reporting any information required pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, the county clerk shall post on the Internet website of the county clerk:

(a) An estimate of the time at which the county clerk will be able to post such information; and

(b) The dates for which such information is relevant.

4. The Secretary of State shall adopt by regulation the ~~[specific]~~ :

(a) Specific categories of defects in signatures that require curing by registered voters pursuant to NRS 293.269927 ~~[.]~~ ; and

(b) Process for reporting the information relating to provisional ballots that is required to be reported pursuant to this section.

Sec. 3. ***1. On the first business day of each month, each county clerk shall publish on the Internet website of the county clerk an alphabetical listing of all registered voters in the county.***

2. The county clerk shall ensure that the alphabetical listing on the Internet website may be downloaded by any person free of charge.

Sec. 4. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation ~~[:~~***

~~(1) The initials of the voter in print; and~~

~~(2) A]~~ , a space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293.3086 is hereby amended to read as follows:

293.3086 1. The Secretary of State shall establish a free access system such as a toll-free telephone number or an Internet website to inform a person who cast a provisional ballot whether the person's vote was counted and, if the vote was not counted, the reason why the vote was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning ~~[a]~~ ***an individual*** provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 6. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542 ~~[.]~~ ***or section 3 of this act.***

2. The county or city clerk shall not disclose:

(a) The social security number or the driver's license or identification card number of a registered voter, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county or city clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542 ~~[.]~~ ***or section 3 of this act.***

4. No information relating to a registered voter may be withheld from the public other than:

(a) The address and telephone number of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of the registered voter; and

(d) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 7. NRS 293.5882 is hereby amended to read as follows:

293.5882 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning ~~[a]~~ ***an individual*** provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 8. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Starting on the day after the period of early voting by personal appearance begins and ending on the day after the election results are canvassed, not later than ~~[5 p.m.]~~ 11 a.m. on each day:

(a) ~~[Each]~~ Except as otherwise provided in subsection 3, each city clerk shall post on the Internet website of the city clerk ~~[,]~~ the following information for the previous day:

(1) The total number of mail ballots for the city that have been returned to a ballot drop box;

(2) The total number of mail ballots for the city that have been returned by the United States Postal Service or other delivery service;

(3) The total number of mail ballots for the city that require registered voters to cure signature defects;

(4) For each mail ballot that requires the curing of a signature defect:

(I) The name of the registered voter; and

(II) The specific category of defect with the signature;

(5) The total number of mail ballots for the city for which registered voters have cured signature defects;

(6) The total number of provisional ballots for the city cast pursuant to NRS 293.3078 to 293.3086, inclusive ; ~~[, that:~~

~~(I) Have been counted; and~~

~~(II) Have not been counted;]~~ and

(7) The total number of provisional ballots for the city cast pursuant to NRS 293.5772 to 293.5887, inclusive ; ~~[, that:~~

~~(I) Have been counted; and~~

~~(II) Have not been counted;]~~ and

(b) The Secretary of State shall post on the Internet website of the Secretary of State, a compilation of the information required pursuant to paragraph (a) for all the cities.

2. Starting on the day after election day and ending on the day after the election results are canvassed, not later than ~~[5 p.m.]~~ 11 a.m. on each day:

(a) ~~[Each]~~ Except as otherwise provided in subsection 3, each city clerk shall post on the Internet website of the city clerk ~~[:]~~ the following information for the previous day:

(1) ~~[The total number of mail ballots for the city that are in the custody of the United States Postal Service;~~

~~(2)]~~ The total number of mail ballots for the city that are in the custody of the city clerk;

~~[(3)]~~ (2) The total number of mail ballots for the city that have been counted by the city clerk but have not been tabulated;

~~[(4)]~~ (3) The total number of mail ballots for the city that have been counted and tabulated by the city clerk;

~~[(5)]~~ (4) The total number of mail ballots for the city that were treated as provisional ballots pursuant to NRS 293C.26314 and for which the voter has subsequently provided the required identification to the city clerk; and

~~[(6)]~~ (5) The total number of provisional ballots for the city that were cast pursuant to subsection 2 of NRS 293.3081 and for which the voter has subsequently provided the required identification to the city clerk; and

(b) The Secretary of State shall post on the Internet website of the Secretary of State ~~[, a]~~ :

(1) A compilation of the information required pursuant to paragraph (a) for all the cities ~~[.]~~ ; and

(2) An estimate of the total number of mail ballots for each city that are in the custody of the United States Postal Service.

3. If extenuating circumstances prevent a city clerk from reporting any information required pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, the city clerk shall post on the Internet website of the city clerk:

(a) An estimate of the time at which the city clerk will be able to post such information; and

(b) The dates for which such information is relevant.

4. The Secretary of State shall adopt by regulation the ~~[specific]~~ :

(a) Specific categories of defects in signatures that require curing by registered voters pursuant to NRS 293C.26327 ~~[.]~~ ; and

(b) Process for reporting the information relating to provisional ballots that is required to be reported pursuant to this section.

Sec. 9. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation ~~[:~~***

~~(1) The initials of the voter in print; and~~

~~(2) A]~~ , a space for the voter to write his or her telephone number for purposes of contacting the voter, if necessary, for signature curing or verification;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved that the Assembly concur in Senate Amendment No. 641 to Assembly Bill No. 496.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 133.

The following Senate amendment was read:

Amendment No. 621.

AN ACT relating to public financial administration; revising the hours the office of the county treasurer is required to be kept open; requiring certain money from the sale of property for delinquent taxes to be accounted for separately in a county general fund and used to pay for the acquisition and improvement of technology used in the office of the county treasurer; revising the contents of a notice of delinquent taxes; revising provisions relating to certain property held in trust by a county treasurer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, subject to certain exceptions, sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers to keep open the county office and branch offices, if any, on all days except Sundays and nonjudicial days from 9 a.m. to 12 p.m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. Existing law also authorizes the board of county commissioners of any county to designate or authorize deviation from the days and hours, but requires each office to be kept open for not less than 40 hours during each week. (NRS 245.040) Existing law establishes that the county treasurers are tax receivers for the county. (NRS 361.475) **Section 1** of this bill provides that the county office and branch offices, if any, of the county treasurer must not close earlier than 5 p.m. **on any business day** but may close later than 5 p.m.

Existing law requires the tax receiver of a county to mail notice of delinquent taxes to certain persons. The notice of delinquency must state certain

information, including that if the amount of delinquent taxes is not paid, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property. (NRS 361.5648) **Section 2** of this bill provides instead that the notice of delinquency must state that if the amount of delinquent taxes is not paid, the tax receiver will, at the close of business of the tax receiver of the county on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property.

Existing law requires the tax receiver to make out a trustee's certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The trustee's certificate authorizes the county treasurer to hold each property for a certain period of time. (NRS 361.570) When the time allowed by law for the redemption of a property described in the certificate has expired and no redemption has been made, the tax receiver who issued the certificate is required to execute and deliver to the county treasurer a deed of the property. Upon obtaining such a deed, the county treasurer is required to hold the property in trust until it is sold or otherwise disposed of. Existing law provides that during certain periods or not later than 5 p.m. on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs. (NRS 361.585) **Section 3** of this bill provides instead that during certain periods or not later than the close of business of the county treasurer on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs.

Existing law authorizes, under certain circumstances, the county treasurer to sell property held in trust because of delinquent taxes. Upon payment, the county treasurer is required, with certain exceptions, to issue a quitclaim deed to the purchaser. Existing law provides an exception to this requirement to issue a quitclaim deed under certain circumstances, if, not later than 5 p.m. on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements. (NRS 361.595) **Section 4** of this bill provides instead that, under certain circumstances, the county treasurer may not issue the quitclaim deed if, not later than the close of business of the county treasurer on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements.

Under existing law, if the county treasurer sells property held in trust because of delinquent taxes, the county treasurer is required to pay certain costs and taxes from the excess proceeds from the sale and then pay into the county general fund: (1) the first $300 of the excess proceeds; (2) 10 percent of the next $10,000 of the excess proceeds; and (3) the amount remaining to be held separately for a certain period of time, and if not claimed by certain

persons who had a secured interest in the property, then into the county general fund. (NRS 361.610) **Section 5** of this bill provides that of the amount remaining to be held separately for a certain period of time, and if not claimed, 5 percent of the total amount remaining must be accounted for separately in the county general fund pursuant to **section 1.5** of this bill. The money in the account is only authorized to be used to acquire technology or improve technology used in the office of the county treasurer. **Section 1.5** also requires the county treasurer to submit an annual report to the board of county commissioners by July 1 setting forth the projected expenditure of money in the account for the following fiscal year. **Section 1.5** also authorizes a board of county commissioners to revert 50 percent of any balance of unexpended or unencumbered money after 3 years.

Existing law sets forth certain procedures allowing a person to make a claim for the excess proceeds from the sale by the county treasurer of property held in trust because of delinquent taxes, including, without limitation, requiring certain indeterminable claims to be submitted to mediation, and if mediation is unsuccessful, then requiring the county treasurer to conduct a hearing or file an action for interpleader. (NRS 361.610) **Section 5** eliminates conducting a hearing as a method for determining certain indeterminable claims, instead requiring the county treasurer to file an action for interpleader following any unsuccessful mediation. Existing law authorizes a person to enter into an agreement to locate, deliver, recover or assist in the recovery of excess proceeds by certain persons. However, if the agreement is entered into by a natural person who occupied the property as his or her primary residence at the time of the sale, any such agreement must not provide for a fee of more than 10 percent of the remaining excess proceeds due that person. (NRS 361.610) **Section 5** removes the limitation that the property must have been occupied by a natural person as his or her primary residence at the time of sale and instead applies the 10 percent cap to the fee of: (1) any natural person; and (2) certain persons who are otherwise authorized by power of attorney, assignment or any other legal instrument by another person to file a claim with and collect from the county treasurer any property owed to the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 245.040 is hereby amended to read as follows:

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which, except as otherwise provided in subsections 3 and 4, must be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained in this subsection interferes with a duty now required of a public officer under the election laws of this State. County clerks shall keep their offices open on all election days during the hours when the polls are open for

voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the primary or general election is held.

2. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 5 and notwithstanding*** the provisions of subsection 1, the board of county commissioners of any county may, by an order regularly made and entered in the records of its proceedings, designate the days and hours during which the offices of the sheriff, county recorder and county auditor, county clerk, county assessor and county treasurer must be kept open for the transaction of public business. An order so made and entered must require each office to be kept open for not less than 40 hours during each week, and must not prevent the county clerk from closing his or her office for all purposes except election business and the issuance of marriage licenses on primary and general election days as provided in subsection 1.

3. The board of county commissioners may authorize a county officer to rent, equip and operate, at public expense, one or more branch offices in the county. The branch office may be kept open for the transaction of public business on the days and during the hours specified in subsections 1 and 2 or on such days and during such hours as determined by the board. The provisions of this subsection do not preempt any other statutory provisions which require certain duties to be performed at the county seat.

4. Any county office may deviate from the hours of operation required pursuant to this section if the board of county commissioners approves the plan for the deviation submitted by the office, except that no such deviation may conflict with the election laws of this State. Such a plan must be fiscally neutral or result in cost savings.

5. ***The board of county commissioners of any county shall not designate or approve the county office or branch offices, if any, of the county treasurer to close earlier than 5 p.m. for the transaction of business on*** ~~***[all days except Saturdays, Sundays and nonjudicial days.]***~~ ***any business day. Nothing in this subsection shall be construed to prohibit the offices from closing later than 5 p.m.***

6. A county officer who violates the provisions of this section is guilty of a misdemeanor, and if an officer mentioned in subsection 1 absents himself or herself from office, except:

(a) When called away from his or her office by official duties;

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When he or she makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed by this section and in charge of a deputy qualified to act in the county officer's absence,

➥ there must be withheld from the county officer's monthly salary that proportion thereof as the number of days of absence bears to the number of days of the month in which the absence occurs. The money must be withheld

from payment of salary to the officer for the next succeeding month by order of the board of county commissioners, but such an order must not be made without first giving the officer affected reasonable notice and an opportunity to appear before the board and defend the charge against him or her.

Sec. 1.5. Chapter 249 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any money received by the county treasurer pursuant to paragraph (a) of subsection ~~[3]~~ 4 of NRS 361.610 must be accounted for separately in the county general fund.

2. Money in the account:

(a) May only be used to acquire technology for or improve the technology used in the office of the county treasurer, including, without limitation, the payment of any costs associated with acquiring or improving technology for converting or archiving records, purchasing hardware or software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology; and

(b) Must not be used to replace or supplant any money available from other sources to acquire technology for or improve technology used in the office of the county treasurer.

3. Any money remaining in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

4. The money in the account must be invested as other county funds are invested. All interest earned on the deposit or investment of the money in the account, after deducting any applicable charges, must be credited to the account. Claims against the account must be paid as other claims against the county are paid.

5. On or before July 1 of each year, the county treasurer shall submit a report to the board of county commissioners setting forth the projected expenditure of money in the account for the following fiscal year.

6. Fifty percent of any balance of unexpended or unencumbered money remaining in the account after 3 years shall be deemed dormant and subject to transfer at the discretion of and order by a board of county commissioners pursuant to NRS 354.150.

Sec. 2. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured

property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at ~~[5 p.m.]~~ ***the close of business of the tax receiver of the county*** on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years, or within 1 year if the property is determined to be abandoned pursuant to NRS 361.567, after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 3. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his or her successor in office, shall execute and deliver to the county treasurer a deed of the property

in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his or her successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day before the day of the sale by a county treasurer, as specified in the notice required by NRS 361.595, of any property held in trust by him or her by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon the receipt by the county treasurer of payment by or on behalf of that person of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a note and deed of trust.

(c) The mortgagee under a mortgage.

(d) The creditor under a judgment.

(e) The person to whom the property was assessed.

(f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

(g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.

(h) The successor in interest of any person specified in this subsection.

(i) A municipality that holds a lien against the property.

5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 4. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Except as otherwise provided in subsection 4, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. If, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property and the requirements of NRS 361.567 were met, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 45 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

5. Except as otherwise provided in subsection 6, the county treasurer shall make, execute and deliver to any purchaser, upon payment to the county treasurer, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

6. If, not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit signed by the treasurer of the municipality stating that:

(a) The municipality sold the property or the property was stricken off to the municipality pursuant to NRS 271.560; and

(b) A certificate of sale for the property was issued to the purchaser pursuant to NRS 271.570 or to the municipality pursuant to NRS 271.560,

➥ the county treasurer may not issue the quitclaim deed described in subsection 5 unless the person who purchased the property from the county

pays to the municipality any amount owed pursuant to the certificate of sale issued pursuant to NRS 271.560 and 271.570 and the municipality provides an affidavit signed by the treasurer of the municipality stating that such amounts have been paid. If the purchaser does not pay the amount owed to the municipality within 20 days after the sale of the property by the county, the sale of the property by the county is void and the county treasurer may retain for administrative costs not more than 10 percent of the purchase amount paid by the purchaser.

7. Before delivering a deed, the county treasurer shall record the deed at the expense of the purchaser.

8. All deeds issued pursuant to this section, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property;

(b) That if, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property, the property is abandoned; and

(c) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

9. No deed may be executed and delivered by the county treasurer until he or she files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his or her return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

10. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his or her own conveyance is first recorded.

11. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 5. NRS 361.610 is hereby amended to read as follows:

361.610 1. Out of the sale price or rents of any property of which he or she is trustee, the county treasurer shall pay the costs due any officer for the enforcement of the tax upon the parcel of property and all taxes owing thereon, and upon the redemption of any property from the county treasurer as trustee, he or she shall pay the redemption money over to any officers having fees due them from the parcels of property and pay the tax for which it was sold and pay the redemption percentage according to the proportion those fees respectively bear to the tax.

2. In no case may:

(a) Any service rendered by any officer under this chapter become or be allowed as a charge against the county; or

(b) The sale price or rent or redemption money of any one parcel of property be appropriated to pay any cost or tax upon any other parcel of property than that so sold, rented or redeemed.

3. After paying all the tax and costs upon any one parcel of property, the county treasurer shall pay into the general fund of the county, from the excess proceeds of the sale:

(a) The first $300 of the excess proceeds; and

(b) Ten percent of the next $10,000 of the excess proceeds.

4. The amount remaining after the county treasurer has paid the amounts required by subsection 3 must be deposited in an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the excess proceeds within 1 year after the deed given by the county treasurer is recorded, the county treasurer shall pay ***:***

(a) Five percent of the total amount remaining into the account created by section 1.5 of this act; and

(b) The remainder of the money into the general fund of the county ***.*** ~~[, and it]~~

➥ ***Money paid*** must not thereafter be refunded to the former property owner or his or her successors in interest. All interest paid on money deposited in the ***interest-bearing*** account required by this subsection is the property of the county.

5. If a person listed in subsection 6 makes a claim in writing for the excess proceeds within 1 year after the deed is recorded, the county treasurer shall pay the claim or the proper portion of the claim over to the person if the county treasurer is satisfied that the person is entitled to it.

6. A claim for excess proceeds must be paid out in the following order of priority to:

(a) The following persons in the order of priority of the liens recorded or perfected before the sale:

(1) A person holding a valid lien under subsection 3 of NRS 444.520;

(2) Persons specified in paragraphs (b), (c), (d), (g), (h) and (i) of subsection 4 of NRS 361.585;

(3) An association, as defined in NRS 116.011, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116.31162 that has not been rescinded; and

(4) An association, as defined in NRS 116B.030, or a hotel unit owner, as defined in NRS 116B.125, that has caused to be recorded a notice of default and election to sell the property pursuant to paragraph (b) of subsection 1 of NRS 116B.635 that has not been rescinded; and

(b) Any person specified in paragraphs (a), (e) and (f) of subsection 4 of NRS 361.585.

7. The county treasurer shall approve or deny a claim within 30 days after the period described in subsection 4 for filing a claim has expired. ***In determining a claim for excess proceeds, the county treasurer may require any person making a claim to provide any records or other documents to the county treasurer.*** Any records or other documents concerning a claim shall be deemed the working papers of the county treasurer and are confidential. If more than one person files a claim, and the county treasurer is not able to determine who is entitled to the excess proceeds, the matter must be submitted to mediation.

8. If the mediation is not successful, the county treasurer shall ~~[~~:

~~(a) Conduct a hearing to determine who is entitled to the excess proceeds; or~~

~~(b) File]~~ ***file*** an action for interpleader.

9. A person who is aggrieved by a determination of the county treasurer pursuant to this section may, within 90 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court.

10. If an association, as defined in NRS 116.011, recovers any amount of excess proceeds of a sale of a residential unit, as defined in NRS 116.332, the amount recovered by the association shall be deemed to have satisfied the debt owed by the owner of the residential unit to the association and the association may not recover in a civil action or otherwise collect any deficiency remaining due to the association from the owner.

11. Any agreement to locate, deliver, recover or assist in the recovery of remaining excess proceeds of a sale which is entered into by a person listed in subsection 6 must:

(a) Be in writing.

(b) Be signed by the person listed in subsection 6.

(c) If the agreement is entered into by a natural person for assistance in the recovery of excess proceeds remaining from a sale ***,*** ~~[of a residence that was occupied by that natural person as his or her primary residence at the time of the sale,]~~ not provide for a fee of more than 10 percent of the total remaining excess proceeds of the sale due that person.

12. In addition to authorizing a person pursuant to an agreement described in subsection 11 to file a claim and collect from the county treasurer any property owed to the person, a person listed in subsection 6 may authorize a person pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property owed to him or her. ***Any person authorized pursuant to a power of attorney, assignment or any other legal instrument to file a claim and collect from the county treasurer any property may collect a fee of not more than 10 percent of the total remaining excess proceeds of the sale due the person making the authorization.*** The county is not liable for any losses resulting from the approval of the claim if the claim is paid by the county treasurer in accordance with the provisions of the legal instrument.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 621 to Assembly Bill No. 133.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 185.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to child care; prohibiting the unit-owners' association of certain common-interest communities from prohibiting the operation of certain licensed child care facilities; authorizing, with certain exceptions, a tenant to operate a certain licensed child care facility; ~~[setting forth certain requirements for licensing standards for certain child care facilities;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the licensure and operation of child care facilities by the Division of Welfare and Supportive Services of the Department of Health and Human Services or the governing body of a county or an incorporated city. (NRS 432A.131-432A.220) Existing law authorizes the unit-owners' association of a common-interest community to adopt rules and regulations governing the common-interest community. (NRS 116.3102) **Section 1** of this bill prohibits, with certain exceptions, the executive board and governing documents of a unit-owners' association from prohibiting the operation of a licensed child care facility by a unit's owner **or tenant** provided that the licensed child care facility provides care for at least 5 but not more than 12 children. **Section 1** authorizes the executive board and governing documents to **: (1)** impose conditions or restrictions on a licensed child care facility that are consistent with the conditions and requirements to obtain a license for a child care facility ~~[.]~~ **; (2) limit the number of licensed child care facilities that may operate in the common-interest community; (3) require a unit's owner or tenant to file a notice of an application for licensure of a child care facility; or (4) require the licensed child care facility to add the unit-owners' association as an additional insured on the policy of insurance maintained by the child care facility.** **Section 1** further provides that these provisions apply, with certain exceptions, to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association. Additionally, **section 1** provides that these provisions do not apply to a common-interest community that ~~[imposes certain age restrictions.]~~ **is housing for older persons or contains certain units that share an interior wall with another unit.**

Existing law sets forth various requirements for rental agreements between a landlord and tenant for the use and occupancy of a dwelling unit or premises. (Chapter 118A of NRS) **Section 2** of this bill authorizes a tenant to operate a

licensed child care facility that provides care for at least 5 but not more than 12 children unless otherwise prohibited by the terms of the rental agreement.

~~[Existing law requires the State Board of Health to adopt licensing standards for child care facilities. (NRS 432A.077) Existing law authorizes the governing body of a county or incorporated city to establish an agency for the licensing of child care facilities that do not need to be licensed by the Division. Such a licensing agency is required to adopt standards and regulations that must: (1) not be less restrictive than the standards and regulations adopted by the Board; and (2) be approved by the Division. (NRS 432A.131) Sections 7 and 8 of this bill prohibit the standards adopted by the Board and the standards and regulations adopted by the licensing agency from prohibiting the licensure of a child care facility that provides care for at least 5 but not more than 12 children and does not have an outdoor play space that is located: (1) in a multi-family dwelling or an apartment or condominium building; and (2) within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the executive board shall not and the governing documents must not prohibit a unit's owner or tenant from operating a licensed child care facility within such physical portion of the common-interest community as that owner or tenant has a right to occupy and use exclusively.

2. The executive board and the governing documents may ~~[impose]~~ :

(a) Impose conditions or restrictions on a licensed child care facility that are consistent with the requirements to obtain a license for a child care facility pursuant to chapter 432A of NRS ~~.]~~ ;

(b) Limit the number of licensed child care facilities in the common-interest community to one licensed child care facility or one licensed child care facility per 200 units, whichever is greater;

(c) Require a unit's owner or tenant to file a notice with the executive board or a designee of the executive board of an application for licensure of a child care facility; or

(d) Require the licensed child care facility to add the unit-owners' association as an additional insured in an insurance policy held by the licensed child care facility in an amount not to exceed the amount required by the licensing agency for the childcare facility.

3. Except as otherwise provided in subsection 4, the provisions of this section apply to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association.

4. The provisions of this section do not apply to a common-interest community that ~~[imposes age restrictions to require that a certain amount of unit owners or residents are 50 years of age or older.]~~ :

(a) Is housing for older persons; or

(b) Contains units that share an interior wall with another unit, including, without limitation, a condominium or townhouse.

5. Nothing in this section shall be construed to exempt a unit's owner or tenant from compliance with any provision in the governing documents that apply to each unit's owner or tenant, including, without limitation, any provisions governing nuisances, use of common-areas, parking, signage and traffic.

6. As used in this section ~~[, "licensed]~~ :

(a) "Housing for older persons" has the meaning ascribed to it in 42 U.S.C. § 3607.

(b) "Licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS that provides care for at least 5 but not more than 12 children.

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless otherwise prohibited by the terms of the rental agreement, a tenant may operate a licensed child care facility in the dwelling unit of the tenant.

2. As used in this section, "licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS that provides care for at least 5 but not more than 12 children.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[NRS 432A.077 is hereby amended to read as follows:~~

~~432A.077 1. The Board shall adopt:~~

~~(a) Licensing standards for child care facilities.~~

~~(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:~~

~~(1) The conducting of fire drills on a monthly basis;~~

~~(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and~~

~~(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.~~

~~(c) Any regulations necessary to carry out the provisions of NRS 432A.1756 or to ensure the safe operation of small child care establishments.~~

~~(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.~~

~~*2. The licensing standards adopted by the Board pursuant to subsection 1, must not prohibit the licensure of a child care facility that provides care for at least 5 but not more than 12 children and does not have an outdoor play space that is located:*~~

~~*(a) In a multi-family dwelling or an apartment or condominium building; and*~~

~~*(b) Within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.*~~

~~*3.* The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.~~

~~[3.] *4.* If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[NRS 432A.131 is hereby amended to read as follows:~~

~~432A.131 1. Child care facilities, other than child care institutions, in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Division. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:~~

~~(a) Must be not less restrictive than those adopted by the Board. [; and]~~

~~(b) *Must not prohibit the licensure of a child care facility that provides care for at least 5 but not more than 12 children and does not have an outdoor play space that is located:*~~

~~*(1) In a multi-family dwelling or an apartment or condominium building; and*~~

~~*(2) Within 1 mile of an accessible park, school or space that is open to the public for outdoor recreation.*~~

~~*(c)* Take effect only upon their approval by the Division.~~

~~2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:~~

~~(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and~~

~~(b) The waiver does not allow a practice which violates a regulation adopted by the Board.~~

~~3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by~~

~~the Board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the standards which are less restrictive.~~

~~4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Division of its intention to do so at least 12 months before the amendment or repeal becomes effective.~~

~~5. A child care institution must be licensed by the Division.~~ **(Deleted by amendment.)**

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 677 to Assembly Bill No. 185.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 263.

The following Senate amendment was read:

Amendment No. 602.

AN ACT relating to homelessness; requiring the board of county commissioners of certain counties to notify the Department of Transportation before conducting a clean-up of an encampment of homeless persons ~~[near]~~ **immediately adjacent to** certain rights-of-way; authorizing the Department to consult with a homeless outreach team and participate in the clean-up of an encampment of homeless persons **;** ~~[conducted by the homeless outreach team;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the board of county commissioners of each county whose population is 700,000 or more (currently only Clark County) to notify the Department of Transportation before conducting a clean-up of an encampment of homeless persons ~~[near]~~ **immediately adjacent to** a right-of-way that is controlled by the Department. **Section 3** of this bill authorizes the Department to: (1) consult with a homeless outreach team; and (2) ~~[approve and otherwise]~~ participate in the clean-up of an encampment of homeless persons ~~[that is conducted by the homeless outreach team]~~ in a right-of-way.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of each county whose population is 700,000 or more shall notify the Department of Transportation before conducting a clean-up of an encampment of homeless persons ~~[near]~~ immediately adjacent to a right-of-way that is controlled by the Department of Transportation.

2. As used in this section, "right-of-way" has the meaning ascribed to it in NRS 408.55014.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may:

(a) Consult with a homeless outreach team; and

(b) ~~[Approve and otherwise participate]~~ Participate in the clean-up of an encampment of homeless persons ~~[that is conducted by the homeless outreach team]~~ in a right-of-way, as defined in NRS 408.55014.

2. As used in this section, "homeless outreach team" means a homeless outreach team established or designated by a board of county commissioners or its designee for the purposes of providing outreach and clean-ups related to homeless persons.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 602 to Assembly Bill No. 263.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 269.

The following Senate amendment was read:

Amendment No. 695.

AN ACT relating to education; revising provisions relating to the Student Loan Repayment for Providers of Health Care in Underserved Communities Program; renaming the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. (NRS 226.458) Existing law also creates the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities to be used to repay those student education loans. (NRS 226.466) Existing law defines "provider of health care" for purposes of the Program. (NRS 226.454) **Section 4** of this bill adds a licensed speech-language pathologist, physical therapist, **occupational therapist,** marriage and family therapist, clinical alcohol and drug counselor, alcohol and drug counselor, assistant behavior analyst and behavior analyst and a certified problem gambling counselor to the definition of "provider of health care" for such purposes, thereby expanding the applicability of the Program.

~~[Existing law prescribes the requirements for a provider of health care to be eligible for repayment of student education loans under the Program, including a requirement that the provider of health care commit to practice for at least 5 years in certain locations. Such locations in existing law include specified census tracts that have populations with lower income levels or have a high~~

~~level of social vulnerability under certain federal criteria. (NRS 226.460) Section 6 expands eligibility for the Program to a provider of health care who commits to practice for at least 5 years in a census tract that is directly adjacent to a census tract prescribed in existing law as an eligible location under the Program.]~~

Sections 5-7 of this bill also expand the Program to include public health professionals, which are defined in **section 1** of this bill as: (1) the Chief Medical Officer and county and district health officers who are appointed under existing law; and (2) a person who is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health in a position for which the Division or local board of health experiences substantial difficulty in recruitment and retention. Such positions are required by **section 7** to be designated by regulation by the State Treasurer, based on recommendations that are required to be made by the State Board of Health pursuant to **section 9** of this bill. **Section 8** of this bill changes the name of the Account for the Program to the Account for Student Loan Repayment for Providers of Health Care and Public Health Professionals in Underserved Communities as a result of the expansion of the Program to include public health professionals. **Section 2** of this bill applies the definitions in existing law and **section 1** to the provisions of existing law relating to the Program. **Section 3** of this bill makes a conforming change as a result of the expansion and change of the name of the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

"Public health professional" means:

1. A person who is employed full-time or part-time as:

(a) The Chief Medical Officer appointed pursuant to NRS 439.085;

(b) A county health officer appointed pursuant to NRS 439.290; or

(c) A district health officer appointed pursuant to NRS 439.368 or 439.400; or

2. A person who is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health in a position designated by the regulations adopted pursuant to paragraph (e) of subsection 2 of NRS 226.462.

Sec. 2. NRS 226.450 is hereby amended to read as follows:

226.450 As used in NRS 226.450 to 226.466, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 226.452, 226.454 and 226.456 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 226.452 is hereby amended to read as follows:

226.452 "Program" means the Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities Program created by NRS 226.458.

Sec. 4. NRS 226.454 is hereby amended to read as follows:

226.454 "Provider of health care" means:

1. A physician;
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;
3. A dentist;
4. A licensed nurse;
5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
6. An optometrist;
7. An audiologist;
8. A practitioner of respiratory care;
9. A podiatric physician;
10. A psychologist;
11. A clinical professional counselor;
12. A perfusionist;
13. A pharmacist or pharmacy technician;
14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
15. A midwife; ~~[or]~~
16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***;***
17. A speech-language pathologist licensed pursuant to chapter 637B of NRS;
18. A physical therapist licensed pursuant to chapter 640 of NRS;
19. An occupational therapist licensed pursuant to chapter 640A of NRS.
20. A marriage and family therapist licensed pursuant to chapter 641A of NRS;
~~[20.]~~ 21. A clinical alcohol and drug counselor or an alcohol and drug counselor licensed pursuant to chapter 641C of NRS;
~~[21.]~~ 22. A problem gambling counselor certified pursuant to chapter 641C of NRS; or
~~[22.]~~ 23. An assistant behavior analyst or a behavior analyst licensed pursuant to chapter 641D of NRS.

Sec. 5. NRS 226.458 is hereby amended to read as follows:

226.458 1. The Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities Program is hereby created to repay the student education loans of providers of health care

and public health professionals who are eligible for the Program pursuant to NRS 226.460 and 226.462 and any regulations adopted pursuant thereto.

2. The State Treasurer shall administer the Program.

3. In administering the Program, the State Treasurer shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing health care services ***or are committed to working as a public health professional, as applicable,*** in an underserved community in this State;

(b) Ensure that at least 15 percent of money available for the Program in any year be used to repay the student education loans of providers of health care who commit to practicing ***or persons who commit to working as public health professionals, as applicable,*** in a county whose population is less than 100,000, to the extent that such providers ***or public health professionals*** are participating in the Program;

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize ***, for providers of health care,*** the repayment of student education loans for providers of primary care, providers of health care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by the regulations adopted by the State Treasurer pursuant to NRS 226.462; and

(d) Work collaboratively to raise awareness about the Program with organizations that work with providers of health care ***and public health professionals*** and students studying to become providers of health care ~~,~~ ***or public health professionals,*** including, without limitation:

(1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;

(2) Organizations that represent medical students and other students studying to become providers of health care ~~,~~ ***or public health professionals;***

(3) Organizations that represent providers of health care ~~,~~ ***or public health professionals;***

(4) Tribal governments; and

(5) Organizations who advocate for improved health outcomes in minority communities.

4. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, psychiatry or obstetrics and gynecology.

Sec. 6. NRS 226.460 is hereby amended to read as follows:

226.460 A provider of health care ***or public health professional*** is eligible for repayment of a student education loan under the Program if the provider of health care ~~,~~ ***or public health professional:***

1. Is a current resident of this State;

2. Is actively licensed, certified or registered in good standing to practice in this State as a provider of health care ~~,~~ ***or is working as a public health professional, as applicable;*** and

3. Commits to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in this State ~~[.]~~ ***or at least 5 years of employment as a public health professional, as applicable:***

(a) In a census tract which, upon commencement of such clinical practice ~~[,]~~ ***or employment,*** is designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii) ; ~~***[or a census tract that is directly adjacent thereto;]***~~

(b) In a census tract which, upon commencement of such clinical practice ~~[,]~~ ***or employment,*** has a high level of social vulnerability as determined according to the Social Vulnerability Index developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services ; ~~***[or a census tract that is directly adjacent thereto;]***~~

(c) In a community in which, according to the decennial census immediately preceding the commencement of such clinical practice ~~[,]~~ ***or employment,*** at least 20 percent of households were not proficient in the English language;

(d) On tribal lands or in a community where tribal members commonly reside;

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to NRS 226.462; or

(f) In a county whose population is less than 100,000.

Sec. 7. NRS 226.462 is hereby amended to read as follows:

226.462 1. A provider of health care ***or public health professional*** who meets the qualifications set forth in NRS 226.460 and wishes to receive repayment of student education loans from the Program must submit an application to the State Treasurer in the form prescribed by the State Treasurer and comply with any regulations adopted pursuant to subsection 2.

2. The State Treasurer:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by NRS 226.460, for determining the eligibility of a provider of health care ***or public health professional*** to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of health care ***or public health professional*** is eligible to receive from the Program. That methodology must include, without limitation, a sliding scale that conditions the amount a provider of health care ***or public health professional*** should receive from the Program on areas of specialization, type of degree and average loan burden for the particular field of health care in which the provider practices ~~[.]~~ ***or the professional works.***

(c) Shall adopt regulations establishing the:

(1) Procedure that the State Treasurer will use to carry out the provisions of paragraph (b) of subsection 3 of NRS 226.458; and

(2) Manner in which the Program must prioritize the repayment of student education loans for the providers of health care pursuant to paragraph (c) of subsection 3 of NRS 226.458.

(d) Shall adopt regulations prescribing the manner in which the State Treasurer will determine whether a geographic area meets the requirements of paragraph (e) of subsection 3 of NRS 226.460.

(e) ***Shall, based on the recommendations made by the State Board of Health pursuant to subsection 5 of NRS 439.200, designate positions for which the Division of Public and Behavioral Health of the Department of Health and Human Services or a local board of health experiences substantial difficulty in recruitment and retention.***

(f) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of health care ***or public health professional*** who has been found eligible to receive such repayment from the Program.

~~[(f)]~~ ***(g)*** May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of health care ***or public health professional*** more than $120,000 for the repayment of student education loans.

4. The application of a provider of health care ***or public health professional*** for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 8. NRS 226.466 is hereby amended to read as follows:

226.466 1. The Account for Student Loan Repayment for Providers of Health Care ***and Public Health Professionals*** in Underserved Communities is hereby created in the State General Fund. The State Treasurer shall administer the Account.

2. Money for the Account may be provided:

(a) By direct legislative appropriation;

(b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or

(c) As provided in subsection 5.

3. Money in the Account must be used solely:

(a) To administer the Account and the Program; and

(b) To repay the student education loans of providers of health care ***and public health professionals*** who have qualified for such repayment pursuant to NRS 226.460 and 226.462.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The State Treasurer may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of providers of health care ***and public health professionals*** who have qualified for repayment of student education loans pursuant to NRS 226.460 and 226.462. The State Treasurer shall deposit any money so received into the Account.

Sec. 9. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) To provide for the sanitary protection of water and food supplies.

(e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

(f) To protect and promote the public health generally.

(g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

5. The State Board of Health shall make recommendations to the State Treasurer regarding the designation of positions for the regulations required to be adopted pursuant to paragraph (e) of subsection 2 of NRS 226.462. In determining whether to designate a position, the Board shall make findings regarding:

(a) The history of the rate of turnover or length of vacancy for the position;

(b) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and

(c) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

Sec. 10. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 11. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 695 to Assembly Bill No. 269.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 301.

The following Senate amendment was read:

Amendment No. 696.

~~[ASSEMBLYMEMBER]~~ **ASSEMBLYMEMBERS** GOULDING **; AND LA RUE HATCH**

AN ACT relating to general improvement districts; increasing the compensation of the board of trustees of certain general improvement districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, the creation of a general improvement district to provide certain governmental services and facilities to the residents of the district. (NRS 318.116) Existing law further sets the maximum compensation of a member of a board of a district to not more than: (1) $6,000 per year; or (2) $9,000 per year if the board of a district has been granted certain powers relating to acquiring sanitary sewer improvements, collection and disposal of garbage and refuse and supply, storage and distribution of water for private and public purposes. (NRS 318.085) **Section 1** of this bill increases the compensation each member of a board of a district granted such powers may receive from not more than $9,000 per year to not more than $14,500 per year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 318.085 is hereby amended to read as follows:

318.085 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. After taking oaths and filing bonds, the board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep audio recordings or transcripts of all meetings and, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio
recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than $50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than $6,000 per year. Each member of a board of trustees of a district that is organized or

reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than ~~[~~$9,000~~]~~ ***$14,500*** per year.

6. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.

~~[~~6.~~]~~ ***7.*** As used in this section, "compensation" does not include any contribution made to the Public Employees' Retirement System on behalf of a member of the board of trustees.

Sec. 2. (Deleted by amendment.)

Assemblymember Considine moved that the Assembly do not concur in Senate Amendment No. 696 to Assembly Bill No. 301.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

The following Senate amendment was read:

Amendment No. 603.

AN ACT relating to governmental administration; revising provisions relating to certain interlocal agreements and contracts between tribal governments and certain public agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interlocal Cooperation Act authorizes a public agency of this State to enter into a joint or cooperative agreement with any other public agency of this State, another state, the Federal Government or an Indian tribe, group of tribes, organized segment of a tribe or any organization representing such tribal entities to exercise any power, privilege or authority capable of being exercised by such a public agency. (NRS 277.100, 277.110) Existing law also authorizes one or more such public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies are authorized to perform. (NRS 277.180) **Section 1** of this bill provides that, if a tribal government wishes to enter into a joint or cooperative agreement or contract with the governing body of a county or agency thereof for the performance of any service, activity or undertaking, the governing body of the county, on behalf of the county or agency thereof, may engage in discussions in good faith with the tribal government. If the governing body enters into such an agreement or contract with a tribal government, **section 1** requires that the agreement be a conditional interlocal agreement

which: (1) does not require the tribal government to waive sovereign immunity; and (2) authorizes the governing body of the county to terminate the agreement with 90 days' advance notice to the tribal government under certain circumstances.

Sections 2 and 3 of this bill add the provisions of **section 1** to the Interlocal Cooperation Act and purpose of the Act.

Section 4 of this bill applies the definitions in the Interlocal Cooperation Act relating to the Act to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a tribal government wishes to enter into an agreement for joint or cooperative action or contract with the governing body of a county or agency thereof, pursuant to the provisions of this section and NRS 277.080 to 277.180, inclusive, within which tribal land of the tribal government is located, partially or wholly, for the performance of any governmental service, activity or undertaking which the tribal government, county or agency thereof is authorized by law to perform, the governing body of the county may, on behalf of the county or agency thereof, engage in discussions in good faith with the tribal government for the performance of such services.

2. If the governing body of a county or agency thereof enters into an agreement or contract pursuant to the provisions of this section and NRS 277.080 to 277.180, inclusive, such an agreement must be a conditional interlocal agreement which:

(a) Must not require a tribal government to waive sovereign immunity; and

(b) Must authorize the governing body of the county or agency thereof to terminate the agreement by providing the tribal government with 90 days' advance written notice, upon the occurrence of any of the following conditions:

(1) The tribal government is more than 60 days delinquent on its financial obligations under the agreement;

(2) The tribal government fails to respond for more than 90 days to a written demand by the governing body of the county or agency thereof to perform under the agreement;

(3) An authorized representative of the tribal government or tribal council or tribal police of the tribal government prevents entry onto the tribal land or otherwise prevents the county or agency thereof, or any employee or agent of the county or agency, from otherwise performing under the agreement; or

(4) The tribal government enters into any subsequent agreement pursuant to this section and NRS 277.080 to 277.180, inclusive, which materially conflicts with the existing agreement.

3. For the purposes of this section, an agency of a county does not include any water authority, water district or water reclamation district.

4. As used in this section:

(a) "Good faith" means honesty in fact and the observance of reasonable standards of fair dealing.

(b) "Tribal government" means the governing body of an Indian tribe, group of tribes, organized segment of a tribe or any organization representing two or more such entities.

Sec. 2. NRS 277.080 is hereby amended to read as follows:

277.080 NRS 277.080 to 277.180, inclusive, ***and section 1 of this act*** may be cited as the Interlocal Cooperation Act.

Sec. 3. NRS 277.090 is hereby amended to read as follows:

277.090 It is the purpose of NRS 277.080 to 277.180, inclusive, ***and section 1 of this act*** to permit local governments to make the most efficient use of their powers by enabling them to cooperate with other local governments on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization which will best accord with geographic, economic, population and other factors influencing the needs and development of local communities.

Sec. 4. NRS 277.100 is hereby amended to read as follows:

277.100 As used in NRS 277.080 to 277.180, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Public agency" means:

(a) Any political subdivision of this State, including without limitation counties, incorporated cities and towns, including Carson City, unincorporated towns, school districts and other districts.

(b) Any agency of this State or of the United States.

(c) Any political subdivision of another state.

(d) Any Indian tribe, group of tribes, organized segment of a tribe, or any organization representing two or more such entities.

2. "State" includes any of the United States and the District of Columbia.

Sec. 5. This act becomes effective on July 1, 2025.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 603 to Assembly Bill No. 392.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 433.

The following Senate amendment was read:

Amendment No. 604.

SUMMARY—Revises provisions relating to ~~[peace officers.]~~ **public safety.** (BDR S-399)

AN ACT relating to ~~[peace officers;]~~ **public safety;** creating the Purple Ribbon Task Force on Firefighter and Peace Officer Wellness; setting forth the membership and duties of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Purple Ribbon Task Force on Firefighter and Peace Officer Wellness to review the existing policies of this State concerning personal wellness initiatives that account for the mental and physical health of firefighters, peace officers and other law enforcement personnel. This bill also: (1) prescribes the membership and duties of the Task Force; and (2) requires the Task Force to submit a written report describing its work and recommendations for transmittal to the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Purple Ribbon Task Force on Firefighter and Peace Officer Wellness is hereby created. The Task Force consists of the following nine members:

(a) Two members appointed by the Majority Leader of the Senate;

(b) One member appointed by the Minority Leader of the Senate;

(c) Three members appointed by the Governor;

(d) Two members appointed by the Speaker of the Assembly; and

(e) One member appointed by the Minority Leader of the Assembly.

2. To the extent practicable, membership of the Task Force must include, without limitation:

(a) A representative from a local government;

(b) A representative of an employee organization, as defined in NRS 288.040, that represents peace officers or a labor organization, as defined in NRS 288.048, that represents peace officers;

(c) A resource officer with a behavioral health background;

(d) A representative from a state law enforcement agency, including, without limitation, the Department of Public Safety or the Department of Corrections; and

(e) A representative of **an employee organization, as defined in NRS 288.040, that represents** firefighters ~~[from a local government employer, as defined in NRS 288.060,]~~ **or a labor organization, as defined in NRS 288.048, that represents firefighters.**

3. The Task Force shall:

(a) Review the existing policies of this State concerning personal wellness initiatives that account for the mental and physical health of firefighters, peace officers and other law enforcement personnel; and

(b) Recommend personal wellness initiatives for state and local law enforcement agencies and fire departments.

4. The members of the Task Force serve without compensation.

5. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

6. The Task Force shall, at its first meeting, elect a Chair and Vice Chair from among its members.

7. The Task Force shall meet upon the call of the Chair or a majority of the members of the Task Force.

8. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at the meeting is sufficient for any official action taken by the Task Force.

9. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

10. The Task Force shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Government Affairs for the 84th Session of the Legislature. The report must include, without limitation, a summary of the work and recommendations of the Task Force.

Sec. 2. The members of the Purple Ribbon Task Force on Firefighter and Peace Officer Wellness must be appointed pursuant to section 1 of this act not later than October 1, 2025.

Sec. 3. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2027.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 604 to Assembly Bill No. 433.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 478.

The following Senate amendment were read:

Amendment No. 605.

SUMMARY—Revises provisions governing construction times in ~~[certain]~~ counties and cities. (BDR 20-1091)

AN ACT relating to construction; setting forth certain limitations on a board of county commissioners ~~[in certain counties]~~ or the governing body of a city ~~[in such a county]~~ in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year; **revising certain prohibitions on a declarant-controlled common-interest community from restricting the hours that construction work may begin during certain times of the year;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the governing body of a city which is located in such a county (currently the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas) adopts an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for construction work in a declarant-controlled common-interest community must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30. (NRS 244.3679, 268.4137) **Sections 3.3 and 3.5** of this bill provide that **, regardless of the population of the county,** if ~~[such]~~ a board or governing body adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from ~~[a]~~ **an occupied** residential unit must be allowed to begin ~~[at, but not earlier than,]~~ **by** 5 a.m. during the period beginning on April 1 and ending on September 30.

Existing law provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of the county or city adopts an ordinance restricting the hours in which construction work may begin, a declarant-controlled common-interest community must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347) Section 3.6 of this bill applies such authorization to the governing body of a county or city regardless of the population of the county.

Section 3.7 of this bill provides that if, on the effective date of this bill, the board of county commissioners ~~[in a county whose population is 700,000 or more]~~ or the governing body of a city ~~[located in such a county]~~ has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from ~~[a]~~ **an occupied** residential unit to begin ~~[at, but not earlier than,]~~ **by** 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable. **Section 3.7 further provides that any provision in a governing document of an executive board of a common-interest community or a plan for the development of a planned development which is more restrictive than an ordinance adopted in accordance with the provisions of this bill is void and unenforceable.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of county commissioners ~~[in a county whose population is 700,000 or more]~~ adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from ~~[a]~~ an occupied residential unit must be allowed to begin ~~[at, but not earlier than,]~~ by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city ~~[located in a county whose population is 700,000 or more]~~ adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from ~~[a]~~ an occupied residential unit must be allowed to begin ~~[at, but not earlier than,]~~ by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.6. **NRS 116.347 is hereby amended to read as follows:**

116.347 1. If ~~[, in a county whose population is 700,000 or more,]~~ the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.

2. The provisions of subsection 1 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:

(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or

(b) During the period beginning on October 1 and ending on March 31.

~~[3. If, in a county whose population is less than 700,000, the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing~~

~~documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance.~~

~~4. The provisions of subsection 3 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:~~

~~(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or~~

~~(b) During the period beginning on October 1 and ending on April 30.]~~

Sec. 3.7. 1. If, on the effective date of this act, the board of county commissioners ~~[in a county whose population is 700,000 or more]~~ or the governing body of a city ~~[located in such a county]~~ has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from ~~[a]~~ **an occupied** residential unit to begin ~~[at, but not earlier than,]~~ **by** 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable.

2. **If, on the effective date of this act, any provision in a governing document of an executive board of a common-interest community or a plan approved pursuant to chapter 278A of NRS is more restrictive than an ordinance adopted in accordance with provisions of this act, such provision is void and unenforceable.**

3. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. **The term does not include a timeshare or other unit that is subject to the provisions of chapter 119A of NRS.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 605 to Assembly Bill No. 478.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 736.

AN ACT relating to construction; setting forth certain limitations on a board of county commissioners or the governing body of a city in adopting an ordinance restricting the hours in which construction work may begin during certain times of the year; revising certain prohibitions on a declarant-controlled common-interest community from restricting the hours that construction work may begin during certain times of the year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) or the

governing body of a city which is located in such a county (currently the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas) adopts an ordinance restricting the hours in which construction work may begin in a common-interest community, the hours for construction work in a declarant-controlled common-interest community must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30. (NRS 244.3679, 268.4137) **Sections 3.3 and 3.5** of this bill provide that, regardless of the population of the county, if a board or governing body adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

Existing law provides that if, in a county whose population is 700,000 or more (currently only Clark County), the governing body of the county or city adopts an ordinance restricting the hours in which construction work may begin, a declarant-controlled common-interest community must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance. (NRS 116.347) **Section 3.6** of this bill applies such authorization to the governing body of a county or city regardless of the population of the county.

Section 3.7 of this bill provides that if, on the effective date of this bill, the board of county commissioners or the governing body of a city has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from an occupied residential unit to begin by 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable. **Section 3.7** further provides that any provision in a governing document of an executive board of a common-interest community or a plan for the development of a planned development which is more restrictive than ~~[an ordinance adopted in accordance with]~~ the provisions of this bill is void and unenforceable.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of county commissioners adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a time share or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a city adopts an ordinance restricting the hours in which construction work may begin, the hours for construction work on any project that is more than 300 feet from an occupied residential unit must be allowed to begin by 5 a.m. during the period beginning on April 1 and ending on September 30.

2. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a time share or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 3.6. NRS 116.347 is hereby amended to read as follows:

116.347 1. If ~~[~~, in a county whose population is 700,000 or more,~~]~~ the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on April 1 and ending on September 30 to hours other than those set forth in the ordinance.

2. The provisions of subsection 1 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:

(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or

(b) During the period beginning on October 1 and ending on March 31.

~~[3. If, in a county whose population is less than 700,000, the governing body of a county or city in which a declarant-controlled common-interest community is located adopts an ordinance restricting the hours in which construction work may begin, the executive board shall not and the governing documents must not restrict the hours that construction work may begin in the declarant-controlled common-interest community during the period beginning on May 1 and ending on September 30 to hours other than those set forth in the ordinance.~~

~~4. The provisions of subsection 3 do not preclude the executive board or the governing documents from restricting the hours that construction work may begin:~~

~~(a) If a governing body of a county or city has not adopted an ordinance restricting the hours in which construction work may begin; or~~

~~(b) During the period beginning on October 1 and ending on April 30.]~~

Sec. 3.7. 1. If, on the effective date of this act, the board of county commissioners or the governing body of a city has adopted an ordinance restricting the hours in which construction work may begin and the ordinance does not allow construction work more than 300 feet from an occupied residential unit to begin by 5 a.m. during the period beginning on April 1 and ending on September 30, the ordinance is void and unenforceable.

2. If, on the effective date of this act, any provision in a governing document of an executive board of a common-interest community or a plan approved pursuant to chapter 278A of NRS is more restrictive than ~~[an ordinance adopted in accordance with]~~ **the** provisions of this act, such provision is void and unenforceable.

3. As used in this section, "residential unit" means a single-family residence or an individual residential unit within a larger building, including, without limitation, a condominium, townhouse, duplex or other multifamily dwelling. The term does not include a time share or other unit that is subject to the provisions of chapter 119A of NRS.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 736 to Assembly Bill No. 478.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 772.

AN ACT relating to charter schools; revising provisions governing the membership of the State Public Charter School Authority; revising provisions establishing the local educational agency that is responsible for performing certain functions with respect to charter schools; clarifying requirements for certain information to be included in an application to renew the charter contract of a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Public Charter School Authority for the purpose of, among other duties: (1) sponsoring charter schools; and (2) providing oversight to the charter schools it sponsors. (NRS 388A.150) Existing law further establishes that the Authority consists of nine members, the manner of appointing those members and the qualifications of those members. (NRS 388A.153) **Section 1** of this bill provides that the nine members appointed under existing law are the voting members of the Authority and that the voting members must be at least 21 years of age. **Section 1** also establishes the requirements governing the members of the Authority that apply to all members, including voting and nonvoting members, and the requirements that apply only to voting members. **Section 2** of this bill

makes a conforming change to clarify that only voting members of the Authority are required to complete certain training required by existing law. (NRS 388A.155) **Section 3** of this bill makes a conforming change to clarify that a majority of the voting members, rather than all members: (1) is authorized to call a meeting of the Authority; and (2) constitutes a quorum to enable the Authority to exercise its power and authority. (NRS 388A.156)

Under existing law, the number of members of the Authority who may be teachers or administrators employed by a charter school or charter management organization in this State is limited to two members. (NRS 388A.153) **Section 1** revises the qualifications for a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the Authority by: (1) removing the requirement that the charter school or charter management organization employing the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools; and (2) instead, requiring that the charter school at which the teacher or administrator is employed must be in good standing according to the performance framework set forth in its charter contract.

Existing law prohibits a member of the Authority, other than a member who is a teacher or administrator employed by a charter school or charter management organization, from being actively engaged in business with or holding certain interests relating to charter schools. (NRS 388A.153) Under existing law, a charter school is defined as a charter school organized under the laws of this State. (NRS 385.007) **Section 1** ~~[clarifies]~~ **provides** that the prohibition against a member of the Authority being actively engaged in business with or holding certain interests relating to charter schools ~~[only prohibits engaging in business with or holding certain interests relating to a charter school in this State.]~~ **includes, without limitation, such an engagement in business or interest in: (1) an educational management organization providing support or operations to a charter school; or (2) a charter management organization operating a charter school.**

Existing law deems the Authority to be a local educational agency that is responsible under state and federal law for: (1) providing a free and appropriate public education to each pupil enrolled in a charter school sponsored by the Authority; (2) the provision of special education and related services by a charter school; and (3) directing money available from certain federal and state grant programs to charter schools sponsored by the Authority, a college or university within the Nevada System of Higher Education or a city or county. (NRS 388A.159) **Section 4** of this bill removes the requirement for a college or university within the System, or a city or county, that sponsors a charter school to enter into an agreement with the Authority for the provision of any necessary functions of a local educational agency. Instead, **section 4** deems a college or university within the System, or a city or county, to be a local educational agency, thereby making the college or university, or city or county,

responsible for performing the functions of a local educational agency under state and federal law for the charter schools it sponsors.

Under existing law, the governing body of a charter school seeking to renew its charter contract is required to submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate. Existing law requires the application for renewal to include, without limitation, any information or data that: (1) the governing body of the charter school determines supports the renewal of the charter contract; and (2) is in addition to the information contained in the required performance report previously submitted to the governing body by the sponsor and any written response to that report. (NRS 388A.285) **Section 5** of this bill clarifies that any information or data to support the renewal of the charter contract is information or data other than the previously submitted performance report and any written response to that report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of nine ***voting*** members. The ***voting*** membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2;

(d) Two members appointed by the State Board of Education; and

(e) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the State Board of Education shall ensure that the ***voting*** membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State. ***Each voting member of the State Public Charter School Authority must be at least 21 years of age.***

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools , ~~*[in this State,]*~~ including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school , ~~*[in this State,]*~~ ***an*** educational management organization ***providing support or operations to a charter school*** ~~*[in this State]*~~ or ***a*** charter management organization ~~[.]~~ ***operating a charter school .*** ~~*[in this State.]*~~

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority ~~[, the]~~ ***:***

(a) The charter school ~~[or charter management organization]~~ which employs the teacher or administrator must ~~[not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.]~~ ***be in good standing according to the performance framework set forth in its charter contract pursuant to NRS 388A.270; or***

(b) If the teacher or administrator is employed by a charter management organization, the charter school at which the teacher or administrator is employed must be in good standing according to the performance framework set forth in its charter contract pursuant to NRS 388A.270.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The ***voting*** members of the State Public Charter School Authority shall select a Chair and Vice Chair from among ~~[its]~~ ***the voting*** members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a

vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each ***voting*** member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. NRS 388A.155 is hereby amended to read as follows:

388A.155 Each ***voting*** member of the State Public Charter School Authority must complete training:

1. At the time the ***voting*** member is appointed to the State Public Charter School Authority, on the responsibilities of the ***voting*** member and any framework used by the State Public Charter School Authority in performing its duties; and

2. Each year, on the evaluation of applications to form charter schools and the governance of charter schools.

Sec. 3. NRS 388A.156 is hereby amended to read as follows:

388A.156 1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the ***voting*** members.

2. Five ***voting*** members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Sec. 4. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority ***, a college or university within the Nevada System of Higher Education that sponsors a charter school or a city or county that sponsors a charter school*** is hereby deemed a local educational agency for all purposes ~~[,]~~ ***for any charter school that it sponsors,*** including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school ***;*** ~~[sponsored by the State Public Charter School Authority;]~~

(b) The provision of special education and related services provided by a charter school ***;*** ~~[sponsored by the State Public Charter School Authority;]~~ and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools ~~[which are sponsored by the State Public Charter School Authority, a college or university within the Nevada System of Higher Education or a city or county]~~ that are eligible to receive such money.

2. ~~[A college or university within the Nevada System of Higher Education or a city or county that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency.]~~ A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 5. NRS 388A.285 is hereby amended to read as follows:

388A.285 1. On or before June 30 immediately preceding the final school year in which a charter school is authorized to operate pursuant to its charter contract, the sponsor of the charter school shall submit to the governing body of the charter school a written report summarizing the performance of the charter school and each facility that constitutes the charter school during the term of the charter contract, including, without limitation:

(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of this chapter;

(b) An identification of any deficiencies relating to the performance of the charter school which the sponsor has determined may result in nonrenewal of the charter contract if the deficiencies remain uncorrected;

(c) Requirements for the application for renewal of the charter contract submitted to the sponsor pursuant to subsection 3; and

(d) The criteria that the sponsor will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of this chapter. Such criteria must include, without limitation, the performance indicators, measures and metrics included in the performance framework.

2. The governing body of a charter school may submit a written response to the sponsor of the charter school concerning the performance report prepared by the sponsor pursuant to subsection 1, which may include any revisions or clarifications that the governing body seeks to make to the report.

3. If a charter school seeks to renew its charter contract, the governing body of the charter school shall submit an application for renewal to the sponsor of the charter school on or before October 15 of the final school year in which the charter school is authorized to operate pursuant to its charter contract. The application for renewal must include, without limitation:

(a) The requirements for the application identified by the sponsor in the performance report prepared by the sponsor pursuant to subsection 1;

(b) A description of the academic, financial and organizational vision and plans for the charter school for the next charter term;

(c) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract ~~[in addition to]~~ ***other than*** the information contained in the performance report prepared by the sponsor pursuant to subsection 1 and any response submitted by the governing body pursuant to subsection 2; and

(d) A description of any improvements to the charter school already undertaken or planned.

4. The sponsor of a charter school shall consider the application for renewal of the charter contract at a meeting held in accordance with chapter 241 of NRS. The sponsor shall provide written notice to the governing body of the charter school concerning its determination on the application for renewal of the charter contract not more than 60 days after receipt of the application for renewal from the governing body. The determination of the sponsor must be based upon:

(a) The criteria of the sponsor for the renewal of charter contracts; and

(b) Evidence of the performance of the charter school during the term of the charter contract in accordance with the performance framework for the charter school.

5. The sponsor of the charter school shall:

(a) Make available to the governing body of the charter school the data used in making the renewal decision; and

(b) Post a report on the Internet website of the sponsor summarizing the decision of the sponsor on the application for renewal and the basis for its decision.

6. A charter contract may be renewed for a term of not less than 3 years or more than 10 years.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. This act becomes effective upon passage and approval.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 772 to Assembly Bill No. 39.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 289.

The following Senate amendment was read:

Amendment No. 556.

AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to establish a course of study in financial literacy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Article 11 of the Nevada Constitution requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) Existing law establishes the Nevada System of Higher Education, which consists of the State University and certain other educational institutions, programs and operations. (NRS 396.020) Existing law authorizes the Board of Regents of the University of Nevada to prescribe the course of study for the System. (NRS 396.440) This bill authorizes the Board of Regents to establish a course of study in financial literacy. **If established, the course of study must**

include instruction relating to: (1) preparing a budget; (2) developing a financial plan; (3) the concept of opportunity cost with respect to spending and saving decisions; (4) preparing and filing tax returns; (5) the use of credit and the incurrence of debt; and (6) applying for and receiving financial aid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board of Regents may establish a course of study in financial literacy. If established, the course of study must include, without limitation, instruction relating to:

1. Preparing a budget;

2. Developing a financial plan;

3. The concept of opportunity cost with respect to spending and saving decisions;

4. Preparing and filing tax returns;

5. The use of credit and the incurrence of debt; and

6. Applying for and receiving financial aid.

Assemblymember Torres-Fossett moved that the Assembly do not concur in Senate Amendment No. 556 to Assembly Bill No. 289.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

The following Senate amendment was read:

Amendment No. 767.

AN ACT relating to education; prohibiting school districts, public schools and their employees from providing permission to access school district facilities to certain federal officials investigating or enforcing immigration laws; prohibiting school districts, public schools and their employees from providing information concerning pupils to certain federal, state or local officials investigating or enforcing immigration laws; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General to publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at certain public places, including public schools. (NRS 228.208) **Section 1** of this bill prohibits a school district, public school or any employee of a school district or public school, except pursuant to a lawful court order or warrant, from providing a United States Immigration and Customs Enforcement officer, or other federal official engaging in the investigation or enforcement of immigration laws: (1) permission to access the grounds,

buildings or facilities of a school district or public school; or (2) the education records of or information about a pupil or the family or household of a pupil. **Section 1** additionally applies the prohibition on the provision of the education records of or information about a pupil or the family or household of a pupil to a state or local law enforcement officer engaged in the investigation or enforcement of immigration laws. **Section 1** provides that a violation of this prohibition **[**~~: (1) for the first violation,~~**]** subjects the person who violated the provision to disciplinary action by the school district or public school that employs the person **.** **[**~~; and (2) for each subsequent violation, is punishable as a misdemeanor.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district or public school, and any employee of a school district or public school, shall not grant a United States Immigration and Customs Enforcement officer, or other federal official engaging in the investigation or enforcement of immigration laws, permission to access the grounds, buildings or facilities of a school district or public school without a lawful order or warrant issued by a court of competent jurisdiction.

2. A school district or public school, and any employee of a school district or public school, shall not disclose or provide in writing, verbally or in any other manner, the education records of or any information about a pupil, or the family or household of a pupil, to a United States Immigration and Customs Enforcement officer or other federal official, or a state or local law enforcement officer, engaging in the investigation or enforcement of immigration laws, except pursuant to a lawful order or warrant issued by a court of competent jurisdiction.

3. Any person who knowingly and willfully violates the provisions of this section ***[***~~:~~

~~*(a) For the first violation,*~~***]*** ***is subject to disciplinary action by the school district or public school which employs the person.***

[~~*(b) For each subsequent violation, is guilty of a misdemeanor.*~~***]***

4. As used in this section, "public school" includes, without limitation, a charter school or university school for profoundly gifted pupils.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 767 to Assembly Bill No. 217.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 663.

AN ACT relating to education; authorizing the State Board of Education to adopt regulations establishing criteria that a vendor that provides a high-impact tutoring program must satisfy to contract with the board of trustees of a school district or the governing body of a charter school to provide such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the State Board of Education to adopt regulations establishing the criteria that a vendor that provides a high-impact tutoring program is required to satisfy to contract with the board of trustees of a school district or the governing body of a charter school to provide such a program. The regulations must establish the criteria **, consistent with evidence-based best practices for high-impact tutoring,** concerning: (1) the frequency of interactions between a pupil and a tutor; (2) the standards used by the program to determine which pupils will be selected to receive tutoring under the program; (3) the methods of tutoring under the program; (4) the requirements for a person to be a tutor, including, without limitation, training requirements; (5) the instructional materials used by the program; (6) the collection and reporting of required data concerning the academic progress of a pupil receiving tutoring under the program; and (7) the security and privacy of data concerning pupils who are provided tutoring under the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Board may adopt regulations establishing the criteria that a vendor that provides a high-impact tutoring program must satisfy to contract with the board of trustees of a school district or the governing body of a charter school to provide such a program. The regulations adopted pursuant to this subsection must establish criteria , consistent with evidence-based best practices for high-impact tutoring, concerning:

1. The frequency of interactions between a pupil and a tutor ~~[, including, without limitation, a requirement that a pupil receive three tutoring sessions during each week that the pupil receives tutoring under the program and that each tutoring session is at least 30 minutes and the minimum number of weeks for which a pupil must receive tutoring]~~ under the program.

2. The standards used by the program to determine which pupils will be selected to receive tutoring under the program.

3. The methods of tutoring under the program, including, without limitation, a maximum pupil-tutor ratio ~~[of four pupils per tutor, a requirement that the pupil receive tutoring from not more than two different tutors, a requirement to use assessments administered at prescribed intervals~~

~~*and other measures of progress to guide and customize the tutoring provided to a pupil, and the provision of tutoring to a pupil during the school day.]*~~ ***for the program.***

4. The qualifications of a person to serve as a tutor under the program, including, without limitation, the training necessary for a person to serve as a tutor.

5. The instructional materials used by the program ***.*** ~~*[, which must be accessible, rigorous, research-based and aligned with any appropriate curricula in the school in which the pupil is enrolled.]*~~

6. The data required to be collected by the program to monitor the academic progress of pupils who are provided tutoring under the program and a requirement to report the academic progress of each pupil to:

(a) Administrators and teachers at the school in which the pupil is enrolled; and

(b) The parent or legal guardian of the pupil.

7. The methods used by the program to ensure the security and privacy of data concerning pupils who are provided tutoring under the program, which must be consistent with relevant state and federal privacy laws, including, without limitation, the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 663 to Assembly Bill No. 383.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 487.

The following Senate amendment was read:

Amendment No. 627.

SUMMARY— ~~[Revises provisions relating to the sale of certain pets.]~~ **Directs the Joint Interim Standing Committee on Natural Resources to conduct a study during the 2025-2026 interim concerning the sale of cats and dogs by retail pet stores in this State.** (BDR ~~[50-1096)]~~ **S-1096)**

AN ACT relating to animals; ~~[prohibiting a retail pet store from selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog or cat; providing that an operator of a retail pet store that commits such an act is guilty of a misdemeanor; revising provisions governing the sale of dogs and cats; providing penalties;]~~ **directing the Joint Interim Standing Committee on Natural Resources to conduct a study during the 2025-2026 interim concerning the sale of cats and dogs by retail pet stores in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth certain requirements for retailers and dealers who sell dogs or cats. (NRS 574.450-574.510) Section 8 of this bill revises the term "retailer" to "retail pet store" and revises the definition for purposes of such~~

~~requirements to mean a commercial establishment in the business of acquiring animals for resale that sells or offers to sell such animals to consumers on the premises of the business. Section 6 of this bill provides that the definition of "dealer" does not include a "retail pet store."~~

~~Section 2 of this bill prohibits a retail pet store from selling, offering to sell, bartering, auctioning or otherwise transferring ownership of any dog or cat. Section 2 further: (1) provides that an operator of a retail pet store that violates this prohibition is guilty of a misdemeanor; and (2) authorizes the court to prohibit such a person from selling any dogs or cats that he or she is otherwise authorized to sell as a breeder or dealer for not more than 1 year. Finally, section 2 provides that, for purposes of prosecuting a violation of section 2, each act that constitutes a violation is a separate offense.~~

~~Section 7.5 of this bill revises the definition of "operator" to specifically include a person responsible for the operation of a retail pet store. Section 4 of this bill applies certain definitions concerning the care of animals to the provisions of section 2. Sections 5, 7 and 10-17 of this bill make conforming changes to remove references to retailers from certain provisions governing requirements for entities who sell dogs or cats. Section 9 of this bill provides that the provisions of section 2 do not apply to certain activities.~~

~~Existing law provides, with certain exceptions, that a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor. Existing law, as an exception to such a prohibition, authorizes a person to perform such acts at a swap meet if it is conducted in a county or incorporated city in this State that has authorized, by an ordinance which meets certain requirements, such a sale and the person performs such acts in accordance with the ordinance. (NRS 574.550) Section 18 of this bill instead prohibits a person from selling, attempting to sell or offering for adoption or transferring ownership of a dog or cat at a swap meet, without exception.]~~

Existing law creates the Joint Interim Standing Committee on Natural Resources. (NRS 218E.320) Existing law authorizes the Committee to: (1) evaluate and review issues related to natural resources in this State; (2) conduct investigations and hold hearings; and (3) conduct studies as directed by the Legislature or Legislative Commission. Existing law requires the Committee to make certain reports to the Legislature. (NRS 218E.330) This bill directs the Committee to conduct a study during the 2025-2026 interim concerning the sale of cats and dogs by retail pet stores in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 20 of this bill and replace with the following new section 1:

Section 1. **1. The Joint Interim Standing Committee on Natural Resources shall conduct a study during the 2025-2026 interim concerning the sale of cats and dogs by retail pet stores in this State.**

2. The study must include, without limitation, an examination of:

(a) The acquisition of cats and dogs by retail pet stores for resale in this State; and

(b) The treatment of cats and dogs by retail pet stores after the cats and dogs are acquired and before the cats and dogs are sold by the retail pet stores.

3. The Committee shall include its findings relating to the study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

Assemblymember Anderson moved that the Assembly do not concur in Senate Amendment No. 627 to Assembly Bill No. 487.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 588.

AN ACT relating to behavioral health; requiring the certification of a natural person who holds himself or herself out as a certified prevention specialist; prohibiting a minor from providing or supervising the provision of peer recovery support services; authorizing the imposition of civil penalties for certain violations; prohibiting the employment or retention as an independent contractor of a natural person to serve as a certified prevention specialist in a position where the natural person has regular and substantial contact with minors if the natural person has been found to have engaged in certain conduct; requiring a certified prevention specialist to report certain information; requiring a substance use disorder prevention coalition to employ or enter into contracts with certified prevention specialists for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law requires an adult to be certified as a peer recovery support specialist or peer recovery support specialist supervisor by the Nevada Certification Board or, if that Board ceases issuing such certificates, the Division of Public and Behavioral Health of the Department of Health and Human Services, in order to provide peer recovery support services or supervise the provision of such services, as applicable, for compensation as a regular part of his or her job duties. However, existing law authorizes an adult who is not a peer recovery support specialist to provide peer recovery support services as a regular part of his or her job duties while serving as a peer recovery support specialist intern if the Nevada Certification Board or the Division, as applicable, has established conditions authorizing such

internships. (NRS 433.631) **Section 7** of this bill additionally prohibits a minor from providing or supervising the provision of peer recovery support services for compensation as a regular part of his or her job duties. **Sections 7, 8 and 13** of this bill authorize the Division to impose a civil penalty or bring an action for an injunction against a minor who: (1) provides peer recovery support services; or (2) supervises the provision of peer recovery support services. **Sections 4-6, 14 and 15** of this bill make various conforming changes to: (1) reflect that the provisions of law governing peer recovery support services apply to both adults and minors; and (2) clarify that those provisions of law apply only to natural persons. **Section 25** of this bill repeals a definition that is no longer used, and **section 2** of this bill eliminates a reference to that definition.

Sections 3, 7 and 8 of this bill prohibit a natural person from holding himself or herself out as a certified prevention specialist unless he or she is certified as such by the Nevada Certification Board or, if that Board ceases to certify certified prevention specialists, peer recovery support specialists or peer recovery support specialist supervisors, the Division. **Section 1** of this bill defines "certified prevention specialist" to mean a natural person who: (1) holds such certification; and (2) supervises, reviews and implements evidence-based programs, policies, practices and other culturally relevant interventions in schools or communities to prevent or reduce the harms caused by substance use, substance use disorder and other behavioral health disorders or address systemic barriers to wellness. **Section 2** of this bill makes conforming changes to indicate the applicability of that definition. **Sections 7 and 13** authorize the Division to impose a civil penalty or bring an action for an injunction against a natural person who holds himself or herself out as a certified prevention specialist without being certified as such. **Sections 9-12, 14-17 and 19-23** of this bill make various changes so that certified prevention specialists are treated similarly to peer recovery support specialists and peer recovery support specialist supervisors for purposes related to: (1) regulation, certification and background checks; (2) mandatory reporting of certain crimes and violations; and (3) exemption from the applicability of provisions of law governing certain other professions that provide behavioral health services.

Existing law: (1) provides for the certification of substance use disorder prevention coalitions; (2) requires a certified substance use disorder prevention coalition to perform certain duties relating to the prevention of substance misuse and substance use disorder; and (3) requires the Division to collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State. (NRS 458.033) **Section 18** of this bill requires a substance use disorder prevention coalition to employ or enter into contracts with certified prevention specialists as necessary to perform the duties of the coalition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

"Certified prevention specialist" means a natural person who:

1. Supervises, reviews and implements evidence-based programs, policies, practices and other culturally relevant interventions in schools or communities to:

(a) Prevent substance use, early-onset substance use, substance use disorder and other behavioral health disorders;

(b) Reduce the harms caused by substance use, substance use disorder and other behavioral health disorders; or

(c) Address systemic barriers to wellness for the purposes of improving public health and reducing the frequency of substance misuse, substance use disorder and other behavioral health disorders; and

2. Is authorized under the provisions of NRS 433.631 to hold himself or herself out as a certified prevention specialist.

Sec. 2. NRS 433.622 is hereby amended to read as follows:

433.622 As used in NRS 433.622 to 433.641, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[433.623]~~ ***433.624*** to 433.629, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 433.625 is hereby amended to read as follows:

433.625 "Certificate" means a certificate issued by the Division that authorizes the holder to ***hold himself or herself out as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services, as applicable.

Sec. 4. NRS 433.627 is hereby amended to read as follows:

433.627 "Peer recovery support specialist" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to provide peer recovery support services for compensation as a regular part of his or her job duties. The term does not include a peer recovery support specialist intern.

Sec. 5. NRS 433.628 is hereby amended to read as follows:

433.628 "Peer recovery support specialist intern" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to provide peer recovery support services for compensation as a regular part of his or her job duties while the ~~[adult]~~ ***natural person*** is acquiring the experience necessary for certification as a peer recovery support specialist.

Sec. 6. NRS 433.629 is hereby amended to read as follows:

433.629 "Peer recovery support specialist supervisor" means ~~[an adult]~~ ***a natural person*** who is authorized under the provisions of NRS 433.631 to supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties.

Sec. 7. NRS 433.631 is hereby amended to read as follows:

433.631 1. Except as authorized by subsection 2, ~~[an adult]~~ ***a natural person*** shall not:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist issued by the Nevada Certification Board or its successor organization.

(b) Supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist supervisor issued by the Nevada Certification Board or its successor organization.

(c) Hold himself or herself out as a certified prevention specialist unless he or she:

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a certified prevention specialist issued by the Nevada Certification Board or its successor organization.

2. If the Nevada Certification Board or its successor organization establishes conditions governing the provision of peer recovery support services by a ***natural*** person who is not certified as a peer recovery support specialist while the ***natural*** person is acquiring the experience necessary for certification as a peer recovery support specialist, ~~[an adult]~~ ***a natural person*** who is ***at least 18 years of age and is*** not certified as a peer recovery support specialist may:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties under those conditions; and

(b) Use the title of "peer recovery support specialist intern" while providing peer recovery support services under those conditions.

3. The Division may impose upon ~~[an adult]~~ ***a natural person*** who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 8. NRS 433.631 is hereby amended to read as follows:

433.631 1. Except as authorized by subsection 2, ~~[an adult]~~ ***a natural person*** shall not:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to provide peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist issued by the Division.

(b) Supervise the provision of peer recovery support services for compensation as a regular part of his or her job duties or hold himself or herself out as authorized to supervise the provision of peer recovery support services unless he or she ~~[holds]~~ ***:***

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a peer recovery support specialist supervisor issued by the Division.

(c) Hold himself or herself out as a certified prevention specialist unless he or she:

(1) Is at least 18 years of age; and

(2) Holds a valid certificate as a certified prevention specialist issued by the Division.

2. The Division may adopt regulations establishing conditions under which ~~[an adult]~~ ***a natural person*** who is ***at least 18 years of age and is*** not certified as a peer recovery support specialist may:

(a) Provide peer recovery support services for compensation as a regular part of his or her job duties while acquiring the experience necessary for certification; and

(b) Use the title of "peer recovery support specialist intern."

3. The Division may impose upon ~~[an adult]~~ ***a natural person*** who violates this section a civil penalty in an amount prescribed by regulation of the Board.

Sec. 9. NRS 433.632 is hereby amended to read as follows:

433.632 1. The Board shall adopt regulations governing ***the practice of certified prevention specialists and*** the provision of peer recovery support services. The regulations must prescribe:

(a) The requirements for the issuance and renewal of a certificate as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, which must include, without limitation, required training and experience for ***certified prevention specialists,*** peer recovery support specialists and peer recovery support specialist supervisors.

(b) Requirements governing the supervision of peer recovery support specialists by peer recovery support specialist supervisors.

(c) Procedures for the Division to investigate misconduct by a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor and to impose disciplinary action for such misconduct.

(d) The forms of disciplinary action that the Division may impose against a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor.

2. The Board may, by regulation, prescribe a fee for:

(a) The issuance of a certificate; and

(b) The renewal of a certificate.

3. Any fee prescribed pursuant to subsection 2 must be calculated to produce the revenue estimated to cover the costs related to the issuance and renewal of certificates, but in no case may the fee for the issuance or renewal

of a certificate exceed the actual cost to the Division of issuing or renewing the certificate, as applicable.

4. The regulations adopted pursuant to this section may establish exemptions from the provisions of NRS 433.631.

Sec. 10. NRS 433.635 is hereby amended to read as follows:

433.635 1. The Division may issue a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant holds a corresponding valid and unrestricted license, certificate or other credential as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board in the regulations adopted pursuant to NRS 433.632; and

(d) Any other information required by the Division.

3. Not later than 15 business days after the Division receives an application for a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving the application.

Sec. 11. NRS 433.636 is hereby amended to read as follows:

433.636 1. The Division may issue a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor to an applicant who meets the

requirements set forth in this section. An applicant may submit to the Division an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted license, certificate or other credential as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license, certificate or other credential as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board in the regulations adopted pursuant to NRS 433.632; and

(d) Any other information required by the Division.

3. Not later than 15 business days after the Division receives an application for a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a certificate by endorsement as a ***certified prevention specialist,*** peer recovery support specialist or peer recovery support specialist supervisor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Division to complete the application.

4. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Division may grant a provisional certificate authorizing an applicant to ***hold himself or herself out as a certified prevention specialist or*** practice as a peer recovery support specialist or peer recovery support specialist supervisor, as applicable, in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 12. NRS 433.637 is hereby amended to read as follows:

433.637 1. In addition to any other requirements set forth in NRS 433.622 to 433.641, inclusive, an applicant for the renewal of a certificate as a ***certified prevention specialist,*** recovery support specialist or recovery support specialist supervisor must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A certificate may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 13. NRS 433.638 is hereby amended to read as follows:

433.638 1. The Division may bring an action in the name of the State of Nevada to enjoin any ~~[adult]~~ ***natural person*** from engaging in conduct that violates the provisions of NRS 433.631.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, engage in conduct for which a certificate is required by NRS 433.631 without a valid certificate.

Sec. 14. NRS 433.639 is hereby amended to read as follows:

433.639 1. Not later than 3 days after employing a ***natural*** person to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services in a position where the ***natural*** person has regular and substantial contact with minors or retaining a ***natural*** person as an independent contractor to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services in such a position and every 5 years thereafter, an employer, or person or entity who retained the independent contractor, shall:

(a) Obtain from the employee or independent contractor written authorization for the release of any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100; and

(b) Complete a child abuse and neglect screening through the Central Registry to determine whether there has been a substantiated report of child

abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against the ***natural*** person.

2. Except as otherwise provided in any regulations adopted pursuant to subsection 4, upon receiving information pursuant to subsection 1 from the Central Registry or from any other source that an employee or independent contractor described in subsection 1 has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against him or her, the employer or person or entity who retained the independent contractor shall terminate the employment or contract of the employee or independent contractor, as applicable, after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 3.

3. If an employee or independent contractor described in subsection 1 believes that the information provided to the employer or person or entity who retained the independent contractor pursuant to subsection 2 is incorrect, the employee or independent contractor must inform the employer, person or entity immediately. The employer, person or entity shall give any such employee or independent contractor 30 days to correct the information.

4. The Division, in consultation with each agency which provides child welfare services, may establish by regulation a process by which it may review evidence upon request to determine whether an employee or independent contractor described in subsection 1 who has, within the immediately preceding 5 years, had a substantiated report of child abuse or neglect or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against him or her may continue to ***serve as a certified prevention specialist or*** provide or supervise the provision of peer recovery support services ***, as applicable,*** and have regular and substantial contact with minors despite the report. Any such review must be conducted in a manner which does not discriminate against a ***natural*** person in violation of 42 U.S.C. §§ 2000e et seq.

5. If a process for review is established pursuant to subsection 4, an employee or independent contractor described in subsection 1 may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

6. During any period in which an employee or independent contractor seeks to correct information pursuant to subsection 3 or requests a review of information pursuant to subsection 5, it is within the discretion of the employer or person or entity who retained the independent contractor whether to allow the employee or independent contractor to continue to work for the employer, person or entity, as applicable, except that the employee or independent contractor shall not have regular and substantial contact with minors without supervision during such a period.

7. The Division shall adopt regulations to establish civil penalties to be imposed against any person or entity that fails to comply with the requirements of this section.

8. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 424.011.

Sec. 15. NRS 433.641 is hereby amended to read as follows:

433.641 1. A person or entity that employs a ***natural*** person or retains an independent contractor for the purpose of ***serving as a certified prevention specialist or*** providing or supervising the provision of peer recovery support services in a position where the ***natural*** person has regular and substantial contact with minors shall maintain records of the information concerning such employees and independent contractors that is collected pursuant to NRS 433.639, including, without limitation, the written authorization for the release of information from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period that the employee or independent contractor has regular and substantial contact with minors; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 16. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of

Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, expanded function dental assistant, chiropractic physician, naprapath, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, ***certified prevention specialist, as defined in section 1 of this act,*** peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person

and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 17. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 634B, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS or practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A ***certified prevention specialist, as defined in section 1 of this act,*** peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical

examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. The provisions of subsection 8 do not apply to the employer of a person practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by NRS 450B.145.

11. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 18. NRS 458.033 is hereby amended to read as follows:

458.033 1. The State Board of Health shall adopt regulations:

(a) Providing for the certification of substance use disorder prevention coalitions; and

(b) Establishing requirements governing the membership of and geographic region served by substance use disorder prevention coalitions. The regulations adopted pursuant to this paragraph must align with nationally recognized standards for substance use disorder prevention coalitions and must provide that a geographic region may be served by more than one substance use disorder prevention coalition.

2. A certified substance use disorder prevention coalition shall:

(a) Advise the Department of Health and Human Services and the Division concerning:

(1) The needs of adults and children in the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders in the geographic region;

(2) Any progress, problems or plans relating to the provision of services for the prevention of substance misuse and substance use disorders and methods for improving the provision of such services in the geographic region served by the coalition;

(3) Identified gaps in services for the prevention of substance misuse and substance use disorders and recommendations for addressing those gaps; and

(4) Priorities for allocating resources to support and develop services for the prevention of substance misuse and substance use disorders in the geographic region served by the coalition.

(b) Convene interested persons and entities to promote the use of evidence-based strategies to address needs concerning services for the prevention of substance misuse and substance use disorders and improve such services in the geographic region served by the coalition.

(c) Coordinate and share information with other certified substance use disorder prevention coalitions to provide recommendations to the Department of Health and Human Services and the Division concerning services for the prevention of substance misuse and substance use disorders.

(d) Implement, in coordination with the Department of Health and Human Services, the Division, other certified substance use disorder prevention coalitions and other interested persons and entities, statewide efforts for the prevention of substance misuse and substance use disorders.

(e) Coordinate with persons and entities in this State who provide services related to the prevention of substance misuse and substance use disorders to increase the awareness of such services and reduce duplication of efforts.

(f) In consultation with other persons and entities in this State who provide services related to the prevention of substance use disorders, submit an annual report to the regional behavioral health policy board for the geographic region served by the substance use disorder prevention coalition. The report must include, without limitation:

(1) Identification of the specific needs of the geographic region served by the coalition concerning the prevention of substance misuse and substance use disorders;

(2) A description of methods that the coalition uses to collect and analyze data concerning:

(I) Substance misuse and substance use disorders in the geographic region served by the coalition; and

(II) Gaps in services related to the prevention of substance misuse and substance use disorders and the need for additional services in that region;

(3) The strategies used by the coalition and the results of those strategies;

(4) The goals of the coalition for the immediately preceding year and the degree to which the coalition achieved those goals; and

(5) The goals of the coalition for the immediately following year and the long-term goals of the coalition.

(g) Employ or enter into contracts with certified prevention specialists as necessary to perform or facilitate the activities described in paragraphs (a) to (f), inclusive.

3. The Division shall collaborate with and utilize certified substance use disorder prevention coalitions as the primary local and regional entities to coordinate programs and strategies for the prevention of substance use disorders in this State.

4. As used in this section:

(a) "Behavioral health region" has the meaning ascribed to it in NRS 433.426.

(b) ***"Certified prevention specialist" has the meaning ascribed to it in section 1 of this act.***

(c) "Substance use disorder prevention coalition" means a coalition of persons and entities who possess knowledge and experience related to the prevention of substance misuse and substance use disorders in a region of this State.

Sec. 19. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, expanded function dental assistant, naprapath, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, anesthesiologist assistant, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, ***certified prevention specialist,*** peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) ***"Certified prevention specialist" has the meaning ascribed to it in section 1 of this act.***

(c) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

~~[(c)]~~ ***(d)*** "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

~~[(d)]~~ ***(e)*** "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 20. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A person who is licensed to practice dentistry in this State;
3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;
8. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 1 of this act.***
9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or
10. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 21. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;
2. A nurse who is licensed to practice in this State;
3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;
4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;
5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;
6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;
7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical

alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 1 of this act.***

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 22. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

6. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who ***serves as a certified prevention specialist or*** provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 23. Section 37 of chapter 444, Statutes of Nevada 2021, at page 2836, is hereby amended to read as follows:

Sec. 37. 1. This section becomes effective upon passage and approval.

2. Sections 18.5, 19, 20 and 32 of this act become effective on July 1, 2021.

3. Sections 1 to 3, inclusive, 5 to 8, inclusive, 15 to 17, inclusive, 20.3 to 31, inclusive, and 33 to 36, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

4. Sections 4, 9 to 14, inclusive, 18 and 31.5 of this act become effective on the date on which the Nevada Certification Board, or its successor organization, ceases certifying ***certified prevention specialists,*** peer recovery support specialists or peer recovery support specialist supervisors.

5. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 24. 1. Notwithstanding any provision of this act to the contrary, a natural person who holds a valid certification as a certified prevention specialist issued by the Nevada Certification Board or its successor organization on the date on which that organization ceases certifying certified prevention specialists may hold himself or herself out as a certified prevention specialist without being certified by the Division of Public and Behavioral Health of the Department of Health and Human Services until 6 months after the date on which the Division begins certifying certified prevention specialists pursuant to the regulations adopted by the State Board of Health pursuant to NRS 433.632, as amended by section 9 of this act. To hold himself or herself out as a certified prevention specialist after that date, the natural person must obtain a certificate from the Division as required by NRS 433.631, as amended by section 8 of this act.

2. As used in this section, "certified prevention specialist" has the meaning ascribed to it in section 1 of this act.

Sec. 25. NRS 433.623 is hereby repealed.

Sec. 26. 1. This section and sections 1, 2, 4 to 7, inclusive, and 13 to 25, inclusive, of this act become effective on July 1, ~~[2025.]~~ **2026.**

2. Sections 3 and 8 to 12, inclusive, of this act become effective on **the later of July 1, 2026, or** the date on which the Nevada Certification Board, or its successor organization, ceases certifying certified prevention specialists, peer recovery support specialists or peer recovery support specialist supervisors.

3. Sections 10 and 11 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

433.623 "Adult" defined. "Adult" means a natural person who is 18 years of age or older.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 588 to Assembly Bill No. 60.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 633.

ASSEMBLYMEMBER EDGEWORTH

JOINT SPONSOR: SENATOR TAYLOR

AN ACT relating to hospice care; requiring a program of hospice care to obtain informed consent to treatment and provide certain notice to patients or their representatives; providing that patients of a program for hospice care have a right to certain care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires any program of hospice care, regardless of whether the program is provided by a facility for hospice care, to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) imposes certain requirements governing the operation of a program of hospice care. (NRS 449.029, 449.030, 449.196) Existing law requires a program of hospice care to provide certain care, and **section 17** of this bill provides that a patient of a program of hospice care has

a right to such care. (NRS 449.196) **Sections 17 and 18** of this bill require a program of hospice care to inform a patient of that right. **Section 15** of this bill removes provisions authorizing a facility for hospice care to provide certain care that the facility is required by existing law to provide. **Section 14** of this bill requires a program of hospice care to obtain and document the informed, written consent of a patient or his or her representative for all treatment and all decisions regarding the care of the patient. **Section 14** additionally requires a program of hospice care to: (1) notify a patient or his or her representative if the program has initiated filing claims for benefits on behalf of the patient; (2) provide a written notice containing the contact information for the program and the hours during which the program can be contacted; (3) notify a patient or his or her representative not less than 7 days before the program terminates the care of the patient or ceases operations; and (4) provide a written notice to the patient or his or her representative upon admission outlining the right of the patient to file a complaint against the program with the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, or 449A.100 to 449A.124, inclusive, ***and section 17 of this act*** and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 449.196 is hereby amended to read as follows:

449.196 ***1.*** No person, state or local government or agency may represent that it provides "hospice care" unless the program of care, either directly or indirectly:

~~[~~1.~~]~~ ***(a)*** Has a medical director whose responsibilities are appropriate to the needs of the program and who:

~~[~~(a)~~]~~ ***(1)*** Is a physician, currently licensed to practice;

~~[~~(b)~~]~~ ***(2)*** On the basis of training, experience and interest, is knowledgeable about the psychosocial and medical aspects of hospice; and

~~[~~(c)~~]~~ ***(3)*** Acts as a medical resource to the interdisciplinary team which provides the hospice care;

~~[~~2.~~]~~ ***(b)*** Is provided to the patient, as needed, in the patient's home, at a residential facility and at a medical facility, at any time of the day or night;

~~[~~3.~~]~~ ***(c)*** Includes medical, nursing, psychological and pastoral care and social services at the level required by the patient's condition;

~~[~~4.~~]~~ ***(d)*** Provides supportive services for the patient's immediate family and other persons with significant personal ties to the patient, whether or not related by blood, including:

~~[~~(a)~~]~~ ***(1)*** Care for the patient which provides a respite from the stresses and responsibilities that result from the daily care of the patient; and

~~[~~(b)~~]~~ ***(2)*** Emotional support and other care after the patient dies; and

~~[~~5.~~]~~ ***(e)*** Includes the services of trained volunteers.

2. A program of hospice care shall:

(a) Obtain the informed, written consent of the patient or his or her representative for all treatment and all decisions concerning the care of the patient;

(b) Maintain each document upon which written consent is provided pursuant to paragraph (a) for at least 5 years after the patient ceases receiving care from the program;

(c) Timely notify the patient or his or her representative if the program of hospice care has initiated filing claims for benefits on behalf of the patient;

(d) Provide a written notice to the patient or his or her representative that contains the contact information for the program of hospice care and the hours during which the program can be reached through the contact information provided;

(e) If the program of hospice care plans to cease operations or terminate the care of a patient, provide written notice of that fact to the patient or his or her representative not less than 7 days before ceasing operations or terminating the care of the patient, as applicable; and

(f) Provide to the patient or his or her representative upon the admission of the patient a written notice that:

(1) States that the patient has the right to file a complaint against the program with the Division at any time;

(2) Describes the process through which a complaint may be made with the Division; and

(3) Contains the address of the Internet website and telephone number of the Division.

Sec. 15. NRS 449.197 is hereby amended to read as follows:

449.197 ~~[1.]~~ A licensed facility for hospice care may provide any of the following levels of care for terminally ill patients:

~~[(a)]~~ ***1.*** Medical care for a patient who is in an acute episode of illness;

~~[(b)]~~ ***2.*** Skilled nursing care;

~~[(c)]~~ ***3.*** Intermediate care;

~~[(d)]~~ ***4.*** Custodial care; and

~~[(e)]~~ ***5.*** Palliative services.

~~[2. A licensed facility for hospice care may provide direct supportive services to a patient's family and persons who provide care for the patient, including services which provide care for the patient during the day and other services which provide a respite from the stresses and responsibilities that result from the daily care of the patient.]~~

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Every patient of a program of hospice care has the right to receive the care specified in paragraph (c) of subsection 1 of NRS 449.196.

2. Not later than 15 days after a patient elects to receive care from a program of hospice care, the program of hospice care shall provide to the patient or the patient's legal representative an explanation of the services available through the program. The explanation must include, without limitation, a statement of the rights prescribed by subsection 1.

3. As used in this section, "program of hospice care" means a program of hospice care described in NRS 449.196.

Sec. 18. NRS 449A.118 is hereby amended to read as follows:

449A.118 1. Every medical facility and facility for the dependent shall inform each patient or the patient's legal representative, upon the admission of the patient to the facility, of the patient's rights as listed in NRS 449A.100 and 449A.106 to 449A.115, inclusive ~~[.]~~ ***, and section 17 of this act.***

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449A.218, the facility shall inform the patient of his or her rights pursuant to NRS 449A.200 to 449A.263, inclusive.

3. In addition to the requirements of subsections 1 and 2, every hospital shall, upon the admission of a patient to the hospital, provide to the patient or the patient's legal representative:

(a) Notice of the right of the patient to:

(1) Designate a caregiver pursuant to NRS 449A.300 to 449A.330, inclusive; and

(2) Express complaints and grievances as described in paragraphs (b) to (f), inclusive;

(b) The name and contact information for persons to whom such complaints and grievances may be expressed, including, without limitation, a patient representative or hospital social worker;

(c) Instructions for filing a complaint with the Division;

(d) The name and contact information of any entity responsible for accrediting the hospital;

(e) A written disclosure approved by the Director of the Department of Health and Human Services, which written disclosure must set forth:

(1) Notice of the existence of the Bureau for Hospital Patients created pursuant to NRS 232.462;

(2) The address and telephone number of the Bureau; and

(3) An explanation of the services provided by the Bureau, including, without limitation, the services for dispute resolution described in subsection 3 of NRS 232.462; and

(f) Contact information for any other state or local entity that investigates complaints concerning the abuse or neglect of patients.

4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

➥ As used in this subsection, "major hospital" has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

(2) Instructions for arranging to make payment;

(b) Be written in language that is easy to understand; and

(c) Be written in English and Spanish.

Sec. 19. (Deleted by amendment.)

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 633 to Assembly Bill No. 161.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 315.

The following Senate amendment was read:

Amendment No. 634.

ASSEMBLYMEMBER EDGEWORTH

JOINT SPONSOR: SENATOR TAYLOR

AN ACT relating to Medicaid; requiring an application to participate in Medicaid as a provider to be accompanied with a verification of the identity and signature of the applicant; establishing the means by which the identity and signature of an applicant may be established; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an application to participate in Medicaid as a provider to contain a statement that all matters stated within the application are true and accurate. Existing law requires a natural person who is the applicant, or is authorized to act on behalf of the applicant, to sign the statement under the pains and penalties of perjury. Existing law provides that a person who signs such a statement knowing that the application contains information which is false, whether in whole or in part, and whether by commission or omission, is guilty of a category D felony. (NRS 422.550) This bill additionally requires that an application submitted to participate in Medicaid as a provider be accompanied by verification of the identity and signature of the person who signed the statement. This bill specifies that a person may verify his or her identity and signature for this purpose by: (1) oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations; or (2) through the use of an electronic identity verification system.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 422.550 is hereby amended to read as follows:

422.550 1. Each application or report submitted to participate as a provider, each report stating income or expense upon which rates of payment are or may be based, and each invoice for payment for goods or services provided to a recipient must contain a statement that all matters stated therein are true and accurate, signed by a natural person who is the provider or is authorized to act for the provider, under the pains and penalties of perjury.

2. ***In addition to the requirements of subsection 1, each application submitted to participate as a provider must be accompanied by verification of the identity and signature of the natural person who signed the statement pursuant to subsection 1:***

(a) By oath or affirmation of the person administered by a notary public or other person authorized by law to administer oaths or affirmations; or

(b) Through an electronic identity verification system that is used or approved by the Department for the purpose of verifying the identification or signature of a person.

3. A person is guilty of perjury which is a category D felony and shall be punished as provided in NRS 193.130 if the person signs or submits, or causes to be signed or submitted, ~~[such]~~ a statement ~~[,]~~ ***described in subsection 1,*** knowing that the application, report or invoice contains information which is false, in whole or in part, by commission or by omission.

~~[3.]~~ ***4.*** For the purposes of this section, a person who signs on behalf of a provider is presumed to have the authorization of the provider and to be acting at the direction of the provider.

5. As used in this section, "electronic identity verification system" means an electronic system that is capable of verifying the identity or signature of a person by:

(a) Using multifactor authentication;

(b) Verifying data contained within governmental databases or appearing on government-issued identification cards, including, without limitation, photographs and signatures;

(c) Utilizing biometric data or facial recognition technology;

(d) Utilizing a combination of any mechanism described in paragraphs (a), (b) and (c); or

(e) Utilizing other secure and accurate means or procedures.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 634 to Assembly Bill No. 315.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 343.

The following Senate amendment was read:

Amendment No. 749.

AN ACT relating to health care; requiring hospitals to publish certain information relating to the pricing of goods and services; prohibiting a hospital from collecting medical debt that accrued while the hospital was out of compliance with that requirement; prescribing a procedure for the correction of violations of that requirement; authorizing certain investigations, civil actions and the imposition of certain administrative sanctions; providing for the publication of certain information relating to violations; requiring certain health care entities to provide certain information before taking any action to collect a medical debt; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require a hospital to publish: (1) a list of standard charges for all items and services provided by the hospital; and (2) a consumer-friendly list of standard charges for a limited set of shoppable services, which are services provided by a hospital that can be scheduled by a consumer in advance. (45 C.F.R. §§ 180.20, 180.40-180.60) **Sections 13-15** of this bill codify similar requirements into Nevada law. Specifically, **section 13** requires a hospital to compile, publish and update annually a list of standard charges for all items and services provided by the hospital. **Section 14** requires a hospital to **maintain an online price-estimator tool or** compile, publish and update annually: (1) a list of shoppable services provided by the hospital; and (2) a list of the shoppable services that appear on a list of certain shoppable services specified by the Federal Government and that the hospital does not provide. **Section 15** requires a hospital to publish the ~~[lists]~~ **most current version of each list** required by **sections 13 and 14** on the most prominent publicly available Internet website maintained by the hospital**.** ~~[and requires those lists to remain available for at least 7 years after the date of initial publication.]~~ **Section 15** prescribes ~~[additional technical]~~ **certain** requirements governing the ~~[publication of]~~ **manner in which** those lists ~~[.]~~ **must be published.** **Section 16** of this bill requires a hospital to annually report to the Department of Health and Human Services concerning facility fees for outpatient services provided in off-campus facilities. **Section 16** requires the Department to publish those reports on a publicly available Internet website.

Section 17 of this bill prohibits a hospital from taking certain actions to collect a medical debt for goods or services provided to a patient while the hospital is not in compliance with the requirements of **sections 13-15** or the corresponding federal requirements. **Section 17** provides that such prohibited actions, when taken knowingly, constitute deceptive trade practices, thereby subjecting a hospital that commits such a violation to the civil and criminal penalties that may be imposed for deceptive trade practices generally. (Chapter 598 of NRS) **Section 17** also authorizes a medical debtor who is aggrieved by such a prohibited action to file a claim with the Bureau of Consumer Protection

in the Office of the Attorney General. **Section 24.5** of this bill requires the Governor's Consumer Health Advocate to assist patients with the filing of such claims. If the Bureau determines that a hospital has taken an action prohibited by **section 17** to collect a medical debt, **section 17** requires the hospital to cancel the debt and refund any portion of the debt that has been paid.

Sections 18-21 of this bill provide for the administrative enforcement of **sections 2-21**. Specifically, **section 18**: (1) authorizes any person or entity to file a complaint against a hospital that fails to comply with **sections 2-21**; and (2) requires the Department to monitor the compliance of hospitals with **sections 2-21**. **Section 19** prescribes a procedure for the correction of a violation of **sections 2-21**, and **section 20** requires the Department to impose administrative penalties against a hospital that commits such a violation. **Section 21** provides for the publication of certain documents relating to violations of **sections 2-21**. **Sections 21 and 25** of this bill provide that a complaint alleging such a violation and certain initial investigatory documents are confidential.

Section 22 of this bill requires certain health care entities, before taking any action to collect a medical debt, to provide: (1) the patient with an itemized statement of the medical debt and certain other information; and (2) the medical debtor with a receipt for each payment made on the debt. **Section 22** authorizes a patient or medical debtor who is aggrieved by a violation of those requirements to ~~[bring a civil action against the health care entity.]~~ **file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. Section 24.5 requires the Governor's Consumer Health Advocate to assist patients with the filing of such claims. If the Bureau determines that a health care entity has taken an action to collect a medical debt where prohibited by section 22, section 22 requires the health care entity to cancel the debt and refund any portion of the debt that has been paid. Section 22 also provides that attempting to collect a debt under such prohibited circumstances constitutes a deceptive trade practice. Sections 3-12** of this bill define certain terms, and **section 2** of this bill establishes the applicability of those definitions. **Sections 23 and 27** of this bill make conforming changes to clarify the applicability of an existing definition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other health benefit plans offered by third parties.***

Sec. 4. *"Healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.*

Sec. 5. *"Health benefit plan" means a policy, contract, certificate or agreement offered or issued by a third party to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.*

Sec. 5.5. *"Health care entity" means:*

1. Any facility licensed pursuant to chapter 449 of NRS;

2. A practitioner group practice;

3. An entity that provides staffing or services of practitioners; or

4. Any other entity that provides health care specified by regulation of the Department.

Sec. 6. ~~*["Hospital" has the meaning ascribed to it in NRS 439B.110, and additionally includes any parent or subsidiary of a hospital, and any other entity that provides health care items or services and is affiliated with a hospital, regardless of whether the parent, subsidiary or other entity is independently licensed.]*~~ **(Deleted by amendment.)**

Sec. 7. *"Medical debt" means an obligation or alleged obligation owed by a consumer of health care to pay money to a health care entity or its assignee for medical services, products or devices, regardless of whether the obligation is past due. The term includes, without limitation, any amount which has been paid toward the partial or total satisfaction of the debt.*

Sec. 8. *"Medical debtor" means a natural person who:*

1. Owes a medical debt; or

2. Is the guarantor of a natural person who owes a medical debt.

Sec. 9. *"National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.*

Sec. 10. *"Practitioner group practice" means any business entity organized for the purpose of the practice of one or more healing arts by more than one practitioner.*

Sec. 11. *"Small practitioner group practice" means a practitioner group practice consisting of a number of practitioners less than or equal to the maximum number of practitioners established by regulation of the Department for a small practitioner group practice.*

Sec. 12. *"Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 13. *1. A hospital shall compile, publish in accordance with section 15 of this act and update annually a list of:*

(a) Each item or service provided by the hospital for which the hospital has established a standard charge, including, where applicable:

(1) A fee for:

(I) Supplies and procedures;

(II) Room and board; or

(III) The services of physicians and other practitioners employed by ~~[or under contract with]~~ the hospital; and

(2) A fee for the use of the hospital or an item; and

(b) For each item or service described in paragraph (a):

(1) A description of the item or service;

(2) The amount, in dollars, of the charge for the item or service that is reflected on the charge master maintained pursuant to NRS 449.490, absent any discount;

(3) The amount, in dollars, of the highest charge that the hospital has negotiated with a third party for the item or service, listed without identifying the third party;

(4) The amount, in dollars, of the lowest charge that the hospital has negotiated with a third party for the item or service, listed without identifying the third party;

(5) The amount, in dollars, that the hospital charges a natural person who pays immediately in cash for the item or service;

(6) ~~[Each third party with which the hospital has negotiated a charge for the item or service, the tax identification number of the third party and the]~~ Except as otherwise provided in subsection 4, the amount, in dollars, of ~~[that negotiated]~~ each charge ~~[,]~~ negotiated with a third party for an item or service, listed in a manner that clearly associates the negotiated charge with the third party and ~~[, where]~~ any applicable ~~[, each]~~ health benefit plan offered by the third party; and

(7) Any code or similar identifier that the hospital uses for the purpose of accounting or billing for the item or service, which may include, without limitation:

(I) The code set forth in Current Procedural Terminology published by the American Medical Association;

(II) The code set forth in the Healthcare Common Procedure Coding System published by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(III) The diagnosis-related group; and

(IV) The National Drug Code.

2. If a hospital operates multiple facilities in this State, the hospital shall compile a separate list pursuant to subsection 1 for each facility.

3. ~~[A hospital shall be deemed to be in compliance with the requirements of this section if a list compiled pursuant to this section contains at least 95 percent of the entries required by this section.~~

~~4.]~~ A hospital is not required to include the information described in subparagraph (6) of paragraph (b) of subsection 1 as part of the list compiled pursuant to subsection 1 if such information is not required to be included

in the information published pursuant to 42 U.S.C. § 300gg-18(e) and the regulations adopted pursuant thereto.

4. As used in this section, "standard charge" means the regular rate established by a hospital for an item or service provided to a specific group of patients. The term includes, without limitation:

(a) A charge that is reflected on the charge master maintained pursuant to NRS 449.490, absent any discount;

(b) A charge negotiated with a third party; and

(c) The amount charged to a natural person who pays immediately in cash for the item or service.

Sec. 14. *1. ~~[A]~~ Except as otherwise provided in subsection 7, a hospital shall compile, publish in accordance with section 15 of this act and update annually:*

(a) A list of shoppable services provided by the hospital and, for each such shoppable service, the information required by subsection 3. The list must include at least 300 shoppable services or, if the hospital provides fewer than 300 shoppable services, each shoppable service that the hospital provides. Such shoppable services must include, without limitation, each shoppable service provided by the hospital that appears on the list of 70 shoppable services specified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 45 C.F.R. § 180.60.

(b) A list of each shoppable service that appears on the list of 70 shoppable services specified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services pursuant to 45 C.F.R. § 180.60 that is not offered by the hospital.

2. In deciding whether to include a shoppable service on the list compiled pursuant to paragraph (a) of subsection 1, a hospital shall:

(a) Consider the frequency with which the hospital provides the shoppable service and the rate that the hospital charges for the shoppable service; and

(b) Prioritize for inclusion on the list the shoppable services that the hospital most frequently provides.

3. The list compiled pursuant to paragraph (a) of subsection 1 must include, for each shoppable service:

(a) A description, in plain language, of the shoppable service;

(b) ~~[Each third party with which the hospital has negotiated a charge for the shoppable service and any services ancillary to the shoppable service, the tax identification number of the third party and the]~~ Except as otherwise provided in subsection 6, the amount, in dollars, of ~~[that negotiated]~~ each charge ~~[,]~~ negotiated with a third party for the shoppable service and any services ancillary to the shoppable service, listed in a manner that clearly associates the negotiated charge with the third party and ~~[, where]~~ any applicable ~~[, each]~~ health benefit plan offered by the third party;

(c) The amount, in dollars, that the hospital charges a natural person who pays immediately in cash for the shoppable service and any services ancillary to the shoppable service;

(d) The amount, in dollars, of the highest charge that the hospital has negotiated with a third party for the shoppable service and any services ancillary to the shoppable service, listed without identifying the third party;

(e) The amount, in dollars, of the lowest charge that the hospital has negotiated with a third party for the shoppable service and any services ancillary to the shoppable service, listed without identifying the third party;

(f) Any code or similar identifier that the hospital uses for the purpose of accounting or billing for the shoppable service, which may include, without limitation:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The code set forth in the Healthcare Common Procedure Coding System published by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(3) The diagnosis-related group; and

(4) The National Drug Code; and

(g) If the hospital provides the shoppable service to both inpatients and outpatients, whether each charge specified pursuant to paragraphs (b) to (e), inclusive, applies to the shoppable service when provided to an inpatient or an outpatient.

4. If a hospital operates multiple facilities in this State, the hospital shall compile a separate list pursuant to subsection 1 , to the extent required by this section, for each facility.

5. ~~[A hospital shall be deemed to be in compliance with the requirements of this section if a list compiled pursuant to this section contains at least 95 percent of the entries required by this section.~~

~~6.]~~ A hospital is not required to include the information described in paragraph (b) of subsection 3 as part of the list compiled and published pursuant to paragraph (a) of subsection 1 if such information is not required to be included in the information published pursuant to 42 U.S.C. § 300gg-18(e) and the regulations adopted pursuant thereto.

6. A hospital is not required to compile and publish the list of shoppable services described in paragraph (a) of subsection 1 if the hospital maintains a price-estimator tool that:

(a) Allows a user to obtain an estimate of the amount that the user will be obligated to pay to the hospital if the person receives a shoppable service or service ancillary to the shoppable service that would otherwise be included on a list compiled and published pursuant to subsection 1.

(b) Is available in a prominent location on the most prominent publicly available Internet website operated by the hospital. If a hospital operates multiple facilities with separate Internet websites, the price-estimator tool

must be available on the most prominent publicly available Internet website of each such facility.

(c) Is available at all times and free of charge, without having to establish a user account or password and without having to submit personally identifiable information, enter a code or overcome any other impediment.

(d) Is accessible to a common commercial operator of an Internet search engine to the extent necessary for the search engine to index the price-estimator tool and display the price-estimator tool in response to a search by a user of the search engine.

7. Any price-estimator tool that is deemed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to meet the requirements of 45 C.F.R. § 180.60(a)(2) shall be deemed to also meet the requirements of subsection 7.

8. As used in this section, "shoppable service" means a service that a patient may schedule in advance.

Sec. 15. ***1. A hospital shall:***

(a) Publish the most current version of each list compiled pursuant to section 13 or 14 of this act in a single digital file that is presented in a machine-readable format without additional rows or spacing between data and in the manner required by subsection 2. Each such list must be made available in a prominent location on the most prominent publicly available Internet website operated by the hospital. If a hospital operates multiple facilities with separate Internet websites, the lists pertaining to each facility must be available on the most prominent publicly available Internet website for the facility to which the list pertains.

(b) Indicate on each list compiled pursuant to section 13 or 14 of this act or in a manner clearly associated with the list the date on which the list was most recently updated.

~~***[(c) Not later than 14 days after initially publishing or updating a list compiled pursuant to section 13 or 14 of this act, submit to the Department:***~~

~~***(1) A copy of the list; and***~~

~~***(2) A statement signed by a senior official or executive of the hospital under penalty of perjury affirming the accuracy and completeness of the list.]***~~

2. Each list published pursuant to subsection 1 must ~~***[:]***~~ ***be:***

(a) ~~***[Be available]***~~ ***Available at all times and free of charge, without having to establish a user account or password and without having to submit personally identifiable information, enter a code or overcome any other impediment;***

(b) ~~***[Be accessible]***~~ ***Accessible to a common commercial operator of an Internet search engine to the extent necessary for the search engine to index the list and display the list in response to a search by a user of the search engine; and***

(c) ~~***[Use the template prescribed by the Department pursuant to subsection 4;***~~

~~*(d) Be digitally searchable and printable by service description, billing code and third party; and*~~

~~*(e) Use the following naming convention: <ein>_<facility-name>_standardcharges.{jsonxmlcsv} or <ein>_<facility-name>_shoppableservices.{jsonxmlcsv}, as applicable.]*~~ ***Digitally searchable.***

3. ~~*[A hospital shall not remove any version of a list published pursuant to section 13 or 14 of this act from the Internet website on which the list is published pursuant to subsection 1 until 7 years after the date on which that version is published.*~~

~~*4. The Department shall develop and publish a template that each hospital must use in formatting a list pursuant to this section. In developing the template, the Department shall:*~~

~~*(a) Consider any federal law, regulations or guidelines for formatting similar lists;*~~

~~*(b) Ensure that the design of the template enables researchers to compare the charges contained in the lists compiled by each hospital; and*~~

~~*(c) Design the template to be substantially similar to any template used by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for a similar purpose, to the extent that such a design meets the objective specified in paragraph (b).*~~

~~*5. The Department shall publish each list received pursuant to paragraph (c) of subsection 1 on a publicly accessible Internet website maintained by the Department not later than 45 days after receiving the list.*~~

~~*6.]*~~ ***As used in this section, "machine-readable format" means a digital representation of information in a file that is capable of being imported or read into a computerized system for further processing. The term includes, without limitation, .XML, .JSON and .CSV formats.***

Sec. 16. ***1. On or before July 1 of each year, a hospital shall submit to the Department in the form prescribed by the Department:***

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed by a senior official or executive of the hospital under penalty of perjury affirming the accuracy and completeness of the information in the report.

2. A report submitted pursuant to paragraph (a) of subsection 1 must include, for the immediately preceding calendar year:

(a) The name and location of each health care facility, other than a small practitioner group practice, owned or operated by the hospital that charges a facility fee for any service;

(b) The number of patient visits to each health care facility described in paragraph (a);

(c) The number, total amount and types of facility fees paid at each health care facility described in paragraph (a) by Medicare;

(d) The number, total amount and types of facility fees paid at each health care facility described in paragraph (a) by nongovernmental third parties;

(e) For each health care facility described in paragraph (a), the total number of facility fees charged and the total amount of revenue received from facility fees;

(f) The total amount of facility fees charged and the total amount of revenue received from facility fees by the hospital for all health care facilities described in paragraph (a);

(g) The 10 services provided by the hospital, including, without limitation, all health care facilities owned or operated by the hospital, that generated the largest amount of gross revenue through facility fees and, for each such service:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The total number of times the hospital provided the service;

(3) The gross and net revenue generated by the hospital through the provision of the service; and

(4) The net revenue received by the hospital through facility fees associated with the service;

(h) The 10 services provided by the hospital most frequently for which the hospital charged a facility fee and, for each such service:

(1) The code set forth in Current Procedural Terminology published by the American Medical Association;

(2) The total number of times the hospital provided the service;

(3) The gross and net revenue generated by the hospital through the provision of the service; and

(4) The net revenue received by the hospital through facility fees associated with the service; and

(i) Any other information prescribed by regulation of the Department.

3. The Department shall publish each report received pursuant to subsection 1 available on a publicly accessible Internet website maintained by the Department not later than 45 days after receiving the report.

4. As used in this section:

(a) "Facility fee" means a fee that is charged by a hospital for outpatient services provided in an off-campus health care facility operated by the hospital and that is intended to compensate the hospital for the expenses of providing health care. The term does not include a fee charged by a practitioner for medical services.

(b) "Health care facility" means:

(1) An off-campus location of a hospital;

(2) Any facility independently licensed pursuant to chapter 449 of NRS;

(3) A practitioner group practice; and

(4) Any other facility that provides health care specified by regulation of the Department.

Sec. 17. *1. A hospital shall not take any action described in subsection 2 with regard to any medical debt while the hospital is not in compliance with any provision of section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60.*

2. A hospital shall not, with regard to any medical debt described in subsection 1:

(a) Refer the medical debt to a collection agency or other third party for collection;

(b) File a civil action or seek arbitration or mediation to collect the medical debt; or

(c) Directly or indirectly cause the reporting of the medical debt to a reporting agency.

3. If a medical debtor believes that a hospital has taken an action described in subsection 2 in violation of subsection 1 with respect to a medical debt owed by the medical debtor, the medical debtor may file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. A medical debtor who files such a claim shall immediately notify the hospital that he or she has filed the claim.

4. Upon the filing of a claim pursuant to subsection 3, the Bureau of Consumer Protection shall investigate the claim. The hospital shall not take any action described in subsection 2 to collect the medical debt that is the subject of the investigation while the investigation is pending.

5. If, at the conclusion of an investigation pursuant to subsection 4, the Bureau of Consumer Protection determines that the hospital has taken an action described in subsection 2 in violation of subsection 1, the hospital shall cancel the medical debt that is the subject of the investigation and any related medical debt and refund any amount of the medical debt or any related medical debt which has been paid by the medical debtor.

6. A knowing violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7. As used in this section, "reporting agency" has the meaning ascribed to it in NRS 598C.100.

Sec. 18. *1. Any person who believes that a hospital has failed to comply with the provisions of sections 2 to 21, inclusive, of this act may submit a complaint to the Department. The Department shall:*

(a) Create an electronic form for the submission of such complaints and post the form on an Internet website operated by the Department; and

(b) Accept such complaints through a telephone number dedicated for that purpose.

2. The Department shall monitor the compliance of hospitals with the provisions of sections 2 to 21, inclusive, of this act by:

(a) Evaluating complaints submitted pursuant to subsection 1 and other available information concerning compliance with sections 2 to 21, inclusive, of this act;

(b) Reviewing any available analysis of noncompliance with sections 2 to 21, inclusive, of this act prepared in good faith by a qualified person or entity; and

(c) Auditing the Internet websites maintained by hospitals in this State . ~~[; and~~

~~*(d) Confirming that each hospital has complied with paragraph (c) of subsection 1 of section 15 of this act.]*~~

3. The Department shall adopt such regulations as are necessary to carry out the provisions of sections 17 to 21, inclusive, of this act, including, without limitation, regulations prescribing the procedure to appeal any action taken by the Department pursuant to section 19 or 20 of this act. That procedure must include, without limitation, the opportunity for a hearing.

Sec. 19. *1. If the Department determines that a hospital has failed to comply with the provisions of sections 2 to 21, inclusive, of this act, the Department shall issue to the hospital a notice of the violation. The notice must include, without limitation:*

(a) A description of the violation;

(b) A requirement that the hospital:

(1) Take action to correct the violation within 30 days after the date of the notice, if the Department determines that the violation is capable of correction within that time period; or

(2) Submit a plan of correction within 30 days after the date of the notice, in all other cases; and

(c) If the Department requires a hospital to submit a plan of correction, notice of:

(1) The form and manner in which the hospital must submit the plan of correction;

(2) The date by which the hospital must submit the plan of correction or a notice of appeal; and

(3) The date by which the hospital must correct the violation.

2. If the Department requires a hospital to take action to correct a violation pursuant to subparagraph (1) of paragraph (b) of subsection 1, the hospital shall, within 30 days after the date of the notice, submit to the Department written confirmation that the hospital has taken such action or a notice of appeal.

3. A plan of correction submitted pursuant to subparagraph (2) of paragraph (b) of subsection 1 must state:

(a) The manner in which the hospital will correct the violation identified in the notice provided pursuant to subsection 1; and

(b) The date by which the hospital will correct the violation.

4. Upon the submission of a plan of correction pursuant to subparagraph (2) of paragraph (b) of subsection 1, the Department may:

(a) Approve the plan of correction as submitted; or

(b) Notify the hospital that additional corrective actions are necessary and require the hospital to submit a revised plan of correction.

5. The Department must approve a plan of correction before it becomes effective. After approving a plan of correction, the Department shall monitor and evaluate the compliance of the hospital with the plan of correction.

Sec. 20. *1. The Department shall impose an administrative penalty against a hospital that the Department determines, after notice and the opportunity for a hearing in accordance with sections 18 and 19 of this act and any regulations adopted pursuant thereto, ~~[to comply with]~~ has violated any provision of sections 2 to 21, inclusive, of this act, or failed to comply with any requirement imposed by the Department pursuant to section 19 of this act or any plan of correction approved by the Department pursuant to section 19 of this act.*

2. An administrative penalty imposed pursuant to this section must be in an amount of:

(a) Not ~~[more]~~ less than ~~[$5,000]~~ $600 for ~~[the first incident;]~~ a hospital with not more than 30 beds;

(b) Not ~~[more]~~ less than ~~[$10,000]~~ $20 for ~~[the second incident;]~~ each bed in a hospital with at least 31 and not more than 550 beds; and

(c) Not ~~[more]~~ less than ~~[$20,000]~~ $11,000 for ~~[the third incident; and

(d) Not more than $30,000 for the fourth incident or any subsequent incident.]~~ a hospital with more than 550 beds.

3. For the purposes of ~~[subsection 2,]~~ this section, each day that a hospital has failed to correct a violation beyond the date prescribed pursuant to subparagraph (1) of paragraph (b) of subsection 1 of section 19 of this act or subparagraph (3) of paragraph (c) of subsection 1 of section 19 of this act, as applicable, or failed to submit a plan of correction or a notice of appeal beyond the date prescribed pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section 19 of this act constitutes a separate ~~[incident.]~~ violation.

4. In determining the amount of an administrative penalty imposed pursuant to this section, the Department shall consider:

(a) Previous violations by the operator of the hospital;

(b) The seriousness of the violation;

(c) The demonstrated good faith of the operator of the hospital; and

(d) Such other matters as justice may require.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to carry out the provisions of sections 2 to 22, inclusive, of this act.

Sec. 21. *1. The Department shall:*

(a) Maintain a publicly available Internet website to inform the public concerning violations of sections 2 to 21, inclusive, of this act; and

(b) Not later than 30 days after finding, after notice and the opportunity for a hearing in accordance with sections 18 and 19 of this act and the regulations adopted pursuant thereto, that a hospital has violated any provision of sections 2 to 21, inclusive, of this act, post to the Internet website maintained pursuant to paragraph (a):

(1) The name of the hospital;

(2) A description of the violation that the hospital was found to have committed;

(3) Any corrective action that the hospital was ordered to take pursuant to section 19 of this act or included in a plan of correction approved pursuant to that section and, if applicable, the date on which the hospital took such corrective action; and

(4) The amount of any administrative penalty imposed on the hospital pursuant to section 20 of this act.

2. Except as otherwise provided in subsection 3 and NRS 239.0115, a complaint filed with the Department pursuant to section 18 of this act, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to issue a notice of violation pursuant to section 19 of this act are confidential.

3. Any notice provided by the Department, plan of correction approved by the Department or confirmation that a hospital has taken a corrective action required by the Department pursuant to section 19 of this act, any order of the Department imposing an administrative penalty pursuant to section 20 of this act and any documents or information considered by the Department when determining whether to approve a plan of correction or impose an administrative penalty are public records.

Sec. 22. *1. Before taking any action to collect a medical debt or authorizing a collection agency or any other person or entity to take any action to collect a medical debt, a health care entity shall provide to the patient ~~[,]~~ in writing, electronically or through an Internet portal:*

(a) An itemized statement of the medical debt owed by the patient to the health care entity, which must:

(1) Be easy to understand;

(2) Where applicable, comply with the requirements of NRS 449.193, 449.243 or 629.071 or any other requirements of state or federal law regarding billing for health care; and

(3) Include, without limitation, the applicable billing codes, including modifiers, for each item or service for which the medical debt is owed. Those codes must use a commonly recognized system of billing codes that is identified in the statement.

(b) Information concerning any available language assistance services for persons with limited English proficiency.

(c) The name, telephone number and electronic mail address of a person or office at the health care entity that is authorized to discuss the itemized statement described in paragraph (a) with the patient and make changes relating to the medical debt, including, without limitation, reducing or cancelling the medical debt.

2. Not later than 30 days after a medical debtor makes any payment related to a medical debt to the health care entity or a collection agency

acting on behalf of the health care entity, the health care entity shall provide an itemized receipt to the medical debtor. A health care entity shall not take any action to collect a medical debt or authorize a collection agency or other entity to take any action to collect a medical debt if the health care entity has failed to timely provide any receipt required by this subsection to the medical debtor.

3. ~~[A medical debtor who is aggrieved by a violation of this section by a health care entity may bring a civil action against the health care entity. If the medical debtor prevails in such a civil action, the court:~~

~~(a) Shall award to the medical debtor any actual damages resulting from the violation and reasonable attorney's fees and costs; and~~

~~(b) May award punitive damages in an amount not to exceed $10,000 for each violation.~~

~~4. If one or more medical debtors who prevail in a civil action brought pursuant to subsection 3 are representatives of a class, the court may award, in addition to the amounts authorized by subsection 3, an amount for other members of the class not to exceed the lesser of $10,000,000 or 1 percent of the annual net income of the health care entity found to be in violation of this section.~~

~~5.]~~ If a medical debtor believes that a health care entity has taken an action in violation of subsection 1 or 2 with respect to a medical debt owed by the medical debtor, the medical debtor may file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. A medical debtor who files such a claim shall immediately notify the health care entity that he or she has filed the claim.

4. Upon the filing of a claim pursuant to subsection 3, the Bureau of Consumer Protection shall investigate the claim. The health care entity shall not take any action to collect the medical debt that is the subject of the investigation or authorize a collection agency or other entity to take any action to collect that medical debt while the investigation is pending.

5. If, at the conclusion of an investigation pursuant to subsection 4, the Bureau of Consumer Protection determines that the health care entity has taken an action in violation of subsection 1 or 2, the health care entity shall cancel the medical debt that is the subject of the investigation and any related medical debt and refund any amount of the medical debt or any related medical debt which has been paid by the medical debtor.

6. A knowing violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7. The provisions of this section do not apply to a small practitioner group practice.

~~[6.]~~ 8. As used in this section "collection agency" has the meaning ascribed to it in NRS 649.020.

Sec. 23. NRS 439B.320 is hereby amended to read as follows:

439B.320 1. A hospital shall provide, without charge, in each fiscal year, care for indigent inpatients in an amount which represents 0.6 percent of its net revenue for the hospital's preceding fiscal year.

2. The Department shall compute the obligation of each hospital for care of indigent inpatients for each fiscal year based upon the net revenue of the hospital in its preceding fiscal year and shall provide this information to the board of county commissioners of the county in which the hospital is located.

3. The board of county commissioners shall maintain a record of discharge forms submitted by each hospital located within the county, together with the amount accruing to the hospital. The amount accruing to the hospital for the care, until the hospital has met its obligation pursuant to this section, is the highest amount the county is paying to any hospital in the county for that care. Except as otherwise provided in subsection 2 of NRS 439B.330, no payment for indigent care may be made to the hospital until the total amount so accruing to the hospital exceeds the minimum obligation of the hospital for the fiscal year, and a hospital may only receive payment from the county for indigent care provided in excess of its obligation pursuant to this section. After a hospital has met its obligation pursuant to this section, the county may reimburse the hospital for care of indigent inpatients at any rate otherwise authorized by law.

4. As used in this section, "net revenue" means all revenues earned from inpatient medical care provided to patients by a hospital.

Sec. 24. (Deleted by amendment.)

Sec. 24.5. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) ***Assist consumers with filing claims with the Bureau of Consumer Protection in the Office of the Attorney General pursuant to ~~[section]~~ sections 17 and 22 of this act;***

(n) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

~~[(n)]~~ ***(o)*** On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

(c) "Public Option" means the Public Option established pursuant to NRS 695K.200.

Sec. 25. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,

388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,

706A.230, 710.159, 711.600, ***and section 21 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 26. 1. The provisions of section 17 of this act apply to any medical debt incurred before, on or after January 1, 2026.

2. The provisions of section 22 of this act apply to any medical debt incurred on or after January 1, 2026.

3. As used in this section, "medical debt" has the meaning ascribed to it in NRS 649.036.

Sec. 27. NRS 439B.140 is hereby repealed.

Sec. 28. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 27, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

TEXT OF REPEALED SECTION

439B.140 "Net revenue" defined. "Net revenue" means all revenues earned from inpatient medical care provided to patients by a hospital.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 749 to Assembly Bill No. 343.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 685.

SUMMARY—Revises provisions governing health care. (BDR ~~[13-156)]~~ **38-156)**

AN ACT relating to powers of attorney; ~~[enacting the provisions of the Uniform Health-Care Decisions Act that have not been enacted into law in this State; revising various provisions relating to powers of attorney for health care to conform with the Uniform Act;]~~ requiring the Department of Health and Human Services, acting through the Aging and Disability Services Division of the Department, to conduct a program to educate and inform residents of this State concerning planning for long-term care; **requesting the Guardianship Commission created by the Nevada Supreme Court to study and make recommendations relating to the Uniform Health-Care Decisions Act;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) Under existing law, a person may create an advance health care directive, which existing law defines as a power of attorney for health care, by using a form set forth in the Uniform Health-Care Decisions Act. (NRS 162A.715, 162A.855) Existing law also contains definitions from the Uniform Health-Care Decisions Act of "guardian," "health care" and "nursing home." This bill replaces other provisions of existing law relating to powers of attorney for health care with~~

~~the remaining provisions of the Uniform Health-Care Decisions Act that have been enacted into law.~~

~~— Section 28 of this bill provides that an individual has capacity to make health care decisions and make or revoke an advance health-care directive if the individual: (1) is willing and able to communicate a decision independently or with appropriate services, technological assistance, supported decision making or other reasonable accommodations; and (2) understands the nature and consequences of the action, including, with limitation, the risks and benefits of the action, or, if the individual is appointing an agent to make health care decisions for the individual, the individual recognizes the identity of the individual being appointed and understands the general nature of the relationship with the individual being appointed. Under section 29 of this bill, an individual is presumed to have capacity to make health care decisions and make or revoke an advance health-care directive, unless certain health care professionals or a court determine that the individual does not have such capacity. Sections 30 and 31 of this bill require certain notice of a finding that an individual lacks capacity, authorize an individual to object to the finding that the individual lacks capacity and authorize certain persons to petition the court to make a determination on whether the individual lacks capacity.~~

~~— Section 32 of this bill authorizes an individual to make a health care instruction which includes certain preferences regarding the health care of the individual.~~

~~— Section 33 of this bill sets forth the requirements to execute a power of attorney for health care and specifies who may not act as an agent to an individual who lacks capacity.~~

~~— Section 34 of this bill authorizes an individual to create an advance health-care directive that only addresses the mental health care of the individual. Section 35 of this bill sets forth the procedure to follow when an advance health-care directive that addresses only the mental health care of the individual conflicts with any other type of advance health-care directive.~~

~~— Section 36 of this bill sets forth the classes of persons who, in order of priority, may act as a default surrogate for an individual if the individual lacks capacity to make health care decisions and an agent or guardian has not been appointed or the agent or guardian of the individual is not willing or able to act or is not reasonably available. Section 37 of this bill sets forth the procedure a responsible health care professional is required to follow if two or more members of such a class assume authority to act as a default surrogate and the default surrogates disagree on a health care decision.~~

~~— Section 38 of this bill authorizes an individual to disqualify certain persons from acting as a default surrogate.~~

~~— Section 39 of this bill authorizes an individual, under certain circumstances, to revoke: (1) an appointment of an agent; (2) the designation of a default surrogate; or (3) a health care instruction. Section 39 also provides that: (1) a subsequent advance health-care directive revokes a prior advance health-care directive to the extent the two conflict; and (2) the appointment of a spouse or~~

~~domestic partner is revoked under certain circumstances involving annulment, divorce, dissolution of marriage, legal separation or termination of the domestic partnership.~~

~~Section 40 of this bill provides that: (1) an advance health care directive created outside of this State is valid in this State under certain circumstances; (2) a person may rely on an advance health care directive under certain circumstances; and (3) the directive may not be denied solely because the directive or the signature is in electronic form.~~

~~Section 41 of this bill provides that an agent or default surrogate has a fiduciary duty to an individual who lacks capacity and is required to make a health care decision in accordance with the direction of the individual in an advance health care directive.~~

~~Sections 42 and 43 of this bill set forth the powers and limitations of an agent or a default surrogate under an advance health care directive or court order.~~

~~Section 44 of this bill provides that under certain circumstances, two or more individuals are authorized to act as co-agents or alternate agents of an individual under an advance health care directive.~~

~~Section 45 of this bill sets forth the duties of a health care professional, a responsible health care professional and a health care institution.~~

~~Section 46 of this bill provides that: (1) a guardian may refuse to comply with or revoke the advance health care directive of the individual only if the court appointing the guardian expressly orders the noncompliance or revocation; and (2) a health care decision made by certain agents prevails over the decision of the guardian appointed for the individual, unless otherwise ordered by a court.~~

~~Section 47 of this bill provides that under certain circumstances, a health care professional, health care institution, an agent or default surrogate acting in good faith is not subject to civil or criminal liability or certain discipline.~~

~~Section 48 of this bill prohibits a person from taking certain actions concerning an advance health care directive. Section 48 additionally provides that an individual or the estate of the individual has a cause of action against a person that violates such prohibitions.~~

~~Section 49 of this bill provides that an electronic copy of an advance health care directive, a revocation of an advance health care directive or a designation or disqualification of a surrogate has the same effect as the original. Section 49 also establishes requirements for creating a certified physical copy of an advance health care directive that is in electronic form.~~

~~Section 50 of this bill provides that a court acting under this Uniform Act may only grant equitable relief, including, without limitation, a restraining order or injunction: (1) to prevent certain the implementation of a health care decision made by an agent or default surrogate that is inconsistent with the Act; (2) to prevent an agent or default surrogate from making a health care decision for an individual under certain circumstances; or (3) to order implementation of a health care decision.~~

~~— Section 51 of this bill provides that the Uniform Act does not authorize mercy killing, assisted suicide or euthanasia.~~

~~— Section 52 of this bill provides that in applying and construing the Uniform Act, a court is required to consider the promotion of uniformity of the law among jurisdictions that enact the Uniform Act.~~

~~— Sections 1, 53-59.5 and 61-79 of this bill make conforming changes to reflect the changes made in this bill and to remove and replace references to repealed sections.~~

~~— Sections 4-27 of this bill define certain words and terms for the purposes of sections 3-52 and the provisions of existing law that contain only certain provisions of the Uniform Act.~~**]**

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to provide certain services to aging persons and persons with disabilities (Chapters 427A and 435 of NRS) Section 60 of this bill requires the Department**,** ~~**[**of Health and Human Services.**]**~~ through the ~~**[**Aging and Disability Services**]**~~ Division **,** ~~**[**of the Department,**]**~~ to conduct a program to educate and inform residents of this State concerning planning for long-term care.

~~**[**Section 83 of this bill repeals existing provisions governing the execution of a declaration concerning the withholding or withdrawal of life-sustaining treatment, thereby making directions concerning such treatment governed solely by the Uniform Act. (NRS 449A.400-449A.481)**]**~~

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.870) Under existing law, a person may create an advance health-care directive, which existing law defines as a power of attorney for health care, by using a form set forth in the Uniform Health-Care Decisions Act. (NRS 162A.715, 162A.855) Existing law also contains definitions from the Uniform Health-Care Decisions Act of "guardian," "health care" and "nursing home." Section 80.5 of this bill requests that the Guardianship Commission created by the Nevada Supreme Court: (1) examine the remaining provisions of the Uniform Act and the implementation of the Act in other jurisdictions; and (2) make recommendations to the Joint Interim Standing Committee on Health and Human Services concerning the potential enactment of the Uniform Act in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 159.0753 is hereby amended to read as follows:~~

~~— 159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so:~~

~~— (a) If nominating a guardian of the estate, pursuant to NRS 162A.250;~~

~~— (b) If nominating a guardian of the person, pursuant to **[**NRS 162A.800;**]** *section 32 of this act;* or~~

~~(c) By completing a form requesting to nominate a guardian in accordance with this section.~~

~~2. A form requesting to nominate a guardian pursuant to this section must be:~~

~~(a) Signed by the person requesting to nominate a guardian;~~

~~(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and who attest that the person has the mental capacity to understand and execute the form; and~~

~~(c) Notarized.~~

~~3. A request to nominate a guardian pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:~~

~~REQUEST TO NOMINATE GUARDIAN~~

~~I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:~~

~~1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.~~

~~2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).~~

~~3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.~~

~~4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.~~

~~5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.~~

~~6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.~~

~~(YOU MUST DATE AND SIGN THIS DOCUMENT)~~

~~I sign my name to this document on ..... (date)~~

~~.....~~

~~(Signature)~~

~~(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)~~

~~I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my~~

~~presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.~~

~~.....~~
~~(Signature of first witness)~~
~~.....~~
~~(Print name)~~
~~.....~~
~~(Date)~~
~~.....~~
~~(Signature of second witness)~~
~~.....~~
~~(Print name)~~
~~.....~~
~~(Date)~~

~~CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC~~

~~State of Nevada)~~
~~)~~
~~County of)~~
~~On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.~~

~~.....~~
~~(Signature of notarial officer)~~
~~(Seal, if any)~~

~~4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.~~

~~5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[Chapter 162A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 52, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 3. ~~*[NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act may be cited as the Uniform Health Care Decisions Act.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*[“Advance mental health care directive” means a power of attorney for health care, health care instruction, or both, created under section 34 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[*"Agent" means an individual appointed under a power of attorney for health care to make a health care decision for the individual who made the appointment. The term includes, without limitation, a co-agent or alternate agent appointed under section 44 of this act.*]~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Capacity" means having capacity under section 28 of this act.*]~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Cohabitant" means each of two individuals who have been living together as a couple for at least 1 year after each became an adult or was emancipated and who are not married to each other or are not domestic partners with each other.*]~~ **(Deleted by amendment.)**

Sec. 8. ~~[*"Default surrogate" means an individual authorized under section 36 of this act to make a health care decision for another individual.*]~~ **(Deleted by amendment.)**

Sec. 9. ~~[*"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.*]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Family member" means a spouse, domestic partner, adult child, parent or grandparent, or an adult descendant of a spouse, domestic partner, child, parent or grandparent.*]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*"Health care decision" means a decision made by an individual, or the surrogate of the individual, regarding the individual's health care, including, without limitation, the:*~~

~~*1. Selection or discharge of a health care professional or health care institution;*~~

~~*2. Approval or disapproval of a diagnostic test, surgical procedure, medication, therapeutic intervention or other type of health care; and*~~

~~*3. Direction to provide, withhold or withdraw artificial nutrition or hydration, mechanical ventilation or other health care.*]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*"Health care institution" means a facility or agency licensed, certified or otherwise authorized or permitted by other law to provide health care in this State in the ordinary course of business.*]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*"Health care instruction" means a direction, whether or not in a record, made by an individual that indicates the goals, preferences or wishes of the individual concerning the provision, withholding or withdrawal of health care. The term includes a direction intended to be effective if a specified condition arises.*]~~ **(Deleted by amendment.)**

Sec. 14. ~~[*"Health care professional" means a physician or other individual licensed, certified or otherwise authorized or permitted by other law of this State to provide health care in this State in the ordinary course of business or the practice of the profession of the physician or individual.*]~~ **(Deleted by amendment.)**

Sec. 15. ~~[*"Individual" means a natural person who is an adult or emancipated minor.*]~~ **(Deleted by amendment.)**

Sec. 16. ~~[*"Mental health care" means care or treatment or a service or procedure to maintain, monitor, diagnose or otherwise affect an individual's mental illness or other psychiatric, psychological or psychosocial condition.*]~~ **(Deleted by amendment.)**

Sec. 17. ~~[*"Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality or other legal entity.*]~~ **(Deleted by amendment.)**

Sec. 18. ~~[*"Person interested in the welfare of the individual" means:*~~

~~*1. The surrogate of the individual;*~~

~~*2. A family member of the individual;*~~

~~*3. The cohabitant of the individual;*~~

~~*4. A public entity providing health care case management or protective services to the individual;*~~

~~*5. A person appointed under other law to make decisions for the individual under a power of attorney for financial matters; or*~~

~~*6. A person that has an ongoing personal or professional relationship with the individual, including, without limitation, a person that has provided educational or health care services or supported decision making to the individual.*]~~ **(Deleted by amendment.)**

Sec. 19. ~~[*"Physician" means an individual authorized to practice medicine under chapter 630 of NRS or osteopathy under chapter 633 of NRS.*]~~ **(Deleted by amendment.)**

Sec. 20. ~~[*"Power of attorney for health care" means a record in which an individual appoints an agent to make health care decisions for the individual.*]~~ **(Deleted by amendment.)**

Sec. 21. ~~[*"Reasonably available" means able to be contacted without undue effort and being willing and able to act in a timely manner considering the urgency of an individual's health care situation. When used to refer to an agent or default surrogate, the term includes being willing and able to comply with the duties under section 41 of this act in a timely manner considering the urgency of an individual's health care situation.*]~~ **(Deleted by amendment.)**

Sec. 22. ~~[*"Record" means information:*~~

~~*1. Inscribed on a tangible medium; or*~~

~~*2. Stored in an electronic or other medium and retrievable in perceivable form.*]~~ **(Deleted by amendment.)**

Sec. 23. ~~[*"Responsible health care professional" means:*~~

~~*1. A health care professional designated by an individual, or the surrogate of an individual, to have primary responsibility for the individual's health care or for overseeing a particular course of treatment; or*~~

~~*2. In the absence of a designation under subsection 1 or, if the professional designated under subsection 1 is not reasonably available, a health care professional who has primary responsibility for overseeing the*~~

~~*health care of the individual or for overseeing a particular course of treatment.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[“Sign” means, with present intent to authenticate or adopt a record, to:*~~

~~*1. Execute or adopt a tangible symbol; or*~~

~~*2. Attach to or logically associate with the record an electronic symbol, sound or process.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[“Supported decision making” means assistance from one or more persons of an individual’s choosing that helps the individual make or communicate a decision, including, without limitation, by helping the individual understand the nature and consequences of the decision.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[“Surrogate” means:*~~

~~*1. An agent;*~~

~~*2. A default surrogate; or*~~

~~*3. A guardian authorized to make health care decisions.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[1. An individual has capacity for the purposes of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act if the individual:*~~

~~*(a) Is willing and able to communicate a decision independently or with appropriate services, technological assistance, supported decision making or other reasonable accommodation; and*~~

~~*(b) In making or revoking:*~~

~~*(1) A health care decision, understands the nature and consequences of the decision, including, without limitation, the primary risks and benefits of the decision;*~~

~~*(2) A health care instruction, understands the nature and consequences of the instruction, including, without limitation, the primary risks and benefits of the choices expressed in the health care instruction; and*~~

~~*(3) An appointment of an agent under a power of attorney for health care or identification of a default surrogate under paragraph (a) of subsection 2 of section 36 of this act, recognizes the identity of the individual being appointed or identified and understands the general nature of the relationship of the individual making the appointment or identification with the individual being appointed or identified.*~~

~~*2. The right of an individual who has capacity to make a decision about the individual’s health care is not affected by whether the individual creates or revokes an advance health care directive.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~[*1. An individual is presumed to have capacity to make or revoke a health care decision, health care instruction or power of attorney for health care unless:*~~

~~*(a) A court has found the individual lacks capacity to do so; or*~~

~~*(b) The presumption is rebutted under subsection 2.*~~

~~*2. Subject to sections 30 and 31 of this act, a presumption under subsection 1 may be rebutted by a finding that the individual lacks capacity:*~~

~~*(a) Subject to subsection 3, made on the basis of a contemporaneous examination by any of the following:*~~

~~*(1) A physician;*~~

~~*(2) A licensed psychologist;*~~

~~*(3) An individual with training and expertise in the finding of lack of capacity who is licensed or otherwise authorized to practice in this State as:*~~

~~*(I) A physician assistant;*~~

~~*(II) An advanced practice registered nurse; or*~~

~~*(III) A clinical social worker; or*~~

~~*(4) A responsible health care professional not described in subparagraph (1), (2) or (3) if:*~~

~~*(I) The individual about whom the finding is to be made is experiencing a health condition requiring a decision regarding health care treatment to be made promptly to avoid loss of life or serious harm to the health of the individual; and*~~

~~*(II) An individual listed in subparagraph (1), (2), or (3) is not reasonably available;*~~

~~*(b) Made in accordance with accepted standards of the profession and scope of practice of the individual making the finding and to a reasonable degree of certainty; and*~~

~~*(c) Documented in a record signed by the individual making the finding that includes, without limitation, an opinion of the cause, nature, extent and probable duration of the lack of capacity.*~~

~~*3. The finding under subsection 2 may not be made by:*~~

~~*(a) A family member of the individual presumed to have capacity;*~~

~~*(b) The cohabitant of the individual or a descendant of the cohabitant; or*~~

~~*(c) The individual's surrogate, a family member of the surrogate or a descendant of the surrogate.*~~

~~*4. If the finding under subsection 2 was based on a condition the individual no longer has or a responsible health care professional subsequently has good cause to believe the individual has capacity, the individual is presumed to have capacity unless a court finds the individual lacks capacity or the presumption is rebutted under subsection 2.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~[*1. As soon as reasonably feasible, an individual who makes a finding under subsection 2 of section 29 of this act shall inform the individual about whom the finding was made or the individual's responsible health care professional of the finding.*~~

~~2. As soon as reasonably feasible, a responsible health care professional who is informed of a finding under subsection 2 of section 29 of this act shall inform the individual about whom the finding was made and the individual's surrogate.~~

~~3. An individual found under subsection 2 of section 29 of this act to lack capacity may object to the finding:~~

~~(a) By orally informing a responsible health care professional;~~

~~(b) In a record provided to a responsible health care professional or the health care institution in which the individual resides or is receiving care; or~~

~~(c) By another act that clearly indicates the individual's objection.~~

~~4. If the individual objects under subsection 3, the finding under subsection 2 of section 29 of this act is not sufficient to rebut the presumption of capacity in subsection 1 of section 29 of this act, and the individual must be treated as having capacity, unless:~~

~~(a) The individual withdraws the objection;~~

~~(b) A court finds that the individual lacks the presumed capacity;~~

~~(c) The individual is experiencing a health condition requiring that a decision regarding health care treatment be made promptly to avoid imminent loss of life or serious harm to the health of the individual; or~~

~~(d) Subject to subsection 5, the finding is confirmed by a second finding made by an individual authorized under paragraph (a) of subsection 2 of section 29 of this act who:~~

~~(1) Did not make the first finding;~~

~~(2) Is not a family member of the individual who made the first finding; and~~

~~(3) Is not the cohabitant of the individual who made the first finding or a descendant of the cohabitant.~~

~~5. A second finding that the individual lacks capacity under paragraph (d) of subsection 4 is not sufficient to rebut the presumption of capacity if the individual is requesting the provision or continuation of life-sustaining treatment and the finding is being used to make a decision to withhold or withdraw the treatment.~~

~~6. As soon as reasonably feasible, a health care professional who is informed of an objection under subsection 3 shall:~~

~~(a) Communicate the objection to a responsible health care professional; and~~

~~(b) Document the objection and the date of the objection in the individual's medical record or communicate the objection and the date of the objection to an administrator with responsibility for medical records of the health care institution providing health care to the individual, who shall document the objection and the date of the objection in the individual's medical record.]~~ **(Deleted by amendment.)**

Sec. 31. ~~[1. An individual found under subsection 2 of section 29 of this act to lack capacity, a responsible health care professional, the health~~

~~*care institution providing health care to the individual or a person interested in the welfare of the individual may petition a district court in the county in which the individual resides or is located to determine whether the individual lacks capacity.*~~

~~*2. The court in which a petition under subsection 1 is filed shall appoint legal counsel to represent the individual if the individual does not have legal counsel in the proceeding. The court shall hear the petition as soon as possible after the petition is filed. As soon as possible, the court shall determine whether the individual lacks capacity. The court may determine that the individual lacks capacity only if the court finds by clear and convincing evidence that the individual lacks capacity.]*~~ **(Deleted by amendment.)**

Sec. 32. ~~*[1. An individual may create a health care instruction that expresses the individual's preferences for future health care, including, without limitation, preferences regarding:*~~

~~*(a) Health care professionals or health care institutions;*~~

~~*(b) How a health care decision will be made and communicated;*~~

~~*(c) Persons that should or should not be consulted regarding a health care decision;*~~

~~*(d) A person to serve as guardian for the individual if one is appointed; and*~~

~~*(e) An individual to serve as a default surrogate.*~~

~~*2. A health care professional to whom an individual communicates or provides an instruction under subsection 1 shall document the instruction and the date of the instruction in the individual's medical record or communicate the instruction and date of the instruction to an administrator with responsibility for medical records of the health care institution providing health care to the individual, who shall document the instruction and the date of the instruction in the individual's medical record.*~~

~~*3. A health care instruction made by an individual that conflicts with an earlier health care instruction made by the individual, including, without limitation, an instruction documented in a medical order, revokes the earlier instruction to the extent of the conflict.*~~

~~*4. A health care instruction may be in the same record as a power of attorney for health care.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[1. An individual may create a power of attorney for health care to appoint an agent to make a health care decision for the individual.*~~

~~*2. An individual is disqualified from acting as agent for an individual who lacks capacity to make health care decisions if:*~~

~~*(a) A court finds that the potential agent poses a danger to the individual's well-being, even if the court does not issue a protective order or restraining order against the potential agent; or*~~

~~*(b) The potential agent is an owner, operator, employee or contractor of a nursing home at which the individual resides or is receiving care, unless the owner, operator, employee or contractor is a family member of the*~~

~~*individual, the cohabitant of the individual or a descendant of the cohabitant.*~~

~~*3. A health care decision made by an agent is effective without judicial approval.*~~

~~*4. A power of attorney for health care must be in a record, signed by the individual creating the power, and signed by an adult witness who:*~~

~~*(a) Reasonably believes that the act of the individual to create the power of attorney is voluntary and knowing;*~~

~~*(b) Must not be:*~~

~~*(1) The agent appointed by the individual;*~~

~~*(2) The spouse, domestic partner or cohabitant of the agent; or*~~

~~*(3) If the individual resides in or is receiving care in a nursing home, the owner, operator, employee or contractor of the nursing home; and*~~

~~*(c) Is present when the individual signs the power of attorney or when the individual represents that the power of attorney reflects the individual's wishes.*~~

~~*5. A witness under subsection 4 is considered present if the witness and the individual are:*~~

~~*(a) Physically present in the same location;*~~

~~*(b) Using electronic means that allow for real-time audio and visual transmission and communication in real time to the same extent as if the witness and individual were physically present in the same location; or*~~

~~*(c) Able to speak to and hear each other in real time through audio connection if:*~~

~~*(1) The identity of the individual is personally known to the witness; or*~~

~~*(2) The witness is able to authenticate the identity of the individual by receiving accurate answers from the individual that enable the authentication.*~~

~~*6. A power of attorney for health care may include a health care instruction.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~*[1. An individual may create an advance health care directive that addresses only mental health care for the individual. The directive may include a health care instruction, a power of attorney for health care, or both.*~~

~~*2. A health care instruction under this section may include the individual's:*~~

~~*(a) Statement of the general philosophy and objectives regarding mental health care; and*~~

~~*(b) Specific goals, preferences and wishes regarding the provision, withholding or withdrawal of a form of mental health care, including:*~~

~~*(1) Preferences regarding professionals, programs and facilities;*~~

~~*(2) Admission to a mental health facility, including, without limitation, the duration of admission;*~~

~~*(3) Preferences regarding medications;*~~

~~(4) Refusal to accept a specific type of mental health care, including, without limitation, a medication; and~~

~~(5) Preferences regarding means of crisis intervention.~~

~~3. A power of attorney for health care under this section may appoint an agent to make decisions only for mental health care.~~

~~4. An individual may direct in an advance mental health care directive that, if the individual is experiencing a psychiatric or psychological event specified in the directive, the individual may not revoke the directive or a part of the directive.~~

~~5. If an advance mental health care directive includes the direction under subsection 4, the advance mental health care directive must be in a record that is separate from any other advance health care directive created by the individual and signed by the individual creating the advance mental health care directive and at least two adult witnesses who:~~

~~(a) Attest that to the best of their knowledge that the individual:~~

~~(1) Understood the nature and consequences of the direction, including, without limitation, its risks and benefits; and~~

~~(2) Made the direction voluntarily and without coercion or undue influence;~~

~~(b) Are not:~~

~~(1) The agent appointed by the individual;~~

~~(2) The spouse, domestic partner or cohabitant of the agent; and~~

~~(3) If the individual resides in a nursing home, the owner, operator, employee or contractor of the nursing home; and~~

~~(c) Are physically present in the same location as the individual.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[1. If a direction in an advance mental health care directive of an individual conflicts with a direction in another advance health care directive of the individual, the later direction revokes the earlier direction to the extent of the conflict.~~

~~2. An appointment of an agent to make decisions only for the mental health care of the individual does not revoke an earlier appointment of an agent to make any other health care decisions for the individual. A later appointment revokes the authority of an agent under the earlier appointment to make decisions about mental health care unless otherwise specified in the power of attorney making the later appointment.~~

~~3. Appointment of an agent to make health care decisions for an individual other than decisions about mental health care made after appointment of an agent authorized to make only mental health care decisions does not revoke the appointment of the agent authorized to make only mental health care decisions.]~~ **(Deleted by amendment.)**

Sec. 36. ~~[1. A default surrogate may make a health care decision for an individual who lacks capacity to make health care decisions and for whom:~~

~~(a) An agent authorized to make health care decisions has not been appointed or is not reasonably available; or~~

~~(b) A guardian authorized to make health care decisions has not been appointed.~~

~~2. Unless the individual has an advance health care directive that indicates otherwise, a member of the following classes, in descending order of priority, who is reasonably available and not disqualified under section 38 of this act, may act as a default surrogate for the individual:~~

~~(a) An adult whom the individual has identified, other than in a power of attorney for health care, to make a health care decision for the individual if the individual cannot make the decision;~~

~~(b) The spouse or domestic partner of the individual, unless:~~

~~(1) A petition for annulment, divorce, dissolution of marriage, legal separation or termination has been filed and not dismissed or withdrawn;~~

~~(2) A decree of annulment, divorce, dissolution of marriage, legal separation or termination has been issued;~~

~~(3) The individual and the spouse or domestic partner have agreed in a record to a legal separation; or~~

~~(4) The spouse or domestic partner has abandoned the individual for more than 1 year;~~

~~(c) The adult child or parent of the individual;~~

~~(d) The cohabitant of the individual;~~

~~(e) The adult sibling of the individual;~~

~~(f) The adult grandchild or grandparent of the individual;~~

~~(g) An adult not listed in paragraphs (a) to (f), inclusive, who has assisted the individual with supported decision making routinely during the preceding 6 months;~~

~~(h) The adult stepchild of the individual not listed in paragraphs (a) to (g), inclusive, who the individual actively parented during the minor years of the stepchild and with whom the individual has an ongoing relationship; or~~

~~(i) An adult not listed in paragraphs (a) to (h), inclusive, who has exhibited special care and concern for the individual and is familiar with the personal values of the individual.~~

~~3. A responsible health care professional may require an individual who assumes authority to act as a default surrogate to provide a declaration in a record under penalty of perjury stating facts and circumstances reasonably sufficient to establish the authority.~~

~~4. If a responsible health care professional reasonably determines that an individual who has assumed authority to act as a default surrogate is not willing or able to comply with a duty under section 41 of this act or fails to do so in a timely manner, the professional may recognize the individual next in priority under subsection 2 as the default surrogate.~~

~~5. A health care decision made by a default surrogate is effective without judicial approval.]~~ **(Deleted by amendment.)**

Sec. 37. ~~[*1. A default surrogate who assumes authority under section 36 of this act shall inform a responsible health care professional if two or more members of a class under subsection 2 of section 36 of this act have assumed authority to act as default surrogates and the members do not agree on a health care decision.*~~

~~*2. A responsible health care professional shall comply with the decision of a majority of the members of the class with highest priority under subsection 2 of section 36 of this act who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under section 41 of this act.*~~

~~*3. If a responsible health care professional is informed that the members of the class who have communicated their views to the professional are evenly divided concerning the health care decision, the professional shall make a reasonable effort to solicit the views of members of the class who are reasonably available but have not yet communicated their views to the professional. The professional, after the solicitation, shall comply with the decision of a majority of the members who have communicated their views to the professional and the professional reasonably believes are acting consistent with their duties under section 41 of this act.*~~

~~*4. If the class remains evenly divided after the effort is made under subsection 3, the health care decision must be made as provided by other law of this State regarding the treatment of an individual who is found to lack capacity.*~~**]** **(Deleted by amendment.)**

Sec. 38. ~~[*1. An individual for whom health care decisions would be made may disqualify another individual from acting as a default surrogate for the first individual. The disqualification may be in a record signed by the first individual or communicated verbally or nonverbally to the individual being disqualified, another individual or a responsible health care professional. Disqualification under this subsection is effective even if made by an individual who lacks capacity to make an advance health care directive if the individual clearly communicates a desire that the individual being disqualified not make health care decisions for the individual.*~~

~~*2. An individual is disqualified from acting as a default surrogate for an individual who lacks capacity to make health care decisions if:*~~

~~*(a) A court finds that the potential default surrogate poses a danger to the individual's well-being, even if the court does not issue a protective order or restraining order against the potential surrogate;*~~

~~*(b) The potential default surrogate is an owner, operator, employee or contractor of a nursing home in which the individual is residing or receiving care unless the owner, operator, employee or contractor is a family member of the individual, the cohabitant of the individual or a descendant of the cohabitant; or*~~

~~*(c) The potential default surrogate refuses to provide a timely declaration under subsection 3 of section 36 of this act.*~~**]** **(Deleted by amendment.)**

Sec. 39. ~~[*1. An individual may revoke the appointment of an agent, the designation of a default surrogate or a health care instruction in whole or in part, unless:*~~

~~*(a) A court finds that the individual lacks capacity to do so;*~~

~~*(b) The individual is found under subsection 2 of section 29 of this act to lack capacity to do so and, if the individual objects to the finding, the finding is confirmed under paragraph (d) of subsection 4 of section 30 of this act; or*~~

~~*(c) The individual created an advance mental health care directive that includes the provision under subsection 4 of section 34 of this act and the individual is experiencing the psychiatric or psychological event specified in the directive.*~~

~~*2. Revocation under subsection 1 may be by any act of the individual that clearly indicates that the individual intends to revoke the appointment, designation or instruction, including, without limitation, an oral statement to a health care professional.*~~

~~*3. Except as otherwise provided in section 35 of this act, an advance health care directive of an individual that conflicts with another advance health care directive revokes the earlier directive to the extent of the conflict.*~~

~~*4. Unless otherwise provided in an individual's advance health care directive appointing an agent, the appointment of a spouse or domestic partner of an individual as agent for the individual is revoked by:*~~

~~*(a) A petition for annulment, divorce, dissolution of marriage, legal separation or termination that has been filed and not dismissed or withdrawn;*~~

~~*(b) A decree of annulment, divorce, dissolution of marriage, legal separation or termination;*~~

~~*(c) The individual and the spouse or domestic partner having agreed in a record to a legal separation; or*~~

~~*(d) Abandonment of the individual for more than 1 year by the spouse or domestic partner of the individual.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~[*1. An advance health care directive created outside this State is valid if the advance health care directive complies with:*~~

~~*(a) The law of the state specified in the directive or, if no state is specified, the state in which the individual created the directive; or*~~

~~*(b) The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.*~~

~~*2. A person may assume without inquiry that an advance health care directive is genuine, valid and still in effect and may implement or rely on it, unless the person has good cause to believe that the directive is invalid or has been revoked.*~~

~~*3. An advance health care directive, revocation of a directive or a signature on a directive or revocation may not be denied legal effect or enforceability solely because it is in electronic form.*~~

~~4. Evidence relating to an advance health care directive, revocation of a directive or a signature on a directive or revocation may not be excluded in a proceeding solely because the evidence is in electronic form.~~

~~5. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not affect the validity of an electronic record or signature that is valid under chapter 719 of NRS.~~

~~6. If any provision of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act conflict with other law of this State relating to the creation, execution, implementation or revocation of an advance health care directive, NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act prevails.]~~ **(Deleted by amendment.)**

Sec. 41. ~~[1. An agent or default surrogate has a fiduciary duty to the individual for whom the agent or default surrogate is acting when exercising or purporting to exercise a power under section 42 of this act.~~

~~2. An agent or default surrogate shall make a health care decision in accordance with the direction of the individual in an advance health care directive and other goals, preferences and wishes of the individual, including, without limitation, those that may reflect the individual's culture, to the extent known or reasonably ascertainable by the agent or default surrogate.~~

~~3. If there is not a direction in an advance health care directive and the goals, preferences and wishes of the individual regarding a health care decision are not known or reasonably ascertainable by the agent or default surrogate, the agent or default surrogate shall make the decision in accordance with the agent's or default surrogate's determination of the individual's best interest.~~

~~4. In determining the individual's best interest under subsection 3, the agent or default surrogate shall:~~

~~(a) Give primary consideration to the contemporaneous communications of the individual, including, without limitation, verbal and nonverbal expressions;~~

~~(b) Consider the individual's values, including, without limitation, those that may reflect the individual's culture, to the extent known or reasonably ascertainable by the agent or default surrogate; and~~

~~(c) Consider the risks and benefits of the potential health care decision.~~

~~5. As soon as reasonably feasible, an agent or default surrogate who is informed of a revocation of an advance health care directive or disqualification of an agent or default surrogate shall communicate the revocation or disqualification to a responsible health care professional.]~~ **(Deleted by amendment.)**

Sec. 42. ~~[1. Except as otherwise provided in subsection 3, the power of an agent or default surrogate commences when the individual is found under subsection 2 of section 29 of this act or by a court to lack capacity to~~

~~*make a health care decision. The power ceases if the individual later is found to have capacity to make a health care decision, or the individual objects under subsection 3 of section 30 of this act to the finding of lack of capacity under subsection 2 of section 29 of this act. The power resumes if:*~~

~~*(a) The power ceased because the individual objected under subsection 3 of section 30 of this act; and*~~

~~*(b) The finding of lack of capacity is confirmed under paragraph (d) of subsection 4 of section 30 of this act or a court finds that the individual lacks capacity to make a health care decision.*~~

~~*2. An agent or default surrogate may request, receive, examine, copy and consent to the disclosure of medical and other health care information about the individual if the individual would have the right to request, receive, examine, copy or consent to the disclosure of the information.*~~

~~*3. A power of attorney for health care may provide that the power of an agent under subsection 2 commences upon appointment.*~~

~~*4. If no other person is authorized to do so, an agent or default surrogate may apply for public or private health insurance and benefits on behalf of the individual. An agent or default surrogate who may apply for insurance and benefits does not, solely by reason of the power, have a duty to apply for the insurance or benefits.*~~

~~*5. An agent or default surrogate may not consent to voluntary admission of the individual to a facility for mental health treatment unless:*~~

~~*(a) Voluntary admission is specifically authorized by the individual in an advance health care directive in a record; and*~~

~~*(b) The admission is for not more than the maximum of the number of days specified in the directive or 72 hours, including weekends and holidays, whichever is less.*~~

~~*6. Except as otherwise provided in subsection 7, an agent or default surrogate may not consent to the placement of the individual in a nursing home if the placement is intended to be for more than 100 days if:*~~

~~*(a) An alternative living arrangement is reasonably feasible;*~~

~~*(b) The individual objects to the placement; or*~~

~~*(c) The individual is not terminally ill.*~~

~~*7. If specifically authorized by the individual in an advance health care directive in a record, an agent or default surrogate may consent to the placement of the individual in a nursing home for more than 100 days even if:*~~

~~*(a) An alternative living arrangement is reasonably feasible;*~~

~~*(b) The individual objects to the placement; and*~~

~~*(c) The individual is not terminally ill.]*~~ **(Deleted by amendment.)**

Sec. 43. ~~*[1. If an individual has a long-term disability requiring routine treatment by artificial nutrition, hydration or mechanical ventilation and the individual has a history of using the treatment without objection, an agent or default surrogate may not consent to withhold or withdraw the treatment unless:*~~

~~(a) The treatment is not necessary to sustain the individual's life or maintain the individual's well-being;~~

~~(b) The individual has expressly authorized the withholding or withdrawal in a health care instruction that has not been revoked; or~~

~~(c) The individual has experienced a major reduction in health or functional ability from which the individual is not expected to recover, even with other appropriate treatment, and the individual has not:~~

~~(1) Given a direction inconsistent with withholding or withdrawal; or~~

~~(2) Communicated, by verbal or nonverbal expression, a desire for artificial nutrition, hydration or mechanical ventilation.~~

~~2. A default surrogate may not make a health care decision if, under other law of this State, the decision:~~

~~(a) May not be made by a guardian; or~~

~~(b) May be made by a guardian only if the court appointing the guardian specifically authorizes the guardian to make the decision.]~~ **(Deleted by amendment.)**

Sec. 44. ~~[1. An individual in a power of attorney for health care may appoint two or more individuals as co-agents. Unless the power of attorney provides otherwise, each co-agent may exercise independent authority.~~

~~2. An individual in a power of attorney for health care may appoint one or more individuals to act as alternate agents if a predecessor agent resigns, dies, becomes disqualified, is not reasonably available or is otherwise unwilling or unable to act as agent.~~

~~3. Unless the power of attorney provides otherwise, an alternate agent has the same authority as the original agent:~~

~~(a) At any time the original agent is not reasonably available or is otherwise unwilling or unable to act, for the duration of the unavailability, unwillingness or inability to act; or~~

~~(b) If the original agent and all other predecessor agents have resigned or died or are disqualified from acting as agent.]~~ **(Deleted by amendment.)**

Sec. 45. ~~[1. A responsible health care professional who is aware that an individual has been found to lack capacity to make a decision shall make a reasonable effort to determine if the individual has a surrogate.~~

~~2. If possible before implementing a health care decision made by a surrogate, a responsible health care professional as soon as reasonably feasible shall communicate to the individual the decision made and the identity of the person making the decision.~~

~~3. A responsible health care professional who makes or is informed of a finding that an individual lacks capacity to make a health care decision or no longer lacks capacity, or that other circumstances exist that affect a health care instruction or the authority of a surrogate, as soon as reasonably feasible, shall:~~

~~(a) Document the finding or circumstance in the medical record of the individual; and~~

~~(b) If possible, communicate to the individual and the surrogate of the individual the finding or circumstance and that the individual may object under subsection 3 of section 30 of this act to the finding under subsection 2 of section 29 of this act.~~

~~4. A responsible health care professional who is informed that an individual has created or revoked an advance health care directive, or that a surrogate for an individual has been appointed, designated or disqualified, shall:~~

~~(a) Document the information as soon as reasonably feasible in the medical record of the individual; and~~

~~(b) If evidence of the directive, revocation, appointment, designation or disqualification is in a record, request a copy and, on receipt, cause the copy to be included in the medical record of the individual.~~

~~5. Except as provided in subsections 6 and 7, a health care professional or health care institution providing health care to an individual shall comply with:~~

~~(a) A health care instruction given by the individual regarding the health care of the individual;~~

~~(b) A reasonable interpretation by the surrogate of the individual of an instruction given by the individual; and~~

~~(c) A health care decision for the individual made by the surrogate of the individual in accordance with sections 41 and 42 of this act to the same extent as if the decision had been made by the individual at a time when the individual had capacity.~~

~~6. A health care professional or a health care institution may refuse to provide care consistent with a health care instruction or health care decision if:~~

~~(a) The instruction or decision is contrary to a policy of the health care institution providing health care to the individual that is expressly based on reasons of conscience and the policy was timely communicated to the individual or to the surrogate of the individual;~~

~~(b) The care would require care that is not available to the professional or institution; or~~

~~(c) Compliance with the instruction or decision would:~~

~~(1) Require the professional to provide care that is contrary to the professional's religious belief or moral conviction if other law permits the professional to refuse to provide the care;~~

~~(2) Require the professional or institution to provide care that is contrary to generally accepted health care standards applicable to the professional or institution; or~~

~~(3) Violate a court order or other law.~~

~~7. A health care professional or health care institution that refuses to provide care under subsection 6 shall:~~

~~(a) As soon as reasonably feasible, inform the individual, if possible, and the surrogate of the individual of the refusal;~~

~~(b) Immediately make a reasonable effort to transfer the individual to another health care professional or health care institution that is willing to comply with the instruction or decision; and~~

~~(c) Either:~~

~~(1) If the care is refused under paragraph (a) or (b) of subsection 6, provide life-sustaining care and care needed to keep or make the individual comfortable, consistent with accepted medical standards to the extent feasible, until a transfer is made; or~~

~~(2) If the care is refused under paragraph (c) of subsection 6, provide life-sustaining care and care needed to keep or make the individual comfortable, consistent with accepted medical standards, until a transfer is made or, if the professional or institution reasonably believes that a transfer cannot be made, for at least 10 days after the refusal.]~~ **(Deleted by amendment.)**

Sec. 46. ~~[1. A guardian may refuse to comply with or revoke the individual's advance health care directive only if the court appointing the guardian expressly orders the noncompliance or revocation.~~

~~2. Unless a court orders otherwise, a health care decision made by an agent appointed by an individual subject to guardianship prevails over a decision of the guardian appointed for the individual.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[1. A health care professional or health care institution acting in good faith is not subject to civil or criminal liability or to discipline for unprofessional conduct for:~~

~~(a) Complying with a health care decision made for an individual by another person if compliance is based on a reasonable belief that the person has authority to make the decision for an individual, including, without limitation, a decision to withhold or withdraw health care;~~

~~(b) Refusing to comply with a health care decision made for an individual by another person if the refusal is based on a reasonable belief that the person lacked authority or capacity to make the decision;~~

~~(c) Complying with an advance health care directive based on a reasonable belief that the directive is valid;~~

~~(d) Refusing to comply with an advance health care directive based on a reasonable belief that the directive is not valid, including, without limitation, a reasonable belief that the directive was not made by the individual or, after its creation, was substantively altered by a person other than the individual who created it;~~

~~(e) Determining that an individual who might otherwise be authorized to act as an agent or default surrogate is not reasonably available; or~~

~~(f) Complying with an individual's direction under subsection 4 of section 34 of this act.~~

~~2. An agent or default surrogate, or an individual with a reasonable belief that the individual is an agent or a default surrogate, is not subject to civil or criminal liability or to discipline for unprofessional conduct for a~~

~~*health care decision made in a good faith effort to comply with the provisions of section 41 of this act.]*~~ **(Deleted by amendment.)**

Sec. 48. ~~*[1. A person shall not:*~~

~~*(a) Intentionally falsify, in whole or in part, an advance health care directive;*~~

~~*(b) For the purpose of frustrating the intent of the individual who created an advance health care directive or with knowledge that doing so is likely to frustrate the intent:*~~

~~*(1) Intentionally conceal, deface, obliterate or delete the directive or a revocation of the directive without consent of the individual who created or revoked the directive; or*~~

~~*(2) Intentionally withhold knowledge of the existence or revocation of the directive from a responsible health care professional or health care institution providing health care to the individual who created or revoked the directive;*~~

~~*(c) Coerce or fraudulently induce an individual to create, revoke or refrain from creating or revoking an advance health care directive or a part of a directive; or*~~

~~*(d) Require or prohibit the creation or revocation of an advance health care directive as a condition for providing health care.*~~

~~*2. An individual who is the subject of conduct prohibited by subsection 1, or the estate of the individual, has a cause of action against a person that violates subsection 1 for statutory damages of $25,000 or actual damages resulting from the violation, whichever is greater.*~~

~~*3. Subject to subsection 4, an individual who makes a health care instruction, or the estate of the individual, has a cause of action against a health care professional or health care institution that intentionally violates section 45 of this act for statutory damages of $50,000, or actual damages resulting from the violation, whichever is greater.*~~

~~*4. A person who administers emergency medical services, as defined in NRS 450B.160, is not liable under subsection 3 for a violation of subsection 5 of section 45 of this act if:*~~

~~*(a) The violation occurs in the course of providing care to an individual experiencing a health condition for which the professional reasonably believed the care was appropriate to avoid imminent loss of life or serious harm to the individual;*~~

~~*(b) The failure to comply is consistent with accepted standards of the profession of the person who administers emergency medical services; and*~~

~~*(c) The provision of care does not begin in a health care institution in which the individual resides or was receiving care.*~~

~~*5. In an action under this section, a prevailing plaintiff may recover reasonable attorney's fees, court costs and other reasonable litigation expenses.*~~

~~*6. A cause of action or remedy under this section is in addition to any cause of action or remedy under other law.]*~~ **(Deleted by amendment.)**

Sec. 49. ~~[1. A physical or electronic copy of an advance health care directive, revocation of an advance health care directive or appointment, designation or disqualification of a surrogate has the same effect as the original.~~

~~2. An individual may create a certified physical copy of an advance health care directive in electronic form or revocation of an advance health care directive that is in electronic form by affirming under penalty of perjury that the physical copy is a complete and accurate copy of the directive or revocation.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[1. On petition of an individual, the surrogate of an individual, a health care professional or health care institution providing health care to the individual, or a person interested in the welfare of the individual, the court may:~~

~~(a) Enjoin implementation of a health care decision made by an agent or default surrogate on behalf of the individual, on a finding that the decision is inconsistent with section 41 or 42 of this act;~~

~~(b) Enjoin an agent from making a health care decision for the individual, on a finding that the individual's appointment of the agent has been revoked or the agent:~~

~~(1) Is disqualified under subsection 2 of section 33 of this act;~~

~~(2) Is unable or unwilling to comply with section 41 of this act; or~~

~~(3) Poses a danger to the individual's well-being;~~

~~(c) Enjoin another individual from acting as a default surrogate, on a finding that the other individual acting as a default surrogate did not comply with section 36 of this act or the other individual:~~

~~(1) Is disqualified under section 38 of this act;~~

~~(2) Is unable or unwilling to comply with section 41 of this act; or~~

~~(3) Poses a danger to the first individual's well-being; or~~

~~(d) Order implementation of a health care decision made:~~

~~(1) By and for the individual; or~~

~~(2) By an agent or default surrogate who is acting in compliance with the powers and duties of the agent or default surrogate.~~

~~2. For the purposes of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act, advocating for the withholding or withdrawal of health care or mental health care from an individual is not itself evidence that an agent or default surrogate, or a potential agent or default surrogate, poses a danger to the individual's well-being.~~

~~3. A proceeding under this section is governed by chapter 159 of NRS.]~~ **(Deleted by amendment.)**

Sec. 51. ~~[1. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not authorize mercy killing, assisted suicide or euthanasia.~~

~~2. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not~~

~~*affect other law of this State governing the treatment for mental illness of an individual involuntarily committed to a mental health facility pursuant to chapter 433A of NRS.*~~

~~*3. The death of an individual caused by withholding or withdrawing health care in accordance with NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act does not constitute a suicide or homicide or legally impair or invalidate a policy of insurance or an annuity providing a death benefit, notwithstanding any term of the policy or annuity to the contrary.*~~

~~*4. The provisions of NRS 162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act do not create a presumption concerning the intention of an individual who has not created an advance health care directive.]*~~ **(Deleted by amendment.)**

Sec. 52. ~~*[In applying and construing the Uniform Health Care Decisions Act, a court shall consider the promotion of uniformity of the law among states that enact it.]*~~ **(Deleted by amendment.)**

Sec. 53. ~~[NRS 162A.220 is hereby amended to read as follows:~~

~~162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.~~

~~2. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of execution of the power of attorney, a certification of competency of the principal from an advanced practice registered nurse, a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~3. If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in [NRS 162A.840]~~ ~~*section 33 of this act*~~ ~~and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:~~

~~(a) The hospital, assisted living facility or facility for skilled nursing;~~

~~(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or~~

~~(c) An employee of the hospital, assisted living facility or facility for skilled nursing.~~

~~4. The principal may name as agent any person identified in subsection 3 if that person is:~~

~~(a) The spouse, legal guardian or next of kin of the principal; or~~

~~(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.~~

~~5. A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:~~

~~(a) A valid financial power of attorney for the principal does not exist;~~

~~(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;~~

~~(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;~~

~~(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and~~

~~(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.~~

~~6. A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than to assist the principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~7. As used in this section:~~

~~(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.~~

~~(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.~~

~~(c) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(d) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.~~**]** **(Deleted by amendment.)**

Sec. 54. ~~[NRS 162A.710 is hereby amended to read as follows:~~

~~162A.710 As used in NRS [162A.700 to 162A.870,]~~ ***[162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52,*** ~~inclusive,~~ ***of this act,*** ~~unless the context otherwise requires, the words and terms defined in NRS 162A.715 [to 162A.780,]~~ ***, 162A.733, 162A.736 and 162A.755 and sections 4 to 27,*** ~~inclusive,~~ ***of this act*** ~~have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 55. ~~[NRS 162A.715 is hereby amended to read as follows:~~

~~162A.715 "Advance health care directive" means a power of attorney for health care [.]~~ ***, health care instruction, or both. The term includes, without***

~~*limitation, an advance mental health care directive.]*~~ **(Deleted by amendment.)**

Sec. 56. ~~[NRS 162A.736 is hereby amended to read as follows:~~

~~162A.736 "Health care" means care [,] *or* treatment [,] *or a* service or procedure to maintain, monitor, diagnose or otherwise affect the physical or mental illness, injury or condition of an individual. *The term includes mental health care.]*~~ **(Deleted by amendment.)**

Sec. 57. ~~[NRS 200.495 is hereby amended to read as follows:~~

~~200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:~~

~~(a) The act or omission is aggravated, reckless or gross;~~

~~(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;~~

~~(c) The consequences of the negligent act or omission could have reasonably been foreseen; and~~

~~(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.~~

~~2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:~~

~~(a) If the neglect results in death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~(b) If the neglect results in substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.~~

~~(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.~~

~~3. For the purposes of this section, a patient is not neglected for the sole reason that:~~

~~(a) According to the patient's desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.~~

~~(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to [NRS 162A.790.]~~ ~~*section 33 of this act.*~~

~~4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:~~

~~(a) Licensed the facility in which the criminal neglect occurred; and~~

~~(b) If applicable, licensed the person so convicted.~~

~~5. As used in this section:~~

~~(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(b) "Patient" means a person who resides or receives health care in a medical facility.~~

~~(c) "Professional caretaker" means a person who:~~

~~(1) Holds a license, registration or permit issued pursuant to title 54 or chapter 449 of NRS;~~

~~(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and~~

~~(3) Has responsibility to provide care to patients.~~

~~The term does not include a person who is not involved in the day to day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.~~**] (Deleted by amendment.)**

Sec. 58. ~~[NRS 225.330 is hereby amended to read as follows:~~

~~225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 or a power of attorney for health care that is properly executed pursuant to~~ **[**~~NRS 162A.790~~**]** ~~*section 33 of this act.]*~~ **(Deleted by amendment.)**

Sec. 59. ~~[NRS 232.459 is hereby amended to read as follows:~~

~~232.459 1. The Advocate shall:~~

~~(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;~~

~~(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;~~

~~(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:~~

~~(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and~~

~~(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the~~

~~Public Employees' Benefits Program and the Public Option, and policies of industrial insurance;~~

~~(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program and the Public Option, and policies of industrial insurance in this State;~~

~~(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;~~

~~(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;~~

~~(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;~~

~~(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;~~

~~(i) Establish and maintain an Internet website which includes:~~

~~(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;~~

~~(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and~~

~~(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;~~

~~(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;~~

~~(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;~~

~~(l) Assist consumers with filing complaints against health care facilities and health care professionals;~~

~~(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and~~

~~(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and~~

~~(2) In odd-numbered years, the next regular session of the Legislature.~~

~~2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.~~

~~3. As used in this section:~~

~~(a) "Health care facility" [has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

~~***(1) Medical facility as defined in NRS 449.0151; and***~~

~~***(2) Facility for the dependent as defined in NRS 449.0045.***~~

~~(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.~~

~~(c) "Public Option" means the Public Option established pursuant to NRS 695K.200.]~~ **(Deleted by amendment.)**

Sec. 59.5. ~~[NRS 232.461 is hereby amended to read as follows:~~

~~232.461 1. The Advocate, within the limits of available money:~~

~~(a) Shall, to carry out the provisions of this section and NRS 232.459, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and~~

~~(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:~~

~~(1) Such persons in the unclassified service of the State as the Advocate determines to be necessary to carry out the provisions of this section and NRS 232.459, including, without limitation, a [provider of] health care [,]~~ ***professional,*** ~~as that term is defined in [NRS 449A.424.]~~ ***section 14 of this act.***

~~(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 232.459, who must be in the classified service of the State.~~

~~→ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the Advocate employs that person.~~

~~2. The Advocate may:~~

~~(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as the Advocate determines to be necessary to carry out the provisions of this section and NRS 232.459.~~

~~(b) Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to paragraphs (h) and (i) of subsection 1 of NRS 232.459.~~

~~3. The Advocate and the Advocate's employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section~~

~~and NRS 232.459. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the Advocate or employee, or any person affiliated with the Advocate or employee:~~

~~(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;~~

~~(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;~~

~~(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or~~

~~(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.~~] **(Deleted by amendment.)**

Sec. 60. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department, through the Division, shall conduct a program to:

(a) Develop and carry out a public awareness campaign to provide information to the public about the importance of planning for long-term care that provides information relevant to the changing demographics of this State. A public awareness campaign carried out pursuant to this paragraph must engage with various forms of media, including, without limitation, television and digital platforms, to ensure the campaign reaches a wide audience throughout this State.

(b) Create and maintain on the Internet website of the Division comprehensive information on the resources and tools available to residents of this State to assist residents of this State with planning for long-term care.

(c) Coordinate with financial planners, providers of health care, insurance companies and community organizations to provide throughout this State workshops, seminars and educational sessions that provide information on planning for long-term care.

(d) Prepare planning guides, brochures and other printed material and make such material available to the public, community centers and other relevant organizations that may distribute such materials to residents of this State. The materials prepared and made available pursuant to this paragraph must incorporate a range of educational material, including electronic and physical materials, that offer detailed information about options for long-term care, tools for planning for long-term care and financial assistance with long-term care that is available to residents of this State.

2. In carrying out the provisions of subsection 1, the Department, through the Division, shall:

(a) Incorporate best practices from other states and engage a diverse range of stakeholders, including, without limitation, financial planners, providers of health care, insurance companies, senior advocacy groups, nonprofit and grassroots organizations, and local government agencies that work with the elderly population in this State, with an emphasis on engaging

with organizations with significant connections to the elderly population in this State and have a thorough understanding of the unique needs and challenges experienced by different segments of the elderly population in this State.

(b) Address specific demographic segments within the elderly population in this State, including, without limitation, persons who are not proficient in the English language, veterans and residents of rural communities, to ensure the inclusivity and accessibility of resources.

3. The Department, through the Division, may implement the provisions of subsection 1 in phases, with initial priority given to areas of this State with a high concentration of elderly persons and person with limited access to long-term planning resources. The Department may select counties in this State to host pilot programs to test and refine outreach and delivery strategies for implementation statewide.

4. The Department, through the Division, shall develop a framework to monitor, evaluate and assess the effectiveness of the program set forth in subsection 1, and to adapt the program as necessary. In monitoring, evaluating, assessing and adapting the program, the Department, through the Division, shall gather input from participants and stakeholders, including, without limitation, nonprofit and grassroots organizations.

5. On or before February 1 of each year, the Administrator shall submit a report to the Director of the Legislative Counsel Bureau for transmittal:

(a) In even-numbered years, to the Legislative Commission and the Joint Interim Standing Committee on Health and Human Services; and

(b) In odd-numbered years, to the next regular session of the Legislature.

6. The Division may adopt regulations to carry out the provisions of this section.

Sec. 61. ~~[NRS 433A.190 is hereby amended to read as follows:~~

~~433A.190 1. The administrative officer of a public or private mental health facility or hospital shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis who is at least 18 years of age, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.~~

~~2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:~~

~~(a) The permission is recorded in the medical record of the person; and~~

~~(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.~~

~~3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the~~

~~emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.~~

~~4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility or hospital may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.~~

~~5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS [162A.700 to 162A.870, inclusive,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act* or appointed an attorney in fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility or hospital must ensure that the guardian, agent designated by the durable power of attorney or the attorney in fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.]~~ **(Deleted by amendment.)**

Sec. 62. ~~[NRS 439.4923 is hereby amended to read as follows:~~

~~439.4923 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 63. ~~[NRS 439.4972 is hereby amended to read as follows:~~

~~439.4972 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 64. ~~[NRS 439.5256 is hereby amended to read as follows:~~

~~439.5256 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 65. ~~[NRS 449A.180 is hereby amended to read as follows:~~

~~449A.180 A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to NRS 449A.182, for the purposes of NRS 449A.170 to 449A.192, inclusive, if the person:~~

~~1. Is the guardian of the patient whom he or she is representing and:~~

~~(a) The power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, is specifically authorized under the existing guardianship; or~~

~~(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or~~

~~2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS [162A.700 to 162A.870, inclusive,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act,* and the power to make decisions on behalf of the patient pursuant to NRS 449A.170 to 449A.192, inclusive, is specifically delegated to the person in the power of attorney.] (Deleted by amendment.)~~

Sec. 65.5. ~~[NRS 449A.203 is hereby amended to read as follows:~~

~~449A.203 "Aversive intervention" means any of the following actions if the action is used to punish a person with a disability or to eliminate, reduce or discourage maladaptive behavior of a person with a disability:~~

~~1. The use of noxious odors and tastes;~~

~~2. The use of water and other mists or sprays;~~

~~3. The use of blasts of air;~~

~~4. The use of corporal punishment;~~

~~5. The use of verbal and mental abuse;~~

~~6. The use of electric shock;~~

~~7. Requiring a person to perform exercise under forced conditions if the:~~

~~(a) Person is required to perform the exercise because the person exhibited a behavior that is related to his or her disability;~~

~~(b) Exercise is harmful to the health of the person because of his or her disability; or~~

~~(c) Nature of the person's disability prevents the person from engaging in the exercise;~~

~~8. Any intervention, technique or procedure that deprives a person of the use of one or more of the person's senses, regardless of the length of the deprivation, including, without limitation, the use of sensory screens; or~~

~~9. The deprivation of necessities needed to sustain the health of a person, regardless of the length of the deprivation, including, without limitation, the denial or unreasonable delay in the provision of:~~

~~(a) Food or liquid at a time when it is customarily served; or~~

~~(b) Medication.~~

~~→ The term does not include the withholding or withdrawal of life-sustaining treatment in accordance with NRS [449A.454] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act,* or 449A.500 to 449A.581, inclusive.] (Deleted by amendment.)~~

Sec. 66. ~~[NRS 449A.274 is hereby amended to read as follows:~~

~~449A.274 "Representative of the resident" means a natural person who is designated in writing by a resident to be his or her representative. The term includes, without limitation, a person given power of attorney to make~~

~~decisions concerning health care for the resident pursuant to NRS [162A.700 to 162A.870, inclusive,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act* or a person appointed as a guardian of the resident under the provisions of chapter 159 of NRS.]~~ **(Deleted by amendment.)**

Sec. 67. ~~[NRS 449A.309 is hereby amended to read as follows:~~

~~449A.309 "Representative of the patient" means a legal guardian of the patient [, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433] or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS [162A.700 to 162A.870, inclusive.] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 68. (Deleted by amendment.)

Sec. 68.3. ~~[NRS 449A.503 is hereby amended to read as follows:~~

~~449A.503 "Advanced practice registered nurse" [has the meaning ascribed to it in NRS 449A.406.] *means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.]*~~ **(Deleted by amendment.)**

Sec. 68.5. ~~[NRS 449A.506 is hereby amended to read as follows:~~

~~449A.506 "Attending advanced practice registered nurse" [has the meaning ascribed to it in NRS 449A.409.] *means an advanced practice registered nurse who has primary responsibility for the treatment and care of the patient.]*~~ **(Deleted by amendment.)**

Sec. 68.7. ~~[NRS 449A.509 is hereby amended to read as follows:~~

~~449A.509 "Attending physician" [has the meaning ascribed to it in NRS 449A.412.] *means the physician who has primary responsibility for the treatment and care of the patient.]*~~ **(Deleted by amendment.)**

Sec. 69. ~~[NRS 449A.524 is hereby amended to read as follows:~~

~~449A.524 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.] *means any:*~~

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]*~~ **(Deleted by amendment.)**

Sec. 69.5. ~~[NRS 449A.530 is hereby amended to read as follows:~~

~~449A.530 "Life-sustaining treatment" [has the meaning ascribed to it in NRS 449A.418.] *means a medical procedure or intervention that, when administered to a patient, serves only to prolong the process of dying.]*~~ **(Deleted by amendment.)**

Sec. 70. ~~[NRS 449A.545 is hereby amended to read as follows:~~

~~449A.545 "Representative of the patient" means a legal guardian of the patient [, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449A.433] or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS [162A.700 to 162A.870, inclusive.]~~

~~*162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 70.3. ~~[~~NRS 449A.551 is hereby amended to read as follows:

~~449A.551 1. A physician, physician assistant or advanced practice registered nurse shall take the actions described in subsection 2:~~

~~(a) If the physician, physician assistant or advanced practice registered nurse diagnoses a patient with a terminal condition;~~

~~(b) If the physician, physician assistant or advanced practice registered nurse determines, for any reason, that a patient has a life expectancy of less than 5 years; or~~

~~(c) At the request of a patient.~~

~~2. Upon the occurrence of any of the events specified in subsection 1, the physician, physician assistant or advanced practice registered nurse shall explain to the patient:~~

~~(a) The existence and availability of the Provider Order for Life-Sustaining Treatment form;~~

~~(b) The features of and procedures offered by way of the POLST form; and~~

~~(c) The differences between a POLST form and the other types of advance directives.~~

~~3. The physician, physician assistant or advanced practice registered nurse shall complete the POLST form based on the preferences and medical indications of the patient, upon the request of:~~

~~(a) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient.~~

~~(b) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:~~

~~(1) The representative of the patient; or~~

~~(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.~~

~~(c) If the patient is less than 18 years of age, the patient and a parent or legal guardian of the patient.~~

~~4. A POLST form is valid upon execution by a physician, physician assistant or advanced practice registered nurse and:~~

~~(a) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient has the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient.~~

~~(b) If the patient is 18 years of age or older and the physician, physician assistant or advanced practice registered nurse determines that the patient lacks the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment:~~

~~(1) The representative of the patient; or~~

~~(2) If no person is a representative of the patient and a valid POLST form has not been executed by the patient or the representative of the patient, a surrogate of the patient who has the capacity to make decisions regarding the provision of life-resuscitating treatment and life-sustaining treatment for the patient.~~

~~(c) If the patient is less than 18 years of age, a parent or legal guardian of the patient.~~

~~5. If, pursuant to subsection 3, a valid POLST form has been executed by a representative or surrogate of the patient and a provider of health care or the representative or surrogate of the patient believes that the patient has regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, a physician, physician assistant or advanced practice registered nurse must examine the patient and inform the patient of the execution of the POLST form. If the physician, physician assistant or advanced practice registered nurse determines that the patient regained the capacity to make decisions regarding his or her wishes for the provision of life-resuscitating treatment and life-sustaining treatment, the patient may approve the execution of the POLST form or, pursuant to NRS 449A.554, revoke the POLST form executed for the patient by his or her representative or surrogate. If the patient approves the execution of the POLST form executed by his or her representative or surrogate, such approval must be made a part of the medical record of the patient and the POLST form is deemed to be valid. The physician, physician assistant or advanced practice registered nurse who examined the patient must notify the representative or surrogate of the patient who executed the POLST form of the decision of the patient to approve or revoke the POLST form.~~

~~6. For the purpose of determining whether a surrogate of the patient is authorized to request and execute a POLST form pursuant to subsections 3 and 4, respectively:~~

~~(a) If a class entitled to decide whether to request and execute a POLST form is not reasonably available for consultation and capable of deciding or declines to decide, the next class is authorized to decide, but an equal division in a class does not authorize the next class to decide.~~

~~(b) A decision to request and execute a POLST form must be made in good faith and is not valid if it conflicts with the expressed intention of the patient.~~

~~(c) A decision of the physician, physician assistant or advanced practice registered nurse acting in good faith that a decision to request and execute a POLST form is valid or invalid is conclusive.~~

~~7. As used in this section:~~

~~(a) "Surrogate of the patient" means the following persons, in order of priority:~~

~~(1) The spouse of the patient;~~

~~(2) An adult child of the patient or, if there is more than one adult child, a majority of the adult children who are reasonably available for consultation;~~

~~(3) The parents of the patient;~~

~~(4) An adult sibling of the patient or, if there is more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation;~~

~~(5) The nearest other adult relative of the patient by blood or adoption who is reasonably available for consultation; or~~

~~(6) An adult who has exhibited special care or concern for the patient, is familiar with the values of the patient and willing and able to make health care decisions for the patient.~~

~~(b) "Terminal condition" [has the meaning ascribed to it in NRS 449A.430.]~~ ***[means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician or attending advanced practice registered nurse, result in death within a relatively short time.]*** **(Deleted by amendment.)**

Sec. 70.5. ~~[NRS 449A.606 is hereby amended to read as follows:~~

~~449A.606 "Attending physician" has the meaning ascribed to it in NRS [449A.412.]~~ ***[449A.509.]*** **(Deleted by amendment.)**

Sec. 70.7. ~~[NRS 449A.612 is hereby amended to read as follows:~~

~~449A.612 "Provider of health care" has the meaning ascribed to [it in NRS 449A.424.]~~ ***[the term "health care professional" in section 14 of this act.]*** **(Deleted by amendment.)**

Sec. 71. ~~[NRS 449A.621 is hereby amended to read as follows:~~

~~449A.621 The form of an advance directive for psychiatric care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:~~

~~NOTICE TO PERSON MAKING AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE~~

~~THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES AN ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:~~

~~THIS DOCUMENT ALLOWS YOU TO MAKE DECISIONS IN ADVANCE ABOUT CERTAIN TYPES OF PSYCHIATRIC CARE. THE INSTRUCTIONS YOU INCLUDE IN THIS ADVANCE DIRECTIVE WILL BE FOLLOWED IF TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED~~

~~PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120, DETERMINES THAT YOU ARE INCAPABLE OF MAKING OR COMMUNICATING TREATMENT DECISIONS. OTHERWISE YOU WILL BE CONSIDERED CAPABLE TO GIVE OR WITHHOLD CONSENT FOR THE TREATMENTS. YOUR INSTRUCTIONS MAY BE OVERRIDDEN IF YOU ARE BEING HELD IN ACCORDANCE WITH CIVIL COMMITMENT LAW. BY EXECUTING A DURABLE POWER OF ATTORNEY FOR HEALTH CARE AS SET FORTH IN NRS [162A.700 TO 162A.870, INCLUSIVE,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 AND 162A.855 AND SECTIONS 3 TO 52, INCLUSIVE, OF THIS ACT,* YOU MAY ALSO APPOINT A PERSON AS YOUR AGENT TO MAKE TREATMENT DECISIONS FOR YOU IF YOU BECOME INCAPABLE. THIS DOCUMENT IS VALID FOR TWO YEARS FROM THE DATE YOU EXECUTE IT UNLESS YOU REVOKE IT. YOU HAVE THE RIGHT TO REVOKE THIS DOCUMENT AT ANY TIME YOU HAVE NOT BEEN DETERMINED TO BE INCAPABLE. YOU MAY NOT REVOKE THIS ADVANCE DIRECTIVE WHEN YOU ARE FOUND INCAPABLE BY TWO PROVIDERS OF HEALTH CARE, ONE OF WHOM MUST BE A PHYSICIAN OR LICENSED PSYCHOLOGIST AND THE OTHER OF WHOM MUST BE A PHYSICIAN, A PHYSICIAN ASSISTANT, A LICENSED PSYCHOLOGIST, A PSYCHIATRIST OR AN ADVANCED PRACTICE REGISTERED NURSE WHO HAS THE PSYCHIATRIC TRAINING AND EXPERIENCE PRESCRIBED BY THE STATE BOARD OF NURSING PURSUANT TO NRS 632.120. A REVOCATION IS EFFECTIVE WHEN IT IS COMMUNICATED TO YOUR ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER. THE PHYSICIAN OR OTHER PROVIDER SHALL NOTE THE REVOCATION IN YOUR MEDICAL RECORD. TO BE VALID, THIS ADVANCE DIRECTIVE MUST BE SIGNED BY TWO QUALIFIED WITNESSES, PERSONALLY KNOWN TO YOU, WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. IT MUST ALSO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.~~

~~NOTICE TO PHYSICIAN OR OTHER PROVIDER OF HEALTH CARE~~

~~Under Nevada law, a person may use this advance directive to provide consent or refuse to consent to future psychiatric care if the person later becomes incapable of making or communicating those decisions. By executing a durable power of attorney for health care as set forth in NRS [162A.700 to 162A.870, inclusive,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of*

~~***this act,*** the person may also appoint an agent to make decisions regarding psychiatric care for the person when incapable. A person is "incapable" for the purposes of this advance directive when in the opinion of two providers of health care, one of whom must be a physician or licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, the person currently lacks sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. If a person is determined to be incapable, the person may be found capable when, in the opinion of the person's attending physician or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 and has an established relationship with the person, the person has regained sufficient understanding or capacity to make or communicate decisions regarding psychiatric care. This document becomes effective upon its proper execution and remains valid for a period of 2 years after the date of its execution unless revoked. Upon being presented with this advance directive, the physician or other provider of health care must make it a part of the person's medical record. The physician or other provider must act in accordance with the statements expressed in the advance directive when the person is determined to be incapable, except as otherwise provided in NRS 449A.636. The physician or other provider shall promptly notify the principal and, if applicable, the agent of the principal, and document in the principal's medical record any act or omission that is not in compliance with any part of an advance directive. A physician or other provider may rely upon the authority of a signed, witnessed, dated and notarized advance directive.~~

~~ADVANCE DIRECTIVE FOR PSYCHIATRIC CARE~~

~~I, ..., being an adult of sound mind or an emancipated minor, willfully and voluntarily make this advance directive for psychiatric care to be followed if it is determined by two providers of health care, one of whom must be my attending physician or a licensed psychologist and the other of whom must be a physician, a physician assistant, a licensed psychologist, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, that my ability to receive and evaluate information effectively or communicate decisions is impaired to such an extent that I lack the capacity to refuse or consent to psychiatric care. I understand that psychiatric care may not be administered without my express and informed consent or, if I am incapable of giving my informed consent, the express and informed consent of my legally responsible person, my agent named pursuant to a~~

~~valid durable power of attorney for health care or my consent expressed in this advance directive for psychiatric care. I understand that I may become incapable of giving or withholding informed consent or refusal for psychiatric care due to the symptoms of a diagnosed mental disorder. These symptoms may include:~~

~~PSYCHOACTIVE MEDICATIONS~~

~~— If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding psychoactive medications are as follows: (Place initials beside choice.)~~

~~— I consent to the administration of the following medications: .....~~

~~.....~~

~~— I do not consent to the administration of the following medications: .....~~

~~.....~~

~~— Conditions or limitations:~~

~~.....~~

~~ADMISSION TO AND RETENTION IN FACILITY~~

~~— If I become incapable of giving or withholding informed consent for psychiatric care, my instructions regarding admission to and retention in a medical facility for psychiatric care are as follows: (Place initials beside choice.)~~

~~— I consent to being admitted to a medical facility for psychiatric care. .....~~

~~My facility preference is:~~

~~.....~~

~~— I do not consent to being admitted to a medical facility for psychiatric care. .....~~

~~.....~~

~~— This advance directive cannot, by law, provide consent to retain me in a facility beyond the specific number of days, if any, provided in this advance directive.~~

~~— Conditions or limitations:~~

~~.....~~

~~ADDITIONAL INSTRUCTIONS~~

~~— These instructions shall apply during the entire length of my incapacity.~~

~~— In case of a mental health crisis, please contact:~~

~~— 1.~~

~~Name: .....~~

~~Address: .....~~

~~Home Telephone Number: .....~~

~~Work Telephone Number: .....~~
~~Relationship to Me: .....~~

~~2.~~

~~Name: .....~~
~~Address: .....~~
~~Home Telephone Number: .....~~
~~Work Telephone Number: .....~~
~~Relationship to Me: .....~~

~~3. My physician:~~

~~Name: .....~~
~~Work Telephone Number: .....~~

~~4. My therapist or counselor:~~

~~Name: .....~~
~~Work Telephone Number: .....~~

~~The following may cause me to experience a mental health crisis:~~

~~.....~~

~~The following may help me avoid a hospitalization:~~

~~.....~~

~~I generally react to being hospitalized as follows:~~

~~.....~~

~~Staff of the hospital or crisis unit can help me by doing the following:~~

~~.....~~

~~I give permission for the following person or people to visit me:~~

~~.....~~

~~Instructions concerning any other medical interventions, such as electroconvulsive (ECT) treatment (commonly referred to as "shock treatment"):~~

~~.....~~

~~Other instructions:~~

~~.....~~

~~I have attached an additional sheet of instructions to be followed and considered part of this advance directive. .....~~

~~SHARING OF INFORMATION BY PROVIDERS~~

~~I understand that the information in this document may be shared by my provider of mental health care with any other provider who may serve me when necessary to provide treatment in accordance with this advance directive.~~

~~Other instructions about sharing of information:~~

~~.....~~

~~SIGNATURE OF PRINCIPAL~~

~~By signing here, I indicate that I am mentally alert and competent, fully informed as to the contents of this document, and understand the full impact of having made this advance directive for psychiatric care.~~

~~..... .....~~
~~Signature of Principal Date~~

~~AFFIRMATION OF WITNESSES~~

~~We affirm that the principal is personally known to us, that the principal signed or acknowledged the principal's signature on this advance directive for psychiatric care in our presence, that the principal appears to be of sound mind and not under duress, fraud, or undue influence, and that neither of us is:~~

~~1. A person appointed as an attorney in fact by this document;~~

~~2. The principal's attending physician or provider of health care or an employee of the physician or provider; or~~

~~3. The owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident.~~

~~Witnessed by:~~

~~Witness: ....~~
~~Signature Date~~

~~Witness: ....~~
~~Signature Date~~

~~CERTIFICATION OF NOTARY PUBLIC~~

~~STATE OF NEVADA~~
~~COUNTY OF.....~~

~~I, ..., a Notary Public for the County cited above in the State of Nevada, hereby certify that ..... appeared before me and swore or affirmed to me and to the witnesses in my presence that this instrument is an advance directive for psychiatric care and that he or she willingly and voluntarily made and executed it as his or her free act and deed for the purposes expressed in it.~~

~~I further certify that ..... and ....., witnesses, appeared before me and swore or affirmed that each witnessed ..... sign the attached advance directive for psychiatric care believing him or her to be of sound mind and also swore that at the time each witnessed the signing, each person was: (1) not the attending physician or provider of health care, or an employee of the physician or provider, of the principal; (2) not the owner or operator, or employee of the owner or operator, of a medical facility in which the principal is a patient or resident; and (3) not a person appointed as an attorney in fact by the attached advance directive for psychiatric care. I further certify that I am satisfied as to the genuineness and due execution of the instrument.~~

~~This is the ..... day of ....., ...~~

~~.....~~
~~Notary Public~~
~~My Commission expires: .....~~] **(Deleted by amendment.)**

Sec. 72. ~~[NRS 449A.703 is hereby amended to read as follows:~~

~~449A.703 "Advance directive" means an advance directive for health care. The term includes:~~

~~1. [A declaration governing the withholding or withdrawal of life-sustaining treatment as set forth in NRS 449A.400 to 449A.481, inclusive;~~

~~2.]~~ A durable power of attorney for health care as set forth in NRS ~~[162A.700 to 162A.870, inclusive;]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;***

~~[3.]~~ ***2.*** An advance directive for psychiatric care as set forth in NRS 449A.600 to 449A.645, inclusive;

~~[4.]~~ ***3.*** A do-not-resuscitate order as defined in NRS 450B.420; and

~~[5.]~~ ***4.*** A Provider Order for Life-Sustaining Treatment form as defined in NRS 449A.542.~~]~~ **(Deleted by amendment.)**

Sec. 73. ~~[NRS 449A.727 is hereby amended to read as follows:~~

~~449A.727 1. The provisions of NRS 449A.700 to 449A.739, inclusive, do not require a provider of health care to inquire whether a patient has an advance directive registered on the Registry or to access the Registry to determine the terms of the advance directive.~~

~~2. A provider of health care who relies in good faith on the provisions of an advance directive retrieved from the Registry is immune from criminal and civil liability as set forth in:~~

~~(a) [NRS 449A.460,]~~ ***Section 47 of this act,*** if the advance directive is ~~[a declaration governing the withholding or withdrawal of life-sustaining treatment executed pursuant to NRS 449A.400 to 449A.481, inclusive, or]~~ a durable power of attorney for health care executed pursuant to NRS ~~[162A.700 to 162A.870, inclusive;]~~ ***162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;***

~~(b) NRS 449A.642, if the advance directive is an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive;~~

~~(c) NRS 449A.500 to 449A.581, inclusive, if the advance directive is a Provider Order for Life-Sustaining Treatment form; or~~

~~(d) NRS 450B.540, if the advance directive is a do-not-resuscitate order as defined in NRS 450B.420.]~~ **(Deleted by amendment.)**

Sec. 73.3. ~~[NRS 450B.402 is hereby amended to read as follows:~~

~~450B.402 "Advanced practice registered nurse" has the meaning ascribed to it in NRS [449A.406.]~~ ***449A.503.]*** **(Deleted by amendment.)**

Sec. 73.5. ~~[NRS 450B.404 is hereby amended to read as follows:~~

~~450B.404 "Attending advanced practice registered nurse" has the meaning ascribed to it in NRS [449A.409.]~~ ***449A.506.]*** **(Deleted by amendment.)**

Sec. 73.7. ~~[NRS 450B.405 is hereby amended to read as follows:~~

~~450B.405 "Attending physician" has the meaning ascribed to it in NRS [449A.412.]~~ ***449A.509.]*** **(Deleted by amendment.)**

Sec. 74. ~~[NRS 450B.440 is hereby amended to read as follows:~~

~~450B.440 "Health care facility" [has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

~~*1. Medical facility as defined in NRS 449.0151; and*~~

~~*2. Facility for the dependent as defined in NRS 449.0045.]*~~ **(Deleted by amendment.)**

Sec. 74.3. ~~[NRS 450B.470 is hereby amended to read as follows:~~

~~450B.470 "Qualified patient" means:~~

~~1. A patient 18 years of age or older who has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition and who:~~

~~(a) Has executed a [declaration in accordance with the requirements of NRS 449A.433;]~~ ~~*health care instruction, as defined in section 13 of this act, concerning the withholding or withdrawal of life-resuscitating treatment;*~~

~~(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or~~

~~(c) Has been issued a do-not-resuscitate order pursuant to NRS 450B.510.~~

~~2. A patient who is less than 18 years of age and who:~~

~~(a) Has been determined by the patient's attending physician or attending advanced practice registered nurse to be in a terminal condition; and~~

~~(b) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510.]~~ **(Deleted by amendment.)**

Sec. 74.7. ~~[NRS 450B.475 is hereby amended to read as follows:~~

~~450B.475 "Terminal condition" [has the meaning ascribed to it in NRS 449A.430.]~~ ~~*means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician or attending advanced practice registered nurse, result in death within a relatively short time.]*~~ **(Deleted by amendment.)**

Sec. 75. ~~[NRS 450B.520 is hereby amended to read as follows:~~

~~450B.520 Except as otherwise provided in NRS 450B.525:~~

~~1. A qualified patient may apply to the health authority for a do-not-resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.~~

~~2. An application must include, without limitation:~~

~~(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;~~

~~(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed~~

~~decision or, when the patient was capable of making an informed decision, that the patient:~~

~~(1) Executed:~~

~~(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;~~

~~(II) A durable power of attorney for health care pursuant to NRS [162A.700 to 162A.870, inclusive;] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52, inclusive, of this act;* or~~

~~(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or~~

~~(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;~~

~~(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;~~

~~(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and~~

~~(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.]~~ **(Deleted by amendment.)**

Sec. 75.5. ~~[NRS 450B.590 is hereby amended to read as follows:~~

~~450B.590 The provisions of NRS 450B.400 to 450B.590, inclusive, do not:~~

~~1. Require a physician or other provider of health care to take action contrary to reasonable medical standards;~~

~~2. Condone, authorize or approve mercy killing, euthanasia or assisted suicide;~~

~~3. Substitute for any other legally authorized procedure by which a person may direct that the person not be resuscitated in the event of a cardiac or respiratory arrest;~~

~~4. Except as otherwise provided in NRS 449A.557, affect or impair any right created pursuant to the provisions of NRS [449A.400 to 449A.481,] *162A.710, 162A.715, 162A.733, 162A.736, 162A.755 and 162A.855 and sections 3 to 52,* inclusive, *of this act,* or 449A.500 to 449A.581, inclusive; or~~

~~5. Affect the right of a qualified patient to make decisions concerning the use of life-resuscitating treatment, if he or she is able to do so, or impair or supersede a right or responsibility of a person to affect the withholding of medical care in a lawful manner.]~~ **(Deleted by amendment.)**

Sec. 76. ~~[NRS 451.595 is hereby amended to read as follows:~~

~~451.595 1. As used in this section:~~

~~(a) "Advance health care directive" means a power of attorney for health care or other record signed by a prospective donor, or executed in the manner set forth in [NRS 162A.790,] *section 33 of this act,* containing the prospective donor's direction concerning a health care decision for the prospective donor.~~

~~(b) [“Declaration” means a record signed by a prospective donor, or executed as set forth in NRS 449A.433, specifying the circumstances under which life-sustaining treatment may be withheld or withdrawn from the prospective donor. The term includes a Provider Order for Life-Sustaining Treatment form executed pursuant to NRS 449A.500 to 449A.581, inclusive.~~

~~(c)] “Health care decision” means any decision made regarding the health care of the prospective donor.~~

~~2. If a prospective donor has [a declaration or] *an* advance health care directive and the terms of the [declaration or] advance health care directive and the express or implied terms of the potential anatomical gift are in conflict concerning the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy:~~

~~(a) The attending physician of the prospective donor shall confer with the prospective donor to resolve the conflict or, if the prospective donor is incapable of resolving the conflict, with:~~

~~(1) An agent acting under the [declaration or] advance health care directive of the prospective donor; or~~

~~(2) If an agent is not named in the [declaration or] advance health care directive or the agent is not reasonably available, any other person authorized by law, other than by a provision of NRS 451.500 to 451.598, inclusive, to make a health care decision for the prospective donor.~~

~~(b) The conflict must be resolved as expeditiously as practicable.~~

~~(c) Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift of the prospective donor's body or part under NRS 451.556.~~

~~(d) Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor, if withholding or withdrawing the measures is not medically contraindicated for the appropriate treatment of the prospective donor at the end of his or her life.]~~ **(Deleted by amendment.)**

Sec. 77. ~~[NRS 457.020 is hereby amended to read as follows:~~

~~457.020 As used in this chapter, unless the context requires otherwise:~~

~~1. “Cancer” means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma and leukemia.~~

~~2. “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~3. “Health care facility” [has the meaning ascribed to it in NRS 162A.740 and also includes freestanding facilities] *means any:*~~

~~*(a) Medical facility as defined in NRS 449.0151;*~~

~~*(b) Facility for the dependent as defined in NRS 449.0045; and*~~

~~*(c) Freestanding facility* for plastic reconstructive, oral and maxillofacial surgery.~~

~~4. "Other treatment facility" means a facility, other than a health care facility, that provides services to patients with cancer and other neoplasms, including, without limitation, screening, diagnosis and treatment.~~

~~5. "Provider of health care" has the meaning ascribed to it in NRS 629.031.]~~ **(Deleted by amendment.)**

Sec. 78. ~~[NRS 631.313 is hereby amended to read as follows:~~

~~631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, a dental therapist, a dental assistant, an expanded function dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.~~

~~2. The performance of these tasks must be:~~

~~(a) If performed by a dental assistant or a person, other than a dental hygienist, dental therapist or expanded function dental assistant, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.~~

~~(b) If performed by a dental hygienist, dental therapist or expanded function dental assistant, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.~~

~~3. No such assignment is permitted that requires:~~

~~(a) Except as otherwise provided in NRS 631.3105 and 631.3129, the diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.~~

~~(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.~~

~~(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.~~

~~(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.~~

~~4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility [, as defined in NRS 162A.740,] if:~~

~~(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and~~

~~(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.~~

~~*5. As used in this section, "health care facility" means any:*~~

~~*(a) Medical facility as defined in NRS 449.0151; and*~~

~~*(b) Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 79. ~~[NRS 639.0155 is hereby amended to read as follows:~~

~~639.0155~~ ***1.*** ~~"Wholesale distribution" means the distribution of drugs to persons other than consumers or patients, but does not include:~~

~~[1.]~~ ***(a)*** ~~Sales within a company.~~

~~[2.]~~ ***(b)*** ~~The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.~~

~~[3.]~~ ***(c)*** ~~The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug:~~

~~[(a)]~~ ***(1)*** ~~By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501(c)(3), to a nonprofit affiliate of the organization.~~

~~[(b)]~~ ***(2)*** ~~Between health care facilities or pharmacies that are under common control.~~

~~[(c)]~~ ***(3)*** ~~For emergency medical reasons.~~

~~[(d)]~~ ***(4)*** ~~Pursuant to a prescription.~~

~~[4.]~~ ***(d)*** ~~A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.~~

~~[5.]~~ ***(e)*** ~~The distribution of drug samples by a representative of the manufacturer or distributor.~~

~~[6.]~~ ***(f)*** ~~The sale, purchase or exchange of blood or blood components for transfusions.~~

~~[~~***2.*** ~~As used in this section, "health care facility" [has the meaning ascribed to it in NRS 162A.740.]~~ ***means any:***

~~***(a) Medical facility as defined in NRS 449.0151; and***~~

~~***(b) Facility for the dependent as defined in NRS 449.0045.]~~ **(Deleted by amendment.)**

Sec. 80. ~~[1. The provisions of this act apply to an advance health care directive created before, on or after January 1, 2026.~~

~~2. An advance health care directive created before January 1, 2026, is valid if it complies with the provisions of this act or complied at the time of creation with the law of the state in which it was created.~~

~~3. The provisions of this act do not affect the validity or effect of an act done before January 1, 2026.~~

~~4. An individual who assumed authority to act as a default surrogate before January 1, 2026, may continue to act as a default surrogate until the individual for whom the default surrogate is acting no longer lacks capacity or the default surrogate is disqualified, whichever occurs first.~~

~~5. An advance health care directive created before, on or after January 1, 2026, must be interpreted in accordance with the law of this State, excluding the State's choice of law rules, at the time the directive is implemented.~~

~~6. As used in this section:~~

~~(a) "Advance health care directive" has the meaning ascribed to it in NRS 162A.715, as amended by section 55 of this act.~~

~~(b) "Capacity" has the meaning ascribed to it in section 6 of this act.~~

~~(c) "Default surrogate" has the meaning ascribed to it in section 8 of this act.~~

~~(d) "Individual" has the meaning ascribed to it in section 15 of this act.~~] **(Deleted by amendment.)**

Sec. 80.5. **The Legislature hereby respectfully requests that the Guardianship Commission created by the Nevada Supreme Court:**

1. In the normal course of business of the Commission, examine:

(a) The provisions of the Uniform Health-Care Decisions Act that have not been enacted in this State;

(b) The manner in which the Uniform Health-Care Decisions Act has been implemented in other jurisdictions; and

(c) The effects of such implementation in other jurisdictions; and

2. Provide recommendations to the Joint Interim Standing Committee on Health and Human Services, in writing or at a meeting of the Committee, concerning:

(a) Whether any or all of the provisions of the Uniform Health-Care Decisions Act which have not yet been enacted in this State should be enacted;

(b) If the Commission recommends the enactment of any additional provisions of the Uniform Health-Care Decisions Act in this State, any modifications to those provisions that the Commission deems advisable;

(c) The potential benefits and drawbacks of enacting any or all of the provisions of the Uniform Health-Care Decisions Act in this State; and

(d) Any other subjects related to the Uniform Health-Care Decisions Act, as the Commission deems advisable.

Sec. 81. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 82. ~~[NRS 162A.700, 162A.720, 162A.730, 162A.740, 162A.745, 162A.750, 162A.760, 162A.770, 162A.780, 162A.790, 162A.800, 162A.810, 162A.815, 162A.820, 162A.830, 162A.840, 162A.850, 162A.865, 162A.870, 449A.400, 449A.403, 449A.406, 449A.409, 449A.412, 449A.415, 449A.418, 449A.421, 449A.424, 449A.427, 449A.430, 449A.433, 449A.436, 449A.439, 449A.442, 449A.445, 449A.448, 449A.451, 449A.454, 449A.457, 449A.460, 449A.463, 449A.466, 449A.469, 449A.472, 449A.475, 449A.478 and 449A.481 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 83. ~~[1.]~~ This ~~[section and section 60 of this]~~ act ~~[become]~~ **becomes** effective upon passage and approval.

~~[2. Sections 1 to 59.5, inclusive, and 61 to 82, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On January 1, 2026, for all other purposes.~~

~~HEADLINES OF REPEALED SECTIONS~~

~~162A.700 Applicability.~~
~~162A.720 "Attending physician" defined.~~
~~162A.730 "Declaration" defined.~~
~~162A.740 "Health care facility" defined.~~
~~162A.745 "Intellectual disability" defined.~~
~~162A.750 "Life-sustaining treatment" defined.~~
~~162A.760 "Provider of health care" defined.~~
~~162A.770 "Qualified patient" defined.~~
~~162A.780 "Terminal condition" defined.~~
~~162A.790 Execution of power of attorney; acknowledgment; witnesses; validity of power of attorney executed outside this State.~~
~~162A.800 Nomination of guardian of person; relation of agent to court-appointed guardian; duties of guardian.~~
~~162A.810 Time at which power of attorney is effective.~~
~~162A.815 Acceptance and reliance upon acknowledged power of attorney.~~
~~162A.820 Termination of power of attorney or authority of agent.~~
~~162A.830 Co-agents and successor agents.~~
~~162A.840 Persons not eligible for designation as agent.~~
~~162A.850 Agents: Prohibited acts; decisions concerning use or nonuse of life-sustaining treatment.~~
~~162A.865 Power of attorney for adult with intellectual disability: Form.~~
~~162A.870 Power of attorney for adult with dementia: Form.~~
~~449A.400 Short title; uniformity of application and construction.~~
~~449A.403 Definitions.~~
~~449A.406 "Advanced practice registered nurse" defined.~~
~~449A.409 "Attending advanced practice registered nurse" defined.~~
~~449A.412 "Attending physician" defined.~~
~~449A.415 "Declaration" defined.~~
~~449A.418 "Life-sustaining treatment" defined.~~
~~449A.421 "Person" defined.~~
~~449A.424 "Provider of health care" defined.~~
~~449A.427 "Qualified patient" defined.~~
~~449A.430 "Terminal condition" defined.~~
~~449A.433 Declaration relating to use of life-sustaining treatment.~~
~~449A.436 Form of declaration directing physician or advanced practice registered nurse to withhold or withdraw life-sustaining treatment.~~
~~449A.439 Form of declaration designating another person to decide to withhold or withdraw life-sustaining treatment.~~
~~449A.442 Time declaration becomes operative; duty of providers of health care.~~
~~449A.445 Revocation of declaration; entry of revocation in medical records of declarant.~~
~~449A.448 Recording determination of terminal condition and declaration.~~

~~— 449A.451 Treatment of qualified patients; withholding or withdrawal of artificial nutrition and hydration; treatment of pregnant patient.~~
~~— 449A.454 Written consent to withhold or withdraw life-sustaining treatment.~~
~~— 449A.457 Transfer of care of declarant.~~
~~— 449A.460 Immunity from civil and criminal liability and discipline for unprofessional conduct.~~
~~— 449A.463 Consideration of declaration and other factors; failure to follow directions of patient.~~
~~— 449A.466 Assumption of validity of declaration; presumption of intent to use, withhold or withdraw life-sustaining treatment not created.~~
~~— 449A.469 Death does not constitute suicide or homicide; effect of declaration on policy of insurance; prohibiting or requiring execution of declaration prohibited as condition for insurance or receipt of health care.~~
~~— 449A.472 Penalties.~~
~~— 449A.475 Actions contrary to reasonable medical standards not required; mercy-killing, assisted suicide or euthanasia not authorized.~~
~~— 449A.478 Other right or responsibility regarding use of life-sustaining treatment or withholding or withdrawal of medical care not limited.~~
~~— 449A.481 Validity of declaration executed in another state; effect of previously executed instrument.~~]

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 685 to Assembly Bill No. 461.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 520.

The following Senate amendment was read:

Amendment No. 675.

AN ACT relating to adoption; requiring background investigations of certain persons who operate or provide services to children at a child-placing agency; ~~[requiring the maintenance of certain records of such background investigations;]~~ authorizing the disclosure of information from the State Register for Adoptions to certain persons without the consent of the natural parent under extenuating circumstances; authorizing certain persons to attend an adoption hearing by a remote- technology system under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires certain persons who work with children or reside in certain homes or facilities that provide services to children to undergo a background investigation; (2) prohibits a person who has been convicted of certain crimes from working or residing in such a home or facility; and (3) requires certain homes and facilities to maintain records of background investigations. (NRS 62B.260-62B.280, 424.031-424.034, 432A.170-432A.1755, 433B.183-433B.187, 449.122-449.125) Existing law defines

"child-placing agency" to mean a nonprofit corporation that places children for adoption or permanent free care. (NRS 127.220) Existing regulations: (1) require an applicant for a license to operate a child-placing agency or an employee, volunteer or independent contractor of a child-placing agency to undergo a background investigation; and (2) prohibit the director of adoption of a child-placing agency from allowing a person to provide services to children if the Division of Child and Family Services has, based on the criminal history of the person, deemed the person to be unacceptable to provide services to children. (NAC 127.140)

Sections ~~[2-5]~~ **2 and 3** of this bill: (1) codify such requirements governing child-placing agencies into existing law **:** ~~[similarly to the manner in which the requirements governing background investigations of the personnel of other homes or facilities that provide services to children are codified;]~~ and (2) additionally require such background investigations to be conducted every 5 years. Specifically, **section 2** requires the Division to: (1) investigate the background and personal history of every initial applicant for a license to operate a child-placing agency and every employee, volunteer or independent contractor of a child-placing agency; and (2) repeat such investigations every 5 years. ~~[Sections]~~ **Section 3** ~~[and 11 of this bill prescribe the procedure for conducting such an investigation. Section 3 authorizes the Division to deny an application for a license to operate a child-placing agency or suspend or revoke such a license if the Division determines that the applicant or licensee, as applicable: (1) has a substantiated history of maltreating a child that renders the person unacceptable to provide services to children; or (2) has allowed an employee, volunteer or independent contractor who has such a history or has not undergone such a background investigation to provide services to children. Section 4 prohibits an employee, volunteer or independent contractor of a child-placing agency from providing services to children under such circumstances. Section 4 also]~~ requires an applicant for a license to operate a child-placing agency ~~[or the holder of such a license to give an employee, independent contractor or volunteer who believes that the information resulting from an investigation of his or her background and criminal history is incorrect 30 days to correct the information.]~~ **and every employee, volunteer or independent contractor of the child-placing agency, for the purposes of an investigation pursuant to section 2, to submit to the Division: (1) a complete set of fingerprints; and (2) written permission authorizing the fingerprints to be submitted to the Federal Bureau of Investigation for a background check. Section 11 of this bill makes conforming changes to require the Central Repository for Nevada Records of Criminal History to conduct such background checks. Section 2** requires the Division to prescribe by regulation the conditions under which the Division may deem a person to have a substantiated history of maltreating a child that renders the person unacceptable to provide services to children. ~~[Section 5 requires an applicant for a license to operate a child-placing agency or the holder of such a license to maintain records of certain information~~

~~relating to background investigations of employees, volunteers and independent contractors and make such records available to the Division upon request. Sections~~] **Section 7** ~~[and 9]~~ of this bill ~~[prohibit]~~ **prohibits** a court from entering an order of adoption and declare any order of adoption so entered to be void if the adoption was facilitated by a child-placing agency that has failed to comply with **sections** ~~[2-5.]~~ **2 and 3. Section 9 of this bill indicates the proper placement of sections 2 and 3 in NRS. Section 10** of this bill makes certain definitions applicable to **sections** ~~[2-5.]~~ **2 and 3.**

Existing law requires the Division to maintain the State Register for Adoptions to provide information to identify adults who were adopted and certain relatives of such adults. Existing law authorizes the Division to release certain information from the State Register to adopted persons and their relatives if: (1) the natural parent of the adopted person has consented to the release; and (2) the adopted person has not requested to restrict the release of the information. (NRS 127.007) **Section 6** of this bill authorizes the Division to release such information without the written consent of the natural parent if the Division determines that extenuating circumstances exist to justify the release of the information.

Existing law authorizes the prospective adoptive parents to attend a court hearing concerning the adoption by telephone instead of in person if: (1) the prospective adoptive parents reside in another state or jurisdiction; (2) the child who is the subject of the hearing is in the custody of an agency which provides child welfare services or a child-placing agency; and (3) a representative of the agency responsible for supervising the child in the state where the child will be placed attends the hearing by telephone. (NRS 127.145) **Section 8** of this bill additionally authorizes the prospective adoptive parents and the representative of the agency responsible for supervising the child to attend a court hearing concerning the adoption by any other remote-technology system under such circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The Division shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to operate a child-placing agency, person who is licensed to operate a child-placing agency or employee, volunteer or independent contractor of such an applicant or licensee who provides or will provide services to children to determine whether the person investigated has a history of maltreating a child that, in the determination of the Division, renders the person unacceptable to provide services to children.***

2. The Division may charge each person investigated pursuant to subsection 1 for the cost of the fees charged by any local agencies of law enforcement, the Central Repository for Nevada Records of Criminal

History and the Federal Bureau of Investigation for the handling of fingerprint cards and the issuance of reports of criminal histories.

3. The Division shall:

(a) Conduct an investigation of each licensee, employee, volunteer and independent contractor pursuant to this section at least once every 5 years after the initial investigation; and

(b) Adopt regulations prescribing the conditions under which the Division may deem a person investigated pursuant to subsection 1 to have a history of maltreating a child that renders the person unacceptable to provide services to children.

Sec. 3. *1. Each applicant for a license to operate a child-placing agency, person who is licensed to operate a child-placing agency or employee, volunteer or independent contractor of such an applicant or licensee who provides services to children must submit to the Division for the purposes of an investigation pursuant to section 2 of this act* ~~[:~~

~~(a) A]~~ *a complete set of fingerprints and written permission authorizing the Division to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the Division to conduct an investigation pursuant to section 2 of this act* ~~. [; and~~

~~(b) Written permission to conduct a child abuse and neglect screening.]~~

2. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information relating to the fingerprints submitted.

3. When the Central Repository receives a report from the Federal Bureau of Investigation, the Central Repository shall immediately forward a copy of the report to the Division.

~~*[4. Upon receiving a report pursuant to this section, the Division shall determine whether the person has been substantiated through information in the Central Repository or other available information to have a history of maltreating a child that, in accordance with the regulations adopted pursuant to section 2 of this act, renders the person unacceptable to provide services to children.*~~

~~*5. The Division may deny an application for a license to operate a child-placing agency or may suspend or revoke such a license if the Division determines that the applicant or licensee:*~~

~~*(a) Has been substantiated through information in the Central Repository or other available information to have a history of maltreating a child that, in accordance with the regulations adopted pursuant to section 2 of this act, renders the person unacceptable to provide services to children; or*~~

~~*(b) Has allowed an employee, volunteer or independent contractor to provide services to children in violation of subsection 1 of section 4 of this act.]*~~

Sec. 4. ~~*[1. An applicant for a license to operate a child-placing agency or a person licensed to operate a child-placing agency shall not allow an*~~

~~*employee, volunteer or independent contractor of the applicant or licensee to provide services to children if:*~~

~~*— (a) The employee, volunteer or independent contractor has not complied with subsection 1 of section 3 of this act; or*~~

~~*— (b) The applicant or licensee has received information from the Division or any other source that the employee, volunteer or independent contractor has been substantiated through information in the Central Repository for Nevada Records of Criminal History or other available information to have a history of maltreating a child that, in accordance with the regulations adopted pursuant to section 2 of this act, renders the employee, volunteer or independent contractor unacceptable to provide services to children.*~~

~~*— 2. If an employee, volunteer or independent contractor believes that the information provided pursuant to paragraph (b) of subsection 1 is incorrect, the employee, volunteer or independent contractor must inform the applicant or licensee immediately. An applicant or licensee that is so informed shall give the employee, volunteer or independent contractor 30 days to correct the information.*~~

~~*— 3. During the period in which an employee, volunteer or independent contractor seeks to correct information pursuant to subsection 2, the employee, volunteer or independent contractor shall not provide services to children.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. Each applicant for a license to operate a child placing agency and each person licensed to operate a child placing agency shall maintain records of the information concerning its employees, volunteers and independent contractors that is collected pursuant to sections 2, 3 and 4 of this act, including, without limitation:*~~

~~*— (a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee, volunteer or independent contractor;*~~

~~*— (b) Proof that the fingerprints of the employee, volunteer or independent contractor were submitted to the Central Repository; and*~~

~~*— (c) Any other documentation of the information collected pursuant to sections 2, 3 and 4 of this act.*~~

~~*— 2. An applicant for a license to operate a child placing agency or a person licensed to operate a child placing agency shall:*~~

~~*— (a) Maintain the records described in subsection 1 for the period of the subject's service as an employee, volunteer or independent contractor of the child placing agency;*~~

~~*— (b) Make the records described in subsection 1 available for inspection by the Division at any reasonable time; and*~~

~~*— (c) Furnish copies of the records described in subsection 1 to the Division upon request.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 127.007 is hereby amended to read as follows:

127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection ~~[4.]~~ ***5.*** the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ ***under the circumstances described in subsection 4.***

4. The Division may release the information described in subsection 3 if ~~[the]~~ ***:***

(a) The names and information about both persons are contained in the Register ***;*** and ~~[written]~~

(b) Written consent for the release of such information is given by the natural parent ~~[.]~~ ***or the Division determines that extenuating circumstances exist to justify the release of the information.***

~~[4.]~~ ***5.*** An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.

Sec. 7. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act,*** and the provisions of NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive.

Sec. 8. NRS 127.145 is hereby amended to read as follows:

127.145 1. The prospective adoptive parents may attend by telephone ~~[.]~~ ***or any other remote-technology system,*** in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

(a) The prospective adoptive parents reside in another state or jurisdiction;

(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter; and

(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone ~~[.]~~ ***or any other remote-technology system.***

2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.

3. If the prospective adoptive parents are attending a hearing by ~~[telephone]~~ ***:***

(a) Telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.

(b) Any other remote-technology system pursuant to subsection 1, the court shall provide instructions on how the prospective adoptive parents may use the remote-technology system to attend the hearing.

4. As used in this section, "remote-technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend any hearing held by the court even though the person is not physically present at the hearing. The term includes, without limitation, teleconference and videoconference systems.

Sec. 9. NRS 127.155 is hereby amended to read as follows:

127.155 Any order or decree of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act*** is hereby declared valid.

Sec. 10. NRS 127.220 is hereby amended to read as follows:

127.220 As used in NRS 127.220 to 127.310, inclusive, ***and sections 2 to 5, inclusive, of this act,*** unless the context otherwise requires:

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.
2. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.
3. "Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.
4. "Person" includes a hospital.
5. "Recommend the placement of a child" means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 11. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from

whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329 ~~[.]~~ ***and section 3 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been

convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329 ~~,~~ ***or section 3 of this act.***

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must

be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 12. 1. A person who is licensed to operate a child-placing agency or provides services to children in his or her capacity as an employee, volunteer or independent contractor of a child-placing agency on the effective date of this act and who has not undergone a background investigation pursuant to NAC 127.140 after October 1, 2020, shall submit the documentation and fingerprints required to conduct such an investigation in accordance with sections 2 ~~[,]~~ **and** 3 ~~[and 4]~~ of this act on or before October 1, 2025, and may continue to operate the child-placing agency or provide services to children, as applicable, pending the results of the investigation.

2. As used in this section, "child-placing agency" has the meaning ascribed to it in NRS 127.220.

Sec. 13. This act becomes effective upon passage and approval.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 675 to Assembly Bill No. 520.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 15.

The following Senate amendment was read:

Amendment No. 690.

AN ACT relating to Medicaid fraud; revising the authority of the Attorney General, acting through the Medicaid Fraud Control Unit, to issue subpoenas; setting forth procedures for the enforcement of such a subpoena; revising provisions governing certain actions for false or fraudulent claims; revising the penalties for failing to maintain certain records relating to Medicaid claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Medicaid Fraud Control Unit within the Office of the Attorney General as the agency responsible for the investigation and prosecution of violations or offenses relating to the State Plan for Medicaid. (NRS 228.410) In carrying out those duties and responsibilities, existing law authorizes the Attorney General, acting through the chief executive of the Medicaid Fraud Control Unit or his or her designee, to issue a subpoena for documents, records or materials. (NRS 228.411) **Section 1** of this bill additionally authorizes such a subpoena to compel a person to: (1) appear and be examined under oath; and (2) answer written interrogatories under oath. **Under section 1 the Attorney General is authorized to use any documents, records, materials, testimony or answers produced pursuant to such a subpoena in the course of a civil action involving Medicaid fraud, but prohibited from using those items in the course of a criminal action.** **Section 1** sets forth procedures by which the Attorney General may petition a court for the issuance of an order to compel compliance with such a subpoena.

Existing federal law provides financial incentives for states that enact laws establishing liability for false or fraudulent claims made to the State Plan for Medicaid. (42 U.S.C. § 1396h) To be eligible for these financial incentives, the laws of a state must contain provisions that are at least as effective at rewarding and facilitating certain qui tam actions for false or fraudulent claims as those described in the federal False Claims Act. (31 U.S.C. §§ 3729-3732) Existing federal law prohibits a private person from bringing a qui tam action against a person for false or fraudulent claims if the action is based upon allegations or transactions which are the subject of a civil suit or an administrative civil money penalty proceeding in which the Federal Government is already a party. (31 U.S.C. § 3730(e)(3)) Existing state law contains similar provisions, but prohibits a private plaintiff from maintaining, rather than bringing, a qui tam action for false or fraudulent claims if the action is based upon allegations or transactions that are the subject of a civil action or administrative proceeding for a monetary penalty to which the State or political subdivision is already a party. (NRS 357.080) **Section 2** of this bill revises that prohibition, consistent with federal law, to prohibit a person from bringing, rather than maintaining, such an action under those circumstances.

Existing law makes it a gross misdemeanor for a person to intentionally fail to maintain certain records relating to a claim for payment for goods or services pursuant to the State Plan for Medicaid. (NRS 422.570) **Section 3** of this bill instead makes the punishment for such an offense: (1) a misdemeanor if the amount of the claim was less than $650; and (2) a gross misdemeanor if the amount of the claim was $650 or more.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 228.411 is hereby amended to read as follows:

228.411 1. In carrying out the duties and responsibilities under NRS

228.410, the Attorney General, acting through the chief executive of the Medicaid Fraud Control Unit or his or her designee, may issue a subpoena ~~[for]~~ ***to compel a person to:***

(a) Produce documents, records or materials ~~[.]~~ ***;***

(b) Appear and be examined under oath;

(c) Answer written interrogatories under oath; or

(d) Perform any combination of the actions described in paragraphs (a), (b) and (c).

2. The Attorney General may use any documents, records ***,*** ~~[or]~~ materials ***, testimony or answers*** produced pursuant to a subpoena issued under this section in the course of a civil action brought pursuant to NRS 228.410. ***The Attorney General may not use any documents, records, materials, testimony or answers produced pursuant to a subpoena issued under this section in the course of a criminal action.***

3. ~~[Any]~~ ***If a*** person ~~[who willfully]~~ fails or refuses to comply with a subpoena issued pursuant to this section ~~[is guilty of a misdemeanor.]~~ ***, the Attorney General may petition the district court in the county in which the person resides or has his or her principal place of business. Upon the filing of such a petition, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to the parties.***

4. Except as otherwise provided in subsection 5, the court shall enter an order compelling compliance with the subpoena if, at the hearing, the court finds that:

(a) The subpoena was properly issued;

(b) There is reasonable cause to believe that a violation of NRS 422.540 to 422.570, inclusive, or any fraud in the administration of the Plan or in the provision of medical assistance pursuant to the Plan has occurred or is occurring; and

(c) The document, record, material, testimony or answer is relevant to the investigation of the Attorney General.

5. The court may, on motion by the person upon whom the subpoena was served and upon a showing of good cause, modify the order issued pursuant to subsection 4 or issue any further order that justice may require to protect the person from unreasonable annoyance, embarrassment, oppression, burden or expense.

~~[4.]~~ ***6.*** A subpoena issued pursuant to this section must include a copy of the provisions of subsections 1 ~~[, 2 and 3.]~~ ***to 5, inclusive.***

7. As used in this section, "Plan" has the meaning ascribed to it in NRS 228.410.

Sec. 2. NRS 357.080 is hereby amended to read as follows:

357.080 1. Except as otherwise provided in this section and NRS 357.100, a private plaintiff may bring an action pursuant to this chapter for a violation of NRS 357.040 on his or her own account and that of the State or a political subdivision, or both the State and a political subdivision. The action must be brought in the name of the State or the political subdivision, or both.

After such an action is commenced, it may be dismissed only with written consent of the court and the Attorney General. The court and the Attorney General shall take into account the public purposes of this chapter and the best interests of the parties in dismissing the action or consenting to the dismissal, as applicable, and provide the reasons for dismissing the action or consenting to the dismissal, as applicable.

2. If a private plaintiff brings an action pursuant to this chapter, no person other than the Attorney General or the Attorney General's designee may intervene or bring a related action pursuant to this chapter based on the facts underlying the first action.

3. An action may not be ~~[maintained]~~ ***brought*** by a private plaintiff pursuant to this chapter:

(a) Against a member of the Legislature or the Judiciary, an elected officer of the Executive Department of the State Government, or a member of the governing body of a political subdivision, if the action is based upon evidence or information known to the State or political subdivision at the time the action was brought.

(b) If the action is based upon allegations or transactions that are the subject of a civil action or an administrative proceeding for a monetary penalty to which the State or political subdivision is already a party.

4. A complaint filed pursuant to this section must be placed under seal and so remain for at least 60 days or until the Attorney General or a designee of the Attorney General pursuant to NRS 357.070 has elected whether to intervene. No service may be made upon the defendant until so ordered by the court.

5. On the date the private plaintiff files a complaint, he or she shall send a copy of the complaint to the Attorney General by mail with return receipt requested. The private plaintiff shall send with each copy of the complaint a written disclosure of substantially all material evidence and information he or she possesses. If a district attorney or city attorney has accepted a designation from the Attorney General pursuant to NRS 357.070, the Attorney General shall forward a copy of the complaint to the district attorney or city attorney, as applicable.

6. An action pursuant to this chapter may be brought in any judicial district in this State in which the defendant can be found, resides, transacts business or in which any of the alleged fraudulent activities occurred.

Sec. 3. NRS 422.570 is hereby amended to read as follows:

422.570 1. A person ~~[is guilty of a gross misdemeanor if,]~~ ***who,*** upon submitting a claim for or upon receiving payment for goods or services pursuant to the Plan, ~~[the person]~~ intentionally fails to maintain such records as are necessary to disclose fully the nature of the goods or services for which a claim was submitted or payment was received, or such records as are necessary to disclose fully all income and expenditures upon which rates of payment were based, for at least 5 years after the date on which payment was received ~~[.]~~ ***is guilty of:***

(a) If the amount of the claim is less than $650, a misdemeanor.

(b) If the amount of the claim is $650 or more, a gross misdemeanor.

2. A person who intentionally destroys such records within 5 years after the date payment was received is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 690 to Assembly Bill No. 15.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 88.

The following Senate amendment was read:

Amendment No. 669.

AN ACT relating to juvenile justice; revising provisions relating to the authority of a juvenile court to place a child under informal supervision under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if, after a complaint is made alleging that a child is delinquent or in need of supervision, the district attorney files a petition with the juvenile court, the juvenile court may dismiss the petition without prejudice and refer the child to a probation officer for informal supervision if: (1) the child voluntarily admits participation in the acts alleged in the complaint; and (2) the district attorney gives written approval for the placement of the child under informal supervision, if any of the acts alleged in the complaint are unlawful acts that would have constituted a gross misdemeanor or felony if committed by an adult. (NRS 62C.200, 62C.230) This bill removes ~~[the]~~ **these** requirements ~~[that the district attorney must give written approval and that the child must make certain admissions before]~~ **and instead authorizes, with certain exceptions,** the juvenile court ~~[may]~~ **to** dismiss a petition without prejudice and refer such a child to a probation officer for informal supervision ~~[.]~~ **if the child voluntarily admits participation in the acts alleged in the petition and: (1) all parties agree to informal supervision; or (2) the juvenile court finds, after a hearing on the matter, that informal supervision is appropriate. This bill provides that the juvenile court may not refer such a child to a probation officer for informal supervision if the petition filed against the child contains an allegation that the child committed an unlawful act which, if committed by an adult, would have constituted certain felonies.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 62C.230 is hereby amended to read as follows:

62C.230 1. If the district attorney files a petition with the juvenile court, the juvenile court may:

(a) ~~[Dismiss]~~ ***Except as otherwise provided in subsection 4, dismiss*** the petition without prejudice and refer the child to the probation officer for informal supervision ~~/, pursuant to NRS 62C.200;]~~ ***if the child voluntarily admits participation in the acts alleged in the petition and if:***

(1) All parties agree to informal supervision; or

(2) The juvenile court finds, after a hearing on the matter, that informal supervision is appropriate; or

(b) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency, if the juvenile court receives:

(1) The recommendation of the probation officer;

(2) The written approval of the district attorney; and

(3) The written consent and approval of the child and the parent or guardian of the child.

2. If a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree, the juvenile court may dismiss the petition if the child successfully completes the terms and conditions of the supervision and consent decree.

3. If the petition is dismissed pursuant to subsection 2:

(a) The child may respond to any inquiry concerning the proceedings and events which brought about the proceedings as if they had not occurred; and

(b) The records concerning a supervision and consent decree may be considered in a subsequent proceeding before the juvenile court regarding that child.

4. The juvenile court may not refer a child to a probation officer for informal supervision pursuant to paragraph (a) of subsection 1 if the petition filed against the child contains allegations that the child committed an unlawful act which, if committed by an adult, would have constituted:

(a) A category A felony; or

(b) Any other felony involving the use or threatened use of force or violence.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 669 to Assembly Bill No. 88.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 167.

The following Senate amendment was read:

Amendment No. 670.

AN ACT relating to juvenile justice; revising provisions related to the review of corrective room restriction status for a child detained in a state, local or regional facility for the detention of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the use of corrective room restriction on a child who is detained in a state, local or regional facility for the detention of children; and (2) specifies certain actions that must be taken with respect to a child who is subjected to corrective room restriction. Under existing law, a child who is subjected to corrective room restriction for more than 24 hours must be provided a review of the corrective room restriction status at least once every 24 hours. (NRS 62B.215, 63.505) **Sections 1 and 2** of this bill require that the review be conducted by a member of the staff of the facility and include ~~[an assessment]~~ **a review** of whether a referral for a mental health screening, evaluation or treatment is appropriate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local facility for the detention of children or committed to a regional facility for the treatment and rehabilitation of children may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local facility for the detention of children or regional facility for the treatment and rehabilitation of children shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits.~~[;]~~

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility **.** ~~[; and]~~

(c) A review of the corrective room restriction status ***by a member of the staff of the facility*** at least once every 24 hours. ***Any such review must include,***

without limitation, ~~[an assessment]~~ a review of whether a referral for a mental health screening, evaluation or treatment is appropriate. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local facility for the detention of children or regional facility for the treatment and rehabilitation of children shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. Each local facility for the detention of children and regional facility for the treatment and rehabilitation of children shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Sec. 2. NRS 63.505 is hereby amended to read as follows:

63.505 1. A child who is detained in a facility may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

(a) Modifying the negative behavior of the child;

(b) Holding the child accountable for a violation of a rule of the facility; or

(c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A facility shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits.~~[;]~~

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility . ~~[; and]~~

(c) A review of the corrective room restriction status ***by a member of the staff of the facility*** at least once every 24 hours. ***Any such review must include, without limitation, ~~[an assessment]~~ a review of whether a referral for a mental health screening, evaluation or treatment is appropriate.*** If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A facility shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. A facility shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for more than 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

(a) Administrative seclusion;

(b) Behavioral room confinement;

(c) Corrective room rest; and

(d) Room confinement.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 670 to Assembly Bill No. 167.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 227.

The following Senate amendment was read:

Amendment No. 671.

AN ACT relating to adoption; repealing, reenacting, revising, reorganizing and establishing certain provisions relating to the adoption of children through agency adoptions, identified adoptions, close-family adoptions, confirmatory adoptions, readoptions and adoptions of children placed in the custody of agencies which provide child welfare services under certain circumstances; revising various provisions relating to the adoption of adults; requiring the

Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; directing the Legislative Counsel to make various organizational changes concerning the placement of certain compacts for adoption in the Nevada Revised Statutes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various procedures relating to the adoption of children. (Chapter 127 of NRS) **Sections 48-153,** ~~[155-215]~~ **156-215 and 239** of this bill remove, repeal, reenact, revise, reorganize and establish provisions related to the adoption of children. Specifically, **sections** ~~[1-153]~~ **2-153 and** ~~[155-215]~~ **156-215** of this bill make various changes to provide: (1) general provisions applicable to the adoption of children, regardless of the type of adoption; (2) provisions governing the adoption of children in the custody of agencies which provide child welfare services; (3) provisions governing confirmatory adoptions and readoptions; (4) provisions governing close-family adoptions; and (5) provisions governing agency adoptions, identified adoptions and adult adoptions.

Sections 2-46 encompass the general provisions applicable to all types of adoptions. **Sections 3-29** establish various definitions applicable to adoption proceedings. **Section 239** repeals various provisions of general applicability, including certain provisions related to the State Register of Adoptions, provisions governing adoption procedures, provisions concerning the licensing of child-placing agencies and provisions related to certain prohibited conduct. **Sections 33-46** reenact similar or revised provisions for the purpose of placement in the general applicability provisions.

Sections 171-173, 175-177, 183, 185-188, 190, 192, 194, 196-199, 208-212 and 239 generally remove and repeal various provisions related to the adoption of children in the custody of agencies which provide child welfare services and close-family adoptions, thereby retaining the procedures related to agency adoptions and identified adoptions in chapter 127 of NRS.

Sections ~~[2-46]~~ **48-105** reenact similar, revised or new provisions for the purpose of establishing provisions that independently govern adoptions facilitated by agencies which provide child welfare services.

Additionally, **sections 116-153** reenact similar, revised or new provisions for the purpose of establishing independent procedures governing close-family adoptions.

Sections 108-111 establish procedures for confirmatory adoptions for the purpose of authorizing a petitioner to confirm the parentage of a child under certain circumstances.

Sections 112 and 113 establish procedures for readoption which authorize certain persons who adopt a child through intercountry adoption to petition the court to readopt the child.

Existing law establishes the Interstate Compact on the Placement of Children and the Interstate Compact on Adoption and Medical Assistance. (NRS 127.330, 127.410) **Section 236** of this bill directs the Legislative

Counsel, in the next reprint of the Nevada Revised Statutes, to cause the transfer of each Compact to a new chapter of NRS, respectively.

Finally, existing law authorizes an adult to adopt another adult under certain circumstances and establishes various procedural requirements related to such adoptions. (NRS 127.005, 127.190-127.210) **Sections ~~[201-203]~~ 193-205** of this bill make various changes relating to the adoption of adults.

Sections 154 , 154.5 and 216-235 of this bill make conforming changes related to the reorganization of the provisions governing adoption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 46, inclusive, of this act.

Sec. 2. ***As used in this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, unless the context otherwise requires, the words and terms defined in section 3 to 29, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adoption" means a legally recognized procedure that creates a parent-child relationship.***

Sec. 4. ***"Adoption services" means services provided by an agency which provides child welfare services or a child-placing agency, including, without limitation:***

1. Identifying a child for adoption and arranging an adoption;

2. Securing a specific consent to adoption, relinquishment or termination of parental rights;

3. Performing a home study on a prospective adoptive parent and reporting on the home study;

4. Making a determination of the best interest of the child and the appropriateness of an adoptive placement for the child;

5. Conducting post-placement monitoring of a case until final adoption; or

6. Assuming custody and providing child care or any other social services pending an alternative placement, if made necessary by a disruption before final adoption.

Sec. 5. ***"Adult" means a person who is at least 18 years of age.***

Sec. 6. ***"Adult adoption" means a type of adoption where the person being adopted is an adult.***

Sec. 7. ***"Agency adoption" means a type of adoption performed by an agency which provides child welfare services or a child-placing agency, where the agency which provides child welfare services or the child-placing agency:***

1. Accepts temporary custody of a child until final adoption; and

2. Assists in and arranges the placement of a child for adoption by matching birth parents with adoptive parents and providing adoption services.

Sec. 8. *"Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 9. *"Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.*

Sec. 10. *"Best interest of the child" means the legal standard used to ensure every decision made in the adoption process prioritizes stability, safety and permanency of the child to be adopted.*

Sec. 11. *"Blind" has the meaning ascribed to it in NRS 426.082.*

Sec. 12. *"Child" has the meaning ascribed to it in NRS 128.0124.*

Sec. 13. *"Child-placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS and licensed by the Division to place children for adoption.*

Sec. 14. *"Child with special needs" means a child for whom placement with an adoptive parent is, in the opinion of the Administrator of the Division or the designee of the Administrator, made more difficult because of the age, race or number of siblings of the child, or because the child suffers from a severe or chronic medical, physical, mental or emotional condition.*

Sec. 15. *"Close-family adoption" means a type of adoption where a petitioner or the spouse of a petitioner is related to the child to be adopted within the third degree of consanguinity.*

Sec. 16. *"Confirmatory adoption" means a type of adoption where the petitioner is already a parent of a child either through a court order or presumptively and is asking the court to confirm parentage through an adoption or readoption.*

Sec. 17. *"Division" means the Division of Child and Family Services of the Department of Health and Human Services.*

Sec. 18. *"Domestic partner" has the meaning ascribed to it in NRS 122A.030.*

Sec. 19. *"Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:*

1. Exempt from state prosecution for engaging in the medical use of cannabis; or

2. A designated primary caregiver as defined in NRS 678C.040.

Sec. 20. *"Identified adoption" means an adoption where:*

1. None of the prospective adoptive parents ~~[is]~~ are related within the third degree of consanguinity to the child to be adopted; and

2. The prospective adoptive parents and at least one of the parents of the child to be adopted are known to each other and such knowledge was not caused by the actions of a child-placing agency.

Sec. 21. *"Indian child" has the meaning ascribed to it in NRS 125E.080.*

Sec. 22. *"Marital partner" means two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, who are joined in marriage.*

Sec. 23. *"Person" means a natural person.*

Sec. 24. *"Putative parent" means a person who is alleged or reputed to be a parent of a child but whose parentage has not been legally established.*

Sec. 25. *"Readoption" means a type of adoption where the petitioner has previously obtained an order of adoption on the child at issue from a court of another country.*

Sec. 26. ~~*[*~~*"Recommend the placement of a child" means to suggest to a child placing agency that a prospective adoptive parent be allowed to adopt a specific child, whether born or in utero.]*~~ **(Deleted by amendment.)**

Sec. 27. *"Sibling" means each of two or more children having one or both parents in common.*

Sec. 28. *"Spouse" means a marital partner, domestic partner, civil partner, registered partner, reciprocal beneficiary or other partner who has the same rights, protections and benefits, and is subject to the same responsibilities, obligations and duties under law, whether derived from statute, regulation, court rule, administrative policy, common law or any other provision or source of authority, as are granted to and imposed upon marital partners.*

Sec. 29. *"Third degree of consanguinity" means the familial relationship between two persons who share a common ancestor within three generations, including, without limitation, a parent, stepparent, sibling, grandparent, great-grandparent, aunt or uncle.*

Sec. 30. *The requirements prescribed by sections* ~~*[31]*~~ *32 to 46, inclusive, of this act are applicable to:*

1. Agency adoptions, identified adoptions and, as applicable, adult adoptions governed by chapter 127 of NRS;

2. Adoptions of children who are placed with agencies which provide child welfare services governed by the chapter consisting of sections 48 to 105, inclusive, of this act;

3. Confirmatory adoptions and readoptions governed by the chapter consisting of sections 107 to 114, inclusive, of this act; and

4. Close-family adoptions governed by the chapter consisting of sections 116 to 153, inclusive, of this act.

Sec. 31. ~~*[An adoptive placement occurs when:*~~

~~*1. A parent executes a specific consent for adoption or relinquishment; or*~~

~~*2. A child-placing agency grants physical custody of a child in its custody to a prospective adoptive parent or parents for adoption.]*~~ **(Deleted by amendment.)**

Sec. 32. *An order of adoption and decree of adoption are both final judgments from judicial proceedings of a court granting a petition for adoption.*

Sec. 33. *1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.*

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have relinquished a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning the adopted person to one or more categories of relatives within the third degree of consanguinity.

Sec. 34. *Except as otherwise provided in NRS 125E.270, the district courts of this State have original jurisdiction in adoption proceedings.*

Sec. 35. *The same petitioners may, in one petition, petition for the adoption of two or more children, if the children are siblings.*

Sec. 36. *All petitions, reports and orders in adoption proceedings shall be entitled only in the names of the adopting parties.*

Sec. 37. ***1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency which provides child welfare services or a child-placing agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, chapter 127 of NRS, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, except by order of the court.***

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a parent and the child are eligible to receive information from the State Register for Adoptions pursuant to section 33 of this act; or

(c) As provided pursuant to subsections 3 to 6, inclusive.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 or section 94, 96, 150 or 152 of this act, as applicable, to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A parent who intends to file a petition pursuant to NRS 127.1885 or section 94 or 150 of this act, as applicable, to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce, modify or terminate an order for visitation included in an order of adoption pursuant to NRS 127.2827 or section 105 of this act, as applicable, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a parent if the identity of the parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

Sec. 38. ***1. Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall***

become the child's legal parents with all the rights and duties between them of parents and child.

2. By virtue of ~~[such]~~ an adoption , the child shall inherit from the adoptive parents or their relatives the same as though the child were the biological child of such parents and, in case of the death of the child intestate, the adoptive parents and their relatives shall inherit the child's estate as if they had been the child's biological parents and relatives . ~~[in fact.]~~

3. After a parent has executed a specific consent to adoption or relinquishment or the parental rights of the parent have been terminated, and the court has entered an order of adoption ~~[is entered, any]~~ :

(a) The parent ~~[who has signed a relinquishment or given specific consent to terminate parental rights]~~ is relieved of all parental responsibilities for the adopted child and shall not exercise or have any rights over the adopted child or the property of the adopted child ~~[.]~~ ; and

(b) The child does not owe ~~[a]~~ the parent ~~[whose parental rights have been terminated]~~ any legal duty and may not inherit from ~~[a]~~ that parent ~~[whose parental rights have been terminated]~~ or ~~[the kindred]~~ a relative of that parent.

4. Notwithstanding any other provisions to the contrary in this section, the adoption of a child does not in any way change the status of the relationship between the child and any parent who is a petitioner and whose parental rights have not been terminated.

Sec. 39. *Any person against whom any order or judgment is made or who is affected thereby may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from any order or judgment of the district court made under the provisions of this chapter, chapter 127, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, in the same manner as in other civil proceedings.*

Sec. 40. *1. Except as otherwise provided in this section, a person or entity may not place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption without securing and having in full force a license to operate a child-placing agency issued by the Division. This subsection applies to agents, servants, physicians and attorneys of parents or guardians, as well as to other persons ~~[.]~~ and entities.*

2. This section does not prohibit a parent or guardian from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption if the placement is made pursuant to NRS 127.280, 127.2805 or 127.2815 or section 100 of this act.

3. This section does not prohibit an agency which provides child welfare services from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption.

4. This section does not prohibit a person ~~[,]~~ or entity, including a person acting in the professional capacity of the person, from sharing information regarding an adoption if money or other valuable consideration is not paid:

(a) For such information; or

(b) For any other service related to the adoption that is performed after sharing the information.

Sec. 41. *1. The application for a license to operate a child-placing agency must be in a form prescribed by the Division. The license must state to whom it is issued and the fact that it is effective for 1 year from the date of its issuance.*

2. The issuance by the Division of a license to operate a child-placing agency must be based upon reasonable and satisfactory assurance to the Division that the application for such license will conform to the standards established and the regulations adopted by the Division pursuant to NRS 127.230 and section 98 of this act.

3. When the Division is satisfied that a licensee is conforming to such standards and regulations, it shall renew the license, and the license so renewed continues in force for 1 year from the date of renewal.

Sec. 42. *1. After notice and a hearing, the Division may:*

(a) Refuse to issue a license if the Division finds that the applicant does not meet the standards established and the rules prescribed by the Division for child-placing agencies.

(b) Refuse to renew a license or may revoke a license if the Division finds that the child-placing agency has refused or failed to meet any of the established standards or has violated any of the rules prescribed by the Division for child-placing agencies.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of the Division is appealed to the district court, the trial may be de novo.

Sec. 43. *1. Any attorney licensed to practice in this State or in any other state:*

(a) May not receive compensation for:

(1) Taking part in finding children for adoption; or

(2) Finding parents to adopt children.

(b) May receive a reasonable compensation for legal services provided in relation to adoption proceedings.

2. A child-placing agency shall report any violation of subsection 1 to the State Bar of Nevada, if the alleged violator is licensed to practice in this State, or to the bar association of the state in which the alleged violator is licensed to practice.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 44. *1. Except as otherwise provided in ~~[section]~~ sections 43 and 99 of this act, a person or entity who does not have in full force a license to operate a child-placing agency may not request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption.*

2. A child-placing agency may accept fees for operational expenses.

Sec. 45. *1. Except as otherwise provided in NRS 200.463 to 200.465, inclusive, and sections 43 and 99 of this act, a person or entity who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

2. The parents and the adopting parents are not accomplices for the purpose of this section.

Sec. 46. *1. Except as otherwise provided in this section and sections 40 and 43 of this act, it is unlawful for any person or ~~[organization]~~ entity other than an agency which provides child welfare services or a child-placing agency to ~~[, without holding a valid unrevoked license to place children for adoption issued by the Division,]~~ place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption.*

2. Except as otherwise provided in this section, it is unlawful for any person or ~~[organization]~~ entity to place an advertisement or offer to the public, by any medium, that a child is available for adoption or that a child is sought for adoption.

3. Subject to subsection 4, a child-placing agency may place an advertisement in this State that:

(a) A child is offered or wanted for adoption; or

(b) The child-placing agency is able to place, locate or receive a child for adoption.

4. A child-placing agency shall include in any advertisement concerning its services a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division;

(b) Indicates any license number issued to the child-placing agency by the Division; and

(c) Indicates that only child-placing agencies licensed in this State may legally provide adoption services under the laws of this State.

5. It is unlawful for any person or entity who purchases advertising space or purchases broadcast time for the purpose of advertising adoption services to fail to include in any publication or fail to include in the broadcast for such advertisement the license number in this State of the child-placing

agency or agency which provides child welfare services placing the advertisement. This section applies to paid and unpaid advertisements.

6. An agency which provides child welfare services and a child-placing agency may publish on an Internet website or in any newspaper published in this State or broadcast by television a photograph of and relevant personal information concerning any child for whom an adoptive resource is needed.

7. A person or entity who violates the provisions of this section is guilty of a category E felony and shall be punished ~~[pursuant]~~ as provided in to NRS 193.130.

8. A periodical, newspaper, radio station, Internet website or other public medium is not subject to any criminal penalty or civil liability for disseminating an advertisement that violates the provisions of this section.

9. As used in this section:

(a) "Advertise" or "advertisement" means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, article, notice, magazine, telephone book listing, outdoor advertising, billboard, sign, radio, television or computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account, or any similar media.

(b) "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

Sec. 47. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 48 to 105, inclusive, of this act.

Sec. 48. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 49 to 55, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 49. ***"Foster home" has the meaning ascribed to it in NRS 424.014.***

Sec. 50. ***"Home study" means the investigation of a prospective adoptive parent or parents to determine the suitability of the prospective adoptive home pursuant to section 100 of this act.***

Sec. 51. ***"Parent" means a person:***

1. Who is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 52. ~~*[“Placing parent” means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 53. *“Prospective adoptive parent” means a person who has been identified by an agency which provides child welfare services as an adoptive resource but whose adoption petition has not been granted by the court.*

Sec. 54. *“Relinquishment” means a document executed by a person pursuant to this chapter which:*

1. Voluntarily terminates the parental rights of the person in the child to be adopted; and

2. ~~*[Names]*~~ *Places the child with an agency which provides child welfare services* ~~*[.]*~~ *for adoption.*

Sec. 55. *“Specific consent to adoption” means a document executed pursuant to this chapter by a parent whose rights have not been relinquished or terminated, which authorizes the child to be adopted by a specifically named person or persons, and provides for the retention of the parental rights until the final adoption.*

Sec. 56. *In addition to the requirements prescribed in the chapter consisting of sections 2 to 46, inclusive, of this act, the provisions of this chapter govern the adoption of children who are in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.*

Sec. 57. *The Division shall establish a Register of Children with Special Needs. The Register must include descriptive information on every child with special needs for whom a prospective adoptive parent is not identified within 3 months after the child becomes available for adoption, but must not include any personal information which reveals the identity of the child or the child’s parents. A copy of the Register must be made available for review by prospective adoptive parents at each office of the Division.*

Sec. 58. *1. The Division shall prepare a booklet on adoption in this State which includes the following information:*

(a) The legal basis of adoption;

(b) The purpose of adoption;

(c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) The number of children with special needs who are waiting to be adopted; and

(4) The number of siblings who are waiting to be adopted;

(e) The name and location of agencies in this State that place children with adoptive parents;

(f) The number of prospective adoptive parents;

(g) A comparison of this State to the surrounding states regarding the placement of children with adoptive parents;

(h) A comparison of the Division to other agencies in this State regarding the placement of children with adoptive parents; and

(i) Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.

2. The Division shall:

(a) Revise the information in the booklet annually; and

(b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this State. The booklet must also be distributed to prospective adoptive parents and parents considering relinquishing for or consenting to adoption.

3. The Division may accept gifts or grants to assist in the production and distribution of the booklet.

Sec. 59. *1. Except as otherwise provided in chapter 125E of NRS and sections 64, 74, 80 and 86 to ~~[95,]~~ 90, inclusive, of this act, a child of whom this State:*

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

↳ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 60. *1. Except as otherwise provided in subsection 2:*

(a) A child in the custody of an agency which provides child welfare services may be adopted by one or more adults with whom the child is placed by the agency which provides child welfare services and subject to the rules prescribed by this chapter;

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and a prospective adoptive parent if:

(a) The prospective adoptive parent is related to the child within the third degree of consanguinity; and

(b) The court is satisfied that it is in the best interest of the child.

Sec. 61. *Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services ~~[, a child-placing agency]~~ or an attorney licensed to practice law in this State.*

Sec. 62. *1. One or more adults may petition the district court of any county in this State for leave to adopt a child.*

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, specifically agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by a post-placement investigation pursuant to section 75 of this act and a home study investigation pursuant to 100 of this act.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 63. *Except as otherwise provided in section 72 of this act, a specific consent to adoption proposed by a petition for adoption of a child is required from:*

1. Each parent of the child who is alive and whose parental rights have not been terminated or relinquished; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 64. *1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person or by remote appearance before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing a written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 65. *An agency which provides child welfare services may accept a specific consent for adoption or relinquishment.*

Sec. 66. *An agency which provides child welfare services to which a child has been ordered or relinquished for adoption shall be responsible for the care of the child in its custody, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted.*

Sec. 67. *1. Each agency which provides child welfare services that, pursuant to section 65 of this act, accepts a relinquishment shall make all necessary inquiries to determine whether the child is an Indian child. If it is determined that the child is an Indian child and that the child is a ward of a tribal court, resides on a reservation or is domiciled on a reservation, the agency which provides child welfare services shall so notify the child's tribe in writing.*

2. The Division shall adopt regulations establishing reasonable and uniform standards for making the necessary inquiries to determine whether a child is an Indian child.

3. For the purposes of this section, the domicile of an Indian child must be determined in accordance with federal common law.

Sec. 68. *1. A specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:*

(a) Identifies the child to be adopted by name, if any, sex and date of birth;

(b) Is in writing; and

(c) Is acknowledged by the person signing the specific consent to adoption or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the agency which provides child welfare services.

(e) Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to section 79 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Except as otherwise provided in subsection 2, is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment in the presence of or by remote appearance with the signing parent. One of the witnesses must be:

(1) If the signing is occurring in this State, an employee of the agency which provides child welfare services; or

(2) If the signing is occurring in another state, a person authorized in that state to witness or accept a specific consent to adoption or relinquishment.

2. A social worker employed by an agency which provides child welfare services may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 69. *1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.*

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of.....}

(Date) .....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the ~~[consent to adoption]~~ relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 70. *1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.*

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of.....}

(Date) .....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the person or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....

.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 71. ***1. A minor parent may execute a specific consent to adoption or relinquishment ~~[with]~~ without a requirement for notification to or consent by the parent or parents of the minor.***

2. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon a minor parent becoming an adult.

3. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent unless the specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought within 30 days of execution.

Sec. 72. ***The execution of a specific consent to adoption or relinquishment by a parent shall not be necessary:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 73. *1. A petition for adoption of a child may be filed at any time after a child is legally free for adoption and upon the agreement of the agency which provides child welfare services.*

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That the petitioners are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to termination of parental rights, specific consent to adoption or relinquishment as to all parents.

(h) That there has been a full compliance with sections 97 to 105, inclusive, of this act.

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(k) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(l) Whether there is an order for visitation of a child by a sibling or other relative.

3. An order of adoption may not be entered unless there has been full compliance with sections 97 to 105, inclusive, of this act.

Sec. 74. *1. In addition to the requirements set forth in ~~[NRS 127A.110,]~~ section 73 of this act, a petition for adoption of a child must contain:*

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, of the petitioners' good faith efforts described in subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 89 of this act, showing that the proposed adoptive placement complies with the requirements under NRS 127E.350; or

(2) A statement that the petitioner is moving the court under subsection 3 of NRS 125E.350 for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of NRS 125E.350.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210;

(b) A finding of whether there is reason to know that the child is an Indian child; and

(c) If the court finds that the child is an Indian child:

(1) The determinations required under NRS 125E.250 regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220; and

(3) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if not, that upon the petitioner's motion under subsection 3 of NRS 125E.350, good cause exists for placement contrary to the placement preferences in NRS 125E.350.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of NRS 125E.220, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 75. *1. A petition for adoption of a child must be filed with the clerk of the court.*

2. Unless waived by the court, the agency which provides child welfare services shall make a post-placement investigation and report as provided in this section.

3. ~~[The]~~ Except as otherwise provided in this section, an agency which provides child welfare services shall, not less than ~~[14]~~ 7 days before the date of the hearing for adoption finalization, submit to the court a written report regarding the results of the condition of the child and suitability of the home of the prospective adoptive parent or parents, which must contain, without limitation, a specific recommendation for or against approval of the petition

and a statement of whether the child is a known Indian child, and shall furnish to the court any other information regarding the child or proposed home which is required by the court. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report. The agency which provides child welfare services may waive this report for a prospective adoptive parent who is related to the child within the third degree of consanguinity.

4. If the court is dissatisfied with the report submitted by the agency which provides child welfare services, the court may order an independent home study to be conducted and a report submitted by an agency selected by the court. The costs of the investigation and report may be assessed against the petitioner.

Sec. 76. ***Notice of the filing of a petition for adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.***

Sec. 77. ***The report of the agency which provides child welfare services must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of the agency which provides child welfare services is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of the agency which provides child welfare services.***

Sec. 78. ***1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the agency which provides child welfare services and counsel for the parties may attend by telephone or ~~[video]~~ remote appearance, in lieu of attending in person, any hearings held by the court concerning a petition for adoption.***

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 79. ***1. If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. A copy of the order must be sent to the Division by the petitioners within 7 days after the order is issued. In the order, the court may change the name of the child, if desired.***

2. Except as otherwise provided in this subsection, an order of adoption may not be made until 6 months after the placement of child with the petitioners.

3. If the court is not satisfied that the proposed adoption is in the best interest of the child, the court shall deny the petition and custody of the child shall remain with the agency which provides child welfare services. The court shall not deny a petition solely because the petitioner:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the best interest of the child.

Sec. 80. *1. An order entered pursuant to section 79 of this act must include:*

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a postadoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 79 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 81. *1. Except as otherwise provided in subsection 3, the agency which provides child welfare services shall provide the prospective adoptive parents of a child with a report which includes:*

(a) A copy of any medical records of the child which are in the possession of the agency which provides child welfare services.

(b) Any information obtained by the agency which provides child welfare services during interviews of the parent regarding:

(1) The medical and sociological history of the child and the parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by an agency which provides child welfare services pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to section 85 of this act that the child has any special needs.

2. The agency which provides child welfare services shall obtain from the prospective adoptive parents written confirmation that the prospective adoptive parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the prospective adoptive parents of the child may also obtain the information set forth in subsection 1.

Sec. 82. *1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report must:*

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. The agency which provides child welfare services shall provide the petitioner or the attorney <u>of the petitioner</u> with any factual information which will assist in the preparation of the report required in subsection 1.

3. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

4. The petitioner or the attorney of the petitioner shall forward all reports required by the provisions of this section to the State Registrar of

Vital Statistics or the equivalent office in the state in which the birth certificate was issued not later than the 30 days after the date in which the order was entered, or more frequently if requested by the State Registrar of Vital Statistics, together with any related material the State Registrar of Vital Statistics may require.

Sec. 83. ***1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:***

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

3. As used in this section, "placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.

Sec. 84. ***1. Except as otherwise provided in sections 91 to 96, inclusive, of this act, in a proceeding for adoption of a child, the court may grant a reasonable right to visit to:***

(a) A sibling of the child if the child is in the custody of the agency which provides child welfare services and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. The agency which provides child welfare services shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 85. ***1. The agency which provides child welfare services may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services by proposed adoptive parents when, in the judgment of the agency which provides child welfare services, it would be in the best interest of the child to be placed in that adoptive home.***

2. The agency which provides child welfare services shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or the designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the prospective adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or the designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the prospective adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 86. *1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 87. *1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed

by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the ~~[child's]~~ best ~~[interests.]~~ interest of the child, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 86 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 88. ***1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to***

the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement preference under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

Sec. 89. ***1. In a proceeding for the adoption of a child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 74 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's view of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.***

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of NRS 125E.210 and, if applicable, the notice requirements under subsection 2 of NRS 125E.220. If the court finds that:

(a) Subject to the procedures under subsection 3 of NRS 125E.210, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under NRS 125E.350. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of NRS 125E.350 for authority to make the placement contrary to the placement preferences under NRS 125E.350.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of NRS 125E.210 or, if applicable, the notice requirements under subsection 2 of NRS 125E.220, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that the petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of NRS

125E.210 and the notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220 and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 74 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The court administrator may prepare and make available to the public forms and information to assists petitioners to comply with the requirements under this section and NRS 125E.210, 125E.220, 125E.350 and section 74 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 74 of this act, motions to request a deviation from the placement preferences under subsection 3 of NRS 125E.350 and notices required under subsection 3 of NRS 125E.220; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of NRS 125E.210 and the notices required under subsection 1 of NRS 125E.220, and assessing whether proposed adoptive placements satisfy the preferences under NRS 125E.350.

6. The court administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding ~~[applications]~~ the application of chapter 125E of NRS, and sections 64, 74, 80 and 86 to 96, inclusive, of this act, to adoptions of ~~[minor]~~ children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice of the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services

concerning compliance with the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.

Sec. 90. ***1. If the court determines that tribal customary adoption is in the best interest, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:***

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and the proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is in the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including, child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purpose of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the ~~[Indian child's]~~ best interest ~~[,]~~ of the child, as described in NRS 125E.230; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligations from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 79 of this act and enter an order of adoption. In addition to the requirements under section 80 of this act, the order of adoption must include a statement that any parental rights or obligations not specified in the order are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and the Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of an order of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the order of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoptions as a permanency option. The Supreme Court may adopt rules necessary for the court process to implement the provisions of this section, and the court administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 91. *1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:*

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption;

(c) The agreement is signed by a parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment; and

(d) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:

(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or

(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 94 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the agency which provides child welfare services to provide the court with the contact information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 94 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 92. *1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 91 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.*

2. Each:

(a) Director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 93. *1. Before a court may enter an order of adoption of a child, the court must address:*

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the agency which provides child welfare services in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child

have entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act.

2. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 94. *1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may, for good cause shown:*

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 91 of this act may:

(a) During the period set forth in subsection 2 of section 95 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 91 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 96 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 91 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 95. *1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may not be used as a ground to:*

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 96. *1. An agreement that provides for postadoptive contact entered into pursuant to section 91 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:*

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 97. *As used in sections 97 to 105, inclusive, of this act, unless the context otherwise requires, "person" includes a hospital.*

Sec. 98. *1. The Division shall:*

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services in placing children for adoption, which must allow the parent or parents and the prospective adoptive parent or parents to determine, by mutual agreement, the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 99. *1. Except as otherwise provided in this section:*

(a) In a county whose population is less than 100,000, the Division shall, in accordance with NRS 432.014; and

(b) In a county whose population is 100,000 or more, the board of the county commissioners of the county shall, by ordinance,

➥ charge reasonable fees for the services provided by an agency which provides child welfare services in placing, arranging the placement of or assisting in the placing or arranging the placement of any child for adoption and for conducting any investigation required by section 100 of this act.

2. The fees charged for those services must vary based on criteria developed by the Division and board of county commissioners but must not exceed the usual and customary fees that child-placing agencies in the area where the services provided, or in a similar geographic area, would charge for those services. The Division and board of county commissioners shall not discriminate between adoptions made through an agency and specific adoptions in setting their fees.

3. A fee must not be charged for services related to adoption of a child with special needs.

4. An agency which provides child welfare services may waive or reduce any fee charged pursuant to this section if the agency which provides child welfare services determines that the adoptive parents are not able to pay the fee or the needs of the child require a waiver or reduction of the fee.

5. Any money collected by an agency which provides child welfare services in a county whose population is less than 100,000 pursuant to this section must be accounted for in the appropriate account of the Division and may be used only to pay for the costs of any adoptive or postadoptive services provided by any agency which provides child welfare services in a county whose population is less than 100,000.

6. Any money collected by an agency which provides child welfare services in a county whose population is 100,000 or more pursuant to this

section must be deposited in the county treasury for the credit of the agency which provides child welfare services and may be used only to pay for the costs of any adoption or postadoptive services provided by the agency which provides child welfare services.

Sec. 100. *1. The agency which provides child welfare services shall complete a home study that investigates the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parent or parents.*

2. If the placement is to be made in a home outside of this State, the agency which provides child welfare services must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parent or parents to determine the suitability of the home for placement of the child for adoption.

Sec. 101. *1. A prospective adoptive parent who is subject to a home study by the agency which provides child welfare services must submit as part of the investigation a complete set of fingerprints and written permission authorizing the agency which provides child welfare services to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.*

2. The agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the agency which provides child welfare services that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent, except that:

(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or

(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.

Sec. 102. *1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.*

2. Upon the completion of a home study conducted by an agency which provides child welfare services pursuant to section 100 of this act, the agency which provides child welfare services shall inform the prospective adoptive

parent or parents of the results of the home study. If, pursuant to the home study, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the home study with the agency which provides child welfare services before the issuance of the results of the home study. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the home study must remain confidential.

3. An agency which provides child welfare services shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

Sec. 103. *1. Whenever the agency which provides child welfare services believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:*

(a) The agency which provides child welfare services may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and

(b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter ~~[prohibit]~~ :

(1) Prohibit the placement if the child was about to be so placed ; ~~[,]~~ or ~~[order]~~

(2) Order the removal of the child if the child was so placed within 6 months before the filing of the petition by the agency which provides child welfare services ~~[.]~~ and the court determines that it is in the best interest of the child for the child to be removed from the prospective adoptive home.

2. Whenever the agency which provides child welfare services believes that a person has received for the purpose of adoption a child not related by blood, and the required written notice has not been given, if the agency which provides child welfare services does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued pursuant to NRS 424.030 if the home meets the established standards. If, in the opinion of the agency which provides child welfare services, the placement is detrimental to the interest of the child, the agency which

provides child welfare services shall file an application with the district court for an order for the removal of the child from the home.

Sec. 104. *An agency which provides child welfare services shall, to the extent practicable, give preference to the placement of a child for adoption together with the siblings of the child.*

Sec. 105. *1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.*

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the order of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to section 76 of this act, any interested party in the adoption, including, without limitation, the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services petitions the court to exclude the order of visitation with a sibling from the order of adoption or amend the order for visitation before including the order in the order of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on the same date as the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child and the agency which provides child welfare services. Upon the petition of a sibling requesting the inclusion of an order for visitation in the order of adoption, the court may require the agency which provides child welfare services to provide the clerk of the court with the contact information of the prospective adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter an order of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in an order of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce, modify or terminate the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation

withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services to provide such contact information to the court under seal.

Sec. 106. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 107 to 114, inclusive, of this act.

Sec. 107. ***In addition to any requirement set forth in sections 2 to 46, inclusive, of this act, as applicable:***

1. The provisions of sections 108 to 111, inclusive, and 114 of this act govern confirmatory adoptions.

2. The provisions of sections 112, 113 and 114 of this act govern readoptions.

Sec. 108. ***A petition for a confirmatory adoption must include:***

1. Any information required by NRS 127.110; and

2. A statement of how parentage has already been established.

Sec. 109. ***1. A copy of one of the following must be placed in the record of the confirmatory adoption:***

(a) The birth certificate of the child listing the prospective adoptive parent as a parent of the child;

(b) A court order establishing parentage of the child; or

(c) Any other evidence that is deemed sufficient by the court to establish parentage of the child.

2. A document or other evidence described in subsection 1 is confidential.

Sec. 110. ***An order of confirmatory adoption must confirm:***

1. Each legal parent of the child; and

2. The new name of the child, if requested in the petition pursuant to section ~~[109]~~ 108 of this act.

Sec. 111. ***A confirmatory adoption may be sought in this State if the birth certificate of the child was issued in this State.***

Sec. 112. ***1. A petitioner and any spouse of the petitioner who adopts a child through an intercountry adoption may petition to readopt the child in this State.***

2. As used in this section, "intercountry adoption" means the process by which a person adopts a child in another country by permanent legal means and brings the child back to live permanently with the person.

Sec. 113. ***A petition for readoption must:***

1. Include any information required by NRS 127.110; and

2. Be supported by:

(a) A copy of any order or certificate of adoption that evidences finalization of the adoption in the foreign country;

(b) The birth certificate of the child; and

(c) A certified translation of any document described in paragraphs (a) and (b) that is not in English.

Sec. 114. ***1. After an order of confirmatory adoption or readoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 115. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 116 to 153, inclusive, of this act.

Sec. 116. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in section 117 to 121, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 117. ***"Parent" means a person:***

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 118. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 119. ***"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.***

Sec. 120. ***"Relinquishment" means a document that is executed in an adoption which:***

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 121. ***"Specific consent to adoption" means a document that is executed in an identified adoption which:***

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 122. *In addition to the requirements set forth in the chapter consisting of sections 2 to 46, inclusive, of this act, as applicable, this chapter governs close-family adoptions.*

Sec. 123. *1. Except as otherwise provided in chapter 125E of NRS and sections 127, 140, 144, 145 and 146 of this act, a child of whom this State:*

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 124. *1. Except as otherwise provided in subsection 2:*

(a) A child may be adopted by one or more adults subject to the rules prescribed in this chapter;

(b) A person adopting a child must be at least 10 years older than the person adopted; and

(c) If the child is over the age of 14 years, the child must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and the prospective adoptive parents if the court is satisfied that it is in the best interest of the child.

Sec. 124.5. Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.

Sec. 125. *1. One or more adults may petition the district court of any county in this State for leave to adopt a child. Each prospective adoptive parent and each agreeing parent seeking to retain parental rights must be a joint petitioner and agree to the adoption.*

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from a spouse may not adopt a child without the agreement of the spouse, if such spouse is capable of giving such agreement to the adoption.

3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless the spouse:

(a) Has, in a writing filed with the court, ~~[specifically]~~ agreed to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order of adoption.

4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless the spouse has filed a writing with the court as described in paragraph (a) of subsection 3.

5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may waive the hearing on the petition.

7. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 126. *Except as otherwise provided in section 135 of this act, a specific consent to adoption or a relinquishment is required from:*

1. Each parent of the child who is alive; and

2. Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

Sec. 127. *1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The

withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 128. ***1. The following agencies may accept relinquishments for adoption of children from parents and guardians in this State:***

(a) An agency which provides child welfare services in its own capacity or on behalf of a child-placing agency authorized under the laws of another state to accept relinquishments and make placements; or

(b) A child-placing agency licensed by the Division.

2. The following agencies may consent to the adoption of children in this State:

(a) An agency which provides child welfare services to which the child has been relinquished for adoption;

(b) A child-placing agency licensed by the Division, to whom the child has been relinquished for adoption; or

(c) Any child-placing agency authorized under the laws of another state to accept relinquishments and make placements, to whom the child has been relinquished or otherwise approved for adoption in this State.

3. If an agency which provides child welfare services accepts a relinquishment on behalf of a child-placing agency pursuant to subsection 1, the child-placing agency shall reimburse the agency which provides child welfare services for any costs associated with the acceptance.

Sec. 129. ***1. Except as otherwise provided in subsection 2, a specific consent to adoption or relinquishment executed in this State, or executed outside this State for use in this State, is not valid unless it:***

(a) Identifies the child to be adopted by name, if any, sex, date of birth and time of birth.

(b) Is in writing and signed by the person consenting to the adoption or relinquishing for the adoption not sooner than 72 hours after the birth of the child.

(c) Is acknowledged by the person consenting and signing the specific consent to adoption or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.

(d) Contains, at the time of execution:

(1) For a specific consent to adoption, the name of the person or persons to whom specific consent to adopt the child is given; or

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the placing parent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the

court immediately if, before the entry of the order of adoption pursuant to section 139 of this act, the person receives information that provides reason to know that the child is an Indian child.

(f) Is attested by at least two competent, disinterested witnesses who subscribe their names to the specific consent to adoption or relinquishment in the presence of or by remote appearance of the person consenting or relinquishing and a notary public.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 130. ***1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.***

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of .....}

(Date) .....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the ~~[consent to adoption]~~ relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....
.....
Notary Public

Sec. 131. *1. Any or all of the attesting witnesses to any specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the specific consent to adoption. The affidavit must be written on the specific consent to adoption or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the specific consent to adoption as if it had been taken before the court.*

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of .....}

(Date) .....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within specific consent to adoption by ..... (name of person or persons giving consent); that they subscribed the specific consent to adoption and declared the same to be a voluntary specific consent to adoption in their presence; that at the time the specific consent to adoption was executed it contained the name of the persons or persons to whom specific consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons giving consent) and in the presence of each other and at the request of ..... (name of person or persons giving consent) that at the time of the execution of the consent to adoption ..... (name of person or persons giving consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 132. *If a person to whom a specific consent to adopt a child is given for an adoption pursuant to section 129 of this act has, at the time the specific consent is executed, legal custody over the child, the person is legally responsible for the child and shall provide for the care, support and maintenance of the child until a court holds a hearing to enter an order of adoption or to deny the petition pursuant to the laws of this State or another state.*

Sec. 133. *1. If a prospective adoptive parent or parents determine that an adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:*

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to ~~[all]~~ :

(1) All parents of the child ~~[, the]~~ ;

(2) The court of competent jurisdiction , if a petition for adoption has been filed; and ~~[the]~~

(3) The child-placing agency, if applicable.

3. If a prospective adoptive parent or parents makes a declaration surrendering an adoptive placement pursuant to subsection 1 ~~[, the]~~ :

(a) The prospective adoptive parent or parents must return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child ~~[.]~~ ; or

(b) If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for placement.

4. A specific consent to adoption or relinquishment declared void is without legal effect and the parental rights are restored.

5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 134. *1. All specific consents to adoption and relinquishments executed in this State by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.*

2. A specific consent to adoption or relinquishment may be executed by a parent who does not give birth to the child before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A specific consent to adoption or relinquishment can become invalid if:

(a) Every parent of the child does not execute a specific consent to adoption of the child or relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;

(b) No petition for adoption of the child has been filed by the person or persons named in the specific consent to adoption within 18 months after the execution of the specific consent to adoption or relinquishment;

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 133 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 135. ***The execution of a specific consent to adoption or relinquishment by a parent shall not be necessary:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction;

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 136. ***1. A petition for adoption of a child may be filed at any time after placement with the petitioners.***

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date that the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If the petitioners desire to change the name of the child, the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to the termination of parental rights, specific consent to adoption [,] or relinquishment as to all parents.

(h) Whether the petitioners have reason to know that the child is an Indian child.

(i) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 137. *Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.*

Sec. 138. *1. Except as otherwise provided in subsection 2, the prospective adoptive parent or parents, child to be adopted, representative of the child-placing agency and counsel for the parties may attend by telephone or ~~[video]~~ remote appearance in lieu of attending in person, any hearings held by the court concerning the petition for adoption.*

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 139. *If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition that is filed by a prospective adoptive parent, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. In the order the court may change the name of the child, if desired.*

Sec. 140. *1. An order entered pursuant to 139 of this act must include:*

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to section 139 of this act, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 141. *1. After an order of adoption has been entered, the court shall direct the petitioner or the attorney of the petitioner to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the state that issued the birth certificate. The report may:*

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order of adoption; and

(d) Be certified by the clerk of the court.

2. If an order of adoption is amended or annulled, the petitioner or the attorney of the petitioner shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

Sec. 142. *1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:*

(a) Set aside the specific consent to adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the best interest of the child.

Sec. 143. *1. The child-placing agency may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical*

or mental problems who is in the custody of the child-placing agency by ~~[proposed]~~ prospective adoptive parents when, in the judgment of the child-placing agency, it would be in the best interest of the child to be placed in that adoptive home.

2. The child-placing agency shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

4. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

5. A court shall waive all court costs of the ~~[proposed]~~ prospective adoptive parents in an adoption proceeding for a child with special needs if the child-placing agency consents to the adoption of such a child pursuant to this section.

6. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 144. *1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 145. *1. If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate child-placing agency.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move

the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the ~~[child's]~~ best ~~[interests.]~~ interest of the child, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under section 144 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

Sec. 146. ***1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.***

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceedings, the complete record of the placement finding and, if the placement departs from the placement preference under NRS 125E.350,

detailed documentation of the efforts to comply with the placement preferences.

Sec. 147. ***1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:***

(a) The child and the parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order of adoption; and

(c) The agreement is signed by the parent or parents before:

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.

4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to section 150 of this act unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the child-placing agency to provide the court with the contact information of the parent or adoptive parent who refused or failed to include the address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to section 150 of this act.

5. If a parent or adoptive parent changes the address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in section 38 of this act.

Sec. 148. *1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to section 147 of this act shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.*

2. Each:

(a) Director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

Sec. 149. *1. Before a court may enter an order of adoption of a child, the court must address:*

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child and the child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in section 138 of this act by telephone or ~~[video conference.]~~ remote appearance.

3. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order of adoption.

Sec. 150. *1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may, for good cause shown:*

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to section 147 of this act may:

(a) During the period set forth in subsection 2 of section 151 of this act, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of section 147 of this act; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in section 152 of this act.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of section 147 of this act; and

(c) Heard by:

(1) If available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 151. *1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may not be used as a ground to:*

(a) Set aside an order of adoption;

(b) Revoke, nullify or set aside a valid specific consent to adoption or relinquishment; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 152. *1. An agreement that provides for postadoptive contact entered into pursuant to section 147 of this act may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:*

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interest of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interest of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 153. *1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the parent of a child in return for the parent's placement of the child for adoption, for the execution of a specific consent to adoption or relinquishment or for the cooperation in the adoption of the child.*

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the parent's placement of the child for adoption, the execution of a specific consent to adoption or relinquishment or cooperation in the adoption of the child.

4. This section does not prohibit a parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

7. As used in this section, "person" includes a hospital.

Sec. 154. NRS 125E.210 is hereby amended to read as follows:

125E.210 1. Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. A court or person has reason to know that a child in a child custody proceeding is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in ~~[~~NRS 127.1867,~~]~~ ***section 89 of this act,*** whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential.

Sec. 154.5. **NRS 125E.230 is hereby amended to read as follows:**

125E.230 In a child custody proceeding involving an Indian child, when making a determination regarding the best ~~[~~interests~~]~~ ***interest*** of the child in accordance with ~~[~~NRS 125E.010 to 125E.370, inclusive,~~]~~ ***this chapter and*** chapter 432B of NRS, the Indian Child Welfare Act ~~[~~,~~]~~ ***of 1978,*** 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding ~~[~~NRS 125E.010 to 125E.370, inclusive,~~]~~ ***this chapter or*** chapter 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under NRS 125E.350;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 155. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 156 to 168, inclusive, of this act.

Sec. 156. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 157 to 163, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 157. ***"Home study" means the investigation of a prospective adoptive parent or parents before an adoptive placement to determine the suitability of the prospective adoptive home pursuant to NRS 127.2805.***

Sec. 158. ***"Parent" means a person:***

1. Who has legal rights, privileges, responsibilities and obligations to a child and is a biological or legal parent of a child whose parental rights have not been terminated by a court order or execution of a specific consent to adoption or relinquishment;

2. Who is a putative parent or proven parent of a child;

3. Who is presumed to be the parent of a child;

4. Whose paternity or parentage has been established pursuant to chapter 126 of NRS; or

5. Whose parentage has been confirmed by a court order.

Sec. 159. ***"Placing parent" means a parent who executed a specific consent to adoption or relinquishment pursuant to this chapter.***

Sec. 160. ***"Post-placement investigation" means an investigation of the prospective adoptive home after an adoptive placement pursuant to NRS 127.120.***

Sec. 161. ***"Prospective adoptive parent" means a person with whom a child has been placed for adoption but whose petition for adoption has not been granted by the court.***

Sec. 162. ***"Relinquishment" means a document that is executed in an agency adoption which:***

1. Terminates the parental rights of the person executing the document in the child to be adopted; and

2. Places the child for adoption with a named child-placing agency.

Sec. 163. ***"Specific consent to adoption" means a document that is executed in an identified adoption which:***

1. Terminates or retains the parental right of the person executing the document; and

2. Authorizes the child to be adopted by a specifically named person or persons.

Sec. 163.5. ***An adoptive placement occurs when:***

1. A parent executes a specific consent to adoption or relinquishment; or

2. A child-placing agency grants physical custody of a child in its custody to a prospective adoptive parent or parents for adoption.

Sec. 164. ***Compliance with the requirements of the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, may be performed by an agency which provides child welfare services, a child-placing agency or an attorney licensed to practice law in this State.***

Sec. 165. ***If a parent is considering consenting to an identified adoption, the child-placing agency shall:***

1. Provide information relating to the adoption process, information concerning the State Register for Adoptions pursuant to section 33 of this act and information relating to counseling services, which must be provided before the parent signs the specific consent to adoption, for the purpose of ensuring that the decision to consent to the adoption of the child is made without coercion and not under duress or undue influence, and to make the placing parent aware of counseling services which can be made available after the execution of the specific consent to adoption to ensure that the placing parent is provided with emotional support;

2. Provide information to the placing parent regarding alternatives to adoption;

3. Obtain information regarding the background of the placing parent for two or three generations, including, without limitation:

(a) The occurrence of any childhood diseases;

(b) Psychiatric and psychological histories;

(c) Demographic information and social history;

(d) Any use of drugs or alcohol;

(e) Abuse of alcohol;

(f) Blood types;

(g) Any congenital deformities;

(h) Prenatal history, including, without limitation, information concerning the use of alcohol, drugs, tobacco and prescription medications during pregnancy; and

(i) Any other pertinent information;

4. Obtain, if the child to be placed for adoption has already been born, information regarding:

(a) The developmental and medical history of the child;

(b) The educational and social development of the child;

(c) The personal relationship between the child and the parent, including their attitudes towards one another; and

(d) Any religious affiliation of the child;

5. Advise the placing parent that the placing parent may read the home study of the prospective adoptive parent or parents identified in the specific consent to adoption before the execution of the specific consent to adoption;

6. Facilitate a request pursuant to the Interstate Compact on the Placement of Children, if required by NRS 127.330; and

7. Maintain a case file with a record of the information obtained and services provided by the child-placing agency.

Sec. 166. ***1. Any or all of the attesting witnesses to any relinquishment may make and sign an affidavit before any person authorized to administer oaths in this State, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment. The affidavit must be written on the relinquishment or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment as if it had been taken before the court.***

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of .....}

(Date) .....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment by ..... (name of person or persons relinquishing); that they subscribed the relinquishment and declared the same to be a voluntary relinquishment in their presence; that at the time the relinquishment was executed it contained the name of the agency to which relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons relinquishing) and in the presence of each other and at the request of ..... (name of person or persons relinquishing) that at the time of the execution of the ~~[consent to adoption]~~ relinquishment ..... (name of person or persons relinquishing) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 167. ***1. If a prospective adoptive parent or parents determine that an identified adoption cannot or should not proceed, the adoptive parent or parents, as applicable, may:***

(a) Withdraw a petition for termination of parental rights or a petition for adoption; and

(b) Declare the specific consent to adoption void and surrender the adoptive placement.

2. The declaration surrendering the adoptive placement pursuant to subsection 1 must:

(a) Be in writing, notarized and acknowledged by the surrendering prospective adoptive parent or parents; and

(b) Give notice to all parents of the child, the court of competent jurisdiction and the child-placing agency, if applicable.

3. If a prospective adoptive parent or parents make a declaration surrendering an adoptive placement pursuant to subsection 1, the prospective adoptive parent or parents must:

(a) Return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child; or

(b) If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for other placement pursuant to NRS 127.051 and 127.2815.

4. A specific consent to adoption declared void is without legal effect and the parental rights are restored.

5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by the court.

Sec. 168. ***1. If a court of competent jurisdiction determines that a parent has legal rights to a child making the child ineligible for an agency adoption, the child-placing agency shall:***

(a) Immediately declare the relinquishment executed by the placing parent null and void and without legal effect;

(b) Immediately withdraw the petition for termination of parental rights; and

(c) Provide the court with a declaration that is notarized and acknowledged by the child-placing agency that the relinquishment has been voided.

2. If a relinquishment is voided pursuant to subsection 1, all legal rights, privileges, responsibilities and obligations to a child are restored to the placing parent by operation of law.

Sec. 169. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, govern ~~[the adoption of minor children,]~~ ***agency adoptions and identified adoptions,*** and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS ~~[127.010]~~ ***127.018*** to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern ~~[the adoption of adults.]~~ ***adult adoptions.***

Sec. 170. NRS 127.018 is hereby amended to read as follows:

127.018 1. Except as otherwise provided in ~~[NRS 125E.010 to 125E.370, inclusive,]~~ ***chapter 125E of NRS and NRS*** 127.041, ~~[127.115,]~~ 127.151 ~~[, and]~~ 127.1861 ~~[to 127.1869, inclusive,]~~ ***, 127.1863 and 127.1865,*** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, ***such as a placement outside of the state through the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive,*** immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 171. NRS 127.020 is hereby amended to read as follows:

127.020 1. Except as otherwise provided in subsection 2:

(a) ~~*[1.]*~~ A ~~[minor]~~ child may be adopted by one or more adults subject to the rules prescribed in this chapter.

(b) ~~*[2.]*~~ A person adopting a child must be at least 10 years older than the person adopted ***.*** ~~[, and the consent of]~~

~~*[3.]*~~ ***(c) If*** the child ~~[, if]~~ ***is*** over the age of 14 years, ~~[is necessary]~~ ***the child must agree*** to ~~[its]~~ ***the*** adoption.

2. A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:

(a) The child is being adopted by a ~~[stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent;]~~ ***relative within the third degree of consanguinity;*** and

(b) The court is satisfied that it is in the best interest of the child. ~~[and in the interest of the public.]~~

Sec. 172. NRS 127.030 is hereby amended to read as follows:

127.030 1. One or more adults may petition the district court of any county in this ~~[state]~~ ***State*** for leave to adopt a child. Each prospective ~~[adopting adult]~~ ***adoptive parent*** and each ~~[consenting legal]~~ ***agreeing*** parent seeking to retain ~~[his or her]~~ parental rights must be a joint petitioner ~~[.]~~ ***and agree to the adoption.***

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt a child without the ~~[consent]~~ ***agreement*** of ~~[his or her]~~ ***the*** spouse, if such spouse is capable of giving such ~~[consent.]~~ ***agreement to the adoption.***

3. If a spouse ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2, such ~~[consent]~~ ***agreement*** does not establish any parental rights or responsibilities on the part of the spouse unless ~~[he or she:]~~ ***the spouse:***

(a) Has, in a writing filed with the court, specifically ~~[consented]~~ ***agreed*** to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order ~~[or decree]~~ of adoption.

4. The court shall not name a spouse who ~~[consents]~~ ***agrees*** to an adoption as described in subsection 2 as an adoptive parent in an order ~~[or decree]~~ of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by ~~[an]~~ ***a post-placement*** investigation ~~[conducted]~~ pursuant to NRS 127.120 ~~[or]~~ ***and a home study investigation pursuant to*** 127.2805.

5. The court may dispense with the requirement for the ~~[consent]~~ ***agreement*** of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to ~~[consent.]~~ ***agree.*** A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order ~~[or decree]~~ of adoption.

6. ~~[If a person who petitions for the adoption of a child pursuant to this section is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the hearing on the petition.~~

~~7.]~~ The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

Sec. 173. NRS 127.040 is hereby amended to read as follows:

127.040 ~~[1.]~~ Except as provided in NRS 127.090, ~~[written]~~ ***a specific*** consent to ~~[the specific]~~ adoption ~~[proposed by the petition]~~ or ~~[for]~~ ***a*** relinquishment ~~[to an agency authorized to accept relinquishments acknowledged by the person or persons consenting,]~~ is required from:

~~[(a)]~~ ***1.*** Each ~~[legal]~~ parent ***of the child*** who is alive; and

~~[(b)]~~ ***2.*** Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

~~[2. Consent is not required of a parent who has been adjudged insane for 2 years if the court is satisfied by proof that such insanity is incurable.]~~

Sec. 174. NRS 127.041 is hereby amended to read as follows:

127.041 1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order ~~[or decree]~~ of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws ~~[his or her]~~ consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.

Sec. 175. NRS 127.043 is hereby amended to read as follows:

127.043 ~~[1. Except as otherwise provided in subsection 2, a]~~ ***A*** child must not be placed in an adoptive home ***or in the care of prospective adoptive parents*** until ~~[a]~~ ***:***

1. An approved home study investigation pursuant to NRS 127.2805 is obtained; and

2. A valid ~~[release for or]~~ ***specific*** consent to adoption ***or relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070.~~

~~2. The provisions of this section do not apply if one or more of the existing legal parents is a petitioner or the petitioner is related to the child within the third degree of consanguinity.]~~ ***or a court order is obtained terminating the parental rights of the parents.***

Sec. 176. NRS 127.045 is hereby amended to read as follows:

127.045 1. ~~[Except as otherwise provided in subsection 2, until]~~ ***Until*** a ~~[valid release for or]~~ ***specific*** consent to adoption ***or a relinquishment*** is executed by ~~[the]~~ ***a*** parent ~~[who gave birth to]~~ ***of*** the child ~~[as provided by NRS 127.070]~~ and ~~[the]~~ ***an approved home study ~~[placement]~~*** investigation ~~[required by]~~ ***pursuant to*** NRS 127.2805 is ~~[completed,]~~ ***obtained,*** no person may:

(a) Petition any court for the appointment of a guardian; or

(b) Be appointed the temporary guardian,

➥ of the person of the child to be adopted.

2. ~~[The provisions of subsection 1 do not apply if one or more of the existing legal parents is a petitioner or if any petitioner or his or her spouse is related to the child within the third degree of consanguinity.]~~ ***A parent may sign a specific consent to adoption or relinquishment if the parent is in the custody of a law enforcement agency or the child is in the custody of an agency which provides child welfare services.***

Sec. 177. NRS 127.053 is hereby amended to read as follows:

127.053 ~~[No]~~

1. Except as otherwise provided in subsection 2, a specific consent to ~~[a specific]~~ adoption ***or relinquishment*** executed in this State, or executed outside this State for use in this State, is ***not*** valid unless it:

~~[1.]~~ ***(a)*** Identifies the child to be adopted by name, if any, sex ***,*** ~~[and]~~ date of birth ~~[.~~

~~2.]~~ ***and time of birth.***

(b) Is in writing and signed by the person consenting to the adoption ~~[as required in this chapter.~~

~~3.]~~ ***or relinquishing for the adoption not sooner than 72 hours after the birth of the child.***

(c) Is acknowledged by the person consenting and signing the ***specific*** consent to adoption ~~[in the manner and form required for conveyances of real property.~~

~~4.]~~ ***or relinquishment before a judge or a clerk of the court having a seal, a notary public or a justice of the peace.***

(d) Contains, at the time of execution ~~[,]~~ ***:***

(1) For a specific consent to adoption, the name of the person or persons to whom ***specific*** consent to adopt the child is given ~~[.~~

~~5.]~~ ***; or***

(2) For a relinquishment, the name of the child-placing agency.

(e) Indicates whether the ~~[person giving the consent]~~ ***placing parent*** has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order ~~[or decree]~~ of adoption pursuant to NRS 127.150, the person receives information that provides reason to know that the child is an Indian child.

~~[6.]~~ ***(f)*** Is attested by at least two competent, disinterested witnesses who subscribe their names to the ***specific*** consent ***to adoption or relinquishment*** in the presence of ***or by remote appearance of*** the person consenting ~~[. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one]~~ ***or relinquishing and a notary public. One*** of the witnesses must be a social worker employed by:

~~[(a)]~~ ***(1)*** An agency which provides child welfare services;

~~[(b) An]~~

(2) A child-placing agency ***;*** ~~[licensed in this state to place children for adoption;~~

~~(c)]~~ ***(3)*** A comparable state or county agency of another state; or

~~[(d)]~~ ***(4)*** An agency authorized under the laws of another state to place children for adoption, if the ~~[natural]~~ parent resides in that state.

2. A social worker employed by a child-placing agency may remotely witness the execution of a specific consent to adoption or relinquishment by a parent of the child to be adopted who resides in another state.

Sec. 178. NRS 127.055 is hereby amended to read as follows:

127.055 1. Any or all of the attesting witnesses to any ***specific*** consent to adoption may ~~[, at the request of the person or persons who executed the consent,]~~ make and sign an affidavit before any person authorized to administer oaths in this ~~[state,]~~ ***State,*** stating such facts as they would be required to testify to in court to prove the due execution of the ***specific*** consent to adoption. The affidavit must be written on the ***specific*** consent to adoption ~~[,]~~ or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the ***specific*** consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
}ss.
County of..... }

(Date).....

Then and there personally appeared the within-named ..... and ....., who, being duly sworn, depose and say: That they witnessed the execution of the within ***specific*** consent to adoption by ..... (name of person or persons ~~[consenting);]~~ ***giving consent);*** that ~~[she, he or]~~ they subscribed the ***specific*** consent to adoption and declared the same to be a voluntary ***specific*** consent to adoption in their presence; that at the time the ***specific*** consent to adoption was executed it contained the names of the person or persons to whom ***specific*** consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of ..... (name of person or persons ~~[consenting)]~~ ***giving specific consent)*** and in the presence of each other and at the request of ..... (name of person or persons ~~[consenting);]~~ ***giving consent)*** that at the time of the execution of the ***specific*** consent to adoption ..... (name of person or persons ~~[consenting)]~~ ***giving consent)*** acknowledged to them that ~~[she, he or]~~ they ~~[was or]~~ were, and ~~[she, he or]~~ they appeared to them to be, in full possession of ~~[her, his or]~~ their faculties and not under the influence of any drug or sedative ***that could impact their reasoning or judgment*** or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at ~~[her, his or]~~ their request.

.....
.....

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public

Sec. 179. NRS 127.058 is hereby amended to read as follows:

127.058 ~~[~~A~~]~~ ***In an identified adoption, if a*** person to whom ***a specific*** consent to adopt a child is given for ~~[~~a specific~~]~~ ***an*** adoption pursuant to NRS 127.053 has, at the time the ***specific*** consent is executed, legal custody over the child ~~[~~and~~]~~ ***, the person*** is legally responsible for the child ***and shall provide for the care, support and maintenance of the child*** until a court holds a hearing to enter an order ~~[~~or decree~~]~~ of adoption or to deny the petition pursuant to the laws of this State or another state.

Sec. 180. NRS 127.070 is hereby amended to read as follows:

127.070 1. All ~~[~~releases for and~~]~~ ***specific*** consents to adoption ***and relinquishments*** executed in this ~~[~~state~~]~~ ***State*** by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.

2. A ~~[~~release for or~~]~~ ***specific*** consent to adoption ***or relinquishment*** may be executed by a parent ***who did not give birth to the child*** before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. A minor parent may execute a specific consent to adoption or relinquishment without notifying or obtaining the consent of the parent or parents of the minor.

4. A specific consent to adoption or relinquishment cannot be revoked or nullified by the executing parent.

5. A specific consent to adoption or relinquishment executed by a minor parent cannot be revoked or nullified based upon the minor parent becoming an adult.

6. A ~~[~~release executed under this subsection becomes~~]~~ ***specific consent to adoption or relinquishment may become*** invalid if:

(a) ~~[~~The parents of the child marry each other before the child is born;

~~(b) The parent who gave birth to the child does not execute a release for or~~]~~ ***Every parent of the child does not execute a specific*** consent to adoption of the child ~~[~~within 6 months after the birth of the child;~~]~~ or ~~[~~

~~(c)~~]~~ ***relinquishment or have his or her parental rights terminated by a court of competent jurisdiction within 18 months after the execution of the specific consent to adoption or relinquishment;***

(b) No petition for adoption of the child has been filed ***by the person or persons named in the specific consent to adoption*** within ~~[~~2 years~~]~~ ***18 months*** after the ~~[~~birth of the child.~~]~~ ***execution of the specific consent to adoption or relinquishment;***

(c) The specific consent to adoption or relinquishment is declared void pursuant to section 167 or 168 of this act; or

(d) The specific consent to adoption or relinquishment was obtained under fraud, duress or undue influence and the action to void the specific consent to adoption or relinquishment is brought not later than 30 days after the execution.

Sec. 181. NRS 127.090 is hereby amended to read as follows:

127.090 ~~[Consent of a parent]~~ ***The execution of a specific consent*** to ~~[an]~~ adoption ***or relinquishment by a parent*** shall not be necessary ~~[where]~~ ***:***

1. Where parental rights have been terminated by an order of a court of competent jurisdiction ~~[.]~~ ***;***

2. Upon the death of the parent, as evidenced by a certificate of death or other evidence deemed sufficient by the court; or

3. Upon the termination of the parental rights of the parent through operation of law by a birth father registry operated in another state.

Sec. 182. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child ~~[who currently resides in the home of the petitioners]~~ may be filed at any time after ~~[the child has lived in the home for 30 days.]~~ ***placement with the petitioners.***

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the ~~[period]~~ ***date*** that the child ~~[has lived in the home of]~~ ***was placed with the*** petitioners ***.*** ~~[before the filing of the petition.]~~

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) ~~[Their]~~ ***If the petitioners*** desire ~~[that]~~ ***to change*** the name of the child ***,*** ~~[be changed, together with]~~ the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to ***termination of parental rights, specific*** consent to adoption ~~[.]~~ ***or relinquishment as to all parents.***

(h) ~~[That there has been a full compliance with NRS 127.220 to 127.310, inclusive.~~

~~(i)]~~ Whether the petitioners have reason to know that the child is an Indian child.

~~[(j)]~~ ***(i)*** That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

~~[3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive, and the provisions of NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive.]~~

(j) Whether an agreement for postadoptive contact has been entered into by the parent or parents of the child and the prospective adoptive parent or parents of the child.

(k) Whether there is an order for visitation of a child by a sibling or other relative.

Sec. 183. NRS 127.120 is hereby amended to read as follows:

127.120 1. A petition for adoption of a child must be filed ~~[in duplicate]~~ with the ~~[county]~~ clerk ~~[. The county clerk shall send one copy of the petition to the agency which provides child welfare services.]~~ ***of the court.***

2. ~~[The]~~ ***Unless waived by the court, the child-placing*** agency ~~[which provides child welfare services]~~ ***designated by the court*** shall make ~~[an]~~ ***a post-placement*** investigation and report as provided in this section. ~~[If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the agency which provides child welfare services. A copy of the order waiving the investigation must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order is issued.]~~

3. ~~[The agency which provides child welfare services or a licensed]~~ ***Unless waived by the court, the designated*** child-placing agency ~~[designated to do so by the court]~~ shall:

(a) Verify the allegations of the petition;

(b) Investigate the condition of the child, including, without limitation, whether the child is an Indian child; and

(c) Make proper inquiry to determine whether the proposed ~~[adopting]~~ ***adoptive*** parents are suitable for the child.

4. The ~~[agency which provides child welfare services or the]~~ designated child-placing agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings pursuant to subsection 3, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of whether the child is known to be an Indian child, and shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report.

5. If the court is dissatisfied with the report submitted by ~~[the agency which provides child welfare services or]~~ the designated child-placing agency, the court may order an independent investigation to be conducted and a report submitted by an agency or person selected by the court. The costs of the investigation and report may be assessed against the petitioner **.** ~~[or charged against the county in which the adoption proceeding is pending.]~~

Sec. 184. NRS 127.123 is hereby amended to read as follows:

127.123 Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a ~~[legal]~~ parent of the child.

Sec. 185. NRS 127.127 is hereby amended to read as follows:

127.127 The petitioners shall file with the court, within 15 days after the petition is filed or 5 months after the child ~~[begins to live]~~ ***is placed*** in their home, whichever is later, an affidavit executed by them and their attorney setting forth all fees, donations and expenses paid by them in furtherance of the adoption. A copy of the affidavit must be sent to the ***designated child-placing*** agency **.** ~~[which provides child welfare services. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may waive the filing of the affidavit.]~~

Sec. 186. NRS 127.130 is hereby amended to read as follows:

127.130 The ***post-placement investigation*** report of ~~[either the agency which provides child welfare services or]~~ the ~~[licensed]~~ child-placing agency designated by the court must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report of ~~[the agency which provides child welfare services or]~~ the designated ***child-placing*** agency.

Sec. 187. NRS 127.145 is hereby amended to read as follows:

127.145 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** prospective adoptive ***parent or*** parents ***, child to be adopted, representative of the child-placing agency and counsel for the parties*** may attend by telephone ~~[,]~~ ***or ~~[video]~~ remote appearance*** in lieu of attending in person, any hearings held by the court concerning the petition for adoption **.** ~~[if:~~

~~(a) The prospective adoptive parents reside in another state or jurisdiction;~~

~~(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter; and~~

~~(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.~~

~~2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.~~

~~3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.]~~

2. The court may waive the attendance of a child to be adopted for good cause shown.

Sec. 188. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best ~~[interests]~~ ***interest*** of the child warrant the granting of the petition, an order ~~[or decree]~~ of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners.

When determining whether the best ~~[interests]~~ ***interest*** of the child warrant the granting of a petition that is filed by a ~~[foster]~~ ***prospective adoptive*** parent, the court shall give strong consideration to the emotional bond between the child and the ~~[foster]~~ ***prospective adoptive*** parent. ~~[A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued.]~~ In the ~~[decree]~~ ***order*** the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order ~~[or decree]~~ of adoption may not be made until ~~[after the child has lived for]~~ 6 months ~~[in the home of]~~ ***after the placement of child with*** the petitioners. ~~[This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.~~

~~3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. The court shall not deny a petition solely because the petitioner:~~

~~(a) Is deaf, is blind or has another physical disability; or~~

~~(b) Is the holder of a valid registry identification card.~~

~~4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.~~

~~5. As used in this section:~~

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 189. NRS 127.151 is hereby amended to read as follows:

127.151 1. An order ~~[or decree]~~ entered pursuant to NRS 127.150 must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order ~~[or decree]~~ must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the ~~[biological]~~ parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order ~~[or decree]~~ of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order ~~[or decree]~~ entered pursuant to NRS 127.150, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 190. NRS 127.152 is hereby amended to read as follows:

127.152 1. Except as otherwise provided in subsection 3, the ~~[agency which provides child welfare services or a licensed]~~ child-placing agency shall provide the ~~[adopting]~~ ***prospective adoptive*** parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the ~~[agency which provides child welfare services or licensed]~~ child-placing agency.

(b) Any information obtained by the ~~[agency which provides child welfare services or licensed]~~ child-placing agency during interviews of the ~~[natural]~~ parent regarding:

(1) The medical and sociological history of the child and the ~~[natural]~~ parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by ~~[an agency which provides child welfare services and]~~ a child-placing agency pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that the child has any special needs.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency shall obtain from the ~~[adopting]~~ ***prospective adoptive*** parents written confirmation that the ~~[adopting]~~ ***prospective adoptive*** parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the ~~[natural]~~ parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the ~~[adopting]~~ ***prospective adoptive*** parents of the child may also obtain the information set forth in subsection 1.

5. This section does not apply to identified adoptions.

Sec. 191. NRS 127.155 is hereby amended to read as follows:

127.155 Any order or decree of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, is hereby declared valid.

Sec. 192. NRS 127.157 is hereby amended to read as follows:

127.157 1. After an order ~~[or decree]~~ of adoption has been entered, the court shall direct the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics ~~[.]~~ ***or the equivalent office in the state that issued the birth certificate.*** The report ~~[must:]~~ ***may:***

(a) Identify the original certificate of birth of the person adopted;

(b) Provide sufficient information to prepare a new certificate of birth for the person adopted;

(c) Identify the order ~~[or decree]~~ of adoption; and

(d) Be certified by the clerk of the court.

2. ~~[The agency which provides child welfare services shall provide the petitioner or his or her attorney with any factual information which will assist in the preparation of the report required in subsection 1.~~

~~3.]~~ If an order ~~[or decree]~~ of adoption is amended or annulled, the petitioner or ~~[his or her]~~ ***the*** attorney ***of the petitioner*** shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order ~~[or decree]~~ of adoption and the provisions of that ~~[decree]~~ ***order*** which were amended or annulled.

~~[4. The petitioner or his or her attorney shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics not later than the 10th day of the month next following the month in which the order or decree was entered, or more frequently if requested by the State Registrar, together with any related material the State Registrar may require.]~~

Sec. 193. NRS 127.165 is hereby amended to read as follows:

127.165 1. A ~~[prior]~~ ***placing*** parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

(a) Set aside the ***specific*** consent to ~~[the]~~ adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the ***placing*** parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the ~~[adopting]~~ ***adoptive*** parents is in the ~~[child's]~~ best interest ~~[.]~~ ***of the child.***

Sec. 194. NRS 127.186 is hereby amended to read as follows:

127.186 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency ~~[licensed by the Division pursuant to this chapter]~~ may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of ~~[the agency which provides child welfare services or]~~ the ~~[licensed]~~ ***child-placing*** agency by ~~[proposed]~~ ***prospective*** adoptive parents when, in the judgment of the ~~[agency which provides child welfare services or]~~ the child-placing agency, it would be in the best ~~[interests]~~ ***interest*** of the child to be placed in that adoptive home.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency ~~[, whichever has custody of the child,]~~ shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the ~~[proposed]~~ ***prospective*** adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the ~~[proposed]~~ ***prospective*** adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

~~3. [The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.~~

~~4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.~~

~~5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive~~

~~parents by the agency which provides child welfare services that continued assistance is denied.~~

~~6.~~] All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

~~7.~~] ***4.*** Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

~~8.~~] ***5.*** A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the ~~agency which provides child welfare services or~~] child-placing agency consents to the adoption of such a child pursuant to this section.

~~9.~~] ***6.*** The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 195. NRS 127.1861 is hereby amended to read as follows:

127.1861 1. A petition to vacate an order ~~or decree~~] of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order ~~or decree~~] of adoption if:

(a) The petition is filed not later than 2 years following the date of the order ~~or decree;~~] ***;*** and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order ~~or decree~~] of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 196. NRS 127.1863 is hereby amended to read as follows:

127.1863 1. If an order ~~or decree~~] of adoption of an Indian child under this chapter is vacated, the court vacating the order ~~or decree~~] must notify, by registered or certified mail with return receipt requested, the Indian child's

former parents, prior Indian custodian, if any, and Indian tribe and the appropriate ***child-placing*** agency **.** ~~[which provides child welfare services.]~~

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order ~~[or decree]~~ of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order ~~[or decree]~~ of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the ~~[child's]~~ best ~~[interests,]~~ ***interest of the child,*** as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the ~~[legal]~~ parent of an Indian child subject to an order ~~[or decree]~~ of adoption under this chapter and whose parental rights have not been restored under NRS 127.1861.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order ~~[or decree]~~ of adoption of the child under this chapter.

Sec. 197. NRS 127.187 is hereby amended to read as follows:

127.187 1. The ~~[natural]~~ parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and ~~[his or her natural]~~ ***the*** parent or parents;

(b) The adoptive parent or parents and the ~~[natural]~~ parent or parents; or

(c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

(a) The agreement is in writing and signed by the parties;

(b) The agreement is incorporated into an order ~~[or decree]~~ of adoption; and

(c) ~~[In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:~~

~~(1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or~~

~~(2) The court has determined, after a hearing, that the agreement is in the best interest of the child.]~~ ***The agreement is signed by the parent or parents before:***

(1) The termination or voluntary relinquishment of the parental rights of the parent or parents; or

(2) The execution of a specific consent to adoption or relinquishment.

3. The identity of a ~~[natural]~~ parent is not required to be included in an agreement that provides for postadoptive contact. If such information is

withheld, an agent who may receive service of process for the ~~[natural]~~ parent must be provided in the agreement.

4. A ~~[natural]~~ parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the ~~[natural]~~ parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885 ~~[.]~~ ***, unless the parent or adoptive parent elects to receive service by alternate means through electronic mail rather than certified or registered mail, in which case, the electronic mail address must be included in the agreement.*** If a ~~[natural]~~ parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order ~~[or decree]~~ of adoption which incorporates the agreement, order the ***child-placing*** agency ~~[which provides child welfare services]~~ to provide the court with the contact information of the ~~[natural]~~ parent or adoptive parent who refused or failed to include ~~[his or her]~~ ***the*** address. If a court so orders, the court shall:

(a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. If a ~~[natural]~~ parent or adoptive parent changes ~~[his or her]~~ ***the*** address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order ~~[or decree]~~ of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

(a) The child reaches 18 years of age;

(b) The child becomes emancipated; or

(c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 198. NRS 127.1875 is hereby amended to read as follows:

127.1875 1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to NRS 127.187 shall notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order ~~[or decree]~~ of adoption of the child.

2. Each:

(a) Director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child ~~[, *and]*~~ ***or*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187, notify the court responsible for entering the order ~~[or decree]~~ of adoption of the child of the existence of the agreement.

Sec. 199. NRS 127.188 is hereby amended to read as follows:

127.188 1. Before a court may enter an order ~~[or decree]~~ of adoption of a child, the court must address ***:*** ~~[in person:]~~

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child ~~[, *and]*~~ ***or*** the ~~[agency which provides child welfare services or the licensed]~~ child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and ~~[natural]~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in NRS 127.145 by telephone ~~[,]~~ ***or*** ~~*[video conference.]*~~ ***remote appearance.***

3. If the court determines that the prospective adoptive parent or parents and the ~~[natural]~~ parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order ~~[or decree]~~ of adoption.

Sec. 200. NRS 127.1885 is hereby amended to read as follows:

127.1885 1. A ~~[natural]~~ parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

(a) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order ~~[or decree]~~ of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~[or decree]~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order ~~[or decree]~~ of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the ~~[natural]~~ parent or adoptive parent who filed the petition using ***certified or*** registered mail ***with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through electronic mail,*** upon each other ~~[natural]~~ parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If ~~[he or she is]~~ available, the judge who issued the order ~~[or decree]~~ of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

Sec. 201. NRS 127.189 is hereby amended to read as follows:

127.189 1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may not be used as a ground to:

(a) Set aside an order ~~[or decree]~~ of adoption;

(b) Revoke, nullify or set aside a valid ~~[release for or]~~ ***specific*** consent to ~~[an]~~ adoption or ~~[a]~~ relinquishment ***;*** ~~[for adoption;]~~ or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

Sec. 202. NRS 127.1895 is hereby amended to read as follows:

127.1895 1. An agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may only be modified or terminated by an adoptive parent petitioning the court that entered the order ~~[or decree]~~ which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best ~~[interests]~~ ***interest*** of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best ~~[interests]~~ ***interest*** of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides for postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

Sec. 203. NRS 127.190 is hereby amended to read as follows:

127.190 1. Notwithstanding any other provision of law, any adult person may adopt any other adult person ***who is at least 10 years*** younger than ~~[himself or herself,]~~ ***the potential adopting person,*** except the spouse of the adopting person, by an agreement of adoption approved by ~~[a decree]~~ ***an order*** of adoption of the district court in the county in which either the person adopting or the person adopted resides.

2. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

3. Notwithstanding any other provision of law, the petitioner being adopted may change his or her name as part of the adoption petition, if so desired.

Sec. 204. NRS 127.200 is hereby amended to read as follows:

127.200 1. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not adopt an adult person without the ~~[consent]~~ ***agreement*** of the spouse of the adopting person, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

2. A married person not lawfully separated from ~~[his or her]~~ ***a*** spouse may not be adopted without the ~~[consent]~~ ***agreement*** of the spouse of the person to be adopted, if such spouse is capable of giving such ~~[consent.]~~ ***agreement.***

3. Neither the ~~[consent]~~ ***agreement*** of the ~~[natural]~~ parent or parents of the person to be adopted, nor of the Division, nor of any other person is required.

Sec. 205. NRS 127.210 is hereby amended to read as follows:

127.210 1. The adopting person ~~[and]~~ ***or*** the person to be adopted may file in the district court in the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of ~~[a decree]~~ ***an order*** of adoption.

2. ***The petition for adoption must state:***

(a) The full names of the petitioners and the ages of the petitioners;

(b) That it is the desire of the petitioners that the relationship of parent and child be established between the petitioners;

(c) Whether the petitioner being adopted desires a name change, together with the new name desired, and if the petitioner being adopted desires an amended birth certificate;

(d) If the petitioner being adopted desires to add the adopting person as an additional parent or replace a specific parent on the birth certificate of the person being adopted; and

(e) That there has been full compliance with the law.

3. The court shall fix a time and place for ***a*** hearing on the petition, ~~[and]~~ ***unless the hearing is waived by the court upon the request of the petitioners.***

4. Except as otherwise provided in subsection 3, both the person adopting and the person to be adopted shall appear at the hearing ***,*** ~~[in person,]~~ but if such appearance is impossible or impractical, appearance may be made for either or both of such persons by counsel empowered in writing to make such appearance.

~~[3.]~~ ***5.*** The court may require notice of the time and place of the hearing to be served on other interested persons, and any such interested person may appear and object to the proposed adoption.

~~[4. No investigation or report to the court by any public officer is required, but the court may require the Division to investigate the circumstances and report thereon, with recommendations, to the court before the hearing.~~

~~5.]~~ ***6.*** At the hearing the court shall examine the parties, or the counsel of any party not present ***, as applicable,*** in person ~~[.]~~ ***or by ~~[video]~~ remote appearance.*** If the court is satisfied that the adoption will be for the best ~~[interests]~~ ***interest*** of the parties ***,*** ~~[and in the public interest,]~~ and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and enter ~~[a decree]~~ ***an order*** of adoption declaring that the person adopted is the child of the person adopting him or her ~~[.]~~ ***and if requested, order a name change.*** Otherwise, the court shall withhold approval of the agreement and deny the prayer of the petition.

Sec. 206. NRS 127.220 is hereby amended to read as follows:

127.220 As used in NRS 127.220 to ~~[127.310,~~ ~~*127.290,]*~~ ***127.287,*** inclusive, unless the context otherwise requires ***:***

1. ~~[“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.~~

~~2. "Arrange the placement of a child" means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.~~

~~3. "Child placing agency" means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.~~

~~4.~~ "Person" ~~***(, "person")***~~ includes a hospital.

~~5.~~ ***2.*** "Recommend the placement of a child" means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.

Sec. 207. NRS 127.230 is hereby amended to read as follows:

127.230 1. The Division shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services and child-placing agencies.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services and a child-placing agency in placing children for adoption, which must allow the ~~natural~~ parent or parents and the prospective adoptive parent or parents to determine, by mutual ~~consent,~~ ***agreement,*** the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption or permanent free care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services and child-placing agency shall conform to the standards established and the regulations adopted pursuant to subsection 1.

Sec. 208. NRS 127.280 is hereby amended to read as follows:

127.280 1. A child may not be placed in the home of prospective adoptive parents ~~for the 30-day residence in that home which is required before the filing of a petition for adoption, except where a child and one of the prospective adoptive parents are related within the third degree of consanguinity,~~ unless:

(a) The ~~agency which provides child welfare services or a~~ child-placing agency first receives written notice of the proposed placement from:

(1) The prospective adoptive parents of the child;

(2) The person recommending the placement; or

(3) A ~~natural~~ parent;

(b) The ~~investigation~~ ***home study investigation*** required by the provisions of NRS 127.2805 has been completed; and

(c) In the case of ~~[a specific]~~ ***an identified*** adoption, the ~~[natural]~~ parent placing the child for adoption has had an opportunity to review ~~[the report on the investigation of the home,]~~ ***a redacted home study investigation of the prospective adoptive parent or parents,*** if possible.

2. Upon receipt of written notice from any person other than the ~~[natural]~~ parent, the ~~[agency which provides child welfare services or]~~ child-placing agency shall communicate with the ~~[natural]~~ parent to confirm the ~~[natural]~~ parent's intention to place the child for adoption with the prospective adoptive parents identified in the written notice.

Sec. 209. NRS 127.2805 is hereby amended to read as follows:

127.2805 1. The ~~[agency which provides child welfare services or a]~~ child-placing agency shall, within 60 days after receipt of confirmation of the ~~[natural]~~ parents' intent to place the child for adoption and a completed application for adoption from the prospective adoptive ***parent or*** parents, complete ~~[an investigation of]~~ ***a home study that investigates*** the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents and may be a substitute for the investigation required to be conducted by the ***child-placing*** agency ~~[which provides child welfare services]~~ on behalf of the court when a petition for adoption is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection. ~~[If a child-placing agency undertakes the investigation, it shall provide progress reports to the agency which provides child welfare services in such a format and at such times as the agency which provides child welfare services requires to ensure that the investigation will be completed within the 60-day period. If, at any time, the agency which provides child welfare services determines that it is unlikely that the investigation will be completed in a timely manner, the agency which provides child welfare services shall take over the investigation and complete it within the 60-day period or as soon thereafter as practicable.]~~

2. If the placement is to be made in a home outside of this ~~[state,]~~ ***State,*** the ~~***[placing agency***~~ ~~which provides child welfare services or]~~ child-placing agency must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption **.** ~~[, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.]~~

Sec. 210. NRS 127.281 is hereby amended to read as follows:

127.281 1. A prospective adoptive parent who is subject to an investigation by the ~~[agency which provides child welfare services or a]~~ child-placing agency must submit as part of the investigation a complete set of ~~[his or her]~~ fingerprints and written permission authorizing the ~~[agency which provides child welfare services or]~~ child-placing agency to forward those

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The ~~[agency which provides child welfare services or]~~ child-placing agency may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the ~~[agency which provides child welfare services or]~~ child-placing agency that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent **.** ~~[, except that:~~

~~(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or~~

~~(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.]~~

Sec. 211. NRS 127.2815 is hereby amended to read as follows:

127.2815 1. Pending completion of the required investigation, the child must be:

(a) Retained by the ~~[natural]~~ parent; or

(b) Placed by the ~~[natural]~~ parent with the ~~[agency which provides child welfare services or]~~ child-placing agency and placed by the ~~[agency which provides child welfare services or]~~ child-placing agency in a foster home licensed pursuant to NRS 424.030,

➥ until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the ~~[agency which provides child welfare services or]~~ child-placing agency shall forthwith inform the ~~[natural]~~ parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

(a) Suitable, the ~~[natural]~~ parent may execute a ***specific*** consent to ~~[a specific]~~ adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

(b) Unsuitable or detrimental to the interest of the child, the ~~[agency which provides child welfare services or]~~ child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the ***specific*** consent ~~[,]~~ ***to adoption,*** but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement

of the child with the ~~[agency which provides child welfare services or a]~~ child-placing agency for adoption.

Sec. 212. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by ~~[an agency which provides child welfare services or]~~ a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of ~~[an]~~ ***a post-placement*** investigation ~~[conducted by an agency which provides child welfare services or a child-placing agency]~~ pursuant to NRS 127.120 or ***a home study investigation pursuant to*** 127.2805, the ~~[agency which provides child welfare services or]~~ child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the ~~[agency which provides child welfare services or]~~ child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the ~~[agency which provides child welfare services or]~~ child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. ~~[An agency which provides child welfare services or a]~~ ***A*** child-placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

(a) Are deaf, are blind or have another physical disability; or

(b) Are the holders of a valid registry identification card.

~~[4. As used in this section:~~

~~(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~(2) A designated primary caregiver as defined in NRS 678C.040.]~~

Sec. 213. NRS 127.2825 is hereby amended to read as follows:

127.2825 A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption ~~[or permanent free care]~~ together with ~~[his or her]~~ ***the*** siblings ~~[.]~~ ***of the child.***

Sec. 214. NRS 127.2827 is hereby amended to read as follows:

127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580**.**

~~[and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.]~~

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the ~~[decree]~~ ***order*** of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a ~~[licensed]~~ child-placing agency petitions the court to exclude the order of visitation with a sibling from the ~~[decree]~~ ***order*** of adoption or amend the order for visitation before including the order in the ~~[decree]~~ ***order*** of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on ~~[a different]~~ ***the same*** date ~~[than]~~ ***as*** the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the ***prospective*** adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the agency which provides child welfare services and a ~~[licensed]~~ child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the ~~[decree]~~ ***order*** of adoption, the court may require the agency which provides child welfare services or the child-placing agency to provide the clerk of the court with the contact information of the ***prospective*** adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the agency which provides child welfare services or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter ~~[a decree]~~ ***an order*** of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in ~~[a decree]~~ ***an order*** of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce ***, modify or terminate*** the order.

6. A party to an order for visitation may petition for enforcement of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the agency which provides child welfare services or a licensed child-placing agency to provide such contact information to the court under seal.

Sec. 215. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the ~~[natural]~~ parent of a child in return for the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or ***for the*** cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the ~~[natural]~~ parent's placement of the child for adoption ~~[or]~~ ***, for the execution of a specific*** consent to ***adoption or relinquishment*** or cooperation in the adoption of the child.

4. This section does not prohibit a ~~[natural]~~ parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

6. A person who violates:

(a) The provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) The provisions of subsection 2 is guilty of a gross misdemeanor.

Sec. 216. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. The termination of parental rights pursuant to this section does not terminate the right of the child to inherit from his or her parent or parents, except that the right to inherit terminates if the child is adopted as provided in ~~[NRS 127.160.]~~ ***section 38 of this act.***

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

➥ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Sec. 217. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except as otherwise provided in NRS 125E.270, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act,*** except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 218. NRS 19.034 is hereby amended to read as follows:

19.034 1. If the agency which provides child welfare services, or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to ~~[~~chapter 127 of NRS,~~]~~ ***the chapter consisting of sections 2 to 46, inclusive, of this act*** consents to the adoption of a child with special needs pursuant to NRS 127.186 ~~[,]~~ ***or section***

85 or 143 of this act, the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition to adopt such a child.

2. If a ~~[natural]~~ parent or adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** files a petition pursuant to subsection 1 or 2 of NRS 127.1885 ~~[,]~~ ***or subsection 1 or 2 of section 94 or subsection 1 or 2 of section 150 of this act,*** the clerk of the court shall reduce the total filing fee to not more than $1 for filing the petition.

Sec. 219. NRS 19.050 is hereby amended to read as follows:

19.050 Except as otherwise provided in subsection ~~[8]~~ ***5*** of NRS 127.186 ~~[,]~~ ***and subsection 8 of section 85 of this act or subsection 5 of section 143 of this act,*** when by law any publication is required to be made by a clerk of the court of any suit, process, notice, order or other paper, the cost of such publication shall, if demanded, be tendered by the party to whom such order, process, notice or other paper was granted before the clerk of the court shall be compelled to make publication thereof.

Sec. 220. NRS 41.509 is hereby amended to read as follows:

41.509 1. A ~~[natural]~~ parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 ***or section 91 or 147 of this act*** may bring a civil action against a person if:

(a) The person knowingly provided false information in response to a question asked by a court pursuant to NRS 127.188 ~~[,]~~ ***or section ~~[92]~~ 93 or 149 of this act;*** and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to NRS 127.188 ~~[,]~~ ***or section ~~[92]~~ 93 or 149 of this act.***

2. If a person is liable to a ~~[natural]~~ parent of an adopted child pursuant to subsection 1, the ~~[natural]~~ parent may recover ~~[his or her]~~ actual damages, costs, reasonable attorney's fees and any punitive damages that the facts may warrant.

3. The liability imposed by this section is in addition to any other liability imposed by law.

Sec. 221. NRS 134.190 is hereby amended to read as follows:

134.190 An adopted child and ~~[his or her]~~ ***the*** adoptive parents or their relatives shall inherit as provided in ~~[NRS 127.160.]~~ ***section 38 of this act.***

Sec. 222. NRS 200.465 is hereby amended to read as follows:

200.465 A person who:

1. Assumes or attempts to assume rights of ownership over another person;

2. Sells or attempts to sell a person to another;

3. Receives money or anything of value in consideration of placing a person in the custody or under the control of another;

4. Buys or attempts to buy a person;

5. Except as otherwise provided in chapter 127 of NRS, ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of***

sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act, pays money or delivers anything of value to another in consideration of having a person placed in his or her custody or under his or her power or control; or

6. Knowingly aids or assists in any manner a person who violates any provision of this section,

➥ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $50,000.

Sec. 223. NRS 200.4685 is hereby amended to read as follows:

200.4685 1. Except as otherwise provided in this section, a person shall not:

(a) Recruit, transport, transfer, harbor, provide, obtain, maintain or solicit a child in furtherance of a transaction, or advertise or facilitate a transaction, pursuant to which a parent of the child or a person with custody of the child places the child in the physical custody of another person who is not a relative of the child, for the purpose of permanently avoiding or divesting himself or herself of responsibility for the child.

(b) Sell, transfer or arrange for the sale or transfer of a child to another person for money or anything of value or receive a child in exchange for money or anything of value.

2. The provisions of subsection 1 do not apply to:

(a) A placement of a child with a relative, stepparent, child-placing agency or an agency which provides child welfare services;

(b) A placement of a child by a child-placing agency or an agency which provides child welfare services;

(c) A temporary placement of a child with another person by a parent of the child or a person with legal or physical custody of the child, with an intent to return for the child, including, without limitation, a temporary placement of a child while the parent of the child or the person with legal or physical custody of the child is on vacation, incarcerated, serving in the military, receiving medical treatment or incapacitated;

(d) A placement of a child in accordance with NRS 127.330, 159A.205 or 159A.215;

(e) A placement of a child that is approved by a court of competent jurisdiction; or

(f) Delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

3. A person who violates the provisions of subsection 1 is guilty of trafficking in children and shall be punished for a category C felony as provided in NRS 193.130.

4. As used in this section:

(a) "Advertise" has the meaning ascribed to it in ~~[NRS 127.310.]~~ ***section 46 of this act.***

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(c) "Child" means a person who is less than 18 years of age.

(d) "Child-placing agency" has the meaning ascribed to it in ~~[NRS 127.220.]~~ ***section 13 of this act.***

Sec. 224. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to ~~[127.310,]~~ ***127.287,*** inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, ***and sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 225. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, ~~[127.007, 127.057,]~~ 127.130, ~~[127.140,]~~ 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,

338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,

679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 33, 37, 77, 102 and 109 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 226. NRS 424.047 is hereby amended to read as follows:

424.047 1. A licensing authority shall, upon request, provide to a provider of foster care access to all information, except references, in the records maintained by the licensing authority concerning that provider.

2. After reasonable notice and by appointment, a provider of foster care may inspect the information kept in those records.

3. A licensing authority may, upon request of the provider of foster care, release to an agency which provides child welfare services or a child-placing agency, as defined in ~~[~~NRS 127.220,~~]~~ ***section 13 of this act,*** all information, except references, in the records maintained by the licensing authority concerning that provider, including, without limitation, a study conducted to determine whether to grant a license to the provider or a study of the home of the provider.

Sec. 227. NRS 424.070 is hereby amended to read as follows:

424.070 No person other than the parents or guardian of a child and no agency or institution in this State or from outside this State may place any child in the control or care of any person without sending notice of the pending placement and receiving approval of the placement from the Division or its designee. No such person, parent, guardian, agency or institution may place a child for adoption except as otherwise provided in chapter 127 of NRS ~~[.]~~ ***and the chapter consisting of sections 2 to 46, inclusive, of this act, the chapter consisting of sections 48 to 105, inclusive, of this act, the chapter consisting of sections 107 to 114, inclusive, of this act and the chapter consisting of sections 116 to 153, inclusive, of this act.***

Sec. 228. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63, 424 and 433B of NRS, NRS 127.220 to ~~[~~127.310,~~]~~ ***127.287,*** inclusive, and 432.010 to 432.085, inclusive, ***and sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 229. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the

child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for:

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of ~~[~~NRS 125E.010 to 125E.370, inclusive,~~]~~ ***chapter 127E of NRS*** and NRS 127.041, ~~[~~127.115,~~]~~ 127.151 ***,*** ~~[~~and~~]~~ 127.1861 ~~[~~to 127.1869, inclusive.~~]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80, 86 to 90, inclusive, 127, 140, 144, 145 and 146 of this act.***

Sec. 230. NRS 432B.393 is hereby amended to read as follows:

432B.393 1. Except as otherwise provided in this section, an agency which provides child welfare services shall make reasonable efforts to preserve and reunify the family of a child:

(a) Before the placement of the child in foster care, to prevent or eliminate the need to remove the child from the home; and

(b) To make it possible for the safe return of the child to the home.

2. In determining the reasonable efforts required by subsection 1, the health and safety of the child must be the paramount concern. The agency

which provides child welfare services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required pursuant to subsection 1. If the court determines that continuation of the reasonable efforts required by subsection 1 is inconsistent with the plan for the permanent placement of the child, the agency which provides child welfare services shall make reasonable efforts to place the child in a timely manner in accordance with that plan and to complete whatever actions are necessary to finalize the permanent placement of the child.

3. An agency which provides child welfare services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

(a) A parent or other person responsible for the child's welfare has:

(1) Committed, aided or abetted in the commission of, or attempted, conspired or solicited to commit murder or voluntary manslaughter;

(2) Caused the abuse or neglect of the child, or of another child of the parent or other person responsible for the child's welfare, which resulted in substantial bodily harm to the abused or neglected child;

(3) Caused the abuse or neglect of the child, a sibling of the child or another child in the household, and the abuse or neglect was so extreme or repetitious as to indicate that any plan to return the child to the home would result in an unacceptable risk to the health or welfare of the child; or

(4) Abandoned the child for 60 or more days, and the identity of the parent of the child is unknown and cannot be ascertained through reasonable efforts;

(b) A parent of the child has, for the previous 6 months, had the ability to contact or communicate with the child and made no more than token efforts to do so;

(c) The parental rights of a parent to a sibling of the child have been terminated by a court order upon any basis other than the execution of a voluntary relinquishment of those rights by a natural parent, and the court order is not currently being appealed;

(d) The child or a sibling of the child was previously removed from the home, adjudicated to have been abused or neglected, returned to the home and subsequently removed from the home as a result of additional abuse or neglect;

(e) The child is less than 1 year of age, the father of the child is not married to the mother of the child and the father of the child:

(1) Has failed within 60 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child; or

(2) Is entitled to seek custody of the child but fails to do so within 60 days after learning that the child was placed in foster care;

(f) The child was delivered to a provider of emergency services pursuant to NRS 432B.630;

(g) The child, a sibling of the child or another child in the household has been sexually abused or has been subjected to neglect by pervasive instances of failure to protect the child from sexual abuse; or

(h) A parent of the child is required to register as a sex offender pursuant to the provisions of chapter 179D of NRS or the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006, 34 U.S.C. §§ 20901 et seq.

4. Except as otherwise provided in subsection 6, for the purposes of this section, unless the context otherwise requires, "reasonable efforts" have been made if an agency which provides child welfare services to children with legal custody of a child has exercised diligence and care in arranging appropriate, accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family, with the health and safety of the child as its paramount concerns. The exercise of such diligence and care includes, without limitation, obtaining necessary and appropriate information concerning the child for the purposes of NRS 127.152, 127.410 and 424.038 ***, and section 81 of this act,*** and, if necessary, creating an in-home safety plan for the protection of the child.

5. In determining whether reasonable efforts have been made pursuant to subsection 4, the court shall:

(a) Evaluate the evidence and make findings based on whether a reasonable person would conclude that reasonable efforts were made;

(b) Consider any input from the child;

(c) Consider the efforts made and the evidence presented since the previous finding of the court concerning reasonable efforts;

(d) Consider the diligence and care that the agency is legally authorized and able to exercise, including, without limitation, the efforts to create an in-home safety plan;

(e) Recognize and take into consideration the legal obligations of the agency to comply with any applicable laws and regulations;

(f) Base its determination on the circumstances and facts concerning the particular family or plan for the permanent placement of the child at issue;

(g) Consider whether any of the efforts made were contrary to the health and safety of the child;

(h) Consider the efforts made, if any, to prevent the need to remove the child from the home and to finalize the plan for the permanent placement of the child;

(i) Consider whether the provisions of subsection 6 are applicable; and

(j) Consider any other matters the court deems relevant.

6. An agency which provides child welfare services may satisfy the requirement of making reasonable efforts pursuant to this section by taking no action concerning a child or making no effort to provide services to a child if it is reasonable, under the circumstances, to do so.

7. In determining whether reasonable efforts are not required pursuant to subsection 3 or whether reasonable efforts have been made pursuant to subsection 4, the court shall ensure that each determination is:

(a) Made by the court on a case-by-case basis;

(b) Based upon specific evidence; and

(c) Expressly stated by the court in its order.

8. As used in this section, "in-home safety plan" means a plan created by an agency which provides child welfare services to ensure the protection of a child in ~~[his or her]~~ ***the*** home, including, without limitation, determining any vulnerabilities of the child, managing any potential threats to the safety of the child and determining the capacity of the person responsible for the welfare of the child to care for the child.

Sec. 231. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries in accordance with subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act, chapter 125E of NRS and NRS 127.041, ~~[127.115,]~~ 127.151 ***,*** ~~[and]~~ 127.1861 ~~[to 127.1869, inclusive.]~~ ***, 127.1863 and 127.1865, and sections 64, 74, 80, 86 to 90, inclusive, 127, 140, 144, 145 and 146 of this act.***

Sec. 232. NRS 432B.580 is hereby amended to read as follows:

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation.

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be presented at the first hearing to occur after the siblings are separated and approved by the court. The plan for visitation must be updated as necessary to reflect any change in the placement of the child or a sibling, including, without limitation, any such change that occurs after the termination of parental rights to the child or a sibling or the adoption of a sibling.

(c) Information concerning the child's education, including:

(1) A copy of any academic plan or individual graduation plan developed for the child pursuant to NRS 388.155, 388.165, 388.205 or 388.227;

(2) The grade and school in which the child is enrolled;

(3) The name of each school the child attended before enrolling in the school in which he or she is currently enrolled and the corresponding dates of attendance;

(4) Whether the child has not completed or passed any course of instruction that the child should have completed or passed by the time the report is submitted, which has resulted in the child having a deficiency in credits;

(5) A copy of any individualized education program developed for the child;

(6) A copy of any plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;

(7) A summary of any special education services received by the child;

(8) A copy of the most recent report card of the child;

(9) A statement of the number of credits earned by the child during the most recent semester, if applicable;

(10) A statement of the number of times the child has been absent from school during the current or most recent school year for which the child was enrolled in school;

(11) The scores the child received on any academic assessments or standardized examinations administered to the child;

(12) Any information provided by the educational decision maker appointed for the child pursuant to NRS 432B.462; and

(13) Whether a request that the child receive special education services has been made and, if so, the outcome of such a request.

(d) A copy of any explanations regarding medication that has been prescribed for the child that have been submitted by a foster home pursuant to NRS 424.0383.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has

been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. Upon the issuance of such an order, the court shall provide each sibling of the child with the case number of the proceeding for the purpose of allowing the sibling to petition the court for visitation or enforcement of the order for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in subsection 7 and subsection 5 of NRS 432B.520, notice of the hearing must be filed with the court and must be given by first-class mail or any other means agreed upon in writing between the agency which provides child welfare services and the recipient of the notice to:

(a) All the parties to any of the prior proceedings;

(b) Any persons planning to adopt the child;

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to this section or ~~[~~NRS 127.171~~]~~ ***section 84 of this act*** and his or her attorney, if any;

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child; and

(e) The educational decision maker appointed for the child pursuant to NRS 432B.462.

7. The notice of the hearing required to be filed and given pursuant to subsection 6:

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of ~~[~~NRS 127.171;~~]~~ ***section 84 of this act.***

(b) Must not include any confidential information described in ~~[~~NRS 127.140;~~]~~ ***section 37 of this act.***

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040 ~~[~~,~~]~~ ***and sections 63 and 126 of this act;*** and

(d) Need not be given to a parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630.

8. The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 a right to be heard at the hearing.

9. The court or panel shall, after considering the report provided in subsection 2 and any other relevant evidence, determine based on a preponderance of the evidence:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child;

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship; and

(e) Whether the child is making adequate academic progress and receiving the educational services or supports necessary to ensure the academic success of the child.

10. If the child is placed in a qualified residential treatment program, the determination pursuant to paragraph (a) of subsection 9 must include, without limitation, a finding on each factor prescribed by subsection 4 of NRS 432B.575.

11. The provision of notice and a right to be heard pursuant to this section does not cause any person planning to adopt the child, any sibling of the child or any other relative, any adoptive parent of a sibling of the child or a provider of foster care to become a party to the hearing.

12. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 233. NRS 440.310 is hereby amended to read as follows:

440.310 1. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or section 82, 114 or 141 of this act*** or the laws of another state or foreign country, or a certified copy of the adoption decree, concerning a person born in Nevada, the State Registrar shall prepare and file a supplementary certificate of birth in the new name of the adopted person which shows the adoptive parents as the parents and seal and file the report or decree and the original certificate of birth.

2. Whenever the State Registrar receives a certified report of adoption, amendment or annulment of an order or decree of adoption from a court concerning a person born in another state, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or Canada, the report must be forwarded to the office responsible for vital statistics in the person's place of birth.

3. Whenever the State Registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of NRS 127.157 ***or section 82, 114 or 141 of this act*** concerning a person born in a foreign country other than Canada, the State Registrar shall, if the State Registrar receives evidence that:

(a) The person being adopted is a citizen of the United States; and

(b) The adoptive parents are residents of Nevada,

➥ prepare and file a supplementary certificate of birth as described in subsection 1 and seal and file the report.

4. Sealed documents may be opened only upon an order of the court issuing the adoption decree, expressly so permitting, pursuant to a petition setting forth the reasons therefor.

5. Except as otherwise provided in subsection 2, upon the receipt of a certified copy of a court order of annulment of adoption, the State Registrar shall seal and file the order and supplementary certificate of birth and, if the person was born in Nevada, restore the original certificate to its original place in the files.

Sec. 234. NRS 442.400 is hereby amended to read as follows:

442.400 The agency which provides child welfare services or a licensed child-placing agency shall inquire, during its initial contact with a natural parent of a child who is to be placed for adoption, about consumption of alcohol by or any substance use disorder of the person who gave birth to the child during pregnancy. The information obtained from the inquiry must be:

1. Included in the report provided to the adopting parents of the child pursuant to NRS 127.152 ~~[,]~~ ***and section 81 of this act;*** and

2. Reported to the Division on a form prescribed by the Division. The report must not contain any identifying information and may be used only for statistical purposes.

Sec. 235. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.029 to 449.2428, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the person who gave birth to the child if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. Except as otherwise provided in NRS 239.0115, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to ~~[~~127.310,~~]~~ ***127.287,*** inclusive, ***or sections 40 to 46, inclusive, 97 to 105, inclusive, and 153 of this act,*** governing placements for adoption ***.*** ~~[and permanent free care.]~~

6. A violation of any provision of this section is a misdemeanor.

Sec. 236. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall cause:

(a) The provisions of NRS 127.230 to 127.350, inclusive, to be transferred to a new chapter established in Title 11 of NRS; and

(b) The provisions of NRS 127.400, 127.410 and 127.420 to be transferred to a new chapter established in Title 11 of NRS.

2. To avoid any excessive cost, references to the previously assigned numbers of NRS 127.230 to 127.350, inclusive, and 127.400, 127.410 and 127.420 in any legal document, publication, signage or in any other place must not be replaced to revise those references unless and until they would otherwise be replaced for some other reason.

Sec. 237. The amendatory provisions of this act apply to offenses committed on or after October 1, 2025.

Sec. 238. The amendatory provisions of this act apply to petitions for adoption filed on or after October 1, 2025.

Sec. 239. NRS 127.003, 127.007, 127.008, 127.009, 127.010, 127.057, 127.060, 127.080, 127.100, 127.115, 127.140, 127.160, 127.171, 127.180, 127.1867, 127.1869, 127.240, 127.250, 127.270 127.275, 127.282, 127.283, 127.285, 127.288, 127.290, 127.300 and 127.310 are hereby repealed.

Sec. 240. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 239, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

LEADLINES OF REPEALED SECTIONS

127.003 Definitions.

127.007 State Register for Adoptions: Establishment; contents; release of information.

127.008 State Register of Children with Special Needs.

127.009 Booklet on adoption: Preparation; contents; annual revision; distribution; acceptance of gifts and grants to assist production and distribution.

127.010 Jurisdiction of district courts.

127.057 Consent to adoption: Copy to be furnished to agency which provides child welfare services within 48 hours; recommendations; confidentiality of information; unlawful acts.

127.060 Adoption of two or more children.

127.080 Consent to specific adoption or relinquishment for adoption cannot be revoked or nullified; exceptions.

127.100 Entitlement of petitions, reports and orders.

127.115 Additional contents of petition relating to whether there is reason to know child is Indian child.

127.140 Confidentiality of hearings, files and records.

127.160 Rights and duties of adopted child and adoptive parents.

127.171 Right to visitation of child by sibling and other relatives; limitations.

127.180 Appeals from orders, judgments or decrees.

127.1867 ICWA compliance reports; adoption of regulations by Division; assistance and trainings by Court Administrator.

127.1869 Tribal customary adoptions; adoption of regulations by Division.

127.240 License: Requirement; exceptions.

127.250 License: Application; issuance; renewal.

127.270 License: Refusal to issue or renew; notice and hearing; appeals.

127.275 Fees for services provided by agency which provides child welfare services.

127.282 Petition for order to restrain and enjoin violation or threatened violation of chapter; investigation of unreported adoption or permanent free care of unrelated child.

127.283 Publication or broadcast of information concerning child.

127.285 Limitation on participation of attorneys in adoption proceedings; reporting of violation to bar association; criminal penalty.

127.288 Penalty for unlawful payment to or acceptance by natural parent of compensation.

127.290 Acceptance of fees or compensation for placing or arranging placement of child.

127.300 Penalty for receipt of compensation by unlicensed person for placing or arranging placement of child.

127.310 Unlawful placement or advertising; penalty.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 671 to Assembly Bill No. 227.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 283.

The following Senate amendment was read:

Amendment No. 609.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 20 of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6** of this bill reenact, reorganize and revise these procedures. **Section 2** establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6** establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6** are similar to the procedures repealed by **section 20** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2 and 6** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint and a copy of the summons. **Sections 2 and 6** additionally require the landlord to file with the court proof of service of the affidavit, summons and notice within

a prescribed period. **Sections 2 and 6** require the tenant to file an answer to the affidavit of complaint within 7 judicial days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period under certain circumstances. **Sections 7-18** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 9** removes requirements relating to the COVID-19 emergency. **Section 9** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to **section 2 or 6** under certain circumstances. **Section 19** of this bill makes the amendatory provisions of **sections 2-18** applicable to an action for summary eviction which accrues on or after October 1, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.***

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) Except as otherwise provided in subsection 12, requires the tenant to pay the past due rent or surrender the premises before the close of business on the ~~[seventh]~~ later of the:

(1) Seventh judicial day following the date of service; or

(2) Day following the expiration of any notice period required by federal law or regulation; and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the notice served pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The amount of periodic rent reserved;

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant;

(4) The date the rental payments became delinquent;

(5) The length of time the tenant has remained in possession without paying rent;

(6) The amount of rent claimed due and delinquent;

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280;

(8) A copy of the written notice served on the tenant pursuant to subsection 2; and

(9) A copy of the signed written rental agreement, if any.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) ~~[Fifteen]~~ Twenty-one calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without a copy of the signed rental agreement, and a copy of the summons which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 judicial days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order for the removal of the tenant or providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit and summons required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 judicial days after the date of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section and the tenant is guilty of an unlawful detainer, issue a summary order which:

(a) Provides for the removal of the tenant or for the nonadmittance of the tenant; and

(b) Directs the sheriff or constable of the county to perform the actions required by section 3 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, the court shall take no further action and any further proceedings must be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section, including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due rent

or surrender the premises before the close of business on the next day the business office of the landlord is open.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 3. *Upon receipt of a summary order for the removal of the tenant or providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:*

1. Post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable.

2. As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.

Sec. 4. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff,

constable or other process server licensed pursuant to chapter 648 of NRS. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

Sec. 5. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the tenant to retrieve his or her essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

Sec. 6. *1. Except as otherwise provided in subsection 15, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of the written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the

township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that the written notice was served on the tenant in accordance with NRS 40.280; and

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) ~~[Fifteen]~~ Twenty-one calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without a copy of the signed rental agreement, and a copy of the summons which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 judicial days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order for the removal of the tenant or providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to

subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit and summons required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 judicial days after the date of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section and the tenant is guilty of an unlawful detainer, issue a summary order which:

(a) Provides for the removal of the tenant or for the nonadmittance of the tenant; and

(b) Directs the sheriff or constable of the county to perform the actions required by section 3 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) There is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for the removal of the tenant or providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, the court shall take no further action and any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section, including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit.

14. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

15. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a tenant of a recreational vehicle lot in an area of a mobile home park in this State, other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215; or

(c) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

16. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 7. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[40.254,]~~ ***40.252,*** inclusive, ***and sections 2 to 6, inclusive, of this act,*** and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit,

recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[.]~~ ***, or section 6 of this act.***

Sec. 8. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ ***sections 2 to 6, inclusive, of this act:***

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 9. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. ~~[If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, the court shall automatically seal the eviction case court file.~~

~~2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in]~~ ***In*** any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ ***or section 2 or 6 of this act,*** the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; or

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 ***.*** ~~[, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit.~~

~~3.]~~ ***2.*** In addition to the provisions for the automatic sealing of an eviction case court file pursuant to ~~[subsections]~~ ***subsection*** 1 ***,*** ~~[and 2,]~~ the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[:]~~ ***or section 2 or 6 of this act:***

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~[4.]~~ ***3.*** If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~[5.]~~ ***4.*** Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

~~[6.]~~ ***5.*** As used in this section ~~[:~~

~~(a) "COVID-19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction]~~ ***, "eviction*** case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 10. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ ***sections 2 and 6 of this act.***

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 11. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS ~~[40.253 and]~~ 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, ***and sections 2 to 6, inclusive, of this act*** must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the

property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6, inclusive, of this act*** must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to ~~[NRS 40.253 or 40.254;]~~ ***section 2 or 6 of this act;***

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6, inclusive, of this act*** that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) ~~[Except as otherwise provided in paragraph (b):~~

~~(1)]~~ If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

~~[(I)]~~ ***(1)*** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[;]~~ ***, and sections 2 to 6, inclusive, of this act;***

~~[(II)]~~ ***(2)*** Reviewed the date and manner of service by the agent; and

~~[(III)]~~ ***(3)*** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[(2)]~~ ***(b)*** If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(3)]~~ ***(c)*** If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and

accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~[(b) For a short-term tenancy, if service of the notice was not delivered in person:~~

~~(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~(2) The endorsement of a sheriff or constable stating the:~~

~~(I) Time and date the request for service was made by the landlord or the landlord's agent;~~

~~(II) Time, date and manner of the service; and~~

~~(III) Fees paid for the service.]~~

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, ***and sections 2 to 6, inclusive, of this act*** that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[;]~~ ***, and sections 2 to 6, inclusive, of this act;*** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 12. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ***or section 2 or 6 of this act*** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[.]~~ ***or section 2 or 6 of this act.***

Sec. 13. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[1]~~ ***2*** of ~~[NRS 40.253]~~ ***section 2 of this act*** or subsection 1 of NRS 40.2542, as applicable.

Sec. 14. NRS 118A.349 is hereby amended to read as follows:

118A.349 1. If the property in which the premises are located has been voluntarily transferred or sold, absent an agreement between the new owner and the tenant to modify or terminate an existing rental agreement:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to this chapter under the rental agreement which

the previous owner or landlord entered into with the tenant or subtenant regarding the premises;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to this chapter under the rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the premises; and

(c) Upon termination of the previous owner's interest in the premises by a voluntary transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any security deposit which is owed under NRS 118A.242 at the time of transfer.

2. The new owner pursuant to subsection 1 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the rental agreement the tenant or subtenant entered into with the previous owner or landlord of the premises continues in effect through the period of the tenancy and stating the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the rental agreement or applicable law constitutes a breach of the rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to ~~[NRS 40.253 and 40.254.]~~ ***sections 2 and 6 of this act.***

Sec. 15. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 4 of this act.***

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ ***section 5 of this act.***

Sec. 16. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to ~~[NRS 40.254]~~ ***section 6 of this act*** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to ~~[NRS 40.254,]~~ ***section 6 of this act,***

➥ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 17. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or

a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ ***section 6 of this act*** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 18. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 4 of this act.***

Sec. 19. The amendatory provisions of sections 2 to 18, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2025.

Sec. 20. NRS 40.253 and 40.254 are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an

unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in NRS 118A.240.

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 609 to Assembly Bill No. 283.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 369.

The following Senate amendment was read:

Amendment No. 607.

AN ACT relating to domestic violence; revising provisions governing certain orders for protection against domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State. In enforcing such an order, a law enforcement officer is required to make an arrest for a violation of the order in the same manner that an officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. In enforcing such an order, a law enforcement officer is authorized to rely on certain evidence. (NRS 33.085) This bill expands the type of evidence upon which a law enforcement officer may rely to include: (1) a hard copy or digital

image of an order for protection against domestic violence that has been provided to the officer; and (2) any statement by the person against whom the order is being enforced. This bill also creates a process for **a** law enforcement ~~[,]~~ **officer of this State,** when an otherwise valid order for protection against domestic violence **is** issued by the court of another state, territory or Indian tribe within the United States **but the officer** cannot ~~[be enforced because]~~ **confirm that** the respondent has ~~[not]~~ been notified or served with the order, to provide notice, attempt service and give reasonable opportunity for compliance before enforcing the order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 33.085 is hereby amended to read as follows:

33.085 1. Except as otherwise provided in subsection 2, an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States, including, without limitation, any provisions in the order related to custody and support, is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State, regardless of whether the order has been registered in this State, if the court in this State determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the state, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,

➥ the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.

3. A law enforcement officer shall enforce an order for protection against domestic violence issued by the court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

➥ An officer may determine that any other order is authentic on its face.

4. In enforcing an order for protection against domestic violence issued by the court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A ***hard*** copy ***or digital image*** of an order for protection against domestic violence that has been provided to the officer;

(b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect ~~[.]~~ ***and any statement by the person against whom the order is being enforced.***

5. ***If a law enforcement officer of this State determines that an otherwise valid order for protection against domestic violence was issued by the court of another state, territory or Indian tribe within the United States but cannot ~~[be enforced because]~~ confirm that the respondent has ~~[not]~~ been notified or served with the order, the officer shall:***

(a) Inform the respondent of the order, including, without limitation, by providing verbal notice of the terms of the order, which shall be deemed sufficient notice;

(b) Make a reasonable effort to serve the order upon the respondent; and

(c) Allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

6. A law enforcement officer shall document any actions taken pursuant to subsection 5 and cooperate with the court in the jurisdiction in which the order was issued for proof of service.

7. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

~~[6.]~~ ***8.*** A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state,

territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 607 to Assembly Bill No. 369.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 451.

The following Senate amendment was read:

Amendment No. 608.

AN ACT relating to civil immunity; providing immunity from civil liability to licensed firearm dealers and local law enforcement agencies under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides immunity from civil liability to certain persons for acts or omissions under certain circumstances. (Chapter 41 of NRS) This bill extends immunity from civil liability under certain circumstances to a licensed firearm dealer or local law enforcement agency who returns a firearm to the owner of the firearm pursuant to a firearm hold agreement, wherein the licensed firearm dealer or local law enforcement agency: (1) takes ~~[~~~~physical~~~~]~~ possession of the owner's ~~[~~~~lawfully possessed~~~~]~~ firearm at the request of the owner; **and** (2) ~~[~~~~holds the firearm for an agreed upon period of not less than 21 days; and (3)~~~~]~~ returns the firearm to the owner according to the terms of the agreement.

WHEREAS, Suicide is a public health crisis affecting countless Nevada families and communities daily; and

WHEREAS, According to the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services, this State had the highest state rate of suicide from 1999-2015 for people 65 years of age or older; and

WHEREAS, Suicide prevention for seniors, veterans, military members, their families and all Nevada residents requires expanded secure, out-of-home storage of firearms to reduce access to lethal means; and

WHEREAS, Encouraging temporary and voluntary out-of-home storage of firearms is a critical step in reducing suicide risk and saving lives as has been demonstrated by similar acts and programs in other states; and

WHEREAS, It is the intent of this act and the Legislature to facilitate efforts to reduce the risk of suicide by establishing limited civil liability protections for licensed firearm dealers and local law enforcement agencies who enter into agreements with owners of firearms who are voluntarily seeking to securely store their firearms; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a licensed firearm dealer or local law enforcement agency is immune from civil liability for any act or omission arising from a firearm hold agreement, including, without limitation, any personal injury or death which results after the return of any firearm to the owner of the firearm at the termination of a firearm hold agreement.

2. A licensed firearm dealer or local law enforcement agency is not immune from civil liability pursuant to subsection 1 if:

(a) An action arising from a firearm hold agreement was the result of gross negligence or reckless or unlawful conduct on the part of the licensed firearm dealer or local law enforcement agency; or

(b) The licensed firearm dealer or local law enforcement agency knew at the time the person sought to retrieve a firearm pursuant to a firearm hold agreement that the person was:

(1) Demonstrating behavior that the person would engage in the unlawful use of the firearm;

(2) Demonstrating behavior that the person would cause harm to himself or herself or another person; or

(3) Prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360.

3. As used in this section:

(a) "Firearm hold agreement" means a written or oral agreement between an owner of a firearm and a licensed firearm dealer or local law enforcement agency in which a licensed firearm dealer or local law enforcement agency:

(1) Takes ~~[physical]~~ possession of the owner's ~~[lawfully possessed]~~ firearm at the request of the owner; and

(2) ~~[Holds the firearm for an agreed upon period of not less than 21 days; and~~

~~(3)]~~ Returns the firearm to the owner according to the terms of the agreement.

(b) "Licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 608 to Assembly Bill No. 451.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 488.

The following Senate amendment was read:

Amendment No. 739.

AN ACT relating to criminal procedure; revising provisions relating to vacating a judgment of conviction and sealing certain records of certain victims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain victims convicted of certain offenses to petition the court to vacate a judgment of conviction against the victim and seal all documents relating to the case. Under existing law, such offenses include: (1) any crime under the laws of this State, other than a crime of violence; or (2) a violation of a county, city or town ordinance for loitering for the purposes of solicitation or prostitution. (NRS 179.247) **Section 1** of this bill: (1) expands the list of offenses under which a victim of human trafficking may petition the court to vacate a judgment of conviction and seal all documents relating to the case to include any crime under the laws of this State and any violation of a county, city or town ordinance; and (2) revises the applicable criminal procedure. **Section 3** of this bill provides that the changes in **section 1** apply: (1) retroactively to any conviction obtained before the effective date of this bill; (2) to any conviction obtained on or after the effective date of this bill; and (3) to a petition filed on or after the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person ***who is a victim of human trafficking*** has been convicted of ~~[any offense listed in subsection 2,]~~ ***a crime under the laws of this State or a violation of a county, city or town ordinance,*** the person may petition the court in which he or she was convicted or, if the person wishes to

file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order ~~[~~:

~~(a) Vacating]~~ ***vacating*** the judgment ~~[;]~~ and

~~[(b) Sealing]~~ ***sealing*** all documents, papers and exhibits in the person's record, minute book entries ***, non-conviction victim-related entries*** and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order ~~[.]~~ ***, including, without limitation, a work card issued by a local law enforcement agency, license or similar document. The petitioner may include official documentation in support of the petition.***

2. A person ~~[may file]~~ ***who files*** a petition pursuant to subsection 1 ~~[if the person was convicted of:~~

~~(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;~~

~~(b) A crime under the laws of this State, other than a crime of violence; or~~

~~(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.]~~ ***must not be required to pay a filing fee to file the petition.***

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245 ~~[.]~~ ***and include a statement from the petitioner certifying that the petitioner is a victim of human trafficking.***

4. ~~[The court may grant a petition filed pursuant to subsection 1 if:~~

~~(a) The petitioner was convicted of a violation of an offense described in subsection 2;~~

~~(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:~~

~~(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or~~

~~(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and~~

~~(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.~~

~~5. Before the court decides whether to grant]~~ ***Upon receipt of*** a petition filed pursuant to subsection 1, the court shall ~~[~~:

~~(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow]~~ ***notify*** the prosecuting ~~[attorney who]~~ ***agency that*** prosecuted the petitioner for the crime ***.*** ~~[and any person to testify and present evidence on behalf of any such entity; and~~

~~(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.~~

~~6.~~ ***5. [If]*** ***Upon*** ***the*** ***[petitioner includes official documentation in support of the relief requested]*** ***filing of a petition*** ***pursuant to subsection 1, [the court shall apply the]*** ***there is a rebuttable*** ***presumption*** ***[set forth in NRS 179.2445, vacate]*** ***that*** ***the judgment*** ***should be vacated*** ***and*** ***[seal]*** ***that*** ***all documents, papers and exhibits related to the case*** ***[,]*** ***should be sealed. Nothing in this subsection shall be construed to prevent the prosecuting agency from objecting to the vacatur or sealing, and the court may consider any relevant factors before issuing a decision on the vacatur of judgment or sealing of records.***

6. If the prosecuting agency ~~[that prosecuted the petitioner for the crime]~~ stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case.

7. If the ***petitioner*** ***[does not include]*** ***includes*** ***official documentation pursuant to subsection 1, and the*** prosecuting agency does not ~~[stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case~~ ***records pursuant to subsection 6*** ~~or does not]~~ file a written objection within 30 days after receiving notification pursuant to subsection ~~[5]~~ ***4*** and the court makes the findings set forth in subsection ~~[4,]~~ ***8,*** the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection ~~[7~~ ***8]*** ***9*** without a hearing.

8. ~~***[If the presumption set forth in subsection 5 or 6 does not apply, the court shall, upon receipt of a petition filed pursuant to subsection 1, determine whether the petition sets forth a prima facie case for granting the relief requested.]***~~ If the court ~~[does not order the sealing of the records or the prosecuting agency files a written objection,]~~ ***determines that the petitioner has demonstrated with prima facie evidence that grounds exist for granting the relief requested, unless the court vacates the judgment and seals all documents, papers and exhibits without a hearing pursuant to subsection 7,*** a hearing on the petition must be conducted. At the hearing ~~[, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.~~

~~7.~~ ***, the petitioner has the burden of proving by a preponderance of the evidence that:***

(a) At the time the offense for which the relief is requested was committed, the petitioner was a victim of human trafficking; and

(b) The participation of the petitioner in the offense was the direct or indirect result of the petitioner having been a victim of human trafficking.

9. If the court ~~[grants a petition filed pursuant to subsection 1,]~~ ***determines based on its review of the petition or the evidence presented at [the] a hearing that the petitioner has met the burden prescribed by subsection 8,*** the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries ***, non-conviction victim-related entries*** and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order ~~[.~~

~~8.]~~ ***, including, without limitation, a work card issued by a local law enforcement agency, license or similar document.***

10. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 ~~***[prescribed by subsection 3]***~~ or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

~~[9.]~~ ***11.*** If the court enters an order pursuant to subsection ~~[8,]~~ ***10,*** the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection ~~[7,]~~ ***9,*** regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

12. A person or governmental entity shall not discipline, penalize or otherwise retaliate against the petitioner for filing a petition pursuant to subsection 1.

13. As used in this section:

(a) "Governmental entity" means:

(1) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision.

(2) The United States and any of its incorporated or unincorporated agencies and instrumentalities.

(b) "Local law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(c) "Official documentation" includes:

(1) A certified record from a governmental entity documenting the petitioner's status as a victim of human trafficking at the time the offense for which the relief is requested was committed ~~***;]***~~

(2) A written affidavit signed by a qualified third party acting in his or her official capacity or a sworn testimony by a qualified third party stating that the petitioner:

(I) Sought assistance from the qualified third party relating to the victimization experienced by the petitioner from human trafficking; or

(II) Was a victim of human trafficking at the time the offense for which the relief is requested was committed; or

(3) Any evidence, reports, statements or other material which the court determines is legally sufficient to establish that the petitioner is a victim of human trafficking.

~~[(c)]~~ *(d) "Qualified third party" means:*

(1) A physician, physician assistant, psychologist, social worker, marriage and family therapist or clinical professional counselor licensed pursuant to the provisions of title 54 of NRS;

(2) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(3) Any person who is employed by an agency or service which advises persons regarding human trafficking or refers such persons to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS ; ~~[, or is a member of the board of directors or serves as the executive director of an agency or service which provides services to victims of human trafficking;]~~ or

(4) Any member of the clergy of a church, religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination.

~~[(d)]~~ *(e) "Victim of human trafficking" means a:*

(1) Person against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300, 201.320 or 201.395 or 18 U.S.C. §§ 1589, 1590, 1591, 1952, 1957, 2241, 2242, 2244, 2251, 2251A, 2421, 2422, 2423 or 2425 is alleged to have been committed, regardless of whether any person is charged with or convicted of the violation; or

(2) Victim of trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.

Sec. 2. (Deleted by amendment.)

Sec. 3. The amendatory provisions of this act apply to:

1. Any conviction obtained before, on or after the effective date of this act; and

2. A petition for an order to vacate a judgment and seal records pursuant to NRS 179.247, as amended by section 1 of this act, that is filed on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 739 to Assembly Bill No. 488.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Joint Resolution No. 8.

The following Senate amendment was read:

Amendment No. 643.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3B, be added to Article 6 of

the Nevada Constitution to read as follows:

Sec. 3B. 1. The Legislature ~~[shall,]~~ may, to the extent money is available, provide by law for the establishment of a business court consisting of three judges or such greater number as the Legislature may provide by law pursuant to subsection 9.

2. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the business court shall have exclusive original jurisdiction to hear disputes involving shareholder rights, mergers and acquisitions, fiduciary duties, receiverships involving business entities and other commercial or contractual disputes between business entities and any other business disputes of a similar nature in which equitable or declaratory relief is sought. Upon receipt of a petition, the chief judge of the business court may, in his or her reasonable discretion, order the transfer of a dispute presented to the business court to the appropriate district court if the chief judge finds that the dispute would be more appropriately adjudicated in the district court.

3. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the Legislature shall:

(a) Establish by law a Special Nominating Commission for the selection of nominees for the office of business court judge and prescribe by law the composition of the Commission in accordance with subsection 5;

(b) Prescribe by law the procedures governing the nomination process of the Special Nominating Commission;

(c) Provide for the appointment of:

(1) Business court judges by the Governor in accordance with subsection 4; and

(2) A chief judge of the business court by the Chief Justice of the Supreme Court;

(d) Prescribe by law the powers, duties and responsibilities of business court judges in accordance with subsection 6; and

(e) Fix by law the:

(1) Terms of office of business court judges in accordance with subsection 7; and

(2) Term of a chief judge of the business court in accordance with subsection 8.

4. The judges of the business court must be appointed by the Governor from among three nominees selected for each individual seat by the Special Nominating Commission established pursuant to paragraph (a) of subsection 3. A nominee selected by the Commission must, as determined in the reasonable discretion of the Commission, have substantial experience as a practitioner or judge in one or more areas of law within the jurisdiction of the business court.

5. The Special Nominating Commission must be composed of ~~[:]~~ the following members, or their respective designees:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Chief Justice of the Supreme Court of Nevada;

(d) The Chief Judges of the two most populous judicial districts;

(e) A district judge from a judicial district other than the two most populous judicial districts; and

(f) Such additional members as the Legislature may prescribe by law.

6. A business court judge must, for matters within the jurisdiction of the business court, have the same powers and duties and be subject to the same limitations and restrictions that are applicable to a district judge.

7. Except for the business court judges initially appointed, the term of office of each business court judge must be 6 years. Each business court judge who desires to succeed himself or herself must, on or before July 1 next preceding the expiration of his or her term of office, declare his or her candidacy in the manner provided by law. With respect to each business court judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that business court judge shall succeed himself or herself. If 55 percent or more of the votes cast on the question are in favor of the business court judge succeeding himself or herself, the business court judge shall succeed himself or herself. The term of office of each business court judge who succeeds himself or herself is 6 years, and that term begins on the first Monday of January next following the general election at which the business court judge was chosen to succeed himself or herself. If a judge does not declare his or her candidacy or if less than 55 percent of the votes cast on the question are cast in favor of the business court judge succeeding himself or herself, a vacancy is created at the expiration of his or her term which must be filled by appointment pursuant to subsection 4.

8. Except for the initial chief judge of the business court, the chief judge serves a term of 6 years. The chief judge may:

(a) Succeed himself or herself.

(b) Resign the position of chief judge without resigning from the business court.

9. If the Legislature provides by law for the establishment of a business court pursuant to subsection 1, the Legislature may, as the caseload of the business court may require and to the extent that money is available therefor, provide by law for an increase or decrease in the number of business court judges or divisions of the business court as may be necessary for the proper and timely administration of the business court docket.

10. The Supreme Court has exclusive appellate jurisdiction in all cases arising in a business court.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. ***1.*** The judicial power of this State is vested in a court system, comprising a Supreme Court, a court of appeals, ***a business court, if the***

Legislature establishes such a court pursuant to Section 3B of this Article, district courts and justices of the peace.

2. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court, the court of appeals ***, the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district courts must be as fixed by law. The terms of the Supreme Court must be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. The terms of the court of appeals ***and the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** must be held at the place provided by law. The terms of the district courts must be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. 1. The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases, in which appeals may be taken from justices and other courts. The Supreme Court, the court of appeals, ***the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** the district courts and such other courts as the Legislature designates are courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court, the judges of the court of appeals ***, the business court judges, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** and the district judges are ineligible to any office, other than a judicial office, during the term for which they have been elected or appointed. All elections or appointments of any such judges by the people, Legislature or otherwise during said period to any office other than judicial are void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals, ***the business court judges, if the Legislature establishes a business court pursuant to Section 3B of this Article,*** and the district judges are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which must not be increased or diminished during the term for which they have been elected ~~[,]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent is entitled to receive only such salary as may be provided by law at the time of his election or appointment. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***,*** ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection ***or the Special Nominating Commission, as applicable.***

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** term of office of any justice or judge so appointed expires on the first Monday of January following the next general election. ***Any business court judge who is appointed to fill a vacancy before the end of a term shall serve the remainder of the unexpired term.***

3. Each nomination for the Supreme Court or the court of appeals must be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court must be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so

the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➥ No member of the permanent Commission may be a member of the Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a judge of the court of appeals, ***a business court judge, if the Legislature establishes such a court pursuant to Section 3B of this Article,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at

law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter must be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a judge of the court of appeals, no judge of

the court of appeals may sit on the Commission for that proceeding. ***If a proceeding is brought against a business court judge, if the Legislature establishes such a court pursuant to section 3B of this Article, no judge of the business court may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

Sec. 3. For any reasonable cause to be entered on the journals of each House, which may or may not be sufficient grounds for impeachment, the justices of the Supreme Court, the judges of the court of appeals ***, the judges of the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** and the judges of the district courts must be removed from office on the vote of two thirds of the members elected to each branch of the Legislature. The justice or judge complained of must be served with a copy of the complaint against him, and have an opportunity of being heard in person or by counsel in his defense. No member of either branch of the Legislature is eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature and such decisions of the Supreme Court ***,*** ~~[and]~~ the court of appeals ***and the business court, if the Legislature establishes such***

a court pursuant to Section 3B of Article 6 of this Constitution, as it may deem expedient. All laws and judicial decisions must be free for publication by any person. No judgment of the Supreme Court ***,*** ~~[or]~~ the court of appeals ***or the business court, if the Legislature establishes such a court pursuant to Section 3B of Article 6 of this Constitution,*** shall take effect and be operative until the opinion of the court in such case is filed with the clerk of said court. And be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 643 to Assembly Joint Resolution No. 8.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 441.

The following Senate amendment was read:

Amendment No. 622.

AN ACT relating to taxation; revising provisions governing the applications for a tax credit under the Nevada Educational Choice Scholarship Program; requiring a scholarship organization to use a donation for which a tax credit was received under the Program within a certain time after the application for the tax credit was approved; requiring a scholarship organization to be a domestic nonprofit corporation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a payroll tax on: (1) financial institutions and on mining companies subject to the tax on the net proceeds of minerals, with the rate of the payroll tax set at 2 percent of the amount of the wages, as defined under existing law, paid by the financial institution or mining company during each calendar quarter in connection with its business activities; and (2) other business entities, with the rate of the payroll tax set at 1.475 percent of the amount of the wages, as defined under existing law but excluding the first $50,000 thereof, paid by the business entity during each calendar quarter in connection with business activities. (NRS 363A.030, 363A.130, 363B.110, 612.190) Existing law provides a credit against the payroll tax equal to an amount which must not exceed the amount of any donation of money which is made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income below a certain level to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils. (NRS 363A.130, 363B.110, 388D.270) Existing law requires a scholarship organization, before accepting a donation on behalf of a taxpayer, to apply to the Department of Taxation for approval of the tax credit for the donation. Existing law requires the Department to approve or deny applications in the order in which the applications are received. (NRS 363A.139, 363B.119) **Sections 1 and 2** of this bill require applications for approval of the tax credits to be made between

May 1 and June 1 of each year and require the Department to review and approve applications on or before July 1 of each year. **Sections 1 and 2** require each application to include certain information, including information about the number of pupils meeting certain criteria who have applied to the scholarship organization for a grant for the upcoming school year and the cost to provide a grant to each such pupil. **Sections 1 and 2** require the Department to approve applications for the tax credit: (1) first, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and received a grant for the immediately preceding school year; (2) second, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and is the sibling of a pupil who received a grant for the immediately preceding school year; and (3) finally, up to an amount that would allow every scholarship organization to make a grant to every pupil who applied for a grant and is not in one of the previous two categories. If sufficient tax credits are not available to provide a grant to every pupil in a particular category, **sections 1 and 2** require the tax credits to be allocated among the scholarship organizations on a pro rata basis according to the number of pupils in that category who applied to the scholarship organization.

Sections 1 and 2 require a scholarship organization to expend the entire amount of any donation for which a taxpayer receives a tax credit not later than ~~[18]~~ **24** months after the date on which the application for the tax credit was approved by the Department. **Sections 1 and 2** require a scholarship organization that does not expend the entire amount of a donation within this time period to repay to the Department the tax credit that was allowed for the donation in an amount equal to the amount of the donation that was not expended.

Existing law authorizes one or more natural persons to associate to establish a nonprofit corporation under the laws of this State. (Chapter 82 of NRS) **Section 2.5** of this bill requires a scholarship organization to be a domestic nonprofit corporation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to

the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. ~~[The]~~

3. Not earlier than May 1 and not later than June 1 of each year, a scholarship organization must submit to the Department of Taxation ~~[shall, within 20 days after receiving the application, approve or deny the application and]~~ ***any applications for approval of the credits authorized by subsection 1 for the subsequent fiscal year. Each application must include, without limitation:***

(a) The number of pupils who have applied for a grant from the scholarship organization for the upcoming school year:

(1) On whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(2) Who are the siblings of a pupil on whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(3) Who are not a pupil described by subparagraph (1) or (2).

(b) The total amount of money which would be required for the scholarship organization to award a grant on behalf of all the pupils who applied to the scholarship organization for a grant for the upcoming school year, stated separately for each category of pupil listed in subparagraphs (1), (2) and (3) of paragraph (a).

(c) Such other information as the Department may require.

4. On or before July 1 of each year, the Department shall review all the applications submitted pursuant to subsection 3 and provide to ~~[the]~~ ***each*** scholarship organization ***which submitted an application*** notice of ~~[the decision]~~ ***whether the application was approved or denied*** and, if the application is approved, the amount of the credit authorized. ***If the total amount of credits for which approval is requested by all the applications submitted to the Department during the application period exceeds the amount of credits available for the fiscal year pursuant to this section and NRS 363B.119, applications must be approved according to the following order of priority:***

(a) Applications must be approved up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(b) If, after approving applications pursuant to paragraph (a), the Department has not authorized the full amount of the credits available for

the fiscal year, the Department shall approve applications submitted by scholarship organizations up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(c) If, after approving applications pursuant to paragraphs (a) and (b), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by each scholarship organization up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

5. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

~~[3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4.]~~ ***6.*** Except as otherwise provided in subsection ~~[5,]~~ ***7,*** the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[4]~~ ***6*** of NRS 363B.119 is $6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~[5.]~~ ***7.*** Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection ~~[4]~~ ***6*** for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve

applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363B.119 is $4,745,000. The provisions of subsection ~~[4]~~ ***6*** do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection ~~[4.]~~ ***6.*** If, in Fiscal Year 2019-2020, 2020-2021 or 2021-2022, the amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363B.119 is less than $4,745,000, the remaining amount of credits pursuant to this subsection and subsection ~~[5]~~ *7* of NRS 363B.119 must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~[5]~~ ***7*** of NRS 363B.119 is equal to $14,235,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

~~[6.]~~ ***8.*** If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

~~[7.]~~ ***9.*** If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

~~[8.]~~ ***10. A scholarship organization shall expend the entire amount of any donation for which a taxpayer received a tax credit pursuant to this section not later than ~~[18]~~ 24 months after the date on which the application for the tax credit was approved pursuant to subsection 2. A scholarship organization shall repay to the Department of Taxation the amount of any tax credit which was authorized and approved pursuant to this section and for which the underlying donation was not expended within the time required by this subsection. The amount of the credit which the scholarship organization is required to repay pursuant to this subsection shall be equal to the amount of the donation that was not expended within the time required.***

11. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 2. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. ~~[The]~~

3. Not earlier than May 1 and not later than June 1 of each year, a scholarship organization must submit to the Department of Taxation ~~[shall, within 20 days after receiving the application, approve or deny the application and]~~ ***any applications for approval of the credits authorized by subsection 1 for the subsequent fiscal year. Each application must include, without limitation:***

(a) The number of pupils who have applied for a grant from the scholarship organization for the upcoming school year:

(1) On whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(2) Who are the siblings of a pupil on whose behalf a grant was awarded by the scholarship organization for the school year immediately preceding the upcoming school year.

(3) Who are not a pupil described by subparagraph (1) or (2).

(b) The total amount of money which would be required for the scholarship organization to award a grant on behalf of all the pupils who applied to the scholarship organization for a grant for the upcoming school year, stated separately for each category of pupil listed in subparagraphs (1), (2) and (3) of paragraph (a).

(c) Such other information as the Department may require.

4. On or before July 1 of each year, the Department shall review all the applications submitted pursuant to subsection 3 and provide to ~~[the]~~ ***each*** scholarship organization ***which submitted an application*** notice of ~~[the decision]~~ ***whether the application was approved or denied*** and, if the application is approved, the amount of the credit authorized. ***If the total amount of credits for which approval is requested by all the applications submitted to the Department during the application period exceeds the amount of credits available for the fiscal year pursuant to this section and NRS 363B.139, applications must be approved according to the following order of priority:***

(a) Applications must be approved up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by

subparagraph (1) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (1) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(b) If, after approving applications pursuant to paragraph (a), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by scholarship organizations up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (2) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

(c) If, after approving applications pursuant to paragraphs (a) and (b), the Department has not authorized the full amount of the credits available for the fiscal year, the Department shall approve applications submitted by each scholarship organization up to the amount necessary to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3. If the total amount of credits which the Department is authorized to approve is insufficient to allow each scholarship organization to provide a grant to every pupil described by subparagraph (3) of paragraph (a) of subsection 3, the Department must approve applications such that the credits are allocated among all the scholarship organizations which submitted applications on a pro rata basis according to the number of pupils in this category who applied to the scholarship organization for a grant.

5. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

~~[3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4.~~ ***6.*** Except as otherwise provided in subsection ~~5,~~ ***7,*** the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~4~~ ***6*** of NRS 363A.139 is $6,655,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

~~5.~~ ***7.*** In addition to the amount of credits authorized by subsection ~~4~~ ***6*** for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection ~~5~~ *7* of NRS 363A.139 is $4,745,000. The provisions of subsection ~~4~~ ***6*** do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection ~~4.~~ ***6.*** If, in Fiscal Year 2019-2020, 2020-2021 or 2021-2022, the amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~5~~ *7* of NRS 363A.139 is less than $4,745,000, the remaining amount of credits pursuant to this subsection and subsection ~~5~~ *7* of NRS 363A.139 must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection and subsection ~~5~~ *7* of NRS 363A.139 is equal to $14,235,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

~~6.~~ ***8.*** If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

~~7.~~ ***9.*** If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

~~8.~~ ***10. A scholarship organization shall expend the entire amount of any donation for which a taxpayer received a tax credit pursuant to this section not later than ~~18~~ 24 months after the date on which the application for the tax credit was approved pursuant to subsection 2. A scholarship organization shall repay to the Department of Taxation the amount of any***

tax credit which was authorized and approved pursuant to this section and for which the underlying donation was not expended within the time required by this subsection. The amount of the credit which the scholarship organization is required to repay pursuant to this subsection shall be equal to the amount of the donation that was not expended within the time required.

11. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 2.5. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be ***a domestic nonprofit corporation organized pursuant to chapter 82 of NRS and*** exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed $7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization

pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

7. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 3. (Deleted by amendment.)

Assemblymember Backus moved that the Assembly concur in Senate Amendment No. 622 to Assembly Bill No. 441.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 457.

The following Senate amendment was read:

Amendment No. 623.

SUMMARY—Requires the Joint Interim Standing Committee on Revenue to conduct a study concerning ~~[the application of the commerce tax to certain entities.]~~ **certain changes to provisions governing taxation.** (BDR ~~[32-167)]~~ **S-167)**

AN ACT relating to taxation; requiring the Joint Interim Standing Committee on Revenue to conduct a study during the 2025-2026 interim on the advisability and feasibility of treating certain business entities as a single entity for the purposes of the commerce tax ~~[;]~~ **and imposing a tax on the sale or transfer of a controlling interest in an entity which possesses an interest in real property in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an annual commerce tax on each business entity engaged in business in this State whose Nevada gross revenue in a fiscal year exceeds $4,000,000 at a rate that is based on the industry in which the business entity is primarily engaged. (NRS 363C.200) Existing law creates the Joint Interim Standing Committee on Revenue and authorizes a Joint Interim Standing Committee, including the Joint Interim Standing Committee on

Revenue, to conduct studies directed by the Legislature or the Legislative Commission, within the limits of the Committee's budget. (NRS 218E.320, 218E.330) This bill requires the Joint Interim Standing Committee on Revenue to conduct a study during the 2025-2026 interim concerning the advisability and feasibility of **: (1)** treating as a single entity for the purposes of the commerce tax certain business entities that are primarily engaged in the business of renting real property located in this State to another person **[.]** **, which must include, without limitation, the estimated impact to state revenue of such treatment; and (2) imposing a tax on the sale or transfer of a controlling interest in an entity which possesses an interest in real property in this State, which must include, without limitation, the estimated impact of such a tax on state and local revenue. This bill also requires the Joint Interim Standing Committee on Revenue to study the manner in which a tax on the sale or transfer of a controlling interest in an entity which possesses an interest in real property in this State should be administered.** This bill requires the Committee to submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. 1. During the 2025-2026 interim, the Joint Interim Standing Committee on Revenue shall conduct a study on **[**the**]** **:**

(a) The advisability and feasibility of **, and estimated impact to state revenue that would result from,** treating as a single entity for the purposes of the commerce tax imposed by chapter 363C of NRS:

[(a)**]** **(1)** A business entity primarily engaged in the business of renting real property located in this State to other persons, which has more than 50 percent of the value of the ownership interest of the business entity owned or controlled, directly or constructively through related interests, by common owners.

[(b)**]** **(2)** A limited liability company, and any series thereof, primarily engaged in the business of renting real property located in this State to other persons.

[(c)**]** **(3)** Any other type or form of entity engaged primarily in the business of renting real property located in this State to other persons which the Committee determines is advisable to study.

(b) The advisability and feasibility of, and estimated impact to state and local revenue that would result from, imposing a tax on the sale or transfer of a controlling interest in an entity which owns an interest in real property in this State and the manner in which such a tax should be administered, including, without limitation, the manner in which a change in the controlling interest in an entity which possesses an interest in real property should be reported and the tax remitted.

2. On or before January 1, 2027, the Joint Interim Standing Committee on Revenue shall submit a report of the results of the study, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

Sec. 7. This act becomes effective upon passage and approval.

Assemblymember Backus moved that the Assembly concur in Senate Amendment No. 623 to Assembly Bill No. 457.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 535.

The following Senate amendment was read:

Amendment No. 624.

AN ACT relating to taxation; revising provisions governing the administration of the exemption from sales and use taxes for organizations created for religious, charitable or educational purposes; requiring the Department of Taxation to report to the Legislature certain information concerning applications for such an exemption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes upon each retailer a sales tax measured by the gross receipts of the retailer from the retail sale of tangible personal property in this State, and requires the retailer to collect the sales tax from the purchaser in a transaction to which the sales tax applies. (NRS 372.105, 372.110, 374.110, 374.111, 374.115) Existing law also imposes a use tax on the storage, use or other consumption in this State of tangible personal property purchased outside of this State from a retailer in a transaction that would have been subject to the sales tax in this State if it had occurred within this State. (NRS 372.185, 374.190, 374.191)

Existing law exempts from such taxes the gross receipts from the sale of any tangible personal property sold by or to a nonprofit organization created for religious, charitable or educational purposes. (NRS 372.326, 374.3306) Under existing law, among other requirements, an organization that claims this exemption is required to establish that the sole or primary purpose of the organization is to further certain specified purposes deemed to be religious, charitable or educational. (NRS 372.3261, 374.3306) **Sections 1 and 2** of this bill establish criteria for the Department of Taxation and the Nevada Tax

Commission to use to determine whether an organization satisfies ~~[that requirement,]~~ **the requirements to be exempt from sales and use taxes as a charitable organization,** including, without limitation, by the organization establishing that it: (1) operates exclusively for a purpose exempt under section 501(c)(3) of the Internal Revenue Code and is recognized as exempt by the Internal Revenue Service under the provision of that section; or (2) furthers at least one of certain specified purposes. **Sections 1.5 and 2.3** of this bill require the Department to: (1) provide to an organization that does not qualify for the exemption **as a religious, charitable or educational organization** a full explanation outlining the reasons why the organization does not qualify and the procedure to appeal such a determination; and (2) submit to the Legislature every odd-numbered year a report concerning applications for the tax exemption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 372.3261 is hereby amended to read as follows:

372.3261 1. For the purposes of NRS 372.326 ~~[,]~~ ***and 372.348,*** an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;*** and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;***

(b) The sole or primary purpose of the organization ***, considering the factors set forth in subsection 5,*** is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;*** and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. ***In determining whether, for the purposes of subsection 3, an organization is created for ~~[religious,]~~ charitable ~~[or educational]~~ purposes, the Department and Nevada Tax Commission shall consider , without limitation, whether the organization:***

(a) Operates exclusively for any exempt purpose under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and the organization is recognized as exempt by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);

(b) Provides relief to the poor, distressed or underprivileged;

(c) Supports the advancement of religion;

(d) Provides for the advancement of education or science;

(e) Helps lessen the burden of government;

(f) ~~[Helps lessen neighborhood tensions;~~

~~(g)]~~ Supports efforts to eliminate prejudice and discrimination;

~~[(h)]~~ (g) Aids in defending human and civil rights secured by law; or

~~[(i)]~~ (h) Combats community deterioration and juvenile delinquency.

6. In addition to the requirements set forth in ~~[subsection]~~ ***subsections*** 2 ~~[, 3 or 4,]~~ ***to 5, inclusive,*** an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 1.5. NRS 372.348 is hereby amended to read as follows:

372.348 1. Any nonprofit organization created for religious, charitable or educational purposes that wishes to claim an exemption pursuant to NRS 372.326, must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that the organization is created for religious, charitable or educational purposes, it shall issue a letter of exemption to the organization. The letter of exemption expires 5 years after the date on which it is issued by the Department. At least 90 days before the expiration of the letter of exemption, the Department shall notify the organization to whom the letter was issued of the date on which the letter will expire. The organization may renew its letter of exemption for an additional 5 years by filing an application for renewal with the Department. The application for renewal must be on a form and contain such information as is required by the Department.

3. ***If the Department determines that the organization is not created for religious, charitable or educational purposes, or otherwise does not meet the requirements to receive the exemption, the Department shall provide the organization with a full explanation outlining the reasons why the organization does not qualify for the exemption and the procedure to appeal the determination.***

4. The Department shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature a report which must include, for the immediately preceding biennium:

(a) Any processes and techniques for reviewing applications for an exemption submitted pursuant to this section;

(b) The number of applications submitted pursuant to this section;

(c) The number of applications approved;

(d) The number of applications denied;

(e) The total number of organizations that received an exemption pursuant to NRS 372.326; and

(f) Any other relevant information.

5. To claim an exemption pursuant to NRS 372.326 for the sale of tangible personal property to such an organization:

(a) The organization must give a copy of its letter of exemption to the retailer from whom the organization purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption.

~~[4.]~~ ***6.*** The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2. NRS 374.3306 is hereby amended to read as follows:

374.3306 1. For the purposes of NRS 374.3305 ~~[,]~~ ***and 374.353,*** an organization is created for religious, charitable or educational purposes if it complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;*** and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;***

(b) The sole or primary purpose of the organization ***, considering the factors set forth in subsection 5,*** is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity;

(2) Provide services that are otherwise required to be provided by a local government, this State or the Federal Government; or

(3) Operate a hospital or medical facility licensed pursuant to chapter 449 or 450 of NRS; and

(c) The organization is operating in this State.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection ~~[5,]~~ ***6;*** and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public;

(3) Provide instruction and disseminate information on subjects beneficial to the community;

(4) Operate a school, college or university located in this State that conducts regular classes and provides courses of study required for accreditation or licensing by the State Board of Education or the Commission on Postsecondary Education, or for membership in the Northwest Association of Schools and of Colleges and Universities;

(5) Serve as a local or state apprenticeship committee to advance programs of apprenticeship in this State; or

(6) Sponsor programs of apprenticeship in this State through a trust created pursuant to 29 U.S.C. § 186.

5. ***In determining whether, for the purposes of subsection 3, an organization is created for*** ~~***[religious,]***~~ ***charitable*** ~~***[or educational]***~~ ***purposes,***

the Department and Nevada Tax Commission shall consider , without limitation, whether the organization:

(a) Operates exclusively for any exempt purpose under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), and the organization is recognized as exempt by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);

(b) Provides relief to the poor, distressed or underprivileged;

(c) Supports the advancement of religion;

(d) Provides for the advancement of education or science;

(e) Helps lessen the burden of government;

(f) ~~[Helps lessen neighborhood tensions;~~

~~(g)]~~ Supports efforts to eliminate prejudice and discrimination;

~~[(h)]~~ (g) Aids in defending human and civil rights secured by law; or

~~[(i)]~~ (h) Combats community deterioration and juvenile delinquency.

6. In addition to the requirements set forth in ~~[subsection]~~ ***subsections*** 2 ~~[, 3 or 4,]~~ ***to 5, inclusive,*** an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this State in furtherance of the religious, charitable or educational purposes of the organization.

Sec. 2.3. NRS 374.353 is hereby amended to read as follows:

374.353 1. Any nonprofit organization created for religious, charitable or educational purposes that wishes to claim an exemption pursuant to NRS 374.3305 must file an application with the Department to obtain a letter of exemption. The application must be on a form and contain such information as is required by the Department.

2. If the Department determines that the organization is created for religious, charitable or educational purposes, it shall issue a letter of exemption to the organization. The letter of exemption expires 5 years after the date on which it is issued by the Department. At least 90 days before the expiration of the letter of exemption, the Department shall notify the organization to whom the letter was issued of the date on which the letter will expire. The organization may renew its letter of exemption for an additional 5 years by filing an application for renewal with the Department. The application for renewal must be on a form and contain such information as is required by the Department.

3. ***If the Department determines that the organization is not created for religious, charitable or educational purposes, or otherwise does not meet the requirements to receive the exemption, the Department shall provide the organization with a full explanation outlining the reasons why the organization does not qualify for the exemption and the procedure to appeal the determination.***

4. The Department shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature a report which must include, for the immediately preceding biennium:

(a) Any processes and techniques for reviewing applications for an exemption submitted pursuant to this section;

(b) The number of applications submitted pursuant to this section;

(c) The number of applications approved;

(d) The number of applications denied;

(e) The total number of organizations that received an exemption pursuant to NRS ~~[372.326;]~~ 374.3305; and

(f) Any other relevant information.

5. To claim an exemption pursuant to NRS 374.3305 for the sale of tangible personal property to such an organization:

(a) The organization must give a copy of its letter of exemption to the retailer from whom the organization purchases the property; and

(b) The retailer must retain and present upon request a copy of the letter of exemption.

~~[4.]~~ ***6.*** The Department shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 2.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Backus moved that the Assembly concur in Senate Amendment No. 624 to Assembly Bill No. 535.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 12.

The following Senate amendment was read:

Amendment No. 591.

AN ACT relating to unemployment compensation; revising requirements for obtaining judicial review of a decision of the Board of Review concerning a claim for unemployment benefits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any party aggrieved by a decision of the Board of Review concerning a claim for unemployment benefits to obtain judicial

review of the decision by commencing an action in the district court of the county where the employment which is the basis of the claim was performed. Existing law requires, within 45 days after the commencement of the action, a petition to be served upon the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation at a designated office of the Administrator, unless the Administrator is the appellant, or upon such person as the Administrator may designate. (NRS 612.530)

~~[The Nevada Supreme Court has determined that the requirement that a petition be served within 45 days after the commencement of the action is mandatory and requires strict enforcement. (Nokley v. Empl't Sec. Div., No. 85045, 2023 WL 3441031, at **1 (Nev. May 12, 2023)) Section 1 of this bill codifies that determination into statute by specifically requiring strict compliance with that requirement and prohibiting its excusal by the court. Additionally, the Nevada Supreme Court has declined to address whether the requirement that a petition must be served within 45 days after the commencement of the action is a jurisdictional requirement. (Id.) Section 1 specifies that the requirement is jurisdictional by providing that the failure to comply with that requirement]~~ **Section 1 of this bill sets forth additional requirements and procedures concerning that petition. Section 1 specifies that service of the petition must comply with the requirements of existing law and the applicable provisions of the Nevada Rules of Civil Procedure for the service of a summons and complaint. If an appellant, within 45 days after the commencement of the action, fails to serve any petition upon the Administrator or his or her designee, including a petition that fails to comply with the requirements for the petition and the service of the petition, section 1 provides that the court is deprived of jurisdiction over the action and is required to dismiss the action upon the motion of the Administrator. If an appellant does serve a petition upon the Administrator or his or her designee within the required period, section 1 authorizes the Administrator to file a motion with the court to dismiss the action on the basis that the petition did not comply or was served in a manner that did not comply with the requirements for the petition. Section 1 requires the appellant to cure all deficiencies concerning the petition, if any, within 10 business days after the filing of the motion. Under section 1, the failure of the appellant to do so** deprives the court of jurisdiction over the action ~~[.]~~**, and the court is required to grant the motion to dismiss if the court determines that the petition was deficient and those deficiencies were not cured within the required period.**

Section 2 of this bill ~~[clarifies]~~ **provides** that the amendatory provisions of this bill apply to a petition for judicial review that is filed on or after the effective date of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 612.530 is hereby amended to read as follows:

612.530 1. Within 11 days after the decision of the Board of Review has become final, any party aggrieved thereby or the Administrator may secure judicial review thereof by commencing an action in the district court of the county where the employment which is the basis of the claim was performed for the review of the decision, in which action any other party to the proceedings before the Board of Review must be made a defendant.

2. In such action, a petition which need not be verified, but which must state the grounds upon which a review is sought, must, within 45 days after the commencement of the action, be served upon the Administrator at a designated office of the Administrator in Carson City, unless the Administrator is the appellant, or upon such person as the Administrator may designate, and such service shall be deemed completed service on all parties, but there must be left with the party so served as many copies of the petition as there are defendants, and the Administrator shall forthwith mail one such copy to each defendant. ***Service of a petition pursuant to this subsection must comply with the provisions of this subsection and the applicable provisions of the Nevada Rules of Civil Procedure for the service of a summons and complaint.***

3. ***[The requirement set forth in subsection 2 that a petition must be served]*** ***If the appellant fails to serve*** **upon the Administrator, or upon such person as the Administrator may designate,** ***any petition pursuant to subsection 2, including, without limitation, a petition that does not comply or is served in a manner that does not comply with the requirements of subsection 2, within 45 days after the commencement of the action , the court is deprived of jurisdiction over the action and shall dismiss the action upon the motion of the Administrator.***

4. If the appellant serves upon the Administrator, or upon such person as the Administrator may designate, a petition pursuant to subsection 2 within 45 days after the commencement of the action, the Administrator may, within 45 days after the receipt of the petition, file a motion with the court to dismiss the action on the basis that the petition did not comply or was served in a manner that did not comply with the requirements of subsection 2. Within 10 business days after the filing of the motion to dismiss, the appellant shall cure each deficiency concerning the petition, if any. The requirement to cure any deficiency concerning the petition within 10 business days after the filing of the motion to dismiss must be strictly complied with and may not be excused by the court. Failure to comply with that requirement deprives the court of jurisdiction over the action ***[.]*** ***and, if the court determines that the petition did not comply or was served in a manner that did not comply with the requirements of subsection 2 and the deficiencies concerning the petition were not cured within 10 business days after the filing of the motion to dismiss, the court shall grant the motion to dismiss.***

[4. The]

5. Except as otherwise provided in this subsection, the Administrator shall file with the court an answer within 45 days after being served with a petition pursuant to subsection 2 ~~[or, if]~~ ***unless the Administrator filed with the court a motion to dismiss pursuant to subsection 4 and the motion was denied, in which case the Administrator shall file the answer within 45 days after the date on which the motion was denied. If*** the Administrator is the appellant, the Administrator shall serve the petition upon each other party within 45 days after commencement of the action. With the Administrator's answer or petition, the Administrator shall certify and file with the court originals or true copies of all documents and papers and a transcript of all testimony taken in the matter, together with the Board of Review's findings of fact and decision therein. The Administrator may certify to the court questions of law involved in any decision.

~~[4. 5.]~~ ***6.*** In any judicial proceedings under this section, the finding of the Board of Review as to the facts, if supported by evidence and in the absence of fraud, is conclusive, and the jurisdiction of the court is confined to questions of law.

~~[5. 6.]~~ ***7.*** Such actions, and the questions so certified, must be heard in a summary manner and must be given precedence over all other civil cases except cases arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

~~[6. 7.]~~ ***8.*** An appeal may be taken from the decision of the district court to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court of Nevada pursuant to Section 4 of Article 6 of the Nevada Constitution in the same manner, but not inconsistent with the provisions of this chapter, as is provided in civil cases.

~~[7. 8.]~~ ***9.*** It is not necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the Board of Review, and no bond may be required for entering the appeal.

~~[8. 9.]~~ ***10.*** Upon the final determination of the judicial proceeding, the Board of Review shall enter an order in accordance with the determination.

~~[9. 10.]~~ ***11.*** A petition for judicial review does not act as a supersedeas or stay unless the Board of Review so orders.

Sec. 2. The amendatory provisions of this act apply to a petition for judicial review that is filed on or after the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 591 to Assembly Bill No. 12.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 583.

AN ACT relating to employment; removing an exemption for employees covered under a valid collective bargaining agreement from provisions providing certain employees with the right to use sick leave to assist a member of the employee's immediate family with certain medical needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family. Existing law exempts an employer from this requirement if the employee is covered under a valid collective bargaining agreement. (NRS 608.01975) **Section 1** of this bill eliminates the exemption, thereby making the requirement applicable to an employer even if the employee is covered under a valid collective bargaining agreement. **Section 1** also provides that the obligation of an employer to comply with a collective bargaining agreement, policy of the employer, employment contract or applicable local, state or federal law that provides the same or a more generous sick leave benefit ~~[or paid time off benefit]~~ is not diminished by the provisions of **section 1**. **Section 2** of this bill provides that the amendatory provisions of **section 1** do not apply during the current term of any collective bargaining agreement entered into before October 1, 2025, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2025.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 608.01975 is hereby amended to read as follows:

608.01975 1. Except as otherwise provided in this section, if an employer provides paid or unpaid sick leave for the use of his or her employees, the employer must allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave.

2. An employer may limit the amount of sick leave that an employee may use pursuant to subsection 1 to an amount which is equal to not less than the amount of sick leave that the employee accrues during a 6-month period.

3. The Labor Commissioner shall prepare a bulletin which clearly sets forth an explanation of the provisions of this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner and shall require each employer that provides sick leave to employees to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

4. The provisions of this section shall not be construed to:

(a) Limit or abridge any other rights, remedies or procedures available under the law;

(b) Negate any other rights, remedies or procedures available to an aggrieved party;

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit; or

(d) Extend the maximum amount of leave to which an employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. ***; or***

(e) Diminish the obligation of an employer to comply with any of the following that provide the same or a more generous sick leave ~~***[benefit or paid time off]***~~ ***benefit:***

(1) A collective bargaining agreement;

(2) A policy of the employer;

(3) An employment contract; or

(4) Any applicable local, state or federal law.

5. An employer shall not deny an employee the right to use accrued sick leave in accordance with the provisions of this section or retaliate against an employee for attempting to prosecute a violation of this section or for exercising any rights afforded by this section.

6. The provisions of this section do not apply ~~[~~:

~~(a) To~~] ***to*** the extent prohibited by federal law **.** ~~[, or~~

~~(b) With regard to an employee of the employer if the employee is covered under a valid collective bargaining agreement.]~~

7. As used in this section, "immediate family" means:

(a) The child, foster child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent of an employee; or

(b) Any person for whom the employee is the legal guardian.

Sec. 2. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before October 1, 2025, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2025. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 583 to Assembly Bill No. 112.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 121.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; prohibiting a landlord or his or her agent from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the website or portal; requiring a written rental agreement to separately identify any such fee under certain circumstances; authorizing a tenant to bring a civil action against a landlord who has committed certain violations; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring a landlord to refund certain fees collected from a prospective tenant under certain circumstances; prohibiting a landlord from collecting certain application fees; requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement and requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 5** of this bill requires that, in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent must be set forth as a single figure representing the **maximum** total amount of periodic rent that includes the amount of any ~~[fixed,]~~ mandatory fees to be charged to the tenant in addition to the base rent. **Section 5** prohibits a landlord from charging a tenant an amount of periodic rent that exceeds the **maximum total** amount of rent due under the written rental agreement, as set forth in the manner required by **section 5**. **Section 5 also authorizes a landlord, under certain circumstances, to charge a monthly fee in an amount which is equal to the cost for the electric, natural gas or water service provided in the individual dwelling unit of the tenant that is not included in the single figure representing the maximum total amount of periodic rent due, subject to certain requirements.** **Section 4** of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.

Section 2 of this bill requires a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge for using the method; or (2) provide information concerning a bank account of the tenant. **Section 2** also prohibits a landlord or his or her agent who allows a tenant to pay rent or any other fee or charge through an Internet website or online portal from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged by the operator of the

Internet website or online portal for the use of the Internet website or online portal. **Section 2** requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement.

Section 4.5 of this bill requires a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit to a different prospective tenant; and (2) does not conduct the activity for which the fee was collected. **Section 4.5** also prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

Section 3 of this bill authorizes a tenant who is aggrieved by a violation of the requirements of **section 5** concerning the manner in which rent must be listed or referenced in a written rental agreement or the prohibition set forth in **section 5** on charging a tenant an amount of periodic rent that exceeds the amount of rent due under a written rental agreement to bring a civil action for such a violation. **Section 3** requires a court to award certain relief to a tenant who prevails in such an action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant. The provisions of this paragraph do not prohibit any payment which is made by a check that contains such information.

2. If a landlord or his or her agent allows a tenant to pay rent or any other fee or charge through an Internet website or online portal:

(a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of the Internet website or online portal; and

(b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal must be separately identified in any written rental agreement.

Sec. 3. ***1. A tenant who is aggrieved by a violation of subsection 6 or 7 of NRS 118A.200 may bring a civil action in any court of competent jurisdiction for such a violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained that the court deems appropriate;

(b) Any equitable relief that the court deems appropriate;

(c) The tenant's costs in the action and reasonable attorney's fees; and

(d) Statutory damages of $250 for each violation which involved deception.

Sec. 4. ***A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.***

Sec. 4.5. ***1. A landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:***

(a) Rents the dwelling unit to a different prospective tenant; and

(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 5. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(g) Charges which may be required for late or partial payment of rent or for return of any dishonored check.

(h) Inspection rights of the landlord.

(i) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~*[In]*~~ ***Except as otherwise provided in subsection 8, in*** *each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement, the rent must be set forth as a single figure representing the* ***maximum*** *total amount of periodic rent that includes the amount of any* ~~*[fixed,]*~~ *mandatory fees to be charged to the tenant in addition to the base rent.*

7. ~~*[A]*~~ ***Except as otherwise provided in subsection 8, a*** *landlord shall not charge a tenant an amount of periodic rent that exceeds the* ***maximum total*** *amount of rent due under a written rental agreement, as set forth in the manner required by subsection 6.*

8. ***A landlord may charge a tenant a monthly fee in an amount which is equal to the cost for the electric, natural gas or water service provided in the individual dwelling unit of the tenant that is not included in the single figure representing the maximum total amount of periodic rent due required by subsection 6 if:***

(a) The applicable public utility is unable to contract directly with the tenant for the electric, natural gas or water service, as applicable, provided in the individual dwelling unit of the tenant and, in the written rental agreement, the single figure includes an asterisk or other reference symbol which:

(1) Is not less than one-half the font size of the single figure; and

(2) Corresponds to a statement on the same page of the written rental agreement as the single figure that:

(I) Informs the tenant that the applicable public utility is unable to contract with the tenant directly for the electric, natural gas or water service, as applicable, provided in the individual dwelling unit of the tenant;

(II) Contains the name and telephone number of each applicable public utility that is unable to contract directly with the tenant for the electric, natural gas or water service provided in the individual dwelling unit of the tenant; and

(III) Notifies the tenant that the monthly bill from the applicable public utility for the electric, natural gas or water service provided in the individual dwelling unit of the tenant will be charged to the tenant as a monthly fee in an amount which is equal to the cost of the monthly bill separate from the single figure; or

(b) For a monthly fee in an amount which is equal to the cost for the water service provided in the individual dwelling unit of the tenant, the dwelling unit is subject to a master-metered water system and, in the written rental agreement, the single figure includes an asterisk or other reference symbol which:

(1) Is not less than one-half the font size of the single figure; and

(2) Corresponds to a statement on the same page of the written rental agreement as the single figure that:

(I) Informs the tenant that the dwelling unit is subject to a master-metered water system; and

(II) Notifies the tenant that a fee for water service will be charged to the tenant as a monthly fee in an amount which is equal to the cost for the water service provided in the individual dwelling unit of the tenant separate from the single figure.

9. It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7. 9.]~~ ***10.*** As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 740 to Assembly Bill No. 121.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 207.

The following Senate amendment was read:

Amendment No. 666.

AN ACT relating to insurance; revising the manner in which a data request or report submitted to the Commissioner of Insurance by certain insurers or other organizations providing health coverage relating to the compliance of the insurer or organization with certain federal laws must be submitted to the Commissioner; revising provisions governing the confidentiality of information contained in such a data request or report; ~~[setting forth certain requirements for certain market analyses conducted by the Commissioner;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 prohibits group health plans and health insurance issuers that provide benefits for mental health or substance use disorders from imposing less favorable benefit limitations on those benefits than on medical and surgical benefits. (Pub. L. No. 110-343, 122 Stat. 3765) Existing law requires certain health insurers or other organizations providing health coverage to comply with the Act. Existing law additionally requires the Commissioner of Insurance to annually prescribe and provide to each such insurer or other organization a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Act. Under existing law, an insurer or other organization is required to either complete the data request and submit it to the Commissioner or submit to the Commissioner a copy of a report submitted to the Federal Government

demonstrating compliance with the Act. (NRS 687B.404) This bill requires the data request or the report to be submitted to the Commissioner in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners.

Under existing law, any information provided to the Commissioner in the data request or report is confidential. (NRS 687B.404) This bill instead provides that such information is a public record except for personally identifiable information of a consumer and any information determined by the Commissioner to constitute a trade secret, which are confidential. This bill sets forth certain standards for the making of a determination by the Commissioner as to whether information provided to the Commissioner in the data request or report constitutes a trade secret.

~~[Finally, this bill requires any market analysis conducted by the Commissioner to determine compliance with the provisions of this bill to be conducted in accordance with applicable standards set forth by the National Association of Insurance Commissioners, all applicable laws and any regulations adopted by the Commissioner.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.404 is hereby amended to read as follows:

687B.404 1. An insurer or other organization providing health coverage pursuant to chapter 689A, 689B, 689C, 695A, 695B, 695C, 695F or 695G of NRS, including, without limitation, a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid, shall adhere to the applicable provisions of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, and any federal regulations issued pursuant thereto.

2. On or before July 1 of each year, the Commissioner shall prescribe and provide to each insurer or other organization providing health coverage subject to the provisions of subsection 1 a data request that solicits information necessary to evaluate the compliance of an insurer or other organization with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § ~~[300gg-26(a)(8).]~~ ***300gg-26(a).***

3. On or before October 1 of each year, each insurer or other organization providing health coverage subject to the provisions of subsection 1 shall:

(a) Complete and submit to the Commissioner ***, in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners,*** the data request prescribed pursuant to subsection 2; or

(b) Submit to the Commissioner ***, in accordance with the System for Electronic Rate and Form Filing developed and implemented by the***

National Association of Insurance Commissioners, a copy of a report submitted by the insurer or other organization to the Federal Government demonstrating compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, Public Law 110-343, Division C, Title V, Subtitle B, including, without limitation, the comparative analyses specified in 42 U.S.C. § ~~[300gg-26(a)(8).]~~ ***300gg-26(a).*** The Commissioner may request from an insurer or other organization who submits a copy of such a report any supplemental information necessary to determine whether the insurer or other organization is in compliance with that federal law.

4. Any information provided by an insurer or other organization to the Commissioner pursuant to subsection 3 is ***a public record except that the following information is*** confidential ~~[.]~~ ***:***

(a) Personally identifiable information of a consumer.

(b) Any information determined by the Commissioner to constitute a trade secret. In determining whether information provided pursuant to subsection 3, including, without limitation, information concerning mental health parity in the adequacy of the networks of insurers and other organizations, reimbursement rates for providers of health care, in-network and out-of-network utilization rates and the number and percentage of denials of claims, constitutes a trade secret pursuant to this paragraph:

(1) The Commissioner shall not make a determination that the information constitutes a trade secret solely because the information reflects whether an insurer is in compliance with the provisions of this section; and

(2) Any doubt or uncertainty regarding whether the information constitutes a trade secret must be resolved in favor of a determination that the information does not constitute a trade secret.

~~***[5. Any market analysis conducted by the Commissioner to determine compliance with the provisions of this section must be conducted in accordance with applicable standards set forth by the National Association of Insurance Commissioners, all applicable laws and any regulations adopted by the Commissioner.]***~~

5. ~~***[6.]***~~ On or before December 31 of each year, the Commissioner shall compile a report summarizing the information submitted to the Commissioner pursuant to this section and submit the report to:

(a) The Patient Protection Commission created by NRS 439.908;

(b) The Governor; and

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the next regular session of the Legislature; and

(2) In odd-numbered years, the Joint Interim Standing Committee on Health and Human Services.

6. ~~***[7.]***~~ The Commissioner may adopt any regulations necessary to carry out the provisions of this section.

~~***[8.]***~~ ***7. As used in this section, "trade secret" has the meaning ascribed to it in NRS 600A.030.***

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 666 to Assembly Bill No. 207.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 270.

The following Senate amendment was read:

Amendment No. 590.

SUMMARY—Revises provisions relating to **architects,** professional engineers and land surveyors. (BDR 54-773)

AN ACT relating to professional regulation; **revising provisions relating to a certificate of registration to practice architecture;** revising provisions relating to certain examinations required for licensure as a professional engineer or professional land surveyor; revising the circumstances under which the State Board of Professional Engineers and Land Surveyors may waive certain examinations for certain applicants for licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from practicing architecture in this State without a certificate of registration issued by the State Board of Architecture, Interior Design and Residential Design. (NRS 623.180) Before receiving a certificate of registration, existing law requires an applicant to pass an examination adopted by the Board. (NRS 623.200) Section 1 of this bill requires the Board, through December 31, 2026, to accept evidence that the applicant is a laureate of the Pritzker Architecture Prize in lieu of an examination.

Existing law requires an applicant for licensure as a professional engineer to pass: (1) an examination on the fundamentals of engineering or receive a waiver of that requirement; and (2) an examination on the principles and practices of engineering that must cover the discipline of engineering in which the applicant is applying for licensure. Existing law prohibits an applicant from taking the examination on the principles and practices of engineering unless the applicant has passed the examination on the fundamentals of engineering or received a waiver of that requirement. Existing law authorizes the State Board of Professional Engineers and Land Surveyors to waive the examination on the fundamentals of engineering if the applicant: (1) has graduated from an engineering curriculum that is approved by the Board; and (2) has 15 or more years of experience in engineering. (NRS 625.183, 625.193)

Sections ~~1~~ 1.5 and 2 of this bill remove the requirement that an applicant must pass the examination on the fundamentals of engineering or receive a waiver of that requirement before taking the examination on the principles and practices of engineering. **Section 2** revises the years of experience required to waive the examination on the fundamentals of engineering from 15 years of experience in engineering to 10 years of active experience in engineering.

Existing law requires an applicant for licensure as a professional land surveyor to pass: (1) an examination on the fundamentals of land surveying or receive a waiver of that requirement; and (2) an examination on the principles and practices of land surveying. Existing law prohibits an applicant from taking the examination on the principles and practices of land surveying unless the applicant: (1) is a graduate of a land-surveying curriculum of 4 or more years that is approved by the Board; and (2) has passed the examination on the fundamentals of land surveying or received a waiver of that requirement. Existing law: (1) authorizes the Board to waive the examination on the fundamentals of land surveying if the applicant has 15 or more years of experience in land surveying; and (2) requires the Board to consider graduation from a land-surveying curriculum that is approved by the Board to be equivalent to 4 years of experience for purposes of the waiver. (NRS 625.270, 625.280)

Sections 3 and 4 of this bill remove the requirements that an applicant must be a graduate of a land-surveying curriculum that is approved by the Board and pass the examination on the fundamentals of land surveying or receive a waiver of that requirement before taking the examination on the principles and practices of land surveying. **Section 4** revises the requirements to waive the examination on the fundamentals of land surveying by: (1) adding a requirement that an applicant be a graduate of a land-surveying curriculum that is approved by the Board; (2) revising the years of experience required from 15 years of experience in land surveying to 10 years of active experience in land surveying; and (3) removing the requirement for the Board to consider graduation from a land-surveying curriculum that is approved by the Board to be equivalent to 4 years of experience.

Existing law sets forth certain requirements for the content and administration of examinations on the fundamentals of engineering or land surveying and the principles and practices of engineering or land surveying. (NRS 625.193, 625.280) **Sections 2 and 4** remove those requirements and instead require applicants for licensure to pass an applicable examination administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 623 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Board shall, in lieu of all examinations for a certificate of registration to practice architecture, accept satisfactory evidence that an applicant is a laureate of the Pritzker Architecture Prize.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

➥ pursuant to NRS 625.193.

3. An applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant ~~[who is eligible to]~~ ***may*** take the examination on the principles and practices of engineering pursuant to ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 625.193 ~~[may take the examination on the principles and practices of engineering]~~ before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 2. NRS 625.193 is hereby amended to read as follows:

625.193 1. The examination for licensure as a professional engineer must consist of:

(a) An examination on the fundamentals of engineering ~~[that must cover the subject matter of a general education or training in engineering.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.*** If the applicant for licensure as a professional engineer has

graduated from an engineering curriculum that is approved by the Board and has ~~[15]~~ ***10*** years or more of ***active*** experience in engineering, the examination on the fundamentals of engineering may be waived by the Board.

(b) An examination on the principles and practices of engineering that must cover the discipline of engineering in which the applicant is applying for licensure ~~[.]~~ ***, administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.***

2. ~~[An applicant for licensure as a professional engineer must pass the examination on the fundamentals of engineering or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of engineering.~~

~~3. When determining the content of the examinations on the fundamentals of engineering and the principles and practices of engineering, the Board shall consider the recognized disciplines of engineering and may conform the examination to the particular qualifications of the applicant.~~

~~4.]~~ The Board may require additional examinations for licensure in specialized areas of practice within one or more recognized disciplines of engineering.

~~[5. The Board may administer or authorize an accredited college or university that offers a program in engineering approved by the Board to administer the examination on the fundamentals of engineering to persons who are not applicants for licensure as professional engineers in this state.~~

~~6. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.~~

~~7.]~~ ***3.*** The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

(a) In writing, with a pen or pencil of a type that has been approved by the Board;

(b) With a computer that has been provided or approved by the Board; or

(c) Orally, in the manner prescribed by the Board.

Sec. 3. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation;

(b) Pass the examination on the fundamentals of land surveying required by paragraph (a) of subsection 1 of NRS 625.280 or receive a waiver of that requirement; ***and***

(c) Pass the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280 **.** ~~[; and~~

~~(d) Have a record of 4 or more years of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land surveying work.]~~

3. An applicant for licensure as a professional land surveyor ~~[may]~~ ***is*** not ~~[take the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280]~~ ***qualified for licensure*** unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board ~~[.]~~ ***and has a record of 4 years or more of active experience in land surveying which is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land surveying work. An applicant may take the examination on the principles and practices of land surveying required by paragraph (b) of subsection 1 of NRS 625.280 before the applicant meets the active experience requirements for licensure set forth in this subsection.***

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection ~~[2.]~~ ***3:***

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 4. NRS 625.280 is hereby amended to read as follows:

625.280 1. The examination for licensure as a professional land surveyor must consist of:

(a) An examination on the fundamentals of land surveying ~~[that must cover the subject matter of a general land surveying education or training.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.*** If the applicant for licensure as a professional land surveyor has ~~[15]~~ ***graduated from a land-surveying curriculum that is approved by the Board and has 10*** years or more of ***active*** experience in land surveying, the examination on the fundamentals of land surveying may be waived ~~[. For the purposes of determining the years of experience of an applicant for licensure as a professional land surveyor pursuant to this paragraph, the Board shall consider graduation from a land surveying curriculum that is approved]~~ by the Board ***.*** ~~[to be equivalent to 4 years of experience.]~~

(b) An examination on the principles and practices of land surveying ~~[.]~~ ***administered by the National Council of Examiners for Engineering and Surveying or its successor organization or another equivalent examination that is approved by the Board.***

~~2. [An applicant for licensure as a professional land surveyor must pass the examination on the fundamentals of land surveying or receive a waiver of that requirement before the applicant may take the examination on the principles and practices of land surveying.~~

~~3. The Board may administer or authorize an accredited college or university that offers a program in land surveying approved by the Board to administer the examination on the fundamentals of land surveying to persons who are not applicants for licensure as professional land surveyors in this state.~~

~~4. The Board may prescribe or limit the use of notes, texts and reference materials by applicants who are taking the examinations.~~

~~5.]~~ The Board may require the examinations or any portion of the examinations set forth in this section to be completed:

(a) In writing, with a pen or pencil of a type that has been approved by the Board;

(b) With a computer that has been provided or approved by the Board; or

(c) Orally, in the manner prescribed by the Board.

Sec. 5. **1. This section and section 1 of this act become effective upon passage and approval.**

2. Sections 1.5 to 4, inclusive, of this act become effective on October 1, 2025.

3. Section 1 of this act expires by limitation on December 31, 2026.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 590 to Assembly Bill No. 270.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 319.

The following Senate amendment was read:

Amendment No. 682.

AN ACT relating to health care; making various revisions governing the qualifications and procedure for licensure as a physician, physician assistant, practitioner of respiratory care or perfusionist; requiring screening of youth for certain health conditions when certain physical examinations are conducted; revising the authority of a practitioner of respiratory care to perform certain laboratory tests; requiring certain sharing of information between the Board of Medical Examiners and the State Board of Osteopathic Medicine; authorizing the Board of Medical Examiners to require certain competency demonstrations; eliminating certain special licenses; revising provisions related to fees owed to the Board of Medical Examiners or the State Board of Osteopathic Medicine; eliminating certain fees; revising investigation procedures and grounds for discipline against a licensee of the Board of Medical Examiners; revising requirements governing certain medical procedures; authorizing a medical assistant to perform tasks under the supervision of a registered nurse; **authorizing a certified registered nurse anesthetist to perform certain tasks in certain hospitals;** authorizing

discipline against a registered nurse who fails to adequately supervise a medical assistant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of physicians, physician assistants, anesthesiologist assistants, practitioners of respiratory care and perfusionists by the Board of Medical Examiners. (Chapter 630 of NRS) **Sections 11 and 14** of this bill revise provisions governing examinations that are necessary for licensure as a physician. **Section 14** also increases the amount of the fine that the Board may impose on an applicant for a license as a physician who submits false information in connection with the application.

Section 21 of this bill requires each licensee of the Board to maintain a permanent electronic mail address for communication with the Board.

Existing law prescribes separate qualifications for licensure for: (1) persons who received their medical education in the United States or Canada; and (2) persons who received their medical education in other foreign countries. (NRS 630.160, 630.170, 630.195, 630.263, 630.264, 630.265) Existing law also requires a physician to have completed certain residencies in ophthalmology in the United States or Canada in order to perform laser surgery or intense pulsed light therapy on the globe of the eye. (NRS 630.371) **Sections 4, 5, 8, 14, 19, 26-28 and 64** of this bill make various changes so that persons who received their medical education in the United Kingdom, Australia or New Zealand, and other foreign countries whose standards for medical education are determined to be equivalent by the Board, are treated identically to persons who received their medical education in the United States or Canada for those purposes.

Existing law requires: (1) an applicant for a license to practice medicine to hold certain certifications or have completed or be enrolled in certain progressive postgraduate education; and (2) a physician who performs certain procedures on the eye to have completed certain progressive postgraduate education in ophthalmology. (NRS 630.160, 630.371) **Section 6** of this bill prescribes the manner in which the Board must determine whether postgraduate education is progressive for those purposes. **Section 14** revises the amount of progressive postgraduate education that a resident physician must have completed in order to be eligible for a license.

Existing law authorizes a practitioner of respiratory care to perform certain laboratory tests without obtaining certification as an assistant in a medical laboratory. (NRS 652.210) **Sections 9 and 82** of this bill authorize a practitioner of respiratory care to perform certain moderate complexity tests without obtaining such certification if: (1) the practitioner of respiratory care has been trained to perform the test; and (2) the test is within the scope of practice of a practitioner of respiratory care.

Sections 15, 16 and 84 of this bill revise and simplify provisions governing licensure by endorsement as a physician by: (1) eliminating expedited licensure by endorsement, except for certain persons affiliated with the Armed Forces of the United States; and (2) making certain revisions relating to the

qualifications for licensure by endorsement. **Sections 17, 18, 20, 23 and 30** of this bill eliminate references to a section repealed by **section 84**.

Existing law authorizes the Board to require a licensee who has not practiced in more than 24 consecutive months to take the same examination to test competency as that given to applicants for a license. (NRS 630.257) **Section 22** of this bill revises this provision to apply to inactive licensees and applicants for a license who have not actively practiced in more than 24 consecutive months. **Section 22** also authorizes the Board to require such a person to demonstrate his or her competency in a manner other than by taking an examination. **Sections 16, 28, 36, 40 and 41** of this bill make conforming changes to add references to those requirements where appropriate.

Existing law provides for the issuance of various special licenses to practice medicine. (NRS 630.258-630.266) **Section 23** removes the requirement that the Board automatically issue a special volunteer license, which authorizes certain retired physicians to continue practicing on a volunteer basis, to a person who possesses the required qualifications for such a license. **Section 24** of this bill eliminates the specific statutory requirements for licensure from which a person applying for licensure as an administrative physician is exempt and instead requires the Board to adopt regulations prescribing the requirements from which such an applicant is exempt. ~~[Section]~~ **Sections 25 and 30** of this bill ~~[eliminates]~~ **eliminate** a special license that allows a licensed physician of another state to come into this State to care for a specific patient in association with a physician licensed in this State. **Section 25 also eliminates a restricted license for a specified period if the Board determines the applicant needs supervision or restriction. Sections 1, ~~[and]~~ 25 and 30** of this bill revise the name of a special purpose license, which allows an out-of-state physician to provide certain medical services to patients in this State electronically, telephonically or by fiber optics, to instead be called a telemedicine license.

Existing law establishes fees for the issuance and renewal of a license as a physician assistant or anesthesiologist assistant who is simultaneously licensed by the Board of Medical Examiners and the State Board of Osteopathic Medicine that are one-half of the amount of the standard fees for the issuance and renewal of such a license, meaning that such a person is required to pay one-half of the standard licensure fees to each of those boards. (NRS 630.268, 633.501) If a person who pays such a reduced fee to one of those boards fails to also pay the required fee to the other board within 12 months, **sections 29, 31-33, 38, 42 and 76-81** of this bill require the person to pay to the board to whom the person has paid a fee the difference between the reduced fee and the standard fee. **Sections 12, 13 and 73-75** of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to share information as necessary to enforce that requirement. **Section 30** eliminates certain fees charged by the Board of Medical Examiners.

Section 10 of this bill exempts certain students who engage in the supervised practice of perfusion from the requirement to be licensed by the Board of

Medical Examiners. **Sections 34-37 and 84** of this bill remove a requirement that an applicant for a license as a perfusionist pass an examination given by the American Board of Cardiovascular Perfusion, or its successor organization, and instead require such an applicant to be certified by that organization. **Section 39** of this bill eliminates a provision prohibiting the Board from requiring a physician assistant to be certified by a nationally recognized organization for the accreditation of physician assistants to satisfy applicable continuing education requirements. **Sections 40 and 41** revise the conditions under which the Board may deny an application for licensure by endorsement as a physician assistant. **Section 43** of this bill eliminates certain educational qualifications for licensure as a practitioner of respiratory care.

Sections 44 and 45 of this bill clarify certain grounds for discipline against a licensee of the Board. **Section 45** also authorizes the Board to discipline a licensee who fails to cooperate with an investigation of the Board. **Sections 46-49, 52 and 62** of this bill revise certain provisions regarding the provision to the Board of information relating to certain licensees, the examination to determine the fitness of certain licensees and the removal of limitations or suspensions of licenses to be applicable to all licensees of the Board. **Section 46** provides that certain reports filed by an insurer relating to malpractice actions are public records. **Section 51** of this bill provides that the Board is not required to review a complaint that is not within the jurisdiction of the Board.

Existing law refers to the document that the Board files to initiate a formal disciplinary proceeding as a formal complaint. (NRS 630.311) However, existing law regarding the procedure of licensing boards generally refers to such a document as a charging document. (NRS 622A.300) **Sections 3, 50, 51, 54, 56, 57 and 59** of this bill standardize terminology so that such a document is referred to as a charging document. **Section 50** also requires that a charging document for charges against a physician assistant, anesthesiologist assistant, perfusionist or practitioner of respiratory care be filed by the Board.

Section 57 removes a requirement that the Board hold a hearing on a report from the Attorney General that a licensee has violated certain laws prohibiting industrial insurance fraud. **Section 49** instead requires the Board to treat such a report like a complaint, meaning that the Board would conduct an initial investigation before deciding whether to proceed with disciplinary proceedings. (NRS 630.311)

In certain circumstances that create doubt about the fitness of a physician, physician assistant, practitioner of respiratory care or perfusionist to practice, existing law authorizes the Board to require such a licensee to undergo certain examinations to determine his or her fitness to practice. (NRS 630.318) **Section 52**: (1) makes this provision additionally applicable to anesthesiologist assistants; and (2) provides that the failure to submit to such an examination is grounds for the summary suspension of a license pending further disciplinary proceedings.

Existing law authorizes the Board to summarily suspend a license pending further disciplinary proceedings if the Board determines that the health, safety or welfare of the public or any patient is at risk of imminent or continued harm. (NRS 630.326) **Section 54**: (1) additionally authorizes the Board to restrict the practice of a licensee without suspending his or her license under such circumstances; and (2) removes a requirement that the Board hold a hearing on the summary suspension of a license within 60 days after the summary suspension. **Sections 55 and 61** of this bill authorize a court to stay an order of the Board suspending a license if the suspension is not a summary suspension. **Section 55** also prohibits a court from staying an order of the Board summarily restricting the practice of a licensee. **Section 84** eliminates a duplicative provision authorizing the summary suspension of a licensee's authority to prescribe and dispense controlled substances for certain violations related to such prescribing and dispensing, and **section 53** of this bill eliminates a reference to that provision.

Section 56: (1) makes revisions relating to collaboration between the Board and other governmental entities investigating a person; and (2) authorizes the Board, with authorization from a licensee, to cooperate with the employer of a licensee or any other person or entity responsible for credentialing a licensee. **Section 57** removes certain procedural requirements governing hearings conducted by the Board. **Section 58** of this bill revises requirements governing service of process in proceedings before the Board. **Section 59** removes a requirement that the Board allow a complainant to participate in disciplinary proceedings. **Section 60** of this bill removes the ability for any person other than the respondent or a witness to be held in contempt for certain conduct in a disciplinary proceeding. **Section 62** removes authorization for a person whose license has been revoked by the Board to reinstate his or her license without applying for a new license.

Existing law prohibits the Board from investigating or disciplining a physician for: (1) disclosing to a governmental entity a violation of any law, rule or regulation by an applicant for a license to practice medicine or a physician; or (2) cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation. (NRS 630.364) **Section 63** of this bill: (1) makes this provision applicable to all licensees of the Board; and (2) requires the disclosure or cooperation to be in good faith for the immunity from investigation or discipline to apply.

Existing law prohibits a physician from administering or supervising the administration of general anesthesia, moderate sedation or deep sedation: (1) in an office or facility that does not hold certain permits; or (2) outside of this State. (NRS 630.373) **Section 65** of this bill makes this prohibition also applicable to: (1) physician assistants and anesthesiologist assistants; and (2) administering or supervising the administration of tumescent anesthesia, except where authorized by regulation of the Board. **Sections 7, 68 and 72** of this bill require a physician, physician assistant, advanced practice registered nurse or osteopathic physician who performs a physical examination of a

person who is at least 12 years of age but not more than 18 years of age to screen the person for certain health conditions.

Existing law provides for the registration and regulation of certified registered nurse anesthetists. (NRS 632.2395) Existing law authorizes a certified registered nurse anesthetist working under the supervision of a physician licensed to practice medicine or osteopathic medicine in this State to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician before, during and after surgery or childbirth only in a critical access hospital. (NRS 632.2397) Section 70.5 of this bill further authorizes a certified registered nurse anesthetist to perform such tasks in a hospital located in a city whose population is less than 25,000 (currently all cities except Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks).

Existing law authorizes: (1) an unlicensed medical assistant to perform clinical tasks under the supervision of a physician, osteopathic physician or physician assistant in accordance with regulations adopted by the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate; and (2) those boards to discipline a physician, osteopathic physician or physician assistant who fails to adequately supervise a medical assistant. (NRS 630.0129, 630.138, 630.306, 633.075, 633.293, 633.511) **Sections 67, 70 and 71** of this bill similarly authorize: (1) an unlicensed medical assistant to perform clinical tasks under the supervision of a registered nurse in accordance with regulations of the State Board of Nursing; and (2) the State Board of Nursing to discipline a registered nurse who fails to adequately supervise a medical assistant. **Section 69** of this bill establishes the applicability of the definition of "medical assistant" set forth in **section 67**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.515 is hereby amended to read as follows:

629.515 1. Except as otherwise provided in this subsection, before a provider of health care who is located at a distant site may use telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient, the provider must hold a valid license or certificate to practice his or her profession in this State, including, without limitation, a ~~[special purpose]~~ ***telemedicine*** license issued pursuant to NRS 630.261. The requirements of this subsection do not apply to a provider of health care who is providing services within the scope of his or her employment by or pursuant to a contract entered into with an urban Indian organization, as defined in 25 U.S.C. § 1603.

2. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of a provider of health care; or

(b) Authorize a provider of health care to provide services in a setting that is not authorized by law or in a manner that violates the standard of care required of the provider of health care.

3. A provider of health care who is located at a distant site and uses telehealth to direct or manage the care or render a diagnosis of a patient who is located at an originating site in this State or write a treatment order or prescription for such a patient:

(a) Is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by an occupational licensing board in this State, regardless of the location from which the provider of health care provides services through telehealth.

(b) Shall comply with all federal and state laws that would apply if the provider were located at a distant site in this State.

4. A provider of health care may establish a relationship with a patient using telehealth when it is clinically appropriate to establish a relationship with a patient in that manner. The State Board of Health may adopt regulations governing the process by which a provider of health care may establish a relationship with a patient using telehealth.

5. A provider of health care who is located at an originating site and is conducting a forensic medical examination of an apparent victim of sexual assault or strangulation may use telehealth to connect to an appropriately trained physician, physician assistant or registered nurse who is located at a distant site for the purpose of obtaining instructions and guidance on conducting the examination. The provisions of this subsection must not be construed to prohibit the use of telehealth for communication between providers of health care in other circumstances authorized by law.

6. As used in this section:

(a) "Distant site" means the location of the site where a telehealth provider of health care is providing telehealth services to a patient located at an originating site.

(b) "Originating site" means the location of the site where a patient is receiving telehealth services from a provider of health care located at a distant site.

(c) "Sexual assault" means a violation of NRS 200.366 or 200.368.

(d) "Strangulation" has the meaning ascribed to it in NRS 200.481.

(e) "Telehealth" means the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. The term includes, without limitation, communication between a provider of health care who is providing in-person services to a patient and a provider of health care at a different location and the delivery of services from a provider of health care to a patient at a different location through the use of:

(1) Synchronous interaction or an asynchronous system of storing and forwarding information; and

(2) Audio-only interaction, whether synchronous or asynchronous.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. ***"Charging document" means a charging document filed with the Board in accordance with NRS 622A.300.***

Sec. 4. ***"Equivalent foreign country" means:***

1. Canada, the United Kingdom, Australia and New Zealand; and

2. Any other country designated by regulation of the Board based upon a determination that the standards for medical education and licensing in that country are substantially similar to the standards for medical education and licensing in the United States.

Sec. 5. ***"Foreign medical school" means a medical school that is not located in the United States or an equivalent foreign country.***

Sec. 6. ***1. For the purposes of this chapter:***

(a) Except as otherwise provided in this section, a program of postgraduate education or training is progressive if each year of the program progresses in a continuous manner and the person who completes the program does so in sequence without any breaks of 12 weeks or longer.

(b) The Board shall deem a program of postgraduate education or training approved by the Accreditation Council for Graduate Medical Education, including, without limitation, such a program that includes 1 year or more of scientific or clinical research, to be progressive if the person who completes the program does so in the format that was approved by the Accreditation Council for Graduate Medical Education.

2. Notwithstanding the provisions of subsection 1, the Executive Director of the Board or a designee thereof may, in his or her discretion upon review of the program, determine that a person has completed a progressive program of postgraduate education or training if the person:

(a) Completed 1 or more years in a program that meets the requirements of subsection 1; and

(b) Enrolled in a program that is closely related to the program described in paragraph (a) and completed that program without any breaks of 12 weeks or longer.

Sec. 7. ***Each time a physician or physician assistant performs a routine physical examination of a person who is at least 12 years of age but not more than 18 years of age, the physician or physician assistant shall ask the person the questions prescribed in*** ~~***[:***~~

~~***1. The]***~~ ***the Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form*** ~~***; and***~~

~~***2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.]***~~

Sec. 8. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;
2. The administration of drugs and medications to the cardiopulmonary system;
3. The provision of ventilatory assistance and control;
4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;
5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;
6. Carrying out the written orders of a physician, physician assistant, anesthesiologist assistant, certified registered nurse anesthetist or an advanced practice registered nurse relating to respiratory care;
7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions ***, performance of laboratory testing authorized by NRS 652.210*** and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and
8. Training relating to the practice of respiratory care.

Sec. 10. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to NRS 630.2665 and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(f) The practice of respiratory care ***or perfusion*** by a student as part of a program of study in respiratory care ***or perfusion, as applicable,*** that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care ***or perfusion, as applicable,*** only under the supervision of a practitioner of respiratory care ~~[.]~~ ***or a perfusionist, as applicable;***

(g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient;

(k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice;

(l) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program; and

(m) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant,

anesthesiologist assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 11. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) ~~[Conduct examinations for licensure and establish a system of scoring for those examinations;~~

~~(d)]~~ Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

~~[(e)]~~ ***(d)*** Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against any licensee for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6 of NRS 630.307 and NRS 690B.250; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter. ***Such regulations may include, without limitation, regulations requiring, as a condition for licensure, that an applicant pass one or more examinations in addition to those required by this chapter and regulations concerning the scoring of any such examination.***

Sec. 12. NRS 630.131 is hereby amended to read as follows:

630.131 ***1.*** On or before the last day of each quarter, the Board shall provide the State Board of Osteopathic Medicine a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the State Board of Osteopathic Medicine shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845, 633.4256, 633.4258 and 633.426.

Sec. 13. NRS 630.132 is hereby amended to read as follows:

630.132 ***1.*** On or before the last day of each quarter, the Board shall provide to the State Board of Osteopathic Medicine a list of all physician assistants licensed by the Board.

2. The Board and the State Board of Osteopathic Medicine shall share information as necessary to enforce the provisions of NRS 630.2677, 630.2735, 630.2755, 633.4332, 633.438 and 633.4718.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605 to 630.161, inclusive, and 630.258 to 630.2665, inclusive, a license may be issued to any person who:

(a) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(b) ~~[Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has]~~ ***Has*** passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the ***most commonly administered*** examination ~~[to become a licentiate of the Medical Council of Canada;]~~ ***for medical licensure in an equivalent foreign country;*** or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient; ***and***

(c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, ***a governmental entity that regulates medical education in an equivalent foreign country,*** the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des~~

~~médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their~~] ***or its*** successor [~~organizations;~~] ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;*** or

(II) Fellowship training in the United States or [~~Canada~~] ***an equivalent foreign country*** approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or [~~Canada~~] ***an equivalent foreign country*** approved by the Board, the Accreditation Council for Graduate Medical Education, [~~the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their~~] ***its*** successor [~~organizations,~~] ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country,*** has [~~completed at least 24~~] ***less than 12*** months [~~of~~] ***remaining before he or she completes*** the program and has committed, in writing, to the Board that he or she will complete the program **.** [~~; and~~

~~(d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (a).~~]

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. ***If the Board requires an applicant for a license to practice medicine to pass an examination required pursuant to paragraph (b) of subsection 2 within a prescribed number of attempts, the Board may, by regulation, allow an applicant who is currently certified by a specialty board of the American Board of Medical Specialties more attempts to pass such an examination than the Board allows to an applicant who does not hold such a certification, if the applicant agrees to maintain his or her certification for the duration of the licensure.***

5. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the

information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed ~~[$5,000;]~~ ***$10,000;***

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

~~[5.]~~ ***6.*** If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.1605 is hereby amended to read as follows:

630.1605 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the applicant files an application with the Board, the license is ***active and*** in ~~[effect;]~~ ***good standing;***

(b) The applicant:

(1) Submits to the Board proof of passage of an examination ***listed in paragraph (b) of subsection 2 of NRS 630.160 or another examination*** approved by ***regulation of*** the Board;

(2) Submits to the Board any documentation and other proof of qualifications required by the Board;

(3) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for ~~[the]~~ ***:***

(I) The requirements set forth in ***paragraph (c) of subsection 2 of*** NRS 630.160; ***or***

(II) Any other requirements specified by regulation of the Board; and

(4) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and

(c) Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.

2. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 16. NRS 630.1607 is hereby amended to read as follows:

630.1607 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant ***who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran and*** who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ***.*** ~~[or the American Osteopathic Association.]~~

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; ~~[or]~~

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints ~~[,]~~ ***; or***

(c) Ten days after receiving proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 17. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 ~~[, 630.1606]~~ or 630.1607 must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 18. NRS 630.167 is hereby amended to read as follows:

630.167 1. In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, including, without limitation, an expedited license pursuant to NRS ~~[630.1606 or]~~ 630.1607 or chapter 629A of NRS, and each applicant for a license to practice as a perfusionist, to practice as a physician assistant, to practice as an anesthesiologist assistant or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

2. Any communication between the Board and the Interstate Medical Licensure Compact Commission created by NRS 629A.100 relating to verification of a physician's eligibility for expedited licensure pursuant to that section must not include any information received in a report from the Federal Bureau of Investigation relating to a state and federal criminal records check performed for the purposes of an application for an expedited license issued pursuant to NRS 629A.100.

Sec. 19. NRS 630.170 is hereby amended to read as follows:

630.170 In addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a medical school located in the United States or ~~[Canada]~~ ***an equivalent foreign country*** shall submit to the Board proof that the applicant has received the degree of doctor of medicine from a medical school which, at the time of graduation, was accredited by the Liaison Committee on Medical Education or ~~[the Committee for the Accreditation of Canadian Medical Schools.]~~ ***an organization that accredits medical schools in an equivalent foreign country and is nationally recognized in that country.*** The proof of the degree of doctor of medicine must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school, the Board may accept proof from any other source specified by the Board.

Sec. 20. NRS 630.195 is hereby amended to read as follows:

630.195 1. Except as otherwise provided in NRS ~~[630.1606 and]~~ 630.1607, in addition to the other requirements for licensure, an applicant for

a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 21. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address ***and electronic mail address*** with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address ***or electronic mail address*** shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) May impose upon the licensee a fine not to exceed $250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to paragraph (j) of subsection 1 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

~~[4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.]~~

Sec. 22. NRS 630.257 is hereby amended to read as follows:

630.257 If ~~[a]~~ ***an inactive*** licensee does not engage in the practice of medicine ***or practice as a physician assistant, as applicable,*** for a period of more than 24 consecutive months, ***or if an applicant for a license has not engaged in the practice of medicine, perfusion or respiratory therapy, practiced as a physician assistant or assisted in the practice of medicine, as applicable, for more than 24 consecutive months before the date of the***

application, the Board may require the licensee ***or applicant, as applicable,*** to ~~[take]~~ ***:***

1. Take the same examination to test ~~[medical]~~ competency as that given to applicants for a license ~~[.]~~ ***, or a comparable examination; or***

2. Otherwise demonstrate his or her competency to practice medicine, perfusion or respiratory therapy, practice as a physician assistant or assist in the practice of medicine, as applicable.

Sec. 23. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[, 630.1606]~~ or 630.1607;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[must]~~ ***may*** issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance of the renewed license.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 24. NRS 630.259 is hereby amended to read as follows:

630.259 1. A person may apply to the Board to be licensed as an administrative physician if the person meets all of the statutory requirements for licensure in effect at the time of application except ~~[the]~~ ***for such*** requirements ~~[of paragraph (c) of subsection 2 of NRS 630.160.]~~ ***as are specified by regulation of the Board.***

2. A person who is licensed as an administrative physician pursuant to this section:

(a) May not engage in the practice of clinical medicine;

(b) Shall comply with all of the statutory requirements for continued licensure pursuant to this chapter; and

(c) Shall be deemed to hold a license to practice medicine in an administrative capacity only.

Sec. 25. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) ~~[A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific~~

~~patient. The physician licensed in this State has the primary responsibility for the care of that patient.~~

~~(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.~~

~~(d)~~ A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

~~(e)~~ ***(c)*** A ~~special purpose~~ ***telemedicine*** license to a physician who is licensed in another state to perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States. A physician who holds a ~~special purpose~~ ***telemedicine*** license issued pursuant to this paragraph:

(1) Except as otherwise provided by specific statute or regulation, shall comply with the provisions of this chapter and the regulations of the Board; and

(2) To the extent not inconsistent with the Nevada Constitution or the United States Constitution, is subject to the jurisdiction of the courts of this State.

2. For the purpose of paragraph ~~(e)~~ ***(c)*** of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

Sec. 26. NRS 630.263 is hereby amended to read as follows:

630.263 1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this State, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this State.

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this State or any geographic area within this State.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph (c) of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in the declaration and, if the Governor has limited the declaration to one or more geographic areas within this State, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, the Accreditation Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada,]~~ or ~~[their]~~ ***its*** successor ~~[organizations, respectively;]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;***

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this State only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (c) of subsection 2 of NRS 630.160.

Sec. 27. NRS 630.264 is hereby amended to read as follows:

630.264 1. A board of county commissioners may petition the Board of Medical Examiners to waive the requirements of paragraph (c) of subsection 2 of NRS 630.160 for any applicant intending to practice medicine in a medically underserved area of that county as that term is defined by regulation by the Board of Medical Examiners. The Board of Medical Examiners may waive that requirement and issue a license if the applicant:

(a) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation

Council for Graduate Medical Education, ~~[the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada,]~~ or ~~[their]~~ ***its*** successor ~~[organizations, respectively;]~~ ***organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country;***

(b) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(c) Meets all other conditions and requirements for a license to practice medicine.

2. Any person licensed pursuant to subsection 1 must be issued a license to practice medicine in this State restricted to practice in the medically underserved area of the county which petitioned for the waiver only. A person may apply to the Board of Medical Examiners for renewal of that restricted license every 2 years after being licensed.

3. Any person holding a restricted license pursuant to subsection 1 who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph (c) of subsection 2 of NRS 630.160.

Sec. 28. NRS 630.265 is hereby amended to read as follows:

630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 ***for failure to comply with any requirement imposed pursuant to NRS 630.257*** or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or ~~[Canada;]~~ ***an equivalent foreign country;*** or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program. A limited license remains valid only while the licensee is actively practicing medicine in the residency program **.** ~~[and is legally entitled to work and remain in the United States.]~~

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 29. NRS 630.2677 is hereby amended to read as follows:

630.2677 ***1.*** A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If an applicant to renew a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268 but does not pay the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the physician assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of a physician assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268; and

(b) The physician assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 30. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement $600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, ~~[special, special purpose]~~ ***telemedicine*** or special event license 400
For renewal of a limited, restricted ~~[,]~~ ***or*** authorized facility ~~[or special]~~ license 400
For application for and issuance of a license as a physician assistant, including a license by endorsement 400
For application for and issuance of a simultaneous license as a physician assistant 200
For biennial registration of a physician assistant 800
For biennial simultaneous registration of a physician assistant 400
For biennial registration of a physician 800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care 400
For biennial renewal of a license as a perfusionist 600
For application for and issuance of a license or temporary license to practice as an anesthesiologist assistant 400
For application for and initial issuance of a simultaneous license as an anesthesiologist assistant 200
For biennial registration of an anesthesiologist assistant 800
For biennial simultaneous registration of an anesthesiologist assistant 400
For biennial registration of a practitioner of respiratory care 600
For biennial registration for a physician who is on inactive status 400
For written verification of licensure 50
~~[For a duplicate identification card ..... 25]~~
For a duplicate license 50
~~[For computer printouts or labels ..... 500~~
~~For verification of a listing of physicians, per hour ..... 20]~~
For furnishing a list of new physicians $100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees ~~[prescribed in]~~ ***established pursuant to*** subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to ~~[~~:

~~(a)]~~ NRS 630.1607 ~~[~~, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

~~(b) NRS]~~ ***or*** 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS ~~[630.1606 or]~~ 630.2751, ~~[as applicable,]~~ the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 31. NRS 630.26835 is hereby amended to read as follows:

630.26835 ***1.*** A person applying for an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as an anesthesiologist assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If a person who applies for an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for application for and issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268 and the person does not pay the application and initial simultaneous license fee for an anesthesiologist

assistant established pursuant to NRS 633.501 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for application for and issuance of a license to practice as an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for application for and initial issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 32. NRS 630.2684 is hereby amended to read as follows:

630.2684 ***1.*** A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If an applicant to renew an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The anesthesiologist assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 33. NRS 630.26845 is hereby amended to read as follows:

630.26845 ***1.*** If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 633 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for an anesthesiologist assistant license to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of an anesthesiologist assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501.

2. If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of an anesthesiologist assistant established pursuant to NRS 630.268; and

(b) The anesthesiologist assistant shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 34. NRS 630.269 is hereby amended to read as follows:

630.269 The Board shall adopt regulations regarding the licensure of perfusionists, including, without limitation:

1. The criteria for licensure as a perfusionist and the standards of professional conduct for holders of such a license;

2. The qualifications and fitness of applicants for licenses, renewal of licenses and reciprocal licenses;

3. ~~[The requirements for any practical, oral or written examination for a license that the Board may require pursuant to NRS 630.2692, including, without limitation, the passing grade for such an examination;~~

~~4.]~~ The ~~[fees]~~ ***fee*** for ~~[examination and for]~~ ***the*** reinstatement of expired licenses;

~~[5.]~~ ***4.*** The requirements for continuing education for the renewal of a license;

~~[6.]~~ ***5.*** A code of ethics for perfusionists; and

~~[7.]~~ ***6.*** The procedures for the revocation, suspension or denial of a license for a violation of this chapter or the regulations of the Board.

Sec. 35. NRS 630.2691 is hereby amended to read as follows:

630.2691 To be eligible for licensing by the Board as a perfusionist, an applicant must:

1. Be a natural person of good moral character;

2. Submit a completed application as required by the Board ***;*** ~~[by the date established by the Board;]~~

3. Submit any required fees ***;*** ~~[by the date established by the Board;]~~

4. Have successfully completed a perfusion education program approved by the Board, which must:

(a) Have been approved by the Committee on Allied Health Education and Accreditation of the American Medical Association before June 1, 1994; or

(b) Be a program that has educational standards that are at least as stringent as those established by the Accreditation Committee-Perfusion Education and approved by the Commission on Accreditation of Allied Health Education Programs of the American Medical Association, or its successor;

5. ~~[Pass an examination required pursuant to NRS 630.2692;]~~ ***Hold a current, valid certification issued by the American Board of Cardiovascular Perfusion, or its successor organization;*** and

6. Comply with any other requirements set by the Board.

Sec. 36. NRS 630.2695 is hereby amended to read as follows:

630.2695 1. Each license issued pursuant to NRS 630.2694 expires on June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of every odd-numbered year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(c) The applicable fee for renewal of the license prescribed by the Board pursuant to NRS 630.2691.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made may be reinstated only if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees:

(1) For the reinstatement of an expired license, prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(2) For each biennium that the license was expired, for the renewal of the license.

3. If a license has been expired for more than 2 years, a person may not renew or reinstate the license but must apply for a new license and ~~[submit to~~

~~the examination required]~~ ***comply with any requirement imposed by the Board*** pursuant to NRS ~~[630.2692.]~~ ***630.257.***

4. The Board shall send a notice of renewal to each licensee not later than 60 days before his or her license expires. The notice must include the amount of the fee for renewal of the license.

Sec. 37. NRS 630.2696 is hereby amended to read as follows:

630.2696 1. The Board may issue a temporary license to practice perfusion in this State to a person who has not yet ~~[completed the examination]~~ ***obtained the certification*** required pursuant to NRS ~~[630.2692]~~ ***630.2691*** but who:

(a) Has completed an approved perfusion education program;

(b) Files an application; and

(c) Pays the required fee.

2. A perfusionist shall supervise and direct a temporarily licensed perfusionist at all times during which the temporarily licensed perfusionist performs perfusion.

3. A temporary license is valid for 1 year after the date it is issued and may be ~~[extended subject to regulation by the Board.]~~ ***renewed once.*** The application for renewal must be signed by a supervising licensed perfusionist.

~~[4. If a temporarily licensed perfusionist fails any portion of the examination required pursuant to NRS 630.2692, he or she shall immediately surrender the temporary license to the Board.]~~

Sec. 38. NRS 630.2735 is hereby amended to read as follows:

630.2735 ***1.*** A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as a physician assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If a person who applies for a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS and pays the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 but does not pay the

application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for application for and issuance of a license as a physician assistant established pursuant to NRS 630.268; and

(2) The fee for application for and initial issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 39. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.
5. The tests or examinations of applicants required by the Board.
6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractic physicians, naprapaths, podiatric physicians and optometrists under chapters 631, 634, 634B, 635 and 636, respectively, of NRS, or as hearing aid specialists.
7. The duration, renewal and termination of licenses, including licenses by endorsement. ~~[The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses.]~~
8. The grounds and procedures respecting disciplinary actions against physician assistants.
9. The supervision of medical services of a physician assistant by a supervising physician.
10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

Sec. 40. NRS 630.2751 is hereby amended to read as follows:

630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in

this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1; ***and***

(2) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; ~~[and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; ~~[or]~~

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints ~~[.]~~ ***; or***

(c) Ten days after the Board receives proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 41. NRS 630.2752 is hereby amended to read as follows:

630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1; ***and***

(2) Has not been disciplined ~~[or]~~ ***and is not currently being*** investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; ~~[and~~

~~(3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;]~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, ***including, without limitation, failure to comply with any requirement imposed by the Board pursuant to NRS 630.257,*** the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; ~~[or]~~

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints ~~[.]~~ ***; or***

(c) Ten days after the Board receives proof that the applicant has complied with any requirement imposed by the Board pursuant to NRS 630.257, if applicable,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 42. NRS 630.2755 is hereby amended to read as follows:

630.2755 ***1.*** If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The fee for biennial simultaneous registration of a physician assistant ***established*** pursuant to NRS 630.268; and

~~[(b)]~~ ***(2)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501.

2. If a person licensed as a physician assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The Board of Medical Examiners shall notify the person that he or she is required to pay to the Board the difference between:

(1) The fee for biennial registration of a physician assistant established pursuant to NRS 630.268; and

(2) The fee for biennial simultaneous registration of a physician assistant established pursuant to NRS 630.268; and

(b) The person shall pay to the Board of Medical Examiners the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 43. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) ~~[Have:~~

~~(1) A high school diploma; or~~

~~(2) A general equivalency diploma or an equivalent document;~~

~~(b)]~~ Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Commission on Accreditation for Respiratory Care or its successor organization;

~~[(c)]~~ ***(b)*** Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the National Board for Respiratory Care or its successor organization;

~~[(d)]~~ ***(c)*** Be certified by the National Board for Respiratory Care or its successor organization; and

~~[(c)]~~ ***(d)*** Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,

➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in ~~[paragraphs]~~ ***paragraph*** (a) ~~[and (b)]~~ of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 44. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. Any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by ***another agency of this State or*** another state, the Federal Government, a foreign country or any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if the malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner. ***For the purposes of this subsection, a practitioner shall be deemed to be currently treating a patient if the practitioner:***

(a) Has treated the patient within the immediately preceding 3 years; and

(b) Has not discharged the patient in writing.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when the failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 45. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he

or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any ***arrest or*** criminal ~~[action taken or]~~ conviction ~~[obtained against]~~ ***of*** the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Performing or supervising the performance of a pelvic examination in violation of NRS 629.085.

(x) Failure to respond to the Board or an investigative committee of the Board during an investigation or otherwise cooperate with an investigation pursuant to this chapter.

2. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 46. NRS 630.3067 is hereby amended to read as follows:

630.3067 1. The insurer of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist not later than 45 days after the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is

not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. Except where otherwise required by law, a report made by an insurer pursuant to this section is a public record.

Sec. 47. NRS 630.3068 is hereby amended to read as follows:

630.3068 1. A physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist shall report to the Board:

(a) Any action for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist not later than 45 days after the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition, including, without limitation, any amount paid to resolve the claim; and

(d) Any sanctions imposed against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist pursuant to this section are public records.

Sec. 48. NRS 630.3069 is hereby amended to read as follows:

630.3069 If the Board receives a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding an action or claim for malpractice or that such an action or claim against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has been resolved by settlement, the Board shall conduct an investigation to determine whether to impose disciplinary action against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding the action

or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 49. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care ***or assisting in the practice of medicine*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with subsection 3 or 4 by a hospital, clinic or other medical facility licensed in this State to the Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health determines that any such facility or society failed to comply with the requirements of subsection 3 or 4, the Division may impose an administrative

fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

6. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

7. ***If the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must proceed as if a complaint had been filed against the licensee who is the subject of the report.***

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 50. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care, a written ~~[complaint,]~~ ***charging document,*** specifying the charges, must be filed with the Board by ~~[:~~

~~1. The]~~ ***the*** Board or a committee designated by the Board to investigate a complaint ***.*** ~~[;~~

~~2. Any member of the Board; or~~

~~3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.]~~

Sec. 51. NRS 630.311 is hereby amended to read as follows:

630.311 1. Except as otherwise provided in NRS 630.323, a committee designated by the Board and consisting of members of the Board shall review each complaint ***received by the Board that is within the jurisdiction of the Board*** and conduct an investigation to determine if there is a reasonable basis for the complaint. The committee must be composed of at least three members of the Board, at least one of whom is not a physician. The committee may issue orders to aid its investigation including, but not limited to, compelling a physician to appear before the committee.

2. If, after conducting an investigation, the committee determines that there is a reasonable basis for the complaint and that a violation of any provision of this chapter has occurred, the committee may file a formal ~~[complaint]~~ ***charging document*** with the Board.

3. The proceedings of the committee are confidential and are not subject to the requirements of NRS 241.020. Within 20 days after the conclusion of each meeting of the committee, the Board shall publish a summary setting forth the proceedings and determinations of the committee. The summary must not identify any person involved in the complaint that is the subject of the proceedings.

Sec. 52. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has raised a reasonable question as to his or her competence to practice medicine, respiratory care or perfusion **,** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist regarding an action or claim for malpractice or that such an action or claim against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist has been resolved by settlement, the Board or committee may order that the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist undergo a mental or physical examination, an examination testing his or her competence to practice medicine, respiratory care or perfusion **,** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, or any other examination designated by the Board to assist the Board or committee in determining the fitness of the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist to practice medicine, respiratory care or perfusion **,** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable.

2. For the purposes of this section:

(a) Every physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice medicine, respiratory care or perfusion **,** ~~[or]~~ practice as a physician assistant ~~[,]~~ ***or assist in the practice of medicine,*** as applicable, when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of a person who conducts an examination of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist on behalf of the Board or an investigative committee of the Board pursuant to this section are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist licensed under this chapter to submit to an examination when directed as provided in this section constitutes ~~[an]~~ ***:***

(a) Grounds for the immediate suspension of the license of the physician, physician assistant, anesthesiologist assistant, practitioner of respiratory care or perfusionist pending further disciplinary proceedings; and

(b) An admission of the charges against the physician, physician assistant, ***anesthesiologist assistant,*** practitioner of respiratory care or perfusionist.

Sec. 53. NRS 630.323 is hereby amended to read as follows:

630.323 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; and

(b) A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall:

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those physicians and physician assistants of the requirements of this section and NRS ~~[630.324,]~~ 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 54. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the licensee is at risk of imminent or continued harm, the Board may ***:***

(a) Summarily restrict the practice of the licensee, including, without limitation, restricting or suspending the ability of the licensee to prescribe and dispense controlled substances, practice in a specialty area, perform specific tasks or procedures or treat a specific population of patients pending the conclusion of a hearing to consider a formal charging document filed against the licensee; or

(b) In accordance with subsection 3 of NRS 233B.127, summarily suspend the license of the licensee pending the conclusion of a hearing to consider a formal ~~[complaint]~~ ***charging document*** against the licensee. The order of summary suspension may be issued only by the Board or an investigative committee of the Board.

2. ~~[If the Board or an investigative committee of the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing not later than 60 days after the date on which the order is issued, unless the Board and the licensee mutually agree to a longer period, to determine whether a reasonable basis exists to continue the suspension of the license pending the conclusion of a hearing to consider a formal complaint against the licensee. If no formal complaint against the licensee is pending before the Board on the date on which a hearing is held pursuant to this section, the Board shall reinstate the license of the licensee.~~

~~3.]~~ If the Board or an investigative committee of the Board issues an order summarily suspending the license of a licensee ***or restricting the practice of a licensee*** pursuant to subsection 1 and the Board requires the licensee to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 30 days after the order is issued.

Sec. 55. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order ***summarily*** suspending the license of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care ***or summarily restricting the practice of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care*** pending proceedings for disciplinary action, ~~[including, without limitation, a summary suspension pursuant to NRS 233B.127,]~~ the court shall not stay that order.

Sec. 56. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant, anesthesiologist assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal ~~[complaint or other]~~ ***charging*** document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or agency or any agency which is investigating a person, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, ~~[transcripts of oral examinations and]~~ the results of ~~[oral examinations.]~~ ***any examination conducted pursuant to NRS 630.318, a copy of any such examination or any documents or transcripts relating to such an examination.***

7. To the extent practicable and authorized by a licensee, the Board may communicate with, cooperate with or provide any documents to the employer of a licensee or any other person or entity responsible for credentialing a licensee to provide health care on behalf of the person or entity.

Sec. 57. NRS 630.339 is hereby amended to read as follows:

630.339 1. If a committee designated by the Board to conduct an investigation of a complaint decides to proceed with disciplinary action, it shall bring charges against the licensee by filing a formal ~~[complaint.]~~ ***charging document.*** The formal ~~[complaint]~~ ***charging document*** must include a written statement setting forth the charges alleged and setting forth in concise and plain language each act or omission of the respondent upon which the charges are based. The formal ~~[complaint]~~ ***charging document*** must be prepared with sufficient clarity to ensure that the respondent is able to prepare a defense. The formal ~~[complaint]~~ ***charging document*** must specify any applicable law or regulation that the respondent is alleged to have violated. The formal ~~[complaint]~~ ***charging document*** may be signed by the chair of the investigative committee or the legal counsel for the Board.

2. The respondent may file an answer to the formal ~~[complaint within 20 days after service of the complaint upon the respondent.]~~ ***charging document pursuant to NRS 622A.320.*** An answer must state in concise and plain language the respondent's defenses to each charge set forth in the ~~[complaint]~~ ***charging document*** and must admit or deny the averments stated in the ~~[complaint.]~~ ***charging document.*** If a party fails to file an answer within the time prescribed, the party shall be deemed to have denied generally the allegations of the formal ~~[complaint]~~ ***charging document*** and the Board or an

investigative committee of the Board may proceed pursuant to this section in the same manner as if the answer were timely filed.

3. Within 20 days after the filing of an answer or 20 days after the date on which an answer is due, whichever is earlier, the parties shall hold an early case conference at which the parties and a hearing officer appointed by the Board or a member of the Board must preside. At the early case conference, the parties shall in good faith:

(a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board or the Board, including the estimated duration of the hearing;

(b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

(3) On which to hold the prehearing conference; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

4. ~~[If the Board receives a report pursuant to subsection 5 of NRS 228.420, such a hearing must be held within 30 days after receiving the report. The Board shall notify the licensee of the charges brought against him or her, the time and place set for the hearing, and the possible sanctions authorized in NRS 630.352.~~

~~5.]~~ A formal hearing must be held at the time and date set at the early case conference by:

(a) The Board;

(b) A hearing officer;

(c) A member of the Board designated by the Board or an investigative committee of the Board;

(d) A panel of members of the Board designated by an investigative committee of the Board or the Board;

(e) A hearing officer together with not more than one member of the Board designated by an investigative committee of the Board or the Board; or

(f) A hearing officer together with a panel of members of the Board designated by an investigative committee of the Board or the Board. If the hearing is before a panel, at least one member of the panel must not be a physician.

~~[6. At any hearing at which at least one member of the Board presides, whether in combination with a hearing officer or other members of the Board, the final determinations regarding credibility, weight of evidence and whether the charges have been proven must be made by the members of the Board. If~~

~~a hearing officer presides together with one or more members of the Board, the hearing officer shall:~~

~~(a) Conduct the hearing;~~

~~(b) In consultation with each member of the Board, make rulings upon any objections raised at the hearing;~~

~~(c) In consultation with each member of the Board, make rulings concerning any motions made during or after the hearing; and~~

~~(d) Within 30 days after the conclusion of the hearing, prepare and file with the Board written findings of fact and conclusions of law in accordance with the determinations made by each member of the Board.]~~

Sec. 58. NRS 630.344 is hereby amended to read as follows:

630.344 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and chapter 622A of NRS,*** service of process under this chapter ~~[must]~~ ***:***

(a) Must be made on a licensee personally, or by ~~[registered or]~~ certified mail ~~[with return receipt requested]~~ addressed to the licensee at his or her last known ***mailing*** address ~~[. If personal service cannot be made and if notice by mail is returned undelivered, the President or Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.]~~ ***, as indicated in the records of the Board.***

(b) Shall be deemed complete:

(1) For personal service, on the date on which the process is delivered to the person; or

(2) For service by certified mail, on the date on which the process is mailed.

2. In lieu of the methods of service of process set forth in subsection 1, if the Board obtains written consent from the licensee, service of process under this chapter may be made by electronic mail on the licensee at an electronic mail address designated by the licensee in the written consent. ***A licensee with a mailing address outside of the United States must consent to service of process by electronic mail.***

3. Proof of service of process ~~[or publication of notice made]~~ ***in connection with a contested case*** under this chapter must be filed with the Board and may be recorded in the minutes of the Board ~~[.]~~ ***, if applicable.***

4. As used in this section, "contested case" has the meaning ascribed to it in NRS 622A.020.

Sec. 59. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a ***complaint or the filing of a*** formal ~~[complaint]~~ ***charging document*** in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210; ***and***

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation**.** ~~[; and~~

~~(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.]~~

➥ The Board may limit the time within which the parties ~~[and the complainant]~~ may make their arguments and statements.

2. At the conclusion of the presentations of the parties **,** ~~[and the complainant,]~~ the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties**.** ~~[and the complainant.]~~

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct an alcohol or other substance use disorder or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed $10,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 60. NRS 630.355 is hereby amended to read as follows:

630.355 1. If ***the respondent or*** a ~~[person,]~~ ***witness*** in a proceeding before the Board, a hearing officer or a panel of the Board:

(a) Disobeys or resists a lawful order;

(b) Refuses to take an oath or affirmation as a witness;

(c) Refuses to be examined; or

(d) Engages in conduct during a hearing or so near the place thereof as to obstruct the proceeding,

➥ the Board, hearing officer or panel may certify the facts to the district court of the county in which the proceeding is being conducted. Such a certification operates as a stay of all related disciplinary proceedings. The court shall issue an order directing the ~~[person]~~ ***respondent or witness, as applicable,*** to appear before the court and show cause why he or she should not be held in contempt.

2. A copy of the statement of the Board, hearing officer or panel, and the order of the district court issued pursuant to subsection 1, must be served on the ~~[person.]~~ ***respondent or witness, as applicable.*** Thereafter, the court has jurisdiction of the matter.

3. The same proceedings must be had, the same penalties may be imposed and the ~~[person]~~ ***respondent or witness, as applicable,*** may purge himself or herself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action.

Sec. 61. NRS 630.356 is hereby amended to read as follows:

630.356 1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order.

2. Every order that imposes a sanction against a licensee pursuant to subsection 4 or 5 of NRS 630.352 or any regulation of the Board is effective from the date the Secretary-Treasurer certifies the order until the date the order is modified or reversed by a final judgment of the court. ~~[The court shall not stay the order of the Board pending a final determination by the court.]~~

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 62. NRS 630.358 is hereby amended to read as follows:

630.358 1. Any person:

(a) Whose practice of medicine, perfusion or respiratory care has been limited; or

(b) Whose license to practice medicine, perfusion or respiratory care has been ~~[~~:

~~(1) Suspended]~~ ***suspended*** until further order ~~[~~; or

~~(2) Revoked,~~

➥ ~~by an order]~~ of the Board,

➥ may ~~[apply to]~~ ***petition*** the Board for removal of the limitation or ~~[restoration of the license.]~~ ***suspension.***

2. In hearing ~~[the application,]~~ ***a petition received pursuant to subsection 1,*** the Board:

(a) May require the person to submit to a mental or physical examination or an examination testing his or her competence to practice ~~[medicine, perfusion or respiratory care by physicians, perfusionists or practitioners]~~ ***as a physician, physician assistant, anesthesiologist assistant, perfusionist or practitioner*** of respiratory care, as appropriate, or other examinations it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the ~~[application]~~ ***petition*** is reasonable; and

(c) May deny the ~~[application]~~ ***petition*** or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The licensee has the burden of proving by clear and convincing evidence that the requirements for ~~[restoration of the license or]~~ removal of the limitation ***or suspension*** have been met.

4. The Board shall not ~~[restore a license]~~ ***remove a limitation or suspension*** unless it is satisfied that the person has complied with all of the terms and conditions set forth in the final order of the Board and that the person is capable of practicing ~~[medicine, perfusion or respiratory care]~~ ***as a physician, physician assistant, anesthesiologist assistant, perfusionist or practitioner of respiratory care, as appropriate,*** in a safe manner.

5. To restore a license that has been revoked by the Board, ~~[the applicant]~~ ***a person*** must apply for a license and ~~[take an examination]~~ ***meet all of the requirements for the issuance of the license at the time of the application*** as though the applicant had never been licensed under this chapter.

Sec. 63. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, peer reviewers, committees, panels, hearing officers, consultants and the employees or volunteers of a diversion program are immune from any civil liability for:

(a) Any decision or action taken in good faith in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any

hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. Except as otherwise provided in subsection 4, the Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against a ~~[physician]~~ ***licensee*** for:

(a) Disclosing to a governmental entity ***in good faith*** a violation of any law, rule or regulation by an applicant for a license ~~[to practice medicine]~~ or by a ~~[physician;]~~ ***licensee;*** or

(b) Cooperating ***in good faith*** with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

4. A ~~[physician]~~ ***licensee*** who discloses information to or cooperates with a governmental entity pursuant to subsection 3 with respect to the violation of any law, rule or regulation by the ~~[physician]~~ ***licensee*** is subject to investigation and any other administrative or disciplinary action by the Board under the provisions of this chapter for such violation.

5. As used in this section:

(a) "Diversion program" means a program approved by the Board to correct a licensee's alcohol or other substance use disorder or any other impairment.

(b) "Governmental entity" includes, without limitation:

(1) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(2) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(3) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(4) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(5) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 64. NRS 630.371 is hereby amended to read as follows:

630.371 Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or ~~[Canada]~~ ***an equivalent foreign country*** in a program approved by the Board, the Accreditation Council for Graduate Medical Education ***,*** or ~~[the Council on Medical Education of the Canadian Medical Association.]~~ ***its successor organization, or an organization that accredits graduate medical education in an equivalent foreign country and is nationally recognized in that country.***

Sec. 65. NRS 630.373 is hereby amended to read as follows:

630.373 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** physician ***, physician assistant or anesthesiologist assistant*** shall not

administer or supervise directly the administration of general anesthesia, ***tumescent anesthesia,*** conscious sedation or deep sedation to patients unless the general anesthesia, ***tumescent anesthesia,*** conscious sedation or deep sedation is administered:

(a) In an office of a physician or osteopathic physician which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

(b) In a facility which holds a permit pursuant to NRS 449.435 to 449.448, inclusive;

(c) In a medical facility as that term is defined in NRS 449.0151; or

(d) Outside of this State.

2. ***The Board may adopt regulations that authorize a physician, physician assistant or anesthesiologist assistant to administer or supervise directly the administration of tumescent anesthesia in a location that does not meet the requirements of subsection 1.***

3. As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Tumescent anesthesia" means local anesthesia caused by the subcutaneous injection of a dilute mixture that includes, without limitation, local anesthetic and epinephrine.

Sec. 66. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 67 and 68 of this act.

Sec. 67. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of a registered nurse, including, without limitation, an advanced practice registered nurse; and

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 68. ***Each time an advanced practice registered nurse performs a routine physical examination of a person who is at least 12 years of age but not more than 18 years of age, the advanced practice registered nurse shall ask the person the questions prescribed in*** ~~***:***~~

~~***1. The***~~ ***the Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form*** ~~***;***~~ ***; and***

~~***2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.***~~

Sec. 69. NRS 632.010 is hereby amended to read as follows:

632.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 632.011 to 632.0195, inclusive, ***and section 67 of this act*** have the meanings ascribed to them in those sections.

Sec. 70. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350, inclusive, the certifications described in NRS 432B.6075, 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

(c) Requirements governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 70.5. **NRS 632.2397 is hereby amended to read as follows:**

632.2397 1. A certified registered nurse anesthetist may:

(a) Under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital ***or a hospital located in a city whose population is less than 25,000*** in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

(b) Possess and administer controlled substances, poisons, dangerous drugs and devices in other circumstances under which a registered nurse is authorized to possess and administer controlled substances, poisons, dangerous drugs and devices.

2. A certified registered nurse anesthetist shall not order or prescribe a controlled substance, poison, dangerous drug or device except as authorized by paragraph (a) of subsection 1.

3. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. 1395i-4(e).

Sec. 71. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an individualized investigational treatment or investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has performed or supervised the performance of a pelvic examination in violation of NRS 629.085.

(v) Has failed to comply with the provisions of NRS 441A.315 or any regulations adopted pursuant thereto.

(w) Has failed to supervise adequately a medical assistant pursuant to the regulations of the Board.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section:

(a) "Individualized investigational treatment" has the meaning ascribed to it in NRS 454.690.

(b) "Investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 72. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

Each time an osteopathic physician or physician assistant performs a routine physical examination of a person who is at least 12 years of age but not more than 18 years of age, the physician or physician assistant shall ask the person the questions prescribed in ~~***[:***~~

~~***1. The]***~~ ***the Medical History Form and the Physical Examination Form of the Preparticipation Physical Evaluation Form developed jointly by the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Sports Medicine, the American Medical Society for Sports Medicine, the American Orthopaedic Society for Sports Medicine and the American Osteopathic Academy of Sports Medicine, or any successor form*** ~~***[; and***~~

~~***2. The 14-point evaluation for heart disease in young people prescribed by the American Heart Association, or any successor evaluation.]***~~

Sec. 73. NRS 633.2815 is hereby amended to read as follows:

633.2815 ***1.*** On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845 and 633.4256.

Sec. 74. NRS 633.2815 is hereby amended to read as follows:

633.2815 ***1.*** On or before the last day of each quarter, the Board shall provide the Board of Medical Examiners a list of all anesthesiologist assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.26835, 630.2684, 630.26845, 633.4256, 633.4258 and 633.426.

Sec. 75. NRS 633.282 is hereby amended to read as follows:

633.282 ***1.*** On or before the last day of each quarter, the Board shall provide to the Board of Medical Examiners a list of all physician assistants licensed by the Board.

2. The Board and the Board of Medical Examiners shall share information as necessary to enforce the provisions of NRS 630.2677, 630.2735, 630.2755, 633.4332, 633.438, 633.4718.

Sec. 76. NRS 633.4256 is hereby amended to read as follows:

633.4256 ***1.*** A person applying for a license to practice as an anesthesiologist assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as an anesthesiologist assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If a person who applies for an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS and pays the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501 and the person does not pay the fee for application for and issuance of a simultaneous license as an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The application and initial license fee for an anesthesiologist assistant established pursuant to NRS 633.501; and

(2) The application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 77. NRS 633.4258 is hereby amended to read as follows:

633.4258 ***1.*** A person applying to renew an anesthesiologist assistant license pursuant to the provisions of this chapter who wishes to hold a simultaneous anesthesiologist assistant license pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew an anesthesiologist assistant license to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

[(a)] *(1)* The fee for [initial] ***biennial*** simultaneous ***renewal of an anesthesiologist assistant*** license [as an anesthesiologist assistant] ***established*** pursuant to NRS 633.501; and

[(b)] *(2)* The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If an applicant to renew an anesthesiologist assistant license pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS and pays the fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(2) The fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(b) The anesthesiologist assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 78. NRS 633.426 is hereby amended to read as follows:

633.426 *1.* If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license as an anesthesiologist assistant pursuant to the provisions of chapter 630 of NRS, the person must:

[1.] *(a)* Apply for an anesthesiologist assistant license to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

[2.] *(b)* Pay all applicable fees, including, without limitation:

[(a)] *(1)* The fee for biennial simultaneous [registration] ***renewal*** of an anesthesiologist assistant ***license established*** pursuant to NRS 633.501; and

[(b)] *(2)* The application and initial simultaneous license fee for an anesthesiologist assistant ***established*** pursuant to NRS 630.268.

2. If a person licensed as an anesthesiologist assistant pursuant to the provisions of this chapter pays the fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the application and initial simultaneous license fee for an anesthesiologist assistant established pursuant to NRS 630.268 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the anesthesiologist assistant that he or she is required to pay to the Board the difference between:

(1) The fee for biennial renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(2) The fee for biennial simultaneous renewal of an anesthesiologist assistant license established pursuant to NRS 633.501; and

(b) The anesthesiologist assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 79. NRS 633.4332 is hereby amended to read as follows:

633.4332 ***1.*** A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply for a license to practice as a physician assistant to:

~~[(a)]~~ ***(1)*** The Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** The Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The application and initial simultaneous license fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If a person who applies for a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS and pays the application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the issuance of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The application and initial license fee for a physician assistant established pursuant to NRS 633.501; and

(2) The application and initial simultaneous license fee for a physician assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 80. NRS 633.438 is hereby amended to read as follows:

633.438 ***1.*** If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS, the person must:

~~[1.]~~ ***(a)*** Apply for a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[2.]~~ ***(b)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The annual simultaneous registration fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If a person licensed as a physician assistant pursuant to the provisions of this chapter pays the annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501 in accordance with subparagraph (1) of paragraph (b) of subsection 1 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the next time the person renews his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the person that he or she is required to pay to the Board the difference between:

(1) The annual registration fee for a physician assistant established pursuant to NRS 633.501; and

(2) The annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501; and

(b) The person shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 81. NRS 633.4718 is hereby amended to read as follows:

633.4718 ***1.*** A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:

~~[1.]~~ ***(a)*** Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

~~[2.]~~ ***(b)*** Apply:

~~[(a)]~~ ***(1)*** To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

~~[(b)]~~ ***(2)*** For a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

~~[3.]~~ ***(c)*** Pay all applicable fees, including, without limitation:

~~[(a)]~~ ***(1)*** The annual simultaneous registration fee for a physician assistant ***established*** pursuant to NRS 633.501; and

~~[(b)]~~ ***(2)*** The fee for application for and issuance of a simultaneous license as a physician assistant ***established*** pursuant to NRS 630.268.

2. If an applicant to renew a license to practice as a physician assistant pursuant to the provisions of this chapter indicates that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS and pays the annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501 but does not pay the fee for application for and issuance of a simultaneous license as a physician assistant established pursuant to NRS 630.268 within 1 year after the renewal of his or her license pursuant to this chapter:

(a) The State Board of Osteopathic Medicine shall notify the physician assistant that he or she is required to pay to the Board the difference between:

(1) The annual registration fee for a physician assistant established pursuant to NRS 633.501; and

(2) The annual simultaneous registration fee for a physician assistant established pursuant to NRS 633.501; and

(b) The physician assistant shall pay to the State Board of Osteopathic Medicine the amount required by paragraph (a) not later than 30 days after the date of the notice provided pursuant to paragraph (a).

Sec. 82. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ***and 3*** and NRS 126.121 and 652.186, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed anesthesiologist assistant, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. ***In addition to the laboratory tests authorized by subsection 1, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127 if:***

(a) The practitioner of respiratory care has been properly trained to perform the test; and

(b) Performing the test is within the scope of practice of a practitioner of respiratory care.

3. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 83. 1. A special ~~[purpose]~~ license **or a restricted license** issued pursuant to NRS 630.261 expires on January 1, 2026.

2. A special purpose license issued pursuant to NRS 630.261 before January 1, 2026, shall be deemed equivalent to a telemedicine license issued pursuant to NRS 630.261, as amended by section 25 of this act, on or after January 1, 2026.

3. The amendatory provisions of sections 29, 31, 32, 33, 38 and 42 of this act apply to any person who has indicated to the Board of Medical Examiners that he or she intends to apply to the State Board of Osteopathic Medicine for a simultaneous license as a physician assistant or anesthesiologist assistant, as applicable, before, on or after January 1, 2026.

4. The amendatory provisions of sections 76, 79, 80 and 81 of this act apply to any person who has indicated to the State Board of Osteopathic Medicine that he or she intends to apply to the Board of Medical Examiners for a simultaneous license as a physician assistant or anesthesiologist assistant, as applicable, before, on or after January 1, 2026.

5. Notwithstanding the amendatory provisions of section 65 of this act, a physician, physician assistant or anesthesiologist assistant who is administering or supervising directly the administration of tumescent anesthesia in a location not authorized by NRS 630.373, as amended by section 65 of this act, on January 1, 2026, may continue to administer or supervise directly the administration of tumescent anesthesia in such a location until July 1, 2026.

Sec. 84. NRS 630.1606, 630.2692, 630.2693 and 630.324 are hereby repealed.

Sec. 85. 1. This section ~~[becomes]~~ **and section 70.5 of this act become** effective upon passage and approval.

2. Sections 1 to ~~[72,]~~ **70,** inclusive, **71, 72,** 75, 76 and 79 to 84, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Section 73 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if no bill is enacted by the Legislature and approved by the Governor this session to authorize the State Board of Osteopathic Medicine to charge fees for the renewal and simultaneous renewal of a license as an anesthesiologist assistant.

4. Sections 74, 77 and 78 of this bill become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if a bill is enacted by the Legislature and approved by the Governor this session to authorize the State Board of Osteopathic Medicine to charge fees for the renewal and simultaneous renewal of a license as an anesthesiologist assistant.

LEADLINES OF REPEALED SECTIONS

630.1606 Expedited license by endorsement to practice medicine: Requirements; procedure for issuance.

630.2692 Examinations.

630.2693 Waiver of examination for certain applicants.

630.324 Summary suspension of licensee's authority to prescribe, administer or dispense certain controlled substances; issuance of order; formal hearing and decision.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 682 to Assembly Bill No. 319.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 396.

The following Senate amendment was read:

Amendment No. 697.

AN ACT relating to housing; requiring the governing body of certain counties and cities to adopt an ordinance to authorize the ~~[owner of certain residential properties to add]~~ **development and use of** accessory dwelling units ~~[to the]~~ **on residential** property; setting forth certain requirements for the ordinance; providing that if the governing body of certain counties and cities does not adopt such an ordinance by ~~[January]~~ **July** 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction; revising provisions relating to the amendment of a declaration or the termination of a common-interest community; requiring proof of certain insurance policies be furnished in a resale package to a purchaser of a unit in a common-interest community; increasing the fine that may be imposed by the Commission for Common-Interest Communities and Condominium Hotels for certain violations; making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 10.5 of this bill declares that access to affordable housing is essential for the residents of this State and that accessory dwelling units are vital to increasing the supply of affordable housing.

Section 1 of this bill requires each governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties) and each governing body of a city whose population is 60,000 or more (currently the Cities of Las Vegas, Henderson, North Las Vegas, Reno and Sparks) to adopt an ordinance that authorizes the ~~[owner of a residential property to apply to add]~~ **development and use of** an accessory dwelling unit ~~[to the]~~ **on** residential property. **Section 1** provides that any such ordinance does not apply in a region in a county or city for which there has been created by interstate compact a regional planning agency and the regional plan adopted by the regional planning agency calls for the regulation of housing. ~~[Section 1 further requires the ordinance to authorize, under certain circumstances, an additional accessory dwelling unit to the residential property. Section 1 also sets forth various requirements for the ordinance, including that the ordinance set forth an expedited process for the approval of the application and any appeal of the denial of such an application.]~~ **Section 1** further limits provisions of the ordinance, including by prohibiting the ordinance from placing certain conditions on the approval of the accessory dwelling unit.

Section 11 of this bill provides that: (1) if, before ~~[January]~~ **July** 1, 2026, the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more has adopted an ordinance that is consistent with **section 1**, the governing body is not required to adopt another ordinance relating to accessory dwelling units pursuant to **section 1**; and (2) if the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more does not adopt an ordinance that is consistent with **section 1** before ~~[January]~~ **July** 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction.

Existing law authorizes the governing body of a county or city to divide the county, city or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body is authorized to regulate and restrict the erection, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill creates an exception to account for the requirement that the governing body of certain counties and cities adopt an ordinance to allow the addition of an accessory dwelling unit pursuant to **section 1**.

Existing law requires that an action or proceeding seeking judicial relief or review from or with respect to any final action, decision or order of any governing body of a county or city be commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to **section 1**.

Section 2 of this bill makes a conforming change to apply the definitions of certain terms relating to planning and zoning to **section 1**.

Existing law sets forth certain requirements for the amendment of a declaration of a common-interest community, including that every amendment to the declaration must, with certain exceptions, be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment. (NRS 116.2117) **Section 5** of this bill eliminates the exception for an amendment for the relocation of boundaries between adjoining units. (NRS 116.2112)

Section 5 also authorizes an association to amend a declaration to restrict the leasing of residential units to the extent that the restriction is reasonably designed to meet certain underwriting requirements.

Existing law sets forth the requirements for terminating a common-interest community. (NRS 116.2118) **Section 6** of this bill amends the voting requirements for terminating a common-interest community.

Sections 7 and 8 of this bill revise provisions relating to prohibiting or restricting a unit owner from renting or leasing his or her unit.

Existing law requires a unit's owner or his or her authorized agent, at the expense of the unit's owner, to furnish to a purchaser a resale package containing certain information. (NRS 116.4109) **Section 9** of this bill requires that a resale package also contain proof of the insurance policies that an association is required to carry.

Existing law authorizes, under certain circumstances, the Commission for Common-Interest Communities and Condominium Hotels to impose an administrative fine of not more than $1,000 for certain violations. (NRS 116.785) **Section 10** of this bill increases the administrative fine to not more than $5,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each governing body of a county whose population is 100,000 or more and each governing body of a city whose population is 60,000 or more shall adopt an ordinance that authorizes the ~~[owner of a residential property to apply to add]~~ development and use of an accessory dwelling unit ~~[to the]~~ on residential property. ~~[In addition, the ordinance must authorize an owner of a residential property to add a second accessory dwelling unit to the residential property if the owner agrees in writing to add an affordability restriction to the residential property such that one of the accessory dwelling units is limited to be used as housing for a household which has a total monthly gross income that is equal to not more than 80 percent of the median monthly gross household income for the county in which the housing is located.]

2. The ordinance adopted pursuant to subsection 1 ~~[:

(a) Must set forth an expedited process for:

~~(1) The appropriate staff of the planning department of the county or city to process and determine whether to approve an application from an owner to add an accessory dwelling unit; and~~

~~(2) An owner of a residential property to appeal to the governing body any denial of an application to add an accessory dwelling unit to the residential property;~~

~~(b) Must~~ must not as a condition of approval of an accessory dwelling unit:

~~(1) Require or prohibit~~

(a) Prohibit separate kitchen facilities for the accessory dwelling unit. ~~;~~

~~(2)~~ (b) Require ~~separate~~ more than one additional parking space for the accessory dwelling unit ~~or charge the owner an additional fee for approval of the accessory dwelling unit if the accessory dwelling unit will not have separate parking;~~

~~(3) Require the exterior design, roof pitch or finishing materials of the accessory dwelling unit match the primary residence;~~

~~(4)~~ provided that the existing parking for the primary residence and street parking satisfy the anticipated parking needs for the accessory dwelling unit.

(c) Require any side or rear setback for the accessory dwelling unit that is ~~more than 5 feet from the property line;~~

~~(5) Require any regulations that are~~ more restrictive than the ~~regulations~~ requirements for the primary residence. ~~with regard to height, setback, lot size or lot coverage; or~~

~~(6)~~ (d) Require any improvement or repair to a public street unless such improvement or repair is necessary ~~to~~ :

(1) To reconstruct or repair a public street that is disturbed during the construction of the accessory dwelling unit ~~;~~

~~(c) Must authorize the owner of the residential property to use the accessory dwelling unit as long-term rental housing;~~

~~(d) Must not prohibit the owner of the residential property from using or advertising the single-family residence or accessory dwelling unit as long-term rental housing; and~~

~~(e) Must not require that the owner of the residential property use the accessory dwelling unit for family members or other persons with whom the owner has a personal or employment relationship.~~ ; or

(2) For public health and safety.

(e) Except as otherwise provided in this paragraph, prohibit the owner of the residential property from using the accessory dwelling unit as rental housing. The ordinance may prohibit the owner of the residential property from using the accessory dwelling unit as transient lodging.

3. ~~Except as otherwise provided in subsection 1, the governing body shall not require, as a condition for the approval of an accessory dwelling unit pursuant to the ordinance adopted pursuant to this section, any restrictive covenant.~~

~~*4. Any zoning regulation adopted by the governing body pursuant to NRS 278.250 must allow the addition of an accessory dwelling unit pursuant to the provisions of an ordinance adopted pursuant to this section.*~~

~~*5.*~~ *Any accessory dwelling unit approved pursuant to an ordinance adopted pursuant to subsection 1:*

(a) Must meet all applicable building codes, housing codes and any other codes regulating the health and safety of residential property.

(b) Is not required to meet any building code or other code regulating the health and safety of commercial buildings, including, without limitation, any code that requires a fire sprinkler system in a commercial building.

~~*6.*~~ *4. Nothing in this section shall be construed to:*

(a) Prohibit the governing body of a county or a city from implementing a process that sets forth more favorable conditions for adding an accessory dwelling unit to residential property, including, without limitation, providing for the approval of the construction of an additional dwelling unit by building permit in lieu of approval by the planning department of the county or city; or

(b) Authorize more than two accessory dwelling units on any residential property.

~~*7.*~~ *5. Any ordinance adopted pursuant to this section does not apply in a region in a county or city in this State for which there has been created by interstate compact a regional planning agency and the regional plan adopted by the regional planning agency calls for the regulation of housing.*

~~*8.*~~ *6. As used in this section:*

(a) "Accessory dwelling unit" means an independent living space that is built on the same lot as the primary residence on a residential property, regardless of whether the independent living space is attached, detached or built within the primary residence.

(b) ~~*"Affordability restriction" means a limit on the rent that owner may charge for occupancy of the accessory dwelling unit or a limit on the income for tenants for persons or families seeking to qualify as tenants in the accessory dwelling unit.*~~

~~*(c)*~~ *"Kitchen facilities" includes, without limitation, a sink, refrigerator and a significant cooking appliance such as a range, stove* ~~*,*~~ *or oven* ~~*or microwave.*~~

~~*(d) "Long-term rental" means a rental period of 90 days or more.*~~

~~*(e)*~~ *(c) "Residential property" means a property that is located in an area of the county or city, as applicable, zoned for single-family residential use.*

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 1. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

2. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 days after an action is commenced.

3. The respondent or cross-petitioners shall serve and file a reply memorandum of points and authorities within 30 days after the service of the memorandum of points and authorities.

4. The petition or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.

5. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

7. The court, for good cause, may extend the times allowed in this section for filing memoranda.

Sec. 4. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 1 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.~~ Within~~]~~ ***, and section 1 of this act.*** ~~***[Except as otherwise provided in section 1 of this act, within]***~~ ***Within*** the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 5. NRS 116.2117 is hereby amended to read as follows:

116.2117 1. Except as otherwise provided in NRS 116.21175, and except in cases of amendments that may be executed by a declarant under subsection 5 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as otherwise limited by subsections 4, 6, 7 and 8, the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, unless the declaration specifies a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than 1 year after the amendment is recorded.

3. Every amendment to the declaration must be recorded in every county in which any portion of the common-interest community is located and is effective only upon recordation. An amendment ~~[, except an amendment pursuant to NRS 116.2112,]~~ must be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment.

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit or change the allocated interests of a unit in the absence of unanimous consent of only those units' owners whose units are affected and the consent of a majority of the owners of the remaining units ~~[.]~~ ***, including a majority of the votes allocated to units not owned by the declarant.***

5. Amendments to the declaration required by this chapter to be recorded by the association must be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

6. ~~[An]~~ ***Except as otherwise provided in subsection 9, an*** amendment to the declaration which prohibits or materially restricts the permitted uses of a unit or the number or other qualifications of persons who may occupy units may not be enforced against a unit's owner who was the owner of the unit on the date of the recordation of the amendment as long as the unit's owner remains the owner of that unit.

7. A provision in the declaration creating special declarant's rights that have not expired may not be amended without the consent of the declarant.

8. If any provision of this chapter or of the declaration requires the consent of a holder of a security interest in a unit, or an insurer or guarantor of such interest, as a condition to the effectiveness of an amendment to the declaration, that consent is deemed granted if:

(a) The holder, insurer or guarantor has not requested, in writing, notice of any proposed amendment; or

(b) Notice of any proposed amendment is required or has been requested and a written refusal to consent is not received by the association within 60 days after the association delivers notice of the proposed amendment to the holder, insurer or guarantor, by certified mail, return receipt requested, to the address for notice provided by the holder, insurer or guarantor in a prior written request for notice.

9. An association may amend a declaration to restrict the leasing of residential units to the extent that the restriction is reasonably designed to meet underwriting requirements of:

(a) Institutional lenders that regularly make loans secured by first mortgages on units in common-interest communities or regularly purchase such mortgages; or

(b) Insurance companies that issue insurance policies to associations or units in a common-interest community.

Sec. 6. NRS 116.2118 is hereby amended to read as follows:

116.2118 1. Except in the case of a taking of all the units by eminent domain, in the case of foreclosure against an entire cooperative of a security interest that has priority over the declaration, or in the circumstances described in NRS 116.2124, a common-interest community may be terminated only by agreement of units' owners to whom at least 80 percent of the votes in the association are allocated, ~~[or any larger percentage the declaration specifies,]~~ ***including at least 80 percent of the votes allocated to units that are not owned by the declarant,*** and with any other approvals required by the declaration. ***The declaration may require a larger percentage of the total votes in the association for approval, but termination requires approval by at least 80 percent of the votes allocated to units not owned by the declarant.*** The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

2. An agreement to terminate must be evidenced by the execution of an agreement to terminate, or ratifications thereof, in the same manner as a deed, by the requisite number of units' owners. The agreement must specify a date after which the agreement will be void unless it is recorded before that date. An agreement to terminate and all ratifications thereof must be recorded in every county in which a portion of the common-interest community is situated and is effective only upon recordation.

3. In the case of a condominium or planned community containing only units having horizontal boundaries described in the declaration, an agreement to terminate may provide that all of the common elements and units of the common-interest community must be sold following termination. If, pursuant

to the agreement, any real estate in the common-interest community is to be sold following termination, the agreement must set forth the minimum terms of the sale.

4. In the case of a condominium or planned community containing any units not having horizontal boundaries described in the declaration, an agreement to terminate may provide for sale of the common elements, but it may not require that the units be sold following termination, unless the declaration as originally recorded provided otherwise or all the units' owners consent to the sale.

5. The association, on behalf of the units' owners, may contract for the sale of real estate in a common-interest community, but the contract is not binding on the units' owners until approved pursuant to subsections 1 and 2. If any real estate is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to units' owners and lienholders as their interests may appear, in accordance with NRS 116.21183 and 116.21185. Unless otherwise specified in the agreement to terminate, as long as the association holds title to the real estate, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit's owner and his or her successors in interest remain liable for all assessments and other obligations imposed on units' owners by this chapter or the declaration.

6. In a condominium or planned community, if the real estate constituting the common-interest community is not to be sold following termination, title to the common elements and, in a common-interest community containing only units having horizontal boundaries described in the declaration, title to all the real estate in the common-interest community, vests in the units' owners upon termination as tenants in common in proportion to their respective interests as provided in NRS 116.21185, and liens on the units shift accordingly. While the tenancy in common exists, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.

7. Following termination of the common-interest community, the proceeds of a sale of real estate, together with the assets of the association, are held by the association as trustee for units' owners and holders of liens on the units as their interests may appear.

Sec. 7. NRS 116.31065 is hereby amended to read as follows:

116.31065 The rules adopted by an association:

1. Must be reasonably related to the purpose for which they are adopted.

2. Must be sufficiently explicit in their prohibition, direction or limitation to inform a person of any action or omission required for compliance.

3. Must not be adopted to evade any obligation of the association.

4. ~~[Must]~~ ***Except as otherwise provided in subsection 1 of NRS 116.335, must*** be consistent with the governing documents of the association and must not arbitrarily restrict conduct or require the construction of any capital improvement by a unit's owner that is not required by the governing documents of the association.

5. Must be uniformly enforced under the same or similar circumstances against all units' owners. Any rule that is not so uniformly enforced may not be enforced against any unit's owner.

6. May be enforced by the association through the imposition of a fine only if the association complies with the requirements set forth in NRS 116.31031.

Sec. 8. NRS 116.335 is hereby amended to read as follows:

116.335 1. ~~[Unless, at the time a unit's owner purchased his or her unit,]~~ ***If*** the declaration ~~[prohibited the unit's owner from renting or leasing his or her unit,]~~ ***authorizes*** the association ~~[may not]~~ ***to*** prohibit ***or restrict*** the unit's owner from renting or leasing his or her unit ~~[.]~~ ***, or contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, the association may adopt rules and regulations to prohibit or restrict the renting or leasing of residential units to the extent that the restriction is reasonably related to meet underwriting requirements of:***

(a) Institutional lenders that regularly make loans secured by first mortgages on units in common-interest communities or regularly purchase such mortgages; or

(b) Insurance companies that issue insurance policies to associations or units in a common-interest community.

2. ~~[Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.~~

~~3. If a declaration contains a provision establishing a maximum number or percentage of units in the common interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common interest community which may be rented or leased.~~

~~4. If the governing documents of an association require a unit's owner who leases or rents his or her unit, or the tenant of a unit's owner, to register with the association or its agent or otherwise submit to the association or its agent information concerning the lease or rental agreement or the tenant, the association or its agent:~~

~~(a) Must conduct such activities in accordance with the governing documents;~~

~~(b) May not require the unit's owner or tenant of the unit's owner to provide information which the association or its agent does not require to be provided to the association or its agent by a unit's owner who occupies his or her unit, except that the association or its agent may require the unit's owner to provide a copy of the lease or rental agreement; and~~

~~(c) May not charge a fee to the unit's owner for the registration or submission of information.~~

~~5.~~ The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations ~~.~~

~~6.~~ ***, including, without limitation, any restriction on the rental of units as transient lodging pursuant to NRS 244.35351 to 244.35359, inclusive, or 268.09791 to 268.09799, inclusive.***

3. Notwithstanding any other provision of law or the declaration to the contrary:

(a) If a unit's owner is prohibited from renting or leasing a unit because the maximum number or percentage of units which may be rented or leased in the common-interest community have already been rented or leased, the unit's owner may seek a waiver of the prohibition from the executive board based upon a showing of economic hardship, and the executive board may grant such a waiver and approve the renting or leasing of the unit.

(b) If the declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, in determining the maximum number or percentage of units in the common-interest community which may be rented or leased, the number of units owned by the declarant must not be counted or considered.

Sec. 9. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information

described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

(g) Proof of the insurance policies that an association is required to carry pursuant to NRS 116.3113.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 calendar days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) ***,*** ~~[and]~~ (f) ***and (g)*** of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the

purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate and must not exceed $185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee, which must not exceed $100, to expedite the preparation of the certificate. The amount of the fee may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 calendar days allowed by this section, the purchaser is not liable for the delinquent assessment. A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 calendar days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement and provide a copy of the statement to any other interested party. The association

may charge a fee of not more than $165 to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than $100 to furnish a statement of demand within 3 business days after receipt of a written request for a statement of demand. The amount of the fees for preparing and furnishing a statement of demand and the additional fee for furnishing a statement of demand within 3 business days may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

➥ As used in this subsection, "interested party" includes the unit's owner selling the unit and the prospective purchaser of the unit.

8. In preparing, copying, furnishing or expediting or otherwise providing any document or other item pursuant to this section, an association, or entity related to or acting on behalf of an association, shall not charge a unit's owner, the authorized agent of a unit's owner, a purchaser or, pursuant to subsection 7, the holder of a security interest on a unit, any fee:

(a) Not authorized in this section; or

(b) In an amount which exceeds any limit set forth in this section.

9. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 10. NRS 116.785 is hereby amended to read as follows:

116.785 1. If the Commission or the hearing panel, after notice and hearing, finds that the respondent has committed a violation, the Commission or the hearing panel may take any or all of the following actions:

(a) Issue an order directing the respondent to cease and desist from continuing to engage in the unlawful conduct that resulted in the violation.

(b) Issue an order directing the respondent to take affirmative action to correct any conditions resulting from the violation.

(c) Impose an administrative fine of not more than ~~[$1,000]~~ ***$5,000*** for each violation.

2. If the respondent is a member of an executive board or an officer of an association, the Commission or the hearing panel may order the respondent removed from his or her office or position if the Commission or the hearing panel, after notice and hearing, finds that:

(a) The respondent has knowingly and willfully committed a violation; and

(b) The removal is in the best interest of the association.

3. If the respondent violates any order issued by the Commission or the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not more than ~~[$1,000]~~ ***$5,000*** for each violation.

4. If the Commission or the hearing panel takes any disciplinary action pursuant to this section, the Commission or the hearing panel may order the respondent to pay the costs of the proceedings incurred by the Division, including, without limitation, the cost of the investigation and reasonable attorney's fees.

5. Notwithstanding any other provision of this section, unless the respondent has knowingly and willfully committed a violation, if the respondent is a member of an executive board or an officer of an association:

(a) The association is liable for all fines and costs imposed against the respondent pursuant to this section; and

(b) The respondent may not be held personally liable for those fines and costs.

Sec. 10.5. **The Legislature hereby finds and declares:**

1. That access to affordable housing is essential to the health, safety and economic and social well-being of the residents of this State; and

2. Accessory dwelling units are vital to increasing the supply of affordable housing throughout this State.

Sec. 11. 1. If, before ~~[January]~~ **July** 1, 2026, the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more has adopted an ordinance that is consistent with the provisions of section 1 of this act, the governing body is not required to adopt another ordinance relating to accessory dwelling units pursuant to section 1 of this act.

2. If the governing body of a county whose population is 100,000 or more or the governing body of a city whose population is 60,000 or more does not adopt an ordinance that is consistent with the provisions of section 1 of this act before ~~[January]~~ **July** 1, 2026, accessory dwelling units are authorized on any parcel zoned for residential use without restriction.

Sec. 12. (Deleted by amendment.)

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 14. 1. This section and section 13 of this act become effective upon passage and approval.

2. The provisions of sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[January]~~ **July** 1, 2026, for all other purposes.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 697 to Assembly Bill No. 396.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 434.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to employment practices; making it unlawful for an employer, with certain exceptions, to take or threaten to take certain adverse employment actions against an employee who declines to attend certain meetings or participate in certain communications where the **primary** purpose of the meeting or communication is to communicate the opinion of the employer regarding religious matters or political matters; providing a remedy for a violation committed by an employer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS) This bill makes it unlawful for an employer to take or threaten to take certain adverse employment actions against an employee because the employee declines to attend a meeting sponsored by the employer or declines to participate in, receive or listen to any communication by the employer or an agent or representative thereof where the **primary** purpose of the meeting or communication is to communicate the opinion of the employer regarding religious or political matters. This bill provides an exception from existing provisions concerning religious matters for a religious corporation, association or society. (NRS 613.320) This bill also provides an exception if the declination by the employee substantially or materially interferes with the bona fide job performance of the employee or the working relationship between the employee and the employer. Under this bill, an employer who violates the provisions of this bill is liable for: (1) damages caused by the adverse employment action; (2) any punitive damages that the facts may warrant; (3) the gross loss of wages or compensation of the employee; and (4) costs and reasonable attorney's fees as may be allowed by the court. This bill also provides that if the court determines that an action brought by an employee under this bill was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, it is unlawful for any employer in this State to discharge, discipline, discriminate, retaliate or take any other adverse employment action against, or threaten to take any such action against, an employee because the employee declines to attend a meeting sponsored by the employer or declines to participate in, receive or listen to any communication by the employer or an agent or representative thereof where the primary purpose of the meeting or communication is to communicate the opinion of the employer regarding:

(a) Religious matters; or

(b) Political matters.

2. The provisions of paragraph (a) of subsection 1 do not apply:

(a) To an employer described in paragraph (b) of subsection 1 of NRS 613.320; or

(b) If the declination by the employee substantially or materially interferes with the bona fide job performance of the employee or the working relationship between the employee and the employer.

3. An employer who violates the provisions of subsection 1 is liable to the employee against whom the violation is committed for:

(a) Damages caused by the adverse employment action;

(b) Any punitive damages that the facts may warrant;

(c) The full amount of gross loss of wages or compensation; and

(d) Costs and reasonable attorney's fees as may be allowed by the court.

4. If the court determines that an action brought by an employee pursuant to subsection 3 was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

5. Nothing in this section shall be construed to prohibit:

(a) An employer or any agent, representative or designee of the employer from communicating to an employee any information that the employer is required by law to communicate to the extent of that requirement;

(b) An employer or any agent, representative or designee off the employer from communicating to any employee any information that is necessary for the employee to perform his or her job duties;

(c) An institution of higher education or any agent, representative or designee of the institution from meeting with or participating in any communication with an employee that is part of any coursework, symposia or academic program;

(d) Any casual conversation between employees or between an employee and an agent, representative or designee of an employer, so long as the participation in such a conversation is not required; or

(e) A requirement that is limited to the managerial or supervisory employees of an employer.

6. As used in this section:

(a) "Political matters" means matters relating to elections for political office, political parties, proposals to change legislation or regulations or the decision to join or support any political party or political, civic, community, fraternal or labor organization.

(b) "Religious matters" means matters relating to religious affiliation or practice or the decision to join or support any religious organization or association.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 665 to Assembly Bill No. 434.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 448.

The following Senate amendment was read:

Amendment No. 680.

AN ACT relating to health care; establishing various requirements relating to **providers of** vision ~~[benefit managers]~~ **insurance** and providers of vision care; revising provisions relating to certain contracts between ~~[an insurer]~~ **a provider of vision insurance** and a provider of vision care; prohibiting certain conduct of a **provider of** vision ~~[benefit manager]~~ **insurance** or provider of vision care which would constitute an unfair or deceptive trade practice in the business of insurance; ~~[authorizing a provider of vision care to bring a civil action against a vision benefit manager under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain unfair trade practices in the business of insurance. (NRS 686A.010-686A.310) Existing law prohibits an insurer from entering into a contract with a provider of vision care that conditions any rate of reimbursement for vision care on the provider of vision care prescribing certain ophthalmic devices or materials or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. Existing law also prohibits an insurer from entering into a contract with a provider of vision care that: (1) authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract; or (2) requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to a covered person. Finally, existing law requires a provider of vision care to disclose to any covered person an ownership or pecuniary interest of the provider in a supplier of ophthalmic devices or materials before the covered person authorizes the provider to obtain covered eyewear materials from such a supplier. (NRS 686A.135) Existing law authorizes the Commissioner of

Insurance to investigate a violation of and enforce those provisions as an unfair or deceptive trade practice. (NRS 686A.020, 686A.160, 686A.170, 686A.183)

Sections 2 ~~[, 25, 27-34]~~ , 5-7, 9, 11, 13.5, 14, 16, 17, 28, 30, 34.5 and 37 of this bill revise provisions of existing law governing vision care and set forth various **definitions,** additional requirements and restrictions governing **providers of** vision ~~[benefit managers.]~~ **insurance. Section ~~[15]~~ 13.5** defines " **provider of** vision ~~[benefit manager"]~~ **insurance"** to mean a person, including, without limitation, an insurer, ~~[third-party administrator or subcontractor, that]~~ **who** creates, promotes, sells, provides, operates, advertises or administers a vision benefit plan or vision benefit discount plan. **Section 16** defines "vision benefit plan" to mean a policy, contract, certificate or agreement offered by a **provider of** vision ~~[benefit manager]~~ **insurance** to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of vision care. **Section 16** specifies that the term includes a standalone vision benefit plan or a health benefit plan that provides coverage for vision care. **Section 14** defines "vision benefit discount plan" to mean a policy, contract, certificate or agreement offered by a **provider of** vision ~~[benefit manager]~~ **insurance** to an enrollee that solely provides for a discount for covered services or covered materials.

Because an insurer that provides a vision benefit plan constitutes a **provider of** vision ~~[benefit manager.]~~ **insurance, section 37** revises the provisions of existing law setting forth certain prohibitions on insurers with respect to vision care to replace references to an insurer with references to a **provider of** vision ~~[benefit manager. Section 37 additionally prohibits a vision benefit manager from: (1) requiring a provider of vision care to use a specific source or supplier for certain materials, including ophthalmic devices; and (2) paying reimbursement to a provider of vision care which is not reasonable.~~

~~Section 18 prohibits a vision benefit manager from limiting the reimbursement or choice of a provider of vision care for services or materials which are not covered by a plan. Sections 19, 20, 25 and]~~ **insurance.**

Section 30 ~~[, 32 prohibit certain provisions in a contract or agreement between a]~~ prohibits a provider of vision ~~[benefit manager and]~~ **insurance that offers more than one vision benefit plan or vision benefit discount plan from conditioning the participation of** a provider of vision care **~~[,]~~ in one plan on his or her participation in any of the other plans of the provider of vision insurance.**

Section ~~[21 prohibits a vision benefit manager from falsely representing the number of participating providers of vision care or the benefits that compose a plan. Section 22 prohibits a vision benefit manager from engaging in certain marketing or advertising activities. Section 23 prohibits a vision benefit manager from retroactively reversing a reimbursement to a provider of vision care if the provider relied in good faith on certain information at the time of service. Section 24 authorizes a provider of vision care to offer a cash price option for certain services and materials under certain circumstances. Section 27 establishes procedures for amending or terminating]~~ 34.5 provides that a

vision benefit plan, a vision benefit discount plan or a contract between a **provider of** vision ~~[benefit manager]~~ **insurance** and a provider of vision care~~[. Sections]~~ **that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the provisions required by sections 2-34.5 and 37.**

Section 28 ~~[and 29 prohibit]~~ **prohibits** certain actions of a **provider of** vision ~~[benefit manager]~~ **insurance** relating to certain business practices ~~[,]~~ **and** billing practices **.** ~~[, audit practices and receiving personal or confidential information of an enrollee. Section 34 authorizes a provider of vision care who is adversely affected by certain violations by a vision benefit manager to bring a civil action to recover his or her actual damages, punitive damages and other equitable relief. Section 33 makes the provisions of this bill which are applicable to a vision benefit manager equally applicable to any affiliate or subcontractor that a vision benefit manager uses or enters into a contract with for certain activities. Section 33 additionally makes the provisions of this bill which are applicable to contracts between a provider of vision care and a vision benefit manager equally applicable to certain other agreements.]~~

Sections 35, 36 and 38-43 of this bill make provisions of existing law which are generally applicable to certain unfair or deceptive trade practices in the business of insurance specifically applicable to the provisions of **sections** ~~[2-25 and 27-34.]~~ **2-34.5. Sections** ~~[44-47]~~ **43.5-47** of this bill provide that certain entities that provide coverage for vision care, including local governments and the Public Employees' Benefits Program, are subject to the provisions of **sections** ~~[2-25 and 27-34.]~~ **2-34.5.**

~~[Sections 3-17 define certain words and terms for the purposes of this bill.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 686A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[34,]~~ **34.5,** inclusive, of this act.

Sec. 2. ***As used in NRS 686A.135 and sections 2 to*** ~~*[34,]*~~ ***34.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~*["Chargeback" means a dollar amount, fee, surcharge, rebate or item of value that reduces, modifies or offsets all or part of the:*~~

~~*1. Amount that an enrollee is required to pay for a covered service or covered material;*~~

~~*2. Amount for which a provider of vision care will be reimbursed for a covered service or covered material;*~~

~~*3. Maximum amount a vision benefit manager will pay for a covered service or covered material; or*~~

~~*4. The fee for a covered service or covered material, as set forth on a schedule of fees established by a vision benefit manager.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Contractual discount" means a percentage reduction from the usual and customary rate of a provider of vision care for covered services and covered materials required under an agreement between a provider of vision care and a vision benefit manager.*]~~ **(Deleted by amendment.)**

Sec. 5. *"Covered material" means any material for which:*

1. Reimbursement from a provider of vision ~~[*benefit manager*]~~ *insurance is provided to a provider of vision care by a vision benefit plan of an enrollee, or for which a reimbursement would be available but for the application of the contractual limitations on deductibles, copayments or coinsurance applicable for the enrollee, regardless of how the materials are listed or described in the definition of benefits in a vision benefit plan of an enrollee; or*

2. A discount is provided by a vision benefit discount plan of an enrollee.

Sec. 6. *"Covered services" means the professional work performed by a provider of vision care for which:*

1. Reimbursement from a provider of vision ~~[*benefit manager*]~~ *insurance is provided to a provider of vision care by a vision benefit plan of an enrollee, or for which a reimbursement would be available but for the application of the contractual plan limitations of deductibles, copayments or coinsurance, regardless of how the services are listed or described in the definition of benefits in a vision benefit plan of an enrollee; or*

2. A discount is provided by a vision benefit discount plan of an enrollee.

Sec. 7. *"Enrollee" means any person participating in or entitled to receive covered services or covered materials through a vision benefit plan or vision benefit discount plan that is purchased by the person or provided to the person by another person or a governmental entity.*

Sec. 8. ~~[*"Extrapolation" means a mathematical formula, process or technique used by a vision benefit manager or the agent of a vision benefit manager in the audit of a provider of vision care to estimate the audit results or findings for a larger batch or group of claims not reviewed by the vision benefit manager.*]~~ **(Deleted by amendment.)**

Sec. 9. *"Materials" means ophthalmic devices, including, without limitation, lenses, devices containing lenses, artificial intraocular lenses, ophthalmic frames and other lens mounting apparatuses, prisms, lens treatments and coatings, contact lenses, low vision devices, vision therapy devices and prosthetic devices, used to correct, relieve or treat defects or abnormal conditions of the human eye or its adnexa, or any other material authorized for use in chapter 636 of NRS and any regulations adopted pursuant thereto.*

Sec. 10. ~~[*"Participating provider of vision care" means a provider of vision care that has entered into a contractual agreement or other business relationship with a vision benefit manager to provide covered services or covered materials.*]~~ **(Deleted by amendment.)**

Sec. 11. *"Provider of vision care" means a physician who provides vision care or an optometrist.*

Sec. 12. ~~*[“Subcontractor” means a person, including, without limitation, an agent, servant, broker, wholesaler, distributor, partially or wholly owned subsidiary or controlled organization of a vision benefit manager, that is contracted by a vision benefit manager to supply covered services or covered materials to another vision benefit manager, provider of vision care or enrollee to execute or fulfill the vision benefit plan or vision benefit discount plan of the vision benefit manager.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[“Third party administrator” means a person that provides services, including, without limitation, administrative, operational, regulatory, human resource, compliance and claim adjudication services, for a vision benefit manager under a contract or agreement with the vision benefit manager.]*~~ **(Deleted by amendment.)**

Sec. 13.5. ***“Provider of vision insurance” means a person, including, without limitation, an insurer, who creates, promotes, sells, provides, operates, advertises or administers a vision benefit plan or vision benefit discount plan.***

Sec. 14. ***“Vision benefit discount plan” means a policy, contract, certificate or agreement offered by a provider of vision*** ~~*[benefit manager]*~~ ***insurance to an enrollee that solely provides for a discount for covered services or covered materials.***

Sec. 15. ~~*[“Vision benefit manager” means a person, including, without limitation, an insurer, third-party administrator or subcontractor, that creates, promotes, sells, provides, operates, advertises or administers a vision benefit plan or vision benefit discount plan.]*~~ **(Deleted by amendment.)**

Sec. 16. ***1. “Vision benefit plan” means a policy, contract, certificate or agreement offered by a provider of vision*** ~~*[benefit manager]*~~ ***insurance to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of vision care.***

2. The term includes, without limitation:

(a) A policy, contract, certificate or agreement which only pays for or reimburses any of the costs of vision care and is offered or issued separately from any health benefit plan, as defined in NRS 695G.019.

(b) A health benefit plan, as defined in NRS 695G.019, that provides coverage for vision care.

Sec. 17. ***“Vision care” means routine ophthalmological evaluation of the eye, including refraction.***

Sec. 18. ~~*[A vision benefit manager shall not:*~~

~~*1. Mandate or otherwise condition reimbursement or participation in a vision benefit plan or vision benefit discount plan on terms relating to the pricing for services or materials that are not covered services or covered materials; or*~~

~~*2. Influence or limit the choice of an enrollee as to a provider of vision care for services or materials that are not covered services or covered materials.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[*A contract between a vision benefit manager and a provider of vision care must not contain any provision which requires the provider of vision care to:*~~

~~*1. Provide covered services or covered materials to an enrollee at a financial loss, taking into account any applicable discounts and chargebacks.*~~

~~*2. Accept a reimbursement payment in the form of a credit card or any other payment method which requires a fee for processing or administration or a percentage or dollar amount which is assessed against the provider of vision care in order to receive the payment.*~~

~~*3. Share equally the expenses of any arbitration, except that each party to an arbitration may bear its own costs subject to a fee-shifting provision for a prevailing party.*~~

~~*4. Establish a security interest in all or part of the assets of the provider of vision care in the event of a termination described in subsection 6 of section 27 of this act.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[*1. Except as otherwise provided in subsection 2, the period prescribed by a contract between any vision benefit manager and a provider of vision care for the vision benefit manager to recover any reimbursement amount from the provider of vision care must be the same period allowed or required for the vision benefit manager to remit the applicable reimbursement after the submission by a provider of vision care of a claim for covered services rendered or covered materials furnished that does not contain any defects or other issues that would delay the remittance.*~~

~~*2. The provisions of subsection 1 must not be construed to limit the ability of a vision benefit manager to conduct an audit of claims, in accordance with the written policies of the vision benefit manager and applicable law, in the event that the vision benefit manager has a reasonable belief that the provider of vision care has engaged in fraud, waste or abuse.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~[*A vision benefit manager shall not falsely represent the number of participating providers of vision care within a particular region or the benefits that compose a vision benefit plan or vision benefit discount plan.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~[*A vision benefit manager shall not:*~~

~~*1. Promote or use in any marketing or advertising to a client, purchaser, company, enrollee or prospective enrollee any statement that a covered service or covered material is free, no charge or complimentary or that uses any other materially similar language.*~~

~~*2. Offer an enrollee a varying deductible, copay, coinsurance, coverage amount, rebate, gift card or other incentive to obtain covered services, covered materials or other services or materials at:*~~

~~*(a) Any particular participating provider of vision care;*~~

~~*(b) A retail establishment owned by, partially owned by, contracted with or otherwise affiliated with the vision benefit manager; or*~~

~~(c) Any provider of vision care accessed primarily through an Internet website or other virtual means that is owned by, partially owned by, contracted with or otherwise affiliated with the vision benefit manager.~~

~~3. Engage in marketing or advertising activities that may be misleading or deceptive to the public. Upon request by an applicable enforcement agency, a vision benefit manager shall submit all information regarding alleged savings and discounts offered by any affiliate of the vision benefit manager.~~] (Deleted by amendment.)

Sec. 23. [~~A vision benefit manager:~~

~~1. Shall reimburse a provider of vision care the contracted amount for a covered service or covered material provided to an enrollee if the provider of vision care verifies the enrollee as eligible to receive the covered service or covered material on the date of service through the customary methods of verification of the vision benefit manager.~~

~~2. Shall not retroactively reverse reimbursement to a provider of vision care who relied in good faith on the presented coverage credentials of a person and the customary methods of verification of the vision benefit manager at the time of service, even if the vision benefit manager determines at a later date that the enrollee was ineligible to receive covered services or covered materials on the date of service.~~] (Deleted by amendment.)

Sec. 24. [~~1. A provider of vision care may offer an enrollee a cash price option for covered services and covered materials instead of using the benefit of the enrollee if the cash price option is an amount which is less than the total out-of-pocket cost for the service or material.~~

~~2. A provider of vision care must not be subject to an audit solely for offering a cash price option for covered services and covered materials pursuant to subsection 1.~~] (Deleted by amendment.)

Sec. 25. [~~1. An agreement between a vision benefit manager and a provider of vision care must not require that a provider of vision care participate in or be credentialed by any specific vision benefit plan or vision benefit discount plan as a condition for participation in the provider network of the vision benefit manager to provide covered services or covered materials to enrollees.~~

~~2. A vision benefit manager shall not require a provider of vision care to possess, offer for sale or sell materials in the office of the provider of vision care as a condition of participation in a provider network.~~

~~3. A vision benefit manager shall:~~

~~(a) Apply the same terms and conditions of participation to all the participating providers of vision care regardless of the educational credentials of the provider of vision care, subject to the permitted scope of practice for any licensee under applicable state law; and~~

~~(b) Identify participating providers of vision care in a neutral manner, which does not distinguish between participating providers of vision care based on any of the following characteristics:~~

~~*(1) A discount or incentive offered by the provider of vision care for services and materials which are not covered by the vision benefit plan or vision benefit discount plan of the vision benefit manager.*~~

~~*(2) The dollar amount, volume amount or percent usage amount of any material or good which is purchased by the provider of vision care.*~~

~~*(3) The brand, source, manufacturer or supplier of a covered service or covered material used or provided by the provider of vision care.]*~~ **(Deleted by amendment.)**

Sec. 26. (Deleted by amendment.)

Sec. 27. ~~*[1. A vision benefit manager shall not change or alter a contract, including, without limitation, a term, reimbursement rate or fee schedule contained in a contract, that the vision benefit manager enters into with a participating provider of vision care unless, at least 90 days before the date on which the proposed change would become effective:*~~

~~*(a) The vision benefit manager:*~~

~~*(1) Sends to the provider of vision care by certified mail, return receipt requested, or any other mailing process that requires a signature on delivery, or a method of electronic communication which requires an electronic signature:*~~

~~*(I) A detailed written description of the proposed change; and*~~

~~*(II) A copy of the contract with the proposed change clearly marked in the body of the contract, in a form that is easily understood and conducive to review by the provider of vision care; and*~~

~~*(2) Upon request of the provider of vision care, meets with the provider of vision care to discuss the proposed change in person, by telephone or by other audiovisual or electronic means; and*~~

~~*(b) The provider of vision care agrees, in writing, to the proposed change.*~~

~~*2. If a provider of vision care does not agree to the change or alteration to a contract which is proposed pursuant to subsection 1, the provider of vision care shall provide notice of that fact to the vision benefit manager in writing.*~~

~~*3. A vision benefit manager shall not remove a provider of vision care from the network of participating providers of vision care included under a vision benefit plan or vision benefit discount plan solely because the provider of vision care does not agree to any change or alteration to a contract which is proposed pursuant to subsection 1.*~~

~~*4. A vision benefit manager and a provider of vision care must execute a new contract if the parties to the contract make three or more material changes or alterations pursuant to subsection 1.*~~

~~*5. A vision benefit manager shall not terminate a contract described in this section except in the event of a material breach by the provider of vision care. In the event of an alleged material breach:*~~

~~*(a) The vision benefit manager shall provide written notice to the provider of vision care which describes the alleged breach; and*~~

~~*(b) The provider has 30 days after the date on which the provider receives the written notice to remedy the alleged breach to the reasonable satisfaction of the insurer or vision benefit manager.*~~

~~*6. If a vision benefit manager terminates a contract pursuant to subsection 5, the vision benefit manager shall not require the provider of vision care to establish a security interest in all or part of the property and assets of the provider, including assets pertaining to the practice of the provider, in an amount equal to any money which is owed to the vision benefit manager at the time of termination.]*~~ **(Deleted by amendment.)**

Sec. 28. *A provider of vision ~~[benefit manager]~~ insurance shall not directly or indirectly:*

1. Control or attempt to control the professional judgment, manner of practice or practice of a provider of vision care.

2. Employ a provider of vision care to provide a covered service or covered material.

3. Withhold or recoup payment to a provider of vision care for covered services or covered materials which are provided to an enrollee if the enrollee was shown to be eligible on the date that the covered services or covered materials were provided.

4. Reimburse a provider of vision care a different amount for covered services or covered materials because of the choice of the provider of vision care of the:

(a) Optical laboratory.

(b) Source of supplier of:

(1) Contact lenses;

(2) Ophthalmic lenses;

(3) Ophthalmic glasses frames; or

(4) Covered or non-covered services or materials.

(c) Equipment used for patient care.

(d) ~~[Retail optical affiliation.~~

~~*(e) Vision support organization.*~~

~~*(f) Organization for group purchasing.*~~

~~*(g) Doctor alliance.*~~

~~*(h)]*~~ *Membership in a professional trade association.*

~~[(i)]~~ (e) Software for management of the practice of the provider of vision care, including, without limitation, for maintenance of electronic health or medical records.

~~[(j)]~~ (f) Services for billing, filing third-party claims or securely exchanging electronic business documents.

~~*[5. Restrict, limit or influence the choice of a provider of vision care of the software or services described in paragraph (i) or (j) of subsection 4.*~~

~~*6. Restrict or limit the access of a provider of vision care to complete information concerning the coverage provided by the vision benefit plan or vision benefit discount plan of an enrollee, including, without limitation, details for coverage which is in-network and out of network.*~~

~~*7. Apply a chargeback to an enrollee or provider of vision care if the chargeback is for a covered material or covered service for which the vision benefit manager does not incur the cost to produce, deliver or provide to the enrollee or provider of vision care.*~~

~~*8. Require a provider of vision care to:*~~

~~*(a) Disclose any confidential or protected health information of an enrollee, unless expressly authorized by the enrollee or permitted under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended.*~~

~~*(b) Disclose or report a medical history or diagnosis as a condition to file a claim, adjudicate a claim or receive reimbursement for a routine or wellness eye examination.*~~

~~*(c) Disclose or report the glasses prescription, contact lens prescription, ophthalmic device measurements, facial photograph or unique anatomical measurements of an enrollee as a condition to file a claim, adjudicate a claim or receive reimbursement for a claim, unless the information is needed for the vision benefit manager to manufacture or cause to be manufactured a covered material that is submitted on the applicable claim.*~~

~~*(d) Disclose any information relating to an enrollee, other than information identified on the most recent version of Form CMS-1500, or its successor form, published by the National Uniform Claim Committee, or its successor organization, and approved by the Commissioner, as a condition to file a claim, adjudicate a claim or receive reimbursement for a claim unless the information is needed for the vision benefit manager to manufacture or cause to be manufactured a covered material that is submitted on the applicable claim.]*~~

Sec. 29. ~~*[1. A vision benefit manager shall not use extrapolation to complete an audit of a participating provider of vision care.*~~

~~*2. Any additional payment due to a participating provider of vision care or any refund due to the vision benefit manager must be based on the actual overpayment or underpayment and not an extrapolation.*~~

~~*3. For the purpose of subsection 2, actual overpayment or underpayment must be determined after:*~~

~~*(a) An investigation conducted and findings made by the vision benefit manager; and*~~

~~*(b) The participating provider of vision care has been afforded and has exhausted all opportunities to appeal the findings of the vision benefit manager in accordance with any manual provided by the vision benefit manager to the provider of vision care, any policies of the vision benefit manager and applicable law.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[1.]*~~ *A* *provider of* *vision* ~~*[benefit manager]*~~ *insurance* *that offers more than one vision benefit plan or vision benefit discount plan shall not require a provider of vision care, as a condition of participation in a vision benefit plan or vision benefit discount plan, to participate in any of*

the other vision benefit plans or vision benefit discount plans of the provider of vision ~~*[benefit manager.*~~

~~*2. In addition to any other remedy provided by law, any provision in a contract which violates subsection 1 is void and unenforceable.]*~~ *insurance.*

Sec. 31. ~~*[1. A contract between a vision benefit manager and a provider of vision care must not have a duration longer than 2 years from the date the contract was signed by all parties.*~~

~~*2. A vision benefit manager shall not construe recredentialing as recontracting with a participating provider of vision care. A contract between a vision benefit manager and a provider of vision care must be a distinctly separate document from any credentialing materials and must be signed by the provider of vision care and the vision benefit manager.*~~

~~*3. A vision benefit manager shall include a copy of any manual and any policies referred to in a contract between a vision benefit manager and a provider of vision care at the time the contract is sent to any participating provider of vision care and prospective participating provider of vision care.]*~~ **(Deleted by amendment.)**

Sec. 32. ~~*[A vision benefit manager shall not engage in negotiations or enter into an agreement with any person on behalf of any independent affiliated provider of vision care regarding reimbursement, copayments, coinsurance or materials supply chain. Any agreement between a provider of vision care and a vision benefit manager must be negotiated directly between the provider of vision care and the vision benefit manager.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[1. Any affiliate or subcontractor who is used by a vision benefit manager to supply covered services or covered materials to a provider of vision care or enrollee is subject to the provisions of NRS 686A.135 and sections 2 to 34, inclusive, of this act to the same extent as a vision benefit manager.*~~

~~*2. The following agreements are subject to the provisions of NRS 686A.135 and sections 2 to 34, inclusive, of this act to the same extent as a contract between a provider of vision care and a vision benefit manager:*~~

~~*(a) Any subcontract or agreement that a provider of vision care enters into with another provider of vision care to provide vision care to an enrollee or a covered dependent of an enrollee of a vision benefit plan or vision benefit discount plan, where the subcontracted provider of vision care will seek reimbursement from the plan or enrollee for the subcontracted materials or services.*~~

~~*(b) Any agreement a vision benefit manager enters into with another person to provide an enrollee with covered services or covered materials.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~*[In addition to any other remedy provided by law, any provider of vision care who is aggrieved by a violation of NRS 686A.135 and sections 2 to 34, inclusive, of this act may bring a civil action in a court of competent jurisdiction to seek any or all of the following relief:*~~

~~*1. Declaratory and injunctive relief.*~~

~~*2. Actual damages.*~~

~~*3. Punitive or exemplary damages in an amount not to exceed $10,000 for each violation.*~~

~~*4. Reasonable attorney's fees and costs.*~~

~~*5. Any other legal or equitable relief that the court deems appropriate.]*~~ **(Deleted by amendment.)**

Sec. 34.5. ***A vision benefit plan, a vision benefit discount plan or a contract between a provider of vision insurance and a provider of vision care that is subject to the provisions of this chapter and that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the provisions required by NRS 686A.135 and sections 2 to 34.5, inclusive, of this act.***

Sec. 35. NRS 686A.010 is hereby amended to read as follows:

686A.010 The purpose of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to*** ~~*[34,]*~~ ***34.5, inclusive, of this act*** is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress approved March 9, 1945, being c. 20, 59 Stat. 33, also designated as 15 U.S.C. §§ 1011 to 1015, inclusive, and Title V of Public Law 106-102, 15 U.S.C. §§ 6801 et seq.

Sec. 36. NRS 686A.020 is hereby amended to read as follows:

686A.020 A person shall not engage in this state in any practice which is defined in NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to*** ~~*[34,]*~~ ***34.5, inclusive, of this act*** as, or determined pursuant to NRS 686A.170 to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

Sec. 37. NRS 686A.135 is hereby amended to read as follows:

686A.135 1. ~~[An insurer]~~ ***A provider of vision*** ~~*[benefit manager]*~~ ***insurance*** shall not enter into a contract with a provider of vision care that:

(a) Authorizes the ~~[insurer]~~ ***provider of vision*** ~~*[benefit manager]*~~ ***insurance*** to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;

(b) Requires the provider of vision care to use a specific laboratory as the manufacturer of ~~[ophthalmic devices or]~~ materials provided to ~~[covered persons; or]~~ ***enrollees; or***

(c) ~~*[Requires the provider of vision care to use a specific source or supplier of covered materials or other materials; or*~~

~~*(d)]*~~ Conditions any rate of reimbursement for vision care on the provider of vision care prescribing ~~[ophthalmic devices or]~~ materials in which the ~~[insurer]~~ ***provider of vision*** ~~*[benefit manager]*~~ ***insurance*** has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ~~[ophthalmic devices or]~~ materials.

2. ~~*[Reimbursement which is paid by a vision benefit manager to a provider of vision care for covered services and covered materials, regardless*~~

~~*of the supplier or optical laboratory used, must be reasonable and not nominal or de minimis.*~~

~~*3.*~~ Before entering into a contract with a provider of vision care to include the provider of vision care in the network of ~~[~~an insurer,~~]~~ ***a provider of vision*** ~~*[benefit manager,]*~~ ***insurance,*** the ~~[~~insurer~~]~~ ***provider of vision*** ~~*[benefit manager]*~~ ***insurance*** must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

3. ~~[~~An insurer

~~*4.]*~~ ***A provider of vision*** ~~*[benefit manager]*~~ ***insurance*** shall disclose in any ~~[~~policy of insurance that covers~~]~~ vision ~~[~~care~~]~~ ***benefit plan or vision benefit discount plan*** or any description of benefits covered by such a ~~[~~policy,~~]~~ ***plan,*** whether written or electronic, any ownership or other pecuniary interest of the ~~[~~insurer~~]~~ ***provider of vision*** ~~*[benefit manager]*~~ ***insurance*** in a supplier of ~~[~~ophthalmic devices or~~]~~ materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

4. ~~[~~An insurer

~~*5.]*~~ ***A provider of vision*** ~~*[benefit manager]*~~ ***insurance*** that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the ~~[~~insurer~~]~~ ***provider of vision benefit*** ~~*[manager]*~~ ***insurance*** covers that vision care if such vision care is available at a discount or with a copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that ~~[~~a covered person~~]~~ ***an enrollee*** is typically required to pay for covered services.

5. ~~*[6.]*~~ A provider of vision care shall disclose in writing to any ~~[~~covered person~~]~~ ***enrollee*** under a ~~[~~policy of insurance that covers~~]~~ vision ~~[~~care~~]~~ ***benefit plan or vision benefit discount plan*** any ownership or other pecuniary interest of the provider of vision care in a supplier of ~~[~~ophthalmic devices or~~]~~ materials, including, without limitation, a general disclosure of any rebates or rewards programs, before the ~~[~~covered person~~]~~ ***enrollee*** authorizes the provider of vision care to obtain covered ~~[~~eyewear~~]~~ materials from such a supplier or laboratory that is not contracted with the ~~[~~insurer~~]~~ ***provider of vision*** ~~*[benefit manager]*~~ ***insurance*** providing the ~~[~~policy of insurance that covers~~]~~ vision ~~[~~care.~~]~~ ***benefit plan or vision benefit discount plan.*** The disclosure must appear in a conspicuous and clear manner.

6. ~~*[7.]*~~ Nothing in this section shall be construed to prohibit ~~[~~a covered person~~]~~ ***an enrollee*** from using an in-network source or supplier of ~~[~~ophthalmic devices or~~]~~ materials as set forth in the ~~[~~covered person's policy of insurance that covers~~]~~ vision ~~[~~care.

~~7. As used in this section:~~

~~(a) "Provider of vision care" means a physician who provides vision care or an optometrist.~~

~~(b) "Vision care" means:~~

~~(1) Routine ophthalmological evaluation of the eye, including refraction.~~

~~(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.~~

~~➥ The term "vision care" does not include the initiation of treatment or diagnosis pursuant to a program of medical care.]~~ ***benefit plan or vision benefit discount plan of the enrollee.***

Sec. 38. NRS 686A.160 is hereby amended to read as follows:

686A.160 If the Commissioner has cause to believe that any person has been engaged or is engaging, in this state, in any unfair method of competition or any unfair or deceptive act or practice prohibited by NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** and that a proceeding by the Commissioner in respect thereto would be in the interest of the public, the Commissioner may issue and serve upon such person a statement of the charges and a notice of the hearing to be held thereon. The statement of charges and notice of hearing shall comply with the requirements of NRS 679B.320 and shall be served upon such person directly or by certified or registered mail, return receipt requested.

Sec. 39. NRS 686A.170 is hereby amended to read as follows:

686A.170 1. If the Commissioner believes that any person engaged in the insurance business is in the conduct of such business engaging in this state in any method of competition or in any act or practice not defined in NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** which is unfair or deceptive and that a proceeding by the Commissioner in respect thereto would be in the public interest, the Commissioner shall, after a hearing of which notice and of the charges against such person are given to the person, make a written report of the findings of fact relative to such charges and serve a copy thereof upon such person and any intervener at the hearing.

2. If such report charges a violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** and if such method of competition, act or practice has not been discontinued, the Commissioner may, through the Attorney General, at any time after 20 days after the service of such report cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs or orders as are ancillary to its jurisdiction or necessary in its judgment to prevent injury to the public pendente lite; but the State of Nevada shall not be required to give security before the issuance of any such order or injunction under this section. If a stenographic record of the proceedings in the hearing before the Commissioner was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.

3. If the court finds that:

(a) The method of competition complained of is unfair or deceptive;

(b) The proceedings by the Commissioner with respect thereto are to the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ it shall issue its order enjoining and restraining the continuance of such method of competition, act or practice.

4. Either party may appeal from such final judgment or order or decree of court in a like manner as provided for appeals in civil cases.

5. If the Commissioner's report made under subsection 1 or order on hearing made under NRS 679B.360 does not charge a violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** then any intervener in the proceedings may appeal therefrom within the time and in the manner provided in this Code for appeals from the Commissioner generally.

6. Upon violation of any injunction issued under this section, the Commissioner, after a hearing thereon, may impose the appropriate penalties provided for in NRS 686A.187.

Sec. 40. NRS 686A.183 is hereby amended to read as follows:

686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:

(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** payment of an administrative fine of not more than $5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed $500 for each act or violation.

(b) Suspension or revocation of the person's license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive ~~[.]~~ ***, and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act.***

2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.

3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever

in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.

Sec. 41. NRS 686A.520 is hereby amended to read as follows:

686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** apply to companies.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "company."

Sec. 42. NRS 689.160 is hereby amended to read as follows:

689.160 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** apply to agents and sellers.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "agent" and "seller."

3. The provisions of NRS 679B.230 to 679B.300, inclusive, apply to sellers. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "seller."

4. The provisions of NRS 683A.301 apply to applicants for and holders of a seller's certificate of authority. Unless the context requires that a provision apply only to an applicant for or holder of a license as a producer of insurance, any reference in that section to:

(a) An "applicant for a license as a producer of insurance" must be replaced by a reference to an "applicant for a seller's certificate of authority"; and

(b) A "licensee" must be replaced by a reference to a "holder of a seller's certificate of authority."

Sec. 43. NRS 689.595 is hereby amended to read as follows:

689.595 1. The provisions of NRS 683A.341, 683A.451, 683A.461 and 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** apply to agents and sellers.

2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "agent" and "seller."

3. The provisions of NRS 679B.230 to 679B.300, inclusive, apply to sellers. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "seller."

4. The provisions of NRS 683A.301 apply to applicants for and holders of a seller's permit. Unless the context requires that a provision apply only to an applicant for or a holder of a license as a producer of insurance, any reference in that section to:

(a) An "applicant for a license as a producer of insurance" must be replaced by a reference to an "applicant for a seller's permit"; and

(b) A "licensee" must be replaced by a reference to a "holder of a seller's permit."

Sec. 43.5. **NRS 695B.320 is hereby amended to read as follows:**

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 17, 18 and 30 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, ***and sections 2 to 34.5, inclusive, of this act,*** 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 44. NRS 695C.300 is hereby amended to read as follows:

695C.300 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading or any form of evidence of coverage which is deceptive. For purposes of this chapter:

(a) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a health care plan.

(b) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health care plan if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist.

(c) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography and format as well as language, shall be such as to cause a reasonable person not possessing special knowledge regarding health care plans and evidences of coverage therefor to expect benefits, services, charges or other advantages which the evidence of coverage does not provide or which the health care plan issuing such evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.

2. NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34.]~~ 34.5, inclusive, of this act*** shall be construed to apply to health maintenance

organizations, health care plans and evidences of coverage except to the extent that the nature of health maintenance organizations, health care plans and evidences of coverage render the sections therein clearly inappropriate.

3. An enrollee may not be cancelled or not renewed except for the failure to pay the charge for such coverage or for cause as determined in the master contract.

4. No health maintenance organization, unless licensed as an insurer, may use in its name, contracts, or literature any of the words "insurance," "casualty," "surety," "mutual" or any other words descriptive of the insurance, casualty or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in this State.

5. No person not certificated under this chapter shall use in its name, contracts or literature the phrase "health maintenance organization" or the initials "HMO."

Sec. 45. NRS 695F.090 is hereby amended to read as follows:

695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:

(a) NRS 686B.010 to 686B.175, inclusive, concerning rates and essential insurance.

(b) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.

(c) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

(d) The requirements of NRS 679B.152.

(e) The fees imposed pursuant to NRS 449.465.

(f) NRS 686A.010 to 686A.310, inclusive, ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act*** concerning trade practices and frauds.

(g) The assessment imposed pursuant to NRS 679B.700.

(h) Chapter 683A of NRS.

(i) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.

(j) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.

(k) NRS 680B.025 to 680B.060, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this paragraph, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."

(l) Chapter 692C of NRS, concerning holding companies.

(m) NRS 689A.637, concerning health centers.

(n) Chapter 681B of NRS, concerning assets and liabilities.

(o) NRS 682A.400 to 682A.468, inclusive, concerning investments.

2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."

Sec. 46. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135 ~~[,]~~ ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be

budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 47. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135 ~~[,]~~ ***and sections 2 to ~~[34,]~~ 34.5, inclusive, of this act,*** 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive,

695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 48. The amendatory provisions of this act do not apply to any contract or agreement existing on ~~[the effective date of this act]~~ **January 1, 2026,** until the contract or agreement is renewed.

Sec. 49. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 50. This act becomes effective ~~[upon passage and approval.]~~ **on January 1, 2026.**

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 680 to Assembly Bill No. 448.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 511.

The following Senate amendment was read:

Amendment No. 589.

AN ACT relating to insurance; revising provisions relating to reimbursement for certain treatment and services provided by certain providers of health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law entitles an insured to reimbursement for treatment by a chiropractic physician if a policy of individual health insurance, policy of group ~~[and blanket]~~ health insurance, nonprofit corporation contract for hospital, medical and dental services or evidence of coverage of a health maintenance organization provides coverage for treatment of an illness which is within the authorized scope of practice of a qualified chiropractic physician. Existing law also contains similar provisions applicable to: (1) a person who performs acupuncture; (2) a licensed psychologist; (3) a licensed marriage and family therapist or licensed clinical professional counselor; (4) a licensed associate in social work, social worker, master social worker, independent social worker or clinical social worker; (5) a licensed podiatrist; (6) a licensed clinical drug and alcohol counselor; and (7) certain registered nurses under certain circumstances. (NRS 608.1575, 689A.0475-689A.0495, 689B.038-689B.0397, 689B.045, 689B.049, 695B.1951-695B.199, 695C.1765-695C.179) **Sections ~~[1-33]~~ 1-16, 17-24 and 25-33** of this bill revise those provisions to ~~[instead require that]~~ **entitle** the **insured or the** provider who provided treatment to the insured ~~[is the person who is entitled]~~**, as applicable,** to reimbursement for the treatment provided.

Existing law authorizes a person insured under a policy of individual health insurance or policy of group or blanket health insurance to assign his or her right to benefits, under certain circumstances, to the provider of health care who provided the services covered by the policy. (NRS

689A.135, 689B.040, 689B.100) Sections 16.5 and 24.5 of this bill similarly authorize a person insured under a contract for hospital, medical or dental services issued by a nonprofit hospital, medical or dental services corporation or a health care plan issued by a health maintenance organization to make such an assignment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 689A.0475 is hereby amended to read as follows:

689A.0475 If any policy of health insurance provides coverage for acupuncture performed by a physician, the insured ~~[is entitled to reimbursement for acupuncture performed by]~~ ***or*** a person who is licensed pursuant to chapter 634A of NRS ~~[.]~~ ***and performs acupuncture on the insured , as applicable, is entitled to reimbursement for the acupuncture performed.***

Sec. 2. NRS 689A.048 is hereby amended to read as follows:

689A.048 If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a qualified psychologist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a licensed psychologist ~~[.]~~ ***who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 3. NRS 689A.0483 is hereby amended to read as follows:

689A.0483 If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed marriage and family therapist or licensed clinical professional counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a marriage and family therapist or clinical professional counselor who is licensed pursuant to chapter 641A of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 4. NRS 689A.0485 is hereby amended to read as follows:

689A.0485 If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a licensed associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** an associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 5. NRS 689A.0487 is hereby amended to read as follows:

689A.0487 1. If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified podiatrist, the insured ~~[is entitled to reimbursement for treatments~~

~~by]~~ ***or*** a podiatrist who is licensed pursuant to chapter 635 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 6. NRS 689A.049 is hereby amended to read as follows:

689A.049 1. If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified chiropractic physician, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a chiropractic physician who is licensed pursuant to chapter 634 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractic physician to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractic physician to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 7. NRS 689A.0493 is hereby amended to read as follows:

689A.0493 If any policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed clinical alcohol and drug counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS ~~[unless]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided, including, without limitation, if*** the clinical alcohol and drug counselor must be directly reimbursed pursuant to:

1. An assignment of benefits described in NRS 687B.409; or
2. Any other applicable assignment of benefits.

Sec. 8. NRS 689A.0495 is hereby amended to read as follows:

689A.0495 1. If any policy of health insurance provides coverage for services which are within the authorized scope of practice of a registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, and which are reimbursed when provided by another provider of health care, the insured ~~[is entitled to reimbursement for services provided by such]~~ ***or*** a registered nurse ~~[.]~~ ***who provides such services to the insured , as applicable, is entitled to reimbursement for the services provided.***

2. The terms of the policy must not limit:

(a) Coverage for services provided by such a registered nurse to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a registered nurse to an amount less than that reimbursed for similar services provided by another provider of health care.

3. An insurer is not required to pay for services provided by such a registered nurse which duplicate services provided by another provider of health care.

Sec. 9. NRS 689B.038 is hereby amended to read as follows:

689B.038 If any policy of group health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a qualified psychologist, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a licensed psychologist ~~[.]~~ ***who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 10. NRS 689B.0383 is hereby amended to read as follows:

689B.0383 If any policy of group health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed marriage and family therapist or licensed clinical professional counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a marriage and family therapist or clinical professional counselor who is licensed pursuant to chapter 641A of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 11. NRS 689B.0385 is hereby amended to read as follows:

689B.0385 If any policy of group health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a licensed associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker, the insured ~~[is entitled to reimbursement for treatment by an associate in social work,]~~ ***or*** a social worker, a master social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 12. NRS 689B.039 is hereby amended to read as follows:

689B.039 1. If any group policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified chiropractic physician, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a chiropractic physician who is licensed pursuant to chapter 634 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractic physician to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractic physician to an amount less than that charged for similar treatments by other physicians.

Sec. 13. NRS 689B.0393 is hereby amended to read as follows:

689B.0393 1. If any group policy of health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified podiatrist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a podiatrist who is licensed pursuant to chapter 635 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 14. NRS 689B.0397 is hereby amended to read as follows:

689B.0397 If any policy of group health insurance provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed clinical alcohol and drug counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS ~~[unless]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided, including, without limitation, if*** the clinical alcohol and drug counselor must be directly reimbursed pursuant to:

1. An assignment of benefits described in NRS 687B.409; or
2. Any other applicable assignment of benefits.

Sec. 15. NRS 689B.045 is hereby amended to read as follows:

689B.045 1. If any group policy of health insurance provides coverage for services which are within the authorized scope of practice of a registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, and which are reimbursed when provided by another provider of health care, the insured ~~[is entitled to reimbursement for services provided by such]~~ ***or*** a registered nurse ~~[.]~~ ***who provides such services to the insured , as applicable, is entitled to reimbursement for the services provided.***

2. The terms of the policy must not limit:

(a) Coverage for services provided by such a registered nurse to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a registered nurse to an amount less than that reimbursed for similar services provided by another provider of health care.

3. An insurer is not required to pay for services provided by such a registered nurse which duplicate services provided by another provider of health care.

Sec. 16. NRS 689B.049 is hereby amended to read as follows:

689B.049 If any policy of group health insurance provides coverage for acupuncture performed by a physician, the insured ~~[is entitled to reimbursement for acupuncture performed by]~~ ***or*** a person who is licensed

pursuant to chapter 634A of NRS ~~[.]~~ ***and performs acupuncture on the insured , as applicable, is entitled to reimbursement for the acupuncture performed.***

Sec. 16.5. **Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person insured under a contract for hospital, medical or dental services may assign his or her right to benefits to the provider of health care who provided the services covered by the contract. The nonprofit hospital, medical or dental service corporation shall pay all the benefits or the part of the benefits assigned by the insured to the person designated by the insured. A payment made pursuant to this subsection discharges the obligation of the corporation to pay those benefits.

2. If the insured makes an assignment under this section, but the corporation after receiving a copy of the assignment pays the benefits to the insured, the corporation shall also pay those benefits to the provider of health care who received the assignment as soon as the corporation receives notice of the incorrect payment.

3. For the purpose of this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 17. NRS 695B.1951 is hereby amended to read as follows:

695B.1951 1. If any contract for hospital or medical services provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified podiatrist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a podiatrist who is licensed pursuant to chapter 635 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 18. NRS 695B.1955 is hereby amended to read as follows:

695B.1955 If any contract for hospital or medical service provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed clinical alcohol and drug counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS ~~[unless]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided, including, without limitation, if*** the clinical alcohol and drug counselor must be directly reimbursed pursuant to:

1. An assignment of benefits described in NRS 687B.409; or
2. Any other applicable assignment of benefits.

Sec. 19. NRS 695B.196 is hereby amended to read as follows:

695B.196 If any contract for hospital or medical services provides coverage for acupuncture performed by a physician, the insured ~~[is entitled to reimbursement for acupuncture performed by]~~ ***or*** a person who is licensed pursuant to chapter 634A of NRS ~~[.]~~ ***and performs acupuncture on the insured , as applicable, is entitled to reimbursement for the acupuncture performed.***

Sec. 20. NRS 695B.197 is hereby amended to read as follows:

695B.197 If any contract for hospital or medical service provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a qualified psychologist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a licensed psychologist ~~[.]~~ ***who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 21. NRS 695B.1973 is hereby amended to read as follows:

695B.1973 If any contract for hospital or medical service provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed marriage and family therapist or licensed clinical professional counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a marriage and family therapist or clinical professional counselor who is licensed pursuant to chapter 641A of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 22. NRS 695B.1975 is hereby amended to read as follows:

695B.1975 If any contract for hospital or medical service provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a licensed associate in social work, social worker, master social worker, independent social worker or clinical social worker, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** an associate in social work, social worker, master social worker, independent social worker or clinical social worker who is licensed pursuant to chapter 641B of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 23. NRS 695B.198 is hereby amended to read as follows:

695B.198 1. If any contract for hospital or medical service provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified chiropractic physician, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a chiropractic physician who is licensed pursuant to chapter 634 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractic physician to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractic physician to an amount less than that charged for similar treatments by other physicians.

Sec. 24. NRS 695B.199 is hereby amended to read as follows:

695B.199 1. If any contract for medical service provides coverage for services which are within the authorized scope of practice of a registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, and which are reimbursed when provided by another provider of health care, the insured ~~[is entitled to reimbursement for services provided by such]~~ ***or*** a registered nurse ~~[,]~~ ***who provides such services to the insured , as applicable, is entitled to reimbursement for the services provided.***

2. The terms of the contract must not limit:

(a) Coverage for services provided by such a registered nurse to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a registered nurse to an amount less than that reimbursed for similar services provided by another provider of health care.

3. An insurer is not required to pay for services provided by such a registered nurse which duplicate services provided by another provider of health care.

Sec. 24.5. **Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person insured under a health care plan may assign his or her right to benefits to the provider of health care who provided the services covered by the plan. The health maintenance organization shall pay all the benefits or the part of the benefits assigned by the insured to the person designated by the insured. A payment made pursuant to this subsection discharges the obligation of the health maintenance organization to pay those benefits.

2. If the insured makes an assignment under this section, but the health maintenance organization after receiving a copy of the assignment pays the benefits to the insured, the health maintenance organization shall also pay those benefits to the provider of health care who received the assignment as soon as the insurer receives notice of the incorrect payment.

3. For the purpose of this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.1765 is hereby amended to read as follows:

695C.1765 If any evidence of coverage provides coverage for acupuncture performed by a physician, the insured ~~[is entitled to reimbursement for acupuncture performed by]~~ ***or*** a person who is licensed pursuant to chapter 634A of NRS ~~[,]~~ ***and performs acupuncture on the insured , as applicable, is entitled to reimbursement for the acupuncture performed.***

Sec. 26. NRS 695C.177 is hereby amended to read as follows:

695C.177 If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a qualified psychologist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a

licensed psychologist ~~[.]~~ ***who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 27. NRS 695C.1773 is hereby amended to read as follows:

695C.1773 If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed marriage and family therapist or licensed clinical professional counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a marriage and family therapist or clinical professional counselor who is licensed pursuant to chapter 641A of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 28. NRS 695C.1775 is hereby amended to read as follows:

695C.1775 If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of the practice of a licensed associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** an associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker who is licensed pursuant to chapter 641B of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

Sec. 29. NRS 695C.178 is hereby amended to read as follows:

695C.178 1. If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified chiropractic physician, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a chiropractic physician who is licensed pursuant to chapter 634 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a chiropractic physician to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a chiropractic physician to an amount less than that charged for similar treatments by other physicians.

Sec. 30. NRS 695C.1783 is hereby amended to read as follows:

695C.1783 1. If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a qualified podiatrist, the insured ~~[is entitled to reimbursement for treatments by]~~ ***or*** a podiatrist who is licensed pursuant to chapter 635 of NRS ~~[.]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided.***

2. The terms of the policy must not limit:

(a) Coverage for treatments by a podiatrist to a number less than for treatments by other physicians.

(b) Reimbursement for treatments by a podiatrist to an amount less than that reimbursed for similar treatments by other physicians.

Sec. 31. NRS 695C.1789 is hereby amended to read as follows:

695C.1789 If any evidence of coverage provides coverage for treatment ~~[of an illness]~~ which is within the authorized scope of practice of a licensed clinical alcohol and drug counselor, the insured ~~[is entitled to reimbursement for treatment by]~~ ***or*** a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS ~~[unless]~~ ***and who provides such treatment to the insured , as applicable, is entitled to reimbursement for the treatment provided, including, without limitation, if*** the clinical alcohol and drug counselor must be directly reimbursed pursuant to:

1. An assignment of benefits described in NRS 687B.409; or
2. Any other applicable assignment of benefits.

Sec. 32. NRS 695C.179 is hereby amended to read as follows:

695C.179 1. If any evidence of coverage provides coverage for services which are within the authorized scope of practice of a registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, and which are reimbursed when provided by another provider of health care, the insured ~~[is entitled to reimbursement for services provided by such]~~ ***or*** a registered nurse ~~[,]~~ ***who provides such services to the insured , as applicable, is entitled to reimbursement for the services provided.***

2. The terms of the evidence of coverage must not limit:

(a) Coverage for services provided by such a registered nurse to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a registered nurse to an amount less than that reimbursed for similar services provided by another provider of health care.

3. An insurer is not required to pay for services provided by such a registered nurse which duplicate services provided by another provider of health care.

Sec. 33. NRS 608.1575 is hereby amended to read as follows:

608.1575 1. If an employer provides health benefits for his or her employees which include coverage for services which are within the authorized scope of practice of a registered nurse who is authorized pursuant to chapter 632 of NRS to perform additional acts in an emergency or under other special conditions as prescribed by the State Board of Nursing, and which are reimbursed when provided by another provider of health care, the ~~[employees are entitled to reimbursement for services provided by such]~~ ***employee or*** a registered nurse ~~[,]~~ ***who provides such services to an employee , as applicable, is entitled to reimbursement for the services provided.***

2. The benefits provided by the employer must not limit:

(a) Coverage for services provided by such a registered nurse to a number of occasions less than for services provided by another provider of health care.

(b) Reimbursement for services provided by such a registered nurse to an amount less than that reimbursed for similar services provided by another provider of health care.

3. The employer is not required to pay for services provided by such a registered nurse which duplicate services provided by another provider of health care.

Sec. 34. This act becomes effective on January 1, 2026.

Assemblymember Marzola moved that the Assembly concur in Senate Amendment No. 589 to Assembly Bill No. 511.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 35, 57, 103, 107, 110, 111, 114, 132, 153, 155, 164, 183, 192, 193, 194, 196, 277, 309, 333, 334, 377, 380, 384, 449, 466; Senate Bills Nos. 106, 418, 459.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Cara McAnallen.

On request of Assemblymember Cole, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Borgos.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Crawford.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Leson Nguyen, Natalie Diep, and Yiying Wu.

On request of Assemblymember Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblymember Jauregui moved that the Assembly adjourn until Wednesday, May 28, 2025, at 4 p.m.

Motion carried.

Assembly adjourned at 10:38 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 28, 2025

Assembly called to order at 6 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Mr. Rajan Zed.

Om,
bhur bhuvah svah, tat savitur varenyam,
bhargo devasya dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

varma me dyaavaa - prithivi varmaahar-varmasuryah
varma me vishwe devaah kranmaa maa praapat pratichikaa.

Let the energy derived from the earth as well as from the cosmos, the day and the sun, be all a shield for us. Let all the divine things and beings protect us, so that no evil or misfortune befall us.

atmaupamyena sarvat ra samam pasyati
sukham va yadi va dukham sa yogi paramo matah.

When a person responds to the joys and sorrows of others, as if they were his own;
he has attained the highest spiritual union.

ya eko'varno bahudha sakti-yogad varnan anekan nihitartho dadhati
vicaiti ca'nte visvam adau sa devah sa no buddhya subhaya samyunaktu.

He who is One, without any color, by the manifold exercise of His power, distributes many colors in His hidden purpose, and into whom in the beginning and at the end the universe is gathered; may He endow us with a clear understanding.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assembly in recess at 6:08 p.m.

ASSEMBLY IN SESSION

At 6:18 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 54, 312, 329, 353, 424, 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 598; Senate Bills Nos. 454, 455, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 542, 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, our Committee on Ways and Means, to which was referred Assembly Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 331, 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 469, 470, 474, 476, 478, 479, 484, 485, 486, 488, 489, 490, 491, 492, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 188, 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 224, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 91, 93, 123, 405, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 375, 388, 442, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 83, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 62, 147, 165, 300, 317, 378, 393, 400, 407.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 28, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 133, 280.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 6.

Assemblymember Mosca moved that the resolution be adopted.

Resolution adopted.

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Wednesday, May 28, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

LIVE CORE PRODUCTIONS LLC & KPVM: Douglas Roberts

Motion carried.

Assemblymember Jauregui moved that the motion whereby Amendment No. 852 was adopted to Senate Bill No. 502 be rescinded.

Motion carried.

Bill ordered reprinted, re-engrossed, and to third reading.

Assemblymember Jauregui moved that Assembly Bill No. 238 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 128 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Senate Bill No. 62.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 147.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 165.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 280.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 300.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 317.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 378.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 393.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 400.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 407.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 855.

AN ACT making an appropriation to the Outdoor Education and Recreation Grant Program Account for carrying out the Outdoor Education and Recreation Grant Program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Outdoor Education and Recreation Grant Program Account created by NRS 407A.615 for carrying out the Outdoor Education and Recreation Grant Program created by NRS 407A.605 the following sums:

For the Fiscal Year 2025-2026.....~~[$500,000]~~ **$250,000**

For the Fiscal Year 2026-2027.....~~[$500,000]~~ **$250,000**

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 881.

SUMMARY—Makes an appropriation to the **Division of Public and Behavioral Health of the** Department of Health and Human Services for a grant program to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. (BDR S-1044)

AN ACT making an appropriation to the **Division of Public and Behavioral Health of the** Department of Health and Human Services for a grant program to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the **Division of Public and Behavioral Health of the** Department of Health and Human Services for a grant program to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services the following sums:

For the Fiscal Year 2025-2026.....$220,000

For the Fiscal Year 2026-2027.....$220,000

2. The **Division of Public and Behavioral Health of the** Department of Health and Human Services shall develop and implement a grant program to award grants from the money appropriated by subsection 1 to institutions within the Nevada System of Higher Education ~~[, boards of trustees of school districts or governing bodies of charter schools]~~ to expand the biennial survey administered pursuant to the Youth Risk Behavior Surveillance System developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as required by NRS 392.422.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 829.

SUMMARY—Makes an appropriation to the ~~[Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the]~~ University of Nevada, Las Vegas. (BDR S-1140)

AN ACT making an appropriation to the ~~[Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the]~~ University of Nevada, Las Vegas, for the purpose of providing pro bono legal services ~~[;]~~ **, experiential legal education and contributing to the success of students;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~[Thomas & Mack Legal Clinic at the William S. Boyd School of Law of the]~~ University of Nevada, Las Vegas, for the purpose of providing pro bono legal services **, experiential legal education and contributing to the success of students of the William S. Boyd School of Law** the following sums:

For the Fiscal Year 2025-2026.....$500,000

For the Fiscal Year 2026-2027.....$500,000

2. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.**

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 598.
Bill read second time and ordered to third reading.

Senate Bill No. 54.
Bill read second time and ordered to third reading.

Senate Bill No. 312.
Bill read second time and ordered to third reading.

Senate Bill No. 329.
Bill read second time and ordered to third reading.

Senate Bill No. 353.
Bill read second time and ordered to third reading.

Senate Bill No. 424.
Bill read second time and ordered to third reading.

Senate Bill No. 454.
Bill read second time and ordered to third reading.

Senate Bill No. 455.
Bill read second time and ordered to third reading.

Senate Bill No. 462.
Bill read second time and ordered to third reading.

Senate Bill No. 469.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 474.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 479.
Bill read second time and ordered to third reading.

Senate Bill No. 484.
Bill read second time and ordered to third reading.

Senate Bill No. 485.
Bill read second time and ordered to third reading.

Senate Bill No. 486.
Bill read second time and ordered to third reading.

Senate Bill No. 488.
Bill read second time and ordered to third reading.

Senate Bill No. 489.
Bill read second time and ordered to third reading.

Senate Bill No. 490.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 492.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 497.
Bill read second time and ordered to third reading.

Assembly in recess at 6:36 p.m.

ASSEMBLY IN SESSION

At 6:47 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DANIELE MONROE-MORENO, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 542.
Bill read second time and ordered to third reading.

Assembly Bill No. 596.
Bill read second time and ordered to third reading.

Senate Bill No. 88.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 188, 304, 534, 542, and 596 be taken from their place on the Second Reading File and the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Senate Bill No. 128.

Bill read third time.

The following amendment was proposed by Assemblymember Marzola:

Amendment No. 793.

AN ACT relating to health care; prescribing requirements governing the denial of requests for prior authorization; ~~[requiring, in certain circumstances,]~~ **making certain legislative findings and declarations; encouraging** licensed physicians, physician assistants, advanced practice registered nurses and osteopathic physicians to discuss with patients **in** certain **circumstances** information relating to stem cell treatment, storage and donation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require an insured to obtain prior authorization from the insurer before receiving certain care. (NRS 687B.225) **Sections 1, 4 and 5** of this bill prohibit certain health insurers, including insurance for public employees, from solely using, employing or relying upon an artificial intelligence system or an automated decision tool to: (1) deny a request for prior authorization for medical or dental care; (2) modify a request for prior authorization for such care submitted by a provider of health care; (3) reduce the scope of services or amount of coverage for such care that is included within a request for prior authorization; or (4) terminate, reduce or modify coverage for previously approved medical or dental care. **Sections 1, 4 and 5** also require such health insurers to approve a request for prior authorization for medical or dental care that is covered by the insurer, unless a licensed health care professional with the education, training and expertise necessary to evaluate the condition at issue determines that the care requested is not medically necessary or is experimental or investigational. **Sections 6 and 7** of this bill make conforming changes to clarify that certain provisions generally applicable to members of plans of self-insurance for employees of local governments and are applicable to the provisions of **sections 4 and 5**, respectively.

Existing law requires a physician, physician assistant, advanced practice registered nurse or an osteopathic physician to counsel and provide certain information to a patient who is diagnosed with certain conditions. (NRS 630.3737, 632.2383, 633.6947) **Sections 9-11** of this bill ~~[require a physician, physician assistant, advanced practice registered nurse or an osteopathic physician]~~ **make certain legislative findings and declarations relating to the use of stem cell therapy, including a declaration encouraging physicians, physician assistants, advanced practice registered nurses and osteopathic physicians** to: (1) discuss with a patient, upon diagnosing the patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, the potential use of stem cell therapy to treat the condition; and (2) when acting as ~~[a provider]~~ **providers** of primary care

during the first encounter with a new patient, inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization ~~[. The]~~ ***in a manner consistent with the provisions of this section.***

2. An insurer or organization ***that requires an insured or member to obtain prior authorization for medical or dental care*** shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

~~[2.]~~ ***3.*** The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

4. Except as otherwise provided in subsection 6, an insurer or organization that requires an insured or member to obtain prior authorization for medical or dental care:

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured or member, or by a provider of health care acting within the scope of his or her practice on behalf of an insured or member, for medical or dental care that is covered by the insurer or organization, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's or member's provider of health care, test results and other relevant medical records of the insured or member.

5. The provisions of subsection 4 do not:

(a) Prohibit an insurer or organization from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of any entity to which the requirements of NRS 695G.150 apply to comply with such requirements.

6. The requirements of subsection 4 do not apply to a managed care organization when providing coverage for recipients of Medicaid or pursuant to the Children's Health Insurance Program pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.273.

7. As used in this section:

(a) "Artificial intelligence system" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.

(b) "Automated decision tool" means a computational process derived from machine learning, statistical modeling, data analytics or artificial intelligence that, for any number of inputs, is designed to produce a simple output or recommendation, including, without limitation, a score, classification or recommendation, that is used to assist or replace human decision-making.

(c) "Healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual and physical nature are required.

(d) "Licensed health care professional" means a person who is licensed in any state or territory of the United States to perform any healing art.

(e) "Medical or dental care" includes, without limitation, the provision of prescription drugs.

(f) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(g) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance:***

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not prohibit a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 5. ***1. If the Board provides health insurance through a plan of self-insurance, the Board:***

(a) Shall not solely utilize, employ or rely upon an artificial intelligence system or automated decision tool to:

(1) Deny a request for prior authorization for medical or dental care;

(2) Modify a request for medical or dental care submitted by a provider of health care;

(3) Reduce the scope of services or the amount of coverage for medical or dental care included within a request for prior authorization; or

(4) Terminate, reduce or modify coverage for previously approved medical or dental care.

(b) Shall approve, without modification, a request for prior authorization submitted by an insured, or by a provider of health care acting within the scope of his or her practice on behalf of an insured, for medical or dental care that is covered by the plan of self-insurance, unless a licensed health care professional who possesses the education, training and expertise necessary to evaluate the specific clinical issues relevant to the request for prior authorization determines that the care requested is not medically necessary or is experimental or investigational after reviewing all available medical documentation, notes of the insured's provider of health care, test results and other relevant medical records of the insured.

2. The provisions of subsection 1 do not:

(a) Prohibit the Board from utilizing an artificial intelligence system or automated decision tool to automatically approve a request for prior authorization.

(b) Affect the obligation of the Board to comply with the requirements of NRS 695G.150.

3. As used in this section:

(a) "Artificial intelligence system" has the meaning ascribed to it in NRS 687B.225.

(b) "Automated decision tool" has the meaning ascribed to it in NRS 687B.225.

(c) "Licensed health care professional" has the meaning ascribed to it in NRS 687B.225.

(d) "Medical or dental care" has the meaning ascribed to it in NRS 687B.225.

(e) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(f) "Provider of health care" has the meaning ascribed to it in NRS 695G.070.

Sec. 6. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 4 of this act*** do not make it compulsory upon any governing body of

any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Upon]~~ The Legislature hereby finds and declares that:

(a) Stem cell therapy is currently utilized to treat and provide therapeutic relief for certain chronic and painful conditions, including, without limitation, arthritis and osteoarthritis;

(b) Recent research relating to stem cell-based therapies and treatments indicates that such therapies and treatments could be used in the future to treat an even wider range of debilitating diseases, including, without limitation, type I diabetes, various forms of cancer and various neurological and neurodegenerative diseases;

(c) Persons may currently store and bank their own stem cells to use in the future or to donate to others who have been diagnosed with a disease that is regularly treated using stem cell therapy;

(d) Patients may be unaware of the potential medical benefits arising from the banking and donation of their own stem cells; and

(e) It is the public policy of this State to encourage:

(1) Physicians and physician assistants, upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, ~~[a physician or physician assistant shall]~~ to discuss with the patient the potential use of stem cell therapy to treat the condition ~~[.]~~ ; and

~~[2. During]~~

(2) Each provider of primary care, during the first encounter with a new patient, ~~[a provider of primary care shall]~~ to inform the patient of

options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

~~[3.]~~ 2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means a physician, physician assistant or group of providers of health care that includes a physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Upon]~~ The Legislature hereby finds and declares that:

(a) Stem cell therapy is currently utilized to treat and provide therapeutic relief for certain chronic and painful conditions, including, without limitation, arthritis and osteoarthritis;

(b) Recent research relating to stem cell-based therapies and treatments indicates that such therapies and treatments could be used in the future to treat an even wider range of debilitating diseases, including, without limitation, type I diabetes, various forms of cancer and various neurological and neurodegenerative diseases;

(c) Persons may currently store and bank their own stem cells to use in the future or to donate to others who have been diagnosed with a disease that is regularly treated using stem cell therapy;

(d) Patients may be unaware of the potential medical benefits arising from the banking and donation of their own stem cells; and

(e) It is the public policy of this State to encourage:

(1) Advanced practice registered nurses, upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, ~~[an advanced practice registered nurse shall]~~ to discuss with the patient the potential use of stem cell therapy to treat the condition ~~[.]~~ ; and

~~[2. During]~~

(2) Each provider of primary care, during the first encounter with a new patient, ~~[a provider of primary care shall]~~ to inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

~~[3.]~~ 2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means an advanced practice registered nurse or a group of providers of health care that includes an advanced practice registered nurse which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 11. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Upon]~~ The Legislature hereby finds and declares that:

(a) Stem cell therapy is currently utilized to treat and provide therapeutic relief for certain chronic and painful conditions, including, without limitation, arthritis and osteoarthritis;

(b) Recent research relating to stem cell-based therapies and treatments indicates that such therapies and treatments could be used in the future to treat an even wider range of debilitating diseases, including, without limitation, type I diabetes, various forms of cancer and various neurological and neurodegenerative diseases;

(c) Persons may currently store and bank their own stem cells to use in the future or to donate to others who have been diagnosed with a disease that is regularly treated using stem cell therapy;

(d) Patients may be unaware of the potential medical benefits arising from the banking and donation of their own stem cells; and

(e) It is the public policy of this State to encourage:

(1) Osteopathic physicians and physician assistants, upon diagnosing a patient with arthritis, osteoarthritis or any other condition that is regularly treated using stem cell therapy, ~~[an osteopathic physician or physician assistant shall]~~ to discuss with the patient the potential use of stem cell therapy to treat the condition ~~[.]~~ ; and

~~[2. During]~~

(2) Each provider of primary care, during the first encounter with a new patient, ~~[a provider of primary care shall]~~ to inform the patient of options that may be available to the patient for donating, banking or storing stem cells for future use by the patient or a donee.

~~[3.]~~ 2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Provider of primary care" means an osteopathic physician, physician assistant or group of providers of health care that includes an osteopathic physician or physician assistant which:

(1) Provides initial and primary health care services to a patient; and

(2) Maintains the continuity of care for the patient.

(c) "Stem cell therapy" means therapy involving the use of human cells, tissues or cellular or tissue-based products.

Sec. 12. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 52.

Bill read third time.

Roll call on Assembly Bill No. 52:

YEAS—42.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

Roll call on Assembly Bill No. 76:

YEAS—42.

NAYS—None.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Roll call on Assembly Bill No. 117:

YEAS—42.

NAYS—None.

Assembly Bill No. 117 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 163.

Bill read third time.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Roll call on Assembly Bill No. 165:

YEAS—41.

NAYS—DeLong.

Assembly Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

The following amendment was proposed by Assemblymember Carter:

Amendment No. 808.

AN ACT relating to medical debt; ~~[prohibiting collection agencies and certain entities that provide health care from reporting medical debt to a consumer reporting agency in certain circumstances;]~~ prohibiting certain actions by certain entities that provide health care and collection agencies to collect a medical debt; providing requirements for engaging in extraordinary collection actions to collect a medical debt; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides requirements governing the collection of medical debt by a collection agency, including a requirement to provide certain notice to a medical debtor before taking action to collect and prohibiting certain actions to collect a medical debt. (NRS 649.366, 649.368) ~~[Section 13 of this bill prohibits a health care entity, which includes a medical facility, provider of health care or provider of emergency medical services, or a collection agency from reporting a medical debt to a consumer reporting agency unless the health care entity or collection agency issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. Section 13: (1) establishes a procedure for the issuance of such an offer; (2) prohibits a health care entity or collection agency from reporting medical debt to a consumer reporting agency if the consumer enters into a payment plan and complies with the terms and conditions of the plan; (3) provides that any portion of the medical debt that is reported to a consumer reporting agency in violation of section 13 shall be void; (4) requires a health care entity or collection agency that enters into a payment plan with a consumer to provide to the consumer a written copy of the payment plan; and (5) prescribes requirements for a payment plan. Except in certain circumstances, section 13.7 of this bill prohibits a health care entity or collection agency from placing a payment plan into default, accelerating a payment plan or otherwise cancelling a payment plan unless certain requirements are met.~~

~~Section 13.3 of this bill: (1) requires a health care entity or collection agency that receives a payment to furnish to the consumer a receipt for the payment; and (2) prescribes requirements for such receipts.]~~

Sections 14 and 19 of this bill prohibit a health care entity or collection agency from engaging in certain actions, or threatening to engage in certain actions, to collect a medical debt, including: (1) causing the arrest of a

consumer; (2) obtaining a lien or foreclosing on real property of a consumer that includes the consumer's primary residence; (3) garnishing any refund of federal income taxes due to a consumer; or (4) garnishing, attaching or seizing the bank account of a consumer.

Section 15 of this bill prohibits a health care entity or collection agency from engaging in extraordinary collection actions until at least 180 days after the first bill for a medical debt is sent to a consumer and requires a notice that includes certain information to be sent to the consumer at least 30 days before any extraordinary collection action is taken. **Section 6** of this bill defines the term "extraordinary collection action" to mean: (1) selling a medical debt to a collection agency; (2) ~~[deferring, denying or requiring payment before providing medically necessary care; or (3)]~~ any action that requires a legal or judicial process except for placing a lien on third party settlements ~~[.]~~ **; (3) reporting, furnishing or threatening to report or furnish any information regarding a medical debt to a consumer reporting agency; or (4) garnishing or threatening to garnish the wages of a consumer.** **Section 15** prohibits a health care entity or collection agency from engaging in extraordinary collection actions ~~[during]~~ **when there is** a state of emergency, declaration of disaster or public health emergency or other health event ~~[with respect to the geographic area]~~ **in the county** in which a consumer resides ~~[.]~~ **and tolls any statute of limitations applicable to a claim to recover on a medical debt during the same period.**

Section 16 of this bill provides additional requirements for the collection of medical debts incurred for medical services, **medical** products or **medical** devices provided by a health care entity, including: (1) a prohibition on engaging in extraordinary collection actions unless such actions are described in the billing and collection policy of the health care entity; (2) a requirement to reverse any extraordinary collection actions if it is determined that the consumer is eligible for financial assistance that eliminates or would have eliminated the debt; and (3) requiring a consumer to be refunded within 60 days if, after the application of any financial assistance, a consumer had paid an amount in excess of the amount of the medical debt.

Section 17 of this bill provides that the protections provided by **sections 13-16** cannot be waived.

Sections ~~[3-12]~~ **2.5-12 of this bill** define terms related to the collection of medical debts and **section 2 of this bill** makes those terms applicable to **sections** ~~[13-18.]~~ **2-18.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[3]~~ 2.5***

to 12, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.5. "Amounts generally billed to individuals who have insurance covering such care" means the amounts generally billed to individuals who have insurance covering such care, as determined for the purposes of section 501(r) of the Internal Revenue Code, 26 U.S.C. § 501(r), and the regulations adopted pursuant thereto, including, without limitation, 26 C.F.R. § 1.501(r)-5.

Sec. 3. *"Collection agency" includes:*

1. A collection agency, as defined in NRS 649.020.

2. A collection agent, as defined in NRS 649.025.

Sec. 4. *"Consumer" means a natural person.*

Sec. 5. *"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.*

Sec. 5.5. *1. "Cosmetic surgery" means a surgical procedure that:*

(a) Does not meaningfully promote the proper function of the body;

(b) Does not prevent or treat illness or disease; and

(c) Is primarily directed at improving or preserving the appearance of a person.

2. This term does not include reconstructive surgery when such service is incidental to or follows surgery resulting from the diagnosis, prevention, treatment, cure or relief from a physical, dental, behavioral or substance use disorder, mental health condition, illness, injury or disease.

Sec. 6. *"Extraordinary collection action" means:*

1. Selling or transferring, with or without compensation, the medical debt of a consumer to a collection agency;

2. ~~[Deferring, denying or requiring payment before providing medically necessary care; or~~

~~3.]~~ Any action that requires a legal or judicial process, including, without limitation, placing a lien, except for a lien on a third party settlement, or commencing a civil action ~~[.]~~ ;

3. Reporting, furnishing or threatening to report or furnish any information regarding a medical debt to a consumer reporting agency; or

4. Garnishing or threatening to garnish the wages of a consumer.

Sec. 7. *"Financial assistance policy" means a written financial assistance policy of a health care entity which the entity is required to maintain pursuant to section 501(r) of the Internal Revenue Code, 26 U.S.C. § 501(r) or the provisions of chapter 439B of NRS, which includes:*

1. Eligibility criteria for financial assistance, including, without limitation, when such assistance includes free or discounted care.

2. The ~~[basis for calculating]~~ method used to determine the amounts charged to patients ~~[.]~~ who are eligible for financial assistance, which must not exceed the amounts generally billed to individuals who have insurance covering such care.

3. The method for applying for financial assistance.

4. The billing and collections policy, including, without limitation, the actions the health care entity may take in the event of nonpayment.

5. ~~[Measures to widely publicize the policy within the community to be served by]~~ Steps the health care entity ~~.]~~ will take to proactively inform patients and members of the community about the financial assistance policy, including, without limitation:

(a) Posting the policy and any forms used to apply for financial assistance under the policy on the Internet website of the health care entity;

(b) Making paper copies of the policy available upon request and at locations where the health care entity provides medical services, medical products or medical devices to patients; and

(c) Offering translations of the financial assistance policy and related signage in languages commonly spoken in the area served by the health care entity.

Sec. 8. *"Health care entity" means:*

1. A medical facility;

2. A provider of emergency medical services; or

3. A provider of health care.

Sec. 9. *1. "Medical debt" means a debt owed by a consumer to a health care entity or its agent or assignee for the provision of medical services, medical products or medical devices. The term includes, without limitation, medical bills that are not past due or have been paid.*

2. The term does not include ~~:~~

~~(a) Debt]~~ debt charged to a credit card, as defined in NRS 97A.050 . ~~[,~~ unless the credit card is issued for the specific purpose of purchasing medical services, products or devices; or

~~(b) An open-end or closed-end loan made by a financial institution to a borrower, unless the open-end or closed-end loan is for the specific purpose of purchasing medical services, products or devices.]~~

Sec. 10. *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 10.5. *"Medical services, medical products or medical devices" means any service, treatment, drug, medication, product or device, excluding cosmetic surgery, that is charged to a consumer by a health care entity.*

Sec. 11. *"Provider of emergency medical services" has the meaning ascribed to it in NRS 649.041.*

Sec. 12. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 13. *~~[1. A health care entity or collection agency shall not report any information to a consumer reporting agency regarding a medical debt unless the health care entity or collection agency has issued an offer to the consumer to enter into a payment plan to satisfy the medical debt. For such a payment plan, a health care entity or collection agency must:~~*

~~(a) Not more than 30 days after the medical debt was incurred, provide to the consumer an itemized bill of all charges for medical services, products or devices at no additional cost to the consumer; and~~

~~(b) Not more than 90 days after the medical debt was incurred, provide to the consumer at no charge two written offers, provided at least 30 days apart, to enter into a payment plan for which the rate of interest during the payment period on the medical debt is fixed at 0 percent so long as the consumer complies with the terms and conditions of the payment plan.~~

~~2. If the consumer does not respond to the health care entity or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, the health care entity or collection agency may, not earlier than 90 days after the medical debt was incurred, issue to the consumer a final notice informing the consumer that the medical debt will be reported to a consumer reporting agency not earlier than 180 days after the date on which the notice was issued if the debtor does not enter into a payment plan or otherwise satisfy the medical debt.~~

~~3. If the consumer does not respond to the health care entity or collection agency, or otherwise engage with the health care entity or collection agency to satisfy the medical debt or enter into a payment plan to satisfy the medical debt, within 180 days after the notice was issued pursuant to subsection 2, the health care entity or collection agency may report the medical debt to a consumer reporting agency.~~

~~4. If a consumer enters into a payment plan with a health care entity or collection agency:~~

~~(a) The terms and conditions of any payment plan between a consumer and a health care entity or collection agency must be specific, intelligible and unambiguous;~~

~~(b) The health care entity or collection agency shall fix the rate of interest on the medical debt at 0 percent so long as the consumer complies with the terms and conditions of the payment plan;~~

~~(c) The health care entity or collection agency shall not report any information to a consumer reporting agency regarding the medical debt so long as the consumer complies with the terms and conditions of the payment plan; and~~

~~(d) The payment plan must state:~~

~~(1) The rate of interest that will be applied to the medical debt if the consumer does not comply with the terms and conditions of the payment plan; and~~

~~(2) The date upon which the medical debt will be paid in full under the payment plan if the consumer complies with the terms and conditions of the payment plan without interruption.~~

~~5. Any health care entity or collection agency that enters into a payment plan with a consumer shall provide to the consumer a written copy of the payment plan within 5 business days after the date of entering into the~~

~~*payment plan with the consumer. Notwithstanding the terms and conditions of the payment plan, a consumer is not required to make a payment under the plan until the consumer has received a written copy of the payment plan from the health care entity or collection agency.*~~

~~*6. Any portion of a medical debt that is reported to a consumer reporting agency in violation of this section shall be void.]*~~ **(Deleted by amendment.)**

Sec. 13.3. ~~*[A health care entity or collection agency, or any agent of the health care entity or collection agency, that receives a payment from a consumer shall furnish to the consumer a receipt for the payment. Such a receipt must include:*~~

~~*1. The date or dates on which the health care entity provided medical services, products or devices to the consumer;*~~

~~*2. The amount paid toward the balance of the medical debt;*~~

~~*3. The date that the payment was received;*~~

~~*4. The balance of the medical debt before applying the payment to the balance of the medical debt;*~~

~~*5. The balance of the medical debt after applying the payment to the balance of the medical debt;*~~

~~*6. Any interest accrued, if applicable, since the last payment made toward the balance of the medical debt;*~~

~~*7. The account number for the consumer's account;*~~

~~*8. The name of the health care entity or collection agency that owns the medical debt; and*~~

~~*9. If, as a result of the payment, the medical debt has been paid in full or otherwise satisfied or discharged, a statement to that effect.]*~~ **(Deleted by amendment.)**

Sec. 13.7. ~~*[1. A health care entity or collection agency shall not place a payment plan into default, accelerate the amount due or cancel a payment plan unless a consumer fails to make a scheduled payment under the payment plan for at least 3 consecutive months. Before accelerating the amount due or cancelling a payment plan, a health care entity or collection agency must:*~~

~~*(a) Make at least three reasonable attempts to contact the consumer by telephone to the last known telephone number of the consumer or by written notice to the address of the consumer on file;*~~

~~*(b) Inform the consumer in writing that the amount due may be accelerated or the payment plan may be cancelled; and*~~

~~*(c) Inform the consumer in writing that the payment plan may be renegotiated and provide to the consumer an opportunity to renegotiate the terms and conditions of the payment plan upon request by the consumer.*~~

~~*2. A health care entity or collection agency shall not commence a civil action against a consumer for violating the terms and conditions of a payment plan until not less than 90 days after the date on which the health care entity or collection agency notified the consumer of the acceleration of*~~

~~*the amount due or the cancellation of the payment plan as void pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 14. *A health care entity or collection agency shall not engage in any of the following actions to collect a medical debt:*

1. Causing or threatening the arrest of a consumer, including, without limitation, an arrest pursuant to NRS 31.470 to 31.730, inclusive;

2. Obtaining or threatening to obtain a lien against any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

3. Foreclosing or threatening to foreclose on any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

4. Garnishing or threatening to garnish any refund of federal income taxes due to a consumer; or

5. Garnishing, attaching or seizing, or threatening to garnish, attach or seize, a bank account of a consumer.

Sec. 15. *1. A health care entity or collection agency shall not engage in any extraordinary collection action until at least 180 days after the first bill for a medical debt has been sent to a consumer.*

2. At least 30 days before taking any extraordinary collection action to collect a medical debt, a health care entity or collection agency shall provide to the consumer a notice:

(a) Identifying the extraordinary collection action that will be initiated in order to obtain payment;

(b) Providing a deadline after which such extraordinary collection action will be initiated, which must be not earlier than 30 days after the date of the notice; and

(c) If the medical debt was incurred for medical services, medical products or medical devices provided by a medical facility, stating whether the medical facility offers financial assistance to eligible consumers and providing a plain-language summary of any financial assistance policy of the medical facility.

3. A health care entity or collection agency shall not engage in any extraordinary collection action against a consumer for a medical debt during any period in which, ~~[with respect to the geographic area]~~ in any part of the county in which the consumer resides, there exists:

(a) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070;

(b) A public health emergency or other health event pursuant to NRS 439.970; or

(c) A state of emergency, declaration of disaster or public health emergency as declared pursuant to federal law or the laws of another state.

4. Any statute of limitations applicable to a claim to recover on a medical debt shall be tolled during any period in which a health care entity or

collection agency is prohibited from engaging in any extraordinary collection action pursuant to subsection 3.

Sec. 16. ***1. If a medical debt was incurred for medical services, medical products or medical devices provided by a health care entity, the health care entity or a collection agency shall not engage in any extraordinary collection action to recover the medical debt unless such extraordinary collection action is described in the billing and collections policy of the health care entity.***

2. If a health care entity, or a collection agency acting to collect a medical debt incurred for medical services, medical products or medical devices provided by a health care entity, initiates an extraordinary collection action against a consumer to collect a medical debt and the consumer is later found to be eligible under the financial assistance policy of the health care entity for financial assistance that eliminates or would have eliminated the medical debt, the health care entity or collection agency shall reverse any such extraordinary collection action, including, without limitation, removing any lien, attachment or garnishment against the property of the consumer.

3. If, after the application of any financial assistance for which a consumer is eligible, the consumer has paid, to a health care entity, a collection agency or both, an amount in excess of the amount of the medical debt, the health care entity or collection agency shall refund any excess amount to the consumer within 60 days.

Sec. 17. ***The protections set forth in sections 13 to 16, inclusive, of this act are for the benefit of consumers and cannot be waived.***

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 649.368 is hereby amended to read as follows:

649.368 A collection agency, or its compliance manager, agents or employees, shall not, for any medical debt:

1. Take any confession of judgment or any power of attorney running to the collection agency or to any third person to confess judgment or to appear for the debtor in a judicial proceeding.

2. Commence a civil action to collect the medical debt if the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, is less than the maximum jurisdictional amount set forth in subsection 1 of NRS 73.010. Nothing in this subsection shall be construed to prohibit the commencement of a small claims action in justice court to collect the medical debt.

3. Charge or collect a fee of more than 5 percent of the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, as a collection fee or as an attorney's fee for the collection of the medical debt.

4. Perform an action prohibited by sections 2 to 18, inclusive, of this act.

Sec. 20. 1. The amendatory provisions of this act apply to:

(a) Any contract between a health care entity and a collection agency for the purchase, transfer or collection of medical debt entered into before, on or after January 1, 2026, but do not apply to any action taken under such a contract before January 1, 2026.

(b) Medical debt incurred before, on or after January 1, 2026, but do not apply to any action taken to collect a medical debt before January 1, 2026.

2. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in section 3 of this act.

(b) "Health care entity" has the meaning ascribed to it in section 8 of this act.

(c) "Medical debt" has the meaning ascribed to it in section 9 of this act.

Sec. 21. This act becomes effective on January 1, 2026.

Assemblymember Carter moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 356.

Bill read third time.

Roll call on Assembly Bill No. 356:

YEAS—41.

NAYS—Gray.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 366.

Bill read third time.

Roll call on Assembly Bill No. 366:

YEAS—42.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Roll call on Assembly Bill No. 379:

YEAS—42.

NAYS—None.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Roll call on Assembly Bill No. 444:

YEAS—42.
NAYS—None.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Roll call on Assembly Bill No. 475:

YEAS—42.
NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—29.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, O'Neill, Yurek—13.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539.

Bill read third time.

Roll call on Assembly Bill No. 539:

YEAS—42.
NAYS—None.

Assembly Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Roll call on Assembly Bill No. 540:

YEAS—42.
NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

Bill read third time.

Roll call on Assembly Bill No. 543:

YEAS—42.
NAYS—None.

Assembly Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 594.

Bill read third time.

Roll call on Assembly Bill No. 594:

YEAS—36.

NAYS—DeLong, Dickman, Gray, Hafen, Hansen, Hibbetts—6.

Assembly Bill No. 594 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Roll call on Senate Bill No. 12:

YEAS—42.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Roll call on Senate Bill No. 39:

YEAS—42.

NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Roll call on Senate Bill No. 108:

YEAS—42.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 157.

Bill read third time.

Roll call on Senate Bill No. 157:

YEAS—31.

NAYS—Anderson, Dickman, Goulding, Gurr, Hafen, Hardy, La Rue Hatch, Miller, Moore, Nadeem, Orentlicher—11.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Roll call on Senate Bill No. 160:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 373.

Bill read third time.

Roll call on Senate Bill No. 373:

YEAS—42.

NAYS—None.

Senate Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 432.

Bill read third time.

Roll call on Senate Bill No. 432:

YEAS—42.

NAYS—None.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—42.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 854.

AN ACT relating to parole; authorizing the State Board of Parole Commissioners to grant second look review to certain persons; making certain persons convicted of certain crimes committed when the person was less than 25 years of age eligible for parole after serving a certain number of years of incarceration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Parole Commissioners to grant geriatric parole to a person who is 65 years of age or older and meets certain criteria. (NRS 213.12155) **Section 1** of this bill likewise authorizes the Board to grant second look review to a person convicted of a category A or B felony if the person: (1) **has not been sentenced to death; (2)** does not pose a significant and articulable risk to public safety; ~~[(2)]~~ **(3)** has served ~~[a certain number of]~~ **not less than 10** years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; and ~~[(3)]~~ **(4)** meets certain other criteria. **Section 1** also prescribes: (1) the procedure for initiating consideration for second look review; and (2) certain requirements relating to scheduling and conducting a second look review hearing. Finally, **section 1** requires the Board to prescribe the terms and conditions of release for a person for whom a second look review was conducted and provides that any such person is under the supervision of the Division of Parole and Probation of the Department of Public Safety. **Section 2** of this bill makes a conforming change to make certain existing definitions applicable to **section 1**.

Existing law makes a prisoner who was sentenced for certain offenses that were committed when he or she was less than 18 years of age eligible for parole after the prisoner has served: (1) 15 calendar years of incarceration, if the prisoner is incarcerated for having been convicted of an offense that did not result in the death of a victim; or (2) 20 calendar years of incarceration, if the prisoner is incarcerated for having been convicted of an offense that resulted in the death of only one victim. (NRS 213.12135) **Section 3** of this bill makes a prisoner eligible for parole under these conditions when the prisoner was sentenced for an offense that was committed when he or she was less than 25 years of age, rather than 18 years of age.

Section 4 of this bill provides that the amendatory provisions of **sections 1 and 3** apply to an offense committed before, on or after January 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, the Board may grant second look review to a prisoner convicted of a ~~[~~:

~~(a) Category~~] category A or B felony if the prisoner:

~~[(1) Is not serving a sentence of life imprisonment without the possibility of parole and has~~]

(a) Has not been sentenced to death;

~~[(2) Does not pose a significant and articulable risk to public safety; and~~

~~(3) Has served not less than 25 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court; or~~]

(b) ~~[~~Category B felony if the prisoner:

~~(1)~~] Does not pose a significant and articulable risk to public safety; and

~~[(2)~~] (c) Has served not less than ~~[15]~~ 10 years of the minimum term or minimum aggregate term of imprisonment, as applicable, imposed by the court.

2. Consideration for second look review may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records and any other relevant documents, from:

(a) A prison official or employee;

(b) A prisoner;

(c) An attorney or representative of a prisoner;

(d) A family member of a prisoner; or

(e) A medical or mental health professional.

3. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and request verification of the length of time the prisoner has spent in the custody of the Department.

4. Upon receipt of a request from the Board submitted pursuant to subsection 3, if the Department determines that the prisoner:

(a) Meets the criteria set forth in subsection 1, the Department shall:

(1) Notify the Board of the prisoner's eligibility for second look review;

(2) Place the prisoner on the next available list of persons eligible for second look review; and

(3) Provide to the Board a report prepared in accordance with paragraph (c) of subsection 1 of NRS 213.131.

(b) Does not meet the criteria set forth in subsection 1, the Department shall notify the Board and explain the reasons for such a determination.

5. Upon receipt of the list of persons eligible for second look review, the Board shall, after sending copies of the list to all law enforcement agencies in this State and other appropriate persons in accordance with subsection 5 of NRS 213.1085, schedule a hearing to conduct the second look review of an eligible prisoner whose name appears on the list.

6. Except as otherwise provided in subsection 7, the Board shall schedule and conduct the second look review hearing of a prisoner in the same general manner in which other prisoners are considered for parole. The Board shall notify the prisoner and, if applicable, the person who submitted the application pursuant to subsection 2 of the date, time and location of the second look review hearing.

7. In determining whether to grant second look review to a prisoner, the Board may consider:

(a) The written application and supporting documentation submitted to the Board pursuant to subsection 2;

(b) The age of the prisoner at the time the application was submitted pursuant to subsection 2 in conjunction with any relevant research presented at the hearing concerning the impact of aging on the behavior of a person;

(c) The behavior of the prisoner while in custody, including, without limitation:

(1) Any disciplinary action taken against the prisoner; and

(2) Whether the prisoner has completed a program of general education, an industrial or vocational training program or any other program for rehabilitation or treatment;

(d) Any victim impact statement, other documents or testimony submitted by the victim;

(e) Any evidence indicating that the sentence imposed was inconsistent with the public policy set forth in NRS 176.0131 or any state laws, regulations or guidelines relating to sentencing;

(f) Whether a stable plan for the release of the prisoner exists;

(g) Whether the prisoner has support available to him or her in the community or from his or her family; and

(h) Any other evidence the Board deems relevant for purposes of determining whether the release of the prisoner would benefit, or would not be dangerous to, society or the prisoner.

8. Upon making a final decision concerning the second look review of a prisoner, the Board shall provide written notice to the prisoner of its decision in accordance with subsection 11 of NRS 213.131.

9. At the time of the release of a prisoner for whom a second look review was conducted, the Board shall prescribe the terms and conditions of his or her release.

10. A person who is released pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the

person's compliance with the terms and conditions of release prescribed by the Board.

11. Except as otherwise provided in this subsection, the Board shall not take any action on an application submitted pursuant to subsection 2 if the prisoner to whom the application pertains was previously denied second look review and less than 24 months have elapsed since the most recent denial. The Board may take action on such an application if a shorter period has been prescribed by the Board or a request is made by the Director of the Department.

12. The provisions of this section are not intended to replace the provisions relating to the general eligibility and consideration of parole provided in NRS 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section:

(a) "Department" means the Department of Corrections.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Victim" includes:

(1) A person against whom a crime has been committed; and

(2) A relative of a person described in subparagraph (1).

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

8. "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 3. NRS 213.12135 is hereby amended to read as follows:

213.12135 1. Notwithstanding any other provision of law, except as otherwise provided in subsection 2 or unless a prisoner is subject to earlier eligibility for parole pursuant to any other provision of law, a prisoner who was sentenced ~~[as an adult]~~ for an offense that was committed when he or she was less than ~~[18]~~ ***25*** years of age is eligible for parole as follows:

(a) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that did not result in the death of a victim, after the prisoner has served 15 calendar years of incarceration, including any time served in a county jail.

(b) For a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of only one victim, after the prisoner has served 20 calendar years of incarceration, including any time served in a county jail.

2. The provisions of this section do not apply to a prisoner who is serving a period of incarceration for having been convicted of an offense or offenses that resulted in the death of two or more victims.

Sec. 4. The amendatory provisions of sections 1 and 3 of this act apply to an offense committed before, on or after January 1, 2026.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 93.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 841.

AN ACT relating to public employees; revising the definition of "police officer" for the purposes of certain benefits and exemptions; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135)

Section 1 of this bill expands the definition of "police officer" to include: (1) a school police officer employed or appointed by the board of trustees of a school district; (2) a juvenile probation officer; (3) a bailiff or deputy marshal of a municipal court; (4) a marshal or deputy marshal of a city or town; and

(5) all category I, II and III peace officers. Furthermore, because various other provisions of the Nevada Revised Statutes reference "police officer" as that term is defined in the Act, this bill makes applicable to all category I, II and III peace officers, school police officers employed or appointed by the board of trustees of a school district, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns: (1) industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any surviving child of a police officer or firefighter. (NRS 6.020, 281.153, 287.021, 287.0477; chapters 616A-616D of NRS)

Section 1.5 of this bill makes an appropriation to the Department of Public Safety for the cost of annual physicals for the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department and the police officers of the Capitol Police Division of the Department.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. ***A school police officer employed or appointed by the board of trustees of a school district pursuant to NRS 391.281;***

10. A member of the police department of the Nevada System of Higher Education;

~~[10.]~~ ***11.*** A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[11.]~~ ***12. A juvenile probation officer;***

13. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[12.]~~ ***14.*** A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[13.]~~ ***15.*** The State Fire Marshal and his or her assistant and deputies;

~~[14.]~~ ***16.*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~[15.]~~ ***17.*** A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260;

~~[16.]~~ ***18.*** A bailiff or a deputy marshal of the district court ***, municipal court*** or justice court whose duties require him or her to carry a weapon and to make arrests; ~~[and~~

~~17.]~~ ***19.*** An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290 ~~[.]~~ ***;***

20. A marshal or deputy marshal of a city or town; and

21. Any category I peace officer as defined in NRS 289.460, category II peace officer as defined in NRS 289.470 and category III peace officer as defined in NRS 289.480 who is not otherwise included in subsections 1 to 20, inclusive.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Department of Public Safety for the cost of annual physicals for the Chief Parole and Probation Officer of the Division of Parole and Probation of the Department of Public Safety and the police officers of the Capitol Police Division of the Department of Public Safety the following sums:**

For the Fiscal Year 2025-2026.....$3,235

For the Fiscal Year 2026-2027.....$8,129

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the

appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. **1.** This **section and section 1.5 of this** act ~~[becomes]~~ **become** effective on July 1, **2025.**

2. Sections 1 and 2 of this act become effective on July 1, 2026.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 868.

AN ACT relating to elections communications; prohibiting a person from making certain statements which threaten or intimidate a candidate for public office; authorizing a ~~[person]~~ **candidate** to notify the Secretary of State of a violation of such a prohibition; requiring the Secretary of State to take certain actions upon the receipt of such notice; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is guilty of harassment if he or she, without lawful authority, knowingly makes certain threats and, by words or conduct, places the person threatened in reasonable fear that the threat will be carried out. Existing law further provides that a person who is guilty of harassment is: (1) for the first offense, guilty of a misdemeanor; and (2) for the second or any subsequent offense, guilty of a gross misdemeanor. (NRS 200.571)

Section 2 of this bill prohibits a person from directly or indirectly addressing any threat or intimidation to a candidate for public office if the person **: (1)** knows or has reason to know that the threat or intimidation communicates the intent, either immediately or in the future, to cause or induce another to cause ~~[: (1)]~~ bodily injury to the candidate or another who the person knows or has reason to know is a family member of the candidate **[,]** or ~~[(2)]~~ physical damage to the property of the candidate or another who the person knows or has reason to know is a family member of the candidate **[.]** **; and (2) addresses the threat or intimidation in a manner which places the person who receives the threat or intimidation in reasonable fear that the threat or**

intimidation will be carried out. **Section 2** further provides that a person who violates the provisions of **section 2** is: (1) for the first offense, guilty of a misdemeanor; and (2) for the second or any subsequent offense, guilty of a gross misdemeanor.

Section 3 of this bill authorizes a ~~[person]~~ **candidate** who believes that **he or she is the subject of a threat or intimidation that violates** the provisions of **section 2** ~~[have been violated]~~ to notify the Secretary of State in writing of the alleged violation. Upon receipt of such notice, **section 3** requires the Secretary of State to conduct an investigation and, if the Secretary of State determines that reasonable suspicion exists that a violation has occurred, requires the Secretary of State to, as soon as practicable, refer the matter to the Attorney General for a determination of whether to institute proceedings to enforce the provisions of **section 2**. **Section 3** further requires the Secretary of State to, ~~[within 30 days]~~ after the ~~[receipt]~~ **conclusion** of ~~[a notice of]~~ **such** an ~~[alleged violation,]~~ **investigation,** issue ~~[a written report]~~ to the candidate who ~~[is]~~ **notified** the ~~[subject]~~ **Secretary of State** of the threat or intimidation **a written report** that includes: (1) a description of the alleged violation; (2) the results of the investigation undertaken; and (3) ~~[whether]~~ **if applicable,** the ~~[Secretary]~~ **outcome** of ~~[State-referred]~~ **the referral of** the matter to the Attorney General.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A person shall not directly or indirectly address any threat or intimidation to a candidate for public office if the person ~~[knows]~~ :***

(a) Knows or has reason to know that the threat or intimidation communicates the intent, either immediately or in the future, to cause or induce another to cause:

~~[(a)]~~ (1) Bodily injury to the candidate or another who the person knows or has reason to know is a family member of the candidate; or

~~[(b)]~~ (2) Physical damage to the property of the candidate or another who the person knows or has reason to know is a family member of the candidate ~~[.]~~ ; and

(b) Addresses the threat or intimidation in a manner which places the person who receives the threat or intimidation in reasonable fear that the threat or intimidation will be carried out.

2. Nothing in this section shall be construed as to prohibit a person from engaging in any constitutionally protected exercise of free speech, including political hyperbole.

3. A person who violates the provisions of subsection 1:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

Sec. 3. ***1. A ~~[person]~~ candidate who believes that he or she is the subject of a threat or intimidation addressed in violation of the provisions of section 2 of this act ~~[have been violated]~~ may notify the Secretary of State in writing of the alleged violation.***

2. Upon receipt of a notice of an alleged violation pursuant to subsection 1, the Secretary of State shall conduct an investigation and if the Secretary of State determines that reasonable suspicion exists that a violation of section 2 of this act has occurred, the Secretary of State shall, as soon as practicable, refer the matter to the Attorney General for a determination of whether to institute proceedings in a court of competent jurisdiction to enforce the provisions of section 2 of this act.

3. ~~[The]~~ After the conclusion of the investigation conducted pursuant to subsection 2, the Secretary of State shall ~~[, within 30 days after the receipt of a notice of an alleged violation pursuant to subsection 1,]~~ issue ~~[a written report]~~ to the candidate who ~~[is the subject]~~ notified the Secretary of State of the threat or intimidation a written report that includes:

(a) A description of the alleged violation;

(b) The results of the investigation undertaken by the Secretary of State; and

(c) ~~[Whether]~~ If applicable, the ~~[Secretary of State referred]~~ outcome of the referral of the matter to the Attorney General . ~~[pursuant to subsection 2.]~~

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 224.

Bill read third time.

Roll call on Assembly Bill No. 224:

YEAS—41.

NAYS—Carter.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Roll call on Assembly Bill No. 286:

YEAS—42.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 827.

AN ACT relating to intoxicating liquor; authorizing the board of county commissioners of a county and the governing body of an incorporated city to enact an ordinance authorizing certain food establishments to sell or deliver alcoholic beverages for consumption off the premises of the establishment under certain circumstances; requiring the Department of Taxation to adopt regulations imposing a surcharge on such sales; **revising provisions relating to craft distilleries;** designating the Picon Punch as the official state drink of the State of Nevada; expanding the functions of the Ignition Interlock Program established by the Director of the Department of Public Safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain establishments to sell alcoholic beverages by the drink for consumption on the premises of the establishment. (NRS 369.090, 369.620) Existing law also authorizes a retail liquor store, or a delivery support service acting on behalf of a retail liquor store, to deliver liquor, in its original package, to a consumer in connection with a retail sale of such liquor under certain circumstances. (NRS 369.489)

Section 1 of this bill defines "covered food establishment" to mean, in general, a food establishment that prepares and serves food on the premises and which is licensed to sell at retail alcoholic beverages for consumption on the premises. **Section 1** authorizes the board of county commissioners of a county or the governing body of an incorporated city to enact an ordinance authorizing, under such conditions as may be imposed by the ordinance, a covered food establishment to sell at retail an alcoholic beverage in a container sealed by ~~[the manufacturer or]~~ the establishment for consumption off the premises of the establishment. **Section 1** also authorizes the ordinance to authorize a covered food establishment, or a delivery support service acting on behalf of such an establishment, to deliver alcoholic beverages in a container sealed by ~~[the manufacturer or]~~ the establishment to a consumer in connection with the retail sale of such an alcoholic beverage. **Sections 1 and 2** of this bill exempt such deliveries from certain provisions of law governing the transport of liquor.

Existing law requires the Director of the Department of Public Safety to establish the Ignition Interlock Program. Existing law creates the Account for the Ignition Interlock Program. Permissible uses of money in the Account include treatment assistance, outreach programs, educational programs and training and enforcement activities relating to driving under the influence of alcohol or a prohibited substance. (NRS 484C.454) **Section 5.5** of this bill changes the name of the Program to the Ignition Interlock and DUI Reduction Program and expands the purposes for which money in the Account may be used.

Section 1 requires the Department of Taxation to adopt regulations that provide for the imposition and collection of a surcharge, not to exceed 50 cents for each retail sale of an alcoholic beverage pursuant to **section 1**. ~~[, which must]~~ **Section 1 requires the revenues collected from the surcharge to be distributed: (1) to the Department in an amount determined to be necessary by the Department to pay the costs of the Department in carrying out the provisions of section 1, which must not exceed $250,000 each year; and (2) if any money remains, to the Account for the Ignition Interlock and DUI Reduction Program to** be used for the purposes for which the money in the Account is used.

Existing law requires the Department to prescribe by regulation certain requirements for the issuance of a permissible person's certificate to any person or representative of any institution, school, hospital or church desiring to import liquor for industrial, medical, scientific or sacramental purposes. (NRS 369.440) Section 1.5 of this bill provides for the issuance of a permissible person's certificate to a person who operates a craft distillery, who has a contractual right that was created before January 1, 2025, to exclusively manufacture a particular formula of distilled spirit and who is desiring to import neutral or distilled spirits for the purpose of manufacturing that distilled spirit. Section 5.7 of this bill designates such a distilled spirit manufactured by a person who has been issued a permissible person's certificate as an "exclusive distilled spirit."

Existing law sets forth the activities in which a person who operates a craft distillery is authorized to engage. Existing law limits the amount of distilled spirits that such a person may manufacture for exportation to another state to not more than 40,000 cases in any calendar year. (NRS 597.235) Section 5.7 authorizes a person who operates a craft distillery and who has obtained a permissible person's certificate to manufacture an additional 40,000 cases of an exclusive distilled spirit of the person for exportation to another state.

Existing law requires a person who operates a craft distillery to ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer. (NRS 597.235) Section 5.7 authorizes a person who operates a craft distillery and who has obtained a permissible person's certificate to manufacture an exclusive distilled spirit of the person using neutral or distilled spirits manufactured by another manufacturer.

Existing law establishes various symbols of the State of Nevada. (NRS 235.020-235.140) **Section 5** of this bill designates the traditional Basque drink known as the Picon Punch as the official state drink of the State of Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of a county and the governing body of an incorporated city may enact an ordinance authorizing, under such conditions as may be imposed by the ordinance:

(a) A covered food establishment to sell at retail an alcoholic beverage in a container sealed ~~[by the manufacturer of the alcoholic beverage or]~~ by the covered food establishment for consumption off the premises; and

(b) A covered food establishment, or a delivery support service acting on behalf of an establishment, to deliver an alcoholic beverage in a container sealed ~~[by the manufacturer of the alcoholic beverage or]~~ by the covered food establishment to a consumer in this State in connection with a retail sale of such an alcoholic beverage.

2. The Department shall adopt regulations that provide for the imposition and collection of a surcharge, not to exceed 50 cents for each retail sale of an alcoholic beverage pursuant to subsection 1 . ~~[, which must]~~ The revenues collected from the surcharge must be distributed:

(a) To the Department in an amount determined to be necessary by the Department to pay the costs of the Department in carrying out the provisions of this section, which must not exceed $250,000 each year; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the Account for the Ignition Interlock and DUI Reduction Program created by NRS 484C.454 to be used for the purposes specified in ~~[NRS 484C.454.]~~ that section.

3. Except as otherwise provided in an ordinance enacted pursuant to subsection 1, the provisions of this chapter governing the transport of liquor, including, without limitation, the provisions which authorize the transport of liquor for delivery only by a person who holds a license issued under this chapter, do not apply to a delivery made pursuant to an ordinance enacted pursuant to subsection 1.

4. The provisions of this section do not:

(a) Require the Commission on Postsecondary Education created by NRS 394.383 to alter the curriculum developed pursuant to NRS 369.625 or any requirements relating to the certification of an alcoholic beverage awareness program pursuant to that section.

(b) Abrogate, alter or otherwise affect any requirement set forth in NRS 369.489 or the regulations adopted pursuant thereto governing the delivery of liquor in its original package by a retail liquor store or a delivery support service acting on behalf of a retail liquor store.

5. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Covered food establishment" means a food establishment, as defined in NRS 446.020, that:

(1) Prepares and serves food on the premises for consumption on or off the premises; and

(2) Is licensed to sell at retail alcoholic beverages for consumption on the premises.

Sec. 1.5. **NRS 369.440 is hereby amended to read as follows:**

369.440 By regulation, the Department shall prescribe the form of and conditions for obtaining a permissible person's certificate, which ~~[shall]~~ ***must*** be printed and distributed on request to ~~[any]~~ **:**

1. Any person or representative of any institution, school, hospital, or church desiring to import liquor for industrial, medical, scientific or sacramental purposes.

2. Any person who operates a craft distillery pursuant to NRS 597.235, who has a contractual right that was created before January 1, 2025, to exclusively manufacture a particular formula of distilled spirit and who is desiring to import neutral or distilled spirits for the purpose of manufacturing that distilled spirit.

Sec. 2. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176 and 369.489, ***and section 1 of this act,*** a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter;

(b) Holds an appropriate, valid license, permit or certificate issued by the Department; and

(c) Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) Entering this State with 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts wine shipped into this State pursuant to paragraph (c) of subsection 2 must be 21 years of age or older.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

The traditional Basque drink known as the Picon Punch is hereby designated as the official state drink of the State of Nevada.

Sec. 5.5. NRS 484C.454 is hereby amended to read as follows:

484C.454 1. The Director of the Department of Public Safety shall:

(a) Establish the Ignition Interlock ***and DUI Reduction*** Program; and

(b) Adopt rules and regulations which are necessary to carry out the Program.

2. The Director may contract for the provision of services necessary for the Program.

3. The Account for the Ignition Interlock ***and DUI Reduction*** Program is hereby created as a special account in the State Highway Fund. The Director, or his or her designee, shall administer the Account.

4. The Account must be funded through the fees established by regulation pursuant to subsection 7 ~~[.]~~ ***and the revenues from the surcharge imposed pursuant to section 1 of this act.*** The money in the Account may only be used to pay the expenses of the Program, including, without limitation:

(a) Enforcement activities relating to driving under the influence of alcohol or a prohibited substance ~~[;]~~ ***, including, without limitation, the conducting of any testing necessary to determine whether a person is driving under the influence of alcohol or a prohibited substance;***

(b) The creation ~~[and maintenance of a case management statistical tracking system;]~~ ***and support of information systems and systems for the collection of data relating to driving under the influence of alcohol or a prohibited substance;***

(c) An on-site audit program ~~[;]~~ ***for those aspects of the Program relating to ignition interlock devices;***

(d) Treatment assistance;

(e) Educational programs and training for law enforcement officers; and

(f) Outreach programs.

5. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

6. Any money remaining in the Account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year.

7. The Department of Public Safety shall adopt regulations to establish a fee schedule that includes reasonable fees for:

(a) The certification of manufacturers and vendors of ignition interlock devices;

(b) The annual recertification of manufacturers and vendors of ignition interlock devices;

(c) The reinstatement of the certification of manufacturers and vendors of ignition interlock devices;

(d) The installation of an ignition interlock device by manufacturers and vendors of ignition interlock devices; and

(e) Repeat violations relating to an ignition interlock device.

Sec. 5.7. **NRS 597.235 is hereby amended to read as follows:**

597.235 1. A person may operate a craft distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this chapter; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** person operating the craft distillery shall ensure that none of the spirits manufactured at the craft distillery are derived from neutral or distilled spirits manufactured by another manufacturer. ***If the person operating the craft distillery has obtained a permissible person's certificate pursuant to subsection 2 of NRS 369.440, the person may manufacture an exclusive distilled spirit of the person using neutral or distilled spirits manufactured by another manufacturer.***

(b) Except as otherwise provided in paragraphs (f) and (g), in any calendar year, sell and transport in Nevada not more than a combined total of 10,000 cases of spirits ***, including, without limitation, an exclusive distilled spirit,*** at all the craft distilleries that the person operates to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

(c) In any calendar year, manufacture for exportation to another state ~~[, not]~~**:**

(1) Except as otherwise provided in subparagraph (2), not more than a combined total of 40,000 cases of spirits at all the craft distilleries the person operates ~~[.]~~ ***; and***

(2) In addition to the cases of spirits authorized by subparagraph (1), if the person operating the craft distillery has obtained a permissible person's certificate pursuant to subsection 2 of NRS 369.440, not more than a combined total of 40,000 cases of an exclusive distilled spirit of the person at all the craft distilleries the person operates.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery ~~[.]~~ ***, including, without limitation, an exclusive distilled spirit.*** Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

(e) On the premises of the craft distillery, sell the spirits manufactured at the craft distillery ***, including, without limitation, an exclusive distilled spirit,*** at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. Spirits purchased on the premises of a craft distillery must not be resold by the purchaser or any retail liquor store.

(f) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the craft distillery ***, including, without limitation, an exclusive distilled spirit,*** in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(g) Transfer in bulk neutral or distilled spirits manufactured at the craft distillery ***, including, without limitation, an exclusive distilled spirit,*** to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State; and

(2) Is not a sale for the purposes of paragraph (b) or manufacturing for exportation for the purposes of paragraph (c).

3. As used in this section, "exclusive distilled spirit" means a distilled spirit:

(a) That is manufactured by a person who holds a permissible person's certificate obtained pursuant to subsection 2 of NRS 369.440; and

(b) Whose particular formula the person has a contractual right created before January 1, 2025 to manufacture.

Sec. 6. 1. This section ~~[becomes]~~ **and section 5 of this act become** effective upon passage and approval.

2. Sections 1 to ~~[5.5,]~~ **4,** inclusive, **5.5 and 5.7** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 857.

AN ACT relating to employment; requiring certain public and private employers to establish certain procedures and forms relating to paid family leave; requiring the Human Resources Commission and Labor Commissioner to establish certain regulations relating to paid family leave; requiring certain public and private employers to provide notice relating to paid family leave; revising provisions relating to paid family leave for certain state employees and employees of private employers; repealing certain provisions relating to leave; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an employee of the Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave over a 12-month period, under certain circumstances, to: (1) bond with a newborn child of the employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. (NRS 284.356) **Section 4** of this bill: (1) provides such entitlements to officers of the Executive Department of the State Government; (2) decreases the time an employee must be employed to receive the entitlement from 12 consecutive months to 90 days; (3) increases the entitlement from 8 weeks to 12 weeks; (4) entitles an employee to take paid family leave to bond with a newly placed foster child of the employee, complete any necessary preparatory tasks before the anticipated adoption of a child or placement of a foster child in certain circumstances, to recover from certain serious health conditions, including pregnancy or the loss or end of a pregnancy and for certain purposes resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee; and (5) revises certain terms relating to paid family leave.

Existing law further requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave. (NRS 284.356) **Section 4** instead requires an appointing authority to pay: (1) 100 percent of the regular wage the employee would have earned if the employee was not on leave, if the employee earns not more than 110 percent of the state average weekly wage; or (2) 60 percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

Section 4 also: (1) requires an employee to provide certain notice to the appointing authority of the employee's intent to take paid family leave and make a reasonable effort to take paid family leave in a manner that does not unduly disrupt the operations of the appointing authority, in certain circumstances; (2) authorizes the Division of Human Resource Management of the Department of Administration to investigate any instance in which it has reason to believe that an employee has taken paid family leave to which the employee is not entitled, and after notice and a hearing, authorizes the Human Resources Commission to take certain remedial actions; and (3) establishes that paid family leave taken that also meets the requirements for eligibility for the Family and Medical Leave Act of 1993 runs concurrently and authorizes an appointing authority to require any payment made for paid family leave to

be made concurrently or otherwise coordinated with certain other policies and agreements. (29 U.S.C. §§ 2601 et seq.)

Section 7 of this bill establishes substantially similar provisions relating to the entitlement to paid family leave for certain state employees in the public service for employees of private employers and local government employers that have 50 or more employees in private employment in this State, thereby entitling the employees of the private employers to paid family leave.

Sections 2 and 8 of this bill require an appointing authority, a private employer and a local government employer to establish reasonable procedures and forms for an employee to take paid family leave, which may not be unduly burdensome to the employee and are required to meet certain language requirements. **Sections 2 and 8** also require the Commission and Labor Commissioner to establish by regulation the documentation that an employee may be required to provide to an appointing authority, a private employer or a local government employer to take paid family leave, place certain restrictions on the establishment of the regulations and make the documentation confidential.

Sections 3 and 9 of this bill require an appointing authority, a private employer and a local government employer to provide to an employee certain written notice relating to paid family leave in certain circumstances and subject to certain conditions.

Section 10 of this bill authorizes an employee to bring a civil action, and prescribes the remedies a court is authorized and required to award if an employer fails to take certain actions relating to paid family leave required by **section 7**.

Section 11 of this bill requires the Labor Commissioner to enforce the provisions of **sections 7, 8 and 9**, and **section 12** of this bill makes a violation of the provisions of **sections 7, 8 and 9** a misdemeanor and authorizes the Labor Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to $5,000 for each violation.

Section 14 of this bill repeals the provisions in existing law requiring a private employer to provide certain leave to employees relating to domestic violence and sexual assault, as these provisions are supplanted by the provisions of **sections 7, 8 and 9**. **Section 13** of this bill makes a conforming change to make a provision prohibiting certain actions relating to the repealed provisions instead apply to **section 7**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. An appointing authority shall establish reasonable procedures and forms for an employee to take paid family leave pursuant to NRS 284.356, which may not be unduly burdensome to the employee. The forms must be written in English, each other language typically used in***

communications between an appointing authority and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace.

2. The Commission shall by regulation establish the documentation that an employee may be required to provide to an appointing authority in support of a request for paid family leave pursuant to NRS 284.356. The regulations adopted by the Commission:

(a) Must use a liberal approach to the granting of paid family leave to an employee and not be unduly burdensome to the employee.

(b) Must not require the disclosure of information that is confidential, privileged or protected under federal law.

3. Any documentation provided to an appointing authority pursuant to subsection 2 is confidential and must be retained by the appointing authority in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

Sec. 3. ***1. An appointing authority shall provide written notice of the provisions of NRS 284.356 to an employee:***

(a) Upon the hiring of the employee, and annually thereafter;

(b) When the employee requests leave pursuant to NRS 284.356; and

(c) When the appointing authority has reasonable knowledge that any leave request made by the employee may be for a qualifying reason entitling the employee to take paid family leave pursuant to subsection 1 of NRS 284.356.

2. The written notice required to be provided to an employee by an appointing authority pursuant to subsection 1 must include, without limitation:

(a) The entitlement of the employee to paid family leave pursuant to NRS 284.356, and the terms under which it may be taken;

(b) The amount of paid family leave available to the employee;

(c) The procedures for taking the paid family leave;

(d) The requirement that an appointing authority or his or her designee may not deny an eligible employee the right to take paid family leave, retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an appointing authority relating to paid family leave as set forth in subsection 6 of NRS 284.356; and

(e) The manner in which an employee may file a complaint for any violations of the provisions of NRS 284.356 committed by an appointing authority.

3. Each appointing authority shall conspicuously post and keep so posted in a location in each workplace maintained by the appointing authority a bulletin with the information required by this section in a form approved by the Commission. If an appointing authority does not maintain a physical workplace or employs an employee whose work consists solely of remote work or telework, the appointing authority shall post the bulletin in

a conspicuous location on the Internet website maintained by the appointing authority, if any.

4. All notices required by this section must be written in English, each other language typically used in communications between an appointing authority and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace. The Commission may adopt regulations to establish the means by which an appointing authority must provide the notice required by this section.

Sec. 4. NRS 284.356 is hereby amended to read as follows:

284.356 1. Except as otherwise provided in this section, an ***officer or*** employee of the Executive Department of the State Government who has been employed for not less than ~~[~~12 consecutive months~~]~~ ***90 days*** is entitled to take ~~[~~8~~]~~ ***12*** weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee ~~[~~;~~]~~ ***, if taken not later than 12 months after the birth of the child;***

(b) To bond with a newly adopted ***or placed foster*** child of the employee ~~[~~;~~]~~ ***or spouse or domestic partner of the employee, if taken not later than 12 months after the adoption or placement of the child;***

(c) ***To complete any necessary preparatory tasks before the anticipated adoption or placement of a child pursuant to paragraph (b);***

(d) To recover from or undergo treatment for a serious illness ~~[~~;

~~(d)~~~~]~~ ***or serious health condition, as defined by 29 U.S.C. § 2611, including, without limitation, pregnancy or the loss or end of a pregnancy;***

(e) To care for a seriously ill member of the immediate family of the employee; ~~[~~or

~~(e)~~~~]~~ ***(f)*** For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee ~~[~~.~~]~~ ***; or***

(g) For safe leave.

2. ~~[~~An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave.~~]~~ Any sick leave accrued ***pursuant to NRS 284.355*** in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave ~~[~~50~~]~~ ***:***

(a) One hundred percent of the regular wage the employee would have earned if the employee was not on leave ~~[~~.~~]~~ ***, if the employee earns not more than 110 percent of the state average weekly wage; or***

(b) Sixty percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. ***An employee shall:***

(a) Give notice, as soon as practicable, to the appointing authority of the employee's intent to take paid family leave in accordance with the provisions of this section; and

(b) Make a reasonable effort to take paid family leave in accordance with the provisions of this section in a manner that does not unduly disrupt the operations of the appointing authority, if the paid family leave is taken for events that are foreseeable to the employee.

6. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for ***requesting,*** taking ***or filing a complaint against an appointing authority relating to*** paid family leave pursuant to ~~[subsection 1.]~~ ***this section.***

~~[6.]~~ ***7. The Division may investigate any instance in which it has reason to believe that an employee has taken paid family leave to which the employee is not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken paid family leave to which the employee was not entitled, the Commission may take any of the following actions:***

(a) Direct the appointing authority to seek repayment of funds relating to the paid family leave; or

(b) Disqualify the employee from paid family leave benefits for a period not more than 1 year.

8. Paid family leave taken in accordance with the provisions of this section and that meets the requirements for eligibility for the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., runs concurrently. An appointing authority may require that any payment made pursuant to this section be made concurrently or otherwise coordinated with the terms of a short-term disability policy or collective bargaining agreement. An appointing authority shall provide an employee notice of the provisions of this subsection.

9. Officers and members of the faculty of the Nevada System of Higher Education are entitled to paid family leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

10. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

11. Any agreement by an employee to abridge, waive or forego any rights or remedies afforded by this section is void as contrary to public policy and the employee may recover any actual damages incurred through the inclusion of the prohibited provision.

12. As used in this section:

(a) ***"Child" includes, regardless of age, a biological, adopted or foster child, stepchild or minor protected person under guardianship of a person or the person's spouse or domestic partner. The term includes any child for whom the person or the person's spouse or domestic partner is a person standing in loco parentis or who stood in loco parentis and for which a biological or legal relationship between the person or person's spouse or domestic partner and child is not necessary.***

(b) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

~~[(b)]~~ ***(c)*** "Immediate family" means a parent, sibling, child ***,*** ~~[by blood, adoption or marriage,]~~ spouse, grandparent ***,*** ~~[or]~~ grandchild ~~[.~~

~~(c)]~~ ***or any other person related by blood or whose close association is the equivalent of a family relationship to a person or the person's spouse or domestic partner.***

(d) "Parent" includes a biological parent, adoptive parent, foster parent or legal guardian of a person or a person's spouse or domestic partner. The term includes a person standing in loco parentis or who stood in loco parentis for a person or the person's spouse or domestic partner and for which a biological or legal relationship between the person or person's spouse or domestic partner and parent is not necessary.

(e) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation ~~[, arranging]~~ ***:***

(1) Arranging for child care or parental care during deployment ~~[, representing]~~ ***;***

(2) Arranging for care of an immediate family member who is incapable of self-care, if the deployment of the military family member necessitates a change in the existing care arrangements for the family member who is incapable of self-care;

(3) Providing care to an immediate family member incapable of self-care on an immediate and urgent basis, and not on a routine, regular or daily basis, if the need for care arises from the active duty, call to active duty status or deployment of the military family member;

(4) Attending appointments, but not regular or routine appointments, with care providers, including, without limitation, at a health care facility, as defined in NRS 449.2414, and provider of public assistance, as defined in NRS 422A.065, for an immediate family member of the military family member if the need for the appointments arises from the active duty, call to active duty status or deployment of the military family member;

(5) Making financial or legal arrangements for the military family member;

(6) Spending time with the military family member during a rest and recuperation leave or return from deployment;

(7) Representing the military family member at a federal, state or local event during deployment ***;*** and ~~[addressing]~~

(8) Addressing issues due to the death of the military family member.

~~[(d)]~~ ***(f) "Safe leave" means leave resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee, and the employee is not the alleged perpetrator, for any of the following purposes:***

(1) Seeking an order for protection;

(2) Obtaining medical care or counseling, or both, as a result of the act;

(3) Securing existing housing or obtaining alternative housing or shelter;

(4) Seeking legal assistance and preparing for and attending court proceedings relating to the act; and

(5) Any other necessary action to restore the victim of the act to his or her same or similar condition before the occurrence of the act.

(g) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

(h) "State average weekly wage" means the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,

247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,

642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 2 and 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 6. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. ***1. Except as otherwise provided in this section, every employer in private employment and every local government employer shall provide paid family leave to each employee of the employer who has been employed for not less than 90 days. An employee is entitled to 12 weeks of paid family leave each benefit year:***

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee, if taken not later than 12 months after the birth of the child;

(b) To bond with a newly adopted or placed foster child of the employee or spouse or domestic partner of the employee, if taken not later than 12 months after the adoption or placement of the child;

(c) To complete any necessary preparatory tasks before the anticipated adoption or placement of a child pursuant to paragraph (b);

(d) To recover from or undergo treatment for a serious illness or serious health condition, as defined by 29 U.S.C. § 2611, including, without limitation, pregnancy or the loss or end of a pregnancy;

(e) To care for a seriously ill member of the immediate family of the employee;

(f) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee; or

(g) For safe leave.

2. If an employer provides paid sick leave for the use of his or her employees, any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An employer shall pay an employee on paid family leave:

(a) One hundred percent of the regular wage the employee would have earned if the employee was not on leave, if the employee earns not more than 110 percent of the state average weekly wage; or

(b) Sixty percent of the regular wage the employee would have earned if the employee was not on leave but not more than 150 percent of the state average weekly wage, if the employee earns more than 110 percent of the state average weekly wage.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An employee shall:

(a) Give notice, as soon as practicable, to the employer of the employee's intent to take paid family leave in accordance with the provisions of this section; and

(b) Make a reasonable effort to take paid family leave in accordance with the provisions of this section in a manner that does not unduly disrupt the operations of the employer, if the paid family leave is taken for events that are foreseeable to the employee.

6. An employer shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an employer relating to paid family leave pursuant to this section.

7. The Labor Commissioner may investigate any instance in which he or she has reason to believe that an employee has taken paid family leave to which the employee is not entitled. If, after notice to the employee and a hearing, the Labor Commissioner determines that the employee has taken paid family leave to which the employee was not entitled, the Labor Commissioner may take any of the following actions:

(a) Direct the employer to seek repayment of funds relating to the paid family leave; or

(b) Disqualify the employee from paid family leave benefits for a period not more than 1 year.

8. Paid family leave taken in accordance with the provisions of this section and that meets the requirements for eligibility for the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., runs concurrently. An employer may require that any payment made pursuant to this section be made concurrently or otherwise coordinated with the terms of a short-term disability policy or collective bargaining agreement. An employer shall provide an employee notice of the provisions of this subsection.

9. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

10. Any agreement by an employee to abridge, waive or forego any rights or remedies afforded by this section is void as contrary to public policy and the employee may recover any actual damages incurred through the inclusion of the prohibited provision.

11. As used in this section:

(a) "Benefit year" means a 365-day period used by an employer when determining the availability of paid family leave to an employee.

(b) "Child" includes, regardless of age, a biological, adopted or foster child, stepchild or minor protected person under guardianship of a person or the person's spouse or domestic partner. The term includes any child for whom the person or the person's spouse or domestic partner is a person standing in loco parentis or who stood in loco parentis and for which a biological or legal relationship between the person or person's spouse or domestic partner and child is not necessary.

(c) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(d) "Employer" means a private employer or a local government employer who has 50 or more employees in this State.

(e) "Immediate family" means a parent, sibling, child, spouse, grandparent, grandchild or any other person related by blood or whose close association is the equivalent of a family relationship to a person or the person's spouse or domestic partner.

(f) "Local government employer" means a county, city or town with 50 or more employees.

(g) "Parent" includes a biological parent, adoptive parent, foster parent or legal guardian of a person or a person's spouse or domestic partner. The term includes a person standing in loco parentis or who stood in loco parentis for a person or the person's spouse or domestic partner and for which a biological or legal relationship between the person or person's spouse or domestic partner and parent is not necessary.

(h) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation:

(1) Arranging for child care or parental care during deployment;

(2) Arranging for care of an immediate family member who is incapable of self-care, if the deployment of the military family member necessitates a change in the existing care arrangements for the family member who is incapable of self-care;

(3) Providing care to an immediate family member incapable of self-care on an immediate and urgent basis, and not on a routine, regular or daily basis, if the need for care arises from the active duty, call to active duty status or deployment of the military family member;

(4) Attending appointments, but not regular or routine appointments, with care providers, including, without limitation, at a health care facility, as defined in NRS 449.2414, and provider of public assistance, as defined in NRS 422A.065, for an immediate family member of the military family member if the need for the appointments arises from the active duty, call to active duty status or deployment of the military family member;

(5) Making financial or legal arrangements for the military family member;

(6) Spending time with the military family member during a rest and recuperation leave or return from deployment;

(7) Representing the military family member at a federal, state or local event during deployment; and

(8) Addressing issues due to the death of the military family member.

(i) "Safe leave" means leave resulting from an act of domestic violence, stalking, aggravated stalking, harassment or sexual assault against the employee or an immediate family member of the employee, and the employee is not the alleged perpetrator, for any of the following purposes:

(1) Seeking an order for protection;

(2) Obtaining medical care or counseling, or both, as a result of the act;

(3) Securing existing housing or obtaining alternative housing or shelter;

(4) Seeking legal assistance and preparing for and attending court proceedings relating to the act; and

(5) Any other necessary action to restore the victim of the act to his or her same or similar condition before the occurrence of the act.

(j) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

(k) "State average weekly wage" means the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation.

Sec. 8. *1. An employer shall establish reasonable procedures and forms for an employee to take paid family leave pursuant to section 7 of this act, which may not be unduly burdensome to the employee. The forms must be written in English, each other language typically used in communications between an employer and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace.*

2. The Labor Commissioner shall by regulation establish the documentation that an employee may be required to provide to an employer in support of a request for paid family leave pursuant to section 7 of this act. The regulations adopted by the Labor Commissioner:

(a) Must use a liberal approach to the granting of paid family leave to an employee and not be unduly burdensome to the employee.

(b) Must not require the disclosure of information that is confidential, privileged or protected under federal law.

3. Any documentation provided to an employer pursuant to subsection 2 is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

4. As used in this section, "employer" has the meaning ascribed to it in section 7 of this act.

Sec. 9. *1. An employer shall provide written notice of the provisions of section 7 of this act to an employee:*

(a) Upon the hiring of the employee, and annually thereafter;

(b) When the employee requests leave pursuant to section 7 of this act; and

(c) When the employer has reasonable knowledge that any leave request made by the employee may be for a qualifying reason entitling the employee to take paid family leave pursuant to subsection 1 of section 7 of this act.

2. The written notice required to be provided to an employee by an employer pursuant to subsection 1 must include, without limitation:

(a) The entitlement of the employee to paid family leave pursuant to section 7 of this act, and the terms under which it may be taken;

(b) The amount of paid family leave available to the employee;

(c) The procedures for taking the paid family leave;

(d) The requirement that an employer or his or her designee may not deny an eligible employee the right to take paid family leave, retaliate or take any adverse action against an employee for requesting, taking or filing a complaint against an employer relating to paid family leave as set forth in subsection 6 of section 7 of this act; and

(e) The manner in which an employee may file a complaint for any violations of the provisions of section 7 of this act committed by an employer.

3. Each employer shall conspicuously post and keep so posted in a location in each workplace maintained by the employer a bulletin with the information required by this section in a form approved by the Labor Commissioner. If an employer does not maintain a physical workplace or employs an employee whose work consists solely of remote work or telework, the employer shall post the bulletin in a conspicuous location on the Internet website maintained by the employer, if any.

4. All notices required by this section must be written in English, each other language typically used in communications between an employer and an employee and any other language that is the primary language of at least 10 percent of the employees at the workplace. The Labor Commissioner may adopt regulations to establish the means by which an employer must provide the notice required by this section.

5. As used in this section, "employer" has the meaning ascribed to it in section 7 of this act.

Sec. 10. *1. If an employer fails to provide leave or retaliates or takes any adverse action against an employee for requesting, taking or filing a complaint relating to paid family leave in accordance with the provisions of section 7 of this act, the employee may, at any time within 2 years after the employer's failure, bring a civil action against the employer.*

2. If the employee is the prevailing party, the court may award the employee any damages that the employee has sustained and any equitable relief that the court deems appropriate.

3. The prevailing party in an action brought pursuant to this section is entitled to reasonable attorney's fees and costs, as may be fixed by the court.

4. The Labor Commissioner shall not take jurisdiction of a claim for a violation of a labor law or regulation during the pendency of a civil action for the same claim brought pursuant to subsection 1.

Sec. 11. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, ***and sections 7, 8 and 9 of this act*** and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 12. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and sections 7, 8 and 9 of this act*** or 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 13. NRS 613.223 is hereby amended to read as follows:

613.223 1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:

(a) The employee requested to ~~[use hours of]~~ ***take paid family*** leave ***for safe leave*** pursuant to ~~[NRS 608.0198;]~~ ***section 7 of this act;***

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence or sexual assault which triggered the use of ***paid family*** leave pursuant to ~~[NRS 608.0198;]~~ ***section 7 of this act;***

(c) The employee requested an accommodation pursuant to NRS 613.222; or

(d) An act which constitutes domestic violence or sexual assault was committed against the employee in the workplace of the employee.

2. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 14. NRS 608.0198 is hereby repealed.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. 1. This section and section 15 of this act become effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[2026,]~~ **2028,** for all other purposes.

TEXT OF REPEALED SECTION

608.0198 Employee entitled to leave related to domestic violence or sexual assault; uses of leave; prohibited acts; required documentation; Labor Commissioner to prepare bulletin; posting; maintenance of records; other rights, remedies and agreements unimpaired.

1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence or sexual assault, or whose family or household member is a victim of an act which constitutes domestic violence or sexual assault, and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence or sexual assault occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence or sexual assault committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence or sexual assault.

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence or sexual assault, an employee shall give not less

than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence or sexual assault or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence or sexual assault.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 405.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 836.

SUMMARY—Revises provisions relating to agriculture. (BDR ~~[50-911)]~~ **S-911)**

AN ACT relating to agriculture; ~~[requiring]~~ **directing** the ~~[Director of the State Department of Agriculture]~~ **Council on Food Security** to ~~[establish]~~ **conduct** a ~~[program]~~ **study during the 2025-2026 interim** to ~~[assist]~~ **evaluate food insecurity** in ~~[the development of community gardens and urban farms in areas of]~~ this State ~~[with high levels of]~~ **and develop strategies to coordinate statewide efforts to address** food insecurity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the State Department of Agriculture to establish certain programs relating to the supply of food in this State, including the Supplemental Food Program and the Home Feeds Nevada Agriculture Food Purchase Program. (NRS 561.495, 561.515) Existing law further sets forth various provisions to encourage the development of community gardens and urban farms in this State which: (1) require certain entities **, including the Council on Food Security within the Department of Health and Human Services,** to promote or encourage such development; (2) authorize certain entities to use or lease certain land for the purpose of community gardening or urban farming; and (3) authorize a partial abatement of certain taxes for a parcel on which a community garden or urban farm is located. (NRS **232.4966,** 232.4968, 244.291, 244.339, 268.0191, 408.507, 528.135)

This bill ~~[requires]~~ **directs** the ~~[Director]~~ **Council** to ~~[establish]~~ **conduct** a ~~[program]~~ **study** to ~~[assist in the development of community gardens and urban farms in areas of this State with high levels of]~~ **evaluate** food insecurity ~~[, including,]~~ **in this State and develop strategies to coordinate statewide efforts to address food insecurity which must include,** without limitation~~[,]~~**: (1) an evaluation of the existing laws and policies in this State that are designed to address food insecurity; (2) the identification of** areas ~~[that have been designated as food deserts.]~~ **in this State where community gardens or urban farms could be developed to reduce levels of food insecurity; (3) a**

study of the coordination of the efforts of certain entities to reduce food insecurity; and (4) recommendations for strategies to reduce food insecurity through the coordination of the efforts of certain entities. This bill further ~~[authorizes]~~ **requires** the ~~[Director]~~ **Council** to ~~[apply for]~~ **prepare** and ~~[accept any gift, donation, bequest, grant or other source]~~ **submit a written report of the results of the study to the: (1) Director of the State Department** of ~~[money for the purpose]~~ **Agriculture; and (2) Director** of ~~[funding such a program.]~~ **the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 561 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Director shall establish a program to assist in the development of community gardens and urban farms in areas of this State with high levels of food insecurity, including, without limitation, areas that have been designated as food deserts.*~~

~~*2. The Director may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of funding the program established pursuant to this section.]~~ (Deleted by amendment.)**

Sec. 2. **1. During the 2025-2026 interim, the Council on Food Security created by NRS 232.4966 shall conduct a study to evaluate food insecurity in this State and develop strategies to coordinate statewide efforts to address food insecurity. The study must include, without limitation:**

(a) An evaluation of the existing laws and policies in this State that are designed to address food insecurity;

(b) An identification of areas in this State where community gardens or urban farms could be developed to reduce levels of food insecurity;

(c) A study of the coordination of the efforts of the State Government, local governments and private organizations to reduce food insecurity in this State; and

(d) Recommendations for strategies to reduce food insecurity in this State through the coordination of the efforts of the State Government, local governments and private organizations that the Council determines are appropriate.

2. On or before December 1, 2026, the Council shall prepare and submit a written report of the results of the study conducted pursuant to this section to the:

(a) Director of the State Department of Agriculture; and

(b) Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 414.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 860.

AN ACT relating to occupational safety; revising the requirements of written safety programs in certain workplaces to include programs related to mitigation of certain air quality issues; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to provide for the establishment and supervision of programs for the education and training of employers and employees on certain unsafe or unhealthful working conditions. (NRS 618.353) Existing law requires certain employers to establish a written safety program and implement the safety program within 90 days after it is established. (NRS 618.383)

If an employer has more than 15 employees who work at a large hybrid environment facility, **sections 3 and 5** of this bill require, with certain exceptions, such a written safety program to include the establishment of a program to mitigate occupational exposure to greenhouse gases, other gases and poor air quality. **Section 2** of this bill defines the term "large hybrid environment facility" to mean, in general, a facility where employees work: (1) that is at least 10,000 square feet; and (2) at which workers are exposed to outdoor elements for a majority of each shift worked, including, without limitation, through open loading docks or bay doors. **Section 4** of this bill makes a conforming change so that the definition of "large hybrid environment facility" applies to the provisions of existing law governing occupational safety and health.

Section 3 requires a written safety program relating to a large hybrid environment facility to include provisions that require the establishment of: (1) a system to mitigate exposure to certain air quality issues in accordance with occupational safety and health standards; and (2) a system for monitoring employees for signs of health effects resulting from exposure to certain air quality issues. **Section 3** also requires such a program to contain provisions which: (1) require any vehicle which is loading or unloading at the facility to have the engine of the vehicle turned off; (2) require a designated person at the facility, not less than every 4 hours when employees are working, to monitor and record certain air quality information in each area of the facility where employees are working; and (3) take certain actions if the air quality information exceeds any relevant occupational safety and health standards. **Section 3** exempts from those requirements **state agencies and** certain

employers who are engaged in: (1) law enforcement, firefighting or otherwise responding to emergencies; (2) solid waste management or the management of hazardous waste; or (3) towing services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Large hybrid environment facility" means any facility in which employees work, including, without limitation, a distribution center or convention center:***

1. That is at least 10,000 square feet; and

2. At which employees are exposed to outdoor elements for a majority of each shift worked, including, without limitation, through open loading docks or bay doors.

Sec. 3. ***1. Except as otherwise provided in subsection 2, an employer who has more than 15 employees who work at a large hybrid environment facility and who is required to establish a written safety program pursuant to NRS 618.383 shall include in the written safety program provisions that:***

(a) Require the establishment of:

(1) A system to mitigate exposure to greenhouse gases, other gases or poor air quality that complies with all applicable occupational safety and health standards established pursuant to NRS 618.295; and

(2) A system for monitoring employees for signs of health effects resulting from exposure to greenhouses gases, other gases or poor air quality.

(b) Require any vehicle which is loading or unloading at the facility to have the engine of the vehicle turned off, except that a refrigerated vehicle or trailer with a motor that is independent of the engine of the vehicle may continue to operate the motor for refrigeration.

(c) Require a designated person at the facility, not less than every 4 hours when employees are working, to:

(1) Monitor the level of greenhouse gases, other gases and air quality in each area of the facility where employees are working, including, without limitation, any area in which employees are working in an elevated position above ground level; and

(2) Record the level of greenhouse gases, other gases and air quality in each area described in subparagraph (1) in a logbook, which must be kept at the facility and available for review upon request.

(d) On any day when, according to the monitoring described in paragraph (c), the level of greenhouse gases, other gases or air quality in any area of the facility where employees are working exceeds the level set forth in any applicable occupational safety and health standard established pursuant to NRS 618.295, require additional fans or other forced ventilation systems be

used to increase the flow of air out of the facility, including, without limitation, through open loading docks or bay doors.

2. The provisions of this section do not apply to an employer who:

(a) Is a law enforcement agency, a fire-fighting agency or whose employees are otherwise engaged as emergency response employees;

(b) Operates a disposal site or a recycling center or whose employees are otherwise engaged in a solid waste management system or the management of hazardous waste; ~~[or]~~

(c) Is a tow company, operates a tow car or whose employees are otherwise engaged in towing services ~~[.]~~ ; or

(d) Is a state agency.

3. As used in this section:

(a) "Disposal site" has the meaning ascribed to it in NRS 444.460.

(b) "Emergency response employee" has the meaning ascribed to it in NRS 450B.0703.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.

(d) "Greenhouse gas" has the meaning ascribed to it in NRS 445B.137.

(e) "Law enforcement agency" has the meaning ascribed to it in NRS 289.010.

(f) "Management of hazardous waste" has the meaning ascribed to it in NRS 459.435.

(g) "Recycling center" has the meaning ascribed to it in NRS 444A.014.

(h) "Solid waste management system" has the meaning ascribed to it in NRS 444.500.

(i) "State agency" has the meaning ascribed to it in NRS 231.0095.

(j) "Tow car" has the meaning ascribed to it in NRS 706.131.

~~[(j)]~~ (k) "Towing services" has the meaning ascribed to it in NRS 706.132.

Sec. 4. NRS 618.025 is hereby amended to read as follows:

618.025 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 618.029 to 618.165, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in such sections.

Sec. 5. NRS 618.383 is hereby amended to read as follows:

618.383 1. Except as otherwise provided in subsections 8 and 9, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries or where explosives are manufactured.

(b) ***Except as otherwise provided in section 3 of this act, if the employer has more than 15 employees who work at a large hybrid environment facility, the provisions required by section 3 of this act.***

(c) If an employer has more than 25 employees, or if an employer's employees are engaged in the manufacture of explosives, the establishment of

a safety committee. The safety committee must include representatives of employees. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, authorized inspections or any other activity of the committee, must be paid by his or her employer as if that employee were engaged in the employee's usual work activities.

4. The written safety program and all training programs required pursuant to this section must be conducted and made available in a language and format that is understandable to each employee.

5. The Administrator of the Division shall adopt regulations establishing the minimum requirements for a written safety program.

6. The Administrator of the Division shall develop and provide each employer with a written guide for establishing a written safety program.

7. An employer who contracts with a temporary employment service shall provide specialized training concerning safety for the employees of the service before they begin work at each site or as soon as possible thereafter.

8. An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer has employees engaged in the manufacture of explosives.

9. For the purposes of this section, an employer in the mining industry shall not be deemed to be a manufacturer of explosives.

10. Except as otherwise provided in subsection 11, as used in this section, "explosives" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture or device or any part thereof may cause an explosion.

11. For the purposes of this section, an explosive does not include:

(a) Ammunition for small arms, or any component thereof;

(b) Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation or cultural purposes:

(1) In an antique firearm, as that term is defined in 18 U.S.C. § 921(a)(16), as that section existed on January 1, 1999; or

(2) In an antique device which is exempted from the definition of "destructive device" pursuant to 18 U.S.C. § 921(a)(4), as that section existed on January 1, 1999; or

(c) Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored

by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot or any other establishment owned by or operated on behalf of the United States.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 442.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 861.

AN ACT relating to state financial administration; ~~[declaring the policy of this State to make payments to private nonprofit corporations under a grant agreement within a certain period of time and to make advance payments of grants to such corporations; with certain exceptions, imposing interest on amounts due under a written grant agreement which are not timely paid after receipt of a proper invoice; requiring state entities that make grants to take certain actions upon the receipt of an invoice; authorizing the use of media other than original paper documents to expedite grant payments; revising provisions relating to advance payments of grants to private nonprofit corporations;]~~ **requiring a state grant-making entity to provide written notice to a private nonprofit corporation when a payment under a grant agreement is not made within a certain period of time; authorizing the Office of Federal Assistance to coordinate and collaborate with state grant-making entities on certain topics related to grants; revising provisions governing the State Plan for Maximizing Federal Assistance;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[With certain exceptions, this bill enacts requirements governing payments by agencies of the Executive Department of the State Government to private nonprofit corporations that receive grants from those agencies and are reimbursed by those agencies for services or other performance under a grant agreement. Section 3 of this bill defines the term "grant" to establish the types of financial assistance to which these requirements apply. Section 8 of this bill declares that it is the policy of this State to: (1) complete all processing and authorization required by law to make a payment, as defined in section 4 of this bill, within 30 calendar days after receipt of a proper invoice, as defined in section 6 of this bill; and (2) make an advance of a grant to a private nonprofit corporation to facilitate the expeditious carrying out of the grant. Section 8.5 of this bill requires the State Board of Examiners to adopt policies and procedures to carry out the provisions of this bill, which are required under existing law to be published in the State Administrative Manual. (NRS~~

~~232.004) Section 8.5 mandates that such policies and procedures include a requirement that a summary of the provisions relating to prompt payments and advance payments be included in each grant agreement with a private nonprofit corporation.]~~

Section 9 of this bill ~~[provides that, with certain exceptions,]~~ **requires** a state entity that makes a grant to a private nonprofit corporation, which is defined in **section 7** of this bill as a "state grant-making entity," ~~[is liable for interest on amounts which are due and payable under a written grant agreement at the rate that has been agreed upon in the grant agreement, or if no such rate has been agreed upon, by a specified rate. Section 9 provides that, with certain exceptions, interest begins accruing on the 31st calendar day after the date on which the state grant-making entity receives a proper invoice and requires interest to be paid from the operating budget of the state grant-making entity, not including money appropriated to fund a grant. Section 9 also requires a state grant-making entity]~~ that does not make a payment that is due and payable under a written grant agreement within 30 calendar days after receipt of a proper invoice to: (1) provide written notice to the private nonprofit corporation of the reason for the delay in making the payment; and (2) ~~[make a written record of the delayed payment and]~~ submit an annual compilation of such records to the Director of the Office of Finance ~~[.]~~ **and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. Sections 2-6 of this bill define certain terms relating to these requirements.**

~~[Section 10 of this bill requires a state grant-making entity to mark an invoice with the date on which the invoice was received and review the invoice as soon as practicable to determine whether the invoice is a proper invoice. Section 10 authorizes a state grant-making entity to use media that produce tangible recordings of information to expedite payment in lieu of requiring original paper documents.~~

~~Section 11 of this bill authorizes a private nonprofit corporation to submit to a state grant-making entity a request for an advance of money from the grant that was awarded to the private nonprofit corporation by the state grant-making entity. Section 11 requires the private nonprofit corporation to: (1) submit an expenditure plan with its request for an advance and any other information requested by the state grant-making entity; and (2) agree to requirements relating to reporting expenditures, returning unexpended money, depositing the advance and reporting related interest. Section 11, with certain exceptions, authorizes the state grant-making entity to approve the advance if it makes specific determinations and verifications. With certain exceptions, section 11 limits the amount of such an advance to be: (1) if the source of funding for the grant is state money, the amount requested by the private nonprofit corporation, but not to exceed 25 percent of the amount of the grant award; or (2) if the source of the grant is federal money, the minimum amount to cover the immediate cash requirements of the private nonprofit corporation in carrying out the purpose of the grant. Section 11 prohibits a state grant-making~~

~~entity from making an advance if the entity does not have sufficient budgetary authority or a sufficient cash balance to pay the advance.~~

~~Section 11 requires: (1) the state grant-making entity to provide written notice of the approval of any advance to the Director of the Office of Finance; and (2) the Director to submit an annual report to the Interim Finance Committee relating to advance payments of which the Director was notified.]~~

Existing law requires the Director of the Office of Federal Assistance, in consultation with the Nevada Advisory Council on Federal Assistance, to develop a State Plan for Maximizing Federal Assistance which is required to include, without limitation, methods for the effective administration of grants. (NRS 223.486) Section 11.7 of this bill requires the State Plan to include methods for the administration of advanced payments of grants to private nonprofit corporations.

Section 11.3 of this bill authorizes the Office to coordinate and collaborate with state grant-making entities to identify certain policies, procedures and best practices that are related to the advanced payment of a grant and methods for compliance with certain federal regulations relating to grants. Section 11.3 authorizes the Director to adopt regulations to carry out such coordination and collaboration. Section 11.5 of this bill applies the definitions in existing law governing the Office to the provisions of section 11.3.

Section 14 of this bill makes this bill effective on July 1, 2026, and **section 13** of this bill excludes from the requirements of this bill grants which are executed, renewed or extended before July 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***As used in sections 2 to ~~[11,]~~ 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Grant" means a legal instrument of financial assistance between a state grant-making entity and a private nonprofit corporation that is:***

(a) Used to enter into a relationship for which the principal purpose is to transfer anything of value from the state grant-making entity to the private nonprofit corporation to carry out a public purpose authorized by law and not to acquire real property or services for the direct benefit or use of the state grant-making entity;

(b) Used to provide for one or more payments in reimbursement for services or other performance under the agreement on a scheduled or other incremental basis; and

(c) Distinguished from a cooperative agreement in that it does not provide for substantial involvement between the state grant-making entity and the

private nonprofit corporation in carrying out the activity contemplated by the award.

2. The term does not include an instrument that provides only:

(a) Direct government cash assistance to a person;

(b) A subsidy;

(c) A loan;

(d) A loan guarantee;

(e) Insurance; ~~[or]~~

(f) State funding that is required annually and is calculated based on a formula set in statute ~~[.]~~ ; or

(g) Proceeds from a general obligation bond.

Sec. 4. *"Payment" includes all processing and authorization required by law from the State Board of Examiners, the Director of the Office of Finance and the State Controller.*

Sec. 5. *"Private nonprofit corporation" means an organization that has been granted tax-exempt status by the Internal Revenue Service pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).*

Sec. 6. *"Proper invoice" means a bill, a request for reimbursement, a written document or an electronic submission readable by the state grant-making entity that is provided by a private nonprofit corporation and which:*

1. Requests an eligible amount that is due and payable by law under a written grant agreement with the private nonprofit corporation; and

2. Includes:

(a) Sufficient information to identify the grant agreement; and

(b) Any additional information or documentation required by the grant agreement or for compliance with 2 C.F.R. Part 200 ~~[.]~~ or any other state or federal law or regulation.

Sec. 7. *"State grant-making entity" means an agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government that makes a grant. The term does not include the Nevada System of Higher Education or any institution of the Nevada System of Higher Education.*

Sec. 8. ~~*[The Legislature declares that it is the policy of this State to:*~~

~~*1. Make a payment under a grant agreement within 30 calendar days after receipt of a proper invoice.*~~

~~*2. Make an advance of a grant to a private nonprofit corporation to facilitate the expeditious carrying out of the grant.]*~~ **(Deleted by amendment.)**

Sec. 8.5. ~~*[1. The State Board of Examiners shall adopt policies and procedures pursuant to NRS 353.040 for carrying out the provisions of sections 2 to 11, inclusive, of this act.*~~

~~*2. The policies and procedures adopted pursuant to subsection 1 must include, without limitation:*~~

~~(a) A requirement that a summary of the provisions of sections 2 to 11, inclusive, of this act is included in each grant agreement into which a state grant-making entity enters with a private nonprofit corporation;~~

~~(b) The criteria for determining the amount of an advance pursuant to section 11 of this act; and~~

~~(c) The requirements for the reporting of interest earned on an advance made pursuant to section 11 of this act.]~~ **(Deleted by amendment.)**

Sec. 9. ~~1. [Except as otherwise provided in subsection 3, a state grant-making entity shall be liable for interest on any amount that is due and payable by law under a written grant agreement with a private nonprofit corporation at a rate that has been agreed upon in the grant agreement or, if a rate has not been so agreed upon, the rate equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, based on the date on which the written grant agreement was signed by the parties.~~

~~2. Interest for which a state grant-making entity is liable pursuant to this section must accrue beginning on the 31st calendar day after the date on which the state grant-making entity receives a proper invoice.~~

~~3. A state grant-making entity is not liable for interest pursuant to this section:~~

~~(a) Unless the private nonprofit corporation submits an invoice for the interest within 30 calendar days after receiving payment for the amount on which the interest accrued;~~

~~(b) If the state grant-making entity has initiated legal proceedings to dispute the amount owed to the private nonprofit corporation;~~

~~(c) Accruing more than 1 year after the 31st calendar day after the state grant-making entity receives a proper invoice;~~

~~(d) On an amount that represents unpaid interest;~~

~~(e) If the delay in payment is the result of technical problems relating to the operation of the electronic payment system of the state or federal grant-making entity, the closure of the office of the state grant-making entity on a day declared to be a legal holiday pursuant to NRS 236.015, extreme weather or another extraordinary event; or~~

~~(f) If the state grant-making entity does not have sufficient budgetary authority or a sufficient cash balance to process the payment.~~

~~4. Interest for which a state grant-making entity is liable pursuant to this section:~~

~~(a) Must be paid from the operating budget of the state grant-making entity; and~~

~~(b) May not be paid from money appropriated to provide money for a grant.~~

~~5. For the purposes of determining the due date of a payment and the date on which interest begins to accrue, an invoice is deemed to be received:~~

~~(a) For invoices that are mailed, when a proper invoice is received by the state grant-making entity, as of the date on which the state grant-making entity annotates the invoice with the date and time of receipt; or~~

~~(b) For invoices that are transmitted electronically, on the date on which the transmission is received by the state grant-making entity or, if the transmission is received after 5 p.m. on that date, the next business day.~~

~~6.~~ If a state grant-making entity does not make a payment for an amount that is due and payable by law under a written grant agreement with a private nonprofit corporation within 30 calendar days after receipt of a proper invoice , ~~[because of circumstances described in subsection 3,]~~ the state grant-making entity shall, as soon as practicable after that 30-day period ~~[:~~

~~(a) Provide[~~ , provide written notice to the private nonprofit corporation of the reason for the delay in making the payment ~~. [; and~~

~~(b) Make a written record of the delayed payment, including, without limitation:~~

~~(1) The date on which the state grant-making entity received a proper invoice for the payment;~~

~~(2) The reason for the delay by the state grant-making entity in making the payment; and~~

~~(3) If applicable, the date on which the payment was made.~~

~~7.]~~ 2. On or before October 1 of each year, the state grant-making entity shall submit to the Director of the Office of Finance and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a compilation of the ~~[records made by the state grant-making entity pursuant to paragraph (b) of]~~ notices provided pursuant to subsection ~~[6]~~ 1 during the immediately preceding fiscal year.

Sec. 10. ~~[1. Upon receipt of an invoice, a state grant-making entity shall:~~

~~(a) Mark the invoice with the date on which the invoice was received; and~~

~~(b) Review the invoice as soon as practicable to determine whether the invoice is a proper invoice.~~

~~2. If the state grant-making entity determines that the invoice:~~

~~(a) Is a proper invoice, the state grant-making entity shall submit the invoice for payment in the same manner as other claims against the State are paid.~~

~~(b) Is not a proper invoice, within 14 calendar days after making such a determination, the state grant-making entity shall notify the private nonprofit corporation of all defects that prevent the invoice from being determined to be a proper invoice. A private nonprofit corporation that receives such a notification may submit a corrected invoice.~~

~~3. A state grant-making entity may use media that produce tangible recordings of information to expedite the payment process in lieu of requiring original paper documents.~~

~~*4. Failure by a state grant-making entity to comply with the procedural requirements of this section does not constitute a late payment.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[1. A private nonprofit corporation may submit to a state grant-making entity, on a form prescribed by the Director of the Office of Finance, a request for an advance from the grant that was awarded to the private nonprofit corporation by the state grant-making entity.*~~

~~*2. The private nonprofit corporation must include with the form submitted pursuant to subsection 1 a plan for expenditure of the advance which must, without limitation:*~~

~~*(a) Align with the eligible activities and expenditures under the grant;*~~

~~*(b) Provide the justification for the advance; and*~~

~~*(c) Describe the financial management policies that the private nonprofit corporation has established to monitor expenditure of the advance.*~~

~~*3. As a condition to receipt of an advance pursuant to this section, a private nonprofit corporation must agree to:*~~

~~*(a) Transmit a report on the expenditure of the advance in the manner required by the state grant-making entity, which includes, without limitation, a summary of the work completed and proof of expenditures.*~~

~~*(b) Return to the state grant-making entity any money from the advance that was not expended within the timeline for expenditure of the advance or for the eligible activities specified in the grant agreement between the private nonprofit corporation and state grant-making entity or receive a reduced amount for the immediately succeeding payment under the grant in an amount equivalent to the unexpended amount of the advance.*~~

~~*(c) Deposit the advance in a federally insured account that provides the ability to track the interest earned on money in the account and any withdrawal from the account. The account must be opened in the name of the private nonprofit corporation and not in the name of any director or officer of the private nonprofit corporation.*~~

~~*(d) Report any interest earned on the advance deposited in an account described in paragraph (c) in accordance with the policies and procedures adopted pursuant to section 8.5 of this act. If the source of funding for the grant is money from the Federal Government, the private nonprofit corporation must return any such interest payments to the state grant-making entity.*~~

~~*4. The private nonprofit corporation must submit any additional information requested by the state grant-making entity, including, without limitation, any information that is necessary for the state grant-making entity to perform effectively risk assessment and monitoring of recipients of subgrants from the grant.*~~

~~*5. An advance pursuant to this section:*~~

~~*(a) Unless prohibited by federal law or contractual agreement:*~~

~~*(1) May be approved by the state grant-making entity if the state grant-making entity:*~~

~~*(I) Determines that the private nonprofit corporation has demonstrated sufficient justification for the advance and does not pose any undue risk to the state grant-making entity;*~~

~~*(II) Determines that providing an advance does not create an unreasonable administrative burden on or financial risk to the state grant-making entity; and*~~

~~*(III) If applicable, has verified compliance by any recipients of subgrants from the grant with the grant agreement and applicable law.*~~

~~*(2) Is limited to:*~~

~~*(I) If the source of funding for the grant is money from the State Government, the amount requested by the private nonprofit corporation, but not to exceed 25 percent of the amount of the grant award; or*~~

~~*(II) If the source of funding for the grant is money from the Federal Government, the minimum amount to cover the immediate cash requirements of the private nonprofit corporation in carrying out the purpose of the grant in accordance with 2 C.F.R. Part 200.*~~

~~*(b) May not be approved by the state grant-making entity if the state grant-making entity does not have sufficient budgetary authority or a sufficient cash balance to pay the advance.*~~

~~*6. A state grant-making entity that approves an advance pursuant to subsection 5 shall provide written notice of the advance to the Director of the Office of Finance.*~~

~~*7. The requirements and penalties set forth in the grant agreement apply to the use of the advance.*~~

~~*8. On or before October 1 of each year, the Director of the Office of Finance shall submit a report to the Interim Finance Committee concerning the advances for which the Director was provided notice pursuant to subsection 6 during the immediately preceding fiscal year.]*~~ **(Deleted by amendment.)**

Sec. 11.3. **Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Office may coordinate and collaborate with state grant-making entities to identify:

(a) Existing policies and procedures utilized by state grant-making entities to administer advanced payments of grants;

(b) Best practices for monitoring and assessing the risks associated with administration of advanced payments of grants; and

(c) Methods for state grant-making entities to comply with 2 C.F.R. Part 200 and any other federal regulations governing the administration of grants.

2. The Director may adopt regulations to carry out the provisions of this section.

3. As used in this section, "state grant-making entity" has the meaning ascribed to it in section 7 of this act.

Sec. 11.5. **NRS 223.460 is hereby amended to read as follows:**

223.460 As used in NRS 223.460 to 223.498, inclusive, ***and section 11.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 223.462 to 223.470, inclusive, have the meanings ascribed to them in those sections.

Sec. 11.7. **NRS 223.486 is hereby amended to read as follows:**

223.486 1. The Director shall, in consultation with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, develop and may periodically revise a State Plan for Maximizing Federal Assistance, which must identify:

(a) Methods for expanding opportunities for obtaining federal assistance, including, without limitation, expanding opportunities for obtaining matching funds for federal assistance through the Nevada Grant Matching Program created by NRS 223.490;

(b) Methods for streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that exist at each level of federal, state or local government;

(c) Methods for the effective administration of grants, including, without limitation, ***the administration of advanced payments of grants to private nonprofit corporations and*** best practices relating to indirect cost allocation;

(d) Opportunities for:

(1) Reducing administrative costs associated with obtaining federal assistance; and

(2) Coordination between state agencies, local agencies, tribal governments and nonprofit organizations to avoid duplication and achieve common goals;

(e) Specific tasks which must be performed to improve the administration of grants and maximize the amount of federal assistance received by this State and a schedule for implementing any such tasks;

(f) Performance metrics and targets relating to obtaining and maximizing federal assistance and improving the administration of grants; and

(g) Best practices for considering whether to respond to a grant opportunity, including, without limitation, the monetary and programmatic cost of implementing a grant.

2. The Director shall post the State Plan for Maximizing Federal Assistance on the Internet website maintained by the Office.

Sec. 12. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. The provisions of this act apply only to a grant, as defined in section 3 of this act, which is executed, renewed or extended on or after July 1, 2026.

Sec. 14. This act becomes effective on July 1, 2026.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 460.

Bill read third time.

Roll call on Assembly Bill No. 460:

YEAS—42.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 835.

CONTAINS UNFUNDED MANDATE ~~[§§22,]~~ **(§** 25)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to economic development; authorizing the creation of an industrial park in a contiguous area that meets certain requirements; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an inland port or industrial park; ~~[requiring a school district which offers certain career pathways programs to offer career exploration opportunities at certain middle and junior high schools;]~~ requiring the designation of a ~~[full-time staff member]~~ **teacher or other licensed educational personnel** to coordinate career pathways programs at each high school which offers such programs; creating the Career Pathways Oversight Committee; requiring the appointment of a Career Pathways Oversight Coordinator; ~~[creating the State Seal of Teacher Training;]~~ revising provisions governing the Teacher Academy College Pathway Program; revising provisions governing the program for reimbursement of tuition and fees paid by teachers who completed the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Inland Port Authority Act, which authorizes one or more boards of county commissioners of a county or governing bodies of an incorporated city to apply to the Office of Economic Development to create, operate and maintain an inland port and inland port authority in a contiguous area that includes certain transportation infrastructure and no residential property. (NRS 277B.150) **Sections 8-15, 17 and 18** of this bill revise the Inland Port Authority Act to additionally authorize the creation, operation and maintenance of an industrial park and an industrial park authority and makes the existing provisions of the Act applicable to industrial parks and industrial park authorities. **Section 8** provides that the Act may now be known and cited

as the Inland Port and Industrial Park Authority Act. **Section 2** of this bill defines the term "industrial park." **Section 11** requires any area designated as an "industrial park" to include only property that includes or is adjacent to an inland port.

Section 5 of this bill authorizes a participating entity in an inland port or industrial park to adopt an ordinance creating a tax increment area consisting of all or part of the inland port or industrial park for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain projects within the inland port or industrial park. If a participating entity designates such a tax increment area, **section 5** provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the project. **Section 7** of this bill authorizes the issuance of such bonds or securities by counties or incorporated cities that have created an inland port or industrial park. **Section 4** of this bill sets forth the projects of an inland port or industrial park which may be undertaken using the funding generated by the tax increment area. **Section 3** of this bill defines the term "municipality" for the purposes of the Inland Port and Industrial Park Authority Act. **Section 9** of this bill applies the new definitions created by this bill to the existing provisions of the Inland Port and Industrial Park Authority Act.

Sections 6 and 20 of this bill exempt a tax increment area created pursuant to **section 5** from certain limits on revenue from taxes ad valorem.

Section 12 authorizes the Office to initiate the creation of an inland port or industrial park and authority with the approval of the Board of Economic Development.

Existing law requires an inland port authority to be governed by a board of directors and sets forth the composition of such a board. (NRS 277B.200) **Section 16** of this bill adds an additional director to the board if none of the participating entities in the authority is a city and requires this director to be appointed by the Governor.

Existing law: (1) requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment as professionals in K-12 education; and (2) authorizes a large school district, or a school district which is not a large school district, to offer the Program at other high schools. (NRS 388.223) **Section 25** of this bill excludes specialty schools from the high schools at which a large school district is required to offer the Program. **Section 25** requires a school district to offer dual credit courses at each high school which offers the Program in subjects which align with the requirements to obtain a bachelor's degree in education and in sufficient quantity to allow a pupil to obtain at least 12 units

of college credit. **Section 25** authorizes a school district to apply to the State Board of Education for an exemption from the requirement to offer certain internships and dual credit courses as part of the Program at a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes providing such internships or courses impracticable.

Section 25 authorizes a high school pupil, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees to request a hearing for reconsideration of the decision by the board of trustees.

Existing law requires a school district to ensure that each high school which offers the Program is staffed by a full-time employee who is a licensed teacher or administrator who is responsible for implementing the Program. (NRS 388.223) **Section 25** replaces this requirement with a requirement for a school district to ensure that at least one licensed teacher be assigned full-time to implement and teach the Program at each high school which offers the Program if more than two class periods in the Program will be offered at the high school.

Section 25 requires that for a pupil to complete the Program, the pupil must: (1) complete at least 2 academic years in a program of career and technical education in the area of teaching ~~[,]~~ **or in approved dual credit courses in the area of teaching;** and (2) participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching.

~~[Existing law requires the Superintendent of Public Instruction to establish certain State Seals, including the State Seal of Biliteracy, the State Seal of Civics and the State Seal of STEM, which may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met certain requirements. (NRS 388.591, 388.5933, 388.594) Section 24 of this bill requires the Superintendent of Public Instruction to create a State Seal of Teacher Training and requires each board of trustees of a school district that offers the Program to affix the Seal to the diploma of and note the receipt of the Seal on the transcript of each pupil who completes the Program.]~~

Existing law requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fee paid to an institution within the Nevada System of Higher Education by a person who: (1) completed the Program; and (2) has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years. Under existing law, the State Treasurer is authorized to provide a partial reimbursement to persons who have completed the Program and who have worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years. (NRS 226.420) **Section 19** of this bill **requires the Program to be established in coordination with the Department of Education, and** additionally requires that to be eligible for such a reimbursement or partial reimbursement, a person must have

completed the application for federal student aid and have successfully completed at an institution in the Nevada System of Higher Education a program to become a licensed teacher. **Section 19** also authorizes a person who was not able to complete the Program because of circumstances beyond the control of that person to obtain the reimbursement or partial reimbursement from the State Treasurer, if the person meets the other requirements for such a reimbursement or partial reimbursement. Finally, **section 19** provides that student education loans are not a form of financial aid or financial assistance that may be applied to reduce the reimbursement or partial reimbursement received from the State Treasurer.

Existing law requires the Governor's Office of Workforce ~~[Development]~~ **Innovation** to: (1) establish and administer a Career Pathways Demonstration Program; and (2) establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education. (NRS ~~[232.985)]~~ **232.985, 232.990) Sections 22 and 23** of this bill designate these programs, as well as the Teacher Academy College Pathway Program, as career pathways programs. **Section 22** requires a school district which offers a career pathways program at a high school to ~~[: (1) offer career exploration opportunities in certain priority industries to pupils at each middle school or junior high school which feeds into the high school; and (2)]~~ designate a teacher or other licensed educational personnel, including, without limitation a school counselor, at the high school to coordinate career pathways programs.

Section 23 creates within the Department of Education a Career Pathways Oversight Committee and requires the Committee to: (1) establish metrics to measure the success of the career pathways programs; (2) evaluate the progress and success of the career pathways programs; (3) evaluate programs for dual credit provided by the Nevada System of Higher Education; (4) report certain findings to the State Board and the Joint Interim Standing Committee on Education; and (5) identify state agencies with the jurisdiction and expertise to oversee, implement and regulate the career pathways programs for different industries. **Section 23** requires the Superintendent of Public Instruction to appoint an employee of the Department to act as the Career Pathways Oversight Coordinator to provide certain technical support and assistance in implementing career pathways programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. "Industrial park" means land, including, without limitation, all necessary rights, appurtenances, easements and franchises relating to such land, that is acquired and developed by a participating entity or authority for the establishment and location of a series of sites for plants and other buildings for industrial, distribution and wholesale use.***

2. The term includes, without limitation, the acquisition and provision of water, sewage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad or docking facilities, to the extent such facilities are incidental to the use of the land as an industrial park.

Sec. 3. *"Municipality" means any county or city in this State.*

Sec. 4. *"Undertaking" means any enterprise to acquire, improve or equip, or any combination thereof, in the case of a county or incorporated city with respect to any tax increment area created by an ordinance adopted pursuant to section 5 of this act:*

1. A drainage and flood control project, as defined in NRS 244A.027;

2. An overpass project, as defined in NRS 244A.037;

3. A sewerage project, as defined in NRS 244A.0505;

4. A street project, as defined in NRS 244A.053;

5. An underpass project, as defined in NRS 244A.055;

6. A water project, as defined in NRS 244A.056;

7. A rail project, as defined in NRS 278C.105;

8. An airport project; or

9. A utility project.

Sec. 5. *1. If an inland port or industrial park is created by one participating entity, the participating entity, on behalf of the county or incorporated city in which the inland port or industrial park is located, may adopt an ordinance creating a tax increment area within the inland port or industrial park consisting of all or any portion of the inland port or industrial park for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the costs of an undertaking, as supplemented by the Local Government Securities Law.*

2. If an inland port or industrial park is created by two or more participating entities, the participating entities may enter into an interlocal or cooperative agreement for the ordering of an undertaking whose boundaries encompass all or part of the inland port or industrial park and the creation of a tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this subsection must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this section to the contrary. If the participating entities enter into an interlocal or cooperative agreement pursuant to this subsection, the participating entities may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a participating entity for the creation of a tax increment area pursuant to this section, except that each participating entity must adopt an ordinance in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

3. A participating entity may amend an ordinance creating a tax increment area pursuant to this section by adopting a supplemental ordinance to:

(a) Modify the undertaking by specifying new undertakings or removing or modifying undertakings specified in the original ordinance.

(b) Add areas to or remove areas from a tax increment area.

➥ The amount of taxes to be allocated to a tax increment account pursuant to subsection 5 must be computed separately for the original tax increment area and each addition of land thereto.

4. A participating entity shall not adopt an ordinance creating a tax increment area pursuant to this section unless:

(a) The board has determined that the undertaking described in the ordinance is necessary or desirable to further the purposes of the inland port or industrial park.

(b) The participating entity makes a finding at a public hearing that the undertaking will benefit the inland port or industrial park.

5. After the effective date of the ordinance adopted pursuant to subsection 1, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be allocated to, and when collected must be paid into, the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the tax increment area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

6. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 5 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of the taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the State Education Fund.

7. The provisions of paragraph (a) of subsection 6 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

8. A tax increment area must expire not more than 30 years after the date on which the ordinance which creates the area becomes effective.

9. As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

Sec. 6. *The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to a tax increment area created pursuant to this chapter.*

Sec. 7. *1. To defray in whole or in part the cost of any undertaking, a participating entity may issue the following securities:*

(a) Notes;

(b) Warrants;

(c) Interim debentures;

(d) Bonds; and

(e) Temporary bonds.

2. Any net revenues derived from the operation of an undertaking supported by the issuance of securities pursuant to this section must be pledged for the payment of the securities. The securities must be made payable from any such net pledged revenues as the bond requirements become due from time to time by the bond ordinance, trust indenture or other

proceedings that authorize the issuance of the securities or otherwise pertain to their issuance.

3. Securities issued pursuant to this section:

(a) Must be made payable from tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act; and

(b) May, at the option of the participating entity and if otherwise so authorized by law, be made payable from the taxes levied by the participating entity against all taxable property within the boundaries of the participating entity.

➥ A participating entity may also issue general obligation securities other than the ones authorized by this chapter that are made payable from taxes without also making the securities payable from any net pledged revenues or tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act.

4. Any securities payable only in the manner provided in either paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are special obligations of the participating entity and are not in their issuance subject to any debt limitation imposed by law;

(b) While they are outstanding, do not exhaust the debt incurring power of the participating entity; and

(c) May be issued under the provisions of the Local Government Securities Law without any compliance with the provisions of NRS 350.020 to 350.070, inclusive, except as otherwise provided in the Local Government Securities Law, only after the issuance of municipal bonds is approved under the provisions of NRS 350.011 to 350.0165, inclusive.

5. Any securities payable from taxes in the manner provided in paragraph (b) of subsection 3, regardless of whether they are also payable in the manner provided in paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are general obligations of the participating entity and are in their issuance subject to such debt limitation;

(b) While they are outstanding, do exhaust the power of the participating entity to incur debt; and

(c) May be issued under the provisions of the Local Government Securities Law only after the issuance of municipal bonds is approved under the provisions of:

(1) NRS 350.011 to 350.0165, inclusive; or

(2) NRS 350.020 to 350.070, inclusive,

➥ except for the issuance of notes or warrants under the Local Government Securities Law that are payable out of the revenues for the current year and are not to be funded with the proceeds of interim debentures or bonds in the absence of such bond approval under the two acts designated in subparagraphs (1) and (2).

Sec. 8. NRS 277B.010 is hereby amended to read as follows:

277B.010 This chapter may be known and cited as the Inland Port ***and Industrial Park*** Authority Act.

Sec. 9. NRS 277B.020 is hereby amended to read as follows:

277B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277B.030 to 277B.070, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 277B.030 is hereby amended to read as follows:

277B.030 "Authority" means an inland port authority ***or industrial park authority*** created pursuant to this chapter.

Sec. 11. NRS 277B.150 is hereby amended to read as follows:

277B.150 1. Subject to the requirements set forth in NRS 277B.150 to 277B.180, inclusive, an inland port ***or industrial park*** may be created only in a contiguous area that:

(a) Includes at least two of the following:

(1) A municipally owned airport with a runway of at least ~~[4,500]~~ ***5,001*** feet.

(2) A portion of a highway that is part of the National Highway System.

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

(c) In the case of an industrial park, may include property adjacent to the industrial park but may only include property that includes or is adjacent to an inland port.

2. All areas within the boundaries of an inland port ***or industrial park*** must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Office pursuant to NRS 277B.160 for the creation of the inland port ~~[.]~~ ***or industrial park.***

3. If the boundaries of an inland port ***or industrial park*** will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1:

(a) The municipality that owns and operates the airport must be a participating entity; or

(b) If the municipality that owns and operates the airport is not a participating entity, the municipality, by ordinance, must approve of the inclusion of the airport within the boundaries of the inland port ~~[.]~~ ***or industrial park.***

Sec. 12. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port ***or industrial park*** and authority. ***In a county whose population is 700,000 or more, only the board of county commissioners of the county may apply to the Office to create, operate and maintain an inland port or industrial park and authority within the***

boundaries of the county, including the boundaries of any incorporated city within the county.

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port ~~[.]~~ ***or industrial park.***

3. The Office may ~~[approve]~~ ***:***

(a) Approve the creation of an inland port ***or industrial park*** and authority if the Office determines that the proposed inland port ***or industrial park*** and authority will serve the economic interests of this State.

(b) With the approval of the Board of Economic Development created by NRS 231.033, initiate the creation of an inland port or industrial park, as applicable, and authority.

Sec. 13. NRS 277B.170 is hereby amended to read as follows:

277B.170 1. If the Office approves the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, each participating entity shall hold at least two public hearings to discuss the creation of the inland port ***or industrial park*** and authority.

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port ~~[.]~~ ***or industrial park,*** including, without limitation, a map of the proposed inland port ~~[.]~~ ***or industrial park;*** and

(c) The powers of the proposed authority.

Sec. 14. NRS 277B.180 is hereby amended to read as follows:

277B.180 If a participating entity obtains approval of the Office for the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, the participating entity shall create the inland port ***or industrial park*** and authority by ordinance. The ordinance must include, without limitation:

1. A description of the boundaries of the inland port ~~[.]~~ ***or industrial park;***

2. The location of the principal office of the authority;

3. The name of the inland port ***or industrial park*** and authority; and

4. The number of directors who will compose the board of the authority pursuant to NRS 277B.200.

Sec. 15. NRS 277B.190 is hereby amended to read as follows:

277B.190 1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port ***or industrial park*** must be adjusted by the other participating entity or entities to comply with the provisions of NRS 277B.150; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) Each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 16. NRS 277B.200 is hereby amended to read as follows:

277B.200 1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any;

(c) ***One director appointed by the Governor, if none of the participating entities is an incorporated city;***

(d) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 277B.150, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

~~[(d)]~~ ***(e)*** Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to NRS 277B.180.

2. A director must reside within the boundaries of the participating entity that appoints him or her.

3. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

4. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

5. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 17. NRS 277B.320 is hereby amended to read as follows:

277B.320 1. ***The governing body of an authority shall adopt bylaws for the governance of the authority, and shall not impose any fees unless at least two-thirds of the members of the governing body approve the imposition of the fee.***

2. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.

~~[2.]~~ ***3.*** Except as otherwise provided in subsections ~~[3,]~~ 4 ***, 5*** and ~~[5,]~~ ***6,*** with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port ~~[.]~~ ***or industrial park, as applicable.***

~~[3.]~~ ***4.*** An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

~~[4.]~~ ***5.*** If an inland port ***or industrial park*** includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

~~[5.]~~ ***6.*** Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 18. NRS 277B.340 is hereby amended to read as follows:

277B.340 An authority may market, advertise and promote the use of the inland port ***or industrial park*** that the authority constructs, owns, operates, regulates or maintains.

Sec. 19. NRS 226.420 is hereby amended to read as follows:

226.420 1. The State Treasurer ***, in coordination with the Department of Education,*** shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) ~~[Completed a]~~ ***Except as otherwise provided in subsection 4, has completed a*** Teacher Academy College Pathway Program offered pursuant to NRS 388.223; ~~[and]~~

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years ***;***

(c) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; and

(d) Has successfully completed a program at an institution within the Nevada System of Higher Education for the preparation of a person to become a licensed teacher.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance. ***For the purposes of this subsection, a student education loan, as defined in NRS 226.510, must not be considered financial aid or financial assistance.***

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who ~~[completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223]~~ ***satisfies the criteria set forth in paragraphs (a), (c) and (d) of subsection 1*** and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other

mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

4. If a person has not completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223 because of circumstances beyond the control of that person, including, without limitation, because the person attended a high school that did not offer a Program, but the person satisfies the criteria set forth in paragraph (c) and (d) of subsection 1, the State Treasurer may, upon the submission of an application by that person, provide:

(a) Reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by the person if the person has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive years.

(b) Partial reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education, in the amount described in subsection 3, if the person has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years.

Sec. 20. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, ***and section 6 of this act,*** for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease

attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 21. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 22, 23 and 24 of this act.

Sec. 22. ***1. ~~[A school district which offers a career pathways program at any high school in the school district shall offer career exploration opportunities, which must consist of the provision of teaching and training in the priority industries identified by the Governor's Office of Workforce Innovation pursuant to NRS 232.985 to pupils at each middle school or junior high school which feeds into such a high school. Such teaching and training must be designed to prepare pupils to engage in a career pathways program.~~***

~~2.]~~ A school district shall designate a teacher or other licensed educational personnel, including, without limitation, a school counselor, employed at each high school which offers a career pathways program to coordinate the career pathways programs at the high school.

~~[3. For the purposes of this section, a middle school or junior high school feeds into a high school if any part of the zone of attendance for the middle school or junior high school overlaps with the zone of attendance for the high school.~~

~~4.]~~ 2. As used in this section ~~[:~~

~~(a) "Career]~~ , "career pathways program" means:

~~[(1)]~~ (a) A Teacher Academy College Pathway Program offered pursuant to NRS 388.223;

~~[(2)]~~ (b) A career pathway offered as part of the Career Pathways Demonstration Program pursuant to NRS 232.985; or

~~[(3)]~~ (c) A program for work-based learning opportunities provided pursuant to NRS 232.990.

~~[(b) "Zone of attendance" has the meaning ascribed to it in NRS 385B.045.]~~

Sec. 23. ***1. There is hereby created within the Department the Career Pathways Oversight Committee consisting of the following members:***

(a) The Executive Director of the Governor's Office of Workforce Innovation, or his or her designee;

(b) The Superintendent of Public Instruction, or his or her designee;

(c) The superintendent of schools of each school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, or his or her designee; and

(d) The following three members appointed by the Governor:

(1) One member who is a teacher at a public school who is assigned ~~[full-time]~~ to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the employee organization representing the plurality of teachers employed by a large school district;

(2) One member who is a teacher at a public school who is assigned ~~[full-time]~~ to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the employee organization representing the plurality of teachers employed by school districts in this State that are required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, other than a large school district;

(3) One member who is an administrator of a public school in a school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, nominated by the Nevada Association of School Superintendents; and

(4) One member who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada.

2. The Committee shall:

(a) Establish metrics to measure the short- and long-term success of the career pathways programs.

(b) Evaluate the progress and success of the career pathways programs.

(c) Evaluate programs for dual credit provided by institutions within the Nevada System of Higher Education.

(d) Report the results of the evaluations conducted pursuant to paragraphs (b) and (c) to the State Board and the Joint Interim Standing Committee on Education on or before June 1 of each year.

(e) Identify the agency of this State with jurisdiction and expertise necessary to assist in the oversight and implementation of a career pathways program. An agency of this State identified pursuant to this paragraph shall oversee, implement and regulate the career pathways program.

3. The Superintendent of Public Instruction shall appoint an employee of the Department to act as the Career Pathways Oversight Coordinator, who shall:

(a) Provide technical support to assist in the implementation of career pathways programs.

(b) Assist in coordinating the efforts of entities involved in the implementation of career pathways programs, including, without limitation, the Department, school districts, the Nevada System of Higher Education, institutions within the System and the Governor's Office of Workforce Innovation.

4. As used in this section, "career pathways program" has the meaning ascribed to it in section 22 of this act.

Sec. 24. ~~***[1. The Superintendent of Public Instruction shall:***~~

~~***(a) Create a State Seal of Teacher Training that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223; and***~~

~~***(b) Deliver the State Seal of Teacher Training to each school district that offers the Program.***~~

~~***2. Each board of trustees of a school district that offers the Program shall:***~~

~~***(a) Identify the pupils who have completed the Program; and***~~

~~***(b) Affix the State Seal of Teacher Training to the diploma and note the receipt of the State Seal of Teacher Training on the transcript of each pupil who completes the Program.***~~

~~***3. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section.***~~

~~***4. As used in this section, "Program" has the meaning ascribed to it in NRS 388.223.]***~~ **(Deleted by amendment.)**

Sec. 25. NRS 388.223 is hereby amended to read as follows:

388.223 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. ***A large school district is not required to offer a Program at a specialty school.***

3. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure ***that at least one licensed teacher is assigned full-time to implement and teach the Program at*** each high school in the school district which offers such a Program ~~[is staffed by a full-time employee who is:~~

~~(1) A licensed teacher or administrator; and~~

~~(2) Responsible for implementing the Program at the school.]~~ ***and at which more than two class periods of the Program are offered, except that such a teacher may also serve as the person designated pursuant to section 22 of this act to coordinate the career pathways programs at the high school.***

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and

completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program ***and, to the extent that money is available, the provision of such courses and internships*** at no cost ***or reduced cost*** to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) ***Offer dual credit courses at each high school in the school district which offers the Program:***

(1) In ~~[the subject of teacher education]~~ subjects which align with the requirements for obtaining a bachelor's degree in education; and

(2) In sufficient quantity that a pupil may obtain at least 12 units of college credit through the Program.

(i) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

~~[3.]~~ ***4. A school district may apply to the State Board for an exemption from the provisions of paragraph (d) or (h) of subsection 3 with respect to a***

high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes compliance with those provisions impracticable.

5. A large school district, and a school district that is not a large school district which elects to offer the Program, may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

~~[4.]~~ ***6. To complete the Program a pupil must:***

(a) Successfully complete at least 2 academic years in a program of career and technical education established pursuant to NRS 388.380 in the area of teaching ~~***[.]***~~ ***or in approved dual credit courses in the area of teaching; and***

(b) Participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching and may include, without limitation, an internship offered pursuant to paragraph (d) of subsection 3 or a work-based learning opportunity provided pursuant to NRS 232.990.

7. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

~~[5.]~~ ***8. A pupil who is enrolled in a high school within a school district, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees may, within 30 days after the decision is rendered, make a written request to the board of trustees for a hearing for reconsideration of the decision. The board shall schedule the hearing within 30 days after receiving the request. The decision of the board of trustees after its reconsideration hearing is a final decision subject to judicial review as provided by law.***

9. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

(c) "Specialty school" means a public school that operates as a magnet school or program, a school or program for career and technical education,

a school or program for special education or an alternative program of education.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 29. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 30. This act becomes effective on July 1, 2025.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 472.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 863.

AN ACT relating to education; prohibiting a school district from contracting or partnering with persons or entities who charge more than a certain amount of fees and costs related to the employment of certain visa holders; ~~[requiring the Department of Education to establish a grant program whereby the board of trustees of a school district is authorized to apply for a grant of money to defray the costs of sponsoring certain applicants for an H-1B visa or permanent resident card;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to employ a teacher or instructor authorized to teach in the United States under the teacher exchange programs authorized by laws of the Congress of the United States. (NRS 391.070) A J-1 visa is a nonimmigrant visa available to a foreign national who is a student, scholar, trainee, teacher, professor, research assistant, specialist or leader in a field of specialized knowledge or skill and who is coming temporarily to the United States for certain purposes, including, without limitation, teaching. (8 U.S.C. § 1101(a)(15)(J)) An H-1B visa is a nonimmigrant visa available to a foreign national who is coming to the United States for the purpose of practicing a specialty occupation. (8 U.S.C. § 1101(a)(15)(H), § 1184(i)(1)) **Section 2** of this bill prohibits a school district that employs, or intends to employ, a J-1 visa holder through a teacher exchange program from entering into a contract or partnering with a person or entity that is a sponsor of such a program or that recruits candidates for such a program if the total amount of the fees and costs charged per person who participates in, or applies to be a candidate for, the program exceeds $10,000. **Section 4** of this bill provides that this prohibition does not apply to a contract or partnership existing on July 1, 2025, but does

apply to any renewal or extension of such a contract or partnership after that date.

~~[Section 3 of this bill requires the Department of Education to establish a grant program whereby the board of trustees of a school district may apply for a grant of money to defray the costs of sponsoring an applicant for an H-1B visa or a permanent resident card. Section 3 additionally authorizes the board of trustees of a school district to apply for such a grant of money if: (1) the applicant seeking sponsorship is currently a J-1 visa holder and employed by the school district; and (2) the J-1 visa held by the employee will expire not more than 1 year after the date on which the application to receive a grant pursuant to section 3 is submitted.~~

~~Finally, section 3 requires the Department to adopt certain regulations concerning the grant program.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A school district in this State that employs, or intends to employ, a J-1 visa holder pursuant to a teacher exchange program shall not enter into a contract or partner with any person or entity that is a sponsor of such a program or that recruits candidates for such a program if the total amount of fees and costs charged per person who participates in, or applies to be a candidate for, the program exceeds $10,000.***

2. As used in this section, "J-1 visa holder" means a person who holds a visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J).

Sec. 3. ~~***[1. The Department shall establish a grant program through which the board of trustees of a school district may apply for a grant to defray the costs of sponsoring an applicant for an H-1B visa or a permanent resident card.***~~

~~***2. The board of trustees of a school district may apply for a grant from the program established by the Department pursuant to this section if:***~~

~~***(a) The grant of money obtained by the school district will be used to defray the costs of sponsoring an applicant for an H-1B visa or a permanent resident card who is currently a J-1 visa holder and employed by the school district; and***~~

~~***(b) The J-1 visa held by the employee of the school district will expire not more than 1 year after the date on which the board of trustees of a school district applies for a grant of money pursuant to this section.***~~

~~***3. The Department shall adopt regulations to:***~~

~~***(a) Set forth the process by which the board of trustees of a school district may apply for a grant of money pursuant to this section; and***~~

~~***(b) Administer the grant program established pursuant to this section.***~~

~~***4. As used in this section:***~~

~~*(a) "H-1B visa" means a visa issued pursuant to 8 U.S.C. § 1101(a)(15)(H).*~~

~~*(b) "J-1 visa holder" means a person who holds a visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J).*~~

~~*(c) "Permanent resident card" means a Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.]*~~ **(Deleted by amendment.)**

Sec. 4. The provisions of section ~~[3]~~ **2** of this act do not apply to a contract or partnership existing on July 1, 2025, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 504.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 880.

SUMMARY—Establishes certain deceptive trade practices relating to the sale of or an offer to sell certain hemp products. (BDR ~~[52-867)]~~ **56-867)**

AN ACT relating to deceptive trade practices; requiring a person who does not hold a cannabis establishment license and who sells or offers to sell certain hemp products to display signs containing certain information; prohibiting such a person from making certain false, misleading or deceptive statements in advertising; making it a deceptive trade practice to violate those requirements or prohibitions; **authorizing the Cannabis Compliance Board to investigate and refer violations of those requirements or prohibitions to the Attorney General;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) ~~[This]~~ **Section 1 of this** bill requires a person who does not hold a cannabis establishment license and who sells or offers to sell a hemp product which is intended for human consumption to display at all times at the location at which the sale or offer is made certain signs notifying customers that the location is not licensed to sell cannabis and that all hemp products contain less than the legal limit of THC. ~~[This bill]~~ **Section 1** additionally prohibits such a person from advertising or

permitting to be advertised in any manner any false, misleading or deceptive statement or representation with regard to: (1) whether the person holds a cannabis establishment license or the location at which the sale or offer is made is the premises of a cannabis establishment; or (2) the nature of any hemp product which is intended for human consumption that is sold or offered for sale by the person. Under ~~[this bill,]~~ **section 1,** any violation of the requirements or prohibitions set forth in this bill constitutes a deceptive trade practice.

Section 2 of this bill grants the Cannabis Compliance Board the power to investigate and refer violations of section 1 to the Attorney General for the imposition of any applicable civil and criminal penalties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[598]~~ **678A** of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who does not hold a ~~[cannabis establishment]~~ license and who sells or offers to sell a hemp product which is intended for human consumption:

(a) Shall prominently display at all times in a conspicuous place at the location at which the sale or offer is made, a sign at each:

(1) Entrance used by a customer which states "THIS LOCATION IS NOT LICENSED TO SELL CANNABIS." Each sign displayed pursuant to this subparagraph must use letters not less than 1 inch high and must be adequately illuminated to be visible from a distance of 30 feet from the sign by a person whose visual acuity is 20/20.

(2) Station where sales are made which states "ALL HEMP PRODUCTS CONTAIN LESS THAN THE LEGAL LIMIT OF THC." Each sign displayed pursuant to this subparagraph must use letters not less than three-eighths of an inch high, in non-italicized type, and be displayed at a height of not less than 3 feet and not more than 7 feet.

(b) Shall not advertise or permit to be advertised in any manner any false, misleading or deceptive statement or representation with regard to:

(1) Whether the person holds a ~~[cannabis establishment]~~ license or the location at which the sale or offer is made is the premises of a cannabis establishment; or

(2) The nature of any hemp product which is intended for human consumption that is sold or offered for sale by the person, including, without limitation, any claim that the hemp product is cannabis or that the hemp product produces an intoxicating effect.

2. The remedies, penalties, duties and prohibitions set forth in this section are not exclusive and are in addition to any other remedies, penalties, duties and prohibitions provided by law.

3. Any violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

4. As used in this section:

(a) "Approved hemp component" has the meaning ascribed to it in NRS 446.844.

(b) ~~["Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.~~

~~(c) "Cannabis establishment license" has the meaning ascribed to "license" in NRS 678A.160.~~

~~(d)~~ "Hemp" has the meaning ascribed to it in NRS 557.160.

~~[(c)]~~ (c) "Hemp product" means a commodity or product containing hemp or any other commodity or product that purports to contain cannabidiol. The term does not include a commodity or product that contains only an approved hemp component and no other hemp.

~~[(d)]~~ (d) "Intended for human consumption" has the meaning ascribed to it in NRS 439.532.

Sec. 2. **NRS 678A.440 is hereby amended to read as follows:**

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.
2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.
3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.
4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.
5. Execute all instruments necessary or convenient for carrying out the provisions of this title.
6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.
7. Refer cases to the Attorney General for criminal prosecution.
8. Maintain an official Internet website for the Board.
9. Monitor federal activity regarding cannabis and report its findings to the Legislature.
10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.
11. In accordance with NRS 179.1156 to 179.121, inclusive, seize and destroy cannabis and cannabis products involved in unlicensed cannabis activities.
12. ***Investigate and refer violations of section 1 of this act to the Attorney General for the imposition of any penalties set forth in NRS 598.0903 to 598.0999, inclusive.***

13. Commit resources and take action to address unlicensed cannabis activities, including, without limitation:

(a) Investigating and referring matters involving unlicensed cannabis activities to the appropriate state or local law enforcement agency, including, without limitation, the Investigation Division of the Department of Public Safety and the Attorney General, for further investigation and possible criminal prosecution;

(b) Educating the public through various types of media and communication and other forms of public outreach on the dangers and illegality of unlicensed cannabis activities and the importance of having cannabis establishments which are licensed and regulated;

(c) Creating a system through which the public, licensees and registrants may file confidential reports of unlicensed cannabis activities; and

(d) Imposing penalties against persons who engage in unlicensed cannabis activities in accordance with the regulations adopted by the Board pursuant to NRS 678A.450.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly in recess at 7:19 p.m.

ASSEMBLY IN SESSION

At 7:23 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 409 be withdrawn from the Committee on Ways and Means and be placed on the Chief Clerk's Desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 19, 29, 40, 43, 44, 59, 73, 82, 83, 96, 104, 128, 137, 176, 198, 209, 211, 215, 241, 250, 262, 350, 351, 368, 387, 394, 411, 420, 450, 454, 486, 559, 561, 586; Senate Bills Nos. 114, 168, 235, 295.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember González, the privilege of the floor of the Assembly Chamber for this day was extended to Alexia Kao and Andrew Kao.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Father Tomy Joseph, Gayle Block, and Judi Bishop.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Lila Devi Sharma.

On request of Assemblymember Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Ethan Clift and Laura FitzSimmons.

On request of Assemblymember Nadeem, the privilege of the floor of the Assembly Chamber for this day was extended to Noor Nadeem.

On request of Assemblymember Roth, the privilege of the floor of the Assembly Chamber for this day was extended to Claire Hall, Holly Welborn, and Lindsey Harmon.

Assemblymember Jauregui moved that the Assembly adjourn until Thursday, May 29, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 7:28 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 5

THE ONE HUNDRED SIXTEENTH DAY—THE ONE HUNDRED NINETEENTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 5

Page

ASSEMBLY PROCEEDINGS 5856

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 29, 2025

Assembly called to order at 12:23 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by Mr. Rajan Zed.

Om,
bhur bhuvah svah, tat savitur varenyam
bhargo devasya dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

vardhatam nah saca sa vam su-matih bhutu asme
avistam dhiyah jigrtam puram-dhih jajadstam aryah vanusam aratih.

May that good intention inside us grow and become a means of restraining the low thoughts. May these well-reflected and comprehended thoughts move and spread out to rescue those awaiting to be released from the malignant ones.

anapeksah sucirdaksa udasino gatavyathah
sarvarambhaparityagi yo madbhaktah sa me priyah.

The devotee, who is detached, pure, efficient, impartial, never anxious, selfless in all undertakings; is very dear to God.

bhadram karnebhih srunuyama devah, bhadram pasyemak-sabhir yajatrah;
sthirair angais tustuvamsas tanubhih, vyasema deva-hitam yad ayuh.

May we, O God, hear what is good for all. May we see only what is good for all. May we serve You all our lives. May we be used to spread Your peace on earth.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 49, 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 296, 328, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 467, 515, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 92, 415, 588.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 551, Amendment No. 888, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 85, 119, 156, 193.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 612 to Senate Bill No. 115; Assembly Amendment No. 660 to Senate Bill No. 140; Assembly Amendment No. 579 to Senate Bill No. 347; Assembly Amendment No. 653 to Senate Bill No. 350.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 85.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 119.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 156.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 193.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 900.

AN ACT relating to state financial administration; revising provisions relating to the lease of residential property owned by this State to state officers and employees; authorizing a temporary advance from the State General Fund for expenses relating to fire suppression and emergency response in certain circumstances; creating the Out-of-State Fire Suppression Account; revising provisions relating to the Division of Forestry Account; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, to lease residential property owned by this State for less than the fair market value of the property to a state officer or employee who is required as a condition of his or her employment to reside in state-owned residential property. (NRS 322.063) **Section 1** of this bill expands this authority to allow the lease of state-owned residential property at less than fair market value to a state officer or employee if a state agency that manages state-owned residential property determines that it is beneficial to the State of Nevada for the state officer or employee to reside in the property. **Section 1** also requires a state agency that manages state-owned residential property to account separately for the rent collected from such leases and use the money only for the operation and maintenance of state-owned residential property that is managed by the state agency. **Section 1** provides that the remaining balance of money collected from such rent does not revert to the State General Fund at the end of a fiscal year and is required to be carried forward to the next fiscal year.

Existing law authorizes temporary advances from the State General Fund to specified state agencies for certain delays in the receipt of revenue or for certain emergencies. (NRS 353.3463-353.361) During the 2023-2025 biennium, the Director of the State Department of Conservation and Natural Resources was authorized to request a temporary advance from the State General Fund to pay authorized expenses incurred by the Department in the suppression of fires or in response to emergencies for which there was a delay in the receipt of revenue for services billed to the Federal Government, local governments and other state governments. (Section 71 of chapter 209, Statutes

of Nevada 2023, at page 1253) **Section 2** of this bill codifies in the Nevada Revised Statutes the authority for the Department to request such a temporary advance.

Under existing law, the executive head of the Division of Forestry of the State Department of Conservation and Natural Resources is the State Forester Firewarden. (NRS 232.120) Existing law charges the State Forester Firewarden with overseeing various fire protection activities for the State. (Chapter 472 of NRS) **Section 3** of this bill creates the Out-of-State Fire Suppression Account in the State General Fund for the payment of the costs incurred by the State of Nevada for response to out-of-state fires and emergencies and for the receipt of reimbursement for those costs. **Section 3**: (1) requires that the State Forester Firewarden administer the Out-of-State Fire Suppression Account; and (2) provides that money remaining in that Account at the end of a fiscal year does not revert to the State General Fund and is carried forward to the next fiscal year. **Section 5** of this bill appropriates ~~[$10,000,000]~~ **$27,359,038** from the State General Fund to the Out-of-State Fire Suppression Account created by **section 3**.

Existing law creates the Division of Forestry Account in the State General Fund for the receipt of: (1) certain money received from the operation of a conservation camp or from the assignment of any crew of a conservation camp; (2) any federal money allotted to the State of Nevada under the terms of certain federal agreements and such other money as may be received by the State for the management and protection of forests, rangelands and watershed areas; and (3) money received by the Division related to the provisions governing the control of forest insects and diseases. (NRS 209.231, 472.050, 527.230) Existing law also: (1) requires the placement on a list of fully protected species any species or subspecies of native flora that is declared to be threatened by extinction; and (2) prohibits the removal or destruction of any such species or subspecies except under a special permit issued by the State Forester Firewarden. (NRS 527.270) **Section 4** of this bill requires the deposit and separate accounting of money received from the issuance of such special permits in the Division of Forestry Account. **Section 4** also provides that any money which is received by the Division from the issuance of such special permits or related to the provisions governing the control of forest insects and diseases and is remaining in the Division of Forestry Account at the end of a fiscal year does not revert to the State General Fund and requires that the remaining balance of such money in the Account be carried forward to the next fiscal year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 322.063 is hereby amended to read as follows:

322.063 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may, pursuant to NRS 322.060, lease residential property owned by

the State of Nevada for less than the fair market value of the property to an officer or employee of this State ~~[who]~~ ***if:***

(a) The officer or employee is required as a condition of his or her employment to reside in residential property owned by this State.

(b) A state agency that manages residential property owned by this State determines that it is beneficial to the State of Nevada for the officer or employee to reside in the residential property.

2. Before residential property may be leased pursuant to this section, the State Land Registrar, in cooperation with the head of the state agency that manages the property, must approve the lease and determine the amount of rent for the lease of the property.

3. The State Land Registrar may waive any fee for the consideration of an application to lease property pursuant to this section.

4. Any money collected by a state agency as rent for the lease of residential property pursuant to this section must be accounted for separately by the state agency and used for the operation and maintenance of residential property owned by this State that is managed by the state agency.

5. Any money collected by a state agency as rent for the lease of residential property pursuant to this section that is remaining at the end of a fiscal year does not revert to the State General Fund and the balance of that money must be carried forward to the next fiscal year.

Sec. 2. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Director of the State Department of Conservation and Natural Resources determines that, because of delays in the receipt of revenue for services billed to the Federal Government, local governments and other state governments, the amount of current claims for expenses incurred in the suppression of fires or response to emergencies exceeds the amount of money available to pay such claims within 30 days, the Director may request from the Director of the Office of Finance a temporary advance from the State General Fund.

2. The Director of the Office of Finance shall provide written notification to the State Controller and to the Senate and Assembly Fiscal Analysts of the Fiscal Analysis Division of the Legislative Counsel Bureau if the Director approves a request made pursuant to subsection 1. The State Controller shall draw his or her warrant upon receipt of such a notification.

3. Such an advance from the State General Fund:

(a) May be approved by the Director of the Office of Finance only for expenses incurred in the suppression of fires or response to emergencies. Before approving the advance, the Director of the Office of Finance shall verify that billings for reimbursement have been sent to the Federal Government, local governments or other state governments responsible for reimbursing the Division of Forestry for costs incurred in activities relating to the suppression of fires or response to emergencies.

(b) Is limited to the total amount due from outstanding billings for reimbursable expenses incurred in the suppression of fires or response to emergencies as approved for payment to the State by agencies of the Federal Government, local governments and other state governments.

4. Any money which is temporarily advanced from the State General Fund to the Department pursuant to this section must be repaid on or before the last business day in August immediately following the end of the fiscal year in which the temporary advance was approved.

Sec. 3. Chapter 472 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Out-of-State Fire Suppression Account is hereby created in the State General Fund.

2. The Account must be administered by the State Forester Firewarden.

3. All money received by the Division of Forestry of the State Department of Conservation and Natural Resources as reimbursement to the State of Nevada for response to a fire that does not start on or spread to land in this State or for response to an emergency that occurs outside this State must be deposited in the Account.

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Money in the Account may be used only for the costs incurred by the State of Nevada for response to a fire that does not start on or spread to land in this State or for response to an emergency that occurs outside this State.

6. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 4. NRS 527.230 is hereby amended to read as follows:

527.230 1. ~~[All]~~ ***The Division of Forestry Account is hereby created in the State General Fund.***

2. In addition to the money deposited pursuant to NRS 209.231 and 472.050, all moneys received by the State Forester for the purposes of ***:***

(a) NRS 527.130 to 527.230, inclusive, including ***, without limitation,*** all moneys collected pursuant to NRS 527.200 ~~[, shall]~~ ***; and***

(b) NRS 527.260 to 527.300, inclusive, including, without limitation, all moneys collected from the issuance of special permits pursuant to NRS 527.270,

➥ ***must*** be deposited in the Division of Forestry Account ~~[.~~

~~2.]~~ ***and accounted for separately.***

3. Costs of administration of NRS 527.130 to 527.230, inclusive, ~~[shall]~~ ***and 527.260 to 527.300, inclusive, must*** be paid from the Division of Forestry Account on claims presented by the State Forester in the manner other claims against the State are paid.

~~[3.]~~ ***4.*** No moneys received ~~[pursuant to subsection 1 shall]~~ ***for the purposes of NRS 527.130 to 527.230, inclusive, or 527.260 to 527.300, inclusive, may*** be used for any purpose except to carry out the provisions of

NRS 527.130 to 527.230, inclusive ~~]~~ ***, or 527.260 to 527.300, inclusive, as applicable.***

5. Any money received for the purposes of NRS 527.130 to 527.230, inclusive, or 527.260 to 527.300, inclusive, that is remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance of that money must be carried forward to the next fiscal year.

Sec. 5. There is hereby appropriated from the State General Fund to the Out-of-State Fire Suppression Account created by section 3 of this act the sum of ~~[$10,000,000.]~~ **$27,359,038.**

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment not adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 596 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 409 be taken from the Chief Clerk's Desk and be placed at the top the of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 49, 234, 296, 326, 328, 402, 428, 467, 515, and 533 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 49.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 885.

AN ACT relating to educational personnel; authorizing a person who holds a license to teach in another state to be hired as a teacher in this State on a certain provisional basis if he or she satisfies certain requirements; requiring the Commission on Professional Standards in Education to prescribe certain regulations concerning the licensure of teachers, school counselors, school nurses and school social workers; ~~[requiring the Department of Education to waive certain fees for licensure for certain substitute teachers;]~~ eliminating the authority of the State Board of Education to disapprove of regulations adopted by the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and requires the Commission to prescribe regulations for licensing teachers and other educational personnel. (NRS 391.011, 391.019) Under existing law, such regulations are required to provide for the reciprocal licensure of educational personnel from other states. (NRS 391.032) **Section 1** of this bill authorizes the board of trustees of a school district or the governing body of a charter school to employ as a teacher, on a provisional basis not to exceed 1 year, a person not licensed as a teacher in this State if the person: (1) holds a license in good standing from another state; (2) has submitted an application to receive a license to teach in this State; and (3) has completed the background investigation the employing school district is required to conduct. **Section 1 additionally requires a school district or charter school to, at the time such a person is hired, report the hiring to the Department of Education.**

Section 2 of this bill requires that the regulations adopted by the Commission also prescribe qualifications for a person to use work experience or a license in an area of career and technical education to receive an endorsement in career and technical education without repeating certain requirements. Additionally, **section 2** requires such regulations to authorize a person who is employed by a public school to provide support and other services relating to school counseling and is enrolled in a program that would allow the person to obtain a license or endorsement as a school counselor to simultaneously complete any required internship or practicum hours for the purpose of obtaining such a license or endorsement. **Section 2** also requires such regulations to authorize a person to serve as a school nurse or school social worker without the applicable endorsement if the person: (1) has applied for such an endorsement and is awaiting the issuance or denial of the endorsement; and (2) holds certain valid licenses issued by the State Board of Nursing or the Board of Examiners for Social Workers, as applicable. **Furthermore, section 2 provides that such regulations adopted by the Commission must require a school district who employs such a person to, at the time the person is hired, report the hiring to the Department.** **Section 4** of this bill makes a conforming change to authorize such a registered nurse to be employed as a school nurse without an endorsement as a school nurse.

~~**[Section 3 of this bill requires a reduction in the fee for a license to teach for certain applicants who are substitute teachers.]**~~

Existing law authorizes the State Board of Education to disapprove of any regulation that is adopted by the Commission on Professional Standards in Education. (NRS 391.027) **Section 4.5** of this bill eliminates the authority of the State Board to take such an action. **Sections 2, 2.3 and 2.7** of this bill make conforming changes to remove references to this authority in other provisions of law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, the board of trustees of a school district or the governing body of a charter school may, on a provisional basis not to exceed 1 year, employ as a teacher a person who is not licensed to teach pursuant to this chapter if the person:

~~[1.]~~ (a) Is licensed in good standing as a teacher in another state;

~~[2.]~~ (b) Has submitted an application for the issuance of a license to teach pursuant to this chapter;

~~[3.]~~ (c) Is employed to teach in a position that corresponds to the license of the teacher in the other state;

~~[4.]~~ (d) Complies with the requirements of NRS 391.104; and

~~[5.]~~ (e) Is not otherwise prohibited from being employed as a teacher in this State.

2. A school district or charter school which employs a teacher pursuant to subsection 1 shall, at the time such a teacher is hired, report the hiring of the teacher to the Department.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(4) Must prescribe qualifications for the receipt of a secondary license with an endorsement in career and technical education that authorize an applicant to use work experience or a license in an area of career and technical education to satisfy requirements on the application if he or she has previously listed the information on an application for such a license that is no longer valid.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to ~~[school]~~ ***:***

(1) School psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

(2) School counseling, if the person does not hold a license or endorsement as a school counselor but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete any required program of internship or practicum hours to obtain such a license or endorsement while remaining employed in such a position.

(n) ***Authorizing a person who has applied for an endorsement as a school nurse or school social worker to, during the pendency of such application:***

(1) Serve as a school nurse without an endorsement as a school nurse if he or she holds a valid license as a registered nurse issued by the State Board of Nursing; or

(2) Serve as a school social worker without an endorsement as a school social worker if he or she holds a valid license as a social worker issued by the Board of Examiners for Social Workers.

(o) To carry out the provisions of NRS 391B.010.

2. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

4. Any regulations adopted by the Commission pursuant to paragraphs (m) and (n) of subsection 1 must require a school district which hires a person pursuant to such regulations to, at the time the person is hired, report the hiring to the Department.

Sec. 2.3. NRS 391.021 is hereby amended to read as follows:

391.021 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 or 391B.010 are not required to

take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 2.7. NRS 391.032 is hereby amended to read as follows:

391.032 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions:

(1) For the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

(2) Which provide for the licensure of persons pursuant to the Interstate Teacher Mobility Compact enacted in NRS 391B.010.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 3. ~~[NRS 391.040 is hereby amended to read as follows:~~

~~391.040 1. The Commission shall fix fees of not less than $100 for the:~~

~~(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and~~

~~(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.~~

~~2. The fee for issuing a duplicate license is the same as for issuing the original.~~

~~3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.~~

~~4. The Department of Education [may] :~~

~~*(a) May* waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.~~

~~*(b) Shall waive all or part of the fee for the initial issuance of a license to teach for an applicant who holds a license or endorsement as a substitute teacher and who paid the fee to apply for and be issued such a license or endorsement within 1 year preceding the date on which the applicant submits the application for the initial issuance of a license to teach. The amount of the fee waiver pursuant to this paragraph must equal the amount paid by the applicant for the license or endorsement as a substitute teacher.]~~

(Deleted by amendment.)

Sec. 4. NRS 391.291 is hereby amended to read as follows:

391.291 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. ~~[A]~~ ***Except as otherwise provided in regulations adopted by the Commission pursuant to NRS 391.019, a*** school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate:

(1) Employees of the school who are authorized to administer auto-injectable epinephrine; and

(2) If the school has obtained an order for an opioid antagonist pursuant to subsection 2 of NRS 386.870, at least two employees of the school who are authorized to administer the opioid antagonist.

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine or opioid antagonists, as applicable.

4. As used in this section, "opioid antagonist" has the meaning ascribed to it in NRS 453C.040.

Sec. 4.5. NRS 391.027 is hereby repealed.

Sec. 5. This act becomes effective on July 1, ~~[2025.]~~ **2026.**

TEXT OF REPEALED SECTION

391.027 Approval or disapproval of Commission's regulations by State Board of Education.

1. The State Board may disapprove any regulation adopted by the Commission.

2. A regulation shall be deemed approved if the State Board does not disapprove the regulation within 90 days after it is adopted by the Commission.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 234.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 886.

AN ACT relating to Medicaid; requiring Medicaid to provide coverage for screening for certain forms of cancer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to recipients of Medicaid, including screening for breast and cervical cancer. (NRS 422.063, 422.270, 422.27174, 422.27176; 42 U.S.C. § 1396a) **Section 1** of this bill requires the Director of the Department of Health and Human Services to include under Medicaid coverage for screening for lung, **colorectal and** prostate ~~[and colorectal]~~ cancer. **Section 2** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 1** in the same manner as other provisions relating to Medicaid.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include under Medicaid coverage for ~~***[:***~~

~~***(a) Screening]***~~ ***screening for lung cancer, colorectal cancer and prostate cancer*** ~~***. [; and***~~

~~***(b) All available evidence-based methods of screening for colorectal cancer.]***~~

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 296.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 883.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to contract with a person who makes installment loans to pay the fees and taxes due for the initial or renewal registration of a vehicle; prescribing certain requirements for such installment loans; authorizing the Director of the Department to authorize the use of digital license plates; providing

requirements governing the use of digital license plates; revising the applicability of certain provisions governing installment lenders to a lender who contracts with the Department; extending the pilot program to gather data about annual vehicle miles traveled by certain vehicles registered in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish electronic branch offices consisting of an Internet website or software application through which the Department may conduct transactions that have been designated by the Director of the Department as suitable to be conducted through electronic means. (NRS 481.055) If the Department provides the ability to register or renew the registration of a vehicle through such an electronic branch office, **section 1** of this bill requires the Department to contract with a person who is licensed in this State to make installment loans to allow the person, through the electronic branch office, to offer installment loans to vehicle owners to pay the applicable fees and taxes that are due for the initial or renewal registration of a vehicle. **Section 1**: (1) requires the person to furnish to the Department the entire amount of the fees and taxes owed by vehicle owners for the registration and renewal of registration; (2) prohibits such a person from charging interest on an installment loan or ~~[collecting an initial]~~ **charging a fee or combination of fees for the** installment ~~[fee]~~ **loan** in excess of ~~[$10 or a monthly installment fee in excess of $5 each month;]~~ **15 percent of the total amount financed;** and (3) prohibits the making of loans less than $250.

Existing law requires the Department to furnish license plates to every owner whose vehicle is registered and sets forth the manner in which such license plates must be displayed on a vehicle. (NRS 482.265) **Section 2** of this bill authorizes the Director to permit the use of digital license plates by a person who otherwise complies with the requirements for registration and licensing. **Section 2** requires a digital license plate to: (1) display the license plate code assigned to the vehicle and evidence of valid registration at all times; (2) meet certain requirements for visibility; (3) be displayed on a digital license plate device that has been approved by the Department and purchased from a vendor approved by the Department; and (4) display only information and images required or authorized by the Department. **Section 2** requires the Department to adopt regulations relating to the issuance and use of digital license plates, including the personally identifiable information that may be stored on a digital license plate or digital license plate device. **Section 2** authorizes the Department to take certain additional actions with respect to digital license plates, including: (1) approving banner messages to appear on the bottom of a digital license plate; (2) restricting the types or classes of vehicles for which a digital license plate may be used; (3) authorizing the sale or resale of digital license plate devices; and (4) authorizing digital license plates to replicate the appearance of certain special license plates or personalized prestige license plates. **Section 2** prohibits the Department from

charging a fee for digital license plates that exceeds the fee charged for a conventional plate of the same type. **Section 3** of this bill provides that the Department is not required to furnish license plates to a person who applies to use a digital license plate and authorizes the Department to require the return of license plates which were previously issued for the vehicle.

Existing law requires the Director to utilize the facility for the production of license plates which is located at the Department of Corrections to produce all license plates required by the Department. (NRS 482.267) **Section 4** of this bill creates an exception from this requirement for the use of digital license plates.

Section 5 of this bill requires a digital license plate device, which is an electronic device capable of displaying a digital license plate, to be attached to the rear of a motor vehicle. If a digital license plate has been authorized for use, **section 5** also excuses the requirement to attach a license plate to the front of the vehicle.

Existing law establishes a procedure for the licensing of persons engaged in the business of making and collecting on installment loans. (Chapter 675 of NRS) **Section 5.3** of this bill authorizes a person who contracts with the Department to make loans to apply for a license for a place of business located outside this State. **Section 5.7** of this bill additionally authorizes such a person to conduct the business of making loans within any office, suite, room or place of business in which any other business is solicited or engaged in.

Existing law requires the Department to conduct a pilot program to gather data on the annual vehicle miles traveled by certain vehicles registered in this State. (NRS 482.2175) As part of the pilot program, existing law requires the owners of certain motor vehicles to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. (NRS 482.2177) Under existing law, the provisions providing for the pilot program expire by limitation on December 31, 2026. (Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006) **Section 6** of this bill eliminates the provision of law providing for the expiration of the pilot program, thereby requiring the continuation of the pilot program beyond December 31, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into

pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means, including, without limitation:

(a) The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.

(b) The electronic transmission and recording of applications for driver's licenses.

(c) The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.

(d) The acceptance of electronic signatures.

(e) The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:

(1) Brokers;
(2) Dealers;
(3) Distributors;
(4) Lessors;
(5) Manufacturers;
(6) Rebuilders;
(7) Salespersons; and
(8) Vehicle transporters.

(f) The issuance of registration credentials pursuant to NRS 482.217.

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

5. If the Department provides the ability to register or renew the registration of vehicles through an electronic branch office consisting of an Internet website or software application, the Department shall contract with a person who is licensed pursuant to chapter 675 of NRS to allow the person to offer, through the website or application, installment loans to vehicle owners to pay the applicable fees and taxes due for the initial or renewal registration of a vehicle, including, without limitation, governmental services taxes, sales and use taxes due pursuant to NRS 482.225, fees for license plates and registration fees. The person with whom the Department contracts pursuant to this subsection:

(a) Must furnish to the Department, at the time of the initial or renewal registration of a vehicle, the entire amount of the fees and taxes owed by the vehicle owner to whom an installment loan is provided;

(b) Shall not charge the vehicle owner an annual percentage rate with respect to the loan;

(c) Shall not ~~[require]~~ charge the vehicle owner ~~[to pay an initial]~~ any fee or combination of fees for the installment ~~[fee]~~ loan in excess of ~~[$10 or a monthly installment fee in excess of $5 each month;]~~ 15 percent of the total amount financed; and

(d) May only provide a loan pursuant to this subsection if the total amount financed is $250 or more.

Sec. 2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may authorize the use of digital license plates in accordance with this section upon application by a person who otherwise complies with the requirements for registration and licensing pursuant to this chapter.

2. The use of a digital license plate must be voluntary and the Department shall not require any person to use or install a digital license plate or digital license plate device.

3. All digital license plates authorized for use pursuant to this section must:

(a) Display the license plate code assigned to the vehicle by the Department and evidence of valid registration at all times, including, without limitation, when the vehicle is in motion, stationary, parked or unoccupied.

(b) Be plainly readable by the human eye from a distance of 100 feet during daylight and darkness.

(c) Be displayed on a digital license plate device that has been approved by the Department and purchased from a vendor approved by the Department.

(d) Display only information and images required or authorized for display by the Department.

4. The Department may:

(a) Approve alternative banner messages to appear on the bottom of a digital license plate.

(b) Authorize the sale or resale of digital license plate devices by a device manufacturer or by participating vendors, subject to review and approval by the Department.

(c) By regulation, restrict the types or classes of vehicles for which the Department will authorize the use of a digital license plate.

5. The Department may authorize digital license plates to replicate the appearance of a license plate type other than a standard license plate. If the Department authorizes a digital license plate to replicate the appearance of a special license plate, the Department shall charge for the use or renewal of a digital license plate which replicates the appearance of a special license plate the same fees which are charged for the conventional version of the special license plate. Any such fee which is imposed to generate financial support for a particular cause or charitable organization must be deposited

and distributed in the same manner as the fee imposed with respect to the conventional version of the special license plate. A digital license plate which replicates the appearance of a special license plate is valid for the same length of time as the conventional version of the special license plate. The Department may cease the use of digital license plates which replicate the appearance of a special license plate which the Department no longer issues in conventional form. If the owner of a vehicle does not renew the digital license plate which replicates the appearance of a special license plate or the Department has ceased the use of the digital license plate which replicates the appearance of a special license plate previously used by the owner of a vehicle, the owner of a vehicle may continue to use a digital license plate which does not replicate the appearance of the special license plate.

6. The Department may authorize a digital license plate to replicate the appearance of a personalized prestige license plate issued pursuant to NRS 482.3667 by displaying a personalized license plate code. The Department shall charge for the use of a digital license plate that replicates the appearance of a personalized prestige license plate the same fees which are charged for the issuance and renewal of a conventional personalized license plate. A digital license plate which replicates the appearance of a personalized prestige license plate is valid for the same length of time as a conventional personalized prestige license plate as provided in NRS 482.3667. Any fees collected pursuant to this subsection must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. The provisions of subsections 5, 6 and 7 of NRS 482.3667 apply with equal force to a digital license plate which replicates the appearance of a personalized prestige license plate.

7. The Department shall not charge any fee for the use of a digital license plate or digital license plate device in excess of the fees charged for a conventional license plate of the same type.

8. The Department shall adopt regulations:

(a) Prescribing standards for the personally identifiable information which may be stored on a digital license plate or digital license plate device, which must be limited to that information which is deemed necessary by the Department to display evidence of registration compliance or for the manufacturer or vendor to provide services to the owner of a digital license plate device.

(b) Prescribing standards governing the use of digital license plates and digital license plate devices, including, without limitation:

(1) Protocols for data sharing, privacy and security.

(2) Information which must be displayed on a digital license plate.

(3) Information and images which may be displayed on a digital license plate, which may include, if determined by the Department to be appropriate and not contrary to the interests of the public, emergency service alerts and personalized messages.

(4) The list of digital license plate devices which are approved for use pursuant to this section.

(5) The procedure through which a person may apply to use a digital license plate.

9. All provisions of this title relating to license plates apply to digital license plates and digital license plate devices except:

(a) As otherwise specifically provided;

(b) As to those provisions which, owing to the physical differences between digital license plates or digital license plate devices and conventional license plates, can have no application;

(c) Provisions requiring the return or surrender of license plates to the Department do not require the return or surrender of a digital license plate device which was not purchased from the Department; and

(d) The provisions of NRS 482.270 do not apply to a digital license plate or digital license plate device.

10. As used in this section:

(a) "Digital license plate" means a digital image displayed on a digital license plate device that includes the license plate code assigned to the vehicle and any other information or images which the Department may authorize or require by regulation.

(b) "Digital license plate device" means an electronic device capable of:

(1) Being mounted to a motor vehicle in accordance with the requirements for motor vehicle license plates; and

(2) Displaying a digital license plate.

(c) "License plate code" means the unique combination of numbers, letters or both numbers and letters appearing on the face of a license plate.

(d) "Special license plate" means a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive.

Sec. 3. NRS 482.265 is hereby amended to read as follows:

482.265 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2085 and 482.2155, ***or unless unnecessary because a digital license plate has been authorized for use on the vehicle,*** upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to NRS 482.37901.

5. If, at the time of registration, the owner of a vehicle applies to use a digital license plate on the vehicle pursuant to section 2 of this act, the Department is not required to furnish a license plate to the vehicle owner pursuant to subsection 1. If the owner of a vehicle applies to use a digital license plate on a vehicle for which a license plate was previously issued by the Department, the Department may require the return to the Department of the license plate or plates previously issued for the vehicle.

Sec. 4. NRS 482.267 is hereby amended to read as follows:

482.267 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** the Director shall utilize the facility for the production of license plates which is located at the Department of Corrections to produce all license plates required by the Department of Motor Vehicles.

2. The Director may contract with a vendor for the production of license plates which require technological or mechanical processes which are not available at the facility.

Sec. 5. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license plates for a motor vehicle other than a motorcycle, moped or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2 ~~[,]~~ ***or 3,*** one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. ***If a digital license plate has been authorized for use on a motor vehicle pursuant to section 2 of this act:***

(a) The digital license plate device must be attached to the motor vehicle in the rear; and

(b) No license plate is required to be attached to the motor vehicle in the front.

4. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

~~[4.]~~ ***5.*** Every license plate ***, including a digital license plate device,*** must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

~~[5.]~~ ***6.*** Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 5.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if:

(a) The applicant is an Internet business lender ~~[.]~~ ***, including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department;*** or

(b) The applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State.

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 5.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in subsections 2 and 3, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet business lender ***, including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department,*** may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 6. Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006, is hereby amended to read as follows:

Sec. 7. 1. This section and section 6.5 of this act become effective on July 1, 2019.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2019 **.** ~~[, and expire by limitation on December 31, 2026.]~~

Sec. 6.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of section 1 of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 7. 1. This section and sections 6 and 6.5 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on the date on which the Director of the Department of Motor Vehicles, pursuant to section 6.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to carry out the amendatory provisions of this act.

3. Sections 2 to 5.7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblymember Watts:

Amendment No. 889.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to contract with a person who makes installment loans to pay the fees and taxes due for the initial or renewal registration of a vehicle; prescribing certain requirements for such installment loans; authorizing the Director of the Department to authorize the use of digital license plates; providing requirements governing the use of digital license plates; revising the applicability of certain provisions governing installment lenders to a lender who contracts with the Department; extending the **prospective expiration of the** pilot program to gather data about annual vehicle miles traveled by certain vehicles registered in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish electronic branch offices consisting of an Internet website or software application through which the Department may conduct transactions that have been designated by the Director of the Department as suitable to be conducted through electronic means. (NRS 481.055) If the Department provides the ability to register or renew the registration of a vehicle through such an electronic branch office, **section 1** of this bill requires the Department to contract with a person who is licensed in this State to make installment loans

to allow the person, through the electronic branch office, to offer installment loans to vehicle owners to pay the applicable fees and taxes that are due for the initial or renewal registration of a vehicle. **Section 1**: (1) requires the person to furnish to the Department the entire amount of the fees and taxes owed by vehicle owners for the registration and renewal of registration; (2) prohibits such a person from charging interest on an installment loan or collecting an initial installment fee in excess of $10 or a monthly installment fee in excess of $5 each month; ~~[and]~~ (3) prohibits the making of loans less than $250~~.~~ ~~[.]~~ **; and (4) prohibits the person from rolling over or refinancing any installment loan made pursuant to section 1 into any other loan to the vehicle owner.**

Existing law requires the Department to furnish license plates to every owner whose vehicle is registered and sets forth the manner in which such license plates must be displayed on a vehicle. (NRS 482.265) **Section 2** of this bill authorizes the Director to permit the use of digital license plates by a person who otherwise complies with the requirements for registration and licensing. **Section 2** requires a digital license plate to: (1) display the license plate code assigned to the vehicle and evidence of valid registration at all times; (2) meet certain requirements for visibility; (3) be displayed on a digital license plate device that has been approved by the Department and purchased from a vendor approved by the Department; and (4) display only information and images required or authorized by the Department. **Section 2** requires the Department to adopt regulations relating to the issuance and use of digital license plates, including the personally identifiable information that may be stored on a digital license plate or digital license plate device. **Section 2** authorizes the Department to take certain additional actions with respect to digital license plates, including: (1) approving banner messages to appear on the bottom of a digital license plate; (2) restricting the types or classes of vehicles for which a digital license plate may be used; (3) authorizing the sale or resale of digital license plate devices; and (4) authorizing digital license plates to replicate the appearance of certain special license plates or personalized prestige license plates. **Section 2** prohibits the Department from charging a fee for digital license plates that exceeds the fee charged for a conventional plate of the same type. **Section 3** of this bill provides that the Department is not required to furnish license plates to a person who applies to use a digital license plate and authorizes the Department to require the return of license plates which were previously issued for the vehicle.

Existing law requires the Director to utilize the facility for the production of license plates which is located at the Department of Corrections to produce all license plates required by the Department. (NRS 482.267) **Section 4** of this bill creates an exception from this requirement for the use of digital license plates.

Section 5 of this bill requires a digital license plate device, which is an electronic device capable of displaying a digital license plate, to be attached to the rear of a motor vehicle. If a digital license plate has been authorized for

use, **section 5** also excuses the requirement to attach a license plate to the front of the vehicle.

Existing law establishes a procedure for the licensing of persons engaged in the business of making and collecting on installment loans. (Chapter 675 of NRS) **Section 5.3** of this bill authorizes a person who contracts with the Department to make loans to apply for a license for a place of business located outside this State. **Section 5.7** of this bill additionally authorizes such a person to conduct the business of making loans within any office, suite, room or place of business in which any other business is solicited or engaged in.

Existing law requires the Department to conduct a pilot program to gather data on the annual vehicle miles traveled by certain vehicles registered in this State. (NRS 482.2175) As part of the pilot program, existing law requires the owners of certain motor vehicles to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. (NRS 482.2177) Under existing law, the provisions providing for the pilot program expire by limitation on December 31, 2026. (Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006) **Section 6** of this bill ~~[eliminates the provision of law providing for]~~ **extends** the **prospective** expiration of the pilot program ~~[, thereby requiring the continuation of the pilot program beyond]~~ **until** December 31, ~~[2026.]~~ **2030.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means, including, without limitation:

(a) The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.

(b) The electronic transmission and recording of applications for driver's licenses.

(c) The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.

(d) The acceptance of electronic signatures.

(e) The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:

(1) Brokers;

(2) Dealers;

(3) Distributors;

(4) Lessors;

(5) Manufacturers;

(6) Rebuilders;

(7) Salespersons; and

(8) Vehicle transporters.

(f) The issuance of registration credentials pursuant to NRS 482.217.

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

5. If the Department provides the ability to register or renew the registration of vehicles through an electronic branch office consisting of an Internet website or software application, the Department shall contract with a person who is licensed pursuant to chapter 675 of NRS to allow the person to offer, through the website or application, installment loans to vehicle owners to pay the applicable fees and taxes due for the initial or renewal registration of a vehicle, including, without limitation, governmental services taxes, sales and use taxes due pursuant to NRS 482.225, fees for license plates and registration fees. The person with whom the Department contracts pursuant to this subsection:

(a) Must furnish to the Department, at the time of the initial or renewal registration of a vehicle, the entire amount of the fees and taxes owed by the vehicle owner to whom an installment loan is provided;

(b) Shall not charge the vehicle owner an annual percentage rate with respect to the loan;

(c) Shall not require the vehicle owner to pay an initial installment fee in excess of $10 or a monthly installment fee in excess of $5 each month; ~~***[and]***~~

(d) May only provide a loan pursuant to this subsection if the total amount financed is $250 or more ~~***[.]***~~ ***; and***

(e) Shall not rollover or refinance any installment loan provided pursuant to this subsection into any other loan made to the vehicle owner pursuant to chapter 604A or 675 of NRS.

Sec. 2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may authorize the use of digital license plates in accordance with this section upon application by a person who otherwise

complies with the requirements for registration and licensing pursuant to this chapter.

2. The use of a digital license plate must be voluntary and the Department shall not require any person to use or install a digital license plate or digital license plate device.

3. All digital license plates authorized for use pursuant to this section must:

(a) Display the license plate code assigned to the vehicle by the Department and evidence of valid registration at all times, including, without limitation, when the vehicle is in motion, stationary, parked or unoccupied.

(b) Be plainly readable by the human eye from a distance of 100 feet during daylight and darkness.

(c) Be displayed on a digital license plate device that has been approved by the Department and purchased from a vendor approved by the Department.

(d) Display only information and images required or authorized for display by the Department.

4. The Department may:

(a) Approve alternative banner messages to appear on the bottom of a digital license plate.

(b) Authorize the sale or resale of digital license plate devices by a device manufacturer or by participating vendors, subject to review and approval by the Department.

(c) By regulation, restrict the types or classes of vehicles for which the Department will authorize the use of a digital license plate.

5. The Department may authorize digital license plates to replicate the appearance of a license plate type other than a standard license plate. If the Department authorizes a digital license plate to replicate the appearance of a special license plate, the Department shall charge for the use or renewal of a digital license plate which replicates the appearance of a special license plate the same fees which are charged for the conventional version of the special license plate. Any such fee which is imposed to generate financial support for a particular cause or charitable organization must be deposited and distributed in the same manner as the fee imposed with respect to the conventional version of the special license plate. A digital license plate which replicates the appearance of a special license plate is valid for the same length of time as the conventional version of the special license plate. The Department may cease the use of digital license plates which replicate the appearance of a special license plate which the Department no longer issues in conventional form. If the owner of a vehicle does not renew the digital license plate which replicates the appearance of a special license plate or the Department has ceased the use of the digital license plate which replicates the appearance of a special license plate previously used by the owner of a vehicle, the owner of a vehicle may continue to use a digital license plate which does not replicate the appearance of the special license plate.

6. The Department may authorize a digital license plate to replicate the appearance of a personalized prestige license plate issued pursuant to NRS 482.3667 by displaying a personalized license plate code. The Department shall charge for the use of a digital license plate that replicates the appearance of a personalized prestige license plate the same fees which are charged for the issuance and renewal of a conventional personalized license plate. A digital license plate which replicates the appearance of a personalized prestige license plate is valid for the same length of time as a conventional personalized prestige license plate as provided in NRS 482.3667. Any fees collected pursuant to this subsection must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund. The provisions of subsections 5, 6 and 7 of NRS 482.3667 apply with equal force to a digital license plate which replicates the appearance of a personalized prestige license plate.

7. The Department shall not charge any fee for the use of a digital license plate or digital license plate device in excess of the fees charged for a conventional license plate of the same type.

8. The Department shall adopt regulations:

(a) Prescribing standards for the personally identifiable information which may be stored on a digital license plate or digital license plate device, which must be limited to that information which is deemed necessary by the Department to display evidence of registration compliance or for the manufacturer or vendor to provide services to the owner of a digital license plate device.

(b) Prescribing standards governing the use of digital license plates and digital license plate devices, including, without limitation:

(1) Protocols for data sharing, privacy and security.

(2) Information which must be displayed on a digital license plate.

(3) Information and images which may be displayed on a digital license plate, which may include, if determined by the Department to be appropriate and not contrary to the interests of the public, emergency service alerts and personalized messages.

(4) The list of digital license plate devices which are approved for use pursuant to this section.

(5) The procedure through which a person may apply to use a digital license plate.

9. All provisions of this title relating to license plates apply to digital license plates and digital license plate devices except:

(a) As otherwise specifically provided;

(b) As to those provisions which, owing to the physical differences between digital license plates or digital license plate devices and conventional license plates, can have no application;

(c) Provisions requiring the return or surrender of license plates to the Department do not require the return or surrender of a digital license plate device which was not purchased from the Department; and

(d) The provisions of NRS 482.270 do not apply to a digital license plate or digital license plate device.

10. As used in this section:

(a) "Digital license plate" means a digital image displayed on a digital license plate device that includes the license plate code assigned to the vehicle and any other information or images which the Department may authorize or require by regulation.

(b) "Digital license plate device" means an electronic device capable of:

(1) Being mounted to a motor vehicle in accordance with the requirements for motor vehicle license plates; and

(2) Displaying a digital license plate.

(c) "License plate code" means the unique combination of numbers, letters or both numbers and letters appearing on the face of a license plate.

(d) "Special license plate" means a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive.

Sec. 3. NRS 482.265 is hereby amended to read as follows:

482.265 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2085 and 482.2155, ***or unless unnecessary because a digital license plate has been authorized for use on the vehicle,*** upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

4. The provisions of subsection 3 do not apply to NRS 482.37901.

5. If, at the time of registration, the owner of a vehicle applies to use a digital license plate on the vehicle pursuant to section 2 of this act, the Department is not required to furnish a license plate to the vehicle owner pursuant to subsection 1. If the owner of a vehicle applies to use a digital license plate on a vehicle for which a license plate was previously issued by

the Department, the Department may require the return to the Department of the license plate or plates previously issued for the vehicle.

Sec. 4. NRS 482.267 is hereby amended to read as follows:

482.267 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and section 2 of this act,*** the Director shall utilize the facility for the production of license plates which is located at the Department of Corrections to produce all license plates required by the Department of Motor Vehicles.

2. The Director may contract with a vendor for the production of license plates which require technological or mechanical processes which are not available at the facility.

Sec. 5. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license plates for a motor vehicle other than a motorcycle, moped or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2 ~~[,]~~ ***or 3,*** one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. ***If a digital license plate has been authorized for use on a motor vehicle pursuant to section 2 of this act:***

(a) The digital license plate device must be attached to the motor vehicle in the rear; and

(b) No license plate is required to be attached to the motor vehicle in the front.

4. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

~~[4.]~~ ***5.*** Every license plate ***, including a digital license plate device,*** must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from

the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

~~[5.]~~ ***6.*** Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 5.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if:

(a) The applicant is an Internet business lender ~~[.]~~ ***, including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department;*** or

(b) The applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State.

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory

partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 5.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in subsections 2 and 3, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet business lender ***, including, without limitation, a person who has contracted with the Department of Motor Vehicles pursuant to subsection 5 of NRS 481.055 to make loans through an electronic branch office of the Department,*** may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 6. Section 7 of chapter 498, Statutes of Nevada 2019, at page 3006, is hereby amended to read as follows:

Sec. 7. 1. This section and section 6.5 of this act become effective on July 1, 2019.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2019 ~~[.]~~ , and expire by limitation on December 31, ~~[~~2026.~~]~~ ***2030.***

Sec. 6.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of section 1 of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 7. 1. This section and sections 6 and 6.5 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on the date on which the Director of the Department of Motor Vehicles, pursuant to section 6.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that

sufficient resources are available to carry out the amendatory provisions of this act.

3. Sections 2 to 5.7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 326.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 856.

SUMMARY— ~~[Provides for a study on the treatment of trauma.]~~ **Revises provisions relating to the designation of hospitals as centers for the treatment of trauma.** (BDR ~~[S-153)]~~ **40-153)**

CONTAINS UNFUNDED MANDATE (§5)
(NOT REQUESTED BY AFFECTED GOVERNMENT)

AN ACT relating to health care; ~~[requiring the Department of Health and Human Services to conduct a study on the treatment of trauma in this State;]~~ **prohibiting a center for the treatment of trauma from representing it provides a specific level of care unless the center provides that level of care; authorizing the State Board of Health to adopt regulations establishing specific designations for the level of care provided by a center for the treatment of trauma;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that before operating a center for the treatment of trauma, a hospital must obtain the approval of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and, if the hospital is located in a county whose population is 700,000 or more (currently only Clark County), the district board of health. (NRS 450B.236, 450B.237) Existing law also requires the Administrator to verify that a hospital meets certain standards and complete a comprehensive assessment of needs before approving a proposal to designate a hospital as a center for the treatment of trauma. (NRS 450B.237) **Existing law requires the State Board of Health to adopt regulations establishing the standards for the designation of hospitals as centers for the treatment of trauma. (NRS 450B.237)** Existing regulations authorize the Administrator to designate a center for the treatment of trauma as level I, II or III. (NAC 450B.780-450B.875) ~~[Section 3.5 of this bill requires: (1) the Department of Health and Human Services to study during the 2025-2026 interim the current system for~~

~~the treatment of trauma in this State and the future needs of this State relating to the treatment of trauma; (2) the study to include the solicitation of public comment on the subject matter of the study; and (3) the Department to publish a report of the study on the Internet and submit the report to the Governor and the Legislature.]~~ **Section 5 of this bill provides explicit statutory authorization for the State Board of Health to adopt regulations establishing specific levels of trauma care that a hospital may be designated to provide, including regulations that allow the designation of a critical access hospital that meets certain requirements as a level IV center for the treatment of trauma. Section 4 of this bill prohibits the operator of a center for the treatment of trauma from representing that the center for the treatment of trauma provides a specific level of treatment unless the center has been designated by the Administrator to provide that level of treatment.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ~~[1. During the 2025-2026 interim, the Department of Health and Human Services shall study the current system for the treatment of trauma in the State and the future needs of the State relating to the treatment of trauma. The study must include, without limitation:~~

~~(a) Consideration of the need to develop new hospitals to be designated as centers for the treatment of trauma or newly designate existing hospitals as centers for the treatment of trauma;~~

~~(b) Consideration of any plans to develop new hospitals to be designated as centers for the treatment of trauma or newly designate existing hospitals as centers for the treatment of trauma; and~~

~~(c) An evaluation of the potential benefits of designating hospitals as level IV centers for the treatment of trauma.~~

~~2. The study must:~~

~~(a) Consider the demographics of each county in this State;~~

~~(b) Consider the manner in which this State and each county in this State may most effectively ensure the availability of treatment of trauma for the residents of this State or county, as applicable; and~~

~~(c) Include an opportunity for the public to comment on the subject matter of the study, including, without limitation:~~

~~(1) A publicized time period for the public to submit written comments to the Department; and~~

~~(2) A public meeting held in compliance with chapter 241 of the NRS to allow members of the public to provide in-person comments.~~

~~3. The Department may apply for and receive gifts, grants, donations and other money from any source for the purpose of carrying out the provisions of~~

~~this section and to defray costs incurred by the Department for carrying out the provisions of this section.~~

~~4. On or before January 1, 2027, the Department shall:~~

~~(a) Compile a written report of the study conducted pursuant to this section which must include, without limitation:~~

~~(1) A conspicuous section disclosing the name of any person who provided any gift, grant, donation or other money for the purpose of carrying out the provisions of this section and the amount of money provided by the person;~~

~~(2) All written comments received pursuant to subparagraph (1) of paragraph (c) of subsection 2;~~

~~(3) The minutes of the public meeting held pursuant to subparagraph (2) of paragraph (c) of subsection 2; and~~

~~(4) A list of recommendations resulting from the study;~~

~~(b) Publish the report on an Internet website maintained by the Department; and~~

~~(c) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.~~

~~5. As used in this section, "Department" means the Department of Health and Human Services.~~ **(Deleted by amendment.)**

Sec. 4. **NRS 450B.236 is hereby amended to read as follows:**

450B.236 A person shall not ~~[operate]~~ ***:***

1. Operate a center for the treatment of trauma without first applying for and obtaining the written approval of the Administrator of the Division.

2. Represent that a center for the treatment of trauma operated by the person provides a specific level of treatment unless the center for the treatment of trauma has been designated by the Administrator of the Division pursuant to the regulations adopted pursuant to subsection 3 of NRS 450B.237 to provide that level of treatment.

Sec. 5. **NRS 450B.237 is hereby amended to read as follows:**

450B.237 1. The board shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.

2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a guide for such regulations.

3. The regulations adopted pursuant to subsection 2 may establish specific designations signifying the level of treatment provided by centers for the treatment of trauma, which may include, without limitation, levels I, II, III and IV. If regulations are adopted for the designation of centers for the treatment of trauma as level IV, the regulations must limit the designation of

level IV to critical access hospitals located more than 80 miles outside the boundaries of a county with two or more existing centers for the treatment of trauma.

4. The Administrator of the Division shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless:

(a) The hospital meets the standards established pursuant to ~~[this]~~ subsection ~~[,]~~ ***2;*** and

(b) The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:

(1) The impact of the proposed center for the treatment of trauma on the capacity of existing hospitals to provide for the treatment of trauma;

(2) The number and locations of cases of trauma that have occurred during the previous 5 calendar years in the county in which the proposed center for the treatment of trauma will be located and the level of treatment that was required for those cases;

(3) Any identified need for an additional center for the treatment of trauma in the county in which the proposed center for the treatment of trauma will be located; and

(4) Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed trauma center.

~~[3.]~~ ***5.*** Each district board of health in a county whose population is 700,000 or more shall adopt:

(a) Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2; and

(b) A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.

~~[4.]~~ ***6.*** A district board of health in a county whose population is 700,000 or more shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless:

(a) The hospital meets the standards established pursuant to subsection ~~[3;]~~ ***5;***

(b) The proposal has been approved by the Administrator of the Division pursuant to subsection ~~[2;]~~ ***4;*** and

(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection ~~[3,]~~ ***5,*** that the proposed center for the

treatment of trauma will not negatively impact the capacity of existing centers for the treatment of trauma in the county.

~~[5.]~~ ***7.*** Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue written approval which designates the hospital as such a center. As a condition of continuing designation of the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:

(a) The hospital must admit any injured person who requires medical care.

(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.

(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 **,** ~~[and]~~ 3 ~~[.]~~ ***and 5.***

8. As used in this section, "critical access hospital" means a hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4e.

Sec. 6. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 7. 1. This section and sections 3 **,** ~~[and]~~ 3.5 **and 6** of this act become effective upon passage and approval.

2. Sections 1 **,** ~~[and]~~ 2 **, 4 and 5** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 882.

SUMMARY—Creates ~~[the Subcommittee to Study and Develop Policy Recommendations for African Americans of the Joint Interim Standing Committee on Education to conduct a study during the 2025-2026 interim.]~~ **certain commissions and subcommittees for the purpose of educating the general public concerning certain cultural affairs relating to African-Americans.** (BDR ~~[S-619)]~~ **18-619**

AN ACT relating to education; creating the **Juneteenth Educational and Economic Commission within the Department of Tourism and Cultural**

Affairs; prescribing the membership, powers and duties of the Commission; creating the Juneteenth Educational and Economic Fund; creating the Subcommittee to Study and Develop Policy Recommendations for African-Americans of the Joint Interim Standing Committee on Education to conduct a study during the 2025-2026 interim; prescribing the membership, powers and duties of the Subcommittee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Tourism and Cultural Affairs whose duties include, without limitation, the oversight of plans for tourism, publications and cultural affairs. (NRS 231.8117, 231.8131) Section 1.6 of this bill creates the Juneteenth Educational and Economic Commission within the Department and provides that the membership of the Commission consists of: (1) three members, each of whom is from the African-American studies department or similar cultural studies program at the Nevada State College, The University of Nevada, Las Vegas and the University of Nevada, Reno, respectively; (2) one representative of Juneteenth Nevada, or any successor nonprofit organization in this State whose mission is focused on Juneteenth Day education, unity and diversity; (3) one member who represents a professional association representing African-American businesses; (4) one member who represents an African-American cultural awareness advocacy group; (5) one member who represents an educational advocacy group with a statewide presence; and (6) one member who represents a museum or cultural history organization in this State. To the extent that funding is available, section 1.6 requires the Department to provide administrative support to the Commission.

Section 1.7 of this bill requires the Commission to: (1) create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States; (2) develop strategies with businesses, nonprofit organizations and community groups to support education on the significance of Juneteenth Day; (3) support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and (4) support programs in the arts to celebrate Juneteenth Day.

Section 1.8 of this bill creates the Juneteenth Educational and Economic Fund for the support of the Commission.

Sections 1.2-1.5 of this bill define certain terms relating to the Commission.

Existing law creates the Joint Interim Standing Committee on Education and authorizes the Committee to: (1) evaluate, review and comment upon issues related to education in this State; (2) conduct investigations and hold hearings in connection with such duties; and (3) make recommendations to the Legislature relating to the improvement of public education. (NRS 218E.320,

218E.615) Existing law requires the Joint Interim Standing Committee on Education to prepare and submit to the Legislature a comprehensive report of its activities in the interim and its findings and any recommendations for proposed legislation. (NRS 218E.330) **Section ~~11~~ 1.9** of this bill creates the Subcommittee to Study and Develop Policy Recommendations for African-Americans of the Joint Interim Standing Committee on Education to conduct the study set forth in **section 2** of this bill during the 2025-2026 interim. **Section ~~11~~ 1.9** prescribes the membership and officers of the Subcommittee and the compensation of the members. **Section ~~11~~ 1.9** also provides for the filling of vacancies and requirements for meetings.

Section 2 requires the Subcommittee to: (1) study certain matters relating to historical discrimination in this State and the related economic effects of the discrimination to present day society in this State; and (2) present its findings and make recommendations relating to its findings to the Joint Interim Standing Committee on Education, for inclusion in its 2026-2026 interim report, for methods to educate the general public about the findings and recommendations of the Subcommittee, advancement of racial healing, understanding and transformation and the form and scope of rehabilitation or restitution to the descendants of formerly enslaved Africans, if warranted, based on the findings of the Subcommittee. **Section 2** authorizes the Subcommittee to collaborate and consult with and invite participation by historians, scholars and other interested parties and requires state agencies to provide any information requested by the Subcommittee relating to its duties. **Section 2** also authorizes the Subcommittee to: (1) request assistance from the Division of State Library, Archives and Public Records of the Department of Administration, which is required to provide assistance to the extent that resources are available; and (2) direct the Legislative Counsel Bureau to assist in its research investigations, review and analysis.

Section 2 further authorizes the Subcommittee to apply for and accept certain funds for the Subcommittee in carrying out its duties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.8, inclusive, of this act.**

Sec. 1.1. ***As used in sections 1.1 to 1.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.2 to 1.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.2. ***"Commission" means the Juneteenth Educational and Economic Commission created by section 1.6 of this act.***

Sec. 1.3. ***"Department" means the Department of Tourism and Cultural Affairs.***

Sec. 1.4. ***"Director" means the Director of the Department.***

Sec. 1.5. "Fund" means the Juneteenth Educational and Economic Fund created by section 1.8 of this act.

Sec. 1.6. 1. The Juneteenth Educational and Economic Commission is hereby created within the Department.

2. The Juneteenth Educational and Economic Commission is composed of eight voting members appointed by the Governor based on recommendations from the Director, as follows:

(a) One member from the African-American studies department or similar cultural studies program at the University of Nevada, Las Vegas;

(b) One member from the African-American studies department or similar cultural studies program at the University of Nevada, Reno;

(c) One member from the African-American studies department or similar cultural studies program at the Nevada State College;

(d) One representative of Juneteenth Nevada or any successor nonprofit organization in this State whose mission is focused on Juneteenth Day education, unity and diversity;

(e) One member who represents a professional association representing African-American businesses;

(f) One member who represents an African-American cultural awareness advocacy group;

(g) One member who represents an educational advocacy group with a statewide presence; and

(h) One member who represents a museum or cultural history organization in this State.

3. The term of each voting member of the Commission is 4 years. Members may be reappointed for 1 additional term of 4 years. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Commission shall meet once each calendar quarter. At the first regular meeting of each year, the members of the Commission shall select a Chair and Vice Chair by majority vote who shall serve until the next Chair and Vice Chair is elected.

5. A majority of members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

6. To the extent that funding is available, the Department shall provide administrative support to the Commission as necessary for the Commission to carry out its duties.

Sec. 1.7. The Commission shall to the extent practicable:

1. Create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States;

2. Develop strategies with businesses, nonprofit organizations and community groups to support education in this State on the significance of Juneteenth Day;

3. Support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and

4. Support programs in the arts to celebrate Juneteenth Day.

Sec. 1.8. 1. There is hereby created the Juneteenth Educational and Economic Fund in the State Treasury, to be administered by the Director, for the support of the Commission.

2. Any interest earned on money in the Fund must be credited to the Fund.

3. Money that remains in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. The Director may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

5. Local governments that celebrate Juneteenth Day shall, to the extent practicable, contribute to the Fund and otherwise collaborate on the development and coordination of formal celebrations for Juneteenth Day.

~~[Section 1.]~~ ***Sec. 1.9.*** 1. The Subcommittee to Study and Develop Policy Recommendations for African-Americans of the Joint Interim Standing Committee on Education is hereby created to conduct the study described in section 2 of this act during the 2025-2026 interim.

2. The Subcommittee consists of the following ten members appointed by the Chair of the Joint Interim Standing Committee on Education:

(a) Two members of the general public from a list of at least three persons recommended by the President of the University of Nevada, Las Vegas, or his or her designee;

(b) Two members of the general public from a list of at least three persons recommended by the President of the University of Nevada, Reno, or his or her designee;

(c) Two members of the Senate recommended by the Majority Leader of the Senate;

(d) Two members of the Assembly recommended by the Speaker of the Assembly;

(e) One member of the Senate recommended by the Minority Leader of the Senate; and

(f) One member of the Assembly recommended by the Minority Leader of the Assembly.

3. Members of the Subcommittee must be recommended and appointed on the basis of their education, training and experience in the fields of African-American studies or reparatory justice or any interrelated disciplines or subject matter areas or any other relevant policy or professional experience.

4. Any vacancy occurring in the membership of the Subcommittee must be filled in the same manner as the original appointment.

5. For each day or portion of a day during which a member of the Subcommittee who is a Legislator attends a meeting of the Subcommittee or

is otherwise engaged in the business of the Subcommittee, the member is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

6. While engaged in the business of the Subcommittee, the members of the Subcommittee who are not Legislators are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

7. All compensation, per diem allowances and travel expenses provided pursuant to subsections 5 and 6 must be paid from the Legislative Fund.

8. The Chair of the Joint Interim Standing Committee on Education shall appoint a Chair and Vice Chair of the Subcommittee from among the members of the Subcommittee appointed pursuant to paragraphs (c) to (f), inclusive, of subsection 2. The Chair of the Subcommittee must be appointed from one House and the Vice Chair of the Subcommittee from the other House. If a vacancy occurs in the office of the Chair or Vice Chair of the Subcommittee, the vacancy must be filled in the same manner as the original appointment.

9. Except as otherwise ordered by the Legislative Commission, the Subcommittee shall meet not earlier than November 1, 2025, and not later than August 31, 2026, at the times and places specified by a call of the Chair.

10. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the powers and authority conferred on the Subcommittee.

Sec. 2. 1. The Subcommittee created by section ~~[1]~~ ***1.9*** of this act shall study:

(a) The economic, political, social, educational and historical impacts of slavery, Jim Crow laws, de jure and de facto racial segregation and other forms of racial discrimination in the State of Nevada, as well as the prior organized and unorganized territories that constitute a part of the current state boundaries of the State;

(b) Discriminatory habits or practices, including, without limitation, forced slavery, chattel slavery, indentured servitude, redlining, segregated school systems and segregated public goods and spaces, that may have caused significant economic or societal disparities of formerly enslaved Africans or their descendants; and

(c) The related economic effects to present day society in the State of Nevada as a result of the matters studied pursuant to this subsection.

2. On or before August 31, 2026, the Subcommittee shall present its findings and make recommendations, including specific policy recommendations, relating to its findings to the Joint Interim Standing Committee on Education for:

(a) Methods to educate the general public of the State of Nevada of the Subcommittee's findings and recommendations;

(b) Advancement of racial healing, understanding and transformation; and

(c) Forms of rehabilitation or restitution to the descendants of formerly enslaved Africans, if warranted, based on the findings of the Subcommittee. If the Subcommittee finds that any form of rehabilitation or restitution is warranted, then the form and scope of such measures.

3. The Joint Interim Standing Committee on Education shall include the findings and recommendations of the Subcommittee presented pursuant to subsection 2 in the report for the 2025-2026 interim submitted by the Joint Interim Standing Committee on Education pursuant to NRS 218E.330.

4. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

5. The Subcommittee may collaborate and consult with and invite participation by historians, scholars and any other interested parties.

6. Each state agency, as defined in NRS 277.186, shall cooperate with the Subcommittee and timely provide any information that may be requested by the Subcommittee relating to its duties.

7. The Subcommittee may:

(a) Request assistance from the Division of State Library, Archives and Public Records of the Department of Administration. Upon such a request, the Division shall provide to the Subcommittee such assistance to the extent that resources are available.

(b) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis.

8. The Subcommittee may apply for any available grants and accept any gifts, grants or donations to assist the Subcommittee in carrying out its duties.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. **1.** This **section becomes effective upon passage and approval.**

2. Sections 1.9 to 4, inclusive, of this act ~~[becomes]~~ **become** effective on July 1, 2025, and ~~[expires]~~ **expire** by limitation on December 31, 2026.

3. Sections 1 to 1.8, inclusive, of this act become effective on October 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 402.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 858.

AN ACT relating to public safety; creating a pilot program authorizing the Department of Transportation, a local authority and a regional transportation commission to allow the installation and use of an automated traffic

enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; requiring the Department to annually compile and submit certain information to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless the equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) **Sections 2.1-2.7** of this bill provide an exception to this prohibition and create a pilot program authorizing the Department of Transportation, a local authority and a regional transportation commission to allow for the installation and use of an automated traffic enforcement system to enforce certain speed limits in temporary traffic control zones under certain circumstances. **Section 2.2** sets forth the conditions for the installation and use of an automated traffic enforcement system **and for contracting for such installation and use** and requires an entity which installs such a system to, among other things, carry out a public information campaign before commencing any enforcement.

Section 2.3 requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automated traffic enforcement system before a civil infraction citation is issued. **Section 2.3** also establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. Finally, **section 2.3** creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption.

Section 2.4 establishes requirements for the storage and transmission of any photograph, recorded image or data created by an automated traffic enforcement system. **Section 2.4** also prohibits any entity that manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State from contracting to receive payment on the basis of the number of citations issued.

Section 2.6 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation but is punishable by a civil penalty not to exceed $200. **Section 2.6** also requires that any funds collected from such civil infractions in excess of the cost and maintenance of the automated traffic enforcement systems be apportioned by the board of county highway commissioners for certain expenses.

Section 2.7 requires the Department, a local authority and a regional transportation commission who authorize the installation and use of an automated traffic enforcement system to annually compile certain information and report it to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Section 2.8 of this bill prohibits an employer from considering a civil infraction citation issued to an employee pursuant to section 2.3 for the purpose of progressive discipline against such an employee.

Sections 1, 4 and 5 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system. **Section 5** of this bill also extends the time to respond to such a citation to 120 days.

Existing law provides that before a hearing to contest the determination that a person has committed a civil infraction, the person is required to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. (NRS 484A.7041) **Section 6** of this bill limits the amount of a bond for a civil infraction citation issued for a violation described in **section 2.2** to an amount not to exceed $100. **Section 8** of this bill provides that the pilot program expires by limitation on June 30, 2029.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~[~~a~~]~~ ***:***

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 ~~[.]~~ ***; or***

(b) A civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 2.1 to ~~[2.7,]~~ **2.8,** inclusive, of this act.

Sec. 2.1. ***As used in sections 2.1 to ~~[2.7,]~~ 2.8, inclusive, of this act, unless the context otherwise requires, "automated traffic enforcement system" means a manned or unmanned stationary electronic or digital system which creates a photograph or other recorded image of a vehicle and vehicle license plate which is used as evidence of a violation of a traffic law by the driver of the vehicle. Such a photograph or other recorded image must not reveal the face of the driver or any other passenger in the vehicle.***

Sec. 2.2. ***1. The Department of Transportation, a local authority and a regional transportation commission as defined in NRS 482.1825 may, except as otherwise provided in subsection ~~[3,]~~ 4, authorize the installation and use of an automated traffic enforcement system to enforce any rate of speed which is 10 miles per hour or more over the posted speed limit:***

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present.

2. An automated traffic enforcement system must be accompanied by warning signs installed at the entry point of the temporary traffic control zone. The Department shall adopt regulations setting forth standards for such warning signs, including, without limitation:

(a) A statement that an automated traffic enforcement system is in use;

(b) A statement of the speed limit; and

(c) A display which alerts drivers of their current speed.

3. The Department, a local authority or a regional transportation commission as defined in NRS 482.1825 shall solicit bids for a contract for

the installation and use of an automated traffic enforcement system pursuant to the provisions of chapter 332 or 333 of NRS. The contract must require the number of citations issued during the use of the automated traffic enforcement system in a temporary traffic control zone to be tracked and reported to the Department, local authority or regional transportation commission, as applicable.

4. Before commencing any enforcement, including the issuance of a civil infraction citation pursuant to NRS 484A.7035 for a violation described in this section, the Department, a local authority or a regional transportation commission as defined in NRS 482.1825 that installs an automated traffic enforcement system shall establish and carry out a public information campaign to:

(a) Raise public awareness of the proposed use of an automated traffic enforcement system not less than 30 days before commencing any enforcement; and

(b) Inform the public of the date upon which enforcement will begin.

Sec. 2.3. ***1. Before a civil infraction citation is issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.***

2. If after reviewing the evidence described in subsection 1, the peace officer determines that a violation described in section 2.2 of this act occurred, the peace officer shall cause a civil infraction citation to be issued pursuant to NRS 484A.7035. The citation must be sent by the traffic enforcement agency described in subsection 1 or its designee by first class mail to the address listed with the Department of Motor Vehicles for the registered owner of the vehicle identified by the automated traffic enforcement system.

3. A manual or automated record prepared by a traffic enforcement agency described in subsection 1 or its designee in the ordinary course of business shall be prima facie evidence of mailing and service, and is admissible in any hearing as to the facts contained in the civil infraction citation.

4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act must include:

(a) The date and time of the violation;

(b) An image taken by the automated traffic enforcement system showing the vehicle and vehicle license plate involved in the violation or the address of the Internet website on which such an image may be viewed; and

(c) A statement summarizing the provisions of subsection 5.

5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation described in section 2.2 of this act was detected by an automated traffic enforcement system. Such an inference may

be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or

(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

Sec. 2.4. ***1. Any photograph, recorded image or data created by an automated traffic enforcement system:***

(a) Must only be stored and disseminated by the traffic enforcement agency that issued the civil infraction citation pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act; and

(b) May not be sold, transferred or otherwise transmitted by any other entity or organization except pursuant to a court order.

2. Any entity that manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State shall not contract to receive payment on the basis of the number of civil infraction citations issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act.

Sec. 2.5. ***The provisions of sections 2.1 to ~~[2.7,]~~ 2.8, inclusive, of this act do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this section must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.***

Sec. 2.6. ***1. A violation described in section 2.2 of this act for which a civil infraction citation is issued pursuant to NRS 484A.7035:***

(a) Is not a moving traffic violation under NRS 483.473; and

(b) Is punishable by a civil penalty pursuant to NRS 484A.7043, not to exceed $200.

2. Any money collected as a civil penalty pursuant to subsection 1 must be accounted for separately in the county or city treasury or State General Fund, as applicable, must be credited to the traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system and must be used to defray the cost of installing and operating the automated traffic enforcement system, including, without limitation, the costs of administering the provisions of sections 2.1 to ~~[2.7]~~ 2.8, inclusive, of this act. Any remaining funds may be apportioned by the board of county highway commissioners to the road funds of the county, as applicable, to be expended as described in NRS 403.470.

Sec. 2.7. ***1. Each local authority and regional transportation commission as defined in NRS 482.1825 that authorizes the installation and***

use of an automated traffic enforcement system pursuant to sections 2.1 to ~~[2.7,]~~ 2.8, inclusive, of this act, shall prepare and file a report annually with the Department of Transportation that includes, without limitation, the following information relating to the immediately preceding year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; ~~[and]~~

(c) The frequency of repeat violations in temporary traffic control zones ~~[.]~~ ; and

(d) The number of citations issued during the use of an automated traffic enforcement system in each temporary traffic control zone.

2. If the Department authorizes the installation and use of an automated traffic enforcement system pursuant to sections 2.1 to ~~[2.7,]~~ 2.8, inclusive, of this act, the Department shall prepare a report annually that includes, without limitation, the following information relating to the previous year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; ~~[and]~~

(c) The frequency of repeat violations in temporary traffic control zones ~~[.]~~ ; and

(d) The number of citations issued during the use of an automated traffic enforcement system in each temporary traffic control zone.

3. On or before ~~[October 1]~~ June 30 of each year, the Department shall compile any reports prepared pursuant to subsections 1 and 2 and submit the compilation to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Sec. 2.8. An employer may not consider a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act for the purpose of progressive discipline against an employee.

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~[A]~~ ***Except as otherwise provided in sections 2.1 to 2.7, inclusive, of this act, a*** governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 ~~[,]~~ ***or 484A.7035 for a violation described in section 2.2 of this act,*** whenever a

police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to ***:***

(a) Except as otherwise provided in paragraph (b), NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~.~~ ***; or***

(b) NRS 484A.7035 for a violation described in section 2.2 of this act shall respond to the citation as provided in this section not later than 120 days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the

civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. ***Any bond required to be posted for a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act must not exceed $100.*** In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must

not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2029.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblymember Torres-Fossett:

Amendment No. 879.

AN ACT relating to public safety; creating a pilot program authorizing the Department of Transportation, a local authority and a regional transportation commission to allow the installation and use of an automated traffic enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; requiring the Department to annually compile and submit certain information to the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a governmental entity or any agent thereof from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless the equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency; or (3) privately owned by a nongovernmental entity. (NRS 484A.600) **Sections 2.1-2.7** of this bill provide an exception to this prohibition and create a pilot program authorizing the Department of Transportation, a local authority and a regional transportation commission to allow for the installation and use of an automated traffic enforcement system to enforce certain speed limits in temporary traffic control zones under certain circumstances. **Section 2.2** sets forth the conditions for the installation and use of an automated traffic enforcement system and requires an entity which installs such a system to, among other things, carry out a public information campaign before commencing any enforcement.

Section 2.3 requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automated traffic enforcement system before a civil infraction citation is issued. **Section 2.3** also establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. Finally, **section 2.3** creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption.

Section 2.4 establishes requirements for the storage and transmission of any photograph, recorded image or data created by an automated traffic enforcement system. **Section 2.4** also prohibits any entity that manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State from contracting to receive payment on the basis of the number of citations issued.

Section 2.6 provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation but is punishable by a civil penalty not to exceed $200. **Section 2.6** also requires that any funds collected from such civil infractions in excess of the cost and maintenance of the automated traffic enforcement systems be apportioned by the board of county highway commissioners for certain expenses.

Section 2.7 requires the Department, a local authority and a regional transportation commission who authorize the installation and use of an automated traffic enforcement system to annually compile certain information and report it to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Sections 1, 4 and 5 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system. **Section 5** of this bill also extends the time to respond to such a citation to 120 days.

Existing law provides that before a hearing to contest the determination that a person has committed a civil infraction, the person is required to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. (NRS 484A.7041) **Section 6** of this bill limits the amount of a bond for a civil infraction citation issued for a violation described in **section 2.2** to an amount not to exceed $100. **Section 8** of this bill provides that the pilot program expires by limitation on June 30, 2029.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~[a]~~ *:*

(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617 ~~[.]~~ ***; or***

(b) A civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 2.1 to 2.7, inclusive, of this act.

Sec. 2.1. ***As used in sections 2.1 to 2.7, inclusive, of this act, unless the context otherwise requires, "automated traffic enforcement system" means a manned or unmanned stationary electronic or digital system which creates a photograph or other recorded image of a vehicle and vehicle license plate which is used as evidence of a violation of a traffic law by the driver of the vehicle. Such a photograph or other recorded image must not reveal the face of the driver or any other passenger in the vehicle.***

Sec. 2.2. ***1. The Department of Transportation, a local authority and a regional transportation commission as defined in NRS 482.1825 may, except as otherwise provided in subsection 3, authorize the installation and use of an automated traffic enforcement system to enforce any rate of speed which is 10 miles per hour or more over the posted speed limit:***

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present.

2. An automated traffic enforcement system must be accompanied by warning signs installed at the entry point of the temporary traffic control zone. The Department shall adopt regulations setting forth standards for such warning signs, including, without limitation:

(a) A statement that an automated traffic enforcement system is in use;

(b) A statement of the speed limit; and

(c) A display which alerts drivers of their current speed.

3. Before commencing any enforcement, including the issuance of a civil infraction citation pursuant to NRS 484A.7035 for a violation described in this section, the Department, a local authority or a regional transportation commission as defined in NRS 482.1825 that installs an automated traffic enforcement system shall establish and carry out a public information campaign to:

(a) Raise public awareness of the proposed use of an automated traffic enforcement system not less than 30 days before commencing any enforcement; and

(b) Inform the public of the date upon which enforcement will begin.

Sec. 2.3. *1. Before a civil infraction citation is issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.*

2. If after reviewing the evidence described in subsection 1, the peace officer determines that a violation described in section 2.2 of this act occurred, the peace officer shall cause a civil infraction citation to be issued pursuant to NRS 484A.7035. The citation must be sent by the traffic enforcement agency described in subsection 1 or its designee by first class mail to the address listed with the Department of Motor Vehicles for the registered owner of the vehicle identified by the automated traffic enforcement system.

3. A manual or automated record prepared by a traffic enforcement agency described in subsection 1 or its designee in the ordinary course of business shall be prima facie evidence of mailing and service, and is admissible in any hearing as to the facts contained in the civil infraction citation.

4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act must include:

(a) The date and time of the violation;

(b) An image taken by the automated traffic enforcement system showing the vehicle and vehicle license plate involved in the violation or the address of the Internet website on which such an image may be viewed; and

(c) A statement summarizing the provisions of subsection 5.

5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation described in section 2.2 of this act was detected by an automated traffic enforcement system. Such an inference may be rebutted if the registered owner of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of NRS 484A.704, an affidavit stating:

(a) The name and address of the person having care, custody and control of the vehicle at the time of the violation; or

(b) That the vehicle was, at the time of the violation, stolen. Such an affidavit must be accompanied by evidence that supports the affidavit, including, without limitation, a police report or an insurance report.

Sec. 2.4. *1. Any photograph, recorded image or data created by an automated traffic enforcement system:*

(a) Must only be stored and disseminated by the traffic enforcement agency that issued the civil infraction citation pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act; and

(b) May not be sold, transferred or otherwise transmitted by any other entity or organization except pursuant to a court order.

2. Any entity that manufactures, maintains, produces or provides an automated traffic enforcement system or related services for sale or lease to this State or any political subdivision of this State shall not contract to receive payment on the basis of the number of civil infraction citations issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act.

Sec. 2.5. *The provisions of sections 2.1 to 2.7, inclusive, of this act do not prohibit a peace officer from issuing a citation for a violation of any law of this State at the place where an automated traffic enforcement system is installed and in use if the peace officer witnesses a violation. A person who is issued a citation by a peace officer pursuant to this section must not be issued a civil infraction citation based on evidence from the automated traffic enforcement system for the same violation for which the peace officer issued the person the citation.*

Sec. 2.6. *1. A violation described in section 2.2 of this act for which a civil infraction citation is issued pursuant to NRS 484A.7035:*

(a) Is not a moving traffic violation under NRS 483.473; and

(b) Is punishable by a civil penalty pursuant to NRS 484A.7043, not to exceed $200.

2. Any money collected as a civil penalty pursuant to subsection 1 must be accounted for separately in the county or city treasury or State ~~[General]~~ Highway Fund, as applicable, must be credited to the Department of Transportation, local authority or regional transportation commission as defined in NRS 482.1825, as applicable, and the traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system and must be used to defray the cost of installing and operating the automated traffic enforcement system, including, without limitation, the costs of administering the provisions of sections 2.1 to 2.7 of this act. Any remaining funds may be apportioned by the board of county highway commissioners to the road funds of the county, as applicable, to be expended as described in NRS 403.470.

Sec. 2.7. *1. Each local authority and regional transportation commission as defined in NRS 482.1825 that authorizes the installation and*

use of an automated traffic enforcement system pursuant to sections 2.1 to 2.7, inclusive, of this act, shall prepare and file a report annually with the Department of Transportation that includes, without limitation, the following information relating to the immediately preceding year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; and

(c) The frequency of repeat violations in temporary traffic control zones.

2. If the Department authorizes the installation and use of an automated traffic enforcement system pursuant to sections 2.1 to 2.7, inclusive, of this act, the Department shall prepare a report annually that includes, without limitation, the following information relating to the previous year:

(a) The number of speeding infractions in temporary traffic control zones;

(b) The changes in the frequency of citations in temporary traffic control zones; and

(c) The frequency of repeat violations in temporary traffic control zones.

3. On or before October 1 of each year, the Department shall compile any reports prepared pursuant to subsections 1 and 2 and submit the compilation to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Growth and Infrastructure.

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~[A]~~ ***Except as otherwise provided in sections 2.1 to 2.7, inclusive, of this act, a*** governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable camera or event recording device worn or held by a peace officer, the equipment is otherwise installed temporarily or permanently within a vehicle or facility of a law enforcement agency or the equipment is privately owned by a nongovernmental entity.

Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 ~~[,]~~ ***or 484A.7035 for a violation described in section 2.2 of this act,*** whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name

but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to ***:***

(a) Except as otherwise provided in paragraph (b), NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~.~~ ***; or***

(b) NRS 484A.7035 for a violation described in section 2.2 of this act shall respond to the citation as provided in this section not later than 120 days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 ***or 120*** calendar days ***, as applicable under subsection 1,*** after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who

fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. NRS 484A.7041 is hereby amended to read as follows:

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation. ***Any bond required to be posted for a civil infraction citation issued pursuant to NRS 484A.7035 for a violation described in section 2.2 of this act must not exceed $100.*** In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

4. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by

the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2029.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 428.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 891.

AN ACT relating to insurance; requiring certain health plans to include coverage for certain procedures or services for the preservation of fertility of

insureds who have been diagnosed with breast or ovarian cancer; providing certain exceptions for insurers affiliated with religious organizations; **authorizing certain expenditures; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.272428, 689A.04033-689A.0465, 689B.030-689B.0379, 689C.1652-689C.169, 689C.425, 695A.184-695A.1875, 695A.255-695A.265, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 1, 3-9, 11 and 13-15** of this bill require public and private health plans, including Medicaid and insurance for state and local government employees, to provide coverage for certain procedures or services that are medically necessary to preserve fertility for an insured who has been diagnosed with breast or ovarian cancer if: (1) the cancer may directly or indirectly cause infertility; or (2) the insured is expected to receive medical treatment for the cancer and the treatment could directly or indirectly cause infertility. An insurer that is affiliated with a religious organization is not required to provide the coverage required by **sections 1, 3-8 and 11** if the insurer: (1) objects to providing the coverage on religious grounds; and (2) provides a written notice to insureds or prospective insureds disclosing that the insurer refuses to provide such coverage. **Section 15.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services and authorizes certain expenditures for the costs associated with providing such coverage under Medicaid pursuant to sections 9 and 15.**

Section 2 of this bill authorizes the Commissioner of Insurance to require a policy of individual health insurance issued by a domestic insurer to a person residing in another state to contain the coverage required by **section 1** in certain circumstances. **Section 12** of this bill makes a conforming change to require the Director of the Department ~~[of Health and Human Services]~~ to administer the provisions of **section 15** in the same manner as other provisions relating to Medicaid.

Section 10 of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to provide the coverage required by **section 8**. The Commissioner is also authorized to take such action against other health insurers who fail to provide the coverage required by **sections 1, 3-8 and 11**. (NRS 680A.200)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

4. An insurer that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the insured or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

5. A policy of health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the

Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 1 of this act.***

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, an insurer that issues a policy of group health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. An insurer that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

4. A policy of group health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

4. A carrier that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the insured or prospective insured, as applicable, written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

5. A health benefit plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 4 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a society that issues a benefit contract shall include in the contract coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

4. A society that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract that is subject to the requirements of subsection 1 and before the renewal of such a contract, provide to the insured or prospective insured, as applicable, written notice of the coverage that the society refuses to provide pursuant to this subsection.

5. A benefit contract that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a hospital or medical services corporation that issues a policy of health insurance shall include in the policy coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

4. A hospital or medical services corporation that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the hospital or medical services corporation objects on religious grounds. Such a hospital or medical services corporation shall, before the issuance of a policy of health insurance that is subject to the requirements of subsection 1 and before the renewal of such a policy, provide to the insured or prospective insured, as applicable, written notice of the coverage that the hospital or medical services corporation refuses to provide pursuant to this subsection.

5. A policy of health insurance that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the enrollee has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The enrollee is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

4. A health maintenance organization that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such a health maintenance organization shall, before the issuance of a health care plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the enrollee or prospective enrollee, as applicable, written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

5. A health care plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate

any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 8 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other

information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 8 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the

affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because the insured has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The insured is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

4. A managed care organization that is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such a managed care organization shall, before the issuance of a health care plan that is subject to the requirements of subsection 1 and before the renewal of such a plan, provide to the insured or prospective insured, as applicable, written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

5. A health care plan that is subject to the provisions of this chapter and is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole

or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 15 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to

689B.0317, inclusive, ***and section 3 of this act,*** paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 11 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for any procedure or service for the preservation of fertility consistent with established medical practice or any guidelines published by the American Society for Reproductive Medicine or the American Society of Clinical Oncology, or their successor organizations, that is medically necessary to preserve fertility because a recipient of Medicaid has been diagnosed with breast or ovarian cancer and:

(a) The cancer may, in the judgment of a provider of health care, directly or indirectly cause infertility; or

(b) The recipient is expected to receive medical treatment for the cancer and such treatment may directly or indirectly cause infertility.

2. For the purposes of subsection 1, a medical treatment may directly or indirectly cause infertility if the treatment has a potential side effect of impaired fertility, as established by the American Society of Clinical Oncology or the American Society for Reproductive Medicine, or their successor organizations.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of providing**

Medicaid coverage for procedures and services for the preservation of fertility pursuant to sections 9 and 15 of this act and computer system upgrades and vendor costs associated with providing such coverage the following sums:

For the Fiscal Year 2025-2026.....$158,600

For the Fiscal Year 2026-2027.....$69,434

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1:

For the Fiscal Year 2025-2026.....$225,800

For the Fiscal Year 2026-2027.....$193,008

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. **Section 15.5 of this act becomes effective on July 1, 2025.**

3. Sections 1 to ~~[~~16,~~]~~ **15,** inclusive, **and 16** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~[~~2026,~~]~~ **2027,** for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 467.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 862.

AN ACT relating to mental health; authorizing the creation of a facility for the treatment of incompetent defendants within certain county jails or detention facilities; authorizing the establishment of a program to provide certain services to an incompetent defendant outside of a forensic facility;

requiring a clinical review to determine the appropriate placement of an incompetent defendant; requiring the Division of Child and Family Services of the Department of Health and Human Services to immediately accept placement of a child in a division facility when a juvenile court orders such acceptance of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a defendant from being tried or judgment pronounced for a public offense while the defendant is incompetent. (NRS 178.400) Existing law also requires a court to suspend criminal proceedings against a defendant if doubt arises as to the competence of the defendant until the question of competence is determined. (NRS 178.405) After a court determines that a defendant is incompetent, existing law requires a judge to order the defendant into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or the Administrator's designee for treatment at a secure mental health facility of the Division. (NRS 178.425)

Under certain circumstances, **section 3** of this bill authorizes the Administrator to enter into a contract with an organization that provides mental health services to the community to operate a facility for the treatment of defendants to competency in a county jail or detention facility in a county whose population is 100,000 or more (currently Clark and Washoe Counties). **Section 3** additionally authorizes the Administrator to establish a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility. **Sections 3 and 5** of this bill authorize a court to commit an incompetent defendant to such a facility or program under the same circumstances where the court is authorized to commit an incompetent defendant to a division facility ~~[.]~~ **after a clinical review.** **Section 9** of this bill requires a defendant who has attained competence after being committed to a facility for the treatment of defendants to competency established in a county jail or detention facility or through a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility to be discharged from the treatment facility within the jail or detention facility or to have his or her services through the program terminated, as applicable. **Section 13** of this bill applies the provisions of **section 3** to persons who have been court-martialed for violations of the Nevada Code of Military Justice. (NRS 412.196-412.584) **Section 4** of this bill applies certain definitions to **section 3**. **Section 7** of this bill revises certain terminology to more accurately reflect the required contents of certain periodic reports of the Administrator or the Administrator's designee concerning an incompetent defendant. **Section 9.5 of this bill updates a reference in conformance with section 5.**

Existing law authorizes a juvenile court that determines that a child in a case before the court is incompetent to require a treatment facility of the Division of Child and Family Services of the Department to accept and provide services

to the child. (NRS 62D.180, 62D.185) If the administrative officer of the facility or the administrative officer's designee has determined that the treatment available at the facility is not appropriate or necessary for the child, existing law requires the administrative officer or the administrative officer's designee to assist the court with identifying a facility that has the appropriate or necessary treatment. (NRS 433B.320) If a court orders a treatment facility to accept and provide services to a child, **section 20** of this bill requires the administrative officer of the facility or the administrative officer's designee to: (1) accept placement of the child in the facility; and (2) if the facility is not best situated to treat the child, to ensure that the child receives treatment at the facility, within the capabilities of the facility, while a more suitable facility is found.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. The Administrator may enter into a contract with an organization that provides mental health services to the community to establish and operate a facility for the treatment of defendants to competency within the county jail or detention facility in a county whose population is 100,000 or more if:***

(a) Money is available to support the facility for the treatment of defendants;

(b) There is a qualified organization that is willing and able to operate the facility for the treatment of defendants; and

(c) The sheriff who is responsible for the county jail or detention facility consents to the establishment of the facility for the treatment of defendants within the county jail or detention facility.

2. ~~[An]~~ Except as otherwise provided in subsection 2 of NRS 178.425, an organization that enters into a contract pursuant to subsection 1 may serve as an Administrator's designee for the purpose of this section and NRS 178.3981 to 178.4715, inclusive. The Administrator retains oversight over the facility for the treatment of defendants to competency and services provided at the facility.

3. The Administrator may establish a program to provide services for the treatment of defendants to competency and the reintegration of such defendants into society at a location other than a forensic facility. The services provided through such a program must be developed based on considerations of public safety, the needs of the defendant and the resources available to the defendant.

4. As used in this section, "forensic facility" has the meaning ascribed to it in NRS 175.539.

Sec. 4. NRS 178.3981 is hereby amended to read as follows:

178.3981 As used in NRS 178.3981 to 178.4715, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 178.3982 to 178.399, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure ~~[.]~~ ***, a facility for the treatment of defendants to competency established within a county jail or detention facility pursuant to subsection 1 of section 3 of this act or another location to receive services through a program established pursuant to subsection 3 of section 3 of this act*** ~~[,]~~ ***, as determined after a clinical review conducted pursuant to subsection 2.*** The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. ***After the court orders a defendant into the custody of the Administrator or the Administrator's designee pursuant to subsection 1, the Administrator or the Administrator's designee shall perform a clinical review of the defendant to determine whether the defendant would most appropriately be placed in a division facility that is secure, a facility for the treatment of defendants to competency established within a county jail or detention facility pursuant to subsection 1 of section 3 of this act or another location to receive services through a program established pursuant to subsection 3 of section 3 of this act. An organization that enters into a contract with the Administrator pursuant to subsection 1 of section 3 of this act may not perform such a review.***

3. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

~~[3.]~~ ***4.*** If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** proceedings against the defendant must be suspended until the Administrator or the

Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

~~[5.]~~ ***6.*** Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought except upon application by the prosecuting attorney to the chief judge of the district court, or his or her designee, and with leave of the court where:

(a) The State has a good faith belief, based on articulable facts, that the defendant has attained competency;

(b) The State has a compelling interest in bringing charges again; and

(c) The period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has not lapsed since the date of the alleged offense.

➥ The prosecuting attorney must give notice of an application made pursuant to this subsection to the attorney for the defendant not less than 24 hours before the hearing on the application.

~~[6.]~~ ***7.*** If a defendant is found incompetent pursuant to this section, the court shall cause, within 5 business days after the finding, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

~~[7.]~~ ***8.*** As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 178.450 is hereby amended to read as follows:

178.450 1. The Administrator or the Administrator's designee shall keep each defendant committed to custody under NRS 178.425 or 178.460 under observation and shall have each defendant who has been ordered to report to the Administrator as an outpatient under those sections evaluated periodically.

2. The Administrator or the Administrator's designee shall report in writing to a judge of the court which committed the person and the prosecuting attorney of the county or city to which the person may be returned for further court action whether, in his or her opinion, upon medical consultation, the defendant is of sufficient mentality to be able to understand the nature of the criminal charge against the defendant and, by reason thereof, is able to aid and assist counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter. The Administrator or the Administrator's designee shall submit such a report, in the case of a person charged or convicted of a misdemeanor, within 3 months after the order for

commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 4 of NRS 178.460, and at monthly intervals thereafter. In all other cases, the initial report must be submitted within 6 months after the order and at 6-month intervals thereafter. If the opinion of the Administrator or the Administrator's designee is that the defendant is not of sufficient mentality to understand the nature of the charge against the defendant and assist in the defendant's own defense, the Administrator or the Administrator's designee shall also include in the report his or her opinion whether:

(a) There is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) The defendant is at that time a danger to himself or herself or to society.

3. The report must contain:

(a) The name of the defendant and the county or city to which the defendant may be returned for further court action.

(b) The circumstances under which the defendant was committed to the custody of the Administrator or the Administrator's designee and the duration of the defendant's ~~[hospitalization,]~~ ***treatment to competency*** or the circumstances under which the defendant was ordered to report to the Administrator or the Administrator's designee as an outpatient.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or herself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the

facility ***, if applicable,*** for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be. ***If the defendant is receiving treatment to competency through a facility located within the county jail or detention facility pursuant to subsection 1 of NRS 178.425, the judge shall order the defendant discharged from the facility for treatment to competency within the jail or detention facility. A defendant so discharged may continue to reside in a designated mental health unit of a jail or detention facility to continue mental health treatment not related to treatment to competency. If the defendant is receiving treatment through a program established pursuant to subsection 3 of section 3 of this act, the judge shall order the termination of such treatment.***

(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed for the involuntary court-ordered admission of the person to a mental health facility pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily admitted to a mental health facility pursuant to chapter 433A of NRS.

5. Except as otherwise provided in subsections 4 and 7 of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection 4 or 7 of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 9.5. **NRS 178.461 is hereby amended to read as follows:**

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection ~~[5]~~ ***6*** of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3.

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall, except as otherwise provided in this subsection, complete the comprehensive risk assessment within 40 calendar days after receipt of the request and provide the comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person. The court may grant the Division an extension to complete the comprehensive risk assessment upon a showing of good cause. Within 10 judicial days after receipt of the comprehensive risk assessment, the court shall hold a hearing on the motion. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection 2, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.

4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;

(d) Assault with a deadly weapon pursuant to NRS 200.471;

(e) Battery with a deadly weapon pursuant to NRS 200.481;

(f) Aggravated stalking pursuant to NRS 200.575;

(g) First degree arson pursuant to NRS 205.010;

(h) Residential burglary with a deadly weapon pursuant to NRS 205.060;

(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(j) Any category B felony involving the use of a firearm; and

(k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 412.4485 is hereby amended to read as follows:

412.4485 1. Unless otherwise stated in this section, in the case of a person determined pursuant to NRS 412.2645 to be incompetent, the provisions of NRS 178.3981 to 178.4715, inclusive, ***and section 3 of this act*** are applicable. References to the court in NRS 178.3981 to 178.4715, inclusive, ***and section 3 of this act,*** and to the judge of such court, shall be deemed to refer to the convening authority having authority to convene a general court-martial for that person. However, if the person is no longer subject to this Code at a time relevant to the application to the person of the relevant provisions of NRS 178.3981 to 178.4715, inclusive, ***and section 3 of this act,*** the state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found retains the powers specified in NRS 178.3981 to 178.4715, inclusive, ***and section 3 of this act*** as if it were the court that ordered the commitment of the person.

2. When the director of a facility in which a person is hospitalized pursuant to the actions taken by the convening authority having authority to convene a general court-martial for that person determines that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the convening authority having

authority to convene a general court-martial for the person, the person's counsel and the authority having custody of the person. The authority having custody of the person may retain custody of the person for not more than 30 days after receiving notification that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case.

3. Upon receipt of a notification pursuant to subsection 2, the convening authority having authority to convene a general court-martial for the person shall promptly take custody of the person unless the person to which the notification applies is no longer subject to this Code. If the person is no longer subject to this Code, the state trial court with felony jurisdiction in the county where the person is committed or otherwise may be found may take any action within the authority of that court that the court considers appropriate regarding the person.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 433B.320 is hereby amended to read as follows:

433B.320 1. In any case involving commitment by court order, except a case where commitment was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, admission to a treatment facility may be only after consultation with and approval by the administrative officer of the facility or the administrative officer's designee, who shall determine whether the treatment available at the facility is appropriate or necessary for the child's health and welfare.

2. In a case where commitment to a treatment facility was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, ~~[if]~~ ***the administrative officer or the administrative officer's designee shall immediately accept placement of the child at the treatment facility. If*** the administrative officer of the facility or the administrative officer's designee has determined that the treatment available at the facility is not ~~[appropriate or necessary for the child's health and welfare and for the protection of the community,]~~ ***best situated to treat the child,*** the administrative officer or the administrative officer's designee shall ~~[assist]~~ ***:***

(a) Assist the court with identifying a facility that ~~[has the appropriate or necessary]~~ ***is better situated to provide the necessary*** treatment ~~[.]~~ ***; and***

(b) Ensure that the child receives treatment at the treatment facility, within the capabilities of the treatment facility, until a more suitable facility is found.

3. Except in a case where commitment was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, a child committed by court order must

not be released from a treatment facility until the administrative officer determines that treatment in the facility is no longer beneficial to the child.

Sec. 21. (Deleted by amendment.)

Sec. 22. 1. This section and section 20 of this act become effective upon passage and approval.

2. Sections 1 to 19, inclusive, and 21 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 515.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 853.

AN ACT relating to the protection of children; revising provisions relating to certain categorical grants to fund the adoption assistance program; **providing for a study of and the development of a plan for reinvesting certain money; making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires each child welfare agency to calculate savings realized from expanded eligibility for children under Title IV-E of the Social Security Act, known as "adoption savings," and reinvest an equal amount in the state's child welfare system. (42 U.S.C. § 673(a)(8)(D)) Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to provide a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more (currently Clark and Washoe Counties) for each fiscal year for its adoption assistance program. Existing law requires the Division to base the amount of such a categorical grant on the estimated cost of the projected growth in the adoption assistance program. (NRS 432B.219) ~~[This bill requires the Division to additionally base the amount of such a categorical grant on the adoption savings calculated for the immediately preceding fiscal year pursuant to federal law.]~~

Under existing law, any money remaining from such a categorical grant that has not been used or committed for expenditure by the agency by the end of the fiscal year reverts to the State General Fund in most cases. However, existing law provides that the portion of such money remaining at the end of a fiscal year that is identified as adoption savings does not revert until the end of the immediately following fiscal year. Existing law authorizes the agency

which provides child welfare services that received the categorical grant to use that money for any costs of providing child welfare services without restriction during that fiscal year. (NRS 432B.219) ~~[This]~~ **Section 1 of this** bill ~~[authorizes]~~ **instead provides that money awarded through such a categorical grant never reverts to the State General Fund, regardless of whether the money is identified as adoption savings. Additionally, section 1 requires** an agency which provides child welfare services to continue to use such money for ~~[any such]~~ **the** costs **of providing child welfare services. If the money is identified as adoption savings, section 1 requires the money to be used** in a manner consistent with federal law**.** ~~[for an additional fiscal year before the money reverts to the State General Fund.]~~ **Section 2 of this bill defines "Division" for the purposes of sections 3, 4 and 5 of this bill to refer to the Division of Child and Family Services of the Department of Health and Human Services. Sections 3 and 4 appropriate to the Division certain unexpended adoption savings for expenditure in accordance with federal law to provide child welfare services. Section 5 requires the Division and other agencies which provide child welfare services in this State to study and develop a plan for reinvesting unexpended adoption savings.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.219 is hereby amended to read as follows:

432B.219 1. The Division of Child and Family Services shall provide a categorical grant to each agency which provides child welfare services for each fiscal year for its adoption assistance program to the extent that money has been appropriated to the Division for that purpose. The amount of the grant must be based upon the ~~*[:*~~

~~*(a) The]*~~ estimated cost of the projected growth in the adoption assistance program**.** ~~*[; and*~~

~~*(b) The amount identified as savings pursuant to the calculation required under 42 U.S.C. § 673(a)(8)(A), reported at the end of the immediately preceding fiscal year.]*~~

2. The amount of the grant awarded pursuant to subsection 1 must be determined for 2 years beginning on July 1 of each odd-numbered year and allocated each fiscal year.

3. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[:~~

~~(a) An]~~ ***and 5, an*** agency which provides child welfare services that receives a grant pursuant to subsection 1 must use the money allocated only for costs associated with the adoption assistance program.

~~[(b)]~~ ***4.*** Any money from the grant awarded pursuant to subsection 1 that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year ~~[reverts]~~ ***:***

(a) Does not revert to the State General Fund ~~[.]~~ ***; and***

(b) Must be used to pay the costs of providing child welfare services.

~~[4.]~~ ***5.*** The portion of any money ~~[remaining at the end of a fiscal year from a grant awarded pursuant to subsection 1]~~ ***described in subsection 4*** that is identified as savings pursuant to the calculation required under 42 U.S.C. § ~~[673(a)(8)(D)(ii)]~~ ***673(a)(8)(A)*** ~~[does not revert to the State General Fund and may]~~ ***must*** be ~~[carried forward to the next 2 fiscal year years and]~~ used ~~[for any costs of providing child welfare services without restriction.]~~ ***in a manner described in paragraph (b) of subsection 4 that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D).*** ~~[Any such money identified as savings that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the second fiscal year to which the money was carried forward reverts to the State General Fund.]~~

Sec. 2. **As used in sections 3, 4 and 5 of this act, "Division" means the Division of Child and Family Services of the Department of Health and Human Services.**

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Division for the Rural Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:**

For the Fiscal Year 2025-2026.....$83,824

For the Fiscal Year 2026-2027.....$345,309

2. There is hereby appropriated from the State General Fund to the Division for the Washoe County Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:

For the Fiscal Year 2025-2026.....$607,022

For the Fiscal Year 2026-2027.....$364,788

3. There is hereby appropriated from the State General Fund to the Division for the Clark County Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:

For the Fiscal Year 2025-2026.....$1,820,305

For the Fiscal Year 2026-2027.....$770,698

4. The Division shall use the money appropriated pursuant to subsections 1, 2 and 3 for the costs of providing child welfare services in a manner that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D).

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year and any remaining balance does not revert to the State General Fund.

Sec. 4. **1. There is hereby appropriated from the State General Fund to the Division for the Rural Child Welfare budget account for the**

reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$83,824

For the Fiscal Year 2026-2027.....$345,309

2. There is hereby appropriated from the State General Fund to the Division for the Washoe County Child Welfare budget account for the reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$607,022

For the Fiscal Year 2026-2027.....$364,788

3. There is hereby appropriated from the State General Fund to the Division for the Clark County Child Welfare budget account for the reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$1,820,305

For the Fiscal Year 2026-2027.....$770,698

4. The Division shall use the money appropriated pursuant to subsections 1, 2 and 3 for the costs of providing child welfare services in a manner that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D) in order to reduce the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B).

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year and any remaining balance does not revert to the State General Fund.

Sec. 5. **1. During the 2025-2026 interim, the Division, in consultation with the Office of Finance and the other agencies which provide child welfare services in this State, shall:**

(a) Study the reinvestment, in accordance with 42 U.S.C. § 673(a)(8)(D), of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B); and

(b) Based on the findings of the study, develop a plan to reinvest those adoption savings as described in paragraph (a).

2. The study conducted pursuant to paragraph (a) of subsection 1 must include, without limitation, an internal audit by each agency which provides child welfare services in this State to determine which expenditures of the agency may be eligible uses under 42 U.S.C. § 673(a)(8)(D) for reinvested adoption savings.

3. The Division shall coordinate with the United States Secretary of Health and Human Services to amend the cumulative total unexpended balance reported to the Secretary pursuant to 42 U.S.C. § 673(a)(8)(B) as

necessary based on the study conducted pursuant to paragraph (a) of subsection 1.

4. The Division shall utilize the plan developed pursuant to paragraph (b) of subsection 1 when developing its budget for the 2027-2029 biennium. The Governor shall utilize that plan when developing the proposed executive budget for the 2027-2029 biennium.

5. On or before February 1, 2026, the Division shall submit the plan developed pursuant to paragraph (b) of subsection 1 and any recommendations resulting from the study pursuant to paragraph (a) of subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

~~[Sec. 2.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 533.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 865.

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil receives approval to attend the school. **Section 2** additionally: (1) requires the **board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; (2) requires the** Superintendent of Public Instruction to ~~[establish an application process to enable pupils to request such transfers between public schools; (2)]~~ **establish a process to review such policies and procedures; (3)** provides certain requirements governing the application process ~~[.]~~ **established by a school district,** including, without limitation, various factors that may not be considered when determining whether to approve an application; ~~[(3)]~~ **(4)** sets forth the process for the parent or legal guardian of a pupil who submits an application to appeal certain

decisions regarding the application; and ~~[(4)]~~ **(5)** requires the Superintendent of Public Instruction **and each school district** to publish certain data concerning vacancies at each public school on the Internet website maintained by the Department of Education ~~[.]~~ **and school district, respectively.** **Section 1** of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. Additionally, **section 2** authorizes the board of trustees of a school district to accept gifts and grants to carry out certain provisions of **section 2**. ~~[Section 2 also requires the board of trustees of each school district to submit to the Superintendent of Public Instruction an annual report concerning, without limitation: (1) transportation resources available to the district; and (2) how such resources can be used to provide transportation to pupils who submit an application to attend a public school outside the zone of attendance that the pupils are otherwise required to attend.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide

transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~[or]~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~[.]~~ ***; or***

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil is approved to attend the school pursuant to this section.

3. The Superintendent of Public Instruction shall:

(a) Establish ~~[an application]~~ a process ~~[through which a pupil may request to attend, pursuant to paragraph (f) of subsection 2, a public school outside the zone of attendance that the pupil is otherwise required to attend. The process must:~~

~~(1) Include an annual deadline by which a pupil must submit the application to the board of trustees of the school district in which the school the pupil requests to attend is located; and~~

~~(2) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved.]~~ to review the policies and procedures of school districts adopted pursuant to paragraph (a) of subsection 4 to determine if such policies and procedures are consistent with the requirements of this section.

(b) Ensure that any application ~~[developed pursuant to paragraph (a)]~~ of a school district for pupils to apply to attend a school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is made available in the five most common

languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.

(c) On or before the first ~~[calendar]~~ day of each ~~[month,]~~ calendar quarter, publish, on the Internet website maintained by the Department, the number of vacancies for each grade level in each public school in this State.

(d) ~~[Not require a pupil to complete an application developed pursuant to paragraph (a) unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend.~~

~~(e)]~~ On the Internet website maintained by the Department, annually publish data describing, for pupils who transferred between schools located in different zones of attendance pursuant to paragraph (f) of subsection 2:

(1) The total number of pupils who transferred between schools located in different zones of attendance during the previous school year; and

(2) For each public school, the number of pupils who transferred into and out of the school pursuant to paragraph (f) of subsection 2 during the previous school year.

4. The board of trustees of each school district shall:

(a) Adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such policies and procedures must:

(1) Not deem a pupil ineligible to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 on an arbitrary basis, including, without limitation, based on the home address of the pupil;

(2) Require all public schools within the school district, except for magnet schools, career and technical academies and dual enrollment high schools, to be open to the attendance of pupils pursuant to paragraph (f) of subsection 2, subject to capacity;

(3) Prohibit the assessment of any tuition or fees by a public school within the school district to a pupil who attends the school pursuant to paragraph (f) of subsection 2;

(4) Include a procedure for pupils to apply to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2, including, without limitation, the date each year on which the school district will begin accepting applications and the annual deadline by which an application must be submitted;

(5) Not require a pupil to complete an application to attend a public school unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend;

(6) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved; and

(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which may include, without limitation, a lottery.

(b) On or before the first day of each calendar quarter, publish on the Internet website maintained by the school district the number of vacancies for each grade level in each public school in the school district.

(c) Determine the capacity for each grade level within each public school in the school district in accordance with the provisions of this section ~~.~~ and annually publish such capacity on the Internet website maintained by the school district not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. The capacity determined pursuant to this paragraph must not be reduced during the period in which the school district accepts such applications unless a significant change in circumstances, which was unforeseeable at the time the capacity was published pursuant to this section, necessitates such a change, including, without limitation, a change in capacity due to an issue with the facilities of the public school. If the capacity of a public school is reduced during the period in which the school district accepts such applications, the board of trustees shall ensure that, not later than 15 days before the earliest date on which decisions on such applications are to be made, there is published on the Internet website maintained by the school district a written explanation of the change in circumstances which necessitated the reduction in capacity.

~~[(b)]~~ (d) Require a public school in the school district to enroll a pupil whose application submitted ~~[pursuant to subsection 3]~~ in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved, so long as the public school has capacity at the grade level of the pupil without taking into consideration the capacity of any specialized program.

~~[(c) Establish a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (a), which may include, without limitation, a lottery system.~~

~~(d)]~~ (e) Allow a pupil whose application submitted ~~[pursuant to subsection 3]~~ in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

~~[(e)]~~ (f) Adopt a uniform methodology for calculating the capacity of each public school within the school district for the purposes of paragraph (c). The methodology must be publicly documented, applied consistently across all public schools within the school district and published on the Internet website maintained by the school district. The methodology adopted

by a school district must calculate the capacity of each public school within the school district based on:

(1) Maximum building occupancy; or

(2) An occupancy level of not more than 1 person per 40 square feet of instructional space.

(g) Prepare and submit an annual report to the Superintendent of Public Instruction describing:

(1) The number of applications to attend a public school outside the zone of attendance that a pupil is otherwise required to attend that were received ~~[pursuant to subsection 3]~~ by the school district and the number of such applications that were approved or denied; and

(2) For each application that was denied, the reason the board of trustees of the school district denied the application.

5. The application process established by the board of trustees of a school district pursuant to subsection ~~[3]~~ 4 must prohibit the consideration of any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner;

(e) The address at which the pupil resides; or

(f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.

6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend ~~[submitted pursuant to subsection 3]~~ is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.

7. The board of trustees of a school district may accept gifts and grants to carry out the provisions of subsections 3 to 6, inclusive.

8. ~~[Each year, the board of trustees of each school district shall prepare and submit to the Superintendent of Public Instruction a report describing:~~

~~(a) The resources available to the school district for the transportation of pupils;~~

~~(b) The number of pupils enrolled in the school district who have applied to attend a school outside the zone of attendance that the pupils are otherwise required to attend pursuant to subsection 3; and~~

~~*(c) An analysis of ways the resources available to the school district for the transportation of pupils could be used to provide transportation to pupils who have submitted an application to attend a school outside the zone of attendance that the pupils are otherwise required to attend pursuant to subsection 3.]*~~ ***The State Board shall adopt regulations necessary to carry out the provisions of this section.***

9. As used in this section:

(a) [“Capacity” means the number of pupils who can be adequately served by a school in each grade level, calculated by subtracting the sum of the number of pupils enrolled in the school at that grade level and the number of staff members assigned to the school for that grade level from the maximum physical capacity of the instructional space in the school dedicated to that grade level.

(b)] “Expelled” has the meaning ascribed to “expel” or “expulsion” in NRS 392.4603.

[(c)] (b) “Instructional space” does not include:

(1) A gymnasium;

(2) A theater;

(3) An administrative office;

(4) A cafeteria; and

(5) A storage space.

[(d)] (c) “Suspended” has the meaning ascribed to “suspend” or “suspension” in NRS 392.4607.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 596.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 906.

SUMMARY—Makes appropriations for the ~~[implementation]~~ **payment** of ~~[certain collective bargaining agreements.]~~ **quarterly retention incentives.** (BDR S-1247)

AN ACT relating to public employees; making appropriations for the ~~[implementation]~~ **payment** of ~~[certain collective bargaining agreements;]~~ **quarterly retention incentives; providing that certain provisions of collective bargaining agreements to which the State is a party are void;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor ~~[the sum of $90,209,716 for the costs of implementing the provisions of the collective bargaining agreement covering]~~ **to pay retention incentives in accordance with subsection 3 to** personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 **~~[.]~~ the following sums:**

For the Fiscal Year 2025-2026.....$5,272,944

For the Fiscal Year 2026-2027.....$5,291,485

2. There is hereby appropriated from the State ~~[General]~~ **Highway** Fund to the Office of Finance in the Office of the Governor ~~[the sum of $57,464,302 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (e) of subsection 1 of NRS 288.515.~~

~~3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $25,125,646 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515.~~

~~4. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $1,812,372 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515.~~

~~5. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $138,891,224 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515.~~

~~6. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $184,806 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (k) of subsection 1 of NRS 288.515.~~

~~7. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $7,410,587 for the costs of implementing the provisions of the collective bargaining agreement~~

~~covering personnel represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515.~~

~~— 8. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $65,100 for the costs of implementing the provisions of the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (o) of subsection 1 of NRS 288.515.~~

~~— 9. Any remaining balance of the appropriations made by this section must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.~~ **to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$1,125,973

For the Fiscal Year 2026-2027.....$1,125,973

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.1. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$1,536,401

For the Fiscal Year 2026-2027.....$1,541,097

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$2,235,919

For the Fiscal Year 2026-2027.....$2,235,919

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.2. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$611,655

For the Fiscal Year 2026-2027.....$613,453

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$789,700

For the Fiscal Year 2026-2027.....$789,700

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.3. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$83,555

For the Fiscal Year 2026-2027.....$83,555

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$74,832

For the Fiscal Year 2026-2027.....$74,832

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.4. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel**

represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$3,968,000

For the Fiscal Year 2026-2027.....$3,968,000

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (k) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$218,000

For the Fiscal Year 2026-2027.....$218,000

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.6. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$203,823

For the Fiscal Year 2026-2027.....$203,823

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$171,320

For the Fiscal Year 2026-2027.....$171,320

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (m) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$13,911

For the Fiscal Year 2026-2027.....$13,911

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the

bargaining unit established in paragraph (m) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....$17,708

For the Fiscal Year 2026-2027.....$17,708

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.8. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (n) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$350,000

For the Fiscal Year 2026-2027.....$350,000

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (n) of subsection 1 of NRS 288.515.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.9. **1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (o) of subsection 1 of NRS 288.515 the following sums:**

For the Fiscal Year 2025-2026.....$62,000

For the Fiscal Year 2026-2027.....$62,000

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of $2,000 in Fiscal Year 2025-2026 and $2,000 in Fiscal Year 2026-2027.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.10. **With respect to any collective bargaining agreement to which the State of Nevada is a party and which is intended to be in effect during all or part of the 2025-2027 biennium, any provision of such an agreement which requires the Legislature to appropriate money is void, except for those provisions for which the 83rd Session of the Nevada Legislature specifically appropriated or authorized the expenditure of money in this or another act of this session that was approved by the Governor.**

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 409.
Bill read third time.
Roll call on Assembly Bill No. 409:
YEAS—42.
NAYS—None.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Roll call on Assembly Bill No. 91:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—41.

NAYS—Dickman.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108.

Bill read third time.

Roll call on Assembly Bill No. 108:

YEAS—42.

NAYS—None.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Roll call on Assembly Bill No. 123:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Roll call on Assembly Bill No. 204:

YEAS—28.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Roll call on Assembly Bill No. 331:

YEAS—41.

NAYS—Gallant.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Roll call on Assembly Bill No. 375:

YEAS—41.

NAYS—Kasama.

Assembly Bill No. 375 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—26.

NAYS—Brown-May, Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—16.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Roll call on Assembly Bill No. 405:

YEAS—42.

NAYS—None.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Roll call on Assembly Bill No. 414:

YEAS—16.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig—13.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Roll call on Assembly Bill No. 442:

YEAS—42.

NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Roll call on Assembly Bill No. 462:

YEAS—42.

NAYS—None.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Roll call on Assembly Bill No. 472:

YEAS—42.

NAYS—None.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblymember Orentlicher.

Conflict of interest declared by Assemblymember Orentlicher.

ASSEMBLYMEMBER ORENTLICHER:

I would like to disclose that I am employed by UNLV [University of Nevada, Las Vegas] to teach at the William S. Boyd School of Law. The only appropriations contained in Assembly Bill No. 476 would appropriate money to UNLV for programs at the School of Law. Because this bill has a direct and distinctive impact on my employer, I am hereby making this disclosure for the purposes of Assembly [Standing] Rule No. 23 and will abstain from voting on Assembly Bill No. 476.

Roll call on Assembly Bill No. 476:

YEAS—37.

NAYS—DeLong, Gallant, Gray, Kasama—4.

NOT VOTING—Orentlicher.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.
Bill read third time.
Roll call on Assembly Bill No. 504:
YEAS—42.
NAYS—None.
Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 598.
Bill read third time.
Roll call on Assembly Bill No. 598:
YEAS—42.
NAYS—None.
Assembly Bill No. 598 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 8:53 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Government Affairs, to which was referred Senate Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:
Your Committee on Health and Human Services, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.
Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:
Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 595, 597, 600; Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ERICA MOSCA, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 169, 243, 284, 386, 404, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 398.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 289, Senate Amendment No. 556.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 467, 468, 503, 504.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 104, 132.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 542 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 386 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 169, 243, 284, 404, 471, 500, and 514 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 104.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 132.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 467.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 468.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 503.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 504.

Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 595.

Bill read second time and ordered to third reading.

Assembly Bill No. 597.

Bill read second time and ordered to third reading.

Assembly Bill No. 600.

Bill read second time and ordered to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 904.

AN ACT relating to public health; imposing requirements relating to birth in a hospital or freestanding birthing center; requiring health insurance to include certain coverage; requiring the boards of trustees of certain school districts to adopt policies to prevent sudden cardiac arrest during the participation of pupils in certain sports; requiring an independent mental health assessment of certain children in the custody of a child welfare agency; ~~[requiring the reporting and review of certain transactions relating to health care; prohibiting the consummation of such a transaction without the approval~~

~~of the Attorney General;]~~ prohibiting the use of race-based health formulas and race-based care standards in certain circumstances; prohibiting a health insurer from engaging in certain discrimination against solo practitioners; providing for a study of certain disparities relating to health care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require providers of health care and health care facilities that receive funding or certain other assistance from the Federal Government to ensure that communications with persons with disabilities are as effective as communications with persons who do not have disabilities. (45 C.F.R. § 92.202) Those federal regulations: (1) prohibit such providers and facilities from requiring a person with a disability to be accompanied by a person to interpret for him or her; and (2) authorize such providers and facilities to provide qualified interpreters through video remote interpreting services. (28 C.F.R. § 35.160, 45 C.F.R. § 92.202) **Section 1** of this bill requires a hospital or freestanding birthing center to provide a qualified sign language interpreter to a patient who is at the hospital or freestanding birthing center for the purpose of giving birth, except where providing such an interpreter would be impractical or delay necessary care. **Section 1** also requires a hospital or freestanding birthing center to allow a family member of the patient and a doula to be present in the room with the patient during the birthing process. **Sections 2-6** of this bill make conforming changes relating to the applicability and enforcement of **section 1**.

Existing law requires Medicaid to cover doula services provided by a doula who enrolls with the Division of Health Care Financing and Policy of the Department of Health and Human Services. (NRS 422.27177) **Sections 18, 43, 46, 48, 50, 51, 53, 55, 56 and 61** of this bill require various other public and private insurers who cover maternity care to: (1) cover doula services; and (2) include doulas in their networks of providers. **Section 45** of this bill authorizes the Commissioner of Insurance to require certain policies of health insurance issued by a domestic insurer to a person who resides in another state to include the coverage required by **section 43**. **Section 60** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to provide the coverage required by **section 55**. The Commissioner is also authorized to take such action against other health insurers who fail to provide the coverage required by **sections 43, 46, 48, 50, 51, 53 and 61**. (NRS 680A.200)

Existing law requires certain health insurers, including Medicaid managed care organizations and insurance for state and local governmental employees, to cover hormone replacement therapy to varying degrees. (NRS 287.010, 287.04335, 689A.0415, 689B.0376, 689C.1678, 695A.1875, 695B.1916, 695C.050, 695C.1694, 695G.1717) **Sections 44, 47, 49, 52, 54, 58 and 64** of this bill require such coverage to include coverage of testosterone replacement therapy for menopausal women. **Section 67.5** of this bill requires: (1) ~~[those]~~ **private** insurers to submit to the Commissioner a plan for complying with that

requirement on or before January 1, 2026; and (2) the Commissioner to evaluate those plans and post a bulletin on or before February 1, 2026, stating whether each such insurer is likely to be in compliance with that requirement. **Section 42** of this bill prohibits certain health insurers from denying a request to include a provider of health care in a provider network because the provider of health care is a solo practitioner.

Existing law requires: (1) the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to adopt a policy for the prevention and treatment of injuries to the head of a pupil; and (2) the board of trustees of each school district and the governing body of each charter school to adopt a policy concerning safe exposure to the sun. (NRS 392.452, 392.453) **Section 19** of this bill additionally requires the board of trustees of each school district which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District) to adopt a policy concerning the prevention of sudden cardiac arrest during the participation of pupils in competitive sports sponsored by a school.

Existing law authorizes a court that finds a child to be in need of protection to place the child in the temporary custody of a public or private agency or institution. (NRS 432B.550) If such a child is placed in the custody of an agency which provides child welfare services and has been diagnosed with a mental or behavioral health condition before or after such placement, **section 22** of this bill requires the agency which provides child welfare services to provide for an independent assessment of the child before the child leaves the custody of the agency which provides child welfare services. **Section 22** provides that this requirement does not apply if a prior assessment conducted after the initial diagnosis has determined that the child no longer has a mental or behavioral health condition. **Sections 7 and 23-25** of this bill make conforming changes to make various provisions governing child welfare proceedings generally applicable to any proceeding related to the provisions of **section 22**. **Section 33.5** of this bill makes a conforming change to require the State Board of Nursing to establish qualifications for an advanced practice registered nurse to conduct an assessment pursuant to **section 22**.

~~[Existing law prohibits certain unfair trade practices. (NRS 598A.060) Existing law requires the notification of the Attorney General not later than 30 days before the consummation of certain mergers, acquisitions or other transactions involving health carriers or group practices of certain practitioners. (NRS 598A.290-598A.430) Sections 26.1, 26.2, 26.5-26.7 and 26.85 of this bill broaden the applicability of that requirement to also include: (1) such transactions involving health care facilities, private providers of emergency medical services and group practices of certain additional practitioners; and (2) certain additional transactions. Sections 26.8 and 26.85 of this bill require the notice to be provided to the Attorney General not later than 60 days, rather than 30 days, before the consummation of the transaction. Section 26.3 of this bill requires the Attorney General, after receiving such~~

~~notice, to: (1) post certain information concerning the transaction on an Internet website maintained by the Attorney General; and (2) hold a public hearing to allow for comment on the transaction from interested persons and the public. Section 26.9 of this bill makes a conforming change to exempt information that section 26.3 requires the Attorney General to post on the Internet from requirements governing the confidentiality of information concerning reportable transactions. Section 26.3 authorizes the Attorney General to require any entity involved in a reportable transaction to submit a report that contains certain additional information about the transaction. Section 26.3 requires the Attorney General to review and approve, deny or impose conditions on the transaction. Section 26.35 of this bill makes consummating a reportable transaction without the approval of the Attorney General or in violation of any condition imposed by the Attorney General an unfair trade practice. The Attorney General would be authorized to bring a civil action against a health carrier or health insurance administrator who violates that prohibition. (NRS 598A.160, 598A.180 598A.210) Additionally, any person or entity who commits such a violation would be subject to criminal and civil penalties. (NRS 598A.170, 598A.280) Section 26.95 of this bill: (1) authorizes the imposition of a civil penalty for a willful violation of sections 26.1 26.3; and (2) provides that a violation of sections 26.1 26.3 or the consummation of a reportable transaction in violation of section 26.35 does not give rise to a private cause of action. Section 26.4 of this bill makes a conforming change to indicate the applicability of certain definitions.]~~

Existing law provides for the regulation of the practices of medicine, nursing and osteopathic medicine by the Board of Medical Examiners, the State Board of Nursing and the State Board of Osteopathic Medicine, respectively. (Chapters 630, 632 and 633 of NRS) **Sections 29, 32 and 35** of this bill: (1) require those boards to adopt regulations prescribing a list of race-based health formulas and race-based care standards that are authorized for use by licensees in this State; (2) prohibit those boards from including on that list any race-based health formula or race-based care standard if there is a race-neutral health formula or race-neutral care standard that has been scientifically validated as being at least as effective for the same purpose; and (3) prohibit a physician, physician assistant, nurse or osteopathic physician from using or authorizing the use of a race-based health formula or race-based care standard that is not included on the list. **Section 65** of this bill requires the Board of Medical Examiners, the State Board of Osteopathic Medicine, the University of Nevada, Reno, School of Medicine and the University of Nevada, Las Vegas, School of Medicine to study disparities in health care access, the provision of health care and health care outcomes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or freestanding birthing center shall:

(a) Notify each patient who is deaf or hard of hearing and is in labor or intends to give birth at the hospital or freestanding birthing center that a qualified sign language interpreter is available while the patient is in the hospital or freestanding birthing center; and

(b) Upon the request of such a patient or his or her representative, provide the patient with a qualified sign language interpreter until the patient is discharged from the hospital or freestanding birthing center, unless providing an interpreter would be impractical under the circumstances or delay necessary care for the patient.

2. At the request of a patient who is giving birth, a hospital or freestanding birthing center shall allow a family member of the patient and a doula to be present in the room with the patient during the birthing process so long as the family member and doula comply with the policies of the hospital or freestanding birthing center, as applicable.

3. As used in this section, "qualified sign language interpreter" means an interpreter, as defined in NRS 656A.030, who:

(a) Has demonstrated proficiency in the practice of sign language interpreting, as defined in NRS 656A.060;

(b) Is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary or terms without changes, omissions, or additions and while preserving the tone, sentiment and emotional level of the original statement; and

(c) Adheres to generally accepted ethics principles in the field of sign language interpreting, including, without limitation, client confidentiality.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ***and section 1 of this act,*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 6. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~[;]~~ ***, and section 22 of this act;*** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 61 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 19. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each large school district shall adopt a policy concerning the prevention of sudden cardiac arrest during the participation of pupils in competitive sports sponsored by a school.

2. The policy adopted pursuant to subsection 1 must require that, before participating in a competitive sport sponsored by a public school in the school district, a pupil must, if practicable, receive an electrocardiogram screening conducted by a physician, physician assistant, advanced practice registered nurse or a nonprofit organization whose mission relates to the health of children or adolescents.

3. As used in this section, "large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a child who has been placed in the custody of an agency which provides child welfare services pursuant to NRS 432B.550 has been diagnosed with a mental or behavioral health condition before or after the placement, the agency which provides child welfare services shall provide for an assessment of the child that:

(a) Meets the requirements of subsection 2; and

(b) Takes place with sufficient time before the date on which the child leaves the custody of the agency which provides child welfare services to allow for planning to meet the mental health needs of the child after that date.

2. An assessment conducted pursuant to subsection 1 must:

(a) Be conducted by a psychiatrist, psychologist, advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, marriage and family therapist, clinical professional counselor or clinical social worker who is not receiving compensation from or is not otherwise affiliated with any person or entity with which the child is currently placed;

(b) Be conducted in a culturally competent manner that respects the race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation and gender identity or expression of the child;

(c) Determine whether the child still suffers from the mental or behavioral health condition with which the child was previously diagnosed by comparing the results of the assessment to the assessment which resulted in the initial diagnosis and any other prior assessment conducted after the assessment which resulted in the initial diagnosis; and

(d) Evaluate the progress of any treatment provided to the child for the mental or behavioral condition with which the child was previously diagnosed.

3. If the psychiatrist, psychologist, advanced practice registered nurse, marriage and family therapist, clinical professional counselor or clinical social worker who conducts an assessment of a child pursuant to this section determines that the child still suffers from the mental or behavioral health condition with which the child was previously diagnosed and the mental or behavioral health condition has not improved since that diagnosis was made, the psychiatrist, psychologist, advanced practice registered nurse, marriage and family therapist, clinical professional counselor or clinical social worker, as applicable, shall record in the medical record of the child:

(a) The fact that the diagnosis has not changed; and

(b) Any recommendations for additional treatment.

4. An agency which provides child welfare services is not required to perform an assessment in accordance with subsection 1 for a child described in that subsection if an assessment of the child conducted after the initial diagnosis has determined that the child no longer has a mental or behavioral health condition.

Sec. 23. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.***

Sec. 24. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 25. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, ***and section 22 of this act*** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 22 of this act;*** and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 26. ~~[Chapter 598A of NRS is hereby amended by adding thereto the provisions set forth as sections 26.1, 26.2 and 26.3 of this act.]~~ **(Deleted by amendment.)**

Sec. 26.1. ~~[*"Health care facility" means:*~~

~~*1. A medical facility, as defined in NRS 449.0151;*~~

~~*2. A facility for the dependent, as defined in NRS 449.0045; and*~~

~~*3. A facility which is required by the regulations adopted by the State Board of Health pursuant to NRS 449.0303 to be licensed.]*~~ **(Deleted by amendment.)**

Sec. 26.2. ~~[*"Private provider of emergency medical services" means a person or entity that:*~~

~~*1. Holds a permit to operate an ambulance or air ambulance pursuant to chapter 450B of NRS; and*~~

~~*2. Is not owned or operated by a federal, state or local governmental entity or a federally recognized Indian tribe.]*~~ **(Deleted by amendment.)**

Sec. 26.3. ~~[*1. Not later than 7 days after receiving notification of a reportable health care or health carrier transaction pursuant to NRS 598A.390 or 598A.400, the Attorney General shall post on an Internet website maintained by the Attorney General:*~~

~~*(a) A summary of the proposed transaction;*~~

~~*(b) Information of the potential impact of the transaction on access to health care, including, without limitation, the availability of particular services and the cost of health care;*~~

~~*(c) The scheduled date of the hearings held pursuant to subsection 2; and*~~

~~*(d) A description of other methods by which members of the public may provide comments on the proposed transaction, including, without limitation, the dates on which such methods will be available.*~~

~~*2. Not later than 30 days after receiving notification of a reportable health care or health carrier transaction pursuant to NRS 598A.390 or 598A.400, the Attorney General shall hold at least one public hearing to allow practitioners, other interested persons and entities and the public to provide comment concerning the transaction.*~~

~~*3. The Attorney General may require any entity involved in a reportable health care or health carrier transaction to submit a report concerning:*~~

~~*(a) The potential impact of the transaction on access to health care, the cost of health care and competition between group practices or health carriers, as applicable;*~~

~~*(b) Any changes to available services, the health care workforce or the operations of health care facilities that are expected to result from the transaction; and*~~

~~*(c) Any measures being taken to mitigate the negative consequences of the transaction.*~~

~~*4. After reviewing a reportable health care or health carrier transaction, the Attorney General shall:*~~

~~*(a) Approve the transaction, if the Attorney General concludes that the transaction is not likely to significantly reduce competition in a relevant field or reduce access to critical health care services or health carrier services;*~~

~~*(b) Deny the transaction, if the Attorney General concludes that the transaction is likely to significantly reduce competition in a relevant field or reduce access to critical health care services or health carrier services; or*~~

~~*(c) Impose conditions on the transaction as necessary to ensure that the transaction does not significantly reduce competition in a relevant field or reduce access to critical health care services or health carrier services.*~~

~~*5. If a reportable health care or health carrier transaction is being conducted for the purposes of preventing the closure of a group practice, health care facility or private provider of emergency medical services or maintaining access to health care in a medically underserved area, the Attorney General may expedite review of the transaction pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 26.35. ~~[~~NRS 598A.060 is hereby amended to read as follows:

~~598A.060 1. Every activity enumerated in this subsection constitutes a contract, combination or conspiracy in restraint of trade, and it is unlawful to conduct any part of any such activity in this State:~~

~~(a) Price fixing, which consists of raising, depressing, fixing, pegging or stabilizing the price of any commodity or service, and which includes, but is not limited to:~~

~~(1) Agreements among competitors to depress prices at which they will buy essential raw material for the end product.~~

~~(2) Agreements to establish prices for commodities or services.~~

~~(3) Agreements to establish uniform discounts, or to eliminate discounts.~~

~~(4) Agreements between manufacturers to price a premium commodity a specified amount above inferior commodities.~~

~~(5) Agreements not to sell below cost.~~

~~(6) Agreements to establish uniform trade-in allowances.~~

~~(7) Establishment of uniform cost surveys.~~

~~(8) Establishment of minimum markup percentages.~~

~~(9) Establishment of single or multiple basing point systems for determining the delivered price of commodities.~~

~~(10) Agreements not to advertise prices.~~

~~(11) Agreements among competitors to fix uniform list prices as a place to start bargaining.~~

~~(12) Bid rigging, including the misuse of bid depositories, foreclosures of competitive activity for a period of time, rotation of jobs among competitors, submission of identical bids, and submission of complementary bids not intended to secure acceptance by the customer.~~

~~(13) Agreements to discontinue a product, or agreements with anyone engaged in the manufacture of competitive lines to limit size, styles or quantities of items comprising the lines.~~

~~(14) Agreements to restrict volume of production.~~

~~(b) Division of markets, consisting of agreements between competitors to divide territories and to refrain from soliciting or selling in certain areas.~~

~~(c) Allocation of customers, consisting of agreements not to sell to specified customers of a competitor.~~

~~(d) Tying arrangements, consisting of contracts in which the seller or lessor conditions the sale or lease of commodities or services on the purchase or leasing of another commodity or service.~~

~~(e) Monopolization of trade or commerce in this State, including, without limitation, attempting to monopolize or otherwise combining or conspiring to monopolize trade or commerce in this State.~~

~~(f) Except as otherwise provided in subsection 2, consolidation, conversion, merger, acquisition of shares of stock or other equity interest, directly or indirectly, of another person engaged in commerce in this State or the acquisition of any assets of another person engaged in commerce in this State that may:~~

~~(1) Result in the monopolization of trade or commerce in this State or would further any attempt to monopolize trade or commerce in this State; or~~

~~(2) Substantially lessen competition or be in restraint of trade.~~

~~*(g) Consummating a reportable health care or health carrier transaction, as defined in NRS 598A.370:*~~

~~*(1) If the Attorney General has not approved the transaction pursuant to subsection 4 of section 26.3 of this act; or*~~

~~*(2) In violation of any conditions imposed by the Attorney General pursuant to subsection 4 of section 26.3 of this act.*~~

~~2. The provisions of paragraph (f) of subsection 1 do not:~~

~~(a) Apply to a person who, solely for an investment purpose, purchases stock or other equity interest or assets of another person if the purchaser does not use his or her acquisition to bring about or attempt to bring about the substantial lessening of competition in this State.~~

~~(b) Prevent a person who is engaged in commerce in this State from forming a subsidiary corporation or other business organization and owning and holding all or part of the stock or equity interest of that corporation or organization.~~] **(Deleted by amendment.)**

Sec. 26.4. ~~[NRS 598A.290 is hereby amended to read as follows:~~

~~598A.290 As used in NRS 598A.290 to 598A.430, inclusive, *and sections 26.1, 26.2 and 26.3 of this act,* unless the context otherwise requires, the words and terms defined in 598A.300 to 598A.380, inclusive, *and sections 26.1 and*~~

~~*26.2 of this act* have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 26.5. ~~[NRS 598A.300 is hereby amended to read as follows:~~

~~598A.300 "Affiliation" means an agreement, arrangement or activity, the consummation of which results in:~~

~~1. A group practice *, health care facility, private provider of emergency medical services* or health carrier having control of another group practice *, health care facility, private provider of emergency medical services* or health carrier; or~~

~~2. A group practice *, health care facility, private provider of emergency medical services* or health carrier coming under common ownership with another group practice *, health care facility, private provider of emergency medical services* or health carrier.~~] **(Deleted by amendment.)**

Sec. 26.6. ~~[NRS 598A.360 is hereby amended to read as follows:~~

~~598A.360 "Practitioner" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, *anesthesiologist assistant,* licensed nurse, *dentist, chiropractic physician, podiatric physician,* dispensing optician, optometrist, *audiologist, speech-language pathologist, hearing aid specialist,* practitioner of respiratory care, registered physical therapist, occupational therapist, licensed psychologist *, marriage and family therapist, clinical professional counselor, clinical social worker, behavior analyst* or perfusionist.~~] **(Deleted by amendment.)**

Sec. 26.7. ~~[NRS 598A.370 is hereby amended to read as follows:~~

~~598A.370 1. "Reportable health care or health carrier transaction" means any transaction that [:]~~

~~(a) Results~~] ***results*** ~~in a material change to the business or corporate structure of a group practice *, health care facility, private provider of emergency medical services* or health carrier [; and:] *if:*~~

~~*(a) The entities involved in the transaction have a combined value of at least $10,000,000; or*~~

~~(b) As a result of the transaction, [would cause] a group practice *, health care facility, private provider of emergency medical services* or health carrier [to] *would* provide within a geographic market [50] *33* percent or more of any health care service, including, without limitation, a health care service involving a specialty, or any health carrier service.~~

~~2. [The term does not include a transaction involving business entities which:~~

~~(a) Are under common ownership; or~~

~~(b) Have a contracting relationship that was established before October 1, 2021.~~

~~3.] As used in this section, a "material change to the business or corporate structure of a group practice or health carrier" includes, without limitation:~~

~~(a) The merger, consolidation or affiliation of a group practice *, health care facility, private provider of emergency medical services* or health carrier with~~

~~another group practice~~ ***, health care facility, private provider of emergency medical services*** ~~or health carrier;~~

~~(b) The acquisition of all or substantially all of:~~

~~(1) The properties and assets of a group practice~~ **[**~~;~~**]** ***, health care facility or private provider of emergency medical services;*** ~~or~~

~~(2) The capital stock, membership interests or other equity interest of a group practice~~ ***, health care facility, private provider of emergency medical services*** ~~or health carrier;~~

~~(c) The employment of all or substantially all of the practitioners in a group practice; and~~

~~(d) The acquisition of one or more insolvent group practices~~ **[**~~.~~**]** ***, health care facilities or private providers of emergency medical services,*** **(Deleted by amendment.)**

Sec. 26.8. ~~[NRS 598A.390 is hereby amended to read as follows:~~

~~598A.390 1. Except as otherwise provided in subsection 2, any person conducting business in this State who is a party to a reportable health care or health carrier transaction shall, at least~~ **[**~~30~~**]** ***60*** ~~days before the consummation of the reportable health care or health carrier transaction, submit to the Attorney General a notification on a form prescribed by the Attorney General. The notification must contain the following information, to the extent such information is applicable:~~

~~(a) A brief description of the nature of the proposed relationship among the parties to the proposed reportable health care or health carrier transaction;~~

~~(b) The names and specialties of each practitioner working for the group practice that is the subject of the reportable health care or health carrier transaction and who is anticipated to work with the resulting group practice following the effective date of the transaction;~~

~~(c) The names of the business entities that are anticipated to provide health care services or health carrier services following the effective date of the reportable health care or health carrier transaction;~~

~~(d) An identification of each anticipated location where health care services or health carrier services are to be provided following the effective date of the reportable health care or health carrier transaction;~~

~~(e) A description of the services to be provided by practitioners at each location identified pursuant to paragraph (d); and~~

~~(f) The primary service area to be served by each location identified pursuant to paragraph (d).~~

~~2. If a person who is a party to a reportable health care or health carrier transaction is required to:~~

~~(a) Submit a copy of a filing to the Attorney General pursuant to NRS 598A.400 regarding the transaction, the copy of the filing submitted pursuant to NRS 598A.400 satisfies the requirement for notification pursuant to subsection 1.~~

~~(b) Submit a notification to the Commissioner of Insurance pursuant to NRS 692C.363 regarding the transaction, the person may satisfy the~~

~~requirement for notification pursuant to subsection 1 by simultaneously submitting to the Attorney General a copy of the notification submitted to the Commissioner of Insurance.]~~ **(Deleted by amendment.)**

Sec. 26.85. ~~[NRS 598A.400 is hereby amended to read as follows:~~

~~598A.400 1. Any person conducting business in this State that files a notification with the Federal Trade Commission or the United States Department of Justice pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. § 18a regarding a transaction that involves any assets of a group practice~~ ***, health care facility, private provider of emergency medical services*** ~~or health carrier in this State shall [simultaneously] submit a copy of the filing to the Attorney General [.]~~ ***at least 60 days before the consummation of the reportable health care or health carrier transaction.***

~~2. A person that submits a copy of a filing to the Attorney General pursuant to subsection 1 satisfies the requirement for notice set forth in NRS 598A.390.]~~ **(Deleted by amendment.)**

Sec. 26.9. ~~[NRS 598A.420 is hereby amended to read as follows:~~

~~598A.420 [All]~~ ***Except as otherwise provided in section 26.3 of this act,*** ~~information received by the Attorney General pursuant to NRS 598A.290 to 598A.430, inclusive,~~ ***and sections 26.1, 26.2 and 26.3 of this act*** ~~must be kept confidential in the same manner and to the same extent as required in NRS 598A.110.]~~ **(Deleted by amendment.)**

Sec. 26.95. ~~[NRS 598A.430 is hereby amended to read as follows:~~

~~598A.430 1. A person who willfully violates any provision of NRS 598A.290 to 598A.430, inclusive,~~ ***and sections 26.1, 26.2 and 26.3 of this act*** ~~is subject to a civil penalty not to exceed $1,000 for each day of the violation.~~

~~2. The provisions of~~ ***paragraph (g) of subsection 1 of NRS 598A.060 and*** ~~NRS 598A.290 to 598A.430, inclusive,~~ ***and sections 26.1, 26.2 and 26.3 of this act*** ~~do not establish a private right of action against any person.]~~ **(Deleted by amendment.)**

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the State Board of Nursing and the State Board of Osteopathic Medicine, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by physicians and physician assistants. Those regulations must list specific race-based health formulas and race-based care standards that physicians and physician assistants are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. A physician or physician assistant shall not use or authorize the use of a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes a physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize a physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by registered nurses and licensed practical nurses. Those regulations must list specific race-based health formulas and race-based care standards that registered nurses and licensed practical nurses are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. A registered nurse or licensed practical nurse shall not use or authorize the use of a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes a registered nurse or licensed practical nurse to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize a registered nurse or licensed practical nurse to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 33. (Deleted by amendment.)

Sec. 33.5. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations ***, assessments*** and examinations described in NRS 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350, inclusive, ***and section 22 of this act*** the certifications described in NRS 432B.6075, 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 34. (Deleted by amendment.)

Sec. 35. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the Board of Medical Examiners and the State Board of Nursing, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by osteopathic physicians and physician assistants. Those regulations must list specific race-based health formulas and race-based care standards that osteopathic physicians and physician assistants are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards

adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. An osteopathic physician or a physician assistant shall not use a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes an osteopathic physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize an osteopathic physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 687B.692 is hereby amended to read as follows:

687B.692 1. A health carrier which offers or issues a network plan may not deny a request from a provider of health care to enter into a provider network contract with the health carrier ~~[if]~~ ***:***

(a) If the provider of health care:

~~[(a)]~~ ***(1)*** Meets and accepts the terms and conditions for participation in the network of the health carrier, including, without limitation:

~~[(1)]~~ ***(I)*** Meeting any credentialing requirement of the health carrier;

~~[(2)]~~ ***(II)*** Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

~~[(3)]~~ ***(III)*** Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

~~[(b)]~~ ***(2)*** Is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State to serve in

a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

~~[(c)]~~ ***(3)*** Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

~~[(d)]~~ ***(4)*** Requests to be a participating provider of health care in the network of the health carrier ~~[.]~~ ***; or***

(b) Because the provider of health care is a solo practitioner.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid though capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to ***paragraph (a) of*** subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, failure to maintain the employment described in ***subparagraph (2) of*** paragraph ~~[(b)]~~ ***(a)*** of subsection 1 or issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 43. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the insurer.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

Sec. 44. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner

that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 43 of this act.***

Sec. 46. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the insurer.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

Sec. 47. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 48. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan that includes coverage for maternity care shall include in the health benefit plan coverage for doula services.

2. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the carrier.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 49. NRS 689C.1678 is hereby amended to read as follows:

689C.1678 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of

education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[;]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 48 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 51. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract that includes coverage for maternity care shall include in the contract coverage for doula services.

2. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the society.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any

provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

Sec. 52. NRS 695A.1875 is hereby amended to read as follows:

695A.1875 1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[.]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of

the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined

set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the hospital or medical services corporation.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

Sec. 54. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan that includes coverage for maternity care shall include in the health care plan coverage for doula services.

2. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a doula who participates in the network plan of the health maintenance organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the health care plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

Sec. 56. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any

health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 55 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. A health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for hormone replacement therapy;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an enrollee.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require a health maintenance organization to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 59. (Deleted by amendment.)

Sec. 60. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 55 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in

the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 61. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan that includes coverage for maternity care shall include in the health care plan coverage for doula services.

2. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the managed care organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the health care plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 695G.1717 is hereby amended to read as follows:

695G.1717 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[.]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any

provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. 1. On or before February 1, 2027, the Board of Medical Examiners, the State Board of Osteopathic Medicine, the University of Nevada, Reno, School of Medicine and the University of Nevada, Las Vegas, School of Medicine shall:

(a) Study disparities in health care access, the provision of health care and health care outcomes. The study must include, without limitation, the analyses of:

(1) The historical use of race-based health formulas and race-based care standards;

(2) The current use of race-based health formulas and race-based care standards;

(3) The effect of the use of race-based health formulas and race-based care standards on:

(I) Outcomes for patients;

(II) Diagnoses of patients, including, without limitation, classifications of diseases;

(III) The procedures, medications and other treatment prescribed or recommended for patients;

(IV) Insurance coverage of the conditions and symptoms with which patients have been diagnosed and the procedures, medications and other treatments prescribed or recommended to treat those conditions and symptoms; and

(V) The eligibility of patients for compensation for disabilities, including, without limitation, compensation for work-related injuries and occupational diseases pursuant to title 53 of NRS and disability insurance

benefits under the federal Social Security Act, and the amounts received through those programs.

(b) Publish a report of the study performed pursuant to paragraph (a) on the Internet websites maintained by the Board of Medical Examiners and the State Board of Osteopathic Medicine.

(c) Submit the report published pursuant to paragraph (b) to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Race-based care standard" means a standard of care that requires or authorizes a provider of health care to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(c) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(d) "Race-neutral care standard" means a standard of care that does not require or authorize a provider of health care to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(e) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 67.5. 1. On or before January 1, 2026, an insurer **, as defined in NRS 679A.100,** that is subject to NRS 689A.0415, as amended by section 44 of this act, NRS 689B.0376, as amended by section 47 of this act or NRS 695B.1916, as amended by section 54 of this act, a carrier that is subject to NRS 689C.1678, as amended by section 49 of this act, a society that is subject to NRS 695A.1875, as amended by section 52 of this act, a health maintenance organization that is subject to NRS 695C.1694, as amended by section 58 of this act, **and** a managed care organization that is subject to the provisions of NRS 695G.1717, as amended by section 64 of this act, ~~[the governing body of a local governmental agency that provides group health coverage through a self-insurance reserve fund pursuant to NRS 287.010 and the Board of the Public Employees' Benefits Program]~~ shall submit to the Commissioner of Insurance a plan for complying with the amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable.

2. On or before February 1, 2026, the Commissioner shall:

(a) Evaluate the plans submitted pursuant to subsection 1 to determine whether the actions described in those plans will result in compliance with the amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable; and

(b) Post on an Internet website maintained by the Commissioner a bulletin stating, for each entity that is required to submit a plan pursuant to subsection 1, whether the entity is likely to be in compliance with amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable.

Sec. 68. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 69. 1. This section and sections 37, 65, 67, 67.5 and 68 of this act become effective upon passage and approval.

2. Section 19 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. Sections 1 to 18, inclusive, 20 to 36, inclusive, 38 to 64, inclusive, and 66 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 905.

SENATORS PAZINA, DONDERO LOOP, CANNIZZARO, DONATE, NGUYEN; CRUZ-CRAWFORD, DALY, FLORES, LANGE, NEAL, OHRENSCHALL, SCHEIBLE AND TAYLOR

JOINT SPONSORS: ASSEMBLYMEMBERS MARZOLA, MONROE-MORENO, BROWN-MAY, CONSIDINE, WATTS; ANDERSON, BACKUS, DALIA, D'SILVA, **EDGEWORTH,** FLANAGAN, GONZÁLEZ, GOULDING, HUNT, JACKSON, JAUREGUI, KARRIS, LA RUE HATCH, MOORE, MOSCA, NADEEM, NGUYEN, ORENTLICHER, ROTH, TORRES-FOSSETT AND YEAGER

AN ACT relating to health care; **prohibiting certain institutions from eliminating or reducing the size of a program for residency training and postdoctoral fellowships without the approval of the Department of Health and Human Services;** transferring the administration of the Graduate Medical Education Grant Program and the Account for the Program from the Office of Science, Innovation and Technology in the Office of the Governor to the Department **;** ~~[of Health and Human Services;]~~ expanding the purposes for which institutions that provide programs for residency training and postdoctoral fellowships in this State may receive grants under the Program;

establishing the criteria for prioritizing the awarding of such grants; requiring the Department to explore ways to use federal financial participation in Medicaid to support graduate medical education; making an appropriation to the Account for the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires the Director of the Office to implement the Graduate Medical Education Grant Program. (NRS 223.600, 223.610) Existing law: (1) requires the Office to establish and administer the Program to award grants to institutions in this State seeking to create, expand or retain programs for residency training and postdoctoral fellowships for physicians; (2) creates the Account for the Graduate Medical Education Grant Program, administered by the Director; and (3) creates the Advisory Council on Graduate Medical Education to evaluate applications and make recommendations for such grants. (NRS 223.631-223.639) **Sections 3-7** of this bill transfer the Advisory Council and the duties to administer the Program and the Account from the Office to the Department of Health and Human Services. **Sections ~~1~~ 1.5 and 2** of this bill make conforming changes to remove the Program and the Advisory Council from the duties required to be performed by the Director. **Section 1 of this bill prohibits an institution that receives a grant through the Program from eliminating or reducing the size of a program for residency training and postdoctoral fellowships without the approval of the Department. Sections 3 and 6** expand the grants that may be made from the Account under the Program to include grants to institutions which operate programs for residency training that are training a number of residents that exceeds the number of full-time equivalent residents for which the institution receives certain payments from Medicare. **Section 6 authorizes the Department to award limited grants to assist in building administrative and operational capacity for a new program for residency training and postdoctoral fellowships and recruiting personnel essential to the operation of such a program. Section 6 also establishes the criteria for prioritizing the awarding of grants. Section 7.7 of this bill requires the Department, in collaboration with the Advisory Council, to explore ways to use federal financial participation in Medicaid to support programs for residency training and postdoctoral fellowships. Section 7.3 makes a conforming change to require the Director of the Department to administer section 7.7 in the same manner as other provisions governing Medicaid. Section 8** of this bill makes an appropriation to the Account for the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An institution that receives a grant through the Graduate Medical Education Grant Program established pursuant to NRS 223.637 shall not eliminate or reduce the size of a program for residency training and postdoctoral fellowships operated by the institution without the approval of the Department of Health and Human Services.

2. To obtain the approval of the Department of Health and Human Services for the elimination or reduction of the size of a program for residency training and postdoctoral fellowships pursuant to subsection 1, an institution must apply to the Department in the form prescribed by the Department. The application must include, without limitation:

(a) An analysis of the current and projected needs of patients in the geographic area served by the program, including, without limitation, the need for physicians who practice in any specialty in which the program provides residency training;

(b) A detailed explanation of the reasons for the proposed elimination or reduction and justification of the elimination or reduction; and

(c) A description of efforts to mitigate the impact of the elimination or reduction, which may include, without limitation, transferring resources to areas of higher need.

3. The Department of Health and Human Services shall not approve an application to eliminate or reduce the size of a program for residency training and postdoctoral fellowships submitted pursuant to subsection 2 unless the application demonstrates that the elimination or reduction:

(a) Is justified by a decrease in the needs of patients in the geographic area served by the program, including, without limitation, the need for physicians who practice in any specialty in which the program provides residency training; and

(b) Is not likely to negatively impact the overall availability of providers of health care in this State.

4. If an institution violates subsection 1, the Department of Health and Human Services may:

(a) Suspend or revoke the grant awarded to the institution through the Graduate Medical Education Grant Program; or

(b) Disqualify the institution from receiving future grants through the Graduate Medical Education Grant Program.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor, identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:

(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;

(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;

(c) Coordinating and processing applications for state and federal money relating to broadband services;

(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;

(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;

(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;

(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;

(h) Administration of the trade policy for fiber optic infrastructure in this State; and

(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by NRS 223.660. The Director may adopt regulations to carry out his or her duties pursuant to this paragraph.

6. ~~[Provide support to the Advisory Council on Graduate Medical Education and implement the Graduate Medical Education Grant Program established pursuant to NRS 223.637.~~

~~7.]~~ In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

~~[8.]~~ *7.* Administer such grants as are provided by legislative appropriation.

Sec. 2. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the Director of the Office of Science, Innovation and Technology.

2. Except as otherwise provided in NRS ~~[223.631 and]~~ 223.660, any money accepted pursuant to NRS 223.620 must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to carry out the duties of the Director.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 3. NRS 223.631 is hereby amended to read as follows:

223.631 1. The Account for the Graduate Medical Education Grant Program is hereby created in the State General Fund. The Director of the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** shall administer the Account.

2. The Director of the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** may:

(a) Accept any gift, donation, bequest or devise; and

(b) Apply for and accept any grant, loan or other source of money,

➥ for deposit in the Account to assist the Director in carrying out the Graduate Medical Education Grant Program established pursuant to NRS 223.637.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account must only be used to:

(a) Award competitive grants to institutions in this State ~~[seeking]~~ ***:***

(1) Seeking to create, expand or retain programs for residency training and postdoctoral fellowships that are approved by the Accreditation Council for Graduate Medical Education or its successor organization; ~~[and]~~ ***or***

(2) Operating programs for residency training that are approved by the Accreditation Council for Graduate Medical Education, or its successor organization, and that are training a number of residents that exceeds the maximum number of full-time equivalent resident positions for which the institution receives direct graduate medical education or indirect medical education payments from Medicare; and

(b) Defray the costs of establishing and administering the Graduate Medical Education Grant Program established pursuant to NRS 223.637.

5. Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. Claims against the Account must be paid as other claims against the State are paid.

Sec. 4. NRS 223.633 is hereby amended to read as follows:

223.633 1. The Advisory Council on Graduate Medical Education is hereby created within the ~~[Office of Science, Innovation and Technology.]~~ ***Department of Health and Human Services.*** The Council consists of:

(a) The dean of each medical school in this State that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations, or his or her designee;

(b) The dean of each school of osteopathic medicine in this State that is accredited by the Commission on Osteopathic College Accreditation of the American Osteopathic Association or its successor organization, or his or her designee;

(c) Two members appointed by the Governor who are physicians licensed pursuant to chapter 630 or 633 of NRS;

(d) One member appointed by the Governor who represents hospitals located in counties whose population is less than 100,000;

(e) One member appointed by the Governor who represents hospitals located in counties whose population is 100,000 or more but less than 700,000;

(f) One member appointed by the Governor who represents hospitals located in a county whose population is 700,000 or more;

(g) One member appointed by the Governor who represents the medical corps of any of the Armed Forces of the United States;

(h) One member appointed by the Governor who represents the Department of Health and Human Services; and

(i) One member appointed by the Governor who represents the Office of Economic Development in the Office of the Governor.

2. In addition to the members appointed by the Governor pursuant to subsection 1, the Governor may appoint two members as the Governor determines necessary to carry out the provisions of NRS 223.631 to 223.639, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. After the initial terms, the term of each member of the Council is 3 years, and members shall serve at the pleasure of the Governor.

4. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Council shall select from its members a Chair and a Vice Chair who shall hold office for 1 year and who may be reselected.

6. The Council shall meet at the call of the Chair as often as necessary to evaluate applications for competitive grants for the Graduate Medical Education Grant Program established pursuant to NRS 223.637 and make recommendations to the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** concerning the approval of applications for such grants.

7. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

8. The members of the Council serve without compensation, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Council.

9. A member of the Council who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

Sec. 5. NRS 223.635 is hereby amended to read as follows:

223.635 The Advisory Council on Graduate Medical Education shall:

1. Evaluate applications for competitive grants for the Graduate Medical Education Grant Program established pursuant to NRS 223.637 and make recommendations to the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** concerning the approval of applications for such grants. In evaluating and making recommendations concerning such applications, the Council shall give priority to the award of grants ~~[for the retention of programs in this State for residency training and postdoctoral fellows~~ ***fellowships*** ~~when the federal funding for the support of such programs expires.]~~ ***in accordance with paragraph (b) of subsection 3 of NRS 223.637.***

2. Study and make recommendations to the ~~[Office of Science, Innovation and Technology,]~~ ***Department of Health and Human Services,*** the Governor and the Legislature concerning:

(a) The creation and retention of programs in this State for residency training and postdoctoral ~~[fellows]~~ ***fellowships*** that are approved by the Accreditation Council for Graduate Medical Education or its successor organization; and

(b) The recruitment and retention of physicians necessary to meet the health care needs of the residents of this State, with the emphasis on those health care needs.

Sec. 6. NRS 223.637 is hereby amended to read as follows:

223.637 1. The ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** shall establish and administer a Graduate Medical Education Grant Program as a competitive grant program to award grants to institutions in this State ~~[seeking]~~ ***:***

(a) Seeking to create, expand or retain programs for residency training and postdoctoral ~~[fellows]~~ ***fellowships*** that are approved by the Accreditation Council for Graduate Medical Education or its successor organization ~~[.]~~ ***; or***

(b) Which operate programs for residency training that are approved by the Accreditation Council for Graduate Medical Education, or its successor organization, and that are training a number of residents that exceeds the maximum number of full-time equivalent resident positions for which the institution receives direct graduate medical education or indirect medical education payments from Medicare.

2. ***The Department of Health and Human Services may award limited grants pursuant to the Program established pursuant to subsection 1 to:***

(a) Assist institutions in building administrative and operational capacity as necessary to establish a new program for residency training and postdoctoral fellowships.

(b) Recruit personnel essential to the operation of a program for residency training and postdoctoral fellowships, including, without limitation, program directors and resident faculty. Such recruitment may consist of paying relocation expenses, providing supplements to salaries and providing professional development.

3. In awarding grants pursuant to the Program established pursuant to subsection 1, the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** shall ~~[consider]~~ ***:***

(a) Consider the recommendations of the Advisory Council on Graduate Medical Education created by NRS 223.633 ***;*** and ~~[give]~~

(b) Give priority to the award of grants ~~[for]~~ ***:***

(1) For the retention of programs in this State for residency training and postdoctoral ~~[fellows]~~ ***fellowships*** when the federal funding for the support of such programs expires ~~[.]~~ ***; and***

(2) To programs that:

(I) Will leverage funds from the Federal Government or private persons to maximize the impact of the grants;

(II) Incorporate innovative delivery models, including, without limitation, telehealth, rotations in rural areas and training in underserved settings;

(III) Provide logistical support, which may include, without limitation, transportation, housing and accommodations for family members of residents and fellows, to facilitate the placement of residents and fellows in rural areas and other underserved areas;

(IV) Demonstrate collaboration with rural hospitals, community health centers and other local entities that provide health care; and

(V) Address geographic areas and populations of this State where the shortage of providers of health care is most critical and specialties for which the need in those areas and among those populations is most critical in this State.

~~[3.]~~ ***4.*** The ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** shall establish a committee to develop a process, procedure and rubric for evaluating applications for grants pursuant to the Program established pursuant to subsection 1 to ensure that the process

and procedure are transparent, without bias, fair, equitable and accessible. The committee established pursuant to this subsection must be composed of persons with expertise in subject matters related to graduate medical education who are not affiliated with any applicant for a grant pursuant to the Program established pursuant to subsection 1.

~~[4.]~~ ***5.*** The ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** may adopt regulations necessary to carry out the Program established pursuant to subsection 1. Such regulations may include, without limitation, the requirements to apply for and receive a grant.

Sec. 7. NRS 223.639 is hereby amended to read as follows:

223.639 1. On or before October 1 of each year, the ~~[Office of Science, Innovation and Technology]~~ ***Department of Health and Human Services*** shall submit a written report to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) The Interim Finance Committee in an odd-numbered year; or

(2) The next regular session of the Legislature in an even-numbered year.

2. The report must include, without limitation:

(a) Information on the Graduate Medical Education Grant Program established pursuant to NRS 223.637; and

(b) Any recommendations regarding graduate medical education in this State, including, without limitation:

(1) The creation, expansion and retention of programs in this State for residency training and postdoctoral ~~[fellows;]~~ ***fellowships;*** and

(2) Methods by which this State may recruit and retain physicians necessary to meet the health care needs of the residents of this State.

Sec. 7.3. **NRS 232.320 is hereby amended to read as follows:**

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 7.7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not

responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 7.7. **Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department, in collaboration with the Advisory Council on Graduate Medical Education created by NRS 223.633, shall explore ways to use federal financial participation in Medicaid to support programs for medical residency training and postdoctoral fellowships in this State.

2. In allocating federal money pursuant to subsection 1, the Department:

(a) May prioritize programs for medical residency training and postdoctoral fellowships serving geographical areas and populations of this

State where the shortage of providers of health care is most critical or which provide training in the specialties for which the need is most critical; and

(b) Shall not use or authorize the use of such federal money to supplant existing methods of funding that are available to programs for medical residency training and postdoctoral fellowship.

Sec. 8. There is hereby appropriated from the State General Fund to the Account for the Graduate Medical Education Grant Program created by NRS 223.631 the following sums for the Graduate Medical Education Grant Program established pursuant to NRS 223.637:

For the Fiscal Year 2025-2026.....$4,500,000

For the Fiscal Year 2026-2027.....$4,500,000

Sec. 9. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 894.

AN ACT relating to autism; requiring peace officers to complete certain training concerning developmental disabilities; authorizing certain training concerning autism spectrum disorders to be included as part of the training of

peace officers in interacting with persons with developmental disabilities; ~~[authorizing an applicant for registration as a registered behavior technician to engage in the supervised practice of applied behavior analysis under certain conditions;]~~ requiring the Legislative Auditor to conduct an audit of the Board of Applied Behavior Analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a peace officer, as a condition of certification, to complete training concerning identifying and interacting with persons with developmental disabilities, including, without limitation, autism. (NRS 289.605) **Section 3** of this bill authorizes such training to include instruction in certain specific topics relating to autism spectrum disorders. **Section 2** of this bill requires continuing education for peace officers to include training in interactions with persons with developmental disabilities, which may include training on recognizing and responding to persons with an autism spectrum disorder. **Section 1** of this bill defines the term "autism spectrum disorder" for the purposes of **sections 2 and 3**.

Existing law provides for the registration of registered behavior technicians who provide applied behavior analysis services under the supervision of a licensed behavior analyst or assistant behavior analyst to persons with autism spectrum disorder in this State. (NRS 641D.300, 641D.310, 641D.600, 641D.610) ~~[Existing law requires the Board of Applied Behavior Analysis to issue a determination to an applicant for registration as a registered behavior technician not more than 120 days after receiving his or her application for registration. (NRS 641D.310) Section 4 of this bill authorizes an applicant for such registration to engage in the practice of applied behavior analysis under the direct supervision of a licensed behavior analyst pending the completion of the registration process by the Board.]~~

Section 4.5 of this bill requires the Legislative Auditor to conduct an audit of the process of the Board of Applied Behavior Analysis for licensure of behavior analysts and assistant behavior analysts and registration of registered behavior technicians, including, without limitation, the effectiveness, efficiency and timeliness of the Board in processing applications. **Section 4.5** requires the Legislative Auditor to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.

3. ***"Autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.***

4. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[4.]~~ ***5.*** "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

~~[5.]~~ ***6.*** "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[6.]~~ ***7.*** "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

~~[7.]~~ ***8.*** "Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.

Sec. 2. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in the regulations adopted pursuant to subsection 2.

(d) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(e) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(f) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(g) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a

behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. The Commission shall adopt regulations establishing minimum standards for:

(a) The certification and decertification, recruitment, selection and training of peace officers. The standards adopted pursuant to this paragraph must:

(1) Establish requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Establish requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; ~~[and]~~

(VII) Firearms; ***and***

(VIII) Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder;

(4) Establish qualifications for instructors of peace officers;

(5) Establish requirements for the certification of a course of training;

(6) Require all peace officers to receive training in the handling of cases involving abuse or neglect of children or missing children;

(7) Require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons;

(8) Not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis;

(9) Not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and

(10) Require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification.

(b) An annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing any conditions that may affect the performance of duties by the peace officer.

(c) The reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.

3. The regulations adopted by the Commission pursuant to subsection 2:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers; and

(b) May require that training be carried on at institutions which it approves in those regulations.

4. Nothing in this section shall be construed to prohibit a law enforcement agency from adopting a policy that requires a peace officer to submit to a screening test as:

(a) A condition precedent to employment; or

(b) A condition for continued employment.

Sec. 3. NRS 289.605 is hereby amended to read as follows:

289.605 1. The Commission shall require, as a condition of the certification of each peace officer, the completion of training concerning identifying and interacting with persons with developmental disabilities. ***Such training may include, without limitation, training concerning:***

(a) The nature and manifestation of autism spectrum disorders;

(b) Appropriate techniques for interviewing or interrogating a person with an autism spectrum disorder;

(c) Techniques for locating a person with an autism spectrum disorder who is missing and in danger, with as little stress as possible for the person with an autism spectrum disorder;

(d) Techniques for recognizing the agency of a person with an autism spectrum disorder while identifying potentially abusive or coercive situations;

(e) Techniques for deescalating a potentially dangerous situation involving a person with an autism spectrum disorder to protect the safety of the peace officer and the person with an autism spectrum disorder;

(f) Techniques for differentiating between a person with an autism spectrum disorder and a person who does not have an autism spectrum disorder but is acting belligerently, uncooperatively or otherwise similarly to a person with an autism spectrum disorder;

(g) Procedures to identify and address challenges related to the safety of persons with an autism spectrum disorder in correctional facilities; and

(h) The impact of interacting with peace officers on persons with autism spectrum disorders.

2. Training completed pursuant to this section also satisfies the requirement for such training prescribed by NRS 450B.160 or 450B.180, if applicable.

3. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 4. ~~[NRS 641D.130 is hereby amended to read as follows:~~

~~"641D.130 1. A person who has matriculated at an accredited college or university and is not licensed or registered pursuant to this chapter may practice applied behavior analysis under the direct supervision of a licensed behavior analyst as part of:~~

~~(a) A program in applied behavior analysis offered by the college or university in which he or she is enrolled; or~~

~~(b) An internship or fellowship.~~

~~2. *An applicant for registration as a registered behavior technician who has the qualifications prescribed by NRS 641D.310 may, after submitting an application pursuant to NRS 641D.300 and the fee required by NRS 641D.380, engage in the practice of applied behavior analysis under the direct supervision of a licensed behavior analyst who is professionally and legally responsible for the performance of the applicant pending the completion of the registration process by the Board.*~~

~~*3.* A person described in [subsection] *subsections* 1 [:] *and 2:*~~

~~(a) Shall clearly identify himself or herself to any person to whom he or she provides applied behavior analysis services as :~~

~~*(1) If he or she is a person described in subsection 1,* a student, intern, trainee or fellow; *or*~~

~~*(2) If he or she is a person described in subsection 2, a registered behavior technician pending registration by the Board;* and~~

~~(b) Shall not identify himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician, or represent or imply that he or she is licensed or registered pursuant to this chapter.]~~ **(Deleted by amendment.)**

Sec. 4.5. 1. During the 2025-2027 biennium, the Legislative Auditor shall conduct an audit of the process of the Board of Applied Behavior Analysis for licensure of behavior analysts and assistant behavior analysts and registration of registered behavior technicians, including, without limitation, the effectiveness, efficiency and timeliness of the Board in processing applications submitted pursuant to NRS 641D.300.

2. On or before January 31, 2027, the Legislative Auditor shall present a final written report of the audit performed pursuant to this section to the Audit Subcommittee of the Legislative Commission.

Sec. 5. 1. This section and section 4.5 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Considine moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 917.

AN ACT making appropriations to the Department of Motor Vehicles for information technology system projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the costs of migrating a legacy information system to a cloud platform the following sums:

For the Fiscal Year 2025-2026.....$13,780,212

For the Fiscal Year 2026-2027.....$9,792,437

2. The sums appropriated by subsection 1 are available for either fiscal year ~~,~~ **and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.** Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2027.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the costs of the continuation of the modernization project for the information system of the Department the following sums:

For the Fiscal Year 2025-2026.....$33,903,370

For the Fiscal Year 2026-2027.....$39,687,596

2. The sums appropriated by subsection 1 are available for either fiscal year ~~,~~ **and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.** Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027,

by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2027.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 422.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 169.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

AN ACT relating to insurance; establishing the applicability of provisions requiring policies of health insurance to include certain coverage; requiring that certain health insurance policies and health plans include coverage for certain forms of speech-language pathology as treatment for stuttering for persons who are less than 26 years of age; prohibiting certain limitations on such coverage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of health insurance and health plans regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.27172-422.272428, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1652-689C.169, 689C.194, 689C.1945, 689C.195, 689C.425, 695A.184-695A.1875, 695A.265, 695B.1901-695B.1948, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits for health care to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) **Sections 2.3 and 4.3** of this bill provide that certain provisions requiring a policy of individual or group health insurance to include certain coverage are inapplicable to a policy that only provides coverage for a specified disease or illness or that only provides a limited benefit.

Sections 2.7, 4.7-10, 12 ~~[and]~~ , 12.5, 14 ~~[, 16]~~ and 16 of this bill require that certain public and private policies of health insurance and health plans, including Medicaid ~~[,]~~ **but excluding the Public Employees' Benefits Program,** include coverage for habilitative and rehabilitative speech-language pathology as a treatment for stuttering for persons who are less than 26 years of age. **Sections 1, 2.7, 4.7-10, 12 , ~~[and]~~ 14 ~~[, 16]~~ and 16** of this bill additionally prohibit an insurer from imposing a maximum annual limit on the coverage, limiting coverage based on the cause of the stuttering or imposing

medical management techniques on those benefits. **Section 13** of this bill makes a conforming change to require the Director of the Department of Health and Human Services to administer the provisions of **section 16** in the same manner as other provisions relating to Medicaid. **Section 3** of this bill authorizes the Commissioner of Insurance to require that certain policies of health insurance issued by a domestic insurer to a person who resides in another state include the coverage required by **sections 2.3 and 2.7**. **Section 11** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 9**. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of **sections 2.7**, **4.7-8 or 12.** (NRS 680A.200)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 ~~[and]~~ 695G.177, ***and sections 2.7, 4.7, 5, 7, 8, 9 and 12 of this act,*** any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 2. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 and 2.7 of this act.

Sec. 2.3. ***1. The provisions of NRS 689A.04033 to 689A.0465, inclusive, and section 2.7 of this act must not be construed to require a policy***

that provides coverage only for a specified disease or illness or other limited benefit to provide the coverage set forth in those sections.

2. The Division shall not interpret the term "policy of health insurance," for the purposes of NRS 689A.04033 to 689A.0465, inclusive, and section 2.7 of this act, in a manner contrary to the provisions of subsection 1.

Sec. 2.7. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.***

2. An insurer shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 3. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~,~~ ***, and sections 2.3 and 2.7 of this act.***

Sec. 4. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 4.3 and 4.7 of this act.

Sec. 4.3. ***1. The provisions of NRS 689B.0303 to 689B.0379, inclusive, and section 4.7 of this act must not be construed to require a policy that provides coverage only for a specified disease or illness or other limited benefit to provide the coverage set forth in those sections.***

2. The Division shall not interpret the term "policy of group health insurance," for the purposes of NRS 689B.0303 to 689B.0379, inclusive, and section 4.7 of this act, in a manner contrary to the provisions of subsection 1.

Sec. 4.7. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.***

2. An insurer shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 5. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for habilitative speech-language pathology and

rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.

2. A carrier shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 6. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 5 of this act*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 7. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the contract coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.

2. A society shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 8. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.

2. A hospital or medical services corporation shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 9. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for enrollees who are less than 26 years of age.

2. A health maintenance organization shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person

restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 10. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 9 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 ***and section 9 of this act*** do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 11. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 9 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 12. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for insureds who are less than 26 years of age.

2. A managed care organization shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 12.5. **NRS 695G.090 is hereby amended to read as follows:**

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.1639, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services.

4. The provisions of NRS 695C.1735 and 695G.1639 ***and section 12 of this act*** do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 13. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 16 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430,

inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 14. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body

to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, ***and section 4.7 of this act,*** 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation,

political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 15. ~~[NRS 287.04335 is hereby amended to read as follows:~~

~~287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, *and section 12 of this act,* 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.]~~ **(Deleted by amendment.)**

Sec. 16. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent federal financial participation is available, the Director shall include under Medicaid coverage for habilitative speech-language pathology and rehabilitative speech-language pathology as a treatment for stuttering for persons who are less than 26 years of age.

2. Except where necessary to obtain federal financial participation, the Department shall not:

(a) Set a maximum annual limit on the benefits described in subsection 1, including, without limitation, a limit on the number of annual visits to a speech-language pathologist;

(b) Limit the benefits described in subsection 1 based on the cause of the stuttering; or

(c) Subject the benefits described in subsection 1 to medical management techniques.

3. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

4. As used in this section:

(a) "Habilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person keep, learn or improve skills and functioning for daily living.

(b) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(c) "Practice of speech-language pathology" has the meaning ascribed to it in NRS 637B.060.

(d) "Rehabilitative speech-language pathology" means services that constitute the practice of speech-language pathology which help a person restore or improve skills and functioning for daily living that have been lost or impaired.

Sec. 17. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 243.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 884.

SUMMARY—Establishes certain partial tax exemptions for ~~[surviving spouses of members of the Armed Forces of the United States who were killed in the line of duty.]~~ **certain Nevada Gold Star Spouses.** (BDR 32-163)

AN ACT relating to taxation; providing partial exemptions from the property and governmental services taxes for ~~[surviving spouses of members of the armed forces killed in the line of duty;]~~ **certain Nevada Gold Star Spouses;** establishing certain requirements for claiming the exemptions; requiring the maximum allowable amount of the exemptions be adjusted annually; authorizing an eligible ~~[surviving spouse]~~ **Nevada Gold Star Spouse** to direct an amount equivalent to the exemptions to certain charitable gift accounts in lieu of claiming the exemptions; providing for the reduction of the property tax exemption in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts from property taxes $1,000 of the assessed valuation of property, adjusted each fiscal year using the Consumer Price Index, in which a surviving spouse who is a resident of this State has an interest. (NRS 361.080) Existing law also exempts from property taxes: (1) $2,000 of the assessed valuation of property, as adjusted each fiscal year using the Consumer Price Index, in which a veteran who served on active duty under certain circumstances has an interest; and (2) $20,000 of the assessed valuation of property, as adjusted each fiscal year using the Consumer Price Index, in which a veteran with a permanent service-connected disability of 100 percent, or the surviving spouse of such a veteran, has an interest. (NRS 361.090, 361.091) Under existing law, in lieu of applying these exemptions to property taxes, the same partial exemptions may be applied to reduce the amount of governmental services tax owed by a surviving spouse, veteran, disabled veteran or surviving spouse of a veteran or disabled veteran upon the annual renewal of the registration of a vehicle. (NRS 361.1565, 371.101, 371.103, 371.104)

Sections 1 and 4 of this bill, respectively, ~~[increase the partial exemption]~~ **exempt** from property taxes and governmental services taxes ~~[for the surviving spouse of a member of the Armed Forces of the United States who was killed in action. Under sections 1 and 4, the amount of the exemption increases from the exemption of $1,000 for surviving spouses to the amount of the exemption for the surviving spouse of a veteran with a permanent service-connected disability of 100 percent.]~~ **$20,000 of the assessed valuation of the property of a Nevada Gold Star Spouse. Sections 1 and 4 define Nevada Gold Star Spouse as the surviving spouse of a member of the Armed Forces of the United States who died under certain circumstances while on active duty in the Armed Forces and who, at the time of his or her death, was a**

resident of this State. **Section 3** of this bill makes a conforming change to apply to **sections 1 and 4** existing law which requires a partial exemption from property taxes to be reduced by any partial exemption from the governmental services taxes. **Sections 2 and 5** of this bill make a conforming change to authorize a ~~[surviving spouse]~~ **Nevada Gold Star Spouse** who qualifies for the partial exemption from property taxes or governmental services taxes under **section 1 or 4**, respectively, to request the deposit of an amount equal to the partial exemption to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada. (NRS 361.0905, 371.1035) **Section 6** of this bill makes a conforming change to apply to **section 4** existing law governing the filing of claims for exemptions for governmental services tax or the designation of amounts to be credited to a Gift Account for a Veterans Home. (NRS 371.105) **Section 7** of this bill makes a conforming change to apply existing law requiring the provision of notice to the Department of Motor Vehicles when an owner of a vehicle is no longer eligible for the exemption under **section 4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bona fide resident of the State of Nevada who is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty,]~~ a Nevada Gold Star Spouse, and who has not remarried, is entitled to an exemption not to exceed the amount of $20,000 assessed valuation. For the purposes of this section, the first $20,000 assessed valuation of property in which a person has any interest is deemed to be the property of the person.

2. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

3. The affidavit required by subsection 2 must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant:

(a) Is a bona fide resident of the State of Nevada;

(b) Is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty;]~~ a Nevada Gold Star Spouse;

(c) Has not remarried; and

(d) Has not claimed the exemption in any other county within this State.

4. After the filing of the original affidavit required by subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ *to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.*

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof that the person is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty.]~~ a Nevada Gold Star Spouse. For this purpose, the county assessor shall require the person to produce:

(a) A DD Form 1300, "Report of Casualty," or its succeeding form, issued by the United States Department of Defense that identifies the member of the Armed Forces ~~[who was killed in the line of duty;]~~ to whom the person was married and indicates that the member:

(1) Died under any of the circumstances described in 10 U.S.C. § 1126(a); and

(2) Listed Nevada as his or her home of record; and

(b) Documentation that the person was married to the member.

6. The allowance of a tax exemption to a person under this section does not affect the eligibility of that person for an exemption under NRS 361.090 or 361.091 based on the person's own service in the Armed Forces of the United States, if applicable.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. ~~[The monetary amounts in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.~~

~~9. For the purposes of]~~ As used in this section:

(a) ~~["Consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.]~~ "Nevada Gold Star Spouse" means the surviving spouse of a member of the Armed Forces of the United States who:

(1) Died under any of the circumstances described in 10 U.S.C. § 1126(a); and

(2) At the time of his or her death was a resident of this State.

(b) ~~["Member of the Armed Forces of the United States who was killed in the line of duty" means a member of the Armed Forces of the United States who the United States Department of Defense has determined to be a hostile casualty, which may include, without limitation, a veteran who the Department of Defense determines:~~

~~(1) Was killed in action;~~

~~(2) Died from wounds received in action;~~

~~(3) Died while captured;~~

~~(4) Is presumed killed in action; or~~

~~(5) Died as the direct result of terrorist activity deemed by the Department of Defense to be combat or hostility related, such that the Department classifies the type of casualty listed on a DD Form 1300, "Report of Casualty," as hostile, or hostility or combat related.~~

~~(c)]~~ "Surviving spouse" includes a surviving domestic partner as set forth in NRS 122A.200.

Sec. 2. NRS 361.0905 is hereby amended to read as follows:

361.0905 1. Any person who qualifies for an exemption pursuant to NRS 361.090 or 361.091 ***or section 1 of this act*** may, in lieu of claiming the exemption:

(a) Pay to the county tax receiver all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the county tax receiver to deposit that amount for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to a Gift Account on a form provided by the Nevada Tax Commission.

3. The county tax receiver shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to a Gift Account pursuant to this section and NRS 371.1035 during any fiscal year.

Sec. 3. NRS 361.1565 is hereby amended to read as follows:

361.1565 ***1.*** The personal property tax exemption to which a surviving spouse, person who is blind, veteran***,*** ~~[or]~~ surviving spouse of a veteran who incurred a service-connected disability ***or ~~[was killed in the line of duty]~~ Nevada Gold Star Spouse*** is entitled pursuant to NRS 361.080, 361.085, 361.090 or 361.091 ***or section 1 of this act*** is reduced to the extent that he or she is allowed an exemption from the governmental services tax pursuant to chapter 371 of NRS.

2. As used in this section, "Nevada Gold Star Spouse" has the meaning ascribed to it in section 1 of this act.

Sec. 4. Chapter 371 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A bona fide resident of the State of Nevada who is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty,]~~ a Nevada Gold Star Spouse, and who has not remarried, is entitled to an exemption from the payment of governmental services taxes on vehicles not to exceed the amount of $20,000 of determined valuation. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which a person described in this subsection has any interest shall be deemed to belong entirely to that person.

2. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit that declares that the person:

(a) Is a bona fide resident of the State of Nevada;

(b) Is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty;]~~ a Nevada Gold Star Spouse;

(c) Has not remarried; and

(d) Has not claimed the exemption in any other county within this State.

3. After the filing of the original affidavit required by subsection 2, the county assessor in the county where the exemption is claimed shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof that the person is ~~[the surviving spouse of a member of the Armed Forces of the United States who was killed in the line of duty,]~~ a Nevada Gold Star Spouse. For this purpose, the Department shall require the person to produce:

(a) A DD Form 1300, "Report of Casualty," or its succeeding form, issued by the United States Department of Defense that identifies the member of the Armed Forces ~~[who was killed in the line of duty;]~~ to whom the person was married and indicates that the member:

(1) Died under any of the circumstances described in 10 U.S.C. § 1126(a); and

(2) Listed Nevada as his or her home of record; and

(b) Documentation that the person was married to the member.

5. The allowance of a tax exemption to a person under this section does not affect the eligibility of that person for an exemption under NRS 371.103 or 371.104 based on the person's own service in the Armed Forces of the United States, if applicable.

6. If any person files a false affidavit or produces false proof to the Department and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

~~7. [The monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index from July 2003 to the July preceding the fiscal year for which the adjustment is calculated.~~

~~8.]~~ For the purposes of this section:

(a) ~~["Consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department.]~~ "Nevada Gold Star Spouse" means the surviving spouse of a member of the Armed Forces of the United States who:

(1) Died under any of the circumstances described in 10 U.S.C. § 1126(a); and

(2) At the time of his or her death was a resident of this State.

(b) ~~["Member of the Armed Forces of the United States who was killed in the line of duty" means a member of the Armed Forces of the United States who the United States Department of Defense has determined to be a hostile casualty, which may include, without limitation, a veteran who the Department of Defense determines:~~

~~(1) Was killed in action;~~

~~(2) Died from wounds received in action;~~

~~(3) Died while captured;~~

~~(4) Is presumed killed in action; or~~

~~(5) Died as the direct result of terrorist activity deemed by the Department of Defense to be combat or hostility related, such that the Department classifies the type of casualty listed on a DD Form 1300, "Report of Casualty," as hostile, or hostility or combat related.~~

~~(c)]~~ "Surviving spouse" includes a surviving domestic partner as set forth in NRS 122A.200.

Sec. 5. NRS 371.1035 is hereby amended to read as follows:

371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 ***or section 4 of this act*** may, in lieu of claiming the exemption:

(a) Pay to the Department all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and

(b) Direct the Department to deposit that amount for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145.

2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to a Gift Account on a form provided by the Department.

3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of $2,000,000 for credit to a Gift Account pursuant to this section and NRS 361.0905 during any fiscal year.

Sec. 6. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 ***or section 4 of this act*** for tax exemption on the governmental services tax and designations of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada pursuant to NRS 371.1035 must be filed annually at any time on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total exemption greater than that to which the taxpayer is entitled during any fiscal year.

Sec. 7. NRS 371.106 is hereby amended to read as follows:

371.106 1. Whenever any vehicle ceases to be exempt from taxation under NRS 371.101, 371.102, 371.103 or 371.104 ***or section 4 of this act*** because the owner no longer meets the requirements for the exemption provided in those sections, its owner shall immediately notify the Department of the fact.

2. If a person fails to notify the Department as required by subsection 1 and as a result of such failure is allowed a tax exemption to which he or she is not entitled, there shall be added to and collected with the tax otherwise due a penalty equal to double the amount of the tax. If the person's failure is fraudulent and results in his or her receiving a tax exemption to which he or she is not entitled, the person is also guilty of a gross misdemeanor.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 284.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 893.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to seek to establish certain rates of reimbursement

under Medicaid for vagus nerve stimulation therapy devices, replacement parts for such a device and the procedures necessary to implant, repair or replace a part of such a device; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) **[**~~This~~**]** **Section 2 of this** bill requires the Director of the Department to submit to the United States Secretary of Health and Human Services a request to **[**~~amend~~**]** **include under** Medicaid to provide rates of reimbursement greater than or equal to 82 percent of the cost for: (1) a vagus nerve stimulation therapy device **[**~~,~~**]** **prescribed for the treatment of epilepsy;** (2) any replacement part for such a device; and (3) the procedure necessary to implant, repair or replace a part of such a device. **[**~~This bill~~**]** **Section 2** also clarifies that the rates of reimbursement established for the cost of a vagus nerve stimulation therapy device and any replacement part for such a device must be separate from and in addition to the rates of reimbursement for medical care necessary for the implantation or repair of such a device or the replacement of a part for the device. **Section 1 of this bill makes an appropriation to and authorizes expenditures by the Division of Health Care Financing and Policy of the Department for certain costs associated with making the increases to rates of reimbursement under Medicaid required by section 2.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for carrying out the provisions of section 2 of this act and making upgrades to computer systems necessary to carry out those provisions the following sums:**

For the Fiscal Year 2025-2026.....$54,728

For the Fiscal Year 2026-2027.....$240,004

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

3. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1:

For the Fiscal Year 2025-2026.....$188,270

For the Fiscal Year 2026-2027.....$700,098

~~[Section 1.]~~ ***Sec. 2.*** 1. On or before October 1, 2025, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to include under Medicaid:

(a) A rate of reimbursement for a vagus nerve stimulation therapy device **prescribed for the treatment of epilepsy** that is greater than or equal to 82 percent of the **acquisition** cost of such a device;

(b) A rate of reimbursement for any replacement part for a vagus nerve stimulation therapy device **prescribed for the treatment of epilepsy** that is greater than or equal to 82 percent of the **acquisition** cost of such a replacement part; and

(c) A rate of reimbursement for the procedure necessary to implant, repair or replace a part of a vagus nerve stimulation therapy device **prescribed for the treatment of epilepsy** that is greater than or equal to 82 percent of the cost of the procedure.

2. The rates of reimbursement established pursuant to paragraphs (a) and (b) of subsection 1 must be separate from and in addition to the rates of reimbursement for the medical care necessary for implantation or repair of a vagus nerve stimulation therapy device or the replacement of a part for such a device.

3. The request submitted pursuant to subsection 1 must be supported using methods for determining rates of reimbursement accepted by the Secretary.

~~[Sec. 2.]~~ ***Sec. 3.*** **1.** This ~~[act becomes]~~ **section and section 1 of this act become** effective ~~[upon passage and approval.]~~ **on July 1, 2025.**

2. Section 2 of this act becomes effective on March 1, 2026.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 404.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 859.

AN ACT relating to alcoholic beverages; authorizing a person who operates a brew pub to engage in certain activities concerning the sale of alcoholic beverages; **revising provisions governing the conduct of certain investigations and hearings and the revocation and suspension of certain licenses relating to intoxicating liquor;** ~~[requiring]~~ **revising the manner in**

which a payment from a retail liquor store to a wholesale dealer for delivery of certain alcoholic beverages ~~[to]~~ **must** be made **;** ~~[by electronic funds transfer;]~~ requiring certain persons manufacturing liquor to preserve certain records for inspection and audit by the Department of Taxation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and operation of brew pubs in this State. (NRS 369.180, 597.230) Existing law authorizes a person who operates one or more brew pubs to sell at retail malt beverages that are: (1) manufactured on or off the premises of any of the brew pubs for consumption on the premises; and (2) manufactured and sealed in packages on the premises of any of the brew pubs for consumption off the premises. (NRS 597.230) **Section 2** of this bill additionally authorizes a person who operates one or more brew pubs to sell at retail any other alcoholic beverages if the person who operates such a brew pub has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the brew pub is located and purchases all such alcoholic beverages from a licensed wholesaler. **Section 2** also authorizes such a person to sell alcoholic beverages, including, without limitation, malt beverages manufactured on or off the premises of one or more of the brew pubs at, with certain exceptions, not more than two retail liquor store locations under the common control of the person if: (1) the person has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the retail liquor store location is located; (2) the person purchases all such alcoholic beverages from a licensed wholesaler; (3) **for a retail liquor store location for which the person obtained any license or permit required to sell alcoholic beverages at retail on or after January 1, 2025,** the retail liquor store **location** is not located closer than 1,000 feet to a gaming establishment; and (4) the retail liquor store location is located within the same county as the brew pub, with certain exceptions. As an exception to the limit of two retail liquor store locations set forth in **section 2**, **section 6 of this bill** provides that a person who, on March 31, 2025, holds a license to operate a brew pub and any license or permit to operate three retail liquor store locations under the common control of the person is authorized to engage in the activities authorized by **section 2** at the third location so long as the license for that location is not transferred to another person or location.

Existing law: (1) prohibits a person who operates one or more brew pubs from manufacturing more than 40,000 barrels of malt beverages for all the brew pubs the person operates in this State in a calendar year; and (2) authorizes the person to manufacture and sell 20,000 barrels of malt beverages for all the brew pubs the person operates in this State provided such barrels are sold to a wholesaler located outside of this State. (NRS 597.230) **Section 2** instead authorizes the person to sell the 20,000 barrels of malt beverages either to a wholesaler located outside of this State or, where allowable pursuant to applicable law, to persons residing in states outside of this State. Finally, **section 2** requires a person who operates a brew pub and one or more

commonly controlled retail liquor store locations to comply with certain requirements of the Department of Taxation relating to the recordkeeping and reporting of manufacturing, purchases and receipts of liquor with respect to the brew pub and each retail liquor store location.

Existing law provides for the licensure of persons engaged in various activities relating to intoxicating liquor. (Chapter 369 of NRS) Existing law authorizes the board of county commissioners or the governing body of a city, as applicable, to investigate complaints against a licensee, conduct hearings and recommend to the Department of Taxation, under certain circumstances, the revocation or suspension of a license. (NRS 369.230-369.290) Sections 3.1-3.6 of this bill, in general, provide for the Department to also perform these functions in the same manner as a board of county commissioners or governing body of a city and authorize the Department to revoke or suspend a license without receiving a recommendation from a board of county commissioners or governing body of a city.

Existing law authorizes the Department, under certain circumstances, to issue a summary suspension of the license of a licensee if the Department finds that the licensee is violating any of the provisions of existing law governing intoxicating liquor. (NRS 369.280) Section 3.6 requires the Department, after issuing a summary suspension, to hold a hearing and render a decision regarding whether to issue a final order revoking or refusing to revoke the license of the licensee.

Existing law requires all persons obtaining liquor under any license or permit and all retail liquor dealers to preserve for inspection and audit by the Department of Taxation and its agents, for a period of 4 years, all invoices and lists of liquors purchased or received, specifying certain information relating to those purchases and receipts. (NRS 369.520) **Section 5** of this bill additionally imposes such recordkeeping requirements on all persons manufacturing liquor.

Existing law prohibits a wholesale dealer from selling liquor to a retail liquor store under certain circumstances relating to the timing of payments for the delivery of that liquor. (NRS 369.485) **Section 4** of this bill: (1) **with certain exceptions,** requires payment from a retail liquor store to a wholesale dealer for the delivery of beer, wine or distilled spirits to be made by electronic funds transfer; (2) requires the wholesale dealer to initiate the electronic funds transfer by initiating the withdrawal of funds from the bank account of the retail liquor store; (3) requires the electronic funds transfer to be completed not later than the expiration of the 30th day after the date of delivery of the beer, wine or distilled spirits; and (4) prohibits a wholesale dealer from paying or being required to pay, directly or indirectly, any fees incurred by the retail liquor store for such an electronic funds transfer. **Section 4 also authorizes a retail liquor store to elect to pay for the delivery of beer, wine or distilled spirits by credit card. If a retail liquor store so elects, section 4 requires the retail liquor store to notify the wholesale dealer of the election. The**

retail liquor store is responsible for all costs associated with processing the credit card transaction. Finally, section 4 requires, at the time a wholesale dealer makes a delivery of beer, wine or distilled spirits to a retail liquor store: (1) the wholesale dealer and retail liquor store to review the invoice of the delivery for accuracy; and (2) if the invoice is accurate, the retail liquor store to sign the invoice to confirm the accuracy of the invoice.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ Except as otherwise provided in paragraph (e) of subsection 3, a person who operates one or more brew pubs may not manufacture more than 40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises:

(I) To a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate

distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages
obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises.

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(e) ***Sell at retail alcoholic beverages other than those described in paragraph (c) if the person:***

(1) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the brew pub is located; and

(2) Purchases all such alcoholic beverages from a licensed wholesaler in compliance with the provisions of NRS 369.487 and 369.488.

(f) Sell alcoholic beverages, including, without limitation, malt beverages manufactured on or off the premises of one or more of the brew pubs, at not more than two retail liquor store locations under the common control of the person if:

(1) The person has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the retail liquor store location is located;

(2) The person purchases all such alcoholic beverages from a licensed wholesaler in compliance with the provisions of NRS 369.487 and 369.488;

(3) ~~[The]~~ For a retail liquor store location for which the person obtained any license or permit required to sell alcoholic beverages at retail

on or after January 1, 2025, the retail liquor store location is not located closer than 1,000 feet to an establishment licensed pursuant to chapter 463 of NRS; and

(4) The retail liquor store location is located within the same county as the brew pub, unless the brew pub is located in a county whose population is less than 100,000.

(g) In a calendar year, in addition to the amount of malt beverages which may be manufactured pursuant to subsection 1, manufacture and sell 20,000 barrels of malt beverages for all the brew pubs he or she operates in this State provided such barrels are sold ***either*** to a wholesaler located outside of this State ~~[,]~~ ***or, where allowable pursuant to applicable law, to persons residing in states outside of this State,*** subject to such periodic auditing as the Department of Taxation shall require by regulation.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

5. A person who operates a brew pub and one or more commonly controlled retail liquor store locations shall:

(a) Comply with the provisions of NRS 369.520 with respect to the brew pub and each commonly controlled retail liquor store location; and

(b) In addition to making any reports required pursuant to rules made by the Department of Taxation pursuant to NRS 369.360, submit to the Department of Taxation each month a report of sales of malt beverages manufactured at each brew pub and commonly controlled retail liquor store location for the immediately preceding month.

Sec. 3. (Deleted by amendment.)

Sec. 3.1. **NRS 369.230 is hereby amended to read as follows:**

369.230 The board of county commissioners ***,*** ~~[or]~~ the governing body of a city ~~[,]~~ ***or the Department,*** as applicable, may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the action of any licensee under this chapter ***. ~~[, and]~~ The board of county commissioners or the governing body of a city, as applicable,*** shall have ***the*** power to recommend the temporary suspension or permanent revocation of a license ***and the Department shall have the power to temporarily suspend or permanently revoke a license*** for any one of the following acts or omissions:

1. Misrepresentation of a material fact by the applicant in obtaining a license under this chapter;

2. If the licensee violates or causes or permits to be violated any of the provisions of this chapter;

3. If the licensee commits any act which would be sufficient ground for the denial of an application for a license under this chapter;

4. If the licensee sells liquor to a wholesaler or retailer who is not a holder of a proper license or permit at such time; or

5. If the licensee fails to pay the excise tax or any penalty in connection therewith, in whole or in part, imposed by law, or violates any regulation of the Department respecting the same.

Sec. 3.2. **NRS 369.240 is hereby amended to read as follows:**

369.240 1. Upon the filing with the board of county commissioners of the county in which a licensee maintains his or her principal place of business **,** ~~[or with]~~ the governing body of the city in which the licensee maintains his or her principal place of business if the licensee maintains his or her principal place of business within an incorporated city ***or the Department*** of a verified complaint charging the licensee with the commission, within 1 year prior to the date of filing the complaint, of any act which is cause for suspension or revocation of a license, the board of county commissioners **,** ~~[or]~~ the governing body **,** ~~[,]~~ ***or the Department,*** as applicable, forthwith shall issue a citation directing the licensee, within 10 days after service thereof upon him or her, to appear by filing with the board of county commissioners **,** ~~[or]~~ the governing body **,** ~~[,]~~ ***or the Department,*** as applicable, a verified answer to the complaint showing cause, if any he or she has, why his or her license should not be suspended or revoked. Service of the citation with a copy of the complaint shall be made upon the licensee as provided by the Nevada Rules of Civil Procedure for the service of process in civil actions.

2. Failure of the licensee to answer within the time specified shall be deemed an admission by the licensee of the commission of the act or acts charged in the complaint. Thereupon, ***if the verified complaint was filed with*** the board of county commissioners or the governing body of a city, ***the board or governing body,*** as applicable, shall give written notice of the failure of the licensee to answer to the Department. The Department forthwith shall suspend or revoke the license, as the case may be, and shall give notice of such suspension or revocation by mailing a true copy thereof, by United States registered or certified mail in a sealed envelope with postage thereon fully prepaid, addressed to the licensee at his or her latest address of record in the office of the Department.

Sec. 3.3. **NRS 369.250 is hereby amended to read as follows:**

369.250 Upon the filing of the answer, the board of county commissioners**,** ~~[or]~~ the governing body of a city **,** ~~[,]~~ ***or the Department,*** as applicable, shall fix a time and place for a hearing and give the licensee and the complainant not less than 5 days' notice thereof. The notice may be served by depositing in the United States mail a true copy of the notice enclosed in a sealed envelope with postage thereon fully prepaid, addressed to the licensee and to the complainant, respectively, at their last known addresses. With the notice to the complainant there shall be attached or enclosed a copy of the answer. If either party has appeared by counsel the notice shall be given, in like manner, to counsel instead of to the party.

Sec. 3.4. **NRS 369.260 is hereby amended to read as follows:**

369.260 1. Upon the hearing, the board of county commissioners **,** ~~[or]~~ the governing body of a city **,** ~~[,]~~ ***or the Department,*** as applicable, shall hear

all relevant and competent evidence offered by the complainant and by the licensee.

2. After the hearing is concluded and the matter submitted, ~~[the board of county commissioners or the governing body of a city, as applicable, shall,]~~ within 10 days after such submission and within 60 days after the date of service of the citation issued pursuant to NRS 369.240 ~~[,]~~ ***:***

(a) If the hearing was held before the board of county commissioners or the governing body of a city, the board or governing body, as applicable, shall render its decision in writing recommending the suspension or revocation of the license, or ~~[dismissing]~~ ***the dismissal of*** the complaint, with a statement of the board's or the governing body's reasons therefor.

(b) If the hearing was held before the Department, the Department shall render its decision in writing suspending or revoking the license, or dismissing the complaint, with a statement of the Department's reasons therefor.

3. The board of county commissioners ***,*** ~~[or]~~ the governing body of a city ~~[,]~~ ***or the Department,*** as applicable, shall give to the complainant and to the licensee, or their respective attorneys, notice of ~~[such recommendation,]~~ ***the decision rendered pursuant to subsection 2*** by mail, in the same manner as prescribed in this chapter for the giving of notice of hearing.

4. A copy of ~~[the]~~ ***a*** decision of the board of county commissioners or the governing body of a city recommending the suspension or revocation of a license ***rendered pursuant to subsection 2*** shall be transmitted forthwith by the board or the governing body, as applicable, to the Department. ~~[Thereupon,]~~ ***Upon receiving such a decision or upon rendering its own decision to suspend or revoke a license,*** the Department shall cause the license to be suspended or revoked and shall give notice thereof in the same manner as provided in NRS 369.240.

Sec. 3.5. **NRS 369.270 is hereby amended to read as follows:**

369.270 1. Notwithstanding any other provision of this chapter, before suspending or revoking any license, the Department, in its discretion, may:

(a) If the licensee has not appeared pursuant to the provisions of NRS 369.240, permit the licensee to appear before the board of county commissioners ***,*** ~~[or]~~ the governing body of a city ~~[,]~~ ***or the Department,*** as applicable, and make a showing on his or her behalf if it is made to appear to the Department that the licensee's neglect to appear before the board of county commissioners ***,*** ~~[or]~~ the governing body ***or the Department*** was excusable.

(b) If a hearing was had ~~[,]~~ ***before the board of county commissioners or the governing body of a city,*** grant the licensee a new hearing before the Department if it shall be made to appear to the Department that the decision of the board of county commissioners or the governing body of a city, as applicable, was arbitrary, unreasonable or unjust.

2. After any new hearing before the Department, the Department shall enter a final order revoking or refusing to revoke the license affected.

Sec. 3.6. **NRS 369.280 is hereby amended to read as follows:**

369.280 1. Notwithstanding any other provision of this chapter, the board of county commissioners or the governing body of a city, as applicable, shall have the right to suspend or revoke summarily any license in cases appearing to it to be of an aggravated and flagrant violation of law.

2. On request, in all such cases, the Department shall conduct a hearing covering the proceedings and evidence, if any, before the board of county commissioners or the governing body of a city, as applicable, and any additional evidence offered by the board of county commissioners, the governing body or the licensee.

3. The hearing before the Department shall be had on reasonable notice of time, place and subject matter to the licensee and the board of county commissioners or the governing body of a city, as applicable, and the Department shall decide the matter without delay by either confirming, modifying or setting aside the action of the board of county commissioners or the governing body, as applicable.

4. If the Department finds that a licensee is violating any of the provisions of this chapter, the Department may issue a summary suspension of the violator's license. The Department shall notify the board of county commissioners or the governing body of a city, as applicable, of such suspension. Within 10 days after such notice the Department shall conduct a public hearing in the matter in the appropriate county or city, as applicable. The board of county commissioners or the governing body of a city, as applicable, may appear before the Department at the hearing. ***If the Department issues a summary suspension of a license pursuant to this subsection, the Department shall thereafter hold a hearing and render a decision regarding whether to issue a final order revoking or refusing to revoke the license affected.***

Sec. 4. NRS 369.485 is hereby amended to read as follows:

369.485 1. The Legislature hereby declares:

(a) That it is a privilege to engage in the business of selling intoxicating liquor at the wholesale or retail level in this state;

(b) That the Legislature finds it necessary to impose certain restrictions on the exercise of such privilege; and

(c) That it is the policy of this state to preclude the acquisition or control of any retail liquor store by a wholesale liquor dealer.

2. As used in this section, unless the context requires otherwise:

(a) "Delinquent payment" means the failure of a retail liquor store to make payment to a wholesale dealer for liquor on or before the 15th day of the month following delivery by the wholesale dealer.

(b) ***"Electronic funds transfer" means the electronic transfer of money from one bank account to another, either within a single financial institution or across multiple financial institutions through computer-based systems.***

(c) "Payment" means the full legal discharge of the debt by the wholesale dealer's receipt of cash or its equivalent, including ordinary and recognized means for discharge of indebtedness excepting notes, pledges or other

promises to pay at a future date. A postdated check, a check not promptly deposited for collection or a check dishonored on presentation for payment does not constitute payment.

~~[(c)]~~ ***(d)*** "Payment in cash" means the full legal discharge of the debt by delivery of cash, money order, certified check or a cashier's or similar bank officer's check.

3. A wholesale dealer shall not:

(a) Loan any money or other thing of value to a retail liquor store.

(b) Invest money, directly or indirectly, including through a subsidiary or agent, in a retail liquor store.

(c) Furnish or provide any premises, building, bar or equipment to a retail liquor store.

(d) Participate, directly or indirectly, in the operation of the business of a retail liquor store.

(e) Sell liquor to a retail liquor store except for payment on or before delivery or on terms requiring payment by the retail liquor store before or on the 10th day of the month following delivery of such liquor to it by the wholesale dealer.

(f) Sell liquor to a retail liquor store which is delinquent in payment to such wholesale dealer except for payment in cash on or before delivery.

4. ***At the time a wholesale dealer makes a delivery of beer, wine or distilled spirits to a retail liquor store, the wholesale dealer and retail liquor store shall review the invoice of the delivery to verify its accuracy. If the invoice is accurate, the retail liquor store shall sign the invoice to confirm the accuracy of the invoice.***

5. Except as otherwise provided in paragraph (f) of subsection 3, unless a retail liquor store elects to pay by credit card pursuant to subsection 6, payment from a retail liquor store to a wholesale dealer for the delivery of beer, wine or distilled spirits must be made by electronic funds transfer. The wholesale dealer shall initiate the electronic funds transfer by initiating the withdrawal of funds from the bank account of the retail liquor store. The electronic funds transfer must be completed not later than the expiration of the 30th day after the date of delivery of the beer, wine or distilled spirits for which the electronic funds transfer constitutes payment. A wholesale dealer shall not pay or be required to pay, directly or indirectly, any fees incurred by the retail liquor store for an electronic funds transfer made pursuant to this section.

~~***[5.]***~~ ***6. A retail liquor store may elect to pay for the delivery of beer, wine or distilled spirits by credit card. If a retail liquor store elects to pay by credit card, the retail liquor store shall notify the wholesale dealer of the election. The retail liquor store is responsible for all costs associated with processing the credit card transaction.***

7. On the 15th day of the month following the delivery of liquor and on the 15th day of each month thereafter, the wholesale dealer shall charge a retail

liquor store which is delinquent a service charge of 1.5 percent of the amount of the unpaid balance.

~~[5. 6.]~~ ***8.*** The Department may impose the following penalties on a wholesale dealer who violates any of the provisions of this section within any 24-month period:

(a) For the first violation a penalty of not more than $500.

(b) For the second violation a penalty of not more than $1,000.

(c) For the third and any subsequent violation a penalty of not more than $5,000 or by a license suspension, or by both such penalty and suspension.

~~[6. 7.]~~ ***9.*** The Department may, upon its own motion, and shall, upon the verified written complaint of any wholesale dealer, investigate the possible violation of any of the provisions of this section by any wholesale dealer.

Sec. 5. NRS 369.520 is hereby amended to read as follows:

369.520 All persons obtaining ***or manufacturing*** liquor under any license or permit and all retail liquor dealers shall preserve for inspection and audit by the Department and its agents, for a period of 4 years, all invoices and lists of liquors purchased ***, manufactured*** or received, specifying:

1. Kind and quantity of liquor.

2. ~~[Names]~~ ***For liquors purchased or received, names*** of persons from whom received.

3. Place and date.

Sec. 6. Notwithstanding the provisions of paragraph (f) of subsection 3 of NRS 597.230 as amended by section 2 of this act, a person who, on March 31, 2025, holds a license issued pursuant to chapter 369 of NRS to operate one or more brew pubs and any license or permit required to operate three retail liquor store locations under the common control of the person may engage in the activities authorized by paragraph (f) of subsection 3 of NRS 597.230 as amended by section 2 of this act at the third retail liquor store location so long as the license or permit to operate that location is not transferred to another person or location.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 471.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 876.

AN ACT relating to taxation; revising provisions governing the taxation of remote sales of cigars and pipe tobacco; revising provisions governing the licensing of remote retail sellers of cigars and pipe tobacco; **revising provisions governing age verification for remote retail sales of certain tobacco products; providing penalties; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a tax on the receipt, purchase or sale in this State of cigarettes and other tobacco products, including, without limitation, cigars and pipe tobacco. (NRS 370.0318, 370.165, 370.350, 370.440, 370.450) Under existing law, the tax on tobacco products, other than cigarettes, is required to be paid by the wholesale dealer who purchased the products from the manufacturer and who distributes the products to a retail dealer in this State. If any tobacco products, other than cigarettes, are authorized by law to be sold directly to a consumer in this State by a person located outside this State, the tax is imposed on the person making the sale and the tax is based on the established price for which the products are sold to the consumer. (NRS 370.440, 370.450)

This bill enacts provisions to provide for the taxation of the remote sale of cigars and pipe tobacco by persons who make sales of cigars and pipe tobacco through any means by which the cigars or pipe tobacco are delivered to the consumer through remote sales. **Sections 2 and 3** of this bill, respectively, define the sales that constitute a remote retail sale and the sellers who are remote retail sellers for the purposes of taxing such remote retail sales of cigars and pipe tobacco. **Section 3.3** of this bill requires the tax for a remote sale of cigars or pipe tobacco to be based on the actual cost of the cigars or pipe tobacco to the remote retail seller, as defined in **section 1.3** of this bill. **Under section 3.3, a remote retail seller is subject to this tax only if the remote retail seller meets certain thresholds for the retail sale of cigars or pipe tobacco to consumers in this State.** **Section 3.4** of this bill provides for the filing of a monthly report of the sales of cigars and pipe tobacco by a remote retail seller in a manner similar to the monthly report for a wholesale dealer of such products, and **section 3.5** of this bill imposes recordkeeping requirements on a remote retail seller of cigars and pipe tobacco that are similar to the recordkeeping requirements for a wholesale dealer of such products. **Sections 3.6-3.9** of this bill provide for the licensing of remote retail sellers of cigars and pipe tobacco in the same manner as wholesale dealers of such products **.** ~~[, including, without limitation, imposing]~~ **Specifically: (1) section 3.65 prohibits the issuance, maintenance or renewal of a license if the applicant or licensee is not registered to collect and remit sales and use tax, is delinquent in the payment of sales and use tax or the tax imposed by section 3.3, or does not comply with certain age-verification requirements; (2) section 3.8 imposes** the same fees for a license ~~[, which are set forth in section 3.8]~~ **that are imposed on similar tobacco licensees;** and ~~[imposing]~~ **(3) section 3.9 imposes** the same bonding requirements ~~[, which are set forth in section 3.9.]~~ **that are imposed on similar tobacco licensees.** **Section 7** of this bill clarifies requirements for wholesale dealers of tobacco products, other than cigarettes, to maintain an inventory of such products by providing that such inventory must be maintained at each location in this State at which the wholesaler maintains a place of business. **Section 12.5 of this bill makes a remote retail seller subject to the penalties that apply under existing law**

to delinquency in the payment of taxes on tobacco products. (NRS 370.523) Section 20 of this bill makes a conforming change to align with existing requirements for the use of an independent, third-party age verification service by remote retail sellers of certain tobacco products. **Section 20.5 of this bill makes a conforming change to ensure premium cigars sold to a remote retail seller are taxed in the same manner as premium cigars sold by other retail sellers in this State. Section 20.7 of this bill makes an appropriation to the Department of Taxation for certain costs to implement the provisions of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 370 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 3.9, inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to 3.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 3.2, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***"Actual cost" means the actual price paid by a remote retail seller for an individual stock keeping unit of cigars or pipe tobacco.***

Sec. 1.5. ***"Actual cost list price" means the average of the price paid by a remote retail seller for a stock keeping unit over the 12 calendar months immediately preceding January 1 of the year in which a remote retail sale is made by a remote retail seller.***

Sec. 1.7. ***"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than a cigarette, as defined in NRS 370.010.***

Sec. 1.8. "License" means a license issued pursuant to section 3.6 of this act that authorizes the holder of the license to engage in business as a remote retail seller.

Sec. 1.85. "Licensee" means the holder of a license.

Sec. 1.9. ***"Pipe tobacco" means any tobacco which, because of its appearance, type, packaging or labeling, is suitable for use and likely to be offered to, or purchased by, ultimate consumers as tobacco to be smoked in a pipe.***

Sec. 2. ***"Remote retail sale" means a sale of a cigar or pipe tobacco to an ultimate consumer in this State for which:***

1. The ultimate consumer submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or the Internet or any other on-line service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

2. The cigar or pipe tobacco is delivered by common carrier, private delivery service or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigars or pipe tobacco.

Sec. 3. *"Remote retail seller" means a person located within or outside the borders of this State who makes a remote retail sale of a cigar or pipe tobacco to ultimate consumers in this State.*

Sec. 3.1. *"Sale" means any transfer, exchange, barter, gift, offer for sale or distribution for consideration of other tobacco products.*

Sec. 3.15. *"Stock keeping unit" means the unique identifier assigned by the distributor or remote retail seller to an item for the purpose of tracking inventory.*

Sec. 3.2. *"Ultimate consumer" has the meaning ascribed to it in NRS 370.440.*

Sec. 3.25. ~~*[The provisions of sections 1.1 to 3.9 of this act apply to a remote retail seller during a calendar year in which or immediately following any calendar year in which:*~~

~~*1. The cumulative gross receipts from remote retail sales by the remote retail seller to ultimate consumers in this State exceed $100,000; or*~~

~~*2. The remote retail seller makes 200 or more separate remote retail sales transactions to ultimate consumers in this State.]*~~ **(Deleted by amendment.)**

Sec. 3.3. *1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of cigars and pipe tobacco sold by a remote retail seller to an ultimate consumer in this State:*

(a) For cigars and pipe tobacco that are not premium cigars, a tax of 30 percent of the actual cost of those products; and

(b) For cigars and pipe tobacco that are premium cigars, a tax of 30 percent of the actual cost of those products except that, if 30 percent of the actual cost of those products is:

(1) Greater than 50 cents for each premium cigar, the tax imposed shall be 50 cents for each premium cigar.

(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.

2. The tax is imposed at the time the remote retail seller makes a remote retail sale to an ultimate consumer in this State. The tax must be paid by the remote retail seller to the Department in accordance with the provisions of section 3.4 of this act. It is the intent and purpose of this section to impose the tax once and only once on cigars and pipe tobacco sold in this State.

3. The tax is imposed on a remote retail seller only if, during the current calendar year or the immediately preceding calendar year:

(a) The cumulative gross receipts of the remote retail seller from remote retail sales of cigars or pipe tobacco, or both, by the remote retail seller to ultimate consumers in this State exceed $100,000; or

(b) The remote retail seller makes 200 or more separate remote retail sales of cigars or pipe tobacco, or both, to ultimate consumers in this State.

4. Any remote retail seller who makes a remote retail sale of cigars or pipe tobacco to an ultimate consumer in this State without paying the tax provided for by this section is guilty of a misdemeanor.

~~[4.]~~ 5. *As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.*

Sec. 3.4. 1. *A remote retail seller shall, not later than 20 days after the end of each month, submit to the Department a report setting forth such information as the Department may prescribe concerning cigars and pipe tobacco on which the tax provided by section 3.3 of this act was imposed during the preceding calendar month. The report must include, without limitation, information concerning:*

(a) All cigars and pipe tobacco brought into this State from outside this State, or caused to be brought into this State from outside this State, by the remote retail seller, or shipped or transported from within or outside this State to ultimate consumers in this State by the remote retail seller, during the preceding calendar month; and

(b) The actual cost and actual cost list price for each stock keeping unit for the preceding calendar month.

2. Each report submitted pursuant to this section must be accompanied by the tax owed pursuant to section 3.3 of this act for cigars and pipe tobacco on which that tax was imposed during the previous month.

Sec. 3.5. *1. Every remote retail seller shall keep at the principal place of business identified on the license issued to the remote retail seller ~~[pursuant to section 3.6 of this act]~~ complete and accurate records relating to remote retail sales to ultimate consumers in this State, including invoices indicating the actual cost or actual cost list price paid by the remote retail seller for each stock keeping unit. The invoices required by this subsection must contain:*

(a) The name and address of the remote retail seller who sold the cigars or pipe tobacco;

(b) The name and address of the ultimate consumer in this State who purchased the cigars or pipe tobacco;

(c) The date of the sale;

(d) The invoice number;

(e) The method of delivery; and

(f) The itemized quantity of each brand, type, quantity and price of cigar and pipe tobacco sold.

2. Every remote retail seller shall preserve for at least 5 years after the date of the sale to the ultimate consumer in this State or the date of the last entry made on the record, whichever is later.

Sec. 3.6. *1. A person shall not engage in business as a remote retail seller unless the person first secures a license to engage in that activity from the Department.*

2. An application for a license must:

(a) Be made to the Department on forms prescribed by the Department.

(b) Include the name and address of the applicant. If the applicant is a firm, association or partnership, the application must include the name and

address of each of its members. If the applicant is a corporation, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(c) Specify the location, by street and number, of the principal place of business of the applicant.

(d) Specify the location, by street and number, of any place used by the applicant to distribute, ship, warehouse or store cigars and pipe tobacco and for which the license is sought.

(e) Specify any other information the Department may require to carry out the provisions of this chapter.

(f) Be accompanied by the required license fee.

(g) Be accompanied by a certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

~~[(h) Provide information concerning the independent, third-party age verification service through which the applicant will perform an age verification to comply with NRS 202.24935.]~~

3. A license as a remote retail seller authorizes the holder thereof to make remote retail sales of cigars and pipe tobacco from the premises for which the license was issued to any ultimate consumer in this State.

Sec. 3.65. No license as a remote retail seller may be issued, maintained or renewed if:

1. The provisions of chapter 372 or 374 of NRS, or any regulations adopted pursuant thereto, require the applicant or licensee to impose, collect and remit sales tax, or collect and remit use tax, and the applicant or licensee:

(a) Is not registered with the Department pursuant to NRS 360B.200 or does not hold a valid permit for each place of business of the applicant pursuant to NRS 360.5971; or

(b) Is delinquent in the payment of any such tax, or any penalty or imposed by the Department for delinquent payment of such tax.

2. The applicant or licensee is:

(a) Required by section 3.3 of this act to pay tax on the receipt, purchase or sale of cigars or pipe tobacco to an ultimate consumer in this State; and

(b) Delinquent in the payment of any such tax, or any penalty or interest imposed by the Department for delinquent payment of such tax.

3. The applicant or licensee does not provide for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of such databases, that are regularly used by governmental agencies and businesses for the purposes of age and identity verification to the personal information entered by the person during the ordering process to establish that the person is over the age of 21 years.

Sec. 3.7. *1. Each holder of a license ~~[issued pursuant to section 3.6 of this act]~~ shall include the license information on the Internet website of the licensee.*

2. Licenses ~~[issued under section 3.6 of this act]~~ are nontransferable, except that upon prior written notice to the Department the location of the premises for which the license was issued may be changed.

Sec. 3.8. *1. Each license issued by the Department ~~[pursuant to section 3.6 of this act]~~ is valid only for the calendar year for which it is issued and must be renewed annually.*

2. The Department shall charge an annual license fee of $650 for a license as a remote retail seller of cigars and pipe tobacco.

3. If a license is issued ~~[pursuant to section 3.6 of this act]~~ at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 5, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.

4. The fees for a license are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.

5. A license which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5 percent penalty thereon.

Sec. 3.85. 1. After notice to the licensee and a hearing as prescribed by the Department, the Department may suspend or revoke a license if the licensee:

(a) Fails to file a report or certification required by this chapter or files an incomplete or inaccurate report or certification required by this chapter;

(b) Fails to pay any tax owed upon cigars or pipe tobacco required by this chapter;

(c) Sells in this State, purchases or possesses any cigars or pipe tobacco in violation of any provision of this chapter;

(d) Imports into or exports from this State any cigars or pipe tobacco in violation of any provision of this chapter; or

(e) Otherwise violates, or causes or permits to be violated, the provisions of this chapter or any regulation adopted thereunder.

2. Except as otherwise provided in subsection 4, the Department, upon a finding that the licensee has knowingly or negligently failed to comply with any provision of this chapter or any regulation adopted by the Commission, may:

(a) Impose on the licensee a civil penalty pursuant to NRS 370.523;

(b) In the case of a first violation of a provision of this chapter or any regulation adopted by the Commission, suspend the license of the licensee for not more than 60 consecutive calendar days;

(c) In the case of a second or subsequent violation of the same provision of this chapter or any regulation adopted by the Commission, suspend the license of the licensee for not more than 180 consecutive calendar days or permanently revoke the license of the licensee; or

(d) Take any combination of the actions authorized by paragraphs (a), (b) and (c).

3. A person whose license has been suspended or revoked shall not purchase or sell cigars or pipe tobacco to be sold during the period of suspension or revocation:

(a) On the premises in this State occupied or controlled by the person; or

(b) From any premises located outside this State if the cigars or pipe tobacco are purchased or sold for distribution in this State.

4. The expiration, transfer, surrender, continuance, renewal or extension of a license issued pursuant to this chapter does not bar or abate any disciplinary proceedings or action.

5. The Department shall permanently revoke the license of any licensee who knowingly or negligently:

(a) Sells or otherwise disposes of cigars or pipe tobacco that are in the constructive possession of the Department; or

(b) Is convicted of any felony relating to the manufacture, distribution or sale of cigars or pipe tobacco.

6. In determining the penalty to be imposed on a licensee for a violation of paragraph (a) of subsection 1, the Department shall consider:

(a) The documented reporting and discipline record of the licensee with the Department from the immediately preceding 24 months;

(b) The timeliness of the licensee in correcting any inaccurate information included in a report or certification required by this chapter;

(c) The efforts of the licensee to provide an explanation of the reason for any inaccurate information included in a report or certification required by this chapter or the basis for the omission of information from such a report or certification;

(d) Any remedial measures initiated by the licensee to prevent future violations of a similar nature; and

(e) Any other mitigating factors offered by the licensee or aggravating or mitigating factors identified by the Department.

7. For the purposes of this section, a report or certification required by this this chapter is:

(a) Inaccurate if the report or certification does not correctly record factual information or there is a discrepancy in the information included in the report or certification and the factual information.

(b) Incomplete if the report or certification does not include all necessary or responsive information.

8. The Department shall adopt regulations establishing a procedure for the suspension and revocation of any license issued pursuant to sections 1.1 to 3.9, inclusive, of this act.

Sec. 3.9. *1. Except as otherwise provided in this section, each licensed remote retail seller shall furnish a bond executed by the remote retail seller as principal, and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada and conditioned upon the payment of*

all excise taxes required to be precollected by the remote retail seller pursuant to the provisions of sections 1.1 to 3.9, inclusive, of this act. Each bond must be in a principal sum equal to the largest amount of tax precollected by the remote retail seller in any quarter of the preceding year. If the information to establish that amount is not available, then the bond must be in a sum required from a licensee operating under conditions deemed comparable by the Department. No bond may be for less than $1,000. When cash is used, the amount must be rounded up to the next larger integral multiple of $100.

2. Upon application and a satisfactory showing, the Department may increase or decrease the amount of a bond required by subsection 1, based on the record of taxes remitted by the remote retail seller.

3. The Department may waive the requirement of the bond required by subsection 1 whenever a licensed remote retail seller has maintained a satisfactory record of payment of excise taxes or deferred payments, respectively, for a period of 5 consecutive years.

4. A remote retail seller is not entitled to a refund of any portion of money paid as a bond pursuant to this section if the remote retail seller has failed to file a report required by this chapter or owes the Department any fee, payment or penalty.

Sec. 4. NRS 370.0318 is hereby amended to read as follows:

370.0318 "Other tobacco product" ~~[means any tobacco of any description, any vapor product, any alternative nicotine product or any product made from tobacco, other than cigarettes.]~~ ***has the meaning ascribed to it in NRS 370.440.***

Sec. 5. NRS 370.054 is hereby amended to read as follows:

370.054 "Vapor product":

1. Means any noncombustible product containing nicotine or any other substance that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of the shape or size thereof, that can be used to produce vapor from nicotine or any other substance in a solution ***,*** ~~[or other form,]~~ the use or inhalation of which simulates smoking.

2. Includes, without limitation:

(a) An electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device; and

(b) The components of such a product or device, whether or not sold separately, including, without limitation, vapor cartridges or other container of nicotine or any other substance in a solution or other form that is intended to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device, atomizers, cartomizers, digital displays, clearomizers, tank systems, flavors, programmable software or other similar products or devices. As used in this paragraph, "component" means a product intended primarily or exclusively to be used with or in an electronic cigarette, cigar, cigarillo, pipe, hookah, or vape pen, or a similar product or device.

3. Does not include any product:

(a) Regulated by the United States Food and Drug Administration pursuant to subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

(b) Subject to the excise tax on cannabis or cannabis products pursuant to NRS 372A.200 to 372A.380, inclusive.

(c) Purchased by a person who holds a current, valid medical cannabis establishment license pursuant to chapter 678B of NRS.

Sec. 6. NRS 370.440 is hereby amended to read as follows:

370.440 As used in NRS 370.440 to 370.503, inclusive, unless the context otherwise requires:

1. "Alternative nicotine product" has the meaning ascribed to it in NRS 370.008.

2. "Other tobacco product" ~~[has the meaning ascribed to it in NRS 370.0318.~~

~~3.]~~ ***means any tobacco of any description, any vapor product, any alternative nicotine product or any product made or derived from tobacco, other than cigarettes.***

3. "Retail dealer" means any person who is engaged in selling other tobacco products to ultimate consumers. ***The term does not include a remote retail seller, as defined in section 3 of this act.***

4. "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of other tobacco products.

5. "Ultimate consumer" means a person who purchases one or more other tobacco products for his or her household or personal use and not for resale.

6. ***"Vapor product" has the meaning ascribed to it in NRS 370.054.***

7. "Wholesale dealer of other tobacco products" ~~[means]~~ ***:***

(a) Means any person who:

~~[(a)]~~ ***(1)*** Maintains a place of business in this State, purchases other tobacco products from the manufacturer or a wholesale dealer and possesses, receives, sells or otherwise disposes of such other tobacco products to wholesale dealers or retail dealers within this State;

~~[(b)]~~ ***(2)*** Does not maintain a place of business in this State and sells or otherwise disposes of other tobacco products by any means ~~[, including, without limitation, through an Internet website,]~~ to wholesale dealers ~~[,]~~ ***or*** retail dealers ~~[or ultimate consumers]~~ within this State; or

~~[(c)]~~ ***(3)*** Manufactures, produces, fabricates, assembles, processes, labels or finishes other tobacco products within this State.

(b) Does not include a remote retail seller, as defined in section 3 of this act.

~~[7.]~~ ***8.*** "Wholesale price" means:

(a) Except as otherwise provided in paragraph (b), the price for which other tobacco products are sold to a wholesale dealer of other tobacco products, valued in money, whether paid in money or otherwise, without any discount or other reduction on account of any of the following:

(1) Trade discounts, cash discounts, special discounts or deals, cash rebates or any other reduction from the regular sales price;

(2) The cost of materials used, labor or service cost, interest charged, losses or any other expenses;

(3) The cost of transportation of the other tobacco products before its purchase by the wholesale dealer of other tobacco products;

(4) Any services that are a part of the sale, including, without limitation, shipping, freight, warehousing, customer service, advertising or any other service related to the sale; or

(5) The amount of any tax, not including any excise tax, imposed by the United States upon or with respect to the other tobacco product.

(b) For other tobacco products sold to a retail dealer ~~[or an ultimate consumer]~~ by a wholesale dealer of other tobacco products described in paragraph (c) of subsection ~~[6,]~~ ***7,*** the established price for which the other tobacco product is sold to the retail dealer ~~[or ultimate consumer]~~ before any discount or other reduction is made.

Sec. 7. NRS 370.447 is hereby amended to read as follows:

370.447 Each person licensed as a wholesale dealer of other tobacco products shall keep on hand at all times other tobacco products of a wholesale value of at least $5,000 ~~[.]~~ ***at each location in this State at which the wholesale dealer maintains a place of business.***

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 370.465 is hereby amended to read as follows:

370.465 1. A wholesale dealer of other tobacco products shall, not later than 20 days after the end of each month, submit to the Department a report on a form prescribed by the Department setting forth such information as the Department may prescribe concerning other tobacco products on which the tax provided by NRS 370.450 was imposed during the ~~[previous]~~ ***preceding calendar*** month.

2. Each report submitted pursuant to this section ~~[on or after August 20, 2001,]~~ must be accompanied by the tax owed pursuant to NRS 370.450 for other tobacco products on which that tax was imposed during the previous month.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 370.490 is hereby amended to read as follows:

370.490 1. The Department shall allow ***to a wholesale dealer of other tobacco products*** a credit of the amount of the tax paid pursuant to NRS 370.450, not including any amount of the tax retained by the wholesale dealer ~~[of other tobacco products]~~ to cover the costs of collecting and administering the tax, for other tobacco products that may no longer be sold. If the other tobacco products have been purchased and delivered, a credit memo of the manufacturer is required for proof of returned merchandise.

2. A credit must also be granted for any other tobacco products shipped from this State and destined for retail sale and consumption outside the State

on which the tax has previously been paid. A duplicate or copy of the invoice is required for proof of the sale outside the State.

3. A wholesale dealer of other tobacco products may claim a credit by filing with the Department the proof required by this section. The claim must be made on a form prescribed by the Department.

Sec. 12. (Deleted by amendment.)

Sec. 12.5. **NRS 370.523 is hereby amended to read as follows:**

370.523 In addition to any other penalty authorized by law:

1. The Department may impose on each person who violates any of the provisions of this chapter a civil penalty of:

(a) Not more than $1,000 for the first violation of a provision; and

(b) Not more than $5,000 for each subsequent violation of the same provision.

2. Each violation of any provision of this chapter is considered a separate violation.

3. Any person who fails to pay any tax imposed pursuant to the provisions of NRS 370.090 to 370.327, inclusive, or 370.440 to 370.503, inclusive, ***or sections 1.1 to 3.9, inclusive, of this act*** within the time prescribed by law or regulation shall, in addition to the tax due:

(a) For a first such failure, pay a penalty of 10 percent of the tax due but unpaid, in addition to the tax. In addition to the penalty, the Department may suspend or revoke the license of the licensee who failed to pay the tax.

(b) For a second such failure in a 24-month period, pay a penalty of 25 percent of the amount of tax due but unpaid. In addition to the penalty, the Department may suspend or revoke the license of the licensee who failed to pay the tax.

(c) For a third and each subsequent such failure in a 24-month period, pay a penalty of 25 percent of the amount of tax due but unpaid. In addition to the penalty, the Department shall suspend or revoke the license of the licensee who failed to pay the tax.

Sec. 13. NRS 370.551 is hereby amended to read as follows:

370.551 "Other tobacco product" has the meaning ascribed to it in NRS ~~[370.0318.]~~ ***370.440.***

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 202.24935 is hereby amended to read as follows:

202.24935 1. It is unlawful for a person to knowingly sell or distribute cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to a person under the age of 21 years through the use of a computer network, telephonic network or other electronic network.

2. Every person who sells or distributes cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to an ultimate consumer in this State through the use of a computer network, telephonic network or electronic network shall:

(a) Ensure that the packaging or wrapping of the items when they are shipped is clearly marked with the word "cigarettes" or, if the items being shipped are not cigarettes, the words "tobacco products," "vapor products" or "nicotine products," as applicable.

(b) Obtain the full name, date of birth and residential address of the purchaser and perform an age verification through an independent, third-party age verification service that compares information available from ~~[~~public records~~]~~ ***a commercially available database, or aggregate of such databases, that are regularly used by governmental agencies and businesses*** ~~***[to verify]***~~ ***for the purposes of age and identity*** ~~***[,]***~~ ***verification*** to the personal information entered by the person during the ordering process ~~[~~that establishes~~]~~ ***to establish*** that the person is over the age of 21 years.

3. Every person who makes sales as described in subsection 2 must certify annually to the Attorney General that the person uses an independent, third-party age verification service as described in paragraph (b) of subsection 2.

4. In addition to or in lieu of any other civil or criminal remedy provided by law, a person who violates this section is subject to:

(a) A civil penalty in an amount not more than $1,000 for each violation; and

(b) The suspension or revocation of the license of the person by the Department of Taxation, if the person is licensed pursuant to chapter 370 of NRS.

5. Any violation of subsection 2 constitutes a deceptive trade practice for the purpose of NRS 598.0903 to 598.0999, inclusive.

6. For the purposes of this section, any sale of cigarettes, cigarette paper, products containing, made or derived from tobacco, vapor products, alternative nicotine products or products containing, made or derived from nicotine to a natural person in this State who does not intend to resell the item constitutes a sale to an ultimate consumer.

Sec. 20.5. Section 3.3 of this act is hereby amended as follows:

Sec. 3.3. 1. Except as otherwise provided in this section, there is hereby imposed upon the receipt, purchase or sale of cigars and pipe tobacco sold by a remote retail seller to an ultimate consumer in this State ~~[~~:

~~(a) For cigars and pipe tobacco that are not premium cigars,~~] a tax of 30 percent of the actual cost of those products . ~~[~~; and

~~(b) For cigars and pipe tobacco that are premium cigars, a tax of 30 percent of the actual cost of those products except that, if 30 percent of the actual cost of those products is:~~

~~(1) Greater than 50 cents for each premium cigar, the tax imposed shall be 50 cents for each premium cigar.~~

~~(2) Less than 30 cents for each premium cigar, the tax imposed shall be 30 cents for each premium cigar.]~~

2. The tax is imposed at the time the remote retail seller makes a remote retail sale to an ultimate consumer in this State. The tax must be paid by the remote retail seller to the Department in accordance with the provisions of section 3.4 of this act. It is the intent and purpose of this section to impose the tax once and only once on cigars and pipe tobacco sold in this State.

3. The tax is imposed on a remote retail seller only if, during the current calendar year or the immediately preceding calendar year:

(a) The cumulative gross receipts of the remote retail seller from remote retail sales of cigars or pipe tobacco, or both, by the remote retail seller to ultimate consumers in this State exceed $100,000; or

(b) The remote retail seller makes 200 or more separate remote retail sales of cigars or pipe tobacco, or both, to ultimate consumers in this State.

4. Any remote retail seller who makes a remote retail sale of cigars or pipe tobacco to an ultimate consumer in this State without paying the tax provided for by this section is guilty of a misdemeanor.

~~[5. As used in this section, "premium cigar" means a cigar that is rolled by hand, has a wrapper made of whole tobacco leaves and does not have a filter or mouthpiece.]~~

Sec. 20.7. **1. There is hereby appropriated from the State General Fund to the Department of Taxation for personnel and associated costs, including computer equipment and software and overtime, associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2025-2026.....$206,369

For the Fiscal Year 2026-2027.....$206,253

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 21. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20, inclusive, of this act ~~[,]~~ become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. **Section 20.7 of this act becomes effective July 1, 2025.**

4. Section 20.5 of this act becomes effective July 1, 2027.

~~[4. Section 3.3 of this act expires by limitation on June 30, 2027.]~~

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 500.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 890.

AN ACT relating to financial institutions; providing for the licensure and regulation by the Commissioner of Financial Institutions of payments banks; setting forth various procedures and requirements for the organization and licensure of payments banks; setting forth the powers and duties of the Commissioner with respect to payments banks; imposing various requirements and restrictions concerning the operation of payments banks; establishing certain prohibited acts relating to payments banks; revising certain provisions relating to financial institutions; **making an appropriation;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various financial institutions by the Commissioner of Financial Institutions. (Title 55 of NRS) This bill provides for the licensure and regulation by the Commissioner of payments banks. Under **section 70** of this bill, a payments bank, with certain exceptions, has all the powers, privileges and authorities that a state bank or national bank has, including, engaging in money transmission, engaging in activities concerning the maintenance of deposit accounts and the conducting of merchant acquiring activities, which **section 18** of this bill defines to mean activities associated with effecting transactions within payment card networks. **Section 70** prohibits a payments bank from making loans and engaging in various activities relating to loans.

Sections 3-29 of this bill define words and terms for the purposes of this bill.

Sections 30, 32-35, 37, 39 and 40 of this bill set forth various powers and duties of the Commissioner with respect to the licensure and regulation of payments banks. **Section 31** of this bill prohibits an officer or employee of the Division of Financial Institutions of the Department of Business and Industry from having certain involvement with a payments bank. **Section 36** of this bill sets forth certain requirements for the provision of notices required under the provisions of this bill. **Sections 38 and 43-45** of this bill set forth procedures and requirements for the organization and licensure of a payments bank. **Section 44.5 authorizes the Secretary of State to apply for and be issued a license to operate a payments bank, which is authorized to provide services only to governmental entities.**

Section 41 of this bill requires a payments bank to pay to the Commissioner a fee equal to ~~[0.0025]~~ **0.025** percent of each transaction effectuated through the merchant acquiring activities of the payments bank.

Section 42 of this bill exempts a participant in the Regulatory Experimentation Program for Product Innovation from the provisions of this bill.

Sections 46-49 of this bill require that: (1) the deposit accounts of a payments bank be insured by the Federal Deposit Insurance Corporation or a private insurer approved by the Commissioner and the Commissioner of Insurance; or (2) the payments bank obtain the approval of the Commissioner to operate without such insurance, in which case the payments bank must furnish a surety bond or pledge certain assets. **Section 50** of this bill requires a payments bank to maintain bond coverage in an amount and form acceptable to the Commissioner. **Sections 71 and 77** of this bill require a payments bank to maintain certain capital. **Section 51** of this bill authorizes the Commissioner to require: (1) a payments bank to provide a letter of credit made payable to the Commissioner for the benefit of merchants; and (2) the holding company of a payments bank to provide a certain guaranty to the Commissioner to maintain certain minimum levels of capital.

Section 52 of this bill authorizes a payments bank to establish and maintain offices in this State. **Section 52** also requires a payments bank to provide certain notice to the Commissioner relating to a change in the location of any such office. **Section 53** of this bill sets forth certain restrictions on advertising by a payments bank. **Section 54** of this bill imposes restrictions on the use of a business name and the use of printed forms which may mislead or confuse the public. **Sections 55-62 and 64-68** of this bill establish certain requirements and restrictions on the operations of the board of directors of a payments bank. **Section 63** of this bill requires: (1) a payments bank to notify the Commissioner of certain changes or proposed changes in the ownership of the payments bank; and (2) the Commissioner to investigate such changes unless an exception applies.

Sections 69, 70, 72, 73, 76, 79, 80, 82 and 83 of this bill set forth various powers of a payments bank. **Section 78** of this bill sets forth the investments in which a payments bank is authorized to invest. **Section 81** of this bill prohibits the aggregate amount of all borrowing of a payments bank from exceeding an amount which would impair the insurance of the deposit accounts of the payments bank, if any. **Section 74** of this bill sets forth certain restrictions on the sale or issuance of certain stock of a payments bank, including by prohibiting a payments bank from selling or issuing such stock without a license issued by the Commission which authorizes the action. **Section 75** of this bill sets forth provisions governing the issuance and renewal of any such license.

Sections 84 and 85 of this bill require a payments bank to provide certain reports and information to the Commissioner. **Sections 86-92** of this bill set forth various powers and duties of the Commissioner with respect to

examinations of payments banks and other powers relating to the investigation and enforcement of the provisions of this bill. **Sections 86 and 137** of this bill provide for the confidentiality of certain information obtained by the Commissioner. **Section 93** of this bill requires a payments bank to obtain an annual audit at its own expense. **Section 94** of this bill requires a payments bank to: (1) cooperate with any audits and examinations performed by the Commissioner; and (2) pay certain assessments related to such audits or examinations. **Sections 95 and 96** of this bill authorize the Commissioner to take certain disciplinary actions against a payments bank.

Existing law requires the Commissioner to establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions. (NRS 658.101) Sections 84.5 and 129.5 of this bill require the Commissioner to establish by regulation, separately from the rates established for banks and other financial institutions, rates to be paid by payments banks for such supervision and examinations.

Section 97 of this bill sets forth requirements for the reorganization, merger or consolidation of a payments bank. **Section 98** of this bill sets forth certain requirements for the voluntary liquidation of a payments bank. **Sections 99-116** of this bill establish procedures and requirements for the liquidation of a payments bank whose deposit accounts are insured by the Federal Deposit Insurance Corporation. **Section 117** of this bill establishes procedures and requirements for the reorganization of a dissolved payments bank.

Sections 118-125 of this bill impose certain requirements upon a payments bank relating to the exploitation of older persons and vulnerable persons.

Section 126 of this bill makes it a misdemeanor to make certain untrue and derogatory statements concerning a payments bank, or take certain similar actions, under certain circumstances. **Section 127** of this bill imposes certain penalties upon a payments bank for engaging in certain prohibited acts.

Sections 128-136 and 138 of this bill add references to payments banks and the provisions of this bill to various provisions of existing law pertaining to financial institutions so that payments banks are treated similarly to other financial institutions for certain purposes.

Section 138.3 of this bill makes an appropriation to the Division of Financial Institutions for certain costs associated with carrying out the provisions of this bill. Section 138.7 of this bill requires the Commissioner, on or before December 31, 2026, to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the implementation of the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 127, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 29, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Accumulative investment certificate" means an investment certificate, not full-paid and without an expressed date of maturity, upon which the holder has the option of making payments at such times and in such amounts as the holder elects and as the payments bank permits.*

Sec. 4. *"Chargeback" means a transaction that is returned to a payments bank through a payment card network.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Corporate office" means the office of a payments bank identified as such in the application submitted pursuant to subsection 4 of section 44 of this act or the location to which the corporate office is changed pursuant to subsection 13 of section 44 of this act or other applicable law.*

Sec. 7. *"Deposit" means that part of the liability of a payments bank which is credited to the account of the holder thereof and which is eligible to be insured by the Federal Deposit Insurance Corporation or insured by a private insurer in accordance with the provisions of this chapter.*

Sec. 8. *"Deposit account" means an account that holds deposits, whether in a commercial, demand, time, checking, savings or similar type of account, or which is evidenced by a certificate of deposit, investment certificate, certificate of indebtedness or other similar name, for which a payments bank is primarily liable.*

Sec. 9. *"Depository institution" means any state bank or payments bank, association, limited-liability company, corporation or other person organized for the purpose of conducting a banking business, whether chartered by this State, another state or the Federal Government, which:*

1. Holds or receives deposits, savings or share accounts;

2. Issues certificates of deposit; or

3. Provides to its customers other deposit accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

Sec. 10. *"Director" means the Director of the Department of Business and Industry.*

Sec. 11. *"Division of Financial Institutions" means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 12. *"Full-paid investment certificate" means an investment certificate, with or without an expressed date of maturity, for which the payments bank has received the principal amount thereof at or prior to the time of the issuance of the certificate.*

Sec. 13. *"Insolvency" or "insolvent" means one or more of the following:*

1. When a payments bank cannot meet its deposit liabilities as they become due in the regular course of business.

2. When the actual cash market value of the assets of a payments bank is insufficient to pay its liabilities to depositors and other creditors.

3. When the reserves of a payments bank fall under the amount required by this chapter, and the payments bank fails to make good such reserve within 30 days after being required to do so by the Commissioner.

4. When the undivided profits and surplus of a payments bank are inadequate to cover losses of the payments bank and the stockholders' or members' equity in the payments bank has been reduced below the requirements of law.

Sec. 14. *"Insured depository institution" means a depository institution, the deposit accounts of which are insured wholly or in part by the Federal Deposit Insurance Corporation or by a private insurer in accordance with the provisions of this chapter.*

Sec. 15. *"Investment certificate" means any certificate or contract, either paid up or purchasable on an installment basis, which is issued for the purpose of providing a means of investment or savings.*

Sec. 16. *"Leverage capital ratio" means the ratio of the tier 1 capital of a payments bank to the average of the total assets of the payments bank, not including goodwill, intangible assets and money ultimately payable to merchants, at the end of each day during the immediately preceding month.*

Sec. 17. *"Merchant" means a person authorized by a payment card network to accept payments in exchange for goods or services.*

Sec. 18. *"Merchant acquiring activities" means activities associated with effecting transactions within payment card networks, including, without limitation:*

1. Obtaining and maintaining membership in one or more payment card networks;

2. Signing up and underwriting merchants to accept payment cards branded by a payment card network;

3. Providing the means to authorize valid card transactions at client merchant locations;

4. Facilitating the clearing and settlement of the transactions through a payment card network;

5. Providing access to one or more payment card networks to customers of the payments bank, affiliates of the payments bank and customers of affiliates of the payments bank;

6. Sponsoring the participation of affiliates of the payments bank, customers of the payments bank or customers of affiliates of the payments bank in one or more payment card networks; and

7. Conducting such other activities as may be necessary, convenient or incidental to effecting transactions within payment card networks.

Sec. 19. *"Merger" means the consolidation of corporate structures which results in the uniting of substantially all the assets and liabilities of one state-chartered payments bank with those of another such payments*

bank or state bank or with those of a federal bank, national bank or other insured depository institution.

Sec. 20. *"Minimum term investment certificate" means an investment certificate:*

1. For which the payments bank has received a single payment equal to the principal amount thereof and which has a date expressed therein before which notice of intention to withdraw cannot be given or which requires written notice from the holder to the payments bank for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given; and

2. Which, after the date expressed therein or upon and after the expiration of the specified period following the written notice, becomes a full-paid investment certificate, subject to the same withdrawal rights and restrictions as a full-paid investment certificate.

Sec. 21. *"Payments bank" means a depository institution subject to the provisions of this chapter to conduct the business of a payments bank.*

Sec. 22. *"Payment card network" means any organization, group, system or other collection of persons that is organized to allow participants to accept or make payments.*

Sec. 23. *"Payment volume" means the greater of 1/12 of the total dollar amount of payment transactions:*

1. Executed by the payments bank in the immediately preceding 12 months; or

2. Forecast by the payments bank for the immediately following 12 months.

Sec. 24. *"Payment volume capital" means the amount of tier 1 capital required to be maintained by a payments bank pursuant to paragraph (b) of subsection 1 of section 77 of this act.*

Sec. 25. *"Risk capital" means the amount of tier 1 capital required to be maintained by a payments bank pursuant to paragraph (c) of subsection 1 of section 77 of this act.*

Sec. 26. *"State bank" or "commercial bank" means a limited-liability company, corporation or other person organized for the purpose of conducting a banking business that is chartered by this State to conduct the business of banking and is organized pursuant to the provisions of chapter 659 of NRS.*

Sec. 27. *"Statutory capital" means the amount of capital stock and paid-in surplus required to be maintained by a payments bank pursuant to section 71 of this act.*

Sec. 28. *"Tier 1 capital" means the sum of statutory capital, retained earnings, noncumulative perpetual preferred stock, the secured portion of a guaranty required by section 51 of this act, and any letter of credit required by section 51 of this act, less any accounts payable by an affiliate or holding company to the payments bank, goodwill and intangible assets.*

Sec. 29. *"Withdrawal value" means the amount credited to a deposit account, less lawful deductions therefrom, as shown by the records of the payments bank.*

Sec. 30. *The Commissioner shall administer the provisions of this chapter, subject to administrative supervision by the Director. The Commissioner shall make the decisions, determinations and enter the consents and orders necessary or reasonably appropriate to accomplish the purposes of this chapter.*

Sec. 31. *An officer or employee of the Division of Financial Institutions shall not:*

1. Be directly or indirectly interested in or act on behalf of any payments bank;

2. Receive, directly or indirectly, any payment from a payments bank;

3. Be indebted to any payments bank; or

4. Obtain any services from a payments bank conditioned upon a fraudulent practice or undue or unfair preference over other customers.

Sec. 32. *The Commissioner shall:*

1. Keep in his or her office:

(a) For not less than 5 years, every report made by a payments bank.

(b) The original application of every payments bank in a permanent file.

(c) Other administrative documents in the manner provided by law or by appropriate regulations.

2. Provide a complete stenographic record of every hearing and proceeding conducted by his or her office and maintain, for not less than 5 years, a transcript of the hearing or proceeding, together with any regulation, order, decision, determination or consent entered in connection with the hearing or proceeding.

Sec. 33. *The Commissioner shall supervise and make all policy with regard to all foreign and domestic payments banks, companies and corporations governed by this chapter and doing business in this State.*

Sec. 34. *The Commissioner ~~[may]~~ shall adopt such regulations as may be reasonable or necessary to carry out the purposes of this chapter.*

Sec. 35. *The Commissioner may cause appropriate legal action to be taken in the district court of any county to secure an injunction or order restraining a violation of any provision of this chapter.*

Sec. 36. *All notices must be in writing. All notices issued or required to be issued by the Commissioner must be sent by registered or certified mail and become effective upon their deposit in the mail.*

Sec. 37. *The Commissioner may, for reasonable cause and upon 15 days' notice, amend or alter any license issued by him or her, but the payments bank may appeal the order of the Commissioner in the manner provided in this chapter.*

Sec. 38. *1. In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) Proof satisfactory to the Commissioner that the applicant:

(1) ~~[Has a good reputation for honesty, trustworthiness and integrity and is]~~ Is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 39. *In addition to any other lawful reasons, the Commissioner may suspend or revoke a license if the licensee has engaged in any act that would be grounds for denying a license pursuant to this chapter.*

Sec. 40. *The Commissioner may issue subpoenas and require the attendance of parties for examination.*

Sec. 41. *In addition to any other fees required by this chapter, a payments bank shall pay to the Commissioner a fee equal to ~~[0.0025]~~ 0.025 percent of each transaction effectuated through the merchant acquiring activities of the payments bank. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.*

Sec. 42. *Except as otherwise required by the Director pursuant to NRS 657A.430 or 657A.620, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to chapter 657A of NRS.*

Sec. 43. *1. Payments banks must be incorporated under the provisions of this chapter. For that purpose all of the provisions of chapter 78 of NRS which are not in conflict with this chapter are hereby adopted as parts of this chapter, and all the rights, privileges and powers and all the duties and*

obligations of such domestic corporations and of the officers and stockholders thereof shall be as provided in chapter 78 of NRS except as otherwise provided in this chapter.

2. A person, firm, partnership, association or corporation except a payments bank incorporated under this chapter, an affiliate of a payments bank or an entity otherwise lawfully conducting business in this State pursuant to this chapter, shall not conduct or carry on the business of soliciting or advertising the products or services of a payments bank. This subsection does not apply to banks, trust companies, licensed brokers, thrift companies and credit unions.

Sec. 44. ***1. The Secretary of State shall not issue a certificate to a payments bank or company authorizing it to do business until the articles of association, agreement or incorporation are approved by the Commissioner.***

2. The Secretary of State may not file an amendment to the articles of the organization without the written approval of the Commissioner.

3. A payments bank shall not sell, offer for sale, negotiate for the sale of, take subscriptions for or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner approval of an application for permission to organize as provided for in this section.

4. Persons who desire to organize a payments bank in accordance with this chapter must first execute in triplicate an application, in the form prescribed by the Commissioner, for permission to organize a payments bank before taking any other action in connection with the organization. Upon execution of an application for permission to organize, the original application and two copies of the application must be submitted to the Commissioner. The applicants shall submit with the application the name and address of each person who is applying, the location of the proposed corporate office, an itemized account of the financial condition of the proposed payments bank and of the applicants, the amount and character of the proposed stock, statements, exhibits, maps and such additional information as the Commissioner requires, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief. This data must be sufficiently detailed and comprehensive to enable the Commissioner to pass upon the application as to:

(a) The character and responsibility of the applicants; and

(b) The reasonable probability of the usefulness and success of the payments bank.

5. If the Commissioner approves the application, he or she shall establish as conditions to be met before the issuance of a charter requirements as to:

(a) The minimum number of shares of common or preferred stock to be subscribed to the permanent capital of the payments bank;

(b) The minimum amount of paid-in surplus;

(c) The minimum amount of investment certificates to be paid into the deposit accounts of the payments bank upon issuance of a charter to the payments bank; and

(d) Such other requirements as the Commissioner deems necessary or desirable.

6. When all the requirements of this chapter and of the Commissioner have been fulfilled, the Commissioner shall issue a charter for the payments bank. Except as otherwise provided in this subsection, the charter expires 12 months after issuance unless, within that time, the payments bank is actively engaging in the business of a payments bank. The Commissioner may extend the time of the conditional expiration of the charter if the payments bank submits to the Commissioner a request containing any information required by the Commissioner by regulation and a fee in an amount established by the Commissioner by regulation.

7. A payments bank shall not sell or issue any of its permanent stock until it has first applied for and secured from the Commissioner a license authorizing it to operate as a payments bank pursuant to the laws of this State and until it has satisfied the requirements of this chapter.

8. The Commissioner may extend the time for any hearing provided for in this section, to the time agreed upon by the parties.

9. The filing fees are:

(a) For filing an original application, not more than ~~[$4,000]~~ $50,000 for the corporate office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

(b) If the license is approved for issuance, not more than ~~[$2,000]~~ $10,000 for the corporate office before issuance.

10. The Commissioner may impose conditions requiring the impoundment of proceeds from the sale of any stock, limiting the expense in connection with the sale of stock and such other conditions as are reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the permission to organize.

11. Every permission to organize issued by the Commissioner must recite in bold type that its issuance is permissive only and does not constitute a recommendation or endorsement of the organization or of the stock permitted to be issued.

12. Any corporation applying pursuant to this section or authorized to organize or establish a payments bank shall provide for a minimum par value of its permanent capital stock of at least $1 in its articles of incorporation. Par value of permanent capital stock may not be reduced below $1 without written permission of the Commissioner.

13. The removal of the corporate office of a payments bank to any other location from its then existing location requires submission of written notice at least 30 days before relocation to the Commissioner and, if the Commissioner determines that his or her approval is necessary, approval of the Commissioner. An application seeking approval, if required by the Commissioner, must be delivered to the Commissioner, together with a fee to cover expenses attendant upon the investigation required for the approval, which must be not less than $200. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

14. A payments bank shall not pay any commissions or other compensation for the subscription to or sale of the original issue of its stock.

15. The Commissioner shall adopt regulations establishing the amount of fees required pursuant to this section.

16. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if the applicant otherwise withdraws the application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 44.5. 1. The Secretary of State may apply for and be issued a license to operate a payments bank.

2. A payments bank operated by the Secretary of State may provide services only to governmental entities, including, without limitation, the State of Nevada, any political subdivision of the State of Nevada and any other state, local or tribal governmental entity.

3. Except as otherwise provided in subsection 4, a payments bank operated by the Secretary of State shall operate in compliance with the provisions of this chapter and the regulations adopted pursuant thereto.

4. The Commissioner may, by regulation, waive or modify any requirement set forth in this chapter that the Commissioner determines is not appropriate for a payments bank operated by the Secretary of State.

Sec. 45. *The powers, privileges, duties and restrictions conferred and imposed upon any payments bank, company or corporation, whether foreign or domestic, existing or doing business under the laws of this State are hereby abridged, enlarged or modified, as each particular case may require, to conform with the provisions of this chapter, notwithstanding anything to the contrary in their respective articles of incorporation or charters.*

Sec. 46. *Before a payments bank begins business, the payments bank must file with the Commissioner:*

1. A statement, under oath by the president or a manager, containing the names of all the directors, managers and officers, with the date of their

election or appointment, terms of office, primary residence and post office address of each, the amount of stock of which each is the owner in good faith and the amount of money paid in on account of the stock, or the contribution made. Nothing may be received in payment of stock or contribution except money.

2. Proof that:

(a) The payments bank has the approval of the Federal Deposit Insurance Corporation to insure its deposit accounts;

(b) The Commissioner has approved the application of the payments bank submitted pursuant to section 47 of this act to operate without insurance of its deposit accounts and complied with the provisions of section 49 of this act; or

(c) The Commissioner and the Commissioner of Insurance have approved the application of the payments bank submitted pursuant to section 47 of this act to insure its deposit accounts under a contract issued by a private insurer.

Sec. 47. *If the deposit accounts of the payments bank will not be insured by the Federal Deposit Insurance Corporation, the payments bank must submit to the Commissioner an application for approval to:*

1. Operate without insurance of the deposit accounts of the payments bank; or

2. Insure the deposit accounts of the payments bank under a contract with a private insurer approved by the Commissioner and the Commissioner of Insurance.

Sec. 48. *1. In determining whether a private insurer may issue a contract to insure the deposit accounts of a payments bank, the Commissioner and the Commissioner of Insurance must consider:*

(a) The value of the insurer's capital.

(b) The ratio of the insurer's assets, including, without limitation, reinsurance, which are readily available to cover any losses incurred by depositors to its insured deposits. This ratio must be adequate to reimburse depositors for any losses which they may incur.

(c) The qualifications of the directors, officers and managers of the insurance company.

(d) The insurer's articles of incorporation and its bylaws and all amendments thereto.

(e) The insurer's policies for investments.

(f) The form of all insurance contracts entered into by the insurer, including, without limitation, contracts for reinsurance.

(g) The insurer's requirements for premiums or deposits.

(h) The insurer's policies for the management of risk.

(i) Such other considerations as the Commissioner prescribes by regulations adopted pursuant to section 34 of this act.

2. The Commissioner and the Commissioner of Insurance shall not approve a contract of insurance unless the protection afforded thereby to the

depositors is substantially equivalent to the ~~[protection afforded]~~ amount required by the Federal Deposit Insurance Corporation . ~~[to the depositors.]~~

3. After a private insurer obtains the approval of the Commissioner and the Commissioner of Insurance, the Commissioner, after consultation with the Commissioner of Insurance may, for cause, require the insurer to establish and maintain for such a time as the Commissioner may require, a reserve, in cash or United States treasury bills or notes, in an amount fixed by the Commissioner. If required, the reserve must be kept in an account approved by the Commissioner in a federally insured financial institution.

4. A private insurer who issues a contract to insure the deposit accounts of a payments bank does not engage in the business of insurance of the purposes of title 57 of NRS.

Sec. 49. *1. Except as otherwise provided by subsection 2, if the Commissioner approves the application of a payments bank to operate without insurance of its deposit accounts submitted pursuant to section 47 of this act, the payments bank must, before transacting any business, furnish a surety bond to the Commissioner to cover costs likely to be incurred by the Commissioner in a liquidation or conservatorship of the payments bank pursuant to NRS 658.151. The bond must:*

(a) Be in a form satisfactory to the Commissioner;

(b) Be issued by a bonding company authorized to do business in this State; and

(c) Secure the faithful performance of the obligations of the payments bank.

2. In lieu of a bond required by subsection 1, a payments bank may irrevocably pledge specified assets equivalent to a bond under subsection 1. All costs associated with pledging and holding the assets are the responsibility of the payments bank. Any assets pledged pursuant to this subsection must:

(a) Be unencumbered;

(b) Not serve as collateral for any other purpose; and

(c) Be of the same nature and quality as the assets described in NRS 671.110.

3. The amount of the surety bond or pledge of assets required pursuant to this section must be determined by the Commissioner in an amount sufficient to defray the costs of a liquidation or conservatorship.

4. In the event of a liquidation or conservatorship of a payments bank, the Commissioner may, without regard to priorities, preferences or adverse claims, reduce the surety bond or assets pledged pursuant to this section to cash as soon as practicable and use the cash to defray the costs associated with the liquidation or conservatorship.

5. Whenever the Commissioner determines that the protection of the public so requires, the Commissioner may order that an increase be made in the principal sum of the bond of any payments bank.

6. A payments bank or the surety of the payments bank may not cancel or alter a bond required pursuant to this section except after providing notice to the Commissioner by registered or certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the cancellation or alteration.

Sec. 50. *1. A payments bank shall maintain bond coverage in such amounts and form as are acceptable to the Commissioner. The bond coverage may allow for a deductible amount or provision adopted under regulations adopted by the Commissioner.*

2. When requested by the Commissioner, the payments bank shall provide a duplicate copy of the invoice showing that the bond premium has been paid or satisfied.

3. The face amount of the surety bond must comply with the requirements adopted by the Commissioner.

Sec. 51. *1. The Commissioner may require a payments bank to provide to the Commissioner an irrevocable letter of credit made payable to the Commissioner for the benefit of merchants in the event of the bankruptcy, receivership or insolvency of the payments bank. Any letter of credit required pursuant to this section must be:*

(a) In a form satisfactory to the Commissioner;

(b) For a term of not less than 1 year; and

(c) Issued by a financial institution ~~[authorized to do business in this State]~~ that is approved by the Commissioner.

2. The Commissioner may require a holding company of a payments bank to provide to the Commissioner an unlimited, unconditional and continuous guaranty by the holding company to maintain in the payments bank at least the minimum levels of capital required by the provisions of this chapter and the regulations adopted pursuant thereto. The Commissioner may require any portion of the guaranty to be secured by collateral of a type approved by the Commissioner.

Sec. 52. *1. In addition to the corporate office, a payments bank organized under this chapter may establish and maintain one or more other offices within this State.*

2. A payments bank shall notify the Commissioner in writing of any change to the location of any office established and maintained pursuant to subsection 1 not later than 30 days after the change of location.

Sec. 53. *1. A payments bank shall not issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or is permitted to do any business which is prohibited by law for a payments bank, or which misrepresents the nature of its stock, investment certificates, payments deposits or the right of investors or depositors in respect thereto.*

2. A payments bank may set forth in any of its advertisements any of the purposes for which it is organized.

3. A payments bank shall not issue, circulate or publish any advertisement after notice in writing from the Commissioner that in his or her opinion the advertisement is unauthorized, false, misleading or likely to deceive the public.

4. A payments bank shall not:

(a) State in any advertisement that it is under state supervision or control.

(b) Include in any advertisement or in any instrument used by it a replica of the Great Seal of the State of Nevada.

(c) Use the word "deposit" or "deposits" in any form of advertising that would be prohibited under federal law.

Sec. 54. *1. A licensee must obtain the approval of the Commissioner before using or changing a business name.*

2. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

Sec. 55. *1. The business and affairs of every payments bank must be managed and controlled by a board of not less than 5 and not more than 25 directors, a majority of which must not be full-time officers of the payments bank. The persons designated in the articles of incorporation are the first directors.*

2. Vacancies in the board of directors must be filled by vote of the stockholders at the annual meetings or at a special meeting called for that purpose. The board of directors may fill vacancies occurring on the board and such appointees serve until the next annual meeting of the stockholders.

3. The board of directors of a payments bank may amend the bylaws of the payments bank.

Sec. 56. *A person is not eligible to serve as a director of a payments bank without the written permission of the Commissioner if he or she:*

1. Has been adjudicated bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him or her for a sum of money to remain unsatisfied of record or not safeguarded by a supersedeas bond on appeal for a period of more than 3 months.

2. Is a director, officer or employee of any other unaffiliated payments bank.

3. Is an officer or employee of an unaffiliated commercial bank in this State.

4. Is not an investor in the payments bank or its holding company, if applicable, owning in his or her own right or in a representative capacity as an executor, administrator, guardian or trustee stock in the payments bank or its holding company, if applicable, of the par value of at least $1,000, or full-paid investment certificates in the payments bank or its holding company, if applicable, of the value of at least $1,000. For the purpose of

this chapter, a person who owns stock or investment certificates as a joint tenant with one other person shall be deemed to own, in his or her own right, one-half of the stock or investment certificates.

5. Sells or hypothecates all the stock or investment certificates owned by him or her, or so much thereof that he or she ceases to be the owner, free from encumbrances, of the amount of stock or investment certificates required by subsection 4.

Sec. 57. *If the Commissioner notifies the board of directors of any payments bank, in writing, that he or she has information that any director, officer or employee of the payments bank is failing in the performance of his or her duties, the board of directors shall meet and consider the matter forthwith. The Commissioner must have notice of the time and place of the meeting. If the board of directors finds the Commissioner's objection to be well founded, the director, officer or employee shall be removed immediately.*

Sec. 58. *1. Any director may be removed from office, if he or she has become ineligible pursuant to section 56 of this act, by an affirmative vote of two-thirds of the members of the board of directors at any regular meeting of the board of directors or at any special meeting called for that purpose. Such action shall be ratified at the next meeting of the stockholders.*

2. No such vote upon removal of the director may be taken until he or she has been advised of the reasons thereto, either oral or written. If the director affected is present at the meeting, he or she shall retire after his or her statement has been submitted and before the vote upon the matter of his or her removal.

Sec. 59. *Directors and officers of a payments bank shall discharge the duties of their respective positions in good faith and with the diligence, care and skill which ordinary, prudent persons would exercise under similar circumstances in a similar position.*

Sec. 60. *The board of directors of a payments bank shall elect the officers named in the bylaws of the payments bank, which officers shall serve at the pleasure of the board of directors.*

Sec. 61. *1. The board of directors of each payments bank shall hold a regular meeting at least once each quarter, at a time to be designated by it in accordance with its bylaws.*

2. Special meetings of the board of directors may be held upon notice to each director sufficient to permit his or her attendance. The president or any three members of the board of directors may call a meeting of the board of directors by giving notice to all of the directors.

3. At any meeting of the board of directors, a majority of the members constitutes a quorum for the transaction of business.

Sec. 62. *Every official communication by the Commissioner directed to the board of directors of a payments bank must be presented at the next meeting of the board of directors and made a part of the minutes of the meeting.*

Sec. 63. *1. A payments bank shall immediately notify the Commissioner of any change or proposed change in ownership of the stock of the payments bank which would result in any person, including, without limitation, a business trust, obtaining 5 percent or more of the outstanding capital stock of the payments bank.*

2. An application must be submitted to the Commissioner, pursuant to section 44 of this act, by a person who acquires:

(a) At least 25 percent of the outstanding stock of the payments bank; or

(b) Any outstanding stock of a payments bank if the change will result in a change in the control of the payments bank.

➥ *Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the character and responsibility of the applicant is such as to command the confidence of the community in which the corporate office of the payments bank is located. If the Commissioner denies the application, he or she may forbid the applicant from participating in the business of the payments bank.*

3. The payments bank with which the applicant is affiliated shall pay such a portion of the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.

4. A payments bank may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 64. *A payments bank may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.*

Sec. 65. *The board of directors shall approve the depositary or depositaries for funds of the payments bank.*

Sec. 66. *1. It is unlawful for an officer, director, employee or capital stockholder of a payments bank to:*

(a) Solicit, accept or agree to accept, directly or indirectly, from any person other than the payments bank or an affiliate of the payments bank, any gratuity, compensation or other personal benefit for any action taken by the payments bank or for endeavoring to procure any such action.

(b) Have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a deposit account or other indebtedness issued by the payments bank, excluding stock certificates and junior capital notes.

2. A violation of the provisions of this section is a misdemeanor.

Sec. 67. *Any director or officer of a payments bank or any other person who knowingly and willingly participates in any violation of the laws of this State relative to payments banks is liable for all damage which the payments*

bank, its stockholders, payments depositors or creditors sustain in consequence of such violation.

Sec. 68. *Nothing in this chapter limits the authority of a payments bank to indemnify and defend, or to provide reimbursement for expenses of defending an action to, officers, directors, employees, agents or other parties as such authority may be provided under the laws of this State, if such indemnification does not violate the limitations on indemnification imposed by section 18(k) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(k), and the regulations adopted by the Federal Deposit Insurance Corporation pursuant thereto.*

Sec. 69. *1. Except as otherwise provided in this chapter, every payments bank licensed under the provisions of this chapter has the same rights, powers, privileges, immunities and exceptions which are possessed by any federal banks, including, without limitation, all such fiduciary powers that a federal bank is authorized to exercise except as may be expressly denied or limited by the Commissioner after notice and a hearing.*

2. If federal law conflicts with any of the provisions of this chapter, except as otherwise provided by the Commissioner, the provisions of federal law shall prevail as to such conflict, and satisfaction of any obligations imposed under federal law by the payments bank shall be deemed to also satisfy the obligations of the payments bank under state law.

3. In addition to all other powers otherwise granted by this chapter, every payments bank licensed under the provisions of this chapter has the powers, privileges and authorities granted by regulations promulgated under the Federal Deposit Insurance Act for foreign banks, except as may be expressly denied or limited by the Commissioner after notice and a hearing.

4. A payments bank shall have any power reasonably incident, convenient or useful to the accomplishment of the powers conferred upon the payments bank by this chapter.

Sec. 70. *1. Except as otherwise provided in this section, in addition to all powers, express or implied, that a payments bank has under this chapter, a payments bank has the powers, privileges and authorities that a state bank has under chapters 657 to 671, inclusive, of NRS and that a national bank has. Such powers, privileges and authorities include, without limitation, the conducting of merchant acquiring activities, money transmission, as defined in NRS 671.013, and activities concerning the maintenance of deposit accounts.*

2. A payments bank shall not engage in any activity:

(a) Described in NRS 673.324 to 673.332, inclusive, relating to loans; or

(b) That the Commissioner has, after notice and a hearing, expressly denied or limited.

3. A payments bank may apply to receive deposit insurance from the Federal Deposit Insurance Corporation, or its successor agency.

4. Any restriction, limitation or requirement applicable to a specific power, privilege or authority of a state bank or national bank applies to a

payments bank exercising such a power, privilege or authority pursuant to this section to the extent that a payments bank exercises such a power, privilege or authority.

Sec. 71. *A payments bank shall at all times maintain capital stock and paid-in surplus as required by the Commissioner, but in no event in an amount that is less than the lesser of $3,000,000 or an amount determined by the Commissioner after his or her review of the application for permission to organize as a payments bank.*

Sec. 72. *1. Any payments bank licensed pursuant to this chapter may subscribe to the stock of a Federal Reserve Bank and become a member of the Federal Reserve System.*

2. Any payments bank licensed pursuant to this chapter which is, or which becomes, a member bank is, by this section, vested with all powers conferred upon member banks of the Federal Reserve System by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described in this section, and all such powers must be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Board of Governors of the Federal Reserve System made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers conferred in this section.

3. Compliance on the part of any such payments bank with the reserve requirements of the Federal Reserve Act shall be deemed to be full compliance with those provisions of the laws of this State which require payments banks to maintain cash balances in their vaults or with other banks, and no such payments bank need carry or maintain a reserve other than such as is required under the terms of the Federal Reserve Act.

4. The authorities of this State having supervision over such payments bank may disclose to the Board of Governors of the Federal Reserve System, or to examiners appointed by it, all information in reference to the affairs of any payments bank which has become, or desires to become, a member bank of the Federal Reserve System.

5. The provisions of this section shall not be construed to limit the ability of a payments bank to engage in any activity authorized by this chapter.

6. As used in this section:

(a) "Board of Governors of the Federal Reserve System" means the Board of Governors of the Federal Reserve System created and described in the Federal Reserve Act.

(b) "Federal Reserve Act" means the Act of Congress, approved December 23, 1913, being c. 6, 38 Stat. 251, as amended.

(c) "Federal Reserve Bank" means the Federal Reserve Banks created and organized under authority of the Federal Reserve Act.

(d) "Federal Reserve System" means, collectively, the Federal Reserve Banks and the Board of Governors of the Federal Reserve System.

(e) "Member bank" means any national bank, state bank, payments bank or banking and trust company which has become or which becomes a member of the Federal Reserve System.

Sec. 73. *A payments bank may purchase or lease property for its office buildings or construct its office buildings on property purchased or leased by it, if the total cost of land and improvements does not exceed 70 percent of the sum of the capital, surplus and reserves of the payments bank.*

Sec. 74. *1. A payments bank shall not sell or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner a license authorizing it so to do as provided in section 44 of this act.*

2. Every license must recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued.

3. Before the sale of, or option to buy, any additional authorized but unissued common or preferred stock, the payments bank must have the written approval of the Commissioner.

4. The Commissioner may impose conditions requiring the impoundment of the proceeds from the sale of any stock, limiting the expense in connection with the sale and such other conditions as are reasonable and necessary or advisable to ensure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the license.

Sec. 75. *1. The license specified in section 74 of this act authorizes the company, payments bank or corporation to whom it is issued to sell its approved securities and contracts within this State for the remainder of the fiscal year ending on June 30 next succeeding. Each license is renewable, under like restrictions, annually thereafter.*

2. For the issuing of any license provided for in section 74 of this act and for any renewal thereof, the fee of the Commissioner is $400.

3. The fees must accompany the license renewal application. A penalty of 10 percent of the fee payable must be charged for each month or part thereof that the fees are not paid after June 30 of each year.

4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

Sec. 76. *1. A payments bank may issue investment certificates, with or without passbooks. The holders of investment certificates are not liable for debts or assessments, and are entitled upon liquidation of a payments bank to receive payment in full before any payment or distribution is made to stockholders. The holders of investment certificates have no right to participate in the profits of the payments bank.*

2. Investment certificates may be issued as fully paid investment certificates, accumulative investment certificates, minimum term investment certificates or other types of certificates approved by the Commissioner. The Commissioner shall not approve any certificates whose issuance would

impair the insurance of the accounts of the payments bank by the Federal Deposit Insurance Corporation, if applicable.

Sec. 77. *1. A payments bank shall continuously maintain:*

(a) A leverage capital ratio of not less than 10 percent;

(b) The following amount of payment volume capital:

(1) Five percent of payment volume for payment volume that does not exceed $10,000,000;

(2) An additional 3 percent of payment volume for payment volume that exceeds $10,000,000 but does not exceed $25,000,000;

(3) An additional 1.5 percent of payment volume for payment volume that exceeds $25,000,000 but does not exceed $100,000,000;

(4) An additional 0.75 percent of payment volume for payment volume that exceeds $100,000,000 but does not exceed $250,000,000;

(5) An additional 0.25 percent of payment volume for payment volume that exceeds $250,000,000 but does not exceed $1 billion;

(6) An additional 0.15 percent of payment volume for payment volume that exceeds $1 billion but does not exceed $5 billion;

(7) An additional 0.08 percent of payment volume for payment volume that exceeds $5 billion but does not exceed $20 billion; and

(8) An additional 0.05 percent of payment volume for payment volume that exceeds $20 billion;

(c) An amount of risk capital that is not less than the greater of:

(1) An amount that is two times the average monthly chargebacks in the immediately preceding 6 months; or

(2) An amount that is two times the average monthly forecast dollar volume of chargebacks for a 6-month period; and

(d) The amount of capital stock and paid-in surplus required by section 71 of this act.

2. The Commissioner may determine that a payments bank that, at any time, has less than the minimum leverage capital ratio, payment volume capital, risk capital or statutory capital required by subsection 1 is operating in an unsafe or injurious manner. Such a payments bank shall comply with any order or action taken by the Commissioner to restore the payments bank to adequate capitalization.

Sec. 78. *Deposits received by a payments bank may only be invested in:*

1. High-quality liquid assets, as defined in 12 C.F.R. § 329.3.

2. Demand, time or payments deposits with any bank, credit union or trust company whose deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.

3. Stock or obligations of any corporation or agency of the United States or any state, or in deposits therewith to the extent that such a corporation or agency assists in furthering or facilitating the purposes or powers of the payments bank.

4. Deposit accounts of any insured depository institution licensed by this State and of any federally chartered depository institution, if the accounts of such institution are insured by the Federal Deposit Insurance Corporation.

Sec. 79. *1. A payments bank may invest the equity of the payments bank in capital stock, obligations or other securities of a related service company, operating subsidiary or financial subsidiary.*

2. The investments in subsection 1 shall not include any money deposited to the payments bank by a third party.

Sec. 80. *The power of a payments bank to borrow money and contract debts includes the power to issue capital notes evidencing such borrowings and to subordinate the same to investment certificates and other liabilities.*

Sec. 81. *The aggregate amount of all borrowings of any payments bank must not exceed an amount which would impair the insurance of the deposit accounts of the payments bank, if any.*

Sec. 82. *1. Any payments bank may issue deposit accounts or investment certificates to minors with the written consent of their parents, trustees or guardians, and to married persons, each in their own right.*

2. Any payment thereon, or delivery thereof, or of any rights thereunder, to a minor of the age of 14 years or over, or to a married person, or a receipt or acquittance signed by the minor and parent, trustee or guardian or by a married person who holds such deposit accounts or investment certificates, is a valid and sufficient release and discharge of the payments bank for any such payment or delivery.

Sec. 83. *1. A deposit account or investment certificate of any payments bank may be purchased and held by any person as administrator, executor, guardian, or as trustee or other fiduciary, in trust for a named beneficiary or beneficiaries.*

2. Any person holding a deposit account as a fiduciary may make payments upon, and withdraw, in whole or in part, the deposit account or investment certificate.

3. The withdrawal value of any such deposit account or investment certificate and interest thereon, or other rights relating thereto, may be paid or delivered to the fiduciary, and the payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary, to whom any payment or delivery of rights is made, is a valid and sufficient release and discharge of the payments bank for the payment or delivery so made.

Sec. 84. *1. Each payments bank doing business in this State shall file with the Commissioner a report containing any information or other facts the Commissioner deems necessary.*

2. The Commissioner shall adopt regulations establishing the information to be reported and the amount of the fee that may be imposed pursuant to this subsection.

3. Every payments bank shall pay to the Commissioner for supervision and examination a fee based on the rate established and, if applicable, adjusted pursuant to ~~[NRS 658.101,]~~ section 84.5 of this act.

Sec. 84.5. 1. The Commissioner shall establish by regulation rates to be paid by payments banks for supervision and examinations by the Commissioner or the Division of Financial Institutions. The rates established pursuant to this section must be established separately from the rates established for banks and other financial institutions pursuant to NRS 658.101.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting an examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

3. At least once each year, the Commissioner shall review and analyze the proportional utilization of the resources of the Division of Financial Institutions by payments banks as compared to the annual budget approved by the Legislature for the Division of Financial Institutions. If after such review and analysis the Commissioner deems it necessary, the Commissioner shall adjust by regulation the rates established pursuant to subsection 1.

4. The Commissioner shall publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of each fee for the following year that results from the rates established and, if applicable, adjusted pursuant to this section.

5. As used in this section, "financial institution" has the meaning ascribed to it in NRS 658.101.

Sec. 85. ***Each such payments bank shall cause to be supplied to the Commissioner at any time, upon his or her demand, any information which he or she may require as to the condition, affairs or methods of the payments bank.***

Sec. 86. ***1. The Commissioner may conduct or cause to be conducted such hearings, investigations or examinations of the books and records, wherever they may be, relating to the affairs of such organizations as he or she may deem expedient and in aid of the proper administration of the provisions of this chapter.***

2. Except as otherwise provided in section 92 of this act, all examination reports and all information obtained by the Commissioner in conducting hearings, investigations or examinations under the provisions of this chapter, including all related correspondence and memoranda, and information obtained by the Commissioner from other state or federal bank regulatory authorities with whom the Commissioner has entered into agreements for the confidential sharing of such information, and information obtained by the Commissioner relating to the examination and supervision of any corporation which is an affiliate of a payments bank is confidential and privileged information and must not be made public or

otherwise disclosed to any person, firm, corporation, agency, association, governmental body, court or other entity.

3. Any information submitted by a person to the Commissioner for any purpose under this chapter shall not be construed as waiving, destroying or otherwise affecting any privilege such person may claim with respect to such information under federal or state law as to any person or entity other than the Commissioner.

4. In connection with the conduct of any hearing, investigation or examination, the Commissioner or other person designated by him or her to conduct it may:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any payments bank subject to the provisions of this chapter, and require the production of any books, papers, records, money and securities relevant to the inquiry. Any willful false swearing is perjury and is punishable as such.

5. The Commissioner shall conduct at least once every 2 years an examination of the books and records of each payments bank licensed under this chapter.

Sec. 87. *1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may, at any time, investigate the business and examine the books, accounts, papers and records used therein of any:*

(a) Payments bank;

(b) Other person engaged in an activity regulated pursuant to the provisions of this chapter; and

(c) Person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his or her authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.

Sec. 88. *1. In case of the refusal of any person to attend or testify or produce any papers required by the subpoena directed to be served under the provision of section 86 of this act, the Commissioner may report to the*

district court in and for the county in which the examination, hearing or investigation is pending by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the person or the production of the books and papers;

(b) The person has been subpoenaed in the manner prescribed in this chapter; and

(c) The person has failed and refused to attend or produce the papers required by subpoena before the Commissioner in the examination, hearing or investigation named in the subpoena, or has refused to answer questions propounded to him or her in the course of such examination, hearing or investigation,

↳ and asking an order of the court compelling the person to attend and testify or produce the books or papers before the Commissioner.

2. The court, upon petition of the Commissioner, shall enter an order directing the person to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he or she has not attended or testified or produced the books or papers before the Commissioner. A certified copy of the order must be served upon the person. If it appears to the court that the subpoena was regularly issued by the Commissioner, the court shall thereupon enter an order that the person appear before the Commissioner at the time and place fixed in the order and testify or produce the required books or papers. Upon failure to obey the order, the person shall be dealt with as for contempt of court.

Sec. 89. *1. The Commissioner may, at the time of examining a payments bank, inspect the books, ledgers and minutes of any corporation which is registered or required to be registered under section 5 of the Bank Holding Company Act of 1956, 12 U.S.C. § 1844, or section 10 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1467a, as a holding company whenever, in his or her discretion, the Commissioner considers it advisable to ascertain facts which may relate to transactions between the holding company and the affiliated payments bank. The provisions of section 86 of this act apply to the examination of such corporation.*

2. Upon making findings to that end, the Commissioner may order the discontinuance of borrowing or lending, selling or buying of assets, extending credit or guaranteeing obligations of the holding company which has been undertaken without the written approval of the Commissioner.

3. A holding company which controls a payments bank shall not impose any unreasonable supervisory fees upon the payments bank.

Sec. 90. *1. Whenever in connection with an examination it is necessary or expedient that the Commissioner or his or her designee, or both, leave this State, there must be assessed against the organization under examination a fee of not more than the per diem allowance and travel expenses provided for state officers and employees generally for each person*

while outside the State in connection with an examination, together with all actual and necessary expenses.

2. The fee charged must be remitted to the Commissioner. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 91. *In lieu of making any examination, the Commissioner may accept any examination of any payments bank made by the Board of Governors of the Federal Reserve System, any Federal Home Loan Bank or Federal Reserve Bank, or the Federal Deposit Insurance Corporation, or may examine any such institution in conjunction with the Board of Governors of the Federal Reserve System, a Federal Home Loan Bank or Federal Reserve Bank, or the Federal Deposit Insurance Corporation.*

Sec. 92. *1. Before disclosing or furnishing any document, report or information under this section, the Commissioner must determine that such document, report or information will receive protection from further disclosure comparable to the protections provided by this chapter.*

2. The Commissioner, his or her agents and employees may furnish all or any part of an examination report, work paper, supervisory agreement or directive, order or other information obtained in the conduct of a hearing, investigation or examination under the provisions of this chapter to:

(a) An agency of the Federal Government or of another state empowered to examine or supervise a payments bank, a bank holding company owning a payments bank or a subsidiary of such holding company;

(b) An official empowered to investigate criminal charges subject to legal process, valid search warrant or subpoena, provided that the Commissioner may only furnish that part of any document or report which is necessary and pertinent to the investigation, and the Commissioner may do this only after notifying the affected payments bank and any customer of the payments bank who is named in such part of the document or report ordered to be furnished unless the official requesting the document or report first obtains a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined payments bank or holding company thereof;

(d) A receiver or liquidator appointed pursuant to this chapter; or

(e) The court in a proceeding initiated by the Commissioner concerning the payments bank if the Commissioner first provides such notice to the payments bank as will afford the payments bank an opportunity to object or to seek a protective order.

3. Except as otherwise provided in subsections 4 and 5, all documents, reports and information furnished by the Commissioner pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom such documents, reports or information are made available, or any officer, director or employee thereof, may disclose any of the documents, reports or information contained therein, except in

published statistical material that does not disclose the affairs of any natural person or corporation.

4. An examination report made by the Division of Financial Institutions is designed for use in the supervision of a payments bank. The report shall remain the property of the Commissioner and will be furnished to the payments bank solely for its confidential use. The payments bank may disclose the report or relevant portions thereof to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs. Under no circumstances may the payments bank or any of its directors, officers, employees, agents or affiliates disclose or make public in any manner the report or any portion thereof to any person or organization not connected with the payments bank as officer, director, employee, attorney, auditor or candidate for executive office with the payments bank or its holding company. The payments bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the payments bank.

5. Except for an examination report as provided in subsection 4, a payments bank may disclose any document, report or information provided by the payments bank to the Commissioner and any document, report or information received by the payments bank from the Commissioner to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs.

6. A payments bank, a bank holding company or owning a payments bank or a subsidiary of such a holding company, does not violate this section by complying with a duty to report to the Securities and Exchange Commission, including, without limitation, by disclosing any order of the Commissioner pursuant to such a duty.

Sec. 93. *1. Each payments bank shall, at least once each year, cause its books and accounts to be audited at its own expense by a certified public accountant or firm of such accountants selected by the payments bank and approved by the Commissioner.*

2. The Commissioner may prescribe the scope of the audit.

3. A certified copy of the audit, including the management and internal control letters relating to the audit, must be furnished to the Commissioner.

Sec. 94. *Each payments bank shall pay the assessment levied pursuant to NRS 658.055 and cooperate fully with the audits and examinations performed pursuant thereto.*

Sec. 95. *The Commissioner may after notice and hearing suspend or revoke the charter of any payments bank for:*

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS.

Sec. 96. *1. If the Commissioner finds as the result of any examination or from any report made to him or her or to any payments bank doing business in this State or from any report made to any of its investors that the payments bank is violating the provisions of its articles of incorporation, charter, bylaws, or any law of this State, or is conducting its business in an unsafe or injurious manner, he or she may by an order addressed to such payments bank direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law.*

2. If a payments bank does not comply with such order, the Commissioner may order the corporate secretary to call a special directors' meeting to consider the matter of noncompliance.

3. The meeting must be held no later than 60 days after issuance of the order to hold the meeting, unless otherwise restrained by court order or by the board. The business of the meeting must be limited to the matter of noncompliance and remedies therefor and the notice of such meeting must set forth in detail the Commissioner's discontinuance order and order to call a directors' meeting.

4. Action taken at the meeting is binding upon the officers of the payments bank.

Sec. 97. *1. A payments bank may reorganize, merge or consolidate with another state or federal bank, national bank, state bank or other insured depository institution, if the reorganization, merger or consolidation is based upon a plan which has been adopted by the board of directors and approved at a regular or special stockholders' meeting which has been called to consider the action. The approval must rest on a favorable vote of a majority of the voting power of the payments bank as established by its articles.*

2. Any such plan for reorganization, merger or consolidation must be approved by the Commissioner. In submitting an application for approval of any such plan, each payments bank proposing to reorganize, merge or consolidate must provide any and all information and other facts which the Commissioner requires for his or her review of the proposed transaction.

3. Unless its action is specifically authorized by or taken in conformity with this chapter, a payments bank may not, directly or indirectly:

(a) Reorganize, merge or consolidate.

(b) Assume liability to pay deposit accounts or other liabilities of any financial institution or any other organization, person or entity.

(c) Transfer assets to any financial institution or any other organization, person or entity in consideration of the transferee's assumption of liability for any portion of the transferor's deposit accounts, deposits or other liability.

(d) Acquire the assets of any financial institution or any other organization, person or entity.

4. Each application which is made under this section must be accompanied by a fee payment of not more than $300. The responsibility for

payment of the fee must be shared equally by the payments banks participating in each proposed plan.

5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.

Sec. 98. *1. Except as otherwise provided in this section, a payments bank may go into voluntary liquidation pursuant to the provisions of NRS 78.580 or 86.491.*

2. If the voluntary liquidation of the payments bank results from a vote or agreement of the stockholders or members of the payments bank, a certified copy of all proceedings of the meeting at which that action is taken, verified by the oath of the president or a manager, must be transmitted to the Commissioner for the Commissioner's approval. If the Commissioner approves the liquidation, the Commissioner shall issue to the payments bank, under the Commissioner's seal, a permit for that purpose. No permit may be issued by the Commissioner until the Commissioner is satisfied that provision has been made by the payments bank to satisfy and pay off all depositors and all creditors of the payments bank. If the Commissioner is not satisfied, the Commissioner shall not issue a permit, but the Commissioner may take possession of the payments bank, its assets and business, and liquidate the payments bank in the manner provided by this chapter.

3. When the Commissioner approves the voluntary liquidation of a payments bank pursuant to subsection 2, the directors or managers of the payments bank shall cause to be published, in a newspaper in the city, town or county in which the corporate office of the payments bank is located, a notice that the payments bank is closing its affairs and going into liquidation, and that its depositors and creditors are to present their claims for payment.

4. When any payments bank is in the process of voluntary liquidation, it is subject to examination by the Commissioner, and the payments bank shall furnish such reports, from time to time, as may be called for by the Commissioner.

5. All unclaimed deposits and dividends remaining in the hands of the payments bank are subject to the provisions of this chapter.

6. Any payments bank that is in the process of voluntary liquidation may sell and transfer to any other state bank, national bank or federal bank all or any portion of its assets of every kind upon such terms as may be agreed upon and approved by the Commissioner and by a majority vote of the payments bank's board of directors or of its managers. A certified copy of the minutes of any meeting at which that action is taken, under the oath of the president or a manager, and a copy of the contract of sale and transfer must be filed with the Commissioner.

7. If a voluntary liquidation or the sale and transfer of the assets of any payments bank is approved by the Commissioner, a certified copy of that approval under seal of the Commissioner, filed in the Office of the Secretary of State, authorizes the cancellation of the articles of incorporation or

organization of the payments bank, subject to its continued existence, as provided by law.

Sec. 99. *The provisions of sections 100 to 116, inclusive, of this act apply to a payments bank whose deposit accounts are insured by the Federal Deposit Insurance Corporation.*

Sec. 100. *1. The Federal Deposit Insurance Corporation created by the Federal Deposit Insurance Act, 12 U.S.C. § 1811, may act without bond as receiver or liquidator of any payments bank which:*

(a) Has been closed because of inability to meet the demands of its depositors; and

(b) Is insured by the Federal Deposit Insurance Corporation and has been taken possession of by the Commissioner pursuant to NRS 658.151.

2. The appropriate state authority having the right to appoint a receiver or liquidator of a payments bank may, upon such closing, tender to the Federal Deposit Insurance Corporation the appointment as receiver or liquidator of such payments bank. If the Federal Deposit Insurance Corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this State with respect to a receiver or liquidator, respectively, of a payments bank, its depositors and other creditors, and is subject to all the duties of such receiver or liquidator, except insofar as such powers, privileges or duties are in conflict with the provisions of the Federal Deposit Insurance Act.

Sec. 101. *Upon the acceptance of the appointment as receiver or liquidator by the Federal Deposit Insurance Corporation, the possession of and title to all the assets, business and property of such payments bank of every kind and nature shall pass to and vest in the Federal Deposit Insurance Corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.*

Sec. 102. *Among its other powers, the Federal Deposit Insurance Corporation, in the performance of its powers and duties as receiver or liquidator, may, upon the order of a court of record of competent jurisdiction, enforce the individual liability of the stockholders or members and directors or managers of any such payments bank.*

Sec. 103. *1. When any state payments bank has been closed as provided in section 100 of this act, and the Federal Deposit Insurance Corporation pays, or makes available for payment, the insured deposit liabilities of such closed payments bank, must be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as the subrogation of the Federal Deposit Insurance Corporation is provided for in the Federal Deposit Insurance Act in the case of the closing of a national bank.*

2. The rights of depositors and other creditors of such closed payments bank will be determined in accordance with the applicable provisions of the laws of this State.

Sec. 104. *1. Any payments bank which is, or may hereafter be, closed on account of inability to meet the demands of its depositors, by action of the Commissioner, by action of a court, by action of its directors or due to its insolvency or suspension, the Commissioner, or the receiver or liquidator of the payments bank with the permission of the Commissioner, may borrow from the Federal Deposit Insurance Corporation and furnish any part or all of the assets of the payments bank to the Federal Deposit Insurance Corporation as security for a loan from it, but where the Federal Deposit Insurance Corporation is acting as the receiver or liquidator, the order of a court of record of competent jurisdiction must be first obtained approving the loan.*

2. The Commissioner, or the receiver or liquidator of any payments bank with the permission of the Commissioner, upon the order of a court of record of competent jurisdiction, may sell to the Federal Deposit Insurance Corporation any part or all of the assets of the payments bank.

3. The provisions of this section do not limit the power of any payments bank, the Commissioner, receivers or liquidators to pledge or sell assets in accordance with any other existing law.

Sec. 105. *1. The Commissioner shall furnish to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, a copy of all examinations made of any payments bank and of all reports made by the payments bank. The Commissioner shall give access to and disclose to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, all information possessed by the office of the Division of Financial Institutions with reference to the conditions or affairs of any payments bank.*

2. Nothing in this section limits:

(a) The duty of any payments bank in this State from complying with the provisions of the Federal Deposit Insurance Act, its amendments or substitutions, or the requirements of the Federal Deposit Insurance Corporation relative to examinations and reports; or

(b) The powers of the Commissioner with reference to examinations and reports pursuant to the provisions of chapters 657 to 671, inclusive, of NRS.

Sec. 106. *All books, papers and records of a payments bank which has been finally liquidated must be deposited by the receiver in the Office of the Commissioner.*

Sec. 107. *1. Except as otherwise provided in subsections 2 and 3, after the expiration of 10 years from the filing by the Commissioner of a final report of liquidation of any insolvent payments bank, the Commissioner, with the consent of the State Board of Finance, may destroy the records of any insolvent payments bank held in the Office of the Commissioner in connection with the liquidation of the payments bank.*

2. If there are any unpaid dividends of the insolvent payments bank, the Commissioner shall preserve the deposit ledger or other evidence of indebtedness of the payments bank which refers to the unpaid dividends until the dividends have been paid.

3. The Commissioner may not destroy any of the formal records of liquidation or any of the records made in the Commissioner's office with reference to the liquidation of any insolvent payments bank.

Sec. 108. *1. Except as otherwise provided in subsection 2, if any payments bank that has been or is appointed trustee in any indenture, deed of trust or other instrument of like character, executed to secure the payment of any bonds, notes or other evidences of indebtedness, is taken over for liquidation by the Commissioner, by the Federal Deposit Insurance Corporation or by any other legally constituted authority, the powers and duties of the payments bank as trustee cease upon the entry of an order of the district court appointing a successor trustee pursuant to a petition as provided for in sections 109 to 114, inclusive, of this act.*

2. If an indenture, deed of trust or other instrument of like character that appoints a payments bank as trustee pursuant to subsection 1 includes a provision which provides for the appointment of a successor trustee if the payments bank is taken over for liquidation, the powers and duties of the payments bank as trustee cease upon being taken over by the Commissioner, the Federal Deposit Insurance Corporation or any other legally constituted authority and the successor trustee named, or whose selection is provided for, in the instrument immediately assumes the duties as trustee without appointment by the district court pursuant to sections 109 to 114, inclusive, of this act.

Sec. 109. *1. In all cases to which subsection 1 of section 108 of this act is applicable, the district court for the county in which such indenture, deed of trust or other instrument of like character is recorded shall, upon the verified petition of any person interested in any such trust, either as trustee, beneficiary or otherwise, which interest must be set out in the petition, issue its order directing service on all interested parties, personally or by the publication in a newspaper published in the county, or in some adjoining county if no newspaper is published in the county where the application is made, of a notice directed to all persons concerned, commanding and requiring all persons having any interest in the trust, to appear in court on a day designated in the order and notice, not less than 30 days after the date of the order and notice, to show cause why a new trustee should not be appointed.*

2. Such notice must be published in the manner required by the Nevada Rules of Civil Procedure for service of summons by publication, and shall set forth the names of the parties to the indenture, deed of trust or other such instrument, the date thereof, and the place or places where such instrument is recorded.

Sec. 110. *If, upon the day fixed in the order and notice, no person appears and objects to the appointment of a substitute trustee, the district court shall, upon such terms as it deems advisable to serve the best interest of all interested parties, appoint some competent person, or corporation authorized to act as a trustee, as a substitute trustee. Such appointed trustee*

is vested with and shall exercise all the powers conferred upon the trustee named in the instrument.

Sec. 111. *If, upon the day fixed in the order and notice, objection is made to the appointment of a new trustee, the court shall hear and determine the matter. An appeal may be taken from the decision of the court by any party who made an appearance in the proceeding.*

Sec. 112. *The final order of appointment of any such new trustee upon its entry must be recorded in the office of the county recorder in the county or counties in which the instrument under which such appointment has been made is recorded, and a minute of the same must be entered by the county recorder on the margin of the record where the original instrument is recorded.*

Sec. 113. *The petition and the order appointing such new trustee may include, relate to and apply to any number of indentures, deeds of trust or other instruments, wherein the same trustee is named.*

Sec. 114. *Sections 100 to 113, inclusive, of this act, are in addition to and not in substitution for any other remedy provided by law.*

Sec. 115. *If the Commissioner, the Federal Deposit Insurance Corporation or any liquidating agent appointed pursuant to the provisions of sections 100 to 105, inclusive, of this act, exercises the power of sale set up in any mortgage, deed of trust or other written instrument for the security of the payment of money in which any payments bank then in liquidation was named trustee, the exercise of the power of sale and the acts of resigning the trust, of the Commissioner, the Federal Deposit Insurance Corporation or the appointed liquidating agent have the same effect as if done by the payments bank named as trustee in the mortgage, deed of trust or other instrument.*

Sec. 116. *When the Commissioner or the Federal Deposit Insurance Corporation has taken possession of any payments bank, the payments bank may, with the consent of the Commissioner, resume business upon such terms and conditions as may be approved by the Commissioner and the Federal Deposit Insurance Corporation.*

Sec. 117. *1. When any payments bank is authorized to dissolve and has taken the necessary steps to effect dissolution in accordance with the laws of this State or the laws of the United States, but before actual dissolution, a majority of the directors or managers of the payments bank, upon authority in writing of the owners of two-thirds of its stock or two-thirds of the members' interests and with the approval of the Commissioner, may execute articles of incorporation or organization as provided in this chapter for the organization of a new payments bank. The articles must further set forth the authority derived from the stockholders or members of the payments bank.*

2. Upon the filing of articles of incorporation or organization in the same manner as provided for the organization of new payments banks, the reorganized payments bank is a payments bank under the laws of this State.

Upon reorganization, all assets, real and personal, of the dissolved payments bank, by operation of law, vest in and become the property of the reorganized payments bank, subject to all liabilities of the payments bank existing before the reorganization.

Sec. 118. *As used in sections 118 to 125, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 119 to 123, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 119. *"Designated reporter" means a person designated by a payments bank to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 125 of this act.*

Sec. 120. *"Exploitation" has the meaning ascribed to it in NRS 200.5092.*

Sec. 121. *"Older person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 122. *"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.*

Sec. 123. *"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 124. *1. Each payments bank shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the payments bank who:*

(a) May, as part of his or her regular duties for the payments bank, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the payments bank or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation

of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 125. *1. Each payments bank shall designate a person or persons to whom a director, officer or employee of the payments bank must report known or suspected exploitation of an older person or vulnerable person.*

2. If a director, officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 126. *Any person who knowingly makes, utters, circulates or transmits to another, or others, any statement untrue in fact, derogatory to the financial condition of any such payments bank doing business in this State, with intent to injure the payments bank, or who counsels, aids, procures or induces another to originate, make, utter, transmit or circulate any such statement or rumor, with like intent, is guilty of a misdemeanor.*

Sec. 127. ***In addition to any other remedy or penalty, a payments bank which violates any provision of this chapter or fraudulently misrepresents the terms of any contract or of any securities, and thereby secures a sale therefor, shall be punished by an administrative fine of not more than $10,000 and forfeiture and revocation of all licenses issued to it under the provisions of this chapter.***

Sec. 128. NRS 657.037 is hereby amended to read as follows:

657.037 "Depository institution" means any bank, savings and loan association, savings bank, thrift company, credit union ***, payments bank*** or other institution, whether chartered by this State, another state or the Federal Government, which:

1. Holds or receives deposits, savings or share accounts;
2. Issues certificates of deposit; or
3. Provides to its customers other depository accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

Sec. 129. NRS 658.098 is hereby amended to read as follows:

658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:

(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;

(b) Collection agency that is supervised pursuant to chapter 649 of NRS;

(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;

(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;

(e) Person engaged in the business of money transmission that is supervised pursuant to chapter 671 of NRS;

(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;

(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;

(h) Thrift company that is supervised pursuant to chapter 677 of NRS;

(i) Credit union that is supervised pursuant to chapter 672 of NRS;

(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS; ~~[and]~~

(k) Student loan servicer that is supervised pursuant to chapter 670B of NRS ~~[.]~~ ***; and***

(l) Payments bank that is supervised pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.

2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be

reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:

(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 129.5. **NRS 658.101 is hereby amended to read as follows:**

658.101 1. The Commissioner shall establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

3. At least once each year, the Commissioner shall review and analyze the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature for the Division of Financial Institutions. If after such review and analysis the Commissioner deems it necessary, the Commissioner shall adjust by regulation the rates established pursuant to subsection 1.

4. The Commissioner shall publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of each fee for the following year that results from the rates established and, if applicable, adjusted pursuant to this section.

5. As used in this section, "financial institution" means a depository institution or any other institution or business regulated by the Division of Financial Institutions pursuant to titles 52, 54 and 55 of NRS ~~[.]~~ ***, other than a payments bank regulated by the Division of Financial Institutions pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.*** The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.

Sec. 130. NRS 659.125 is hereby amended to read as follows:

659.125 1. A business entity may not be organized under the laws of this State with the words "bank" or "banking" as part of its name except corporations or limited-liability companies subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, ***and the chapter consisting of sections 2 to 127, inclusive, of this act*** or corporations under the regulation of the Commissioner of Insurance. A corporate or company name must not be amended to include the words "bank" or "banking" unless the corporation or company is under such regulation.

2. Except as otherwise provided in subsection 3, a natural person, association, firm or corporation domiciled within this State, except a national bank or a banking corporation subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, ***and the chapter consisting of sections 2 to 127, inclusive, of this act*** or under the regulation of the Commissioner of Insurance, may not advertise or put forth any sign as bank, banking or banker or use the word "bank," "banking" or "banker" as part of its name and title.

3. A thrift company subject to the provisions of chapter 677 of NRS may use the words "savings bank" as part of its name if its deposits are federally insured.

4. Any person who violates any of the provisions of this section shall be fined not more than $500 for each offense.

Sec. 131. NRS 671.020 is hereby amended to read as follows:

671.020 Except as otherwise provided in NRS 671.155, this chapter does not apply to any:

1. Federally insured depository financial institution, privately insured depository financial institution, bank holding company or any subsidiary thereof, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to 12 U.S.C. § 3102, as amended, corporation organization pursuant to 12 U.S.C. §§ 1861 to 1867, inclusive, as amended, or corporation organized pursuant to 12 U.S.C. §§ 611 to 633, inclusive, as amended, under the laws of a state or of the United States.

2. Operator of a payment system to the extent that it provides processing, clearing or settlement services between or among persons exempted pursuant to this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearinghouse transfers or similar transfers of money.

3. Person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission, provided to the payor by the payee, so long as:

(a) A written agreement exists between the payee and the agent directing the agent to collect and process payments from payors on behalf of the payee;

(b) The payee holds the agent out to the public as accepting payments for goods or services on behalf of the payee; and

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the obligation of the payor is extinguished

and there is no risk of loss to the payor if the agent fails to remit the money to the payee.

4. Person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the designated recipient of the sender, so long as the entity:

(a) Is a licensee or exempt from licensure pursuant to this chapter;

(b) Provides a receipt, electronic record or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including, without limitation, the obligation to make the sender whole in connection with any failure to transmit the money to the designated recipient of the sender.

5. Department, agency, instrumentality or agent of the United States.

6. State, county, city or any other governmental agency, subdivision, instrumentality or agent of a state.

7. Money transmission by the United States Postal Service or by an agent of the United States Postal Service.

8. Trust company that is licensed or otherwise authorized to engage in the business of a trust company in this State pursuant to chapter 669 of NRS.

9. Electronic money transfer of governmental benefits for a federal, state, county or governmental agency by a contractor on behalf of the United States or a department, agency or instrumentality thereof or on behalf of a state or governmental subdivision, agency or instrumentality thereof.

10. Board of trade designated as a contract market under the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., as amended, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for the board of trade.

11. Registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant.

12. Person registered as a securities broker-dealer under federal or state securities laws to the extent of the operations of the person as such a securities broker-dealer.

13. Natural person employed by a licensee, authorized delegate or any person exempt from licensure pursuant to this section when acting within the scope of employment and under the supervision of the licensee, authorized delegate or exempt person as an employee and not as an independent contractor.

14. Person expressly appointed as a third-party service provider to or agent of an entity exempt pursuant to subsection 1 to the extent that:

(a) The third-party service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the third-party service provider or agent is to perform; and

(b) The exempt entity assumes all risk of loss and legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt by the third-party service provider of the money or monetary value of the purchaser or holder.

15. Employer who performs payroll services on his or her own behalf or on behalf of an affiliate of an employer.

16. Professional employer organization, as defined in NRS 611.400, who performs payroll services.

17. Provider who is licensed pursuant to chapter 604D of NRS.

18. ***Payments bank licensed pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.***

19. Person exempt by regulation or order of the Commissioner pursuant to NRS 671.0205.

Sec. 132. NRS 52.450 is hereby amended to read as follows:

52.450 As used in NRS 52.450 to 52.480, inclusive, unless the context otherwise requires:

1. "Banking or financial institution" means any bank, savings and loan association, savings bank, thrift company **,** ~~[or]~~ credit union ***or payments bank*** licensed to do business as such in this State or any other state.

2. "Custodian of the records of a banking or financial institution" means an employee or agent of a banking or financial institution who has the care, custody and control of the records of the banking or financial institution.

3. "Records of a banking or financial institution" means memoranda, reports, records or compilations of data in any form which are kept in the course of an activity which is regularly conducted by a banking or financial institution.

Sec. 133. NRS 78.020 is hereby amended to read as follows:

78.020 1. Trust companies, insurance companies, mutual fire insurance companies, surety companies, express companies and railroad companies may be formed under this chapter, but such a corporation may not:

(a) Transact any such business within this State until it has first complied with all laws concerning or affecting the right to engage in such business.

(b) Infringe the laws of any other state or country in which it may intend to engage in business, by so incorporating under this chapter.

2. No savings and loan association, savings bank, thrift company **,** ***payments bank*** or corporation organized for the purpose of conducting a banking business may be organized under this chapter.

Sec. 134. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company,

exclusively or in connection with its business as a bank, savings and loan association, savings bank ***,*** ~~[or]~~ thrift company ~~[.]~~ ***or payments bank;*** and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "architect," "architecture," "registered architect," "licensed architect," "registered interior designer," "registered interior design," "residential designer," "registered residential designer," "licensed residential designer" or "residential design" unless the State Board of Architecture, Interior Design and Residential Design certifies that:

(a) The principals of the corporation are holders of a certificate of registration to practice architecture or residential design or to practice as a registered interior designer, as applicable, pursuant to the laws of this State; or

(b) The corporation is qualified to do business in this State pursuant to NRS 623.349.

5. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 or 116B of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels pursuant to NRS 116.31158 or 116B.625; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 or 116B.620.

7. The provisions of subsections 3 and 4 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act, which does not engage in the practice of professional engineering, architecture or residential design or interior design, as applicable.

8. The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 135. NRS 111.711 is hereby amended to read as follows:

111.711 "Financial institution" means an organization authorized to do business under state or federal laws relating to financial institutions and includes a bank, thrift company, trust company, savings bank, building and loan association, savings and loan company or association **,** ~~[and]~~ credit union ~~[.]~~ ***and payments bank.***

Sec. 136. NRS 162A.520 is hereby amended to read as follows:

162A.520 1. Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(a) Continue, modify and terminate an account or other banking arrangement made by or on behalf of the principal;

(b) Establish, modify and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, savings bank, credit union, thrift company, ***payments bank,*** brokerage firm or other financial institution selected by the agent;

(c) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(d) Withdraw, by check, order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(e) Receive statements of account, vouchers, notices and similar documents from a financial institution and act with respect to them;

(f) Enter a safe deposit box or vault and withdraw or add to the contents;

(g) Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(h) Make, assign, draw, endorse, discount, guarantee and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due;

(i) Receive for the principal and act upon a sight draft, warehouse receipt or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(j) Apply for, receive and use letters of credit, credit and debit cards, electronic transaction authorizations and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(k) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

2. An agent who is not the spouse of the principal must not be listed on any account as a cosigner with right of survivorship, but must be listed on the account solely as power of attorney.

Sec. 137. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369,

233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,

640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 86 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 138. NRS 239A.030 is hereby amended to read as follows:

239A.030 "Financial institution" means any banking corporation, trust company, savings and loan association, savings bank, thrift company **,** ~~[or]~~ credit union ***or payments bank*** subject to regulation under the laws of this state.

Sec. 138.3. **1. There is hereby appropriated from the State General Fund to the Division of Financial Institutions of the Department of Business and Industry for personnel, operating, equipment and information services costs associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2025-2026.....$3,035,862

For the Fiscal Year 2026-2027.....$2,778,095

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 138.7. **The Commissioner of Financial Institutions shall, on or before December 31, 2026, prepare and submit a written report describing the activities of the Division of Financial Institutions of the Department of Business and Industry relating to the licensure of payments banks and the implementation of the provisions of this act to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.**

Sec. 139. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 138, inclusive, **and 138.7** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

3. Section 138.3 of this act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 514.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

AN ACT relating to mental health; requiring Medicaid to provide coverage for rehabilitative residential mental health care; requiring the State Long-Term Care Ombudsman to investigate and provide certain assistance to providers of rehabilitative residential mental health care; providing for the licensure and regulation of providers of rehabilitative residential mental health care; **making appropriations to and authorizing certain expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) **Section 1** of this bill requires the Director of the Department to include under Medicaid coverage for rehabilitative residential mental health care provided to certain recipients of Medicaid. **Section 5** of this bill defines the term "rehabilitative residential mental health care" to mean community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to achieve certain goals relating to mental health. **Section 6** of this bill applies that definition to provisions of existing law governing medical facilities and other related entities. **Section 3** of this bill makes a conforming change to require the Director to administer the provisions of **section 1** in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Section 17.5 of this bill makes appropriations to and authorizes expenditures by the Division of Health Care Financing and Policy of the Department for costs associated with providing the coverage required by section 1.**

Existing law provides for the licensure and regulation by the Division of Public and Behavioral Health of the Department of community-based living arrangement services, which are flexible, individualized services that are: (1) provided in the home, for compensation, to persons with mental illness; and

(2) designed and coordinated to assist such persons in maximizing their independence. (NRS 449.0026, 449.0045, 449.030, 449.0302) **Sections 2 and 4-16** of this bill similarly provide for the licensure and regulation of providers of rehabilitative residential mental health care. **Section 8** requires such a provider to obtain a license as a facility for the dependent and comply with other requirements applicable to such facilities. **Sections 7, 9 and 10** clarify that such a provider is separate from certain other types of facilities for the dependent. **Section 11** requires the State Board of Health to adopt specific regulations governing providers of rehabilitative residential mental health care. **Sections 12 and 15** provide for the inspection of buildings operated by such providers. **Sections 13 and 14**: (1) require periodic background investigations of the personnel of a provider of rehabilitative residential mental health care; and (2) authorize the suspension or revocation of the license of such a provider if the provider or an employee of the provider has been convicted of certain crimes. (NRS 449.174) **Section 16** requires a provider of rehabilitative residential mental health care to notify a person receiving such care from the provider, his or her parent or legal guardian or another designated person upon the discovery by the Division of a deficiency affecting the health and safety of a patient. **Section 4** requires such a provider to comply with provisions governing the reporting and investigation of sentinel events and the designation of patient safety officers. (NRS 439.800-439.890) **Section 2** adds providers of rehabilitative residential mental health care to the list of facilities that the State Long-Term Care Ombudsman is required to investigate and assist. (NRS 427A.125-427A.165) **Section 17** of this bill provides that a person is not required to be a licensed nurse to provide rehabilitative residential mental health care if the person is licensed pursuant to the provisions of this bill. Operating as a provider of rehabilitative residential mental health care without a license would be a misdemeanor. (NRS 449.210)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid coverage for rehabilitative residential mental health care. Such coverage is not required to pay the costs of room and board for a recipient of rehabilitative residential mental health care.

2. The Department shall:

(a) Establish a method for providing the coverage described in subsection 1.

(b) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid that is necessary for the Department to receive federal funding to provide the coverage described in subsection 1.

(c) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (b).

3. As used in this section, "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

Sec. 2. NRS 427A.0292 is hereby amended to read as follows:

427A.0292 "Living arrangement services" means:

1. Community-based living arrangement services, as defined in NRS 449.0026, that include:

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; ~~[and]~~

2. Supported living arrangement services, as defined in NRS 435.3315, that include 24-hour care ~~[.]~~ ***; and***

3. Rehabilitative residential mental health care, as defined in section 5 of this act.

Sec. 3. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan

biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 4. NRS 439.803 is hereby amended to read as follows:

439.803 "Health facility" means:

1. Any facility licensed by the Division pursuant to chapter 449 of NRS; and

2. A home operated by ~~[a]~~ ***:***

(a) A provider of community-based living arrangement services, as defined in NRS 449.0026 ~~[.]~~ ***; or***

(b) A provider of rehabilitative residential mental health care, as defined in section 5 of this act.

Sec. 5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

"Rehabilitative residential mental health care" means community-based, medically monitored care provided in a residential setting that uses established rehabilitative principles to:

1. Promote the recovery of the client with a mental illness or other behavioral health condition; and

2. Assist the client in achieving psychiatric stability, personal and emotional adjustment, self-sufficiency and other skills necessary to transition to a more independent setting.

Sec. 6. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 449.0026 is hereby amended to read as follows:

449.0026 ***1.*** "Community-based living arrangement services" means flexible, individualized services, including, without limitation, training and habilitation services, that are:

~~[1.]~~ ***(a)*** Provided in the home, for compensation, to persons with mental illness who are served by the Division or any other entity; and

~~[2.]~~ ***(b)*** Designed and coordinated to assist such persons in maximizing their independence.

2. The term does not include rehabilitative residential mental health care.

Sec. 8. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;
2. A facility for the care of adults during the day;
3. A residential facility for groups;
4. An agency to provide personal care services in the home;
5. A facility for transitional living for released offenders;
6. A home for individual residential care;
7. A community health worker pool; ~~[and]~~
8. A provider of community-based living arrangement services ~~[.]~~ ***; and***
9. ***A provider of rehabilitative residential mental health care.***

Sec. 9. NRS 449.0105 is hereby amended to read as follows:

449.0105 "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with intellectual disabilities or with physical disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

1. A recovery house for persons recovering from alcohol or other substance use disorders; ~~[or]~~
2. A home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is engaged in providing the services ~~[.]~~ ***; or***
3. ***A location where rehabilitative residential mental health care is provided by a provider of such care.***

Sec. 10. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with an intellectual disability or with a physical disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his or her own home;

(c) A natural person who provides care for one or more persons related to him or her within the third degree of consanguinity or affinity;

(d) A recovery house for persons recovering from alcohol or other substance use disorders; ~~[or]~~

(e) A home in which community-based living arrangement services or supported living arrangement services are provided by a provider of such services during any period in which the provider is providing the services ~~[.]~~ ***;***
or

(f) A location where rehabilitative residential mental health care is provided by a provider of such care.

Sec. 11. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals and rural emergency hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

14. ***The Board shall adopt regulations governing the licensing and operation of providers of rehabilitative residential mental health care, which must include, without limitation, separate requirements for providers providing such care to minors and providers providing such care to adults.***

15. As used in this section:

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 12. NRS 449.080 is hereby amended to read as follows:

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100 or 439A.102, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. Any investigation of an applicant for a license to provide community-based living arrangement services ***or rehabilitative residential mental health care*** conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services ~~,~~ ***or rehabilitative residential mental health care, as applicable.***

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 13. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 or 439A.102; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, ***a provider of rehabilitative residential mental health care,*** a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, ***provider,***

program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 14. NRS 449.119 is hereby amended to read as follows:

449.119 "Facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, ***a provider of rehabilitative residential mental health care,*** a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders.

Sec. 15. NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

2. The State Fire Marshal or a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal, shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups or a building operated by a provider of community-based living arrangement services ***or a provider of rehabilitative residential mental health care*** in which such services ~~[are]~~ ***or care is*** provided; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

➥ to ensure the safety of the residents of the facility or persons receiving care from the provider, as applicable, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups ***,*** ~~[and]~~ each building operated by a provider of community-based living arrangement services in which such services are provided ***and each building operated by a provider of rehabilitative residential mental health care in which such care is provided*** to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups ***,*** ~~[or]~~ provider of community-based living arrangement services ***or provider of rehabilitative residential mental health care*** within 72 hours after the Division is notified that a residential facility for groups ***,*** ~~[or]~~ provider of community-based living arrangement services ***or provider of rehabilitative residential mental health care*** is operating without a license.

Sec. 16. NRS 449.134 is hereby amended to read as follows:

449.134 A facility for intermediate care, facility for skilled nursing, residential facility for groups, provider of community-based living arrangement services ***, provider of rehabilitative residential mental health care*** or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection of the facility for intermediate care, facility for skilled nursing, residential facility for groups, provider of community-based living arrangement services ***, provider of rehabilitative residential mental health care*** or home for individual residential care conducted by the Division to:

1. A person receiving care at the facility or home or from the provider, as applicable;

2. The parent or legal guardian of the person receiving care at the facility or home or from the provider, as applicable; or

3. Any other natural person designated to receive such notice by the person receiving care at the facility or home or from the provider, as applicable, or the parent or guardian of the person.

Sec. 17. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of nursing by any person who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "community-based living arrangement services" has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➥ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

11. A natural person from providing jobs and day training services if:

(a) That person has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.130 to 435.310, inclusive, and the regulations adopted pursuant to NRS 435.130 to 435.310, inclusive.

➥ As used in this subsection, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

12. A natural person from providing rehabilitative residential mental health care if:

(a) That person has been issued a license pursuant to the provisions of chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to the provisions of chapter 449 of NRS and the regulations adopted pursuant thereto.

➥ As used in this subsection, "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

Sec. 17.5. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the costs of providing Medicaid coverage for rehabilitative residential mental health care pursuant to section 1 of this act and computer system upgrades associated with the requirements of section 1 of this act the following sums:**

For the Fiscal Year 2025-2026.....30,800

For the Fiscal Year 2026-2027.....$551,899

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1:

For the Fiscal Year 2025-2026.....$92,400

For the Fiscal Year 2026-2027.....$1,639,954

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to

which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 18. 1. Notwithstanding the amendatory provisions of section 8 of this act, a provider of rehabilitative residential mental health care that is operating on July 1, 2026, may continue to operate without obtaining a license issued by the Division of Public and Behavioral Health of the Department of Health and Human Services until January 1, 2027.

2. As used in this section, "rehabilitative residential mental health care" has the meaning ascribed to it in section 5 of this act.

Sec. 19. 1. This section becomes effective upon passage and approval.

2. **Section 17.5 of this act becomes effective on July 1, 2025.**

3. Sections 1 to ~~[18,]~~ **17,** inclusive, **and section 18** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 542.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 907.

SUMMARY—Revises provisions relating to offenders. (BDR ~~[16-1132)]~~ **S-1132)**

AN ACT relating to offenders; ~~[revising requirements relating to]~~ **extending** the ~~[provision]~~ **reversion date** of ~~[certain medical services]~~ **the appropriation made by the 81st Session of the Nevada Legislature** to ~~[women in the custody of]~~ the Department of Corrections **~~[,]~~ for certain costs related to the Nevada Offender Tracking Information System; revising provisions governing credits earned by an offender which reduce the term of imprisonment of the offender;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Department of Corrections to provide a woman who is incarcerated access to certain necessary medical and behavioral health~~

~~care services. (NRS 209.3817) Section 1 of this bill requires that any such access be provided in accordance with community standards of care and national guidelines for the provision of such services. Section 1 also removes specific language requiring this access to include an annual pelvic examination and mammography, thereby requiring the Department to provide a woman who is incarcerated access to pelvic examinations and mammography in accordance with community standards of care and national guidelines for the provision of pelvic examinations and mammography, rather than on an annual basis.]~~

During the 2021 Legislative Session, the Legislature appropriated $1,436,720 to the Department of Corrections for the reintegration of the Offender Sentence Management System into the Nevada Offender Tracking Information System. Any remaining balance of that appropriation was required to be reverted to the State General Fund on or before September 15, 2023. (Chapter 463, Statutes of Nevada 2021, at page 2875) During the 2023 Legislative Session, the Legislature extended the reversion date to on or before September 19, 2025. (Section 84 of chapter 209, Statutes of Nevada 2023, at page 1257) Section 2 of this bill extends the reversion date to on or before September 17, 2027.

Existing law allows an offender to earn certain credits to reduce his or her sentence of imprisonment. (NRS 209.432-209.453) During the 2023 Legislative Session, the Legislature enacted Senate Bill No. 413, which established a revised method for awarding credits to reduce the sentence of an offender that applied to an offender sentenced to a crime committed: (1) on or after July 1, 2025; or (2) before July 1, 2025, if the offender elected to be subject to the revised method. (Chapter 394, Statutes of Nevada 2023, at page 2308) Section 7 of this bill delays the implementation of the revised method to July 1, 2026. Under section 3 of this bill, the revised method for awarding credits to reduce the sentence of an offender applies to an offender sentenced to a crime committed: (1) on or after July 1, 2026; or (2) before July 1, 2026, if the offender elects to be subject to the revised method. Section 3 also: (1) permits an offender to earn additional credit for engaging in exceptional meritorious service; (2) requires the Department to provide an offender with certain information before the offender elects to be subject to the revised method; and (3) makes various other changes relating to the revised method. Sections 4–6 make conforming changes to reflect the change of date in section 3.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 209.3817 is hereby amended to read as follows:~~

~~209.3817 1. The Department shall ensure that each woman who is assigned to an institution or facility completes a form at the time of intake to assess the needs of the woman while in the custody of the Department. The form must include, without limitation, questions relating to:~~

~~(a) How recently the woman has received preventative gynecological care and, if applicable, obstetrical care; and~~

~~(b) The needs of the woman for feminine hygiene products for the purpose of providing the woman with a suitable supply of feminine hygiene products.~~

~~2. The Department shall provide a woman who is in the custody of the Department access to necessary medical and behavioral health care services, including:~~

~~(a) Counseling pertaining to mental health or a substance use disorder;~~

~~(b) Medication prescribed for the treatment for mental health issues;~~

~~(c) [An annual pelvic examination and mammography;] *Pelvic examinations;*~~

~~*(d) Mammography;* and~~

~~[(d)] *(c)* Any appropriate follow up care necessary for a woman who receives an examination *or mammography* pursuant to paragraph (c) [.] *or (d).*~~

~~3. *The Department shall provide any necessary medical and behavioral health care services required by subsection 2 in accordance with community standards of care and national guidelines for the provision of medical and behavioral health care services to incarcerated women.*~~

~~*4.* The Department shall provide a woman who is in the custody of the Department with a sufficient supply of feminine hygiene products at no cost. The Department shall provide the woman with a preferred type of feminine hygiene products upon request. A woman may at any time inform the Department of a need to adjust the supply of feminine hygiene products necessary to constitute a sufficient supply for the needs of the woman.~~

~~[4.] *5.* The Department shall adopt regulations necessary to carry out the provisions of this section.~~

~~[5.] *6.* As used in this section:~~

~~(a) "Feminine hygiene product" means a sanitary napkin, tampon or other similar item used during a menstrual cycle.~~

~~(b) "Mammography" has the meaning ascribed to it in NRS 457.182.]~~ **(Deleted by amendment.)**

Sec. 2. **Section 2 of chapter 463, Statutes of Nevada 2021, as amended by chapter 209, Statutes of Nevada 2023, at page 1257, is hereby amended to read as follows:**

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $1,436,720 for the reintegration of the Offender Sentence Management System into the Nevada Offender Tracking Information System.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2025,]~~ ***2027,*** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[19, 2025,]~~ ***17, 2027,*** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted

or transferred, and must be reverted to the State General Fund on or before September ~~[19, 2025.]~~ ***17, 2027.***

Sec. 3. **Section 1 of chapter 394, Statutes of Nevada 2023, at page 2310, is hereby amended to read as follows:**

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in this subsection, an]~~ ***An*** offender ~~[who complies with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director,]~~ must be allowed credit against the minimum term or minimum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to 35 percent of the minimum term or minimum aggregate term, as applicable, of the sentence of the offender. ~~[Any]~~ ***In addition to this*** credit ***, the Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service. Credit*** allowed pursuant to this subsection ~~[may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent. Credit]~~ must be allowed ***only*** for the period the offender is actually incarcerated pursuant to his or her sentence and applies to eligibility for parole ***.*** ~~[, unless the offender was sentenced pursuant to a specific statute which specifies that a minimum sentence must be served before the offender becomes eligible for parole.]~~ Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. This subsection does not apply to an offender who has been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim.

(b) A sexual offense that is punishable as a felony.

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony.

(d) A category A or B felony.

2. ~~[Except as otherwise provided in this subsection, an]~~ ***An*** offender ~~[who complies with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director,]~~ must be allowed credit against the maximum term or maximum aggregate term, as applicable, of his or her sentence for good behavior in an amount of days that is equivalent to 35 percent of the maximum term or maximum aggregate term, as applicable, of his or her sentence. ***In addition to this credit, the Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.*** Any forfeiture of credit pursuant to a specific statute must be applied after the credit allowed in this subsection. Credit allowed pursuant to this subsection:

(a) Must be allowed only for any period the offender is:

(1) Actually incarcerated pursuant to his or her sentence;

(2) In residential confinement; or

(3) In the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888.

(b) Is in addition to any credit allowed to reduce the sentence of the offender that is authorized pursuant to a specific statute.

3. An offender who is sentenced to prison for a crime committed before July 1, ~~[~~2025,~~]~~ ***2026,*** may irrevocably elect to be subject to the provisions of this section. ~~[~~The~~]~~ ***Any such*** election ~~[~~by an offender~~]~~ ***must apply*** to ~~[~~be subject~~]~~ ***both the calculation of credits allowed pursuant to subsection 1 to reduce the minimum term or minimum aggregate term, as applicable, and*** to the ~~[~~provisions of this section must not:

~~(a) Extend the sentence~~] ***calculation*** of ***credits allowed pursuant to subsection 2 to reduce*** the ~~[~~offender;~~]~~ ***maximum term*** or ***maximum aggregate term, as applicable. Before an offender makes any such election, the Department shall provide the offender with a written projection that compares:***

(a) The estimated credit the offender may receive to reduce the term of his or her sentence if the offender elects to be subject to the provisions of this section; and

(b) ~~[~~Otherwise~~]~~ ***The estimated credit the offender may receive to reduce the term of his or her sentence if the offender does not make such an election.***

4. Nothing in this section shall be construed to reduce retroactively the amount of credit allowed to reduce the sentence of the offender under the laws of this State as those laws existed before July 1, ~~[~~2025,~~]~~ ***2026,*** if doing so would constitute a violation under the United States Constitution or the Nevada Constitution.

~~[~~4.~~]~~ ***5.*** The Director shall:

(a) Provide each offender in the custody of the Department with a list that includes:

(1) The programs identified in the risk and needs assessment administered to the offender pursuant to NRS 209.341, as determined by the Director;

(2) The programs available at the institution or facility to which the offender has been assigned; and

(3) Which of the programs described in subparagraph (1) are available at the institution or facility to which the offender has been assigned; and

(b) At the time the Department compiles and provides to the State Board of Parole Commissioners data that will assist the Board in determining whether parole should be granted to the offender pursuant to NRS 213.131, submit a report to the Board that includes:

(1) The list of programs provided to the offender pursuant to paragraph (a); and

(2) The programs provided to the offender pursuant to paragraph (a) that the offender successfully completed.

~~[~~5.~~]~~ ***6.*** The Board shall adopt regulations to carry out the provisions of this section. ***Such regulations must:***

(a) Include, without limitation, provisions governing the award, forfeiture and restoration of credits pursuant to this section; and

(b) Require the forfeiture of credits awarded pursuant to this section if the offender does not comply with the programming and placement identified in the risk and needs assessment administered pursuant to NRS 209.341, as determined by the Director.

Sec. 4. **Section 3 of chapter 394, Statutes of Nevada 2023, at page 2311, is hereby amended to read as follows:**

Sec. 3. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is sentenced to prison for a crime committed on or after July 17, 1997, but before July 1, ~~[2025,]~~ ***2026,*** who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate or an equivalent document, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony,

➥ apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:

(a) Is serving a sentence for an offense committed on or after July 1, 2014; or

(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.

10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.

Sec. 5. **Section 5 of chapter 394, Statutes of Nevada 2023, at page 2314, is hereby amended to read as follows:**

Sec. 5. NRS 209.4477 is hereby amended to read as follows:

209.4477 1. Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is serving a sentence for a crime committed before July 1, ~~[2025,]~~ ***2026,*** and who is actually incarcerated in an institution or facility of the Department pursuant to his or her sentence during a period in which a state of emergency due to a communicable or infectious disease has been declared by the Governor and remains in effect must be allowed, in addition to the credits provided pursuant to NRS 209.433,

209.443, 209.446 or 209.4465, a deduction of 5 days from his or her sentence for each month the offender serves during the state of emergency. An offender shall not be allowed more than 60 days of credit pursuant to this section.

2. Credits earned pursuant to this section:

(a) Apply to eligibility for parole and must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole, unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole; and

(b) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.

3. Not later than 60 days after a state of emergency due to a communicable or infectious disease has been declared by the Governor, the Director shall submit a report containing a list of the offenders who have received credits pursuant to this section to the Chief Justice of the Nevada Supreme Court, the State Public Defender, the Attorney General, the Executive Director of the Department of Sentencing Policy and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on the Judiciary.

4. As used in this section:

(a) "Communicable disease" means an infectious disease that can be transmitted from person to person, animal to person or insect to person.

(b) "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacillus, parasite, protozoan or virus. An infectious disease may or may not be transmissible from person to person, animal to person or insect to person.

Sec. 6. **Section 7 of chapter 394, Statutes of Nevada 2023, at page 2315, is hereby amended to read as follows:**

Sec. 7. NRS 209.449 is hereby amended to read as follows:

209.449 1. Unless an offender has elected to be subject to the provisions of section 1 of this act, an offender who is serving a sentence for a crime committed before July 1, ~~[2025,]~~ ***2026,*** and who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of 60 days from the maximum term or the maximum aggregate term of the offender's sentence, as applicable, for the successful completion of:

(a) A program of vocational education and training; or

(b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the 60 days allowed for completion of the program.

Sec. 7. **Section 11 of chapter 394, Statutes of Nevada 2023, at page 2318, is hereby amended to read as follows:**

Sec. 11. 1. This section and section 10.5 of this act become effective upon passage and approval.

2. Sections 10.1 and 10.3 of this act become effective on July 1, 2023.

3. Sections 1 to 10, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, ~~[2025,]~~ ***2026,*** for all other purposes.

~~[Sec. 2]~~ ***Sec. 8.*** This act becomes effective ~~[on July 1, 2025,]~~ **upon passage and approval.**

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 188 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Monroe-Moreno moved that Senate Bills Nos. 262 and 422 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 188.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 908.

AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Public Employees' Benefits Program to report certain information relating to the costs of health insurance for certain retirees; revising provisions relating to the subsidy paid for certain health and welfare benefits for certain state employees who have retired with state service; revising requirements for certain retired public officers and employees to reinstate insurance under the Program; requiring the Joint Interim Standing Committee on Government Affairs to conduct an interim study on the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Office of Finance to establish an assessment to pay for a portion of the costs of the premiums or contributions for the Public Employees' Benefits Program on behalf of persons who were initially hired before January 1, 2012, and have retired with state service, which must be: (1) deposited in the State Retirees' Health and Welfare Benefits Fund to pay a portion of the current and future health and welfare benefits of those retirees;

and (2) based upon a base amount approved by the Legislature each session. Existing law also requires that, for retirees who receive health coverage through Medicare, the portion paid to the Program from the Retirees' Fund on behalf of these retirees must be: (1) for persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15; and (2) for persons who retired on or after January 1, 1994, the base funding level multiplied by the years of service of the person, excluding service purchased, up to a maximum of 20 years. (NRS 287.046) **Section 1** of this bill requires the Board of the Program to report, before August 31 of every even-numbered year, to the Governor and the Interim Retirement and Benefits Committee of the Legislature the typical full cost for such retirees to obtain actuarially comparable health insurance as state retirees enrolled in the plan offered by the Program.

~~[Section 3 of this bill requires that, for retirees who receive health coverage through the federal TRICARE program or Medicare and who were initially hired on or after January 1, 2012, the portion paid to the Program must be the base funding level multiplied by years of state service of the person, excluding service purchased and any years of local governmental service, up to a maximum of 20 years.]~~

If the Board pays the subsidy for retirees enrolled in the federal TRICARE program or Medicare into a health reimbursement arrangement, **section 3 of this bill** prohibits the Board, unless otherwise required by federal law, from: (1) establishing limits on the yearly balance of a health reimbursement arrangement for a person who is enrolled in Medicare that is less than the total amount of the subsidy paid by the Board in the immediately preceding 5 fiscal years; and (2) reverting money in a health reimbursement arrangement to the Retirees' Fund unless the retiree has died or, for more than 2 consecutive years, elected coverage other than coverage provided through TRICARE, Medicare or the plan offered by the Program.

~~[Under existing law, persons hired on or after January 1, 2012, are ineligible to receive a subsidy to pay a portion of their current and future health and welfare benefits upon retirement. (NRS 287.046) Section 3 provides that persons hired on and after January 1, 2012, are eligible to receive the subsidy from the Fund if the retiree has: (1) participated in the Program on a continuous basis since retirement; and (2) 15 years of state service.~~

~~Under existing law, the subsidy for persons who retire on or after January 1, 1994, who are not enrolled in the federal TRICARE program or Medicare and who have more than 15 years of service must be increased by 7.5 percent of the base funding level for each year of service greater than 15 years. (NRS 287.046) Section 3 requires that, for persons who were initially hired by the State on or after January 1, 2012, the amount by which the subsidy is increased must be based on each year of state service and may not include any years of local governmental service.~~

~~Section 3 authorizes a participating local governmental agency to pay an additional subsidy on behalf of persons who were initially hired by the State~~

~~on or after January 1, 2012, who have at least 15 years of state service and have continuously participated in the Program since retirement and who also have any number of years of local governmental service.~~]

Under existing law, a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, if the public officer or employee did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after the later of October 1, 2011, or the date of retirement of the public officer or employee, and the officer or employee retired from: (1) a participating state or local governmental agency under certain circumstances or was enrolled in the retirement program established by the Board of Regents of the University of Nevada for professional staff of the Nevada System of Higher Education; or (2) a nonparticipating local governmental agency, under certain circumstances. (NRS 287.046) To reinstate insurance, the public officer or employee or surviving spouse must provide written notice to the Program not later than 31 days before the commencement of the plan year. (NRS 287.0475) **Section 4** of this bill: (1) removes the prohibition that the retired public officer or employee not have more than one period during which he or she was not covered by insurance under the Program to reinstate insurance; and (2) instead provides that if a person has more than one period during which he or she was not covered by insurance under the Program, the Board may require the person to provide evidence of continuous coverage provided under another health insurance plan during any period other than the first period in which he or she was not covered to reinstate insurance under the Program.

Section 4 also: (1) authorizes the public officer or employee or surviving spouse to reinstate coverage during any open enrollment period for the plan of insurance; and (2) provides that the retired public officer or employee is eligible, upon reinstatement, to receive the subsidy provided for certain retired employees.

Section 4.5 of this bill requires the Joint Interim Standing Committee on Government Affairs to conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.

Section 2 of this bill applies certain definitions in existing law relating to the Program to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before August 31 of each even-numbered year, the Board shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Retirement and Benefits Committee of the Legislature a report setting forth the typical full cost in this State to obtain a plan of health insurance for persons who retired with state service and are

provided coverage through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., that is actuarially comparable to the plan of health insurance offered by the Program to retirees who do not obtain coverage pursuant to the Health Insurance for the Aged Act, which must include, without limitation:

1. The minimum cost of the premium charged for coverage pursuant to Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq.;

2. The average cost in this State to obtain coverage through a Medicare supplemental policy, as defined in 42 U.S.C. § 1395ss, that provides comparable benefits to the plan offered to other retirees by the Program;

3. The average cost in this State to obtain prescription drug coverage through Medicare Part D, 42 U.S.C. §§ 1395w et seq.; and

4. The average cost to obtain dental and vision coverage, other than the limited coverage provided through a Medicare Advantage plan under Medicare Part C, 42 U.S.C. §§ 1395w-21 et seq.

Sec. 2. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Office of Finance shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who were initially hired before January 1, 2012, and have retired with state service.

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.

3. Except as otherwise provided in subsections ~~[7]~~ ***8*** and ~~[9,]~~ ***10,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

(b) For ~~[Except as otherwise provided in paragraph (c), for]~~ each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

~~[(c) For persons who were initially hired by the State on or after January 1, 2012, must be calculated pursuant to paragraph (b) only on the basis of each year of state service and may not include any years of local governmental service.]~~

6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

~~[(c) For persons who were initially hired by the State on or after January 1, 2012, the base funding level defined by the Legislature multiplied by the number of years of state service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300 and any years of local governmental service, up to a maximum of 20 years of state service.]~~

➥ The Board may approve the payment of an additional amount to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) ~~[,]~~ or (b) ~~, [or (c),]~~ or both, ~~[a combination thereof,]~~ for those persons from any money that is available for that purpose.

7. ***Unless otherwise required by federal law, if the money paid pursuant to subsection 6 is deposited by the Board into a health reimbursement arrangement:***

(a) The Board shall not establish yearly balance limits in an amount that is less than the total amount of money paid pursuant to subsection 6 in the immediately preceding 5 fiscal years for any account established for a retired person who is provided coverage through an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.; and

(b) Any money deposited into the health reimbursement arrangement must remain in the account and may not revert to the Retirees' Fund until:

(1) The death of the retired person; or

(2) For a period of more than 2 consecutive years, the retired person elects to obtain coverage other than coverage provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or the plan offered by the Program.

8. Except as otherwise provided in subsection ~~[8.]~~ ***9,*** no money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State:

(a) On or after January 1, 2010, but before January 1, 2012, and who:

(1) Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.

(b) On or after January 1, 2012 . The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.

~~[8. *and who:*~~

~~*(1) Has not participated in the Program on a continuous basis since retirement from such employment; or*~~

~~*(2) Does not have at least 15 years of state service.]*~~

9. The provisions of subsection ~~[7]~~ ***8*** do not apply to a person who was employed by the State on or before January 1, 2012, who has a break in service and returns to work for the State at the same or another participating state agency after that date, regardless of the length of the break in service, so long as the person did not withdraw from and was eligible to participate in the Public Employees' Retirement System before or during the break in service.

~~[9.]~~ ***10.*** If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~[10.]~~ ***11.*** For the purposes of this section:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

~~[11.]~~ ***12.*** The Office of Finance shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

~~***[13. A participating local governmental agency may approve the payment of an amount in addition to the amount paid pursuant to subsections 5 or 6 for any person who:***~~

~~***(a) Was initially hired by the State on or after January 1, 2012;***~~

~~***(b) Has at least 15 years of state service and has participated in the Program on a continuous basis since retirement from such employment; and***~~

~~***(c) Has any number of years of local governmental service, as determined by the participating local governmental agency.]***~~

Sec. 4. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. Except as otherwise provided in subsection ~~[3.]~~ ***4,*** a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee ~~[:]~~ ***retired:***

(a) ~~[Retired:~~

~~(1)]~~ Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802;

~~[(2)]~~ ***(b)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement; or

~~[(3)]~~ ***(c)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is not a participating local governmental agency at the time of the request for reinstatement and:

~~[(I)]~~ ***(1)*** Was enrolled in the Program as a retired public officer or employee on November 30, 2008; and

~~[(II)]~~ ***(2)*** Is enrolled in Medicare Part A provided pursuant to Part A of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395c et seq., and Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq., at the time of the request for reinstatement**.** ~~[; and~~

~~(b) Did]~~

2. Except as otherwise provided in this subsection, the Board may require a retired public officer or employee or the surviving spouse of a retired public officer or employee requesting reinstatement pursuant to

subsection 1 to provide evidence to the Board of continuous coverage under a health insurance plan, other than the insurance provided by the Program for any period of time, except the first period, in which the person was not covered under the insurance provided by the Program. The Board may not require that a retired public officer or employee or surviving spouse provide such evidence if the public officer, employee or surviving spouse did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after October 1, 2011, or on or after the date of retirement of the public officer or employee, whichever is later.

~~[2.]~~ ***3.*** Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse to reinstate the insurance ~~[not later than 31 days before the commencement of]~~ ***during any open enrollment period for*** the plan ~~[year;]~~ ***of insurance;***

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; ~~[and]~~

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer ~~[.]~~ ***; and***

(d) Providing evidence of continuous coverage under a health insurance plan other than the insurance provided by the Program, if applicable and required by the Board pursuant to subsection 2.

~~[3.]~~ ***4.*** If a retired public officer or employee retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency, the retired public officer or employee, or the surviving spouse of such a retired public officer or employee who is deceased, may not reinstate health insurance pursuant to subsection 1 if he or she is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

5. If a retired public officer or employee reinstates the plan of insurance provided by the Program pursuant to this section, the retired officer or employee is eligible, upon reinstatement, to receive any portion of the premium or contributions paid to the Program on behalf of a retired person pursuant to NRS 287.023 or 287.046.

Sec. 4.5. 1. The Joint Interim Standing Committee on Government Affairs shall conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.

2. The study must include, without limitation:

(a) An examination of the quality and accessibility of services provided by the Program to participants;

(b) A consideration of whether the position of ombudsman should be created to assist participants in the Program in navigating the benefits offered by the Program;

(c) Recommendations to improve educational outreach to retirees who obtain coverage through Medicare;

(d) An examination of the option for a retiree who obtains coverage through Medicare to opt out of automatic reimbursements from his or her health reimbursement arrangement;

(e) An examination of debit cards for a health reimbursement arrangement provided to retirees who obtain coverage through Medicare; and

(f) An examination of limits on hospital or other provider claims which are based on Medicare rates.

3. The Committee may require the Board of the Public Employees' Benefits Program to submit reports or provide information relating to any issue included in the study conducted pursuant to this section.

4. The Committee shall include its findings and recommendations for legislation relating to this study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

5. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 5. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 54, 83, 88, 128, 312, 329, 353, 424, 454, 455, 462, 469, 470, 474, 476, 478, 479, 484, 485, 486, 488, 489, 490, 491, 493, 497, and 502 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 184.

The following Senate amendment was read:

Amendment No. 615.

ASSEMBLYMEMBERS ANDERSON; DALIA, DELONG, D'SILVA, KOENIG, O'NEILL AND TORRES-FOSSETT

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS** FLORES**, TAYLOR; BUCK, KRASNER AND NEAL**

AN ACT relating to interscholastic activities; prohibiting the Nevada Interscholastic Activities Association from retaliating against a school or person for certain activities; prohibiting athletic recruitment; revising provisions governing certain hearings and appeals conducted by the Association; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic activity or event; revising requirements relating to the adoption of regulations by the Association; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters, the eligibility and participation of certain pupils in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Existing law requires the Association to adopt rules and regulations in the same manner provided for state agencies by the Nevada Administrative Procedure Act. (Chapter 233B of NRS, NRS 385B.060) Existing regulations establish certain procedures for classifying and aligning the schools within the Association into leagues or regions, which, in part, require the Board of Control of the Association to determine the classification and alignment of each school by majority vote after conducting a public hearing. (NAC 385B.250) **Section 4.5** of this bill: (1) clarifies that the adoption, repeal or amendment of any policy, practice, rule or regulation concerning or affecting pupils, public schools or school districts be accomplished by rule or regulation in conformity with the Nevada Administrative Procedure Act; and (2) requires any change to the classification or alignment of a school or the creation of a new conference, class, region or league be accomplished by regulation. **Section 2** of this bill prohibits the Association from taking certain adverse action against a school or person who advocates for or against a policy in certain circumstances.

Section 3 of this bill: (1) prohibits athletic recruitment; (2) requires the Association to investigate and, under certain circumstances, hold a hearing on a complaint alleging a violation of that prohibition; and (3) sets forth the penalties for such a violation, including providing that a pupil who enrolls in a school because of athletic recruitment is ineligible to participate and practice in a sanctioned sport at the school. **Sections 7 and 8** of this bill make conforming changes to clarify that certain automatic eligibility for a sanctioned sport does not apply to a pupil who enrolled in or transferred to a school because of athletic recruitment.

Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to

which the pupil transfers for 180 school days and a pupil may rebut that presumption to become immediately eligible to participate in certain circumstances. (NAC 385B.716) However, existing law provides that a pupil who is the child of a military family and transferred schools pursuant to the Interstate Compact on Educational Opportunity for Military Children, which is an interstate compact that establishes a framework to facilitate the transfer of children in military families between schools, is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. (NRS 385B.130, 388F.010) **Section 7** additionally provides ~~[that, regardless of his or her zone of attendance, a pupil is immediately eligible]~~ **a separate, one-time grant of eligibility that enables a pupil** to **immediately** participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers **, regardless of his or her zone of attendance,** if he or she: (1) transfers to a school that uses a lottery system to determine which pupils may enroll; or (2) transfers before enrolling in grade 10. **Section 9** of this bill makes a conforming change to prohibit schools from adopting regulations, rules, policies, procedures or requirements that are more restrictive than those prescribed by the Association pursuant to **section 7**.

Section 4 of this bill authorizes a pupil who transfers schools for certain reasons and seeks to be immediately eligible to participate in any sanctioned sport or interscholastic activity or event to submit a request for a waiver to the Association. **Section 4** additionally: (1) prescribes certain requirements governing the supporting documentation for such a request; and (2) requires the Association to provide for procedures for reviewing such a request.

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association to appeal such a decision to a hearing officer appointed by the Executive Director of the Association. Existing law additionally sets forth certain procedural requirements for filing such an appeal. (NRS 385B.100) **Section 6** of this bill: (1) sets forth the time period within which such a hearing must be conducted; (2) authorizes a pupil or school to appeal a decision or order made by the hearing officer to the school district within which the pupil is enrolled or the school is located and (3) authorizes the Association to grant an appeal without appointing a hearing officer in certain circumstances. **Section 5** of this bill provides that, in addition to a decision of the Association or a designee of the Association that is authorized to make final decisions on disputes on behalf of the Association, a decision of a school district or its designee on an appeal filed pursuant to **section 6** must not be stayed by a court pending final judgment on the matter.

Section 10 of this bill requires the Association to amend its rules and regulations as necessary to conform with the provisions of **sections 1-9** of this bill before July 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for advocating for or against any policy, including, without limitation, by communicating with a member of the Legislative Branch, as defined in NRS 218H.090, testifying before a legislative committee or communicating data, views or arguments on a policy to a public body, as defined in NRS 241.015.***

Sec. 3. ***1. A school or any person or organization associated with a school, including, without limitation, administration, staff, coaches, pupils, parents or clubs for supporters, shall not engage in athletic recruitment. Any violation of this subsection by a person or organization associated with a school shall be deemed to be a violation by the school.***

2. A pupil shall not transfer to or otherwise enroll in a school as the result of athletic recruitment. A pupil who violates this section is ineligible to participate and practice in a sanctioned sport at that school.

3. Any person who believes that a violation of this section has occurred may file a complaint with the Nevada Interscholastic Activities Association. The Nevada Interscholastic Activities Association shall investigate such a complaint. If the Nevada Interscholastic Activities Association determines, after an investigation, that the complaint is not meritless, the Nevada Interscholastic Activities Association shall hold a hearing on the complaint in accordance with procedures established by regulation of the Nevada Interscholastic Activities Association.

4. If, after conducting a hearing pursuant to subsection 3, the Nevada Interscholastic Activities Association determines that a school has engaged in athletic recruitment, the Nevada Interscholastic Activities Association shall impose the following penalties:

(a) For the first violation, the school must be placed on probation and any coach or member of his or her staff who was involved in the athletic recruitment must be suspended for not less than ~~[10 games;]~~ :

(1) The remainder of the current season of the sport to which the violation relates, if the suspension is imposed during the season; and

(2) The entirety of the next full season of the sport to which the violation relates that immediately follows the imposition of the suspension;

(b) For the second violation, any coach or member of his or her staff who was involved in the athletic recruitment must be suspended for not less than 1 school year; and

(c) For the third violation, any coach or member of his or her staff who was involved in the athletic recruitment must be dismissed from his or her

position on the athletic staff and suspended from coaching at any school for not less than 2 calendar years.

5. As used in this section:

(a) "Athletic recruitment" means any effort to persuade, pressure, urge or entice a pupil to enroll in or transfer to a school for athletic purposes, including, without limitation:

(1) Communicating through social media, mail, brochures or other media directed towards the pupil that compares schools or athletic programs or teams or describes the athletic assets of the school with which the sender is affiliated; and

(2) Initiating or engaging in persuasive interviews or communications with the pupil.

(b) "Social media" means any electronic service or account or electronic content, including, without limitation, videos, photographs, blogs, video blogs, podcasts, instant and text messages, live chat, mobile applications, online services or Internet website profiles.

Sec. 4. ***1. A pupil who transfers from a school to another school is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers if the pupil, or a parent or legal guardian of the pupil, submits to the Nevada Interscholastic Activities Association a request for a waiver of any period of ineligibility based on transferring schools, the Nevada Interscholastic Activities Association approves the request pursuant to this section and the pupil is otherwise eligible to participate and practice in the sanctioned sport or other interscholastic activity or event. If the Nevada Interscholastic Activities Association does not take action on a request submitted pursuant to this section within 30 days after the request is submitted, the request shall be deemed approved.***

2. The Nevada Interscholastic Activities Association shall approve a request submitted pursuant to subsection 1 if the pupil, or the parent or legal guardian of the pupil, establishes by a preponderance of the evidence that the pupil transferred to the school because:

(a) Of the order or decree of a court of competent jurisdiction that directly or indirectly results in the pupil transferring schools, including, without limitation, any order issued pursuant to chapter 432B of NRS.

(b) The pupil was a victim of assault or bullying at the school in which he or she was previously enrolled and the assault or bullying was likely to continue if the pupil had remained enrolled at the school, as established by evidence submitted pursuant to subsection 3.

(c) The pupil was enrolled in an academic program or a Junior Reserve Officers' Training Corp Program that was discontinued by the school in which he or she was previously enrolled.

(d) The pupil was a member of a team that participates in a sanctioned sport that was diminished or eliminated due to budgetary or administrative decisions for the school from which the pupil is transferring.

(e) The pupil is in the custody of an agency which provides child welfare services, as defined in NRS 432B.030, and changes residences as a result of a change related to his or her placement.

(f) The pupil is a homeless pupil, as determined by a school pursuant to NRS 388.205, and has changed residences.

(g) The parent or legal guardian was discharged or released from the uniformed service under conditions other than dishonorable and the pupil is returning to the school in which the pupil was previously enrolled or is transferring to a school in a school district in which the parent or legal guardian of the pupil resides.

(h) The pupil was required by the board of trustees of a school district to transfer, and the decision of the board of trustees was not disciplinary.

(i) The transfer is in the best interest of the pupil because of a mental health or emotional condition, as documented by a letter from:

(1) The school counselor at the school in which the pupil is enrolled; and

(2) A physician licensed pursuant to chapter 630 or 633 of NRS or a licensed psychologist.

(j) The immediate family of the pupil is experiencing financial hardship, as verified by documentation of the financial status of the parent or legal guardian of the pupil ~~.~~ , which may include, without limitation, documentation specifically relating to the status of the pupil as a homeless pupil under the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.

(k) The school in which the pupil was previously enrolled or the school district within which the school is located provided the public with notice stating that the school:

(1) Will close permanently; or

(2) Will be closed temporarily for purposes relating to a renovation or repair of the school.

3. A request made pursuant to paragraph (b) of subsection 2 must be accompanied by evidence of ~~[the]~~ one or more substantiated incidents of assault or bullying of which the pupil who is the subject of the request was a victim. Such evidence may include, without limitation:

(a) Documentation produced by the school where the pupil was previously enrolled, the school district in which that school was located or law enforcement; and

(b) The testimony of witnesses or law enforcement.

4. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to review and determine whether to approve requests submitted pursuant to subsection 1. The review procedures must include, without limitation:

(a) The review of a request submitted pursuant to subsection 1 by the Executive Director, or such staff of the Nevada Interscholastic Activities

Association as the Executive Director may designate, and the approval of such a request, without a hearing before a hearing officer pursuant to NRS 385B.100, if the request and documentation submitted with the request establish by a preponderance of the evidence that the pupil is eligible for the waiver pursuant to subsection 2.

(b) Upon the filing of a written appeal with the Executive Director pursuant to NRS 385B.100, the review by a hearing officer appointed pursuant to NRS 385B.100 of a decision denying a request submitted pursuant to subsection 1 and the conduct of a hearing before that hearing officer not later than 60 days after the date on which the Nevada Interscholastic Activities Association received the request pursuant to subsection 1.

5. As used in this section ~~[, "homeless]~~ :

(a) "Financial hardship" does not include the loss or reduction of a scholarship, grant or other financial assistance provided for the purpose of enabling a pupil to attend a private school.

(b) "Homeless pupil" means a homeless child or youth, as defined in 42 U.S.C. § 11434a(2).

Sec. 4.5. NRS 385B.060 is hereby amended to read as follows:

385B.060 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of this chapter. The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 388D.070.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider

all written and oral submissions respecting the proposal or change before taking final action.

4. ***The Nevada Interscholastic Activities Association shall not adopt, repeal or amend any policy, practice, rule or regulation which concerns or affects pupils, public schools or school districts in a manner that does not conform with the requirements of subsection 1, and any action to adopt, repeal or amend a policy, practice, rule or regulation in violation of this subsection is void and unenforceable.***

5. The Nevada Interscholastic Activities Association may not establish a new conference, class, region or league or reclassify or realign a school within any conference, class, region or league unless the Association does so by regulation in a manner that conforms with the requirements of subsection 1.

6. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 5. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association ***,*** ~~[or]~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 ***or a decision of a school district or its designee on a matter which is appealed to the school district pursuant to NRS 385B.100*** must not be stayed by a court pending the court's final judgment on the matter.

Sec. 6. NRS 385B.100 is hereby amended to read as follows:

385B.100 1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,

➥ may file a written appeal with the Executive Director. ~~[The]~~ ***Except as otherwise provided in subsection*** ~~***[5,]***~~ ***4. the*** Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal.

Except as otherwise provided in section 4 of this act, the hearing officer shall conduct a hearing not later than 30 days after the appeal has been filed with the Executive Director.

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. ***Any pupil or school that is aggrieved by a decision or order issued pursuant to subsection 2 by a hearing officer may appeal to the school district within which the pupil is enrolled or the school is located, as applicable, or a person designated by the school district to hear such appeals within 30 days after the decision or order is issued. The school district or person designated by the school district may affirm, modify or reverse the decision or order of the hearing officer.***

5. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 7. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary ~~[,]~~ ***and except as otherwise provided in subsection 3,*** a pupil ~~[who is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS]~~ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers ~~[.]~~ ***, regardless of the zone of attendance in which the pupils resides, if the pupil:***

(a) Is a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS;

(b) Transfers to a school that uses a lottery system to determine which pupils may enroll ~~[,]~~ and has not previously transferred from one school to another school under such circumstances; or

(c) Transfers to a school before his or her enrollment in grade 10 ~~[.]~~ and has not previously transferred from one school to another school under such circumstances.

3. The provisions of subsection 2 do not apply to a pupil who transfers to a school as the result of athletic recruitment in violation of section 3 of this act.

Sec. 8. NRS 385B.140 is hereby amended to read as follows:

385B.140 ~~[A]~~ ***Except as otherwise provided in section 3 of this act, a*** pupil who enrolls in grade 9 at:

1. A public school and who resides within the zone of attendance of the public school at the time of enrollment is immediately eligible to participate and practice in a sanctioned sport at the public school, regardless of whether the pupil:

(a) Resided in a different zone of attendance before the pupil's enrollment in grade 9; or

(b) Attended a school other than a public school before the pupil's enrollment in grade 9.

2. A private school is immediately eligible to participate and practice in a sanctioned sport at the private school, regardless of whether the pupil attended a school other than a private school before the pupil's enrollment in grade 9.

Sec. 9. NRS 385B.170 is hereby amended to read as follows:

385B.170 ~~[1.]~~ A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ~~***[, children who transfer to a school that uses a lottery system to determine which pupils may enroll, children who transferred schools before enrolling in grade 10]***~~ or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; ~~[or]~~

2. ***Eligibility to participate in interscholastic activities and events pursuant to this chapter of children who:***

(a) Transfer to a school that uses a lottery system to determine which pupils may enroll and have not previously transferred from one school to another school under such circumstances; or

(b) Transfer schools before enrolling in grade 10 and have not previously transferred from one school to another school under such circumstances; or

3. Participation of ~~[homeschooled]~~ children ~~***[, children who transfer to a school that uses a lottery system to determine which pupils may enroll, children who transferred schools before enrolling in grade 10***~~ or children of ~~a military family who transferred schools pursuant to the provisions of chapter~~

~~388F of NRS~~] ***described in subsections 1 and 2*** in interscholastic activities and events pursuant to this chapter,

➥ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.

Sec. 10. The Nevada Interscholastic Activities Association shall, on or before July 1, 2026, amend its rules and regulations in the manner provided for state agencies by chapter 233B of NRS as necessary to conform with the provisions of sections 1 to 9, inclusive, of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 615 to Assembly Bill No. 184.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 406.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to health; prohibiting certain uses of artificial intelligence in public schools; **requiring the Department of Education to develop a policy concerning certain uses of artificial intelligence;** imposing certain restrictions relating to the marketing and programming of artificial intelligence systems; prohibiting certain persons from representing themselves as qualified to provide mental or behavioral health care; imposing certain restrictions relating to the use of artificial intelligence by providers of mental or behavioral health care; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the authority and duties of a school counselor, school psychologist and school social worker. (NRS 391.293, 391.294, 391.296) **Section 2** of this bill prohibits a public school from using artificial intelligence to perform the functions and duties of a school counselor, school psychologist or school social worker which relate to the mental health of pupils. **Section 2 additionally requires the Department of Education to develop a policy for the use of artificial intelligence by such school employees while providing therapy, counseling or other mental or behavioral health services to pupils. Section 2 requires the policy to include a method for the Department to examine the accuracy and efficacy of the use of artificial intelligence for such purposes.**

Existing law: (1) regulates the practice and requires the licensure of certain mental health professionals, including psychiatrists, psychologists, marriage and family therapists, clinical professional counselors, registered nurses, social workers, alcohol and drug counselors and problem gambling counselors; and (2) prohibits unlicensed persons from engaging in the practices of those professions. (Chapters 630, 632, 633 and 641-641C of NRS) **Section 7** of this bill prohibits, with certain exceptions, an artificial intelligence provider from offering to users in this State an artificial intelligence system that is specifically programmed to provide a user with a service or an experience that would constitute the practice of professional mental or behavioral health care if provided by a natural person. **Section 7** also prohibits, with certain exceptions, an artificial intelligence provider or a natural person who is not licensed to practice professional mental or behavioral health care from making certain representations that would lead a person to believe that the provider, the artificial intelligence system operated by the provider or the natural person is capable of or qualified to provide mental or behavioral health care. **Section 8** of this bill imposes certain restrictions and prohibitions on the use of an artificial intelligence system by a licensed provider of mental and behavioral health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public school, including, without limitation, a charter school or university school for profoundly gifted pupils, shall not use artificial intelligence to perform the functions and duties of a school counselor, school psychologist or school social worker as prescribed in NRS 391.293, 391.294 and 391.296, respectively, which relate to the mental health of pupils.

2. The Department shall develop a policy for the use of artificial intelligence by a school counselor, school psychologist, school social worker or other educational personnel while providing therapy, counseling or other mental or behavioral health services to pupils. The policy developed pursuant to this subsection must include, without limitation, a method for the Department to examine the accuracy and efficacy of any artificial intelligence used for such purposes. The Department may collaborate with the Division of Public and Behavioral Health of the Department of Health and Human Services in developing the policy.

3. The provisions of subsection 1 do not prohibit a school counselor, school psychologist, school social worker or other educational personnel from using artificial intelligence in accordance with the policy developed pursuant to subsection 2 or to perform tasks for administrative support, which may include, without limitation:

(a) Scheduling;

(b) Managing records;

(c) Analyzing data for operational purposes; and

(d) Organizing, tracking and managing files or notes pertaining to a pupil.

~~[3.]~~ 4. As used in this section, "artificial intelligence" means a ~~[system of]~~ machine-based ~~[technology]~~ system that ~~[can simulate human intelligence through one or more technological means, including, without limitation, utilizing or deploying:

~~(a) Systems for machine learning;~~

~~(b) Large language models; or~~

~~(c) Systems for natural language processing.]~~ , for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including, without limitation, content, decisions, predictions or recommendations, that can influence physical or virtual environments.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An artificial intelligence provider shall not make any representation or statement or knowingly cause or program an artificial intelligence system made available for use by a person in this State to make any representation or statement that explicitly or implicitly indicates that:

(a) The artificial intelligence system is capable of providing professional mental or behavioral health care;

(b) A user of the artificial intelligence system may interact with any feature of the artificial intelligence system which simulates human conversation in order to obtain professional mental or behavioral health care; or

(c) The artificial intelligence system, or any component, feature, avatar or embodiment of the artificial intelligence system is a provider of mental or behavioral health care, a therapist, a clinical therapist, a counselor, a psychiatrist, a doctor or any other term commonly used to refer to a provider of professional mental health or behavioral health care.

2. An artificial intelligence provider shall not make available for use by a person in this State an artificial intelligence system that is specifically programmed to provide a service or experience to a user that would constitute the practice of professional mental or behavioral health care if provided by a natural person.

3. A natural person shall not represent himself or herself as being qualified to provide professional mental or behavioral health care, including, without limitation, by using the title of "therapist," "psychotherapist" or "counselor," or any similar title, if the person does not

possess a valid credential issued by a governmental entity that authorizes the person to practice professional mental or behavioral health care in this State.

4. The Division:

(a) May investigate potential violations of this section.

(b) May bring an action to recover a civil penalty pursuant to subsection 5.

(c) Shall deposit any money received from a civil penalty into the State General Fund.

(d) Shall develop and disseminate to the public educational materials which contain:

(1) Information describing how a person may obtain professional mental or behavioral health care from a licensed or certified provider of professional mental or behavioral health care.

(2) Information about free or low-cost services or options that are available to persons in this State who are experiencing a mental or behavioral health crisis.

(3) Recommended best practices relating to the use or potential use of artificial intelligence by a person who is seeking care or relief from a mental or behavioral health condition, or who is experiencing a mental or behavioral health event, which may include, without limitation, recommendations concerning the circumstances under which such a person should seek the assistance or care of a provider of professional mental or behavioral health care.

5. A person who violates any provision of subsection 1, 2 or 3 is subject to a civil penalty not to exceed $15,000 per violation.

6. This section shall not be construed to prohibit:

(a) [The provision of faith based counseling services, specifically designated as such, by a member of the clergy who does not hold a valid credential to practice professional mental or behavioral health care.

(b)] Any advertisement, statement or representation for or relating to materials, literature and other products which are meant to provide advice and guidance for self-help relating to mental or behavioral health, if the material, literature or product does not purport to offer or provide professional mental or behavioral health care.

[(c)] (b) Offering or operating an artificial intelligence system that is designed to be used by a provider of professional mental or behavioral health care to perform tasks for administrative support in conformity with subsection 2 of section 8 of this act.

7. As used in this section:

(a) "Artificial intelligence provider" means a person who [owns,] operates or [controls] provides an artificial intelligence system.

(b) "Artificial intelligence system" means a [system of] machine-based [technology] system that [can simulate human intelligence through one or more technological means, including, without limitation, by utilizing or deploying:

~~*(1) Systems for machine learning;*~~

~~*(2) Large language models; or*~~

~~*(3) Systems for natural language processing.]*~~ ***, for any explicit or implicit objective, infers from the inputs the system receives how to generate outputs, including, without limitation, content, decisions, predictions or recommendations, that can influence physical or virtual environments.***

(c) "Professional mental or behavioral health care":

(1) Means mental or behavioral health care or services relating to the diagnosis, treatment or prevention of mental illnesses or emotional or behavioral disorders which are typically provided by a provider of mental or behavioral health care within his or her authorized scope of practice.

(2) Includes, without limitation, the practice of:

(I) Psychology, as defined in NRS 641.025.

(II) Clinical professional counseling, as defined in NRS 641A.065.

(III) Marriage and family therapy, as defined in NRS 641A.080.

(IV) Social work and clinical social work, as defined in NRS 641B.030.

(V) Counseling persons with alcohol and other substance use disorders and counseling persons with an addictive disorder related to gambling, as defined in NRS 641C.100 and 641C.105, respectively.

(VI) Psychiatry.

Sec. 8. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by subsection 2 ~~*[,]*~~ ***and, where applicable, the policy adopted by the Department of Education pursuant to section 2 of this act,*** *a provider of mental and behavioral health care shall not use an artificial intelligence system in connection with providing professional mental and behavioral health care directly to a patient.*

2. A provider of mental and behavioral health care may use an artificial intelligence system to assist the provider with performing tasks for administrative support, which may include, without limitation:

(a) Scheduling appointments;

(b) Managing records;

(c) Billing patients and managing records relating to billing;

(d) Analyzing data for operational purposes; and

(e) Organizing, tracking and managing files or notes relating to an individual session with a patient.

3. If a provider of mental and behavioral health care uses an artificial intelligence system for any purpose authorized in subsection 2, the provider shall ensure that such use complies with all applicable federal and state laws governing patient privacy and the security of electronic health records, health-related information and other related data, including, without limitation:

(a) The Health Information Technology for Economic and Clinical Health Act, 42 U.S.C. §§ 300jj et seq. and 17901 et seq.;

(b) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended; and

(c) The provisions of NRS 439.581 to 439.597, inclusive.

4. A provider of mental and behavioral health care shall independently review the accuracy of any report, data or other information compiled, summarized, analyzed or generated by an artificial intelligence system for a purpose described in paragraph (c) or (e) of subsection 2.

5. A provider of mental and behavioral health care who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed or certified.

6. As used in this section:

(a) "Artificial intelligence system" means a ~~[system of]~~ machine-based ~~[technology]~~ system that ~~[can simulate human intelligence through one or more technological means, including, without limitation, by utilizing or deploying:~~

~~(1) Systems for machine learning;~~

~~(2) Large language models; or~~

~~(3) Systems for natural language processing.]~~ , for any explicit or implicit object, infers from the inputs the system receives how to generate outputs, including, without limitation, content, decisions, predictions or recommendations, that can influence physical or virtual environments.

(b) "Professional mental and behavioral health care" means psychotherapy, psychiatry, counseling, therapy or other care or services relating to the diagnosis, treatment or prevention of mental illnesses or emotional or behavioral disorders which are provided by a provider of mental and behavioral health care within his or her authorized scope of practice.

(c) "Provider of mental and behavioral health care" means:

(1) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(2) A psychologist licensed to practice in this State pursuant to chapter 641 of NRS;

(3) A social worker licensed in this State as an independent social worker or a clinical social worker pursuant to chapter 641B of NRS;

(4) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State pursuant to chapter 632 of NRS;

(5) A marriage and family therapist or clinical professional counselor licensed in this State pursuant to chapter 641A of NRS;

(6) An alcohol and drug counselor or problem gambling counselor who is licensed or certified pursuant to chapter 641C of NRS; and

(7) A person who provides counseling services as part of his or her training for any of the professions listed in subparagraphs (1) to (6), inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Torres-Fossett moved that the Assembly concur in Senate Amendment No. 664 to Assembly Bill No. 406.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 698.

AN ACT relating to animals; requiring each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling pets to complete a training course on handling pets prescribed by the governing body and renew the training biennially; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or incorporated city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1 and 2** of this bill require each governing body of a county or incorporated city to adopt an ordinance requiring, with certain exceptions, the owner or operator of a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling pets to complete a training course on handling pets prescribed by the governing body. **Sections 1 and 2** also require the ordinance adopted by the governing body of the county or incorporated city to prescribe the manner in which a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling pets: (1) completes the required training course on handling pets; and (2) renews the training biennially. **Sections 1 and 2** define the term "pet" to mean a domestic cat or dog commonly kept for pleasure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each board of county commissioners shall adopt an ordinance requiring the owner or operator of

a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling pets, including, without limitation, a breeder, a cattery, a retailer, a pet groomer or a dealer, to complete a training course on handling pets in a manner prescribed by the board of county commissioners.

2. Each owner or operator who is required to complete a training course on handling pets pursuant to subsection 1 shall renew the training biennially in a manner prescribed by the board of county commissioners.

3. The ordinance adopted by a board of county commissioners pursuant to subsection 1 does not apply to:

(a) A veterinarian;

(b) The staff of a veterinarian who are operating in the office of and under the supervision of the veterinarian;

(c) An animal shelter; or

~~[(c)]~~ (d) A nonprofit organization whose primary purpose is to shelter the pets of victims of domestic violence.

4. As used in this section:

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.205.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Breeder" has the meaning ascribed to it in NRS 574.245.

(d) "Cattery" has the meaning ascribed to it in NRS 574.250.

(e) "Dealer" has the meaning ascribed to it in NRS 574.260.

(f) "Kennel" has the meaning ascribed to it in NRS 574.280.

(g) "Nonprofit organization" has the meaning ascribed to it in NRS 82A.060.

(h) "Pet" has the meaning ascribed to it in NRS 574.300.

(i) "Pet groomer" means a person who professionally styles pets for compensation. The term includes, without limitation, a person who professionally bathes, brushes or clips a pet.

(j) "Retailer" has the meaning ascribed to it in NRS 574.320.

(k) "Veterinarian" has the meaning ascribed to it in NRS 574.330.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, each city council or other governing body of an incorporated city shall adopt an ordinance requiring the owner or operator of a kennel, an animal rescue organization that handles pets or a commercial establishment engaged in the business of handling pets, including, without limitation, a breeder, a cattery, a retailer, a pet groomer or a dealer, to complete a training course on handling pets in a manner prescribed by the city council or other governing body of the incorporated city.

2. Each owner or operator who is required to complete a training course on handling pets pursuant to subsection 1 shall renew the training biennially

in a manner prescribed by the city council or other governing body of the city.

3. The ordinance adopted by a city council or other governing body of a city pursuant to subsection 1 does not apply to:

(a) A veterinarian;

(b) The staff of a veterinarian who are operating in the office of and under the supervision of the veterinarian;

(c) An animal shelter; or

~~[(c)]~~ (d) A nonprofit organization whose primary purpose is to shelter the pets of victims of domestic violence.

4. As used in this section:

(a) "Animal rescue organization" has the meaning ascribed to it in NRS 574.205.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

(c) "Breeder" has the meaning ascribed to it in NRS 574.245.

(d) "Cattery" has the meaning ascribed to it in NRS 574.250.

(e) "Dealer" has the meaning ascribed to it in NRS 574.260.

(f) "Kennel" has the meaning ascribed to it in NRS 574.280.

(g) "Nonprofit organization" has the meaning ascribed to it in NRS 82A.060.

(h) "Pet" has the meaning ascribed to it in NRS 574.300.

(i) "Pet groomer" means a person who professionally styles pets for compensation. The term includes, without limitation, a person who professionally bathes, brushes or clips a pet.

(j) "Retailer" has the meaning ascribed to it in NRS 574.320.

(k) "Veterinarian" has the meaning ascribed to it in NRS 574.330.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 698 to Assembly Bill No. 418.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 551.

The following Senate amendment was read:

Amendment No. 888.

SUMMARY—Requires a background investigation of employees, prospective employees, contractors and prospective contractors of ~~[the~~

~~Division of Welfare and Supportive Services of the Department of Health and Human Services.]~~ **certain governmental agencies.** (BDR 38-1122)

AN ACT relating to ~~[welfare services;]~~ **background investigations;** requiring a background investigation of employees, prospective employees, contractors and prospective contractors of the Division of Welfare and Supportive Services of the Department of Health and Human Services ~~[;]~~ **and the Department of Employment, Training and Rehabilitation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law requires the Department of Health and Human Services, through the Division of Welfare and Supportive Services of the Department, to administer certain programs of public assistance. (NRS 232.320, 422A.338) Under existing federal law, any officer or employee of any State who is authorized by federal law to obtain information from federal tax returns for the purpose of administering provisions of state or federal law is prohibited from disclosing any information obtained from those returns. (26 U.S.C. § 6103) As a condition of receiving such information, federal law requires state officers and employees to comply with certain safeguards prescribed by the United States Secretary of the Treasury to ensure the confidentiality of the federal tax returns and the information contained in those returns. (26 U.S.C. § 6103(p)(4)) Publication 1075 of the United States Internal Revenue Service: (1) establishes the "Tax Information Security Guidelines for Federal, State and Local Agencies" to provide guidance to federal, state and local agencies to ensure that the policies, practices, controls and safeguards of those agencies adequately protect the confidentiality of federal taxpayer information; and (2) includes in those Guidelines requirements related to conducting background investigations of employees and contractors of an agency that have access to federal taxpayer information.

Assembly Bill No. 530 of the 2019 Session of the Nevada Legislature requires: (1) the Department of Taxation to conduct a background investigation of each employee or contractor of the Department upon initial employment or contract and at least once every 5 years thereafter; and (2) such employees and contractors to submit to the Department proof of citizenship or eligibility to legally work in the United States and two complete sets of fingerprints for the purposes of the background investigation. (NRS 360.142) ~~[Section]~~ **Sections 1 and 1.5** of this bill ~~[enacts]~~ **enact** identical provisions governing employees and contractors of the Division of Welfare and Supportive Services of the Department of Health and Human Services ~~[. Section]~~ **and the Department of Employment, Training and Rehabilitation. Section 1.8 of this bill applies certain definitions to section 1.5. Sections 2 and 2.5** of this bill ~~[requires:]~~ **require:** (1) current employees of the Division **of Welfare and Supportive Services or the Department of Employment, Training and Rehabilitation** to submit information to the Division **or the Department, as applicable,** for such background investigations by January 1, 2026; and (2) current contractors of the Division **or Department** to submit information to

the Division **or Department, as applicable,** for such a background investigation when the contract is being renewed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of a prospective employee or prospective contractor, as applicable, of the Division.

2. A prospective employee or prospective contractor, as applicable, of the Division must submit to the Division:

(a) Proof that he or she is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) Two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for submission to:

(1) The Federal Bureau of Investigation for a report on his or her background; and

(2) Any appropriate law enforcement agency that the Division deems necessary.

3. The Division shall submit the fingerprints submitted pursuant to subsection 2 to the Central Repository for submission to:

(a) The Federal Bureau of Investigation for a report on the background of the prospective employee or prospective contractor, as applicable; and

(b) Any appropriate law enforcement agency that the Division deems necessary.

4. When a report from the Federal Bureau of Investigation or any information from an appropriate law enforcement agency is received by the Central Repository, the Central Repository shall immediately forward a copy of the report or the information to the Division.

5. The Division shall conduct an investigation of each employee and contractor of the Division pursuant to this section at least once every 5 years after the initial investigation.

6. Only the Central Repository may:

(a) Receive fingerprints from the Division for submission to the Federal Bureau of Investigation pursuant to this section;

(b) Submit the fingerprints to the Federal Bureau of Investigation; and

(c) Receive a report from the Federal Bureau of Investigation based on the submission of the fingerprints.

7. As used in this section:

(a) "Appropriate law enforcement agency" means the local law enforcement agency with jurisdiction in each location where the prospective employee or prospective contractor, as applicable, of the Division lived, worked or attended school within the immediately preceding 5 years.

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

Sec. 1.5. **Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall secure from appropriate law enforcement agencies information on the background and personal history of a prospective employee or prospective contractor, as applicable, of the Department.

2. A prospective employee or prospective contractor, as applicable, of the Department must submit to the Department:

(a) Proof that he or she is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(b) Two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for submission to:

(1) The Federal Bureau of Investigation for a report on his or her background; and

(2) Any appropriate law enforcement agency that the Department deems necessary.

3. The Department shall submit the fingerprints submitted pursuant to subsection 2 to the Central Repository for submission to:

(a) The Federal Bureau of Investigation for a report on the background of the prospective employee or prospective contractor, as applicable; and

(b) Any appropriate law enforcement agency that the Department deems necessary.

4. When a report from the Federal Bureau of Investigation or any information from an appropriate law enforcement agency is received by the Central Repository, the Central Repository shall immediately forward a copy of the report or the information to the Department.

5. The Department shall conduct an investigation of each employee and contractor of the Department pursuant to this section at least once every 5 years after the initial investigation.

6. Only the Central Repository may:

(a) Receive fingerprints from the Department for submission to the Federal Bureau of Investigation pursuant to this section;

(b) Submit the fingerprints to the Federal Bureau of Investigation; and

(c) Receive a report from the Federal Bureau of Investigation based on the submission of the fingerprints.

7. As used in this section:

(a) "Appropriate law enforcement agency" means the local law enforcement agency with jurisdiction in each location where the prospective employee or prospective contractor, as applicable, of the Department lived, worked or attended school within the immediately preceding 5 years.

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

Sec. 1.8. **NRS 232.900 is hereby amended to read as follows:**

232.900 As used in NRS 232.900 to 232.990, inclusive, ***and section 1.5 of this act*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 2. 1. For the purpose of the Division of Welfare and Supportive Services of the Department of Health and Human Services conducting an investigation pursuant to section 1 of this act, a person who is an employee of the Division on July 1, 2025, shall submit the information required by subsection 2 of section 1 of this act on or before January 1, 2026.

2. For the purpose of the Division conducting an investigation pursuant to section 1 of this act, a person who is a contractor of the Division on July 1, 2025, shall submit the information required by subsection 2 of section 1 of this act on or before the date that the contractor next renews his or her contract with the Division.

Sec. 2.5. **1. For the purpose of the Department of Employment, Training and Rehabilitation conducting an investigation pursuant to section 1.5 of this act, a person who is an employee of the Department on July 1, 2025, shall submit the information required by subsection 2 of section 1.5 of this act on or before January 1, 2026.**

2. For the purpose of the Department conducting an investigation pursuant to section 1.5 of this act, a person who is a contractor of the Department on July 1, 2025, shall submit the information required by subsection 2 of section 1.5 of this act on or before the date that the contractor next renews his or her contract with the Department.

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Brown-May moved that the Assembly concur in Senate Amendment No. 888 to Assembly Bill No. 551.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 15, 39, 60, 79, 88, 112, 121, 133, 148, 161, 167, 185, 207, 217, 227, 249, 263, 269, 270, 283, 315, 319, 343, 369, 383, 392, 396, 398, 433, 434, 439, 441, 448, 451, 452, 457, 458, 461, 478, 488, 491, 496, 497, 511, 520, 527, 535; Assembly Joint Resolution No. 8; Senate Bills Nos. 115, 121, 140, 177, 201, 213, 293, 303, 334, 346, 347, 350, 453.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Father Tomy Joseph, Gayle Block, and Judi Bishop.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Magnus-Marquart, Dr. Horohito Norhatan, and Dr. Shuyi Huang.

Assemblymember Jauregui moved that the Assembly adjourn until Friday, May 30, 2025, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:15 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 30, 2025

Assembly called to order at 11:46 a.m.
Mr. Speaker presiding.
Roll called.
All present.

Om,
bhur bhuvah svah, tat savitur varenyam,
bhargo devasya dhimahi, dhiyo you nah prachodayat.

We meditate on the transcendental glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

yah visva abhi vi-pasyati bhuvana sam ca pasyati,
sah nah pusa avita bhuvat.

That which intensely oversees the universe from above and fully sees the truth behind all things. May He protect us all.

trividham narakasyedam dvaram nasanamatmanah,
kamah krodhastatha lobhastasmadetattrayam tyajet.
etairvimuktah kaunteya tamodvaraistribhirnarah,
acaratyatmanah sreyastato yati param gatim.

There are three gates to self-destructive hell: lust, anger, and greed. Renounce these three. Those who escape from these three gates of darkness, seek what is best and attain life's supreme goal.

isavasyam idam sarvam yat kim ca jagatyam jagat
tena tyaktena bhunjitha, ma grdhah kasyasvid dhanam.

The Lord is enshrined in the hearts of all. The Lord is the Supreme Reality. Rejoice in Him through renunciation. Covet nothing. All belongs to the Lord.

Om shanti, shanti, shanti.
Peace, peace, peace be unto all.
Om.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 35, 62, 76, 263, 323, 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

Mr. *Speaker:*

Your Committee on Ways and Means, to which were rereferred Assembly Bill No. 494; Senate Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 477, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 64, 544, 553, 554, 555, 560, 562, 563, 564, 565, 566, 569, 573, 577, 578, 579, 582, 589, 590.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 309, 316.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 318, 431, 435.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 569 to Senate Bill No. 27; Assembly Amendment No. 662 to Senate Bill No. 100; Assembly Amendment No. 701 to Senate Bill No. 130; Assembly Amendment No. 705 to Senate Bill No. 191; Assembly Amendment No. 564 to Senate Bill No. 246; Assembly Amendment No. 657 to Senate Bill No. 256; Assembly Amendment No. 703 to Senate Bill No. 292; Assembly Amendments Nos. 619, 745 to Senate Bill No. 305; Assembly Amendments Nos. 574, 640 to Senate Bill No. 359; Assembly Amendment No. 704 to Senate Bill No. 379; Assembly Amendment No. 777 to Senate Bill No. 414; Assembly Amendment No. 587 to Senate Bill No. 428; Assembly Amendment No. 708 to Senate Bill No. 440; Assembly Amendment No. 553 to Senate Joint Resolution No. 1; Assembly Amendment No. 554 to Senate Joint Resolution No. 8; Assembly Amendment No. 555 to Senate Joint Resolution No. 10; Assembly Amendment No. 571 to Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

By Assemblymember Hafen (emergency request of Assembly Minority Leader):

Assembly Bill No. 601—AN ACT relating to governmental administration; revising the powers and duties of the Office of Nevada Boards, Commissions and Councils Standards of the Department of Business and Industry; revising and imposing various requirements and restrictions on professional and occupational licensing boards under the purview of the Office; and providing other matters properly relating thereto.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 309.

Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 316.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 318.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 431.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 435.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 494 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 494.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 864.

~~[CONTAINS UNFUNDED MANDATE (§§2, 6.3)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to education; ~~[providing that]~~ **requiring the Department of Education to prepare a report if** the provisions of certain federal laws and ~~[applicable]~~ regulations ~~[continue to apply in this State if the laws and regulations]~~ are repealed by the Federal Government; authorizing ~~[certain persons to bring a civil action in a court of competent jurisdiction of this State if the federal Individuals with Disabilities Education Act is repealed; requiring]~~ the Department of Education to adopt certain regulations ~~[and carry out certain laws]~~ if such federal laws and applicable regulations are repealed by the Federal Government; ~~[requiring the Interim Finance Committee to make certain determinations regarding certain federal block grants;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act and its corresponding regulations govern how states and public agencies provide early intervention, special education and related services to pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300) The federal Family Educational Rights and Privacy Act of 1974 and its corresponding regulations set forth certain requirements governing the privacy and availability of education records at schools and institutions that receive federal funding. (20 U.S.C. § 1232g; 34 C.F.R. Part 99) The federal Health Insurance Portability and Accountability Act of 1996 and its corresponding regulations: (1) protect the privacy of certain individually identifiable health information; and (2) include provisions concerning the disclosure of such health information by certain covered entities, including, without limitation, health care providers who transmit electronically such health information in certain transactions. (Pub. L. No. 104-191; 42 U.S.C. §§ 1320d et seq.) Existing federal law prohibits discrimination based on race, color or national origin in any program or activity that receives federal funding. (Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.) Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) The federal Every Student Succeeds Act of 2015 sets forth, without limitation, certain requirements for accountability, assessment and instruction to which a state must adhere to receive federal funding. (20 U.S.C. §§ 6301 et seq.) **Sections 2-6.3** of this bill provide that, if any of these federal laws or regulations are repealed by the Federal Government, **in whole or in part,** the ~~[provisions of the repealed federal laws or regulations, as they existed on January 1, 2025, continue to apply in this State. Section 2 additionally provides that, if the Individuals with Disabilities Education Act is repealed, a person who previously had the right to bring a civil action in a district court of~~

~~the United States is authorized to bring such an action in a court of competent jurisdiction of this State. Section 6.7 of this bill requires the Department of Education to, if any such federal laws are repealed: (1) not later than 6 months after such a repeal, adopt regulations to carry out the provisions of the repealed federal law in this State; and (2) carry out the provisions of the repealed federal law in this State. Section 6.3 requires the Interim Finance Committee to make certain determinations regarding certain block grants provided by the Federal Government before accepting such block grants.]~~ **Department of Education, in collaboration with the Nevada System of Higher Education in certain circumstances, is required to prepare a report which includes: (1) recommendations concerning how funding may be used to continue carrying out duties pursuant to provisions of federal laws and regulations which have been repealed; and (2) an analysis of the Nevada Revised Statutes to determine if provisions of the relevant federal law which were repealed should be incorporated into the Nevada Revised Statutes. Sections 2-6.3 additionally authorize the Department to adopt regulations which are substantially similar to any provisions of the relevant federal laws or regulations which were repealed.** **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. If the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government*** ~~***:***~~

~~***1. The***~~ ***, in whole or in part, the Department shall prepare a report which includes:***

(a) Recommendations for methods to continue funding services, accommodations, supports and programs carried out in this State pursuant to the repealed provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, ~~***as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions;***~~

~~***2. Any person who had the right to bring a civil action in a district court of the United States pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, may bring such an equivalent action in a court of competent jurisdiction of this State pursuant to subsection 1; and***~~

~~***3. Any existing references to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to the Individuals with***~~

~~*Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, as they existed on January 1, 2025.]*~~ *using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which:*

(1) Ensures that there is no decrease in funding for such services, accommodations, supports and programs;

(2) Ensures that pupils with disabilities continue receiving such services, accommodations and supports without interruption;

(3) Ensures that the administration of any programs pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto continues without interruption; and

(4) Does not violate any requirements governing the use of such funding, including, without limitation, requirements relating to maintenance of effort or the use of funding to supplement and not supplant other sources of funding.

(b) An analysis of existing provisions of the Nevada Revised Statutes related to pupils with disabilities to determine whether any provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, which were repealed by the Federal Government should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 3. 1. If the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, are repealed by the Federal Government ~~*[:*~~

~~*1. The]*~~ *, in whole or in part, the Department, in collaboration with the Nevada System of Higher Education, shall prepare a report which includes:*

(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, ~~*[as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and*~~

~~*2. Any existing references to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, as they existed on January 1, 2025.]*~~ *using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty carried out pursuant to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government continues without interruption.*

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department, in collaboration with the System, may adopt regulations which are substantially similar to any provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 4. 1. If the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any ~~[applicable]~~ regulations ~~[,]~~ adopted pursuant thereto, are repealed by the Federal Government ~~[:~~

~~*1. To the extent that]*~~ *, in whole or in part, the Department shall prepare a report which includes:*

(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any ~~[applicable]~~ regulations ~~[,]~~ adopted pursuant thereto, which apply to schools in this State ~~[, the provisions of the Act, and any applicable regulations, as they existed on January 1, 2025, apply in this State; and~~

~~*2. Any existing references to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, in the Nevada Revised Statutes become references to the Act, and any applicable regulations, as they existed on January 1, 2025.]*~~ *using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any*

duty carried out pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, which apply to schools in this State, continues without interruption.

(b) Conduct an analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which apply to schools in this State, should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which apply to schools in this State, and which were repealed by the Federal Government.

Sec. 5. 1. If Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., is repealed by the Federal Government ~~[:~~

~~1. The]~~ , in whole or in part, the Department shall prepare a report which includes:

(a) Recommendations for methods to continue providing funding to each school that received federal funding pursuant to the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., ~~[as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and~~

~~2. Any existing references to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., in the Nevada Revised Statutes become references to Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., as it existed on January 1, 2025.]~~ using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that funding is provided to such schools without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education; and

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., which were repealed by the Federal Government.

Sec. 6. 1. If Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government ~~[:~~

*~~1. The[~~ , in whole or in part, the Department, in collaboration with the Nevada System of Higher Education, shall prepare a report which includes:

(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, ~~[as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and~~

~~2. Any existing references to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, as they existed on January 1, 2025.]~~ using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program carried out pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education; and

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department, in collaboration with the System, may adopt regulations which are substantially similar to any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., which were repealed by the Federal Government.

Sec. 6.3. ***1. If the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government*** ~~***[:***~~

~~***1. The]***~~ ***, in whole or in part, the Department, in collaboration with the Nevada System of Higher Education, shall prepare a report which includes:***

(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, ~~***[as they existed on January 1, 2025, apply in this State and each school that received federal funding on January 1, 2025, is deemed to continue to receive such funding for the purposes of such provisions; and***~~

~~***2. Any existing references to the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, in the Nevada Revised Statutes become references to the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, as they exist on January 1, 2025.]***~~ ***using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program or service carried out pursuant to the provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., continues without interruption.***

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., which were repealed by the Federal Government.

Sec. 6.5. ~~***[If any of the provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act, are repealed by the Federal Government, the Interim Finance Committee shall, before accepting any block grants from the Federal Government for the purposes of supporting public education of pupils enrolled in kindergarten and grades 1 to 12, inclusive, evaluate whether the block grant would be used to support, in whole or in part, programs that received federal funding pursuant to the repealed provision of federal law discussed in sections 2 to 6.3, inclusive, of this act on or before January 1, 2025. The Interim Finance Committee may only accept such a***~~

~~*block grant if it determines that the block grant would be used to support such programs.]*~~ **(Deleted by amendment.)**

Sec. 6.7. ~~*[1. The Department shall adopt regulations as necessary to ensure that the provisions of sections 2 to 6.3, inclusive, of this act are implemented by this State not later than 6 months after the repeal of any provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act by the Federal Government.*~~

~~*2. If any of the provisions of federal law discussed in sections 2 to 6.3, inclusive, of this act are repealed by the Federal Government, the Department shall be deemed responsible for carrying out the provisions of sections 2 to 6.3, inclusive, of this act, as applicable, in this State.]*~~ **(Deleted by amendment.)**

Sec. 7. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[,]~~ ***, and section 2 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 8. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 9. This act becomes effective upon passage and approval.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 8:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 165, 170, 172, 217, 231, 344, 376, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 175, 277, 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 257, 300, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 275, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 5.

Resolution read.

Assemblymember Mosca moved that the resolution be adopted.

Resolution adopted and transmitted to the Senate.

Assemblymember Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of Friday, May 30, 2025, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

FREELANCE-ASSOCIATED PRESS: Bridget Bennett

Motion carried.

Assemblymember Jauregui moved that, through June 1, 2025, all necessary rules be suspended, the reprinting of all Assembly bills and Assembly resolutions amended on the Second Reading File, the General File, or the Resolution File be dispensed with including all Assembly bills and Assembly resolutions on those files from this legislative day, and the Chief Clerk be authorized to insert all amendments adopted by the Assembly, and the bill or resolution be placed on the appropriate reading file for further action.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 386, 534, and 238 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 397, 463, and 597 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 533 be taken from the General File and be placed on the Chief Clerk's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 62.

Bill read second time and ordered to third reading.

Senate Bill No. 76.

Bill read second time and ordered to third reading.

Senate Bill No. 156.

Bill read second time and ordered to third reading.

Senate Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 927.

AN ACT relating to legislative affairs; making various changes relating to legislative interim committees and presiding officers of those committees; revising the deadline to submit an application to the Joint Interim Standing Committee on Education to serve on the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force; eliminating the requirement that the Joint Interim Standing Committee on Health and Human Services review certain regulations; making the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources a stand-alone interim committee; making the Sunset Subcommittee of the Legislative Commission a stand-alone interim committee; revising provisions relating to legislative committee members and staff regulated by the Nevada Lobbying Disclosure and Regulation Act and Nevada Financial Disclosure Act; **revising provisions governing the review of certain mining regulations by the Mining Oversight and Accountability Commission;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various legislative interim committees that are created or authorized to conduct studies or investigations or perform other legislative business during the interim between legislative sessions, and existing law provides for the appointment or designation of chairs and vice

chairs of such interim committees. (Chapter 218E of NRS, NRS 232B.210-232B.250) Existing law also contains provisions that apply exclusively to such interim committees without applying to any session committees. (NRS 218E.105-218E.140)

Under existing common-law principles of parliamentary law, the chair of a committee serves as the presiding officer of the committee and may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee. In addition, if a vacancy occurs in the position of chair, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee serves as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable. (*Mason's Manual of Legislative Procedure* §§ 575-579, 608-611 (2020); Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 287, 308, 313, 314, 1910 (1856); *Hicks v. Long Branch Comm'n*, 55 A. 250, 250-51 (N.J. 1903)) To assist interim committees in conducting their legislative business consistently with existing common-law principles of parliamentary law, **sections 2-4** of this bill codify those existing common-law principles into the statutory provisions that apply to interim committees. (*Welfare Div. v. Maynard*, 84 Nev. 525, 529 (1968) ("A statutory enactment can be simply a legislative pronouncement of already existing law."); *State Gaming Comm'n v. Southwest Sec.*, 108 Nev. 379, 383-84 (1992))

Existing law: (1) establishes Joint Interim Standing Committees of the Legislature that are authorized to evaluate and review issues within the jurisdiction of the corresponding standing committees from the preceding regular session of the Legislature, exercise certain investigative powers and, under certain circumstances, conduct studies directed by the Legislature or the Legislative Commission; (2) provides for the appointment of regular members and alternate members to each Joint Interim Standing Committee; and (3) requires the Legislative Commission to select a Chair and a Vice Chair for each Joint Interim Standing Committee. (NRS 218E.320, 218E.330)

Section 5 of this bill requires the appointing authorities to appoint the committee members for each Joint Interim Standing Committee, along with the Chairs and Vice Chairs, not later than October 31 following the adjournment of each regular session. **Section 5** also clarifies the length of the terms that the committee members and the Chairs and Vice Chairs serve while qualified.

Section 6 of this bill provides that if a regular member cannot attend a meeting of the Committee, an alternate member must be of the same political party as the regular member, and **section 6** clarifies that, when acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

Existing law requires the Joint Interim Standing Committee on Legislative Operations and Elections to evaluate and review issues relating to governmental purchasing. (NRS 218E.330) **Section 7** of this bill transfers such duties to the Joint Interim Standing Committee on Government Affairs. **Section 36** of this bill makes a conforming change to require that the biennial report on recommendations for legislation relating to governmental purchasing in existing law be submitted to the Joint Interim Standing Committee on Government Affairs. (NRS 332.215)

Existing law creates the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources and prescribes the Subcommittee's powers and duties. (NRS 218E.500-218E.525, NRS 321.7355) **Sections 8-10 and 35** of this bill: (1) make the Subcommittee a stand-alone interim committee instead of a subcommittee of the Joint Interim Standing Committee on Natural Resources and rename it as the Committee on Public Lands; and (2) revise the membership, organization and operations of the Committee on Public Lands. **Section 1** of this bill authorizes the Committee on Public Lands to request 4 legislative measures and eliminates the authority of the Joint Interim Standing Committee on Natural Resources to request 4 additional legislative measures based on the recommendations for legislation submitted by the former Subcommittee on Public Lands. **Section 9** requires the Committee on Public Lands to hold at least three meetings during each legislative interim where the primary physical location of the meeting is located in a different county for each such meeting other than Clark County, Washoe County or Carson City. However, **section 9** does not prohibit the use of authorized remote-technology systems for each such meeting, including when necessary to connect the primary physical location of the meeting to additional physical locations for the meeting in Clark County, Washoe County or Carson City.

Existing law creates: (1) the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System; and (2) the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. (NRS 218E.550-218E.570, 218E.745-218E.760) **Sections 11 and 12** of this bill revise the membership, organization and operations of these Committees.

Existing law creates the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) **Sections 26-32 and 43** of this bill: (1) make the Sunset Subcommittee a stand-alone interim committee instead of a subcommittee of the Legislative Commission and rename it as the Sunset Committee of the Legislature; and (2) revise the membership, organization and operations of the Sunset Committee.

Existing law authorizes Joint Interim Standing Committees and other interim committees to request the drafting of a certain number of legislative measures for each regular session. (NRS 218D.160) **Section 1** revises the number of such requests that the renamed Sunset Committee of the Legislature is authorized to make.

Section 43 eliminates the requirement in existing law that the Joint Interim Standing Committee on Health and Human Services review certain regulations that are proposed or adopted by certain licensing boards and that are related to health care. (NRS 439B.225) **Sections 33 and 34** of this bill make conforming changes as a result of the elimination of this requirement.

Existing law requires a teacher who wishes to serve on the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force to submit an application to the Joint Interim Standing Committee on Education on or before January 15 of an even-numbered year. (NRS 391.494) **Section 38** of this bill moves the due date of the application to December 1 of an odd-numbered year.

Existing law requires various reports, documents and other information to be compiled by state or local governmental agencies or other entities and then reported to certain legislative committees or staff. (NRS 193.309, 209.192, 209.461, 209.4818, 388.887, 449.242) **Sections 22-25 and 37-39** of this bill revise those reporting requirements.

Under existing law, the Nevada Lobbying Disclosure and Regulation Act (Lobbying Act) prohibits, with certain exceptions, Legislators, legislative officers and legislative staff members from knowingly or willfully soliciting or accepting any gift from a lobbyist, whether or not the Legislature is in a regular or special session. (NRS 218H.060, 218H.090, 218H.930) Under existing exceptions to the gift prohibitions, if Legislators or members of their households receive anything of value from a lobbyist to undertake or attend any educational or informational meetings, events or trips, such meetings, events or trips are excluded from the term "gift" under the Lobbying Act, but the Legislators are required to report the educational or informational meetings, events or trips on their financial disclosure statements under the Nevada Financial Disclosure Act (Financial Disclosure Act). (NRS 218H.045, 218H.060, 281.5583, 281.571)

Sections 13-20 of this bill create exceptions for legislative committee investigative meetings, events or trips. **Section 15** defines a "legislative committee investigative meeting, event or trip" to include any meetings, events or trips that the chair of a legislative committee authorizes as official meetings, events or trips of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action. Based on the exceptions in **sections 17 and 19**, such legislative committee investigative meetings, events or trips are not required to be reported on financial disclosure statements under the Financial Disclosure Act. (NRS 281.5583, 281.5585)

Sections 17 and 19 also make the existing exceptions for educational or informational meetings, events or trips applicable to: (1) legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly; and (2) legislative staff members but only if such staff members have the approval of their chief administrative supervisors to undertake or attend the educational

or informational meetings, events or trips. Because the Financial Disclosure Act applies to legislative officers, such as the Secretary of the Senate and the Chief Clerk of the Assembly, and to certain senior staff members of the Legislative Counsel Bureau, such as the Director and the chiefs of the divisions, they are required to report the educational or informational meetings, events or trips on financial disclosure statements. By contrast, if rank-and-file legislative staff members have the approval of their chief administrative supervisors to undertake or attend any educational or informational meetings, events or trips, they are not required to report the educational or informational meetings, events or trips on financial disclosure statements, unless they qualify as a public officer or candidate or a member of a public officer's or candidate's household for the purposes of the Financial Disclosure Act. (NRS 281.005, 281.558, 281.5583, 281.5587)

Existing law creates the Mining Oversight and Accountability Commission and requires the Commission to provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to the taxation, operation, safety and environmental regulation of mines and mining in this State. (NRS 514A.040, 514A.060) Section 40.5 of this bill provides that if the Commission fails to review certain regulations relating to mines or mining within 90 days after adoption, the regulations will become effective if approved in accordance with the applicable provisions of the Nevada Administrative Procedure Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Legislative Commission, which relate to the affairs of the Legislature or its employees, including legislative measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the first day of a regular session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by a specific statute, joint rule or concurrent resolution:

(a) ~~[Except as otherwise provided in paragraphs (b), (c) and (d), a]~~ ***A*** Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee ~~[.~~

~~(b) The]~~ ***, unless another provision in this subsection authorizes a different number of requests for a specific Joint Interim Standing Committee.***

(b) In addition to the number of requests authorized pursuant to paragraph (a), the Joint Interim Standing Committee on Health and Human Services may request the drafting of not more than ~~[~~15~~]~~ ***5*** legislative measures ~~[which relate to matters within the scope of the Committee, at least 5 of which must relate to matters]~~ relating to child welfare.

(c) ~~[The]~~ ***In addition to the number of requests authorized pursuant to paragraph (a), the*** Joint Interim Standing Committee on the Judiciary may request the drafting of not more than ~~[15]~~ ***5*** legislative measures ~~[which relate to matters within the scope of the Committee, at least 5 of which must relate to matters]~~ relating to juvenile justice.

(d) ~~[The Joint Interim Standing Committee on Natural Resources may request the drafting of not more than 14 legislative measures which relate to matters within the scope of the Committee, at least 4 of which must relate to matters relating to public lands based on the recommendations for legislation submitted by the Subcommittee on Public Lands pursuant to NRS 218E.525.~~

~~(e)]~~ Any legislative committee created by a statute, other than the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 ***, the Sunset Committee of the Legislature created by NRS 232B.210, the Committee on Public Lands created by NRS 218E.510*** or an interim legislative committee, may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(f)]~~ ***(e)*** The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 may request the drafting of not more than 6 legislative measures which relate to matters within the scope of the Committee.

~~[(g)]~~ ***(f) The Sunset Committee of the Legislature created by NRS 232B.210 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the Committee, except that the Committee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.***

(g) The Committee on Public Lands created by NRS 218E.510 may request the drafting of not more than 4 legislative measures which relate to matters within the scope of the Committee.

(h) Any committee or subcommittee established by an order of the Legislative Commission pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee or subcommittee may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(h)]~~ ***(i)*** Any other committee established by the Legislature which conducts an interim legislative study or investigation may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation.

➥ The requests authorized pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 2. NRS 218E.110 is hereby amended to read as follows:

218E.110 1. "Committee" means the Legislative Commission, a Joint Interim Standing Committee ***, the Sunset Committee of the Legislature created by NRS 232B.210*** and any other legislative committee or subcommittee created by ***the provisions of this chapter or*** a specific statute, concurrent resolution or order of the Legislative Commission to conduct studies or investigations or perform any other legislative business during the legislative interim.

2. ***The term includes, without limitation, any interim, advisory or other similar committee or subcommittee for which legislative staff members serve as the primary administrative or professional staff.***

3. The term does not include any legislative committee or subcommittee appointed by the Legislature or either House to conduct or perform legislative business during a regular or special session, including, without limitation, any joint, standing, temporary, special or select committee or committee of the whole.

Sec. 3. NRS 218E.125 is hereby amended to read as follows:

218E.125 1. The provisions of NRS 218E.105 to 218E.140, inclusive, are intended to supplement the other provisions of this chapter and any other ~~[law]~~ ***laws or rules*** governing the legislative proceedings of a committee, ***including, without limitation, any applicable principles of parliamentary law,*** and the provisions of NRS 218E.105 to 218E.140, inclusive, do not limit the application of such other ~~[provisions.]~~ ***legal authorities.***

2. The powers, privileges and immunities granted by the provisions of NRS 218E.105 to 218E.140, inclusive, are in addition to any other powers, privileges and immunities recognized by ~~[law,]~~ ***any other laws or rules, including, without limitation, any applicable principles of parliamentary law,*** and all such powers, privileges and immunities are cumulative, so that the application or attempted application of any one does not bar the application or attempted application of any other.

Sec. 4. NRS 218E.130 is hereby amended to read as follows:

218E.130 1. A committee may conduct investigations and hold hearings regarding any matter which is pertinent to its legislative business or possible future legislative action and may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

2. The secretary of the committee or any member of the committee may administer oaths to witnesses who appear before the committee.

3. The chair of the committee, or the secretary of the committee on behalf of the chair, may cause the deposition of witnesses to be taken, whether the

witnesses reside within or without the State, in the manner prescribed by court rules for taking depositions in civil actions in the district court.

4. The chair of the committee may take, direct or require any necessary and reasonable actions to carry out the committee's management, government, budget, meetings and proceedings, subject to the laws and rules governing the committee, including, without limitation, any applicable principles of parliamentary law.

5. If a vacancy occurs in the position of chair of the committee, or if the chair is prohibited or disqualified from participating or acting on a particular matter for any reason or is absent, disabled or otherwise unavailable or unable to carry out the position for any reason, the vice chair of the committee shall serve as the acting chair, with all the powers, privileges and immunities of the position of chair, until the vacancy is filled or the chair is eligible, available or able to carry out the position again, as applicable.

Sec. 5. NRS 218E.320 is hereby amended to read as follows:

218E.320 1. There are hereby created the following Joint Interim Standing Committees of the Legislature:

(a) Commerce and Labor;

(b) Education;

(c) Government Affairs;

(d) Growth and Infrastructure;

(e) Health and Human Services;

(f) Judiciary;

(g) Legislative Operations and Elections;

(h) Natural Resources; and

(i) Revenue.

2. Each Joint Interim Standing Committee consists of eight regular members and five alternate members. As soon as is practicable after the adjournment of each regular session ~~[.]~~ ***and not later than October 31 immediately following such adjournment:***

(a) The Speaker of the Assembly shall appoint three members of the Assembly as regular members of each Committee and two members of the Assembly as alternate members of each Committee.

(b) The Minority Leader of the Assembly shall appoint two members of the Assembly as regular members of each Committee and one member of the Assembly as an alternate member of each Committee.

(c) The Majority Leader of the Senate shall appoint two Senators as regular members of each Committee and one Senator as an alternate member of each Committee.

(d) The Minority Leader of the Senate shall appoint one Senator as a regular member of each Committee and one Senator as an alternate member of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly, the Majority Leader of the Senate and the Minority Leaders of the Senate and Assembly shall consult so that, to the extent practicable:

(a) At least five of the regular members appointed to each Joint Interim Standing Committee served on the corresponding standing committee or committees during the preceding regular session.

(b) Not more than five of the regular members appointed to each Joint Interim Standing Committee are members of the same political party.

4. The Legislative Commission shall ~~[select]~~ ***appoint*** the Chair and Vice Chair of each Joint Interim Standing Committee from among the members of the Committee ~~[.]~~ ***and shall make such appointments as soon as is practicable after the adjournment of each regular session and not later than October 31 immediately following such adjournment.*** The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. ~~[Each of those officers]~~

5. Except as otherwise provided in this section, each Chair and Vice Chair holds the position ***, while qualified,*** until a successor is appointed after the next regular session. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original ~~[selection]~~ ***appointment*** for the remainder of the unexpired term.

~~[5.]~~ ***6. Except as otherwise provided in this subsection, a member of a Joint Interim Standing Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session.*** The membership of any member of a Joint Interim Standing Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

~~[6.]~~ ***7.*** Vacancies on a Joint Interim Standing Committee must be filled in the same manner as original appointments.

Sec. 6. NRS 218E.325 is hereby amended to read as follows:

218E.325 1. Except as otherwise ordered by the Legislative Commission, the members of a Joint Interim Standing Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or his or her designee shall act as the nonvoting recording Secretary of each Joint Interim Standing Committee.

3. Five members of a Joint Interim Standing Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee, except that any recommended legislation proposed by ~~[a]~~ ***the*** Committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly serving on the Committee.

4. ***All requests for the drafting of recommended legislation approved by a Joint Interim Standing Committee must be made in accordance with NRS 218D.160.***

5. If an alternate member of a Joint Interim Standing Committee attends a meeting of the Committee in place of a regular member who cannot attend the meeting, the alternate member who attends the meeting must be of the same political party as the regular member. When acting in place of a regular member, an alternate member has all the powers, privileges and immunities of a regular member.

6. Except during a regular or special session, for each day or portion of a day during which a member of a Joint Interim Standing Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

~~[~~

7. The compensation, per diem allowances and travel expenses of the members of a ***Joint Interim Standing*** Committee must be paid from the Legislative Fund.

Sec. 7. NRS 218E.330 is hereby amended to read as follows:

218E.330 1. A Joint Interim Standing Committee may:

(a) Evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session;

(b) Exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive; and

(c) Within the limits of the Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.

2. In addition to the authorized scope of issues set forth in paragraph (a) of subsection 1:

(a) The Joint Interim Standing Committee on Health and Human Services shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to child welfare.

(b) The Joint Interim Standing Committee on the Judiciary shall, either as part of its regular work or through appointment of a subcommittee, evaluate and review issues relating to juvenile justice.

(c) The Joint Interim Standing Committee on ~~[~~Legislative Operations and Elections~~]~~ ***Government Affairs*** may evaluate and review issues relating to governmental purchasing, including, without limitation, recommendations submitted to the Joint Interim Standing Committee by the Commission to Study Governmental Purchasing pursuant to NRS 332.215.

3. The Legislative Commission shall review and approve the budget and work program of each Joint Interim Standing Committee and any changes to the budget or work program.

4. A Joint Interim Standing Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director for distribution to the next regular session.

Sec. 8. NRS 218E.500 is hereby amended to read as follows:

218E.500 The Legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this State.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the State and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the State and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that ~~[a subcommittee on matters relating to public lands]~~ ***the Committee on Public Lands*** be assigned primary responsibility for participating in them.

Sec. 8.3. NRS 218E.505 is hereby amended to read as follows:

218E.505 As used in NRS 218E.500 to 218E.525, inclusive, unless the context otherwise requires, ~~["Subcommittee"]~~ ***"Committee"*** means the ~~[Subcommittee]~~ ***Committee*** on Public Lands **.** ~~[of the Joint Interim Standing Committee on Natural Resources.]~~

Sec. 8.5. NRS 218E.510 is hereby amended to read as follows:

218E.510 1. There is hereby created the ~~[Subcommittee]~~ ***Committee*** on Public Lands **,** ~~[of the Joint Interim Standing Committee on Natural Resources,]~~ consisting of ***eight*** members appointed by the ~~[Chair of the Joint Interim Standing Committee on Natural Resources,]~~ ***Legislative Commission,*** who must include:

(a) ~~[Two]~~ ***Three*** members of the Senate ~~[who are]~~ ***of which:***

(1) Two members ~~[of]~~ ***must be selected from the majority party; and***

(2) One member must be selected from the ~~[Joint Interim Standing Committee on Natural Resources;]~~ ***minority party;***

(b) ~~[Two]~~ ***Three*** members of the Assembly ~~[who are]~~ ***of which:***

(1) Two members ~~[of]~~ ***must be selected from the majority party; and***

(2) One member must be selected from the ~~[Joint Interim Standing Committee on Natural Resources;]~~ ***minority party;***

(c) One elected officer representing the governing body of a local political subdivision, appointed with appropriate regard for his or her experience with and knowledge of matters relating to public lands; and

(d) One member representing tribal governments in Nevada who is recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, appointed with appropriate regard for his or her experience with and knowledge of matters relating to public lands ***.*** ~~[;]~~

2. The members who are Legislators must be appointed to provide representation from the various geographical regions of the State.

3. The ~~[Chair of the Joint Interim Standing Committee on Natural Resources]~~ ***Legislative Commission*** shall appoint a Chair of the ~~[Subcommittee]~~ ***Committee*** from one House and a Vice Chair of the ~~[Subcommittee]~~ ***Committee*** from the other House. ~~[Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.]~~

4. ~~[Any]~~ ***Except as otherwise provided in this subsection, a member of the Committee holds his or her membership on the Committee, while qualified, until a successor is appointed after the next regular session. The membership of any*** member of the ~~[Subcommittee]~~ ***Committee*** described in paragraph (a), (b) or (c) of subsection 1 who ~~[is]~~ ***does*** not ***become*** a candidate for reelection or who is defeated for reelection ~~[continues to serve]~~ ***terminates on the day next*** after the general election ***.*** ~~[until the next regular or special session convenes.~~

~~5. Vacancies on~~ ***The Legislative Commission may appoint a member to fill*** the ~~[Subcommittee must be filled in]~~ ***vacancy for*** the ~~[same manner as original appointments.~~

~~6.]~~ ***remainder of the unexpired term.***

5. The Chair of the ~~[Joint Interim Standing Committee on Natural Resources]~~ ***Legislative Commission*** may appoint alternates for members of the ~~[Subcommittee.]~~ ***Committee.*** The Chair of the ~~[Subcommittee:]~~ ***Committee:***

(a) May designate an alternate appointed by the Chair of the ~~[Joint Interim Standing Committee on Natural Resources]~~ ***Legislative Commission*** to serve in place of a regular member who is unable to attend a meeting; and

(b) Shall, for a member who is a Legislator, designate an alternate appointed by the Chair of the ~~[Joint Interim Standing Committee on Natural Resources]~~ ***Legislative Commission*** who is ~~[a member]~~ of the ~~[same House and]~~ ***same***

political party as the regular member to serve in place of the regular member if one is available.

Sec. 8.7. NRS 218E.515 is hereby amended to read as follows:

218E.515 1. Except as otherwise ~~[ordered by]~~ ***provided in this section or*** the ~~[Legislative Commission, the members of the Subcommittee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair of the Subcommittee or a majority]~~ ***provisions*** of ***NRS 218E.500 to 218E.525, inclusive,*** the ~~[Subcommittee.~~

~~2. The Research Director or the Research Director's designee shall act as the nonvoting recording Secretary.~~

~~3. The Subcommittee shall prescribe rules for its own management and government.~~

~~4.]~~ ***provisions of NRS 218E.320, 218E.325 and 218E.330:***

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

2. A majority of the members of the ~~[Subcommittee]~~ ***Committee*** constitutes a quorum, and a quorum may exercise all the power and authority conferred on the ~~[Subcommittee.~~

~~5.]~~ ***Committee.***

3. Except during a regular or special session, for each day or portion of a day during which members of the ~~[Subcommittee]~~ ***Committee*** who are Legislators attend a meeting of the ~~[Subcommittee]~~ ***Committee*** or are otherwise engaged in the business of the ~~[Subcommittee,]~~ ***Committee,*** the members are entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

~~[6.]~~ ***4.*** All such compensation, per diem allowances and travel expenses of the members of the ~~[Subcommittee]~~ ***Committee*** who are Legislators must be paid from the Legislative Fund.

~~[7.]~~ ***5.*** The member of the ~~[Subcommittee]~~ ***Committee*** who represents a local political subdivision is entitled to receive the subsistence allowances and

travel expenses provided by law for his or her position for each day of attendance at a meeting of the ~~[Subcommittee]~~ ***Committee*** and while engaged in the business of the ~~[Subcommittee,]~~ ***Committee,*** to be paid by the local political subdivision.

~~[8.]~~ ***6.*** While engaged in the business of the ~~[Subcommittee,]~~ ***Committee,*** to the extent of legislative appropriation, the member of the ~~[Subcommittee]~~ ***Committee*** who represents tribal governments is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 9. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. ~~[The Subcommittee]~~ ***During each legislative interim, the Committee on Public Lands shall hold at least three meetings where the primary physical location for the meeting is:***

(a) Located in a different county for each such meeting; and

(b) Not located in Clark County, Washoe County or Carson City for each such meeting,

➥ except that this subsection does not prohibit any additional physical locations for such a meeting from being located in Clark County, Washoe County or Carson City and connected to the primary physical location for the meeting through the use of any authorized remote-technology system or otherwise prohibit the use of any authorized remote-technology system for such a meeting. As used in this subsection, "authorized remote-technology system" has the meaning ascribed to it in NRS 218A.806.

2. In addition to any other powers or duties, the Committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the ~~[Subcommittee]~~ ***Committee*** and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the ~~[Subcommittee]~~ ***Committee*** in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the ~~[Subcommittee]~~ ***Committee*** or by a majority of the members of the ~~[Subcommittee.]~~ ***Committee.***

~~[2.]~~ ***3.*** Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 10. NRS 218E.525 is hereby amended to read as follows:

218E.525 ~~[1. The Subcommittee shall:]~~ ***In addition to any other powers or duties, the Committee on Public Lands:***

1. Shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

~~[2. The Subcommittee:~~

~~(a) Shall review]~~

(d) Review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof**.** ~~[;~~

~~(b) Shall submit recommendations for legislation to the Joint Interim Standing Committee on Natural Resources;~~

~~(c) Shall, on or before January 15 of each odd-numbered year, submit to the Joint Interim Standing Committee on Natural Resources for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(d)~~ ***2.*** May review and comment on other issues relating to water resources in this State, including, without limitation:

~~(1)~~ ***(a)*** The laws, regulations and policies regulating the use, allocation and management of water in this State; and

~~(2)~~ ***(b)*** The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 11. NRS 218E.555 is hereby amended to read as follows:

218E.555 1. There is hereby created the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System . ~~consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with~~

2. The Committee consists of eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320, except that the members of the Committee must be appointed, to the extent practicable:

(a) With appropriate regard for their experience with and knowledge of matters relating to the management of natural resources ~~. The members must be appointed to~~ ***; and***

(b) To provide representation from the various geographical regions of the State.

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The members of the Committee shall elect a Chair from one House and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year.~~

~~4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. Vacancies on the Committee must be filled in the same manner as original appointments.~~

~~6. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.~~

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management,

government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 12. NRS 218E.750 is hereby amended to read as follows:

218E.750 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs ~~[, consisting of six members,]~~ is hereby created.

2. The ~~[membership of the]~~ Committee consists of ~~[:~~

~~(a) Three members of the Senate appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party; and~~

~~(b) Three members of the Assembly appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.~~

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.~~

~~3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.~~

~~5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.]~~ ***eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.***

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim

Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 13. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***1. "Legislative committee" means any committee, subcommittee, commission or similar body created or authorized by the Legislature or either House to conduct or perform legislative business at the direction of or on behalf of the Legislature or either House.***

2. The term includes, without limitation, any interim, advisory or other committee, subcommittee, commission or similar body for which legislative staff members serve as the primary administrative or professional staff.

Sec. 15. ***"Legislative committee investigative meeting, event or trip" means any meeting, event or trip that the chair of a legislative committee authorizes as an official meeting, event or trip of the committee in order for the members of the committee and legislative staff members to investigate or otherwise receive any education or information on matters that are pertinent to the committee's legislative business or possible future legislative action.***

Sec. 16. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.033 to 218H.110, inclusive, ***and sections 14 and 15 of this act,*** have the meanings ascribed to them in those sections.

Sec. 17. NRS 218H.045 is hereby amended to read as follows:

218H.045 1. "Educational or informational meeting, event or trip" means any meeting, event or trip undertaken or attended by a Legislator ~~[if,]~~ ***or legislative officer, or any legislative staff member with the approval of his or her chief administrative supervisor, if*** in connection with the meeting, event or trip:

(a) The Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household ***,*** receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator ***, legislative officer or legislative staff member*** provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator ~~[.]~~ ***or the Legislative Branch.***

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include:

(a) A meeting, event or trip undertaken or attended by a Legislator ***, legislative officer or legislative staff member,*** or a member of ~~[the~~

~~Legislator's~~] ***his or her*** household **,** for personal reasons or for reasons relating to any professional or occupational license held by the ~~[Legislator or the member of the Legislator's household,]~~ ***person,*** unless the ~~[Legislator or the member of the Legislator's household]~~ ***person*** participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

(b) A meeting, event or trip undertaken or attended by a Legislator **,** ***legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household **,** if the meeting, event or trip is undertaken or attended as part of his or her bona fide employment or service as an employee or independent contractor and anything of value received by the ~~[Legislator or the member of the Legislator's household]~~ ***person*** for the meeting, event or trip or otherwise paid for or reimbursed to the ~~[Legislator or the member of the Legislator's household]~~ ***person*** as part of his or her bona fide employment or service as an employee or independent contractor.

(c) A party, meal, function or other social event to which every Legislator is invited where educational or informational displays or materials are available but no formal speech, presentation or other similar action to educate or inform the Legislators occurs.

(d) A legislative committee investigative meeting, event or trip.

4. For the purposes of this section, "anything of value" includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator **,** ***legislative officer or legislative staff member,*** or a member of ~~[the Legislator's]~~ ***his or her*** household **,** or reimbursement for any such actual expenses paid by the ~~[Legislator or a member of the Legislator's household,]~~ ***person,*** if the expenses are incurred on a day during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** undertakes or attends the meeting, event or trip or during which the ~~[Legislator or a member of the Legislator's household]~~ ***person*** travels to or from the meeting, event or trip.

5. For the purposes of this section, if a legislative staff member undertakes or attends a meeting, event or trip that meets the definition of "educational or informational meeting, event or trip" set forth in this section, the legislative staff member is not subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive, unless the legislative staff member is a public officer or candidate or a member of a public officer's or candidate's household for the purposes of that Act.

Sec. 18. NRS 218H.050 is hereby amended to read as follows:

218H.050 1. "Expenditure" means any of the following acts by a lobbyist while the Legislature is in a regular or special session:

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value; or

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure.

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 19. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value, unless consideration of equal or greater value is received.

2. The term does not include:

(a) Any political contribution of money or services related to a political campaign.

(b) Any commercially reasonable loan made in the ordinary course of business.

(c) Anything of value provided for an educational or informational meeting, event or trip ~~[.]~~ ***or a legislative committee investigative meeting, event or trip.***

(d) The cost of a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages provided at the party, meal, function or other social event. For the purposes of this paragraph, there is a presumption that every Legislator is invited if the party, meal, function or other social event is held at any governmental building, facility or other property or the invitation for or notice of the party, meal, function or other social event indicates that it is a legislative event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from a person who is:

(1) Related to the recipient, or to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity; or

(2) A member of the recipient's household.

(g) Anything of value received by a person as part of his or her bona fide employment or service as an employee or independent contractor or otherwise paid for or reimbursed to the person as part of his or her bona fide employment or service as an employee or independent contractor.

Sec. 20. NRS 218H.092 is hereby amended to read as follows:

218H.092 "Member of the ~~[~~Legislator's~~]~~ ***person's*** household" ~~[~~means~~]~~ ***or "member of his or her household," or any variation thereof, means:***

1. For a person who is ***subject to the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive,*** a member of ~~[~~the Legislator's~~]~~ ***his or her*** household for the purposes of ***that Act.***

2. For any other person, a substantially similar member of his or her household as if the Nevada Financial Disclosure Act in NRS 281.5555 to 281.581, inclusive ~~.]~~ ***, applied to the person but only for the limited purposes of this definition.***

Sec. 21. NRS 176.0129 is hereby amended to read as follows:

176.0129 ***1.*** The Office of Finance shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:

~~[1.]~~ ***(a)*** In a facility or institution of the Department of Corrections;

~~[2.]~~ ***(b)*** On probation;

~~[3.]~~ ***(c)*** On parole; and

~~[4.]~~ ***(d)*** Serving a term of residential confinement,

➥ during the 10 years immediately following the date of the projection.

2. On or before December 1 of each year, the Office of Finance shall prepare an annual report of the review and projections made by the independent contractor pursuant to subsection 1 and provide the report to:

(a) The Joint Interim Standing Committee on the Judiciary; and

(b) The Department of Sentencing Policy.

Sec. 22. NRS 193.309 is hereby amended to read as follows:

193.309 1. Each law enforcement agency shall annually make available to the public and on a monthly basis submit to the Central Repository a report that includes, without limitation, a compilation of statistics relating to incidents involving the use of force that occurred during the immediately preceding calendar year, or month, as applicable, including, without limitation:

(a) The number of complaints against peace officers employed by the law enforcement agency relating to the use of force and the number of such complaints that were substantiated; and

(b) A compilation of statistics relating to incidents involving the use of force that, for each incident, includes, without limitation, all information collected by the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

2. Each law enforcement agency shall submit the report required pursuant to subsection 1 in a manner approved by the Director of the Department of Public Safety and in accordance with the policies, procedures and definitions of the Department.

3. The Central Repository shall make the use-of-force data submitted by each law enforcement agency pursuant to subsection 1 available for access by the public on the Internet website of the Central Repository.

4. The Central Repository may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

5. To the extent of legislative appropriation, the Office of the Attorney General shall:

(a) Review the use-of-force data that is publicly available on the Internet website of the Central Repository;

(b) Prepare a report containing any conclusions or recommendations resulting from its review; and

(c) On or before December 1 of each year, submit to the Governor ***, the Joint Interim Standing Committee on the Judiciary*** and ~~[to]~~ the Director of the Legislative Counsel Bureau for transmittal to the Legislature the report prepared pursuant to paragraph (b).

6. Each law enforcement agency in this State shall participate in the National Use-of-Force Data Collection of the Federal Bureau of Investigation.

7. Information collected pursuant to this section must not be introduced into evidence or otherwise used in any way against a peace officer during a criminal proceeding.

8. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) The Department of Corrections;

(5) The police department for the Nevada System of Higher Education;

(6) Any political subdivision of this State employing park rangers to enforce laws within its jurisdiction; or

(7) Any political subdivision of this State which has as its primary duty the enforcement of law and which employs peace officers to fulfill its duty.

Sec. 23. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to subparagraph (3) of paragraph (a) of subsection 3 or subparagraph (2) of paragraph (a) of subsection 4 of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended , ~~[~~:

~~(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the Joint Interim Standing Committee on the Judiciary and the State Board of Examiners.~~

~~(b) For construction,]~~ the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 24. NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the

Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:

(a) A personal guarantee to secure an amount fixed by the Director of:

(1) For a contract that does not relate to construction, not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; or

(2) For a contract that relates to construction, not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract,

➥ or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department. The Director shall appear before the ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** to explain the reasons for the amount fixed by the Director for any personal guarantee or surety bond.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 25. NRS 209.4818 is hereby amended to read as follows:

209.4818 1. The ~~[Joint Interim Standing Committee on the Judiciary]~~ ***Interim Finance Committee*** shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) ~~[Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;~~

~~(c)]~~ Report to the Legislature on any ~~[other]~~ matter relating to industrial programs for correctional institutions that it deems appropriate;

~~[(d)]~~ ***(c)*** Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

~~[(e)]~~ ***(d)*** Before any new industrial program is established by the Director, review the proposed program for compliance with the requirements of subsections 2, 3, 4 and 7 of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

~~[(f)]~~ ***(e)*** Review each state-sponsored industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. If the Committee determines that a program has incurred a net loss in 3 consecutive fiscal years, the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.

2. Upon the request of the ~~[Joint Interim Standing Committee on the Judiciary,]~~ ***Interim Finance Committee,*** the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that

the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, "state-sponsored industry program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 26. Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 232B.210 to 232B.240, inclusive, unless the context otherwise requires, "Sunset Committee" or "Committee" means the Sunset Committee of the Legislature created by NRS 232B.210.

Sec. 27. NRS 232B.210 is hereby amended to read as follows:

232B.210 1. The Sunset ~~[Subcommittee of the Legislative Commission, consisting of nine members,]~~ ***Committee of the Legislature*** is hereby created.

2. The ~~[membership of the Sunset Subcommittee]~~ ***Committee*** consists of ~~[:~~

~~(a) Three voting members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;~~

~~(b) Three voting members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and~~

~~(c) Three nonvoting members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.~~

~~2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.~~

~~3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.~~

~~4. The voting members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.~~

~~6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.~~

~~7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Four voting members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.~~

~~8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:~~

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~➥ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.~~

~~9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~] ***eight regular members and five alternate members who are appointed in the same manner as the members of a Joint Interim Standing Committee pursuant to NRS 218E.320.***

3. Except as otherwise provided in this section, the provisions of NRS 218E.320, 218E.325 and 218E.330:

(a) Apply to the Committee in the same manner as a Joint Interim Standing Committee, including, without limitation, providing the Committee with any powers, privileges and immunities set forth in those provisions; and

(b) Control the Committee's formation, organization and operations, including, without limitation, its membership, officers, management, government, budget, compensation, allowances, expenses, meetings and proceedings, but the Committee shall not be deemed a Joint Interim Standing Committee for the purposes of the number of requests that it may submit for the drafting of legislative measures pursuant to NRS 218D.160.

4. If there is a conflict between the provisions of NRS 218E.320, 218E.325 and 218E.330 and the provisions of a specific statute that applies to the Committee, the provisions of the specific statute control.

Sec. 28. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall review not less than 10 boards and commissions specified in subsection 1 ***during*** each legislative interim.

3. Any action taken by the ~~[Sunset Subcommittee]~~ ***Committee*** concerning a board or commission pursuant to NRS 232B.210 to ~~[232B.250,]~~ ***232B.240,*** inclusive, ***and section 26 of this act*** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 29. NRS 232B.230 is hereby amended to read as follows:

232B.230 1. Each board and commission subject to review by the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall submit information to the ~~[Sunset Subcommittee]~~ ***Committee*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The name of the board or commission;

(b) The name of each member of the board or commission;

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

(f) The authority by which the board or commission was created;

(g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;

(h) The duties of the board or commission;

(i) The operating budget of the board or commission;

(j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;

(k) The most recent audit conducted of the board or commission, if any;

(l) The dates of the immediately preceding six meetings held by the board or commission;

(m) A statement of the objectives and programs of the board or commission;

(n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;

(o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and

(p) Such other information as the ~~[Sunset Subcommittee]~~ ***Committee*** may require.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

Sec. 30. NRS 232B.235 is hereby amended to read as follows:

232B.235 1. At any time during a legislative interim, if the Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** determines that a board or commission subject to ***its*** review ~~[by the Sunset Subcommittee]~~ should be audited, the ~~[Sunset Subcommittee]~~ ***Committee*** shall make such a recommendation to the Legislative Commission. The ~~[Sunset Subcommittee]~~ ***Committee*** shall include with its recommendation a summary of the justification for the recommendation.

2. After receiving a recommendation from the ~~[Sunset Subcommittee]~~ ***Committee*** pursuant to subsection 1, the Legislative Commission shall evaluate the recommendation and determine whether to direct the Legislative Auditor to perform an audit of the board or commission pursuant to NRS 218G.120. In making its determination, the Legislative Commission shall consider the current workload of the Audit Division of the Legislative Counsel Bureau.

3. The Legislative Auditor shall not perform more than four audits directed by the Legislative Commission pursuant to this section during a legislative interim.

Sec. 31. NRS 232B.237 is hereby amended to read as follows:

232B.237 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the ~~[Sunset Subcommittee]~~ ***Committee*** on a form prescribed by the ~~[Sunset Subcommittee.]~~ ***Committee.*** The information must include, without limitation:

(a) The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405,

544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626;

(b) The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630 and 706.4626; and

(c) The reasons for such determinations of disqualification.

3. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 32. NRS 232B.240 is hereby amended to read as follows:

232B.240 1. The Sunset ~~[Subcommittee of the Legislative Commission]~~ ***Committee*** shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.

2. The ~~[Sunset Subcommittee]~~ ***Committee*** shall consider any report submitted to it by the Legislative Counsel Bureau.

3. ***The Committee may exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.***

4. A board or commission has the burden of proving that there is a public need for its continued existence.

Sec. 33. NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. ~~[If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency,~~

~~the Legislative Counsel shall also deliver one copy of the approved or revised text of the regulation to the Joint Interim Standing Committee on Health and Human Services.]~~

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

Sec. 34. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. ~~[If the agency is a licensing board~~

~~as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Joint Interim Standing Committee on Health and Human Services within 10 days after the regulation is filed with the Secretary of State.~~

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 35. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency may prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the administration of lands in the State of Nevada that are under federal management. The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council and the ~~[Subcommittee]~~ ***Committee*** on Public Lands ***;*** ~~[of the Joint Interim Standing Committee on Natural Resources;]~~ and

(c) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

3. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or statements of policy to the Governor, the Legislature, the ~~[Subcommittee]~~ ***Committee*** on Public Lands ~~[of the Joint Interim Standing Committee on Natural Resources]~~ or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; and

(b) The ~~[Subcommittee]~~ ***Committee*** on Public Lands **.** ~~[of the Joint Interim Standing Committee on Natural Resources.]~~

4. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 36. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto and shall make recommendations with respect to those laws to the next regular session of the Legislature.

3. On or before July 1 of each even-numbered year, the Commission shall submit a written report to the Joint Interim Standing Committee on ~~[Legislative Operations and Elections]~~ ***Government Affairs*** that includes any recommendations of the Commission for legislation relating to governmental purchasing.

Sec. 37. NRS 388.887 is hereby amended to read as follows:

388.887 1. The State Board shall create a subcommittee to review and make recommendations on the manner in which to provide age-appropriate and historically accurate instruction about the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, in social studies and language arts courses of study.

2. The review conducted and any recommendations made by the subcommittee pursuant to this section must include, without limitation:

(a) The manner in which to modify the curricula of relevant courses in social studies and language arts to include the instruction described in this section;

(b) An inventory of available classroom resources for educators to meet the requirements of this section;

(c) The professional development that may be necessary or appropriate for a teacher who provides the instruction described in this section; and

(d) Consideration of any similar instruction provided in another state or school district.

3. The subcommittee shall link current standards with community resources that may assist in the implementation of the instruction described in subsection 1. The subcommittee shall review the manner in which the current standards support comprehensive education regarding the Holocaust and other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and Rwandan genocides, including, without limitation, by:

(a) Preparing pupils to confront the immorality of the Holocaust, other genocides, such as the Armenian, Cambodian, Darfur, Guatemalan and

Rwandan genocides, and other acts of mass violence and to reflect on the causes of related historical events;

(b) Addressing the breadth of the history of the Holocaust, including, without limitation, the dictatorship of the Third Reich, the system of concentration camps, the persecution of both Jewish and non-Jewish people, the resistance to the Third Reich and the Holocaust by both Jewish and non-Jewish people and the various trials that occurred after the end of World War II;

(c) Developing the respect of pupils for cultural diversity and helping pupils to gain insight into the importance of international human rights for all people;

(d) Promoting the understanding of pupils of how the Holocaust contributed to the need for the term "genocide" and led to international legislation that recognized genocide as a crime;

(e) Communicating the impact of personal responsibility, civic engagement and societal responsiveness;

(f) Stimulating the reflection of pupils on the role and responsibility of citizens in democratic societies to combat misinformation, indifference and discrimination through the development of critical thinking skills and through tools of resistance such as protest, reform and celebration;

(g) Providing pupils with opportunities to contextualize and analyze patterns of human behavior by persons and groups who belong in one or more categories, including, without limitation, perpetrator, collaborator, bystander, victim and rescuer;

(h) Enabling pupils to understand the ramifications of prejudice, racism and stereotyping;

(i) Preserving the memories of survivors of genocide and providing opportunities for pupils to discuss and honor the cultural legacies of survivors;

(j) Providing pupils with a foundation for examining the history of discrimination in this State;

(k) Including in curricula the use of personal narratives and multimedia primary source materials, which may include, without limitation, video testimony, photographs, artwork, diary entries, letters, government documents, maps and poems; and

(l) Exploring the various mechanisms of transitional and restorative justice that help humanity move forward in the aftermath of genocide.

4. The subcommittee must be composed of the Superintendent of Public Instruction, or his or her designee, and the following members appointed by the Superintendent:

(a) Three members representing the Governor's Advisory Council on Education Relating to the Holocaust created by NRS 233G.020;

(b) Three members representing nonprofit organizations that have developed curricula regarding the Holocaust for use in public schools;

(c) At least one member representing a school district in which 60,000 or more pupils are enrolled;

(d) At least one member representing a school district in which fewer than 60,000 pupils are enrolled;

(e) At least one member representing a charter school located in this State;

(f) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding the Armenian genocide; and

(g) At least one member representing nonprofit organizations that have developed curricula for use in public schools regarding genocides other than the Holocaust and the Armenian genocide.

5. On or before ~~[October]~~ ***July*** 1 of each even-numbered year, the State Board shall report its findings and any recommendations to the Joint Interim Standing Committee on Education, including, without limitation, any recommendations made by the subcommittee pursuant to subsection 1, as well as any actions the State Board has taken or intends to take to include the instruction in the relevant courses pursuant to subsection 2.

6. On or before ~~[February 1]~~ ***August 31*** of each ~~[odd-numbered]~~ ***even-numbered*** year, the Joint Interim Standing Committee on Education shall consider the report submitted by the State Board and prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature concerning the Committee's consideration of the matters described in this section and any recommendations for legislation to ensure the instruction described in this section is included in the curricula for the relevant courses.

7. As used in this section:

(a) "Genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group and includes, without limitation, genocides and other acts of mass atrocities identified by the United States Holocaust Memorial Museum:

(1) Killing members of the group;

(2) Causing serious bodily or mental harm to members of the group;

(3) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(4) Imposing measures intended to prevent births within the group; and

(5) Forcibly transferring children of the group to another group.

(b) "Holocaust" means the systematic, bureaucratic, state-sponsored persecution and murder of approximately 6,000,000 Jewish persons and 5,000,000 other persons by the Nazi regime and its collaborators.

Sec. 38. NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher or an education support professional with at least 5 consecutive years of experience teaching or serving as an education support professional, as applicable, in a public school in this State;

(b) Be currently employed as a teacher or an education support professional and actively teaching or serving as an education support professional, as applicable, in a public school in this State, and remain employed as a teacher or an education support professional, as applicable, in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2023, the Department shall prescribe a uniform application for a teacher or an education support professional to use to apply to serve on the Task Force.

3. A teacher or an education support professional who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the Joint Interim Standing Committee on Education on or before ~~[January 15]~~ ***December 1*** of an ~~[even-numbered]~~ ***odd-numbered*** year. On or before February 15 of each even-numbered year, the Joint Interim Standing Committee on Education shall select one or more teachers or education support professionals, as applicable, to serve as a member of the Task Force.

Sec. 39. NRS 449.242 is hereby amended to read as follows:

449.242 1. Except as otherwise provided in subsection 4, each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to NRS 449.2423 and a documented staffing plan as required pursuant to NRS 449.2421. Each staffing committee established pursuant to this subsection must consist of:

(a) Not less than one-half of the total regular members of the staffing committee from the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital. The members described in this paragraph must consist of:

(1) One member representing each unit of the hospital who is a licensed nurse who provides direct patient care on that unit, elected by the licensed nursing staff who provide direct patient care on the unit that the member will represent.

(2) One member representing each unit of the hospital who is a certified nursing assistant who provides direct patient care on that unit, elected by the certified nursing assistants who provide direct patient care on the unit that the member will represent.

(b) Not less than one-half of the total regular members of the staffing committee appointed by the administration of the hospital.

(c) One alternate member representing each unit of the hospital who is a licensed nurse or certified nursing assistant who provides direct patient care on that unit, elected by the licensed nursing staff and certified nursing assistants who provide direct patient care on the unit that the member represents.

2. Each time a new staffing committee is formed pursuant to subsection 1, the administration of the hospital shall hold an election to select the members described in paragraphs (a) and (c) of subsection 1. Each licensed nurse and certified staffing assistant who provides direct patient care at the hospital must be allowed at least 3 days to vote for:

(a) The regular member described in paragraph (a) of subsection 1 who will represent his or her unit and profession; and

(b) The alternate member described in paragraph (c) of subsection 1 who will represent his or her unit.

3. If a vacancy occurs in a position on a staffing committee described in paragraph (a) or (c) of subsection 1, a new regular or alternate member, as applicable, must be elected in the same manner as his or her predecessor.

4. If a staffing committee is established for a health care facility described in subsection 1 through collective bargaining with an employee organization representing the licensed nursing staff and certified nursing assistants of the health care facility:

(a) The health care facility is not required to form a staffing committee pursuant to that subsection; and

(b) The staffing committee established pursuant to the collective bargaining agreement shall be deemed to be the staffing committee established for the health care facility pursuant to subsection 1.

5. In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of NRS 449.2423 regarding requests to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

6. The staffing committee of a hospital shall meet at least quarterly.

~~[7. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:~~

~~(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.~~

~~(b) Odd-numbered year to the Joint Interim Standing Committee on Health and Human Services.]~~

Sec. 40. (Deleted by amendment.)

Sec. 40.5. **NRS 514A.110 is hereby amended to read as follows:**

514A.110 ~~[A]~~

1. Except as otherwise provided in this section, a permanent regulation adopted by the:

~~[1.]~~ ***(a)*** Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;

~~[2.]~~ ***(b)*** Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

~~[3.]~~ ***(c)*** Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and

~~[4.]~~ ***(d)*** State Environmental Commission pursuant to NRS 519A.160,

➥ is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067. After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations, as appropriate.

2. If the Mining Oversight and Accountability Commission fails to review a permanent regulation described in subsection 1 within 90 days after the date on which the regulation was adopted, the regulation may be approved without such a review pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067 and becomes effective in accordance with the provisions of NRS 233B.070.

Sec. 41. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 42. 1. If the provisions of any other statute or any other act or resolution passed by the Legislature conflict with the provisions of this act because they assign a power, duty or legislative study or investigation to a legislative committee, subcommittee or other body abolished by the provisions of this act or because they require the submission of a report, document or other information to a legislative committee, subcommittee or other body abolished by the provisions of this act:

(a) The conflicting provisions of the other statute, act or resolution are superseded and abrogated by the provisions of this act; and

(b) The power, duty or legislative study or investigation shall be deemed assigned to, or the report, document or other information shall be deemed required to be submitted to, the appropriate Joint Interim Standing Committee created by NRS 218E.320 which has jurisdiction over the subject matter, except that if the subject matter falls within the jurisdiction of more than one Joint Interim Standing Committee, the Legislative Commission shall decide and resolve the matter in a manner that is consistent with the intent of the Legislature as determined by the Legislative Commission.

2. The Legislative Counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes and supplements to the Nevada Administrative Code:

(a) Make any revisions that are necessary to carry out the provisions of this section; and

(b) Change any references to a legislative committee, subcommittee or other body which has been abolished by the provisions of this act, or whose name has been changed or whose responsibilities have been transferred by the

provisions of this act, so that such references refer to the appropriate legislative committee, subcommittee or other body.

3. As used in this section, "legislative study or investigation" includes, without limitation:

(a) Any interim legislative study or investigation; or

(b) Any legislative study or investigation assigned to a statutory legislative committee, subcommittee or other body.

Sec. 43. NRS 218E.560, 218E.755, 232B.250 and 439B.225 are hereby repealed.

Sec. 44. 1. This section and sections 1 to 21, inclusive, and 23 to 43, inclusive, of this act become effective upon passage and approval.

2. Section 22 of this act becomes effective on the date that the Director of the Department of Public Safety determines that there is sufficient funding to carry out the provisions of NRS 193.309.

LEADLINES OF REPEALED SECTIONS

218E.560 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.755 Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs: Meetings; quorum; compensation, allowances and expenses of members.

232B.250 Recommendations.

439B.225 Committee to review certain regulations proposed or adopted by licensing boards; recommendations to Legislature.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 263.

Bill read second time and ordered to third reading.

Senate Bill No. 323.

Bill read second time and ordered to third reading.

Senate Bill No. 407.

Bill read second time and ordered to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 918.

AN ACT making an appropriation to and authorizing the expenditure of money by the Department of Taxation for the continued development and implementation of the Unified Tax System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Taxation for the continued development and implementation of the Unified Tax System the following sums:

For the Fiscal Year 2025-2026.....$12,457,960

For the Fiscal Year 2026-2027.....$15,281,906

2. Expenditure of $5,000,000 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2025-2026 and Fiscal Year 2026-2027 by the Department of Taxation for the same purpose as set forth in subsection 1.

3. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year and may be transferred from one fiscal year to the other fiscal year with the approval of the Interim Finance Committee upon the recommendation of the Governor.**

4. Any remaining balance of the sums appropriated by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 498.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 899.

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to the Nevada System of Higher Education to expand undergraduate and graduate nursing programs **and for academic programming and building renovations** at institutions within the System. (BDR S-1200)

AN ACT making ~~[an appropriation]~~ **appropriations** to the Nevada System of Higher Education to expand undergraduate and graduate nursing programs **and for academic programming and building renovations** at institutions within the System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to expand undergraduate and graduate nursing programs at institutions within the Nevada System of Higher Education the following sums:

For the Fiscal Year 2025-2026.....$10,000,000

For the Fiscal Year 2026-2027.....$10,000,000

2. The money appropriated by subsection 1:

(a) May be used only for operating costs associated with expanding such undergraduate and graduate nursing programs, including, without limitation, costs related to faculty, staff and equipment; and

(b) Must not be used for capital expenditures, including, without limitation, the construction of new facilities.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 1.3. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $2,500,000 for the Nevada State University budget account to support academic programming at the North Las Vegas site of the Nevada State University.**

Sec. 1.5. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $1,511,999 for the Western Nevada College budget account for the renovation of the Aspen Building on the campus of Western Nevada College.**

Sec. 1.7. **Any remaining balance of an appropriation made by section 1.3 or 1.5 of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to**

which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 165.
Bill read second time and ordered to third reading.

Senate Bill No. 170.
Bill read second time and ordered to third reading.

Senate Bill No. 172.
Bill read second time and ordered to third reading.

Senate Bill No. 175.
Bill read second time and ordered to third reading.

Senate Bill No. 217.
Bill read second time and ordered to third reading.

Senate Bill No. 231.
Bill read second time and ordered to third reading.

Senate Bill No. 257.
Bill read second time and ordered to third reading.

Senate Bill No. 275.
Bill read second time and ordered to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 300.
Bill read second time and ordered to third reading.

Senate Bill No. 344.
Bill read second time and ordered to third reading.

Senate Bill No. 376.
Bill read second time and ordered to third reading.

Senate Bill No. 389.
Bill read second time and ordered to third reading.

Senate Bill No. 400.
Bill read second time and ordered to third reading.

Senate Bill No. 504.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Senate Bills Nos. 62, 74, 217, 300, and 323 be taken from their place on the General File and be rereferred to the Committee on Ways and Means.
Motion carried.

Assemblymember Monroe-Moreno moved to rescind the motion whereby Senate Bill No. 74 was rereferred to the Committee on Ways and Means.
Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 135, 465, 466, 494.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 135.
Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 465.
Assemblymember Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 466.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 494.
Assemblymember Jauregui moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 397.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 898.

AN ACT relating to higher education; revising provisions governing ~~[the waiver]~~ **certain waivers** of fees **provided** by the Board of Regents of the University of Nevada **; revising the criteria of eligibility for a waiver of fees by the Board of Regents** for ~~[certain]~~ persons who ~~[have experienced homelessness;]~~ **and or were unaccompanied for a certain period of time; revising the criteria of eligibility for a waiver of fees by the Board of Regents for certain Native American students; providing for the continuity of waivers previously provided to certain students who are identified as homeless or unaccompanied pupils;** repealing certain provisions requiring the Chancellor of the Nevada System of Higher Education to cause to be analyzed certain natural materials upon the request of a resident of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, or in certain cases, requires the Board of Regents of the University of Nevada to grant a waiver of the payment of certain fees, including registration and laboratory fees, assessed against certain students. Existing law generally requires those students who are granted a waiver by the Board of Regents to maintain a cumulative grade point average of 2.0 on a 4.0 grading scale and prescribes certain other qualifications of eligibility for each such waiver. (NRS 396.544, 396.5442, 396.5443, 396.5445, 396.5446, 396.5448, 396.5449) Sections 1.1-1.8 of this bill standardize provisions and qualifications for each waiver that the Board of Regents may grant to certain students. Specifically, sections 1.1-1.4 and 1.6 require the amount of each waiver to be equal to the full balance of registration fees, laboratory fees and all other mandatory fees assessed against a student after all scholarships, grants and other financial assistance, not including loans, to which the student is entitled for that semester are applied to the balance of such fees owed by the student for the semester. Section 1.5 establishes a similar requirement for a waiver of not less than half of all registration fees, laboratory fees and all other mandatory fees that the Board of Regents may waive for a veteran enrolled in certain graduate programs. (NRS 396.5446) Sections 1.1-1.8 require each student seeking a waiver to, for each year for which the student seeks a waiver, complete: (1) the Free Application for Federal Student Aid; or (2) an alternative form for financial aid provided by the school in which the student is enrolled, if the student is ineligible under federal law to complete the Free Application for Federal Student Aid. Sections 1.1-1.8 also replace requirements that each student maintain a certain cumulative grade point average with a requirement that a student to whom a waiver is granted meet satisfactory academic progress, as determined by the school in which the student is enrolled.

Existing law authorizes the Board of Regents ~~[of the University of Nevada]~~ to grant a waiver of registration fees and laboratory fees for a person who is identified as a homeless or unaccompanied pupil. (NRS 396.5448). **Section ~~[1]~~ 1.7** of this bill requires, rather than authorizes, the Board of Regents to grant the waiver and revises the criteria that a person is required to meet to qualify for the waiver. Specifically, **section ~~[1]~~ 1.7** requires that a person: (1) be 25 years of age or less when the person enrolls in the Nevada System of Higher Education; (2) ~~[have experienced homelessness]~~ for a period of not less than 6 months at any time after the person attained the age of ~~[12]~~ **13** years, but before attaining the age of 25 years ~~[;]~~ **, was unaccompanied** and ~~[(3)]~~ **who,** during that period ~~[, have received services from certain agencies or organizations in this State whose purpose is to provide services to young persons experiencing homelessness. Section 1 requires a person who is seeking the waiver to complete the Free Application for Federal Student Aid and provides for the adjustment of the amount of the waiver based on the amount of federal educational benefits the person receives.]~~ **, was also homeless or self-supporting and at risk of becoming homeless.** **Section ~~[1]~~ 1.7** also limits the waiver to persons who are enrolled in an undergraduate degree program at a school within the System.

Existing law authorizes the Board of Regents to request documentation from a person requesting ~~[the]~~ **such a** waiver to verify that the person meets the criteria required to qualify for the waiver. (NRS 396.5448) **Section ~~[1]~~ 1.7** requires, rather than authorizes, the Board of Regents to request documentation to verify that the person ~~[has experienced homelessness for]~~ **was unaccompanied and homeless or self-supporting and at risk of becoming homeless for** a period of not less than 6 months after attaining ~~[12]~~ **13** years of age, but before attaining 25 years of age. ~~[Section 1 also requires the Board of Regents to request certain documentation to verify that the person received services from certain agencies or organizations based in this State while the person was experiencing homelessness.]~~ **Section 3 of this bill makes the changes made to this waiver by section 1.7 effective on July 1, 2026. Section 1.9 of this bill requires the Board of Regents to continue providing a waiver of fees through July 1, 2030, to a student who received the waiver between July 1, 2024, and July 1, 2026, and as of July 1, 2026, is enrolled in the System and who would otherwise be eligible to continue receiving the waiver, based on the criteria established for the waiver in effect on July 1, 2025.**

Existing law requires the Board of Regents to waive all registration fees, laboratory fees and any other mandatory fees assessed against a student who is a member of a federally recognized Indian tribe or nation or certified as a descendant of an enrolled member of such an Indian tribe or nation and who is: (1) a bona fide resident of this State; (2) a member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State; or (3) has been a resident of this State for not less than 1 year and is currently a resident

on qualified tribal land, whether his or her actual residence is located within or outside of this State. (NRS 369.5449) Section 1.8 instead provides that, to qualify for the waiver, a member of a federally recognized Indian tribe or nation or a certified descendant of an enrolled member of such an Indian tribe or nation must: (1) be a bona fide resident of this State; (2) be a member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State, and have graduated from a high school in this State; or (3) currently be a resident on qualified tribal land, regardless of whether the person is a resident of this State and regardless of whether the actual residence of the person is located within the boundaries of this State.

Existing law requires the Chancellor of the System to direct an appropriate person employed by the System to analyze any ores, minerals, soil or water taken from within the boundaries of this State which are sent to the Chancellor by any resident of this State for the purpose of performing such an analysis. (NRS 396.620-396.660) **Section 2** of this bill repeals this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 396.5448 is hereby amended to read as follows:~~

~~396.5448 1. The Board of Regents [may] *shall* grant a waiver of *the payment of* registration fees , [and] laboratory fees *and other mandatory fees that are assessed each semester* for a person who [is identified as a homeless or unaccompanied pupil. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.] :~~

~~*(a) Is 25 years of age or less on the date on which the person enrolls in the System;*~~

~~*(b) Is enrolled in the System as a full-time or part-time undergraduate student;*~~

~~*(c) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 each year that the person:*~~

~~*(1) Seeks a waiver pursuant to this section; and*~~

~~*(2) Is eligible to receive federal student aid pursuant to 20 U.S.C. § 1091;*~~

~~*(d) Has experienced homelessness for a period of not less than 6 months at any time after the person attained the age of 12 years, but before the person attained the age of 25 years; and*~~

~~*(e) While the person was experiencing homelessness, received services from:*~~

~~*(1) A public agency or organization that provides services to persons experiencing homelessness in this State; or*~~

~~*(2) A nonprofit or community-based organization:*~~

~~*(I) That is based in this State;*~~

~~*(II) Whose purpose is to provide services for young persons experiencing homelessness; and*~~

~~*(III) That receives funding from the State, a political subdivision of the State or the Federal Government for the specific purpose of enabling the organization to provide support to such persons.*~~, 2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

3. ~~[~~A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.~~]~~ ~~*For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to subsection 1, including, without limitation, tuition charges assessed pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.*~~

4. The Board of Regents ~~[~~may~~]~~ ~~*shall*~~ request documentation from a person requesting a waiver pursuant to subsection 1 ~~[~~as it deems necessary~~]~~ to verify that such a person ~~[~~was a homeless or unaccompanied pupil.

5. As used in this section:

(a) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6). ~~*has:*~~

~~*(a) Experienced homelessness for a period of not less than 6 months after attaining 12 years of age and before attaining 25 years of age, except that a person who provides documentation which meets the standards under 20 U.S.C. § 1087uu-2(a) and related federal regulations shall not be required to submit any additional documentation for this purpose; and*~~

~~*(b) Received services from an agency or organization described in paragraph (c) of subsection 1.*~~

~~*5. The documentation required pursuant to paragraph (b) of subsection 4 must be in the form of a signed statement from the director of an agency or organization described in paragraph (c) of subsection 1, or the designee of the director of such an agency or organization, from which the person received services. The statement must:*~~

~~*(a) Affirm that the person received services from the agency or organization;*~~

~~*(b) Indicate the periods of time during which the person received services from the agency or organization; and*~~

~~*(c) Attest that the agency or organization meets the criteria described in paragraph (c) of subsection 1.*~~

~~*6. The amount of any waiver granted pursuant to subsection 1 must be equal to:*~~

~~*(a) If the person is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other*~~

~~*mandatory fees assessed against the person that remain unpaid after the person's account has been credited with the full amount of the federal educational benefits to which the person is entitled for that semester; or*~~

~~*(b) If the person is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the person for that semester.*~~

~~*7. As used in this section, "person who has experienced homelessness" has the meaning ascribed to the term "homeless person" in 42 U.S.C. § 11302.]*~~ **(Deleted by amendment.)**

Sec. 1.1. **NRS 396.544 is hereby amended to read as follows:**

396.544 1. The Board of Regents of the University of Nevada may grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for any member of the active Nevada National Guard, including, without limitation, a recruit, who attends a school within the System as a full-time or part-time student.

2. A member of the active Nevada National Guard who has reenlisted may, in lieu of using the waiver himself or herself and regardless of whether the member was granted a waiver pursuant to this section before reenlistment:

(a) Assign such a waiver to his or her spouse or child for credits applicable toward the course work required for the award to the spouse or child of an associate's degree, baccalaureate degree or certificate at any school within the System.

(b) Reassign such a waiver to his or her spouse or child, as applicable, if the person to whom the waiver was assigned pursuant to paragraph (a) does not use the waiver to attend a school within the System as a full-time or part-time student.

➥ For each period of reenlistment of a member, the benefit provided pursuant to this subsection may only be used by one eligible person.

3. ***The amount of any waiver granted, assigned or reassigned pursuant to subsection 1 or 2 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted, assigned or reassigned, as applicable, remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

4. For the purpose of assessing fees and charges against a person to whom a waiver is granted, assigned or reassigned pursuant to subsection 1 or 2, including, without limitation, tuition charges pursuant to NRS 396.540, such a person shall be deemed to be a bona fide resident of this State.

~~[4.]~~ ***5.*** A person must be a member in good standing of the active Nevada National Guard, including, without limitation, a recruit, at the beginning of and throughout the entire semester for which the waiver is granted.

~~[5.]~~ ***6.*** A person to whom a waiver is granted, assigned or reassigned pursuant to subsection 1 or 2 must ~~[maintain at least a 2.0 grade point average, on a 4.0 grading scale, each semester for which the waiver is granted, assigned or reassigned, or the equivalent of a 2.0 grade point average if a different grading scale is used.]~~ ***:***

(a) For every year for which the person is granted, assigned or reassigned a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[6.]~~ ***7.*** The Board of Regents may request the Adjutant General to verify the membership in the active Nevada National Guard of a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1.

~~[7.]~~ ***8.*** The Adjutant General shall:

(a) Upon receiving a request from the Board of Regents pursuant to subsection ~~[6.]~~ ***7,*** notify the Board of Regents in writing concerning the status and dates of membership of a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1.

(b) Maintain a record of any waiver that has been granted, assigned or reassigned pursuant to subsection 1 or 2 and the person to whom the waiver was assigned or reassigned.

(c) Before the beginning of each semester, certify in writing to the Board of Regents that a waiver has been properly assigned or reassigned to the person seeking to use the waiver to attend a school within the System.

~~[8.]~~ ***9.*** If a waiver is granted pursuant to subsection 1 for a recruit and the recruit does not enter full-time National Guard duty within 1 year after enlisting, the recruit shall reimburse the Board of Regents for all registration fees and laboratory fees waived on behalf of the recruit if the recruit's failure to enter full-time National Guard duty is attributable to his or her own conduct.

~~[9.]~~ ***10.*** As used in this section:

(a) "Full-time National Guard duty" has the meaning ascribed to it in 32 U.S.C. § 101(19).

(b) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(c) "Recruit" means a person who has enlisted in the Nevada National Guard but has not begun his or her required military duty.

~~[(c)]~~ ***(d)*** "Spouse" includes a domestic partner as set forth in NRS 122A.200.

Sec. 1.2. **NRS 396.5442 is hereby amended to read as follows:**

396.5442 1. The Board of Regents may grant a waiver of ***the payment of*** registration fees***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for a child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[A person is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for the semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be

prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3.]~~ ***4.*** A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment. A widow or widower may use a waiver granted pursuant to this section for 10 years after the date of the death of the member.

~~[4.]~~ ***5.*** The Board of Regents may request the Adjutant General to verify that a person is the child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

6. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.3. **NRS 396.5443 is hereby amended to read as follows:**

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is:

(a) A veteran of the Armed Forces of the United States who has been awarded the Purple Heart; or

(b) The child of such a veteran, if:

(1) The veteran is a bona fide resident of this State, or was a bona fide resident of this State at the time of his or her death; and

(2) The child of the veteran graduated from a high school located in this State.

2. The amount of ~~[the]~~ ***any*** waiver ***granted pursuant to subsection 1*** must be equal to ~~[:~~

~~(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

~~(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.]~~ ***the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the student for a semester remaining after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the student is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. ***To be eligible for a waiver pursuant to subsection 1, a student must:***

(a) For every year for which the student seeks a waiver:

(1) If the student is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the student is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the student for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the student is enrolled.

4. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

~~[4.]~~ ***5.*** For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

~~[5.]~~ ***6.*** The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart or the child of such a veteran than the waiver provided pursuant to this section if required for the receipt of federal money.

~~[6.]~~ ***7.*** A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

8. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.4. **NRS 396.5445 is hereby amended to read as follows:**

396.5445 1. The Board of Regents may grant a waiver of ***the payment of*** registration fees***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for a spouse or child of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[A person is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3.]~~ ***4.*** A spouse may use a waiver granted pursuant to this section for 10 years after the date on which the member of the Armed Forces was identified as a prisoner of war or missing in action. A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years

or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

~~[4.]~~ ***5.*** The Board of Regents may request such documentation as it deems necessary to verify that a person is the spouse or child of a member of the Armed Forces of the United States who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces.

6. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.5. **NRS 396.5446 is hereby amended to read as follows:**

396.5446 1. The Board of Regents may grant a waiver of not less than half of the total registration fees ***, laboratory fees*** and ***all*** other ***mandatory*** fees ***assessed each semester*** for a veteran who is a bona fide resident of this State if:

(a) The veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program within the fields of science, technology, engineering, arts, mathematics or health science designated as a critical need occupation by the Department of Employment, Training and Rehabilitation pursuant to NRS 232.932; and

(b) The veteran or a third party will pay the remainder of the registration fees and other fees of the graduate degree program.

➥ For the purpose of this subsection, a scholarship or a waiver of registration fees or other fees received by the veteran for any reason other than this subsection is deemed to be a payment by a third party.

2. ~~[A veteran is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to not less than half of the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the veteran to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the veteran is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the veteran maintains at least a 2.75 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.75 grade point average if a different scale is used.]~~ ***, a veteran must:***

(a) For every year for which the veteran seeks a waiver:

(1) If the veteran is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the veteran is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the veteran attends to evaluate the financial needs of the veteran for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the veteran is enrolled.

~~[3.]~~ ***4.*** As used in this section ~~[, "veteran"]~~ ***:***

(a) "Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 1.6. **NRS 396.5448 is hereby amended to read as follows:**

396.5448 1. The Board of Regents may grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and all other mandatory fees assessed each semester*** for a person who is identified as a homeless or unaccompanied pupil. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[A person is]~~ ***To be*** eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

3. A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board of Regents may request documentation from a person requesting a waiver pursuant to subsection 1 as it deems necessary to verify that such a person was a homeless or unaccompanied pupil.

5. ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

6. As used in this section:

(a) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(b) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 1.7. NRS 396.5448 is hereby amended to read as follows:

396.5448 1. The Board of Regents ~~[may]~~ ***shall*** grant a waiver of the payment of registration fees, laboratory fees and all other mandatory fees assessed each semester for a person who ~~[is identified as a homeless or unaccompanied pupil.]~~ ***:***

(a) Is 25 years of age or less on the date on which the person enrolls in the System;

(b) Is enrolled in the System as a full-time or part-time undergraduate student; and

(c) For a period of not less than 6 months at any time after the person attained the age of 13 years, was an unaccompanied youth and, during that period of time was also:

(1) A homeless youth; or

(2) Self-sustaining and at risk of becoming a homeless youth.

2. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

~~[2.]~~ ***3.*** To be eligible for a waiver pursuant to subsection 1, a person must:

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3. A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.]~~

4. The Board of Regents ~~[may]~~ ***shall*** request documentation from a person requesting a waiver pursuant to subsection 1 ~~[as it deems necessary]~~ to verify that such a person ~~[was a homeless or unaccompanied pupil.]~~ ***meets the criteria described in paragraph (c) of subsection 1, which may include, without limitation, documentation which meets the standards under 20 U.S.C. § 1087uu-2 and related federal regulations.***

5. The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

6. As used in this section:

(a) "Homeless ~~[pupil"]~~ ***youth"*** has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(b) "Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

(c) "Unaccompanied ~~[pupil"]~~ ***youth"*** has the meaning ascribed to ~~[the term "unaccompanied youth"]~~ ***it*** in 42 U.S.C. § 11434a(6).

Sec. 1.8. **NRS 396.5449 is hereby amended to read as follows:**

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who:

(a) Is a member of a federally recognized Indian tribe or nation or certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of a tribe or nation, regardless of membership status;

(b) Is eligible for enrollment in a school within the System, including, without limitation, enrollment in a dual credit course through a program for dual credit;

(c) Is:

(1) A bona fide resident of this State, as defined in NRS 396.540;

(2) A member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State ~~[,]~~ ***who graduated from a high school that is located within the boundaries of this State;*** or

(3) Currently a resident on qualified tribal land, ~~[whether]~~ ***regardless of whether*** his or her actual residence ~~[was]~~ ***is*** located within or outside of the boundaries of this State ***.*** ~~[, and has been such a resident for not less than 1 year;~~

~~(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and~~

~~(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090]~~

2. To be eligible for a waiver pursuant to section 1, a student must:

(a) For every year for which the student seeks a waiver, unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit ~~[.]~~ ***:***

~~[2.]~~ ***(1) If the student is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or***

(2) If the student is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the student attends to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the student is enrolled.

3. The amount of the waiver must be equal to the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

~~[3.]~~ ***4.*** The waiver must be granted to a student who enrolls in any course or program, whether for a degree or not, offered by a school within the System,

including, without limitation, a trade or vocational program, a graduate program, a professional program or a dual credit course through a program for dual credit, offered during any academic period, including courses offered during the summer and between terms or semesters.

~~[4.]~~ ***5.*** For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

~~[5.]~~ ***6.*** The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation.

~~[6.]~~ ***7.*** As used in this section:

(a) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(b) "Program for dual credit" means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.

~~[(b)]~~ ***(c)*** "Qualified tribal land" means any real property:

(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.

Sec. 1.9. **1. If, during the period beginning on July 1, 2024, and ending on July 1, 2026, the Board of Regents of the University of Nevada granted a waiver of fees pursuant to NRS 396.5448 to a student who, as of July 1, 2026, is enrolled in any program at a school within the Nevada System of Higher Education, the Board of Regents shall grant a waiver of the payment of the portion of registration fees, laboratory fees and any other mandatory fees:**

(a) Assessed against the student for the degree program or course of study for which the student had previously received a waiver during the period of time described in subsection 1; and

(b) That would otherwise be waived for the student by the Board of Regents pursuant to NRS 396.5448, as that section exists on July 1, 2025.

2. A person may use a waiver granted pursuant to this section until July 1, 2030.

3. The Board of Regents may establish policies and procedures to carry out the provisions of this section.

Sec. 2. NRS 396.620, 396.630, 396.640, 396.650 and 396.660 are hereby repealed.

Sec. 3. **1.** This ~~[act becomes]~~ **section and sections 1 to 1.6, inclusive, 1.8 and 2 of this act become** effective on July 1, 2025.

2. Sections 1.7 and 1.9 of this act become effective on July 1, 2026.

LEADLINES OF REPEALED SECTIONS

396.620 Analyses of ores, minerals, soil and water: Submission of samples by residents of this State; fee; maintenance of records and samples.

396.630 Assay to be run when same material sent from same district.

396.640 Analyses of samples in order received.

396.650 Limitations on number of samples and quantitative analyses.

396.660 Purpose and applicability of NRS 396.620 to 396.660, inclusive.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 463.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 866.

~~[CONTAINS UNFUNDED MANDATE (§30)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to insurance; ~~[imposing requirements governing]~~ **requiring certain health insurers to respond to requests for** prior authorization for medical or dental care ~~[; prohibiting an insurer from requiring prior authorization for covered emergency services or denying coverage for covered, medically necessary emergency services;]~~ **within a certain amount of time;** prohibiting ~~[an insurer]~~ **certain insurers** from requiring prior authorization for certain ~~[other]~~ **types of** medical care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain health insurers to require prior authorization before an insured may receive coverage for medical and dental care in certain circumstances. If an insurer requires prior authorization, existing law requires the insurer to: (1) file its procedure for obtaining prior authorization with the Commissioner of Insurance for approval; and (2) respond to a request for prior authorization within 20 days after receiving the request. (NRS 687B.225) ~~[This bill establishes additional requirements relating to the use of prior authorization for medical and dental care by health insurers, including Medicaid, the Children's Health Insurance Program and insurance for public employees.~~

~~Section 44 of this bill requires that the procedure for obtaining prior authorization for services reimbursable through Medicaid or the Children's Health Insurance Program on a fee-for-service basis includes: (1) a list of the~~

~~specific goods and services for which the Department of Health and Human Services requires prior authorization; and (2) the clinical review criteria used by the Department to evaluate requests for prior authorization. Section 44 also requires the Department to publish its procedure for obtaining prior authorization on its Internet website and update that website as necessary to account for any changes in the procedure. Section 44 prohibits the Department from denying a claim for payment for medical or dental care because of the failure to obtain prior authorization if the Department's procedures for obtaining prior authorization in effect on the date on which the care was provided did not require prior authorization for that care.~~

~~Section~~ **Sections 27 and 45** of this bill ~~requires the Department to approve or deny such a request, or request additional, medically relevant information~~ **require private insurers and insurers providing coverage for recipients of Medicaid and the Children's Health Insurance Program, respectively, to respond to a request for prior authorization** within ~~48 hours~~ **2 business days** after receiving the request ~~. Section 46 of this bill requires any adverse determination on a request for prior authorization for services reimbursable through Medicaid or the Children's Health Insurance Program on a fee-for-service basis to be made by a physician or, for a request relating to dental care, a dentist, who is licensed in this State and possesses certain other qualifications. Section 46 requires the Department, in certain circumstances, to allow the provider of health care who requested the prior authorization to discuss the issues involved in the request with the physician or dentist who is responsible for making a determination on the request. Section 46 requires the Department, upon making an adverse determination on a request for prior authorization, to transmit certain information to the recipient of benefits under Medicaid or the Children's Health Insurance Program to whom the request pertains, including information relating to the right of the recipient to appeal the adverse determination. Section 46 further requires: (1) the Department to establish a process for appeals that provides for the timely resolution of appeals submitted by recipients; and (2) a decision upholding an adverse determination on an appeal submitted by a recipient to be made by a physician or dentist who has qualifications beyond those required of a physician or dentist who evaluates initial requests for prior authorization. If the Department approves a request for prior authorization, section 47 of this bill requires the Department to pay the provider of health care the full applicable rate for the relevant care, except in certain circumstances.~~

~~Sections 18 and 47 of this bill provide that a request for prior authorization that has been approved by a public or private insurer, including Medicaid and the Children's Health Insurance Program, remains valid for: (1) 12 months; or (2) treatment related to a chronic condition, until the standard of treatment for that condition changes.~~ **, unless certain nationally recognized operating rules governing prior authorization would allow the insurer to have additional time to respond to the particular request. In such a case, sections 27 and 45 authorize an insurer to respond to the request within**

the period of time prescribed by the operating rules, unless doing so would result in the insurer responding to the request more than 7 calendar days after receiving the request.

Sections 19 and 48 of this bill prohibit ~~[an insurer]~~ **insurers** from requiring an insured to obtain prior authorization for ~~[~~certain medical care, including certain preventive care services. Sections 20 and 49 of this bill prohibit an insurer from requiring prior authorization for covered emergency services. Sections 20 and 49 prohibit an insurer from requiring that an insured or provider of health care notify the insurer earlier than the end of the business day immediately following the date of admission or the date on which the emergency services are provided. Sections 20 and 49 also require an insurer to respond to a request for prior authorization for certain follow-up care relating to the emergency care received by an insured within 60 minutes after receiving the request. Finally, Sections 20 and 49: (1) prohibit an insurer from denying coverage for covered medically necessary emergency services; and (2) establish a presumption of medical necessity under certain conditions.

Section 18 prohibits an insurer other than Medicaid from denying or imposing additional limits on a request for prior authorization that the insurer has previously approved if the care at issue in the request is provided within 45 business days after the date on which the insurer receives the request and certain other requirements are met. Section 21 of this bill requires such an insurer to exempt providers of health care from the requirement to obtain prior authorization for specific goods and services if the insurer has granted requests for prior authorization for those goods or services submitted by the provider at a rate of 80 percent or more during the previous year. Section 21 requires such an insurer to annually conduct reviews of each provider of health care in the network of the insurer to determine whether each such provider qualifies for an exemption. If the provider qualifies for an exemption, section 21 requires the insurer to automatically grant the exemption for the applicable goods and services, without requiring the provider to affirmatively request an exemption. Section 22 of this bill prescribes the requirements and procedure for such an insurer to revoke an exemption granted to a provider of health care. Section 22 also requires such an insurer to establish a procedure by which a provider of health care may appeal a revocation of an exemption.~~]~~ **: (1) certain preventive care services; (2) hospice care provided to pediatric patients; and (3) care provided to treat neonatal abstinence syndrome. Section 19 additionally prohibits insurers, other than those covering recipients of Medicaid or the Children's Health Insurance Program, from requiring prior authorization for: (1) outpatient services for the treatment of substance use disorder; and (2) the prescription of test strips for measuring blood glucose in persons with diabetes. Section 27** ~~[of this bill]~~ makes conforming changes to clarify that ~~[an]~~ **a private** insurer may not require prior authorization where prohibited by ~~[sections 19-21.]~~ **section 19.**

Sections 4-15 and 35-42 of this bill define certain terms relating to the process of obtaining and processing requests for prior authorization, and

sections 2 and 34 of this bill establish the applicability of those definitions. ~~[Sections]~~ **Section 23** ~~[and 52]~~ of this bill ~~[provide]~~ **provides** that if a private insurer ~~[or the Department]~~ violates any provision of **section** ~~[18-20 or 44-49]~~ **19 or 27** with respect to a particular request for prior authorization, that the request is deemed approved.

Section 28 of this bill requires a nonprofit hospital and medical or dental service corporation to comply with **sections** ~~[2-23.]~~ **2-26 of this bill. Section 29** of this bill requires the Director of the Department to administer the provisions of **sections 33-52** of this bill in the same manner as other provisions governing Medicaid. ~~[Sections 30, 31 and]~~ **Section 56** of this bill ~~[require plans of self-insurance for employees of local governments, the Public Employees' Benefits Program and]~~ **requires** plans of self-insurance for private employers, respectively, to comply with the requirements of **sections** ~~[2-27]~~ **19 and 27** to the extent applicable. **Section** ~~[33]~~ **15.5 of this bill** provides that a **health maintenance organization or other** managed care organization that provides services to recipients of Medicaid or the Children's Health Insurance Program **or members of the Public Employees' Benefits Program, or a utilization review organization that conducts utilization reviews for such entities,** is not subject to **sections** ~~[34-52, but must comply with sections 2-27. Section 55 requires the policies and procedures for coverage for prescription drugs under Medicaid to comply with sections 34-52.]~~ **2-27.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***As used in NRS 687B.225 and sections 2 to 26, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[***"Approval" means a determination by a health carrier or a utilization review organization that the medical care or dental care furnished or proposed to be furnished to an insured has been reviewed and, based on the information provided to the health carrier, satisfies the health carrier's criteria for medical necessity or appropriateness and the requested care or payment for the care is therefore approved.***]~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ***"Health carrier" has the meaning ascribed to it in NRS 695G.024, and includes, without limitation, an organization for dental care. The term additionally includes a utilization review organization, as defined in NRS 695G.085*** ~~***[.]***~~ ***, while acting in its capacity as a utilization review organization for a health carrier.***

Sec. 8. (Deleted by amendment.)

Sec. 9. ***"Insured" means a policyholder, subscriber, enrollee or other person covered by a health carrier.***

Sec. 10. (Deleted by amendment.)

Sec. 11. ***"Medically necessary" has the meaning ascribed to it in NRS 695G.055.***

Sec. 12. ~~***["Network" means a defined set of providers of health care who are under contract with a health carrier to provide health care services pursuant to a network plan offered or issued by the health carrier.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~***["Network plan" means a contract or policy of insurance offered by a health carrier under which the financing and delivery of medical or dental care is provided, in whole or in part, through a defined set of providers under contract with the health carrier.]***~~ **(Deleted by amendment.)**

Sec. 14. ***"Prior authorization" means:***

1. Any process by which a health carrier determines, before medical care or dental care that is otherwise covered by the health carrier is provided to an insured, that the medical care or dental care is medically necessary or medically appropriate with respect to the particular insured; or

2. Any requirement that an insured or a provider of health care of the insured notify the health carrier before medical or dental care is provided to the insured.

Sec. 15. ***"Provider of health care" has the meaning ascribed to it in NRS 695G.070.***

Sec. 15.5. The provisions of NRS 687B.225 and sections 2 to 26, inclusive, of this act, do not apply to:

1. A health maintenance organization or other managed care organization that enters into a contract with the Department of Health and Human Services or the Division of Health Care Financing and Policy of the Department pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or insurance under the Children's Health Insurance Program to the extent that the organization is providing such services.

2. A managed care organization that provides health care services to members of the Public Employees' Benefits Program or utilization review organization that conducts utilization reviews for a managed care organization that provides health care services to members of the Public Employees' Benefits Program while the utilization review organization is providing such services.

3. A utilization review organization that conducts utilization reviews for an entity described in subsection 1, while the utilization review organization is providing such services.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ~~*[1. If a health carrier approves a request for prior authorization, the approval remains valid until:*~~

~~*(a) Twelve months after the date on which the request is approved; or*~~

~~*(b) If the approval relates to the treatment of a chronic condition, until the standard of treatment for that condition changes.*~~

~~*2. A health carrier shall not revoke or impose an additional limit, condition or restriction on a request for prior authorization that the health carrier has previously approved unless:*~~

~~*(a) The care at issue in the request is not provided to the insured within 45 business days after the date on which the health carrier received the request; or*~~

~~*(b) The health carrier determines that an insured or provider of health care procured the approval by fraud or material misrepresentation.*~~

~~*3. As used in this section, "chronic condition" means a condition that is expected to last 1 year or more and:*~~

~~*(a) Requires ongoing medical attention to effectively manage the condition or prevent an event that adversely affects the health of the person; or*~~

~~*(b) Limits one or more activities of daily living.]*~~ **(Deleted by amendment.)**

Sec. 19. *1. A health carrier shall not require prior authorization for:*

(a) Outpatient services for the treatment of a substance use disorder.

(b) ~~*[Antineoplastic treatment for cancer, other than prescription drugs, that is consistent with the guidelines established by the National Comprehensive Cancer Network, or its successor organization.*~~

~~*(c)]*~~ *Evidence-based goods or services for preventive care that have in effect a grade of "A" or "B" identified by the United States Preventive Services Task Force.*

~~*[(d)]*~~ *(c) Preventive care for women described in 45 C.F.R. § 147.130(a)(1)(iv).*

~~*[(e)]*~~ *(d) Hospice care provided to pediatric patients in a facility for hospice care licensed pursuant to chapter 449 of NRS.*

~~*[(f)]*~~ *(e) Care provided to treat neonatal abstinence syndrome provided by a provider of health care who specializes in pain management for pediatric patients or palliative care provided to pediatric patients.*

~~*[(g)]*~~ *(f) The prescription of test strips for measuring blood glucose in persons with diabetes.*

~~*[(h) Psychiatric care provided by a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.]*~~

2. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Hospice care" has the meaning ascribed to it in NRS 449.0115.

Sec. 20. ~~[1. A health carrier shall not require prior authorization for emergency medical services covered by the health carrier, including, where applicable, transportation by ambulance to a hospital or other medical facility.~~

~~2. If a health carrier requires an insured or his or her provider of health care to notify the health carrier that the insured has been admitted to a hospital to receive emergency medical services or has received emergency medical services, the health carrier shall not require an insured or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the date on which the insured was admitted or the emergency medical services were provided, as applicable.~~

~~3. A health carrier shall not deny coverage for emergency medical services covered by the health carrier that are medically necessary. Emergency medical services are presumed to be medically necessary if, within 72 hours after an insured is admitted to receive emergency medical services, the provider of health care of the insured transmits to the health carrier a certification, in writing, that the condition of the insured required emergency medical services. The health carrier may rebut that presumption by establishing, by clear and convincing evidence, that the emergency medical services were not medically necessary.~~

~~4. If an insured receives emergency medical services and must additionally receive post-evaluation or post-stabilization medical care, and a health carrier requires prior authorization for the post-evaluation or post-stabilization care, the health carrier shall approve or deny a request for prior authorization for such care within 60 minutes after receiving the request.~~

~~5. A health carrier shall make all determinations for whether emergency medical services are medically necessary without regard to whether a provider of health care that provided or billed for those services participates in the network of the health carrier.~~

~~6. As used in this section:~~

~~(a) "Emergency medical services" means health care services that are provided in a medical facility by a provider of health care to screen and to stabilize an insured after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson who possesses average knowledge of health and medicine would believe that the absence of immediate medical attention could result in:~~

~~(1) Placing the health of the insured in serious jeopardy;~~

~~(2) Placing the health of an unborn child of the insured in serious jeopardy;~~

~~(3) A serious impairment of a bodily function of the insured; or~~

~~(4) A serious dysfunction of any bodily organ or part of the insured.~~

~~(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.]~~

(Deleted by amendment.)

Sec. 21. ~~[1. A health carrier shall exempt a provider of health care who participates in the network of the health carrier from the requirement~~

~~*to obtain prior authorization for a specific good or service if, within the immediately preceding 12 months, the health carrier approved 80 percent or more of the requests for prior authorization for that specific good or service submitted by the provider of health care. If a provider of health care qualifies for an exemption pursuant to this section, a health carrier shall:*~~

~~*(a) Automatically grant the exemption without requiring the provider of health care to submit a request for the exemption; and*~~

~~*(b) Transmit to the provider of health care after granting the exemption a notice that includes:*~~

~~*(1) A statement that the provider of health care has been granted an exemption from the requirement to obtain prior authorization from the health carrier for the specific goods and services listed pursuant to subparagraph (2);*~~

~~*(2) A list of goods and services to which the exemption applies; and*~~

~~*(3) The date on which the exemption expires, which must not be earlier than 12 months after the date on which the health carrier granted the exemption.*~~

~~*2. A health carrier shall provide for an annual review of the requests for prior authorization submitted by providers of health care who participate in the network of the health carrier to determine whether those providers meet the criteria prescribed by subsection 1 for an exemption from the requirement to obtain prior authorization. If a provider of health care is initially determined to be ineligible for an exemption based on such a review, the eligibility of the provider of health care to receive an exemption must be independently determined by a provider of health care who:*~~

~~*(a) Is licensed in this State;*~~

~~*(b) Is of the same or similar specialty as the provider of health care who is being evaluated for an exemption; and*~~

~~*(c) Has experience providing the good or service for which the exemption has been initially denied.*~~

~~*3. A provider of health care who is not granted an exemption from the requirement to obtain prior authorization for a particular good or service may, for that specific good or service, request from the health carrier any evidence that supported the decision of the health carrier to not grant the exemption for that good or service. A provider of health care may submit a request for supporting evidence pursuant to this subsection not more than once during a single 12-month period for each good or service for which the provider of health care has not been granted an exemption.*~~

~~*4. An exemption from the requirement to obtain prior authorization pursuant to this section applies to the provision of any good or service covered by the exemption which is provided or ordered by the provider of health care to whom the exception applies.*~~

~~*5. A health carrier shall not deny a claim or reduce the amount of payment paid under a claim for a good or service that is subject to an exemption pursuant to this section unless:*~~

~~(a) The provider of health care who submitted the claim knowingly and materially misrepresented the goods or services actually provided to an insured, and the provider of health care made the misrepresentation with the specific intent to obtain a payment from the health carrier to which the provider of health care is not legally or contractually entitled; or~~

~~(b) The service or good for which payment is sought was not substantially performed or provided, as applicable.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[1. Not more than once during a single 12-month period, a health carrier may reevaluate the eligibility of a provider of health care to receive an exemption from the requirement to obtain prior authorization pursuant to section 21 of this act.~~

~~2. A health carrier may, pursuant to subsection 1, revoke an exemption from the requirement to obtain prior authorization granted to a provider of health care only if the health carrier determines that the provider of health care would not have met the criteria prescribed in subsection 1 of section 21 of this act for the good or service to which the exemption applies based on:~~

~~(a) A retrospective review of claims submitted by the provider of health care for that good or service during the immediately preceding 3 months; or~~

~~(b) If the provider of health care did not submit at least 10 claims for that good or service during the immediately preceding 3 months, a retrospective review of at least the last 10 claims submitted by the provider of health care for that good or service.~~

~~3. If it is initially determined that a provider of health care meets the criteria prescribed in subsection 2 for the revocation of an exemption based on a review conducted pursuant to that subsection, the satisfaction of those criteria must be independently determined by a provider of health care described in subsection 2 of section 21 of this act before the health carrier may revoke the exemption.~~

~~4. A health carrier that revokes an exemption from the requirement to obtain prior authorization pursuant to subsection 2 shall transmit to the provider of health care to which the revocation pertains a notice that includes:~~

~~(a) The information that the health carrier relied upon when making the determination described in subsection 2;~~

~~(b) An identification of each good or service to which the revoked exemption applies;~~

~~(c) The date on which the revocation takes effect, which must not be earlier than 30 days after the date on which the health carrier transmits the notice; and~~

~~(d) A description, written in easily comprehensible language, of how the provider of health care may appeal the revocation pursuant to subsection 5.~~

~~5. A health carrier shall adopt a procedure by which a provider of health care may appeal the revocation of an exemption from the requirement to obtain prior authorization. If a provider of health care appeals a revocation of such exemption, the exemption must remain in effect:~~

~~*(a) If the revocation is reversed on appeal, until the next reevaluation pursuant to subsection 1 of the eligibility of the provider of health care to continue receiving the exemption.*~~

~~*(b) If the revocation is upheld on appeal, until the later of the 5th calendar day after the revocation is upheld or the date contained within the notice sent to the provider of health care pursuant to subsection 4.]*~~ **(Deleted by amendment.)**

Sec. 23. ***If a health carrier violates NRS 687B.225 or ~~[sections 17 to 20, inclusive,]~~ section 19 of this act with respect to a particular request for prior authorization, the request shall be deemed approved.***

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.0418, 689A.0437, 689A.044, 689A.0445, 689A.0459, 689B.031, 689B.0312, 689B.0313, 689B.0315, 689B.0317, 689B.0319, 689B.0374, 689B.0378, 689C.1665, 689C.1671, 689C.1675, 689C.1676, 695A.1843, 695A.1856, 695A.1865, 695A.1874, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.19197, 695B.1924, 695B.1925, 695B.1942, 695C.1696, 695C.1699, 695C.1713, 695C.1735, 695C.1737, 695C.1743, 695C.1745, 695C.1751, 695G.170, 695G.1705, 695G.171, 695G.1714, 695G.1715, 695G.1719 and 695G.177, ***and ~~[sections]~~ section 19 ~~[, 20 and 21]~~ of this act,*** any contract ~~[for group, blanket or individual health]~~ ***or policy of*** insurance ~~[or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care]~~ ***issued by a health carrier*** which provides for payment of a certain part of medical or dental care may require the insured ~~[or member]~~ to obtain prior authorization for that care from the ~~[insurer or organization. The insurer or organization]~~ ***health carrier. The health carrier*** shall:

(a) File its procedure for obtaining ~~[approval of care]~~ ***prior authorization*** pursuant to this section for approval by the Commissioner; and

(b) Unless a shorter time period is prescribed by a specific statute, including, without limitation, NRS 689A.0446, 689B.0361, 689C.1688, 695A.1859, 695B.19087, 695C.16932 and 695G.1703, ***and except as otherwise provided by subsection 2,*** respond to any request for ~~[approval]~~ ***prior authorization*** by the insured ~~[or member]~~ pursuant to this section within ~~[20]~~ ***:***

(1) Two business days after it receives the request ~~[.]~~ ***; or***

(2) If the Prior Authorization and Referrals Operating Rules prescribed by the Committee on Operating Rules for Information Exchange of the Council for Affordable Quality Healthcare, or its successor organization, would allow the health carrier more than 2 business days to respond to a particular request for prior authorization after receiving the request, the time period prescribed by the Rules.

2. ***Notwithstanding any time period prescribed by the Rules described in subparagraph (2) of paragraph (b) of subsection 1, a health carrier shall respond to a request for prior authorization within 7 calendar days after receiving the request.***

3. The Commissioner, in collaboration with the Department of Health and Human Services, shall review each revision to the Rules described in subparagraph (2) of paragraph (b) of subsection 1 to ensure their suitability for this State. If the Commissioner determines that a revision is not suitable for this State, the Commissioner shall give notice within 30 days after the hearing that the revisions are not suitable for this State. If the Commissioner gives such notice, a health carrier shall respond to any request for prior authorization that is submitted to the health carrier after the date on which such notice is given within 2 business days after receiving the request.

4. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 28. NRS 695B.320 is hereby amended to read as follows:

695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 17, 18 and 30 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, ***and sections 2 to 26, inclusive, of this act,*** 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."

Sec. 29. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 33 to 54, inclusive, of this act,***

422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 30. ~~[~~NRS 287.010 is hereby amended to read as follows:

~~287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:~~

~~(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and~~

~~employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.~~

~~(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.~~

~~(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 439.581 to 439.597, inclusive, 686A.135, ***paragraph (b) of subsection 1 of NRS 687B.225, subsection 2 of NRS 687B.225,*** 687B.352, 687B.408, 687B.692, 687B.723, 687B.725, 687B.805, 689B.030 to 689B.0317, inclusive, paragraphs (b) and (c) of subsection 1 of NRS 689B.0319, subsections 2, 4, 6 and 7 of NRS 689B.0319, 689B.033 to 689B.0369, inclusive, 689B.0375 to 689B.050, inclusive, 689B.0675, 689B.265, 689B.287 and 689B.500 ***and sections 2 to 26, inclusive, of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.~~

~~(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.~~

~~2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance~~

~~exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.~~

~~3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.~~

~~4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:~~

~~(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and~~

~~(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.~~

~~5. A contract that is entered into pursuant to subsection 3:~~

~~(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.~~

~~(b) Does not become effective unless approved by the Commissioner.~~

~~(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.~~

~~6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.~~] **(Deleted by amendment.)**

Sec. 31. ~~[~~NRS 287.04335 is hereby amended to read as follows:

~~287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, *paragraph (b) of subsection 1 of NRS 687B.225, subsection 2 of NRS 687B.225,* 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, *and sections 2 to 26, inclusive, of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.~~] **(Deleted by amendment.)**

Sec. 32. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 to 54, inclusive, of this act.

Sec. 33. ~~[*1. The provisions of sections 34 to 54, inclusive, of this act and any policies developed pursuant thereto do not apply to the delivery of services to recipients of Medicaid or the Children's Health Insurance Program through managed care in accordance with NRS 422.273.*~~

~~*2. A health maintenance organization or other managed care organization that enters into a contract with the Department or the Division pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program shall comply with NRS 687B.225 and sections 2 to 26, inclusive, of this act.*]~~ **(Deleted by amendment.)**

Sec. 34. ***As used in sections 34 to 54, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 35 to 43, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 35. ~~[*"Adverse determination":*~~

~~*1. Means a determination by the Department that the medical care or dental care furnished or proposed to be furnished to a recipient is not medically necessary, or is experimental or investigational, and the requested care or payment for the care is therefore denied, reduced or terminated.*~~

~~*2. Does not include the denial, reduction or termination of coverage or payment for medical care or dental care for a reason other than the medical necessity or experimental or investigational nature of the medical care or dental care at issue in a request for prior authorization, including, without limitation, the denial of coverage for medical care or dental care that is not covered under Medicaid or the Children's Health Insurance Program.*]~~ **(Deleted by amendment.)**

Sec. 36. ~~[*"Approval" means a determination by the Department that the medical care or dental care furnished or proposed to be furnished to a recipient has been reviewed and, based on the information provided to the Department, satisfies the Department's criteria for medical necessity or appropriateness and the requested care or payment for the care is therefore approved.*]~~ **(Deleted by amendment.)**

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 39.5. ***"Medicaid managed care entity" means:***

1. A health maintenance organization or other managed care organization that enters into a contract with the Department or the Division pursuant to NRS 422.273 to provide health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program; or

2. A utilization review organization, as defined in NRS 695G.085, that conducts utilization reviews for the Department or a health maintenance organization or managed care organization described in subsection 1 with

respect to Medicaid or the Children's Health Insurance Program, while acting in its capacity as a utilization review organization for the Department or the health maintenance organization or managed care organization.

Sec. 40. ~~[***"Medically necessary" has the meaning ascribed to it in NRS 695G.055.***]~~ **(Deleted by amendment.)**

Sec. 41. ~~[***"Provider of health care" means a person who participates in the State Plan for Medicaid or the Children's Health Insurance Program as a provider of goods or services.***]~~ **(Deleted by amendment.)**

Sec. 42. ***"Recipient" means a natural person who receives benefits through Medicaid or the Children's Health Insurance Program, as applicable.***

Sec. 43. (Deleted by amendment.)

Sec. 44. ~~[***1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall establish written procedures for obtaining prior authorization for medical or dental care which must include, without limitation:***

(a) Specific goods and services for which the Department requires prior authorization; and

(b) Clinical review criteria used by the Department.

2. The Department shall publish the written procedures for obtaining prior authorization established by the Department pursuant to subsection 1, including, without limitation, the clinical review criteria, on an Internet website maintained by the Department:

(a) Using clear language that is understandable to an ordinary layperson, where practicable; and

(b) In a place that is readily accessible and conspicuous to recipients and the public.

3. If the Department amends the procedure for obtaining prior authorization established pursuant to subsection 1, including, without limitation, changing the goods and services for which the Department requires prior authorization or changing the clinical review criteria used by the Department, the Department shall:

(a) Transmit a notice containing a summary of the changes made to the procedure to each recipient and each provider of goods or services under Medicaid or the Children's Health Insurance Program, as applicable; and

(b) Update the information published on its Internet website pursuant to subsection 2 to reflect the amended procedure for obtaining prior authorization and the date on which the amended procedure takes effect.

4. A change to the Department's procedure for obtaining prior authorization may not take effect until 60 days have passed after the later of:

(a) The date on which the Department transmitted the notice to recipients and providers of goods or services under Medicaid or the Children's Health Insurance Program, as applicable, pursuant to paragraph (a) of subsection 3; or

~~*(b) The date on which the Department updated the information published on its Internet website pursuant to paragraph (b) of subsection 3.*~~

~~*5. The Department shall not deny a claim based on the failure of a recipient to obtain prior authorization for medical or dental care if the procedure for obtaining prior authorization established by the Department pursuant to this section did not require the recipient to obtain prior authorization for that medical or dental care on the date on which the medical or dental care was provided to the recipient.*~~

~~*6. As used in this section, "clinical review criteria" means any written screening procedure, formulary decision abstract, clinical protocol, practice guideline or other criteria used by the Department to determine the necessity and appropriateness of medical or dental care.]*~~ **(Deleted by amendment.)**

Sec. 45. *1. Unless a shorter time period is prescribed by a specific statute, and except as otherwise provided in subsection 2, the Department ~~[,]~~ or a Medicaid managed care entity, with respect to Medicaid and the Children's Health Insurance Program, shall ~~[approve or deny]~~ respond to a request for prior authorization submitted by or on behalf of a recipient ~~[and notify the recipient and his or her provider of health care of the approval or denial]~~ within ~~[48 hours]~~ :*

(a) Two business days after receiving the request ~~[.]~~ ; or

(b) If the Prior Authorization and Referrals Operating Rules prescribed by the Committee on Operating Rules for Information Exchange of the Council for Affordable Quality Healthcare, or its successor organization, would allow the Department or Medicaid managed care entity more than 2 business days to respond to a particular request for prior authorization after receiving the request, the period of time prescribed by the Rules.

2. ~~[If the Department requires additional, medically relevant information or documentation in order to adequately evaluate a request for prior authorization, the Department shall:~~

~~*(a) Notify the recipient and the provider of health care who submitted the request within the applicable amount of time described in subsection 1 that additional information is required to evaluate the request;*~~

~~*(b) Include within the notification sent pursuant to paragraph (a) a description, with reasonable specificity, of the information that the Department requires to make a determination on the request for prior authorization; and*~~

~~*(c) Approve or deny the request within 48 hours after receiving the information.]*~~ *Notwithstanding any period of time prescribed by the Rules described in paragraph (b) of subsection 1, the Department or a Medicaid managed care entity shall respond to a request for prior authorization within 7 calendar days after receiving the request.*

3. The Department, in collaboration with the Commissioner of Insurance, shall review each revision to the Rules described in paragraph (b) of subsection 1 to ensure their suitability for Medicaid coverage in this State. If the Department determines that a revision is not suitable for

Medicaid coverage in this State, the Department shall give notice within 30 days after the hearing that the revisions are not suitable for Medicaid coverage in this State. If the Department gives such notice, the Department or a Medicaid managed care entity shall respond to any request for prior authorization that is submitted to the Department or Medicaid managed care entity, as applicable, after the date on which such notice is given within 2 business days after receiving the request.

Sec. 46. ~~[*1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall not make an adverse determination on a request for prior authorization unless the adverse determination is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State who:*~~

~~*(a) Is of the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request; and*~~

~~*(b) Has experience treating or managing the medical or dental condition involved in the request.*~~

~~*2. If a physician or dentist described in subsection 1 is considering making an adverse determination on a request for prior authorization on the basis that the medical or dental care involved in the request is not medically necessary, the Department shall:*~~

~~*(a) Immediately notify the provider of health care who submitted the request that the medical necessity of the requested care is being questioned by the Department; and*~~

~~*(b) Offer the provider of health care an opportunity to speak with the physician or dentist, as applicable, over the telephone or by videoconference to discuss the clinical issues involved in the request before the physician or dentist renders an initial determination on the request.*~~

~~*3. Upon rendering an adverse determination on a request for prior authorization, the Department shall immediately transmit to the recipient to whom the request pertains a written notice that contains:*~~

~~*(a) A specific description of all reasons that the Department made the adverse determination;*~~

~~*(b) A description of any documentation that the Department requested from the recipient or a provider of health care of the recipient and did not receive or deemed insufficient, if the failure to receive sufficient documentation contributed to the adverse determination;*~~

~~*(c) A statement that the recipient has the right to appeal the adverse determination;*~~

~~*(d) Instructions, written in clear language that is understandable to an ordinary layperson, describing how the recipient can appeal the adverse determination through the process established pursuant to subsection 4; and*~~

~~*(e) A description of any documentation that may be necessary or pertinent to a potential appeal.*~~

~~*4. The Department shall establish a process that allows a recipient to appeal an adverse determination on a request for prior authorization. The process must allow for the clear resolution of each appeal within a reasonable time.*~~

~~*5. The Department shall not uphold on appeal an adverse determination pertaining to a request for prior authorization unless the decision on the appeal is made by a physician licensed pursuant to chapter 630 or 633 of NRS or, for dental care, a dentist licensed in this State, who:*~~

~~*(a) Is actively practicing medicine or dentistry, as applicable, within the same or similar specialty as a physician or dentist, as applicable, who typically manages or treats the medical or dental condition or provides the medical or dental care involved in the request and has been actively practicing in that specialty for at least 5 consecutive years preceding the date on which the physician or dentist, as applicable, makes the determination on the appeal;*~~

~~*(b) Is knowledgeable of and has experience treating or managing the medical or dental condition involved in the request;*~~

~~*(c) Was not involved in making the adverse determination that is the subject of the appeal;*~~

~~*(d) Has no financial interest in the outcome of the request for prior authorization that is the subject of the appeal;*~~

~~*(e) Is not employed by or contracted with the Department or any administrator contracted by the Department except:*~~

~~*(1) To participate in Medicaid or the Children's Health Insurance Program as a provider of services;*~~

~~*(2) To make determinations on appeals of adverse determinations; or*~~

~~*(3) For the purposes described in both subparagraphs (1) and (2); and*~~

~~*(f) Considers all known clinical aspects of the medical or dental care involved in the request, including, without limitation:*~~

~~*(1) The medical records of the recipient that are provided or accessible to the Department, including those records provided to the Department by the recipient or a provider of health care of the recipient;*~~

~~*(2) The clinical review criteria adopted by the Department pursuant to section 44 of this act; and*~~

~~*(3) Medical or scientific evidence provided to the Department by the provider of health care who requested prior authorization for the care at issue.*~~

~~*6. As used in this section:*~~

~~*(a) "Administrator" has the meaning ascribed to it in NRS 683A.025.*~~

~~*(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.]*~~ **(Deleted by amendment.)**

Sec. 47. ~~*[1. If the Department approves a request for prior authorization, the approval remains valid until the later of:*~~

~~*(a) Twelve months after the date on which the request is approved; or*~~

~~*(b) If the approval relates to the treatment of a chronic condition, until the standard of treatment for that condition changes.*~~

~~*2. If the Department approves a request for prior authorization, the Department shall promptly pay a provider of health care for a claim for the approved medical or dental care at the full rate of reimbursement provided under Medicaid or the Children's Health Insurance Program, as applicable, unless:*~~

~~*(a) The provider of health care knowingly and materially misrepresented the medical care or dental care contained in the request with the specific intent to deceive and obtain a payment from the Department to which the provider of health care was not entitled; or*~~

~~*(b) The provider of health care was not a participating provider of services under Medicaid or the Children's Health Insurance Program, as applicable, on the date that the care was provided.*~~

~~*3. As used in this section, "chronic condition" means a condition that is expected to last 1 year or more and:*~~

~~*(a) Requires ongoing medical attention to effectively manage the condition or prevent an event that adversely affects the health of the person; or*~~

~~*(b) Limits one or more activities of daily living.]*~~ **(Deleted by amendment.)**

Sec. 48. *1. The Department ~~[,]~~ or a Medicaid managed care entity, with respect to Medicaid and the Children's Health Insurance Program, shall not require prior authorization for:*

(a) ~~[Outpatient services for the treatment of a mental health condition or substance use disorder.~~

~~*(b) Antineoplastic treatment for cancer, other than prescription drugs, that is consistent with the guidelines established by the National Comprehensive Cancer Network, or its successor organization.*~~

~~(c)]~~ Evidence-based goods or services for preventive care that have in effect a grade of "A" or "B" identified by the United States Preventive Services Task Force.

~~[(d)]~~ (b) Preventive care for women described in 45 C.F.R. § 147.130(a)(iv).

~~[(e)]~~ (c) Hospice care provided to pediatric patients in a facility for hospice care licensed pursuant to chapter 449 of NRS.

~~[(f)]~~ (d) Care provided to treat neonatal abstinence syndrome provided by a provider of health care who specializes in pain management for pediatric patients or palliative care provided to pediatric patients.

~~*[(g) The prescription of test strips for measuring blood glucose in persons with diabetes.*~~

~~*(h) Psychiatric care provided by a psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.]*~~

2. As used in this section:

(a) "Facility for hospice care" has the meaning ascribed to it in NRS 449.0033.

(b) "Hospice care" has the meaning ascribed to it in NRS 449.0115.

(c) "Provider of health care" means a person who participates in the State Plan for Medicaid or the Children's Health Insurance Program as a provider of goods or services.

Sec. 49. ~~*[1. The Department, with respect to Medicaid and the Children's Health Insurance Program, shall not require prior authorization for covered emergency services, including, where applicable, transportation by ambulance to a hospital or other medical facility.*~~

~~*2. If the Department requires a recipient or his or her provider of health care to notify the Department that the recipient has been admitted to a hospital to receive emergency services or has received emergency services, the Department shall not require a recipient or a provider of health care to transmit such a notice earlier than the end of the business day immediately following the date on which the recipient was admitted or the emergency services were provided, as applicable.*~~

~~*3. The Department shall not deny coverage for emergency services covered by Medicaid or the Children's Health Insurance Program that are medically necessary. Emergency services are presumed to be medically necessary if, within 72 hours after a recipient is admitted to receive emergency services, the provider of health care of the recipient transmits to the Department a certification, in writing, that the condition of the recipient required emergency services. The Department may rebut that presumption by establishing, by clear and convincing evidence, that the emergency services were not medically necessary.*~~

~~*4. If a recipient receives emergency services and must additionally receive post-evaluation or post-stabilization medical care, and the Department requires prior authorization for the post-evaluation or post-stabilization care, the Department shall approve or deny a request for prior authorization for such care within 60 minutes after receiving the request.*~~

~~*5. As used in this section:*~~

~~*(a) "Emergency services" means health care services that are provided in a medical facility by a provider of health care to screen and to stabilize a recipient after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson who possesses average knowledge of health and medicine would believe that the absence of immediate medical attention could result in:*~~

~~*(1) Placing the health of the recipient in serious jeopardy;*~~

~~*(2) Placing the health of an unborn child of the recipient in serious jeopardy;*~~

~~*(3) A serious impairment of a bodily function of the recipient; or*~~

~~*(4) A serious dysfunction of any bodily organ or part of the recipient.*~~

~~*(b) "Medical facility" has the meaning ascribed to it in NRS 449.0151.]*~~

(Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. ~~[~~*~~1. If the Department violates sections 44 to 51, inclusive, of this act with respect to a particular request for prior authorization, the request shall be deemed approved.~~*

~~2.]~~ *Nothing in sections 44 to 51, inclusive, of this act shall be construed to require the Department or a Medicaid managed care entity to provide coverage:*

~~[(a)]~~ *1. For medical or dental care that, regardless of whether such care is medically necessary, would not be a covered benefit under the terms and conditions of Medicaid or the Children's Health Insurance Program, as applicable; or*

~~[(b)]~~ *2. To a person who is not a recipient or is not otherwise eligible to receive coverage under Medicaid or the Children's Health Insurance Program, as applicable, on the date on which medical or dental care is provided to the person.*

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. ~~[~~NRS 422.403 is hereby amended to read as follows:

~~422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.~~

~~2. The Drug Use Review Board shall:~~

~~(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;~~

~~(b) Develop step therapy protocols and prior authorization policies and procedures *that comply with the provisions of sections 34 to 54, inclusive, of this act* for use by the Medicaid program for prescription drugs; and~~

~~(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.~~

~~3. The step therapy protocol established pursuant to this section must not apply to a drug approved by the Food and Drug Administration that is prescribed to treat a psychiatric condition of a recipient of Medicaid, if:~~

~~(a) The drug has been approved by the Food and Drug Administration with indications for the psychiatric condition of the insured or the use of the drug to treat that psychiatric condition is otherwise supported by medical or scientific evidence;~~

~~(b) The drug is prescribed by:~~

~~(1) A psychiatrist;~~

~~(2) A physician assistant under the supervision of a psychiatrist;~~

~~(3) An advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120; or~~

~~(4) A primary care provider that is providing care to an insured in consultation with a practitioner listed in subparagraph (1), (2) or (3), if the closest practitioner listed in subparagraph (1), (2) or (3) who participates in Medicaid is located 60 miles or more from the residence of the recipient; and~~

~~(c) The practitioner listed in paragraph (b) who prescribed the drug knows, based on the medical history of the recipient, or reasonably expects each alternative drug that is required to be used earlier in the step therapy protocol to be ineffective at treating the psychiatric condition.~~

~~4. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.~~

~~5. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.~~

~~6. As used in this section:~~

~~(a) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.~~

~~(b) "Step therapy protocol" means a procedure that requires a recipient of Medicaid to use a prescription drug or sequence of prescription drugs other than a drug that a practitioner recommends for treatment of a psychiatric condition of the recipient before Medicaid provides coverage for the recommended drug.~~ **(Deleted by amendment.)**

Sec. 56. NRS 608.1555 is hereby amended to read as follows:

608.1555 Any employer who provides benefits for health care to his or her employees shall provide the same benefits and pay providers of health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS, including, without limitation, as required by ***paragraph (b) of subsection 1 of NRS 687B.225, ~~[subsection]~~ subsections 2 , 3 and 4 of NRS 687B.225,*** NRS 687B.409, 687B.723 and 687B.725 ~~]~~ ***and sections 2 to 26, inclusive, of this act.***

Sec. 57. 1. The amendatory provisions of this act do not apply to a request for prior authorization submitted:

(a) Under a contract or policy of health insurance issued before January 1, 2026, but apply to any request for prior authorization submitted under any renewal of such a contract or policy.

(b) To the Department of Health and Human Services **or a Medicaid managed care entity** before January 1, 2026, for medical or dental care provided to a recipient of Medicaid.

2. A health carrier must, in order to continue requiring prior authorization in contracts or policies of health insurance issued or renewed after January 1, 2026:

(a) Develop a procedure for obtaining prior authorization that complies with NRS 687B.225, as amended by section 27 of this act, and sections 2 to 26, inclusive, of this act; and

(b) Obtain the approval of the Commissioner of Insurance pursuant to NRS 687B.225, as amended by section 27 of this act, for the procedure developed pursuant to paragraph (a).

3. As used in this section ~~[~~, "health~~]~~ **:**

(a) "Health carrier" has the meaning ascribed to it in section 7 of this act.

(b) "Medicaid managed care entity" has the meaning ascribed to it in section 39.5 of this act.

Sec. 58. (Deleted by amendment.)

Sec. 59. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 60. 1. This section and section 57 of this act become effective upon passage and approval.

2. Sections 1 to 56, inclusive, 58 and 59 of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations, performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and approving procedures for obtaining prior authorization pursuant to NRS 687B.225, as amended by section 27 of this act, and section 57 of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 597.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 933.

CONTAINS UNFUNDED MANDATE (§§1, 3, ~~[5, 9]~~ **5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; authorizing a nonpartisan voter to vote for the partisan offices of a major political party in a primary election **;** ~~[or presidential preference primary election;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, major party candidates for partisan office are nominated at a primary election. (NRS 293.175) A registered voter may cast a ballot in a primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with that major political party. (NRS 293.257)

~~[Existing law further requires, with certain exceptions, that a presidential preference primary election be held in each presidential election year to~~

~~determine the preferences of the registered voters of a major political party regarding the party's nominee for President of the United States. (NRS 298.600-298.720) A registered voter may cast a ballot in a presidential preference primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with that major political party. (NRS 298.680)~~

Sections 1 ~~[,]~~ and 2 ~~[, 9 and 11]~~ of this bill authorize a registered voter who has indicated on his or her voter registration that he or she is not affiliated with a political party to vote in a primary election ~~[or presidential preference primary election]~~ for a major political party by requesting a partisan mail ballot ~~[from]~~ **in the manner designated by** the county clerk or appearing in person at the polls and requesting a partisan ballot. **Section 3** of this bill requires a county clerk to prepare and distribute a partisan mail ballot to each registered nonpartisan voter who requests such a ballot.

Section 4 of this bill removes the requirement for an automatic voter registration agency to notify a person during the automatic voter registration process that the person will be unable to vote at ~~[certain]~~ **a** primary ~~[elections]~~ **election** for partisan offices of a major political party unless the person indicates a major political party affiliation.

Existing law provides that the computer program used in a mechanical voting system must not count unlawful votes, including votes in a primary election ~~[or presidential preference primary election]~~ cast for a candidate other than the candidate of a major political party other than the party, if any, of the registration of the voter. (NRS 293B.130) **Section 5** of this bill removes the prohibition on counting such a vote ~~[,]~~ **in a primary election,** but still prohibits the computer program from counting unlawful votes.

Section 6 of this bill requires a member of an election board in a primary election ~~[or presidential preference primary election]~~ to issue a partisan ballot and, if a mechanical voting system is used, a voting receipt with the name of the major political party, to each nonpartisan voter who requests to vote a partisan ballot under **section 1 . ~~[or 9.]~~ Section 7** of this bill provides that this requirement is an exception to the requirement for a member of an election board to issue a nonpartisan voter a nonpartisan ballot and voting receipt with a nonpartisan designation.

Existing law authorizes a county clerk to require partisan voters in certain precincts or districts to vote in the same manner as a nonpartisan voter. (NRS 293B.310) **Section 8** of this bill authorizes the county clerk to also require nonpartisan voters who request to vote a partisan ballot to vote in such a manner.

~~[Section 10 of this bill applies certain definitions relating to presidential preference primary elections to the provisions of section 9.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A registered voter who designated on his or her application to register to vote no affiliation with a political party may vote in a primary election for the partisan offices of a major political party by:

(a) Submitting a request not later than ~~[14 days]~~ the seventh Monday before the primary election ~~[to the county clerk on the Internet website of the office of the county clerk]~~ to receive the partisan mail ballot of the major political party of the voter's choice ~~[;]~~ in the manner designated by the county clerk, which may include, without limitation, submitting the request by electronic means; or

(b) Appearing in person at the polls during the period for early voting by personal appearance or on the day of the primary election and requesting to vote the partisan ballot of the major political party of the voter's choice. Regardless of whether a registered voter has submitted a request to receive a partisan mail ballot pursuant to paragraph (a), a registered voter may, in lieu of returning the partisan mail ballot, appear in person at the polls and request to vote the partisan ballot of the major political party of the voter's choice.

2. A registered voter may not ~~[request a]~~ cast more than one mail ballot or ballot in a primary election . ~~[for more than one major political party.]~~

3. The county clerk shall record on the statewide voter registration list that a registered voter requested a mail ballot or ballot in a primary election pursuant to this section and the major political party for which the voter requested a mail ballot or ballot.

Sec. 2. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

4. A registered voter who designated no affiliation with a political party on his or her application to register to vote may cast a partisan primary ballot for a major political party in a primary election pursuant to section 1 of this act.

Sec. 3. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county

and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. ***In addition to the requirements of subsection 1, in a primary election*** ~~***[for presidential preference primary election,]***~~ ***the county clerk shall prepare and distribute a partisan mail ballot to each registered nonpartisan voter who requests such a ballot pursuant to section 1 of this act.***

3. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

~~[3.]~~ ***4.*** The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection ~~[2.]~~ ***3.***

~~[4.]~~ ***5.*** The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5.]~~ ***6.*** Except as otherwise provided in subsections ~~[2]~~ ***3*** and ~~[3,]~~ ***4,*** the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~[6.]~~ ***7.*** In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~[7.]~~ ***8.*** Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 4. NRS 293.57693 is hereby amended to read as follows:

293.57693 1. Upon transmission of the information to the database created by the Secretary of State pursuant to NRS 293.675 by an automatic

voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote. The county clerk shall review the voter registration information transmitted by the automatic voter registration agency to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is eligible to vote, the person shall be deemed a registered voter. The person's name must appear on the statewide voter registration list and the appropriate roster and the person must be provided all sample ballots and other voter information provided to registered voters.

3. In addition to the requirements of subsection 2, the county clerk shall immediately mail a notice to the current residence of the person. The notice must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A space for the person to indicate a political party affiliation;

(b) A space for the person to affirmatively decline to apply to register to vote or have his or her voter registration updated, as applicable;

(c) A preaddressed return envelope with postage prepaid;

(d) A statement setting forth the qualifications to vote in this State as provided by NRS 293.485 and that if the person does not meet the qualifications to vote in this State, the person should return the notice and affirmatively decline in writing to register to vote;

(e) A statement explaining that unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, the person is deemed to have consented to the transmission of information to the database created by the Secretary of State pursuant to NRS 293.675 by the automatic voter registration agency for the purpose of registering the person to vote or updating the voter registration information on the statewide voter registration list;

(f) A statement explaining that if the person affirmatively declines in writing to apply to register to vote or to have his or her voter registration information updated, as applicable, the county clerk will remove the person from the statewide voter registration list or revert the person's information on the statewide voter registration list to the information that was on the statewide voter registration list before the automatic voter registration agency transmitted the information, and the person shall be deemed to not have registered to vote or updated his or her voter registration information, as applicable;

(g) A statement setting forth the penalties for submitting a false application to register to vote; and

(h) A statement that:

(1) Indicates a political party affiliation or indicates that the person is not affiliated with a political party is voluntary; ~~*[and]*~~

(2) The person may indicate a political party affiliation on the form provided by the county clerk in the notice ~~*[.]*~~ ; and

(3) The person will not be able to vote at a ~~[primary election,]~~ presidential preference primary election ~~[or primary city election]~~ for candidates ~~[for partisan offices]~~ of a major political party ***for the offices of President and Vice President of the United States*** unless the person updates his or her voter registration information to indicate a major political party affiliation.

4. The county clerk may send the notice required pursuant to subsection 3 by electronic mail if the person confirms the validity of the electronic mail address to which the notice will be sent by responding a confirmation inquiry sent to that electronic mail address.

5. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 3 is not a declination by the person to apply to register to vote or have his or her voter registration information updated.

6. If the county clerk determines that a person is not eligible to register to vote or if the voter affirmatively declines in writing to be registered to vote or have his or her automatic voter registration updated:

(a) It shall be deemed that the transmittal from the automatic voter registration agency is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote;

(c) It shall be deemed that the transmission of the person's information by the automatic voter registration system was an official authorized act;

(d) It shall be deemed that the person did not falsely claim citizenship in order to register to vote unless the person affirmatively claimed to be a citizen to the automatic voter registration agency; and

(e) The county clerk must remove the person's registration from the database created by the Secretary of State pursuant to NRS 293.675 or revert the person's information on the database to the information that was on the database before the automatic voter registration agency transmitted the information to the county clerk, as applicable.

Sec. 5. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a ~~[primary election or]~~ presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted ~~[.]~~ and, in a ~~[primary election or]~~ presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 6. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election or presidential preference primary election, a member of the election board for a precinct shall issue each partisan voter ***and , in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 ~~[or 9]~~ of this act*** a ballot which contains a distinctive code associated with the major political party of ***or chosen by*** the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election or presidential preference primary election whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue each partisan voter ***and , in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 ~~[or 9]~~ of this act*** a voting receipt on which is clearly printed the name of the major political party of ***or chosen by*** the voter.

3. The member of the election board shall direct the partisan voter ***and , in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 ~~[or 9]~~ of this act*** to a mechanical recording device containing the list of offices and candidates arranged for the ~~[voter's]~~ major political party ***of or chosen by the voter*** in the manner provided in NRS 293B.190.

Sec. 7. NRS 293B.305 is hereby amended to read as follows:

293B.305 ~~[Unless a major political party allows]~~ ***Except for*** a nonpartisan voter ~~[to vote for its candidates:]~~ ***who requests to vote a partisan ballot pursuant to section 1 ~~[or 9]~~ of this act:***

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; or

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes the voter may cast in the partisan section will not be counted.

Sec. 8. NRS 293B.310 is hereby amended to read as follows:

293B.310 In a primary election, the county clerk may require those partisan voters ***and those nonpartisan voters who request to vote a partisan ballot pursuant to section 1 ~~[or 9]~~ of this act*** in a precinct or district whose ***designated or chosen*** political parties each comprise less than 5 percent of the registered voters for that precinct or district to vote in the manner prescribed for nonpartisan voters in NRS 293B.305.

Sec. 9. ~~[Chapter 298 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A registered voter who designated on his or her application to register to vote no affiliation with a political party may vote in a presidential preference primary election for the partisan offices of a major political party by:*~~

~~*(a) Submitting a request not later than 14 days before the presidential preference primary election to the county clerk on the Internet website of the office of the county clerk to receive the partisan mail ballot of the major political party of the voter's choice; or*~~

~~*(b) Appearing in person at the polls during the period for early voting by personal appearance or on the day of the presidential preference primary election and requesting to vote the partisan ballot of the major political party of the voter's choice.*~~

~~*2. A registered voter may not request a mail ballot or ballot in a presidential preference primary election for more than one major political party.*~~

~~*3. The county clerk shall record on the statewide voter registration list that a registered voter requested a mail ballot or ballot in a presidential preference primary election pursuant to this section and the major political party for which the voter requested a mail ballot or ballot.*~~ ~~*]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 298.600 is hereby amended to read as follows:~~

~~298.600 As used in NRS 298.600 to 298.720, inclusive, *and section 9 of this act,* the words and terms defined in NRS 298.610, 298.620 and 298.630 have the meanings ascribed to them in those sections.~~ ~~]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 298.680 is hereby amended to read as follows:~~

~~298.680 1. There must be a separate presidential preference primary ballot for each major political party that has qualified candidates. The name of the major political party must appear at the top of the ballot. Following this designation must appear the names of qualified candidates of the major political party, grouped alphabetically under the title.~~

~~2. [A] *Except as otherwise provided in subsection 3, a* registered voter may cast a ballot at a presidential preference primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with the party. Such a registered voter may vote for only one qualified candidate on the ballot as the voter's preference for the nominee for President of the United States for the party.~~

~~3. *A registered voter who designated no affiliation with a political party on his or her application to register to vote may cast a partisan ballot at a presidential preference primary election for a major political party pursuant to section 9 of this act. Such a registered voter may vote for only one qualified candidate on the ballot as the voter's preference for the nominee for President of the United States for the party.*~~

~~4. The provisions of NRS 293.5772 to 293.5887, inclusive, apply to a presidential preference primary election.]~~ **(Deleted by amendment.)**

Sec. 12. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 23, 2025.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 238.
Bill read third time.
The following amendment was proposed by Assemblymember Jauregui:
Amendment No. 916.

SHORT FORM AMENDMENT

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law establishes a program for the issuance of transferable tax credits by the Office of Economic Development to the production company of a motion picture or other qualified production, based upon qualified direct production expenditures made for the purchase of personal property or services from a Nevada business. (NRS 360.758-360.7598) This bill revises provisions governing these transferable tax credits and enacts the Nevada Studio Infrastructure Jobs and Workforce Training Act to authorize film infrastructure transferable tax credits for qualified productions produced at the site of the Summerlin Production Studios Project.

Sections 1-16 of this bill enact the Nevada Studio Jobs and Workforce Training Act, which provides film infrastructure transferable tax credits for

production companies located within the Summerlin Production Studios Project, as defined in **section 8**. **Section 9** requires the Office of Economic Development to enter into a development agreement with the lead participant of the Project to establish: (1) certain criteria that the Project is required to satisfy in exchange for production companies located at the Project to be eligible for film infrastructure transferable tax credits; and (2) certain requirements for new capital investment in this State and the generation of ~~[qualified]~~ direct production expenditures in this State, which the Project must meet, with certain exceptions, to avoid penalties specified in **section 9**. **Section 10 :** ~~[of this bill:]~~ (1) authorizes production companies located at the Project to apply, on or after June 1, 2026, to the Office for film infrastructure transferable tax credits for qualified productions produced, in whole or in part, at the Project; and (2) authorizes such credits to be used against the modified business tax, insurance premium tax or gaming license fee, or any combination of these taxes and fees. **Section 11** establishes the qualified production expenditures which are the basis for calculating the amount of film infrastructure transferable tax credits, including, without limitation: (1) purchases and rentals of property or services from a Nevada business; (2) wages and fringe benefits paid to employees who are Nevada residents or other personnel who perform services in this State on the qualified production; (3) certain compensation paid to producers in their capacity as producers; and (4) amounts paid to personal service corporations for the services of certain persons on the qualified production. **Section 12** of this bill provides that the base amount of film infrastructure transferable tax credits is 30 percent of the amount of qualified direct production expenditures calculated under **section 11**, with certain reductions if the production company does not satisfy certain criteria for employing Nevada residents as below-the-line personnel or employing or offering training or work opportunities to members of traditionally underrepresented groups. **Section 13**: (1) limits the total amount of film infrastructure transferable tax credits issued pursuant to **sections 1-16** to $95,000,000 for each fiscal year beginning on or after July 1, 2028; and (2) prohibits the approval of an application for film infrastructure transferable tax credits if the application is submitted in a fiscal year that begins on or after July 1, 2043. **Section 14** requires a production company to: (1) commence principal photography within a certain period of time after the Office approves an application for a certificate of eligibility for film infrastructure transferable tax credits; (2) complete the qualified production within 18 months after the date of commencement of principal photography, except that the Office may extend this period for not more than 6 months; and (3) submit certain required information within the required period. **Section 15** requires a production company to repay film infrastructure transferable tax credits under certain circumstances. **Section 15.7** ~~[of this bill]~~ requires the lead participant in the Project to submit certain reports to the Governor, the Legislature and the Office, and requires the Office to post such reports on its Internet website.

Section 16 requires certain reports to be made to the Legislature concerning film infrastructure transferable tax credits.

Sections 17-25 of this bill make various changes to the existing law governing the noninfrastructure transferable tax credits for motion picture and other qualified productions. (NRS 360.758-360.7598) **Section 17** changes references to "extras" in a qualification production to "background actors." **Section 18**: (1) provides that digital media productions are qualified productions for the purposes of eligibility for film infrastructure transferable tax credits and noninfrastructure transferable tax credits; and (2) clarifies that media productions solely produced for social media are not eligible for such transferable tax credits. **Section 19** revises the criteria to be eligible for noninfrastructure transferable tax credits to be the same as the criteria for film infrastructure transferable tax credits by: (1) removing the requirement that a certain percentage of direct production expenditures be incurred in this State and, instead, requiring that at least 50 percent of the total principal photography days take place in this State or a certain amount of qualified direct production expenditures be incurred in this State; and (2) requiring a production company to have a workforce plan that establishes certain goals and provide to the Office a final assessment of whether the production company met or made a good faith effort to meet those goals. **Section 20** revises the expenditures and costs that may serve as a basis for noninfrastructure transferable tax credits. **Section 21**: (1) increases the base amount of transferable tax credits from 15 percent of the qualified direct production expenditures to 30 percent of the qualified direct production expenditures, for an application submitted in each fiscal year beginning on or after July 1, 2028, and ending before July 1, 2043; and (2) provides for certain reductions to that base amount during that period. **Section 22** makes certain provisions of existing law relating to the calculation of noninfrastructure transferable tax credits inapplicable for period beginning on July 1, 2028, and ending on June 30, 2043. **Section 23** temporarily increases from $10,000,000 to $25,000,000 the total amount of noninfrastructure transferable tax credits for motion picture and other qualified productions that may be issued under the existing program for each fiscal year beginning on or after July 1, 2028, until June 30, 2043. **Sections 24 and 25** make conforming changes so that noninfrastructure transferable tax credits are administered and reported in the same manner as film infrastructure transferable tax credits.

Section 15.3 ~~[of this bill]~~ requires the Clark County Board of County Commissioners to create a production studio entertainment district for the purpose of enhancing early childhood education opportunities, including prekindergarten, for children in the Clark County School District. Under **section 15.3**, the boundaries of the district are required to be entirely within the unincorporated areas of Clark County and include only parcels of land that are located within the boundaries of the Summerlin Production Studios Project other than parcels on which a business holding a gaming license is located. **Section 15.3** requires certain taxes on transient lodging, certain property taxes

and certain sales and use taxes imposed in the district to be pledged and distributed to the Clark County School District and used by the Clark County School District solely for the purposes of prekindergarten programs in the Clark County School District. Finally, **section 15.3** requires the Clark County School District to submit annual reports to the Office concerning the use of money distributed to Clark County School District under **section 15.3**.

Sections 26-33 of this bill establish a program to provide grants to certain organizations that provide education and vocational training for workforce development for the production of motion pictures and other qualified productions. **Section 31** establishes the Account for Nevada Film, Media and Related Technology Education and Vocational Training for the purpose of allocating money to certain entities and organizations that provide education and vocational training for such workforce development. **Sections 10 and 19** require a production company that is issued transferable tax credits for a qualified production to pay to the Office an amount of money equal to 1 percent of the amount of transferable tax credits issued to the qualified production, and requires the Office to deposit that money with the State Treasurer for credit to the Account. **Section 32** creates and provides for the composition of the Board for Nevada Film, Media and Related Technology Education and Vocational Training within the Office of Economic Development. **Section 33**: (1) requires the Board to establish the procedure for a person or entity to apply for a grant of money from the Account, the criteria to be used to determine whether to approve an application for a grant from the Account to an applicant and the requirements for reports by recipients of such grants concerning the use of the grants; (2) prohibits the making of a grant from the Account unless the Board approves the application for the grant; and (3) requires a recipient of a grant from the Account to adopt and implement a community benefits program that satisfies certain requirements.

Section 9 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 9. 1. Not later than 120 days after the effective date of this act, the Office shall enter into a development agreement with the lead participant of the Summerlin Production Studios Project, unless the Office agrees to extend this period by not more than 60 days. The development agreement entered into pursuant to this section:

(a) Must require the Project to:

(1) Except as otherwise provided in subsections 2 and 6, not later than:

(I) June 30, 2028, ~~[complete construction of a development consisting of facilities, buildings, structures and other infrastructure,]~~ **make a new capital investment in this State,** excluding any hotel, ~~[for the production of qualified productions at the site of the Project, which must consist of a new capital investment in this State]~~ of at least $400,000,000.

(II) December 31, 2029, ~~[complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of]~~ **make** an aggregate new capital investment in this State, ~~[including the~~

~~capital investment described in sub-subparagraph (I),~~] of at least $900,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2029, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and the intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(III) December 31, 2032, ~~[complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of]~~ **make** an aggregate new capital investment in this State ~~[, including the capital investment described in sub-subparagraphs (I) and (II),]~~ of at least $1,400,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2032, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and the intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(IV) December 31, 2038, ~~[complete construction of facilities, buildings, structures and other infrastructure at the site of the Project, which must consist of]~~ **make** an aggregate new capital investment in this State ~~[, including the capital investment described in sub-subparagraphs (I), (II) and (III),]~~ of at least $1,800,000,000. For the purposes of determining the amount of new capital investment pursuant to this sub-subparagraph, any new capital investment by a third party who purchases property or enters into a ground lease for property within the site of the Project must be credited toward meeting the requirement of this sub-subparagraph. The Office shall credit toward meeting the requirement of this sub-subparagraph 50 percent of the new capital investment made at the Downtown Summerlin site during the period beginning on the date of the execution of the development agreement and ending on December 31, 2038, if the new capital investment is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of

NRS 231.053 and the finding and intent of the Legislature as expressed in sections 2 and 2.5 of this act.

(2) Except as otherwise provided in subsection 2, complete construction of the Nevada Partners Vocational Training Studio, which must:

(I) Be a facility to provide vocational training and education for the development of a trained workforce for the production in this State of qualified productions that are film and television productions;

(II) Consist of a new capital investment in this State of at least $8,000,000; and

(III) Be located at a site owned by Nevada Partners, Inc., or its successor organization, by June 30, 2030, or, if the lead participant has found a site owned by Nevada Partners, Inc. to be inviable or Nevada Partners, Inc. ceases to exist and has no successor organization, at a site approved by the Southern Nevada Enterprise Community Board, by June 30, 2031.

(3) Except as otherwise provided in subparagraph (4) and subsections 2 and 6, guarantee that for the period beginning on:

(I) July 1, 2028, and ending on June 30, 2034, the Project will generate, for each 2-year rolling period during that time, not less than $600,000,000 of ~~[qualified]~~ direct production expenditures**_.** ~~[through the production of qualified productions, in whole or in part, at the site of the Project.]~~

(II) July 1, 2034, and ending on June 30, 2043, the Project will generate, for each 3-year rolling period during that time, not less than $900,000,000 of ~~[qualified]~~ direct production expenditures**_.** ~~[through the production of qualified productions, in whole or in part, at the site of the Project.]~~

(4) Require that if, during any fiscal year described in subparagraph (3), the amount of ~~[qualified]~~ direct production expenditures ~~[generated through the production of qualified productions, in whole or in part, at the site of the Project]~~ exceeds $300,000,000, the amount in excess of $300,000,000, but not to exceed $200,000,000, must be carried forward and used to offset any shortage in satisfying any requirement set forth in subparagraph (3) in a subsequent fiscal year.

(5) Except as otherwise provided in subsection 2, not later than 5 years after the Office and the lead participant execute the development agreement, make a contribution of at least $6,000,000 to Clark County to support **_, in Sunrise Manor Town, Whitney Town and Winchester,** the arts, cultural programs and training for small businesses related to the production of qualified productions that are film or television productions.

(6) Provide written notice to the Office within 30 days after the applicable deadline for completing a requirement set forth in subparagraphs (1) to (5), inclusive, which must state whether the requirement has been met. Upon receipt of the written notice, the Office shall make a final determination of whether the requirement has been met. If the Office determines that the requirement has been met, the Office shall establish the date on which the requirement was met.

(b) Must establish the minimum amount of square feet of building space at the Project to be used for the various components of the production of qualified productions.

(c) Must establish the minimum number of acres of real property that will be a part of the Project.

(d) May include such other provisions, not inconsistent with law, concerning the development of the Project and the issuance of film infrastructure transferable tax credits pursuant to sections 3 to 16, inclusive, of this act, as agreed to by the Office and the lead participant.

2. As the Executive Director of the Office deems necessary or advisable, the Executive Director may modify any requirement set forth in paragraph (a) of subsection 1 by extending the date by which the capital investment, construction or contribution set forth in those provisions must be made or completed, as applicable.

3. If the Office determines that the Project has not met a requirement for capital investment included in the development agreement pursuant to subparagraph (1) of paragraph (a) of subsection 1, the Project may cure the deficiency by making a new capital investment, not later than 2 years after the end of the period for which the requirement for capital investment was not met, in an amount necessary to satisfy the requirement for capital investment that was not met. If the deficiency is not cured within that cure period, the Office must impose a penalty on the Project, and record a lien on undeveloped land within the Project, to secure payment of such penalty, except that the amount of the penalty and lien must not exceed ~~[100]~~ **110** percent of the appraised value of the remaining undeveloped land within the Project. A lien may not be recorded on any completed portion of the Project and has priority over all other liens other than liens for taxes and any lien securing a construction loan. Any penalty, and the lien securing the payment of such penalty, must be discharged as follows:

(a) If the requirement for capital investment which was not met is satisfied not later than 1 year after the expiration of the cure period, 90 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(b) If the requirement for capital investment which was not met is satisfied more than 1 year, but not later than 2 years, after the expiration of the cure period, 70 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(c) If the requirement for capital investment which was not met is satisfied more than 2 years, but not later than 3 years, after the expiration of the cure period, 50 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(d) If the requirement for capital investment which was not met is satisfied more than 3 years, but not later than 4 years, after the expiration of the cure period, 30 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

(e) If the requirement for capital investment which was not met is satisfied more than 4 years, but not later than 5 years, after the expiration of the cure period, 10 percent of the amount of the penalty, and the lien securing the payment of the penalty, must be discharged.

4. If the Office determines that the ~~[qualified]~~ **amount of** direct production expenditures ~~[generated through the production of qualified productions, in whole or in part, at the site of the Project]~~ is less than $150,000,000 in any fiscal year, the Project must pay to the Office a penalty in an amount equal to the lesser of $10,000,000 or the amount determined by:

(a) Calculating 50 percent of the sum of the film infrastructure transferable tax credits authorized for approval pursuant to section 13 of this act for that fiscal year and the immediately preceding fiscal year;

(b) Calculating a percentage by dividing the difference between the ~~[amount of qualified direct production expenditures guaranteed for that fiscal year pursuant to subparagraph (3) of paragraph (a) of subsection 1]~~ **$150,000,000** and the actual amount, as determined by the Office, of ~~[qualified]~~ direct production expenditures **,** ~~[generated through the production of qualified productions, in whole or in part, at the site of the Project,]~~ by $150,000,000; and

(c) Multiplying the percentage calculated pursuant to paragraph (b) by the amount calculated pursuant to paragraph (a).

➥ Any penalty paid pursuant to this subsection must be applied to reduce the amount of any penalty imposed pursuant to subsection 5.

5. If the Office determines that the Project has not met a requirement for ~~[qualified]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, the Project must pay to the Office a penalty in an amount determined as follows:

(a) If the actual amount of ~~[qualified]~~ direct production expenditures is **more than 2 percent and** not more than 5 percent less than the applicable requirement for ~~[qualified]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $2,000,000.

(b) If the actual amount of ~~[qualified]~~ direct production expenditures is more than 5 percent and not more than 10 percent less than the applicable requirement for ~~[qualified]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $5,000,000.

(c) If the actual amount of ~~[qualified]~~ direct production expenditures is more than 10 percent and not more than 20 percent less than the applicable requirement for ~~[qualified]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $10,000,000.

(d) If the actual amount of ~~[qualified]~~ direct production expenditures is more than 20 percent and not more than 30 percent less than the applicable requirement for ~~[qualified]~~ direct production expenditures included in the

development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $20,000,000.

(e) If the actual amount of ~~[~~qualified~~]~~ direct production expenditures is more than 30 percent and not more than 40 percent less than the applicable requirement for ~~[~~qualified~~]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $30,000,000.

(f) If the actual amount of ~~[~~qualified~~]~~ direct production expenditures is more than 40 percent and not more than 50 percent less than the applicable requirement for ~~[~~qualified~~]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $40,000,000.

(g) If the actual amount of ~~[~~qualified~~]~~ direct production expenditures is more than 50 percent less than the applicable requirement for ~~[~~qualified~~]~~ direct production expenditures included in the development agreement pursuant to subparagraph (3) of paragraph (a) of subsection 1, a penalty in the amount of $50,000,000.

6. ~~[~~The~~]~~ **Except as otherwise provided in subsection 7, the** Office may reduce, or waive, any penalty imposed pursuant to subsection 3, 4 or 5 if, upon written request of the lead participant, the Office determines that the failure to meet a requirement for which a penalty may be imposed was caused by extraordinary circumstances beyond the control of the Project and reasonable, documented and good-faith efforts were made to satisfy the requirement. For the purposes of this subsection, "extraordinary circumstances":

(a) Means natural disasters, labor strikes, significant disruptions in material supply chains, substantial economic or geopolitical shocks, government-mandated closures or other events in the nature of force majeure that materially impair the ability to carry out development and construction activities.

(b) Does not include ordinary market fluctuations, internal project scheduling decisions or changes in business strategy.

7. **Before taking any action authorized by subsection 6, the Executive Director of the Office shall:**

(a) Consider any documentation submitted by the production company related to the action under consideration; and

(b) Make the following determinations:

(1) That good cause exists to take such action; and

(2) That the action is reasonable based on the circumstances of the underlying incident on which the reduction or withholding of film infrastructure transferable tax credits authorized pursuant to subsection 4 is based.

8. Any penalty paid to the Office pursuant to subsection 3, 4 or 5 must be deposited with the State Treasurer for credit to the State General Fund.

~~[~~8.~~]~~ **9.** The Office shall not approve any abatement, partial abatement or exemption from taxes, or any other incentive for economic development, other than film infrastructure transferable tax credits pursuant to sections 3 to 16,

inclusive, of this act or noninfrastructure transferable tax credits pursuant to NRS 360.758 to 360.7598, inclusive, for the Summerlin Production Studios Project if the Project has entered into a development agreement with the Office pursuant to this section.

~~[9.]~~ **10.** As used in this section:

(a) **"Direct production expenditures" means direct expenditures in this State on productions that are associated, in whole or in part, with the lead participant.**

(b) "Hotel" means a building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. A hotel has an interior hall and lobby with access to each room from the interior hall or lobby.

(b) "Southern Nevada Enterprise Community Board" means the Southern Nevada Enterprise Community Board created by section 8 of the Southern Nevada Enterprise Community Infrastructure Improvement Act.

Section 13 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 13. 1. Except as otherwise provided in this section, the Office shall not approve any application for a certificate of eligibility for film infrastructure transferable tax credits submitted pursuant to section 10 of this act if:

(a) Approval of the application would cause the total amount of film infrastructure transferable tax credits approved pursuant to section 10 of this act to exceed the sum of $95,000,000 for each fiscal year beginning on or after July 1, 2028.

(b) The application is submitted by a production company in a fiscal year that begins on or after July 1, 2043.

2. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 3, the amount of film infrastructure transferable tax credits authorized for a fiscal year that are not approved for that fiscal year may be carried forward and made available for approval only during the next fiscal year, but the amount of film infrastructure transferable tax credits carried forward and made available for approval during the next fiscal year must not exceed $47,500,000. For any fiscal year to which film infrastructure transferable tax credits are carried forward from the immediately preceding fiscal year pursuant to this subsection, the film infrastructure transferable tax credits that have been carried forward must be deemed to be the first film infrastructure transferable tax credits approved until the total amount of film infrastructure transferable tax credits carried forward from the immediately preceding fiscal year have been approved.

3. If the Summerlin Production Studios Project does not satisfy the criteria set forth in **sub-subparagraph (I) of** subparagraph (1) of paragraph (a) of subsection 1 of section 9 of this act, the Office shall not issue a certificate of film infrastructure transferable tax credits to a production company that produces a qualified production for which a certificate of eligibility has been issued pursuant to section 10 of this act.

4. Except as otherwise provided in this section, if the Office approves an application for a certificate of eligibility pursuant to section 10 of this act:

(a) Before July 1, 2028, the Office shall assign the amount of film infrastructure transferable tax credits identified under the certificate of eligibility to Fiscal Year 2028-2029.

(b) On or after July 1, 2028, the Office shall assign the amount of film infrastructure transferable tax credits identified under the certificate of eligibility to the fiscal year in which the application for the certificate of eligibility is approved.

5. Except as otherwise provided in subsection 2, an amount of film infrastructure transferable tax credits approved by the Office under a certificate of eligibility issued to a production company pursuant to section 10 of this act that exceeds the amount of film infrastructure transferable tax credits approved by the Office under a certificate of film infrastructure transferable tax ~~[credits approved by the Office under a certificate of film infrastructure transferable tax]~~ credits issued to the production company pursuant to section 10 of this act may be added to the amount made available for approval during subsequent fiscal years.

6. The film infrastructure transferable tax credits issued to any production company for any qualified production pursuant to section 10 of this act expire at the end of the calendar year that is 6 years after the date on which the film infrastructure transferable tax credits are issued to the production company.

Section 15.7 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 15.7. 1. The lead participant shall, on or before October 1 of each even-numbered year, prepare and submit to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Office a report on the performance of the project for the immediately preceding fiscal years. The report must include ~~[.]~~ **, without limitation:**

(a) The following information concerning the development of the Project:

(1) The cumulative capital investment, by component, including the studio campus, vocational-training studio and supporting uses;

(2) Square footage delivered and acreage improved, by component;

(3) The status of capital investment requirements and requirements for ~~[qualified]~~ direct production expenditures included in the development agreement pursuant to paragraph (a) of subsection 1 of section 9 of this act;

(4) Any improvements to public infrastructure installed or financed by the Project;

(5) Any capital investment outside of the site of the Project credited toward meeting the capital investment requirements included in the development agreement pursuant to paragraph (a) of subsection 1 of section 9 of this act;

(6) The primary user or tenant of each completed building and space occupied and a brief business description; and

(7) The share of total occupied square footage used by firms whose principal business supports motion picture, television, digital media or related content-creation activities.

(b) The following information concerning the production of qualified productions, in whole or in part, at the site of the Project:

(1) The number of applications submitted for a certificate of eligibility for film infrastructure transferable tax credits pursuant to section 10 of this act;

(2) The number of qualified productions for which film infrastructure transferable tax credits were approved;

(3) The amount of film infrastructure transferable tax credits approved;

(4) The amount of film infrastructure transferable tax credits used;

(5) The amount of film infrastructure transferable tax credits transferred;

(6) The amount of film infrastructure transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;

(7) The aggregate amount of the qualified direct production expenditures incurred by qualified productions and the portion of those expenditures that were incurred in Nevada;

(8) The aggregate number of persons in Nevada employed by qualified productions, the aggregate amount of wages paid to those persons and aggregated demographic information concerning those persons;

(9) The period during which each qualified production was in Nevada and employed persons in Nevada;

(10) The number of qualified productions that were produced by persons or entities that are affiliated with the Summerlin Production Studios Project and the number of qualified productions that were produced by persons or entities that are not affiliated with the Project; and

(11) Demographic information concerning persons who participate in a program of vocational training and education offered at the Nevada Partners Vocational Training Studio.

2. Not later than 10 days after receiving a report required by subsection 1, the Office shall post the report on the Internet website of the Office.

Section 16 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 16. The Office shall, on or before October 1 of each even-numbered year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report that includes, for the immediately preceding fiscal years:

1. The number of applications submitted for a certificate of eligibility for film infrastructure transferable tax credits pursuant to section 10 of this act;

2. The number of qualified productions for which film infrastructure transferable tax credits were approved;

3. The amount of film infrastructure transferable tax credits approved;

4. The amount of film infrastructure transferable tax credits used;

5. The amount of film infrastructure transferable tax credits transferred;

6. The amount of film infrastructure transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;

7. The aggregate amount of the qualified direct production expenditures incurred by qualified productions and the portion of those expenditures that were incurred in Nevada;

8. The aggregate number of persons in Nevada employed by qualified productions, the aggregate amount of wages paid to those persons and aggregated demographic information concerning those persons;

9. The period during which each qualified production was in Nevada and employed persons in Nevada;

10. The number of qualified productions that were produced by persons or entities that are affiliated with the Summerlin Production Studios Project and the number of qualified productions that were produced by persons or entities that are not affiliated with the Project;

11. Recommendations for strengthening the overall operation of the program for the issuance of film infrastructure transferable tax credits, including, without limitation, methods to promote and encourage the development and establishment of production companies in Nevada, including, without limitation, production companies that are not affiliated with the Summerlin Production Studios Project;

12. Demographic information concerning persons who participate in a program of vocational training and education offered at the Nevada Partners Vocational Training Studio; ~~[and]~~

13. **An overview of the motion picture and television industry in this State, including, without limitation, the total number of qualified productions in this State for which film infrastructure transferable tax credits or noninfrastructure transferable tax credits have not been approved, data concerning employment in the motion picture and television industry in this State and production revenue generated in this State; and**

14. The compilation of information provided in reports made by recipients of grants from the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act, which is provided to the Office pursuant to section 33 of this act.

Section 23 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 23. NRS 360.7594 is hereby amended to read as follows:

360.7594 1. Except as otherwise provided in this subsection, the Office ~~[of Economic Development]~~ shall not approve any application for ***a certificate of eligibility for noninfrastructure*** transferable tax credits submitted pursuant to NRS 360.759 if approval of the application would cause the total amount of ***noninfrastructure*** transferable tax credits approved pursuant to NRS 360.759 for each ~~[fiscal]~~ ***:***

(a) Fiscal year ***commencing before July 1, 2028, or on or after July 1, 2043,*** to exceed the sum of $10,000,000. ~~[Any]~~ ***Except as otherwise provided in this paragraph, any*** portion of the $10,000,000 per fiscal year for which ***noninfrastructure*** transferable tax credits have not previously been approved ***by the Office under an application for a certificate of eligibility for noninfrastructure transferable tax credits submitted pursuant to NRS 360.759*** may be carried forward and made available for approval during the next or any future fiscal year. ***Noninfrastructure transferable tax credits that are available for approval for a fiscal year commencing before July 1, 2028, but have not been approved for a fiscal year commencing before July 1, 2028, must not be carried forward and made available for approval during any fiscal year commencing on or after July 1, 2028.***

(b) Fiscal year commencing on or after July 1, 2028, and before July 1, 2043, to exceed the sum of $25,000,000. An amount not to exceed 50 percent of the $25,000,000 per fiscal year for which noninfrastructure transferable tax credits have not previously been approved by the Office under an application for a certificate of eligibility for noninfrastructure transferable tax credits submitted pursuant to NRS 360.759 may be carried forward and made available for approval during the next or any future fiscal year.

2. ~~[The]~~ ***Except as otherwise provided in this section, if the Office approves an application for a certificate of eligibility pursuant to NRS 360.759, the Office shall assign the amount of noninfrastructure transferable tax credits identified under the certificate of eligibility to the fiscal year in which the application for the certificate of eligibility is approved.***

3. Except as otherwise provided in subsection 1, an amount of noninfrastructure transferable tax credits approved by the Office under a certificate of eligibility issued to a production company pursuant to NRS 360.759 that exceeds the amount of noninfrastructure transferable tax credits approved by the Office under a certificate of noninfrastructure transferable tax credits ~~***[approved by the Office under a certificate of noninfrastructure transferable tax credits]***~~ ***issued to the production company pursuant NRS 360.759 may be added to the amount made available for approval during subsequent fiscal years.***

4. For an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits before July 1, 2028, or on or after July 1, 2043, the noninfrastructure transferable tax credits issued to any production company for any qualified production pursuant to NRS 360.759:

(a) Must not exceed a total amount of $6,000,000; and

(b) Expire ~~[4]~~ ***at the end of the calendar year that is 6*** years after the date on which the ***noninfrastructure*** transferable tax credits are issued to the production company.

~~[3.]~~ ***5.*** For ~~[the purposes of calculating qualified direct production expenditures:~~

~~(a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State.~~

~~(c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed $750,000.]~~ ***an eligible production company that submitted the application for the certificate of eligibility for the noninfrastructure transferable tax credits on or after July 1, 2028, and before July 1, 2043, the noninfrastructure transferable tax credits issued to the production company for a qualified production pursuant to NRS 360.759:***

(a) Must not exceed a total of $7,000,000; and

(b) Expire at the end of the calendar year that is 6 years after the date on which the noninfrastructure transferable tax credits are issued to the production company.

Section 25 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 25. NRS 360.7598 is hereby amended to read as follows:

360.7598 The Office of Economic Development shall, on or before October 1 of each ***even-numbered*** year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

1. The number of applications submitted for ***a certificate of eligibility for noninfrastructure*** transferable tax credits pursuant to NRS 360.759;
2. The number of qualified productions for which ***noninfrastructure*** transferable tax credits were approved;
3. The amount of ***noninfrastructure*** transferable tax credits approved;
4. The amount of ***noninfrastructure*** transferable tax credits used;
5. The amount of ***noninfrastructure*** transferable tax credits transferred;
6. The amount of ***noninfrastructure*** transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified production;
7. The ~~[total]~~ ***aggregate*** amount of the qualified direct production expenditures incurred by ~~[each]~~ qualified ~~[production]~~ ***productions*** and the portion of those expenditures that were incurred in Nevada;
8. The ***aggregate*** number of persons in Nevada employed by ~~[each]~~ qualified ~~[production and]~~ ***productions***, the ***aggregate*** amount of wages paid

to those persons ~~[.]~~ ***and aggregated demographic information concerning those persons;*** ~~[and]~~

9. The period during which each qualified production was in Nevada and employed persons in Nevada ~~[.]~~ ***; [and]***

10. An overview of the motion picture and television industry in this State, including, without limitation, the total number of qualified productions in this State for which film infrastructure transferable tax credits or noninfrastructure transferable tax credits have not been approved, data concerning employment in the motion picture and television industry in this State and production revenue generated in this State; and

11. The compilation of information provided in reports made by recipients of grants from the Account for Nevada Film, Media and Related Technology Education and Vocational Training created by section 31 of this act, which is provided to the Office pursuant to section 33 of this act.

Section 37 of Assembly Bill No. 238 First Reprint is hereby amended as follows:

Sec. 37. **1.** This act becomes effective upon passage and approval**. [, and expires]**

2. Sections 1 to 15, inclusive, and 15.7 to 36.5, inclusive, of this act expire by limitation on June 30, 2049.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 867.

AN ACT relating to education; revising provisions governing the assessments which may be used to assess the literacy of pupils enrolled in an elementary school; authorizing the Department of Education to prescribe requirements relating to the collection and reporting of the results of such assessments; authorizing the Department to prescribe the assessments used to assess literacy under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include procedures to assess the proficiency of a pupil in reading during each grade level of elementary school, as is determined to be necessary, by using assessments that have been approved by the State Board of Education by regulation. (NRS 388.157) This bill removes the requirement that such assessments be approved by the State Board by regulation, thereby allowing the board of trustees of a

school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. This bill also authorizes the Department of Education to: (1) adopt regulations prescribing how the results of any assessment used by a school district or charter school to assess proficiency in reading are collected and reported; and (2) prescribe the assessments which must be used in a school district or charter school if no assessment is included in the plan. **This bill further provides that the board of trustees of a school district or the governing body of a charter school is responsible for the costs of administering an assessment used by the school district or charter school to assess proficiency in reading, other than the statewide assessment.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments ~~[that have been approved by the State Board by regulation]~~ during each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. The Department ~~[shall]~~ *:*

(a) Shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

(b) May adopt regulations prescribing the manner by which the board of trustees of each school district and the governing body of a charter school are required to collect and report the results of any assessment used by the school district or charter school, as applicable, to assess a pupil's proficiency in the subject area of reading.

(c) May prescribe valid and reliable standards-based assessments that must be used in a school district or charter school to assess a pupil's proficiency in the subject area of reading if the board of trustees of the school district or the governing body of the charter school, as applicable, fails to include such an assessment in the plan submitted pursuant to subsection 1.

4. The board of trustees of a school district or the governing body of a charter school, as applicable, that elects to administer any assessment to assess a pupil's proficiency in the subject of reading other than the statewide assessment shall pay any costs associated with the administration of the assessment, including, without limitation, the costs of the assessment tool and providing training to staff members regarding the use of the assessment tool.

Sec. 2. (Deleted by amendment.)

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 534.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 909.

CONTAINS UNFUNDED MANDATE (§§ ~~[2,]~~ 18, 20, ~~[21,]~~ 51, 61)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; ~~[requiring the Secretary of State to allow certain persons detained in jail to use the system of approved electronic transmission to register to vote and cast a ballot;]~~ revising provisions relating to voter registration and updating voter registration information; renaming certain provisional ballots to "conditional ballots"; revising provisions relating to certain petitions; ~~[revising the deadline for candidates to file a declaration of candidacy;]~~ revising provisions relating to the publication of certain information by a county clerk; ~~[authorizing the Secretary of State to require certain employees to attend a training course concerning elections procedures;]~~ revising provisions relating mail ballots; revising provisions relating to the testing of certain technology prior to an election; defining the term "personal knowledge" for purposes of certain challenges; revising provisions relating to

risk-limiting audits; revising provisions relating to certain prohibited conduct in or around a polling place; revising provisions relating to mechanical voting systems; authorizing, under certain circumstances, the Secretary of State to adjust the date of the presidential preference primary election; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Secretary of State to establish a system of approved electronic transmission through which voters may register to vote and apply for and cast a ballot. (NRS 293D.200) Existing law further sets forth provisions governing voting by persons who are detained in a county or city jail. (NRS 293.269971, 293.269973, 293.269975) Section 2 of this bill requires the Secretary of State to allow: (1) an elector who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. Section 15 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail. Section 21 of this bill requires the report submitted to the Secretary of State by a person who administers a county or city jail concerning elections conducted in such jails to include an explanation of the process the jail used to comply with the provisions of section 2. (NRS 293.269975)]~~

Section 3 of this bill requires, with limited exception, a county or city clerk to respond within 2 working days after receiving any request from the Secretary of State for information or data relating to ~~[an]~~ **the current** election ~~[.]~~ **cycle.**

Section 4 of this bill provides that if an active registered voter moves to another county and registers to vote therein, which may include, without limitation, an application to register to vote which is transmitted to a county clerk from an automatic voter registration agency, it shall be deemed that the voter is updating his or her voter registration rather than registering to vote and, with certain exceptions, the voter must not be required to cast a provisional ballot on the basis of such an update.

Existing law sets forth certain procedures governing the use of provisional ballots by registered voters who update their voter registration information after the close of registration for an election and by electors who register to vote in person or by computer during certain periods of time leading up to and during an election. Specifically, existing law: (1) with certain exceptions, requires an elector who is deemed conditionally registered to vote under such circumstances to cast his or her vote by a provisional ballot; and (2) authorizes a county or city clerk, under certain circumstances, to require a registered voter

who updates his or her voter registration to cast a provisional ballot in an election. (NRS 293.5772-293.5887) **Sections 5, 23, 26, 32 and 38-47** of this bill rename ballots cast under such circumstances to be "conditional ballots."

Existing law requires certain petitions to be submitted to a county clerk for verification of the signatures on the petition and sets forth certain deadlines for such submission. (NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035, 306.110) **Section 65** of this bill ~~[prohibits]~~ **authorizes a county clerk, under certain circumstances, to delay beginning verification for** petitions for referendum and certain initiatives **.** ~~[from being submitted to a county clerk earlier than the 13th day following the primary or general election, as appropriate.]~~ (NRS 295.056) Existing law requires, after the submission of certain petitions containing signatures which are required to be verified, the county clerk to determine the number of signatures affixed to the documents and forward that information to the Secretary of State. (NRS 293.1276) **Section 6** of this bill increases the time provided to a county clerk to make such a determination: (1) for a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot, from 2 working days to 7 working days; and (2) for any other petition which is required to be submitted for such purposes, from 4 working days to 9 working days.

If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, existing law requires: (1) the Secretary of State to immediately notify the county clerks; and (2) each of the county clerks, after the receipt of such notification, to determine the number of registered voters who have signed the document. (NRS 293.1277) **Section 7** of this bill increases the time provided to a county clerk to make such a determination: (1) for a petition to recall a public officer who holds a statewide office, from 20 working days to 25 working days; (2) for a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot, from 3 working days to 8 working days; and (3) for any other petition which is required to be submitted for such purposes, from 9 working days to 14 working days. **Sections 8 and 11** of this bill require a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot be submitted to the county clerk for verification **or filing, respectively,** not later than 25 working days, rather than 10 working days, before the last day to file the petition.

Existing law ~~[provides]~~ **requires** that the ~~[period for filing a declaration]~~ **petition** of candidacy **~~[:~~** ~~(1) for judicial candidates begins on the first Monday in January of the year in which the election is to be held and ends the second Friday after the first Monday in January; and (2) for all nonjudicial candidates begins on]~~ **for an independent candidate for partisan office be filed not earlier than** the first Monday in March of the year in which the election is to be held and ~~[ends]~~ **not later than** the ~~[second]~~ **third** Friday ~~[after the first~~

~~Monday]~~ in ~~[March. (NRS 293.177, 293C.145, 293C.175) Sections 9-11, 58 and 59 of this bill instead provide that the period for filing a declaration of candidacy for both judicial and nonjudicial candidates begins on the first Monday in February of the year in which the election is to be held and ends not later than 5 p.m. on the second Friday after the first Monday in February. Section 9 similarly revises the dates by which a minor political party is required by existing law to file a list of its candidates for partisan office. (NRS 293.1725)]~~ **June. (NRS 293.200) Section 11** ~~[further]~~ **instead** provides that a petition of candidacy for an independent candidate for partisan office must not be filed earlier than the ~~[first]~~ **second** Monday ~~[in February rather]~~ **after the primary election and not later** than the ~~[first Monday in March.]~~ **third Friday after the primary election. Section 11 additionally: (1) requires such a petition to be submitted to the county clerk for verification during this period of time; and (2) provides that if such a petition is submitted in a timely manner but the Secretary of State receives certificates from the county clerks showing the petition has met certain requirements after this deadline, the petition is deemed to be timely filed.**

Existing law requires a county clerk to publish certain information concerning elections in a newspaper of general circulation. (NRS 293.203, 293.253, 293.3073, 293.3576, 293.391, 293.464, 298.670) **Sections 12, 25, 27, 28, 31 and 68** of this bill instead require the county clerk to publish such notices in such a manner as the county clerk deems proper, which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.

Under existing law, the Secretary of State is required to cause to be published in a newspaper of general circulation, on three separate occasions, in each county of the State, together with any explanatory matter to be placed on the ballot, the entire text of a proposed amendment to the Nevada Constitution which is proposed by an initiative petition. (Nev. Art. 19, § 2; NRS 293.253) **Section 17** of this bill authorizes a county clerk to also publish such materials in any other manner as the county clerk deems proper which may include, without limitation, publication on the Internet website of the county clerk or on the social media account of the county clerk.

Existing law requires the Secretary of State to adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, presidential preference primary, general, special and district elections in all cities and counties. (NRS 293.247) **Section 14** of this bill authorizes the Secretary of State to adopt regulations which provide standards for certain reports which are required to be filed by a county or city clerk.

~~[Section 16 of this bill authorizes the Secretary of State to require any deputy or employee of the Office of the Secretary of State whose duties relate to elections to attend the training course provided by the Secretary of State concerning elections procedures. (NRS 293.2504)]~~

Existing law authorizes a mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election and requires the board to complete the count of all mail ballots on or before the seventh day following the election. (NRS 293.269931, 293C.26331) **Sections 20 and 61** of this bill: (1) require, instead of authorize, the mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election; and (2) require the mail **ballot** central counting board to process each mail ballot ~~[on]~~ **within 24 hours after receipt of** the ~~[day that the]~~ mail ballot **unless a waiver** is ~~[received. Section]~~ **granted by the Secretary of State. Sections 19 and 60** of this bill ~~[requires]~~ **require** the Secretary of State, rather than a county **or city** clerk, to establish procedures for **minimum requirements for** the processing and counting of mail ballots. (NRS ~~[293.269925)]~~ **293.269925, 293C.26325)**

Existing law requires a county clerk to: (1) prepare and distribute to certain persons in the county a mail ballot for every election; and (2) allow a voter to elect not to receive such a mail ballot by submitting a written notice to the county clerk which must be received by the county clerk not later than 60 days before the day of the election. (NRS 293.269911) **Section 18** of this bill authorizes a voter who elects not to receive a mail ballot to later elect to receive a mail ballot for the election if he or she, not later than 14 days before the election, submits to the county clerk a written notice in the form prescribed by the county clerk. **Sections 18 and 59.5 of this bill revise the deadline for distributing a mail ballot to each registered voter who resides within the State from not later than 20 days before the election to instead on or after the fifth Monday before the election but not later than the fourth Monday before the election.**

Existing law authorizes an elector to vote in the county or city in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State before the elector appears at a polling place to vote in person. Existing law further requires an elector who submits an application to register to vote in such a manner less than 14 days before the election to vote in person. (NRS 293.5837, 293.671) **Section 41** of this bill instead requires an elector who submits such an application less than 18 days before the election to vote in person. **Section 18** requires a county clerk to prepare and distribute a mail ballot to each person who registers to vote or updates his or her voter registration information not later than 18 days, rather than 14 days, before the election. (NRS 293.269911)

Existing law requires a county clerk, if the county clerk uses an electronic roster, to complete a test of the electronic roster not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance to ensure its functionality. (NRS 293.275) **Section 22** of this bill prohibits such a test from being completed earlier than 6 weeks, instead of 2 weeks, before the first day of the period for early voting by personal appearance. **Section 55** of this bill similarly revises the time period provided in existing law for a county or city clerk to perform certain tests on a

mechanical recording device which directly records votes electronically and any automatic tabulating equipment and programs. (NRS 293B.150)

Sections 24 and 33 of this bill define the term "personal knowledge" for purposes of certain provisions of existing law which authorize certain persons to challenge the right of a person to vote and provide that the term does not include knowledge obtained from a third party. (NRS 293.303, 293.535)

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election. (NRS 293.394) **Section 29** of this bill renames such audits to "election accuracy audits." Existing law provides that certain materials used in the completion of logic and accuracy tests must be sealed and deposited in the vaults of the county clerk. (NRS 293B.170) **Section 56** of this bill provides that such materials are subject to inspection for the purposes of an election accuracy audit.

Section 30 of this bill provides that the term "canvass" as used in certain provisions relating to recounts demanded by a candidate defeated at an election includes, in any general election, the canvass by the Supreme Court of the returns for a candidate for United States Senator or Representative in Congress. (NRS 293.403)

Existing law requires a county clerk to cancel the preregistration or registration of a person under certain circumstances and authorizes or requires the reregistration of certain electors whose registration is cancelled. (NRS 293.540, 293.543) **Section 34** of this bill requires a county clerk to cancel the preregistration or registration of a person if the county clerk receives, from a person who is within the second degree of consanguinity of the person, a sworn affidavit which indicates the death of the person. **Section 35** of this bill requires, if the registration or preregistration of an elector is cancelled under such circumstances and the county clerk later determines that the registration or preregistration should not have been cancelled, the county clerk to reregister or repreregister the elector.

Existing law provides that the last day for a person to register to vote for certain elections that are held on the same day as a primary election, presidential preference primary election or general election is, if the person is registering by appearing in person at the office of the county clerk or certain county facilities, the fourth Tuesday preceding the primary election, presidential preference primary election or general election. (NRS 293.560) **Section 36** of this bill instead provides that the last day to register to vote in such a manner is the day before the first day of the period for early voting by personal appearance. **Section 62** of this bill similarly revises such deadlines for registration for a primary city, general city, recall and special city election if there is a period for early voting for the primary or general city election. **Section 37** of this bill requires, if an application to register to vote is received not later than 5 days after the appropriate deadline, a county clerk to accept the application if it is obtained from the Department of Motor Vehicles and is completed by, depending on if there is a period for early voting by personal

appearance, the day before the first day of the period for early voting by personal appearance or the last day to register to vote by mail. (NRS 293.5727)

Existing law further provides that if a recall or special election is not held on the same day as certain elections, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election. (NRS 293.560) **Section 36** instead provides that the last day to register to vote for such a recall or special election: (1) by mail is the second Tuesday preceding the recall or special election; (2) by appearing in person at the office of the county clerk or certain county facilities is, depending on if there is a period for early voting for the recall or special election, either the day before the first day of the period for early voting by personal appearance or the third Saturday preceding the recall or special election; and (3) by computer using the system established on the Internet website of the Office of the Secretary of State is the day of the recall or special election. **Section 62** similarly revises deadlines for such registration for such recall and special city elections.

Sections 48 and 49 of this bill exempt a person who is conducting an exit poll from certain provisions of law which prohibit a person from: (1) with certain exceptions, remaining inside or outside of any polling place so as to interfere with the conduct of an election; and (2) in certain locations, soliciting a vote or speaking to a voter on the subject of marking the voter's ballots. (NRS 293.730, 293.740)

Section 50 of this bill provides that the termination of a contract by certain local governing bodies for the lease or use of a mechanical voting system or mechanical recording device which is currently used in any election of this State is provisional unless such an entity: (1) submits to the Secretary of State a plan to transition to a new mechanical voting system or mechanical recording device which is approved by the Secretary of State; and (2) signs a contract for the purchase, lease or use of the new mechanical voting system or mechanical recording device.

Existing law authorizes mechanical voting systems to be used to cast, register, record and count ballots or votes at all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) **Section 51** of this bill instead provides that ballots or votes: (1) may be cast, registered and recorded using a mechanical voting system; and (2) must be counted using a mechanical voting system. **Sections 13, 52-54, 57, 63, 64, 66 and 69-80** of this bill make conforming changes to require the use of a mechanical voting system for counting votes and clarify that the use of a mechanical voting system for casting ballots is authorized but not required.

Section 67 of this bill authorizes the Secretary of State, with the approval of the Legislative Commission, to adjust the date of the presidential primary election which is set forth in existing law as the first Tuesday in February of each presidential election year. (NRS 298.650)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ~~*[1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election day:*~~

~~*(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.*~~

~~*(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.*~~

~~*2. Upon receipt of an application and ballot cast by a person pursuant to subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.*~~

~~*3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.*~~

~~*4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.*~~

~~*5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.*~~

~~*6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.*~~

~~*7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any person who is detained in the jail.*~~

~~*8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.*~~

~~*9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.*~~

~~*10. As used in this section:*~~

~~*(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.*~~

~~*(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.*~~

~~*(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.*~~

~~*(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.]*~~ **(Deleted by amendment.)**

Sec. 3. *Except as otherwise provided in this title, if the Secretary of State requests any information or data relating to ~~[an]~~ the current election cycle from a county clerk or city clerk, the county or city clerk shall, not later than ~~[2 business days]~~ the second working day after receiving the request, respond to the Secretary of State with ~~[the]~~ :*

1. The information or data ; or ~~[provide a]~~

2. A written explanation that indicates when the clerk will ~~[not]~~ reasonably be able to provide the information or data . ~~[within 2 business days or does not have the information or data.]~~

Sec. 4. *If an active registered voter moves to another county and registers to vote therein, which may include, without limitation, an application to register to vote which is transmitted to a county clerk from an automatic voter registration agency:*

1. It shall be deemed that the voter is updating his or her voter registration rather than registering to vote; and

2. Except as otherwise provided in NRS 293.5832, the voter must not be required to, on the basis of the update to his or her address, cast a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a conditional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 5. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by:

1. A mail ballot;

2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; or

3. A ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 6. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. ~~[Within 4]~~ ***Except as otherwise provided by NRS 295.056, within 9*** days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within ~~[2]~~ *7* days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

Sec. 7. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within ~~[9]~~ *14* days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within ~~[20]~~ *25* days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within ~~[3]~~ *8* days, excluding Saturdays, Sundays and holidays, after the

notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

➥ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is

examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

(a) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

(c) A person is registered to vote by an automatic voter registration agency,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. ~~*[The county clerk shall allow 2 business days for a person to cure any defect in a signature on the petition.*~~

~~*—8.]*~~ In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. ~~*[9.]*~~ Except as otherwise provided in subsection 10, ~~*[11,]*~~ upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. ~~*[10.]*~~ A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. ~~*[11.]*~~ For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk

shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. ~~[12.]~~ The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 8. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection 2 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~[10]~~ ***25*** working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.

Sec. 9. ~~[NRS 293.1725 is hereby amended to read as follows:~~

~~293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:~~

~~(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or~~

~~(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,~~

~~→ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in [March.] *February* preceding the election and not later than 5 p.m. on the second Friday after the first Monday in [March.] *February.* The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended~~

~~not later than 5 p.m. on the second Friday after the first Monday in [March.]~~ ***February.***

~~2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.~~

~~3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State and not later than 5 p.m. on the second Friday after the first Monday in [March.]~~ ***February.***

~~4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than~~ **[**~~:~~

~~(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other candidates,~~**]** ~~the first Monday in~~ **[**~~March~~**]** ***February*** ~~of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in~~ **[**~~March.~~**]** ***February.***

~~2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:~~

~~(a) For partisan office:~~

~~Declaration of Candidacy of ..... for the Office of .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date~~

~~at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~

~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~(b) For nonpartisan office:~~

~~Declaration of Candidacy of ..... for the Office of .....~~

~~State of Nevada~~

~~County of .....~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do~~

~~swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....~~
~~(Designation of name)~~
~~.....~~
~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~
~~.....~~
~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:~~

~~(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and~~

~~(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.~~

~~4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:~~

~~(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and~~

~~(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.~~

~~5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.~~

~~6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.~~

~~9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.~~ **(Deleted by amendment.)**

Sec. 11. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than ~~[10]~~ ***25*** working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, ~~[not later than 10~~ ***25*** ~~working days before]~~ ***during*** the ~~[last day to file the petition pursuant to]~~ ***period of time set forth in*** subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that

the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the ~~[first]~~ ***second*** Monday ~~[in March ***February*** preceding]~~ ***following*** the ~~[general]~~ ***primary*** election and not later than 5 p.m. on the third Friday ***following the primary election. If a petition is submitted*** in ~~[June.]~~ ***a timely manner pursuant to subsection 2 but the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters after 5 p.m. on the third Friday following the primary election, the petition shall be deemed to be timely filed with the Secretary of State.***

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March ***[February]*** of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March. ***[February.]***

Sec. 12. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates for judicial and nonjudicial office from the Secretary of State pursuant to NRS 293.187, the county clerk shall publish a notice of primary election or general election ***once a week for 2 successive weeks*** in ***such a manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[once a week for 2 successive weeks. If no such newspaper is published in the~~

~~county, the publication may be made in a newspaper of general circulation published in~~ ***or*** the nearest Nevada county ~~.~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk.*** The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 13. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used ~~.~~ ***for casting ballots.***

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 14. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, presidential preference primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election. Permanent regulations of the Secretary of State that regulate the conduct of a presidential preference primary election and are effective on or

before the last business day of September immediately preceding a presidential preference primary election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy and any petition which is filed pursuant to the election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. ***The Secretary of State may adopt regulations which provide standards for any reports required to be filed by a county or city clerk pursuant to this title.***

5. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, presidential preference primary, general, special and district elections in this State.

~~[5.]~~ ***6.*** The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 15. ~~[NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.~~

~~(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.~~

~~***(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail pursuant to section 2 of this act.***~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and~~

~~clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~] **(Deleted by amendment.)**

Sec. 16. [~~NRS 293.2504 is hereby amended to read as follows:~~

~~293.2504 1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to NRS 293.2502.~~

~~2. Each county clerk and city clerk shall attend the training course provided by the Secretary of State.~~

~~3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.~~

~~4.~~ ***The Secretary of State may require any deputy or employee of the Office of the Secretary of State whose duties relate to elections to attend the training course provided by the Secretary of State pursuant to this section.***

~~5. The Secretary of State:~~

~~(a) Shall provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.~~

~~(b) May provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of any deputy or employee of the office of the county or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.~~] **(Deleted by amendment.)**

Sec. 17. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution or constitutional amendment which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county ~~[.]~~ ***and in addition to any publication made in a newspaper pursuant to this subsection, a county clerk may publish a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note in such a manner as the county clerk deems proper which may include, without limitation, publication on the Internet website of the county clerk or on the social media account of the county clerk.***

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions or constitutional amendments is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 18. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the ~~[14]~~ ***18*** days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county

clerk not later than 60 days before the day of the election. ***If a voter elects not to receive a mail ballot pursuant to this subsection, he or she may later elect to receive a mail ballot for the election if he or she, not later than 14 days before the election, submits to the county clerk a written notice in the form prescribed by the county clerk.***

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 19. NRS 293.269925 is hereby amended to read as follows:

293.269925 1. The ~~[county clerk]~~ ***Secretary of State*** shall establish procedures for ***minimum requirements for*** the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293.269911 to 293.269937, inclusive.

Sec. 20. NRS 293.269931 is hereby amended to read as follows:

293.269931 1. The mail ballot central counting board ~~[may]~~ ***shall*** begin counting the received mail ballots 15 days before the day of the election ~~[.]~~ ***and must process each mail ballot pursuant to NRS 293.269933*** ~~***[on the day***~~

~~*that]*~~ ***within 24 hours after*** ***the receipt of the*** ***mail ballot*** ~~*is received.]*~~ ***unless the Secretary of State grants a waiver requested pursuant to subsection 2.*** The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. ***If a mail ballot central counting board is unable to process a mail ballot within 24 hours after the receipt of the mail ballot, the mail ballot central counting board may request a waiver from the Secretary of State to extend the time that the mail ballot central counting board has to process the mail ballot. A waiver granted pursuant to this subsection must not authorize the mail ballot central counting board to count the mail ballot after the deadline for the completion of the count of all mail ballots set forth in subsection 1.***

3. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 21. ~~[NRS 293.269975 is hereby amended to read as follows:~~

~~293.269975 Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:~~

~~1. An explanation of the process the jail used to comply with the requirements of NRS 293.269971 and 293.269973 *and section 2 of this act* for the election; and~~

~~2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.]~~ **(Deleted by amendment.)**

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it:

(a) The roster designated for registered voters who apply to vote at the polling place; and

(b) The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive.

2. For a polling place established pursuant to NRS 293.3072, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county.

3. If a county clerk uses an electronic roster, not earlier than ~~[2]~~ ***6*** weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.

Sec. 23. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 24. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

10. For the purposes of this section, "personal knowledge" means firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. The term does not include knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.

Sec. 25. NRS 293.3073 is hereby amended to read as follows:

293.3073 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to NRS 293.3072, the county clerk must:

(a) Publish during the week before the election ~~[in a newspaper of general circulation]~~ a notice of the location of each such polling place. ***The county clerk may make this publication in such a manner as the county clerk deems proper which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.***

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to NRS 293.3072 after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 26. NRS 293.3078 is hereby amended to read as follows:

293.3078 As used in NRS 293.3078 to 293.3086, inclusive, unless the context otherwise requires:

1. "Provisional ballot" means a provisional ballot cast by a person pursuant to NRS 293.3078 to 293.3086, inclusive.

2. The term does not include a ~~[provisional]~~ ***conditional*** ballot cast by a person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 27. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting ~~[in a newspaper of general circulation]~~ a schedule stating ~~[~~:

~~(a) The~~ ***the*** location of each permanent and temporary polling place for early voting ~~.~~

~~(b) The~~ ***and the*** dates and hours that early voting will be conducted at each location. ***The county clerk may make this publication in such a manner as the county clerk deems proper which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.***

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.

Sec. 28. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must ***, not less than 2 weeks before the destruction,*** be published by the clerk in ***such a manner as the county clerk deems proper which may include, without limitation, publication in*** at least one newspaper of general circulation in the county ~~[not less than 2 weeks before]~~ ***, on the Internet website of the county clerk or on the social media account of*** the ~~[destruction.]~~ ***county clerk.***

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners

are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 29. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting ~~[a risk-limiting]~~ ***an election accuracy*** audit of an election, which may include, without limitation:

(a) Procedures to conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the ~~[risk-limiting]~~ ***election accuracy*** audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit of the results of an election.

3. As used in this section, ~~["risk-limiting]~~ ***"election accuracy*** audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 30. NRS 293.403 is hereby amended to read as follows:

293.403 1. Except as otherwise provided in NRS 293.424, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for ***United States Senator, Representative in Congress or*** a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 31. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in ***such a manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[.]~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk;*** and

(b) Transmit a notice of the extended deadline to each registered voter who received a mail ballot for the election and has not returned the mail ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 52,000 or more, on at least 3 successive days.

(b) In a county whose population is less than 52,000, at least twice in successive issues of the newspaper ~~[.]~~ ***or, if the notice is not published in a newspaper, on at least 2 successive days.***

Sec. 32. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary election, presidential preference primary election and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast pursuant to NRS 293.3078 to 293.3086, inclusive, and the reason for the casting of each such provisional ballot.

(h) The number of ~~[provisional]~~ ***conditional*** ballots cast pursuant to NRS 293.5772 to 293.5887, inclusive.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary election, presidential preference primary election and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 33. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to subsection 2 of NRS 293.4855.

6. For the purposes of this section, "personal knowledge" means firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. The term does not include knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.

Sec. 34. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk ***becomes aware of the death of the person through any of the following methods:***

(1) The county clerk has personal knowledge of the death of the person ***;***

(2) The county clerk receives, from a person who is within the second degree of consanguinity to the person, a sworn affidavit which indicates the death of the person; or ~~[if an]~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk ***becomes aware of the death of the person through any of the following methods:***

(1) The county clerk has personal knowledge of the death of the person ***;***

(2) The county clerk receives, from a person who is within the second degree of consanguinity to the voter, a sworn affidavit which indicates the death of the voter; or ~~[if an]~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony and is currently incarcerated.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) At the request of the person.

(f) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(g) As required by NRS 293.541.

(h) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 35. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister upon release from prison.

3. If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

4. ***If the registration or preregistration of an elector is cancelled pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 293.540 or subparagraph (2) of paragraph (a) of subsection 2 of NRS 293.540 and the county clerk later determines that the registration or preregistration should not have been cancelled, the county clerk shall reregister or repreregister the elector, as applicable.***

5. A county clerk shall not require an elector to present evidence, including, without limitation, a court order or any other document, to prove that the elector satisfies the requirements of subsection 2.

Sec. 36. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.269951, 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary election, presidential preference primary election or general election, or a recall or special election that is held on the same day as a primary election, presidential preference primary election or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary election, presidential preference primary election or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the ~~[fourth Tuesday preceding]~~ ***day before the first day of the period for early voting by personal appearance for*** the primary election, presidential preference primary election or general election.

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the day of the primary election, presidential preference primary election or general election.

(b) If a recall or special election is not held on the same day as a primary election, presidential preference primary election or general election, the last

day to register to vote for the recall or special election ~~[by any method of registration]~~ ***:***

(1) By mail is the second Tuesday preceding the recall or special election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is ***:***

(I) If there is a period for early voting for the recall or special election, the day before the first day of the period for early voting by personal appearance for the recall or special election; or

(II) If there is not a period for early voting for the recall or special election, the third Saturday preceding the ***recall or special election.***

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671 is the day of the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary election, presidential preference primary election or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 37. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or

register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last ~~[day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.]~~ ***date that the county clerk is required to accept such an application pursuant to subsection 5.***

4. The Department is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by ***:***

(1) If there is a period for early voting, the day before the first day of the period for early voting by personal appearance; or

(2) If there is not a period for early voting, the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,

➥ if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete

application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 38. NRS 293.5782 is hereby amended to read as follows:

293.5782 "Final verification" means the procedures established pursuant to NRS 293.5872 to verify and determine whether a person who cast a ~~[~~provisional~~]~~ ***conditional*** ballot was qualified to register to vote and to cast the ballot in the election.

Sec. 39. NRS 293.5792 is hereby amended to read as follows:

293.5792 1. ~~[~~"Provisional~~]~~ ***"Conditional*** ballot" means a ~~[~~provisional~~]~~ ***conditional*** ballot cast by a person pursuant to NRS 293.5772 to 293.5887, inclusive.

2. The term does not include a provisional ballot cast by a person pursuant to:

(a) NRS 293.3078 to 293.3086, inclusive; or

(b) Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082, as amended.

Sec. 40. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter

registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize at least one of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; or

(b) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a ~~[provisional]~~ ***conditional*** ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a ~~[provisional]~~ ***conditional*** ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a ~~[provisional]~~ ***conditional*** ballot in the election pursuant to this section, the ~~[provisional]~~ ***conditional*** ballot is subject to final verification in accordance with the procedures that apply to other ~~[provisional]~~ ***conditional*** ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 41. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. An elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section less than ~~[14]~~ ***18*** days before the election, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 42. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to

vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 43. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot.

Sec. 44. NRS 293.5852 is hereby amended to read as follows:

293.5852 If a person casts a ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive, the ~~[provisional]~~ ***conditional*** ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.

Sec. 45. NRS 293.5872 is hereby amended to read as follows:

293.5872 1. Each county and city clerk shall establish procedures, approved by the Secretary of State, for:

(a) Carrying out final verification to verify and determine whether a person who cast a ~~[provisional]~~ ***conditional*** ballot was qualified to register to vote and to cast the ballot in the election; and

(b) Keeping each ~~[provisional]~~ ***conditional*** ballot separate from other ballots until such final verification.

2. For the purposes of final verification:

(a) The Secretary of State shall verify that an elector has voted in the election in only one county or city, as applicable, and provide each county and city clerk with a copy of the verification report; and

(b) Each county and city clerk shall verify that an elector has voted in the election at only one polling place in the county or city, as applicable.

Sec. 46. NRS 293.5877 is hereby amended to read as follows:

293.5877 1. Following each election, a canvass of the ~~[provisional]~~ ***conditional*** ballots cast in the election must be conducted pursuant to NRS 293.387 and 293C.387.

2. The county or city clerk shall not include any ~~[provisional]~~ ***conditional*** ballot in the unofficial results reported on election night.

3. Beginning on the day following the election, the county or city clerk shall regularly report the results of the counting of the ~~[provisional]~~ ***conditional*** ballots until such counting is completed.

Sec. 47. NRS 293.5882 is hereby amended to read as follows:

293.5882 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person

who cast a ~~[provisional]~~ ***conditional*** ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a ~~[provisional]~~ ***conditional*** ballot must be restricted to the person who cast the ~~[provisional]~~ ***conditional*** ballot.

Sec. 48. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election. ***The provisions of this paragraph do not prohibit a person from conducting an exit poll in or outside of the polling place.***

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 49. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 3, it is unlawful inside a polling place, within 100 feet from the entrance to the building or other structure in which a polling place is located, inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot ~~[.]~~ ***unless the person is conducting an exit poll.***

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The county clerk shall ensure that any notice posted pursuant to subsection 1 is:

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of subsections 1 and 2 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

4. Any person who violates any provision of this section is guilty of a gross misdemeanor.

5. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 50. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the board of county commissioners of any county or the city council or other governing body of any city terminates a contract for the lease or use of a mechanical voting system or mechanical recording device which is currently used in any election, that termination is provisional and does not become final unless the board of county commissioners, city council or other governing body:

1. Submits to the Secretary of State a plan to transition to a new mechanical voting system or mechanical recording device, as applicable, which is approved by the Secretary of State; and

2. Submits to the Secretary of State proof of a signed contract for purchase, lease or use of the new mechanical voting system or mechanical recording device, as applicable.

Sec. 51. NRS 293B.050 is hereby amended to read as follows:

293B.050 At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

1. May be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

2. Must be counted by means of a mechanical voting system.

Sec. 52. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city ~~[may]~~ ***:***

1. May purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~[. The system or device may be used at any or all elections held in the county or city,]~~ for voting ~~[,]~~ ***and*** registering ~~[and counting]~~ votes cast.

2. Must purchase and adopt for use at elections a mechanical voting system for counting votes cast.

Sec. 53. NRS 293B.110 is hereby amended to read as follows:

293B.110 ~~[A]~~ ***Except as otherwise provided in NRS 293B.050, a*** mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other mechanical voting system or mechanical recording device.

Sec. 54. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election ***,*** ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 55. NRS 293B.150 is hereby amended to read as follows:

293B.150 Not earlier than ~~[~~2~~]~~ ***6*** weeks before and not later than 5 p.m. on the day before the first day of early voting, the county or city clerk shall test:

1. The mechanical recording device which directly records votes electronically, if any; or

2. The automatic tabulating equipment and programs, if any,

➥ to ascertain that the device or equipment and programs will correctly count the votes cast for all offices and on all measures.

Sec. 56. NRS 293B.170 is hereby amended to read as follows:

293B.170 ***1.*** After the completion of the last logic and accuracy test, the programs used, if any, and the logic and accuracy test ballots and the official ballots shall be sealed, retained and disposed of in the manner provided in NRS 293.391 or 293C.390 for other ballots.

2. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in an election accuracy audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 57. NRS 293B.175 is hereby amended to read as follows:

293B.175 In those districts or precincts in which a mechanical voting system is used ~~[~~,~~]~~ ***for casting ballots,*** the list of offices and candidates and the statements of measures appropriate for use with ~~[~~that~~]~~ ***a mechanical voting*** system in combination with the device upon which a vote is registered is an official ballot.

Sec. 58. ~~[NRS 293C.145 is hereby amended to read as follows:~~

~~293C.145 1. A general city election must be held in each city of population category three on the first Tuesday after the first Monday in November of the first even-numbered year after incorporation, and at each successive interval of 2 years.~~

~~2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. The terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.~~

~~3. A candidate for an office to be voted for at the general city election must file a declaration of candidacy with the city clerk not earlier than [:~~

~~(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~(b) For any other office,]~~ the first Monday in [March] ***February*** ~~of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in [March.]~~ ***February.***

~~4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the city council by ordinance or resolution.~~

~~5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.]~~ **(Deleted by amendment.)**

Sec. 59. ~~[NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than [:~~

~~(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~(b) For any other office,]~~ the first Monday in [March] ***February*** ~~of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in [March.]~~ ***February.***

~~3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the~~

~~city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.]~~ **(Deleted by amendment.)**

Sec. 59.5. **NRS 293C.263 is hereby amended to read as follows:**

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, ***on or after the fifth Monday before the election but*** not later than ~~[20 days]~~ ***the fourth Monday*** before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 60. NRS 293C.26325 is hereby amended to read as follows:

293C.26325 1. The ~~[city clerk]~~ ***Secretary of State*** shall establish procedures for ***minimum requirements for*** the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293C.263 to 293C.26337, inclusive.

Sec. 61. NRS 293C.26331 is hereby amended to read as follows:

293C.26331 1. The mail ballot central counting board ~~[may]~~ ***shall*** begin counting the received mail ballots 15 days before the day of the election ~~[.]~~ ***and must process each mail ballot pursuant to NRS 293C.26333*** ~~***[on the day that]***~~ ***within 24 hours after the receipt of the mail ballot*** ~~***[is received.]***~~ ***unless the Secretary of State grants a waiver requested pursuant to subsection 2.*** The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. ***If a mail ballot central counting board is unable to process a mail ballot within 24 hours after the receipt of the mail ballot, the mail ballot central counting board may request a waiver from the Secretary of State to extend the time that the mail ballot central counting board has to process the mail ballot. A waiver granted pursuant to this subsection must not authorize the mail ballot central counting board to count the mail ballot after the deadline for the completion of the count of all mail ballots set forth in subsection 1.***

3. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 62. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is ***:***

(I) If there is a period for early voting for the primary city election or general city election, the day before the first day of the period for early voting by personal appearance for the primary city election or general city election; or

(II) If there is not a period for early voting for the primary city election or general city election, the fourth Tuesday preceding the primary city election or general city election.

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the day of the primary city election or general city election.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election ~~[by any method of registration]~~ ***:***

(1) By mail is the second Tuesday preceding the recall or special city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520 is ***:***

(I) If there is a period for early voting for the recall or special city election, the day before the first day of the period for early voting by personal appearance for the recall or special city election; or

(II) If there is not a period for early voting for the recall or special city election, the third Saturday preceding the ***recall or special city election.***

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671 is the day of the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 63. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election where a mechanical voting system will be used ~~[,]~~ ***for casting ballots,*** the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 64. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 65. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not ***[earlier than the 13th day and not]*** later than the 15th day following the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not ~~*[earlier than the 13th day and not]*~~ later than the 15th day following the primary election.

4. If the petition is for referendum, the document or documents must be submitted not ~~*[earlier than the 13th day and not]*~~ later than the 15th day following the primary election.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

6. A county clerk may delay beginning verification pursuant NRS 293.1276 to 293.1279, inclusive:

(a) If the petition is a petition for referendum or is a petition for initiative that proposes an amendment to the Constitution, on or after the second Friday before the period for early voting for a primary election. If a county clerk delays verification pursuant to this paragraph, the county clerk must begin verification not later than the 15th day following the primary election.

(b) If the petition is a petition for initiative that proposes a statute or an amendment to a statute, on or after the second Friday before the period for early voting for a general election. If a county clerk delays verification pursuant to this paragraph, the county clerk must begin verification not later than the 15th day following the general election.

Sec. 66. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question printed upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 67. NRS 298.650 is hereby amended to read as follows:

298.650 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** a presidential preference primary election must be held for all major political parties on the first Tuesday in February of each presidential election year.

2. ***The Secretary of State may, with the approval of the Legislative Commission, adjust the date of the presidential preference primary election set forth in subsection 1.***

3. A presidential preference primary election must not be held for a major political party if only one qualified candidate or no qualified candidate of the major political party files a declaration of candidacy pursuant to NRS 298.660. If only one qualified candidate of the major political party files a declaration of candidacy, the Secretary of State must certify the name of the qualified candidate to the state central committee and the national committee of the major political party.

Sec. 68. NRS 298.670 is hereby amended to read as follows:

298.670 1. The Secretary of State shall forward to each county clerk the name, party affiliation and mailing address of each qualified candidate whose name must appear on the ballot for the presidential preference primary election.

2. Immediately upon receipt by the county clerk of the list of qualified candidates, the county clerk shall publish a notice of the presidential preference primary election ***once a week for 2 successive weeks*** in ***such manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in]~~ ***or*** the nearest Nevada county ~~[.]~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk.*** The notice must contain:

(a) The date of the presidential preference primary election;

(b) The major political parties that have qualified candidates who will be on the ballot at the presidential preference primary election;

(c) The location of the polling places in the county, including, without limitation, polling places for early voting by personal appearance; and

(d) The hours during which the polling places in the county will be open for voting during the period for early voting and the day of the presidential preference primary election.

Sec. 69. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the reason for demanding the recall of the officer and the officer's justification need not be printed on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 70. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 71. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 72. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 73. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or]~~ the ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 74. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance***

with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 75. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or for]~~ counting the votes ~~[, or both, which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 76. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 77. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 78. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance***

with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 79. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 80. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 81. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 82. 1. This section and section 81 of this act become effective upon passage and approval.

2. Sections 1 to 80, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 49.

Bill read third time.

Roll call on Assembly Bill No. 49:

YEAS—42.

NAYS—None.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Roll call on Assembly Bill No. 169:

YEAS—42.

NAYS—None.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Roll call on Assembly Bill No. 188:

YEAS—37.

NAYS—Gray, Gurr, Hafen, Koenig, Yurek—5.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 243.

Bill read third time.

Roll call on Assembly Bill No. 243:

YEAS—42.

NAYS—None.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Roll call on Assembly Bill No. 284:

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Roll call on Assembly Bill No. 296:

Yeas—29.

Nays—Considine, Flanagan, González, Goulding, Gurr, Hansen, Hunt, La Rue Hatch, Marzola, Miller, Moore, Nadeem, Roth—13.

Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Roll call on Assembly Bill No. 326:

YEAS—42.

NAYS—None.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Roll call on Assembly Bill No. 328:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 402.

Bill read third time.

Roll call on Assembly Bill No. 402:

YEAS—27.

NAYS—Dickman, Flanagan, González, Hafen, Hansen, Hibbetts, Jackson, La Rue Hatch, Miller, Moore, Mosca, Nadeem, Nguyen, Orentlicher, Roth—15.

Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Roll call on Assembly Bill No. 404:

YEAS—42.

NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 428.
Bill read third time.
Roll call on Assembly Bill No. 428:
YEAS—38.
NAYS—DeLong, Edgeworth, Gray, Kasama—4.
Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 467.
Bill read third time.
Roll call on Assembly Bill No. 467:
YEAS—42.
NAYS—None.
Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 471.
Bill read third time.
Roll call on Assembly Bill No. 471:
YEAS—40.
NAYS—Dickman, Gray—2.
Assembly Bill No. 471 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 500.
Bill read third time.
Roll call on Assembly Bill No. 500:
YEAS—25.
NAYS—Considine, DeLong, Dickman, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hibbetts, Jauregui, Kasama, Koenig, La Rue Hatch, O'Neill, Yurek—17.
Assembly Bill No. 500 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that, having voted on the prevailing side, the vote whereby Assembly Bill No. 500 was lost be reconsidered.
Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 500 be placed on the Chief Clerk's Desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 514.
Bill read third time.
Roll call on Assembly Bill No. 514:

YEAS—42.
NAYS—None.

Assembly Bill No. 514 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Roll call on Assembly Bill No. 515:
YEAS—42.
NAYS—None.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Roll call on Assembly Bill No. 542:
YEAS—42.
NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 595.

Bill read third time.

Roll call on Assembly Bill No. 595:
YEAS—42.
NAYS—None.

Assembly Bill No. 595 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Remarks by Assemblymember La Rue Hatch.

ASSEMBLYMEMBER LA RUE HATCH:

I rise in support of Assembly Bill 596. I just want to take a moment to recognize the thousands of state workers that are working tirelessly to keep our communities running, and I want to acknowledge the work that this body has done to try to recognize that. We have been, unfortunately, constrained by the budget this year, and I think all of us would like to have done much more to recognize and honor those workers. I am in support of this bill because I think it still recognizes them; I think it still does what we can do in this moment. I just want to take a moment to say to the state workers that we see you, we hear you, we are fighting for you, and that work will continue even beyond this bill.

Roll call on Assembly Bill No. 596:
YEAS—42.
NAYS—None.

Assembly Bill No. 596 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered immediately transmitted to the Senate.

Assembly Bill No. 600.

Bill read third time.

Roll call on Assembly Bill No. 600:

YEAS—42.

NAYS—None.

Assembly Bill No. 600 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

Assembly in recess at 9:24 p.m.

ASSEMBLY IN SESSION

At 9:39 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 238, 397, 463, and 597 be taken from their place on the General File and be moved to the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 238.

Bill read third time.

Roll call on Assembly Bill No. 238:

YEAS—22.

NAYS—Anderson, Backus, Considine, Dickman, Edgeworth, Gallant, González, Goulding, Gray, Hafen, Hansen, Hardy, Hibbetts, La Rue Hatch, Moore, Nadeem, Orentlicher, Roth, Torres-Fossett, Watts—20.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Roll call on Assembly Bill No. 397:

YEAS—42.

NAYS—None.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Roll call on Assembly Bill No. 463:

YEAS—42.

NAYS—None.

Assembly Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

Bill read third time.

Roll call on Assembly Bill No. 597:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Assembly Bill No. 597 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 534 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 534.

Bill read third time.

The following amendment was proposed by Assemblymember Mosca:

Amendment No. 928.

AN ACT relating to elections; requiring the Secretary of State to allow certain persons detained in jail to use the system of approved electronic transmission to register to vote and cast a ballot; revising provisions relating to voter registration and updating voter registration information; renaming certain provisional ballots to "conditional ballots"; revising provisions relating to certain petitions; revising the deadline for candidates to file a declaration of candidacy; revising provisions relating to the publication of certain information by a county clerk; authorizing the Secretary of State to require certain employees to attend a training course concerning elections procedures; revising provisions relating mail ballots; revising provisions relating to the testing of certain technology prior to an election; defining the term "personal knowledge" for purposes of certain challenges; revising provisions relating to risk-limiting audits; revising provisions relating to certain prohibited conduct in or around a polling place; revising provisions relating to mechanical voting systems; authorizing, under certain circumstances, the Secretary of State to adjust the date of the presidential preference primary election; **creating the Voter Access Grant Program and the Account for the Voter Access Grant**

Program; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which voters may register to vote and apply for and cast a ballot. (NRS 293D.200) Existing law further sets forth provisions governing voting by persons who are detained in a county or city jail. (NRS 293.269971, 293.269973, 293.269975) **Section 2** of this bill requires the Secretary of State to allow: (1) an elector who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. **Section 15** of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city jail. **Section 21** of this bill requires the report submitted to the Secretary of State by a person who administers a county or city jail concerning elections conducted in such jails to include an explanation of the process the jail used to comply with the provisions of **section 2**. (NRS 293.269975)

Section 3 of this bill requires, with limited exception, a county or city clerk to respond within 2 working days after receiving any request from the Secretary of State for information or data relating to an election.

Section 4 of this bill provides that if an active registered voter moves to another county and registers to vote therein, which may include, without limitation, an application to register to vote which is transmitted to a county clerk from an automatic voter registration agency, it shall be deemed that the voter is updating his or her voter registration rather than registering to vote and, with certain exceptions, the voter must not be required to cast a provisional ballot on the basis of such an update.

Existing law sets forth certain procedures governing the use of provisional ballots by registered voters who update their voter registration information after the close of registration for an election and by electors who register to vote in person or by computer during certain periods of time leading up to and during an election. Specifically, existing law: (1) with certain exceptions, requires an elector who is deemed conditionally registered to vote under such circumstances to cast his or her vote by a provisional ballot; and (2) authorizes a county or city clerk, under certain circumstances, to require a registered voter who updates his or her voter registration to cast a provisional ballot in an election. (NRS 293.5772-293.5887) **Sections 5, 23, 26, 32 and 38-47** of this bill rename ballots cast under such circumstances to be "conditional ballots."

Existing law requires certain petitions to be submitted to a county clerk for verification of the signatures on the petition and sets forth certain deadlines for

such submission. (NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035, 306.110) **Section 65** of this bill prohibits petitions for referendum and certain initiatives from being submitted to a county clerk earlier than the 13th day following the primary or general election, as appropriate. (NRS 295.056) Existing law requires, after the submission of certain petitions containing signatures which are required to be verified, the county clerk to determine the number of signatures affixed to the documents and forward that information to the Secretary of State. (NRS 293.1276) **Section 6** of this bill increases the time provided to a county clerk to make such a determination: (1) for a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot, from 2 working days to 7 working days; and (2) for any other petition which is required to be submitted for such purposes, from 4 working days to 9 working days.

If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, existing law requires: (1) the Secretary of State to immediately notify the county clerks; and (2) each of the county clerks, after the receipt of such notification, to determine the number of registered voters who have signed the document. (NRS 293.1277) **Section 7** of this bill increases the time provided to a county clerk to make such a determination: (1) for a petition to recall a public officer who holds a statewide office, from 20 working days to 25 working days; (2) for a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot, from 3 working days to 8 working days; and (3) for any other petition which is required to be submitted for such purposes, from 9 working days to 14 working days. **Sections 8 and 11** of this bill require a petition to place the name of a candidate for partisan office of a minor political party or an independent candidate for partisan office on the ballot be submitted to the county clerk for verification not later than 25 working days, rather than 10 working days, before the last day to file the petition.

Existing law provides that the period for filing a declaration of candidacy: (1) for judicial candidates begins on the first Monday in January of the year in which the election is to be held and ends the second Friday after the first Monday in January; and (2) for all nonjudicial candidates begins on the first Monday in March of the year in which the election is to be held and ends the second Friday after the first Monday in March. (NRS 293.177, 293C.145, 293C.175) **Sections 9-11, 58 and 59** of this bill instead provide that the period for filing a declaration of candidacy for both judicial and nonjudicial candidates begins on the first Monday in February of the year in which the election is to be held and ends not later than 5 p.m. on the second Friday after the first Monday in February. **Section 9** similarly revises the dates by which a minor political party is required by existing law to file a list of its candidates for partisan office. (NRS 293.1725) **Section 11** further provides that a petition

of candidacy for an independent candidate for partisan office must not be filed earlier than the first Monday in February rather than the first Monday in March.

Existing law requires a county clerk to publish certain information concerning elections in a newspaper of general circulation. (NRS 293.203, 293.253, 293.3073, 293.3576, 293.391, 293.464, 298.670) **Sections 12, 25, 27, 28, 31 and 68** of this bill instead require the county clerk to publish such notices in such a manner as the county clerk deems proper, which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.

Under existing law, the Secretary of State is required to cause to be published in a newspaper of general circulation, on three separate occasions, in each county of the State, together with any explanatory matter to be placed on the ballot, the entire text of a proposed amendment to the Nevada Constitution which is proposed by an initiative petition. (Nev. Art. 19, § 2; NRS 293.253) **Section 17** of this bill authorizes a county clerk to also publish such materials in any other manner as the county clerk deems proper which may include, without limitation, publication on the Internet website of the county clerk or on the social media account of the county clerk.

Existing law requires the Secretary of State to adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, presidential preference primary, general, special and district elections in all cities and counties. (NRS 293.247) **Section 14** of this bill authorizes the Secretary of State to adopt regulations which provide standards for certain reports which are required to be filed by a county or city clerk.

Section 16 of this bill authorizes the Secretary of State to require any deputy or employee of the Office of the Secretary of State whose duties relate to elections to attend the training course provided by the Secretary of State concerning elections procedures. (NRS 293.2504)

Existing law authorizes a mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election and requires the board to complete the count of all mail ballots on or before the seventh day following the election. (NRS 293.269931, 293C.26331) **Sections 20 and 61** of this bill: (1) require, instead of authorize, the mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election; and (2) require the mail central counting board to process each mail ballot on the day that the mail ballot is received. **Section 19** of this bill requires the Secretary of State, rather than a county clerk, to establish procedures for the processing and counting of mail ballots. (NRS 293.269925)

Existing law requires a county clerk to: (1) prepare and distribute to certain persons in the county a mail ballot for every election; and (2) allow a voter to elect not to receive such a mail ballot by submitting a written notice to the county clerk which must be received by the county clerk not later than 60 days before the day of the election. (NRS 293.269911) **Section 18** of this bill

authorizes a voter who elects not to receive a mail ballot to later elect to receive a mail ballot for the election if he or she, not later than 14 days before the election, submits to the county clerk a written notice in the form prescribed by the county clerk.

Existing law authorizes an elector to vote in the county or city in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State before the elector appears at a polling place to vote in person. Existing law further requires an elector who submits an application to register to vote in such a manner less than 14 days before the election to vote in person. (NRS 293.5837, 293.671) **Section 41** of this bill instead requires an elector who submits such an application less than 18 days before the election to vote in person. **Section 18** requires a county clerk to prepare and distribute a mail ballot to each person who registers to vote or updates his or her voter registration information not later than 18 days, rather than 14 days, before the election. (NRS 293.269911)

Existing law requires a county clerk, if the county clerk uses an electronic roster, to complete a test of the electronic roster not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance to ensure its functionality. (NRS 293.275) **Section 22** of this bill prohibits such a test from being completed earlier than 6 weeks, instead of 2 weeks, before the first day of the period for early voting by personal appearance. **Section 55** of this bill similarly revises the time period provided in existing law for a county or city clerk to perform certain tests on a mechanical recording device which directly records votes electronically and any automatic tabulating equipment and programs. (NRS 293B.150)

Sections 24 and 33 of this bill define the term "personal knowledge" for purposes of certain provisions of existing law which authorize certain persons to challenge the right of a person to vote and provide that the term does not include knowledge obtained from a third party. (NRS 293.303, 293.535)

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election. (NRS 293.394) **Section 29** of this bill renames such audits to "election accuracy audits." Existing law provides that certain materials used in the completion of logic and accuracy tests must be sealed and deposited in the vaults of the county clerk. (NRS 293B.170) **Section 56** of this bill provides that such materials are subject to inspection for the purposes of an election accuracy audit.

Section 30 of this bill provides that the term "canvass" as used in certain provisions relating to recounts demanded by a candidate defeated at an election includes, in any general election, the canvass by the Supreme Court of the returns for a candidate for United States Senator or Representative in Congress. (NRS 293.403)

Existing law requires a county clerk to cancel the preregistration or registration of a person under certain circumstances and authorizes or requires the reregistration of certain electors whose registration is cancelled. (NRS

293.540, 293.543) **Section 34** of this bill requires a county clerk to cancel the preregistration or registration of a person if the county clerk receives, from a person who is within the second degree of consanguinity of the person, a sworn affidavit which indicates the death of the person. **Section 35** of this bill requires, if the registration or preregistration of an elector is cancelled under such circumstances and the county clerk later determines that the registration or preregistration should not have been cancelled, the county clerk to reregister or repreregister the elector.

Existing law provides that the last day for a person to register to vote for certain elections that are held on the same day as a primary election, presidential preference primary election or general election is, if the person is registering by appearing in person at the office of the county clerk or certain county facilities, the fourth Tuesday preceding the primary election, presidential preference primary election or general election. (NRS 293.560) **Section 36** of this bill instead provides that the last day to register to vote in such a manner is the day before the first day of the period for early voting by personal appearance. **Section 62** of this bill similarly revises such deadlines for registration for a primary city, general city, recall and special city election if there is a period for early voting for the primary or general city election. **Section 37** of this bill requires, if an application to register to vote is received not later than 5 days after the appropriate deadline, a county clerk to accept the application if it is obtained from the Department of Motor Vehicles and is completed by, depending on if there is a period for early voting by personal appearance, the day before the first day of the period for early voting by personal appearance or the last day to register to vote by mail. (NRS 293.5727)

Existing law further provides that if a recall or special election is not held on the same day as certain elections, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election. (NRS 293.560) **Section 36** instead provides that the last day to register to vote for such a recall or special election: (1) by mail is the second Tuesday preceding the recall or special election; (2) by appearing in person at the office of the county clerk or certain county facilities is, depending on if there is a period for early voting for the recall or special election, either the day before the first day of the period for early voting by personal appearance or the third Saturday preceding the recall or special election; and (3) by computer using the system established on the Internet website of the Office of the Secretary of State is the day of the recall or special election. **Section 62** similarly revises deadlines for such registration for such recall and special city elections.

Sections 48 and 49 of this bill exempt a person who is conducting an exit poll from certain provisions of law which prohibit a person from: (1) with certain exceptions, remaining inside or outside of any polling place so as to interfere with the conduct of an election; and (2) in certain locations, soliciting a vote or speaking to a voter on the subject of marking the voter's ballots. (NRS 293.730, 293.740)

Section 50 of this bill provides that the termination of a contract by certain local governing bodies for the lease or use of a mechanical voting system or mechanical recording device which is currently used in any election of this State is provisional unless such an entity: (1) submits to the Secretary of State a plan to transition to a new mechanical voting system or mechanical recording device which is approved by the Secretary of State; and (2) signs a contract for the purchase, lease or use of the new mechanical voting system or mechanical recording device.

Existing law authorizes mechanical voting systems to be used to cast, register, record and count ballots or votes at all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) **Section 51** of this bill instead provides that ballots or votes: (1) may be cast, registered and recorded using a mechanical voting system; and (2) must be counted using a mechanical voting system. **Sections 13, 52-54, 57, 63, 64, 66 and 69-80** of this bill make conforming changes to require the use of a mechanical voting system for counting votes and clarify that the use of a mechanical voting system for casting ballots is authorized but not required.

Section 67 of this bill authorizes the Secretary of State, with the approval of the Legislative Commission, to adjust the date of the presidential primary election which is set forth in existing law as the first Tuesday in February of each presidential election year. (NRS 298.650)

Existing law requires the Secretary of State to serve as the Chief Officer of Elections for this State and to be responsible for the execution and enforcement of the provisions of the Nevada Revised Statutes and all other provisions of state and federal law relating to elections. (NRS 293.124) Section 69.4 of this bill requires the Secretary of State to establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program which is created by section 69.6 of this bill to eligible entities to support the administration of elections and improve voter access. For purposes of providing such grants, an "eligible entity" is defined by section 69.6 to mean a county, city or tribal government.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election day:***

(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to

register to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military-overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to request and cast a military-overseas ballot.

2. Upon receipt of an application and ballot cast by a person pursuant to subsection 1 using the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.

7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 293D.200 by any person who is detained in the jail.

8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.

9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

10. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 3. ***Except as otherwise provided in this title, if the Secretary of State requests any information or data relating to an election from a county clerk or city clerk, the county or city clerk shall, not later than 2 business days after receiving the request, respond to the Secretary of State with the information or data or provide a written explanation that the clerk will not be able to provide the information or data within 2 business days or does not have the information or data.***

Sec. 4. ***If an active registered voter moves to another county and registers to vote therein, which may include, without limitation, an application to register to vote which is transmitted to a county clerk from an automatic voter registration agency:***

1. It shall be deemed that the voter is updating his or her voter registration rather than registering to vote; and

2. Except as otherwise provided in NRS 293.5832, the voter must not be required to, on the basis of the update to his or her address, cast a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a conditional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 5. NRS 293.093 is hereby amended to read as follows:

293.093 "Regular votes" means the votes cast by registered voters, except votes cast by:

1. A mail ballot;

2. A provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; or

3. A ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 6. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within ~~[4]~~ ***9*** days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within ~~[2]~~ ***7*** days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

Sec. 7. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within ~~[9]~~ ***14*** days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within ~~[20]~~ ***25*** days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within ~~[3]~~ ***8*** days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

➥ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

(a) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

(b) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

(c) A person is registered to vote by an automatic voter registration agency,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. ***The county clerk shall allow 2 business days for a person to cure any defect in a signature on the petition.***

8. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[10,]~~ ***11,*** upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

~~[9.]~~ ***10.*** A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

~~[10.]~~ ***11.*** For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

~~[11.]~~ ***12.*** The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 8. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection 2 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279,

inclusive, not later than ~~[10]~~ ***25*** working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.

Sec. 9. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in ~~[March]~~ ***February*** preceding the election and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.*** The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.***

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.***

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file

with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.

Sec. 10. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than ~~[:~~

~~(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other candidates,]~~ the first Monday in ~~[March]~~ ***February*** of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.***

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not

knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this

State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 11. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than ~~[10]~~ ***25*** working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~[10]~~ ***25*** working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in ~~[March]~~ ***February*** preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in ~~[March]~~ ***February*** of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.***

Sec. 12. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates for judicial and nonjudicial office from the Secretary of State pursuant to NRS 293.187, the county clerk shall publish a notice of primary election or general election ***once a week for 2 successive weeks*** in ***such a manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in]~~ ***or*** the nearest Nevada county ~~[.]~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk.*** The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 13. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used ~~[.]~~ ***for casting ballots.***

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 14. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, presidential preference primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election. Permanent regulations of the Secretary of State that regulate the conduct of a presidential preference primary election and are effective on or before the last business day of September immediately preceding a presidential preference primary election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy and any petition which is filed pursuant to the election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. ***The Secretary of State may adopt regulations which provide standards for any reports required to be filed by a county or city clerk pursuant to this title.***

5. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, presidential preference primary, general, special and district elections in this State.

~~[5.]~~ ***6.*** The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 15. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of:

(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.

(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail pursuant to section 2 of this act.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 16. NRS 293.2504 is hereby amended to read as follows:

293.2504 1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures,

including, without limitation, the procedures set forth in the elections procedures manual required pursuant to NRS 293.2502.

2. Each county clerk and city clerk shall attend the training course provided by the Secretary of State.

3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

4. ***The Secretary of State may require any deputy or employee of the Office of the Secretary of State whose duties relate to elections to attend the training course provided by the Secretary of State pursuant to this section.***

5. The Secretary of State:

(a) Shall provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

(b) May provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of any deputy or employee of the office of the county or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 17. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution or constitutional amendment which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county ~~.~~ ***and in addition to any publication made in a newspaper pursuant to this subsection, a county clerk may publish a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note in such a manner as the county clerk deems proper***

which may include, without limitation, publication on the Internet website of the county clerk or on the social media account of the county clerk.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions or constitutional amendments is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 18. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the ~~[14]~~ ***18*** days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election. ***If a voter elects not to receive a mail ballot pursuant to this subsection, he or she may later elect to receive a mail ballot for the election if he or she, not later than 14 days before the election, submits to the county clerk a written notice in the form prescribed by the county clerk.***

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 19. NRS 293.269925 is hereby amended to read as follows:

293.269925 1. The ~~[county clerk]~~ ***Secretary of State*** shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293.269911 to 293.269937, inclusive.

Sec. 20. NRS 293.269931 is hereby amended to read as follows:

293.269931 1. The mail ballot central counting board ~~[may]~~ ***shall*** begin counting the received mail ballots 15 days before the day of the election ~~[.]~~ ***and must process each mail ballot pursuant to NRS 293.269933 on the day that the mail ballot is received.*** The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 21. NRS 293.269975 is hereby amended to read as follows:

293.269975 Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:

1. An explanation of the process the jail used to comply with the requirements of NRS 293.269971 and 293.269973 ***and section 2 of this act*** for the election; and

2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.

Sec. 22. NRS 293.275 is hereby amended to read as follows:

293.275 1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it:

(a) The roster designated for registered voters who apply to vote at the polling place; and

(b) The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to NRS 293.5772 to 293.5887, inclusive.

2. For a polling place established pursuant to NRS 293.3072, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county.

3. If a county clerk uses an electronic roster, not earlier than ~~[2]~~ ***6*** weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.

Sec. 23. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 24. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm

under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

10. For the purposes of this section, "personal knowledge" means firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. The term does not include knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.

Sec. 25. NRS 293.3073 is hereby amended to read as follows:

293.3073 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to NRS 293.3072, the county clerk must:

(a) Publish during the week before the election ~~[in a newspaper of general circulation]~~ a notice of the location of each such polling place. ***The county clerk may make this publication in such a manner as the county clerk deems proper which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.***

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to NRS 293.3072 after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 26. NRS 293.3078 is hereby amended to read as follows:

293.3078 As used in NRS 293.3078 to 293.3086, inclusive, unless the context otherwise requires:

1. "Provisional ballot" means a provisional ballot cast by a person pursuant to NRS 293.3078 to 293.3086, inclusive.

2. The term does not include a ~~[provisional]~~ ***conditional*** ballot cast by a person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 27. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting ~~[in a newspaper of general circulation]~~ a schedule stating ~~[:~~

~~(a) The]~~ ***the*** location of each permanent and temporary polling place for early voting ~~[.~~

~~(b) The]~~ ***and the*** dates and hours that early voting will be conducted at each location. ***The county clerk may make this publication in such a manner as the county clerk deems proper which may include, without limitation, publication in a newspaper of general circulation, on the Internet website of the county clerk or on the social media account of the county clerk.***

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.

Sec. 28. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must ***, not less than 2 weeks before the destruction,*** be published by the clerk in ***such a manner as the***

county clerk deems proper which may include, without limitation, publication in at least one newspaper of general circulation in the county ~~[not less than 2 weeks before]~~ ***, on the Internet website of the county clerk or on the social media account of*** the ~~[destruction.]~~ ***county clerk.***

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 29. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting ~~[a risk-limiting]~~ ***an election accuracy*** audit of an election, which may include, without limitation:

(a) Procedures to conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the ~~[risk-limiting]~~ ***election accuracy*** audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit of the results of an election.

3. As used in this section, ~~["risk-limiting]~~ ***"election accuracy*** audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 30. NRS 293.403 is hereby amended to read as follows:

293.403 1. Except as otherwise provided in NRS 293.424, a candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if, within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for ***United States Senator, Representative in Congress or*** a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 31. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in ***such a manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[.]~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk;*** and

(b) Transmit a notice of the extended deadline to each registered voter who received a mail ballot for the election and has not returned the mail ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 52,000 or more, on at least 3 successive days.

(b) In a county whose population is less than 52,000, at least twice in successive issues of the newspaper ~~[.]~~ ***or, if the notice is not published in a newspaper, on at least 2 successive days.***

Sec. 32. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary election, presidential preference primary election and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast pursuant to NRS 293.3078 to 293.3086, inclusive, and the reason for the casting of each such provisional ballot.

(h) The number of ~~[provisional]~~ ***conditional*** ballots cast pursuant to NRS 293.5772 to 293.5887, inclusive.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary election, presidential preference primary election and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 33. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

➥ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to subsection 2 of NRS 293.4855.

6. For the purposes of this section, "personal knowledge" means firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. The term does not include knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.

Sec. 34. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk ***becomes aware of the death of the person through any of the following methods:***

(1) The county clerk has personal knowledge of the death of the person***;***

(2) The county clerk receives, from a person who is within the second degree of consanguinity to the person, a sworn affidavit which indicates the death of the person; or ~~[if an]~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk ***becomes aware of the death of the person through any of the following methods:***

(1) The county clerk has personal knowledge of the death of the person***;***

(2) The county clerk receives, from a person who is within the second degree of consanguinity to the voter, a sworn affidavit which indicates the death of the voter; or ~~[if an]~~

(3) An authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony and is currently incarcerated.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) At the request of the person.

(f) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(g) As required by NRS 293.541.

(h) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 35. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister upon release from prison.

3. If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

4. ***If the registration or preregistration of an elector is cancelled pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 293.540 or subparagraph (2) of paragraph (a) of subsection 2 of NRS 293.540 and the county clerk later determines that the registration or preregistration should not have been cancelled, the county clerk shall reregister or repreregister the elector, as applicable.***

5. A county clerk shall not require an elector to present evidence, including, without limitation, a court order or any other document, to prove that the elector satisfies the requirements of subsection 2.

Sec. 36. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.269951, 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary election, presidential preference primary election or general election, or a recall or special election that is held on the same day as a primary election, presidential preference primary election or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary election, presidential preference primary election or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the ~~[fourth Tuesday preceding]~~ ***day before the first day of the period for early voting by personal***

appearance for the primary election, presidential preference primary election or general election.

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the day of the primary election, presidential preference primary election or general election.

(b) If a recall or special election is not held on the same day as a primary election, presidential preference primary election or general election, the last day to register to vote for the recall or special election ~~[by any method of registration]~~ ***:***

(1) By mail is the second Tuesday preceding the recall or special election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is ***:***

(I) If there is a period for early voting for the recall or special election, the day before the first day of the period for early voting by personal appearance for the recall or special election; or

(II) If there is not a period for early voting for the recall or special election, the third Saturday preceding the ***recall or special election.***

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671 is the day of the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary election, presidential preference primary election or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 37. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last ~~[day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.]~~ ***date that the county clerk is required to accept such an application pursuant to subsection 5.***

4. The Department is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by ***:***

(1) If there is a period for early voting, the day before the first day of the period for early voting by personal appearance; or

(2) If there is not a period for early voting, the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable,

↪ if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application.

If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 38. NRS 293.5782 is hereby amended to read as follows:

293.5782 "Final verification" means the procedures established pursuant to NRS 293.5872 to verify and determine whether a person who cast a ~~[provisional]~~ ***conditional*** ballot was qualified to register to vote and to cast the ballot in the election.

Sec. 39. NRS 293.5792 is hereby amended to read as follows:

293.5792 1. ~~["Provisional]~~ ***"Conditional*** ballot" means a ~~[provisional]~~ ***conditional*** ballot cast by a person pursuant to NRS 293.5772 to 293.5887, inclusive.

2. The term does not include a provisional ballot cast by a person pursuant to:

(a) NRS 293.3078 to 293.3086, inclusive; or

(b) Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082, as amended.

Sec. 40. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize at least one of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; or

(b) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a ~~[provisional]~~ ***conditional*** ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a ~~[provisional]~~ ***conditional*** ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a ~~[provisional]~~ ***conditional*** ballot in the election pursuant to this section, the ~~[provisional]~~ ***conditional*** ballot is subject to final verification in accordance with the procedures that apply to other ~~[provisional]~~ ***conditional*** ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 41. NRS 293.5837 is hereby amended to read as follows:

293.5837 1. An elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section less than ~~[14]~~ ***18*** days before the election, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 42. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 43. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize at least one of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; or

(2) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a ~~[provisional]~~ ***conditional*** ballot.

Sec. 44. NRS 293.5852 is hereby amended to read as follows:

293.5852 If a person casts a ~~[provisional]~~ ***conditional*** ballot pursuant to NRS 293.5772 to 293.5887, inclusive, the ~~[provisional]~~ ***conditional*** ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.

Sec. 45. NRS 293.5872 is hereby amended to read as follows:

293.5872 1. Each county and city clerk shall establish procedures, approved by the Secretary of State, for:

(a) Carrying out final verification to verify and determine whether a person who cast a ~~[provisional]~~ ***conditional*** ballot was qualified to register to vote and to cast the ballot in the election; and

(b) Keeping each ~~[provisional]~~ ***conditional*** ballot separate from other ballots until such final verification.

2. For the purposes of final verification:

(a) The Secretary of State shall verify that an elector has voted in the election in only one county or city, as applicable, and provide each county and city clerk with a copy of the verification report; and

(b) Each county and city clerk shall verify that an elector has voted in the election at only one polling place in the county or city, as applicable.

Sec. 46. NRS 293.5877 is hereby amended to read as follows:

293.5877 1. Following each election, a canvass of the ~~[provisional]~~ ***conditional*** ballots cast in the election must be conducted pursuant to NRS 293.387 and 293C.387.

2. The county or city clerk shall not include any ~~[provisional]~~ ***conditional*** ballot in the unofficial results reported on election night.

3. Beginning on the day following the election, the county or city clerk shall regularly report the results of the counting of the ~~[provisional]~~ ***conditional*** ballots until such counting is completed.

Sec. 47. NRS 293.5882 is hereby amended to read as follows:

293.5882 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a ~~[provisional]~~ ***conditional*** ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a ~~[provisional]~~ ***conditional*** ballot must be restricted to the person who cast the ~~[provisional]~~ ***conditional*** ballot.

Sec. 48. NRS 293.730 is hereby amended to read as follows:

293.730 1. Except for an election board officer in the course of the election board officer's official duties, a person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election. ***The provisions of this paragraph do not prohibit a person from conducting an exit poll in or outside of the polling place.***

(b) Accept from any voter a ballot prepared by or on behalf of the voter, other than a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than one at which the person is entitled to vote.

(e) Show his or her ballot to another person, after voting, so as to reveal any of his or her votes on the ballot, other than on his or her mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

(f) Inside a polling place, ask another person for his or her name, address or political affiliation or for whom he or she intends to vote.

(g) Send, transmit, distribute or deliver a ballot to a voter, other than a mail ballot or military-overseas ballot when permitted pursuant to this title.

(h) Except when permitted by the voter, alter, change, deface, damage or destroy a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

2. A voter shall not:

(a) Accept a ballot from another person, other than an election board officer in the course of the election board officer's official duties or a person who sends, transmits, distributes or delivers a mail ballot or military-overseas ballot to the voter when permitted pursuant to this title.

(b) Deliver to an election board officer in the course of the election board officer's official duties any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one that he or she voted, other than any such mark that is permitted to be placed on a mail ballot or military-overseas ballot prepared by or on behalf of the voter with his or her authorization pursuant to this title.

3. A person other than a county or city clerk shall not set up a ballot drop box that purports to be an official ballot drop box for mail ballots.

4. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 49. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 3, it is unlawful inside a polling place, within 100 feet from the entrance to the building or other structure in which a polling place is located, inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot ~~[.]~~ ***unless the person is conducting an exit poll.***

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The county clerk shall ensure that any notice posted pursuant to subsection 1 is:

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of subsections 1 and 2 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

4. Any person who violates any provision of this section is guilty of a gross misdemeanor.

5. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 50. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the board of county commissioners of any county or the city council or other governing body of any city terminates a contract for the lease or use of a mechanical voting system or mechanical recording device which is currently used in any election, that termination is provisional and does not become final unless the board of county commissioners, city council or other governing body:

1. Submits to the Secretary of State a plan to transition to a new mechanical voting system or mechanical recording device, as applicable, which is approved by the Secretary of State; and

2. Submits to the Secretary of State proof of a signed contract for purchase, lease or use of the new mechanical voting system or mechanical recording device, as applicable.

Sec. 51. NRS 293B.050 is hereby amended to read as follows:

293B.050 At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

1. May be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

2. Must be counted by means of a mechanical voting system.

Sec. 52. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city ~~[may]~~ ***:***

1. May purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~[. The system or device may be used at any or all elections held in the county or city,]~~ for voting ~~[,]~~ ***and*** registering ~~[and counting]~~ votes cast.

2. Must purchase and adopt for use at elections a mechanical voting system for counting votes cast.

Sec. 53. NRS 293B.110 is hereby amended to read as follows:

293B.110 ~~[A]~~ ***Except as otherwise provided in NRS 293B.050, a*** mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other mechanical voting system or mechanical recording device.

Sec. 54. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election ***,*** ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 55. NRS 293B.150 is hereby amended to read as follows:

293B.150 Not earlier than ~~[2]~~ ***6*** weeks before and not later than 5 p.m. on the day before the first day of early voting, the county or city clerk shall test:

1. The mechanical recording device which directly records votes electronically, if any; or

2. The automatic tabulating equipment and programs, if any,

➥ to ascertain that the device or equipment and programs will correctly count the votes cast for all offices and on all measures.

Sec. 56. NRS 293B.170 is hereby amended to read as follows:

293B.170 ***1.*** After the completion of the last logic and accuracy test, the programs used, if any, and the logic and accuracy test ballots and the official ballots shall be sealed, retained and disposed of in the manner provided in NRS 293.391 or 293C.390 for other ballots.

2. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in an election accuracy audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 57. NRS 293B.175 is hereby amended to read as follows:

293B.175 In those districts or precincts in which a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the list of offices and candidates and the statements of measures appropriate for use with ~~[that]~~ ***a mechanical voting***

system in combination with the device upon which a vote is registered is an official ballot.

Sec. 58. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. A general city election must be held in each city of population category three on the first Tuesday after the first Monday in November of the first even-numbered year after incorporation, and at each successive interval of 2 years.

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. The terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for an office to be voted for at the general city election must file a declaration of candidacy with the city clerk not earlier than ~~[~~:

~~(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~(b) For any other office,]~~ the first Monday in ~~[March]~~ ***February*** of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ ***February.***

4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the city council by ordinance or resolution.

5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 59. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than ~~[~~:

~~(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~(b) For any other office,~~ the first Monday in ~~[~~March~~]~~ ***February*** of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in ~~[~~March.~~]~~ ***February.***

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 60. NRS 293C.26325 is hereby amended to read as follows:

293C.26325 1. The ~~[~~city clerk~~]~~ ***Secretary of State*** shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293C.263 to 293C.26337, inclusive.

Sec. 61. NRS 293C.26331 is hereby amended to read as follows:

293C.26331 1. The mail ballot central counting board ~~[~~may~~]~~ ***shall*** begin counting the received mail ballots 15 days before the day of the election ~~[~~.~~]~~ ***and must process each mail ballot pursuant to NRS 293C.26333 on the day that the mail ballot is received.*** The board must complete the count of all mail ballots on or before the seventh day following the election. The counting procedure must be public.

2. If two or more mail ballots are found folded together to present the appearance of a single ballot, the mail ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by an election board officer and placed in the container or ballot box after the count is completed.

Sec. 62. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is ***:***

(I) If there is a period for early voting for the primary city election or general city election, the day before the first day of the period for early voting by personal appearance for the primary city election or general city election; or

(II) If there is not a period for early voting for the primary city election or general city election, the fourth Tuesday preceding the primary city election or general city election.

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the day of the primary city election or general city election.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election ~~[by any method of registration]~~ ***:***

(1) By mail is the second Tuesday preceding the recall or special city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520 is ***:***

(I) If there is a period for early voting for the recall or special city election, the day before the first day of the period for early voting by personal appearance for the recall or special city election; or

(II) If there is not a period for early voting for the recall or special city election, the third Saturday preceding the ***recall or special city election.***

(3) By computer using the system established by the Secretary of State pursuant to NRS 293.671 is the day of the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 63. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election where a mechanical voting system will be used ~~[,]~~ ***for casting ballots,*** the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 64. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 65. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not ***earlier than the 13th day and not*** later than the 15th day following the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not ***earlier than the 13th day and not*** later than the 15th day following the primary election.

4. If the petition is for referendum, the document or documents must be submitted not ***earlier than the 13th day and not*** later than the 15th day following the primary election.

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 66. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question printed upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 67. NRS 298.650 is hereby amended to read as follows:

298.650 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** a presidential preference primary election must be held for all major political parties on the first Tuesday in February of each presidential election year.

2. ***The Secretary of State may, with the approval of the Legislative Commission, adjust the date of the presidential preference primary election set forth in subsection 1.***

3. A presidential preference primary election must not be held for a major political party if only one qualified candidate or no qualified candidate of the major political party files a declaration of candidacy pursuant to NRS 298.660. If only one qualified candidate of the major political party files a declaration of candidacy, the Secretary of State must certify the name of the qualified candidate to the state central committee and the national committee of the major political party.

Sec. 68. NRS 298.670 is hereby amended to read as follows:

298.670 1. The Secretary of State shall forward to each county clerk the name, party affiliation and mailing address of each qualified candidate whose

name must appear on the ballot for the presidential preference primary election.

2. Immediately upon receipt by the county clerk of the list of qualified candidates, the county clerk shall publish a notice of the presidential preference primary election ***once a week for 2 successive weeks*** in ***such manner as the county clerk deems proper which may include, without limitation, publication in*** a newspaper of general circulation in the county ~~[once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in]~~ ***or*** the nearest Nevada county ~~[.]~~ ***, on the Internet website of the county clerk or on the social media account of the county clerk.*** The notice must contain:

(a) The date of the presidential preference primary election;

(b) The major political parties that have qualified candidates who will be on the ballot at the presidential preference primary election;

(c) The location of the polling places in the county, including, without limitation, polling places for early voting by personal appearance; and

(d) The hours during which the polling places in the county will be open for voting during the period for early voting and the day of the presidential preference primary election.

Sec. 69. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. Where a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the reason for demanding the recall of the officer and the officer's justification need not be printed on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 69.2. **Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 69.4 and 69.6 of this act.**

Sec. 69.4. ***1. The Secretary of State shall establish and administer the Voter Access Grant Program to provide grants of money from the Account for the Voter Access Grant Program created by section 69.6 of this act to eligible entities to support the administration of elections and improve voter access.***

2. The Secretary of State shall notify all eligible entities about the Program and the requirements for eligible entities to apply for and receive grants from the Program.

3. The amount of any grant awarded by the Secretary of State to an eligible entity must be proportionate to the number of qualified electors who reside within the jurisdiction of the eligible entity unless the Secretary of State determines that awarding a disproportionate amount to an eligible entity is necessary to address a significant event that may affect voter participation in an election.

4. In carrying out the Program, the Secretary of State may award a grant to an eligible entity for:

(a) The purchase and maintenance of supplies or equipment for an election;

(b) The payment of election board officers and other employees who perform duties relating to elections;

(c) Programs for voter education and outreach; and

(d) Any other project, program or expense that the Secretary of State determines to be eligible for the Program.

5. The Secretary of State, or his or her designee, shall review each application submitted for a grant from the Program in accordance with the regulations adopted pursuant to subsection 8. When reviewing an application, the Secretary of State, or his or her designee, may request any additional information from an applicant to determine the eligibility of the applicant for a grant.

6. Any grant awarded to an eligible entity pursuant to the Program is in addition to and does not supplant or replace any money, support or services otherwise authorized or required by law to be provided to an eligible entity.

7. On or before January 1 of each odd-numbered year, the Secretary of State shall prepare and submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation, for the immediately preceding biennium:

(a) The number of eligible entities that applied for a grant from the Program;

(b) The number of eligible entities that received a grant from the Program;

(c) The number of eligible entities that applied for but did not receive a grant from the Program;

(d) The amount and source of any donation, gift, grant, bequest or other source of money that the Secretary of State received for deposit in the Account for the Voter Access Grant Program created by section 69.6 of this act;

(e) The total amount of grants awarded from the Program; and

(f) A description of the projects, programs, supplies or equipment that were purchased or supported, in whole or in part, from the Program.

8. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe:

(a) The process for applying for a grant from the Program, including, without limitation, application requirements;

(b) Criteria for eligibility for a grant from the Program;

(c) The order of priority for reviewing applications and awarding grants from the Program; and

(d) Standards for determining whether to approve an application for a grant from the Program.

9. For the purposes of this section, "eligible entity" means a county, city or tribal government.

Sec. 69.6. 1. The Account for the Voter Access Grant Program is hereby created in the State General Fund. The Secretary of State shall administer the Account.

2. The Secretary of State may apply for and accept any donation, gift, grant, bequest or other source of money for deposit in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and the balance in the Account must be carried forward to the next fiscal year.

Sec. 70. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 71. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 72. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 73. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or]~~ the ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 74. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 75. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or for]~~ counting the votes ~~[, or both, which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 76. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 77. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 78. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 79. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 80. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 81. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 82. 1. This section and section 81 of this act become effective upon passage and approval.

2. Sections 1 to 80, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment not adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 88 and 348 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 88.

Bill read third time.

The following amendment was proposed by Assemblymember Yurek:

Amendment No. 878.

AN ACT relating to offenders; ~~[requiring]~~ **prohibiting** the Director of the Department of Corrections **from taking certain actions relating** to ~~[discharge]~~ certain debts upon the release of an offender from prison; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to take certain actions upon the release of an offender from prison. (NRS 209.511) **Section 1** of this bill ~~[requires]~~ **prohibits** the Director **from collecting or attempting** to ~~[discharge]~~ **collect** any outstanding medical debt owed by an offender to the Department upon the release of the offender from prison. **Section 1 also: (1) prohibits the Director from reporting information relating to any such debt to a consumer reporting agency; and (2) authorizes the Director to continue collection efforts if the offender is returned to the custody of the Department.** **Section 1.5** of this bill ~~[requires]~~ **applies** the ~~[Director of the Department]~~ **amendatory provisions of section 1** to ~~[discharge any outstanding medical debt owed to the Department by]~~ an offender who has been released from prison by the expiration of his or her term of sentence or by pardon or parole before July 1, 2025. **Section 1.3 of this bill makes a conforming change to refer to provisions that have been renumbered by section 1.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. As soon as practicable after an offender is authorized to apply for enrollment in Medicaid pursuant to NRS 422.272428 or 422.27487, the Director shall complete the paperwork for the application if the offender may be eligible for Medicaid:

(a) Not more than 90 days before the scheduled release of the offender pursuant to NRS 422.272428; or

(b) Immediately upon the scheduled release of the offender pursuant to NRS 422.27487.

3. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

4. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card;

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; or

(3) Is not currently in possession of a photo identification card;

(f) Shall provide the offender with clothing suitable for reentering society;

(g) Shall provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) If appropriate, shall release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus;

(j) If the offender is eligible for Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication . ***[; and***

(l) Shall discharge any outstanding medical debt owed by the offender to the Department.]

5. ***Upon the release of an offender, the Director shall not collect or attempt to collect any outstanding medical debt owed to the Department by the offender or report information relating to any such debt to a consumer reporting agency. If the offender is returned to the custody of the Department at any time, the Director may continue efforts to collect the outstanding medical debt during the period the offender is in the custody of the Department.***

6. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 4 unless the photo identification card clearly indicates whether the Director:

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card; or

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

~~[6.]~~ ***7.*** The costs authorized or required in paragraphs (a), (e), (f), (g), (i) and (k) of subsection 4 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

~~[7.]~~ ***8.*** The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

~~[8.]~~ ***9. Nothing in this section shall be construed to affect the existing obligation of an offender to pay restitution to a victim of his or her crime.***

[9.] ***10.*** As used in this section:

(a) ***"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.***

(b) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment System instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

~~[(b)]~~ ***(c)*** "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

~~[(c)]~~ ***(d)*** "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

~~[(d)]~~ ***(e)*** "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 1.3. **NRS 483.860 is hereby amended to read as follows:**

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection ~~[5]~~ ***6*** of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 1.5. The ~~[Director of the Department]~~ **amendatory provisions** of ~~[Corrections shall discharge any outstanding medical debt owed]~~ **subsection 5 of NRS 209.511, as amended by section 1 of this act, apply** to ~~[the Department by]~~ an offender who has been released from prison before

July 1, 2025, by expiration of his or her term of sentence, by pardon or by parole.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Yurek moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

AN ACT relating to health care; establishing a fee the State Public Health Laboratory is authorized to charge for certain examinations and tests for the discovery of certain diseases in infants; **removing a requirement that the State Public Health Laboratory hold a public hearing under certain circumstances;** requiring Medicaid to reimburse such examinations and tests separately from reimbursement for other labor and delivery services and newborn care; requiring the Director of the Department of Health and Human Services to request the establishment of a certain rate of reimbursement for such examinations and tests; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Public Health Laboratory to make available, at such charges as may be established, to health officials, the Director of the State Department of Agriculture and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases. (NRS 439.240) Existing law requires the State Board of Health to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders. Existing law further requires any physician, midwife, nurse, freestanding birthing center or hospital of any nature attending or assisting any infant, or the person who gave birth to any infant, at childbirth to: (1) examine the infant in accordance with those regulations; and (2) collect and send to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory. (NRS 442.008) **Section 3** of this bill authorizes the State Public Health Laboratory, on or after January 1, 2026, to charge a fee of not more than $150 or the rate of reimbursement paid by Medicaid, whichever is less, for the required examinations and tests for the discovery in infants of preventable or inheritable disorders. **Section 1** of this bill makes a conforming change to clarify that the State Public Health Laboratory establishes the fee for such examinations and tests pursuant to **section 3**. **Section 3 also removes a requirement that the State Public Health Laboratory hold a public hearing before increasing that fee.** **Section 68.7** of this bill authorizes the State Public Health Laboratory, on or after July 1, 2025, and before

January 1, 2026, to charge a fee of not more than $122 for the required examinations and tests for the discovery in infants of preventable or inheritable disorders.

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) **Section 3.7** of this bill requires the Director of the Department to provide reimbursement under Medicaid for the required examinations and tests for the discovery in infants of preventable or inheritable disorders separately from the reimbursement provided for other labor and delivery services and newborn care. **Section 3.4** of this bill makes a conforming change to indicate that the provisions of **section 3.7** will be administered in the same manner as the provisions of existing law governing Medicaid. **Section 68.3** of this bill requires the Director to submit to the United States Secretary of Health and Human Services, to the extent that money is available and as soon as practicable, a request to include under Medicaid a rate of reimbursement of not more than $122 for such examinations and tests. **Sections 3.7 and 68.3** authorize the Director to increase that rate of reimbursement to not more than $150 on or after January 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State Public Health Laboratory, and may designate, establish or maintain such branch laboratories as may be necessary.

2. The purpose of the State Public Health Laboratory is:

(a) To make available, at such charges as may be established ~~[,]~~ ***or are prescribed ~~[by]~~ pursuant to NRS 442.008,*** to health officials, the Director of the State Department of Agriculture and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State Public Health Laboratory, or the person's designee, must be a skilled bacteriologist.

4. The person in charge of the State Public Health Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State Public Health Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health shall adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell disease and its variants and sickle cell trait.

2. Except as otherwise provided in this subsection, the examinations and tests required pursuant to subsection 1 must include tests and examinations for each disorder recommended to be screened by the Health Resources and Services Administration of the United States Department of Health and Human Services by not later than 4 years after the recommendation is published. The State Board may exclude any such disorder upon request of the Chief Medical Officer or the person in charge of the State Public Health Laboratory based on:

(a) Insufficient funding to conduct testing for the disorder; or

(b) Insufficient resources to address the results of the examination and test.

3. Any examination or test required by the regulations adopted pursuant to subsection 1 which must be performed by a laboratory must be sent to the State Public Health Laboratory. ***The State Public Health Laboratory may charge a fee of not more than $150 or the rate of reimbursement paid by Medicaid pursuant to section 3.7 of this act, whichever is less, for all such examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to this section.*** ~~[If the State Public Health Laboratory increases the amount charged for performing such an examination or test , pursuant to NRS 439.240, the Division shall hold a public hearing during which the State Public Health Laboratory shall provide to the Division a written and verbal fiscal analysis of the reasons for the increased charges.]~~

4. Except as otherwise provided in subsection 7, the regulations adopted pursuant to subsection 1 concerning tests for the presence of sickle cell disease and its variants and sickle cell trait must require the screening for sickle cell disease and its variants and sickle cell trait of:

(a) Each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

5. Any physician, midwife, nurse, freestanding birthing center or hospital of any nature attending or assisting in any way any infant, or the person who gave birth to any infant, at childbirth shall:

(a) Make or cause to be made an examination of the infant, including standard tests that do not require laboratory services, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such preventable or inheritable disorders.

(b) Collect and send to the State Public Health Laboratory or cause to be collected and sent to the State Public Health Laboratory any specimens needed for the examinations and tests that must be performed by a laboratory and are required by the regulations adopted pursuant to subsection 1.

6. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, freestanding birthing center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the person who gave birth to the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

7. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

8. As used in this section, "sickle cell disease and its variants" has the meaning ascribed to it in NRS 439.4927.

Sec. 3.4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 3.7 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3.7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that federal financial participation is available, the Director shall include under Medicaid reimbursement at a rate not to exceed $150 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008. Such reimbursement must be provided separately from the reimbursement provided for other labor and delivery services provided to a person or newborn care provided to an infant, as applicable.

2. The Department shall:

(a) Apply to the Secretary of Health and Human Services for any waiver of federal law or apply for any amendment of the State Plan for Medicaid

that is necessary for the Department to receive federal funding to provide the reimbursement described in subsection 1.

(b) Fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to paragraph (a).

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. (Deleted by amendment.)
Sec. 48. (Deleted by amendment.)
Sec. 49. (Deleted by amendment.)
Sec. 50. (Deleted by amendment.)
Sec. 51. (Deleted by amendment.)
Sec. 52. (Deleted by amendment.)
Sec. 53. (Deleted by amendment.)
Sec. 54. (Deleted by amendment.)
Sec. 55. (Deleted by amendment.)
Sec. 56. (Deleted by amendment.)
Sec. 57. (Deleted by amendment.)
Sec. 58. (Deleted by amendment.)
Sec. 59. (Deleted by amendment.)
Sec. 60. (Deleted by amendment.)
Sec. 61. (Deleted by amendment.)
Sec. 62. (Deleted by amendment.)
Sec. 63. (Deleted by amendment.)
Sec. 64. (Deleted by amendment.)
Sec. 65. (Deleted by amendment.)
Sec. 66. (Deleted by amendment.)
Sec. 67. (Deleted by amendment.)
Sec. 68. (Deleted by amendment.)

Sec. 68.3. 1. As soon as practicable after the effective date of this section and to the extent that money is available, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to include under Medicaid a rate of reimbursement of not more than $122 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008. That rate of reimbursement must not become effective before July 1, 2025. Notwithstanding the provisions of section 3.7 of this act, any additional increase to that rate of reimbursement must not become effective until January 1, 2026.

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 68.7. Notwithstanding the amendatory provisions of section 3 of this act, the State Public Health Laboratory may not, before January 1, 2026, charge a fee in excess of $122 for all examinations and tests required for the discovery in infants of preventable or inheritable disorders pursuant to NRS 442.008.

Sec. 69. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 70. 1. This section and section 68.3 of this act become effective upon passage and approval.

2. Sections 1, 3, 3.4, 3.7, 64, 65, 66, 68.7 and 69 of this act become effective on July 1, 2025.

3. Sections 2, 4 to 63, inclusive, 67 and 68 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 568 be withdrawn from the Committee on Ways and Means and be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 568.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 54, 83, 128, 192, 312, 329, 353, 380, 424, 454, 455, 462, 469, 470, 474, 476, 478, 479, 484, 485, 486, 488, 489, 490, 491, 492, 493, 496, 497, 499, and 502 be taken from their place on the General File and be placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 92, 415, 588; Senate Bills Nos. 12, 27, 36, 39, 108, 130, 160, 191, 246, 256, 292, 305, 359, 373, 379, 428, 440, 464; Senate Concurrent Resolutions Nos. 2, 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Flanagan, the privilege of the floor of the Assembly Chamber for this day was extended to Mishon Montgomery.

On request of Assemblymember Goulding, the privilege of the floor of the Assembly Chamber for this day was extended to Beatrice Schreinert.

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Blackwood and Shane Blackwood.

On request of Assemblymember Hunt, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Catha.

On request of Assemblymember La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Gilbert.

On request of Assemblymember Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Aliyah Maese, Jeramiah Maese, Kaylah Maese, and Michelle Maese.

On request of Assemblymember O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Miss Nevada Karrina Ferris.

Assemblymember Jauregui moved that the Assembly adjourn until Saturday, May 31, 2025, at 10 a.m.

Motion carried.

Assembly adjourned at 9:54 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 31, 2025

Assembly called to order at 11:44 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymember González, who was excused.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Holy Lord, Thank You for gathering us together here in one body. We ask that you strengthen us for the job at hand and that You let us do it without dilemma. Our contributions to society will be our legacy; we know that. Therefore, we pray that You clear our path, lead us to what is just, and prepare us for the final push. To our Most High, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VENICIA CONSIDINE, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 85, 309, 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ERICA MOSCA, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 105, 160, 226, 230, 344, 503, 541, 545, 552, 556, 572, 574, 576, 593.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 58, Amendment No. 902; Assembly Bill No. 213, Amendment No. 699; Assembly Bill No. 502, Amendment No. 914, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 81, 185, 207, 260, 403.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 693 to Senate Bill No. 69; Assembly Amendments Nos. 741, 779 to Senate Bill No. 157; Assembly Amendment No. 594 to Senate Bill No. 187; Assembly Amendment No. 652 to Senate Bill No. 404.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 81.

Assemblymember Jauregui moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 185.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 207.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 260.

Assemblymember Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 403.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 926.

CONTAINS UNFUNDED MANDATE (§§ 1.6, 6, ~~[26.)]~~ **26, 28.3)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; defining the term "current and valid" for purposes of certain documentation relating to elections; **authorizing an active registered voter to request a mail ballot under certain emergency circumstances;** revising eligibility to be a candidate of a major political party; setting forth the form of a declaration of candidacy for certain candidates; revising the methods for paying candidate filing fees; revising the information

required to be contained in election notices; revising provisions relating to election boards; revising provisions relating to the provision or reimbursement of certain expenses related to training on elections procedures; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to ballots and standards for counting votes; revising provisions relating to an application to preregister or register to vote; revising provisions relating to the designation of persons who are not affiliated with a political party; revising provisions relating to updating voter registration information; revising provisions relating to certain crimes relating to elections; requiring the Secretary of State to adopt a cyber-incident response plan; authorizing certain elderly persons to request that certain personal information be kept confidential; revising provisions relating to the testing of certain equipment; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising provisions relating campaign contributions for certain special elections; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to provide certain documentation which is current and valid for purposes of certain provisions relating to elections. (See e.g., NRS 293.269915, 293.2725, 293.507, 293.5742, 293.57688, 293.5837, 293.5842, 293.5847, 293C.26314) **Section ~~[1.3]~~ 1.4** of this bill defines the term "current and valid" for such purposes and **section 1.7** of this bill makes that definition applicable to certain provisions relating to elections.

Existing law sets forth provisions governing the preparation, distribution and casting of mail ballots and requires a county or city clerk, as applicable, to prepare and distribute to each active registered voter in the county or city and certain other persons who register to vote a mail ballot for every election. (NRS 293.269911-293.269937, 293C.263-293C.26337) Sections 1.6, 11.3, 28.3 and 32.3 of this bill authorize an active registered voter who is eligible to receive a mail ballot to submit a request to the county or city clerk, as applicable, to receive a mail ballot if he or she is unable to access his or her mail ballot or appear in person at the polls due to an emergency. Sections 1.6 and 28.3 further require a county or city clerk to distribute a mail ballot to such a voter after verifying the voter's eligibility and that he or she has not already voted. Sections 1.9, 11.5, 28.7 and 32.7 of this bill make certain provisions relating to mail ballots, including the definition of "mail ballot" and provisions concerning the marking and signing the mail ballot of another voter, applicable to ballots requested pursuant to sections 1.6 and 28.3.

Section 2 of this bill removes the prohibition for a person to be a candidate of a major political party for partisan office if the person has changed certain information on an application to register to vote in a state other than this State during the time beginning on December 31 preceding the closing filing date for an election and ending on the date of the election. (NRS 293.176)

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) **Section 3** of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. **Section 5** of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in **section 3**.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) **Section 4** of this bill: (1) provides that such a fee may also be paid by credit card ~~[.]~~ **if the filing officer accepts such a method of payment;** (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law requires a county clerk, immediately upon receipt of the certified list of candidates for judicial and nonjudicial office, to publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks and requires such notice to contain: (1) the date of the election; (2) the location of the polling places; and (3) the hours during which the polling places will be open for voting. (NRS 293.203) **Section 6** of this bill requires such notice to additionally contain: (1) the names of the candidates; and (2) the office for which each candidate is running and, if the office is partisan, the party under which the candidate is running. **Section 39** of this bill similarly requires the names of the qualified candidates who will be on the ballot at the presidential preference primary election and the major political party with which each candidate is affiliated to be included on such notice for a presidential preference primary election. (NRS 298.670)

Existing law authorizes a county clerk to appoint a pupil as a trainee for the position of election board officer and sets forth the qualifications for such an appointment, including a requirement that the pupil is appointed without party affiliation. (NRS 293.2175, 293C.222) **Sections 7 and 31** of this bill clarify that a pupil may be appointed as a trainee regardless of his or her affiliation with a political party, including any designation of party affiliation on the pupil's application to preregister or register to vote.

Existing law requires the Secretary of State to develop and provide a training course to each county clerk and city clerk related to elections procedures and requires the Secretary of State to provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending such a course. Existing law further authorizes the Secretary of State to provide to or reimburse the county or city, as applicable, such costs for any deputy or employee of the office of the county or city clerk who attends the course. Existing law requires that any such costs be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of

Examiners. (NRS 293.2504) **Section 8.5** of this bill instead requires the Secretary of State to provide or reimburse certain other costs for a county or city clerk relating to the training course.

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) **Section 8** of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 9, 29 and 42-46** of this bill provide that for the purposes of determining the majority of the votes cast in the primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) **Section 10** of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) **Sections 12 and 33** of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; (2) prohibit certain ballots from being counted before 7 a.m. on the day of the election; (3) prohibit the results or a copy of the results from being posted until the polls are closed; and (4) remove requirements for counting paper ballots.

Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) **Sections 13 and 34** of this bill provide that a vote must be counted if: (1) a portion of the designated space on a ballot is darkened by the voter; (2) such a marking cannot be conclusively determined to be made in error; and (3) there is some indication of the intent of the voter on the face of the ballot.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election. (NRS 293.394) **Section 15** of this bill renames such

audits to "election accuracy audits." Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) **Section 14** of this bill provides that such election materials are subject to inspection for the purposes of an election accuracy audit.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.57688) **Sections 17, 22 and 23** of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a person who registers to vote after this deadline that in order to vote in the upcoming election, the person must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires ~~[: (1) a person at the time he or she preregisters to vote or an elector at the time he or she registers to vote, to indicate his or her political party affiliation or that he or she is not affiliated with a party; and (2)]~~ if a person or elector indicates that he or she is not affiliated with a political party or fails to indicate as such, the county clerk or field registrar to list the person's or elector's political party as nonpartisan. (NRS 293.518) **Section 18** of this bill instead requires the county clerk or field registrar to list ~~[such a person's or elector's]~~ **the** political party **of a person or elector who fails to indicate whether he or she is affiliated with a political party or not affiliated** as "no political party."

~~[Existing law requires the Secretary of State to prescribe the form for applications to preregister or register to vote. (NRS 293.5235) Section 19 of this bill requires an application to preregister or register to vote to include an option for a voter to elect not to receive a mail ballot.]~~ **Section 9.5 of this bill revises the manner in which certain candidates that appear under existing law on a ballot as "no political party" or "NPP" to instead be shown on such a ballot: (1) for a candidate for partisan office, as "Independent Candidate" or "INC"; and (2) for a candidate for a nonpartisan office, as "nonpartisan" or "NPR." (NRS 293.267)**

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) **Sections 20 and 21** of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Sections 20 and 23.5 of this bill provide that certain notifications that a county clerk is required to mail to the current residence of a person are required instead to be mailed to the current mailing address of the person. (NRS 293.530, 293.57693)

Existing law: (1) authorizes a voter to update his or her voter registration information after the close of registration for an election; and (2) requires the county or city clerk to authorize a voter to update his or her voter registration information by the use of a paper application or the computer system established by the Secretary of State. (NRS 293.5832) **Section 24** of this bill authorizes the county or city clerk to also authorize an additional method for updating such voter registration information at a polling place during early voting by personal appearance and on election day. **Section 24** further: (1) requires the county or city clerk to send a mail ballot to such a voter if the voter updates the information 14 or more days before the election; and (2) provides that a voter who updates information less than 14 days before the election may vote only in person in that election only at a polling place. Finally, **section 24** clarifies that all other provisions of law relating to voting in person or by mail still apply to a registered voter who updates his or her voter registration information after the close of voter registration for the election.

Existing law prohibits ~~[, with certain exceptions,]~~ a person from ~~[performing certain election-related actions]~~ **electioneering during the time a polling place for early voting is open for voting** in ~~[certain locations, including]~~ **or** within 100 feet from the entrance to ~~[a building or other structure in which a polling place is located. (NRS 293.740)]~~ **the voting area. (NRS 293.361)** **Section ~~[24.3]~~ 11.7** of this bill instead prohibits such actions within 100 feet of the entrance to a ~~[voting area.]~~ **building, other structure or jail in which a polling place is located.**

Existing law prohibits a person from voting more than once at the same election. (NRS 293.780) **Section 48** of this bill repeals existing law that prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) **Section 24.7** of this bill provides that a person votes more than once at the same election if he or she votes: (1) more than once in certain elections in this State; or (2) in the same primary or general election in this State and at least one other state.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) **Section 26** of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. **Section 26** also requires a county or city clerk or other election official to notify the Secretary of State, the Governor and the Legislative Commission of any cyber-incident or attempted cyber-incident on the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law authorizes certain persons, including a spouse, domestic partner or minor child of such a person, to request that personal information contained in the records of the Secretary of State, a county or city clerk, a county recorder or a county assessor be kept confidential. (NRS 247.540, 250.140, 293.908) **Sections 27, 40 and 41** of this bill additionally authorize the elderly parent of such a person to request that such information be kept confidential.

Section 27.5 of this bill clarifies that certain tests required by existing law to be conducted before the start of the official count of the ballots and again within 24 hours after the official count of the ballots are required to be conducted within 24 hours after the official count of the ballots is completed, including the counting of the final ballot.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) **Section 30** of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) **Section 36** of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) **Section 37** of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Existing law requires a person who is a qualified candidate to be a major political party's nominee for President of the United States who wants to appear on the ballot for a presidential preference primary election to file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State. (NRS 298.660) **Section 38** of this bill sets forth the form for the declaration of candidacy for such a candidate and provides that any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation is guilty of a gross misdemeanor.

Section 48 repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political

affiliation to the Secretary of State before certain elections. **Section 48** also repeals a provision that deems certain registered voters who move after the close of voter registration to retain their prior residence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 293 of NRS is hereby amended by adding thereto ~~[a new section to read]~~ **the provisions set forth** as ~~[follows:]~~ **sections 1.4 and 1.6 of this act.**

Sec. 1.4. "Current and valid" means that a document is not expired at the time it is presented and:

1. Is issued by an appropriate entity; and

2. Represents the person whose identity or personal information the document is being presented to identify or confirm.

Sec. 1.5. (Deleted by amendment.)

Sec. 1.6. 1. If an active registered voter who is eligible to receive a mail ballot pursuant to NRS 293.269911, including, without limitation, an active registered voter who has elected not to receive a mail ballot pursuant to NRS 293.269911, is unable to access his or her mail ballot or appear in person at the polls due to an emergency, the voter may submit a request to the county clerk, not earlier than the 46th day before an election and not later than the day before the election, to receive a mail ballot.

2. Upon receiving a request pursuant to subsection 1, the county clerk shall, after verifying the voter is eligible to receive a mail ballot pursuant to NRS 293.269911 and has not already voted in the election, distribute the mail ballot to the voter.

3. Except as otherwise provided in this section, all provisions of this title relating to mail ballots apply to a mail ballot requested and distributed pursuant to this section.

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

5. For the purposes of this section, "emergency" means an unforeseen circumstance which significantly impairs the ability of an active registered voter to access his or her mail ballot or appear in person at the polls, including, without limitation:

(a) An illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home;

(b) A sudden hospitalization, serious illness or call away from home; or

(c) Any other circumstance the Secretary of State determines by regulation to constitute an emergency for the purposes of this section.

Sec. 1.7. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and section ~~1.3~~ 1.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.9. **NRS 293.0653 is hereby amended to read as follows:**

293.0653 "Mail ballot" means a mail ballot distributed to an active registered voter pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive, ***and section 1.6 of this act*** and NRS 293C.263 to 293C.26337, inclusive ~~[.]~~ ***and section 28.3 of this act.***

Sec. 2. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

➥ on an application to register to vote in the State of Nevada ~~[or in any other state]~~ during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the December 31 next preceding the closing filing date for the election.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or

Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) ***For an independent candidate for partisan office:***

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me

this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of

candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, ~~[credit card,]~~ cashier's check ***,*** ~~[or]~~ certified check ~~[.]~~ ***or, if accepted by the filing officer, credit card.***

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
~~[Any state office, other than Governor or justice of the Supreme Court~~	~~200]~~
Independent candidate for the office of President of the United States	***250***
Lieutenant Governor	***200***
Secretary of State, State Treasurer, State Controller or Attorney General	***200***
Judge of the Court of Appeals	***200***
Member of the State Board of Education	***200***
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100
Trustee of a county school district, hospital or hospital district	***30***
Any ***other*** district office other than district judge	30
Constable or other town or township office	30

Member of the Board of Regents of the University of Nevada..... 0
Any other office which receives no compensation 0

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 5. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is

registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy ***in the form required by NRS 293.177*** with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 6. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates for judicial and nonjudicial office from the Secretary of State pursuant to NRS 293.187, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.

2. The location of the polling places.

3. The hours during which the polling places will be open for voting.

4. The name of each candidate.

5. The office which each candidate is seeking to be elected to and if the office is partisan, the party with which the candidate is affiliated.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 7. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without ***political*** party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. ***A pupil may be appointed as a trainee pursuant to this section regardless of his or her affiliation with a political party including, without limitation, any designation of party affiliation on his or her application to preregister or register to vote.***

4. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier.

~~[4.]~~ ***5.*** The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 8. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue ***to serve*** as such from the day ~~[before the day of the election,]~~ ***of appointment*** until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 8.5. NRS 293.2504 is hereby amended to read as follows:

293.2504 1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to NRS 293.2502. ***Any costs incurred by the Secretary of State in providing the training course pursuant to this section, including, without limitation, costs for printing or shipping materials related to the training, must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.***

2. Each county clerk and city clerk shall attend the training course provided by the Secretary of State.

3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

4. The Secretary of State:

(a) Shall provide to or reimburse the county or city, as applicable, ***the following costs*** for ***a county or city clerk to attend*** the ***training course required pursuant to this section:***

(1) The cost of the per diem allowance ***or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;***

(2) Incidentals; and ~~[travel]~~

(3) Travel expenses ***;*** ~~[of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]~~

(b) May provide to or reimburse the county or city, as applicable, ~~[for]~~ the ***following costs for any deputy or employee of the office of the county clerk or city clerk who attends the training course required pursuant to this section:***

(1) The cost of the per diem allowance ***or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;***

(2) Incidentals; and ~~[travel]~~

(3) Travel expenses ~~[of]~~ ***; and***

(c) May provide to or reimburse any deputy or employee of the ~~[office]~~ ***Secretary*** of ~~[the county or city clerk for attending]~~ ***State the following costs to attend*** the training course required pursuant to this section ~~[.]~~ ***:***

(1) The cost of the per diem allowance or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;

(2) Incidentals; and

(3) Travel expenses.

➥ Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 9. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election,

not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 9.5. **NRS 293.267 is hereby amended to read as follows:**

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words ~~["no political party"]~~ ***"Independent Candidate"*** or the abbreviation ~~["NPP,"]~~ ***"INC,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation ~~["NP."]~~ ***"NPR."***

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words ~~["no political party"]~~ ***"Independent Candidate"*** or "nonpartisan" or the abbreviation ~~["NPP"]~~ ***"INC"*** or ~~["NP,"]~~ ***"NPR,"*** as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 10. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~[square]~~ ***space*** in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 11. (Deleted by amendment.)

Sec. 11.3. **NRS 293.269911 is hereby amended to read as follows:**

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) ~~[Elects]~~ ***Except as otherwise provided in section 1.6 of this act, elects*** not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 11.5. **NRS 293.269919 is hereby amended to read as follows:**

293.269919 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive ~~[.]~~ ***, and section 1.6 of this act.***

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 11.7. **NRS 293.361 is hereby amended to read as follows:**

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the ~~[voting area.]~~ ***building or other structure in which the polling place is located.*** During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the ~~[voting area of the]~~ jail.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting."

(b) At the outer limits of the area within which electioneering is prohibited, at least one sign on which is printed in large letters "Distance Marker: No

electioneering between this point and the entrance to the polling place." The county clerk shall ensure that any sign posted pursuant to this paragraph is:

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 12. NRS 293.363 is hereby amended to read as follows:

293.363 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.***

2. Ballots cast using a mechanical voting system must not be counted before 7 a.m. on the day of the election. No results or copy of the results may be posted pursuant to NRS 293.383 until the polls are closed ***.*** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and ***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall~~

~~proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.~~]

Sec. 13. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***a portion of*** the designated space is darkened [~~or~~] ***by the voter, such a marking cannot be conclusively determined to be made in error and*** there is [~~a writing in~~] ***some indication of*** the [~~designated space, including, without limitation, a cross or check;~~] ***intent of the voter on the face of the ballot;*** and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 14. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in an election accuracy audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 15. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting ~~[a risk-limiting]~~ ***an election accuracy*** audit of an election, which may include, without limitation:

(a) Procedures to conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the ~~[risk-limiting]~~ ***election accuracy*** audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit of the results of an election.

3. As used in this section, ~~["risk-limiting]~~ ***"election accuracy*** audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces;

(g) Each office of an automatic voter registration agency; and

(h) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. ***A voter registration agency shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.***

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to preregister or register to vote at recruitment offices of the United States Armed Forces.

~~[6.]~~ ***7.*** Notwithstanding the provisions of NRS 293.5768 to 293.57699, inclusive, each automatic voter registration agency must comply with the provisions of the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq.

Sec. 18. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS 293.5768 to 293.57699, inclusive, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan. ~~***["no political party."]***~~

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as ~~[nonpartisan;]~~ ***"no political*** ~~***[party;"]***~~ ***party";*** and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as ~~[a nonpartisan]~~ ***"no political party"*** because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote; and

(b) Does not make any of the indications described in subsection 1 on the new paper application,

➥ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the statewide voter registration list.

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., as amended.

Sec. 19. ~~[NRS 293.5235 is hereby amended to read as follows:~~

~~293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:~~

~~(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.~~

~~(b) A computer using the system established by the Secretary of State pursuant to NRS 293.671.~~

~~(c) Any other method authorized by the provisions of this title.~~

~~2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.~~

~~3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:~~

~~(a) An application to preregister to vote may be used to correct information in a previous application.~~

~~(b) An application to register to vote may be used to correct information in the statewide voter registration list.~~

~~4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.~~

~~5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.~~

~~6. The county clerk shall, upon receipt of an application, determine whether the application is complete.~~

~~7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:~~

~~(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or~~

~~(b) A notice that the person's application to preregister to vote or the statewide voter registration list has been corrected to reflect any changes indicated on the application.~~

~~8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5768 to 293.57699, inclusive, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county~~

~~clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:~~

~~(a) A notice that the applicant is:~~

~~(1) Preregistered to vote; or~~

~~(2) Registered to vote and a voter registration card; or~~

~~(b) A notice that the person's application to preregister to vote or the statewide voter registration list has been corrected to reflect any changes indicated on the application.~~

~~4. If the applicant does not provide the additional information within the prescribed period, the application is void.~~

~~5. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the statewide voter registration list on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

~~10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.~~

~~11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:~~

~~(a) Mail, which must be used to preregister or register to vote by mail in this State.~~

~~(b) Computer, which must be used to preregister or register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671.~~

~~12. The application to preregister or register to vote by mail must include:~~

~~(a) A notice in at least 10-point type which states:~~

~~NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.~~

~~(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.~~

~~(c) If the application is to:~~

~~(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.~~

~~(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.~~

~~(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:~~

~~(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).~~

~~(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).~~

~~(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.~~

~~*(f) An option for an applicant to elect not to receive a mail ballot.*~~

~~13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.~~

~~14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.~~

~~15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.~~

~~16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.~~

~~17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.~~

~~18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~19. The Secretary of State shall adopt regulations to carry out the provisions of this section.~~] **(Deleted by amendment.)**

Sec. 20. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current

residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond;

(4) The voter's registration information has not been updated by an automatic voter registration agency pursuant to NRS 293.5768 to 293.57699, inclusive; and

(5) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to NRS 293.57693; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to NRS 293.5752,

➥ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current ~~[residence]~~ ***mailing address*** of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic

mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph. The notice required pursuant to this paragraph may be provided as part of the notice mailed pursuant to NRS 293.57693.

(j) If, pursuant to NRS 293.5307, a county clerk receives notice of a change of address of a resident of the county whose name is on the statewide voter registration list, the county clerk shall, in accordance with 52 U.S.C. § 20507:

(1) If the person moved to a new address within the same county, correct the address of the resident in the statewide voter registration list and mail a written notice to the current ~~[residence]~~ mailing address of the voter not later than 5 working days after the change is made; or

(2) If the person moved to a new address outside of the county, mail a written notice to the current ~~[residence]~~ mailing address of the voter not later than 5 working days after such notice is received.

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 21. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ ***The*** county clerk shall ***, in accordance with 52 U.S.C. § 20507,*** mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 ~~[.]~~ ***and 52 U.S.C. § 20507.***

Sec. 22. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as

otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~[is]~~ ***:***

(a) Is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward

each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 23. NRS 293.57688 is hereby amended to read as follows:

293.57688 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the database created by the Secretary of State pursuant to NRS 293.675 using the system established pursuant to NRS 293.57686:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in NRS 293.5768, the automatic voter registration agency shall electronically transmit to the database created by the Secretary of State pursuant to NRS 293.675 the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. An automatic voter registration agency shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 23.5. **NRS 293.57693 is hereby amended to read as follows:**

293.57693 1. Upon transmission of the information to the database created by the Secretary of State pursuant to NRS 293.675 by an automatic voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote. The county clerk shall review the voter registration information transmitted by the automatic voter registration agency to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is eligible to vote, the person shall be deemed a registered voter. The person's name must appear on the statewide voter registration list and the appropriate roster and the person must be provided all sample ballots and other voter information provided to registered voters.

3. In addition to the requirements of subsection 2, the county clerk shall immediately mail a notice to the current ~~[residence]~~ ***mailing address*** of the person. The notice must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A space for the person to indicate a political party affiliation;

(b) A space for the person to affirmatively decline to apply to register to vote or have his or her voter registration updated, as applicable;

(c) A preaddressed return envelope with postage prepaid;

(d) A statement setting forth the qualifications to vote in this State as provided by NRS 293.485 and that if the person does not meet the qualifications to vote in this State, the person should return the notice and affirmatively decline in writing to register to vote;

(e) A statement explaining that unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, the person is deemed to have consented to the transmission of information to the database created by the Secretary of State pursuant to NRS 293.675 by the automatic voter registration agency for the purpose of registering the person to vote or updating the voter registration information on the statewide voter registration list;

(f) A statement explaining that if the person affirmatively declines in writing to apply to register to vote or to have his or her voter registration information updated, as applicable, the county clerk will remove the person from the statewide voter registration list or revert the person's information on the statewide voter registration list to the information that was on the statewide voter registration list before the automatic voter registration agency

transmitted the information, and the person shall be deemed to not have registered to vote or updated his or her voter registration information, as applicable;

(g) A statement setting forth the penalties for submitting a false application to register to vote; and

(h) A statement that:

(1) Indicates a political party affiliation or indicates that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on the form provided by the county clerk in the notice; and

(3) The person will not be able to vote at a primary election, presidential preference primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation.

4. The county clerk may send the notice required pursuant to subsection 3 by electronic mail if the person confirms the validity of the electronic mail address to which the notice will be sent by responding a confirmation inquiry sent to that electronic mail address.

5. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 3 is not a declination by the person to apply to register to vote or have his or her voter registration information updated.

6. If the county clerk determines that a person is not eligible to register to vote or if the voter affirmatively declines in writing to be registered to vote or have his or her automatic voter registration updated:

(a) It shall be deemed that the transmittal from the automatic voter registration agency is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote;

(c) It shall be deemed that the transmission of the person's information by the automatic voter registration system was an official authorized act;

(d) It shall be deemed that the person did not falsely claim citizenship in order to register to vote unless the person affirmatively claimed to be a citizen to the automatic voter registration agency; and

(e) The county clerk must remove the person's registration from the database created by the Secretary of State pursuant to NRS 293.675 or revert the person's information on the database to the information that was on the database before the automatic voter registration agency transmitted the information to the county clerk, as applicable.

Sec. 24. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize at least one of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; or

(b) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

3. ***In addition to the methods described in subsection 2, the county or city clerk may authorize another method for a registered voter to update his or her voter registration information at a polling place during the period for early voting by personal appearance and on election day.***

4. If a registered voter updates his or her voter registration information ~~[~~pursuant to this section and applies to vote in the election,~~]~~ ***14 or more days before the election,*** the county or city clerk ~~[~~may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

~~4.~~~~]~~ ***shall send a mail ballot to the voter.***

5. If a registered voter ~~[~~casts a provisional ballot in~~]~~ ***updates his or her voter registration information less than 14 days before*** the election ~~[~~pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.~~]~~ ***, the registered voter may vote only in person:***

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

6. If a registered voter updates his or her voter registration pursuant to this section and votes in person or by mail in the election, all other provisions of this title apply to identifying the voter and verifying the signature of the voter, including, without limitation, NRS 293.269927, 293.2725, 293.277, 293.283, 293.285, 293.3075, 293C.26314, 293C.26327, 293C.270, 293C.272, 293C.275, 293C.3035 or 293C.3585, as applicable.

Sec. 24.3. ~~[~~NRS 293.740 is hereby amended to read as follows:

~~293.740 1. Except as otherwise provided in subsection 3, it is unlawful inside a polling place, within 100 feet from the entrance to the [building or other structure in which a polling place is located,]~~ ***voting area,*** inside the area

~~of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote.~~

~~(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.~~

~~(b) For any person, including an election board officer, to do any electioneering on election day.~~

~~"~~ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

~~2. The county clerk shall ensure that any notice posted pursuant to subsection 1 is:~~

~~(a) At least 17 inches by 11 inches in size;~~

~~(b) Placed on a window or door of the polling place or a freestanding sign; and~~

~~(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.~~

~~3. The provisions of subsections 1 and 2 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a [~~building or other structure in which a polling place is located.~~] *voting area.* ~~The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.~~

~~4. Any person who violates any provision of this section is guilty of a gross misdemeanor.~~

~~5. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:~~

~~(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;~~

~~(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;~~

~~(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;~~

~~(d) Buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election; or~~

~~(e) Soliciting signatures to any kind of petition.~~] **(Deleted by amendment.)**

Sec. 24.7. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. ***A person votes more than once at the same election if he or she votes more than once in the same primary***

election, presidential preference primary election, general election, special election to recall a public officer or special election in this State or if he or she votes in the same primary election or general election in this State and at least one other state. Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) Stated on all sample ballots distributed by mail or electronic means;

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. ***The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.*** If any county or city clerk or other local election official identifies or is informed of a confirmed ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack]~~ ***cyber-incident*** on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall ~~[immediately]~~ notify the Secretary of State ***, the Governor and the Legislative Commission*** regarding ~~[such attack]~~ ***the cyber-incident*** or attempted ~~[attack.]~~ ***cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.***

Sec. 27. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 27.5. NRS 293B.165 is hereby amended to read as follows:

293B.165 1. A test conducted in the manner prescribed in subsections 1 and 2 of NRS 293B.155 must be conducted immediately before the start of the official count of the ballots and again within 24 hours after the official count of the ballots ~~[.]~~ ***is completed, including the counting of the final ballot.***

2. Such tests must be certified by the accuracy certification board.

Sec. 28. (Deleted by amendment.)

Sec. 28.3. **Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If an active registered voter who is eligible to receive a mail ballot pursuant to NRS 293C.263, including, without limitation, an active registered voter who has elected not to receive a mail ballot pursuant to NRS 293C.263, is unable to access his or her mail ballot or appear in person at the polls due to an emergency, the voter may submit a request to the city clerk, not earlier than the 46th day before an election and not later than the day before the election, to receive a mail ballot.

2. Upon receiving a request pursuant to subsection 1, the city clerk shall, after verifying the voter is eligible to receive a mail ballot pursuant to NRS 293C.263 and has not already voted in the election, distribute the mail ballot to the voter.

3. Except as otherwise provided in this section, all provisions of this title relating to mail ballots apply to a mail ballot requested and distributed pursuant to this section.

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

5. For the purposes of this section, "emergency" means an unforeseen circumstance which significantly impairs the ability of an active registered voter to access his or her mail ballot or appear in person at the polls, including, without limitation:

(a) An illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home;

(b) A sudden hospitalization, serious illness or call away from home; or

(c) Any other circumstance the Secretary of State determines by regulation to constitute an emergency for the purposes of this section.

Sec. 28.7. **NRS 293C.110 is hereby amended to read as follows:**

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, ***and section 28.3 of this act,*** the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive.

Sec. 29. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary city election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.***

Sec. 30. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~[2]~~ *7* days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of candidacy. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this section, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

Sec. 31. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without ***political*** party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. ***A pupil may be appointed as a trainee pursuant to this section regardless of his or her affiliation with a political party including, without limitation, any designation of party affiliation on his or her application to preregister or register to vote.***

4. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.

~~[4.]~~ ***5.*** The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 32. (Deleted by amendment.)

Sec. 32.3. **NRS 293C.263 is hereby amended to read as follows:**

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) ~~[Elects]~~ ***Except as otherwise provided in section 28.3 of this act, elects*** not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 32.7. **NRS 293C.26318 is hereby amended to read as follows:**

293C.26318 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive ~~.~~ ~~[.]~~ ***and section 28.3 of this act.***

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.

Sec. 33. NRS 293C.362 is hereby amended to read as follows:

293C.362 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.***

2. Ballots cast using a mechanical voting system must not be counted before 7 a.m. on the day of the election. No results or copy of the results may be posted pursuant to NRS 293C.380 until the polls are closed**.** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and ***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 34. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***a portion of*** the designated space is darkened ~~[or]~~ ***by the voter, such a marking cannot be conclusively determined to be made in error and*** there is ~~[a writing in]~~ ***some indication of*** the ~~[designated space, including, without limitation, a cross or check;]~~ ***intent of the voter on the face of the ballot;*** and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election ***,*** ~~[or]~~ general election ***or special election other than a special election to recall a public officer*** affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 37. NRS 298.055 is hereby amended to read as follows:

298.055 The ***Secretary of State shall submit the*** certificate of ascertainment ~~[submitted]~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~[6]~~ ***5. The certificate of ascertainment*** must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 38. NRS 298.660 is hereby amended to read as follows:

298.660 ***1.*** If a person who is a qualified candidate to be a major political party's nominee for President of the United States wants to appear on the ballot for a presidential preference primary election that is held for the party, the person must, not earlier than October 1 and not later than 5 p.m. on October 15 of the year immediately preceding the presidential preference primary election, file with the Secretary of State a declaration of candidacy **.** ~~[in the form prescribed by the Secretary of State.]~~

2. A declaration of candidacy required to be filed pursuant to this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF..... FOR NOMINEE FOR PRESIDENT OF THE UNITED STATES

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the..... Party nomination for the office of President of the United States, I, the undersigned....., do swear or affirm under penalty of perjury that my telephone number is....., and the address at which I receive mail, if different than my residence, is.....; that I am registered as a member of the..... Party; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that I meet the qualifications for this office set forth in Clause 5 of Section 1 of Article II of the Constitution of the United States; that if nominated as a candidate of the..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of the United States concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this..... day of the month of..... of the year.....

.....
Notary Public or other person
authorized to administer an oath

3. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 39. NRS 298.670 is hereby amended to read as follows:

298.670 1. The Secretary of State shall forward to each county clerk the name, party affiliation and mailing address of each qualified candidate whose name must appear on the ballot for the presidential preference primary election.

2. Immediately upon receipt by the county clerk of the list of qualified candidates, the county clerk shall publish a notice of the presidential preference primary election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

(a) The date of the presidential preference primary election;

(b) The major political parties that have qualified candidates who will be on the ballot at the presidential preference primary election;

(c) ***The names of the qualified candidates who will be on the ballot at the presidential preference primary election and the major political party which each candidate is affiliated with;***

(d) The location of the polling places in the county, including, without limitation, polling places for early voting by personal appearance; and

~~[(d)]~~ ***(e)*** The hours during which the polling places in the county will be open for voting during the period for early voting and the day of the presidential preference primary election.

Sec. 40. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 41. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 42. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 43. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 44. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 45. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.***

Sec. 46. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 47. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 48. NRS 293.365, 293.423, 293.490, 293.567, 293.810 and 293C.365 are hereby repealed.

Sec. 49. 1. This section and sections 47 and 48 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.490 Residence not lost upon removal from county or precinct.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293.810 Preregistration or registration in more than one county at one time.

293C.365 Accounting for all paper ballots before counting of votes begins.

Assemblymember Mosca moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 85.
Bill read second time and ordered to third reading.

Senate Bill No. 309.
Bill read second time and ordered to third reading.

Senate Bill No. 465.
Bill read second time and ordered to third reading.

Senate Bill No. 467.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 386.
Bill read third time.
The following amendment was proposed by Assemblymember Goulding:
Amendment No. 935.

AN ACT relating to education; revising provisions governing the assessments which may be used to assess the literacy of pupils enrolled in an elementary school; authorizing the Department of Education to prescribe requirements relating to the collection and reporting of the results of such assessments; authorizing the Department to prescribe the assessments used to assess literacy under certain circumstances; **requiring the Department under certain circumstances to award grants to school districts and charter schools that use certain assessments to assess literacy other than the statewide assessment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include procedures to assess the proficiency of a pupil in reading during each grade level of elementary school, as is determined to be necessary, by using assessments that have been approved by the State Board of Education by regulation. (NRS 388.157) This bill removes the requirement that such assessments be approved by the State Board by regulation, thereby allowing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. This bill also authorizes the Department of Education to: (1) adopt regulations prescribing how the results of any assessment used by a school district or charter school to assess proficiency in reading are collected

and reported; and (2) prescribe the assessments which must be used in a school district or charter school if no assessment is included in the plan. This bill further provides that **, if** the board of trustees of a school district or the governing body of a charter school ~~[is responsible for the costs of administering]~~ **administers** an assessment ~~[used by the school district or charter school]~~ to assess proficiency in reading ~~[,]~~ other than the statewide assessment ~~[,]~~ **and the Department establishes a method to determine an equivalent score on such an assessment, the Department is required to award a grant to the school district or local educational agency for the charter school in an amount equal to the savings to the Department, on a proportional basis, for not administering the statewide assessment to pupils in that school district or charter school.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board ***, or an equivalent level determined by an assessment administered by the board of trustees of a school district or governing body of a charter school,*** for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments ~~[that have been approved by the State Board by regulation]~~ during each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

(b) May adopt regulations prescribing the manner by which the board of trustees of each school district and the governing body of a charter school are required to collect and report the results of any assessment used by the school district or charter school, as applicable, to assess a pupil's proficiency in the subject area of reading.

(c) May prescribe one or more valid and reliable standards-based statewide assessments that must be used in a school district or charter school to assess a pupil's proficiency in the subject area of reading if the board of trustees of the school district or the governing body of the charter school, as applicable, fails to include such an assessment in the plan submitted pursuant to subsection 1.

4. ~~[The]~~ If the board of trustees of a school district or the governing body of a charter school ~~[, as applicable, that elects to administer any]~~ administers an assessment to assess ~~[a pupil's]~~ the proficiency of a pupil in the subject of reading other than ~~[the]~~ a statewide assessment ~~[shall pay any costs associated with the administration of the assessment, including, without limitation, the costs of the assessment tool and providing training to staff members regarding the use of the assessment tool.]~~ prescribed pursuant to paragraph (c) of subsection 3 and the Department has established a method to determine an equivalent score to a score on a statewide assessment for such an assessment, the Department shall award a grant to the school district or local educational agency for the charter school in an amount equal to the savings to the Department, on a proportional basis, for not administering the statewide assessment to pupils in the school district or charter school, as applicable. A grant to a school district or local educational agency awarded pursuant to this subsection must not exceed, on a per pupil basis, the cost of a statewide assessment prescribed pursuant to paragraph (c) of subsection 3.

Sec. 2. (Deleted by amendment.)

Assemblymember Goulding moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Backus moved that Senate Bill No. 74 be taken from the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bills Nos. 386 and 534 be taken from their place on the General File and moved to the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 386.
Bill read third time.
Roll call on Assembly Bill No. 386:
YEAS—40.
NAYS—None.
EXCUSED—González, Yeager—2.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.
Bill read third time.
Roll call on Assembly Bill No. 534:
YEAS—25.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
EXCUSED—González, Yeager—2.

Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 5:05 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 260, 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 466, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TRACY BROWN-MAY, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 427, 507.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 568 to Senate Bill No. 15.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 427.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 507.

Assemblymember Jauregui moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 260.

Bill read second time and ordered to third reading.

Senate Bill No. 316.

Bill read second time and ordered to third reading.

Senate Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 937.

AN ACT relating to industrial insurance; revising certain requirements for an insurer or third-party administrator to maintain a physical office in this State; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry may conduct certain inspections; **revising provisions relating to the administration of certain claims;** revising provisions relating to the calculation of certain premium costs; revising provisions relating to certain administrators; **revising provisions relating to certain audits;** revising provisions relating to certain subsequent injury accounts; authorizing the Administrator to adopt regulations relating to physician assistants; requiring the Administrator to adopt a certain formulary; revising provisions relating to an insurer's list of certain physicians and chiropractic physicians; establishing and revising various requirements for certain hearings relating to industrial insurance claims; revising provisions governing an injury or disease that is caused by stress; revising provisions governing motions to stay certain decisions and petitions for judicial review; revising requirements for payments for a period of temporary partial disability; revising the circumstances under which the Administrator may impose certain administrative fines; repealing provisions governing certain appeals **~~[,]~~ and** certain determinations of a percentage of disability **;** ~~[and certain audits;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of compensation under industrial insurance if, during the course of employment, an employee is injured or killed by a workplace accident or occupational disease. (Chapters 616A-617 of NRS) Existing law requires an insurer or its third-party administrator to operate or maintain a physical office in this State for certain purposes. (NRS 616B.021, 616B.027, 616B.500) **Sections 4.1, 4.15 and 4.45** of this bill authorize a legal representative of the insurer or third-party administrator, as applicable, to operate or maintain such an office. **Section 4.1** also requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to give notice before conducting certain inspections at the physical office of an insurer, third-party administrator or other legal representative. **Section 4.15 also: (1) authorizes certain information to be provided as an electronic copy or in an electronic format upon request; and (2) revises certain requirements for availability to communicate with a claimant or representative of the claimant if a private carrier or third-party administrator operates an office in this State.**

Existing law authorizes certain persons to administer certain claims from a location in or outside of this State. (NRS 616B.0275) Section 4.17 of this bill additionally authorizes certain self-insured private employers and certain entities associated with the employer to administer certain

claims from a location in or outside of this State if the total aggregate number of employees of the employer and associated entities is 30,000 or more.

For purposes of calculating the amount of a premium which is due pursuant to the terms of a policy of industrial insurance, existing law provides that the maximum amount paid to any one employee for services provided during the 12-month period during which a policy is effective shall be deemed to be $36,000. (NRS 616B.222) **Section 4.2** of this bill eliminates the $36,000 amount **for an employer other than the State of Nevada or any agency or political subdivision of the State** and instead deems the maximum amount to be a calculation of the maximum average monthly wage using data computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation. **Section 4.2 authorizes the State or any agency or political subdivision of the State to elect to be subject to the calculation used by other employers, in accordance with any procedures established by the Administrator for the making of such an election.**

Existing law requires a third-party administrator for an association of self-insured employers to obtain a certificate as an administrator from the Commissioner of Insurance and to file with the Commissioner a surety bond for the benefit of any person damaged by any fraudulent act or conduct of the administrator. (NRS 616B.503, 683A.08524, 683A.0857) Existing law also requires the third-party administrator to file with the Commissioner an additional surety bond conditioned upon the faithful performance of its duties relative to a particular association of self-insured employers. (NRS 616B.353) **Section 4.3** of this bill eliminates the requirement for a third-party administrator to file an additional surety bond relative to its duties to a particular association. **Section 4.4** of this bill makes a conforming change to remove the procedure for terminating liability on the bond eliminated by **section 4.3**.

Existing law requires the Commissioner, at least annually, to audit each association of self-insured public or private employers to verify certain information, including the standard industrial classification of each member of the association. (NRS 616B.410) Section 4.37 of this bill instead: (1) requires the Commissioner to require each association, at least annually, to audit the payroll of each member of the association to verify certain information including the classification or classifications, rather than the standard industrial classification, of each member; and (2) authorizes the Commissioner to require the submission of a report summarizing the results of such an audit. Section 4.33 of this bill similarly removes a reference to the standard industrial classification of a member of an association of self-insured public or private employers.

Existing law establishes the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. (NRS 616B.575) Existing law requires money in the Account to be used to provide compensation or reimbursement in situations where an employee who has a preexisting

permanent physical impairment incurs a subsequent disability by injury arising out of and in the course of employment which entitles the employee to compensation for the combined disability that is substantially greater than that which would have resulted from the subsequent injury alone. (NRS 616B.563-616B.581) **Sections 4.6 and 4.7** of this bill require an employee to have incurred a subsequent disability by injury on or before September 30, 2025, in order for the compensation or reimbursement provisions to apply, thus prohibiting any claims against the Account because of a subsequent disability by injury which is incurred on or after October 1, 2025.

Section 9.3 of this bill authorizes the Administrator to adopt regulations which authorize a treating physician or chiropractic physician, under certain circumstances, to delegate certain routine follow-up care of an injured employee to a physician assistant who is an employee of and under the supervision of the physician or chiropractic physician. **Section 9.5** of this bill requires the Administrator to adopt the Official Disability Guidelines (ODG) Drug Formulary published by MCG Health, or its successor, that is required to be used by industrial insurers for any drug which is prescribed and dispensed for outpatient use. **Section 9.7** of this bill: (1) prohibits an insurer, with certain exceptions, from providing reimbursement for a drug that is not listed and approved on the formulary, when use of the formulary is required; and (2) authorizes an injured employee to appeal to a hearings officer any determination denying a request for a drug which has been recommended as medically necessary. **Section 15.5** of this bill makes a conforming change relating to existing requirements for prescribing generic drugs and determining if the generic drug would not be beneficial to the health of the injured employee.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment from a panel established and maintained by the Administrator. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 14** of this bill: (1) prohibits an insurer from removing a physician or chiropractic physician from the insurer's list except as expressly provided in existing law; (2) requires an insurer, under certain circumstances, to replace any physician or chiropractic physician who is removed from the list within 60 days; (3) authorizes certain audits and revisions of the insurer's list; and (4) revises certain filing requirements relating to the insurer's list.

Existing law provides that an injury or disease sustained by an employee that is caused by stress is compensable under industrial insurance if it arose out of and in the course of his or her employment. Existing law sets forth the manner by which such an injury must be proven to have arisen out of and in the course of the employment. Under existing law, with certain exceptions, such an injury is deemed to arise out of and in the course of employment only if the employee proves certain elements by clear and convincing medical or psychiatric evidence. (NRS 616C.180) **Section 17** of this bill instead requires

proof by clear and convincing medical, psychological or psychiatric evidence. **Section 17** also requires an insurer to maintain and submit to the Administrator a list of certain providers of mental health care from which an injured employee may choose.

Section 20 of this bill requires the Chief of the Hearings Division of the Department of Administration to maintain and make accessible to the public on the Internet website of the Division, a calendar of all matters which are before hearing officers and appeals officers.

Sections 23 and 25 of this bill revise provisions governing the circumstances under which: (1) an appeals officer may grant a motion to stay the enforcement of the decision of a hearing officer; and (2) an appeals officer or district court may grant a motion to stay the enforcement of the decision of an appeals officer. **Sections 24 and 32** of this bill revise certain procedures for the judicial review of the decision of an appeals officer.

If a claim for a period of temporary total disability is allowed, existing law requires an industrial insurer to make the first payment within 14 working days after receipt of the initial certification of disability, and regularly thereafter. (NRS 616C.475) **Section 27** of this bill requires, for a period of temporary partial disability, the first payment or a determination regarding payment to be issued within 14 working days after the insurer receives the claim.

Existing law authorizes hearing officers and appeals officers, under certain circumstances, to allow discovery by deposition or interrogatories according to the Nevada Rules of Civil Procedure. (NRS 616D.050, 616D.090) **Sections 28 and 29** of this bill prohibit a hearing officer from allowing such discovery, and revise provisions governing the circumstances under which an appeals officer may allow discovery. **Section 30** of this bill revises provisions relating to administrative fines which the Administrator may impose for certain violations.

Existing law sets forth certain procedures for appealing a final determination concerning accident benefits made by an organization for managed care. (NRS 616C.305) Existing law requires, for a determination of the percentage of disability resulting from occupational disease of the heart or lungs, that the determination be made jointly by the attending physician and examining physician of a claimant, or, under certain circumstances, a designated third physician or panel of physicians. (NRS 617.459) **Section 34** of this bill repeals those procedures and requirements, and **sections 15, 16, 18, 19, 21-23, 26 and 31** of this bill make conforming changes to remove references to those procedures and requirements from existing law. Existing law requires the Administrator, at least every 5 years, to audit all insurers who provide benefits to injured employees, including associations of self-insured employers. (NRS 616A.270, 616B.003) ~~[Existing law also requires the Commissioner, at least annually, to audit each association of self-insured employers to verify certain information. (NRS 616B.410) Section 34 repeals the requirement that the Commissioner examine each association annually.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.1. NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall make the files of claims available for inspection and reproduction:

(a) At an office operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** located in this State ~~[.]~~ ***, upon notice from the Administrator not less than 1 business day before the date of the inspection;*** or

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at a location outside this State if all records in the file are made available for inspection and reproduction at an office operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** that is located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 4.15. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer ***,*** ~~[or]~~ its third-party administrator ***or a legal representative of the insurer or third-party administrator*** in which:

(1) A complete file, or a reproduction of the complete file, of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and ~~[his or her]~~ ***the*** employees ***of the employer*** required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee ***, a representative of an employee*** or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021. ***Any information which is provided pursuant to this subparagraph may be provided as an electronic copy or in an electronic format that produces an accurate reproduction of the original.***

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a).

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. ~~[An]~~ ***Except as otherwise provided in subsection 4, an*** employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of NRS 616B.0275 shall ~~[make himself or herself]~~ ***be*** available to communicate ***live and*** in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

4. The provisions of subsection 3 do not apply to an employee of a private carrier described in subsection 3 or a person who acts as a third-party administrator for a private carrier described in subsection 3 if the private carrier or third-party administrator, as applicable, operates an office in this State.

Sec. 4.17. **NRS 616B.0275 is hereby amended to read as follows:**

616B.0275 1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State

or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. ~~[An]~~ ***Except as otherwise provided in subsection 3, an*** employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. ~~[All records concerning a claim administered pursuant to this subsection must be maintained in these offices.]~~

3. ***A self-insured private employer or its parent, a subsidiary of its parent or an affiliate of the self-insured private employer may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State if the total aggregate number of employees of the self-insured private employer, its parent, any subsidiary of its parent and any affiliate of the employer employed in this State is 30,000 or more, as reported to the Department of Employment, Training and Rehabilitation for the most recent calendar quarter.***

4. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 ***, 2*** and ~~[2,]~~ ***3;*** and

(b) Adopt regulations to carry out the provisions of this section.

5. As used in this section, "affiliate" has the meaning ascribed to it in NRS 78.412.

Sec. 4.2. NRS 616B.222 is hereby amended to read as follows:

616B.222 ***1.*** To determine the total amount paid to employees for services performed, the maximum amount paid to any one employee during a policy year shall be deemed to be ***:***

(a) Except as otherwise provided in subsection 2, for an employee who is employed by the State of Nevada or any agency or political subdivision of the State, $36,000.

(b) For an employee other than an employee described in paragraph (a), an amount equal to 12 times the maximum average monthly wage. On or before January 1 of each year, the Administrator shall establish the amount of the maximum average monthly wage to take effect on January 1 of that year.

2. The State of Nevada or any agency or political subdivision of the State may elect to be subject to the provisions of paragraph (b) of subsection 1 in accordance with any procedures that may be established by the Administrator for the making of such an election.

3. As used in this section, "maximum average monthly wage" means 150 percent of the state average weekly wage as most recently computed by the Employment Security Division of the Department of Employment, Training and Rehabilitation, multiplied by 4.33.

Sec. 4.3. NRS 616B.353 is hereby amended to read as follows:

616B.353 1. An association of self-insured public or private employers shall:

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS. The indemnity agreement must be in a form prescribed by the Commissioner. An association may add provisions to the indemnity agreement if they are first approved by the Commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the Commissioner. The excess insurance must be written by an insurer approved by the Commissioner. To determine the amount of excess insurance required, the Commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the Commissioner deems necessary.

➥ Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.

(c) Collect an annual assessment from each member of the association in an aggregate amount of at least $250,000 or in an aggregate amount which the Commissioner determines is satisfactory based on an annual review conducted by the Commissioner of the actuarial solvency of the association.

(d) Except as otherwise provided in paragraph (e), deposit as security with the Commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the Commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the Commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the Commissioner.

2. Except as otherwise provided in subsection 3, in addition to complying with the requirements of subsection 1, an association of self-insured private employers shall:

(a) At the time of initial qualification and until the association has operated successfully as a qualified association of self-insured private employers for 3 years, as determined by the Commissioner, have a combined tangible net worth of all members in the association of at least $2,500,000, as evidenced by a statement of tangible net worth provided to the Division of Insurance of the Department of Business and Industry by an independent certified public accountant; or

(b) After 3 years of successful operation as a qualified association of self-insured private employers, as determined by the Commissioner, have combined net cash flows from operating activities plus net cash flows from financing activities of all members in the association of five times the average of claims paid for each of the last 3 years or $7,500,000, whichever is less.

3. In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the Commissioner and in an aggregate amount of at least $2,500,000, is deposited with the Commissioner by the association or members of the association on behalf of the association.

4. The association's administrator shall deposit with the Commissioner a bond executed by the association's administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his or her duties. The bond must be in an amount determined by the Commissioner.

5. ~~[Any third-party administrator providing claims services for the association shall deposit with the Commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the Commissioner.~~

~~6.]~~ The Commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and the Commissioner's regulations for loss reserves in casualty insurance. If the Commissioner requires an association ~~[,]~~ ***or*** association's administrator ~~[or third-party administrator]~~ to increase its deposit, the Commissioner may specify the form of the additional security. The association ~~[,]~~ ***or*** association's administrator ~~[or third-party administrator]~~ shall comply with such a requirement within 60 days after receiving notice from the Commissioner.

~~[7.]~~ ***6.*** The Account for Associations of Self-Insured Public and Private Employers is hereby created in the State Agency Fund for Bonds. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account. All claims against this Account must be paid as other claims against the State are paid.

7. Nothing in the provisions of this section affects the obligation of a third-party administrator to comply with the requirements of NRS 683A.0857.

Sec. 4.33. **NRS 616B.407 is hereby amended to read as follows:**

616B.407 1. Except as otherwise provided in subsection 2, the annual assessment required to be paid by each member of an association of self-insured public or private employers must be:

(a) Calculated by a rate service organization that is licensed pursuant to chapter 686B of NRS; and

(b) Based on the premium rate for the ~~[standard industrial]~~ classification of that member, adjusted by the member's individual experience.

➥ If approved by the Commissioner, payments of assessments may be reduced by an amount based on the association's level of expenses and loss experience.

2. If approved by the Commissioner, an association may calculate the annual assessment required to be paid by each member of the association. An assessment calculated by the association must be based on at least 5 years of the member's individual experience.

Sec. 4.37. **NRS 616B.410 is hereby amended to read as follows:**

616B.410 1. The Commissioner shall ~~[cause to be conducted at least annually an audit of]~~ ***require*** each association of self-insured public or private employers ***to audit the payroll of each member of the association not less than annually*** in order to verify:

(a) The ~~[standard industrial]~~ classification ***or classifications*** of each member of the association;

(b) ~~[The individual experience of each member of the association;~~

~~(c)]~~ The payroll of each member of the association; and

~~[(d)]~~ ***(c)*** The assessment required to be paid by each member of the association.

2. ~~[The audit required by this section must be conducted by an auditor approved by the Commissioner.~~

~~3. A]~~ ***The Commissioner may require the association to submit a*** report ***which summarizes the results*** of the audit ~~[must be filed with the Commissioner]~~ in a form required by the Commissioner.

~~[4. The association or any member of the association may request a hearing before the Commissioner to object to any standard industrial classification assigned to a member of the association as a result of the audit. If the Commissioner determines that the assessment required to be paid by any member of the association is:~~

~~(a) Insufficient because of the standard industrial classification assigned to the member, the Commissioner shall order the association to collect from that member any amount required to recover the deficiency.~~

~~(b) Excessive because of the standard industrial classification assigned to the member, the Commissioner shall order the association to pay to the member the excess amount collected.~~

~~5.]~~ ***3.*** The expenses of any audit conducted pursuant to this section must be paid by the association.

Sec. 4.4. NRS 616B.440 is hereby amended to read as follows:

616B.440 1. For the purposes of NRS 616B.350 to 616B.446, inclusive, an association of self-insured public or private employers is insolvent if it is

unable to pay its outstanding obligations as they mature in the regular course of its business.

2. If an association of self-insured public or private employers becomes insolvent, institutes any voluntary proceeding pursuant to the Bankruptcy Act or is named in any voluntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS after an order for the payment of any claim becomes final, the Commissioner may, after giving at least 10 days' notice to the association and any insurer or guarantor, use money or interest on securities, sell securities or institute legal proceedings on surety bonds deposited with the Commissioner pursuant to NRS 679B.175 to the extent necessary to make those payments.

3. A licensed surety providing a surety bond pursuant to NRS 616B.353 may terminate liability on its surety bond by giving the Commissioner and the association ~~[,]~~ ***or*** association's administrator ~~[or third-party administrator]~~ 90 days' written notice. The termination does not limit liability that was incurred under the surety bond before the termination.

Sec. 4.45. NRS 616B.500 is hereby amended to read as follows:

616B.500 1. An insurer may enter into a contract to have his or her plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person ~~[maintains an office in this State and]~~ has a certificate issued by the Commissioner pursuant to NRS 683A.08524 ~~[.]~~ ***and the person, or a legal representative of the person, maintains an office in this State.***

Sec. 4.5. NRS 616B.575 is hereby amended to read as follows:

616B.575 1. There is hereby created in the Fund for Workers' Compensation and Safety in the State Treasury the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, which may be used only to make payments in accordance with the provisions of NRS 616B.578 and 616B.581. The Board shall administer the Account based upon recommendations made by the Administrator pursuant to subsection 8.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Board for the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers' compensation for employees of members of Associations of Self-Insured Public or Private Employers.

4. The State Treasurer ~~[may]~~ ***shall*** disburse money from the Account ~~[only upon]~~ ***within 14 days after receiving a*** written order of the Board.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which the State Treasurer is authorized to invest State General Funds which are in the custody of the State Treasurer.

Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Board shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must result in an equitable distribution of costs among the associations of self-insured public or private employers and must be based upon expected annual expenditures for claims for payments from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any association of self-insured public or private employers that wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

8. The Administrator shall:

(a) Evaluate any claim submitted to the Board for payment or reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers and ***, not later than 30 days after receiving the claim,*** recommend to the Board any appropriate action to be taken concerning the claim; and

(b) Submit to the Board any other recommendations relating to the Account.

Sec. 4.6. NRS 616B.578 is hereby amended to read as follows:

616B.578 Except as otherwise provided in NRS 616B.581:

1. If an employee of a member of an association of self-insured public or private employers has a permanent physical impairment from any cause or origin and incurs ***, on or before September 30, 2025,*** a subsequent disability by injury arising out of and in the course of his or her employment which entitles the employee to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.

2. If the subsequent injury of such an employee ***incurred on or before September 30, 2025,*** results in his or her death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers in accordance with regulations adopted by the Board.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole person if evaluated according to the American

Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

4. To qualify under this section for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers, the association of self-insured public or private employers must establish by written records that the employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. An association of self-insured public or private employers must submit to the Board a claim for reimbursement from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

6. The Board shall adopt regulations establishing procedures for submitting claims against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers. The Board shall notify the Association of Self-Insured Public or Private Employers of its decision on such a claim within 120 days after the claim is received.

7. An appeal of any decision made concerning a claim against the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers must be submitted directly to the district court.

Sec. 4.7. NRS 616B.581 is hereby amended to read as follows:

616B.581 1. An association of self-insured public or private employers that pays compensation due to an employee who has a permanent physical impairment from any cause or origin and incurs ***, on or before September 30, 2025,*** a subsequent disability by injury arising out of and in the course of his or her employment which entitles the employee to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers if:

(a) The employee knowingly made a false representation as to his or her physical condition at the time the employee was hired by the member of the Association of Self-Insured Public or Private Employers;

(b) The employer relied upon the false representation and this reliance formed a substantial basis of the employment; and

(c) A causal connection existed between the false representation and the subsequent disability.

➥ If the subsequent injury of the employee ***incurred on or before September 30, 2025,*** results in his or her death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the Subsequent Injury Account for Associations of Self-Insured Public or Private Employers.

2. An association of self-insured public or private employers shall notify the Board of any possible claim against the Subsequent Injury Account for

Associations of Self-Insured Public or Private Employers pursuant to this section no later than 60 days after the date of the subsequent injury or the date the employer learns of the employee's false representation, whichever is later.

Sec. 5. Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9.7, inclusive, of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.3. ***The Administrator may adopt regulations which authorize a treating physician or chiropractic physician to delegate certain routine follow-up care of an injured employee, as determined by the Administrator, to a physician assistant who is an employee of and under the supervision of the physician or chiropractic physician. The regulations must:***

1. Require informed consent from the injured employee before the delegation and provision of any such follow-up care; and

2. Be consistent with accepted standards of practice for a physician assistant in accordance with chapters 630 and 633 of NRS and the regulations adopted pursuant thereto.

Sec. 9.5. ***1. The Administrator shall adopt the Official Disability Guidelines (ODG) Drug Formulary published by MCG Health, or its successor, as the formulary to be used by insurers in connection with claims made pursuant to chapters 616A to 616D, inclusive, of NRS.***

2. An insurer shall use the formulary adopted pursuant to subsection 1 for any drug that is prescribed or dispensed to an injured employee for outpatient services in connection with a claim made pursuant to chapters 616A to 617, inclusive, of NRS. An insurer is not required to use the formulary for prescription drugs that are prescribed or dispensed for emergency medical services or inpatient services.

3. As soon as practicable after the Administrator adopts the formulary pursuant to subsection 1, the Administrator must make available and update as necessary, on an Internet website maintained by the Administrator and accessible to the public, current information relating to the formulary adopted pursuant to subsection 1.

Sec. 9.7. ***1. Except as otherwise provided in this section, if an insurer, pursuant to subsection 2 of section 9.5 of this act, is required to use the formulary adopted pursuant to that section, the insurer shall not provide reimbursement for any drug if the drug is listed but not approved, or omitted from, the formulary.***

2. An insurer described in subsection 1 may provide reimbursement for a drug that is listed but not approved, or omitted from, the formulary if the insurer has elected to approve the drug in accordance with procedures established by the insurer and in compliance with any applicable requirements that may be established by the Administrator.

3. If a physician or chiropractic physician believes the drug is medically necessary for an injured employee, the physician or chiropractic physician may submit a request to an insurer described in subsection 1 for authorization to prescribe to the injured employee a drug which is listed but not approved, or omitted from, the formulary adopted pursuant to section 9.5 of this act and which has not been approved by the insurer pursuant to subsection 2. If the insurer approves the request, the insurer may provide reimbursement for the drug.

4. If the insurer denies the request of a physician or chiropractic physician pursuant to subsection 3, the injured employee or his or her representative may appeal the determination of the insurer to a hearings officer in the manner provided by NRS 616C.315.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4:

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

(1) Orthopedic surgery on spines;
(2) Orthopedic surgery on shoulders;
(3) Orthopedic surgery on elbows;
(4) Orthopedic surgery on wrists;
(5) Orthopedic surgery on hands;
(6) Orthopedic surgery on hips;
(7) Orthopedic surgery on knees;
(8) Orthopedic surgery on ankles;

(9) Orthopedic surgery on feet;

(10) Neurosurgery;

(11) ~~[Neurology;~~

~~(12)]~~ Cardiology;

~~[(13)]~~ ***(12)*** Pulmonology;

~~[(14) Psychiatry;~~

~~(15)]~~ ***(13)*** Pain management;

~~[(16)]~~ ***(14)*** Occupational medicine;

~~[(17)]~~ ***(15)*** Physiatry or physical medicine;

~~[(18) General practice or family medicine;]~~ and

~~[(19)]~~ ***(16)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list. ***The insurer shall ensure that any physician or chiropractic physician on the insurer's list accepts and treats patients in the discipline or specialization for which the physician or chiropractic physician is listed.***

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list. ***The insurer shall ensure that any physician or chiropractic physician on the insurer's list accepts and treats patients in the discipline or specialization for which the physician or chiropractic physician is listed.***

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, ***including the requirement that each physician or chiropractic physician on the list accepts and treats patients in the discipline or specialization for which the physician or chiropractic physician is listed,*** an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS

616C.090. ***If a physician or chiropractic physician is removed from an insurer's list pursuant to subsection 9 or 10, within 60 days after the date of removal the insurer shall replace the physician or chiropractic physician on the list as may be required to maintain compliance with the requirements of subsections 2, 3 and 4. If the insurer fails to do so, an injured employee may choose a physician or chiropractic physician from the panel maintained by the Administrator pursuant to NRS 616C.090.***

6. ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** insurer shall, ~~[not later than October 1]~~ ***on or after September 1 and on or before October 1*** of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator ~~[.]~~ ***in accordance with the provisions of subsection 12.*** The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS. ***An insurer may update the list at additional times during the year for the purpose of adding a physician or chiropractic physician. An insurer shall not at any time remove any physician or chiropractic physician from the insurer's list except as expressly permitted by subsection 9 or 10. A third-party administrator may file a single list on behalf of more than one insurer for which the administrator provides services, if the list expressly indicates each insurer to which the list applies. Nothing in this section shall be construed to prohibit an insurer from updating at any time the contact information for or other basic information which is directly related to a physician or chiropractic physician on the insurer's list.***

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6 ~~[.]~~ ***or a list of providers of mental health care that is submitted pursuant to NRS 616C.180,*** the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians ***, and providers of mental health care pursuant to NRS 616C.180,*** to any member of the public who requests a copy; or

(b) Post ~~[a]~~ ***an exact*** copy ***, in an unaltered condition*** of each insurer's list of physicians and chiropractic physicians ***, and providers of mental health care pursuant to NRS 616C.180,*** on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator. ***If a physician or chiropractic physician chooses to cancel a contract between the physician or chiropractic physician and the insurer, employer or third-party administrator, the insurer may omit the***

physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except ~~[for]~~ ***:***

(a) For good cause. As used in this ~~[subsection,]~~ ***paragraph,*** "good cause" means that one or more of the following circumstances apply:

~~[(a)]~~ ***(1)*** The physician or chiropractic physician has died or is disabled.

~~[(b)]~~ ***(2)*** The license of the physician or chiropractic physician has been revoked or suspended.

~~[(c)]~~ ***(3)*** The physician or chiropractic physician has been convicted of:

~~[(1)]~~ ***(I)*** A felony; or

~~[(2)]~~ ***(II)*** A crime for a violation of a provision of chapter 616D of NRS.

~~[(d)]~~ ***(4)*** The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician:

~~[(1)]~~ ***(I)*** Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator; or

~~[(2)]~~ ***(II)*** Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(b) Beginning on September 1, 2026, and every 3 calendar years thereafter, the insurer may audit the insurer's list, including, without limitation, for compliance with subsections 2, 3 and 4, and may remove any physician or chiropractic physician of the insurer's choosing from the list which the insurer is required to file not later than October 1 of that year pursuant to subsection 6.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing ~~[the form]~~ ***a uniform format*** in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this

section must be maintained ~~[.]~~ ***, which must be uniformly applicable to any person who creates such a list.*** The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format. ***The Administrator shall not require submission of such a list through any specific proprietary software platform or particular electronic system. Submission of a list to the Administrator in the format determined by the Administrator shall be deemed to satisfy the requirements of subsection 6 to file such a list. Nothing in this subsection*** ~~***[imposes]***~~ ***:***

(a) Imposes any duty on the Administrator in receiving such a list other than those administrative duties described in subsections 7 and 8.

(b) Prohibits the Administrator from uploading any information contained in such a list received by the Administrator to a specific proprietary software platform or particular electronic system.

Sec. 15. NRS 616C.110 is hereby amended to read as follows:

616C.110 1. For the purposes of NRS 616B.557, 616B.578, 616B.587 ~~[,]~~ ***and*** 616C.490 ***,*** ~~[and 617.459,]~~ not later than August 1, 2003, the Division shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, by reference. The regulations:

(a) Must provide that the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, must be applied to all examinations; and

(b) Must be applied to all examinations for a permanent partial disability that are conducted on or after the effective date of the regulations, regardless of the date of injury.

2. After adopting the regulations required pursuant to subsection 1, the Division may amend those regulations as it deems necessary, except that the amendments to those regulations:

(a) Must be consistent with the Fifth Edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment;

(b) Must not incorporate any contradictory matter from any other edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and

(c) Must not consider any factors other than the degree of physical impairment of the whole person in calculating the entitlement to compensation.

3. If the Fifth Edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment contains more than one method of determining the rating of an impairment, the Administrator shall designate by regulation the method from that edition which must be used to rate an impairment pursuant to NRS 616C.490.

Sec. 15.5. NRS 616C.115 is hereby amended to read as follows:

616C.115 1. Except as otherwise provided in subsection 2 ~~[.]~~ ***and sections 9.5 and 9.7 of this act,*** a physician or advanced practice registered nurse shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.

2. ~~[A]~~ ***Except as otherwise provided in sections 9.5 and 9.7 of this act, a*** physician or advanced practice registered nurse is not required to comply with the provisions of subsection 1 if:

(a) The physician or advanced practice registered nurse determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 16. NRS 616C.137 is hereby amended to read as follows:

616C.137 1. If an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 denies payment for some or all of the services itemized on a statement submitted by a provider of health care on the sole basis that those services were not related to the employee's industrial injury or occupational disease, the insurer, organization for managed care or employer shall, at the same time that it sends notification to the provider of health care of the denial, send a copy of the statement to the injured employee and notify the injured employee that it has denied payment. The notification sent to the injured employee must:

(a) State the relevant amount requested as payment in the statement, that the reason for denying payment is that the services were not related to the industrial injury or occupational disease and that, pursuant to subsection 2, the injured employee will be responsible for payment of the relevant amount if the injured employee does not, in a timely manner, appeal the denial pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, or appeals but is not successful.

(b) Include an explanation of the injured employee's right to request a hearing to appeal the denial pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, and a suitable form for requesting a hearing to appeal the denial.

2. An injured employee who does not, in a timely manner, appeal the denial of payment for the services rendered or who appeals the denial but is not successful is responsible for payment of the relevant charges on the itemized statement.

3. To succeed on appeal, the injured employee must show that the:

(a) Services provided were related to the employee's industrial injury or occupational disease; or

(b) Insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 gave prior

authorization for the services rendered and did not withdraw that prior authorization before the services of the provider of health care were rendered.

Sec. 17. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. Except as otherwise provided in subsection 4, any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment if the employee is a first responder and proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event or a series of events described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical ***, psychological*** or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide

educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. For the purposes of any claim arising out of this section:

(a) An insurer shall maintain a list of providers of mental health care who have agreed to accept and treat injured employees pursuant to this section, from which an injured employee has the right to choose a mental health care provider of his or her choice.

(b) For each county whose population is 100,000 or more, the list maintained pursuant to paragraph (a) must include not less than 12 providers of mental health care.

(c) Each insurer shall, on or after September 1 and on or before October 1 of each year, update the list maintained pursuant to paragraph (a) and submit the list to the Administrator.

(d) If the list maintained pursuant to paragraph (a) contains a provider of mental health care that does not accept and treat patients pursuant to this section, an injured employee may choose any provider of mental health care who agrees to accept the schedule of fees and charges established pursuant to NRS 616C.260.

~~[8.]~~ ***9.*** As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

(d) "Provider of mental health care" means a psychiatrist, a licensed psychologist, a licensed clinical professional counselor or a licensed marriage and family therapist.

Sec. 18. NRS 616C.220 is hereby amended to read as follows:

616C.220 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee suffers an accident or injury which arises out of and in the course of his or her employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the injured employee pursuant to NRS 616C.215.

➥ An employee who suffers an accident or injury while on temporary assignment outside the State is not eligible to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the accident or injury occurred.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section and NRS 616C.223, the employer has the burden of proving that the employer provided mandatory industrial insurance coverage for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS is liable for all payments made on behalf of the employer, including any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action or filing an application for the entry of summary judgment pursuant to NRS 616C.223 in a court of competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action or application for the entry of summary judgment filed pursuant to NRS 616C.223 against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action or filing an application for the entry of summary judgment pursuant to NRS 616C.223, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim made pursuant to this section may appeal that determination, within 70 days after the determination is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS ~~[616C.305 and]~~ 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to chapters 616A to 616D, inclusive, of NRS, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. If the Division has not obtained a civil judgment or an entry of summary judgment pursuant to NRS 616C.223 and the Division assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 19. NRS 616C.235 is hereby amended to read as follows:

616C.235 1. Except as otherwise provided in subsections 2, 3 and 4:

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant and, if the insurer has been notified that the claimant is represented by an attorney, to the attorney for the claimant by first-class mail addressed to the last known address of the attorney. The notice must include, on a separate page, a statement describing the effects of closing a claim pursuant to this section and a statement that if the claimant does not agree with the determination, the claimant has a right to request a resolution of the dispute pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, including, without limitation, a statement which prominently displays the limit on the time that the claimant has to request a resolution of the dispute as set forth in NRS 616C.315. A suitable form for requesting a resolution of the dispute must be enclosed with the notice. The closure of a claim pursuant to this subsection is not effective unless notice is given as required by this subsection.

(b) If the insurer does not receive a request for the resolution of the dispute, it may close the claim.

(c) Notwithstanding the provisions of NRS 233B.125, if a hearing is conducted to resolve the dispute, the decision of the hearing officer may be served by first-class mail.

2. If, during the first 12 months after a claim is opened, the medical benefits required to be paid for a claim are less than $800, the insurer may close the claim at any time after the insurer sends, by first-class mail addressed to the last known address of the claimant, written notice that includes a statement which prominently displays that:

(a) The claim is being closed pursuant to this subsection;

(b) The injured employee may appeal the closure of the claim pursuant to the provisions of NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive; and

(c) If the injured employee does not appeal the closure of the claim or appeals the closure of the claim but is not successful, the claim cannot be reopened.

3. In addition to the notice described in subsection 2, an insurer shall send to each claimant who receives less than $800 in medical benefits within 6 months after the claim is opened a written notice that explains the circumstances under which a claim may be closed pursuant to subsection 2. The written notice provided pursuant to this subsection does not create any right to appeal the contents of that notice. The written notice must be:

(a) Sent by first-class mail addressed to the last known address of the claimant; and

(b) A document that is separate from any other document or form that is used by the insurer.

4. The closure of a claim pursuant to subsection 2 is not effective unless notice is given as required by subsections 2 and 3.

5. In addition to the requirements of this section, an insurer shall include in the written notice described in subsection 2:

(a) If an evaluation for a permanent partial disability has been scheduled pursuant to NRS 616C.490, a statement to that effect; or

(b) If an evaluation for a permanent partial disability will not be scheduled pursuant to NRS 616C.490, a statement explaining that the reason is because the insurer has determined there is no possibility of a permanent impairment of any kind.

Sec. 20. NRS 616C.295 is hereby amended to read as follows:

616C.295 1. The Chief of the Hearings Division shall adopt regulations establishing:

(a) A code of conduct for hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) A code of conduct for appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

2. The codes of conduct established pursuant to subsection 1 must be designed to ensure fairness and impartiality, and to avoid the appearance of impropriety.

3. The Chief of the Hearings Division shall adopt regulations establishing:

(a) Standards for the initial training and continuing education of hearing officers who conduct hearings in contested cases for compensation under chapters 616A to 617, inclusive, of NRS; and

(b) Standards for the initial training and continuing education of appeals officers who conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS.

4. The standards established pursuant to subsection 3 must, without limitation, include training and continuing education in:

(a) The provisions of chapters 616A to 617, inclusive, of NRS;

(b) Dispute resolution; and

(c) Mediation.

5. The Chief of the Hearings Division shall:

(a) Prescribe by regulation the qualifications required before a person may, pursuant to chapters 616A to 617, inclusive, of NRS, serve as a hearing officer.

(b) Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.

(c) Maintain and make accessible to the public on the Internet website maintained by the Hearings Division, a calendar of all matters which are before hearing officers and appeals officers.

6. From the cases heard each year by hearing officers and appeals officers regarding claims for benefits by injured employees, the Chief of the Hearings Division shall prepare an annual report which itemizes, on the basis of each insurer and third-party administrator, the number of cases affirmed, reversed, remanded and resolved by other disposition involving that insurer or third-party administrator, including a breakdown of that information by the type of benefits denied by the insurer or third-party administrator.

7. As used in this section, "Chief of the Hearings Division" means the Chief of the Hearings Division of the Department of Administration.

Sec. 21. NRS 616C.315 is hereby amended to read as follows:

616C.315 1. Any person who is subject to the jurisdiction of the hearing officers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS may request a hearing before a hearing officer of any matter within the hearing officer's authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A hearing must not be scheduled until the following information is provided to the hearing officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

3. Except as otherwise provided in NRS 616B.772, 616B.775, 616B.787 ~~[, 616C.305]~~ and 616C.427, a person who is aggrieved by:

(a) A written determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must include the information required pursuant to subsection 2 and, except as otherwise provided in subsections 4 and 5, must be filed within 70 days after the date on which the notice of the insurer's determination was mailed or, if requested by the claimant or the person acting on behalf of the claimant, sent by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable by the insurer or the unanswered written request was mailed

to the insurer, as applicable. The failure of an insurer to respond to a written request for a determination within 30 days after receipt of such a request shall be deemed by the hearing officer to be a denial of the request.

4. The period specified in subsection 3 within which a request for a hearing must be filed may be:

(a) Extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that the person was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of his or her spouse, parent or child.

(b) Tolled if the insurer fails to mail or, if requested by the claimant or the person acting on behalf of the claimant, send by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable a determination.

5. Failure to file a request for a hearing within the period specified in subsection 3 may be excused if the person aggrieved shows by a preponderance of the evidence that the person did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

6. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.

7. The parties to a contested claim may, if the claimant is represented by legal counsel, agree to forego a hearing before a hearing officer and submit the contested claim directly to an appeals officer.

8. A claimant may, with regard to a contested claim arising from the provisions of NRS 617.453, 617.455, 617.457, 617.485 or 617.487 as described in subsection 2 of NRS 616C.345, submit the contested claim directly to an appeals officer pursuant to subsection 2 of NRS 616C.345 without the agreement of any other party.

Sec. 22. NRS 616C.320 is hereby amended to read as follows:

616C.320 If an employee of a self-insured employer, an employer who is a member of an association of self-insured public or private employers or an employer insured by a private carrier is dissatisfied with a decision of his or her employer, the association or the private carrier, the employee may seek to resolve the dispute pursuant to NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive.

Sec. 23. NRS 616C.345 is hereby amended to read as follows:

616C.345 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by, except as otherwise provided in subsections 9, 10 and 11, filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. A claimant aggrieved by a written determination of the denial of a claim, in whole or in part, by an insurer, or the failure of an insurer to respond in writing within 30 days to a written request of the claimant mailed to the insurer, concerning a claim arising from the provisions of NRS 617.453, 617.455, 617.457, 617.485 or 617.487 may file a notice of a contested claim with an

appeals officer. The notice must include the information required pursuant to subsection 3 and, except as otherwise provided in subsections 9 to 12, inclusive, must be filed within 70 days after the date on which the notice of the insurer's determination was mailed or, if requested by the claimant or the person acting on behalf of the claimant, sent by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable by the insurer or the unanswered written request was mailed to the insurer, as applicable. The failure of an insurer to respond in writing to a written request for a determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request. The insurer shall provide, without cost, the forms necessary to file a notice of a contested claim to any person who requests them.

3. A hearing must not be scheduled until the following information is provided to the appeals officer:

(a) The name of:

(1) The claimant;

(2) The employer; and

(3) The insurer or third-party administrator;

(b) The number of the claim; and

(c) If applicable, a copy of the letter of determination being appealed or, if such a copy is unavailable, the date of the determination and the issues stated in the determination.

4. ~~[If a dispute is required to be submitted to a procedure for resolving complaints pursuant to NRS 616C.305 and:~~

~~(a) A final determination was rendered pursuant to that procedure; or~~

~~(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,~~

~~➥ any party to the dispute may, except as otherwise provided in subsections 9 to 12, inclusive, file a notice of appeal within 70 days after the date on which the final determination was mailed to the employee, or the dependent of the employee, or the unanswered request for resolution was submitted. Failure to render a written determination within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.~~

~~5.]~~ Except as otherwise provided in NRS 616C.380, the filing of a notice of appeal does not automatically stay the enforcement of the decision of a hearing officer**.** ~~[or a determination rendered pursuant to NRS 616C.305.]~~ The appeals officer may order a stay ~~[, when appropriate,]~~ ***in accordance with the requirements of subsection 5*** upon the ~~[application]~~ ***motion*** of a party. If ***a party files*** such ~~[an application is submitted,]~~ ***a motion,*** the decision is automatically stayed until a determination is made concerning the ~~[application.]~~ ***motion.*** A determination on the ~~[application]~~ ***motion*** must be made within 30 days after the filing of the ~~[application.]~~ ***motion.*** If a stay is not granted by the officer after reviewing the ~~[application,]~~ ***motion,*** the decision must be complied with within 10 days after the date of the refusal to grant a stay.

5. An appeals officer shall not:

(a) Grant a motion to stay the enforcement of the decision of a hearing officer unless the appeals officer makes specific findings of fact and conclusions of law that the moving party seeking the stay has established that:

(1) The moving party has a reasonable likelihood of success in the appeal on the factual merits or as a matter of law;

(2) The moving party will suffer irreparable harm if the stay is denied; and

(3) The nonmoving party will not suffer irreparable harm if the stay is granted.

(b) For the purpose of making findings and conclusions relating to irreparable harm pursuant to paragraph (a), consider the ability to recoup benefits and compensation provided by an industrial insurer to an injured employee during the pendency of the appeal.

6. Except as otherwise provided in subsections 3 and 7, within 10 days after receiving a notice of appeal pursuant to this section or NRS 616C.220, 616D.140 or 617.401, or within 10 days after receiving a notice of a contested claim pursuant to subsection 7 of NRS 616C.315, the appeals officer shall:

(a) Schedule a hearing on the merits of the appeal or contested claim for a date and time within 90 days after receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail or by personal service to all parties to the matter and their attorneys or agents at least 30 days before the date and time scheduled.

7. Except as otherwise provided in subsection 13, a request to schedule the hearing for a date and time which is:

(a) Within 60 days after the receipt of the notice of appeal or contested claim; or

(b) More than 90 days after the receipt of the notice or claim,

➥ may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.

8. An appeal or contested claim may be continued upon written stipulation of all parties, or upon good cause shown.

9. The period specified in subsection 1 ~~[,]~~ ***or*** 2 ~~[or 4]~~ within which a notice of appeal or a notice of a contested claim must be filed may be extended for an additional 90 days if the person aggrieved shows by a preponderance of the evidence that the person was diagnosed with a terminal illness or was informed of the death or diagnosis of a terminal illness of the person's spouse, parent or child.

10. The period specified in subsection 2 within which a notice of appeal or a notice of a contested claim must be filed may be tolled if the insurer fails

to mail or, if requested by the claimant or the person acting on behalf of the claimant, send a determination by facsimile or other electronic transmission the proof of sending and receipt of which is readily verifiable.

11. Failure to file a notice of appeal within the period specified in subsection 1 ~~[or 4]~~ may be excused if the party aggrieved shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to appeal the determination. The claimant, employer or insurer shall notify the hearing officer of a change of address.

12. Failure to file a notice of a contested claim within the period specified in subsection 2 may be excused if the claimant shows by a preponderance of the evidence that he or she did not receive the notice of the determination and the forms necessary to file the notice. The claimant or employer shall notify the insurer of a change of address.

13. Within 10 days after receiving a notice of a contested claim pursuant to subsection 2, the appeals officer shall:

(a) Schedule a hearing on the merits of the contested claim for a date and time within 60 days after his or her receipt of the notice at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the appeals officer; and

(b) Give notice by mail or by personal service to all parties to the matter and their attorneys or agents within 10 days after scheduling the hearing.

➥ The scheduled date must allow sufficient time for full disclosure, exchange and examination of medical and other relevant information. A party may not introduce information at the hearing which was not previously disclosed to the other parties unless all parties agree to the introduction.

Sec. 24. NRS 616C.370 is hereby amended to read as follows:

616C.370 1. No judicial proceedings may be instituted for compensation for an injury or death under chapters 616A to 616D, inclusive, of NRS unless:

(a) A claim for compensation is filed as provided in NRS 616C.020; and

(b) A final decision of an appeals officer has been rendered on such claim.

2. Judicial proceedings instituted for compensation for an injury or death, under chapters 616A to 616D, inclusive, of NRS are limited to judicial review of the decision of an appeals officer.

3. Notwithstanding any other provision of law:

(a) The following requirements, and no others, are mandatory and jurisdictional for a petition for judicial review of the final decision of an appeals officer:

(1) The petition must be filed within 30 days after the date of entry and service of the decision and order of the appeals officer; and

(2) A copy of the decision and order of the appeals officer must be attached to the petition.

(b) Other than the requirements of paragraph (a), a court may excuse any other defect in substance, form, venue or service of a petition for judicial review, and may permit any appropriate amendment or change of venue at any time before the final disposition of the petition.

4. The prevailing party in any judicial proceedings instituted for compensation for an injury or death under chapters 616A to 616D, inclusive, of NRS shall cause a copy of the final decision issued by the court in the proceedings to be:

(a) Served upon the appeals officer whose final decision was appealed. The appeals officer shall include the copy of the final decision in the administrative record on the matter.

(b) For a prevailing party in the Court of Appeals or Supreme Court, filed in the district court whose final decision was appealed.

Sec. 25. NRS 616C.375 is hereby amended to read as follows:

616C.375 ***1.*** If an insurer, employer or claimant, or the representative of an insurer, employer or claimant, appeals the decision of an appeals officer, that decision is not stayed unless a stay is granted by the appeals officer or the district court within 30 days after the date on which the decision was rendered.

2. An appeals officer or district court shall not:

(a) Grant a motion to stay the enforcement of the decision of an appeals officer unless the appeals officer or district court makes specific findings of fact and conclusions of law that the moving party seeking the stay has established that:

(1) The moving party has a reasonable likelihood of success in the appeal on the factual merits or as a matter of law;

(2) The moving party will suffer irreparable harm if the stay is denied; and

(3) The nonmoving party will not suffer irreparable harm if the stay is granted.

(b) For the purpose of making findings and conclusions relating to irreparable harm pursuant to paragraph (a), consider the ability to recoup benefits and compensation provided by an industrial insurer to an injured employee during the pendency of the appeal.

Sec. 26. NRS 616C.390 is hereby amended to read as follows:

616C.390 Except as otherwise provided in NRS 616C.392:

1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractic physician showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractic physician treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant did not meet the minimum duration of incapacity as set forth in NRS 616C.400 as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

➥ If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, the employee is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before the claim was reopened, the employee:

(a) Retired; or

(b) Otherwise voluntarily removed himself or herself from the workforce,

➥ for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractic physician.

9. A claim that closes pursuant to subsection 2 of NRS 616C.235 and is not appealed or is unsuccessfully appealed pursuant to the provisions of NRS ~~[616C.305 and]~~ 616C.315 to 616C.385, inclusive, may not be reopened pursuant to this section.

10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616C.425.

11. As used in this section:

(a) "Governmental program" means any program or plan under which a person receives payments from a public form of retirement. Such payments from a public form of retirement include, without limitation:

(1) Social security received as a result of the Social Security Act, as defined in NRS 287.120;

(2) Payments from the Public Employees' Retirement System, as established by NRS 286.110;

(3) Payments from the Retirees' Fund, as defined in NRS 287.04064;

(4) A disability retirement allowance, as defined in NRS 1A.040 and 286.031;

(5) A retirement allowance, as defined in NRS 218C.080; and

(6) A service retirement allowance, as defined in NRS 1A.080 and 286.080.

(b) "Retired" means a person who, on the date he or she filed for reopening a claim pursuant to this section:

(1) Is not employed or earning wages; and

(2) Receives benefits or payments for retirement from a:

(I) Pension or retirement plan;

(II) Governmental program; or

(III) Plan authorized by 26 U.S.C. § 401(a), 401(k), 403(b), 457 or 3121.

(c) "Wages" means any remuneration paid by an employer to an employee for the personal services of the employee, including, without limitation:

(1) Commissions and bonuses; and

(2) Remuneration payable in any medium other than cash.

Sec. 27. NRS 616C.500 is hereby amended to read as follows:

616C.500 1. Except as otherwise provided in subsection 2 and NRS 616C.175, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, is entitled to receive for a temporary partial disability the difference between the wage earned after the injury and the compensation which the injured person would be entitled to receive if temporarily totally disabled when the wage is less than the compensation, but for a period not to exceed 24 months during the period of disability.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a temporary partial disability during the time the employee is

incarcerated. The injured employee or his or her dependents are entitled to receive such benefits if the injured employee is released from incarceration during the period of disability specified in subsection 1 and the injured employee is certified as temporarily partially disabled by a physician or chiropractic physician.

3. If an injured employee makes a claim for temporary partial disability, the first payment or a determination regarding payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the claim.

Sec. 28. NRS 616D.050 is hereby amended to read as follows:

616D.050 1. Appeals officers, the Administrator, and the Administrator's designee, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those chapters may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

(b) Administer oaths.

(c) Certify to official acts.

(d) Call and examine under oath any witness or party to a claim.

(e) Maintain order.

(f) Rule upon all questions arising during the course of a hearing or proceeding.

(g) ~~[Permit]~~ ***Except as otherwise provided in subsections 3 and 4, permit*** discovery by deposition or interrogatories.

(h) Initiate and hold conferences for the settlement or simplification of issues.

(i) Dispose of procedural requests or similar matters.

(j) Generally regulate and guide the course of a pending hearing or proceeding.

2. Hearing officers, in conducting hearings or other proceedings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those chapters, may:

(a) Issue subpoenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents that are relevant to the dispute for which the hearing or other proceeding is being held.

(b) Maintain order.

(c) ~~[Permit discovery by deposition or interrogatories.~~

~~(d)]~~ Initiate and hold conferences for the settlement or simplification of issues.

~~[(e)]~~ ***(d)*** Dispose of procedural requests or similar matters.

~~[(f)]~~ ***(e)*** Generally regulate and guide the course of a pending hearing or proceeding.

3. Appeals officers, upon motion and for good cause shown, in conducting hearings pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS or regulations adopted pursuant to those

chapters, may grant discovery to any party by any methods available under the Nevada Rules of Civil Procedure, except an appeals officer shall not grant discovery in the form of requests for admission under Rule 36. An appeals officer shall not deny an injured employee's reasonable request to conduct discovery. The scope of discovery must be:

(a) Expressly limited to that which is necessary to the adjudication of the claim for compensation; and

(b) Otherwise governed by the standards for relevance and proportionality set forth in Rule 26(b) of the Nevada Rules of Civil Procedure.

4. A party seeking to conduct discovery pursuant to subsection 3 shall not serve a request for discovery on another party without the approval of the appeals officer. The party seeking discovery must file a motion for approval which includes, without limitation, a copy of the discovery request to be served, an identification of any witnesses sought to be deposed and a summary of the anticipated testimony of each such witness. Any party opposed to the motion to approve discovery may file an opposition within 5 days after the date of service of the motion. The moving party is not entitled to reply to any opposition.

Sec. 29. NRS 616D.090 is hereby amended to read as follows:

616D.090 1. In an investigation, the Administrator or a hearing officer may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law and Nevada Rules of Civil Procedure for taking depositions in civil actions in courts of record.

2. ~~[~~After~~]~~ ***Except as otherwise provided in NRS 616D.050, after*** the initiation of a claim under the provisions of this chapter or chapter 616A, 616B, 616C or 617 of NRS, in which a claimant or other party is entitled to a hearing on the merits, any party to the proceeding may, in the manner prescribed by law and the Nevada Rules of Civil Procedure for taking written interrogatories and depositions in civil actions in courts of record:

(a) Serve upon any other party written interrogatories to be answered by the party served; or

(b) Take the testimony of any person, including a party, by deposition upon oral examination.

Sec. 30. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due the claimant by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165;

(h) Engaged in a pattern of untimely payments to injured employees; or

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

➥ the Administrator shall impose an administrative fine of $1,500 for each initial violation, or a fine of $15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor ***, clerical or ministerial*** violation ***.*** ~~[, as defined by regulations adopted by the Division; or]~~ ***In the case of more than one minor, clerical or ministerial violation which is substantially similar across multiple***

claims, all such violations must be combined into a single finding in a notice of correction. For the purpose of this subparagraph, a violation constitutes a minor, clerical or ministerial violation if the violation does not create a financial impact to an injured employee.

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

➥ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the Administrator to modify or negate in any manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.

(b) Impose an administrative fine for:

(1) A second or subsequent violation ***of the same section*** for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation ***of the same section*** of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

➥ The fine imposed must not be ~~[greater]~~ ***more*** than $375 for an initial violation, ***more than $750 for a second violation of the same section, more than $1,500 for a third violation of the same section*** or more than $3,000 ***per violation*** for any ~~[second]~~ ***fourth*** or subsequent violation ~~[.]~~ ***of the same section. If the Administrator determines that a person has fully complied with any plan of correction submitted pursuant to paragraph (c) or that the person has had no violations in the 3 years immediately preceding the date on which a fine is imposed pursuant to this paragraph, the fine must be in the amount for an initial violation.***

(c) Order a plan of corrective action to be submitted to the Administrator within 30 days after the date of the order.

3. If the Administrator determines that a violation of any of the provisions of paragraphs (a) to (e), inclusive, (h) or (i) of subsection 1 has occurred, the Administrator shall order the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization to pay to the claimant a benefit penalty:

(a) Except as otherwise provided in paragraph (b), in an amount that is not less than $17,000 and not greater than $120,000; or

(b) Of $3,000 if the violation involves a late payment of compensation or other relief to a claimant in an amount which is less than $500 or which is not more than 14 days late.

4. To determine the amount of the benefit penalty, the Administrator shall consider the degree of physical harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1, the amount of compensation found to be due the claimant and the number of fines and benefit penalties,

other than a benefit penalty described in paragraph (b) of subsection 3, previously imposed against the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization pursuant to this section. The Administrator shall also consider the degree of economic harm suffered by the injured employee or the dependents of the injured employee as a result of the violation of paragraph (a), (b), (c), (d), (e), (h) or (i) of subsection 1. Except as otherwise provided in this section, the benefit penalty is for the benefit of the claimant and must be paid directly to the claimant within 15 days after the date of the Administrator's determination. If the claimant is the injured employee and the claimant dies before the benefit penalty is paid to him or her, the benefit penalty must be paid to the estate of the claimant. Proof of the payment of the benefit penalty must be submitted to the Administrator within 15 days after the date of the Administrator's determination unless an appeal is filed pursuant to NRS 616D.140 and a stay has been granted. Any compensation to which the claimant may otherwise be entitled pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection. To determine the amount of the benefit penalty in cases of multiple violations occurring within a certain period of time, the Administrator shall adopt regulations which take into consideration:

(a) The number of violations within a certain number of years for which a benefit penalty was imposed; and

(b) The number of claims handled by the insurer, organization for managed care, health care provider, third-party administrator, employer or professional employer organization in relation to the number of benefit penalties previously imposed within the period of time prescribed pursuant to paragraph (a).

5. In addition to any fine or benefit penalty imposed pursuant to this section, the Administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures or premiums received that are used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

6. If:

(a) The Administrator determines that a person has violated any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

(b) The Fraud Control Unit for Industrial Insurance of the Office of the Attorney General established pursuant to NRS 228.420 notifies the Administrator that the Unit will not prosecute the person for that violation,

➥ the Administrator shall impose an administrative fine of not more than $15,000.

7. Two or more fines of $1,000 or more imposed in 1 year for acts enumerated in subsection 1 must be considered by the Commissioner as evidence for the withdrawal of:

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than $250 for a first violation, $500 for a second violation and $1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 31. NRS 617.401 is hereby amended to read as follows:

617.401 1. The Division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the Commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

➥ to administer claims against the Uninsured Employers' Claim Account. The designation must be made pursuant to reasonable competitive bidding procedures established by the Administrator.

2. Except as otherwise provided in this subsection, an employee may receive compensation from the Uninsured Employers' Claim Account if:

(a) The employee was hired in this State or is regularly employed in this State;

(b) The employee contracts an occupational disease that arose out of and in the course of employment:

(1) In this State; or

(2) While on temporary assignment outside the State for not more than 12 months;

(c) The employee files a claim for compensation with the Division; and

(d) The employee makes an irrevocable assignment to the Division of a right to be subrogated to the rights of the employee pursuant to NRS 616C.215.

➥ An employee who contracts an occupational disease that arose out of and in the course of employment while on temporary assignment outside the State is not entitled to receive compensation from the Uninsured Employers' Claim Account unless the employee has been denied workers' compensation in the state in which the disease was contracted.

3. If the Division receives a claim pursuant to subsection 2, the Division shall immediately notify the employer of the claim.

4. For the purposes of this section and NRS 617.4015, the employer has the burden of proving that the employer provided mandatory coverage for occupational diseases for the employee or that the employer was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on behalf of the employer, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the Uninsured Employers' Claim Account or incurred by the Division.

6. The Division:

(a) May recover from the employer the payments made by the Division that are described in subsection 5 and any accrued interest by bringing a civil action or filing an application for the entry of summary judgment pursuant to NRS 617.4015 in a court of competent jurisdiction. For the purposes of this paragraph, the payments made by the Division that are described in subsection 5 are presumed to be:

(1) Justified by the circumstances of the claim;

(2) Made in accordance with applicable law; and

(3) Reasonable and necessary.

(b) In any civil action or application for the entry of summary judgment filed pursuant to NRS 617.4015 against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action or filing an application for the entry of summary judgment pursuant to NRS 617.4015, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The Division shall:

(a) Determine whether the employer was insured within 30 days after receiving the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

➥ Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the Division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or compensation to the injured employee and that such amounts are justified by the circumstances of the claim,

➥ the Division shall authorize payment from the Uninsured Employers' Claim Account.

9. Any party aggrieved by a determination made by the Division regarding the assignment of any claim made pursuant to this section may appeal that determination by filing a notice of appeal with an appeals officer within 30 days after the determination is rendered. The provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this subsection.

10. Any party aggrieved by a determination to accept or to deny any claim made pursuant to this section or by a determination to pay or to deny the payment of compensation regarding any claim made pursuant to this section may appeal that determination, within 70 days after the determination is rendered, to the Hearings Division of the Department of Administration in the manner provided by NRS ~~[616C.305 and]~~ 616C.315.

11. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

12. An uninsured employer is liable for the interest on any amount paid on his or her claims from the Uninsured Employers' Claim Account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the Account until payment is received by the Division from the employer.

13. Attorney's fees recoverable by the Division pursuant to this section must be:

(a) If a private attorney is retained by the Division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the Division, paid at the rate established by regulations adopted by the Division.

➥ Any money collected must be deposited to the Uninsured Employers' Claim Account.

14. If the Division has not obtained a civil judgment or an entry of summary judgment pursuant to NRS 617.4015 and the Division assigns a debt that arises under this section to the State Controller for collection pursuant to NRS 353C.195, the State Controller may bring an action in his or her own name in a court of competent jurisdiction to recover any amount that the Division is authorized to recover pursuant to this section.

Sec. 32. NRS 617.405 is hereby amended to read as follows:

617.405 1. No judicial proceedings may be instituted for benefits for an occupational disease under this chapter, unless:

(a) A claim is filed within the time limits prescribed in NRS 617.344; and

(b) A final decision by an appeals officer has been rendered on the claim.

2. Judicial proceedings instituted for benefits for an occupational disease under this chapter are limited to judicial review of that decision.

3. Notwithstanding any other provision of law:

(a) The following requirements, and no others, are mandatory and jurisdictional for a petition for judicial review of the final decision of an appeals officer:

(1) The petition must be filed within 30 days after the date of entry and service of the decision and order of the appeals officer; and

(2) A copy of the decision and order of the appeals officer must be attached to the petition.

(b) Other than the requirements of paragraph (a), a court may excuse any other defect in substance, form, venue or service of a petition for judicial review, and may permit any appropriate amendment or change of venue at any time before the final disposition of the petition.

4. The prevailing party in any judicial proceedings instituted for benefits for an occupational disease shall cause a copy of the final decision issued by the court in the proceedings to be:

(a) Served upon the appeals officer whose final decision was appealed. The appeals officer shall include the copy of the final decision in the administrative record on the matter.

(b) For a prevailing party in the Court of Appeals or Supreme Court, filed in the district court whose final decision was appealed.

Sec. 32.3. The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall adopt the formulary required by section 9.5 of this act on or before July 1, 2027.

Sec. 32.7. Notwithstanding the provisions of section 9.7 of this act, an insurer may, until January 1, 2028, provide reimbursement for a drug that is dispensed to an injured employee after July 1, 2027, if:

1. The injured employee sustained the injury for which a claim was made pursuant to chapters 616A to 617, inclusive, of NRS, on or after January 1, 2027, and on or before July 1, 2027; and

2. The injured employee was originally prescribed the drug in connection with his or her claim on or after January 1, 2027, and on or before July 1, 2027.

Sec. 33. The amendatory provisions of this act apply to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS, which is open, filed or reopened on or after the date of passage and approval of this act.

Sec. 33.5. (Deleted by amendment.)

Sec. 34. NRS ~~[616B.410,]~~ 616C.305 and 617.459 are hereby repealed.

Sec. 35. 1. This section and sections 1 to ~~[4.15,]~~ **4.17,** inclusive, 4.3 to 9.3, inclusive, 10 to 15, inclusive, 16 to 32.3, inclusive, 33, 33.5 and 34 of this act become effective upon passage and approval.

2. Section 4.2 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2026, for all other purposes.

3. Sections 9.5, 9.7, 15.5 and 32.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2027, for all other purposes.

TEXT OF REPEALED SECTIONS

~~[616B.410 Annual audits; objection to assignment of standard industrial classification.~~

~~1. The Commissioner shall cause to be conducted at least annually an audit of each association of self-insured public or private employers in order to verify:~~

~~(a) The standard industrial classification of each member of the association;~~

~~(b) The individual experience of each member of the association;~~

~~(c) The payroll of each member of the association; and~~

~~(d) The assessment required to be paid by each member of the association.~~

~~2. The audit required by this section must be conducted by an auditor approved by the Commissioner.~~

~~3. A report of the audit must be filed with the Commissioner in a form required by the Commissioner.~~

~~4. The association or any member of the association may request a hearing before the Commissioner to object to any standard industrial classification assigned to a member of the association as a result of the audit. If the Commissioner determines that the assessment required to be paid by any member of the association is:~~

~~(a) Insufficient because of the standard industrial classification assigned to the member, the Commissioner shall order the association to collect from that member any amount required to recover the deficiency.~~

~~(b) Excessive because of the standard industrial classification assigned to the member, the Commissioner shall order the association to pay to the member the excess amount collected.~~

~~5. The expenses of any audit conducted pursuant to this section must be paid by the association.]~~

616C.305 Procedure for appeal of final determination of organization for managed care which has contracted with insurer.

1. Except as otherwise provided in subsection 3, any person who is aggrieved by a final determination concerning accident benefits made by an organization for managed care which has contracted with an insurer must, within 14 days of the determination and before requesting a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive, appeal that determination in accordance with the procedure for resolving complaints established by the organization for managed care.

2. The procedure for resolving complaints established by the organization for managed care must be informal and must include, but is not limited to, a review of the appeal by a qualified physician or chiropractic physician who did not make or otherwise participate in making the determination.

3. If a person appeals a final determination pursuant to a procedure for resolving complaints established by an organization for managed care and the dispute is not resolved within 14 days after it is submitted, the person may request a resolution of the dispute pursuant to NRS 616C.345 to 616C.385, inclusive.

617.459 Determination of percentage of disability resulting from heart or lung diseases.

1. The percentage of disability resulting from an occupational disease of the heart or lungs must be determined jointly by the claimant's attending physician and the examining physician designated by the insurer, in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

2. If the claimant's attending physician and the designated examining physician do not agree upon the percentage of disability, they shall designate a physician specializing in the branch of medicine which pertains to the disease in question to make the determination. If they do not agree upon the designation of such a physician, each shall choose one physician so specializing, and two physicians so chosen shall choose a third specialist in that branch. The resulting panel of three physicians shall, by majority vote, determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 934.

AN ACT relating to education; requiring the board of trustees of each school district to ~~[provide a certain percentage of]~~ **ensure that by a certain date** staff members ~~[with]~~ **have access to** professional development training concerning the discipline and behavior of pupils; requiring the development and maintenance of a system to assist the board of trustees of a school district and certain governing bodies to address disproportionate or high levels of pupil discipline; requiring each public school to collect and report certain data on the number of pupils assigned to a temporary alternative placement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school to: (1) each quarter, collect data on the discipline of pupils that includes, without limitation, information on the number of expulsions and suspensions of pupils in the school; and (2) annually report such data to certain entities. (NRS 392.462) **Section 3** of this bill

additionally requires each public school to collect data on the number of pupils assigned to a temporary alternative placement, thereby requiring such data to be included in the annual report on the discipline of pupils prepared by each public school.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. (NRS 391A.370) **Section 1.5** of this bill requires the board of trustees of each school district to ~~[~~provide~~]~~ **ensure that not later than June 30, 2030,** professional development training ~~[to 20 percent of all staff members of the district]~~ concerning ~~[, without limitation,]~~ the discipline and behavior of pupils ~~[at least once each school year and any additional times throughout the year as the board of trustees deems appropriate.]~~ **is available to all staff members of the district.** If a staff member completes training as part of the statewide framework for restorative justice, **sections 1 and 1.5** of this bill authorize such training to satisfy the training required by **section 1.5**. **Section 1.5** further requires the board of trustees of each school district to prepare and submit to the Legislature or the Joint Interim Standing Committee on Education an annual report that describes: (1) any such professional development training provided during the previous year; (2) each date on which such training was provided; and (3) the total percentage of staff members that attended such training during the immediately preceding school year. **Section 1.5** additionally authorizes the Department of Education to coordinate with each regional training program or engage with an appropriate vendor for the professional development of teachers and administrators to develop curricula for such training that the board of trustees of a school district may use to satisfy the requirements of **section 1.5**. **Section 2** of this bill makes a conforming change to apply the existing definition of "professional development training" to the provisions of **section 1.5**.

Section 2.3 of this bill requires the Department of Education to develop and maintain a system to assist the board of trustees of a school district and the governing body of a charter school or university school for profoundly gifted pupils in addressing disproportionate or high levels of pupil discipline. **Section 2.3** of this bill requires a school district or governing body that is required to participate in the system to take certain actions to ensure the proper implementation and effectiveness of the system. **Section 2.3** of this bill requires the Department to submit an annual report to the Legislature or the Joint Interim Standing Committee on Education concerning the implementation of and outcomes from the system. **Section 2.7** of this bill applies certain definitions in existing law to **section 2.3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.1333 is hereby amended to read as follows:

388.1333 1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; and

(6) Trauma-informed practices; and

(e) Provide for training for teachers, administrators and other school staff in:

(1) Child and adolescent development;

(2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. ***If a teacher, administrator or other school staff member completes training pursuant to this section, the board of trustees of the school district which employs the teacher, administrator or school staff member may consider such training to satisfy the training required by section 1.5 of this act.***

3. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

~~[3.]~~ ***4.*** As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 1.5. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall ensure that ~~[, at least once each school year and any additional times throughout the year as the board of trustees deems appropriate, at least 20 percent of the total number of]~~ not later than June 30, 2030, all staff members of the school district, including, without limitation, teachers, administrators and education support professionals, receive professional development training in best practices for:

(a) Addressing the behavior of pupils;

(b) Fostering a positive school climate;

(c) Positive behavioral interventions and support;

(d) Conflict resolution;

(e) De-escalation techniques; and

(f) Classroom management.

2. The board of trustees of each school district shall ensure that any staff member hired on or after July 1, 2030, must complete the professional development training described in subsection 1 not later than 1 year after the date on which the staff member commences employment with the school district.

3. The Department may coordinate with each regional training program or engage with an appropriate vendor to develop curricula for professional development training that the board of trustees of a school district may use to provide the professional development training required pursuant to subsection 1 ~~[.]~~ or 2.

~~[3.]~~ 4. If a staff member completes training pursuant to NRS 388.1333, the board of trustees of a school district may consider such training to satisfy the professional development training required pursuant to subsection 1 ~~[.]~~ or 2.

~~[4.]~~ 5. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report that describes any professional development training provided pursuant to subsection 1 or 2 during the previous year, each date on which such professional development training was provided and the total percentage of staff members that attended such professional development training during the immediately preceding school year, and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In even-numbered years, the next regular session of the Legislature; and

(b) In odd-numbered years, the Joint Interim Standing Committee on Education.

~~[5.]~~ 6. As used in this section:

(a) "Education support professional" has the meaning ascribed to it in NRS 391.488.

(b) "Regional training program" has the meaning ascribed to it in NRS 391A.105.

(c) "School climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 2. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 2.3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and maintain a system to assist the board of trustees of a school district and the governing body of a charter school or university school for profoundly gifted pupils in addressing disproportionate or high levels of pupil discipline within the school district, charter school or university school for profoundly gifted pupils, as applicable. The system must:

(a) Focus on providing assistance to school districts and governing bodies in need of support or corrective action as determined by the Department based on data collected pursuant to NRS 392.462; and

(b) Promote positive behavior by pupils, prevent disciplinary practices that are exclusionary and support equitable outcomes for all pupils by utilizing:

(1) A framework of social, emotional and positive behavioral supports that progresses from universal screenings, programs and activities for all pupils to targeted supports for subgroups of pupils to individualized plans for specific pupils who need the most social, emotional or positive behavioral supports; and

(2) Evidence-based practices.

2. If the Department requires a board of trustees of a school district or a governing body of a charter school or university school for profoundly gifted pupils to participate in the system developed and maintained pursuant to subsection 1, the board of trustees or governing body shall:

(a) Appoint a person to be responsible for overseeing:

(1) The implementation of the system in the school district, charter school or university school for profoundly gifted pupils;

(2) Any data collection required by the Department relating to the system; and

(3) Coordination with the Department and other interested parties concerning the system.

(b) Develop and carry out an action plan for the implementation of the system with timelines, training, progress monitoring and strategies for addressing discipline disparities.

(c) Submit data annually to the Department on trends in discipline, intervention usage, metrics relating to the outcomes of pupils and any other data the Department requests. Such data must be submitted in any form requested by the Department, including, without limitation, disaggregating the data into subgroups of pupils.

(d) Engage families and community partners in the implementation of the system and the review of the strategies and effectiveness of the system.

3. The Department shall:

(a) Compile a report concerning the data collected from the boards of trustees of school districts and the governing bodies of charter schools and university schools for profoundly gifted pupils pursuant to subsection 2.

(b) On or before August 1 of each year, submit an annual report on the implementation of the system in school districts, charter schools and university schools for profoundly gifted pupils and the outcomes from the implementation of the system at such schools to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Joint Interim Standing Committee on Education; and

(2) In even-numbered years, the next regular session of the Legislature.

Sec. 2.7. NRS 392.4601 is hereby amended to read as follows:

392.4601 As used in NRS 392.4601 to 392.472, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 392.4603, 392.4605 and 392.4607 have the meanings ascribed to them in those sections.

Sec. 3. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall quarterly collect data on the discipline of pupils and the plans developed pursuant to NRS 392.4644. Such data must include, without limitation, the number of expulsions and suspensions of pupils, ***the number of pupils assigned to a temporary alternative placement pursuant to NRS 392.4645,*** the number of staff positions in the school that are vacant, the average class size for each grade in the school, the implementation of each plan, the training received by teachers and administrators regarding each plan, the number of placements of pupils in another school and the ratio of pupils to school counselors, school psychologists and school social workers. Such data must be disaggregated into the subgroups of pupils listed in subsection 2 of NRS 385A.250 and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action;
2. On or before August 1 of each year, report the data to:

(a) The board of trustees of the school district or the governing body of the public school, as applicable;

(b) The superintendent of the school district or the administrative head of the charter school or university school for profoundly gifted pupils, as applicable;

(c) The Joint Interim Standing Committee on Education;

(d) The Superintendent of Public Instruction; and

(e) The Department; and

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 4. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2025.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 466.

Bill read second time and ordered to third reading.

Senate Bill No. 494.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Monroe-Moreno moved that Senate Bill No. 260 be taken from its place on the General File and be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 478 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 494 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 304, 533, and 585 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 910.

SUMMARY— ~~[Creates a]~~ **Establishing certain notification and reporting requirements concerning** pilot ~~[program relating to]~~ **programs that research** transcranial magnetic stimulation ~~[and]~~ **or** electromagnetic brain pulse treatment. (BDR S-865)

AN ACT relating to mental health; ~~[requiring the Department of Health and Human Services to create a]~~ **establishing certain notification and reporting requirements concerning** pilot ~~[program to collect and analyze data on]~~ **programs that research** transcranial magnetic stimulation ~~[and]~~ **or** electromagnetic brain pulse treatment **;** ~~[under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[To the extent money is available, and with the use of existing personnel and resources, this bill requires the Department of Health and Human Services to create a pilot program to collect and analyze data that is publicly available or voluntarily provided to the pilot program related to best practices for, and the outcome of studies concerning,]~~ **This bill requires a practitioner or entity that conducts a pilot program that researches** transcranial magnetic stimulation ~~[and]~~ **or** electromagnetic brain pulse treatment **.** ~~[. This bill requires the Department to compile a report of the findings and recommendations of the pilot program, which must be posted on an Internet website maintained by the Department and submitted]~~ **to submit certain notifications and reports** to the Director of the Legislative Counsel Bureau **.** ~~[for transmittal to the Joint Interim Standing Committee on Health and Human Services.]~~ **Specifically, this bill requires the practitioner or entity, before commencing the pilot program, to submit to the Director a notification that contains certain information relating to the practitioner or entity, the methodology of the research and the research subjects. Additionally, once the pilot program commences, this bill requires the practitioner or entity to submit a report once each calendar quarter to the Director which contains certain information related to the research subjects. Finally, upon the completion of the pilot program, this bill requires the practitioner or entity to submit a final report to the Director that contains certain information related to the results of the pilot program and any corresponding recommendations related to the research.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. ~~[The Department of Health and Human Services shall, to the extent money is available, create a pilot program to collect and analyze data that is publicly available or voluntarily provided to the pilot program concerning:~~

~~(a) The best practices for transcranial magnetic stimulation and electromagnetic brain pulse treatment; and~~

~~(b) The results of studies concerning transcranial magnetic stimulation and electromagnetic brain pulse treatment.~~

~~2. The data described in subsection 1 may be collected from:~~

~~(a) Entities that provide transcranial magnetic stimulation or electromagnetic brain pulse treatment in this State; and~~

~~(b) Public or private research institutions that conduct studies on transcranial magnetic stimulation or electromagnetic brain pulse treatment for persons with a substance use disorder, post-traumatic stress disorder or an addictive disorder related to gambling.~~

~~3. The Department shall use existing personnel, resources and technology to administer the pilot program.~~

~~4. The Department shall, on or before July 1, 2027, compile a report of its findings and recommendations resulting from the pilot program, which must be:~~

~~(a) Posted on an Internet website maintained by the Department; and~~

~~(b) Submitted to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.~~

~~5. The Department may apply for and accept gifts, grants and donations to assist with the implementation of the pilot program.]~~ **In addition to complying with any other applicable state or federal requirements, and except as otherwise provided in subsection 2, a practitioner or entity who implements a pilot program in this State shall submit to the Director of the Legislative Counsel Bureau:**

(a) Before any research is conducted under the pilot program, a notification that contains:

(1) The name of the practitioner or entity conducting the research under the pilot program;

(2) A description of the purpose, scope and objectives of the research to be conducted under the pilot program, which must include, without limitation, an identification of whether transcranial magnetic stimulation or electromagnetic brain pulse treatment, or both, will be used in the pilot program;

(3) The number of research subjects anticipated to be involved in the pilot program and a general description of the characteristics of each research subject;

(4) Any location at which the research will be conducted under the pilot program; and

(5) An identification of any licenses, registrations and other approvals that are necessary to conduct the research under the pilot program and proof that the practitioner or entity has obtained all such licenses, registrations and approvals;

(b) At least once each calendar quarter while research is being conducted under the pilot program, a report concerning the research, which must include, without limitation:

(1) The number of research subjects participating in the pilot program in the immediately preceding calendar quarter;

(2) Aggregated demographic information concerning the research subjects;

(3) Baseline health and mental health assessments of the research subjects;

(4) Outcomes of treatment, including, without limitation, longitudinal data after the conclusion of treatments; and

(5) Data relating to any monitoring that is performed for ethical or safety purposes; and

(c) After the pilot program has concluded, a report on the results of the research conducted under the pilot program and any corresponding recommendations relating to the research.

2. If multiple practitioners or entities conduct research under the same pilot program, the practitioners or entities may submit a single report pursuant to subsection 1 concerning the pilot program.

3. A notification or report submitted pursuant to subsection 1 must not contain any information that would lead to the identification of any research subject participating in the pilot program.

4. A practitioner or entity shall not implement a pilot program unless the practitioner or entity complies with the provisions of this section.

5. Nothing in the provisions of this section:

(a) Requires the Legislative Counsel Bureau to evaluate, review or take any action other than receiving the notifications and reports pursuant to this section.

(b) Prohibits a practitioner or entity from collaborating with an institution of higher education in this State to provide support concerning the pilot program, including, without limitation, training, data collection or ethical review.

(c) Prohibits a practitioner or entity or the collaborator of a practitioner or entity, including, without limitation, an institution of higher education in this State with whom the practitioner or entity is collaborating, from accepting gifts, grants, donations and other resources of money to support the pilot program.

6. As used in this section:

(a) "Electromagnetic brain pulse treatment" means a noninvasive and non-pharmaceutical treatment that uses ~~[an electroencephalograph]~~ **electroencephalography** and transcranial magnetic stimulation to ~~[image and]~~ identify abnormal **patterns in** brainwaves and provide ~~[treatment through the delivery of pulse-matching,]~~ **therapeutic** electromagnetic stimulation ~~[intended]~~ to ~~[restore normal]~~ **normalize** brain ~~[function.]~~ **activity.**

(b) **"Pilot program" means a research project that involves the provision of transcranial magnetic stimulation or electromagnetic brain pulse treatment, or both, to subjects in this State.**

(c) "Transcranial magnetic stimulation" means a noninvasive procedure that uses magnetic pulses to stimulate ~~[and]~~ **specific areas of the brain to** alter brain activity.

Sec. 2. This act becomes effective on October 1, 2025, and expires by limitation on September 30, 2027.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 533.

Bill read third time.

The following amendment was proposed by Assemblymember Torres-Fossett:

Amendment No. 938.

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; **requiring the Department of Education to establish a program to award grants of money for the purpose of providing transportation to such pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil receives approval to attend the school. **Section 2** additionally: (1) requires the board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; (2) requires the Superintendent of Public Instruction to establish a process to review such policies and procedures; (3) provides certain requirements governing the application process established by a school district, including, without limitation, various factors that may not be considered when determining whether to approve an application; (4) sets forth the process for the parent or legal guardian of a pupil who submits an application to appeal certain decisions regarding the application; and (5) requires the Superintendent of Public Instruction and each school district to publish certain data concerning vacancies at each public school on the Internet website maintained by the Department of Education and school district, respectively. **Section 1** of this bill authorizes the board of trustees of a school

district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. Additionally, **section 2** authorizes the board of trustees of a school district to accept gifts and grants to carry out certain provisions of **section 2**.

Section 1.5 of this bill requires the Department, to the extent that money is available, to establish a program to award grants of money to organizations or the parent or legal guardian of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. Section 1.5 additionally requires the Department to adopt regulations as necessary to carry out the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. If the board of trustees of a school district furnishes transportation pursuant to this section, the board of trustees may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

Sec. 1.5. **Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall, to the extent that money is available for this purpose, establish a program to award grants of money to organizations or the parent or legal guardian of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

2. A pupil who uses transportation provided by the recipient of a grant of money awarded pursuant to this section shall notify the Department if the pupil transfers to another school.

3. An applicant who receives a grant of money pursuant to this section shall not use the grant for any purpose other than providing eligible pupils with transportation to and from a public school located outside the zone of attendance that the pupil is otherwise required to attend.

4. The Department shall adopt regulations:

(a) Prescribing the requirements to apply for and receive a grant through the program established by this section.

(b) Establishing the eligibility criteria for pupils for whom transportation may be provided through a grant, including, without limitation, that:

(1) The pupil lives in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(2) The pupil attends a school district which has elected not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040 and no other viable form of transportation is available to the pupil.

(c) Necessary to carry out the provisions of this section.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom

the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~[or]~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~]~~ ***; or***

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil is approved to attend the school pursuant to this section.

3. The Superintendent of Public Instruction shall:

(a) Establish a process to review the policies and procedures of school districts adopted pursuant to paragraph (a) of subsection 4 to determine if such policies and procedures are consistent with the requirements of this section.

(b) Ensure that any application of a school district for pupils to apply to attend a school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.

(c) On or before the first day of each calendar quarter, publish, on the Internet website maintained by the Department, the number of vacancies for each grade level in each public school in this State.

(d) On the Internet website maintained by the Department, annually publish data describing, for pupils who transferred between schools located in different zones of attendance pursuant to paragraph (f) of subsection 2:

(1) The total number of pupils who transferred between schools located in different zones of attendance during the previous school year; and

(2) For each public school, the number of pupils who transferred into and out of the school pursuant to paragraph (f) of subsection 2 during the previous school year.

4. The board of trustees of each school district shall:

(a) Adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such policies and procedures must:

(1) Not deem a pupil ineligible to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 on an arbitrary basis, including, without limitation, based on the home address of the pupil;

(2) Require all public schools within the school district, except for magnet schools, career and technical academies and dual enrollment high schools, to be open to the attendance of pupils pursuant to paragraph (f) of subsection 2, subject to capacity;

(3) Prohibit the assessment of any tuition or fees by a public school within the school district to a pupil who attends the school pursuant to paragraph (f) of subsection 2;

(4) Include a procedure for pupils to apply to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2, including, without limitation, the date each year on which the school district will begin accepting applications and the annual deadline by which an application must be submitted;

(5) Not require a pupil to complete an application to attend a public school unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend;

(6) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved; and

(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which :

(I) Must give priority to pupils who live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(II) Except as otherwise provided in sub-subparagraph (I), may include, without limitation, a lottery.

(b) On or before the first day of each calendar quarter, publish on the Internet website maintained by the school district the number of vacancies for each grade level in each public school in the school district.

(c) Determine the capacity for each grade level within each public school in the school district in accordance with the provisions of this section and annually publish such capacity on the Internet website maintained by the school district not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. The capacity determined pursuant to this paragraph must not be reduced during the period in which the school district accepts such applications unless a significant change in circumstances, which was unforeseeable at the time the capacity was published pursuant to this section, necessitates such a change, including, without limitation, a change in capacity due to an issue with the facilities of the public school. If the capacity of a public school is reduced during the period in which the school district accepts such applications, the board of trustees shall ensure that, not later than 15 days before the earliest date on which decisions on such applications are to be made, there is published on the Internet website maintained by the school district a written explanation of the change in circumstances which necessitated the reduction in capacity.

(d) Require a public school in the school district to enroll a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved, so long as the public school has capacity at the grade level of the pupil without taking into consideration the capacity of any specialized program.

(e) Allow a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

(f) Adopt a uniform methodology for calculating the capacity of each public school within the school district for the purposes of paragraph (c). The methodology must be publicly documented, applied consistently across all public schools within the school district and published on the Internet website maintained by the school district. The methodology adopted by a school district must calculate the capacity of each public school within the school district based on:

(1) Maximum building occupancy; or

(2) An occupancy level of not more than 1 person per 40 square feet of instructional space.

(g) Prepare and submit an annual report to the Superintendent of Public Instruction describing:

(1) The number of applications to attend a public school outside the zone of attendance that a pupil is otherwise required to attend that were received by the school district and the number of such applications that were approved or denied; and

(2) For each application that was denied, the reason the board of trustees of the school district denied the application.

5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner;

(e) The address at which the pupil resides; or

(f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.

6. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend is denied or no action is taken on the application, the parent or legal guardian of the pupil may

appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.

7. The board of trustees of a school district may accept gifts and grants to carry out the provisions of subsections 3 to 6, inclusive.

8. The State Board shall adopt regulations necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.

(b) "Instructional space" does not include:

(1) A gymnasium;

(2) A theater;

(3) An administrative office;

(4) A cafeteria; and

(5) A storage space.

(c) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1**, 1.5** and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 585.

Bill read third time.

Roll call on Assembly Bill No. 585:

YEAS—23.

NAYS—Cole, DeLong, Dickman, D'Silva, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—16.

EXCUSED—Anderson, Backus, González—3.

Assembly Bill No. 585 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 939.

SUMMARY—Makes appropriations to the Nevada System of Higher Education for ~~[cost-of-living adjustments for certain personnel.]~~ **operational and instructional expenses.** (BDR S-1201)

AN ACT making appropriations to the Nevada System of Higher Education for ~~[cost-of-living adjustments for certain personnel;]~~ **operational and instructional expenses;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $22,441,996 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the University of Nevada, Reno.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $23,580,944 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the University of Nevada, Las Vegas.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $113,154 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the Agricultural Experiment Station.

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $277,476 for the Cooperative Extension Service budget account for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the Cooperative Extension Service.

Sec. 5. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $867,708 for the UNLV Law School budget account for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the William S. Boyd School of Law at the University of Nevada, Las Vegas.

Sec. 6. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $2,124,972 for the UNLV Dental School budget account for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the School of Dental Medicine at the University of Nevada, Las Vegas.

Sec. 7. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $1,072,226 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the Nevada State University.

Sec. 8. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $5,332,632 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the College of Southern Nevada.

Sec. 9. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $408,738 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of Great Basin College.

Sec. 10. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $221,370 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of Western Nevada College.

Sec. 11. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $1,043,258 for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of Truckee Meadows Community College.

Sec. 12. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $2,976 for the Prison Education Program budget account for ~~[cost-of-living adjustments for personnel]~~ **operational and instructional expenses** of the Prison Education Program.

Sec. 13. Any remaining balance of the appropriations made by sections 1 to 12, inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 13.5. **1. The Legislature hereby declares its intent that the appropriations made pursuant to this act are one-time grants of money intended to sustain the operations of the Nevada System of Higher Education and the institutions named herein for the duration of the 2025-2027 biennium.**

2. The Legislature hereby urges the Nevada System of Higher Education, during the 2025-2027 biennium, to seek additional sources of revenue to ensure that the System is able to pay its operational and instructional expenses in future biennia.

Sec. 14. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 172 and 466 be taken from their place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Assembly Bills Nos. 304, 533, and 568 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 304.

Bill read third time.

Roll call on Assembly Bill No. 304:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:

YEAS—38.

NAYS—Miller.

EXCUSED—Anderson, Backus, González—3.

Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 568.

Bill read third time.

Roll call on Assembly Bill No. 568:

YEAS—37.

NAYS—Dickman, Gallant—2.

EXCUSED—Anderson, Backus, González—3.

Assembly Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Roll call on Senate Bill No. 35:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Roll call on Senate Bill No. 54:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 76.

Bill read third time.

Roll call on Senate Bill No. 76:

YEAS—36.

NAYS—Dickman, Gallant, Gray—3.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 83.

Bill read third time.

Roll call on Senate Bill No. 83:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 128.

Bill read third time.

Roll call on Senate Bill No. 128:

YEAS—23.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Orentlicher, Yurek—16.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 156.

Bill read third time.

Roll call on Senate Bill No. 156:

YEAS—25.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—38.

NAYS—Dickman.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 165 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 170.

Bill read third time.

Roll call on Senate Bill No. 170:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

Roll call on Senate Bill No. 175:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Roll call on Senate Bill No. 192:

YEAS—23.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, Miller, O'Neill, Yurek—16.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Roll call on Senate Bill No. 226:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Roll call on Senate Bill No. 231:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.

Bill read third time.

Roll call on Senate Bill No. 257:

YEAS—39.

NAYS—None.

EXCUSED—Anderson, Backus, González—3.

Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblymember Hansen.

ASSEMBLYMEMBER HANSEN:

I rise in opposition to Senate Bill 263. There is a lot about this bill that I am very happy to see coming forward, but unfortunately, I have some concerns—section 1, sub. [subsection no.] 2, regarding some civil liberties. So, at this time, I will have to be a no.

Roll call on Senate Bill No. 263:
YEAS—35.
NAYS—Dickman, Gallant, Gurr, Hansen—4.
EXCUSED—Anderson, Backus, González—3.
Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 275.
Bill read third time.
Roll call on Senate Bill No. 275:
YEAS—39.
NAYS—None.
EXCUSED—Anderson, Backus, González—3.
Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 277.
Bill read third time.
Roll call on Senate Bill No. 277:
YEAS—38.
NAYS—Dickman.
EXCUSED—Anderson, Backus, González—3.
Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 312.
Bill read third time.
Roll call on Senate Bill No. 312:
YEAS—39.
NAYS—None.
EXCUSED—Anderson, Backus, González—3.
Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 502 be taken from the General File and be placed on the Chief Clerk's Desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 329.
Bill read third time.
Roll call on Senate Bill No. 329:

YEAS—40.
NAYS—None.
EXCUSED—Anderson, González—2.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

Roll call on Senate Bill No. 344:
YEAS—40.
NAYS—None.
EXCUSED—Anderson, González—2.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Roll call on Senate Bill No. 348:
YEAS—35.
NAYS—Dickman, Gallant, Gray, Gurr, Kasama—5.
EXCUSED—Anderson, González—2.

Senate Bill No. 348 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Roll call on Senate Bill No. 353:
YEAS—40.
NAYS—None.
EXCUSED—Anderson, González—2.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Roll call on Senate Bill No. 376:
YEAS—40.
NAYS—None.
EXCUSED—Anderson, González—2.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Roll call on Senate Bill No. 389:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—40.
NAYS—Miller.
EXCUSED—González.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Roll call on Senate Bill No. 407:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Roll call on Senate Bill No. 424:

YEAS—38.
NAYS—Dickman, Gray, Kasama—3.
EXCUSED—González.

Senate Bill No. 424 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Roll call on Senate Bill No. 454:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Roll call on Senate Bill No. 455:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Roll call on Senate Bill No. 469:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Roll call on Senate Bill No. 470:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Roll call on Senate Bill No. 474:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Roll call on Senate Bill No. 476:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 479.

Bill read third time.

Roll call on Senate Bill No. 479:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Roll call on Senate Bill No. 484:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Roll call on Senate Bill No. 486:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Roll call on Senate Bill No. 488:

YEAS—36.
NAYS—DeLong, Dickman, Gallant, Gray, O'Neill—5.
EXCUSED—González.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 489.

Bill read third time.

Roll call on Senate Bill No. 489:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Roll call on Senate Bill No. 490:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Roll call on Senate Bill No. 491:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Roll call on Senate Bill No. 492:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Roll call on Senate Bill No. 493:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Roll call on Senate Bill No. 496:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Roll call on Senate Bill No. 497:

YEAS—41.
NAYS—None.
EXCUSED—González.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Roll call on Senate Bill No. 498:

YEAS—41.
NAYS—None.
EXCUSED—González.
Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 499.
Bill read third time.
Roll call on Senate Bill No. 499:
YEAS—41.
NAYS—None.
EXCUSED—González.
Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 504.
Bill read third time.
Roll call on Senate Bill No. 504:
YEAS—41.
NAYS—None.
EXCUSED—González.
Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly in recess at 6:03 p.m.

ASSEMBLY IN SESSION

At 6:18 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblymember Jauregui moved that, having voted on the prevailing side, the vote whereby Senate Bill No. 192 was passed be reconsidered.
Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 192 be placed on the Chief Clerk's Desk.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 213.
The following Senate amendment was read:
Amendment No. 699.
AN ACT relating to governmental administration; requiring certain persons who qualify for certain preferences in bidding on a public work to certify,

under certain conditions, that the persons will ensure that any nonstandard good or material procured for the public work is custom fabricated in this State; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; requiring the payment of prevailing wages to workers who perform custom fabrication on any project financed or otherwise undertaken by the Tahoe-Douglas Visitor's Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid to each of the classes of mechanics and workers. The hourly and daily rate of wages must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020) **Section 2** of this bill provides that workers who perform custom fabrication on a public work must also be paid such a prevailing wage. **Section 2.2 of this bill provides that workers who perform custom fabrication for a public work are deemed to be employed on the public work regardless of the location at which the custom fabrication is performed.**

Section 1 of this bill: (1) defines the term "custom fabrication"; (2) defines the term "nonstandard good or material"; and (3) revises the definition of "worker" to include a worker who performs custom fabrication.

Under existing law, performance contracts for certain operating cost-savings measures entered into by local governments and state agencies must contain in express terms the hourly and daily rate of wages to be paid to each class of mechanics and workers. Such wages must not be less than the prevailing wage in the region in which the local government or state agency is located. (NRS 332.390, 333A.120) Similar to **section 1**, **sections 3 and 4** of this bill, respectively, provide that workers who perform custom fabrication must also be paid such a prevailing wage.

The Tahoe-Douglas Visitor's Authority Act requires the payment of prevailing wages on any project financed or otherwise undertaken by the Tahoe-Douglas Visitor's Authority that requires the employment of certain workers even if the project does not qualify as a public work. (Section 33 of chapter 375, Statutes of Nevada 2019, at page 2364) **Section 5** of this bill provides that workers who perform custom fabrication on such a project must also be paid prevailing wages.

Section 6 of this bill provides that the requirement to pay prevailing wage to workers who perform custom fabrication does not apply to a public works contract or performance contract awarded before January 1, 2026.

Existing law provides that as a condition of receiving certain preferences in bidding on a public work, a contractor, an applicant or a design-build team is

required to submit to the public body sponsoring or financing the public work, a signed affidavit which makes certain certifications. (NRS 338.0117) **Section 1.5** of this bill requires an additional certification that if the public work requires the procurement of any nonstandard good or material and is located in a county whose population is 100,000 or more (currently Clark and Washoe Counties), the contractor, applicant or design-build team and any subcontractor engaged on the public work will: (1) ensure that each nonstandard good or material is custom fabricated in this State; and (2) maintain and make available for inspection certain records concerning each nonstandard good or material procured for the public work. **Sections 2.3 and 2.7** of this bill make conforming changes to refer to provisions that have been renumbered in **section 1.5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Bona fide fringe benefit" means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

➥ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

4. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

5. ***"Custom fabricated" and "custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific public work.***

6. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker

or workers employed by them on public works by the day and not under a contract in writing.

~~[6.]~~ ***7.*** "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~[7.]~~ ***8.*** "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~[8.]~~ ***9.*** "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~[9.]~~ ***10.*** "Discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.

~~[10.]~~ ***11.*** "Division" means the State Public Works Division of the Department of Administration.

~~[11.]~~ ***12.*** "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[12.]~~ ***13.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[13.]~~ ***14.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[14.]~~ ***15.*** "Horizontal construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work, including, without limitation, any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and any other work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~[15.]~~ ***16.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[16.]~~ ***17. "Nonstandard good or material" includes, without limitation, any nonstandard good or material used in any of the following building systems:***

(a) Plumbing or pipe fitting;

(b) Ventilation system;

(c) Air-conditioning system;

(d) Heating system;

(e) Sheet metal or any other sheet metal product; and

(f) Signage, including, without limitation, any illuminated or unilluminated sign.

18. "Offense" means:

(a) Failing to:

(1) Pay the prevailing wage required pursuant to this chapter;

(2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(4) Comply with subsection 5 or 6 of NRS 338.070.

(b) Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.

~~[17.]~~ ***19.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[18.]~~ ***20.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[19.]~~ ***21.*** "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

~~[20.]~~ ***22.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[21.]~~ ***23.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[22.]~~ ***24.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[23.]~~ ***25.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[24.]~~ ***26.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[25.]~~ ***27.*** "Vertical construction" means any construction, alteration, repair, renovation, demolition or remodeling necessary to complete a public work for any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any other work or improvement appurtenant thereto.

~~[26.]~~ ***28.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other bona fide fringe benefits which are a benefit to the worker.

~~[27.]~~ ***29.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker ***,*** ~~[or]~~ unskilled worker ***or worker who performs custom fabrication*** in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 1.5. NRS 338.0117 is hereby amended to read as follows:

338.0117 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; ~~[and]~~

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work ~~[.]~~ ***; and***

(e) If the public work requires the procurement of any nonstandard good or material and is located in a county whose population is 100,000 or more, the contractor, applicant or design-build team and any subcontractor engaged on the public work will:

(1) Ensure that each nonstandard good or material is custom fabricated in this State; and

(2) Maintain and make available for inspection within this State his or her records concerning each nonstandard good or material procured for the public work.

2. Any contract for a public work that is awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 as a result of the contractor, applicant or design-build team receiving a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 entitles the public body to a penalty only as provided in subsections 5 and 6.

3. A person who submitted a bid on the public work or an entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 may file, before the substantial completion of the public work, a written objection with the public body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection.

If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. In addition to any other remedy or penalty provided by law, a public body may recover, by civil action against the party responsible for a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1, a penalty as described in subsection 6 for a failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1. If a public body recovers a penalty pursuant to this subsection, the public body shall report to the State Contractors' Board the date of the failure to comply, the name of each entity which failed to comply and the cost of the contract to which the entity that failed to comply was a party. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract as a result of that preference, the contract between the contractor, applicant or design-build team and the public body, each contract between the contractor, applicant or design-build team and a subcontractor and each contract between a subcontractor and a lower tier subcontractor must provide that:

(a) If a party to the contract causes the contractor, applicant or design-build team to fail to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1, the party is liable to the public body for a penalty in the amount of 1 percent of the cost of the largest contract to which he or she is a party;

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that caused the failure to comply with a requirement of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1; and

(c) No other party to the contract is liable to the public body for a penalty.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding

described in subsection 1, including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1.

8. As used in this section:

(a) "Lower tier subcontractor" means a subcontractor who contracts with another subcontractor to provide labor, materials or services to the other subcontractor for a construction project.

(b) "Vehicle used primarily for the public work" does not include any vehicle that is present at the site of the public work only occasionally and for a purpose incidental to the public work including, without limitation, the delivery of materials. Notwithstanding the provisions of this paragraph, the term includes any vehicle which is:

(1) Owned or operated by the contractor or any subcontractor who is engaged on the public work; and

(2) Present at the site of the public work.

Sec. 2. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** in the performance of a public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the region in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) Forty hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work; or

(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless

by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

(a) Forty hours in any scheduled week of work; or

(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the region where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 2.2. **NRS 338.040 is hereby amended to read as follows:**

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work; and

(b) Necessary in the execution of the contract for the public work,

➥ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work; and

(b) Necessary in the execution of the contract for the public work.

3. Workers who perform custom fabrication for a public work are deemed to be employed on the public work regardless of the location at which the workers perform the custom fabrication.

4. The Labor Commissioner may adopt regulations to define the circumstances under which a worker is performing custom fabrication for a public work.

Sec. 2.3. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works

issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that

subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 2.7. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without

limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding

only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 3. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers **,** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds $100,000, the

qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

3. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 4. NRS 333A.120 is hereby amended to read as follows:

333A.120 ***1.*** If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication*** to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS 338.013 to 338.090, inclusive. The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.

2. As used in this section:

(a) "Custom fabrication" means the manufacture, assembly or other production of any nonstandard good or material that is manufactured, assembled or otherwise produced for a specific performance contract.

(b) "Nonstandard good or material" has the meaning ascribed to it in NRS 338.010.

Sec. 5. Section 33 of the Tahoe-Douglas Visitor's Authority Act, being chapter 375, Statutes of Nevada 2019, at page 2364, is hereby amended to read as follows:

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers ***,*** ~~[or]~~ unskilled labor ***or workers who perform custom fabrication, as defined in NRS 338.010,*** to perform the project; and

2. Does not qualify as a public work, as defined in NRS 338.010,

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract or agreement.

Sec. 6. The amendatory provisions of this act do not apply to any contract to which the provisions of:

1. NRS 338.020 to 338.090, inclusive;

2. NRS 332.390; or

3. NRS 333A.120,

➥ apply, that is awarded before January 1, 2026.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 699 to Assembly Bill No. 213.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 502.

The following Senate amendment was read:

Amendment No. 914.

AN ACT relating to public works; revising provisions relating to the compliance of a contractor or subcontractor with certain requirements relating to apprentices on a public work; revising requirements relating to identifying numbers for public works; revising provisions relating to the imposition of penalties for certain violations; revising provisions relating to the period within which a person is disqualified from being awarded a contract for a public work in certain circumstances; revising provisions relating to the investigation of certain possible violations; creating the Public Works Compliance Division within the Office of Labor Commissioner and prescribing its duties; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for the State and its political subdivisions to award a contract for the new construction, repair or reconstruction of specified projects that are financed in whole or in part from public money, known as public works. (Chapter 338 of NRS) Existing law creates the Office of Labor Commissioner and requires the Labor Commissioner to enforce specified provisions relating to employment on public works. (NRS 338.010-338.130, 607.010) Existing law requires contractors or subcontractors engaged on public works to use apprentices for a certain percentage of the total hours performed on a public work, depending on certain conditions related to the public work, and to report certain information regarding the public works for the previous year to the Labor Commissioner, except identifying information about a public work or an apprentice or employee. Existing law further requires a contractor or subcontractor on a public work to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or

subcontractor made a good faith effort to comply with the apprenticeship requirement. Such a good faith effort includes submitting to an apprenticeship program a request for an apprentice: (1) not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work; and (2) if a contractor or subcontractor does not work continuously on a public work, not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work. (NRS 338.01165) **Section 1** of this bill ~~[removes]~~ **increases** the 10-day time limitation on requesting an apprentice ~~[, thereby allowing for an apprentice to be requested by a contractor or subcontractor at any time before work on a public work is scheduled to begin or resume.]~~ **to 30 days. Section 1** also removes the exception for not reporting identifying information about a public work, thereby requiring the reporting of such information to the Labor Commissioner.

Existing law, in part, requires a public body that undertakes a public work to: (1) request an identifying number with a designation of the work and include the number in any advertisement or other type of solicitation; and (2) report to the Labor Commissioner the award of a contract within 10 days after the award and subsequently report the completion of the work under the contract. (NRS 338.013) **Section 2** of this bill requires that a public body request such an identifying number not less than 3 business days before any advertisement or other type of solicitation for the public work is published or made, as applicable. **Section 2** also authorizes a penalty for each calendar day or portion thereof that a public body is not in compliance with the reporting requirements.

Under existing law, if an administrative penalty is imposed against a person for a violation of certain provisions relating to public works, the Labor Commissioner is authorized to prohibit the person from being awarded a contract for a public work: (1) for the first offense, for a period of 3 years after the date of the imposition of the administrative penalty; and (2) for the second or subsequent offense, for a period of 5 years after the date of the imposition of the administrative penalty. (NRS 338.017) **Section 4** of this bill ~~[instead provides for the issuance of a warning for the first offense and]~~ revises the duration of the period of the disqualification as follows: (1) **for the first offense, for a period of up to 180 days after the date of the imposition of the administrative penalty; (2)** for the second offense, **for** a period of **up to 3 years but not less than** 180 days after the date of the imposition of the administrative penalty; ~~[(2)]~~ **(3)** for the third offense, **for** a period of ~~[1 year]~~ **up to 5 years but not less than 3 years** after the date of the imposition of the administrative penalty; and ~~[(3)]~~ **(4)** for the fourth or subsequent offense, **for** a period of ~~[3]~~ **not less than 5** years after the date of the imposition of the administrative penalty.

Existing law requires any public body awarding a contract for a public work to investigate possible violations of certain laws relating to public works and determine whether a violation has been committed and inform the Labor Commissioner of any such violations. (NRS 338.070) **Section 5** of this bill

requires a public body, within 90 days after substantial completion of a contract for a public work, to: (1) conduct an investigation and make a determination regarding any violation; or (2) refer the matter to the Public Works Compliance Division, which is created within the Office of Labor Commissioner in **section 8** of this bill. **Section 7** of this bill requires the Division to: (1) investigate possible violations of certain laws relating to public works at the direction of the Labor Commissioner or upon receipt of a referral from a public body; (2) submit to the Labor Commissioner a written report concerning such an investigation and, if applicable, provide a copy of the report to the referring public body upon completion of the investigation; and (3) perform any other duties related to the enforcement of certain provisions relating to public works, as directed by the Labor Commissioner. **Sections 9 and 10** of this bill make conforming changes related to the creation of the Division.

Existing law requires a public body to withhold and retain from payments to a contractor on a public work sums that are forfeited as a result of the violation of certain laws relating to public works. Existing law also prohibits any sums from being withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body. (NRS 338.070) **Section 5** requires a public body who refers the investigation of possible offenses to the Division to withhold and retain all sums believed to be forfeited by the violation of such laws until an investigation has been completed by the Division and the Labor Commissioner has determined if any violations were committed. **Section 5** authorizes the Labor Commissioner to impose against a public body that fails to investigate possible violations of certain laws relating to a public work or refer possible violations to the Public Works Compliance Division within the prescribed time period: (1) a fee of $1,000 for each contractor or subcontractor found to be in violation of such provisions; and (2) an administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of such provisions. **Section 5** also prohibits a public body from withholding from any contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed against the public body by the Labor Commissioner pursuant to **section 5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs workers on one or more public works during a calendar year pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent, or any increased percentage established pursuant to subsection 3, of the total hours of labor worked for each apprenticed craft or type of work to be performed on those public works.

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor or subcontractor may utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized
by the State Apprenticeship Council as not having apprentices in that craft or type of work.

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner, a request for an apprentice not earlier than ~~[10]~~ ***30*** days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than ~~[10]~~ ***30*** days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner, the following information regarding those public works for the previous calendar year:

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about ~~[a public work or]~~ an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

16. A contractor or subcontractor who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work engaged on a public work shall enter into an apprenticeship agreement for each apprentice required to be used in the construction of a public work.

17. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(e) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.013 is hereby amended to read as follows:

338.013 1. A public body that undertakes a public work shall request from the Labor Commissioner ~~[, and include in any advertisement or other type of solicitation,]~~ an identifying number with a designation of the work ~~[.]~~ ***not***

less than 3 business days before any advertisement or other type of solicitation is published or made for the public work. That number must be included in any ***such advertisement or solicitation or any*** bid or other document submitted in response to the advertisement or ~~[other type of]~~ solicitation.

2. Each public body which awards a contract for any public work shall report its award to the Labor Commissioner within 10 days after the award, giving the name and address of the contractor to whom the public body awarded the contract and the identifying number for the public work.

3. Each contractor engaged on a public work shall report to the Labor Commissioner and the public body that awarded the contract the name and address of each subcontractor whom the contractor engages for work on the project within 10 days after the subcontractor commences work on the contract and the identifying number for the public work.

4. The public body which awarded the contract shall report the completion of all work performed under the contract to the Labor Commissioner before the final payment of money due the contractor by the public body.

5. If a public body fails to comply with subsection 2 or 4, the Labor Commissioner may impose against the public body a penalty of $50 for each calendar day or portion thereof that the public body is not in compliance.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 338.017 is hereby amended to read as follows:

338.017 1. If any administrative penalty is imposed pursuant to this chapter against a ~~[person]~~ ***contractor or subcontractor*** for the commission of an offense, ~~[that person,]~~ ***the Labor Commissioner may ~~[take the following actions against]~~ disqualify the contractor or subcontractor*** and the corporate officers, if any, of ~~[that person, may not be awarded a contract for a public work:]~~ ***the contractor or subcontractor ~~[:]~~ from being awarded a contract for a public work or entering into a contract to perform work on a public work:***

(a) For ~~***[Issue a warning for]***~~ the first offense ~~***[,]***~~ ***, for a period of up to 180 days after the date of the imposition of the administrative penalty;***

~~***(b) [Disqualify the contractor or subcontractor and any corporate officers thereof from being awarded a contract for a public work or entering into a contract to perform work on a public work, as applicable:***~~

~~***[(1)]***~~ ***For the second offense,*** for a period of ***up to*** 3 years ***but not less than 180 days*** after the date of the imposition of the administrative penalty; ~~[and~~

~~(b) ***(2)]***~~ ***(c) For the third offense, for a period of ~~[1 year]~~ up to 5 years but not less than 3 years after the date of the imposition of the administrative penalty; and***

~~***[(3)]***~~ ***(d)*** For the ~~[second]~~ ***fourth*** or subsequent offense, for a period of ***not less than*** 5 ~~***[3]***~~ years after the date of the imposition of the administrative penalty.

2. A person, and the corporate officers, if any, of that person, who is identified in the System for Award Management Exclusions operated by the

General Services Administration as being excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred may not be awarded a contract for a public work for the period of debarment of the contractor from receiving contracts from the Federal Government.

3. The Labor Commissioner, upon learning that a contractor has been excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the contractor from being awarded a contract for a public work as provided in subsection 2.

4. The Labor Commissioner shall notify the State Contractors' Board of each contractor ***or subcontractor*** who is ~~[prohibited or]~~ disqualified from being awarded a contract for a public work pursuant to this section.

Sec. 5. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall ~~[:]~~ ***, within 90 days after substantial completion of the contract:***

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; ~~[and]~~ ***or***

(b) ***Refer a possible violation of the provisions of NRS 338.010 to 338.090, inclusive, to the Public Works Compliance Division in the Office of Labor Commissioner. Such a referral must be made on a form prescribed by the Labor Commissioner.***

2. ~~[When]~~ ***Except as otherwise provided in this subsection, when*** making payments to the contractor engaged on the public work of money becoming due under the contract, ***a public body shall*** withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

~~[2.]~~ No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body ~~[.]~~ ***or the Public Works Compliance Division pursuant to section 7 of this act.***

3. Except as otherwise provided in subsection 7, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall:

(a) Inquire of each worker employed by the contractor or subcontractor in connection with the public work:

(1) Whether the worker wishes to specify voluntarily his or her gender; and

(2) Whether the worker wishes to specify voluntarily his or her ethnicity; and

(b) For each response the contractor or subcontractor receives pursuant to paragraph (a):

(1) If the worker chose voluntarily to specify his or her gender or ethnicity, or both, record the worker's responses; and

(2) If the worker declined to specify his or her gender or ethnicity, or both, record that the worker declined to specify such information.

➥ A contractor or subcontractor shall not compel or coerce a worker to specify his or her gender or ethnicity and shall not penalize or otherwise take any adverse action against a worker who declines to specify his or her gender or ethnicity. Before inquiring as to whether a worker wishes to specify voluntarily his or her gender or ethnicity, the applicable contractor or subcontractor must inform the worker that such information, if provided, will be open to public inspection as set forth in subsection 6.

5. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept:

(a) An accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work:

(1) The name of the worker;

(2) The occupation of the worker;

(3) The gender of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(4) The ethnicity of the worker, if the worker voluntarily agreed to specify that information pursuant to subsection 4, or an entry indicating that the worker declined to specify such information;

(5) If the worker has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card; and

(6) The actual per diem, wages and benefits paid to the worker; and

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

6. The records maintained pursuant to subsection 5 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of each record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy of the record maintained pursuant to paragraph (a) of subsection 5 must be open to public inspection as provided in NRS 239.010. The copy of the record maintained pursuant to paragraph (b) of

subsection 5 is confidential and not open to public inspection. The records in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work. The Labor Commissioner shall adopt regulations authorizing and prescribing the procedures for the electronic filing of the copies of the records required to be provided monthly by a contractor or subcontractor to a public body pursuant to this subsection.

7. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 5 for a calendar month by the time specified in subsection 6 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 6.

➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 6.

8. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

9. If the Labor Commissioner finds that a public body has failed to comply with the requirements of subsection 1, the Labor Commissioner may impose against the public body:

(a) A fee of $1,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work; and

(b) An administrative penalty of $2,000 for each contractor or subcontractor found to be in violation of the provisions of NRS 338.010 to 338.090, inclusive, on the public work.

10. A public body shall not withhold from a contractor or subcontractor engaged on a public work any amount due to the contractor or subcontractor in order to recover any fee or penalty assessed by the Labor Commissioner pursuant to subsection 9.

11. As used in this section, "substantial completion" means that the construction of a public work is, in accordance with the contract documents, sufficiently complete that the owner can occupy and use the public work as intended.

Sec. 6. (Deleted by amendment.)

Sec. 7. Chapter 607 of NRS is hereby amended by adding thereto a new section to read as follows:

The Public Works Compliance Division shall:

1. At the direction of the Labor Commissioner or upon receipt of a referral made by a public body pursuant to NRS 338.070:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive; and

(b) Submit to the Labor Commissioner a written report concerning an investigation conducted pursuant to paragraph (a). If the investigation was conducted pursuant to a referral made by a public body pursuant to NRS 338.070, a copy of the report must be provided to the public body.

2. Perform any other duties related to the enforcement of NRS 338.010 to 338.130, inclusive, as directed by the Labor Commissioner.

Sec. 8. NRS 607.010 is hereby amended to read as follows:

607.010 The Office of Labor Commissioner is hereby created. ***The Office consists of the Labor Commissioner and the Public Works Compliance Division.***

Sec. 9. NRS 607.060 is hereby amended to read as follows:

607.060 The Labor Commissioner may employ:

1. One Chief Assistant, who is in the unclassified service of the State.
2. Stenographic, clerical and statistical assistance.

3. Any personnel necessary to carry out the duties of the Public Works Compliance Division.

Sec. 10. NRS 607.130 is hereby amended to read as follows:

607.130 Upon the written request of the ***Office of*** Labor Commissioner, all state and county officers shall furnish all information in their power necessary to assist in carrying out the objects of this chapter.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Considine moved that the Assembly concur in Senate Amendment No. 914 to Assembly Bill No. 502.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 58.

The following Senate amendment was read:

Amendment No. 902.

AN ACT relating to gaming; revising the definitions of certain terms related to gaming; **revising certain provisions governing restricted licenses to operate gaming;** providing for the administrative approval of games or gambling games by the Chair of the Nevada Gaming Control Board; revising

the types of games that may be exposed by gaming establishments; making a technical correction to refer to a race book and sports pool for the purposes of licensing an establishment to operate interactive gaming; removing and repealing provisions governing cash access and wagering instrument service providers; removing and repealing provisions governing global risk management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines certain terms for the purposes of provisions relating to gaming. (NRS 463.013-463.01967) **Section 4** of this bill adds a person who sells and provides management, or consultation or instruction in the management, of risks associated with wagering pools for a race or sporting event or any other event for which a wager may be accepted to the definition of the term "information service."

Existing law defines a "restricted license" as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment. Existing law also provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements. (NRS 463.0189, 463.161) Section 5.5 of this bill clarifies that the minimum of 2,500 square feet of space available for patrons must be indoor space.

Existing law: (1) prohibits, in general, a gaming licensee from offering a game or gambling game for play if the game or gambling game has not received a recommendation from the Nevada Gaming Control Board or an approval from the Nevada Gaming Commission; and (2) requires the Commission to adopt regulations governing the approval of games or gambling games. (NRS 463.164) **Section 6** of this bill instead prohibits a gaming licensee from offering a game or gambling game for play if the game or gambling game has not been administratively approved by the Chair of the Board in accordance with regulations adopted by the Commission governing such administrative approval. **Section 2** of this bill makes a conforming change to refer to such regulations and administrative approval of a game or gambling game.

Existing law prohibits the Commission from approving a license for an establishment to operate interactive gaming unless certain conditions are met. (NRS 463.750) **Section 8** of this bill makes a technical correction to refer to a race book and sports pool for purposes of such licensure.

Existing law authorizes the Commission to provide by regulation for the licensing of service providers, who generally: (1) perform certain services on behalf of another licensed person who conducts nonrestricted gaming operations or an establishment licensed to operate interactive gaming; or (2) provide services or devices which patrons of licensed establishments use to

obtain cash or wagering instruments. (NRS 463.01395, 463.0157, 463.160, 463.677) **Section 11** of this bill repeals the term "cash access and wagering instrument service provider." **Sections 3, 5 and 7** of this bill make conforming changes to remove provisions of existing law relating to cash access and wagering instrument service providers. **Section 7** also removes system-based and system-supported games from the list of certain games that may be exposed by licensed gaming establishments.

Existing law requires the Commission to adopt regulations relating to global risk management, which is defined as the operation, by a person who has been issued a license to operate a race book or sports pool, of certain risk management services between and among various jurisdictions through communications technology for the purposes of the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. (NRS 463.810, 463.820) **Section 11** repeals the provisions of existing law governing global risk management, and **section 4** adds certain activities previously included in the definition of "global risk management" to the definition of "information service." **Sections 9 and 10** of this bill make conforming changes to remove references to global risk management in existing law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 463.0152 is hereby amended to read as follows:

463.0152 1. "Game" or "gambling game" means any game played with cards, dice, equipment or any mechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, klondike, craps, poker, chuck-a-luck, wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the Commission ~~[, upon the recommendation]~~ ***or administratively approved by the Chair*** of the Board ~~[,]~~ pursuant to ~~[NRS 463.164.]~~ ***regulations adopted by the Commission.***

2. The term does not include games:

(a) Played with cards in private homes or residences in which no person makes money for operating the game, except as a player; or

(b) Operated by qualified organizations that are registered by the Chair pursuant to the provisions of chapter 462 of NRS.

Sec. 3. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any employee, temporary employee or other representative of an operator of a slot route, the operator of a pari-mutuel system, the operator of an inter-casino linked system or a manufacturer, distributor or disseminator, or a gaming establishment licensed

to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, whose job duties pertain to the operation, control or outcome of any gambling game or the access, transport or review of any gaming revenue, including, without limitation:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Table games personnel;

(c) Cage and counting room personnel;

(d) Slot personnel;

(e) Keno personnel;

(f) Race book and sports pool personnel;

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) ~~[Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;~~

~~(j)]~~ Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

~~[(k)]~~ ***(j)*** Employees of operators of interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(l)]~~ ***(k)*** Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(m)]~~ ***(l)*** Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(n)]~~ ***(m)*** Information technology personnel who have operational or supervisory control over information technology systems associated with any of the matters related to gaming described in this subsection;

~~[(o)]~~ ***(n)*** Hosts or other persons empowered to extend credit or complimentary services related to gaming;

~~[(p)]~~ ***(o)*** Machine mechanics;

~~[(q)]~~ ***(p)*** Odds makers and line setters;

~~[(r)]~~ ***(q)*** Security personnel;

~~[(s)]~~ ***(r)*** Shift or pit bosses;

~~[(t)]~~ ***(s)*** Shills;

~~[(u)]~~ ***(t)*** Supervisors or managers whose duties include the supervision of employees described in this subsection;

~~[(v)]~~ ***(u)*** Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(w)]~~ ***(v)*** Club venue employees; and

~~[(x)]~~ ***(w)*** Other persons whose duties are similar to the classifications set forth in paragraphs (a) to ~~[(w),]~~ ***(v),*** inclusive, as the Commission may from time to time designate by regulation.

2. "Gaming employee" does not include employees whose duties do not involve gaming activities, persons engaged exclusively in preparing or serving food or beverages or persons involved primarily in the resort or hotel functions of a licensed gaming establishment.

Sec. 4. NRS 463.01642 is hereby amended to read as follows:

463.01642 ***1.*** "Information service" means a person who sells and provides information to a licensed sports pool that is used primarily to aid the placing of wagers on events of any kind.

2. The term includes, without limitation, a person who sells and provides any:

~~[1.]~~ ***(a)*** Line, point spread or odds;

~~[2.]~~ ***(b)*** Information, advice or consultation considered by a licensee in establishing or setting any line, point spread or odds; ~~[or~~

~~3.]~~ ***(c)*** Advice, estimate or prediction regarding the outcome of an event ~~[.~~

~~]~~ ***; or***

(d) Management, or consultation or instruction in the management, of risks associated with wagering pools for a race or sporting event or any other event for which a wager may be accepted.

3. The term does not include a newspaper or magazine of general circulation or a television or radio service or broadcast if the primary purpose of the newspaper, magazine or television or radio service or broadcast is other than to aid the placing of wagers on events of any kind.

Sec. 5. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 3 and NRS 462.155, 463.172 and 463.1725, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool; ***or***

(e) ~~[To operate as a cash access and wagering instrument service provider; or~~

~~(f)]~~ To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. Except as otherwise provided in subsection 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

4. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

Sec. 5.5. **NRS 463.161 is hereby amended to read as follows:**

463.161 1. A license to operate 15 or fewer slot machines at an establishment in which the operation of slot machines is incidental to the primary business conducted at the establishment may only be granted to the operator of the primary business or to a licensed operator of a slot machine route.

2. In a county whose population is 100,000 or more, a license to operate 15 or fewer slot machines at an establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public may only be granted if the establishment meets the requirements of this subsection. The establishment must:

(a) Occupy an area comprised of at least 2,500 square feet ***of indoor space*** which is open and available for use by patrons.

(b) Contain a permanent physical bar.

(c) Contain a restaurant which:

(1) Serves food ordered by patrons from tables or booths.

(2) Includes a dining area with seating for at least 25 persons in a room separate from the on-premise kitchen. For the purposes of determining the number of seats pursuant to this subparagraph, the stools at the bar or the seats outside the dining area must not be counted.

(3) Includes a kitchen which is operated not less than 12 hours each day the establishment is open for business to the public, or the entire time the establishment is open for business to the public if it is open for business 12 hours or less each day.

3. As used in this section:

(a) "Bar" means a physical structure with a flat horizontal counter, on one side of which alcoholic beverages are kept and maintained, where seats may be placed on the side opposite from where the alcohol is kept, and where the sale and service of alcoholic beverages are by the drink across such structure.

(b) "Restaurant" means a public place where hot meals are prepared and served on the premises.

Sec. 6. NRS 463.164 is hereby amended to read as follows:

463.164 1. A licensee shall not offer a game or gambling game for play unless the game or gambling game has received ~~[a recommendation]~~ ***administrative approval*** from the ***Chair of the*** Board or an approval of the Commission.

2. ~~[The Board may recommend a game or gambling game for the approval of the Commission, and upon the issuance of any such recommendation, a licensee may immediately offer the game or gambling game for play, subject to the final disposition of the Commission pursuant to subsection 3.~~

~~3. Not later than 60 days after the issuance of a recommendation of the Board pursuant to subsection 2, the Commission shall render a final disposition relating to the approval or disapproval of the game or gambling game. If the Commission does not render a final disposition within such time, the game or gambling game is deemed to be approved by the Commission.~~

~~4.]~~ The Commission shall adopt regulations governing the ***administrative*** approval of games or gambling games.

Sec. 7. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, ~~[system based and system supported games,]~~ gaming devices, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public

policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to:

(1) License interactive gaming service providers;

(2) Register service providers; and

(3) Maintain strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the:

(a) Licensing of an interactive gaming service provider;

(b) Registration of a service provider; and

(c) Operation of such a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith.

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring:

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission and to be licensed regardless of whether the interactive gaming service provider holds any license.

(2) The service provider to be registered regardless of whether the service provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to:

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the

interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

4. The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

5. Subject to any regulations adopted by the Commission pursuant to subsection 6, the premises on which an interactive gaming service provider or a service provider conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

6. The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 5 as it deems appropriate based on the type and function of a specific interactive gaming service provider or service provider.

7. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who ~~[~~:

~~(1) Is a cash access and wagering instrument service provider; or~~

~~(2) Meets~~~~]~~ ***meets*** such ~~[other or additional]~~ criteria as the Commission may establish by regulation.

Sec. 8. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing:

(a) The licensing and operation of interactive gaming; and

(b) The registration of service providers to perform any action described in paragraph (b) of subsection 7 of NRS 463.677.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems;

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 7 of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection 7 of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware;

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 7 of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection 7 of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be:

(1) Licensed as a manufacturer of interactive gaming systems;

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection 7 of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection 7 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection 7 of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection 7 of NRS 463.677.

(3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license or registration, as applicable.

(4) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which an interactive gaming service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "interactive gaming system," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 52,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a ~~[sports]~~ ***race*** book and ~~[race]~~ ***sports*** pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The

affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 9. NRS 465.090 is hereby amended to read as follows:

465.090 1. It is unlawful for a person to furnish or disseminate any information in regard to racing or races, from any point within this state to any point outside the State of Nevada, by telephone, telegraph, teletype, radio or any signaling device, with the intention that the information is to be used to induce betting or wagering on the result of the race or races, or with the intention that the information is to be used to decide the result of any bet or wager made upon the race or races.

2. This section does not prohibit:

(a) A newspaper of general circulation from printing and disseminating news concerning races that are to be run or the results of races that have been run; ***or***

(b) The furnishing or dissemination of information concerning wagers made in an off-track pari-mutuel system of wagering approved by the Nevada Gaming Commission **.** ~~[~~**;** ~~or~~

~~(c) Global risk management pursuant to NRS 463.810 and 463.820.]~~

3. A person who violates the provisions of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10. NRS 465.094 is hereby amended to read as follows:

465.094 The provisions of NRS 465.092 and 465.093 do not apply to ~~[global risk management pursuant to NRS 463.810 and 463.820 or to]~~ a wager placed by a person for the person's own benefit or, without compensation, for the benefit of another that is accepted or received by, placed with, or sent, transmitted or relayed to:

1. A race book or sports pool that is licensed pursuant to chapter 463 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering;

2. A person who is licensed to engage in off-track pari-mutuel wagering pursuant to chapter 464 of NRS, if the wager is accepted or received within this State and otherwise complies with subsection 3 of NRS 464.020 and all other applicable laws and regulations concerning wagering;

3. Any other person or establishment that is licensed to engage in wagering pursuant to title 41 of NRS, if the wager is accepted or received within this State and otherwise complies with all other applicable laws and regulations concerning wagering; or

4. Any other person or establishment that is licensed to engage in wagering in another jurisdiction and is permitted to accept or receive a wager from patrons within this State under an agreement entered into by the Governor pursuant to NRS 463.747.

Sec. 11. NRS 463.01395, 463.810 and 463.820 are hereby repealed.

Sec. 12. This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

463.01395 "Cash access and wagering instrument service provider" defined. "Cash access and wagering instrument service provider" means a provider of services or devices for use by patrons of licensed gaming establishments to obtain cash or wagering instruments through a variety of automated methods, including, without limitation:

1. Wagering instrument issuance and redemption kiosks; or

2. Money transfers through mobile or Internet services.

463.810 "Global risk management" defined.

1. As used in this section and NRS 463.820, unless the context otherwise requires, "global risk management" means the operation, by a person who has been issued a license to operate a race book or sports pool, of risk management services between and among permissible jurisdictions through communications technology for the purposes of providing the management, or consultation or instruction in the management, of wagering pools and the transmission of information relating to wagering pools or other similar information. The term:

(a) Includes, without limitation:

(1) The management of risks associated with a wagering pool for a race or sporting event or any other event for which a wager may be accepted.

(2) The setting or changing of bets or wagers, cutoff times for bets or wagers, acceptance or rejection of bets or wagers, pooling or laying off of bets or wagers, lines, point spreads, odds or other activity relating to betting or wagering.

(3) The use, transmittal and accumulation of information and data for the purpose of providing risk management services.

(b) Does not include:

(1) The transmission or placement of a bet or wager for a race or sporting event or any other event for which a wager may be accepted between or among permissible jurisdictions.

(2) The provision of any information service, as defined by NRS 463.01642.

2. As used in this section:

(a) "Communications technology" has the meaning ascribed to it in NRS 463.016425.

(b) "Permissible jurisdiction" means any jurisdiction in which global risk management or the betting or wagering on a race or sporting event is lawful or not otherwise expressly prohibited under the laws of that jurisdiction.

(c) "Wagering pool" means a pool or a combination of multiple pools for the placement of bets or wagers for a race or sporting event or any other event for which a wager may be accepted and which is located in a permissible jurisdiction.

463.820 Regulations. The Commission shall, with the advice and assistance of the Board, adopt regulations for global risk management. The regulations adopted by the Commission pursuant to this section may include, without limitation:

1. Provisions which establish minimum internal and operational control standards for global risk management; and

2. Any additional provisions which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

Assemblymember Miller moved that the Assembly concur in Senate Amendment No. 902 to Assembly Bill No. 58.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:23 p.m.

ASSEMBLY IN SESSION

At 8:34 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 473, 475, 480, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 473.

Bill read second time and ordered to third reading.

Senate Bill No. 475.

Bill read second time and ordered to third reading.

Senate Bill No. 480.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 494 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 494.

Bill read third time.

Roll call on Assembly Bill No. 494:

YEAS—25.

NAYS—DeLong, Dickman, Edgeworth, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—13.

EXCUSED—Cole, Gallant, González, Jackson—4.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblymember Marzola moved that the Assembly do not recede from its action on Senate Bill No. 352, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymembers Marzola, Carter, and Hardy as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 352.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblymember Considine moved that the Assembly do not recede from its action on Senate Bill No. 15, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymembers Watts, Brown-May, and Yurek as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 15.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 64, 184, 289, 406, 418, 544, 551, 553, 554, 555, 560, 562, 563, 564, 565, 566, 569, 573, 577, 578, 579, 582, 589, 590; Senate Bills Nos. 69, 100, 157, 187, 404, 414; Senate Joint Resolutions Nos. 1, 8, 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Mishon Montgomery.

Assemblymember Jauregui moved that the Assembly adjourn until Sunday, June 1, 2025, at 12 noon.

Motion carried.

Assembly adjourned at 8:52 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 1, 2025

Assembly called to order at 9:18 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Holy Lord, as we come to the close of this 83rd Session, bless these 42 members of the Assembly. Give them the spirit to know why they were here and why they do what they do. Help them to find the right words and to seize the opportunity to make a difference.

You know all, but they do not. Help them understand what they can, and finally, that they hold onto what is good and share that goodness with others.

In Your Holy Name, we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 6, 90, 104, 119, 132, 133, 135, 193, 229, 233, 280, 378, 403, 452, 468, 472, 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 185, 207, 431, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Senate Bills Nos. 62, 182, 260, 300, 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 52, 102, 117, 123, 165, 220, 286, 335, 336.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 487, Senate Amendment No. 627, and requests a conference, and appointed Senators Cruz-Crawford, Scheible and Hansen as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 659 to Senate Bill No. 87.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 1, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 301, Senate Amendment No. 696, and requests a conference, and appointed Senators Flores, Taylor and Steinbeck as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 646 to Senate Bill No. 71; Assembly Amendment No. 878 to Senate Bill No. 88; Assembly Amendments Nos. 700, 793 to Senate Bill No. 128; Assembly Amendments Nos. 597, 896 to Senate Bill No. 348; Assembly Amendment No. 737 to Senate Bill No. 447; Assembly Amendment No. 918 to Senate Bill No. 477; Assembly Amendment No. 917 to Senate Bill No. 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 460.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nguyen, Cruz-Crawford and Steinbeck as a Conference Committee concerning Senate Bill No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Scheible, Pazina and Ellison as a Conference Committee concerning Senate Bill No. 352.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Concurrent Resolution No. 3 be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved to dispense with the reprinting of Senate Bill No. 494.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 192, 316, 466, and 494 be taken from their place on the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 500 be taken from its place on the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 460.

Assemblymember Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 6.

Bill read second time and ordered to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 945.

AN ACT relating to crimes; expanding the types of crimes that require the imposition of an additional criminal penalty for certain crimes committed **intentionally or knowingly** against an older or a vulnerable person; providing that persons convicted of these types of crimes may be liable for certain civil penalties to be recovered by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the imposition of an additional penalty upon a person who commits certain crimes against a person 60 years of age or older or a vulnerable person, which must run consecutively with the sentence prescribed by statute for the crime. (NRS 193.167) **Section 1** of this bill expands the list of crimes against an older or a vulnerable person that require the imposition of the additional penalty. Specifically, **section 1** applies the additional penalty to

the following forms of theft **intentionally or knowingly** committed against an older or vulnerable person: (1) controlling property of another with intent to deprive that person of the property; (2) the conversion of, unauthorized transfer of an interest in or unauthorized control of the property of another by a person who had the authority to possess the property only for a limited duration or use; or (3) obtaining the property or services of another by a material misrepresentation with intent to deprive the person of the property or services. **Section 1** also applies the additional penalty to a criminal deceptive trade practice committed intentionally or knowingly against an older or a vulnerable person. **Section 6** of this bill adds those theft and deceptive trade practice crimes to the list of crimes for which a person is also liable for a civil penalty, which may be recovered by the Attorney General. (NRS 228.280) Under existing law, a person convicted of those theft or deceptive trade practice crimes against an older or vulnerable person would also not be eligible for probation or release on parole until the person has paid at least 80 percent of the amount of restitution set by the court. (NRS 176A.120, 213.1216)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of, or attempting or conspiring to embezzle, money or property of a value of $650 or more;

(i) Obtaining, or attempting or conspiring to obtain, money or property of a value of $650 or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS ~~*[or paragraph (a), (b) or (c) of subsection 1 of NRS 205.0832]*~~ against any person who is 60 years of age or older or against a vulnerable person ***,*** ~~*[or]*~~ ***any person***

who commits a criminal violation of paragraph (a), (b) or (c) of subsection 1 of NRS 205.0832 intentionally or knowingly against any person who is 60 years of age or older or against a vulnerable person or any person who commits a criminal violation of subsection 3 of NRS 598.0999 intentionally or knowingly against any person who is 60 years of age or older or against a vulnerable person, shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in NRS 200.5092.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person or vulnerable person for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 ***, of a violation of paragraph (a), (b) or (c) of subsection 1 of NRS 205.0832 against an older person or vulnerable person for which an additional term of imprisonment may be imposed pursuant to subsection 2 of NRS 193.167,*** ~~[or]~~ of the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person pursuant to NRS

200.5099 or 200.50995 ***or of a violation of NRS 598.0999 for which an additional term of imprisonment may be imposed pursuant to subsection 2 of NRS 193.167,*** is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons or vulnerable persons who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of ***NRS 193.167 or a violation of paragraph (a), (b) or (c) of subsection 1 of NRS 205.0832 for which an additional term of imprisonment may be imposed pursuant to subsection 2 of*** NRS 193.167 ~~[.]~~ ***or of a violation of NRS 598.0999 for which an additional term of imprisonment may be imposed pursuant to subsection 2 of NRS 193.167;*** or

(2) Abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons created pursuant to NRS 228.285.

Sec. 7. The amendatory provisions of this act apply to offenses committed on or after the effective date of this act.

Sec. 8. This act becomes effective upon passage and approval.

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

Senate Bill No. 104.

Bill read second time and ordered to third reading.

Senate Bill No. 119.

Bill read second time and ordered to third reading.

Senate Bill No. 132.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 135.

Bill read second time and ordered to third reading.

Senate Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 955.

AN ACT relating to the environment; establishing requirements governing the provision of disposable foodware accessories and standard condiments when using a food delivery service platform; prohibiting, with certain exceptions, the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances; requiring, with certain exceptions, manufacturers of cookware containing intentionally added perfluoroalkyl and polyfluoroalkyl substances to provide certain information to a consumer; setting forth requirements for a redevelopment agency relating to heat mitigation; requiring the Division of Emergency Management within the Office of the Military to apply for grants of money to reduce heat island effects under certain circumstances; requiring certain emergency management plans to include plans for heat mitigation under certain circumstances; establishing certain requirements relating to food-contact surfaces in food establishments; requiring the State Board of Cosmetology to collect and test random samples of certain packaged products relating to hair; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a food delivery service platform provider from facilitating an online food order involving a food dispensing establishment unless the food delivery service platform provider has entered into a written agreement with the food dispensing establishment. (NRS 597.7635) **Section 2** of this bill requires a food delivery service platform provider to provide a user with the option to request to receive disposable foodware accessories or standard condiments from the food dispensing establishment with his or her order. **Section 2** also prohibits a food dispensing establishment that has a written agreement with a food delivery service platform provider from: (1) providing disposable foodware accessories or standard condiments with an order unless requested by the user; and (2) packaging or bundling disposable foodware accessories or standard condiments for single use in a manner that prevents the user from receiving only the disposable foodware accessory or standard condiments that the user requested. **Section 27** of this bill makes a conforming change to indicate the placement of **section 2** and applies certain existing definitions relating to food delivery service platform providers to **section 2**. **Section 28** of this bill provides that a violation of **section 2** shall be deemed a deceptive trade practice and is subject to certain existing civil and criminal penalties.

Existing law prohibits, with certain exceptions, the discharge, use or release of any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam or firefighting training. (NRS 459.682) Beginning on January 1, 2026, **section 24** of this bill prohibits, with certain exceptions, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any carpet or rug, fabric treatment, food packaging, juvenile product, cosmetic, indoor textile furnishing or indoor upholstered furniture that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 24** also authorizes a manufacturer of such products to include a sticker on the product label that states "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

Section 25 of this bill requires, with certain exceptions, a manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to list those substances on the product label of the cookware and on any product listing for online sales: (1) that the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and (2) an Internet address and QR code for a website that contains certain information about the intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 25** also authorizes a manufacturer of cookware that does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances to include a sticker on the product label that states "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Sections 6-22** of this bill define certain terms related to such substances.

Section 26 of this bill provides that a person who willfully and knowingly violates the provisions of **section 24 or 25** is subject to a civil penalty of not more than $1,000 for each violation.

Section 23 of this bill provides an exception to the requirements and prohibitions set forth in **sections 5-26** of this bill to the extent that such provisions are preempted by or conflict with federal law.

Existing law requires a redevelopment plan that contains a provision requiring that taxes be levied upon taxable property in the respective redevelopment area to allocate certain excess amounts of the levied taxes to pay the costs of redevelopment and certain debts relating to redevelopment. (NRS 279.676) Existing law further requires that a certain percentage of such allocated revenue be set aside for certain purposes relating to: (1) affordable housing; and (2) public educational facilities, activities and programs. (NRS 279.685, 279.6855) **Section 29** of this bill provides that the existence of heat islands in a redevelopment area may be considered blight. **Section 29** requires a redevelopment agency to: (1) set aside 1 percent of such allocated revenue received on or after October 1, 2025, to increase, improve or enhance landscaping in existing neighborhoods to provide shade and reduce heat island effects in such neighborhoods; and (2) perform certain actions relating to heat

mitigation. **Section 29** also requires the redevelopment agency to prepare and submit a report to the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Government Affairs or the Legislature, as appropriate, regarding the amount of such money expended for those purposes and present the results of the report and any updates to certain standing committees of the Legislature. **Section 30** of this bill provides that the requirements of **section 29** are an exception to the requirement that all such excess allocated revenue be pledged for the payment of the principal and interest on loans, advances and indebtedness relating to redevelopment. **Section 31** of this bill makes a conforming change to indicate the placement of **section 29** in the Nevada Revised Statutes.

Section 37 of this bill requires a redevelopment agency to: (1) partner with certain organizations to identify drought tolerant trees to plant pursuant to the requirements of **section 29**; and (2) contract with an arborist or the Cooperative Extension Service of the University of Nevada, Reno, to identify and purchase tree seedlings for planting pursuant to the requirements of **section 29**.

Existing law requires the Division of Emergency Management within the Office of the Military to adopt regulations setting forth the manner in which federal funds received by the Division to finance projects related to emergency management and homeland security are allocated. (NRS 414.040) **Section 32** of this bill requires the Division to, where appropriate and applicable, apply for grants of money from the Federal Government or other sources to reduce heat island effects where such heat island effects threaten the health and safety of the residents of this State and may result in or worsen an emergency or disaster.

Existing law authorizes the Governor to prepare a state emergency management plan and requires the Chief of the Division to foster the adoption of plans for emergency operations. (NRS 414.040, 414.060) Existing law requires such plans to be developed and executed in collaboration with persons and organizations that advocate for the needs of victims of emergencies and disasters. (NRS 414.093) **Section 33** of this bill requires such plans to include plans for mitigating any severe heat experienced by the victims of emergencies or disasters.

Existing law establishes certain requirements for food establishments. (Chapter 446 of NRS) **Section 33.3** of this bill: (1) requires a food establishment to ensure that each food-contact surface in the food establishment is maintained in good repair and free from excessive wear; (2) requires a health authority to visually inspect the condition and sanitation of all food-contact surfaces during routine inspections of a food establishment; and (3) authorizes a health authority to adopt certain requirements or protocols relating to the inspection of food-contact surfaces.

Existing law creates the State Board of Cosmetology and requires the Board to oversee applicants for a license and persons licensed in cosmetology, schools of cosmetology, cosmetological establishments and facilities in which threading is conducted. (NRS 644A.200, 644A.250) **Section 34** of this bill

requires, in any county whose population is 700,000 or more (currently Clark County), the Board to collect and test random samples sold or offered for sale at retail stores in the county of: (1) hair products to determine whether the hair products contain formaldehyde; and (2) braid hair, weaves and extensions to determine if the items contain known carcinogens. **Section 34** authorizes the Board to contract or enter into a memorandum of understanding with a testing laboratory to conduct such testing.

Section 35 of this bill makes an appropriation to the Nevada Center for Applied Research of the University of Nevada, Reno, to develop a scientific test to determine whether packaged synthetic hair braids contain formaldehyde and to purchase any necessary equipment and equipment warranties.

Section 36 of this bill authorizes the Board to enter into a memorandum of understanding with the Nevada System of Higher Education, on behalf of the Nevada Center for Applied Research, relating to the testing required by **section 34**. **Section 36 also requires that, if the Board enters into such a memorandum of understanding, the Board must submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature that contains the results of the testing required by section 34.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this act.

Sec. 2. ***1. A food delivery service platform provider shall provide the user with the option to request to receive disposable foodware accessories or standard condiments from a food dispensing establishment providing an online food order.***

2. A food dispensing establishment that has a written agreement with a food delivery service platform provider in accordance with NRS 597.7635 shall not:

(a) Provide any disposable foodware accessories or standard condiments packaged for single use to a user of the food delivery service platform unless the disposable foodware accessories or standard condiment was requested by the user; or

(b) Package or bundle disposable foodware accessories or standard condiments for single use in a manner that prevents a user from receiving only the disposable foodware accessories or standard condiments that the user requested.

3. As used in this section:

(a) "Disposable foodware accessory" means a single-use or disposable fork, knife, spoon, spork, chopsticks, condiment cup or packet, straw, stirrer, splash stick or cocktail stick. The term does not include containers, bowls, plates, trays, cartons, cups or lids.

(b) "Standard condiments" means a relish, spice, sauce, confection or seasoning that requires no additional preparation and is generally used on a food item after preparation. The term includes, without limitation, ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar and sugar substitutes.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ***As used in sections 5 to 26, inclusive, of this act, the words and terms defined in sections 6 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 6. ***"Adult mattress" means any mattress other than a toddler mattress, crib mattress or other sleep product for infants.***

Sec. 7. ***"Carpet or rug" means a fabric product marketed or intended for use as a floor covering in a household or business.***

Sec. 8. ***"Component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.***

Sec. 9. ***"Cookware" means a ~~[durable houseware product]~~ pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil that is used in a residence or kitchen to prepare, dispense or store food or beverages ~~. [, including, without limitation, any pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil.]~~***

Sec. 10. ***1. "Cosmetic" means a product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.***

2. The term does not include:

(a) A product that requires a prescription for distribution or dispensation; or

(b) Hydrofluoroolefins used as propellants in cosmetics.

Sec. 11. ***"Fabric treatment" means a product applied to fabric to give the fabric one or more characteristics, including, without limitation, stain resistance or water resistance. The term does not include hydrofluoroolefins used as propellants in fabric treatments.***

Sec. 12. ***"Food packaging" means a package or packaging component that is used in direct contact with food and is composed, in substantial part, of paper, paperboard or other materials originally derived from plant fibers.***

Sec. 13. ***1. "Intentionally added perfluoroalkyl and polyfluoroalkyl substances" means perfluoroalkyl and polyfluoroalkyl substances that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product. The term includes, without limitation, perfluoroalkyl and polyfluoroalkyl substances that are***

intentional breakdown products of an added chemical that also have a functional or technical effect on the product.

2. The term does not include the use of recycled materials which may contain perfluoroalkyl and polyfluoroalkyl substances due to the use of perfluoroalkyl and polyfluoroalkyl substances in the original product.

Sec. 14. *1. "Juvenile product" means a product designed by a manufacturer for use by an infant or child less than 12 years of age, including, without limitation, a bassinet, child restraint system for use in motor vehicles, changing pad, toddler mattress, crib mattress or other sleep product for infants, high chair, infant carrier, infant seat, polyurethane foam mat, pad or pillow, nap cot, play mat, playpen or stroller.*

2. The term does not include:

(a) Electronic products, including, without limitation, any personal computer and any associated equipment, audio and video equipment, calculator, wireless phone, gaming console, handheld device incorporating a video screen or any associated peripheral device such as a mouse, keyboard, power supply unit or power cord;

(b) An internal component of a juvenile product that is not designed or intended to come into direct contact with the skin or mouth of a child as a result of the reasonably foreseeable use of the product;

(c) An adult mattress; or

(d) An off-highway vehicle, as defined in NRS 490.060, designed for use by a child, a replacement part for such an off-highway vehicle and any protective clothing or equipment intended for use by a child while operating such an off-highway vehicle.

Sec. 15. *"Manufacturer" means a person that manufactures or assembles a product. The term includes, without limitation, the importer or first domestic distributor of the product if a product is imported into the United States and the manufacturer does not have a presence in the United States.*

Sec. 16. *"Package" means the material that is intended or used to contain, protect, handle, deliver or present a product.*

Sec. 17. *"Packaging component" means an individual part of a package, including, without limitation, the interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink or label.*

Sec. 18. *"Perfluoroalkyl and polyfluoroalkyl substances" has the meaning ascribed to it in NRS 459.678.*

Sec. 19. *1. "Product" means an item, and any component of such an item, that is manufactured, assembled or otherwise prepared for sale or distribution to a customer and that is sold or distributed for personal, residential, commercial or industrial use, including, without limitation, for use in making other products.*

2. The term does not include:

(a) Any drug, medical device, biologic or diagnostic regulated by the United States Food and Drug Administration or the United States Department of Agriculture;

(b) Any drug, medical device, biologic, parasiticide or diagnostic administered or used to treat animals regulated by the United States Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq., the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 et seq. or the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(c) A veterinary pesticide product approved by the United States Environmental Protection Agency for use in animals;

(d) Medical food, as defined in section 5(b)(3) of the Orphan Drug Act, 21 U.S.C. § 360ee(b)(3);

(e) Infant formula, as defined in NRS 597.990;

(f) A motor vehicle or motor vehicle equipment that is subject to motor vehicle safety standards, as those terms are defined in 49 U.S.C. § 30102, set forth in the Federal Motor Vehicle Safety Standards of the National Highway Traffic Safety Administration of the United States Department of Transportation;

(g) Any packaging used for a product described in paragraphs (a) to (f), inclusive; or

(h) A used product offered for sale or resale.

Sec. 20. *"Textile" means any product made in whole or in part from a natural or synthetic fiber, yarn or fabric, including, without limitation, leather, cotton, silk, jute, hemp, wool, nylon or polyester. The term does not include any textile used in a medical, professional or industrial setting.*

Sec. 21. *"Textile furnishing" means a type of textile intended for use in households and businesses, including, without limitation, any drapery, floor covering, furnishing, bedding, towel or tablecloth. The term does not include a textile furnishing intended for use in a medical, professional or industrial setting.*

Sec. 22. *"Upholstered furniture" means any article of furniture that is:*

1. Designed for sitting, resting or reclining; and

2. Wholly or partially stuffed with filling material.

Sec. 23. *The provisions of sections 5 to 26, inclusive, of this act do not apply to the extent that those provisions are preempted by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances or authorizing the use of intentionally added perfluoroalkyl and polyfluoroalkyl substances in a product or any product surface that comes into contact with food or beverages.*

Sec. 24. *1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products*

if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:

(a) Carpets or rugs;

(b) Fabric treatments;

(c) Food packaging;

(d) Juvenile products;

(e) Cosmetics;

(f) Indoor textile furnishings; or

(g) Indoor upholstered furniture.

2. A manufacturer of the products described in subsection 1 may include on the product label a sticker suitable to the size of the product label stating "NO PFAS" to inform the consumer of the product that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. The provisions of this section do not apply to:

(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product;

(b) A carpet or rug that was manufactured or imported before January 1, 2026; or

(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before January 1, 2026.

Sec. 25. *1. A manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with any food or beverages shall:*

(a) Except as otherwise provided in subsection 3, list the presence of those substances on the product label. The list of such substances must be prefaced by the phrase "This product contains:";

(b) Except as otherwise provided in subsection 3, include on the product label a statement, in both English and Spanish, that reads: "For more information about chemicals in this product, visit" followed by:

(1) An Internet address for a website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added; and

(2) A two dimensional bar code, commonly known as a QR code or other machine-readable code used for storing an Internet address for the website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added;

(c) Include in any product listing for online sales in this State, the information required to be included on the product label pursuant to paragraphs (a) and (b); and

(d) Ensure that the information required pursuant to paragraphs (a), (b) and (c) is clearly visible and legible to the consumer on the label and on the product listing for online sales.

2. A manufacturer of cookware:

(a) Shall not claim on the packaging for cookware that the cookware is free of perfluoroalkyl and polyfluoroalkyl substances, unless no individual perfluoroalkyl or polyfluoroalkyl compound has been intentionally added to the cookware.

(b) That does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances may include on the product label a sticker suitable to the size of the product stating "NO PFAS" to inform the consumer of the product that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. Cookware that meets the following requirements is exempt from the requirements of paragraphs (a) and (b) of subsection 1:

(a) The surface area of the cookware cannot fit a product label of at least 2 square inches; and

(b) The cookware does not have:

(1) An exterior or wrapper on which a product label can appear or be affixed; or

(2) A tag or other attachment with information about the product attached to the cookware.

4. Except as otherwise provided in subsection 3, a manufacturer shall not sell, offer for sale, distribute for sale or distribute for use any cookware that contains one or more intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with food or beverages, unless the manufacturer and the cookware comply with the requirements of this section.

Sec. 26. ***A person who willfully and knowingly violates the provisions of section 24 or 25 of this act is subject to a civil penalty of not more than $1,000 for each violation.***

Sec. 27. NRS 597.7625 is hereby amended to read as follows:

597.7625 As used in NRS 597.7625 to 597.7642, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 597.7626 to 597.7634, inclusive, have the meanings ascribed to them in those sections.

Sec. 28. NRS 597.7642 is hereby amended to read as follows:

597.7642 A person who knowingly violates NRS 597.7639, 597.764 or 597.7641 ***or section 2 of this act*** is deemed to have committed a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

Sec. 29. Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, the existence of heat islands in a redevelopment area may be considered blight. Except as otherwise provided in this section, an agency that receives revenue pursuant to paragraph (b) of subsection 1 of NRS 279.676 from taxes on the taxable property in the redevelopment area affected by the ordinance adopted pursuant to subsection 5 of NRS 279.676 shall set aside 1 percent of the revenue received

on or after October 1, 2025, to increase, improve or enhance landscaping in existing neighborhoods of the community in order to provide shade and reduce heat island effects in such neighborhoods. For the purposes of providing shade and reducing heat island effects, the agency shall:

(a) Establish requirements to plant trees to provide shade, which must include, without limitation, a review of the orientation of the layout of existing buildings in the neighborhood and planning to promote heat reduction and the creation of canopies;

(b) Create a system to track the seedling type, planting and life cycle for all trees planted as a result of this section;

(c) If feasible, build or install structures to promote shade and reduce heat island effects based on available scientific studies on the reduction of heat island effects; and

(d) Partner with the Southern Nevada Heat Resilience Lab at the Desert Research Institute to convene a working group, comprised of, without limitation, governmental entities and nonprofit organizations with experience relating to mitigating heat island effects to develop and implement a strategy to mitigate heat island effects in the redevelopment area.

2. The money set aside pursuant to subsection 1 must be dispersed by the agency in continuing grant increments to the partners of the agency convened pursuant to paragraph (d) of subsection 1 to carry out the provisions of subsection 1.

3. For each fiscal year, the agency shall prepare a written report concerning the amount of money expended for the purposes set forth in subsection 1 and shall:

(a) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Government Affairs, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year; and

(b) Present the results of the report and any updates to the results to:

(1) The Joint Interim Standing Committee on Government Affairs upon the request of the Chair of the Committee; and

(2) The Assembly and Senate Standing Committees on Government Affairs of the Legislature upon the request of the Chairs of the Committees.

4. The obligation of an agency pursuant to subsection 1 to set aside 1 percent of the revenue allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by an agency before October 1, 2025, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency on or after October 1, 2025,

shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

Sec. 30. NRS 279.680 is hereby amended to read as follows:

279.680 Except as otherwise provided in subsection 6 of NRS 279.676 and NRS 279.685 and 279.6855 ~~[,]~~ ***and section 29 of this act,*** in any redevelopment plan, or in the proceedings for the advance of money, or the making of loans, or the incurring of any indebtedness, whether funded, refunded, assumed or otherwise, by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph (b) of subsection 1 of NRS 279.676 may be irrevocably pledged for the payment of the principal of and interest on those loans, advances or indebtedness.

Sec. 31. NRS 374.358 is hereby amended to read as follows:

374.358 1. A person who maintains a business or intends to locate a business in a historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.687, inclusive, ***and section 29 of this act,*** area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 in this State may, pursuant to the applicable provisions of NRS 274.310, 274.320 or 274.330, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 274.310, 274.320 or 274.330.

2. If an application for an abatement is approved pursuant to NRS 274.310, 274.320 or 274.330:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for a duration of not less than 1 year but not more than 5 years.

(b) The abatement must be administered and carried out in the manner set forth in the applicable provisions of NRS 274.310, 274.320 or 274.330.

3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 32. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Office of the Military. The Chief of the Division is appointed by and holds office at the pleasure of the Adjutant General of the Office of the Military. The Division is the State Agency for Emergency Management and

the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Adjutant General, shall carry out the program for emergency management in this State. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Adjutant General.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall:

(a) Except as otherwise provided in NRS 232.3532, develop written plans for the mitigation of, preparation for, response to and recovery from emergencies and disasters. The plans developed by the Chief pursuant to this paragraph must include the information prescribed in NRS 414.041 to 414.044, inclusive.

(b) Conduct activities designed to:

(1) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(2) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(3) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(4) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(5) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS;

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130; and

(d) Provide notice:

(1) On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;

(2) On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a governmental utility and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 and each provider of new electric resources of whether each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before November 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

(6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall:

(a) Perform the duties required pursuant to chapter 415A of NRS;

(b) Perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government;

(c) Adopt regulations setting forth the manner in which federal funds received by the Division to finance projects related to emergency management and homeland security are allocated, except with respect to any funds committed by specific statute to the regulatory authority of another person or

agency, including, without limitation, funds accepted by the State Emergency Response Commission pursuant to NRS 459.740; ~~[and]~~

(d) ***Where appropriate and applicable, apply for grants of money from the Federal Government or other sources that will assist in the reduction of heat island effects where such heat island effects would threaten the health and safety of residents of this State and may result in or worsen an emergency or disaster; and***

(e) Submit a written report to the Nevada Commission on Homeland Security within 60 days of making a grant of money to a state agency, political subdivision or tribal government to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism that includes, without limitation:

(1) The total amount of money that the state agency, political subdivision or tribal government has been approved to receive for the project or program;

(2) A description of the project or program; and

(3) An explanation of how the money may be used by the state agency, political subdivision or tribal government.

7. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall post the guide on a publicly accessible Internet website maintained by the Division.

8. The Division shall provide a copy of the written guide developed pursuant to subsection 7 to a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790 upon the request of such a person or entity.

Sec. 33. NRS 414.093 is hereby amended to read as follows:

414.093 1. Any state emergency management plan prepared pursuant to NRS 414.060 and each plan for emergency operations specified in subparagraph (2) of paragraph (b) of subsection 4 of NRS 414.040 that is adopted by a state or local governmental agency must:

(a) Be developed and executed in collaboration with persons and organizations that advocate for the needs of victims of emergencies and disasters; and

(b) Include, without limitation:

(1) Plans for providing assistance to victims of emergencies or disasters;

(2) Procedures for coordinating and accepting donations on behalf of such victims of emergencies or disasters, including, without limitation, procedures that allow donations to be accepted in a manner that is convenient for donors and have low administrative costs; ~~[and]~~

(3) ***Plans for mitigating any severe heat experienced by victims of emergencies or disasters; and***

(4) Other provisions recommended by the Office for Victims of Crime of the United States Department of Justice for helping victims of mass violence and terrorism.

2. Any state emergency management plan prepared pursuant to NRS 414.060 must include, without limitation, a prescribed chain of command that includes each person responsible for overseeing or executing any part of the response to an emergency or disaster.

Sec. 33.3. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each food establishment shall ensure that each food-contact surface in the food establishment, including, without limitation, a cutting board, is maintained in good repair and free from excessive wear, signs of which may include, without limitation, chips, grooves, cracks, pits or any other condition that impacts the ability to clean the food-contact surface or poses a risk for bacterial retention.

2. A health authority shall visually inspect the condition and sanitation of all food-contact surfaces during any routine inspections of the food establishment performed by the health authority in accordance with the protocols of the health authority for such inspections and the recommendations set forth in the Food Code published by the United States Food and Drug Administration.

3. The health authority may adopt any requirements or protocols necessary for the inspection of food-contact surfaces to align the protocols of the health authority with the Food Code published by the United States Food and Drug Administration, federal law or best practices in food safety.

4. Nothing in this section shall be construed to impose additional requirements on a health authority to perform inspections or take enforcement actions relating to food establishments beyond the requirements adopted by the health authority before July 1, 2027, if such requirements and protocols include the inspection of food-contact surfaces in a food establishment.

5. As used in this section, "food-contact surface" means:

(a) The surface of equipment or a utensil with which food normally comes into contact; or

(b) The surface of equipment or a utensil from which food may drain, drip or splash back onto food or a surface normally in contact with food.

Sec. 33.7. (Deleted by amendment.)

Sec. 34. Chapter 644A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any county whose population is 700,000 or more, the Board shall collect and test random samples sold or offered for sale at retail stores for hair products in the county of packaged:

(a) Hair products to determine if the hair products contain formaldehyde; and

(b) Braid hair, weaves and extensions to determine if the braid hair, weaves or extensions contain known carcinogens.

2. The Board may contract or enter into a memorandum of understanding with a testing laboratory to conduct the testing required by subsection 1.

3. As used in this section, "retail store for hair products" means a retail establishment in which 90 percent or more of the business of the establishment involves the sale of hair products, braid hair, weaves or extensions.

Sec. 35. 1. There is hereby appropriated from the State General Fund to the Nevada Center for Applied Research of the University of Nevada, Reno, the sum of $75,000 to develop a scientific test to determine whether packaged synthetic hair braids contain formaldehyde and to purchase any equipment and equipment warranties necessary to develop and perform the test.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 36. **1.** The State Board of Cosmetology may enter into a memorandum of understanding with the Nevada System of Higher Education, on behalf of the Nevada Center for Applied Research of the University of Nevada, Reno, relating to the testing required by section 34 of this act. A memorandum of understanding entered into pursuant to this section must require:

~~[1.]~~ **(a)** The staff of the Board to:

~~[(a)]~~ **(1)** Collect the random samples pursuant to subsection 1 of section 34 of this act and transmit the samples to the Nevada Center for Applied Research; and

~~[(b)]~~ **(2)** Receive training from the staff of the Nevada Center for Applied Research on collecting the necessary number of samples; and

~~[2.]~~ **(b)** The Nevada Center for Applied Research to:

~~[(a)]~~ **(1)** Test the random samples within a period of time specified in the memorandum;

~~[(b)]~~ **(2)** Provide a written report to the State Board of Cosmetology with the results of the testing; and

~~[(c)]~~ **(3)** Prepare an invoice to the Board for each batch of samples tested.

2. If the State Board of Cosmetology enters into a memorandum of understanding pursuant to subsection 1, on or before December 31, 2026, the State Board of Cosmetology shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the

Legislature which includes the results of the written report that the Board received pursuant to paragraph (b) of subsection 1.

Sec. 37. A redevelopment agency that is subject to the requirements established by section 29 of this act shall:

1. Establish partnerships with the Southern Nevada Water Authority, the Desert Research Institute of the Nevada System of Higher Education and the Cooperative Extension Service of the University of Nevada, Reno, to identify drought tolerant trees to plant that will provide shade, conserve water and reduce heat island effects in accordance with the requirements of section 29 of this act;

2. Contract with an arborist or the Cooperative Extension Service of the University of Nevada, Reno, to identify and purchase tree seedlings for planting; and

3. On or before September 30, 2028, disperse any money that is set aside pursuant to section 29 of this act in continuing grant increments to the partners of the agency convened pursuant to paragraph (d) of subsection 1 of section 29 of this act to carry out the provisions of section 29 of this act.

Sec. 38. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 39. 1. This section and section 38 of this act become effective upon passage and approval.

2. Sections 34, 35 and 36 of this act become effective on July 1, 2025.

3. Sections 32 and 33 of this act become effective on October 1, 2025.

4. Sections 29, 30, 31 and 37 of this act become effective on October 1, 2025, and expire by limitation on September 30, 2028.

5. Sections 1 to 28, inclusive, of this act become effective on January 1, 2026.

6. Sections 33.3 and 33.7 of this act become effective on July 1, 2027.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 182.

Bill read second time and ordered to third reading.

Senate Bill No. 185.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 229.
Bill read second time and ordered to third reading.

Senate Bill No. 233.
Bill read second time and ordered to third reading.

Senate Bill No. 280.
Bill read second time and ordered to third reading.

Senate Bill No. 378.
Bill read second time and ordered to third reading.

Senate Bill No. 403.
Bill read second time and ordered to third reading.

Senate Bill No. 431.
Bill read second time and ordered to third reading.

Senate Bill No. 434.
Bill read second time and ordered to third reading.

Senate Bill No. 452.
Bill read second time and ordered to third reading.

Senate Bill No. 468.
Bill read second time and ordered to third reading.

Senate Bill No. 472.
Bill read second time and ordered to third reading.

Senate Bill No. 487.
Bill read second time and ordered to third reading.

Senate Bill No. 503.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 172 be taken from the Chief Clerk's Desk and be placed at the top of the General File.
Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 104 and 434 be taken from their place on the General File and be placed on the Chief Clerk's Desk.
Motion carried.

Assembly in recess at 9:37 p.m.

ASSEMBLY IN SESSION

At 10 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 316 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Assembly Bill No. 62 be taken from its place on the General File and be placed on the Chief Clerk's Desk.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 460 be withdrawn from the Committee on Ways and Means and be rereferred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 316.

Bill read third time.

The following amendment was proposed by Assemblymember Marzola:

Amendment No. 957.

AN ACT relating to insurance; requiring health insurers, pharmacy benefit managers and the Commissioner of Insurance to prepare certain reports; expanding the scope of certain provisions relating to pharmacy benefit managers; prohibiting pharmacy benefit managers from engaging in certain practices; requiring pharmacy benefit managers to make certain disclosures; imposing requirements relating to the compensation of pharmacy benefit managers; **revising requirements relating to the collection of certain medical debt;** providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pharmacy benefit manager, which is an entity that manages a pharmacy benefits plan, to obtain a certificate of registration as an insurance administrator from the Commissioner of Insurance and comply with the requirements that apply to insurance administrators generally. (NRS 683A.025, 683A.08522-683A.0893) Existing law additionally imposes certain requirements specifically regulating the operation of pharmacy benefit managers. (NRS 683A.171-683A.179) Existing law defines "pharmacy benefits plan" to refer to insurance coverage of prescription drugs. (NRS 683A.175) **Section 21** of this bill expands the scope of that definition to also refer to insurance coverage of pharmacist services. **Section 21** thereby expands the scope of provisions governing pharmacy benefit managers to also apply to entities that manage such coverage. **Sections 3-14** of this bill define certain other terms relevant to pharmacy benefit managers, and **section 20** of this bill

establishes the applicability of those definitions. **Section 15** of this bill prohibits a pharmacy benefit manager that manages a pharmacy benefits plan which provides coverage through a network from requiring a person to use a pharmacy affiliated with the pharmacy benefit manager if there are other, nonaffiliated pharmacies in the network. **Section 15** additionally prohibits a pharmacy benefit manager from engaging in certain practices which are intended to steer or have the effect of steering a person towards an affiliated pharmacy instead of a nonaffiliated pharmacy in the network. **Section 15** also prohibits a pharmacy benefit manager from discriminating against a nonaffiliated pharmacy.

Section 16 of this bill requires a pharmacy benefit manager to disclose to a third party insurer for which the pharmacy benefit manager manages a pharmacy benefits plan: (1) the amounts and types of fees that the pharmacy benefit manager charges the third party insurer for managing the plan or otherwise receives from other entities, including rebates, in connection with managing the plan; and (2) certain information relating to the clinical efficacy and evidence regarding the inclusion or exclusion of certain drugs in a formulary. **Section 16** additionally requires a pharmacy benefit manager to make certain contracts available for inspection by the Commissioner.

Sections 25, 27-32, 35 and 36 of this bill ~~[prohibit]~~ **require** certain third party insurers ~~[from imposing on an insured a]~~ **to calculate any** cost-sharing obligation for a prescription drug ~~[which is greater than]~~ **assessed against an insured for the prescription drug: (1) based on** the net price that the third party insurer or a pharmacy benefit manager with which the insurer has contracted pays for the drug ~~[.]~~ **; and (2) at the point-of-sale.** **Section 26** of this bill authorizes the Commissioner to require a domestic insurer that issues a policy of individual health insurance to a person residing in another state to meet the requirements of **section 25** in certain circumstances. **Sections 33 and 37** of this bill indicate that the requirements of **sections 32 and 36**, respectively, are inapplicable to: (1) coverage provided by a managed care organization to recipients of Medicaid because existing law imposes similar requirements of the Medicaid program; and (2) coverage provided by a managed care organization to members of the Public Employees' Benefits Program. (NRS 422.4053) **Section 41** of this bill makes the requirements of **section 36** inapplicable to coverage provided by the Public Employees' Benefits Program to its members. **Section 34** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 32**. The Commissioner would also be authorized to take such action against other third party insurers who fail to comply with the requirements of **sections 25, 27-32, 35 and 36**. (NRS 680A.200)

Section 17 of this bill prohibits a pharmacy benefit manager from: (1) unreasonably obstructing or interfering with the ability of a covered person to timely access a prescription drug at certain pharmacies; (2) agreeing to exclusively cover certain drugs; (3) restricting the ability of a nonaffiliated

pharmacy to contract with certain entities; and (4) making or disseminating a false or misleading statement or advertisement. **Section 24** of this bill additionally prohibits a pharmacy benefit manager from engaging in certain practices while doing business with pharmacies.

Section 19 of this bill requires a pharmacy benefit manager to submit to the Commissioner an annual report detailing certain business practices of the pharmacy benefit manager as well as certain information regarding pricing and rebates relating to the prescription drugs administered by the pharmacy benefit manager. **Section 1** of this bill requires third party insurers that provide coverage for prescription drugs to submit a similar report to the Commissioner relating to the pricing of prescription drugs. **Section 39** of this bill provides for the confidentiality of the information contained in those reports. **Sections 1 and 19** require the Commissioner to compile, submit to the Legislature and publish on the Internet biennial reports on the impact of the cost of prescription drugs on health insurance premiums in this State and the overall impact of pharmacy benefit managers on the cost of prescription drugs in this State, based on the reports submitted by third party insurers and pharmacy benefit managers, respectively. Additionally, **section 18** of this bill requires the Commissioner to publish on the Internet certain consumer complaints made against pharmacy benefit managers.

Existing law exempts certain federally regulated insurance coverage of prescription drugs provided by employers for their employees from requirements governing pharmacy benefit managers except where the pharmacy benefit manager is required by contract to comply with those requirements. (NRS 683A.177) **Section 22** of this bill provides that such federally regulated coverage provided by employers for their employees is also exempt from the requirements of this bill governing pharmacy benefit managers, unless required by contract to comply with those requirements. Additionally, **sections 21.5 and 22** of this bill exempt coverage of prescription drugs provided by the Public Employees' Benefits Program, insurance plans for local government employees and Medicaid managed care organizations from the requirements of this bill governing pharmacy benefit managers.

Existing law provides that a pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party insurer or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. (NRS 683A.178) **Section 23** of this bill provides that a pharmacy benefit manager also has a fiduciary duty to persons covered by a third party insurer for which the pharmacy benefit manager provides pharmacy benefit services. **Section 23** also: (1) prohibits a pharmacy benefit manager from engaging in an activity that may interfere with the duties and obligations of the pharmacy benefit manager towards third party insurers, pharmacies and covered persons; and (2) authorizes a third party insurer to audit the books and records of a pharmacy benefit manager for certain purposes.

Section 18 provides that a pharmacy benefit manager that violates provisions of law governing pharmacy benefit managers, including **sections 3-**

24, is subject to a civil penalty of not less than $1,000 but not more than $7,500 for each violation.

Additionally, any violation of **sections 3-24** would be a misdemeanor. (NRS 683A.490)

If enacted, sections 13-15 of Assembly Bill No. 343 (A.B. 343) of this session will require a hospital to publish certain information about its prices. Section 17 of A.B. 343 prohibits a hospital from taking certain action to collect medical debt while the hospital is not in compliance with those requirements or certain similar federal requirements. (45 C.F.R. §§ 180.40, 180.50, 180.60) Section 41.5 of this bill narrows the applicability of that prohibition to only apply to certain medical debt to which the failure to publish accurate pricing information is directly relevant. Section 41.7 of this bill makes a conforming change to A.B. 343 to reflect the revisions made by section 41.5.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before June 1 of each year, a health insurer that provides coverage for prescription drugs shall compile and submit to the Commissioner a report which contains the following information:

(a) Lists of:

(1) The 25 prescription drugs most frequently prescribed to insureds in this State during the immediately preceding calendar year;

(2) The 25 prescription drugs which accounted for the largest percentage of spending on prescription drugs in this State by the health insurer in the immediately preceding year; and

(3) The 25 prescription drugs with the largest increase in the percentage of spending on prescription drugs in this State by the health insurer in the immediately preceding year, as compared to the previous year; and

(b) For each prescription drug included on a list compiled pursuant to paragraph (a) for the immediately preceding year:

(1) The aggregate wholesale acquisition costs for the drug, calculated by adding together for all units of the drug dispensed to insureds in this State the wholesale acquisition cost of the drug at the time each unit was dispensed;

(2) The aggregate amount of rebates received by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State;

(3) The aggregate amount of administrative fees received by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State;

(4) The aggregate amount paid or reimbursed by a pharmacy benefit manager under contract with the insurer to affiliated pharmacies in this State for the drug;

(5) The aggregate amount paid or reimbursed by a pharmacy benefit manager under contract with an insurer to nonaffiliated pharmacies in this State for the drug; and

(6) The aggregate amount of fees received from any source by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State.

2. On or before July 1 of each even-numbered year, the Commissioner shall:

(a) Compile a report on the overall impact of prescription drug costs on premiums for health insurance in this State based on the reports submitted to the Commissioner pursuant to subsection 1. The data in the report compiled pursuant to this subsection must be in aggregated form and must not reveal information specific to a particular health insurer or manufacturer of a drug, including, without limitation, information relating to a manufacturer's individual or aggregate discounted prices for a prescription drug.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

(c) Present the report at a meeting of the Joint Interim Standing Committee on Health and Human Services.

(d) Post the report on an Internet website operated by the Division.

3. Except as otherwise provided in subsection 2, any information submitted by a health insurer pursuant to this section is confidential and is not a public record.

4. As used in this section:

(a) "Affiliated pharmacy" has the meaning ascribed to it in section 3 of this act.

(b) "Health insurer" means any insurer or organization authorized pursuant to this title to conduct business in this State that provides or arranges for the provision of health care services, including, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical services corporation, a health maintenance organization, a plan for dental care, a prepaid limited health service organization and a managed care organization.

(c) "Insured" means a person covered by a policy of health insurance issued in this State by a health insurer.

(d) "Manufacturer" has the meaning ascribed to it in 42 U.S.C. § 1396r-8(k)(5).

(e) "National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.

(f) "Nonaffiliated pharmacy" has the meaning ascribed to it in section 9 of this act.

(g) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(h) "Rebate" has the meaning ascribed to it in section 13 of this act.

(i) "Wholesale acquisition cost" means the manufacturer's published list price for a prescription drug with a unique National Drug Code for sale to a purchaser or entity that purchases the prescription drug from the manufacturer, not including any rebates or other price concessions.

Sec. 2. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19, inclusive, of this act.

Sec. 3. ***"Affiliated pharmacy" means a pharmacy that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a pharmacy benefit manager.***

Sec. 4. ***"Claim" means a request for payment for:***

1. Administering, filling or refilling a prescription; or

2. Providing a pharmacist service or a medical supply or device to a covered person.

Sec. 5. ***"Control" has the meaning ascribed to it in NRS 692C.050.***

Sec. 6. ***"Cost-sharing obligation" includes, without limitation, a copayment, coinsurance or deductible imposed upon or collected from a covered person in connection with filling a prescription or obtaining other pharmacist services.***

Sec. 7. ***"Manufacturer" has the meaning ascribed to it in 42 U.S.C. § 1396r-8(k)(5).***

Sec. 8. ***"Network plan" means a pharmacy benefits plan offered by a third party under which the financing and delivery of pharmacist services is provided, in whole or in part, through a defined set of providers under contract with the third party. The term does not include an arrangement for the financing of premiums.***

Sec. 9. ***"Nonaffiliated pharmacy" means a pharmacy that:***

1. Directly, or indirectly through a pharmacy services administrative organization, contracts with a pharmacy benefit manager; and

2. Does not control, is not controlled by and is not under common control with the pharmacy benefit manager.

Sec. 10. ***"Pharmacist services" means the provision of products, goods or services, or any combination thereof, provided as a part of the practice of pharmacy, as defined in NRS 639.0124.***

Sec. 11. ***"Pharmacy benefit management services" includes, without limitation:***

1. Negotiating the price of prescription drugs, including, without limitation, negotiating or contracting for direct or indirect rebates, discounts or price concessions on prescription drugs.

2. Managing any aspect of a pharmacy benefits plan, including, without limitation:

(a) Developing or managing a formulary;

(b) Processing and paying claims for prescription drugs;

(c) Performing reviews of the utilization of prescription drugs;

(d) Processing requests for prior authorization for prescriptions;

(e) Adjudicating appeals and grievances relating to a pharmacy benefits plan;

(f) Contracting with pharmacies to provide pharmacist services for covered persons;

(g) Managing the cost of covered prescription drugs on behalf of a third party; and

(h) Managing or providing data relating to a pharmacy benefits plan.

3. Performing any administrative, managerial, clinical, pricing, financial, reimbursement, data administration, reporting or billing service for a third party in relation to a pharmacy benefits plan.

Sec. 12. *"Pharmacy services administrative organization" means an entity that provides contracting and other administrative services relating to prescription drug benefits to pharmacies.*

Sec. 13. *"Rebate" means any discount, remuneration or other payment paid directly or indirectly by a manufacturer or wholesaler to a pharmacy benefit manager after a claim has been adjudicated or completed at a pharmacy. The term does not include a bona fide service fee, as defined in 42 C.F.R. § 447.502.*

Sec. 14. *"Wholesaler" has the meaning ascribed to it in NRS 639.016.*

Sec. 15. *1. A pharmacy benefit manager that manages a network plan shall not:*

(a) Require a covered person to use an affiliated pharmacy to fill a prescription or obtain other pharmacist services if there is a nonaffiliated pharmacy in the applicable network;

(b) Induce, persuade or attempt to induce or persuade a covered person to transfer a prescription to or otherwise use an affiliated pharmacy instead of a nonaffiliated pharmacy in the applicable network;

(c) Unreasonably restrict a covered person from using a particular pharmacy in the applicable network for the purpose of filling a prescription or receiving pharmacist services covered by the pharmacy benefits plan of the covered person;

(d) Communicate to a covered person that the covered person is required to have a prescription filled or receive other pharmacist services at a particular pharmacy if there are other pharmacies in the applicable network that have the ability to dispense the prescription or provide the pharmacist services required by the covered person;

(e) Discriminate against a nonaffiliated pharmacy based on the nonaffiliated status of the pharmacy, including, without limitation, by:

(1) Offering materially different terms or conditions to a nonaffiliated pharmacy based on the status as a nonaffiliated pharmacy;

(2) Refusing to renew or terminating a contract with a nonaffiliated pharmacy on the basis that the pharmacy is a nonaffiliated pharmacy, or for reasons other than those that apply equally to affiliated pharmacies; and

(3) Reimbursing a nonaffiliated pharmacy for a pharmacist service in an amount that is less than the pharmacy benefit manager would reimburse an affiliated pharmacy for the same pharmacist service; or

(f) Deny a pharmacy the opportunity to participate in a network or receive a preferred status if the pharmacy is willing to accept the same terms and conditions that the pharmacy benefit manager has established for affiliated pharmacies as a condition for participating in the network or receiving preferred status, as applicable.

2. As used in this section, "network" means a defined set of pharmacies that are under contract to provide pharmacist services pursuant to a network plan.

Sec. 16. ***A pharmacy benefit manager:***

1. Upon the request of a third party for which the pharmacy benefit manager manages a pharmacy benefits plan, shall disclose to the third party, in writing, the amounts and types of charges, fees and commissions in the aggregate that the pharmacy benefit manager charges the third party for providing pharmacy benefit management services or otherwise receives in connection with managing the pharmacy benefits plan of the third party, including, without limitation, administrative fees and rebates collected from pharmacies, manufacturers and wholesalers.

2. Shall make available for inspection by the Commissioner, upon request of the Commissioner, any contract between the pharmacy benefit manager and a pharmacy or a third party.

3. Shall disclose to a third party for which the pharmacy benefit manager manages a pharmacy benefits plan, upon request of the third party, information relating to the clinical efficacy and clinical evidence regarding the inclusion, exclusion or limitation of prescription drugs in a formulary maintained by the pharmacy benefit manager.

Sec. 16.5. (Deleted by amendment.)

Sec. 17. ***1. A pharmacy benefit manager shall not:***

(a) Unreasonably obstruct or interfere with the ability of a covered person to timely access a prescription drug or device that has been prescribed to the covered person at a contract pharmacy of the person's choice.

(b) Enter into, amend, enforce or renew a contract with a manufacturer that expressly or implicitly provides for the exclusive coverage of a drug, medical device or other product by a pharmacy benefits plan or group of pharmacy benefits plans.

(c) Enter into, amend, enforce or renew a contract with a pharmacy or pharmacy services administrative organization that expressly or implicitly restricts the ability of a nonaffiliated pharmacy to contract with third parties.

(d) Make or disseminate any statement, representation or advertisement that is, or reasonably should be known to be, untrue, deceptive or misleading.

2. As used in this section, "contract pharmacy" means a pharmacy that contracts directly with a pharmacy benefit manager, or indirectly with a pharmacy benefit manager through a pharmacy services administrative organization.

Sec. 18. *1. A pharmacy benefit manager that violates the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act is subject to a civil penalty of not less than $1,000, but not more than $7,500, for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General.*

2. ~~[The Attorney General may:~~

~~(a) Conduct an investigation to determine whether a pharmacy benefit manager, either directly or indirectly, has violated or is violating the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act, or any regulations adopted thereto.~~

~~(b) If he or she believes that a pharmacy benefit manager, either directly or indirectly, is violating or is about to violate the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act, seek an injunction or other equitable relief to halt or prevent such a violation.~~

~~3.]~~ The remedies and penalties set forth in this section are not exclusive and are in addition to any other remedies and penalties provided by law.

~~[4.]~~ 3. The Commissioner shall:

(a) Establish procedures for receiving, investigating, tracking and publicly reporting complaints submitted by persons in this State against pharmacy benefit managers.

(b) Publish on an Internet website maintained by the Commissioner each complaint against a pharmacy benefit manager received pursuant to paragraph (a) which is determined by the Commissioner to be justified based on a determination by a preponderance of the evidence that the pharmacy benefit manager violated the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act.

Sec. 19. *1. On or before April 1 of each year, a pharmacy benefit manager shall submit to the Commissioner:*

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed under the penalty of perjury affirming the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include:

(a) Lists of:

(1) The 25 prescription drugs with the highest wholesale acquisition costs at the time the report is submitted;

(2) The 25 prescription drugs most frequently prescribed to covered persons in this State during the immediately preceding calendar year; and

(3) The 25 prescription drugs which produced the largest amount of revenue for the pharmacy benefit manager in this State during the immediately preceding calendar year.

(b) For each prescription for a drug included on a list compiled pursuant to paragraph (a) that was issued to a covered person in this State during the immediately preceding year:

(1) The type of pharmacy that filled the prescription. The type of pharmacy may be an integrated pharmacy, chain pharmacy, specialty pharmacy, mail order pharmacy or other type of pharmacy.

(2) Information relating to pricing of and rebates for the drug, including, without limitation:

(I) The total amount that the pharmacy benefit manager paid to the pharmacy for filling the prescription;

(II) The net amount that the pharmacy benefit manager paid to the pharmacy for filling the prescription, after accounting for any fees or assessments imposed by the pharmacy benefit manager against the pharmacy;

(III) The amount of any rebate negotiated by the pharmacy benefit manager with the manufacturer for the purchase of the drug;

(IV) The amount of any rebate described in sub-subparagraph (III) that was passed on to either the applicable third party or the covered person; and

(V) The amount that the applicable third party paid the pharmacy benefit manager for the drug.

(c) Information prescribed by regulation of the Commissioner that allows the Commissioner to determine whether each claim for a prescription drug included on a list compiled pursuant to paragraph (a) required prior authorization. Such information must be in deidentified form.

(d) For each prescription drug appearing on a list compiled pursuant to paragraph (a), the aggregate amount for the immediately preceding year of the:

(1) Cost of the drug, calculated by adding together for all units of the drug dispensed in this State the wholesale acquisition cost of the drug at the time each unit was dispensed;

(2) Amount of rebates negotiated for the purchase of the drug in this State;

(3) Amount of administrative fees received from a manufacturer or wholesaler for services provided in this State relating to the drug;

(4) Amount paid or reimbursed to affiliated pharmacies in this State for the drug; and

(5) Amount paid or reimbursed to nonaffiliated pharmacies in this State for the drug.

(e) A list of the third parties with which the pharmacy benefit manager has contracted, the scope of services provided to each third party and the number of persons covered in this State by each third party listed.

(f) The total amount of revenue derived from providing pharmacy benefit management services in this State in the immediately preceding year.

(g) The expenses incurred by providing pharmacy benefit management services in this State in the immediately preceding year.

(h) The identity of each group purchasing organization employed, contracted or otherwise utilized by or affiliated with the pharmacy benefit manager.

(i) A copy of each contract entered into with a group purchasing organization identified pursuant to paragraph (h).

(j) The aggregate financial benefit derived in the immediately preceding year from the use of the group purchasing organizations identified pursuant to paragraph (h).

(k) A list of the types and amounts of fees that the pharmacy benefit manager has collected during the immediately preceding year for performing pharmacy benefit management services in this State and a description of how those fees are calculated.

(l) A copy of all fee agreements entered into with third parties, pharmacies and pharmacy services administrative organizations doing business in this State.

(m) The amount of each premium, deductible, cost-sharing obligation or fee charged by the pharmacy benefit manager to covered persons in this State or other persons on behalf of such covered persons.

3. On or before July 1 of each even-numbered year, the Commissioner shall:

(a) Compile a report on the overall impact of pharmacy benefit managers on the cost of prescription drugs in this State based on the reports submitted to the Commissioner pursuant to subsection 1. The data in the report compiled pursuant to this subsection must be in aggregated form and must not reveal information specifically concerning an individual purchaser or manufacturer of a drug, including, without limitation, information relating to a manufacturer's individual or aggregate discounted prices for a prescription drug.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

(c) Present the report at a meeting of the Joint Interim Standing Committee on Health and Human Services.

(d) Post the report on an Internet website operated by the Division.

4. Except as otherwise provided in subsection 3, any information submitted by a pharmacy benefit manager pursuant to this section is confidential and is not a public record.

5. Nothing in this section shall be construed to impose any recordkeeping obligation on a third party for which a pharmacy benefit manager manages a pharmacy benefits plan.

6. As used in this section:

(a) "Group purchasing organization" means a person employed, contracted or otherwise utilized by or affiliated with a pharmacy benefit manager to negotiate, obtain or procure rebates from manufacturers or wholesalers.

(b) "National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.

(c) "Wholesale acquisition cost" means the manufacturer's published list price for a prescription drug with a unique National Drug Code for sale to a wholesaler or any other purchaser or entity that purchases the prescription drug from the manufacturer, not including any rebates or other price concessions.

Sec. 20. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, ***and sections 3 to 14, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 683A.175 is hereby amended to read as follows:

683A.175 "Pharmacy benefits plan" means coverage of prescription drugs ***and pharmacist services*** provided by a third party.

Sec. 21.5. NRS 683A.176 is hereby amended to read as follows:

683A.176 "Third party" means:

1. An insurer, as that term is defined in NRS 679B.540;

2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides a pharmacy benefits plan;

3. ~~[A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS;~~

~~4.]~~ The Public Option established pursuant to NRS 695K.200; or

~~[5.]~~ ***4.*** Any other insurer or organization that provides health coverage or benefits or coverage of prescription drugs as part of workers' compensation insurance in accordance with state or federal law.

➥ The term does not include ***the Public Employees' Benefits Program, a local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS or*** an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 22. NRS 683A.177 is hereby amended to read as follows:

683A.177 1. Except as otherwise provided in subsection 2, the requirements of NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19,***

inclusive, of this act and any regulations adopted by the Commissioner pursuant thereto do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.

2. A plan described in subsection 1 may, by contract, require a pharmacy benefit manager that manages the coverage of prescription drugs under the plan to comply with the requirements of NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19, inclusive, of this act*** and any regulations adopted by the Commissioner pursuant thereto.

3. The requirements of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act do not apply to the coverage of prescription drugs provided by a managed care organization for:

(a) Recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services entered into pursuant to NRS 422.273;

(b) Members of the Public Employees' Benefits Program; or

(c) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State.

Sec. 23. NRS 683A.178 is hereby amended to read as follows:

683A.178 1. A pharmacy benefit manager has ~~[an]~~ ***:***

(a) A fiduciary duty to persons covered by a third party with which the pharmacy benefit manager has entered into an agreement to provide pharmacy benefit management services; and

(b) Except as otherwise provided in subsection 2, an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. ~~[Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.]~~

2. ***If the duties established in paragraphs (a) and (b) of subsection 1 conflict, the duty established in paragraph (a) of subsection 1 supersedes the duty established in paragraph (b) of subsection 1.***

3. A pharmacy benefit manager ~~[shall]~~ ***:***

(a) Shall notify a third party ***or pharmacy*** with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes with the ***duties or*** obligations imposed by subsection 1.

(b) Shall not engage in any activity or implement any policy or practice that the pharmacy benefit manager reasonably anticipates will present a conflict of interest that interferes with the ability of the pharmacy benefit manager to discharge any duty or obligation imposed by subsection 1.

~~[3.]~~ ***4. A third party with which a pharmacy benefit manager has entered into an agreement may audit all books and records of the pharmacy benefit***

manager to the extent necessary to fulfill all contractual obligations to covered persons and ensure compliance with the provisions of the agreement, this chapter and the regulations adopted pursuant thereto. Such an audit may include, without limitation, an examination of claims for pharmacy benefits, rebates and any other information necessary to accomplish the purposes set forth in this subsection.

5. A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions of this title which are applicable to the insurer when managing such benefits for the insurer.

6. Any provision of a contract that waives or limits any duty or obligation imposed by this section is against public policy, void and unenforceable.

Sec. 24. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; ~~[or]~~

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party ~~[.]~~ ***;***

(e) Restrict, by contract or otherwise, the ability of a pharmacy to share or disclose the details of a contract between the pharmacy and the pharmacy benefit manager with the Commissioner;

(f) Reimburse a pharmacy for a prescription drug in an amount that is less than the pharmacy pays a wholesaler for the prescription drug, as reflected on the invoice provided by the wholesaler to the pharmacy;

(g) Directly or indirectly reduce or allow the reduction of any payment to a pharmacy under a pharmacy benefits plan managed by the pharmacy benefit manager under a reconciliation process to an effective rate of reimbursement;

(h) Directly or indirectly retroactively reduce or deny a claim after the claim has been adjudicated unless:

(1) The original claim is fraudulent;

(2) The original payment of the claim was incorrect because the pharmacy or pharmacist had already been paid for the pharmacist services to which the claim relates; or

(3) The pharmacy or pharmacist that submitted the claim did not render the pharmacist services to which the claim relates;

(i) Reverse and resubmit the claim of a pharmacy:

(1) Without notifying and attempting to reconcile the claim with the pharmacy; or

(2) More than 90 days after the claim was first affirmatively adjudicated;

(j) Charge a pharmacy or a pharmacist a fee to process a claim electronically;

(k) Refuse to pay a claim after terminating a contract with a pharmacy, except where the pharmacy benefit manager is investigating possible insurance fraud; or

(l) Retaliate against a pharmacy for reporting a potential or actual violation of this title or attempting to settle a dispute with a pharmacy benefit manager based on a potential or actual violation of this title.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. ***Any provision of a contract that restricts the ability of a pharmacy to share information pursuant to paragraph (e) of subsection 1 is against public policy, void and unenforceable.***

4. As used in this section, ~~["network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.]~~ ***"retaliate" includes, without limitation:***

(a) Terminating or refusing to renew a contract with a pharmacy.

(b) Making the renewal of a contract with a pharmacy contingent on the pharmacy acceding to terms and conditions not applicable to other pharmacies.

(c) Subjecting the pharmacy to increased audits.

(d) Failing to promptly pay or reimburse a pharmacy without substantial justification.

Sec. 25. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any

cost-sharing obligation imposed against an insured for a prescription drug [that exceeds] based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by an insurer or a pharmacy benefit manager with which an insurer has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 26. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive [.] ***, and section 25 of this act.***

Sec. 27. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs shall [not impose a] calculate any cost-sharing obligation imposed against an insured for a prescription drug [that exceeds] based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by an insurer or a pharmacy benefit manager with which an insurer has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 28. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan which provides coverage for prescription drugs shall [not impose a] calculate any cost-sharing obligation imposed against an insured for a prescription drug [that exceeds] based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a carrier or a pharmacy benefit manager with which a carrier has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 29. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 28 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 30. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract which provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any cost-sharing obligation imposed against an insured for a prescription drug ~~[that exceeds]~~ based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a society or a pharmacy benefit manager with which a society has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 31. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any cost-sharing obligation imposed against an insured for a prescription drug ~~[that exceeds]~~ based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a hospital or medical services corporation or a pharmacy benefit manager with which a hospital or medical services corporation has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 32. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any cost-sharing obligation imposed against an enrollee for a prescription drug ~~[that exceeds]~~ based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a health maintenance organization or a pharmacy benefit manager with which a health maintenance organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 33. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 ***and section 32 of this act*** do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345,

695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 ***and section 32 of this act*** do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 34. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 32 of this act or*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 35. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A prepaid limited health service organization that provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any cost-sharing obligation imposed against an enrollee for a prescription drug ~~[that exceeds]~~ based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a prepaid limited health service organization or a pharmacy benefit manager with which a prepaid limited health service organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 36. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall ~~[not impose a]~~ calculate any cost-sharing obligation imposed against an insured for a prescription drug ~~[that exceeds]~~ based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a managed care organization or a pharmacy benefit manager with which a managed care organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 37. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.1639, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, ***and section 36 of this act*** do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services.

4. The provisions of NRS 695C.1735 and 695G.1639 ***and section 36 of this act*** do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 38. (Deleted by amendment.)

Sec. 39. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405,

396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 1 and 19 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must

be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 40. (Deleted by amendment.)

Sec. 41. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155,

695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, ***other than section 36 of this act,*** 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 41.5. **Section 17 of Assembly Bill No. 343 of this session is hereby amended to read as follows:**

Sec. 17. 1. A hospital shall not take any action described in subsection 2 with regard to [any] covered medical debt incurred by a medical debtor while the hospital is not in compliance with any provision of section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60.

2. A hospital shall not, with regard to any covered medical debt described in subsection 1:

(a) Refer the covered medical debt to a collection agency or other third party for collection;

(b) File a civil action or seek arbitration or mediation to collect the covered medical debt; or

(c) Directly or indirectly cause the reporting of the covered medical debt to a reporting agency.

3. If a medical debtor believes that a hospital has taken an action described in subsection 2 in violation of subsection 1 with respect to [a] any covered medical debt owed by the medical debtor, the medical debtor may file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. A medical debtor who files such a claim shall immediately notify the hospital that he or she has filed the claim.

4. Upon the filing of a claim pursuant to subsection 3, the Bureau of Consumer Protection shall investigate the claim. The hospital shall not take any action described in subsection 2 to collect the covered medical debt that is the subject of the investigation while the investigation is pending.

5. If, at the conclusion of an investigation pursuant to subsection 4, the Bureau of Consumer Protection determines that the hospital has taken an action described in subsection 2 in violation of subsection 1, the hospital shall cancel the covered medical debt that is the subject of the investigation and any related medical debt and refund any amount of the covered medical debt or any related medical debt which has been paid by the medical debtor.

6. A knowing violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7. As used in this section [, "reporting] :

(a) "Covered bill or group of bills" means a bill or group of bills that includes any charge for a medical service, product or device which is greater than the amount published for that medical service, product or device pursuant to section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60, as applicable.

(b) "Covered medical debt" means medical debt owed by a medical debtor which was originally included in a covered bill or group of bills issued to the medical debtor.

(c) "Reporting agency" has the meaning ascribed to it in NRS 598C.100.

Sec. 41.7. **Section 26 of Assembly Bill No. 343 of this session is hereby amended to read as follows:**

Sec. 26. 1. The provisions of section 17 of this act apply to any **covered** medical debt incurred before, on or after January 1, 2026.

2. The provisions of section 22 of this act apply to any medical debt incurred on or after January 1, 2026.

3. As used in this section **[**, "medical"**]** **:**

(a) "Covered medical debt" has the meaning ascribed to it in section 17 of Assembly Bill No. 343 of this session, as amended by section 41.5 of this act.

(b) "Medical debt" has the meaning ascribed to it in **[**NRS 649.036.**]** **section 7 of Assembly Bill No. 343 of this session.**

Sec. 42. (Deleted by amendment.)

Sec. 43. The amendatory provisions of this act do not apply to any contract or other agreement entered into before January 1, 2026, but apply to the renewal of any such contract or other agreement.

Sec. 44. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 45. (Deleted by amendment.)

Sec. 46. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, and 17 to **[**45,**]** **24,** inclusive, **38, 39, 40 and 42 to 45, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. **Sections 41.5 and 41.7 of this act become effective:**

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if Assembly Bill No. 343 of this session is enacted by the Legislature and approved by the Governor.

4. **[**Section**]** **Sections** 16.5 **, 25 to 37, inclusive, and 41** of this act **[**becomes**]** **become** effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2028, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 172.

Bill read third time.

The following amendment was proposed by Assemblymember Marzola:

Amendment No. 946.

AN ACT relating to employment; enacting the Agricultural Workers' Bill of Rights; ~~[revising]~~ **clarifying** provisions relating to the provision of periods for rest and meals; establishing certain rights of agricultural workers related to housing and access to certain service providers; prohibiting certain actions related to weeding and thinning; requiring the provision of certain protections to agricultural workers during certain emergencies and disasters; authorizing collective bargaining for agricultural workers; authorizing the commencement of a civil action in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes periods for rest and meals for employees during work hours. (NRS 608.019) **Section 2** of this bill ~~[provides]~~ **clarifies** that ~~[an employer may not employ]~~ **these periods for rest and meals apply to** an agricultural employee **.** ~~[for a continuous period of 5 hours without authorizing the agricultural employee to have a meal period of at least one-half hour.]~~

Existing law authorizes wages and compensation to include lodging and meals under certain circumstances and prohibits the lodging and meals from being valued more than certain amounts for purposes of computing the wages and compensation. Existing law, however, exempts agricultural employees from these prohibitions on the computable value of the lodging and meals. (NRS 608.154, 608.155) **Sections 3 and 4** of this bill remove these exemptions for agricultural employees, thereby providing that the prohibitions on the computable value of lodging and meals apply to agricultural employees.

Section 1.3 of this bill defines the term "agricultural employee" for the purposes of this bill. **Sections 1.7, 4.3 and 4.7** of this bill make conforming changes related to the applicability of the definition contained in **section 1.3**.

Existing law also prohibits various employment practices. (Chapter 613 of NRS) **Sections 6-20** of this bill establish the Agricultural Workers' Bill of Rights. **Section 9** defines "agricultural worker" as a worker engaged in certain agriculture or farming services or activities described in section 203(f) of the federal Fair Labor Standards Act.

Section 11 entitles an agricultural worker who lives in housing provided by an agricultural employer to reasonable access for visitors. ~~[Sections]~~ **Section 12** ~~[and 13 entitle]~~ **entitles** an agricultural worker to reasonable access to key service providers at certain times during working hours **.** ~~[and afford the agricultural worker the right to be transported to key service providers under certain circumstances.]~~

Section 14 prohibits persons from taking certain actions that restrict the ability of an agricultural worker to enter or leave the residence of the agricultural worker.

Additionally, **section 15**, with certain exceptions, prohibits certain conduct related to weeding or thinning by hand or using a short-handed hoe in a stooped, kneeling or squatting position.

Section 16 requires agricultural employers to post certain notices related to the provisions established in **sections 11-15**.

Section 17 requires agricultural employers, during periods of emergency or disaster, to: (1) meet certain requirements related to housing provided to agricultural workers; and (2) supply certain information to the agricultural workers.

Section 19 authorizes agricultural workers to organize and form collective bargaining units.

Section 20 establishes a civil remedy for certain persons who are aggrieved by violations of the Agricultural Workers' Bill of Rights.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

"Agricultural employee" means an employee who performs a service or activity described in section 203(f) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 203(f).

Sec. 1.7. NRS 608.007 is hereby amended to read as follows:

608.007 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 608.009 to 608.0126, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 608.019 is hereby amended to read as follows:

608.019 1. An employer shall not employ an employee ***, including, without limitation, an agricultural employee,*** for a continuous period of 8 hours ~~***[, or 5 hours for an agricultural employee,]***~~ without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work for the purposes of this subsection.

2. Every employer shall authorize and permit all his or her employees ***, including, without limitation, agricultural employees,*** to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest periods shall be counted as hours worked, for which there shall be no deduction from wages.

3. This section does not apply to:

(a) Situations where only one person is employed at a particular place of employment.

(b) Employees included within the provisions of a collective bargaining agreement.

4. An employer may apply to the Labor Commissioner for an exemption from providing to all or to one or more defined categories of his or her employees one or more of the benefits conferred by this section. The Labor Commissioner may grant the exemption if the Labor Commissioner believes the employer has shown sufficient evidence that business necessity precludes providing such benefits. Any exemption so granted shall apply to members of either sex.

5. The Labor Commissioner may by regulation exempt a defined category of employers from providing to all or to one or more defined categories of their employees one or more of the benefits conferred by this section, upon the Labor Commissioner's own motion or upon the application of an association of employers. Each such application shall be considered at a hearing and may be granted if the Labor Commissioner finds that business necessity precludes providing that particular benefit or benefits to the employees affected. Any exemption so granted shall apply to members of either sex.

Sec. 3. NRS 608.154 is hereby amended to read as follows:

608.154 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of lodging.

2. In no case may the value of the lodging be computed at more than five times the statutory minimum hourly wage for each week that lodging is provided to the employee.

~~[2. The monetary limitations on the value of lodging specified in subsection 1 do not apply to agricultural employees.]~~

Sec. 4. NRS 608.155 is hereby amended to read as follows:

608.155 1. A part of wages or compensation may, if mutually agreed upon by an employee and employer in the contract of employment, consist of meals.

2. In no case shall the value of the meals be computed at more than 100 percent of the statutory minimum hourly wage per day.

3. In no case shall the value of the meals consumed by such employee be computed or valued at more than 25 percent of the statutory minimum hourly wage for each breakfast actually consumed, 25 percent of the statutory minimum hourly wage for each lunch actually consumed, and 50 percent of the statutory minimum hourly wage for each dinner actually consumed.

~~[2. The monetary limitations on the value of meals, contained in subsection 1, do not apply to agricultural employees.]~~

Sec. 4.3. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195,

inclusive, ***and section 1.3 of this act,*** and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;
2. The Deputy Labor Commissioner, as provided in NRS 607.050;
3. The Attorney General, as provided in NRS 607.160 or 607.220; or
4. The special counsel, as provided in NRS 607.065,

➥ shall prosecute the action for enforcement according to law.

Sec. 4.7. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, ***and section 1.3 of this act,*** or 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 5. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 21, inclusive, of this act.

Sec. 6. ***Sections 6 to 21, inclusive, of this act may be cited as the Agricultural Workers' Bill of Rights.***

Sec. 7. ***As used in sections 6 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.***

Sec. 8. ***"Agricultural employer" means a person who employs an agricultural worker.***

Sec. 9. ***1. "Agricultural worker" means a worker engaged in a service or activity described in section 203(f) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 203(f).***

2. The term does not include a cannabis establishment agent employed by a cannabis cultivation facility.

3. As used in this section:

(a) "Cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.090.

(b) "Cannabis establishment agent" has the meaning ascribed to it in NRS 678A.100.

Sec. 10. ***"Key service provider" means a service provider to which an agricultural worker may need access, including, without limitation:***

1. A provider of health care, as defined in NRS 629.031.

2. A community health worker, as defined in NRS 449.0027.

3. A teacher.

4. An attorney licensed to practice in this State.

5. A public official.

6. A member of the clergy.

Sec. 11. ***If an agricultural employer provides housing to an agricultural worker, the agricultural worker is entitled to reasonable access for visitors***

at the housing and the agricultural employer shall not interfere with the reasonable access when the agricultural worker is present at the housing.

Sec. 12. ***1. Except as otherwise provided in subsection 2, an agricultural worker is entitled to reasonable access to key service providers at any time when the agricultural worker is not performing compensable work or during periods of paid or unpaid rest and meal breaks.***

2. An agricultural worker is entitled to reasonable access to a provider of health care, as defined in NRS 629.031, at any time when the agricultural worker is performing compensable work or during periods of paid or unpaid rest and meal breaks.

3. The Labor Commissioner may adopt regulations to require periods of time in addition to those prescribed by subsections 1 and 2 in which an agricultural worker is entitled to access key service providers.

Sec. 13. ~~*[1. Except as otherwise provided in subsection 2, an agricultural employer that provides housing and transportation for an agricultural worker shall at least 1 day per week transport the agricultural worker to a location where the agricultural worker can access basic necessities, conduct financial transactions and meet with key service providers, unless the agricultural worker is a range worker who is actively engaged in the production of livestock on the open range, in which case, the agricultural employer shall provide the transportation at least 1 day every 3 weeks.*~~

~~*2. If an agricultural worker has access to a personal vehicle and is permitted to park the vehicle on the property of the agricultural employer, the agricultural employer is not required to provide the transportation described in subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 14. ***1. A person shall not prohibit, limit or interfere with, or attempt to prohibit, limit or interfere with, the access to or egress from the residence of an agricultural worker by:***

(a) The erection or maintenance of a physical barrier;

(b) Any physical force or violence;

(c) Any threat of physical force or violence; or

(d) Any order or notice.

2. This section does not apply to the actions of an agricultural worker which relate to the residence of the agricultural worker.

Sec. 15. ***1. Except as otherwise provided in subsections 3 and 5, the use of a short-handed hoe is prohibited in agricultural employment for weeding and thinning in a stooped, kneeling or squatting position.***

2. Except as otherwise provided in subsections 3 and 5, the performance of weeding and thinning by hand or with a short-handed tool, other than a short-handed hoe, in a stooped, kneeling or squatting position is prohibited unless there is not a suitable long-handed tool or other alternative means of performing the work that is appropriate to both the production of the agricultural or horticultural commodity and the scale of the operation.

3. The provisions of subsections 1 and 2 do not prohibit:

(a) Any occasional or intermittent weeding or thinning done by hand in a stooped, kneeling or squatting position if it is incidental to weeding or thinning using a tool;

(b) Any thinning done by hand of high-density plants spaced less than 2 inches apart when planted;

(c) Any weeding or thinning done by hand of an agricultural or horticultural commodity grown in fields or greenhouses for which the agricultural employer is a certified producer or handler of organic agricultural products;

(d) Any weeding, thinning or tending done by hand to an agricultural or horticultural commodity when it is a seedling;

(e) Any weeding, thinning or tending done by hand to an agricultural or horticultural commodity grown in a tub or planter container with an opening that does not exceed 15 inches in width;

(f) Any seeding, planting, transplanting or harvesting done by hand or with a tool; and

(g) Any weeding, thinning or tending done by hand to the soil-exposed area immediately surrounding an agricultural or horticultural commodity grown using polyethylene film or plastic mulch, except as applied to the weeding by hand of the spaces between the rows of plants grown using polyethylene film or plastic mulch.

4. An agricultural employer shall provide gloves and knee pads to each agricultural worker that is engaged in weeding or thinning done by hand.

5. The Labor Commissioner shall adopt regulations to establish:

(a) An exception to the prohibitions described in subsections 1 and 2 for an agricultural employer that is actively engaged in obtaining a certificate to be a producer or handler of organic agricultural products; and

(b) A procedure for an agricultural employer to seek a waiver that allows for occasional or intermittent weeding by hand of agricultural or horticultural products if the agricultural employer establishes that:

(1) The weeding does not involve prolonged and unnecessary stooping, kneeling or squatting and does not create a risk of acute, chronic or debilitating injuries for agricultural workers;

(2) There is not a suitable long-handed tool or other alternative means of performing the work that is appropriate to both the production of the agricultural or horticultural commodity and the scale of the operation; and

(3) The weeding by hand cannot be performed pursuant to an exception described in subsection 3.

6. ~~[An agricultural employer shall increase a period of rest prescribed by NRS 608.019 by 5 minutes if an agricultural worker engages in weeding or thinning by hand during the applicable period of work.~~

~~7.]~~ As used in this section:

(a) "Agricultural employment" means employment in a service or activity described in section 203(f) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 203(f).

(b) "Occasional or intermittent" means 20 percent or less of the weekly work time of an agricultural worker.

(c) "Short-handed hoe" means a handheld tool with a flat blade affixed perpendicularly to a handle that is less than 18 inches long. The term includes a long-handled hand tool that has been modified to be used as a short-handed hoe.

Sec. 16. *1. An agricultural employer shall post a notice of the rights of an agricultural worker described in sections 11 to 15, inclusive, of this act.*

2. The notice described in subsection 1 must be posted:

(a) At the housing provided by the agricultural employer, if applicable;

(b) In addition to any location described in paragraph (a), at a conspicuous place on the premises of the agricultural employer;

(c) At each place where notices to employees are customarily posted on the premises of the agricultural employer; and

(d) By electronic means, including, by electronic mail or posted to the Internet website of an agricultural employer, if the agricultural employer customarily communicates with an agricultural worker by these means.

Sec. 17. *1. During the existence of a state of emergency or declaration of disaster pursuant to NRS 414.070 related to public health, an agricultural employer shall provide:*

(a) Each agricultural worker who is living in a single-occupancy unit of housing provided by the agricultural employer at least 80 square feet of combined sleeping and living quarters;

(b) Each agricultural worker who is living in multiple-occupancy housing of the agricultural employer at least 100 square feet of sleeping quarters per worker and 120 square feet of space per worker in areas used for combined purposes such as meal preparation and eating;

(c) Each agricultural worker engaged in open-range production of livestock with a single-occupancy mobile housing unit;

(d) In addition to any requirement under paragraph (a), (b) or (c), each unit of housing provided by the agricultural employer with screened windows that open to the outside or a living space that has an air filtration system;

(e) Training to agricultural workers concerning safety precautions and protections during emergencies and disasters related to public health; and

(f) Informational and educational materials through posters and pamphlets written in English and Spanish and any other relevant languages in each unit of housing provided by the agricultural employer, the premises of the agricultural employer and other places where the agricultural employer posts notices for employees.

2. The materials described in paragraph (f) of subsection 1 must include:

(a) The contact information for the Farmworker Law Program of Nevada Legal Services, or its successor organization; and

(b) Any guidance from federal and state authorities concerning the emergency or declaration of disaster related to public health.

3. The Department of Health and Human Services may inspect the housing provided by the agricultural employer to ensure compliance with this section during an emergency or disaster related to public health.

Sec. 18. (Deleted by amendment.)

Sec. 19. ***Agricultural workers have the right to self-organization, to bargain directly for themselves, and to form and join or assist labor organizations to bargain collectively through representatives of their own free choosing, or to engage in lawful concerted activity for the purpose of collective bargaining or other mutual aid or protection, and each such agricultural worker has the right, without interference from any source, to refrain from any of these activities.***

Sec. 20. ***1. An agricultural worker may commence an action in a court of competent jurisdiction against an agricultural employer for a violation of sections 6 to 20, inclusive, of this act or for retaliation against the agricultural worker for exercising a right prescribed by sections 11 to 15, inclusive, of this act.***

2. A whistleblower or key service provider who is unable to access an agricultural worker because of a violation of sections 11 to 15, inclusive, of this act may commence an action in a court of competent jurisdiction against an agricultural employer for a violation of sections 11 to 15, inclusive, of this act.

3. If a court finds that an agricultural employer violated a provision of sections 11 to 15, inclusive, of this act, the court may:

(a) Order injunctive relief;

(b) Award actual damages or $10,000, whichever is greater; and

(c) Award reasonable attorney's fees and costs.

4. Any amount recovered by a whistleblower or key service provider pursuant to paragraph (b) of subsection 3 must be distributed to the agricultural workers affected by the violation who can be located by the whistleblower or key service provider.

5. As used in this section, "whistleblower" means a person designated by an agricultural worker in a confidential, sealed filing with the court.

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Assembly Bill No. 500.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 966.

AN ACT relating to financial institutions; providing for the licensure and regulation by the Commissioner of Financial Institutions of payments banks; setting forth various procedures and requirements for the organization and licensure of payments banks; setting forth the powers and duties of the Commissioner with respect to payments banks; imposing various requirements and restrictions concerning the operation of payments banks; establishing certain prohibited acts relating to payments banks; revising certain provisions relating to financial institutions; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various financial institutions by the Commissioner of Financial Institutions. (Title 55 of NRS) This bill provides for the licensure and regulation by the Commissioner of payments banks. Under **section 70** of this bill, a payments bank, with certain exceptions, has all the powers, privileges and authorities that a state bank or national bank has, including, engaging in money transmission, engaging in activities concerning the maintenance of deposit accounts and the conducting of merchant acquiring activities, which **section 18** of this bill defines to mean activities associated with effecting transactions within payment card networks. **Section 70** prohibits a payments bank from making loans and engaging in various activities relating to loans.

Sections 3-29 of this bill define words and terms for the purposes of this bill.

Sections 30, 32-35, 37, 39 and 40 of this bill set forth various powers and duties of the Commissioner with respect to the licensure and regulation of payments banks. **Section 31** of this bill prohibits an officer or employee of the Division of Financial Institutions of the Department of Business and Industry from having certain involvement with a payments bank. **Section 36** of this bill sets forth certain requirements for the provision of notices required under the provisions of this bill. **Sections 38 and 43-45** of this bill set forth procedures and requirements for the organization and licensure of a payments bank. **Section 44.5** authorizes the Secretary of State to apply for and be issued a license to operate a payments bank, which is authorized to provide services only to governmental entities.

~~[Section 41 of this bill requires a payments bank to pay to the Commissioner a fee equal to 0.025 percent of each transaction effectuated through the merchant acquiring activities of the payments bank.]~~

Section 42 of this bill exempts a participant in the Regulatory Experimentation Program for Product Innovation from the provisions of this bill.

Sections 46-49 of this bill require that: (1) the deposit accounts of a payments bank be insured by the Federal Deposit Insurance Corporation or a private insurer approved by the Commissioner and the Commissioner of Insurance; or (2) the payments bank obtain the approval of the Commissioner to operate without such insurance, in which case the payments bank must furnish a surety bond or pledge certain assets. **Section 50** of this bill requires a payments bank to maintain bond coverage in an amount and form acceptable to the Commissioner. **Sections 71 and 77** of this bill require a payments bank to maintain certain capital. **Section 51** of this bill authorizes the Commissioner to require: (1) a payments bank to provide a letter of credit made payable to the Commissioner for the benefit of merchants; and (2) the holding company of a payments bank to provide a certain guaranty to the Commissioner to maintain certain minimum levels of capital.

Section 52 of this bill authorizes a payments bank to establish and maintain offices in this State. **Section 52** also requires a payments bank to provide certain notice to the Commissioner relating to a change in the location of any such office. **Section 53** of this bill sets forth certain restrictions on advertising by a payments bank. **Section 54** of this bill imposes restrictions on the use of a business name and the use of printed forms which may mislead or confuse the public. **Sections 55-62 and 64-68** of this bill establish certain requirements and restrictions on the operations of the board of directors of a payments bank. **Section 63** of this bill requires: (1) a payments bank to notify the Commissioner of certain changes or proposed changes in the ownership of the payments bank; and (2) the Commissioner to investigate such changes unless an exception applies.

Sections 69, 70, 72, 73, 76, 79, 80, 82 and 83 of this bill set forth various powers of a payments bank. **Section 78** of this bill sets forth the investments in which a payments bank is authorized to invest. **Section 81** of this bill prohibits the aggregate amount of all borrowing of a payments bank from exceeding an amount which would impair the insurance of the deposit accounts of the payments bank, if any. **Section 74** of this bill sets forth certain restrictions on the sale or issuance of certain stock of a payments bank, including by prohibiting a payments bank from selling or issuing such stock without a license issued by the Commission which authorizes the action. **Section 75** of this bill sets forth provisions governing the issuance and renewal of any such license.

Sections 84 and 85 of this bill require a payments bank to provide certain reports and information to the Commissioner. **Sections 86-92** of this bill set forth various powers and duties of the Commissioner with respect to examinations of payments banks and other powers relating to the investigation and enforcement of the provisions of this bill. **Sections 86 and 137** of this bill provide for the confidentiality of certain information obtained by the

Commissioner. **Section 93** of this bill requires a payments bank to obtain an annual audit at its own expense. **Section 94** of this bill requires a payments bank to ~~[: (1)]~~ cooperate with any audits and examinations performed by the Commissioner . ~~[; and (2) pay certain assessments related to such audits or examinations.]~~ **Sections 95 and 96** of this bill authorize the Commissioner to take certain disciplinary actions against a payments bank.

Existing law requires the Commissioner to establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions. (NRS 658.101) ~~[Sections 84.5 and]~~ **Section 129.5** of this bill ~~[require the Commissioner to establish by regulation, separately from the rates established for banks and other]~~ **excludes payments banks from the applicable** financial institutions ~~[,]~~ **to which those** rates ~~[to be paid by payments banks for such supervision and examinations.]~~ **apply. Section 128.5 similarly exempts payments banks from provisions requiring the Commissioner to levy an assessment upon each licensed financial institution for costs relating to the employment of a certified public accountant and the performance of audits and examinations. (NRS 658.055)**

Section 97 of this bill sets forth requirements for the reorganization, merger or consolidation of a payments bank. **Section 98** of this bill sets forth certain requirements for the voluntary liquidation of a payments bank. **Sections 99-116** of this bill establish procedures and requirements for the liquidation of a payments bank whose deposit accounts are insured by the Federal Deposit Insurance Corporation. **Section 117** of this bill establishes procedures and requirements for the reorganization of a dissolved payments bank.

Sections 118-125 of this bill impose certain requirements upon a payments bank relating to the exploitation of older persons and vulnerable persons.

~~[Section 126 of this bill makes it a misdemeanor to make certain untrue and derogatory statements concerning a payments bank, or take certain similar actions, under certain circumstances. Section 127 of this bill imposes certain penalties upon a payments bank for engaging in certain prohibited acts.]~~

Sections 128-136 and 138 of this bill add references to payments banks and the provisions of this bill to various provisions of existing law pertaining to financial institutions so that payments banks are treated similarly to other financial institutions for certain purposes.

Section 138.3 of this bill makes an appropriation to the Division of Financial Institutions for certain costs associated with carrying out the provisions of this bill. **Section 138.7** of this bill requires the Commissioner, on or before December 31, 2026, to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the implementation of the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 127, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 29, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Accumulative investment certificate" means an investment certificate, not full-paid and without an expressed date of maturity, upon which the holder has the option of making payments at such times and in such amounts as the holder elects and as the payments bank permits.*

Sec. 4. *"Chargeback" means a transaction that is returned to a payments bank through a payment card network.*

Sec. 5. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 6. *"Corporate office" means the office of a payments bank identified as such in the application submitted pursuant to subsection 4 of section 44 of this act or the location to which the corporate office is changed pursuant to subsection ~~[13]~~ 12 of section 44 of this act or other applicable law.*

Sec. 7. *"Deposit" means that part of the liability of a payments bank which is credited to the account of the holder thereof and which is eligible to be insured by the Federal Deposit Insurance Corporation or insured by a private insurer in accordance with the provisions of this chapter.*

Sec. 8. *"Deposit account" means an account that holds deposits, whether in a commercial, demand, time, checking, savings or similar type of account, or which is evidenced by a certificate of deposit, investment certificate, certificate of indebtedness or other similar name, for which a payments bank is primarily liable.*

Sec. 9. *"Depository institution" means any state bank or payments bank, association, limited-liability company, corporation or other person organized for the purpose of conducting a banking business, whether chartered by this State, another state or the Federal Government, which:*

1. Holds or receives deposits, savings or share accounts;

2. Issues certificates of deposit; or

3. Provides to its customers other deposit accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

Sec. 10. *"Director" means the Director of the Department of Business and Industry.*

Sec. 11. *"Division of Financial Institutions" means the Division of Financial Institutions of the Department of Business and Industry.*

Sec. 12. *"Full-paid investment certificate" means an investment certificate, with or without an expressed date of maturity, for which the payments bank has received the principal amount thereof at or prior to the time of the issuance of the certificate.*

Sec. 13. *"Insolvency" or "insolvent" means one or more of the following:*

1. When a payments bank cannot meet its deposit liabilities as they become due in the regular course of business.

2. When the actual cash market value of the assets of a payments bank is insufficient to pay its liabilities to depositors and other creditors.

3. When the reserves of a payments bank fall under the amount required by this chapter, and the payments bank fails to make good such reserve within 30 days after being required to do so by the Commissioner.

4. When the undivided profits and surplus of a payments bank are inadequate to cover losses of the payments bank and the stockholders' or members' equity in the payments bank has been reduced below the requirements of law.

Sec. 14. *"Insured depository institution" means a depository institution, the deposit accounts of which are insured wholly or in part by the Federal Deposit Insurance Corporation or by a private insurer in accordance with the provisions of this chapter.*

Sec. 15. *"Investment certificate" means any certificate or contract, either paid up or purchasable on an installment basis, which is issued for the purpose of providing a means of investment or savings.*

Sec. 16. *"Leverage capital ratio" means the ratio of the tier 1 capital of a payments bank to the average of the total assets of the payments bank, not including goodwill, intangible assets and money ultimately payable to merchants, at the end of each day during the immediately preceding month.*

Sec. 17. *"Merchant" means a person authorized by a payment card network to accept payments in exchange for goods or services.*

Sec. 18. *"Merchant acquiring activities" means activities associated with effecting transactions within payment card networks, including, without limitation:*

1. Obtaining and maintaining membership in one or more payment card networks;

2. Signing up and underwriting merchants to accept payment cards branded by a payment card network;

3. Providing the means to authorize valid card transactions at client merchant locations;

4. Facilitating the clearing and settlement of the transactions through a payment card network;

5. Providing access to one or more payment card networks to customers of the payments bank, affiliates of the payments bank and customers of affiliates of the payments bank;

6. Sponsoring the participation of affiliates of the payments bank, customers of the payments bank or customers of affiliates of the payments bank in one or more payment card networks; and

7. Conducting such other activities as may be necessary, convenient or incidental to effecting transactions within payment card networks.

Sec. 19. *"Merger" means the consolidation of corporate structures which results in the uniting of substantially all the assets and liabilities of one state-chartered payments bank with those of another such payments bank or state bank or with those of a federal bank, national bank or other insured depository institution.*

Sec. 20. *"Minimum term investment certificate" means an investment certificate:*

1. For which the payments bank has received a single payment equal to the principal amount thereof and which has a date expressed therein before which notice of intention to withdraw cannot be given or which requires written notice from the holder to the payments bank for a period specified therein before the expiration of which period notice of intention to withdraw cannot be given; and

2. Which, after the date expressed therein or upon and after the expiration of the specified period following the written notice, becomes a full-paid investment certificate, subject to the same withdrawal rights and restrictions as a full-paid investment certificate.

Sec. 21. *"Payments bank" means a depository institution subject to the provisions of this chapter to conduct the business of a payments bank.*

Sec. 22. *"Payment card network" means any organization, group, system or other collection of persons that is organized to allow participants to accept or make payments.*

Sec. 23. *"Payment volume" means the greater of 1/12 of the total dollar amount of payment transactions:*

1. Executed by the payments bank in the immediately preceding 12 months; or

2. Forecast by the payments bank for the immediately following 12 months.

Sec. 24. *"Payment volume capital" means the amount of tier 1 capital required to be maintained by a payments bank pursuant to paragraph (b) of subsection 1 of section 77 of this act.*

Sec. 25. *"Risk capital" means the amount of tier 1 capital required to be maintained by a payments bank pursuant to paragraph (c) of subsection 1 of section 77 of this act.*

Sec. 26. *"State bank" or "commercial bank" means a limited-liability company, corporation or other person organized for the purpose of conducting a banking business that is chartered by this State to conduct the business of banking and is organized pursuant to the provisions of chapter 659 of NRS.*

Sec. 27. *"Statutory capital" means the amount of capital stock and paid-in surplus required to be maintained by a payments bank pursuant to section 71 of this act.*

Sec. 28. *"Tier 1 capital" means the sum of statutory capital, retained earnings, noncumulative perpetual preferred stock, the secured portion of a guaranty required by section 51 of this act, and any letter of credit required*

by section 51 of this act, less any accounts payable by an affiliate or holding company to the payments bank, goodwill and intangible assets.

Sec. 29. *"Withdrawal value" means the amount credited to a deposit account, less lawful deductions therefrom, as shown by the records of the payments bank.*

Sec. 30. *The Commissioner shall administer the provisions of this chapter, subject to administrative supervision by the Director. The Commissioner shall make the decisions, determinations and enter the consents and orders necessary or reasonably appropriate to accomplish the purposes of this chapter.*

Sec. 31. *An officer or employee of the Division of Financial Institutions shall not:*

1. Be directly or indirectly interested in or act on behalf of any payments bank;

2. Receive, directly or indirectly, any payment from a payments bank;

3. Be indebted to any payments bank; or

4. Obtain any services from a payments bank conditioned upon a fraudulent practice or undue or unfair preference over other customers.

Sec. 32. *The Commissioner shall:*

1. Keep in his or her office:

(a) For not less than 5 years, every report made by a payments bank.

(b) The original application of every payments bank in a permanent file.

(c) Other administrative documents in the manner provided by law or by appropriate regulations.

2. Provide a complete stenographic record of every hearing and proceeding conducted by his or her office and maintain, for not less than 5 years, a transcript of the hearing or proceeding, together with any regulation, order, decision, determination or consent entered in connection with the hearing or proceeding.

Sec. 33. *The Commissioner shall supervise and make all policy with regard to all foreign and domestic payments banks, companies and corporations governed by this chapter and doing business in this State.*

Sec. 34. *The Commissioner shall adopt such regulations as may be reasonable or necessary to carry out the purposes of this chapter.*

Sec. 35. *The Commissioner may cause appropriate legal action to be taken in the district court of any county to secure an injunction or order restraining a violation of any provision of this chapter.*

Sec. 36. *All notices must be in writing. All notices issued or required to be issued by the Commissioner must be sent by registered or certified mail and become effective upon their deposit in the mail.*

Sec. 37. *The Commissioner may, for reasonable cause and upon 15 days' notice, amend or alter any license issued by him or her, but the payments bank may appeal the order of the Commissioner in the manner provided in this chapter.*

Sec. 38. *1. In addition to any other requirements set forth in this chapter, each applicant must submit:*

(a) Proof satisfactory to the Commissioner that the applicant:

(1) Is competent to transact the business for which the applicant seeks to be licensed in a manner which protects the interests of the general public.

(2) Has not made a false statement of material fact on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license issued pursuant to this chapter suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant if the applicant:

(a) Has committed or participated in any act which, if committed or done by a holder of a license, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 39. *In addition to any other lawful reasons, the Commissioner may suspend or revoke a license if the licensee has engaged in any act that would be grounds for denying a license pursuant to this chapter.*

Sec. 40. *The Commissioner may issue subpoenas and require the attendance of parties for examination.*

Sec. 41. ~~*[In addition to any other fees required by this chapter, a payments bank shall pay to the Commissioner a fee equal to 0.025 percent of each transaction effectuated through the merchant acquiring activities of the payments bank. All money received by the Commissioner pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.]*~~ **(Deleted by amendment.)**

Sec. 42. *Except as otherwise required by the Director pursuant to NRS 657A.430 or 657A.620, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to chapter 657A of NRS.*

Sec. 43. *1. Payments banks must be incorporated under the provisions of this chapter. For that purpose all of the provisions of chapter 78 of NRS*

which are not in conflict with this chapter are hereby adopted as parts of this chapter, and all the rights, privileges and powers and all the duties and obligations of such domestic corporations and of the officers and stockholders thereof shall be as provided in chapter 78 of NRS except as otherwise provided in this chapter.

2. A person, firm, partnership, association or corporation except a payments bank incorporated under this chapter, an affiliate of a payments bank or an entity otherwise lawfully conducting business in this State pursuant to this chapter, shall not conduct or carry on the business of soliciting or advertising the products or services of a payments bank. This subsection does not apply to banks, trust companies, licensed brokers, thrift companies and credit unions.

Sec. 44. ***1. The Secretary of State shall not issue a certificate to a payments bank or company authorizing it to do business until the articles of association, agreement or incorporation are approved by the Commissioner.***

2. The Secretary of State may not file an amendment to the articles of the organization without the written approval of the Commissioner.

3. A payments bank shall not sell, offer for sale, negotiate for the sale of, take subscriptions for or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner approval of an application for permission to organize as provided for in this section.

4. Persons who desire to organize a payments bank in accordance with this chapter must first execute in triplicate an application, in the form prescribed by the Commissioner, for permission to organize a payments bank before taking any other action in connection with the organization. Upon execution of an application for permission to organize, the original application and two copies of the application must be submitted to the Commissioner. The applicants shall submit with the application the name and address of each person who is applying, the location of the proposed corporate office, an itemized account of the financial condition of the proposed payments bank and of the applicants, the amount and character of the proposed stock, statements, exhibits, maps and such additional information as the Commissioner requires, together with an affidavit that the representations made thereby are consistent with the facts to the best of the applicants' information and belief. This data must be sufficiently detailed and comprehensive to enable the Commissioner to pass upon the application as to:

(a) The character and responsibility of the applicants; and

(b) The reasonable probability of the usefulness and success of the payments bank.

5. If the Commissioner approves the application, he or she shall establish as conditions to be met before the issuance of a charter requirements as to:

(a) The minimum number of shares of common or preferred stock to be subscribed to the permanent capital of the payments bank;

(b) The minimum amount of paid-in surplus;

(c) The minimum amount of investment certificates to be paid into the deposit accounts of the payments bank upon issuance of a charter to the payments bank; and

(d) Such other requirements as the Commissioner deems necessary or desirable.

6. When all the requirements of this chapter and of the Commissioner have been fulfilled, the Commissioner shall issue a charter for the payments bank. Except as otherwise provided in this subsection, the charter expires 12 months after issuance unless, within that time, the payments bank is actively engaging in the business of a payments bank. The Commissioner may extend the time of the conditional expiration of the charter if the payments bank submits to the Commissioner a request containing any information required by the Commissioner by regulation . ~~[and a fee in an amount established by the Commissioner by regulation.]~~

7. A payments bank shall not sell or issue any of its permanent stock until it has first applied for and secured from the Commissioner a license authorizing it to operate as a payments bank pursuant to the laws of this State and until it has satisfied the requirements of this chapter.

8. The Commissioner may extend the time for any hearing provided for in this section, to the time agreed upon by the parties.

9. ~~[The filing fees are:~~

~~— (a) For filing an original application, not more than $50,000 for the corporate office. The applicant shall also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.~~

~~— (b) If the license is approved for issuance, not more than $10,000 for the corporate office before issuance.~~

~~— 10.]~~ The Commissioner may impose conditions requiring the impoundment of proceeds from the sale of any stock, limiting the expense in connection with the sale of stock and such other conditions as are reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the permission to organize.

~~[11.]~~ 10. Every permission to organize issued by the Commissioner must recite in bold type that its issuance is permissive only and does not constitute a recommendation or endorsement of the organization or of the stock permitted to be issued.

~~[12.]~~ 11. Any corporation applying pursuant to this section or authorized to organize or establish a payments bank shall provide for a minimum par value of its permanent capital stock of at least $1 in its articles of incorporation. Par value of permanent capital stock may not be reduced below $1 without written permission of the Commissioner.

~~[13.]~~ 12. The removal of the corporate office of a payments bank to any other location from its then existing location requires submission of written notice at least 30 days before relocation to the Commissioner and, if the Commissioner determines that his or her approval is necessary, approval of the Commissioner. An application seeking approval, if required by the Commissioner, must be delivered to the Commissioner . ~~[, together with a fee to cover expenses attendant upon the investigation required for the approval, which must be not less than $200. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.~~

~~14.]~~ 13. A payments bank shall not pay any commissions or other compensation for the subscription to or sale of the original issue of its stock.

~~[15. The Commissioner shall adopt regulations establishing the amount of fees required pursuant to this section.~~

~~16.]~~ 14. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information ~~[and fees]~~ required to complete the application within 12 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if the applicant otherwise withdraws the application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application . ~~[and pays any required fees.]~~

Sec. 44.5. 1. The Secretary of State may apply for and be issued a license to operate a payments bank.

2. A payments bank operated by the Secretary of State may provide services only to governmental entities, including, without limitation, the State of Nevada, any political subdivision of the State of Nevada and any other state, local or tribal governmental entity.

3. Except as otherwise provided in subsection 4, a payments bank operated by the Secretary of State shall operate in compliance with the provisions of this chapter and the regulations adopted pursuant thereto.

4. The Commissioner may, by regulation, waive or modify any requirement set forth in this chapter that the Commissioner determines is not appropriate for a payments bank operated by the Secretary of State.

Sec. 45. The powers, privileges, duties and restrictions conferred and imposed upon any payments bank, company or corporation, whether foreign or domestic, existing or doing business under the laws of this State are hereby abridged, enlarged or modified, as each particular case may require, to conform with the provisions of this chapter, notwithstanding anything to the contrary in their respective articles of incorporation or charters.

Sec. 46. Before a payments bank begins business, the payments bank must file with the Commissioner:

1. A statement, under oath by the president or a manager, containing the names of all the directors, managers and officers, with the date of their

election or appointment, terms of office, primary residence and post office address of each, the amount of stock of which each is the owner in good faith and the amount of money paid in on account of the stock, or the contribution made. Nothing may be received in payment of stock or contribution except money.

2. Proof that:

(a) The payments bank has the approval of the Federal Deposit Insurance Corporation to insure its deposit accounts;

(b) The Commissioner has approved the application of the payments bank submitted pursuant to section 47 of this act to operate without insurance of its deposit accounts and complied with the provisions of section 49 of this act; or

(c) The Commissioner and the Commissioner of Insurance have approved the application of the payments bank submitted pursuant to section 47 of this act to insure its deposit accounts under a contract issued by a private insurer.

Sec. 47. *If the deposit accounts of the payments bank will not be insured by the Federal Deposit Insurance Corporation, the payments bank must submit to the Commissioner an application for approval to:*

1. Operate without insurance of the deposit accounts of the payments bank; or

2. Insure the deposit accounts of the payments bank under a contract with a private insurer approved by the Commissioner and the Commissioner of Insurance.

Sec. 48. *1. In determining whether a private insurer may issue a contract to insure the deposit accounts of a payments bank, the Commissioner and the Commissioner of Insurance must consider:*

(a) The value of the insurer's capital.

(b) The ratio of the insurer's assets, including, without limitation, reinsurance, which are readily available to cover any losses incurred by depositors to its insured deposits. This ratio must be adequate to reimburse depositors for any losses which they may incur.

(c) The qualifications of the directors, officers and managers of the insurance company.

(d) The insurer's articles of incorporation and its bylaws and all amendments thereto.

(e) The insurer's policies for investments.

(f) The form of all insurance contracts entered into by the insurer, including, without limitation, contracts for reinsurance.

(g) The insurer's requirements for premiums or deposits.

(h) The insurer's policies for the management of risk.

(i) Such other considerations as the Commissioner prescribes by regulations adopted pursuant to section 34 of this act.

2. The Commissioner and the Commissioner of Insurance shall not approve a contract of insurance unless the protection afforded thereby to the

depositors is substantially equivalent to the amount required by the Federal Deposit Insurance Corporation.

3. After a private insurer obtains the approval of the Commissioner and the Commissioner of Insurance, the Commissioner, after consultation with the Commissioner of Insurance may, for cause, require the insurer to establish and maintain for such a time as the Commissioner may require, a reserve, in cash or United States treasury bills or notes, in an amount fixed by the Commissioner. If required, the reserve must be kept in an account approved by the Commissioner in a federally insured financial institution.

4. A private insurer who issues a contract to insure the deposit accounts of a payments bank does not engage in the business of insurance of the purposes of title 57 of NRS.

Sec. 49. ***1. Except as otherwise provided by subsection 2, if the Commissioner approves the application of a payments bank to operate without insurance of its deposit accounts submitted pursuant to section 47 of this act, the payments bank must, before transacting any business, furnish a surety bond to the Commissioner to cover costs likely to be incurred by the Commissioner in a liquidation or conservatorship of the payments bank pursuant to NRS 658.151. The bond must:***

(a) Be in a form satisfactory to the Commissioner;

(b) Be issued by a bonding company authorized to do business in this State; and

(c) Secure the faithful performance of the obligations of the payments bank.

2. In lieu of a bond required by subsection 1, a payments bank may irrevocably pledge specified assets equivalent to a bond under subsection 1. All costs associated with pledging and holding the assets are the responsibility of the payments bank. Any assets pledged pursuant to this subsection must:

(a) Be unencumbered;

(b) Not serve as collateral for any other purpose; and

(c) Be of the same nature and quality as the assets described in NRS 671.110.

3. The amount of the surety bond or pledge of assets required pursuant to this section must be determined by the Commissioner in an amount sufficient to defray the costs of a liquidation or conservatorship.

4. In the event of a liquidation or conservatorship of a payments bank, the Commissioner may, without regard to priorities, preferences or adverse claims, reduce the surety bond or assets pledged pursuant to this section to cash as soon as practicable and use the cash to defray the costs associated with the liquidation or conservatorship.

5. Whenever the Commissioner determines that the protection of the public so requires, the Commissioner may order that an increase be made in the principal sum of the bond of any payments bank.

6. A payments bank or the surety of the payments bank may not cancel or alter a bond required pursuant to this section except after providing notice to the Commissioner by registered or certified mail. The cancellation or alteration is not effective until 10 days after receipt of the notice by the Commissioner. A cancellation or alteration does not affect any liability incurred or accrued on the bond before the cancellation or alteration.

Sec. 50. *1. A payments bank shall maintain bond coverage in such amounts and form as are acceptable to the Commissioner. The bond coverage may allow for a deductible amount or provision adopted under regulations adopted by the Commissioner.*

2. When requested by the Commissioner, the payments bank shall provide a duplicate copy of the invoice showing that the bond premium has been paid or satisfied.

3. The face amount of the surety bond must comply with the requirements adopted by the Commissioner.

Sec. 51. *1. The Commissioner may require a payments bank to provide to the Commissioner an irrevocable letter of credit made payable to the Commissioner for the benefit of merchants in the event of the bankruptcy, receivership or insolvency of the payments bank. Any letter of credit required pursuant to this section must be:*

(a) In a form satisfactory to the Commissioner;

(b) For a term of not less than 1 year; and

(c) Issued by a financial institution that is approved by the Commissioner.

2. The Commissioner may require a holding company of a payments bank to provide to the Commissioner an unlimited, unconditional and continuous guaranty by the holding company to maintain in the payments bank at least the minimum levels of capital required by the provisions of this chapter and the regulations adopted pursuant thereto. The Commissioner may require any portion of the guaranty to be secured by collateral of a type approved by the Commissioner.

Sec. 52. *1. In addition to the corporate office, a payments bank organized under this chapter may establish and maintain one or more other offices within this State.*

2. A payments bank shall notify the Commissioner in writing of any change to the location of any office established and maintained pursuant to subsection 1 not later than 30 days after the change of location.

Sec. 53. *1. A payments bank shall not issue or publish, or cause or permit to be issued or published, any advertisement that it is doing or is permitted to do any business which is prohibited by law for a payments bank, or which misrepresents the nature of its stock, investment certificates, payments deposits or the right of investors or depositors in respect thereto.*

2. A payments bank may set forth in any of its advertisements any of the purposes for which it is organized.

3. A payments bank shall not issue, circulate or publish any advertisement after notice in writing from the Commissioner that in his or

her opinion the advertisement is unauthorized, false, misleading or likely to deceive the public.

4. A payments bank shall not:

(a) State in any advertisement that it is under state supervision or control.

(b) Include in any advertisement or in any instrument used by it a replica of the Great Seal of the State of Nevada.

(c) Use the word "deposit" or "deposits" in any form of advertising that would be prohibited under federal law.

Sec. 54. *1. A licensee must obtain the approval of the Commissioner before using or changing a business name.*

2. A licensee shall not:

(a) Use any business name which is identical or similar to a business name used by another licensee under this chapter which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

Sec. 55. *1. The business and affairs of every payments bank must be managed and controlled by a board of not less than 5 and not more than 25 directors, a majority of which must not be full-time officers of the payments bank. The persons designated in the articles of incorporation are the first directors.*

2. Vacancies in the board of directors must be filled by vote of the stockholders at the annual meetings or at a special meeting called for that purpose. The board of directors may fill vacancies occurring on the board and such appointees serve until the next annual meeting of the stockholders.

3. The board of directors of a payments bank may amend the bylaws of the payments bank.

Sec. 56. *A person is not eligible to serve as a director of a payments bank without the written permission of the Commissioner if he or she:*

1. Has been adjudicated bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him or her for a sum of money to remain unsatisfied of record or not safeguarded by a supersedeas bond on appeal for a period of more than 3 months.

2. Is a director, officer or employee of any other unaffiliated payments bank.

3. Is an officer or employee of an unaffiliated commercial bank in this State.

4. Is not an investor in the payments bank or its holding company, if applicable, owning in his or her own right or in a representative capacity as an executor, administrator, guardian or trustee stock in the payments bank or its holding company, if applicable, of the par value of at least $1,000, or full-paid investment certificates in the payments bank or its holding company, if applicable, of the value of at least $1,000. For the purpose of this chapter, a person who owns stock or investment certificates as a joint

tenant with one other person shall be deemed to own, in his or her own right, one-half of the stock or investment certificates.

5. Sells or hypothecates all the stock or investment certificates owned by him or her, or so much thereof that he or she ceases to be the owner, free from encumbrances, of the amount of stock or investment certificates required by subsection 4.

Sec. 57. *If the Commissioner notifies the board of directors of any payments bank, in writing, that he or she has information that any director, officer or employee of the payments bank is failing in the performance of his or her duties, the board of directors shall meet and consider the matter forthwith. The Commissioner must have notice of the time and place of the meeting. If the board of directors finds the Commissioner's objection to be well founded, the director, officer or employee shall be removed immediately.*

Sec. 58. *1. Any director may be removed from office, if he or she has become ineligible pursuant to section 56 of this act, by an affirmative vote of two-thirds of the members of the board of directors at any regular meeting of the board of directors or at any special meeting called for that purpose. Such action shall be ratified at the next meeting of the stockholders.*

2. No such vote upon removal of the director may be taken until he or she has been advised of the reasons thereto, either oral or written. If the director affected is present at the meeting, he or she shall retire after his or her statement has been submitted and before the vote upon the matter of his or her removal.

Sec. 59. *Directors and officers of a payments bank shall discharge the duties of their respective positions in good faith and with the diligence, care and skill which ordinary, prudent persons would exercise under similar circumstances in a similar position.*

Sec. 60. *The board of directors of a payments bank shall elect the officers named in the bylaws of the payments bank, which officers shall serve at the pleasure of the board of directors.*

Sec. 61. *1. The board of directors of each payments bank shall hold a regular meeting at least once each quarter, at a time to be designated by it in accordance with its bylaws.*

2. Special meetings of the board of directors may be held upon notice to each director sufficient to permit his or her attendance. The president or any three members of the board of directors may call a meeting of the board of directors by giving notice to all of the directors.

3. At any meeting of the board of directors, a majority of the members constitutes a quorum for the transaction of business.

Sec. 62. *Every official communication by the Commissioner directed to the board of directors of a payments bank must be presented at the next meeting of the board of directors and made a part of the minutes of the meeting.*

Sec. 63. *1. A payments bank shall immediately notify the Commissioner of any change or proposed change in ownership of the stock*

of the payments bank which would result in any person, including, without limitation, a business trust, obtaining 5 percent or more of the outstanding capital stock of the payments bank.

2. An application must be submitted to the Commissioner, pursuant to section 44 of this act, by a person who acquires:

(a) At least 25 percent of the outstanding stock of the payments bank; or

(b) Any outstanding stock of a payments bank if the change will result in a change in the control of the payments bank.

➥ Except as otherwise provided in subsection ~~[4,]~~ 3, the Commissioner shall conduct an investigation to determine whether the character and responsibility of the applicant is such as to command the confidence of the community in which the corporate office of the payments bank is located. If the Commissioner denies the application, he or she may forbid the applicant from participating in the business of the payments bank.

3. ~~[The payments bank with which the applicant is affiliated shall pay such a portion of the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be placed in the Investigative Account for Financial Institutions created by NRS 232.545.~~

~~4.]~~ A payments bank may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 64. *A payments bank may provide for pensions, retirement plans and other benefits for its officers and employees, and may contribute to the cost thereof in accordance with the plan adopted by its board of directors.*

Sec. 65. *The board of directors shall approve the depositary or depositaries for funds of the payments bank.*

Sec. 66. *1. It is unlawful for an officer, director, employee or capital stockholder of a payments bank to:*

(a) Solicit, accept or agree to accept, directly or indirectly, from any person other than the payments bank or an affiliate of the payments bank, any gratuity, compensation or other personal benefit for any action taken by the payments bank or for endeavoring to procure any such action.

(b) Have any interest, direct or indirect, in the purchase at less than its face value of any evidence of a deposit account or other indebtedness issued by the payments bank, excluding stock certificates and junior capital notes.

2. A violation of the provisions of this section is a misdemeanor.

Sec. 67. *Any director or officer of a payments bank or any other person who knowingly and willingly participates in any violation of the laws of this State relative to payments banks is liable for all damage which the payments bank, its stockholders, payments depositors or creditors sustain in consequence of such violation.*

Sec. 68. *Nothing in this chapter limits the authority of a payments bank to indemnify and defend, or to provide reimbursement for expenses of defending an action to, officers, directors, employees, agents or other parties as such authority may be provided under the laws of this State, if such indemnification does not violate the limitations on indemnification imposed by section 18(k) of the Federal Deposit Insurance Act, 12 U.S.C. § 1828(k), and the regulations adopted by the Federal Deposit Insurance Corporation pursuant thereto.*

Sec. 69. *1. Except as otherwise provided in this chapter, every payments bank licensed under the provisions of this chapter has the same rights, powers, privileges, immunities and exceptions which are possessed by any federal banks, including, without limitation, all such fiduciary powers that a federal bank is authorized to exercise except as may be expressly denied or limited by the Commissioner after notice and a hearing.*

2. If federal law conflicts with any of the provisions of this chapter, except as otherwise provided by the Commissioner, the provisions of federal law shall prevail as to such conflict, and satisfaction of any obligations imposed under federal law by the payments bank shall be deemed to also satisfy the obligations of the payments bank under state law.

3. In addition to all other powers otherwise granted by this chapter, every payments bank licensed under the provisions of this chapter has the powers, privileges and authorities granted by regulations promulgated under the Federal Deposit Insurance Act for foreign banks, except as may be expressly denied or limited by the Commissioner after notice and a hearing.

4. A payments bank shall have any power reasonably incident, convenient or useful to the accomplishment of the powers conferred upon the payments bank by this chapter.

Sec. 70. *1. Except as otherwise provided in this section, in addition to all powers, express or implied, that a payments bank has under this chapter, a payments bank has the powers, privileges and authorities that a state bank has under chapters 657 to 671, inclusive, of NRS and that a national bank has. Such powers, privileges and authorities include, without limitation, the conducting of merchant acquiring activities, money transmission, as defined in NRS 671.013, and activities concerning the maintenance of deposit accounts.*

2. A payments bank shall not engage in any activity:

(a) Described in NRS 673.324 to 673.332, inclusive, relating to loans; or

(b) That the Commissioner has, after notice and a hearing, expressly denied or limited.

3. A payments bank may apply to receive deposit insurance from the Federal Deposit Insurance Corporation, or its successor agency.

4. Any restriction, limitation or requirement applicable to a specific power, privilege or authority of a state bank or national bank applies to a payments bank exercising such a power, privilege or authority pursuant to

this section to the extent that a payments bank exercises such a power, privilege or authority.

Sec. 71. *A payments bank shall at all times maintain capital stock and paid-in surplus as required by the Commissioner, but in no event in an amount that is less than the lesser of $3,000,000 or an amount determined by the Commissioner after his or her review of the application for permission to organize as a payments bank.*

Sec. 72. *1. Any payments bank licensed pursuant to this chapter may subscribe to the stock of a Federal Reserve Bank and become a member of the Federal Reserve System.*

2. Any payments bank licensed pursuant to this chapter which is, or which becomes, a member bank is, by this section, vested with all powers conferred upon member banks of the Federal Reserve System by the terms of the Federal Reserve Act as fully and completely as if such powers were specifically enumerated and described in this section, and all such powers must be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act, or by regulations of the Board of Governors of the Federal Reserve System made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers conferred in this section.

3. Compliance on the part of any such payments bank with the reserve requirements of the Federal Reserve Act shall be deemed to be full compliance with those provisions of the laws of this State which require payments banks to maintain cash balances in their vaults or with other banks, and no such payments bank need carry or maintain a reserve other than such as is required under the terms of the Federal Reserve Act.

4. The authorities of this State having supervision over such payments bank may disclose to the Board of Governors of the Federal Reserve System, or to examiners appointed by it, all information in reference to the affairs of any payments bank which has become, or desires to become, a member bank of the Federal Reserve System.

5. The provisions of this section shall not be construed to limit the ability of a payments bank to engage in any activity authorized by this chapter.

6. As used in this section:

(a) "Board of Governors of the Federal Reserve System" means the Board of Governors of the Federal Reserve System created and described in the Federal Reserve Act.

(b) "Federal Reserve Act" means the Act of Congress, approved December 23, 1913, being c. 6, 38 Stat. 251, as amended.

(c) "Federal Reserve Bank" means the Federal Reserve Banks created and organized under authority of the Federal Reserve Act.

(d) "Federal Reserve System" means, collectively, the Federal Reserve Banks and the Board of Governors of the Federal Reserve System.

(e) "Member bank" means any national bank, state bank, payments bank or banking and trust company which has become or which becomes a member of the Federal Reserve System.

Sec. 73. *A payments bank may purchase or lease property for its office buildings or construct its office buildings on property purchased or leased by it, if the total cost of land and improvements does not exceed 70 percent of the sum of the capital, surplus and reserves of the payments bank.*

Sec. 74. *1. A payments bank shall not sell or issue any of its common or preferred stock until it has first applied for and secured from the Commissioner a license authorizing it so to do as provided in section 44 of this act.*

2. Every license must recite in bold type that the issuance of the license is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued.

3. Before the sale of, or option to buy, any additional authorized but unissued common or preferred stock, the payments bank must have the written approval of the Commissioner.

4. The Commissioner may impose conditions requiring the impoundment of the proceeds from the sale of any stock, limiting the expense in connection with the sale and such other conditions as are reasonable and necessary or advisable to ensure the disposition of the proceeds from the sale of the stock in the manner and for the purposes provided in the license.

Sec. 75. ~~*[1.]*~~ *The license specified in section 74 of this act authorizes the company, payments bank or corporation to whom it is issued to sell its approved securities and contracts within this State for the remainder of the fiscal year ending on June 30 next succeeding. Each license is renewable, under like restrictions, annually thereafter.*

~~*[2. For the issuing of any license provided for in section 74 of this act and for any renewal thereof, the fee of the Commissioner is $400.*~~

~~*3. The fees must accompany the license renewal application. A penalty of 10 percent of the fee payable must be charged for each month or part thereof that the fees are not paid after June 30 of each year.*~~

~~*4. The Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.]*~~

Sec. 76. *1. A payments bank may issue investment certificates, with or without passbooks. The holders of investment certificates are not liable for debts or assessments, and are entitled upon liquidation of a payments bank to receive payment in full before any payment or distribution is made to stockholders. The holders of investment certificates have no right to participate in the profits of the payments bank.*

2. Investment certificates may be issued as fully paid investment certificates, accumulative investment certificates, minimum term investment certificates or other types of certificates approved by the Commissioner. The Commissioner shall not approve any certificates whose issuance would impair the insurance of the accounts of the payments bank by the Federal Deposit Insurance Corporation, if applicable.

Sec. 77. *1. A payments bank shall continuously maintain:*

(a) A leverage capital ratio of not less than 10 percent;

(b) The following amount of payment volume capital:

(1) Five percent of payment volume for payment volume that does not exceed $10,000,000;

(2) An additional 3 percent of payment volume for payment volume that exceeds $10,000,000 but does not exceed $25,000,000;

(3) An additional 1.5 percent of payment volume for payment volume that exceeds $25,000,000 but does not exceed $100,000,000;

(4) An additional 0.75 percent of payment volume for payment volume that exceeds $100,000,000 but does not exceed $250,000,000;

(5) An additional 0.25 percent of payment volume for payment volume that exceeds $250,000,000 but does not exceed $1 billion;

(6) An additional 0.15 percent of payment volume for payment volume that exceeds $1 billion but does not exceed $5 billion;

(7) An additional 0.08 percent of payment volume for payment volume that exceeds $5 billion but does not exceed $20 billion; and

(8) An additional 0.05 percent of payment volume for payment volume that exceeds $20 billion;

(c) An amount of risk capital that is not less than the greater of:

(1) An amount that is two times the average monthly chargebacks in the immediately preceding 6 months; or

(2) An amount that is two times the average monthly forecast dollar volume of chargebacks for a 6-month period; and

(d) The amount of capital stock and paid-in surplus required by section 71 of this act.

2. The Commissioner may determine that a payments bank that, at any time, has less than the minimum leverage capital ratio, payment volume capital, risk capital or statutory capital required by subsection 1 is operating in an unsafe or injurious manner. Such a payments bank shall comply with any order or action taken by the Commissioner to restore the payments bank to adequate capitalization.

Sec. 78. *Deposits received by a payments bank may only be invested in:*

1. High-quality liquid assets, as defined in 12 C.F.R. § 329.3.

2. Demand, time or payments deposits with any bank, credit union or trust company whose deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.

3. Stock or obligations of any corporation or agency of the United States or any state, or in deposits therewith to the extent that such a corporation or agency assists in furthering or facilitating the purposes or powers of the payments bank.

4. Deposit accounts of any insured depository institution licensed by this State and of any federally chartered depository institution, if the accounts of such institution are insured by the Federal Deposit Insurance Corporation.

Sec. 79. *1. A payments bank may invest the equity of the payments bank in capital stock, obligations or other securities of a related service company, operating subsidiary or financial subsidiary.*

2. The investments in subsection 1 shall not include any money deposited to the payments bank by a third party.

Sec. 80. *The power of a payments bank to borrow money and contract debts includes the power to issue capital notes evidencing such borrowings and to subordinate the same to investment certificates and other liabilities.*

Sec. 81. *The aggregate amount of all borrowings of any payments bank must not exceed an amount which would impair the insurance of the deposit accounts of the payments bank, if any.*

Sec. 82. *1. Any payments bank may issue deposit accounts or investment certificates to minors with the written consent of their parents, trustees or guardians, and to married persons, each in their own right.*

2. Any payment thereon, or delivery thereof, or of any rights thereunder, to a minor of the age of 14 years or over, or to a married person, or a receipt or acquittance signed by the minor and parent, trustee or guardian or by a married person who holds such deposit accounts or investment certificates, is a valid and sufficient release and discharge of the payments bank for any such payment or delivery.

Sec. 83. *1. A deposit account or investment certificate of any payments bank may be purchased and held by any person as administrator, executor, guardian, or as trustee or other fiduciary, in trust for a named beneficiary or beneficiaries.*

2. Any person holding a deposit account as a fiduciary may make payments upon, and withdraw, in whole or in part, the deposit account or investment certificate.

3. The withdrawal value of any such deposit account or investment certificate and interest thereon, or other rights relating thereto, may be paid or delivered to the fiduciary, and the payment or delivery to the fiduciary or a receipt or acquittance signed by the fiduciary, to whom any payment or delivery of rights is made, is a valid and sufficient release and discharge of the payments bank for the payment or delivery so made.

Sec. 84. *1. Each payments bank doing business in this State shall file with the Commissioner a report containing any information or other facts the Commissioner deems necessary.*

2. The Commissioner shall adopt regulations establishing the information to be reported ~~[and the amount of the fee that may be imposed]~~ pursuant to ~~[this]~~ subsection ~~1~~.

~~*3. Every payments bank shall pay to the Commissioner for supervision and examination a fee based on the rate established and, if applicable, adjusted pursuant to section 84.5 of this act.]~~ 1.*

Sec. 84.5. ~~*[1. The Commissioner shall establish by regulation rates to be paid by payments banks for supervision and examinations by the Commissioner or the Division of Financial Institutions. The rates*~~

~~*established pursuant to this section must be established separately from the rates established for banks and other financial institutions pursuant to NRS 658.101.*~~

~~*2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:*~~

~~*(a) The complexity of the various examinations to which the rate applies;*~~

~~*(b) The skill required to conduct the examinations;*~~

~~*(c) The expenses associated with conducting an examination and preparing a report; and*~~

~~*(d) Any other factors the Commissioner deems relevant.*~~

~~*3. At least once each year, the Commissioner shall review and analyze the proportional utilization of the resources of the Division of Financial Institutions by payments banks as compared to the annual budget approved by the Legislature for the Division of Financial Institutions. If after such review and analysis the Commissioner deems it necessary, the Commissioner shall adjust by regulation the rates established pursuant to subsection 1.*~~

~~*4. The Commissioner shall publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of each fee for the following year that results from the rates established and, if applicable, adjusted pursuant to this section.*~~

~~*5. As used in this section, "financial institution" has the meaning ascribed to it in NRS 658.101.]*~~ **(Deleted by amendment.)**

Sec. 85. *Each such payments bank shall cause to be supplied to the Commissioner at any time, upon his or her demand, any information which he or she may require as to the condition, affairs or methods of the payments bank.*

Sec. 86. *1. The Commissioner may conduct or cause to be conducted such hearings, investigations or examinations of the books and records, wherever they may be, relating to the affairs of such organizations as he or she may deem expedient and in aid of the proper administration of the provisions of this chapter.*

2. Except as otherwise provided in section 92 of this act, all examination reports and all information obtained by the Commissioner in conducting hearings, investigations or examinations under the provisions of this chapter, including all related correspondence and memoranda, and information obtained by the Commissioner from other state or federal bank regulatory authorities with whom the Commissioner has entered into agreements for the confidential sharing of such information, and information obtained by the Commissioner relating to the examination and supervision of any corporation which is an affiliate of a payments bank is confidential and privileged information and must not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, court or other entity.

3. Any information submitted by a person to the Commissioner for any purpose under this chapter shall not be construed as waiving, destroying or

otherwise affecting any privilege such person may claim with respect to such information under federal or state law as to any person or entity other than the Commissioner.

4. In connection with the conduct of any hearing, investigation or examination, the Commissioner or other person designated by him or her to conduct it may:

(a) Compel the attendance of any person by subpoena.

(b) Administer oaths.

(c) Examine any person under oath concerning the business and conduct of affairs of any payments bank subject to the provisions of this chapter, and require the production of any books, papers, records, money and securities relevant to the inquiry. Any willful false swearing is perjury and is punishable as such.

5. The Commissioner shall conduct at least once every 2 years an examination of the books and records of each payments bank licensed under this chapter.

Sec. 87. *1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representatives may, at any time, investigate the business and examine the books, accounts, papers and records used therein of any:*

(a) Payments bank;

(b) Other person engaged in an activity regulated pursuant to the provisions of this chapter; and

(c) Person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his or her authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

(a) Any transaction or business regulated pursuant to the provisions of this chapter; or

(b) The subject matter of any audit, examination, investigation or hearing.

Sec. 88. *1. In case of the refusal of any person to attend or testify or produce any papers required by the subpoena directed to be served under the provision of section 86 of this act, the Commissioner may report to the district court in and for the county in which the examination, hearing or investigation is pending by petition, setting forth that:*

(a) Due notice has been given of the time and place of attendance of the person or the production of the books and papers;

(b) The person has been subpoenaed in the manner prescribed in this chapter; and

(c) The person has failed and refused to attend or produce the papers required by subpoena before the Commissioner in the examination, hearing or investigation named in the subpoena, or has refused to answer questions propounded to him or her in the course of such examination, hearing or investigation,

➥ and asking an order of the court compelling the person to attend and testify or produce the books or papers before the Commissioner.

2. The court, upon petition of the Commissioner, shall enter an order directing the person to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he or she has not attended or testified or produced the books or papers before the Commissioner. A certified copy of the order must be served upon the person. If it appears to the court that the subpoena was regularly issued by the Commissioner, the court shall thereupon enter an order that the person appear before the Commissioner at the time and place fixed in the order and testify or produce the required books or papers. Upon failure to obey the order, the person shall be dealt with as for contempt of court.

Sec. 89. *1. The Commissioner may, at the time of examining a payments bank, inspect the books, ledgers and minutes of any corporation which is registered or required to be registered under section 5 of the Bank Holding Company Act of 1956, 12 U.S.C. § 1844, or section 10 of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1467a, as a holding company whenever, in his or her discretion, the Commissioner considers it advisable to ascertain facts which may relate to transactions between the holding company and the affiliated payments bank. The provisions of section 86 of this act apply to the examination of such corporation.*

2. Upon making findings to that end, the Commissioner may order the discontinuance of borrowing or lending, selling or buying of assets, extending credit or guaranteeing obligations of the holding company which has been undertaken without the written approval of the Commissioner.

3. A holding company which controls a payments bank shall not impose any unreasonable supervisory fees upon the payments bank.

Sec. 90. ~~*[1. Whenever in connection with an examination it is necessary or expedient that the Commissioner or his or her designee, or both, leave this State, there must be assessed against the organization under examination a fee of not more than the per diem allowance and travel expenses provided for state officers and employees generally for each person while outside the State in connection with an examination, together with all actual and necessary expenses.*~~

~~*2. The fee charged must be remitted to the Commissioner. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 91. ***In lieu of making any examination, the Commissioner may accept any examination of any payments bank made by the Board of Governors of the Federal Reserve System, any Federal Home Loan Bank or Federal Reserve Bank, or the Federal Deposit Insurance Corporation, or may examine any such institution in conjunction with the Board of Governors of the Federal Reserve System, a Federal Home Loan Bank or Federal Reserve Bank, or the Federal Deposit Insurance Corporation.***

Sec. 92. ***1. Before disclosing or furnishing any document, report or information under this section, the Commissioner must determine that such document, report or information will receive protection from further disclosure comparable to the protections provided by this chapter.***

2. The Commissioner, his or her agents and employees may furnish all or any part of an examination report, work paper, supervisory agreement or directive, order or other information obtained in the conduct of a hearing, investigation or examination under the provisions of this chapter to:

(a) An agency of the Federal Government or of another state empowered to examine or supervise a payments bank, a bank holding company owning a payments bank or a subsidiary of such holding company;

(b) An official empowered to investigate criminal charges subject to legal process, valid search warrant or subpoena, provided that the Commissioner may only furnish that part of any document or report which is necessary and pertinent to the investigation, and the Commissioner may do this only after notifying the affected payments bank and any customer of the payments bank who is named in such part of the document or report ordered to be furnished unless the official requesting the document or report first obtains a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined payments bank or holding company thereof;

(d) A receiver or liquidator appointed pursuant to this chapter; or

(e) The court in a proceeding initiated by the Commissioner concerning the payments bank if the Commissioner first provides such notice to the payments bank as will afford the payments bank an opportunity to object or to seek a protective order.

3. Except as otherwise provided in subsections 4 and 5, all documents, reports and information furnished by the Commissioner pursuant to this section remain the property of the Division of Financial Institutions, and no person, agency or authority to whom such documents, reports or information are made available, or any officer, director or employee thereof, may disclose any of the documents, reports or information contained therein, except in published statistical material that does not disclose the affairs of any natural person or corporation.

4. An examination report made by the Division of Financial Institutions is designed for use in the supervision of a payments bank. The report shall remain the property of the Commissioner and will be furnished to the payments bank solely for its confidential use. The payments bank may

disclose the report or relevant portions thereof to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs. Under no circumstances may the payments bank or any of its directors, officers, employees, agents or affiliates disclose or make public in any manner the report or any portion thereof to any person or organization not connected with the payments bank as officer, director, employee, attorney, auditor or candidate for executive office with the payments bank or its holding company. The payments bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the payments bank.

5. Except for an examination report as provided in subsection 4, a payments bank may disclose any document, report or information provided by the payments bank to the Commissioner and any document, report or information received by the payments bank from the Commissioner to any of its directors, officers, employees, agents or affiliates as necessary and appropriate in the conduct of its affairs.

6. A payments bank, a bank holding company or owning a payments bank or a subsidiary of such a holding company, does not violate this section by complying with a duty to report to the Securities and Exchange Commission, including, without limitation, by disclosing any order of the Commissioner pursuant to such a duty.

Sec. 93. *1. Each payments bank shall, at least once each year, cause its books and accounts to be audited at its own expense by a certified public accountant or firm of such accountants selected by the payments bank and approved by the Commissioner.*

2. The Commissioner may prescribe the scope of the audit.

3. A certified copy of the audit, including the management and internal control letters relating to the audit, must be furnished to the Commissioner.

Sec. 94. *Each payments bank shall ~~[pay the assessment levied pursuant to NRS 658.055 and]~~ cooperate fully with ~~[the]~~ all audits and examinations performed ~~[pursuant thereto.]~~ by the Commissioner on the payments bank.*

Sec. 95. *The Commissioner may after notice and hearing suspend or revoke the charter of any payments bank for:*

1. Repeated failure to abide by the provisions of this chapter or the regulations adopted thereunder.

2. Failure to pay a tax as required pursuant to the provisions of chapter 363A or 363C of NRS.

Sec. 96. *1. If the Commissioner finds as the result of any examination or from any report made to him or her or to any payments bank doing business in this State or from any report made to any of its investors that the payments bank is violating the provisions of its articles of incorporation, charter, bylaws, or any law of this State, or is conducting its business in an unsafe or injurious manner, he or she may by an order addressed to such*

payments bank direct a discontinuance of such violations or unsafe or injurious practices and a conformity with all the requirements of law.

2. If a payments bank does not comply with such order, the Commissioner may order the corporate secretary to call a special directors' meeting to consider the matter of noncompliance.

3. The meeting must be held no later than 60 days after issuance of the order to hold the meeting, unless otherwise restrained by court order or by the board. The business of the meeting must be limited to the matter of noncompliance and remedies therefor and the notice of such meeting must set forth in detail the Commissioner's discontinuance order and order to call a directors' meeting.

4. Action taken at the meeting is binding upon the officers of the payments bank.

Sec. 97. *1. A payments bank may reorganize, merge or consolidate with another state or federal bank, national bank, state bank or other insured depository institution, if the reorganization, merger or consolidation is based upon a plan which has been adopted by the board of directors and approved at a regular or special stockholders' meeting which has been called to consider the action. The approval must rest on a favorable vote of a majority of the voting power of the payments bank as established by its articles.*

2. Any such plan for reorganization, merger or consolidation must be approved by the Commissioner. In submitting an application for approval of any such plan, each payments bank proposing to reorganize, merge or consolidate must provide any and all information and other facts which the Commissioner requires for his or her review of the proposed transaction.

3. Unless its action is specifically authorized by or taken in conformity with this chapter, a payments bank may not, directly or indirectly:

(a) Reorganize, merge or consolidate.

(b) Assume liability to pay deposit accounts or other liabilities of any financial institution or any other organization, person or entity.

(c) Transfer assets to any financial institution or any other organization, person or entity in consideration of the transferee's assumption of liability for any portion of the transferor's deposit accounts, deposits or other liability.

(d) Acquire the assets of any financial institution or any other organization, person or entity.

~~*[4. Each application which is made under this section must be accompanied by a fee payment of not more than $300. The responsibility for payment of the fee must be shared equally by the payments banks participating in each proposed plan.*~~

~~*5. The Commissioner shall adopt regulations establishing the amount of the fee required pursuant to this section.]*~~

Sec. 98. *1. Except as otherwise provided in this section, a payments bank may go into voluntary liquidation pursuant to the provisions of NRS 78.580 or 86.491.*

2. If the voluntary liquidation of the payments bank results from a vote or agreement of the stockholders or members of the payments bank, a certified copy of all proceedings of the meeting at which that action is taken, verified by the oath of the president or a manager, must be transmitted to the Commissioner for the Commissioner's approval. If the Commissioner approves the liquidation, the Commissioner shall issue to the payments bank, under the Commissioner's seal, a permit for that purpose. No permit may be issued by the Commissioner until the Commissioner is satisfied that provision has been made by the payments bank to satisfy and pay off all depositors and all creditors of the payments bank. If the Commissioner is not satisfied, the Commissioner shall not issue a permit, but the Commissioner may take possession of the payments bank, its assets and business, and liquidate the payments bank in the manner provided by this chapter.

3. When the Commissioner approves the voluntary liquidation of a payments bank pursuant to subsection 2, the directors or managers of the payments bank shall cause to be published, in a newspaper in the city, town or county in which the corporate office of the payments bank is located, a notice that the payments bank is closing its affairs and going into liquidation, and that its depositors and creditors are to present their claims for payment.

4. When any payments bank is in the process of voluntary liquidation, it is subject to examination by the Commissioner, and the payments bank shall furnish such reports, from time to time, as may be called for by the Commissioner.

5. All unclaimed deposits and dividends remaining in the hands of the payments bank are subject to the provisions of this chapter.

6. Any payments bank that is in the process of voluntary liquidation may sell and transfer to any other state bank, national bank or federal bank all or any portion of its assets of every kind upon such terms as may be agreed upon and approved by the Commissioner and by a majority vote of the payments bank's board of directors or of its managers. A certified copy of the minutes of any meeting at which that action is taken, under the oath of the president or a manager, and a copy of the contract of sale and transfer must be filed with the Commissioner.

7. If a voluntary liquidation or the sale and transfer of the assets of any payments bank is approved by the Commissioner, a certified copy of that approval under seal of the Commissioner, filed in the Office of the Secretary of State, authorizes the cancellation of the articles of incorporation or organization of the payments bank, subject to its continued existence, as provided by law.

Sec. 99. *The provisions of sections 100 to 116, inclusive, of this act apply to a payments bank whose deposit accounts are insured by the Federal Deposit Insurance Corporation.*

Sec. 100. *1. The Federal Deposit Insurance Corporation created by the Federal Deposit Insurance Act, 12 U.S.C. § 1811, may act without bond as receiver or liquidator of any payments bank which:*

(a) Has been closed because of inability to meet the demands of its depositors; and

(b) Is insured by the Federal Deposit Insurance Corporation and has been taken possession of by the Commissioner pursuant to NRS 658.151.

2. The appropriate state authority having the right to appoint a receiver or liquidator of a payments bank may, upon such closing, tender to the Federal Deposit Insurance Corporation the appointment as receiver or liquidator of such payments bank. If the Federal Deposit Insurance Corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this State with respect to a receiver or liquidator, respectively, of a payments bank, its depositors and other creditors, and is subject to all the duties of such receiver or liquidator, except insofar as such powers, privileges or duties are in conflict with the provisions of the Federal Deposit Insurance Act.

Sec. 101. *Upon the acceptance of the appointment as receiver or liquidator by the Federal Deposit Insurance Corporation, the possession of and title to all the assets, business and property of such payments bank of every kind and nature shall pass to and vest in the Federal Deposit Insurance Corporation without the execution of any instruments of conveyance, assignment, transfer or endorsement.*

Sec. 102. *Among its other powers, the Federal Deposit Insurance Corporation, in the performance of its powers and duties as receiver or liquidator, may, upon the order of a court of record of competent jurisdiction, enforce the individual liability of the stockholders or members and directors or managers of any such payments bank.*

Sec. 103. *1. When any state payments bank has been closed as provided in section 100 of this act, and the Federal Deposit Insurance Corporation pays, or makes available for payment, the insured deposit liabilities of such closed payments bank, must be subrogated to all rights against such closed bank of the owners of such deposits in the same manner and to the same extent as the subrogation of the Federal Deposit Insurance Corporation is provided for in the Federal Deposit Insurance Act in the case of the closing of a national bank.*

2. The rights of depositors and other creditors of such closed payments bank will be determined in accordance with the applicable provisions of the laws of this State.

Sec. 104. *1. Any payments bank which is, or may hereafter be, closed on account of inability to meet the demands of its depositors, by action of the Commissioner, by action of a court, by action of its directors or due to its insolvency or suspension, the Commissioner, or the receiver or liquidator of the payments bank with the permission of the Commissioner, may borrow from the Federal Deposit Insurance Corporation and furnish any part or all of the assets of the payments bank to the Federal Deposit Insurance Corporation as security for a loan from it, but where the Federal Deposit Insurance Corporation is acting as the receiver or liquidator, the order of a*

court of record of competent jurisdiction must be first obtained approving the loan.

2. The Commissioner, or the receiver or liquidator of any payments bank with the permission of the Commissioner, upon the order of a court of record of competent jurisdiction, may sell to the Federal Deposit Insurance Corporation any part or all of the assets of the payments bank.

3. The provisions of this section do not limit the power of any payments bank, the Commissioner, receivers or liquidators to pledge or sell assets in accordance with any other existing law.

Sec. 105. *1. The Commissioner shall furnish to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, a copy of all examinations made of any payments bank and of all reports made by the payments bank. The Commissioner shall give access to and disclose to the Federal Deposit Insurance Corporation, or to any official or examiner thereof, all information possessed by the office of the Division of Financial Institutions with reference to the conditions or affairs of any payments bank.*

2. Nothing in this section limits:

(a) The duty of any payments bank in this State from complying with the provisions of the Federal Deposit Insurance Act, its amendments or substitutions, or the requirements of the Federal Deposit Insurance Corporation relative to examinations and reports; or

(b) The powers of the Commissioner with reference to examinations and reports pursuant to the provisions of chapters 657 to 671, inclusive, of NRS.

Sec. 106. *All books, papers and records of a payments bank which has been finally liquidated must be deposited by the receiver in the Office of the Commissioner.*

Sec. 107. *1. Except as otherwise provided in subsections 2 and 3, after the expiration of 10 years from the filing by the Commissioner of a final report of liquidation of any insolvent payments bank, the Commissioner, with the consent of the State Board of Finance, may destroy the records of any insolvent payments bank held in the Office of the Commissioner in connection with the liquidation of the payments bank.*

2. If there are any unpaid dividends of the insolvent payments bank, the Commissioner shall preserve the deposit ledger or other evidence of indebtedness of the payments bank which refers to the unpaid dividends until the dividends have been paid.

3. The Commissioner may not destroy any of the formal records of liquidation or any of the records made in the Commissioner's office with reference to the liquidation of any insolvent payments bank.

Sec. 108. *1. Except as otherwise provided in subsection 2, if any payments bank that has been or is appointed trustee in any indenture, deed of trust or other instrument of like character, executed to secure the payment of any bonds, notes or other evidences of indebtedness, is taken over for liquidation by the Commissioner, by the Federal Deposit Insurance Corporation or by any other legally constituted authority, the powers and*

duties of the payments bank as trustee cease upon the entry of an order of the district court appointing a successor trustee pursuant to a petition as provided for in sections 109 to 114, inclusive, of this act.

2. If an indenture, deed of trust or other instrument of like character that appoints a payments bank as trustee pursuant to subsection 1 includes a provision which provides for the appointment of a successor trustee if the payments bank is taken over for liquidation, the powers and duties of the payments bank as trustee cease upon being taken over by the Commissioner, the Federal Deposit Insurance Corporation or any other legally constituted authority and the successor trustee named, or whose selection is provided for, in the instrument immediately assumes the duties as trustee without appointment by the district court pursuant to sections 109 to 114, inclusive, of this act.

Sec. 109. *1. In all cases to which subsection 1 of section 108 of this act is applicable, the district court for the county in which such indenture, deed of trust or other instrument of like character is recorded shall, upon the verified petition of any person interested in any such trust, either as trustee, beneficiary or otherwise, which interest must be set out in the petition, issue its order directing service on all interested parties, personally or by the publication in a newspaper published in the county, or in some adjoining county if no newspaper is published in the county where the application is made, of a notice directed to all persons concerned, commanding and requiring all persons having any interest in the trust, to appear in court on a day designated in the order and notice, not less than 30 days after the date of the order and notice, to show cause why a new trustee should not be appointed.*

2. Such notice must be published in the manner required by the Nevada Rules of Civil Procedure for service of summons by publication, and shall set forth the names of the parties to the indenture, deed of trust or other such instrument, the date thereof, and the place or places where such instrument is recorded.

Sec. 110. *If, upon the day fixed in the order and notice, no person appears and objects to the appointment of a substitute trustee, the district court shall, upon such terms as it deems advisable to serve the best interest of all interested parties, appoint some competent person, or corporation authorized to act as a trustee, as a substitute trustee. Such appointed trustee is vested with and shall exercise all the powers conferred upon the trustee named in the instrument.*

Sec. 111. *If, upon the day fixed in the order and notice, objection is made to the appointment of a new trustee, the court shall hear and determine the matter. An appeal may be taken from the decision of the court by any party who made an appearance in the proceeding.*

Sec. 112. *The final order of appointment of any such new trustee upon its entry must be recorded in the office of the county recorder in the county or counties in which the instrument under which such appointment has been*

made is recorded, and a minute of the same must be entered by the county recorder on the margin of the record where the original instrument is recorded.

Sec. 113. *The petition and the order appointing such new trustee may include, relate to and apply to any number of indentures, deeds of trust or other instruments, wherein the same trustee is named.*

Sec. 114. *Sections 100 to 113, inclusive, of this act, are in addition to and not in substitution for any other remedy provided by law.*

Sec. 115. *If the Commissioner, the Federal Deposit Insurance Corporation or any liquidating agent appointed pursuant to the provisions of sections 100 to 105, inclusive, of this act, exercises the power of sale set up in any mortgage, deed of trust or other written instrument for the security of the payment of money in which any payments bank then in liquidation was named trustee, the exercise of the power of sale and the acts of resigning the trust, of the Commissioner, the Federal Deposit Insurance Corporation or the appointed liquidating agent have the same effect as if done by the payments bank named as trustee in the mortgage, deed of trust or other instrument.*

Sec. 116. *When the Commissioner or the Federal Deposit Insurance Corporation has taken possession of any payments bank, the payments bank may, with the consent of the Commissioner, resume business upon such terms and conditions as may be approved by the Commissioner and the Federal Deposit Insurance Corporation.*

Sec. 117. *1. When any payments bank is authorized to dissolve and has taken the necessary steps to effect dissolution in accordance with the laws of this State or the laws of the United States, but before actual dissolution, a majority of the directors or managers of the payments bank, upon authority in writing of the owners of two-thirds of its stock or two-thirds of the members' interests and with the approval of the Commissioner, may execute articles of incorporation or organization as provided in this chapter for the organization of a new payments bank. The articles must further set forth the authority derived from the stockholders or members of the payments bank.*

2. Upon the filing of articles of incorporation or organization in the same manner as provided for the organization of new payments banks, the reorganized payments bank is a payments bank under the laws of this State. Upon reorganization, all assets, real and personal, of the dissolved payments bank, by operation of law, vest in and become the property of the reorganized payments bank, subject to all liabilities of the payments bank existing before the reorganization.

Sec. 118. *As used in sections 118 to 125, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 119 to 123, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 119. *"Designated reporter" means a person designated by a payments bank to receive reports of known or suspected exploitation of an older person or vulnerable person pursuant to section 125 of this act.*

Sec. 120. *"Exploitation" has the meaning ascribed to it in NRS 200.5092.*

Sec. 121. *"Older person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 122. *"Reasonable cause to believe" has the meaning ascribed to it in NRS 200.50925.*

Sec. 123. *"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 124. *1. Each payments bank shall provide training concerning the identification and reporting of the suspected exploitation of an older person or vulnerable person to each director, officer and employee of the payments bank who:*

(a) May, as part of his or her regular duties for the payments bank, come into direct contact with an older person or vulnerable person; or

(b) May review or approve the financial documents, records or transactions of an older person or vulnerable person in connection with providing financial services to the older person or vulnerable person.

2. The training required pursuant to subsection 1 must be provided as soon as reasonably practicable, but not later than 6 months after the director, officer or employee is employed by the payments bank or assumes the position.

3. The training required pursuant to subsection 1 must include, without limitation:

(a) An explanation of the conduct which constitutes exploitation of an older person or vulnerable person;

(b) The manner in which exploitation of an older person or vulnerable person may be recognized;

(c) Information concerning the manner in which reports of exploitation are investigated; and

(d) Instruction concerning when and how to report known or suspected exploitation of an older person or vulnerable person.

4. A director, officer or employee who has observed or has knowledge of an incident that is directly related to a transaction or matter which is within his or her scope of practice and which reasonably appears to be exploitation of an older person or vulnerable person shall report the known or suspected exploitation to the designated reporter.

Sec. 125. *1. Each payments bank shall designate a person or persons to whom a director, officer or employee of the payments bank must report known or suspected exploitation of an older person or vulnerable person.*

2. If a director, officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or

knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 126. ~~***[Any person who knowingly makes, utters, circulates or transmits to another, or others, any statement untrue in fact, derogatory to the financial condition of any such payments bank doing business in this State, with intent to injure the payments bank, or who counsels, aids, procures or induces another to originate, make, utter, transmit or circulate any such statement or rumor, with like intent, is guilty of a misdemeanor.]***~~ **(Deleted by amendment.)**

Sec. 127. ~~***[In addition to any other remedy or penalty, a payments bank which violates any provision of this chapter or fraudulently misrepresents the terms of any contract or of any securities, and thereby secures a sale therefor, shall be punished by an administrative fine of not more than $10,000 and forfeiture and revocation of all licenses issued to it under the provisions of this chapter.]***~~ **(Deleted by amendment.)**

Sec. 128. NRS 657.037 is hereby amended to read as follows:

657.037 "Depository institution" means any bank, savings and loan association, savings bank, thrift company, credit union ***, payments bank*** or other institution, whether chartered by this State, another state or the Federal Government, which:

1. Holds or receives deposits, savings or share accounts;
2. Issues certificates of deposit; or
3. Provides to its customers other depository accounts which are subject to withdrawal by checks, drafts or other instruments or by electronic means to effect payment to a third party.

Sec. 128.5. **NRS 658.055 is hereby amended to read as follows:**

658.055 1. The Commissioner may appoint deputy commissioners of financial institutions, examiners, assistants, clerks, stenographers and other employees necessary to assist the Commissioner in the performance of the Commissioner's duties pursuant to this title or any other law. These employees shall perform such duties as are assigned to them by the Commissioner.

2. The Commissioner shall employ a certified public accountant to review and conduct independent audits and examinations of financial institutions. The Commissioner shall levy an assessment upon each licensed financial institution ***, other than a payments bank licensed pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act,*** to cover all of the costs related to the employment of the certified public accountant and the performance of the audits and examinations.

3. Assessments collected by the Commissioner pursuant to subsection 2 must be deposited in the State Treasury for credit to the Account for Auditing Financial Institutions, which is hereby created in the State General Fund. Money in the Account may be used by the Commissioner or for any purpose authorized by the Legislature. The Commissioner may advance money from the Account, for the purposes specified in subsection 2.

Sec. 129. ~~[NRS 658.098 is hereby amended to read as follows:~~

~~658.098 1. On a quarterly or other regular basis, the Commissioner shall collect an assessment pursuant to this section from each:~~

~~(a) Check-cashing service or deferred deposit loan service that is supervised pursuant to chapter 604A of NRS;~~

~~(b) Collection agency that is supervised pursuant to chapter 649 of NRS;~~

~~(c) Bank that is supervised pursuant to chapters 657 to 668, inclusive, of NRS;~~

~~(d) Trust company or family trust company that is supervised pursuant to chapter 669 or 669A of NRS;~~

~~(e) Person engaged in the business of money transmission that is supervised pursuant to chapter 671 of NRS;~~

~~(f) Savings and loan association or savings bank that is supervised pursuant to chapter 673 of NRS;~~

~~(g) Person engaged in the business of lending that is supervised pursuant to chapter 675 of NRS;~~

~~(h) Thrift company that is supervised pursuant to chapter 677 of NRS;~~

~~(i) Credit union that is supervised pursuant to chapter 672 of NRS;~~

~~(j) Consumer litigation funding company that is supervised pursuant to chapter 604C of NRS; [and]~~

~~(k) Student loan servicer that is supervised pursuant to chapter 670B of NRS~~ **[.]** ~~*; and*~~

~~*(l) Payments bank that is supervised pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.*~~

~~2. The Commissioner shall determine the total amount of all assessments to be collected from the entities identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division of Financial Institutions. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from an entity for the recovery of the costs of legal services provided by the Attorney General in a specific case.~~

~~3. The Commissioner shall collect from each entity identified in subsection 1 an assessment that is based on:~~

~~(a) A portion of the total amount of all assessments as determined pursuant to subsection 2, such that the assessment collected from an entity identified in subsection 1 shall bear the same relation to the total amount of all assessments as the total assets of that entity bear to the total of all assets of all entities identified in subsection 1; or~~

~~(b) Any other reasonable basis adopted by the Commissioner.~~

~~4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by an entity identified in subsection 1.~~

~~5. Money collected by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.~~ **]**

(Deleted by amendment.)

Sec. 129.5. NRS 658.101 is hereby amended to read as follows:

658.101 1. The Commissioner shall establish by regulation rates to be paid by banks and other financial institutions for supervision and examinations by the Commissioner or the Division of Financial Institutions.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

3. At least once each year, the Commissioner shall review and analyze the proportional utilization of the resources of the Division of Financial Institutions by banks and other financial institutions as compared to the annual budget approved by the Legislature for the Division of Financial Institutions.

If after such review and analysis the Commissioner deems it necessary, the Commissioner shall adjust by regulation the rates established pursuant to subsection 1.

4. The Commissioner shall publish on the Internet website of the Division of Financial Institutions by December 31 of each year the amount of each fee for the following year that results from the rates established and, if applicable, adjusted pursuant to this section.

5. As used in this section, "financial institution" means a depository institution or any other institution or business regulated by the Division of Financial Institutions pursuant to titles 52, 54 and 55 of NRS ~~.~~ ***, other than a payments bank regulated by the Division of Financial Institutions pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.*** The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.

Sec. 130. NRS 659.125 is hereby amended to read as follows:

659.125 1. A business entity may not be organized under the laws of this State with the words "bank" or "banking" as part of its name except corporations or limited-liability companies subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, ***and the chapter consisting of sections 2 to 127, inclusive, of this act*** or corporations under the regulation of the Commissioner of Insurance. A corporate or company name must not be amended to include the words "bank" or "banking" unless the corporation or company is under such regulation.

2. Except as otherwise provided in subsection 3, a natural person, association, firm or corporation domiciled within this State, except a national bank or a banking corporation subject to regulation pursuant to chapters 657 to 668, inclusive, 673 or 677 of NRS, ***and the chapter consisting of sections 2 to 127, inclusive, of this act*** or under the regulation of the Commissioner of Insurance, may not advertise or put forth any sign as bank, banking or banker or use the word "bank," "banking" or "banker" as part of its name and title.

3. A thrift company subject to the provisions of chapter 677 of NRS may use the words "savings bank" as part of its name if its deposits are federally insured.

4. Any person who violates any of the provisions of this section shall be fined not more than $500 for each offense.

Sec. 131. NRS 671.020 is hereby amended to read as follows:

671.020 Except as otherwise provided in NRS 671.155, this chapter does not apply to any:

1. Federally insured depository financial institution, privately insured depository financial institution, bank holding company or any subsidiary thereof, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to 12 U.S.C. § 3102, as amended, corporation organization pursuant to 12 U.S.C. §§ 1861 to 1867, inclusive, as amended, or corporation organized pursuant to 12 U.S.C. §§ 611 to 633, inclusive, as amended, under the laws of a state or of the United States.

2. Operator of a payment system to the extent that it provides processing, clearing or settlement services between or among persons exempted pursuant to this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored value transactions, automated clearinghouse transfers or similar transfers of money.

3. Person appointed as an agent of a payee to collect and process a payment from a payor to the payee for goods or services, other than money transmission, provided to the payor by the payee, so long as:

(a) A written agreement exists between the payee and the agent directing the agent to collect and process payments from payors on behalf of the payee;

(b) The payee holds the agent out to the public as accepting payments for goods or services on behalf of the payee; and

(c) Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the obligation of the payor is extinguished and there is no risk of loss to the payor if the agent fails to remit the money to the payee.

4. Person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the designated recipient of the sender, so long as the entity:

(a) Is a licensee or exempt from licensure pursuant to this chapter;

(b) Provides a receipt, electronic record or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

(c) Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including, without limitation, the obligation to make the sender whole in connection with any failure to transmit the money to the designated recipient of the sender.

5. Department, agency, instrumentality or agent of the United States.

6. State, county, city or any other governmental agency, subdivision, instrumentality or agent of a state.

7. Money transmission by the United States Postal Service or by an agent of the United States Postal Service.

8. Trust company that is licensed or otherwise authorized to engage in the business of a trust company in this State pursuant to chapter 669 of NRS.

9. Electronic money transfer of governmental benefits for a federal, state, county or governmental agency by a contractor on behalf of the United States or a department, agency or instrumentality thereof or on behalf of a state or governmental subdivision, agency or instrumentality thereof.

10. Board of trade designated as a contract market under the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq., as amended, or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for the board of trade.

11. Registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant.

12. Person registered as a securities broker-dealer under federal or state securities laws to the extent of the operations of the person as such a securities broker-dealer.

13. Natural person employed by a licensee, authorized delegate or any person exempt from licensure pursuant to this section when acting within the scope of employment and under the supervision of the licensee, authorized delegate or exempt person as an employee and not as an independent contractor.

14. Person expressly appointed as a third-party service provider to or agent of an entity exempt pursuant to subsection 1 to the extent that:

(a) The third-party service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the third-party service provider or agent is to perform; and

(b) The exempt entity assumes all risk of loss and legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt by the third-party service provider of the money or monetary value of the purchaser or holder.

15. Employer who performs payroll services on his or her own behalf or on behalf of an affiliate of an employer.

16. Professional employer organization, as defined in NRS 611.400, who performs payroll services.

17. Provider who is licensed pursuant to chapter 604D of NRS.

18. ***Payments bank licensed pursuant to the chapter consisting of sections 2 to 127, inclusive, of this act.***

19. Person exempt by regulation or order of the Commissioner pursuant to NRS 671.0205.

Sec. 132. NRS 52.450 is hereby amended to read as follows:

52.450 As used in NRS 52.450 to 52.480, inclusive, unless the context otherwise requires:

1. "Banking or financial institution" means any bank, savings and loan association, savings bank, thrift company ***,*** ~~[or]~~ credit union ***or payments bank*** licensed to do business as such in this State or any other state.

2. "Custodian of the records of a banking or financial institution" means an employee or agent of a banking or financial institution who has the care, custody and control of the records of the banking or financial institution.

3. "Records of a banking or financial institution" means memoranda, reports, records or compilations of data in any form which are kept in the course of an activity which is regularly conducted by a banking or financial institution.

Sec. 133. NRS 78.020 is hereby amended to read as follows:

78.020 1. Trust companies, insurance companies, mutual fire insurance companies, surety companies, express companies and railroad companies may be formed under this chapter, but such a corporation may not:

(a) Transact any such business within this State until it has first complied with all laws concerning or affecting the right to engage in such business.

(b) Infringe the laws of any other state or country in which it may intend to engage in business, by so incorporating under this chapter.

2. No savings and loan association, savings bank, thrift company **,** ***payments bank*** or corporation organized for the purpose of conducting a banking business may be organized under this chapter.

Sec. 134. NRS 78.045 is hereby amended to read as follows:

78.045 1. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "bank" or "trust," unless:

(a) It appears from the articles or the certificate of amendment that the corporation proposes to carry on business as a banking or trust company, exclusively or in connection with its business as a bank, savings and loan association, savings bank **,** ~~[or]~~ thrift company ~~[.]~~ ***or payments bank;*** and

(b) The articles or certificate of amendment is first approved by the Commissioner of Financial Institutions.

2. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the provisions of this chapter if it appears from the articles or the certificate of amendment that the business to be carried on by the corporation is subject to supervision by the Commissioner of Insurance or by the Commissioner of Financial Institutions, unless the articles or certificate of amendment is approved by the Commissioner who will supervise the business of the corporation.

3. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless:

(a) The State Board of Professional Engineers and Land Surveyors certifies that the principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The State Board of Professional Engineers and Land Surveyors certifies that the corporation is exempt from the prohibitions of NRS 625.520.

4. Except as otherwise provided in subsection 7, the Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State if the name of the corporation contains the words "architect," "architecture," "registered architect," "licensed architect," "registered interior designer," "registered interior design," "residential designer," "registered residential designer," "licensed residential designer" or

"residential design" unless the State Board of Architecture, Interior Design and Residential Design certifies that:

(a) The principals of the corporation are holders of a certificate of registration to practice architecture or residential design or to practice as a registered interior designer, as applicable, pursuant to the laws of this State; or

(b) The corporation is qualified to do business in this State pursuant to NRS 623.349.

5. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed pursuant to the laws of this State which provides that the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

6. The Secretary of State shall not accept for filing any articles of incorporation or any certificate of amendment of articles of incorporation of any corporation formed or existing pursuant to the laws of this State which provides that the name of the corporation contains the words "common-interest community," "community association," "master association," "unit-owners' association" or "homeowners' association" or if it appears in the articles of incorporation or certificate of amendment that the purpose of the corporation is to operate as a unit-owners' association pursuant to chapter 116 or 116B of NRS unless the Administrator of the Real Estate Division of the Department of Business and Industry certifies that the corporation has:

(a) Registered with the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels pursuant to NRS 116.31158 or 116B.625; and

(b) Paid to the Administrator of the Real Estate Division the fees required pursuant to NRS 116.31155 or 116B.620.

7. The provisions of subsections 3 and 4 do not apply to any corporation, whose securities are publicly traded and regulated by the Securities Exchange Act, which does not engage in the practice of professional engineering, architecture or residential design or interior design, as applicable.

8. The Commissioner of Financial Institutions and the Commissioner of Insurance may approve or disapprove the articles or amendments referred to them pursuant to the provisions of this section.

Sec. 135. NRS 111.711 is hereby amended to read as follows:

111.711 "Financial institution" means an organization authorized to do business under state or federal laws relating to financial institutions and includes a bank, thrift company, trust company, savings bank, building and loan association, savings and loan company or association **,** ~~[and]~~ credit union ~~[.]~~ ***and payments bank.***

Sec. 136. NRS 162A.520 is hereby amended to read as follows:

162A.520 1. Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(a) Continue, modify and terminate an account or other banking arrangement made by or on behalf of the principal;

(b) Establish, modify and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, savings bank, credit union, thrift company, ***payments bank,*** brokerage firm or other financial institution selected by the agent;

(c) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(d) Withdraw, by check, order, electronic funds transfer or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(e) Receive statements of account, vouchers, notices and similar documents from a financial institution and act with respect to them;

(f) Enter a safe deposit box or vault and withdraw or add to the contents;

(g) Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(h) Make, assign, draw, endorse, discount, guarantee and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due;

(i) Receive for the principal and act upon a sight draft, warehouse receipt or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(j) Apply for, receive and use letters of credit, credit and debit cards, electronic transaction authorizations and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(k) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

2. An agent who is not the spouse of the principal must not be listed on any account as a cosigner with right of survivorship, but must be listed on the account solely as power of attorney.

Sec. 137. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,

116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,

534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 86 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested

public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 138. NRS 239A.030 is hereby amended to read as follows:

239A.030 "Financial institution" means any banking corporation, trust company, savings and loan association, savings bank, thrift company ***,*** ~~[or]~~ credit union ***or payments bank*** subject to regulation under the laws of this state.

Sec. 138.3. 1. There is hereby appropriated from the State General Fund to the Division of Financial Institutions of the Department of Business and Industry for personnel, operating, equipment and information services costs associated with carrying out the provisions of this act the following sums:

For the Fiscal Year 2025-2026..... $3,035,862

For the Fiscal Year 2026-2027.....$2,778,095

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted

or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 138.7. The Commissioner of Financial Institutions shall, on or before December 31, 2026, prepare and submit a written report describing the activities of the Division of Financial Institutions of the Department of Business and Industry relating to the licensure of payments banks and the implementation of the provisions of this act to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

Sec. 139. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 138, inclusive, and 138.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

3. Section 138.3 of this act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 965.

AN ACT relating to public health; imposing requirements relating to birth in a hospital or freestanding birthing center; requiring health insurance to include certain coverage; ~~[requiring the boards of trustees of certain school districts to adopt policies to prevent sudden cardiac arrest during the participation of pupils in certain sports;]~~ requiring an independent mental health assessment of certain children in the custody of a child welfare agency; prohibiting the use of race-based health formulas and race-based care standards in certain circumstances; prohibiting a health insurer from engaging in certain discrimination against solo practitioners; providing for a study of certain disparities relating to health care; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal regulations require providers of health care and health care facilities that receive funding or certain other assistance from the Federal Government to ensure that communications with persons with disabilities are as effective as communications with persons who do not have disabilities. (45 C.F.R. § 92.202) Those federal regulations: (1) prohibit such providers and facilities from requiring a person with a disability to be accompanied by a person to interpret for him or her; and (2) authorize such providers and facilities to provide qualified interpreters through video remote interpreting services. (28 C.F.R. § 35.160, 45 C.F.R. § 92.202) **Section 1** of this bill requires a hospital or freestanding birthing center to provide a qualified sign language

interpreter to a patient who is at the hospital or freestanding birthing center for the purpose of giving birth, except where providing such an interpreter would be impractical or delay necessary care. **Section 1** also requires a hospital or freestanding birthing center to allow a family member of the patient and a doula to be present in the room with the patient during the birthing process. **Sections 2-6** of this bill make conforming changes relating to the applicability and enforcement of **section 1**.

Existing law requires Medicaid to cover doula services provided by a doula who enrolls with the Division of Health Care Financing and Policy of the Department of Health and Human Services. (NRS 422.27177) **Sections 18, 43, 46, 48, 50, 51, 53, 55, 56 and 61** of this bill require various other public and private insurers who cover maternity care to: (1) cover doula services; and (2) include doulas in their networks of providers. **Section 45** of this bill authorizes the Commissioner of Insurance to require certain policies of health insurance issued by a domestic insurer to a person who resides in another state to include the coverage required by **section 43**. **Section 60** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to provide the coverage required by **section 55**. The Commissioner is also authorized to take such action against other health insurers who fail to provide the coverage required by **sections 43, 46, 48, 50, 51, 53 and 61**. (NRS 680A.200)

Existing law requires certain health insurers, including Medicaid managed care organizations and insurance for state and local governmental employees, to cover hormone replacement therapy to varying degrees. (NRS 287.010, 287.04335, 689A.0415, 689B.0376, 689C.1678, 695A.1875, 695B.1916, 695C.050, 695C.1694, 695G.1717) **Sections 44, 47, 49, 52, 54, 58 and 64** of this bill require such coverage to include coverage of testosterone replacement therapy for menopausal women. **Section 67.5** of this bill requires: (1) private insurers to submit to the Commissioner a plan for complying with that requirement on or before January 1, 2026; and (2) the Commissioner to evaluate those plans and post a bulletin on or before February 1, 2026, stating whether each such insurer is likely to be in compliance with that requirement. **Section 42** of this bill prohibits certain health insurers from denying a request to include a provider of health care in a provider network because the provider of health care is a solo practitioner.

~~[Existing law requires: (1) the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to adopt a policy for the prevention and treatment of injuries to the head of a pupil; and (2) the board of trustees of each school district and the governing body of each charter school to adopt a policy concerning safe exposure to the sun. (NRS 392.452, 392.453) Section 19 of this bill additionally requires the board of trustees of each school district which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District) to adopt a policy concerning the prevention of~~

~~sudden cardiac arrest during the participation of pupils in competitive sports sponsored by a school.]~~

Existing law authorizes a court that finds a child to be in need of protection to place the child in the temporary custody of a public or private agency or institution. (NRS 432B.550) If such a child is placed in the custody of an agency which provides child welfare services and has been diagnosed with a mental or behavioral health condition before or after such placement, **section 22** of this bill requires the agency which provides child welfare services to provide for an independent assessment of the child before the child leaves the custody of the agency which provides child welfare services. **Section 22** provides that this requirement does not apply if a prior assessment conducted after the initial diagnosis has determined that the child no longer has a mental or behavioral health condition. **Sections 7 and 23-25** of this bill make conforming changes to make various provisions governing child welfare proceedings generally applicable to any proceeding related to the provisions of **section 22**. **Section 33.5** of this bill makes a conforming change to require the State Board of Nursing to establish qualifications for an advanced practice registered nurse to conduct an assessment pursuant to **section 22**.

Existing law provides for the regulation of the practices of medicine, nursing and osteopathic medicine by the Board of Medical Examiners, the State Board of Nursing and the State Board of Osteopathic Medicine, respectively. (Chapters 630, 632 and 633 of NRS) **Sections 29, 32 and 35** of this bill: (1) require those boards to adopt regulations prescribing a list of race-based health formulas and race-based care standards that are authorized for use by licensees in this State; (2) prohibit those boards from including on that list any race-based health formula or race-based care standard if there is a race-neutral health formula or race-neutral care standard that has been scientifically validated as being at least as effective for the same purpose; and (3) prohibit a physician, physician assistant, nurse or osteopathic physician from using or authorizing the use of a race-based health formula or race-based care standard that is not included on the list. **Section 65** of this bill requires the Board of Medical Examiners, the State Board of Osteopathic Medicine, the University of Nevada, Reno, School of Medicine and the University of Nevada, Las Vegas, School of Medicine to study disparities in health care access, the provision of health care and health care outcomes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or freestanding birthing center shall:

(a) Notify each patient who is deaf or hard of hearing and is in labor or intends to give birth at the hospital or freestanding birthing center that a qualified sign language interpreter is available while the patient is in the hospital or freestanding birthing center; and

(b) Upon the request of such a patient or his or her representative, provide the patient with a qualified sign language interpreter until the patient is discharged from the hospital or freestanding birthing center, unless providing an interpreter would be impractical under the circumstances or delay necessary care for the patient.

2. At the request of a patient who is giving birth, a hospital or freestanding birthing center shall allow a family member of the patient and a doula to be present in the room with the patient during the birthing process so long as the family member and doula comply with the policies of the hospital or freestanding birthing center, as applicable.

3. As used in this section, "qualified sign language interpreter" means an interpreter, as defined in NRS 656A.030, who:

(a) Has demonstrated proficiency in the practice of sign language interpreting, as defined in NRS 656A.060;

(b) Is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary or terms without changes, omissions, or additions and while preserving the tone, sentiment and emotional level of the original statement; and

(c) Adheres to generally accepted ethics principles in the field of sign language interpreting, including, without limitation, client confidentiality.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and section 1 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410, 449.029 to 449.245, inclusive, ***and section 1 of this act,*** or 449A.100 to 449A.124, inclusive, and 449A.270 to 449A.286, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or 439A.102 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to NRS 439A.102.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of NRS 449A.170 to 449A.192, inclusive, and any regulation adopted pursuant thereto.

(i) Violation of the provisions of NRS 629.260.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Except where a greater penalty is authorized by subsection 2, impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 or subsection 2, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and section 1 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 or subsection 2 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and section 1 of this act,*** 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 6. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as otherwise provided in subsections 2 and 3 and NRS 49.305:

(a) A married person cannot be examined as a witness for or against his or her spouse without his or her consent.

(b) No spouse can be examined, during the marriage or afterwards, without the consent of the other spouse, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place a spouse, the property of the spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his or her competence;

(d) Proceeding in the juvenile court or family court pursuant to title 5 of NRS or NRS 432B.410 to 432B.590, inclusive ~~[.]~~ ***, and section 22 of this act;*** or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the spouses were married.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, ***and section 61 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 19. ~~[Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The board of trustees of each large school district shall adopt a policy concerning the prevention of sudden cardiac arrest during the participation of pupils in competitive sports sponsored by a school.*~~

~~*2. The policy adopted pursuant to subsection 1 must require that, before participating in a competitive sport sponsored by a public school in the school district, a pupil must, if practicable, receive an electrocardiogram screening conducted by a physician, physician assistant, advanced practice registered nurse or a nonprofit organization whose mission relates to the health of children or adolescents.*~~

~~*3. As used in this section, "large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.]*~~ **(Deleted by amendment.)**

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, if a child who has been placed in the custody of an agency which provides child welfare services pursuant to NRS 432B.550 has been diagnosed with a mental or behavioral health condition before or after the placement, the agency which provides child welfare services shall provide for an assessment of the child that:

(a) Meets the requirements of subsection 2; and

(b) Takes place with sufficient time before the date on which the child leaves the custody of the agency which provides child welfare services to allow for planning to meet the mental health needs of the child after that date.

2. An assessment conducted pursuant to subsection 1 must:

(a) Be conducted by a psychiatrist, psychologist, advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, marriage and family therapist, clinical professional counselor or clinical social worker who is not receiving compensation from or is not otherwise affiliated with any person or entity with which the child is currently placed;

(b) Be conducted in a culturally competent manner that respects the race, color, religion, national origin, ancestry, age, gender, physical or mental disability, sexual orientation and gender identity or expression of the child;

(c) Determine whether the child still suffers from the mental or behavioral health condition with which the child was previously diagnosed by comparing the results of the assessment to the assessment which resulted in the initial diagnosis and any other prior assessment conducted after the assessment which resulted in the initial diagnosis; and

(d) Evaluate the progress of any treatment provided to the child for the mental or behavioral condition with which the child was previously diagnosed.

3. If the psychiatrist, psychologist, advanced practice registered nurse, marriage and family therapist, clinical professional counselor or clinical social worker who conducts an assessment of a child pursuant to this section determines that the child still suffers from the mental or behavioral health condition with which the child was previously diagnosed and the mental or behavioral health condition has not improved since that diagnosis was made, the psychiatrist, psychologist, advanced practice registered nurse, marriage and family therapist, clinical professional counselor or clinical social worker, as applicable, shall record in the medical record of the child:

(a) The fact that the diagnosis has not changed; and

(b) Any recommendations for additional treatment.

4. An agency which provides child welfare services is not required to perform an assessment in accordance with subsection 1 for a child described in that subsection if an assessment of the child conducted after the initial diagnosis has determined that the child no longer has a mental or behavioral health condition.

Sec. 23. NRS 432B.250 is hereby amended to read as follows:

432B.250 Any person who is required to make a report pursuant to NRS 432B.220 may not invoke any of the privileges set forth in chapter 49 of NRS:

1. For failure to make a report pursuant to NRS 432B.220;

2. In cooperating with an agency which provides child welfare services or a guardian ad litem for a child; or

3. In any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.***

Sec. 24. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** Except as otherwise provided in subsection 3, if the person is indigent, the court may appoint an attorney to represent the person.

2. A child who is alleged to have been abused or neglected shall be deemed to be a party to any proceedings under NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** The court shall appoint an attorney to represent the child. The child must be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act.*** The attorney representing the child has the same authority and rights as an attorney representing any other party to the proceedings.

3. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

4. Each attorney, other than an attorney compensated through a program for legal aid described in NRS 19.031 and 247.305, if appointed under the provisions of subsection 1 or 2, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime.

Sec. 25. NRS 432B.4675 is hereby amended to read as follows:

432B.4675 Upon the entry of a final order by the court establishing a guardianship pursuant to NRS 432B.4665:

1. The custody of the child by the agency which has legal custody of the child is terminated;

2. The proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, ***and section 22 of this act*** terminate; and

3. Unless subsequently ordered by the court to assist the court, the following agencies and persons are excused from any responsibility to participate in the guardianship case:

(a) The agency which has legal custody of the child;

(b) Any counsel or guardian ad litem appointed by the court to assist in the proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive ~~,~~ ***, and section 22 of this act;*** and

(c) Any person nominated or appointed as the person who is legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or 432B.4685, respectively.

Sec. 26. (Deleted by amendment.)

Sec. 26.1. (Deleted by amendment.)

Sec. 26.2. (Deleted by amendment.)

Sec. 26.3. (Deleted by amendment.)

Sec. 26.35. (Deleted by amendment.)

Sec. 26.4. (Deleted by amendment.)

Sec. 26.5. (Deleted by amendment.)

Sec. 26.6. (Deleted by amendment.)

Sec. 26.7. (Deleted by amendment.)

Sec. 26.8. (Deleted by amendment.)

Sec. 26.85. (Deleted by amendment.)

Sec. 26.9. (Deleted by amendment.)

Sec. 26.95. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the State Board of Nursing and the State Board of Osteopathic Medicine, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by physicians and physician assistants. Those regulations must list specific race-based health formulas and race-based care standards that physicians and physician assistants are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. A physician or physician assistant shall not use or authorize the use of a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes a physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize a physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by registered nurses and licensed practical nurses. Those regulations must list specific race-based health formulas and race-based care standards that registered nurses and licensed practical nurses are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. A registered nurse or licensed practical nurse shall not use or authorize the use of a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes a registered nurse or licensed practical nurse to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize a registered nurse or licensed practical nurse to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 33. (Deleted by amendment.)

Sec. 33.5. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations ***, assessments*** and examinations described in NRS 432B.6078, 432B.60816, 433A.162, 433A.240, 433A.335, 433A.390, 433A.430, 484C.300 and 484C.320 to 484C.350, inclusive, ***and section 22 of this act*** the certifications described in NRS 432B.6075, 432B.60814, 433A.170, 433A.195 and 433A.200 and the sworn statements or declarations described in NRS 433A.210 and 433A.335.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 34. (Deleted by amendment.)

Sec. 35. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the Board of Medical Examiners and the State Board of Nursing, shall:

(a) Adopt regulations concerning the use of race-based health formulas and race-based care standards by osteopathic physicians and physician assistants. Those regulations must list specific race-based health formulas and race-based care standards that osteopathic physicians and physician assistants are authorized to use. That list must not include a race-based health formula or a race-based care standard if there is a race-neutral health formula or race-neutral care standard, as applicable, that is scientifically validated as being at least as effective for the same purpose.

(b) Monitor evolving scientific research and, not later than 1 year after a race-based health formula or race-based care standard included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to paragraph (a) ceases to meet the requirements of that paragraph, propose regulations to remove the race-based health formula or race-based care standard from that list.

2. An osteopathic physician or a physician assistant shall not use a race-based health formula or race-based care standard that is not included on the list of authorized race-based health formulas and race-based care standards adopted pursuant to subsection 1.

3. As used in this section:

(a) "Race-based care standard" means a standard of care that requires or authorizes an osteopathic physician or physician assistant to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(b) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(c) "Race-neutral care standard" means a standard of care that does not require or authorize an osteopathic physician or physician assistant to take

the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(d) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 687B.692 is hereby amended to read as follows:

687B.692 1. A health carrier which offers or issues a network plan may not deny a request from a provider of health care to enter into a provider network contract with the health carrier ~~[if]~~ ***:***

(a) If the provider of health care:

~~[(a)]~~ ***(1)*** Meets and accepts the terms and conditions for participation in the network of the health carrier, including, without limitation:

~~[(1)]~~ ***(I)*** Meeting any credentialing requirement of the health carrier;

~~[(2)]~~ ***(II)*** Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

~~[(3)]~~ ***(III)*** Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

~~[(b)]~~ ***(2)*** Is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State to serve in a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

~~[(c)]~~ ***(3)*** Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

~~[(d)]~~ ***(4)*** Requests to be a participating provider of health care in the network of the health carrier ~~[.]~~ ***; or***

(b) Because the provider of health care is a solo practitioner.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid though capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to ***paragraph (a) of*** subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, failure to maintain the employment described in ***subparagraph (2) of*** paragraph ~~[(b)]~~ ***(a)*** of subsection 1 or issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 43. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the insurer.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

Sec. 44. NRS 689A.0415 is hereby amended to read as follows:

689A.0415 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~October~~]~~ ***January*** 1, ~~[~~1999,~~]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 43 of this act.***

Sec. 46. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the insurer.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

Sec. 47. NRS 689B.0376 is hereby amended to read as follows:

689B.0376 1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs or devices shall include in the policy coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a policy of group health insurance that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 48. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan that includes coverage for maternity care shall include in the health benefit plan coverage for doula services.

2. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the carrier.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

Sec. 49. NRS 689C.1678 is hereby amended to read as follows:

689C.1678 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually, with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[.]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at

least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use.

The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 50. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 48 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 51. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract that includes coverage for maternity care shall include in the contract coverage for doula services.

2. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the society.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

Sec. 52. NRS 695A.1875 is hereby amended to read as follows:

695A.1875 1. A society that offers or issues a benefit contract shall include in the contract coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of

education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[.]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 53. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance that includes coverage for maternity care shall include in the policy coverage for doula services.

2. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the hospital or medical services corporation.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

Sec. 54. NRS 695B.1916 is hereby amended to read as follows:

695B.1916 1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for prescription drugs or devices shall include in the contract coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. An insurer that offers or issues a contract for hospital or medical service that provides coverage for prescription drugs shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for a prescription for hormone replacement therapy;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an insured, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an insured.

3. A contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require an insurer to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan that includes coverage for maternity care shall include in the health care plan coverage for doula services.

2. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a doula who participates in the network plan of the health maintenance organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the health care plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

Sec. 56. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health

maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 ***and section 55 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 695C.1694 is hereby amended to read as follows:

695C.1694 1. A health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs or devices shall include in the plan coverage for ~~[any]~~ ***:***

(a) Testosterone replacement therapy for menopausal women; and

(b) Any type of hormone replacement therapy which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration.

2. A health maintenance organization that offers or issues a health care plan that provides coverage for prescription drugs shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for hormone replacement therapy;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future hormone replacement therapy;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from accessing hormone replacement therapy;

(d) Penalize a provider of health care who provides hormone replacement therapy to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay hormone replacement therapy to an enrollee.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[1999,]~~ ***2026,*** has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void.

4. The provisions of this section do not require a health maintenance organization to provide coverage for fertility drugs.

5. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 59. (Deleted by amendment.)

Sec. 60. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 55 of this act,*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 61. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan that includes coverage for maternity care shall include in the health care plan coverage for doula services.

2. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a doula who participates in the network plan of the managed care organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2026, has the legal effect of including the coverage required by subsection 1, and any provision of the health care plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 695G.1717 is hereby amended to read as follows:

695G.1717 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Counseling, support and supplies for breastfeeding, including breastfeeding equipment, counseling and education during the antenatal, perinatal and postpartum period for not more than 1 year;

(b) Screening and counseling for interpersonal and domestic violence for women at least annually with initial intervention services consisting of education, strategies to reduce harm, supportive services or a referral for any other appropriate services;

(c) Behavioral counseling concerning sexually transmitted diseases from a provider of health care for sexually active women who are at increased risk for such diseases;

(d) Hormone replacement therapy ~~[.]~~ ***, including, without limitation, testosterone replacement therapy for menopausal women;***

(e) Such prenatal screenings and tests as recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(f) Screening for blood pressure abnormalities and diabetes, including gestational diabetes, after at least 24 weeks of gestation or as ordered by a provider of health care;

(g) Screening for cervical cancer at such intervals as are recommended by the American College of Obstetricians and Gynecologists or its successor organization;

(h) Screening for depression;

(i) Screening and counseling for the human immunodeficiency virus consisting of a risk assessment, annual education relating to prevention and at least one screening for the virus during the lifetime of the insured or as ordered by a provider of health care;

(j) Smoking cessation programs for an insured who is 18 years of age or older consisting of not more than two cessation attempts per year and four counseling sessions per year;

(k) All vaccinations recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or its successor organization; and

(l) Such well-woman preventative visits as recommended by the Health Resources and Services Administration, which must include at least one such visit per year beginning at 14 years of age.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care

organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. 1. On or before February 1, 2027, the Board of Medical Examiners, the State Board of Osteopathic Medicine, the University of Nevada, Reno, School of Medicine and the University of Nevada, Las Vegas, School of Medicine shall:

(a) Study disparities in health care access, the provision of health care and health care outcomes. The study must include, without limitation, the analyses of:

(1) The historical use of race-based health formulas and race-based care standards;

(2) The current use of race-based health formulas and race-based care standards;

(3) The effect of the use of race-based health formulas and race-based care standards on:

(I) Outcomes for patients;

(II) Diagnoses of patients, including, without limitation, classifications of diseases;

(III) The procedures, medications and other treatment prescribed or recommended for patients;

(IV) Insurance coverage of the conditions and symptoms with which patients have been diagnosed and the procedures, medications and other treatments prescribed or recommended to treat those conditions and symptoms; and

(V) The eligibility of patients for compensation for disabilities, including, without limitation, compensation for work-related injuries and occupational diseases pursuant to title 53 of NRS and disability insurance benefits under the federal Social Security Act, and the amounts received through those programs.

(b) Publish a report of the study performed pursuant to paragraph (a) on the Internet websites maintained by the Board of Medical Examiners and the State Board of Osteopathic Medicine.

(c) Submit the report published pursuant to paragraph (b) to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Race-based care standard" means a standard of care that requires or authorizes a provider of health care to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(c) "Race-based health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that takes the race of the patient into account.

(d) "Race-neutral care standard" means a standard of care that does not require or authorize a provider of health care to take the race of the patient into account when making determinations regarding the care that will be provided to a patient.

(e) "Race-neutral health formula" means a formula for determining whether a health-related condition exists or calculating health-related data that does not take the race of the patient into account.

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 67.5. 1. On or before January 1, 2026, an insurer, as defined in NRS 679A.100, that is subject to NRS 689A.0415, as amended by section 44 of this act, NRS 689B.0376, as amended by section 47 of this act or NRS 695B.1916, as amended by section 54 of this act, a carrier that is subject to NRS 689C.1678, as amended by section 49 of this act, a society that is subject to NRS 695A.1875, as amended by section 52 of this act, a health maintenance organization that is subject to NRS 695C.1694, as amended by section 58 of this act and a managed care organization that is subject to the provisions of NRS 695G.1717, as amended by section 64 of this act, shall submit to the Commissioner of Insurance a plan for complying with the amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable.

2. On or before February 1, 2026, the Commissioner shall:

(a) Evaluate the plans submitted pursuant to subsection 1 to determine whether the actions described in those plans will result in compliance with the amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable; and

(b) Post on an Internet website maintained by the Commissioner a bulletin stating, for each entity that is required to submit a plan pursuant to subsection 1, whether the entity is likely to be in compliance with amendatory provisions of section 44, 47, 49, 52, 54, 58 or 64 of this act, as applicable.

Sec. 68. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 69. 1. This section and sections 37, 65, 67, 67.5 and 68 of this act become effective upon passage and approval.

2. Section 19 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. Sections 1 to 18, inclusive, 20 to 36, inclusive, 38 to 64, inclusive, and 66 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Mosca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 466.

Bill read third time.

The following amendment was proposed by Assemblymember Brown-May:

Amendment No. 947.

AN ACT relating to public safety; transferring the authority to regulate and permit food establishments from the Division of Public and Behavioral Health of the Department of Health and Human Services to the State Department of Agriculture; transferring the authority of the State Board of Health to adopt, amend and enforce regulations to provide for the sanitary protection of water and food supplies to the State Department of Agriculture; repealing various provisions governing food establishments; requiring, with certain exceptions, a county to pay an assessment to the Department for services relating to food establishments; revising provisions relating to cottage food operations; revising provisions relating to farm-to-fork events; revising provisions relating to the purchase or use of hemp or commodities or products made using hemp by certain persons who operate a food establishment; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the permitting and regulation of food establishments, cottage food operations and farm-to-fork events by the Division of Public and Behavioral Health of the Department of Health and Human Services and, in some instances, the local boards of health. (Chapter 446 of NRS) **Sections 2-13 and 16-44** of this bill transfer the authority for the permitting and regulation of food establishments, cottage food operations and farm-to-fork events from the Division to the State Department of Agriculture and the local boards of health. **Section 9** defines the term "food safety authority" to mean the officers and agents of the Department or the officers and agents of the local boards of health. **Section 77** of this bill repeals the existing provisions of law governing food establishments. **Section 74** of this bill provides that any permit issued by the Division or health authority pursuant to the repealed provisions of law shall remain effective until the expiration of the permit. **Section 75** of this bill provides that any regulation adopted by a local board of health which was previously required to be approved by the State Board of Health shall be deemed approved by the Department. **Sections 45-50, 52-60 and 63-70** of this bill make conforming changes to internal references to reflect the transfer of authority to the Department.

Existing law authorizes the State Board of Health to adopt, amend and enforce regulations to provide for the sanitary protection of water and food supplies. (NRS 439.200) Existing law further authorizes a district board of health to adopt regulations consistent with law to provide for the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 14** of

this bill transfers the authority to adopt regulations to provide for the sanitary protection of water and food supplies from the State Board of Health to the Department. **Sections 61 and 62** of this bill require any regulations adopted by a district board of health relating to the sanitary protection of water and food supplies to be consistent with any regulations adopted by the Department.

Existing law requires each county to pay an assessment to the Division in an amount determined by the Division for the costs of services provided in that county by the Division, including services relating to food establishments. Existing law authorizes a county to request to carry out these services and receive an exemption from this assessment from the Interim Finance Committee. (NRS 439.4905) **Section 15** of this bill requires each county to pay an assessment for the costs of any services provided in the county by the Department relating to food establishments and authorizes a county to request to carry out these services and receive an exemption from the Interim Finance Committee. **Section 15 also authorizes the Department to adopt regulations as necessary to carry out the provisions of the section which, if adopted, must ensure the financial solvency of the Department in providing such services.** **Section 51** of this bill authorizes the Interim Finance Committee to perform this duty during a regular or special session. **Section 75.5** of this bill requires the State Department of Agriculture to review the **budget of the Department, any fee charged to a food establishment by the Division and the** assessments paid to the Division for the costs of services provided to a county by the Division relating to food establishments to determine the amount **of the assessments** that ~~[is]~~ **are** necessary to ensure the financial solvency of the Department in providing such services and, based on the results of the review, ~~[shall]~~ **the Department may** increase the assessments required by **section 15**. **Section 76** of this bill provides that any county which has already received such an exemption shall be deemed to have received an exemption from the assessment required by **section 15**.

Existing law exempts a cottage food operation from certain requirements governing food establishments. Existing law limits the definition of "cottage food operation" to a natural person whose gross sales of certain food items are not more than $35,000 per year. (NRS 446.866) **Section 22** of this bill increases this limit on gross sales to $100,000 and requires the State Department of Agriculture to adjust this amount on an annual basis based on the percentage increase in the Consumer Price Index (All Items).

Existing law exempts a farm from certain provisions governing food establishments for the purposes of holding a farm-to-fork event under certain conditions, including that any poultry and meat from a rabbit that is served at such an event is raised and prepared on the farm and is butchered and processed on the farm in accordance with certain requirements relating to the inspection of meat and poultry. (NRS 446.868) **Section 23** of this bill provides that a farm may also serve at a farm-to-fork event: (1) meat from livestock under the same circumstances; and (2) poultry, meat from livestock and meat from a rabbit if the poultry or meat is obtained from a facility that meets certain

requirements of state law relating to the inspection of meat and poultry or from a facility under a federal inspection program.

Existing law authorizes a person who holds a permit to operate a food establishment and who operates a food establishment at which food is not prepared or served for immediate consumption to purchase and use hemp or a commodity or product made using hemp to manufacture or prepare and sell, offer or display food that contains an approved hemp component at the food establishment. (NRS 446.844) **Section 18** provides that a person may only purchase or use hemp or a commodity or product made using hemp that the United States Food and Drug Administration has determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 51 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 44, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the State Department of Agriculture.***

Sec. 4. ***"Farm-to-fork event" means an event organized on a farm where prepared food is provided for immediate consumption to paying guests and that meets the requirements of section 23 of this act.***

Sec. 5. ***"Food" means any food, drink, confection or beverage, or any component in the preparation or manufacture thereof, intended for ultimate human consumption, stored, being prepared or manufactured, displayed, offered for sale, sold or served in a food establishment.***

Sec. 6. ***1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.***

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution,

unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment regulated under chapter 583 of NRS where animals, including, without limitation, mammals, fish and poultry, are slaughtered;

(f) Dairy farms and plants regulated under chapter 584 of NRS which process milk and products of milk or frozen desserts;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A facility regulated under chapter 583 of NRS that produces eggs;

(i) A cottage food operation that meets the requirements of section 22 of this act with respect to food items as defined in that section;

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; or

(k) A farm for purposes of holding a farm-to-fork event.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 7. *1. "Food handler" means any person employed in or operating a food establishment, whether that person is an employer, employee or other natural person, who handles, stores, transports, prepares, manufactures, serves or sells food, or who comes in contact with eating or cooking utensils or other equipment used in the handling, preparation, manufacture, service or sale of food.*

2. The term does not include a person who:

(a) Only handles, stores, transports, sells or otherwise comes in contact with food that is sealed and packaged for sale directly to the consumer;

(b) If the food is potentially hazardous food, handles the food only occasionally and incidentally to his or her responsibilities or employment, and such handling is not part of his or her regularly scheduled responsibilities or employment; or

(c) Is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff or providing services in a similar position with limited food-handling responsibility.

Sec. 8. *"Food processing establishment" means a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.*

Sec. 9. *"Food safety authority" means the officers and agents of the Department or the officers and agents of the local boards of health.*

Sec. 10. *"Misbranded" means the presence of any written, printed or graphic matter, upon or accompanying food or containers of food, which is false or misleading or which violates any applicable state or local labeling requirements.*

Sec. 11. *"Potentially hazardous food" has the meaning ascribed to it in subpart 1-201 of the 1999 edition of the Food Code published by the Food*

and Drug Administration of the United States Department of Health and Human Services, unless the Department has adopted a later edition of the Food Code for this purpose.

Sec. 12. *"Temporary food establishment" means any food establishment which operates at a fixed location for a temporary period of time, not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, celebration or similar transitory gathering.*

Sec. 13. *"Wholesome" means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.*

Sec. 14. *The Department may adopt regulations:*

1. Necessary to carry out the provisions of this chapter; and

2. To provide for the sanitary protection of water and food supplies.

Sec. 15. *1. Unless an exemption is approved pursuant to subsection 3, each county shall pay an assessment to the Department, in an amount determined by the Department, for the costs of services provided in that county by the Department pursuant to this chapter and any regulations adopted pursuant thereto, regardless of whether the county has a local health authority.*

2. Each county shall pay the assessment to the Department in quarterly installments that are due on the first day of the first month of each calendar quarter.

3. A county may submit a proposal to the Governor for the county to carry out the services that would otherwise be provided by the Department pursuant to this chapter and any regulations adopted pursuant thereto. If the Governor approves the proposal, the Governor shall submit a recommendation to the Interim Finance Committee to exempt the county from the assessment required pursuant to subsection 1. The Interim Finance Committee, upon receiving the recommendation from the Governor, shall consider the proposal and determine whether to approve the exemption. In considering whether to approve the exemption, the Interim Finance Committee shall consider, among other things, the best interests of the State, the effect of the exemption and the intent of the Legislature in requiring the assessment to be paid by each county.

4. An exemption that is approved by the Interim Finance Committee pursuant to subsection 3 must not become effective until at least 6 months after that approval.

5. A county that receives approval pursuant to subsection 3 to carry out the services that would otherwise be provided by the Department pursuant to this chapter and any regulations adopted pursuant thereto shall carry out those services in the manner set forth in those chapters and regulations.

6. The Department may adopt such regulations as necessary to carry out the provisions of this section. Any regulation adopted pursuant to this subsection must ensure the financial solvency of the Department in the provision of services pursuant to this chapter and any regulations adopted pursuant thereto.

Sec. 16. *A food establishment engaged in the cutting and packaging of meat, poultry or fish for retail sale may use sawdust on the floors in that area of such establishment not visited by the public if:*

1. Such sawdust is treated in a manner approved by the Department; and

2. The floors are cleaned and fresh sawdust is used daily.

Sec. 17. *1. Except as otherwise provided in subsection 5, each food establishment in which alcoholic beverages are sold by the drink for consumption on the premises shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The conspicuous location described in this subsection may include, without limitation, a women's restroom that is located within the establishment.*

2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, in substantially the following form:

HEALTH WARNING

Drinking wine, beer and other alcoholic beverages during pregnancy can cause birth defects.

¡ADVERTENCIA!

El consumo de vino, cerveza y otras bebidas alcohólicas durante el embarazo puede causar defectos físicos y/o mentales en el feto.

3. The letters in the words "HEALTH WARNING" and "¡ADVERTENCIA!" in the sign must be written in not less than 40-point type, and the letters in all other words in the sign must be written in not less than 30-point type.

4. The Department may:

(a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.

(b) Solicit and accept the donation of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Department shall distribute the signs upon request to food establishments that are required to post the signs.

5. A food establishment is not required to post the sign otherwise required by this section if the food establishment provides to its patrons a food or drink menu that contains a notice, in boldface type that is clearly legible and not less than the size of the type used for the items on the menu, in substantially the same form and language as is set forth in subsection 2 or authorized pursuant to paragraph (a) of subsection 4.

6. As used in this section, "alcoholic beverage" means:

(a) Beer, ale, porter, stout and other similar fermented beverages, including, without limitation, sake and similar products, of any name or

description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of one-half of 1 percent or more of alcohol by volume.

(c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including, without limitation, all dilutions and mixtures thereof from whatever process produced.

Sec. 18. *1. A person who holds a permit issued pursuant to section 26 of this act and who operates a food establishment at which food is not prepared or served for immediate consumption may:*

(a) Purchase hemp or a commodity or product made using hemp from a grower or handler registered by the Department pursuant to chapter 557 of NRS;

(b) Use hemp or a commodity or product made using hemp to manufacture or prepare food that contains an approved hemp component at the food establishment; and

(c) In compliance with the provisions of NRS 439.532, sell, offer or display for sale food that contains an approved hemp component at the food establishment.

➥ Any hemp or commodity or product made using hemp purchased or used pursuant to this subsection must have been determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption by the United States Food and Drug Administration.

2. As used in this section:

(a) "Approved hemp component" means any component of hemp that the United States Food and Drug Administration has determined to be safe or generally recognized as safe for use as an ingredient in food intended for human consumption.

(b) "Hemp" has the meaning ascribed to it in NRS 557.160.

Sec. 19. *The Department shall adopt reasonable rules and regulations requiring that any person employed in the preparation or service of food or beverages to patrons on the premises of a food establishment, or who comes in contact with eating or cooking utensils used for such service, whose hair length exceeds specified limits shall wear a hair net, cap or other suitable covering which confines the hair while such person is engaged in the performance of his or her duties. Such rules and regulations shall specify the minimum hair length to which such requirement applies.*

Sec. 20. *1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to section 40 of this act regulating sidewalk vendors of food which must, without limitation:*

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan;

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a driver's license or identification card issued by this State or another state, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler; and

(d) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to NRS 225.610.

2. As used in this section, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes a nonstationary sidewalk vendor and a stationary sidewalk vendor.

Sec. 21. *A temporary food establishment shall comply with all the provisions of this chapter which are applicable to its operation. The food safety authority may:*

1. Augment such requirements when needed to assure the service of safe food.

2. Prohibit the sale of certain potentially hazardous food.

3. Modify specific requirements for physical facilities when in the opinion of the food safety authority no imminent health hazard will result.

Sec. 22. *1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of section 6 of this act if each such food item is:*

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

(b) Sold to a natural person for his or her consumption and not for resale;

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w), 9 C.F.R. Part 317 and 21 C.F.R. Part 101;

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the food safety authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.

3. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the food safety authority by submitting such information as the food safety authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The food safety authority may charge a fee for the registration of a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the food safety authority to establish and maintain a registry of cottage food operations.

5. The food safety authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the food safety authority in any such inspection. If, as a result of such inspection, the food safety authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the food safety authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the food safety authority to conduct the investigation.

6. Beginning with Fiscal Year 2026-2027, the amount of gross sales of a cottage food operation specified in paragraph (a) of subsection 7 must be adjusted for each fiscal year by the Department by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) published by the United States Department of Labor from July 2025 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall publish the adjusted amount on the Internet website of the Department on or before September 30 of each year.

7. As used in this section:

(a) "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the food safety authority, in the kitchen of a fraternal or social clubhouse, a school

or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than $100,000, as adjusted pursuant to subsection 6, per calendar year.

(b) "Food item" means:

(1) Nuts and nut mixes;

(2) Candies;

(3) Jams, jellies and preserves;

(4) Vinegar and flavored vinegar;

(5) Dry herbs and seasoning mixes;

(6) Dried fruits;

(7) Cereals, trail mixes and granola;

(8) Popcorn and popcorn balls; or

(9) Baked goods that:

(I) Are not potentially hazardous foods;

(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and

(III) Do not require time or temperature controls for food safety.

Sec. 23. *1. Except as otherwise provided in subsection 3, a farm is not a "food establishment" for the purposes of holding a farm-to-fork event provided that:*

(a) Any poultry, meat from livestock and meat from a rabbit that is served at the farm-to-fork event is:

(1) Raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; or

(2) Obtained from and processed in a facility pursuant to the requirements of chapter 583 of NRS or a facility that is inspected and approved under an inspection program administered by the United States Department of Agriculture; and

(b) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm.

2. A farm which holds a farm-to-fork event shall, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1.

3. A farm which holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.

Sec. 24. *1. A farm that wishes to hold farm-to-fork events must register with the food safety authority by submitting such information as the food safety authority deems appropriate, including, without limitation:*

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; and

(c) The address of the farm.

2. The food safety authority may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the food safety authority to establish and maintain a registry of farms holding farm-to-fork events.

3. The food safety authority shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of section 23 of this act and except that the food safety authority may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the food safety authority in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the food safety authority determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the food safety authority may charge and collect from the farm a fee in an amount not to exceed the actual cost of the food safety authority to conduct the investigation.

Sec. 25. *1. Except as otherwise provided in this section, it is unlawful for any person to operate a food establishment unless the person possesses a valid permit issued to him or her by the food safety authority.*

2. The food safety authority may exempt a food establishment from the provisions of this chapter if the food safety authority determines that the food which is sold, offered or displayed for sale, or served at the establishment does not constitute a potential or actual hazard to the public health.

3. Food that is prepared in a private home and given away free of charge or consideration of any kind is exempt from the provisions of this chapter, unless it is given to a food establishment.

4. Except as otherwise provided in subsection 5, food that is prepared in a private home must not be sold, or offered or displayed for sale or for compensation or contractual consideration of any kind, unless the person preparing the food possesses a valid permit issued to him or her by the food safety authority for that purpose.

5. A religious, charitable or other nonprofit organization may, without possessing a permit from the food safety authority, sell food occasionally to raise money, whether or not the food was prepared in a private home, if the sale occurs on the premises of the organization. If the sale is to occur off the premises of the organization, a permit from the food safety authority is required unless an exemption is granted pursuant to subsection 2.

Sec. 26. *1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the food safety authority. The application must:*

(a) Include the applicant's full name and post office address. An applicant may include on the application an electronic mail address by which the food safety authority may communicate with the applicant and send any inspection report form or other notice.

(b) Include a statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.

(c) Include a statement of the location and type of the proposed food establishment.

(d) Include the signature of the applicant or applicants.

(e) Be accompanied by a fee prescribed by the food safety authority.

2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.

3. Upon receipt of such an application, the food safety authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the food safety authority shall issue a permit to the applicant.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit issued pursuant to this section:

(a) Is not transferable from person to person or from place to place.

(b) Must be posted in every food establishment.

Sec. 27. *1. Except as otherwise provided in subsection 2, no license under any license ordinance of any licensing authority may be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the food safety authority.*

2. A board of county commissioners or the city council or other governing body of an incorporated city, whether organized under general law or special charter, may issue a license to operate a food establishment to any person owning or operating the food establishment contingent upon the person's obtaining the permit required by this chapter from the food safety authority.

Sec. 28. *1. Permits issued under the provisions of this chapter may be suspended temporarily by the food safety authority for failure of the holder to comply with the requirements of this chapter.*

2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended or that the establishment is downgraded if that is the case. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by him or her with the food safety authority.

3. Whenever the food safety authority finds an insanitary or other condition in the operation of a food establishment which, in the judgment of the food safety authority, constitutes a substantial hazard to the public health, the food safety authority may, without warning, notice or hearing, issue a written order to the permit holder or operator citing the condition, specifying the corrective action to be taken and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all food operations must be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the food safety authority, the person must be afforded a hearing as soon as possible.

4. Any person whose permit has been suspended may, at any time, make application for a reinspection for reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in the opinion of the applicant the conditions causing suspension of the permit have been corrected, the food safety authority shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.

5. For serious or repeated violations of any of the requirements of this chapter or for interference with the food safety authority in the performance of the duties of the food safety authority, the permit may be permanently revoked after an opportunity for a hearing has been provided by the food safety authority. Before taking such an action, the food safety authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements for filing a request for a hearing. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

6. The food safety authority may permanently revoke a permit after 5 days following service of the notice unless a request for a hearing is filed with the food safety authority by the permit holder within 5 days.

7. The hearings provided for in this section must be conducted by the food safety authority at a time and place designated by the food safety authority. Based upon the record of the hearing, the food safety authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder by the food safety authority.

Sec. 29. *1. A license to operate a food establishment issued by any licensing authority to a person owning or operating such food establishment shall be revoked when such person's permit has been revoked by the food safety authority, and no new license may be issued until such person again possesses an unrevoked permit from the food safety authority.*

2. Licensing authorities shall be notified by the food safety authority of the revocation of any permit.

Sec. 30. *1. At least once every year, the food safety authority shall inspect each food establishment located in the State.*

2. The food safety authority shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter.

3. It is unlawful for any person to interfere with the food safety authority in the performance of his or her duties.

Sec. 31. *1. The food safety authority, after he or she has properly identified himself or herself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. The food safety authority must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.*

2. Whenever the food safety authority makes an inspection of a food establishment, the food safety authority shall record his or her findings on an inspection report form provided for this purpose. The food safety authority shall furnish the original or an electronic original of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.

Sec. 32. *Except as otherwise provided in subsection 3 of section 28 of this act, whenever the food safety authority makes an inspection of a food establishment and discovers that any of the requirements of this chapter have been violated, the food safety authority shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:*

1. Set forth the specific violations found;

2. Establish a specific and reasonable time for the correction of those violations;

3. In the case of temporary food establishments, state that the violations must be corrected within a specified period which must not be more than 24 hours. Failure to comply with the notice results in immediate suspension of the permit;

4. State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit or in downgrading of the establishment; and

5. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the food safety authority within the period established in the notice for correction.

Sec. 33. *1. Notices provided for in section 32 of this act shall be deemed to have been properly served when the original of the inspection report form or other notice has been:*

(a) Delivered personally to the permit holder or person in charge;

(b) Sent by registered or certified mail, return receipt requested, to the last known address of the permit holder; or

(c) Except for any notice required pursuant to section 28 of this act, sent to the electronic mail address, if any, provided by the permit holder to the food safety authority.

2. A copy of any inspection report form or other notice provided pursuant to subsection 1 shall be filed with the records of the food safety authority.

Sec. 34. *Any person who knowingly sells any flesh of any diseased animal or any container containing shellfish, if the container does not have an approved stamp authorized by the Division of Animal Industry of the Department, is guilty of a gross misdemeanor.*

Sec. 35. *1. Food may be examined or sampled by the food safety authority as often as may be necessary to determine freedom from adulteration or misbranding. The food safety authority may, upon written notice to the owner or person in charge, place a hold order on any food which the food safety authority determines is or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded.*

2. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the food safety authority. Neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of or destroyed without permission of the food safety authority, except by order of a court of competent jurisdiction.

3. After the owner or person in charge has had a hearing as provided for in section 32 of this act, and on the basis of evidence produced at such hearing, or on the basis of his or her examination in the event a written request for a hearing is not received within 10 days, the food safety authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter. Such order of the food safety authority to denature or destroy such food or bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

Sec. 36. *1. Except as otherwise provided in this subsection, whenever the food safety authority determines there are reasonable grounds to suspect that the food processed or otherwise prepared by a food processing establishment may constitute a substantial health hazard, the food safety authority may require that the food processing establishment have its food tested for the presence of contaminants typically associated with the suspected health hazard. When carrying out the provisions of this subsection, the food safety authority shall comply with the Federal Food Safety Modernization Act, 21 U.S.C. §§ 2201 et seq., and any regulations adopted pursuant thereto. The provisions of this subsection do not apply to the extent that a food processing establishment is under investigation for the same purpose pursuant to federal law.*

2. If the food safety authority requires pursuant to subsection 1 that the food processed or otherwise prepared by a food processing establishment be tested:

(a) The food processing establishment:

(1) Is responsible for the cost of the testing; and

(2) May perform such testing itself or cause the testing to be performed by a third party.

(b) The testing must be conducted in a manner that is consistent with nationally recognized laboratory standards.

3. Records of the results of any tests conducted pursuant to this section must be retained by the food processing establishment to which the tests pertain for a period of not less than 2 years. The food processing establishment shall, upon request, make those records available to the food safety authority for its review.

4. If the testing required pursuant to subsection 1 indicates that the food processed or otherwise prepared by a food processing establishment is contaminated, the person or entity that conducted the testing shall, within 24 hours after obtaining the test results, report those test results to the food safety authority.

Sec. 37. *Food from food establishments outside the jurisdiction of the Department may be sold within the State of Nevada if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the food safety authority may accept reports from responsible authorities in the jurisdictions where such food establishments are located.*

Sec. 38. *If, after April 18, 1963, a food establishment is constructed or extensively remodeled, or if an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities shall be submitted to the food safety authority for approval before such work is begun. Where full-time city, county or district health departments exist, such plans and specifications shall be submitted to such food safety authorities for approval before such work is begun.*

Sec. 39. *1. When the food safety authority has reasonable cause to suspect the possibility of disease transmission from any food handler of a food establishment, the food safety authority shall secure a morbidity history of the suspected food handler, or make such other investigation as may be indicated, and take appropriate action.*

2. The food safety authority may require any or all of the following measures:

(a) The immediate exclusion of the food handler from all food establishments.

(b) The immediate closure of the food establishment concerned until, in the opinion of the food safety authority, no further danger of disease outbreak exists.

(c) Restriction of the food handler's services to some area of the establishment where there would be no danger of transmitting disease.

(d) Adequate medical and laboratory examinations of:

(1) The food handler and his or her body discharges; and

(2) Other food handlers and their body discharges.

Sec. 40. *1. Except as provided in subsection 2, this chapter must be enforced by the food safety authority in accordance with any regulations adopted by the Department pursuant to section 14 of this act.*

2. A local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:

(a) Become effective when approved by the Department;

(b) Must be enforced by the food safety authority; and

(c) Supersede the regulations adopted by the Department pursuant to subsection 1.

3. All sheriffs, constables, police officers, marshals and other peace officers shall render such services and assistance to the food safety authority in regard to enforcement as the food safety authority may request.

Sec. 41. *1. Any regulation adopted by the Department or a local board of health pursuant to section 40 of this act that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment does not apply to any child care facility that limits its menu to:*

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:

(1) Commercially prepared and precooked; or

(2) Pasteurized,

➥ regardless of whether the child care facility includes a kindergarten.

2. As used in this section:

(a) "Child care facility" includes:

(1) A child care facility licensed pursuant to chapter 432A of NRS; or

(2) A child care facility licensed by a city or county.

(b) "Kindergarten" means a program of education for children who are 5 and 6 years of age which is:

(1) Licensed to operate as such pursuant to chapter 394 of NRS or which is exempt from licensure pursuant to NRS 394.211; and

(2) Located on the premises of a child care facility.

Sec. 42. *Before the Department may adopt any regulation concerning the construction, maintenance, operation or safety of a building, structure or other property in this State, the Department shall consult with the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section for the purposes of subsection 9 of NRS 341.100.*

Sec. 43. ***The district attorney of each county shall prosecute any person who violates any provision of this chapter or any provision of the regulations of the Department or the local board of health adopted pursuant to this chapter.***

Sec. 44. ***Except as otherwise provided in section 34 of this act, any person who violates any of the provisions of this chapter is guilty of a misdemeanor. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.***

Sec. 45. NRS 583.040 is hereby amended to read as follows:

583.040 1. It shall be unlawful for any person, firm or corporation to sell within this State, or to possess with the intent to sell within this State, for human food, the carcass or parts of the carcass of any animal which has been slaughtered, or is prepared, handled or kept under insanitary conditions, or any primal cut of meat which is not stamped with an approved stamp authorized by the Department.

2. Insanitary conditions shall be deemed to exist in any slaughterhouse that does not comply with the provisions of ~~[chapter 446 of NRS.]~~ ***sections 2 to 44, inclusive, of this act.***

3. Any person, firm or corporation violating any of the provisions of this section is subject to a civil penalty pursuant to NRS 583.700.

Sec. 46. NRS 585.310 is hereby amended to read as follows:

585.310 1. Except as otherwise provided in subsection 2, a food shall be deemed to be adulterated:

(a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom;

(b) If any substance has been substituted wholly or in part therefor;

(c) If damage or inferiority has been concealed in any manner; or

(d) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

2. A food shall not be deemed to be adulterated solely because it contains an approved hemp component.

3. As used in this section, "approved hemp component" has the meaning ascribed to it in ~~[NRS 446.844.]~~ ***section 18 of this act.***

Sec. 47. NRS 587.693 is hereby amended to read as follows:

587.693 "Craft food operation" means a natural person who manufactures or prepares acidified foods in his or her private home or, if allowed by the ~~[health]~~ ***food safety*** authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption, and whose gross sales of such foods are not more than $35,000 per calendar year.

Sec. 48. NRS 587.694 is hereby amended to read as follows:

587.694 ~~[~~"Health~~]~~ ***"Food safety*** authority" ~~[means the officers and agents of the Division of Public and Behavioral Health of the Department of Health~~

~~and Human Services, or the officers and agents of the local boards of health.]~~ ***has the meaning ascribed to it in section 9 of this act.***

Sec. 49. NRS 587.6945 is hereby amended to read as follows:

587.6945 1. A craft food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (j) of subsection 2 of ~~[~~NRS 446.020~~]~~ ***section 6 of this act*** if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

(b) Sold to a natural person for his or her consumption and not for resale;

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101;

(d) Labeled with:

(1) The date the food item was produced; and

(2) "MADE IN A CRAFT FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the ~~[~~health~~]~~ ***food safety*** authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a craft food operation.

3. As used in this section, "food item" means acidified foods produced by a person who meets the requirements of NRS 587.695 to 587.699, inclusive.

Sec. 50. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking in any form is prohibited within school buildings and on school property.

3. Smoking is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas with stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores;

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.

5. If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, $1,000.

(b) For a second or subsequent offense, $2,000.

6. In any prosecution or other proceeding for a violation of the provisions of subsection 4 or 5, it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

7. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

8. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local

smoking control measures that meet or exceed the minimum applicable standards set forth in this section.

9. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

10. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

11. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

12. For the purposes of this section, the following terms have the following definitions:

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(c) "Child care facility" has the meaning ascribed to it in NRS 441A.030.

(d) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(e) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(f) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(g) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of ~~[NRS 446.870.]~~ ***section 25 of this act.***

(h) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(i) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(j) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(k) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(l) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(n) "Smoking" means inhaling, exhaling, burning or carrying any liquid or heated cigar, cigarette or pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. The term includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, and the use of any oral smoking device. As used in this paragraph, "electronic smoking device":

(1) Means any product containing or delivering nicotine, a product made or derived from tobacco or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor or aerosol from the product.

(2) Includes any component part of a product described in subparagraph (1), regardless of whether the component part is sold separately.

(3) Does not include any product regulated by the United States Food and Drug Administration pursuant to Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 352 et seq.

(o) "Stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(p) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

13. Any statute or regulation inconsistent with this section is null and void.

14. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 51. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353.3375, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 ~~[.]~~ ***and section 15 of this act.*** In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make

recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 52. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, ~~[446]~~ ***447*** to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 53. NRS 244.35486 is hereby amended to read as follows:

244.35486 1. In addition to the provisions of NRS 244.35485, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to ~~[~~NRS 446.861.~~]~~ ***section 20 of this act.***

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice

or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in NRS 244.35484, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 54. NRS 244.35487 is hereby amended to read as follows:

244.35487 1. In accordance with an ordinance adopted pursuant to NRS 244.35481 to 244.35488, inclusive, a board of county commissioners or its designee may:

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to ~~[NRS 446.861.]~~ ***section 20 of this act.***

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to NRS 244.35484.

Sec. 55. NRS 244.369 is hereby amended to read as follows:

244.369 1. Subject to the limitations contained in subsection 2, any board of county commissioners may by ordinance require that any food handler, as defined in ~~[NRS 446.030,]~~ ***section 7 of this act,*** submit to physical examination as a prerequisite to engaging in or continuing to engage in such occupation.

2. Any ordinance enacted pursuant to the provisions of subsection 1 shall provide that no food handler is required to pay in excess of $5 for any or all required physical examinations in any 2-year period.

Sec. 56. NRS 268.097996 is hereby amended to read as follows:

268.097996 1. In addition to the provisions of NRS 268.097995, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to ~~[NRS 446.861.]~~ ***section 20 of this act.***

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition

of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in NRS 268.097994, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 57. NRS 268.097997 is hereby amended to read as follows:

268.097997 1. In accordance with an ordinance adopted pursuant to NRS 268.097991 to 268.097998, inclusive, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may:

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to ~~[NRS 446.861.]~~ ***section 20 of this act.***

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city, or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to NRS 268.097994.

Sec. 58. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Administrator and the Deputy Administrator of the Public Works - Compliance and Code Enforcement Section serve at the pleasure of the Director of the Department.

2. The Administrator shall appoint:

(a) A Deputy Administrator of the Public Works - Professional Services Section; and

(b) A Deputy Administrator of the Buildings and Grounds Section.

➥ Each deputy administrator appointed pursuant to this subsection serves at the pleasure of the Administrator.

3. The Administrator shall recommend and the Director shall appoint a Deputy Administrator of the Public Works - Compliance and Code Enforcement Section. The Deputy Administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.

4. The Administrator may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

5. The Administrator and each deputy administrator are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Administrator and each deputy administrator shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

6. The Administrator must:

(a) Have a master's degree or doctoral degree in civil or environmental engineering, architecture, public administration or a related field and experience in management, public administration or public policy; or

(b) Be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

7. The Deputy Administrator of the:

(a) Public Works - Professional Services Section must be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

(b) Public Works - Compliance and Code Enforcement Section must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Administrator.

8. The Administrator shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Division.

(c) Represent the Board and the Division before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Select architects, engineers and contractors.

(f) Accept completed projects.

(g) Submit in writing to the Director of the Department, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The Deputy Administrator of the Public Works - Compliance and Code Enforcement Section shall:

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government; and

(b) Consult with an agency or official that is considering adoption of a regulation described in NRS ~~[~~446.942,~~]~~ 449.345, 455C.115, 461.173 or 477.0325 ***or section 42 of this act*** and provide recommendations regarding how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.

Sec. 59. NRS 426.700 is hereby amended to read as follows:

426.700 A licensee operating a vending facility under the provisions of NRS 426.630 to 426.715, inclusive, is subject to:

1. The provisions of any and all laws and ordinances applying within the territory within which the vending facility is located, including those requiring a license or permit for the conduct of such business or any particular aspect thereof.

2. The provisions of ~~[~~chapter 446 of NRS.~~]~~ ***sections 2 to 44, inclusive, of this act.***

Sec. 60. NRS 439.200 is hereby amended to read as follows:

439.200 1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

(a) To define and control dangerous communicable diseases.

(b) To prevent and control nuisances.

(c) To regulate sanitation and sanitary practices in the interests of the public health.

(d) ~~[To provide for the sanitary protection of water and food supplies.~~

~~(e)]~~ To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of NRS 444.440 to 444.620, inclusive, 444.650, 445A.170 to 445A.955, inclusive, and chapter 445B of NRS.

~~[(f)]~~ ***(e)*** To protect and promote the public health generally.

~~[(g)]~~ ***(f)*** To carry out all other purposes of this chapter.

2. Except as otherwise provided in NRS 444.650, those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

(a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and

(b) The variance, if granted, would not:

(1) Cause substantial detriment to the public welfare; or

(2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

Sec. 61. NRS 439.366 is hereby amended to read as follows:

439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district.

3. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) ~~[Provide]~~ ***Consistent with any regulations adopted by the State Department of Agriculture pursuant to section 14 of this act, provide*** for the sanitary protection of water and food supplies;

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district; and

(e) Improve the quality of health care services for members of minority groups and medically underserved populations.

4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

6. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

Sec. 62. NRS 439.410 is hereby amended to read as follows:

439.410 1. The district board of health has the powers, duties and authority of a county board of health in the health district.

2. The district health department has jurisdiction over all public health matters in the health district, except in matters concerning emergency medical services pursuant to the provisions of chapter 450B of NRS.

3. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Prevent and control nuisances;

(b) Regulate sanitation and sanitary practices in the interests of the public health;

(c) ~~[Provide]~~ ***Consistent with any regulations adopted by the State Department of Agriculture pursuant to section 14 of this act, provide*** for the sanitary protection of water and food supplies; and

(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district.

4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon.

(b) State each address at which the text of the proposal may be inspected and copied.

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the district board for such purpose.

5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board may proceed immediately to act upon any written submissions. The district board shall consider fully all written and oral submissions respecting the proposal.

6. Each district board of health shall file a copy of all of its adopted regulations with the county clerk of each county in which it has jurisdiction.

Sec. 63. NRS 439.4905 is hereby amended to read as follows:

439.4905 1. Unless an exemption is approved pursuant to subsection 3, each county shall pay an assessment to the Division, in an amount determined by the Division, for the costs of services provided in that county by the Division or by the Chief Medical Officer, including, without limitation, services provided pursuant to this chapter and chapters 441A, 444 ~~[, 446]~~ and 583 of NRS and the regulations adopted pursuant to those chapters, regardless of whether the county has a local health authority.

2. Each county shall pay the assessment to the Division in quarterly installments that are due on the first day of the first month of each calendar quarter.

3. A county may submit a proposal to the Governor for the county to carry out the services that would otherwise be provided by the Division or the Chief Medical Officer pursuant to this chapter and chapters 441A, 444 ~~[, 446]~~ and 583 of NRS and the regulations adopted pursuant to those chapters. If the Governor approves the proposal, the Governor shall submit a recommendation to the Interim Finance Committee to exempt the county from the assessment required pursuant to subsection 1. The Interim Finance Committee, upon receiving the recommendation from the Governor, shall consider the proposal and determine whether to approve the exemption. In considering whether to approve the exemption, the Interim Finance Committee shall consider, among other things, the best interests of the State, the effect of the exemption and the intent of the Legislature in requiring the assessment to be paid by each county.

4. An exemption that is approved by the Interim Finance Committee pursuant to subsection 3 must not become effective until at least 6 months after that approval.

5. A county that receives approval pursuant to subsection 3 to carry out the services that would otherwise be provided by the Division or the Chief Medical Officer pursuant to this chapter and chapters 441A, 444 ~~[, 446]~~ and 583 of NRS and the regulations adopted pursuant to those chapters shall carry out those services in the manner set forth in those chapters and regulations.

6. The Division may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 64. NRS 439.532 is hereby amended to read as follows:

439.532 1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp unless such a commodity or product:

(a) Has been tested by an independent testing laboratory and meets the standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1;

(b) Identify contaminants of the commodities and products described in subsection 1 which are foods that contain an approved hemp component, as defined in ~~[NRS 446.844,]~~ ***section 18 of this act,*** and prescribe tolerances for such contaminants; and

(c) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of ~~[chapters 446]~~ ***sections 2 to 44, inclusive, of this act*** and ***chapter*** 585 of NRS.

4. As used in this section:

(a) "Cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

(b) "Food" has the meaning ascribed to it in ~~[NRS 446.017.]~~ ***section 5 of this act.***

(c) "Hemp" has the meaning ascribed to it in NRS 557.160.

(d) "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

(e) "THC" has the meaning ascribed to it in NRS 453.139.

Sec. 65. NRS 444.350 is hereby amended to read as follows:

444.350 1. Any construction, alteration or change in the use of a building or other structure in this State must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that Association, unless the State Public Works Board posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.

2. Any city or county may adopt such modifications as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the Code with the proposed amendments to the State Public Works Board.

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, "public water system" has the meaning ascribed to it in NRS 445A.840.

4. A facility used by members of the public whose construction or renovation begins on or after January 1, 1994, must provide on its premises a sufficient number of water closets and urinals to comply with the minimum standards set forth in the Uniform Plumbing Code. As used in this subsection, "facility used by members of the public" means any motion picture house, theater, concert hall, community hall, sports arena, stadium, ski resort or other permanent place of exhibition or entertaining to which members of the public are invited or which is intended for public use. The term does not include:

(a) A hotel as defined in NRS 447.010.

(b) A food establishment as defined in ~~[NRS 446.020.]~~ ***section 6 of this act.***

(c) A children's camp as defined in NRS 444.220.

(d) A historic structure as defined in NRS 244A.6825.

(e) A public or private school.

(f) A convention hall.

5. The Chair of the State Public Works Board or the Chair's designee shall review each amendment to the Uniform Plumbing Code and approve or disapprove of the amendment for use in Nevada. If the Chair does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this State.

6. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.

Sec. 66. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of this chapter do not apply to:

1. A person who purchases, for the purpose of resale, hemp or a commodity or product made using hemp which was not grown or processed by the person;

2. A person who transports hemp or a commodity or product made using hemp which was not grown or processed by the person; or

3. A person described in ~~[~~NRS 446.844~~]~~ ***section 18 of this act*** who, for the purpose of engaging in any of the activities set forth in ~~[~~NRS 446.844,~~]~~ ***section 18 of this act,*** purchases or handles hemp or a commodity or product made using hemp which was not grown or processed by the person,

➥ if such a person reasonably believes the hemp or commodity or product made using hemp was grown or processed in compliance with the provisions of this chapter.

Sec. 67. NRS 576.128 is hereby amended to read as follows:

576.128 1. The Department shall adopt regulations pursuant to which a person who is an actual producer of farm products other than any livestock, livestock product or poultry must obtain certification as an actual producer of farm products. The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The Department may impose fees for the certification of a person as an actual producer of farm products specified in subsection 1 and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the Department of performing those services and activities.

3. A person who obtains certification pursuant to this section is exempt from any:

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to the provisions of ~~[~~~~chapter 446 of NRS~~~~]~~ ***sections 2 to 44, inclusive, of this act*** to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, farm products specified in subsection 1 for which the person has obtained certification pursuant to this section; or

(2) Any inspection conducted pursuant to the provisions of ~~[~~~~chapter 446 of NRS~~~~]~~ ***sections 2 to 44, inclusive, of this act*** relating to such a sale or offer to sell.

Sec. 68. NRS 597.7629 is hereby amended to read as follows:

597.7629 1. "Food dispensing establishment" means a food establishment that prepares and serves food intended for immediate consumption. The term includes, without limitation, a restaurant. The term does not include a convenience store or a grocery store.

2. As used in this section:

(a) "Convenience store" has the meaning ascribed to it in NRS 597.225.

(b) "Food establishment" has the meaning ascribed to it in ~~[NRS 446.020.]~~ ***section 6 of this act.***

(c) "Grocery store" has the meaning ascribed to it in NRS 597.225.

Sec. 69. NRS 678B.290 is hereby amended to read as follows:

678B.290 1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment or a person described in ~~[NRS 446.844.]~~ ***section 18 of this act.***

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungi.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure by an impartial organization that operates in accordance with standard ISO/IEC 17011 of the International Organization for Standardization and is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

Sec. 70. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis with the words "THIS PRODUCT CONTAINS CANNABIS" in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

(c) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

(d) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) Convey to each purchaser of cannabis or cannabis products the following information in a manner prescribed by the Board:

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the ~~[health]~~ ***food safety*** authority, as defined in ~~[NRS 446.050,]~~ ***section 9 of this act,*** where a cannabis production facility, cannabis sales facility or cannabis consumption lounge which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility, cannabis sales facility or cannabis consumption lounge shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

(f) Shall ensure that all advertising by the cannabis establishment contains:

(1) The name of the cannabis establishment; and

(2) Except as otherwise provided in subsection 12, the adult-use cannabis establishment license number or medical cannabis establishment license number of the cannabis establishment or any other unique identifier assigned to the cannabis establishment by the Board.

12. A cannabis establishment that holds more than one license may satisfy the requirement set forth in subparagraph (2) of paragraph (f) of subsection 11 if the cannabis establishment includes in all advertising conducted by the cannabis establishment:

(a) Any one of the adult-use cannabis establishment license numbers or medical cannabis establishment license numbers of the cannabis establishment; or

(b) Any one unique identifier assigned to the cannabis establishment by the Board.

13. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

14. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

15. To the extent that they are inconsistent or otherwise conflict with the regulations adopted by the Board pursuant to NRS 678D.480, the requirements of this section pertaining to cannabis products do not apply to ready-to-consume cannabis products prepared and sold by a cannabis consumption lounge.

16. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 14 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

17. As used in this section, "motor vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 71. The Director of the Department of Health and Human Services shall coordinate with the Director of the State Department of Agriculture to transfer employees whose primary duties relate to food establishments pursuant to chapter 446 of NRS to the State Department of Agriculture.

Sec. 72. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 73. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 74. Notwithstanding the amendatory provisions of this act, any person who, on June 30, 2025, holds a permit issued by the Division of Public and Behavioral Health of the Department of Health and Human Services or a local health authority pursuant to NRS 446.875, as that section existed on June 30, 2025, is not required to obtain a permit from the State Department of Agriculture or other food safety authority pursuant to section 26 of this act until the expiration of the permit issued pursuant to NRS 446.875, as that section existed on June 30, 2025.

Sec. 75. Notwithstanding the amendatory provisions of this act, any regulation adopted by a local board of health pursuant to NRS 446.940, as that

section existed on June 30, 2025, shall be deemed to be approved by the State Department of Agriculture pursuant to section 40 of this act.

Sec. 75.5. Notwithstanding the amendatory provisions of this act, the State Department of Agriculture shall review the **budget of the Department, any fee charged to a food establishment pursuant to chapter 446 of NRS, as that chapter existed on June 30, 2025, and the** assessments charged pursuant to NRS 439.4905, as that section existed on June 30, 2025, to each county for services provided by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to chapter 446 of NRS and any regulations adopted pursuant thereto to determine the amount **of the assessments** that ~~[is]~~ **are** necessary to ensure the financial solvency of the State Department of Agriculture in providing all such services pursuant to sections 2 to 44, inclusive, of this act and any regulations adopted pursuant thereto. Based on the results of the review conducted pursuant to this section, the State Department of Agriculture ~~[shall]~~ **may** increase the assessments charged pursuant to section 15 of this act.

Sec. 76. Notwithstanding the amendatory provisions of this act, if a county has received an exemption from the Interim Finance Committee pursuant to NRS 439.4905, as that section existed on June 30, 2025, for the county to carry out the services that would otherwise be provided by the Division of Public and Behavioral Health of the Department of Health and Human Services or the Chief Medical Officer pursuant to chapter 446 of NRS and the regulations adopted pursuant thereto, the county shall be deemed to be exempt from the assessment required to be paid to the State Department of Agriculture pursuant to section 15 of this act for any service provided by the State Department of Agriculture pursuant to sections 2 to 44, inclusive, of this act and any regulations adopted pursuant thereto.

Sec. 77. NRS 446.0145, 446.017, 446.020, 446.030, 446.035, 446.050, 446.053, 446.057, 446.067, 446.069, 446.841, 446.842, 446.844, 446.846, 446.861, 446.865, 446.866, 446.868, 446.869, 446.870, 446.872, 446.875, 446.877, 446.880, 446.883, 446.885, 446.890, 446.895, 446.900, 446.920, 446.923, 446.925, 446.930, 446.935, 446.940, 446.941, 446.942, 446.943 and 446.945 are hereby repealed.

Sec. 78. This act becomes effective on July 1, 2025.

LEADLINES OF REPEALED SECTIONS

446.0145 "Farm-to-fork event" defined.
446.017 "Food" defined.
446.020 "Food establishment" defined.
446.030 "Food handler" defined.
446.035 "Food processing establishment" defined.
446.050 "Health authority" defined.
446.053 "Misbranded" defined.
446.057 "Potentially hazardous food" defined.
446.067 "Temporary food establishment" defined.

446.069 "Wholesome" defined.

446.841 Use of sawdust on floors in retail meat, poultry and fish markets.

446.842 Food establishments which sell alcoholic beverages for consumption on premises required to post signs concerning birth defects; exception.

446.844 Purchase and use of hemp by operator of food establishment at which food is not prepared or served for immediate consumption.

446.846 Certain employees of food establishments required to wear hair net or other suitable covering to confine hair.

446.861 Regulations.

446.865 Compliance with chapter; powers of health authority.

446.866 Exemption from certain requirements; certain local governing bodies prevented from prohibiting cottage food operations; registration; fee; inspection.

446.868 Exemption from certain requirements; notice to guests.

446.869 Registration; fees; inspection.

446.870 Prohibited acts: Operation of food establishment without valid permit issued by health authority; sale, offer or display for consideration of food prepared in private home without valid permit issued by health authority; exemptions.

446.872 Prohibited acts: Selling flesh of diseased animal; selling container containing shellfish without approved stamp.

446.875 Issuance of permit.

446.877 License of any licensing authority must not be issued until permit issued by health authority; exception.

446.880 Suspension or revocation of permit; reinstatement of suspended permit; hearing.

446.883 Revocation of city or county business license if permit issued by health authority revoked.

446.885 Inspection of food establishment.

446.890 Access to food establishment; form for inspection report.

446.895 Issuance of notice.

446.900 Service of notice.

446.920 Examination and condemnation of food.

446.923 Authority of health authority to require food processing establishment to have food tested in certain circumstances; requirements of such test; period for retention of records of tests; reporting of test results.

446.925 Food establishment outside jurisdiction of health authority.

446.930 Review of plan for construction or remodeling of food establishment.

446.935 Procedure if infection of food handler is suspected.

446.940 Enforcement.

446.941 Inapplicability of certain regulations to child care facilities with limited menus.

446.942 Restriction on adoption of regulations concerning construction, maintenance, operation or safety of building, structure or other property.

446.943 Prosecution by district attorney.

446.945 Penalties.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 494.

Bill read third time.

The following amendment was proposed by Assemblymember Brown-May:

Amendment No. 948.

AN ACT relating to state government; creating the Nevada Health Authority; creating certain divisions and offices within the Authority; providing for the appointment of officers and the employment of staff for the Authority; establishing requirements governing procurement by the Authority; creating the Nevada Health Authority Gift Fund; prescribing the duties of the Authority and its divisions and officers; transferring to the Authority the responsibility for operating various programs and administering various provisions; revising the name of certain agencies; revising certain terminology; eliminating the Division of Health Care Financing and Policy of the Department of Health and Human Services; revising provisions governing the operation of the Public Employees' Benefits Program and Medicaid; requiring certain reporting on the costs of health insurance for retired state employees; authorizing the Authority to require the reporting of certain information on the cost of certain prescription drugs; revising the membership and duties of the Board of Directors of the Silver State Health Insurance Exchange; providing for a study of opportunities for the Board of the Public Employees' Benefits Program to directly contract with certain providers of health care; **providing for a study of and the development of a plan to transfer certain additional functions to the Authority;** and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law creates the Department of Health and Human Services, which consists of the Aging and Disability Services Division, the Division of Public and Behavioral Health, the Division of Welfare and Supportive Services, the Division of Child and Family Services and the Division of Health Care Financing and Policy. (NRS 232.300) This bill creates a new department within the Executive Department of the State Government known as the Nevada Health Authority to assume certain responsibilities of the Department

of Health and Human Services and other entities related to the management of certain public health insurance plans, the licensing and regulation of certain persons and entities involved in the provision of health care and the regulation of sanitation in food establishments and certain other locations.

Section 18 of this bill creates and establishes the purposes of the Authority, and **section 32** of this bill changes the name of the Department to the Department of Human Services. **Section 18** provides that the Authority consists of: (1) the Medicaid Division; (2) the Health Care Purchasing and Compliance Division; and (3) the Consumer Health Division. **Section 19** of this bill requires the Governor to appoint a Director of the Authority who possesses certain qualifications. **Sections 20-23 and 29** of this bill provide for the appointment of officers and the employment of staff for the Authority, including an administrator of each division of the Authority. **Sections 24 and 79** of this bill exempt the Authority from provisions of law governing state procurement, with certain exceptions, and **section 24** prescribes requirements governing procurement by the Authority. **Sections 24 and 61** of this bill provide for the confidentiality of certain information submitted to the Authority during the procurement process. **Section 25** of this bill authorizes: (1) the sharing of confidential information within the Authority; and (2) the Authority to share confidential information with certain agencies of local governments in certain circumstances. **Sections 26 and 34** of this bill transfer from the Department to the Authority the authority to administer certain programs for persons with developmental disabilities. **Section 28** of this bill requires the Director or the Director's designee to adopt each state plan required by the Federal Government for the administration of any program for which the Authority or a division thereof is responsible. **Section 31** of this bill creates the Nevada Health Authority Gift Fund to hold gifts, grants and other property which the Authority is authorized to accept. **Sections 113 and 227** of this bill require the deposit of certain money in the Fund. **Section 36** of this bill updates the name of the Department of Health and Human Services Gift Fund, which is created by existing law, to conform to the change in the name of the Department. (NRS 232.355)

Existing law requires the Office of Science, Innovation and Technology in the Office of the Governor to administer the Graduate Medical Education Grant Program, which is a program to award grants to institutions in this State seeking to create, expand or retain programs for residency training and postdoctoral fellowships for physicians. (NRS 223.631-223.639) **Sections 2-8 and 26** of this bill transfer to the Consumer Health Division the responsibility for administering the Program.

Existing law requires the Board of the Public Employees' Benefits Program to establish the Program to provide group life, accident or health insurance, or any combination thereof, to employees of the State Government. (NRS 287.043) **Section 68** of this bill places the Board within the Authority and makes revisions governing the appointment and membership of the Board. **Section 68.5** of this bill: (1) removes the authority of the Governor to designate

the Chair of the Board and instead requires the Board to elect a Chair annually; and (2) requires the Governor to designate a Vice Chair of the Board. **Section 69** of this bill transfers from the Board to the Director of the Authority the responsibility for appointing the Executive Officer of the Program. **Section 65.5** of this bill requires the Board to biennially submit to the Legislature a report concerning the cost for a retired state employee to obtain coverage through the Program under Medicare. **Section 70** of this bill requires the Executive Officer to submit to the Authority a report regarding the administration and operation of the Program, in addition to certain other entities that currently receive the report. **Section 71** of this bill provides that the appointment of officers and unclassified employees to administer the Program is subject to the approval of the Director of the Authority. **Sections 72-74** of this bill authorize the Board to utilize certain services of the Authority, including procurement services, or to conduct procurement in accordance with either **section 24** or provisions of existing law governing procurement by state agencies. (Chapter 333 of NRS) **Section 72** additionally requires the Board, within the limits of available resources, to take such measures as are necessary to maximize the benefits available to participants in the Program and the ability of participants to access available benefits.

Existing law authorizes the Board of the Program to enter into contracts with physicians, surgeons, hospitals and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members of the Program and covered dependents. (NRS 287.0434) **Section 367.7** of this bill requires the Authority and the Board to study and report to the Legislature concerning opportunities to directly contract with such providers.

Existing law requires: (1) the Department to administer Medicaid and the Children's Health Insurance Program; and (2) the Division of Health Care Financing and Policy of the Department to perform certain duties related to the administration of those programs. (Chapter 422 of NRS) **Sections 26, 34, 93-96, 113-117, 120.5 and 359** of this bill transfer from the Department and the Director of the Department to the Medicaid Division and the Director of the Authority the responsibility for administering Medicaid and the Children's Health Insurance Program. **Sections 32, 34 and 35** of this bill abolish the Division of Health Care Financing and Policy, and **sections 94 and 359** transfer the authority, duties and responsibilities of that Division to the Medicaid Division. **Section 86** of this bill authorizes the Authority to delegate to other governmental entities the responsibility for making determinations of eligibility for Medicaid and the Children's Health Insurance Program. **Section 86.5** of this bill prohibits the Authority from requiring a recipient of or applicant for Medicaid to be employed, receive training or volunteer, except when required by the Federal Government. **Section 86.5** requires the Director of the Authority to take certain actions to solicit public input and inform the Legislature before implementing such a requirement. **Section 87** of this bill creates the Office of the Medicaid Inspector General within the Authority to

perform certain duties to ensure the integrity of Medicaid and the Children's Health Insurance Program and to prevent waste, fraud and abuse in those programs. **Sections 66, 88-91 and 371** of this bill transfer or provide to the Authority certain responsibilities related to the administration of those programs. **Sections 101-104, 109 and 110** of this bill establish provisions governing the qualifications, supervision and activities of the Administrator of the Medicaid Division, which are similar to the qualifications, supervision and activities of the Administrator of the Division of Health Care Financing and Policy. (NRS 422.2354-422.2364, 422.2372) **Sections 105-108, 111 and 112** of this bill transfer to the Director certain responsibilities relating to Medicaid and the Children's Health Insurance Program, including the responsibility for adopting regulations governing those programs. **Section 116** requires any contract for the expenditure of federal money under Medicaid to be signed by the Director. **Section 118** of this bill requires the Authority to: (1) include on an Internet website maintained by the Authority certain information to allow recipients of Medicaid through managed care to compare available plans; and (2) develop and implement a beneficiary support system for such recipients of Medicaid. **Section 371** repeals certain fiscal duties previously performed by the Administrator of the Division of Health Care Financing and Policy.

Sections 26, 34, 141, 144-146, 194, 217-224, 245-247, 250, 260, 276, 325-327 and 360 of this bill transfer from the Division of Public and Behavioral Health to the Health Care Purchasing and Compliance Division and from the Department of Health and Human Services to the Nevada Health Authority, as applicable, the responsibilities for credentialing and regulating: (1) programs for the treatment of persons who commit domestic violence; (2) health care facilities and certain entities involved in the provision of personal care services; (3) nontransplant anatomical donation organizations; (4) naprapaths; and (5) medical laboratories and their personnel. **Section 143** of this bill authorizes the State Board of Health to establish fees for the credentialing functions and certain other functions of the Health Care Purchasing and Compliance Division. **Sections 26, 34 and 162-171** of this bill transfer from the Division of Public and Behavioral Health to the Health Care Purchasing and Compliance Division the responsibility for administering provisions governing health and safety at health care facilities, including the reporting of sentinel events. **Section 35** reduces the number of deputy administrators in the Division of Public and Behavioral Health to account for the duties removed from that Division. **Section 367.8 of this bill requires the Department and the Authority to study and develop a plan to additionally transfer functions relating to behavioral health, maternal health and public health from that Division to the Authority.**

Sections 26, 34, 141, 144, 145, 147-152, 154-160, 180-187, 197-200, 226-238, 240-244 and 359 of this bill transfer from the Department to the Authority the responsibility for administering; (1) the State Program for Oral Health; (2) provisions governing health information technology; (3) the programs to increase public awareness of health care information concerning hospitals and

surgical centers for ambulatory patients in this State; (4) provisions governing the reporting of information relating to the cost of certain prescription drugs and certain information concerning pharmacies; (5) the Nevada Health Facilities Assistance Act, which establishes a program to construct new health facilities in this State; and (6) certain requirements to ensure the quality of care offered by hospitals in this State and the financial stability of such hospitals. **Section 197** additionally authorizes the Authority to require the reporting of information concerning the cost of certain additional prescription drugs for which reporting is not currently required.

Existing law: (1) creates the Patient Protection Commission within the Office of the Director of the Department; and (2) requires the Commission to perform certain duties to improve the quality, accessibility and affordability of health care in this State. (NRS 439.908, 439.918) **Sections 26, 34, 172 and 173** of this bill transfer the Commission to the Consumer Health Division. **Sections 172 and 173** also transfer from the Governor to the Director of the Authority the responsibility for appointing the members and Executive Director of the Commission. **Sections 174 and 175** of this bill require the Commission to make certain recommendations and submit certain reports to the Director of the Authority.

Existing law authorizes the Division of Public and Behavioral Health to establish a secure Internet website which makes certain information available for a website client to conduct background investigations of certain persons who are required by law to undergo such an investigation. (NRS 449.942) **Sections 175.3 and 175.6** of this bill authorize the Authority to access information on that Internet website without restriction and without becoming a website client.

Existing law requires the Department to establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State. (NRS 439B.835) **Section 29** creates the Office of Data Analytics within the Authority, and **sections 26, 34, 202-204 and 359** of this bill transfer to the Office the responsibility for operating the all-payer claims database.

Existing law: (1) requires the Division of Public and Behavioral Health to enforce provisions governing sanitation and food establishments under certain circumstances; and (2) requires each county where the Division provides such enforcement to pay an assessment to the Division. (NRS 439.4905, chapters 444 and 446 of NRS) **Sections 26, 34, 206-208 and 210-216** of this bill transfer to the Authority the authority to enforce provisions governing sanitation and food establishments, and **sections 30 and 153** of this bill require counties who currently pay to the Division an assessment for those functions to instead pay the assessment to the Authority.

Existing law requires the State Board of Health to license and regulate music therapists and dietitians. (Chapters 640D and 640E of NRS) **Sections 26, 283-297 and 300-323** of this bill transfer to the Health Care Purchasing and Compliance Division the responsibilities for issuing and renewing licenses to

those professionals and enforcing provisions of law and regulations governing those professionals and leave the authority to adopt regulations governing those professions with the State Board.

Existing law creates the Silver State Health Insurance Exchange. (NRS 695I.200) Existing law requires the Exchange to: (1) create and administer a state-based health insurance exchange; (2) facilitate the purchase and sale of qualified health plans; (3) provide for the establishment of a program to help certain small employers in Nevada in facilitating the enrollment of employees in qualified health plans; and (4) perform all other duties required pursuant to the federal Patient Protection and Affordable Care Act, the federal Health Care and Education Reconciliation Act of 2010 and any amendments to or regulations or guidance issued pursuant to those Acts. (Pub. L. No. 111-148, Pub. L. No. 111-152; NRS 695I.200, 695I.210) The Exchange is governed by the Board of Directors consisting of five voting members appointed by the Governor, one voting member appointed by the Senate Majority Leader, one voting member appointed by the Speaker of the Assembly and three ex officio, nonvoting members. (NRS 695I.300) **Sections 346-348** of this bill place the Exchange under the authority of the Consumer Health Division. **Section 348**: (1) reduces the number of members of the Board appointed by the Governor from five to two; (2) adds three heads of agencies whose work relates to public health or health insurance as ex officio, voting members of the Board; and (3) reduces the nonvoting membership of the Board. **Sections 349 and 350** of this bill make revisions governing the terms of the members and officers of the Board. **Section 352** of this bill transfers from the Board to the Director of the Authority or his or her designee the responsibility for appointing the Executive Director of the Exchange. **Sections 351 and 352** of this bill transfer certain duties relating to auditing and reports from the Board to the Executive Director. **Sections 353 and 354** of this bill transfer certain other duties related to the Exchange to Authority and its Director.

Existing law requires the Director of the Department, in consultation with the Commissioner of Insurance and the Executive Director of the Exchange, to design, establish and operate a health benefit plan known as the Public Option. (NRS 695K.200) **Section 355** of this bill transfers the responsibility for designing, establishing and operating the Public Option to the Director of the Authority.

Section 27 of this bill requires the Director and the Authority to: (1) take certain actions to facilitate determinations of eligibility for and the selection of plans under Medicaid and certain other public health insurance programs under the jurisdiction of the Authority; and (2) assess and recommend improvements to the Public Employees' Benefits Program. **Sections 9-13, 38-60, 62, 77, 78, 80, 81, 83, 96-98, 100, 121, 123, 125, 128-139, 142, 161, 178, 179, 188, 189, 195, 196, 205, 209, 248, 249, 251-275, 277-280, 324, 328-336, 338-341 and 356-358** of this bill make various conforming changes to reflect the authority transferred by the provisions of this bill. **Sections 32, 34, 38, 46, 99, 122, 127, 239, 287, 307 and 326** of this bill change the name of the Division of Welfare

and Supportive Services of the Department to the Division of Social Services of the Department. **Sections 33, 37, 82, 119, 120, 123, 124, 126-128 and 368** of this bill revise the terminology to refer to certain programs operated by that Division from "welfare" to "public assistance." **Section 132** revises the term "transitional assistance" to "child care assistance" to describe certain assistance provided pursuant to federal Temporary Assistance for Needy Families program. **Sections 1, 16, 17, 64, 65, 85, 140, 176, 191, 192, 225, 240, 281, 298, 343 and 344** of this bill define certain terms, and **sections 15, 67, 75, 76, 92, 177, 193, 201, 282, 299, 337 and 345** of this bill make conforming changes to indicate the applicability of those definitions. **Section 371** eliminates certain definitions that are no longer necessary. **Sections 58.5 and 120.5** of this bill authorize the Board of State Prison Commissioners to obtain prescription drugs for the treatment of offenders through collaborative purchasing conducted by the Authority for Medicaid and certain public and nonprofit health plans.

Section 361 of this bill transfers to the Authority the duty to carry out any requirements of a bill that is enacted by the Legislature during this session and approved by the Governor to: (1) require the Department of Health and Human Services to operate a program to award money to support projects to address shortages of providers of health care in this State; or (2) impose certain requirements on Medicaid or the Children's Health Insurance Program.

NEW section 367.8 of Senate Bill No. 494 First Reprint is hereby added as follows:

Sec. 367.8. **1. During the 2025-2026 interim, the Nevada Health Authority and the Department of Health and Human Services shall:**

(a) Collaboratively study the actions necessary to transfer the administrative functions, personnel and funding associated with behavioral health, maternal health and public health from the Division of Public and Behavioral Health of the Department to the Authority. The study must include, without limitation:

(1) A full inventory of programs of the Division related to behavioral health, maternal health and public health and the money and personnel allocated to those programs;

(2) An analysis of the statutory, regulatory and policy changes necessary to effectuate the transfer;

(3) An analysis of the fiscal impact of the transfer, including, without limitation, the administrative costs of the transfer; and

(4) Engagement with interested persons and entities, including, without limitation, local boards of health and health departments, providers of health care and nonprofit organizations that provide services related to behavioral health, maternal health and public health.

(b) Develop a plan to carry out the transfer described in paragraph (a). The plan must include, without limitation, recommended milestones and metrics to measure performance.

2. On or before January 31, 2027, the Director of the Nevada Health Authority shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature:

(a) A report of the study conducted pursuant to paragraph (a) of subsection 1; and

(b) The plan developed pursuant to paragraph (b) of subsection 1.

Assemblymember Brown-May moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblymember Brown-May:

Amendment No. 954.

SHORT FORM AMENDMENT

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law creates the Department of Health and Human Services, which consists of the Aging and Disability Services Division, the Division of Public and Behavioral Health, the Division of Welfare and Supportive Services, the Division of Child and Family Services and the Division of Health Care Financing and Policy. (NRS 232.300) This bill creates a new department within the Executive Department of the State Government known as the Nevada Health Authority to assume certain responsibilities of the Department of Health and Human Services and other entities related to the management of certain public health insurance plans, the licensing and regulation of certain persons and entities involved in the provision of health care and the regulation of sanitation in food establishments and certain other locations.

Section 18 of this bill creates and establishes the purposes of the Authority, and **section 32** of this bill changes the name of the Department to the Department of Human Services. **Section 18** provides that the Authority consists of: (1) the Medicaid Division; (2) the Health Care Purchasing and Compliance Division; and (3) the Consumer Health Division. **Section 19** of this bill requires the Governor to appoint a Director of the Authority who possesses certain qualifications. **Sections 20-23 and 29** of this bill provide for the appointment of officers and the employment of staff for the Authority, including an administrator of each division of the Authority. **Sections 24 and 79** of this bill exempt the Authority from provisions of law governing state procurement, with certain exceptions, and **section 24** prescribes requirements governing procurement by the Authority. **Sections 24 and 61** of this bill provide for the confidentiality of certain information submitted to the Authority during the procurement process. **Section 25** of this bill authorizes: (1) the sharing of confidential information within the Authority; and (2) the Authority to share confidential information with certain agencies of local governments in certain circumstances. **Sections 26 and 34** of this bill transfer from the Department to the Authority the authority to administer certain

programs for persons with developmental disabilities. **Section 28** of this bill requires the Director or the Director's designee to adopt each state plan required by the Federal Government for the administration of any program for which the Authority or a division thereof is responsible. **Section 31** of this bill creates the Nevada Health Authority Gift Fund to hold gifts, grants and other property which the Authority is authorized to accept. **Sections 113 and 227** of this bill require the deposit of certain money in the Fund. **Section 36** of this bill updates the name of the Department of Health and Human Services Gift Fund, which is created by existing law, to conform to the change in the name of the Department. (NRS 232.355)

Existing law requires the Office of Science, Innovation and Technology in the Office of the Governor to administer the Graduate Medical Education Grant Program, which is a program to award grants to institutions in this State seeking to create, expand or retain programs for residency training and postdoctoral fellowships for physicians. (NRS 223.631-223.639) **Sections 2-8 and 26** of this bill transfer to the Consumer Health Division the responsibility for administering the Program.

Existing law requires the Board of the Public Employees' Benefits Program to establish the Program to provide group life, accident or health insurance, or any combination thereof, to employees of the State Government. (NRS 287.043) **Section 68** of this bill places the Board within the Authority and makes revisions governing the appointment and membership of the Board. **Section 68.5** of this bill: (1) removes the authority of the Governor to designate the Chair of the Board and instead requires the Board to elect a Chair annually; and (2) requires the Governor to designate a Vice Chair of the Board. **Section 69** of this bill transfers from the Board to the Director of the Authority the responsibility for appointing the Executive Officer of the Program. **Section 65.5** of this bill requires the Board to biennially submit to the Legislature a report concerning the cost for a retired state employee to obtain coverage through the Program under Medicare. **Section 70** of this bill requires the Executive Officer to submit to the Authority a report regarding the administration and operation of the Program, in addition to certain other entities that currently receive the report. **Section 71** of this bill provides that the appointment of officers and unclassified employees to administer the Program is subject to the approval of the Director of the Authority. **Sections 72-74** of this bill authorize the Board to utilize certain services of the Authority, including procurement services, or to conduct procurement in accordance with either **section 24** or provisions of existing law governing procurement by state agencies. (Chapter 333 of NRS) **Section 72** additionally requires the Board, within the limits of available resources, to take such measures as are necessary to maximize the benefits available to participants in the Program and the ability of participants to access available benefits.

Existing law authorizes the Board of the Program to enter into contracts with physicians, surgeons, hospitals and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care

of members of the Program and covered dependents. (NRS 287.0434) **Section 367.7** of this bill requires the Authority and the Board to study and report to the Legislature concerning opportunities to directly contract with such providers.

Existing law requires: (1) the Department to administer Medicaid and the Children's Health Insurance Program; and (2) the Division of Health Care Financing and Policy of the Department to perform certain duties related to the administration of those programs. (Chapter 422 of NRS) **Sections 26, 34, 93-96, 113-117, 120.5 and 359** of this bill transfer from the Department and the Director of the Department to the Medicaid Division and the Director of the Authority the responsibility for administering Medicaid and the Children's Health Insurance Program. **Sections 32, 34 and 35** of this bill abolish the Division of Health Care Financing and Policy, and **sections 94 and 359** transfer the authority, duties and responsibilities of that Division to the Medicaid Division. **Section 86** of this bill authorizes the Authority to delegate to other governmental entities the responsibility for making determinations of eligibility for Medicaid and the Children's Health Insurance Program. ~~[Section 86.5 of this bill prohibits the Authority from requiring a recipient of or applicant for Medicaid to be employed, receive training or volunteer, except when required by the Federal Government. Section 86.5 requires the Director of the Authority to take certain actions to solicit public input and inform the Legislature before implementing such a requirement.]~~ **Section 87** of this bill creates the Office of the Medicaid Inspector General within the Authority to perform certain duties to ensure the integrity of Medicaid and the Children's Health Insurance Program and to prevent waste, fraud and abuse in those programs. **Sections 66, 88-91 and 371** of this bill transfer or provide to the Authority certain responsibilities related to the administration of those programs. **Sections 101-104, 109 and 110** of this bill establish provisions governing the qualifications, supervision and activities of the Administrator of the Medicaid Division, which are similar to the qualifications, supervision and activities of the Administrator of the Division of Health Care Financing and Policy. (NRS 422.2354-422.2364, 422.2372) **Sections 105-108, 111 and 112** of this bill transfer to the Director certain responsibilities relating to Medicaid and the Children's Health Insurance Program, including the responsibility for adopting regulations governing those programs. **Section 116** requires any contract for the expenditure of federal money under Medicaid to be signed by the Director. **Section 118** of this bill requires the Authority to: (1) include on an Internet website maintained by the Authority certain information to allow recipients of Medicaid through managed care to compare available plans; and (2) develop and implement a beneficiary support system for such recipients of Medicaid. **Section 371** repeals certain fiscal duties previously performed by the Administrator of the Division of Health Care Financing and Policy.

Sections 26, 34, 141, 144-146, 194, 217-224, 245-247, 250, 260, 276, 325-327 and 360 of this bill transfer from the Division of Public and Behavioral Health to the Health Care Purchasing and Compliance Division and from the

Department of Health and Human Services to the Nevada Health Authority, as applicable, the responsibilities for credentialing and regulating: (1) programs for the treatment of persons who commit domestic violence; (2) health care facilities and certain entities involved in the provision of personal care services; (3) nontransplant anatomical donation organizations; (4) naprapaths; and (5) medical laboratories and their personnel. **Section 143** of this bill authorizes the State Board of Health to establish fees for the credentialing functions and certain other functions of the Health Care Purchasing and Compliance Division. **Sections 26, 34 and 162-171** of this bill transfer from the Division of Public and Behavioral Health to the Health Care Purchasing and Compliance Division the responsibility for administering provisions governing health and safety at health care facilities, including the reporting of sentinel events. **Section 35** reduces the number of deputy administrators in the Division of Public and Behavioral Health to account for the duties removed from that Division.

Sections 26, 34, 141, 144, 145, 147-152, 154-160, 180-187, 197-200, 226-238, 240-244 and 359 of this bill transfer from the Department to the Authority the responsibility for administering; (1) the State Program for Oral Health; (2) provisions governing health information technology; (3) the programs to increase public awareness of health care information concerning hospitals and surgical centers for ambulatory patients in this State; (4) provisions governing the reporting of information relating to the cost of certain prescription drugs and certain information concerning pharmacies; (5) the Nevada Health Facilities Assistance Act, which establishes a program to construct new health facilities in this State; and (6) certain requirements to ensure the quality of care offered by hospitals in this State and the financial stability of such hospitals. **Section 197** additionally authorizes the Authority to require the reporting of information concerning the cost of certain additional prescription drugs for which reporting is not currently required.

Existing law: (1) creates the Patient Protection Commission within the Office of the Director of the Department; and (2) requires the Commission to perform certain duties to improve the quality, accessibility and affordability of health care in this State. (NRS 439.908, 439.918) **Sections 26, 34, 172 and 173** of this bill transfer the Commission to the Consumer Health Division. **Sections 172 and 173** also transfer from the Governor to the Director of the Authority the responsibility for appointing the members and Executive Director of the Commission. **Sections 174 and 175** of this bill require the Commission to make certain recommendations and submit certain reports to the Director of the Authority.

Existing law authorizes the Division of Public and Behavioral Health to establish a secure Internet website which makes certain information available for a website client to conduct background investigations of certain persons who are required by law to undergo such an investigation. (NRS 449.942) **Sections 175.3 and 175.6** of this bill authorize the Authority to access

information on that Internet website without restriction and without becoming a website client.

Existing law requires the Department to establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State. (NRS 439B.835) **Section 29** creates the Office of Data Analytics within the Authority, and **sections 26, 34, 202-204 and 359** of this bill transfer to the Office the responsibility for operating the all-payer claims database.

Existing law: (1) requires the Division of Public and Behavioral Health to enforce provisions governing sanitation and food establishments under certain circumstances; and (2) requires each county where the Division provides such enforcement to pay an assessment to the Division. (NRS 439.4905, chapters 444 and 446 of NRS) **Sections 26, 34, 206-208 and 210-216** of this bill transfer to the Authority the authority to enforce provisions governing sanitation and food establishments, and **sections 30 and 153** of this bill require counties who currently pay to the Division an assessment for those functions to instead pay the assessment to the Authority.

Existing law requires the State Board of Health to license and regulate music therapists and dietitians. (Chapters 640D and 640E of NRS) **Sections 26, 283-297 and 300-323** of this bill transfer to the Health Care Purchasing and Compliance Division the responsibilities for issuing and renewing licenses to those professionals and enforcing provisions of law and regulations governing those professionals and leave the authority to adopt regulations governing those professions with the State Board.

Existing law creates the Silver State Health Insurance Exchange. (NRS 695I.200) Existing law requires the Exchange to: (1) create and administer a state-based health insurance exchange; (2) facilitate the purchase and sale of qualified health plans; (3) provide for the establishment of a program to help certain small employers in Nevada in facilitating the enrollment of employees in qualified health plans; and (4) perform all other duties required pursuant to the federal Patient Protection and Affordable Care Act, the federal Health Care and Education Reconciliation Act of 2010 and any amendments to or regulations or guidance issued pursuant to those Acts. (Pub. L. No. 111-148, Pub. L. No. 111-152; NRS 695I.200, 695I.210) The Exchange is governed by the Board of Directors consisting of five voting members appointed by the Governor, one voting member appointed by the Senate Majority Leader, one voting member appointed by the Speaker of the Assembly and three ex officio, nonvoting members. (NRS 695I.300) **Sections 346-348** of this bill place the Exchange under the authority of the Consumer Health Division. **Section 348**: (1) reduces the number of members of the Board appointed by the Governor from five to two; (2) adds three heads of agencies whose work relates to public health or health insurance as ex officio, voting members of the Board; and (3) reduces the nonvoting membership of the Board. **Sections 349 and 350** of this bill make revisions governing the terms of the members and officers of the Board. **Section 352** of this bill transfers from the Board to the Director of the

Authority or his or her designee the responsibility for appointing the Executive Director of the Exchange. **Sections 351 and 352** of this bill transfer certain duties relating to auditing and reports from the Board to the Executive Director. **Sections 353 and 354** of this bill transfer certain other duties related to the Exchange to Authority and its Director.

Existing law requires the Director of the Department, in consultation with the Commissioner of Insurance and the Executive Director of the Exchange, to design, establish and operate a health benefit plan known as the Public Option. (NRS 695K.200) **Section 355** of this bill transfers the responsibility for designing, establishing and operating the Public Option to the Director of the Authority.

Section 27 of this bill requires the Director and the Authority to: (1) take certain actions to facilitate determinations of eligibility for and the selection of plans under Medicaid and certain other public health insurance programs under the jurisdiction of the Authority; and (2) assess and recommend improvements to the Public Employees' Benefits Program. **Sections 9-13, 38-60, 62, 77, 78, 80, 81, 83, 96-98, 100, 121, 123, 125, 128-139, 142, 161, 178, 179, 188, 189, 195, 196, 205, 209, 248, 249, 251-275, 277-280, 324, 328-336, 338-341 and 356-358** of this bill make various conforming changes to reflect the authority transferred by the provisions of this bill. **Sections 32, 34, 38, 46, 99, 122, 127, 239, 287, 307 and 326** of this bill change the name of the Division of Welfare and Supportive Services of the Department to the Division of Social Services of the Department. **Sections 33, 37, 82, 119, 120, 123, 124, 126-128 and 368** of this bill revise the terminology to refer to certain programs operated by that Division from "welfare" to "public assistance." **Section 132** revises the term "transitional assistance" to "child care assistance" to describe certain assistance provided pursuant to federal Temporary Assistance for Needy Families program. **Sections 1, 16, 17, 64, 65, 85, 140, 176, 191, 192, 225, 240, 281, 298, 343 and 344** of this bill define certain terms, and **sections 15, 67, 75, 76, 92, 177, 193, 201, 282, 299, 337 and 345** of this bill make conforming changes to indicate the applicability of those definitions. **Section 371** eliminates certain definitions that are no longer necessary. **Sections 58.5 and 120.5** of this bill authorize the Board of State Prison Commissioners to obtain prescription drugs for the treatment of offenders through collaborative purchasing conducted by the Authority for Medicaid and certain public and nonprofit health plans.

Section 361 of this bill transfers to the Authority the duty to carry out any requirements of a bill that is enacted by the Legislature during this session and approved by the Governor to: (1) require the Department of Health and Human Services to operate a program to award money to support projects to address shortages of providers of health care in this State; or (2) impose certain requirements on Medicaid or the Children's Health Insurance Program.

Section 86.5 of Senate Bill No. 494 First Reprint is hereby amended as follows:

Sec. 86.5. ~~[*1. Unless required by the Federal Government as a condition of this State continuing to receive federal financial participation for Medicaid, the Authority shall not:*~~

~~*(a) Condition eligibility for Medicaid on whether an applicant is employed, receiving training, volunteering or engaging in any similar activity, or any combination thereof; or*~~

~~*(b) Otherwise require a recipient of or applicant for Medicaid to engage in any of the activities described in paragraph (a).*~~

~~*2. If the Federal Government requires the Authority to impose a condition or requirement described in subsection 1 as a condition of this State continuing to receive federal financial participation for Medicaid, the Director must, before imposing the condition or requirement:*~~

~~*(a) Hold at least two public workshops concerning the implementation of the condition or requirement; and*~~

~~*(b) Submit a report concerning the implementation of the condition or requirement to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(1) If the report is submitted between January 1 and June 1 of an odd-numbered year, to the next or current session of the Legislature, as applicable; or*~~

~~*(2) If the report is submitted at any other time, to the Joint Interim Standing Committee on Health and Human Services and the Legislative Commission.*~~

~~*3. The report submitted pursuant to paragraph (b) of subsection 2 must include, without limitation:*~~

~~*(a) A proposed timeline for implementing the condition or requirement;*~~

~~*(b) The methods the Authority will use to monitor the effects of the condition or requirement on:*~~

~~*(1) Recipients of Medicaid; and*~~

~~*(2) The number of persons without health insurance in this State;*~~

~~*(c) The estimated impact of the condition or requirement on:*~~

~~*(1) The state budget; and*~~

~~*(2) The number of recipients of Medicaid in this State; and*~~

~~*(d) Any actions the Authority plans to take to mitigate the negative impact of the condition or requirement on recipients of Medicaid.]*~~ **(Deleted by amendment.)**

Assemblymember Brown-May moved for the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Assembly Bill No. 500 and Senate Bill No. 494 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

Assembly in recess at 10:15 p.m.

ASSEMBLY IN SESSION

At 10:16 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 500.

Bill read third time.

Roll call on Assembly Bill No. 500:

YEAS—20.

NAYS—Cole, Considine, DeLong, Dickman, Edgeworth, Flanagan, Gallant, González, Goulding, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, La Rue Hatch, Moore, O'Neill, Roth, Yurek—22.

Assembly Bill No. 500 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 494.

Bill read third time.

Roll call on Senate Bill No. 494:

YEAS—42.

NAYS—None.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymembers La Rue Hatch, Backus, and Hansen as a Conference committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 301.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 956.

AN ACT relating to education; requiring the Department of Education to create and conduct certain surveys of public school employees; **revising provisions governing the reimbursement of certain hospitals or other facilities that provide educational services;** revising terminology related to services provided to certain students; revising various reporting requirements relating to education; revising provisions governing the authority of the State Board of Education; revising provisions governing the ratios of pupils to licensed teachers; eliminating certain audits of empowerment schools; revising provisions governing the licensure of administrators; repealing provisions governing the Nevada Teacher Advancement Scholarship Program and the Incentivizing Pathways to Teaching Grant Program; revising provisions governing certain scholarship and grant programs for students in education and related fields of study; requiring the Department to create a program of block grants for such scholarship and grant programs; eliminating provisions requiring the Department to recommend that a minimum amount be spent by public schools on textbooks and other instructional supplies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Education, which consists of the State Board of Education and the Superintendent of Public Instruction. (NRS 385.010) **Section 1** of this bill requires the Department to create and conduct surveys of: (1) public school employees, assessing school climate and working conditions in schools; and (2) public school employees who are leaving employment at a public school. **Section 1** additionally: (1) sets forth when such surveys must be administered; (2) sets forth how a school district must use the results of such surveys; (3) prohibits data collected from such surveys from being used in certain evaluations; (4) requires the Department to recognize schools which achieve a certain response rate on such surveys in the statewide system of accountability; and (5) requires the Department to submit annually to the Commission on School Funding and the State Board a report containing data from the surveys.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of the pupils enrolled in the school. (NRS 385A.650) **Section 2** of this bill requires

the plan to be informed by the results of surveys conducted pursuant to **section 1**.

Existing law creates the Education Stabilization Account in the State Education Fund and requires each school district, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, to transfer from the county school district fund to the Education Stabilization Account any amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. (NRS 387.1213) **Section 4** of this bill requires each school district to make this transfer after the close of the previous fiscal year and before the close of the then current fiscal year.

Existing law establishes certain requirements governing the use of information concerning the average daily enrollment of pupils, including, without limitation: (1) requiring each school district to submit a quarterly report to the Department containing the average daily enrollment of pupils; and (2) providing the method for computing the yearly apportionment to the school district from the State Education Fund. (NRS 387.1223) **Section 4.5** of this bill applies these provisions to charter schools and university schools for profoundly gifted pupils.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department are authorized to request reimbursement from the school district or charter school in which a child is enrolled for the cost of providing educational services to the child who is: (1) verified to be a patient or resident of the hospital or facility; (2) attends the private school or educational program for more than 7 school days; and (3) meets certain other requirements. (NRS 387.1225) Section 4.7 of this bill: (1) changes the entity from which reimbursement is authorized to be requested to the Department; and (2) makes conforming changes to reflect this change.

Under the Pupil-Centered Funding Plan, existing law requires a public school that receives weighted funding for one or more at-risk pupils or pupils who are English learners to use such funding only to provide services to such pupils, which are referred to as "Victory services" and "Zoom services," respectively. (NRS 387.121, 387.12445) **Section 5** of this bill changes the term "Victory services" to "services for at-risk pupils," and "Zoom services" to "services for pupils who are English learners."

Existing law requires the board of trustees of each school district and the governing body of each charter school to submit to the Superintendent of Public Instruction and certain other recipients, on or before November 1 of each year, a report regarding the budget of the school district or charter school. (NRS 387.303, 388A.345) Existing law requires the Superintendent of Public Instruction, on or before November 25 of each year, to submit a compilation of the reports made by each school district and charter school to the Office of Finance in the Office of the Governor and the Fiscal Analysis Division of the

Legislative Counsel Bureau. (NRS 387.303, 388A.345) Existing law requires the governing body of a university school for profoundly gifted pupils to submit a similar report to the Department of Education on or before November 15 of each year. (NRS 388C.250) **Sections 6, 13 and 15** of this bill require these reports to be submitted annually, on or before the Friday of the first week in January that contains 5 business days. **Sections 6 and 13** require the compilation of reports to be submitted on or before the last Friday in January.

Existing law requires the Governor, on or before January 1 of each year, to compile a report on the status of the finances of the State, including the information published in the most recent annual report regarding the budget of each school district. (NRS 353.333) **Section 32** of this bill requires that this report be compiled on or before February 15 of each year, to conform with the change made by **section 6** to the date by which the compilation of reports regarding the budget of each school district is required to be submitted to the Office of Finance.

Existing law requires the clerk of the board of trustees of a county school district to publish a quarterly expenditure report for the school district in a newspaper that meets certain qualifications. (NRS 387.320) **Section 7** of this bill requires the expenditure report to instead be published on the Internet website of the county school district.

Existing law: (1) provides that the State Board is the sole state agency responsible for the administration of career and technical education; and (2) sets forth actions the State Board is authorized to take in relation to such authority. (NRS 388.360) **Section 7.3** of this bill authorizes the State Board to request, rather than direct, the Superintendent of Public Instruction to make studies and investigations relating to career and technical education.

Existing law requires the Executive Officer of the State Board to designate a program professional to perform certain duties relating to programs of career and technical education that have received grants of money. (NRS 388.396) **Section 7.7** of this bill instead requires the Superintendent of Public Instruction to designate a program professional to perform such duties.

Existing law authorizes the board of trustees of a school district, with the approval of the juvenile court and the board of county commissioners, to employ qualified teachers for the instruction of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps. (NRS 388.550) Existing law requires the board of trustees of a school district providing such instruction to report to the Superintendent of Public Instruction at such times and in such manner as the Superintendent of Public Instruction prescribes. (NRS 388.570) **Section 8** of this bill eliminates the requirement for the board of trustees of such a school district to provide such reports to the Superintendent of Public Instruction.

Existing law prohibits the ratio of pupils per licensed teacher in certain classes from exceeding certain ratios during each school quarter of a school year. (NRS 388.700) Existing law requires the board of trustees of each school district to report to the Department, on a quarterly basis, the average daily

enrollment of pupils and the ratio of pupils per licensed teacher for certain grade levels. (NRS 388.725) If the ratio of pupils per licensed teacher at one or more elementary schools in a school district exceeds the ratio prescribed by statute during any quarter of a school year, existing law requires the school district to request a variance from the State Board for each such school for the subsequent quarter. (NRS 388.700) **Section 12** of this bill eliminates the requirement to submit quarterly reports regarding the average daily enrollment of pupils and the ratio of pupils per licensed teacher for certain grade levels and requires the board of trustees of each school district to instead report such information to the Department only on a semiannual basis each year for: (1) the period beginning on July 1 and ending on September 30; and (2) the period beginning on January 1 and ending on March 31. **Section 9** of this bill requires a school district to request a variance for an elementary school which exceeds the maximum ratio of pupils per licensed teacher only if the ratio is exceeded during a reporting period. **Section 9** also: (1) reduces the frequency of the reports regarding variances requested by school districts which the State Board is required to submit to the Interim Finance Committee from quarterly to semiannually; and (2) eliminates the requirement for the State Board to submit a report to the Legislature regarding variances and the data collected by school districts on the effectiveness of plans to reduce pupil-teacher ratios.

Existing law requires each school district, in cooperation with the recognized associations representing licensed educational personnel, to develop a plan to reduce the pupil-teacher ratio per class in certain grade levels and submit that plan to the State Board. (NRS 388.720) **Section 10** of this bill requires this plan to be submitted to the State Board on or before October 1 of each year.

Section 11 of this bill eliminates the requirement for the Department to develop policies and procedures for the distribution of money to each school district for the reduction of pupil-teacher ratios.

Existing law requires the sponsor of a charter school that has received, within each of the immediately preceding 3 consecutive school years, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools to submit a report to the Joint Interim Standing Committee on Education on or before December 15 of each odd-numbered year describing certain actions taken by the sponsor of the charter school. (NRS 388A.355) **Section 14** of this bill requires this report to be submitted annually, on or before February 15.

Existing law requires: (1) certain charter schools that are approved to operate as empowerment schools to submit a quarterly report to the Department containing certain financial information and information concerning the school's compliance with its empowerment plan; (2) the board of trustees of a school district and the Department to conduct financial audits of empowerment schools; and (3) such reports and audits concerning empowerment schools to be compiled and forwarded to certain entities. (NRS 388G.200) **Section 16** of this bill eliminates these requirements.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the Superintendent of Public Instruction. (NRS 389.167) **Section 17** of this bill eliminates the requirement for a school district or charter school offering a work-based learning program to submit a biennial report to the State Board and the Legislature concerning the manner in which the program has been carried out.

Existing law requires the Commission on Professional Standards in Education to prescribe by regulation the qualifications for licensing teachers and other educational personnel. (NRS 391.019) **Section 18** of this bill: (1) eliminates the requirement for the Commission to prescribe qualifications for licensing administrators through an alternative route to licensure; and (2) requires the Commission to prescribe qualifications and procedures for licensed teachers and other licensed educational personnel to become licensed as an administrator without restricting the ability of such a person to obtain employment as an administrator.

Existing law requires each school district that employs a consultant to submit a report to the Interim Finance Committee at least once every 6 months. (NRS 391.155) **Section 19** of this bill reduces the frequency of this report to at least once annually.

Existing law: (1) establishes the Teach Nevada Scholarship Program, the Nevada Teacher Advancement Scholarship Program and the Incentivizing Pathways to Teaching Grant Program; and (2) sets forth requirements for the administration of these programs. (NRS 391A.550-391A.595, 391A.650-391A.695, 391A.700, 391A.705, 391A.710) **Sections 20-31** of this bill transfer the administration of these programs from the State Board to the Department. **Section 19.5** of this bill requires the Department to create a program of block grants to provide one lump-sum grant to an institution that receives a grant from each of these programs. **Section 21** expands the eligibility for Teach Nevada Scholarships to include Nevada residents who graduated from high school in another state or who, before the age of 20, successfully completed the high school equivalency assessment selected by the State Board in another state. **Section 26** additionally expands the programs for which a student is eligible to receive a Nevada Teacher Advancement Scholarship to include programs which: (1) result in a certificate of advanced study or other degree which is more advanced than a bachelor's degree, in education or a related field of study; or (2) upon completion, make a student eligible to obtain a license and endorsement to teach in a subject area for which there is a shortage of teachers. **Section 27** also makes a conforming change relating to the amount which may be awarded under the Nevada Teacher Advancement Scholarship Program to reflect the additional programs for which a Nevada Teacher Advancement Scholarship may be awarded as provided in **section 26**.

Sections 20.5, 21.5, 22 and 24.5 of this bill become effective on July 1, 2027. **Section 20.5**: (1) changes the name of the Teach Nevada

Scholarship Program Account to the Teach Nevada Recruitment, Preparation and Retention Program Account; and (2) eliminates the requirement that money in the Account may only be used to award grants to entities to award scholarships pursuant to **section 22**. **Section 21.5** expands the programs whose students are eligible to receive a scholarship from an institution that receives a grant from the Account. **Section 22** eliminates the requirement that the recipient of a scholarship provided by an institution which receives a grant from the Account meet certain requirements to receive the remaining 25 percent of the scholarship that has not been disbursed. **Section 22** additionally: (1) expands the group of students who may receive such a scholarship; (2) changes the method for determining the maximum amount of a scholarship a student may receive; and (3) requires institutions that receive grants to provide such scholarships to enter an agreement to share data with the Department. **Sections 21.5, 22 and 24.5** make conforming changes to reflect the change in the name of the Account.

Section 35 of this bill repeals provisions requiring the Department to: (1) recommend that a minimum amount of money be spent during each fiscal year of the biennium on textbooks, instructional supplies, instructional software and instructional hardware by all school districts, charter schools and university schools for profoundly gifted pupils; and (2) publish a report on school districts, charter schools and university schools for profoundly gifted pupils which did not spend the recommended minimum amount. **Section 35** also repeals provisions requiring the board of trustees of each school district to submit an annual report concerning professional development training offered by the school district.

Section 35.5 of this bill repeals provisions governing the Nevada Teacher Advancement Scholarship Program and the Incentivizing Pathways to Teaching Grant Program, including, without limitation, **sections 25-31**, on July 1, 2027. **Section 35.7** of this bill requires any money that is in the budget account for the Incentivizing Pathways to Teaching Grant Program Account and the Nevada Teacher Advancement Scholarship Program Account on June 30, 2027, to be transferred to the Teach Nevada Scholarship Program Account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, to the extent that money is available for that purpose, create and conduct at each school in a school district and at each charter school in this State:

(a) In a school year which begins in an odd-numbered calendar year, a survey administered to persons employed at the school, measuring the school climate.

(b) In a school year which begins in an even-numbered calendar year, a survey administered to persons employed at the school, measuring working conditions in the school.

(c) On an ongoing basis, a survey administered to persons who are leaving their employment at the school, including, without limitation, through retirement, transfer or resignation.

2. A school district or charter school shall use the results of surveys conducted pursuant to this section to assess and improve:

(a) Strategies for the retention of staff; and

(b) The school climate and working conditions at schools within the school district or at the charter school, as applicable.

3. Data collected from a survey conducted pursuant to this section must not be used in the evaluation of any:

(a) School district or school as part of the statewide system of accountability set forth in NRS 385A.600 to 385A.840, inclusive; or

(b) Teacher, administrator or other licensed educational personnel conducted pursuant to NRS 391.650 to 391.730, inclusive.

4. The Department shall include in the statewide system of accountability set forth in NRS 385A.600 to 385A.840, inclusive, recognition of public schools at which the rate of response to a survey administered pursuant to this section is at least 85 percent.

5. The Department shall annually submit to the Commission on School Funding created pursuant to NRS 387.1246 and the State Board a report of the data collected from a survey conducted pursuant to this section.

6. The Department may, to the extent that money is available for that purpose, contract with a qualified vendor to carry out the provisions of this section.

7. As used in this section, "school climate" has the meaning ascribed to it in NRS 385A.650.

Sec. 2. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board;

(b) Be developed in accordance with the provisions of NRS 388.885;

(c) ***Be informed by the results of the surveys conducted pursuant to section 1 of this act;***

(d) Include, without limitation, methods for evaluating and improving the school climate in the school; and

~~[(d)]~~ ***(e)*** Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

5. As used in this section, "school climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in this section, each year after the close of the previous fiscal year and before the ~~[issuance of the State Controller's annual report,]~~ ***close of the then current fiscal year,*** each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 20 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment;

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving less money than authorized for expenditure from the State Education Fund;

(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; or

(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund,

➥ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. When determining the actual ending fund balance for the purposes of subsection 1, each county school district shall exclude:

(a) Any money deposited in the county school district fund on or before June 30, 2020;

(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and

(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.

6. If the Superintendent of Public Instruction determines that the money due from the State Education Fund to a county school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.185 exceeds the amount of money available in the State Education Fund because of a delay in expected receipts, he or she may request from the Director of the Office of Finance a temporary advance from the Education Stabilization Account for the payment of such money due. Upon receipt of such a request, the Director of the Office of Finance shall make a recommendation to the Interim Finance Committee to approve the temporary advance in whole or in part or to deny the request. If the Interim Finance Committee approves the request in whole or in part, the Director of the Office of Finance shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of the amount approved by the Interim Finance Committee, and the State Controller shall draw his or her warrant upon receipt of such a notice of approval. Any money which is temporarily advanced from the Education Stabilization Account pursuant to this subsection must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.

7. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent

that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 4.5. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district, ***charter school and university school for profoundly gifted pupils*** shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.

2. Except as otherwise provided in subsection 3, the yearly apportionment from the State Education Fund for each school district, ***charter school and university school for profoundly gifted pupils*** must be computed by:

(a) Multiplying the adjusted base per pupil funding established for that school district, ***charter school or university school for profoundly gifted pupils*** for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, in a public school in the school district, ***the charter school or the university school for profoundly gifted pupils*** based on the average daily enrollment of those pupils during the quarter.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, ***charter school or university school for profoundly gifted pupils*** based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by the school district, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 or subsection 1 of NRS 392.074, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(8) The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to NRS 388D.330.

(b) Adding to the amount computed in paragraph (a) the amounts appropriated pursuant to paragraphs (a), (b) and (e) of subsection 2 of NRS 387.1214.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the monthly apportionments from the State Education Fund to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district, ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** deliberately causes a decline in the enrollment of pupils in the school district, ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Education Fund to that school district, ~~[or]~~ charter school ***or university school for profoundly gifted pupils*** pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing the yearly apportionment pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school

diploma must not be counted for the purpose of computing the yearly apportionment pursuant to this section.

Sec. 4.7. **NRS 387.1225 is hereby amended to read as follows:**

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the ~~[school district or charter school in which a child is enrolled]~~ ***Department*** for the cost of providing educational services to ~~[the]~~ ***a*** child if:

(a) The ~~[school district or charter school]~~ ***Department*** verifies that the child is a patient or resident of the hospital or facility; and

(b) The child attends the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the ~~[school district or charter school in which a child is enrolled]~~ ***Department*** for the cost of providing educational services to ~~[the]~~ ***a*** child if:

(a) The Department ~~[and the school district or charter school, as applicable, verify]~~ ***verifies*** that the child:

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; and

(b) The child:

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

(2) Attends the accredited educational program for more than 7 school days;

(3) Is not homeschooled or enrolled in a private school; and

(4) Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the Department and the school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~[school district or charter school in which the child is enrolled]~~ ***Department*** shall determine the amount of reimbursement to which the

hospital or facility is entitled by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:

(a) The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend. The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend must be calculated by dividing the adjusted base per pupil funding provided to the school district in which the child is enrolled pursuant to NRS 387.1214 by 180.

(b) The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend. The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend must be calculated by dividing the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, provided to the charter school in which the child is enrolled pursuant to NRS 387.1214 by 180.

5. If the request for reimbursement is made pursuant to subsection 1, the child is a pupil with a disability and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the hospital or facility is also entitled to an amount determined by increasing the daily rate determined pursuant to subsection 4 by the statewide multiplier for the pupil established pursuant to NRS 387.122, which is received by the school district or charter school where the child was enrolled before being placed in the hospital or facility for the number of days determined pursuant to subsection 6. The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

6. For the purposes of subsections 4 and 5, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 or subparagraph (2) of paragraph (b) of subsection 2, as applicable.

7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from ~~[a school district or charter school]~~ ***the Department*** for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section, which may include, without limitation, regulations to:

(a) Prescribe a procedure for the transfer of educational records pursuant to subsection 3;

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

(c) Require the auditing of ~~[:~~

~~(1) A]~~ *a* hospital or other facility that requests reimbursement ~~[; and~~

~~(2) A school district or charter school from which reimbursement is requested,~~

~~]~~ pursuant to this section to ensure compliance with any applicable provisions of federal or state law.

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.12445 is hereby amended to read as follows:

387.12445 1. Except as otherwise provided in subsection 2, each school district shall ensure that all adjusted base per pupil funding received by the school district pursuant to paragraph (c) of subsection 2 of NRS 387.1214 is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the Department by regulation for each school district, be distributed and used as described in this subsection. The adjusted base per pupil funding provided to each school district must:

(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.

(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (e) of subsection 2 of NRS 387.1214 or NRS 387.122.

2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the adjusted base per pupil funding received by the school district for that purpose.

3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph (e) of subsection 2 of NRS 387.1214 is accounted for separately and distributed directly to each school in which the relevant pupils are estimated to be enrolled.

4. Each public school shall account separately for the local funding for pupils with disabilities received by the public school pursuant to paragraph (b) of subsection 2 of NRS 387.1214, for the adjusted base per pupil funding received by the public school pursuant to paragraph (c) of subsection 2 of NRS 387.1214, for each category of weighted funding received by the public school pursuant to paragraph (e) of subsection 2 of NRS 387.1214 and for money received from the statewide multiplier pursuant to NRS 387.122. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil:

(a) As a supplement to the adjusted base per pupil funding received for the pupil; and

(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.

5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:

(a) The amount of money provided to the public school for special education; and

(b) The cost of:

(1) Instruction provided by licensed special education teachers and supporting staff;

(2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;

(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;

(4) The direct supervision of educational and supporting programs; and

(5) The supplies and equipment needed for providing special education.

6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.

7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide ~~[Victory]~~ services ***for at-risk pupils*** and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.

8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide ~~[Zoom]~~ services ***for pupils who are English learners*** and, if one or more

English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.

9. The Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the adjusted base per pupil funding received by the school district. When adopting such regulations, the Department may express the maximum amount of money that may be deducted as a percentage of the adjusted base per pupil funding received by the school district.

10. As used in this section:

(a) ~~[“Victory services”]~~ ***“Services for at-risk pupils”*** means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

(2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.

(3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.

(4) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of at-risk pupils.

(5) Incentives for hiring and retaining teachers and other licensed educational personnel who provide ~~[Victory]~~ services ~~[.]~~ ***for at-risk pupils.***

(6) Employment of paraprofessionals, other educational personnel and other persons who provide ~~[Victory]~~ services ~~[.]~~ ***for at-risk pupils.***

(7) A reading skills center.

(8) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of at-risk pupils.

(9) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a ~~[Victory]~~ service ***for at-risk pupils*** by the Superintendent of Public Instruction.

(b) ~~[“Zoom services”]~~ ***“Services for pupils who are English learners”*** means any one or more of the following services:

(1) A prekindergarten program provided free of charge.

(2) A reading skills center.

(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.

(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide ~~[Zoom]~~ services ~~[.]~~ ***for pupils who are English learners.***

(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective,

culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils.

(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.

(7) An extended school day.

(8) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a ~~[Zoom]~~ service ***for pupils who are English learners*** by the Superintendent of Public Instruction.

Sec. 6. NRS 387.303 is hereby amended to read as follows:

387.303 1. ~~[Not later than November 1 of each]~~ ***Each*** year, ***on or before the Friday of the first week in January that contains 5 business days,*** the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to NRS 391.161, 391.162 or 391.163 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to NRS 391.161, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before ~~[November 25]~~ ***the last Friday in January*** of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State Education Fund for submission to the Office of Finance, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2; and

(b) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the adjusted base per pupil funding for inclusion in the biennial budget request to the Office of Finance.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Education Fund for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 7. NRS 387.320 is hereby amended to read as follows:

387.320 ~~[1.]~~ During each quarter of each school year, the clerk of the board of trustees of a county school district shall cause to be published ***on the Internet website of the county school district*** a list of expenditures of the county school district made during the previous quarter school year. The published list of expenditures shall be in the form prescribed by the Superintendent of Public Instruction.

~~[2. The publication required by subsection 1 shall be printed in some newspaper published and of general circulation in the county the boundaries of which are conterminous with the boundaries of the county school district.~~

~~3. The newspaper described in subsection 2 must possess the qualifications prescribed in chapter 238 of NRS.~~

~~4. If no qualified newspaper is published within a county, then the required publication shall be printed in some qualified newspaper printed in the State of Nevada and having a general circulation within the county.]~~

Sec. 7.3. NRS 388.360 is hereby amended to read as follows:

388.360 The State Board is hereby designated as the sole state agency responsible for the administration of career and technical education in the State of Nevada. The State Board may:

1. Cooperate with any federal agency, board or department designated to administer the Acts of Congress apportioning federal money to the State of Nevada for career and technical education.

2. Establish policies and adopt regulations for the administration of any legislation enacted pursuant thereto by the State of Nevada.

3. Establish policies and adopt regulations for the administration of money provided by the Federal Government and the State of Nevada for the promotion, extension and improvement of career and technical education in Nevada.

4. Establish policies or regulations and formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the system of public education in the State of Nevada.

5. Establish policies to provide for the preparation of teachers of such programs and subjects.

6. Approve positions for such persons as may be necessary to administer the federal act and provisions of this title enacted pursuant thereto for the State of Nevada.

7. ~~[Direct]~~ ***Request*** the Superintendent of Public Instruction to make studies and investigations relating to career and technical education.

8. Establish policies to promote and aid in the establishment by local communities of schools, departments or classes giving training in career and technical subjects.

9. Cooperate with local communities in the maintenance of such schools, departments or classes.

10. Prescribe qualifications for the teachers, directors and supervisors of career and technical subjects.

11. Provide for the certification of such teachers, directors and supervisors.

12. Establish policies or regulations to cooperate in the maintenance of classes supported and controlled by the public for the preparation of the teachers, directors and supervisors of career and technical subjects, or maintain such classes under its own direction and control.

13. Establish by regulation the qualifications required for persons engaged in the training of teachers for career and technical education.

Sec. 7.7. NRS 388.396 is hereby amended to read as follows:

388.396 For each grant of money awarded pursuant to NRS 388.393, 388.394 or 388.395, the ~~[Executive Officer of the State Board]~~ ***Superintendent of Public Instruction*** shall designate a program professional to:

1. Evaluate the manner in which the money was expended and the effectiveness of the program of career and technical education for which the money was granted; and

2. Report the results of the review to the State Board.

Sec. 8. NRS 388.570 is hereby amended to read as follows:

388.570 ~~[1.]~~ The State Board shall establish regulations for the computation of enrollment and average daily attendance of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of this section and NRS 388.550 and 388.560.

~~[2. Boards of trustees of school districts providing such instruction shall report to the Superintendent of Public Instruction at such times and in such manner as the Superintendent prescribes.]~~

Sec. 9. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, ~~[for each school quarter of a school year,]~~ the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a ~~[quarter]~~ ***reporting period*** during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4 ~~[.]~~ ***for any relevant reporting period.***

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any ~~[quarter of]~~ ***reporting period during*** a school year ~~[, as reported to the Department]~~ pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance for each such school for the next ~~[quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,]~~ ***reporting period*** from the State Board by providing a written statement that includes the reasons for the request, the justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on a ~~[quarterly]~~ ***semiannual*** basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding ~~[quarter]~~ ***reporting period*** and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. ~~[The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:~~

~~(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.~~

~~(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.~~

~~7.]~~ The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed full-time;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of substitute teachers filling vacancies or long-term positions;

(d) The number of pupils enrolled; and

(e) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~[8.]~~ ***7.*** The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

8. As used in this section, "reporting period" means the reporting periods described in subsection 1 of NRS 388.725.

Sec. 10. NRS 388.720 is hereby amended to read as follows:

388.720 1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board ~~[.]~~ ***on or before October 1 of each year.***

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection 2 if the plan:

(a) Reduces the district's pupil-teacher ratio in the elementary schools within the school district; and

(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.

Sec. 11. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~[quarterly]~~ ***semiannual*** reports concerning the average daily enrollment of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the ~~[Legislature]~~ ***Interim Finance Committee*** pursuant to that section.

~~[(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:~~

~~(1) The retention of all documents and records related to the distribution; and~~

~~(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.]~~

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

Sec. 12. NRS 388.725 is hereby amended to read as follows:

388.725 1. ~~[On or before August 1, November 1, February 1 and May 1 of each]~~ ***Each*** year, the board of trustees of each school district shall report to the Department ***on or before October 15*** for the ~~[preceding quarter:]~~ ***reporting period beginning on July 1 and ending on September 30 and on or before April 15 for the reporting period beginning January 1 and ending on March 31:***

(a) Except as otherwise provided in paragraph (b), the average daily enrollment of pupils and the ratio of pupils per licensed teacher for grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 13. NRS 388A.345 is hereby amended to read as follows:

388A.345 1. ~~[On]~~ ***Each year, on*** or before ~~[November 1 of each year,]~~ ***the Friday of the first week in January that contains 5 business days,*** the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before ~~[November 25]~~ ***the last Friday in January*** of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State Education Fund for the preceding year.

Sec. 14. NRS 388A.355 is hereby amended to read as follows:

388A.355 On or before ~~[December]~~ ***February*** 15 of each ~~[odd-numbered]~~ year, the sponsor of a charter school must submit a report describing any actions the sponsor of the charter school has taken pursuant to NRS 388A.330 to the Joint Interim Standing Committee on Education if:

1. The charter school has received, within each of the immediately preceding 3 consecutive school years, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

2. The governing body of the charter school does not plan to close the charter school pursuant to NRS 388A.306 or change the sponsorship of the charter school pursuant to NRS 388A.231.

Sec. 15. NRS 388C.250 is hereby amended to read as follows:

388C.250 1. The governing body of a university school for profoundly gifted pupils shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for purposes of accountability reporting for the university school.

2. ~~[The]~~ ***Each year, the*** governing body of a university school for profoundly gifted pupils shall, on or before ~~[November 15 of each year,]~~ ***the Friday of the first week in January that contains 5 business days,*** submit to the Department in a format prescribed by the Department the following information:

(a) The actual expenditures of the university school for profoundly gifted pupils in the fiscal year immediately preceding the report; and

(b) The proposed expenditures of the university school for profoundly gifted pupils for the current fiscal year.

Sec. 16. NRS 388G.200 is hereby amended to read as follows:

388G.200 ~~[1.]~~ Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority, by a college or university within the Nevada System of Higher Education or by a city or

county, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

~~[(a)]~~ ***1.*** The financial status of the school; and

~~[(b)]~~ ***2.*** A description of the school's compliance with each component of the empowerment plan for the school.

~~[2. Each charter school that is sponsored by the State Public Charter School Authority, by a college or university within the Nevada System of Higher Education or by a city or county which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:~~

~~(a) The financial status of the school; and~~

~~(b) A description of the school's compliance with each component of the empowerment plan for the school.~~

~~3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority, by a college or university within the Nevada System of Higher Education or by a city or county. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.~~

~~4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority, by a college or university within the Nevada System of Higher Education or by a city or county which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.~~

~~5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:~~

~~(a) Governor;~~

~~(b) Department; and~~

~~(c) Joint Interim Standing Committee on Education.~~

~~6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:~~

~~(a) Governor; and~~

~~(b) Joint Interim Standing Committee on Education.]~~

Sec. 17. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to

and with the approval of the Superintendent of Public Instruction. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the Superintendent of Public Instruction of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the Superintendent of Public Instruction to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program;

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway; and

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace;

(2) Developing and maintaining healthy relationships in the workplace; and

(3) Identifying the signs of a person engaging in predatory conduct to prepare a pupil for sexual activity or to foster an inappropriate personal or professional relationship with a pupil, including, without limitation, through communicating or attempting to befriend or establish a relationship or other connection with a parent or legal guardian of a pupil in furtherance of such conduct.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

~~[6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:~~

~~(a) The number of pupils participating in the work-based learning program; and~~

~~(b) The types of work-based learning offered through the work-based learning program.~~

~~7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:~~

~~(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;~~

~~(b) Gender of pupils;~~

~~(c) Pupils who are migrants; and~~

~~(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).]~~

Sec. 18. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers ~~[and administrators]~~ pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) ***Must include, without limitation, qualifications and procedures for licensed teachers and other licensed educational personnel to become licensed as an administrator without restricting the ability of a person who becomes an administrator pursuant to this subparagraph to serve as an administrator.***

(3) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

~~[(3)]~~ ***(4)*** Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to

engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

(n) To carry out the provisions of NRS 391B.010.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 19. NRS 391.155 is hereby amended to read as follows:

391.155 Each school district in this State that employs a consultant shall, at least ~~[once every 6 months,]~~ ***annually,*** submit to the Interim Finance Committee a report setting forth:

1. The number of consultants employed by the school district;

2. The purpose for which the school district employs each consultant;

3. The amount of money or other remuneration received by each consultant from the school district; and

4. The length of time each consultant has been employed by the school district.

Sec. 19.3. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 19.5 and 19.7 of this act.

Sec. 19.5. ***1. The Department shall develop and carry into effect a program of block grants for the purposes of awarding grants of money to an institution that is awarded a grant pursuant to NRS 391A.580.***

2. The program of block grants developed pursuant to this section shall provide one lump-sum distribution of grants of money to an institution that is awarded a grant pursuant to NRS 391A.580.

Sec. 19.7. (Deleted by amendment.)

Sec. 20. NRS 391A.575 is hereby amended to read as follows:

391A.575 1. The Teach Nevada Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the ~~[State Board.]~~ ***Department.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund does not revert to the State General

Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The ~~[State Board]~~ ***Department*** may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Teach Nevada Scholarships pursuant to NRS 391A.585.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of NRS 391A.580 to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

Sec. 20.5. NRS 391A.575 is hereby amended to read as follows:

391A.575 1. The Teach Nevada ~~[Scholarship]~~ ***Recruitment, Preparation, and Retention*** Program Account is hereby created in the State General Fund. The Account must be administered by the Department.

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Department may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may ~~[only]~~ be used to ~~[:~~

~~(a) Award]~~ ***award*** grants to universities, colleges and other providers of an alternative licensure program that are approved to award ~~[Teach Nevada Scholarships]~~ ***scholarships*** pursuant to NRS 391A.585.

~~[(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of NRS 391A.580 to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.]~~

Sec. 21. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the ~~[State Board]~~ ***Department*** for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The ~~[State Board]~~ ***Department*** shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the ~~[State Board. The State Board]~~ ***Department. The Department*** shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The ~~[State Board:]~~ ***Department:***

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program ***that*** will provide scholarships to a greater number of recipients who are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[obtained]~~ ***:***

(1) Obtained a high school diploma awarded by a public or private high school located in this State ~~[or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or]~~ ***;***

(2) Is a resident of this State who obtained a high school diploma awarded by a public or private high school located in another state;

(3) Before 20 years of age, successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 ~~[before 20 years of age.]~~ ***, if the assessment was administered in this State; or***

(4) Is a resident of this State who, before 20 years of age, successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 if the assessment was administered outside of this State.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. ***A student selected to receive a Teach Nevada Scholarship must agree to:***

(a) Complete the program described in subsection 1 in which he or she has been accepted; and

(b) Upon completion of the program:

(1) Apply for and receive a license to teach in this State which may include, without limitation, a provisional license; and

(2) If the student receives a provisional license, complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which the provisional license was issued.

7. The ~~[State Board]~~ ***Department*** may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.595, inclusive.

Sec. 21.5. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the Department for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a ***traditional pathway or alternative licensure*** program offered by the university, college or other provider of an alternative licensure program that has been approved by the ~~[State Board]~~ ***Commission on Professional Standards in Education*** and which:

(a) Upon completion makes a student eligible to obtain a license ***and endorsement*** to teach kindergarten, any grade from grades 1 through 12 or in ~~[the]~~ ***a*** subject area ~~[of]~~ ***for which there is a shortage of teachers, including, without limitation, science, technology, engineering, mathematics,*** special education ***or English as a second language,*** in this State; ~~[or]~~

(b) Allows a student to specialize in the subject area of early childhood education ~~[.]~~ ***; or***

(c) Results in the student obtaining a certificate of advanced study, master's degree or other degree which is more advanced than a bachelor's degree in education or in a related field.

2. The Department shall:

(a) Establish the number of ~~[Teach Nevada Scholarships]~~ ***scholarships*** that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the Department.

3. The Department:

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that will provide scholarships to a greater number of recipients who are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a ~~[Teach Nevada Scholarship]~~ ***scholarship*** from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student:

(1) Obtained a high school diploma awarded by a public or private high school located in this State;

(2) Is a resident of this State who obtained a high school diploma awarded by a public or private high school located in another state;

(3) Before 20 years of age, successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055, if the assessment was administered in this State; or

(4) Is a resident of this State who, before 20 years of age, successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 if the assessment was administered outside of this State.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. A student selected to receive a ~~[Teach Nevada Scholarship]~~ ***scholarship pursuant to this section*** must agree to:

(a) Complete the program described in subsection 1 in which he or she has been accepted; and

(b) Upon completion of the program:

(1) Apply for and receive a license to teach in this State which may include, without limitation, a provisional license; and

(2) If the student receives a provisional license, complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which the provisional license was issued.

7. The Department may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.595, inclusive.

Sec. 22. NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award ~~[Teach Nevada Scholarships]~~ ***scholarships*** to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;

(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; ~~[and]~~

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher ~~[.]~~ ***; and***

(g) Students who possess a bachelor's degree and have taught in a public school in this State for at least 2 years.

2. A university, college or other provider of an alternative licensure program may award a ~~[Teach Nevada Scholarship]~~ ***scholarship*** to a scholarship recipient in an amount ~~[:~~

~~(a) Not]~~ ***not*** to exceed the cost of ~~[receiving a bachelor's]~~ ***attendance, based on the number of credits for which the student is enrolled, as recorded by the university, college or other provider of an alternative licensure program, for not more than:***

(a) Six semesters, for a student enrolled in courses to obtain a bachelor's degree ~~[at a public university in this State prorated over the number of semesters required for the student to complete the program;]~~ ***;***

(b) Three semesters, for a student enrolled in courses to obtain a graduate degree; and

~~[(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an]~~

(c) Three years, for a student enrolled in an alternative licensure program***.*** ~~[, and the total amount of any other gift aid received by the student.]~~

3. A university, college or other provider of an alternative licensure program that awards a ~~[Teach Nevada Scholarship]~~ ***scholarship*** shall ~~[, at]~~ ***:***

(a) At the beginning of each semester disburse to the scholarship recipient ~~[75 percent]~~ ***the full amount*** of the scholarship money awarded to the scholarship recipient for the semester.

(b) To the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Department to share data for the purpose of ensuring that the scholarships are disbursed in a fiscally responsible manner and determining whether the scholarships adequately retain prospective teachers in this State.

~~[4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:~~

~~(a) Completes the program for which he or she was awarded the scholarship;~~

~~(b) Maintains employment as a teacher at a public school in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and~~

~~(c) Meets any other requirements established by the State Board.~~

~~5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.~~

~~6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.]~~

Sec. 23. NRS 391A.590 is hereby amended to read as follows:

391A.590 1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the

university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the ~~[State Board]~~ ***Department*** for credit to the Account:

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to NRS 391A.585; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to NRS 391A.585 or $1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to NRS 391A.580, to the extent that money is available for this purpose, the ~~[State Board]~~ ***Department*** shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of NRS 391A.580.

Sec. 24. NRS 391A.595 is hereby amended to read as follows:

391A.595 On or before November 1 of each year, the ~~[State Board]~~ ***Department*** shall:

1. Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Teach Nevada Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Teach Nevada Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Received a Nevada Teacher Advancement Scholarship, as defined in NRS 391A.660, for the academic year which is the subject of the report; ***and***

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 24.5. NRS 391A.595 is hereby amended to read as follows:

391A.595 On or before November 1 of each year, the Department shall:

1. Review all ~~[Teach Nevada Scholarships]~~ ***scholarships*** awarded ***pursuant to NRS 391A.585*** for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a ~~[Teach Nevada Scholarship;]~~ ***scholarship awarded pursuant to NRS 391A.585;***

(b) The number of scholarship recipients;

(c) The total cost of all ~~[Teach Nevada Scholarships;]~~ ***scholarships awarded pursuant to NRS 391A.585;***

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report; ***and***

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

~~[(3) Received a Nevada Teacher Advancement Scholarship, as defined in NRS 391A.660, for the academic year which is the subject of the report; and]~~

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school in this State ***.*** ~~[; and~~

~~(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and]~~

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 25. NRS 391A.675 is hereby amended to read as follows:

391A.675 1. The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the ~~[State Board.]~~ ***Department.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

➥ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The ~~[State Board]~~ ***Department*** may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to NRS 391A.685.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of NRS 391A.680 to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.685.

Sec. 26. NRS 391A.680 is hereby amended to read as follows:

391A.680 1. A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the ~~[State Board]~~ ***Department*** for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the ~~[State Board]~~ ***Commission on Professional Standards in Education*** and which ~~[results]~~ ***:***

(a) Results in a certificate of advanced study, master's ***or other degree which is more advanced than a bachelor's*** degree **,** in education or a related field of study ~~[.]~~ ***; or***

(b) Upon completion, makes a student eligible to obtain a license and endorsement to teach in a subject area for which there is a shortage of teachers, including, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

2. The ~~[State Board]~~ ***Department*** shall:

(a) Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the ~~[State Board.]~~ ***Department.*** The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.685.

3. The ~~[State Board:]~~ ***Department:***

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or

(2) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student has taught in a public school in this State for not less than 2 of the immediately preceding 5 years.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The ~~[State Board]~~ ***Department*** may adopt any regulations necessary to carry out the provisions of NRS 391A.650 to 391A.695, inclusive.

Sec. 27. NRS 391A.685 is hereby amended to read as follows:

391A.685 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.680 shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.680. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.

2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:

(a) Not to exceed the cost of ~~[receiving]~~ ***:***

(1) Receiving, as applicable, a certificate of advanced study, master's degree ***or other degree which is more advanced than a bachelor's degree*** at a public university in this State prorated over the number of semesters required for the student to complete the program; ***or***

(2) A course of study or program which, upon completion, makes a student eligible to obtain a license and endorsement to teach in a subject area for which there is a shortage of teachers, including, without limitation, science, technology, engineering, mathematics, special education or English as a second language; and

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in

subsection 1 of NRS 391A.680, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent ~~[the full amount]~~ of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.680 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the ~~[State Board.]~~ ***Department.***

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.680, a scholarship recipient who meets the requirements set forth in subsection 4 must request the ~~[State Board]~~ ***Department*** to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 28. NRS 391A.690 is hereby amended to read as follows:

391A.690 1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the ~~[State Board]~~ ***Department*** for credit to the Account:

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to NRS 391A.685; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to NRS 391A.685 or $1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to NRS 391A.680, to the extent that money is

available for this purpose, the ~~[State Board]~~ ***Department*** shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of NRS 391A.680.

Sec. 29. NRS 391A.695 is hereby amended to read as follows:

391A.695 On or before November 1 of each year, the ~~[State Board]~~ ***Department*** shall:

1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Nevada Teacher Advancement Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Were scholarship recipients for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.685; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 29.5. (Deleted by amendment.)

Sec. 30. NRS 391A.705 is hereby amended to read as follows:

391A.705 1. There is hereby created in the Department the Incentivizing Pathways to Teaching Grant Program to award grants to public and private universities and colleges in this State that offer an approved traditional pathway licensure program for the provision of tuition assistance and stipends to students of such programs who meet requirements established by the ~~[State Board]~~ ***Department*** pursuant to this section and NRS 391A.710.

2. A public or private university or college in this State that offers an approved traditional pathway licensure program is eligible to apply to the ~~[State Board]~~ ***Department*** for a grant to award tuition assistance and stipends to students who attend the university or college to complete such a program.

3. The ~~[State Board]~~ ***Department*** shall:

(a) Based on the amount of money appropriated by the Legislature for that purpose, establish the number of awards of tuition assistance and stipends that will be available pursuant to the Incentivizing Pathways to Teaching Grant Program each year based upon the amount of money available for the Program.

(b) Review all applications submitted pursuant to subsection 2 and, to the extent that money is available within the limits of legislative appropriations, award a grant of money in an amount determined by the ~~[State Board]~~ ***Department*** to a public or private university or college that offers an approved traditional pathway licensure program.

4. The ~~[State Board]~~ ***Department*** may prioritize the award of grants to a public or private university or college that demonstrates the university or college, as applicable, will provide tuition assistance and stipends to a greater number of students who:

(a) Are veterans of the Armed Forces of the United States or the spouses of such veterans;

(b) Intend to teach in public schools in this State which have the highest shortage of teachers; or

(c) Have been economically disadvantaged or belong to a racial or ethnic minority group.

5. A student may apply for tuition assistance and a stipend awarded pursuant to the Incentivizing Pathways to Teaching Grant Program from a public or private university or college that offers an approved traditional pathway licensure program that receives a grant pursuant to the Incentivizing Pathways to Teaching Grant Program only if:

(a) The student attends or has been accepted to attend an approved traditional pathway licensure program at the university or college; and

(b) The student agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.

6. An application submitted by the student must identify the approved traditional pathway licensure program to be completed and the date by which the student must complete the program to finish on schedule.

7. The ~~[State Board]~~ ***Department*** may adopt any regulations necessary to carry out the provisions of this section and NRS 391A.710.

Sec. 31. NRS 391A.710 is hereby amended to read as follows:

391A.710 1. Each university or college that offers an approved traditional pathway licensure program in this State that is awarded a grant of money pursuant to NRS 391A.705 shall use the money to award tuition assistance and stipends pursuant to the Incentivizing Pathways to Teaching Grant Program to students who will attend the university or college with the intent to complete an approved traditional pathway licensure program. Such students may include:

(a) Students who are enrolled in their final three semesters of an approved traditional pathway licensure program; and

(b) Students who are enrolled in their final clinical field experience of student teaching in an approved traditional pathway licensure program.

2. A student who is enrolled in his or her final three semesters of an approved traditional pathway licensure program may apply for tuition assistance.

3. A student who is enrolled in his or her final clinical field experience of student teaching in an approved traditional pathway licensure program may apply for a stipend.

4. The student must:

(a) Agree to:

(1) Complete the approved traditional pathway licensure program for which he or she was awarded the tuition assistance or stipend; and

(2) Maintain employment as a teacher at a public school in this State for 5 consecutive school years immediately following completion of the program unless the ~~[State Board]~~ ***Department*** waives this requirement for good cause shown.

(b) Meet any other requirements established by the ~~[State Board.]~~ ***Department.***

Sec. 32. NRS 353.333 is hereby amended to read as follows:

353.333 1. On or before ~~[January 1]~~ ***February 15*** of each year, the Governor shall compile a report on the status of the finances of the State including the information published in:

(a) The most recent executive budget report prepared pursuant to the provisions of NRS 353.185;

(b) The most recent report prepared by the State Controller pursuant to the provisions of NRS 227.110;

(c) The most recent report on the count of state money prepared pursuant to the provisions of NRS 353.075;

(d) The most recent report on the transactions and proceedings of the Department of Taxation prepared pursuant to the provisions of NRS 360.100;

(e) The most recent report prepared by each school district pursuant to the provisions of NRS 387.303;

(f) The most recent report prepared and submitted by each local government pursuant to the provisions of NRS 360.220; and

(g) Any other report prepared by the State, or a county, city, town or school district, or any public agency of this State or its political subdivisions that the Governor deems to be relevant to the status of finances of the State.

2. The report required pursuant to subsection 1 must be:

(a) Titled the "Nevada Report to Taxpayers";

(b) Written in plain English; and

(c) Contain such information as the Governor deems appropriate to provide a full and accurate description on the status of the finances of the State, including, without limitation:

(1) The total amount of revenue collected by the State or an agency of the State during the preceding fiscal year;

(2) The actual total of all expenses and expenditures by the State or an agency of the State during the preceding fiscal year;

(3) A comparison of the total amount appropriated or authorized for expenditure by the State during the preceding fiscal year and the actual total of all expenses and expenditures by the State during the preceding fiscal year;

(4) The total amount of outstanding public debt of the State at the end of the preceding fiscal year;

(5) The total cost to pay the public debt of the State during the preceding fiscal year; and

(6) Such information on the revenue, expenditures and public debt of the State, or a county, city, town or school district, or any public agency of this State or its political subdivisions as the Governor deems necessary to provide a full and accurate description on the status of the finances of the State.

3. The Governor shall make the report required pursuant to subsection 1 available for access by the public on the Internet or its successor, if any.

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 387.206, 387.2062 and 391A.205 are hereby repealed.

Sec. 35.5. NRS 391A.650, 391A.655, 391A.660, 391A.665, 391A.670, 391A.675, 391A.680, 391A.685, 391A.690, 391A.695, 391A.700, 391A.705 and 391A.710 are hereby repealed.

Sec. 35.7. There must be transferred to the Teach Nevada Scholarship Program Account created by NRS 391A.575:

1. Any money remaining in the Nevada Teacher Advancement Scholarship Program Account created by NRS 391A.675 on June 30, 2027.

2. Any money in the budget account for the Incentivizing Pathways to Teaching Grant Program created by NRS 391A.705 which is not required to revert to the State General Fund at the end of Fiscal Year 2026-2027.

Sec. 36. 1. This section and sections 1 to 19.3, inclusive, 19.7, 20, 21, 23, 24, 25 to 35, inclusive, and 35.7 of this act become effective on July 1, 2025.

2. Sections 19.5, 20.5, 21.5, 22, 24.5 and 35.5 of this act become effective on July 1, 2027.

LEADLINES OF REPEALED SECTIONS

387.206 Recommended minimum expenditure by school districts, charter schools and university schools for profoundly gifted pupils for textbooks, instructional supplies, instructional software and instructional hardware.

387.2062 Report concerning failure to comply with recommended minimum expenditure.

391A.205 Submission of annual report concerning professional development training by board of trustees.

391A.650 Definitions.

391A.655 "Account" defined.

391A.660 "Nevada Teacher Advancement Scholarship" defined.

391A.665 "Other provider of an alternative licensure program" defined.

391A.670 "Scholarship recipient" defined.

391A.675 Nevada Teacher Advancement Scholarship Program Account: Creation; interest and income; nonreversion; deposit of gifts and grants; use.

391A.680 Eligibility to apply for grant from Account to award scholarships to students; State Board to review applications and award grants; prioritization of award of grants; eligibility of students to apply for scholarship; regulations.

391A.685 Use of grant money to award scholarships; limitation on amount of scholarship; certain amount of scholarship retained by State Board until certain conditions are met.

391A.690 Return of certain amount of grant money if scholarship recipient does not complete program; additional money paid to grant recipient if scholarship recipient completes program.

391A.695 State Board to review Nevada Teacher Advancement Scholarships and compile report; submission of report to Governor and Legislature.

391A.700 "Approved traditional pathway licensure program" defined.

391A.705 Creation; eligibility to apply for grant from State Board to be used to award tuition assistance and stipends to students; State Board to review applications and award grants; prioritization of awards of grants; eligibility of student applicants; regulations.

391A.710 Use of grant money to award tuition assistance and stipends; eligibility of certain students enrolled in approved traditional pathway licensure program to apply for award of tuition assistance or stipend.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 306 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 306.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 975.

AN ACT relating to mental health; ~~[establishing provisions related to the discharge of a child with an emotional disturbance from certain inpatient psychiatric treatment facilities;]~~ establishing a task force to develop recommendations for the creation of a program that provides housing and other services to certain children who are discharged from a treatment facility or certain other facilities or released on parole; revising provisions related to the designation of certain facilities of the Division of Child and Family Services of the Department of Health and Human Services; expanding the applicability of enhanced penalties for assault or battery against certain persons who provide child welfare services or child protective services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) ~~[Section 3 of this bill requires a public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance to establish discharge procedures which prohibit a child from being discharged to a temporary facility.]~~

Section 2.6 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish a task force to develop recommendations for the creation of a program that provides housing and other services to certain children: (1) who are discharged from a treatment facility or other division facility or who are released on parole or discharged from a state facility for the detention of children; and (2) whose parents or guardians are unable to accept the child back into the home after the discharge or release because of a health or safety risk. **Section 2.6** also requires: (1) the Administrator of the Division to appoint representatives of the child welfare, juvenile justice and mental health systems to the task force; and (2) the task force to submit its recommendations to the Joint Interim Standing Committee on Health and Human Services.

Existing law defines "child with an emotional disturbance" for the purposes of chapter 433B of NRS related to the mental health of children. (NRS 433B.045) **Section 6** of this bill revises the definition of "child with an emotional disturbance" to provide that the term includes, without limitation, a child with a severe emotional disturbance.

Existing law designates certain facilities of the Division which provide services for the mental health of children for the purposes of chapter 433B of NRS. **Section 10** of this bill makes various changes to designate the facilities of the Division that currently provide these mental health services to children.

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross

misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer, and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 11 and 12** of this bill revise the definition of "officer" to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to child welfare services or child protective services or other tasks that expose the person to comparable danger.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.2. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.4 to 3, inclusive, of this act.

Sec. 2.4. (Deleted by amendment.)

Sec. 2.6. ***1. The Division shall establish a task force to develop recommendations for the creation of a program that provides housing and other services to children, including, without limitation, children with an emotional disturbance:***

(a) Who are:

(1) Discharged from a treatment facility or division facility; or

(2) Released on parole or discharged from a state facility for the detention of children; and

(b) Who do not have access to housing because of the inability of a parent or guardian to accept the child back into the home of the parent or guardian because of a health or safety risk.

2. The task force shall submit the recommendations developed pursuant to subsection 1 to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.

3. The Administrator shall appoint representatives of the child welfare, juvenile justice and mental health systems to the task force.

4. The members of the task force shall serve without compensation.

5. As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.

Sec. 2.8. (Deleted by amendment.)

Sec. 3. ~~***[A public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance shall establish discharge procedures which prohibit the discharge of the child to a temporary facility.]***~~ **(Deleted by amendment.)**

Sec. 3.5. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 433B.045 is hereby amended to read as follows:

433B.045 ***1.*** "Child with an emotional disturbance" means a child whose progressive development of personality is interfered with or arrested by mental disorder so that the child shows impairment in the capacity expected of the child for his or her age and endowment for:

~~[1.]~~ ***(a)*** A reasonably accurate perception of the world around him or her;

~~[2.]~~ ***(b)*** Control of his or her impulses;

~~[3.]~~ ***(c)*** Satisfying and satisfactory relationships with others;

~~[4.]~~ ***(d)*** Learning; or

~~[5.]~~ ***(e)*** Any combination of these factors.

2. The term includes, without limitation, a child with a severe emotional disturbance.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 433B.110 is hereby amended to read as follows:

433B.110 1. The division facilities providing services for the mental health of children are designated as:

(a) ~~[The Nevada Youth Hospital;~~

~~(b) The Adolescent Treatment Center;~~

~~(c)]~~ Northern Nevada ~~[Children's Behavioral]~~ ***Child and Adolescent*** Services;

(b) Psychiatric Residential Treatment Facility North; and

~~[(d)]~~ ***(c)*** Southern Nevada ~~[Children's Behavioral]~~ ***Child and Adolescent*** Services.

2. Division facilities established after July 1, 1993, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 11. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(d) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(c)]~~ ***(e)*** "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

~~[(d)]~~ ***(f)*** "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(g)*** "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter

633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(j)]~~ ***(l)*** "Taxicab driver" means a person who operates a taxicab.

~~[(k)]~~ ***(m)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(l)]~~ ***(n)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term

of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 12. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(d) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(e) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(d)]~~ ***(f)*** "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(g)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(h)*** "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(i)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(j)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(k)*** "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~[(j)]~~ ***(l)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(m)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(n)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(m)]~~ ***(o)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery:

(1) Is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 13. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved to dispense with the reprinting of Senate Bill No. 502.

Motion carried.

Assemblymember Jauregui moved that Senate Bill No. 502 be taken from the Chief Clerk's Desk and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 502.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 959.

SHORT FORM AMENDMENT

Section 30 of Senate Bill No. 502 Second Reprint is hereby amended as follows:

Sec. 30. If bonds for projects described in section 28 and either section 6 or 8 of this act are proposed for issuance at the same meeting of the State Board of Finance, the State Board of Finance shall approve a single issuance of bonds **in one or more series** for all such projects and may not vote separately upon ~~[or otherwise distinguish between]~~ projects described in such sections. Approval of the issuance of bonds for projects described in one such section shall be deemed approval for the issuance of bonds for projects described in the other such sections proposed at the same meeting.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 979.

SHORT FORM AMENDMENT

NEW section 30.3 of Senate Bill No. 502 Second Reprint is hereby added as follows:

Sec. 30.3. **1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $50,000,000 in the 2025-2027 biennium, the proceeds of which must be deposited in the Nevada Attainable Housing Infrastructure Account created by subsection 2 and used by the Housing Division of the Department of Business and Industry to make loans for the development or construction of a project:**

(a) That will serve attainable housing that is located in a special improvement district or special assessment district; and

(b) For which not less than 85 percent of the total cost of developing or constructing the infrastructure will be paid from assessments levied within the district, or by the applicant, or any combination thereof.

2. The Nevada Attainable Housing Infrastructure Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account. The Nevada Attainable Housing Infrastructure Account must be administered by the Housing Division.

3. The proceeds of any bonds issued pursuant to subsection 1 that are deposited in the Nevada Attainable Housing Infrastructure Account must be used for the purposes set forth in subsection 1.

4. Interest and income earned on money in the Nevada Attainable Housing Infrastructure Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. Each calendar year, the Administrator of the Housing Division shall create an allocation plan for disbursing the money in the Nevada Attainable Housing Infrastructure Account. A disbursement of money from the Account must comply with the allocation plan for the calendar year in which the disbursement is made.

7. Before adopting a proposed allocation plan pursuant to subsection 6, the Administrator of the Division must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Division at least 14 days before the first public hearing held pursuant to paragraph (a).

8. The adoption of an allocation plan pursuant to subsection 7 is not subject to the requirements of chapter 233B of NRS.

9. As used in this section:

(a) "Applicant" means the owners of all of the assessable property within a proposed special improvement district or special assessment district who have entered into a written agreement with a governing body pursuant to subsection 1 of NRS 271.710.

(b) "Proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

(c) "Project" has the meaning ascribed to it in NRS 271.175.

NEW section 30.5 of Senate Bill No. 502 Second Reprint is hereby added as follows:

Sec. 30.5. **NRS 349.294 is hereby amended to read as follows:**

349.294 All moneys received from the issuance of any securities herein authorized shall be used solely for the purpose or purposes for which issued and to defray wholly or in part the cost of the project thereby ~~[delineated.]~~ **,** ***including, without limitation, any proceeds received from the general obligation bonds issued pursuant to section 30.3 of this act.*** Any accrued interest and any premium shall be applied to the cost of the project or to the payment of the interest on or the principal of the securities, or both interest and principal, or shall be deposited in a reserve therefor, or any combination thereof, as the Commission may determine.

NEW section 30.7 of Senate Bill No. 502 Second Reprint is hereby added as follows:

Sec. 30.7. **1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $75,000,000 in the 2025-2027 biennium, the proceeds of which must be deposited with the State Treasurer for credit to the Nevada State Infrastructure Bank Fund created by NRS 226.787 and used by the Nevada State Infrastructure Bank to provide loans or other financial assistance pursuant to NRS 226.700 to 226.832. inclusive.**

2. As used in this section, "proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 502 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblymembers Jauregui and Monroe-Moreno.

ASSEMBLYMEMBER JAUREGUI:

I rise in strong support of Senate Bill No. 502. Usually, the CIP [Capital Improvement Project] Bill is what we call our "jobs" bill. But this session, it is also our housing bill. With this amendment, we are keeping our promise to focus on affordable, attainable housing this legislative session. With the amendment, we are making sure that we are going to fund those projects that will help the affordability of housing in our state. I want to thank the Housing Division and the Executive Branch for the hours that we have worked together to make this possible. I urge my colleagues to support Senate Bill No. 502.

ASSEMBLYMEMBER MONROE-MORENO:

I rise in support of Senate Bill No. 502. Members, you remember a few weeks ago? It seems like a long time ago; we voted on some of the other budget bills, and this is one of the bills that helps us get out of this session. It has been a long road working for many hours. I want to thank the Executive Branch and my colleagues on the other side of the aisle because this took working together to make sure that this is a jobs bill; it is a housing bill; it is a bonds bill. When you talk about the [Nevada State] Infrastructure Bank and the promises that we have made through that bank, it is making sure we have the funding to keep our promises. So, I encourage all of our members to vote for this bill, this housing, this jobs bill, and us keeping our promises to our constituents.

Roll call on Senate Bill No. 502:

YEAS—38.

NAYS—Dickman, Gallant, Gray, Kasama—4.

Senate Bill No. 502 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly in recess at 10:25 p.m.

ASSEMBLY IN SESSION

At 10:28 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 6, 60, 62, 81, 85, 90, 104, 119, 132, 133, 135, 172, 173, 182, 185, 193, 207, 217, 229, 233, 260, 262, 280, 300, 309, 316, 317, 374, 378, 403, 422, 431, 434, 442, 452, 465, 467, 468, 472, 473, 475, 480, 481, 487, and 503 be taken from their place on the General File and be placed on the General File of the next legislative day.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 58, 105, 160, 213, 226, 230, 344, 502, 503, 541, 545, 552, 556, 572, 574, 576, 593; Senate Concurrent Resolution No. 5.

REMARKS FROM THE FLOOR

ASSEMBLYMEMBER MOORE:

I know we are here late, but I wanted to take a moment to wish a very special person in my life a happy birthday—and that is to my son, Liam. He turned eight today. It is the first time that I am away from home and missing his birthday. As a single mom, being in this body has been a little difficult to be away from my son, but I hope that when he grows up, he understands that we are here to do the work for the people of Nevada and that we are not just fighting for the families of today, but also for a better Nevada for him.

Liam, I love you so much, you mean so much to me, and I cannot wait to see you. Thank you for being such an amazing little boy. At such an early age, you are already understanding what sacrificing being away from your mom means. I hope to celebrate with you soon—I am looking forward to it.

ASSEMBLYMEMBER GALLANT:

It turns out that my colleague and I were going through the same thing ten years ago today. So, I know it is late, but my little guy Maddox said this is the least I can do since I am not here today. So, ten years ago today, you came into our lives and changed everything for the better. I could never imagine that I would be lucky enough to bring such a kind and thoughtful soul into the world. Someone who offers his last bite of ice cream, gives hugs without being asked, and shares compliments just to brighten somebody's day. Then I remembered, I chose your dad to be your dad. So, of course, you are as sweet as pie because I know you did not get that from me. I am really sorry that I cannot be with you today, but I hope this little message and a big, warm, happy birthday from all of us will help make up for my absence. Your father and I love you so much. Know that we are all celebrating you from afar.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Colton Brown.

Assemblymember Jauregui moved that the Assembly adjourn until Monday, June 2, 2025, at 1 p.m.

Motion carried.

Assembly adjourned at 10:29 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

BEGUN ON MONDAY, THE THIRD DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SECOND DAY OF JUNE

VOLUME 6

THE ONE HUNDRED AND TWENTIETH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS

ARRANGEMENT AND CONTENTS OF VOLUME 6

Page

ASSEMBLY PROCEEDINGS 6864
GENERAL INDEX 7613
ASSEMBLY STANDING RULES 7641
INDEX TO ASSEMBLY STANDING RULES 7679
JOINT STANDING RULES OF THE SENATE AND ASSEMBLY 7697
INDEX TO JOINT STANDING RULES OF THE SENATE AND ASSEMBLY 7725

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 2, 2025

Assembly called to order at 2:47 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Deputy Sergeant at Arms, Tony Corda.

Heavenly Father, we thank You for gathering us together safely as one body for these 120 days. We have offered many prayers to clear our path and to lead us to what is just. Now, we thank You for all of those blessings, the internal gifts we have received to strengthen us for the task at hand, and the courage to be the beacons for our citizens. For if we have faith, we can move mountains.

Pardon us now oh Lord, we have to go, on this final day, we still have work to do. When we finish, grant us the peace to believe the job was well done.

In Your Holy Name we pray.

AMEN.

Pledge of Allegiance to the Flag.

Assemblymember Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 393, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 104, 434, and 478 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 74, 382, 427, and 472 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved to dispense with the reprinting of all Senate bills.

Motion carried.

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered second reading, rules further suspended, bill considered engrossed, and Senate Bill No. 427 be declared an emergency measure under the *Constitution*, and placed on Third Reading and Final Passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 427.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 969.

AN ACT making appropriations to certain institutions of the Nevada System of Higher Education for capital improvement projects; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the University of Nevada, Las Vegas, the sum of $6,200,000 for:

(a) The planning and design of a new building for the Lee Business School; and

(b) Security, health and public safety upgrades to the facilities of the University of Nevada, Las Vegas, campus.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to Western Nevada College the sum of $1,133,601 for improvements to the Jack C. Davis Observatory.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 1.5. **1. There is hereby appropriated from the State General Fund to the College of Southern Nevada the sum of $300,000 for improvements and extensions to the facilities of the Northwest Campus, including, without limitation, the Center for Excellence in Public Safety.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to Truckee Meadows Community College the sum of $3,500,000 for building improvements.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the University of Nevada, Reno, the sum of $6,200,000 for the planning and design of a life sciences building.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2.1. 1. There is hereby appropriated from the State General Fund to Great Basin College the sum of $1,913,272 for the replacement of heating, ventilation or air-conditioning equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 2.2. 1. There is hereby appropriated from the State General Fund to Great Basin College the sum of $500,000 for building improvements.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 2.3. 1. There is hereby appropriated from the State General Fund to Great Basin College the sum of $2,162,429 for repairs and maintenance to parking lots and walkways.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 2.4. 1. There is hereby appropriated from the State General Fund to the Desert Research Institute the sum of $1,200,000 for the installation and maintenance of fire sprinklers.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2029, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2029, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2029.

Sec. 2.5. ~~[The State Controller shall transfer the sum of $22,809,302 from the Consolidated Bond Interest and Redemption Fund created by NRS 349.090 to the State General Fund.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 74.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 974.

AN ACT relating to elections; defining the term "current and valid" for purposes of certain documentation relating to elections; authorizing an active registered voter to request a mail ballot under certain emergency circumstances; revising eligibility to be a candidate of a major political party; setting forth the form of a declaration of candidacy for certain candidates; revising the methods for paying candidate filing fees; revising the information required to be contained in election notices; revising provisions relating to election boards; revising provisions relating to the provision or reimbursement of certain expenses related to training on elections procedures; revising provisions relating to when certain candidates may be declared elected at a primary election; revising provisions relating to ballots and standards for counting votes; revising provisions relating to an application to preregister or register to vote; revising provisions relating to the designation of persons who are not affiliated with a political party; revising provisions relating to updating voter registration information; revising provisions relating to certain crimes relating to elections; requiring the Secretary of State to adopt a cyber-incident response plan; authorizing certain elderly persons to request that certain personal information be kept confidential; revising provisions relating to the testing of certain equipment; revising the deadline by which a withdrawal of candidacy must be presented by certain candidates; revising provisions relating campaign contributions for certain special elections; making various other changes relating to elections; providing a penalty; **making an appropriation to the Contingency Account for allocation to the Secretary of State for certain costs relating to training on elections procedures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to provide certain documentation which is current and valid for purposes of certain provisions relating to elections. (See e.g., NRS 293.269915, 293.2725, 293.507, 293.5742, 293.57688, 293.5837, 293.5842, 293.5847, 293C.26314) **Section 1.4** of this bill defines the term "current and valid" for such purposes and **section 1.7** of this bill makes that definition applicable to certain provisions relating to elections.

Existing law sets forth provisions governing the preparation, distribution and casting of mail ballots and requires a county or city clerk, as applicable, to prepare and distribute to each active registered voter in the county or city and certain other persons who register to vote a mail ballot for every election. (NRS 293.269911-293.269937, 293C.263-293C.26337) **Sections 1.6, 11.3, 28.3 and 32.3** of this bill authorize an active registered voter who is eligible to receive a mail ballot to submit a request to the county or city clerk, as applicable, to receive a mail ballot if he or she is unable to access his or her mail ballot or appear in person at the polls due to an emergency. **Sections 1.6 and 28.3** further require a county or city clerk to distribute a mail ballot to such a voter

after verifying the voter's eligibility and that he or she has not already voted. **Sections 1.9, 11.5, 28.7 and 32.7** of this bill make certain provisions relating to mail ballots, including the definition of "mail ballot" and provisions concerning the marking and signing the mail ballot of another voter, applicable to ballots requested pursuant to **sections 1.6 and 28.3**.

Section 2 of this bill removes the prohibition for a person to be a candidate of a major political party for partisan office if the person has changed certain information on an application to register to vote in a state other than this State during the time beginning on December 31 preceding the closing filing date for an election and ending on the date of the election. (NRS 293.176)

Existing law requires an independent candidate for partisan office to file a declaration of candidacy. (NRS 293.200) Existing law further sets forth the form for a declaration of candidacy for all candidates for partisan office. (NRS 293.177) **Section 3** of this bill sets forth the form for the declaration of candidacy for an independent candidate for partisan office. **Section 5** of this bill makes conforming changes to clarify that the declaration of candidacy for an independent candidate must be in the form set forth in **section 3**.

Existing law sets forth certain fees for filing a declaration of candidacy and provides that the fee for filing a declaration of candidacy may be paid by cash, cashier's check or certified check. (NRS 293.193) **Section 4** of this bill: (1) provides that such a fee may also be paid by credit card if the filing officer accepts such a method of payment; (2) revises the description of certain offices; and (3) reorganizes existing fees set forth in other provisions of existing law in to this schedule of fees.

Existing law requires a county clerk, immediately upon receipt of the certified list of candidates for judicial and nonjudicial office, to publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks and requires such notice to contain: (1) the date of the election; (2) the location of the polling places; and (3) the hours during which the polling places will be open for voting. (NRS 293.203) **Section 6** of this bill requires such notice to additionally contain: (1) the names of the candidates; and (2) the office for which each candidate is running and, if the office is partisan, the party under which the candidate is running. **Section 39** of this bill similarly requires the names of the qualified candidates who will be on the ballot at the presidential preference primary election and the major political party with which each candidate is affiliated to be included on such notice for a presidential preference primary election. (NRS 298.670)

Existing law authorizes a county clerk to appoint a pupil as a trainee for the position of election board officer and sets forth the qualifications for such an appointment, including a requirement that the pupil is appointed without party affiliation. (NRS 293.2175, 293C.222) **Sections 7 and 31** of this bill clarify that a pupil may be appointed as a trainee regardless of his or her affiliation with a political party, including any designation of party affiliation on the pupil's application to preregister or register to vote.

Existing law requires the Secretary of State to develop and provide a training course to each county clerk and city clerk related to elections procedures and requires the Secretary of State to provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending such a course. Existing law further authorizes the Secretary of State to provide to or reimburse the county or city, as applicable, such costs for any deputy or employee of the office of the county or city clerk who attends the course. Existing law requires that any such costs be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. (NRS 293.2504) **Section 8.5** of this bill instead requires the Secretary of State to provide or reimburse certain other costs for a county or city clerk relating to the training course. **Section 46.5 of this bill makes an appropriation to the Contingency Account for allocation to the Secretary of State by the Interim Finance Committee for certain expenses relating to the training course.**

Existing law provides that members of election boards continue to serve as such from the day before the day of the election until the time for filing contests of the election has expired. (NRS 293.225) **Section 8** of this bill provides instead that members continue to serve as such from the day of appointment.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 9, 29 and 42-46** of this bill provide that for the purposes of determining the majority of the votes cast in the primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law provides that every ballot upon which appears the names of candidates for any statewide office or for President or Vice President of the United States must contain an additional line with a square in which the voter may select "None of these candidates." (NRS 293.269) **Section 10** of this bill provides instead that the additional line on such a ballot must contain a space in which the voter may select "None of these candidates."

Existing law: (1) authorizes the mail ballot central counting board to begin counting mail ballots 15 days before the day of the election; (2) requires the counting board to prepare to count the ballots when the polls are closed; and (3) establishes certain requirements for counting paper ballots. (NRS 293.269931, 293.363, 293C.26331, 293C.362) **Sections 12 and 33** of this bill: (1) clarify that the mail ballot central counting board may begin counting mail ballots before the polls are closed; (2) prohibit certain ballots from being counted before 7 a.m. on the day of the election; (3) prohibit the results or a

copy of the results from being posted until the polls are closed; and (4) remove requirements for counting paper ballots.

Existing law: (1) sets forth certain standards for counting votes; (2) requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote; and (3) authorizes the Secretary of State to adopt regulations establishing additional uniform statewide standards. (NRS 293.3677, 293C.369) **Sections 13 and 34** of this bill provide that a vote must be counted if: (1) a portion of the designated space on a ballot is darkened by the voter; (2) such a marking cannot be conclusively determined to be made in error; and (3) there is some indication of the intent of the voter on the face of the ballot.

Existing law requires each county clerk to conduct a risk-limiting audit of the results of an election. (NRS 293.394) **Section 15** of this bill renames such audits to "election accuracy audits." Existing law provides that certain election materials, including the voted, rejected and spoiled ballots, must be sealed and deposited in the vaults of the county clerk. (NRS 293.391) **Section 14** of this bill provides that such election materials are subject to inspection for the purposes of an election accuracy audit.

Existing law provides that the deadline to register to vote at a voter registration agency, the Department of Motor Vehicles or an automatic voter registration agency is the last day to register to vote by mail. Existing law requires a county clerk to accept any application which is completed by the last day to register to vote by mail if the county clerk receives the application not later than 5 days after that date. (NRS 293.504, 293.5727, 293.57688) **Sections 17, 22 and 23** of this bill require a voter registration agency, the Department of Motor Vehicles and an automatic voter registration agency to notify a person who registers to vote after this deadline that in order to vote in the upcoming election, the person must register to vote by computer or at a polling place or polling place for early voting.

Existing law requires if a person or elector indicates that he or she is not affiliated with a political party or fails to indicate as such, the county clerk or field registrar to list the person's or elector's political party as nonpartisan. (NRS 293.518) **Section 18** of this bill instead requires the county clerk or field registrar to list the political party of a person or elector who fails to indicate whether he or she is affiliated with a political party or not affiliated as "no political party."

Section 9.5 of this bill revises the manner in which certain candidates that appear under existing law on a ballot as "no political party" or "NPP" to instead be shown on such a ballot: (1) for a candidate for partisan office, as "Independent Candidate" or "INC"; and (2) for a candidate for a nonpartisan office, as "nonpartisan" or "NPR." (NRS 293.267)

Existing federal law sets forth certain requirements for the removal of a voter from the official list of eligible voters which prohibit a state from removing the name of a registered voter unless the voter: (1) confirms a change of residence outside of the registrar's jurisdiction in writing; or (2) fails to

respond to a notice sent to his or her residence and has not voted or appeared to vote for a period of time after a notice has been mailed to his or her residence. (52 U.S.C. § 20507) **Sections 20 and 21** of this bill require a county clerk to mail a notice and conduct any correction or removal of a registered voter in accordance with existing federal law.

Sections 20 and 23.5 of this bill provide that certain notifications that a county clerk is required to mail to the current residence of a person are required instead to be mailed to the current mailing address of the person. (NRS 293.530, 293.57693)

Existing law: (1) authorizes a voter to update his or her voter registration information after the close of registration for an election; and (2) requires the county or city clerk to authorize a voter to update his or her voter registration information by the use of a paper application or the computer system established by the Secretary of State. (NRS 293.5832) **Section 24** of this bill authorizes the county or city clerk to also authorize an additional method for updating such voter registration information at a polling place during early voting by personal appearance and on election day. **Section 24** further: (1) requires the county or city clerk to send a mail ballot to such a voter if the voter updates the information 14 or more days before the election; and (2) provides that a voter who updates information less than 14 days before the election may vote only in person in that election only at a polling place. Finally, **section 24** clarifies that all other provisions of law relating to voting in person or by mail still apply to a registered voter who updates his or her voter registration information after the close of voter registration for the election.

Existing law prohibits a person from electioneering during the time a polling place for early voting is open for voting in or within 100 feet from the entrance to the voting area. (NRS 293.361) **Section 11.7** of this bill instead prohibits such actions within 100 feet of the entrance to a building, other structure or jail in which a polling place is located.

Existing law prohibits a person from voting more than once at the same election. (NRS 293.780) **Section 48** of this bill repeals existing law that prohibits a person from being preregistered or registered to vote in more than one county at a time. (NRS 293.810) **Section 24.7** of this bill provides that a person votes more than once at the same election if he or she votes: (1) more than once in certain elections in this State; or (2) in the same primary or general election in this State and at least one other state.

Existing law requires a county or city clerk or other election official to immediately notify the Secretary of State if the clerk or official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the clerk or official. (NRS 293.875) **Section 26** of this bill requires the Secretary of State to adopt by regulation a cyber-incident response plan for elections. **Section 26** also requires a county or city clerk or other election official to notify the Secretary of State, the Governor and the Legislative Commission of any cyber-incident or attempted cyber-incident on

the security of an information system used by the county or city clerk or other election official in accordance with the cyber-incident response plan.

Existing law authorizes certain persons, including a spouse, domestic partner or minor child of such a person, to request that personal information contained in the records of the Secretary of State, a county or city clerk, a county recorder or a county assessor be kept confidential. (NRS 247.540, 250.140, 293.908) **Sections 27, 40 and 41** of this bill additionally authorize the elderly parent of such a person to request that such information be kept confidential.

Section 27.5 of this bill clarifies that certain tests required by existing law to be conducted before the start of the official count of the ballots and again within 24 hours after the official count of the ballots are required to be conducted within 24 hours after the official count of the ballots is completed, including the counting of the final ballot.

Existing law provides that a withdrawal of candidacy must be presented: (1) for a candidate for city office, to the city clerk within 2 days after the last day for filing for candidacy; and (2) for all other candidates, to the county clerk within 7 days after the last day for filing. (NRS 293.202, 293C.195) **Section 30** of this bill requires a withdrawal of candidacy by a candidate for a city office to be presented within 7 days, consistent with the requirement for all other candidates.

Existing law sets forth certain limits on making or committing to make any contributions to a candidate for office, except for a federal office, and provides that no contribution made, committed or accepted for a primary election or general election affects the limitation on contributions for a special election to recall a public officer. (NRS 294A.100) **Section 36** of this bill also provides that no contribution made, committed or accepted for a special election other than a special election to recall a public officer affects the limitation on contributions for a special election to recall a public officer.

Existing federal law requires a certificate of ascertainment of appointment of presidential electors to be issued and transmitted to the Archivist of the United States not later than 6 days before the time fixed for the meeting of the electors, which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) **Section 37** of this bill requires the Secretary of State to transmit the certificate of ascertainment to the Archivist.

Existing law requires a person who is a qualified candidate to be a major political party's nominee for President of the United States who wants to appear on the ballot for a presidential preference primary election to file with the Secretary of State a declaration of candidacy in the form prescribed by the Secretary of State. (NRS 298.660) **Section 38** of this bill sets forth the form for the declaration of candidacy for such a candidate and provides that any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation is guilty of a gross misdemeanor.

Section 48 repeals certain provisions that: (1) prohibit a counting board from commencing to count the votes until all ballots are accounted for; (2) provide

for a recount at a hearing of any contest; and (3) require the county clerk to transmit the number of registered voters in the county and their political affiliation to the Secretary of State before certain elections. **Section 48** also repeals a provision that deems certain registered voters who move after the close of voter registration to retain their prior residence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. ***"Current and valid" means that a document is not expired at the time it is presented and:***

1. Is issued by an appropriate entity; and

2. Represents the person whose identity or personal information the document is being presented to identify or confirm.

Sec. 1.5. (Deleted by amendment.)

Sec. 1.6. ***1. If an active registered voter who is eligible to receive a mail ballot pursuant to NRS 293.269911, including, without limitation, an active registered voter who has elected not to receive a mail ballot pursuant to NRS 293.269911, is unable to access his or her mail ballot or appear in person at the polls due to an emergency, the voter may submit a request to the county clerk, not earlier than the 46th day before an election and not later than the day before the election, to receive a mail ballot.***

2. Upon receiving a request pursuant to subsection 1, the county clerk shall, after verifying the voter is eligible to receive a mail ballot pursuant to NRS 293.269911 and has not already voted in the election, distribute the mail ballot to the voter.

3. Except as otherwise provided in this section, all provisions of this title relating to mail ballots apply to a mail ballot requested and distributed pursuant to this section.

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

5. For the purposes of this section, "emergency" means an unforeseen circumstance which significantly impairs the ability of an active registered voter to access his or her mail ballot or appear in person at the polls, including, without limitation:

(a) An illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home;

(b) A sudden hospitalization, serious illness or call away from home; or

(c) Any other circumstance the Secretary of State determines by regulation to constitute an emergency for the purposes of this section.

Sec. 1.7. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and section 1.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 293.0653 is hereby amended to read as follows:

293.0653 "Mail ballot" means a mail ballot distributed to an active registered voter pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive, ***and section 1.6 of this act*** and NRS 293C.263 to 293C.26337, inclusive ~~[.]~~ ***and section 28.3 of this act.***

Sec. 2. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

➥ on an application to register to vote in the State of Nevada ~~[or in any other state]~~ during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to NRS 293.171 on the December 31 next preceding the closing filing date for the election.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(b) ***For an independent candidate for partisan office:***

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot at the general election as an independent candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall

immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy must be paid to the filing officer by cash, cashier's check ***,*** ~~[or]~~ certified check ~~[.]~~ ***or, if accepted by the filing officer, credit card.***

United States Senator	$500
Representative in Congress	300
Governor	300
Justice of the Supreme Court	300
~~[Any state office, other than Governor or justice of the Supreme Court~~	~~200]~~
Independent candidate for the office of President of the United States	***250***
Lieutenant Governor	***200***
Secretary of State, State Treasurer, State Controller or Attorney General	***200***
Judge of the Court of Appeals	***200***
Member of the State Board of Education	***200***
District judge	150
Justice of the peace	100
Any county office	100
State Senator	100
Assemblyman or Assemblywoman	100

Trustee of a county school district, hospital or hospital district.....30
Any ***other*** district office other than district judge 30
Constable or other town or township office 30
Member of the Board of Regents of the University of Nevada.....0
Any other office which receives no compensation 0

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 5. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive,

not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy ***in the form required by NRS 293.177*** with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 6. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates for judicial and nonjudicial office from the Secretary of State pursuant to NRS 293.187, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The name of each candidate.
5. The office which each candidate is seeking to be elected to and if the office is partisan, the party with which the candidate is affiliated.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 7. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without ***political*** party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. ***A pupil may be appointed as a trainee pursuant to this section regardless of his or her affiliation with a political party including, without limitation, any designation of party affiliation on his or her application to preregister or register to vote.***

4. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier.

~~[4.]~~ ***5.*** The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 8. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue ***to serve*** as such from the day ~~[before the day of the election,]~~ ***of appointment*** until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners or city council to correct any errors discovered during the canvass of votes by the board of county commissioners or city council.

3. Reserve election board officers must be appointed by the county or city clerk, if practicable, to fill any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he or she possesses the qualifications required to perform the services required.

Sec. 8.5. NRS 293.2504 is hereby amended to read as follows:

293.2504 1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to NRS 293.2502. ~~***[Any costs incurred by the Secretary of State in providing the training course pursuant to this section, including, without limitation, costs for printing or shipping materials related to the training, must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]***~~

2. Each county clerk and city clerk shall attend the training course provided by the Secretary of State.

3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

4. The Secretary of State:

(a) Shall provide to or reimburse the county or city, as applicable, ***the following costs*** for ***a county or city clerk to attend*** the ***training course required pursuant to this section:***

(1) The cost of the per diem allowance ***or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;***

(2) Incidentals; and ~~[travel]~~

(3) Travel expenses ***;*** ~~[of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.]~~ ***and***

(b) May provide to or reimburse the county or city, as applicable, ~~[for]~~ the ***following costs for any deputy or employee of the office of the county clerk or city clerk who attends the training course required pursuant to this section:***

(1) The cost of the per diem allowance ***or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;***

(2) Incidentals; and ~~[travel]~~

(3) Travel expenses**.** ~~[of~~***; and***

~~***(c) May provide to or reimburse*** any deputy or employee of the office ***Secretary*** of the county or city clerk for attending ***State the following costs to attend*** the training course required pursuant to this section .~~***:***

~~***(1) The cost of the per diem allowance or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;***~~

~~***(2) Incidentals; and***~~

~~***(3) Travel expenses.]***~~

➥ Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 9. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election.

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a

primary election. Except as otherwise provided in NRS 293.400, those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 9.5. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words ~~["no political party"]~~ ***"Independent Candidate"*** or the abbreviation ~~["NPP,"]~~ ***"INC,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation ~~["NP."]~~ ***"NPR."***

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words ~~["no political party"]~~ ***"Independent Candidate"*** or "nonpartisan" or the abbreviation ~~["NPP"]~~ ***"INC"*** or ~~["NP,"]~~ ***"NPR,"*** as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 10. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a ~~[square]~~ ***space*** in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 11. (Deleted by amendment.)

Sec. 11.3. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) ~~[Elects]~~ ***Except as otherwise provided in section 1.6 of this act, elects*** not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 11.5. NRS 293.269919 is hereby amended to read as follows:

293.269919 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293.269911 to 293.269937, inclusive ~~[.]~~ ***, and section 1.6 of this act.***

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Sec. 11.7. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the ~~[voting area.]~~ ***building or other structure in which the polling place is located.*** During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the ~~[voting area of the]~~ jail.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting."

(b) At the outer limits of the area within which electioneering is prohibited, at least one sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." The county clerk shall ensure that any sign posted pursuant to this paragraph is:

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 12. NRS 293.363 is hereby amended to read as follows:

293.363 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293.269931.***

2. Ballots cast using a mechanical voting system must not be counted before 7 a.m. on the day of the election. No results or copy of the results may be posted pursuant to NRS 293.383 until the polls are closed ***.*** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and ***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 13. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***a portion of*** the designated space is darkened ~~[or]~~ ***by the voter, such a marking cannot be conclusively determined to be made in error and*** there is ~~[a writing in]~~ ***some indication of*** the ~~[designated space, including, without limitation, a cross or check;]~~ ***intent of the voter on the face of the ballot;*** and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 14. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, reports prepared pursuant to NRS 293.269937 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county

clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

6. All of the materials preserved pursuant to subsection 1 which are deposited with the county clerk are subject to inspection in an election accuracy audit that is conducted in accordance with the regulations adopted pursuant to NRS 293.394.

Sec. 15. NRS 293.394 is hereby amended to read as follows:

293.394 1. The Secretary of State shall adopt regulations for conducting ~~[a risk-limiting]~~ ***an election accuracy*** audit of an election, which may include, without limitation:

(a) Procedures to conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the ~~[risk-limiting]~~ ***election accuracy*** audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct ~~[a risk-limiting]~~ ***an election accuracy*** audit of the results of an election.

3. As used in this section, ~~["risk-limiting]~~ ***"election accuracy*** audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces;

(g) Each office of an automatic voter registration agency; and

(h) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for preregistering and registering to vote;

(b) Except as otherwise provided in subsection 3, distribute applications to preregister or register to vote which may be returned by mail with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to preregister or register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to preregister or register to vote.

3. A voter registration agency is not required to provide an application to preregister or register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person affirmatively declines to preregister or register to vote and submits to the agency a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to preregister or register to vote may not be used for any purpose other than voter registration.

4. Except as otherwise provided in this subsection and NRS 293.5727 and 293.5747, any application to preregister or register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. The county clerk shall accept any application which is obtained from a voter registration agency pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

5. ***A voter registration agency shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.***

6. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to

preregister or register to vote at recruitment offices of the United States Armed Forces.

~~[6.]~~ *7.* Notwithstanding the provisions of NRS 293.5768 to 293.57699, inclusive, each automatic voter registration agency must comply with the provisions of the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq.

Sec. 18. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS 293.5768 to 293.57699, inclusive, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as ~~[nonpartisan;]~~ ***"no political party";*** and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as ~~[a nonpartisan]~~ ***"no political party"*** because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote; and

(b) Does not make any of the indications described in subsection 1 on the new paper application,

➥ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the statewide voter registration list.

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., as amended.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond;

(4) The voter's registration information has not been updated by an automatic voter registration agency pursuant to NRS 293.5768 to 293.57699, inclusive; and

(5) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

➥ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to NRS 293.57693; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to NRS 293.5752,

➥ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current ~~[residence]~~ ***mailing address*** of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph. The notice required pursuant to this paragraph may be provided as part of the notice mailed pursuant to NRS 293.57693.

(j) If, pursuant to NRS 293.5307, a county clerk receives notice of a change of address of a resident of the county whose name is on the statewide voter registration list, the county clerk shall, in accordance with 52 U.S.C. § 20507:

(1) If the person moved to a new address within the same county, correct the address of the resident in the statewide voter registration list and mail a written notice to the current mailing address of the voter not later than 5 working days after the change is made; or

(2) If the person moved to a new address outside of the county, mail a written notice to the current mailing address of the voter not later than 5 working days after such notice is received.

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 21. NRS 293.5307 is hereby amended to read as follows:

293.5307 If a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county and identify each resident who is a registered voter and has moved to a new address. ~~[Before removing or correcting information in the statewide voter registration list, the]~~ ***The*** county clerk shall ***, in accordance with 52 U.S.C. § 20507,*** mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530 ~~[.]~~ ***and 52 U.S.C. § 20507.***

Sec. 22. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide an application to preregister or register to vote to each person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. The county clerk shall use the applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or

register an applicant to vote or to correct the preregistration or registration of the applicant, as applicable. An application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department ~~[is]~~ ***:***

(a) Is not required to provide an application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

(b) Shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail in an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

5. The county clerk shall accept any application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the application not later than 5 days after that date.

6. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If the county clerk or field registrar of voters determines that the application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the application. If the county clerk or field registrar of voters determines that the application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within

15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or register unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the database created by the Secretary of State pursuant to NRS 293.675. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 23. NRS 293.57688 is hereby amended to read as follows:

293.57688 1. An automatic voter registration agency is required to electronically transmit the following information of a person to the database created by the Secretary of State pursuant to NRS 293.675 using the system established pursuant to NRS 293.57686:

(a) An electronic facsimile of the signature of the person, if the automatic voter registration agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(b) The first or given name and the surname of the person;

(c) The address at which the person actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(d) The date of birth of the person;

(e) At least one of the following:

(1) The number indicated on the person's current and valid driver's license or identification card issued by the Department of Motor Vehicles; or

(2) The last four digits of the person's social security number; and

(f) A description of the documentation presented to the automatic voter registration agency that indicates the person is a citizen of the United States.

2. Except as otherwise provided in NRS 293.5768, the automatic voter registration agency shall electronically transmit to the database created by the Secretary of State pursuant to NRS 293.675 the information described in subsection 1:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

3. An automatic voter registration agency shall provide notice to a person who submits an application to register to vote after the last day to register to vote by mail for an election pursuant to NRS 293.560 or 293C.527 that to vote in the upcoming election, the person must complete an application to register to vote by computer using the system established by the Secretary of State pursuant to NRS 293.671 or in person pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 23.5. NRS 293.57693 is hereby amended to read as follows:

293.57693 1. Upon transmission of the information to the database created by the Secretary of State pursuant to NRS 293.675 by an automatic voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote. The county clerk shall review the voter registration information transmitted by the automatic voter registration agency to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is eligible to vote, the person shall be deemed a registered voter. The person's name must appear on the statewide voter registration list and the appropriate roster and the person must be provided all sample ballots and other voter information provided to registered voters.

3. In addition to the requirements of subsection 2, the county clerk shall immediately mail a notice to the current ~~[residence]~~ ***mailing address*** of the person. The notice must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A space for the person to indicate a political party affiliation;

(b) A space for the person to affirmatively decline to apply to register to vote or have his or her voter registration updated, as applicable;

(c) A preaddressed return envelope with postage prepaid;

(d) A statement setting forth the qualifications to vote in this State as provided by NRS 293.485 and that if the person does not meet the qualifications to vote in this State, the person should return the notice and affirmatively decline in writing to register to vote;

(e) A statement explaining that unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, the person is deemed to have consented to

the transmission of information to the database created by the Secretary of State pursuant to NRS 293.675 by the automatic voter registration agency for the purpose of registering the person to vote or updating the voter registration information on the statewide voter registration list;

(f) A statement explaining that if the person affirmatively declines in writing to apply to register to vote or to have his or her voter registration information updated, as applicable, the county clerk will remove the person from the statewide voter registration list or revert the person's information on the statewide voter registration list to the information that was on the statewide voter registration list before the automatic voter registration agency transmitted the information, and the person shall be deemed to not have registered to vote or updated his or her voter registration information, as applicable;

(g) A statement setting forth the penalties for submitting a false application to register to vote; and

(h) A statement that:

(1) Indicates a political party affiliation or indicates that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on the form provided by the county clerk in the notice; and

(3) The person will not be able to vote at a primary election, presidential preference primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation.

4. The county clerk may send the notice required pursuant to subsection 3 by electronic mail if the person confirms the validity of the electronic mail address to which the notice will be sent by responding a confirmation inquiry sent to that electronic mail address.

5. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 3 is not a declination by the person to apply to register to vote or have his or her voter registration information updated.

6. If the county clerk determines that a person is not eligible to register to vote or if the voter affirmatively declines in writing to be registered to vote or have his or her automatic voter registration updated:

(a) It shall be deemed that the transmittal from the automatic voter registration agency is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote;

(c) It shall be deemed that the transmission of the person's information by the automatic voter registration system was an official authorized act;

(d) It shall be deemed that the person did not falsely claim citizenship in order to register to vote unless the person affirmatively claimed to be a citizen to the automatic voter registration agency; and

(e) The county clerk must remove the person's registration from the database created by the Secretary of State pursuant to NRS 293.675 or revert

the person's information on the database to the information that was on the database before the automatic voter registration agency transmitted the information to the county clerk, as applicable.

Sec. 24. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize at least one of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; or

(b) The system established by the Secretary of State pursuant to NRS 293.671.

➥ If the county or city clerk authorizes the use of both methods, the county or city clerk may limit the use of one method to circumstances when the other method is not reasonably available.

3. ***In addition to the methods described in subsection 2, the county or city clerk may authorize another method for a registered voter to update his or her voter registration information at a polling place during the period for early voting by personal appearance and on election day.***

4. If a registered voter updates his or her voter registration information ~~[~~pursuant to this section and applies to vote in the election,~~]~~ ***14 or more days before the election,*** the county or city clerk ~~[~~may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

~~4.~~~~]~~ ***shall send a mail ballot to the voter.***

5. If a registered voter ~~[~~casts a provisional ballot in~~]~~ ***updates his or her voter registration information less than 14 days before*** the election ~~[~~pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.~~]~~ ***, the registered voter may vote only in person:***

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to NRS 293.3072 or 293C.3032 in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

6. If a registered voter updates his or her voter registration pursuant to this section and votes in person or by mail in the election, all other provisions

of this title apply to identifying the voter and verifying the signature of the voter, including, without limitation, NRS 293.269927, 293.2725, 293.277, 293.283, 293.285, 293.3075, 293C.26314, 293C.26327, 293C.270, 293C.272, 293C.275, 293C.3035 or 293C.3585, as applicable.

Sec. 24.3. (Deleted by amendment.)

Sec. 24.7. NRS 293.780 is hereby amended to read as follows:

293.780 1. A person who is entitled to vote shall not vote or attempt to vote more than once at the same election. ***A person votes more than once at the same election if he or she votes more than once in the same primary election, presidential preference primary election, general election, special election to recall a public officer or special election in this State or if he or she votes in the same primary election or general election in this State and at least one other state.*** Any person who votes or attempts to vote twice at the same election is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Notice of the provisions of subsection 1 must be given by the county or city clerk as follows:

(a) Stated on all sample ballots distributed by mail or electronic means;

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county or city clerk.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 293.875 is hereby amended to read as follows:

293.875 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. ***The Secretary of State shall adopt by regulation a cyber-incident response plan for elections. Each county and city clerk and other local election official is required to comply with the requirements of the cyber-incident response plan.*** If any county or city clerk or other local election official identifies or is informed of a confirmed ~~[attack]~~ ***cyber-incident*** or attempted ~~[attack]~~ ***cyber-incident*** on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall ~~[immediately]~~ notify the Secretary of State ***, the Governor and the Legislative Commission*** regarding ~~[such attack]~~ ***the cyber-incident*** or attempted ~~[attack.]~~ ***cyber-incident in accordance with the cyber-incident response plan adopted by the Secretary of State pursuant to this subsection.***

Sec. 27. NRS 293.908 is hereby amended to read as follows:

293.908 1. The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possess specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

2. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 27.5. NRS 293B.165 is hereby amended to read as follows:

293B.165 1. A test conducted in the manner prescribed in subsections 1 and 2 of NRS 293B.155 must be conducted immediately before the start of the official count of the ballots and again within 24 hours after the official count of the ballots ~~[.]~~ ***is completed, including the counting of the final ballot.***

2. Such tests must be certified by the accuracy certification board.

Sec. 28. (Deleted by amendment.)

Sec. 28.3. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an active registered voter who is eligible to receive a mail ballot pursuant to NRS 293C.263, including, without limitation, an active registered voter who has elected not to receive a mail ballot pursuant to NRS 293C.263, is unable to access his or her mail ballot or appear in person at the polls due to an emergency, the voter may submit a request to the city clerk, not earlier than the 46th day before an election and not later than the day before the election, to receive a mail ballot.

2. Upon receiving a request pursuant to subsection 1, the city clerk shall, after verifying the voter is eligible to receive a mail ballot pursuant to NRS 293C.263 and has not already voted in the election, distribute the mail ballot to the voter.

3. Except as otherwise provided in this section, all provisions of this title relating to mail ballots apply to a mail ballot requested and distributed pursuant to this section.

4. The Secretary of State shall adopt regulations to carry out the provisions of this section.

5. For the purposes of this section, "emergency" means an unforeseen circumstance which significantly impairs the ability of an active registered voter to access his or her mail ballot or appear in person at the polls, including, without limitation:

(a) An illness or disability resulting in confinement in a hospital, sanatorium, dwelling or nursing home;

(b) A sudden hospitalization, serious illness or call away from home; or

(c) Any other circumstance the Secretary of State determines by regulation to constitute an emergency for the purposes of this section.

Sec. 28.7. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, ***and section 28.3 of this act,*** the conduct

of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive.

Sec. 29. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than:

(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.

(b) For any other office, the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary city election for an office upon which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.***

Sec. 30. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within ~~[2]~~ *7* days, excluding Saturdays, Sundays and holidays, after the last day for filing a

declaration of candidacy. ***If the withdrawal of candidacy is submitted in a timely manner pursuant to the provisions of this section, the withdrawal shall be deemed effective after the seventh day, excluding Saturdays, Sundays and holidays, after the last day for filing.***

Sec. 31. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without ***political*** party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. ***A pupil may be appointed as a trainee pursuant to this section regardless of his or her affiliation with a political party including, without limitation, any designation of party affiliation on his or her application to preregister or register to vote.***

4. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.

~~[4.]~~ ***5.*** The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 32. (Deleted by amendment.)

Sec. 32.3. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) ~~[Elects]~~ ***Except as otherwise provided in section 28.3 of this act, elects*** not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 32.7. NRS 293C.26318 is hereby amended to read as follows:

293C.26318 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of NRS 293C.263 to 293C.26337, inclusive ~~[.]~~ ***and section 28.3 of this act.***

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person must include on the return envelope his or her name, address and signature.

Sec. 33. NRS 293C.362 is hereby amended to read as follows:

293C.362 1. ~~[When]~~ ***Mail ballots must be counted by the mail ballot central counting board pursuant to NRS 293C.26331.***

2. Ballots cast using a mechanical voting system must not be counted before 7 a.m. on the day of the election. No results or copy of the results may be posted pursuant to NRS 293C.380 until the polls are closed**.** ~~[, the counting board shall prepare to count the ballots voted.]~~ The counting procedure must be public and ***, to the extent practicable,*** continue without adjournment until completed.

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~

Sec. 34. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***a portion of*** the designated space is darkened ~~[or]~~ ***by the voter, such a marking cannot be conclusively determined to be***

made in error and there is ~~[a writing in]~~ ***some indication of*** the ~~[designated space, including, without limitation, a cross or check;]~~ ***intent of the voter on the face of the ballot;*** and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election ***,*** ~~[or]~~ general election ***or special election other than a special election to recall a public officer*** affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.115 for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 37. NRS 298.055 is hereby amended to read as follows:

298.055 The ***Secretary of State shall submit the*** certificate of ascertainment ~~[submitted]~~ to the Archivist of the United States pursuant to 3 U.S.C. § ~~[6]~~ ***5. The certificate of ascertainment*** must include a statement that:

1. Each nominee for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by

that nominee for presidential elector before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7; and

2. If a person is appointed pursuant to NRS 298.065 to fill a vacancy in a position of presidential elector, the Secretary of State will submit an amended certificate of ascertainment to the Archivist.

Sec. 38. NRS 298.660 is hereby amended to read as follows:

298.660 ***1.*** If a person who is a qualified candidate to be a major political party's nominee for President of the United States wants to appear on the ballot for a presidential preference primary election that is held for the party, the person must, not earlier than October 1 and not later than 5 p.m. on October 15 of the year immediately preceding the presidential preference primary election, file with the Secretary of State a declaration of candidacy **.** ~~[in the form prescribed by the Secretary of State.]~~

2. A declaration of candidacy required to be filed pursuant to this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF..... FOR NOMINEE FOR PRESIDENT OF THE UNITED STATES

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the..... Party nomination for the office of President of the United States, I, the undersigned....., do swear or affirm under penalty of perjury that my telephone number is....., and the address at which I receive mail, if different than my residence, is.....; that I am registered as a member of the..... Party; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that I meet the qualifications for this office set forth in Clause 5 of Section 1 of Article II of the Constitution of the United States; that if nominated as a candidate of the..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of the United States concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this..... day of the month of..... of the year.....

.....
Notary Public or other person
authorized to administer an oath

3. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 39. NRS 298.670 is hereby amended to read as follows:

298.670 1. The Secretary of State shall forward to each county clerk the name, party affiliation and mailing address of each qualified candidate whose name must appear on the ballot for the presidential preference primary election.

2. Immediately upon receipt by the county clerk of the list of qualified candidates, the county clerk shall publish a notice of the presidential preference primary election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

(a) The date of the presidential preference primary election;

(b) The major political parties that have qualified candidates who will be on the ballot at the presidential preference primary election;

(c) ***The names of the qualified candidates who will be on the ballot at the presidential preference primary election and the major political party which each candidate is affiliated with;***

(d) The location of the polling places in the county, including, without limitation, polling places for early voting by personal appearance; and

~~[(d)]~~ **(e)** The hours during which the polling places in the county will be open for voting during the period for early voting and the day of the presidential preference primary election.

Sec. 40. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 41. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy appointed by such county or city clerk or registrar of voters in the elections division of the county or city.

(f) Any peace officer or retired peace officer.

(g) Any prosecutor.

(h) Any state or county public defender.

(i) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government.

(j) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(k) Any county manager in this State.

(l) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer:

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities, interacts with the public; and

(3) Whose primary duties are the performance of tasks related to code enforcement.

(m) The spouse, domestic partner ***, elderly parent*** or minor child of a person described in paragraphs (a) to (l), inclusive.

(n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (l), inclusive, who was killed in the performance of his or her duties.

(o) Any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(c) "Code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

(d) ***"Elderly parent" means a natural parent, adoptive parent or stepparent who is 60 years of age or older.***

(e) "Peace officer" means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~[(e)]~~ ***(f)*** "Prosecutor" has the meaning ascribed to it in NRS 241A.030.

~~[(f)]~~ ***(g)*** "Social worker" means any person licensed under chapter 641B of NRS.

Sec. 42. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 43. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapters 350 and 558, Statutes of Nevada 2019, at pages 2179 and 3553, respectively, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,

➥ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

4. A candidate for the office of Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the

names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

6. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 44. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 558, Statutes of Nevada 2019, at page 3558, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. A primary municipal election must be held in the City:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated must be nominated and voted for separately according to the respective wards.

(b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

3. Each candidate for municipal office must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or

she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.

Sec. 45. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office. ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary municipal election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary municipal election for that office.***

Sec. 46. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 716, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. If at 5 p.m. on the last day for filing a declaration of candidacy:

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election:

(a) One candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office.

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

➥ ***For the purposes of determining whether a candidate received a majority of the votes cast in the primary election for an office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.***

Sec. 46.5. **1. There is hereby appropriated from the State General Fund to the Contingency Account created by NRS 353.266 the sum of $200,000 for allocation by the Interim Finance Committee to the Secretary of State to:**

(a) Provide the training course required pursuant to NRS 293.2504, as amended by section 8.5 of this act, including, without limitation, any costs for printing or shipping materials related to the training; and

(b) Provide to or reimburse any deputy or employee of the Secretary of State who attends the training course required by NRS 293.2504, as amended by section 8.5 of this act:

(1) The cost of the per diem allowance or the cost of meals which are contracted for with a vendor that was procured through a competitive bidding process;

(2) Incidentals; and

(3) Travel expenses.

2. Money appropriated by subsection 1 may only be allocated by the Interim Finance Committee upon submittal by the Secretary of State of documentation of the costs.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 47. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 48. NRS 293.365, 293.423, 293.490, 293.567, 293.810 and 293C.365 are hereby repealed.

Sec. 49. 1. This section and sections 47 and 48 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Section 46.5 of this act becomes effective on July 1, 2025.

LEADLINES OF REPEALED SECTIONS

293.365 Accounting for all paper ballots before counting of votes begins.

293.423 Recount of ballots at hearing of contest.

293.490 Residence not lost upon removal from county or precinct.

293.567 Number of registered voters in county to be transmitted by county clerk to Secretary of State before certain elections.

293.810 Preregistration or registration in more than one county at one time.

293C.365 Accounting for all paper ballots before counting of votes begins.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 104.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 978.

SENATOR PAZINA

JOINT SPONSORS: ASSEMBLYMEMBERS JAUREGUI, MONROE-MORENO, AND YEAGER

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to the Other State Education Programs Account for **allocation to certain nonprofit organizations for** the creation and maintenance of school gardens ~~[.]~~ **and to certain other nonprofit organizations.** (BDR S-539)

AN ACT ~~[making]~~ **relating to governmental financial administration; making** an appropriation for allocation to nonprofit organizations to provide programs for the creation and maintenance of school gardens; **making appropriations to certain other nonprofit organizations;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund for the cost of creating and maintaining programs for school gardens that meet the requirements of subsection 3 the following sums:

For the Fiscal Year 2025-2026 ..... $200,000

For the Fiscal Year 2026-2027 ..... $200,000

2. The Department of Education shall allocate the money appropriated by subsection 1 to nonprofit organizations to provide at a public school a program for a school garden which meets the requirements set forth in subsection 3.

3. For a nonprofit organization to receive an allocation of money to provide a program for a school garden pursuant to subsection 2, the program must:

(a) Create and maintain a school garden at the school.

(b) Have a curriculum that:

(1) Includes a comprehensive science, technology, engineering and mathematics school garden program. Such a program must include, without limitation, a science, technology, engineering and mathematics curriculum for outdoor or hydroponic gardens for pupils in kindergarten through grade 12 that is tailored to pupils of the appropriate grade levels at the school;

(2) Is written specifically for Nevada and the desert environment of Nevada;

(3) Complies with the standards of content and performance for a course of study in science adopted by the State Board of Education pursuant to NRS 389.520;

(4) Uses experiential learning or project-based learning to teach science, technology, engineering, arts and mathematics;

(5) Is designed with the assistance of teachers and other educational personnel with experience at the appropriate grade levels at the school; and

(6) Involves supervised learning experiences for the pupils at the school in a classroom and a school garden.

(c) Provide the school with assistance from members of the community, including, without limitation, trained educators, local farmers and local chefs.

(d) Provide pupils with the:

(1) Ability to operate a farmer's market to sell the produce from the school garden; and

(2) Opportunity to have a local chef or employee of a school who works in food services demonstrate how to cook a meal using the produce grown from the school garden.

(e) Establish garden teams comprised of teachers and, if such persons are available, parents and members of the community. Each garden team shall meet at least once each month.

(f) Require any local nonprofit or community-based organization which will provide services to implement the program for a school garden to have at least 2 years of experience implementing such a program.

4. Money allocated pursuant to subsection 2 may be used to:

(a) Provide professional development for teachers regarding the:

(1) Use of a school garden to teach pupils with disabilities, including, without limitation, training for teaching such pupils science, technology, engineering and mathematics curriculum and vocational training to create a career path in horticulture;

(2) Development and implementation of science, technology, engineering, arts and mathematics curricula that incorporate the use of a school garden;

(3) Development and implementation of training that may be provided to a group or individually to teachers in how to establish and maintain school gardens to increase the time teachers allocate to teaching science, technology, engineering and mathematics; and

(4) Development and implementation of a food safety plan designed to ensure that food grown in a school garden is properly handled and safe to sell and consume;

(b) Pay for any travel expenses associated with the attendance of a teacher at any training or conference relating to school gardens; and

(c) Pay for the costs of a conference regarding school gardens held in this State.

5. As used in this section:

(a) "Public school" has the meaning ascribed to it in NRS 385.007.

(b) "School garden" includes, without limitation, a hydroponic garden.

Sec. 2. Upon acceptance of the money allocated pursuant to section 1 of this act, a nonprofit organization agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before October 1, 2026, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2026;

2. Prepare and transmit a final report to the Interim Finance Committee on or before October 1, 2027, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2027; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit organization, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to section 1 of this act.

Sec. 3. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. **1. There is hereby appropriated from the State General Fund to the Mob Museum the sum of $250,000 for the planning phase of its expansion.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 5. **1. There is hereby appropriated from the State General Fund to the National Council of Juvenile and Family Court Judges the sum of $100,000 for the purpose of supporting the Nevada Judicial Resource Center on Firearms.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 6. **1. There is hereby appropriated from the State General Fund to Raise the Future the sum of $250,000 to support its programs in this State.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

~~[Sec. 4.]~~ ***Sec. 7.*** This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 382.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 971.

SUMMARY—Revises provisions relating to ~~[the registration of trailers.]~~ **vehicles.** (BDR 43-316)

AN ACT relating to vehicles; authorizing certain trailers used for farm purposes to be registered for a 5-year period in lieu of a 12-month period; requiring a person who elects to register such a trailer for a 5-year period to pay fees commensurate with the 5-year period; **authorizing autonomous vehicles to be equipped with certain marker lamps which indicate that an automated driving system is operating the autonomous vehicle;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the owner of a trailer that is to be operated on the highways of this State to register the trailer for a period of either 1 year or 3 years with the Department of Motor Vehicles and pay to the Department certain fees and a governmental services tax, the amount of which is based on the value of the trailer. (NRS 371.030, 371.040, 482.205, 482.206, 482.2065) **Section 1** of this bill authorizes a person who owns a trailer that is primarily used for farm purposes to instead register the trailer for a period of 5 years. **Section 1** requires a person who registers a trailer for a 5-year period to pay upon registration all applicable fees and taxes which the person would pay if

the trailer was registered for 1 year and then renewed for 4 consecutive years, and **section 3** of this bill requires the trailer to be taxed, for purposes of the governmental services tax, for a period of 5 years. **Sections 4.5 and 5.5** of this bill make conforming changes to refer to provisions that have been renumbered in **section 3**. **Section 1.5** of this bill requires the expiration date of a license plate or substitute decal on a trailer that is registered for a 5-year period, upon a transfer of the registration, to be advanced for 5 years. **Section 5** of this bill makes a conforming change to indicate that a personalized prestige license plate issued for a trailer registered for a 5-year period is valid for and renewable after 5 years, rather than 12 months.

Existing law prescribes certain requirements with respect to the registration, testing and operation of autonomous vehicles in this State. (Chapter 482A of NRS 482A.010-482A.220) Existing law prohibits certain autonomous vehicles from being tested or operated on a highway within this State with a human operator, unless the autonomous vehicle is capable of operating in compliance with the applicable motor vehicle and traffic laws of this State and is equipped with certain equipment, including an indicator located inside of the autonomous vehicle which indicates when an automated driving system is operating the vehicle. (NRS 482A.080) Section 5.5 of this bill authorizes any autonomous vehicle that is tested or operated within this State to be equipped with one or more automated driving system marker lamps which: (1) indicate to others outside of an autonomous vehicle that an automated driving system is operating the vehicle; and (2) are equipped in accordance with certain nationally recognized standards applicable to such equipment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A trailer used primarily for farm purposes may be registered for a 5-year period as provided in this section.

2. A person who registers a trailer for a 5-year period must pay upon registration all fees and taxes that would be due during the 5-year period if he or she registered the trailer for 1 year and renewed that registration for 4 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, which are

imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. As used in this section:

(a) "Farm purposes" means the transportation of livestock, agricultural products or ranch or farm machinery or supplies to or from a ranch or farm except when in the operation of a common motor carrier or contract motor carrier.

(b) "Trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 1.5. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section and NRS 482.2065 and 482.2085, ***and section 1 of this act,*** every motor vehicle, except for a motor vehicle that is required to be registered through the Motor Carrier Division of the Department, and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Except as otherwise provided in subsections 7 ***,*** ~~[and]~~ 8 ***and 9*** and NRS 482.2065, ***and section 1 of this act,*** every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. Except as otherwise provided in subsection ~~[7]~~ ***8*** and NRS 482.2065 and 482.2085, ***and section 1 of this act,*** a motor vehicle which must be registered through the Motor Carrier Division of the Department, including, without limitation:

(a) Pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or

(b) As a commercial motor vehicle which has a declared gross weight in excess of 10,000 pounds,

➥ must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles which are not required to be registered through the Motor Carrier Division of the Department, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. Except as otherwise provided in subsections 3, 6, 7 ***,*** ~~[and]~~ 8 ~~[,]~~ ***and 9,*** when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. ***When the registration of any trailer that is registered for a 5-year period pursuant to section 1 of this act is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to section 1 of this act, for a period of 5 consecutive years beginning:***

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

➥ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

8. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

~~[8.]~~ ***9.*** A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Except as otherwise provided in NRS 482.2085, issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.

2. Upon proof of ownership satisfactory to the Director or as otherwise provided in NRS 482.2605, the Director shall cause to be issued a certificate of title as provided in this chapter.

3. For the purposes of subsection 2, if a manufacturer described in paragraph (a) of subsection 2 of NRS 482.36349 operates one or more of its fully autonomous vehicles for the purpose of providing delivery services, the Director shall accept as proof of ownership the manufacturer's certificate of origin or the manufacturer's statement of origin issued for the fully autonomous vehicle. As used in this paragraph, "fully autonomous vehicle" has the meaning ascribed to it in NRS 482A.036.

4. Except as otherwise provided in NRS 371.070 and subsections ~~[7, 8 and 9,]~~ ***7 to 10, inclusive,*** every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

5. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

6. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

7. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.

8. ***A trailer being registered pursuant to section 1 of this act must be taxed for the purposes of the governmental services tax for a 5-year period.***

9. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of $86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

~~[9.]~~ ***10.*** A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 482.285 is hereby amended to read as follows:

482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department and upon payment of the required fees. An applicant who is unable to furnish information satisfactory to the Department that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.

2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:

(a) A duplicate number plate or a substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:

(a) A substitute number plate;

(b) A substitute decal; or

(c) A combination of both (a) and (b),

➥ as appropriate, upon furnishing information satisfactory to the Department and payment of the fees required by NRS 482.500.

4. The Department shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Returns the mutilated or illegible plates to the Department or signs a declaration that the plates were lost, mutilated or illegible; and

(b) Complies with the provisions of subsection 6.

5. The Department shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:

(a) Signs a declaration that the plates were stolen; and

(b) Complies with the provisions of subsection 6.

6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection ~~[8 or]~~ 9 ***or 10*** of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:

(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or

(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.

7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:

(a) Submit evidence of compliance with controls over emission; or

(b) Pay the registration fee and governmental services tax attributable to a full period of registration.

Sec. 5. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, trucks or trailers, except that such plates may not be issued for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155.

3. Except as otherwise provided in NRS 482.2065, ***and section 1 of this act,*** personalized prestige license plates are valid for 12 months and are renewable upon expiration.

4. Except as otherwise provided in subsection 6, personalized prestige license plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

5. In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

6. The Department may limit by regulation the number of letters and numbers used, prohibit the use of inappropriate letters or combinations of letters and numbers and prohibit the transfer of personalized prestige license plates from one vehicle or trailer to another if such a transfer would result in an inappropriate use of letters or combination of letters and numbers.

7. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 5.5. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are

appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license

plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections ~~[8 and]~~ 9 ***and 10*** of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds $100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 5.5. **NRS 482A.080 is hereby amended to read as follows:**

482A.080 1. An autonomous vehicle shall not be registered in this State unless the autonomous vehicle has affixed to it a label pursuant to 49 C.F.R. § 567.4.

2. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** an autonomous vehicle shall not be tested or operated on a highway within this State with a human operator unless the autonomous vehicle is capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State, unless an exemption has been granted by the Department, and:

(a) If the autonomous vehicle is not a fully autonomous vehicle, the autonomous vehicle is:

(1) Equipped with a means to engage and disengage the automated driving system which is easily accessible to the human operator of the autonomous vehicle;

(2) Equipped with an indicator located inside the autonomous vehicle which indicates when the automated driving system is operating the autonomous vehicle; and

(3) Equipped with a means to alert the human operator to take manual control of the autonomous vehicle if a failure of the automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain; and

(b) If the autonomous vehicle is a fully autonomous vehicle, the fully autonomous vehicle is capable of achieving a minimal risk condition if a failure of the automated driving system occurs which renders the automated driving system unable to perform the dynamic driving task relevant to its intended operational design domain.

3. ***An autonomous vehicle that is tested or operated on a highway within this State may be equipped with one or more automated driving system marker lamps which are equipped to the autonomous vehicle in accordance with the standards published in SAE J3134 and SAE J578.***

4. If a federal law or regulation provides standards for the operation of an autonomous vehicle, an autonomous vehicle may be tested or used on a highway within this State with a human operator if the autonomous vehicle is capable of operating in compliance with the applicable motor vehicle laws and traffic laws of this State and such a federal law or regulation.

5. As used in this section:

(a) "Automated driving system marker lamp" means a device that emits light to indicate that an automated driving system is operating the autonomous vehicle.

(b) "SAE J3134" means the document published by SAE International on May 31, 2019, as "Automated Driving System (ADS) Marker Lamp" or a document determined by the Department to be a subsequent version which is approved by the Department by regulation.

(c) "SAE J578" means the document published by SAE International on April 29, 2020, as "Chromaticity Requirements for Ground Vehicle Lamps and Lighting Equipment" or a document determined by the Department to be a subsequent version which is approved by the Department by regulation.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 434.

Bill read third time.

The following amendment was proposed by Assemblymember Backus:

Amendment No. 972.

AN ACT relating to health care; creating the Statewide Health Care Access and Recruitment Program Account; providing for certain transfers of money ~~[into and]~~ out of the Account; requiring a biennial assessment of the health care needs of this State; establishing the Statewide Health Care Access and Recruitment Grant Program to award grants of money to fund certain projects to address shortages of providers of health care or clinical services or expertise identified by the assessment; requiring a grantee to enter into a funding agreement with the Department of Health and Human Services; providing for certain oversight of projects funded through the Program; authorizing the Department to take certain actions in response to certain changes to a funded project or if a grantee fails to comply with a funding agreement or applicable law; ~~[reducing the amount of certain transfers into the Account to Stabilize the Operation of State Government;]~~ **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services, or divisions thereof, to conduct various programs for the improvement of public health and health care in this State. (NRS 433.702-433.744, 439.4921-439.525, 439.529-439.5297, 439.600-439.690, 439A.111-439A.185, 439A.200-439A.290, 442.710-442.745, 457.230-457.280, 458.025, 458A.090, 458A.100, 458A.110) This bill establishes the Statewide Health Care Access and Recruitment Grant Program, which is a competitive grant program managed by the Department ~~[of Health and Human Services]~~ to support projects to address critical shortages of providers of health care or clinical services or expertise in this State. **Sections 3-7** of this bill define certain terms, and **section 2** of this bill establishes the applicability of those definitions. **Section 8** of this bill establishes the Statewide Health Care Access and Recruitment Program Account to hold money to fund the Program. **Section 8** authorizes the Director of the Department, with the approval of the Interim Finance Committee, to transfer money from the Account to another account for the purpose of obtaining additional federal financial participation under Medicaid. **Section 19** of this bill authorizes the Interim Finance Committee to issue such approval during a legislative session.

~~[Existing law: (1) creates the Account to Stabilize the Operation of State Government, also known as the Rainy Day Fund, in the State General Fund; and (2) prescribes a procedure for the transfer of money from that Account to the State General Fund during certain periods of low revenue or fiscal emergency. Existing law requires certain transfers of money to be made from the State General Fund to the Rainy Day Fund, including, without limitation, an annual transfer of 1 percent of the anticipated revenue for the State during the current fiscal year into the Rainy Day Fund. (NRS 353.288) Beginning on~~

~~July 1, 2027, section 8 requires the State Controller to annually transfer 0.5 percent of the anticipated revenue for the State during the current fiscal year into the Statewide Health Care Access and Recruitment Program Account. However, section 8 prohibits such a transfer if the balance of the Account increases to an amount greater than $60,000,000 and prohibits subsequent transfers until the balance in that Account drops below $30,000,000. Section 20 of this bill reduces the amount that the State Controller is required to transfer to the Rainy Day Fund in fiscal years when the State Controller transfers money to the Statewide Health Care Access and Recruitment Program Account to 0.5 percent of the anticipated revenue for the State during the next fiscal year. Section 8 prohibits a transfer into the Statewide Health Care Access and Recruitment Program Account if the balance of the Rainy Day Fund is less than $1 billion, and section 20 requires the money that would otherwise be transferred into the Account under those circumstances to instead be transferred into the Rainy Day Fund.~~

~~To the extent that money is available from rebates received by this State for prescription drugs, section 8 authorizes the Director, not later than June 30 of each fiscal year, to request the approval of the Interim Finance Committee for a transfer of not more than $25,000,000 of that money to the Statewide Health Care Access and Recruitment Program Account for that fiscal year.]~~

Section 9 of this bill requires the Department ~~[of Health and Human Services]~~ to conduct a biennial assessment of the health care needs of this State, which must identify health care professions and specialties and types of clinical services and expertise and geographic areas experiencing critical shortages of providers of health care or clinical services or expertise. **Section 21.5** of this bill requires the Department to utilize existing assessments in lieu of conducting the first scheduled assessment on or before July 1, 2026. **Section 10** authorizes certain entities involved in the provision of health care, governmental entities and certain nonprofit organizations to apply for a grant of money from the Account to support a project to address those critical shortages. **Section 10** imposes certain additional requirements for a project to be eligible to receive such funding, including a requirement that the applicant has secured matching financial or in-kind contributions valued at an amount at least equal to the amount of the grant being sought. **Section 11** of this bill prescribes the required contents of an application for such a grant. **Sections 12 and 13** of the bill prescribe the process for the Department to review applications and, with the approval of the Interim Finance Committee, award grants. **Section 19** authorizes the Interim Finance Committee to issue such approval during a legislative session.

After a grant is awarded, **section 14** of this bill requires the Department to enter into a funding agreement with the grantee that outlines the terms and conditions of the grant and the responsibilities of the grantee. **Section 15** of this bill requires a grantee to notify and submit a revised plan to the Department if: (1) the grantee significantly modifies a funded project; (2) the amount of money available for a funded project changes; (3) a funded project

becomes inactive for at least 12 months; or (4) a funded project is terminated. **Section 15** authorizes the Department to take certain actions in response to such notice. **Section 16** of this bill authorizes the Department and the Office of Finance to provide certain oversight of a funded project. **Section 17** of this bill authorizes the Department to suspend or terminate a grant or take certain other actions if it determines that the grantee has failed to comply with a funding agreement. **Section 17** also requires the Department to suspend or terminate a grant if it determines that the grantee has violated applicable law, misused funds or submitted fraudulent information to the Department. Upon the completion of a funded project and again 10 years after the completion of a funded project, **section 18** of this bill requires the grantee to submit a report to the Department concerning the project.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Statewide Health Care Access and Recruitment Program Account created by section 8 of this act.***

Sec. 4. ***"Certified area of need" means a critical shortage of providers of health care who practice a health care profession or specialty, a critical shortage of providers of health care in a geographic area of this State or a critical shortage of clinical services or expertise in this State or a geographic area of this State, as identified by the assessment conducted pursuant to section 9 of this act.***

Sec. 5. ***"Funding agreement" means a funding agreement between the Department and a grantee entered into pursuant to section 14 of this act.***

Sec. 6. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 7. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 8. ***1. There is hereby created in the State General Fund the Statewide Health Care Access and Recruitment Program Account. The Department shall administer the Account.***

2. [Except as otherwise provided in subsections 4 and 5, commencing with the fiscal year that begins on July 1, 2027, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Account 0.5 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (c) of subsection 1 of NRS 353.228

~~*and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.*~~

~~*3. Money transferred pursuant to subsection 2 to the Account is a continuing appropriation solely for the purpose of authorizing the use of the transferred money for the purposes set forth in this section.*~~

~~*4. If the balance in the Account is greater than $60,000,000 on July 1 of a fiscal year, the State Controller shall not make a transfer pursuant to subsection 2 for that fiscal year or any subsequent fiscal year until the balance in the Account decreases to an amount less than $30,000,000.*~~

~~*5. If the balance in the Account to Stabilize the Operation of the State Government created by NRS 353.288 is less than $1 billion on July 1 of a fiscal year, the State Controller shall not make a transfer pursuant to subsection 2 for that fiscal year.*~~

~~*6. To the extent that money is available from rebates received by this State for prescription drugs, the Director may, not later than June 30 of each fiscal year, request the approval of the Interim Finance Committee for a transfer of not more than $25,000,000 of that money to the Account for that fiscal year.*~~

~~*7. The Account consists of:*~~

~~*(a) Money transferred to the Account pursuant to subsection 2;*~~

~~*(b) Any money transferred to the Account pursuant to subsection 6;*~~

~~*(c) Any money appropriated by the Legislature;*~~

~~*(d) Any money received through gifts, grants and donations pursuant to subsection 11; and*~~

~~*(e) Any money provided by any other source to carry out the provisions of sections 2 to 18, inclusive, of this act.*~~

~~*8.]*~~ *Any interest earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

~~*[9.]*~~ *3. Except as otherwise provided in subsection* ~~*[10.]*~~ *4, money in the Account must be used to carry out the provisions of sections 2 to 18, inclusive, of this act. The Department may use not more than 1 percent of the money in the Account to pay the administrative costs necessary to carry out those provisions.*

~~*[10.]*~~ *4. With the approval of the Interim Finance Committee, the Director may transfer money from the Account to another account for the purpose of obtaining additional federal financial participation under Medicaid.*

~~*[11.]*~~ *5. The Department may accept gifts, grants and donations to carry out the provisions of sections 2 to 18, inclusive, of this act. The Director shall deposit such gifts, grants and donations into the Account.*

Sec. 9. *1. On or before July 1 of each even-numbered year, the Department shall:*

(a) Conduct a comprehensive assessment of the health care needs in this State; and

(b) Compile a report of the results of the assessment and submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the next regular session of the Legislature.

2. The assessment conducted pursuant to paragraph (a) of subsection 1 must consist of:

(a) A quantitative analysis of the health care workforce in this State, including, without limitation:

(1) A determination of the total number of providers of health care in this State and the total number of providers of health care in this State who practice different professions and different specialties within those professions;

(2) A determination of the total number of providers of health care who practice in different geographic areas of this State and the total number of providers of health care who practice different professions and different specialties within those geographic areas; and

(3) A comparison of the numbers of providers of health care identified pursuant to subparagraphs (1) and (2) with benchmarks established by the Health Resources and Services Administration of the United States Department of Health and Human Services or nationally recognized organizations that prescribe such benchmarks;

(b) A determination of the most critical shortages in the health care workforce of this State, prioritizing:

(1) Essential health care professions and specialties and essential clinical services or expertise currently experiencing shortages; and

(2) Geographic areas of this State that are experiencing the most critical shortages of providers of health care or clinical services or expertise; and

(c) An identification of unmet needs for specific health technology and therapies, including, without limitation, genomic testing, clinical trials, cellular therapies and palliative care.

3. The report compiled pursuant to paragraph (b) of subsection 1 must include, without limitation:

(a) A summary of the assessment conducted pursuant to subsection 1, including, without limitation:

(1) An analysis of shortages of providers of health care, shortages of clinical services or expertise and unmet health needs in this State; and

(2) A description of shortages of providers of health care and the shortages of clinical services or expertise by geographic region, including rural and urban areas;

(b) A prioritized list of recommendations for allocating funding pursuant to sections 2 to 18, inclusive, of this act in a manner that addresses the

critical shortages and unmet needs identified in the assessment conducted pursuant to subsection 1;

(c) Recommendations for legislation and regulatory changes to improve the recruitment and retention of providers of health care; and

(d) An analysis of the effects of projects funded pursuant to sections 2 to 18, inclusive, of this act on the health care workforce and health needs of this State.

4. As used in this section, "palliative care" means a multidisciplinary and patient- and family-centered approach to specialized medical care for a person with a serious illness, which approach focuses on the care of a patient throughout the continuum of an illness and involves addressing the physical, emotional, social and spiritual needs of the patient, as well as facilitating patient autonomy, access to information and choice of care. The term includes, without limitation, discussion of the goals of the patient for treatment and discussion of treatment options appropriate to the patient, including, where appropriate, hospice care and comprehensive management of pain and symptoms.

Sec. 10. *1. The Department shall, in accordance with sections 2 to 18, inclusive, of this act, establish and administer the Statewide Health Care Access and Recruitment Grant Program as a competitive program to award grants of money from the Account to entities described in subsection 2 seeking to address shortages of providers of health care or clinical services or expertise and difficulties in accessing health care identified in the assessment conducted pursuant to section 9 of this act. The Department may adopt any regulations necessary to carry out the provisions of sections 2 to 18, inclusive, of this act.*

2. The following entities are eligible to apply for a grant from the Account:

(a) Entities that provide health care or coordinate or otherwise facilitate the provision of health care, including, without limitation:

(1) Medical facilities and community health clinics;

(2) Group practices of providers of health care;

(3) Federally-qualified health centers, as defined in 42 U.S.C. § 1396d(l)(2)(B):

(4) Accredited institutions of higher education that offer programs to train providers of health care, including, without limitation, residency and fellowship programs for providers of health care;

(5) Entities that provide behavioral health care;

(6) Facilities for the treatment of alcohol or other substance use disorders, as defined in NRS 449.00455;

(7) Detoxification facilities or programs certified pursuant to NRS 458.025;

(8) Substance use disorder prevention coalitions certified pursuant to NRS 458.033; and

(9) Oncology organizations, including, without limitation, oncology organizations that:

(I) Offer programs for transplantation and cellular therapy;

(II) Provide or facilitate the provision of clinical trials;

(III) Host fellowships in oncology and oncology subspecialties; or

(IV) Have been designated as a comprehensive cancer center by the National Cancer Institute, or its successor organization;

(b) Governmental entities; and

(c) Nonprofit organizations that provide direct care to patients, training for providers of health care or services aimed at expanding access to health care.

3. To be eligible for a grant from the Account, a proposed project must:

(a) Be designed to increase the number of providers of health care, improve the expertise of providers of health care or improve access to clinical services or innovative treatments.

(b) Directly address one or more certified areas of need.

(c) Include specific, measurable outcomes to demonstrate an increase in the number of providers of health care, improved access to health care and the enhanced capacity of the health care work force in a manner that addresses the certified areas of need identified in paragraph (b).

(d) Secure from the Federal Government or any other source, or receive from the Federal Government or any other source a commitment to provide, an amount of matching funds and in-kind contributions for which the total value is at least equal to the amount of the grant for which the applicant is applying. Matching funds from the Federal Government meet the requirements of this section only if the applicant demonstrates that the project qualifies for and is likely to receive such federal money. In-kind contributions may consist of, without limitation:

(1) Construction or procurement of machinery or infrastructure;

(2) Recruitment of providers of health care;

(3) The provision of free health care;

(4) Charitable contributions after the completion of the project; and

(5) Unfunded research.

(e) Demonstrate the potential for financial and operational sustainability after the expiration of the grant, including, without limitation, through:

(1) Plans for continued staffing, budget sustainability and continued allocation of resources; and

(2) An impact assessment concerning the potential long-term effects of the project on survival, quality of life and the experience of patients.

Sec. 11. *An entity described in subsection 2 of section 10 of this act that wishes to receive a grant from the Account to support a project described in subsection 3 of section 10 of this act must apply to the Department in the form prescribed by the Department during an open application period established by the Department. The application must include, without limitation:*

1. A comprehensive proposal for the project to be funded by the grant that outlines:

(a) The goals and objectives of the proposed project;

(b) The specific certified areas of need that the proposed project will address; and

(c) Detailed plans to recruit, retain or train providers of health care.

2. A detailed budget that clearly sets forth the projected costs and sources of funding for the proposed project and the manner in which that funding will be used to pay those projected costs. Such sources of funding must include, without limitation, the matching funds and in-kind contributions described in paragraph (d) of subsection 3 of section 10 of this act, where applicable.

3. Evidence of approval or commitment from the persons and entities that will provide the matching funds or in-kind contributions described in paragraph (d) of subsection 3 of section 10 of this act or otherwise contribute to or collaborate on the project.

4. Documentation of the qualifications and relevant experience of the applicant, including, without limitation:

(a) A demonstrated ability to produce measurable, long-term improvements in rates of survival, quality of life and the experience of patients; and

(b) The experience and organizational capacity necessary to implement and sustain the project successfully.

5. Identification of the key personnel who will be involved in the project and any relevant partnerships with persons and entities engaged in the provision of health care, educational institutions, governmental entities or other persons and entities.

6. A timeline for implementing the proposed project that includes, without limitation, defined milestones, measurable performance indicators and a plan for reporting progress and evaluating outcomes at regular intervals.

7. A detailed operational plan for the proposed project that:

(a) Outlines staffing, facilities, equipment and other logistical requirements; and

(b) Addresses potential challenges in recruiting and retaining providers of health care.

8. A plan for sustainability that addresses the manner in which the proposed project will continue to provide benefits after the expiration of the grant, including, without limitation, possible sources of funding, partnerships or strategies for reinvestment.

9. Any additional information required by regulation of the Department for:

(a) Assessing the feasibility, impact and sustainability of projects and the alignment of projects with the objectives set forth in subsection 3 of section 10 of this act; or

(b) Ensuring accountability and preventing the misuse of funds.

Sec. 12. *1. The Department shall review applications submitted pursuant to section 11 of this act to determine which applicants will be recommended to receive funding pursuant to section 13 of this act.*

2. In reviewing applications and determining which applicants to recommend for funding, the Department shall:

(a) Give first priority for recommendation to projects that will most effectively address unmet needs;

(b) Give secondary priority for recommendation to projects that will provide the greatest benefit in certified areas of need;

(c) Give tertiary priority for recommendation to projects that will be located in:

(1) Areas designated by the Health Resources and Services Administration of the United States Department of Health and Human Services as having a shortage of providers of health care, including, without limitation:

(I) Areas designated as medically underserved areas or health professional shortage areas with high scores;

(II) Areas designated as health professional shortage areas for primary care; and

(III) Areas with populations that have been designated as medically underserved populations; or

(2) Geographic areas where at least 30 percent of the population is enrolled in Medicaid, as determined by the Department or the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(d) To the extent practicable, make recommendations to fund projects in different geographic areas of this State.

3. The Department shall consider the following criteria when reviewing applications pursuant to subsection 1:

(a) The severity and urgency of the shortage of providers of health care in the certified areas of need targeted by the proposed project;

(b) The potential of the proposed project to produce measurable, long-term improvements in rates of survival, quality of life and the experience of patients, including, without limitation, by causing high levels of improvement for underserved populations;

(c) The potential of the proposed project to create lasting improvement in accessibility to health care and the availability of providers of health care in the community affected by the proposed project, including, without limitation, by meeting specific metrics for improvements to access to health care, health care outcomes and the capacity of the health care workforce;

(d) The extent of the proposed investment in and establishment of capital infrastructure to address certified areas of need over the long term and support sustainable access to health care, including, without limitation:

(1) The construction of medical facilities and other health care facilities;

(2) The acquisition of medical equipment or equipment related to the advancement of medical research;

(3) The expansion of capabilities for delivering services through precision medicine, early-phase clinical trials and telehealth; and

(4) The development of facilities for residencies or other training of providers of health care;

(e) The level of financial commitment from sources other than the State, including, without limitation, the degree to which the matching funds and in-kind contributions exceed the amount required by paragraph (d) of subsection 3 of section 10 of this act;

(f) The level of collaboration between the applicant and other entities in the public and private sectors to enhance the overall impact of the project;

(g) The qualifications and organizational capacity of the applicant to effectively implement and sustain the proposed project, including, without limitation, a demonstrated ability to manage similar projects, meet projections concerning outcomes and maintain compliance with the requirements of sections 2 to 18, inclusive, of this act and any regulations adopted pursuant thereto; and

(h) The degree to which the proposed project will strategically use technology or innovative models of delivering health care in a manner that may reduce costs, improve outcomes and expand access to underserved populations.

4. As used in this section, "telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 13. *1. After reviewing applications pursuant to section 12 of this act, the Department shall submit to the Interim Finance Committee recommendations for the awarding of grants from the Account for the approval of the Committee.*

2. When making recommendations pursuant to subsection 1, the Department:

(a) Shall ensure that all applicants for grants from the Account meet the requirements of section 10 of this act;

(b) May recommend funding one or more proposed projects, within the limits of money in the Account;

(c) Shall, to the extent that qualified applicants are available, recommend awarding all of the money in the Account for a fiscal year as grants; and

(d) May not recommend awarding a total amount of money during any funding period that exceeds the amount available in the Account for that funding period.

3. The Department shall maintain a public record of all decisions to recommend the award of funding to an entity that submits an application pursuant to section 11 of this act or to refuse to make such a recommendation.

4. Upon receiving approval of a recommendation from the Interim Finance Committee pursuant to subsection 1, the Department shall issue a written notice of the approval to the applicant to whom the recommendation pertains. Such written notice must include, without limitation:

(a) The total amount of money being awarded; and

(b) The schedule of disbursements and specific conditions that will be included in the applicable funding agreement.

Sec. 14. *1. Not later than 30 days after the Interim Finance Committee approves a grantee to receive funding pursuant to section 13 of this act, the Department shall enter into a funding agreement with the grantee. Such a funding agreement must outline the terms and conditions of the grant and the responsibilities of the grantee in a manner that ensures that the grantee satisfies the requirements and objectives specified in subsection 3 of section 10 of this act.*

2. A funding agreement entered into pursuant to subsection 1 must:

(a) Provide for the disbursement of the grant in installments that are contingent on the achievement of specific milestones, goals and indicators of performance relating to increases in the number of providers of health care, improved access to health care and improvements to infrastructure;

(b) Require the grantee to submit documentation that the grantee has achieved the milestones, goals and indicators of performance prescribed in the agreement pursuant to paragraph (a) before money may be disbursed, including, without limitation:

(1) Financial reports detailing expenditures of money and allocations of matching funds;

(2) Operational progress reports that demonstrate measurable achievements in recruiting providers of health care, improving health care infrastructure or expanding the availability of health care or clinical services; and

(3) Any additional information required by the Department for the purposes specified in this paragraph;

(c) Require the grantee to submit to the Department an annual report that includes, without limitation, details regarding the financial status of the project, efforts to recruit providers of health care and the impact of the project;

(d) Require the grantee to comply with any request made by the Department or the Office of Finance in accordance with section 16 of this act;

(e) Specify the date on which the portion of the project funded by the grant is scheduled to terminate; and

(f) Require the grantee to meet any additional conditions imposed by the Department to ensure accountability, the achievement of the objectives of the project and the sustainability of the project.

3. A funding agreement entered into pursuant to subsection 1 may require that the matching funds be:

(a) Held in escrow by an independent third party before the disbursement of money from the Account;

(b) Secured through an irrevocable trust, letter of credit or surety bond; or

(c) Verified through financial reporting to confirm the availability and appropriate use of the matching funds.

4. A funding agreement entered into pursuant to subsection 1 may require that the matching funds and in-kind contributions be subject to an independent verification process that may include, without limitation:

(a) Certification by a certified public accountant or other qualified third party;

(b) Submission of documentation demonstrating the value and availability of matching funds or in-kind contributions, including, without limitation:

(1) Financial statements;

(2) Governance documents;

(3) Appraisals or market valuations of in-kind contributions; and

(4) Documentation of cost basis or fair market value, as appropriate;

(c) Periodic reports concerning the valuation of in-kind contributions that are aligned with the disbursement schedule established pursuant to paragraph (a) of subsection 2; and

(d) Adherence to generally accepted accounting principles for the valuation of in-kind contributions.

Sec. 15. *1. If a grantee significantly modifies a project that has received funding pursuant to sections 2 to 18, inclusive, of this act, or if there are changes in the availability of funding for such a project, the grantee shall immediately notify the Department and submit to the Department a revised plan for the project. Upon receiving such notification, the Department may, to ensure that money from the Account is used efficiently and effectively in a manner that complies with section 10 of this act, adjust the terms of the funding agreement, including, without limitation, the terms for disbursement and the amount of funding, or suspend or terminate the funding agreement.*

2. If a grantee terminates a project that has received funding pursuant to sections 2 to 18, inclusive, of this act, before the date of termination specified in the applicable funding agreement or if such a project remains inactive for 12 consecutive months, the grantee shall:

(a) Notify the Department; and

(b) Submit to the Department a revised plan for the project.

3. Upon receiving notice pursuant to subsection 2 of the early termination or inactivity of a project, the Department may:

(a) Place a lien or other security interest on assets related to the project until at least half of the goals and indicators of performance included in the applicable funding agreement are met;

(b) Reallocate unspent money to other approved projects or deposit unspent money in the Account to support grants for other projects pursuant to sections 2 to 18, inclusive, of this act;

(c) Require the grantee to take corrective action within 60 days;

(d) Suspend or terminate the grant;

(e) Require the grantee to repay money previously disbursed; or

(f) Take any combination of the actions described in paragraphs (a) to (e), inclusive.

4. Not later than 60 days after the early termination of a project for which a grantee received a grant pursuant to sections 2 to 18, inclusive, of this act, a grantee shall submit to the Department a report which includes, without limitation:

(a) The total amount of money spent on the project;

(b) The amount of money disbursed from the Account that was spent on the project;

(c) The reasons for the early termination of the project; and

(d) A proposed plan to repay money disbursed from the Account, if required by the Department.

Sec. 16. *1. The Department shall conduct site visits, audits or reviews at least annually to ensure that a project funded pursuant to sections 2 to 18, inclusive, of this act comply with the requirements of those sections and the applicable funding agreement.*

2. The Office of Finance may audit any project funded pursuant to sections 2 to 18, inclusive, of this act to ensure that the grantee is using the money awarded pursuant to 2 to 18, inclusive, of this act in an effective and efficient manner that accords with state and federal law and the applicable funding agreement.

Sec. 17. *If the Department concludes, as the result of a site visit, audit or review pursuant to section 16 of this act or for any other reason, that a grantee who has received funding pursuant to sections 2 to 18, inclusive, of this act has failed to:*

1. Comply with the terms of a funding agreement, including, without limitation, by failing to achieve the milestones, goals and indicators of performance prescribed in the agreement pursuant to paragraph (a) of subsection 2 of section 14 of this act, the Department may:

(a) Suspend or terminate the grant;

(b) Require the grantee to take corrective action within 60 days;

(c) Require the grantee to repay money that was previously disbursed to the grantee;

(d) Reallocate unspent money to other approved projects or deposit unspent money in the Account to support grants for other projects pursuant to sections 2 to 18, inclusive, of this act;

(e) Take such other measures as are necessary to ensure compliance with the provisions of sections 2 to 18, inclusive, of this act, the regulations

adopted pursuant thereto, other state and federal law and the applicable funding agreement; or

(f) Take any combination of the actions described in paragraphs (a) to (e), inclusive.

2. Comply with any provision of sections 2 to 18, inclusive, of this act, any regulation adopted pursuant thereto or any other state or federal law, or has misused funds or submitted fraudulent information to the Department, the Department:

(a) Shall suspend or terminate the grant;

(b) May refer the matter to a district attorney who has jurisdiction over the matter or the Attorney General, where appropriate; and

(c) May additionally take any other action or combination of actions described in subsection 1.

Sec. 18. ***Upon completing a project for which a grantee received a grant pursuant to sections 2 to 18, inclusive, of this act, and again 10 years after the completion of such a project, the grantee shall submit to the Department a report that includes, without limitation:***

1. A summary of the achievements of the project relative to the initial goals of the project, focusing on improvements in access to health care or clinical services and the capacity of the health care workforce in the area affected by the project;

2. Financial accounting of all money received for the project pursuant to sections 2 to 18, inclusive, of this act and from other sources, including, without limitation, matching funds and an itemized statement of expenditures of such money;

3. A narrative evaluation of the impact of the project on the community affected by the project, including, without limitation, benefits realized, challenges encountered and lessons learned for future projects;

4. Any relevant data on patient outcomes, measurements of community health or the retention and expansion of the health care workforce attributable to the project; and

5. Feedback or testimonials concerning the project from beneficiaries, partners and other affected persons and entities.

Sec. 19. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by NRS 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, subsection 3 of NRS 349.073, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353.3375, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 433.732,

439.4905, 439.620, 439.630, 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 ~~[.]~~ ***and sections 8 and 13 of this act.*** In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 20. ~~[~~NRS 353.288 is hereby amended to read as follows:

~~353.288 1. The Account to Stabilize the Operation of the State Government is hereby created in the State General Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government:~~

~~(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and~~

~~(b) Commencing with the fiscal year that begins on July 1, 2017 ~~[~~, 1~~]~~ :~~

~~*(1) One half of one* percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (c) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year ~~[.]~~ , *under circumstances where the State Controller is required to transfer money to the Statewide Health Care Access and Recruitment Program Account created pursuant to section 8 of this act; or*~~

~~*(2) One percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (c) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects*~~

~~***state revenue for that fiscal year, under circumstances where the State Controller is prohibited from transferring money to the Statewide Health Care Access and Recruitment Program Account created pursuant to section 8 of this act.***~~

~~2. Money transferred pursuant to subsection 1 to the Account to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.~~

~~3. The balance in the Account to Stabilize the Operation of the State Government must not exceed 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.~~

~~4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than $500,000 for any quarter pursuant to this subsection.~~

~~5. The Director of the Office of Finance in the Office of the Governor may submit a request to the State Board of Examiners to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund:~~

~~(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or~~

~~(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.~~

~~6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.~~

~~7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.~~

~~8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the Account to Stabilize the Operation of~~

~~the State Government may be allocated directly by the Legislature to be used for any other purpose.]~~ **(Deleted by amendment.)**

Sec. 21. (Deleted by amendment.)

Sec. 21.2. **There is hereby appropriated from the State General Fund to the Statewide Health Care Access and Recruitment Program Account created in the State General Fund by section 8 of this act the sum of $10,000,000 for the purposes described in subsections 3 and 4 of section 8 of this act.**

Sec. 21.5. In lieu of conducting the assessment described in paragraph (a) of subsection 1 of section 9 of this act on or before July 1, 2026, the Department of Health and Human Services shall:

1. Review existing assessments of the health care needs of this State that, to the extent available, carry out the purposes described in subsection 2 of section 9 of this act; and

2. Utilize the assessments described in subsection 1 to:

(a) Create the summary described in paragraph (a) of subsection 3 of section 9 of this act; and

(b) Make the recommendations described in paragraphs (b) and (c) of subsection 3 of section 9 of this act.

Sec. 22. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 23. **1.** This ~~[act]~~ **section** becomes effective **upon passage and approval.**

2. Sections 1 to 21, inclusive, 21.5 and 22 of this act become effective on July 1, 2025.

3. Section 21.2 of this act becomes effective on July 1, 2026.

Assemblymember Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 472.

Bill read third time.

The following amendment was proposed by Assemblymember Monroe-Moreno:

Amendment No. 995.

AN ACT making appropriations to the Nevada System of Higher Education for expenditures related to instruction that are due to caseload adjustments at certain institutions within the System; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$4,325,366]~~ **$2,162,683** for expenditures related to instruction that are due to caseload adjustments at the University of Nevada, Las Vegas.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$291,526]~~ **$145,763** for expenditures related to instruction that are due to caseload adjustments at Nevada State University.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$1,963,392]~~ **$981,696** for expenditures related to instruction that are due to caseload adjustments at the College of Southern Nevada.

Sec. 4. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$938,124]~~ **$469,062** for expenditures related to instruction that are due to caseload adjustments at Western Nevada College.

Sec. 5. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$2,203,368]~~ **$1,101,684** for expenditures related to instruction that are due to caseload adjustments at Truckee Meadows Community College.

Sec. 6. Any remaining balance of the appropriations made by sections 1 to 5, inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 7. This act becomes effective on July 1, ~~[2025.]~~ **2026.**

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 478.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 993.

SUMMARY—Makes appropriations ~~[to the Supreme Court of Nevada]~~ **and requires the issuance of bonds** for costs associated with the ~~[replacement of certain equipment and the upgrading of a certain information system.]~~ **Judicial Department of State Government.** (BDR S-1187)

AN ACT making appropriations ~~[to the Supreme Court of Nevada]~~ **and requiring the issuance of certain bonds** for costs associated with the ~~[replacement of certain equipment and the upgrading of a certain information~~

~~system;~~ **Judicial Department of State Government;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of $814,720 for the Administrative Office of the Courts budget account for the costs of upgrading the multicounty integrated justice information system.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of $1,413,605 for the Administrative Office of the Courts budget account for the replacement of audiovisual equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada for the Administrative Office of the Courts budget account for the replacement of computer and other technological equipment the following sums:

For the Fiscal Year 2025-2026.....$294,400

For the Fiscal Year 2026-2027.....$107,040

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 3.5. **1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $9,000,000 in the 2025-2027 biennium, the proceeds of which must be used to acquire the real property described in subsection 3.**

2. The State Land Registrar, on behalf of the Department of Administration, may negotiate, enter into and execute an agreement with the owner for the purchase and sale of the real property described in subsection 3.

3. The real property, with its improvements, that the State Land Registrar is authorized to acquire pursuant to subsection 2 is commonly known as the Nevada Supreme Court Building, located at 408 East Clark Avenue in Las Vegas, Nevada, which is Clark County Assessor's Parcel Number 139-34-303-002 and which is described by the Clark County Assessor, which description may be further refined through due diligence, as follows:

Lots One (1) through Seven (7), inclusive, in Block Thirty-Nine (39) of Clark's Las Vegas Townsite, as shown by the Map thereof on file in Book 1 Plats, page 37m in the Office of the County Recorder of Clark County, Nevada, being a portion of the North Hald (N ½) of the Southwest Quarter (SW ¼) of Section 34, Township 20 South, Range 61 East, more particularly described as follows:

Commencing at the centerline intersection of Clark Avenue (80 feet wide) and Fourth Street (80 feet wide); thence South 62'15'00" East along the centerline of Clark Avenue, 40.00 feet; thence South 27'45'00" West, departing said centerline, 40.00 feet to the intersection of the Easterly and Southerly Right of Way lines of Fourth Street and Clark Avenue, said point also being the Point of Beginning; thence South 62'15'00" East along the Southerly Right of Way line of Clark Avenue, 140.00 feet; thence South 27'45'00" West departing said Southerly Right of Way, 175.00 feet; thence North 62'15'00" West, 140.00 feet to point on the Easterly Right of Way line of Fourth Street; thence North 27'45'00" East along said Easterly Right of Way line, 170.00 feet to the Point of Beginning.

Excepting therefrom that certain spandrel area dedicated to the City of Las Vegas by document, Book 991206, Instrument 00228 dated December 6, 1999, Clark.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed, and to third reading.

Assembly in recess at 2:56 p.m.

ASSEMBLY IN SESSION

At 3:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 182, 317, 378, 442, 452, 465, 466, 467, 468, 472, 473, 475, 480, 481, 487, 503, 427, 104, 434, and 478 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 182.

Bill read third time.

Roll call on Senate Bill No. 182:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 317.

Bill read third time.

Roll call on Senate Bill No. 317:

YEAS—42.

NAYS—None.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 378.

Bill read third time.

Remarks by Assemblymembers Edgeworth and Kasama.

ASSEMBLYMEMBER EDGEWORTH:

I rise in opposition to Senate Bill 378. As a physician serving our state, I have long championed the right of every Nevadan to access high-quality health care. Senate Bill No. 378 is a dangerous step backwards. This bill threatens to reduce access to life-saving emergency medical services, placing lives at risk, particularly in underserved communities, where hospitals are few and far between. If passed, it will leave countless Nevadans vulnerable at their most critical moments. I urge you to vote "no" to S.B. 378.

ASSEMBLYMEMBER KASAMA:

I rise in opposition to Senate Bill 378. I do not understand the impetus for this bill, where I feel like we are reducing access to health care. Many of you know that my husband, three years ago, collapsed. If it was not for the freestanding emergency building that was close to our home, where I was able to rush him to. It was there that they discovered the tumor—he had stage four cancer. It was at the freestanding emergency building. It was from there that he had great care and then decided that the ambulance could take him, at no cost, to the hospital where he remained, for a while. So, if it had not been for that freestanding clinic where we had such excellent help, who

knows how long it would have taken. Because the emergency rooms, unfortunately, I have been to many of them over the last three years, and they are packed, and people are in hallways. We do not have the access that we need. It makes no sense for us, as a state that is struggling with health care and access for people, to try and restrict it. So, I urge you to vote in opposition to this bill.

Roll call on Senate Bill No. 378:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.
Bill read third time.
Roll call on Senate Bill No. 442:
YEAS—28.
NAYS—Cole, DeLong, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.
Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Roll call on Senate Bill No. 452:
YEAS—42.
NAYS—None.
Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 465.
Bill read third time.
Roll call on Senate Bill No. 465:
YEAS—42.
NAYS—None.
Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 466.
Bill read third time.
Roll call on Senate Bill No. 466:
YEAS—40.
NAYS—Dickman, Kasama—2.
Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 467.
Bill read third time.
Roll call on Senate Bill No. 467:
YEAS—42.
NAYS—None.
Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 468.
Bill read third time.
Roll call on Senate Bill No. 468:
YEAS—39.
NAYS—Anderson, Considine, Miller—3.
Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 472.
Bill read third time.
Roll call on Senate Bill No. 472:
YEAS—42.
NAYS—None.
Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 473.
Bill read third time.
Roll call on Senate Bill No. 473:
YEAS—42.
NAYS—None.
Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 475.
Bill read third time.
Roll call on Senate Bill No. 475:
YEAS—42.
NAYS—None.
Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 480.
Bill read third time.

Roll call on Senate Bill No. 480:
YEAS—42.
NAYS—None.
Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 481.
Bill read third time.
Roll call on Senate Bill No. 481:
YEAS—42.
NAYS—None.
Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 487.
Bill read third time.
Roll call on Senate Bill No. 487:
YEAS—42.
NAYS—None.
Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 503.
Bill read third time.
Roll call on Senate Bill No. 503:
YEAS—42.
NAYS—None.
Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 427.
Bill read third time.
Roll call on Senate Bill No. 427:
YEAS—42.
NAYS—None.
Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 104.
Bill read third time.
Roll call on Senate Bill No. 104:
YEAS—42.
NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Roll call on Senate Bill No. 434:

YEAS—42.

NAYS—None.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Roll call on Senate Bill No. 478:

YEAS—42.

NAYS—None.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 6.

Bill read third time.

Roll call on Senate Bill No. 6:

YEAS—39.

NAYS—Gallant, Gray, Hafen—3.

Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 62.

Bill read third time.

Roll call on Senate Bill No. 62:

YEAS—38.

NAYS—Dickman, Gallant, Gray, Hansen—4.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 81.

Bill read third time.

Roll call on Senate Bill No. 81:

YEAS—42.

NAYS—None.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 85.

Bill read third time.

Roll call on Senate Bill No. 85:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:34 p.m.

ASSEMBLY IN SESSION

At 10:01 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE H. MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was rereferred Senate Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES-FOSSETT, *Chair*

Mr. *Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 188, Amendment No. 980; Assembly Bill No. 284, Amendment No. 984; Assembly Bill No. 571, Amendment No. 988; Assembly Bill No. 594, Amendment No. 977, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 204, Amendment No. 951; Assembly Bill No. 570, Amendment No. 931, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 251, Amendment No. 981; Assembly Bill No. 282, Amendments Nos. 678, 982; Assembly Bill No. 397, Amendment No. 996; Assembly Bill No. 460, Amendment No. 952; Assembly Bill No. 494, Amendment No. 936; Assembly Bill No. 515, Amendment No. 985; Assembly Bill No. 550, Amendment No. 921; Assembly Bill No. 598, Amendment No. 950, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 320, Amendment No. 953; Assembly Bill No. 352, Amendment No. 924, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 457.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 995 to Senate Bill No. 472.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 572 to Senate Bill No. 7; Assembly Amendment No. 578 to Senate Bill No. 20; Assembly Amendment No. 566 to Senate Bill No. 43; Assembly Amendment No. 956 to Senate Bill No. 81; Assembly Amendment No. 647 to Senate Bill No. 179; Assembly Amendment No. 927 to Senate Bill No. 226; Assembly Amendment No. 937 to Senate Bill No. 317; Assembly Amendment No. 586 to Senate Bill No. 319; Assembly Amendment No. 570 to Senate Bill No. 358; Assembly Amendments Nos. 576, 742 to Senate Bill No. 426; Assembly Amendment No. 791 to Senate Bill No. 432; Assembly Amendment No. 947 to Senate Bill No. 466; Assembly Amendment No. 959 to Senate Bill No. 502.

SHERRY L. Rodriguez
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 4—Granting administrative leave to legislative employees in recognition of their service to the 83rd Session of the Nevada Legislature.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

Assembly Concurrent Resolution No. 4 recognizes our great legislative staff of the 83rd Session and I just want them to know how appreciated they are—enjoy.

Assemblymember Jauregui moved the adoption of the resolution.

Resolution adopted.

Assemblymember Jauregui moved that Senate Bill No. 417 be withdrawn from the Committee on Ways and Means and be placed at the top of the General File.

Motion carried.

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Senate Bills Nos. 63, 393, and 460 declared emergency measures under the *Constitution* and placed on Third Reading and Final Passage.

Motion carried.

INTRODUCTION, FIRST READING, AND REFERENCE

Senate Bill No. 457.

Bill introduced.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, and Senate Bill No. 457 declared an emergency measure under the *Constitution* and placed on Third Reading and Final Passage.

Motion carried.

Assemblymember Jauregui moved that Senate Bills Nos. 460, 63, 393, 417 and 262 be taken from their place on the General File and placed on the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 460.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 976.

AN ACT relating to education; revising provisions governing plans to improve academic achievement; providing for the waiver of certain reporting requirements; revising provisions governing the annual report of accountability for a school district; **revising the duties of the Commission on Innovation and Excellence in Education;** providing for the impaneling of a Public Education Oversight Board; revising provisions governing boards of trustees of certain school districts; establishing certain measures for the designation of **focus and priority** school districts **, sponsors of charter schools** and public schools **; ~~[~~as low-performing or underperforming;~~]~~** revising provisions governing the Commission on School Funding; ~~[~~providing for a system of open enrollment;~~]~~ revising provisions governing the Early Childhood Literacy and Readiness Account; revising provisions governing prekindergarten programs; ~~[~~establishing required ratios of teachers to administrators;~~]~~ **revising provisions governing assessments used to assess**

the literacy of certain pupils; revising provisions governing membership of the State Public Charter School Authority; revising provisions governing the formation of charter schools, the **termination and** amendment of charter contracts and the employment of teachers by charter schools; revising provisions governing the Nevada Educational Choice Scholarship Program; revising certain provisions governing instruction in English language arts; creating the Commission on Recruitment and Retention; revising provisions relating to the Commission on Professional Standards in Education; revising provisions governing background investigations of applicants for certain licenses; establishing requirements governing the hiring of a superintendent of schools; revising provisions governing certain evaluations; requiring the creation of a differential pay scale for certain teachers and administrators; creating the Education Service Center; establishing certain requirements for the Board of Regents of the University of Nevada; creating certain accounts and programs concerning teacher apprenticeships; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Education, which consists of the State Board of Education and the Superintendent of Public Instruction. (NRS 385.010) Existing law: (1) requires the State Board to prepare a plan to improve the academic achievement of pupils; and (2) sets forth the required contents of the plan. (NRS 385.111, 385.112) Existing law also requires the board of trustees of each school district and the governing bodies of certain charter schools to prepare an annual report of accountability that contains certain information, including, without limitation, information regarding teachers, other licensed educational personnel and paraprofessionals. (NRS 385A.070, 385A.230)

Section 1.3 of this bill: (1) requires each public elementary school to prepare a plan to improve the academic achievement of pupils enrolled in public elementary schools; (2) sets forth the required contents of the plan, including, without limitation, certain goals for public elementary schools; and (3) establishes requirements governing the consequences for the principal of a public elementary school that does not meet such goals. **Sections 4 ~~[,]~~ and 5 ~~[and 58]~~** of this bill make changes regarding the entity required to prepare such a plan pursuant to existing law. (NRS 385.111)

Section 1.7 of this bill establishes a procedure by which the superintendent of schools of a school district or the Superintendent of Public Instruction is authorized to modify, suspend or eliminate a requirement for a public school or school district to report information or data that is redundant or duplicative or does not provide information or data that is used by the Department, the State Board or any other person or entity to support educational outcomes.

Existing law creates the Commission on Innovation and Excellence in Education for the purpose of developing a statewide vision and implementation plan to improve public education in this State. (NRS 385.920) Section 5.5 of this bill revises the duties of the Commission.

Section 6.1 of this bill requires that the annual report of accountability include information on the plans to improve academic achievement prepared pursuant to existing law and **section 1.3**. (NRS 385.111) **Section 7** of this bill applies certain requirements governing the annual report of accountability to the reporting requirements set forth in **section 6.1**. **Section 8** of this bill revises the manner by which teacher vacancies are measured for inclusion in the annual report of accountability.

Existing law establishes a statewide system of accountability for public schools that includes, without limitation, a method to annually rate each public school based on the performance of the school and on whether each public school meets the school achievement targets and performance targets established pursuant to the statewide system of accountability. (NRS 385A.600) **Sections ~~[6.2, 6.3, 6.4]~~ 6.2-6.4 and 8.5** of this bill establish a similar system of accountability for school districts and charter schools in this State. **Section 6.5** of this bill establishes criteria and procedures for the Superintendent to designate a school district or sponsor of a charter school as low-performing or underperforming. **Section 9.3** of this bill requires: (1) the Superintendent to place a school district or sponsor of a charter school designated as underperforming on probation if the designation is based on certain findings; and (2) such a school district or sponsor to submit to the Department a school district or sponsor of a charter school performance improvement plan and a school board or sponsor of a charter school improvement plan. **Section 9.5** of this bill authorizes the Superintendent to take certain actions if the board of trustees of a school district or sponsor of a charter school does not make adequate progress toward meeting the goals and benchmarks necessary to improve the performance of the school district or charter school. **Section 9.7** of this bill requires: (1) the Superintendent to place a school district or sponsor of a charter school designated as underperforming on probation if the designation was based on certain findings relating to the performance of pupils; and (2) such a school district or sponsor to submit certain plans to the Superintendent. **Section 9.7** also establishes the actions that the Superintendent is authorized to take if the school district or sponsor of a charter school does not make adequate progress toward improving the performance of pupils.

Section 6.6 of this bill establishes criteria for designating a public school as low-performing, and **sections ~~[14.25-14.65]~~ 14.25-14.4** of this bill prescribe the actions that may be taken with respect to a public school designated as low-performing or persistently underperforming. **Section 14.3** requires the Superintendent to initiate a process for state intervention to implement certain corrective measures for a school that is designated as persistently underperforming. **Section 14.35** establishes provisions governing the corrective measure of replacing the principal and key members of the staff of a school. **Section 14.4** establishes provisions governing the corrective measure of the direct management of a school by the Department. **Section 56.5** of this bill: (1) creates the Education Service Center; (2) provides for the appointment

of a governing body for the Center; and (3) requires the Center to provide certain assistance and guidance to public schools and school districts that are experiencing low performance.

Section 9.3 requires the Superintendent to place certain underperforming school districts or sponsors of charter schools on probation.

Section 84.5 of this bill requires the Legislative Counsel to, in preparing the Nevada Revised Statutes, substitute the term: (1) "focus" for the term "low-performing" as previously used in reference to a low-performing school district, sponsor of a charter school or school; and (2) "priority" for the term "underperforming" as previously used in reference to an underperforming school district or sponsor of a charter school or persistently underperforming school. (NRS 220.120)

Existing law provides that, on or before December 31 of each year, the board of trustees of each school district and the State Public Charter School Authority is required to prepare for the immediately preceding school year a report of accountability concerning the educational goals and objectives of the school district or charter school. (NRS 385A.070) **Sections 7.4 and 7.5** of this bill revise certain provisions governing the report.

Existing law: (1) creates county school districts; and (2) provides that such school districts are political subdivisions of this State. (NRS 386.010) **Section 9.1** of this bill provides for the impaneling of a Public Education Oversight Board under certain circumstances and provides the Board, if impaneled, with the authority granted to the board of trustees of a school district to take actions necessary to remedy the cause of recommendations submitted by the Superintendent of Public Instruction. **Section 9.1** additionally sets forth: (1) the membership of the Board; and (2) requirements for meetings of the Board.

Existing law: (1) sets forth the membership of the board of trustees in each county school district in which more than 75,000 pupils are enrolled (currently only the Clark County School District); (2) provides that four members of such a board of trustees are appointed, nonvoting members; and (3) sets forth requirements for electing officers of any board of trustees of a school district. (NRS 386.120, 386.165, 386.310) **Section 10** of this bill: (1) provides that such appointed, nonvoting members are instead voting members; and (2) eliminates the prohibition on the ability of such members to vote for or serve as officers. **Section 11** of this bill makes a conforming change to authorize the previously nonvoting members to serve as officers.

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 12** of this bill requires the Commission to: (1) review and propose any necessary revisions to the method of calculating the percentage of at-risk pupils in this State; and (2) select a third party to verify such methods and to submit a report containing the findings and recommendations for using a different method. **Section 62** of this bill authorizes the Commission to request the drafting of not more than 1 legislative measure for a regular session. **Section 63** of this bill applies existing

provisions governing the drafting of such measures to the drafting of a legislative measure pursuant to **section 62**. **Section 81** of this bill directs the Commission to conduct an interim study concerning certain subjects relating to school funding.

Existing law creates the Early Childhood Literacy and Readiness Account and authorizes the Department to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. (NRS 387.1271-387.1277) Existing law additionally requires the Department, to the extent money is available, to award grants to school districts, sponsors of charter schools and nonprofit organizations to support prekindergarten programs. (NRS 387.652) **Section 13** of this bill: (1) extends eligibility to receive grants to support early childhood literacy and readiness programs to institutions within the Nevada System of Higher Education **_ ;** ~~[and private, for-profit organizations;]~~ and (2) expands the categories of children served by such a program. **Section 13.5** of this bill creates similar provisions for grants to support prekindergarten programs.

Existing law: (1) requires that the ratio of pupils per licensed teacher in certain classes not exceed certain ratios; and (2) authorizes the State Board to grant a variance to a school district that does not meet such ratios in a quarter of a school year. (NRS 388.700) ~~[Section 14 of this bill sets forth requirements for the ratio of teachers per administrator in each elementary school within a school district in a county whose population is 700,000 or more (currently only Clark County)]~~. **Section 16** of this bill requires requests for, and reports concerning, variances of requirements for the ratio of pupils per licensed teacher to be submitted annually rather than quarterly. **Sections 17 and 18** of this bill make conforming changes to reflect the change to the timelines for such submissions. (NRS 388.723, 388.725)

~~[Existing law provides certain exceptions to the requirement that a pupil attend a public school in his or her zone of attendance. (NRS 388.040) Section 14.7 of this bill provides for additional exceptions to this requirement. Section 14.65 requires the Department to create a grant program to assist certain eligible pupils in obtaining transportation to a school he or she attends outside of his or her zone of attendance.]~~

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. (NRS 388A.487, 392.760) ~~[Section 14.2 of this bill requires: (1) a service provider to register with the school district to be eligible to provide literacy intervention, tutoring and related services to pupils; and (2) such services to be scientifically based and to meet certain criteria.]~~ **Section 8.3** of this bill requires the statewide system of accountability for public schools to include, for elementary schools, targets for the proportion of pupils demonstrating adequate proficiency in the subject area of reading and adequate progress to achieving such proficiency.

Existing law requires the board of trustees of a school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school that includes procedures to assess the proficiency of a pupil in reading by using assessments that have been approved by the State Board. (NRS 388.157) Section 15.6 of this bill removes the requirement that such assessments be approved by the State Board thereby allowing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. This bill also authorizes the Department of Education to: (1) adopt regulations prescribing how the results of any assessment used by a school district or charter school to assess proficiency in reading are collected and reported; and (2) prescribe the assessments which must be used in a school district or charter school if no assessment is included in the plan.

Existing law makes certain requirements governing the minimum number of days in a school year. (NRS 388.090) **Section 15.5** of this bill requires each school year to contain at least 4 days of professional development for elementary school staff and prescribes the focus of such professional development.

Existing law requires a public school, to the extent that money is available, to employ a school counselor on a full-time basis and provide for a comprehensive program for school counseling. (NRS 388.055) **Section 15** of this bill requires each public school located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to provide for the availability of a school counselor or an equivalent service.

Existing law creates the State Public Charter School Authority and prescribes the membership of the Authority. (NRS 388A.150, 388A.153) Existing law additionally sets forth the requirements for the process of applying to form a charter school and amending a charter contract. (NRS 388A.243-388A.258, 388A.276, 388A.279) Existing law further requires the sponsor of a charter school to submit a report containing certain information to the Department. (NRS 388A.351) **Section 20** of this bill changes the membership of the Authority. **Section 19** of this bill authorizes the board of trustees of certain school districts to object to the placement of a proposed charter school. **Sections** ~~[21-23]~~ **21 and 23** of this bill revise certain requirements relating to: (1) the contents of an application to form a charter school; (2) the review of such an application; and (3) a public meeting for the consideration of such an application. **Section 25** of this bill requires the Authority to take certain actions regarding a proposed amendment to a charter contract for a charter school it sponsors. **Section 26** of this bill requires a report prepared by the sponsor of a charter school to include a description of the expenditures and sources of all revenues for the charter school.

Existing law also requires the sponsor of a charter school to terminate the charter contract or restart the charter school under a new charter

contract if the charter school receives certain ratings indicating underperformance of the charter school in 3 years out of any 5 consecutive years. (NRS 388A.300) Section 25.3 of this bill: (1) instead provides that the sponsor of a charter school is required to terminate the charter contract or restart the charter school under a new charter contract if the charter school receives certain ratings indicating underperformance of the charter school in 3 consecutive years; and (2) eliminates the prohibition on using the rating of a charter school issued for any school year before the 2015-2016 school year for making such a determination. Sections 25.3 and 25.5 of this bill also provide that, until October 1, 2027, the sponsor of such a charter school is not required to terminate the charter contract or restart the charter school under a new charter contract if, pursuant to the statewide system of accountability for public schools, the charter school receives certain ratings or increases a rating from the immediately preceding school year by a certain percentage.

Existing law requires at least 80 percent of the teachers who provide instruction at a charter school to hold a license or endorsement to teach in this State. (NRS 388A.518) **Section 28** of this bill instead requires, with certain exceptions, that any teacher who provides instruction at a charter school to hold such a license or endorsement. **Section 27** of this bill provides that the governing body of a charter school may adopt rules relating to the truancy of pupils if the rules are not more restrictive than those set forth for pupils enrolled in traditional public schools, thereby removing the authority under existing law for the governing body of a charter school to adopt more restrictive rules relating to the truancy of pupils. (NRS 392.130-392.220)

Existing law provides that each public school within a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) is deemed to be a local school precinct. (NRS 388G.530, 388G.600) Under existing law, a local school precinct is required to operate using site-based decision-making in which certain responsibilities are transferred from the large school district to the local school precinct. (NRS 388G.600) **Section 85** of this bill repeals this authority. **Sections** ~~[33.2-33.7]~~ **33.2-33.54** and **33.9** of this bill make conforming changes to reflect this change. **Sections 33.57-33.59 of this bill revise provisions governing certain duties of the superintendent of schools of a large school district.**

Existing law: (1) authorizes a local school precinct to carry forward its year-end balance to the next school year for use by the local school precinct; and (2) requires a local school precinct that carries forward a balance that exceeds 5 percent of its actual expenditures to use the money for certain purposes. (NRS 388G.650) Section 33.56 of this bill authorizes a large school district to intervene to require a local school precinct to spend any money carried forward for certain purposes.

Existing law sets forth requirements governing the involvement of an organizational team for a local school precinct when a vacancy occurs in the

position of principal for a local school precinct (NRS 388G.740) **Section 33.8** of this bill revises these provisions.

Existing law: (1) creates the Nevada Educational Choice Scholarship Program; (2) establishes requirements for a scholarship organization that provides grants on behalf of a pupil to a school in which the pupil is enrolled; and (3) requires such a scholarship organization to submit an annual report to the Department containing certain information. (NRS 388D.250-388D.280) **Section 30** of this bill establishes certain reporting requirements for schools that receive such grants. **Section 31** of this bill requires such schools to administer certain examinations and assessments to certain pupils. **Section 33** of this bill requires each school that receives such a grant to comply with the provisions of **sections 30 and 31**. **Section 32** of this bill applies the definition of "scholarship organization" in existing law to **sections 30-31.7** of this bill. (NRS 388D.260)

Existing regulations include provisions governing the operation of the Nevada Educational Choice Scholarship Program. (NAC 388D.030-388D.130) **Sections 31.2-31.7** codify certain provisions of these regulations into the Nevada Revised Statutes. **Section 31.2** requires a scholarship organization to register with the Department by submitting certain information. **Section 31.3** requires: (1) a registered scholarship organization to provide to the Department certain information concerning each pupil on behalf of whom it awards a grant; and (2) the Department to compile certain information submitted by each scholarship organization and review the information to determine whether to recommend a change to the Legislature in the priority for awarding grants. **Section 31.5** requires a registered scholarship organization to notify the Department of Taxation of each donation received and prohibits a scholarship organization from carrying forward a donation for more than 5 years. **Section 31.6** requires the Department of Education to: (1) maintain a directory of each scholarship organization registered with the Department; (2) submit a list of scholarship organizations registered with the Department to the Department of Taxation each quarter; and (3) submit a summary of certain reports made to the Department of Education to certain entities annually. **Section 31.7** authorizes the parent or guardian of a pupil to apply directly to a scholarship organization for a grant and establishes the order of priority in which a scholarship organization is required to award grants. **Section 31.7** also requires a scholarship organization to establish written procedures for determining whether a pupil is qualified to receive a grant and awarding grants on behalf of pupils. **Section 31.8** of this bill adds **sections 31.2-31.7** to the provisions that may be cited as the Nevada Educational Choice Scholarship Program.

Existing law requires the Department to adopt regulations prescribing certain limitations on: (1) the time taken from instruction to conduct an examination or assessment; and (2) the number of examinations or assessments administered in a school year. (NRS 390.805) **Section 35** of this bill establishes additional requirements for such regulations. **Section 34** of this bill sets forth

certain reporting requirements concerning the amount of class time used to prepare for and conduct examinations and assessments.

Sections 37 and 38 of this bill: (1) create the Commission on Recruitment and Retention within the Department; (2) set forth the membership and duties of the Commission; and (3) require the Commission to study issues relating to the recruitment and retention of educators in this State. **Section 85** of this bill repeals provisions governing the Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force, thereby dissolving the Task Force. (NRS 391.486-391.496)

Existing law creates the Commission on Professional Standards in Education and requires the Commission to prescribe regulations, subject to approval by the State Board, for licensing teachers and other educational personnel. (NRS 391.011, 391.019, 391.027) **Section 39** of this bill requires the Commission to establish requirements for a person to obtain a provisional license with an endorsement as a registered apprentice. **Section 85** repeals the authorization for the State Board to disapprove any regulation adopted by the Commission. **Sections ~~[39, 40, 41 and 42]~~ 39-42** of this bill make conforming changes to reflect the repeal of authority granted to the State Board. **Section 41** revises provisions governing the timing and content of certain reports submitted by the Commission. (NRS 391.028) **Section 44** of this bill requires the Department, rather than the State Board, to annually evaluate each provider approved by the Commission to offer certain courses of study or training. (NRS 391.039) **Section 48** of this bill eliminates the requirement that certain reports concerning a shortage of teachers be submitted to the State Board. (NRS 391.125)

Existing law: (1) authorizes certain entities, including, without limitation, a city or county, to sponsor charter schools; and (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or operating an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in the charter schools sponsored by the city or county exceeds a certain percentage of the pupils enrolled in public schools in the city or county other than in charter schools not sponsored by the city or county. (NRS 388A.220) **Section 20.5** of this bill creates an exception to this prohibition by authorizing a city or county to sponsor a new charter school or expand the enrollment or operate an additional campus of an existing charter school sponsored by the city or county, regardless of the number of pupils that will be enrolled in the charter schools sponsored by the city or county, if certain conditions are met.

Existing law: (1) designates certain academic subjects, including English language arts, as core academic subjects that must be taught in all public schools; and (2) requires the Council to Establish Academic Standards for Public Schools to adopt standards of content and performance for certain courses of study, including courses in the core academic subjects. (NRS 389.018, 389.520) **Section 33.97** of this bill makes certain requirements governing the standards and instruction for English language arts.

Section 33.93 of this bill requires the Department, to the extent that money is available for such a purpose, to establish a pilot program under which schools or groups of schools may apply to the Department for grants to integrate science, technology, engineering and mathematics into instruction in literacy. **Section 33.95** of this bill requires the State Board to use the results of the pilot program to determine whether model curriculum for English language arts should include phonics-based instruction and the integration of science, technology, engineering and mathematics into English language arts in kindergarten and grades 1, 2 and 3.

Section 38.2 of this bill provides that a school employee is immune from civil and criminal liability for actions taken in good faith to intervene in physical altercations, fights or other incidents that pose an imminent risk to the safety of pupils or other school employees if: (1) the school employee is acting within the course and scope of his or her employment and within the course and scope of his or her role in maintaining order, discipline or the safety of pupils; (2) the actions of the school employee are consistent with state, federal and local laws and the policies of the school district or school at which the school employee is employed; and (3) any harm caused by the intervention is not the result of intentional, willful, grossly negligent or reckless misconduct or a conscious and flagrant indifference to the rights or safety of the person harmed. **Section 58.7** of this bill applies this immunity from civil and criminal liability to employees of private schools.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019, 391.021) Under existing regulations, a license to teach elementary education authorizes the holder to teach all subjects in elementary grades. (NAC 391.090) **Sections 39, 41.5 and 41.6** of this bill require the Commission to adopt regulations requiring that, to be eligible to teach pupils in kindergarten or grade 1, 2 or 3 on or after July 1, 2028, a teacher is required to obtain an endorsement to teach such pupils by successfully completing a course of instruction in foundational literacy skills that is approved by the Commission and meets certain standards. **Section 59.5** of this bill authorizes the Board of Regents of the University of Nevada to require certain institutions within the Nevada System of Higher Education to collaborate with the Department and the Commission to establish such courses.

Existing law requires a postprobationary employee of a school district whose performance is designated as developing or ineffective for 2 consecutive years to serve an additional probationary period. (NRS 391.730) Under existing law: (1) a period of probation is for three 1-year periods and a probationary employee has no right to employment after any of the three probationary contract years; and (2) during the contract year, the probationary employee may be dismissed after receiving notice and an opportunity for a hearing. (NRS 391.820-391.826) **Section 52.5** of this bill provides that if a postprobationary employee is serving an additional probationary period under

existing law and the postprobationary employee receives a rating of ineffective for 2 consecutive years during that additional probationary period: (1) the board of trustees of the school district may notify the employee that the employee ~~[will]~~ **may** not be reemployed for the next contract year; or (2) the superintendent of the school district may initiate the process of dismissing the employee during a contract year. Under **section 52.5**, if a school district does not reemploy or dismisses such an employee, the Department is required to provide: (1) the school district with certain assistance in recruiting and hiring a highly effective administrator to fill any vacancy created; and (2) school leadership with access to certain coaching to assist the school leadership in managing transitions and improving teaching practices.

Section 38.8 of this bill authorizes a postprobationary teacher to be placed on a period of probation of 2 school years if certain conditions are met. If a postprobationary teacher is placed on such a period of probation, a performance improvement plan must be established for the postprobationary teacher pursuant to **section 38.7** of this bill. Under **section 38.8**, at the conclusion of the period of probation pursuant to that section, the postprobationary teacher must be evaluated. If, based on that evaluation, the teacher has not made adequate progress toward meeting improvement goals, **section 38.8** authorizes the teacher to not be reemployed or to be dismissed in the same manner as a probationary employee.

Sections 38.3 and 38.4 of this bill enact provisions for administrators similar to **sections 38.7 and 38.8**. **Section 38.6** of this bill requires the Department to track certain data relating to the effectiveness of programs that provide training for school administrators, assess the effectiveness of such programs and make recommendations for the improvement of such programs.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers employed by the school district or charter school have access to certain professional development training. (NRS 391A.370) **Section 56.2** of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers who teach pupils in kindergarten and grades 1, 2 and 3, administrators of schools in which such pupils are enrolled, certain other administrators and paraprofessionals who directly serve such pupils complete a course of professional development training in the science of reading that is approved by the Department.

Existing law requires an applicant for the issuance or renewal of a license as a teacher or other educational personnel position to submit to the Superintendent of Public Instruction a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation (hereinafter "FBI") for its report on the criminal history of the applicant. (NRS 179A.075, 391.033) **Sections 43 and 61** of this bill remove the requirement for an applicant for the renewal of a

license as a teacher or other educational personnel to submit to the Superintendent a complete set of fingerprints for the purpose of obtaining a report on the criminal history of the applicant. Instead, **section 60** of this bill authorizes the Central Repository and the Department of Education to participate in the in the Rap Back Program administered by the Federal Bureau of Investigation (FBI) for the purpose of enabling the Department to obtain ongoing status notifications of any criminal history of a person licensed by the Superintendent. Under **section 60**: (1) any fingerprints submitted by an applicant for the issuance of a license as a teacher or other educational personnel will be retained in certain systems maintained by the Central Repository and the FBI for the purposes of the Rap Back Program; and (2) the Central Repository must establish certain methods of handling such fingerprints. **Section 60** further provides for the confidentiality of such criminal history information and the destruction of fingerprints maintained in the system when a person is no longer licensed. **Section 60** additionally requires the Department to obtain consent from a person before submitting his or her fingerprints to the Central Repository and the FBI. Under **section 83**, persons who are licensed by the Superintendent at the time the Rap Back Program becomes effective are required to submit fingerprints for the purposes of the Program at the time of the first renewal of their license after the Program is effective and would not submit fingerprints for subsequent renewals. **Section 45** of this bill makes a conforming change related to fees for the renewal of such a license to reflect that fingerprints for a background check would no longer be submitted with a renewal application when the Rap Back Program becomes effective. (NRS 391.040) **Section 46** of this bill makes a conforming change to remove a requirement for a person who is licensed by the Superintendent and who is returned to employment after certain leave to submit fingerprints for the purposes of a background check because the Department would be receiving notifications for such purposes through the Rap Back Program. (NRS 391.104)

The board of trustees of a school district is authorized to employ a superintendent of schools. (NRS 391.110) **Section 47** of this bill requires the board of trustees of a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to comply with certain requirements when hiring a superintendent of schools.

Existing law: (1) requires the State board to establish a statewide performance evaluation system and; (2) sets forth certain requirements governing the evaluation of probationary teachers. (391.465, 391.685) **Section 49** of this bill changes how pupil growth is calculated for the purposes of such an evaluation. **Section 52** of this bill revises the observation cycles for probationary teachers.

Section 50 of this bill requires a teacher to develop goals for educational growth, rather than learning goals, for each of his or her pupils. (NRS 391.480) **Section 51** of this bill makes a conforming change to reflect the change made in **section 50**.

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators. (NRS 391A.450) **Section 55** of this bill requires each large school district to establish through negotiations with an employee organization a differential pay scale for certain licensed educational personnel assigned to certain Title I schools. **Section 56** of this bill requires the board of trustees of each large school district to reserve for each fiscal year an amount of money sufficient to provide such a pay scale. **Section 54** of this bill defines "large school district" for the purposes of **sections 55 and 56**. **Section 66** of this bill requires the differential pay scale to be within the scope of mandatory collective bargaining. **Section 79** of this bill clarifies the manner in which the provisions of **section 55** applies to any existing contracts.

Existing law requires a regional training program for the professional development of teachers and administrators to provide certain training for educational personnel. (NRS 391A.125) **Section 57** of this bill sets forth certain requirements for such training.

Article 11 of the Nevada Constitution requires the Nevada Legislature to provide for the establishment of a State University that is controlled by a Board of Regents whose duties are prescribed by law. (Nev. Const. Art. 11, § 4) **Section 59** of this bill requires the Board of Regents, in consultation with the Department, to develop a method for sharing with the Department certain numbers used for the identification of students.

~~[Section 80 of this bill directs the Commission on School Funding to perform certain tasks concerning the examination of resource levels and funding levels that represent the best practices for adequately meeting the needs of pupils.]~~

Section 81.5 of this bill: (1) authorizes institutions within the Nevada System of Higher Education to establish a pilot program to offer an alternative pathway for assessing the competency of prospective teachers through the use of alternative assessment methods; and (2) sets forth the requirements for the program.

Existing law requires the governing board of a local government to publish a summary of a fiscal report of the local government in a certain newspaper. (NRS 354.6015) **Section 67** of this bill eliminates such a requirement for the boards of trustees of school districts.

Under existing law, the apprenticeship program in Nevada is administered by the Labor Commissioner as the ex officio State Apprenticeship Director with the advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120) **Sections 69 and 70** of this bill create the Nevada Registered Teacher Apprenticeship Support Account and the Nevada Registered Teacher Apprenticeship Support Program, respectively. **Section 69** requires the State Apprenticeship Director to administer the Account.

Sections 71-78.8 of this bill make certain appropriations for various purposes related to education.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. Each public elementary school shall prepare a plan to improve the academic achievement of pupils enrolled in the public elementary school and submit the plan to the Department and the board of trustees of the school district in which the public elementary school is located or, if the public elementary school is a charter school, the sponsor of the charter school. The plan must comply with the requirements of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and include:***

(a) A 3-year strategic plan to advance the academic achievement of pupils;

(b) Intermediary goals to be met after each school year for the period set forth in paragraph (a);

(c) A plan that can be implemented by the public elementary school to hire teachers who provide direct instructional services; and

(d) A plan to provide programs of remedial study in the subject areas of English language arts, mathematics and science to pupils in grades 1 to 5, inclusive, based upon the results of the examinations administered pursuant to NRS 390.105 and any examinations or assessments offered for the purpose of measuring the academic progress of pupils.

2. Any goals developed pursuant to subsection 1 must include:

(a) Goals for pupil growth and improvement in pupil achievement and proficiency in the academic subjects of English language arts, mathematics and science; and

(b) A measurement of the number of pupils who have, for the subject areas described in paragraph (a):

(1) Demonstrated progress towards proficiency; and

(2) Achieved proficiency.

3. The superintendent of schools of a school district and the sponsor of a charter school shall, for each public elementary school within the school district or sponsored by the sponsor, as applicable, that does not meet the goals set forth pursuant to paragraph (b) of subsection 1 in 3 consecutive school years:

(a) Provide additional support for the administration of the school, including, without limitation:

(1) Increased assistance and monitoring of school progress;

(2) Instructional or academic support; and

(3) Requesting guidance from the ~~[Public Education Oversight Board, impaneled pursuant to]~~ Education Service Center created by section ~~[9.1]~~ 56.5 of this act, which shall provide recommendations on strategies and interventions for school improvement.

(b) Assess the performance of the principal of the public school and his or her responsibility for the failure of the school to meet the goals set forth pursuant to paragraph (b) of subsection 1. The superintendent of schools of the school district or the executive director of the charter school may, to assess the performance of the principal pursuant to this paragraph, consider the rate of chronic absenteeism, as defined by the Department pursuant to subsection 3 of NRS 392.150, at the public school. If the superintendent or executive director of the charter school determines that the principal is ineffective and responsible for the failure, the ~~[superintendent or executive director, as applicable:~~

~~(1) Must develop a performance improvement plan; and~~

~~(2) May recommend the principal for reassignment;~~

~~4.]~~ board of trustees must, except as otherwise provided in paragraph (c), remove the principal from his or her position. A principal who is removed from his or her position pursuant to this paragraph may apply for another position within the school district or charter school, as applicable.

(c) If the principal of the school is not removed from his or her position pursuant to paragraph (b), the principal must reapply to the board of trustees of the school district for his or her current position.

4. A principal who is the subject of a performance assessment conducted pursuant to paragraph (b) of subsection 3 and is not removed from his or her position must:

(a) Every 2 years after receiving the performance assessment, reapply for his or her current position. The principal must reapply for his or her current position pursuant to this paragraph for the duration of his or her employment as principal of the school that did not meet the goals set forth pursuant to paragraph (b) of subsection 1.

(b) Prepare and submit a report to the Department containing a plan for annual growth that describes any additional supports provided by the school district. The report must be submitted each school year in which the principal remains in his or her current position, unless the school to which the principal is assigned meets the goals in the plan prepared pursuant to subsection 1. The Department shall examine the plan submitted pursuant to this paragraph and determine any adjustments necessary for the school to meet the goals in the plan prepared pursuant to subsection 1.

5. If the performance of the principal is assessed pursuant to paragraph (b) of subsection 3 as minimally effective or ~~[highly effective,]~~ ineffective, the superintendent of schools of the school district or the executive director of the sponsor of the charter school, as applicable, shall prepare and submit a report to the Department containing a plan for annual growth that describes any additional supports provided by the school district or sponsor of the charter school and any recommendations from the ~~[Public]~~ Education ~~[Oversight Board.]~~ Service Center created by section 56.5 of this act. The report must be submitted each school year in which the principal remains in his or her position unless the school to which the principal is assigned meets

the goals in the plan prepared pursuant to subsection 1. The Department shall examine the plan submitted pursuant to this subparagraph and determine whether any adjustments are necessary for the school to meet the goals set forth in the plan prepared pursuant to subsection 1.

Sec. 1.7. ***1. It is the intent of the Legislature to:***

(a) Enhance the efficiency of education reporting requirements by eliminating the reporting of redundant information and data, reducing administrative burdens and ensuring that all reports serve a meaningful purpose in supporting educational outcomes.

(b) Ensure that teachers and school administrators, who are directly impacted by reporting requirements, have agency in recommending modifications to reporting requirements.

(c) Preserve transparency, the accountability of public schools and school districts for the quality of schools and the educational achievement of pupils, and the accessibility of information and data concerning the educational achievement of pupils.

2. A teacher or school administrator employed at a public school, a charter management organization that operates a charter school or an educational management organization that provides support or operations to a charter school may submit a petition to modify, suspend or eliminate a requirement for a public school or school district to report information or data to another person or entity. Such a petition must be submitted to the superintendent of schools of the school district in which the public school is located or, if the public school is a charter school, the governing body of the charter school. The petition must:

(a) Clearly identify the requirement to report information or data that the petitioner is seeking to modify, suspend or eliminate;

(b) Contain a detailed explanation of the reason that the requirement to report information or data is duplicative or redundant or does not provide information or data that is used by the Department, the State Board or any other person or entity to support educational outcomes; and

(c) Propose an alternative report of information or data, if any, that would ensure that information and data to support educational outcomes remains accessible.

3. Upon receipt of a petition submitted pursuant to subsection 2, the superintendent of schools of the school district or governing body of the charter school, as applicable, shall:

(a) Review the petition to determine whether the requirement to report data or information that is proposed for modification, suspension or elimination is duplicative or redundant or does not provide data or information that is used by the Department, the State Board or any other person or entity to support educational outcomes.

(b) If the petition requests to modify, suspend or eliminate a requirement for a public school to report data or information to the school district and the superintendent of schools of the school district finds that the requirement

to report data or information proposed for modification, suspension or elimination is duplicative or redundant or does not provide data that is used by the school district to support educational outcomes, approve the petition and issue a decision modifying, eliminating or suspending the requirement. If the superintendent of schools of the school district issues such a decision, the superintendent shall provide notice of the approval of the petition to the petitioner, each public school within the school district and any other person or entity affected by the modification, suspension or elimination of the reporting requirement. If the superintendent of public schools of the school district denies a petition to modify, suspend or eliminate a requirement for a public school to report data or information to the school district, the superintendent shall provide a written explanation of the reasons for the denial to the petitioner. A petitioner whose petition is denied pursuant to this paragraph may submit a request for reconsideration of the denial to the superintendent of schools of the school district or resubmit the petition with additional information.

(c) If the petition requests to modify, suspend or eliminate a requirement for a public school or the school district to report data or information to any person or entity other than the school district and the superintendent of schools of the school district finds that the requirement to report data or information proposed for modification, suspension or elimination is duplicative or redundant or does not provide data that is used by the school district to support educational outcomes, approve the petition and forward the petition to the Department for consideration pursuant to subsection 4 or deny the petition and provide a written explanation to the petitioner of the reasons for the denial of the petition. A petitioner whose petition is denied pursuant to this paragraph may submit a request for reconsideration of the denial to the superintendent of schools or governing body of the charter school, as applicable, or resubmit the petition with additional information.

4. The Superintendent of Public Instruction shall evaluate each petition forwarded to the Department pursuant to subsection 3 and, as part of such an evaluation, consider:

(a) Any information provided by the petitioner, including, without limitation, any statements of support from school leadership, governing bodies, teachers or other educational personnel;

(b) The necessity of the reporting requirement for compliance with federal or state law;

(c) Whether the information or data that is reported is available through other means or reporting mechanisms;

(d) The administrative burden imposed by the reporting requirement, with a focus on enabling teachers and administrators to allocate their time efficiently to activities that support pupil learning; and

(e) The potential impact of the modification, suspension or elimination of the reporting requirement on transparency, the accountability of public schools and school districts for the quality of schools and the educational

achievement of pupils, and the accessibility of information and data concerning the educational achievement of pupils.

5. Not later than 180 days after receiving a petition for evaluation pursuant to subsection 4, the Superintendent of Public Instruction shall approve the petition, deny the petition or request additional information or revisions to the petition. If the Superintendent requests additional information or revisions to the petition, the Superintendent shall, not later than 90 days after receiving such additional information or revisions, approve or deny the petition.

6. If, after conducting an evaluation of a petition pursuant to subsection 4, the Superintendent of Public Instruction finds that the requirement to report data or information proposed for modification, suspension or elimination is duplicative or redundant or does not provide data or information that is used by the Department, the State Board or any other person or entity to support educational outcomes, the Superintendent may issue an order modifying, suspending or eliminating the requirement. If the Superintendent of Public Instruction denies the petition, the Superintendent shall provide notice of the denial and a written explanation of the reasons for the denial to the petitioner and the superintendent of schools of the school district or governing body of the charter school, as applicable, that forwarded the petition to the Department pursuant to subsection 3. If the Superintendent of Public Instruction issues an order modifying, suspending or eliminating a reporting requirement pursuant to this subsection, the Superintendent shall:

(a) Provide notice of the order to the petitioner, the superintendent of schools of the school district or the governing body of the charter school that forwarded the petition to the Department pursuant to subsection 3 and any other person or entity affected by the modification, suspension or elimination of the reporting requirement.

(b) Submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education or, if the Legislature is in session at the time notice is provided pursuant to paragraph (a), to the Senate and Assembly Standing Committees on Education, which describes the reporting requirement modified, suspended or eliminated and any recommendations for legislation to continue the modification, suspension or elimination of the reporting requirement after the expiration of the order.

7. Notwithstanding any other provision of law, if, pursuant to this section, the superintendent of schools of a school district or the Superintendent of Public Instruction issues a decision or order modifying, suspending or eliminating a requirement to report data or information, each person or entity to whom the requirement applies shall comply with the decision of the superintendent of schools of the school district or the order of the Superintendent of Public Instruction, as applicable, until the expiration of the decision or order. Any decision or order issued pursuant to

this section expires on July 1 of the next odd-numbered year following its issuance.

8. The superintendent of schools of each school district and the governing body of each charter school shall report to the Department in a standardized format prescribed by the Department any information required by the Department to complete the reporting of information required by subsection 9 concerning petitions submitted by teachers and school administrators pursuant to subsection 2.

9. The Department shall include in a report submitted on or before February 1 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmittal to the Legislature:

(a) Information concerning the participation of teachers and school administrators in the process to request the modification, suspension or elimination of requirements for the reporting of information or data, including, without limitation, data relating to petitions submitted by teachers and administrators pursuant to subsection 2;

(b) A summary of each petition received by the Department pursuant to this section and the decision of the Superintendent of Public Instruction on each such petition;

(c) The rationale of the Superintendent for the approval of each petition that was approved by the Superintendent; and

(d) Any trends or systemic issues identified by the Superintendent which are related to requirements for a public school or school district to report information or data to another person or entity.

10. The Department may adopt regulations to carry out the provisions of this section. The State Board may adopt regulations to establish:

(a) A format for a petition submitted pursuant to this section and procedures for the submission of such a petition;

(b) Criteria for evaluating such a petition;

(c) Procedures to ensure that teachers and school administrators have input on decisions regarding requirements for a public school or school district to report information or data to another person or entity; and

(d) Any other requirements necessary to implement the provisions of this section.

Sec. 2. NRS 385.111 is hereby amended to read as follows:

385.111 1. The ~~[State Board]~~ ***Department*** shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department ~~[;]~~ ***and members of the State Board;***

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120; ***and***

(5) The Legislative Bureau of Educational Accountability and Program Evaluation **.** ~~[~~**,** ~~and~~

~~(6) Other persons who the State Board determines are appropriate.]~~

2. On or before March 31 of each year, the ~~[~~State Board~~]~~ ***Department*** shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Joint Interim Standing Committee on Education;

(c) ~~[~~Legislative Bureau of Educational Accountability and Program Evaluation;~~]~~ ***State Board;***

(d) Board of Regents of the University of Nevada;

(e) Board of trustees of each school district; and

(f) Governing body of each charter school.

Sec. 3. NRS 385.112 is hereby amended to read as follows:

385.112 A plan to improve the achievement of pupils enrolled in public schools in this State prepared pursuant to NRS 385.111 must include:

1. A review and analysis of the data upon which the report required pursuant to NRS 385A.400 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

2. The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

3. Strategies based upon evidence-based research, as defined in 20 U.S.C. § 7801(21), that will strengthen the core academic subjects, as set forth in NRS 389.018.

4. Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(a) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(1) The curriculum appropriate to improve achievement;

(2) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, including, without limitation, the manner in which

remediation will be provided to pupils who require remediation based on the results of an examination administered pursuant to NRS 390.610; and

(3) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(b) Improve the literacy skills of pupils;

(c) Improve the development of English language skills and academic achievement of pupils who are English learners;

(d) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(e) Integrate technology into the instructional and administrative programs of the school districts;

(f) Manage effectively the discipline of pupils; and

(g) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(42) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

5. Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(a) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(b) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive, and Nevada Promise Scholarships pursuant to NRS 396.961 to 396.9685, inclusive; and

(c) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

6. An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

7. A timeline for carrying out the plan, including, without limitation:

(a) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the ~~[State Board]~~ ***Department*** pursuant to NRS 385.113; and

(b) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

8. For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

9. Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this subsection. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this subsection.

10. Based upon the reallocation of resources set forth in subsection 9, the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

11. A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

12. A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(a) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to NRS 385.111; and

(b) Designed to track the progress made in achieving the strategic goals established by the Department.

13. Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

Sec. 4. NRS 385.113 is hereby amended to read as follows:

385.113 The ~~[State Board]~~ ***Department*** shall:

1. In developing the plan to improve the achievement of pupils enrolled in public schools pursuant to NRS 385.111, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:

(a) Improving proficiency results in core academic subjects;

(b) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;

(c) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;

(d) Improving the performance of pupils on standardized college entrance examinations;

(e) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and

(f) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a

mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;

2. Review the plan annually to evaluate the effectiveness of the plan;

3. Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained;

4. Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:

(a) The goals and benchmarks set forth in the plan are being attained in a timely manner; and

(b) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State; and

5. Review the plans submitted pursuant to subsection 4 of NRS 385A.650 to:

(a) Determine common problems identified by the principal of each school; and

(b) Make recommendations to the Department concerning how the Department can best support the needs of schools.

Sec. 5. NRS 385.230 is hereby amended to read as follows:

385.230 1. The Department shall, in ~~[conjunction]~~ ***collaboration*** with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385A.400;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.111;

(e) A description of any policies, plans and programs for promoting, extending and improving career and technical education for pupils;

(f) A description of any significant changes made to the collection, maintenance or transfer of data concerning pupils by the Department, a school district, a sponsor of a charter school or a university school for profoundly gifted pupils;

(g) Any new data elements, including, without limitation, data about individual pupils and aggregated data about pupils within a defined group, proposed for inclusion in the automated system of accountability information for Nevada established pursuant to NRS 385A.800;

(h) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(i) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(j) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(k) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 385A.800 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(l) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(m) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are English learners; and

(5) Pupils who are migratory children, as defined by the State Board;

(n) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan;

(o) A summary of any measures taken by the Superintendent of Public Instruction pursuant to NRS 388.4354 to ensure compliance with a plan of corrective action or the order of a hearing officer; and

(p) An analysis of data on the discipline of pupils collected pursuant to NRS 385A.840, including, without limitation:

(1) Trends in the data measuring changes in the discipline of pupils; and

(2) Areas identified by the Department where the Department will provide support to a public school to address trends in the data on the discipline of pupils.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report prepared pursuant to subsection 1 in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report prepared pursuant to subsection 1 to the Governor and to the Joint Interim Standing Committee on Education.

Sec. 5.5. NRS 385.920 is hereby amended to read as follows:

385.920 1. The Commission shall develop a statewide vision and implementation plan to improve the public education system in this State. The Commission shall:

(a) Conduct a benchmarking or gap analysis study comparing the education policies of this State to the education policies of high-performing international and domestic education systems.

(b) Make recommendations on how to adapt the appropriate education policies of high-performing international and domestic education systems into the public education system in this State.

(c) Identify objectives to put the education performance of pupils in this State in parity with that of pupils in high-performing international and domestic education systems and make recommendations on how to meet the identified objectives.

(d) ~~[Review the findings of any previous or ongoing studies related to the funding of education and incorporate any relevant findings.~~

~~(e) Develop an implementation plan for the recommendations made pursuant to this section which includes an analysis of the costs of the plan.~~

~~(f)]~~ ***Review the academic progress made by pupils in each public school. In performing such a review, the Commission shall:***

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in the first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers, administrators and other school employees which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

~~[(8)]~~ (e) Review the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability for the purpose of identifying and recommending the

elimination of any reporting that is redundant or does not effectively provide measurable and informative data with which to assess and improve the educational programs and priorities of this State.

~~*[(h)]*~~ ***(f) Collaborate with the Department and the Commission on School Funding to:***

(1) Gather input relating to paragraph (g) from all interested persons and entities;

(2) Establish a centralized repository of all reports of data relating to pupil achievement and financial accountability and make the centralized repository easily accessible on the Internet website of the Department; and

(3) Develop a framework for the reporting of data relating to pupil achievement and financial accountability that ensures that data reported to the Department:

(I) Identifies areas of proficiency and growth of pupils in this State;

(II) Identifies gaps in achievement among groups of pupils;

(III) Identifies resource and funding allocations at the school, program and pupil level;

(IV) Provides clear, actionable data to enable the development of policies and practices to improve educational outcomes in this State; and

(V) Is incorporated into the centralized repository established pursuant to subparagraph (2) and is organized into portals or tabs that feature information of interest and value to interested parties, including, without limitation, the Department, school districts, schools, administrators, teachers and support staff, elected officials and parents.

2. The Commission may employ and contract with the National Center on Education and the Economy or an organization with similar expertise and qualifications to carry out any of its functions pursuant to this section.

3. The Commission may coordinate with educational entities and business entities for information and expertise as necessary to carry out any of its functions pursuant to this section.

4. On or before June 30 of each year, the Commission shall submit a written report of its findings ***and any recommendations for eliminating or amending reporting requirements for public schools*** to the Governor, the Superintendent of Public Instruction, the Legislative Commission and the Joint Interim Standing Committee on Education. ***The Commission shall:***

(a) Present any recommendations developed pursuant to this subsection at a meeting of the Joint Interim Standing Committee on Education; and

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the recommendations or a revised version of the recommendations to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Sec. 6. Chapter 385A of NRS is hereby amended by adding thereto the provisions set forth as sections 6.1 to 6.6, inclusive, of this act.

Sec. 6.1. ***The annual report of accountability prepared pursuant to NRS 385A.070 must include information on progress made toward meeting the***

goals set forth in the plans prepared pursuant to NRS 385.111 and section 1.3 of this act.

Sec. 6.2. ***1. The Department shall make every effort to ensure that the statewide system of accountability for public schools applies uniformly to all school districts and charter schools in this State and complies with all requirements for the accountability of public schools, including, without limitation, requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.***

2. The statewide system of accountability for public schools applies to all school districts and charter schools in this State, regardless of size or demographics, and must, except as otherwise provided in subsection 3 of section 6.4 of this act:

(a) Include a method to, on an annual basis, rate each school district and sponsor of a charter school based upon the collective performance of the public schools within the school district or the charter schools sponsored by the sponsor, as applicable, and the achievement of district-wide or sponsor-wide performance targets, as applicable, established pursuant to the statewide system of accountability for public schools;

(b) Include a method to implement consequences, rewards, supports and interventions for school districts and sponsors of charter schools based upon such ratings, with a focus on addressing disparities and improving outcomes for historically underserved populations;

(c) Include a method to provide grants, financial support or other resources, to the extent that money is available for that purpose, to school districts or sponsors of charter schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish district-wide and sponsor-wide achievement targets and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are English learners. The district-wide and sponsor-wide achievement targets and performance targets must be based on aggregated metrics from the public schools within the school district or the charter schools sponsored by the sponsor, including, without limitation, measurements of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105.

3. The statewide system of accountability for public schools must:

(a) Ensure that data collected under the system is used to promote transparency, equity and measurable progress in pupil achievement in school districts throughout this State;

(b) Provide for the monitoring and oversight of the operations of, and allocation of resources by, school districts and sponsors of charter schools for the purpose of improving pupil outcomes; and

(c) Establish mechanisms for public reporting on the performance of each school district and sponsor of a charter school, including, without limitation, accountability metrics and a detailed analysis of the progress of each school district and sponsor of a charter school toward its district-wide or sponsor-wide achievement targets, as applicable.

4. In administering the statewide system of accountability for public schools as required by this section, including, without limitation, the achievement and performance targets for school districts and sponsors of charter schools and the criteria used to rate each school district and sponsor of a charter school, the Department shall meaningfully consult with the parents and guardians of pupils enrolled in public schools in this State.

5. The Department shall provide technical assistance and guidance to school districts and sponsors of charter schools to support compliance with the statewide system of accountability for public schools and to address deficiencies identified through the rating process.

6. Any consequences, rewards, supports or interventions implemented pursuant to paragraph (b) of subsection 2 that involve significant changes for the school district, sponsor of the charter school or public school must, before implementation, be proposed by the Superintendent of Public Instruction and approved by the Public Education Oversight Board impaneled pursuant to section 9.1 of this act.

Sec. 6.3. *1. On or before a date determined by the Superintendent of Public Instruction, but not later than the third Friday in August of each year, the Department shall determine whether each school district and each sponsor of a charter school is meeting the district-wide or sponsor-wide achievement targets and performance targets, as applicable, established pursuant to the statewide system of accountability for public schools.*

2. The determination for a school district and a sponsor of a charter school must be made pursuant to subsection 1 in consultation with the board of trustees of the school district or the sponsor of the charter school, as applicable, and must be based only upon the information and data for those pupils who are enrolled in the public schools within the school district or sponsored by the sponsor of a charter school for a full academic year. On or before a date determined by the Superintendent of Public Instruction, but not later than the third Friday in August of each year, the Department shall:

(a) Transmit the determination made for each school district and each sponsor of a charter school to the board of trustees of that school district or sponsor of that charter school, as applicable;

(b) Transmit the determination made for each school district and sponsor of a charter school to the State Board and the Governor; and

(c) Post on the Internet website maintained by the Department a report summarizing the determination made for each school district and each sponsor of a charter school, including, without limitation, the metrics for measuring the achievement and performance for each school district and each sponsor of a charter school.

3. If the number of pupils in a particular group who are enrolled in a public school in a school district or a charter school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school district or sponsor of the charter school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the public schools in the school district or charter schools sponsored by the sponsor of charter schools and who took the examinations administered pursuant to NRS 390.105.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at one or more public schools in a school district or charter schools sponsored by a sponsor of charter schools and the irregularity invalidates the test scores of pupils, such test scores must be included in the aggregate of scores reported for the school district or sponsor of charter schools, the attendance of those pupils must be counted toward the total number of pupils who took the examinations administered pursuant to NRS 390.105 and the pupils must be included in the total number of pupils who were required to take the examinations. The determination made pursuant to subsection 1 for a school district or sponsor of charter schools must reflect any such irregularity and describe the impact of any such irregularity on the determination.

5. If the determination made pursuant to subsection 1 indicates that a school district or sponsor of a charter school is not meeting district-wide or sponsor-wide achievement targets or performance targets, the Superintendent of Public Instruction must prepare recommendations for tiered interventions consistent with the statewide system of accountability for public schools. Such recommendations must be submitted to the Public Education Oversight Board impaneled pursuant to section 9.1 of this act for approval before implementation.

6. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 6.4. *1. Except as otherwise provided in subsection 3, based upon the determinations made by the Department pursuant to section 6.3 of this act, the Department shall, on or before a date determined by the Superintendent of Public Instruction but not later than the third Friday in August of each year, issue a preliminary rating for each school district or*

sponsor of a charter school in accordance with the statewide system of accountability for public schools.

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school district or sponsor of a charter school, the Department shall provide the school district or sponsor of a charter school an opportunity to review the data upon which the preliminary rating is based and to present evidence or corrections. The Department shall notify the board of trustees of the school district or the sponsor of the charter school of the opportunities provided pursuant to this paragraph and provide a reasonable period within which to present evidence or corrections pursuant to this paragraph.

(b) After considering any evidence or corrections submitted by a school district or sponsor of a charter school within the reasonable period prescribed by the Department pursuant to paragraph (a), the Department shall, on or before a date determined by the Superintendent of Public Instruction but not later than the third Friday in September of each year, make a final determination concerning the rating for the school district.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for school districts or sponsors of charter schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

4. On or before a date determined by the Superintendent of Public Instruction but not later than the third Friday in September of each year, the Department shall:

(a) Post on the Internet website maintained by the Department the determinations and final ratings made for all school districts and sponsors of charter schools in this State, which must be presented in a clear and understandable format; and

(b) Submit a report summarizing the determinations and final ratings made for all school districts and sponsors of charter schools in this State, including, without limitation, detailed data and information on the district-wide performance of each school district and sponsor-wide performance of each sponsor of a charter school and compliance with state accountability standards, to:

(1) The Governor;

(2) The State Board; and

(3) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education and the next regular session of the Legislature.

5. If the final determination made pursuant to subsection 2 indicates that a school district or sponsor of a charter school has received one of the two lowest performance ratings, the Superintendent of Public Instruction shall propose specified tiered interventions consistent with the statewide system of accountability for public schools. Such proposed interventions

must be approved by the Public Education Oversight Board impaneled pursuant to section 9.1 of this act before implementation.

Sec. 6.5. ***1. The Superintendent of Public Instruction:***

(a) Shall designate a school district or sponsor of a charter school as a low-performing school district or sponsor of a charter school if:

(1) The Department has determined that the school district or sponsor of the charter school has failed to meet the district-wide or sponsor-wide achievement targets and performance targets, as applicable, established pursuant to the statewide system of accountability for public schools; or

(2) The school district or sponsor of the charter school receives one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools.

(b) May designate a school district or sponsor of a charter school as a low-performing school district or sponsor of a charter school if:

(1) The administration of the school district or the sponsor of the charter school is characterized by instability or unsatisfactory performance in leadership, including, without limitation, a dismissal, resignation or removal of the superintendent of schools of the school district, that has a significant impact on the operations of the school district or the sponsor of the charter school and the educational outcomes for pupils;

(2) The resignation or removal of members of the board of trustees of the school district or the sponsor of the charter school results in multiple vacancies that disrupt the continuity of leadership of the school district or the sponsor of the charter school and impacts the ability of the board of trustees to effectively govern the school district or charter school;

(3) The school district or sponsor of the charter school experiences an unexpected and severe financial hardship, including, without limitation, a financial hardship resulting from financial malfeasance, financial mismanagement or any other condition, that threatens the fiscal stability and operational capacity of the school district or sponsor of the charter school; or

(4) Based on data and information concerning the achievement and performance of pupils enrolled in public schools in the school district or sponsored by the sponsor of charter schools, the allocation of resources by the school district or the sponsor of the charter school or the availability of educational programs among public schools in the school district or sponsored by the sponsor of charter schools and specific groups of pupils enrolled in those schools, the school district or sponsor of the charter school is characterized by systemic inequity in educational access, resources or outcomes among specific groups of pupils, including, without limitation, among pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are English learners.

(c) May designate a school district or sponsor of a charter school as a low-performing school district or sponsor of a charter school if a state of

emergency for the school district or sponsor of the charter school is declared. Such a state of emergency may be declared if:

(1) The Governor, the State Board or the Chair of the Legislative Commission issues a written complaint to the board of trustees of a school district or the sponsor of a charter school that identifies a ~~[failure to comply]~~ material noncompliance with any state law by the board of trustees of the school district or the sponsor of the charter school;

(2) The board of trustees of the school district or the sponsor of the charter school does not provide a satisfactory plan of correction within 60 days after receiving the written complaint;

(3) After the time to provide a plan of correction has elapsed, the State Board finds the school district or sponsor of the charter school has ~~[failed to comply]~~ engaged in a material noncompliance with state law and votes to recommend impaneling the Public Education Oversight Board pursuant to section 9.1 of this act; and

(4) The Superintendent of Public Instruction formally declares a state of emergency, specifying:

(I) The actions that failed to comply with state law;

(II) The date of the first meeting of the Public Education Oversight Board, which must occur not later than 30 days after the declaration of a state of emergency;

(III) The date on which the state of emergency terminates, which must occur not later than 90 days after the state of emergency is declared; and

(IV) That the state of emergency may be extended for an additional 90 days if a majority of members of the Public Education Oversight Board vote to do so.

2. The Superintendent of Public Instruction shall designate a school district or sponsor of a charter school as an underperforming school district or sponsor of a charter school if:

(a) For at least 2 consecutive school years, the Superintendent has designated the school district or sponsor of the charter school as a low-performing school district of sponsor of a charter school pursuant to subsection 1; or

(b) The Superintendent:

(1) Designated the school district or sponsor of the charter school as a low-performing school district or sponsor of a charter school pursuant to subsection 1 in the current or the immediately preceding school year; and

(2) Determines that one or more of the conditions set forth in paragraph (b) of subsection 1 exist for the school district or sponsor of the charter school.

3. Upon designating a school district or sponsor of a charter school as low-performing or underperforming pursuant to this section, the Superintendent of Public Instruction shall propose specific tiered interventions consistent with the statewide system of accountability for

public schools. Such interventions must be approved by the Public Education Oversight Board impaneled pursuant to section 9.1 of this act before implementation.

Sec. 6.6. ***1. The Superintendent of Public Instruction shall designate a public school, other than a public school approved by the State Board to be rated using the alternative performance framework prescribed by the State Board pursuant to NRS 385A.730, as a low-performing school if, in at least 2 of the immediately preceding 3 school years, at least one of the following criteria apply to the public school:***

(a) The public school receives one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools.

(b) The pupils enrolled in the public school demonstrate proficiency in English language arts and mathematics in the bottom 20th percentile of statewide performance metrics, as determined by the Department.

(c) For high schools, the average graduation rate is less than 60 percent for the immediately preceding 3 school years or less than 70 percent for the immediately preceding 5 school years.

(d) For elementary schools, more than 50 percent of the pupils enrolled in the elementary school do not achieve adequate proficiency in the subject area of reading before the completion of grade 3.

2. On the day that the Department posts on the Internet website maintained by the Department the determinations and final ratings made for all public schools in this State pursuant to NRS 385A.720:

(a) The Department shall post on the Internet website maintained by the Department a list of public schools that are designated as low-performing schools pursuant to subsection 1;

(b) Each school district or sponsor of a charter school with at least one public school in the school district or charter school on the list of public schools that are designated as low-performing schools pursuant to subsection 1 shall post the list on the Internet website maintained by the school district or sponsor of the charter school, as applicable; and

(c) The Department shall provide the list of public schools that are designated as low-performing schools pursuant to subsection 1 to the State Board as part of the report of data provided to the State Board pursuant to subsection 3 of NRS 385A.080.

3. The principal of each public school designated as a low-performing school shall notify the parents and legal guardians of pupils enrolled in the public school of the designation of the public school as a low-performing school and the actions that will be taken to address the areas of deficiency that caused the designation. The notice must:

(a) Contain a summary of the data and information concerning the performance of pupils enrolled in the public school and the specific areas identified for improvement;

(b) Provide information on any available support or resources for pupils and their families, including, without limitation, academic and social-emotional resources;

(c) Contain a detailed improvement plan outlining the measures the public school intends to implement, with clearly defined goals and timelines for achieving those goals; and

(d) Provide information on alternative educational options available to pupils residing in the zone of attendance of the public school, including, without limitation, policies regarding a transfer to another public school, if applicable.

4. Upon designating a public school as a low-performing school pursuant to subsection 1, the Superintendent of Public Instruction shall propose specific school-level tiered interventions consistent with the statewide system of accountability for public schools. Such proposed interventions must be submitted to the Public Education Oversight Board impaneled pursuant to section 9.1 of this act for approval before implementation.

Sec. 7. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, ***and section 6.1 of this act*** for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, ***and section 6.1 of this act*** and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, ***and section 6.1 of this act*** if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that

sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, ***and section 6.1 of this act,*** as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 7.3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

(d) Establish metrics of performance for public schools for each grade which include, without limitation, metrics for:

(1) The growth and proficiency of pupils in literacy, mathematics and science;

(2) The engagement and proficiency of pupils in courses for college and career readiness; and

(3) The retention and recruitment of teachers and education support professionals.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

3. The Superintendent of Public Instruction and each school district and charter school shall:

(a) Publish the metrics established pursuant to paragraph (d) of subsection 1 on their respective Internet websites; and

(b) On or before October 1 of each year, report data relating to each metric established pursuant to paragraph (d) of subsection 1 to the Governor, the State Board and the Director of the Legislative Counsel Bureau for transmission to the Joint Interim Standing Committee on Education.

4. To the greatest extent possible, the Superintendent of Public Instruction shall, when obtaining data relating to each metric established pursuant to paragraph (d) of subsection 1:

(a) Use information that has previously been submitted to the Superintendent of Public Instruction and the Department; and

(b) Avoid duplicative requests for information.

Sec. 7.4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. ~~[On or before September 30]~~ ***Not later than 10 days after the date determined by the Superintendent of Public Instruction, but not later than the third Friday in August*** of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority, institution or city or county, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school shall

provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority, the institution or the city or county, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority, the institution, the city or the county does not maintain a website, the State Public Charter School Authority, the institution, the city or the county, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority, a college or university within the Nevada System of Higher Education or a city or county that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 7.5. NRS 385A.200 is hereby amended to read as follows:

385A.200 1. Except as otherwise provided in subsection 2, the annual report of accountability prepared pursuant to NRS 385A.070 must include information on pupil achievement and school performance, including, without limitation, pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610 and shall compare the results of those examinations for the school year for which the annual report is being prepared with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations and assessments were administered:

(a) The number of pupils who took the examinations and a record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(b) Except as otherwise provided in subsection 2 of NRS 385A.070, pupil achievement, reported separately by gender and reported separately for the groups of pupils identified in the statewide system of accountability for public schools.

(c) A comparison of the achievement of pupils in each group identified in the statewide system of accountability for public schools with the performance targets established for that group.

(d) The percentage of pupils who were not tested.

(e) Except as otherwise provided in subsection 2 of NRS 385A.070, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in the statewide system of accountability for public schools.

(f) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Except as otherwise provided in subsection 3 of NRS 385A.720, the rating of each public school in the district, including, without limitation, each charter school sponsored by the district, pursuant to the statewide system of accountability for public schools.

(h) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 390.125.

(i) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State ~~.~~ ***and, where applicable, with the results of pupils in comparable school districts in other states.*** The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State ~~.~~ ***and, where applicable, with the results of pupils in schools in comparable school districts in other states.*** The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

2. If the Department temporarily waives or otherwise pauses the requirement to administer examinations that comply with 20 U.S.C. § 6311(b)(2) pursuant to subsection 6 of NRS 390.105, the requirement of subsection 1 to include certain information in the annual report of accountability prepared pursuant to NRS 385A.070 does not apply for the period of time that such a waiver or pause is effective.

Sec. 8. NRS 385A.230 is hereby amended to read as follows:

385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers, other licensed educational personnel and paraprofessionals, including, without limitation:

(a) Information on the professional qualifications of teachers and other licensed educational personnel employed by each school in the district and the

district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The total number of:

(I) Teachers and other licensed educational personnel employed at each school;

(II) Vacancies at each school ***;*** ~~[which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;]~~

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.

(2) The percentage of:

(I) Teachers and other licensed educational personnel employed by the school district who are employed at each school;

(II) Vacancies at each school ***;*** ~~[which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;]~~

(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;

(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and

(V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.

(3) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area.

(4) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school;

(2) The number of paraprofessionals employed at the school who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M);

(3) The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the Department to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and

(4) Any other information required by regulation of the State Board.

2. As used in this section ~~[, "paraprofessional"]~~ ***:***

(a) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

(b) "Vacancy" means an unfilled position, including, without limitation, any positions that are filled by a substitute teacher or external contractor.

Sec. 8.3. NRS 385A.600 is hereby amended to read as follows:

385A.600 1. The Department shall make every effort to obtain the approval necessary from the United States Department of Education to ensure that the statewide system of accountability for public schools complies with all requirements for the receipt of federal money under the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301 et seq., as amended.

2. The statewide system of accountability applies to all public schools, regardless of Title I status, and must, except as otherwise provided in subsection 3 of NRS 385A.720:

(a) Include a method to, on an annual basis, rate each public school based upon the performance of the school and based upon whether each public school meets the school achievement targets and performance targets established pursuant to the statewide system of accountability;

(b) Include a method to implement consequences, rewards and supports for public schools based upon the ratings;

(c) Include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(d) Establish school achievement targets and performance targets for public schools and performance targets for specific groups of pupils, including, without limitation, pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are English learners. The school achievement targets and performance targets must:

(1) Be based primarily upon the measurement of the progress and proficiency of pupils on the examinations administered pursuant to NRS 390.105; ~~[and]~~

(2) ***For elementary schools, include the proportion of pupils demonstrating adequate proficiency in the subject area of reading in accordance with NRS 392.748 to 392.785, inclusive, and adequate progress toward achieving such proficiency; and***

(3) For high schools, include the rate of graduation and the rate of attendance.

3. Except as otherwise provided in subsection 3 of NRS 385A.720, the statewide system of accountability for public schools may include a method to:

(a) On an annual basis, rate school districts based upon the performance of the public schools within the school district and whether those public schools meet the school achievement targets and performance targets established pursuant to the statewide system of accountability; and

(b) Implement consequences, rewards and supports for school districts based upon the ratings.

Sec. 8.5. NRS 385A.750 is hereby amended to read as follows:

385A.750 The Department shall prescribe a form for notice to parents and guardians concerning the rating of a public school ***designated by the Superintendent of Public Instruction*** as ***a low-performing school pursuant to section 6.6 of this act or the designation of a school district as a low-performing or*** underperforming ~~[.]~~ ***school district pursuant to section 6.5 of this act. Such notice must include information regarding any tiered interventions approved by the Public Education Oversight Board pursuant to section 6.5 or 6.6 of this act.***

Sec. 8.7. NRS 385A.810 is hereby amended to read as follows:

385A.810 The board of trustees of each school district shall:

1. Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to NRS 385A.820 for the collection, ***validation and*** maintenance ***of electronic records of individual pupils*** and ***the*** transfer of data from ~~[the]~~ ***such electronic*** records ~~[of individual pupils]~~ ***by the school district, the sponsor of each charter school and each university school for profoundly gifted pupils*** to the automated system of information ~~[, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;]~~ ***established by the Department pursuant to NRS 385A.800;***

2. Provide to the Department electronic data concerning pupils ~~[as required]~~ ***in accordance with the program prescribed*** by the Superintendent of Public Instruction pursuant to NRS 385A.820 ~~[;]~~ ***, including, without limitation, the data required to be reported pursuant to NRS 385A.840 and any other data requested by the Department to carry out its functions or required to be reported to the Department by state or federal law or regulations;*** and

3. Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 385A.830.

Sec. 8.8. NRS 385A.820 is hereby amended to read as follows:

385A.820 ***1.*** The Superintendent of Public Instruction shall:

~~[1.]~~ ***(a)*** Prescribe a uniform program throughout this State for the collection, ***validation and*** maintenance ***of electronic records of individual pupils*** and ***the*** transfer of data ~~[that]~~ ***from such records, which*** each school district must adopt ~~[,]~~ ***and*** which must include standardized software;

~~[2.]~~ ***(b)*** Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to NRS 385A.810 and by each university school for profoundly gifted pupils;

~~[3.]~~ ***(c)*** Prescribe the format for the data;

~~[4.]~~ ***(d)*** Prescribe the date by which each school district shall report the data to the Department;

~~[5.]~~ ***(e)*** Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

~~[6.]~~ ***(f)*** Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

~~[7.]~~ ***(g)*** Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

~~[(a)]~~ ***(1)*** Individual pupils;

~~[(b)]~~ ***(2)*** Individual teachers;

~~[(c)]~~ ***(3)*** Individual schools and school districts; and

~~[(d)]~~ ***(4)*** Programs and financial information;

~~[8.]~~ ***(h)*** Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated

system of information and comparable to the data reported by other school districts; and

~~[9.]~~ ***(i)*** Provide for the analysis and reporting of the data in the automated system of information.

2. The Superintendent of Public Instruction may deduct money from the apportionment otherwise due to a school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.124 to compensate the Department for costs to collect, validate and maintain electronic records of individual pupils and financial accountability information as necessary to report on pupil achievement and financial accountability on behalf of the school district, charter school or university school for profoundly gifted pupils, including, without limitation, costs to purchase licenses for software to collect, validate and maintain such electronic records and financial accountability information.

Sec. 9. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 9.1 to 9.7, inclusive, of this act.

Sec. 9.1. ***1. A Public Education Oversight Board, consisting of five members, may be impaneled pursuant to this section.***

2. A Public Education Oversight Board impaneled pursuant to this section must consist of the following members:

(a) The Governor, who serves as Chair;

(b) A member appointed by the Speaker of the Assembly, who must not be a legislator and must have experience as an educator or administrator;

(c) A member appointed by the Majority Leader of the Senate, who must not be a legislator and must have experience as an educator or administrator;

(d) The Superintendent of Public Instruction; and

(e) One member who holds a license to teach issued pursuant to chapter 391 of NRS, is employed at a public school in the school district for which the Board is impaneled and is not a legislator, appointed by the Legislative Commission.

3. The Board may meet or exercise authority granted pursuant to this section to review and act upon recommendations for tiered interventions at ~~[the]~~ a school district , ~~[or]~~ charter school ~~,~~ or public school, as applicable, that are proposed by the Superintendent of Public Instruction pursuant to sections 6.2, 6.3, 6.4, 6.5 and 6.6 of this act.

4. The Public Education Oversight Board possesses any authority granted to the board of trustees of the school district or the governing body of the charter school pursuant to this title, including, without limitation, access to all school property, buildings and facilities within the school district that is necessary to exercise the authority granted pursuant to subsection 3.

5. The board of trustees of the school district or the governing body of the charter school must not conduct any meetings or take any actions that

interfere with the scope of the authority granted to the Public Education Oversight Board pursuant to subsection 4.

6. A meeting held by the Public Education Oversight Board must be located in the county in which the school district or charter school for which the Board has been impaneled is located. A member of the Board may attend such a meeting by audiovisual means or other electronic means. Such a meeting must provide for participation by audiovisual means or other electronic means.

7. As used in this section, "Board" means a Public Education Oversight Board impaneled pursuant to this section.

Sec. 9.3. ***1. The Superintendent of Public Instruction shall place on probation a school district or sponsor of a charter school that the Superintendent has designated as an underperforming school district or sponsor of a charter school if the designation is made pursuant to paragraph (b) of subsection 2 of section 6.5 of this act. A period of probation imposed pursuant to this section must not exceed 2 school years.***

2. The Superintendent of Public Instruction shall notify the board of trustees of a school district or sponsor of a charter school that has been designated as an underperforming school district or sponsor of a charter school and that the Superintendent is placing the school district or sponsor of the charter school on probation pursuant to this section. Upon receipt of such a notice, the board of trustees of the school district or sponsor of the charter school shall:

(a) Direct the superintendent of schools of the school district or the executive director of the sponsor of the charter school to prepare and submit to the Department a school district or sponsor of a charter school performance improvement plan, as applicable, that satisfies the requirements of subsection 2 of section 9.7 of this act; and

(b) Prepare and, not later than 90 days after the date of the notice received pursuant to this subsection, submit to the Department a school board or sponsor of a charter school improvement plan to address deficiencies in the governance of the school district or sponsor of the charter school, as applicable, and support the implementation of the school district or sponsor of the charter school performance improvement plan, as applicable, prepared pursuant to paragraph (a).

3. The Superintendent of Public Instruction shall:

(a) Review and approve or deny approval of the school board or sponsor of a charter school improvement plan. If the Superintendent denies approval of the school board or sponsor of a charter school improvement plan, the Superintendent shall notify the board of trustees of the school district or the sponsor of the charter school of the reasons for denying approval of the plan. Not later than 30 days after receiving such notice, the board of trustees or sponsor of the charter school shall prepare and submit to the Superintendent revisions to the school board or sponsor of a charter school improvement plan, as applicable. The board of trustees of the school district or the sponsor

of the charter school shall implement a school board or sponsor of a charter school improvement plan approved by the Superintendent.

(b) Monitor the implementation of the school board or sponsor of a charter school improvement plan and the school district or sponsor of a charter school performance improvement plan during the period of probation imposed pursuant to this section.

(c) Provide technical guidance and support to the board of trustees or sponsor of the charter school to support the implementation of the school board or sponsor of a charter school improvement plan and the school district or sponsor of a charter school performance improvement plan.

(d) Notify the Public Education Oversight Board impaneled pursuant to section 9.1 of this act of the designation of the school district or sponsor of the charter school as underperforming and the probationary status of the school district or sponsor of the charter school and provide updates in regular intervals to the Public Education Oversight Board concerning the progress made in implementing plans as monitored pursuant to paragraph (b).

(e) Post on the Internet website maintained by the Department, in the five most common languages other than English primarily spoken in the households within the school district or charter schools operating under the school board or sponsor of a charter school improvement plan:

(1) The school board or sponsor of a charter school improvement plan approved by the Superintendent pursuant to this subsection;

(2) Quarterly reports summarizing the progress of the board of trustees or sponsor of the charter school in implementing the school board or sponsor of a charter school improvement plan, as applicable, including, without limitation, milestones that have been achieved and areas requiring improvement; and

(3) An annual performance review of the board of trustees or sponsor of the charter school that identifies improvements in the governance of the school district by the board of trustees or of the sponsor of the charter school, deficiencies in such governance and any recommendations for additional action by the board of trustees or sponsor of the charter school to improve governance of the school district or the sponsor of the charter school.

4. The board of trustees of a school district or sponsor of a charter school operating under a school board or sponsor of a charter school improvement plan shall:

(a) Post on the Internet website of the school district or sponsor of the charter school, in the five most common languages other than English primarily spoken in the households within the school district or charter schools sponsored by the sponsor of charter schools:

(1) The approved school board or sponsor of a charter school improvement plan, not later than 10 business days after the board of trustees or sponsor of the charter school has received notice from the Superintendent of Public Instruction of the approval of the plan; and

(2) Quarterly reports summarizing the progress of the board of trustees or sponsor of the charter school in implementing the school board or sponsor of a charter school improvement plan, including, without limitation, actions taken to improve governance of the school district or sponsor of the charter school, milestones that have been achieved and actions remaining to be taken under the school board or sponsor of a charter school improvement plan; and

(b) Conduct regular public meetings during the period of probation imposed pursuant to this section at which the board of trustees or sponsor of the charter school:

(1) Provides updates on the implementation of the school board or sponsor of a charter school improvement plan;

(2) Solicits input from parents and legal guardians of pupils, teachers, school employees and community stakeholders concerning efforts to improve the governance of the school district or sponsor of the charter school; and

(3) Presents a summary of challenges experienced in addressing deficiencies in the governance of the school district or sponsor of the charter school and actions planned to address those deficiencies.

Sec. 9.5. ***1. The Superintendent of Public Instruction may terminate a period of probation imposed on a school district or sponsor of a charter school pursuant to section 9.3 of this act if, not later than 2 school years after the commencement of the period of probation, the Superintendent finds that:***

(a) The school district or sponsor of the charter school has made adequate progress, as defined in the regulations adopted by the Superintendent pursuant to subsection 13, toward meeting the goals and benchmarks necessary for the school district or sponsor of the charter school to no longer be designated as an underperforming school district or sponsor of a charter school pursuant to section 6.5 of this act; and

(b) The board of trustees of the school district or the sponsor of the charter school has made adequate progress, as defined in the regulations adopted by the Superintendent pursuant to subsection 13, in implementing the school board or sponsor of a charter school improvement plan such that the school district or sponsor of the charter school is not likely to experience a condition described in paragraph (b) of subsection 1 of section 6.5 of this act.

2. If, after implementing a school board or sponsor of a charter school improvement plan for 2 school years, the Superintendent of Public Instruction finds that:

(a) The school district or sponsor of the charter school has failed to make adequate progress, as defined in the regulations adopted by the Superintendent pursuant to subsection 13, toward meeting the goals and benchmarks necessary for the school district or sponsor of the charter school to no longer be designated as an underperforming school district or sponsor of a charter school pursuant to subsection 2 of section 6.5 of this act; or

(b) The board of trustees of the school district or the sponsor of the charter school has failed to make adequate progress, as defined in the regulations adopted by the Superintendent pursuant to subsection 13, in implementing the school board or sponsor of a charter school improvement plan such that the school district or sponsor of the charter school is not likely to experience a condition described in paragraph (b) of subsection 1 of section 6.5 of this act, ~~[the]~~
↪ the Superintendent of Public Instruction shall notify the Public Education Oversight Board impaneled pursuant to section 9.1 of this act and propose specific targeted oversight measures pursuant to subsection 3 or state oversight of the governance and operations of the board of trustees of the school district or the charter school sponsored by the sponsor of the charter school pursuant to subsection 4. The Public Education Oversight Board must approve any oversight measures proposed pursuant to this subsection before implementation of such measures.

3. If, pursuant to subsection 2, the Public Education Oversight Board approves the implementation of targeted oversight measures, the Superintendent of Public Instruction may:

(a) Have direct involvement in the processes of decision making by the board of trustees or sponsor of the charter school on matters of governance;

(b) Establish specific governance and operational mandates for the board of trustees or sponsor of the charter school that are designed to improve school district or sponsor performance and accountability;

(c) Evaluate and monitor, on an ongoing basis, the performance of the school district and sponsor of the charter school and its adherence to improvement requirements;

(d) Appoint a state monitor to oversee the activities of the board of trustees or sponsor of the charter school to ensure compliance with state education laws and regulations; or

(e) Engage in any combination of the actions described in paragraphs (a) to (d), inclusive.

4. If, pursuant to subsection 2, the Public Education Oversight Board approves the initiation of state oversight proposed by the Superintendent of Public Instruction pursuant to this section, the Governor, not later than 30 days after receiving notification that the Public Education Oversight Board has approved the initiation of state oversight, may appoint a state monitor. The state monitor must:

(a) Be a person with expertise in governance, leadership and management, with a record of improving the outcomes of an underperforming organization;

(b) Undergo a review by the Department to ensure there are no conflicts of interest with the school district or board of trustees of the school district or the sponsor of the charter school; and

(c) Be compensated by the board of trustees of the school district or sponsor of the charter school at a rate determined by the Superintendent of

Public Instruction. Such compensation must be paid from the budget of the school district or sponsor of the charter school, with any necessary budget adjustments or augmentations made to accommodate the expenditure in the current fiscal year or any future fiscal year.

5. If a school district or sponsor of a charter school is designated as an underperforming school district or sponsor of a charter school for 5 consecutive school years and the board of trustees of the school district or sponsor of the charter school has failed to make adequate progress, as defined in the regulations adopted by the Superintendent of Public Instruction pursuant to subsection 13, in executing the school board or sponsor of a charter school improvement plan, the Superintendent may propose additional measures to the Public Education Oversight Board to ensure that the educational needs of pupils are met. Such additional measures must be approved by the Oversight Board before implementation and may include, without limitation:

(a) The reassignment of some or all of the powers, roles and responsibilities of the board of trustees of a school district or the sponsor of a charter school pursuant to this chapter or chapter 388A, as applicable, to the Superintendent, or his or her designee, to address chronic underperformance. The specific powers, roles and responsibilities reassigned must be specified by the Governor in the executive order, upon consultation with the Superintendent to ensure the reassignment is in alignment with the school board or sponsor of a charter school improvement plan, and may include, without limitation:

(1) Oversight of financial management and resource allocation;

(2) Governance and any operational decision-making authority defined within current policies; and

(3) Implementation of policies and programs to address identified deficiencies.

(b) The appointment of additional members to the board of trustees of the school district, as needed, to stabilize the governance structure and ensure proper expertise is available to address chronic underperformance. Members appointed pursuant to this paragraph must:

(1) Possess expertise in governance, education, financial management or organizational leadership;

(2) Serve for a term specified by the Superintendent, not exceeding 3 years, with an option for reappointment based on demonstrated progress; and

(3) Be voting members of the board of trustees.

(c) The establishment of a state management team to assume governance authority over the operations of the board of trustees of the school district or the sponsor of the charter school.

6. Any action taken pursuant to subsection 5 remains in effect until the Department determines that the board of trustees or the sponsor of the charter school has made adequate progress, as defined in the regulations

adopted by the Superintendent of Public Instruction pursuant to subsection 13, that is sufficient to warrant the termination of state oversight as specified in subsection 10. Upon the expiration of any action taken pursuant to subsection 5, any reassigned powers, roles or responsibilities revert to the elected board of trustees or the sponsor of the charter school, any additional members of the board of trustees appointed pursuant to subsection 5 no longer serve as members of the board of trustees and the state management team is dissolved.

7. During the period additional measures initiated pursuant to paragraph (c) of subsection 5 are in effect, the state management team, under the direction of the Superintendent of Public Instruction, shall assume the governance responsibilities of the board of trustees of the school district or sponsor of the charter school, including oversight of:

(a) Financial management and resource allocation;

(b) Governance and any operational decision-making;

(c) Implementation of policies and programs; and

(d) Community engagement.

8. The Department shall conduct annual evaluations of the progress of a school district or sponsor of a charter school placed under a state management team pursuant to subsection 5. If the school district or sponsor of the charter school demonstrates substantial improvement, the Superintendent of Public Instruction may initiate a phased return to local governance.

9. If the school district or sponsor of the charter school fails to make adequate progress, as defined in the regulations adopted by the Superintendent of Public Instruction pursuant to subsection 13, the Superintendent may propose an extension of state intervention for up to 3 additional years. This extension must be approved by the Public Education Oversight Board.

10. State oversight initiated pursuant to this section must be terminated when the Superintendent of Public Instruction determines that ~~[the school district and]~~ the board of trustees of the school district or sponsor of the charter school have achieved measurable and sustained progress.

11. For a period of 3 years following the return to local governance, the Department shall monitor the board of trustees of the school district or the sponsor of the charter school concerning compliance with its school board or sponsor of a charter school improvement plan.

12. The Department shall post on the Internet website maintained by the Department all reports and evaluations related to oversight measures implemented pursuant to this section in a manner that ensures transparency and accountability.

13. The Superintendent of Public Instruction shall adopt regulations for determining adequate progress based on criteria which may include, without limitation:

(a) Implementation of governance strategies and actions outlined in the approved school board or sponsor of a charter school improvement plan;

(b) Measurable progress toward benchmarks established in the school district or sponsor of a charter school performance improvement plan submitted pursuant to section 9.3 of this act;

(c) Sustained improvements verified by the Department; and

(d) Compliance with state laws and regulations relating to education.

Sec. 9.7. ***1. The Superintendent of Public Instruction shall place on probation a school district or sponsor of a charter school that the Superintendent has designated as an underperforming school district or sponsor of a charter school pursuant to paragraph (a) of subsection 2 of section 6.5 of this act and notify the board of trustees of the school district or sponsor of the charter school of such placement. A period of probation imposed pursuant to this section must not exceed 2 school years.***

2. Not later than 90 days after being designated as an underperforming school district or sponsor of a charter school, the school district or sponsor shall prepare and submit a school district or sponsor of a charter school performance improvement plan. The plan must:

(a) Identify specific areas of academic, operational and systemic deficiency that contributed to the designation of underperformance, including, without limitation:

(1) Pupil achievement outcomes in core academic subjects, including, without limitation, reading, mathematics and science;

(2) Disparities in access to educational resources, programs and opportunities; and

(3) Inefficiencies in school district or sponsor of a charter school operations, leadership and financial management;

(b) Establish measurable benchmarks for improvement that are applicable to all grade levels, including, without limitation:

(1) Increased pupil proficiency rates in core academic subjects, with defined goals for each grade level;

(2) Enhanced attendance and pupil promotion rates at elementary, middle and high school levels;

(3) Improved high school graduation rates and college and career readiness indicators, where applicable; and

(4) Strengthened operational efficiency and equitable resource allocation across all schools within the school district or charter schools sponsored by the sponsor of charter schools;

(c) Outline targeted strategies to achieve the benchmarks established pursuant to paragraph (b), addressing both academic and operational challenges, including, without limitation:

(1) Strategies to narrow achievement gaps for identified underserved groups, including, without limitation, pupils with special needs, low-income pupils, English language learners and pupils from diverse racial or ethnic backgrounds;

(2) Comprehensive plans to improve curriculum delivery, including, without limitation, review and selection of new curricula, teacher effectiveness, instructional quality and professional development for teachers;

(3) Initiatives to enhance the leadership, governance practices, financial oversight and resource allocation of the school district or sponsor of the charter school to ensure alignment with the performance goals of the school district or sponsor of the charter school;

(4) Implementation of evidence-based interventions tailored to the specific needs of underperforming schools and pupil populations; and

(5) Programs to increase family and community engagement in support of pupil learning and school district or sponsor of charter school improvement efforts;

(d) Include clear timelines, resource requirements and interim milestones to monitor progress throughout the probationary period, with regular benchmarks to measure improvement; and

(e) Establish a system for ongoing evaluation and adjustments to ensure continuous progress, with mechanisms for reporting progress to the Department and communicating updates to stakeholders, including, without limitation, families and teachers.

3. The Superintendent of Public Instruction shall review and approve or deny approval of a school district or sponsor of a charter school performance improvement plan submitted pursuant to subsection 2 within 30 days after receipt. If revisions are required, the school district or sponsor shall have 30 days to submit a revised plan for approval. Once approved, the school district or sponsor shall immediately commence implementation of the plan.

4. Each school district or sponsor of the charter school shall publish its approved school district or sponsor of a charter school performance improvement plan on its official Internet website within 10 business days after receiving approval from the Superintendent of Public Instruction. The school district or sponsor of the charter school shall publish quarterly progress updates on its implementation of the plan, including, without limitation, milestones achieved and areas requiring additional focus. All published materials must be posted on the Internet website maintained by the school district or sponsor and translated into the five most common languages spoken by families within the school district or charter schools sponsored by the sponsor.

5. The board of trustees of the school district or sponsor of the charter school shall hold regular public meetings during the probationary period to:

(a) Provide updates on the progress of the school district or sponsor under the school district or sponsor of a charter school performance improvement plan;

(b) Solicit input from parents, teachers and community stakeholders; and

(c) Present a summary of challenges faced and actions planned to address deficiencies.

6. During the probationary period, the Department shall monitor the progress of the school district or sponsor of the charter school through:

(a) Quarterly progress reports submitted by the school district or sponsor;

(b) On-site assessments of the operations, instructional quality and financial management of the school district or sponsor; and

(c) Providing technical assistance to address challenges and support implementation.

7. The Superintendent of Public Instruction may appoint a state monitor to oversee the adherence of the school district or sponsor of the charter school to the school district or sponsor of a charter school performance improvement plan.

8. A state monitor appointed pursuant to subsection 7 shall:

(a) Review quarterly progress reports;

(b) Conduct audits and site visits to evaluate progress in the implementation of the school district or sponsor of a charter school performance improvement plan;

(c) Provide feedback and recommendations for adjustments to the school district or sponsor of a charter school performance improvement plan; and

(d) Ensure alignment with state educational goals and expectations.

9. At the conclusion of each school year during the probationary period, the Department shall evaluate the progress of the school district or the sponsor of the charter school based on the benchmarks established in the approved school district or sponsor of a charter school performance improvement plan.

10. If, after 2 school years, the school district or sponsor of the charter school fails to demonstrate adequate progress, as defined in the regulations adopted pursuant to subsection 15, the Superintendent of Public Instruction may:

(a) Replace school district or charter school leadership, including, without limitation, the superintendent of schools of the school district;

(b) Reallocate resources to prioritize support for schools designated as low-performing schools pursuant to section 6.6 of this act; and

(c) Assume state control over specific school district or sponsor of a charter school functions until the school district or sponsor demonstrates adequate progress, as defined in the regulations adopted pursuant to subsection 15.

11. If state control is assumed pursuant to subsection 10, the Department shall develop, in collaboration with the school district or sponsor of the charter school, a school district or sponsor of a charter school recovery plan. The school district or sponsor of a charter school recovery plan must contain:

(a) Strategies to address deficiencies and improve academic outcomes, financial management and operational efficiency;

(b) Measurable benchmarks and timelines for recovery; and

(c) Clear accountability measures for monitoring progress.

12. If the school district or sponsor of the charter school:

(a) Demonstrates sustained progress and meets the benchmarks established in the school district or sponsor of a charter school recovery plan developed pursuant to subsection 11:

(1) The school district or sponsor must be removed from probationary status;

(2) Full governance responsibilities must be restored to the leadership of the school district or sponsor; and

(3) The school district or sponsor shall submit annual progress reports to the Department.

(b) Fails to demonstrate sustained progress or meet the benchmarks established in the school district or sponsor of a charter school recovery plan within the specified timeframe, the Department shall conduct a comprehensive review and report any findings to the Public Education Oversight Board. Based on the findings of the review, the Superintendent of Public Instruction may, subject to the approval of the Oversight Board, take additional actions, including, without limitation:

(1) Extending state oversight for up to 3 additional years;

(2) Replacing key administrative personnel responsible for the areas of persistent deficiency;

(3) Implementing targeted operational interventions;

(4) Appointing additional state personnel or external consultants; and

(5) Evaluating the feasibility of school district or sponsor restructuring.

13. If the Superintendent of Public Instruction takes any action pursuant to paragraph (b) of subsection 12, the Department shall regularly engage with community stakeholders and prepare and submit a report of intervention efforts to the:

(a) Governor;

(b) Public Education Oversight Board; and

(c) Director of the Legislative Counsel Bureau for transmittal to:

(1) The Joint Interim Standing Committee on Education, if the report is received during the interim period between legislative sessions.

(2) The Senate and Assembly Standing Committees on Education, if the report is received during a legislative session.

14. The Department shall post on the Internet website maintained by the Department all reports and evaluations related to the intervention measures taken pursuant to this section and include such measures in an annual report to the:

(a) Governor;

(b) Public Education Oversight Board; and

(c) Director of the Legislative Counsel Bureau for transmittal to:

(1) The Joint Interim Standing Committee on Education, if the report is received during the interim period between legislative sessions.

(2) The Senate and Assembly Standing Committees on Education, if the report is received during a legislative session.

15. The Superintendent of Public Instruction shall adopt regulations for determining adequate progress based on criteria which may include, without limitation:

(a) Measurable improvements in academic achievement metrics, including, without limitation:

(1) Increased proficiency rates in core academic subjects;

(2) Improved high school graduation rates, where applicable;

(3) College and career readiness indicators, where applicable; and

(4) Enhanced attendance, promotion and retention rates across all grade levels; and

(b) Enhanced operational efficiency and equitable resource allocation, demonstrated by:

(1) The effective and efficient allocation of resources;

(2) Strengthened financial management practices; and

(3) Evidence of improved instructional quality and program delivery throughout the school district.

Sec. 10. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One ~~[nonvoting]~~ ***voting*** member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three ~~[nonvoting]~~ ***voting*** members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

3. In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

4. Each elected trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

5. In each school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.

6. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

7. The term of office of a school trustee is 4 years, commencing on the first Monday of January thereafter next following the election of the trustee.

8. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

9. The ~~[nonvoting]~~ ***voting*** members of the board of trustees appointed pursuant to ***paragraphs (b) and (c) of*** subsection 2 ~~[:~~

~~(a) Except as otherwise provided in paragraph (b), shall]~~ have the same rights and responsibilities as voting members of the board of trustees ~~[.]~~ ***elected pursuant to paragraph (a) of subsection 2,*** including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions ~~[;]~~ and

~~[(b) Do not have voting rights for the election of officers or the authority to serve]~~ ***serving*** as an officer of the board of trustees.

10. The board of trustees of a school district may not adopt any requirements, statutes, regulations, rules, policies or bylaws or take any other action to restrict or curtail the duties, rights or responsibilities of a member of the board of trustees of the school district based on whether the member was elected or appointed to his or her position.

Sec. 11. NRS 386.310 is hereby amended to read as follows:

386.310 1. The board of trustees shall meet and organize by:

(a) Electing one of its ~~[elected]~~ members as president.

(b) Electing one of its ~~[elected]~~ members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers from its ~~[elected]~~ members as may be deemed necessary.

(d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 11.5. ~~[NRS 387.1211 is hereby amended to read as follows:~~

~~387.1211 As used in NRS 387.121 to 387.12468, inclusive:~~

~~1. "At-risk pupil" means a pupil who is within the [quintile] *percentage* of pupils determined to be most in need of additional services and assistance to graduate based on one or more measures prescribed by the State Board, which may include, without limitation, consideration of whether a pupil:~~

~~(a) Is economically disadvantaged;~~

~~(b) Is at risk of dropping out of high school; or~~

~~(c) Fails to meet minimum standards of academic proficiency.~~

~~2. "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.~~

~~3. "Average daily enrollment" means the total number of pupils enrolled in and scheduled to attend a public school in a specific school district during a period of reporting divided by the number of days school is in session during that period.~~

~~4. "Commission" means the Commission on School Funding created by NRS 387.1246.~~

~~5. "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district, charter school or university school for profoundly gifted pupils at a specified time during the school year.]~~ **(Deleted by amendment.)**

Sec. 11.7. NRS 387.1213 is hereby amended to read as follows:

387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in this section, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Education Stabilization Account must not exceed 20 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.

4. If the Interim Finance Committee finds that:

(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a

transfer of money to the State Education Fund necessary to fund the excess enrollment;

(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving less money than authorized for expenditure from the State Education Fund;

(c) Upon submission of a request from the Department, any amount of money which was deposited in the State Education Fund is found by an audit to have been deposited in error; ~~[or]~~

(d) Upon submission of a request from the Department, any error in the application of the Pupil-Centered Funding Plan by the Department has created a shortfall in the State Education Fund ~~[.]~~ ***; or***

(e) Upon submission of a request from the Department, the Department is required to undertake extraordinary measures to oversee or allocate resources to a school district or sponsor of a charter school that is designated as a low-performing school district or sponsor of a charter school or underperforming school district or sponsor of a charter school pursuant to section 6.5 of this act or a public school that is designated as a low-performing school pursuant to section 6.6 of this act or as persistently underperforming pursuant to subsection 6 of section 14.25 of this act,

➥ the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.

5. When determining the actual ending fund balance for the purposes of subsection 1, each county school district shall exclude:

(a) Any money deposited in the county school district fund on or before June 30, 2020;

(b) Any money apportioned to the county school district for capital projects or debt service pursuant to subsection 2 of NRS 362.170 and deposited in the county school district fund when authorized by law; and

(c) Any money transferred to the county school district and authorized for expenditure as a continuing appropriation pursuant to paragraph (b) of subsection 6 of NRS 387.1214.

6. If the Superintendent of Public Instruction determines that the money due from the State Education Fund to a county school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.185 exceeds the amount of money available in the State Education Fund because of a delay in expected receipts, he or she may request from the Director of the Office of Finance a temporary advance from the Education Stabilization Account for the payment of such money due. Upon receipt of such a request, the Director of the Office of Finance shall make a recommendation to the Interim Finance Committee to approve the temporary advance in whole or in part or to deny the request. If the Interim Finance Committee approves the request in whole or in part, the Director of the Office of Finance shall notify the State Controller and the Fiscal Analysis Division of the Legislative

Counsel Bureau of the amount approved by the Interim Finance Committee, and the State Controller shall draw his or her warrant upon receipt of such a notice of approval. Any money which is temporarily advanced from the Education Stabilization Account pursuant to this subsection must be repaid by August 31 following the end of the fiscal year in which the temporary advance is made.

7. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.

Sec. 12. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) ~~[Review the academic progress made by pupils in each public school since the implementation of the Pupil-Centered Funding Plan, including,~~

~~without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. In performing such a review, the Commission shall:~~

~~(1) Use metrics to measure the academic achievement of pupils which include, without limitation:~~

~~(I) The rate of graduation of pupils from high school by type of diploma;~~

~~(II) The performance of pupils on standardized examinations in math, reading and science;~~

~~(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;~~

~~(IV) The number of pupils who earn a passing score on an advanced placement examination;~~

~~(V) The number of pupils who earn a passing score on an international baccalaureate examination;~~

~~(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;~~

~~(VII) The percentage of pupils in each school who drop out;~~

~~(VIII) The number of pupils who enroll in higher education upon graduation;~~

~~(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;~~

~~(X) The attendance rate for pupils;~~

~~(XI) The number of violent acts by pupils and disciplinary actions against pupils; and~~

~~(XII) Any other metric prescribed by the Commission;~~

~~(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:~~

~~(I) The literacy rate for pupils in the first, third and fifth grades;~~

~~(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;~~

~~(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and~~

~~(IV) Any other metric prescribed by the Commission;~~

~~(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:~~

~~(I) The rate of vacancies in positions for teachers, support staff and administrators;~~

~~(II) The attendance rate for teachers;~~

~~(III) The retention rate for teachers;~~

~~(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;~~

~~(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and~~

~~(VI) Any other metric prescribed by the Commission;~~

~~(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:~~

~~(I) The results of an annual survey of satisfaction of school employees;~~

~~(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and~~

~~(III) Any other metric prescribed by the Commission;~~

~~(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;~~

~~(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and~~

~~(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.~~**]** ***Work with the Department, any relevant boards and committees, school districts and charter schools to develop and recommend an analysis of the return on investment of using the funding provided by the Pupil-Centered Funding Plan and allocated by local educational agencies to obtain certain pupil outcomes.***

(g) Review and consider ***the implications on funding of*** strategies to improve the accessibility and ensure the equitability of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

(h) In each even-numbered year, review and propose any recommended revisions to the method of calculating the percentage of pupils determined to be most in need of additional services and assistance to graduate pursuant to subsection 1 of NRS 387.1211. In conducting such a review, the Commission shall select a third party to verify that any calculation or algorithm used to make such determination accurately identifies the percentage of at-risk pupils enrolled in public schools in this State and determine whether any more accurate or effective method of calculating the percentage of such pupils exists. A third party selected by the Commission pursuant to this paragraph shall, on or before September 1 of each even-numbered year, submit a report of its findings concerning methods of calculating the percentage of at-risk pupils enrolled in public schools in this State, and any recommendations for alternative methods, to the Department, the State Board and the Commission.

(i) Review the process and evaluate alternatives for adjusting funding allocations on weighted counts of categories of pupils identified in paragraph (e) of subsection 2 of NRS 387.1214 to determine the most effective method for ensuring funding that is stable and equitable. The review must include, without limitation:

(1) An evaluation of quarterly, annual and multi-year methods for averaging counts of pupil enrollment;

(2) An analysis of the impact of such averaging methods on funding stability, program implementation and equity across school districts, charter schools and university schools for profoundly gifted pupils;

(3) Consolidation of stakeholder feedback regarding funding predictability and administrative efficiency; and

(4) Exploration of alternative approaches, including, without limitation, the use of a 3-year average or high count for 3 years, to balance accuracy and stability in funding streams.

(j) Review and recommend whether other pupils, in addition to those identified in the percentage of at-risk pupils determined to be the most in need of additional services and assistance to graduate pursuant to subsection 1 of NRS 387.1211, should also be identified as at-risk pupils for such purposes.

(k) At least once each year, meet with the Commission on Innovation and Excellence in Education created by NRS 385.910 to discuss and review progress on any studies, research and recommendations developed by each group that concern shared domains of focus.

2. Each school district and each charter school shall submit ~~[a quarterly]~~ ***an annual*** report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being ~~[used]~~ ***allocated*** to improve the academic performance and progress of pupils ***.*** ~~[and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement.]~~ The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.

3. After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.

4. The Commission shall:

(a) Present any recommendations pursuant to paragraphs (a) to ~~[(g),]~~ ***(j),*** inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and recommendations by the Committee; and

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the recommendations or a revised version of the recommendations to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Sec. 13. NRS 387.1275 is hereby amended to read as follows:

387.1275 1. The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools ~~[and]~~ ***, institutions within the Nevada System of Higher Education*** ~~***[,]***~~ ***and*** nonprofit organizations ~~***[and private, for-profit organizations]***~~ to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:

(a) Serve children who are less than 6 years of age;

(b) Be evidence-based;

(c) Provide for appropriate individualized accommodations and supports for children with disabilities; and

(d) Include a plan of reporting and accountability for the performance of the program . ~~***[; and***~~

~~***(e) Be provided at no cost to the parent or legal guardian of a child served by the program.]***~~

2. A school district, sponsor of a charter school ~~[or]~~ ***, institution within the Nevada System of Higher Education*** ~~***[,]***~~ ***or*** nonprofit organization ~~***[or private, for-profit organization]***~~ that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:

(a) Includes an implementation plan which is financially sound; and

(b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.

3. The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school ~~[or]~~ ***, institution within the Nevada System of Higher Education*** ~~***[,]***~~ ***or*** nonprofit organization ~~***[or private, for-profit organization]***~~ to support an early childhood literacy and readiness program that:

(a) Receives money from a private source;

(b) Receives money from a federal grant;

(c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; ~~[or]~~

(d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years ~~[.]~~ ***; or***

(e) Serves children who are the most in need of services, including, without limitation, children:

(1) From families whose household income is not more than 250 percent of the federally designated level signifying poverty;

(2) With an individualized educational plan;

(3) With a documented need for behavioral, social or emotional supports; ~~[and]~~

(4) Who are members of vulnerable and historically underserved populations ~~[.]~~ ; or

(5) Who are members of a household in which a language other than English is primarily spoken.

4. The Department may set aside a portion of funding received to support the purposes of this section for the purpose of administering systems, assessments, projects and programs to serve children pursuant to this section. Such a portion of funding must be not more than 5 percent of the total amount of funding received.

Sec. 13.5. NRS 387.652 is hereby amended to read as follows:

387.652 1. The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools ~~[and]~~ ***, institutions within the Nevada System of Higher Education ~~[,]~~ and*** nonprofit organizations ***~~[and private, for profit organizations]~~*** to support prekindergarten programs. Each prekindergarten program supported by a grant awarded pursuant to this section must:

(a) Employ at least one teacher per classroom who has a bachelor's degree or higher in early childhood education and compensate those teachers with pay and benefits similar to those provided to licensed teachers by the school district in which the prekindergarten program is located;

(b) ~~[Serve]~~ ***To the extent practicable to ensure that the prekindergarten program serves as many children as possible, serve*** children who are 4 years of age ~~[at the beginning]~~ ***on or before August 1*** of the school year and ~~[whose]~~***:***

(1) Whose household has a household income which is not more than ~~[200]~~ ***250*** percent of the federally designated level signifying poverty;

(2) Who have an individualized educational program;

(3) Whose primary language is not English; ~~[and]~~ or

(4) Who are members of vulnerable and historically underserved populations;

(c) Provide instruction in prekindergarten for at least 25 hours each week for the entire school year;

(d) Utilize a comprehensive curriculum for prekindergarten that is aligned to any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(e) Maintain the size of each class at not more than 20 pupils and a ratio of not more than 10 pupils for each adult with supervision in the classroom;

(f) Participate in any evaluation of the program or the pupils who participate in the program that is prescribed by the regulations adopted pursuant to NRS 387.656;

(g) Effectively engage the parents or guardians of pupils and participate in any evaluation of such engagement that is required by the regulations adopted pursuant to NRS 387.656;

(h) Serve pupils with disabilities at a rate that is not less than the percentage of pupils in this State or in the United States, whichever is greater, who are 4 years of age at the beginning of the school year who receive services funded pursuant to 20 U.S.C. § 1419;

(i) Ensure that the percentage of pupils with disabilities in each class is less than 49 percent of the total number of pupils;

(j) Provide appropriate individualized accommodations and supports for pupils with disabilities;

(k) Provide the comprehensive services prescribed pursuant to NRS 387.656; and

(l) Meet the minimum standards of performance prescribed pursuant to NRS 387.656 . ~~*[; and*~~

~~*(m) Be provided at no cost to the parent or legal guardian of a child served by the program.]*~~

2. The board of trustees of a school district, the sponsor of a charter school ~~[or]~~ ***, an institution within the Nevada System of Higher Education*** ~~*[,]*~~ ***or*** a nonprofit organization ~~*[or a private, for-profit organization]*~~ that wishes to receive a grant of money pursuant to this section must submit an application to the Department. The application must include, without limitation:

(a) A detailed description of the manner in which the board of trustees, sponsor of a charter school ~~[or]~~ ***, institution*** ~~*[,]*~~ ***or*** nonprofit organization ~~*[or private, for-profit organization]*~~ proposes to:

(1) Ensure that the prekindergarten program supported by the grant meets the requirements of subsection 1; and

(2) Use the grant of money; and

(b) Any other information required by the Department.

~~*[3. The Department shall determine the amount of a grant of money awarded pursuant to this section by:*~~

~~*(a) If the grant is awarded to a school district or the sponsor of a charter school, multiplying the adjusted base per pupil funding amount established for that school district or charter school for that school year by the number of children served by the applicable prekindergarten program; or*~~

~~*(b) If the grant is awarded to an institution within the Nevada System of Higher Education, nonprofit organization or private, for-profit organization, multiplying the adjusted base per pupil funding amount established for a charter school in the county in which the prekindergarten program provided by the institution or organization is located by the number of children served by the program.]*~~

Sec. 14. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 14.1 to 14.65, inclusive, of this act.

Sec. 14.1. ~~*[1. The board of trustees of each school district located in a county whose population is 700,000 or more shall:*~~

~~*(a) Ensure that in each elementary school within the school district:*~~

~~*(1) There is at least 1 administrator for every 17 teachers, as defined in NRS 385A.430; and*~~

~~(2) Prioritize the filling of each classroom-based position before the staffing of any position that is not classroom-based.~~

~~(b) Annually submit a report to the Department describing how the school district complies with the requirements set forth in paragraph (a).~~

~~2. The provisions of this section do not apply to a specialty school.~~

~~3. As used in this section:~~

~~(a) "Classroom-based position" means a position filled by a teacher who:~~

~~(1) Actively teaches pupils during a class period; and~~

~~(2) Is the teacher of record assigned to the classroom of pupils.~~

~~(b) "Specialty school" has the meaning ascribed to it in NRS 388G.555.]~~ **(Deleted by amendment.)**

Sec. 14.2. ~~[1. The Department shall develop, publish and maintain a list of service providers who:~~

~~(a) Are in good standing with the Secretary of State; and~~

~~(b) Offer literacy intervention, tutoring and other related services that:~~

~~(1) Are grounded in scientifically based reading research;~~

~~(2) Align with the standards of content and performance for English language arts adopted by the State Board; and~~

~~(3) Align with state literacy goals, standards and guidelines.~~

~~2. To be eligible to provide literacy intervention, tutoring or related services, a service provider must register with the school district in the county in which pupils to whom the service provider will provide such services are located. A school district shall register such a service provider if the school district verifies:~~

~~(a) That the service provider is in good standing with the Secretary of State; and~~

~~(b) The literacy intervention, tutoring and other related services offered by the service provider:~~

~~(1) Are grounded in scientifically based reading research;~~

~~(2) Align with the standards of content and performance for English language arts adopted by the State Board; and~~

~~(3) Align with state literacy goals, standards and guidelines.~~

~~3. As used in this section, "scientifically based reading research" means research that employs rigorous, systematic and objective:~~

~~(a) Methods to gain knowledge from multiple disciplines to understand how children learn to read;~~

~~(b) Strategies or methods to teach children to read; and~~

~~(c) Approaches to overcome reading difficulties.]~~ **(Deleted by amendment.)**

Sec. 14.25. *1. The Superintendent of Public Instruction shall place on probation each public school that has been designated as a low-performing school pursuant to subsection 1 of section 6.6 of this act. A period of probation imposed pursuant to this section:*

(a) Begins on the first day of the first school year following the date of the designation of the public school as a low-performing school; and

(b) Must end on the date on which the Department posts a final rating of the public school made pursuant to NRS 385A.720 that the Superintendent of Public Instruction determines to indicate that the public school no longer qualifies for designation as a low-performing school pursuant to subsection 1 of section 6.6 of this act.

2. Not later than 60 days after the beginning of a period of probation imposed pursuant to subsection 1, the principal of the public school shall prepare and submit to the Department a school improvement plan that is based on the plan to improve the academic achievement of pupils prepared pursuant to section 1.3 of this act. The school improvement plan must include, without limitation:

(a) Specific achievement targets and performance targets to address the reason that the public school was designated as a low-performing school;

(b) A clear timeline for implementing any changes to address the reason that the public school was designated as a low-performing school; and

(c) A strategic plan for improving pupil outcomes.

3. The Superintendent of Public Instruction shall, not later than 30 days after receiving a school improvement plan submitted to the Department pursuant to subsection 2, review and approve or deny approval of the school improvement plan. If the Superintendent of Public Instruction denies approval of the school improvement plan, the Superintendent shall notify the principal of the public school of the reasons for denying approval of the plan. Not later than 30 days after receiving such notice, the principal shall prepare and submit to the Department revisions to the school improvement plan. The public school shall implement a school improvement plan approved by the Superintendent of Public Instruction and post the approved school improvement plan on the Internet website maintained by the public school.

4. The Superintendent of Public Instruction may appoint an independent school improvement official to oversee the progress of a public school during a period of probation imposed pursuant to this section. An independent school improvement official:

(a) Must not have any conflict of interest that may affect his or her ability to monitor objectively the school improvement plan of the public school;

(b) Must possess a background in evaluating school improvement practices, assessing effective school strategies and supporting the development of school improvement plans; and

(c) Must be compensated by the public school that was placed in a period of probation or the school district or sponsor of the charter school in which that public school is located or by which that public school is sponsored, as applicable, at a rate established by the Superintendent before the appointment of the independent school improvement official.

5. An independent school improvement official appointed for a public school pursuant to subsection 4 shall:

(a) Monitor the implementation by the public school of the school improvement plan and the adherence of the public school to the plan;

(b) Conduct quarterly assessments to evaluate the performance of pupils and the progress of the public school in achieving the performance targets established for the public school;

(c) Provide guidance and resources, including, without limitation, professional development and support for teachers and leadership training; and

(d) Submit annual progress reports to the Superintendent of Public Instruction that provide detailed information on the improvements in the public school and any challenges encountered.

6. Upon the conclusion of a period of probation for a public school imposed pursuant to this section or 2 years after a public school is placed on probation pursuant to this section, whichever is earlier, the Department shall evaluate the progress of the public school in meeting the achievement targets and performance targets that address the reason that the public school was designated as a low-performing school, as specified in the school improvement plan for the public school. If the Department determines that the public school has not met such achievement targets and performance targets, the Superintendent of Public Instruction shall:

(a) Designate the public school as persistently underperforming; and

(b) Notify the principal of the public school and the school district or sponsor of the charter school of the designation of the public school as persistently underperforming and include in such notice a summary of the deficiencies causing the designation and any required actions.

7. If, pursuant to subsection 6, the Superintendent of Public Instruction designates a school as persistently underperforming, the Superintendent shall recommend intervention measures to the Public Education Oversight Board impaneled pursuant to section 9.1 of this act. Subject to the approval of the Oversight Board, the Superintendent of Public Instruction may:

(a) Extend the period of probation of the public school for 1 additional school year, including, without limitation, extending all requirements and oversight imposed during a period of probation imposed pursuant to this section;

(b) Implement any or all of the corrective measures described in sections 14.3 to 14.6, inclusive, of this act; or

(c) Require additional state-directed interventions tailored to address the specific deficiencies preventing the public school from meeting its achievement targets and performance targets.

8. The Department shall regularly prepare and submit a report of intervention efforts and progress of a public school in meeting achievement targets and performance targets to the:

(a) Governor;

(b) Public Education Oversight Board; and

(c) Director of the Legislative Counsel Bureau for transmittal to:

(1) The Joint Interim Standing Committee on Education, if the report is received during the interim period between legislative sessions.

(2) The Senate and Assembly Standing Committees on Education, if the report is received during a legislative session.

9. Any report or evaluation related to intervention measures for a public school approved by the Public Education Oversight Board must be posted on the Internet website of the Department and submitted to the entities described in paragraphs (a), (b) and (c) of subsection 8.

Sec. 14.3. *1. If, pursuant to subsection 6 of section 14.25 of this act, the Superintendent of Public Instruction designates a public school as a persistently underperforming school, the Superintendent shall, not later than 60 days after the designation is made, submit to the Public Education Oversight Board impaneled pursuant to section 9.1 of this act a proposal to implement one of the following corrective measures:*

(a) Replacement of the principal of the public school and other key personnel of the public school as necessary to support substantial improvements in leadership and instructional quality; or

(b) Direct management of the public school by the Department to ensure accountability and the implementation of effective school practices . ~~[; or]~~

2. ~~[To initiate the process of implementing a corrective measure described in subsection 1, the Superintendent of Public Instruction shall issue a request for letters of interest from eligible entities to provide information on the process for selecting the corrective measure.~~

~~3.]~~ Not later than 45 days after ~~[the close of the period for]~~ receiving ~~[letters of interest submitted pursuant to subsection 2, the Superintendent of Public Instruction shall submit]~~ a proposal for a corrective measure submitted pursuant to subsection 1, the Public Education Oversight Board ~~[. The Oversight Board]~~ shall review the proposal ~~[for a corrective measure submitted pursuant to this subsection]~~ and take one of the following actions:

(a) Approve the proposal, in which case the Superintendent of Public Instruction shall proceed to implement the approved corrective measure as provided in sections 14.3 to 14.6, inclusive, of this act; or

(b) Deny the proposal, in which case the Superintendent shall:

(1) Address the reasons for the denial of the proposal; and

(2) Not later than 30 days after the denial of the proposal, submit to the Oversight Board a revised proposal for the corrective measure or a proposal for a different corrective measure.

~~[4.]~~ 3. A corrective measure must be selected, approved and implemented not later than December 31 of the year in which the public school is designated as a persistently underperforming school.

~~[5.]~~ 4. Each corrective measure must be established with an initial term of 6 years. During the initial term of the corrective measure, the Department shall:

(a) Monitor the progress of the school through the program of accountability and statewide system of accountability for public schools as set forth in chapter 385A of NRS; and

(b) Provide technical assistance, professional development and resources as necessary to support the successful implementation of the corrective measure.

~~[6.]~~ 5. At least 1 year before the end of the initial 6-year term of a corrective measure, the Superintendent of Public Instruction shall conduct a comprehensive review of the performance of the public school for which the corrective measure was implemented to determine the appropriate next steps. Based on this review, the Superintendent shall recommend to the Public Education Oversight Board one of the following actions:

(a) Renew the corrective measure for an additional term of not more than 10 years, if the public school has demonstrated sustained progress but has not met or exceeded its achievement targets and performance targets;

(b) Extend the corrective measure indefinitely, if the public school has met or exceeded its achievement targets and performance targets or the Superintendent determines that such action is in the best interest of the pupils and community served by the public school;

(c) Initiate an alternative or modified corrective measure set forth in subsection 1; or

(d) Transition the public school back to its original governance structure if the school has achieved sustained improvement and demonstrates capacity to maintain progress.

~~[7.]~~ 6. In cases where a corrective measure is extended indefinitely pursuant to paragraph (b) of subsection ~~[6.]~~ 5:

(a) The Department shall conduct periodic evaluations, not less often than every 5 years, to assess the performance and operational effectiveness of the public school and the alignment of the public school with state educational goals; and

(b) The Superintendent of Public Instruction retains the authority to modify or terminate the corrective measure if subsequent evaluations reveal significant deficiencies or if the Superintendent determines that an alternative governance structure would better serve the pupils enrolled in the public school.

~~[8.]~~ 7. The Department shall prepare a report of the findings and determinations resulting from the comprehensive review conducted by the Superintendent of Public Instruction pursuant to subsection ~~[6.]~~ 5. The report must be posted on the Internet website maintained by the Department and must include, without limitation:

(a) A summary of the progress of the public school during the initial term of the corrective measure;

(b) An evaluation of the effectiveness of the corrective measure in addressing the deficiencies in the performance of the public school; and

(c) A detailed rationale for the recommended next steps, including, without limitation, any proposed changes to the governance, operations or accountability structure of the public school.

~~[9.]~~ 8. ***The provisions of this section must not be construed to prohibit or supersede a sponsor of a charter school from taking any action to enforce a charter contract or any provision of chapter 388A of NRS.***

Sec. 14.35. ***1. If, pursuant to section 14.3 of this act, the corrective measure of replacing the principal of a public school and other key personnel of the public school is approved by the Public Education Oversight Board impaneled pursuant to section 9.1 of this act, the Superintendent of Public Instruction shall direct the superintendent of schools of the school district in which the school is located or, if the public school is a charter school, the governing body of the charter school, to initiate the process to replace the principal and other key personnel.***

2. Upon receipt of such direction from the Superintendent of Public Instruction pursuant to subsection 1, the superintendent of schools of the school district or governing body of the charter school, as applicable, shall immediately begin a process to select a new principal for the public school. The superintendent of schools of the school district or governing body of the charter school, as applicable, shall:

(a) If the public school is a local school precinct, as defined in NRS 388G.535:

(1) Ensure that the selection process complies with the applicable provisions of chapter 388G of NRS, including, without limitation, meaningful participation by the organizational team, as defined in NRS 388G.540; and

(2) Have the organizational team, as defined in NRS 388G.540, participate in the selection process for the new principal by:

(I) Defining the desired qualifications and characteristics of the new principal;

(II) Participating in interviews, evaluations and deliberations for all candidates to be hired as the new principal; and

(III) Providing formal recommendations for a candidate to be hired as the new principal;

(b) Submit the name and qualifications of the final candidate selected by the superintendent of schools of the school district or governing body of the charter school, as applicable, for review and approval by the Superintendent of Public Instruction to ensure alignment with the improvement goals for the public school; and

(c) Appoint the new principal to assume full administrative responsibilities by the start of the next school year.

3. Upon appointment, the new principal, in collaboration with the administration of the school district or, if the new principal is the principal of a charter school, the governing body of the charter school shall review and, if necessary, replace or reassign any teacher or other staff member assigned to the school, subject to the following conditions:

(a) The replacement or reassignment process must comply with all applicable state and federal laws, including, without limitation, those related to:

(1) Collective bargaining agreements; and

(2) Employment protections under state and federal law, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.;

(b) Teachers identified for replacement or reassignment must receive:

(1) Written notification specifying the reasons for the decision, consistent with performance or other relevant criteria; and

(2) Support for reassignment to another public school within the school district or another charter school, as provided in subsection 7;

(c) All decisions to replace or reassign a teacher must be documented and reviewed by the administration of the school district or the governing body of the charter school, as applicable, and the Department to ensure compliance with legal and policy standards; and

(d) Any principal, administrator, teacher or other staff of the public school who is replaced must:

(1) Be reassigned within the school district or to another charter school to a suitable role in accordance with chapter 391 of NRS and the policies of the school district or charter school;

(2) Follow the procedures of the school district or charter school, as applicable, for reassignment or other duties as appropriate; and

(3) Abide by any other requirements imposed by law or policy relating to reassignment.

4. If an administrator or teacher is removed from his or her position pursuant to this section and holds an "effective" or "highly effective" rating pursuant to paragraph (a) of subsection 2 of NRS 391.465, the administrator or teacher must be reassigned to another open position of equal responsibility and compensation within the school district or charter school. If no such position is available, the administrator or teacher must be assigned to his or her previous role.

5. If administrators, teachers or other staff of a public school are replaced or reassigned pursuant to a corrective measure implemented pursuant to this section, the superintendent of schools of the school district or the governing body of the charter school, as applicable, in coordination with the Department, may establish financial and other incentives, which are ~~[not]~~ subject to any collective bargaining agreement, to attract and retain high-quality teachers, administrators and other staff for the public school. Such incentives may include, without limitation:

(a) Salary increases, performance-based bonuses and retention stipends;

(b) Flexible scheduling options to support continuing education and other professional assignments;

(c) Specialized training programs and career advancement opportunities; and

(d) Additional supports tailored to address the specific challenges of the public school.

6. Each allocation of money for an incentive described in subsection 5 must be:

(a) Approved by the Department;

(b) Limited to the duration of the period for which the corrective measure is effective pursuant to this section; and

(c) Documented to ensure alignment with the performance and improvement goals of the public school.

7. A teacher reassigned to another public school within the school district or to another charter school pursuant to this section must receive support to meet performance standards, including, without limitation:

(a) Peer mentoring and coaching;

(b) Enrollment in professional development programs; and

(c) Additional resources or training as necessary.

8. If a new principal appointed pursuant to this section determines that additional operational costs are required to support the improvement goals of the public school, the superintendent of schools of the school district in which the public school is located or the governing body of the charter school shall:

(a) Evaluate and approve the request if resources are available or can be made available through reasonable budget augmentation;

(b) Identify and allocate appropriate sources of funding for the request; and

(c) Prioritize expenditures to address the most critical needs of the public school in alignment with its school improvement plan.

9. The Department may provide additional support and resources to persistently underperforming schools that are implementing a corrective measure pursuant to this section. Such support may include, without limitation:

(a) Leadership coaching for new principals and other key personnel appointed pursuant to this section to ensure effective school management;

(b) Ongoing professional development opportunities for teachers to support best practices in instruction and curriculum delivery; and

(c) Funding to enter into contracts with consultants or educational specialists to assist in the implementation of effective school turnaround strategies, ensuring alignment with the performance improvement goals of the public school.

Sec. 14.4. ***1. If, pursuant to section 14.3 of this act, the corrective measure of direct management of the public school by the Department is approved by the Public Education Oversight Board impaneled pursuant to section 9.1 of this act and implemented for a public school designated as***

persistently underperforming, the Superintendent of Public Instruction shall assume responsibility for overseeing the operations of the public school.

2. If the Superintendent of Public Instruction assumes responsibility for overseeing the operations of a public school pursuant to subsection 1, the Superintendent shall appoint a school turnaround director to manage the public school. The school turnaround director shall:

(a) Exercise full operational control of the public school, including, without limitation:

(1) Overseeing all instructional, operational and financial decisions;

(2) Implementing personnel decisions, including, without limitation, the hiring, reassignment or replacement of administrators, teachers and other staff employed at the public school in compliance with state and federal law; and

(3) Revising curriculum and instructional strategies to align with best practices for improving pupil outcomes.

(b) Develop and implement a comprehensive school turnaround plan. The school turnaround plan must include, without limitation:

(1) Specific academic and operational benchmarks the public school must meet during the period of the corrective measure imposed pursuant to this section;

(2) Evidence-based interventions to address areas of underperformance;

(3) Strategies to close achievement gaps for underserved populations of pupils, including, without limitation, pupils with special needs, low-income pupils, pupils who are English learners and pupils from diverse racial or ethnic backgrounds;

(4) A detailed timeline for achieving measurable progress in performance; and

(5) An evaluation of policies prescribed by the school district to identify any waivers necessary for the effective execution of the school turnaround plan.

(c) Document all proposed waivers of any policy of the school district or sponsor of the charter school and submit the proposed waivers to the superintendent of schools of the school district or the sponsor of the charter school, as applicable, for review and to the Superintendent of Public Instruction for review and approval.

(d) Provide regular updates to the Superintendent of Public Instruction, the Public Education Oversight Board and the board of trustees of the school district or the sponsor of the charter school on the implementation of the school turnaround plan to ensure transparency and accountability.

3. The Department shall provide ongoing support to a public school operating under the corrective measure of direct management imposed pursuant to this section, including, without limitation:

(a) Leadership coaching and development programs for the appointed school turnaround director and school administrators to ensure effective management and instructional leadership.

(b) Targeted professional development for teachers, including, without limitation:

(1) Training on evidence-based instructional practices and strategies for differentiated instruction;

(2) Support for integrating technology into the classroom to enhance learning outcomes; and

(3) Coaching to improve classroom management and pupil engagement.

(c) Access to external consultants and educational specialists with expertise in school turnaround strategies. Any such consultant or educational specialist shall:

(1) Provide guidance on curriculum development and instructional planning;

(2) Assist with the implementation of performance monitoring systems; and

(3) Support the alignment of school operations with the goals of the school turnaround plan.

(d) Additional funding support, as necessary, to ensure the successful execution of the school turnaround plan, including, without limitation, grants for instructional resources, teacher incentives and other identified needs.

Sec. 14.65. ~~***[1. The Department shall, to the extent money is available, award grants of money to organizations to provide transportation to pupils who are enrolled in schools outside the zone of attendance that the pupils are otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.***~~

~~***2. A pupil is eligible to use transportation provided by an organizationthat receives a grant pursuant to this section if the pupil:***~~

~~***(a) Is transferring from a public school that has received one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and***~~

~~***(b) Has no other practical transportation options.***~~

~~***3. The Department shall adopt regulations prescribing an application process for the parent or legal guardian of a pupil eligible to apply to receive transportation from an organization that has received a grant of money pursuant to this section. 4. A pupil who uses transportation pursuant to this section shall notify the Department if the pupil transfers to another school.***~~

~~***5. An organization that receives a grant of money pursuant to this section shall not use the grant for any purposes other than providing eligible pupils with transportation to and from school.]***~~ **(Deleted by amendment.)**

Sec. 14.7. ~~[NRS 388.040 is hereby amended to read as follows:~~

~~388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.~~

~~2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:~~

~~(a) Charter school;~~

~~(b) University school for profoundly gifted pupils;~~

~~(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;~~

~~(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; [or]~~

~~(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 [.] ; or~~

~~(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade level of the pupil and the pupil is approved to attend the school pursuant to this section.~~

~~3. The Superintendent of Public Instruction shall:~~

~~(a) Establish a process to review the policies and procedures of school districts adopted pursuant to paragraph (a) of subsection 4 to determine if such policies and procedures are consistent with the requirements of this section.~~

~~(b) Ensure that any application of a school district for pupils to apply to attend a school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is made available in the five most common languages other than English primarily spoken in households in this State as determined by the Superintendent of Public Instruction, which may include, without limitation, Spanish and Tagalog.~~

~~(c) On or before the first day of each calendar quarter, publish, on the Internet website maintained by the Department, the number of vacancies for each grade level in each public school in this State.~~

~~(d) On the Internet website maintained by the Department, annually publish data describing, for pupils who transferred between schools located in different zones of attendance pursuant to paragraph (f) of subsection 2:~~

~~(1) The total number of pupils who transferred between schools located in different zones of attendance during the previous school year; and~~

~~(2) For each public school, the number of pupils who transferred into and out of the school pursuant to paragraph (f) of subsection 2 during the previous school year.~~

~~4. The board of trustees of each school district shall:~~

~~(a) Adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such policies and procedures must:~~

~~(1) Not deem a pupil ineligible to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 on an arbitrary basis, including, without limitation, based on the home address of the pupil;~~

~~(2) Require all public schools within the school district, except for magnet schools, career and technical academies and dual enrollment high schools, to be open to the attendance of pupils pursuant to paragraph (f) of subsection 2, subject to capacity;~~

~~(3) Prohibit the assessment of any tuition or fees by a public school within the school district to a pupil who attends the school pursuant to paragraph (f) of subsection 2;~~

~~(4) Include a procedure for pupils to apply to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2, including, without limitation, the date each year on which the school district will begin accepting applications and the annual deadline by which an application must be submitted;~~

~~(5) Not require a pupil to complete an application to attend a public school unless the pupil is requesting to attend a public school outside the zone of attendance that the pupil is otherwise required to attend;~~

~~(6) Provide for the notification of a pupil and his or her parent or legal guardian, and the principals of the schools involved in the transfer of the pupil, if an application is approved; and~~

~~(7) Include a method to determine which pupils to enroll in any grade level within a public school for which applications exceed the capacity limits established pursuant to paragraph (c), which may include, without limitation, a lottery.~~

~~(b) On or before the first day of each calendar quarter, publish on the Internet website maintained by the school district the number of vacancies for each grade level in each public school in the school district.~~

~~(c) Determine the capacity for each grade level within each public school in the school district in accordance with the provisions of this section and annually publish such capacity on the Internet website maintained by the school district not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. The capacity determined pursuant to this paragraph must not be reduced during the period in which the school district accepts such~~

~~*applications unless a significant change in circumstances, which was unforeseeable at the time the capacity was published pursuant to this section, necessitates such a change, including, without limitation, a change in capacity due to an issue with the facilities of the public school. If the capacity of a public school is reduced during the period in which the school district accepts such applications, the board of trustees shall ensure that, not later than 15 days before the earliest date on which decisions on such applications are to be made, there is published on the Internet website maintained by the school district a written explanation of the change in circumstances which necessitated the reduction in capacity.*~~

~~*(d) Require a public school in the school district to enroll a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved, so long as the public school has capacity at the grade level of the pupil without taking into consideration the capacity of any specialized program.*~~

~~*(e) Allow a pupil whose application submitted in accordance with the policies and procedures adopted pursuant to paragraph (a) has been approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.*~~

~~*(f) Adopt a uniform methodology for calculating the capacity of each public school within the school district for the purposes of paragraph (e). The methodology must be publicly documented, applied consistently across all public schools within the school district and published on the Internet website maintained by the school district. The methodology adopted by a school district must calculate the capacity of each public school within the school district based on:*~~

~~*(1) Maximum building occupancy; or*~~

~~*(2) An occupancy level of not more than 1 person per 40 square feet of instructional space.*~~

~~*(g) Prepare and submit an annual report to the Superintendent of Public Instruction describing:*~~

~~*(1) The number of applications to attend a public school outside the zone of attendance that a pupil is otherwise required to attend that were received by the school district and the number of such applications that were approved or denied; and*~~

~~*(2) For each application that was denied, the reason the board of trustees of the school district denied the application.*~~

~~*5. The application process established by the board of trustees of a school district pursuant to subsection 4 must prohibit the consideration of any of the following factors in determining whether to approve an application:*~~

~~*(a) The academic, artistic or athletic ability of a pupil;*~~

~~*(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;*~~

~~*(c) Whether a pupil is a pupil with a disability;*~~

~~*(d) Whether a pupil is an English learner;*~~

~~*(e) The address at which the pupil resides; or*~~

~~*(f) Except as otherwise provided in this paragraph, whether a pupil has previously been subject to any disciplinary action. The board of trustees of a school district may deny the application of a pupil who, in the school year for which the application is submitted or in the immediately preceding school year, was suspended for 10 or more days or expelled.*~~

~~*6. Any system of open enrollment implemented pursuant to this section shall include, without limitation, a priority lottery for pupils enrolled in public school currently designated as low-performing, chronically low-performing or persistently underperforming. The priority lottery must not interfere with:*~~

~~*(a) Placement of pupils residing in the zone of attendance for the school;*~~

~~*(b) Continued enrollment of pupils previously placed in the school by a system of open enrollment; and*~~

~~*(c) Preference of a parent or legal guardian to enroll siblings in the same school.*~~

~~*7. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend is denied or no action is taken on the application, the parent or legal guardian of the pupil may appeal the denial or lack of action to the superintendent of the school district and he or she shall promptly approve or deny the application. The decision of the superintendent of the school district is final.*~~

~~*8. The board of trustees of a school district may accept gifts and grants to carry out the provisions of subsections 3 to 6, inclusive.*~~

~~*9. The State Board shall adopt regulations necessary to carry out the provisions of this section.*~~

~~*10. As used in this section:*~~

~~*(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.*~~

~~*(b) "Instructional space" does not include:*~~

~~*(1) A gymnasium;*~~

~~*(2) A theater;*~~

~~*(3) An administrative office;*~~

~~*(4) A cafeteria; and*~~

~~*(5) A storage space.*~~

~~*(c) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 388.055 is hereby amended to read as follows:

388.055 ***1.*** Each public school, including, without limitation, each charter school, ***in which at least 500 pupils are enrolled that is located in a county whose population is less than 100,000*** shall, to the extent that money is available for that purpose:

~~[1.]~~ ***(a)*** Employ a school counselor at the school on a full-time basis.

[2.] *(b)* Provide for a comprehensive program for school counseling developed by a school counselor pursuant to NRS 391.293.

2. Each public school, including, without limitation, each charter school, located in a county whose population is 100,000 or more shall:

(a) Provide for the availability of a school counselor or equivalent service at the school on a full-time basis.

(b) Provide for a comprehensive program for school counseling developed by a school counselor pursuant to NRS 391.293.

Sec. 15.5. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section and NRS 388D.330, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section and NRS 388.095 and 388.097 must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

6. Each school year must contain at least 4 days of professional development for education personnel assigned to each elementary school. At least 3 days of such professional development must be devoted to training on

methods and skills necessary to achieve the goals of the plan for the school prepared pursuant to section 1.3 of this act.

Sec. 15.6. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board ***, or an equivalent level determined by an assessment administered by the board of trustees of a school district or governing body of a charter school,*** for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments ~~[that have been approved by the State Board by regulation]~~ during each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. The Department ~~[shall]~~ ***:***

(a) Shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

(b) May adopt regulations prescribing the manner by which the board of trustees of each school district and the governing body of a charter school are required to collect and report the results of any assessment used by the school district or charter school, as applicable, to assess a pupil's proficiency in the subject area of reading.

(c) May prescribe one or more valid and reliable standards-based statewide assessments that must be used in a school district or charter school to assess a pupil's proficiency in the subject area of reading if the board of trustees of the school district or the governing body of the charter school, as applicable, fails to include such an assessment in the plan submitted pursuant to subsection 1.

4. If the board of trustees of a school district or the governing body of a charter school administers an assessment to assess the proficiency of a pupil in the subject of reading other than a statewide assessment prescribed pursuant to paragraph (c) of subsection 3 and the Department has established a method to determine an equivalent score to a score on a statewide assessment for such an assessment, the Department shall award a grant to the school district or local educational agency for the charter school in an amount equal to the savings to the Department, on a proportional basis, for not administering the statewide assessment to pupils in the school district or charter school, as applicable. A grant to a school district or local educational agency awarded pursuant to this subsection must not exceed, on a per pupil basis, the cost of a statewide assessment prescribed pursuant to paragraph (c) of subsection 3.

Sec. 16. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each ~~[school quarter of a]~~ school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, counselors, librarians, administrators, deans, specialists, any administrators or other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom and teachers who are not actively teaching pupils during a class period or who do not teach a subject area for which the ratio of pupils per licensed teacher is being determined.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any ~~[quarter of a]~~ school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance for each such school for the next ~~[quarter of the current]~~ school year ~~[if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,]~~ from the State Board by providing a written statement that includes the reasons for the request, the justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on ~~[a quarterly]~~ ***an annual*** basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the ~~[preceding quarter]~~ ***school year*** and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

7. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed full-time;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of substitute teachers filling vacancies or long-term positions;

(d) The number of pupils enrolled; and

(e) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 17. NRS 388.723 is hereby amended to read as follows:

388.723 The Department shall:

1. Develop policies and procedures for:

(a) Monitoring the plan of each school district to reduce the pupil-teacher ratio per class developed pursuant to NRS 388.720, which must include, without limitation, provisions for:

(1) The review of each plan submitted to the State Board to ensure the adequacy of such plans; and

(2) The review of any data submitted to the State Board pursuant to NRS 388.710.

(b) Monitoring the ~~[quarterly]~~ reports concerning the average daily enrollment of pupils and the pupil-teacher ratios in each school district submitted by the board of trustees of the school district pursuant to NRS 388.725 to ensure the completeness and accuracy of such reports.

(c) The review of any requests for a variance submitted to the State Board pursuant to NRS 388.700, which must include, without limitation, provisions to verify the information in such requests to ensure the accuracy of the reports on variances submitted by the State Board to the Legislature pursuant to that section.

(d) The distribution of money to each school district for the reduction of pupil-teacher ratios, which must include, without limitation, provisions for:

(1) The retention of all documents and records related to the distribution; and

(2) The review of the work performed to determine the distribution of such money to ensure the accuracy of supporting information and the calculations used in making such determinations.

2. Provide guidance to the school districts on:

(a) The development of a plan to reduce the pupil-teacher ratio per class pursuant to NRS 388.720. In developing such guidance, the Department shall:

(1) Outline the criteria that each plan must include to meet the requirements of NRS 388.720.

(2) Provide examples of policies, plans or strategies adopted by other states to reduce class sizes.

(b) The requirements for reporting information related to the reduction of pupil-teacher ratios.

(c) The data that must be monitored pursuant to NRS 388.710 by each school district and used to measure the effectiveness of the implementation of any plan to reduce pupil-teacher ratios.

3. Communicate with the board of trustees of each school district regarding the expectations of the Department for the use of any money distributed to reduce pupil-teacher ratios in the school district, including, without limitation, the minimum number of teachers the school district is expected to employ.

Sec. 18. NRS 388.725 is hereby amended to read as follows:

388.725 1. On or before ~~[August]~~ ***October*** 1 ~~[, November 1, February 1 and May 1]~~ of each year, the board of trustees of each school district shall report to the Department for the ~~[preceding quarter:]~~ ***current school year:***

(a) Except as otherwise provided in paragraph (b), the average daily enrollment of pupils and the ratio of pupils per licensed teacher for grades 1, 2 and 3 for each elementary school in the school district.

(b) If the State Board has approved an alternative class-size reduction plan for the school district pursuant to NRS 388.720, the average daily enrollment of pupils and the ratio of pupils per licensed teacher for those grades which are required to comply with the alternative class-size reduction plan for each elementary school in the school district.

2. The board of trustees of each school district shall post on the Internet website maintained by the school district:

(a) The information concerning average daily enrollment and class size for each elementary school in the school district, as reported to the Department pursuant to subsection 1; and

(b) An identification of each elementary school in the school district, if any, for which a variance from the prescribed pupil-teacher ratios was granted by the State Board pursuant to subsection 4 of NRS 388.700.

Sec. 19. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district in which a proposed charter school will be located may, not later than 10 business days after a public meeting is held pursuant to subsection 1 of NRS 388A.255, object to the formation of the proposed charter school if:

(a) A majority of members of the board of trustees vote to approve the objection; and

(b) The board of trustees determines that the academic, financial or organizational plans included in the application pursuant to paragraph (a) of subsection 1 of NRS 388A.243 for the charter school do not meet the needs of the community.

2. If the board of trustees of a school district objects to the formation of a charter school pursuant to subsection 1, the board of trustees must submit notice of the objection to the State Board and the State Public Charter School Authority.

3. After receiving notice of an objection pursuant to subsection 2, the State Public Charter School Authority may make affirmative findings that the assessment of the academic, financial or organizational plans included in the application pursuant to paragraph (a) of subsection 1 of NRS 388A.243 made by the board of trustees of a school district is incorrect. After making such findings, the State Public Charter School Authority may approve the application to form a charter school.

~~***[4. The State Public Charter School Authority may not, during the period for submitting an objection set forth in subsection 1 or while a notice of an objection or an appeal initiated pursuant to this section is pending:***~~

~~***(a) Except as otherwise provided in subsection 3, approve the application to form a charter school; or***~~

~~***(b) Negotiate, develop or execute a charter contract with the governing body of the charter school.]***~~

Sec. 20. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of nine members. The membership of the State Public Charter School Authority consists of:

(a) ~~[~~Two members appointed by the Governor in accordance with subsection 2;~~]~~

~~(b)]~~ Two members ~~[,]~~ who must not be Legislators, ***one of whom holds a license to teach issued pursuant to chapter 391 of NRS and one of whom has a demonstrated understanding of charter school operations,*** appointed by the Majority Leader of the Senate in accordance with subsection 2;

~~[(c)]~~ ***(b)*** Two members ~~[,]~~ who must not be Legislators, ***one of whom holds a license to teach issued pursuant to chapter 391 of NRS and one of whom has a demonstrated understanding of charter school operations,*** appointed by the Speaker of the Assembly in accordance with subsection 2;

~~[(d) Two members]~~

(c) One member who has specific knowledge of the assessments required in elementary and secondary education, appointed by the State Board of Education ~~[; and]~~ ***in accordance with subsection 2;***

~~[(e)]~~ ***(d)*** One member appointed by the Charter School Association of Nevada or its successor organization ~~[.]~~ ***;***

(e) One member who is ~~***[an elected member of the board of trustees of a school district in this State, appointed by the State Board of Education;]***~~ ***a person who has experience and expertise in managing finances for facilities in the public sector; and***

(f) Two members who are the parent or legal guardian of a pupil enrolled in a charter school in this State, appointed by the Governor.

2. The Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the State Board of Education shall ***, in appointing members pursuant to paragraphs (a), (b) and (e) of subsection 1, attempt to*** ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) ~~[Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;~~

~~(c)]~~ Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools;

~~[(d)]~~ ***(c)*** Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

~~[(e)]~~ ***(d)*** Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority ***, other than any ex officio member,*** is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the

Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 20.5. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:

(a) ~~[May]~~ ***Except as otherwise provided in this paragraph, may*** not sponsor a new charter school or allow an existing charter school sponsored by the city or county to increase enrollment or operate an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in charter schools sponsored by the city or county is 7 percent or more of the number of pupils enrolled in public schools in the city or county other than charter schools that are not sponsored by the city or county. ***A city***

or county may sponsor a new charter school or allow an existing charter school sponsored by the city or county to increase enrollment or operate an additional campus of an existing charter school sponsored by the city or county if:

(1) The city or county is located in a school district that has been designated as a low-performing school district pursuant to subsection 1 of section 6.5 of this act; and

(2) The new charter school, increase in enrollment of an existing charter school or operation of an additional campus of an existing charter school will serve pupils residing in the zone of attendance of a public school that is designated as a low-performing school or persistently underperforming pursuant to section 6.6 or 14.25 of this act, respectively, or that is identified as overcrowded.

(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.

5. ***The total enrollment growth of a charter school that is new or expanding pursuant to subsection 4 may account for an increase in enrollment at the charter school of not more than 15 percent.***

6. The board of trustees of a school district, a college or university within the Nevada System of Higher Education or a city or county may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~[6.]~~ ***7.*** Before a board of trustees of a school district, a college or university within the Nevada System of Higher Education or a city or county that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees, college or university or city or county, as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of the demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.

~~[7.]~~ ***8.*** On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of the demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.

Sec. 21. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils with disabilities.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school ~~.~~ ***, including, without limitation, a consideration and description of the efficient use of any public money received by the charter school in carrying out the financial plan and policies, including, without limitation, for construction purposes.***

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation,

any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school operates a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

(b) Require pupils to participate in assessments and submit course work;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

(a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

➥ As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.417.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 388A.255 is hereby amended to read as follows:

388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a ***public*** meeting which must be held not later than 120 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. ***If the application states that the charter school will be located in a county whose population is 100,000 or more, the meeting must be held in that county.*** Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if the requirements of subsection 3 of NRS 388A.249 are satisfied. ~~[Not]~~ ***Except as otherwise provided in section 19 of this act, not*** more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that

the requirements of subsection 3 of NRS 388A.249 have not been satisfied. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

3. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 2, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority ~~[,]~~ ***shall, and*** the board of trustees of the school district, a college or university within the Nevada System of Higher Education or a city or county, as applicable, which sponsors a charter school may **,** hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district, a college or university within the Nevada System of Higher Education or a city or county, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district, a college or university within the Nevada System of Higher Education or a city or county, as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees, a college

or university within the Nevada System of Higher Education or a city or county, as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 25.3. NRS 388A.300 is hereby amended to read as follows:

388A.300 1. Except as otherwise provided in ~~[subsection]~~ ***subsections 5 and*** 6, subsection 3 of NRS 385A.720 and subsection 6 of NRS 388A.274, the sponsor of a charter school shall terminate the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives, in any period of ~~[5]~~ ***3*** consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. ~~[A charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school must not be included in the count of annual ratings for the purposes of subsection 1 for any school year before the 2015-2016 school year.~~

~~3.]~~ If a charter contract is terminated or a charter school is restarted pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after terminating the charter contract or restarting the charter school.

~~[4.]~~ ***3.*** The provisions of NRS 388A.330 do not apply to the termination of a charter contract or restart of the charter school pursuant to this section.

~~[5.]~~ ***4.*** The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

~~[6.]~~ ***5.*** If the sponsor of a charter school determines that not all of the elementary, middle or high schools in or campuses of the charter school meet the criteria described in subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the elementary, middle or high schools or campuses which do not meet the criteria described in subsection 1, the sponsor may amend the charter contract to eliminate the elementary, middle or high schools or campuses that meet the criteria described in subsection 1 and limit the enrollment in all other elementary, middle or high schools in or campuses of the charter school.

6. The sponsor of a charter school described in subsection 1 is not required to terminate the charter contract of the charter school or restart the

charter school under a new charter contract if the charter school received a rating that is:

(a) Within 5 points of the number of points required for the second lowest rating of performance pursuant to the statewide system of accountability for public schools or higher; or

(b) Within 10 points of the number of points required for the second lowest rating of performance pursuant to the statewide system of accountability for public schools or higher and the charter school increased its rating from the immediately preceding school year by at least 50 percent.

Sec. 25.5. NRS 388A.300 is hereby amended to read as follows:

388A.300 1. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 5 ~~, [and 6,]~~ subsection 3 of NRS 385A.720 and subsection 6 of NRS 388A.274, the sponsor of a charter school shall terminate the charter contract of the charter school or restart the charter school under a new charter contract if the charter school receives, in any period of 3 consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools.

2. If a charter contract is terminated or a charter school is restarted pursuant to subsection 1, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination or restart of the charter school not later than 10 days after terminating the charter contract or restarting the charter school.

3. The provisions of NRS 388A.330 do not apply to the termination of a charter contract or restart of the charter school pursuant to this section.

4. The Department shall adopt regulations governing procedures to restart a charter school under a new charter contract pursuant to subsection 1. Such regulations must include, without limitation, requiring a charter school that is restarted to enroll a pupil who was enrolled in the charter school before the school was restarted before any other eligible pupil is enrolled.

5. If the sponsor of a charter school determines that not all of the elementary, middle or high schools in or campuses of the charter school meet the criteria described in subsection 1 and that the charter school can remain financially viable if the charter school continues to operate and serve only the elementary, middle or high schools or campuses which do not meet the criteria described in subsection 1, the sponsor may amend the charter contract to eliminate the elementary, middle or high schools or campuses that meet the criteria described in subsection 1 and limit the enrollment in all other elementary, middle or high schools in or campuses of the charter school.

Sec. 26. NRS 388A.351 is hereby amended to read as follows:

388A.351 1. On or before February 15 of each year, the sponsor of a charter school shall submit a written report to the Department on a form prescribed by the Department. The written report must include:

(a) A summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

(b) An identification of each charter school approved by the sponsor:

(1) Which has not opened and the scheduled time for opening, if any;

(2) Which is open and in operation;

(3) Which has transferred sponsorship;

(4) Whose charter contract has been terminated by the sponsor;

(5) Whose charter contract has not been renewed by the sponsor; and

(6) Which has voluntarily ceased operation.

(c) A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

(d) A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 388A.381, including an itemized accounting of the actual costs of those services.

(e) The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

(f) A description of the expenditures and sources of all revenues for the charter school.

2. On or before April 1 of each year, the Department shall submit to the State Board the report required pursuant to this section, to be reviewed by the State Board.

3. As used in this section, "revenues" has the meaning ascribed to it in NRS 388A.605.

Sec. 27. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. A pupil enrolled in a charter school shall only be suspended or expelled in a manner consistent with the requirements for the suspension or expulsion of a pupil enrolled in a public school within a school district as set forth in NRS 392.4601 to 392.472, inclusive.

3. Except as otherwise provided in NRS 392.467, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, at the time of the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, are given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. If a pupil is significantly suspended, expelled or permanently expelled, the pupil or, if the pupil is under 18 years of age, the parent or guardian of the pupil may appeal the significant suspension,

expulsion or permanent expulsion in accordance with the provisions of NRS 392.4671. The charter school shall ensure that a pupil who is significantly suspended, expelled or permanently expelled and is appealing the significant suspension, expulsion or permanent expulsion or a pupil who is being considered for significant suspension, expulsion or permanent expulsion continues to attend school and receives an appropriate education in the least restrictive environment possible as required by NRS 392.4676. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

4. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

5. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are ~~[at least as]~~ ***not more*** restrictive ~~[as]~~ ***than*** the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

6. As used in this section:

(a) "Expel" or "expulsion" has the meaning ascribed to it in NRS 392.4603.

(b) "Permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(c) "Significantly suspended" has the meaning ascribed to "significant suspension" in NRS 392.4655.

(d) "Suspend" or "suspension" has the meaning ascribed to it in NRS 392.4607.

Sec. 28. NRS 388A.518 is hereby amended to read as follows:

388A.518 1. Except as otherwise provided in this section, ~~[at least 80 percent of the teachers]~~ ***any teacher*** who ~~[provide]~~ ***provides*** instruction at a charter school ***in a core academic subject, as set forth in NRS 389.018,*** must hold a license or endorsement to teach issued by the Superintendent of Public Instruction pursuant to chapter 391 of NRS.

2. If a charter school specializes in the construction industry or other building industry, teachers who are employed full-time to teach courses of study relating to business and industry must hold a license or endorsement

issued by the Superintendent of Public Instruction pursuant to chapter 391 of NRS to teach such courses.

3. ~~[A teacher who is employed by a charter school, regardless of the date of hire, must be licensed to teach pursuant to chapter 391 of NRS if the teacher teaches one or more of the core academic subjects designated pursuant to NRS 389.018.~~

~~4.]~~ Except as otherwise provided in NRS 388A.515, a charter school may employ a person who does not hold a license or endorsement to teach issued by the Superintendent of Public Instruction pursuant to chapter 391 of NRS to teach a course of study for which a teacher is not required to hold a license or endorsement if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

~~[5.]~~ ***4.*** A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.

Sec. 29. Chapter 388D of NRS is hereby amended by adding thereto the provisions set forth as sections 30 to 31.7, inclusive, of this act.

Sec. 30. ***1. Each school, including, without limitation, a private school, that receives a grant of money on behalf of a pupil pursuant to subsection 1 of NRS 388D.270 shall report to the Department, on or before July 1 of each year, on a form prescribed by the Department:***

(a) The total number of pupils enrolled in the school for whom a grant was made during the immediately preceding school year; and

(b) The total number of pupils for whom a grant was made during the immediately preceding school year who were no longer enrolled in the school at the end of the school year, including the number of pupils who:

(1) Were expelled from the school and the reason for the expulsion;

(2) Withdrew from enrollment in the school due to a voluntary decision by the pupil or the parent or guardian of the pupil and the stated reason for the decision;

(3) After withdrawing from enrollment, as described in subparagraph (2):

(I) Enrolled in a public school in this State;

(II) Enrolled in a private school in this State;

(III) Began homeschooling pursuant to NRS 388D.020; or

(IV) Were deemed a truant or declared a habitual truant pursuant to NRS 392.130 or 392.140, respectively; and

(4) Withdrew from enrollment in the school and were credit deficient in, or failed or were failing courses in at least one of the core academic subjects set forth in NRS 389.018.

2. The information reported pursuant to subsection 1 must be disaggregated by:

(a) Grade level;

(b) Gender;

(c) Pupils from major racial and ethnic groups;

(d) Pupils with disabilities; and

(e) Pupils who are economically disadvantaged.

3. The Department shall adopt regulations establishing a method for schools to track the information that is required to be reported pursuant to subsection 1.

4. Each school, including, without limitation, each private school, that receives a grant of money on behalf of a pupil pursuant to subsection 1 of NRS 388D.270 and does not comply with the requirements set forth in subsections 1 and 2 is ineligible to receive such grants of money during the subsequent school year.

5. The Department shall, on or before January 1 of each even-numbered year, prepare a report containing information on pupils who withdraw from enrollment as described in paragraph (b) of subsection 1. The Department shall:

(a) Prepare the report by aggregating the data received pursuant to paragraph (b) of subsection 1;

(b) Submit the report to the State Board and the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education; and

(c) Publish the report on the Internet website maintained by the Department.

6. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 31. ***1. Each school, including, without limitation, a private school, that receives a grant of money on behalf of a pupil pursuant to subsection 1 of NRS 388D.270 shall ensure that each pupil for whom such a grant is made:***

(a) Is administered each of the examinations required by this State pursuant to NRS 390.105 or equivalent national examinations that are norm-referenced ***;*** ~~***[at the public school from which he or she transferred or within whose zone of attendance the pupil resides;]***~~ ***and***

(b) If the pupil is an English learner, is administered the assessment required pursuant to NRS 390.810.

2. Each school that administers any examinations or assessments pursuant to subsection 1 shall, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, provide the results of the examinations and assessments to the Department. The results must be disaggregated by:

(a) The grade in which the pupil is enrolled;

(b) The gender of the pupil;

(c) The race and ethnicity of the pupil;

(d) Whether the pupil has a disability; and

(e) Whether the pupil is economically disadvantaged.

3. The Department shall adopt regulations:

(a) Establishing a method for schools to track the information that is required to be provided pursuant to subsection 2; and

(b) Prescribing requirements for the administration of an examination or assessment pursuant to subsection 1 by a private school.

4. Each school, including, without limitation, each private school, that receives a grant of money on behalf of a pupil pursuant to subsection 1 of NRS 388D.270 that does not comply with the requirements set forth in subsections 1 and 2 in a school year is ineligible to receive such grants of money during the subsequent school year.

5. The Department shall, on or before January 1 of each even-numbered year, prepare a report containing information on the results of examinations and assessments provided to the Department pursuant to subsection 2. The Department shall:

(a) Prepare the report by aggregating the information received pursuant to subsection 2;

(b) Submit the report to the State Board and the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education; and

(c) Publish the report on the Internet website maintained by the Department.

6. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 31.2. *To participate in the Nevada Educational Choice Scholarship Program, a scholarship organization must register with the Department of Education by providing:*

1. On a form provided by the Superintendent of Public Instruction:

(a) The name, address and contact information of the scholarship organization; and

(b) If the scholarship organization uses a fiscal year other than July 1 to June 30, the period of the fiscal year used by the scholarship organization;

2. Evidence of an official declaration by the Internal Revenue Service that the scholarship organization qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c);

3. Confirmation that the scholarship organization is incorporated pursuant to chapter 82 of NRS;

4. A copy of the written procedures established pursuant to subsection 2 of section 31.7 of this act; and

5. An affidavit signed by the chief executive officer or president or chair of the board of directors of the scholarship organization under penalty of perjury stating that:

(a) No member of the board of directors or employee of the scholarship organization:

(1) Has declared bankruptcy within the 7 years immediately preceding the date on which the affidavit is submitted; or

(2) Has ever been convicted of a felony; and

(b) Neither the scholarship organization nor any member of the board of directors or employee thereof owns or operates a school in this State that receives grant money from the Nevada Educational Choice Scholarship Program.

Sec. 31.3. *1. Each scholarship organization that is registered with the Department of Education pursuant to section 31.2 of this act shall:*

(a) Not later than October 15, January 15, March 15 and June 15 of each year, provide to the Department in a format prescribed by the Department an electronic list of each pupil on behalf of whom the scholarship organization awarded a grant pursuant to NRS 388D.270 for the previous quarter. The electronic list must include:

(1) Demographic information for each pupil, including, without limitation, the name, date of birth, grade level, gender and race or ethnicity of the pupil, whether the pupil has a disability, the household income of the pupil calculated pursuant to section 31.7 of this act and the name and address of the parent or guardian of the pupil;

(2) The amount of each grant provided on behalf of a pupil;

(3) Whether the pupil received any other scholarships in addition to the grant;

(4) The manner in which money from each grant has been used, including, without limitation:

(I) The name of each school that has received money from a grant;

(II) The tuition and fees charged by each school; and

(III) Any portion of such money that has been used to pay for transportation to and from the school; and

(5) The number of applications for a grant received by the scholarship organization for which a grant was not awarded and the reason that a grant was not awarded in each case.

(b) Annually submit to the Department the name of:

(1) The school attended by each pupil on whose behalf a grant is provided during the school year immediately preceding the school year for which the grant is awarded or, if such a pupil was not enrolled in a school, whether the pupil was a homeschooled child, an opt-in child or was not required to attend school pursuant to NRS 392.040 for that school year; and

(2) The last public school, if any, attended by each pupil on whose behalf a grant is provided.

2. The Department of Education shall annually:

(a) Compile the information submitted by each scholarship organization pursuant to subsection 1; and

(b) Review the information to determine whether to recommend legislation to revise the priority for awarding grants to the Legislature.

Sec. 31.4. *Each scholarship organization that is registered with the Department of Education pursuant to section 31.2 of this act shall:*

1. Not more than 180 days after the conclusion of the fiscal year of the scholarship organization, submit to the Department of Education a copy of an audited or compiled financial statement of the scholarship organization prepared by an independent certified public accountant.

2. If the scholarship organization no longer meets the qualifications prescribed by law to participate in the Nevada Educational Choice Scholarship Program as a scholarship organization or ceases to exist, notify the Department within 30 days. Upon receiving such notification, the Department of Education shall update the directory maintained pursuant to section 31.6 of this act and notify the Department of Taxation.

3. Within 72 hours after receiving notice from the Superintendent of Public Instruction or his or her designee, make any financial records of the scholarship organization or records concerning a pupil maintained by the scholarship organization available to the Superintendent or his or her designee for inspection during regular business hours.

Sec. 31.5. *1. A scholarship organization that is registered with the Department of Education pursuant to section 31.2 of this act shall notify the Department of Taxation in writing not more than 10 days after receiving a donation from a taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable, of the amount of the donation.*

2. Any donation received by a scholarship organization must not be carried forward for more than 5 years after the last day on the calendar year in which the donation is made.

Sec. 31.6. *The Department of Education shall:*

1. Maintain on its Internet website a directory of each scholarship organization that is registered with the Department pursuant to section 31.2 of this act and, not later than September 30, December 30, March 30 and June 30 of each year, submit to the Department of Taxation a list of each such scholarship organization.

2. Not later than March 30 of each year, submit to the Governor, the State Board of Education and the Director of the Legislative Counsel Bureau a summary of the information reported to the Department by each scholarship organization pursuant to NRS 388D.280.

Sec. 31.7. *1. The parent or guardian of a pupil who meets the requirements to receive a grant pursuant to NRS 388D.270 may apply to a scholarship organization registered with the Department of Education pursuant to section 31.2 of this act for such a grant. A scholarship organization may charge each family that applies for a grant on behalf of one or more children of the family an administrative fee of not more than $25.*

2. A scholarship organization shall:

(a) Establish written procedures that the scholarship organization will use to determine whether a pupil meets the requirements to receive a grant pursuant to NRS 388D.270 and to award grants on behalf of pupils.

(b) Post the procedures established pursuant to paragraph (a) on an Internet website maintained by the scholarship organization and provide a written copy of the procedures with each application form.

(c) Provide an application form to be completed by an applicant for a grant. A scholarship organization may only award a grant on behalf of a pupil for whom a complete application is submitted but is not required to award a grant to a pupil solely because his or her application is complete.

(d) Verify annually that each pupil on behalf of whom the scholarship organization awards a grant is a member of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty. Such verification must:

(1) Use the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services; and

(2) Calculate household income based on the information reported in the application submitted on behalf of the pupil and in accordance with the most recent guidance established by the Food and Nutrition Service of the United States Department of Agriculture for determining eligibility of pupils for free and reduced-price meals.

3. A scholarship organization shall award grants on behalf of pupils in the following order of priority:

(a) A grant must be awarded for the current school year on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and on whose behalf a grant was awarded for the immediately preceding school year before a grant is awarded on behalf of any other pupil.

(b) A grant must be awarded on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and who is the sibling of a pupil on whose behalf a grant has been awarded for the current school year before a grant is awarded on behalf of other pupils.

(c) A grant must be awarded on behalf of a pupil who is not described in paragraph (a) or (b) in the order in which the completed application is received. If there are an insufficient number of grants available to award a grant on behalf of each pupil for whom a complete application was received on the same day:

(1) A grant must be awarded on behalf of a pupil who is a member of a household that has a lower household income before a grant is awarded on behalf of a pupil who is a member of a household that has a higher household income;

(2) If two or more applicants are members of households that have the same household income, a grant must be awarded on behalf of the pupil who

is enrolled in a public school that has received a lower rating based on the most recent annual report of the statewide system of accountability for public schools before a grant is awarded on behalf of a pupil who is enrolled in a public school that has received higher ratings; and

(3) If two or more applicants are members of households that have the same household income and attend public schools that received the same rating based on the most recent annual report of the statewide system of accountability for public schools, grants must be awarded on behalf of pupils in this category on a random basis.

Sec. 31.8. NRS 388D.250 is hereby amended to read as follows:

388D.250 NRS 363A.139, 363B.119 and 388D.250 to 388D.280, inclusive, ***and sections 31.2 to 31.7, inclusive, of this act*** may be cited as the Nevada Educational Choice Scholarship Program.

Sec. 32. NRS 388D.260 is hereby amended to read as follows:

388D.260 As used in NRS 388D.250 to 388D.280, inclusive, ***and sections 30 to 31.7, inclusive, of this act,*** unless the context otherwise requires, "scholarship organization" means an organization in this State that meets the requirements set forth in NRS 388D.270.

Sec. 33. NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed $7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the

Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil. ***Each school that receives such a grant, including, without limitation, a private school, must comply with the requirements set forth in sections 30 and 31 of this act.***

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils **.** ~~[if reporting is required by the regulations of the Department of Education.]~~ ***On or before August 1 of each year, each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall submit to the Department of Education a report on the academic progress of all such pupils enrolled in the school during the immediately preceding school year. The report must be in such form as the Department may prescribe by regulation and:***

(a) Include, without limitation:

(1) The name and grade level of each such pupil;

(2) Information concerning the academic performance of each such pupil, including, without limitation, grades and progress assessments;

(3) Information concerning any disciplinary action taken against each such pupil, including, without limitation, if the pupil was suspended or expelled; and

(4) A comparison of the academic performance of each such pupil during the immediately preceding school year and the school year before that, if the pupil attended the school both years or information is otherwise available for both years.

(b) Be accompanied by a statement signed by the owner, executive head or chair of the governing body of the school certifying under penalty of perjury that, to the best of his or her knowledge or belief, the information included in the report is complete and accurate.

6. The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

(c) Shall compile and analyze the data submitted by schools pursuant to subsection 5 to evaluate the impact of the Nevada Educational Choice Scholarship Program and submit, on or before February 1 of each year, an anonymized summary of the data and any recommendations for legislation to:

(1) The Governor;

(2) The State Board; and

(3) The Director of the Legislative Counsel Bureau for transmittal to:

(I) In odd-numbered years, the next regular session of the Legislature; and

(II) In even-numbered years, the Joint Interim Standing Committee on Education.

7. ***The reporting required pursuant to subsections 5 and 6 must be performed in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §§ 1232g, and any other applicable state and federal privacy laws.***

8. If a school fails to comply with the provisions of subsection 5, the Department of Education may suspend or disqualify the school from receiving grants on behalf of pupils under the Nevada Educational Choice Scholarship Program. A scholarship organization shall not make a grant on behalf of a pupil to a school that has been suspended or disqualified from receiving grants pursuant to this subsection.

9. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 33.1. Chapter 388G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Beginning July 1, 2026, the board of trustees of a school district may establish a pilot program to designate a public school within the school district as an innovation school. The State Public Charter School Authority may designate a charter school sponsored by the Authority as an innovation school. The purpose of an innovation school is to implement innovative educational practices designed to improve pupil achievement, increase educational equity and address specific challenges within the public school or community it serves.

2. A public school may be designated as an innovation school only if:

(a) At least 25 percent of the staff assigned to the public school express interest in the designation;

(b) More than 50 percent of the staff assigned to the public school vote in favor of the designation; and

(c) Any collective bargaining rights and agreements remain in effect after the designation.

3. To be designated as an innovation school, a public school must develop an innovation plan that:

(a) Identifies specific challenges or barriers to pupil achievement and proposes evidence-based strategies to address those challenges or barriers;

(b) Outlines measurable goals and performance benchmarks;

(c) Details the autonomies requested, including, without limitation, autonomy in any or all of the following:

(1) Curriculum;

(2) Budgeting;

(3) Staffing;

(4) Scheduling; or

(5) Professional development; and

(d) Describes methods for engaging stakeholders, including, without limitation, teachers, parents and community members in the development and implementation of the innovation plan.

4. A public school that has developed an innovation plan pursuant to subsection 3 shall submit the innovation plan to the board of trustees of the school district or the State Public Charter School Authority, as applicable. The board of trustees or State Public Charter School Authority shall review the plan and, if the plan is satisfactory, designate the public school as an innovation school.

5. The board of trustees or State Public Charter School Authority, as applicable, shall subject an innovation school to heightened measures of accountability to ensure that the proposed innovations lead to measurable improvements in pupil outcomes. An innovation school shall provide to the entity that designated the innovation school an annual progress report that includes, without limitation:

(a) Performance of pupils on standardized assessments and other academic benchmarks;

(b) Progress toward goals specified in the innovation plan; and

(c) Stakeholder engagement and satisfaction metrics.

6. The Department may revoke the designation of an innovation school if the innovation school fails to meet the performance benchmarks outlined in its innovation plan or does not comply with applicable laws and regulations.

7. A group of innovation schools serving geographically proximate or thematically aligned populations of pupils may be designated as an innovation zone by the board of trustees of a school district or the State Public Charter School Authority, as applicable. The innovation schools within an innovation zone may collaborate on shared goals, resources and strategies while maintaining school-level autonomy as outlined in their respective innovation plans.

8. The board of trustees of a school district or the sponsor of a charter school, as applicable, shall ensure that an innovation school has access to adequate resources to implement effectively its innovation plan. A pilot

innovation school may apply for grants or other funding opportunities provided by the State or the Federal Government to support innovative educational practices.

9. The pilot innovation school program established pursuant to this section may include:

(a) Not more than three pilot innovation schools in each county whose population is 100,000 or more.

(b) Not more than one pilot innovation school in each county whose population is less than 100,000.

10. The Department shall adopt regulations prescribing the method for reviewing and approving a pilot innovation school pursuant to subsection 3.

Sec. 33.2. NRS 388G.510 is hereby amended to read as follows:

388G.510 As used in NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388G.515 to 388G.560, inclusive, have the meanings ascribed to them in those sections.

Sec. 33.3. NRS 388G.535 is hereby amended to read as follows:

388G.535 "Local school precinct" means a public school ~~[which is deemed to be a local school precinct pursuant to NRS 388G.600.]~~ ***within a large school district, including, without limitation, any school operating as a specialty school.***

Sec. 33.4. ~~[NRS 388G.550 is hereby amended to read as follows:~~

~~388G.550 "School associate superintendent" means a person assigned by the superintendent to oversee the operation of designated local school precincts.~~ ~~[pursuant to NRS 388G.620.]~~ **(Deleted by amendment.)**

Sec. 33.5. NRS 388G.570 is hereby amended to read as follows:

388G.570 1. Except as otherwise provided in this section, the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, apply to each large school district.

2. If any school district that is not a large school district at the beginning of a school year becomes a large school district during the school year, the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, apply to that school district at the beginning of the immediately succeeding school year.

Sec. 33.52. NRS 388G.580 is hereby amended to read as follows:

388G.580 1. The Superintendent of Public Instruction shall take such actions as deemed necessary and appropriate to ensure that each large school district carries out the reorganization of the school district in accordance with NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, and any regulations adopted pursuant thereto.

2. Each large school district shall cooperate with the Superintendent of Public Instruction in carrying out the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, including, without limitation, by providing any financial or other information requested, including any information requested to ensure that the intent of the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, is carried out.

3. Information that may be requested pursuant to subsection 2 and which each large school district must provide upon request to the Superintendent of Public Instruction includes, without limitation:

(a) Budgets for personnel, excluding any personally identifiable information and names, made available by local school precinct and job function;

(b) Expenditures made by the large school district, including, without limitation, expenditures for programs, support, transportation, police, legal services, food services, internal services, settlements and risk management payments;

(c) The amount paid for general administrative services, including, without limitation, the salaries of administrators, staff of central services and school administrators, the salaries of the members of the board of trustees of the large school district and support services for the board of trustees, and other amounts paid for central services and school administration; and

(d) Detailed information regarding other budgetary items of the large school district, including, without limitation, identification of all sources of money available to the large school district, expenditures of money for buildings, capital projects, federally funded projects and state funded projects and any other expenditures of money.

4. Each large school district shall provide any information requested pursuant to subsection 2 as soon as possible and in the format requested by the Superintendent of Public Instruction. If the large school district is unable to provide the information in the format requested, the information must be provided in another easily interpreted format that is approved by the Superintendent of Public Instruction.

Sec. 33.53. NRS 388G.590 is hereby amended to read as follows:

388G.590 The State Board shall adopt such regulations as it deems necessary and appropriate to carry out the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive.

Sec. 33.54. **NRS 388G.600 is hereby amended to read as follows:**

388G.600 1. Except as otherwise provided in this subsection, each public school within a large school district shall be deemed a local school precinct, including, without limitation, any school operating as a specialty school. A charter school or university school for profoundly gifted pupils shall not be deemed a local school precinct.

2. ~~[Each local school precinct must operate using site-based decision-making in which certain authority to carry out responsibilities is transferred from the large school district to the local school precinct as set forth in NRS 388G.610.~~

~~3.]~~ On and after May 8, 2017, a specialty school must not be reduced in size or converted into any other type of school unless otherwise specifically provided by law or:

(a) The reduction or conversion is recommended by the local school precinct and approved by the superintendent and the board of trustees of the large school district; or

(b) The superintendent with the approval of the board of trustees of the large school district, determines that there is good cause to reduce the size of the specialty school or convert the specialty school into another type of school.

~~[4.]~~ ***3.*** This section does not authorize a local school precinct:

(a) To change, grant a waiver regarding or in any way affect any zone of attendance which has been established pursuant to NRS 388.040.

(b) To change the policy of the large school district concerning the eligibility and selection of a pupil to attend a specialty school.

Sec. 33.56. **NRS 388G.650 is hereby amended to read as follows:**

388G.650 1. On or before January 15 of each year, to assist the local school precincts in preparing their budgets for the next school year, the superintendent shall establish and make public:

(a) The average unit cost for each type of employee employed to work at a local school precinct which is determined based upon the average unit cost across the large school district. A separate average unit cost must be established for teachers and substitute teachers, respectively.

(b) A list of equipment, services and supplies that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies. The cost of such equipment, services and supplies must not exceed the actual cost to the large school district to provide the equipment, services and supplies to the local school precinct.

2. Except as otherwise provided in subsections 3 and 4, each local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district must account for any such amount that is carried forward as a restricted fund balance.

3. If the year-end balance carried forward pursuant to subsection 2 in any school year exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, the local school precinct shall spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year for one or more of the following purposes, in order of priority:

(a) Tutoring or other supplemental academic achievement programs within the local school precinct;

(b) Programs to support social and emotional learning within the local school precinct;

(c) Extracurricular programming for pupils within the local school precinct;

(d) Tutoring or other supplemental academic achievement programs within the large school district;

(e) Extracurricular programming for pupils within the large school district; and

(f) Any other instructional training, program or activity designed and intended to improve the achievement of pupils enrolled in the local school precinct.

4. If a local school precinct fails to spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year within 24 months after the end of the school year from which the year-end balance is carried forward, the large school district shall transfer the amount of money by which the balance carried forward exceeded 5 percent of the actual expenditures of the local school precinct during the immediately preceding school year, less any amount spent by the local school precinct pursuant to subsection 3, to the Education Stabilization Account created by NRS 387.1213. The local school precinct shall reduce any balance carried forward by any amount transferred to the Education Stabilization Account pursuant to this subsection.

5. A large school district ~~[shall not]~~ ***may intervene to*** require a local school precinct to ~~[use either]~~ ***spend*** the money ~~[expended]~~ ***carried forward*** pursuant to subsection ~~[3 or 4, or]~~ ***2 on*** the programs and activities ~~[supported by such money, to supplant any duty, responsibility or funding owed by the large school district to any local school precinct.]~~ ***described in paragraphs (a) to (f), inclusive, of subsection 3.***

Sec. 33.57. **NRS 388G.660 is hereby amended to read as follows:**

388G.660 1. On or before January 15 of each year, the superintendent shall establish for the next school year ~~[:~~

~~(a) The]~~ ***the*** estimated total amount of money to be received by the large school district from all sources, including any year-end balance that is carried forward, and shall identify the sources of such a year-end balance and whether the year-end balance is restricted. If the year-end balance is restricted, the superintendent shall identify the source of the restriction and the total of amount of money to be received by the large school district that is unrestricted. Money may only be identified as restricted if it is required by state or federal law, if it is proscribed by the Department or if it has been otherwise encumbered.

~~[(b) The estimated percentage of the amount of money determined pursuant to paragraph (a) to be unrestricted that will be allocated to the local school precincts. The percentage must equal:~~

~~(1) For the first school year in which the large school district operates pursuant to the provisions of NRS 388G.500 to 388G.810, inclusive, not less than 80 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year; and~~

~~(2) For each subsequent school year, 85 percent of the total amount of money from all sources received by the large school district that is unrestricted for the school year.~~

~~(c) The estimated amount of categorical funding to be received by the large school district and whether such funding is restricted in a manner that prohibits~~

~~the large school district from including that categorical funding in the amount of funding per pupil that is allocated to the local school precincts.~~

~~— (d) The total estimated amount of money that will be allocated to each local school precinct as determined pursuant to NRS 388G.680.]~~

2. The superintendent shall post the information established pursuant to subsection 1 on the Internet website of the large school district and make the information available to any person upon request.

Sec. 33.58. **NRS 388G.680 is hereby amended to read as follows:**

388G.680 1. ~~[On]~~ ***Each year, on*** or before ~~[January 15 of each year,]~~ ***a date determined by the superintendent,*** the superintendent shall inform each local school precinct of the estimated amount of money that will be allocated to the local school precinct for the next school year. The allocation must be based upon estimates by the large school district of the number of pupils in each category who will attend the local school precinct after applying the appropriate weight to each category of pupil. ~~[as determined pursuant to NRS 388G.670.]~~

2. If an additional local school precinct is added in the large school district, for the purpose of determining the first allocation for the new local school precinct, the large school district must estimate the number of pupils in each category who will attend the new local school precinct and the effect on any existing local school precinct. If the opening of a new local school precinct is anticipated to reduce the number of pupils who will attend another local school precinct, for purposes of determining the allocation, the number of pupils must be adjusted accordingly.

3. The estimated amount of money allocated to each local school precinct for the next school year must be adjusted on or before November 1 of each year to reflect the actual number of pupils in each category who attend the local school precinct.

Sec. 33.59. **NRS 388G.690 is hereby amended to read as follows:**

388G.690 1. On or before November 1 of the year after the first year that a large school district operates pursuant to the provisions of NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive, and on or before ~~[November 1]~~ ***a date determined by the superintendent*** of each year thereafter, the superintendent shall determine for the immediately preceding school year:

(a) The total per pupil allocation made to each local school precinct in the large school district and the actual amount expended by the large school district for the local school precinct;

(b) The amount budgeted by each local school precinct for teacher salaries and benefits and the actual amount expended by the large school district for teacher salaries and benefits for teachers employed at each local school precinct;

(c) The number of teacher vacancies at each local school precinct and the amount of money included in the allocation to that local school precinct which the local school precinct used for other purposes as a result of those vacancies; and

(d) The amount budgeted by each local school precinct for each type of employee other than teachers and the actual amount expended by the large school district for salaries and benefits of such employees at each local school precinct.

2. The superintendent shall post the information determined pursuant to subsection 1 on the Internet website of the large school district and make the information available to any person upon request.

Sec. 33.6. ~~[NRS 388G.700 is hereby amended to read as follows:~~

~~388G.700 1. The principal of a local school precinct shall:~~

~~(a) Establish an organizational team for the local school precinct consisting of the members described in NRS 388G.720 on or before October 1 of each school year;~~

~~(b) Develop the proposed plan of operation for the local school precinct for the next school year with the assistance and advice of the organizational team;~~

~~(c) Before any vote on a proposed plan of operation for the local school precinct, make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote;~~

~~(d) If the proposed plan of operation for the local school precinct is approved by a vote of at least 75 percent of the members of the organizational team for the local school precinct who are present at the time of the vote, submit the proposed plan of operation to the school associate superintendent for approval; and~~

~~(e) If the proposed plan of operation for the local school precinct is not approved by a vote of at least 75 percent of the members of the organizational team who are present at the time of the vote, notify the school associate superintendent in accordance with NRS 388G.750.~~

~~2. In accordance with the applicable collective bargaining agreement, the principal of the local school precinct shall select staff for the local school precinct as necessary to carry out the plan of operation from a list provided by the superintendent.~~

~~3. The plan of operation for the local school precinct must include, without limitation~~ **[**~~:~~

~~(a) A~~**] , *a*** plan to improve the achievement of pupils enrolled in the local school precinct, regardless of whether such a plan is required to be prepared pursuant to NRS 385A.650 ~~.~~ **[**~~; and~~

~~(b) A budget which itemizes the manner in which the local school precinct will use the money allocated to the local school precinct.~~

~~4. The budget included in the plan of operation for the local school precinct pursuant to subsection 3 must be based upon the average unit cost for each type of employee of the local school precinct established pursuant to paragraph (a) of subsection 1 of NRS 388G.650, the actual cost for the procurement of equipment, services and supplies for the local school precinct and the actual cost of any other item included in the budget of the local school precinct. The budget must be developed in accordance with the criteria for~~

~~determining budgetary priorities established by the board of trustees of the large school district pursuant to NRS 387.301.~~] **(Deleted by amendment.)**

Sec. 33.7. ~~[NRS 388G.710 is hereby amended to read as follows:~~

~~388G.710 1. Before the organizational team conducts a vote on approving a plan of operation for the local school precinct, the principal of the local school precinct shall present the plan at a public meeting held in accordance with subsection 2 at the local school precinct to which the plan of operation applies.~~

~~2. The principal shall post notice of the meeting not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.~~

~~3. Before any vote on a proposed plan of operation for the local school precinct, the principal of the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote.~~

~~4. The principal shall not finalize the plan of operation for the local school precinct unless the plan of operation has been approved by at least 75 percent of the members of the organizational team who are present at the time of the vote. If the plan of operation for the local school precinct is finalized by the principal, the principal must submit the plan to the school associate superintendent for approval. After receipt of the plan of operation pursuant to this subsection, the school associate superintendent must approve or deny the plan of operation within 10 days. The plan of operation must be approved unless any provision of the plan violates any federal or state law or policy of the large school district.~~

~~5. If the school associate superintendent:~~

~~(a) Approves the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct and cause the plan of operation to be posted on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request.~~

~~(b) Does not approve the plan of operation for a local school precinct, the school associate superintendent must notify the principal of the local school precinct of the reasons for not approving the plan and post those reasons on the Internet website of the large school district and on the Internet website of the local school precinct and make the plan of operation available to any person upon request. The school associate superintendent must assist the principal as necessary to revise the plan of operation.~~

~~6. Any adjustment to the budget that the principal of the local school precinct determines is necessary after the plan of operation has been approved pursuant to this section or NRS 388G.750 may be made upon consultation with~~

~~the organizational team and approval of the school associate superintendent.]~~ **(Deleted by amendment.)**

Sec. 33.8. NRS 388G.740 is hereby amended to read as follows:

388G.740 1. An organizational team shall:

(a) Provide assistance and advice to the principal of the local school precinct regarding the development of the plan of operation for the local school precinct and vote on whether to approve that plan of operation;

(b) Provide continued assistance and advice to the principal of the local school precinct in carrying out the plan of operation for the local school precinct; and

(c) Whenever a vacancy occurs in the position of principal for the local school precinct, assist with the selection of the next principal in accordance with the provisions of this section.

2. The organizational team may provide input regarding the principal of the local school precinct to the school associate superintendent not more than two times each school year.

3. Whenever a vacancy occurs in the position of principal for the local school precinct, the organizational team shall establish a list of qualifications that the organizational team determines are desirable for the next principal of the local school precinct and provide the list to the superintendent. The list of qualifications must include, without limitation, qualifications relating to the:

(a) Employment history of the candidate;

(b) Ability of the candidate to connect and communicate with pupils;

(c) Ability of the candidate to provide a safe and respectful learning environment pursuant to NRS 388.1321; and

(d) Strategies the candidate would implement to improve the achievement of pupils.

4. The superintendent shall post notice of the vacancy pursuant to subsection 3. The superintendent shall interview qualified candidates and establish a list of at least three but not more than five candidates to submit to the organizational team. One member of the organizational team must be allowed to participate in interviewing candidates with the superintendent.

5. From the list of candidates submitted by the superintendent pursuant to subsection 4, the organizational team shall ~~[rank the]~~ ***indicate a preference of*** candidates for the position of principal ~~[by preference]~~ and submit a ~~[list with that ranking]~~ ***written indication of the preference*** within 15 school days after receipt of the recommendation. The superintendent, ~~[in consultation]~~ ***after consulting*** with the school associate superintendent ~~[,]~~ ***and the written indication of preference submitted by the organizational team,*** must select a candidate to hire for the position of principal. Before any vote on the selected candidate, the school associate superintendent responsible for the local school precinct must make every effort to notify the members of the organizational team for the local school precinct of the date, time and location of the scheduled vote. ~~[The organizational team may reject the selection of the candidate if at least 75 percent of the members of the organizational team who~~

~~are present at the time of the vote elect to do so. The superintendent must then select a candidate from the remaining members of the list submitted pursuant to subsection 4.]~~

6. Each person who participates in interviewing candidates pursuant to this section shall comply with all laws that apply to an employer when making a decision about employment.

7. After the principal of the local school precinct is hired, the superintendent may, in his or her sole discretion, reassign and make other employment decisions concerning the principal.

Sec. 33.9. NRS 388G.810 is hereby amended to read as follows:

388G.810 1. On or before October 1 of each year, the superintendent shall prepare a report with information from the school year before the immediately preceding school year which includes, without limitation:

(a) ~~[A summary of the responsibilities for which authority to carry out was transferred to the local school precincts pursuant to NRS 388G.610;~~

~~(b)]~~ A summary of the results of the surveys administered pursuant to NRS 388G.800;

~~[(c)]~~ ***(b)*** An assessment of the performance of the local school precincts based upon specific measures of achievement which are established by the superintendent on or before January 1 of the immediately preceding school year;

~~[(d)]~~ ***(c)*** An assessment of the effectiveness of operating local school precincts and the large school district in the manner set forth in NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive; and

~~[(e)]~~ ***(d)*** Any recommendations for regulations or legislation to improve the operation of the local school precincts and the large school district in the manner set forth in NRS ~~[388G.500]~~ ***388G.510*** to 388G.810, inclusive.

2. The superintendent shall forward the report prepared pursuant to subsection 1 to the:

(a) Governor;

(b) Superintendent of Public Instruction; and

(c) Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature.

Sec. 33.93. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Department shall establish a pilot program pursuant to which schools selected to participate in the pilot program integrate science, technology, engineering and mathematics into instruction in literacy in kindergarten and grades 1, 2 and 3.

2. To carry out the pilot program, the Department shall issue a request for proposals from schools or groups of schools to apply for a grant of money to integrate science, technology, engineering and mathematics into instruction in literacy in kindergarten and grades 1, 2 and 3. In response to such a request for proposals, a school or group of schools may apply to the Department for such a grant.

3. In determining whether to approve an application for a grant submitted pursuant to subsection 2, the Department shall consider:

(a) The quality of the proposed curricula for a program that integrates texts related to science, technology, engineering and mathematics into instruction in literacy in kindergarten and grades 1, 2 and 3 that uses scientifically based reading research;

(b) The proposed instructional strategies; and

(c) The extent to which the approach to instruction is innovative.

4. Not later than June 1 of the year following the implementation of the pilot program, a school or group of schools receiving a grant of money under the pilot program shall submit to the Department a report that summarizes:

(a) The initial outcomes of the use of the grant received from the pilot program, including, without limitation, measurable progress of the foundational literacy skills of pupils;

(b) Feedback from teachers and administrators at the school or group of schools who participated in the pilot program; and

(c) Recommendations for the integration of science, technology, engineering and mathematics into instruction in literacy in kindergarten and grades 1, 2 and 3 throughout this State.

5. The Department shall present the findings of the pilot program to the State Board, and the Department shall determine whether to:

(a) Extend the pilot program for an additional year;

(b) Expand the pilot program to additional schools; or

(c) Discontinue the pilot program.

6. As used in this section, "scientifically based reading research" means research that employs rigorous, systematic and objective:

(a) Methods to gain knowledge from multiple disciplines to understand how children learn to read;

(b) Strategies or methods to teach children to read; and

(c) Approaches to overcome reading difficulties.

Sec. 33.95. NRS 389.026 is hereby amended to read as follows:

389.026 1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive. ***The State Board shall use the results of the pilot program established pursuant to section 33.93 of this act to determine whether the model curriculum for the subject area of English language arts for each grade level in kindergarten and grades 1, 2 and 3 should include, without limitation, phonics-based instruction and the integration of science, technology, engineering and mathematics into instruction in English language arts.***

2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:

(a) The board of trustees of each school district; and

(b) The governing body of each regional training program for the professional development of teachers and administrators.

3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.

4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.

5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.

6. The governing body of each regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.

Sec. 33.97. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1. ***The standards for kindergarten and grades 1, 2 and 3 for English language arts must:***

(a) Incorporate phonics-based instruction, including, without limitation, phonics-based foundational literacy skills that focus on explicit, systematic, sequential and cumulative instruction in:

(1) Phonological and phonemic awareness;

(2) Phonics, including, without limitation, decoding and encoding;

(3) Fluency;

(4) Vocabulary; and

(5) Comprehension; and

(b) Integrate science, technology, engineering and mathematics texts into instruction in English language arts to expose pupils to foundational concepts in science, technology, engineering and mathematics through engaging and age-appropriate reading materials.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 34. Chapter 390 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school within a school district shall, on or before July 1 of each year, prepare and submit to the board of trustees of the school district a report detailing the aggregate amount of class time used for preparing for and conducting examinations and assessments during the immediately preceding school year.

2. The board of trustees of each school district shall, on or before July 31 of each year, submit to the Department each report received pursuant to subsection 1.

3. The Department shall, on or before January 1 of each year, submit each report received pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In odd-numbered years, the Senate and Assembly Standing Committees on Education; and

(b) In even-numbered years, the Joint Interim Standing Committee on Education.

4. The Department shall:

(a) On or before January 1, 2027, develop a plan to provide assistance to schools that exceed the limitation described in paragraph (a) of subsection 2 of NRS 390.805; and

(b) Create a corrective action plan for each such school to limit the time to prepare for or conduct an examination or assessment to not more than 2 percent of the total number of annual minutes of attendance required for a pupil.

5. As used in this section, unless the context otherwise requires, "examination or assessment" has the meaning ascribed to it in NRS 390.805.

Sec. 35. NRS 390.805 is hereby amended to read as follows:

390.805 1. The Department shall adopt regulations that, for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from ~~[instruction]~~ ***a school day*** to ***prepare for or*** conduct an examination or assessment; and

(b) Number of examinations or assessments administered to pupils in a school year.

2. ***The regulations adopted by the Department pursuant to subsection 1 must:***

(a) Except as otherwise provided in paragraph (b), prohibit using more than 2 percent of the total number of annual minutes of attendance required for a pupil, excluding time prescribed for recess, for preparing for or conducting an examination or assessment; and

(b) Provide exceptions from the limitation described in paragraph (a):

(1) That are necessary to comply with the requirements of federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and section 204 of the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);

(2) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(I) An advanced placement course;

(II) An international baccalaureate course;

(III) A program of career and technical education; or

(IV) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school pursuant to NRS 388.157; and

(3) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability.

3. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment that would exceed a limitation in a regulation adopted by the Department pursuant to

subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

4. As used in this section, "examination or assessment" means a federal, state or locally mandated test that is intended to measure the academic readiness, learning progress and skill acquisition of a pupil. The term does not include:

(a) A quiz or test developed by a teacher or time devoted to quizzes, examinations, reviews of portfolios or evaluations of performance that are initiated by a teacher; or

(b) A test that is not administered to all pupils but is administered to a subset of pupils to obtain data based on statistical sampling.

Sec. 36. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 37 to 38.8, inclusive, of this act.

Sec. 37. ***1. There is hereby created the Commission on Recruitment and Retention within the Department, consisting of:***

(a) The following five nonvoting, ex officio members:

(1) The Superintendent of Public Instruction, or his or her designee;

(2) The Chancellor of the Nevada System of Higher Education, or his or her designee; and

(3) The Dean of the College of Education at:

(I) The University of Nevada, Reno;

(II) The University of Nevada, Las Vegas; and

(III) Nevada State University; and

(b) The following 17 voting members:

(1) One member who works in the field of human resources, appointed by the Governor;

(2) One member who is a representative of a private business or industry of this State, appointed by the Governor;

(3) Two members appointed by the Majority Leader of the Senate;

(4) Two members appointed by the Speaker of the Assembly;

(5) One member appointed by the Minority Leader of the Senate;

(6) One member appointed by the Minority Leader of the Assembly;

(7) One member who is a teacher and is a member of the Nevada State Education Association, appointed by the President of that Association;

(8) One member who is a teacher and is a member of the Clark County Education Association, appointed by the President of that Association;

(9) One member who is an education support professional at a school in this State, appointed by the Education Support Employees Association;

(10) One member who is another licensed educational professional at a school in this State, appointed by the Clark County Education Association;

(11) One member who is the superintendent of schools of a school district in this State, appointed by the Nevada Association of School Superintendents;

(12) One member who is an administrator at a school, appointed by the Nevada Association of School Administrators;

(13) One member who is an elected member of the board of trustees of a school district in this State, appointed by the Nevada Association of School Boards or its successor organization;

(14) One member appointed by the State Public Charter School Authority; and

(15) One member who is a parent or legal guardian of a pupil enrolled in a public school in this State, appointed by the Nevada Parent Teacher Association.

2. The Majority Leader and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly shall coordinate their respective appointments of members pursuant to subsection 1 to ensure that:

(a) Two members are representatives of a private business or industry of this State; and

(b) Two members work in the field of human resources.

3. The Superintendent of Public Instruction shall call the first meeting of the Commission. At its first meeting and annually thereafter, the members of the Commission shall elect a Chair and Vice Chair from among the members of the Commission.

4. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. As used in this section, "education support professional" ~~[has the meaning ascribed to it in NRS 391.488.]~~ means a person, other than a teacher or administrator, who is employed to work at a public school. The term includes, without limitation:

(a) Paraprofessionals;

(b) School police officers, school resource officers and other providers of security services at a school;

(c) School nurses;

(d) School counselors;

(e) School psychologists;

(f) School social workers;

(g) Drivers of school buses;

(h) Secretaries;

(i) Members of the custodial or maintenance staff; and

(j) Workers in food services.

Sec. 38. *The Commission on Recruitment and Retention created by section 37 of this act shall:*

1. Conduct a study of issues concerning the recruitment and retention of educators in this State, including, without limitation:

(a) The use by school districts of a minimum salary scale for the compensation of teachers that would reflect the cost of living and include an annual cost of living increase;

(b) Providing health insurance to educators through the Public Employees' Benefits Program;

(c) The allocation of funding for mentorship programs for educators;

(d) The allocation of funding for scholarships for students seeking to become a school counselor, school social worker or school psychologist;

(e) The provision of Nevada Teacher Advancement Scholarships pursuant to NRS 391A.650 to 391A.695, inclusive;

(f) The allocation of funding to school districts to assist a licensed teacher with obtaining an endorsement in a subject area in which a shortage of teachers has been identified by the Department or the school district; and

(g) The establishment and funding of a program to provide forgiveness of student education loans to licensed teachers who have taught in this State for at least 5 consecutive years and are ineligible for other forms of loan forgiveness.

2. On or before November 15 of each odd-numbered year:

(a) Prepare an interim report describing the activities taken by the Commission during the immediately preceding fiscal year; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

3. On or before November 15 of each even-numbered year:

(a) Prepare a report describing the findings of the study conducted pursuant to subsection 1 and any recommendations for legislation; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

Sec. 38.2. ***1. A school employee is immune from both criminal and civil liability for actions taken in good faith to intervene in physical altercations, fights or other incidents that pose an imminent risk to the safety of pupils, other school employees and persons in proximity to the altercation, fight or incident, provided that:***

(a) The school employee is acting within the course and scope of his or her employment and within the course and scope of his or her role in maintaining order, discipline or the safety of pupils;

(b) The actions of the school employee are consistent with federal, state and local laws and the policies of the school district employing the school employee or the school at which the school employee is employed relating to the maintenance of safety and discipline; and

(c) Any harm caused by the intervention was not the result of:

(1) Willful or intentional misconduct;

(2) Gross negligence;

(3) Reckless misconduct; or

(4) A conscious, flagrant indifference to the rights or safety of the person harmed.

2. If any school employee intervenes in a fight or altercation involving a pupil, the school employee shall report the incident to school administration as soon as practicable and in accordance with the policies and protocols established by the school district employing the school employee or the school at which the school employee is employed.

3. Each school or school district shall maintain a record of reports received pursuant to subsection 2 and use the records only to assess the need for additional training, support or policy adjustments to improve school safety practices.

4. As used in this section:

(a) "Intervene" or "intervention" means taking any physical or verbal action to prevent, separate or otherwise manage pupils in a manner designed to avoid imminent harm to pupils, school employees or others in proximity to the area in which such actions are taken.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281; or

(2) The governing body of a charter school.

Sec. 38.3. *1. In consultation with the Teacher and Leaders Council of Nevada created by NRS 391.455, the Department shall adopt regulations establishing a framework for the establishment of a performance improvement plan for a postprobationary administrator who receives an evaluation designating his or her overall performance as ineffective or minimally effective for 2 consecutive school years.*

2. A performance improvement plan must be established for any postprobationary administrator who receives an evaluation designating his or her overall performance as ineffective or minimally effective for 2 consecutive school years.

3. A performance improvement plan established pursuant to subsection 2 must contain clear and measurable goals for the improvement of instructional practices, pupil engagement and academic outcomes that are aligned with educational standards in this State and that directly address areas of underperformance identified in the evaluations of the postprobationary administrator.

4. A postprobationary administrator for whom a performance improvement plan is established shall participate in programs of professional development training to address the areas of underperformance identified in the evaluations of the postprobationary administrator, including, without limitation, professional development training in:

(a) Instructional strategies for improving pupil engagement and classroom differentiation;

(b) Data-driven instruction and the use of formative assessments to track pupil progress; or

(c) Classroom management techniques and behavioral interventions to promote a positive learning environment.

5. Each school district and governing body of a charter school shall ensure that an experienced mentor or leadership coach is assigned to each postprobationary administrator for whom a performance improvement plan is established. The mentor or leadership coach shall:

(a) Provide regular feedback;

(b) Conduct classroom observations; and

(c) Assist the administrator in developing and implementing new instructional strategies.

6. At least once each school quarter, the principal of the school of a postprobationary administrator for whom a performance improvement plan is established, or the superintendent of schools of a school district or his or her designee if the postprobationary administrator is a principal, shall review and assess the progress of the postprobationary administrator toward achieving the goals of the performance improvement plan.

Sec. 38.4. *1. The superintendent of schools of a school district or the ~~[executive director]~~ governing body of a charter school may place a postprobationary administrator on probation for a period of 2 school years if, based on the evaluation of the postprobationary administrator pursuant to NRS 391.710, the superintendent or ~~[executive director]~~ governing body determines that the postprobationary administrator:*

(a) Is consistently ineffective in meeting instructional practice standards, pupil performance standards and classroom management standards; or

(b) Fails to demonstrate adequate progress under a performance improvement plan established pursuant to section 38.3 of this act.

2. Upon placing a postprobationary administrator on probation pursuant to subsection 1, the superintendent or governing body shall give written notice to the postprobationary administrator that the postprobationary administrator has been placed on probation pursuant to this section. The written notice must contain an explanation of areas of underperformance for which the postprobationary administrator has been placed on probation pursuant to this section and a performance improvement plan established pursuant to section 38.3 of this act that details the support and interventions that will be provided to the postprobationary administrator.

3. Except as otherwise provided in this subsection, during a period of probation imposed pursuant to this section, the postprobationary administrator must not be reassigned or transferred to another school in the school district or otherwise employed at another school or charter school in the school district. The postprobationary administrator may be reassigned or transferred during a period of probation imposed pursuant to this section if the reassignment or transfer is required because of low enrollment, program

elimination or other district-wide or school-wide operational needs. Any such transfer or reassignment must be made in accordance with the policies and procedures of the school district or charter school, and such reassignment or transfer must not conflict with the terms of the period of probation imposed pursuant to this section.

4. Upon the conclusion of a period of probation imposed pursuant to this section, the postprobationary administrator must be evaluated to determine whether the postprobationary administrator has met improvement goals. If, based on the evaluation, the postprobationary administrator:

(a) Has met the improvement goals, the postprobationary administrator must be removed from probation.

(b) Has shown improvement and progress toward meeting the improvement goals, the period of probation imposed pursuant to this section may be extended for 1 additional school year and the postprobationary administrator must continue to receive support and monitoring under a performance improvement plan established pursuant to section 38.3 of this act.

(c) Has failed to make adequate progress toward achieving the improvement goals, the postprobationary administrator may be given notice pursuant to NRS 391.820 that the postprobationary administrator will not be reemployed or the superintendent may initiate the process for dismissing the postprobationary administrator pursuant to NRS 391.822, 391.824 and 391.826. A postprobationary administrator who is not reemployed or for whom a process for dismissal is initiated pursuant to NRS 391.822, 391.824 and 391.826 may apply for another position within the school district or charter school, as applicable.

5. A postprobationary administrator who is placed on probation pursuant to this section shall be deemed a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820, except that the duration of that period of probation must be determined in accordance with the provisions of this section.

6. The postprobationary administrator placed on probation pursuant to this section:

(a) Shall not be reemployed pursuant to NRS 391.820 or shall be dismissed pursuant to NRS 391.822, 391.824 and 391.826 if the postprobationary administrator is determined to have failed to meet the objectives in the performance improvement plan established for the postprobationary administrator and the dismissal is in the best interest of the pupils and the school.

(b) May be reassigned or have any other consequences imposed only if compelling evidence demonstrates extenuating circumstances contributing to the underperformance and it is in the best interest of the pupils in the school for the administrator to be reassigned or have other consequences imposed.

7. The Department shall provide support to a school district or charter school that does not reemploy or dismisses a postprobationary administrator pursuant to subsection 6. Such support may include, without limitation:

(a) Assistance in recruiting and hiring highly effective administrators to fill any resulting vacancies; and

(b) Access to leadership and instructional coaching resources to support school leadership in managing transitions and improving instructional leadership practices.

Sec. 38.6. ***1. The Department shall establish a data-tracking system to monitor programs in this State, or that receive funding from this State, to provide training for school administrators.***

2. The data-tracking system established pursuant to subsection 1 must record program participation, licensure completion rates and relevant data to assess the effectiveness of each program.

3. The Department shall produce an annual report evaluating the impact on school achievement and pupil achievement of school administrators who completed training through each program in this State, or that receives funding from this State, to provide training for school administrators. The report must:

(a) Analyze the relative performance of school administrators;

(b) Be presented at a meeting of the State Board; and

(c) Include, without limitation:

(1) An evaluation of the direct impact on the academic performance of pupils of school administrators who received training from each program. This evaluation must utilize growth measures as calculated through the statewide system of accountability for public schools, providing insights into the effectiveness of each program in preparing school administrators to positively influence the achievement of pupils.

(2) Comparative data on the performance of school administrators from different licensure preparation programs, including traditional institutions of higher education and alternative routes to licensure. This analysis must examine the ability of school administrators from each program to drive pupil growth and improve academic success within their respective schools.

4. Based on findings from the annual report produced pursuant to subsection 3, the Department shall make recommendations to the State Board and the Nevada System of Higher Education for continuous improvement in administrator licensure programs, emphasizing evidence-based practices that demonstrate a positive impact on pupil achievement. The Department shall work collaboratively with the Nevada System of Higher Education to establish a data-sharing agreement that facilitates the evaluation of licensure programs and their effectiveness, which must ensure the secure and accurate sharing of data necessary to monitor program outcomes and support evidence-based recommendations.

Sec. 38.7. *1. In consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455, the Department shall adopt regulations establishing a framework for the establishment of a performance improvement plan for a postprobationary teacher who receives an evaluation designating his or her overall performance as ineffective or minimally effective for 2 consecutive school years.*

2. A performance improvement plan must be established for any postprobationary teacher who receives an evaluation designating his or her overall performance as ineffective or minimally effective for 2 consecutive school years.

3. A performance improvement plan established pursuant to subsection 2 must contain clear and measurable goals for the improvement of instructional practices, pupil engagement and academic outcomes that are aligned with educational standards in this State and that directly address areas of underperformance identified in the evaluations of the postprobationary teacher.

4. A postprobationary teacher for whom a performance improvement plan is established shall participate in programs of professional development training to address the areas of underperformance identified in the evaluations of the postprobationary teacher, including, without limitation, professional development training in:

(a) Instructional strategies for improving pupil engagement and classroom differentiation;

(b) Data-driven instruction and the use of formative assessments to track pupil progress; and

(c) Classroom management techniques and behavioral interventions to promote a positive learning environment.

5. Each school district and governing body of a charter school shall ensure that an experienced mentor or instructional coach is assigned to each postprobationary teacher for whom a performance improvement plan is established. The mentor or instructional coach shall:

(a) Provide regular feedback;

(b) Conduct classroom observations; and

(c) Assist the postprobationary teacher in developing and implementing new instructional strategies.

6. At least once each school quarter, the leadership team of the school of a postprobationary teacher for whom a performance improvement plan is established shall review and assess the progress of the postprobationary teacher toward achieving the goals of the performance improvement plan.

7. As used in this section, "leadership team" means the principal and any assistant principals assigned to a school.

Sec. 38.8. *1. The superintendent of schools of a school district or executive director of a charter school may place a postprobationary teacher on probation for a period of 2 school years if, based on the evaluation of the*

postprobationary teacher pursuant to NRS 391.690, the superintendent or executive director determines that the postprobationary teacher:

(a) Is consistently ineffective in meeting instructional practice standards, pupil performance standards and classroom management standards; or

(b) Fails to demonstrate adequate progress under a performance improvement plan established pursuant to section 38.7 of this act.

2. Upon placing a postprobationary teacher on probation pursuant to subsection 1, the superintendent shall give written notice to the postprobationary teacher that the postprobationary teacher has been placed on probation pursuant to this section. The written notice must contain an explanation of areas of underperformance for which the postprobationary teacher has been placed on probation pursuant to this section and a performance improvement plan established pursuant to section 38.7 of this act that details the support and interventions that will be provided to the postprobationary teacher.

3. Except as otherwise provided in this subsection, during a period of probation imposed pursuant to this section, the postprobationary teacher must not be reassigned or transferred to another school in the school district or charter school or otherwise employed at another school in the school district or charter school. The postprobationary teacher may be reassigned or transferred during a period of probation imposed pursuant to this section if the reassignment or transfer is required because of low enrollment, program elimination or other district-wide or school-wide operational needs. Any such transfer or reassignment must be made in accordance with the policies and procedures of the school district or charter school, and such reassignment or transfer must not conflict with the terms of the period of probation imposed pursuant to this section.

4. Upon the conclusion of a period of probation imposed pursuant to this section, the postprobationary teacher must be evaluated to determine whether the postprobationary teacher has met improvement goals. If, based on the evaluation, the postprobationary teacher:

(a) Has met the improvement goals, the postprobationary teacher must be removed from probation.

(b) Has shown improvement and progress toward meeting the improvement goals, the period of probation imposed pursuant to this section may be extended for 1 additional school year and the postprobationary teacher must continue to receive support and monitoring under a performance improvement plan established pursuant to section 38.7 of this act.

(c) Has failed to make adequate progress toward achieving the improvement goals, the postprobationary teacher may be given notice pursuant to NRS 391.820 that the postprobationary teacher will not be reemployed or the superintendent or executive director may initiate the process for dismissing the postprobationary teacher pursuant to NRS 391.822, 391.824 and 391.826.

5. A postprobationary teacher who is placed on probation pursuant to this section shall be deemed a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, and must serve an additional probationary period in accordance with NRS 391.820, except that the duration of that probationary period must be determined in accordance with the provisions of this section.

6. The postprobationary teacher placed on probation pursuant to this section:

(a) Shall not be reemployed pursuant to NRS 391.820 or shall be dismissed pursuant to NRS 391.822, 391.824 and 391.826 if the postprobationary teacher is determined to have failed to meet the objectives in the performance improvement plan established for the postprobationary teacher and the dismissal is in the best interest of the pupils and the school.

(b) May be reassigned or have any other consequences imposed only if compelling evidence demonstrates extenuating circumstances contributing to the underperformance and it is in the best interest of the pupils in the school for the teacher to be reassigned or have other consequences imposed.

7. The Department shall provide support to a school district or charter school that does not reemploy or dismisses a postprobationary teacher pursuant to subsection 6. Such support may include, without limitation:

(a) Assistance in recruiting and hiring highly effective teachers to fill any resulting vacancies; and

(b) Access to leadership and instructional coaches to support school leadership in managing transitions and improving teaching practices.

Sec. 39. NRS 391.019 is hereby amended to read as follows:

391.019 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. ***The regulations must require that, to teach pupils enrolled in kindergarten or grade 1, 2 or 3, a teacher must complete a course of instruction in foundational literacy skills that satisfies the requirements set forth in regulations adopted by the Commission. Such regulations must require that, on or after July 1, 2028, a person who applies for an initial license to teach or for the renewal of such a license who will teach pupils enrolled in kindergarten or grade 1, 2 or 3 must have completed a course required pursuant to this paragraph or professional development that is provided at no cost ~~[by]~~ to the teacher or his or her employer ~~[or]~~ by a regional training program, as defined in NRS 391A.105. The Commission shall develop regulations to ensure that approved teacher preparation programs include in any program of preparation for teaching pupils enrolled in kindergarten or grade 1, 2 or 3 a course of instruction in foundational literacy skills that satisfies the requirements set forth in regulations adopted by the Commission. The***

requirements for a course of instruction in foundational literacy must include, without limitation:

(1) Training and instruction in effective methods for teaching foundational literacy skills aligned with the science of reading, including, without limitation:

(I) Phonological and phonemic awareness;

(II) Phonics, including, without limitation, decoding and encoding;

(III) Fluency;

(IV) Vocabulary; and

(V) Comprehension;

(2) Techniques for differentiating literacy instruction, to meet the needs of pupils with advanced literacy skills, as well as pupils with reading deficiencies, including, without limitation, pupils with indicators of dyslexia and pupils with disabilities;

(3) Implementation of effective literacy instruction using high-quality instructional materials in alignment with current research on the science of reading;

(4) Classroom behavior management, trauma-informed practices and other developmentally appropriate supports to ensure a conducive learning environment for literacy instruction; and

(5) The use of data concerning pupils, including, without limitation, literacy assessments, to make instructional decisions, including, without limitation, decisions about improving the effectiveness of classroom reading instruction and the design of reading interventions.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall:

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

(n) To carry out the provisions of NRS 391B.010.

(o) Establishing the requirements for a person to obtain a provisional license with an endorsement as a registered apprentice, including, without limitation, requiring a person to complete a teacher preparation program for registered apprentices that is approved by the State Apprenticeship Council.

2. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 40. NRS 391.021 is hereby amended to read as follows:

391.021 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 or 391B.010 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 41. NRS 391.028 is hereby amended to read as follows:

391.028 On or before ~~[December]~~ ***January*** 31 of each year, the Commission shall submit a written report to ~~[the State Board and]~~ the Joint Interim Standing Committee on Education. The report must include, without limitation:

1. A summary of the regulations adopted by the Commission ***during the previous year*** and the status of those regulations;

2. A work plan which designates the proposed activities of the Commission during the ~~[next]~~ ***current*** year; and

3. A description of the progress and status of each regulation relating to the licensure of educational personnel which the Commission is required to adopt pursuant to a legislative measure enacted within the two previous regular sessions of the Legislature or any special session of the Legislature occurring within that time. If the Commission has not adopted a required regulation, the Commission shall include in the report a detailed explanation describing the reasons each regulation was not adopted.

Sec. 41.5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.

2. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** license to teach elementary education, which authorizes the holder to teach in any elementary school in the State. ***The holder of a license to teach elementary education must have completed a course in foundational literacy approved by the Commission pursuant to paragraph (d) of subsection 1 of NRS 391.019 to be eligible to teach pupils in kindergarten or grade 1, 2 or 3 on or after July 1, 2028.***

3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

Sec. 41.6. NRS 391.0315 is hereby amended to read as follows:

391.0315 1. A person licensed to teach early childhood education, elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license ***or endorsement*** to teach early childhood education, elementary education, middle school or junior high school education or secondary education, other than for teaching pupils with disabilities, which is outside the person's grade level of experience if the applicant meets the course work requirements, competency testing requirements and qualifications for the license ~~[.]~~ ***or endorsement.***

2. A licensed teacher who applies for an additional license ***or endorsement*** pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license ***or endorsement*** if the applicant has 3 years of verified teaching experience.

Sec. 42. NRS 391.032 is hereby amended to read as follows:

391.032 1. ~~[Except as otherwise provided in NRS 391.027, the]~~ ***The*** Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions:

(1) For the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

(2) Which provide for the licensure of persons pursuant to the Interstate Teacher Mobility Compact enacted in NRS 391B.010.

(c) Adopt regulations which provide that, for teachers employed by a charter school, requirements to teach in a subject that is not a core subject, as set forth in NRS 389.018, are satisfied if the teacher holds:

(1) The appropriate endorsement issued by the Superintendent of Public Instruction; or

(2) An industry-recognized credential or certificate relevant to the subject that is not a core subject in which he or she provides instruction.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach if:

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 43. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for ~~[a license must submit with his or her application:]~~

(a) ~~[A]~~ ***The initial issuance of a license must submit with his or her application a*** complete set of his or her fingerprints and written permission

authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant ~~[and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075,]~~ and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant . ~~[; and]~~ ***Each application for an initial license must contain a disclosure that the applicant is subject to the provisions of section 60 of this act, which must be in the form and manner prescribed by the Central Repository for Nevada Records of Criminal History and include, without limitation, a statement that the applicant is consenting to be enrolled in the program established by section 60 of this act.***

(b) ~~[Written]~~ ***The initial issuance or renewal of a license must submit with his or her application written*** authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for ***the issuance or renewal of*** a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 8, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4 ~~[.]~~ ***or pursuant to section 60 of this act:***

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable;

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for ***the issuance or renewal of*** a license pursuant to this section if:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History ***, or any notification received pursuant to section 60 of this act,*** indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense; and

(b) The Superintendent provides to the applicant:

(1) Written notice of his or her intent to deny the application; and

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny ***issuance or renewal of*** the license.

10. If the Superintendent denies an application for ***the issuance or renewal of*** a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Superintendent may not be held liable for damages resulting from any action of the Superintendent authorized by subsection 4.

12. The Superintendent may enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

13. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 44. NRS 391.039 is hereby amended to read as follows:

391.039 1. The ~~[State Board]~~ ***Department*** shall, on an annual basis, evaluate each provider approved by the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to

licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

Sec. 45. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than $100 for the:

(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and

(b) Renewal of a license **.** ~~[, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.]~~

2. The fee for issuing a duplicate license is the same as for issuing the original.

3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

4. The Department of Education may waive any fee for the initial issuance of a license, the renewal of a license or the issuance of a duplicate license for an applicant or licensee who is a veteran of the Armed Forces of the United States, an applicant or licensee who is a member of the Armed Forces of the United States who is on active duty or an applicant or licensee who is the spouse of such a veteran or member of the Armed Forces of the United States.

Sec. 46. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 and 391.1055, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for

submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. ~~[A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the~~

~~school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.~~

~~6.~~ The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 47. NRS 391.110 is hereby amended to read as follows:

391.110 1. The board of trustees of a school district ~~may:~~ ***located in a county whose population is 100,000 or more shall:***

(a) Employ any person ~~the board of trustees determines is qualified~~ ***who meets the requirements of this paragraph*** to serve as the superintendent of schools of the school district. ~~The Commission may require the superintendent of any school district to hold a master's degree.~~ ***A person is eligible to serve as the superintendent of schools of a school district if:***

(1) The person:

(I) Holds a graduate degree from a postsecondary educational institution that is accredited by a regional accrediting agency recognized by the United States Department of Education or approved by the Department for the purposes of this paragraph; and

(II) Has at least 6 years of experience teaching, of which at least 3 years must have been spent in a supervisory or administrative capacity; or

(2) The person served as the financial administrator or chief executive officer of a private or public entity with a budget of at least $275,000,000; or

(3) The person holds a graduate degree from a postsecondary educational institution that is accredited by a regional accrediting agency recognized by the United States Department of Education in business, finance or management and has at least 4 years of relevant experience in any of those fields.

(b) ***Employ a person who meets the qualifications of this paragraph to serve as chief financial officer of schools of the school district. A person is eligible to serve as chief financial officer of schools of a school district if the person:***

(1) Holds:

(I) A graduate degree from a postsecondary educational institution that is accredited by a regional accrediting agency recognized by the United States Department of Education or approved by the Department for the purposes of this paragraph; and

(II) A professional license as a certified public accountant, certified management accountant or certified financial analyst and has experience with fiscal analysis, processes, problems and opportunities and developing fiscal policies, audit procedures and systems of public and fund accounting; or

(2) Served as the financial administrator of a private or public entity with a budget similar in size to the budget of the school district in which he or she seeks employment; or

(3) Has received status as a credentialed manager from the International City/County Management Association, or its successor organization.

(c) Define the powers and fix the duties of the superintendent of schools ~~[.~~ ~~(c)]~~ ***and the chief financial officer of schools, if applicable.***

(d) Fix the salary of the superintendent of schools ~~[.]~~ ***and the chief financial officer of schools, if applicable.***

2. ***The board of trustees of a school district located in a county whose population is 100,000 or more that selects a candidate to serve as superintendent of schools of the school district or chief financial officer of schools of the school district shall, before hiring the candidate, submit the name and application of the candidate to the Department for review. The Department shall review the qualifications of the candidate selected by the board of trustees to ensure that the candidate meets the requirements set forth in subsection 1. Not more than 10 days after completing the review, the Department shall:***

(a) If the Department determines that the candidate meets the requirements set forth in subsection 1, issue a letter to the board of trustees of the school district affirming that the candidate is eligible to serve as superintendent of schools of the school district or chief financial officer of schools of the school district, as applicable; or

(b) If the Department determines that the candidate does not meet the requirements set forth in subsection 1, issue a letter to the board of trustees of the school district affirming that the candidate is ineligible to serve as superintendent of schools of the school district or chief financial officer of schools of the school district, as applicable.

3. The board of trustees of a school district that receives a letter affirming that a candidate is ineligible to be hired pursuant to paragraph (b) of subsection 2 shall not hire the candidate for the position for which he or she applied.

4. The Department may revoke a letter issued pursuant to paragraph (a) of subsection 2 if the Department determines that a candidate for superintendent of schools or chief financial officer of schools no longer meets the requirements for eligibility set forth in subsection 1.

5. The board of trustees of a school district that is located in a county whose population is less than 100,000 may:

(a) Employ any person the board of trustees of the school district determines is qualified to serve as superintendent of schools of the school district. The Commission may require the superintendent of any such school district to hold a master's degree.

(b) Define the powers and fix the duties of the superintendent of schools.

(c) Fix the salary of the superintendent of schools.

6. If the board of trustees of a school district employs a person who is not licensed as an administrator to serve as the superintendent of schools, the board of trustees shall employ a person who is licensed as an administrator to oversee the academic programs of the public schools within the school district.

~~[3.]~~ ***7.*** A superintendent of schools may be employed for an initial term not to exceed 4 years. The term of any subsequent employment may be of any duration.

~~[4.]~~ ***8.*** A superintendent of schools ~~[may]~~ ***shall*** be dismissed at any time for cause ~~[.~~

~~5.]~~ ***, including, without limitation, if:***

(a) The superintendent of schools does not meet any of the professional or other standards identified in an annual evaluation conducted by the board of trustees of the school district.

(b) The superintendent of schools refuses or fails to comply with and carry out the requirements of this title. The board of trustees of a school district may, at any time, request a determination from the Department that the superintendent of schools of the school district has refused or failed to comply with and carry out the requirements of this title. If the board of trustees of a school district requests such a determination, the Department must promptly conduct an investigation and determine whether the superintendent of schools has refused or failed to observe and carry out the requirements of this title.

(c) The Department revokes a letter pursuant to subsection 4.

9. Each employment contract entered into between the board of trustees of a school district and the superintendent of schools of the school district must include, without limitation:

(a) The provisions set forth in subsection 8 and any additional reasons why the superintendent of schools would be required to be dismissed for cause by the board of trustees of the school district that the board of trustees deems appropriate.

(b) A description of the process for annually evaluating the superintendent of schools that includes, without limitation:

(1) Measures of learning and behavior outcomes of pupils; and

(2) Professional standards that are nationally recognized.

10. A superintendent of schools may administer oaths or affirmations relating to public schools.

Sec. 48. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may, on or before September 1 of the school year in which such a determination is made, submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district. The Superintendent of Public Instruction may grant such a request if the

Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 3 school years to teach in that subject area at a public school within the school district.

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission ~~[and the State Board]~~ that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission ~~[and the State Board]~~ shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 49. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480 ~~[, account]~~ ***:***

(1) Account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district ~~[.]~~ ***; and***

(2) For the purposes of calculating the rating used to evaluate a teacher or administrator pursuant to subparagraph (1), be used to evaluate a teacher or administrator using a points system in which the teacher or administrator who provides direct instructional services to pupils at a school in a school district:

(I) Receives one point if not more than 20 percent of pupils to which he or she provides direct instructional services achieve satisfactory goals for educational growth established pursuant to NRS 391.480.

(II) Receives two points if more than 20 percent but not more than 40 percent of pupils to which he or she provides direct instructional services achieve satisfactory goals for educational growth pursuant to NRS 391.480.

(III) Receives three points if more than 40 percent but not more than 60 percent of pupils to which he or she provides direct instructional services achieve satisfactory goals for educational growth pursuant to NRS 391.480.

(IV) Receives four points if more than 60 percent but not more than 80 percent of pupils to which he or she provides direct instructional services achieve satisfactory goals for educational growth pursuant to NRS 391.480.

(V) Receives five points if more than 80 percent of pupils to which he or she provides direct instructional services achieve satisfactory goals for educational growth pursuant to NRS 391.480.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

(f) Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to:

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception of pupils of the performance of the teacher,

➥ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

(g) If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

5. A school associate superintendent or administrator who supervises schools within a school district shall, not later than the last day of each school year, conduct a review of at least 3 percent of all evaluations of licensed educational personnel conducted pursuant to this chapter for the local school precincts overseen by the school associate superintendent or the schools within a school district overseen by the administrator who supervises such schools. The review must be conducted using procedures and guidance developed by the Department, in consultation the Teachers and Leaders Council of Nevada created by NRS 391.455 and include, without limitation, for each evaluation selected:

(a) A review of documents for the development of plans, observations, conferences, evidence and a summary of the evaluation; and

(b) An interview with the administrator and person who was evaluated;

6. If the school associate superintendent or administrator who supervises schools determines that an evaluation that was reviewed pursuant to subsection 5 was not conducted properly, the administrator who conducted the evaluation must conduct a review of all evaluations conducted for licensed educational personnel assigned to the relevant local school precinct or school during the previous school year.

7. A school associate superintendent or administrator who supervises schools who conducts a review pursuant to subsection 5 shall, on or before May 15 of each year, submit to the Superintendent of Public Instruction a report that:

(a) Verifies that a review was conducted pursuant to subsection 5;

(b) Describes the local school precincts or schools in which:

(1) Evaluations were properly conducted; and

(2) Evaluations were not properly conducted; and

(c) A plan of action for each administrator who did not properly conduct an evaluation.

8. As used in this section, "school associate superintendent" has the meaning ascribed to it in NRS 388G.550.

Sec. 50. NRS 391.480 is hereby amended to read as follows:

391.480 1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop ~~[~~learning~]~~ goals ***for educational growth*** for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop ~~[~~learning~]~~ goals ***for educational growth*** for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The ~~[~~Department shall establish a list of assessments that may~]~~ ***examinations administered pursuant to NRS 390.105 must*** be used by a school or school district to measure the achievement of ~~[~~learning~]~~ goals ***for educational growth*** established pursuant to this section ~~[.]~~ ***for each teacher who provides instruction in English language arts, science or mathematics. If a teacher does not provide instruction in such subjects, a school or school district may use, without limitation, assessments that:***

(a) Are course-embedded;

(b) Are teacher-developed; or

(c) Align with the standards identified as the area of highest pupil need within an individual classroom.

4. The board of trustees of each school district shall ensure that the ~~[~~learning~]~~ goals ***for educational growth*** for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes ~~[~~learning~]~~ goals ***for educational growth*** for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the ~~[~~learning~]~~ goals ***for educational growth*** of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the

statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Sec. 51. NRS 391.485 is hereby amended to read as follows:

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, administrators and other licensed educational personnel who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, administrators and other licensed educational personnel pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including, without limitation, the manner in which the ~~[learning]~~ goals ***for educational growth*** for pupils are established and evaluated pursuant to NRS 391.480.

4. The Department shall:

(a) Ensure that the manner in which the statewide performance evaluation system is carried out by each school district:

(1) Ensures distinct skills associated with high-quality teaching are evaluated; and

(2) Requires data for each teacher to be reported to the Department each year;

(b) In consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455, adopt regulations establishing a framework for a certification program to rate administrators based on the ability of an administrator to properly conduct an evaluation; and

(c) Ensure that only certified administrators conduct evaluations pursuant to this chapter.

Sec. 52. NRS 391.685 is hereby amended to read as follows:

391.685 1. A probationary teacher must receive one evaluation during each school year of his or her probationary employment. The evaluation must be based in part upon at least three scheduled observation cycles of the teacher during the first school year of his or her probationary period as follows:

(a) The first scheduled observation cycle must occur within ~~[40]~~ ***30*** days after the first day of instruction of the school year;

(b) The second scheduled observation cycle must occur after ~~[40]~~ ***75*** days but within ~~[80]~~ ***105*** days after the first day of instruction of the school year; and

(c) The third scheduled observation cycle must occur ~~[after 80 days but within 120]~~ ***during the final 40*** days ~~[after the first day]~~ of instruction ~~[of]~~ ***in*** the school year.

2. If a probationary teacher receives an evaluation designating his or her overall performance as effective or highly effective:

(a) During the first school year of his or her probationary period, the evaluation during the second school year of the probationary period must be based in part upon at least two scheduled observation cycles of the teacher which must occur within the times specified in paragraphs (b) and (c) of subsection 1.

(b) During the first and second school years of his or her probationary period, the evaluation during the third school year of the probationary period must be based in part upon at least one scheduled observation cycle of the teacher which must occur within 120 days after the first day of instruction of the school year.

3. If a probationary teacher receives an evaluation designating his or her overall performance as developing or ineffective during the first or second school year of the probationary period, the probationary teacher must receive one evaluation during the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1.

Sec. 52.5. NRS 391.730 is hereby amended to read as follows:

391.730 ***1.*** Except as otherwise provided in NRS 391.717, a postprobationary employee who receives an evaluation designating his or her overall performance as:

~~[1.]~~ ***(a)*** Ineffective; or

~~[2.]~~ ***(b)*** Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

2. If a postprobationary employee who is deemed to be a probationary employee pursuant to this section receives an evaluation designating his or her overall performance as ineffective for 2 consecutive school years during the additional probationary period required by this section:

(a) The board of trustees of the school district or the governing body of the charter school may notify the employee in writing during the second or third school year of the employee's probationary period, in accordance with NRS 391.820, that the employee ~~[will]~~ may not be reemployed for the third year of the probationary period or for the fourth school year as a postprobationary employee; or

(b) The superintendent of the school district or executive director of the charter school may recommend the dismissal of the probationary employee to the board of trustees of the school district or the governing body of the charter school before the end of a contract year pursuant to NRS 391.822. If the superintendent or executive director makes such a recommendation, the postprobationary employee who is deemed to be a probationary employee pursuant to this section is entitled to notice and a hearing pursuant to NRS 391.824 and 391.826.

3. The Department shall provide support to a school district or charter school that, pursuant to subsection 2, does not reemploy or dismisses a postprobationary employee who is deemed to be a probationary employee pursuant to subsection 1. Such support may include, without limitation:

(a) Assistance in recruiting and hiring highly-qualified administrators to fill any resulting vacancies; and

(b) Access to leadership and instructional coaches to support school leadership in managing transitions and improving teaching practices.

Sec. 53. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 54 to 56.5, inclusive, of this act.

Sec. 54. ***As used in this section and sections 55 and 56 of this act, "large school district" has the meaning ascribed to it in NRS 388G.530.***

Sec. 55. ***1. A large school district shall, through negotiations with an employee organization conducted pursuant to NRS 288.150, establish a differential pay scale for all licensed educational personnel employed at a Title I school which has had a vacancy rate of at least 7 percent for at least 2 consecutive school years.***

2. As used in this section, "Title I school" has the meaning ascribed to it in NRS 385A.040.

Sec. 56. ***To the extent that money is available, the board of trustees of each large school district shall reserve for each fiscal year an amount of money sufficient to carry out any increase in the salary of a licensed teacher, administrator, as defined in NRS 388.1215, or principal set forth by a differential pay scale established pursuant to section 55 of this act.***

Sec. 56.2. ***1. A school district and the governing body of a charter school shall ensure that a course of professional development training in the science of reading that is approved by the Department is successfully completed by:***

(a) Teachers who teach pupils in kindergarten or grade 1, 2 or 3;

(b) Administrators of schools in which pupils in kindergarten or grade 1, 2 or 3 are enrolled and other administrators who supervise such administrators or are responsible for shaping educational systems that impact pupil achievement in reading; and

(c) Paraprofessionals who directly serve pupils in kindergarten or grade 1, 2 or 3.

2. Any course of professional development training required to be completed by an employee pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

3. Each teacher who teaches pupils in kindergarten or grade 1, 2 or 3, and each paraprofessional who directly serves pupils in kindergarten or grade 1, 2 or 3, and who was employed to teach or serve such pupils before August 1, 2025, must successfully complete the course of professional development training required by this section not later than the end of the 2027-2028 school year. Each teacher who teaches pupils in kindergarten or grade 1, 2 or 3, and each paraprofessional who directly serves pupils in kindergarten or grade 1, 2 or 3, and who is employed to teach or serve such pupils on or after August 1, 2025, must successfully complete the course of professional development training required by this section not later than 3 years after the employment start date for the teacher or paraprofessional.

4. Each administrator of a school in which pupils in kindergarten or grade 1, 2 or 3 are enrolled, and any other administrator who supervises such administrators or is responsible for shaping educational systems that impact pupil achievement in reading, and who is employed in such a position before August 1, 2025, must complete the course of professional development training required by this section not later than the end of the 2027-2028 school year. Each administrator of a school in which pupils in kindergarten or grade 1, 2 or 3 are enrolled, and any other administrator who supervises such administrators or is responsible for shaping educational systems that impact pupil achievement in reading, and who is employed in such a position on or after August 1, 2025, must complete the course of professional development training required by this section not later than 3 years after the employment start date of the administrator for that position.

5. The Department shall develop and post on the Internet website maintained by the Department a list of courses of professional development training in the science of reading that have been approved by the Department.

6. The board of trustees of each school district and the governing body of each charter school shall:

(a) Maintain such records of the successful completion of courses of professional development training required by subsection 1 as necessary to ensure compliance with the requirements of this section; and

(b) Provide such records to the Department upon request.

7. On or before November 1 of each year, the Department shall prepare, and post on the Internet website maintained by the Department, a report on the compliance of each board of trustees of a school district and governing body of a charter school with the requirements of this section. The report must contain:

(a) The number of persons who are required to complete the course of professional development training and the percentage of such persons who have completed the course of professional development training, disaggregated by district;

(b) A list of the approved providers of courses of professional development training and the standards applied by the Department to approve such a course; and

(c) An analysis of trends, challenges and recommendations for improving compliance and training outcomes.

8. On or before November 1 of each year, the Department shall submit the report prepared pursuant to subsection 7 to:

(a) The Governor;

(b) The State Board;

(c) The Director of the Legislative Counsel Bureau for transmittal to:

(1) The Joint Interim Standing Committee on Education, if the report is submitted in an odd-numbered year; or

(2) The Senate and Assembly Standing Committees on Education, if the report is submitted in an even-numbered year; and

(d) The board of trustees of each school district and the governing body of each charter school.

9. The Department may adopt regulations to carry out the provisions of this section, including, without limitation, regulations to establish standards for the approval of courses of professional development in the science of reading and the approval of providers of such courses.

Sec. 56.5. *1. The Education Service Center is hereby created as an educational service agency for the purpose of acting as an educational service agency under 34 C.F.R. § 300.12 to develop, manage and provide services and programs to local educational agencies and, as necessary, to other local governments.*

2. The governing body of the Education Service Center is the Board of the Education Service Center, which must consist of the following members:

(a) Two members appointed by the Governor;

(b) One member, who must not be a Legislator, appointed by the Majority Leader of the Senate;

(c) One member, who must not be a Legislator, appointed by the Minority Leader of the Senate;

(d) One member, who must not be a Legislator, appointed by the Speaker of the Assembly;

(e) One member, who must not be a Legislator, appointed by the Minority Leader of the Assembly; and

(f) One member appointed by the State Board.

3. The Superintendent of Public Instruction shall call the first meeting of the Board of the Education Service Center. At its first meeting and annually thereafter, the members of the Board shall elect a Chair and Vice

Chair from among the members of the Board. After its first meeting, the Board shall meet as needed at the call of the Chair.

4. Each member of the Board of the Education Service Center:

(a) Serves without compensation; and

(b) While engaged in the business of the Education Service Center, is entitled to receive the travel expenses provided for state officers and employees generally.

5. Each member of the Board of the Education Service Center serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointment. Any vacancy occurring in the membership of the Board must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. Within the limits of available money:

(a) The Board of the Education Service Center may appoint an Executive Director. The Executive Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the Board.

(b) The Executive Director may employ such staff as is necessary to the performance of the functions of the Education Service Center.

➥ The Executive Director and any staff of the Education Service Center are eligible to participate in the Public Employees' Benefits Program and the Public Employees' Retirement System.

7. The Education Service Center:

(a) May not impose or levy any tax or borrow money or incur indebtedness.

(b) May apply for any available grants and accept any available gifts, grants, appropriations or donations, and use any such gifts, grants, appropriations or donations to carry out its purposes.

(c) May enter into agreements with any agency or political subdivision of this State, including, without limitation, counties, cities and school districts, for the purpose of carrying out the purposes set forth in this section.

8. The Education Service Center:

(a) May carry out activities set forth in this title, on behalf of the Department, and provide services to local educational agencies throughout this State, including, without limitation, services that require specialized personnel.

(b) Shall provide support for the initiatives and efforts of this State to improve the performance of schools and school districts in this State, including, without limitation, evidence-based and research-based support for the improvement of schools and school districts identified for rigorous interventions pursuant to the provisions of sections 14.25 to 14.6, inclusive, of this act.

(c) Shall implement or support the implementation of state or federally funded initiatives assigned to the Education Service Center by the Superintendent of Public Instruction.

(d) Shall avoid duplication of programs and services to ensure a streamlined and efficient delivery of educational services.

9. The Superintendent of Public Instruction may adopt regulations to prescribe operational aspects of the Education Service Center, including, without limitation, accountability, finance and budgeting, qualifications for the Board and employees of the Education Service Center and procedures for contracting.

10. The Education Service Center is hereby deemed a local educational agency, as defined in 20 U.S.C. § 7801(30)(A), for all purposes.

Sec. 57. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; ~~[and]~~

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State ~~[.]~~ ***; and***

(5) Whole school improvement and turnaround options described in sections 14.25 to 14.6, inclusive, of this act.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 ***, literacy coaches, reading specialists, reading interventionists and teachers who teach English as a second language*** on methods to teach fundamental reading skills, including, without limitation:

(1) ~~[~~Phonemic~~]~~ ***Phonological and phonemic*** awareness;

(2) Phonics ~~[;]~~ ***, including, without limitation, decoding and encoding;***

(3) Vocabulary;

(4) Fluency; ***and***

(5) Comprehension ***.*** ~~[; and~~

~~(6) Motivation.]~~

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) Training for teachers on methods to teach computer literacy or computer science to pupils.

(f) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(g) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(h) Training and continuing professional development for teachers who receive an endorsement to teach courses relating to financial literacy pursuant to NRS 391.019 and 396.5198.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are English learners.

(d) Include instructional practices and strategies that are evidence-based and tailored to improve the achievement and proficiency of pupils in the core academic subjects, as set forth in NRS 389.018.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. To the extent that money is available, the Department shall administer the training required pursuant to paragraph (h) of subsection 1.

8. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 58. (Deleted by amendment.)

Sec. 58.5. NRS 391A.175 is hereby amended to read as follows:

391A.175 1. The governing body of each regional training program shall:

(a) ~~[Adopt]~~ ***In collaboration with the Department, adopt*** a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) and as deemed necessary by the governing body, review the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan for the regional training program for review by the Statewide Council, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan including, without

limitation, the biennial budget of the regional training program for those 2 years.

➥The governing body shall incorporate into the 5-year plan any revisions recommended by the Statewide Council.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

(f) Ensure that the staff of the regional training program assists in developing and providing training in whole school improvement efforts throughout this State.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 58.7. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school employee is immune from both criminal and civil liability for actions taken in good faith to intervene in physical altercations, fights or other incidents that pose an imminent risk to the safety of pupils, other school employees and persons in proximity to the altercation, fight or incident, provided that:

(a) The school employee is acting within the course and scope of his or her employment and within the course and scope of his or her role in maintaining order, discipline or the safety of pupils;

(b) The actions of the school employee are consistent with federal, state and local laws and the policies of the school district employing the school employee or the school at which the school employee is employed relating to the maintenance of safety and discipline; and

(c) Any harm caused by the intervention was not the result of:

(1) Willful or intentional misconduct;

(2) Gross negligence;

(3) Reckless misconduct; or

(4) A conscious, flagrant indifference to the rights or safety of the person harmed.

2. If any school employee intervenes in a fight or altercation involving a pupil, the school employee shall report the incident to school administration

as soon as practicable and in accordance with the policies and protocols established by the school employing the school employee.

3. Each school shall maintain a record of reports received pursuant to subsection 2 and use these records only to assess the need for additional training, support or policy adjustments to improve school safety practices.

4. As used in this section:

(a) "Intervene" or "intervention" means taking any physical or verbal action to prevent, separate or otherwise manage pupils in a manner designed to avoid imminent harm to pupils, school employees or others in proximity to the area where such actions are taken.

(b) "School employee" means a licensed or unlicensed person who is employed by a private school.

Sec. 59. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 59.3 and 59.5 of this act.

Sec. 59.3. ***The Board of Regents shall, in consultation with the Department, develop a method for sharing with the Department the unique number for student identification issued by the System to an applicant for a license to teach issued pursuant to chapter 391 of NRS who received a baccalaureate degree or master's degree from an institution within the System. The method must be developed using the best practices for identifying the number of graduates of institutions within the System who become licensed teachers in this State.***

Sec. 59.5. ***The Board of Regents may require each institution within the System that offers a program of study to satisfy the educational requirements for a license to teach elementary school to collaborate with the Department and the Commission on Professional Standards in Education to develop within the program of study a course of instruction in foundational literacy skills that satisfies the requirements adopted pursuant to paragraph (d) of subsection 1 of NRS 391.019 to qualify to teach kindergarten and grades 1, 2 and 3.***

Sec. 60. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Education, may, at no cost to the Department of Education, participate in the Rap Back Program administered in this State by the Central Repository. The Central Repository may retain fingerprints and submit fingerprints to the Federal Bureau of Investigation for the purpose of enabling the Department of Education to receive ongoing status notifications of any criminal history of a person who is licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 if the subscription to the service is active. For the purposes of the Rap Back Program, the Department of Education is hereby deemed to be an authorized entity that engages in the licensing of educational personnel pursuant to NRS 391.033.

2. Any fingerprints forwarded to the Central Repository for the purpose of licensure pursuant to NRS 391.033 must be retained in the state and

federal Next Generation Identification Systems for the purpose of participating in the Rap Back Program and being searched by future submissions to the state and federal Next Generation Identification Systems, including, without limitation, latent fingerprint searches.

3. The Central Repository shall establish a means of collecting, using, safeguarding, handling, retaining, storing, disseminating and destroying any records of criminal history in accordance with the provisions of this chapter and chapter 179A of NRS and the Security Policy and the Administrative Policies of the Nevada Criminal Justice Information System adopted as regulations by the Central Repository.

4. The Department of Education shall:

(a) Before retaining the fingerprints of a person in the state and federal Next Generation Identification Systems for the purpose of participating in the Rap Back Program, obtain the consent of the person to retain the fingerprints and release information concerning his or her criminal history to the Department of Education.

(b) Notify the Central Repository, in a form and manner prescribed by the Central Repository, when a person licensed pursuant to NRS 391.033 is no longer licensed pursuant to that section. Upon receiving such notice, the Central Repository shall:

(1) Destroy any printed and electronic fingerprint cards and facsimiles of fingerprints that the Central Repository has retained for the person as part of the Rap Back Program; and

(2) Notify the Federal Bureau of Investigation that the person is no longer licensed by an authorized entity and request that the Federal Bureau of Investigation destroy any printed and electronic fingerprint cards or facsimiles of fingerprints that the Federal Bureau of Investigation has retained for the person in the Rap Back Program.

5. As used in this section, "Rap Back Program" means a system maintained by the Central Repository and the Federal Bureau of Investigation that enables authorized entities to receive ongoing status notifications of any criminal history reported for persons whose fingerprints are retained in the Next Generation Identification System maintained by Central Repository and the Federal Bureau of Investigation.

Sec. 61. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance ~~[or renewal]~~ of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.3387 or 453.339, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository or for any other purpose authorized by the Legislature, and any balance of the money remaining at the end of a fiscal year reverts to the State General Fund.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 62. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Commission on School Funding created by NRS 387.1246 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The requests must be submitted to the Legislative Counsel on or before September 1 preceding a regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding a regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 63. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 62 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 62 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 62 of this act,*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 66. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 8 and 11, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 9 and 11, the policies for the transfer and reassignment of teachers.

(v) ***The salary incentive program for differential pay for professional growth that must be made available to licensed ~~[teachers and principals]~~ educational personnel pursuant to section 55 of this act.***

(w) Procedures for reduction in workforce consistent with the provisions of this chapter.

~~[(w)]~~ ***(x)*** Procedures consistent with the provisions of subsection 6 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph ~~[(v)]~~ ***(w)*** of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including, without limitation, workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

6. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources,

except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

7. The provisions of this chapter, including, without limitation, the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

8. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 obtained from the Statewide

Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

13. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 67. NRS 354.6015 is hereby amended to read as follows:

354.6015 1. Except as otherwise provided in subsection 3, the governing board of a local government shall:

(a) Submit electronically a fiscal report of the local government to the Department of Taxation in accordance with the requirements prescribed by the Committee on Local Government Finance pursuant to subsection 2; and

(b) ~~[~~Publish~~]~~ ***Except as otherwise provided in this paragraph, publish*** a summary of the fiscal report, which must contain the information required by the Committee on Local Government Finance pursuant to subsection 2, in a newspaper of general circulation in the county in which the local government is situated. ***The requirements of this paragraph do not apply to the governing body of a school district.***

2. The Committee on Local Government Finance shall prescribe, by regulation:

(a) The dates and times for filing a fiscal report, which must require a local government to file at least one fiscal report per year;

(b) The content of a fiscal report, which must include, without limitation, revenues, expenditures, fund balances, cash balances, components of assessed value, debt schedules and any other information that the Committee on Local Government Finance determines to be appropriate for determining the financial status of a local government; ***and***

(c) ~~[The content for a summary of a fiscal report that must be published pursuant to subsection 1; and~~

~~(d)~~**]** A uniform method for creating and submitting a fiscal report electronically pursuant to this section. The method must facilitate the storage and reproduction of the fiscal report in electronic format by the Department of Taxation.

3. The Committee on Local Government Finance may establish, by regulation, an exception to the requirement that a fiscal report be submitted to the Department of Taxation in electronic format. The exception must be limited to local governments that the Committee determines do not have the financial ability to comply with the method for submitting a fiscal report to the Department of Taxation prescribed by the Committee. If the Committee on Local Government Finance provides an exception pursuant to this subsection, the Committee shall provide, by regulation, specific standards that it will use to determine whether a local government qualifies for an exemption pursuant to this subsection.

4. The Committee on Local Government Finance shall adopt regulations pursuant to this section in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 68. Chapter 610 of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. ***1. The Nevada Registered Teacher Apprenticeship Support Account is hereby created in the State General Fund. The Account must be administered by the State Apprenticeship Director.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↳ must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, ~~[does not revert]~~ reverts to the State General Fund . ~~[, and the balance in the Account must be carried forward to the next fiscal year.]~~

4. The State Apprenticeship Director may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to provide grants of money pursuant to section 70 of this act.

Sec. 70. ***1. The Nevada Registered Teacher Apprenticeship Support Program is hereby created in the Office of Labor Commissioner. The purpose of the program is to provide grants of money to sponsors of apprenticeship programs in teaching that have been approved by the Council to provide:***

(a) Wrap-around support and staffing services to recruit, prepare and retain apprentices participating in an apprenticeship program in teaching who desire to become licensed teachers in public schools in this State; and

(b) Instruction, including, without limitation, professional development, coaching, mentoring and induction required during an apprenticeship in teaching.

2. The State Apprenticeship Director shall:

(a) Administer the Program.

(b) Establish requirements for eligibility to participate in the Program, including, without limitation, requiring an applicant to:

(1) Establish that the apprenticeship program sponsored by the applicant has been approved by the Council pursuant to NRS 610.095;

(2) Use evidence-based metrics to evaluate the success of the apprenticeship program; and

(3) Demonstrate the capability of the applicant to successfully recruit participants for the program, prepare the participants to become teachers and retain the participants in a public school in this State; and

(c) Evaluate applications submitted pursuant to this section.

3. In evaluating an application for a grant of money awarded pursuant to this section, the State Apprenticeship Director shall give priority to an applicant who:

(a) Complies with the requirements of subsection 2;

(b) Demonstrates previous success in carrying out an apprenticeship program;

(c) Provides a plan for new or innovative wrap-around supports that are determined to be of high quality by the State Apprenticeship Director; and

(d) Provides a plan to efficiently use the grant of money awarded pursuant to this section to maximize the number of participants in an apprenticeship program who will benefit from its use.

4. An applicant who receives a grant of money pursuant to this section shall:

(a) Develop, in collaboration with the State Apprenticeship Director, standards and goals for the program to meet, including, without limitation, a desired number of pupils to participate in and complete the apprenticeship program;

(b) Provide wrap-around services to participants in the apprenticeship program; and

(c) Submit a report to the State Apprenticeship Director at the end of each semester describing the progress of the apprenticeship program in achieving the goals developed pursuant to paragraph (a).

5. The State Apprenticeship Director shall ensure that:

(a) Grants of money are promptly distributed to applicants selected to receive such a grant; and

(b) Grants of money are awarded proportional to the number of participants in the apprenticeship program, provided that:

(1) Not more than $4,000 is awarded for each participant; and

(2) A participant is counted for the purposes of calculating the amount of a grant for not more than 2 years.

6. Not more than 5 percent of a grant of money awarded pursuant to this section may be expended by the recipient to cover costs related to facilities and administration of the apprenticeship program for which the recipient is the sponsor.

7. The State Apprenticeship Director shall enter into agreements with applicants selected to receive a grant pursuant to this section to ensure the collection and analysis of data relating to the evaluation and identification of metrics concerning apprenticeship programs supported by the grant, including, without limitation:

(a) Enrollment in the apprenticeship program;

(b) Demographic information of the participants in the apprenticeship program;

(c) Retention and graduation rates for the program;

(d) The number of apprentices who were subsequently employed by a public school in this State during the 3 years after graduation; and

(e) The results of any surveys conducted of participants concerning the effectiveness of the apprenticeship program and any deficits in resources made available to a participant during his or her participation in the apprenticeship program.

8. On or before June 30 of each year, the State Apprenticeship Director shall prepare a report on the status of the Program and the effectiveness of the grants awarded pursuant to this section and submit the report to the:

(a) Governor; and

(b) Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

Sec. 71. 1. There is hereby appropriated from the State General Fund to the Commission on Recruitment and Retention established pursuant to section 37 of this act the sum of $500,000 for the cost of conducting the studies required by section 38 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 72. 1. ~~[There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Institute on Teaching and Educator Preparation, if established pursuant to NRS 396.5185, the sum of $2,000,000.]~~ **There is hereby appropriated from the State General Fund to the Department of Education for the Nevada Institute on Teaching and Educator Preparation, if established pursuant to NRS 396.5185, the following sums:**

For the Fiscal Year 2025-2026.....$1,000,000

For the Fiscal Year 2026-2027.....$1,000,000

2. In making an expenditure from the money appropriated by subsection 1, the Nevada Institute on Teaching and Educator Preparation may expend not more than $75,000 for administrative expenses.

3. The Nevada Institute on Teaching and Educator Preparation shall:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2026, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Institute through December 1, 2026; and

(b) Prepare and transmit a final report to the Interim Finance Committee on or before October 1, 2027, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Institute through June 30, 2027.

4. ~~[Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.]~~ **Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.**

Sec. 73. 1. ~~[There is hereby appropriated from the State General Fund to the Department of Education the sum of $10,000,000 for disbursement to school districts, sponsors of charter schools and nonprofit organizations which provide early childhood education in this State to fund the expansion of facilities for early childhood education in areas of this State where access to high-quality early childhood education is limited and there is a commitment to providing the early childhood education for free or at low cost in underserved communities. The Department shall disburse not more than $150,000 for each 800 square feet of expansion.]~~ **There is hereby appropriated from the State General Fund to the Department of Education for disbursement to school districts, sponsors of charter schools and nonprofit organizations which provide early childhood education in this State to fund the expansion of facilities for early childhood education in areas of this State where access to high-quality early childhood education is limited and there is a commitment to providing the early childhood education for free or at low cost in underserved communities the following sums:**

For the Fiscal Year 2025-2026.....$4,000,000
For the Fiscal Year 2026-2027.....$5,000,000

2. ~~[Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.]~~ **The Department shall disburse not more than $150,000 for each 800 square feet of expansion for the purposes described in subsection 1.**

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 74. ~~[There is hereby appropriated from the State General Fund to the Nevada Registered Teacher Apprenticeship Support Account created by section 69 of this act the sum of $4,000,000 for the support of the Nevada Registered Teacher Apprenticeship Support Program created by section 70 of this act.]~~

1. There is hereby appropriated from the State General Fund to the Nevada Registered Teacher Apprenticeship Support Account created by section 69 of this act for the support of the Nevada Registered Teacher Apprenticeship Support Program created by section 70 of this act the following sums:

For the Fiscal Year 2025-2026.....$1,000,000
For the Fiscal Year 2026-2027.....$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be

reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 75. ~~[1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by NRS 387.1273 the sum of $50,000,000 for the awarding of grants of money to support early childhood literacy and readiness programs pursuant to NRS 387.1275.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund.]~~

1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by NRS 387.1273 for the awarding of grants of money to support early childhood literacy and readiness programs pursuant to NRS 387.1275 the following sums:

For the Fiscal Year 2025-2026.....$0

For the Fiscal Year 2026-2027.....$12,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 75.5. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $50,000,000 for the purpose of awarding grants of money pursuant to NRS 387.652, as amended by section 13.5 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and~~

~~must be reverted to the State General Fund on or before September 17, 2027.]~~ **(Deleted by amendment.)**

Sec. 76. (Deleted by amendment.)

Sec. 76.5. **1. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of carrying out the provisions of section 33.93 of this act the following sums:**

For the Fiscal Year 2025-2026.....$1,000,000

For the Fiscal Year 2026-2027.....$1,000,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 77. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $41,694 for personnel costs to carry out the provisions of section 1.3 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2026, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026.]~~ **(Deleted by amendment.)**

Sec. 77.5. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $7,000,000 for the purpose of awarding grants pursuant to section 14.65 of this act.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.]~~

1. There is hereby appropriated from the State General Fund to the Department of Education for the purpose providing transportation to pupils who attend school outside the zone of attendance that the pupils are otherwise required to attend and who demonstrate a financial need the following sums:

For the Fiscal Year 2025-2026.....$0

For the Fiscal Year 2026-2027.....$7,000,000

2. The Department of Education shall, for the purposes of subsection 1, adopt regulations prescribing a method for a pupil to demonstrate a financial need for transportation assistance.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 78. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $500,000 for the maintenance of a portal used to measure the supply and demand of the educator workforce in this State to ensure the accountability and transparency of efforts to recruit and retain educators.

2. The Department shall use the portal described in subsection 1 to monitor, without limitation:

(a) The average class size in this State;

(b) The access a school district has to teachers with classroom experience;

(c) The use of long-term substitutes by school districts in this State;

(d) The average and median age of teachers employed by school districts in this State;

(e) The ratio of the members of a school staff who are licensed to the members of a school staff who are not licensed; and

(f) Metrics that describe the ability of school districts in this State to hire teachers who were enrolled in a program for teacher and educator preparation established by an institution within the Nevada System of Higher Education.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 78.3. 1. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of carrying out the provisions of this act **, including personnel costs** and improving the efficiency and delivery of services the following sums:

For the Fiscal Year 2025-2026.....~~[$4,000,000]~~ **$2,500,000**

For the Fiscal Year 2026-2027.....$4,000,000

2. ~~[Any balance of the appropriations made to the Department of Education by this section does not revert to the State General Fund.]~~ **Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.**

Sec. 78.4. 1. ~~[There is hereby appropriated from the State General Fund to the Department of Education the sum of $2,000,000 for the purpose of providing grants of money to school districts and charter schools for the provision of access to literacy interventionists and tutoring programs, on the campus of a school or in person, for pupils in kindergarten and grades 1 to 5, inclusive. In awarding grants pursuant to this subsection, priority must be given to ensuring access to, and the provision of, such programs to students attending a public school designated as a 1-star school or a public school designated as "Focus," "Center Focus" or "Priority Growth."~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.]~~

1. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of providing grants of money to school districts and charter schools for the provision of access to literacy interventionists and tutoring programs, on the campus of a school or in-person, for pupils in kindergarten and grades 1 to 5, inclusive the following sums:

For the Fiscal Year 2025-2026.....$1,000,000

For the Fiscal Year 2026-2027.....$1,000,000

2. In awarding grants pursuant to subsection 1, priority must be given to ensuring access to, and the provision of, such programs to pupils attending a public school designated as a 1-star school or a public school designated as "Focus," "Center Focus" or "Priority Growth."

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 78.5. 1. There is hereby appropriated from the State General Fund to the ~~[Commission on School Funding]~~ **Department of Education** the sum of ~~[$800,000]~~ **$400,000** for the purpose of ~~[contracting with a third party]~~ **revising and providing training concerning the statewide performance evaluation system established** pursuant to **NRS 391.465, as amended by** section ~~[80]~~ **49** of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 78.6. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding the sum of $400,000 for analysis and research support.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 78.7. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding the sum of $250,000 for reviewing revenue and tax structures and making any subsequent recommendations.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 78.8. 1. There is hereby appropriated from the State General Fund to the Commission on School Funding the sum of $20,000 for meeting and travel costs of the Commission.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 79. The provisions of section 55 of this act apply to any contract in existence on July 1, 2025, to the extent that the provisions of section 55 of this act do not conflict with the terms of such a contract and to the extent that a conflict exists, the provisions of the contract control.

Sec. 80. ~~[1. The Commission on School Funding shall select a third party to, using an examination of research and studies focusing on the national and state levels, develop an evidence-based and comprehensive table that describes resource levels and funding levels for education purposes that represent the best practices for adequately meeting the needs of pupils. The third party shall include in the table an identification of additional resources necessary to meet the needs of pupils who meet the characteristics described in subsection 2 of NRS 385A.240. A third party selected pursuant to this subsection must be an entity that is not-for-profit and that has more than 10 years of relevant experience.~~

~~2. After developing a table pursuant to subsection 1, the third party shall:~~

~~(a) Study the resources and services provided at select schools in this State. In selecting schools pursuant to this paragraph, the third party must use a sampling method to select schools that represent a diverse group of geographic areas, income levels and other relevant demographics.~~

~~(b) In consideration of the demographics of each school, compare the:~~

~~(1) Actual resource levels and services provided by the schools selected for the study conducted pursuant to paragraph (a) to the best practices described in the table developed pursuant to subsection 1; and~~

~~(2) Funding that is available to schools selected for the study conducted pursuant to paragraph (a) to the funding levels recommended in the table developed pursuant to subsection 1.~~

~~(c) Conduct a survey of administrators and teachers at the schools selected for the study conducted pursuant to paragraph (a) to examine why any discrepancies examined in paragraph (b) exist, including, without limitation, whether such discrepancies are caused by federal or state laws and regulations or policies developed by the board of trustees of a school district.~~

~~(d) Submit all reports and findings from the study to the Commission on School Funding.~~

~~3. The Commission on School Funding shall, on or before December 1, 2028, submit a report that includes the table developed pursuant to subsection 1 and the findings of the study conducted pursuant to subsection 2 to:~~

~~(a) The Superintendent of Public Instruction;~~

~~(b) The board of trustees of each school district; and~~

~~(c) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~

~~4. As used in this section, "third party" means the third party selected by the Commission on School Funding pursuant to subsection 1.~~] **(Deleted by amendment.)**

Sec. 81. 1. The Commission on School Funding created by NRS 387.1246 shall conduct an interim study concerning **public** school funding. The study must include, without limitation, an examination of:

(a) The efficiency of developing reporting requirements relating to education, including, without limitation, accountability of school districts and whether such reporting requirements should be consolidated or eliminated, including, without limitation, whether the Department of Education should create a portal to receive such consolidated data;

(b) The capacity of the Department to properly store and collect data received from school districts and whether data requested from school districts and charter schools by state agencies other than the Department should be coordinated through the Department to ensure efficiency;

(c) The levels of funding and staffing that are necessary for the adequate implementation of multi-tiered systems of supports in schools in this State;

(d) The ability of school districts to implement a consistent method of recording and allocating costs within the school district;

(e) Adequate levels of staffing that are necessary for meeting the needs of pupils;

(f) Whether there is a better method of optimizing the weight relative to base per pupil funding that is given to pupils described in paragraph (e) of subsection 2 of NRS 387.1214 and 387.122;

(g) The funding necessary to ensure that the Department is adequately staffed and has the appropriate resources it needs, including, without limitation, technological resources; ~~[and]~~

(h) Methods used by other states to identify at-risk pupils and whether this State should use similar methods ~~[.]~~ **; and**

(i) Funding for charter schools in this State, including, without limitation:

(1) The provision of funds from the Federal Government and this State; and

(2) The use of such funding for, without limitation, the provision of special education and related services, transportation services and facilities.

2. On or before November 15, 2026, the Commission shall submit a report of its findings from the study performed pursuant to subsection 1, including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Nevada Legislature.

Sec. 81.5. 1. One or more institutions within the Nevada System of Higher Education may establish and operate a pilot program to offer an alternative pathway for assessing the competency of applicants for a license to teach pupils in this State through the use of alternative assessment methods.

2. A pilot program established pursuant to subsection 1 must:

(a) Select not more than 100 participants for the pilot program each academic year;

(b) Select not more than 25 teachers licensed pursuant to chapter 391 of NRS who have taught in a public school in this State for at least 5 years to serve as mentors for participants in the pilot program;

(c) Include a curriculum of professional development for participants in the pilot program that consists of at least 10 sessions and is aligned with the criteria for designating a teacher as effective or highly effective under the statewide performance evaluation system established by the State Board of Education pursuant to NRS 391.465;

(d) Require, for the duration of the pilot program, a teacher selected to serve as a mentor pursuant to paragraph (b) to conduct a monthly meeting with each participant who is assigned as his or her mentee;

(e) For a participant to receive credit for satisfactorily completing the pilot program, require the participant to, while he or she is participating in the pilot program, receive at least two consecutive evaluations, conducted pursuant to NRS 391.685, in which the overall performance of the teacher was designated as effective or highly effective;

(f) For alternative assessment methods, assess the validity and reliability of the methods and ability of the methods to be scaled to accommodate a greater number of participants;

(g) Promote assessment practices that are inclusive and equitable and that support a diversity of learning styles and experiences;

(h) Align alternative assessment methods with applicable state standards, requirements for accreditation and the needs of school districts in this State; and

(i) Collect and analyze data to provide evidence-based recommendations for the potential implementation of alternative assessment methods in this State.

3. A person is eligible to participate in a pilot program established pursuant to this section if he or she is an applicant for a license to teach issued pursuant to chapter 391 of NRS and holds;

(a) A provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032;

(b) A special license as an emergency substitute teacher issued by the Department of Education; or

(c) An endorsement to serve as a substitute teacher in early childhood education through grade 12 issued by the State Board of Education.

4. The Department of Education shall:

(a) For each participant in the pilot program established pursuant to this section, extend for 24 months after selection participate in the pilot program any deadline for removing a provision on a provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032 that requires successfully passing a competency test required to receive an initial license to teach pursuant to NRS 391.021.

(b) Upon successful completion of the pilot program by a participant who holds a provisional license issued by the Superintendent of Public Instruction pursuant to NRS 391.032, remove any provision on the provisional license issued to the applicant which requires the applicant to pass a competency test in the principles and methods of teaching.

5. Each institution that offers a pilot program pursuant to this section shall:

(a) On or before July 1 of each year of operation of the pilot program established pursuant to this section:

(1) Compile a report describing the progress of the pilot program, including, without limitation:

(I) Demographic information for participants in the pilot program;

(II) The success of professional development services provided by the pilot program;

(III) Preliminary findings of the pilot program.

(2) Submit the report compiled pursuant to subparagraph (1) to:

(I) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education;

(II) The State Board of Education; and

(III) The Commission on Professional Standards in Education.

(b) Not later than 6 months after the pilot program established pursuant to this section ceases operation, submit to the Department of Education:

(1) A plan for implementing the pilot program in a permanent format that can accommodate all prospective applicants that describes the structure and curriculum of the pilot program; and

(2) The metrics of success for the pilot program.

6. As used in this section:

(a) "Alternative assessment methods" means valid and reliable methods used for determining, for an initial license to teach issued pursuant to NRS 391.019, the applicant's competency in, knowledge of and ability to provide instruction in accordance with sound principles and methods of teaching appropriate to the applicant's required level of competence that is equivalent

to the "Principles of Learning and Teaching Test" prepared and administered by the Educational Testing Service.

(b) "Metrics of success" includes, without limitation:

(1) An evaluation of the growth in competency, professional engagement and readiness for participants in the pilot program established pursuant to this section;

(2) An analysis of the impact of the pilot program on the retention, effectiveness and morale of teachers; and

(3) Benchmarks for satisfactory completion of the pilot program.

(c) "Participant" means an applicant for a license to teach who is selected to participate in the pilot program established pursuant to this section.

Sec. 82. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 83. 1. Notwithstanding the provisions of NRS 391.033, as amended by section 43 of this act, and NRS 391.040, as amended by section 45 of this act, an applicant for the renewal of a license issued by the Superintendent of Public Instruction must submit with the first renewal of his or her license after July 1, 2029.

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Any fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. Any fees required by this paragraph must not cause the fees for the renewal of a license to exceed the amount fixed by the Commission on Professional Standards in Education pursuant to NRS 391.040, as that section existed before July 1, 2026.

2. Any fingerprints forwarded to the Central Repository for Nevada Records of Criminal History pursuant to this section must be treated in the manner prescribed by section 60 of this act.

Sec. 84. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 84.5. **The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in NRS 220.120 to substitute appropriately the term:**

1. "Focus" for the term "low-performing" as previously used in reference to a low-performing school district, sponsor of a charter school or school.

2. "Priority" for the term "underperforming" as previously used in reference to an underperforming school district or sponsor of a charter school or persistently underperforming school.

Sec. 85. NRS 387.206, 387.2062, 388G.500, ~~[388G.580, 388G.590, 388G.600,]~~ 388G.610, ~~[388G.620, 388G.630, 388G.650, 388G.660,]~~ 388G.670, ~~[388G.680, 388G.690,]~~ 391.027, 391.486, 391.488, 391.490, 391.492, 391.494 and 391.496 are hereby repealed.

Sec. 86. 1. This section ~~[becomes]~~ **and section 25.3 of this act become** effective upon passage and approval.

2. Sections 11.5 to 14.1, inclusive, 15.5 to ~~[20,]~~ **19,** inclusive, 21 to 27, inclusive, 29 to 33, inclusive, 36 to 41, inclusive, 42, 44, 47, 48, 53 to 56, inclusive, 59, 59.3, 62 to 82, inclusive, 84 and 85 of this act become effective on July 1, 2025.

3. Sections 1 to 9.7, inclusive, 11.7, 14.2 to 14.7, inclusive, **20,** 20.5, 33.1 to 33.97, inclusive, 41.5, 41.6, 52.5, 56.2, 56.5, 57 to 58.7, inclusive, and 59.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

4. Sections 10, 11, 34, 35, 43, 45, 46, 49 to 52, inclusive, 60, 61 and 83 become effective on July 1, 2027.

5. **Section 25.5 of this act becomes effective on October 1, 2027.**

6. Section 28 of this act becomes effective on July 1, 2028.

~~[6.]~~ **7.** Sections 33.93 and 81.5 of this act expire by limitation on June 30, 2029.

~~[7.]~~ **8.** Section 15 of this act becomes effective on July 1, 2030.

LEADLINES OF REPEALED SECTIONS

387.206 Recommended minimum expenditure by school districts, charter schools and university schools for profoundly gifted pupils for textbooks, instructional supplies, instructional software and instructional hardware.

387.2062 Report concerning failure to comply with recommended minimum expenditure.

388G.500 Legislative findings and declaration.

388G.600 Certain public schools deemed local school precincts; operation using site-based decision-making; limitation on reducing size or converting specialty schools.

388G.610 Responsibilities of local school precincts and large school districts; selection of certain staff by principal of local school precinct; procurement of equipment, services and supplies from outside sources required in certain circumstances; assignment of staff from central services; transferring additional responsibility to local school precincts.

388G.620 Assignment of school associate superintendents to oversee local school precincts; manner of filling vacancy; employment decisions concerning school associate superintendent.

388G.630 Duties of school associate superintendent; accountability for performance of local school precincts.

~~[388G.650 Annual establishment and publication of certain information to assist local precincts in preparing budgets for the next school year; carry forward of year-end balance to next school year; requirement to spend or transfer amount of year-end balance in excess of certain percentage of actual expenditures.~~

~~388G.660 Establishment of estimated total amount of money to be received by large school districts in next school year and estimated percentage to be allocated to local school precincts; requirements regarding amount of money to be allocated to local school precincts; publication of information concerning allocations.]~~

388G.670 Allocation per pupil to local school precincts; establishment of weights for categories of pupils; amount provided to specialty or rural schools; variance from weights.

~~[388G.680 Local school precinct to be informed of allocation for next school year; determination of number and category of pupils; determination of allocation for new local school precinct; annual adjustment to amount allocated.~~

~~388G.690 Annual determinations concerning actual expenditures for and teacher vacancies at each local school precinct for preceding school year.]~~

391.027 Approval or disapproval of Commission's regulations by State Board of Education.

391.486 Definitions.

391.488 "Education support professional" defined.

391.490 "Task Force" defined.

391.492 Creation; members; terms; vacancies; Chair; quorum; members serve without compensation; members holding office or employed by governmental entity; administrative support.

391.494 Qualifications of members; application for membership.

391.496 Duties.

Assemblymember Torres-Fossett moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 63.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 973.

SUMMARY—Revises provisions relating to ~~[the use of certain online products and services by minors and children.]~~ **the processing of certain data.** (BDR 52-505)

AN ACT relating to the Internet; ~~[prohibiting the use of the personal information of a minor user in this State in an algorithmic recommendation~~

~~system; requiring covered digital platforms to disable certain features on the account of a minor user in this State upon the request of the parent or legal guardian of the minor user; requiring covered digital platforms to establish certain safeguards; restricting the times during which a covered digital platform may deliver notifications to a minor user in this State in certain circumstances;~~ **establishing certain requirements relating to de-identified data;** prohibiting controllers of online services, products or features from processing the personal data of children for certain purposes; establishing requirements for the collection and processing by controllers of certain types of data belonging to children; requiring controllers to conduct certain assessments; authorizing certain civil enforcement; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2-21 of this bill establish provisions relating to the use of covered digital platforms by minors who reside in this State. Section 4.5: (1) defines "covered digital platform" to refer to certain online applications, Internet websites and other online products, goods and services on which users may create, share and view user-generated content and interact with other users; and (2) excludes from that definition certain online applications, Internet websites and other online products, goods and services that are used primarily for other purposes. Sections 4.1, 4.3 and 4.7-11 define other certain terms, and section 3 establishes the applicability of those definitions to sections 2-21. Section 12 provides that the provisions of sections 2-21 do not apply to: (1) users of covered digital platforms who reside outside of this State; or (2) covered digital platforms that do not offer services to users who are located in this State.~~

~~Section 18 prohibits a covered digital platform from using the personal information of a minor user in an algorithmic recommendation system, except to prevent the covered digital platform from displaying or recommending to the minor user content or advertisements relating to certain prohibited products or services.~~

~~Section 19 requires a social media platform to, if requested by the parent or legal guardian of a minor user, disable on the account of a minor user one or more of the following features: (1) infinite scrolling; (2) the display of metrics, icons or emoticons which indicate certain interaction with the minor's content; (3) auto-play video; and (4) livestreaming. Section 20 requires a covered digital platform to either: (1) establish reasonable safeguards to limit the amount of time that minor users spend using the platform each day and the hours during which notifications are sent to minor users; or (2) refrain from sending notifications to a minor user during certain times of the day, which are typically reserved for sleep or for school. Section 20 also requires a covered digital platform to refrain from sending such notifications to a minor user during those times if requested by the parent or legal guardian of the minor user.]~~

The federal Children's Online Privacy Protection Act establishes certain requirements relating to the collection, use and disclosure of the personal information of children on the Internet. (15 U.S.C. §§ 6501 et seq.) Existing federal regulations adopted pursuant to that Act require certain operators of Internet websites to: (1) establish and maintain reasonable procedures to protect the confidentiality, security and integrity of personal information collected from children; and (2) obtain verifiable parental consent before the operator collects, uses or discloses any personal information of a child. (16 C.F.R. §§ 312.5, 312.8) **Sections 24-35** of this bill enact certain additional requirements relating to the collection and processing of personal data collected from children on the Internet by controllers. **Section 27** defines "controller" to mean any person who: (1) operates or provides any online service, product or feature targeted to persons in this State; and (2) determines the purpose and means of processing personal data. **Sections ~~[25, 26]~~ 25-26 and ~~[28-31]~~ 28-31.9** define certain other terms, and **section 24** establishes the applicability of those definitions to **sections 24-35**. **Section 32** exempts certain entities**~~[and]~~ , ~~[and]~~** types of data **and activities** from the requirements of **sections 24-35**.

Section 32.5 requires a controller that is in possession of de-identified data to take certain actions with respect to such data, including committing to not re-identify such data and contractually obligating any person to which the controller provides such data to comply with the requirements of section 32.5.

Section 33 requires a controller to, before processing personal data from a ~~[person whom the controller knows to be a]~~ **known** child**~~[.]~~ ~~[,]~~ or collecting the precise geolocation data of such a child,** obtain verifiable consent from the parent or legal guardian of the child in accordance with the federal Children's Online Privacy Protection Act. **Section 33** prohibits a controller from processing the personal data of a ~~[person whom the controller knows to be a]~~ **known** child for the purposes of: (1) providing targeted advertising to the child; (2) ~~[selling]~~ **the sale of** the personal data of the child; or (3) profiling the child**~~[.]~~ for certain purposes. Section 33** additionally prohibits a controller from processing the personal data or collecting the precise geolocation data of a known child unless such processing or collection, as applicable, is reasonably necessary and limited in duration to enable the controller to provide the online service, product or feature. **Section 33** further requires a controller that collects the precise geolocation data of a known child to, during all times that the controller is collecting such data, provide an indication to the child that such collection is occurring. Finally, **section 33** requires a controller, if the controller seeks to collect the personal data of a known child with the intent to further process such data, to disclose to the child the purposes of such additional processing. **Section 33** prohibits a controller from further processing such data for a purpose other than the purpose disclosed to the child, unless that purpose is necessary for carrying out and compatible with the purpose disclosed to the child.

Section 34 requires a controller that offers any online service, product or feature that is directed at children to conduct and retain a data protection assessment for each processing activity in which the controller engages. **Section 34** also requires, in certain circumstances, a controller to provide a data protection assessment prepared by the controller to the Attorney General. **Sections 34 and 36** of this bill provide for the confidentiality of the information contained within a data protection assessment that is provided to the Attorney General. **Section 34 also provides that, by disclosing to the Attorney General or the Office of the Attorney General a data protection assessment as required by section 34, a controller does not waive certain evidentiary privileges that would otherwise be applicable to the information contained within the data protection assessment.**

Existing law provides that a variety of actions constitute deceptive trade practices. (NRS 100.180, 111.2397, 118A.275, 202.24935, 205.377, 226.600, 228.620, 370.695, 597.7642, 597.818, 597.997, 603.170, 603A.260, 603A.550, 604B.910, 676A.770; chapter 598 of NRS) Existing law authorizes a court or the Director of the Department of Business and Industry to impose a civil penalty of not more than $25,000 for each violation upon a person who has engaged in a deceptive trade practice directed toward a minor. (NRS 598.09735) In addition, existing law provides that when the Commissioner of Consumer Affairs or the Director has cause to believe that a person has engaged or is engaging in any deceptive trade practice, the Commissioner or Director may request that the Attorney General represent him or her in instituting an appropriate legal proceeding, including an application for an injunction or temporary restraining order. (NRS 598.0979) Existing law requires a person who violates a court order or injunction resulting from a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General to pay a civil penalty of not more than $10,000 for each violation. Furthermore, if a court finds that a person has willfully engaged in a deceptive trade practice, the person who committed the violation: (1) may be required to pay an additional civil penalty not more than $15,000 for each violation; and (2) is guilty of a felony or misdemeanor, depending on the value of the property or services lost as a result of the deceptive trade practice. (NRS 598.0999) ~~[Section 21 makes a violation of sections 2-21 a deceptive trade practice.]~~ **Section 35** requires the Attorney General, upon determining that a controller has violated or is violating any provision of **sections 24-35**, to provide the controller written notice of the alleged violation. **Section 35** makes it a deceptive trade practice for a controller to fail to remedy a violation of **sections 24-35** within 30 days after receiving written notice of the violation from the Attorney General. **Section 35 grants the Attorney General the exclusive authority to enforce the requirements of sections 24-35 and further provides that those sections do not create a private right of action.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 603 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[Sections 2 to 21, inclusive, of this act may be cited as the Nevada Youth Online Safety Act.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 11, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 4.1. ~~*[“Affiliate” means a person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, a specified person. As used in this section, “control,” “controlling,” “controlled by,” and “under common control with” has the meaning ascribed to it in NRS 78.418.]*~~ **(Deleted by amendment.)**

Sec. 4.3. ~~*[“Cloud storage” means a service that enables a person to have self-service and on-demand access to a network of configurable computer resources, including, without limitation, data storage services, analytics services and document sharing and editing services that are hosted on or backed up to the Internet.]*~~ **(Deleted by amendment.)**

Sec. 4.5. ~~*[“Covered digital platform”:*~~

~~*1. Means an online application, Internet website or other online product, good or service that:*~~

~~*(a) Allows a person to:*~~

~~*(1) Become a registered user; and*~~

~~*(2) Establish an account, create a profile or otherwise create, share and view user-generated content; and*~~

~~*(b) Serves as a medium for users to:*~~

~~*(1) Interact with other users through accounts, profiles or other means; or*~~

~~*(2) Interact with or otherwise view the content generated by other users of the platform.*~~

~~*2. Does not include an online application, Internet website or other online product, good or service that:*~~

~~*(a) Is used or intended for the exclusive or nearly exclusive purpose of:*~~

~~*(1) Sending or receiving electronic mail;*~~

~~*(2) Sending or receiving text messages;*~~

~~*(3) Facilitating teleconferencing or videoconferencing that enables two or more persons who have provided their contact information to each other to communicate in real time through the transmission and reception of audio and video signals;*~~

~~*(4) Facilitating cloud storage or cloud computing services, including, without limitation, a service that allows users to collaborate in real-time to edit digital documents and photographs;*~~

~~*(5) Providing to pupils enrolled in a public school in this State educational or instructional materials that have been approved by the Department of Education, the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils, as applicable;*~~

~~*(6) Enabling users to obtain technical support for a product or service;*~~

~~*(7) Enabling users to search and apply for employment opportunities and engage in other career development activities;*~~

~~*(8) Enabling users to shop and purchase goods and services online or to otherwise facilitate electronic commerce activities;*~~

~~*(9) Distributing and facilitating the download of applications and programs developed by third party developers within a single application or service which enables users to search for and download such applications and programs;*~~

~~*(10) Providing users with news, sports, entertainment or other content that:*~~

~~*(I) Is specifically selected or curated by the platform for inclusion on the platform and is not generated by users of the platform; and*~~

~~*(II) Is not provided with any chat or comment feature or other interactive functionality, unless such feature or functionality is incidental to, directly relates to or is dependent upon the content provided by the platform;*~~

~~*(11) Enabling an employer to facilitate communication with and among employees of the employer using means that are provided or hosted by the employer; or*~~

~~*(12) Facilitating telehealth or other forms of electronic communication between a patient and a provider of health care using means which are provided or hosted by the provider of health care.*~~

~~*(b) Is operated or controlled by a nonprofit organization that is recognized as exempt under section 501(c) of the Internal Revenue Code.*~~

~~*(c) Facilitates interactive gaming, as defined in NRS 463.016425.*~~

~~*(d) Provides a social gaming product or service and is operated or controlled by a gaming licensee, an affiliate of a gaming licensee or a third party that provides online services on behalf of a gaming licensee or an affiliate of a gaming licensee.]*~~ **(Deleted by amendment.)**

Sec. 4.7. ~~*[“Gaming licensee” has the meaning ascribed to “licensee” in NRS 463.0171.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[“Minor” means a natural person who is less than 18 years of age.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[“Minor user” means a user of a covered digital platform who is a minor.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Online contact information" means a unique user identifier or username that can be used to facilitate direct contact with a specific person online, including, without limitation:*~~

~~*1. An electronic mail address; or*~~

~~*2. A user identifier or handle associated with a covered digital platform, an instant messaging platform, a voice over Internet protocol platform or a video chatting platform.]*~~ **(Deleted by amendment.)**

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. ~~[*"Provider of health care" has the meaning ascribed to it in NRS 629.031.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Social gaming product" means an online or mobile based product or service that:*~~

~~*1. Enables users to play casino style games that are free to play;*~~

~~*2. Utilizes digital tokens, coins or other digital representations of artificial value that:*~~

~~*(a) Do not have legal tender status recognized by the United States;*~~

~~*(b) Have no cash value; and*~~

~~*(c) Can only be utilized or redeemed by the user within the interface of the product or service;*~~

~~*3. Is operated by or promoted in conjunction with a gaming licensee; and*~~

~~*4. Is specifically intended for and marketed to users who are 21 years of age or older.]*~~ **(Deleted by amendment.)**

Sec. 10.5. ~~[*"Telehealth" has the meaning ascribed to it in NRS 629.515.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[*"User" means a person who uses a covered digital platform.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~[*The provisions of sections 2 to 21, inclusive, of this act do not:*~~

~~*1. Require a covered digital platform to take any action with regard to a user who does not reside in this State.*~~

~~*2. Apply to any covered digital platform which does not offer services to users who are located within this State.]*~~ **(Deleted by amendment.)**

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ~~[*1. Except as authorized by subsection 2, a covered digital platform shall not use the personal information of a minor user in an algorithmic recommendation system.*~~

~~*2. A covered digital platform may use the personal information of a minor user in an algorithmic recommendation system to prevent the covered digital platform from displaying or recommending to a minor user content or advertising relating to products or services, the purchase, possession or*~~

~~*use of which by a minor is prohibited by law, including, without limitation, content or advertising relating to alcohol, tobacco or cannabis products.*~~

~~*3. The provisions of subsection 1 shall not be construed to prohibit contextual information delivery.*~~

~~*4. As used in this section:*~~

~~*(a) "Algorithmic recommendation system" means a fully or partially automated system that suggests, promotes or ranks information for, or presents advertising to, a user.*~~

~~*(b) "Consumer device" means an electronic device that is used primarily for personal, family or household purposes and which connects to the Internet. The term may include, without limitation, a computer, smartphone, electronic tablet, smartwatch, router, Internet gateway, smart television or video game console.*~~

~~*(c) "Contextual information delivery" means the delivery of information or advertising to a user based on inferences drawn exclusively from the specific content of the specific page, forum or other Internet website that a user is currently viewing at the time during which the information or advertisement is being provided on that page, forum or other Internet website. The term does not include the recommendation of information or advertising in whole or in part based on other pages, forums or other Internet websites that have been viewed by a user.*~~

~~*(d) "Persistent identifier" means any data point that can be used to recognize a specific user or a specific consumer device belonging to a specific user over time and across different Internet websites, applications and other online services. The term includes, without limitation:*~~

~~*(1) An Internet cookie which contains a customer number;*~~

~~*(2) An Internet protocol address; or*~~

~~*(3) The serial number or unique identifier of a consumer device.*~~

~~*(e) "Personal information" means information that is linked or can reasonably be linked to a specific user, household or consumer device, including, without limitation:*~~

~~*(1) A last name when accompanied by either a first name, set of initials or a nickname;*~~

~~*(2) A date of birth;*~~

~~*(3) A physical address, including, without limitation, a home, work or school address;*~~

~~*(4) Online contact information;*~~

~~*(5) A telephone number;*~~

~~*(6) A government-issued identification number, including, without limitation, a social security number, passport number or driver's license number;*~~

~~*(7) An image or voice contained within a photo, video or audio file or in any other data;*~~

~~*(8) Information concerning a geographic location that is sufficient to identify both the name of a street and the locality in which the street is located; or*~~

~~*(9) A persistent identifier.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[1. A covered digital platform shall accept and comply with a request from the parent or guardian of a minor user to disable any or all of the following features on the account of the minor user and refrain from causing any content viewed by a minor user to be delivered through or accompanied by any or all of the following features:*~~

~~*(a) Infinite scrolling, including, without limitation:*~~

~~*(1) Content that continuously loads as the user scrolls down the page without the need for the user to open a separate page and which has no apparent end; or*~~

~~*(2) The use of pages with no visible or apparent end as the user continues to scroll.*~~

~~*(b) The display of interactive metrics, icons or emoticons which indicate:*~~

~~*(1) That another user has clicked a button to indicate their reaction to a user's content; or*~~

~~*(2) The number of times that other users have shared, liked or reposted the user's content.*~~

~~*(c) Video that begins to play without the user first clicking on the video or on a play button for that video.*~~

~~*(d) Functions that allow a user or advertiser to broadcast live video content in real-time to other users of the platform.*~~

~~*2. For the purposes of this section, a covered digital platform shall be deemed to have disabled infinite scrolling if the covered digital platform limits a minor user to viewing the lesser of:*~~

~~*(a) Six or fewer discrete items of content before the minor user is required to open a separate page to view additional content or click a button or pop-up warning to consciously indicate his or her intent to view additional content; or*~~

~~*(b) Seven minutes worth of continuously loading content before the page on which the content is shown ends or before the minor user is required to open a separate page to view additional content or click a button or pop-up warning to consciously indicate his or her intent to view additional content.*~~

~~*3. As used in this section, "content" does not include any content, material or other media that is generated by or within an interactive video game which is necessary for or incidental to the use and enjoyment of the interactive video game.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[1. A covered digital platform shall:*~~

~~*(a) Establish safeguards to limit the amount of time that minor users spend using the covered digital platform each day and the hours of the day during which the covered digital platform sends notices to minor users that are reasonable for the digital platform under the relevant circumstances; or*~~

~~*(b) Except as otherwise provided in subsection 3, refrain from sending notifications to a minor user:*~~

~~*(1) Between the hours of 12 a.m. and 6 a.m., based on the time zone in which the minor user is located; or*~~

~~*(2) Between the hours of 8 a.m. and 3 p.m., Monday through Friday, during the months of August through May, based on the time zone in which the minor user is located.*~~

~~*2. Except as otherwise provided in subsection 3, a covered digital platform that receives a request from the parent or guardian of a minor user shall not send notifications to the minor user:*~~

~~*(a) Between the hours of 12 a.m. and 6 a.m., based on the time zone in which the minor user is located; or*~~

~~*(b) Between the hours of 8 a.m. and 3 p.m., Monday through Friday, during the months of August through May, based on the time zone in which the minor user is located.*~~

~~*3. A covered digital platform subject to the provisions of paragraph (b) of subsection 1 or subsection 2 may send a notification to a minor user during a time period where the delivery of a notification would otherwise be prohibited by those provisions if the delivery of the notification is necessary:*~~

~~*(a) For the support of the internal operations of the covered digital platform; or*~~

~~*(b) To effectuate settings or restrictions made by the parent or legal guardian of the minor user through any parental control features established by the platform.*~~

~~*4. As used in this section, "support of the internal operations of the covered digital platform" has the definition ascribed to "support for the internal operations of the Web site or online service" in 16 C.F.R. § 312.2.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[A violation of the provisions of sections 2 to 21, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.]*~~ **(Deleted by amendment.)**

Sec. 22. (Deleted by amendment.)

Sec. 23. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. ***As used in sections 24 to 35, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 25 to*** ~~*[31,]*~~ ***31.9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 25. ***"Child" means a natural person who is less than 13 years of age.***

Sec. 25.7. ***"Consumer" means a natural person who is a resident of this State and who is acting in an individual or personal capacity. The term does not include a natural person who is acting in a commercial or employment capacity.***

Sec. 26. ***"Consumer device" means an electronic device that is used primarily for personal, family or household purposes and which connects to the Internet. The term may include, without limitation, a computer, smartphone, electronic tablet, smartwatch, router, Internet gateway, smart television or video game console.***

Sec. 27. ***"Controller" means any person who:***

1. Operates or provides any online service, product or feature that is targeted to persons in this State; and

2. Alone or with other persons, determines the purpose and means of processing personal data.

Sec. 28. ***"De-identified data" means data that cannot be reasonably linked to an identified or identifiable person or a particular consumer device that belongs or is linked to an identifiable person.***

Sec. 28.5. "Known child" means a person whom a controller knows to be a child.

Sec. 29. ***"Online service, product or feature":***

1. Means any service, product or feature that is provided online.

2. Does not include:

(a) A telecommunications service, as that term is defined in 47 U.S.C. § 153;

(b) Broadband Internet access service, as that term is defined in 47 C.F.R. § 54.400; or

(c) The delivery and use of a physical product.

Sec. 30. ***"Personal data":***

1. Means any information that is linked or reasonably linkable to an identified or identifiable person.

2. Does not include de-identified data or ~~[publically]~~ publicly available information.

Sec. 31. ***"Process" means to perform any operation or set of operations, whether performed by manual or automated means, on personal data, including, without limitation, the collection, use, storage, disclosure, analysis, deletion or modification of personal data.***

Sec. 31.3. "Processor" means a person who processes data on behalf of a controller.

Sec. 31.5. "Publicly available information" means information that:

1. Is lawfully made available through the records of a governmental entity; or

2. A business has a reasonable basis to believe is made to be lawfully available to the general public:

(a) Through a channel of media that is widely distributed;

(b) By the consumer to whom the information pertains; or

(c) By a person to whom the consumer to whom the information pertains has disclosed the information, unless the consumer has restricted the information to a specific audience.

Sec. 31.7. ***"Sale" means the exchange of personal data with a third party for money or other valuable consideration. The term does not include:***

1. The disclosure of personal data by a controller to a processor that processes personal data on behalf of the controller;

2. The disclosure of personal data to a third party for purposes of providing a product or service requested by a consumer;

3. The disclosure or transfer of personal data to an affiliate of the controller;

4. The disclosure of information pertaining to a consumer that the consumer:

(a) Has intentionally made available to the general public through a channel of media that is widely distributed; and

(b) Did not restrict to a particular audience; or

5. The disclosure or transfer of personal data to a third party as an asset that is a part of a merger, acquisition, bankruptcy or other transaction in which the third party assumes control of all or part of the assets of the controller.

Sec. 31.9. ***"Third party" means a person or entity that is not a consumer, controller, processor or affiliate of a controller or processor.***

Sec. 32. *The provisions of sections 24 to 35, inclusive, of this act:*

1. Do not apply to:

(a) A consumer reporting agency, as defined in 15 U.S.C. § 1681a(f);

(b) Any personally identifiable information regulated by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and the regulations adopted pursuant thereto, which is collected, maintained or sold as provided in that Act;

(c) A person who collects, maintains, or makes sales of personally identifiable information for the purposes of preventing fraud;

(d) Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold as provided in that Act;

(e) Any consumer health data subject to the provisions of NRS 603A.400 to 603A.550, inclusive;

(f) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., or any personally identifiable information regulated by that Act which is collected, maintained or sold as provided in that Act; ~~*[or]*~~

(g) A controller that, during a calendar year:

(1) Processes the personal data of less than 25,000 residents of this State; or

(2) Processes the personal data of less than 100,000 residents of this State and derives less than 50 percent of its gross revenue from the sale of personal data ~~*[.]*~~ ***; or***

(h) A person who is subject to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted

pursuant thereto, including, without limitation, a covered entity or a business associate of a covered entity, as those terms are defined in 45 C.F.R. § 160.103.

2. Do not require a controller to take any action with regard to a child who does not reside in this State.

3. Do not apply to the extent that such application would restrict the ability of a controller or processor to:

(a) Comply with all applicable federal, state and local laws, regulations and ordinances;

(b) Comply with a civil, criminal or regulatory inquiry or investigation conducted by a governmental entity or a subpoena or summons issued by a governmental entity;

(c) Cooperate with a law enforcement agency concerning conduct or activity that the controller or processor reasonably, and in good faith, believes may violate any federal, state or local law or regulation;

(d) Investigate, establish, exercise, prepare for or defend a legal claim;

(e) Provide a product or service that is specifically requested by a consumer;

(f) Perform under a contract to which a consumer is a party, including, without limitation, fulfilling the terms of a written warranty;

(g) Before entering into a contract with a consumer, take steps requested by the consumer relating to the formation of the contract;

(h) Take immediate steps to protect an interest that is essential for the life or physical safety of a consumer or other person, unless those steps are clearly taken for another purpose;

(i) Prevent, detect, protect against or respond to:

(1) A security incident;

(2) An instance of identity theft, fraud or harassment;

(3) A malicious or deceptive activity; or

(4) Any illegal activity;

(j) Preserve the integrity or security of systems or investigate, report or assist in the prosecution of those responsible for any activity described in paragraph (i);

(k) Assist in public or peer-reviewed scientific or statistical research which:

(1) Is in the public interest;

(2) Adheres to all applicable laws relating to privacy and ethics; and

(3) Is approved, monitored and governed by a board of institutional review, or a similar entity that independently oversees such research, that determines:

(I) Whether the deletion of information used in such research is likely to provide substantial benefits that do not exclusively accrue to the controller;

(II) That the expected benefits of the research outweigh any applicable privacy risks; and

(III) Whether the controller has implemented reasonable safeguards to mitigate any risks to privacy associated with such research, including, without limitation, risks associated with the re-identification of data;

(l) Assist another controller, processor, regulated entity, as defined in NRS 603A.465, or third party with complying with the requirements of NRS 603A.400 to 603A.550, inclusive; or

(m) Process personal data for purposes which are in the public interest and relate to public, community or population health, but only to the extent that such processing is subject to:

(1) Suitable and specific measures to safeguard the rights of the consumer whose personal data is being processed; and

(2) All applicable confidentiality requirements imposed by federal, state or local law and overseen by a person subject to such requirements.

Sec. 32.5. A controller that is in possession of any de-identified data shall:

1. Take reasonable measures to ensure that the data cannot be associated with a natural person;

2. Publicly commit to maintaining and using the de-identified data without attempting to re-identify the data; and

3. Contractually obligate any recipients of de-identified data provided by the controller to comply with the requirements of this section with respect to such data.

Sec. 33. *1. Before processing personal data from a ~~[person whom a controller knows to be a]~~ known child ~~[,]~~ or collecting the precise geolocation data of a known child, the controller shall obtain verifiable consent from the parent or legal guardian of the child in accordance with the Federal Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501 et seq., and any regulations adopted pursuant thereto.*

2. A controller shall not process any personal data of a ~~[person whom the controller knows to be a]~~ known child:

(a) For the purposes of:

(1) Providing targeted advertising to the child;

(2) Selling the personal data of the child; or

(3) Profiling the child ~~[,]~~ in furtherance of decisions that produce legal or similarly significant effects concerning the child;

(b) Unless the processing is reasonably necessary to enable the controller to provide the online service, product or feature offered by the controller; or

~~[(b)]~~ (c) For ~~[any purpose that]~~ longer than is ~~[not]~~ reasonably necessary ~~[and limited in duration]~~ to enable the controller to provide the online service, product or feature offered by the controller.

3. At the time that a controller collects personal data from a ~~[person the controller knows to be a]~~ known child with the intent of further processing the personal data, the controller shall disclose the purpose of the processing to the child. The controller shall not further process the data except:

(a) For the purpose disclosed to the child; or

(b) Where the additional processing is reasonably necessary for carrying out and compatible with the purpose disclosed to the child.

4. A controller shall not collect precise geolocation data from a ~~[person whom the controller knows to be a]~~ known child unless:

(a) The collection of precise geolocation data is reasonably necessary and limited in duration to enable the controller to provide the online service, product or feature in connection with which the precise geolocation data is collected; and

(b) The controller displays to the child whose precise geolocation data is being collected a notification, banner, symbol or other indicator that:

(1) Informs the child that his or her precise geolocation data is being collected; and

(2) Is displayed at all times during which the controller is collecting the precise geolocation of the child.

5. As used in this section:

(a) "Decision that produces legal or similarly significant effects" means a decision made by a controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, enrollment in education, criminal justice, employment opportunities, health care services or access to basic necessities, including, without limitation, food and water.

(b) "Precise geolocation data" means information derived from technology, including, without limitation, latitude and longitude coordinates at the level of detail typically provided by a global positioning system, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. The term does not include:

(1) The content of any communication; or

(2) Any data generated by or connected to advanced metering infrastructure for utilities or other equipment used by a utility.

~~[(b)]~~ (c) "Profiling" means a form of automated processing performed on the personal data of a particular person that evaluates, analyzes or predicts the personal aspects relating to the person, including, without limitation, the economic status, health status, personal preferences, interests, reliability, behavior, location or movements of the person.

~~[(c)]~~ (d) "Targeted advertising":

(1) Means the display of advertisements to a ~~[user]~~ consumer of an online service, product or feature that are selected or recommended based on the personal data obtained from the online activity of the ~~[user]~~ consumer over time and across other online services, products or features that are not affiliated with the online service, product or feature or the controller thereof ~~[.]~~ for the purpose of predicting the preferences or interests of the consumer.

(2) Does not include:

(I) Advertisements based on the activity of a ~~[user]~~ consumer within online services, products or features operated by the same controller;

(II) Advertisements based on inferences drawn exclusively from the specific content of the online service, product or feature that the ~~[user]~~ consumer is currently viewing at the time during which the advertisement is being provided, including inferences drawn from search queries performed by the ~~[user]~~ consumer on the online service, product or feature;

(III) Advertisements directed to the ~~[user]~~ consumer in response to a request for information or feedback submitted by the ~~[user;]~~ consumer; or

(IV) The processing of personal data performed solely for measuring or reporting the performance, reach or frequency of advertising.

Sec. 34. *1. Except as otherwise provided in subsection ~~[2,]~~ 3, a controller that offers any online service, product or feature that is directed at children shall:*

(a) Conduct, for each processing activity in which the controller engages, a data protection assessment; and

(b) Retain each data protection assessment conducted pursuant to paragraph (a) for at least ~~[5]~~ 3 years after the controller ceases to offer the online service, product or feature.

2. Each data protection assessment conducted pursuant to paragraph (a) of subsection 1 must:

(a) Contain a description of:

(1) The purpose of the online service, product or feature to which the data protection assessment pertains;

(2) The categories of personal information of known children that are processed by or in connection with the online service, product or feature; and

(3) Each purpose for which the controller processes the personal data of known children.

(b) Identify the:

(1) Benefits to the controller, the ~~[users]~~ consumers of the online services, products or features offered by the controller, including, without limitation, such ~~[users]~~ consumers who are known children, and the public which may result, either directly or indirectly, from processing the data of known children; and

(2) The potential risks to the rights and safety of the known children whose data is processed by the controller, as mitigated by the safeguards that the controller may reasonably implement to reduce such risks, which may include, without limitation, using de-identified data in place of personal data;

(c) Weigh the benefits identified pursuant to subparagraph (1) of paragraph (b) against the risks identified pursuant to subparagraph (2) of paragraph (b), factoring in:

(1) The reasonable expectations of children who use the online service, product or feature and the reasonable expectations of the parents and legal guardians of such children; ~~[and]~~

(2) The context in which the controller processes the data of known children; and

(3) The relationship between the controller and the known children whose data the controller will process.

3. A controller shall be deemed to have satisfied the requirements of paragraph (a) of subsection 1 if the controller has conducted:

(a) A single data protection assessment that addresses a comparable set of data processing activities, each of which must be similar, in which the controller engages.

(b) A data protection assessment in accordance with the laws or regulations of another state or the Federal Government if the assessment has a reasonably comparable scope and effect to an assessment that the controller would otherwise be required to conduct pursuant to paragraph (a) of subsection 1.

4. The Attorney General may request any data protection assessment conducted pursuant to this section if the Attorney General believes that the content of such an assessment is relevant to an ongoing investigation of a potential violation of section 33 of this act. A controller shall provide to the Attorney General any data protection assessment that is requested pursuant to this subsection.

5. A data protection assessment provided to the Attorney General pursuant to subsection 4 is confidential and is not a public book or record within the meaning of NRS 239.010 . ~~[, and no waiver of any applicable privilege in the information contained within any such data protection assessment occurs as a result of making any such information available or disclosing such information]~~

6. The disclosure of a data protection assessment to the Attorney General, the Office of the Attorney General or any other officer or employee of the Office of the Attorney General ~~[,]~~ pursuant to subsection 4 does not constitute a waiver of the attorney-client privilege or work product protection with respect to the information contained within any such data protection assessment.

Sec. 35. *1. Upon determining that a controller has violated or is violating any provision of sections 24 to 35, inclusive, of this act, the Attorney General shall provide the controller with written notice that identifies the specific provision of sections 24 to 35, inclusive, of this act that the Attorney General determines that the controller is violating or has violated and the specific facts underlying that determination.*

2. Not later than 30 days after receiving a notice pursuant to subsection 1, a controller shall remedy the violation described in the notice.

3. Failure by a controller to comply with the requirements of subsection 2 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

4. The Attorney General has the exclusive authority to enforce the provisions of sections 24 to 35, inclusive, of this act.

5. Nothing in sections 24 to 35, inclusive, of this act shall be construed to create a private right of action.

Sec. 36. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988,

439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 34 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the

governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 37. 1. A controller is not required to conduct a data protection assessment pursuant to section 34 of this act for any processing activity which the controller engaged in, created or generated before ~~[October]~~ **January** 1, ~~[2025,]~~ **2026,** but is required to conduct a data protection assessment for any processing activity which the controller engages in, creates or generates on or after ~~[October]~~ **January** 1, ~~[2025.]~~ **2026.**

2. As used in this section:

(a) "Controller" has the meaning ascribed to it in section 27 of this act.

(b) "Process" has the meaning ascribed to it in section 31 of this act.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 37, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On ~~[October]~~ **January** 1, ~~[2025,]~~ **2026,** for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 393.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 967.

AN ACT relating to housing; revising the Windsor Park Environmental Justice Act; clarifying the boundaries of the Windsor Park neighborhood for the purposes of determining eligibility to participate in the program established by the Act; revising certain requirements to be eligible to acquire a new single-family residence under the Act; authorizing certain owners of vacant lots in the Windsor Park neighborhood to exchange the vacant lot under the program; revising provisions governing the property taxes levied on a single-family residence acquired under the Act; revising provisions governing real property transfer taxes imposed on the transfer of such a residence; revising provisions governing the development of a park to memorialize the residents of the Windsor Park neighborhood; revising provisions governing the use of certain money for the purposes of the Act; extending the reversion date of appropriations made for the purposes of the Act; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains the Windsor Park Environmental Justice Act, which establishes a program for the relocation of persons residing in the Windsor Park neighborhood of the City of North Las Vegas whose residences have been damaged by the sinking of the ground beneath the residences. (Chapter 531, Statutes of Nevada 2023, at page 3538) Under the Act, the Housing Division of the Department of Business and Industry is required to establish and administer a program by which the owner of a single-family residence in the Windsor Park neighborhood who owns the residence on July 1, 2023, may exchange the residence in the Windsor Park neighborhood for a new residence constructed in accordance with the Act. (Section 9 of chapter 531, Statutes of Nevada 2023, at page 3540) This bill makes revisions to the Act.

Section 1 of this bill clarifies the boundaries of the Windsor Park neighborhood for the purposes of determining the owners of single-family residences or vacant lots who are eligible to participate in the program.

Section 2 of this bill: (1) requires that to be eligible to participate in the program, an owner of a single-family residence or vacant lot in the Windsor Park neighborhood must have owned that single-family residence or lot on

December 31, 2023, rather than July 1, 2023; (2) authorizes a person who is the owner of a vacant lot in the Windsor Park neighborhood and who was the owner, or is the descendant of the former owner, of a single-family residence on that vacant lot in the Windsor Park neighborhood to participate in the program by exchanging the vacant lot for another vacant lot in an area as near as reasonably practicable to the Windsor Park neighborhood; (3) authorizes a person who resides in the Windsor Park neighborhood to establish that he or she is the owner of a single-family residence or a vacant lot in the Windsor Park neighborhood and, thus, eligible to participate in the program, by executing an affidavit, under penalty of perjury, and presenting certain other documentation to establish inheritance of the property; (4) provides that until July 1, 2057, a single-family residence acquired pursuant to the Act is entitled to an abatement of a certain amount of property taxes levied on the single-family residence; (5) provides an exemption from taxes on the transfer of real property for certain transfers of a single-family residence pursuant to the Act; (6) **requires the Housing Division to file for record a certificate creating a lien on the single-family residence acquired pursuant to the Act to secure repayment of the amount of assistance provided by the Housing Division to pay off any existing mortgage on the single-family residence in the Windsor Park neighborhood if the new residence is sold within 5 years after the time of the filing of the certificate; (7) limits the amount of assistance provided to pay off a mortgage on a single-family residence in the Windsor Park neighborhood to the pay off amount on May 25, 2025; and (8)** requires the entity selected to develop and construct a single-family residence pursuant to the Act to be engaged to perform certain additional work related to the project, without formal bidding under existing state law, including, without limitation, demolishing the homes in the Windsor Park neighborhood for the purposes of creating the park required under the Act.

Section 3 of this bill: (1) requires that in addition to transferring the proceeds of certain bonds to the Division, the City is required to transfer the interest on those proceeds to the Division for the purposes of the program; and (2) removes the requirement for the Division to pay moving expenses and restitution to owners of single-family residences in the Windsor Park neighborhood from certain Community Development Block Grant funds transferred to the Division and, instead, authorizes those funds to be used by the Division to pay relocation expenses for certain owners and tenants.

Section 4 of this bill provides that money appropriated from the State General Fund for the purposes of the Act reverts at the end of the 2025-2027 biennium rather than at the end of the 2023-2025 biennium.

Section 4.5 of this bill appropriates $26,000,000 from the State General Fund to the Housing Division for the purposes of the Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 8 of the Windsor Park Environmental Justice Act, being chapter 531, Statutes of Nevada 2023, at page 3540, is hereby amended to read as follows:

Sec. 8. "Windsor Park neighborhood" means the area of the City lying north of West Cartier Avenue, west of Clayton Street, east of Chamberlain Lane, and south of West Evans Avenue. ***The area includes single-family residences and vacant lots on the south side of West Cartier Avenue and otherwise within the area defined in this section. The area also includes single-family residences and vacant lots west of Chamberlain Lane and on West Cartier Avenue, Sommer Court, Hayworth Avenue or Stanton Drive.***

Sec. 2. Section 9 of the Windsor Park Environmental Justice Act, being chapter 531, Statutes of Nevada 2023, at page 3540, is hereby amended to read as follows:

Sec. 9. 1. The Housing Division shall establish and administer a program pursuant to which the owner of ~~[~~a~~]~~ ***:***

(a) A single-family residence in the Windsor Park neighborhood who owns that residence on ~~[~~July 1,~~]~~ ***December 31,*** 2023, may exchange that single-family residence for another single-family residence constructed in accordance with this section.

(b) A vacant lot in the Windsor Park neighborhood who owned a single-family residence in the Windsor Park neighborhood that was formerly located on that vacant lot, or the descendant of such an owner, and who owns that vacant lot on December 31, 2023, may exchange that vacant lot for another vacant lot in an area as near as reasonably practicable to the Windsor Park neighborhood in accordance with this section. The owner or descendant of such an owner must be offered the opportunity to exchange a vacant lot in Windsor Park for a vacant lot that is located in the Cibola Park area of the City and that is available to be exchanged in accordance with any agreements between the City, Clark County and the Housing Division, before being offered any other vacant lot.

2. For the purposes of the program established pursuant to this section, a person may establish that he or she is the owner of a single-family residence or a vacant lot in the Windsor Park neighborhood on December 31, 2023, by:

(a) Executing an affidavit, under penalty of perjury, that he or she acquired title to the single-family residence or vacant lot from a deceased relative by operation of law; and

(b) Presenting to the Housing Division, or the governmental agency, nonprofit corporation or other entity selected by the Housing Division pursuant to subsection 3, any of the following evidence of ownership:

(1) An original deed, deed of trust, bill of sale or land installment contract;

(2) A current property tax bill and proof of payment of property taxes for the immediately preceding 15 years;

(3) A certified copy of a will naming the applicant as heir to the property along with a death certificate or other evidence that the applicant is the heir to the property and documentation establishing that the applicant has been residing in the single-family residence or has acted as the owner of the vacant lot for the immediately preceding 15 years, including, without limitation, property tax bills or utility bills; or

(4) Any other evidence indicating intent to own the single-family residence or vacant land on or before December 31, 2023, if the applicant was unable to acquire ownership on or before December 31, 2023.

~~[2.]~~ ***3.*** The Housing Division shall apply for any available grants of money from the Federal Government to carry out the provisions of sections 1 to 9.7, inclusive, of this act and shall select a governmental agency, nonprofit corporation or other entity engaged in the development of affordable housing to develop single-family residences on vacant land ~~[adjacent]~~ ***in areas as near as reasonably practicable*** to the Windsor Park neighborhood. The governmental agency, nonprofit corporation or other entity selected by the Housing Division pursuant to this subsection shall, in accordance with a financing agreement entered into pursuant to subsection ~~[5,]~~ ***6,*** contract with qualified professionals for a study of vacant land adjacent to the Windsor Park neighborhood that could be acquired to ensure that such land will not subside, acquire vacant land adjacent to the Windsor Park neighborhood if the study finds that such land will not subside and enter into contracts to develop and construct single-family residences on that land. In awarding such contracts, a preference with a relative weight of 5 percent must be assigned to an applicant that is a business in which at least 50 percent of the interest is owned by a resident or former resident of the Windsor Park neighborhood. Any restriction on the price which the Housing Division may pay to acquire a parcel of real property does not apply to an acquisition pursuant to this section.

~~[3.]~~ ***4.*** The number of single-family residences constructed pursuant to this section must be sufficient in number to enable each ~~[household residing in]~~ ***owner of*** a single-family residence in the Windsor Park neighborhood on ~~[July 1,]~~ ***December 31,*** 2023, to obtain such a single-family residence, and the single-family residences constructed pursuant to this section must enable ~~[a household residing in]~~ ***an owner of*** a single-family residence in the Windsor Park neighborhood on ~~[July 1,]~~ ***December 31,*** 2023, to obtain a single-family residence with ***at least*** the same amount of square footage as the residence in the Windsor Park neighborhood. ***The number of vacant lots acquired pursuant to this section must be sufficient in number and size to enable each owner described in paragraph (b) of subsection 1 of a vacant lot in the Windsor Park neighborhood who owned a vacant lot in the Windsor Park neighborhood on December 31, 2023, to exchange the vacant lot in the Windsor Park neighborhood for a vacant lot with at least the same number of acres as the vacant lot in the Windsor Park neighborhood.***

~~[4.]~~ ***5.*** The City shall grant the employees and representatives of the governmental entity, nonprofit corporation or other entity selected by the

Housing Division, and the Housing Division, access to any right-of-way owned or controlled by the City and access to any lots owned by the City within the Windsor Park neighborhood when such access is necessary to carry out the provisions of this section, and the City shall not unreasonably withhold such access.

~~[5.]~~ ***6.*** The governmental entity, nonprofit corporation or other entity selected by the Housing Division pursuant to subsection ~~[2,]~~ ***3,*** the City and the Housing Division shall enter into an agreement to finance the development and construction of single-family residences pursuant to this section. The agreement must require:

(a) The use of money appropriated or authorized by the Legislature to the Housing Division for the purposes set forth in this section.

(b) Any other money from any public or private source, including, without limitation, any gift, grant, appropriation or contribution, available to be used for the purposes set forth in this section.

~~[6.]~~ ***7.*** Upon the issuance of a certificate of occupancy for each single-family residence constructed pursuant to this section, the owner of a single-family residence in the Windsor Park neighborhood who owns that residence on ~~[July 1,]~~ ***December 31,*** 2023, may exchange that single-family residence for a single-family residence which was constructed pursuant to this section and which has at least the same amount of square footage as the residence being exchanged. If the single-family residence being exchanged is:

(a) Encumbered by a mortgage or deed of trust, the single-family residence may not be exchanged unless the existing mortgage or deed of trust is paid in full. The Housing Division shall provide assistance to arrange any financing necessary to pay off the existing mortgage or deed of trust, including, without limitation, any down payment assistance available under any program administered by the Housing Division. ***The amount of the existing mortgage or deed of trust paid off through any assistance provided by the Housing Division pursuant to this paragraph must not exceed the pay off amount as of May 25, 2025.***

(b) Leased to a tenant occupying the single-family residence under a lease agreement, the lease agreement remains in effect with the same terms and conditions.

➥ ~~[Any]~~ ***The Housing Division shall file for record a certificate in the office of the county recorder which states the amount of the mortgage or deed of trust paid off pursuant to this subsection. From the time of the filing of the certificate, the amount of the mortgage or deed of trust paid off pursuant to this subsection constitutes a lien upon the*** single-family residence acquired pursuant to this subsection ~~[may not be sold for a period of]~~ ***for the amount of the mortgage or deed of trust paid off pursuant to this subsection. A lien under this subsection is prior to all other liens and encumbrances on the unit except liens for taxes and other governmental assessments, charges or liens against the single-family residence and the first mortgage or deed of trust on the single-family residence acquired pursuant to this subsection. The lien***

expires 5 years ~~[after the single-family residence is acquired, except that such a single-family residence may be transferred in a transaction that is exempt from the taxes imposed by chapter 375 of NRS pursuant to NRS 375.090.~~

~~—7.]~~ ***after the time of the filing of the certificate.***

8. Until July 1, 2057, a single-family residence acquired pursuant to subsection 7 is entitled to an exemption from property taxes that is equal to the difference between the taxes levied on the single-family residence that was acquired pursuant to subsection 7, as determined pursuant to NRS 361.225 and 361.227, on the date on which that single-family residence was acquired, and the taxes levied on the single-family residence in the Windsor Park neighborhood that was exchanged, as determined pursuant to NRS 361.225 and 361.227, for the fiscal year in which the single-family residence in the Windsor Park neighborhood was exchanged. The provisions of NRS 361.4722, 361.4723 and 361.4724 apply to the calculation of the taxes on the single-family residence levied on the single-family residence acquired pursuant to subsection 7.

9. The taxes imposed pursuant to chapter 375 of NRS do not apply to any transfer of property pursuant to the provisions of this Act by the governmental agency, nonprofit corporation or other entity that has entered into an agreement pursuant to subsection 6, or an affiliate of such an entity, or a transfer of property pursuant to the provision of this Act to or from a resident of the Windsor Park neighborhood, or the owner of a vacant lot in the Windsor Park neighborhood, who is exchanging a single-family residence or a vacant lot pursuant to this Act.

10. The power, sewer and other connection fees imposed by the City on a single-family residence in the Windsor Park neighborhood must be transferred to a single-family residence acquired pursuant to this section as the power, sewer and the connections fees to be imposed on that single-family residence.

~~[8.]~~ ***11.*** Any property in the Windsor Park neighborhood that is exchanged pursuant to this section must be used only for the purposes of a public park to memorialize the past and present residents of the Windsor Park neighborhood ~~[.]~~ ***, which must be available for use, without charge, to schools and churches that serve the Windsor Park neighborhood. For the purposes of creating such a public park, the governmental agency, nonprofit corporation or other entity selected by the Housing Division pursuant to subsection 3 must be engaged under an agreement, which must be separate from any agreement entered into pursuant to subsection 6, for any additional work necessary to develop and construct such a park, including, without limitation, the demolition of any residences transferred pursuant to this section. Any agreement for the demolition of the residences pursuant to this subsection is exempt from the provisions of state law governing the award of a contract by governmental entities, and any payments pursuant to such an agreement must be paid entirely from money appropriated by the Legislature for that purpose. After the demolition of the residences pursuant to this subsection,***

the City shall maintain the property as a public park for the purposes described in this subsection.

Sec. 3. Section 9.3 of the Windsor Park Environmental Justice Act, being chapter 531, Statutes of Nevada 2023, at page 3542, is hereby amended to read as follows:

Sec. 9.3. 1. The Housing Division shall establish a program to pay:

(a) The ~~[moving]~~ ***relocation*** expenses of ~~[and restitution to]~~ the owners of single-family residences in the Windsor Park neighborhood ~~[in the manner set forth in this section.]~~ ***who acquire a single-family residence pursuant to section 9 of this act and who move from the Windsor Park neighborhood to the acquired single-family residence.***

(b) The cost of the rehabilitation of the homes constructed with money received by the City from Community Development Block Grants for the purpose of rehabilitating homes in the Windsor Park neighborhood ~~[.]~~ ***in an amount not to exceed $10,000 per single-family residence.***

2. The City shall transfer to the Housing Division:

(a) Any remaining proceeds of general obligation bonds issued by the City and purchased by the Federal National Mortgage Association for the purpose of relocating residents of the Windsor Park neighborhood ~~[.]~~ ***, and any remaining interest on those proceeds.***

(b) Any money remaining from Community Development Block Grants awarded to the City for the purpose of relocating residents in the Windsor Park neighborhood.

(c) Any money remaining from Community Development Block Grants awarded to the City for the purpose of constructing residences for the residents of the Windsor Park neighborhood.

➥ Any money received pursuant to this subsection must be accounted for separately and may be used only to carry out the provisions of this section.

3. From amounts transferred to the Housing Division pursuant to paragraphs (a) and (b) of subsection 2, the Housing Division shall ~~[:~~

~~(a) Pay restitution in the amount of $50,000 to the owner of a single-family residence in the Windsor Park neighborhood who resides in the neighborhood on July 1, 2023, and who was the initial occupant of that single-family residence, or to the descendants of that owner who inherited the single-family residence from the initial occupant and who reside in the single-family residence on July 1, 2023.~~

~~(b) Pay restitution in the amount of $10,000 to the person who was the initial occupant of a single-family residence in the Windsor Park neighborhood, or to the descendants of that person who inherited the single-family residence from the initial occupant.~~

~~(c) Pay]~~ ***pay*** the actual ~~[moving]~~ ***relocation*** expenses ***, as defined by federal guidelines for the use of Community Development Block Grant funds, in an amount not to exceed $50,000,*** of a person ***who owns a single-family residence in the Windsor Park neighborhood on December 31, 2023,*** who acquires a single-family residence pursuant to section 9 of this act and who

moves from the Windsor Park neighborhood to that acquired single-family residence.

~~[4. From the amount transferred to the Housing Division pursuant to paragraph (c) of subsection 2, the Housing Division shall pay, in an amount not to exceed $10,000 per single-family residence, the cost of rehabilitating a single family residence constructed for a resident of the Windsor Park neighborhood using money received by the City from a Community Development Block Grant. The governmental entity, nonprofit corporation or other entity selected by the Housing Division pursuant to subsection 2 of section 9 of this act shall inspect the single family residence to determine whether or not the rehabilitation has been satisfactorily completed.~~

~~5.]~~ ***Such relocation expenses may be paid to a person who was the tenant of an owner of a single-family residence in the Windsor Park neighborhood on December 31, 2023, and who is required to move residences as a result of the program established pursuant to section 9 of this act. Any relocation expenses must be paid in advance directly to the owner or tenant incurring the expenses based on documentation establishing the actual amount of the expenses.*** To the extent that money transferred to the Housing Division pursuant to subsection 2 is insufficient to make the entire amount of the payments required by subsection ***1 or*** 3 ***,*** ~~[or 4,]~~ the Housing Division shall reduce such payments on a pro rata basis.

Sec. 4. Section 11 of chapter 531, Statutes of Nevada 2023, at page 3543, is hereby amended to read as follows:

Sec. 11. 1. There is hereby appropriated from the State General Fund to the Housing Division of the Department of Business and Industry the sum of $12,000,000 for the purposes set forth in sections 1 to 9.7, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2025,]~~ ***2027,*** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[19, 2025,]~~ ***17, 2027,*** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[19, 2025.]~~ ***17, 2027.***

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Housing Division of the Department of Business and Industry the sum of $26,000,000 for the purposes set forth in the Windsor Park Environmental Justice Act, being chapter 531, Statutes of Nevada 2023, at page 3538, and the provisions of sections 1 to 4, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 5. 1. This section and sections 1 to 4, inclusive, of this act become effective upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 417.

Bill read third time.

Roll call on Senate Bill No. 417:

YEAS—36.

NAYS—Anderson, Goulding, La Rue Hatch, Moore, Orentlicher, Watts—6.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Roll call on Senate Bill No. 262:

YEAS—42.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 460, 63, and 393 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

Assembly in recess at 10:12 p.m.

ASSEMBLY IN SESSION

At 10:16 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Senate Bill No. 281 declared an emergency measure under the *Constitution* and placed on third reading at the top of the General File.

Motion carried.

Senate Bill No. 281.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 970.

AN ACT relating to public welfare; requiring an allocation from the Fund for a Resilient Nevada for a program for certain young adults; making ~~[an appropriation for a jail-based behavioral health program;]~~ **appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Fund for a Resilient Nevada to hold the proceeds of certain litigation by the State concerning the manufacture, distribution, sale or marketing of opioids; and (2) provides for the use of the money in the Fund for statewide projects and distribution as grants to address the impacts of opioid use disorder and other substance use disorders. (NRS 433.732-433.740) Existing law requires the Director of the Department of Health and Human Services to administer the Fund. (NRS 433.732) **Section 3** of this bill requires the Director to make an allocation of $2,500,000 from the Fund to Clark County, Washoe County and the Division of Child and Family Services of the Department for reimbursement of costs incurred during the 2025-2027 biennium for providing a program to support persons who are 18 years of age and older but less than 23 years of age and are transitioning from foster care to independent living.

Section 3.5 of this bill makes an appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for allocation to Clark County and Washoe County to provide a jail-based behavioral health program during the 2025-2027 biennium.

Section 3.7 of this bill makes an appropriation to the Center for the Application of Substance Abuse Technologies within the School of Public Health at the University of Nevada, Reno, for the provision of an online graduate certification concerning co-occurring behavioral health and wellness.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. Notwithstanding any other provision of law to the contrary, the Director of the Department of Health and Human Services shall allocate $2,500,000

of the money in the Fund for a Resilient Nevada created by NRS 433.732 for reimbursement of costs incurred during the 2025-2027 biennium for providing

a program to support persons who are 18 years of age and older but less than 23 years of age and are transitioning from foster care to independent living to:

1. Clark County for reimbursement of not more than the following amounts:

For the Fiscal Year 2025-2026.....$671,762
For the Fiscal Year 2026-2027.....$671,762

2. Washoe County for reimbursement of not more than the following amounts:

For the Fiscal Year 2025-2026.....$518,257
For the Fiscal Year 2026-2027.....$534,296

3. The Division of Child and Family Services of the Department of Health and Human Services for reimbursement of not more than the following amounts:

For the Fiscal Year 2025-2026.....$51,962
For the Fiscal Year 2026-2027.....$51,961

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $11,897,709 for the provision of a jail-based behavioral health program during the 2025-2027 biennium.

2. Of the amount appropriated by subsection 1, the Division shall allocate for use for the purpose set forth in subsection 1:

(a) The sum of $6,393,106 to Clark County; and

(b) The sum of $5,504,603 to Washoe County.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 3.7. **1. To the extent that money is available, there is hereby appropriated from the Fund for a Resilient Nevada created by NRS 433.732 to the Center for the Application of Substance Abuse Technologies within the School of Public Health at the University of Nevada, Reno, the sum of $750,000 for the provision of an online graduate certification concerning co-occurring behavioral health and wellness.**

2. If there is insufficient money available to make the full appropriation provided pursuant to subsection 1, there is hereby appropriated from the State General Fund to the Center for the Application of Substance Abuse Technologies within the School of Public Health at the University of Nevada, Reno, a sufficient amount of money to pay the remaining amount of the appropriation set forth in subsection 1 for the provision of an online graduate certification concerning co-occurring behavioral health and wellness.

3. Any remaining balance of an appropriation made by subsection 1 or 2, as applicable, must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the appropriate fund on or before September 17, 2027.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 281 be taken from its place on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 281.

Bill read third time.

Roll call on Senate Bill No. 281:

YEAS—42.

NAYS—None.

Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Roll call on Senate Bill No. 460:

YEAS—38.

NAYS—Anderson, La Rue Hatch, Miller, Mosca—4.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblymember Dalia.

Conflict of interest declared by Assemblymember Dalia.

ASSEMBLYMEMBER DALIA:

I would like to disclose that I am employed by a social media company as an attorney working in the area of compliance. This bill would have a direct and distinctive impact on the duties I perform for my employer. I am hereby making this disclosure for purposes of Assembly Standing Rule [No.] 23 and will abstain from voting on Senate Bill 63.

Roll call on Senate Bill No. 63:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

NOT VOTING—Dalia.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblymember Backus:

ASSEMBLYMEMBER BACKUS:

As an attorney for Community Property Development Programs Center of Nevada [CPDPCN], which has been awarded under the Windsor Park Environmental Justice Act, as a developer. My independence as a professional, and my legal employment by CPDPCN, would preclude me from voting on this. I will be abstaining on Senate Bill 393 in accordance with our Joint Standing Rules.

Roll call on Senate Bill No. 393:

YEAS—26.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

NOT VOTING—Backus.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

Assembly Bill No. 188.

The following Senate amendment was read:

Amendment No. 980.

AN ACT relating to the Public Employees' Benefits Program; requiring the Board of the Public Employees' Benefits Program to report certain information relating to the costs of health insurance for certain retirees; revising provisions relating to the subsidy paid for certain health and welfare benefits for certain state employees who have retired with state service; revising requirements for certain retired public officers and employees to reinstate insurance under the Program; **revising provisions relating to certain subsidies paid to the Program for the 2025-2027 biennium;** requiring the Joint Interim Standing Committee on Government Affairs to conduct an interim study on the Program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Office of Finance to establish an assessment to pay for a portion of the costs of the premiums or contributions for the Public Employees' Benefits Program on behalf of persons who were initially hired before January 1, 2012, and have retired with state service, which must be: (1) deposited in the State Retirees' Health and Welfare Benefits Fund to pay a

portion of the current and future health and welfare benefits of those retirees; and (2) based upon a base amount approved by the Legislature each session. Existing law also requires that, for retirees who receive health coverage through Medicare, the portion paid to the Program from the Retirees' Fund on behalf of these retirees must be: (1) for persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15; and (2) for persons who retired on or after January 1, 1994, the base funding level multiplied by the years of service of the person, excluding service purchased, up to a maximum of 20 years. (NRS 287.046) **Section 1** of this bill requires the Board of the Program to report, before August 31 of every even-numbered year, to the Governor and the Interim Retirement and Benefits Committee of the Legislature the typical full cost for such retirees to obtain actuarially comparable health insurance as state retirees enrolled in the plan offered by the Program.

If the Board pays the subsidy for retirees enrolled in the federal TRICARE program or Medicare into a health reimbursement arrangement, **section 3** of this bill prohibits the Board, unless otherwise required by federal law, from: (1) establishing limits on the yearly balance of a health reimbursement arrangement for a person who is enrolled in Medicare that is less than the total amount of the subsidy paid by the Board in the immediately preceding 5 fiscal years; and (2) reverting money in a health reimbursement arrangement to the Retirees' Fund unless the retiree has died or, for more than 2 consecutive years, elected coverage other than coverage provided through TRICARE, Medicare or the plan offered by the Program.

Under existing law, a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, if the public officer or employee did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after the later of October 1, 2011, or the date of retirement of the public officer or employee, and the officer or employee retired from: (1) a participating state or local governmental agency under certain circumstances or was enrolled in the retirement program established by the Board of Regents of the University of Nevada for professional staff of the Nevada System of Higher Education; or (2) a nonparticipating local governmental agency, under certain circumstances. (NRS 287.046) To reinstate insurance, the public officer or employee or surviving spouse must provide written notice to the Program not later than 31 days before the commencement of the plan year. (NRS 287.0475) **Section 4** of this bill: (1) removes the prohibition that the retired public officer or employee not have more than one period during which he or she was not covered by insurance under the Program to reinstate insurance; and (2) instead provides that if a person has more than one period during which he or she was not covered by insurance under the Program, the Board may require the person to provide evidence of continuous coverage provided under another health

insurance plan during any period other than the first period in which he or she was not covered to reinstate insurance under the Program.

Section 4 also: (1) authorizes the public officer or employee or surviving spouse to reinstate coverage during any open enrollment period for the plan of insurance; and (2) provides that the retired public officer or employee is eligible, upon reinstatement, to receive the subsidy provided for certain retired employees.

Existing law establishes for the 2025-2027 biennium the share of the cost of qualified medical expenses for individual Medicare insurance plans through the Program that is required to be paid by the State and local governments for retired public officers and employees. (Chapter 57, Statutes of Nevada 2025) Section 4.1 of this bill increases those amounts for Fiscal Year 2026-2027. Section 4.3 of this bill makes an appropriation to pay for the increases.

Section 4.5 of this bill requires the Joint Interim Standing Committee on Government Affairs to conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.

Section 2 of this bill applies certain definitions in existing law relating to the Program to the provisions of **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before August 31 of each even-numbered year, the Board shall submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Retirement and Benefits Committee of the Legislature a report setting forth the typical full cost in this State to obtain a plan of health insurance for persons who retired with state service and are provided coverage through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., that is actuarially comparable to the plan of health insurance offered by the Program to retirees who do not obtain coverage pursuant to the Health Insurance for the Aged Act, which must include, without limitation:

1. The minimum cost of the premium charged for coverage pursuant to Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq.;

2. The average cost in this State to obtain coverage through a Medicare supplemental policy, as defined in 42 U.S.C. § 1395ss, that provides comparable benefits to the plan offered to other retirees by the Program;

3. The average cost in this State to obtain prescription drug coverage through Medicare Part D, 42 U.S.C. §§ 1395w et seq.; and

4. The average cost to obtain dental and vision coverage, other than the limited coverage provided through a Medicare Advantage plan under Medicare Part C, 42 U.S.C. §§ 1395w-21 et seq.

Sec. 2. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Office of Finance shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who were initially hired before January 1, 2012, and have retired with state service.

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon a base amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 5.

3. Except as otherwise provided in subsections ~~[7]~~ ***8*** and ~~[9,]~~ ***10,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection 6, adjustments to the portion of the amount approved by the Legislature as described in subsection 2 to be paid by the Retirees' Fund for persons who retire on or after January 1, 1994, with state service must be as follows:

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

(b) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

➥ The Board may approve the payment of an additional amount to retired persons described in this subsection that is in excess of the amount paid pursuant to paragraph (a) or (b), or both, for those persons from any money that is available for that purpose.

7. ***Unless otherwise required by federal law, if the money paid pursuant to subsection 6 is deposited by the Board into a health reimbursement arrangement:***

(a) The Board shall not establish yearly balance limits in an amount that is less than the total amount of money paid pursuant to subsection 6 in the immediately preceding 5 fiscal years for any account established for a retired person who is provided coverage through an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.; and

(b) Any money deposited into the health reimbursement arrangement must remain in the account and may not revert to the Retirees' Fund until:

(1) The death of the retired person; or

(2) For a period of more than 2 consecutive years, the retired person elects to obtain coverage other than coverage provided through the TRICARE program, as established pursuant to 32 C.F.R. § 199.17, or provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or the plan offered by the Program.

8. Except as otherwise provided in subsection ~~[8,]~~ ***9,*** no money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State:

(a) On or after January 1, 2010, but before January 1, 2012, and who:

(1) Has not participated in the Program on a continuous basis since retirement from such employment; or

(2) Does not have at least 15 years of service, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since retirement from such employment.

(b) On or after January 1, 2012. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the

Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.

~~[8.]~~ ***9.*** The provisions of subsection ~~[7]~~ ***8*** do not apply to a person who was employed by the State on or before January 1, 2012, who has a break in service and returns to work for the State at the same or another participating state agency after that date, regardless of the length of the break in service, so long as the person did not withdraw from and was eligible to participate in the Public Employees' Retirement System before or during the break in service.

~~[9.]~~ ***10.*** If the amount calculated pursuant to subsection 5 or 6 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~[10.]~~ ***11.*** For the purposes of this section:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

~~[11.]~~ ***12.*** The Office of Finance shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 4. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee ~~[:]~~ ***retired:***

(a) ~~[Retired:~~

~~(1)]~~ Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802;

~~[(2)]~~ ***(b)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement; or

~~[(3)]~~ ***(c)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is not a participating local governmental agency at the time of the request for reinstatement and:

~~[(I)]~~ ***(1)*** Was enrolled in the Program as a retired public officer or employee on November 30, 2008; and

~~[(II)]~~ ***(2)*** Is enrolled in Medicare Part A provided pursuant to Part A of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395c et seq., and

Medicare Part B provided pursuant to Part B of Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395j et seq., at the time of the request for reinstatement. ~~[; and~~

~~(b) Did]~~

2. Except as otherwise provided in this subsection, the Board may require a retired public officer or employee or the surviving spouse of a retired public officer or employee requesting reinstatement pursuant to subsection 1 to provide evidence to the Board of continuous coverage under a health insurance plan, other than the insurance provided by the Program for any period of time, except the first period, in which the person was not covered under the insurance provided by the Program. The Board may not require that a retired public officer or employee or surviving spouse provide such evidence if the public officer, employee or surviving spouse did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after October 1, 2011, or on or after the date of retirement of the public officer or employee, whichever is later.

~~[2.]~~ ***3.*** Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse to reinstate the insurance ~~[not later than 31 days before the commencement of]~~ ***during any open enrollment period for*** the plan ~~[year;]~~ ***of insurance;***

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; ~~[and]~~

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer ~~[.]~~ ***; and***

(d) Providing evidence of continuous coverage under a health insurance plan other than the insurance provided by the Program, if applicable and required by the Board pursuant to subsection 2.

~~[3.]~~ ***4.*** If a retired public officer or employee retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency, the retired public officer or employee, or the surviving spouse of such a retired public officer or employee who is deceased, may not reinstate health insurance pursuant to subsection 1 if he or she is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

5. If a retired public officer or employee reinstates the plan of insurance provided by the Program pursuant to this section, the retired officer or employee is eligible, upon reinstatement, to receive any portion of the premium or contributions paid to the Program on behalf of a retired person pursuant to NRS 287.023 or 287.046.

Sec. 4.1. **Section 2 of Assembly Bill No. 583 of this session is hereby amended to read as follows:**

Sec. 2. 1. Except as otherwise provided in subsection 2, for the purposes of NRS 287.023 and 287.046, the base amount for the share of the cost of premiums or contributions for group insurance for each person who has retired with state service and continues to participate in the Public Employees' Benefits Program to be paid by the State or a local government, as applicable, is:

(a) For the Fiscal Year 2025-2026, $650 per month.

(b) For the Fiscal Year 2026-2027, $700 per month.

2. For the purposes of NRS 287.023 and 287.046, the share of the cost of qualified medical expenses for each person who has retired with state service and whose coverage is provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., for Fiscal Year 2025-2026 and Fiscal Year 2026-2027 to be paid by the State or a local government, as applicable, is:

(a) For those persons who retired before January 1, 1994:

(1) For the Fiscal Year 2025-2026, $195 per month.

(2) For the Fiscal Year 2026-2027, ~~[$195]~~ **$210** per month.

(b) For those persons who retired on or after January 1, 1994:

(1) For the Fiscal Year 2025-2026, $13 per month per year of service, up to 20 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of $260 per month.

(2) For the Fiscal Year 2026-2027, ~~[$13]~~ **$14** per month per year of service, up to 20 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of ~~[$260]~~ ***$280*** per month.

3. If the amount calculated pursuant to this section exceeds the actual premium or contribution for the plan of the Public Employees' Benefits Program that the retired participant selects, the balance must be credited to the Fund for the Public Employees' Benefits Program created by NRS 287.0435.

Sec. 4.3. **1. There is hereby appropriated from the State General Fund to the Public Employees' Benefits Program the sum of $2,003,655 for the costs of the increases provided in section 4.1 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 4.5. 1. The Joint Interim Standing Committee on Government Affairs shall conduct a study during the 2025-2026 interim concerning the Public Employees' Benefits Program.

2. The study must include, without limitation:

(a) An examination of the quality and accessibility of services provided by the Program to participants;

(b) A consideration of whether the position of ombudsman should be created to assist participants in the Program in navigating the benefits offered by the Program;

(c) Recommendations to improve educational outreach to retirees who obtain coverage through Medicare;

(d) An examination of the option for a retiree who obtains coverage through Medicare to opt out of automatic reimbursements from his or her health reimbursement arrangement;

(e) An examination of debit cards for a health reimbursement arrangement provided to retirees who obtain coverage through Medicare; and

(f) An examination of limits on hospital or other provider claims which are based on Medicare rates.

3. The Committee may require the Board of the Public Employees' Benefits Program to submit reports or provide information relating to any issue included in the study conducted pursuant to this section.

4. The Committee shall include its findings and recommendations for legislation relating to this study in the report required by subsection 4 of NRS 218E.330 to be prepared and submitted to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature.

5. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

Sec. 5. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 7. **1. This section and section 4.1 of this act become effective upon passage and approval.**

2. Sections 1 to 4, inclusive, 4.5, 5 and 6 of this act become effective on October 1, 2025.

3. Section 4.3 of this act becomes effective on July 1, 2026.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 980 to Assembly Bill No. 188.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 204.

The following Senate amendment was read:

Amendment No. 951.

AN ACT relating to medical debt; prohibiting certain actions by certain entities that provide health care and collection agencies to collect a medical debt; providing requirements for engaging in extraordinary collection actions to collect a medical debt; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides requirements governing the collection of medical debt by a collection agency, including a requirement to provide certain notice to a medical debtor before taking action to collect and prohibiting certain actions to collect a medical debt. (NRS 649.366, 649.368)

Sections 14 and 19 of this bill prohibit a health care entity or collection agency from engaging in certain actions, or threatening to engage in certain actions, to collect a medical debt, including: (1) causing the arrest of a consumer; (2) obtaining a lien or foreclosing on real property of a consumer that includes the consumer's primary residence; (3) garnishing any refund of federal income taxes due to a consumer; or (4) garnishing, attaching or seizing the bank account of a consumer.

Section 15 of this bill prohibits a health care entity or collection agency from engaging in extraordinary collection actions until at least 180 days after the first bill for a medical debt is sent to a consumer and requires a notice that includes certain information to be sent to the consumer at least 30 days before any extraordinary collection action is taken. **Section 6** of this bill defines the term "extraordinary collection action" to mean: (1) selling a medical debt to a collection agency; (2) any action that requires a legal or judicial process except for placing a lien on third party settlements; (3) reporting, furnishing or threatening to report or furnish any information regarding a medical debt to a consumer reporting agency; or (4) garnishing or threatening to garnish the wages of a consumer. **Section 15** prohibits a health care entity or collection agency from engaging in extraordinary collection actions when there is a state of emergency, declaration of disaster or public health emergency or other health event in the county in **this State in** which a consumer resides and tolls any statute of limitations applicable to a claim to recover on a medical debt during the same period. **If the state of emergency, declaration of disaster or public health emergency has been declared pursuant to federal law, section 15 limits the duration of the prohibition on extraordinary collection actions to 6 months after the effective date of the declaration of emergency or disaster.**

Section 16 of this bill provides additional requirements for the collection of medical debts incurred for medical services, medical products or medical devices provided by a health care entity, including: (1) a prohibition on engaging in extraordinary collection actions unless such actions are described in the billing and collection policy of the health care entity; (2) a requirement to reverse any extraordinary collection actions if it is determined that the consumer is eligible for financial assistance that eliminates or would have eliminated the debt; and (3) requiring a consumer to be refunded within 60

days if, after the application of any financial assistance, a consumer had paid an amount in excess of the amount of the medical debt.

Section 17 of this bill provides that the protections provided by **sections 13-16** cannot be waived.

Sections 2.5-12 of this bill define terms related to the collection of medical debts and **section 2** of this bill makes those terms applicable to **sections 2-18**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Amounts generally billed to individuals who have insurance covering such care" means the amounts generally billed to individuals who have insurance covering such care, as determined for the purposes of section 501(r) of the Internal Revenue Code, 26 U.S.C. § 501(r), and the regulations adopted pursuant thereto, including, without limitation, 26 C.F.R. § 1.501(r)-5.***

Sec. 3. ***"Collection agency" includes:***

1. A collection agency, as defined in NRS 649.020.

2. A collection agent, as defined in NRS 649.025.

Sec. 4. ***"Consumer" means a natural person.***

Sec. 5. ***"Consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.***

Sec. 5.5. ***1. "Cosmetic surgery" means a surgical procedure that:***

(a) Does not meaningfully promote the proper function of the body;

(b) Does not prevent or treat illness or disease; and

(c) Is primarily directed at improving or preserving the appearance of a person.

2. This term does not include reconstructive surgery when such service is incidental to or follows surgery resulting from the diagnosis, prevention, treatment, cure or relief from a physical, dental, behavioral or substance use disorder, mental health condition, illness, injury or disease.

Sec. 6. ***"Extraordinary collection action" means:***

1. Selling or transferring, with or without compensation, the medical debt of a consumer to a collection agency;

2. Any action that requires a legal or judicial process, including, without limitation, placing a lien, except for a lien on a third party settlement, or commencing a civil action;

3. Reporting, furnishing or threatening to report or furnish any information regarding a medical debt to a consumer reporting agency; or

4. Garnishing or threatening to garnish the wages of a consumer.

Sec. 7. ***"Financial assistance policy" means a written financial assistance policy of a health care entity which the entity is required to maintain pursuant to section 501(r) of the Internal Revenue Code, 26 U.S.C. § 501(r) or the provisions of chapter 439B of NRS, which includes:***

1. Eligibility criteria for financial assistance, including, without limitation, when such assistance includes free or discounted care.

2. The method used to determine the amounts charged to patients who are eligible for financial assistance, which must not exceed the amounts generally billed to individuals who have insurance covering such care.

3. The method for applying for financial assistance.

4. The billing and collections policy, including, without limitation, the actions the health care entity may take in the event of nonpayment.

5. Steps the health care entity will take to proactively inform patients and members of the community about the financial assistance policy, including, without limitation:

(a) Posting the policy and any forms used to apply for financial assistance under the policy on the Internet website of the health care entity;

(b) Making paper copies of the policy available upon request and at locations where the health care entity provides medical services, medical products or medical devices to patients; and

(c) Offering translations of the financial assistance policy and related signage in languages commonly spoken in the area served by the health care entity.

Sec. 8. ***"Health care entity" means:***

1. A medical facility;

2. A provider of emergency medical services; or

3. A provider of health care.

Sec. 9. ***1. "Medical debt" means a debt owed by a consumer to a health care entity or its agent or assignee for the provision of medical services, medical products or medical devices. The term includes, without limitation, medical bills that are not past due or have been paid.***

2. The term does not include debt charged to a credit card, as defined in NRS 97A.050.

Sec. 10. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 10.5. ***"Medical services, medical products or medical devices" means any service, treatment, drug, medication, product or device, excluding cosmetic surgery, that is charged to a consumer by a health care entity.***

Sec. 11. ***"Provider of emergency medical services" has the meaning ascribed to it in NRS 649.041.***

Sec. 12. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 13. (Deleted by amendment.)

Sec. 13.3. (Deleted by amendment.)

Sec. 13.7. (Deleted by amendment.)

Sec. 14. *A health care entity or collection agency shall not engage in any of the following actions to collect a medical debt:*

1. Causing or threatening the arrest of a consumer, including, without limitation, an arrest pursuant to NRS 31.470 to 31.730, inclusive;

2. Obtaining or threatening to obtain a lien against any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

3. Foreclosing or threatening to foreclose on any real property of a consumer which consists, in whole or in part, of the primary residence of the consumer;

4. Garnishing or threatening to garnish any refund of federal income taxes due to a consumer; or

5. Garnishing, attaching or seizing, or threatening to garnish, attach or seize, a bank account of a consumer.

Sec. 15. *1. A health care entity or collection agency shall not engage in any extraordinary collection action until at least 180 days after the first bill for a medical debt has been sent to a consumer.*

2. At least 30 days before taking any extraordinary collection action to collect a medical debt, a health care entity or collection agency shall provide to the consumer a notice:

(a) Identifying the extraordinary collection action that will be initiated in order to obtain payment;

(b) Providing a deadline after which such extraordinary collection action will be initiated, which must be not earlier than 30 days after the date of the notice; and

(c) If the medical debt was incurred for medical services, medical products or medical devices provided by a medical facility, stating whether the medical facility offers financial assistance to eligible consumers and providing a plain-language summary of any financial assistance policy of the medical facility.

3. A health care entity or collection agency shall not engage in any extraordinary collection action against a consumer for a medical debt during any period in which, in any part of the county *in this State* *in which the consumer resides, there exists:*

(a) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070;

(b) A public health emergency or other health event pursuant to NRS 439.970; or

(c) A state of emergency, declaration of disaster or public health emergency as declared pursuant to federal law ~~*for the laws of another state.]*~~ *which has been in effect for less than 6 months.*

4. Any statute of limitations applicable to a claim to recover on a medical debt shall be tolled during any period in which a health care entity or collection agency is prohibited from engaging in any extraordinary collection action pursuant to subsection 3.

Sec. 16. ***1. If a medical debt was incurred for medical services, medical products or medical devices provided by a health care entity, the health care entity or a collection agency shall not engage in any extraordinary collection action to recover the medical debt unless such extraordinary collection action is described in the billing and collections policy of the health care entity.***

2. If a health care entity, or a collection agency acting to collect a medical debt incurred for medical services, medical products or medical devices provided by a health care entity, initiates an extraordinary collection action against a consumer to collect a medical debt and the consumer is later found to be eligible under the financial assistance policy of the health care entity for financial assistance that eliminates or would have eliminated the medical debt, the health care entity or collection agency shall reverse any such extraordinary collection action, including, without limitation, removing any lien, attachment or garnishment against the property of the consumer.

3. If, after the application of any financial assistance for which a consumer is eligible, the consumer has paid, to a health care entity, a collection agency or both, an amount in excess of the amount of the medical debt, the health care entity or collection agency shall refund any excess amount to the consumer within 60 days.

Sec. 17. ***The protections set forth in sections 13 to 16, inclusive, of this act are for the benefit of consumers and cannot be waived.***

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 649.368 is hereby amended to read as follows:

649.368 A collection agency, or its compliance manager, agents or employees, shall not, for any medical debt:

1. Take any confession of judgment or any power of attorney running to the collection agency or to any third person to confess judgment or to appear for the debtor in a judicial proceeding.

2. Commence a civil action to collect the medical debt if the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, is less than the maximum jurisdictional amount set forth in subsection 1 of NRS 73.010. Nothing in this subsection shall be construed to prohibit the commencement of a small claims action in justice court to collect the medical debt.

3. Charge or collect a fee of more than 5 percent of the amount of the medical debt, excluding interest, late fees, collection costs, attorney's fees and any other fees or costs, as a collection fee or as an attorney's fee for the collection of the medical debt.

4. Perform an action prohibited by sections 2 to 18, inclusive, of this act.

Sec. 20. 1. The amendatory provisions of this act apply to:

(a) Any contract between a health care entity and a collection agency for the purchase, transfer or collection of medical debt entered into before, on or

after January 1, 2026, but do not apply to any action taken under such a contract before January 1, 2026.

(b) Medical debt incurred before, on or after January 1, 2026, but do not apply to any action taken to collect a medical debt before January 1, 2026.

2. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in section 3 of this act.

(b) "Health care entity" has the meaning ascribed to it in section 8 of this act.

(c) "Medical debt" has the meaning ascribed to it in section 9 of this act.

Sec. 21. This act becomes effective on January 1, 2026.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 951 to Assembly Bill No. 204.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 251.

The following Senate amendment was read:

Amendment No. 981.

AN ACT relating to food inspections; revising provisions governing custom processing establishments and mobile processing units for certain purposes relating to the inspection of meat and poultry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "official establishment" to mean, with certain exceptions, an establishment in this State which on a commercial basis slaughters for hire any meat animal, game mammal, poultry or game bird for human consumption and which has been inspected and approved by the State Quarantine Officer. (NRS 583.375) Under existing law, a custom processing establishment and mobile processing unit slaughter or process livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry. (NRS 583.277, 583.357) Existing law requires the State Quarantine Officer to adopt regulations, consistent with federal law, providing a process for a person to obtain a license to operate a custom processing establishment or a mobile processing unit in this State. When a person is issued a license to operate a custom processing facility or mobile processing unit pursuant to these regulations, existing law provides that the custom processing facility or mobile processing unit shall be deemed an official establishment for the purposes of certain provisions governing the inspection of meat and poultry. (NRS 583.454) **Section 3** of this bill requires the State Quarantine Officer to adopt regulations providing a process for a person to obtain a license to operate a mobile processing unit which must authorize a mobile processing unit to perform custom processing and operate as an official establishment and slaughter certain animals on a commercial basis for interstate commerce. **Section 3** also requires the Officer to adopt regulations to authorize a custom

processing establishment or mobile processing unit to slaughter certain animals on a commercial basis for intrastate sale.

Section 1.5 of this bill revises the definition of "custom processing establishment" to: (1) remove the requirement that the facility be fixed; and (2) provide that a custom processing establishment is licensed in accordance with the regulations adopted by the Officer to perform custom processing or slaughter certain animals for human consumption on a commercial basis in intrastate commerce. **Section 1.7** of this bill revises the definition of "mobile processing unit" to provide that a mobile processing unit is licensed in accordance with the regulations adopted by the Officer to perform custom processing or slaughter certain animals for human consumption on a commercial basis for interstate or intrastate commerce.

Section 1 of this bill defines "custom processing" as the slaughter, skinning and preparation of livestock and poultry upon request of the owner or person in lawful possession of the livestock or poultry and for consumption by the owner or person. **Section 1.3** of this bill applies certain definitions in existing law and **section 1** relating to the inspection of meat and poultry to the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 583 of NRS is hereby amended by adding thereto a new section to read as follows:

"Custom processing" means the slaughter, skinning and preparation of livestock and poultry through humane means upon request of the owner or person in lawful possession of the livestock or poultry and for consumption by the owner or person, including, without limitation, immediate family members and nonpaying guests.

Sec. 1.3. NRS 583.255 is hereby amended to read as follows:

583.255 As used in NRS 583.255 to 583.555, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 583.265 to 583.429, inclusive, ***and section 1 of this act,*** have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 583.277 is hereby amended to read as follows:

583.277 "Custom processing establishment" means a ~~[fixed]~~ facility that ~~[slaughters or processes livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry]~~ ***is licensed in accordance with the regulations adopted by the Officer pursuant to NRS 583.454 to:***

1. Perform custom processing at the facility; and

2. Slaughter for hire on a commercial basis any meat animal, game mammal, poultry or game bird for human consumption at the facility. ~~[The term does not include an official establishment.]~~

Sec. 1.7. NRS 583.357 is hereby amended to read as follows:

583.357 "Mobile processing unit" means any truck, trailer, van or other vehicle that is ~~[used]~~ ***licensed in accordance with the regulations adopted by the Officer pursuant to NRS 583.454*** to ~~[slaughter or process livestock or poultry for or upon request by the owner or person in lawful possession of the livestock or poultry]~~ ***:***

1. Perform custom processing; and

2. Slaughter for hire on a commercial basis any meat animal, game mammal, poultry or game bird for human consumption,

➥ at the owner's or person's farm or other facility or at a location approved by the Officer. ~~[The term does not include an official establishment.]~~

Sec. 2. NRS 583.375 is hereby amended to read as follows:

583.375 "Official establishment" means any establishment ***or mobile processing unit*** in this ~~[state,]~~ ***State,*** other than an establishment covered by subsection 1 of NRS 583.545, which on a commercial basis slaughters for hire any meat animal, game mammal, poultry or game bird for human consumption, and which has been inspected and approved by the Officer.

Sec. 3. NRS 583.454 is hereby amended to read as follows:

583.454 1. The Officer shall adopt regulations providing a process for a person to obtain a license to operate a custom processing establishment or mobile processing unit in this State.

2. The regulations adopted pursuant to subsection 1:

(a) Must set forth, without limitation:

(1) The requirements for the issuance or renewal of the license;

(2) The fees, if any, for the issuance or renewal of the license;

(3) The requirements for operating the custom processing establishment or mobile processing unit, including, without limitation, standard operating procedures, sanitation, equipment, conditions, reporting, recordkeeping, labeling and packaging;

(4) A requirement for an inspection of the custom processing establishment or mobile processing unit to be conducted at least annually and at such other times as deemed necessary by the Department; and

(5) Any other requirements the Officer determines are necessary to carry out the provisions of this section, including, without limitation, the issuance of a stop sale order for a violation of any provision of this chapter or regulations adopted pursuant to this chapter; ~~[and]~~

(b) ***Must authorize a mobile processing unit to perform custom processing and operate as an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive, and section 1 of this act;***

(c) Must authorize a custom processing establishment and mobile processing unit to slaughter for hire on a commercial basis for intrastate sale any meat animal, game mammal, poultry or game bird for human consumption; and

(d) Must be consistent with any regulations adopted by the United States Department of Agriculture.

3. When a person is issued a license to operate a custom processing facility ~~[or mobile processing unit]~~ pursuant to the regulations adopted pursuant to subsection 1, the custom processing facility ~~[or mobile processing unit]~~ for which the license is issued shall be deemed to be an official establishment for the purposes of this section and NRS 583.255 to 583.555, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. 1. This section becomes effective upon passage and approval.

2. ~~[If, and only if, Decision Unit E-905 in Budget Account 3194 is enacted by the Legislature and approved by the Governor, sections]~~ **Sections** 1 to 3, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2026, for all other purposes.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 981 to Assembly Bill No. 251.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 282.

The following Senate amendment was read:

Amendment No. 982.

AN ACT relating to health care; requiring a medical facility or an entity that bills for care provided by a provider of health care that receives notice from a patient of an overcharge in a medical bill to review the potential overcharge and refund any overpayment; authorizing the imposition of certain administrative fines for the failure to issue such a refund within a certain period; ~~[providing for the payment of interest on such unpaid refunds from the proceeds of such administrative fines;]~~ requiring the Governor's Consumer Health Advocate to provide certain assistance concerning overcharges and overpayments for health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides every patient of a medical facility with the right to examine the bill for his or her care and receive an explanation of the bill. (NRS 449A.106) Existing law also requires each provider of health care to timely provide a patient with an itemized bill at no additional cost to the patient. (NRS 629.071) **Sections 2 and 3** of this bill, respectively, require a medical facility or an entity that bills for care provided by a provider of health care that receives notice from a patient that a medical bill contains one or more overcharges to: (1) respond to the patient concerning the overcharges, including by providing the contact information for the Office for Consumer Health Assistance in the Department of Health and Human Services if the facility or provider does not intend to refund the disputed charge; or (2) notify the patient that more time is needed to investigate the disputed charge. **Sections 2 and 3** require the medical

facility or billing entity to refund any overpayment by the patient. **Sections 2 and 3** provide for the imposition of administrative fines against a medical facility or billing entity that fails to issue such a refund. ~~[Sections 2 and 3 require the payment of interest on an overdue refund to a patient from the proceeds of those fines, and sections 5-18 of this bill make conforming changes to allow the use of those proceeds for that purpose.]~~ **Section 2.5** of this bill requires the Governor's Consumer Health Advocate, who serves as the head of the Office, to review medical bills that consumers believe to be erroneous and assist consumers in addressing overcharges and overpayments for health care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient believes that a bill from a medical facility contains one or more overcharges and notifies the medical facility of the specific charges the patient believes are erroneous, the medical facility shall investigate the alleged overcharge and, not later than 30 days after notification:

(a) Respond to the patient by:

(1) Notifying the patient whether the medical facility will be cancelling any amount of the bill not yet paid or refunding any overpayment; and

(2) If the medical facility will not be cancelling or refunding, as applicable, the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge.

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the medical facility of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a medical facility or any review of a disputed charge by the Office for Consumer Health Assistance, the medical facility shall not bill the patient for any care that is subject to the investigation or review, but may bill for charges the patient incurs relating to other care provided by the medical facility to the patient.

4. Except as otherwise provided in this subsection, a medical facility that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the medical facility determines that an overpayment was made. The medical facility may apply the amount of overpayment due to the patient to other current outstanding bills of the patient.

5. A medical facility that fails to comply with subsection 4:

(a) Is subject to an administrative fine assessed by the Division at a rate equal to 10 percent of the amount of the relevant overpayment, but not to exceed $5,000; and

(b) Is not subject to any other administrative sanction.

~~*[6. To the extent that money is available from the fines assessed pursuant to subsection 5, the Division shall remit to a patient aggrieved by a violation of subsection 4 interest on the refund due pursuant to that subsection. Such interest:*~~

~~*(a) Begins to accrue on the date on which the refund becomes due pursuant to subsection 4; and*~~

~~*(b) Must accrue at the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the refund becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.]*~~

Sec. 2.5. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; ~~[and]~~

(n) ***Review bills from medical facilities and providers of health care that consumers believe to be erroneous, including, without limitation, after being contacted by a consumer pursuant to section 2 or 3 of this act, and assist consumers in dealing with overcharges and overpayments for health care; and***

(o) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

Sec. 3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient believes that a bill for goods or services provided by a provider of health care contains one or more overcharges and notifies the relevant billing entity of the specific charges the patient believes are erroneous, the billing entity shall investigate the alleged overcharge and, not later than 30 days after notification:

(a) Respond to the patient by:

(1) Notifying the patient whether the billing entity will be cancelling any amount of the bill not yet paid or refunding any overpayment; and

(2) If the billing entity will not be cancelling or refunding, as applicable, the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge.

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the provider of health care and the billing entity of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a billing entity or any review of a disputed charge by the Office for Consumer Health Assistance, the provider of health care and the billing entity shall not bill the patient for any care that is subject to the investigation or review, but may bill for charges the patient incurs relating to other care provided by the provider of health care to the patient.

4. Except as otherwise provided in this subsection, a billing entity that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the billing entity determines that an overpayment was made. The billing entity may apply the amount of overpayment due to the patient to other current outstanding bills of the patient for care provided by the same provider of health care who provided the care for which the overpayment was made.

5. A billing entity that violates subsection 4:

(a) Is subject to an administrative fine assessed by the entity authorized by subsection 6 at a rate equal to 10 percent of the amount of the relevant overpayment, but not to exceed $5,000; and

(b) Is not subject to any other administrative sanction.

6. If a billing entity is:

(a) A facility licensed pursuant to chapter 449 of NRS, a fine pursuant to subsection 5 may be assessed by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) A provider of health care ~~[,]~~ who practices as a solo practitioner, a group practice of providers of health care or an employer of a provider of health care not described in paragraph (a), a fine pursuant to subsection 5 may be assessed by the health care licensing board responsible for regulating the provider of health care who provided the care for which the relevant overpayment was made.

7. Any administrative proceedings concerning an administrative fine assessed by a health care licensing board pursuant to subsection 5 must be conducted in the same manner as disciplinary proceedings conducted by that health care licensing board against providers of health care regulated by the health care licensing board.

8. ~~[To the extent that money is available from the fines assessed pursuant to subsection 5, the entity described in subsection 6 that assessed the fine shall remit to a patient aggrieved by a violation of subsection 4 interest on the refund due pursuant to that subsection. Such interest:~~

~~(a) Begins to accrue on the date on which the refund becomes due pursuant to subsection 4; and~~

~~(b) Must accrue at the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the refund becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.~~

~~9. After paying any interest required by subsection 8, an]~~ An entity described in subsection 6 shall treat any money ~~[remaining]~~ from an administrative fine assessed pursuant to subsection 5 in the same manner as other administrative fines paid to the entity.

~~[10.]~~ 9. As used in this section:

(a) "Billing entity" means:

(1) A provider of health care ~~[,]~~ who practices as a solo practitioner;

(2) A group practice of providers of health care to which a provider of health care belongs; or

(3) An employer of a provider of health care,

➥ that receives payment for goods or services provided by the provider of health care.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to providers of health care licensed pursuant to chapter 640D or 640E of NRS.

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 630.110 is hereby amended to read as follows:~~

~~630.110 1. Out of the money coming into the possession of the Board, each member and advisory member of the Board is entitled to receive:~~

~~(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and~~

~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of the salaries or expenses of the Board may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.~~

~~4. [All] *Except as otherwise provided in section 3 of this act, all* money received by the Board from:~~

~~(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 672.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.~~

~~(b) Penalties must be deposited with the State Treasurer for credit to an account in the State Treasury, selected by the State Treasurer. The money in the account must be used to support the improvement of health care or the practice of medicine in this State.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 630A.160 is hereby amended to read as follows:~~

~~630A.160 1. Out of the money coming into the possession of the Board, each member of the Board is entitled to receive:~~

~~(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and~~

~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~3. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.~~

~~4. All money received by the Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.~~

~~5. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines, court costs and attorney's fees therefor and deposit the money therefrom in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.~~

~~6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall~~ ***, except as otherwise provided in section 3 of this act,*** ~~deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~**]** **(Deleted by amendment.)**

Sec. 7. ~~**[**NRS 633.261 is hereby amended to read as follows:~~

~~633.261 1. All reasonable expenses incurred by the Board in carrying out the provisions of this chapter shall be paid from the fees which it receives, and no part of the salaries or expenses of the Board may be paid out of the General Fund of the State Treasury.~~

~~2.~~ **[**~~All~~**]** ***Except as otherwise provided in section 3 of this act, all*** ~~money received by the Board shall be deposited in banks, credit unions, savings and loan associations or savings banks in this State and shall be paid out on its order for its expenses.~~**]** **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 634.050 is hereby amended to read as follows:~~

~~634.050 1. Except as otherwise provided in subsection 3~~ **[**~~,~~**]** ***and section 3 of this act,*** ~~all money collected by the Board must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, and must be used by the Board to defray its legitimate expenses.~~

~~2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~**]** **(Deleted by amendment.)**

Sec. 9. ~~**[**NRS 634A.080 is hereby amended to read as follows:~~

~~634A.080 The Board shall:~~

~~1. Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;~~

~~2. Have and use a common seal;~~

~~3. Deposit in interest-bearing accounts in the State of Nevada all money received under the provisions of this chapter, which must be used to defray the expenses of the Board [;] , *except as otherwise provided in section 3 of this act;*~~

~~4. Operate on the basis of the fiscal year beginning July 1 and ending June 30; and~~

~~5. Keep a record of its proceedings which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 635.040 is hereby amended to read as follows:~~

~~635.040 1. All fees provided for in this chapter must be paid to the Treasurer of the Board, who shall deposit the fees in banks, credit unions, savings and loan associations or savings banks in this State. All of the salaries and expenses for the operation of the Board must be paid from the fees.~~

~~2. [The] *Except as otherwise provided in section 3 of this act, the* Board shall deposit the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorneys' fees or the costs of an investigation, or both.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 636.110 is hereby amended to read as follows:~~

~~636.110 1. Except as otherwise provided in subsection 3 [,] *and section 3 of this act,* all money coming into possession of the Board must be deposited by the Executive Director in a special fund to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter. The Executive Director shall deposit the money in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines and penalties therefor and forward the money therefrom to the Executive Director for deposit in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines and penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 639.081 is hereby amended to read as follows:~~

~~639.081 1. Except as otherwise provided in subsection 3~~ **[,]** ~~[,]~~ ***and section 3 of this act,*** ~~all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.~~

~~2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 640.070 is hereby amended to read as follows:~~

~~640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada.~~

~~2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.~~

~~3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions, savings and loan associations or savings banks in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall~~ ~~***, except as otherwise provided in section 3 of this act,***~~ ~~deposit the money collected from the imposition of administrative fines in the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 640B.220 is hereby amended to read as follows:~~

~~640B.220 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of~~

~~this chapter must be paid from the money that it receives. No part of the expenses of the Board may be paid from the State General Fund.~~

~~2. [All] *Except as otherwise provided in section 3 of this act, all* money received by the Board must be deposited in a bank or other financial institution in this State and paid out on its order for its expenses.~~

~~3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties related to that disciplinary action and deposit the money from the fines and penalties in a bank or other financial institution in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall , *except as otherwise provided in section 3 of this act,* deposit all money collected from the imposition of fines and penalties with the State Treasurer for credit to the State General Fund. If money has been deposited in the State General Fund pursuant to this subsection, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 641.111 is hereby amended to read as follows:~~

~~641.111 [All] *Except as otherwise provided in section 3 of this act, all* money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of board members and for other necessary or proper purposes in the administration of this chapter.]~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 641A.205 is hereby amended to read as follows:~~

~~641A.205 [All] *Except as otherwise provided in section 3 of this act, all* money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of the members and employees of the Board and for other necessary or proper purposes in the administration of this chapter.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 641B.150 is hereby amended to read as follows:~~

~~641B.150 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.~~

~~2. [All] *Except as otherwise provided in section 3 of this act, all* money received by the Board must be deposited in qualified banks, credit unions, savings and loan associations or savings banks in this State and paid out on its order for its expenses.~~

~~3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~] **(Deleted by amendment.)**

Sec. 18. ~~[NRS 641C.190 is hereby amended to read as follows:~~

~~641C.190 1. Except as otherwise provided in subsection 4, all expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.~~

~~2. All money received by the Board must be deposited in a bank, credit union or other financial institution in this State and paid out on its order for its expenses.~~

~~3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in a bank, credit union or other financial institution in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall~~ ***, except as otherwise provided in section 3 of this act,*** ~~deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. If money is so deposited, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~] **(Deleted by amendment.)**

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 982 to Assembly Bill No. 282.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to health care; requiring a medical facility or ~~[a]~~ **an entity that bills for care provided by a** provider of health care ~~[who]~~ **that** receives notice from a patient of an ~~[error]~~ **overcharge** in a medical bill to review the potential ~~[error]~~ **overcharge** and refund any overpayment; authorizing **the imposition of** certain ~~[disciplinary action]~~ **administrative fines** for the failure to ~~[comply with such requirements;]~~ **issue such a refund within a certain**

period; providing for the payment of interest on such unpaid refunds from the proceeds of such administrative fines; requiring the Governor's Consumer Health Advocate to provide certain assistance concerning ~~[medical billing errors;]~~ **overcharges and overpayments for health care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides every patient of a medical facility with the right to examine the bill for his or her care and receive an explanation of the bill. (NRS 449A.106) Existing law also requires each provider of health care to timely provide a patient with an itemized bill at no additional cost to the patient. (NRS 629.071) **Sections 2 and 3** of this bill, respectively, require a medical facility or **an entity that bills for care provided by a** provider of health care that receives notice from a patient that a medical bill contains one or more ~~[specific billing errors]~~ **overcharges** to: (1) respond to the patient concerning the ~~[billing errors,]~~ **overcharges,** including by providing the contact information for the Office for Consumer Health Assistance in the Department of Health and Human Services if the facility or provider does not intend to refund the disputed charge; or (2) notify the patient that **more time is needed to investigate** the disputed charge **.** ~~[is being reviewed.]~~ **Sections 2 and 3** require the medical facility or ~~[provider of health care]~~ **billing entity** to refund any overpayment by the patient. ~~[Section]~~ **Sections 2** ~~[requires the State Board of Health to establish by regulation an administrative fine to impose on a medical facility that violates section 2. Section 3 authorizes]~~ **and 3 provide for** the imposition of ~~[disciplinary action]~~ **administrative fines** against a ~~[provider of health care who]~~ **medical facility or billing entity that** fails to ~~[comply with the requirements of section 3.]~~ **issue such a refund. Sections 2 and 3 require the payment of interest on an overdue refund to a patient from the proceeds of those fines, and sections 5-18 of this bill make conforming changes to allow the use of those proceeds for that purpose. Section 2.5** of this bill requires the Governor's Consumer Health Advocate, who serves as the head of the Office, to review medical bills that consumers believe to be erroneous and assist consumers in addressing ~~[medical billing errors.]~~ **overcharges and overpayments for health care.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient believes that a bill from a medical facility contains one or more ~~[billing errors]~~ overcharges and notifies the medical facility of the specific charges the patient believes are erroneous, the medical facility shall investigate the alleged ~~[error]~~ overcharge and, not later than 30 days after notification:

(a) Respond to the patient by:

(1) Notifying the patient whether the medical facility will be ~~[refunding]~~ cancelling any amount of the bill ~~[;]~~ not yet paid or refunding any overpayment; and

(2) If the medical facility will not be cancelling or refunding , as applicable, the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge . ~~[and provide the patient an update to the investigation at least once every 30 days thereafter.]~~

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the medical facility of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a medical facility or any review of a disputed charge by the Office for Consumer Health Assistance, the medical facility shall not bill the patient for any care that is subject to the investigation or review, but may bill for charges the patient incurs relating to other care provided by the medical facility to the patient.

4. Except as otherwise provided in this subsection, a medical facility that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the medical facility determines that an overpayment was made. The medical facility may apply the amount of overpayment due to the patient to other current outstanding bills of the patient.

5. A medical facility that ~~[violates this section:]~~ fails to comply with subsection 4:

(a) Is subject to an administrative fine assessed by the Division at a rate ~~[established by regulation by the Board;]~~ equal to 10 percent of the amount of the relevant overpayment, but not to exceed $5,000; and

(b) Is not subject to any other administrative sanction.

6. To the extent that money is available from the fines assessed pursuant to subsection 5, the Division shall remit to a patient aggrieved by a violation of subsection 4 interest on the refund due pursuant to that subsection. Such interest:

(a) Begins to accrue on the date on which the refund becomes due pursuant to subsection 4; and

(b) Must accrue at the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the refund becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.

Sec. 2.5. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State;

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; ~~[and]~~

(n) ***Review bills from medical facilities and providers of health care that consumers believe to be erroneous, including, without limitation, after being contacted by a consumer pursuant to section 2 or 3 of this act, and assist consumers in dealing with ~~[medical billing errors;]~~ overcharges and overpayments for health care; and***

(o) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to NRS 687B.675, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Navigator, case manager or facilitator" has the meaning ascribed to it in NRS 687B.675.

Sec. 3. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient believes that a bill ~~[from]~~ for goods or services provided by a provider of health care contains one or more ~~[billing errors]~~ overcharges and notifies the ~~[provider of health care]~~ relevant billing entity of the specific charges the patient believes are erroneous, the ~~[provider of health care]~~ billing entity shall investigate the alleged ~~[error]~~ overcharge and, not later than 30 days after notification:

(a) Respond to the patient by:

(1) Notifying the patient whether the ~~[medical facility]~~ billing entity will be ~~[refunding]~~ cancelling any amount of the bill ~~[;]~~ not yet paid or refunding any overpayment; and

(2) If the ~~[medical facility]~~ billing entity will not be cancelling or refunding , as applicable, the full amount of the disputed charges, providing the patient with the contact information for the Office for Consumer Health Assistance established pursuant to NRS 232.458; or

(b) Advise the patient that more time is needed to investigate the disputed charge. ~~[and provide the patient an update to the investigation at least once every 30 days thereafter.]~~

2. If the patient contacts the Office for Consumer Health Assistance, the Office shall notify the provider of health care and the billing entity of the commencement and conclusion of any review of the disputed charge by the Office.

3. During the investigation of a disputed charge by a ~~[provider of health care]~~ billing entity or any review of a disputed charge by the Office for Consumer Health Assistance, the provider of health care and the billing entity shall not bill the patient for any care that is subject to the investigation or review, but may bill for charges the patient incurs relating to other care provided by the provider of health care to the patient.

4. Except as otherwise provided in this subsection, a ~~[provider of health care]~~ billing entity that receives an overpayment from a patient shall refund the amount of the overpayment to the patient not later than 60 days after the ~~[provider of health care]~~ billing entity determines that an overpayment was made. The ~~[provider of health care]~~ billing entity may apply the amount of overpayment due to the patient to other current outstanding bills of the patient ~~[.]~~ for care provided by the same provider of health care who provided the care for which the overpayment was made.

5. A ~~[provider of health care who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.]~~ billing entity that violates subsection 4:

(a) Is subject to an administrative fine assessed by the entity authorized by subsection 6 at a rate equal to 10 percent of the amount of the relevant overpayment, but not to exceed $5,000; and

(b) Is not subject to any other administrative sanction.

6. If a billing entity is:

(a) A facility licensed pursuant to chapter 449 of NRS, a fine pursuant to subsection 5 may be assessed by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) A provider of health care, a group practice of providers of health care or an employer of a provider of health care not described in paragraph (a), a fine pursuant to subsection 5 may be assessed by the health care licensing board responsible for regulating the provider of health care who provided the care for which the relevant overpayment was made.

7. Any administrative proceedings concerning an administrative fine assessed by a health care licensing board pursuant to subsection 5 must be conducted in the same manner as disciplinary proceedings conducted by that health care licensing board against providers of health care regulated by the health care licensing board.

8. To the extent that money is available from the fines assessed pursuant to subsection 5, the entity described in subsection 6 that assessed the fine

shall remit to a patient aggrieved by a violation of subsection 4 interest on the refund due pursuant to that subsection. Such interest:

(a) Begins to accrue on the date on which the refund becomes due pursuant to subsection 4; and

(b) Must accrue at the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the refund becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.

9. After paying any interest required by subsection 8, an entity described in subsection 6 shall treat any money remaining from an administrative fine assessed pursuant to subsection 5 in the same manner as other administrative fines paid to the entity.

10. As used in this section:

(a) "Billing entity" means:

(1) A provider of health care;

(2) A group practice of providers of health care to which a provider of health care belongs; or

(3) An employer of a provider of health care,

↪ that receives payment for goods or services provided by the provider of health care.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(3) The State Board of Health with respect to providers of health care licensed pursuant to chapter 640D or 640E of NRS.

Sec. 4. (Deleted by amendment.)

Sec. 5. **NRS 630.110 is hereby amended to read as follows:**

630.110 1. Out of the money coming into the possession of the Board, each member and advisory member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of the salaries or expenses of the Board

may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.

4. ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money received by the Board from:

(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 672.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.

(b) Penalties must be deposited with the State Treasurer for credit to an account in the State Treasury, selected by the State Treasurer. The money in the account must be used to support the improvement of health care or the practice of medicine in this State.

Sec. 6. **NRS 630A.160 is hereby amended to read as follows:**

630A.160 1. Out of the money coming into the possession of the Board, each member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of the members and employees of the Board must be paid from the fees received by the Board pursuant to the provisions of this chapter. Except as otherwise provided in subsection 6, no part of the salaries or expenses of the members of the Board may be paid out of the State General Fund.

4. All money received by the Board must be deposited in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.

5. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines, court costs and attorney's fees therefor and deposit the money therefrom in financial institutions in this State that are federally insured or insured by a private insurer approved pursuant to NRS 672.755.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the Board shall ***, except as otherwise provided in section 3 of this act,*** deposit the money collected from the imposition of administrative fines, court costs and attorney's fees with the State Treasurer for credit to the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance

Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 7. **NRS 633.261 is hereby amended to read as follows:**

633.261 1. All reasonable expenses incurred by the Board in carrying out the provisions of this chapter shall be paid from the fees which it receives, and no part of the salaries or expenses of the Board may be paid out of the General Fund of the State Treasury.

2. ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money received by the Board shall be deposited in banks, credit unions, savings and loan associations or savings banks in this State and shall be paid out on its order for its expenses.

Sec. 8. **NRS 634.050 is hereby amended to read as follows:**

634.050 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 3 of this act,*** all money collected by the Board must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, and must be used by the Board to defray its legitimate expenses.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 9. **NRS 634A.080 is hereby amended to read as follows:**

634A.080 The Board shall:

1. Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;

2. Have and use a common seal;

3. Deposit in interest-bearing accounts in the State of Nevada all money received under the provisions of this chapter, which must be used to defray the expenses of the Board ~~[.]~~ ***, except as otherwise provided in section 3 of this act;***

4. Operate on the basis of the fiscal year beginning July 1 and ending June 30; and

5. Keep a record of its proceedings which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.

Sec. 10. **NRS 635.040 is hereby amended to read as follows:**

635.040 1. All fees provided for in this chapter must be paid to the Treasurer of the Board, who shall deposit the fees in banks, credit unions,

savings and loan associations or savings banks in this State. All of the salaries and expenses for the operation of the Board must be paid from the fees.

2. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** Board shall deposit the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorneys' fees or the costs of an investigation, or both.

Sec. 11. **NRS 636.110 is hereby amended to read as follows:**

636.110 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 3 of this act,*** all money coming into possession of the Board must be deposited by the Executive Director in a special fund to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter. The Executive Director shall deposit the money in banks, credit unions, savings and loan associations or savings banks in this State.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines and penalties therefor and forward the money therefrom to the Executive Director for deposit in banks, credit unions, savings and loan associations or savings banks in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines and penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 12. **NRS 639.081 is hereby amended to read as follows:**

639.081 1. Except as otherwise provided in subsection 3 ~~[,]~~ ***and section 3 of this act,*** all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 13. **NRS 640.070 is hereby amended to read as follows:**

640.070 1. All fees collected under this chapter must be deposited by the Board in banks, credit unions, savings and loan associations or savings banks in the State of Nevada.

2. All expenses incident to the operation of this chapter must be paid from the revenue derived therefrom.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter and impose and collect administrative fines therefor. If the Board so delegates its authority, the Board may deposit the money from the fines in banks, credit unions, savings and loan associations or savings banks in this State for the support of the Board. In addition, the hearing officer or panel may assess a licensee against whom disciplinary action is taken any costs and fees incurred by the Board as a result of the hearing. The money from the reimbursed costs and fees may also be deposited for use by the Board.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall ***, except as otherwise provided in section 3 of this act,*** deposit the money collected from the imposition of administrative fines in the State General Fund. The Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 14. **NRS 640B.220 is hereby amended to read as follows:**

640B.220 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money that it receives. No part of the expenses of the Board may be paid from the State General Fund.

2. ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money received by the Board must be deposited in a bank or other financial institution in this State and paid out on its order for its expenses.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties related to that disciplinary action and deposit the money from the fines and penalties in a bank or other financial institution in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall ***, except as otherwise provided in section 3 of this act,*** deposit all money collected from the imposition of fines and penalties with the State Treasurer for credit to the State General Fund. If money has been deposited in the State General Fund pursuant to this subsection, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 15. **NRS 641.111 is hereby amended to read as follows:**

641.111 ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of board members and for other necessary or proper purposes in the administration of this chapter.

Sec. 16. **NRS 641A.205 is hereby amended to read as follows:**

641A.205 ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of the members and employees of the Board and for other necessary or proper purposes in the administration of this chapter.

Sec. 17. **NRS 641B.150 is hereby amended to read as follows:**

641B.150 1. Except as otherwise provided in subsection 4, all reasonable expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. ~~[All]~~ ***Except as otherwise provided in section 3 of this act, all*** money received by the Board must be deposited in qualified banks, credit unions, savings and loan associations or savings banks in this State and paid out on its order for its expenses.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 18. **NRS 641C.190 is hereby amended to read as follows:**

641C.190 1. Except as otherwise provided in subsection 4, all expenses incurred by the Board in carrying out the provisions of this chapter must be paid from the money which it receives. No part of the salaries or expenses of the Board may be paid out of the State General Fund.

2. All money received by the Board must be deposited in a bank, credit union or other financial institution in this State and paid out on its order for its expenses.

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and

penalties therefor and deposit the money therefrom in a bank, credit union or other financial institution in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3, the Board shall ***, except as otherwise provided in section 3 of this act,*** deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund. If money is so deposited, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pass attorney's fees or the costs of an investigation, or both.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 678 to Assembly Bill No. 282.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 984.

AN ACT relating to Medicaid; requiring the Director of the Department of Health and Human Services to seek to establish certain rates of reimbursement under Medicaid for vagus nerve stimulation therapy devices ~~[,]~~ **and** replacement parts for such a device **;** ~~[and the procedures necessary to implant, repair or replace a part of such a device;]~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) **Section 2** of this bill requires the Director of the Department to submit to the United States Secretary of Health and Human Services a request to include under Medicaid to provide rates of reimbursement greater than or equal to 82 percent of the cost for: (1) a vagus nerve stimulation therapy device prescribed for the treatment of epilepsy; **and** (2) any replacement part for such a device **.** ~~[; and (3) the procedure necessary to implant, repair or replace a part of such a device.]~~ **Section 2** also clarifies that the rates of reimbursement established for the cost of a vagus nerve stimulation therapy device and any replacement part for such a device must be separate from and in addition to the rates of reimbursement for medical care necessary for the implantation or repair of such a device or the replacement of a part for the device. **Section 1** of this bill makes an appropriation to and authorizes expenditures by the Division of Health Care Financing and Policy of the Department for certain costs associated with making the increases to rates of reimbursement under Medicaid required by **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for carrying out the provisions of section 2 of this act and making upgrades to computer systems necessary to carry out those provisions the following sums:

For the Fiscal Year 2025-2026.....$54,728

For the Fiscal Year 2026-2027.....$240,004

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

3. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1:

For the Fiscal Year 2025-2026.....$188,270

For the Fiscal Year 2026-2027.....$700,098

Sec. 2. 1. On or before October 1, 2025, the Director of the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to include under Medicaid:

(a) A rate of reimbursement for a vagus nerve stimulation therapy device prescribed for the treatment of epilepsy that is greater than or equal to 82 percent of the acquisition cost of such a device; **and**

(b) A rate of reimbursement for any replacement part for a vagus nerve stimulation therapy device prescribed for the treatment of epilepsy that is greater than or equal to 82 percent of the acquisition cost of such a replacement part**.** ~~[; and~~

~~(c) A rate of reimbursement for the procedure necessary to implant, repair or replace a part of a vagus nerve stimulation therapy device prescribed for the treatment of epilepsy that is greater than or equal to 82 percent of the cost of the procedure.]~~

2. The rates of reimbursement established pursuant to ~~[~~paragraphs (a) and (b) of~~]~~ subsection 1 must be separate from and in addition to the rates of reimbursement for the medical care necessary for implantation or repair of a vagus nerve stimulation therapy device or the replacement of a part for such a device.

3. The request submitted pursuant to subsection 1 must be supported using methods for determining rates of reimbursement accepted by the Secretary.

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 2025.

2. Section 2 of this act becomes effective on March 1, 2026.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 984 to Assembly Bill No. 284.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 953.

AN ACT relating to the administration of justice; prohibiting courts from penalizing defendants who have been denied access to courtrooms under certain circumstances related to attire; authorizing the Division of Parole and Probation of the Department of Public Safety to establish a pilot program relating to employment opportunities and training for parolees and probationers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions related to the courts of this State. (Title 1 of NRS) **Section 1.3** of this bill: (1) makes certain legislative declarations recognizing the importance of access to the courts of this State and the interest of the courts in maintaining order and decorum in the courtroom; and (2) provides that the Legislature urges the courts not to create policies, rules or administrative orders that unduly restrict access to justice based on the attire of the parties. **Section 1.7** of this bill prohibits a court from imposing a penalty on a defendant who is denied access to a courtroom solely because ~~[of the attire of]~~ the defendant ~~[,]~~ **is not wearing formal or professional attire.**

Section 5 of this bill authorizes the Division of Parole and Probation of the Department of Public Safety to establish a pilot program to identify and develop employment opportunities for and provide training on employment readiness to parolees and probationers. **Section 6** of this bill applies definitions in existing law relating to parole to **section 5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 1 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. The Legislature hereby finds and declares that access to justice and the courts of this State is of great importance to the people of this State, and the Legislature recognizes the interest of the courts in maintaining order and decorum in the courtroom.***

2. The Legislature therefore urges the courts of this State, for the purpose of recognizing the diverse socioeconomic backgrounds of the people

who appear before them, not to create policies, rules or administrative orders that unduly restrict access to justice based on the attire of the parties, witnesses or public.

Sec. 1.7. ***1. A court may not impose a penalty on a defendant who is denied access to a courtroom solely because ~~[of the attire of]~~ the defendant ~~[.]~~ is not wearing formal or professional attire.***

2. As used in this section ~~[, "penalty"]~~ :

(a) "Formal or professional attire" includes, without limitation, suits, trousers, slacks, long pants, dress shirts, long-sleeved shirts, suit jackets, blazers, ties, dresses, skirts, pantsuits, dress shoes and closed-toed shoes.

(b) "Penalty" includes, without limitation:

~~[(a)]~~ (1) A fine or fee;

~~[(b)]~~ (2) Entering upon the minutes that a person failed to appear when lawfully required in court; or

~~[(c)]~~ (3) The issuance of a warrant for arrest.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may, by regulation, establish a pilot program to identify and develop employment opportunities for and provide training on employment readiness to parolees and probationers.

2. In establishing the pilot program, the Division may collaborate with nonprofit organizations in the community that provide services to parolees and probationers.

Sec. 6. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and section 5 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.
2. "Chief" means the Chief Parole and Probation Officer.
3. "Division" means the Division of Parole and Probation of the Department of Public Safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.
5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.
6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.
7. "Sex offender" means any person who has been or is convicted of a sexual offense.
8. "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 953 to Assembly Bill No. 320.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 352.

The following Senate amendment was read:

Amendment No. 924.

AN ACT relating to businesses; requiring a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license; setting forth requirements and fees relating to a cottage cosmetics operation; exempting a cottage cosmetics operation from certain licensing requirements; revising and reorganizing certain provisions governing cottage food establishments; requiring a person who wishes to conduct a cottage food operation to apply to the Department; revising certain provisions governing craft food operations; revising provisions governing farm-to-fork events; applying certain provisions governing food delivery service platforms to the delivery of food items from a cottage food operation; providing a penalty; providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commissioner of Food and Drugs is required to adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in this State. (NRS 585.245) **Section 20** of this bill exempts, with certain exceptions, cottage cosmetics operations from the provisions of law governing the licensing, regulation, fees and inspection of such persons by the Commissioner.

Section 4 of this bill defines the term "cottage cosmetics operation" to mean a natural person: (1) who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the preparation of a cosmetic, for sale to a natural person; and (2) whose gross sales of such cosmetics are not more than $100,000 per year. **Section 3** of this bill defines the term "cosmetic." **Sections 5 and 6** of this bill define certain other terms relating to cottage cosmetics operations. **Section 2** of this bill applies these definitions to the provisions of **sections 2-11.5** of this bill.

Section 7 requires a person who wishes to conduct a cottage cosmetics operation to apply to the State Department of Agriculture for a license to conduct a cottage cosmetics operation and prescribes certain requirements for such an application. **Section 7** authorizes the Department to: (1) charge certain fees for the issuance and renewal of a license to conduct a cottage cosmetics operation; and (2) inspect a cottage cosmetics operation for certain purposes and charge a fee for the inspection if the cottage cosmetics operation produced an adulterated or misbranded cosmetic or was the source of an outbreak of illness caused by a contaminated cosmetic. **Section 7** also requires the Department to maintain a registry of each person who holds an active license to conduct a cottage cosmetics establishment. **Section 10** requires the Director of the Department to adopt certain regulations governing cottage cosmetics operations.

Section 11 of this bill authorizes the Director to impose a civil penalty of not more than $500 for a violation of the provisions of **sections 2-11.5**. **Section 21** of this bill provides that the civil penalty is an exception to the criminal penalties imposed for other violations of the provisions relating to food, drugs and cosmetics.

Section 11.5: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation; and (2) provides that the provisions of **sections 2-11.5** do not prohibit certain entities from regulating the time, place or manner of a cottage cosmetics operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage cosmetics operation.

Existing law sets forth certain requirements for a food establishment that prepares food intended for human consumption. (NRS 446.0145-446.945) Existing law exempts a cottage food operation from such requirements and requires a person who wishes to conduct a cottage food operation to register with a certain health authority. (NRS 446.866) **Section 16** of this bill instead requires a person who wishes to conduct a cottage food operation to apply to the Department for a license to conduct a cottage food operation. **Sections 14-16** of this bill revise and reorganize the existing provisions governing cottage food operations into new sections of the Nevada Revised Statutes. **Section 28** of this bill repeals an existing provision governing cottage food operations made redundant by **section 16**. **Section 14** revises the definition of "cottage food operation" to apply to a natural person who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale and whose gross sales of such food items are not more than $100,000 per calendar year. **Section 15** revises the definition of "food item" to include, certain food items.

Additionally, **section 16** authorizes a cottage food operation to: (1) sell food items via a transaction by telephone or via the Internet; and (2) fulfill a transaction in person, by mail or through a food delivery service platform.

Section 26 of this bill makes a cottage food operation a "food dispensing establishment," thereby applying the provisions governing the food delivery service platforms to the delivery of food items from a cottage food operation. **Section 16** authorizes the Department to charge certain fees for the issuance and renewal of a license to conduct a cottage food operation. **Section 16** further requires the Department to maintain a registry of each person who holds an active license to conduct a cottage food operation. **Section 19** of this bill requires the Director of the Department to adopt certain regulations governing cottage food operations.

Section 19.5 of this bill: (1) prohibits certain entities from adopting an ordinance or other regulation that prohibits a person from preparing food in a cottage operation; and (2) provides that the provisions of **sections 12-19.5** do not prohibit certain entities from regulating the time, place or manner of a cottage food operation, provided that such regulations do not unreasonably restrict or prohibit a person from conducting a cottage food operation.

Section 23 of this bill revises the definition of "food establishment" to reflect the reorganization of provisions governing cottage food operations.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 8, 9, 17 and 18** enact such procedures as applicable to an applicant for a license to conduct a cottage cosmetics operation and an applicant for a license to conduct a cottage food operation in order to comply with federal law.

Existing law provides that the penalty for a violation of any provision of existing law relating to agricultural products and seeds is a civil penalty of not more than $500 for each violation. (NRS 587.900) This penalty applies to **sections 12-19.5** of this bill.

Existing law exempts a farm from certain provisions governing food establishments for the purposes of holding a farm-to-fork event under certain conditions. (NRS 446.868) **Section 24** of this bill authorizes a farm holding such an event to serve certain food items provided that: (1) any livestock or game animal that is served at the event is butchered and processed on the farm in accordance with certain provisions of law or was inspected and approved under a certain inspection program; and (2) certain other food items served at the farm-to-fork event are sourced from certain facilities or was inspected and approved under a certain inspection program. **Section 24** also exempts: (1) a farm from certain provisions governing food establishments provided that the farm holds four events or less in a month; and (2) a farm that holds more than four events during a harvest or holiday season from such provisions. **Section 25** of this bill prohibits the Department from charging a fee for the registration of a farm to hold farm-to-fork events when the annual revenue of the farm for the preceding calendar year was less than $100,000.

Existing law sets forth certain requirements for a craft food operation in which a person manufactures or prepares acidified foods in certain kitchens and whose gross sales of such foods are not more than $35,000 per calendar

year and authorizes the Department to adopt certain regulations governing such operations. (NRS 587.691-587.699) **Section 21.2** of this bill increases the amount of gross sales that a craft food operation may have to not more than $100,000 per calendar year.

Section 21.4 of this bill authorizes a craft food operation to sell acidified foods in a transaction by telephone or via the Internet and requires that the sale be fulfilled in person. **Section 21.6** of this bill eliminates the requirements that an acidified food be produced by a person who: (1) maintains a log and supporting documentation concerning the canning date for each batch of acidified foods produced by the person; and (2) uses only certain canning recipes. **Section 21.8** of this bill eliminates the authority of the Department to charge a fee to a person who produces acidified food for a course of training and an examination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19.5, inclusive of this act.

Sec. 2. ***As used in sections 2 to 11.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Cosmetic" means:***

1. Bath preparations, including, without limitation, oils, tablets, salts, bubble baths and bath capsules;

2. Fragrance preparations, including, without limitation, colognes, perfumes and powders;

3. Noncoloring hair preparations, including, without limitation, conditioners, rinses and shampoos;

4. Personal cleanliness preparations, including, without limitation, bath soaps, body washes and deodorants; and

5. Skin care preparations for the body and hands, including, without limitation, lotions, salves, balms and skin fresheners.

Sec. 4. ***"Cottage cosmetics operation":***

1. Means a natural person:

(a) Who manufactures or prepares cosmetics in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a cosmetic, for sale to a natural person; and

(b) Whose gross sales of such cosmetics are not more than $100,000 per year.

2. The term does not include an operation that engages in the manufacturing or processing of any of the products described in 21 U.S.C. § 364h(b).

Sec. 5. ***"Department" means the State Department of Agriculture.***

Sec. 6. ***"Director" means the Director of the Department.***

Sec. 7. ***1. A person shall not conduct a cottage cosmetics operation unless the person holds a license issued pursuant to subsection 2.***

2. A natural person who wishes to obtain a license to conduct a cottage cosmetics operation must submit to the Department an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage cosmetics operation; and

(b) If the cottage cosmetics operation sells cosmetics under a name other than the name of the natural person who conducts the cottage cosmetics operation, the name under which the cottage cosmetics operation sells cosmetics.

3. The Department may charge a fee for the issuance or renewal of a license to conduct a cottage cosmetics operation pursuant to subsection 2 in an amount not to exceed the actual cost of the Department to issue or renew a license and maintain the registry required by subsection 6.

4. The Department may inspect a cottage cosmetics operation only to investigate a cosmetic that may be deemed to be adulterated or misbranded pursuant to NRS 585.500 and 585.510, or an outbreak or suspected outbreak of illness known or suspected to be caused by an adulterated cosmetic. The cottage cosmetics operation shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the cottage cosmetics operation has produced an adulterated or misbranded cosmetic or was the source of an outbreak caused by a contaminated cosmetic, the Department may charge and collect from the cottage cosmetics operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

5. The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage cosmetics operation. The registry must include, without limitation, the name under which the cottage cosmetics operation sells cosmetics.

Sec. 8. ***1. In addition to any other requirements set forth in sections 2 to 11.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage cosmetics operation shall:***

(a) Include the social security number <u>or alternative personally identifying number, including, without limitation, an individual taxpayer identification number,</u> of the applicant in the application submitted to the Department pursuant to section 7 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license to conduct a cottage cosmetics operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9. *1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage cosmetics operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 10. *The Director shall adopt regulations to carry out the provisions of sections 2 to 11.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage cosmetics operation.*

Sec. 11. *The Director may, after notice and an opportunity for a hearing, impose a civil penalty of not more than $500 for each violation of sections 2 to 11.5, inclusive, of this act.*

Sec. 11.5. *1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage cosmetics operation.*

2. Nothing in the provisions of sections 2 to 11.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage cosmetics operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage cosmetics operation.

Sec. 12. *As used in sections 12 to 19.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 14 and 15 of this act have the meanings ascribed to them in those sections.*

Sec. 13. (Deleted by amendment.)

Sec. 14. *"Cottage food operation" means a natural person:*

1. Who manufactures or prepares food items in his or her private home or in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item, for sale to a natural person for consumption; and

2. Whose gross sales of such food items are not more than $100,000 per calendar year.

Sec. 15. *"Food item" means:*

1. Nuts and nut mixes;

2. Candies;

3. Jams, jellies and preserves;

4. Dry herbs, seasoning mixes and teas;

5. Dried fruits and vegetables;

6. Cereals, trail mixes and granola;

7. Popcorn and popcorn balls; or

8. Baked goods that:

(a) Are not potentially hazardous foods;

(b) Do not contain cream, uncooked egg, custard meringue or cream cheese frosting or garnishes; and

(c) Do not require time or temperature controls for food safety.

Sec. 16. *1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:*

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction or a transaction by telephone or via the Internet. A sale made pursuant to this paragraph may be fulfilled in person, by mail or through a food delivery service platform, as defined in NRS 597.7627.

(b) Sold to a natural person for his or her consumption and not for resale.

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101.

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item.

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers.

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the Department, in a kitchen that is not otherwise required by law to be inspected for the purposes of preparing a food item.

2. A person shall not conduct a cottage food operation unless the person holds a license issued pursuant to subsection 3.

3. A natural person who wishes to obtain a license to conduct a cottage food operation must submit to the Department an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage cosmetics operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The Department may charge a fee for the issuance or renewal of a license to conduct a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the Department to issue and renew a license and maintain the registry required by subsection 6.

5. The Department may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated or misbranded pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the Department in any such inspection. If, as a result of such inspection, the Department determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the Department to conduct the investigation.

6. The Department shall maintain a registry of each natural person who holds an active license to conduct a cottage food operation. The registry must include, without limitation, the name under which the cottage food operation sells food items.

Sec. 17. ***1. In addition to any other requirements set forth in sections 12 to 19.5, inclusive, of this act, an applicant for a license or the renewal of a license to conduct a cottage food operation shall:***

(a) Include the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of the applicant in the application submitted to the Department pursuant to section 16 of this act.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license to conduct a cottage food operation may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. *1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed to conduct a cottage food operation, the Department shall deem the license of that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the licensee by the district attorney or other public agency pursuant to NRS 425.550 stating that the licensee has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Department shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. ***The Director shall adopt regulations necessary to carry out the provisions of sections 12 to 19.5, inclusive, of this act, including, without limitation, regulations prescribing requirements for a person to obtain a license to conduct a cottage food operation.***

Sec. 19.5. ***1. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt an ordinance or other regulation that prohibits a natural person from operating a cottage food operation.***

2. Nothing in the provisions of sections 12 to 19.5, inclusive, of this act, shall be construed to prohibit a local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county from adopting an ordinance or regulation that regulates the time, place or manner of a cottage food operation, provided that such an ordinance or regulation does not unreasonably restrict or prohibit a natural person from conducting a cottage food operation.

Sec. 20. NRS 585.245 is hereby amended to read as follows:

585.245 1. The Commissioner shall adopt regulations for the licensing of every person who manufactures, compounds, processes or packages drugs, devices or cosmetics in a factory, warehouse, laboratory or other location in this State. The regulations must set forth the requirements for issuance and renewal of a license. Only a person who complies with the requirements of this chapter is entitled to a license. A license is not transferable from person to person or from place to place. The regulations must prescribe the length of term for which a license is issued and must set forth grounds and procedures for the revocation, suspension or nonrenewal of a license.

2. A valid license is required for the manufacturing, compounding, processing or packaging of drugs, devices or cosmetics in any factory, warehouse, laboratory or other location in this State. Licensed pharmacies compounding or packaging prescriptions are exempt from this provision.

3. The Commissioner shall establish and collect fees for the purpose of paying the costs of inspecting, testing and other functions required under the provisions of this chapter with respect to any drug, device or cosmetic. Failure to pay any fee imposed pursuant to this subsection is a ground for revocation, suspension or nonrenewal of a license. All such fees collected by the Commissioner must be deposited with the State Treasurer for credit to the State General Fund.

4. As a condition for entertaining the application of any applicant for any license authorized under this chapter, and as a further condition for the issuance of any such license, the Commissioner or the Commissioner's authorized agent is entitled to free access at all reasonable hours to any factory, warehouse or other location in which drugs, devices or cosmetics are manufactured, compounded, processed or packaged or held for introduction into commerce, and may enter any vehicle being used to transport or hold such drugs, devices or cosmetics in commerce, for the purposes of:

(a) Inspecting the factory, warehouse, other location or vehicle to determine whether any of the provisions of this chapter is being violated; and

(b) Securing samples or specimens of any drug, device or cosmetic after paying or offering to pay therefor.

5. The Commissioner shall make, or cause to be made, examinations of samples and specimens secured under the provisions of this section to determine whether any of the provisions of this chapter is being violated.

6. A cottage cosmetics operation subject to the requirements of sections 2 to 11.5, inclusive, of this act, is exempt from the provisions of this section.

Sec. 21. NRS 585.550 is hereby amended to read as follows:

585.550 1. A person who manufactures, compounds, processes or packages any drug in a factory, warehouse, laboratory or other location in this state without a license required by NRS 585.245 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ~~[A]~~ ***Except as otherwise provided in section 11 of this act, a*** person who violates any other provision of this chapter is guilty of a gross misdemeanor.

Sec. 21.2. NRS 587.693 is hereby amended to read as follows:

587.693 "Craft food operation" means a natural person who manufactures or prepares acidified foods in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption, and whose gross sales of such foods are not more than ~~[$35,000]~~ ***$100,000*** per calendar year.

Sec. 21.4. NRS 587.6945 is hereby amended to read as follows:

587.6945 1. A craft food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (j) of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction ~~[that does not involve selling the food item]~~ ***or a transaction*** by telephone or via the Internet **.** ~~[;]~~ ***A sale made pursuant to this paragraph must be fulfilled in person.***

(b) Sold to a natural person for his or her consumption and not for resale**.** ~~[;]~~

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101 **.** ~~[;]~~

(d) Labeled with:

(1) The date the food item was produced **.** ~~[; and]~~

(2) "MADE IN A CRAFT FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item **.** ~~[,]~~

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers **.** ~~[; and]~~

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a craft food operation.

3. As used in this section, "food item" means acidified foods produced by a person who meets the requirements of NRS 587.695 to 587.699, inclusive.

Sec. 21.6. NRS 587.695 is hereby amended to read as follows:

587.695 For the purposes of a craft food operation, an acidified food must be produced by a person who:

1. Complies with the requirements of NRS 587.6945;

2. Is registered pursuant to NRS 587.696;

3. Maintains a log and supporting documentation for not less than 5 years which must include:

(a) The name of each acidified food produced;

(b) The recipe for each acidified food produced, including, without limitation, the ingredients and the process used in preparation of the acidified food; ***and***

(c) ~~[The canning date of each batch produced; and~~

~~(d)]~~ The results of the pH test for each batch produced; ***and***

4. For the purposes of paragraph ~~[(d)]~~ ***(c)*** of subsection 3, uses a pH test meter that meets the requirements of the regulations adopted by the State Department of Agriculture **.** ~~[; and~~

~~5. Uses only canning recipes that have been approved by, or included in publications approved by, the State Department of Agriculture.]~~

Sec. 21.8. NRS 587.696 is hereby amended to read as follows:

587.696 1. The Department shall register a person who produces acidified foods if the person:

(a) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;

(b) Passes an examination on the preparation of acidified foods which has been approved by the Department;

(c) Pays the registration fee prescribed by the Department; and

(d) Provides the Department with such information as the Department deems appropriate, including, without limitation:

(1) The name, address and contact information of the natural person who is producing the acidified foods; and

(2) If the acidified foods are sold under a name other than that of the natural person who produces the acidified foods, the name under which the natural person sells the acidified foods.

2. A registration that is issued or otherwise recorded pursuant to subsection 1 is valid for 3 years after the date of initial registration and may be renewed pursuant to the provisions of subsection 3.

3. The Department shall renew a registration that is issued or otherwise recorded pursuant to subsection 1 every 3 years if the person:

(a) Provides proof satisfactory to the Department that the person has complied with the requirements of NRS 587.695;

(b) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;

(c) Passes an examination on the preparation of acidified foods which has been approved by the Department;

(d) Pays the renewal fee prescribed by the Department; and

(e) Provides the Department with any such information as the Department deems appropriate.

4. The Department shall provide to each person registered to produce acidified foods pursuant to this section:

(a) Periodic updates on, without limitation, the testing and preparation of acidified foods; and

(b) Information about workshops or other training opportunities related to the safe production of acidified foods.

5. The Department may inspect the premises of a person registered to produce acidified foods pursuant to this section only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The producer of acidified foods shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the producer of acidified foods has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the producer of acidified foods a fee in an amount that does not exceed the actual cost to the Department to conduct the investigation.

6. The Department may charge a reasonable fee for:

(a) Registration pursuant to subsection 1;

(b) Renewal of a registration pursuant to subsection 3; ***and***

(c) ~~[A course of training pursuant to subsections 1 and 3;~~

~~(d) An examination pursuant to subsections 1 and 3; and~~

~~(e)]~~ An investigation conducted pursuant to subsection 5.

Sec. 22. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this section and NRS 446.868 and 446.869, unless the context otherwise requires, "Department" means the State Department of Agriculture.

Sec. 23. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as otherwise limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

(a) Private homes, unless the food prepared or manufactured in the home is sold, or offered or displayed for sale or for compensation or contractual consideration of any kind;

(b) Fraternal or social clubhouses at which attendance is limited to members of the club;

(c) Vehicles operated by common carriers engaged in interstate commerce;

(d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals, including, without limitation, mammals, fish and poultry, are slaughtered which is regulated pursuant to chapter 583 of NRS;

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS;

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only alcoholic beverages which are in sealed containers;

(h) A facility that produces eggs which is regulated pursuant to chapter 583 of NRS;

(i) A cottage food operation that meets the requirements of ~~[~~NRS 446.866~~]~~ ***section 16 of this act*** with respect to food items as defined in ~~[~~that~~]~~ section ~~[~~,~~]~~ ***15 of this act;***

(j) A craft food operation that meets the requirements of NRS 587.6945 with respect to food items as defined in that section; or

(k) A farm for purposes of holding a farm-to-fork event.

3. As used in this section, "poultry" has the meaning ascribed to it in NRS 583.405.

Sec. 24. NRS 446.868 is hereby amended to read as follows:

446.868 1. Except as otherwise provided in subsection 3, a farm is not a "food establishment" for purposes of holding a farm-to-fork event provided that:

(a) Any poultry and meat from a rabbit that is served at the farm-to-fork event is raised and prepared on the farm and is butchered and processed on the farm pursuant to the requirements of chapter 583 of NRS; ~~[~~and~~]~~

(b) ***Any livestock or game animal that is served at the farm-to-fork event is butchered and processed on the farm pursuant to the requirements of***

chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture; and

(c) Any other food item that is served at the farm-to-fork event, including, without limitation, salads, side dishes and desserts, are prepared on the farm from ingredients that are substantially produced on the farm ~~[.]~~ ***or sourced from a facility that satisfies the requirements of chapter 583 of NRS or was inspected and approved under an inspection program administered by the United States Department of Agriculture.***

2. A farm which holds a farm-to-fork event shall, before a guest consumes any food, provide each guest with a notice which states that no inspection was conducted by a state or local health department of the farm or the food to be consumed, except as otherwise provided in subsection 1.

3. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** farm which holds more than ~~[two]~~ ***four*** events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year subject to all of the requirements of this chapter and any regulations adopted pursuant thereto concerning food establishments.

4. The Director of the Department may provide an exemption from the requirements of subsection 3 to a farm which holds more than four events during a harvest or holiday season.

5. As used in this section:

(a) "Game animal" means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule or other equine, or as poultry or fish. The term includes mammals, including, without limitation, reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria or muskrat, and nonaquatic reptiles such as land snakes.

(b) "Livestock" has the meaning ascribed to it in NRS 583.325.

Sec. 25. NRS 446.869 is hereby amended to read as follows:

446.869 1. A farm that wishes to hold farm-to-fork events must register with the ~~[health authority]~~ ***Department*** by submitting such information as the ~~[health authority]~~ ***Department*** deems appropriate, including, without limitation:

(a) The name, address and contact information of the owner of the farm;

(b) The name under which the farm operates; ~~[and]~~

(c) The address of the farm ~~[.]~~ ***; and***

(d) The annual revenue of the farm for the immediately preceding calendar year.

2. ~~[The health authority]~~ ***Except as otherwise provided in this subsection, the Department*** may charge a fee for the registration of a farm pursuant to this section in an amount not to exceed the actual cost of the ~~[health authority]~~ ***Department*** to establish and maintain ~~[a]~~ ***the*** registry ~~[of farms holding farm-to-fork events.]~~ ***required pursuant to subsection 5. The Department shall not charge a fee for the registration of a farm when the annual revenue of the farm for the immediately preceding calendar year was less than $100,000.***

3. The ~~[health authority]~~ ***Department*** shall not inspect a farm that holds a farm-to-fork event, except as otherwise provided in subsection 3 of NRS 446.868 and except that the ~~[health authority]~~ ***Department*** may inspect a farm following a farm-to-fork event to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item served at the farm-to-fork event. A farm shall cooperate with the ~~[health authority]~~ ***Department*** in any such inspection.

4. If, as a result of an inspection conducted pursuant to subsection 3, the ~~[health authority]~~ ***Department*** determines that the farm has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the ~~[health authority]~~ ***Department*** may charge and collect from the farm a fee in an amount not to exceed the actual cost of the health authority to conduct the investigation.

5. The Department shall maintain a registry of farms holding farm-to-fork events that are registered with the Department pursuant to subsection 1. The registry must include, without limitation, the name under which the farm operates.

Sec. 26. NRS 597.7629 is hereby amended to read as follows:

597.7629 1. "Food dispensing establishment" means a food establishment ***or a cottage food operation*** that prepares and serves food intended for immediate consumption. The term includes, without limitation, a restaurant. The term does not include a convenience store or a grocery store.

2. As used in this section:

(a) "Convenience store" has the meaning ascribed to it in NRS 597.225.

(b) ***"Cottage food operation" has the meaning ascribed to it in section 14 of this act.***

(c) "Food establishment" has the meaning ascribed to it in NRS 446.020.

~~[(c)]~~ ***(d)*** "Grocery store" has the meaning ascribed to it in NRS 597.225.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 446.866 is hereby repealed.

Sec. 29. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 28, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, ~~[2026,]~~ **2027,** for all other purposes.

3. Sections 8, 9, 17 and 18 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

446.866 Exemption from certain requirements; certain local governing bodies prevented from prohibiting cottage food operations; registration; fee; inspection.

446.866 1. A cottage food operation which manufactures or prepares a food item by any manner or means whatever for sale, or which offers or displays a food item for sale, is not a "food establishment" pursuant to paragraph (i) of subsection 2 of NRS 446.020 if each such food item is:

(a) Sold on the private property of the natural person who manufactures or prepares the food item or at a location where the natural person who manufactures or prepares the food item sells the food item directly to a consumer, including, without limitation, a farmers' market licensed pursuant to chapter 244 or 268 of NRS, flea market, swap meet, church bazaar, garage sale or craft fair, by means of an in-person transaction that does not involve selling the food item by telephone or via the Internet;

(b) Sold to a natural person for his or her consumption and not for resale;

(c) Affixed with a label which complies with the federal labeling requirements set forth in 21 U.S.C. § 343(w) and 9 C.F.R. Part 317 and 21 C.F.R. Part 101;

(d) Labeled with "MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO GOVERNMENT FOOD SAFETY INSPECTION" printed prominently on the label for the food item;

(e) Prepackaged in a manner that protects the food item from contamination during transport, display, sale and acquisition by consumers; and

(f) Prepared and processed in the kitchen of the private home of the natural person who manufactures or prepares the food item or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization.

2. No local zoning board, planning commission or governing body of an unincorporated town, incorporated city or county may adopt any ordinance or other regulation that prohibits a natural person from preparing food in a cottage food operation.

3. Each natural person who wishes to conduct a cottage food operation must, before selling any food item, register the cottage food operation with the health authority by submitting such information as the health authority deems appropriate, including, without limitation:

(a) The name, address and contact information of the natural person conducting the cottage food operation; and

(b) If the cottage food operation sells food items under a name other than the name of the natural person who conducts the cottage food operation, the name under which the cottage food operation sells food items.

4. The health authority may charge a fee for the registration of a cottage food operation pursuant to subsection 3 in an amount not to exceed the actual cost of the health authority to establish and maintain a registry of cottage food operations.

5. The health authority may inspect a cottage food operation only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The cottage food operation shall cooperate with the health authority in any such inspection. If, as a result of such inspection, the health authority determines that the cottage food operation has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the health authority may charge and collect from the cottage food operation a fee in an amount that does not exceed the actual cost of the health authority to conduct the investigation.

6. As used in this section:

(a) "Cottage food operation" means a natural person who manufactures or prepares food items in his or her private home or, if allowed by the health authority, in the kitchen of a fraternal or social clubhouse, a school or a religious, charitable or other nonprofit organization, for sale to a natural person for consumption and whose gross sales of such food items are not more than $35,000 per calendar year.

(b) "Food item" means:

(1) Nuts and nut mixes;

(2) Candies;

(3) Jams, jellies and preserves;

(4) Vinegar and flavored vinegar;

(5) Dry herbs and seasoning mixes;

(6) Dried fruits;

(7) Cereals, trail mixes and granola;

(8) Popcorn and popcorn balls; or

(9) Baked goods that:

(I) Are not potentially hazardous foods;

(II) Do not contain cream, uncooked egg, custard, meringue or cream cheese frosting or garnishes; and

(III) Do not require time or temperature controls for food safety.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 924 to Assembly Bill No. 352.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 397.

The following Senate amendment was read:

Amendment No. 996.

ASSEMBLYMEMBER WATTS

JOINT SPONSOR: SENATOR TAYLOR

AN ACT relating to higher education; revising provisions governing certain waivers of fees provided by the Board of Regents of the University of Nevada; revising the criteria of eligibility for a waiver of fees by the Board of Regents for **certain** persons who are or were unaccompanied for a certain period of time; revising the criteria of eligibility for a waiver of fees by the Board of Regents for certain Native American students; providing for the continuity of waivers previously provided ~~[to]~~ **for** certain **Native American** students **;** ~~[who are identified as homeless or unaccompanied pupils;]~~ repealing certain provisions requiring the Chancellor of the Nevada System of Higher Education to cause to be analyzed certain natural materials upon the request of a resident of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, or in certain cases, requires the Board of Regents of the University of Nevada to grant a waiver of the payment of certain fees, including registration and laboratory fees, assessed against certain students. Existing law generally requires those students who are granted a waiver by the Board of Regents to maintain a cumulative grade point average of 2.0 on a 4.0 grading scale and prescribes certain other qualifications of eligibility for each such waiver. (NRS 396.544, 396.5442, 396.5443, 396.5445, 396.5446, 396.5448, 396.5449) **Sections 1.1-1.8** of this bill standardize provisions and qualifications for each waiver that the Board of Regents may grant to certain students. Specifically, **sections 1.1-1.4 and 1.6** require the amount of each waiver to be equal to the full balance of registration fees, laboratory fees and all other mandatory fees assessed against a student after all scholarships, grants and other financial assistance, not including loans, to which the student is entitled for that semester are applied to the balance of such fees owed by the student for the semester. **Section 1.5** establishes a similar requirement for a waiver of not less than half of all registration fees, laboratory fees and all other mandatory fees that the Board of Regents may waive for a veteran enrolled in certain graduate programs. (NRS 396.5446) **Sections 1.1-1.8** require each student seeking a waiver to, for each year for which the student seeks a waiver, complete: (1) the Free Application for Federal Student Aid; or (2) an alternative form for financial aid provided by the school in which the student is enrolled, if the student is ineligible under federal law to complete the Free Application for Federal Student Aid. **Sections 1.1-1.8** also replace requirements that each student maintain a certain cumulative grade point average with a requirement that a student to whom a waiver is granted meet satisfactory academic progress, as determined by the school in which the student is enrolled.

Existing law authorizes the Board of Regents to grant a waiver of registration fees and laboratory fees for a person who is identified as a homeless or unaccompanied pupil. (NRS 396.5448). **Section** ~~[1.7]~~ **1.6** of this bill requires, rather than authorizes, the Board of Regents to grant the waiver

and revises the criteria that a person is required to meet to qualify for the waiver. Specifically, **section ~~[1.7]~~ 1.6** requires that a person: (1) be 25 years of age or less when the person enrolls in the Nevada System of Higher Education; (2) for a period of not less than 6 months at any time after the person attained the age of 13 years ~~[, but before attaining the age of 25 years, was]~~ **have been an** unaccompanied **youth** and **,** ~~[who,]~~ during that period, ~~[was also]~~ **have been** homeless or self-supporting and at risk of becoming homeless. **Section ~~[1.7]~~ 1.6** also limits the waiver to persons who are enrolled in an undergraduate degree program at a school within the System.

Existing law authorizes the Board of Regents to request documentation from a person requesting such a waiver to verify that the person meets the criteria required to qualify for the waiver. (NRS 396.5448) **Section ~~[1.7]~~ 1.6** requires, rather than authorizes, the Board of Regents to request documentation to verify that the person was **an** unaccompanied **youth** and homeless or self-supporting and at risk of becoming homeless for a period of not less than 6 months after attaining 13 years of age **.** ~~[, but before attaining 25 years of age. Section 3 of this bill makes the changes made to this waiver by section 1.7 effective on July 1, 2026. Section 1.9 of this bill requires the Board of Regents to continue providing a waiver of fees through July 1, 2030, to a student who received the waiver between July 1, 2024, and July 1, 2026, and as of July 1, 2026, is enrolled in the System and who would otherwise be eligible to continue receiving the waiver, based on the criteria established for the waiver in effect on July 1, 2025.]~~

Existing law requires the Board of Regents to waive all registration fees, laboratory fees and any other mandatory fees assessed against a student who is a member of a federally recognized Indian tribe or nation or certified as a descendant of an enrolled member of such an Indian tribe or nation and who is: (1) a bona fide resident of this State; (2) a member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State; or (3) has been a resident of this State for not less than 1 year and is currently a resident on qualified tribal land, whether his or her actual residence is located within or outside of this State. (NRS 369.5449) **Section 1.8** instead provides that, to qualify for the waiver, a member of a federally recognized Indian tribe or nation or a certified descendant of an enrolled member of such an Indian tribe or nation must: (1) ~~[be a bona fide resident of this State; (2)]~~ be a member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State, ~~[and]~~ **regardless of whether the actual residence of the person is located within or outside of the boundaries of this State; (2)** have graduated from a high school in this State; ~~[or]~~ (3) ~~[currently be a resident on qualified tribal land, regardless of whether the person is a resident of this State and regardless of whether the actual residence of the person is located within the boundaries of this State.]~~ **have successfully completed a high school equivalency assessment which was selected by the State Board of Education and administered in this State; (4) be currently**

enrolled in a high school in this State; or (5) be a descendant of a person who formerly attended the Stewart Indian School.

Section 3 of this bill makes the changes made by sections 1.6 and 1.8 to the waivers for unaccompanied youth and Native American students, respectively, effective on July 1, 2026, and July 1, 2025, respectively. Section 1.9 of this bill requires the Board of Regents to continue providing a waiver of fees for certain Native American students through July 1, 2030 to a student who: (1) received the waiver between July 1, 2024, and July 1, 2026; (2) as of July 1, 2026, is enrolled in the System; and (3) who would otherwise be eligible to continue receiving the waiver, based on the criteria and conditions established for the waiver in effect as of July 1, 2024.

Existing law requires the Chancellor of the System to direct an appropriate person employed by the System to analyze any ores, minerals, soil or water taken from within the boundaries of this State which are sent to the Chancellor by any resident of this State for the purpose of performing such an analysis. (NRS 396.620-396.660) **Section 2** of this bill repeals this requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.1. NRS 396.544 is hereby amended to read as follows:

396.544 1. The Board of Regents of the University of Nevada may grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for any member of the active Nevada National Guard, including, without limitation, a recruit, who attends a school within the System as a full-time or part-time student.

2. A member of the active Nevada National Guard who has reenlisted may, in lieu of using the waiver himself or herself and regardless of whether the member was granted a waiver pursuant to this section before reenlistment:

(a) Assign such a waiver to his or her spouse or child for credits applicable toward the course work required for the award to the spouse or child of an associate's degree, baccalaureate degree or certificate at any school within the System.

(b) Reassign such a waiver to his or her spouse or child, as applicable, if the person to whom the waiver was assigned pursuant to paragraph (a) does not use the waiver to attend a school within the System as a full-time or part-time student.

➥ For each period of reenlistment of a member, the benefit provided pursuant to this subsection may only be used by one eligible person.

3. ***The amount of any waiver granted, assigned or reassigned pursuant to subsection 1 or 2 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted, assigned or reassigned, as applicable, remaining for a semester after the application of all scholarships, grants and***

other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

4. For the purpose of assessing fees and charges against a person to whom a waiver is granted, assigned or reassigned pursuant to subsection 1 or 2, including, without limitation, tuition charges pursuant to NRS 396.540, such a person shall be deemed to be a bona fide resident of this State.

~~[4.]~~ ***5.*** A person must be a member in good standing of the active Nevada National Guard, including, without limitation, a recruit, at the beginning of and throughout the entire semester for which the waiver is granted.

~~[5.]~~ ***6.*** A person to whom a waiver is granted, assigned or reassigned pursuant to subsection 1 or 2 must ~~[maintain at least a 2.0 grade point average, on a 4.0 grading scale, each semester for which the waiver is granted, assigned or reassigned, or the equivalent of a 2.0 grade point average if a different grading scale is used.]~~ ***:***

(a) For every year for which the person is granted, assigned or reassigned a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person ~~[attends]~~ is enrolled to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[6.]~~ ***7.*** The Board of Regents may request the Adjutant General to verify the membership in the active Nevada National Guard of a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1.

~~[7.]~~ ***8.*** The Adjutant General shall:

(a) Upon receiving a request from the Board of Regents pursuant to subsection ~~[6,]~~ ***7,*** notify the Board of Regents in writing concerning the status

and dates of membership of a person who is seeking or has been granted a waiver of registration fees and laboratory fees pursuant to subsection 1.

(b) Maintain a record of any waiver that has been granted, assigned or reassigned pursuant to subsection 1 or 2 and the person to whom the waiver was assigned or reassigned.

(c) Before the beginning of each semester, certify in writing to the Board of Regents that a waiver has been properly assigned or reassigned to the person seeking to use the waiver to attend a school within the System.

~~[8.]~~ ***9.*** If a waiver is granted pursuant to subsection 1 for a recruit and the recruit does not enter full-time National Guard duty within 1 year after enlisting, the recruit shall reimburse the Board of Regents for all registration fees and laboratory fees waived on behalf of the recruit if the recruit's failure to enter full-time National Guard duty is attributable to his or her own conduct.

~~[9.]~~ ***10.*** As used in this section:

(a) "Full-time National Guard duty" has the meaning ascribed to it in 32 U.S.C. § 101(19).

(b) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(c) "Recruit" means a person who has enlisted in the Nevada National Guard but has not begun his or her required military duty.

~~[(c)]~~ ***(d)*** "Spouse" includes a domestic partner as set forth in NRS 122A.200.

Sec. 1.2. NRS 396.5442 is hereby amended to read as follows:

396.5442 1. The Board of Regents may grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for a child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[A person is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for the semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person ~~***[attends]***~~ ***is enrolled to evaluate the financial needs of the person for financial assistance.***

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3.]~~ ***4.*** A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment. A widow or widower may use a waiver granted pursuant to this section for 10 years after the date of the death of the member.

~~[4.]~~ ***5.*** The Board of Regents may request the Adjutant General to verify that a person is the child, widow or widower of a person who was killed while performing his or her duties as a member of the Nevada National Guard. The Adjutant General shall, upon receiving such a request, notify the Board of Regents in writing concerning the status of that person.

6. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.3. NRS 396.5443 is hereby amended to read as follows:

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is:

(a) A veteran of the Armed Forces of the United States who has been awarded the Purple Heart; or

(b) The child of such a veteran, if:

(1) The veteran is a bona fide resident of this State, or was a bona fide resident of this State at the time of his or her death; and

(2) The child of the veteran graduated from a high school located in this State.

2. The amount of ~~[the]~~ ***any*** waiver ***granted pursuant to subsection 1*** must be equal to ~~[:~~

~~(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

~~(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.]~~ ***the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the student for a semester remaining after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the student is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1, a student must:

(a) For every year for which the student seeks a waiver:

(1) If the student is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the student is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person ~~[attends]~~ is enrolled to evaluate the financial needs of the student for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the student is enrolled.

4. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

~~[4.]~~ ***5.*** For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

~~[5.]~~ ***6.*** The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart or the child of such a veteran than the waiver provided pursuant to this section if required for the receipt of federal money.

~~[6.]~~ ***7.*** A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

8. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.4. NRS 396.5445 is hereby amended to read as follows:

396.5445 1. The Board of Regents may grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and any other mandatory fees assessed each semester*** for a spouse or child of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. ~~[A person is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person ~~[attends]~~ is enrolled to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3.]~~ ***4.*** A spouse may use a waiver granted pursuant to this section for 10 years after the date on which the member of the Armed Forces was identified as a prisoner of war or missing in action. A child may use a waiver granted pursuant to this section for 10 years after the child attains the age of 18 years or, if the child enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

~~[4.]~~ ***5.*** The Board of Regents may request such documentation as it deems necessary to verify that a person is the spouse or child of a member of the Armed Forces of the United States who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces.

6. As used in this section, "other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

Sec. 1.5. NRS 396.5446 is hereby amended to read as follows:

396.5446 1. The Board of Regents may grant a waiver of not less than half of the total registration fees ***, laboratory fees*** and ***all*** other ***mandatory*** fees ***assessed each semester*** for a veteran who is a bona fide resident of this State if:

(a) The veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program within the fields of science, technology, engineering, arts, mathematics or health science designated as a critical need occupation by the Department of Employment, Training and Rehabilitation pursuant to NRS 232.932; and

(b) The veteran or a third party will pay the remainder of the registration fees and other fees of the graduate degree program.

➥ For the purpose of this subsection, a scholarship or a waiver of registration fees or other fees received by the veteran for any reason other than this subsection is deemed to be a payment by a third party.

2. ~~[A veteran is]~~ ***The amount of any waiver granted pursuant to subsection 1 must be equal to not less than half of the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the veteran to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial***

assistance, with the exception of loans, to which the veteran is entitled for that semester, including, without limitation:

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the veteran maintains at least a 2.75 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.75 grade point average if a different scale is used.]~~ ***, a veteran must:***

(a) For every year for which the veteran seeks a waiver:

(1) If the veteran is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the veteran is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the veteran ~~[attends]~~ is enrolled to evaluate the financial needs of the veteran for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the veteran is enrolled.

~~[3.]~~ ***4.*** As used in this section ~~[, "veteran"]~~ ***:***

(a) "Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.

(b) "Veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 1.6. NRS 396.5448 is hereby amended to read as follows:

396.5448 1. The Board of Regents ~~[may]~~ ***shall*** grant a waiver of ***the payment of*** registration fees ***,*** ~~[and]~~ laboratory fees ***and all other mandatory fees assessed each semester*** for a person who ~~[is identified as a homeless or unaccompanied pupil.]~~ ***:***

(a) Is 25 years of age or less on the date on which the person enrolls in the System;

(b) Is enrolled in the System as a full-time or part-time undergraduate student; and

(c) For a period of not less than 6 months at any time after the person attained the age of 13 years, was an unaccompanied youth and, during that period of time was also:

(1) A homeless youth; or

(2) Self-supporting and at risk of becoming a homeless youth.

2. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

~~[2. A person is]~~

3. To be eligible for a waiver pursuant to subsection 1 ~~[if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.]~~ ***, a person must:***

(a) For every year for which the person seeks a waiver:

(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or

(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person ~~[attends]~~ is enrolled to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.

~~[3. A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.]~~

4. The Board of Regents ~~[may]~~ ***shall*** request documentation from a person requesting a waiver pursuant to subsection 1 ~~[as it deems necessary]~~ to verify that such a person ~~[was a homeless or unaccompanied pupil.]~~ ***meets the criteria described in paragraph (c) of subsection 1, which may include, without limitation, documentation which meets the standards under 20 U.S.C. § 1087uu-2 and related federal regulations.***

5. ***The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:***

(a) Federal student aid;

(b) Federal educational benefits;

(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;

(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;

(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and

(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.

6. As used in this section:

(a) "Homeless ~~[pupil"]~~ ***youth"*** has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(b) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(c) "Unaccompanied ~~[pupil"]~~ ***youth"*** has the meaning ascribed to ~~[the term "unaccompanied youth"]~~ ***it*** in 42 U.S.C. § 11434a(6).

Sec. 1.7. ~~[NRS 396.5448 is hereby amended to read as follows:~~

~~396.5448 1. The Board of Regents [may]~~ ***shall*** ~~grant a waiver of the payment of registration fees, laboratory fees and all other mandatory fees assessed each semester for a person who [is identified as a homeless or unaccompanied pupil.] :~~

~~***(a) Is 25 years of age or less on the date on which the person enrolls in the System;***~~

~~***(b) Is enrolled in the System as a full-time or part-time undergraduate student; and***~~

~~***(c) For a period of not less than 6 months at any time after the person attained the age of 13 years, was an unaccompanied youth and, during that period of time was also:***~~

~~***(1) A homeless youth; or***~~

~~***(2) Self-sustaining and at risk of becoming a homeless youth.***~~

~~***2.*** For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.~~

~~[2.] ***3.*** To be eligible for a waiver pursuant to subsection 1, a person must:~~

~~(a) For every year for which the person seeks a waiver:~~

~~(1) If the person is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or~~

~~(2) If the person is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the person attends to evaluate the financial needs of the person for financial assistance.~~

~~(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the person is enrolled.~~

~~[3. A person may use a waiver granted pursuant to subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.]~~

~~4. The Board of Regents [may] *shall* request documentation from a person requesting a waiver pursuant to subsection 1 [as it deems necessary] to verify that such a person [was a homeless or unaccompanied pupil.] *meets the criteria described in paragraph (c) of subsection 1, which may include, without limitation, documentation which meets the standards under 20 U.S.C. § 1087uu-2 and related federal regulations.*~~

~~5. The amount of any waiver granted pursuant to subsection 1 must be equal to the balance of all registration fees, laboratory fees and any other mandatory fees assessed against the person to whom the waiver is granted remaining for a semester after the application of all scholarships, grants and other financial assistance, with the exception of loans, to which the person is entitled for that semester, including, without limitation:~~

~~(a) Federal student aid;~~

~~(b) Federal educational benefits;~~

~~(c) Scholarships awarded pursuant to the Governor Guinn Millennium Scholarship Program pursuant to NRS 396.911 to 396.945, inclusive;~~

~~(d) Grants awarded pursuant to the Silver State Opportunity Grant Program pursuant to NRS 396.950 to 396.960, inclusive;~~

~~(e) Scholarships awarded pursuant to the Nevada Promise Scholarship Program pursuant to NRS 396.961 to 396.9685, inclusive; and~~

~~(f) Any other scholarships, grants and other financial assistance provided or awarded by the Board of Regents or any other State entity.~~

~~6. As used in this section:~~

~~(a) "Homeless [pupil"] *youth"* has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).~~

~~(b) "Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.~~

~~(c) "Unaccompanied [pupil"] *youth"* has the meaning ascribed to [the term "unaccompanied youth"] *it* in 42 U.S.C. § 11434a(6).]~~ **(Deleted by amendment.)**

Sec. 1.8. NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who:

(a) Is a member of a federally recognized Indian tribe or nation or certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of a tribe or nation, regardless of membership status;

(b) Is eligible for enrollment in a school within the System, including, without limitation, enrollment in a dual credit course through a program for dual credit; ***and***

(c) ~~[Is:]~~ ***Who:***

~~(1) [A bona fide resident of this State, as defined in NRS 396.540;~~

~~(2) A]~~ ***Is a*** member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State

~~[;] .~~ ~~[who graduated from a high school that is located within the boundaries of this State;~~ ~~or~~

~~(3) Currently a resident on qualified tribal land, whether~~] ***regardless of whether*** his or her actual residence ~~[was]~~ ***is*** located within or outside of the boundaries of this State ~~[.~~, ~~and has been such a resident for not less than 1 year;~~

~~(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and~~

~~(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090~~] **;**

(2) Has obtained a high school diploma awarded by a public or private high school located in this State;

(3) Has successfully completed the high school equivalency assessment selected by the State Board of Education pursuant to NRS 390.055, if the assessment was administered in this State;

(4) Is currently enrolled in a public or private high school located in this State; or

(5) Is a descendant of a person who formerly attended the Stewart Indian School.

2. To be eligible for a waiver pursuant to section 1, a student must:

(a) For every year for which the student seeks a waiver, unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit ~~[.]~~ ***:***

~~[2.]~~ ***(1) If the student is eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; or***

(2) If the student is not eligible to receive federal student aid for that year pursuant to 20 U.S.C. § 1091, complete an alternative form as may be prescribed by the school in which the student ~~[attends]~~ is enrolled to evaluate the financial needs of the person for financial assistance.

(b) Meet satisfactory academic progress, as defined by federal requirements established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§ 1001 et seq., and determined by the school in which the student is enrolled.

3. The amount of the waiver must be equal to the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

~~[3.]~~ ***4.*** The waiver must be granted to a student who enrolls in any course or program, whether for a degree or not, offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program, a professional program or a dual credit course through a program for dual credit, offered during any academic period, including courses offered during the summer and between terms or semesters.

~~[4.]~~ ***5.*** For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

~~[5.]~~ ***6.*** The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation.

~~[6.]~~ ***7.*** As used in this section:

(a) ***"Other mandatory fees" includes, without limitation, differential program fees, special course fees, student fees and technology fees.***

(b) "Program for dual credit" means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.

~~[(b) *(c)* "Qualified tribal land" means any real property:~~

~~(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and~~

~~(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.]~~

Sec. 1.9. 1. If, during the period beginning on July 1, 2024, and ending on July 1, 2026, the Board of Regents of the University of Nevada granted a waiver of fees pursuant to NRS ~~[396.5448]~~ **396.5449** to a student who, as of July 1, 2026, is enrolled in any program at a school within the Nevada System of Higher Education, the Board of Regents shall grant a waiver of the payment of the portion of registration fees, laboratory fees and any other mandatory fees ~~[:~~

~~(a) Assessed against the student for the degree program or course of study for which the student had previously received a waiver during the period of time described in subsection 1; and~~

~~(b) That]~~ **that** would otherwise be waived for the student by the Board of Regents pursuant to NRS ~~[396.5448,]~~ **396.5449,** as that section ~~[exists]~~ **existed** on July 1, ~~[2025.]~~ **2024.**

2. A person may use a waiver granted pursuant to this section until July 1, 2030.

3. The Board of Regents may establish policies and procedures to carry out the provisions of this section.

Sec. 2. NRS 396.620, 396.630, 396.640, 396.650 and 396.660 are hereby repealed.

Sec. 3. 1. This section and sections ~~[1 to 1.6, inclusive,]~~ 1.8 **, 1.9** and 2 of this act become effective on July 1, 2025.

2. Sections **1 to** 1.7 ~~[and 1.9]~~ **, inclusive,** of this act become effective on July 1, 2026.

LEADLINES OF REPEALED SECTIONS

396.620 Analyses of ores, minerals, soil and water: Submission of samples by residents of this State; fee; maintenance of records and samples.

396.630 Assay to be run when same material sent from same district.

396.640 Analyses of samples in order received.

396.650 Limitations on number of samples and quantitative analyses.

396.660 Purpose and applicability of NRS 396.620 to 396.660, inclusive.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 996 to Assembly Bill No. 397.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 952.

AN ACT relating to child welfare; establishing a form by which a parent or guardian may request to nominate a guardian of a minor; authorizing the filing of such a form in the Nevada Lockbox; removing the authority of the Secretary of State to charge and collect a fee for filing a form in the Nevada Lockbox; creating a presumption that temporary guardianship is in the best interest of a minor in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes any person requesting to nominate another person to be appointed as his or her guardian to complete a form requesting to nominate a guardian. (NRS 159.0753) Existing law also authorizes the Secretary of State to establish and maintain the Nevada Lockbox, which is an electronic registry where a person may register a form requesting to nominate a guardian, among other documents. (NRS 225.360) **Section 1** of this bill authorizes a parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor to complete a form requesting to nominate a guardian of the minor. **Section 1** clarifies that a person nominated to be a guardian of a minor is required to obtain appointment from a court before exercising the power of a guardian. **Section 3** of this bill requires a court to consider a form requesting to nominate a guardian of a minor in determining which person is most suitable to be the guardian for the minor. **Section 4** of this bill includes a form requesting to nominate a guardian of a minor in the list of documents that may be submitted for inclusion in the Nevada Lockbox. **Sections 4.5 and 5.5** of this bill remove the authority of the Secretary of State to charge and collect a fee for the registration of a will or other document in the Nevada Lockbox. **Section 5** of this bill authorizes the Secretary of State to provide access to the lockbox when required by a court,

hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian for a minor. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law establishes a procedure by which a petitioner may request the appointment of a temporary guardian for the person or estate, or both, of a proposed protected minor in circumstances where it is not feasible or would be harmful to notify the persons and entities who are normally entitled to notice of a guardianship hearing. Existing law presumes that temporary guardianship is in the best interest of the minor if no parent has had the care, custody and control of the minor for the immediately preceding 6 months. (NRS 159A.053) **Section 2** of this bill creates an additional presumption that a temporary guardianship is in the best interest of the proposed protected minor ~~[if]~~ **during a period of time in which** no parent has the care, custody and control of the minor due to one or both parents being separated from the minor due to a federal immigration order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 159A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any parent or guardian of a minor who wishes to request to nominate another person to be appointed as the guardian for the minor may do so by completing a form requesting to nominate a guardian of a minor in accordance with this section.

2. A form requesting to nominate a guardian of a minor pursuant to this section must be:

(a) Signed by the parent or guardian who is executing the form;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the minor or the parent or guardian of the minor and who attest that the parent or guardian has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A nomination of a guardian of a minor made pursuant to this section may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN OF A MINOR

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as guardian for my child should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian for my child, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the minor)/(guardian of the estate of the minor)/(guardian of the minor and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as the appointed guardian for my child.

4. I request that my ..... (insert relation), ... (insert name), serve as appointed guardian of my child.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as appointed guardian of my child.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as appointed guardian of my child.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian of a minor in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal or minor.

.....

(Signature of first witness)

.....

(Print name)

.....

(Date)

.....

(Signature of second witness)

.....

(Print name)

.....

(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }
}
County of .....}

On this ..... day of ....., in the year ....., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument.

.....
(Signature of notarial officer)
(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The person nominated for appointment as the guardian of a minor pursuant to this section must file a petition and obtain an appointment from the court before exercising the powers of a guardian.

6. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 2. NRS 159A.053 is hereby amended to read as follows:

159A.053 1. A petitioner may request that the court appoint a temporary guardian for the person or the estate, or both, of a proposed protected minor by filing a verified petition.

2. The petition must state facts which establish good cause for the appointment of a temporary guardian and which show that:

(a) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159A.047 by telephone or in writing before the filing of the petition;

(b) The proposed protected minor would be exposed to an immediate risk of physical, emotional or financial harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159A.047 before the court determines whether to appoint a temporary guardian; or

(c) Giving notice to the persons entitled to notice pursuant to NRS 159A.047 is not feasible under the circumstances.

3. A petition which seeks an ex parte appointment of a temporary guardian must be accompanied by an affidavit which explains the emergency that requires a temporary guardian to be appointed before a hearing.

4. ~~[If no parent of the proposed protected minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition,~~

~~*or one or both parents have been separated from the minor due to a federal immigration order leading to no parent having the care, custody and control of the minor, temporary*~~] ***Temporary*** guardianship of the person of ~~[the]~~ ***a proposed protected*** minor is presumed to be in the best interest of the minor ~~[.]~~ ***:***

(a) If no parent of the minor has had the care, custody and control of the minor for the 6 months immediately preceding the petition; or

(b) During a period of time in which no parent has the care, custody and control of the minor because one or both parents are separated from the minor due to a federal immigration order.

5. The court may, upon that petition or other showing as it may require, appoint a temporary guardian of the person or the estate, or both, of the proposed protected minor.

6. Except as otherwise provided in subsection 7, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159A.047, including, without limitation, notice of any hearing to extend the temporary guardianship. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

7. If, before the appointment of a temporary guardian, the court was satisfied that giving notice to the persons entitled to notice pursuant to NRS 159A.047 was not feasible under the circumstances or determined that such notice was not required pursuant to paragraph (b) or (c) of subsection 2, the petitioner shall notify the persons entitled to notice pursuant to NRS 159A.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after the petitioner discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

8. Not later than 10 days after the date of an ex parte appointment of a temporary guardian pursuant to subsection 5, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in subsection 9, if the court finds by clear and convincing evidence that the protected minor continues to be in need of a temporary guardian, the court may, pursuant to subsection 10, extend the temporary guardianship until a general guardian is appointed.

9. The court may not extend a temporary guardianship pursuant to subsection 8 beyond the initial period of 10 days unless the petitioner demonstrates that:

(a) The provisions of NRS 159A.0475 have been satisfied; or

(b) Notice by publication pursuant to the Nevada Rules of Civil Procedure is currently being undertaken.

10. The court may extend the temporary guardianship, for good cause shown, for not more than two successive 60-day periods, unless extraordinary circumstances necessitate a longer duration for the temporary guardianship.

11. If for any reason a guardian who is appointed for a protected minor cannot perform the duties of a guardian, the court may, upon a petition filed to request temporary guardianship for the minor, appoint a temporary guardian to exercise the powers of a guardian until another guardian is appointed for the minor.

Sec. 3. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of cannabis in accordance with the provisions of chapter 678C of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will ***, a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act*** or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

(1) Parent.

(2) Adult sibling.

(3) Grandparent.

(4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed

protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

11. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Blind" has the meaning ascribed to it in NRS 426.082.

(c) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

Sec. 4. NRS 225.330 is hereby amended to read as follows:

225.330 "Other document" means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ***, a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act*** or a power of attorney for health care that is properly executed pursuant to NRS 162A.790.

Sec. 4.5. NRS 225.370 is hereby amended to read as follows:

225.370 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. A person who wishes to establish a lockbox and thereby register a will or other document in the Nevada Lockbox must submit to the Secretary of State:

(a) An application in the form prescribed by the Secretary of State; ***and***

(b) A copy of the will or other document to be registered **.** ~~[~~**;** ~~and~~

~~(c) The fee, if any, established by the Secretary of State pursuant to subsection 1 of NRS 225.410.]~~

2. If the person satisfies the requirements of subsection 1, the Secretary of State shall:

(a) Make an electronic reproduction of the will or other document and post it within the registrant's lockbox;

(b) Assign to the registrant a registration number and access code for the lockbox; and

(c) Provide to the registrant a registration card that includes, without limitation:

(1) The name of the registrant;

(2) The registration number assigned to the registrant pursuant to paragraph (b); and

(3) The access code assigned to the registrant pursuant to paragraph (b).

3. The Secretary of State shall establish procedures for, without limitation:

(a) The registration of a will or other document which replaces a will or other document that has been registered previously and posted within the Nevada Lockbox;

(b) The removal from the Nevada Lockbox of a will or other document that has been revoked at the request of the registrant; and

(c) The issuance of a duplicate registration card or the provision of other access by a registrant to his or her registration number and access code if a registration card issued pursuant to this section is lost, stolen, mutilated, destroyed or otherwise unavailable.

Sec. 5. NRS 225.380 is hereby amended to read as follows:

225.380 If the Nevada Lockbox is established pursuant to NRS 225.360:

1. Except as otherwise provided in this section, the Secretary of State shall not provide access to the lockbox of a registrant unless:

(a) The person requesting access provides the registration number and access code of the registrant;

(b) The Secretary of State determines that providing access to the lockbox is in the best interest of the registrant;

(c) Access to the lockbox is required pursuant to the lawful order of a court of competent jurisdiction;

(d) Access to the lockbox is requested by the registrant or his or her personal representative; or

(e) Access to the lockbox is requested by a court, hospital, law enforcement agency or other entity that needs to determine whether a person has designated a guardian ~~[.]~~ ***for himself or herself or a minor.*** Except as otherwise provided in subsection 2, the Secretary of State shall ensure that a person who needs access to the lockbox pursuant to this paragraph does not have access to any document contained in the lockbox other than a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ~~[.]~~ ***or a form requesting to nominate a guardian of a minor that is executed in accordance with section 1 of this act.***

2. A court that requests access to the lockbox pursuant to paragraph (e) of subsection 1 may access any other document contained in the lockbox as is necessary to determine whether a person has made more than one designation of a guardian.

3. A registrant or his or her personal representative may access the lockbox of the registrant for any purpose.

Sec. 5.5. NRS 225.410 is hereby amended to read as follows:

225.410 ~~[1. If the Nevada Lockbox is established pursuant to NRS 225.360, the Secretary of State may charge and collect fees for the registration of a will or other document pursuant to NRS 225.370.~~

~~—2.]~~ The Secretary of State may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of NRS 225.300 to 225.440, inclusive. A person who gives a gift, grant, bequest or other contribution may designate a specific purpose for the gift, grant, bequest or other contribution to carry out the provisions of NRS 225.300 to 225.440, inclusive.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 432B.4665 is hereby amended to read as follows:

432B.4665 1. The court may, upon the filing of a petition pursuant to NRS 432B.466, appoint a person as a guardian for a child if:

(a) The court finds:

(1) That the proposed guardian is suitable and is not disqualified from guardianship pursuant to NRS 159A.061;

(2) That the child has been in the custody of the proposed guardian for 6 months or more pursuant to a determination by a court that the child was in need of protection, unless the court waives this requirement for good cause shown;

(3) That the proposed guardian has complied with the requirements of chapter 159A of NRS; and

(4) That the burden of proof set forth in chapter 159A of NRS for the appointment of a guardian for a child has been satisfied;

(b) The child consents to the guardianship, if the child is 14 years of age or older; and

(c) The court determines that the requirements for filing a petition pursuant to NRS 432B.466 have been satisfied.

2. A guardianship established pursuant to this section:

(a) Provides the guardian with the powers and duties provided in NRS 159A.079, and subjects the guardian to the limitations set forth in NRS 159A.0805;

(b) Is subject to the provisions of NRS 159A.065 to 159A.076, inclusive, ***and section 1 of this act*** and 159A.185 to 159A.199, inclusive;

(c) Provides the guardian with sole legal and physical custody of the child;

(d) Does not result in the termination of parental rights of a parent of the child; and

(e) Does not affect any rights of the child to inheritance, a succession or any services or benefits provided by the Federal Government, this state or an agency or political subdivision of this state.

Sec. 8. (Deleted by amendment.)

Sec. 9. ~~[1.]~~ This ~~[section]~~ **act** becomes effective upon passage and approval.

~~[2. Section 8 of this act becomes effective on July 1, 2025.~~

~~3. Sections 2 and 6 of this act become effective on October 1, 2025.~~

~~4. Sections 1, 3 to 5.5, inclusive, and 7 of this act become effective:~~

~~— (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~— (b) On January 1, 2026, for all other purposes.]~~

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 952 to Assembly Bill No. 460.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 936.

AN ACT relating to ~~[education;]~~ **governmental administration;** requiring ~~[the Department of Education]~~ **certain state agencies** to prepare a report if the provisions of certain federal laws and regulations are repealed by the Federal Government; authorizing ~~[the Department of Education]~~ **such state agencies** to adopt certain regulations if such federal laws and applicable regulations are repealed by the Federal Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Individuals with Disabilities Education Act and its corresponding regulations govern how states and public agencies provide early intervention, special education and related services to pupils with disabilities. (20 U.S.C. §§ 1400 et seq.; 34 C.F.R. Part 300) The federal Family Educational Rights and Privacy Act of 1974 and its corresponding regulations set forth certain requirements governing the privacy and availability of education records at schools and institutions that receive federal funding. (20 U.S.C. § 1232g; 34 C.F.R. Part 99) ~~[The federal Health Insurance Portability and Accountability Act of 1996 and its corresponding regulations: (1) protect the privacy of certain individually identifiable health information; and (2) include provisions concerning the disclosure of such health information by certain covered entities, including, without limitation, health care providers who transmit electronically such health information in certain transactions. (Pub. L. No. 104-191; 42 U.S.C. §§ 1320d et seq.) Existing federal law prohibits discrimination based on race, color or national origin in any program or activity that receives federal funding. (Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.) Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106)]~~ The federal Every Student Succeeds Act of 2015 sets forth, without limitation, certain requirements for accountability, assessment and instruction to which a state must adhere to receive federal funding. (20 U.S.C. §§ 6301 et seq.) **Sections** ~~[2-6.3]~~ **2, 3 and 6.3** of this bill provide that, if any of these federal laws or regulations are repealed by the Federal Government, in whole or in part, the Department of Education ~~[, in collaboration with the~~

~~Nevada System of Higher Education in certain circumstances,]~~ is required to prepare a report which includes: (1) recommendations concerning how funding may be used to continue carrying out duties pursuant to provisions of federal laws and regulations which have been repealed; and (2) an analysis of the Nevada Revised Statutes to determine if provisions of the relevant federal law which were repealed should be incorporated into the Nevada Revised Statutes. **Sections** ~~[2 6.3]~~ **2, 3 and 6.3** additionally authorize the Department to adopt regulations which are substantially similar to any provisions of the relevant federal laws or regulations which were repealed. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Section 7.1 of this bill requires the Board of Regents of the University of Nevada, if Title IX of the Education Amendments Act of 1972, or the regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, to prepare a report which is substantially similar to the reports required pursuant to sections 2, 3 and 6.3 and authorizes the Board of Regents to adopt regulations which are substantially similar to any provisions of Title IX of the Education Amendments Act of 1972 or the regulations adopted pursuant thereto which were repealed.

Existing federal law prohibits discrimination based on race, color or national origin in any program or activity that receives federal funding. (Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq.) Section 7.3 of this bill requires the Division of Human Resource Management of the Department of Administration, if Title VI of the Civil Rights Act of 1964 or the regulations adopted pursuant thereto are repealed by the Federal Government, in whole or in part, to prepare a report which is substantially similar to the reports required pursuant to sections 2, 3 and 6.3 and authorizes the Department of Administration to adopt regulations which are substantially similar to any provisions of Title VI of the Civil Rights Act of 1964 or the regulations adopted pursuant thereto which were repealed. Section 7.5 of this bill applies certain definitions relating to the Department of Administration to the provisions of section 7.3.

The federal Health Insurance Portability and Accountability Act of 1996 and its corresponding regulations: (1) protect the privacy of certain personally identifiable health information; and (2) include provisions concerning the disclosure of such health information by certain covered entities, including, without limitation, health care providers who transmit electronically such health information in certain transactions. (Pub. L. No. 104-191; 42 U.S.C. §§ 1320d et seq.) Section 7.7 of this bill requires the Department of Health and Human Services, if the Health Insurance Portability and Accountability Act of 1996 or the regulations adopted

pursuant thereto are repealed by the Federal Government, in whole or in part, to prepare a report which is substantially similar to the reports required pursuant to sections 2, 3 and 6.3 and authorizes the Department of Health and Human Services to adopt regulations which are substantially similar to any provisions of the Health Insurance Portability and Accountability Act of 1996 or the regulations adopted pursuant thereto which were repealed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.7, inclusive, of this act.

Sec. 2. ***1. If the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department shall prepare a report which includes:***

(a) Recommendations for methods to continue funding services, accommodations, supports and programs carried out in this State pursuant to the repealed provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which:

(1) Ensures that there is no decrease in funding for such services, accommodations, supports and programs;

(2) Ensures that pupils with disabilities continue receiving such services, accommodations and supports without interruption;

(3) Ensures that the administration of any programs pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto continues without interruption; and

(4) Does not violate any requirements governing the use of such funding, including, without limitation, requirements relating to maintenance of effort or the use of funding to supplement and not supplant other sources of funding.

(b) An analysis of existing provisions of the Nevada Revised Statutes related to pupils with disabilities to determine whether any provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, which were repealed by the Federal Government should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 3. *1. If the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department, in collaboration with the Nevada System of Higher Education, shall prepare a report which includes:*

(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty carried out pursuant to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department, in collaboration with the System, may adopt regulations which are substantially similar to any provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 4. ~~*[1. If the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department shall prepare a report which includes:*~~

~~*(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which apply to schools in this State using federal*~~

~~*funding or funds appropriated by the Legislature for the then current biennium, in a manner which ensures that the performance of any duty carried out pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations, which apply to schools in this State, continues without interruption.*~~

~~*(b) Conduct an analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which apply to schools in this State, should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.*~~

~~*2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) The Joint Interim Standing Committee on Education;*~~

~~*(b) The Interim Finance Committee; and*~~

~~*(c) The next regular session of the Legislature.*~~

~~*3. The Department may adopt regulations which are substantially similar to any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which apply to schools in this State, and which were repealed by the Federal Government.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~*[1. If Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., is repealed by the Federal Government, in whole or in part, the Department shall prepare a report which includes:*~~

~~*(a) Recommendations for methods to continue providing funding to each school that received federal funding pursuant to the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that funding is provided to such schools without interruption.*~~

~~*(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.*~~

~~*2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) The Joint Interim Standing Committee on Education;*~~

~~*(b) The Interim Finance Committee; and*~~

~~*(c) The next regular session of the Legislature.*~~

~~*3. The Department may adopt regulations which are substantially similar to any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C.*~~

~~*§§ 2000d et seq., which were repealed by the Federal Government.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[1. If Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department, in collaboration with the Nevada System of Higher Education, shall prepare a report which includes:*~~

~~*(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program carried out pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., continues without interruption.*~~

~~*(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.*~~

~~*2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) The Joint Interim Standing Committee on Education;*~~

~~*(b) The Interim Finance Committee; and*~~

~~*(c) The next regular session of the Legislature.*~~

~~*3. The Department, in collaboration with the System, may adopt regulations which are substantially similar to any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., which were repealed by the Federal Government.]*~~ **(Deleted by amendment.)**

Sec. 6.3. ***1. If the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department*** ~~*[, in collaboration with the Nevada System of Higher Education,]*~~ ***shall prepare a report which includes:***

(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program or service carried out pursuant to the provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of the Every Student Succeeds Act of 2015, 20 U.S.C. §§ 6301 et seq., which were repealed by the Federal Government.

Sec. 6.5. (Deleted by amendment.)

Sec. 6.7. (Deleted by amendment.)

Sec. 7. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~,~~ ***, and section 2 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability

but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 7.1. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Board of Regents shall prepare a report which includes:

(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program or service carried out pursuant to the provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Education;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Board of Regents may adopt regulations which are substantially similar to any provisions of Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., which were repealed by the Federal Government.

Sec. 7.3. **Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., or any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Division of Human Resource Management of the Department shall prepare a report which includes:

(a) Recommendations for methods to continue carrying out any duties or administering any programs or services pursuant to the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty or the administration of any program or service carried out pursuant to the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and any regulations adopted pursuant thereto continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and any regulations adopted pursuant thereto should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Division of Human Resource Management shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Government Affairs;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The Department may adopt regulations which are substantially similar to any provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., which were repealed by the Federal Government.

Sec. 7.5. **NRS 232.212 is hereby amended to read as follows:**

232.212 As used in NRS 232.212 to 232.2198, inclusive, ***and section 7.3 of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Administration.
2. "Director" means the Director of the Department.
3. "Public body" has the meaning ascribed to it in NRS 241.015.

Sec. 7.7. **Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, are repealed by the Federal Government, in whole or in part, the Department shall prepare a report which includes:

(a) Recommendations for methods to continue carrying out any duties pursuant to the repealed provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, using federal funding or funds appropriated by the Legislature for the then-current biennium, in a manner which ensures that the performance of any duty carried out pursuant to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto continues without interruption.

(b) An analysis of existing provisions of the Nevada Revised Statutes to determine whether any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, should be incorporated into the Nevada Revised Statutes and an assessment of possible sources of funding to carry out such provisions.

2. The Department shall submit the report required pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Joint Interim Standing Committee on Health and Human Services;

(b) The Interim Finance Committee; and

(c) The next regular session of the Legislature.

3. The State Board of Health may adopt regulations which are substantially similar to any provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto, which were repealed by the Federal Government.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 9. This act becomes effective upon passage and approval.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 936 to Assembly Bill No. 494.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 515.

The following Senate amendment was read:

Amendment No. 985.

AN ACT relating to the protection of children; revising provisions relating to certain categorical grants to fund the adoption assistance program; providing for a study of and the development of a plan for reinvesting certain money; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law requires each child welfare agency to calculate savings realized from expanded eligibility for children under Title IV-E of the Social Security Act, known as "adoption savings," and reinvest an equal amount in the state's child welfare system. (42 U.S.C. § 673(a)(8)(D)) Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to provide a categorical grant to each agency which provides child welfare services in a county whose population is 100,000 or more (currently Clark and Washoe Counties) for each fiscal year for its adoption assistance program. Existing law requires the Division to base the amount of such a categorical grant on the estimated cost of the projected growth in the adoption assistance program. (NRS 432B.219)

Under existing law, any money remaining from such a categorical grant that has not been used or committed for expenditure by the agency by the end of the fiscal year reverts to the State General Fund in most cases. However, existing law provides that the portion of such money remaining at the end of a fiscal year that is identified as adoption savings does not revert until the end of the immediately following fiscal year. Existing law authorizes the agency which provides child welfare services that received the categorical grant to use that money for any costs of providing child welfare services without restriction during that fiscal year. (NRS 432B.219) **Section 1** of this bill instead provides that money awarded through such a categorical grant never reverts to the State General Fund, regardless of whether the money is identified as adoption savings. Additionally, **section 1** requires an agency which provides child welfare services to continue to use such money for the costs of providing child welfare services ~~[. If the money is identified as adoption savings, section 1 requires the money to be used]~~ in a manner consistent with **the requirements and restrictions imposed by** federal law. **Section 2** of this bill defines "Division" for the purposes of **sections 3, 4 and 5** of this bill to refer to the Division of Child and Family Services of the Department of Health and Human Services. **Sections 3 and 4** appropriate to the Division certain unexpended adoption savings for expenditure in accordance with federal law to provide child welfare services. **Section 5** requires the Division and other agencies which provide child welfare services in this State to study and develop a plan for reinvesting unexpended adoption savings.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.219 is hereby amended to read as follows:

432B.219 1. The Division of Child and Family Services shall provide a categorical grant to each agency which provides child welfare services for each fiscal year for its adoption assistance program to the extent that money has been appropriated to the Division for that purpose. The amount of the grant must be based upon the estimated cost of the projected growth in the adoption assistance program.

2. The amount of the grant awarded pursuant to subsection 1 must be determined for 2 years beginning on July 1 of each odd-numbered year and allocated each fiscal year.

3. Except as otherwise provided in subsection ~~*[subsections]*~~ 4~~*,*~~ ~~[~~:

~~(a) An *and 5,]*~~ ***an*** agency which provides child welfare services that receives a grant pursuant to subsection 1 must use the money allocated only for costs associated with the adoption assistance program.

~~[(b)]~~ ***4.*** Any money from the grant awarded pursuant to subsection 1 that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year ~~[reverts]~~ ***:***

(a) Does not revert to the State General Fund ~~[.]~~ ***; and***

(b) Must be used to pay the costs of providing child welfare services ~~*[.*~~

~~4. *5.* The portion of any money~~ remaining at the end of a fiscal year from a grant awarded pursuant to subsection 1 ~~*described in subsection 4*~~ that is identified as savings pursuant to the calculation required under 42 U.S.C. § 673(a)(8)(D)(ii) does not revert to the State General Fund and may ~~*673(a)(8)(A) must*~~ be carried forward to the next fiscal year and used for any costs of providing child welfare services without restriction. Any such money identified as savings that has not been used or committed for expenditure by the agency which provides child welfare services by the end of the fiscal year to which the money was carried forward reverts to the State General Fund.~~]~~ ***in a manner*** ~~*[described in paragraph (b) of subsection 4]*~~ ***that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D).***

Sec. 2. As used in sections 3, 4 and 5 of this act, "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Division for the Rural Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:

For the Fiscal Year 2025-2026.....$83,824

For the Fiscal Year 2026-2027.....$345,309

2. There is hereby appropriated from the State General Fund to the Division for the Washoe County Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:

For the Fiscal Year 2025-2026.....$607,022

For the Fiscal Year 2026-2027.....$364,788

3. There is hereby appropriated from the State General Fund to the Division for the Clark County Child Welfare budget account for the reinvestment of adoption savings calculated pursuant to 42 U.S.C. § 673(a)(8)(A) in Fiscal Year 2022-2023 and Fiscal Year 2023-2024 the following sums:

For the Fiscal Year 2025-2026.....$1,820,305
For the Fiscal Year 2026-2027.....$770,698

4. The Division shall use the money appropriated pursuant to subsections 1, 2 and 3 for the costs of providing child welfare services in a manner that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D).

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year and any remaining balance does not revert to the State General Fund.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Division for the Rural Child Welfare budget account for the reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$83,824
For the Fiscal Year 2026-2027.....$345,309

2. There is hereby appropriated from the State General Fund to the Division for the Washoe County Child Welfare budget account for the reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$607,022
For the Fiscal Year 2026-2027.....$364,788

3. There is hereby appropriated from the State General Fund to the Division for the Clark County Child Welfare budget account for the reinvestment of adoption savings as a result of the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B) the following sums:

For the Fiscal Year 2025-2026.....$1,820,305
For the Fiscal Year 2026-2027.....$770,698

4. The Division shall use the money appropriated pursuant to subsections 1, 2 and 3 for the costs of providing child welfare services in a manner that is consistent with the requirements and restrictions set forth in 42 U.S.C. § 673(a)(8)(D) in order to reduce the cumulative total unexpended balance reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B).

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year and any remaining balance does not revert to the State General Fund.

Sec. 5. 1. During the 2025-2026 interim, the Division, in consultation with the Office of Finance and the other agencies which provide child welfare services in this State, shall:

(a) Study the reinvestment, in accordance with 42 U.S.C. § 673(a)(8)(D), of adoption savings as a result of the cumulative total unexpended balance

reported to the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 673(a)(8)(B); and

(b) Based on the findings of the study, develop a plan to reinvest those adoption savings as described in paragraph (a).

2. The study conducted pursuant to paragraph (a) of subsection 1 must include, without limitation, an internal audit by each agency which provides child welfare services in this State to determine which expenditures of **state revenue by** the agency may be eligible uses under 42 U.S.C. § 673(a)(8)(D) for reinvested adoption savings.

3. The Division shall coordinate with the United States Secretary of Health and Human Services to amend the cumulative total unexpended balance reported to the Secretary pursuant to 42 U.S.C. § 673(a)(8)(B) as necessary based on the study conducted pursuant to paragraph (a) of subsection 1.

4. The Division shall utilize the plan developed pursuant to paragraph (b) of subsection 1 when developing its budget for the 2027-2029 biennium. The Governor shall utilize that plan when developing the proposed executive budget for the 2027-2029 biennium.

5. On or before February 1, 2026, the Division shall submit the plan developed pursuant to paragraph (b) of subsection 1 and any recommendations resulting from the study pursuant to paragraph (a) of subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

6. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 6. **1.** This ~~[act becomes]~~ **section and section 1 of this act become effective upon passage and approval.**

2. Sections 2 to 5, inclusive, of this act become effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 985 to Assembly Bill No. 515.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 570.

The following Senate amendment was read:

Amendment No. 931.

AN ACT making appropriations to the Department of Corrections for various purposes relating to ~~[Internet connectivity,]~~ computer hardware and software, vehicles, training, furniture and other equipment; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Prison Medical Care budget account

for the replacement of medical and dental equipment the following sums:

For the Fiscal Year 2025-2026.....$324,664

For the Fiscal Year 2026-2027.....$39,939

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account for the replacement of vehicles the following sums:

For the Fiscal Year 2025-2026.....$5,154,386

For the Fiscal Year 2026-2027.....$43,446

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account for the replacement of equipment related to information technology networks and systems the following sums:

For the Fiscal Year 2025-2026.....$161,526

For the Fiscal Year 2026-2027.....$133,153

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. (Deleted by amendment.)

Sec. 5. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $225,750 for the replacement of refrigerator trucks . ~~[, a garbage truck and a dump truck.]~~

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $123,308 for the replacement of office chairs and furniture for an executive office.

Sec. 7. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $2,861,657 for the replacement of passenger buses and purchase of transport vans.

Sec. 8. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $103,347 for the replacement of computer hardware and associated software.

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $1,313,733 for equipment and training for correctional officers.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Corrections for the Correctional Programs budget account the sum of $71,604 for the replacement of office chairs.

Sec. 11. Any remaining balance of an appropriation made by sections 5 to 10, inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 12. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for the Office of the Director budget account the sum of $341,630 for the replacement of hardware, software and equipment for information technology servers.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 13. 1. This section and sections 1 to 11, inclusive, of this act become effective on July 1, 2025.

2. Section 12 of this act becomes effective on July 1, 2026.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 931 to Assembly Bill No. 570.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 571.

The following Senate amendment was read:

Amendment No. 988.

SUMMARY—Makes appropriations to the Department of Education for ~~[certain surveys, offsets to decreases in federal grant funding,]~~ professional development costs, information technology projects, programs, grants and studies. (BDR S-1194)

AN ACT making appropriations to the Department of Education for ~~[certain surveys, offsets to decreases in federal grant funding,]~~ professional development costs, information technology projects, programs, grants and studies; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education for the Educator Effectiveness budget account for administration of the statewide surveys of educators on exit or transfer and regarding working conditions the following sums:~~

~~For the Fiscal Year 2025-2026.....$1,100,000~~

~~For the Fiscal Year 2026-2027.....$900,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.~~] **(Deleted by amendment.)**

Sec. 2. ~~[1. There is hereby appropriated from the State General Fund to the Department of Education for the Educator Effectiveness budget account for transfer to the State Public Charter School Authority created by NRS 388A.150 to offset a decrease in federal grant funding the following sums:~~

~~For the Fiscal Year 2025-2026.....$1,307,938~~

~~For the Fiscal Year 2026-2027.....$1,307,938~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the~~

~~end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.~~ **(Deleted by amendment.)**

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Standards and Instructional Support budget account for additional software licenses for the Canvas learning management system the following sums:

For the Fiscal Year 2025-2026.....$560,370

For the Fiscal Year 2026-2027.....$495,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Safe and Respectful Learning budget account for development of custom reports from the student information management system the following sums:

For the Fiscal Year 2025-2026.....$50,000

For the Fiscal Year 2026-2027.....$50,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Department of Education for the Safe and Respectful Learning budget

account for the implementation of the multi-tiered system of supports framework and related training the following sums:

For the Fiscal Year 2025-2026.....~~[$3,000,000]~~ **$2,290,078**

For the Fiscal Year 2026-2027.....~~[$3,000,000]~~ **$2,290,078**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 5.5. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $4,000,000 for the Other State Education Programs budget account for the purpose of creating a grant program to allow teachers and specialized instructional support personnel to obtain necessary supplies and materials for their classrooms or school operations, respectively.**

2. Of the sum appropriated by subsection 1, the Department shall not expend more than $2,000,000 in Fiscal Year 2025-2026.

3. The Department shall enter into an agreement with one or more organizations to provide such organizations with a grant from the Department to administer a program whereby the organizations expend grant money to directly provide teachers and specialized instructional support personnel with necessary supplies and materials for their classrooms or school operations, respectively, in response to a request from such persons.

4. Except as otherwise provided in this subsection, an agreement made pursuant to subsection 3 must require that an organization that receives grant money expend not more than $500 per individual teacher or specialized instructional support personnel following a request made pursuant to subsection 3. An individual teacher or specialized instructional support personnel may request that the organization expend money in excess of $500 and, to the extent that money from a source other than the grant program established pursuant to this section is available, such a request may be fulfilled.

5. As used in this section, "specialized instructional support personnel" includes persons employed by a school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

(a) A school counselor;

(b) A school psychologist;
(c) A school social worker;
(d) A school nurse;
(e) A speech-language pathologist;
(f) A school library media specialist; and
(g) Any other qualified professional.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.

Sec. 6. There is hereby appropriated from the State General Fund to the Department of Education the sum of $35,000 for the Office of the Superintendent budget account for a study of the effectiveness of the Pupil-Centered Funding Plan.

Sec. 7. There is hereby appropriated from the State General Fund to the Department of Education the sum of $35,200 for the Standards and Instructional Support budget account for the State Seal of Biliteracy Program established pursuant to NRS 388.591.

Sec. 8. There is hereby appropriated from the State General Fund to the Department of Education the sum of $10,843 for the Standards and Instructional Support budget account for the State Seal of STEM Program established pursuant to NRS 388.594 and the State Seal of STEAM Program established pursuant to NRS 388.597.

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Education the sum of $12,765 for the Standards and Instructional Support budget account for the State Seal of Civics Program established pursuant to NRS 388.5933 and the civic excellence designation program set forth in NRS 388.5937.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Education the sum of $218,948 for the Assessments and Accountability budget account for the development and implementation of a new Nevada School Performance Framework.

Sec. 11. There is hereby appropriated from the State General Fund to the Department of Education the sum of $348,000 for the District Support Services budget account for grants to local education agencies for financial and operational efficiency.

Sec. 12. There is hereby appropriated from the State General Fund to the Department of Education the sum of $30,000 for the District Support Services budget account for the costs of a contract to review and analyze the programs and policies of the Department.

Sec. 13. There is hereby appropriated from the State General Fund to the Department of Education the sum of $500,000 for the Educator Effectiveness budget account for the costs of a contract to conduct the gap analysis study described in subsection 1 of NRS 385.920.

Sec. 13.5. **There is hereby appropriated from the State General Fund to the Department of Education the sum of $2,000,000 for the Standards and Instructional Support budget account for online learning platform licenses.**

Sec. 14. Any remaining balance of the appropriations made by sections 6 to ~~[13,]~~ **13.5,** inclusive, of this act must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 15. This act becomes effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly do not concur in Senate Amendment No. 988 to Assembly Bill No. 571.

Motion carried.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 598.

The following Senate amendment was read:

Amendment No. 950.

AN ACT relating to state land; exempting the development of state land for a certain qualified project or for certain cottages from certain provisions governing the oversight of certain buildings by the State Public Works Division of the Department of Administration and certain provisions governing public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain duties of the State Public Works Division of the Department of Administration which include, without limitation, the oversight and involvement of the Division in the planning, maintenance and construction of buildings upon property of the State. (Chapter 341 of NRS) Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects. (NRS 338.013-338.090) Additionally, existing law establishes a program to provide matching funds to qualified projects that are facilities to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. (NRS 231.3711-231.3739) This bill exempts the development of certain state land for a qualified project or cottages to provide services related to behavioral health issues in children undertaken by the Campus for Hope Foundation, or its successor organization,

from: (1) certain provisions governing state buildings and the oversight or involvement of the Division; and (2) certain provisions governing public works. This bill also requires ~~[, with certain exceptions,]~~ a contractor or subcontractor who is awarded a contract for the development of certain state land **for a qualified project** to comply with prevailing wage requirements. ~~[Finally, this bill exempts a contract for the development of state land for certain cottages to provide services related to behavioral health issues in children from prevailing wage requirements if the contractor has a project labor agreement.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The development of state land for a qualified project or for cottages to provide services related to behavioral health issues in children by the Campus for Hope Foundation, or its successor organization, is:

(a) Exempt from the provisions of chapter 341 of NRS and not subject to the oversight or involvement of the State Public Works Division of the Department of Administration; and

(b) Except as otherwise provided in ~~[subsections]~~ **subsection** 2 **,** ~~[and 3,]~~ exempt from the provisions of chapter 338 of NRS.

2. ~~[Except as otherwise provided in subsection 3, the]~~ **The** provisions of NRS 338.013 to 338.090, inclusive, apply to any contract awarded to a contractor or subcontractor by the Campus for Hope Foundation, or its successor organization, for the development of state land for a qualified project in the same manner as if a public body had awarded the contract.

3. ~~[The provisions of NRS 338.013 to 338.090, inclusive, do not apply to any contract awarded by the Campus for Hope Foundation, or its successor organization, for the development of state land for cottages to provide services related to behavioral health issues in children if the contractor has a project labor agreement.~~

~~4.]~~ As used in this section:

(a) "Development" includes, without limitation, any construction, improvement, repair, demolition, reconstruction, acquisition, equipment, operation or maintenance related to the qualified project or the cottages to provide services related to behavioral health issues in children by the Campus for Hope Foundation, or its successor organization.

(b) "Qualified project" has the meaning ascribed to it in NRS 231.3723.

(c) "State land" means that portion of the real property commonly known as the Southern Nevada Adult Mental Health Services Campus which includes Clark County parcel numbers 163-02-601-007 and 163-02-601-005.

Sec. 2. This act becomes effective upon passage and approval.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 950 to Assembly Bill No. 598.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 301, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 696 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

SELENA LA RUE HATCH	EDGAR FLORES
SHEA BACKUS	ANGELA TAYLOR
ALEXIS HANSEN	JOHN STEINBECK
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA3.

SUMMARY—Revises provisions relating to ~~[general improvement districts.]~~ **community development.** (BDR 25-1047)

AN ACT relating to ~~[general improvement districts;]~~ **community development; requiring certain records to be maintained by the board of trustees of certain general improvement districts;** increasing the compensation of the board of trustees of certain general improvement districts; **requiring a general improvement district created for acquiring television maintenance facilities to report certain information annually to the board of county commissioners of the county in which the district is located; exempting certain general improvement districts from an annual publication of certain notices of budget adoption and filing; revising provisions governing the procedure for applying for transferable tax credits for affordable housing and the transfer of such tax credits;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, the creation of a general improvement district to provide certain governmental services and facilities to the residents of the district. (NRS 318.116) **Existing law requires the secretary of the board of a district to keep in a well-bound book a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. (NRS 318.085) Section 1 of this bill eliminates the requirement to keep this information in a well-bound book but still requires the secretary to keep such information. Section 1 requires the secretary to also keep a record of budgets and any other information or records necessary for carrying out the duties of the board.**

Existing law requires the treasurer of the board to keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. (NRS 318.085) Section 1

provides that this information includes all audits and financial statements of the district.

Section 1 also provides that all records of the board's actions, including, without limitation, minutes, budgets, audits and financial statements, must be: (1) published on the Internet website maintained by the board; or (2) provided to the county in which the district is located for publication on the Internet website of the county.

Existing law further sets the maximum compensation of a member of a board of a district to not more than: (1) $6,000 per year; or (2) $9,000 per year if the board of a district has been granted certain powers relating to acquiring sanitary sewer improvements, collection and disposal of garbage and refuse and supply, storage and distribution of water for private and public purposes. (NRS 318.085) **Section 1** ~~[of this bill]~~ increases the compensation each member of a board of a district granted such powers may receive from not more than $9,000 per year to not more than $14,500 per year.

Existing law gives the board of a district created wholly or in part for acquiring television maintenance facilities certain powers. (NRS 318.1192) Section 3 of this bill requires the board of such a district to submit an annual report to the board of county commissioners of the county in which the district is located that sets forth, without limitation: (1) the budget and expenditures of the district; (2) the status of the equipment of the district; (3) the status of any license held by the district; (4) a recommendation as to whether the continuation of the district is necessary; and (5) any information necessary for the board of county commissioners to review the work of the board and determine whether the board is achieving its statutory purpose.

Existing law authorizes certain special districts, including general improvement districts, with annual total expenditures of less than $300,000 to petition the Department of Taxation for exemption from the requirements of the Local Government Budget and Finance Act (NRS 354.470-354.626) for the filing of certain budget documents and audit reports. Existing law further provides that if an exemption is granted by the Department, the special district is exempt from all publication requirements of the Local Government Budget and Finance Act, except that the Department of Taxation by regulation shall require an annual publication of a notice of budget adoption and filing. (NRS 354.475) Section 4 of this bill provides that if a petition filed by a general improvement district is granted by the Department, the board of the general improvement district is exempt from all publication requirements of the Local Government Budget and Finance Act but is required publish the district's budget, financial statements and audits that are required by section 1.

Existing law authorizes the Housing Division of the Department of Business and Industry to issue transferable tax credits, which are authorized to be taken against certain state taxes, to the sponsor of a

project for the acquisition, development, construction, improvement, expansion, reconstruction or rehabilitation of a qualified low-income housing project, as defined by existing federal law. (NRS 360.860-360.870; 26 U.S.C. § 42(g)) Under existing law, to be issued transferable tax credits, the project sponsor is required to: (1) apply to, and obtain from, the Division a reservation of an amount of transferable tax credits; (2) close the project within a certain period after obtaining a reservation of transferable tax credits by acquiring title to the project site, entering into an agreement with a licensed contractor to construct the project and obtaining certain financing for the project; and (3) submit to the Division a final application for the issuance of transferable tax credits not less than 45 days before the project closes. A project sponsor that is issued transferable tax credits is authorized to transfer the credits to another entity, which may transfer those transferable tax credits to one or more of its subsidiaries or affiliates. (NRS 360.867)

Section 5 of this bill: (1) requires, with certain exceptions, a final application for the issuance of transferable tax credits to be submitted not less than 15 days before the closing of the project rather than not less than 45 days before the closing of the project; (2) authorizes a project sponsor to demonstrate the acquisition of the land to close the project by entering into a long-term ground lease for the project site; and (3) authorizes a project sponsor to transfer transferable tax credits to a member or partner of the project sponsor to any other entity, who may then transfer the transferable tax credits to another entity.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 318.085 is hereby amended to read as follows:

318.085 Except as otherwise provided in NRS 318.0953 and 318.09533:

1. After taking oaths and filing bonds, the board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.

2. The board shall adopt a seal.

3. The secretary shall keep audio recordings or transcripts of all meetings and ~~[, in a well-bound book,]~~ a record of all of the board's proceedings, minutes of all meetings, ***budgets,*** any certificates, contracts, bonds given by employees ~~[and]~~ all corporate acts ~~[.]~~ ***and any other information or records necessary for carrying out the duties of the board.*** Except as otherwise provided in NRS 241.035, ~~[the book,]~~ audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district ***, including, without limitation, all audits and financial statements,*** in permanent records. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than $50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.

5. ***All records of the board's actions, including, without limitation, minutes, budgets, audits and financial statements, must be:***

(a) Published on the Internet website maintained by the board; or

(b) Provided to the county in which the district is located for publication on the Internet website of the county. All information provided to the county pursuant to this paragraph must be submitted in a format that allows for publishing in accordance with Title II of the Americans with Disabilities Act.

6. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than $6,000 per year. Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than ~~[$9,000]~~ ***$14,500*** per year.

~~[6.]~~ ***7.*** The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.

~~[6. 7.]~~ ***8.*** As used in this section, "compensation" does not include any contribution made to the Public Employees' Retirement System on behalf of a member of the board of trustees.

Sec. 2. (Deleted by amendment.)

Sec. 3. **NRS 318.1192 is hereby amended to read as follows:**

318.1192 ***1.*** In the case of a district created wholly or in part for acquiring television maintenance facilities, the board shall have power to:

~~[1.]~~ ***(a)*** Acquire television broadcast, transmission and relay improvements and construct and operate a video service network pursuant to chapter 711 of NRS.

~~[2.]~~ ***(b)*** Levy special assessments against specially benefited real property on which are located television receivers operated within the district and able to receive television broadcasts supplied by the district.

~~[3.]~~ ***(c)*** Fix tolls, rates and other service or use charges for services furnished by the district or facilities of the district, including, without limitation, any one, all or any combination of the following:

~~[(a)]~~ ***(1)*** Flat rate charges;

~~[(b)]~~ ***(2)*** Charges classified by the number of receivers;

~~[(c)]~~ ***(3)*** Charges classified by the value of property served by television receivers;

~~[(d)]~~ ***(4)*** Charges classified by the character of the property served by television receivers;

~~[(e)]~~ ***(5)*** Minimum charges;

~~[(f)]~~ ***(6)*** Stand-by charges; or

~~[(g)]~~ ***(7)*** Other charges based on the availability of service.

~~[4.]~~ ***2.*** The district shall not have the power in connection with the basic power stated in this section to borrow money which loan is evidenced by the issuance of any general obligation bonds or other general obligations of the district.

3. The board of the district shall submit an annual report to the board of county commissioners of the county in which the district is located. The annual report must set forth, without limitation:

(a) The budget and expenditures of the district;

(b) The status of the equipment of the district;

(c) The status of any license held by the district;

(d) A recommendation as to whether the continuation of the district is necessary; and

(e) Any information necessary for the board of county commissioners to review the work of the board and determine whether the board is achieving its statutory purpose.

Sec. 4. **NRS 354.475 is hereby amended to read as follows:**

354.475 1. All special districts subject to the provisions of the Local Government Budget and Finance Act with annual total expenditures of less than $300,000 may petition the Department of Taxation for exemption from the requirements of the Local Government Budget and Finance Act for the filing of certain budget documents and audit reports. Such districts may further petition to use a cash basis of accounting.

2. A special district subject to the provisions of the Local Government Budget and Finance Act with budgeted annual total expenditures of $300,000 or more in a fiscal year that reasonably anticipates its actual annual total expenditures for that fiscal year will be less than $300,000 may petition the Department of Taxation for a conditional exemption from the requirement of providing for an annual audit pursuant to NRS 354.624 for that fiscal year. If the actual annual total expenditures of the special district are $300,000 or more, the special district shall provide for an annual audit for that fiscal year.

3. A petition filed with the Department of Taxation:

(a) Pursuant to subsection 1 must be received by the Department of Taxation on or before March 1 to be effective for the succeeding fiscal year; or

(b) Pursuant to subsection 2 must be received by the Department of Taxation on or before March 1 to be effective for the current fiscal year.

4. A board of county commissioners may request the Department of Taxation to audit the financial records of a special district that is exempt from the requirement of providing for an annual audit pursuant to this section.

5. If a petition filed by a special district pursuant to subsection 1 is granted by the Department of Taxation:

(a) The minimum required of the special district is the filing with the Department of Taxation of an annual budget on or before April 15 of each year and the filing of fiscal reports in accordance with NRS 354.6015; and

(b) The special district is exempt from all publication requirements of the Local Government Budget and Finance Act, except that the Department of Taxation by regulation shall require an annual publication of a notice of budget adoption and filing. ***If a petition filed by a general improvement district pursuant to subsection 1 is granted by the Department of Taxation, the board of the general improvement district is exempt from all publication requirements of the Local Government Budget and Finance Act but shall publish the district's budget, financial statements and audits that are described in NRS 318.085.***

6. The Committee on Local Government Finance shall adopt regulations pursuant to NRS 354.594 which are necessary to carry out the purposes of this section.

7. The revenue recorded in accounts that are kept on a cash basis must consist of cash items.

8. As used in this section, "cash basis" means the system of accounting under which revenues are recorded only when received and expenditures or expenses are recorded only when paid.

Sec. 5. **NRS 360.867 is hereby amended to read as follows:**

360.867 1. On behalf of a project, the project sponsor may apply to the Division for a certificate of eligibility for transferable tax credits which may be applied to:

(a) Any tax imposed by chapter 363A or 363B of NRS;

(b) The gaming license fees imposed by the provisions of NRS 463.370;

(c) Any tax imposed by chapter 680B of NRS; or

(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. To apply for a certificate of eligibility for transferable tax credits, the project sponsor must:

(a) Submit an application on a form prescribed by the Division; and

(b) Comply with the requirements to obtain an allocation of federal low-income housing tax credits which are set forth in the qualified allocation plan.

3. The Division shall:

(a) Review each application for a certificate of eligibility for transferable tax credits submitted pursuant to subsection 2 and any supporting documents to determine whether the requirements for eligibility for a reservation of transferable tax credits are met and the amount of transferable tax credit threshold points awarded to the project;

(b) Determine the amount of transferable tax credits for which the project may be eligible, which amount must equal the amount determined by the Division to be necessary to make the project financially feasible after considering all other sources of financing for the project; and

(c) Reserve the amount of transferable tax credits for which each project is determined to be eligible pursuant to paragraph (b) in the order of the amount of transferable tax credit threshold points awarded to each such project pursuant to paragraph (a) until a reservation is made for each project or the amount of transferable credits reserved for the fiscal year is equal to the amount of transferable tax credits which the Division is authorized to approve for the fiscal year pursuant to NRS 360.868, whichever occurs first. If the amount of transferable tax credits reserved for the fiscal year reaches the amount of transferable tax credits which the Division is authorized to approve for the fiscal year pursuant to NRS 360.868 before each eligible project is reserved the full amount of transferable tax credits for which it is determined to be eligible pursuant to paragraph (b), the Division may take any action that the Division determines will ensure the maximum development of affordable housing in this State, including, without limitation, proportionally reducing the reservation of each project for which transferable tax credits are reserved or reserving for the last project to receive a reservation of transferable tax credits an amount of transferable tax credits that is less than the full amount of transferable tax credits for which the project was determined to be eligible pursuant to paragraph (b).

4. If the Division reserves transferable tax credits for a project pursuant to subsection 3, the Division shall provide written notice of the reservation which identifies the amount of the tax credits reserved for the project to:

(a) The project sponsor;

(b) The Department;

(c) The Nevada Gaming Control Board;

(d) The Office of Finance; and

(e) The Fiscal Analysis Division of the Legislative Counsel Bureau.

5. The Division:

(a) Shall terminate a reservation of transferable tax credits if the project for which the reservation is awarded is not closed within the period specified in paragraph (a) of subsection 6 unless, before the expiration of that period, the Division receives from the project sponsor a written request for an extension of not more than 45 days. The Division may grant only one extension pursuant to this paragraph and, if the project is not closed before the expiration of the extension period, the Division must terminate the reservation of transferable

tax credits. A request for an extension submitted pursuant to this paragraph must be accompanied by proof satisfactory to the Division that:

(1) The requirements for financing the project have been substantially completed;

(2) The delay in closing was the result of circumstances that could not have been anticipated by and were outside the control of the project sponsor at the time the application was submitted by the project sponsor; and

(3) The project will be closed not later than 45 days after the Division receives the request.

(b) May terminate a reservation of transferable tax credits if the Division determines that any event, circumstance or condition occurs for which a reservation of federal low-income housing tax credits may be terminated. If transferable tax credits are terminated pursuant to this paragraph, the Division may issue a reservation for the amount of transferable tax credits terminated to other projects eligible for transferable tax credits in the order of the amount of transferable tax credit threshold points awarded to each such project pursuant to paragraph (a) of subsection 3.

6. Except as otherwise provided in this section, to be issued transferable tax credits:

(a) Not later than 270 days after the Division provides written notice of the reservation of transferable tax credits pursuant to subsection 4, the project sponsor must demonstrate to the Division that the project has been closed by providing proof satisfactory to the Division that the project sponsor has:

(1) Purchased and holds title in fee simple to ***, or has entered into a long-term ground lease for,*** the project site in the name of the project sponsor.

(2) Entered into a written agreement with a contractor who is licensed in this State to begin construction.

(3) Obtained adequate financing for the construction of the project. The applicant must provide written commitments or contracts from third parties.

(4) Executed a written commitment for a loan for permanent financing for the construction of the project in an amount that ensures the financial feasibility of the project. The commitment may be subject to the condition that the construction is completed and the project is appraised for an amount sufficient to justify the loan in accordance with the requirements of the lender for credit. If the project is a rural development project that receives loans or grants from the United States Department of Agriculture, the applicant must provide a form approved by the Division that indicates that money has been obligated for the construction of the project before the expiration of the period. An advance of that money is not required before the expiration of the period.

(b) Not less than ~~[45]~~ ***15*** days before the project is closed, the project sponsor must submit to the Division a final application for transferable tax credits on a form provided by the Division and such other information as the Division deems necessary to determine whether the project qualifies for the issuance of transferable tax credits. Upon receipt of a final application pursuant to this paragraph, the Division shall complete a review of the project and the

project sponsor. If, after such review, the Division determines that the project complies with the requirements upon which transferable tax credits were reserved pursuant to this section and a declaration of restrictive covenants and conditions will be recorded in the office of the county recorder for the county in which the project is located:

(1) The Division shall:

(I) Determine the appropriate amount of transferable tax credits for the project, which must be the amount the Division determines is necessary to make the project financially feasible after all other sources of funding are allocated and paid toward the final cost of the project and may not exceed the amount of transferable tax credits reserved for the project pursuant to this section; and

(II) Notify the project sponsor that the transferable tax credits will be issued;

(2) Within 30 days after the receipt of the notice, the project sponsor shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued; and

(3) Upon receipt of the declaration described in subparagraph (2), the Division shall issue transferable tax credits to the project sponsor in the amount approved by the Division. ***The project sponsor may transfer the transferable tax credits to a member or partner of the project sponsor or to any other entity.*** The project sponsor shall notify the Division upon transferring any transferable tax credits. An entity to which a project sponsor transfers any transferable tax credits may transfer those transferable tax credits to one or more of its subsidiaries or affiliates and shall notify the Division upon making any such transfer. The Division shall notify the Department of Taxation, the Office of Finance, the Fiscal Analysis Division of the Legislative Counsel Bureau and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, and of all transferable tax credits transferred, segregated by each fee or tax set forth in subsection 1.

7. Upon completion of the project, the project sponsor shall submit to the Division a certification of costs on a form provided by the Division and such other information as the Division deems necessary to determine the final cost of the project. If, based upon the final cost of the project indicated in the certification of costs, the Division determines that the amount of transferable tax credits issued by the Division to the project sponsor is greater than the amount of transferable tax credits to which the project sponsor is entitled:

(a) The Division shall notify the project sponsor, the Department of Taxation, the Office of Finance, the Fiscal Analysis Division of the Legislative Counsel Bureau and the Nevada Gaming Control Board that the project sponsor is required to repay the portion of the transferable tax credits to which the project sponsor is not entitled. The notice must specify the amount of transferable tax credits that the project sponsor is required to repay.

(b) The project sponsor shall repay to the Department of Taxation or the Nevada Gaming Control Board, as applicable, the portion of the transferable tax credits to which the project sponsor is not entitled.

8. The project sponsor may submit a request to the Administrator of the Division to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Administrator of the Division shall determine whether to protect the information from disclosure. The decision of the Administrator of the Division is final and is not subject to judicial review. If the Administrator of the Division determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Administrator of the Division from any copy of the application that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Division unless the lead participant consents to the disclosure.

9. The Division may adopt any regulations necessary to carry out the provisions of NRS 360.860 to 360.870, inclusive.

10. The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which transferable tax credits described in this section will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of NRS 360.860 to 360.870, inclusive.

11. As used in this section:

(a) "Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a specified person.

(b) "Certification of costs" means a report from an independent certified public accountant attesting:

(1) To the amount of the actual costs of construction of the project; and

(2) That those costs may be included in the eligible basis of the project pursuant to the provisions of 26 U.S.C. § 42.

(c) "Subsidiary" means an entity in which a person owns beneficially or of record 50 percent or more of the outstanding equity interests.

(d) "Transferable tax credit threshold points" means points awarded based on specific objectives determined by the Division through the dissemination of a strategic plan for the development of affordable housing created by the Division, the review of housing data and the receipt of input from persons interested in the development of affordable housing.

Sec. 6. **1. This section and section 5 of this act become effective on July 1, 2025.**

2. Sections 1 to 4, inclusive, of this act become effective on October 1, 2025.

Assemblymember Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 301.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 15, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 568 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

HOWARD WATTS	ROCHELLE T. NGUYEN
TRACY BROWN-MAY	MICHELE CRUZ-CRAWFORD
TOBY YUREK	JOHN C. STEINBECK
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA2

AN ACT relating to governmental administration; revising provisions relating to the timing of when an annual meeting of a debt management commission must occur; revising the hours the office of the county treasurer is required to be kept open; revising the contents of a notice of delinquent taxes; **revising provisions relating to certain fees imposed by certain counties and cities on the construction of a structure or the grading of land for certain purposes;** revising provisions relating to certain property held in trust by the county treasurer; eliminating the requirement that a school associate superintendent provide a quarterly report to the governing body of a county within a local school precinct; revising the notice requirements relating to applications for certain franchises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates a debt management commission in each county of this State and requires a commission to review and vote on proposals of a municipality to incur certain debts, levy a special elective tax, issue certain bonds or enter into an installment-purchase agreement with a term of more than 10 years. Existing law also requires a commission to review and vote on proposals by general improvement districts to issue medium-term obligations, borrow money or issue certain securities, among certain other duties and responsibilities. (NRS 350.0115, 350.014) Existing law requires a debt management commission to meet annually in August and at the call of the chair for certain purposes, in addition to certain other meetings. (NRS 350.012) **Section 2** of this bill eliminates the requirement that the annual meeting be held in August. **Sections 1 and 3** of this bill make conforming changes to remove references to the annual meeting being held in August.

Existing law authorizes the board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) and which is home to a species or subspecies that has been declared endangered or threatened pursuant to federal law to: (1) impose a fee on the construction of a structure or the grading of land in the

unincorporated areas of the county; (2) deposit the money collected from the fee into an enterprise fund; and (3) use the money from the fee to fund an area or zone for the preservation of the endangered or threatened species or subspecies. (NRS 244.386) Existing law also allows the governing body of a city to: (1) impose a similar fee if the county in which the city is located has created such an enterprise fund; (2) deposit the fee into the enterprise fund; and (3) use the money collected from the fee to take certain measures to conserve the endangered or threatened species or subspecies. (NRS 268.4413, 268.4415). Sections 3.3, 3.7 and 3.9 of this bill allow the money collected from such fees to also be used for the establishment of plans and programs for the conservation of the habitat and ecosystems in certain areas or zones. Sections 3.3 and 3.7 require any such fee collected to be based upon an economic analysis of the cost to carry out such a plan or program for habitat and ecosystem conservation. Section 3.3 also authorizes a board of county commissioners that imposes such a fee to adjust the fee for inflation beginning in Fiscal Year 2026-2027.

Existing law requires, subject to certain exceptions, sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers to keep open the county office and branch offices, if any, on all days except Sundays and nonjudicial days from 9 a.m. to 12 p.m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. Existing law also authorizes the board of county commissioners of any county to designate or authorize deviation from the days and hours, but requires each office to be kept open for not less than 40 hours during each week. (NRS 245.040) Existing law establishes that the county treasurers are tax receivers for the county. (NRS 361.475) **Section 3.5** of this bill provides that the county office and branch offices, if any, of the county treasurer may not close earlier than 5 p.m. on any business day but may close later than 5 p.m.

Existing law requires the tax receiver of the county to mail notice of delinquent taxes to certain persons. The notice of delinquency must state certain information including that if the amount of delinquent taxes is not paid, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property. (NRS 361.5648) **Section 4** of this bill provides instead that the notice of delinquency must state that if the amount of delinquent taxes is not paid, the tax receiver will, at the close of business of the tax receiver of the county on the first Monday in June of the current year, issue a certificate authorizing the county treasurer to hold the property.

Existing law requires the tax receiver to make out a trustee's certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The trustee's certificate authorizes the county treasurer to hold each property for a certain period of time. (NRS 361.570) When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the

certificate is required to execute and deliver to the county treasurer a deed of the property. Upon obtaining such a deed, the county treasurer is required to hold the property in trust until it is sold or otherwise disposed of. Existing law provides that during certain periods or not later than 5 p.m. on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs. (NRS 361.585) **Section 5** of this bill provides instead that during certain periods or not later than the close of business of the county treasurer on the third business day before the day of the sale by a county treasurer, certain persons are entitled to have the property reconveyed upon the receipt by the county treasurer of payment of the delinquent taxes and certain costs.

Existing law authorizes, under certain circumstances, the county treasurer to sell property held in trust because of delinquent taxes. Upon payment, the county treasurer is required, with certain exceptions, to issue a quitclaim deed to the purchaser. Existing law provides an exception to this requirement to issue a quitclaim deed under certain circumstances, if, not later than 5 p.m. on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements. (NRS 361.595) **Section 6** of this bill provides instead that, under certain circumstances, the county treasurer may not issue the quitclaim deed if, not later than the close of business of the county treasurer on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit that meets certain requirements.

Existing law requires the superintendent of schools in a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District) to assign a school associate superintendent to oversee one or more local school precincts. (NRS 388G.620) Existing law prescribes the duties of a school associate superintendent, including requiring a school associate superintendent to provide a report in person, not less than quarterly, to the governing body of each city and county within which a local school precinct to which he or she is assigned to oversee is located. (NRS 388G.630) **Section 7** of this bill eliminates the requirement to report to a county.

Exiting law authorizes a board of county commissioners to grant a franchise to construct, install, operate, and maintain street railways, electric light, heat and power lines, gas and water mains and telephone lines, among certain other things. (NRS 709.050) Any person or entity desiring a franchise is required to file an application in writing with the board of county commissioners wherein the franchise is to be exercised. (NRS 709.060) Notice of such an application is required to be given at the next regular meeting of the board and is required to be: (1) published once each week for 4 consecutive weeks in a newspaper of general circulation published in the county, subject to certain exceptions; and (2) posted in three public places nearest where the application will take

effect, and if more than one unincorporated town is affected, posted in three public places in each of the unincorporated towns. (NRS 709.070) **Section 8** of this bill revises such requirements to post the notice from three places to one place if more than one unincorporated town is affected by reducing the postings required in public places in each of the unincorporated towns.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 350.0115 is hereby amended to read as follows:

350.0115 1. There is hereby created in each county whose population is 700,000 or more a debt management commission, to be composed of:

(a) Three representatives of the board of county commissioners from its membership;

(b) One representative of each governing body of the five largest incorporated cities in the county from its membership;

(c) One representative of the board of trustees of the county school district from its membership; and

(d) Two representatives of the public at large.

2. There is hereby created in each county whose population is less than 700,000 a debt management commission, to be composed of one representative of the county, one representative of the school district and the following additional representatives:

(a) In each such county which contains more than one incorporated city:

(1) One representative of the city in which the county seat is located;

(2) One representative of the other incorporated cities jointly; and

(3) One representative of the public at large.

(b) In each such county which contains one incorporated city:

(1) One representative of the incorporated city; and

(2) Two representatives of the public at large.

(c) In each such county which contains no incorporated city, one representative of the public at large.

(d) In each such county which contains one or more general improvement districts, one representative of the district or districts jointly and one additional representative of the public at large.

3. In Carson City, there is hereby created a debt management commission, to be composed of one representative of the Board of Supervisors, one representative of the school district and three representatives of the public at large. The representative of the Board of Supervisors and the representative of the school district shall select the representatives of the public at large and, for that purpose only, constitute a quorum of the debt management commission. Members of the commission serve for a term of 2 years beginning on January 1, or until their successors are chosen.

4. Except as otherwise provided in subsection 1, each representative of a single local government must be chosen by its governing body. Each representative of two or more local governments must be chosen by their

governing bodies jointly, each governing body having one vote. Each representative of the general improvement districts must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the public at large must be chosen by the other members of the commission from residents of the county, or Carson City, as the case may be, who have a knowledge of its financial structure. A tie vote must be resolved by lot.

5. A person appointed as a member of the commission in a county whose population is 100,000 or more who is not an elected officer or a person appointed to an elective office for an unexpired term must have at least 5 years of experience in the field of public administration, public accounting or banking.

6. A person appointed as a member of the commission shall not have a substantial financial interest in the ownership or negotiation of securities issued by this State or any of its political subdivisions.

7. Except as otherwise provided in this subsection, members of the commission or their successors must be chosen in January of each odd-numbered year and hold office for a term of 2 years beginning January 1. The representatives of incorporated cities must be chosen after elections are held in the cities, but before the annual meeting of the commission ~~[in August.]~~ ***required by subsection 2 of NRS 350.012.*** The term of a representative who serves pursuant to paragraph (a), (b) or (c) of subsection 1 is coterminous with the term of his or her elected office, unless the public entity that appointed the representative revokes his or her appointment.

8. Any vacancy must be filled in the same manner as the original choice was made for the remainder of the unexpired term.

Sec. 2. NRS 350.012 is hereby amended to read as follows:

350.012 1. The commission shall meet during the month of February of each year to organize by selecting a chair and vice chair. In a county whose population is 700,000 or more, the chair must be one of the representatives of the board of county commissioners. The county clerk is ex officio the secretary of the commission.

2. In addition to the organizational meeting, each commission shall meet annually ~~[in August of each year]~~ and at the call of the chair whenever business is presented, as provided in NRS 350.014 and 350.0145.

3. In conjunction with the meetings required by subsections 1 and 2, the commission in a county whose population:

(a) Is 100,000 or more but less than 700,000, shall meet each calendar quarter.

(b) Is 700,000 or more, shall meet each month.

➥ The meetings required by this subsection must be scheduled at each annual meeting ~~[in August.]~~ ***required by subsection 2.***

4. The appointing authority may remove a member of a commission in a county whose population:

(a) Is 700,000 or more if the member fails to attend three consecutive meetings or five meetings during a calendar year.

(b) Is 100,000 or more but less than 700,000 if the member fails to attend two consecutive meetings or three meetings during a calendar year.

(c) Is less than 100,000 if the member fails to attend at least one meeting during a calendar year.

5. Except as otherwise provided in subsection 3 of NRS 350.0115, a majority of the members constitutes a quorum for all purposes.

6. The governing body of the county may provide for the payment to members of the commission who serve as representatives of the public at large:

(a) Compensation of not more than $40, as fixed by the governing body, for each day or portion of a day of attendance at a meeting of the commission, not to exceed $400 paid to each such member per month.

(b) While engaged in the business of the commission, the per diem allowance and travel expenses generally provided for officers and employees of the county, if any.

Sec. 3. NRS 350.0155 is hereby amended to read as follows:

350.0155 At the annual meeting ~~[in August]~~ required by ***subsection 2 of*** NRS 350.012, the commission shall:

1. Specify a percentage, which must not be less than 75 percent, for the purposes of paragraph (d) of subsection 1 of NRS 350.015; and

2. Establish priorities among essential and nonessential facilities and services for the purposes of paragraph (d) of subsection 1 of NRS 350.015. Facilities and services relating to public safety, education and health must be considered essential facilities and services, and all other facilities and services must be considered nonessential facilities and services.

Sec. 3.3. **NRS 244.386 is hereby amended to read as follows:**

244.386 1. In a county whose population is 700,000 or more and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, the board of county commissioners may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of species or subspecies ~~[. In addition, the]~~ ***and for the establishment of plans and programs for the conservation of the habitats and ecosystems within such an area or zone.***

2. The board ~~[,]~~ ***of county commissioners,*** in cooperation with the responsible local, state and federal agencies, may ***, pursuant to subsection 1,*** encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the county which have been determined by the board of county commissioners, to be likely to have a significant impact upon the economy and lifestyles of the residents of the county if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to subsection ~~[2]~~ ***3*** or NRS 268.4413 or the participation in an agreement made pursuant to NRS 503.589 ~~[,]~~ ***or 527.300.*** The board may

purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the board may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

~~[2.]~~ ***3.*** The board of county commissioners may, ~~[by ordinance,]~~ ***upon a two-thirds vote of the board,*** impose ***by ordinance*** a reasonable fee ~~[of not more than $550 per acre]~~ on the construction of a structure or the grading of land in the unincorporated areas of the county for the expense of carrying out the provisions of subsection 1. The fee must be ***based upon an economic analysis of the cost to carry out a plan or program for the conservation of the habitats and ecosystems pursuant to subsection 1 and must be*** collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.

~~[3.]~~ ***4. Beginning with Fiscal Year 2026-2027, any fee imposed pursuant to subsection 3 may, upon a two-thirds vote of the board of county commissioners, be adjusted for inflation in accordance with the percentage increase in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor, from July 2025 to the July preceding the fiscal year for which the adjustment is calculated.***

5. If a fee is imposed pursuant to subsection ~~[2]~~ ***3*** or NRS 268.4413, the board of county commissioners shall create an enterprise fund exclusively for fees collected pursuant to subsection ~~[2]~~ ***3*** and NRS 268.4413. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The money in the fund may only be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

Sec. 3.5. NRS 245.040 is hereby amended to read as follows:

245.040 1. Sheriffs, county recorders and county auditors, county clerks, county assessors and county treasurers shall keep an office at the county seat of their county which, except as otherwise provided in subsections 3 and 4, must be kept open on all days except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m. for the transaction of public business, but nothing contained in this subsection interferes with a duty now required of a public officer under the election laws of this State. County clerks shall keep their offices open on all election days during the hours when the polls are open for voting but may, with the consent of the district judge of the county, close their offices for all purposes except election business and the issuance of marriage licenses on any day on which the primary or general election is held.

2. ~~[Notwithstanding]~~ ***Except as otherwise provided in subsection 5 and notwithstanding*** the provisions of subsection 1, the board of county

commissioners of any county may, by an order regularly made and entered in the records of its proceedings, designate the days and hours during which the offices of the sheriff, county recorder and county auditor, county clerk, county assessor and county treasurer must be kept open for the transaction of public business. An order so made and entered must require each office to be kept open for not less than 40 hours during each week, and must not prevent the county clerk from closing his or her office for all purposes except election business and the issuance of marriage licenses on primary and general election days as provided in subsection 1.

3. The board of county commissioners may authorize a county officer to rent, equip and operate, at public expense, one or more branch offices in the county. The branch office may be kept open for the transaction of public business on the days and during the hours specified in subsections 1 and 2 or on such days and during such hours as determined by the board. The provisions of this subsection do not preempt any other statutory provisions which require certain duties to be performed at the county seat.

4. Any county office may deviate from the hours of operation required pursuant to this section if the board of county commissioners approves the plan for the deviation submitted by the office, except that no such deviation may conflict with the election laws of this State. Such a plan must be fiscally neutral or result in cost savings.

5. ***The board of county commissioners of any county shall not designate or approve the county office or branch office, if any, of the county treasurer to close earlier than 5 p.m. for the transaction of business on any business day. Nothing in this subsection shall be construed to prohibit the offices from closing later than 5 p.m.***

6. A county officer who violates the provisions of this section is guilty of a misdemeanor, and if an officer mentioned in subsection 1 absents himself or herself from office, except:

(a) When called away from his or her office by official duties;

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When he or she makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed by this section and in charge of a deputy qualified to act in the county officer's absence,

➥ there must be withheld from the county officer's monthly salary that proportion thereof as the number of days of absence bears to the number of days of the month in which the absence occurs. The money must be withheld from payment of salary to the officer for the next succeeding month by order of the board of county commissioners, but such an order must not be made without first giving the officer affected reasonable notice and an opportunity to appear before the board and defend the charge against him or her.

Sec. 3.7. **NRS 268.4413 is hereby amended to read as follows:**

268.4413 1. The governing body of a city which is located in a county in which the board of county commissioners has created an enterprise fund pursuant to subsection ~~[3]~~ ***5*** of NRS 244.386 may, by ordinance, impose a reasonable fee ~~[of not more than $550 per acre]~~ on the construction of a structure or the grading of land within the city for the expense of carrying out the provisions of subsection 1 of NRS 244.386. The fee must be ***based upon an economic analysis of the cost to carry out a plan or program for the conservation of the habitats and ecosystems pursuant to subsection 1 of NRS 244.386 and must be*** collected at the same time and in the same manner as the fee for the issuance of a building permit collected pursuant to NRS 278.580.

2. Except as otherwise provided in NRS 268.4415, if a fee is imposed pursuant to subsection 1, the governing body of the city shall transfer the money to the county treasurer for deposit in the enterprise fund created pursuant to subsection ~~[3]~~ ***5*** of NRS 244.386.

Sec. 3.9. **NRS 268.4415 is hereby amended to read as follows:**

268.4415 1. The governing body of a city which has imposed a fee pursuant to NRS 268.4413 and in which exists a species or subspecies that has been declared endangered or threatened pursuant to the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., as amended, may by ordinance establish, control, manage and operate or provide money for the establishment, control, management and operation of an area or zone for the preservation of the species or subspecies ~~[. In addition, the]~~ ***and for the establishment of plans and programs for the conservation of the habitats and ecosystems within such an area or zone.***

2. The governing body of the city, in cooperation with the responsible local, state and federal agencies, may ***, pursuant to subsection 1,*** encourage in any other manner the preservation of those species or subspecies or any species or subspecies in the city which have been determined by the governing body of the city to be likely to have a significant impact upon the economy and lifestyles of the residents of the city if listed as endangered or threatened, including the expenditure for this purpose of money collected pursuant to NRS 268.4413 ~~[.]~~ ***or the participation in an agreement made pursuant to NRS 503.589 or 527.300.*** The governing body of the city may purchase, sell, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose, pursuant to such reasonable regulations as the governing body may establish. If any such property, rights or other interests are purchased from a nonprofit organization, the governing body of the city may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.

~~[2.]~~ ***3.*** If a fee is imposed pursuant to NRS 268.4413, the governing body of the city may create an enterprise fund exclusively for fees collected pursuant to NRS 268.4413. Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. The

money in the fund may be used to pay the actual direct costs of the program or programs established pursuant to subsection 1.

~~[3.]~~ ***4.*** The provisions of this section do not authorize the governing body of a city to take any action that conflicts with any provision of an agreement entered into pursuant to NRS 503.589.

Sec. 4. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at ~~[5 p.m.]~~ ***the close of business of the tax receiver of the county*** on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years, or within 1 year if the property is determined to be abandoned pursuant to NRS 361.567, after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 5. NRS 361.585 is hereby amended to read as follows:

361.585 1. When the time allowed by law for the redemption of a property described in a certificate has expired and no redemption has been made, the tax receiver who issued the certificate, or his or her successor in office, shall execute and deliver to the county treasurer a deed of the property in trust for the use and benefit of the State and county and any officers having fees due them.

2. The county treasurer and his or her successors in office, upon obtaining a deed of any property in trust under the provisions of this chapter, shall hold that property in trust until it is sold or otherwise disposed of pursuant to the provisions of this chapter.

3. Notwithstanding the provisions of NRS 361.595 or 361.603, at any time during the 90-day period specified in NRS 361.603, or not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day before the day of the sale by a county treasurer, as specified in the notice required by NRS 361.595, of any property held in trust by him or her by virtue of any deed made pursuant to the provisions of this chapter, any person specified in subsection 4 is entitled to have the property reconveyed upon the receipt by the county treasurer of payment by or on behalf of that person of an amount equal to the taxes accrued, together with any costs, penalties and interest legally chargeable against the property. A reconveyance may not be made after expiration of the 90-day period specified in NRS 361.603.

4. Property may be reconveyed pursuant to subsection 3 to one or more of the persons specified in the following categories, or to one or more persons within a particular category, as their interests may appear of record:

(a) The owner.

(b) The beneficiary under a note and deed of trust.

(c) The mortgagee under a mortgage.

(d) The creditor under a judgment.

(e) The person to whom the property was assessed.

(f) The person holding a contract to purchase the property before its conveyance to the county treasurer.

(g) The Director of the Department of Health and Human Services if the owner has received or is receiving any benefits from Medicaid.

(h) The successor in interest of any person specified in this subsection.

(i) A municipality that holds a lien against the property.

5. The provisions of this section apply to land held in trust by a county treasurer on or after April 17, 1971.

Sec. 6. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. Except as otherwise provided in subsection 4, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. If, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property and the requirements of NRS 361.567 were met, notice of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 45 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

5. Except as otherwise provided in subsection 6, the county treasurer shall make, execute and deliver to any purchaser, upon payment to the county

treasurer, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

6. If, not later than ~~[5 p.m.]~~ ***the close of business of the county treasurer*** on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit signed by the treasurer of the municipality stating that:

(a) The municipality sold the property or the property was stricken off to the municipality pursuant to NRS 271.560; and

(b) A certificate of sale for the property was issued to the purchaser pursuant to NRS 271.570 or to the municipality pursuant to NRS 271.560,

➥ the county treasurer may not issue the quitclaim deed described in subsection 5 unless the person who purchased the property from the county pays to the municipality any amount owed pursuant to the certificate of sale issued pursuant to NRS 271.560 and 271.570 and the municipality provides an affidavit signed by the treasurer of the municipality stating that such amounts have been paid. If the purchaser does not pay the amount owed to the municipality within 20 days after the sale of the property by the county, the sale of the property by the county is void and the county treasurer may retain for administrative costs not more than 10 percent of the purchase amount paid by the purchaser.

7. Before delivering a deed, the county treasurer shall record the deed at the expense of the purchaser.

8. All deeds issued pursuant to this section, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property;

(b) That if, pursuant to NRS 361.567, the tax receiver has elected to use an expedited procedure for the sale of the property, the property is abandoned; and

(c) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

9. No deed may be executed and delivered by the county treasurer until he or she files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his or her return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

10. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his or her own conveyance is first recorded.

11. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book

and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 7. NRS 388G.630 is hereby amended to read as follows:

388G.630 1. A school associate superintendent shall, with respect to each local school precinct to which he or she is assigned to oversee:

(a) Provide training to and supervise the principal of the local school precinct;

(b) Review and approve the plan of operation for the local school precinct and assist the principal of the local school precinct in making any necessary revisions to the plan;

(c) Ensure that each local school precinct to which he or she is assigned to oversee remains in compliance with all applicable federal, state and local laws;

(d) Provide a report in person, not less than quarterly, to the governing body of each city ~~[and county]~~ within which a local school precinct to which he or she is assigned to oversee is located and, if created pursuant to NRS 388G.760, to the Community Education Advisory Board; and

(e) Carry out any other duties assigned by the superintendent at his or her discretion or after approval by the superintendent of a request made by the local school precinct.

2. The school associate superintendent must be held accountable for all aspects of the performance of each local school precinct to which he or she is assigned to oversee. As used in this subsection, "performance" means the overall operation of each such local school precinct as measured by:

(a) The satisfaction of the parents and legal guardians of pupils and the teachers, administrators and other staff of the local school precinct as determined by the surveys administered pursuant to NRS 388G.800; and

(b) The progress made by the local school precinct to satisfy the goals and objectives set forth in the statewide system of accountability for public schools.

Sec. 8. NRS 709.070 is hereby amended to read as follows:

709.070 1. Upon the filing of the application, the board of county commissioners shall, at its next regular meeting, cause notice of the application to be given. Before notice is given, the applicant must deposit with the clerk of the board the cost of publication of the notice, the amount to be fixed by the board of county commissioners.

2. The notice must contain:

(a) The name of the person or persons making the application.

(b) The nature, in general terms, of the franchise, right or privilege applied for.

(c) The day when the hearing upon the application will be held.

(d) A statement that all persons who have any objections to the granting of the franchise, right or privilege must file their objections, in writing, with the clerk of the board before the date of the hearing, or must appear at the meeting and present their objections at that time.

3. The notice must be published once each week for 4 consecutive weeks in a newspaper of general circulation published in the county. If no newspaper is published in the county, notice must be given by the posting of notices as provided in this section.

4. The clerk shall also cause three copies of the notice to be posted in three public places nearest where the application will take effect, and if more than one unincorporated town is affected, the notice must be posted in ~~[three]~~ ***one*** public ~~[places]~~ ***place*** in each of the unincorporated towns.

5. The publication or posting of the notice must be completed:

(a) Before the next regular meeting of the board of county commissioners at which the application is considered; or

(b) At least 10 days before a hearing on the application is held.

6. Proof of the notice must be made by the clerk of the board before the hearing in the matter proceeds, and the proof must become a part of the record of the proceedings.

Sec. 9. This act becomes effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 15.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 972 to Senate Bill No. 434.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

By Assemblymember Yeager:

Assembly Resolution No. 6—Expressing appreciation to the staff of the Assembly for their service during the 83rd Session of the Nevada Legislature.

Remarks by Assemblymember Jauregui.

ASSEMBLYMEMBER JAUREGUI:

I know we recently adopted another Assembly resolution granting the leave to show our appreciation, but this one officially expresses and recognizes the Assembly staff of the 83rd Legislative Session. They are the unsung heroes of everything we do here in this Chamber. We could not do our work without them; the late nights, making sure that we have all of the documents and everything we need to run an efficient Floor. Please join me in showing them our appreciation and supporting this resolution.

Assemblymember Jauregui moved that the resolution be adopted.

Resolution adopted.

By Assemblymember Yeager:

Assembly Resolution No. 7—Expressing appreciation to the staff of the Legislative Counsel Bureau for their service during the 83rd Session of the Nevada Legislature.

Remarks by Assemblymember Monroe-Moreno.

ASSEMBLYMEMBER MONROE-MORENO:

You all know that the work that we do is tiresome, and it is hard, and it is long. But the work that our fiscal staff, our legal staff, the sergeant at arms, our security, [and] our LCB police do, it starts long before we ever get in these seats. We could not do the work that we do if it were not for them; they make us all look good. I want to thank them for the long hours that they put in before the session ever begins. Getting the Ways and Means and Senate Finance Committee ready, making sure that all the name plates and everything are where they are supposed to be. Some people say that, as a Ways and Means Chair, I make miracles happen; I could not do those miracles if it were not for our legal staff, and especially, our fiscal staff. Thank you for making us all look good, and thank you for making me look good, and making this job a lot easier than it could be. We appreciate you more than you will ever know.

Assemblymember Monroe-Moreno moved that the resolution be adopted.

Resolution adopted.

Senate Concurrent Resolution No. 7.

Assemblymember Jauregui moved that the resolution be adopted.

Motion carried.

Assembly in recess at 10:40 p.m.

ASSEMBLY IN SESSION

At 11:12 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bills Nos. 316 and 457 be taken from their place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 316.

Bill read third time.

The following amendment was proposed by Assemblymember Marzola:

Amendment No. 999.

SENATORS NGUYEN, STONE, TITUS; BUCK, CRUZ-CRAWFORD, DALY, KRASNER, OHRENSCHALL AND SCHEIBLE

JOINT SPONSORS: ASSEMBLYMEMBERS JAUREGUI AND KASAMA

AN ACT relating to insurance; requiring health insurers, pharmacy benefit managers and the Commissioner of Insurance to prepare certain reports; expanding the scope of certain provisions relating to pharmacy benefit

managers; prohibiting pharmacy benefit managers from engaging in certain practices; requiring pharmacy benefit managers to make certain disclosures; imposing requirements relating to the compensation of pharmacy benefit managers; revising requirements relating to the collection of certain medical debt; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pharmacy benefit manager, which is an entity that manages a pharmacy benefits plan, to obtain a certificate of registration as an insurance administrator from the Commissioner of Insurance and comply with the requirements that apply to insurance administrators generally. (NRS 683A.025, 683A.08522-683A.0893) Existing law additionally imposes certain requirements specifically regulating the operation of pharmacy benefit managers. (NRS 683A.171-683A.179) Existing law defines "pharmacy benefits plan" to refer to insurance coverage of prescription drugs. (NRS 683A.175) **Section 21** of this bill expands the scope of that definition to also refer to insurance coverage of pharmacist services. **Section 21** thereby expands the scope of provisions governing pharmacy benefit managers to also apply to entities that manage such coverage. **Sections 3-14** of this bill define certain other terms relevant to pharmacy benefit managers, and **section 20** of this bill establishes the applicability of those definitions. **Section 15** of this bill prohibits a pharmacy benefit manager that manages a pharmacy benefits plan which provides coverage through a network from requiring a person to use a pharmacy affiliated with the pharmacy benefit manager if there are other, nonaffiliated pharmacies in the network. **Section 15** additionally prohibits a pharmacy benefit manager from engaging in certain practices which are intended to steer or have the effect of steering a person towards an affiliated pharmacy instead of a nonaffiliated pharmacy in the network. **Section 15** also prohibits a pharmacy benefit manager from discriminating against a nonaffiliated pharmacy.

Section 16 of this bill requires a pharmacy benefit manager to disclose to a third party insurer for which the pharmacy benefit manager manages a pharmacy benefits plan: (1) the amounts and types of fees that the pharmacy benefit manager charges the third party insurer for managing the plan or otherwise receives from other entities, including rebates, in connection with managing the plan; and (2) certain information relating to the clinical efficacy and evidence regarding the inclusion or exclusion of certain drugs in a formulary. **Section 16** additionally requires a pharmacy benefit manager to make certain contracts available for inspection by the Commissioner.

Sections 25, 27-32, 35 and 36 of this bill require certain third party insurers to calculate any cost-sharing obligation for a prescription drug assessed against an insured for the prescription drug: (1) based on the net price that the third party insurer or a pharmacy benefit manager with which the insurer has contracted pays for the drug; and (2) at the point-of-sale. **Section 26** of this bill authorizes the Commissioner to require a domestic insurer that issues a policy

of individual health insurance to a person residing in another state to meet the requirements of **section 25** in certain circumstances. **Sections 33 and 37** of this bill indicate that the requirements of **sections 32 and 36**, respectively, are inapplicable to: (1) coverage provided by a managed care organization to recipients of Medicaid because existing law imposes similar requirements of the Medicaid program; and (2) coverage provided by a managed care organization to members of the Public Employees' Benefits Program. (NRS 422.4053) **Section 41** of this bill makes the requirements of **section 36** inapplicable to coverage provided by the Public Employees' Benefits Program to its members. **Section 34** of this bill authorizes the Commissioner to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 32**. The Commissioner would also be authorized to take such action against other third party insurers who fail to comply with the requirements of **sections 25, 27-32, 35 and 36**. (NRS 680A.200)

Section 17 of this bill prohibits a pharmacy benefit manager from: (1) unreasonably obstructing or interfering with the ability of a covered person to timely access a prescription drug at certain pharmacies; (2) agreeing to exclusively cover certain drugs; (3) restricting the ability of a nonaffiliated pharmacy to contract with certain entities; and (4) making or disseminating a false or misleading statement or advertisement. **Section 24** of this bill additionally prohibits a pharmacy benefit manager from engaging in certain practices while doing business with pharmacies.

Section 19 of this bill requires a pharmacy benefit manager to submit to the Commissioner an annual report detailing certain business practices of the pharmacy benefit manager as well as certain information regarding pricing and rebates relating to the prescription drugs administered by the pharmacy benefit manager. **Section 1** of this bill requires third party insurers that provide coverage for prescription drugs to submit a similar report to the Commissioner relating to the pricing of prescription drugs. **Section 39** of this bill provides for the confidentiality of the information contained in those reports. **Sections 1 and 19** require the Commissioner to compile, submit to the Legislature and publish on the Internet biennial reports on the impact of the cost of prescription drugs on health insurance premiums in this State and the overall impact of pharmacy benefit managers on the cost of prescription drugs in this State, based on the reports submitted by third party insurers and pharmacy benefit managers, respectively. Additionally, **section 18** of this bill requires the Commissioner to publish on the Internet certain consumer complaints made against pharmacy benefit managers.

Existing law exempts certain federally regulated insurance coverage of prescription drugs provided by employers for their employees from requirements governing pharmacy benefit managers except where the pharmacy benefit manager is required by contract to comply with those requirements. (NRS 683A.177) **Section 22** of this bill provides that such federally regulated coverage provided by employers for their employees is also

exempt from the requirements of this bill governing pharmacy benefit managers, unless required by contract to comply with those requirements. Additionally, **sections 21.5 and 22** of this bill exempt coverage of prescription drugs provided by the Public Employees' Benefits Program, insurance plans for local government employees and Medicaid managed care organizations from the requirements of this bill governing pharmacy benefit managers.

Existing law provides that a pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party insurer or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. (NRS 683A.178) **Section 23** of this bill provides that a pharmacy benefit manager also has a fiduciary duty to persons covered by a third party insurer for which the pharmacy benefit manager provides pharmacy benefit services. **Section 23** also: (1) prohibits a pharmacy benefit manager from engaging in an activity that may interfere with the duties and obligations of the pharmacy benefit manager towards third party insurers, pharmacies and covered persons; and (2) authorizes a third party insurer to audit the books and records of a pharmacy benefit manager for certain purposes.

Section 18 provides that a pharmacy benefit manager that violates provisions of law governing pharmacy benefit managers, including **sections 3-24**, is subject to a civil penalty of not less than $1,000 but not more than $7,500 for each violation.

Additionally, any violation of **sections 3-24** would be a misdemeanor. (NRS 683A.490)

If enacted, **sections 13-15** of Assembly Bill No. 343 (A.B. 343) of this session will require a hospital to publish certain information about its prices. **Section 17** of A.B. 343 prohibits a hospital from taking certain action to collect medical debt while the hospital is not in compliance with those requirements or certain similar federal requirements. (45 C.F.R. §§ 180.40, 180.50, 180.60) **Section 41.5** of this bill narrows the applicability of that prohibition to only apply to certain medical debt to which the failure to publish accurate pricing information is directly relevant. **Section 41.7** of this bill makes a conforming change to A.B. 343 to reflect the revisions made by **section 41.5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before June 1 of each year, a health insurer that provides coverage for prescription drugs shall compile and submit to the Commissioner a report which contains the following information:

(a) Lists of:

(1) The 25 prescription drugs most frequently prescribed to insureds in this State during the immediately preceding calendar year;

(2) The 25 prescription drugs which accounted for the largest percentage of spending on prescription drugs in this State by the health insurer in the immediately preceding year; and

(3) The 25 prescription drugs with the largest increase in the percentage of spending on prescription drugs in this State by the health insurer in the immediately preceding year, as compared to the previous year; and

(b) For each prescription drug included on a list compiled pursuant to paragraph (a) for the immediately preceding year:

(1) The aggregate wholesale acquisition costs for the drug, calculated by adding together for all units of the drug dispensed to insureds in this State the wholesale acquisition cost of the drug at the time each unit was dispensed;

(2) The aggregate amount of rebates received by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State;

(3) The aggregate amount of administrative fees received by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State;

(4) The aggregate amount paid or reimbursed by a pharmacy benefit manager under contract with the insurer to affiliated pharmacies in this State for the drug;

(5) The aggregate amount paid or reimbursed by a pharmacy benefit manager under contract with an insurer to nonaffiliated pharmacies in this State for the drug; and

(6) The aggregate amount of fees received from any source by a pharmacy benefit manager under contract with the insurer relating to the distribution of the drug to insureds in this State.

2. On or before July 1 of each even-numbered year, the Commissioner shall:

(a) Compile a report on the overall impact of prescription drug costs on premiums for health insurance in this State based on the reports submitted to the Commissioner pursuant to subsection 1. The data in the report compiled pursuant to this subsection must be in aggregated form and must not reveal information specific to a particular health insurer or manufacturer of a drug, including, without limitation, information relating to a manufacturer's individual or aggregate discounted prices for a prescription drug.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.

(c) Present the report at a meeting of the Joint Interim Standing Committee on Health and Human Services.

(d) Post the report on an Internet website operated by the Division.

3. Except as otherwise provided in subsection 2, any information submitted by a health insurer pursuant to this section is confidential and is not a public record.

4. As used in this section:

(a) "Affiliated pharmacy" has the meaning ascribed to it in section 3 of this act.

(b) "Health insurer" means any insurer or organization authorized pursuant to this title to conduct business in this State that provides or arranges for the provision of health care services, including, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical services corporation, a health maintenance organization, a plan for dental care, a prepaid limited health service organization and a managed care organization.

(c) "Insured" means a person covered by a policy of health insurance issued in this State by a health insurer.

(d) "Manufacturer" has the meaning ascribed to it in 42 U.S.C. § 1396r-8(k)(5).

(e) "National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.

(f) "Nonaffiliated pharmacy" has the meaning ascribed to it in section 9 of this act.

(g) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(h) "Rebate" has the meaning ascribed to it in section 13 of this act.

(i) "Wholesale acquisition cost" means the manufacturer's published list price for a prescription drug with a unique National Drug Code for sale to a purchaser or entity that purchases the prescription drug from the manufacturer, not including any rebates or other price concessions.

Sec. 2. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19, inclusive, of this act.

Sec. 3. ***"Affiliated pharmacy" means a pharmacy that directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a pharmacy benefit manager.***

Sec. 4. ***"Claim" means a request for payment for:***

1. Administering, filling or refilling a prescription; or

2. Providing a pharmacist service or a medical supply or device to a covered person.

Sec. 5. ***"Control" has the meaning ascribed to it in NRS 692C.050.***

Sec. 6. ***"Cost-sharing obligation" includes, without limitation, a copayment, coinsurance or deductible imposed upon or collected from a covered person in connection with filling a prescription or obtaining other pharmacist services.***

Sec. 7. *"Manufacturer" has the meaning ascribed to it in 42 U.S.C. § 1396r-8(k)(5).*

Sec. 8. *"Network plan" means a pharmacy benefits plan offered by a third party under which the financing and delivery of pharmacist services is provided, in whole or in part, through a defined set of providers under contract with the third party. The term does not include an arrangement for the financing of premiums.*

Sec. 9. *"Nonaffiliated pharmacy" means a pharmacy that:*

1. Directly, or indirectly through a pharmacy services administrative organization, contracts with a pharmacy benefit manager; and

2. Does not control, is not controlled by and is not under common control with the pharmacy benefit manager.

Sec. 10. *"Pharmacist services" means the provision of products, goods or services, or any combination thereof, provided as a part of the practice of pharmacy, as defined in NRS 639.0124.*

Sec. 11. *"Pharmacy benefit management services" includes, without limitation:*

1. Negotiating the price of prescription drugs, including, without limitation, negotiating or contracting for direct or indirect rebates, discounts or price concessions on prescription drugs.

2. Managing any aspect of a pharmacy benefits plan, including, without limitation:

(a) Developing or managing a formulary;

(b) Processing and paying claims for prescription drugs;

(c) Performing reviews of the utilization of prescription drugs;

(d) Processing requests for prior authorization for prescriptions;

(e) Adjudicating appeals and grievances relating to a pharmacy benefits plan;

(f) Contracting with pharmacies to provide pharmacist services for covered persons;

(g) Managing the cost of covered prescription drugs on behalf of a third party; and

(h) Managing or providing data relating to a pharmacy benefits plan.

3. Performing any administrative, managerial, clinical, pricing, financial, reimbursement, data administration, reporting or billing service for a third party in relation to a pharmacy benefits plan.

Sec. 12. *"Pharmacy services administrative organization" means an entity that provides contracting and other administrative services relating to prescription drug benefits to pharmacies.*

Sec. 13. *"Rebate" means any discount, remuneration or other payment paid ~~[directly or indirectly]~~ by a manufacturer or wholesaler to a pharmacy benefit manager after a claim has been adjudicated or completed at a pharmacy. The term does not include a bona fide service fee, as defined in 42 C.F.R. § 447.502.*

Sec. 14. *"Wholesaler" has the meaning ascribed to it in NRS 639.016.*

Sec. 15. *1. A pharmacy benefit manager that manages a network plan shall not:*

(a) Require a covered person to use an affiliated pharmacy to fill a prescription or obtain other pharmacist services if there is a nonaffiliated pharmacy in the applicable network;

(b) Induce, persuade or attempt to induce or persuade a covered person to transfer a prescription to or otherwise use an affiliated pharmacy instead of a nonaffiliated pharmacy in the applicable network;

(c) Unreasonably restrict a covered person from using a particular pharmacy in the applicable network for the purpose of filling a prescription or receiving pharmacist services covered by the pharmacy benefits plan of the covered person;

(d) Communicate to a covered person that the covered person is required to have a prescription filled or receive other pharmacist services at a particular pharmacy if there are other pharmacies in the applicable network that have the ability to dispense the prescription or provide the pharmacist services required by the covered person;

(e) Discriminate against a nonaffiliated pharmacy based on the nonaffiliated status of the pharmacy, including, without limitation, by:

(1) Offering materially different terms or conditions to a nonaffiliated pharmacy based on the status as a nonaffiliated pharmacy;

(2) Refusing to renew or terminating a contract with a nonaffiliated pharmacy on the basis that the pharmacy is a nonaffiliated pharmacy, or for reasons other than those that apply equally to affiliated pharmacies; and

(3) Reimbursing a nonaffiliated pharmacy for a pharmacist service in an amount that is less than the pharmacy benefit manager would reimburse an affiliated pharmacy for the same pharmacist service; or

(f) Deny a pharmacy the opportunity to participate in a network or receive a preferred status if the pharmacy is willing to accept the same terms and conditions that the pharmacy benefit manager has established for affiliated pharmacies as a condition for participating in the network or receiving preferred status, as applicable.

2. As used in this section, "network" means a defined set of pharmacies that are under contract to provide pharmacist services pursuant to a network plan.

Sec. 16. *A pharmacy benefit manager:*

1. Upon the request of a third party for which the pharmacy benefit manager manages a pharmacy benefits plan, shall disclose to the third party, in writing, the amounts and types of charges, fees and commissions in the aggregate that the pharmacy benefit manager charges the third party for providing pharmacy benefit management services or otherwise receives in connection with managing the pharmacy benefits plan of the third party, including, without limitation, administrative fees and rebates collected from pharmacies, manufacturers and wholesalers.

2. Shall make available for inspection by the Commissioner, upon request of the Commissioner, any contract between the pharmacy benefit manager and a pharmacy or a third party.

3. Shall disclose to a third party for which the pharmacy benefit manager manages a pharmacy benefits plan, upon request of the third party, information relating to the clinical efficacy and clinical evidence regarding the inclusion, exclusion or limitation of prescription drugs in a formulary maintained by the pharmacy benefit manager.

Sec. 16.5. (Deleted by amendment.)

Sec. 17. ***1. A pharmacy benefit manager shall not:***

(a) Unreasonably obstruct or interfere with the ability of a covered person to timely access a prescription drug or device that has been prescribed to the covered person at a contract pharmacy of the person's choice.

(b) Enter into, amend, enforce or renew a contract with a manufacturer that expressly or implicitly provides for the exclusive coverage of a drug, medical device or other product by a pharmacy benefits plan or group of pharmacy benefits plans.

(c) Enter into, amend, enforce or renew a contract with a pharmacy or pharmacy services administrative organization that expressly or implicitly restricts the ability of a nonaffiliated pharmacy to contract with third parties.

(d) Make or disseminate any statement, representation or advertisement that is, or reasonably should be known to be, untrue, deceptive or misleading.

2. As used in this section, "contract pharmacy" means a pharmacy that contracts directly with a pharmacy benefit manager, or indirectly with a pharmacy benefit manager through a pharmacy services administrative organization.

Sec. 18. ***1. A pharmacy benefit manager that violates the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act is subject to a civil penalty of not less than $1,000, but not more than $7,500, for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General.***

2. The remedies and penalties set forth in this section are not exclusive and are in addition to any other remedies and penalties provided by law.

3. The Commissioner shall:

(a) Establish procedures for receiving, investigating, tracking and publicly reporting complaints submitted by persons in this State against pharmacy benefit managers.

(b) Publish on an Internet website maintained by the Commissioner each complaint against a pharmacy benefit manager received pursuant to paragraph (a) which is determined by the Commissioner to be justified based on a determination by a preponderance of the evidence that the pharmacy benefit manager violated the provisions of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act.

Sec. 19. ***1. On or before April 1 of each year, a pharmacy benefit manager shall submit to the Commissioner:***

(a) A report which includes the information prescribed by subsection 2; and

(b) A statement signed under the penalty of perjury affirming the accuracy of the information in the report.

2. The report submitted pursuant to paragraph (a) of subsection 1 must include:

(a) Lists of:

(1) The 25 prescription drugs with the highest wholesale acquisition costs at the time the report is submitted;

(2) The 25 prescription drugs most frequently prescribed to covered persons in this State during the immediately preceding calendar year; and

(3) The 25 prescription drugs which produced the largest amount of revenue for the pharmacy benefit manager in this State during the immediately preceding calendar year.

(b) For each prescription for a drug included on a list compiled pursuant to paragraph (a) that was issued to a covered person in this State during the immediately preceding year:

(1) The type of pharmacy that filled the prescription. The type of pharmacy may be an integrated pharmacy, chain pharmacy, specialty pharmacy, mail order pharmacy or other type of pharmacy.

(2) Information relating to pricing of and rebates for the drug, including, without limitation:

(I) The total amount that the pharmacy benefit manager paid to the pharmacy for filling the prescription;

(II) The net amount that the pharmacy benefit manager paid to the pharmacy for filling the prescription, after accounting for any fees or assessments imposed by the pharmacy benefit manager against the pharmacy;

(III) The amount of any rebate negotiated by the pharmacy benefit manager with the manufacturer for the purchase of the drug;

(IV) The amount of any rebate described in sub-subparagraph (III) that was passed on to either the applicable third party or the covered person; and

(V) The amount that the applicable third party paid the pharmacy benefit manager for the drug.

(c) Information prescribed by regulation of the Commissioner that allows the Commissioner to determine whether each claim for a prescription drug included on a list compiled pursuant to paragraph (a) required prior authorization. Such information must be in deidentified form.

(d) For each prescription drug appearing on a list compiled pursuant to paragraph (a), the aggregate amount for the immediately preceding year of the:

(1) Cost of the drug, calculated by adding together for all units of the drug dispensed in this State the wholesale acquisition cost of the drug at the time each unit was dispensed;

(2) Amount of rebates negotiated for the purchase of the drug in this State;

(3) Amount of administrative fees received from a manufacturer or wholesaler for services provided in this State relating to the drug;

(4) Amount paid or reimbursed to affiliated pharmacies in this State for the drug; and

(5) Amount paid or reimbursed to nonaffiliated pharmacies in this State for the drug.

(e) A list of the third parties with which the pharmacy benefit manager has contracted, the scope of services provided to each third party and the number of persons covered in this State by each third party listed.

(f) The total amount of revenue derived from providing pharmacy benefit management services in this State in the immediately preceding year.

(g) The expenses incurred by providing pharmacy benefit management services in this State in the immediately preceding year.

(h) The identity of each group purchasing organization employed, contracted or otherwise utilized by or affiliated with the pharmacy benefit manager.

(i) A copy of each contract entered into with a group purchasing organization identified pursuant to paragraph (h).

(j) The aggregate financial benefit derived in the immediately preceding year from the use of the group purchasing organizations identified pursuant to paragraph (h).

(k) A list of the types and amounts of fees that the pharmacy benefit manager has collected during the immediately preceding year for performing pharmacy benefit management services in this State and a description of how those fees are calculated.

(l) A copy of all fee agreements entered into with third parties, pharmacies and pharmacy services administrative organizations doing business in this State.

(m) The amount of each premium, deductible, cost-sharing obligation or fee charged by the pharmacy benefit manager to covered persons in this State or other persons on behalf of such covered persons.

3. On or before July 1 of each even-numbered year, the Commissioner shall:

(a) Compile a report on the overall impact of pharmacy benefit managers on the cost of prescription drugs in this State based on the reports submitted to the Commissioner pursuant to subsection 1. The data in the report compiled pursuant to this subsection must be in aggregated form and must not reveal information specifically concerning an individual purchaser or manufacturer of a drug, including, without limitation, information relating to a manufacturer's individual or aggregate discounted prices for a prescription drug.

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and

Human Services and the Joint Interim Standing Committee on Commerce and Labor.

(c) Present the report at a meeting of the Joint Interim Standing Committee on Health and Human Services.

(d) Post the report on an Internet website operated by the Division.

4. Except as otherwise provided in subsection 3, any information submitted by a pharmacy benefit manager pursuant to this section is confidential and is not a public record.

5. Nothing in this section shall be construed to impose any recordkeeping obligation on a third party for which a pharmacy benefit manager manages a pharmacy benefits plan.

6. As used in this section:

(a) "Group purchasing organization" means a person employed, contracted or otherwise utilized by or affiliated with a pharmacy benefit manager to negotiate, obtain or procure rebates from manufacturers or wholesalers.

(b) "National Drug Code" means the numerical code assigned to a prescription drug by the United States Food and Drug Administration.

(c) "Wholesale acquisition cost" means the manufacturer's published list price for a prescription drug with a unique National Drug Code for sale to a wholesaler or any other purchaser or entity that purchases the prescription drug from the manufacturer, not including any rebates or other price concessions.

Sec. 20. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, ***and sections 3 to 14, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 683A.175 is hereby amended to read as follows:

683A.175 "Pharmacy benefits plan" means coverage of prescription drugs ***and pharmacist services*** provided by a third party.

Sec. 21.5. NRS 683A.176 is hereby amended to read as follows:

683A.176 "Third party" means:

1. An insurer, as that term is defined in NRS 679B.540;

2. A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides a pharmacy benefits plan;

3. ~~[A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS;~~

~~4.]~~ The Public Option established pursuant to NRS 695K.200; or

~~[5.]~~ ***4.*** Any other insurer or organization that provides health coverage or benefits or coverage of prescription drugs as part of workers' compensation insurance in accordance with state or federal law.

➥ The term does not include ***the Public Employees' Benefits Program, a local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS or*** an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 22. NRS 683A.177 is hereby amended to read as follows:

683A.177 1. Except as otherwise provided in subsection 2, the requirements of NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19, inclusive, of this act*** and any regulations adopted by the Commissioner pursuant thereto do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.

2. A plan described in subsection 1 may, by contract, require a pharmacy benefit manager that manages the coverage of prescription drugs under the plan to comply with the requirements of NRS 683A.171 to 683A.179, inclusive, ***and sections 3 to 19, inclusive, of this act*** and any regulations adopted by the Commissioner pursuant thereto.

3. The requirements of NRS 683A.171 to 683A.179, inclusive, and sections 3 to 19, inclusive, of this act do not apply to the coverage of prescription drugs provided by a managed care organization for:

(a) Recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services entered into pursuant to NRS 422.273;

(b) Members of the Public Employees' Benefits Program; or

(c) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State.

Sec. 23. NRS 683A.178 is hereby amended to read as follows:

683A.178 1. A pharmacy benefit manager has ~~[an]~~ ***:***

(a) A fiduciary duty to persons covered by a third party with which the pharmacy benefit manager has entered into an agreement to provide pharmacy benefit management services; and

(b) Except as otherwise provided in subsection 2, an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. ~~[Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.]~~

2. ***If the duties established in paragraphs (a) and (b) of subsection 1 conflict, the duty established in paragraph (a) of subsection 1 supersedes the duty established in paragraph (b) of subsection 1.***

3. A pharmacy benefit manager ~~[shall]~~ ***:***

(a) Shall notify a third party ***or pharmacy*** with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes with the ***duties or*** obligations imposed by subsection 1.

(b) Shall not engage in any activity or implement any policy or practice that the pharmacy benefit manager reasonably anticipates will present a conflict of interest that interferes with the ability of the pharmacy benefit manager to discharge any duty or obligation imposed by subsection 1.

~~[3.]~~ ***4. A third party with which a pharmacy benefit manager has entered into an agreement may audit all books and records of the pharmacy benefit manager to the extent necessary to fulfill all contractual obligations to covered persons and ensure compliance with the provisions of the agreement, this chapter and the regulations adopted pursuant thereto. Such an audit may include, without limitation, an examination of claims for pharmacy benefits, rebates and any other information necessary to accomplish the purposes set forth in this subsection.***

5. A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions of this title which are applicable to the insurer when managing such benefits for the insurer.

6. Any provision of a contract that waives or limits any duty or obligation imposed by this section is against public policy, void and unenforceable.

Sec. 24. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; ~~[or]~~

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party ~~[.]~~ ***;***

(e) Restrict, by contract or otherwise, the ability of a pharmacy to share or disclose the details of a contract between the pharmacy and the pharmacy benefit manager with the Commissioner;

(f) Reimburse a pharmacy for a prescription drug in an amount that is less than the pharmacy pays a wholesaler for the prescription drug, as reflected on the invoice provided by the wholesaler to the pharmacy;

(g) Directly or indirectly reduce or allow the reduction of any payment to a pharmacy under a pharmacy benefits plan managed by the pharmacy benefit manager under a reconciliation process to an effective rate of reimbursement;

(h) Directly or indirectly retroactively reduce or deny a claim after the claim has been adjudicated unless:

(1) The original claim is fraudulent;

(2) The original payment of the claim was incorrect because the pharmacy or pharmacist had already been paid for the pharmacist services to which the claim relates; or

(3) The pharmacy or pharmacist that submitted the claim did not render the pharmacist services to which the claim relates;

(i) Reverse and resubmit the claim of a pharmacy:

(1) Without notifying and attempting to reconcile the claim with the pharmacy; or

(2) More than 90 days after the claim was first affirmatively adjudicated;

(j) Charge a pharmacy or a pharmacist a fee to process a claim electronically;

(k) Refuse to pay a claim after terminating a contract with a pharmacy, except where the pharmacy benefit manager is investigating possible insurance fraud; or

(l) Retaliate against a pharmacy for reporting a potential or actual violation of this title or attempting to settle a dispute with a pharmacy benefit manager based on a potential or actual violation of this title.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125, except to the extent authorized by a specific provision of law, including, without limitation, NRS 453C.120, 639.28078 and 639.28085.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. ***Any provision of a contract that restricts the ability of a pharmacy to share information pursuant to paragraph (e) of subsection 1 is against public policy, void and unenforceable.***

4. As used in this section, ~~["network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.]~~ ***"retaliate" includes, without limitation:***

(a) Terminating or refusing to renew a contract with a pharmacy.

(b) Making the renewal of a contract with a pharmacy contingent on the pharmacy acceding to terms and conditions not applicable to other pharmacies.

(c) Subjecting the pharmacy to increased audits.

(d) Failing to promptly pay or reimburse a pharmacy without substantial justification.

Sec. 25. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by an insurer or a pharmacy benefit manager with which an insurer has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 26. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.~~ ***, and section 25 of this act.***

Sec. 27. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by an insurer or a pharmacy benefit manager with which an insurer has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 28. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a carrier or a pharmacy benefit manager with which a carrier has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 29. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 28 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 30. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a society or a pharmacy benefit manager with which a society has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 31. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a hospital or medical services corporation or a pharmacy benefit manager with which a hospital or medical services corporation has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 32. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an enrollee for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a health maintenance organization or a pharmacy benefit manager with which a health maintenance organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 33. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 ***and section 32 of this act*** do

not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.16932 to 695C.1699, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1736 to 695C.1745, inclusive, 695C.1757 and 695C.204 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.17095 ***and section 32 of this act*** do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

7. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to:

(a) The officers and employees, and the dependents of officers and employees, of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State; or

(b) Members of the Public Employees' Benefits Program.

➥ This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 34. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 32 of this act or*** 695C.204 or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 35. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A prepaid limited health service organization that provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed

against an enrollee for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a prepaid limited health service organization or a pharmacy benefit manager with which a prepaid limited health service organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 36. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall calculate any cost-sharing obligation imposed against an insured for a prescription drug based on the net price paid for the drug. Any such cost-sharing obligation must be calculated at the point-of-sale.

2. As used in this section:

(a) "Cost-sharing obligation" has the meaning ascribed to it in section 6 of this act.

(b) "Net price paid" means the price paid for a prescription drug by a managed care organization or a pharmacy benefit manager with which a managed care organization has contracted, inclusive of any rebates received for the prescription drug.

(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(d) "Rebate" has the meaning ascribed to it in section 13 of this act.

Sec. 37. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.1639, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, ***and section 36 of this act*** do

not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services.

4. The provisions of NRS 695C.1735 and 695G.1639 ***and section 36 of this act*** do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 38. (Deleted by amendment.)

Sec. 39. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,

385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,

693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and sections 1 and 19 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 40. (Deleted by amendment.)

Sec. 41. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 439.581 to 439.597, inclusive, 686A.135, 687B.352, 687B.409, 687B.692, 687B.723, 687B.725, 687B.805, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.1712, inclusive, 695G.1714 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, ***other than section 36 of this act,*** 695G.241 to 695G.310, inclusive, 695G.405 and 695G.415, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 41.5. Section 17 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 17. 1. A hospital shall not take any action described in subsection 2 with regard to covered medical debt incurred by a medical debtor while the hospital is not in compliance with any provision of section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60.

2. A hospital shall not, with regard to any covered medical debt described in subsection 1:

(a) Refer the covered medical debt to a collection agency or other third party for collection;

(b) File a civil action or seek arbitration or mediation to collect the covered medical debt; or

(c) Directly or indirectly cause the reporting of the covered medical debt to a reporting agency.

3. If a medical debtor believes that a hospital has taken an action described in subsection 2 in violation of subsection 1 with respect to any covered medical debt owed by the medical debtor, the medical debtor may file a claim with the Bureau of Consumer Protection in the Office of the Attorney General. A medical debtor who files such a claim shall immediately notify the hospital that he or she has filed the claim.

4. Upon the filing of a claim pursuant to subsection 3, the Bureau of Consumer Protection shall investigate the claim. The hospital shall not take any action described in subsection 2 to collect the covered medical debt that is the subject of the investigation while the investigation is pending.

5. If, at the conclusion of an investigation pursuant to subsection 4, the Bureau of Consumer Protection determines that the hospital has taken an action described in subsection 2 in violation of subsection 1, the hospital shall cancel the covered medical debt that is the subject of the investigation and any related medical debt and refund any amount of the covered medical debt or any related medical debt which has been paid by the medical debtor.

6. A knowing violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7. As used in this section:

(a) "Covered bill or group of bills" means a bill or group of bills that includes any charge for a medical service, product or device which is greater than the amount published for that medical service, product or device pursuant to section 13, 14 or 15 of this act or 45 C.F.R. § 180.40, 180.50 or 180.60, as applicable.

(b) "Covered medical debt" means medical debt owed by a medical debtor which was originally included in a covered bill or group of bills issued to the medical debtor.

(c) "Reporting agency" has the meaning ascribed to it in NRS 598C.100.

Sec. 41.7. Section 26 of Assembly Bill No. 343 of this session is hereby amended to read as follows:

Sec. 26. 1. The provisions of section 17 of this act apply to any ***covered*** medical debt incurred before, on or after January 1, 2026.

2. The provisions of section 22 of this act apply to any medical debt incurred on or after January 1, 2026.

3. As used in this section ~~[, "medical]~~ ***:***

(a) "Covered medical debt" has the meaning ascribed to it in section 17 of Assembly Bill No. 343 of this session, as amended by section 41.5 of this act.

(b) "Medical debt" has the meaning ascribed to it in ~~[NRS 649.036.]~~ ***section 7 of Assembly Bill No. 343 of this session.***

Sec. 42. (Deleted by amendment.)

Sec. 43. The amendatory provisions of this act do not apply to any contract or other agreement entered into before January 1, 2026, but apply to the renewal of any such contract or other agreement.

Sec. 44. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 45. (Deleted by amendment.)

Sec. 46. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, and 17 to 24, inclusive, 38, 39, 40 and 42 to 45, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

3. Sections 41.5 and 41.7 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes,

➥ if and only if Assembly Bill No. 343 of this session is enacted by the Legislature and approved by the Governor.

4. Sections 16.5, 25 to 37, inclusive, and 41 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2028, for all other purposes.

Assemblymember Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

Senate Bill No. 457.

Bill read third time.

The following amendment was proposed by Assemblymember Yeager:

Amendment No. 1002.

AN ACT relating to public safety; revising provisions relating to assault, battery, stalking, pornography involving minors, domestic violence, and driving under the influence of alcohol or a prohibited substance; ~~[revising provisions relating to the intereception, listening and recording of certain communications;]~~ requiring a compliance hearing after the issuance of certain orders to relinquish firearms; establishing certain unlawful acts related to certain theft offenses involving property damage; revising provisions relating to offenders; establishing provisions related to the creation of corridors and the adjudication and reporting of certain offenses committed within such corridors; making various changes related to juvenile justice; prohibiting the construction of certain findings relating to actions for wrongful conviction; revising provisions relating to the sealing of records and specialty court programs; revising provisions relating to pretrial release; ~~[revising provisions relating to immunity for certain witnesses;]~~ revising provisions relating to opioid use disorder; making appropriations; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 1.3 and 1.7** of this bill revise the definition of "officer" for the purposes of the enhanced penalties for assault or battery to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to

child welfare services or child protective services or other tasks that expose the person to comparable danger. Additionally, **sections 1.3 and 1.7** of this act apply the enhanced penalties to an assault or battery committed against a hospitality employee.

Existing law prohibits a person from stalking and prescribes various penalties related to the circumstance under which the offense is committed. (NRS 200.575) **Section 2** of this bill expands the unlawful acts which constitute stalking to include certain courses of conduct that would cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a person in a dating relationship with the victim. **Section 2** also makes various changes to provide that stalking encompasses both acts committed in person and by electronic means, and provides that such penalties are generally applicable to such acts regardless of medium. **Sections 50 and 63** of this bill make conforming changes related to the commission of stalking by electronic means under **section 2**.

~~[Existing law makes it unlawful, with certain exceptions, to intercept, listen or record a wire, electronic or oral communication. In relevant part, existing law establishes various exceptions to this prohibition for peace officers acting under certain circumstances related to the barricade of a person, a hostage situation or the threatened used of an explosive. (NRS 179.463, 200.620) Sections 2.5 and 60.3 of this bill establish an additional exception for a peace officer or certain persons acting under the direction of the peace officer who intercept the communication for the sole purpose of investigating a sexual offense against a child. Sections 60.2, 60.4 and 60.5 of this bill make various changes related to the terminology applicable to section 60.5.]~~

Existing law provides that a person who knowingly and willfully has in his or her possession any film, photograph or other visual representation depicting a person under the age of 16 years as the subject of the sexual portrayal or engaging in, simulating, or assisting others to engage in or simulate, sexual conduct is guilty of possession of pornography involving a minor. (NRS 200.730) **Section 3** of this bill revises the unit of prosecution for such an offense and prescribes that each person depicted under the age of 16 years in any film, photograph or other visual presentation constitutes a separate offense. **Section 41** of this bill makes a conforming change related to **section 3**.

Existing law: (1) prescribes various circumstances in which a person is prohibited from owning, possessing or having under his or her custody or control a firearm; and (2) establishes procedures related to the surrender, sale or transfer of a firearm by certain persons who are prohibited from owning, possessing or having under their custody or control a firearm. (NRS 33.031, 33.033, 202.360, 202.361) **Sections 4, 30 and 51** of this bill generally require a court to schedule a compliance hearing under such circumstances to determine whether a person has complied with a court order to surrender, sell or transfer a firearm. **Sections 4, 30 and 51**, however, authorize the court to cancel the compliance hearing under certain circumstances. **Sections 5, 31**

and 52 of this bill apply certain related definitions in existing law to **sections 4, 30 and 51**, respectively.

Existing law establishes certain crimes making it unlawful to take or obtain property. (NRS 205.0821-205.295) **Section 29.1** of this bill creates a new crime which provides that if a person intentionally causes property damage to a retail establishment in the commission of a theft offense and the aggregate value of the amount involved in the theft or property damage, or any combination thereof, is ~~[$500]~~ **$750** or more, the person is guilty of a category C felony.

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 32** of this bill revises the unlawful acts that constitute domestic violence to include kidnapping as well as an attempt or solicitation to commit any unlawful act that constitutes domestic violence.

Existing law establishes provisions concerning actions for wrongful conviction. (NRS 41.900-41.970) **Section 34.3** of this bill provides that the entry of a certificate of innocence and the award in an action for wrongful conviction is not a finding that: (1) certain persons committed a wrongdoing; or (2) there was not probable cause under certain circumstances.

~~[In general, existing law authorizes a juvenile court to order a child who is subject to the jurisdiction of the juvenile court or the parent or guardian of such a child, or both, to perform community service. (NRS 62E.180) Existing law defines "community service" for the purposes of such orders. (NRS 62A.060) Section 34.7 of this bill makes various changes to the definition of "community service."]~~

Existing law provides that if a child who is alleged to be delinquent is taken into custody and detained, the child must be given a detention hearing before the juvenile court. (NRS 62C.040) **Section 35** of this bill requires the juvenile court to order a qualified professional to evaluate the mental health of a child who: (1) is alleged to have committed certain unlawful acts involving a battery against a school employee or a child welfare professional; and (2) has in the previous year been taken into custody two or more times for certain battery offenses. **Section 36** of this bill makes a conforming change related to the detention of such children under **section 35**.

Existing law requires a juvenile court to suspend the license of a juvenile under certain circumstances if a child is adjudicated to be in need of supervision because the child: (1) is a habitual truant; (2) committed an unlawful acts related to tobacco; (3) committed certain unlawful acts related to a controlled substance or alcohol; or (4) placed graffiti on or defaced property. (NRS 62E.430, 62E.440, 62E.630, 62E.690) **Sections 39.2-39.8** of this bill make various changes to authorize the juvenile court to order the Department of Motor Vehicles to issue a restricted driver's license to the child if the issuance is in the best interest of the child. **Section 76.5** of this bill makes a conforming change regarding the circumstances under which the Department of Motor Vehicles may issue a restricted driver's license.

Existing law requires a court to discharge a defendant and dismiss the proceedings or set aside the judgment of conviction upon completion of the terms and conditions related to a program of treatment for alcohol or other substance use disorder, a program for treatment of mental illness or a program of treatment for veterans and members of the military or certain other terms and conditions. Thereafter, existing law requires the sealing of records related to the discharge, dismissal or setting aside a judgment of conviction. (NRS 176.211, 176A.240, 176A.245, 176A.260, 176A.265, 176A.290, 176A.295) **Sections 42, 44, 46 and 49** of this bill provide that the automatic record sealing provisions do not apply to such persons who were charged with certain offenses related to the abuse or neglect of a child or the abuse of an older or vulnerable person.

~~[Existing law generally requires a court to hold a pretrial release hearing to determine the custody status of a person not later than 48 hours after the person has been taken into custody. (NRS 178.4849) Section 53 of this bill provides that the 48 hours within which a pretrial release hearing must be held excludes legal holidays.]~~

Existing law requires a court to release any bail at the time of sentencing, if the court has not already done so, unless the defendant owes fines and costs, in which case, the bail must be applied towards the fines and costs. (NRS 178.522, 178.528) **Section 56** of this bill provides that under these circumstances if the bail has been deposited by a person other than a surety, and upon notice and the agreement of the person, the bail must first be applied towards the payment of any restitution owed by the defendant. **Section 55** of this bill makes a conforming change related to the procedures prescribed by **section 56**.

Existing law authorizes: (1) a district attorney and any attorney employed by a district attorney to prosecute a person in a county other than the county by which the district attorney is employed for the limited purpose of conducting a pretrial release hearing; and (2) such an attorney to receive a stipend for being available on a weekend or holiday to serve as a prosecuting attorney in a pretrial release hearing. (NRS 178.760) **Section 58** of this bill similarly authorizes a city attorney in a county whose population is less than 100,000 (currently all counties except Clark and Washoe Counties) to be deputized to prosecute a person in the county that encompasses the city attorney for the limited purpose of serving as a prosecuting attorney in a pretrial release hearing, and authorizes the city attorney to receive the stipend for such services.

~~[Existing law establishes procedures related to transactional immunity for witnesses in criminal cases. (NRS 178.572-178.578) Sections 57 and 88 of this bill revise and repeal these provisions to establish derivative use immunity for such witnesses.]~~

Existing law authorizes the establishment of correctional programs and judicial programs for the reentry of offenders and parolees into the community. (NRS 209.4871-209.4889) **Section 60.8** authorizes the Department of

Corrections to establish an alternative correctional program for the reentry of certain offenders into the community. **Sections 60.7, 61.3 and 61.7** of this bill establish and revise various provisions concerning the alternative correctional programs.

Existing law authorizes the Director of the Department of Corrections and the sheriff, chief of police or town marshal to establish programs for the treatment of prisoners with a substance use disorder using medication-assisted treatment. (NRS 209.4247, 211.400) **Sections 61 and 62** of this bill require persons who establish such programs to collaborate with the Department of Health and Human Services if the program relates to opioid use disorder.

Existing law: (1) authorizes a board of county commissioners, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of a county government, whether or not the powers are expressly granted to the board; and (2) defines "matter of local concern" for such purposes. (NRS 244.143, 244.146) Existing law also authorizes a board of county commissioners to enact and enforce local police and sanitary ordinances and regulations that are not in conflict with the general laws and regulations of this State. (NRS 244.357) **Section 65.5** of this bill requires a board of county commissioners in a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance that designates the geographic boundaries of one or more corridors in which the commission of crime poses a significant risk to public safety and the economic welfare of this State due to the high concentration of tourists, visitors, employees and other persons in such corridors. **Section 65.5** provides that a person who is charged with, convicted of or the subject of deferred adjudication for any offense punishable as a misdemeanor: (1) for the first offense within the corridor ~~[,]~~ **within two years,** may as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period not to exceed 1 year; and (2) for a second or subsequent offense within the corridor ~~[, may]~~ **within 2 years, must** as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period of not less than 1 year **.** ~~[but not more than 2 years.]~~

Section 29.5 of this bill authorizes a justice court, in a county wherein the board of county commissioners adopts an ordinance designating the geographic boundaries of one or more corridors pursuant to **section 65.5**, to establish an appropriate program for the adjudication of offenses punishable as a misdemeanor that occurred within the boundaries of such corridors.

Section 29.7 of this bill requires a justice court ~~[that establishes a program]~~ **whose jurisdiction includes a corridor established** pursuant to **section** ~~[29.5]~~ **65.5** to prepare and submit: (1) to the Legislature an annual report containing certain information regarding crimes that occur within such corridors; and (2) to the respective board of county commissioners a monthly

report containing certain information regarding crimes that occur within such corridors.

Existing law requires the Department of Health and Human Services to conduct a statewide needs assessment to determine the priorities for allocating money from the Fund for a Resilient Nevada; and (2) based on that needs assessment, develop a statewide plan for allocating the money in the Fund. (NRS 433.734) Existing law also prescribes specific requirements concerning the statewide needs assessment. (NRS 433.736) **Section 70** of this bill requires the statewide assessment to establish priorities related to the identification of educational resources to be used for the training of law enforcement and other criminal justice agencies related to trauma-informed practices and medication-assisted treatment for persons with opioid use disorder. **Section 69** of this bill makes a conforming change to refer to provisions renumbered by **section 70**.

Existing law establishes provisions related to peer recovery support services. (NRS 433.622-433.641) **Section 66** of this bill requires the Department of Health and Human Services to make available certain information relating to peer recovery support services. **Sections 68 and 85-87** of this bill make conforming changes governing the applicability of **section 66** to certain existing provisions of law related to peer support services.

Existing law sets forth various penalties involving driving or operating a vehicle or vessel under the influence of alcohol, a controlled substance or a prohibited substance under certain circumstances. (Chapter 484C of NRS, NRS 488.400-488.520) **Sections 77 and 81** of this bill provide that the prohibition on a person driving or operating a vehicle or vessel with a specific amount of marijuana or marijuana metabolite in his or her blood applies to certain offenses punishable as a felony. **Sections 80 and 82** of this bill increase the terms of imprisonment for a person who proximately causes the death of another person while driving or operating a vehicle or vessel under the influence of alcohol or a controlled substance. Additionally, **sections 80 and 82** further provide that any such person who proximately causes the death of another person and who has previously been once or twice convicted of certain offenses related to driving or operating a vehicle or vessel under the influence of alcohol or a controlled substance is subject to an increased penalty.

Sections 87.3 and 87.5 make appropriations to the Interim Finance Committee for allocation to the Department of Corrections and the Administrative Office of the Courts for the purposes of carrying out the provisions of this act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(d) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(c)]~~ ***(e)*** "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.

~~[(d)]~~ ***(f) "Hospitality employee" means a person employed by a resort hotel, resort condominium, arena, stadium or convention center, including, without limitation, a person who is employed in a position of front desk staff, housekeeping, concierge, valet, bell service, gaming floor, food and beverage, retail, security, facility or hotel administration, count room, management or any other position who is responsible for ensuring a positive guest experience, and whose employment duties require the employee to:***

(1) Wear identification, clothing, a uniform or other insignia that identifies the employee as working for a resort hotel, resort condominium, arena, stadium or convention center; and

(2) Be physically on the property of the resort hotel, resort condominium, arena, stadium or convention center or otherwise traveling within a corridor, as described in section 65.5 of this act.

(g) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(h)*** "Provider of health care" means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant or anesthesiologist assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a naprapath, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a person who provides health care services in the home for compensation, a dentist, a dental student, a dental hygienist, a dental hygienist student, an expanded function dental assistant, an expanded function dental assistant student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, a public safety officer at a health care facility, an emergency medical technician, an advanced emergency medical technician, a paramedic or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

~~[(f)]~~ ***(i) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.***

(j) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(k)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(l)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(m)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(j)]~~ ***(n)*** "Taxicab driver" means a person who operates a taxicab.

~~[(k)]~~ ***(o)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(l)]~~ ***(p)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault:

(1) Is committed upon:

(I) An officer, ***a hospitality employee,*** a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, ***a hospitality employee,*** a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B

felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault:

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon:

(I) An officer, ***a hospitality employee,*** a school employee, a taxicab driver, a transit operator or a utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, ***a hospitality employee,*** a provider of health care, a school employee, a taxicab driver, a transit operator, a utility worker or a sports official,

➥ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 1.7. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) ***"Child protective services" has the meaning ascribed to it in NRS 432B.042.***

(d) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(e) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(d)]~~ ***(f) "Hospitality employee" means a person employed by a resort hotel, resort condominium, arena, stadium or convention center, including, without limitation, a person who is employed in a position of front desk staff, housekeeping, concierge, valet, bell service, gaming floor, food and beverage, retail, security, facility or hotel administration, count room, management or any other position who is responsible for ensuring a positive guest experience, and whose employment duties require the employee to:***

(1) Wear identification, clothing, a uniform or other insignia that identifies the employee as working for a resort hotel, resort condominium, arena, stadium or convention center; and

(2) Be physically on the property of the resort hotel, resort condominium, arena, stadium or convention center or otherwise traveling within a corridor, as described in section 65.5 of this act.

(g) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) ***An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~[(9)]~~ ***(10)*** A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

~~[(10)]~~ ***(11)*** A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(e)]~~ ***(h)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(i) "Resort hotel" has the meaning ascribed to it in NRS 463.01865.***

(j) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~[(g)]~~ ***(k)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(l)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(m)*** "Strangulation" means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

~~[(j)]~~ ***(n)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(o)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(p)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

~~[(m)]~~ ***(q)*** "Utility worker" means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon:

(I) An officer, ***hospitality employee,*** school employee, taxicab driver, transit operator or utility worker who was performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, ***hospitality employee,*** provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, ***hospitality employee,*** provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery:

(1) Is committed upon:

(I) An officer, ***hospitality employee,*** school employee, taxicab driver, transit operator or utility worker who is performing his or her duty;

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or

(III) A sports official based on the performance of his or her duties at a sporting event; and

(2) The person charged knew or should have known that the victim was an officer, ***hospitality employee,*** provider of health care, school employee, taxicab driver, transit operator, utility worker or sports official,

➥ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 2. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct directed towards a victim that

would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member ~~[,]~~ ***or a person with whom the victim has had or is having a dating relationship,*** and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member ~~[.]~~ ***or a person with whom the victim has had or is having a dating relationship,*** commits the crime of stalking. Except where the provisions of subsection 2, 3 or 4 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

2. Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16 and the person is 5 or more years older than the victim:

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 5 years, and may be further punished by a fine of not more than $5,000.

(c) For the third or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $5,000.

4. A person who commits the crime of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.

6. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

7. If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction or admonishment of rights.

8. If the court includes such a finding in a judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

9. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

10. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

11. As used in this section:

(a) ***"Act" includes, without limitation, accessing a social media account of a specified person.***

(b) "Course of conduct" means ~~[a pattern of conduct which consists of]~~ two or more acts ***conducted in person or by electronic means*** over a period of time that evidences a continuity of purpose directed at a specific person.

~~[(b)]~~ ***(c) "Dating relationship" has the meaning ascribed to it in NRS 33.018.***

(d) "Electronic means" includes, without limitation, through the use of an Internet or network site, a social media communication, electronic mail, text messaging or any other similar means of communication used to electronically publish, display or distribute information.

(e) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

~~[(c)]~~ *(f)* "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

~~[(d)]~~ *(g)* "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(e)]~~ *(h)* "Offense" includes, without limitation, a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in this section.

(i) "Social media communication" means:

(1) A private communication, including, without limitation, a message or image, sent between users of a social media platform; or

(2) A communication, including, without limitation, a message or image, which is made available or otherwise shared on a social media platform and which is visible to other users of the social media platform or the public.

~~[(f)]~~ *(j)* "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~[(g)]~~ *(k)* "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 2.5. ~~[NRS 200.620 is hereby amended to read as follows:~~

~~200.620 1. Except as otherwise provided in subsection 5 and NRS 179.410 to 179.515, inclusive, 209.419 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of~~

~~subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire-fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire-fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.~~

~~5. The interception or attempted interception of a wire communication is not unlawful under the circumstances set forth in subsection 1 of NRS 179.463~~ ~~[.]~~ ~~*or section 60.3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 200.730 is hereby amended to read as follows:

200.730 ~~[A]~~

1. Subject to subsection 2, a person who knowingly and willfully ~~[has in his or her possession]~~ ***possesses*** for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

~~[1.]~~ ***(a)*** For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less

than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[2.]~~ ***(b)*** For any subsequent offense, is guilty of a category A felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than $5,000.

2. Each person under the age of 16 years depicted in any film, photograph or other visual presentation described in subsection 1 constitutes a separate offense for purposes of this section.

Sec. 4. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court orders a person to surrender, sell or transfer any firearm pursuant to NRS 202.361, the court shall require the person to appear for a compliance hearing to determine whether the person has complied with the provisions of the order for the surrender, sale or transfer of the firearm.

2. Except as otherwise provided in subsection 3, the court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the issuance of the order for the surrender, sale or transfer of the firearm.

3. If a person is in custody at the time that the compliance hearing is scheduled pursuant to subsection 2, the court shall reschedule the compliance hearing to a date that is not later than 1 business day after the release of the person from custody.

4. The court may cancel the compliance hearing if:

(a) The person provides the affidavit described in paragraph (d) of subsection 1 of NRS 202.361;

(b) The person provides the receipt or other documentation required by subsection 2, 3 or 4 of NRS 202.361, as applicable; or

(c) The court issues a search warrant pursuant to subsection 5 of NRS 202.361.

Sec. 5. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and section 4 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 29.1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person intentionally causes property damage to a retail establishment during the commission of a theft offense and the aggregate value of the amount involved in the theft or property damage, or any combination thereof, is ~~[$500]~~ $750 or more, the person is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. As used in this section:

(a) "Retail establishment" means an establishment that sells goods or merchandise from a fixed location for direct consumption by a purchaser. The term includes, without limitation, an establishment that prepares and sells meals or other edible products, regardless of the place of consumption by the consumer.

(b) "Theft offense" means a violation of NRS 205.0832 or 205.240, as applicable.

Sec. 29.3. Chapter 4 of NRS is hereby amended by adding thereto the provisions set forth as sections 29.5 and 29.7 of this act.

Sec. 29.5. ***1. In a county wherein the board of county commissioners adopts an ordinance that designates the geographic boundaries of one or more corridors pursuant to section 65.5 of this act, a justice court may establish an appropriate program for the adjudication of offenses punishable as a misdemeanor that occurred within such corridors.***

2. Under a program established pursuant to subsection 1, a justice court may rescind an order prohibiting a person from entering a corridor upon the successful completion by the person of a diversion program for which participation is a condition of release, sentencing, suspended sentence or deferred adjudication.

Sec. 29.7. ***1. On or before July 1 of each year, a justice court ~~[that has established a program for the adjudication of offenses]~~ whose jurisdiction includes a corridor established pursuant to section ~~[29.5]~~ 65.5 of this act shall prepare and submit an annual report to the Legislature.***

2. Except as otherwise provided in subsection 5, the report prepared and submitted pursuant to subsection 1 must include, without limitation:

(a) The number of persons charged, convicted and sentenced for any offense punishable as a misdemeanor in the corridor during the immediately preceding year;

(b) The underlying crime for which such persons were charged, convicted and sentenced in the corridor during the immediately preceding year;

(c) The rate of successful completion of the sentence or condition of release, which must be expressed as the percentage of persons who successfully completed the sentence or condition of release imposed by the court out of the total number of persons sentenced by the court;

(d) The number of persons subject to an order prohibiting a person from entering the geographic boundaries of a corridor designated by ordinance in the immediately preceding year, including, without limitation, whether the

person has been charged or convicted of a repeat offense within a corridor; and

(e) The information described in paragraphs (a) to (d), inclusive, pertaining to any person who has been ordered, assigned or sentenced to a diversion program.

3. Not later than the last day of each calendar month, a justice court ~~[that has established a program for adjudication]~~ whose jurisdiction includes a corridor established pursuant to section ~~[29.5]~~ 65.5 of this act shall prepare and submit a monthly report to the board of county commissioners.

4. Except as otherwise provided in subsection 5, the report prepared and submitted pursuant to subsection 3 must include, without limitation:

(a) Any information required to be submitted to the Legislature pursuant to subsection 2;

(b) The total number of cases involving offenses punishable as a misdemeanor that were committed within a corridor;

(c) For each case reported pursuant to paragraph (b):

(1) The name of the presiding justice of the peace;

(2) The case number or other case identifier used by the justice court for each case;

(3) Whether the person is a repeat offender for an offense committed within the corridor; and

(4) If the person is a repeat offender for an offense committed within a corridor:

(I) The duration of the time that has passed between the commission of the offenses;

(II) The conditions of the sentences for the offenses; and

(III) Whether the defendant was incarcerated for the offenses.

5. Any report submitted pursuant to this section must not include any identifying information of the:

(a) Person who was the subject of an order prohibiting the person from entering a corridor; or

(b) Business or location where the underlying offense occurred.

Sec. 30. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court orders an adverse party to surrender, sell or transfer any firearm pursuant to NRS 33.031, the court shall require the adverse party to appear for a compliance hearing to determine whether the adverse party has complied with the provisions of the order for the surrender, sale or transfer of the firearm.

2. Except as otherwise provided in subsection 3, the court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the issuance of the order for the surrender, sale or transfer.

3. If an adverse party is in custody at the time that the compliance hearing is scheduled pursuant to subsection 2, the court shall reschedule the compliance hearing to a date that is not later than 1 business day after the release of the adverse party from custody.

4. The court may cancel the compliance hearing if:

(a) The person provides the affidavit described in paragraph (d) of subsection 1 of NRS 33.033;

(b) The adverse party provides the receipt or other documentation required by subsection 2, 3 or 4 of NRS 33.033, as applicable; or

(c) The court issues a search warrant pursuant to subsection 5 of NRS 33.033.

Sec. 31. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, ***and section 30 of this act,*** unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.

2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 32. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) Coercion pursuant to NRS 207.190.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing an animal.

(8) Burglary.

(9) An invasion of the home.

(f) A false imprisonment.

(g) Pandering.

(h) A kidnapping.

(i) An attempt or solicitation to commit an offense described in paragraphs (a) to (h), inclusive.

2. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 34.3. NRS 41.910 is hereby amended to read as follows:

41.910 1. If a court finds that a person is entitled to a judgment pursuant to NRS 41.900, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.

2. If a court does not find that a person is entitled to a judgment pursuant to NRS 41.900, the action must be dismissed and the court shall not enter a certificate of innocence.

3. Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction, except such records maintained by the parties concerning a civil action for wrongful conviction brought pursuant to NRS 41.900, which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.

4. The records maintained by the parties concerning a civil action for wrongful conviction pursuant to subsection 3 must remain confidential.

5. The entry of a certificate of innocence pursuant to subsection 1 and the provision of an award pursuant to NRS 41.950 shall not be construed to be a finding that:

(a) A person involved in the investigation, prosecution or conviction of the underlying offense committed any wrongdoing; or

(b) There was not probable cause to arrest or file a complaint against the person subject to the certificate of innocence.

Sec. 34.7. ~~[NRS 62A.060 is hereby amended to read as follows:~~

~~62A.060 [1.] "Community service" means [community service] a community-based activity that:~~

~~*1. Facilitates civic engagement or enhances connections between the child and his or her community, provides training in life skills or increases the employability of the child through basic job training;*~~

~~*2. Is designed to:*~~

~~*(a) Encourage the development of empathy for victims of crime;*~~

~~*(b) Repair harm done to victims and the community by giving back to victims and the community;*~~

~~*(c) Facilitate the development of critical thinking and problem solving skills;*~~

~~*(d) Facilitate the development of a deeper understanding of community problems;*~~

~~*(e) Provide the child with a better understanding of how to make constructive changes;*~~

~~*(f) Assist the child with gaining a sense of individual effectiveness;*~~

~~*(g) Facilitate the development in the child of a personal stake in the well-being of the community; or*~~

~~*(h) Provide the child with a better understanding of the need for involvement in the community in a way that affects positive change; and*~~

~~*3. Is* performed in accordance with NRS 62E.190.~~

~~[2. The term includes, but is not limited to, public service, work on public projects, supervised work for the benefit of the community or any other work required by the juvenile court.]~~ **(Deleted by amendment.)**

Sec. 35. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child must not be released before a detention hearing is held pursuant to NRS 62C.040 if the child:

(a) Is taken into custody for an unlawful act in violation of NRS 200.481 against a school employee or child welfare professional; and

(b) Has, in the previous year, been taken two or more times into custody for an unlawful act in violation of paragraph (d) of subsection 2 of NRS 200.481 for which:

(1) The child has been placed on informal supervision pursuant to NRS 62C.200; or

(2) A petition has been filed alleging that the child is delinquent.

2. At the detention hearing, the juvenile court shall order the mental health of the child to be evaluated by a qualified professional, if the child has not been ordered by the court to be so evaluated in the previous year.

3. If an evaluation is required by subsection 2, the court shall:

(a) Detain the child at a facility for the detention of children for not more than 14 days or until the completion of the evaluation, whichever is sooner; or

(b) Place the child under a program of supervision in the home of the child that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to subsection 2, the statements made by the child to the qualified professional

during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

5. As used in this section:

(a) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(b) "Child welfare professional" means an employee of this State or a political subdivision of this State who as part of his or her job responsibilities:

(1) Interacts with the public; and

(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

(c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(d) "School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

Sec. 36. NRS 62C.100 is hereby amended to read as follows:

62C.100 1. When a complaint is made alleging that a child is delinquent or in need of supervision:

(a) The complaint must be referred to a probation officer of the appropriate county; and

(b) The probation officer shall conduct a preliminary inquiry to determine whether the best interests of the child or of the public:

(1) Require that a petition be filed; or

(2) Would better be served by placing the child under informal supervision pursuant to NRS 62C.200.

2. If, after conducting the preliminary inquiry, the probation officer recommends the filing of a petition, the district attorney shall determine whether to file the petition.

3. If, after conducting the preliminary inquiry, the probation officer does not recommend the filing of a petition or that the child be placed under informal supervision, the probation officer must notify the complainant regarding the complainant's right to seek a review of the complaint by the district attorney.

4. If the complainant seeks a review of the complaint by the district attorney, the district attorney shall:

(a) Review the facts presented by the complainant;

(b) Consult with the probation officer; and

(c) File the petition with the juvenile court if the district attorney believes that the filing of the petition is necessary to protect the interests of the child or of the public.

5. The determination of the district attorney concerning whether to file the petition is final.

6. Except as otherwise provided in NRS 62C.060 ~~[,]~~ ***and section 35 of this act,*** if a child is in detention or shelter care, the child must be released immediately if a petition alleging that the child is delinquent or in need of supervision is not:

(a) Approved by the district attorney; or

(b) Filed within 4 days after the date the complaint was referred to the probation officer, excluding Saturdays, Sundays and holidays, except that the juvenile court may, for good cause shown by the district attorney, allow an additional 4 days for the filing of the petition, excluding Saturdays, Sundays and holidays.

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 39.2. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $100 or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $200 or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine;

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

5. If the juvenile court finds that the suspension of the driver's license of a child pursuant to this section is not in the best interest of the child, the juvenile court may order the Department of Motor Vehicles to issue the child a restricted driver's license pursuant to NRS 483.490.

6. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 5, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 39.4. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $25; and

(2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

(1) Pay a fine of $50; and

(2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

(1) The child to pay a fine of $75;

(2) The child to attend and complete a tobacco awareness and cessation program; and

(3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the juvenile court orders a child to pay a fine pursuant to this section and the child willfully fails to pay the fine, the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

➥ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court ~~[~~~~suspends~~~~]~~ ***finds that the suspension of*** the driver's license of ~~[~~~~a~~~~]~~ ***the*** child pursuant to this section ~~[~~~~,~~~~]~~ ***is not in the best interest of the child,*** the juvenile court may order the Department of Motor Vehicles to issue ***the child*** a restricted driver's license pursuant to NRS 483.490 **.** ~~[~~~~permitting the child to drive a motor vehicle:~~

~~(a) To and from work or in the course of his or her work, or both;~~

~~(b) To and from school; or~~

~~(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.~~]

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 39.6. NRS 62E.630 is hereby amended to read as follows:

62E.630 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of using, possessing, selling or distributing a controlled substance, or purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 90 days but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that ~~[~~a~~]~~ ***the*** suspension ~~[~~or delay in the issuance~~]~~ of the driver's license of a child pursuant to this section ~~[~~would cause or is causing a severe or undue hardship to~~]~~ ***is not in the best interest of*** the child ***,*** ~~[~~or his or her immediate family and that the child is otherwise eligible to receive a driver's license,~~]~~ the juvenile court may order the Department of Motor Vehicles to issue ***the child*** a restricted driver's license ~~[~~to the child~~]~~ pursuant to NRS 483.490.

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 39.8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 or for the unlawful act of carrying a graffiti implement in certain places without valid authorization in violation of NRS 206.335, the juvenile court shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least 1 year but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least 1 year but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a driver's license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

3. If the juvenile court finds that the suspension of the driver's license of a child pursuant to this section is not in the best interest of the child, the juvenile court may order the Department of Motor Vehicles to issue the child a restricted driver's license pursuant to NRS 483.490.

4. If the juvenile court issues an order requiring the Department of Motor Vehicles to issue a restricted driver's license to a child pursuant to subsection 3, not later than 5 days after issuing the order, the juvenile court shall forward to the Department of Motor Vehicles a copy of the order.

Sec. 40. (Deleted by amendment.)

Sec. 41. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 200.730, paragraph (a) of subsection 1 of NRS 200.975, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 42. NRS 176.211 is hereby amended to read as follows:

176.211 1. Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

(a) Payment of restitution;

(b) Payment of court costs;

(c) Payment of an assessment in lieu of any fine authorized by law for the offense;

(d) Payment of any other assessment or cost authorized by law;

(e) Completion of a term of community service;

(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or

(g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant:

(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

(b) Shall not defer judgment for any defendant who has been convicted of ~~[~~a~~]~~ ***:***

(1) ***A*** violent or sexual offense as defined in NRS 202.876 ~~[~~, a~~]~~ ***;***

(2) ***A*** crime against a child as defined in NRS 179D.0357 ~~[~~, a~~]~~ ***;***

(3) ***A*** violation of NRS 200.508 ***;*** or ~~[~~a~~]~~

(4) ***A*** violation of NRS 574.100 that is punishable pursuant to subsection 6 of that section.

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and

dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.

6. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. ***The provisions of subsection 6 do not apply to, and the court may not order sealed pursuant to subsection 6, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged pursuant to this section.***

8. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

~~[8.]~~ ***9.*** As used in this section:

(a) "Court" means a district court of the State of Nevada.

(b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 176A.245 is hereby amended to read as follows:

176A.245 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.240, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those

records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. ***The provisions of subsection 1 do not apply to, and the court may not order sealed pursuant to this section, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged from probation, whose case is dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.240.***

4. If the court orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.240, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 45. (Deleted by amendment.)

Sec. 46. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the district court, justice court or municipal court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The district court, justice court or municipal court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. ***The provisions of subsection 1 do not apply to, and the court may not order sealed pursuant to this section, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged from probation, whose case is dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260.***

4. If the district court, justice court or municipal court, as applicable, orders sealed the record of a defendant who is discharged from probation,

whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the district court, justice court or municipal court, as applicable, in writing of its compliance with the order.

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.290, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. ***The provisions of subsection 1 do not apply to, and the court may not order sealed pursuant to this section, the records of a defendant who is charged with a violation of NRS 200.508 or 200.5099 and who is discharged from probation, whose case is dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.290.***

4. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 50. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** pursuant to ~~[subsection 4 of]~~ NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) ***"Electronic means" has the meaning ascribed to it in NRS 200.575.***

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(d)]~~ ***(e)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.]~~

Sec. 51. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a court prohibits a person from possessing a firearm as a condition of release pursuant to NRS 178.4851, the court shall require the person to appear for a compliance hearing to determine whether the person has complied with the prohibition.

2. The court shall schedule the compliance hearing not earlier than 2 business days nor later than 5 business days after the release of the person.

3. For the purpose of complying with a condition of release prohibiting the person from possessing a firearm, the person and the court may follow the procedures for:

(a) The surrender, sale or transfer of firearms described in NRS 202.361; and

(b) The cancellation of a compliance hearing described in section 4 of this act.

Sec. 52. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, ***and section 51 of this act,*** unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 53. ~~[NRS 178.4849 is hereby amended to read as follows:~~

~~178.4849 1. Except as otherwise provided in subsection 2 and NRS 178.484 and 178.4847, a court shall, within 48 hours after a person has been taken into custody, ***excluding any day declared to be a legal holiday pursuant to NRS 236.015,*** hold a pretrial release hearing, in open court or by means of remote communication, to determine the custody status of the person.~~

~~2. The court may continue a pretrial release hearing:~~

~~(a) At the request of either party or the court and for good cause shown.~~

~~(b) Upon stipulation of the parties. The court shall schedule a hearing continued pursuant to this paragraph for the date specified by stipulation.~~

~~3. A stipulation made pursuant to subsection 2 may be:~~

~~(a) An oral stipulation; or~~

~~(b) A written stipulation communicated by mail, by electronic mail, via the Internet or by other electronic means.~~

~~4. The prosecuting attorney, the defendant and the defendant's attorney may appear at a pretrial release hearing by means of remote communication. An appearance by means of remote communication must be treated in the same manner as an appearance in person.~~

~~5. A magistrate who presides over a pretrial release hearing may do so by means of remote communication.~~

~~6. As used in this section:~~

~~(a) "Magistrate" means a judicial officer who presides over a pretrial release hearing.~~

~~(b) "Remote communication" means communication through telephone or videoconferencing.]~~ **(Deleted by amendment.)**

Sec. 54. (Deleted by amendment.)

Sec. 55. NRS 178.522 is hereby amended to read as follows:

178.522 1. When the condition of the bond has been satisfied or the forfeiture thereof has been set aside or remitted, the court shall exonerate the obligors and release any bail. The court shall exonerate the obligors and release any bail at the time of sentencing the defendant ~~[, if the court has not previously done so]~~ unless the money deposited ~~[by the defendant]~~ as bail must be applied ~~[to satisfy a judgment]~~ pursuant to NRS 178.528.

2. A surety may be exonerated by a deposit of cash in the amount of the bond or by a timely surrender of the defendant into custody.

Sec. 56. NRS 178.528 is hereby amended to read as follows:

178.528 ***1.*** When money has been deposited ~~[,]~~ ***as bail by a person other than a surety,*** if it remains on deposit at the time of ~~[a judgment for the payment of a fine,]~~ ***sentencing,*** the court, or the clerk under the direction of the court, ***upon the provision of notice to and the agreement of the person who deposited the bail,*** shall apply the money in satisfaction ~~[thereof,]~~ ***of any restitution.*** ~~[and]~~

2. If a distribution is not made pursuant to subsection 1, or after satisfying the ***restitution pursuant to subsection 1 there is a surplus remaining, as applicable, the court, or the clerk under the direction of the court, shall apply the money to any*** fine and costs **.**

3. If there is any surplus remaining after the distributions are made pursuant subsections 1 and 2, as applicable, the court, or the clerk under the direction of the court, shall refund the surplus ~~[, if any,]~~ to the person who deposited the bail, unless that person has directed, in writing, that any surplus be refunded to another.

Sec. 57. ~~[NRS 178.572 is hereby amended to read as follows:~~

~~178.572 1. [In] *If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information that is necessary to the public interest in* any investigation before a grand jury, [or] any preliminary examination [or] *and* trial *or other evidentiary proceeding* in any court of record, the [court on motion of the State] *prosecuting attorney* may *request that the court issue an* order [that any material witness be released from all liability to be prosecuted or punished on account of any] *of immunity to compel the witness to testify or provide other information.*~~

~~*2. If a court issues an order of immunity:*~~

~~*(a) The witness may not refuse to testify or provide other information on the basis of the privilege against self-incrimination;*~~

~~*(b) The* testimony or other [evidence the witness may be required to produce.~~

~~2.] *information compelled under the order, or any information directly or indirectly derived from the testimony or other information, may not be used against the person in any criminal case, except a prosecution for:*~~

~~*(1) Perjury committed in the giving of such testimony;*~~

~~*(2) Giving a false statement; or*~~

~~*(3) Otherwise failing to comply with the order; and*~~

~~*(c) Before the provision of any testimony by the witness, the court shall advise the witness orally and in writing of the information described in paragraph (b) and the effect of the immunity in regards to future prosecutions.*~~

~~*3.* Any [motion,] *request,* hearing or order regarding the immunity of a grand jury witness must not be made public before an indictment or presentment is issued in the case.]~~ **(Deleted by amendment.)**

Sec. 58. NRS 178.760 is hereby amended to read as follows:

178.760 Notwithstanding any other provision of law:

1. A district attorney, assistant district attorney ~~[,]~~ ***or a designated city attorney may:***

(a) If the attorney is a deputy district attorney or other attorney employed by a district attorney ~~[may:~~

~~(a) Be]~~ ***be*** deputized to prosecute a person in a county other than the county by which the attorney is employed for the limited purpose of serving as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849. An assistant district attorney, deputy district attorney or other attorney employed by a district attorney must receive the approval of the district attorney of the county in which the attorney is employed before serving as the prosecuting attorney in a pretrial release hearing in a county other than the county by which the attorney is employed.

(b) ***If the attorney is a designated city attorney, be deputized to prosecute a person in the county which encompasses the city that employs the city attorney for the limited purpose of serving as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849.***

(c) Receive a stipend for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday.

2. A public defender and the State Public Defender may, pursuant to an interlocal agreement, authorize the public defender, State Public Defender or any other attorney employed by the public defender or State Public Defender to provide for the representation of a defendant in a pretrial release hearing required by NRS 178.4849 in any county.

3. A public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender may receive a stipend for being available on a weekend or holiday to represent a defendant in a pretrial release hearing required by NRS 178.4849 or for representing a defendant in any such pretrial release hearing conducted on a weekend ~~[,]~~ or holiday.

4. As used in this section, "designated city attorney" means a city attorney in a county in this State whose population is less than 100,000.

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.1. ~~[Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 60.2 and 60.3 of this act.]~~ **(Deleted by amendment.)**

Sec. 60.2. ~~[*"Sexual offense against a child" includes any act upon a child constituting:*~~

~~*1. Sexual assault pursuant to NRS 200.366;*~~

~~*2. Statutory sexual seduction pursuant to NRS 200.368;*~~

~~*3. Incest pursuant to NRS 201.180;*~~

~~*4. Open or gross lewdness pursuant to NRS 201.210;*~~

~~*5. Lewdness with a child pursuant to NRS 201.230;*~~

~~*6. Sado-masochistic abuse pursuant to NRS 201.262; or*~~

~~*7. Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.]~~* **(Deleted by amendment.)**

Sec. 60.3. ~~[*1. The interception, listening or recording of a wire, electronic or oral communication by a peace officer, or a designated person acting under the direction or request of a peace officer, is not unlawful if the peace officer or designated person is intercepting the communication for the sole purpose of investigating a sexual offense against a child.*~~

~~*2. As used in this section, "designated person" means:*~~

~~*(a) A child, with the consent of the parent or legal guardian of the child; and*~~

~~*(b) The parent or legal guardian of a child.]~~* **(Deleted by amendment.)**

Sec. 60.4. ~~[NRS 179.410 is hereby amended to read as follows:~~

~~179.410 As used in NRS 179.410 to 179.515, inclusive, *and sections 60.2 and 60.3 of this act,* except where the context otherwise requires, the words and terms defined in NRS 179.415 to 179.455, inclusive, *and section 60.2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 60.5. ~~[NRS 179.460 is hereby amended to read as follows:~~

~~179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, a violation of NRS 201.553, the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS or a violation of NRS 463.160 or 465.086.~~

~~2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.~~

~~[3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:~~

~~(a) Incest pursuant to NRS 201.180;~~

~~(b) Lewdness with a child pursuant to NRS 201.230;~~

~~(c) Sado-masochistic abuse pursuant to NRS 201.262;~~

~~(d) Sexual assault pursuant to NRS 200.366;~~

~~(e) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(f) Open or gross lewdness pursuant to NRS 201.210; or~~

~~(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.]~~ **(Deleted by amendment.)**

Sec. 60.6. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 60.7 and 60.8 of this act.

Sec. 60.7. ***"Alternative correctional program" means the program for reentry of offenders into the community that is established by the Director pursuant to section 60.8 of this act.***

Sec. 60.8. ***1. The Director may establish an alternative correctional program for reentry of offenders into the community pursuant to this section.***

2. If the Director establishes an alternative correctional program pursuant to this section, the Director may:

(a) Assign offenders whom:

(1) The Director has requested that the Chair of the State Board of Parole Commissioners assign to the custody of the Division to participate in a correctional program pursuant to subsection 3 of NRS 209.4888; and

(2) The Chair does not assign to the custody of the Division to participate in a correctional program pursuant to subsection 3 of NRS 209.4888; and

(b) Supervise offenders participating in the alternative correctional program.

Sec. 61. NRS 209.4247 is hereby amended to read as follows:

209.4247 1. To the extent that money is available ~~[,]~~ ***and subject to subsection 2,*** the Director shall, with the approval of the Board, establish a program of treatment for offenders with a substance use disorder using medication-assisted treatment.

2. ***If the program established pursuant to subsection 1 relates to opioid use disorder, the Director shall collaborate with the Department of Health and Human Services to establish the program.***

3. The program established pursuant to subsection 1 must:

(a) Provide each eligible offender who participates in the program with appropriate medication-assisted treatment for the period in which the offender is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible offender as part of his or her medication-assisted treatment be made by a treating physician and the eligible offender.

~~[3.]~~ ***4.*** Except as otherwise provided in this section, any offender who the Director has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the Director pursuant to subsection ~~[4]~~ ***5*** is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If an offender received medication-assisted treatment immediately preceding his or her incarceration, the offender is eligible to continue that medication-assisted treatment as a participant in the program. Participation in the program must be voluntary.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the Director may impose reasonable conditions for an offender to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The Director shall not deny an offender the ability to participate in the program or terminate the participation of an offender in the program on the basis that:

(a) The results of a screening test administered to the offender upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The offender committed an infraction of the rules of the institution or facility before or during the participation of the offender in the program.

~~[5.]~~ ***6.*** An offender who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the offender during his or her participation in the program indicated the presence of a controlled substance.

~~[6.]~~ ***7.*** As used in this section:

(a) "Medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

(b) "Substance use disorder" means a cluster of cognitive, behavioral and psychological symptoms indicating that a person continues using a substance despite significant substance-related problems.

Sec. 61.3. NRS 209.4871 is hereby amended to read as follows:

209.4871 As used in NRS 209.4871 to 209.4889, inclusive, ***and sections 60.7 and 60.8 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 209.4873 to 209.488, inclusive, ***and section 60.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 61.7. NRS 209.4889 is hereby amended to read as follows:

209.4889 1. Except as otherwise provided in NRS 208.280, the Director may enter into one or more contracts with one or more public or private entities to provide any of the following services, as necessary and appropriate, to offenders or parolees participating in a correctional ***program, alternative correctional program*** or judicial program:

(a) Transitional housing;

(b) Treatment pertaining to a substance use disorder or mental health;

(c) Training in life skills;

(d) Vocational rehabilitation and job skills training; and

(e) Any other services required by offenders or parolees who are participating in a correctional ***program, alternative correctional program*** or judicial program.

2. The Director may consult with the Division before entering into a contract with a public or private entity pursuant to subsection 1.

3. The Director shall, as necessary and appropriate, provide referrals and information regarding:

(a) Any of the services provided pursuant to subsection 1;

(b) Access and availability of any appropriate self-help groups;

(c) Social services for families and children; and

(d) Permanent housing.

4. The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section. Money received pursuant to this subsection may be deposited with the State Treasurer for credit to the Account for Reentry Programs in the State General Fund created by NRS 480.810.

5. A contract entered into between the Director and a public or private entity pursuant to subsection 1 must require the entity to:

(a) Provide a budget concerning all services the entity will provide during the duration of any grant received.

(b) Provide all services required by any grant received.

(c) Provide to the Department for its approval a curriculum for any program of services the entity will provide.

(d) Provide to the Division, if appropriate, a list of the parolees who have completed or are currently participating in a program of services provided by the entity pursuant to any grant received.

(e) Provide to any offender or parolee who completes a program of services provided by the entity a certificate of completion, and provide a copy of such a certificate to the Division or the Department, as appropriate.

(f) To the extent financially practicable and necessary, assess the risk levels and needs of offenders and parolees by using a validated assessment tool.

(g) Share with the Director information concerning assessments of the risk levels and needs of offenders and parolees so the Director can ensure that adequate assessments are being conducted.

(h) While the entity is providing services pursuant to the contract, meet annually with the Director, a representative of the Division, and other entities that have entered into a contract with the Director pursuant to subsection 1 to discuss, without limitation:

(1) The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solutions to such problems;

(2) Issues relating to the reentry of offenders and parolees into the community and reducing the risk of recidivism; and

(3) Issues relating to offenders and parolees who receive services from an entity and are subsequently convicted of another crime.

6. As used in this section, "training in life skills" includes, without limitation, training in the areas of:

(a) Parenting;

(b) Improving human relationships;

(c) Preventing domestic violence;

(d) Maintaining emotional and physical health;

(e) Preventing alcohol and other substance use disorders;

(f) Preparing for and obtaining employment; and

(g) Budgeting, consumerism and personal finances.

Sec. 62. NRS 211.400 is hereby amended to read as follows:

211.400 1. To the extent that money is available, a sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall establish a program to provide for the treatment of prisoners with a substance use disorder using medication-assisted treatment.

2. ***If the program established pursuant to subsection 1 relates to opioid use disorder, the sheriff, chief of police or town marshal shall collaborate with the Department of Health and Human Services to establish the program.***

3. The program established pursuant to subsection 1 must:

(a) Provide each eligible prisoner who participates in the program with appropriate medication-assisted treatment for the period in which the prisoner is incarcerated; and

(b) Require that all decisions regarding the type, dosage or duration of any medication administered to an eligible prisoner as part of his or her medication-assisted treatment be made by a treating physician and the eligible prisoner.

~~[3.]~~ ***4.*** Except as otherwise provided in this section, any prisoner who the sheriff, chief of police or town marshal has determined has a substance use disorder for which a medication-assisted treatment exists and who meets any reasonable conditions imposed by the sheriff, chief of police or town marshal pursuant to subsection ~~[4]~~ ***5*** is eligible to participate in the program established pursuant to subsection 1 and must be offered the opportunity to participate. If a prisoner received medication-assisted treatment immediately preceding his or her incarceration, the prisoner is eligible to continue that medication-

assisted treatment as a participant in the program. Participation in the program must be voluntary.

~~[4.]~~ ***5.*** Except as otherwise provided in this subsection, the sheriff, chief of police or town marshal may impose reasonable conditions for a prisoner to be eligible to participate in the program established pursuant to subsection 1 and to continue his or her participation in the program. The sheriff, chief of police or town marshal shall not deny a prisoner the ability to participate in the program or terminate the participation of a prisoner in the program on the basis that:

(a) The results of a screening test administered to the prisoner upon the commencement of his or her incarceration or upon the commencement of his or her participation in the program indicated the presence of a controlled substance; or

(b) The prisoner committed an infraction of the rules of the county, city or town jail or detention facility before or during the participation of the prisoner in the program.

~~[5.]~~ ***6.*** A prisoner who participates in the program established pursuant to subsection 1 is not subject to discipline on the basis that the results of a screening test administered to the prisoner during his or her participation in the program indicated the presence of a controlled substance.

~~[6.]~~ ***7.*** As used in this section, "medication-assisted treatment" means treatment for a substance use disorder using medication approved by the United States Food and Drug Administration for that purpose.

Sec. 63. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking ~~[with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication]~~ ***by electronic means*** pursuant to ~~[subsection 4 of]~~ NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553 which involved the use of an electronic communication device, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes, without limitation, an electronic communication device.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(c) ***"Electronic means" has the meaning ascribed to it in NRS 200.575.***

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

~~[(d)]~~ ***(e)*** "System" has the meaning ascribed to it in NRS 205.476.

~~[(e) "Text messaging" has the meaning ascribed to it in NRS 200.575.]~~

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 65.5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 700,000 or more, the board of county commissioners shall adopt an ordinance that designates the geographic boundaries of one or more corridors in which the commission of crime poses a significant risk to public safety and the economic welfare of this State due to the high concentration of tourists, visitors, employees and other persons in such corridors.

2. The boundaries of a corridor established pursuant to subsection 1:

(a) May be contiguous or noncontiguous.

(b) Must be displayed on a map in a manner capable of being understood by a person of ordinary intelligence and posted on the Internet website of the county in which the corridor is established.

3. In a county that establishes a corridor pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), a person who is charged with, convicted of or the subject of deferred adjudication for any offense punishable as a misdemeanor:

(1) For a first offense within the corridor ~~***[,]***~~ ***within 2 years, may, as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period not to exceed 1 year.***

(2) For a second or subsequent offense within the corridor, ~~***[may,]***~~ ***within two years, shall as a condition of release, sentencing, suspension of sentence or deferred adjudication, as applicable, be prohibited from entering the corridor in which the offense occurred for a period of not less than 1 year .*** ~~***[but not more than 2 years.]***~~

(b) The board of county commissioners may provide by ordinance for any condition or exemption under which a person who is charged with, convicted

of or the subject of adjudication for any offense punishable as a misdemeanor may enter the corridor in which the offense occurred.

Sec. 66. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall make available on an Internet website maintained by the Department information relating to peer recovery support services.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 433.622 is hereby amended to read as follows:

433.622 As used in NRS 433.622 to 433.641, inclusive, ***and section 66 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 433.623 to 433.629, inclusive, have the meanings ascribed to them in those sections.

Sec. 69. NRS 433.730 is hereby amended to read as follows:

433.730 1. On or before June 30 of each even-numbered year, the Advisory Committee shall submit to the Director of the Department a report of recommendations concerning:

(a) The statewide needs assessment conducted pursuant to paragraph (a) of subsection 1 of NRS 433.734, including, without limitation, the establishment of priorities pursuant to paragraph ~~[(e)]~~ ***(f)*** of subsection 1 of NRS 433.736; and

(b) The statewide plan to allocate money from the Fund developed pursuant to paragraph (b) of subsection 1 of NRS 433.734.

2. When developing recommendations to be included in the report pursuant to subsection 1, the Advisory Committee shall consider:

(a) Health equity and identifying relevant disparities among racial and ethnic populations, geographic regions and special populations in this State; and

(b) The need to prevent overdoses, address disparities in access to health care and prevent substance use among youth.

3. When developing recommendations concerning the establishment of priorities pursuant to paragraph ~~[(e)]~~ ***(f)*** of subsection 1 of NRS 433.736, the Advisory Committee shall use an objective method to define the potential positive and negative impacts of a priority on the health of the affected communities with an emphasis on disproportionate impacts to any population targeted by the priority.

4. Before finalizing a report of recommendations pursuant to subsection 1, the Advisory Committee must hold at least one public meeting to solicit comments from the public concerning the recommendations and make any revisions to the recommendations determined, as a result of the public comment received, to be necessary.

Sec. 70. NRS 433.736 is hereby amended to read as follows:

433.736 1. A statewide needs assessment conducted by the Department, in consultation with the Office, pursuant to paragraph (a) of subsection 1 of NRS 433.734 must:

(a) Be evidence-based and use information from damages reports created by experts as part of the litigation described in subsection 1 of NRS 433.732.

(b) Include an analysis of the impacts of opioid use and opioid use disorder on this State that uses quantitative and qualitative data concerning this State and the regions, counties and Native American tribes in this State to determine the risk factors that contribute to opioid use, the use of substances and the rates of opioid use disorder, other substance use disorders and co-occurring disorders among residents of this State.

(c) Focus on health equity and identifying disparities across all racial and ethnic populations, geographic regions and special populations in this State.

(d) Take into account the resources of state, regional, local and tribal agencies and nonprofit organizations, including, without limitation, any money recovered or anticipated to be recovered by county, local or tribal governmental agencies through judgments or settlements resulting from litigation concerning the manufacture, distribution, sale or marketing of opioids, and the programs currently existing in each geographic region of this State to address opioid use disorder and other substance use disorders.

(e) ***Identify educational resources for governmental agencies involved in law enforcement or criminal justice for training related to trauma-informed practices for persons with opioid use disorder and medication-assisted treatment for persons with opioid use disorder.***

(f) Based on the information and analyses described in paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive, establish priorities for the use of the funds described in subsection 1 of NRS 433.732. Such priorities must include, without limitation, priorities related to the ***training described in paragraph (e) and*** prevention of overdoses, addressing disparities in access to health care and the prevention of substance use among youth.

2. When conducting a needs assessment, the Department, in consultation with the Office, shall:

(a) Use community-based participatory research methods or similar methods to conduct outreach to groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) Persons and families impacted by the use of opioids and other substances;

(2) Providers of treatment for opioid use disorder and other substance use disorders;

(3) Substance use disorder prevention coalitions;

(4) Communities of persons in recovery from opioid use disorder and other substance use disorders;

(5) Providers of services to reduce the harms caused by opioid use disorder and other substance use disorders;

(6) Persons involved in the child welfare system;

(7) Providers of social services;

(8) Faith-based organizations;

(9) Providers of health care and entities that provide health care services; and

(10) Members of diverse communities disproportionately impacted by opioid use and opioid use disorder; and

(b) Conduct outreach to governmental agencies who interact with persons or groups impacted by the use of opioids, opioid use disorder and other substance use disorders, including, without limitation:

(1) The Office of the Attorney General, the Department of Public Safety, the Department of Corrections, courts, juvenile justice agencies and other governmental agencies involved in law enforcement or criminal justice;

(2) Agencies which provide child welfare services and other governmental agencies involved in the child welfare system; and

(3) Public health agencies.

3. As used in this section, "medication-assisted treatment" has the meaning ascribed to it in NRS 639.28079.

Sec. 71. (Deleted by amendment.)

Sec. 72. (Deleted by amendment.)

Sec. 73. (Deleted by amendment.)

Sec. 74. (Deleted by amendment.)

Sec. 75. (Deleted by amendment.)

Sec. 76. (Deleted by amendment.)

Sec. 76.5. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension or revocation prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. If the driver's license of a person assigned to a program established pursuant to NRS 484C.392 is suspended or revoked, the Department may issue a restricted driver's license to an applicant that is valid while he or she is participating in and complying with the requirements of the program and that permits the applicant to drive a motor vehicle:

(a) To and from a testing location established by a designated law enforcement agency pursuant to NRS 484C.393;

(b) If applicable, to and from work or in the course of his or her work, or both;

(c) To and from court appearances;

(d) To and from counseling; or

(e) To receive regularly scheduled medical care for himself or herself.

3. Except as otherwise provided in NRS ***62E.430, 62E.440,*** 62E.630 ~~[,]~~ ***and 62E.690,*** after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

4. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

5. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or 2 is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

6. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

7. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

8. Any person for whom a court provides an exception relating to the installation of an ignition interlock device pursuant to subsection 4 of NRS 484C.210 or subsection 2 of NRS 484C.460 is eligible for a restricted driver's license under this section while the person is participating in and complying with the requirements of a program established pursuant to NRS 484C.392.

9. If the Department receives a copy of an order requiring a person to install an ignition interlock device in a motor vehicle pursuant to NRS 484C.460, the Department shall issue an ignition interlock privilege to the person after he or she submits proof of compliance with the order. A person who is required to install an ignition interlock device pursuant to NRS 484C.210 or 484C.460 shall install the device not later than 14 days after the date on which the order was issued. A driver who violates any condition of an ignition interlock privilege issued pursuant to this subsection is guilty of a misdemeanor and shall be punished in the same manner provided in subsection 2 of NRS 483.560 for driving a vehicle while a driver's license is cancelled, revoked or suspended.

Sec. 77. NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50

(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, ***NRS 484C.410, 484C.430 or 484C.440,*** it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. ~~[Unless a greater penalty is provided pursuant to NRS 484C.440, a]~~ ***A*** person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

➥ and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, ***shall be punished as provided in subsection 2.***

2. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who violates any provision of subsection 1 is guilty of ***:***

(a) If the violation proximately causes the death of another person and the person who committed the violation:

(1) Has not previously been convicted of any offense, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 25 years and must be further punished by a fine of not less than $2,000 nor more than $5,000.

(2) Has previously been convicted of one or two offenses, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 25 years and must be further punished by a fine of not less than $2,000 nor more than $5,000.

(b) If the violation proximately causes substantial bodily harm to another person, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000.

3. A person ~~[so]~~ imprisoned ***pursuant to subsection 2*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

~~[2.]~~ ***4.*** A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection ~~[1]~~ ***2*** may not be suspended nor may probation be granted.

~~[3.]~~ ***5.*** Except as otherwise provided in subsection ~~[4,]~~ ***6,*** if consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a

concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[4.]~~ ***6.*** If the defendant is also charged with violating the provisions of NRS 484E.010, 484E.020 or 484E.030, the defendant may not offer the affirmative defense set forth in subsection ~~[3.]~~ ***5.***

~~[5.]~~ ***7.*** If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8. As used in this section, "offense" means:

(a) A violation of this section;

(b) A violation of NRS 484C.110 or 484C.120;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.130; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c).

Sec. 81. NRS 488.410 is hereby amended to read as follows:

488.410 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a power-driven vessel or sailing vessel under way to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

➥ to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or exercising actual physical control of a power-driven vessel or sailing vessel under way,

➥ to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State with an amount of any of the following prohibited substances in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. For any violation that is punishable pursuant to NRS ***488.420, 488.425 or*** 488.427, it is unlawful for any person to operate or be in actual physical control of a power-driven vessel or sailing vessel under way on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

Prohibited substance	Blood Nanograms per milliliter
(a) Marijuana (delta-9-tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)	5

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. Except as otherwise provided in NRS 488.427, a person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 82. NRS 488.420 is hereby amended to read as follows:

488.420 1. ~~[Unless a greater penalty is provided pursuant to NRS 488.425, a]~~ ***A*** person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after operating or being in actual physical control of a power-driven vessel or sailing vessel under way to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely operating or being in actual physical control of a power-driven vessel or sailing vessel under way; or

(f) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 488.410,

➥ and does any act or neglects any duty imposed by law while operating or being in actual physical control of any power-driven vessel or sailing vessel under way, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, ***shall be punished as provided in subsection 2.***

2. Unless a greater penalty is provided pursuant to NRS 488.425, a person who violates subsection 1 is guilty of ***:***

(a) If the violation proximately causes the death of another person and the person who committed the violation:

(1) Has not previously been convicted of any offense, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 25 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000.

(2) Has previously been convicted of one or two offenses, a category B felony and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 25 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000.

(b) If the violation proximately causes substantial bodily harm to another person, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and shall be further punished by a fine of not less than $2,000 nor more than $5,000.

3. A person ~~[so]~~ imprisoned ***pursuant to subsection 2*** must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

~~[2.]~~ ***4.*** A prosecuting attorney shall not dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the

prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection ~~[1]~~ ***2*** must not be suspended, and probation must not be granted.

~~[3.]~~ ***5.*** If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the power-driven vessel or sailing vessel, as applicable, under way and before his or her blood was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~[4.]~~ ***6.*** If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of this section;

(b) A violation of NRS 488.410;

(c) A homicide resulting from operating or being in actual physical custody of a power-driven vessel or sailing vessel under way while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.425; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c).

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

Sec. 85. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with the provisions of NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 66 of this act;***

9. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 641D of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 641D.080; or

10. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 86. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to chapter 640A of NRS;

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, and section 66 of this act;***

9. Any member of the clergy;

10. A county welfare director;

11. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

12. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 87. NRS 641C.130 is hereby amended to read as follows:

641C.130 The provisions of this chapter do not apply to:

1. A physician who is licensed pursuant to the provisions of chapter 630 or 633 of NRS;

2. A nurse who is licensed pursuant to the provisions of chapter 632 of NRS and is authorized by the State Board of Nursing to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

3. A psychologist who is licensed pursuant to the provisions of chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

4. A clinical professional counselor or clinical professional counselor intern who is licensed pursuant to chapter 641A of NRS;

5. A marriage and family therapist or marriage and family therapist intern who is licensed pursuant to the provisions of chapter 641A of NRS and is authorized by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling;

6. A person who is:

(a) Licensed as:

(1) A clinical social worker pursuant to the provisions of chapter 641B of NRS; or

(2) A master social worker or an independent social worker pursuant to the provisions of chapter 641B of NRS and is engaging in clinical social work as part of an internship program approved by the Board of Examiners for Social Workers; and

(b) Authorized by the Board of Examiners for Social Workers to engage in the practice of counseling persons with alcohol and other substance use disorders or the practice of counseling persons with an addictive disorder related to gambling; or

7. A person who provides or supervises the provision of peer recovery support services in accordance with NRS 433.622 to 433.641, inclusive ~~[.]~~ ***, or section 66 of this act.***

Sec. 87.3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Administrative Office of the Courts for the purpose of carrying out the provisions of this act the following sums:

For the Fiscal Year 2025-2026 ..... $919,080

For the Fiscal Year 2026-2027 ..... $948,695

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money

was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 87.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Corrections for costs associated with carrying out the provisions of this act the following sums:

For the Fiscal Year 2025-2026 ..... $2,242,145
For the Fiscal Year 2026-2027 ..... $2,915,779

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 88. ~~[NRS 178.574 and 178.578 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 89. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~178.574 Order of immunity bar to prosecution; exception. Such order of immunity shall forever be a bar to prosecution against the witness for any offense shown in whole or in part by such testimony or other evidence except for perjury committed in the giving of such testimony.~~

~~178.578 Denial of motion. The court shall deny the motion of the State under NRS 178.572 if it reasonably appears to the court that such testimony or evidence would subject the witness to prosecution, except for perjury committed in the giving of such testimony, under the laws of another state or of the United States.]~~

Assemblymember Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed, and to third reading.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Bill No. 457 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 457.
Bill read third time.
Roll call on Senate Bill No. 457:
YEAS—36.
NAYS—Considine, Flanagan, Jackson, La Rue Hatch, Moore, Roth—6.
Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved Senate Bills Nos. 132, 135, 185, 192, 207, 217, 233, 260, 280, 300, 309, 422, 74, 382, and 316 be taken from their place on the General File and moved to the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 132.
Bill read third time.
Roll call on Senate Bill No. 132:
YEAS—36.
NAYS—Cole, Dickman, Gallant, Gray, Gurr, O'Neill—6.
Senate Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 135.
Bill read third time.
Roll call on Senate Bill No. 135:
YEAS—42.
NAYS—None.
Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 185.
Bill read third time.
Roll call on Senate Bill No. 185:
YEAS—41.
NAYS—Gurr.
Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 192.
Bill read third time.
Roll call on Senate Bill No. 192:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 207.

Bill read third time.

Roll call on Senate Bill No. 207:

YEAS—42.

NAYS—None.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblymember Hansen.

ASSEMBLYMEMBER HANSEN:

I rise in respectful opposition to Senate Bill No. 217. Let me first say that in vitro fertilization, IVF, has brought immeasurable joy to countless families; families who longed for children and were blessed with that gift through the miracles of modern medicine. It is a powerful technology and when practiced with ethical standards and a respect for life, can be a profound good. As someone who is both deeply pro-life and committed to thoughtful policy making, and the grandmother of some IVF babies that are my lovely grandchildren—I want to affirm that however, Senate Bill No. 217 has serious problems; not with the goal of supporting families seeking fertility treatment, but with how it redefines the moral and scientific foundation of human life, undermines accountability, and poses long term risk to both public and private insurance systems. For these reasons, I respectfully urge my colleagues to vote "no" on Senate Bill No. 217.

Roll call on Senate Bill No. 217:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Roll call on Senate Bill No. 233:

YEAS—35.

NAYS—Cole, DeLong, Dickman, Gallant, Gray, Kasama, O'Neill—7.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 260.

Bill read third time.

Roll call on Senate Bill No. 260:

YEAS—32.
NAYS—Cole, DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, O'Neill—10.
Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 280.
Bill read third time.
Roll call on Senate Bill No. 280:
YEAS—42.
NAYS—None.
Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 300.
Bill read third time.
Roll call on Senate Bill No. 300:
YEAS—42.
NAYS—None.
Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 309.
Bill read third time.
Roll call on Senate Bill No. 309:
YEAS—42.
NAYS—None.
Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 422.
Bill read third time.
Roll call on Senate Bill No. 422:
YEAS—27.
NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.
Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 74.
Bill read third time.
Roll call on Senate Bill No. 74:
YEAS—28.
NAYS—DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—14.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Roll call on Senate Bill No. 382:

YEAS—42.

NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 316.

Bill read third time.

Roll call on Senate Bill No. 316:

YEAS—42.

NAYS—None.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Roll call on Senate Bill No. 90:

YEAS—42.

NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly in recess at 11:27 p.m.

ASSEMBLY IN SESSION

At 11:37 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 979 to Senate Bill No. 502.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 930.

ASSEMBLYMEMBERS O'NEILL, GRAY, DICKMAN, DELONG; AND GALLANT

JOINT SPONSOR: SENATOR BUCK

AN ACT relating to insurance; requiring the Commissioner of Insurance to establish and administer the Regulatory Experimentation Program for Insurance Product Innovation; setting forth requirements for the operation of the Program; authorizing certain property insurers to file a proposed increase in a rate for certain lines of insurance through a program of flex-rated filing; revising requirements relating to insurance coverage for the peril of wildfire; revising certain requirements for reciprocal insurers; revising provisions relating to captive insurers; revising requirements relating to insurance coverage for common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to regulate insurance in this State and enforce the provisions of the Nevada Insurance Code. (NRS 679B.120) **Section 9** of this bill requires the Commissioner to establish and administer the Regulatory Experimentation Program for Insurance Product Innovation, which is a 4-year program to enable an authorized insurer who offers at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program to test a qualified insurance product in this State without complying with certain provisions of the Nevada Insurance Code or certain regulations adopted pursuant thereto that would otherwise be required outside of the Program. **Section 7** of this bill defines "qualified insurance product" to mean an insurance product that provides property insurance coverage for real or personal property located in this State.

Section 12 of this bill sets forth the process by which an authorized insurer may apply to participate in the Program. **Section 12** requires the application of the applicant to include, among other information, an explanation of any exemption from the provisions of the Nevada Insurance Code or the regulations adopted pursuant thereto that the applicant is requesting. **Section 13** of this bill requires the Commissioner to approve or deny an application within 90 days after the completed application is received. **Section 14** of this bill requires the Commissioner to provide written notice of the approval or denial of an application. Under **section 15** of this bill, if an application is approved, the qualified insurance product offered or provided through the Program, with certain exceptions, is exempt from the provisions of the Nevada Insurance Code and the regulations adopted pursuant thereto for which an exemption was requested in the application to participate in the Program. **Section 15** also limits the period of testing for a qualified insurance product under the Program to 36 months, with one extension of not more than 12 months if approved by the Commissioner.

Section 10 of this bill requires the Commissioner to adopt regulations to carry out the Program.

Section 11 of this bill requires certain disclosures to be provided before providing a consumer a qualified insurance product through the Program.

Section 16 of this bill sets forth certain requirements relating to the retention of records and reporting by a participant in the Program. **Sections 17 and 26** of this bill set forth certain requirements concerning the confidentiality and disclosure of records relating to the Program.

Section 18 of this bill requires the Commissioner to submit a report to the Legislature concerning the Program on or before January 1, 2029.

Sections 19 and 20 of this bill authorize the Commissioner to take certain actions against a participant in the Program who commits certain violations or engages in any act or omission that the Commissioner determines is inconsistent with the health, safety or welfare of consumers or the public generally.

Sections 3-8 of this bill define certain words and terms relating to the Program.

Under existing law, with certain exceptions, insurers and certain rate service organizations are required to file with the Commissioner all rates and proposed increases thereto, as well as the forms of policies to which the rates apply, supplementary rate information and any changes or amendments to the rates. Existing law requires that such a filing be filed not less than 30 days before the proposed effective date of the filing, with certain exceptions. (NRS 686B.070) Existing law sets forth procedures by which the Commissioner is required to approve or disapprove a proposed increase or decrease in a rate for any kind or line of insurance, other than certain health plans. (NRS 686B.110)

Sections 20.3 and 21 of this bill provide an alternative method by which certain insurers may make a filing for a proposed increase in a rate for certain types of insurance. **Section 20.3** requires the Commissioner to establish a program of flex-rated filing to allow an insurer that issues certain lines of property insurance to make a filing for that line of insurance if the proposed increase does not exceed certain thresholds established by the Commissioner and certain other requirements are met. **Section 20.3** sets forth certain requirements for making a filing for a proposed increase in a rate to qualify to be filed under the program of flex-rated filing. If the Commissioner finds, within 15 days after the filing is made, that the filing fails to meet such requirements, **section 20.3** authorizes the Commissioner to treat the filing in the same manner as other proposed increases in a rate filed outside the program of flex-rated filing. If the Commissioner does not make such a determination within that time, the filing is deemed to be approved. **Section 20.5** of this bill applies the definitions set forth under existing law governing rate filings to the provisions of **section 20.3**. **Section 20.7** of this bill excludes property insurance for business and commercial risks from the provisions of **section 20.3**.

Section 25.1 of this bill authorizes an insurer that issues a policy of property insurance to exclude the peril of wildfire from the coverage provided under the

policy. **Section 25.1** additionally authorizes an insurer to issue a policy of property insurance that solely covers the peril of wildfire.

Existing law sets forth various requirements and restrictions for the operation of a reciprocal insurer. (Chapter 694B of NRS) Existing law sets forth certain rules that the Commissioner is required to apply in determining the financial condition of a reciprocal insurer, including rules concerning the computation of reserves. (NRS 694B.150) **Section 25.3** of this bill revises those rules concerning reserves to require instead that the reserves of a reciprocal insurer be maintained as required by **section 25.2** of this bill. **Section 25.2** requires a reciprocal insurer at all times to maintain an unearned premium reserve in a certain amount and sets forth the manner in which that amount must be calculated. If, at any time, the amount of the unearned premium reserve maintained by a reciprocal insurer is less than $100,000, **section 25.2** requires the reciprocal insurer to maintain cash or securities acceptable to the Commissioner in an amount that, when added to the amount of the unearned premium reserve maintained, equals not less than $100,000.

Existing law provides for the licensure and regulation of captive insurers. (Chapter 694C of NRS) **Section 25.5** of this bill removes provisions prohibiting a captive insurer from directly providing homeowners' insurance coverage. **Section 25.5** authorizes an association captive insurer to insure the risks of individual homeowners who combine into an association for the purpose of procuring homeowners' insurance or the risks of individual units' owners in a common-interest community so long as the association captive insurer is owned by the association created by the homeowners or the unit-owners' association, as applicable. **Sections 25.4 and 25.5** of this bill authorize a sponsored captive insurer to insure the risks of individual homeowners who elect to become a participant of a protected cell of a sponsored captive insurer.

Existing law requires a unit-owners' association in a common-interest community to maintain certain insurance coverage, including property insurance on the common elements of the community. ~~[(NRS 116.3113) Section 25.6 of this bill removes provisions which require]~~ **Existing law requires** such property insurance for buildings with units divided by certain boundaries to include the units to the extent reasonably available. **(NRS 116.3113) Section** ~~[25.7 of this bill makes a conforming change to eliminate a reference to provisions removed in section]~~ **25.6** ~~[.]~~ **of this bill provides that the requirement concerning the inclusion of the units in the property insurance coverage does not apply to property insurance maintained by an association which covers the peril of wildfire and which coordinates with or subrogates individual policies of property insurance maintained by the units' owners that cover the peril of wildfire.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Consumer" means any person who purchases a qualified insurance product.***

Sec. 4. (Deleted by amendment.)

Sec. 5. ***"Participant" means an authorized insurer whose application to participate in the Program has been approved by the Commissioner pursuant to section 14 of this act.***

Sec. 6. ***"Program" means the Regulatory Experimentation Program for Insurance Product Innovation established and administered by the Commissioner pursuant to sections 2 to 20, inclusive, of this act.***

Sec. 7. ***"Qualified insurance product" means an insurance product that provides property insurance coverage for real or personal property located in this State, including, without limitation, any residential or commercial property.***

Sec. 8. ***"Test" means to offer or provide a qualified insurance product through the Program.***

Sec. 9. ***The Commissioner shall establish and administer the Regulatory Experimentation Program for Insurance Product Innovation to enable an authorized insurer who offers at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program to test a qualified insurance product in this State, identified in an application to participate in the Program pursuant to section 12 of this act, without complying with any provision of this title or any regulation adopted pursuant thereto except as otherwise required by the Commissioner pursuant to section 15 or 20 of this act.***

Sec. 10. ***The Commissioner shall adopt such regulations as he or she deems necessary to carry out the provisions of sections 2 to 20, inclusive, of this act.***

Sec. 11. ***1. Before providing any qualified insurance product to a consumer, a participant or a producer of insurance providing the qualified insurance product shall disclose to the consumer:***

(a) The name and contact information of the participant;

(b) The registration number applicable to the qualified insurance product, as issued by the Commissioner pursuant to section 15 of this act;

(c) The fact that the qualified insurance product may be exempt from certain provisions of this title and certain regulations adopted pursuant thereto, except as otherwise required by the Commissioner pursuant to section 15 or 20 of this act;

(d) The fact that the participant has been approved to provide the qualified insurance product pursuant to sections 2 to 20, inclusive, of this act but that the qualified insurance product is not endorsed or recommended by the Commissioner or any governmental agency; and

(e) The fact that the qualified insurance product is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end.

2. The Commissioner may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a qualified insurance product in addition to the disclosures required by subsection 1. The Commissioner shall give written notice to the participant of any additional disclosures required pursuant to this subsection.

3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If the qualified insurance product is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.

Sec. 12. ***1. An authorized insurer who desires to participate in the Program to test a qualified insurance product must submit a written application in accordance with this section, in the form prescribed by the Commissioner. A separate application must be filed for each qualified insurance product proposed for testing.***

2. The application must show that the applicant offers at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program and will at all times during the test continue to offer at least one insurance product that provides property insurance coverage for real or personal property located in this State outside of the Program.

3. The application must include:

(a) A description of the qualified insurance product proposed for testing and an explanation of:

(1) Any exemption from the provisions of this title or the regulations adopted pursuant thereto that the applicant is requesting, which must not include any provision of this chapter or chapter 686A of NRS, and a justification for each such exemption;

(2) Any benefit of the qualified insurance product;

(3) Any risk of harm to consumers associated with the qualified insurance product; and

(4) The manner in which participation in the Program will facilitate a successful test of the qualified insurance product.

(b) A statement of the proposed plan for testing the qualified insurance product. The plan:

(1) Must include, without limitation:

(I) An estimate of the dates or periods anticipated for the test;

(II) The regions and populations of this State that the applicant will target during the test, including, without limitation, any high-risk areas of this State and any underserved regions or populations;

(III) Measures to protect consumers from harm caused by a failure of the test; and

(IV) The plan to wind up and terminate the test; and

(2) May provide for the provision of the qualified insurance product through producers of insurance acting as agents and brokers.

(c) A description of each insurance product the applicant offers in this State outside of the Program.

(d) Any other information deemed necessary by the Commissioner.

Sec. 13. *1. The Commissioner may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Commissioner. The applicant shall provide, within the period directed by the Commissioner, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Commissioner as incomplete.*

2. Unless the Commissioner and the applicant mutually agree to extend this period, the Commissioner shall approve or deny an application within 90 days after the completed application is received.

Sec. 14. *1. The Commissioner may approve or deny any application submitted pursuant to section 12 of this act.*

2. The Commissioner shall give the applicant written notice of the approval or denial of the application within 5 business days after the date of approval or denial.

Sec. 15. *1. If an application to participate in the Program is approved pursuant to section 14 of this act:*

(a) The applicant shall be deemed to be a participant.

(b) The Commissioner shall issue a registration number unique to the approval.

(c) Except as otherwise required by the Commissioner pursuant to subsection 2 or section 20 of this act, a qualified insurance product offered or provided within the scope of the Program is exempt from any provision of this title or any regulation adopted pursuant thereto for which an exemption was requested in the application pursuant to subparagraph (1) of paragraph (a) of subsection 3 of section 12 of this act. The qualified insurance product may be offered or provided by producers of insurance acting as agents and brokers, in accordance with the proposed plan for testing the qualified insurance product provided pursuant to paragraph (b) of subsection 3 of section 12 of this act.

2. The Commissioner may condition approval of an application upon compliance by the participant with one or more provisions of this title or any regulation adopted pursuant thereto for which an exemption was requested in the application pursuant to subparagraph (1) of paragraph (a) of subsection 3 of section 12 of this act.

3. A notice of approval of an application given pursuant to section 14 of this act must set forth:

(a) The registration number applicable to the approval;

(b) Any conditions imposed pursuant to subsection 2 or section 20 of this act; and

(c) Any additional information required by the Commissioner to be disclosed to consumers pursuant to subsection 2 of section 11 of this act.

4. Unless a timely request for an extension is made and approved pursuant to subsection 5, the period of testing for a qualified insurance product under the Program ends on a date determined by the Commissioner which must be not more than 36 months after the notice given pursuant to subsection 3.

5. On or before the date on which the period of testing a qualified insurance product ends, a participant may submit a request to extend the period of testing for the qualified insurance product for not more than 12 months. The Commissioner may approve or deny the request, except that only one extension of the period of testing of a qualified insurance product may be approved. In determining whether to approve or deny the request, the Commissioner shall review the request using the same criteria used to determine whether to approve an application to participate in the Program, except that the Commissioner shall consider any data produced by the testing of the product which has already been completed.

Sec. 16. *1. The Commissioner may establish by regulation periodic reporting requirements for participants in the Program.*

2. On request by the Commissioner, a participant shall make any requested record, information or data available for inspection and copying by the Commissioner.

3. Each participant shall retain, for such time as the Commissioner requires by order or regulation, all records and data produced in the ordinary course of business relating to a qualified insurance product tested in the Program.

4. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Commissioner of any unauthorized acquisition of computerized data constituting a breach of the security of the system data, as that term is defined in NRS 603A.020.

Sec. 17. *1. Any record or information in a record submitted to or obtained by the Commissioner pursuant to sections 2 to 20, inclusive, of this act:*

(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.

(b) May be disclosed by the Commissioner to:

(1) Any governmental agency or official; or

(2) A federal, state or county grand jury in response to a lawful subpoena.

2. Any disclosure pursuant to subsection 1 of a complaint relating to a qualified insurance product or the results of an examination, inquiry or investigation relating to a participant or qualified insurance product does not make the relevant record or information in a record a public record within the meaning of NRS 239.010 and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.

3. The Commissioner is immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 20, inclusive, of this act.

4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.

Sec. 18. *1. The Commissioner shall, on or before January 1, 2029, submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and results of the Program.*

2. The report must include:

(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;

(b) With respect to the applications that were denied, a description of the reasons for the denial; and

(c) With respect to the applications that were approved:

(1) A description of each qualified insurance product provided by each participant in the Program;

(2) A statement of the number of participants providing each qualified insurance product; and

(3) The number of consumers provided a qualified insurance product.

3. The report may include any other information that the Commissioner deems relevant.

Sec. 19. *If the Commissioner has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 20, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Commissioner may remove the participant from the Program or order the participant to exit the Program.*

Sec. 20. *If the Commissioner has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Commissioner determines is inconsistent with the health, safety or welfare of consumers or the public generally, the Commissioner may:*

1. Proceed to adopt a regulation to address the issue pursuant to section 10 of this act;

2. Require the participant to comply with one or more provisions of this title or any regulation adopted pursuant thereto;

3. Remove the participant from the Program or order the participant to exit the Program; or

4. Take any combination of those actions.

Sec. 20.3. Chapter 686B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner shall establish a program of flex-rated filing to allow an insurer that issues a line of property insurance that provides coverage for real property to make a filing for a proposed increase in a rate for that line of insurance under the program, in lieu of making a filing pursuant to NRS 686B.070, if the proposed increase does not exceed either of the flex-rated filing thresholds established by the Commissioner and all other requirements of this section are met.

2. To qualify for filing under the program of flex-rated filing established pursuant to this section:

(a) The filing must be limited solely to a proposed increase in a rate and must not contain changes to any supplementary rate information;

(b) The proposed increase in the rate must not exceed either of the flex-rated filing thresholds which are in effect at the time the filing is made;

(c) The proposed increase must not take effect for any existing policyholder that will be affected by the proposed increase until the date on which the policy of the policyholder is renewed; and

(d) The date on which the first existing policyholder will be affected by the proposed increase must be not earlier than 45 days after the date on which the filing is made.

3. An insurer may not make a filing for a proposed increase in a rate under the program of flex-rated filing established pursuant to this section if:

(a) The cumulative effect of the filing and all other filings filed by the insurer on the same line of insurance within the 12 months immediately preceding the proposed effective date of the proposed increase exceeds either of the flex-rated filing thresholds which are in effect on the date the filing is made; and

(b) Any policyholder that will be affected by the proposed increase has been affected by an increase filed under the program of flex-rated filing within the 12 months immediately preceding the proposed effective date of the proposed increase.

4. The Commissioner shall review each proposed increase in a rate filed under the program of flex-rated filing established pursuant to this section. If the Commissioner, within 15 days after the date on which the filing is made, finds that a proposed increase does not comply with the provisions of subsection 2 or 3 or subsection 1 of NRS 686B.050, the Commissioner shall provide notice to the insurer and subsequently treat the filing as if it were

filed pursuant to NRS 686B.070. If the Commissioner has not provided the notice to the insurer within 15 days after the date on which the filing is made, the filing shall be deemed to be approved.

5. On or before June 1, 2026, the Commissioner shall establish the maximum percentage of overall rate impact and the maximum percentage of individual rate disruption for a filing for a proposed increase in a rate to qualify for filing under the program of flex-rated filing established pursuant to this section. Thereafter, on or before June 1 of any year, the Commissioner may adjust the flex-rated filing thresholds to take effect on June 1 of that year. In establishing the initial and adjusted flex-rated filing thresholds pursuant to this subsection, the Commissioner shall:

(a) Before establishing the flex-rated filing thresholds, solicit public input and hold a public hearing on the matter to consider past and future economic conditions; and

(b) Establish the maximum percentage of overall rate impact to be a percentage that is not less than 3 percent.

6. For the purposes of this section, the filing of a proposed increase in a rate under the program of flex-rated filing established pursuant to this section shall be deemed to be made on the date on which it is submitted to the Commissioner using the System for Electronic Rates and Forms Filing developed and implemented by the National Association of Insurance Commissioners or any successor system.

7. The Commissioner may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Flex-rated filing threshold" means the maximum percentage of:

(1) Overall rate impact; and

(2) Individual rate disruption,

↳ that the Commissioner has established pursuant to subsection 5 for a filing for a proposed increase in a rate to qualify for filing under the program of flex-rated filing established pursuant to this section.

(b) "Individual rate disruption" means the largest percentage increase in the amount of the premiums of any single policyholder affected by a filing for a proposed increase in a rate that will occur if the proposed increase becomes effective.

(c) "Overall rate impact" means the amount, expressed as a percentage, obtained by dividing the total aggregate amount by which all premiums for all policyholders affected by a filing for a proposed increase in a rate will be increased if the proposed increase becomes effective by the total aggregate amount of all premiums for those policyholders on the day immediately preceding the proposed effective date of the proposed increase.

Sec. 20.5. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and section 20.3 of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 20.7. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and section 20.3 of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 21. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner ***, either pursuant to this section or, if applicable, pursuant to section 20.3 of this act,*** all:

(a) Rates and proposed increases thereto;

(b) Forms of policies to which the rates apply;

(c) Supplementary rate information; and

(d) Changes and amendments thereof,

➥ made by it for use in this state.

2. A filing made pursuant to this section must include a proposed effective date and must be filed not less than 30 days before that proposed effective date, except that a filing for a proposed increase or decrease in a rate may include a request that the Commissioner authorize an effective date that is earlier than the proposed effective date.

3. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

4. If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in NRS 687B.470, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.

5. As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. § 154.215.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 25.1. Chapter 691A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of property insurance may exclude the peril of wildfire from the coverage provided under the policy.

2. An insurer may, subject to any other applicable provisions of this title, issue a policy of property insurance that solely covers the peril of wildfire. Such a policy may be offered:

(a) On a standalone basis; or

(b) In coordination with a policy that excludes the peril of wildfire pursuant to subsection 1.

3. An insurer may use a definition of "wildfire" in the policy that varies from the definition set forth in subsection 4 if the Commissioner has approved the variance.

4. As used in this section, "wildfire" means an unplanned and uncontrolled fire in an area of combustible vegetation that originated from outside any residential or commercial property.

Sec. 25.2. Chapter 694B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a reciprocal insurer shall at all times maintain an unearned premium reserve equal to not less than 50 percent of the net written premiums of the subscribers on policies that have 1 year or less to run and pro rata on those for longer periods, except that, as to marine and transportation insurance, the entire amount of premiums on trip risks not terminated shall be deemed unearned.

2. If, at any time, the amount of the unearned premium reserve maintained by a reciprocal insurer pursuant to subsection 1 is less than $100,000, the reciprocal insurer shall maintain cash or securities acceptable to the Commissioner in an amount that, when added to the amount of the unearned premium reserve maintained pursuant to subsection 1, equals not less than $100,000.

3. The amount of the bond filed with the Commissioner pursuant to NRS 694B.100 must be included as part of the unearned premium reserve maintained by a reciprocal insurer pursuant to subsection 1.

4. For the purposes of subsection 1, net written premiums is determined by subtracting from the sum of the amount of all premium payments made by the subscribers and the premiums due from subscribers:

(a) Any amount specifically provided for in the agreements of the subscribers for expenses, including, without limitation, reinsurance costs; and

(b) The amount of any fees paid to the attorney of the reciprocal insurer, only if the power of attorney agreement with the attorney of the reciprocal insurer contains an explicit provision requiring the attorney to refund any unearned subscribers' fees on a pro-rata basis for any policy that is cancelled.

Sec. 25.3. NRS 694B.150 is hereby amended to read as follows:

694B.150 In determining the financial condition of a reciprocal insurer the Commissioner shall apply the following rules:

1. The Commissioner shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

2. The surplus deposits of subscribers shall be allowed as assets, except that any premium deposits delinquent for 90 days shall first be charged against such surplus deposit.

3. The surplus deposits of subscribers shall not be charged as a liability.

4. All premium deposits delinquent less than 90 days shall be allowed as assets.

5. An assessment levied upon subscribers, and not collected, shall not be allowed as an asset.

6. The contingent liability of subscribers shall not be allowed as an asset.

7. ~~[The computation of reserves shall be based upon premium deposits other than membership fees and without any deduction for expenses and the compensation of the attorney.]~~ ***Reserves must be maintained as required by section 25.2 of this act.***

Sec. 25.4. NRS 694C.113 is hereby amended to read as follows:

694C.113 "Participant" means a corporation, association, limited-liability company, partnership, trust, sponsor or other business organization, ~~[and]~~ any affiliate thereof, ***and a homeowner or a unit-owners' association, as defined in NRS 116.011,*** that is insured by a sponsored captive insurer, where the losses of the participant are limited by a participant contract to the participant's pro rata share of the assets of one or more protected cells identified in such participant contract.

Sec. 25.5. NRS 694C.300 is hereby amended to read as follows:

694C.300 1. Except as otherwise provided in this section, a captive insurer licensed pursuant to this chapter may transact any form of insurance described in NRS 681A.020 to 681A.080, inclusive.

2. A captive insurer licensed pursuant to this chapter:

(a) Shall not directly provide personal motor vehicle ~~[or homeowners']~~ insurance coverage, or any component thereof.

(b) Shall not accept or cede reinsurance, except as otherwise provided in NRS 694C.350.

(c) May provide excess workers' compensation insurance to its parent and affiliated companies, unless otherwise prohibited by the laws of the state in which the insurance is transacted.

(d) May reinsure workers' compensation insurance provided pursuant to a program of self-funded insurance of its parent and affiliated companies if:

(1) The parent or affiliated company which is providing the self-funded insurance is certified as a self-insured employer by the Commissioner, if the insurance is being transacted in this State; or

(2) The program of self-funded insurance is otherwise qualified pursuant to, or in compliance with, the laws of the state in which the insurance is transacted.

3. A pure captive insurer shall not insure any risks other than those of its parent and affiliated companies or controlled unaffiliated businesses.

4. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** association captive insurer shall not insure any risks other than those of the member organizations of its association and the affiliated companies of the member organizations. ***An association captive insurer may insure the risks of individual homeowners who combine into an association for the purpose of procuring homeowners' insurance or the risks of individual units' owners in a common-interest community so long as the association captive insurer is owned by the association created by the homeowners or the unit-owners' association of the common-interest community, as applicable.***

5. A state-chartered risk retention group shall not insure any risks other than those of the members of its association.

6. An agency captive insurer shall not insure any risks other than those of the policies that are placed by or through the insurance agency or brokerage that owns the captive insurer.

7. A rental captive insurer shall not insure any risks other than those of the policyholders or associations that have entered into agreements with the rental captive insurer for the insurance of those risks. Such agreements must be in a form which has been approved by the Commissioner.

8. A sponsored captive insurer shall not insure any risks other than those of its participants. ***A sponsored captive insurer may insure the risks of individual homeowners, including, without limitation, units' owners in a common-interest community, who elect to become a participant of a protected cell of a sponsored captive insurer.***

9. As used in this section ~~[, "excess]~~ ***:***

(a) "Common-interest community" has the meaning ascribed to it in NRS 116.021.

(b) "Excess workers' compensation insurance" means insurance in excess of the specified per-incident or aggregate limit, if any, established by:

~~[(a)]~~ ***(1)*** The Commissioner, if the insurance is being transacted in this State; or

~~[(b)]~~ ***(2)*** The chief regulatory officer for insurance in the state in which the insurance is being transacted.

(c) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011.

(d) "Unit's owner" has the meaning ascribed to it in NRS 116.095.

Sec. 25.6. NRS 116.3113 is hereby amended to read as follows:

116.3113 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available and subject to reasonable deductibles, all of the following:

(a) Property insurance on the common elements and, in a planned community, also on property that must become common elements, insuring against risks of direct physical loss commonly insured against, which

insurance, after application of any deductibles, must be not less than 80 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies.

(b) Commercial general liability insurance, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, also of all units.

(c) Crime insurance which includes coverage for dishonest acts by members of the executive board and the officers, employees, agents, directors and volunteers of the association and which extends coverage to any business entity that acts as the community manager of the association and the employees of that entity. Such insurance may not contain a conviction requirement, and the minimum amount of the policy must be not less than an amount equal to 3 months of aggregate assessments on all units plus reserve funds or $5,000,000, whichever is less.

(d) Directors and officers insurance that is a nonprofit organization errors and omissions policy in a minimum aggregate amount of not less than $1,000,000 naming the association as the owner and the named insured. The coverage must extend to the members of the executive board and the officers, employees, agents, directors and volunteers of the association and to the community manager of the association and any employees thereof while acting as agents as insured persons under the policy terms. Coverage must be subject to the terms listed in the declaration.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** the case of a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, the insurance maintained under paragraph (a) of subsection 1, to the extent reasonably available, must include the units, but need not include improvements and betterments installed by units' owners.

3. The provisions of subsection 2 do not apply to property insurance maintained by an association under paragraph (a) of subsection 1 which covers the peril of wildfire and which coordinates with or subrogates individual policies of property insurance maintained by units' owners that cover the peril of wildfire. The provisions of this subsection do not relieve an association from compliance with any other provision of this chapter.

4. If the insurance described in subsections ~~*[subsection]*~~ 1 and 2 is not reasonably available, the association promptly shall cause notice of that fact to be given to all units' owners. The declaration may require the association to carry any other insurance, and the association may carry any other insurance it considers appropriate to protect the association or the units' owners.

~~[4. *3.]*~~ ***5.*** An insurance policy issued to the association does not prevent a unit's owner from obtaining insurance for the unit's owner's own benefit.

Sec. 25.7. ~~[NRS 116.31133 is hereby amended to read as follows:~~

~~116.31133 1. Insurance policies carried pursuant to NRS 116.3113 must provide that:~~

~~(a) Each unit's owner is an insured person under the policy with respect to liability arising out of the unit's owner's interest in the common elements or membership in the association;~~

~~(b) The insurer waives its right to subrogation under the policy against any unit's owner or member of his or her household;~~

~~(c) No act or omission by any unit's owner, unless acting within the scope of his or her authority on behalf of the association, voids the policy or is a condition to recovery under the policy; and~~

~~(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy provides primary insurance.~~

~~2. Any loss covered by the property policy under [subsections] *subsection* 1 [and 2] of NRS 116.3113 must be adjusted with the association, but the proceeds for that loss are payable to any insurance trustee designated for that purpose, or otherwise to the association, and not to any holder of a security interest. The insurance trustee or the association shall hold any insurance proceeds in trust for the association, units' owners and lienholders as their interests may appear. Subject to NRS 116.31135, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, units' owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored, or the common interest community is terminated.~~

~~3. An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit's owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association, each unit's owner and each holder of a security interest to whom a certificate or memorandum of insurance has been issued at their respective last known addresses.]~~ **(Deleted by amendment.)**

Sec. 26. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,

164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,

624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 17 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 25.4 to 25.7, inclusive, of this act become effective on July 1, 2025.

3. Sections 1 to 25.3, inclusive, and 26 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

4. Sections 2 to 20, inclusive, and section 26 of this act expire by limitation on January 1, 2030.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 930 to Assembly Bill No. 376.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 381.

The following Senate amendment was read:

Amendment No. 963.

AN ACT relating to animals; revising provisions governing the seizure of animals under certain circumstances; ~~[revising provisions governing acts constituting torture or cruelty to animals;]~~ revising certain penalties and remedies for acts of animal cruelty; ~~[authorizing a court to issue a temporary restraining order against a person who commits certain acts of animal cruelty;]~~ revising certain provisions governing the ownership and care of animals

treated cruelly; **revising provisions relating to immunity from civil liability for certain actions taken to protect or remove a pet from a motor vehicle under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, "torture" of or "cruelty" to an animal includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. (NRS 574.050) Section 2 of this bill separates the definition of "torture" of and "cruelty" to animals to provide that: (1) "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted; and (2) "torture" means every act taken to inflict on or prolong pain, suffering or death to an animal.~~

~~Section 1.6 of this bill authorizes a court to issue a temporary restraining order against a person charged with committing certain unlawful acts of animal cruelty.]~~

Existing law requires certain officers to: (1) take possession of an animal which is being treated cruelly ~~[;]~~ **and provide the animal with shelter and care or, with the permission of the owner, humanely destroy the animal;** and (2) give to the owner a notice containing certain information. **(NRS 574.055) Section 3 of this bill also authorizes an officer that takes possession of an animal to destroy the animal in a humane manner if: (1) the officer obtains an order from a court; or (2) a licensed veterinarian, veterinarian technician or euthanasia technician examines the animal and recommends that the animal be humanely destroyed.**

Upon proof that proper notice has been given, existing law authorizes a court of competent jurisdiction to order the animal sold at auction, humanely destroyed or continued in the care of the officer. (NRS 574.055) ~~[Sections 1.2 and]~~ **Section** 3 ~~[of this bill reorganize these provisions. Section 1.2 further requires that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), if an officer takes possession of an animal being treated cruelly and determines that immediate humane euthanasia of the animal may be necessary, a licensed veterinarian must examine the animal and recommend the humane euthanasia of the animal before the humane euthanasia may proceed. Section 14 of this bill makes a conforming change to provide that a pet removed from a motor vehicle under certain circumstances is an animal being treated cruelly for the purposes of taking possession of the animal under section 1.2.~~

~~Section 3]~~ removes the authorization for a court to order the animal sold at auction.

Existing law provides that, with certain exceptions, the seizure and disposition of an animal which an officer discovers is being treated cruelly does not apply to any animal which is located on land being employed for an agricultural use. (NRS 574.055) **Section 3** removes this exception.

Existing law provides that a person who engages in certain acts of torture or cruelty to animals is guilty of a misdemeanor for a first offense, except if the

person: (1) willfully and maliciously engages in such an act, the person is guilty of a category D felony; or (2) commits the act to threaten, intimidate or terrorize another person, the person is guilty of a category C felony. (NRS 574.100) **Section ~~[1.4]~~ 4** of this bill provides instead that ~~[certain acts related to torture or the unjustifiable maiming, mutilating or killing of certain animals is subject to enhanced penalties as follows: (1) a knowing or reckless violation is a category D felony; (2)]~~ a willful and malicious violation ~~[is a category C felony ; (3)]~~ **where the act causes the death of the animal and** committing the act to threaten, intimidate or terrorize another person ~~[is]~~ **are both** a category B felony, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years. ~~[Additionally, section 1.4 provides that the following willful and malicious violations are subject to enhanced penalties: (1) restraining a dog in certain manners is, with certain exceptions, a gross misdemeanor; (2) abandoning an animal in certain circumstances is a category C felony; and (3) committing certain acts of animal cruelty to an animal which causes the death of the animal is a category B felony, punishable by imprisonment in the state prison for a minimum term of 1 year and a maximum term of 6 years and a fine of not more than $10,000.~~

~~Sections 10, 12, 13 and 15, respectively, of this bill provide that a person who has received an enhanced sentence for such acts of animal cruelty: (1) may not receive a deferred judgment from the court; (2) is subject to a maximum period of probation or suspension of a sentence of 60 months; (3) is not eligible for the Division of Parole and Probation of the Department of Public Safety to petition a court to recommend the early discharge of the person from probation; and (4) is not eligible to have certain credits deducted from the minimum term or minimum aggregate term imposed by his or her sentence of judgment.]~~

Existing law prohibits the owner, possessor or person in charge or custody of a maimed, diseased, disabled or infirm animal from abandoning the animal, leaving the animal to die in certain public places or allowing the animal to lie in certain public places for more than 3 hours after the person receives notice that the animal is left disabled. A violation of this prohibition is a misdemeanor. (NRS 574.110) Existing law also prohibits a person from abandoning an animal in any other circumstance, with certain exceptions for feral cats. A violation of this prohibition is a misdemeanor that is subject to certain enhanced penalties under certain circumstances. (NRS 574.100) Section 4 ~~[of this bill provides that it is an affirmative defense to a violation of certain acts of animal cruelty if the person reasonably believes that the person was engaging in the reasonable discipline of the animal.]~~ prohibits the abandonment of an animal in all circumstances, with certain exceptions for feral cats. Section 15.5 of this bill repeals the existing law relating to the abandonment of a maimed, diseased, disabled or infirm animal. As a result of this change, the abandonment of an animal, regardless of the health of the animal, is subject to the same penalties and penalty enhancements.

Existing law provides that a person who engages in certain acts of torture of or cruelty to a police animal is guilty of: (1) a category D felony if the police animal is not totally disabled or killed; and (2) a category C felony if the police animal is totally disabled or killed. (NRS 574.105) **Section 5** of this bill increases these penalties to a ~~[category C felony if the police animal is not totally disabled or killed and a]~~ category B felony if the police animal is totally disabled or killed~~.~~

~~Existing law prohibits the owner, possessor or person in charge or custody of a maimed, diseased, disabled or infirm animal from abandoning the animal, leaving the animal to die in certain public places or allowing the animal to lie in certain public places for more than 3 hours after the person receives notice that the animal is left disabled. A violation of this prohibition is a misdemeanor. (NRS 574.110) Section 5.5 of this bill instead prohibits the intentional abandonment or leaving to die of any animal, including a maimed, diseased, disabled or infirm animal, by such a person and makes a violation of this prohibition a gross misdemeanor.]~~ **, punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.**

Existing law sets forth the applicability of certain provisions relating to cruelty to animals. (NRS 574.200) **Section 6** of this bill provides that these provisions do not prohibit ~~[the]~~ **providing** humane ~~[euthanasia of]~~ **relief to** an animal ~~[by a veterinarian, veterinarian technician or euthanasia technician if such a person determines that humane euthanasia is necessary to end the intractable]~~ **to prevent the further** suffering of ~~[an]~~ **the** animal ~~[.]~~ **when the animal is gravely injured.**

Existing law requires that if a person is lawfully arrested for certain crimes against animals and an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified of his or her right to request a hearing within 5 days. If the person does not request a hearing, or if the owner of the animal has not been identified within 5 days after the arrest, the county, city or other local government which impounded the animal is required to transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal. (NRS 574.055, 574.203) **Sections 3 and 7** of this bill require the owner to be notified of his or her right to request a hearing within ~~[5 business]~~ **7 calendar** days after receiving the notice. **Sections 3 and 7** also provide that, if the arrested and detained person does not request a hearing, or the owner of the animal has not been identified within ~~[5 business]~~ **7 calendar** days after the arrest, the animal ~~[must be]~~ **is** forfeited to the county, city or other local government which took possession of the animal, who must then dispose of the animal as the county, city or other local government sees fit.

~~[Section 1.8 of this bill requires a court to order a person convicted of certain unlawful acts of animal cruelty to pay restitution for all costs associated with~~

~~the care, impoundment and disposition of the animal of which a county, city or other local government takes possession.]~~

Existing law provides that the knowing, purposeful or reckless killing or injuring of an animal may be an act that constitutes domestic violence. (NRS 33.018) Existing law authorizes a court, by a temporary order, to enjoin the adverse party named in an application for an order for protection against domestic violence from: (1) physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant for the order or a minor child and any animal that is owned or kept by the adverse party; and (2) physically injuring or threatening to injure any animal that is owned or kept by the adverse party. Existing law further authorizes the court, by extended order, to specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child. (NRS 33.030) **Section 8** of this bill authorizes the court, by temporary order, to enjoin the adverse party from taking possession of an animal that is owned or kept by the adverse party.

Existing law requires, if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court to order the child to participate in counseling or other psychological treatment. (NRS 62E.680) **Sections 1.9 and 9** of this bill require the juvenile court to order such a child to also undergo a psychological evaluation.

Existing law provides that if a person is convicted for an unlawful act involving animal cruelty, a court may order, as a condition of probation, the person to submit to a psychiatric evaluation and participate in counseling or therapy. (NRS 176A.416) **Sections 1.9 and 11** of this bill authorize a court to also order such a person to participate in a rehabilitative or educational program.

Section 2 of this bill applies certain definitions in existing law relating to animal cruelty to the provisions of section 1.9.

Existing law prohibits a person from leaving a pet in a motor vehicle under certain circumstances. (NRS 202.487) Existing law authorizes a peace officer, an animal control officer, certain governmental officers and certain other persons to use any reasonable means necessary to protect a pet left unattended in a motor vehicle and to remove the pet from the motor vehicle without incurring civil liability, under certain circumstances. (NRS 202.487) Section 14 of this bill provides that a person who is immune from civil liability for taking such actions is also immune from criminal liability. Section 14 also authorizes any other person to whom existing law does not grant immunity from civil liability to use any reasonable means necessary to protect a pet left unattended and to remove the pet from the motor vehicle without incurring civil or criminal liability if the person: (1) determines that the motor vehicle is locked or there is no other reasonable way to protect the pet or remove the pet from the vehicle; (2) reports the violation to a law enforcement agency or certain other governmental entities; (3) remains with the pet until informed that his or

her presence is no longer needed by such law enforcement agency or other governmental entity; and (4) cooperates with certain persons who respond to a request for assistance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 1.9, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 1.2. ~~*[1. Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of the animal on behalf of the county, city or other local government that employs the officer. The county, city or local government:*~~

~~*(a) Shall provide the animal with shelter and care, which may include, without limitation, providing shelter or care at a facility owned or operated by the county, city or other local government or arranging for an animal rescue organization, animal shelter or another person to provide temporary care and shelter to the animal; or*~~

~~*(b) May, upon obtaining written permission from the owner of the animal, arrange for the humane euthanasia of the animal.*~~

~~*2. In a county whose population is 100,000 or more, if a peace officer or animal control officer takes possession of an animal which is being treated cruelly and the peace officer or animal control officer determines the immediate humane euthanasia of the animal may be necessary because the animal is injured or diseased to such an extent that it is probable the animal cannot recover, a licensed veterinarian must examine the animal and recommend the humane euthanasia of the animal before the humane euthanasia may proceed.*~~

~~*3. A county, city or other local government that takes possession of an animal from an officer pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for the humane euthanasia of the animal. The lien does not extend to the cost of care and shelter for more than 2 weeks.*~~

~~*4. An officer who takes possession of an animal pursuant to this section is not liable for any action arising out of the taking or humane euthanasia of the animal.]*~~ **(Deleted by amendment.)**

Sec. 1.4. ~~*[Unless a greater penalty is provided by law, the penalty for the following violations of NRS 574.100 and 574.110 shall be enhanced as follows:*~~

~~*1. A person who violates the provisions of paragraph (a) of subsection 1 of NRS 574.100:*~~

~~*(a) Knowingly or recklessly, is guilty of a category D felony and shall be punished as provided in NRS 193.130.*~~

~~(b) Willfully and maliciously, except as otherwise provided in paragraph (c) of subsection 2, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) And commits the act to threaten, intimidate or terrorize another person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.~~

~~2. A person who willfully and maliciously violates the provisions of:~~

~~(a) Subsection 2 of NRS 574.100 is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.~~

~~(b) NRS 574.110 is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~(c) NRS 574.100 or 574.110 and the act causes the death of the animal is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.]~~ **(Deleted by amendment.)**

Sec. 1.6. ~~[1. If a criminal action for a violation of any provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act is filed with the court, the court may, upon application therefor, issue a temporary restraining order against the person who has been charged with violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, pending proceedings on the violation to restrain the person from contacting, harassing, molesting, intimidating, retaliating against or tampering with any:~~

~~(a) Animal which was the subject of the violation;~~

~~(b) Guardian of the animal, other than the person charged; or~~

~~(c) Witness to the act.~~

~~→ Failure to establish a threat to the animal, guardian or witness, as applicable, is not grounds for denying a request for a temporary restraining order pursuant to this section.~~

~~2. A person against whom a restraining order is issued pursuant to this section must be notified of the restraining order before it may take effect.]~~ **(Deleted by amendment.)**

Sec. 1.8. ~~[In addition to any other fine or penalty provided in NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act, a court:~~

~~1. Shall order a person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act to pay restitution for all costs associated with the care, impoundment and disposition of any mistreated animal of which a county, city or other local government takes possession pursuant to section 1.2 of this act, including, without limitation, money expended for veterinary treatment, food, housing and the humane euthanasia of the animal, if applicable.~~

~~*2. May order the person convicted of violating a provision of NRS 574.050 to 574.200, inclusive, and sections 1.2 to 1.9, inclusive, of this act:*~~

~~*(a) To surrender ownership or possession of the mistreated animal; and*~~

~~*(b) If the person was convicted of a:*~~

~~*(1) Category D felony for the violation, ban the person from owning an animal for not more than 7 years;*~~

~~*(2) Category C felony, ban the person from owning an animal for not more than 15 years; and*~~

~~*(3) Category B felony, ban the person from owning an animal for the remainder of his or her life.]*~~ **(Deleted by amendment.)**

Sec. 1.9. **Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:**

In addition to any other penalty or remedy imposed pursuant to NRS 574.050 to 574.200, inclusive : ~~[, and sections 1.2 to 1.9, inclusive, of this act:]~~

1. A court may, pursuant to NRS 176A.416, order a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, ~~[and sections 1.2 to 1.9, inclusive, of this act,]~~ as a condition of probation, to:

(a) Submit to a psychiatric evaluation;

(b) Participate in counseling or therapy; or

(c) Participate in a rehabilitative or educational program.

2. If a defendant convicted of a violation of a provision of NRS 574.050 to 574.200, inclusive, ~~[and sections 1.2 to 1.9, inclusive, of this act]~~ is a child adjudicated delinquent for an act that involves cruelty to or torture of an animal, the juvenile court shall, pursuant to NRS 62E.680, order the child to undergo a psychological evaluation and participate in counseling or other psychological treatment.

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ ***, and ~~[sections 1.2 to]~~ section 1.9 ~~[, inclusive,]~~ of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. ~~*["Cruelty" includes every act, omission or neglect, whereby the unjustifiable physical pain, suffering or death of an animal is caused or permitted.*~~

~~*3.]*~~ "First responder" means a person who has successfully completed the national standard course for first responders.

3. ~~*[4. "Humane euthanasia" means the administration of a lethal action to an animal to cause a quick and painless death of the animal where such action is necessary to end the intractable suffering or pain of the animal.*~~

~~*5.]*~~ "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. ~~*[6.]*~~ "Torture" or "cruelty" includes ~~*[means]*~~ every act , omission or neglect, whereby unjustifiable physical ~~*[taken to inflict or prolong]*~~ pain, suffering or death is caused or permitted. ~~*[to an animal.]*~~

Sec. 3. NRS 574.055 is hereby amended to read as follows:

574.055 Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

1. Any ~~*[If a]*~~ peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of ~~[it]~~ ***the animal*** and ~~[provide it]~~ ***:***

(a) Provide the animal with shelter and care ***;*** or ~~[, upon obtaining~~

(b) Destroy the animal in a humane manner if:

(1) The officer obtains written permission from the owner of the animal ~~[, may destroy it in a humane manner.]~~ ***;***

(2) The officer obtains an order from a court; or

(3) A veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS examines the animal and recommends that the animal be humanely destroyed.

2. If an officer takes possession of an animal , ~~*[pursuant to section 1.2 of this act,]*~~ the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and ***, if applicable,*** notice of the right of the owner to request a hearing pursuant to NRS 574.203 ~~[within]~~ ***not later than*** ~~*[5 business]*~~ ***7 calendar*** days after receipt of the notice. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. ~~[Upon proof that]~~

~~*[2.]*~~ ***If*** the owner ***of an animal*** has been notified in accordance with the provisions of subsection 2 ~~*[1]*~~ ***and the owner does not request a hearing pursuant to NRS 574.203*** or ~~[, if]~~ the owner has not been found ~~[or identified, that]~~ ***not later than*** ~~*[5 business]*~~ ***7 calendar days after*** the required notice has been posted on the property where the animal was found, ~~[a court of competent jurisdiction may, after providing an opportunity for a hearing, order]~~ the animal ~~[sold at auction, humanely destroyed or continued in the care of *must be]*~~ ***is forfeited to*** the ~~[officer]~~ ***county, city or other local government which took possession of the animal*** for ~~[such]~~ disposition as the ~~[officer]~~ ***county, city or other local government*** sees fit ~~[.~~

~~5. An officer who seizes an~~] ***, which may include, without limitation, the humane destruction of the animal or transferring ownership of the*** animal ~~[pursuant]~~ to ~~[this section]~~ ***an animal rescue organization, animal shelter or another person who*** is ***able to provide adequate care and shelter to the animal.***

5. The State, political subdivisions of the State, any public officers or employees of the State or political subdivisions of the State, and any veterinarian, veterinarian technician or euthanasia technician who recommends the humane destruction of an animal pursuant to subsection 1 are not liable for any action arising out of the taking or humane destruction of ~~***[able to provide adequate care and shelter to]***~~ the animal.

~~[6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.~~

~~7. ***The owner of an animal*** impounded in accordance with the provisions of subsection 6 must, before the animal ***is*** released to the owner's custody, pay the charges approved by the sheriff as ***, if applicable, liable for paying all costs*** reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell ***humane euthanasia of*** the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.]~~

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal. ~~[in circumstances other than those prohibited in NRS 574.110.]~~ The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 10 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being processed into an animal shelter;

(f) Temporarily for a period of less than 1 month:

(1) Being cared for as part of a rescue operation in conjunction with an animal rescue organization; or

(2) Staying in a camping area;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry;

(h) Under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour; or

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who ~~[willfully]~~ ***:***

(a) Willfully and maliciously violates paragraph (a) of subsection 1:

~~[(a)]~~ ***(1)*** Except as otherwise provided in ~~[paragraph (b),]~~ ***subparagraph (2)*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(2) If the act caused the death of the animal, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

(b) ~~[If]~~ ***Violates paragraph (a) of subsection 1 and commits*** the act ~~[is committed]~~ in order to threaten, intimidate or terrorize another person, is guilty of a category ~~[C]~~ ***B*** felony and shall be punished ~~[as provided in NRS 193.130.]~~ ***by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.***

7. Except as otherwise provided in subsection 6, ~~***[section 1.4 of this act,]***~~ a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. ~~*[7. It is an affirmative defense to a violation charged pursuant to this section if the person reasonably believes that the person was engaging in the reasonable discipline of the animal.]*~~

~~*[8.]*~~ The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. ~~*[9.]*~~ As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Sec. 5. NRS 574.105 is hereby amended to read as follows:

574.105 1. A person shall not willfully and maliciously:

(a) Taunt, torment, tease, beat, strike or administer a desensitizing drug, chemical or substance to a police animal;

(b) Interfere with a police animal or a handler thereof in the performance of duties assigned to the police animal or handler; or

(c) Torture, mutilate, injure, poison, disable or kill a police animal.

2. A person who violates:

(a) Paragraph (a) or (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (c) of subsection 1 is guilty of:

(1) If the police animal is not totally disabled or killed, a category D ~~*[C]*~~ felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

(2) If the police animal is totally disabled or killed, a category ~~[C]~~ ***B*** felony and shall be punished ~~[as provided in NRS 193.130.]~~ ***by imprisonment in the state prison for a minimum term of not less than 1 year and a***

maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000. In addition to the punishment imposed pursuant to this subparagraph, the court may require a person who is punished pursuant to this subparagraph to pay restitution to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

Sec. 5.5. ~~[NRS 574.110 is hereby amended to read as follows:~~

~~574.110 1. A person being the owner or possessor, or having charge or custody, of~~ ***an animal, including, without limitation,*** ~~a maimed, diseased, disabled or infirm animal, [who abandons such]~~ ***shall not intentionally:***

~~***(a) Abandon the*** animal ***[***or leaves it***] ;***~~

~~***(b) Leave the animal*** to die in a public street, road or public place ***[***, or who allows it***] ; or***~~

~~***(c) Leave the animal*** to lie in a public street, road or public place ***for*** more than 3 hours after the person receives notice that ***[***it***] the animal*** is left disabled ***.[***, is guilty of a misdemeanor.***]***~~

~~2. ***Except as otherwise provided in section 1.4 of this act, a person who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.***~~

~~***3.*** Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.~~

~~***[***3.***]*** ***4.*** When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.***]*** **(Deleted by amendment.)**

Sec. 6. NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, ***and ~~[sections 1.2 to]~~ section 1.9 ~~[, inclusive,]~~ of this act*** do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

(g) Prohibit ~~[the]~~ providing humane ~~[euthanasia of]~~ relief to an animal ~~[by a veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS if the veterinarian, veterinarian technician or euthanasia technician determines that humane euthanasia is necessary]~~ to ~~[end]~~ prevent the ~~[intractable]~~ further suffering of ~~[an]~~ the animal ~~[.]~~ when the animal is gravely injured.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

Sec. 7. NRS 574.203 is hereby amended to read as follows:

574.203 1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, the person must be notified in accordance with the provisions of subsection 2 ~~(1)~~ of NRS 574.055 and be notified of his or her right to request a hearing within ~~[5 business]~~ *7 calendar* days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within ~~[5 business]~~ *7 calendar* days after receipt of the notice pursuant to this subsection.

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within ~~[5 business]~~ *7 calendar* days ~~[of]~~ ***after the*** arrest, the ***animal ~~[must be]~~ is forfeited to the*** county, city or other local government ~~[shall transfer]~~ ***which took possession of the animal for ~~[such]~~ disposition as the county, city or other local government sees fit, which may include, without limitation, the humane destruction of the animal or transferring*** ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal . ~~***[or the humane euthanasia of the animal.]***~~

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and

(f) Any other evidence which the court determines is relevant.

Sec. 8. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;

(b) Exclude the adverse party from the applicant's place of residence;

(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;

(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;

(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;

(f) Enjoin the adverse party from physically injuring or threatening to injure ***or taking possession of*** any animal that is owned or kept by the adverse party, either directly or through an agent; and

(g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;

(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and

(c) Order the adverse party to:

(1) Avoid or limit communication with the applicant or minor child;

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in

protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that:

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(2) The person has previously violated a temporary or extended order for protection; or

(3) At the time of the violation or within 2 hours after the violation, the person has:

(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

Sec. 9. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to ***undergo a psychological evaluation and*** participate in counseling or other psychological treatment.

2. Except as otherwise provided in this subsection, the juvenile court shall not order the child or the parent or guardian of the child to pay the cost of the child to ***undergo a psychological evaluation and*** participate in the counseling or other psychological treatment. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such ***psychological evaluation and*** counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such ***psychological evaluation and*** counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such ***psychological evaluation and*** counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such ***psychological evaluation and*** counseling or treatment unless the child receives such ***psychological evaluation and*** counseling or treatment from a provider that is not approved or the child seeks additional ***psychological evaluation and*** counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such ***psychological evaluation and*** counseling or treatment.

3. As used in this section:

(a) "Animal" does not include the human race, but includes every other living creature.

(b) "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 10. ~~[NRS 176.211 is hereby amended to read as follows:~~

~~"176.211 1. Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.~~

~~2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:~~

~~(a) Payment of restitution;~~

~~(b) Payment of court costs;~~

~~(c) Payment of an assessment in lieu of any fine authorized by law for the offense;~~

~~(d) Payment of any other assessment or cost authorized by law;~~

~~(e) Completion of a term of community service;~~

~~(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or~~

~~(g) Completion of a specialty court program.~~

~~3. The court:~~

~~(a) Upon the consent of the defendant:~~

~~(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or~~

~~(2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.~~

~~(b) Shall not defer judgment for any defendant who has been convicted of a violent or sexual offense as defined in NRS 202.876, a crime against a child as defined in NRS 179D.0357, a violation of NRS 200.508 or a violation of NRS 574.100 ***or 574.110*** that is punishable pursuant to ~~[~~subsection 6 of that~~]~~ section ~~[.]~~ ***1.4 of this act.***~~

~~4. Upon violation of a term or condition:~~

~~(a) Except as otherwise provided in paragraph (b):~~

~~(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.~~

~~(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.~~

~~(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.~~

~~5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.~~

~~6. The court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~8. As used in this section:~~

~~(a) "Court" means a district court of the State of Nevada.~~

~~(b) "Specialty court program" has the meaning ascribed to it in NRS 176A.065.~~] **(Deleted by amendment.)**

Sec. 11. NRS 176A.416 is hereby amended to read as follows:

176A.416 1. As a condition of probation, the court may order a defendant who is convicted of a violation of chapter 574 of NRS that is punishable as a felony **,** ~~[or]~~ gross misdemeanor ***or misdemeanor*** to:

(a) Submit to a psychiatric evaluation; and

(b) Participate in any counseling **,** ~~[or]~~ therapy ***, rehabilitative program or educational program*** recommended in the evaluation.

2. The court shall order a defendant, to the extent of the defendant's financial ability, to pay the cost for an evaluation and any counseling **,** ~~[or]~~ therapy ***, rehabilitative program or educational program ordered*** pursuant to this section.

Sec. 12. ~~[NRS 176A.500 is hereby amended to read as follows:~~

~~176A.500 1. Except as otherwise provided in subsection 2, the period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:~~

~~(a) Twelve months for a:~~

~~(1) Gross misdemeanor; or~~

~~(2) Suspension of sentence pursuant to NRS 176A.240, 176A.260, 176A.290 or 453.3363;~~

~~(b) Eighteen months for a category E felony;~~

~~(c) Twenty-four months for a category C or D felony;~~

~~(d) Thirty-six months for a category B felony; or~~

~~(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or a violation of NRS 574.100~~ ***or 574.110*** ~~that is punishable pursuant to [subsection 6 of that] section [.]~~ ***1.4 of this act.***

~~2. The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.~~

~~3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.~~

~~4. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written~~

~~statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 5, the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.~~

~~5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.~~

~~6. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:~~

~~(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.~~

~~(b) Except as otherwise provided in subsection 8, 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.~~

~~7. A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection 6 regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection 6 if the person has satisfied the requirements of both paragraphs of that subsection.~~

~~8. A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 176A.840 is hereby amended to read as follows:~~

~~176A.840 1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:~~

~~(a) Has not violated any condition of probation during the immediately preceding 12 months;~~

~~(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;~~

~~(c) Has paid restitution ordered by the court in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court;~~

~~(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and~~

~~(e) Has not been convicted of a violent or sexual offense as defined in NRS 202.876, a violation of NRS 200.508 or 205.067 or a violation of NRS 574.100 *or 574.110* that is punishable pursuant to [subsection 6 of that] section [.] *1.4 of this act.*~~

~~2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1.]~~ **(Deleted by amendment.)**

Sec. 14. NRS 202.487 is hereby amended to read as follows:

202.487 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a person shall not allow a pet to remain unattended in a parked or standing motor vehicle if conditions, including, without limitation, extreme heat or cold, present a significant risk to the health and safety of the pet.

2. Any:

(a) Peace officer;

(b) Animal control officer;

(c) Governmental officer or employee whose primary duty is to ensure public safety;

(d) Employee or volunteer of any organized fire department; or

(e) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

➥ who reasonably believes that a violation of this section has occurred may, without incurring civil ***or criminal*** liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle.

3. ***A person, other than a person described in subsection 2, who reasonably believes that a violation of subsection 1 has occurred may, without incurring any civil or criminal liability, use any reasonable means necessary to protect the pet and to remove the pet from the motor vehicle, if the person:***

(a) Determines that the motor vehicle is locked or there is no other reasonable way to remove the pet from the vehicle;

(b) Reports the violation of subsection 1 to a member of a law enforcement agency, a 911 emergency service, an animal control agency or a fire department and requests assistance;

(c) Remains with the pet in a safe place in close proximity to the motor vehicle until informed that his or her presence is no longer necessary by the law enforcement officer, animal control officer or other person who responds to the request for assistance made pursuant to paragraph (b); and

(d) Cooperates with any person who responds to the request for assistance made pursuant to paragraph (b).

4. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

(1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or

(2) A search and rescue organization in this State that is under the direction of a sheriff to assist the organization in carrying out the activities of the organization; or

(b) A dog that is under the possession or control of:

(1) An animal control officer; or

(2) A first responder during an emergency.

~~[4.]~~ ***5.*** A pet that is removed from a motor vehicle pursuant to subsection 2 ***or 3*** shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. ~~***[section 1.2 of this act.]***~~ A person required by NRS 574.055 ~~***[section 1.2 of this act]***~~ to take possession of a pet removed pursuant to this section may take any action relating to the pet specified in ~~***[section 1.2 of this act or]***~~ NRS 574.055 and is entitled to any lien or immunity from liability that is applicable pursuant to that section. ~~***[those sections.]***~~

~~[5.]~~ ***6.*** The provisions of this section do not:

(a) Interfere with or prohibit any activity, law or right specified in NRS 574.200; or

(b) Apply to a person who unintentionally locks a motor vehicle with a pet in the motor vehicle.

~~[6.]~~ ***7.*** A person who violates a provision of subsection 1 is guilty of a misdemeanor.

~~[7.]~~ ***8.*** As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 574.050.

(b) "First responder" has the meaning ascribed to it in NRS 574.050.

(c) "Pet" means a domesticated animal owned or possessed by a person for the purpose of pleasure or companionship and includes, without limitation, a cat or dog.

(d) "Police animal" has the meaning ascribed to it in NRS 574.050.

Sec. 15. ~~[NRS 209.4465 is hereby amended to read as follows:~~

~~209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who~~

~~performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:~~

~~(a) For the period the offender is actually incarcerated pursuant to his or her sentence;~~

~~(b) For the period the offender is in residential confinement; and~~

~~(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,~~

~~→ a deduction of 20 days from his or her sentence for each month the offender serves.~~

~~2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:~~

~~(a) For earning a general educational development certificate or an equivalent document, 60 days.~~

~~(b) For earning a high school diploma, 90 days.~~

~~(c) For earning his or her first associate degree, 120 days.~~

~~3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.~~

~~4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.~~

~~5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.~~

~~6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.~~

~~7. Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:~~

~~(a) Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable; and~~

~~(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.~~

~~8. Credits earned pursuant to this section by an offender who has not been convicted of:~~

~~(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;~~

~~(b) A sexual offense that is punishable as a felony;~~

~~(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony;~~

~~(d) A category A or B felony; or~~

~~(e) A violation of NRS 574.100 *or 574.110* that is punishable pursuant to [subsection 6 of that] section [,] *1.4 of this act,*~~

~~* apply to eligibility for parole and, except as otherwise provided in subsection 9, must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and must be deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable.~~

~~9. Credits deducted pursuant to subsection 8 may reduce the minimum term or the minimum aggregate term imposed by the sentence, as applicable, by not more than 58 percent for an offender who:~~

~~(a) Is serving a sentence for an offense committed on or after July 1, 2014; or~~

~~(b) On or after July 1, 2014, makes an irrevocable election to have his or her consecutive sentences aggregated pursuant to NRS 213.1212.~~

~~10. In addition to the credits allowed pursuant to this section, if the Governor determines, by executive order, that it is necessary, the Governor may authorize the deduction of not more than 5 days from a sentence for each month an offender serves. This subsection must be uniformly applied to all offenders under a sentence at the time the Governor makes such a determination.]~~ **(Deleted by amendment.)**

Sec. 15.5. **NRS 574.110 is hereby repealed.**

Sec. 16. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

574.110 Abandonment of disabled animal unlawful; penalty.

1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after the person receives notice that it is left disabled, is guilty of a misdemeanor.

2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable citizens called by the agent or officer to view the same in his or her presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal the owner's consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take

charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 963 to Assembly Bill No. 381.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 386.

The following Senate amendment was read:

Amendment No. 968.

SUMMARY—Revises provisions relating to assessments administered to pupils to assess reading proficiency. (BDR ~~[34-828)]~~ **S-828)**

AN ACT relating to education; ~~[revising provisions governing the assessments which may be used]~~ **authorizing the Board of Trustees of the Washoe County School District to establish and administer a pilot program during the 2025-2026 school year to use an alternative assessment** to assess the literacy of pupils enrolled in an elementary school ~~[, authorizing]~~ **if the alternative assessment satisfies certain criteria; requiring** the Department of Education to ~~[prescribe requirements relating to the collection and reporting of the results of such assessments; authorizing the Department to prescribe the assessments used to assess literacy under certain circumstances; requiring the Department under certain circumstances to award grants to school districts and charter schools that use certain assessments to assess literacy other than the statewide assessment;]~~ **award a grant to the Washoe County School District in an amount equal to the savings to the Department for not administering the statewide assessment to pupils enrolled in the School District; requiring a report concerning the program to be submitted to the Department and the Joint Interim Standing Committee on Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include procedures to assess the proficiency of a pupil in reading during each grade level of elementary school, as is determined to be necessary, by using assessments that have been approved by the State Board of Education by regulation. (NRS 388.157) This bill ~~[removes the requirement that such assessments be approved by the State Board by regulation, thereby allowing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any]~~ **authorizes the Board of Trustees of the Washoe County School District to establish and administer a pilot**

program during the 2025-2026 school year to administer an assessment other than the statewide assessment to assess the proficiency of pupils in reading if the State Board approves the assessment. Under this bill, the State Board is required to approve such an assessment if the assessment is a valid and reliable standards-based assessment to assess proficiency in reading ~~[. This bill also authorizes the Department of Education to: (1) adopt regulations prescribing how the results of any assessment used by a school district or charter school to assess proficiency in reading are collected and reported; and (2) prescribe the assessments which must be used in a school district or charter school if no assessment is included in the plan.]~~ **and the Department of Education has established a method to establish an equivalent score to a score on the statewide assessment.** This bill further provides that, if the ~~[board of trustees of a school district or the governing body of a charter school]~~ **Board of Trustees of the Washoe County School District** administers **such** an assessment to assess proficiency in reading other than the statewide assessment **,** ~~[and the Department establishes a method to determine an equivalent score on such an assessment,]~~ the Department is required to award a grant to the ~~[school district or local educational agency for the charter school]~~ **School District** in an amount equal to the savings to the Department ~~[, on a proportional basis,]~~ for not administering the statewide assessment to pupils in ~~[that school district or charter school.]~~ **the School District. Finally, this bill requires the Washoe County School District to submit a report to the Department and the Joint Interim Standing Committee on Education concerning the pilot program.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 388.157 is hereby amended to read as follows:~~

~~388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:~~

~~(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board *, or an equivalent level determined by an assessment administered by the board of trustees of a school district or governing body of a charter school,* for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness,*

~~decoding skills, reading fluency and vocabulary and reading comprehension strategies;~~

~~(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments [that have been approved by the State Board by regulation] during each grade level of the elementary school at which the pupil is enrolled as determined necessary;~~

~~(c) A program to improve the proficiency in reading of pupils who are English learners; and~~

~~(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.~~

~~2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:~~

~~(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and~~

~~(b) Make such revisions to the plan as the Department determines are necessary.~~

~~3. The Department [shall] :~~

~~*(a) Shall* adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.~~

~~*(b) May adopt regulations prescribing the manner by which the board of trustees of each school district and the governing body of a charter school are required to collect and report the results of any assessment used by the school district or charter school, as applicable, to assess a pupil's proficiency in the subject area of reading.*~~

~~*(c) May prescribe one or more valid and reliable standards-based statewide assessments that must be used in a school district or charter school to assess a pupil's proficiency in the subject area of reading if the board of trustees of the school district or the governing body of the charter school, as applicable, fails to include such an assessment in the plan submitted pursuant to subsection 1.*~~

~~*4. If the board of trustees of a school district or the governing body of a charter school administers an assessment to assess the proficiency of a pupil in the subject of reading other than a statewide assessment prescribed pursuant to paragraph (c) of subsection 3 and the Department has established a method to determine an equivalent score to a score on a statewide assessment for such an assessment, the Department shall award a grant to the school district or local educational agency for the charter school in an amount equal to the savings to the Department, on a proportional basis, for not administering the statewide assessment to pupils in the school district or charter school, as applicable. A grant to a school district or local educational agency awarded pursuant to this subsection must not exceed, on a per pupil basis, the cost of a statewide assessment prescribed pursuant to paragraph (c) of subsection 3.]*~~ **(Deleted by amendment.)**

Sec. 2. (Deleted by amendment.)

Sec. 3. **1. For the 2025-2026 school year, the Board of Trustees of the Washoe County School District may establish and administer a pilot program for the administration of an assessment other than the statewide assessment to determine, for the purposes of the plan to improve the literacy of pupils enrolled in an elementary school prepared pursuant to NRS 388.157, whether pupils enrolled in the Washoe County School District have achieved adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by the statewide assessment to be within a level determined by the State Board of Education.**

2. Any assessment administered by the Board of Trustees of the Washoe County School District pursuant to the pilot program established and administered pursuant to subsection 1 must be approved by the State Board of Education. The State Board of Education shall approve any such assessment if:

(a) The assessment is a valid and reliable standards-based assessment to assess the proficiency of pupils in the subject area of reading; and

(b) The Department of Education has established for the assessment a method to determine an equivalent score to a score on a statewide assessment.

3. If, pursuant to the pilot program established and administered pursuant to subsection 1, the Board of Trustees of the Washoe County School District administers an assessment to assess the proficiency of a pupil in the subject area of reading other than the statewide assessment:

(a) The Board of Trustees is not required to administer the statewide assessment for the purposes of the plan prepared pursuant to NRS 388.157; and

(b) The Department of Education shall award a grant to the Washoe County School District in an amount equal to the savings to the Department for not administering the statewide assessment to pupils enrolled in the Washoe County School District.

4. Not later than August 31, 2026, the Washoe County School District shall provide a report to the Department of Education and the Joint Interim Standing Committee on Education concerning the pilot program established and administered pursuant to subsection 1 that includes, without limitation:

(a) Information concerning the assessment administered pursuant to the pilot program;

(b) The method by which the assessment administered pursuant to the pilot program establishes a score that is equivalent to a score on the statewide assessment; and

(c) Information concerning the grant made to the School District by the Department pursuant to subsection 3.

Sec. 4. **This act becomes effective on July 1, 2025, and expires by limitation on June 30, 2026.**

Assemblymember Jauregui moved that the Assembly do not concur in Senate Amendment No. 968 to Assembly Bill No. 386.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 962.

AN ACT relating to economic development; authorizing the creation of an industrial park in a contiguous area that meets certain requirements; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an inland port or industrial park; requiring the designation of a teacher or other licensed educational personnel to coordinate career pathways programs at each high school which offers such programs; creating the Career Pathways Oversight Committee; requiring the appointment of a Career Pathways Oversight Coordinator; revising provisions governing the Teacher Academy College Pathway Program; revising provisions governing the program for reimbursement of tuition and fees paid by teachers who completed the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Inland Port Authority Act, which authorizes one or more boards of county commissioners of a county or governing bodies of an incorporated city to apply to the Office of Economic Development to create, operate and maintain an inland port and inland port authority in a contiguous area that includes certain transportation infrastructure and no residential property. (NRS 277B.150) **Sections 8-15, 17 and 18** of this bill revise the Inland Port Authority Act to additionally authorize the creation, operation and maintenance of an industrial park and an industrial park authority and makes the existing provisions of the Act applicable to industrial parks and industrial park authorities. **Section 8** provides that the Act may now be known and cited as the Inland Port and Industrial Park Authority Act. **Section 2** of this bill defines the term "industrial park." **Section 11** requires any area designated as an "industrial park" to include only property that includes or is adjacent to an inland port.

Section 5 of this bill authorizes a participating entity in an inland port or industrial park to adopt an ordinance creating a tax increment area consisting of all or part of the inland port or industrial park for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain projects within the inland port or industrial park. If a participating entity designates such a tax increment area, **section 5** provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the project. **Section 5.5 of this bill provides for the payment of**

prevailing wage with respect to work performed in relation to an undertaking that receives an allocation of tax revenue pursuant to section 5. **Section 7** of this bill authorizes the issuance of such bonds or securities by counties or incorporated cities that have created an inland port or industrial park. **Section 4** of this bill sets forth the projects of an inland port or industrial park which may be undertaken using the funding generated by the tax increment area. **Section 3** of this bill defines the term "municipality" for the purposes of the Inland Port and Industrial Park Authority Act. **Section 9** of this bill applies the new definitions created by this bill to the existing provisions of the Inland Port and Industrial Park Authority Act.

Sections 6 and 20 of this bill exempt a tax increment area created pursuant to **section 5** from certain limits on revenue from taxes ad valorem.

Section 12 authorizes the Office to initiate the creation of an inland port or industrial park and authority with the approval of the Board of Economic Development.

Existing law requires an inland port authority to be governed by a board of directors and sets forth the composition of such a board. (NRS 277B.200) **Section 16** of this bill adds an additional director to the board if none of the participating entities in the authority is a city and requires this director to be appointed by the Governor.

Existing law: (1) requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled to enable pupils in grades 9 to 12 to prepare for employment as professionals in K-12 education; and (2) authorizes a large school district, or a school district which is not a large school district, to offer the Program at other high schools. (NRS 388.223) **Section 25** of this bill excludes specialty schools from the high schools at which a large school district is required to offer the Program. **Section 25** requires a school district to offer dual credit courses at each high school which offers the Program in subjects which align with the requirements to obtain a bachelor's degree in education and in sufficient quantity to allow a pupil to obtain at least 12 units of college credit. **Section 25** authorizes a school district to apply to the State Board of Education for an exemption from the requirement to offer certain internships and dual credit courses as part of the Program at a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes providing such internships or courses impracticable.

Section 25 authorizes a high school pupil, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees to request a hearing for reconsideration of the decision by the board of trustees.

Existing law requires a school district to ensure that each high school which offers the Program is staffed by a full-time employee who is a licensed teacher or administrator who is responsible for implementing the Program. (NRS 388.223) **Section 25** replaces this requirement with a requirement for a school district to ensure that at least one licensed teacher be assigned full-time to implement and teach the Program at each high school which offers the Program if more than two class periods in the Program will be offered at the high school.

Section 25 requires that for a pupil to complete the Program, the pupil must: (1) complete at least 2 academic years in a program of career and technical education in the area of teaching or in approved dual credit courses in the area of teaching; and (2) participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching.

Existing law requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fee paid to an institution within the Nevada System of Higher Education by a person who: (1) completed the Program; and (2) has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years. Under existing law, the State Treasurer is authorized to provide a partial reimbursement to persons who have completed the Program and who have worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years. (NRS 226.420) **Section 19** of this bill requires the Program to be established in coordination with the Department of Education, and additionally requires that to be eligible for such a reimbursement or partial reimbursement, a person must have completed the application for federal student aid and have successfully completed at an institution in the Nevada System of Higher Education a program to become a licensed teacher. **Section 19** also authorizes a person who was not able to complete the Program because of circumstances beyond the control of that person to obtain the reimbursement or partial reimbursement from the State Treasurer, if the person meets the other requirements for such a reimbursement or partial reimbursement. Finally, **section 19** provides that student education loans are not a form of financial aid or financial assistance that may be applied to reduce the reimbursement or partial reimbursement received from the State Treasurer.

Existing law requires the Governor's Office of Workforce Innovation to: (1) establish and administer a Career Pathways Demonstration Program; and (2) establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education. (NRS 232.985, 232.990) **Sections 22 and 23** of this bill designate these programs, as well as the Teacher Academy College Pathway Program, as career pathways programs. **Section 22** requires a school district which offers a career pathways program at a high school to designate a teacher or other licensed educational personnel, including, without limitation a school counselor, at the high school to coordinate career pathways programs.

Section 23 creates within the Department of Education a Career Pathways Oversight Committee and requires the Committee to: (1) establish metrics to measure the success of the career pathways programs; (2) evaluate the progress and success of the career pathways programs; (3) evaluate programs for dual credit provided by the Nevada System of Higher Education; (4) report certain findings to the State Board and the Joint Interim Standing Committee on Education; and (5) identify state agencies with the jurisdiction and expertise to oversee, implement and regulate the career pathways programs for different industries. **Section 23** requires the Superintendent of Public Instruction to appoint an employee of the Department to act as the Career Pathways Oversight Coordinator to provide certain technical support and assistance in implementing career pathways programs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 277B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. "Industrial park" means land, including, without limitation, all necessary rights, appurtenances, easements and franchises relating to such land, that is acquired and developed by a participating entity or authority for the establishment and location of a series of sites for plants and other buildings for industrial, distribution and wholesale use.***

2. The term includes, without limitation, the acquisition and provision of water, sewage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, railroad or docking facilities, to the extent such facilities are incidental to the use of the land as an industrial park.

Sec. 3. ***"Municipality" means any county or city in this State.***

Sec. 4. ***"Undertaking" means any enterprise to acquire, improve or equip, or any combination thereof, in the case of a county or incorporated city with respect to any tax increment area created by an ordinance adopted pursuant to section 5 of this act:***

1. A drainage and flood control project, as defined in NRS 244A.027;
2. An overpass project, as defined in NRS 244A.037;
3. A sewerage project, as defined in NRS 244A.0505;
4. A street project, as defined in NRS 244A.053;
5. An underpass project, as defined in NRS 244A.055;
6. A water project, as defined in NRS 244A.056;
7. A rail project, as defined in NRS 278C.105;
8. An airport project; or
9. A utility project.

Sec. 5. ***1. If an inland port or industrial park is created by one participating entity, the participating entity, on behalf of the county or incorporated city in which the inland port or industrial park is located, may adopt an ordinance creating a tax increment area within the inland port or industrial park consisting of all or any portion of the inland port or***

industrial park for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the costs of an undertaking, as supplemented by the Local Government Securities Law.

2. If an inland port or industrial park is created by two or more participating entities, the participating entities may enter into an interlocal or cooperative agreement for the ordering of an undertaking whose boundaries encompass all or part of the inland port or industrial park and the creation of a tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this subsection must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this section to the contrary. If the participating entities enter into an interlocal or cooperative agreement pursuant to this subsection, the participating entities may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a participating entity for the creation of a tax increment area pursuant to this section, except that each participating entity must adopt an ordinance in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

3. A participating entity may amend an ordinance creating a tax increment area pursuant to this section by adopting a supplemental ordinance to:

(a) Modify the undertaking by specifying new undertakings or removing or modifying undertakings specified in the original ordinance.

(b) Add areas to or remove areas from a tax increment area.

➥ The amount of taxes to be allocated to a tax increment account pursuant to subsection 5 must be computed separately for the original tax increment area and each addition of land thereto.

4. A participating entity shall not adopt an ordinance creating a tax increment area pursuant to this section unless:

(a) The board has determined that the undertaking described in the ordinance is necessary or desirable to further the purposes of the inland port or industrial park.

(b) The participating entity makes a finding at a public hearing that the undertaking will benefit the inland port or industrial park.

5. After the effective date of the ordinance adopted pursuant to subsection 1, any taxes levied upon taxable property in the tax increment area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in

connection with the taxation of the property by the taxing agency, must be allocated to, and when collected must be paid into, the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the tax increment area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

6. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection 5 which is attributable to any tax rate levied by a taxing agency:

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of the taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the State Education Fund.

7. The provisions of paragraph (a) of subsection 6 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

8. A tax increment area must expire not more than 30 years after the date on which the ordinance which creates the area becomes effective.

9. As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

Sec. 5.5. The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to any undertaking pursuant to this chapter. With respect to the undertaking, the participating entity, the owner of any property within a tax increment area created pursuant to this chapter, the developer, any contractor who is awarded the contract or enters into the agreement to perform the construction work and any subcontractor who performs any portion of the construction work related to such an undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the participating entity had undertaken the undertaking or had awarded the contract.

Sec. 6. *The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to a tax increment area created pursuant to this chapter.*

Sec. 7. *1. To defray in whole or in part the cost of any undertaking, a participating entity may issue the following securities:*

(a) Notes;

(b) Warrants;

(c) Interim debentures;

(d) Bonds; and

(e) Temporary bonds.

2. Any net revenues derived from the operation of an undertaking supported by the issuance of securities pursuant to this section must be pledged for the payment of the securities. The securities must be made payable from any such net pledged revenues as the bond requirements become due from time to time by the bond ordinance, trust indenture or other proceedings that authorize the issuance of the securities or otherwise pertain to their issuance.

3. Securities issued pursuant to this section:

(a) Must be made payable from tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act; and

(b) May, at the option of the participating entity and if otherwise so authorized by law, be made payable from the taxes levied by the participating entity against all taxable property within the boundaries of the participating entity.

➥ A participating entity may also issue general obligation securities other than the ones authorized by this chapter that are made payable from taxes without also making the securities payable from any net pledged revenues or

tax proceeds accounted for in the tax increment account maintained by the participating entity pursuant to section 5 of this act.

4. Any securities payable only in the manner provided in either paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are special obligations of the participating entity and are not in their issuance subject to any debt limitation imposed by law;

(b) While they are outstanding, do not exhaust the debt incurring power of the participating entity; and

(c) May be issued under the provisions of the Local Government Securities Law without any compliance with the provisions of NRS 350.020 to 350.070, inclusive, except as otherwise provided in the Local Government Securities Law, only after the issuance of municipal bonds is approved under the provisions of NRS 350.011 to 350.0165, inclusive.

5. Any securities payable from taxes in the manner provided in paragraph (b) of subsection 3, regardless of whether they are also payable in the manner provided in paragraph (a) of subsection 3 or in both subsection 2 and paragraph (a) of subsection 3:

(a) Are general obligations of the participating entity and are in their issuance subject to such debt limitation;

(b) While they are outstanding, do exhaust the power of the participating entity to incur debt; and

(c) May be issued under the provisions of the Local Government Securities Law only after the issuance of municipal bonds is approved under the provisions of:

(1) NRS 350.011 to 350.0165, inclusive; or

(2) NRS 350.020 to 350.070, inclusive,

➥ except for the issuance of notes or warrants under the Local Government Securities Law that are payable out of the revenues for the current year and are not to be funded with the proceeds of interim debentures or bonds in the absence of such bond approval under the two acts designated in subparagraphs (1) and (2).

Sec. 8. NRS 277B.010 is hereby amended to read as follows:

277B.010 This chapter may be known and cited as the Inland Port ***and Industrial Park*** Authority Act.

Sec. 9. NRS 277B.020 is hereby amended to read as follows:

277B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277B.030 to 277B.070, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 277B.030 is hereby amended to read as follows:

277B.030 "Authority" means an inland port authority ***or industrial park authority*** created pursuant to this chapter.

Sec. 11. NRS 277B.150 is hereby amended to read as follows:

277B.150 1. Subject to the requirements set forth in NRS 277B.150 to 277B.180, inclusive, an inland port ***or industrial park*** may be created only in a contiguous area that:

(a) Includes at least two of the following:

(1) A municipally owned airport with a runway of at least ~~[4,500]~~ ***5,001*** feet.

(2) A portion of a highway that is part of the National Highway System.

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

(c) In the case of an industrial park, may include property adjacent to the industrial park but may only include property that includes or is adjacent to an inland port.

2. All areas within the boundaries of an inland port ***or industrial park*** must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Office pursuant to NRS 277B.160 for the creation of the inland port ~~[.]~~ ***or industrial park.***

3. If the boundaries of an inland port ***or industrial park*** will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1:

(a) The municipality that owns and operates the airport must be a participating entity; or

(b) If the municipality that owns and operates the airport is not a participating entity, the municipality, by ordinance, must approve of the inclusion of the airport within the boundaries of the inland port ~~[.]~~ ***or industrial park.***

Sec. 12. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port ***or industrial park*** and authority. ***In a county whose population is 700,000 or more, only the board of county commissioners of the county may apply to the Office to create, operate and maintain an inland port or industrial park and authority within the boundaries of the county, including the boundaries of any incorporated city within the county.***

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port ~~[.]~~ ***or industrial park.***

3. The Office may ~~[approve]~~ ***:***

(a) Approve the creation of an inland port ***or industrial park*** and authority if the Office determines that the proposed inland port ***or industrial park*** and authority will serve the economic interests of this State.

(b) With the approval of the Board of Economic Development created by NRS 231.033, initiate the creation of an inland port or industrial park, as applicable, and authority.

Sec. 13. NRS 277B.170 is hereby amended to read as follows:

277B.170 1. If the Office approves the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, each participating entity shall hold at least two public hearings to discuss the creation of the inland port ***or industrial park*** and authority.

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port ~~[,]~~ ***or industrial park,*** including, without limitation, a map of the proposed inland port ~~[,]~~ ***or industrial park;*** and

(c) The powers of the proposed authority.

Sec. 14. NRS 277B.180 is hereby amended to read as follows:

277B.180 If a participating entity obtains approval of the Office for the creation of an inland port ***or industrial park*** and authority pursuant to NRS 277B.160, the participating entity shall create the inland port ***or industrial park*** and authority by ordinance. The ordinance must include, without limitation:

1. A description of the boundaries of the inland port ~~[,]~~ ***or industrial park;***
2. The location of the principal office of the authority;
3. The name of the inland port ***or industrial park*** and authority; and
4. The number of directors who will compose the board of the authority pursuant to NRS 277B.200.

Sec. 15. NRS 277B.190 is hereby amended to read as follows:

277B.190 1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port ***or industrial park*** must be adjusted by the other participating entity or entities to comply with the provisions of NRS 277B.150; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) Each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 16. NRS 277B.200 is hereby amended to read as follows:

277B.200 1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any;

(c) ***One director appointed by the Governor, if none of the participating entities is an incorporated city;***

(d) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 277B.150, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

~~[(d)]~~ ***(e)*** Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to NRS 277B.180.

2. A director must reside within the boundaries of the participating entity that appoints him or her.

3. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

4. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

5. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 17. NRS 277B.320 is hereby amended to read as follows:

277B.320 1. ***The governing body of an authority shall adopt bylaws for the governance of the authority, and shall not impose any fees unless at least two-thirds of the members of the governing body approve the imposition of the fee.***

2. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.

~~[2.]~~ ***3.*** Except as otherwise provided in subsections ~~[3,]~~ 4 ***, 5*** and ~~[5,]~~ ***6,*** with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port ~~[.]~~ ***or industrial park, as applicable.***

~~[3.]~~ ***4.*** An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

~~[4.]~~ ***5.*** If an inland port ***or industrial park*** includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

~~[5.]~~ ***6.*** Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 18. NRS 277B.340 is hereby amended to read as follows:

277B.340 An authority may market, advertise and promote the use of the inland port ***or industrial park*** that the authority constructs, owns, operates, regulates or maintains.

Sec. 19. NRS 226.420 is hereby amended to read as follows:

226.420 1. The State Treasurer ***, in coordination with the Department of Education,*** shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) ~~[Completed a]~~ ***Except as otherwise provided in subsection 4, has completed a*** Teacher Academy College Pathway Program offered pursuant to NRS 388.223; ~~[and]~~

(b) Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years ***;***

(c) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090; and

(d) Has successfully completed a program at an institution within the Nevada System of Higher Education for the preparation of a person to become a licensed teacher.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance. ***For the purposes of this subsection, a student education loan, as defined in NRS 226.510, must not be considered financial aid or financial assistance.***

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who ~~[completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223]~~ ***satisfies the criteria set forth in paragraphs (a), (c) and (d) of subsection 1*** and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

4. If a person has not completed a Teacher Academy College Pathway Program offered pursuant to NRS 388.223 because of circumstances beyond the control of that person, including, without limitation, because the person attended a high school that did not offer a Program, but the person satisfies the criteria set forth in paragraph (c) and (d) of subsection 1, the State

Treasurer may, upon the submission of an application by that person, provide:

(a) Reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by the person if the person has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive years.

(b) Partial reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education, in the amount described in subsection 3, if the person has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years.

Sec. 20. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 244.377, 278C.260, 354.59813, 354.59815, 354.59818, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, ***and section 6 of this act,*** for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS 350.087 to 350.095, inclusive.

Sec. 21. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 22, 23 and 24 of this act.

Sec. 22. ***1. A school district shall designate a teacher or other licensed educational personnel, including, without limitation, a school counselor, employed at each high school which offers a career pathways program to coordinate the career pathways programs at the high school.***

2. As used in this section, "career pathways program" means:

(a) A Teacher Academy College Pathway Program offered pursuant to NRS 388.223;

(b) A career pathway offered as part of the Career Pathways Demonstration Program pursuant to NRS 232.985; or

(c) A program for work-based learning opportunities provided pursuant to NRS 232.990.

Sec. 23. ***1. There is hereby created within the Department the Career Pathways Oversight Committee consisting of the following members:***

(a) The Executive Director of the Governor's Office of Workforce Innovation, or his or her designee;

(b) The Superintendent of Public Instruction, or his or her designee;

(c) The superintendent of schools of each school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, or his or her designee; and

(d) The following three members appointed by the Governor:

(1) One member who is a teacher at a public school who is assigned to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the employee organization representing the plurality of teachers employed by a large school district;

(2) One member who is a teacher at a public school who is assigned to implement and teach a Teacher Academy College Pathway Program offered pursuant to NRS 388.223, nominated by the employee organization representing the plurality of teachers employed by school districts in this State that are required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, other than a large school district;

(3) One member who is an administrator of a public school in a school district that is required to establish a Teacher Academy College Pathway Program pursuant to NRS 388.223, nominated by the Nevada Association of School Superintendents; and

(4) One member who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada.

2. The Committee shall:

(a) Establish metrics to measure the short- and long-term success of the career pathways programs.

(b) Evaluate the progress and success of the career pathways programs.

(c) Evaluate programs for dual credit provided by institutions within the Nevada System of Higher Education.

(d) Report the results of the evaluations conducted pursuant to paragraphs (b) and (c) to the State Board and the Joint Interim Standing Committee on Education on or before June 1 of each year.

(e) Identify the agency of this State with jurisdiction and expertise necessary to assist in the oversight and implementation of a career pathways program. An agency of this State identified pursuant to this paragraph shall oversee, implement and regulate the career pathways program.

3. The Superintendent of Public Instruction shall appoint an employee of the Department to act as the Career Pathways Oversight Coordinator, who shall:

(a) Provide technical support to assist in the implementation of career pathways programs.

(b) Assist in coordinating the efforts of entities involved in the implementation of career pathways programs, including, without limitation, the Department, school districts, the Nevada System of Higher Education, institutions within the System and the Governor's Office of Workforce Innovation.

4. As used in this section, "career pathways program" has the meaning ascribed to it in section 22 of this act.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 388.223 is hereby amended to read as follows:

388.223 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades 9 to 12, inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. ***A large school district is not required to offer a Program at a specialty school.***

3. A large school district, and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure ***that at least one licensed teacher is assigned full-time to implement and teach the Program at*** each high school in the school district which offers such a Program ~~[is staffed by a full-time employee who is:~~

~~(1) A licensed teacher or administrator; and~~

~~(2) Responsible for implementing the Program at the school.]~~ ***and at which more than two class periods of the Program are offered, except that such a teacher may also serve as the person designated pursuant to section 22 of this act to coordinate the career pathways programs at the high school.***

(c) Assess each pupil entering grade 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high or middle schools in the school district to qualified pupils in grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program ***and, to the extent that money is available, the provision of such courses and internships*** at no cost ***or reduced cost*** to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) ***Offer dual credit courses at each high school in the school district which offers the Program:***

(1) In subjects which align with the requirements for obtaining a bachelor's degree in education; and

(2) In sufficient quantity that a pupil may obtain at least 12 units of college credit through the Program.

(i) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions

in the Nevada System of Higher Education and completing the Program at such an institution.

~~[3.]~~ ***4. A school district may apply to the State Board for an exemption from the provisions of paragraph (d) or (h) of subsection 3 with respect to a high school which is not located in an incorporated city if the school district can demonstrate that the location of the high school makes compliance with those provisions impracticable.***

5. A large school district, and a school district that is not a large school district which elects to offer the Program, may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

~~[4.]~~ ***6. To complete the Program a pupil must:***

(a) Successfully complete at least 2 academic years in a program of career and technical education established pursuant to NRS 388.380 in the area of teaching or in approved dual credit courses in the area of teaching; and

(b) Participate in at least 15 hours of paid or unpaid work-based learning which is relevant to the field of teaching and may include, without limitation, an internship offered pursuant to paragraph (d) of subsection 3 or a work-based learning opportunity provided pursuant to NRS 232.990.

7. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

~~[5.]~~ ***8. A pupil who is enrolled in a high school within a school district, or a parent or legal guardian of such a pupil, who is aggrieved by a final decision regarding the implementation of the Program made by an administrator of the high school or the board of trustees may, within 30 days after the decision is rendered, make a written request to the board of trustees for a hearing for reconsideration of the decision. The board shall schedule the hearing within 30 days after receiving the request. The decision of the board of trustees after its reconsideration hearing is a final decision subject to judicial review as provided by law.***

9. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

(c) "Specialty school" means a public school that operates as a magnet school or program, a school or program for career and technical education, a school or program for special education or an alternative program of education.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 29. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 30. This act becomes effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 962 to Assembly Bill No. 462.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblymember Jauregui moved that the Assembly recede from Assembly Amendment No. 979 to Senate Bill No. 502.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 352, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 552 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

ELAINE H. MARZOLA	MELANIE SCHEIBLE
MAX E. CARTER	JULIE PAZINA
MELISSA R. HARDY	JOHN ELLISON
Assembly Conference Committee	*Senate Conference Committee*

Amendment No. CA1.

AN ACT relating to health care; prohibiting certain health insurers and providers of health care from engaging in certain discriminatory actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits certain health care entities from discriminating on the basis of race, color, national origin, sex, age or disability. (45 C.F.R. §§ 92.101, 92.206, 92.208, 92.209) Existing law prohibits certain public and private policies of health insurance from discriminating against any

person with respect to participation or coverage under the policy on the basis of actual or perceived gender identity or expression. (NRS 287.010, 287.04335, 422.2701, 608.1555, 689A.033, 689B.0675, 689C.1975, 689C.425, 695A.198, 695B.3167, 695C.050, 695C.204, 695G.415) **Sections 1-8** of this bill additionally prohibit **certain** public and private policies of health insurance, including Medicaid, from discriminating against any person on the basis of actual or perceived race, color, national origin, sex, age, sexual orientation or disability. **Section 9** of this bill similarly prohibits a provider of health care from discriminating against a person on the basis of those same characteristics, as well as gender identity or expression. **Section 9** also authorizes a board, agency or other entity in this State that licenses, certifies or regulates providers of health care to: (1) adopt regulations prescribing the specific types of discrimination prohibited; and (2) discipline a provider of health care who violates **section 9**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 689A.033 is hereby amended to read as follows:

689A.033 ***1.*** An insurer that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit an insurer from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. The provisions of this section must not be construed to apply to a policy that provides coverage only for a specified disease or illness or other limited benefit. The Division shall not interpret the term "policy of health insurance" for the purposes of this section in a manner contrary to the provisions of this subsection.

5. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 2. NRS 689B.0675 is hereby amended to read as follows:

689B.0675 ***1.*** An insurer that issues a policy of group health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of group health insurance on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]** ***(b) Except as otherwise provided by subsection 3, imposing*** a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit an insurer from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. The provisions of this section must not be construed to apply to a policy that provides coverage only for a specified disease or illness or other limited benefit. The Division shall not interpret the term "policy of group

health insurance" for the purposes of this section in a manner contrary to the provisions of this subsection.

5. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 3. NRS 689C.1975 is hereby amended to read as follows:

689C.1975 ***1.*** A carrier that issues a health benefit plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health benefit plan on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a carrier from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 4. NRS 695A.198 is hereby amended to read as follows:

695A.198 ***1.*** A society that issues a benefit contract shall not discriminate against any person with respect to participation or coverage under

the contract on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a benefit contract on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the contract for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a society from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 5. NRS 695B.3167 is hereby amended to read as follows:

695B.3167 ***1.*** A hospital or medical services corporation that issues a policy of health insurance shall not discriminate against any person with respect to participation or coverage under the policy on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a policy of health insurance on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or

expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the policy for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a hospital or medical services corporation from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 6. NRS 695C.204 is hereby amended to read as follows:

695C.204 ***1.*** A health maintenance organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an enrollee or a family member of the enrollee;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a health maintenance organization from taking the age of an enrollee into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 7. NRS 695G.415 is hereby amended to read as follows:

695G.415 ***1.*** A managed care organization that issues a health care plan shall not discriminate against any person with respect to participation or coverage under the plan on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue or renew a health care plan on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2. Imposing**]**

(b) Except as otherwise provided by subsection 3, imposing a payment or premium that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of an insured or a family member of the insured;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under the plan for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit a managed care organization from taking the age of an insured into account in a manner that is otherwise authorized by state or federal law when determining the applicable premium rate.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 8. NRS 422.2701 is hereby amended to read as follows:

422.2701 ***1.*** The Department shall not discriminate against any person with respect to participation or coverage under Medicaid on the basis of ***an*** actual or perceived **[**gender identity or expression.**]** ***protected characteristic.***

2. Prohibited discrimination includes, without limitation:

[1.**]** ***(a)*** Denying, cancelling, limiting or refusing to issue a payment or coverage on the basis of **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person;

[2.**]** ***(b)*** Imposing a payment that is based on **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a recipient of Medicaid or a family member of the recipient;

[3.**]** ***(c)*** Designating **[**the**]** ***an*** actual or perceived **[**gender identity or expression**]** ***protected characteristic*** of a person or a family member of the person as grounds to deny, cancel or limit participation or coverage; and

[4.**]** ***(d)*** Denying, cancelling or limiting participation or coverage on the basis of ***an*** actual or perceived **[**gender identity or expression,**]** ***protected characteristic,*** including, without limitation, by limiting or denying payment or coverage for health care services that are:

[(a)**]** ***(1)*** Related to gender transition, provided that there is coverage under Medicaid for the services when the services are not related to gender transition; or

[(b)**]** ***(2)*** Ordinarily or exclusively available to persons of any sex.

3. The provisions of this section do not prohibit the Department from determining the eligibility of a person for participation or coverage under Medicaid in a manner that is otherwise authorized by state or federal law.

4. As used in this section, "protected characteristic" means:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions.

Sec. 9. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of health care shall not discriminate in the provision of services to a person seeking to receive or receiving services from the provider of health care based wholly or partially on the actual or perceived:

(a) Race, color, national origin, age, physical or mental disability, sexual orientation or gender identity or expression of the person, family member of the person or a person with whom the person associates; or

(b) Sex, including, without limitation, sex characteristics, intersex traits and pregnancy or related conditions of the person, a family member of the person or a person with whom the person associates.

2. A health care licensing board may adopt regulations prescribing the specific types of discrimination prohibited by subsection 1.

3. A provider of health care who violates any provision of this section or any regulation adopted pursuant thereto is guilty of unprofessional conduct and is subject to disciplinary action by the health care licensing board by which he or she is licensed, certified or regulated.

4. The provisions of this section shall not be construed to:

(a) Require a provider of health care to take or refrain from taking any action in violation of reasonable medical standards;

(b) Require a provider of health care to engage in any diagnosis, treatment or other conduct which the provider of health care is not qualified to perform; or

(c) Prohibit a provider of health care from adopting a policy that is applied uniformly and in a nondiscriminatory manner.

5. As used in this section, "health care licensing board" means:

(a) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 641, 641A, 641B, 641C or 641D of NRS.

(b) The State Board of Health with respect to licenses issued pursuant to chapter 640D or 640E of NRS.

(c) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

Assemblymember Jauregui moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 352.

Motion carried by a constitutional majority.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 596, Amendment No. 1001, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 499.

The following Senate amendment was read:

Amendment No. 1000.

CONTAINS UNFUNDED MANDATE (§§ ~~[2-5,]~~ **1.84, 4.6, 5,** 8, **8.7,** 9)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; **requiring, with certain exceptions, a registered voter show photo identification to vote in person; requiring the Department of Motor Vehicles, under certain circumstances, to issue identification cards at no charge; requiring the Secretary of State to issue digital identification cards; requiring a county clerk in certain counties to establish a certain number of locations for a voter to return his or her mail ballot to a mail ballot drop box during the period between the last day for early voting and the day before the date of the general election; authorizing a county clerk in certain counties to establish such locations; authorizing a person, under certain circumstances, to return a mail ballot to a mail ballot drop box established at such a location on behalf of a voter;** requiring ~~[each county clerk]~~ **the Secretary of State** to establish and maintain a voter services portal on the Internet website of the ~~[office of the county clerk;]~~ **Office of the Secretary of State;** requiring the county clerk to include certain information relating to the voter services portal on any communication to a registered voter; requiring the Department of Motor Vehicles to submit electronically to ~~[each county clerk]~~ **the Secretary of State** certain information relating to each person who has a driver's license or identification card issued by the Department; requiring the ~~[county clerk]~~ **Secretary of State** to include certain information received from the Department in the centralized, top-down database that is established by the Secretary of State for purposes of creating the statewide voter registration list; requiring certain information to be included on the return envelope for a mail ballot; revising provisions relating to ~~[signature]~~ curing ~~[for]~~ mail ballots; **requiring mail ballot drop boxes to be monitored and secured;** providing that certain information on the statewide voter registration list relating to a voter is confidential and not a public record; **making various other changes relating to elections; making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, a person to provide certain information to vote in person, which may include depending on the circumstances, the voter's signature, proof of residency and identify, answering questions covering the voter's personal data or providing additional personal data. (NRS 293.2725, 293.277, 293.285, 293.303, 293.3081, 293.3082, 293.3085, 293.3585, 293.541, 293C.270, 293C.275, 293C.292, 293C.3035, 293C.3585) Section 1.4 of this bill requires that, in order to vote in person in any election, a registered voter verify his or her

identity by presenting certain forms of photo identification. If a registered voter does not have a form of photo identification, section 1.4 authorizes the registered voter to cast a provisional ballot. Sections 5.28-5.32 of this bill require such a voter to provide photo identification not later than 5 p.m. on the Friday following election day in order for such a provisional ballot to be counted.

Sections 5.14-5.24 and 9.12-9.2 of this bill make conforming changes to the requirement that voters present photo identification to vote in person, including eliminating existing requirements for the signatures of voters to be verified for in person voting.

Sections 5.26 and 9.22 of this bill apply the requirement for voters to show photo identification to voting at polling places established as vote centers.

Sections 5.34, 5.36, 9.24 and 9.26 of this bill apply the requirement for voters to show photo identification to the period for early voting.

Section 1.6 of this bill requires the Department of Motor Vehicles to issue an identification card at no charge to certain registered voters who are experiencing a financial hardship.

Section 1.8 of this bill requires the Secretary of State to issue a digital identification card at no charge to a registered voter. Section 9.5 provides that the Secretary of State is not required to issue such digital identification cards until January 1, 2028.

Existing law: (1) requires a general election to be held on the first Tuesday after the first Monday of November in each even-numbered year; and (2) provides that the period for early voting by personal appearance begins the third Saturday preceding a general election and extends through the Friday before election day. (NRS 293.12755, 293.3568) Existing law further requires each county clerk to establish: (1) a certain number of polling places where a person can vote during the period for early voting by personal appearance and on the day of the general election; and (2) a ballot drop box at every polling place in the county, including a polling place for early voting. (NRS 293.269921, 293.2731, 293.3564) Section 1.84 of this bill: (1) requires each county clerk in certain counties to, for the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, establish a certain number of locations where a voter may return his or her mail ballot in a mail ballot drop box; and (2) requires such locations to be open for at least 7 hours each day, but not more than 12 hours each day, during that period. Specifically, in a county whose population is 700,000 or more (currently only Clark County), a county is required to establish 10 such locations, and in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County), a county clerk is required to establish 5 such locations. Section 1.84 further authorizes a county clerk in a county whose population is less than 100,000 (currently all counties other than Clark

and Washoe Counties) to establish any number of such locations and prescribe the hours for such locations to be open. Each location that is established by a county clerk pursuant to section 1.84 must be at a polling place that is used for early voting by personal appearance or a polling place for voting in person on the day of the election.

Section 4.6 of this bill provides that a mail ballot dropped in a mail ballot drop box pursuant to section 1.84 counts as a vote in the general election. Section 4.8 of this bill makes a conforming change to make certain provisions relating to mail ballots generally applicable to section 1.84.

Existing law requires a ballot drop box to meet certain requirements, including a requirement for the ballot drop box to be made available for use during the hours when the office of the county or city clerk or the polling place is open for business or voting, as applicable. (NRS 293.269921, 293C.26321) Sections 4.6 and 8.7 of this bill require a ballot drop box to be: (1) monitored at all times during such a period; and (2) secured during any period of time in which the ballot drop box is not available for use. Sections 4.6 and 8.7 additionally require the Secretary of State to adopt regulations to establish requirements for monitoring and securing ballot drop boxes.

Existing law authorizes, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter to return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county by the county clerk. (NRS 293.269923) Section 4.7 of this bill additionally authorizes a person, under such circumstances, to return a mail ballot on behalf of a voter by returning the mail ballot to a mail ballot drop box established pursuant to section 1.84.

Section 2 of this bill requires ~~[each county clerk]~~ **the Secretary of State** to establish and maintain a voter services portal on the Internet website of the ~~[office of the county clerk,]~~ **Office of the Secretary of State,** which must allow any registered voter in the ~~[county]~~ **State** to: (1) review his or her voter registration information; (2) print any form necessary to update his or her voter registration information; (3) view his or her sample ballot; and (4) obtain the location of any polling place where the registered voter may vote or deliver a mail ballot to a ballot drop box. **Section 2** further ~~[: (1) authorizes a county clerk to request the assistance of the Secretary of State to establish and maintain the voter services portal; and (2)]~~ requires the county clerk to include on any communication to a registered voter a two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the ~~[county clerk pursuant to section 2.]~~ **Secretary of State.**

Existing law requires, with certain exceptions, the county or city clerk to send to each active registered voter certain information relating to voting by mail, including a mail ballot **,** ~~[and]~~ a return envelope ~~[.]~~ **and instructions.**

(NRS 293.269913, 293C.26312) **Sections 4 and 8** of this bill require the return envelope for a mail ballot to include: (1) a space for the voter to ~~[voluntarily]~~ write certain identifying information; and (2) a QR code or other machine-readable code that directs a voter to the voter services portal on the Internet website of the ~~[office of the county clerk.]~~ **Office of the Secretary of State. Sections 4 and 8 also require the instructions include: (1) an explanation that the voter must write on the return envelope an identifying number; and (2) the QR code or other machine-readable code that directs a voter to the voter services portal.**

Existing law requires the Secretary of State to prescribe the form of all envelopes in which mail ballots are sent to voters and return envelopes. (NRS 293.269913, 293C.26312) Sections 4 and 8 require that the design of all envelopes used by the county or city clerk to send mail ballots to registered voters and return envelopes must be submitted to and approved by the Secretary of State prior to use in any election.

Existing law requires: (1) the Secretary of State to establish and maintain a centralized, top-down database that collects and stores information relating to the preregistration of persons and the registration of electors from all the counties in this State; and (2) each county clerk to use the database to collect and maintain all records of preregistration and registration to vote. Under existing law, the Secretary of State is required to: (1) use the voter registration information collected in the database to create the official statewide voter registration list, which serves as the single method for storing and managing the official list of registered voters in this State; and (2) enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department to verify the accuracy of the information in an application to register to vote. (NRS 293.675)

Section 3 of this bill requires the Department of Motor Vehicles, on a regular basis, to submit electronically to ~~[each county clerk]~~ **the Secretary of State** certain information relating to each person who has a driver's license or identification card issued by the Department. **Section 3** further requires the ~~[county clerk]~~ **Secretary of State** to: (1) match such information to registered voters **;** ~~[in the county;]~~ (2) electronically enter into the centralized, top-down database such information for each registered voter ~~[in the county]~~ as soon as practicable after matching the information to registered voters **;** ~~[in the county;]~~ (3) identify any person who is a registered voter ~~[in the county]~~ and does not ~~[have]~~ **possess** a driver's license or identification card; and (4) indicate in the database whether each registered voter ~~[in the county has]~~ **possesses** a driver's license or identification card issued by the Department. **Section 7** of this bill requires the information submitted to the ~~[county clerk]~~ **Secretary of State** by the Department to be included on the statewide voter registration list.

Existing law provides that certain information relating to a registered voter is confidential and not a public record. (NRS 293.558) **Section 6** of this bill

provides that the information submitted to the ~~[county clerk]~~ **Secretary of State** by the Department pursuant to **section 3** is also confidential and not a public record.

Existing law requires a voter who votes by mail to affix his or her signature in the space provided on the return envelope of a mail ballot and the county clerk or city clerk to check the signature to verify the identity of the voter. (NRS 293.269917, 293.269927, 293C.26316, 293C.26327) **Sections 4.5 and 8.5 of this bill require that a voter who votes by mail ballot to also write on the return envelope: (1) the last four digits of his voter's driver's license issued by the Department of Motor Vehicles; (2) if the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or (3) if the voter does not possess a driver's license issued by the Department of Motor Vehicles or a social security number, the voter identification number of the voter.**

Existing law provides that if the county clerk or city clerk determines when checking the signature used for the mail ballot that the voter failed to affix his or her signature or failed to affix it in the manner required by law or that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk is required to contact the voter and advise the voter of the procedures to provide a signature or a confirmation, as applicable. For the mail ballot to be counted, the voter must provide a signature or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. (NRS 293.269927, 293C.26327) **Sections 5 and 9** of this bill make various changes to the ~~[signature]~~ curing process. ~~[.]~~ **for mail ballots.** First, **sections 5 and 9** provide that ~~[if the voter included on the return envelope the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the ballot and the signature is not required to be verified.]~~ **the clerk is required to check the return envelope to determine whether the voter included on the return envelope his or her signature and the identifying number that is required pursuant to section 4.5 or 8.5, as applicable.** If the ~~[voter did]~~ **return envelope does** not include ~~[such information on the return envelope or the information provided on the return envelope is not accurate, the clerk or an employee in the office of the clerk is required to check the]~~ **a** signature ~~[. Second,]~~ **and identifying number, the clerk is required to contact the voter. If the return envelope includes a signature and identifying number, the clerk is required to check the voter's signature. If the signature is verified, the voter is entitled to cast the mail ballot and the identifying number is not required to be verified. If the voter's signature cannot be verified, the clerk is required to check the identifying number included on the return envelope. If the clerk verifies the identifying number, the voter is entitled to cast the mail ballot. If the clerk is able to verify neither the signature nor the identifying**

number, the clerk is required to contact the voter. Further, **sections 5 and 9** require that: (1) **with certain exception,** the county clerk and city clerk ensure that employees are available by telephone until at least 7 p.m. on evenings and weekends during the ~~[signature]~~ curing period; and (2) any voicemail message or hold message used by the office of the clerk provides instructions on how a voter may provide a signature **, an identifying number** or a ~~[signature]~~ confirmation. Finally, **sections 5 and 9** authorize a voter to confirm his or her signature **or identifying number** on the return envelope by electronic mail or text message.

Sections 5.38 and 9.28 of this bill revise the standards for counting votes in an election in which a mechanical voting system is used.

Section 9.6 of this bill provides that the requirement that a registered voter verify his or her identify by presenting a form of photo identification to vote in person and the requirement that a registered voter include an identifying number on a mail ballot: (1) do not apply to any election held before the 2026 primary election; and (2) apply to the 2026 primary election and every election held thereafter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and]~~ **1.2 to** 3 **, inclusive,** of this act.

Sec. 1.2. "Photo identification" means any of the forms of identification described in section 1.4 of this act.

Sec. 1.4. 1. Except as otherwise provided in subsection 2, in order to vote in person in any election, a registered voter must verify his or her identity by presenting one of the following forms of photo identification which is current or expired for less than 4 years or, if the registered voter is 70 years of age or older, current or expired for any length of time:

(a) A driver's license or identification card issued by the Department of Motor Vehicles;

(b) An identification card issued by:

(1) This State or another state, the District of Columbia or any territory of the United States;

(2) The United States Government;

(3) A college or university within the Nevada System of Higher Education;

(4) A public secondary school; or

(5) A public technical school in this State;

(c) An employee identification card issued by:

(1) The State of Nevada, including, without limitation, any office, department, division, board, commission or agency of the Executive Branch, Legislative Branch or Judicial Branch of State Government;

(2) Any local government, as defined in NRS 354.474; or

(3) The United States Government;

(d) A passport issued by the United States Government;

(e) A military identification card issued by any branch of the Armed Forces of the United States;

(f) An identification card issued by a federally recognized Indian tribe;

(g) A permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive; or

(h) A digital identification card issued by the Secretary of State pursuant to section 1.8 of this act.

2. If a registered voter applies to vote in person and does not have a photo identification described in subsection 1, the registered voter may cast a provisional ballot pursuant to 293.3078 to 293.3086, inclusive.

3. The provisions of this section apply to voting in person at any polling place during the period of early voting and on the day of any election.

Sec. 1.6. 1. The Department of Motor Vehicles shall issue an identification card at no charge to a person who:

(a) Is a registered voter of this State;

(b) Does not possess a form of photo identification described in section 1.4 of this act;

(c) Attests that he or she is experiencing a financial hardship; and

(d) Submits an application to the Department pursuant to NRS 483.850.

2. The Department of Motor Vehicles shall not require a person to submit proof of financial hardship.

Sec. 1.8. 1. The Secretary of State shall issue at no charge a digital identification card to a registered voter upon request.

2. The Secretary of State shall establish by regulation the requirements for a registered voter to apply for and receive a digital identification card.

3. For purposes of issuing a digital identification card, the Secretary of State may request the Department of Motor Vehicles to provide any information relating to a registered voter who has a driver's license or identification card issued by the Department. Upon receiving any such request, the Department shall provide such information to the Secretary of State. The Department shall not submit any information to the Secretary of State relating to any person who has a driver authorization card issued by the Department pursuant to NRS 483.291.

Sec. 1.84. 1. For the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, each county clerk:

(a) In a county whose population is 700,000 or more, shall establish at least 10 locations where a voter may return his or her mail ballot in a mail ballot drop box and which must remain open to the public for at least 7 hours each day but not more than 12 hours each day;

(b) In a county whose population is 100,000 or more but less than 700,000, shall establish at least five locations where a voter may return his or her mail ballot in a mail ballot drop box and which must remain open to

the public for at least 7 hours each day but not more than 12 hours each day; and

(c) In a county whose population is less than 100,000, may provide any number of locations where a voter may return his or her mail ballot in a mail ballot drop box and prescribe the hours that the location is open for voting pursuant to this section.

2. Each location that is established by a county clerk pursuant to subsection 1 must be at a polling place that is used for early voting by personal appearance or a polling place for voting in person on the day of the election.

Sec. 2. ***1. [Each county clerk] The Secretary of State shall establish and maintain a voter services portal on the Internet website of the [office of the county clerk.] Office of the Secretary of State.***

2. The voter services portal must, without limitation, allow any registered voter in the [county] State to:

(a) Review his or her voter registration information, including, without limitation, his or her voter identification number;

(b) Print any form necessary to update his or her voter registration information;

(c) View his or her sample ballot; and

(d) Obtain the location of any polling place where the registered voter may vote or deliver a mail ballot into a ballot drop box.

3. [A county clerk may request the assistance of the Secretary of State to establish and maintain the voter services portal required pursuant to this section.

4.] The county clerk shall include on any communication to a registered voter a two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the [county clerk] Secretary of State pursuant to this section.

Sec. 3. ***1. Except as otherwise provided in subsection 2, the Department of Motor Vehicles shall, on a regular basis, submit electronically to [each county clerk] the Secretary of State the following information relating to each person who has a driver's license or identification card issued by the Department:***

(a) Name;

(b) Date of birth;

(c) Last four digits of the person's social security number;

(d) Driver's license number or identification card number, as applicable;

(e) Sex;

(f) Physical address;

(g) Mailing address;

(h) Citizenship status;

(i) Telephone number;

(j) Electronic mail address; and

(k) Veteran status.

2. The Department of Motor Vehicles shall not submit any information to ~~[a county clerk]~~ the Secretary of State pursuant to subsection 1 relating to any person who has a driver authorization card issued by the Department pursuant to NRS 483.291.

3. The ~~[county clerk]~~ Secretary of State shall:

(a) Match the information received from the Department of Motor Vehicles pursuant to subsection 1 to registered voters ~~[in the county]~~ in the centralized, top-down database established pursuant to NRS 293.675;

(b) Electronically enter the information received from the Department pursuant to subsection 1 into the centralized, top-down database established pursuant to NRS 293.675 for each registered voter ~~[in the county]~~ as soon as practicable after matching the information to registered voters ; ~~[in the county;]~~

(c) Identify, based on the information received pursuant to subsection 1, any person who:

(1) Is a registered voter ; ~~[in the county;]~~ and

(2) Does not ~~[have]~~ possess a driver's license or identification card issued by the Department; and

(d) Indicate in the centralized, top-down database established pursuant to NRS 293.675 whether the registered voter has a driver's license or identification card issued by the Department.

Sec. 3.5. **NRS 293.010 is hereby amended to read as follows:**

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and section 1.2 of this act,*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ , ***which must include, without limitation:***

(1) A space for the voter to ~~[voluntarily]~~ write:

(I) The last four digits of the voter's driver's license ~~[;]~~ issued by the Department of Motor Vehicles;

(II) ~~[The]~~ If the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or

(III) ~~[The]~~ If the voter does not possess a driver's license issued by the Department of Motor Vehicles or a social security number, the voter identification number of the voter; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the

voter services portal created by the ~~[county clerk.]~~ Secretary of State pursuant to section 2 of this act;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions ~~[.]~~ ***that include, without limitation:***

(1) An explanation that the voter ~~[may voluntarily]~~ must write on the return envelope the ~~[information described in paragraph (b);]~~ identifying number required pursuant to NRS 293.269917; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal on the Internet website of the ~~[county clerk.]~~ Secretary of State.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

6. The design of all envelopes used by the county clerk to send mail ballots to registered voters and return envelopes must be submitted to and approved by the Secretary of State prior to use in any election.

Sec. 4.5. **NRS 293.269917 is hereby amended to read as follows:**

293.269917 1. Except as otherwise provided in NRS 293.269919 and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; ~~[and]~~

(d) ***Write in the space provided on the return envelope:***

(1) The last four digits of the voter's driver's license issued by the Department of Motor Vehicles;

(2) If the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or

(3) If the voter does not possess a driver's license issued by the Department of Motor Vehicles or a social security number, the voter identification number of the voter; and

(e) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.269911, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 4.6. **NRS 293.269921 is hereby amended to read as follows:**

293.269921 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the county clerk, or any ballot drop box established in the county pursuant to this section ~~[.]~~ ***or section 1.84 of this act;*** or

(b) Mailed to the county clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each county clerk must establish a ballot drop box at every polling place in the county, including, without limitation, a polling place for early voting. A county clerk may establish a ballot drop box at any other location in the county where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the county clerk or a polling place in the county; ~~[and]~~

(b) Made available for use ***and monitored at all times*** during the hours when the office of the county clerk, or the polling place, is open for business or voting, as applicable ~~[.]~~ ***; and***

(c) Secured during any period of time in which the ballot drop box is not made available for use pursuant to paragraph (b).

6. The Secretary of State shall adopt regulations to establish requirements for monitoring and securing ballot drop boxes pursuant to this section.

Sec. 4.7. **NRS 293.269923 is hereby amended to read as follows:**

293.269923 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to NRS 293.269921 ~~[.]~~ ***or section 1.84 of this act.***

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 4.8. **NRS 293.269925 is hereby amended to read as follows:**

293.269925 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293.269911 to 293.269937, inclusive ~~[.]~~ ***, and section 1.84 of this act.***

Sec. 5. NRS 293.269927 is hereby amended to read as follows:

293.269927 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the county clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the ***return envelope to determine whether the voter included on the return envelope*** ~~***[the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number.]***~~ ***his or her signature and the identifying number required pursuant to NRS 293.269917. If the return envelope does not include a signature and identifying number, the clerk shall contact the voter pursuant to subsection 6. If the return envelope includes*** ~~***[any such information and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the mail ballot and]***~~ ***a signature and identifying number, the clerk shall check the voter's signature*** ~~***[is not required to be checked.] [If the voter did not include such information on the return envelope or the information provided on the return envelope is not accurate, the clerk or an employee in the office of the clerk must check the***~~ signature used for the mail ballot~~[.]~~ by electronic means pursuant to subsection 2 or manually pursuant to subsection 3. ***If the voter's signature is verified, the voter is entitled to cast the mail ballot and the identifying number is not required to be verified. If the voter's signature cannot be verified, the clerk shall check the identifying number included on the return envelope. If the clerk verifies the identifying number, the voter is entitled to cast the mail ballot. If the clerk is able to verify neither the signature nor the identifying number, the clerk shall contact the voter pursuant to subsection 6.***

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and compare the digital image with the signatures of the voter from his or her application to register to vote or application to preregister to vote available in the records of the county clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the county clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the ~~[signature used]~~ ***return envelope*** for the mail ballot that the voter failed to affix his or her signature ~~[or]~~ ***and identifying number,*** failed to affix ~~[it]~~ ***the signature and identifying number*** in the manner required by law for the mail ballot ***,*** or ~~[that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter,]~~ ***the clerk is not able to verify the signature or identifying number*** but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to provide a signature ***or an identifying number,*** or a confirmation that the signature ***or identifying number*** used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature ***, an identifying number*** or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. ~~***[During]***~~ ***Except as otherwise provided in this subsection, during the period in which*** ~~***[signatures]***~~ ***mail ballots may be cured, the clerk shall ensure that employees in the office of the clerk are available by telephone until at least 7 p.m. on evenings and weekends. If no mail ballot needs to be cured, the clerk is not required to have any employee available by telephone after 5 p.m. Any voicemail message or hold message used by the office of the clerk must provide instructions on how a voter may provide a signature , an identifying number or a confirmation*** ~~***[.]***~~ ***, as applicable.***

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature ***and identifying number*** or failed to affix ~~[it]~~ ***the signature and identifying number*** in the manner required by law for the mail ballot, or for whom ~~[there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter,]~~ ***the signature or identifying number cannot be verified,*** in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature ***, an identifying number*** or a confirmation ~~[that the signature used for the mail ballot belongs to the voter,]~~ ***,*** as applicable; and

(c) After a signature ***, an identifying number*** or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the county clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the county clerk, orally or in writing, ***including, without limitation, in writing by electronic mail or text message,*** with other personal data which verifies the identity of the voter; or

(c) Providing the county clerk with ~~[proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.]~~ ***photo identification.***

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the clerk; and

(c) Electronic means, which ~~[may]~~ ***must*** include, without limitation ~~[, electronic]~~ ***:***

(1) Electronic mail, if the voter has provided the clerk with ~~[sufficient information to contact the voter by such means.]~~ ***an electronic mail address; or***

(2) Text message, if the voter has provided the clerk with a cellular telephone number.

10. A county clerk in a county whose population is less than 100,000 may enter into an agreement with the Secretary of State for the Secretary of State to, on behalf of the clerk, contact and receive information from voters by text message, as required pursuant to this section.

Sec. 5.12. **NRS 293.2725 is hereby amended to read as follows:**

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081, 293.3083 and 293.5772 to 293.5887, inclusive, and in federal law, ***in addition to any other requirement to vote,*** a person who registers to vote

by mail or computer or is registered to vote by an automatic voter registration agency, or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card.

➥ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card;

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to NRS 293.5768 to 293.57699, inclusive, and at that time presents to the automatic voter registration agency:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 5.14. **NRS 293.277 is hereby amended to read as follows:**

293.277 1. Except as otherwise provided in NRS 293.283, 293.541, 293.57691 and 293.5772 to 293.5887, inclusive, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must ~~[sign]~~ **:**

(a) Present photo identification; and

(b) Sign his or her name in the roster or on a signature card when he or she applies to vote. ~~[The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.]~~

2. ~~[Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

~~(a) The voter registration card issued to the voter;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.~~

~~3.]~~ The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

Sec. 5.16. **NRS 293.283 is hereby amended to read as follows:**

293.283 ~~[1.]~~ If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, ~~[the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.~~

~~2. If~~ ***after*** the identity of the voter is verified ~~,~~ ***by the voter's photo identification,*** the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 5.18. **NRS 293.285 is hereby amended to read as follows:**

293.285 ~~1.~~ Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive:

~~(a)~~ ***1.*** A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster; and

~~(b)~~ ***2.*** The election board officer shall:

~~(1)~~ ***(a)*** Announce the name of the registered voter;

~~(2)~~ ***(b) Require the registered voter to present photo identification;***

(c) Instruct the registered voter to sign the roster or signature card;

~~(3) Verify the signature of the registered voter in the manner set forth in NRS 293.277;~~ and

~~(4)~~ ***(d)*** Verify that the registered voter has not already voted in that county in the current election.

~~2. Except as otherwise provided in NRS 293.57691, if the signature does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.~~

Sec. 5.2. **NRS 293.287 is hereby amended to read as follows:**

293.287 1. A registered voter applying to vote at any primary election or presidential preference primary election shall give his or her name and political affiliation, if any, to the election board officer in charge of the roster, and the officer shall immediately announce the name and political affiliation ~~.~~ ***and require that the registered voter present photo identification.***

2. Any person's right to vote may be challenged by any registered voter upon:

(a) Any of the grounds allowed for a challenge in NRS 293.303;

(b) The ground that the person applying does not belong to the political party designated upon the roster; or

(c) The ground that the roster does not show that the person designated the political party to which he or she claims to belong.

3. Any such challenge must be disposed of in the manner provided by NRS 293.303.

4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election.

Sec. 5.22. **NRS 293.3025 is hereby amended to read as follows:**

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. ***Instructions concerning the photo identification required to vote at the polling place;***

5. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

~~[5.]~~ ***6.*** Information concerning the accessibility of polling places to persons with disabilities;

~~[6.]~~ ***7.*** General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***8.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 5.24. **NRS 293.303 is hereby amended to read as follows:**

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election. A registered voter who initiates a challenge pursuant to this paragraph must submit an affirmation that is signed under penalty of perjury and in the form prescribed by the Secretary of State stating that the challenge is based on the personal knowledge of the registered voter.

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not belong to the political party designated upon the roster, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the roster";

(b) If the challenge is on the ground that the roster does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue the person a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card does not provide proof of the address at which a person resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person ~~:~~

~~(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or~~

~~(b) Brings before the election board officers a person who is at least 18 years of age who:~~

~~(1) Furnishes official identification which contains a photograph of that person, such as a driver's license or other official document; and~~

~~(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.]~~ ***furnishes photo identification.***

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 5.26. **NRS 293.3075 is hereby amended to read as follows:**

293.3075 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot at a polling place established pursuant to NRS 293.3072, the election board officer shall:

(a) Determine ~~[that]~~ ***whether*** the person is a registered voter in the county and has not already voted in that county in the current election;

(b) ***Require the registered voter to present photo identification; and***

(c) Instruct the voter to sign the roster or a signature card ***.*** ~~[; and~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293.277.]~~

2. ~~[Except as otherwise provided in NRS 293.57691, if the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4.]~~ The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

~~[5.]~~ ***3.*** When a voter is entitled to cast a ballot and has ~~[identified himself or herself to the satisfaction of]~~ ***presented photo identification to*** the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

~~[6.]~~ ***4.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[7.]~~ ***5.*** A voter applying to vote at a polling place established pursuant to NRS 293.3072 may be challenged pursuant to NRS 293.303.

Sec. 5.28. **NRS 293.3081 is hereby amended to read as follows:**

293.3081 A person at a polling place may cast a provisional ballot in an election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but ~~[his or her]~~ ***:***

(a) The name ***of the person*** does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction ~~[or an]~~ ***;***

(b) An election official asserts that the person is not eligible to vote in that election in that jurisdiction; ***or***

(c) The person fails to present photo identification;

2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 5.3. **NRS 293.3082 is hereby amended to read as follows:**

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;

(b) The reason for casting the provisional ballot;

(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;

(d) The date and type of election;

(e) The signature of the person casting the provisional ballot;

(f) The signature of the election board officer;

(g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide ***photo*** identification at the time the voter casts the provisional ballot, the required ***photo*** identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote.

Sec. 5.32. **NRS 293.3085 is hereby amended to read as follows:**

293.3085 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

2. The county and city clerk shall not:

(a) Include any provisional ballot in the unofficial results reported on election night; or

(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:

(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;

(b) A voter who failed to provide required ***photo*** identification at the polling place or with his or her mailed ballot provides the required ***photo*** identification to the county or city clerk not later than 5 p.m. on the Friday following election day; or

(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081.

4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.

Sec. 5.34. **NRS 293.356 is hereby amended to read as follows:**

293.356 If a request is made to vote early by a registered voter in person, the election board shall ***, except as otherwise provided in NRS 293.3585,*** issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of a polling place for early voting established pursuant to NRS 293.3564, 293.3572, 293.3575 or 298.690.

Sec. 5.36. **NRS 293.3585 is hereby amended to read as follows:**

293.3585 1. Except as otherwise provided in NRS 293.283 and 293.5772 to 293.5887, inclusive, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine ~~[that]~~ ***whether*** the person is a registered voter in the county.

(b) ***Require the registered voter to present photo identification.***

(c) Instruct the voter to sign the roster for early voting or a signature card.

~~[(c) Verify the signature of the voter in the manner set forth in NRS 293.277.]~~

(d) Verify that the voter has not already voted in that county in the current election.

2. ~~[Except as otherwise provided in NRS 293.57691, if the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4.~~ The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.

~~[5.]~~ ***3.*** The roster for early voting or a signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

~~[6.]~~ ***4.*** When a voter is entitled to cast a ballot, ~~[~~and has identified himself or herself to the satisfaction of the election board officer,~~]~~ the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[7.]~~ ***5.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[8.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

~~[9. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.]~~

Sec. 5.38. **NRS 293.3677 is hereby amended to read as follows:**

293.3677 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***:***

(1) A portion of the designated space ~~[is]~~ ***has been*** darkened ~~[or there is a writing in the designated space, including, without limitation, a cross or check;]~~ ***by the voter;*** and

(2) The portion of the designated space that has been darkened:

(I) Provides some indication of the intent of the voter; and

(II) Cannot be conclusively determined to have been made by the voter in error; and

(b) ~~[~~Except as otherwise provided in paragraph (a), a~~]~~ ***A*** writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 5.4. **NRS 293.541 is hereby amended to read as follows:**

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and attach a copy of the affidavit of cancellation in the roster.

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) ~~[Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document;]~~ ***Photo identification;*** and

(b) Satisfactory ~~[identification that contains]~~ proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and a mail ballot is received from the voter, the mail ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 6. NRS 293.558 is hereby amended to read as follows:

293.558 1. The county or city clerk shall disclose the identification number of a registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion of the identification number of the registered voter on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

2. The ***Secretary of State or a*** county or city clerk shall not disclose:

(a) The social security number or the driver's license or identification card number of a registered voter, and such a number is confidential and is not a public book or record within the meaning of NRS 239.010.

(b) An electronic mail address provided by a registered voter to carry out any state or federal law relating to the voting process, and such an electronic mail address is confidential and is not a public book or record within the meaning of NRS 239.010. The county or city clerk may not release a registered voter's electronic mail address to a third party and may use such an electronic mail address only to:

(1) Communicate with the registered voter about the voting process, including, without limitation, as necessary to carry out the provisions of chapter 293D of NRS; and

(2) Distribute a sample ballot to the registered voter by electronic means if the county or city clerk has established a system for distributing sample ballots by electronic means pursuant to NRS 293.565 or 293C.530 and the registered voter elects to receive a sample ballot by electronic means.

(c) The information of a registered voter that is received from the Department of Motor Vehicles pursuant to section 1.8 or 3 of this act. Such information is confidential and is not a public book or record.

3. A registered voter may submit a written request to the county or city clerk to have his or her address and telephone number withheld from the public. Upon receipt of such a request, the county or city clerk shall not disclose the address or telephone number of the registered voter to the public, including, without limitation:

(a) In response to an inquiry received by the county or city clerk; or

(b) By inclusion on any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440, 293.557, 293C.290 or 293C.542.

4. No information relating to a registered voter may be withheld from the public other than:

(a) The address and telephone number of the registered voter if requested by the registered voter pursuant to this section;

(b) An electronic mail address provided by the registered voter to carry out any state or federal law relating to the voting process;

(c) The social security number and driver's license or identification card number of the registered voter; ~~[and]~~

(d) ***The sex, citizenship status and veteran status of the registered voter; and***

(e) Any other information relating to the registered voter that any state or federal law declares to be confidential or otherwise requires to be withheld from the public.

Sec. 6.5. **NRS 293.57691 is hereby amended to read as follows:**

293.57691 1. A county clerk shall not reject as an application to register to vote the information received from an automatic voter registration agency solely on the basis that the information does not contain an electronic facsimile of the signature of the person who is applying to vote or update his or her voter registration information on the statewide voter registration list.

2. If the county clerk does not receive an electronic facsimile of the signature of the person from the automatic voter registration agency, the county clerk must obtain the person's signature or an electronic facsimile of the person's signature through one of the following methods:

(a) Through the notice provided by the county clerk to the person pursuant to NRS 293.57693, if the notice is returned to the county clerk by the person and the returned notice includes the person's signature;

(b) Requesting an electronic facsimile of the person's signature from the Department of Motor Vehicles or another state agency;

(c) Requesting the person to submit an electronic facsimile of the person's signature through a method approved by the Secretary of State; or

(d) Requesting the person to sign a paper or electronic form the first time the person applies to vote in person at a polling place, including, without limitation, a polling place for early voting by personal appearance. ~~[A signature provided by a person pursuant to this paragraph must be compared to one of the forms of identification which may be used individually to identify a voter at the polling place set forth in NRS 293.277 before the person is allowed to vote in person.]~~

3. In addition to the requirements of this section and NRS 293.2725, a person who is registered to vote pursuant to NRS 293.5768 to 293.57699, inclusive, must provide an affirmation signed under penalty of perjury that the person is eligible to vote the first time a person votes in person or by mail ballot if the person has not already provided such an affirmation to the county clerk.

Sec. 7. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is

qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ~~[and]~~ ***, voter*** registration information ***and, if applicable, the information described in section 3 of this act*** of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 8. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope ~~[;]~~ ***, which must include, without limitation:***

(1) A space for the voter to ~~[voluntarily]~~ write:

(I) The last four digits of the voter's driver's license ~~[,]~~ issued by the Department of Motor Vehicles;

(II) ~~[The]~~ If the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or

(III) ~~[The]~~ If the voter does not possess a driver's license issued b the Department of Motor Vehicles or a social security number, the voter identification number of the voter; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal created by the ~~[county clerk]~~ Secretary of State pursuant to section 2 of this act;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions ~~[.]~~ ***that include, without limitation:***

(1) An explanation that the voter ~~[may voluntarily]~~ must write on the return envelope the ~~[information described in paragraph (b);]~~ identifying number required pursuant to NRS 293C.26316; and

(2) A two-dimensional barcode, commonly known as a QR code, or another machine-readable code used for storing the Internet address for the voter services portal on the Internet website of the ~~[county clerk.]~~ Secretary of State.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

6. The design of all envelopes used by the city clerk to send mail ballots to registered voters and return envelopes must be submitted to and approved by the Secretary of State prior to use in any election.

Sec. 8.5. **NRS 293C.26316 is hereby amended to read as follows:**

293C.26316 1. Except as otherwise provided in NRS 293C.26318 and chapter 293D of NRS, in order to vote a mail ballot, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; ~~[and]~~

(d) ***Write in the space provided on the return envelope:***

(1) The last four digits of the voter's driver's license issued by the Department of Motor Vehicles;

(2) If the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or

(3) If the voter does not possess a driver's license issued by the Department of Motor Vehicles or a social security number, the voter identification number of the voter; and

(e) Mail or deliver the return envelope in a manner authorized by law.

2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293C.263, and no person may write in the name of an additional candidate for any office.

3. If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it "Cancelled."

Sec. 8.7. **NRS 293C.26321 is hereby amended to read as follows:**

293C.26321 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

3. Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; ~~[and]~~

(b) Made available for use ***and monitored at all times*** during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable. ~~[.]~~ ***; and***

(c) Secured during any period of time in which the ballot drop box is not made available for use pursuant to paragraph (b).

6. The Secretary of State shall adopt regulations to establish requirements for monitoring and securing ballot drop boxes pursuant to this section.

Sec. 9. NRS 293C.26327 is hereby amended to read as follows:

293C.26327 1. Except as otherwise provided in NRS 293D.200, when a mail ballot is returned by or on behalf of a voter to the city clerk, and a record of its return is made in the mail ballot record for the election, the clerk or an employee in the office of the clerk shall check the ***return envelope to determine whether the voter included on the return envelope*** ~~***[the last four digits of the voter's driver's license, the last four digits of the voter's social security number or the voter's voter identification number,]***~~ ***his or her signature and the identifying number required pursuant to NRS 293C.26316. If the return envelope does not include a signature and identifying number, the clerk shall contact the voter pursuant to subsection 6. If the return envelope includes*** ~~***[any such information and such information is confirmed by the clerk to be accurate, the voter is entitled to cast the mail ballot and the signature is not required to be checked. If the voter did not include such information on the return envelope or the information provided on the return envelope is not accurate, the clerk or an employee in the office of the clerk must check the***~~ signature ~~used for the mail ballot by]~~ ***a signature and the identifying number, the clerk shall check the voter's signature by*** electronic means pursuant to subsection 2 or manually pursuant to subsection 3. ***If the voter's signature is verified, the voter is entitled to cast the mail ballot and the identifying number is not required to be verified. If the voter's signature cannot be verified, the clerk shall check the identifying number included on the return envelope. If the clerk verifies the identifying number, the voter is entitled to cast the mail ballot. If the clerk is able to verify neither the signature nor the identifying number, the clerk shall contact the voter pursuant to subsection 6.***

2. To check the signature used for a mail ballot by electronic means:

(a) The electronic device must take a digital image of the signature used for the mail ballot and electronically compare the digital image with the signatures

of the voter from his or her application to register to vote or application to preregister to vote available in the records of the city clerk.

(b) If the electronic device does not match the signature of the voter, the signature shall be reviewed manually pursuant to the provisions of subsection 3.

3. To check the signature used for a mail ballot manually, the city clerk shall use the following procedure:

(a) The clerk or employee shall check the signature used for the mail ballot against all signatures of the voter available in the records of the clerk.

(b) If at least two employees in the office of the clerk believe there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the clerk shall contact the voter and ask the voter to confirm whether the signature used for the mail ballot belongs to the voter.

4. For purposes of subsection 3:

(a) There is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if the signature used for the mail ballot differs in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk.

(b) There is not a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter if:

(1) The signature used for the mail ballot is a variation of the signature of the voter caused by the substitution of initials for the first or middle name, the substitution of a different type of punctuation in the first, middle or last name, the use of a common nickname or the use of one last name for a person who has two last names and it does not otherwise differ in multiple, significant and obvious respects from the signatures of the voter available in the records of the clerk; or

(2) There are only slight dissimilarities between the signature used for the mail ballot and the signatures of the voter available in the records of the clerk.

5. Except as otherwise provided in subsection 6, if the clerk determines that the voter is entitled to cast the mail ballot, the clerk shall deposit the mail ballot in the proper ballot box or place the mail ballot, unopened, in a container that must be securely locked or under the control of the clerk at all times. The clerk shall deliver the mail ballots to the mail ballot central counting board to be processed and prepared for counting.

6. If the clerk determines when checking the ~~[signature used]~~ ***return envelope*** for the mail ballot that the voter failed to affix his or her signature ~~[or]~~ ***and identifying number,*** failed to affix ~~[it]~~ ***the signature and identifying number*** in the manner required by law for the mail ballot ***,*** or ~~[that there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter,]~~ ***the clerk is not able to verify the signature or identifying number*** but the voter is otherwise entitled to cast the mail ballot, the clerk shall contact the voter and advise the voter of the procedures to

provide a signature ***or an identifying number,*** or a confirmation that the signature ***or identifying number*** used for the mail ballot belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature ***, an identifying number*** or a confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. ~~***[During]***~~ ***Except as otherwise provided in this subsection, during the period in which*** ~~***[signatures]***~~ ***mail ballots may be cured, the clerk shall ensure that employees in the office of the clerk are available by telephone until at least 7 p.m. on evenings and weekends. If no mail ballot needs to be cured, the clerk is not required to have any employee available by telephone after 5 p.m. Any voicemail message or hold message used by the office of the clerk must provide instructions on how a voter may provide a signature , an identifying number or a confirmation*** ~~***.]***~~ ***, as applicable.***

7. The clerk shall prescribe procedures for a voter who failed to affix his or her signature ***and identifying number*** or failed to affix ~~[it]~~ ***the signature and identifying number*** in the manner required by law for the mail ballot, or for whom ~~[there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter,]~~ ***the signature or identifying number cannot be verified,*** in order to:

(a) Contact the voter;

(b) Allow the voter to provide a signature ***, an identifying number*** or a confirmation ~~[that the signature used for the mail ballot belongs to the voter,]~~, as applicable; and

(c) After a signature ***, an identifying number*** or a confirmation is provided, as applicable, ensure the mail ballot is delivered to the mail ballot central counting board.

8. If there is a reasonable question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must be identified by:

(a) Answering questions from the city clerk covering the personal data which is reported on the application to register to vote;

(b) Providing the city clerk, orally or in writing, ***including, without limitation, in writing by electronic mail or text message,*** with other personal data which verifies the identity of the voter; or

(c) Providing the city clerk with ~~[proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.]~~ ***photo identification.***

9. The procedures established pursuant to subsection 7 for contacting a voter must require the clerk to contact the voter, as soon as possible after receipt of the mail ballot, by:

(a) Mail;

(b) Telephone, if a telephone number for the voter is available in the records of the clerk; and

(c) Electronic means, which ~~[may]~~ ***must*** include, without limitation ~~[, electronic]~~ ***:***

(1) Electronic mail, if the voter has provided the clerk with ~~[sufficient information to contact the voter by such means.]~~ ***an electronic mail address; and***

(2) Text message, if the voter has provided the clerk with a cellular telephone number.

10. A city clerk in a county whose population is less than 100,000 may enter into an agreement with the Secretary of State for the Secretary of State to, on behalf of the clerk, contact and receive information from voters by text message, as required pursuant to this section.

Sec. 9.12. **NRS 293C.270 is hereby amended to read as follows:**

293C.270 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, if a person's name appears in the roster or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must ~~[sign]~~ ***:***

(a) Present photo identification; and

(b) Sign his or her name in the roster or on a signature card when he or she applies to vote. ~~[Except as otherwise provided in NRS 293.57691, the signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.~~

~~2. The forms of identification that may be used to identify a voter at the polling place are:~~

~~(a) The voter registration card issued to the voter;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.~~

~~3.]~~ ***2.*** The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 9.14. **NRS 293C.272 is hereby amended to read as follows:**

293C.272 ~~[1.]~~ If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293C.270, ~~[the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.~~

~~2. If]~~ ***after*** the identity of the voter is verified ~~[,]~~ ***by the voter's photo identification,*** the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 9.16. **NRS 293C.275 is hereby amended to read as follows:**

293C.275 ~~[1.]~~ Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272:

~~[(a)]~~ ***1.*** A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster; and

~~[(b)]~~ ***2.*** The election board officer shall:

~~[(1)]~~ ***(a)*** Announce the name of the registered voter;

~~[(2)]~~ ***(b) Require the registered voter to present photo identification;***

(c) Instruct the registered voter to sign the roster or signature card;

~~[(3) Verify the signature of the registered voter in the manner set forth in NRS 293C.270;]~~ and

~~[(4)]~~ ***(d)*** Verify that the registered voter has not already voted in that city in the current election.

~~[2. Except as otherwise provided in NRS 293.57691, if the signature does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.]~~

Sec. 9.18. **NRS 293C.277 is hereby amended to read as follows:**

293C.277 1. A registered voter who applies to vote at an election must give his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name of the voter ~~[.]~~ ***and require that the registered voter present photo identification.***

2. Any person's right to vote may be challenged by a registered voter upon any of the grounds allowed for a challenge in NRS 293C.292. Any such challenge must be disposed of in the manner provided in NRS 293C.292.

Sec. 9.2. **NRS 293C.292 is hereby amended to read as follows:**

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he or she is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

(b) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this roster."

➥ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster "Challenged" by the person's name.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him or her a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card does not provide proof of the address at which a person resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person ~~[:~~

~~(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or~~

~~(b) Brings before the election board officers a person who is at least 18 years of age who:~~

~~(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and~~

~~(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.~~] ***furnishes photo identification.***

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 9.22. **NRS 293C.3035 is hereby amended to read as follows:**

293C.3035 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to NRS 293C.3032, if any, the election board officer shall:

(a) Determine ~~[that]~~ ***whether*** the person is a registered voter in the city and has not already voted in that city in the current election;

(b) ***Require the registered voter to present photo identification; and***

(c) Instruct the voter to sign the roster or a signature card ***.*** ~~[; and~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.~~

~~2. Except as otherwise provided in NRS 293.57691, if the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4.~~] ***2.*** The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

~~[5.]~~ ***3.*** When a voter is entitled to cast a ballot and has ~~[identified himself or herself to the satisfaction of]~~ ***presented photo identification to*** the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.

~~[6.]~~ ***4.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical voting device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[7.]~~ ***5.*** A voter applying to vote at a polling place established pursuant to NRS 293C.3032, if any, may be challenged pursuant to NRS 293C.292.

Sec. 9.24. **NRS 293C.356 is hereby amended to read as follows:**

293C.356 1. If a request is made to vote early by a registered voter in person, the city clerk shall ***, except as otherwise provided in NRS 293C.3585,*** issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk.

2. On the dates for early voting prescribed in NRS 293C.3568, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of the city clerk's office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 9.26. **NRS 293C.3585 is hereby amended to read as follows:**

293C.3585 1. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, and 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine ~~[that]~~ ***whether*** the person is a registered voter in the county.

(b) ***Require the registered voter to present photo identification.***

(c) Instruct the voter to sign the roster for early voting or a signature card.

~~[(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.]~~

(d) Verify that the voter has not already voted in that city in the current election.

2. ~~[Except as otherwise provided in NRS 293.57691, if the signature does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4.]~~ The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

~~[5.]~~ ***3.*** The roster for early voting or signature card, as applicable, must contain:

(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

~~[6.]~~ ***4.*** When a voter is entitled to cast a ballot***,*** ~~[and has identified himself or herself to the satisfaction of the election board officer,]~~ the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

~~[7.]~~ ***5.*** If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and

(c) Allow the voter to cast a vote.

~~[8.]~~ ***6.*** A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.

~~[9. For the purposes of subsection 2, the personal data of a voter may include his or her date of birth.]~~

Sec. 9.28. **NRS 293C.369 is hereby amended to read as follows:**

293C.369 1. When counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if ***:***

(1) A portion of the designated space ~~[is]~~ ***has been*** darkened ~~[or there is a writing in the designated space, including, without limitation, a cross or check;]~~ ***by the voter;*** and

(2) The portion of the designated space that has been darkened:

(I) Provides some indication of the intent of the voter; and

(II) Cannot be conclusively determined to have been made by the voter in error; and

(b) ~~[Except as otherwise provided in paragraph (a), a]~~ ***A*** writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 9.3. **NRS 483.820 is hereby amended to read as follows:**

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. Except as otherwise provided in NRS 483.825 ~~[,]~~ ***and section 1.6 of this act,*** the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older which expires on or before the fourth anniversary of the person's birthday $4
An original or duplicate identification card issued to a person 65 years of age or older which expires on or before the eighth anniversary of the person's birthday $8
An original or duplicate identification card issued to a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6
A renewal of an identification card for a person under 18 years of age which expires on the eighth anniversary of the person's birthday 6
An original or duplicate identification card issued to a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3
A renewal of an identification card for a person under 18 years of age which expires on or before the fourth anniversary of the person's birthday 3
An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on the eighth anniversary of the person's birthday 18
An original or duplicate identification card issued to any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age, which expires on or before the fourth anniversary of the person's birthday 9
A new photograph or change of name, or both 4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825 ~~[,]~~ ***and section 1.6 of this act,*** the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 9.4. **There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of $548,528 for the costs associated with issuing identification cards at no charge pursuant to the provisions of section 1.6 of this act.**

Sec. 9.45. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State the sum of $3,200,000 for the costs of voter education and outreach relating to the provisions of this act, including, without limitation:**

(a) The provisions that require a registered voter to verify his or her identity by presenting a form of photo identification in order to vote in person;

(b) The provisions that require a registered voter to write on the return envelope for a mail ballot:

(1) The last four digits of the voter's driver's license issued by the Department of Motor Vehicles;

(2) If the voter does not possess a driver's license issued by the Department of Motor Vehicles, the last four digits of the voter's social security number; or

(3) If the voter does not possess a driver's license issued by the Department of Motor Vehicles or a social security number, the voter identification number of the voter; and

(c) The provisions that authorize certain registered voters who are experiencing a financial hardship to obtain an identification card issued by the Department of Motor Vehicles no charge.

2. For the purposes described in subsection 1, the Secretary of State may use any remaining money that was previously appropriated from the State General Fund to pay for the costs of the statewide top-down voter registration database and election management system.

3. As used in this section, "photo identification" has the meaning ascribed to it in section 1.2 of this act.

Sec. 9.5. **Notwithstanding any other provision of this act, the Secretary of State is not required to issue a digital identification card pursuant to section 1.8 of this act until January 1, 2028.**

Sec. 9.6. **The provisions of this act that require a registered voter to verify his or her identify by presenting a form of photo identification to vote in person and the provisions of this act that require a registered voter to include an identifying number on a mail ballot:**

1. Do not apply to any election held before the 2026 primary election held pursuant to NRS 293.175; and

2. Apply to the 2026 primary election held pursuant to NRS 293.175 and every election held in this State thereafter.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. 1. This section and ~~[section]~~ **sections 9.5, 9.6 and** 10 of this act become effective upon passage and approval.

2. **Sections 9.4 and 9.45 of this act become effective on July 1, 2025.**

3. Sections 1 to ~~[9,]~~ **9.3,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2025, for all other purposes.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 1000 to Assembly Bill No. 499.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 550.

The following Senate amendment was read:

Amendment No. 921.

AN ACT relating to criminal procedure; revising provisions governing the commitment and release of incompetent criminal defendants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a court dismisses the proceedings against a defendant who is charged with any category A felony or certain category B felonies because the court finds that the defendant is incompetent with no substantial probability of attaining competence in the foreseeable future, the prosecuting attorney is authorized to file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 178.461) **Section 1.5** of this bill limits this authority by allowing the prosecuting attorney to file such a motion only if the person was previously ordered to receive treatment to competency in an attempt to cause the person to attain competency to stand trial or receive pronouncement of judgment for a felony charge that was dismissed. **Section 1.5** also requires the prosecuting attorney to serve the motion upon the Division.

Existing law requires a prosecuting attorney who files a motion for a hearing to determine whether to commit a person to the custody of the Administrator to request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. (NRS 178.461) **Section 1.5** instead requires the prosecuting attorney to include a request for an order directing the Division to complete a comprehensive risk assessment in the motion for a hearing. **Section 1.5** also ~~[: (1)]~~ requires the court ~~[to hold a hearing to determine whether]~~ to issue ~~[such]~~ an ~~[order; and (2) provides that if the court determines such an order should be issued, the court must file the]~~ order **directing the Division to complete a comprehensive risk assessment** not later than 5 judicial days after the date

~~[of]~~ **on which** the ~~[hearing. Section 1 of this bill makes a conforming change to refer to provisions that have been renumbered by section 1.5.]~~ **motion is filed.**

Existing law authorizes the Division or a person committed to the custody of the Administrator of the Division to petition the committing court for conditional release. If a person is granted conditional release, the court is required to: (1) periodically review the eligibility of the person for discharge from conditional release; and (2) discharge the person from conditional release if, upon review, the court finds by clear and convincing evidence that the person no longer poses a danger to himself or herself or others. (NRS 178.463) **Section 2** of this bill provides that when a person is discharged from conditional release, the State and any of its agents or employees are not liable for: (1) any debts, contractual obligations or medical expenses incurred by the person; or (2) any damages caused by the actions of the person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 178.460 is hereby amended to read as follows:~~

~~178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.~~

~~2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.~~

~~3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:~~

~~(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and~~

~~(b) Whether the defendant is at that time a danger to himself or herself or to society.~~

~~4. If the judge finds the defendant:~~

~~(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.~~

~~(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the~~

~~defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.~~

~~(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.~~

~~(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed for the involuntary court-ordered admission of the person to a mental health facility pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to NRS 178.461 or involuntarily admitted to a mental health facility pursuant to chapter 433A of NRS.~~

~~5. Except as otherwise provided in subsections [4.] 5. and [7.] 8. of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection [4.] 5. or [7.] 8. of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.]~~ **(Deleted by amendment.)**

Sec. 1.5. NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 ~~7~~ are dismissed pursuant to subsection 5 of NRS 178.425, ***and the defendant was previously ordered, pursuant to NRS 178.425, to receive treatment to competency in an attempt to cause the defendant to attain competency to stand trial or receive pronouncement of judgment for any such felony charge that was dismissed,*** the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator . ~~[pursuant to subsection 3.]~~ ***A motion filed pursuant to this subsection must:***

(a) Include a request for an order directing the Division to complete a comprehensive risk assessment; and

(b) Be served upon the Division.

2. If the prosecuting attorney files a motion pursuant to subsection 1, ~~[the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from]~~ ***the court shall ~~[hold a hearing to determine whether to issue an order directing~~*** the Division ***~~to complete~~*** a comprehensive risk assessment ~~,~~ which indicates whether the person requires the level of security provided by a forensic facility. The ~~***[If the court determines that]***~~ ***, not later than 5 judicial days after the date on which the motion is filed, issue*** an order directing the Division to complete a comprehensive risk assessment ***.*** ~~***[should be issued, the court must file the order not later than 5 judicial days after the date of the hearing.***~~

~~***3. If the court issues an order directing the Division to complete a comprehensive risk assessment pursuant to subsection 2, the]***~~ ***The*** Division shall, except as otherwise provided in this subsection, complete the comprehensive risk assessment within 40 calendar days after ~~[receipt of]~~ the ~~[request]~~ ***court issues the order*** and provide the comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person. The court may grant the Division an extension to complete the comprehensive risk assessment upon a showing of good cause. Within 10 judicial days after receipt of the comprehensive risk assessment, the court shall hold a hearing on the motion. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 ~~***[7]***~~ and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. ~~***[4.]***~~ At a hearing held pursuant to subsection 2, ~~***[3,]***~~ if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 ~~***[5]***~~ or 7 ~~***[8]***~~ has expired.

4. ~~***[5.]***~~ Except as otherwise provided in subsection 7, ~~***[8,]***~~ the length of commitment of a person pursuant to subsection 3 ~~***[4]***~~ must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. ~~***[6.]***~~ At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. ~~***[7.]***~~ The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;
(d) Assault with a deadly weapon pursuant to NRS 200.471;
(e) Battery with a deadly weapon pursuant to NRS 200.481;
(f) Aggravated stalking pursuant to NRS 200.575;
(g) First degree arson pursuant to NRS 205.010;
(h) Residential burglary with a deadly weapon pursuant to NRS 205.060;
(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
(j) Any category B felony involving the use of a firearm; and
(k) Any attempt to commit a category A felony.

7. ~~[8.]~~ If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, ~~[5,]~~ as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3, ~~[4,]~~

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. ~~[9.]~~ The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 ~~[8,]~~ if, at a hearing conducted on the motion, ~~[pursuant to subsection 3,]~~ the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. ~~[10.]~~ At a hearing conducted pursuant to subsection 8, ~~[9,]~~ a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 2. NRS 178.463 is hereby amended to read as follows:

178.463 1. The Division or a person who is committed to the custody of the Administrator pursuant to NRS 178.461 may petition the court which committed the person for conditional release.

2. A person who is committed to the custody of the Administrator pursuant to NRS 178.461 is eligible for conditional release only after:

(a) The Division has completed a comprehensive risk assessment concerning the person;

(b) A decision to release the person from commitment with conditions imposed by the court in consultation with the Division has been made based on input from the person's treatment team, the prosecuting attorney, the counsel for the person and the team that will supervise the person in the community; and

(c) The court which committed the person has approved the conditional release.

3. If a person is serving a period of conditional release pursuant to this section, the court must, at least once every 12 months, review the eligibility of the defendant for discharge from conditional release. If, at the conclusion of the review required by this subsection, the court finds by clear and convincing evidence that the person is not a danger to himself or herself or others, the

court must discharge the person from conditional release. ***When a person is discharged from conditional release pursuant to this subsection, the State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.***

4. The length of the period of conditional release must not exceed 10 years, including any time that the person has been committed to the custody of the Administrator pursuant to NRS 178.461 and 178.464, except that the length of the period of conditional release may be extended for not more than 5 additional years if the length of the period of commitment has been extended pursuant to subsection 7 ~~*[8]*~~ of NRS 178.461.

Sec. 3. The amendatory provisions of section 1.5 of this act apply to offenses committed on or after July 1, 2025.

Sec. 4. This act becomes effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 921 to Assembly Bill No. 550.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 594.

The following Senate amendment was read:

Amendment No. 977.

SUMMARY—Revises provisions ~~[governing the Department of Taxation.]~~ **relating to taxation.** (BDR 32-1130)

AN ACT relating to ~~[governmental administration;]~~ **taxation;** authorizing the Department of Taxation to deliver by electronic means notices, decisions and other written communications under certain circumstances; **authorizing the Board of Economic Development to deny an application for an abatement, partial abatement or transferable tax credits under certain circumstances;** revising the manner in which the Department determines the industry in which a business is engaged for the purposes of the commerce tax; revising the due date for the payment of sales and use taxes; **authorizing businesses that recycle certain materials or produce certain fuels from recycled materials to apply to the Office of Economic Development for a partial abatement of certain taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ 1.3 of this bill authorizes the Department of Taxation to deliver by electronic means any notice, decision or other written communication that the Department is required to provide to a person under existing law, unless: (1) the person has opted out of receiving such notices, decisions or written communications by electronic means; or (2) another provision of law specifies the means by which the Department is required to send such a notice, decision or written communication. Under **section ~~[1,]~~ 1.3,** the electronic means by which the Department may send notices, decisions and other written

communications are: (1) delivery to a secure account of a person who has registered for an account with an electronic system maintained by the Department; (2) delivery to an electronic mail address at which a person has agreed to receive notices, decisions and other written communications from the Department; and (3) posting a notice, decision or other written communication on an electronic network or Internet website maintained by the Department that is accessible to a person via the Internet or a mobile application and delivering a separate notice of such posting to the electronic mail address of the person. **Sections 2 and 3** of this bill clarify that the Department is required to continue to provide notice by personal service or by mail of determinations of deficiency in the payment of taxes or the suspension or revocation of certain permits issued by the Department. (NRS 360.350, 360.5975)

Existing law authorizes the Office of Economic Development to approve transferable tax credits and abatements or partial abatements of certain property taxes, business taxes and sales and use taxes for certain businesses in certain circumstances. (NRS 231.1555, 274.310, 274.320, 274.330, 360.750, 360.753, 360.754, 360.759, 360.889, 360.945) Section 1.5 of this bill authorizes the Board of Economic Development to deny, or approve for a lesser amount, an application for an abatement, partial abatement or transferable tax credits if the Board determines that approving the full amount applied for is not in the best interests of the State. Section 1.5 lists certain factors that the Board may consider in determining whether granting the full amount applied for is in the best interests of the State.

Existing law authorizes the Office to approve a partial abatement from the taxes imposed on real property for a business that: (1) engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product using a certain percentage of recycled materials or includes as a primary component a facility for the generation of electricity from recycled material; and (2) has as its primary purpose the conservation of energy or the substitution of other sources of energy for fossil fuel sources of energy. (NRS 701A.210) Section 7.5 of this bill authorizes the Office to grant such a partial abatement of property taxes to a business that: (1) includes as a primary component a facility for the production of biofuels, biomass or other primary fuels from recycled material to produce energy; or (2) primarily engages in the recycling or repurposing of materials that were used to produce or store renewable energy, including, without limitation, materials used in solar panels or waste materials resulting from the extraction of minerals.

Existing law imposes a commerce tax on the Nevada gross revenue of certain business entities whose Nevada gross revenue exceeds $4,000,000 in a taxable year, at a rate that is based on the industry in which a business entity is engaged. (Chapter 363C of NRS) **Section 13** of this bill repeals the provision

of existing law that provides that for the purpose of determining the commerce tax rate of a business entity, the industry in which a business entity is engaged is determined based on the 2012 edition of the North American Industry Classification System ("NAICS") published by the Bureau of the Census of the United States Department of Commerce. (NRS 363C.060) **Section 4** of this bill instead provides that the industry in which a business entity is engaged is determined based on the most recent edition of the NAICS. **Section 5** of this bill updates certain NAICS codes in the publishing, software and data processing business categories to reflect the 2022 version of the NAICS, which is the most recent version published by the Bureau of the Census. (NRS 363C.430) **Section 14** of this bill provides that the changes made by **sections 4, 5 and 13** apply only to taxable years commencing on or after July 1, 2025, thereby prohibiting retroactive application of the changes made by those sections to previous taxable years.

Under existing law, with certain exceptions, a person required to pay sales or use tax is required to remit such taxes to the Department on or before the last day of the month after the tax was imposed. (NRS 372.355, 374.360) **Sections 6 and 7** of this bill revise the due date for remitting such taxes by requiring sales or use tax to be remitted to the Department on or before the 20th day of the month after the tax was imposed. **Sections 14 and 15** of this bill provide that the change to the due date for remitting sales and use taxes to the Department applies only to a taxable period beginning on or after January 1, 2026, thereby prohibiting retroactive application of the change to such due date to taxable periods beginning before January 1, 2026.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. Except as otherwise provided by specific statute, the Department may deliver by electronic means any notice, decision or other written communication which the Department is required to provide to a person pursuant to this title if the notice, decision or other written communication delivered by the Department through electronic means contains or is accompanied by information from which the person can determine the date on which the Department sent the notice, decision or other written communication.

2. The Department shall allow a person, at any time, to opt out of receiving notices, decisions and written communications from the Department through electronic means. Except as otherwise provided by specific statute, if a person opts out of receiving such notices, decisions and written communications through electronic means, the Department shall send such notices, decisions and written communications by mail addressed

to the person at his or her address as it appears in the records of the Department.

3. As used in this section, "deliver by electronic means" means:

(a) To deliver to the secure account of a person who has registered for an account with an electronic system maintained by the Department;

(b) To deliver to an electronic mail address at which a person has agreed to receive notices, decisions and other written communications from the Department; or

(c) To post a notice, decision or other written communication on an electronic network or Internet website maintained by the Department that is accessible via the Internet or a mobile application or by using a computer, mobile device, tablet or any other electronic device and to deliver a separate notice of the posting of the notice, decision or other written communication to the electronic mail address of the person described in paragraph (b).

Sec. 1.5. 1. Notwithstanding any other provisions of law, if the Board of Economic Development determines, with respect to an application for an abatement or partial abatement of taxes or for transferable tax credits which is reviewed by the Board, that granting the full amount of the abatement, partial abatement or transferable tax credits requested or to which the applicant would otherwise be entitled is not in the best interests of the State, the Board must:

(a) Deny the application; or

(b) Approve the application but for a lesser amount, or otherwise place conditions on the approval of the abatement, partial abatement or transferable tax credits.

2. In determining whether granting the full amount of an abatement, partial abatement or transferable tax credits is in the best interests of the State for the purposes of subsection 1, the Board of Economic Development may consider the following factors, with respect to the business that is the subject of the application:

(a) The projected water consumption of the business, particularly if the business is or will be located in a region with limited water resources, with the goal of promoting the sustainable use of the water supplies in this State.

(b) The alignment of the business with the social objectives of the State, including, without limitation, the promotion of equity, education and community well-being.

(c) The potential environmental impact of the business, including, without limitation, the likelihood of a significant adverse effect on air quality, water quality or local ecosystems.

(d) The alignment of the business with the economic objectives of the State, including, without limitation, the creation of jobs, the diversification of the economy of the State and the long-term economic development of the State.

(e) The anticipated impact of the business on local communities, including, without limitation, the impact on traffic, infrastructure and community resources.

(f) The financial stability and viability of the business, including, without limitation, signs of financial instability that may pose a risk to state investments.

3. The Board of Economic Development may consider the factors listed in subsection 2 with respect to any other decision which the Board is authorized to make with respect to an application for an abatement, partial abatement or transferable tax credits, including, without limitation, the duration of the abatement, partial abatement or transferable tax credits.

Sec. 2. NRS 360.350 is hereby amended to read as follows:

360.350 1. The Department shall give a person against whom a determination has been made written notice of its determination ~~.~~ ***in accordance with subsection 2.***

2. The notice may be served personally or by mail. If served by mail, the notice must be addressed to the person at his or her address as it appears in the records of the Department.

3. If notice is served by mail, service is complete at the time of deposit with the United States Postal Service.

4. Service of notice tolls any limitation for the determination of a further deficiency.

Sec. 3. NRS 360.5975 is hereby amended to read as follows:

360.5975 1. Whenever any person fails to comply with any provision of chapter 372, 374 or 377 of NRS relating to the taxes imposed by those chapters or any regulation of the Department relating to the taxes imposed by chapters 372, 374 and 377 of NRS, the Department, after a hearing of which the person was given prior notice of at least 10 days in writing specifying the time and place of the hearing and requiring the person to show cause as to why his or her permit or permits should not be revoked or suspended, may revoke or suspend any one or more of the permits held by the person.

2. The Department shall give to the person written notice of the suspension or revocation of any of his or her permits ~~.~~ ***in accordance with subsection 3.***

3. The notices may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

4. The Department shall not issue a new permit after the revocation of a permit unless it is satisfied that the former holder of the permit will comply with the provisions of chapters 372, 374 and 377 of NRS relating to the taxes imposed by those chapters and the regulations of the Department.

Sec. 4. Chapter 363C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and unless the context otherwise requires, for the purposes of this chapter, references to the "North American Industry Classification System" or "NAICS" are to the most recent edition of the North American Industry Classification System

published by the Bureau of the Census of the United States Department of Commerce.

2. The Department shall review each new edition of the North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce after July 1, 2025. If the Department determines that the adoption of the new edition would cause a business entity to be categorized in a different business category set forth in NRS 363C.310 to 363C.550, inclusive, or would cause a business entity categorized in the unclassified business category pursuant to NRS 363C.560 to be categorized in a business category set forth in NRS 363C.310 to 363C.550, inclusive:

(a) The Department shall notify the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau; and

(b) The new edition of the North American Industry Classification System must not become effective unless legislation adopting the new edition is enacted by the Legislature and approved by the Governor.

Sec. 5. NRS 363C.430 is hereby amended to read as follows:

363C.430 1. The publishing, software and data processing business category (NAICS ~~[511,]~~ 512, ~~[515]~~ ***513, 516*** and 518) includes all business entities primarily engaged in:

(a) ~~[Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;~~

~~(b)]~~ Motion picture and sound recording, including, without limitation, the production and distribution of motion pictures and sound recordings;

(b) Publishing, except on the Internet, including, without limitation, the publishing of newspapers, magazines, other periodicals and books, as well as directory and mailing list and software publishing;

(c) Broadcasting, except on the Internet, including, without limitation, creating content or acquiring the right to distribute content and subsequently broadcast ***or distribute*** the content; and

(d) Data processing, hosting and related services, including, without limitation, the provision of infrastructure for hosting and data processing services.

2. The amount of the commerce tax for a business entity included in this category is the amount obtained by subtracting $4,000,000 from the Nevada gross revenue of the business entity for the taxable year and multiplying that amount by 0.253 percent.

Sec. 6. NRS 372.355 is hereby amended to read as follows:

372.355 Except as otherwise provided in NRS 372.380 or required by the Department pursuant to NRS 360B.200, the taxes imposed by this chapter are due and payable to the Department monthly on or before the ~~[last day]~~ ***20th day*** of the month next succeeding each month.

Sec. 7. NRS 374.360 is hereby amended to read as follows:

374.360 Except as otherwise provided in NRS 374.385 or required by the Department pursuant to NRS 360B.200, the taxes imposed by this chapter are

due and payable to the Department monthly on or before the ~~[last day]~~ ***20th day*** of the month next succeeding each month.

Sec. 7.5. **NRS 701A.210 is hereby amended to read as follows:**

701A.210 1. Except as otherwise provided in this section, ***the Office of Economic Development may grant a business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS*** if ***:*** ~~[a.]~~

(a) ~~[Business that engages]~~ ***The business:***

(1) Engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; ~~[or~~

~~(b) Business that includes]~~

(2) Includes as a primary component a facility for the generation of electricity from recycled material ~~[,~~

~~which is found by the Office of Economic Development to have]~~ ***or a facility for the production of biofuels, biomass or other primary fuels from recycled material to produce energy; or***

(3) Primarily engages in the recycling or repurposing of materials that were used to produce or store renewable energy, including, without limitation, materials used in solar panels or waste materials resulting from the extraction of minerals;

(b) The Office finds that the business has as a primary purpose the conservation of energy ***,*** ~~[or]~~ the substitution of other sources of energy for fossil sources of energy ~~[and]~~ ***or the advancement of the environmental sustainability and energy goals of this State;***

(c) The business obtains certification from the Office ~~[of Economic Development]~~ pursuant to NRS 360.750 ~~[, the Office may, if the]~~ ***; and***

(d) The business ~~[additionally]~~ satisfies the requirements set forth in subsection 2 of NRS 361.0687 ***.*** ~~[, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.]~~

2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the Office of Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the Office of Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the Office granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the

current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section ~~[, "facility]~~ ***:***

(a) "Anaerobic digestion" means the breaking down of organic waste using anaerobic bacteria to create biofuel.

(b) "Biofuel" means any alcohol, ether, ester or other chemical compound made from herbaceous plants, woody plants or organic waste.

(c) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agriculture wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(d) "Facility for the generation of electricity from recycled material" means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:

~~[(a)]~~ ***(1)*** Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

~~[(b)]~~ ***(2)*** Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

~~[(c)]~~ ***(3)*** Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel. ~~[.]~~ ***and a facility for the generation of electricity through modified microbial fuel cells.***

(e) "Facility for the production of biofuels, biomass or other primary fuels from recycled material" means a facility for the production of biofuels, biomass or other primary fuels that uses recycled material to produce biofuels, biomass or other primary fuels for use in the generation of energy, including material from:

(1) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(2) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(3) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into biofuels, biomass or other primary fuels the energy derived from a recycled material and a facility for the production of biofuels, biomass or other primary fuels through gasification and pyrolysis, anaerobic digestion, the recovery of gas from landfills or triboelectric devices.

(f) "Gasification and pyrolysis" means the use of heat to convert waste into synthesis gas.

(g) "Modified microbial fuel cell" means the use of microorganisms to convert the chemical energy in organic waste into electricity while simultaneously treating wastewater.

(h) "Recycled material" includes, without limitation, critical materials, waste materials from the extraction of minerals and products for the production or storage of renewable energy that are recycled or repurposed.

(i) "Renewable energy" means biomass. The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(j) "Triboelectric device" means a device that converts energy from ambient vibrations into electricity.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 363C.060 is hereby repealed.

Sec. 14. 1. The provisions of sections 4, 5 and 13 of this act apply only to a taxable year, as defined in NRS 363C.080, commencing on or after July 1, 2025.

2. The amendatory provisions of sections 6 and 7 of this act apply only to a taxable period commencing on or after January 1, 2026.

Sec. 15. 1. This section, sections 1 to 5, inclusive, and sections ~~[8]~~ **7.5** to 13, inclusive, of this act and subsection 1 of section 14 of this act become effective on July 1, 2025.

2. Sections 6 and 7 of this act and subsection 2 of section 14 of this act become effective on January 1, 2026.

TEXT OF REPEALED SECTION

363C.060 "North American Industry Classification System" and "NAICS" defined. "North American Industry Classification System" or "NAICS" means the 2012 North American Industry Classification System published by the Bureau of the Census of the United States Department of Commerce.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 977 to Assembly Bill No. 594.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 596.

The following Senate amendment was read:

Amendment No. 1001.

SUMMARY—Makes appropriations **and authorizations** for ~~[the payment of quarterly retention incentives.]~~ **certain compensation and benefits for state employees represented by a bargaining unit.** (BDR S-1247)

AN ACT relating to public employees; making appropriations **and authorizations** for the payment of quarterly retention incentives ~~[;]~~ **, the implementation of certain provisions of certain collective bargaining agreements and the payment of salary increases for certain public employees;** providing that certain provisions of collective bargaining agreements to which the State is a party are void; and providing other matters properly relating thereto.

WHEREAS, The implementation of collective bargaining for certain state employees provides an efficient mechanism for those employees to have a voice in the terms and conditions of their employment; and

WHEREAS, The Legislature, although recognizing the tremendous service of those state employees, has a responsibility to ensure the financial solvency of this State; and

WHEREAS, Economic conditions in this State can change rapidly based on many factors often outside the control of the Legislature and, as a result, funding all the provisions negotiated in such collective bargaining agreements may be limited by these economic realities; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **5** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026..... ~~[$5,272,944]~~ **$4,942,719**

For the Fiscal Year 2026-2027..... ~~[$5,291,485]~~ **$5,144,161**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **5** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$1,125,973]~~ **$17,928**

For the Fiscal Year 2026-2027.....~~[$1,125,973]~~ **$18,094**

3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 5 to personnel of the Nevada System of Higher Education represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....$694,552

For the Fiscal Year 2026-2027.....$704,999

4. There is hereby authorized for expenditure from the State Highway Fund by the Department of Transportation to pay retention incentives in accordance with subsection 5 to personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....$1,097,722

For the Fiscal Year 2026-2027.....$1,119,729

5. The retention incentives paid from the money appropriated **or authorized** by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining units established in paragraphs (a), (e) and (f) of subsection 1 of NRS 288.515.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

~~[4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~

6. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any

purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 1.1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **5** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026..... ~~[$1,536,401]~~ **$1,160,680**

For the Fiscal Year 2026-2027..... ~~[$1,541,097]~~ **$1,194,138**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **5** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026..... ~~[$2,235,919]~~ **$1,523,615**

For the Fiscal Year 2026-2027..... ~~[$2,235,919]~~ **$1,540,314**

3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 5 to personnel of the Nevada System of Higher Education represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....$295,689

For the Fiscal Year 2026-2027.....$305,324

4. There is hereby authorized for expenditure from the State Highway Fund by the Department of Transportation to pay retention incentives in accordance with subsection 5 to personnel represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing annual leave cash-outs and tool allowances in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....$500,868

For the Fiscal Year 2026-2027.....$510,866

5. The retention incentives paid from the money appropriated **or authorized** by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (c) of subsection 1 of NRS 288.515.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

~~[4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~

6. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 1.2. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **4** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs, education pay, footwear allowances, line-of-duty death reimbursements, uniform and equipment allowances and special adjustments to pay in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$611,655]~~ **$1,363,267**

For the Fiscal Year 2026-2027.....~~[$613,453]~~ **$1,323,521**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **4** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs, education pay, footwear allowances, line-of-duty death reimbursements,**

uniform and equipment allowances and special adjustments to pay in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....~~[~~$789,700~~]~~ **$2,052,073**

For the Fiscal Year 2026-2027.....~~[~~$789,700~~]~~ **$1,994,922**

3. **There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 4 to personnel of the Nevada System of Higher Education represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing annual leave cash-outs, education pay, footwear allowances, line-of-duty death reimbursements, uniform and equipment allowances and special adjustments to pay in the collective bargaining agreement covering such personnel the following sums:**

For the Fiscal Year 2025-2026.....$180,465

For the Fiscal Year 2026-2027.....$183,296

4. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of ~~[~~$2,000~~]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[~~$2,000~~]~~ **$1,000** in Fiscal Year 2026-2027.

~~[4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention

incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs, pay for personnel with an intermediate or advanced certification by the Peace Officers' Standards and Training Commission, uniform and equipment allowances and special adjustments to pay in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$83,555]~~ **$188,020**

For the Fiscal Year 2026-2027.....~~[$83,555]~~ **$208,966**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (h) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs, pay for personnel with an intermediate or advanced certification by the Peace Officers' Standards and Training Commission, uniform and equipment allowances and special adjustments to pay in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$74,832]~~ **$171,360**

For the Fiscal Year 2026-2027.....~~[$74,832]~~ **$171,956**

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

4. ~~[Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsections 1 and 2 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was**

subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 1.4. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave cash-outs, recruitment bonuses and special adjustments to pay, including, without limitation, uniform and equipment allowances and muster pay adjustments, in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[~~$3,968,000~~]~~ **$26,379,807**

For the Fiscal Year 2026-2027.....~~[~~$3,968,000~~]~~ **$26,642,993**

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (i) of subsection 1 of NRS 288.515.

(b) In the total amount of ~~[~~$2,000~~]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[~~$2,000~~]~~ **$1,000** in Fiscal Year 2026-2027.

3. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.**

Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (k) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave**

cash-outs and cancer screenings in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....~~[$218,000]~~ **$171,262**

For the Fiscal Year 2026-2027.....~~[$218,000]~~ **$172,354**

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

3. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.**

Sec. 1.6. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **4** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing education pay, uniform and equipment allowances, footwear allowances, line-of-duty death reimbursements and special adjustments to pay in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$203,823]~~ **$392,010**

For the Fiscal Year 2026-2027.....~~[$203,823]~~ **$368,575**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection ~~[3]~~ **4** to personnel **, excluding personnel of the Nevada System of Higher Education,** represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515 **and for the costs**

of implementing the provisions governing education pay, uniform and equipment allowances, footwear allowances, line-of-duty death reimbursements and special adjustments to pay in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....~~[$171,320]~~ **$393,974**

For the Fiscal Year 2026-2027.....~~[$171,320]~~ **$370,213**

3. **There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 4 to personnel of the Nevada System of Higher Education represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515 and for the costs of implementing the provisions governing education pay, uniform and equipment allowances, footwear allowances, line-of-duty death reimbursements and special adjustments to pay in the collective bargaining agreement covering such personnel the following sums:**

For the Fiscal Year 2025-2026.....$47,395

For the Fiscal Year 2026-2027.....$47,933

4. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (l) of subsection 1 of NRS 288.515.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

~~[4. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~

5. The sums appropriated by subsections 1, 2 and 3 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (m) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....~~[$13,911]~~ **$6,956**

For the Fiscal Year 2026-2027.....~~[$13,911]~~ **$6,956**

2. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 3 to personnel represented by the bargaining unit established in paragraph (m) of subsection 1 of NRS 288.515 the following sums:

For the Fiscal Year 2025-2026.....~~[$17,708]~~ **$8,852**

For the Fiscal Year 2026-2027.....~~[$17,708]~~ **$8,852**

3. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

4. ~~[Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsections 1 and 2 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 17, 2027.**

Sec. 1.8. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (n) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing annual leave**

cash-outs and special adjustments to pay, including, without limitation, muster pay adjustments and uniform and equipment allowances in the collective bargaining agreement covering such personnel the following sums:

For the Fiscal Year 2025-2026.....~~[$350,000]~~ **$3,096,857**

For the Fiscal Year 2026-2027.....~~[$350,000]~~ **$3,150,528**

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in accordance with the collective bargaining agreement covering personnel represented by the bargaining unit established in paragraph (n) of subsection 1 of NRS 288.515.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

3. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.**

Sec. 1.9. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor to pay retention incentives in accordance with subsection 2 to personnel represented by the bargaining unit established in paragraph (o) of subsection 1 of NRS 288.515 **and for the costs of implementing the provisions governing cancer screenings in the collective bargaining agreement covering such personnel** the following sums:

For the Fiscal Year 2025-2026.....~~[$62,000]~~ **$40,300**

For the Fiscal Year 2026-2027.....~~[$62,000]~~ **$40,300**

2. The retention incentives paid from the money appropriated by this section must be:

(a) Paid in four equal installments throughout the fiscal year beginning in July 2025.

(b) In the total amount of ~~[$2,000]~~ **$1,000** in Fiscal Year 2025-2026 and ~~[$2,000]~~ **$1,000** in Fiscal Year 2026-2027.

3. ~~[Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2026, and September 17, 2027, respectively.]~~ **The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2027, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2027, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2027.**

Sec. 1.10. **1.** With respect to any collective bargaining agreement to which the State of Nevada is a party and which is intended to be in effect during all or part of the 2025-2027 biennium, any provision of such an agreement which requires the Legislature to appropriate money is void, except for those provisions for which the 83rd Session of the Nevada Legislature specifically appropriated or authorized the expenditure of money in this or another act of this session that was approved by the Governor.

2. For the purposes of subsection 1, the provisions of a collective bargaining agreement which provide for personal leave or union leave for personnel represented by a bargaining unit established in paragraph (a), (c), (e) to (i), inclusive, or (k) to (o), inclusive, of subsection 1 of NRS 288.515 do not require the Legislature to appropriate money and such provisions become effective regardless of whether the 83rd Session of the Nevada Legislature specifically appropriates or authorizes the expenditure of money to implement such provisions.

Sec. 1.11. **The Legislature hereby declares its intent that the appropriations and authorizations made by sections 1 to 1.9, inclusive, of this act are one-time grants of money intended to provide retention incentives and to fund the costs of implementing the collective bargaining agreement provisions described therein solely during the 2025-2027 biennium. The appropriation or authorization of money by sections 1 to 1.9, inclusive, of this act shall not be construed as an agreement by the Legislature or the State of Nevada to provide or fund such incentives or other benefits in any future biennium or to include in any future collective**

bargaining agreement the same or similar provisions to the provisions for which money is authorized or appropriated by sections 1 to 1.9, inclusive, of this act.

Sec. 1.12. **1. For personnel represented by a bargaining unit established in paragraph (a), (c), (e) to (i), inclusive, or (k) to (o), inclusive, of subsection 1 of NRS 288.515, there must be an increase in salary of 1 percent for Fiscal Year 2025-2026, and an increase in salary of 1 percent for Fiscal Year 2026-2027.**

2. To effect increases in salaries, as provided in subsection 1, effective on July 1, 2025, and July 1, 2026, there is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $4,880,386 for Fiscal Year 2025-2026 and the sum of $10,139,431 for Fiscal Year 2026-2027 for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the State of Nevada as fixed by the 83rd Session of the Nevada Legislature and the requirements for salaries of the classified personnel of those departments, commissions and agencies, necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2025, and July 1, 2026.

3. To effect increases in salaries as provided in subsection 1, effective on July 1, 2025, and July 1, 2026, there is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of $1,132,216 for Fiscal Year 2025-2026 and the sum of $2,331,018 for Fiscal Year 2026-2027 for the purpose of meeting any deficiencies which may exist between the appropriated money of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority as fixed by the 83rd Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2025, and July 1, 2026.

4. To effect increases in salaries as provided in subsection 1 effective on July 1, 2025, and July 1, 2026, there is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $459,795 for Fiscal Year 2025-2026 and the sum of $940,731 for Fiscal Year 2026-2027 for the purpose of meeting any deficiencies which may be created between the appropriated money of the Nevada System of Higher Education as fixed by the 83rd Session of the Nevada Legislature and the requirements for salaries of the classified personnel of the Nevada System of Higher Education whose positions are included in the Executive Budget as approved by the 83rd Session of the Nevada Legislature necessary

under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2025, and July 1, 2026.

5. To effect increases in salaries as provided in subsection 1, effective on July 1, 2025, and July 1, 2026, there is hereby authorized for expenditure from the State Highway Fund by the Department of Transportation the sum of $533,446 for Fiscal Year 2025-2026 and the sum of $1,097,092 for Fiscal Year 2026-2027 for the purpose of meeting any deficiencies which may exist between the appropriated or authorized money of the Department of Transportation as fixed by the 83rd Session of the Nevada Legislature and the requirements for salaries of classified personnel of the Department of Transportation necessary under the adjusted pay plan, except those employees whose salaries have been retained, to become effective on July 1, 2025, and July 1, 2026.

6. Any balance of the sums appropriated by subsection 2, 3 or 4 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2026, and September 17, 2027, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the fund from which it was appropriated on or before September 18, 2026, and September 17, 2027, respectively.

Sec. 2. This act becomes effective on July 1, 2025.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 1001 to Assembly Bill No. 596.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

GENERAL FILE AND THIRD READING

Senate Bill No. 119.

Bill read third time.

Roll call on Senate Bill No. 119:

YEAS—42.

NAYS—None.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblymember Jauregui moved that the resolution be adopted.

Resolution adopted and ordered transmitted to the Senate.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 8—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2025-2027 biennium.

Assemblymember Jauregui moved that the resolution be adopted.

Resolution adopted.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 540, Amendment No. 990, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 133.

Bill read third time.

Roll call on Senate Bill No. 133:

YEAS—42.

NAYS—None.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 540.

The following Senate amendment was read:

Amendment No. 990.

AN ACT relating to governmental administration; creating the Nevada Attainable Housing Account and setting forth the allowable uses of money in the Account; requiring an eligible entity to provide or secure certain matching funds as a condition of receiving money from the Account; requiring the Administrator of the Housing Division of the Department of Business and Industry to adopt annually an allocation plan for attainable housing; requiring the Division to submit a report to the Interim Finance Committee relating to the Account; creating and setting forth the duties of the Nevada Attainable Housing Council; **renaming the position of Housing Advocate within the Division as the Housing Liaison; revising provisions relating to the statewide low-income housing database maintained by the Division;**

revising provisions relating to the Account for Affordable Housing; authorizing the Division to establish programs for the reporting of rental payments to credit reporting agencies; revising provisions governing the sale, lease or conveyance of certain real property by the governing body of a county or city; requiring the governing body of a county or city to adopt certain expedited processes relating to attainable housing; revising provisions relating to the tiers of affordable housing; **revising provisions relating to certain reports submitted to the Division by certain local governments relating to affordable housing;** requiring, under certain circumstances, the State Contractors' Board to issue licenses by endorsement or provisional licenses to certain persons to perform work on attainable housing projects in certain rural areas; requiring, under certain circumstances, the State Contractors' Board to waive certain fees relating to contractor's licenses in certain rural areas; **requiring the issuance of certain bonds;** making various other changes relating to housing; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law charges the Housing Division of the Department of Business and Industry with certain duties relating to low-income housing and affordable housing. (Chapter 319 of NRS) **Section 9** of this bill creates the Nevada Attainable Housing Account in the State General Fund, to be administered by the Division. **Section 10** of this bill authorizes the Division to distribute money in the Account to eligible entities for certain expenditures relating to attainable housing. **Section 50** of this bill appropriates $133,000,000 to the Account.

Section 11 of this bill requires the Administrator of the Division to adopt an annual allocation plan for disbursing money from the Account. **Section 50.5** of this bill requires the Division to include in the initial allocation plan adopted pursuant to **section 11** certain allocations of money from the Account for certain purposes authorized by **section 10**.

Section 22 of this bill exempts the Division from complying with the provisions of the Administrative Procedures Act in adopting the annual allocation plan.

Section 12 of this bill requires that an eligible entity provide or secure matching funds in an amount not less than the amount of the money awarded to the eligible entity from the Account.

Section 14.5 of this bill requires the Division to submit a report of certain information to the Interim Finance Committee at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Account.

Section 15 of this bill: (1) creates the Nevada Attainable Housing Council to provide oversight and strategic guidance for the administration and allocation of the Account; and (2) sets forth the membership of the Council.

Section 16 of this bill requires the Division to establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in any attainable housing project or eligible entity that applies for or receives funding from the Account.

Section 17 of this bill requires the Council to: (1) review and comment on certain housing reports; and (2) provide recommendations to the Division regarding the allocation and use of money from the Account.

Existing law creates the position of Housing Advocate within the Division and establishes the duties for the position, which include providing information and assistance to persons who reside in affordable housing and manufactured housing. (NRS 319.141) Section 17.3 of this bill renames the position of Housing Advocate as the Housing Liaison.

Existing law requires the Division to create and maintain a statewide low-income housing database. The database is required to include certain information relating to low-income housing, including compilations and analysis of demographic, economic and housing data from a variety of sources. (NRS 319.143) Section 17.6 of this bill requires the inclusion of any survey conducted by the Division in the database. Section 17.6 also revises the data that is required to be included in the database by: (1) changing the measure for determining the number of households in various population groups experiencing high housing costs from 50 percent to 30 percent of household income; (2) increasing from 2 years to 3 years the length of the planning period for identifying when subsidized units are forecast to convert to market-rate units; and (3) adding information regarding certain multi-family residential housing. Section 17.6 further requires the Division, on or before December 31 of each year, to analyze the data in the database and prepare and post on its website a report of its analysis.

Existing law authorizes, with certain exceptions, the Division to: (1) establish certain funds or accounts; and (2) invest or deposit its money, but does not require the Division to keep any of its money in the State Treasury. (NRS 319.170) **Section 18** of this bill creates an additional exception to these provisions for the Account created by **section 9**.

Existing law creates the Account for Affordable Housing in the State General Fund, which is required to be administered by the Division, and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Under existing law, the costs to create and maintain the statewide low-income housing database are required to be paid from the Account up to a maximum of $175,000 per year. (NRS 319.143, 319.510) Sections 17.6 and 18.5 of this bill: (1) require payment from the Account of the costs to prepare the new annual report required by section 17.6; and (2) change the maximum annual amount authorized from the Account for the payment of costs related to the database from the fixed amount of $175,000 to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law also authorizes the Division to expend not more than $40,000 per year or an amount equal to 6 percent of money received pursuant to the federal HOME Investment Partnerships Act, whichever is greater, as reimbursement for administering the Account and that

federal money. (NRS 319.510; 42 U.S.C. §§ 12701 et seq.) Section 18.5: (1) eliminates the authority of the Division to receive reimbursement from the Account for administering that federal money; and (2) changes the maximum amount authorized from the Account as reimbursement for administering the Account to not more than 6 percent of the money deposited in the Account in each fiscal year.

Existing law requires the Division to distribute a certain portion of the remaining money in the Account to the Division of Welfare and Supportive Services of the Department of Health and Human Services for a program to provide emergency assistance to needy families with children. (NRS 319.510) Section 18.5 eliminates this required distribution to the Division for this program, but specifically authorizes the use of money in the Account for the same purpose. With the elimination of this distribution to the Division, all of the remaining money in the Account will effectively be distributed to the other authorized recipients in existing law, which are certain charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to certain requirements. One such eligibility requirement in existing law is that not less than 15 percent of the units acquired, constructed or rehabilitated be affordable to persons whose income is at or below the federally designated level signifying poverty. (NRS 319.510) Section 18.5: (1) changes the income level for that requirement to be at or below 30 percent of the median monthly gross household income for the applicable county; and (2) clarifies that the money is authorized to be distributed to one or more of the types of entities that are eligible recipients. Section 18.5 also eliminates the eligibility requirement in existing law that a local government sponsor such a project.

Sections 2-8 of this bill define certain terms relating to the provisions of **sections 2-17**.

Sections 19 and 20 of this bill authorize the Division to establish a program for the reporting of rental payments to a credit reporting agency.

Existing law sets forth certain procedures for a board of county commissioners or governing body of a city to sell or lease real property. (NRS 244.281, 268.061) **Sections 23 and 26** of this bill require, before approving the sale or lease of real property for the development of attainable housing, in addition to other procedures, the board or governing body to evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. **Sections 23 and 26** also require the developer to submit certain information to the board or governing body.

Existing law authorizes a nonprofit organization to submit to a board of county commissioners or governing body of a city an application for conveyance of certain property that is owned by the county or city, as applicable. The board or governing body may approve such an application if

the nonprofit organization demonstrates that the organization or its assignee will use the property to develop affordable housing. (NRS 244.287, 268.058) **Sections 24 and 25** of this bill: (1) instead authorize the board or governing body to approve such an application for attainable housing; and (2) require an application to include certain information.

Existing law establishes three tiers of affordable housing for various purposes in existing law and defines "affordable housing" as housing that falls within any of the three tiers. (NRS 232.860, 244.189, 244.287, 268.058, 268.190, 278.0105, 279.385, 279A.020, 279B.020, 315.9625, 319.042) **Section 33** of this bill revises the term "affordable housing" to be "attainable housing."

Under existing law, the tiers are based on both household income and the costs of housing as a percentage of that income. With respect to household income: (1) "tier one affordable housing" is housing for a household which has a total monthly gross income that is equal to not more than 60 percent of the median monthly gross household income for the county in which the housing is located, which is commonly known as the area median household income; (2) "tier two affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the area median household income; and (3) "tier three affordable housing" is housing for a household which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the area median household income. In addition, with respect to the costs of housing, affordable housing under existing law is housing that costs not more than 30 percent of the total monthly gross household income of the household with an income at the maximum percentage of the area median household income for the tier. (NRS 278.01902, 278.01904, 278,01906) **Section 29.5 of this bill creates a new tier of affordable housing, to be known as "tier one affordable housing," that addresses housing for a household that has a total monthly gross income that is equal to not more than 30 percent of the area median household income. As a result of the creation of this new tier of affordable housing, section 34 of this bill renames "tier one affordable housing" in existing law as "tier two affordable housing" and changes the percentage range for median income for that tier to more than 30 percent but not more than 60 percent of the area median household income. Section 36 of this bill renames "tier two affordable housing" in existing law for which the percentage range for median income is more than 60 percent, but not more than 80 percent of the area median household income, as "tier three affordable housing." Section 35 of this bill renames "tier three affordable housing" in existing law, for which the percentage range for median income is more than 80 percent but not more than 120 percent of the area median household income, as "tier four affordable housing."**

Section 29 of this bill creates a new tier of affordable housing, to be known as "tier ~~[four]~~ **five** affordable housing," that addresses housing for a household

that has a total monthly gross income that is equal to not more than 120 percent but not more than 150 percent of the area median household income.

Section 37.5 of this bill makes a conforming change to reflect the changes in the tiers.

Existing law sets forth an approval process for the subdivision of land that requires a subdivider to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for review. (NRS 278.335) **Section 31** of this bill requires each reviewing agency to adopt a process for the expedited review of and comment on a tentative map that includes attainable housing.

Existing law requires the governing body of each county and city, on or before July 1, 2024, to enact by ordinance an expedited process for the consideration and approval of projects for affordable housing. (Section 12 of Assembly Bill No. 213, chapter 200, Statutes of Nevada 2023, at p. 1171) **Section 30** of this bill requires the governing body of each county and the governing body of each city to adopt an expedited process for the consideration and approval of projects for attainable housing.

Section 32 of this bill applies the definitions of certain terms relating to planning and zoning **and the newly defined terms in sections 29 and 29.5** to **sections 29-31**.

Sections 34-36 of this bill, respectively, revise the definitions of "tier one affordable housing," "tier three affordable housing" and "tier two affordable housing" to provide that the costs of such housing may be offset by certain energy cost savings.

Existing law requires the governing body of certain cities and counties to adopt at least 6 of 12 specified measures in implementing a plan for maintaining and developing affordable housing, which may include a measure to reduce or subsidize impact fees, fees for the issuance of building permits and fees imposed for the purpose for which an enterprise fund was created. (NRS 278.235) **Section 37** of this bill authorizes that the governing body of such a county or city include a measure to also reimburse such fees.

Existing law requires the governing body of certain cities or counties to submit to the Division annual progress reports relating to affordable housing. (NRS 278.235) Existing law requires: (1) the inclusion of these reports in the statewide low-income housing database; and (2) the Division to compile and post these reports on its Internet website. (NRS 278.235, 319.143) Section 37 moves the deadline for: (1) the submission of the reports to the Division from July 15 to March 15; and (2) the posting of the compilation of the reports by the Division from August 15 to April 15. The new deadlines apply starting in 2026, as section 49.5 of this bill requires: (1) the governing body of a city or county to submit the 2025 report to the Division on or before July 15, 2025; and (2) the Division to compile the reports and post the compilation on the Internet website of the Division on or before August 15, 2025.

Existing law sets forth the requirements for obtaining a contractor's license from the State Contractors' Board. (Chapter 624 of NRS) **Section 39** of this bill requires, under certain circumstances, the Board to issue a contractor's license by endorsement to certain applicants who will perform work on an attainable housing project in certain rural areas.

Section 40 of this bill provides that, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area that is adversely impacting the availability of attainable housing for essential workers who are employed in the area, the Director may issue a declaration of such shortage for not more than 3 years. Upon such a declaration, the Board is required to implement a process to issue provisional contractors' licenses to certain applicants who will perform work on an attainable housing project in certain rural areas.

Sections 41 and 42 of this bill exempt the license by endorsement issued pursuant to **section 39** or a provisional license issued pursuant to **section 40** from certain licensing requirements and the expiration date that generally apply to contractors' licenses. **Sections 42-46** of this bill exempt applicants for a new contractor's license and existing licensed contractors in rural areas from any application, license or renewal fee or certain other fees relating to a contractor's license under circumstances where the Director of the Department of Business and Industry has issued a declaration of shortage pursuant to **section 40**.

Sections 48 and 49 of this bill require the Board to: (1) adopt regulations to carry out the provisions of **sections 39 and 40**, respectively, before January 1, 2026; and (2) submit a report to the Governor and Director of the Legislative Counsel Bureau that includes a recommendation as to whether the requirements to issue such licenses by endorsement and provisional licenses, as required by **sections 39 and 40**, should be continued, modified or terminated.

Section 49.7 of this bill requires the issuance of not more than $50,000,000 in general obligation bonds to provide certain loans for the development or construction of certain projects. Section 37.2 makes a conforming change.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Attainable housing" has the meaning ascribed to it in NRS 278.0105.***

Sec. 4. *"Attainable housing project" means any project or program that receives a grant of money from the Nevada Attainable Housing Account pursuant to section 10 of this act.*

Sec. 5. *"Council" means the Nevada Attainable Housing Council created by section 15 of this act.*

Sec. 6. *"Eligible entity" means a person or entity that is eligible to receive money from the Nevada Attainable Housing Account in accordance with the allocation plan for attainable housing adopted by the Administrator pursuant to section 11 of this act. The term includes, without limitation:*

1. A state agency.

2. A local government.

3. A nonprofit organization.

4. A housing authority, as defined in NRS 315.021.

5. A tribal government or agency.

6. A housing counseling agency that is certified by the United States Department of Housing and Urban Development.

7. Any private entity that enters into a public-private partnership with the State or a local government to offer any of the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing.

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863.

(c) The acquisition of land for the development of attainable housing projects.

Sec. 7. *"Essential worker" means a person employed in:*

1. Health care;

2. Education;

3. Public safety;

4. Construction labor; or

5. Any other industry that is a critical sector of employment in this State, as determined by executive order of the Governor.

Sec. 8. *"Nevada Attainable Housing Account" or "Account" means the Nevada Attainable Housing Account created by section 9 of this act.*

Sec. 9. *1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.*

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 10. ***1. Except as otherwise provided in this section, money in the Account may be distributed by the Division, in consultation with the Council, to eligible entities for expenditures relating to attainable housing, including, without limitation, for:***

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863;

(c) Financial assistance for supportive housing;

(d) Programs for rental assistance or eviction diversion;

(e) The acquisition of land for the development of attainable housing projects;

(f) Programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(g) Programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support for purchasing homes to households that have a total monthly gross household income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(h) Incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. Any eligible entity that is a private entity that enters into a public-private partnership with the State or a local government may only receive money from the Account for the following:

(a) Competitive loans, grants or rebates to support the development of attainable housing;

(b) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; or

(c) The acquisition of land for the development of attainable housing projects.

3. In awarding money from the Account, the Division, in consultation with the Council:

(a) Shall prioritize projects that demonstrate the highest potential impact on addressing the attainable housing needs of the State ~~[;]~~ , including, without limitation, prioritizing the need for single-family homes that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) May prioritize projects that:

(1) Request to purchase land owned by:

(I) The Federal Government at a discounted price for the creation of affordable housing pursuant to federal law, including, without limitation, the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263; or

(II) The State or a local government at a discounted rate for the creation of attainable housing;

(2) Utilize innovative strategies for expanding the supply of attainable housing; or

(3) Utilize cost-effective methods and efficient use of allocated resources.

4. Any eligible entity that receives any money from the Nevada Attainable Housing Account for an attainable housing project shall ensure that:

(a) Only households that meet the applicable income requirements for the attainable housing project rent or purchase, as applicable, the units of attainable housing;

(b) Each unit of attainable housing in the attainable housing project is used as the primary residence of the household that rents or purchases, as applicable, the unit; and

(c) No for-profit business entity purchases a unit of the attainable housing in the attainable housing project.

Sec. 11. *1. For each calendar year, the Administrator shall adopt an allocation plan for disbursing money from the Nevada Attainable Housing Account for attainable housing. A disbursement of money from the Account must comply with the allocation plan for the calendar year in which the disbursement is made.*

2. The allocation plan adopted pursuant to subsection 1 must, without limitation, set forth:

(a) The application and eligibility requirements for an eligible entity to apply for and receive money from the Nevada Attainable Housing Account, including, without limitation, requirements for an eligible entity to demonstrate:

(1) The necessary expertise and capacity to properly carry out the proposed attainable housing project for which the eligible entity receives money from the Account;

(2) The extent to which the proposed attainable housing project maximizes the use of money from the Account by obtaining additional financial support from federal, local, private or other sources; and

(3) The long-term sustainability of the proposed attainable housing project and its potential to contribute to community stability, foster economic development and increase access to attainable housing.

(b) Any requirements for an eligible entity that receives money from the Nevada Attainable Housing Account to demonstrate compliance with any condition upon the receipt of money from the Account.

3. Before adopting a proposed allocation plan pursuant to subsection 1, the Administrator must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Division at least 14 days before the first public hearing held pursuant to paragraph (a).

Sec. 12. ***An eligible entity must provide or secure matching funds in an amount that is not less than the amount of money awarded to the eligible entity from the Account. Such matching funds may come from, without limitation, private investment, contributions from local governments or federal money.***

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. ***1. The Division shall submit a report to the Interim Finance Committee for consideration at the last meeting of each fiscal year and the last meeting of each calendar year relating to the Nevada Attainable Housing Account.***

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The amount and purpose of all money awarded from the Account during the reporting period broken down by eligible entity and authorized use, as described in section 10 of this act;

(b) The number and the income levels of all households that were assisted by money awarded from the Account during the reporting period;

(c) The number of new attainable housing units that were built in part with money from the Account during the reporting period;

(d) The number of parcels purchased in part with money from the Account for the purposes of attainable housing projects, broken down by geographic area of the State;

(e) The number of households and demographic information of recipients of rental assistance from programs for rental assistance or eviction diversion that receive money from the Account;

(f) The average amount of time for processing an application for rental assistance from a program for rental assistance or eviction diversion that received money from the Account;

(g) A description of the outcomes resulting from early intervention efforts, including, without limitation, whether eviction proceedings were reduced as a result of the program for rental assistance or eviction diversion;

(h) Recommendations for improvements or adjustments to programs for rental assistance or eviction diversion, based on the performance data of the programs;

(i) Any other information that the Division determines is necessary to include in the report; and

(j) Any other information requested by the Interim Finance Committee.

Sec. 15. *1. The Nevada Attainable Housing Council is hereby created to provide oversight and strategic guidance for the administration and allocation of the Nevada Attainable Housing Account.*

2. The Nevada Attainable Housing Council consists of:

(a) The Director of the Department of Business and Industry or his or her designee, who is chair of the Council;

(b) The Administrator of the Division or his or her designee;

(c) One member appointed by the Majority Leader of the Senate;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) One member appointed by the Speaker of the Assembly; and

(g) One member appointed by the Governor.

3. Of the members appointed pursuant to paragraphs (c) to (g), inclusive, of subsection 2:

(a) One member must have expertise in banking and the financing of housing projects;

(b) One member must represent the builders and developers of housing projects;

(c) One member must have expertise in the multifamily housing industry;

(d) One member must represent a low-income housing organization; and

(e) One member must represent the general public.

4. Each person who is required to appoint a member pursuant to subsection 2 must make his or her appointment from a list of persons recommended by the Division. To the extent practicable, the membership of the Council must represent the geographic diversity of this State.

5. Each appointed member of the Council serves a term of 2 years and may be reappointed for additional terms of 2 years in the same manner as the original appointments.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

7. Each appointed member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Department of Business and Industry shall provide the Council with administrative support.

Sec. 16. ***The Division shall establish procedures to ensure that any member of the Council discloses any direct or indirect financial interest in an attainable housing project or eligible entity. Such procedures must be consistent with the provisions of chapter 281A of NRS and any regulation adopted by the Nevada Commission on Ethics pursuant to that chapter.***

Sec. 17. ***The Nevada Attainable Housing Council shall:***

1. Review and comment on:

(a) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(b) The reports compiled by the Division pursuant to NRS 278.237; and

(c) The report concerning housing prepared by the Advisory Committee on Housing pursuant to NRS 319.174; and

2. Provide recommendations to the Division regarding the allocation and use of money from the Nevada Attainable Housing Account pursuant to the allocation plan adopted pursuant to section 11 of this act.

Sec. 17.3. **NRS 319.141 is hereby amended to read as follows:**

319.141 1. The Housing ~~[Advocate]~~ ***Liaison*** is hereby created within the Division.

2. The Administrator shall appoint a person to serve in the position of Housing ~~[Advocate.]~~ ***Liaison.*** The Housing ~~[Advocate]~~ ***Liaison*** is in the unclassified service of the State and serves at the pleasure of the Administrator.

3. The person so appointed pursuant to subsection 2 must be knowledgeable about affordable housing and manufactured housing.

4. The Housing ~~[Advocate]~~ ***Liaison*** shall:

(a) Respond to written and telephonic inquiries received from residents who reside in affordable housing and manufactured housing and provide assistance to such residents in understanding their rights and responsibilities;

(b) Conduct community outreach and provide information concerning housing to residents who reside in affordable housing and manufactured housing;

(c) Identify and investigate complaints of residents of affordable housing and manufactured housing that relate to their housing and provide assistance to such residents to resolve the complaints;

(d) Establish and maintain a system to collect and maintain information pertaining to written and telephonic inquiries received by the Division; and

(e) ~~[Any]~~ ***Perform any*** other duties specified by the Administrator.

5. The Administrator may remove the Housing ~~[Advocate]~~ ***Liaison*** from the office for any reason not prohibited by law.

Sec. 17.6. **NRS 319.143 is hereby amended to read as follows:**

319.143 1. The Division shall create and maintain a statewide low-income housing database.

2. The database must include, without limitation, the compilation ~~[and analysis]~~ of demographic, economic and housing data from a variety of sources, including, without limitation, reports submitted pursuant to NRS 278.235 ~~[, that:]~~ ***and any survey conducted by the Division, relating to the information that must be included in the report required by subsection 3.***

3. On or before December 31 of each year, the Division shall:

(a) ~~[Provides for an annual assessment of]~~ ***Analyze the data in the database and prepare a report which must:***

(1) Assess the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes and conversions of multifamily condominiums;

~~[(b) Addresses]~~

(2) Address the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering persons with a substance use disorder, persons suffering from mental health ailments and victims of domestic violence, with each group distinguished to show the percentage of the population group at different income levels, and a determination of the number of households within each special-needs group experiencing housing costs greater than ~~[50]~~ ***30*** percent of their income, overcrowding or substandard housing;

~~[(c) Contains]~~

(3) Contain an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a ~~[2-year]~~ ***3-year*** planning period;

~~[(d) Provides]~~

(4) Provide a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

~~[(e) Provides]~~

(5) Provide the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

~~[(f) Provides]~~

(6) Provide the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

~~[3. The costs of creating and maintaining the database:~~

~~(a) Must be paid from the Account for Affordable Housing created by NRS 319.500; and]~~

(b) ~~[May not exceed $175,000 per year.]~~ ***Post the report on the Internet website of the Division.***

4. If an owner of multifamily residential housing that is offered for rent or lease in this State and is:

(a) Accessible to persons with disabilities; and

(b) ~~[Affordable]~~ ***Attainable*** housing, as defined in NRS 278.0105,

➥ has received any loan, grant or contribution for the multifamily residential housing from the Federal Government or the State, the owner shall, not less than quarterly, report to the Division ***for inclusion in the database*** information concerning each unit of the multifamily residential housing that is available and suitable for use by a person with a disability.

5. The Division shall adopt regulations to carry out the provisions of subsection 4.

Sec. 18. NRS 319.170 is hereby amended to read as follows:

319.170 Except as otherwise provided in NRS 319.169 and 319.500 ~~[,]~~ ***and section 9 of this act,*** the Division may:

1. Establish such funds or accounts as may be necessary or desirable for furtherance of the purposes of this chapter.

2. Invest or deposit its money, subject to any agreement with bondholders or noteholders, and is not required to keep any of its money in the State Treasury. The provisions of chapters 355 and 356 of NRS do not apply to such investments or deposits.

Sec. 18.5. **NRS 319.510 is hereby amended to read as follows:**

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; ~~[and]~~

(f) ***To pay the costs of creating and maintaining the statewide low-income housing database and preparing the annual report required by NRS 319.143;***

(g) To assist families that have children and whose income is at or below the federally designated level signifying poverty; and

(h) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** Division may expend ***each fiscal year not more than:***

(a) Six percent of the money ~~[from]~~ ***deposited in*** the Account as reimbursement for the necessary costs of efficiently administering the Account. ~~[and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from]~~

(b) Six percent of the money deposited in the Account to create and maintain the statewide low-income housing database ***and prepare the annual report*** required by NRS 319.143. ~~[The Division may expend not more than $75,000 per year]~~

(c) Seventy-five thousand dollars of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1. ~~[Of the]~~

3. The remaining money allocated from the Account ~~[:]~~ ***after the expenditures made pursuant to subsections 1 and 2***

~~[(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:~~

~~(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.~~

~~(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.~~

~~(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.~~

~~(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.~~

~~(b) Eighty-five percent]~~ must be distributed to public or private nonprofit charitable organizations, housing authorities ~~[and]~~ ***or*** local governments for

the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

~~[(1)]~~ ***(a)*** Priority may be given to those projects that provide a preference for:

~~[(I)]~~ ***(1)*** Women who are veterans;

~~[(II)]~~ ***(2)*** Women who were previously incarcerated;

~~[(III)]~~ ***(3)*** Survivors of domestic violence;

~~[(IV)]~~ ***(4)*** Elderly women who do not have stable or adequate living arrangements; and

~~[(V)]~~ ***(5)*** Unmarried persons with primary physical custody of a child.

~~[(2)]~~ ***(b)*** Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[(3)]~~ ***(c)*** Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[(4)]~~ ***(d)*** Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(5)]~~ ***(e)*** All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(6)]~~ ***(f)*** Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below ~~[the federally designated level signifying poverty.]~~ ***30 percent of the median monthly gross household income for the county in which the housing is located.*** For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(7) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.~~

~~3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~

Sec. 19. Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Housing Division of the Department of Business and Industry may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulation necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 20. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may establish a program for the reporting of rental payments to a credit reporting agency. Any such program must be offered at no cost to a landlord or tenant.

2. The Division may not require any landlord or tenant to participate in such a program. A landlord shall not require any tenant to participate in the program or subject a tenant to any penalty or consequence for not participating in the program.

3. The Division may:

(a) Establish requirements for any landlord or tenant to voluntarily participate in the program, including, without limitation, any safeguard necessary to ensure that participation in the program is voluntary and that tenants are not subject to any adverse action for participating or not participating in the program.

(b) Provide guidelines for the use of an independent third-party vendor to manage the collection and reporting of rental payments. The Division shall maintain and publish a list of third-party vendors that are approved by the Division to manage the reporting of rental payments pursuant to the program.

4. The Division may adopt any regulations necessary to carry out the provisions of this section, including, without limitation:

(a) Criteria for approving an independent third-party vendor to manage the collection and reporting of rental payments;

(b) Requirements for tenants to be notified and provide proper consent to participate in the program; and

(c) Procedures for resolving any dispute relating to the reporting of rental payments pursuant to the program.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Administrator of the Housing Division of the Department of Business and Industry in adopting the allocation plan pursuant to section 11 of this act.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(i) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; or

(j) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

Sec. 23. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified

newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the

person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the county for the development of attainable housing, in addition to complying with the provisions of subsection 1, the board of county commissioners shall evaluate the capacity and commitment of the developer to provide long-term benefits to the county in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the board of county commissioners:***

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS

360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

~~[3.]~~ ***4.*** As used in this section ~~[, "flood]~~ ***:***

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 24. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in

NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A board of county commissioners that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the county.

~~[9.]~~ ***10.*** A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 25. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing. ***An application must include, without limitation:***

(a) Information that sets forth:

(1) The number of employees of the nonprofit organization or its affiliates who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the nonprofit organization or any affiliate of the nonprofit organization;

(b) A description of any previous project for which the nonprofit organization received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the nonprofit organization has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

4. If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop ~~[affordable]~~ ***attainable*** housing for persons who are ***seniors or*** disabled ***.*** ~~[or elderly.~~

~~4.]~~ ***5.*** If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

~~[5.]~~ ***6.*** As a condition to the conveyance of the property pursuant to subsection ~~[4,]~~ ***5,*** the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide ~~[affordable]~~ ***attainable*** housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement, the governing body may take reasonable action to return the property to use as ~~[affordable]~~ ***attainable*** housing, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide ~~[affordable]~~ ***attainable*** housing.

~~[6.]~~ ***7.*** The agreement required by subsection ~~[5]~~ ***6*** must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide ~~[affordable]~~ ***attainable*** housing; and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide ~~[affordable]~~ ***attainable*** housing pursuant to the agreement.

~~[7.]~~ ***8.*** A governing body that has conveyed property pursuant to subsection ~~[4]~~ ***5*** shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

~~[8.]~~ ***9.*** If, 5 years after the date of a conveyance pursuant to subsection ~~[4,]~~ ***5,*** a nonprofit organization or its assignee has not commenced construction of ~~[affordable]~~ ***attainable*** housing, or entered into such contracts as are necessary to commence the construction of ~~[affordable]~~ ***attainable*** housing, the property that was conveyed automatically reverts to the city.

~~[9.]~~ ***10.*** A governing body may subordinate the interest of the city in property conveyed pursuant to subsection ~~[4]~~ ***5*** to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of ~~[affordable]~~ ***attainable*** housing.

~~[10.]~~ ***11.*** As used in this section, unless the context otherwise requires:

(a) ~~["Affordable]~~ ***"Attainable*** housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 26. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this ~~[subsection]~~ ***section*** and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than $1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. The governing body must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the governing body must obtain one new appraisal of the real property pursuant to the provisions of NRS 268.059 before listing the real property for sale or lease at the new appraised value.

2. ***Before approving the sale or lease of real property owned by the city for the development of attainable housing, as defined in NRS 278.0105, in addition to complying with the provisions of subsection 1, the governing body shall evaluate the capacity and commitment of the developer to provide long-term benefits to the city in a manner that promotes transparency and does not interfere with equitable competition. The developer shall submit to the governing body:***

(a) Information that sets forth:

(1) The number of employees of the developer or any affiliate of the developer who are residents of this State; and

(2) The number of households in this State who live in attainable housing units that are owned or managed by the developer or any affiliate of the developer;

(b) A description of any previous project for which the developer received federal low-income housing tax credits, as defined in NRS 360.863, with documentation of compliance with any federal requirements; and

(c) A description of any previous project where the developer has obtained additional federal low-income housing tax credits, as defined in NRS 360.863, or alternative financing for the rehabilitation or resyndication of attainable housing. The description must include, without limitation, the name, location, number of units and cost per unit of the attainable housing.

3. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 27. (Deleted by amendment.)

Sec. 28. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 29 **~~[~~**, 30 and**~~]~~** **to** 31 **, inclusive,** of this act.

Sec. 29. ***1. "Tier ~~[four]~~ five affordable housing" means housing for a household:***

(a) Which has a total monthly gross income that is equal to more than 120 percent but not more than 150 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 150 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 29.5. 1. "Tier one affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to not more than 30 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 30 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section:

(a) Median monthly gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located; and

(b) The cost of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by cost savings to the household of energy efficiency measures.

Sec. 30. ***1. Each governing body of a county or city shall enact by ordinance:***

(a) An expedited process for the consideration and approval of projects for attainable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for attainable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for attainable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to attainable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for attainable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, "attainable housing" has the meaning ascribed to it in NRS 278.0105.

Sec. 31. ***1. Each reviewing agency shall adopt a process for the expedited review of and comment on a tentative map pursuant to NRS 278.330 to 278.3485, inclusive, that prioritizes the review of and comment on tentative maps that include attainable housing.***

2. The expedited process adopted pursuant to subsection 1 must, without limitation, comply with the applicable provisions of NRS 278.330 to 278.3485, inclusive.

3. If the reviewing agency is not able to use the expedited process adopted pursuant to subsection 1 for the expedited review of and comment on a tentative map, the reviewing agency must:

(a) Document the specific reasons why the use of the expedited process is not possible, including, without limitation, any deficiency with the tentative map;

(b) Notify the subdivider of the specific reasons documented pursuant to paragraph (a) and provide the subdivider with an estimated date on which the reviewing agency will complete its review of and comment on the tentative map; and

(c) Complete the review of and comment on a tentative map as soon as possible and not later than any deadline set forth in NRS 278.330 to 278.3485, inclusive, for the reviewing agency to review and comment on a tentative map not subject to the expedited process.

4. As used in this section, "reviewing agency" means any state agency, local government or quasi-governmental entity that is required to review tentative maps pursuant to NRS 278.330 to 278.3485, inclusive. The term includes, without limitation:

(a) The Division of Water Resources of the State Department of Conservation and Natural Resources;

(b) The Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(c) The Public Utilities Commission of Nevada and any utility, person or other entity that is regulated by the Commission;

(d) The Department of Wildlife;

(e) The Board of Wildlife Commissioners;

(f) A district board of health;

(g) A public water system;

(h) A planning commission;

(i) An irrigation district;

(j) The governing body of a county;

(k) The governing body of a city;

(l) The board of trustees of a school district; and

(m) The board of trustees of a general improvement district.

Sec. 32. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 29 ~~[, 30 and]~~ to 31 , inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, ***and ~~[section]~~ sections 29 and 29.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 278.0105 is hereby amended to read as follows:

278.0105 ~~["Affordable]~~ ***"Attainable*** housing" means tier one affordable housing, tier two affordable housing ***,*** ~~[or]~~ tier three affordable housing ~~[. or]~~ ***, tier four affordable housing ~~[,]~~ or tier five affordable housing.***

Sec. 34. NRS 278.01902 is hereby amended to read as follows:

278.01902 1. "Tier ~~[one]~~ ***two*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to ***more than 30 percent but*** not more than 60 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 60 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 35. NRS 278.01904 is hereby amended to read as follows:

278.01904 1. "Tier ~~[three]~~ ***four*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 120 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 36. NRS 278.01906 is hereby amended to read as follows:

278.01906 1. "Tier ~~[two]~~ ***three*** affordable housing" means housing for a household:

(a) Which has a total monthly gross income that is equal to more than 60 percent but not more than 80 percent of the median monthly gross household income for the county in which the housing is located; and

(b) Which costs not more than 30 percent of the total monthly gross household income of a household whose income equals 80 percent of the median monthly gross household income for the county in which the housing is located, including the cost of utilities.

2. For purposes of this section ~~[, median]~~ ***:***

(a) Median gross household income must be determined based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county in which the housing is located ~~[.]~~ ***; and***

(b) The costs of housing for a household determined pursuant to paragraph (b) of subsection 1 may be offset by the cost savings to the household of energy efficiency measures.

Sec. 37. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to

subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing ***,*** ~~[or]~~ subsidizing ***or reimbursing,*** in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of ~~[affordable]~~ ***attainable*** housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for ~~[affordable]~~ ***attainable*** housing.

(d) Leasing land by the city or county to be used for ~~[affordable]~~ ***attainable*** housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of ~~[affordable]~~ ***attainable*** housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for ~~[affordable]~~ ***attainable*** housing that must be used for the acquisition, construction or rehabilitation of ~~[affordable]~~ ***attainable*** housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing ~~[affordable]~~ ***attainable*** housing.

(h) Providing money, support or density bonuses for ~~[affordable]~~ ***attainable*** housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for ~~[affordable]~~ ***attainable*** housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented or multi-story housing developments that would include an ~~[affordable]~~ ***attainable*** housing component.

(j) Offering density bonuses or other incentives to encourage the development of ~~[affordable]~~ ***attainable*** housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of ~~[affordable]~~ ***attainable*** housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in ~~[affordable]~~ ***attainable*** housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce **,** ~~[or]~~ subsidize ***or reimburse*** impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for ~~[affordable]~~ ***attainable*** housing, pursuant to paragraph (a) of subsection 1, only if:

(a) ~~[When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.~~

~~(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.~~

~~(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).~~

~~(d)]~~ The governing body makes a determination that reducing **,** ~~[or]~~ subsidizing ***or reimbursing*** such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

~~[(e)]~~ ***(b)*** The governing body holds a public hearing concerning the effect of the reduction **,** ~~[or]~~ subsidization ***or reimbursement*** of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[July]~~ ***March*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing ~~[affordable]~~ ***attainable*** housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for ~~[affordable]~~ ***attainable*** housing within the city or county that exists at the end of the reporting period. The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[August]~~ ***April*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 37.2. **NRS 349.294 is hereby amended to read as follows:**

349.294 All moneys received from the issuance of any securities herein authorized shall be used solely for the purpose or purposes for which issued and to defray wholly or in part the cost of the project thereby delineated ~~[.]~~ **,**

including, without limitation, any proceeds received from the general obligation bonds issued pursuant to section 49.7 of this act. Any accrued interest and any premium shall be applied to the cost of the project or to the payment of the interest on or the principal of the securities, or both interest and principal, or shall be deposited in a reserve therefor, or any combination thereof, as the Commission may determine.

Sec. 37.5. **NRS 375.070 is hereby amended to read as follows:**

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the State Controller who shall deposit that amount in the Account for Affordable Housing created pursuant to NRS 319.500.

(b) In a county whose population is 700,000 or more, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each $500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of tier one affordable housing**,** ~~[and]~~ tier two affordable housing ~~[.]~~ ***, tier three affordable housing and tier four affordable housing.*** A county or city that uses the proceeds in that manner must give priority to the development of tier one affordable housing**,** ~~[and]~~ tier two affordable housing ***, tier three affordable housing and tier four affordable housing*** for persons who are elderly or persons with disabilities.

3. The expenses authorized by subsection 2 include, but are not limited to:

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing; and

(e) The creation of related trust funds.

4. As used in this section:

(a) "Tier one affordable housing" has the meaning ascribed to it in ~~[~~NRS 278.01902.~~]~~ ***section 29.5 of this act.***

(b) "Tier two affordable housing" has the meaning ascribed to it in ~~[~~NRS 278.01906.~~]~~ ***278.01902.***

(c) "Tier three affordable housing" has the meaning ascribed to it in NRS 278.01906.

(d) "Tier four affordable housing" has the meaning ascribed to it in NRS 278.01904.

Sec. 38. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. ***1. The Board shall issue a contractor's license by endorsement to an applicant who:***

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(c) Has held the contractor's license described in paragraph (a) for at least 4 consecutive years;

(d) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(e) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(f) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(g) Submits to the Board the statement required by NRS 425.520.

2. The Board shall approve or deny an application for a contractor's license by endorsement submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 1.

3. The Board shall not charge any fee in connection with a contractor's license by endorsement issued pursuant to this section.

4. Before issuing a contractor's license by endorsement pursuant to this section, the Board shall require that the applicant comply with the requirements set forth in NRS 624.256 and 624.270.

5. A person who obtains a contractor's license by endorsement pursuant to this section:

(a) May only perform work relating to an attainable housing project in a rural area of the State; and

(b) Shall not perform any other work in this State unless the person obtains a contractor's license in this State.

6. Notwithstanding the provisions of subsections 4 and 7 of NRS 624.3015, a person who meets the requirements of paragraphs (b) to (e), inclusive, of subsection 1, may submit a bid on an attainable housing project or enter into a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required.

7. An applicant for a contractor's license by endorsement shall not perform any work on an attainable housing project until the Board has issued the applicant the contractor's license by endorsement.

8. A contractor's license by endorsement issued pursuant to this section expires on December 31, 2029.

~~[7.]~~ 9. The Board shall adopt any regulation necessary to carry out the provisions of this section.

~~[8.]~~ 10. As used in this section:

(a) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(b) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 40. *1. Notwithstanding any provision of law to the contrary, if the Director of the Department of Business and Industry determines that there is a shortage of skilled labor or licensed contractors in a rural area of this State that is adversely impacting the availability of attainable housing for essential workers who are employed in the rural area, the Director may issue a declaration of such shortage. No declaration of shortage may be in effect for more than 3 years.*

2. Upon the issuance of a declaration pursuant to subsection 1, the Board shall implement a process to issue provisional contractors' licenses to any applicant who:

(a) Submits to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required;

(b) Successfully passes an examination prescribed by the Board relating to Nevada-specific construction standards or otherwise demonstrates knowledge and experience of Nevada-specific construction standards;

(c) Holds a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State;

(d) Has held the contractor's license described in paragraph (a) for at least 3 consecutive years;

(e) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory of the United States in which the applicant currently holds or has held a contractor's license;

(f) Does not have pending any disciplinary action concerning his or her contractor's license in the District of Columbia or any state or territory of the United States;

(g) Submits to the Board a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

(h) Submits to the Board the statement required by NRS 425.520.

3. The Board shall not charge any fee in connection with a provisional contractor's license issued pursuant to this section.

4. The Board shall approve or deny an application for a provisional contractor's license submitted pursuant to this section not more than 60 days after the receipt of a completed application, including, without limitation, evidence that the applicant meets the requirements set forth in subsection 2.

5. Before issuing a provisional contractor's license pursuant to this section, the Board shall require that the applicant complies with the requirements set forth in NRS 624.256 and 624.270.

6. A person who obtains a provisional contractor's license pursuant to this section:

(a) May only perform work relating to an attainable housing project in the rural area of the State described in the declaration issued by the Director of the Department of Business and Industry pursuant to subsection 1; and

(b) Shall not perform any other work in this State for which a contractor's license is required unless the person obtains a contractor's license in this State.

7. Notwithstanding the provisions of subsections 4 and 7 of NRS 624.3015, a person who meets the requirements of paragraphs (b) to (e), inclusive, of subsection 1, may submit a bid on an attainable housing project or enter into a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required.

8. An applicant for a contractor's license by endorsement shall not perform any work on an attainable housing project until the Board has issued the applicant the contractor's license by endorsement.

9. A provisional contractor's license issued pursuant to this section expires on December 31, 2029.

~~[8.]~~ 10. The Board shall adopt any regulation necessary to carry out the provisions of this section.

~~[9.]~~ 11. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(d) "Rural area" means:

(1) Any county whose population is less than 100,000;

(2) Any city in a county whose population is less than 100,000; or

(3) Any city whose population is less than 60,000 in a county whose population is 100,000 or more.

Sec. 41. NRS 624.240 is hereby amended to read as follows:

624.240 1. ~~[Under]~~ ***Except as otherwise provided in section 39 or 40 of this act, under*** reasonable regulations adopted by the Board, the Board may investigate, classify and qualify applicants for contractors' licenses by written or oral examinations, or both, and may issue contractors' licenses to qualified applicants. The examinations may, in the discretion of the Board, be given in specific classifications only.

2. If a natural person passes the technical examination given by the Board on or after July 1, 1985, to qualify for a classification established pursuant to this chapter, demonstrates to the Board the degree of experience and knowledge required in the regulations of the Board, and is granted a license, the person is qualified for a master's license, if issued by any political subdivision, in the classification for which the examination was given, if the examination required the person to demonstrate his or her knowledge and ability to:

(a) Utilize and understand;

(b) Direct and supervise work in compliance with; and

(c) Perform and apply any calculations required to ensure that work performed is in compliance with,

➥ the applicable codes, standards and regulations.

3. If a natural person qualified for a license before July 1, 1985, in accordance with NRS 624.260 in a trade for which a master's license is required by any political subdivision, and if the license is active on or after July 1, 1985, and if the person so qualified wishes to obtain a master's license, the person must pass either the appropriate examination given by the Board on or after July 1, 1985, in accordance with NRS 624.260 and the regulations of the Board, or the examination given by the political subdivision in the trade for which a master's license is required.

Sec. 42. NRS 624.250 is hereby amended to read as follows:

624.250 1. To obtain or renew a license, an applicant must submit to the Board an application in writing containing:

(a) The statement that the applicant desires the issuance of a license under the terms of this chapter.

(b) The street address or other physical location of the applicant's place of business.

(c) The name of a person physically located in this State for service of process on the applicant.

(d) The street address or other physical location in this State and, if different, the mailing address, for service of process on the applicant.

(e) Except as otherwise provided in paragraph (f) or (g), the names and physical and mailing addresses of any owners, partners, officers, directors, members and managerial personnel of the applicant.

(f) If the applicant is a corporation, the names and physical and mailing addresses of the president, secretary, treasurer, any officers responsible for contracting activities in this State, any officers responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(g) If the applicant is a limited-liability company, the names and physical and mailing addresses of any managers or members with managing authority, any managers or members responsible for contracting activities in this State, any managers or members responsible for renewing the license of the applicant, any persons used by the applicant to qualify pursuant to NRS 624.260 and any other persons required by the Board.

(h) Any information requested by the Board to ascertain the background, financial responsibility, experience, knowledge and qualifications of the applicant.

(i) All information required to complete the application.

2. The application must be:

(a) Made on a form prescribed by the Board in accordance with the rules and regulations adopted by the Board.

(b) ~~[Accompanied]~~ ***Except as otherwise provided in this paragraph, accompanied*** by the application fee fixed by this chapter. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any application fee in connection with obtaining or renewing any contractor's license in a rural area until the declaration of shortage is no longer in effect.***

3. The Board shall include on an application form for the issuance or renewal of a license, a method for allowing an applicant to make a monetary contribution to the Construction Education Account created pursuant to NRS 624.580. The application form must state in a clear and conspicuous manner that a contribution to the Construction Education Account is voluntary and is in addition to any fees required for licensure. If the Board receives a contribution from an applicant, the Board shall deposit the contribution with the State Treasurer for credit to the Construction Education Account.

4. ~~[Before]~~ ***Except as otherwise provided in this subsection, before*** issuing a license to any applicant, the Board shall require the applicant to pay the license fee fixed by this chapter and, if applicable, any assessment required pursuant to NRS 624.470. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act,***

the Board shall not charge any license fee to an applicant in a rural area until the declaration of shortage is no longer in effect.

5. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 43. NRS 624.253 is hereby amended to read as follows:

624.253 1. A licensee may make application for classification and be classified in one or more classifications if the licensee meets the qualifications prescribed by the Board for such additional classification or classifications.

2. ~~[An]~~ ***Except as otherwise provided in this subsection, an*** additional application and license fee may be charged for qualifying or classifying a licensee in additional classifications. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge any additional application and license fee for qualifying or classifying a licensee in additional classifications in a rural area until the declaration of shortage is no longer in effect.***

3. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 44. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, each officer, director, partner and associate thereof, and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, any officer, director, partner or associate thereof, or any person who qualifies on behalf of the applicant has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, any officer, director, partner or associate of the applicant and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260 must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant

by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge a fee for processing the fingerprints of an applicant for a contractor's license in a rural area or any officer, director, partner or associate of the applicant or any person who qualifies on behalf of the applicant until the declaration of shortage is no longer in effect.***

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty and guilty but mentally ill pleas;

(c) Sentencing;

(d) Probation;

(e) Parole;

(f) Bail;

(g) Complaints; and

(h) Final dispositions,

➥ for the investigation of a licensee or an applicant for a contractor's license.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 45. NRS 624.281 is hereby amended to read as follows:

624.281 1. ~~[If]~~ ***Except as otherwise provided in this section, if*** an applicant wishes to have a license issued in an expedited manner, the applicant must pay a fee for an application equal to two times the amount of the fee regularly paid for an application pursuant to subsection 1 of NRS 624.280.

2. ~~[The]~~ ***Except as otherwise provided in this section, the*** applicant must pay one-half of the fee required pursuant to subsection 1 when submitting the application and the other one-half of the fee when the Board issues the license.

3. ~~[In]~~ ***Except as otherwise provided in this section, in*** addition to the fee required pursuant to subsection 1, the applicant shall reimburse the Board for the actual costs and expenses incurred by the Board in processing the application.

4. ***If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant in a rural area any fee pursuant to subsection 1 or***

for the costs and expenses incurred by the Board, as described in subsection 3, in processing the application until the declaration of shortage is no longer in effect.

5. The Board shall adopt regulations prescribing the procedures for making an application pursuant to this section.

6. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 46. NRS 624.283 is hereby amended to read as follows:

624.283 1. ~~[Each]~~ ***Except as otherwise provided in sections 39 and 40 of this act, each*** license issued under the provisions of this chapter expires 2 years after the date on which it is issued, except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered biennial renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. Except as otherwise provided in subsection 5, a license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. Except as otherwise provided in subsection 5, if a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

5. If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, the licensee may submit an application to the Board requesting the reinstatement of his or her license without the imposition of any penalty, punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:

(a) The application for reinstatement is submitted while the licensee is serving in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) Except as otherwise provided in subsection 6, the application for reinstatement is accompanied by an affidavit setting forth the dates of service of the licensee and the fee for renewal fixed by the Board pursuant to subsection 2.

6. The Board may waive the fee for renewal of a license for a licensee specified in subsection 5 if:

(a) The license was valid at the time the licensee was called to active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard; and

(b) The licensee provides written documentation satisfactory to the Board substantiating his or her claim of service on active duty in the Armed Forces of the United States, a reserve component thereof or the National Guard.

7. If the Director of the Department of Business and Industry issues a declaration of shortage pursuant to section 40 of this act, the Board shall not charge an applicant for renewal in a rural area or an applicant for reinstatement in a rural area whose license was automatically suspended pursuant to subsection 1 any fee for renewal or reinstatement until the declaration of shortage is no longer in effect.

8. As used in this section, "rural area" has the meaning ascribed to it in section 40 of this act.

Sec. 47. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. The Nevada Attainable Housing Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account.

2. The money in the Nevada Attainable Housing Account must be used for the purposes described in section 10 of this act.

3. The Nevada Attainable Housing Account must be administered by the Division. The Division may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Account.

4. The interest and income earned on money in the Nevada Attainable Housing Account, after deducting any applicable charges, must be credited to the Account.

5. ~~[Any]~~ ***Except as otherwise provided in subsection 6, any*** money remaining in the Account at the end of the fiscal year must remain in the

Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. At the end of each fiscal year, any money in the Account that exceeds $133,000,000 must be transferred to the State General Fund.

Sec. 48. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 39 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on workforce mobility, local businesses and economic development that can be attributed to the issuance of contractor's licenses by endorsement pursuant to section 39 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue contractor's licenses by endorsement pursuant to section 39 of this act should be continued, modified or terminated.

Sec. 49. 1. The State Contractors' Board shall adopt any regulation necessary to carry out the provisions of section 40 of this act before January 1, 2026.

2. On or before December 31, 2028, the Board shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 85th Session of the Legislature that, without limitation:

(a) Evaluates the impact in rural areas on attainable housing, local businesses and economic development that can be attributed to the issuance of provisional contractor's licenses pursuant to section 40 of this act; and

(b) Provides recommendations relating to whether the requirement for the Board to issue provisional contractor's licenses pursuant to section 40 of this act should be continued, modified or terminated.

Sec. 49.5. **1. Each governing body of a city or county shall submit to the Housing Division of the Department of Business and Industry the report required pursuant to subsection 3 of NRS 278.235, as that section existed on June 30, 2025, on or before July 15, 2025.**

2. On or before August 15, 2025, the Housing Division shall compile the reports required pursuant to subsection 1 and post the compilation on the Internet website of the Housing Division, as required pursuant to NRS 278.235, as that section existed on June 30, 2025.

3. As used in this section, "governing body" has the meaning ascribed to it in NRS 278.015.

Sec. 49.7. **1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than $50,000,000 in the 2025-2027 biennium, the proceeds of which must be deposited in the Nevada Attainable Housing Infrastructure Account created by subsection 2 and used by the Housing Division of the Department of Business and Industry to make loans for the development or construction of a project:**

(a) That will serve attainable housing that is located in a special improvement district or special assessment district; and

(b) For which not less than 85 percent of the total cost of developing or constructing the infrastructure will be paid from assessments levied within the district, or by the applicant, or any combination thereof.

2. The Nevada Attainable Housing Infrastructure Account is hereby created in the State General Fund. All money that is collected for the use of the Account from any source must be deposited in the Account. The Account must be administered by the Housing Division.

3. The proceeds of any bonds issued pursuant to subsection 1 that are deposited in the Nevada Attainable Housing Infrastructure Account must be used for the purposes set forth in subsection 1.

4. Interest and income earned on money in the Nevada Attainable Housing Infrastructure Account, after deducting any applicable charges, must be credited to the Account.

5. Any money remaining in the Nevada Attainable Housing Infrastructure Account at the end of the fiscal year must remain in the Account and does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

6. The Housing Division shall adopt regulations to carry out its duties set forth in subsection 1 and for the administration of the Nevada Attainable Housing Infrastructure Account, but such regulations must not authorize the use of any proceeds from the bonds issued pursuant to subsection 1 for forgivable loans.

7. Each calendar year, if the uncommitted balance in the Nevada Attainable Housing Infrastructure Account exceeds $1,000,000, the Administrator of the Housing Division shall create an allocation plan for disbursing the money in the Account. The allocation plan must prioritize projects that are committed to longer periods of affordability and that serve households that have a total monthly gross income that is more than 80 percent but not more than 120 percent of the median monthly gross household income for the county in which the attainable housing is located.

8. Before adopting a proposed allocation plan pursuant to subsection 7, the Administrator of the Housing Division must:

(a) Hold at least one public hearing on the proposed allocation plan that complies with the provisions set forth in chapter 241 of NRS; and

(b) Make the proposed allocation plan available on the Internet website of the Housing Division at least 14 days before the first public hearing held pursuant to paragraph (a).

9. The adoption of an allocation plan pursuant to subsection 7 must comply with the regulations adopted pursuant to subsection 6 but is not subject to the requirements of chapter 233B of NRS.

10 A disbursement of money from the Nevada Attainable Housing Infrastructure Account pursuant to this section must be in the form of a

loan and must comply with the allocation plan for the calendar year in which the disbursement is made. Any project that receives a loan must serve households whose income does not exceed the income levels established in the allocation plan for that calendar year and must remain affordable for a period of not less than 20 years or a longer period, as established by regulation or contract.

11. The Housing Division shall submit an annual report to the Interim Finance Committee that sets forth:

(a) For each loan made from the Nevada Attainable Housing Infrastructure Account during the reporting period:

(1) The amount and purpose of the loan;

(2) The location and description of the project for which the loan was made; and

(3) The number and the income levels of all households that are or will be served by the project;

(b) Any other information that the Housing Division determines is necessary to include in the report; and

(c) Any other information requested by the Interim Finance Committee.

12. A governing body, an applicant, any contractor who is awarded or enters into an agreement to perform the construction work on a project, and any subcontractor who performs any portion of the construction work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or awarded the contract, only with respect to construction work funded through a special improvement district or special assessment district.

13. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Applicant" means the owners of all of the assessable property within a proposed special improvement district or special assessment district who have entered into a written agreement with a governing body pursuant to subsection 1 of NRS 271.710.

(c) "Governing body" has the meaning ascribed to it in NRS 271.115.

(d) "Proceeds" means amounts received from the sale of an issue of the general obligation bonds and any accrued interest thereon.

(e) "Project" has the meaning ascribed to it in NRS 271.175.

Sec. 50. There is hereby appropriated from the State General Fund to the Nevada Attainable Housing Account created by section 9 of this act the sum of $133,000,000.

Sec. 50.5. 1. Notwithstanding any other provision of this act, the Housing Division of the Department of Business and Industry shall include in the initial allocation plan adopted pursuant to section 11 of this act the following allocations of money from the Nevada Attainable Housing Account:

(a) The amount of $83,000,000 to be distributed to eligible entities for any combination of the following:

(1) Competitive loans, grants or rebates to support the development of attainable housing;

(2) Competitive loans, grants or rebates for the development of attainable housing projects that qualify for federal low-income housing tax credits, as defined in NRS 360.863; and

(3) The acquisition of land for the development of attainable housing projects;

(b) The amount of $25,000,000 to be distributed to eligible entities for programs that assist essential workers to purchase homes, including, without limitation, programs that provide down payment assistance, interest rate buydowns or other forms of direct financial support to essential workers for purchasing homes;

(c) The amount of $25,000,000 to be distributed to eligible entities for incentives for local governments to increase the supply of attainable housing, including, without limitation:

(1) Incentives for local governments to expedite the approval of attainable housing projects;

(2) Reimbursing local governments for waiving or deferring the payment of fees or taxes for attainable housing projects that are affordable for households that have a total monthly gross income that is not more than 150 percent of the median monthly gross household income for the county in which the housing is located; or

(3) Taking any other action within the authority of the local government that increases the supply of attainable housing.

2. The provisions of section 12 of this act apply to any eligible entity that receives a disbursement of money from the Nevada Attainable Housing Account pursuant to this section.

3. The Division shall include in the reports required pursuant to section 14.5 of this act information about the disbursements of money from the Nevada Attainable Housing Account required pursuant to this section.

4. As used in this section:

(a) "Attainable housing" has the meaning ascribed to it in section 3 of this act.

(b) "Attainable housing project" has the meaning ascribed to it in section 4 of this act.

(c) "Eligible entity" has the meaning ascribed to it in section 6 of this act.

(d) "Essential worker" has the meaning ascribed to it in section 7 of this act.

(e) "Nevada Attainable Housing Account" means the Account created by section 9 of this act.

Sec. 50.6. **The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose**

responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 50.8. **1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.**

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 51. The provisions of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 52. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 53. 1. This section and sections 51 and 52 of this act become effective upon passage and approval.

2. Sections 1 to 46, inclusive, 48, 49 ~~[and]~~ **, 49.5, 49.7,** 50.5 **, 50.6 and 50.8** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2025, for all other purposes.

3. Section 50 of this act becomes effective on July 1, 2025.

4. Sections 39 to 46, inclusive, of this act expire by limitation on December 31, 2029.

5. Section 47 of this act becomes effective on January 1, 2030.

Assemblymember Jauregui moved that the Assembly concur in Senate Amendment No. 990 to Assembly Bill No. 540.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblymember Jauregui moved that Senate Concurrent Resolution No. 3 be taken from the Chief Clerk's Desk and be placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 3.

Assemblymember Jauregui moved that the resolution be adopted.

Resolution adopted.

Assemblymember Jauregui moved that Senate Bill No. 173 be taken from its place on the General File and be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 173.

Bill read third time.

Roll call on Senate Bill No. 173:

YEAS—27.

NAYS—Cole, DeLong, Dickman, Edgeworth, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, O'Neill, Yurek—15.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 52, 102, 117, 123, 165, 220, 286, 335, 336; Senate Bills Nos. 35, 48, 54, 71, 76, 83, 87, 88, 128, 156, 165, 170, 175, 231, 257, 263, 275, 277, 298, 312, 329, 344, 348, 353, 376, 380, 389, 400, 407, 424, 443, 447, 454, 455, 462, 469, 470, 474, 476, 477, 479, 484, 485, 486, 488, 489, 490, 491, 492, 493, 496, 497, 499, 504.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 82 of the 83rd Session.

Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 82 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 82 ("AB 82") which is titled as follows:

> AN ACT relating to days of observance; requiring the Governor to annually proclaim certain days to be "Diwali Day," "Eid al-Fitr Day," "Vaisakhi Day"

and "Vesak Day" in the State of Nevada; and providing other matters properly relating thereto.

Currently, there is no need to codify additional days into law. There is already an administrative process to request that a day, week, or month be proclaimed by the Governor. I encourage the bill sponsor to request a proclamation from my Office in advance of each of the holidays proposed in this bill. Please go to the following website to make your request.

https://gov.nv.gov/Forms/Request_a_Proclamation/

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 83 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 83 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 83 ("AB 83"), which is titled as follows:

AN ACT relating to days of observance; requiring the Governor to annually proclaim October 25 to be "Larry Itliong Day" in the State of Nevada; and providing other matters properly relating thereto.

Currently, there is no need to codify additional days into law. There is already an administrative process to request that a day, week, or month be proclaimed by the Governor. I encourage the bill sponsor to request a proclamation from my Office in advance of October 25 later this year. Please go to the following website to make your request.

https://gov.nv.gov/Forms/Request_a_Proclamation/

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 98 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 98 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 98 ("AB 98"), which is titled as follows:

AN ACT relating to days of observance; requiring the Governor to annually proclaim April 10 to be "Dolores Huerta Day" in Nevada; and providing other matters properly relating thereto.

Currently, there is no need to codify additional days into law. There is already an administrative process to request that a day, week, or month be proclaimed by the Governor. I encourage the bill sponsor to request a proclamation from my Office in advance of April 10, next year. Please go to the following website to make your request.

https://gov.nv.gov/Forms/Request_a_Proclamation/

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 140 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 140 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 140 ("AB 140"), which is titled as follows:

AN ACT relating to driver authorization cards; revising provisions governing the renewal of driver authorization cards; and providing other matters properly relating thereto.

As stated, a legitimate rationale supporting AB 140 is that it would ensure regulatory alignment and administrative consistency with respect to Drivers Authorization Cards ("DACs") and driver's licenses. However, that justification does not address overriding considerations that more frequent renewals are more appropriate for DACs.

DACs were created by SB 303 of the 77th legislative session. During the bill presentation before the Assembly Committee on Transportation, the bill's sponsor, Democratic Majority Floor Leader Denis said, "[w]ith the implementation of the Real ID Act, the requirements to get a driver's license have become rigorous, and with good reason ...] as you will see, the DAC being proposed is compliant with the Real ID Act, but it is not a Real ID. Holders will not be able to use it to board planes or to use it to gain access to any federal or state services. SB 303 creates the DAC that is good for one year, and can be obtained using different types of documentation than the real ID." Notwithstanding the legislature's creation of yet another extension to the renewal period for DACs, it is notable that in acknowledging the purpose of DACs, the bill sponsor clearly explained that DACs are not driver's licenses. Moreover, the sponsor later provided, "we understand that there are public safety concerns related to establishing the identity of foreign citizens who apply for a DAC." Those public safety concerns remain today. Relatedly, the evolving landscape of federal authority in this space makes it imprudent to sign AB 140. Finally, the initial purported intent for DACs was, generally stated, to ensure that undocumented immigrants could obtain car insurance. Considering that the majority of car insurance policies last for one year, it is puzzling how this renewal period extension would better serve the insurance related purpose of DACs.

Driver's licenses are different than DACs, and they should continue to be treated as such. Because this bill would further obfuscate the distinction between driver's licenses and DACs, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 144 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 144 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 144 ("AB 144"), which is titled as follows:

> AN ACT relating to days of observance; establishing the second Monday in October of each year as "Indigenous Peoples Day" in the State of Nevada; and providing other matters properly relating thereto.

It is important that the State of Nevada observes one day each year to remember the remarkable accomplishments of Nevada's indigenous community and that community's cultural and historical significance in Nevada.

Under current law, we annually celebrate the rich history of Native Americans on August 9th. For the annual proclamation commemorating Indigenous Peoples Day, my office may well include the additional content proposed in this bill in future years. That said, it is better for Indigenous Peoples Day to fall on a day where there are no other holidays so it can continue to receive Nevadans' undivided recognition.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 155 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 155 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 155 ("AB 155"), which is titled as follows:

> AN ACT relating to public employees; revising the scope of the mandatory subjects of collective bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools; revising the requirement that a school district consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher and specialized instructional support personnel; revising provisions concerning the development of a plan to improve set ratios of pupils to

specialized instructional support personnel in certain school districts; and providing other matters properly relating thereto.

Decreasing class sizes plays a critical role in improving Nevada's education system. That said, while AB 155 is admirably well-intended, it would lead to untenable results. First, nothing in current law prohibits teachers' unions from raising concerns regarding class sizes during collective bargaining. Second, if teachers' unions were able to successfully bargain to decrease class sizes, it is unclear how school districts could feasibly execute that contract provision. Would school districts be required, under the terms of a collective bargaining agreement, to build new schools, create new transportation routes, and hire more teachers? If a district knew it could not afford the infrastructural requirements of a new school, will it be argued that any negotiations related to a new building were held in bad faith because the district could not have had a genuine intent to reach a mutually acceptable agreement? If a district was unable to complete construction on a new building during the contract period, might it face legal challenge for failing to decrease class sizes during the term of the agreement? What if a district did complete construction on a new school but was unable, through no fault of its own, to hire sufficient teachers and staff to fill that school, so it could not decrease class sizes? Might the district still face legal challenge because it failed to perform its end of the bargain by decreasing class sizes?

This bill leaves too many questions, including some implicating potential legal challenges, unanswered. Nevada families cannot risk their school districts diverting critical funding toward litigation that would be better spent in classrooms. I cannot support AB 155.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 201 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 201 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 201 ("AB 201"), which is titled as follows:

AN ACT relating to evictions; requiring the automatic sealing of certain eviction case court files under certain circumstances; revising the circumstances under which a court is authorized to seal certain eviction case court files; requiring the automatic sealing of certain case court files related to unjustified lockouts under certain circumstances; and providing other matters properly relating thereto.

AB 201 is a heavy-handed attempt at addressing a delicate issue that erodes judicial discretion related to eviction case file sealing almost entirely. Under current law, a judge balances the sealing of eviction-related case files with the public's interest in knowing the contents of those files. Through this balance, the judge can thoughtfully consider the circumstances surrounding each eviction and decide, in that specific instance, whether those circumstances warrant the privilege of record sealing. Since eviction matters often involve intricate factual analysis and reflection, it is unclear how the legislature can make that determination more precisely than the judge presiding over the matter.

Unfortunately, AB 201 would likely lead to less available, affordable housing for Nevada families. This bill would inhibit residential lessors' ability to accurately assess the risk of renters

because it deprives the lessor of information necessary to make informed business decisions. In so doing, it would cause lessors to perceive an increased risk associated with rental agreements and a corresponding rent increase may, unfortunately, follow. Even if lessors chose not to increase rent to compensate for increased risk, this bill would still probably lead to more blanket rejections of applicants with unclear histories. Critically, even if blanket rejections did not follow AB 201, it may cause lessors to be more dependent on credit scores which would have a disproportionately negative impact on young and low-income Nevadans.

Since this bill would eviscerate judicial discretion related to eviction case file sealing, deprive the public of critical information, and generally exacerbate affordable housing concerns, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 205 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 205 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 205 ("AB 205"), which is titled as follows:

> AN ACT relating to education; revising provisions governing consent to participate in a course or unit of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility; revising requirements for forms used to refuse authorization for a pupil to participate in such a course or unit of a course; and providing other matters properly relating thereto.

Parents should be empowered to make important decisions related to their children's education—particularly when the subject matter involves sensitive and deeply personal topics like sex education. An opt-in approach to sex education ensures that parents are fully informed about the content their children will encounter and gives them the opportunity to prepare for those discussions at home. This is often the first time many parents engage in serious, sex-related conversations with their children, and being informed can help them approach these conversations thoughtfully and confidently. Requiring opt-in participation also encourages meaningful planning and dialogue between parents, allowing them to consult with family, friends, or their faith community as they determine how best to support their children.

Critically, requiring active parental consent respects the diverse values held by families across the state and promotes trust between schools and communities. It reinforces the principle that schools and parents are partners in education—not substitutes for one another.

Parents should remain the primary decision makers in their children's education. Since AB 205 would undermine parents' ability to make informed choices about their children's education, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 223 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 223 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 223 ("AB 223"), which is titled as follows:

> AN ACT relating to real property; authorizing a tenant whose landlord fails to remedy a failure to maintain a dwelling unit in a habitable condition to file a verified complaint for expedited relief; revising certain provisions relating to the content of written rental agreements; revising provisions relating to the payment of rent; revising provisions relating to requirements for habitability; revising provisions relating to the remedies a tenant is authorized to pursue if a landlord fails to remedy certain breaches or failures relating to habitability; providing that certain items and services constitute essential items and services for purposes of such provisions; revising the amounts which a tenant is authorized to recover from a landlord who takes certain unlawful actions or fails to make required disclosures; requiring a landlord to, under certain circumstances, provide a tenant who has terminated a rental agreement with a reasonable length of time to gather his or her belongings; and providing other matters properly relating thereto.

AB 223 needlessly disrupts a well-established balance in Nevada law which provides adequate tenant protections while also ensuring lessors maintain safe, quality housing.

Nevadans need safe, affordable housing and a change to existing law as far-reaching and insensitive to scheduling realities as this bill would only serve to destabilize Nevada's rental market.

Specifically, AB 223 would require that a lessor remedy certain tenant issues within 48 hours after receiving notice, excluding weekends and holidays. This onerous requirement would, in certain instances, be impossible for lessors to comply with. Suppose a tenant has an issue and the local repairperson cannot schedule the repair until 5 days after the lessor received notice of the outage. Under current law, the lessor could schedule that repair appointment and use her best efforts to remedy the defect in the meantime with minimal worry that she may be exposed to legal liability. Under AB 223, however, if the lessor could not find someone to do the repair, they would have to do it themselves. To be clear, they would not have to attempt to do the repair. They would not have to use their best efforts to complete the repair or otherwise have it completed. No. The lessor would have to repair the habitability defect or could be sued.

It is also important to note, AB 223 lacks sufficient specificity regarding the cause of the habitability concern. Under the provisions of this bill, a tenant's own negligence may cause the defective condition, and the lessor would still be required to remedy that condition unless she could show by clear and convincing evidence the defect was caused by the tenant.

In short, since AB 223 would create fundamental unfairness in the lessor-lessee relationship, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 237 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 237 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 237 ("AB 237"), which is titled as follows:

> AN ACT relating to counties; authorizing any county in this State to create the office of registrar of voters; and providing other matters properly relating thereto.

AB 237 is an unnecessary piece of legislation. Under current law, in counties with populations of less than 100,000, every four years the people come together to elect a Clerk they trust to run their elections. County Clerks from many of the counties implicated by this bill indicated that they need better access to supportive resources for elections. Creating a separate office in counties to duplicate tasks currently managed by county clerks would necessarily divide resources. This division of resources would only serve to exacerbate those clerks' resource concerns at the taxpayer's expense.

Since AB 237 would intensify existing resource concerns and deprive the people of the opportunity to choose their elections official, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 244 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 244 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 244 ("AB 244"), which is titled as follows:

> AN ACT relating to food dispensing establishments; prohibiting certain food dispensing establishments from selling, preparing, providing or transporting food or beverages using disposable foodware containers made from polystyrene foam; providing civil penalties; and providing other matters properly relating thereto.

AB 244 is problematic for several reasons. First, the bill is ambiguous regarding which businesses it applies to. Section 3 specifies that the bill targets "food dispensing establishments with 10 or more locations operating in this state," yet Section 5 removes the 10-location threshold entirely. This inconsistency could create confusion and uncertainty for businesses trying to determine whether they are subject to the bill's provisions.

Beyond this issue, the bill raises several significant policy concerns. Most notably, banning polystyrene would lead to higher costs for Nevadans. The bill would trigger at least two immediate price increases. Alternatives to polystyrene, such as biodegradable containers and paper-based products, are generally more expensive. As a result, prohibiting certain food service establishments from using polystyrene would directly raise their packaging costs. These increased expenses would not be confined to business owners; they are often passed on to consumers, leading to higher prices for everyday goods and services.

AB 244 also raises general enforcement concerns. When the government imposes a ban on a specific product, ensuring compliance can place a considerable burden on regulatory agencies and may result in inconsistent application of the law. While the fiscal notes from local governments suggest that the financial impact of implementing AB 244 would be minimal, this perspective overlooks broader implications. Is it truly wise to redirect law enforcement officers or public health officials away from their essential duties to enforce a polystyrene ban? Alternatively, the fiscal notes could reflect a belief that the bill would apply to only a limited number of establishments, and thus the enforcement burden may be inherently low—but this would suggest that the bill itself is an unnecessary regulation that restricts consumer choice without meaningful impact.

On the issue of consumer choice, it's important to recognize that polystyrene offers practical advantages over many alternatives. It is more durable and provides superior insulation compared to other single-use containers. Take, for example, a Nevada rancher working long hours in the sun, with a soda in the cupholder of her truck. She may be far from the nearest food service establishment for most of the day. In a biodegradable paper cup, that drink would become watered down within a few hours. In contrast, a polystyrene cup could keep it colder for longer, allowing her to enjoy a still-icy, refreshing beverage later in the day. For consumers like her, the performance of polystyrene isn't a minor detail—it's a meaningful part of daily life in a demanding environment.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 245 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 245 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 245 ("AB 245"), which is titled as follows:

> AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; prohibiting the sale or barter of certain firearms to a person who is less than 21 years of age; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Last session, I vetoed Assembly Bill 355 which was strikingly similar to this bill. In some ways, this bill goes even further than last session's bill by also making it a Category B felony to

sell or barter a firearm to a person under the age of 21. Additionally, this bill is facially overbroad because, among other reasons, it would prohibit the most commonly used firearm for waterfowl hunting—semi-automatic shotguns—from use by young people who enjoy a much safer and easier shooting experience when they use a semi-automatic weapon.

Finally, the United States Supreme Court precedent on which my previous veto message was based has not been disturbed. As stated two years ago, "were this bill to become law, it is unlikely it would pass constitutional muster."

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 278 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 278 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 278 ("AB 278"), which is titled as follows:

> AN ACT relating to periods of observance; designating the month of July of each year as "Muslim American Heritage Month" in this State; and providing other matters properly relating thereto.

Currently, there is no need to codify additional months into law. There is already an administrative process to request that a day, week, or month be proclaimed by the Governor. I encourage the bill sponsor to request a proclamation from my Office in advance of next July. https://gov.nv.gov/Forms/Request_a_Proclamation/

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 280 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 280 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 280 ("AB 280"), which is titled as follows:

> AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant;

requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

While protecting tenants is undeniably important, AB 280 imprecisely approaches this issue. Its broad requirements and restrictions would likely create burdens on property owners and complicate the rental process for both parties. The extensive information mandated in rental agreements under this bill has the potential to overwhelm tenants and landlords alike, making it more difficult to fully comprehend the terms. Rather than promoting clarity, this complexity could lead to confusion and, in some cases, even increase the likelihood of rental disputes. A more streamlined approach would ensure that both parties understand their rights and obligations without the risk of unnecessary misunderstandings.

Additionally, the rent control provisions in AB 280, though well-intentioned, are likely to undermine housing affordability over time. Although AB 280 targets a specific population group, its implementation could trigger ripple effects that disrupt the rental market as a whole. By prohibiting landlords from increasing rent by more than 5% for certain tenants, the bill may inadvertently encourage preemptive rent hikes before the cap takes effect— making housing less attainable in the short term. In the long run, potentially as soon as this biennium, the cap could discourage investment in rental properties, especially as owners struggle with rising costs while being unable to adjust rents to match. Additionally, AB 280's restriction on fees could reduce property owners' ability to charge for incidental costs, which might lead to higher initial rent or other hidden costs. This could lead to a decline in housing quality and availability, disproportionately affecting the very populations the bill aims to protect.

Since AB 280 would introduce unnecessary and confusing disclosure requirements while also paving the way for unintended consequences that would disrupt the rental market, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 342 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 342 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 342 ("AB 342"), which is titled as follows:

AN ACT relating to periods of observance; designating the month of March of each year as "Women Veterans History Month" in this State; and providing other matters properly relating thereto.

Currently, there is no need to codify additional months into law. There is already an administrative process to request that a day, week, or month be proclaimed by the Governor. I encourage the bill sponsor to request a proclamation from my Office in advance of next March. Please go to the following website to make your request.

https://gov.nv.gov/Forms/Request_a_Proclamation/

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 445 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 445 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 445 ("AB 445"), which is titled as follows:

> AN ACT relating to libraries; providing that library staff are immune from criminal or civil liability for certain good faith acts relating to providing access to or assisting pupils or library patrons in accessing library materials; and providing other matters properly relating thereto.

AB 445 is untenable due to its vague and overly broad language. The bill grants immunity to library staff for actions taken in "good faith" to "provide access to or assist pupils in accessing library materials." However, it fails to define what constitutes "good faith" or offer any guidance on its application. This ambiguity creates an unworkable legal standard. In situations where a staff member's actions are questionable or controversial, courts would be left with little more than subjective judgment to determine whether the staff member should be immune from liability.

Moreover, the bill undermines existing and appropriate oversight mechanisms. Many schools have established policies governing the materials available to students, often tailored to age, educational level, and developmental appropriateness. By granting immunity to library staff, the bill could weaken the authority of elected school boards and parents in making decisions about what is suitable for students to access.

Additionally, this bill could reduce the incentive for libraries to implement training programs and standards that guide staff in making responsible, well-informed decisions about the materials they provide. The lack of accountability created by legal immunity could lead to inadequate consideration of the needs and protections of students.

Given that AB 445 establishes an unclear legal standard that would lead to unpredictable outcomes and undermines critical safeguards that help families trust the materials made available in libraries, I cannot support this bill.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 480 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 480 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 480 ("AB 480"), which is titled as follows:

> AN ACT relating to housing; revising provisions relating to discrimination in housing; and providing other matters properly relating thereto.

Housing discrimination claims across the United States, including in Nevada, are governed by the federal Fair Housing Act—a well-established framework that has evolved over time through regulatory updates and judicial interpretation. The current applicable federal regulation, 24 CFR S 100.500, aligns with the principles reflected in AB 480. For the benefit of all Nevadans, it is prudent that state law remains consistent with federal law in this area.

When state and federal standards diverge, confusion and inefficiencies can follow. For example, if a housing discrimination claim under state law applies a different standard than one under federal law, litigants—such as local governments—could be forced to defend the same land use or zoning decision in both federal and state courts. This duplication would inevitably lead to delays, increased litigation costs, and inconsistent outcomes.

That said, codifying a specific federal regulation into state statute is shortsighted. Federal regulations can change and locking current federal language into Nevada law risks creating a permanent divergence if those federal rules are updated.

Due to the potential for future conflicts with federal authority, I cannot support AB 480.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Vetoed Assembly Bill No. 490 of the 83rd Session.
Governor's message stating his objections is as follows:

OFFICE OF THE GOVERNOR

June 2, 2025

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 490 of the 83rd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 490 ("AB 490"), which is titled as follows:

> AN ACT relating to courts; revising provisions relating to the venue for certain proceedings; and providing other matters properly relating thereto.

AB 490 is flawed in that it inherently diminishes the value of learned expertise by judges routinely tasked with handling matters of a certain type. Historically, judges in the First Judicial District have reviewed matters like those in this bill and it is most appropriate to continue that practice to ensure these matters are presided over by judges accustomed to their unique challenges. Moreover, the proposition that a court's ability to continue reviewing certain matters should be conditioned upon its implementation of an electronic filing and storage system raises separation of powers concerns.

Since AB 490 would deprive Nevadans of the expertise that only repetitious, specific experience can provide and also implicates constitutional concerns, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2025

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 49, 76, 93, 108, 163, 169, 212, 221, 234, 259, 296, 304, 328, 331, 345, 356, 388, 428, 442, 463, 467, 471, 472, 475, 476, 479, 483, 504, 514, 533, 534, 539, 542, 543, 558, 567, 568, 575, 581, 585, 595, 600.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 224, 326, 366, 375, 404, 405, 414, 416, 444, 597.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 409.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 972 to Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 495.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 15.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblymember Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Danny Larson.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblymembers Miller, Mosca, and O'Neill as a committee to wait upon His Excellency, Governor Joe Lombardo, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymembers Torres-Fossett, Watts, and Koenig as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

Assemblymember Miller reported that her committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators Flores, Pazina, and Steinbeck appeared before the bar of the Assembly and announced that the Senate was ready to adjourn *sine die*.

Assemblymember Torres-Fossett reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblymember Jauregui moved that the 83rd Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 12:25 a.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: BONNIE BORDA HOFFECKER
Chief Clerk of the Assembly

INDEX TO ASSEMBLY JOURNAL, 2025

A

ADJOURNMENT—
In memory of—
Laxalt, Kathleen "Neena", 180.
McGinness, Mike, 156.
Roscow, Jason, 151.
To reconvene in old Assembly Chamber in the historic Capitol Building, 304.

AGUILAR, FRANCISCO V.—*See Secretary of State, 7632.*

AMODEI, MARK, U.S. REPRESENTATIVE—
Escort appointed for, 688.
Message, 688.
Vote of thanks extended to, 690.

ANDERSON, NATHA C., Assemblymember from Washoe (Part) County, No. 30 District—
Absences, excused, 167.
Committee Appointments—
Escort—:
U.S. Sentor Jacky Rosen, 1209.
Special—
Inform Senate Assembly Organized, 8.
Standing—
Commerce and Labor, 8.
Natural Resources (Chair), 8.
Ways and Means, 9.
Moves—
Concur in Senate amendment(s) to A.B. 29, Amend. No. 631, 4675; A.B. 40, Amend. No. 630, 4707; A.B. 59, Amend. No. 629, 4723; A.B. 104, Amend. No. 628, 4743.
Do not concur in Senate amendment(s) to A.B. 487, Amend. No. 627, 5334.
Remarks from the floor re A.B. 12, 399; A.B. 86, 988; A.B. 104, 3620; A.B. 184, 3624; A.B. 185, 1198; A.B. 387, 2786; A.B. 398, 4468; A.B. 434, 3638; A.B. 486, 3642; A.B. 521, 1206; A.J.R. 1, 3612; memorializing Kathleen "Neena" Laxalt, 175; S.C.R. 1, 175.

ANNOUNCEMENTS—
By Mr. Secretary of State—
Christina Bourne, singing of the National Anthem, 1.
By Mr. Speaker Yeager—
Appointment of Select Committee on the End-of-Life Care, 222.
Layne, McAvoy, special remarks by, 305.

ASSISTANT MAJORITY FLOOR LEADER—*See Mosca, Erica, 7629.*

ASSISTANT MAJORITY WHIP—*See Anderson, Natha C., 7614.*

ATTACHÉS—
Appointment A.R. 2, 48.

B

BACKUS, SHEA, Assemblymember from Clark (Part) County, No. 37 District—
Absences, excused, 167.
Committee Appointments—
Conference re A.B. 301, 6802.
Standing—
Growth and Infrastructure, 8.
Revenue (Chair), 9.
Ways and Means (Vice Chair), 9.
Conflict of Interest, S.B. 501, 4469.
Moves—
Concur in Senate amendment(s) to A.B. 441, Amend. No. 622, 5611; A.B. 457, Amend. No. 623, 5613; A.B. 535, Amend. No. 624, 5619.
Vote of thanks to U.S. Representative Dina Titus, 3653.
Nominates—
Daniele Monroe-Moreno to be Speaker pro Tempore, 7.
Remarks from the floor re A.B. 11, 399; A.B. 144, 804; A.B. 192, 3624; A.B. 196, 1198; A.B. 197, 3625; A.B. 369, 1204; A.B. 396, 3635; A.B. 398, 4468; A.B. 535, 3646; S.B. 393, 7177; S.B. 451, 3855; S.B. 501, 4469.

BORDA HOFFECKER, BONNIE—*See Chief Clerk of Assembly, 7616.*

BROWN-MAY, TRACY, Assemblymember from Clark (Part) County, No. 42 District—
Absences, excused, 167, 189, 195, 1218.
Committee Appointments—
Conference re S.B. 15, 6607.
Special—
Inform Governor Assembly Organized, 8.
Standing—
Growth and Infrastructure, 8.
Health and Human Services (Chair), 8.
Ways and Means, 9.
Conflict of Interest, A.B. 586, 4170.
Moves—
Concur in Senate amendment(s) to A.B. 19, Amend. No. 637, 4635; A.B. 60, Amend. No. 588, 5355; A.B. 161, Amend. No. 633, 5361; A.B. 176, Amend. No. 636, 4639; A.B. 315, Amend. No. 634, 5362; A.B. 343, Amend. No. 749, 5382; A.B. 350, Amend. No. 679, 4645; A.B. 368, Amend. No. 635, 4664; A.B. 411, Amend. No. 585, 4665; A.B. 461, Amend. No. 685, 5433; A.B. 520, Amend. No. 675, 5444; A.B. 551, Amend. No. 888, 6170.
Remarks from the floor re A.B. 60, 3617; A.B. 107, 1194; A.B. 198, 3625; A.B. 202, 3626; A.B. 394, 1205; A.B. 407, 3636; A.B. 452, 3640; A.B. 527, 3646; A.B. 586, 4170; A.C.R. 3, 334; honoring Administrator Cody Phinney's retirement, 3708.

C

CARTER, MAX, II, Assemblymember from Clark (Part) County, No. 12 District—
Absences, excused, 167, 341.
Committee Appointments—
Conference re S.B. 352, 6607.
Standing—
Commerce and Labor, 8.

CARTER, MAX, II—*Continued*
Committee Appointments—*Continued*
Standing—*Continued*
Government Affairs, 8.
Growth and Infrastructure (Vice Chair), 8.
Remarks from the floor re A.B. 20, 1192; A.B. 38, 3615; A.B. 72, 3618; A.B. 232, 989; A.B. 283, 3630; A.B. 368, 3634; A.B. 392, 1204; A.B. 422, 2787; A.B. 498, 687; A.B. 512, 3644.

CHIEF CLERK OF THE ASSEMBLY—
Bonnie Borda Hoffecker, declared to be, 7.
Bonnie Borda Hoffecker, nominated, 7.
Roll call, Joint Session, 189, 290, 341, 688, 1209, 3650.
Temporary—
Bonnie Borda Hoffecker, requested to serve as, 1.
Calls roll, 2, 3.

COLE, LISA, Assemblymember from Clark (Part) County, No. 4 District—
Absences, excused, 167.
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 688.
Standing—
Commerce and Labor, 8.
Judiciary, 8.
Legislative Operations and Elections, 8.
Temporary—
Credentials, 2.
Moves—
Joint Session, dissolve, 347.
Vote of thanks to Chief Justice Douglas W. Herndon, 3.
Remarks from the floor re A.B. 18, 799; A.B. 35, 801; A.B. 207, 2783; A.B. 351, 3633; A.B. 384, 3635; A.B. 420, 3637; A.B. 439, 3638; A.B. 509, 3644.

COMMERCE AND LABOR, COMMITTEE ON—
Members, appointment, 8.

COMMITTEE, SELECT—
Select Committee on End-of-Life Care—
Committee Appointments, 222

COMMITTEES, SPECIAL—
Escort appointed for—
Chief Justice Douglas W. Herndon, 2, 341.
Secretary of State Francisco V. Aguilar, 4.
Speaker of the Assembly Steve Yeager, 4.
U.S. Representative Dina Titus, 3650.
U.S. Representative Mark Amodei, 688.
U.S. Representative Steven Horsford, 189.
U.S. Senator Catherine Cortez Masto, 290.
U.S. Senator Jacky Rosen, 1209.
Inform Governor Assembly organized, 8.
Inform Senate Assembly organized, 8.
Inform Senate Assembly ready to adjourn *sine die*, 7611.
Invite Senate to meet in Joint Session, 189, 290, 341, 688, 1209, 3649.

COMMITTEES, STANDING—*See also specific committee.*
Members, appointment, 8, 9.

COMMUNICATIONS RECEIVED—
Chief Justice of the Supreme Court Douglas W. Herndon re request to address the Nevada State Legislature, 195.
Governor re—
Vetoed Assembly Bills of the 82nd Session—
A.B. 74, 133.
A.B. 160, 134.
A.B. 172, 135.
A.B. 201, 136.
A.B. 218, 137.
A.B. 224, 138.
A.B. 242, 139.
A.B. 243, 139.
A.B. 246, 140.
A.B. 258, 141.
A.B. 281, 142.
A.B. 305, 142.
A.B. 319, 143.
A.B. 322, 144.
A.B. 334, 145.
A.B. 340, 146.
A.B. 371, 147.
A.B. 383, 148.
A.B. 437, 149.
A.B. 439, 149.
A.B. 498, 150.
A.B. 527, 151.
Vetoed Assembly Bills of the 83rd Session—
A.B. 82, 7598.
A.B. 83, 7599.
A.B. 98, 7599.
A.B. 140, 7600.
A.B. 144, 7601.
A.B. 155, 7601.
A.B. 201, 7602.
A.B. 205, 7603.
A.B. 223, 7604.
A.B. 237, 7605.
A.B. 244, 7605.
A.B. 245, 7606.
A.B. 278, 7607.
A.B. 280, 7607.
A.B. 306, 4470.
A.B. 342, 7608.
A.B. 445, 7609.
A.B. 480, 7609.
A.B. 490, 7610.
Governor re State of the State Address, 49.
Secretary of State re—
Transmittal of Initiative Petition No. 1, 56.
Transfer of Joint Resolutions of the 82nd Session, 56.
Transfer of vetoed Assembly Bills of the 82nd Session, 57.
Senator Catherine Cortez Masto re request to address the Nevada State Legislature, 200.

COMMUNICATIONS RECEIVED—*Continued*
Senator Jacky Rosen re request to address the Nevada State Legislature, 182.
U.S. Representative Dina Titus re request to address the Nevada State Legislature, 182.
U.S. Representative Mark Amodei re request to address the Nevada State Legislature, 211.
U.S. Representative Steven Horsford re request to address the Nevada State Legislature, 181.
U.S. Representative Susie Lee re request to address the Nevada State Legislature, 196.

CONCUR, MOTION NOT TO—
In Senate amendment(s) to A.B. 289, Amend. No. 556, 5329; A.B. 301, Amend. No. 696, 5312; A.B. 386, Amend. No. 968, 7449; A.B. 487, Amend. No. 627, 5334; A.B. 571, Amend. No. 988, 7284.

CONCUR, MOTION TO—
In Senate amendment(s) to A.B. 3, Amend. No. 668, 4539; A.B. 12, Amend. No. 591, 5622; A.B. 15, Amend. No. 690, 5448; A.B. 19, Amend. No. 637, 4635; A.B. 29, Amend. No. 631, 4675; A.B. 39, Amend. No. 772, 5328; A.B. 40, Amend. No. 630, 4707; A.B. 43, Amend. No. 689, 4755; A.B. 43, Amend. No. 768, 4767; A.B. 44, Amend. No. 667, 4588; A.B. 58, Amend. No. 902, 6605; A.B. 59, Amend. No. 629, 4723; A.B. 60, Amend. No. 588, 5355; A.B. 73, Amend. No. 632, 4781; A.B. 79, Amend. No. 681, 5184; A.B. 79, Amend. No. 776, 5203; A.B. 82, Amend. No. 691, 4768; A.B. 83, Amend. No. 692, 4770; A.B. 88, Amend. No. 669, 5449; A.B. 96, Amend. No. 601, 4775; A.B. 104, Amend. No. 628, 4743; A.B. 112, Amend. No. 583, 5624; A.B. 121, Amend. No. 740, 5630; A.B. 128, Amend. No. 606, 4778; A.B. 133, Amend. No. 621, 5298; A.B. 137, Amend. No. 625, 4540; A.B. 148, Amend. No. 683, 5210; A.B. 148, Amend. No. 747, 5218; A.B. 161, Amend. No. 633, 5361; A.B. 167, Amend. No. 670, 5452; A.B. 176, Amend. No. 636, 4639; A.B. 184, Amend. No. 615, 6158; A.B. 185, Amend. No. 677, 5302; A.B. 188, Amend. No. 980, 7185; A.B. 198, Amend. No. 581, 4593; A.B. 204, Amend. No. 951, 7191; A.B. 207, Amend. No. 666, 5633; A.B. 209, Amend. No. 626, 4542; A.B. 211, Amend. No. 694, 4611; A.B. 213, Amend. No. 699, 6580; A.B. 215, Amend. No. 582, 4613; A.B. 217, Amend. No. 767, 5330; A.B. 227, Amend. No. 671, 5560; A.B. 241, Amend. No. 687, 4617; A.B. 241, Amend. No. 688, 4622; A.B. 249, Amend. No. 807, 5222; A.B. 250, Amend. No. 592, 4625; A.B. 250, Amend. No. 734, 4628; A.B. 251, Amend. No. 981, 7194; A.B. 262, Amend. No. 743, 4787; A.B. 263, Amend. No. 602, 5303; A.B. 269, Amend. No. 695, 5310; A.B. 270, Amend. No. 590, 5638; A.B. 282, Amend. No. 678, 7217; A.B. 282, Amend. No. 982, 7205; A.B. 283, Amend. No. 609, 5585; A.B. 284, Amend. No. 984, 7219; A.B. 315, Amend. No. 634, 5362; A.B. 319, Amend. No. 682, 5702; A.B. 320, Amend. No. 953, 7221; A.B. 343, Amend. No. 749, 5382; A.B. 350, Amend. No. 679, 4645; A.B. 351, Amend. No. 672, 4545; A.B. 352, Amend. No. 924, 7238; A.B. 368, Amend. No. 635, 4664; A.B. 369, Amend. No. 607, 5588; A.B. 376, Amend. No. 930, 7420; A.B. 381, Amend. No. 963, 7445; A.B. 383, Amend. No. 663, 5332; A.B. 387, Amend. No. 577, 4584; A.B. 392, Amend. No. 603, 5314; A.B. 394, Amend. No. 558, 4789; A.B. 396, Amend. No. 697, 5718; A.B. 397, Amend. No. 996, 7254; A.B. 406, Amend. No. 664, 6164; A.B. 411, Amend. No. 585, 4665; A.B. 418, Amend. No. 698, 6166; A.B. 420, Amend. No. 616, 4791; A.B. 433, Amend. No. 604, 5316; A.B. 434, Amend. No. 665, 5720; A.B. 439, Amend. No. 599, 5113; A.B. 441, Amend. No. 622, 5611; A.B. 448, Amend. No. 680, 5740; A.B. 450, Amend. No. 584, 4629; A.B. 451, Amend. No. 608, 5590; A.B. 452, Amend. No. 778, 5124;

CONCUR, MOTION TO—*Continued*
In Senate amendment(s) to—*Continued*
A.B. 454, Amend. No. 614, 4801; A.B. 457, Amend. No. 623, 5613; A.B. 458, Amend. No. 686, 5157; A.B. 460, Amend. No. 952, 7264; A.B. 461, Amend. No. 685, 5433; A.B. 462, Amend. No. 962, 7467; A.B. 478, Amend. No. 605, 5319; A.B. 478, Amend. No. 736, 5322; A.B. 486, Amend. No. 598, 4805; A.B. 488, Amend. No. 739, 5594; A.B. 491, Amend. No. 639, 5269; A.B. 494, Amend. No. 936, 7273; A.B. 496, Amend. No. 641, 5287; A.B. 497, Amend. No. 642, 5279; A.B. 499, Amend. No. 1000, 7519; A.B. 502, Amend. No. 914, 6591; A.B. 511, Amend. No. 589, 5750; A.B. 515, Amend. No. 985, 7277; A.B. 520, Amend. No. 675, 5444; A.B. 527, Amend. No. 600, 5165; A.B. 535, Amend. No. 624, 5619; A.B. 540, Amend. No. 990, 7597; A.B. 550, Amend. No. 921, 7524; A.B. 551, Amend. No. 888, 6170; A.B. 570, Amend. No. 931, 7280; A.B. 594, Amend. No. 977, 7532; A.B. 596, Amend. No. 1001, 7546; A.B. 598, Amend. No. 950, 7286; A.J.R. 8, Amend. No. 643, 5602.

CONFERENCE COMMITTEES—
A.B. 301; Report, 7286.
S.B. 15; Report, 7296.
S.B. 352; Report, 7467.
First Conference Report Adopted—
Assembly, A.B. 301, 7296; S.B. 15, 7310; S.B. 352, 7475.

CONFLICT OF INTEREST—
Backus re S.B. 501, 4469.
Brown-May re A.B. 586, 4170.
Dalia re S.B. 63, 7176.
Hafen re A.B. 46, 988; A.B. 325, 991; A.B. 449, 3639.
Orentlicher re A.B. 476, 5966.

CONSIDINE, VENICIA, Assemblymember from Clark (Part) County, No. 18 District—
Absences, excused, 167, 195.
Committee Appointments—
Special—
Inform Senate Assembly Organized, 8.
Invite Senate to meet in Joint Session, 3649.
Standing—
Government Affairs (Chair), 8.
Natural Resources, 8.
Revenue (Vice Chair), 9.
Moves—
Concur in Senate amendment(s) to A.B. 43, Amend. No. 689, 4755; A.B. 43, Amend. No. 768, 4767; A.B. 82, Amend. No. 691, 4768; A.B. 83, Amend. No. 692, 4770; A.B. 96, Amend. No. 601, 4775; A.B. 128, Amend. No. 606, 4778; A.B. 133, Amend. No. 621, 5298; A.B. 185, Amend. No. 677, 5302; A.B. 213, Amend. No. 699, 6580; A.B. 263, Amend. No. 602, 5303; A.B. 269, Amend. No. 695, 5310; A.B. 392, Amend. No. 603, 5314; A.B. 418, Amend. No. 698, 6166; A.B. 433, Amend. No. 604, 5316; A.B. 478, Amend. No. 605, 5319; A.B. 478, Amend. No. 736, 5322; A.B. 502, Amend. No. 914, 6591.
Do not concur in Senate amendment(s) to A.B. 301, Amend. No. 696, 5312.
Do not recede from action on S.B. 15, 6607.
Remarks from the floor re A.B. 121, 3621; A.B. 136, 1195; A.B. 211, 2783; A.B. 223, 3627; A.B. 244, 1200; A.B. 433, 2788; A.B. 457, 3640; A.B. 547, 1650.

CORTEZ MASTO, CATHERINE, U.S. SENATOR—
Escort appointed for, 290.
Message, 291.
Vote of thanks extended to, 293.

CREDENTIALS, TEMPORARY COMMITTEE ON—
Members, appointment, 2.
Report, 2.

D

D'SILVA, REUBEN, Assemblymember from Clark (Part) County, No. 28 District—
Absences, excused, 167.
Committee Appointments—
Special—
Inform Governor Assembly Organized, 8.
Standing—
Education (Vice Chair), 8.
Government Affairs, 8.
Revenue, 9.
Remarks from the floor re A.B. 28, 400; A.B. 43, 3615; A.B. 82, 1193; A.B. 236, 990; A.B. 269, 3629; A.B. 281, 2784; A.B. 427, 1205; A.J.R. 11, 695.

DALIA, JOE, Assemblymember from Clark (Part) County, No. 29 District—
Absences, excused, 131.
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 688.
Standing—
Education, 8.
Health and Human Services, 8.
Judiciary, 8.
Conflict of Interest re, S.B. 63, 7176.
Remarks from the floor re A.B. 30, 801; A.B. 45, 801; A.B. 239, 3628; A.B. 346, 1207; A.B. 484, 993; A.B. 488, 3643; A.J.R. 8, 807; A.J.R. 13, 999; S.B. 63, 7176.

DELONG, RICH, Assemblymember from Washoe (Part) County, No. 26 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Education, 8.
Government Affairs, 8.
Natural Resources, 8.
Remarks from the floor re A.B. 40, 3615; A.B. 57, 802; A.B. 114, 3621; A.B. 277, 3629.

DICKMAN, JILL, Assemblymember from Washoe (Part) County, No. 31 District—
Absences, excused, 167, 3649, 3650.
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 1209.
Standing—
Growth and Infrastructure, 8.
Legislative Operations and Elections, 8.
Ways and Means, 9.

DICKMAN, JILL—*Continued*
Committee Appointments—*Continued*
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 46, 988; A.B. 529, 3646; S.B. 451, 3856.

E

EDGEWORTH, REBECCA, Assemblymember from Clark (Part) County, No. 35 District—
Absences, excused, 167, 3649.
Committee Appointments—
Select Committee on the End-of-Life Care, 222.
Standing—
Government Affairs, 8.
Health and Human Services, 8.
Legislative Operations and Elections, 8.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 161, 1649; A.B. 315, 3631; A.B. 380, 3634; S.B. 96, 803; S.B. 378, 6952.

EDUCATION, COMMITTEE ON—
Members, appointment, 8.

EMERGENCY MEASURE—
All rules suspended to declare, A.B. 398, 4427; S.B. 1, 9; S.B. 63, 6959; S.B. 281, 7173; S.B. 393, 6959; S.B. 427, 6865; S.B. 457, 6959; S.B. 460, 6959.
Through April 22, 2025—
All Assembly Bills and Resolutions, dispense with reprinting, 1209.
Through June 1, 2025—
All Assembly Bills and Resolutions, dispense with reprinting, 6184.
Through May 23, 2025—
All Bills and Resolutions, dispense with reprinting, 4148.

END-OF-LIFE CARE, SELECT COMMITTEE ON—
Members, appointment, 222.

EXEMPTION—
Notice of Eligibility, 153, 168, 174, 182, 196, 201, 205, 212, 222, 232, 239, 245, 252, 260, 265, 272, 289, 298, 311, 333, 339, 350, 357, 362, 366, 371, 410, 705, 999, 1220, 1654, 3751, 4357, 4427.
Notice of Exemption, 132, 182, 196, 200, 211, 222, 232, 239, 245, 252, 298, 311, 333, 362, 3714, 3751, 3846, 4149.

F

FLANAGAN, TANYA, Assemblymember from Clark (Part) County, No. 7 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Education, 8.
Government Affairs, 8.
Revenue, 9.
Remarks from the floor re A.B. 1, 797; A.B. 48, 3616; A.B. 125, 1194; A.B. 430, 1206.

G

GALLANT, DANIELLE, Assemblymember from Clark (Part) County, No. 23 District—
Absences, excused, 167, 272, 290, 3649, 3650.
Committee Appointments—
Select Committee on the End-of-Life Care, 222.
Standing—
Government Affairs, 8.
Growth and Infrastructure, 8.
Revenue, 9.
Remarks from the floor re A.B. 110, 2791; A.B. 377, 3634; A.C.R. 1, 26; celebrating son, Maddox's, birthday, 6863; S.B. 451, 3856.

GONZÁLEZ, CECELIA, Assemblymember from Clark (Part) County, No. 16 District—
Absences, excused, 167, 6426.
Committee Appointments—
Escort—
Secretary of State Francisco V. Aguilar, 4.
Select Committee on the End-of-Life Care, 222.
Standing—
Health and Human Services, 8.
Judiciary, 8.
Legislative Operations and Elections (Vice Chair), 8.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 36, 401; A.B. 89, 3619; A.B. 140, 1196; A.B. 177, 3613; A.B. 217, 1199; A.B. 237, 990; A.B. 266, 1201; A.B. 367, 2786; A.B. 420, 3637; A.B. 499, 3614; A.J.R. 9, 998; celebrating daughter, Itsara's, birthday, 263.

GOULDING, HEATHER, Assemblymember from Washoe (Part) County, No. 27 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Government Affairs, 8.
Health and Human Services, 8.
Revenue, 9.
Remarks from the floor re A.B. 41, 1192; A.B. 168, 1197; A.B. 205, 3626; A.B. 250, 3628; A.B. 301, 1203; A.B. 360, 3634; A.B. 518, 995.

GOVERNMENT AFFAIRS, COMMITTEE ON—
Members, appointment, 8.

GOVERNOR—
Informed Assembly organized, 8.
Informed Assembly ready to adjourn *sine die*, 7611.
State of the State message, 50.

GRAY, KEN, Assemblyman from Douglas, Lyon (Part) County, No. 39 District—
Absences, excused, 167, 688, 3649, 3650.
Committee Appointments—
Standing—
Health and Human Services, 8.
Judiciary, 8.
Revenue, 9.
Remarks from the floor re 50th anniversary of the end of the Vietnam War, 3674; A.B. 8, 797; A.B. 333, 3632; A.B. 520, 3645; S.B. 102, 4334.

GROWTH AND INFRASTRUCTURE, COMMITTEE ON—
Members, appointment, 8.

GURR, BERT, Assemblymember from Elko (Part), Eureka (Part), Lincoln (Part), Nye (Part), White Pine Counties, No. 33 District—
Absences, excused, 167.
Committee Appointments—
Special—
Invite Senate to meet in Joint Session, 3649.
Standing—
Government Affairs, 8.
Growth and Infrastructure, 8.
Natural Resources, 8.
Remarks from the floor re A.B. 26, 800; A.B. 59, 802; A.B. 81, 1192; A.B. 133, 3622; A.B. 449, 3639.

H

HAFEN, GREGORY T., II, Assemblymember from Clark (Part), Lincoln (Part), Nye (Part) Counties, No. 36 District—
Committee Appointments—
Escort—
Amodei, Mark, U.S. Representative, 688.
Standing—
Health and Human Services, 8.
Revenue, 9.
Ways and Means, 9.
Conflict of Interest, A.B. 46, 988; A.B. 325, 991; A.B. 449, 3639.
Remarks from the floor re 83rd Legislative Session, 5; Wall of Distinction for Tyrone Thompson, 3688; A.B. 46, 988; A.B. 81, 1192; A.B. 148, 1196; A.B. 270, 3629; A.B. 325, 991; A.B. 398, 4468; A.B. 449, 3639.

HANSEN, ALEXIS, Assemblymember from Elko (Part), Eureka (Part), Humboldt, Lander, Pershing, Washoe (Part) Counties, No. 32 District—
Absences, excused, 167, 189, 195, 3649, 3650, 3666, 4473.
Committee Appointments—
Conference re A.B. 301, 6802.
Escort—
Chief Justice Douglas W. Herndon, 2.
Standing—
Education, 8.
Judiciary, 8.
Natural Resources, 8.
Moves—
Vote of thanks to U.S. Representative Mark Amodei, 690.
Remarks from the floor re A.B. 17, 799; A.B. 167, 3623; A.B. 205, 3626; A.B. 321, 3647; A.B. 383, 3635; A.B. 420, 3637; recognition of Navy veteran, Mercedes Starr, 242; S.B. 217, 7398; S.B. 263, 6553.

HARDY, MELISSA, Assemblymember from Clark (Part) County, No. 22 District—
Absences, excused, 167, 3711.
Committee Appointments—
Conference re S.B. 352, 6607.
Special—
Inform Senate Assembly Organized, 8.
Invite Senate to meet in Joint Session, 290.

HARDY, MELISSA—*Continued*
Committee Appointments—*Continued*
Standing—
Commerce and Labor, 8.
Education, 8.
Judiciary, 8.
Remarks from the floor re A.B. 21, 399; A.B. 309, 3631; A.B. 381, 3856.

HEALTH AND HUMAN SERVICES, COMMITTEE ON—
Members, appointment, 8.

HERNDON, DOUGLAS W., CHIEF JUSTICE—
Escort appointed for, 2, 341.
State of the Judiciary Message, 341.
Vote of thanks extended to, 3, 347.

HIBBETTS, BRIAN, Assemblymember from Clark (Part) County, No. 13 District—
Committee Appointments—
Special—
Inform Governor Assembly Organized, 8.
Standing—
Health and Human Services, 8.
Legislative Operations and Elections, 8.
Ways and Means, 9.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 73, 3618; A.B. 111, 3620; A.B. 418, 3637; A.B. 519, 3644.

HORSFORD, STEVEN, U.S. REPRESENTATIVE—
Escort appointed for, 189.
Message, 190.
Vote of thanks extended to, 192.

HUNT, LINDA, Assemblymember from Clark (Part) County, No. 17 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Education, 8.
Government Affairs, 8.
Health and Human Services, 8.
Remarks from the floor re A.B. 10, 798; A.B. 39, 401; A.B. 231, 3627; A.B. 342, 991; A.B. 350, 3633; A.B. 361, 1203; A.B. 417, 3636.

I

INITIATIVE PETITION—
Initiative Petition No. 1—
Introduced, 221.
Received, 56.

J

JACKSON, JOVAN, Assemblymember from Clark (Part) County, No. 6 District—
Absences, excused, 167.
Committee Appointments—

JACKSON, JOVAN—*Continued*
Committee Appointments—*Continued*
Standing—
Government Affairs, 8.
Health and Human Services, 8.
Natural Resources, 8.
Remarks from the floor re A.B. 50, 3616; A.B. 291, 2785; A.B. 321, 3646; A.B. 406, 3636.

JAUREGUI, SANDRA, Assemblymember from Clark (Part) County, No. 41 District—
Committee Appointments—
Escort—
Speaker of the Assembly, 4.
Standing—
Commerce and Labor (Vice Chair), 8.
Legislative Operations and Elections, 8.
Ways and Means, 9.
Temporary—
Credentials, 2.
Moves—
Assembly adjourn *sine die*, 7612.
Concur in Senate amendment(s) to A.B. 188, Amend. No. 980, 7185; A.B. 204, Amend. No. 951, 7191; A.B. 251, Amend. No. 981, 7194; A.B. 282, Amend. No. 982, 7205; A.B. 282, Amend. No. 678, 7217; A.B. 284, Amend. No. 984, 7219; A.B. 320, Amend. No. 953, 7221; A.B. 352, Amend. No. 924, 7238; A.B. 397, Amend. No. 996, 7254; A.B. 460, Amend. No. 952, 7264; A.B. 494, Amend. No. 936, 7273; A.B. 515, Amend. No. 985, 7277; A.B. 570, Amend. No. 931, 7280; A.B. 598, Amend. No. 950, 7286; A.B. 376, Amend. No. 930, 7420; A.B. 381, Amend. No. 963, 7445; A.B. 462, Amend. No. 962, 7467; A.B. 499, Amend. No. 1000, 7519; A.B. 550, Amend. No. 921, 7524; A.B. 594, Amend. No. 977, 7532; A.B. 596, Amend. No. 1001, 7546; A.B. 540, Amend. No. 990, 7597.
Dispense with reprinting, S.B. 494, 6610; S.B. 502, 6859.
Do not concur in Senate amendment(s) to A.B. 386, Amend. No. 968, 7449; A.B. 571, Amend. No. 988, 7284.
Press representatives, accreditation, 58, 153, 157, 168, 187, 196, 205, 222, 298, 357, 371, 410, 3609, 3666, 3674, 3846, 3861, 5753, 6184.
Rescind action on A.B. 15, 132; A.B. 54, 128; A.B. 87, 128; A.B. 107, 128; A.B. 111, 128; A.B. 119, 129; A.B. 171, 129; A.B. 173, 132; A.B. 174, 132; A.B. 175, 129; A.B. 188, 132; A.B. 197, 129; A.B. 211, 132; A.B. 212, 133; A.B. 346, 230.
Special Order of Business re Vetoed Assembly Bill No. 74 of the 82nd Session, 57; Vetoed Assembly Bill No. 160 of the 82nd Session, 57; Vetoed Assembly Bill No. 172 of the 82nd Session, 57; Vetoed Assembly Bill No. 201 of the 82nd Session, 57; Vetoed Assembly Bill No. 218 of the 82nd Session, 57; Vetoed Assembly Bill No. 224 of the 82nd Session, 57; Vetoed Assembly Bill No. 242 of the 82nd Session, 57; Vetoed Assembly Bill No. 243 of the 82nd Session, 57; Vetoed Assembly Bill No. 246 of the 82nd Session, 57; Vetoed Assembly Bill No. 258 of the 82nd Session, 57; Vetoed Assembly Bill No. 281 of the 82nd Session, 57; Vetoed Assembly Bill No. 305 of the 82nd Session, 57; Vetoed Assembly Bill No. 319 of the 82nd Session, 57; Vetoed Assembly Bill No. 322 of the 82nd Session, 57; Vetoed Assembly Bill No. 334 of the 82nd Session, 58; Vetoed Assembly Bill No. 340 of the 82nd Session, 58; Vetoed

JAUREGUI, SANDRA—*Continued*
Moves—*Continued*
Special Order of Business re—*Continued*
Assembly Bill No. 371 of the 82nd Session, 58; Vetoed Assembly Bill No. 383 of the 82nd Session, 58; Vetoed Assembly Bill No. 437 of the 82nd Session, 58; Vetoed Assembly Bill No. 439 of the 82nd Session, 58; Vetoed Assembly Bill No. 498 of the 82nd Session, 58; Vetoed Assembly Bill No. 527 of the 82nd Session, 58.
Suspend rules—
Balance of Session—Bills and resolutions from committee placed on appropriate reading file, 3915.
Declare an emergency measure, A.B. 171, 157; A.B. 398, 4427; S.B. 1, 9; S.B. 63, 6959; S.B. 281, 7173; S.B. 393, 6959; S.B. 427, 6865; S.B. 457, 6959; S.B. 460, 6959.
Through April 22, 2025—
All Assembly Bills and Resolutions, dispense with reprinting, 1209.
Through May 23, 2025—
All Bills and Resolutions, dispense with reprinting, 4148.
Through June 1, 2025—
All Assembly Bills and Resolutions, dispense with reprinting, 6184.
Transmit immediately to the Senate, A.B. 171, 164.
Withdraw from committee, A.B. 45, 153; A.B. 67, 154; A.B. 69, Amend. No. 105, 811; A.B. 176, Amend. No. 185, 811; A.B. 188, 694; A.B. 314, 266; A.B. 409, 5854; A.B. 416, 4149; A.B. 473, 3647; A.B. 258, 3857; A.B. 501, Amend. No. 295, 1220; A.B. 568, 6424; A.J.R. 8, 333; A.J.R. 9, 332; A.J.R. 10, 332; A.J.R. 12, 332; A.J.R. 13, 299; S.B. 83, 4358; S.B. 417, 6959; S.B. 460, 6632.
Nominates—
Steve Yeager to be Speaker, 3.
Remarks from the floor re Senator McGinness memorial, 155; A.B. 29, 400; A.B. 42, 401; A.B. 97, 686; A.B. 194, 2783; A.B. 241, 1199; A.B. 245, 3628; A.B. 280, 3630; A.B. 398, 4468; A.B. 411, 2787; A.B. 477, 993; A.B. 478, 3642; A.B. 501, 2791; A.C.R. 1, 26; A.C.R. 2, 27; A.C.R. 4, 6958; A.J.R. 10, 999; A.R. 1, 48; A.R. 2, 49; A.R. 3, 49; A.R. 6, 7310; S.B. 1, 9; S.B. 502, 6862; 83rd Legislative Session, 4; 83rd Session Speaker Appointment, 3.

JOINT SESSION—
Addressed by—
Amodei, Mark, U.S. Representative, 688.
Cortez Masto, Catherine, U.S. Senator, 290.
Herndon, Douglas W., Nevada Supreme Court Chief Justice, 341.
Horsford, Steven, U.S. Representative, 190.
Rosen, Jacky, U.S. Senator, 1209.
Titus, Dina, U.S. Representative, 3650.
Dissolve, motion to, 192, 293, 347, 690, 1215, 3653.

JUDICIARY, COMMITTEE ON—
Members, appointment, 8.

K

KARRIS, VENISE, Assemblymember from Clark (Part) County, No. 10 District—
Committee Appointments—

KARRIS, VENISE—*Continued*
Committee Appointments— *Continued*
Standing—
Government Affairs, 8.
Growth and Infrastructure, 8.
Natural Resources, 8.
Remarks from the floor re A.B. 96, 989; A.B. 303, 2785; A.B. 354, 992; A.B. 426, 2787.

KASAMA, HEIDI, Assemblymember from Clark (Part) County, No. 2 District—
Absences, excused, 62, 131, 153, 157, 167, 221, 232, 239, 252, 260, 265, 1209.
Committee Appointments—
Standing—
Commerce and Labor, 8.
Government Affairs, 8.
Natural Resources, 8.
Remarks from the floor re A.B. 14, 798; A.B. 334, 3632; A.B. 466, 3642; S.B. 378, 6952.

KOENIG, GREGORY, Assemblymember from Churchill, Esmeralda, Lyon (Part), Mineral, Nye (Part) Counties, No. 38 District—
Absences, excused, 167.
Committee Appointments—
Escort—
Secretary of State Francisco V. Aguilar, 4.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7611.
Standing—
Education, 8.
Health and Human Services, 8.
Ways and Means, 9.
Remarks from the floor re A.B. 183, 3623; A.B. 189, 3624; A.B. 193, 1649; A.B. 448, 3639; Senator McGinness memorial, 155.

L

LA RUE HATCH, SELENA, Assemblymember from Washoe (Part) County, No. 25 District—
Absences, excused, 167.
Committee Appointments—
Conference re A.B. 301, 6802.
Special—
Invite Senate to meet in Joint Session, 1209.
Standing—
Education, 8.
Judiciary, 8.
Natural Resources (Vice Chair), 8.
Remarks from the floor re A.B. 3, 3614; A.B. 81, 1192, 1193; A.B. 88, 3619; A.B. 90, 989; A.B. 155, 1197; A.B. 256, 1200; A.B. 596, 6354; welcoming students from Billinghurst Middle School, 242.

LEGISLATIVE OPERATIONS AND ELECTIONS, COMMITTEE ON—
Members, appointment, 8.

LOMBARDO, JOE—*See Governor.*

M

MAJORITY FLOOR LEADER —*See Jauregui, Sandra.*

MAJORITY FLOOR LEADER, ASSISTANT—*See Mosca, Erica.*

MAJORITY WHIP—*See Watts, Howard.*

MAJORITY WHIP, ASSISTANT—*See Anderson, Natha C.*

MARZOLA, ELAINE, Assemblymember from Clark (Part) County, No. 21 District—
Absences, excused, 167, 369.
Committee Appointments—
Conference re S.B. 352, 6607.
Standing—
Commerce and Labor (Chair), 8.
Judiciary (Vice Chair), 8.
Natural Resources, 8.
Moves—
Concur in Senate amendment(s) to A.B. 12, Amend. No. 591, 5622; A.B. 44, Amend. No. 667, 4588; A.B. 112, Amend. No. 583, 5624; A.B. 121, Amend. No. 740, 5630; A.B. 198, Amend. No. 581, 4593; A.B. 207, Amend. No. 666, 5633; A.B. 211, Amend. No. 694, 4611; A.B. 215, Amend. No. 582, 4613; A.B. 241, Amend. No. 687, 4617; A.B. 241, Amend. No. 688, 4622; A.B. 250, Amend. No. 592, 4625; A.B. 250, Amend. No. 734, 4628; A.B. 270, Amend. No. 590, 5638; A.B. 319, Amend. No. 682, 5702; A.B. 396, Amend. No. 697, 5718; A.B. 434, Amend. No. 665, 5720; A.B. 448, Amend. No. 680, 5740; A.B. 450, Amend. No. 584, 4629; A.B. 511, Amend. No. 589, 5750.
Do not recede from action on S.B. 352, 6606.
Vote of thanks to Secretary of State Francisco V. Aguilar, 4.
Vote of thanks to U.S. Senator Catherine Cortez Masto, 293.
Remarks from the floor re A.B. 142, 2782; A.B. 174, 1197; A.B. 248, 3613; A.B. 258, 1201; A.B. 299, 2785; A.B. 305, 1203; A.B. 450, 1206; A.B. 487, 2788; S.B. 451, 3856.

MILLER, BRITTNEY, Assemblymember from Clark (Part) County, No. 5 District—
Absences, excused, 2, 167.
Committee Appointments—
Escort—
Chief Justice Douglas W. Herndon, 341.
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7611.
Standing—
Commerce and Labor, 8.
Judiciary (Chair), 8.
Legislative Operations and Elections, 8.
Temporary—
Credentials, 2.
Moves—
Concur in Senate amendment(s) to A.B. 3, Amend. No. 668, 4539; A.B. 15, Amend. No. 690, 5448; A.B. 58, Amend. No. 902, 6605; A.B. 88, Amend. No. 669, 5449; A.B. 137, Amend. No. 625, 4540; A.B. 167, Amend. No. 670, 5452; A.B. 209, Amend. No. 626, 4542; A.B. 227, Amend. No. 671, 5560; A.B. 283, Amend. No. 609, 5585; A.B. 351, Amend. No. 672, 4545; A.B. 369, Amend. No. 607, 5588; A.B. 387, Amend. No. 577, 4584; A.B. 451, Amend. No. 608, 5590; A.B. 488, Amend. No. 739, 5594; A.J.R. 8, Amend. No. 643, 5602.
Remarks from the floor re A.B. 44, 3616; A.B. 65, 3617; A.B. 153, 2782; A.B. 227, 3627;

MILLER, BRITTNEY—*Continued*
Remarks from the floor re—*Continued*
A.B. 278, 1202; A.B. 391, 1204; A.B. 464, 3641; A.B. 465, 3641; A.B. 497, 3643; A.J.R. 6, 998; commemorating the 60th anniversary of historic marches, 242; S.B. 303, 4343.

MINORITY FLOOR LEADER NORTH, ASSISTANT—*See Koenig, Gregory.*

MINORITY FLOOR LEADER SOUTH, ASSISTANT—*See Hardy, Melissa R.*

MINORITY FLOOR LEADER—*See Hafen, Gregory T., II.*

MINORITY WHIP—*See Yurek, Toby.*

MONROE-MORENO, DANIELE, Assemblymember from Clark (Part) County, No. 1 District—
Absences, excused, 131, 167, 245, 1218.
Committee Appointments—
Escort—
Speaker of the Assembly, 4.
U.S. Representative Steven Horsford, 189.
Standing—
Commerce and Labor, 8.
Legislative Operations and Elections, 8.
Ways and Means (Chair), 9.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 213, 2784; A.B. 215, 1198; A.B. 249, 990; A.B. 306, 1208; A.B. 347, 992; A.B. 348, 686; A.B. 355, 992; A.B. 441, 3638; A.B. 445, 2788; A.B. 496, 2790; A.B. 506, 993; A.B. 507, 994; A.R. 7, 7311; S.B. 352, 3701; S.B. 500, 4469; S.B. 501, 4469; S.B. 502, 6862; S.C.R. 1, 175; Wall of Distinction for Tyrone Thompson, 3687.
Speaker pro Tempore of the Assembly—
Declared to be, 7.
Nominated, 7.

MOORE, CINTHIA ZERMEÑO, Assemblymember from Clark (Part) County, No. 11 District—
Absences, excused, 167.
Committee Appointments—
Select Committee on the End-of-Life Care, 222.
Standing—
Growth and Infrastructure, 8.
Judiciary, 8.
Legislative Operations and Elections, 8.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 25, 800; A.B. 63, 2782; A.B. 98, 803; A.B. 262, 991; A.B. 490, 2789; A.B. 491, 2789; celebrating son, Liam's, birthday, 6863.

MOSCA, ERICA, Assemblymember from Clark (Part) County, No. 14 District—
Absences, excused, 167, 3704.
Committee Appointments—
Escort—
U.S. Representative Dina Titus, 3650.
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7611.
Standing—
Education, 8.

MOSCA, ERICA—*Continued*
Committee Appointments— *Continued*
Standing— *Continued*
Legislative Operations and Elections (Chair), 8.
Ways and Means, 9.
Temporary—
Credentials, 2.
Moves—
Adopt report of Temporary Committee on Elections, Procedures, and Ethics, 2.
Concur in Senate amendment(s) to A.B. 73, Amend. No. 632, 4781; A.B. 79, Amend. No. 681, 5184; A.B. 79, Amend. No. 776, 5203; A.B. 148, Amend. No. 683, 5210; A.B. 148, Amend. No. 747, 5218; A.B. 249, Amend. No. 807, 5222; A.B. 262, Amend. No. 743, 4787; A.B. 491, Amend. No. 639, 5269; A.B. 496, Amend. No. 641, 5287; A.B. 497, Amend. No. 642, 5279.
Joint Session, dissolve, 192.
Remarks from the floor re A.B. 55, 1650; A.B. 83, 1193; A.B. 156, 3622; A.B. 263, 1201; A.B. 493, 2790; A.J.R. 14, 811; A.R. 4, 410; S.B. 102, 4334.

N

NADEEM, HANADI, Assemblymember from Clark (Part) County, No. 34 District—
Absences, excused, 3711.
Committee Appointments—
Standing—
Health and Human Services, 8.
Judiciary, 8.
Legislative Operations and Elections, 8.
Temporary—
Credentials, 2.
Remarks from the floor re A.B. 15, 798; A.B. 79, 3619; A.B. 278, 1202; A.B. 480, 3614; A.B. 454, 3640; Bleeding Disorders Awareness Month, 340.

NATURAL RESOURCES, COMMITTEE ON—
Members, appointment, 8.

NGUYEN, DUY, Assemblymember from Clark (Part) County, No. 8 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Government Affairs (Vice Chair), 8.
Growth and Infrastructure, 8.
Health and Human Services (Vice Chair), 8.
Revenue, 9.
Moves—
Joint Session, dissolve, 1215.
Remarks from the floor re A.B. 19, 799; A.B. 37, 3614; A.B. 69, 3617; A.B. 70, 3618; A.B. 112, 3620; A.B. 289, 1203; A.B. 343, 3632; Asian American Native Hawaiian and Pacific Islander Heritage Month, 3679; S.C.R. 4, 624.

O

O'NEILL, PHILIP "PK", Assemblymember from Carson City, Storey, Washoe (Part) Counties, No. 40 District

O'NEILL, PHILIP "PK"—*Continued*
Absences, excused, 167.
Committee Appointments—
Special—
Inform Governor Assembly ready to adjourn *sine die*, 7611.
Invite Senate to meet in Joint Session, 189.
Standing—
Commerce and Labor, 8.
Revenue, 9.
Ways and Means, 9.
Remarks from the floor re A.B. 103, 3619; A.B. 164, 3623; A.B. 250, 3628; A.B. 451, 3639; recognizing members of the community for outstanding contributions, 257.

OATH OF OFFICE—
Administered to Assemblymembers-elect, 2.

ORENTLICHER, DAVID, Assemblymember from Clark (Part) County, No. 20 District—
Absences, excused, 167.
Committee Appointments—
Select Committee on the End-of-Life Care (Chair), 222.
Standing—
Education, 8.
Health and Human Services, 8.
Judiciary, 8.
Conflict of Interest, A.B. 476, 5966.
Remarks from the floor re A.B. 150, 1196; A.B. 209, 3627; A.B. 282, 3630; A.B. 302, 3631; A.B. 319, 3631; A.B. 346, 1207; A.B. 365, 686; A.B. 461, 3641; A.B. 476, 5966; A.B. 489, 2789.

P

PRESENTATION OF COLORS—
The Nevada National Guard Joint Color Guard Team, 1.

PRESS REPRESENTATIVES—
Accreditation, 58, 153, 157, 168, 187, 196, 205, 222, 298, 357, 371, 410, 3609, 3666, 3674, 3846, 3861, 5753, 6184.

R

RECEDE, MOTION NOT TO—
From action on S.B. 15, 6607; S.B. 352, 6606.

RESCIND, MOTION TO—
Action on A.B. 15, 132; A.B. 54, 128; A.B. 87, 128; A.B. 107, 128; A.B. 111, 128; A.B. 119, 129; A.B. 171, 129; A.B. 173, 132; A.B. 174, 132; A.B. 175, 129; A.B. 188, 132; A.B. 197, 129; A.B. 211, 132; A.B. 212, 133; A.B. 346, 230.

RESOLUTIONS—
Additional reimbursement for travel—
A.C.R. 2, 26.
Joint Standing Rules—
A.C.R. 1, 10.

RESOLUTIONS—*Continued*
Standing Rules—
A.R. 1, 27.

REVENUE, COMMITTEE ON—
Members, appointment, 9.

ROSEN, JACKY, U.S. SENATOR—
Escort appointed for, 1209.
Message, 1209.
Vote of thanks extended to, 1215.

ROTH, ERICA, Assemblymember from Washoe (Part) County, No. 24 District—
Absences, excused, 167.
Committee Appointments—
Standing—
Commerce and Labor, 8.
Judiciary, 8.
Revenue, 9.
Remarks from the floor re A.B. 56, 3617; A.B. 119, 1194; A.B. 201, 3625; A.B. 235, 1199; A.B. 329, 2786; A.B. 513, 3644.

RULES—
Joint Standing Rules—
A.C.R. 1, 10.
Adoption, A.C.R. 1, 26.
Standing—
A.R. 1, 27.
Adoption, A.R. 1, 48.

S

SECRETARY OF STATE—
Appoints Committees—
Escort—
Chief Justice, 2.
Speaker of the Assembly, 4.
Temporary—
Credentials, 2.
Vote of thanks extended to, 4.

SELECT COMMITTEES—*See Committees, Select.*

SENATE—
Informed Assembly organized, 8.
Informed Assembly ready to adjourn *sine die*, 7611.
Informs Assembly Senate organized, 8.
Informs Assembly Senate ready to adjourn *sine die*, 7611.
Invited to meet in Joint Session, 189, 290, 341, 688, 1209, 3649.

SPEAKER OF ASSEMBLY—*See Yeager, Steve, 7637.*

SPEAKER PRO TEMPORE OF ASSEMBLY—*See Monroe-Moreno, Daniele, 7629.*

SPECIAL ORDER OF BUSINESS—
Vetoed Assembly Bill No. 74 of the 82nd Session, 57.
Vetoed Assembly Bill No. 160 of the 82nd Session, 57.
Vetoed Assembly Bill No. 172 of the 82nd Session, 57.

SPECIAL ORDER OF BUSINESS—*Continued*
Vetoed Assembly Bill No. 201 of the 82nd Session, 57.
Vetoed Assembly Bill No. 218 of the 82nd Session, 57.
Vetoed Assembly Bill No. 224 of the 82nd Session, 57.
Vetoed Assembly Bill No. 242 of the 82nd Session, 57.
Vetoed Assembly Bill No. 243 of the 82nd Session, 57.
Vetoed Assembly Bill No. 246 of the 82nd Session, 57.
Vetoed Assembly Bill No. 258 of the 82nd Session, 57.
Vetoed Assembly Bill No. 281 of the 82nd Session, 57.
Vetoed Assembly Bill No. 305 of the 82nd Session, 57.
Vetoed Assembly Bill No. 319 of the 82nd Session, 57.
Vetoed Assembly Bill No. 322 of the 82nd Session, 57.
Vetoed Assembly Bill No. 334 of the 82nd Session, 58.
Vetoed Assembly Bill No. 340 of the 82nd Session, 58.
Vetoed Assembly Bill No. 371 of the 82nd Session, 58.
Vetoed Assembly Bill No. 383 of the 82nd Session, 58.
Vetoed Assembly Bill No. 437 of the 82nd Session, 58.
Vetoed Assembly Bill No. 439 of the 82nd Session, 58.
Vetoed Assembly Bill No. 498 of the 82nd Session, 58.
Vetoed Assembly Bill No. 527 of the 82nd Session, 58.

STANDING COMMITTEES—*See Committees, Standing.*

STANDING RULES—*See Rules.*

SUPREME COURT, NEVADA—
Chief Justice Douglas W. Herndon—
Administers Oath of Office to Assemblymembers-elect, 2.
Escort appointed for, 2, 341.
Message, 341.
Vote of thanks extended to, 3, 347.

T

TITUS, DINA, U.S. REPRESENTATIVE—
Escort appointed for, 3650.
Message, 3650.
Vote of thanks extended to, 3653.

TORRES-FOSSETT, SELENA, Assemblymember from Clark (Part) County, No. 3 District—
Absences, excused, 167, 1218, 1652, 3682, 3704.
Committee Appointments—
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7611.
Invite Senate to meet in Joint Session, 189.
Standing—
Commerce and Labor, 8.
Education (Chair), 8.
Ways and Means, 9.
Moves—
Concur in Senate amendment(s) to A.B. 39, Amend. No. 772, 5328; A.B. 184, Amend. No. 615, 6158; A.B. 217, Amend. No. 767, 5330; A.B. 383, Amend. No. 663, 5332; A.B. 394, Amend. No. 558, 4789; A.B. 406, Amend. No. 664, 6164; A.B. 420, Amend. No. 616, 4791; A.B. 454, Amend. No. 614, 4801.
Do not concur in Senate amendment(s) to A.B. 289, Amend. No. 556, 5329.

TORRES-FOSSETT, SELENA—*continued*
Nominates—
Bonnie Borda Hoffecker to be Chief Clerk of the Assembly, 7.
Remarks from the floor re A.B. 116, 3621; A.B. 128, 1195; A.B. 137, 1195; A.B. 176, 3612; A.B. 325, 991; A.B. 495, 3643.

V

VETOED BILLS OF THE 82ND SESSION—
A.B. 74—
Governor's message, 133.
Motion—
no further consideration, 134.
Returned, 57.
A.B. 160—
Governor's message, 134.
Motion—
no further consideration, 135.
Returned, 57.
A.B. 172—
Governor's message, 135.
Motion—
no further consideration, 136.
Returned, 57.
A.B. 201—
Governor's message, 136.
Motion—
no further consideration, 137.
Returned, 57.
A.B. 218—
Governor's message, 137.
Motion—
place on the Chief Clerk's Desk, 137.
Returned, 57.
A.B. 224—
Governor's message, 138.
Motion—
no further consideration, 139.
Returned, 57.
A.B. 242—
Governor's message, 139.
Motion—
no further consideration, 139.
Returned, 57.
A.B. 243—
Governor's message, 139.
Motion—
no further consideration, 140.
Returned, 57.
A.B. 246—
Governor's message, 140.
Motion—
no further consideration, 141.
Returned, 57.

VETOED BILLS OF THE 82ND SESSION—*Continued*
A.B. 258—
Governor's message, 141.
Motion—
no further consideration, 141.
Returned, 57.
A.B. 281—
Governor's message, 142.
Motion—
no further consideration, 142.
Returned, 57.
A.B. 305—
Governor's message, 142.
Motion—
no further consideration, 143.
Returned, 57.
A.B. 319—
Governor's message, 143.
Motion—
place on the Chief Clerk's Desk, 144.
Returned, 57.
A.B. 322; —
Governor's message, 144.
Motion—
no further consideration, 145.
Returned, 57.
A.B. 334—
Governor's message, 145.
Motion—
no further consideration, 146.
Returned, 57.
A.B. 340—
Governor's message, 146.
Motion—
place on the Chief Clerk's Desk, 147.
Returned, 57.
A.B. 371—
Governor's message, 147.
Motion—
no further consideration, 148.
Returned, 57.
A.B. 383—
Governor's message, 148.
Motion—
place on the Chief Clerk's Desk, 149.
Returned, 57.
A.B. 437—
Governor's message, 149.
Motion—
no further consideration, 149.
Returned, 57.
A.B. 439—
Governor's message, 149.
Motion—
no further consideration, 150.

VETOED BILLS OF THE 82ND SESSION—*Continued*
A.B. 439—*Continued*
Returned, 57.
A.B. 498—
Governor's message, 150.
Motion—
no further consideration, 151.
Returned, 57.
A.B. 527—
Governor's message, 151.
Motion—
no further consideration, 151.
Returned, 57.

VETOED BILLS OF THE 83RD SESSION—
A.B. 82—
Governor's message, 7598.
A.B. 83—
Governor's message, 7599.
A.B. 98—
Governor's message, 7599.
A.B. 140—
Governor's message, 7600.
A.B. 144—
Governor's message, 7601.
A.B. 155—
Governor's message, 7601.
A.B. 201—
Governor's message, 7602.
A.B. 205—
Governor's message, 7603.
A.B. 223—
Governor's message, 7604.
A.B. 237—
Governor's message, 7605.
A.B. 244—
Governor's message, 7605.
A.B. 245—
Governor's message, 7606.
A.B. 278—
Governor's message, 7607.
A.B. 280—
Governor's message, 7607.
A.B. 306—
Governor's message, 4470.
Motion—
placed on Chief Clerk's Desk, 4470.
A.B. 342—
Governor's message, 7608.
A.B. 445—
Governor's message, 7609.
A.B. 480—
Governor's message, 7609.
A.B. 490—
Governor's message, 7610.

W

WAIVER—
Notice of Waiver, A.B. 64, 3690; A.B. 381, 690; A.B. 416, 4149; A.B. 499, 3714; S.B. 63, 311; S.B. 128, 4427; S.B. 157, 4357; S.B. 161, 201; S.B. 179, 4357; S.B. 417, 6959; BDR No. 15-1038, 312; BDR No. 22-359, 201; BDR No. 23-994, 333; BDR No. 25-1036, 312, 333; BDR No. 32-1070, 312; BDR No. 34-16, 265; BDR No. 34-1035, 312; BDR No. 40-1037, 313; BDR No. S-681, 273.

WATTS, HOWARD, Assemblymember from Clark (Part) County, No. 15 District—
Absences, excused, 167.
Committee Appointments—
Conference re S.B. 15, 6607.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 7611.
Invite Senate to meet in Joint Session, 290.
Standing—
Growth and Infrastructure (Chair), 8.
Natural Resources, 8.
Ways and Means, 9.
Moves—
Concur in Senate amendment(s) to A.B. 439, Amend. No. 599, 5113; A.B. 452, Amend. No. 778, 5124; A.B. 458, Amend. No. 686, 5157; A.B. 486, Amend. No. 598, 4805; A.B. 527, Amend. No. 600, 5165.
Remarks from the floor re A.B. 171, 164; A.B. 429, 1206; A.B. 458, 3641; A.B. 523, 3645; A.B. 530, 1207; A.J.R. 7, 694.

WAYS AND MEANS, COMMITTEE ON—
Members, appointment, 9.

WITHDRAWALS—
From committee re A.B. 258, 3857; A.B. 409, 5854; A.B. 473, 3647; A.B. 568, 6424; A.J.R. 8, 333; A.J.R. 9, 332; A.J.R. 10, 332; A.J.R. 12, 332; A.J.R. 13, 299; S.B. 83, 4358; S.B. 460, 6632.

Y

YEAGER, STEVE, Assemblyman from Clark (Part) County, No. 9 District—
Absences, excused, 3711.
Appoints Committees—
Special—
Inform Governor Assembly Organized, 8.
Inform Senate Assembly Organized, 8.
Standing Committee Members, 8.
Committee Appointments—
Select Committee on the End-of-Life Care, 222.
Standing—
Commerce and Labor, 8.
Ways and Means, 9.
Speaker of the Assembly—
Declared to be, 4.
Nominated to be, 3.
Remarks from the floor re S.C.R. 1, 176; 83rd Legislative Session, 5; Wall of Distinction for Tyrone Thompson, 3689.

YUREK, TOBY, Assemblyman from Clark (Part) County, No. 19 District—
Absences, excused, 167.
Committee Appointments—
Conference re S.B. 15, 6607.
Special—
Invite Senate to meet in Joint Session, 341.
Standing—
Commerce and Labor, 8.
Growth and Infrastructure, 8.
Judiciary, 8.
Remarks from the floor re A.B. 132, 3622; A.B. 510, 687; A.B. 511, 994; National Police Week and Police Officers Memorial Day, 3842.

ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

EIGHTY-THIRD SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2025

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) In the event an emergency occurs during a regular or special session of the Legislature which requires a meeting of the Assembly, call the members back to order before the hour to which the Assembly had adjourned.

(c) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(d) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(e) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(f) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpoenas issued by the Assembly.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or adoption of a resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

(l) Appoint committees during the interim between regular sessions of the Legislature for any proper purpose, including, without limitation, taking testimony, compelling the attendance of witnesses, punishing persons or entities for contempt and reporting findings to the next session of the Legislature.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

5. This Rule shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141; 2013, 3897; 2020, 32nd Special Session, 132]

Rule No. 2. Continuation of Leadership and Standing Rules of the Assembly During the Interim Between Regular Sessions.

1. Except as otherwise provided in subsections 2, 3 and 4, the tenure of the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Assemblymembers designated to be the Speaker, Speaker Pro Tempore, Majority Leader and Minority Leader for the next succeeding regular session shall perform any duty required of that officer by the Standing Rules of the Assembly and the Nevada Revised Statutes in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

3. The Assemblymember designated to be the Speaker and the Assemblymember designated to be the Minority Leader for the next succeeding regular session shall appoint the regular and alternate members to the Select Committee on Ethics as set forth in Assembly Standing Rule No. 23.

4. The Assemblymember designated to be the Speaker for the next succeeding regular session shall:

(a) Determine the start time of the Assembly's organizational session.

(b) Have the right to name any person to call the Assembly to order and preside over the Assembly's organizational session until a presiding officer is elected.

(c) Refer prefiled bills and resolutions to committee, subject to ratification by a majority vote of the members of the Assembly once the Assembly is organized and ready for business.

5. The Assembly Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Standing Rules of the Assembly are adopted as part of the organization of a newly-constituted Assembly at the commencement of a session, unless a conflict exists with a rule adopted by the Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2013, 3898; A 2014, 28th Special Session, 36; 2025, 3812]

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

5. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the final journal, history and committee minutes of the Assembly.

6. At the direction of the Speaker or Speaker Designate, the Chief Clerk shall attest and affix the seal of the Assembly to all writs, warrants, subpoenas and formal documents issued by the Assembly.

7. The Chief Clerk shall have custody of all bills, resolutions, petitions, papers and other documents, including, without limitation, matters referred to the committees of the Assembly.

[Statutes of Nevada 2009, 3142; A 2013, 3899; 2014, 28th Special Session, 37; 2019, 4536]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11:30 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857; A 2013, 3899]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Convening of the Assembly between Legislative Sessions.

1. The Assembly may be convened at any time between sessions of the Legislature upon a petition signed by a majority of the members elected to the Assembly to consider and take action on any matter that is solely and exclusively within the constitutional or inherent powers of the Assembly, including, without limitation, any matter that may be considered and acted on by the Assembly pursuant to its plenary and exclusive constitutional powers under Article 4, Section 6 of the Nevada Constitution or pursuant to its inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management.

2. A petition convening the Assembly pursuant to this Rule must specify the matter that will be considered or acted on by the Assembly, indicate a date for the Assembly to convene and be transmitted to the Chief Clerk of the Assembly. Upon receipt of one or more substantially similar petitions signed, in the aggregate, by a majority of the members elected to the Assembly, the Chief Clerk shall notify all members of the Assembly that the Assembly will be convened pursuant to this Rule and the date on which the Assembly will be convened.

3. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 & 560-564 (2010) (*Mason's Manual*))

(b) Article 4, Section 6 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and

regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* § 533 (1856) (*Cushing's Legislative Assemblies*))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

[Statutes of Nevada 2017, 4522]

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no

discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The members of the Committee shall perform any duty required in the period between the time of their appointment after the general election and the organization of the next succeeding regular session, or until the Speaker or the Speaker Designate or the Minority Leader or Minority Leader Designate appoint new members to the Committee, whichever occurs first.

6. The tenure of the members of the Committee shall extend during the interim between regular sessions of the Legislature.

7. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest, including, without limitation, alleged breaches of the Legislative Code of Ethical Standards in the Joint Standing Rules.

8. All proceedings held by the Committee to consider the character, alleged misconduct, professional competence or physical or mental health of any person on matters of ethics or conflicts of interest and all materials related to those proceedings are confidential, unless the person who is the subject of the proceedings requests a public hearing or discloses the content of the proceedings or materials.

9. An individual may file a complaint which alleges a breach of ethics or a conflict of interest, including, without limitation, an alleged breach of the Legislative Code of Ethical Standards in the Joint Standing Rules. If the alleged breach of ethics or conflict of interest involves the conduct of more than one person, separate complaints must be filed regarding each person. A complaint must be:

(a) Made in writing on a form provided by the Legislative Counsel;

(b) Signed and verified under penalty of perjury by the individual making the allegation; and

(c) Filed with the Legislative Counsel who shall review the complaint and any other relevant information and consult with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair, to evaluate whether the Committee has jurisdiction and whether an

investigation is warranted in the matter. If it is determined that the Committee:

(1) Does not have jurisdiction or that an investigation is not warranted in the matter, the Legislative Counsel shall send written notice of the determination to the individual who filed the complaint.

(2) Has jurisdiction and an investigation is warranted in the matter, the Legislative Counsel shall send written notice of the determination and a copy of the complaint to the person who is the subject of the complaint.

10. Each Legislator is subject, at all times, to the Legislative Code of Ethical Standards in the Joint Standing Rules and, in addition, must determine whether he or she has a conflict of interest upon any matter in question before the Legislator. In determining whether the Legislator has such a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

11. Except as otherwise provided in subsection 12, if a Legislator knows he or she has a conflict of interest pursuant to subsection 10, the Legislator shall make a general disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

12. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the

Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

13. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 10, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

14. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

15. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

16. The standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 10:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters,

➥ except that this subsection does not exempt any members of the Assembly from the Legislative Code of Ethical Standards in the Joint Standing Rules.

17. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794; 2013, 3900; 2014, 28th Special Session, 38; 2019, 4538]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any proposal, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796; 2021, 3965]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all proposals that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797; A 2021, 3965]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly for the regular session, and for Legislative Operations and Elections for both the regular session pursuant to this Rule and for a special session pursuant to Assembly Standing Rule No. 142, are as follows:

1. Ways and Means.
2. Judiciary.
3. Revenue.
4. Education.
5. Legislative Operations and Elections.
6. Natural Resources.
7. Growth and Infrastructure.
8. Commerce and Labor.
9. Health and Human Services.
10. Government Affairs.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797; 2013, 3904, 3925, 3957; 2014, 28th Special Session, 42; 2015, 3960; 2017, 4527; 2019, 4542; 2021, 3966]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. Except as otherwise provided in Assembly Standing Rule No. 45, all committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website. Each committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798; 2014, 28th Special Session, 42; 2015, 3960]

Rule No. 41.5. Appointment of Alternates.

If the chair or any member of a committee is temporarily unable to perform his or her duties, the Speaker shall appoint an alternate of the same political party to serve in the chair's or the member's place for such time as is determined by the Speaker.

[Statutes of Nevada 2013, 3925]

Rule No. 42. Subcommittees.

1. Subcommittees may be appointed by the chair to consider and report back on specific subjects or bills. If a member of a subcommittee is not a member of the standing committee for which the subcommittee is created, the approval of the Speaker is required for that member's appointment.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798; 2023, 3697]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798; 2013, 3905]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

5. Insofar as they are applicable and not in conflict with this Rule, a Committee will observe the committee rules set forth in Section V(A) of the Assembly Standing Rules and such other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's Internet website.

6. A quorum of the Committee is the same as a quorum of the House, and in case a quorum is not present or other defect is observed, the Committee can take no other action than to rise.

7. It is permissible to limit debate to a certain length of time, to close at a time certain, to limit the length of speeches, or to otherwise limit debate.

8. When a fixed duration is established for a Committee, the time may be extended with consent of a majority of the members.

9. A motion for the previous question is not in order.

10. A Committee cannot:

(a) Entertain any question of priority.

(b) Entertain any matter of privilege.

(c) Lay a proposal on the desk.

(d) Postpone consideration of any proposal.

(e) Reconsider a vote on a proposal no longer in possession of the Committee.

(f) Appoint a subcommittee.

(g) Punish members for disorderly conduct, but must report any misconduct to the body for its action.

11. Seconds to motions are required.

12. The minutes of the meetings of the Committee must be entered in the Assembly's final journal.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798; A 2014, 28th Special Session, 43; 2020, 32nd Special Session, 141; 2021, 3967; 2025, 3820]

Rule No. 46. Procedure for Election Contests.

1. If the Secretary of State delivers a statement of contest of the general election for the legislative office of any member pursuant to NRS 293.427, the Speaker shall appoint a committee to review the contest and designate the chair and vice chair of the committee. The committee must consist of three members who are not parties to the contest.

2. The parties to the contest must be designated as the contestant and the defendant, and the parties may be represented in the contest by attorneys who are licensed to practice law in this State.

3. The chair may take, direct or require any reasonable actions to facilitate or carry out the contest, including, without limitation, issuing and enforcing any orders or other directives to the parties and any attorneys representing the parties.

4. The committee shall not review the merits of the contest unless the committee first determines that the contestant complied with all requirements

to bring and maintain the contest. To assist the committee in making its determination, the chair shall take, direct or require any reasonable actions to provide the parties with notice and an opportunity to submit written arguments to the committee limited to the issue of whether the contestant complied with all requirements to bring and maintain the contest.

5. If the committee determines that the contestant complied with all requirements to bring and maintain the contest, the committee shall review the merits of the contest pursuant to this Rule. If the committee determines that the contestant did not comply with all requirements to bring and maintain the contest, the committee shall report to the Assembly its recommendation that the Assembly should not take further action on the contest and that the Assembly should dismiss the contest with prejudice. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment. If the Assembly accepts the committee's recommendation, the Speaker shall declare that the Assembly shall not take further action on the contest and that the Assembly dismisses the contest with prejudice. If the Assembly rejects the committee's recommendation, the Speaker shall declare that the Assembly returns the contest to the committee with directions to review the merits of the contest pursuant to this Rule.

6. If the committee reviews the merits of the contest pursuant to this Rule, the committee may conduct any reasonable hearings or other proceedings to receive any evidence and arguments from the parties regarding the merits of the contest. The committee shall keep written minutes of any hearings that are conducted.

7. To the extent possible, the merits of the contest must be presented and submitted to the committee upon depositions and any written or oral arguments as the chair may order. If, at any hearings or other proceedings, any oral statements are made that purport to establish matters of fact, the statements must be made under oath. Strict rules of evidence do not apply in any hearings or other proceedings, but the chair may admit or exclude any evidence based on the rules of evidence.

8. A party may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State, but the chair may establish reasonable limitations and deadlines regarding any depositions. Before taking a deposition, a party must provide at least 5 days' notice to the prospective deponent and the other party.

9. To prevail on the merits of the contest, the contestant has the burden of proving that, based on one or more of the grounds set forth in NRS 293.410, there were sufficient irregularities in the election of such a

substantial nature as to establish that the result of the election was changed thereby.

10. If the committee reviews the merits of the contest pursuant to this Rule, the committee shall report to the Assembly its findings and its recommendation on which party should be declared elected, unless the committee declines to make such a recommendation in its report. As soon as practicable after receiving the committee's report, the Assembly shall vote on whether to accept or reject the committee's recommendation without amendment, if such a recommendation is made. If the Assembly accepts the committee's recommendation, the Speaker shall declare the recommended party elected. If the Assembly rejects the committee's recommendation or if the committee did not make such a recommendation, the Assembly shall vote on which party should be declared elected, and the Speaker shall declare the party elected after the vote.

11. If the contestant is declared elected and seated as a member of the Assembly as a result of the contest, the Speaker shall inform the Governor of the Assembly's actions.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799; 2013, 3905; 2021, 3968]

B. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all proposals before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Prepare and distribute a work session document that contains a list of all measures on which the committee is ready to consider final action;

(f) Call recesses of the committee as deemed necessary;

(g) Request amendments to resolve conflicts;

(h) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(i) Sign and submit bill draft requests on behalf of the committee;

(j) Appoint subcommittees, as necessary;

(k) Provide direction to committee support staff;

(l) Prepare and submit committee reports;

(m) Review and approve minutes of the committee;

(n) Handle unfinished business for measures heard in the committee; and

(o) Inform the Speaker of committee activity.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800; A 2013, 3906; 2019, 4545; 2021, 3969]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet jointly whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

3. When a joint meeting is chaired by a Senator, the practices of the Senate that are inconsistent with those of the Assembly do not create a precedent for the same practice in the Assembly.

[Statutes of Nevada 2011, 3801; A 2013, 3907]

Rule No. 51. Committee Records.

1. The chair of each committee shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording. Minutes of joint meetings prepared by non-Assembly staff are not official records of the Assembly. Except as otherwise provided

in this subsection, the official record of the committee is the minutes of the committee meeting approved by the chair pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47. If the chair does not approve the minutes pursuant to paragraph (m) of subsection 3 of Assembly Standing Rule No. 47 within 60 days after the minutes are submitted to the chair for review, such minutes shall be deemed to be the official record of the committee without requiring the approval or signature of the chair.

4. The Speaker and the Chief Clerk are authorized to make any necessary corrections and additions to the minutes of committee meetings.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801; 2013, 3908; 2014, 28th Special Session, 46; 2019, 4547; 2025, 3824]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

Rule No. 52.5. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the Legislative Building and be posted on the Nevada Legislature's Internet website.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held behind the bar on the floor of the Assembly during a recess;

(b) Conference committee meetings; or

(c) Meetings of the Committee of the Whole.

[Statutes of Nevada 2013, 3908; A 2014, 28th Special Session, 47]

C. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. At the direction of the chair, lobbyists, the press and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802; A 2013, 3909]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. In addressing the committee, a person must state for the record whether he or she supports, opposes or is neutral to the bill or resolution before the committee. For purposes of legislative intent:

(a) "Support" of a bill or resolution shall be construed as:

(1) Approval of the measure as written; or

(2) Approval of the measure as written along with proposed amendments that have been approved by the sponsor of the measure.

(b) "Opposition" to a bill or resolution shall be construed as:

(1) Not supporting the measure as written; or

(2) Supporting the measure as revised by an amendment that has not been approved by the sponsor of the measure.

(c) A "neutral" position on a bill or resolution is one in which the person offers particular insight on the measure but expresses no position on the measure.

3. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

4. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

5. Questions from the committee will be restricted to relevant subject areas.

6. When the chair deems necessary, witnesses will be sworn in pursuant to NRS 218E.040 before providing testimony.

7. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802; A 2013, 3909; 2025, 3825]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. In addition to the use of remote-technology systems pursuant to the Remote-Technology Rule in Assembly Standing Rule No. 126, at the discretion of the chair and with the approval of the Speaker, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference or other appropriate remote-technology systems.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn not later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, a meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in order to conduct a meeting outside Carson City.

7. The designated meeting room or rooms of a committee meeting conducted with all members participating via the use of remote-technology systems pursuant to the direction of the Speaker, must remain locked during the committee meeting and only the committee staff designated by the Chief Clerk, if any, may be present in a committee room during the meeting.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802; 2020, 32nd Special Session, 146; 2021, 3973; 2023, 3704]

D. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Absent approval by the Speaker or unanimous consent to waive the waiting period, a committee may not take final action on a bill or resolution until at least 24 hours after the close of the hearing on the bill or resolution.

5. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all proposals that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

6. A majority vote of the entire committee is required to reconsider action on a bill or resolution.

7. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

8. Absent the consent of the chair and the approval of the Speaker, the chair must be present when the committee votes to take any final action regarding bills or resolutions.

9. No member of the committee may vote by proxy under any circumstances.

10. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair or other person approved by the Speaker has informed the Speaker of the intention of the committee to consider such a proposal.

11. Every committee vote on a matter pertaining to a bill, resolution or initiative petition must be recorded. The vote may be taken by roll call at the discretion of the chair.

12. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

13. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

14. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

15. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803; A 2013, 3910; 2015, 3967; 2017, 4534; 2020, 32nd Special Session, 147; 2021, 3974]

E. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

F. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic

communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a proposal is postponed indefinitely, the same proposal must not be considered again during the session. The question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841; 2021, 3976]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Reserved.

Rule No. 68. Reserved.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Proposal.

1. No member shall speak more than twice during the consideration of any one proposal, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution, initiative petition or amendment. If the member desires to speak on the importance of such issue, bill, resolution, initiative petition or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806; 2020, 32nd Special Session, 149; 2021, 3976]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members and sustained by a majority vote of the members present. The previous question shall not be moved by the member last speaking on the proposal.

[Statutes of Nevada 1973, 1890; A 2019, 4552; 2021, 3976]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Reserved.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

1. Except as otherwise provided in subsection 2, no person, except former Assemblymembers not currently serving in the Senate, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

2. A former Senator or former Assemblymember who is expelled from service in the Senate or the Assembly shall have the privilege of the floor only with permission of the Speaker.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549; 2013, 3914; 2014, 28th Special Session, 52; 2017, 4537; 2025, 3830]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for, or occupied by, signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or resolution upon its introduction.

[Statutes of Nevada 1973, 1891; A 2020, 32nd Special Session, 151]

Rule No. 99. Remarks.

The remarks of all members on final passage of bills and initiative petitions and on adoption of resolutions shall be included in the day's

journal. In addition, it shall be in order for members to make remarks under other orders of business and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807; 2013, 3914; 2020, 32nd Special Session, 151]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.
2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
3. Custom, usage and precedence.
4. The Statutes of the State of Nevada.
5. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152; 2013, 3915; 2014, 28th Special Session, 53]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill shall be rejected. The same proposal must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808; 2020, 32nd Special Session, 152; 2021, 3979]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

4. It shall not be in order to consider an amendment that removes all sponsors of a bill or resolution.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809; 2013, 3916]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File or General File, as appropriate. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305; 2020, 32nd Special Session, 153]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and initiative petitions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or initiative petition during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill or initiative petition must limit his or her remarks to an explanation of the bill or initiative petition. If the member desires to speak on the importance of the bill or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810; 2020, 32nd Special Session, 153]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

1. A motion to reconsider a final vote on a bill, resolution or initiative petition shall be in order only on the day on which the final vote is taken, and the vote on such a motion to reconsider must be taken on the same day. The motion to reconsider can be made only by a member who voted with the prevailing side.

2. A motion to reconsider a vote on an amendment to a pending proposal must be made at once and can be made only by a member who voted with the prevailing side.

3. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill, resolution or initiative petition. If the motion to reconsider is for any other action, the motion has precedence over every other motion,

except a motion to adjourn or to fix the time to adjourn; and when the Assembly adjourns while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810; 2013, 3917; 2020, 32nd Special Session, 154; 2021, 3980]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message or statement is received, or if made a special order, when the special order is called, the summary of the bill so disapproved must be read by the Chief Clerk. No such bill, message or statement may be referred to any committee, or otherwise acted upon save as provided by law and custom. The complete text of the bill and the message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810; 2015, 3974; 2025, 3834]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Joint Resolutions.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A roll call vote must be taken on final adoption of a joint resolution.

3. Joint resolutions, upon enrollment, must be delivered to the Secretary of State.

4. Joint resolutions proposing amendments to the Nevada Constitution or ratifying a proposed amendment to the United States Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612; 2020, 32nd Special Session, 155]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 3 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811; 2019, 4557]

E. REMOTE-TECHNOLOGY SYSTEMS

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Authorized Use of Remote-Technology Systems in Exceptional Circumstances.

1. As used in this Rule, "remote-technology system" means any system or other means of communication that is:

(a) Approved by the Speaker and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole even though the member is not physically present within the Assembly Chambers or at a meeting of the Committee of the Whole.

(b) Approved by the chair of a committee, other than the Committee of the Whole, and uses any electronic, digital or other similar technology to enable a member of the Assembly from a remote location to attend, participate, vote and take any other action in any proceedings of the committee even though the member is not physically present at a meeting of the committee.

2. Upon request by a member of the Assembly:

(a) The Speaker may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the Assembly or the Committee of the Whole if the Speaker determines that exceptional circumstances warrant such use by the member. If the Speaker grants such authorization, it must be entered in the Journal of the Assembly.

(b) The chair of a committee, other than the Committee of the Whole, with the approval of the Speaker, may authorize the member to use a remote-technology system to attend, participate, vote and take any other action in any proceedings of the committee if the chair and the Speaker determine that exceptional circumstances warrant such use by the member. If the chair grants such authorization, it must be entered in the records of the committee.

3. If a member of the Assembly uses a remote-technology system to attend, participate, vote and take any other action in any proceedings pursuant to this Rule, the member shall be deemed to be present and in attendance at the proceedings for all purposes.

4. For the purposes of voting in proceedings of:

(a) The Assembly or the Committee of the Whole, the Chief Clerk of the Assembly or an authorized assistant shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the Assembly, cause the member's vote to

be entered into the record for the purposes of the Journal of the Assembly or the records of the Committee of the Whole, as applicable.

(b) A committee, other than the Committee of the Whole, the committee secretary shall call the roll of each member who is authorized to use a remote-technology system for the proceedings and, in accordance with the procedures of the committee, cause the member's vote to be entered into the record for the purposes of the records of the committee.

5. Except as otherwise provided in subsection 7 of Assembly Standing Rule No. 55, this Rule supersedes, takes precedence and controls over any other rule, provision or principle of law to the extent of any conflict with this Rule.

6. The Assembly hereby finds and declares that:

(a) The Nevada Constitution invests each House of the Legislature with certain plenary and exclusive constitutional powers which may be exercised only by that House and which cannot be usurped, infringed or impaired by the other House or by any other branch of Nevada's State Government. (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 & 560-564 (2010) (*Mason's Manual*))

(b) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to determine the rules of its proceedings and to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member."

(c) In addition to its plenary and exclusive constitutional powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* § 533 (1856) (*Cushing's Legislative Assemblies*))

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

(g) Under the Nevada Constitution, there are no constitutional provisions establishing a particular method for determining whether a member of either House is present at legislative proceedings.

(h) The United States Supreme Court has held that when there are no constitutional provisions establishing a particular method for determining whether a member of a legislative house is present at legislative proceedings, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." (*United States v. Ballin*, 144 U.S. 1, 6 (1892))

(i) The United States Supreme Court has also held that when a legislative house adopts a rule establishing a reasonable method for determining whether a member is present at legislative proceedings, that rule must be given great deference by the courts because:

> Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and, within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

(*United States v. Ballin*, 144 U.S. 1, 5 (1892))

7. The Assembly hereby exercises its constitutional and inherent powers and privileges and adopts this Rule to:

(a) Govern, control and regulate its membership and its internal organization, affairs and management;

(b) Ensure its institutional self-protection and self-preservation; and

(c) Establish a reasonable method for determining whether a member of the Assembly is present at legislative proceedings during exceptional circumstances.

[Statutes of Nevada 2023, 3713]

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897; A 2013, 3919; 2014, 28th Special Session, 57]

X. SPECIAL SESSIONS

Rule No. 142. Request for Drafting of Bills, Resolutions or Amendments.

1. Except as otherwise provided in subsections 2 and 3, the Legislative Counsel shall not honor a request for the drafting of a bill or resolution to be introduced in the Assembly during a special session, or an amendment to a bill or resolution, unless it is submitted by the Speaker, the Committee of the Whole, such other committees as the Speaker may appoint for a special session, or a conference committee.

2. The standing Committee on Legislative Operations and Elections may request the drafting of three Assembly resolutions and one Assembly concurrent resolution necessary to establish the rules, staffing, operation and organization of the Assembly and the Legislature for a special session.

3. The Speaker may request the drafting of five bills for a special session without seeking the approval of the Assembly.

[Statutes of Nevada 2014, 28th Special Session, 58]

The next rule is 150.

XI. ASSEMBLY EMERGENCY RULES

Rule No. 150. Reserved.

Rule No. 151. Reserved.

INDEX TO ASSEMBLY STANDING RULES

— A —

Subject	*Rule No.*
Adjournment	
Committee meetings	55
Election contests, adjournment before declaration of candidate elected prohibited	46
Motion to adjourn or to fix time for adjournment, precedence	102, 115
Reconsideration of vote, motion for, procedures	115
Temporary appointment to committees during	41
Advertising within Chamber or Halls	
Commercial advertising prohibited	96
Nonprofit, nonpartisan, civic or special legislative events, posting of notices	96
Amendments	
Committee amendments, procedure for adoption	110
Committee chair, requests to resolve conflicts	47
Concurrent referrals, procedure	43
Constitutional amendments	118
General File, placement	110
Hearings on proposed amendments, handouts	54
Motion to amend, adoption	110
Motion to reconsider vote, time for	115
Numbered amendments, procedure	110
Order of Business	120
Rejection twice by committee, effect	57
Remarks from members	110, 113
Reprinting of amended bills	110
Second reading	109, 110
Special sessions, drafting requests	142
Sponsors, removal of all sponsors	110
Third reading	110, 113
Whole, Committee of the, amendments proposed by	45
Appeals	
Points of order, procedure	1, 20, 62
Assembly Chamber *(See also Legislative Building)*	
Advertising prohibited	96
Cellular phones, use	21
Decorum	1
Lobbying prohibited	94
Majority may authorize Chamber cleared	94
Material placed on Legislators' desks	95
Nonprofit, nonpartisan, civic or special legislative events, posting of notices	96
Pagers, use	21
Peddling, begging, and soliciting prohibited	96
Privilege of the floor	94
Speaker, powers	1
Use of Chamber restricted	141

Subject *Rule No.*

Attachés
Appointment, recommendation by resolution 44
Chief Clerk, duties 3, 49
Committee *(See Committees—Staff)*

— B —

Begging within Chambers or Halls
Prohibition against 96
Bills
Action by committee 57
Amendment *(See Amendments)*
Chief Clerk, custody of bills 3
Committee chair, powers and duties 47
Committee managers, duties 50, 54
Concurrent referrals 43
Consent Calendar 111
Debate *(See Debate)*
Drafting requests
Conflicts of interest, effect of Standing Rule 23
Special sessions 142
Submission by committees 47
Enacting clause, motion to strike 66
Enrolled bills, signature of Speaker required 1
Final action on bills, requirements 57
First reading 109, 120
General file 110, 113
Introduction *(See Introduction of Legislative Measures)*
Notice of public hearings 52.5
Prefiled bills, referral to committee 2
Purpose, member may request 98
Reconsideration of action on bill *(See Reconsideration of Vote)*
Referral to committee 2, 3, 43, 109, 116
Rejection
Reading of bills 109
Striking out enacting clause constitutes 66
Twice rejected in committee, effect 57
Remarks of members on final passage 99, 113
Second reading *(See Second Reading of Bills)*
Skeleton bills 106
Testimony before committee, requirements 54
Third reading *(See Third Reading of Bills)*
Vetoed bills *(See Vetoed Bills)*
Voting *(See Voting)*
Business
Conduct of business, generally 91-120
Order of business 120
Special orders *(See Special Orders of the Day)*
Unfinished business 80, 120

Subject *Rule No.*

— C —

Call of the Assembly
Privileged question, precedence 102
Speaker's powers and duties 1
Call to Order
Committee meetings 62
Order of Business 120
Points of order, procedure 20
Speaker's powers and duties 1, 20
Candidates, Election *(See Election Contests)*
Cellular Telephones
Use in Assembly Chambers or committee rooms 21, 59
Chairs of Committees *(See Committees)*
Chamber *(See Assembly Chamber)*
Change of Rules
Majority vote of members elected required 91
Chief Clerk of the Assembly
Administrative policies, adoption 3
Committees
Actions, record to be filed with Chief Clerk 50
Duties regarding staff 3, 49
Matters referred to committees, custody 3
Policies, filing with Chief Clerk 41
Reports, receipt 51
Concurrent referrals, procedures 43
Consent Calendar, duties 111
Custody of bills, resolutions, petitions, papers and other documents 3
Daily history, authority 3
Duties, generally 3
Election 3
General file, duties 113
Histories, authority 3
Journal, powers and duties 3, 30
Minutes and exhibits, duties 3, 51, 52
Motions, reading 64
Posting of notices for nonprofit, nonpartisan, civic or special legislative events, approval 96
Seal of the Assembly, duties 3
Special orders, duties 113
Staff, duties 3, 49
Vetoed bills, duties 116
Voting, duties 30
Commerce and Labor, Committee on *(See also Committees)*
Standing committee 40
Committee of the Whole
Amendments proposed by, procedures 45
Chair, Speaker to preside as or name, duties 45
Debate, limitation authorized 45
Duration, extension of time 45
Minutes to be entered into Journal 45
Misconduct by members, duties 45
Motions, authority, requirements 45

Subject ***Rule No.***

COMMITTEE OF THE WHOLE—*Continued*
Notices unnecessary ... 52.5
Previous question out of order ... 45
Prohibited acts ... 45
Quorum, requirements ... 45
Remote-technology systems, use ... 126
Rules to be observed ... 45
Speaking on the question, limitations ... 45
Special session, drafting requests ... 142
Subcommittees, appointment prohibited ... 45
Vote, recording ... 45
Committees
Action by committee ... 57
Adjournment, committees meeting during, temporary appointment of members ... 41
Alternate members, appointment ... 41.5
Amendments, procedure for adoption ... 110
Appointment by Speaker ... 41
Assembly and Senate standing committees, joint meetings ... 50, 51
Bill draft requests
Special sessions ... 142
Submission ... 47
Bills and resolutions, referral to committees ... 2, 3, 43, 109, 116
Cellular phones and pagers, use in committee rooms ... 59
Chair
Absence of members, notice, duties ... 48
Alternates, appointment ... 41.5
Committee rooms, authority over ... 47, 53
Communications, duties ... 53
Designation ... 41
Final action taken by committee, determination ... 47
Hearings, powers and duties ... 47, 54, 55
Lobbyists, press and members of public, duties ... 53
Misconduct or indecorum, reports to House ... 53
Points of order, duties ... 62
Powers and duties, generally ... 47
Remote-technology systems, authorized use ... 126
Speaker to be informed of committee activity ... 47
Subcommittees, powers and duties ... 42, 55
Substitute to perform duties, designation, limitation ... 47
Voting, duties ... 56, 57
Chief Clerk, powers and duties *(See Chief Clerk of the Assembly)*
Closing debate, privilege ... 61, 82
Conference committees ... 52.5, 142
Consent Calendar, recommendations ... 111
Election contest, special committee to consider ... 46
Ethics *(See Ethics, Select Committee on)*
Exclusion of persons from committee rooms ... 47
Exhibits *(See Exhibits)*
Hearings *(See Hearings)*
Interim committees, appointment by Speaker ... 1
Introduction of legislative measures ... 57

Subject ***Rule No.***

COMMITTEES—*Continued*
Legislative operations and elections *(See Legislative Operations and Elections, Committee on)*
Managers 49, 50, 54
Meetings *(See Meetings)*
Members needed to transact business, exception 57
Minutes *(See Minutes)*
Motions, procedure 57
Notices, publication 52.5
Operations 50
Parliamentary authority, precedence 58, 100
Points of order, procedures 62
Prefiled bills and resolutions, referral to committee 2
Recess to be called by chair 47
Reconsideration of action on bill or resolution 57
Records
Chairs, duties 47, 51, 56
Chief Clerk, records to be filed with, duties 50
Contents, maintenance 51
Managers, duties 50
Remote-technology systems, use 126
Reports
Chairs, duties 47, 51
Manager, duties 49
Minority reports prohibited 57
Order of Business 120
Rooms, chair's authority over committee rooms 47, 53
Rules and policies 41, 42
Secretaries, duties 49
Skeleton bills, referral and consideration 106
Speaker, powers and duties *(See Speaker of the Assembly)*
Staff
Chairs, duties, communications 47, 53
Chief Clerk to prescribe duties 3, 49
Manager, duties 49, 50, 54
Secretaries, duties 49
Standing committees, list 40
Subcommittees
Appointment and duties 42, 47
Attendance by members mandatory 42
Meetings outside Carson City, approval 55
Subpoenas, issuance 57
Vice chair
Assumption of duties of chair 47
Designation 41
Voting (*See Voting)*
Whole, Committee of the *(See Committee of the Whole)*
Work session documents, preparation and distribution 47
Communications
Order of business 120
Concurrent Referrals
Procedure 43

Subject *Rule No.*

Concurrent Resolutions *(See generally Resolutions)*
Conduct of Business
Generally 91-126
Conference committees *(See also Committees)*
Notices unnecessary 52.5
Special sessions, drafting requests 23
Confidential and privileged information
Select Committee on Ethics, certain proceedings confidential 23
Conflicts of Interest
Abstaining by Legislator from participation in certain actions, considerations 23
Complaints alleging or requests for advice regarding conflicts of interest 23
Determination by Legislator of conflict of interest, criteria, presumption 23
Disclosures regarding, procedures, effect 23, 31, 57
Standards and procedures established by Standing Rule, effect 23
Consent Calendar
Chief Clerk, duties 111
Committee recommendations 111
Floor consideration 111
Order of Business 120
Read by bill number and summary 111
Recommendation for placement of bill, requirements 111
Removal of bill and transfer to second reading file 111
Voting, manner of 111
Constitution, Nevada
Amendment to be entered Journal in entirety 118
Parliamentary authority, precedence 100
Contempt
Speaker, authority to appoint interim committee to punish persons or entities for contempt 1
Contests of Election *(See Election Contests)*

— D —

Daily History
Consent Calendar, list of recommended bills 111
Speaker and Chief Clerk, authority 3
Decorum and Debate
Closing debate, privilege 61, 82
Committee meetings, ... 47, 53, 54, 59
Committee of the Whole, authority to limit debate 45
Motions *(See also Motions)*
Procedure 64
Petitions and other papers addressed to Assembly 97
Points of order *(See Points of Order)*
Portable electronic communication devices, use 21, 59
Powers of Speaker 1
Previous question *(See Previous Question, Motion for)*
Privileged questions 102
Speaking on the question 45, 80

Subject *Rule No.*

Division of the House
Voting, manner of ... 30, 33

— E —

E-Mail
Committee hearings, submission of handouts to committee manager ... 54
Education, Committee on *(See also Committees)*
Standing committee ... 40
Election Contests
Adjournment restricted ... 46
Committee, referral of contest to, recommendations ... 46
Declaration of person elected ... 46
Depositions or written oral arguments ... 46
Governor to be informed of identity of elected candidate ... 46
Hearings, procedures ... 46
Legislative Operations and Elections, Committee on, referral of contest to ... 46
Speaker, duties ... 46
Special committee, appointment, duties ... 46
Statement of contest, receipt from Secretary of State ... 46
Electronic Roll Call System
Use ... 30
Emergency Situations
Committee meetings, suspension of notice rules ... 52.5
Speaker, call of the Assembly ... 1
Enacting Clause
Motion to strike, precedence, effect if motion carried ... 66
Ethical Standards, Legislative Code of
Legislators subject to Code at all times ... 23
Select Committee on Ethics, duty to hear complaints regarding breach of standards ... 23
Ethics
Breach of ethics, requests for advice or complaints regarding ... 23
Conflicts of interest *(See Conflicts of Interest)*
Ethics, Select Committee on *(See also Committees)*
Chair and Vice Chair, appointment ... 23
Composition, appointment of members and alternates, tenure ... 2, 23
Confidentiality of proceedings, exceptions ... 23
Disqualification from service ... 23
Jurisdiction, determination ... 23
Powers and duties ... 23
Exhibits
Committee secretary, duties ... 49
Final disposition ... 52
Handouts, requirements ... 54

— F —

First Reading of Bills
Objection to bill or resolution, procedures ... 109
Order of Business ... 120
Purpose, for information ... 109

Subject *Rule No.*

FIRST READING OF BILLS—*Continued*
Referral to committee, requirements ... 109
Former Legislators
Privilege of the floor ... 94

— G —

General File
Amendments, placement on ... 110
Bills and joint resolutions, placement on ... 110, 113
Chief Clerk, duties ... 113
Order of Business ... 120
Speaking on the question ... 80
Government Affairs, Committee on *(See also Committees)*
Standing committee ... 40
Governor
Election contests, notice of identity of person declared elected ... 46
Vetoed bills ... 116
Growth and Infrastructure, Committee on *(See also Committees)*
Standing committee ... 40

— H —

Health and Human Services, Committee on *(See also Committees)*
Standing committee ... 40
Hearings *(See also Meetings)*
Committee chair, powers and duties ... 47, 53, 55
Communications ... 53
Election contests, procedure ... 46
Ethics, Select Committee on ... 23
Exclusion of persons from ... 47, 54
Handouts ... 54
Lobbyists, press and members of the public, restrictions ... 53
Notices ... 52.5
Procedures ... 55
Quorum unnecessary ... 55
Telephone or video conference, participation by authorized ... 55
Testimony before committee, requirements ... 54
Witnesses ... 54, 55, 140
History, Daily
Consent Calendar, list of recommended bills ... 111
Speaker and Chief Clerk, authority ... 3

— I —

Initiative Petitions
Final passage, remarks from the floor ... 113
Interim
Committees, appointment ... 1
Convening of Assembly between legislative sessions, requirements, authority of House ... 12
Ethics, Select Committee on, appointment of members, tenure ... 2, 23
Leadership of Assembly, tenure ... 2

Subject *Rule No.*

INTERIM—*Continued*
Standing rules to remain in full force and effect ... 2
Internet
Agendas, publication ... 50
Committee notices, publication ... 52.5
Committee rules, publication ... 41, 45
Introduction of Legislative Measures
Committee introductions ... 57
Order of Business ... 120
Purpose of bill or joint resolution, member may request ... 98
Skeleton bills ... 106

— J —

Joint Resolutions *(See Resolutions)*
Journal
Committee of the Whole, minutes to be entered into journal ... 45
Conflicts of interest, certain disclosures to be entered in ... 23
Constitutional amendments, joint resolutions to be entered in entirety ... 118
Reading and approval, Order of Business ... 120
Remarks entered in ... 99
Remote-technology systems, use ... 126
Speaker and Chief Clerk, authority ... 3
Vetoed bills, message or statement of Governor's objections entered in ... 116
Voting, names of those calling for yeas and nays entered in ... 30
Judiciary, Committee on *(See also Committees)*
Standing committee ... 40

— L —

Legislative Building
Advertising, prohibited acts ... 96
Assembly Chamber *(See Assembly Chamber)*
Committee meetings, authority to hold outside of Building ... 55
Committee rooms
Chair, authority ... 47
Portable electronic communication devices, restrictions ... 59
Nonprofit, nonpartisan, civic or special legislative events, posting of notices ... 96
Notices of public hearings, requirements ... 52.5
Peddling, begging and soliciting, prohibited acts ... 96
Legislative Counsel Bureau
Committee chair, communications with personnel ... 53
Director, determination of fee for recordings of committee meetings ... 51
Legislative Counsel, complaints alleging breach of ethics or conflict of interest, duties ... 23
Research Library, committee minutes and exhibitions filed with ... 52
Skeleton bills, opinion of Legislative Counsel regarding ... 106

Subject *Rule No.*

Legislative Operations and Elections, Committee on *(See also Committees)*
Certification of House members to vote 30
Election contests, referral to Committee 46
Personnel
Appointment, recommendation by resolution 44
Jurisdiction over matters relating to 44
Special sessions, bill drafting requests 142
Standing committees, list 40
Lobbying
Committee rooms, restrictions on lobbyists 53
Prohibited on Assembly floor 94

—M —

Majority Leader
Interim, continuation of leadership 2
Mason's Manual of Legislative Procedure
Precedence 100
Meetings *(See also Hearings)*
Adjournment
Meetings held during adjournment, temporary appointment of members 41
Time for adjournment of committee meetings 55
Agendas, preparation and distribution 47, 50, 52.5
Attendance by members 48
Cellular phones and pagers, use prohibited, exception 59
Committee chair, powers and duties 47
Committee secretaries and committee managers, duties 49
Conflicts of interest, disclosures 23
Ethics, Select Committee on 23
Exclusion of persons from 47, 54
Exhibits *(See Exhibits)*
Holding outside regularly scheduled days and times 55
Joint meetings 50, 51
Legislative Building, meetings held outside of 55
Minutes *(See Minutes)*
Open meetings required 11
Quorum
Abstentions, quorum following 23
Members needed to transact business, exception 57
Recordings of meetings, availability, fee 49, 51
Schedule by Assembly leadership 57
Staff, duties 49
Subcommittees 42, 54, 55
Time of meeting of Assembly 10
Messages
Order of Business 120
Receipt by Speaker 1
Vetoed bills 116
Minority Leader
Interim, continuation of leadership 2
Select Committee on Ethics, appointment of members and alternates 2, 23
Minutes
Chief Clerk, powers and duties 3, 51, 52

Subject ***Rule No.***

MINUTES—*Continued*
Committee of the Whole, minutes to be entered into journal ... 45
Committee secretaries, duties ... 49
Conflicts of interest, certain disclosures to be entered in ... 23
Election contests, minutes of hearing required ... 46
Final disposition of committee minutes ... 52
Official record of committee meeting, minutes deemed, exception ... 51
Review and approval by committee chair ... 47
Speaker, authority ... 3, 51
Motions
Adjournment *(See Adjournment)*
Amendments ... 110
Chief Clerk, reading of motions ... 64
Committee action, voice vote ... 57
Committee of the Whole, authority, requirements ... 45
Enacting clause, motion to strike ... 66
Entertaining ... 64
Indefinite postponement ... 65
Invalid motions ... 57
Order of Business ... 120
Previous question *(See Previous Question, Motion for)*
Privileged questions, precedence ... 102
Reconsideration of vote *(See Reconsideration of Vote)*
Refer, motion to *(See Refer, Motion to)*
Second reading of bills, designation of time for ... 110
Special orders, precedence of motions ... 102
Withdrawal of motion, time for ... 64

— N —

Natural Resources, Agriculture, and Mining, Committee on *(See also Committees)*
Standing committee ... 40
News Media
Accreditation, assignment of seating ... 1
Committee hearings, restrictions ... 53
Notices
Chairs, notice of absences of members ... 48
Committee notice of bills, topics and public hearings ... 52.5
Election contests, depositions ... 46
Order of Business ... 120

— O —

Open meetings
Ethics, Select Committee on, certain meetings confidential ... 23
Requirement ... 11
Order of Business
Generally ... 120
Speaking on question, requirements ... 80

Subject *Rule No.*

— P —

Pagers
Use in Assembly Chambers or committee rooms 21, 59
Parliamentary Authority
Precedence 58, 100
Peddling within Chambers or Halls
Prohibition against 96
Petitions
Chief Clerk, custody of petitions 3
Committee managers, duties 50
Convening of Assembly during legislative session, procedure, requirements 12
Presentation 97, 120
Plenary Powers
Legislative declaration 12
Points of Order
Committee meetings 62
Procedure 20
Speaker's powers and duties 1, 20
Postpone Indefinitely, Motion to
Reconsideration of motion prohibited 65
Previous Question, Motion for
Closing debate, effect of motion 61, 82
Committee of the Whole, motion not in order 45
Person last speaking on question, prohibition against motion 81
Three members to demand and motion sustained by majority of vote of members present 81
Privilege
Closing debate 61, 82
Of the floor 94
Privileged Questions
Precedence 102

— R —

Recess
Committee chair, powers 47
Reconsideration of Vote
Adjournment while motion pending, right to reconsider continued to next day of sitting 115
Committee action 57
Committee of the Whole, prohibited acts 45
Postpone indefinitely, reconsideration of motion prohibited 65
Precedence of motion 115
Procedure 115
Rejection of bill or joint resolution, reconsideration of motion prohibited 109
Refer, Motion to
First reading required before referral 109
Order of Business 120
Petitions and other papers addressed to Assembly 97
Skeleton bills 106
Vetoed bills, prohibitions 116

Subject *Rule No.*

Remarks From the Floor
Amendments 110, 113
Debate *(See Debate)*
Entered in Journal 99
Final passage of bill, resolution or initiative petition 113
Initiative petitions 113
Members, authority 99
Order of Business 99, 120
Speaking on the question 80
Remote-technology systems
Generally 126
Reprinting of amended bills
Requirements, dispensing with 110
Rescission of Rules
Majority vote required 91
Resolutions
Action by committee 57
Amendment *(See Amendments)*
Attachés and employees, appointment 44
Chief Clerk, custody of resolutions 3
Committee chair, powers and duties 47
Committee managers, duties 50, 54
Concurrent referrals, procedure 43
Debate *(See Debate)*
Definite action on resolutions, requirements 57
Enacting clause, motion to strike 66
Enrolled resolutions
Secretary of State
Delivery to 118
Legislature, requests for return of resolution 119
Signature of Speaker required 1
Final action on resolutions, requirements 57
Introduction *(See Introduction of Legislative Measures)*
Joint resolutions
Constitutional amendments 118
Delivery to Secretary of State 118
First reading 109, 120
General File, placement on 113
Procedure for enactment 118
Purpose, member may request 98
Rejection 109
Remarks of members on final passage 99, 113
Notice of public hearings 52.5
Order of Business 120
Prefiled resolutions, referral to committee 2
Reconsideration of vote *(See Reconsideration of Vote)*
Rejection
Joint resolutions 109
Striking out enacting clause constitutes 66
Twice rejected in committee, effect 57
Remarks of members on final passage 99
Return of enrolled resolution from Secretary of State, requests for 119
Special sessions, drafting requests 142
Testimony before committee, requirements 54

Subject *Rule No.*

RESOLUTIONS—*Continued*
Voting *(See Voting)*
Roll Call Vote *(See Voting)*

— S —

Seal of the Assembly
Chief Clerk, duties ... 3
Second Reading of Bills
Amendments, consideration ... 109, 110
Consent Calendar, bills transferred from ... 111
General File, placement of bills reported without amendments ... 110
Order of Business ... 120
Speaking on the question ... 80
Time for ... 110
Secretary of State
Election contests, receipt of statement from ... 46
Enrolled resolutions
Joint resolutions, receipt upon enrollment ... 118
Requests for return to Legislature ... 119
Senators
Privilege of the floor ... 94
Sergeant at Arms
Duties ... 94
Simple Resolutions *(See generally Resolutions)*
Skeleton Bills
Generally ... 106
Solicitation Within Chambers or Halls
Prohibition against ... 96
Speaker of the Assembly
Bills and resolutions, requirements for final action ... 57
Chambers, authority to clear of certain persons ... 94
Chief Clerk responsible to ... 3
Committees
Actions, reports from chair ... 47
Appointments ... 41
Chairs and Vice Chairs, duties ... 23, 41, 41.5
Ethics, Select Committee on, duties ... 2, 23
Interim committees, appointment ... 1
Meetings outside Legislative Building, approval ... 55
Minutes, authority ... 3, 51
Rules, determination ... 41,45
Subpoenas, notice of issuance ... 57
Whole, Committee of the, duties ... 45
Death or disability, succession to office ... 1
Drafting requests during special sessions, authority, duties ... 142
Election contests, duties ... 46
Emergencies, duties ... 1
Histories, authority ... 3
Interim, continuation of leadership ... 2
Journal, authority ... 3
Officers of the Assembly subordinate to ... 1
Petitions and other papers addressed to Assembly, presentation ... 97
Points of order, powers and duties ... 1, 20

Subject *Rule No.*

SPEAKER OF THE ASSEMBLY—*Continued*
Powers and duties generally 1
Privilege of the floor, duties 94
Resignation, succession to office 1
Substitute to perform duties, designation 1
Vacancy in office 1
Voting 1, 30
Speaker pro Tempore
Interim, continuation of leadership 2
Speaker, succession to office 1
Speaking on the Question
Limitations 45, 80
Special Orders of the Day
Notices of special orders, posting 113
Order of Business 120
Precedence of motion 102
Speaking on the question 80
Vetoed bills 116
Special Sessions
Drafting requests 142
Standing committees, list 40
Staff
Appointment, recommendation by resolution 44
Chief Clerk, duties 3, 49
Committee staff *(See Committees)*
Standing Committees *(See generally Committees)*
State Officers
Privilege of the floor 94
Strike Enacting Clause, Motion to
Precedence of motion, effect of motion if carried 66
Subcommittees *(See also Committees)*
Subpoenas
Chief Clerk, duties 3
Issuance by committee, procedure 57
Signature of Speaker 1
Suspension of Rules
Reprinting of amended bills 110
Temporary suspension by majority of members present 91

— T —

Taxation, Committee on *(See also Committees)*
Standing committee 40
Telephones
Cellular phones, use in Assembly Chambers or committee rooms 21, 59
Committee hearings, participation by 55
Third Reading of Bills
Amendments, consideration 110, 113
Order of Business 120
Remarks from the floor 113
Speaking on the question 80
Time of Meeting
House 10

Subject *Rule No.*

— U —

Unfinished Business
Committee chair, duties ... 47
Order of Business ... 120
Speaking on the question ... 80

— V —

Vetoed Bills
Chief Clerk, duties ... 116
Committee referral, bill and message not to be referred ... 116
Governor's message or statement of disapproval, reading, to be entered in Journal ... 116
Immediate consideration ... 116
Order of Business ... 120
Reading, procedure for ... 116
Speaking on the question ... 80
Special order, certain bills subject to ... 116
Voting on ... 116
Video Conferences
Committee hearings, participation by ... 55
Voting
Abstentions, quorum following ... 23, 57
Amendments, procedure ... 110
Announcement of vote, postponement prohibited ... 32, 57
Call for yeas and nays ... 30
Certification required to vote ... 30
Change of vote ... 32, 57
Chief Clerk, duties ... 30
Committee of the Whole ... 45
Committees
Chair, duties ... 56, 57
Election contests, procedures ... 46
Hearings, voting via telephone or video conference may be authorized ... 55
Manner of voting ... 56, 57
Members absent when final action taken marked absent for vote ... 48
Presumption regarding vote during floor session ... 57
Proxy, prohibition on voting by ... 57
Recording of votes ... 56, 57
Subpoenas, issuance ... 57
Concurrent referrals, procedure ... 43
Conflicts of interest, disclosures, abstentions, quorum following ... 23, 31, 57
Consent Calendar, procedures ... 111
Division, voting by ... 30, 33
Electronic roll call system, use ... 30
Manner of ... 30
Members qualified to vote ... 30
Prefiled bills and resolutions, referral to committee, procedures ... 2
Previous question, motion to be sustained by majority vote of members present ... 81
Reconsideration of vote *(See Reconsideration of Vote)*

Subject ***Rule No.***

VOTING—*Continued*
Reprinting of amended bills, dispensed with upon majority vote of members present 110
Requirement of voting, effect of breach of Standing Rule 31
Result of vote, postponement of announcement prohibited 32, 57
Roll call vote
Calling for yeas and nays 30
Committee action 57
Electronic roll call system 30
Manner of voting 30
Voting for another member prohibited, punishment 30, 56
Rules, rescission, change or suspension 91
Speaker 1, 30
Vetoed bills 116

— W —

Ways and Means, Committee on *(See also Committees)*
Standing committee 40
Whole, Committee of the *(See Committee of the Whole)*
Withdrawal of Motion
Time for 64
Witnesses
Committee hearings 54, 55
Compensation 140
Election contests 46

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House may appoint a committee to confer with a like committee to be appointed by the other; and, if appointed, the committee shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753; 2015, 4000; 2017, 4504]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127; 2025, 3869]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849; 2025, 3870]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956; 2021, 3938; 2023, 3669]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's Internet website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblymember to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756; 2025, 3871]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Standing Rules, which requires a majority vote of each House for adoption.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756; 2013, 3885]

Rule No. 8. Reserved.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313; 2013, 3886]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after midnight Pacific time at the end of the 120th consecutive calendar day of session, inclusive of the day on which the session commences. Any legislative action taken after midnight Pacific time at the end of the 120th consecutive calendar day of session is void, unless the legislative action is conducted during a special session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores the measure of time specified in subsection 1 for the purpose of extending the duration of the session.

4. Any action taken in violation of subsection 2 or 3 shall be deemed out of order.

5. As used in this Rule, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of the Nevada Constitution.

[Statutes of Nevada 2003, 3747; A 2011, 3757; 2013, 3887]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise less than half of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but less than half of the total number elected to that House.

➥ If the membership of a House is evenly divided by party, each party's membership for that House on the Commission must be three.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblymember of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131; 2025, 3873, 3937]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Research Library of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132; 2019, 4518]

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Reserved.

Rule No. 13.1. Reserved.

Rule No. 13.2. Reserved.

Rule No. 13.3. Reserved.

Rule No. 13.4. Reserved.

Rule No. 13.6. Reserved.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in subsection 3 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 15th calendar day of the legislative session, not more than 60 requests, in total, from each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 8th calendar day of the legislative session, allocate all, some or none of the 60 requests and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill or resolution that may be submitted by each member and standing committee of their respective Houses, and as Majority Leader or Speaker, as applicable, within the limit provided by this subsection. The lists may be revised any time before the 15th calendar day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

2. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

3. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

4. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

5. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

6. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

7. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761; 2013, 3888; 2015, 4006; 2017, 4511; 2025, 3875]

Rule No. 14.1. Secondary Deadline for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Senator or Assemblymember, a standing committee of the Assembly or Senate or the Majority Leader of the Senate or the Speaker of the Assembly on or before the 15th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the member, chair of the standing committee or his or her designee, and the Majority Leader and Speaker, as applicable, shall, by the 22nd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

3. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if

the request was claimed by another Legislator who is or will be serving during the legislative session.

4. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762; A 2013, 3890; 2015, 4007; 2017, 4512; 2025, 3875]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this paragraph may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (e),

➥ whichever is earlier.

(d) A request that was designated for prefiling pursuant to NRS 218D.150 must be introduced on or before the 15th calendar day of the legislative session.

(e) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) Except as otherwise provided in subparagraph (2), a Legislator is the 43rd calendar day of the legislative session.

(2) A Legislator, pursuant to subsection 1 of Joint Standing Rule No. 14, a standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444; 2017, 4512; 2019, 4521]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Senate Committee on Finance or the Assembly Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858; 2013, 3891]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than 10 requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than three requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy and all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764; 2015, 4009; 2017, 4514]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the

Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number or resolution number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill or resolution for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill or resolution must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill or resolution on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765; 2015, 4009; 2019, 4523; 2021, 3947]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Committee on Finance or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Committee on Finance or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed, a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766; 2013, 3893; 2015, 4010; 2019, 4524]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to

the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted, which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

Rule No. 15. Reserved.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767; 2013, 3894; 2019, 4525; 2021, 3949]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM LEGISLATIVE COMMITTEES

Rule No. 19. Approval for Meeting During Session and Date for Reporting.

1. A legislative committee that meets during the interim shall not schedule or otherwise hold a meeting during a regular session of the Legislature or during an adjournment pursuant to Joint Standing Rule No. 9 without the prior approval of the Majority Leader of the Senate and the Speaker of the Assembly.

2. Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, not later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909; 2017, 4517]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment.

The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. In addition to other prohibited conduct, a complaint may be brought pursuant to this Rule for engaging in conduct prohibited by Joint Standing Rule No. 37 when the prohibited conduct is based on or because of the gender or other protected category of the person.

5. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

6. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate;

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate; or

(d) The reporting system established pursuant to subsection 11.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

7. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed

necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

8. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both, will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

10. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule also apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

11. The Legislative Counsel Bureau shall establish a reporting system which allows a person to submit a complaint of a violation of this Rule with or without identifying himself or herself. Such a complaint must provide enough details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses to allow an appropriate inquiry to occur.

12. This policy does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768; 2015, 4012; 2017, 4598; 2019, 4526; 2021, 3950; 2023, 3681]

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Joint Standing Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Joint Standing Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Director of the Legislative Counsel Bureau; or

(b) The reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Joint Standing Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose. This policy does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 2017, 4600; A 2019, 4528, 4642; 2023, 3683]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require, if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

Rule No. 23. Reserved.

Rule No. 24. Reserved.

ACCREDITATION OF NEWS MEDIA

Rule No. 25. Procedures and Standards for Accreditation; Disqualifications; Definition of "Bona Fide News Medium."

1. If a person is accredited as a member of a bona fide news medium in accordance with the requirements in this Rule, the person may be granted the privilege of accessing any areas designated for members of a bona fide news medium on the floor or in the chambers of the Senate and Assembly, subject to the approval, regulation and supervision of the Majority Leader of the Senate and the Speaker of the Assembly.

2. If a person wants to be considered for accreditation as a member of a bona fide news medium, the person must complete and file an application for accreditation with the Director of the Legislative Counsel Bureau. The application must include:

(a) The person's full name, telephone number and electronic mail address and a copy of a driver's license or other photo identification deemed sufficient by the Director to identify the person.

(b) The name of each bona fide news medium that the person works for or represents and the business address, telephone number and electronic mail address of each such bona fide news medium.

(c) Documentary or other evidence deemed sufficient by the Director to establish that the person works for or represents a bona fide news medium. Such evidence may include a copy of an identification badge issued by a bona fide news medium or, in the absence of such an identification badge, any other evidence deemed sufficient by the Director to establish that the person works for or represents a bona fide news medium.

(d) Any other information or evidence that the Director determines is necessary to carry out the provisions of this Rule.

3. In addition to the requirements of subsection 2, the application must include:

(a) A declaration that the person is not registered as a lobbyist pursuant to chapter 218H of NRS and, to the best of the person's knowledge and belief at that time, does not intend to register as a lobbyist or engage in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS.

(b) An acknowledgment that, if the person is accredited as a member of a bona fide news medium and thereafter registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS,

regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter, the person shall be deemed to have forfeited the person's accreditation, and the person must return the person's identification badge as a member of a bona fide news medium to the Legislative Counsel Bureau.

4. When any applications are filed pursuant to this Rule, the Director shall, as soon as reasonably practicable:

(a) Review the applications for compliance with the requirements in this Rule and prepare lists naming the persons whose applications the Director has made a preliminary determination and recommendation that the applications comply with the requirements in this Rule;

(b) Submit such lists to the Secretary of the Senate and the Chief Clerk of the Assembly for review and approval by the Majority Leader of the Senate and the Speaker of the Assembly; and

(c) Prepare identification badges for the persons named in such lists.

5. The applications of the persons named in such lists and their accreditation as members of a bona fide news medium shall be deemed approved by the Majority Leader of the Senate and the Speaker of the Assembly if their names are read or entered into the Journals of the Senate and Assembly.

6. Any decisions to approve, deny, suspend or revoke the accreditation of a member of a bona fide news medium, or discipline such a member for violations of any rules or policies, is at the sole discretion of the Majority Leader of the Senate and the Speaker of the Assembly.

7. The Legislative Counsel Bureau shall act as the administrative liaison between any applicants or accredited members of a bona fide news medium and the Senate and Assembly for purposes of accepting and processing applications for accreditation, preparing and regulating identification badges and administering any other matters necessary to carry out the provisions of this Rule, but such actions by the Legislative Counsel Bureau do not affect the authority of the Senate and Assembly to govern their own chambers or otherwise determine privileges of the floor.

8. A person is disqualified and barred from being accredited as a member of a bona fide news medium if the person registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter. If a person is accredited as a member of a bona fide news medium and thereafter registers as a lobbyist or engages in any lobbying activities that would require the person to register as a lobbyist during any regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter, the person shall be deemed to have

forfeited the person's accreditation, and the person must return the person's identification badge as a member of a bona fide news medium to the Legislative Counsel Bureau.

9. As used in this Rule, "bona fide news medium" means a commercial or non-profit news outlet providing:

(a) Print journalism, such as newspapers or magazines;

(b) Broadcast journalism, such as radio or television;

(c) Wire or news services for redistribution to other news organizations; or

(d) Online news services using electronic dissemination rather than conventional print or broadcast distribution.

[Statutes of Nevada 2025, 3884]

Rule No. 26. Reserved.

Rule No. 27. Reserved.

Rule No. 28. Reserved.

Rule No. 29. Reserved.

LEGISLATIVE CODE OF ETHICAL STANDARDS

Rule No. 30. Short Title; Applicability; Relation to Other Ethical Standards.

1. Joint Standing Rules Nos. 30 to 39, inclusive, may be cited as the Legislative Code of Ethical Standards.

2. The Legislative Code of Ethical Standards applies to:

(a) All Legislators at all times.

(b) All members of legislative staff when performing or exercising their legislative assignments, tasks, duties, responsibilities or powers.

(c) All lobbyists when they:

(1) Appear in person in the Legislative Building or any other building in which the Legislature or any of its legislative committees hold meetings during a regular or special session or the interim between sessions, including, without limitation, any building in which a meeting is held by teleconference or videoconference; or

(2) Represent the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

3. The Legislative Code of Ethical Standards is intended to supplement all other ethical standards recognized by rules and laws governing ethics and does not limit the application of such other ethical standards but is cumulative thereto, so that the application or attempted application of any one of the ethical standards does not bar the application or attempted application of any other, except in circumstances where Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers.

4. The Legislative Code of Ethical Standards does not create any private right of action or enforceable legal rights in any person.

[Statutes of Nevada 2017, 4601; A 2019, 4529; 2023, 3684]

Rule No. 31. Purpose and Construction.

1. The purpose of the Legislative Code of Ethical Standards is to:

(a) Establish the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect;

(b) Prohibit any conduct that creates the appearance of impropriety; and

(c) Prohibit any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

2. The Legislative Code of Ethical Standards must be construed:

(a) Liberally to carry out and achieve its purposes; and

(b) Strictly against any person alleging that his or her conduct is not subject to its provisions, so that any doubt or uncertainty as to the application of its provisions must be resolved against such a person and in favor of removing unethical behavior from the legislative process.

[Statutes of Nevada 2017, 4602]

Rule No. 32. Definitions.

As used in the Legislative Code of Ethical Standards, unless the context otherwise requires, the words and terms defined in Joint Standing Rules Nos. 33 to 36, inclusive, have the meanings ascribed to them in those rules.

[Statutes of Nevada 2017, 4603; A 2023, 3685]

Rule No. 33. "Legislative Committee" Defined.

1. "Legislative committee" means any legislative committee or commission appointed to conduct or perform legislative business during a regular or special session or the interim between sessions.

2. The term includes, without limitation:

(a) Any joint, standing, temporary, special or select committee;

(b) Any committee of the whole;

(c) Any interim committee; or

(d) Any subcommittee.

[Statutes of Nevada 2017, 4603]

Rule No. 34. "Lobbying Client" Defined.

1. "Lobbying client" means a person who employs, retains, contracts for or otherwise uses or engages the services of a lobbyist to represent the interests of the person to one or more Legislators or members of legislative staff, whether or not any compensation is paid for the services.

2. The term includes, without limitation, a client that is a government, governmental agency or political subdivision of a government.

[Statutes of Nevada 2017, 4603; A 2019, 4531]

Rule No. 35. "Lobbyist" Defined.

1. "Lobbyist" means a person who:

(a) Is required to register as a lobbyist during a regular or special session pursuant to chapter 218H of NRS, regardless of whether the person properly registers or fails to register as a lobbyist as required by that chapter; or

(b) Represents the interests of any lobbying client to a Legislator or a member of legislative staff, regardless of whether such representation occurs during a regular or special session or the interim between sessions and regardless of the location where such representation occurs or the means of communication used to provide such representation.

2. The term does not include a person who is excluded from the term "lobbyist" as defined in NRS 218H.080.

[Statutes of Nevada 2017, 4603]

Rule No. 36. "Member of Legislative Staff" Defined.

1. "Member of legislative staff" means any member of a Legislator's staff or any officer, employee, assistant or other person employed with reference to the legislative duties of a Legislator or the Legislative Branch, regardless of whether they are paid or otherwise compensated to serve in their positions.

2. The term includes, without limitation, any officers, employees, attaches, interns or other staff of:

(a) The Legislature or either House;

(b) Any legislative committee;

(c) Any legislative office or caucus;

(d) Any division of the Legislative Counsel Bureau; or

(e) Any other agency, body, office, organization or unit of the Legislative Branch.

[Statutes of Nevada 2017, 4603]

Rule No. 37. Ethical Standards; Prohibited Conduct.

1. The people of the State of Nevada have the right to expect and demand that each Legislator, member of legislative staff or lobbyist adheres to the highest standards of ethical behavior founded upon principles of dignity, decorum, civility and respect because such ethical standards are essential to ensure and enhance the people's faith, trust and confidence in the integrity of the legislative process.

2. Each Legislator, member of legislative staff or lobbyist has a solemn and unerring responsibility and duty to do everything in his or her power to:

(a) Behave properly, appropriately and honorably with each other and with members of the public who participate in the legislative process; and

(b) Encourage, promote and secure an atmosphere in which ethical behavior is the highest priority and is practiced unceasingly and without fail.

3. Each Legislator, member of legislative staff or lobbyist shall not engage in or attempt, offer, or agree to engage in, or assist or induce another person to engage in:

(a) Any conduct that creates the appearance of impropriety; or

(b) Any improper, inappropriate or dishonorable conduct that is unbecoming to the legislative process or is inconsistent with or undermines the people's faith, trust and confidence in the integrity of the legislative process.

4. The conduct prohibited by this Rule includes, without limitation, any conduct that:

(a) Is intended to threaten, harass, intimidate or improperly influence another person who is participating in the legislative process.

(b) Creates a hostile work environment for another person who is participating in the legislative process.

(c) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to another person who is participating in the legislative process.

(d) Involves impolite, disrespectful or disorderly behavior that results in unreasonable or harmful interference with another person who is participating in the legislative process.

(e) Involves false or misleading accusations or allegations against another person who is participating in the legislative process.

(f) Involves dishonesty, fraud, deceit or misrepresentation.

(g) Is intended to assist or induce another person to violate or attempt to violate the Legislative Code of Ethical Standards.

[Statutes of Nevada 2017, 4604; A 2019, 4531]

Rule No. 38. Complaints.

1. A person may file a complaint alleging a breach of the Legislative Code of Ethical Standards in accordance with the Standing Rules of each

House, except that a person may not file a complaint alleging the same or substantially similar conduct with more than one House.

2. If the complaint alleges an ethical breach by or against a Legislator or the ethical breach otherwise involves a particular Legislator, the complaint must be filed with the Legislator's House, even if the complaint also alleges an ethical breach by or against a member of legislative staff or a lobbyist.

[Statutes of Nevada 2017, 4605; A 2019, 4532]

Rule No. 39. Authority of Senate and Assembly to Adopt Ethical Standards, Require Training and Prohibit and Sanction Ethical Breaches.

1. The Senate and Assembly hereby find and declare that:

(a) Section 6 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate its membership and its internal organization, affairs and management, expressly providing that: "Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers (except the President of the Senate), determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member." (*Heller v. Legislature*, 120 Nev. 456 (2004); *Commission on Ethics v. Hardy*, 125 Nev. 285 (2009); *Mason's Manual of Legislative Procedure* §§ 2-3 and 560-564 (2010) (*Mason's Manual*))

(b) Section 7 of Article 4 of the Nevada Constitution invests each House with plenary and exclusive constitutional powers to govern, control and regulate any person who is not a member but who is guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, and each House also has inherent powers, according to the common parliamentary law, to prohibit and sanction all offensive behavior committed against it by any person who is not a member. (*Mason's Manual* §§ 805-806; Luther S. Cushing, *Elements of the Law & Practice of Legislative Assemblies* §§ 690-695 (1856) (*Cushing's Legislative Assemblies*))

(c) In addition to its other powers, each House possesses certain inherent powers of institutional self-protection and self-preservation to govern, control and regulate its membership and its internal organization, affairs and management. (*In re Chapman*, 166 U.S. 661, 668 (1897); *Mason's Manual* § 2; *Cushing's Legislative Assemblies* § 533)

(d) The inherent powers of each House are considered "so essential to the authority of a legislative assembly, that it cannot well exist without them; and they are consequently entitled to be regarded as belonging to every such assembly as a necessary incident." (*Cushing's Legislative Assemblies* § 533)

(e) The inherent powers of each House authorize it to take all necessary and proper institutional actions that are "recognized by the common parliamentary law." (*Cushing's Legislative Assemblies* § 684)

(f) Thus, it is well established that each House is "vested with all the powers and privileges which are necessary and incidental to a free and unobstructed exercise of its appropriate functions. These powers and privileges are derived not from the Constitution; on the contrary, they arise from the very creation of a legislative body, and are founded upon the principle of self-preservation." (*Ex parte McCarthy*, 29 Cal. 395, 403 (1866))

2. The Senate and Assembly hereby exercise their constitutional and inherent powers and privileges and adopt the Legislative Code of Ethical Standards in the Joint Standing Rules to:

(a) Establish ethical standards to regulate the behavior and conduct of persons who participate in the legislative process; and

(b) Prohibit and sanction ethical breaches.

3. The Majority Leader of the Senate and the Speaker of the Assembly, respectively, may require Legislators to attend training relating to the ethical standards required, and the behaviors prohibited, by the Legislative Code of Ethical Standards and sanction a Legislator for failure to attend such a training.

[Statutes of Nevada 2017, 4605; A 2019, 4532; 2025, 3889]

CONTINUATION OF RULES

Rule No. 40. Continuation of Joint Standing Rules During the Interim Between Regular Sessions.

The Joint Standing Rules set forth herein shall remain in full force and effect throughout the interim between regular sessions of the Legislature and until new Joint Standing Rules of the Senate and Assembly are adopted as part of the organization of a newly-constituted Legislature at the commencement of a session, unless a conflict exists with a rule adopted by the Senate and Assembly for a special session occurring between regular sessions.

[Statutes of Nevada 2019, 4533]

INDEX TO JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

— A —

Subject — *Rule No.*

Accreditation of News Media
Generally ... 25
Adjournment
Concurrent resolution, adjournment by ... 9
Duration of adjournment for 3 days or less, calculation ... 9
Motion, adjournment by ... 9
Number of days authorized during regular session, limit ... 9
Purpose ... 9
Sine die ... 9.5
Amendments
Conference committees, new bill or resolution to be treated as amendment, exception ... 1
Constitutional amendments *(See Constitutional Amendments)*
Drafting requests.. ... 14.7
Joint Rules, amendment by concurrent resolution ... 7
Joint sponsors of bills or resolutions, addition or removal ... 5
Rejection by one House, appointment of conference committee ... 1
Reports of conference committees not subject to amendment ... 1
Anti-Harassment Policy
Adherence to provisions, responsibility of Legislators ... 20
Applicability of provisions ... 20, 20.5
Complaints
Code of Ethical Standards, violations based on or because of gender or other protected category ... 20
Filing, investigation, disciplinary or remedial action ... 20, 20.5
Reporting system, establishment, use ... 20
Enforceable legal rights not created ... 20, 20.5
Legislative declaration ... 20
Legislators encouraged to report harassment ... 20
Lobbyists
Complaints, filing, investigation, disciplinary or remedial action ... 20.5
Engaging in conduct prohibited under Rule 20 prohibited ... 20.5
Sexual harassment, duty to use good judgement to avoid perceived harassment ... 20.5
Working environment free from harassment, duty to maintain ... 20.5
Protected activity
Definition ... 20
Retaliation for engaging in protected activity prohibited ... 20, 20.5
Protected category, unlawful harassment based upon prohibited ... 20, 20.5
Sexual harassment
Definition ... 20
Duty to use good judgement to avoid perceived harassment ... 20, 20.5
List of conduct deemed inappropriate ... 20
Working environment free from harassment, duty to maintain ... 20, 20.5
Appropriation Bills *(See Bills)*

Subject ***Rule No.***

— B —

Bills
120th calendar day, action after midnight Pacific time void 9.5
Adjournment to permit preparation of certain legislative measures 9
Amendments *(See Amendments)*
Appropriation bills
Exempt bills 14.6
General appropriation bill, vote on final passage 21
Communications from other House 3
Conference committees, procedures 1
Distribution
Charges for additional copies 6
Electronic publication on Nevada Legislature's website 6
Senators and Assemblymembers, number of free copies 6
Drafting requests *(See Drafting Requests)*
Enrolled bills *(See Enrolled Bills and Joint Resolutions)*
Exemption from certain Standing Rules 14.6
Final action by Houses
Deadline 14.3
Notice, requirements 3
Final standing committee to which bill referred, action by, re-referrals limited 14.3
Health insurance, criteria for review of bills mandating coverage 18
Introduction *(See Introduction of Legislative Measures)*
Joint sponsorship 5
Printing *(See Publications)*
Return from Governor or other House, request by concurrent resolution 7
Waiver of Rules governing 14.5
Budgets of State Agencies
Date of first joint hearing 17

— C —

Chief Clerk of the Assembly
Communications to Senate
Delivery 2.6
Signature required 3
Enrolled bills and joint resolutions, signature required 4
Exempt bills, receipt of notice 14.6
Waiver of Rules regarding passage of bills and legislation, receipt of notices 14.5
Committees
Budgets of state agencies, date of first joint meeting 17
Conference committees 1
Drafting requests 14, 14.1
Final standing committee to which bill or joint resolution referred, action by, re-referrals limited 14.3
Finance *(See Finance, Committee on)*
Health insurance, review of mandated coverage 18
Interim legislative committees 19
Introduction of measures 14
Joint committees, establishment by concurrent resolution 7

Subject *Rule No.*

COMMITTEES—*Continued*
Joint sponsorship of bills or resolutions ... 5
Records ... 12
Reports, printing ... 6
Secretaries, duties ... 12
Ways and means *(See Ways and Means, Committee on)*
Communications Between Houses
Delivery ... 2.6
Final action on bill or resolution or other matters ... 3
Signatures ... 3
Written ... 3
Complaints
Anti-harassment policy *(See Anti-Harassment Policy)*
Code of Ethical Standards, violations ... 38
Concurrent Resolutions *(See Resolutions)*
Conference Committees
Appointment ... 1
Limit on number ... 1
Majority of members to have voted for passage of bill or resolution ... 1
Meetings ... 1
Recommendations ... 1
Reports, procedure ... 1
Congress
Addressed by joint resolution ... 7
Constitutional Amendments
Nevada Constitution, proposal of amendment by joint resolution ... 7
United States Constitution, ratification of proposed amendment by joint resolution ... 7
Courts
Standing committee to introduce measures requested by ... 14

— D —

Drafting Requests
Amendments ... 14.7
Emergency requests ... 14.4
Exempt bills ... 14.6
Limit on submission of requests after convening of session ... 14
List of requests, contents ... 14.4
Nonreturning legislators, requests by ... 14.1
Priority in drafting ... 14.1
Revision after introductory copy delivered, requirements ... 14.2
Secondary deadlines for submission of details to Legislative Counsel ... 14.1
Standing committees, requests by, approval, restrictions ... 14
Subject of waiver request, change after submission for drafting prohibited ... 14
Waiver of Rules governing ... 14.5

— E —

Emergency Request for Legislation
Procedure ... 14.4
Secondary deadlines for submission of details, rule inapplicable ... 14.1
Enrolled Bills and Joint Resolutions
Return of enrolled bill from Governor

Subject *Rule No.*

ENROLLED BILLS AND JOINT RESOLUTIONS—*Continued*
Exempt bills, applicability of Rules ... 14.6
Request by concurrent resolution ... 7
Return of enrolled resolution from Secretary of State, request by concurrent or simple resolution ... 7
Signatures ... 4
Technical corrections, return, applicability of Rules regarding exempt bills ... 14.6
Ethical Standards, Legislative Code of
Applicability ... 30
Authority of Houses ... 39
Breaches
Authority to prohibit and sanction ... 39
Complaints, filing ... 20, 20.5, 38
Construction of Code ... 31
Definitions ... 32-36
Legislative findings and declaration ... 39
Private right of action not created by standards ... 30
Prohibited conduct ... 37
Purpose ... 31
Relation to other ethical standards ... 30
Short title ... 30
Standards ... 37
Executive Branch
Budgets, joint hearing ... 17
Deposits of state revenue ... 22
Standing committee to introduce measures requested by ... 14

— F —

Federal Government
Addressed by joint resolution ... 7
Finance, Committee on *(See also Committees)*
Budgets of state agencies, duties ... 17, 22
Deposits of state revenue, duties ... 22
Exempt bills ... 14.6
Re-referral of bills, authority ... 14.3
Fiscal Analysis Division *(See also Legislative Counsel Bureau)*
Revenue bills, duties ... 14.6

— G —

Governor
Enrolled bills, requests to return to Legislature ... 7
Messages from ... 2, 2.2
Proclamations convening Legislature in special session ... 2.4
Standing committee to introduce measures requested by ... 14

— H —

Harassment *(See Anti-Harassment Policy)*
Health Insurance
Criteria for reviewing bills that require certain treatment or services ... 18

Subject *Rule No.*

Histories
Electronic publication on Nevada Legislature's website 6
Exempt bills, requirements 14.6
Waiver of certain rules to be noted in 14.5

— I —

Impeding Legislature
Prohibited acts, deemed out of order 9.5
Intent of the Legislature
Expression of concurrent resolution 7
Interim
Continuation of rules during Interim 40
Legislative committees 19
Interim Studies
Introduction of measures requested pursuant to 14
Ordered by concurrent resolution 7
Internet
Bills, resolutions, journals and histories, publication 6
Introduction of Legislative Measures
Courts, measures requested by 14
Deadline for introduction, final date to be indicated on face of bill or joint resolution 14.2
Executive Branch, measures requested by 14
General appropriation bill, waiting period between introduction and final passage 21
Interim studies, standing committee to introduces measures requested by 14
Jointly sponsored bills or resolutions 5
Limit on 14, 14.2
Local governments, measures requested by 14
Prefiled requests 14.2
Revised bill or joint resolution 14.2
Rules governing, waiver or exemption 14.5, 14.6
Standing committees
Measures introduced by 14
Measures requested by 14, 14.2
Statutory committees, measures requested by 14
Time for introduction 14.2

— J —

Joint Committees *(See also Committees)*
Establishment by concurrent resolution 7
Joint Resolutions *(See Resolutions)*
Joint Sponsorship of Bills and Resolutions
Procedure 5
Journals
Electronic publication on Nevada Legislature's website 6
Governor's proclamations and special messages entered in 2-2.4
Waiver of certain rules to be entered in 14.5

Subject *Rule No.*

— L —

Legal Division *(See Legislative Counsel Bureau)*
Legislative Code of Ethical Standards *(For specific provisions, see Ethical Standards, Legislative Code of)*
Generally 30-39
Legislative Commission
Absent members, effect 11
Alternate members, selection and appointment 11
Chair, selection and term of office 11
Interim studies, order by concurrent resolution 7
Minority party membership, determination 11
Terms of office 11
Vacancies, filling 11
Legislative Counsel Bureau
Anti-harassment policy, establishment of reporting system 20
Director
Anti-harassment policy, duties 20, 20.5
Charges for additional copies of bills distributed to Legislators, determination 6
News media, accreditation, procedures 25
Records of committees, duties 12
Ethical Standards, Legislative Code of
Applicability 30, 36
Complaints 38
Prohibited conduct 37
Fiscal Analysis Division, duties regarding revenue bills 14.6
Legislative Commission *(See Legislative Commission)*
News media, accreditation, procedures 25
Research Library, committee records to be deposited with 12
Legislative Fund
Expenditures, manner of authorization 10
Legislative Intent
Expression by concurrent resolution 7
Lobbyists
Anti-harassment policy *(See Anti-Harassment Policy)*
Legislative Code of Ethical Standards, applicability 30
News media, accreditation, procedures 25
Local Governments
Standing committee to introduce measures requested by 14

—M —

Majority Leader of the Senate
Allocation of drafting requests, duties 14
Anti-harassment policy, duties 20, 20.5
Emergency requests for legislation 14.4
Ethical standards, authority to require training and prohibit and sanction ethical breaches 39
List of drafting requests, provision to Legislative Counsel 14
News media, accreditation, procedures 25
Secondary deadline for submission of drafting details to

Subject *Rule No.*

MAJORITY LEADER OF THE SENATE—*Continued*
Legislative Counsel ... 14.1
Simple resolution, determination of additional uses ... 7
Waivers of rules regarding passage of bills and resolutions ... 14.5
Meetings
Budgets of state agencies, date of first joint meeting ... 17
Committee records ... 12
Conference committees ... 1
Interim legislative committees ... 19
Memorials
Concurrent or simple resolutions ... 7
Messages
Governor, to Legislature ... 2, 2.2
Other House, delivery procedure ... 2.6
Minority Leaders
Emergency requests for legislation ... 14.4
Minority Party
Legislative Commission, membership ... 11
Motions
Adjournment, authorization ... 9
Biennial message of Governor ... 2
Recede, motion to, appointment of conference committee ... 1

— N —

News Media
Accreditation, procedures ... 25
"Bona fide news medium" defined ... 25

— P —

President of the Senate
Proclamation by Governor convening special session, duties ... 2.4
Signature required on enrolled bills and joint resolutions ... 4
Proclamations by Governor
Legislature, convening in special session ... 2.4
Publications
Concurrent resolution required to order certain printing ... 6

Publications—*(Continued)*
Deadline for introduction to be indicated on face of bill or joint resolution ... 14.2
Electronic publications on Nevada Legislature's website ... 6
Emergency requests ... 14.4
Exempt bills ... 14.6
Joint sponsored bills and resolutions ... 5
List of requests ... 14.4
Printing of bills, reports and other matters ... 6
Reprints ... 14.4, 14.6
Waiver of certain rules regarding bills and resolutions, requirements ... 14.5

Subject *Rule No.*

— R —

Recede, Motion to
Appointment of conference committee ... 1
Records
Committee records ... 12
Resolutions
120th calendar day, action after midnight Pacific time void ... 9.5
Amendments *(See Amendments)*
Communications between Houses ... 3
Concurrent resolutions
Adjournment, authorization for ... 9
Conference committees, procedures ... 1
Enrolled resolutions, request for return from Secretary of State ... 7
Legislative Fund, authorization for expenditures ... 10
Printing ordered by ... 6
Uses ... 7
Drafting requests *(See Drafting Requests)*
Electronic publication on Nevada Legislature's website ... 6
Introduction *(See Introduction of Legislative Measures)*
Joint resolutions
Conference committees, procedures ... 1
Enrolled resolutions *(See Enrolled Bills and Joint Resolutions)*
Final action by Houses
Deadline ... 14.3
Notice, requirements ... 3
Final standing committee to which resolution referred, action by, re-referrals limited ... 14.3
Uses ... 7
Joint sponsorship ... 5
Notice of final action ... 3
Printing *(See Publications)*
Simple resolutions
Enrolled resolution of one House, requests for return from Secretary of State ... 7
Uses ... 7
Waiver of certain rules governing ... 14.5

— S —

Secretary of State
Enrolled resolutions, requests to return to Legislature ... 7
Secretary of the Senate
Communications to the Assembly
Delivery ... 2.6
Signature required ... 3
Enrolled bills and joint resolutions, signature required ... 4
Exempt bills, receipt of notice ... 14.6
Waiver of rules regarding passage of legislation, receipt of notice ... 14
Sexual Harassment *(See Anti-Harassment Policy)*
Signatures
Communications between Houses ... 3
Drafting and introduction of measures, waiver of requirements ... 14.5

Subject *Rule No.*

SIGNATURES—*Continued*
Enrolled bills and joint resolutions 4
Joint sponsored bills or resolutions 5
Simple Resolutions *(see Resolutions)*
Speaker of the Assembly
Allocation of drafting requests, duties 14
Anti-harassment policy, duties 20, 20.5
Emergency requests for legislation 14.4
Enrolled bills and joint resolutions, signature required 4
Ethical standards, authority to require training and prohibit and sanction ethical breaches 39
List of drafting requests, provision to Legislative Counsel 14
News media, accreditation, procedures 25
Proclamation by Governor convening special session, duties 2.4
Secondary deadline for submission of drafting details to Legislative Counsel 14.1
Simple resolution, determination of additional uses 7
Waivers of rules regarding passage of bills and resolutions 14.5
Special Session
Continuation of rules, exception 40
Proclamation of Governor convening Legislature, procedure 2.4
Standing Committees
Amendment by concurrent resolution 7
Continuation during Interim 40
Exemption of revenue bills from rules 14.6
Waiver of rules regarding action on bills and resolutions 14.5
State Revenue
Deposits, time for, manner 22
Studies, Interim *(See Interim Studies)*

— V —

Voting
General appropriation bill 21

— W —

Waivers
Drafting requests, bills and resolutions, waiver of rules governing number or time limits 14.5
Ways and Means, Committee on *(See also Committee)*
Budgets of state agencies, duties 17, 22
Deposits of state revenue, duties 22
Exempt bills 14.6
Re-referral of bills, authority 14.3
Whistle-blowers
Anti-harassment policy, retaliatory action prohibited 20, 20.5

C E R T I F I C A T E

STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Eighty-Third Session of the Legislature of the State of Nevada, held in 2025.

Speaker of the Assembly

Chief Clerk of the Assembly